

VOLUME I of III

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

Honorable Eugene C. Griffith, Circuit Court Judge

BREON JACOBY MAYERS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000634

APPENDIX

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S.C. SUPREME COURT

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State of South Carolina
County of Lexington

Court of General Sessions

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	)	
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	)	12-GS-32-183
Breon Jacoby Mayers	)	12-GS-32-184
	)	12-GS-32-187
<u>Defendant.</u>	)	

August 6 - 10, 2012
Lexington, South Carolina

B E F O R E:

The Honorable Roger M. Young, Sr., Judge; and a jury.

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Circuit Court Reporter

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1 (The following proceedings were held on
2 August 6, 2012.)

3 **THE COURT:** Okay. Folks, what we're going to
4 do now is we're going to go ahead and draw the jury
5 for my case and then those of you that are left,
6 depending on how long that takes, we'll probably
7 just send you right on down to Judge Cooper's
8 courtroom, but if it takes longer than expected,
9 we'll -- Judge Cooper may excuse you to go to lunch
10 first.

11 But more than likely, this won't take that long
12 and we will just then take those of you that did not
13 get picked on down to Judge Cooper and he'll draw
14 his jury. And then those of you that are not
15 picked, my understanding is you'll be done probably
16 for the week. Those of you that are picked, we will
17 be starting my trial right after lunch and then I'm
18 not sure, but I'm sure Judge Cooper is probably
19 doing the same thing with his jury.

20 But what we'll do right now is we're going to
21 ask you some questions involving this first case to
22 -- or the case that I am presiding over in order to
23 determine whether or not you can be fair and
24 impartial jurors. We're not trying to pry into any
25 kind of personal affairs that you might have. Any

1 time you're asked a question by the Court if you're
2 uncomfortable with standing up in front of a group
3 of people you are welcome and encouraged to come
4 down and talk a little more privately, but I don't
5 want you to just sit there if something applies to
6 what is being said to you.

7 But I -- the questions that we ask now are
8 designed entirely just to get 12 jurors who can be
9 fair and impartial, they don't know anything about
10 the case or any of the parties or witnesses to the
11 extent that it would affect your ability to be fair
12 and impartial. It might be that you may know
13 somebody involved in the trial, but as long as it
14 doesn't affect your ability to be fair and
15 impartial, well then you could still serve on the
16 jury. But we do need to ask you to respond if you
17 do know any of the parties, any of the lawyers, any
18 of the witnesses and then I'll ask some followup
19 questions to make sure that that would not cause you
20 to become biased one way or the other for or against
21 any of the parties.

22 Again, part of my job as the trial court judge
23 is just to make sure that both sides get a fair
24 trial. I don't really have an interest in the
25 outcome of this case. I don't know anything about

1 it other than maybe ten minutes worth of
2 conversation with the lawyers before I got -- came
3 in here this morning.

4 Same thing, we are looking for basically 12
5 folks that don't know anything about this case such
6 that you could be fair and impartial jurors to both
7 sides, and that's really all that we're trying to
8 do. So I'm going to tell you a little bit about the
9 case, the charges, read you the names of some
10 witnesses that might be called in this trial and ask
11 you just a few questions.

12 Now, this first case is a case of the State of
13 South Carolina versus Breon Jacoby Mayers. This is
14 Mr. Mayers standing right over here.

15 If you would, please stand and face the jury
16 panel.

17 This is Mr. Breon Jacoby Mayers. Is there any
18 member of the jury panel who is related by blood or
19 marriage or acquainted with Mr. Mayers in any way;
20 if so, would you please stand?

21 (Juror stands.)

22 **THE COURT:** Okay. Yes, ma'am, your name and
23 number -- you're the lady -- you don't have to
24 respond to anything on this case. We're just going
25 to transfer you to Judge Cooper's trial.

1 Anyone else?

2 Okay. I find none.

3 He's standing next to his lawyer. And I'm
4 going to ask the lawyers to stand, introduce
5 themselves, tell you who they work with. And if you
6 are related by blood or marriage or acquainted in
7 any way with any of the lawyers in this case or if
8 you have ever been represented by them or a member
9 of their firms, if so, would you please stand. So
10 let's start with Mr. Mayers' lawyer.

11 **MR. WILLIAMS:** I'm Theo Williams. I practice
12 way across the street where Number 1 and Number 6
13 intersect. The name of the firm is Williams,
14 Hendrix, Steigner and Brink. The lawyers in that
15 firm are myself; John Hendrix; Carol Steigner; my
16 wife, Lisa Brink; Daun Steigner; Ben Stitely, and
17 Jennifer Butler.

18 **THE COURT:** All right. Any member of the jury
19 panel related by blood or marriage or acquainted
20 with him or any members of his firm that he just
21 mentioned or ever been represented by him or a
22 member of his firm; if so, would you please stand?

23 (Jurors stand.)

24 **THE COURT:** Yes, sir, with the red tie, your
25 name and number.

1 **JUROR:** Tommy Cofield, number 32.

2 **THE COURT:** Okay.

3 **JUROR:** Judge, I'm a lawyer here in Lexington.

4 **THE COURT:** All right. Would that affect your
5 ability to be fair and impartial either for or
6 against him and his client or for or against the
7 State --

8 **JUROR:** Yes, sir, it would.

9 **THE COURT:** Pardon?

10 **JUROR:** It would.

11 **THE COURT:** It would. All right. Well, we'll
12 excuse you from this case and we will put you in
13 with Judge Cooper's panel.

14 All right. Yes, sir, your name and number.

15 **JUROR:** Damon Wlodarczyk, 222. Your Honor, I'm
16 also an attorney in Columbia. Jennifer Butler,
17 who's with the attorney's firm, used to be an
18 associate at my previous firm at McDonald, McKenzie.
19 And I also have a current civil case in which his
20 firm represents the plaintiff in that matter.

21 **THE COURT:** Do you think that would affect your
22 ability to be fair and impartial either for or
23 against his client or for or against the State?

24 **JUROR:** I don't.

25 **THE COURT:** Okay. Thank you.

1 Yes, ma'am.

2 **JUROR:** Lisa Smith, juror 188. I'm also an
3 attorney here in Lexington and professionally
4 acquainted with the Williams, Hendrix Law Firm. I
5 do not have any current cases with them. And my
6 association and familiarity with them would not
7 affect my ability to be impartial as a juror.

8 **THE COURT:** Thank you.

9 Anyone else?

10 (There was no response.)

11 **THE COURT:** All right. Now, Mr. Mayers is
12 being prosecuted by the State of South Carolina, of
13 course, in crimes that I'll tell you about in just a
14 minute. The State of South Carolina, the way we
15 prosecute cases is through local Solicitors'
16 offices. The local Solicitor for this circuit is
17 Donnie Myers. And Mr. Myers has designated a couple
18 of people from his office to prosecute this case on
19 his behalf today. I'm going to ask those folks to
20 stand right now, introduce themselves.

21 And, again, if you are related by blood or
22 marriage or acquainted in any way with Mr. Myers or
23 either of these two gentlemen who are about to
24 introduce themselves or you or a member of your
25 immediate family or a friend works for or has ever

1 worked for the Solicitor's office, if so, would you
2 please stand.

3 All right. Go ahead.

4 **MR. GRAHAM:** Thank you, Your Honor.

5 My name is Shawn Graham. I'm the Deputy
6 Assistant Solicitor working for Solicitor Myers.

7 **MR. SCOTT:** Good morning. My name is Dale
8 Scott. I'm also an Assistant Solicitor here in
9 Lexington County.

10 **THE COURT:** Okay. Anyone know these folks or
11 related by blood or marriage or acquainted with any
12 of them or Mr. Myers or you have a friend or
13 relative that works now or in the past for the
14 Solicitor's office, if so, would you please stand?

15 (Jurors stand.)

16 **THE COURT:** Yes, sir, your name and number.

17 **JUROR:** Juror number 22, Rondey Byrd. I'm
18 associated with one of the ladies that work in the
19 Solicitor's office.

20 **THE COURT:** Okay. Do you know anything about
21 these cases?

22 **JUROR:** No, sir.

23 **THE COURT:** All right. Do you think it would
24 affect your ability to be fair and impartial either
25 for or against the State or for or against the

1 defense --

2 JUROR: No, sir.

3 THE COURT: -- since you date somebody who
4 works for the Solicitor's office?

5 JUROR: No, sir.

6 THE COURT: I can't hear you.

7 JUROR: No, sir.

8 THE COURT: Okay. Thank you.

9 Yes, ma'am.

10 JUROR: Thank you, Judge. Juror 188. As a
11 lawyer here in the community, I'm familiar and
12 associated with the lawyers in the Solicitor's
13 office through the Lexington County Bar Association.
14 My familiarity with Donnie Myers and his staff would
15 not affect my ability to serve as an impartial
16 juror.

17 THE COURT: Thank you.

18 Anyone else?

19 (There was no response.)

20 THE COURT: All right. Now, the State of South
21 Carolina has brought four indictments against Mr.
22 Mayers and I'm going to read you those indictments
23 now and tell you what he's charged with and I'm
24 going to do this for a couple of purposes. First
25 and foremost is to find out if you know anything at

1 all about the case.

2 I want to stress to you that Mr. Mayers has
3 been charged with the crimes that I'm about to tell
4 you about, but that does not mean anything in the
5 eyes of the law about his guilt or innocence. In
6 fact, Mr. Mayers is presumed to be not guilty of
7 these charges. And the reason that we're here today
8 is because Mr. Mayers has pled not guilty to each of
9 these charges. Therefore, when a defendant in this
10 state and in every state in this country pleads not
11 guilty, it is incumbent upon the State to provide
12 him with a trial by a jury and they have the burden
13 of proving his guilt beyond a reasonable doubt of
14 each of these charges.

15 A defendant is never required to prove his
16 innocence. The only thing that he has to do is show
17 up and that is what he has done. He does not have
18 to testify. He doesn't have to put up a case. And
19 I will charge you later on in the trial that if he
20 does not, you're not to hold that against him in any
21 way while he is deliberating {verbatim}.

22 He has been charged with these crimes. The
23 State has to provide him with a trial and they have
24 to prove his guilt beyond a reasonable doubt.
25 Again, he doesn't have to prove anything. So I'm

1 just bringing out these charges to let you know what
2 he's charged with and to find out if you know
3 anything about these cases.

4 But, again, Mr. Mayers has denied any
5 responsibility for them. He has pled not guilty.
6 And I want you to keep it in mind again that the
7 fact that he has been indicted means nothing at this
8 point. These indictments simply give this Court
9 jurisdiction to hear this case and it allows him to
10 know what he is being required to stand trial for.
11 They do not raise any inference of guilt whatsoever.

12 So the first charge is indictment
13 2012-GS-32-182 and it is an indictment for murder.
14 And it alleges that Breon Mayers, along with
15 Jermaine Caughman and/or Tyrome Brennan and/or
16 Jasmine Bowers, did in Lexington County, South
17 Carolina, on or about October 21st, 2011, willfully,
18 feloniously and with malice aforethought, did kill
19 one David Cannon by shooting the victim twice in the
20 chest and the victim died as a result thereof in
21 violation of code section 16-3-10 of the South
22 Carolina Code of Laws, 1976, as amended.

23 Again, Mr. Mayers pled not guilty to that
24 indictment.

25 The second indictment is 2012-GS-32-183. And

1 it is an indictment for burglary in the first
2 degree. This indictment alleges that Breon Jacoby
3 Mayers, along with Jermaine Caughman and/or Tyrome
4 Brennan and/or Jasmine Bowers, did in Lexington
5 County, South Carolina, on or about October 21st,
6 2011, did knowingly and willfully enter a dwelling,
7 to wit: [REDACTED] Meadowlark Road being the dwelling of
8 David Cannon and/or Sharon Bowers, without
9 consistent and with the intent to commit a crime
10 therein and when, in effecting entry or while in the
11 dwelling or in immediate flight, he or another
12 participant in the crime was armed with a deadly
13 weapon or explosive and/or caused physical injury to
14 a person who is not a participant in the crime
15 and/or used and threatened the use of a dangerous
16 instrument in violation of 16-11-311 of the Code of
17 South Carolina, 1976, as amended.

18 Again, Mr. Mayers pled not guilty to that
19 indictment.

20 The third indictment is indictment
21 2012-GS-32-184. And it alleges or it is an
22 indictment for the crime of armed robbery, robbery
23 -- armed robbery. And it alleges that Breon Jacoby
24 Mayers, along with Jermaine Caughman and/or Tyrome
25 Brennan and/or Tyrome Jasmine Bowers, did in

1 Lexington County, South Carolina, on or about
2 October 21st, 2011, knowingly and willfully while
3 armed with a deadly weapon, to wit: a 9mm handgun,
4 did feloniously take from the person or presence of
5 David Cannon by means of force or threats or
6 intimidation, goods or monies being described as
7 follows: U.S. currency, with the intent to deprive
8 the owner of the use of such property in violation
9 of section 16-11-330(A) of the South Carolina Code
10 of Laws, 1976, as amended.

11 And, again, Mr. Mayers pled not guilty to that
12 indictment.

13 And the final indictment is 2012-GS-32-187, and
14 that is an indictment for possession of a weapon
15 during a violent crime. And it alleges that Breon
16 Jacoby Mayers, along with Jermaine Caughman and/or
17 Tyrome Brennan and/or Jasmine Bowers, did in
18 Lexington County, South Carolina, on or about
19 October 21st, 2011, knowingly and willfully possess
20 a firearm during the commission of a violent crime
21 or attempt to commit a violent crime, to wit:
22 murder and/or burglary first and/or armed robbery,
23 such weapon being described as a 9mm handgun, in
24 violation of section 16-23-490 of the Code of Laws
25 of South Carolina, 1976, as amended.

1 And, again, Mr. Breon -- excuse me -- Mr.
2 Mayers pled not guilty to each of these charges.

3 Again, let me reiterate, the fact that he has
4 been indicted is not evidence in this trial and is
5 not to be considered by you as evidence and is not
6 -- does not raise any inference of his guilt or
7 innocence of this trial whatsoever.

8 I stress to you Mr. Mayers is considered not
9 guilty of these charges as he sits in this
10 courtroom. And it is incumbent upon the State to
11 prove to you that he is guilty of these charges
12 beyond a reasonable doubt in order for there to be
13 any conviction. Again, I stress to you that these
14 are being presented to you solely for information
15 purposes at this point and to give this Court
16 jurisdiction of this case.

17 Is there any member of the jury panel that
18 knows anything at all about any of these charges or
19 this case in any way; if so, would you please stand?

20 (Juror stands.)

21 **THE COURT:** Yes, ma'am, your name and number.

22 **JUROR:** Laura Davis, 45.

23 **THE COURT:** All right. Why don't you come on
24 up here.

25 (Whereupon, the following bench conference

1 was held on the record.)

2 **THE COURT:** What do you know about it?

3 **JUROR:** I think it's a case that took place in
4 Chapin near my house.

5 **THE COURT:** Do you know anything about it?

6 **JUROR:** Yeah. I know that his mom died on the
7 way to coming to see him after he was shot or
8 something like that. His mom was in a car wreck.

9 **THE COURT:** Is that this case?

10 **MR. GRAHAM:** I couldn't hear what she said.

11 **THE COURT:** She said this case involved his
12 mother dying in a car wreck on the way to come see
13 him or something.

14 **MR. GRAHAM:** Yes.

15 **THE COURT:** How do you know that?

16 **JUROR:** Just from reading the newspaper, and
17 because we live in Chapin, it's a small town, so
18 word got around.

19 **THE COURT:** Does that give you any thoughts
20 about guilt or innocence at this point?

21 **JUROR:** I would rather serve on the other jury
22 I think.

23 **THE COURT:** You don't think you could be fair
24 and impartial based on what you know?

25 **JUROR:** I don't think so.

1 **THE COURT:** Okay. All right. We will transfer
2 you then to Judge Cooper's panel.

3 **JUROR:** Okay.

4 (The bench conference was concluded.)

5 **THE COURT:** Anyone else?

6 (There was no response.)

7 **THE COURT:** I am going to read to you the names
8 of some people who may be called as witnesses in the
9 trial of this case. When I call them, again, please
10 stand if you are related by blood or marriage or
11 acquainted with any of these folks in any way.

12 All right. John Jesse Taylor; Barry Kinard;
13 Clifton Holley, H-o-l-l-e-y; Sharon Bowers; Brian
14 Sears; Linda Marsh; Larry Mayers; Cedric Mayers; Amy
15 Jeffcoat; Christopher Benjamin.

16 I'm sorry. Your name and number.

17 **THE CLERK:** She's the name you just called.

18 **THE COURT:** Oh, I'm sorry. You're Amy
19 Jeffcoat?

20 **LADY:** No.

21 **THE CLERK:** I thought she was one of the
22 witnesses, Your Honor. She stood up when you called
23 her name. I apologize.

24 **THE COURT:** Who do you know? Who is it that
25 you know?

1 **LADY:** I'm not --

2 **THE CLERK:** She's not a juror, Your Honor.

3 **MR. WILLIAMS:** It's Breon's grandmother, Your
4 Honor.

5 **THE COURT:** Oh, okay. Thank you.

6 Anyone else?

7 (There was no response.)

8 **THE COURT:** All right. Let's see, Christopher
9 Benjamin; Charles Benjamin; Christopher Davis, Sr.;
10 Christopher Davis, Jr.; Jackie Boyd; Emmanuel
11 Garmony, G-a-r-m-o-n-y; Jassiel Kirkland,
12 J-a-s-s-i-e-l; Suzette Meggett; Charles Mayers;
13 Jasmine Bowers; Jermaine Caughman.

14 (Juror stands.)

15 **THE COURT:** Your name and number.

16 **JUROR:** Arnold Screen, 177.

17 **THE COURT:** Okay. Who is it that you know?

18 **JUROR:** Charles Mayers.

19 **THE COURT:** All right. And how do you know
20 him?

21 **JUROR:** I used to work with him when he was a
22 young kid in my 4-H program when I worked as a
23 counselor.

24 **THE COURT:** If he's called as a witness in this
25 case, would it affect your ability to be fair and

1 impartial either for or against the State or for or
2 against the defendant?

3 **JUROR:** I don't think so.

4 **THE COURT:** Do you think it would?

5 **JUROR:** It could because I know him very well.

6 **THE COURT:** All right. Well, then I'm going to
7 transfer you to Judge Cooper's panel, okay. Just go
8 ahead and have a seat. You don't have to stand up
9 if you know anybody else.

10 Jasmine Bowers; Jermaine Caughman; Tyrome
11 Brennan, and that's Tyrome with an M instead of an
12 N; Deon Crawford; Brandon Barbosa; Billy
13 Derrenbacher; Cari Reinburg; Karen Milbrodt,
14 M-i-l-b-r-o-d-t; Will Herring; Marc Ishphording with
15 Lexington County Sheriff and that's
16 I-s-h-p-h-o-r-d-i-n-g; Scott Ellis with Lexington
17 Sheriff; Bill Freund, F-r-e-u-n-d, Lexington
18 Sheriff; David Day, Lexington Sheriff; Renee
19 Strickland, Lexington Sheriff; Roy Mefford,
20 Lexington Sheriff; Robbie Lint, Lexington Sheriff;
21 Joe Chappell, Lexington Sheriff; Doug Novak,
22 Lexington Sheriff, that's that gentleman that just
23 stood up; Lynn Gunter, Lexington Sheriff; Brandy
24 {verbatim} Kyzer, Lexington Sheriff; Margaret
25 Harmon, Lexington Sheriff; Michael Schlegel,

1 S-c-h-l-e-g-e-l, with EMS; Rachel Grant, that'd be
2 Richland County Sheriff's Department; Michael
3 Collins, Richland Sheriff; Robert Oates, Richland
4 Sheriff; Tena Goff, Richland Sheriff, T-e-n-a;
5 Patricia Weed, Richland Sheriff; Anthony Branham,
6 Columbia Police Department; Al Eargle with Columbia
7 Police Department; Amy Stephens with SLED, South
8 Carolina Law Enforcement; Doris Yarbrough with SLED;
9 Catherine Leisey, L-e-i-s-e-y, with SLED; Anissa
10 Turner; Ralph Ford; Klay Truluck, Dr. Kelly Rose;
11 and Larry Mayers.

12 (Juror Stands.)

13 **THE COURT:** All right. Is there any member of
14 the jury panel --

15 **THE CLERK:** Your Honor, we have one standing.

16 **THE COURT:** Yes.

17 **JUROR:** Your Honor, may I come forward and
18 bring something to your attention?

19 **THE COURT:** Sure.

20 (Whereupon, the following bench conferences
21 were held on the record.)

22 **BAILIFF:** 188, Your Honor.

23 **JUROR:** While I did not recognize any of the
24 names of the individuals for the Lexington County
25 Sheriff's Department, I have and am currently

1 representing two folks over there, John Tate, who's
2 their general counsel, and Brian Kerns, who is their
3 sort of second in command to Sheriff Metts. I have
4 represented that office for their forfeited
5 properties, cars that are associated with drugs and
6 so forth, and real estate, so that would be real
7 estate that's forfeited.

8 It would not affect my ability to be fair and
9 impartial. I did not know any of the witnesses, but
10 I felt like my relationship with that office needed
11 to be brought to everyone's attention.

12 **THE COURT:** Best to err on the side of caution.
13 Thank you.

14 **BAILIFF:** 140.

15 **JUROR:** You said Ralph Ford. I just wanted to
16 confirm, I work in the County of Lexington Admin
17 Building and it's the same Ralph works in
18 addressing...

19 **THE COURT:** Okay. If he's called as a witness,
20 would that affect your ability to be fair and
21 impartial?

22 **JUROR:** No, sir.

23 **THE COURT:** Okay. Thank you.

24 **THE CLERK:** That was number 140.

25 (The bench conference was concluded and a

1 brief conversation was held off the record between
2 the attorneys and the Judge.)

3 **THE COURT:** Okay. Folks, apparently I
4 misspoke. There was a witness that I said the name
5 was Michael Collins. It should have been David
6 Collins earlier. Anybody know David Collins?

7 (There was no response.)

8 **THE COURT:** Is there any member of the jury
9 panel, either you or a immediate family member, ever
10 been the victim of a violent crime? I would also,
11 at this time, ask if there's any member of the jury
12 panel, either you or an immediate family member,
13 ever had a relationship with the Lexington office of
14 the Solicitor's office either by way of being a
15 defendant, a victim or you have a close family
16 member who was either a defendant or a victim?

17 Now, this might be one of those where you go, I
18 don't want to stand up in front of a bunch of people
19 and talk about that. And if that applies to anyone
20 and you want to come discuss that a little bit
21 closer and disclose that to me, now would be the
22 time.

23 So if you've ever been the victim of a violent
24 crime, either you or an immediate family member, or
25 you've ever had to work with the Solicitor's office

1 here locally either being prosecuted for a violent
2 crime or you have been a victim of a violent crime
3 either you or an immediate family member, if you
4 would, please stand.

5 (Jurors stand.)

6 **THE COURT:** All right. Why don't we have y'all
7 come down here.

8 (Whereupon, the following bench conferences
9 were held on the record.)

10 **BAILIFF:** 81, Your Honor.

11 **THE COURT:** 81?

12 **JUROR:** Yes, sir. I was working at a gas
13 station that got robbed twice at gunpoint.

14 **THE COURT:** And how long ago was that?

15 **JUROR:** 2008.

16 **THE COURT:** 2008. Do you think that would
17 affect your ability to be fair and impartial in this
18 case either for or against the State or for or
19 against the defendant?

20 **JUROR:** Maybe about the armed robbery. The
21 person with the armed robbery may --

22 **COURT REPORTER:** I couldn't hear him.

23 **THE COURT:** He said it might --

24 **JUROR:** The armed robbery might judge my effect
25 on thinking about it since it happened to me.

1 **THE COURT:** Well, let me transfer you to Judge
2 Cooper's panel then, okay. Just stay with us for
3 now. We'll just keep you off of this panel.

4 **BAILIFF:** 139, Your Honor.

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

6 **JUROR:** I have a cousin that's currently
7 serving time for criminal sexual conduct.

8 **THE COURT:** They were prosecuted by the
9 Solicitor?

10 **JUROR:** Yes.

11 **THE COURT:** Where did it take place?

12 **JUROR:** Here in this courtroom.

13 **THE COURT:** All right. So you have a cousin
14 who's serving time for that, for CSC? Would that
15 affect your ability to be fair and impartial in this
16 case either for or against the defense for or
17 against the State?

18 **JUROR:** No, sir.

19 **THE COURT:** Okay. You'll stay with us. Thank
20 you.

21 **BAILIFF:** 65, Your Honor.

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

23 **JUROR:** I was a victim in a lynching case.

24 **THE COURT:** And where was that?

25 **JUROR:** In Lexington County.

1 **THE COURT:** And how long ago was that?

2 **JUROR:** Two years ago.

3 **THE COURT:** Would that affect your ability to
4 be fair and impartial in this case either for or
5 against the defense or for or against the State?

6 **JUROR:** No, sir.

7 **THE COURT:** Okay. Thank you.

8 **BAILIFF:** 60, Your Honor.

9 **JUROR:** I was robbed before. I was shot at.

10 **THE COURT:** How long ago was this?

11 **JUROR:** It was eight years ago.

12 **THE COURT:** And where did that take place?

13 **JUROR:** Columbia College in Richland County.

14 **THE COURT:** Okay. Do you think that would
15 affect your ability to be fair and impartial in this
16 case either for or against the defendant or for or
17 against the State?

18 **JUROR:** It might.

19 **THE COURT:** Well, let me transfer you then to
20 Judge Cooper's panel, okay. Thank you.

21 **BAILIFF:** 155, Your Honor.

22 **JUROR:** Good morning, Your Honor. My wife --

23 **COURT REPORTER:** I can't hear you.

24 **JUROR:** My wife and her brother were both
25 victims of violent crime -- a restaurant/bar in Five

1 Points.

2 THE COURT: How long ago was this?

3 JUROR: Two Christmases ago.

4 THE COURT: Do you think that would affect your
5 ability to be fair and impartial in this case either
6 for or against the defense or for or against the
7 State?

8 JUROR: Possibly. And, also, I would say my
9 wife and I both work for the Attorney General of the
10 State of South Carolina.

11 THE COURT: The Attorney General is bringing
12 that other case. Would that --

13 JUROR: For sure.

14 THE COURT: What do you do?

15 JUROR: I am a research analyst. My wife works
16 for the Attorney General as his administrative
17 assistant. I would feel pretty weird serving on a
18 jury with a bunch of folks that I work with every
19 day.

20 THE COURT: Well, as far as this case goes, you
21 don't think you could put that aside for purposes of
22 this case that they were victims or do you think
23 that would prejudice you against the defense or
24 against the State?

25 JUROR: I would probably side with the State

1 more than anything in this case.

2 **THE COURT:** All right. Well, we will just
3 excuse you then. Just go ahead and have a seat.
4 Thank you.

5 **BAILIFF:** 117, Your Honor.

6 **JUROR:** My daughter's currently going through
7 PTI for assault. The original charge was strong arm
8 robbery. It was reduced.

9 **THE COURT:** Where at? What county?

10 **JUROR:** In Lexington County.

11 **THE COURT:** Do you think that would affect your
12 ability to be fair and impartial in this case --

13 **JUROR:** No, sir.

14 **THE COURT:** -- either for or against the State
15 or for or against the defense?

16 **JUROR:** No, sir.

17 **THE COURT:** All right. Thank you.

18 **JUROR:** I just wanted to make you aware of it.

19 **THE COURT:** Great. Thank you.

20 **BAILIFF:** That appears to be all, sir.

21 (The bench conferences were concluded.)

22 **THE COURT:** Is there any member of the jury
23 panel who's a member of or contributes to groups
24 such as Mothers Against Drunk Driving, Students
25 Against Drunk Driving, Citizens Against Violent

1 Crime, groups that contribute to law enforcement
2 groups or anything like that? It's okay if you do.
3 We just need to know about it and need to know if
4 that would affect your ability to be fair and
5 impartial. So if that applies to anyone, would you
6 please stand?

7 (There was no response.)

8 **THE COURT:** All right. Is there any member of
9 the jury panel that knows of any reason why they
10 don't think they can be a fair and impartial juror
11 in this case? Let me just give you a couple of
12 remarks about this question before you decide, you
13 know, well, that's pretty general, what's the deal
14 on that question?

15 Sometimes you have people who feel like they
16 can't be fair and impartial because of religious or
17 philosophical beliefs, such as, well, I know there's
18 some biblical verses that some people feel like they
19 say they can't sit in judgment of their fellow man,
20 that comes up in criminal cases from time to time.

21 Sometimes you have people that have
22 philosophical beliefs or political beliefs in which
23 they go, well, you know, I just think that the
24 government's so screwed up that it can't be fixed.

25 And there are groups out there in which they

1 say, you know, they pledge to if they ever can get
2 on a jury, they've already basically made up their
3 mind on how the -- what the outcome of it's going to
4 be, either for or against the State or for or
5 against a defendant. It goes both ways. There's
6 groups out there in America for just about anything.

7 I personally, I don't care what you believe in,
8 okay. Here's what I do believe in. I believe we
9 have a system that works with people that come in
10 and say, you know what, whatever I have as a belief
11 about anything, I can put it aside and I promise
12 that I will be able to fulfill the obligations of my
13 oath of office, in which you say, I will make my
14 decision based on what I hear in this courtroom and
15 this courtroom alone for evidence. And I promise to
16 apply the law as the Judge tells me it applies to
17 that case. And whatever I believe or heard or hear
18 about this case outside of the courtroom, I promise
19 it won't affect me.

20 So you can believe whatever you want. This is
21 America. And as long as you do not belong to any
22 kind of groups that are attempting to violently
23 overthrow the government, you're fine with me. You
24 can believe whatever you want to believe. I really
25 don't care.

1 But I do care if you have a belief or a
2 prejudice that affects your ability to fulfill your
3 oath as a juror. In other words, you are going to
4 take an oath that says, I promise that I will base
5 my decision on what I hear in this courtroom and
6 what the Judge tells me applies to the law.
7 Anything else, while -- it's totally irrelevant to
8 me as far as what you believe in. To the extent
9 that it affects your ability to be fair and
10 impartial, I do need to know about it.

11 I'm not going to try to talk you out of your
12 beliefs. I just need to know it so that we can
13 decide whether or not you can serve on the jury.
14 And, again, you can come up and talk to me privately
15 about it.

16 But if anybody has any concerns that they have
17 any sort of philosophical, moral, political beliefs
18 or any reason whatsoever why they don't think they
19 can give a fair trial to both the State of South
20 Carolina and the defendant, would you please stand
21 or come forward?

22 (There was no response.)

23 **THE COURT:** Okay. I think I've covered
24 everything that I've been asked to cover, but if
25 there's anything else from the State, do you have

1 anything?

2 MR. GRAHAM: Nothing from the State, Your
3 Honor.

4 THE COURT: From the defense?

5 MR. WILLIAMS: Nothing from the defendant, Your
6 Honor.

7 THE COURT: All right. Is there anything
8 involving any member of the jury panel for
9 preemptive purposes from the State?

10 MR. GRAHAM: No, Your Honor.

11 THE COURT: From the defense?

12 MR. WILLIAMS: None by the defense, Your Honor.

13 THE COURT: Okay. Well, what we're going to do
14 then is we're going to move right on in to drawing
15 the jury for this case. And the way we do this in
16 criminal court is a little different than what we do
17 in civil court. Civil court we would computer
18 generate some names, give the list to the lawyers,
19 let them go out and spend about 20 minutes or so
20 studying the list and then come back in and they
21 each get four strikes.

22 But we do it different in state court, in
23 criminal court. And what we do in criminal court in
24 this state is the clerk has a little
25 computer-generated way of just popping up a name.

1 All right. She'll call that name and number out and
2 then we'll ask you to come through the doors right
3 there by the bailiff with the red coat on. You'll
4 come, stand in front of that little projector and
5 turn around and face the back, all right, right
6 where this gentleman is standing right here.

7 The State will then get to say either present
8 the juror or excuse the juror. If the State says
9 present the juror, then the defense will have the
10 opportunity to either say present the juror or
11 excuse the juror. If both sides say present the
12 juror, you're on the jury panel and you'll just come
13 over here and have a seat until we get all 12. If
14 either side says excuse the juror, then you just
15 return back to your seat and then you'll get to go
16 over and see, go through this process again with
17 Judge Cooper.

18 Now, each -- the State says -- or the state law
19 provides that in a case with these charges, the
20 State gets five exemptions or strikes and the
21 defendant gets ten. And so we'll go through this
22 process until we get 12 jurors. We're also going to
23 choose two alternates in case somebody gets sick or
24 something comes up during the course of the trial.
25 But once we get our 14 names, then we'll take y'all

1 off into the jury room and then we will send the
2 rest of you folks to go visit with Judge Cooper.

3 All right. So if we are ready, Madame Clerk,
4 you may begin.

5 **THE CLERK:** As I call your name, make sure you
6 bring all your personal property with you.

7 Number 120, Jessica Long.

8 (Whereupon, Jessica R. Long, a white female,
9 was called forward.)

10 **THE CLERK:** What say you for the State?

11 **MR. GRAHAM:** Please excuse Ms. Long.

12 **THE CLERK:** Return to your seat, please, ma'am.
13 Number 46, Glenda Deloache.

14 (Whereupon, Glenda B. Deloache, a black
15 female, was called forward.)

16 **THE CLERK:** What say you for the State?

17 **MR. GRAHAM:** Please present Ms. Deloache.

18 **THE CLERK:** What say you for the defense?

19 **MR. WILLIAMS:** Please excuse the juror from the
20 trial of this case.

21 **THE CLERK:** Return to your seat, please, ma'am.
22 Number 160, Wendi Reeves.

23 (Whereupon, Wendi S. Reeves, a white female,
24 was called forward.)

25 **THE CLERK:** What say you for the State?

1 **MR. GRAHAM:** Please present Ms. Reeves.

2 **THE CLERK:** What say you for the defense?

3 **MR. WILLIAMS:** I'm sorry, that number,

4 Madame Juror -- Madame --

5 **THE CLERK:** 160.

6 **MR. WILLIAMS:** Please excuse the juror from the

7 trial of this case.

8 **THE CLERK:** Return to your seat, please, ma'am.

9 Number 39, Marsha Crosby.

10 (Whereupon, Marsha K. Crosby, a white

11 female, was called forward.)

12 **THE CLERK:** What say you for the State?

13 **MR. GRAHAM:** Please present Ms. Crosby.

14 **THE CLERK:** What say you for the defense?

15 **MR. WILLIAMS:** Please swear the juror.

16 **THE CLERK:** Have a seat in the jury box, ma'am.

17 Number 29, Larry Cochran.

18 (Whereupon, Larry O. Cochran, a black male,

19 was called forward.)

20 **THE CLERK:** What say you for the State?

21 **MR. GRAHAM:** Please present Mr. Cochran.

22 **THE CLERK:** What say you for the defense?

23 **MR. WILLIAMS:** Please swear the juror.

24 **THE CLERK:** Have a seat in the jury box, sir.

25 Number 10, Dawn Barnes.

1 (Whereupon, Dawn E. Barnes, a white female,
2 was called forward.)

3 **THE CLERK:** What say you for the State?

4 **MR. GRAHAM:** Please present Ms. Barnes.

5 **THE CLERK:** What say you for the defense?

6 **MR. WILLIAMS:** Please excuse the juror from the
7 trial of this case.

8 **THE CLERK:** Return to your seat, please, ma'am.
9 Number 130, Rachel Martin.

10 (Whereupon, Rachel B. Martin, a white
11 female, was called forward.)

12 **THE CLERK:** What say you for the State?

13 **MR. GRAHAM:** Please present Ms. Martin.

14 **THE CLERK:** What say you for the defense?

15 **MR. WILLIAMS:** Please swear the juror.

16 **THE CLERK:** Have a seat in the jury box, ma'am.
17 151, Donald Platt.

18 (Whereupon, Donald C. Platt, a white male,
19 was called forward.)

20 **THE CLERK:** What say you for the State?

21 **MR. GRAHAM:** Please present Mr. Platt.

22 **THE CLERK:** What say you for the defense?

23 **MR. WILLIAMS:** Please excuse the juror from the
24 trial of this case.

25 **THE CLERK:** Return to your seat, please, sir.

1 92, William Hook.

2 (Whereupon, William T. Hook, a black male,
3 was called forward.)

4 **THE CLERK:** What say you for the State?

5 **MR. GRAHAM:** Please excuse Mr. Hook.

6 **THE CLERK:** Return to your seat, please, sir.
7 61, Jennifer Farmer.

8 (Whereupon, Jennifer H. Farmer, a white
9 female, was called forward.)

10 **MR. GRAHAM:** Madame Clerk, what was the number?

11 **THE CLERK:** 61.

12 **MR. GRAHAM:** Thank you.

13 **THE CLERK:** What say you for the State?

14 **MR. GRAHAM:** Please present Ms. Farmer.

15 **THE CLERK:** What say you for the defense?

16 **MR. WILLIAMS:** Please swear the juror.

17 **THE CLERK:** Have a seat in the jury box, ma'am.
18 Number 48, Traci Doris.

19 (Whereupon, Traci A. Doris, a white female,
20 was called forward.)

21 **THE CLERK:** What say you for the State?

22 **MR. GRAHAM:** Please excuse Ms. Doris.

23 **THE CLERK:** Return to your seat, please, ma'am.
24 144, Benjamin Norman.

25 (Whereupon, Benjamin S. Norman, a white

1 male, was called forward.)

2 THE CLERK: What say you for the State?

3 MR. GRAHAM: Please excuse Mr. Norman.

4 THE CLERK: Return to your seat, please, sir.

5 31, Randy Cockrell.

6 (Whereupon, Randy E. Cockrell, a white male,
7 was called forward.)

8 THE CLERK: What say you for the State?

9 MR. GRAHAM: Please present Mr. Cockrell.

10 THE CLERK: What say you for the defense?

11 MR. WILLIAMS: Please excuse the juror from the
12 trial of this case.

13 THE CLERK: Return to your seat, please, sir.

14 131, Blanche Mayse.

15 (Whereupon, Blanche C. Mayse, a white
16 female, was called forward.)

17 THE CLERK: What say you for the State?

18 MR. GRAHAM: Please present Ms. Mayse.

19 THE CLERK: What say you for the defense?

20 MR. WILLIAMS: Please swear the juror.

21 THE CLERK: Have a seat in the jury box, ma'am.

22 65, Jerry Franklin -- excuse me -- Jared
23 Franklin.

24 (Whereupon, Jared R. Franklin, a white male,
25 was called forward.)

1 **THE CLERK:** What say you for the State?

2 **MR. GRAHAM:** Please present Mr. Franklin.

3 **THE CLERK:** What say you for the defense?

4 **MR. WILLIAMS:** Please swear the juror.

5 **THE CLERK:** Have a seat in the jury box, sir.

6 203, Grindle Terry.

7 (Whereupon, Grindle L. Terry, a black
8 female, was called forward.)

9 **THE CLERK:** What say you for the State?

10 **MR. GRAHAM:** Please present Ms. Terry.

11 **THE CLERK:** What say you for the defense?

12 **MR. WILLIAMS:** Please swear the juror.

13 **THE CLERK:** Have a seat in the jury box, ma'am.

14 Number 117, David Lipp.

15 (Whereupon, David C. Lipp, a white male, was
16 called forward.)

17 **THE CLERK:** What say you for the State?

18 **MR. GRAHAM:** Please present Mr. Lipp.

19 **THE CLERK:** What say you for the defense?

20 **MR. WILLIAMS:** Please swear the juror.

21 **THE CLERK:** Have a seat in the jury box, sir.

22 Number 35, Cathi Cooper.

23 (Whereupon, Cathi E. Cooper, a white female,
24 was called forward.)

25 **THE CLERK:** What say you for the State?

1 **MR. GRAHAM:** Please present Ms. Cooper.

2 **THE CLERK:** What say you for the defense?

3 **MR. WILLIAMS:** Please excuse the juror from the
4 trial of this case.

5 **THE CLERK:** Return to your seat, please, ma'am.
6 Number 139, Michael Montgomery.

7 (Whereupon, Michael D. Montgomery, a black
8 male, was called forward.)

9 **THE CLERK:** What say you for the State?

10 **MR. GRAHAM:** Please excuse Mr. Montgomery.

11 **THE CLERK:** Return to your seat, please, sir.
12 Number 164, Jonathan Richards.

13 (Whereupon, Jonathan M. Richards, a white
14 male, was called forward.)

15 **THE CLERK:** What say you for the State?

16 **MR. GRAHAM:** Please present Mr. Richards.

17 **THE CLERK:** What say you for the defense?

18 **MR. WILLIAMS:** Please swear the juror.

19 **THE CLERK:** Have a seat in the jury box, sir.
20 27, Ricky Caughman.

21 (Whereupon, Ricky R. Caughman, a white male,
22 was called forward.)

23 **THE CLERK:** What say you for the State?

24 **MR. GRAHAM:** Please present Mr. Caughman.

25 **THE CLERK:** What say you for the defense?

1 **MR. WILLIAMS:** Please excuse the juror from the
2 trial of this case.

3 **THE CLERK:** Return to your seat, please, sir.
4 213, Edmund Waters.

5 (Whereupon, Edmund P. Waters, Sr., a white
6 male, was called forward.)

7 **THE CLERK:** What say you for the State?

8 **MR. GRAHAM:** Please present Mr. Waters.

9 **THE CLERK:** What say you for the defense?

10 **MR. WILLIAMS:** Please swear the juror.

11 **THE CLERK:** Have a seat in the jury box, sir.
12 140, Louise T. Monts.

13 (Whereupon, Louise T. Monts, a white female,
14 was called forward.)

15 **THE CLERK:** What say you for the State?

16 **MR. GRAHAM:** Please present Ms. Monts.

17 **THE CLERK:** What say you for the defense?

18 **MR. WILLIAMS:** Please excuse the juror from the
19 trial of this case.

20 **THE CLERK:** Return to your seat, please, ma'am.
21 Number 180, Darla Shaffer.

22 (Whereupon, Darla S. Shaffer, a white
23 female, was called forward.)

24 **THE CLERK:** What say you for the State?

25 **MR. GRAHAM:** Please present Ms. Shaffer.

1 **THE CLERK:** What say you for the defense?

2 **MR. WILLIAMS:** Please swear the juror.

3 **THE CLERK:** Have a seat in the jury box, ma'am.

4 Number 204, Robert Tezza.

5 (Whereupon, Robert J. Tezza, a white male,
6 was called forward.)

7 **THE CLERK:** What say you for the State?

8 **MR. GRAHAM:** Please present Mr. Tezza.

9 **THE CLERK:** What say you for the defense?

10 **MR. WILLIAMS:** Please excuse the juror from the
11 trial of this case.

12 **THE CLERK:** Return to your seat, please, sir.

13 115, Kristin Lee.

14 (Whereupon, Kristin O. Lee, a Asian female,
15 was called forward.)

16 **THE CLERK:** What say you for the State?

17 **MR. GRAHAM:** Please present the juror.

18 **THE CLERK:** What say you for the defense?

19 **MR. WILLIAMS:** Please swear the juror.

20 **THE CLERK:** Have a seat in the jury box, ma'am.

21 That's the 12, Your Honor. Proceed with
22 alternates?

23 **THE COURT:** Yes. One and two are the strikes.

24 **THE CLERK:** Number 116, Dario Leonard.

25 (Whereupon, Dario B. Leonard, a white male,

1 was called forward.)

2 **THE CLERK:** What say you for the State?

3 **MR. GRAHAM:** Please excuse Mr. Leonard.

4 **THE CLERK:** Return to your seat, please, sir.

5 74, Raghuserathy Gomadam.

6 (Whereupon, Raghuserathy Gomadam, a Asian
7 male, was called forward.)

8 **THE CLERK:** What say you for the State?

9 **MR. GRAHAM:** Please present the juror.

10 **THE CLERK:** What say you for the defense?

11 **MR. WILLIAMS:** Please excuse the juror from the
12 trial of this case.

13 **THE CLERK:** Return to your seat, please, sir.

14 Number 67, Gregory Garner.

15 (Whereupon, Gregory M. Garner, a white male,
16 was called forward.)

17 **THE CLERK:** What say you for the State?

18 **MR. GRAHAM:** Please present Mr. Garner.

19 **THE CLERK:** What say you for the defense?

20 **MR. WILLIAMS:** Please swear the juror.

21 **THE CLERK:** Have a seat in the jury box, sir.

22 That's the first alternate, Your Honor.

23 Number 85, Jimmy Harrington.

24 (Whereupon, Jimmy C. Harrington, Jr., a
25 white male, was called forward.)

1 **THE CLERK:** What say you for the State?

2 **MR. GRAHAM:** Please present Mr. Harrington.

3 **THE CLERK:** What say you for the defense?

4 **MR. WILLIAMS:** Please excuse the juror from the
5 trial of this case.

6 **THE CLERK:** Return to your seat, please, sir.
7 Number 210, Natalie Waller.

8 (Whereupon, Natalie R. Waller, a Hispanic
9 female, was called forward.)

10 **MR. GRAHAM:** Madame Clerk, what was the number?

11 **THE CLERK:** She is number 210.

12 **MR. GRAHAM:** Thank you.

13 **THE CLERK:** What say you for the State?

14 **MR. GRAHAM:** Please excuse Ms. Waller.

15 **THE CLERK:** Return to your seat, please, ma'am.
16 145, Angelia Norris.

17 (Whereupon, Angelia G. Norris, a white
18 female, was called forward.)

19 **THE CLERK:** What say you for the State?

20 **MR. GRAHAM:** Please present Ms. Norris.

21 **THE CLERK:** What say you for the defense?

22 **MR. WILLIAMS:** Please swear the juror.

23 **THE CLERK:** Have a seat in the jury box, ma'am.
24 That's the second alternate, Your Honor.

25 **THE COURT:** All right. Is there anything from

1 the State on challenges?

2 MR. GRAHAM: No, Your Honor.

3 THE COURT: From the defense?

4 MR. WILLIAMS: Nothing, Your Honor.

5 THE COURT: All right. Well, folks, you are
6 going to be our jury now for this case and we'll
7 present that after -- we'll begin it right after
8 lunch. What I'm going to do, I'll send you back
9 with the bailiff right now to the jury room, not
10 release you just yet because I want to get with the
11 lawyers about what time we're going to start back
12 and that, and I'll bring you back in and tell you
13 that in just a couple of minutes. But we just need
14 about five minutes for administrative stuff, then
15 we'll take a break for lunch and we'll come back
16 this afternoon.

17 So if you'll go with these folks right now.
18 And, again, every time we take a break, you cannot
19 talk about the case in any way. Even though you
20 haven't heard anything about it now, don't talk
21 about this case, either commenting on witnesses'
22 demeanors or anything about it in any way, shape or
23 form. I'll give you this same instruction every
24 time. But even though we are just at the beginning
25 phase of it -- you can talk about whatever you want,

1 you can, you know, introduce yourself --

2 In fact, I very often like to, and I'll let you
3 do this, if anybody wants to be the foreman of the
4 jury, I'll let you pick your own foreman. So you
5 can decide as your first order of business who will
6 be the foreman or foreperson of the jury, anybody
7 except the two alternates can be the foreperson of
8 the jury. So go back there and discuss that. If
9 you can't pick somebody, I'll pick it. And you
10 don't get any extra pay or anything like that, so,
11 you do just get to write the verdict on the form at
12 the end of the trial, okay. So we'll see you back
13 here in about five, ten minutes. Thank you.

14 (The jury retires to the jury room.)

15 **THE COURT:** All right. Folks, what they're
16 going to do is they're going to draw out a
17 computer-generated list of 40 names and take you
18 down to the third floor where Judge Cooper is and
19 he'll draw a panel out of those 40 names. I don't
20 believe we're going to need the jury panel for the
21 rest of the week other than these two trials, so I
22 won't see you again. And I want to thank you for,
23 again, your service in showing up. I hope that you
24 get the opportunity to serve on Judge Cooper's panel
25 because I really think you'll enjoy it if you get

1 picked to serve on a jury.

2 But I won't see you again this week. Again,
3 thank you for showing up. If you would, just bear
4 with us. I'm going to ask these lawyers that are
5 with me just to step out back with me now so that we
6 can plan for the afternoon as to what we need to do
7 and what time we'll get started back, so by the time
8 we finish that, the 40 of y'all will be downstairs
9 and the rest of you will be gone for the rest of the
10 day and the rest of the week and then we'll bring
11 those folks back in. So let me see the lawyers in
12 the back. And thank you again for your patience
13 this morning.

14 (The remaining jury panel was excused.)

15 (Brief recess.)

16 (The jury returns to the courtroom.)

17 **THE COURT:** Welcome back, folks. Mr. Franklin,
18 you got chosen to be the jury foreman.
19 Congratulations. You're the man now, so if things
20 get a little rowdy back there, I expect you to take
21 care of it. But, really, we don't usually have any
22 problems. But if something needs to be brought to
23 my attention, it would be helpful if you just routed
24 it through him, okay.

25 All right. Here's the plan. I'm going to have

1 y'all come back at two o'clock. We're going to get
2 started. We've got a couple of administrative
3 things that we've got to handle, so we'll be working
4 a little bit and we'll take a lunch break.

5 Go ahead and you can, you know, let whoever you
6 need to know know that you got picked and that you
7 won't be in the rest of the day. And you're
8 probably going to be, you know, with us, I think,
9 our most optimistic would be finish by the end of
10 the day Thursday, but we might be finishing up
11 Friday morning. So we will usually, as I said
12 earlier, start around 9:30, knock off around 5:00.
13 If anybody has anything that we need to work around
14 schedule-wise, please bring that to my attention and
15 we'll try to accommodate that the best that we can.

16 Again, whenever we take a break, don't talk to
17 anybody about the case. Obviously, you're going to
18 have family members that are going to ask you the
19 very first thing you walk in the door and talk to
20 them is, hey, did you get picked? And you can say,
21 yes, I did, I did get picked. And it's a, you know,
22 murder, burglary, armed robbery case, but that's all
23 I can tell you because the Judge was very specific
24 about that. Plus, I don't know anything else about
25 the case at this point. But as we go along, you

1 will learn about the case.

2 And here's the most important reason why you
3 don't talk about the case with other people. They
4 don't know anything about it. The only thing
5 they'll know about it is their opinions and we don't
6 let people come in and tell us their opinions about
7 stuff.

8 The oath that you'll take when we start this
9 case says you'll make your decision based on what
10 you hear in this courtroom and this courtroom alone.
11 And people's opinions about stuff they think they
12 know something about or they might have read or
13 their prejudices and things like that start coming
14 in and it's going to start affecting your way of
15 thinking. It's not fair to anybody, the State or
16 the defendant, to have somebody else's impressions
17 help you form your judgment. So that's the most
18 important reason why.

19 And one of the things that I'll tell you about
20 when we start back this afternoon is you keep an
21 open mind until you've heard all of the evidence,
22 all right. That sounds like a simple thing, but I'm
23 telling you you deal with it, you struggle with it
24 in daily life. You'll struggle with it in this
25 courtroom. You can't make up your mind until you've

1 heard both sides of the story. And there's always
2 two sides to every story.

3 And you -- the part of the adversarial process
4 is that one side gets to call and present evidence,
5 then the other side gets to call and present
6 evidence. And even through every witness, you'll
7 have one side ask questions first and then the other
8 side ask questions. And this adversarial process is
9 designed to bring out, flesh out all of the
10 evidence. And after you've heard all of this
11 evidence, then and only then is it proper for you to
12 make up your mind.

13 And so that's why I stress to you throughout
14 the trial, don't begin to make up your mind until
15 you've heard everything and why you shouldn't have
16 other people's impressions about things influence
17 your decision. So please respect that because this
18 is all about trying to find fair and impartial
19 jurors so that the State gets a fair trial and
20 Mr. Mayers gets a fair trial.

21 Okay. So if you would, report back, and
22 they'll show you how to get back there, to the jury
23 room that you just came from at two o'clock and we
24 will try to get started right at two o'clock if we
25 possibly can, all right. So thank you for your

1 patience this morning. We'll see you back after
2 lunch.

3 (The jury was excused for lunch.)

4 **THE COURT:** All right. Okay. We'll see y'all
5 about 1:30 then.

6 (Whereupon, there was a luncheon recess.)

7 **THE COURT:** We need to have a hearing and this
8 is your motion, right?

9 **MR. WILLIAMS:** I think it's the Solicitor's
10 motion.

11 **MR. SCOTT:** Thank you, Your Honor. This is a
12 Jackson v. Denno motion. The State would call
13 Robbie Lint.

14 CHARLES ROBERT LINT, JR.,
15 having been duly sworn, testified as follows:

16 **THE CLERK:** Once you're seated, state your full
17 name, spelling your last on the record.

18 **THE WITNESS:** It's Charles Robert Lint, Jr.
19 Lint is spelled L-i-n-t.

20 DIRECT EXAMINATION

21 BY MR. SCOTT:

22 **Q** Mr. Lint, where are you employed?

23 **A** Lexington County Sheriff's Department.

24 **Q** How long have you been with that agency?

25 **A** Since May of 2003.

1 Q What are your current duties there?

2 A I am a sergeant over investigations for the
3 major crime unit.

4 Q And were you working in that capacity October
5 of last year?

6 A Yes, sir, I was.

7 Q Do you recall meeting Breon Mayers?

8 A I do.

9 Q What were the circumstances?

10 A It was to conduct an interview.

11 Q Where was he to conduct an interview?

12 A We were at the Lexington County Sheriff's
13 Department.

14 Q How did he come to you?

15 A He came voluntarily with the assistance of, I
16 think, it was Al Eargle.

17 Q Turned himself in?

18 A Correct.

19 Q Do you remember about what time it was?

20 A Nine o'clock, 9:00 p.m. that evening on the
21 27th of October.

22 Q Where was he taken?

23 A To an interview room.

24 Q Describe that interview room.

25 A He was taken to interview room one. There's a

1 chair in there -- or, I'm sorry -- there's a table
2 in there with the consistence of four or five
3 chairs. It's segregated away from the major crime
4 unit where it can be privately held to conduct the
5 interview without any distractions.

6 Q Who went in that room with Mr. Mayers?

7 A Investigator Derrenbacher.

8 Q Was he under arrest at that time?

9 A Correct.

10 Q He was under arrest at that time?

11 A Yes, sir.

12 Q Was he -- were the charges explained to him?

13 A Yes, sir.

14 Q Did he indicate that he understood these
15 charges?

16 A Yes, sir.

17 Q Did he appear to be under the influence of any
18 drugs or alcohol?

19 A No, sir.

20 Q Did he indicate that he understood?

21 A Yes, sir.

22 Q Did he appear to have any physical or mental
23 disability that would prevent him from understanding
24 his rights or answering questions?

25 A No, sir.

1 Q Now, was he advised of his Miranda rights?

2 A Yes, sir.

3 Q Who advised him of these rights?

4 A Investigator Derrenbacher in my presence.

5 Q Now, how was he advised of them?

6 A He was give -- Investigator Derrenbacher,
7 there's a suspect form that has Miranda warnings on
8 it, he reads them one by one to him, to Mr. Mayers,
9 and Mr. Mayers acknowledges by initialing by each
10 one of them that he understood them.

11 Q Okay. So they are -- the Miranda rights are
12 printed on a form that your office uses?

13 A Correct.

14 Q And what is that form called?

15 A It should say a suspect statement form.

16 Q Did he appear to have any trouble understanding
17 his rights?

18 A No, sir.

19 Q How did he indicate that he understood his
20 rights?

21 A He would initial by each one of the advisements
22 of rights forms -- by each line.

23 Q Was he questioned?

24 A Yes, sir.

25 Q Did you or anyone in your presence threaten or

1 coerce him in any fashion or did anybody offer him
2 any promise or hope of reward?

3 **A** No, sir.

4 **Q** What was Mr. Mayers told?

5 **A** He was explained the charges that were brought
6 against him. He was given the opportunity at that
7 time to acknowledge the charges, explain his side of
8 the story or whatever he wanted to tell us at the
9 time.

10 **Q** What did he do in response when you explained
11 to him your understanding of the crime?

12 **A** He would shake his head no, saying he wasn't
13 involved.

14 **Q** Okay. Did he make any verbal statements to
15 you?

16 **A** He did.

17 **Q** What did he say?

18 **A** He advised that he doesn't know the
19 co-defendants in this case. He doesn't understand
20 why they're lying on him per se. He's never been to
21 Meadowlark Road. He doesn't know the victim, never
22 been to the victim's house. And he was home all day
23 at his residence -- I believe that would be in
24 Newberry County -- asleep until two o'clock in the
25 afternoon.

1 Q I'm sorry. What did he say in regards to his
2 co-defendants?

3 A He didn't know them.

4 Q Okay. How did the interview end?

5 A He requested an attorney.

6 Q Were any questions asked of him after he
7 requested an attorney?

8 A No, sir.

9 Q To the best of your knowledge, were these
10 statements made by him freely and voluntarily given?

11 A Yes, sir.

12 (State's Exhibit Number 1, statement form,
13 marked for identification purposes.)

14 Q I'm going to show you what's been marked for
15 I.D. purposes as State's Number 1. Do you recognize
16 that?

17 A I do.

18 Q And how are you able to do so?

19 A This is the statement forms that we use when we
20 are interviewing an individual, a suspect.

21 Q Okay. Do you recognize that particular one
22 there?

23 A I do.

24 Q And how are you able to do so?

25 A This is the one that we used when we

1 interviewed Mr. Mayers on October 27th, 2011. It
2 also explains his Miranda rights, which he initials
3 by each one of them with BJM, and he signs and dated
4 it at the bottom.

5 Q What information is listed at the top of that
6 form?

7 A The top of the form is the date, the place
8 where the interview took place, what time it
9 started, the individual that we're interviewing, how
10 old he is, his date of birth, where he was
11 originally from, his current address and also how
12 far he's gone in school and if he can read and
13 write, which he initials with the initials BJM. He
14 gives contact numbers and also alternate contact
15 numbers of -- which would be his father and his
16 phone number. And the people who are in the
17 interview room conducting the interview, which was
18 Investigator Derrenbacher and myself, and we are
19 detectives with the Lexington County Sheriff's
20 Department.

21 Q Okay. Would you -- what comes after that?

22 A After that are the Miranda rights that we read
23 to him one by one -- or Investigator Derrenbacher
24 did read to him one by one, asked him if he
25 understood them and if so, he would initial them.

1 And they read as follows:

2 I have the right to remain silent, with the
3 initials BJM. Number two is, Anything I say can and
4 will be used against you {verbatim} in a court of
5 law, with the initials BJM. I have a right to talk
6 to a lawyer for advice before I answer any questions
7 or to have him or her present with me during
8 questioning, with the initials BJM. If you -- I
9 have no money for lawyer fees, the court will
10 appoint one to represent me without cost to me if I
11 wish, the initials BJM.

12 And the last one is, If I decide to answer any
13 questions now without a lawyer present, I still have
14 the right to stop answering any questions at any
15 time. I also have the right to stop answering any
16 questions at any time until I have talked with a
17 lawyer, with the initials BJM. And then the last
18 line, it says, I have read this statement and
19 understand my rights and understand what my rights
20 are, with the initials BJM.

21 Q Did you personally witness him signing those
22 rights?

23 A I did.

24 Q Let me back up real quick. The information you
25 listed at the top, I recall you saying he listed his

1 full name, he listed where he was originally from,
2 he listed his address, he listed contact numbers and
3 relations, and he listed his educational level,
4 correct?

5 A Correct.

6 Q And who provided that information?

7 A Mr. Mayers.

8 Q Okay. You witnessed him provide all that
9 information?

10 A Correct.

11 MR. SCOTT: Nothing further from this witness.

12 Please answer any questions Mr. Williams may
13 have for you.

14 MR. WILLIAMS: May it please the Court.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. WILLIAMS:

18 Q Sergeant, the room which we're speaking of, is
19 that the first room on your left as you walk into
20 the detective's area?

21 A If you're coming from the front of the office,
22 it'll be the second door on the left.

23 Q The second door on the left?

24 A Yes, sir. The first door will be the polygraph
25 room.

1 Q Can I see your form there a second?

2 A Yes, sir.

3 Q Now, is it your testimony that those items
4 which are filled out on this sheet, which has been
5 marked as State's Exhibit Number 1 for
6 identification, are -- is the handwriting of
7 yourself?

8 A No, sir.

9 Q It's the handwriting of Derrenbacher, correct?

10 A Correct.

11 Q And the only time in which there's a signature
12 on this exhibit is the signature by, I guess, Breon
13 Mayers where it says, Person giving statement?

14 A Correct.

15 Q Now, there are no statements on this form, are
16 there?

17 A No, sir, there's not.

18 Q And do you have a recorded conversation that
19 corroborates what you have just testified to?

20 A I'm sorry. I didn't hear you, sir.

21 Q I'm sorry. I was walking away, that's my bad.
22 Do you have a recorded conversation of the testimony
23 which you had just gave, was it recorded in any way?

24 A No, sir, it was not.

25 Q So there's no video, no audio?

1 A No, sir.

2 Q And the person in charge of the interview would
3 have been Derrenbacher?

4 A Correct.

5 Q And you had listed certain questions which you
6 said he responded to. Those questions were not
7 written on the form before he responded, were they?

8 A No, sir.

9 Q And, of course, the answers were not written on
10 the form either?

11 A No, sir.

12 Q How long was he in the interview room?

13 A Forty-five minutes max if I had to -- my best
14 educated guess.

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

17 THE COURT: Anything else?

18 MR. SCOTT: Just briefly.

19 REDIRECT EXAMINATION

20 BY MR. SCOTT:

21 Q Was he given a copy of that form?

22 A Yes, sir.

23 Q And, at any time, do you recall him asking to
24 leave the interview room or go to the restroom or
25 was he denied food or water or anything like that?

1 **A** No, sir.

2 **MR. SCOTT:** Nothing more for this witness.

3 **MR. WILLIAMS:** No questions on recross, Your
4 Honor.

5 **THE COURT:** You can step down. Thank you.
6 Do you have another witness?

7 **MR. SCOTT:** I do, Your Honor. The State calls
8 Billy Derrenbacher.

9 WILLIAM EDWARD DERRENBACHER,
10 having been duly sworn, testified as follows:

11 **THE CLERK:** Once you're seated, state your full
12 name, spelling your last on the record, please.

13 **THE WITNESS:** Full name is William Edward
14 Derrenbacher. Derrenbacher is spelled
15 D-e-r-r-e-n-b-a-c-h-e-r.

16 DIRECT EXAMINATION

17 BY MR. SCOTT:

18 **Q** Thank you. Mr. Derrenbacher, where are you
19 employed?

20 **A** Currently, I'm the director of Lexington County
21 Animal Services.

22 **Q** And what are your duties there?

23 **A** Management of the entire staff and facility.

24 **Q** Is that where you were working October of last
25 year?

- 1 A It is not.
- 2 Q Where were you then?
- 3 A Lexington County Sheriff's Department assigned
- 4 to major crimes division as a detective.
- 5 Q Were you working October 27, 2011?
- 6 A I was.
- 7 Q Do you recall meeting Breon Mayers?
- 8 A I do.
- 9 Q And how did you come to meet him that day?
- 10 A He was turning himself in to the Lexington
- 11 County Sheriff's Office on active warrants.
- 12 Q What were those warrants?
- 13 A Murder warrants.
- 14 Q Burglary first warrant?
- 15 A Burglary first. There was numerous warrants.
- 16 It was burglary first, murder, armed robbery and
- 17 there was another one in there.
- 18 Q A weapon charge?
- 19 A Yeah. I think violent -- commission during a
- 20 violent crime.
- 21 Q Okay. So he voluntarily turned himself in on
- 22 those warrants?
- 23 A He did.
- 24 Q Do you remember what time it was?
- 25 A I would say it was approximately 9:30 in the

1 evening.

2 Q And where was he taken?

3 A He was immediately taken over to an interview
4 room, which would be interview room one at the
5 Lexington County Sheriff's Office.

6 Q Who was present?

7 A Myself and Sergeant Robbie Lint.

8 Q You say he was under arrest at that time?

9 A He was.

10 Q Was he explained -- were the charges he was
11 facing explained to him?

12 A He was {verbatim}.

13 Q And who read him his charges?

14 A Sergeant Lint read the charges out as far as
15 that goes, what his warrants were.

16 Q So Investigator Lint read his charges to him.
17 Did he indicate that he understood?

18 A He did.

19 Q Did he appear to be under the influence of any
20 alcohol or drugs that day?

21 A He did not.

22 Q That night. Did he have any mental disability
23 you were aware of?

24 A None that we were aware of, none that he
25 displayed.

1 Q Was he ever advised of his rights pursuant to
2 Miranda?

3 A He was.

4 Q Okay. Was that prior to any kind of
5 questioning?

6 A It was.

7 Q And who advised him of his rights?

8 A I did.

9 Q And how did you give him his rights?

10 A On the statement form where a suspect -- or a
11 defendant is under arrest, the Miranda rights are
12 clearly posted individually at the beginning of a
13 statement. He was read each one individually and
14 individually asked if he understood it. And if he
15 did, he was asked to initial beside each Miranda
16 warning, which he did. And after having read all
17 the Miranda warnings, he signed the bottom of the
18 form.

19 Q Okay. And I'm going to show you State's I.D.
20 Number 1. Do you recognize that?

21 A I do.

22 Q How are you able to do so?

23 A This is the statement form that I presented to
24 Mr. Mayers on the 27th.

25 Q Okay. And he initialed beside all those

1 rights?

2 A He initialed all the specified areas of his
3 rights. And inside at the bottom, he had no written
4 statement to complete, so he crossed that out and
5 initialed the middle of the verbiage portion of the
6 form.

7 Q And then he signed it down at the bottom you
8 said?

9 A He did.

10 Q Did he appear to have any trouble understanding
11 his rights?

12 A He did not.

13 Q Did you say you verbally -- you read them to
14 him or did you have him read them himself?

15 A Well, he actually had the copy that I have
16 before me and we have another one. And as I read
17 them, so I'm not trying to read inverted, I'll read
18 those out as he's looking at it on this form and
19 then as I read each individual one out, if he
20 understands it, he will initial beside each one. If
21 he has any questions on it, then we would answer any
22 questions at that time. I don't recall him having
23 any questions for each right at all. He initialed
24 each one.

25 Q Okay. There's some personal information on the

1 defendant on the top of that form. It's got his
2 full name. It's got some alternate contacts, their
3 phone numbers and their names. It's got an address.
4 It's got his education level. It's got where he's
5 born I think.

6 A Uh-huh.

7 Q Who wrote that in there?

8 A I did.

9 Q And where did you receive that information?

10 A It was provided to me by Mr. Mayers as we went
11 along.

12 Q Okay. Who questioned Mr. Mayers?

13 A Myself and Sergeant Robbie Lint.

14 Q Did you or anyone in your presence threaten or
15 coerce Mr. Mayers in any fashion?

16 A We did not.

17 Q Did you offer him any hope or promise of
18 reward?

19 A We did not.

20 Q What was he told?

21 A He was advised of the charges that were before
22 him and he was given information as far as why --
23 what we were investigating. He was told that there
24 were other co-defendants involved in this crime that
25 had provided statements to law enforcement as far as

1 the statements were concerned and he was advised
2 that we did have evidence that corroborated that.

3 Q Okay. When you're telling this information,
4 what's he doing?

5 A Initially he just shook his head, didn't have
6 anything verbal to say initially. He was just
7 shaking his head side to side, left to right in a no
8 position.

9 Q Well, did he ever make any verbal statements?

10 A He did. After that, he indicated that he did
11 not know anything about this, he didn't know any of
12 the individuals that we described as his
13 co-defendants that had signed forms. He stated that
14 he was not in that area, that he didn't have, there
15 again, didn't have anything at all to do with it.

16 Q What is that area you're describing?

17 A [REDACTED] Meadowlark Road, Chapin area.

18 Q Okay. Did he indicate that he was familiar
19 with that area?

20 A He indicated he was familiar with the area.
21 However, he indicated also that he did not hang out
22 in that area.

23 Q All right. And who did you inform him his
24 co-defendants were?

25 A I informed him that his co-defendants were

1 Jermaine Caughman, Jasmine Bowers and Tyrome
2 Brennan.

3 Q And what did he say about these co-defendants?

4 A He said that he didn't know who they were.

5 Q Did he indicate what he was doing during the
6 day of the crime?

7 A He said that he was at home in bed asleep until
8 approximately two o'clock that afternoon, 2:00 p.m.

9 Q Okay. How did that interview end?

10 A He requested his attorney and the questioning
11 was ceased immediately and then we escorted him out.

12 Q Okay. Best of your knowledge were the
13 statements given by Mr. Mayers freely and
14 voluntarily given?

15 A They were.

16 Q Was he provided a copy of his statement form?

17 A He was.

18 Q Was he denied, you know, a restroom break or
19 water break or anything like that?

20 A He was not.

21 Q Thank you.

22 **MR. SCOTT:** That's all for this witness.

23 Please answer any questions Mr. Williams may
24 have.

25 **MR. WILLIAMS:** I have no questions, Your Honor.

1 **THE COURT:** You can step down.

2 Anything further from the State?

3 **MR. SCOTT:** Nothing further from the State,
4 Your Honor.

5 **THE COURT:** From the defense?

6 **MR. WILLIAMS:** We have nothing on that point,
7 Your Honor.

8 **THE COURT:** You want to make an argument?

9 **MR. SCOTT:** Your Honor, based on the testimony
10 that was proffered from these two officers, Miranda
11 was given. No question about it, he was under
12 arrest. There's also no question that he was
13 informed of his rights, he freely and voluntarily
14 waived those rights. He gave a number of verbal
15 statements, no written statement, but it's clear
16 that he understood his rights. He initialed by each
17 and every one of them and he still gave these
18 statements, Your Honor. He was not threatened or
19 coerced.

20 Your Honor, we believe these witnesses -- these
21 statements do come in if offered at trial.

22 **THE COURT:** From the defense.

23 **MR. WILLIAMS:** Your Honor, I don't really have
24 anything to challenge whether or not they were
25 freely or voluntarily given. Obviously, it's going

1 to be a question for the jury as to whether or not
2 they believe he actually said these statements or
3 not.

4 **THE COURT:** Well, as a threshold level, they've
5 met the burden of a preponderance of the evidence of
6 voluntariness of this stage, so I find that it is
7 admissible. Ultimately, the jury will have to
8 decide beyond a reasonable doubt whether or not it
9 was voluntary.

10 Anything else we need to take up?

11 **MR. WILLIAMS:** Nothing by the defendant, Your
12 Honor.

13 **MR. SCOTT:** Nothing from the State at this
14 time, Your Honor.

15 **THE COURT:** All right. How long do you think
16 you're going to need on your opening? Who's doing
17 that?

18 **MR. SCOTT:** I'm going to do it, Your Honor.
19 I'm told to keep it under five minutes, that's what
20 I plan to do.

21 **THE COURT:** Excellent.

22 You?

23 **MR. WILLIAMS:** Your Honor, I think we can stay
24 within five minutes, also.

25 **THE COURT:** Okay. Well, have you got your

1 witnesses lined up, ready to go until about five
2 o'clock?

3 **MR. GRAHAM:** We should, Your Honor, yes. We
4 may need a break or two in there, but, yes, we
5 should.

6 **THE COURT:** Okay. Well, let's take a bathroom
7 break and everybody be ready to go. I'll check and
8 see if the jury's all back and as soon as they give
9 me the heads up that everybody's here, we'll get
10 started. Thank you.

11 (Brief Recess.)

12 (State's Exhibit Number 2, blowup
13 photograph, and State's Exhibit Number 3, diagram,
14 marked for identification purposes.)

15 **THE COURT:** Let's bring the jury in. Looks
16 like the defendant's in the courtroom.

17 (The jury returns to the courtroom.)

18 **THE COURT:** All right. Folks, before we begin,
19 I talked to you just before we left about the oath
20 that you'll be taking and the duties that you have
21 under the oath. So before we begin, we will be now
22 administering that oath to you. So if you'll stand
23 and raise your right hand, the clerk will administer
24 your oath.

25 (The jury was duly sworn by the Clerk of

1 Court at 2:08 p.m.)

2 THE COURT: Okay. Folks, we are now ready to
3 begin the presentation of evidence in this trial. I
4 want to give you a few preliminary remarks, give you
5 an overview on what we do and why we do these
6 things.

7 I recognize some of you may not have served on,
8 a jury before and it might seem a little strange as
9 to why we do everything and very often there's a
10 reason why we do everything that we do. Sometimes I
11 say I scratch my head and I don't understand why we
12 do some of the things we do other than this is South
13 Carolina and we've done it for 300 years and we've
14 seen no reason to change, but most of the things do
15 have a purpose behind them. And so I just want to
16 give you some preliminary remarks about what people
17 do in the courtroom, what all of our duties are, the
18 roles we'll be playing and the kind of procedure of
19 what we'll be doing over the next several days.

20 Now, I told you this is a case in which the
21 State of South Carolina has charged the defendant,
22 Mr. Mayers, with four charges; murder, armed
23 robbery, possession of a weapon during a violent
24 crime and burglary first. He was indicted by the
25 grand jury and he is therefore now -- he pled guilty

1 to those -- or, excuse me, not guilty to those
2 charges and is now exercising his right to have a
3 jury trial and have the State present or attempt to
4 present enough evidence to convince 12 of you that
5 he is guilty of these charges.

6 He does not have to prove his innocence and I'm
7 going to say that a number of times and you'll start
8 to wonder if I've said it too many times. Well, I
9 can't say it too many times because this is an
10 important constitutional right that not only
11 Mr. Mayers has, but each and every one of you and me
12 and everybody who is a citizen of the United States
13 has.

14 In this country, we don't have to prove we're
15 innocent. If the State accuses us of a crime, the
16 State has to prove that we are guilty of that crime.
17 The only thing that somebody has to do is show up
18 for their trial and Mr. Mayers has done that.
19 That's why the State will present evidence to you
20 first because they have the burden of proving that.

21 Mr. Mayers, he can sit there the whole trial.
22 He doesn't have to put up any evidence. He doesn't
23 have to testify. He doesn't even have to tell me at
24 this point if he intends to call any witnesses or
25 testify, that is his right as a citizen of the

1 United States.

2 And if he never does put up any evidence and he
3 never does testify, I will be instructing you that
4 you are not to hold that against him in any way,
5 shape or form during your deliberations. You're not
6 even to bring it up during your discussions. That
7 is an important constitutional right, that's not
8 just a phrase that you hear on T.V.

9 Now, the State has to prove his guilt to you.
10 They have to prove that by a burden that we call
11 a -- beyond a reasonable doubt, all right. You
12 probably have heard that phrase before, maybe you
13 just heard it through T.V. or watching a movie or
14 something like that, maybe you have served on a jury
15 before. You contrast that burden with the burden in
16 a civil case to help us understand that.

17 Beyond a reasonable doubt seems really, when
18 you boil it down to its essence, means that after
19 you have heard all of the evidence in the trial, you
20 must be firmly convinced that the State has proven
21 to you that he is guilty of this charge in order to
22 convict him of it. In your mind, at the end of the
23 trial, if you are not firmly convinced of his guilt,
24 you have a duty under the oath that you just took to
25 find him not guilty.

1 Again, he doesn't have to prove he's not
2 guilty, the State has to prove that he is guilty and
3 that burden of proof is called beyond a reasonable
4 doubt.

5 You may have also heard of a burden called
6 preponderance of the evidence. That is a burden of
7 proof in a civil case in which individuals are suing
8 each other for, you know, automobile wrecks or
9 breach of contracts or some other sort of thing.
10 And in that case, the person who sues the other
11 person has the burden of proof. But the burden of
12 proof in a civil case is not as heavy as it is in a
13 criminal case. It's called a preponderance of the
14 evidence or, stated another way, is whatever the
15 person trying to prove more likely true than not
16 true?

17 And a lot of times if you're like me and a lot
18 of folks, we're visual learners and it helps us
19 understand concepts better if we can see something,
20 because I've just said words and you might be
21 scratching your head going, well, I'm still not
22 clear. So it might help you if you imagine, you
23 know, a set of scales, all right. And at the
24 beginning of the trial, these scales are still even,
25 all right. And, on the one hand, you have the State

1 and, on the other hand, you have the defense. Well,
2 in a civil case, you have the party that sued and
3 the party that's got sued.

4 Again, the scales are even at the beginning of
5 the trial. And the preponderance of evidence in a
6 case like that, more likely true than not true,
7 simply means they got to tip those scales just
8 slightly in their favor. And if they have tipped
9 the scales slightly in their favor, then they've met
10 the burden of proof and the plaintiff wins the case
11 and is entitled to a verdict.

12 In a case like this, though, a criminal case,
13 while the scales are even at the beginning of the
14 trial, the State has to tip those scales a great
15 deal more in their favor than does the plaintiff in
16 a civil case. So it can't be that they just barely
17 tip those scales, they have to swing those scales
18 pretty heavily and that's what we call beyond a
19 reasonable doubt or, in other words, you must, at
20 the end of the trial, be firmly convinced of the
21 defendant's guilt in order to convict him of the
22 crime. And, again, at the end of the case, if you
23 think those -- if they have not met that burden of
24 proof, he's entitled to a verdict and he's -- and
25 you are under your oath that you just took to find

1 him not guilty of the crime.

2 All right. So, because the State has the
3 burden of proof, they get to call the witnesses
4 first, all right. And they will call a witness and
5 they get to ask the questions first because somebody
6 has to go first, all right. And since they have the
7 burden of proof, they get to call the witness first
8 and they get to ask questions first.

9 So when a party calls a witness and asks a
10 question, we call that a direct examination. So the
11 State will get to call them, ask them questions
12 first. But then under our adversarial system, the
13 way we bring out the truth in the matter such as
14 this, the other side gets to ask questions and
15 that's called cross-examination. So you have direct
16 examination and then you have cross-examination. So
17 the other side, in this case the defendant, will get
18 to ask questions of the witnesses that the State
19 called. And then I allow one round of followup so
20 we can kind of rehash a couple little points that
21 they want. They don't get to reinvent the wheel and
22 go all over again.

23 So we get one round of redirect and one little
24 round of recross and then we move on to the next
25 witness, all right, because we've got a bunch of

1 witnesses in this case. But the lawyers tell me
2 they think it'll move pretty quickly, but we do just
3 have a sheer number of folks that we're going to
4 have to call, so we'll be moving along pretty
5 quickly.

6 So the State gets to call their witnesses first
7 and then after the State has called all their
8 witnesses, it's up to the defense to decide if they
9 want to present a case. They may just say, you know
10 what, we're fine with what's been called and we
11 don't want to call anyone and Mr. Mayers chooses not
12 to testify. Again, he doesn't have to. And, again,
13 all he has to do is what he has done is show up for
14 trial. And if he does not testify and if he does
15 not choose to put up evidence, you're not to hold
16 that against him in any way, shape or form, all
17 right.

18 And these are things that I will be mentioning
19 to you again before the trial is over with, but I
20 stress them because it's one of those things where
21 you've heard about them before and you go, yeah, I
22 was aware of that. But it's a big deal. These are
23 constitutional rights that he has and you and I have
24 as well. So if we ever get charged with a crime,
25 it's the same thing, the State has the burden of

1 proof. And so these are important constitutional
2 rights.

3 Now, we start off with what we call opening
4 statements here in a minute and these are just the
5 lawyers getting up and briefly talking with you
6 about the -- what this case is about and about the
7 evidence that you're likely to hear, all right.
8 It's kind of like the little Readers Digest
9 condensed version of what the trial is going to be
10 like. So you'll just be able to go, oh, yeah, yeah.
11 It helps you follow it as a, you know, as opposed to
12 just, you know, hearing the evidence along the way
13 and trying to figure out, well, how does this end,
14 all right.

15 You're going to get the little version of the
16 story and what the theory of the case is about from
17 each side's perspective right off the bat. It's
18 just designed to ease you to follow the evidence
19 that you'll hear later on.

20 What's important about this opening statement
21 business is this. It's the lawyers who are getting
22 up and talking to you and the lawyers are not
23 witnesses in this case. They are not testifying and
24 whatever they say is not to be considered by you as
25 evidence. So whenever one of the lawyers is

1 talking, no matter how good it sounds or how bad it
2 sounds, remember they're not witnesses and they're
3 not testifying to you.

4 Evidence is what you consider when you make up
5 your mind. And evidence comes from a witness
6 getting up on a witness stand, put under oath and
7 telling you what they heard, they touched, they
8 felt, they smelled, they saw with their eyes, that's
9 evidence. You might see pictures. You might see
10 photographs. You might see weapons. That sort of
11 thing is evidence.

12 But lawyers getting up and talking is not
13 evidence. What they say is not considered evidence
14 because they're not witnesses. If they were
15 witnesses, first of all, they wouldn't be allowed to
16 be a lawyer in this trial, they'd be called as a
17 witness, and you don't get to be the witness and the
18 lawyer, all right, at the same time. So they aren't
19 testifying.

20 When they ask a witness a question, that's not
21 evidence, but when the witness gives an answer to
22 the question, that's evidence, okay. So that might
23 -- keep it in mind a little bit because, you know,
24 I'm telling you you get good lawyers and sometimes
25 you're starting to shake your head a little bit and

1 going, yeah, yeah, I got it. And just go this guy
2 didn't see anything, he's just talking about what
3 other people saw. So we keep it short. It's called
4 an opening statement, each side keep it about five
5 minutes and then we'll move on into evidence.

6 So then we'll spend a couple of days listening
7 to the evidence. And then we will have closing
8 arguments at the end, which the lawyers get a little
9 more time at that time, and they will get up and
10 review the evidence that has been presented to you.
11 And then they will give you a little preview about
12 the law that I'll be charging you and they will be
13 trying to make an argument to persuade you to render
14 a verdict on their client's behalf. And, again,
15 that is not evidence. They're reviewing evidence
16 and they're making an argument.

17 Then when they're done, I charge you on what
18 the law is that applies to the facts. You guys go
19 back, you take whatever you heard as evidence,
20 resolve any discrepancies, any conflicts and you
21 come up with whatever you think the facts are. And
22 then under your oath, you take the law that I tell
23 you applies and you apply it to the facts and that's
24 how you come up with a verdict. And once you tell
25 us what your verdict is, then we act accordingly and

1 we live with it, all right.

2 Now, we all have different roles. And I told
3 you when we were qualifying the jury this morning,
4 you folks are judges this week just like I'm a
5 judge, but we're different types of judges, we're
6 doing different things. My job, as the trial court
7 judge, is twofold, to make sure that both sides get
8 a fair trial and to tell you what the law is that
9 applies to the charges and the facts as you find
10 they apply to the charges that are against
11 Mr. Mayers.

12 Now, as the judge of the trial -- again, I'm
13 from out of town, I don't know any of these people,
14 I don't know the witnesses, I don't know the
15 parties, I don't know the lawyers, I don't have a
16 dog in this fight.

17 You don't have a dog in this fight. Even
18 though you are Lexington County residents, you don't
19 know these people, you don't know the parties, you
20 don't know anything about the case, according to
21 what you told us, such that it would affect your
22 ability to be fair and impartial. That's all we can
23 ask of you.

24 So in that respect, you and I are a lot alike,
25 I just didn't have to answer questions under oath.

1 We're kind of, like, duty bound so that if I did
2 know anybody or know any of the things, I'd have to
3 say, look, I'm sorry, I'm friends with the witness
4 or I'm, you know, and it would affect my ability.
5 I'd believe one person over the other or I know the
6 defendant or something like that. And then I would
7 have to excuse myself and we'd get another judge.
8 We've got Judge Cooper. He and I would switch
9 trials and, you know, it's the same sort of thing.

10 But we have to go through a little questioning
11 process with y'all. It's not that, you know, nobody
12 doesn't trust you, it's just we don't know you and
13 so that's why they had to ask those questions just
14 to make sure you were fair and impartial.

15 Well, my job is to be fair and impartial. I
16 believe in the system. And my system belief says
17 that the State of South Carolina is entitled to a
18 fair trial. Mr. Mayers is entitled to a fair trial.
19 Whatever the outcome is, I'm good with it. Whatever
20 you folks decide, I can live with it. I'm good with
21 it.

22 I believe in fair trials and whatever you folks
23 decide, that's good with me if the process is
24 followed properly and that's what my role is is to
25 make sure the process is followed properly. And I

1 do that in basically, you know, a couple of ways is
2 to make sure that we follow our procedural rules, in
3 other words, things are done in the order they're
4 supposed to do.

5 And then from time to time, I also have to make
6 some evidentiary rulings because one of the things
7 that I have to do is make sure that what you hear is
8 evidence that you're supposed to hear. We call that
9 legally competent evidence, all right, because there
10 are things that sometimes you're not supposed to
11 hear not because it is -- somebody's trying to sneak
12 something past you, it's just they're -- we have,
13 over hundreds of years, developed ways in which we
14 go, this is the most reliable way for you to get
15 certain information. For instance, somebody getting
16 up on the stand and say, this is what I saw, this is
17 what I heard, this is what I touched, that sort of
18 thing.

19 For somebody to come in and say, well, this is
20 what somebody else told me they saw or they heard or
21 they touched, well that's not as reliable. And so
22 if you saw it, you bring that person in and they
23 tell you what they saw as opposed to telling
24 somebody else -- bringing somebody else and say,
25 this is what that other person said. Get that other

1 person in and bring them in and let's hear what they
2 have to say because that's much more reliable. So
3 things like that where all we're trying to do is get
4 the most reliable evidence that we can in front of
5 you to the extent it's humanly possible.

6 There's exceptions to every rule, but it's my
7 job to know what those exceptions are. And so
8 sometimes the lawyers, we have our own little code
9 words that alert me to go, oh, there's something you
10 need to rule on, Judge, and that's with them getting
11 up and standing up and saying objection, all right.
12 That's where I'm supposed to then do my job and say,
13 well, you know, is this something these folks are
14 supposed to hear or not hear?

15 Most of the time I can simply make that ruling
16 based on the context of what's going on in the trial
17 and I can say, objection sustained, or maybe
18 objection overruled. Sometimes I might have to say,
19 well, could you just step over here for just a
20 second out of earshot of the jury and tell me what
21 it is that you're wanting to, you know, what's the
22 reason that you're objecting. And we just do that
23 out of earshot because it might just be something we
24 can do real quick and that way we don't have to get
25 you up and down, all right. It's just a little bit

1 quicker way of doing it.

2 Now, sometimes, though, it's necessary for me
3 to actually ask you to go step back in the jury room
4 for a few minutes so that I can hear what a witness
5 was getting ready to say so that I know whether or
6 not it's proper for you to hear it or not, or
7 sometimes it's proper for you to hear it, but I have
8 to give you some special instructions as to how
9 you're supposed to treat it, that sort of thing.

10 Again, we're not trying to hide anything from
11 you, we're just trying to do the trial properly and
12 correctly because we only want to do this one time,
13 all right. We don't want to do this two or three
14 times. And sometimes when a judge makes an
15 incorrect ruling, they come back and they say, you
16 got to do it all over again.

17 And so -- the thing about our system is if a
18 person is convicted of a crime, if there's any
19 factual basis at all for the jury to make their
20 finding, that's -- then the jury's verdict gets
21 upheld. The only thing that can really be appealed,
22 if there ever is an appeal, is if I make a mistake,
23 all right. And then they come back and they say,
24 well, the judge either let something in that wasn't
25 supposed to be in or vice versa or the judge

1 incorrectly charged the law, something along those
2 lines, but they put it on -- they put it on me.

3 So I want to try to make sure that I'm doing my
4 job properly. So that's all we're doing when we
5 say, well, let's just have you folks step out so
6 that we can hear what it is that is supposed -- that
7 is upcoming, then I can hear it and then we make a
8 decision.

9 Now, you think, well, why don't these things
10 get ironed out ahead of time? Well, it's just often
11 not possible to do it. Plus, the way we do it in
12 this state, you know, judges rotate all around the
13 state to hear cases, so I'm telling you the first
14 time I found out about this case was this morning
15 when I showed up.

16 I heard last week I was going to be in
17 Lexington and that I would be trying a murder case,
18 that's all I knew about it before I showed up. So I
19 don't really have any knowledge of this case beyond
20 what you know, really, at this point. I might have
21 ten minutes more knowledge than you have about it.
22 So it's kind of like, well, we're both learning as
23 we go along the way.

24 But this is the way we had found that works
25 best is, you know, the judge listens, makes a ruling

1 on evidence and then we just proceed on in that way.
2 So we try to minimize the amount of time that we
3 inconvenience you because I really do hate to have a
4 jury sitting back there and wondering what's going
5 on. So, at best, you know, if we have you back
6 there, we're in here working because one of my pet
7 peeves is to have a jury sitting in there and we're
8 not doing anything. It's a very rare thing.

9 So we keep you here, we're working and then
10 when we're done for the day, you go home and you can
11 feel that, well, we put in a full day, because
12 unless we're just having to wait on a witness or
13 something like that or something unusual has
14 happened, we have you in the courtroom and we're
15 trying the case. If we have you in the back, well,
16 then we're in here working getting it ready for you
17 to get it back on track and get going on again,
18 okay.

19 So that's the procedure, that's the role that
20 everybody's got in this. We don't make any progress
21 at all if I just sit here and talk all afternoon.
22 So I'm going to now turn it over to the lawyers so
23 that they can begin with their opening statements.
24 And, again, because the State has the burden of
25 proof, you'll hear from the Solicitor first.

1 Mr. Solicitor, if you're ready, you may begin.

2 **MR. SCOTT:** Thank you, Your Honor. May it
3 please the Court.

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

5 OPENING STATEMENT

6 **MR. SCOTT:** Ladies and gentlemen of the jury,
7 October 21st, 2011, Dave Cannon was a dead man
8 walking. He was dead on his feet and he didn't even
9 know it. When he got up that morning, kissed his
10 wife, Sharon, goodbye for the day as she left for
11 work, he had no clue he had hours to live.

12 But there was one man who did know that. There
13 was a man nearby who was cold-blooded enough,
14 calculated enough, dark hearted enough to make the
15 decision unilaterally that that will be Dave
16 Cannon's last day on earth. That man, ladies and
17 gentlemen, sits right over there and his name is
18 Breon Jacoby Mayers.

19 We're never fully going to understand how he
20 came up with such an idea, such an evil thought to
21 erase another man from this earth. What could the
22 reason be? Is there ever a good reason to go to
23 another man's house and put two bullets through his
24 chest? And that's what he did.

25 The morning of October 21st, 2011, he rounded

1 up three other people, told them they were going to
2 go steal some money and marijuana from Dave Cannon,
3 told them they'd get marijuana and money if they
4 went with him to rob him. But he was going to take
5 something else and he knew it going into it. He was
6 going to take a life. He was going to get a body.
7 That's what he told the three people with him right
8 before they went in there and that's what happened.

9 October 21st, 2011, Dave Cannon was a very sick
10 man. He's 50 years old. His liver was failing him.
11 His pancreas was diseased. He weighed about 120
12 pounds. He was a hospice patient. He was confined
13 to a hospital bed most of the day, prescribed a
14 cocktail of pain medications just to ease his
15 suffering. A strong breeze probably could have
16 blowed Dave Cannon down. He self-medicated, too.
17 He smoked marijuana. He sold marijuana. We cannot
18 and we will not hide that fact from you.

19 But what you cannot and you must not do is
20 think for even one second that that was reason for
21 him to be killed. He died for a little bit of weed.
22 They took a pistol and they took money. And Breon
23 Mayers put a notch on his belt and said he got a
24 body.

25 All I can do is ask y'all for three things this

1 week. I can ask you for your patience,
2 attentiveness and to use your common sense. Go into
3 this thing thinking if I can use those three things,
4 then I'm more than qualified to decide this case.

5 There's going to be times this week, I promise
6 you, you're going to be tired. There's going to be
7 times when you look at us and say, why can't they
8 cut to the chase? There's going to be times when
9 you say, well, why is it taking so long for them to
10 get this evidence in? But I promise you we're not
11 going to use anymore of your time than is absolutely
12 necessary to present this case to you all.

13 Listen so carefully to the evidence. Listen so
14 carefully to the testimony. I don't have to tell
15 you this case is important to the defendant, but
16 it's also so very, very important to the State of
17 South Carolina. A murder charge is always taken so
18 seriously. Use your common sense. Don't jump to
19 any conclusions. Ask yourself does that evidence
20 make sense, does this testimony make sense and apply
21 your common sense to those things, the evidence and
22 the testimony and what comes from that witness stand
23 up there.

24 We're going to attempt to give you a lot of
25 information this week and you're going to hear a lot

1 of evidence, but just be attentive, listen
2 carefully.

3 You're going to hear from three of the folks
4 who were with him -- or his co-defendants who were
5 with him that day. You're going to hear from other
6 witnesses who saw things that day. You're going to
7 see the gun that ended Mr. Cannon's life. And at
8 the end of all that testimony and all of that
9 evidence, we're going to ask you to find Mr. Mayers
10 guilty of burglary first, armed robbery, possession
11 of a weapon during the commission of a violent
12 crime, murder.

13 After you hear all of that evidence, you're
14 going to have more than enough to go back to that
15 jury room and talk amongst yourselves and come back
16 with the only verdict that's valid, the only verdict
17 that makes any sense, guilty, guilty, guilty,
18 guilty. Breon Mayers is guilty of all four of those
19 charges. And we're going to ask you to find him
20 guilty, burglary first, armed robbery, possession of
21 a weapon during a violent crime and murder. Thank
22 you.

23 **THE COURT:** Do you care to make an opening?

24 **MR. WILLIAMS:** Yes, Your Honor. May it please
25 the Court.

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

2 **MR. WILLIAMS:** Ladies and gentlemen of the
3 jury, I also want to thank you for being here. You
4 were not -- you did not win a lottery when you got
5 to come here today. You did not win a lottery at
6 all. And the reason for that is because you 12 plus
7 two, I guess, substitute jurors, in case somebody
8 gets sick, are going to have to sit through a lot of
9 testimony. It's not only time consuming, but it
10 requires your alertness.

11 You know, the Judge -- when the Judge was
12 talking to you earlier, he was talking about how we
13 chose people from, I don't know, I guess we got
14 young people, we got old people, we got, I don't
15 know how much money y'all got, we may have rich,
16 maybe we have poor people. But the thing which you
17 all have is that common sense that every human has
18 and it's the most important thing when you want to
19 come to the truth of the case.

20 So I want you to remember -- you know,
21 everybody has something they want the jury to
22 remember. The thing I want you to remember is that
23 when you're looking at what's being testified about,
24 don't be writing down that's number one, that's
25 number two, that's number three, that's number four,

1 that's number five or even that's number six and ad
2 nauseum. I want you to focus on each and every bit
3 of evidence which is being brought before you.

4 Now, that's because all evidence is not as
5 important to the determination of guilt. All
6 evidence must be considered, but some evidence may
7 be suspect to you.

8 See, that's the key with the jury. You
9 evaluate the evidence. Whatever evidence it is, you
10 evaluate the evidence. You determine whatever
11 weight you want to give to that evidence. You don't
12 weigh it all the same. You look at it and determine
13 what weight you give to that evidence.

14 Now, I'm not going to stand here and use magic
15 words like dark heart and paint you a picture that
16 somehow is going to put you in a room drinking hot
17 cocoa with the lights off and some scary feeling
18 coming over you because I don't think people
19 concentrate that way.

20 What I want is, I want a light shining on you
21 and I want you looking at every bit of evidence that
22 you see. And when that witness is on the stand
23 testifying, I want you to be thinking to yourself,
24 why is that witness saying what they're saying, what
25 can that witness actually see when they're looking

1 at the witness or hearing something, what is the
2 importance of what that witness says?

3 You know, a lot of people may testify to
4 something which really is not that important. You
5 may have what we in the law call chain witnesses.
6 Those are simply individuals that take one piece of
7 evidence from one location to another location and
8 then from that location to another location. The
9 purpose behind chain witnesses is so that the
10 evidence can come in so the Judge can rule on the
11 evidence and so that you can see for yourself as to
12 whether or not that evidence was properly preserved.

13 Now, I noted that in opening argument, there
14 were certain things that was referenced by the
15 Solicitor or by the State. And they talked about
16 the three other folks who were there, indicating
17 that my client was there, other witnesses. And
18 you'll get a chance to see the gun.

19 Again, I want you to focus on all the evidence,
20 all of the evidence, because just as in any murder
21 trial, there'll be evidence regarding DNA. There'll
22 be evidence dealing with guns and whether or not a
23 particular gun was fired. There'll be evidence as
24 to whether or not the DNA on the gun matches my
25 client or not. There'll be evidence as to

1 footprints. There'll be evidence as to whether or
2 not the footprints match my client or not.

3 So whereas, I guess, the State would have you
4 focus on these individuals who clearly are involved
5 in a murder, I would have you focus on things which
6 are not subject to change, things which are, if you
7 evaluate it one day, it's going to be the same the
8 next day, not like people's testimony sometimes.
9 And you determine of the evidence which you see and
10 you hear, what you consider the most reliable as to
11 whether or not that evidence points at my client.

12 You see that's a dramatic move to point to my
13 client (indicating). Well, I'm pointing at an
14 innocent client. I'm not pointing because I want
15 you to focus on him as being guilty of anything. So
16 pay attention to the evidence.

17 One thing the Solicitor said I agree about,
18 it's going to put you to sleep. You know, I've been
19 doing this a long time. I drank a cup of coffee
20 before I came back here for my closing argument --
21 or opening argument I should say, but when you see
22 repetition and repetition and repetition, you know,
23 I'll bet if you're getting sleepy or you're getting
24 tired after lunch, if you tell the Judge, Judge, I,
25 you know, you need a break or something, I bet he'll

1 let you go take a break. But please remain alert
2 during this trial.

3 I thank you for the opportunity. And,
4 hopefully, when this is over with, I hope that you
5 will find that it was rewarding for you. Thank you.

6 **THE COURT:** All right. Mr. Solicitor, call
7 your first witness.

8 **MR. GRAHAM:** Thank you, Your Honor. The State
9 calls Sharon Bowers.

10 SHARON BOWERS,
11 having been duly sworn, testified as follows:

12 **THE CLERK:** Have a seat, please, ma'am. Ma'am,
13 once you're seated, speak up loud and clear stating
14 your full name, spelling your last on the record,
15 please.

16 **THE WITNESS:** Sharon Bowers, B-o-w-e-r-s.

17 **DIRECT EXAMINATION**

18 **BY MR. GRAHAM:**

19 **Q** Sharon, where do you live?

20 **A** I live at [REDACTED] Meadowlark Road.

21 **Q** And is that in Lexington County?

22 **A** Yes, it is.

23 **Q** Back on October 21st of 2011, who did you live
24 there with?

25 **A** David Cannon.

- 1 Q And what was your relationship with David?
- 2 A He's my husband.
- 3 Q How long had y'all been together?
- 4 A Twenty-six years.
- 5 Q And how long have you lived on Meadowlark Road?
- 6 A Twenty-four.
- 7 Q And what part of Lexington County is that in,
- 8 ma'am?
- 9 A Pardon me?
- 10 Q What part of the county is that in?
- 11 A I don't understand.
- 12 Q Is that the Little Mountain area?
- 13 A It's -- I live -- half of my house is in Little
- 14 Mountain and half of it is in Chapin.
- 15 Q Real close to the Newberry line?
- 16 A Yes, correct.
- 17 Q And that's where you grew up?
- 18 A Yes.
- 19 Q What did Dave used to do for a job?
- 20 A He was an electrician in the winter and docks
- 21 and decks in the summer.
- 22 Q So he helped build docks and decks?
- 23 A Yes.
- 24 Q At some point did his health start to decline?
- 25 A Yes.

1 Q Tell me when was that?

2 A In the year of 2009, the beginning of the year.

3 Q And what kind of symptoms was he having?

4 A Well, he had an ache for weeks and he was
5 bloated really huge and he was just constantly
6 throwing up and constantly in pain. I mean, he
7 didn't sleep for, like, days at a time.

8 Q Did you take him to a doctor?

9 A Yes.

10 Q And was he diagnosed with some illnesses?

11 A Yes. He was diagnosed with liver disease and
12 it had spreaded {verbatim} to his pancreas and it
13 was taking over his lungs.

14 Q When did you all go to the doctor and find that
15 out?

16 A March 16.

17 Q What year was that, ma'am?

18 A 2009.

19 Q 2009?

20 A Yes.

21 Q What kind of prognosis did Dave have?

22 A Well, they immediately put him on hospice and
23 they called all his family in and told them what the
24 diagnosis was and they started him on pain control.
25 They said there was nothing else they could do, but

1 to control the pain.

2 Q So did they do anything to treat him?

3 A Yes. He had a nurse come in twice a week.

4 He -- they moved in a hospital bed and made him

5 accessible -- real easy for him to move about.

6 Q At some point did David start smoking
7 marijuana?

8 A Yes.

9 Q When was that?

10 A 2009.

11 Q Why did he start smoking marijuana?

12 A That was the only thing that would give him an
13 appetite.

14 Q Did it help him?

15 A Yes.

16 Q Now, was he able to work at this time?

17 A No.

18 Q Were you working then?

19 A Yes.

20 Q And where did you -- you work at the same place
21 now?

22 A Yes.

23 Q What do you do, Ms. Bowers?

24 A I'm a training coach for a Waffle House.

25 Q Is that the Waffle House in Chapin?

- 1 A Yes.
- 2 Q And how long have you been there?
- 3 A Seven years.
- 4 Q Once Dave started smoking marijuana, did he
- 5 also start selling it?
- 6 A Yes.
- 7 Q Tell me about that.
- 8 A He started selling right when he got diagnosed
- 9 and he had a few people that he sold to.
- 10 Q How many people do you know of that he sold to?
- 11 A About seven or eight.
- 12 Q Were those strangers off the streets or people
- 13 he knew?
- 14 A His friends.
- 15 Q His friends?
- 16 A Yes.
- 17 Q How about people in your neighborhood? Did he
- 18 sell to anybody in your neighborhood?
- 19 A Yes, two people.
- 20 Q And who were those people?
- 21 A Jackie Boyd and Jasmine Bowers.
- 22 Q On October 21st, 2011, what was -- how big of a
- 23 man was David?
- 24 A About my size.
- 25 Q How tall is that?

1 **A** He was five nine, but he weighed about 120, 130
2 pounds.

3 **Q** Now, is that as much as -- did he used to weigh
4 more or did he used to weigh --

5 **A** Yes. He used to weigh 150 pounds.

6 **Q** And why did he lose all that weight?

7 **A** Due to his illness.

8 **Q** You had said something about a hospital bed.
9 Why was there a hospital bed?

10 **A** Due to his illness, he was -- he -- so that he
11 could get in and out of the bed. It was an electric
12 bed and he had one of the railings out of the
13 ceiling that he can pull up on to lift himself up.

14 **Q** Let me show you a diagram, ma'am, and ask if
15 you recognize this.

16 **MR. GRAHAM:** This is State's Exhibit Number 3,
17 which I believe has already been admitted by
18 stipulation with the defense, Your Honor.

19 **MR. WILLIAMS:** Without objection, Your Honor.

20 **THE COURT:** It's admitted.

21 (State's Exhibit Number 3, diagram, admitted
22 into evidence.)

23 **BY MR. GRAHAM:**

24 **Q** Do you recognize that diagram, ma'am?

25 **A** Yes, I do.

1 **MR. GRAHAM:** Your Honor, I'd like to publish
2 this to the jury.

3 **THE COURT:** You may.

4 BY MR. GRAHAM:

5 **Q** Did you -- how -- describe your house for me
6 ma'am.

7 **A** It's a three bedroom, single mobile home. And
8 I had the front bedroom and Dave had the very back
9 bedroom because he needed, you know, for his
10 hospital equipment.

11 **Q** And how long had that situation been going on?

12 **A** Since 2009.

13 **Q** Are you able to see that on the overhead,
14 ma'am?

15 **A** Yes.

16 **Q** I've got a laser pointer. I'm just going to
17 ask you which way is facing the road here? Is this
18 the road down here or the road's up on top?

19 **A** On top.

20 **Q** So the road is up here (indicating)?

21 **A** Yes.

22 **Q** And that's Meadowlark?

23 **A** Yes.

24 **Q** And that is your -- what's that right there?

25 **A** That's my front porch.

1 Q And that right there would be the front door I
2 guess?

3 A Yes.

4 Q Back on the back side of the house, this will
5 be your backyard over here; is that correct?

6 A Yes.

7 Q On the bottom. Where I'm circling now, what is
8 that?

9 A That's my back deck.

10 Q And that right there, is that a door?

11 A Yes.

12 Q Coming into the house from the back deck?

13 A Yes.

14 Q There's a bedroom on the left side over here,
15 whose bedroom is that?

16 A That's my bedroom.

17 Q And that's where you stayed?

18 A Yes.

19 Q The area here where the front door is next
20 going to the right, what room is that?

21 A That's the living room.

22 Q And then the next room over here, what is that?

23 A Kitchen.

24 Q The kitchen area?

25 A Yes.

1 Q Now, you said there's a third bedroom. Is that
2 what that is right there?

3 A Yes.

4 Q That right there is a hallway?

5 A Yes.

6 Q The room right there when you come in the back
7 door -- what's right in front of you when you come
8 in the back door?

9 A Bathroom.

10 Q That's that room right there?

11 A Yes.

12 Q Okay. There is another room here on the end.
13 What room is that?

14 A That's Dave's room.

15 Q And that bed there, what kind of bed is that?

16 A It's a hospital bed. It's electric. It lifts
17 up and down. And it has safety railings on it to
18 keep him from falling out the bed.

19 Q David was never a big man, was he?

20 A No.

21 Q Was he strong man?

22 A No.

23 Q How about on October 21st, what was his -- how
24 was he like that day?

25 A I mean, he couldn't fight anybody off. I mean,

1 he was a weakling.

2 Q Who is Jermaine Caughman, ma'am? Do you
3 recognize that name?

4 A Yes.

5 Q Who is that? How do you know that name?

6 A I know him from the neighborhood. And I know
7 his parents and I know -- I know his family. He
8 grew up playing around my house.

9 Q How about Jasmine Bowers, do you know her?

10 A Yes.

11 Q What's your relationship with her?

12 A She's my niece.

13 Q Your sister's daughter?

14 A Yes.

15 Q Tyrome Brennan, the other person who was
16 charged in this case, did you know him?

17 A No.

18 Q How about Breon Mayers, the individual who's on
19 trial sitting over at the defense table --

20 A Yes.

21 Q Do you know him?

22 A Yes.

23 Q Did he grow up in that neighborhood, too?

24 A Yes, around and about.

25 Q The morning of October 21st, 2011, when you

1 went to work, what, if anything, was wrong with your
2 car, the car you drove?

3 **A** It had a flat tire.

4 **Q** So did you drive that car to work or take
5 another car?

6 **A** I took another vehicle.

7 **Q** Where did you leave that car?

8 **A** Parked in my yard.

9 **Q** I'm going to show you a diagram, ma'am, and ask
10 you if you recognize this.

11 **MR. GRAHAM:** This has been pre-admitted, Your
12 Honor, as -- stipulated by the defense as State's
13 Exhibit Number 2.

14 **MR. WILLIAMS:** Without objection, Your Honor.

15 **THE COURT:** Admitted.

16 (State's Exhibit Number 2, blowup
17 photograph, admitted into evidence.)

18 BY MR. GRAHAM:

19 **Q** Do you recognize that, Ms. Bowers?

20 **A** Yes.

21 **Q** Does that fairly and accurately depict the area
22 of your house on Meadowlark Road?

23 **A** Yes.

24 **MR. GRAHAM:** Your Honor, I'd like to publish
25 this to the jury.

SHARON BOWERS - DIRECT BY MR. GRAHAM

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1 **THE COURT:** You may.

2 **BY MR. GRAHAM:**

3 **Q** Sharon, are you able to see that from up there?

4 **A** Somewhat.

5 **MR. GRAHAM:** Your Honor, if I could ask her to
6 step down.

7 **THE COURT:** Sure.

8 **BY MR. GRAHAM:**

9 **Q** Ms. Bowers, if you'd step down here, please?

10 **A** (Witness leaves the witness stand.)

11 **Q** Looking at State's Exhibit Number 2, would you
12 tell the jury what we're looking at?

13 **A** That's the street where I live on and this is
14 my house.

15 **Q** I'm going to have a laser pointer. The street
16 you leave on, that's Meadowlark Road right there?

17 **A** That's correct.

18 **Q** Now, there is a banner here that says, [REDACTED]
19 Meadowlark Road, David Cannon's residence. Do you
20 see that?

21 **A** Yes.

22 **Q** That's your house and Dave's house; is that
23 right?

24 **A** Yes.

25 **Q** There's a clump of trees right there and

1 there's something behind those clump of trees. What
2 is that?

3 A That's my house.

4 Q Your house is right there?

5 A Yes.

6 Q Let's talk about some of your neighbors around
7 here. That's your house?

8 A Yes.

9 Q This house over here, who did that belong to?

10 A At the time it belonged to Larry Joe.

11 Q The house next door?

12 A My parents.

13 Q And how about over here?

14 A Jasmine's.

15 Q When you say Jasmine, Jasmine Bowers, your
16 niece?

17 A Jasmine Bowers.

18 Q And your sister and her family all live there?

19 A Yes.

20 Q So this will be -- the house right there, the
21 second house from yours over, you said it's your
22 parents, that will be Jasmine's grandparents?

23 A Yes.

24 Q On the other side of the street coming over
25 here, who lives up there?

- 1 **A** Neil and Sue Meggett and Suzette and her
2 family.
- 3 **Q** You said Suzette Meggett, is that their
4 daughter?
- 5 **A** Yes.
- 6 **Q** Coming back this way, when we come all the way
7 down the road over to here, who lives right over
8 here?
- 9 **A** Jackie Boyd.
- 10 **Q** Jackie Boyd?
- 11 **A** Yes.
- 12 **Q** And now earlier you mentioned that name, is
13 that one of the people that Dave sold marijuana to?
- 14 **A** Yes.
- 15 **Q** Okay. Where was your car left that day? You
16 said the car that had a flat tire, would you take
17 this and just -- you can use your finger if you
18 want. This is your house. I guess --
- 19 **A** Uh-huh. Right.
- 20 **Q** What is this right here?
- 21 **A** Right there (indicating).
- 22 **Q** Right there?
- 23 **A** Right there.
- 24 **Q** This is the road. What's that right there?
- 25 **A** That's my driveway.

1 Q It also looks like there is -- what is this
2 area right here coming to the back of your house?

3 A This right here is a power line. It's a road
4 where they have the power --

5 Q So the power line coming from your house is, I
6 guess -- so that's a power pole right there?

7 A Yes.

8 Q Thank you, Ms. Bowers. If you'd have a seat,
9 please.

10 A (Witness resumes the witness stand.)

11 Q Did Dave have any handguns?

12 A Yes.

13 Q What kind of guns did he have?

14 A He had a .38, .357.

15 Q He had a .357?

16 A Yes.

17 Q And that's a revolver, a handgun?

18 A Yes.

19 Q Do you know that morning whether he had any
20 marijuana in the house?

21 A I'm not sure.

22 Q Did you really participate in him selling
23 marijuana?

24 A No.

25 Q Did you keep track of what he was doing?

- 1 A No.
- 2 Q Did he get rich doing it?
- 3 A No.
- 4 Q What kind of bills, if any, did Dave pay for?
- 5 A He paid the electrical bill and repairs and the
- 6 maintenance and -- on the house and the vehicles.
- 7 Q What about all the other bills for the house?
- 8 A I paid those.
- 9 Q What about cash? Did David -- was he a cash
- 10 man or a credit card man?
- 11 A Cash man.
- 12 Q Do you know whether he had any money that day?
- 13 A Pretty sure he did.
- 14 Q Was he on disability as well?
- 15 A Yes.
- 16 Q And do you know if he had recently cashed the
- 17 disability check?
- 18 A The night before.
- 19 Q You leave and go to work, ma'am. When is the
- 20 first time that you knew something was wrong?
- 21 A I leave for work at 5:30 a.m. and I got a call
- 22 about, approximately, about 11 o'clock, said there
- 23 was an ambulance in my yard.
- 24 Q Who called you?
- 25 A Jasmine Bowers.

1 Q Your niece?

2 A Yes.

3 Q Did she tell you anything else at that time?

4 A No. She just said that there was an ambulance
5 in my yard.

6 Q What did you do?

7 A I immediately left work.

8 Q When you -- you went back home?

9 A Yes.

10 Q When you came home, what did you see?

11 A I saw a Lexington County car and an ambulance
12 in my yard.

13 Q Were you able to go see Dave right then?

14 A No.

15 Q Did they let you in your house then?

16 A No.

17 Q At some point when the police were done and
18 Dave's body was taken away, did you get to go in the
19 house?

20 A Yes.

21 Q What, if anything, did you notice missing out
22 of Dave's room?

23 A His wallet, his handgun where he kept the
24 marijuana and that's basically it.

25 MR. GRAHAM: Thank you, Ms. Bowers. Please

1 answer any questions Mr. Williams has.

2 THE COURT: Cross.

3 MR. WILLIAMS: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q Ms. Bowers, as I understand it, essentially you
7 and Mr. Cannon had lived together for 20 -- how many
8 years now?

9 A Twenty-six.

10 Q Twenty-six years. Did y'all have any children?

11 A No.

12 Q And I think you -- you pointed out on a
13 diagram, I guess, essentially, family that lives on
14 the same side of the road as you do. Was this
15 family property or something? Did you grow up
16 there?

17 A Yes.

18 Q So the property that you actually live on,
19 would that have been in David Cannon's name or in
20 your name?

21 A My name.

22 Q Okay. So you and Mr. Cannon never got married,
23 legally got married?

24 A That's correct.

25 Q So the property was all in your name?

1 **A** Yes.

2 **Q** And you were -- you were referencing earlier
3 about the fact that your property is in Lexington
4 County and Newberry County?

5 **A** Yes.

6 **Q** Describe where the line runs on your property.

7 **A** My driveway is in Newberry County and my house
8 is in Lexington County.

9 **Q** So if we were talking -- if we were remembering
10 where the diagram is before, are you saying that you
11 go from Newberry County into Lexington County to
12 walk into your house?

13 **A** Yes.

14 **Q** You follow what I'm saying when I say it that
15 way? The road which is in front of your house is
16 actually in Newberry County; is that correct?

17 **A** Lexington County.

18 **Q** It's in Lexington County?

19 **A** Yes.

20 **Q** But the driveway which runs beside your
21 property is in Newberry County?

22 **A** Yes.

23 **Q** All right. Now, how far does the driveway sit
24 from your residence?

25 **A** Probably about eight feet.

1 Q Is the -- is the entire driveway in Newberry
2 County?

3 A No.

4 Q Just part of it?

5 A Yes.

6 Q And do you actually receive tax notices from
7 two counties?

8 A No.

9 Q Newberry doesn't send you a tax notice?

10 A No.

11 Q Now, one of the things that was pointed out in
12 the picture -- do you remember the aerial picture?
13 You got it in your mind? Do I need to show it to
14 you again? You know what I'm talking about?

15 A I know.

16 Q There is a dirt road, which was referenced by
17 the Solicitor, that particular road, do you remember
18 whether or not that road was scraped the day before
19 David Cannon was shot?

20 A I do not know.

21 Q All right. Do you know -- you're at work --
22 what are your hours that you work at the Waffle
23 House?

24 A 5:30 to 1:00.

25 Q All right. So it just depends on you would

1 know if you were home and you saw it, but obviously
2 you're not home all the time, so it could have been
3 you might not have known?

4 A That's correct.

5 Q When you got the call, I guess, that there was
6 an ambulance in your yard and you came back, at that
7 time, did you know that David Cannon had been shot?

8 A No.

9 Q All right. And when you got back -- you were
10 asked about guns that were kept in your house and
11 you used the word .38 and then you said .357. Were
12 you misstating what you meant to say? Were you
13 talking about two guns or one gun when you said --

14 A One gun.

15 Q So there is one gun which you understand to be
16 known as a .38, .357?

17 A Correct.

18 Q And if it's known as something else by, I
19 guess, gun people, then it would be -- it's still
20 just one gun we're talking about?

21 A Correct.

22 Q Okay. Now -- and you said when you came back,
23 that was missing and it was missing from the
24 location where the marijuana was kept?

25 A No.

1 Q Okay. What was missing from where the
2 marijuana was kept? You made some comment about
3 where he kept the marijuana.

4 A He kept it in a cooler.

5 Q Okay. Where was the cooler?

6 A It's usually in his closet.

7 Q And did you go into the closet and make sure
8 that the cooler was not there?

9 A The closet is open. You can just look and see
10 that it wasn't there.

11 Q So what you meant to say was that the cooler
12 was missing, the .357 was missing and money -- a
13 wallet was missing?

14 A Yes.

15 Q Okay. Now, you indicated that there would have
16 been some money there because he had drawn his
17 disability the day before; is that right?

18 A Correct.

19 Q How much money did he receive for disability?

20 A Approximately 457.

21 Q Approximately 457?

22 A Yes.

23 Q So if he had upwards of a thousand dollars or
24 more, then that would not have been money from his
25 disability, would it? It would have been maybe some

1 of his disability and money from his drug dealing?

2 A Probably. I'm not sure.

3 Q How did he purchase his marijuana?

4 A I don't know.

5 Q Do you know in what sizes he purchased it in?

6 A No.

7 Q You don't know if he bought it in pounds or...

8 A No.

9 Q Well, you referenced two individuals that
10 bought the marijuana from him. Were you aware that
11 two of his friends actually appeared at his house
12 that day and found him in the house?

13 A Yes.

14 Q And did you know these two individuals?

15 A Yes.

16 Q Do you know whether or not he sold marijuana to
17 these two individuals?

18 A Yes.

19 Q And when I say do you know, is the answer yes?

20 A I said, yes.

21 Q Okay. Did you know whether or not they were
22 supposed to come by that day and buy marijuana from
23 him?

24 A No, I do not.

25 Q Now, did you have a phone at your residence?

- 1 A No.
- 2 Q Did David Cannon have a cell phone?
- 3 A Yes.
- 4 Q What was his cell phone number?
- 5 A Area code [REDACTED] [REDACTED].
- 6 Q And did you have a cell phone number?
- 7 A Yes.
- 8 Q And what was your cell phone number?
- 9 A [REDACTED] [REDACTED].
- 10 Q Did y'all get the cell phones about the same
- 11 time?
- 12 A Yes.
- 13 Q Because your numbers are real close together?
- 14 A Yes.
- 15 Q Did you give the names of two individuals that
- 16 you suspected were suspects in this case to law
- 17 enforcement when they talked to you?
- 18 A I don't remember.
- 19 Q You don't remember if you told law enforcement
- 20 it might be one of these two individuals?
- 21 A I don't remember.
- 22 Q Had your house been burglarized recently?
- 23 A Yes.
- 24 Q On how many occasions had your house been
- 25 burglarized?

1 A Once.

2 Q And what was taken?

3 A My safe.

4 Q A safe?

5 A Yes.

6 Q How big was the safe?

7 A It was probably three by three maybe.

8 Q Three feet by three feet?

9 A Maybe even not that big. It was just a fire

10 safety safe.

11 Q And what was taken besides the safe?

12 A Just that.

13 Q And what was in the safe when it was

14 burglarized?

15 A The deed and title to my house, the deed and

16 title to my vehicles, my birth certificate, my

17 social security card, my jewelry, my old coins.

18 Q Jewelry?

19 A Yes.

20 Q When this -- when was this break-in, this

21 burglary?

22 A It was on Thanksgiving day, 2008.

23 Q Now, the pistol, the .357 pistol, you said that

24 was missing. Were there any other weapons in the

25 house?

1 A Yes.

2 Q What other weapons were in the house?

3 A It was a Browning hunting gun, which was -- had
4 a camouflage stock and a .22 rifle.

5 Q Were these rifles missing?

6 A No.

7 Q So whoever shot David Cannon took the handgun,
8 the cooler with what you felt was marijuana in --
9 did you know there was marijuana in the cooler at
10 the time?

11 A I didn't see it, but I assumed.

12 Q And some money out of the wallet?

13 A The entire wallet was missing.

14 Q The entire wallet was missing. And anything
15 else that you can think of?

16 A Not that I'm aware of.

17 Q Law enforcement asked you a question also about
18 the types of cigarettes that you smoke and that
19 David Cannon smoked. Do you remember that question
20 being asked to you of law enforcement?

21 A No.

22 Q What kind of cigarette do you smoke?

23 A Newport.

24 Q And what kind of cigarette does David Cannon
25 smoke?

1 **A** U.S.A. Gold.

2 **Q** Now, whether or not law enforcement found
3 cigarette butts there on the scene or not, that's
4 not your job to remember that or even think about
5 it, that's what they do, right?

6 **A** Correct.

7 **Q** Anything else you can think of that was
8 missing?

9 **A** No, that day was just a blur. I just barely
10 remember it.

11 **MR. WILLIAMS:** All right. Thank you.

12 **THE COURT:** Redirect.

13 **MR. GRAHAM:** Thank you, Your Honor.

14 REDIRECT EXAMINATION

15 **BY MR. GRAHAM:**

16 **Q** Ms. Bowers, I just want to make sure I heard
17 you right. Your house is in Lexington County?

18 **A** Yes.

19 **Q** Mr. Williams had asked you about a .38, .357.
20 Are you familiar with guns?

21 **A** No.

22 **Q** Do you know whether you can fire a .38 round in
23 a .357 gun?

24 **A** I'm not sure. I'm not sure how that works.

25 **Q** Did you keep track of all the guns that Dave

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1 had?

2 A No. I just saw them in passing.

3 Q You weren't a hunter?

4 A No.

5 Q You don't shoot?

6 A No.

7 Q Could he have had a gun that you didn't know
8 about?

9 A It's possible.

10 MR. GRAHAM: Thank you, ma'am.

11 MR. WILLIAMS: No questions on recross, Your
12 Honor.

13 THE COURT: You may step down. Thank you.

14 Next witness.

15 MR. GRAHAM: State calls Chris Davis, Sr.

16 CHRISTOPHER ROGER DAVIS, SR.,

17 having been duly sworn, testified as follows:

18 THE CLERK: Once you're seated, state your full
19 name, spelling your last on the record, please.

20 THE WITNESS: Christopher Roger Davis,

21 D-a-v-i-s.

22 DIRECT EXAMINATION

23 BY MR. GRAHAM:

24 Q Mr. Davis, what do you do for a living, sir?

25 A I do plumbing and cutting grass.

1 Q Do you live in Lexington County?

2 A Yes, sir.

3 Q What part of the county do you live in?

4 A Off of Mountain Drive, [REDACTED].

5 Q Is that over in the Chapin/Little Mountain

6 area?

7 A Yes, sir.

8 Q And how long have you been there?

9 A I've been there about two years, but I used to

10 stay in Irmo.

11 Q I'm sorry?

12 A I used to stay in Irmo before that.

13 Q Do you have a son?

14 A Yes, sir.

15 Q What's his name?

16 A It's Christopher Roger Davis, II.

17 Q Where on Mountain Drive do you live? What's

18 your address?

19 A [REDACTED] Mountain Drive.

20 Q [REDACTED] Mountain Drive. Is that where Mountain

21 Drive and Chapin Road come together?

22 A Right.

23 Q Are you right near that point?

24 A Yes, sir.

25 Q And if I mention the name Tyrome Brennan, do

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1 you know who that is?

2 A Yes, sir.

3 Q Tell me how you know Tyrome.

4 A Me and his mom mess around -- go together.

5 Q You and his mom used to go together?

6 A Yes.

7 Q Back on October 21st of this last year, 2011,
8 were y'all together at that time?

9 A Yes.

10 Q And was she living at your house there on
11 Mountain Drive?

12 A Yes.

13 Q And how about Tyrome?

14 A He was, too.

15 Q So Tyrome was living with you at --

16 A Off and on.

17 Q Off and on?

18 A Yes.

19 Q At [REDACTED] Mountain Drive back in October of last
20 year?

21 A Yes, sir.

22 Q How about Jermaine Caughman, do you know him?

23 A Yes, sir.

24 Q How do you know him?

25 A My brother is his uncle.

1 Q So how about your son, Chris Davis, and
2 Jermaine, were they friends or how did -- what's the
3 age difference roughly between them?

4 A Jermaine, like, 19. My son is 16.

5 Q How about Jasmine Bowers, do you know her?

6 A I haven't really briefly talked to her, but I
7 know her by name.

8 Q How about Breon Mayers, the defendant in this
9 case, do you know him?

10 A He came to my house a couple time. I, like,
11 know him that way.

12 Q Do you see him in the courtroom?

13 A Yes, sir.

14 Q And where is he?

15 A Right over there (indicating).

16 Q That's the individual sitting next to
17 Mr. Williams, the defendant?

18 A Yes, sir.

19 Q You said that he came to your house a couple
20 times. When was the last time you remember him
21 being at your house?

22 A Um...

23 Q Let me ask it this way. Do you remember
24 hearing about Mr. Cannon being killed?

25 A That Friday after I picked my son up at school,

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1 yes, I found out that he -- something happened to
2 him then.

3 Q October 21st, 2011, I believe is a Friday and
4 that's the day that Mr. Cannon was killed.

5 A Yes, sir.

6 Q Going with that day, when was the time before
7 then that you saw Breon Mayers?

8 A He was at my house, like, two days before that
9 and a couple days before that because they was
10 hanging out and playing cards.

11 Q Who was he playing cards with?

12 A With Jermaine and Tyrome.

13 Q Where were they playing cards?

14 A In my storage room.

15 Q Is that in your house or is that a different
16 building?

17 A On the outside of my house. Like, it was a
18 storage room. I built the shed out there.

19 Q It's like a shed in your backyard?

20 A Yes, sir.

21 Q And Breon Mayers, Jermaine Caughman and Tyrome
22 Brennan were playing cards?

23 A Yes, sir.

24 Q Was that day or night?

25 A It was at nighttime.

1 Q Now, Jermaine Caughman, where did he live in
2 relationship to your house?

3 A Behind my house in another trailer.

4 Q So he's on Chapin Road?

5 A Yes.

6 Q Y'all's backyards back up to each other?

7 A Right.

8 Q If I ask you if you -- I'm going to ask you --
9 I'm going to give you a number and ask what, if
10 anything, you know about this number, [REDACTED]

11 [REDACTED]. Do you recognize that number?

12 A Yes, sir.

13 Q Whose number is that?

14 A That's my number.

15 Q Is that your house number or your cell number?

16 A My cell phone number.

17 Q And that's the number you had back on October
18 21st of 2006 {verbatim}?

19 A Yes, sir.

20 Q Let me ask you about another number [REDACTED]

21 [REDACTED]. Do you recognize that one?

22 A Say it again, the last four digits.

23 Q [REDACTED].

24 A I think that's Tyrome mama's number. I can't
25 remember for sure.

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1 Q Now, you and Tyrome's mom are not together
2 anymore, are you?

3 A Right.

4 MR. GRAHAM: Thank you, Mr. Davis. Please
5 answer any questions that Mr. Williams has.

6 THE COURT: Cross.

7 CROSS-EXAMINATION

8 BY MR. WILLIAMS:

9 Q Were you playing cards with them?

10 A No, sir, I wasn't.

11 Q This building which sits behind your house; is
12 that correct?

13 A Yes, sir.

14 Q Did you walk down to the building where they
15 were playing cards?

16 A No, I didn't.

17 Q So when you say these three individuals were
18 together playing cards, you're saying that somebody
19 told you they're playing cards?

20 A No. They was at my house. They came there,
21 asked for my storage room keys. Then they went out
22 back and that's all I remember, but they were still
23 going to play cards, that's all they told me.

24 Q So you never saw those three individuals go
25 down there to play cards?

1 **A** What I'm saying is they came to my house, they
2 sat there, asked for my keys to the storage room.
3 Then they went in there to the -- in the storage
4 room and playing cards. And they played cards, I
5 can't -- the only thing I can say, they told me
6 that's what they're going to do, that was it. Other
7 than that, I can't say who all was in the storage
8 room.

9 **Q** So when you break it down, what you know is
10 that three individuals came to your house on that
11 day and got keys?

12 **A** Right.

13 **Q** That's all you know, right?

14 **A** That's it.

15 **MR. WILLIAMS:** That's all I have, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. GRAHAM:

18 **Q** Mr. Davis, who were those three individuals?

19 **A** Jermaine, Tyrome and Breon.

20 **MR. GRAHAM:** Thank you.

21 **THE COURT:** Recross.

22 **MR. WILLIAMS:** None on recross, Your Honor.

23 **THE COURT:** You may step down.

24 **MR. GRAHAM:** Your Honor, we'd ask if Mr. Davis
25 can be excused from his subpoena.

1 **MR. WILLIAMS:** Without objection, Your Honor.

2 **THE COURT:** You're free to go. You're welcome
3 to stay.

4 **MR. GRAHAM:** Your Honor, if Mr. Williams and I
5 can approach, I need to inform Your Honor of
6 something.

7 (Whereupon, a bench conference was held off
8 the record, in the presence of the jury, but out of
9 the hearing of the jury.)

10 **THE COURT:** All right. Folks, let's go ahead
11 and take our afternoon break right now. We'll take
12 about ten minutes to use the restroom. Again, don't
13 talk to anybody about the case, don't begin any
14 deliberations or comment on any of the witnesses.
15 We'll see you back in about ten minutes.

16 (The jury retires to the jury room.)

17 **THE COURT:** All right. For the record, the
18 jury's left. What do you need to tell me about the
19 witness situation?

20 **MR. GRAHAM:** Yes, Your Honor. It came to my
21 attention during the -- when Mr. Davis was
22 testifying, that two of the State's potential
23 witnesses that we intend to call, Suzette Meggett
24 and Jassiel Kirkland, are in the courtroom sitting
25 with the defendant's family. Obviously, I don't

1 know that it's on the record, Mr. Williams had made
2 a sequestration motion and we had no opposition to
3 that. And I wanted to bring that to the Court's
4 attention and make sure that they are no longer in
5 the courtroom during testimony.

6 **THE COURT:** Okay. It was, first of all,
7 inadvertent. You didn't know they were in there and
8 I take it neither did you?

9 **MR. WILLIAMS:** Your Honor, I wasn't looking
10 behind me, but I would note my exception if they are
11 allowed to testify because it would be in violation
12 of the sequestration.

13 **THE COURT:** Well, certainly, it would be, but
14 it sounds like it's inadvertent. But let's see --
15 what do you purport to call them to elicit as far as
16 evidence goes?

17 **MR. GRAHAM:** I can tell you now, Your Honor, or
18 what we can do is an in camera hearing at the time
19 we call them, however you want to handle it, or we
20 can do both.

21 **THE COURT:** Let's do it in camera later so that
22 we -- there's no need to just tell them anymore than
23 what we need to at this point and we'll make a
24 determination later on, but, at this point, we
25 haven't had but two witnesses and they've been

1 pretty diverse. So I don't know -- I don't know
2 that there's any prejudice yet that they were in
3 here.

4 Okay. Let's see, Ms. Meggett and Ms. Kirkland,
5 you two folks, we have all of the witnesses
6 sequestered and so you aren't supposed to be sitting
7 in the courtroom. It doesn't sound like anybody
8 told that to you, but I don't think anybody
9 recognized you right off anyway, so you'll need to
10 go sit back outside. You won't be able to come into
11 the courtroom until you're called. Please don't
12 discuss your testimony with anyone else.

13 Is there anyone else in the courtroom who is
14 named as a potential witness?

15 **MR. WILLIAMS:** Your Honor, there is one witness
16 in the courtroom which would be, I just looked over
17 my shoulder, and that would be Larry Mayers, who is
18 the father of Breon. And we would abide by the
19 sequestration order, Your Honor, and we do not elect
20 to call him since it would be in violation of the
21 order.

22 **THE COURT:** Well, that's certainly your
23 decision, but, again, I think we'll handle it the
24 same way and so at this time -- unless you want to
25 not call him -- is this -- this is a defense only?

1 **MR. WILLIAMS:** Yes. It's the defendant's
2 father, who is a potential witness listed.

3 **THE COURT:** He's not a State's witness?

4 **MR. GRAHAM:** He's on the State's list, Your
5 Honor. In all honesty, I probably don't plan on
6 calling him, I guess, now. I don't know. I guess I
7 would ask that he be excluded from the courtroom,
8 that way -- because it's a premature -- I mean,
9 Mr. Williams at this point is saying he didn't want
10 to call him because he's trying to enforce the
11 sequestration order, I don't believe that Mr. Mayers
12 has been prejudiced either.

13 **THE COURT:** All right. Well, let's go ahead
14 and have Mr. Mayers step out as well.

15 (The witnesses leave the courtroom.)

16 **THE COURT:** All right. Anything else?

17 **MR. GRAHAM:** Not from the State, Your Honor.

18 **MR. WILLIAMS:** Nothing from the defendant, Your
19 Honor.

20 **THE COURT:** Okay. Let's go ahead and take ten
21 minutes and come back in and we'll go till 5:00.

22 (Brief Recess.)

23 **THE COURT:** Are y'all ready with your next
24 witness?

25 **MR. GRAHAM:** The State's ready.

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1 **THE COURT:** Defense ready?

2 **MR. WILLIAMS:** Yes, we are, Your Honor.

3 **THE COURT:** We got all these witnesses taken
4 care of now and everybody that might be called as a
5 witness out?

6 **MR. GRAHAM:** As far as I know, Your Honor.

7 **THE COURT:** All right. Let's bring the jury
8 back in.

9 (The jury returns to the courtroom.)

10 **THE COURT:** Folks, I think they gave you some
11 notepads. If anybody wants to take notes, that's
12 fine. Please don't let it distract you from
13 listening to the witnesses. And, again, you'll need
14 to leave those in your seats whenever you leave
15 either for a break or during the day.

16 All right. Are you ready to call your next
17 witness?

18 **MR. GRAHAM:** Yes, Your Honor.

19 **THE COURT:** Go ahead.

20 **MR. GRAHAM:** The State calls Chris Davis, Jr.

21 CHRISTOPHER DAVIS, JR.,

22 having been duly sworn, testified as follows:

23 **THE CLERK:** Once you're seated, you're going to
24 need to speak up, state your full name and spell
25 your last.

1 **THE WITNESS:** My name is Christopher Davis,
2 D-a-v-i-s.

3 DIRECT EXAMINATION

4 BY MR. GRAHAM:

5 **Q** Chris, do you have a nickname?

6 **A** C.J.

7 **Q** C.J., will you pull the microphone a little bit
8 closer?

9 **A** C.J.

10 **Q** Thank you very much. Your dad is Chris Davis,
11 Sr.; is that right?

12 **A** Yes, sir.

13 **Q** Where do you live?

14 **A** [REDACTED] Mountain Drive, Chapin, South Carolina.

15 **Q** With your dad?

16 **A** Yes, sir.

17 **Q** And you lived there October of 2011?

18 **A** Yes, sir.

19 **Q** What's your cell phone number?

20 **A** It's [REDACTED] [REDACTED].

21 **Q** [REDACTED] [REDACTED]?

22 **A** Yes, sir.

23 **Q** Did you know a fellow named Tyrome Brennan?

24 **A** Yes, sir.

25 **Q** How did you known him?

1 **A** My dad and his mom was going out at the time.

2 **Q** Where was Tyrome living back in October of
3 2011?

4 **A** Sometimes he stay at our house and sometimes he
5 stay at his dad house.

6 **Q** Do you recognize the number [REDACTED] [REDACTED]?

7 **A** No.

8 **Q** If I said the name Jermaine Caughman, do you
9 know him?

10 **A** Yes.

11 **MR. WILLIAMS:** Objection, leading.

12 **THE COURT:** Well, it doesn't suggest the
13 answer. Go ahead. Overruled.

14 **BY MR. GRAHAM:**

15 **Q** Jermaine Caughman, do you recognize that name?

16 **A** Yes.

17 **Q** Who is he?

18 **A** My cousin.

19 **Q** Where did he live back in October of 2011?

20 **A** Right behind me.

21 **Q** On Chapin Road?

22 **A** Uh-huh.

23 **Q** Do you know whether Jermaine had a cell phone
24 back in October of 2011?

25 **A** No. He didn't have a cell phone.

1 Q He did not have a cell phone?

2 A No.

3 Q Did he borrow yours?

4 A Yes.

5 Q How about Breon Mayers, do you know him?

6 A A little bit.

7 Q Had Breon Mayers ever been over to your house?

8 A Yes.

9 Q Do you see him in the courtroom?

10 A Yes.

11 Q Where is he?

12 A Right there (indicating).

13 Q The individual sitting next to Mr. Williams,

14 the attorney at the table?

15 A Yes.

16 Q Do you know whether Breon Mayers had a cell

17 phone back in October of 2011?

18 A Yes.

19 Q And how do you know that?

20 A Jermaine would call -- use my phone to call

21 him.

22 Q Do you know what number Breon Mayers had?

23 A No, not off the top of my head.

24 Q Let me show you two photographs and ask if you

25 recognize these photographs?

1 **A** Yeah.

2 **Q** You do recognize those photographs?

3 **A** (No response.)

4 **Q** And where are those photographs from?

5 **A** My phone.

6 **MR. WILLIAMS:** Your Honor, I have a matter of
7 law to take up with the Court outside the presence
8 of the jury.

9 (Whereupon, a bench conference was held off
10 the record, in the presence of the jury, but out of
11 the hearing of the jury.)

12 BY MR. GRAHAM:

13 **Q** C.J., what kind of phone did you have October
14 21st of 2011? Do you remember what kind of phone it
15 was?

16 **A** It was a Droid 2.

17 **Q** A Droid 2. You had talked about Breon and
18 Jermaine using -- Jermaine using your phone to talk
19 with Breon; is that right?

20 **A** Yes, sir.

21 **Q** Did you ever talk with Breon on that phone
22 yourself?

23 **A** No.

24 **Q** What, if anything, do you know about contact
25 information for Breon Mayers that was on your Droid

1 phone back in October of 2011?

2 **A** Jermaine told me to save his number in my
3 phone.

4 **Q** Did you do that?

5 **MR. WILLIAMS:** Objection to the hearsay, Your
6 Honor.

7 **MR. GRAHAM:** It was not offered for the truth
8 of the matter.

9 **MR. WILLIAMS:** Your Honor, I think in this case
10 it is.

11 **THE COURT:** For what purpose are you offering
12 it for?

13 **MR. GRAHAM:** I don't really care, Your Honor,
14 who told him to do it. My point is is that he said
15 he saved that information. It doesn't matter who
16 told him, so I can -- if he wants to object to that,
17 then he can.

18 **THE COURT:** Go ahead.

19 BY MR. GRAHAM:

20 **Q** C.J., did you save Breon Mayers' phone number
21 in your Droid 2 phone that you had in October of
22 2011?

23 **A** Yes.

24 **Q** You just don't happen to remember what that
25 number is; is that correct?

1 **A** Yes.

2 **Q** Did the police come and speak with you on
3 October --

4 **THE COURT:** Where did he save that information?
5 If you're laying the foundation for it going up and
6 then coming back down and you said you saved it,
7 where did he save it?

8 BY MR. GRAHAM:

9 **Q** How did you save his contact? Explain how that
10 happens. You said you saved it in the Droid phone,
11 could you explain how you do that?

12 **A** Like when that person dialed their number into
13 my -- in my phone, I can just press it and save it
14 like that, back, then hold {verbatim}.

15 **Q** Is it saved on your physical phone itself or is
16 it saved somewhere in the Clouds, too?

17 **A** It's saved on my phone.

18 **Q** What about your Gmail account, is there any
19 contact information that --

20 **MR. WILLIAMS:** Objection to leading.

21 **THE COURT:** No, it doesn't suggest the answer.
22 I don't know of any way to -- it's laying the
23 foundation for getting to the point.

24 BY MR. GRAHAM:

25 **Q** What, if any, connection is there between your

1 Gmail account and the contacts that you had on your
2 Droid phone back in October of 2011?

3 **A** It saves everything from any phone I had.

4 **Q** The pictures that I've showed you, those
5 weren't your Droid phone, were they?

6 **A** That was -- that's my new phone.

7 **Q** That's your new phone. What kind of phone is
8 that?

9 **A** A Droid X.

10 **Q** A what?

11 **A** Droid X.

12 **Q** A Droid X? What, if anything, happened with
13 the contact information that you had on the Droid 2
14 phone that you had back in October of 2011 as
15 compared to that contact information on your Droid X
16 phone that you have now?

17 **A** The calling history.

18 **Q** I'm sorry?

19 **A** Like, the history, like, if I call -- like,
20 whoever I called on my old phone, it's put on my new
21 phone, but all my numbers I saved to it.

22 **Q** Your testimony, I think, was that you had saved
23 Breon Mayers' telephone number on your Droid 2
24 phone; is that correct?

25 **A** Yeah.

1 Q Did that contact information pull over to the
2 Droid X phone?

3 A Yes.

4 Q Those photographs I showed you, is that the
5 contact information that was originally entered on
6 your Droid 2 phone?

7 A Yes.

8 Q And that's the information that's now in your
9 Droid X phone?

10 A Yes.

11 MR. GRAHAM: Your Honor, at this time, I would
12 offer these two photographs into evidence.

13 THE COURT: Over the defendant's objection, it
14 is admitted.

15 (State's Exhibit Numbers 4 and 5,
16 photographs, marked and admitted into evidence.)

17 BY MR. GRAHAM:

18 Q C.J., looking at State's Exhibit Number 4, what
19 is that? What is this a photograph of?

20 A His number.

21 Q Well, 4, is there names or numbers on 4?

22 A What you mean?

23 Q Looking at this photograph here, State's
24 Exhibit Number 4, what, if anything, do you see on
25 there about Breon Mayers?

- 1 A His name.
- 2 Q His name. Now, is there a photograph of his
3 name?
- 4 A (No response.)
- 5 Q Is there a photograph -- is there a picture of
6 him?
- 7 A No.
- 8 Q What is there a picture of?
- 9 A A blank spot.
- 10 Q And how did this information -- how did Breon's
11 name get in your phone?
- 12 A It was saved to my phone.
- 13 Q Looking at State's Exhibit Number 5, what does
14 that say?
- 15 A His number.
- 16 Q Would you read -- whose name is it on there?
- 17 A Breon's.
- 18 Q And what phone number do you see?
- 19 A [REDACTED] [REDACTED].
- 20 Q [REDACTED] [REDACTED]?
- 21 A Yeah.
- 22 Q And how did that number get in there?
- 23 A I saved it.
- 24 Q The number that you saved and had in your phone
25 back in October of 2011, correct?

- 1 A Yes, sir.
- 2 Q Back on October 26th of 2011, do you
- 3 remember -- what, if anything, do you remember about
- 4 being at -- is it called Mr. J's?
- 5 A Yeah.
- 6 Q What do you remember about that?
- 7 A A police officer had called me.
- 8 Q I'm sorry, who did?
- 9 A A police officer called me on my way home, told
- 10 me he wanted to meet me at Mr. J's.
- 11 Q And did you meet with that police officer?
- 12 A Yes, sir.
- 13 Q What, if anything, did you tell that police
- 14 officer?
- 15 A He asked me did I know Jermaine and Tyrome.
- 16 Q What, if anything, did they ask about Breon
- 17 Mayers having a cell phone?
- 18 A They didn't ask that that day.
- 19 Q What, if any, phone calls did your phone get
- 20 from Breon Mayers, that [REDACTED] [REDACTED] number, on
- 21 the 26th of October?
- 22 A I don't remember.
- 23 Q What, if anything, did you do with that contact
- 24 information as far as sharing it with the police on
- 25 October 26th of 2011?

- 1 A That's it.
- 2 Q I'm sorry?
- 3 A That's it.
- 4 Q What's --
- 5 A That's it. That's all I did was just show him
- 6 my contact.
- 7 Q You did what with your contact?
- 8 A I just showed the police officer the contact
- 9 number.
- 10 Q So although you had a different phone, did you
- 11 show a police officer, on the Droid 2 phone you had
- 12 then; the contact information from Breon?
- 13 A Yes, sir.
- 14 Q And that would have had his name and that
- 15 [REDACTED] [REDACTED] number?
- 16 A Yes, sir.
- 17 Q When was the last time that you saw -- or have
- 18 you ever seen Breon Mayers, Jermaine Caughman and
- 19 Tyrome Brennan together?
- 20 A That night before.
- 21 Q You saw them the night before?
- 22 A (Witness nodded head.)
- 23 Q Where were they at?
- 24 A In my shed playing cards.
- 25 Q Now, did somebody tell you about that or did

1 you see them?

2 **A** I saw it.

3 **Q** And Breon Mayers was with Tyrome and Jermaine?

4 **A** Yeah, because I saw the light on in the
5 backyard and I walked out there to see who was out
6 there.

7 **MR. GRAHAM:** Thank you, C.J. Please answer any
8 questions that Mr. Williams has.

9 **MR. WILLIAMS:** May it please the Court.

10 CROSS-EXAMINATION

11 BY MR. WILLIAMS:

12 **Q** Now, C.J., you have a phone now known as a
13 Droid what?

14 **A** Droid X.

15 **Q** Droid X. When did you get that?

16 **A** About November or December.

17 **Q** And do you have an account with the Droid X,
18 meaning do you have -- do you pay Verizon or pay --

19 **A** I pay Verizon.

20 **Q** And is your phone number for the Droid X the
21 same phone number that you had for your previous
22 phone?

23 **A** Yes.

24 **Q** And what is the phone number for your current
25 phone?

1 A [REDACTED] [REDACTED]

2 Q Now, as I understand your testimony, Jerome
3 told you to put that number down as Breon's contact?

4 A Jermaine.

5 Q Jermaine told you to put that number down as
6 Breon's contact?

7 A Yes.

8 Q And when you were describing the exhibit --
9 when you were describing this exhibit, do you know
10 when these pictures were taken?

11 A About, I think, between March and May.

12 Q Of this year?

13 A Uh-huh.

14 Q So these pictures were taken some time between
15 March and May of this year. And, as I understand
16 it, you do not know what Tyrome Brennan's phone
17 number is?

18 A Not really.

19 Q And if Jermaine had given you Tyrome Brennan's
20 phone number --

21 A I'd have saved it in my phone.

22 Q Right. And Jermaine's the one that told you
23 that that was Breon's phone number?

24 A Yeah.

25 Q Do you have a phone number saved for Tyrome?

1 A No.

2 Q Do you know Tyrome?

3 A Yes.

4 Q But you know that Tyrome has a cell phone?

5 A I knew he had one, but I ain't know the number.

6 Q Now, the cell phone you have is actually your
7 father's, isn't it?

8 A Yes.

9 Q When you go out and buy a cell phone, you have
10 to go in the store and present identification, maybe
11 some sort of evidence of credit when you purchase a
12 cell phone?

13 A I don't know.

14 Q All you know is your daddy gave it to you?

15 A Yeah.

16 Q The -- and have you ever been with your daddy
17 to Verizon?

18 A Yes.

19 Q Is that where y'all went when you bought your
20 new cell phone?

21 A I was at home and he went to go get a new phone
22 and he just gave me his old one.

23 Q So you don't know whether or not you have to
24 fill out an application, pay money, have a check or
25 what have you with that?

1 **A** No, I don't.

2 **Q** But, clearly, you don't know what Tyrome
3 Brennan's cell phone number is and Jermaine told you
4 to write that down as Breon's cell phone, right?

5 **A** Yes.

6 **Q** And when we were talking about this
7 downloading, what you were talking about was a Gmail
8 account?

9 **A** Yeah. I got backup assistance on my phone.
10 So, like, if anything happens to my phone, anything
11 that was saved to it, like my numbers, it'll be
12 switched right over.

13 **Q** So you could produce from your cell phone the
14 previous numbers that were called to the old phone?

15 **A** No.

16 **MR. WILLIAMS:** That's all the questions I have.

17 **THE COURT:** Redirect.

18 **MR. GRAHAM:** Yes, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. GRAHAM:

21 **Q** C.J., do you remember talking to two
22 detectives? There was a Doug Novak, this detective
23 here with me, and another named Billy Derrenbacher.

24 **A** Yes.

25 **Q** That would have been on May 31st. Do you

1 remember talking with them?

2 A Yes.

3 Q Do you remember giving them a statement?

4 A Yes.

5 Q Let me show you this and ask if you recognize
6 this?

7 A Yes.

8 Q Mr. Williams was asking you about Jermaine
9 telling you to store that number. Let me ask you
10 again, had you ever talken {verbatim} to Breon
11 Mayers on your Droid 2 phone?

12 A No, I never talked to him.

13 Q Is what you wrote down in this statement true?

14 A Yes, sir.

15 Q Let me let you read it and see if it refreshes
16 your memory.

17 A The only thing...

18 COURT REPORTER: I can't hear you.

19 THE WITNESS: All they did was call my phone,
20 ask for Jermaine.

21 BY MR. GRAHAM:

22 Q I'm sorry?

23 A All they did was call my phone asking for
24 Jermaine, that's basically it. I never had a real
25 conversation with him, just said, is Jermaine there,

1 yes or no. That's basically it.

2 Q Okay. So when I asked you the question, did
3 you talk to Breon, you never had any conversations
4 with him; is that correct?

5 A Yes.

6 Q But did you ever answer a phone call that Breon
7 Mayers made to you?

8 A Yes.

9 Q Did you recognize his voice?

10 A Yes.

11 MR. GRAHAM: Thank you.

12 THE COURT: Recross. Anything further?

13 RECROSS-EXAMINATION

14 BY MR. WILLIAMS:

15 Q And the phone which Breon would have been on,
16 you can't say that's Breon's phone, can you?

17 A No, I never seen it. I never seen Breon's
18 phone.

19 MR. WILLIAMS: That's all I have, Your Honor.

20 THE COURT: You may step down. Thank you.

21 MR. GRAHAM: Your Honor, we ask that he be
22 excused from his subpoena as well.

23 MR. WILLIAMS: Without objection, Your Honor.

24 THE COURT: You're free to go, welcome to stay.

25 Next witness.

CEDRIC MAYERS - DIRECT BY MR. GRAHAM

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1 **MR. GRAHAM:** Cedric Mayers, Your Honor.

2 CEDRIC MAYERS,

3 having been duly sworn, testified as follows:

4 **THE CLERK:** Once you're seated, speak up loud
5 and clear, state your full name, spelling your last.

6 **THE WITNESS:** Cedric Mayers, M-a-y-e-r-s.

7 DIRECT EXAMINATION

8 BY MR. GRAHAM:

9 **Q** Mr. Mayers, where do you live, sir?

10 **A** [REDACTED] Middlefield Road, Little Mountain, South
11 Carolina.

12 **Q** Let me ask you some names and ask if you
13 recognize some of these people. Who is Jasmine
14 Bowers?

15 **A** A former friend of mine.

16 **Q** Who is -- have you ever heard of Tyrone
17 Brennan?

18 **A** I've heard of him, but I'm not acquainted with
19 him.

20 **Q** How about Jermaine Caughman?

21 **A** I know him from the neighborhood.

22 **Q** In the Little Mountain area?

23 **A** Yes, sir.

24 **Q** Mr. Mayers, if you'll sit a little bit closer
25 and pull the mic a little closer to you so everybody

1 can hear, I'd appreciate it.

2 **A** Yes, sir.

3 **Q** You knew Jermaine from the neighborhood, is
4 that what you said?

5 **A** Yes, sir.

6 **Q** How about Breon Mayers?

7 **A** He's my cousin.

8 **Q** He's your cousin. And when we're talking about
9 Breon Mayers, we're talking about the individual
10 sitting over there next to Mr. Williams at that
11 table?

12 **A** Yes, sir.

13 **Q** That's your cousin?

14 **A** Yes, sir.

15 **Q** Did you know David Cannon?

16 **A** Yes, sir.

17 **Q** And how did you know David?

18 **A** From the neighborhood.

19 **Q** Do you remember the day that David Cannon was
20 killed?

21 **A** Yes, sir.

22 **Q** Let me show you a diagram and ask if this would
23 assist you in explaining what happened. This is
24 referring to State's Number 2. Do you recognize
25 that?

1 **A** Yes, sir.

2 **Q** Does that fairly and accurately depict the
3 layout of the residences on Meadowlark Road?

4 **A** Yes, sir.

5 **Q** That morning, October 21st, 2011, where did you
6 start your morning at?

7 **A** Mr. Bowers' house.

8 **MR. GRAHAM:** Your Honor, if I can have him step
9 down, please.

10 **THE COURT:** You can step down.

11 (Witness leaves the witness stand.)

12 **BY MR. GRAHAM:**

13 **Q** If you can stand over here for me, Mr. Mayers,
14 and face this way. Let me ask you a question. Do
15 you want to be here today?

16 **A** Not really.

17 **Q** Not really?

18 **A** (Witness shook head.)

19 **Q** Why are you here?

20 **A** Because I was subpoenaed.

21 **Q** If you hadn't of got a subpoena, would you be
22 here?

23 **A** I doubt it.

24 **Q** When you woke up that morning, sir, where were
25 you at?

1 **A** Right (indicating)...

2 **Q** And whose residence was that?

3 **A** Ms. Bowers.

4 **Q** Jasmine Bowers?

5 **A** Uh-huh.

6 **Q** Did you leave there that morning?

7 **A** Yes, sir.

8 **Q** Where did you go?

9 **A** To Hardee's.

10 **Q** You're pointing that way (indicating), away
11 from David's house?

12 **A** Yes, sir.

13 **Q** You go to Hardee's. When you come back, do
14 you -- which way do you come in?

15 **A** Back --

16 **Q** Back on the same road you left out by Jasmine's
17 house?

18 **A** Yes, sir.

19 **Q** What, if anything, do you see when you're
20 passing Jasmine's house?

21 **A** A gold car in the yard and Jasmine.

22 **Q** A gold car in the yard and Jasmine. Did you
23 recognize that gold car?

24 **A** It could have been -- it's the color of Breon's
25 car.

1 Q The color of Breon's car. And you saw Jasmine
2 outside?

3 A Yes.

4 Q Did you see anybody in the car?

5 A No, sir. I just saw --

6 Q After you -- I'm sorry?

7 A I just saw her.

8 Q You just saw her?

9 A Yeah, I was just passing by her --

10 Q As you're -- you're walking or driving?

11 A Driving.

12 Q Okay. Where are you driving to?

13 A Ms. Boyd's house.

14 Q Jackie Boyd's house?

15 A Uh-huh.

16 Q And why were you going to see Jackie Boyd?

17 A She's my cousin. She's a friend of mine. I
18 was visiting.

19 Q You were going to visit her.

20 A Uh-huh.

21 Q About what time was it when you got to Jackie's
22 house?

23 A About 9:30, between 9:00, 9:30 -- 9:15, 9:30.

24 Q Once you got at Jackie's house, did you ever
25 see Breon Mayers that morning?

1 A Yes, sir.

2 Q Where did you see Breon?

3 A In between Kristin's and Jackie's yard.

4 Q You're pointing to this dirt area in between

5 Jackie's residence and this other house?

6 A About where that car is parked.

7 Q About where the car is right there. Was Breon

8 Mayers by himself or with somebody else?

9 A With Jermaine, another guy and Jasmine walked

10 over.

11 Q So Breon Mayers was there and he was with

12 Jermaine. We're talking about Jermaine Caughman?

13 A Uh-huh.

14 Q And you said there was another person?

15 A Yeah.

16 Q Did you know who that person was?

17 A No.

18 Q Was that a male or female?

19 A Male.

20 Q A male. Do you know what they were talking

21 about or what they were doing at that time?

22 A No. I was inside.

23 Q At some point, did you see who, if anybody,

24 came to join them there?

25 A Jasmine.

1 Q Jasmine. So Jasmine came down the street?

2 A Uh-huh.

3 Q Do you know what they were talking about?

4 A No, I don't.

5 Q Where are you at when you see them?

6 A Inside of Ms. Boyd's house.

7 Q Inside Jackie Boyd's house looking out a window

8 or a door?

9 A A window.

10 Q A window. What's the next thing that you

11 notice?

12 A A group of people at the back walking by the

13 back.

14 Q You're on the back side of Jackie's house now?

15 A Yes, sir.

16 Q You said people. What people do we see back

17 there or did you see?

18 A Breon, Jermaine and the other buy.

19 Q Breon Mayers, Jermaine Caughman and the other

20 black male that you don't know. Which way were they

21 going?

22 A Walking this way (indicating).

23 Q They were walking from the side of Jackie's

24 house --

25 A Yes, in that general direction.

1 Q Toward this dirt road or toward Meadowlark?

2 A I'm at the window, I see them walking by. The

3 window's right here (indicating).

4 Q And they're walking from this side, on this

5 map, down?

6 A The point where I saw them is just right here,

7 between here and here (indicating).

8 Q So you saw those three males?

9 A (Witness nodded head.)

10 Q Which way were they heading, though? Were they

11 going this way or that way (indicating)?

12 A This way.

13 Q Okay. What, if anything, did you say to them?

14 A I just asked what was going on, what were they

15 going to do.

16 Q You asked them, what was going on, what they

17 were going to do?

18 A Uh-huh.

19 Q What, if anything, did they respond?

20 A Someone said, Rob Dave.

21 Q Somebody said what?

22 A Rob Dave.

23 Q To rob Dave. Do you know who said it?

24 A I don't know. It wasn't the unknown male. He

25 didn't say anything.

1 Q It was not the unknown male. So it was either
2 Breon Mayers or Jermaine Caughman?

3 A Yeah.

4 Q One of those two said, We're going to rob Dave?

5 A Yeah.

6 Q Did anybody else in that group say anything
7 else to you?

8 A No.

9 Q Did you see anything in their hands at that
10 time?

11 A No.

12 Q What did you do?

13 A Went back and sat down, talked to Jackie.

14 Q At some point later, did you hear something
15 that got your attention?

16 A Yeah. I heard two noises sounded like gunshot
17 -- gunshots, plural.

18 Q You heard -- I'm sorry?

19 A Two gunshots.

20 Q Two gunshots. When you heard the two gunshots,
21 what did you do?

22 A Came back to the back door, came down the back
23 steps.

24 Q You came out Jackie's back door and came down
25 the back steps and where did you go?

1 A This set of steps.

2 Q This door on this side?

3 A Yeah.

4 Q And you came, what did you do?

5 A Just looked around, looked to see what was
6 going on.

7 Q When you looked around, what, if anything, did
8 you see?

9 A I saw Ms. Bowers going back towards her house
10 right here (indicating), going behind her
11 grandparents' house towards her house.

12 Q You recognize David's house, right?

13 A Uh-huh.

14 Q David and Sharon live here. There's a house
15 next to them and there's another house. Where did
16 you see Jasmine?

17 A Behind the third house, her grandparents'
18 house.

19 Q Her grandparents' house. Was she walking or
20 running?

21 A She was walking pretty fast. She wasn't
22 running, but she was walking.

23 Q Which way was she headed?

24 A Towards her house.

25 Q How long after the gunshots did you see her?

1 A Immediately.

2 Q At some point later, did you see some other
3 people?

4 A Yes, sir.

5 Q Who did you see?

6 A The same group at the same spot.

7 Q You say the same group. What group are we
8 talking about?

9 A The same group of three males, Breon, Jermaine
10 and the unknown, the other guy.

11 Q And your cousin, Breon, who's sitting over
12 there?

13 A Yes, sir.

14 Q Along with the two other males, Jermaine being
15 one of them and the other male that you didn't know
16 before?

17 A Yeah.

18 Q Where are they coming from when you see them?

19 A Same direction, just right -- by this time, I'm
20 back inside at the same window and that's what is --
21 at the window right there, coming back by -- going
22 around the trailer.

23 Q So they're coming from the Meadowlark area,
24 from the side area. They're coming from this part
25 of Jackie's house and moving that way?

1 **A** I can't say. I was at the window when I saw
2 them dashing back by the window.

3 **Q** By you from this part of the trailer, they're
4 going past the trailer and around?

5 **A** Yes, sir. By the time we saw Jasmine going
6 back in, we went back inside. By the time we walk
7 up the hall, that's when I saw the group at the same
8 window I saw them at the first time.

9 **Q** When they were out here earlier, you said that
10 Jasmine had come down here, right?

11 **A** Uh-huh.

12 **Q** Did you see what kind of vehicle they were in?

13 **A** At that time, I didn't.

14 **Q** Did you ever see Breon's vehicle for sure that
15 day?

16 **A** Just earlier here (indicating).

17 **Q** Back there.

18 **A** Not here. When I rode by, I saw the car there
19 (indicating).

20 **Q** When you said --

21 **A** What appeared to be the car.

22 **Q** When you saw the three males, Breon, Jermaine
23 and the other male, coming, how would you describe,
24 were they walking, were they running, how were they
25 moving?

1 A Running.

2 Q They were running. What, if anything, did you
3 see in the unknown male's hands?

4 A Nothing really, but I really wasn't paying any
5 attention like that because I don't know him
6 personally.

7 Q How about Jermaine, did you see anything in his
8 hands?

9 A He had a rifle, shotgun.

10 Q A rifle?

11 A Rifle.

12 Q How about Breon, was he holding anything?

13 A Nothing in his hand.

14 Q Did he look like he was carrying something on
15 his body?

16 A Could have been.

17 Q Why do you say that?

18 A Could have been, I mean, just could have been.
19 He looked a little puffy, but he didn't have
20 anything in his hand.

21 Q You're pulling on your shirt and saying puffy,
22 what do you mean?

23 A Puffy, I mean, they're -- they're running by at
24 a quick pace, they look kind of puffy. All this is
25 going on really quick (indicating noise). I saw a

1 rifle. Like I said, by the time I realized what was
2 going on, I came back inside -- well, went, turned
3 my attention from the window back to Jackie.

4 Q You can have a seat. Thank you, Mr. Mayers.

5 A (Witness resumes the witness stand.)

6 Q What, if anything, do you know, Mr. Mayers,
7 about the number [REDACTED] [REDACTED]?

8 A It's my old number.

9 Q That's your old number?

10 A Uh-huh.

11 Q Was that a landline or a cell number?

12 A A cell number.

13 Q Did you have that number on October 21st of
14 2011?

15 A If that's the day of the murder.

16 Q That is the day of the murder.

17 A Yes, sir.

18 Q That was your number of your phone that day?

19 A Yes, sir.

20 MR. GRAHAM: Thank you, Mr. Mayers. Please
21 answer any questions that Mr. Williams has.

22 CROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q Mr. Mayers, I didn't pick up on that cell phone
25 number that you said you had. What's that number?

1 A [REDACTED] [REDACTED].

2 Q [REDACTED]. And let me take you back through the
3 events of that day. As I understand it, you were
4 staying over at -- is that Jasmine's house?

5 A Yes, sir.

6 Q And were you and Jasmine boyfriend and
7 girlfriend or what's the deal there?

8 A Just friends. We had a sexual relationship,
9 but we were just friends.

10 Q All right. So you had spent the night there
11 that night?

12 A Sir?

13 Q You'd spent the night there with Jasmine that
14 night?

15 A Yes, sir.

16 Q Now, how long had you and Jasmine been going
17 together?

18 A Some months, I'm not quite sure.

19 Q Now, the first thing that you recall that
20 morning was what?

21 A (No response.)

22 Q What's the first thing you recall when you got
23 up that morning? Got up and ate breakfast or did
24 you go anywhere?

25 A Yeah, I left to go to Hardee's.

- 1 Q Went where?
- 2 A Sir?
- 3 Q Where do you go?
- 4 A Hardee's.
- 5 Q Hardees. So you had breakfast at Hardee's?
- 6 A I grabbed something to go, yes, sir.
- 7 Q And then what time did you get back to
- 8 Jasmine's house?
- 9 A I did not go back to Jasmine's house.
- 10 Q Where did you go?
- 11 A To Jackie's house.
- 12 Q Jackie Boyd?
- 13 A Yes, sir.
- 14 Q And what time did you get back there?
- 15 A About 9:30, 9:15, 9:30.
- 16 Q And you ate breakfast with Jackie Boyd?
- 17 A Yes, sir.
- 18 Q And who lives across the street from
- 19 Mr. Cannon? Is that where Jackie Boyd lives?
- 20 A Not directly. She's kind of catty-cornered. I
- 21 think directly across the street would be my Aunt
- 22 Ann.
- 23 Q All right. And is it -- did you testify that
- 24 you saw Jasmine first later on that morning or did
- 25 you see -- was it your testimony that you saw Breon?

- 1 A Jasmine.
- 2 Q All right. Where did you see Jasmine at?
- 3 A In her yard.
- 4 Q And where did you see Breon at?
- 5 A I didn't see him until later in my Aunt Ann's
- 6 yard.
- 7 Q I'm sorry?
- 8 A In my Aunt Ann's yard, in front of my Aunt
- 9 Ann's house, in between her -- Jackie's and my Aunt
- 10 Ann's house.
- 11 Q So you saw Breon in your Aunt Ann's yard?
- 12 A Yes.
- 13 Q And how far is that away from where -- how far
- 14 is that away from where David Cannon lives?
- 15 A I can't say for sure.
- 16 Q How many lots are in between them?
- 17 A How many what now?
- 18 Q How many lots -- how many people live between
- 19 that?
- 20 A Maybe one.
- 21 Q So they're not next door to each other or
- 22 anything like that?
- 23 A No.
- 24 Q And Breon was standing in the yard in your Aunt
- 25 Ann's house; is that right?

1 **A** Yes.

2 **Q** And you could see this because you were in
3 Jackie Boyd's yard or house?

4 **A** House.

5 **Q** So where were you standing in Jackie Boyd's
6 house when you saw this?

7 **A** I was sitting. I wasn't standing.

8 **Q** Sitting where?

9 **A** In her living room.

10 **Q** So when you sit in her living room, you can
11 actually see your Aunt Ann's house?

12 **A** Yes, sir.

13 **Q** And is your house elevated -- is Jackie Boyd's
14 house elevated or does it sit down?

15 **A** It sits down. It's not elevated.

16 **Q** So you were looking out the window and he was
17 standing out there. Who was standing with him?

18 **A** Jermaine and the unknown.

19 **Q** So you couldn't hear anything that they were
20 saying?

21 **A** No, sir.

22 **Q** And how long did you watch the three
23 individuals standing there?

24 **A** Not long. There was no reason -- there was
25 really no reason to watch them like that. There

1 wasn't anything unusual at that time..

2 Q All right. And then when was the next time
3 that you saw Breon?

4 A At the back -- the first part, the back of
5 Jackie's trailer.

6 Q So he was behind Jackie's trailer?

7 A Yes, sir.

8 Q And where was his car parked?

9 A I have no idea at that time.

10 Q Did you ever see him in David Cannon's yard?

11 A No, sir.

12 Q So you never saw him where David Cannon lives?

13 A No, sir.

14 Q And I believe you said that from -- were you
15 still sitting in the living room when you observed
16 Jasmine going to her grandmother's house?

17 A No. I was outside out on the back.

18 Q I'm sorry?

19 A I was out back.

20 Q So you went out of her back porch then?

21 A Yes, sir.

22 Q And from your back porch, you could see her
23 near her grandmother's house?

24 A Yes, sir.

25 Q Now, doesn't her grandmother live on the

- 1 opposite side of the road from --
- 2 **A** Yes, sir.
- 3 **Q** But you could see her over at her grandmother's
- 4 house?
- 5 **A** Yes, sir.
- 6 **Q** Did you ever see her at David Cannon's house?
- 7 **A** No, sir.
- 8 **Q** So you never saw either one of them at David
- 9 Cannon's house?
- 10 **A** I never saw anyone at David Cannon's including
- 11 David.
- 12 **Q** So you never saw anyone at David Cannon's
- 13 house?
- 14 **A** No, sir.
- 15 **Q** What did Breon Mayers have on that day?
- 16 **A** I have no idea.
- 17 **Q** And I believe you testified that you saw, was
- 18 it, Jermaine running or walking fast that morning?
- 19 **A** Running.
- 20 **Q** He was running. From which direction was he
- 21 running?
- 22 **A** I don't quite understand the question.
- 23 **Q** All right. You didn't see him at David
- 24 Cannon's house?
- 25 **A** No, I didn't.

- 1 Q Was he running behind the house that you were
2 staying in?
- 3 A Yes, sir.
- 4 Q And he had a rifle, is that your testimony, in
5 his hands?
- 6 A Yes, sir.
- 7 Q And you never saw Breon with anything in his
8 hands; is that correct?
- 9 A Yes, sir.
- 10 Q And you saw this before or after you heard what
11 sounded to you like two shots?
- 12 A After.
- 13 Q And then where did Jermaine go from there? Did
14 you stand there to see where he went?
- 15 A No, sir.
- 16 Q Did you see anybody with what appeared to be
17 marijuana in their hands?
- 18 A No, sir.
- 19 Q Did you see anyone throw anything that looked
20 like marijuana?
- 21 A No, sir.
- 22 Q Did you subsequently pick up Jasmine and take
23 her somewhere?
- 24 A Yes, sir.
- 25 Q And when did you do that?

1 A When?

2 Q Yes.

3 A Hours later.

4 Q How many hours later was it?

5 A I'm not sure, maybe six or seven hours later.

6 Q And you did that at the request of Jasmine?

7 A Yes, sir.

8 Q Did you drive?

9 A Yes, sir, at that time, but that day I was not,
10 but, yeah.

11 Q All right. You said -- I guess we probably
12 need some explanation. Are you saying you do not
13 have a car or you do not have a driver's license or
14 was somebody driving for you on that day?

15 A I'm saying, at that time, I had a driver's
16 license. I was driving earlier that morning, but at
17 the time when she asked me to come get her, I was
18 not.

19 Q Okay. And the reason you were not driving was
20 because someone else had your car?

21 A My car was down at the time.

22 Q All right. So how is it that you went and
23 picked up Jasmine later on that day?

24 A A friend of mine, Chris Duvall.

25 Q Chris, last name is D --

- 1 A -u-v-a-l-l.
- 2 Q So you and Chris went and picked up Jasmine
- 3 later on that day?
- 4 A Yes, sir, along with Jason Derrick.
- 5 Q And where was she when you picked her up?
- 6 A At home.
- 7 Q Where did y'all go?
- 8 A She wanted to go to Columbia to meet her little
- 9 girl's father.
- 10 Q And did you go -- I assume you went with them?
- 11 A Yes, sir.
- 12 Q And what happened after she met her little
- 13 girl's father?
- 14 A I proceeded to come back to Chapin.
- 15 Q And then where did you go from there?
- 16 A To a convenience store and that's it, back
- 17 home.
- 18 Q When you say back home, are you talking about
- 19 back to Jasmine's house?
- 20 A No. Home is [REDACTED] Middlefield Road, Little
- 21 Mountain, South Carolina, 29075.
- 22 Q [REDACTED] Middlefield Road. You're talking about
- 23 your home?
- 24 A Uh-huh.
- 25 Q So Jasmine came with you to your home?

- 1 A No.
- 2 Q Where did Jasmine go?
- 3 A To meet her little girl's father.
- 4 Q So you did not stay with her when --
- 5 A No.
- 6 Q You just dropped her off there?
- 7 A Yes.
- 8 Q And what time was that?
- 9 A I have no idea. It was -- it was almost dark.
- 10 It had to be about 6:00, 7:00.
- 11 Q Did Jasmine give you anything that day?
- 12 A No, sir.
- 13 Q Now, you made the comment on direct examination
- 14 that you heard one of two individuals make a comment
- 15 that they were going to rob Dave; is that right?
- 16 A Yes, sir.
- 17 Q Now, you know your own cousin, don't you?
- 18 A Yes, I do.
- 19 Q Well, if your cousin had said that, you would
- 20 have known it was your cousin's voice, wouldn't you?
- 21 A I'd like to think I would.
- 22 Q Okay. Well, you didn't say you heard your
- 23 cousin say it, did you?
- 24 A No, sir.
- 25 Q Can we assume that whoever said it was not your

1 cousin?

2 A I guess so. I mean, yes, sir, you could assume
3 that.

4 Q All right. Well, who is the other person who
5 was there?

6 A Jermaine and the unknown.

7 Q Jermaine and the unknown?

8 A Uh-huh.

9 Q Do you -- you call him the unknown. Had you
10 never met this person before?

11 A Not to my knowledge. I may have seen him in
12 passing, but, you know, just not to my knowledge.

13 Q When you heard these two shots, did you call
14 9-1-1?

15 A A few minutes after.

16 Q How many is a few minutes after?

17 A I'm not quite sure. Long enough to have a
18 discussion and debate on if I should call 9-1-1.

19 Q Who did you have the debate with?

20 A Jackie Boyd.

21 Q Why did you have a debate with Jackie Boyd over
22 whether or not you wanted to call 9-1-1 or not?

23 A Because it's none of my business really.

24 Q You and Jackie Boyd were arguing over whether
25 or not you wanted to call 9-1-1?

- 1 A No, not arguing, discussing.
- 2 Q Why wouldn't you call 9-1-1?
- 3 A Just because it's none of my business.
- 4 Q So you're saying you wouldn't call 9-1-1
- 5 because it wasn't any of your business?
- 6 A That was part of the debate, yeah, part of the
- 7 discussion.
- 8 Q What was the other part of the discussion?
- 9 A Just whether or not to call 9-1-1. I mean, it
- 10 wasn't a long, lengthy discussion, but it was a
- 11 discussion.
- 12 Q Did Jackie Boyd not want to call 9-1-1?
- 13 A No. Actually, Jackie didn't bring up the
- 14 topic, I brought it up.
- 15 Q So you did call 9-1-1?
- 16 A Yes, I did.
- 17 Q Whose phone did you use when you called 9-1-1?
- 18 A My phone.
- 19 Q What is your phone number?
- 20 A At that time, it was [REDACTED].
- 21 Q [REDACTED]?
- 22 A Uh-huh.
- 23 Q So if we were to check 9-1-1, we would find out
- 24 that you did place a call to 9-1-1?
- 25 A Yes, sir.

- 1 Q What did you tell them when you called 9-1-1?
- 2 A Just that I had heard gunshots.
- 3 Q Did you tell them who you were?
- 4 A No, I didn't.
- 5 Q Did you tell them where you lived?
- 6 A They didn't ask where I lived.
- 7 Q Did you give them your cell phone number?
- 8 A I don't recall.
- 9 Q Did you tell them where you thought you heard
10 the shots?
- 11 A I don't recall. I think we had to debate about
12 exactly where I was located when I called.
- 13 Q You had a debate about where you were located?
- 14 A With the operator, yes, sir. She was trying to
15 tell me I was in Newberry County and I was trying to
16 tell her I was in Lexington County. So we didn't
17 really get far.
- 18 Q Did you know where the two sounds of shots came
19 from?
- 20 A No, I don't.
- 21 Q Is there hunting in that area?
- 22 A Yes, sir.
- 23 Q Do you have neighbors or friends who actually
24 have deer stands in the nearby area that hunt almost
25 in the backyards up there?

1 **A** I don't hunt, so I wouldn't be familiar.

2 **Q** Do you know of anybody that lives in the area
3 that hunts?

4 **A** Yes, sir.

5 **Q** Who lives in the area that hunts that you know
6 of?

7 **A** David Cannon.

8 **Q** David Cannon hunts and who else?

9 **A** Dave Holley.

10 **Q** Dave Holley and who else?

11 **A** I'm sure there's several other people, but, I
12 mean, to my knowledge --

13 **Q** Do you buy marijuana from David Cannon?

14 **A** No, sir, not in a long time. I have before.

15 **Q** You knew that he sold marijuana, didn't you?

16 **A** It's common knowledge.

17 **MR. WILLIAMS:** Beg the Court's indulgence for
18 one moment.

19 (Pause.)

20 **MR. WILLIAMS:** That's all the questions I have,
21 Your Honor.

22 **THE COURT:** Redirect.

23 **MR. GRAHAM:** No, Your Honor.

24 **THE COURT:** You can step down.

25 Do you have another short witness or is this a

1 place to break for the day? You tell me.

2 MR. GRAHAM: Whatever you want, Your Honor.

3 THE COURT: Well, why don't we just go ahead
4 and break for the day and we'll start back tomorrow
5 morning at 9:30 fresh. If y'all would, be in the
6 jury room about, you know, 9:20 or so. We'll have
7 everything lined up and we'll start right at 9:30
8 and just move on through a bunch of witnesses
9 tomorrow.

10 Let me leave you with, again, the instructions,
11 don't talk to anybody tonight about the case. You
12 know, you can tell them you got picked, but I've
13 instructed you that it's improper to talk about the
14 case for the reasons we talked about earlier. Don't
15 discuss the case with other juror members or with
16 family members, friends, bartenders or whatever.
17 Just go home and enjoy your evening.

18 Now, sometimes people get involved in these
19 cases, they get picked for a jury and then they get,
20 you know, well, I'm invested now, and they want to
21 start looking up things on the Internet. I don't
22 know if there's anything involved on the Internet
23 about this case or not, but there might be and
24 people want to start doing that. They want to go
25 out sometimes and look at the place where the

1 incident took place, might want to start looking on
2 Google Earth and Google maps and all that other
3 stuff. Don't do that. It's improper to do that.

4 If you need to know anything about this case, I
5 promise you we'll tell you about it in this
6 courtroom. Anything that you find out about outside
7 of the courtroom is improper and so please don't do
8 that.

9 Sometimes these days, you know, we have to
10 start adjusting to the times and making new
11 instructions, but people now get on social media
12 sites like Facebook, Twitter and they start talking
13 about the case. Don't do that, don't tweet
14 anything, don't go onto Facebook and start posting
15 I'm on a jury and things like that.

16 The urge to do that I know is strong, but if
17 you do it, it's improper and it causes us great
18 grief. It will cause you great grief. And, again,
19 we might have to declare a mistrial and start this
20 thing all over again. We don't want to do that. We
21 don't want -- we only want to do this one time. So
22 please refrain from doing anything like that. Just
23 go home and enjoy the evening. The Olympics are on
24 if you care about that sort of thing, just T.V., do
25 whatever you do, read a book, but just don't really

1 think about this case again until tomorrow morning.

2 But if you would, be in the jury room by about
3 9:20 and we will hopefully get started right at 9:30
4 for you, okay. Thank you so much for your patience
5 today. And we will see you bright and early in the
6 morning.

7 (The jury was excused for the day.)

8 **THE COURT:** All right. Is there anything we
9 need to deal with before we break for the day?

10 **MR. GRAHAM:** Not from the State, Your Honor.

11 **MR. WILLIAMS:** Nothing from the defendant, Your
12 Honor.

13 **THE COURT:** Wonderful. Well, thank y'all for
14 moving things along so well and cooperating and we
15 will see everybody a little bit before 9:30, all
16 right. Thank you.

17 (The proceedings were concluded for August
18 6, 2012.)

19 (The following proceedings were held on
20 August 7, 2012.)

21 **THE COURT:** Are y'all ready to go?

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

23 **THE COURT:** Well, let's bring that jury in.

24 Let me just remind the audience, you're welcome
25 to come and watch, but if there is any kind of

1 talking during the testimony, I'll have you removed
2 and you will not be allowed to return. So if you
3 cannot keep yourself quiet, go ahead and go on out
4 now, but if I have to call you down, you'll be asked
5 to leave and you will not be allowed to return.

6 (The jury enters the courtroom at 9:33 a.m.)

7 **THE COURT:** Okay. Folks, welcome back. We are
8 going to resume now with the State calling their
9 next witness.

10 So, Mr. Solicitor, when you're ready, go ahead.

11 **MR. GRAHAM:** Thank you, Your Honor. The State
12 calls Jackie Boyd to the stand.

13 JACKIE BOYD,
14 having been duly sworn, testified as follows:

15 **THE CLERK:** Once you're seated, ma'am, I need
16 you to speak up loud and clear, state your full
17 name, spelling your last on the record.

18 **THE WITNESS:** Jackie Boyd, B-o-y-d.

19 DIRECT EXAMINATION

20 BY MR. GRAHAM:

21 **Q** Ms. Boyd, where do you live, ma'am?

22 **A** At [REDACTED] Meadowlark, Little Mountain, South
23 Carolina, 29075.

24 **Q** How long have you lived in Little Mountain?

25 **A** Since '07, '08.

1 Q Do you have a lot of family around there?

2 A Yes, sir. My mom and my sister. We all stay
3 in this little area together.

4 Q Jackie, could you pull that mic a little closer
5 to you so we can all hear?

6 A I say we all stay in that little area together.

7 Q And that's right there on Meadowlark?

8 A Yes, sir.

9 Q Let me ask you a question. Do you want to be
10 here today?

11 A No, sir, I don't, not in this seat anyway.

12 Q You got subpoenaed to be here, didn't you?

13 A Yes, sir.

14 Q And that's why you're here?

15 A Yes, sir.

16 Q Let me show you State's Exhibit Number 2 that's
17 in evidence and ask if you recognize that?

18 A Yes, that's my area.

19 Q That's your area. Did you know David Cannon?

20 A (No response.)

21 Q Did you know David Cannon?

22 A Meaning?

23 Q Dave?

24 A Yes.. Dave, the guy -- the white guy.

25 Q The white guy that got killed?

1 A Yes, sir.

2 Q Where on Meadowlark do you live? What's your
3 address?

4 A [REDACTED].

5 Q Do you remember the day that Dave was killed?

6 A Yeah, kind of, sort of, I guess.

7 Q Do you remember getting a knock on your door.
8 that morning?

9 A Yes, I do.

10 Q Who was in your house when that knock came?

11 A Me and my niece and my friend.

12 Q And your friend would be who?

13 A Pete. His name is Pete.

14 Q The first visitor you had that day, who was it?

15 A Cedric Mayers.

16 Q Do you remember what time Cedric came?

17 A Around 9:30, something to 10:00, I guess,
18 because we always watch the soap operas together, so
19 somewhere between there.

20 Q After Cedric came, did somebody else come knock
21 on your door?

22 A Yes, sir.

23 Q And who knocked on your door later that
24 morning?

25 A My nephew, Breon.

1 Q Breon?

2 A Mayers.

3 Q Breon Mayers. And we're talking about the
4 young man sitting over there next to Mr. Williams,
5 the attorney?

6 A Yes, sir.

7 Q And how are you related to him?

8 A His granddad and my mom was brothers and
9 sisters. His dad and I, we all grew up, like,
10 brothers and sisters.

11 Q What, if anything, did Breon -- did he come in
12 your house?

13 A Yeah, he spoke.

14 Q What, if anything, did he say to you?

15 A He just asked us where the weed was.

16 Q Where the weed was?

17 A Who had the weed.

18 Q And what did you say to him?

19 A I said I didn't know. I bought my weed from
20 Dave. And I -- I asked him prior to that Thursday
21 night and he told me he didn't have any. He
22 wouldn't have any until that Tuesday, Monday or
23 Tuesday or something like that.

24 Q After Breon Mayers, your nephew, asked you
25 where the weed was and you told him there wasn't

1 any, what did he say or what did he do?

2 **A** He left, was going out the door, going outside,

3 I guess. That's --

4 **Q** At that time -- I'm sorry, Ms. Boyd. Go ahead.

5 **A** Yeah, he went out the door. I guess, he be

6 outside.

7 **Q** Did he say where he was going, what he was

8 going to do?

9 **A** Just outside posted up {verbatim}.

10 **Q** What was the next thing that caught your

11 attention?

12 **A** Meaning? I don't know what you mean.

13 **Q** Well, did you see anything that was unusual?

14 Did you hear anything that was unusual?

15 **A** No. No, sir. Didn't seem unusual to me.

16 **Q** Well, did you look out the window?

17 **A** Yes, I did.

18 **Q** And when you looked out your window, what did

19 you see?

20 **A** I saw Jasmine running.

21 **Q** And when you say Jasmine, who are we talking

22 about?

23 **A** Jasmine Bowers.

24 **Q** And how do you know Jasmine?

25 **A** She stay right -- her mom and dad, her mom stay

1 -- her grandmama and all them stay right across the
2 street from me a little ways, went to school with
3 her mom, knew all of them, you know.

4 Q Which way was she running?

5 A Towards her mom's house down by her
6 grandmama's.

7 Q We're looking at State's Exhibit Number 2 here.
8 Which one is her house, Jackie, you said she was
9 running?

10 A Right underneath the yellow writing.

11 Q (Indicating)?

12 A No.

13 Q Underneath it?

14 A That's her trailer and those are her
15 grandmama's and them houses there.

16 Q So let me give this to you --

17 **MR. GRAHAM:** Your Honor, can I have her step
18 down, please?

19 **THE COURT:** Sure.

20 (Witness leaves the witness stand.)

21 **THE WITNESS:** Okay. She was running this
22 a'way.

23 BY MR. GRAHAM:

24 Q So from in front of Dave's coming this way?

25 A Uh-huh.

1 Q What was the next thing that happened after you
2 saw her running down the road?

3 A (Witness resumes the witness stand.)

4 I got up -- I got up. I went down, down the
5 door -- well, the next thing that happened, um, the
6 next thing that happened.

7 Q After you saw Jasmine running, did you hear
8 anything?

9 A I didn't -- I didn't know if I heard anything
10 because after all that -- after that, I was told --

11 **MR. WILLIAMS:** Objection to told, Your Honor,
12 hearsay.

13 **THE COURT:** Sustained. Just tell us what you
14 saw and that sort of thing. You can't tell us what
15 somebody else told you.

16 **THE WITNESS:** Thank you.

17 BY MR. GRAHAM:

18 Q Did somebody tell you something?

19 A Yes.

20 Q Based on what somebody told you, what did you
21 do?

22 A I jumped up and ran down the hall and was going
23 to go out the door. And when I proceeded to go out
24 the door and, you know, I was told --

25 **MR. WILLIAMS:** Objection, Your Honor, hearsay.

1 **THE WITNESS:** I was suggested not --

2 **THE COURT:** Hold on. When he says objection,
3 you've got to stop and let me rule on it. Again,
4 don't tell us what somebody else told you, just tell
5 us what you did or what you heard or what you saw,
6 okay. If we need to have somebody else come in and
7 tell us what they told you, then they'll bring them
8 in, okay.

9 **THE WITNESS:** All right.

10 **THE COURT:** Go ahead.

11 **THE WITNESS:** I went down my stairs and I was
12 proceeding to go to the corner of my trailer and I
13 stopped and I come back around and went back into my
14 house. And I was feeling jittery, you know, nervous
15 and I wanted to tell my friend --

16 BY MR. GRAHAM:

17 **Q** Why were you nervous?

18 **A** Because of what I was told. I mean, you know,
19 I didn't know and I took it, you know, as a serious
20 thing and not as --

21 **Q** And who told you that?

22 **A** Cedric Mayers.

23 **Q** Okay. So Cedric told you something that made
24 you nervous?

25 **A** Yes.

1 Q You went outside. Did you see anything when
2 you went outside that time?

3 A I really didn't -- I want to say I vaguely
4 thought I saw something through some bushes, but I'm
5 not certain. I wasn't certain.

6 Q What do you think you saw?

7 A Something white like somebody standing with
8 something white.

9 Q Where were they standing?

10 A In...

11 Q Do you need to point it out on the chart?

12 A Like into their driveway, the -- during that
13 time of the season, the bushes are down and not
14 quite grown up from my area of my house. And it
15 was, like, through the shadow of the bushes, like
16 through here, it looked like somebody was standing
17 this a'way. And their trailer is here (indicating).
18 So it wasn't quite down all the way behind. I
19 guess, because I know the area --

20 Q Yes, ma'am.

21 A -- and being gone to their house before, I
22 guess I'm just knowing, you know.

23 Q What do you think you saw?

24 A Somebody standing there.

25 Q And when you say they were standing there,

1 where are you talking about?

2 A Into Sharon and them's drive -- Dave's and them
3 driveway a little piece.

4 Q In Sharon and Dave's driveway?

5 A Yes, sir.

6 Q If I say that driveway right there --

7 A Yes, sir.

8 Q -- is that what you're talking about? And it
9 looked like somebody dressed in white?

10 A Yes, sir.

11 Q Did you recognize that person?

12 A No, sir.

13 Q And, at that time, you're where? You said
14 you're over here --

15 A Yes, sir.

16 Q -- around the corner of your house?

17 A Right there at -- I didn't even -- yeah.

18 Q After you saw what you think is somebody in
19 white on Dave and Sharon's driveway, what did you do
20 next?

21 A I went into the -- back into my house to wake
22 my friend to tell him what I thought was going on.

23 Q What did you tell him?

24 A That I thought that Dave might have got shot
25 that -- because I was told that.

1 **MR. WILLIAMS:** Objection, Your Honor.

2 **THE COURT:** Sustained. Strike that last part.

3 Just tell us what you told him, all right.

4 **THE WITNESS:** Well, I didn't get into -- get to
5 tell him anything because he told me he didn't even
6 want to hear --

7 **MR. WILLIAMS:** Objection, Your Honor, hearsay.

8 **THE COURT:** Well, you can just say what you
9 said, all right. Just leave out the part about what
10 somebody else said.

11 **THE WITNESS:** I wasn't able to even tell him
12 what I felt was going on because he didn't want to
13 hear it. He told me to have a seat.

14 BY MR. GRAHAM:

15 **Q** Don't worry about what anybody told you. My
16 question is what did you -- and who are we talking
17 about?

18 **A** Pete, my friend.

19 **Q** Talking about Pete?

20 **A** Yes.

21 **Q** Okay. You went and did you say you woke Pete
22 up?

23 **A** Yes.

24 **Q** Okay. When you woke Pete up, what did you say
25 to Pete?

1 A Pete, I said, I think -- I think Dave might
2 have got shot or I don't --

3 Q And without saying what Pete said back to you,
4 tell me what you did next.

5 A I went and sat down. I went and sat down. And
6 I couldn't sit still. And I got ready to get up and
7 I go back out the door and I didn't go out the door.

8 Q At some point did you look back out the window
9 again?

10 A Yes, sir, I did.

11 Q When you looked back out the window, what did
12 you see?

13 A I seen a -- when I looked out the window, I
14 seen a car going through my yard and it glared --
15 with the glare off it, it looked like silver, a
16 silver car. I couldn't actually tell.

17 Q Did you recognize the car?

18 A No. I couldn't -- no, I didn't. I did not
19 recognize the car.

20 Q Do you remember -- what, if anything, do you
21 remember about anybody -- after you told Pete that
22 you think Dave's been shot, who, if anybody, do you
23 see in your backyard?

24 A I saw this guy I didn't know had a -- coming
25 towards my house with a rifle and this other guy

1 running, which he had something in his hand he had
2 dropped and picked up. And I was closing my door,
3 proceeded to close my door because once I see the
4 guy I didn't recognize, I was closing my door then.
5 And Cedric was there and he stepped in front of the
6 window of the door because the door was closed.

7 Q Did you see Jermaine Caughman that day?

8 A Yes, sir, running through my yard.

9 Q Now, what time was that?

10 A I don't -- I don't know.

11 Q Well, in relation -- in relation to the time of
12 you telling Pete that you think Dave's been shot?

13 A I guess about 10:30 or 11:00, something like
14 that, I'm not certain.

15 Q And where was he coming from?

16 A From behind my house. There's a road, a dirt
17 road, down past behind my house, from down in that
18 a'way.

19 Q Again, looking at the -- looking at the map,
20 Jackie, where are we talking about?

21 A This road right here on the corner.

22 Q This road here?

23 A That's behind my house there, was coming
24 across --

25 Q So they were going on that road there --

- 1 A Uh-huh.
- 2 Q -- which way were they going?
- 3 A They was coming towards my house.
- 4 Q From this way?
- 5 A Uh-huh.
- 6 Q So they were going that way?
- 7 A Right.
- 8 Q So what, if anything, did Jermaine have in his .
- 9 hand?
- 10 **THE COURT:** I don't think those folks on that
- 11 end got to see where you were pointing, so you might
- 12 want to --
- 13 BY MR. GRAHAM:
- 14 Q I'm sorry, Jackie. You were talking about this
- 15 road. And they were coming from -- this is
- 16 Meadowlark here, right?
- 17 A Uh-huh.
- 18 Q Were they coming from Meadowlark or to
- 19 Meadowlark? This is your house?
- 20 A Uh-huh.
- 21 Q Which way did you see Jermaine running?
- 22 A See where your right hand is, right there. And
- 23 they was coming this way.
- 24 Q Coming that way (indicating)?
- 25 A Right.

1 Q Did Jermaine have anything in his hands?

2 A I think it was some weed. He had dropped a bag
3 and I believe that's what it was.

4 Q Was he by himself or was there somebody else
5 with him?

6 A Just him. I just remember seeing this dude
7 that I don't know and him.

8 Q What about Breon?

9 A I don't remember seeing Breon come out that
10 road that I know.

11 Q Jackie, do you remember giving a statement?

12 A Yes, I do.

13 Q Let me show it to you and ask if you recognize
14 your writing in that statement?

15 A Yes, I do.

16 Q I want you to read, not out loud, I want you to
17 read through it.

18 A Uh-huh.

19 Q Does that refresh your memory?

20 A Yes.

21 Q Who was with Jermaine that came running by your
22 house after you told Pete that you think Dave's been
23 shot?

24 A Jermaine Caughman and some other guy.

25 Q And who else?

1 **A** I put down Breon Mayers.

2 **Q** Why did you put down Breon?

3 **A** Because of what I was told.

4 **Q** Did you see Breon?

5 **A** Not since -- not since he left my house. I
6 didn't see him no more after he left my house.

7 **Q** Jackie, do you recognize this detective right
8 here?

9 **A** Yes, sir.

10 **Q** Do you remember talking to him in your house on
11 June 27, 2012?

12 **A** Yes, sir.

13 **Q** Do you remember telling him that you saw Breon
14 Mayers, Jermaine Caughman and another person run
15 past your house after you heard gunshots?

16 **A** Yes, sir, I do remember saying that.

17 **Q** But you saw it. Isn't that what you told him?

18 **A** I guess I did. I guess I did tell him that.

19 **Q** Isn't that what you saw?

20 **A** No, I'm not -- no, I'm not going to say that's
21 what I saw. You got to understand I cannot sit here
22 and say what someone told me because I didn't look
23 out my window and didn't see anyone in my yard. I
24 saw Jasmine running. I saw somebody over there in
25 Dave's yard. I see two people run through my yard,

1 who I don't -- one, I don't know. I'm scared to
2 death. I assumed. I assumed. I assumed, like I
3 put it down.

4 Q Let me show you this statement. That's the
5 whole statement that we're talking about. I want
6 you to read the whole statement to yourself and make
7 sure if that's what you remember writing. That's in
8 your handwriting, isn't it?

9 A (Witness reviewing document.)

10 Q That's the statement that you gave to Detective
11 Novak on June --

12 A Yes.

13 Q -- 27, 2011 {verbatim}?

14 A Yes, it is.

15 Q At your house, right?

16 A Yes.

17 Q That's your handwriting, isn't it?

18 A Yes, sir.

19 Q Did you tell the truth when you gave it to him?

20 A Yes, sir, I thought I did.

21 Q If you go to page three.

22 A (Witness complies.)

23 Q Actually, start on page two. It says that you
24 said something to Pete. What, if anything, did you
25 say to Pete?

1 A I said that I thought that Breon had shot Dave.
2 That might have shot Dave.

3 Q And then it says, After that, did you go look
4 out the door?

5 A I went to my door and I seen this guy running
6 that I didn't know.

7 Q Did you rec -- you didn't recognize that
8 person?

9 A No, sir.

10 Q And what did that person have in their hand
11 according to you?

12 A A rifle, a shotgun.

13 Q Then what's the next thing you did?

14 A What do you mean the next thing I did?

15 Q Well, did you go inside or stay outside or what
16 did you do?

17 A I was coming back into my house when I seen...

18 Q And then when you went back in your house, did
19 you look out the window?

20 A When I looked out the window, I seen a car.

21 Q Didn't you tell Detective Novak and didn't you
22 write down in this statement that you looked out the
23 window of the door and saw Jermaine with two bags of
24 weed?

25 A Uh-huh. Yes, sir.

1 Q And then what, if anything, did you say to
2 Detective Novak about Breon?

3 A I said that I don't think that Breon had
4 anything.

5 Q Isn't it true that you told him, Breon had
6 something else, I can't remember what?

7 A That's what it says on the paper, I don't know.

8 Q That's your handwriting and that's what you
9 wrote --

10 A Yes, sir, that's what I got down on the paper,
11 yes.

12 Q So after you woke up Pete and told him that you
13 thought that Dave might have been shot, you saw how
14 many people run past your window, past your door,
15 past your house together?

16 A I saw two. I saw two.

17 Q Your statement says different, doesn't it?

18 A Yes, it does. It says I saw Breon, but only
19 one -- on what you're saying on by hearsay, I never
20 seen Breon. It was only what was said to me. And I
21 didn't see Jasmine, but I saw Jasmine running, but I
22 was told that Jasmine was in my yard.

23 MR. WILLIAMS: Objection, hearsay, Your Honor.

24 THE COURT: Again, don't tell us what somebody
25 else told you.

1 **THE WITNESS:** With all that going on --

2 BY MR. GRAHAM:

3 **Q** Answer this question for me, ma'am. Is this
4 what you told Detective Novak on June 27, 2012, at
5 your house, I closed my door, looked out the window
6 of the door, saw Jermaine with two bags of weed and
7 Bre had something else, I can't remember what; isn't
8 that what you told him?

9 **A** Yes, sir.

10 **Q** And then it says, Ran past my door, correct,
11 that's what you told him?

12 **A** Yes, sir, ran past my door.

13 **Q** Further on down there, what, if anything, did
14 you tell Detective Novak about Breon and his car?

15 **A** It says that Breon was driving -- let me get it
16 right...

17 **Q** Do you see that in there?

18 **A** (Witness reviewing document.)

19 **Q** Halfway down on page three, ma'am.

20 **A** Yeah. Went to the door, he was at the car.
21 Breon was driving, came there -- came through my
22 yard, backyard, and out the back driveway.

23 **Q** And that's what you told Detective Novak that
24 day, wasn't it?

25 **A** Yes, sir, that's what I told because when that

1 car --

2 Q And that's what you saw, isn't it?

3 A That's what I thought I saw anyway.

4 Q That's what you saw, isn't it, ma'am?

5 A That's what I thought I saw anyway. You're not
6 understanding what I'm saying. I figured -- which
7 what I thought doesn't mean anything. I never
8 looked out my window. Someone is telling me
9 different stuff, it's going through my head and this
10 is my scenario. I saw them two people. I assumed
11 that third person was my cousin, Breon -- nephew.

12 Q But that's not what you said in this
13 statement --

14 A That's not what I --

15 Q -- that's not what you told him, is it?

16 A No.

17 Q You told him it was Breon, not that you assumed
18 it was Breon; isn't that right?

19 A Yes, that's what I said. That's what I said.
20 But I didn't see Breon after he left my house. I
21 assumed that. I took it upon myself to assume that
22 that third person was Breon and I put it on paper.

23 Q But you didn't say I assume, did you, ma'am?

24 A No, I didn't. No, I didn't, not on paper.

25 Q Is there a reason you're changing your story

1 today?

2 **A** There is no reason I'm changing no story. What
3 I put it on paper and what I'm saying is here. I
4 guess you just had to have been there and see or
5 hear what I heard. I don't know.

6 **Q** On page four of your statement at the very
7 bottom, what, if anything, did you say to Detective
8 Novak in writing in this statement is, who is they
9 you referred to that came running by your house
10 after the shots, and what did you say?

11 **A** Jermaine Caughman, Breon Mayers and some other
12 guy. That's what I wrote down.

13 **Q** And nobody told you what to say, did they?

14 **A** Nobody told me not to say that, but they didn't
15 tell me to say it. I'm assuming that third
16 person...

17 **Q** You told Detective Novak that you saw Breon
18 there that day because you did, didn't you?

19 **A** I saw Breon in my house that morning, yes, I
20 did.

21 **Q** And you saw him run past your house after you
22 thought Dave had been shot with Jermaine and some
23 other man you didn't know; isn't that correct?

24 **A** I thought it was Breon.

25 **Q** You thought it was Breon?

1 **A** I thought -- yes.

2 **Q** And you told the police it was Breon?

3 **A** I did tell them that.

4 **Q** And you told the police that they drove away in

5 Breon's car, didn't you?

6 **A** I told them that I couldn't describe the car,

7 but it was a car like -- I guess, it could have been

8 a car like Breon and I wrote down, A car like Breon.

9 That's why it's on the bottom of my statement.

10 **Q** And Breon's your nephew, right, ma'am?

11 **A** Yes, he is.

12 **Q** You've known him his whole life?

13 **A** Yes, I have.

14 **Q** If you thought you saw him, you saw him, didn't

15 you?

16 **A** Yes, if I thought I saw him, I saw him. He

17 came into my house.

18 **Q** And when you saw him running by your house,

19 that was the same man, that's your nephew, wasn't

20 it?

21 **A** I'm not going to sit here that I say -- I

22 didn't see the third person totally. I assumed it

23 was him.

24 **Q** But that's not what you told the police. You

25 didn't tell the police you assumed, you told the

1 police it was Breon, didn't you?

2 A That's what I told them, yes, it is.

3 Q In fact, six days after Dave Cannon was shot

4 and killed?

5 A If they came to me maybe six days after, I

6 don't know. I don't know about no six days after.

7 I can't remember that far back, six days after.

8 Q Do you love Breon?

9 A Do I love Breon?

10 Q He's your family?

11 A Of course. Yes, he is. He's like my own son.

12 Q Would you lie for him?

13 A Would I lie for him? No, not nothing like

14 this. No, I wouldn't like lie for Bre.

15 Q Would you bend the truth?

16 A What is bending the truth?

17 Q Changing your story, ma'am. Would you change

18 your story for him?

19 A No.

20 Q Isn't that what you've done today?

21 A No, I'm not changing my story. Everything I

22 tell you in my story is the truth. What I can't --

23 you can't go by on my hearsay and then I got to

24 believe on what was told to me is what I'm believing

25 and this is what I come up with.

1 Q But, ma'am, in your statement, you would agree
2 with me that you didn't tell Detective Novak that
3 somebody told you they saw --

4 A Yes, I did.

5 Q -- Breon. Show me where it says that in the
6 statement.

7 A I said, Ced looked out the window and I asked
8 him what did he say. He said he saw Breon and
9 Jasmine. He said --

10 Q Ma'am, the part where it talks about you
11 looking out and seeing the three window -- the three
12 people running by, Jermaine Caughman carrying weed,
13 another one unknown male carrying a rifle and Breon
14 Mayers having something maybe in his hand, tell me
15 where it says Cedric Mayers told you that.

16 A Cedric didn't tell me that. I assumed that by
17 me seeing them other two guys and the other third
18 person hadn't come through, I took it upon myself to
19 assume that was Breon. And I didn't see him with
20 anything. I can't even remember seeing him having
21 anything.

22 Q Ma'am, you knew the police were investigating
23 the murder, didn't you?

24 A I what?

25 Q You knew that the police were investigating the

1 murder, that's what they were talking to you about,
2 wasn't it?

3 A Yeah. They come to me telling -- yeah.

4 Q And you agree with me that you told the police
5 that Breon Mayers ran by your house with those other
6 two boys, didn't you?

7 A That's what I thought.

8 Q Tell me, ma'am, why, because you're testifying
9 today that you're assuming it, why would you point
10 the finger at your nephew if you didn't see him?

11 A I saw Breon that morning and I didn't see
12 anyone else around the house and although -- despite
13 what -- the hearsay, that's all I had to go on. It
14 was just, like, laying right there saying, hey,
15 there was -- I just ain't see no way -- I just don't
16 understand. I don't know. I don't know.

17 Q Do you remember meeting with Detective Novak
18 again on July 9th of this year in Chapin Hall?

19 A Yes, sir.

20 Q I'm sorry, the 19th. Do you remember that?

21 A I remember coming down to the Chapin Hall. I
22 don't remember quite what day it was.

23 Q But you remember talking to him again getting
24 ready for this trial?

25 A All of y'all.

1 Q And do you remember telling him that you saw
2 Breon run past your house with those two boys?

3 A Probably so, probably did tell him that.

4 Q And, ma'am, you didn't tell him that you
5 assumed it was Breon, you told him that it was
6 Breon, didn't you?

7 A I guess I did. It's in my statement.

8 MR. GRAHAM: Thank you, ma'am.

9 THE COURT: Cross.

10 MR. WILLIAMS: May it please the Court.

11 CROSS-EXAMINATION

12 BY MR. WILLIAMS:

13 Q Ma'am, I'm Theo Williams. I'm just going to
14 ask you a couple questions because I'm not going to
15 beat a dead horse. I just want to know what you
16 saw. You're under oath now. You've got a jury
17 sitting right here in front of you.

18 A Yes, sir.

19 Q Did you see Breon Mayers after he came into
20 your house that morning?

21 A No, sir, I didn't.

22 Q And all this stuff in statements that you've
23 talked about is what somebody else has told you or
24 what you assumed happened based on you seeing Breon
25 that morning?

1 A Right.

2 Q Did you actually see a car that day?

3 A Going through my yard.

4 Q What color was that car?

5 A The sun glared off and it was like a silver,
6 gold.

7 Q But you don't know that that was Breon's car
8 either, do you?

9 A It was a sedan, four-door. I didn't know -- I
10 was asked a question. I didn't know how to describe
11 the car. It could have been a car like Breon's. I
12 put on the paper a car like Breon's.

13 Q Right. And you actually told -- you actually
14 told the police officer that it was a silver car,
15 didn't you?

16 A I think so. I told him I didn't -- I didn't
17 know the -- I couldn't describe the car. I don't
18 know. With the sun glaring off, it could have been
19 a gold, silver. And I put down --

20 Q You put down silver?

21 A Yes.

22 Q So in the same statement that somebody was
23 telling you what to put in your statement, you put
24 down silver as being the car that you saw; is that
25 correct?

1 **A** Yes, sir.

2 **MR. WILLIAMS:** That's all I have, Your Honor.

3 **THE COURT:** Redirect.

4 REDIRECT EXAMINATION

5 **BY MR. GRAHAM:**

6 **Q** And in that statement, ma'am, didn't you say
7 they left in Breon Mayers' car?

8 **A** In a car like Breon.

9 **Q** No, ma'am. Doesn't it first say, They left in
10 Breon Mayers' car? If you'll turn to page four.

11 **A** (Witness complies.)

12 **Q** Second question from the bottom, Whose car did
13 they leave in? What did you say?

14 **A** They left in Breon Mayers' car, a four-door
15 silver car like the one Breon drives. Because I
16 said to them, I can't describe the car, what do I
17 put down? That's what I said. And I was like,
18 well, could it have been Breon's? I was like, well,
19 a car like Breon, that's what I put down.

20 **MR. GRAHAM:** Your Honor, the State would offer
21 Ms. Boyd's statement into evidence at this time.

22 **MR. WILLIAMS:** And, Your Honor, we would object
23 to that.

24 **THE COURT:** 613(b) it doesn't come in. She's
25 admitted to making all the statements. She just

1 says that she changed her story now. But under 613,
2 if there's not extrinsic evidence, it isn't allowed
3 as long as she admits that she did make the earlier
4 statement. So it doesn't come in. But you've had a
5 chance to thoroughly cross-examine her on it.

6 **MR. GRAHAM:** Thank you, Your Honor. I don't
7 have any other questions for this witness.

8 **MR. WILLIAMS:** No questions on recross, Your
9 Honor.

10 **THE COURT:** You can step down.
11 Next witness.

12 **MR. SCOTT:** State calls Clifton Holley.

13 CLIFTON HOLLEY,
14 having been duly sworn, testified as follows:

15 **THE CLERK:** Once you're seated, speak up loud
16 and clear, stating your full name and spelling your
17 last on the record, please.

18 **THE WITNESS:** My name is Clifton Holley.

19 DIRECT EXAMINATION

20 BY MR. SCOTT:

21 **Q** Mr. Holley, where are you from?

22 **A** I'm originally from Pomaria, South Carolina,
23 but I live on [REDACTED] Meadowlark Road.

24 **Q** Okay. And what is the name of that community?
25 Where is Meadowlark Road located?

- 1 A It's right there in Little Mountain.
- 2 Q Little Mountain?
- 3 A Uh-huh.
- 4 Q And how long have you lived in that area?
- 5 A I've been over there for about five years.
- 6 Q Who do you live with?
- 7 A I live with Kristin Boyd.
- 8 Q Where are you employed?
- 9 A I'm employed over there in V.C. Summers right
- 10 now, the nuclear plant.
- 11 Q Do you recall October 21st of last year?
- 12 A That was the murder, I think, October
- 13 something.
- 14 Q Well, do you remember the day of the murder?
- 15 A I remember the day, but I do remember what
- 16 happened, you know what I'm saying.
- 17 Q Tell me what you were doing that morning.
- 18 A Deer hunting. I was in a deer stand.
- 19 Q Deer hunting, is that what you said?
- 20 A Deer hunting, uh-huh.
- 21 Q And in relation to your home, where is that
- 22 deer stand?
- 23 A My deer stand is at the bottom behind my house
- 24 down, like, in a creek down there.
- 25 Q Are there some woods behind your house?

1 A Yes.

2 Q I'm going to show you State's Exhibit Number 2.

3 Do you recognize what this is?

4 A Yes.

5 Q Okay. Do you see your home on here?

6 A Yes. My home is right there (indicating).

7 Q Okay. And do you see Dave Cannon's home?

8 A Right in here I think (indicating).

9 Q Okay. Is the area you were hunting, is it

10 depicted in this picture?

11 A Where I was at my deer stand is way on back

12 down here (indicating).

13 Q Okay. Did you hear anything that was

14 noteworthy while you were in your deer stand?

15 A Well, it was about 10:45 or 10:30, I heard gun

16 -- well, after about 10:45, it was about 30 minutes

17 after that, I heard two gunshots.

18 Q Okay. 10:45, you're saying 30 minutes after

19 10:45?

20 A Yeah, something like that.

21 Q Okay. So, approximately, 11:15?

22 A Yes.

23 Q What did you hear?

24 A The gunshots, you know, the gunshots you can't

25 really tell because people deer hunt down there and

1 when they hunt, you know what I'm saying, gunshots,
2 they echo down there at the bottom of the creek
3 line, so, you know. And you can't really tell
4 because I got people that deer hunt on one side of
5 me on the right side and the left side, so, you
6 know, you can't really tell how the sound really is
7 at the bottom.

8 Q Well, did they sound like -- do you know the
9 difference between a shot fired from a handgun and a
10 long gun?

11 A Yes.

12 Q And what kind of shots were these?

13 A They sound -- pistol shots. It wasn't no rifle
14 shots I know that.

15 Q You know they were not rifle shots?

16 A Yes, I know that.

17 Q How long have you been deer hunting?

18 A I been deer hunting ever since I was 19 years
19 old.

20 Q How old are you now?

21 A Forty-one.

22 Q So, approximately, 11:15 --

23 A Uh-huh.

24 Q -- you hear some shots?

25 A Uh-huh.

1 Q What was the next thing that you heard?

2 A I heard the ambulance coming probably about 35
3 or 40 minutes after that.

4 Q Did you -- okay. Thirty-five, 40 minutes after
5 that, so we're, approximately, noon?

6 A Yes.

7 Q What happened next?

8 A That's whenever -- after that, I heard the
9 ambulance. So when they came around the corner, I
10 heard it stop across the street, you know what I
11 mean. So I was getting ready to get out of my deer
12 stand anyway, climb down my tree climber, and that's
13 when my brother-in-law came to the edge of the woods
14 and screamed at me and told me --

15 MR. WILLIAMS: Objection, Your Honor, hearsay
16 in regards to what the brother-in-law is screaming
17 or saying.

18 BY MR. SCOTT:

19 Q And let me tell you, please don't say anything
20 that anyone else said to you.

21 A Okay.

22 Q Where did you go after you left your deer
23 stand?

24 A I went in my house and took my hunting clothes
25 off and put my rifle underneath my bed.

1 Q Did you see where the ambulance went?

2 A No, I didn't see no contact or anything. I
3 couldn't see anything.

4 Q You never saw where the ambulance had gone?

5 A No, I didn't.

6 Q At some point did you go across the street to
7 Dave Cannon's home?

8 A No, I didn't go across the street. I was just
9 right there at the road over there.

10 Q Did you ever speak with law enforcement?

11 A Well, one law enforcement, the guy that I went
12 to school with named Wesley Bolin.

13 Q Did you speak with him?

14 A Yeah. He asked me what was going on.

15 MR. WILLIAMS: Objection to hearsay, Your
16 Honor.

17 THE COURT: Sustained.

18 BY MR. SCOTT:

19 Q Did you speak with that officer?

20 A Yes, sir.

21 Q Eventually, did you give a statement to law
22 enforcement?

23 A Yes. I gave a statement to one of the agents
24 or whatever it is that came and talked to me.

25 Q And it was the day of the shooting?

1 **A** Yes.

2 **Q** And you told them what you've just told this
3 court today?

4 **A** Yes.

5 **MR. SCOTT:** Please answer any questions
6 Mr. Williams may have.

7 **MR. WILLIAMS:** No questions, Your Honor.

8 **THE COURT:** You can step down. Thank you.

9 **MR. SCOTT:** We would ask that Mr. Holley be
10 released from his subpoena.

11 **MR. WILLIAMS:** Without objection, Your Honor.

12 **THE COURT:** You're welcome to stay or free to
13 go.

14 **MR. SCOTT:** The State calls Barry Kinard.

15 BARRY KINARD,

16 having been duly sworn, testified as follows:

17 **THE CLERK:** Have a seat right up there, please,
18 sir. Once you're seated, speak up loud and clear,
19 stating your full name on the record and spell your
20 last.

21 **THE WITNESS:** Barry Kinard, K-i-n-a-r-d.

22 DIRECT EXAMINATION

23 BY MR. SCOTT:

24 **Q** Where are you from, Mr. Kinard?

25 **A** Chapin.

1 Q How long have you lived up there?

2 A All my life.

3 Q Are you employed?

4 A Yes, sir.

5 Q What do you do for a living?

6 A I work at Michelin Tire Plant.

7 Q Do you do anything else?

8 A I cut trees on the side around houses.

9 Q Do you know a guy named Dave Cannon?

10 A Yes, sir.

11 Q How did you meet him?

12 A Cut some trees across the road from his house

13 on a ditch bank. I was helping another guy do it.

14 It wasn't my job. He hollered at me about cutting

15 some limbs over at his house.

16 Q Where was his house?

17 A Straight across the road from where I was

18 working at on Meadowlark Lane -- or Meadowlark Road,

19 I think.

20 Q How long ago was that?

21 A Five and a half years ago roughly.

22 Q Okay. Were you all friends after that?

23 A Yes, sir, once I got to know him and he got to

24 know me.

25 Q Did you hang out very often?

1 **A** Off and on, you know. I mean, I'm off through
2 the week a lot. He didn't -- he was sick, you know,
3 a lot of times he'd ride to the dump with me or I
4 got a horse, going to need hay, he'd ride with me to
5 go get hay, stuff like that.

6 **Q** What were you doing on the morning of October
7 21st, 2011?

8 **A** Me and my cousin was going to split some wood
9 and we ended up riding by there to check on him see
10 how he was doing. And I had a part, I don't
11 remember what the name of the part is, but it goes
12 on a boat. He was over at the house a couple weeks
13 earlier and seen that I had a couple of them and
14 wanted one.

15 **Q** It's a boat part you're talking about?

16 **A** Yes, sir.

17 **Q** And so that morning you're saying you're taking
18 one of those parts to him?

19 **A** Yeah. I was going to drop it off by there.

20 **Q** Do you remember about what time that was?

21 **A** I called I think it was -- I think it was
22 11:45, didn't get no answer. I passed the road he
23 lives on and then I called again, didn't get no
24 answer. And I said, shoot, it's almost dinner time,
25 he got to be up. And I turned around, went back and

1 when I pulled up in the yard, the back door was wide
2 open. I said, well, he's here and I got out and
3 walked up there and that's when I found him.

4 Q What did you see?

5 A I walked up to the back door, he was laid on
6 his back, looked like he kind of collapsed down.
7 There was a cup and some ice laying on the floor. I
8 mean, he'd been sick, I didn't think he just passed
9 out because he was sick, but I wasn't sure, but, you
10 know, just by the way his face looked, I didn't feel
11 right about it.

12 I kind of hollered his name. I felt a hundred
13 percent sure he was dead, but I walked up kind of to
14 him and, you know, hollered his name. He didn't
15 respond, shook him a little bit, walked back out and
16 hollered at my cousin, walked down toward the truck
17 and said, you know, how about come here and look at
18 Dave, I believe he done died, you know.

19 Q Who is your cousin?

20 A Jerry Taylor. His name is Jesse Jerry Taylor.

21 Q He was riding with you that day?

22 A Yes, sir.

23 Q Was he a friend of Dave's as well?

24 A Yeah.

25 Q What, if anything, do you know about Dave

1 Cannon and marijuana?

2 A I knew he had it. I knew, you know, he sold it
3 a little bit. I mean, I didn't know the extent of
4 it, but, I mean, I knew he had weed. And I seen him
5 smoke it every now and then, but I think he mainly
6 drank liquor from what I saw.

7 Q Did you smoke marijuana with him?

8 A No.

9 Q Are you drug tested at Michelin?

10 A Yes, sir.

11 Q What about Jesse, your cousin, does he smoke
12 weed with Dave?

13 A I'm sure he has. He's gone over there with me
14 before and Jerry's gotten a little weed from him,
15 you know. Jerry don't have a lot of money. He
16 doesn't work that much, you know. It wasn't like he
17 was going over there and buying a whole bunch or
18 nothing.

19 Q You ever seen Dave Cannon with money?

20 A Oh, yeah. I ain't never seen him without.

21 Q Cash money?

22 A Oh, yeah.

23 Q Did he carry it on him?

24 A I've always seen him carry it in his front
25 pocket.

1 Q Without saying what he would say about the
2 money, what did you have to say about him carrying
3 around cash like that?

4 A Well, he thought it was crazy that I used a
5 card, you know, that I don't carry cash with me. I
6 might have 10, 15, \$20 on me. I thought it was
7 crazy to walk around with, I don't know, 600, \$2,000
8 in your front pocket, you know, and don't mind
9 pulling it out and letting people see it, you know,
10 I got money.

11 Q People knew he had a little bit of money on
12 him?

13 A I did. I mean, you know, I'm sure other people
14 did, too.

15 Q You said earlier that when you came in, he was
16 lying on his back. Could you tell if he was
17 breathing or not?

18 A The first thing I thought he was dead.

19 Q Did you tell me you saw ice on the floor?

20 A Yes, sir.

21 Q What did that mean to you?

22 A It hadn't been long he'd been laying there
23 first thing popped in my head, you know. And, you
24 know, I kind of thought, you know, maybe he was
25 still alive, but, you know, me and my cousin checked

1 him and I felt a hundred percent sure, you know, he
2 was dead.

3 Q Did Jesse come back there, without saying
4 anything he would have said, but did Jesse go back
5 to the back door and look at Dave with you?

6 A Yeah.

7 Q What did y'all do next?

8 A Well, we came back up there and Jerry, you
9 know, hollered his name. And his knee was sticking
10 up in the air a little bit and Jerry grabbed his leg
11 and shook it and there wasn't nothing. And I said,
12 you know, let's get out of here and I called 9-1-1.

13 Q How far into the back door was he lying?

14 A The back door is right here. I'd say he was
15 laying, like, right there (indicating). He was
16 right there at the back door like.

17 Q To the right or to the left?

18 A To the right.

19 Q Did you go call 9-1-1?

20 A Sir?

21 Q Did you call 9-1-1?

22 A Yes, sir.

23 Q And where did you go to call 9-1-1?

24 A I went to the church up the road, I guess,
25 maybe a mile.

1 Q Okay. So directly from there, you went to the
2 church to call. About how long after arrival did
3 you call 9-1-1?

4 A Arrival to his house or arrival to the church?

5 Q Yes, sir, arrival to his home.

6 A When I left his house, I don't -- I think I
7 called 9-1-1 on the way to the church. I'm pretty
8 sure that's what I was doing, I was calling while I
9 was driving up there. I didn't really know how to
10 tell them to get to his house because I didn't know
11 the address, so I picked the church because the road
12 they would come out of would be directly in front of
13 the church. And I told them I'd be waiting. When
14 they come out to the stop sign, I'll be driving a
15 silver jeep, just whip in behind me, I'll take you
16 to his house.

17 So, I mean, you know, I called them on the way
18 up there. I didn't sit there, thinking -- it didn't
19 seem like about five minutes, they were there. It
20 didn't seem like long the ambulance got there.

21 Q And then you led them back to [REDACTED] Meadowlark?

22 A Yes, went straight there.

23 Q What happened next?

24 A The guy driving the ambulance, he -- we walked
25 back there and I see he's right in there and he

1 walked in there. And it don't seem like he was in
2 there but just a minute or two and he said, you
3 know, everybody get back, he's been shot.

4 Q And did -- do you remember when the police
5 arrived?

6 A Vaguely. I mean, I remember when they got
7 there, but I don't remember who got there first. I
8 know Newberry County came. I think Chapin came.
9 And then I think Lexington County got there, I
10 think, and then had to wait on a detective, I
11 believe. I was there most of the day.

12 Q And you eventually gave a statement that day
13 about what you saw?

14 A Yes, sir.

15 MR. SCOTT: Thank you. Please answer any
16 questions Mr. Williams may have.

17 CROSS-EXAMINATION

18 BY MR. WILLIAMS:

19 Q Good morning.

20 A Good morning.

21 Q Mr. Kinard, had you seen your friend, Dave, the
22 day before?

23 A No.

24 Q Had you seen him in close proximity maybe two
25 days before or something like that?

1 **A** No, sir. I believe if I remember right, the
2 last time I'd seen him before I stopped there was
3 probably a week, week and a half, two weeks before
4 that. And he'd stopped by the house and that's when
5 he noticed I had that aluminum thing to go on the
6 boat, goes on the motor and the trailer.

7 **Q** Have you ever seen him carrying around any type
8 of container that he normally stores weed in?

9 **A** No, not on him personally.

10 **Q** Have you ever seen him move a container of weed
11 about, like from his car to another car or anything
12 like that?

13 **A** No. I have seen a container of weed, though.

14 **Q** Where did you see that container of weed?

15 **A** In his bedroom.

16 **Q** All right. What did it look like?

17 **A** It's a, like a plastic, bigger than a lunch
18 container, you know, plastic thing with a lid on it
19 and had a little bit of marijuana in it.

20 **Q** When you say a little bit, would you say half a
21 pound or a pound?

22 **A** I'm not familiar with that, but, I mean, about
23 that big around, probably about that long
24 (indicating), maybe two or three bags of it.

25 **Q** Did you ever take him to pick up his car or

1 anything like that?

2 A No, sir. He always rode with me.

3 Q So you've never seen him transfer marijuana
4 from one location to another?

5 A No, sir. When he was with me, he always
6 carried a little container with a little bit of
7 whiskey in it.

8 Q So he would just leave his marijuana in the
9 house if he was going with you somewhere?

10 A He might would take a half a joint with him.

11 Q But most of it he would leave at the house?

12 A That's exactly right.

13 Q All right. What's the most marijuana you've
14 ever seen in his house?

15 A Two or three little bags, which I -- I don't
16 know if that's little, you know, about that big
17 around. If I had to guess, I mean, I wouldn't think
18 it was over, I don't know, four or five ounces.

19 Q It wouldn't be a half a pound or a pound?

20 A I find that hard to believe, but it might
21 would. I don't know what he had as far as that
22 amount. That's a lot of weed I would think.

23 Q So if --

24 A But I wasn't into all of that either, you know.

25 Q So if he had a pound of marijuana, you would

1 think that he would be, what you consider, a big
2 time marijuana seller or drug dealer?

3 A I don't really know if that would be big time
4 or not. I would say, you know, if you got ten
5 pounds, you're growing.

6 Q And it's your testimony that you never bought
7 marijuana from him; is that right?

8 A No, sir.

9 Q Just your -- is that your cousin you say bought
10 it?

11 A Yeah.

12 Q How did you know that he sold marijuana?

13 A I mean, we got to be friends.

14 Q Okay.

15 A I know what he did as far as that go.

16 Q Did you know how much marijuana he sold or how
17 much money he made?

18 A Not really. I mean, I figured, you know,
19 people kind of like cousin or maybe, you know, just
20 people dropping in, you know, I wouldn't think it
21 would be -- I mean, I don't think he was rich.

22 Q What was the amount of money you said you saw
23 on him at different times?

24 A I would say between 600 to \$2,000, just
25 guessing. I mean, he always had money. I mean --

1 he went with me to the tough man contest. You know,
2 it's nice to have somebody walking around, got
3 plenty of money.

4 Q What's a tough man contest?

5 A Where people in different states get together
6 and fight.

7 Q And where would y'all -- where would you go to
8 see that?

9 A We went to the Jamil Temple, I think it was,
10 out there on St. Andrews Road to watch those.

11 Q When was that?

12 A Probably three years ago I imagine.

13 Q When he had about \$2,000. How long has he been
14 disabled?

15 A I ain't never known him to work, I mean, like I
16 say, five and a half years.

17 Q So he's been disabled -- well, wait a minute.
18 You've known him five and a half years and you've
19 never known him to work. Is that what you just
20 said?

21 A I ain't never known him to have a full-time
22 job, no, sir. And if he did something, you know, as
23 far as work, when I was -- I mean, I work a lot,
24 too. And when I work, I don't really talk to
25 nobody. I just work and sleep.

1 Q Do you know when he got sick?

2 A I want to say probably four, four and a half
3 years ago. I mean, I don't know exactly.

4 Q So if he was not working five and a half years
5 ago, then it wouldn't be because he was disabled as
6 far as you know?

7 A I don't know. I mean, I know a lot of people
8 that don't work. I mean, I got family members who
9 like to drink liquor and, you know, they don't work.

10 Q Right. And he wasn't sick, but he was selling
11 marijuana when he didn't work; is that right?

12 A I can't say for sure what he done, but I know
13 he had marijuana.

14 Q And he wasn't sick back then when you knew him,
15 was he?

16 A I didn't see him sick, but I ain't going to say
17 he wasn't sick.

18 Q When you say you didn't see him sick, what do
19 you mean by that?

20 A When I go by there and pick him up, he'd ride
21 to go get hay with me. I mean, I'm not having to
22 take him to the hospital or nothing. I'm not trying
23 to be smart with you. I mean, I'm not around him
24 everyday.

25 Q Did he go fishing?

1 A Yeah, we went fishing.

2 Q Did he go hunting?

3 A He talked about hunting, but I never went
4 hunting with him.

5 Q Are you a hunter?

6 A Occasionally.

7 Q And would he ever go fishing by himself?

8 A I'm pretty sure he did. His mom had a place on
9 the lake. I mean, it would probably be easy to go
10 fishing, leave the boat down there, just go there
11 and get it and take off.

12 Q So you certainly didn't feel like he was
13 disabled?

14 A I don't think he was able to do what I do for a
15 living.

16 Q Well, you cut trees, don't you?

17 A I work at Michelin, also.

18 Q Okay. So you work two jobs?

19 A Off and on, yeah. I work one full-time job. I
20 go to work with short pants on, I mean, it ain't
21 that hard, but, I mean, he doesn't strike me as the
22 type of person who could do that. Plus, you got to
23 have a clean record to get a job down there, you
24 know. I think he used to be a carpenter.

25 MR. WILLIAMS: I don't have any other

1 questions, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. SCOTT:

4 Q You didn't involve yourself with marijuana as
5 far as Dave Cannon was concerned, did you?

6 A Not for my personal use. Like I said, when my
7 cousin go over there with me, he'd get some.

8 Q Did you make it your business to know how much
9 marijuana he'd have with him?

10 A Not at all. I didn't care as long as it wasn't
11 in my vehicle with me.

12 Q How many times, I don't know, a month would you
13 hang out with David Cannon?

14 A I'd say two or three times.

15 Q Did marijuana come up as a topic of
16 conversation every time you were with him?

17 A No, not every time.

18 Q October of last year, do you recall what
19 David's health was like at that point?

20 A You never knew how he was going to be when you
21 went over there. He might be up walking around,
22 doing good. You might walk over there and he'd be
23 laid up in the bed look like he was about dead. I
24 think he had his good days and his bad days.

25 And, if I can, a lot of times when we were

1 together, we'd talk about -- I was going through a
2 divorce. We'd talk about my children. He done went
3 through a divorce back years ago, talking about my
4 ex-wife, stuff like that, you know, talking about
5 stuff like that.

6 Q How would you describe his health this past
7 October?

8 A I thought he was doing good.

9 Q But sometimes he was laid up in the bed?

10 A Every now and then, yeah.

11 Q Did you have any idea what caused that? Did
12 you ever know?

13 A I didn't know for sure, but I think, you know,
14 it came from, you know, drinking liquor, you know,
15 that's what I think. I don't know that. Like I
16 said, I got family members that drink hard and, you
17 know, it'll kill you. It's a fact.

18 Q So you never knew what he was suffering from?

19 A If I had to guess, I'd say something to do with
20 his liver.

21 MR. SCOTT: Thank you.

22 MR. WILLIAMS: No questions on recross, Your
23 Honor.

24 THE COURT: You can step down.

25 MR. SCOTT: We would also again ask Mr. Kinard

1 be released from his subpoena.

2 **MR. WILLIAMS:** Without objection, Your Honor.

3 **THE COURT:** You're welcome to stay, free to go.

4 Why don't we go ahead and take a ten minute
5 break for the restroom. Don't talk about the case
6 or comment on any witness' demeanor or anything like
7 that and we'll see you back in about ten minutes.

8 (The jury retires to the jury room.)

9 **THE COURT:** Okay. See y'all in ten minutes.

10 (Brief recess.)

11 **THE COURT:** All right. You got your next
12 witness ready?

13 **MR. GRAHAM:** Yes, Your Honor, the State's
14 ready.

15 **THE COURT:** Bring the jury in.

16 (The jury returns to the courtroom.)

17 **THE COURT:** Call your next witness.

18 **MR. SCOTT:** Thank you, Your Honor. The State
19 calls Michael Schlegel.

20 MICHAEL GRANT SCHLEGEL,

21 having been duly sworn, testified as follows:

22 **THE CLERK:** Once you're seated, state your full
23 name, spelling your last on the record, please.

24 **THE WITNESS:** Michael Grant Schlegel,
25 S-c-h-l-e-g-e-l.

MICHAEL GRANT SCHLEGEL - DIRECT BY MR. SCOTT

245

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q Where are you employed, Mr. Schlegel?

4 A I'm currently employed with the Lexington
5 County Fire Service.

6 Q Where were you employed October of last year?

7 A I was assigned to the Chapin Fire Station
8 working with the fire service, but paid by EMS.9 Q How long have you worked in emergency medical
10 services?11 A Since 1999 when I got out of the Army and then
12 eight years in the Army since '91. So a little over
13 20 years, sir.14 Q So you were, last October, assigned to fire
15 service, but you were paid by EMS. You were
16 doing --17 A I was a dual role. I was working as a
18 firefighter/paramedic.19 Q Okay. October 21st of last year, do you
20 remember being dispatched?

21 A Yes, sir.

22 Q And where was the call coming from?

23 A The call came from the 9-1-1 center. We were
24 dispatched to [REDACTED] Meadowlark Road for a cardiac
25 arrest.

1 Q Do you remember approximately what time that
2 call came in?

3 A I was dispatched about 12 o'clock.

4 Q Where were you dispatched from?

5 A 440 East Boundary Road, which is the Chapin
6 Fire Station.

7 Q How far is that from the location you were
8 responding to?

9 A I'm not sure about miles. It took us a little
10 over maybe five minutes to get there, sir.

11 Q Okay. So what was at the location were you
12 responding to?

13 A We were told that we'd be meeting a silver SUV.
14 at a church at that location and it would take us to
15 the actual scene.

16 Q And where was the actual scene?

17 A I advised dispatch that the actual scene was
18 [REDACTED] Meadowlark Road.

19 Q What kind of call did you think you were
20 responding to?

21 A We were dispatched for a cardiac arrest.

22 Q Do you remember who you met with when you
23 arrived at that church?

24 A It was Mr. Barry, I believe, sir.

25 Q Mr. Barry, Barry Kinard?

1 A Yes, sir.

2 Q And where did he take you?

3 A Again, he took me to [REDACTED] Meadowlark Road, which
4 was a trailer.

5 Q All right. And what did you observe when you
6 arrived at [REDACTED] Meadowlark?

7 A Me and my partner, my partner walked ahead of
8 me inside the residence. He noticed a gentleman
9 laying on the ground on his back in a supine
10 position, hands over his head. My partner said he
11 couldn't feel a pulse.

12 At that time, I stepped over the individual to
13 verify that he was not breathing, did not have a
14 pulse. My partner looked down and said, I believe
15 there's blood. I said, I'm not sure. It kind of
16 looks like water. We looked again and sure enough
17 it was blood.

18 At that time, I went to pull his left side of
19 his shirt collar down and noticed a bullet hole in
20 the left part of his chest. At that time, I advised
21 my partner that this is possibly a crime scene and
22 we needed to vacate the premises.

23 Q Okay. You saw some blood. Was there a little
24 bit of blood or a lot of --

25 A There was a lot of blood, sir.

1 Q And when you say supine, lying on his back?

2 A Yes, lying on his back with his arms above his
3 head like so (indicating).

4 Q You said you entered the back door?

5 A Yes, sir.

6 Q How far into the back door was he lying?

7 A Maybe a foot, sir. The room was right next to
8 the back door.

9 Q Was anyone else in the house?

10 A We were advised that they weren't sure if his
11 significant other, I assume it was his wife, was
12 home or not. My partner did go to look for her
13 while I was doing my assessment on the individual
14 and nobody was in the house.

15 Q Did you know who the man was?

16 A No, sir.

17 Q Did you eventually determine who the man was?

18 A Yes, sir. They told me he was a David Cannon.

19 Q You said you checked for a pulse, there was
20 none. Who did you call after you noticed the bullet
21 holes?

22 A As we were walking out of the house, we did
23 look down at directly in the back door, noticed two
24 shell casings. And at that time is when I got on
25 the radio with dispatch and advised them that I

1 needed sheriff's department to a possible homicide,
2 sir.

3 Q Okay. What's a shell casing?

4 A A cartridge that the ammunition comes in.

5 Q Okay. Is it what's left after you fire a gun?

6 A Yes, sir. It's what's left over after you
7 discharge a weapon.

8 Q And tell me where they were located, the
9 casings?

10 A Right by the back door there was a dryer or a
11 washing machine right there, right in front of that
12 washer and dryer.

13 (State's Exhibit Numbers 6 and 7,
14 photographs, marked for identification purposes.)

15 Q I'm going to show you State's -- what's been
16 marked as State's 6 and 7. Do you recognize those?

17 A Yes, sir.

18 Q And how are you able to recognize those?

19 A Those are the cartridges or shell casings, sir,
20 that we noticed as we were walking out of the back
21 door.

22 Q How far away from Mr. Cannon were those?

23 A Maybe two to three feet at the most, sir.

24 Q Okay. And you say you called the police after
25 that?

.1 **A** We called dispatch to make sure that the
2 sheriff's department was en route to us.

3 **Q** Do those pictures fairly and accurately
4 represent what you saw on October 21st, 2011?

5 **A** Yes, sir.

6 **MR. SCOTT:** The State would offer State's 6 and
7 7 for admission in evidence.

8 **MR. WILLIAMS:** Without objection, Your Honor.

9 **THE COURT:** Admitted.

10 (State's Exhibit Numbers 6 and 7,
11 photographs, admitted into evidence.)

12 BY MR. SCOTT:

13 **Q** Do you know how long it took for the police to
14 arrive after you called them?

15 **A** Probably about 15 or 20 minutes, sir.

16 **Q** Did you have any further involvement after
17 that?

18 **A** The only involvement we had was trying to keep
19 his wife from entering the residence after we told
20 her what had happened.

21 **MR. SCOTT:** Your Honor, permission to publish
22 State's 6 and 7 to the jury.

23 **THE COURT:** You may.

24 **MR. SCOTT:** Nothing further from this witness.

25 *****

MICHAEL GRANT SCHLEGEL - CROSS BY MR. WILLIAMS

251

1 CROSS-EXAMINATION

2 BY MR. WILLIAMS:

3 Q Good morning.

4 A Good morning, sir.

5 Q You were the first persons to receive the call;
6 is that correct?

7 A As far as I know, sir, yes.

8 Q So, to your knowledge, you were -- the only
9 9-1-1 call was directed to you; is that correct?

10 A Yes, sir.

11 Q And the call that you're talking about came in
12 at 11:57 point 14?

13 A I believe so, sir.

14 Q Pretty close to 12:00, isn't it?

15 A Close enough.

16 Q And it took y'all a few minutes to get there.
17 When you got there, who did you see at the scene,
18 because you obviously were following the two
19 individuals who called it in?20 A Yes, sir. There was nobody else on the scene
21 that we saw. The two individuals that led us there
22 pulled over. We pulled around into the driveway and
23 me and my partner walked into the residence.24 Q Were there -- was there anybody out of the
25 houses along that road?

1 A After we had pulled on scene, sir, neighbors
2 did start coming out of their houses to see what was
3 going on.

4 Q How many persons did you see out?

5 A I never counted, sir, but it was quite a few.

6 Q As many as maybe 20, 25?

7 A At least, sir, probably.

8 Q 40 or 50?

9 A I would say probably about 20 personnel that
10 eventually were there.

11 Q All right. Now, what day of the week was this?

12 A I'm not sure, sir.

13 Q Well, let's just say it wasn't on a weekend was
14 it?

15 A No, sir. No, it was not on a weekend.

16 Q It was during a work week and there were 25, at
17 least, 25 people around at that time of day; is that
18 right?

19 A Yes, sir.

20 Q You didn't have any involvement in the
21 investigation of this case, did you?

22 A No, sir.

23 Q The only thing you were there was to see if you
24 could help the individual who had been shot and to,
25 I guess, mark the scene until the police got there,

1 keep people out until the police got there?

2 A Yes, sir.

3 Q Who did you give the shells to?

4 A We did not touch them, sir. We left them as
5 they were.

6 Q So you didn't move them at all?

7 A No, sir.

8 Q Now, was there any question about there being a
9 wound to the temple?

10 A The only wounds I observed, sir, was that one
11 to the upper left chest.

12 Q So you never saw a wound to the temple at all?

13 A Not that I saw, sir, no.

14 Q And you only saw one wound; is that correct?

15 A Yes, sir.

16 MR. WILLIAMS: That's all I have, Your Honor.

17 THE COURT: Anything further?

18 MR. SCOTT: Nothing further, Your Honor.

19 THE COURT: You can step down.

20 THE WITNESS: Thank you, sir.

21 THE COURT: Next witness.

22 MR. GRAHAM: The State calls Cari Reinberg.

23 CARI REINBERG,

24 having been duly sworn, testified as follows:

25 THE CLERK: Once you're seated, speak up loud

1 and clear stating your full name, spelling your last
2 on the record, please.

3 **THE WITNESS:** My name is Cari Reinberg,
4 R-e-i-n-b-e-r-g.

5 DIRECT EXAMINATION

6 BY MR. GRAHAM:

7 **Q** Cari, could you pull the microphone up to you
8 and maybe sit a little closer to it so everybody can
9 hear you?

10 **A** (Witness complies.)

11 **Q** Where are you employed, ma'am?

12 **A** Lexington County 9-1-1.

13 **Q** And what do you do for Lexington County 9-1-1?

14 **A** I'm the training coordinator and the deputy
15 communications coordinator.

16 **Q** And how long have you worked for Lexington
17 County 9-1-1?

18 **A** Sixteen years.

19 **Q** As part of your current job responsibilities,
20 are you designated as a keeper of the records?

21 **A** I am.

22 **Q** And what does that mean? What is a keeper of
23 the records, what does that mean?

24 **A** Keeping all the information obtained by the
25 9-1-1 center in a secure location.

1 Q That would be 9-1-1 calls that come in, CAD is
2 that something that you all keep track of?

3 A Correct. The Computer Aided --

4 Q What is CAD?

5 A Computer Aided Dispatch System.

6 Q What does that mean?

7 A It's the database in which we maintain all the
8 information from 9-1-1 callers.

9 Q And do you all keep those records in the
10 regular course of your business?

11 A We do.

12 Q And some of that information comes as
13 recordings on 9-1-1 calls themselves and some comes
14 from people with keyboards typing things in,
15 correct?

16 A Correct.

17 Q And you keep track of all that?

18 A All of that.

19 Q Were you able to find records involving 9-1-1
20 calls and law enforcement and EMS dispatch related
21 to the murder of David Cannon on October 21st of
22 2011, at [REDACTED] Meadowlark Road?

23 A I was.

24 Q And did you bring those records with you?

25 A I did.

1 Q Specifically, what was the first call -- when
2 was the first call that came in regarding a call for
3 service related to David Cannon?

4 A The first call received was at 11:56 and 37
5 seconds.

6 Q And what type of a call was that?

7 A That was a medical call.

8 Q And the telephone number that called that 9-1-1
9 call in was what?

10 A [REDACTED].

11 Q And who did your dispatch system identify as
12 that caller, the person who called 9-1-1 asking for
13 EMS assistance?

14 A A Barry Kinard.

15 Q Based on the conversation with Mr. Kinard, what
16 did -- what did 9-1-1 dispatch do?

17 A Information documented in the CAD call card
18 stated that there was a subject not moving or
19 responding. The caller did not know the address,
20 but would be standing by at the church in a gray
21 Jeep Commander.

22 Q Did you -- or do the records indicate whether
23 EMS was dispatched?

24 A Yes, it does.

25 Q And what time did EMS arrive on scene at [REDACTED]

1 Meadowlark?

2 A At 12:11 and seven seconds.

3 Q And at some point very quickly thereafter was
4 the call changed from an EMS call to a law
5 enforcement call?

6 A It was.

7 Q And what time was law enforcement dispatched?

8 A At 12:18.

9 Q And what time did law enforcement arrive on
10 scene?

11 A Actually, I only have the EMS CAD report.

12 Q Let me show you some documents and ask if you
13 recognize these documents?

14 A I do.

15 Q And are those the documents that Lexington
16 County 9-1-1 provided to my office related to this
17 call?

18 A Yes, they are.

19 Q Looking through those, would you see if you can
20 determine what time law enforcement was dispatched
21 and what time law enforcement arrived on scene?

22 A (Witness reviewing document.)

23 THE COURT: Can you tell?

24 THE WITNESS: I'm unable to locate the first
25 unit arriving on scene for law enforcement.

1 (Pause.)

2 **THE COURT:** Well, have you got another question
3 for her because she can't find it?

4 **MR. GRAHAM:** No, Your Honor. That's all the
5 questions I have for her.

6 **THE COURT:** Okay. Anything?

7 **MR. WILLIAMS:** No questions, Your Honor.

8 **THE COURT:** You can step down. Thank you.
9 Next witness.

10 **MR. GRAHAM:** State calls Roy Mefford.

11 ROY MEFFORD,
12 having been duly sworn, testified as follows:

13 **THE CLERK:** Once you're seated, state your full
14 name, spelling your last on the record.

15 **THE WITNESS:** It's Roy Mefford, M-e-f-f-o-r-d.

16 DIRECT EXAMINATION

17 BY MR. GRAHAM:

18 **Q** Sergeant Mefford, is that correct?

19 **A** Yes.

20 **Q** Where are you employed, sir?

21 **A** With the Lexington County Sheriff's Department.

22 **Q** And how long have you worked for Sheriff Metts?

23 **A** A little over 14 years.

24 **Q** And is that your total law enforcement
25 experience?

1 A I was a MP in the U.S. Army for five years
2 prior to that.

3 Q You are sergeant -- what are you job
4 responsibilities as a sergeant?

5 A Right now I'm a sergeant in the major crimes
6 unit and we -- I supervise a team of investigators.
7 And I also supervise the CSI unit along with the
8 gang task force.

9 Q Did you say violent crime, is that what you
10 said?

11 A Major crimes.

12 Q What are major crimes?

13 A Major crimes are usually crimes involving the
14 victims of person, murders, robberies, rapes, child
15 abuse and things of that nature.

16 Q Is it fair to say that you were one of the
17 major crime sergeants involved in supervising and
18 then participating in the investigation of the death
19 of David Cannon?

20 A Yes.

21 Q So on October 21st, 2011, the day that David
22 Cannon was shot and killed, you all began your
23 investigation?

24 A Yeah. Actually, that day I was off that --
25 scheduled to be off that day and another team

1 actually responded, but due to manpower shortages, I
2 came out later that afternoon to assist in the case.

3 Q Prior to October 21st of 2011, were there any
4 serious leads in the case as far as what had
5 happened and who did it?

6 A No, sir.

7 MR. WILLIAMS: Your Honor, I was going to
8 object to the question. It's calling for hearsay.

9 THE COURT: Well, the question says on October
10 the 21st, the day he was shot and killed, you began
11 your investigation. Then it says prior to the 21st,
12 was there any serious leads --

13 MR. WILLIAMS: I'll withdraw the question --

14 THE COURT: Well, it didn't happen prior to the
15 21st. I don't know how there could have been any
16 leads, but maybe you want to rephrase the questions.

17 MR. GRAHAM: I thought I said the 26th, so I'll
18 rephrase it.

19 BY MR. GRAHAM:

20 Q Prior to October 26, 2011, were there any
21 leads, any major leads, any major movement, any
22 major opening in your investigation of the death of
23 David Cannon?

24 MR. WILLIAMS: And now I object, Your Honor.
25 It's calling for hearsay because he's saying prior

1 to the 26th, he would have to remark on hearsay.

2 **THE COURT:** Well, he's not asking for any
3 hearsay information. He just asked if he had any
4 leads.

5 **THE WITNESS:** No, there were no leads prior to
6 October 26th.

7 BY MR. GRAHAM:

8 **Q** Were there any suspects at that time?

9 **A** Not at that time.

10 **Q** What, if anything, happened on October 26,
11 2011, that broke the case open for your
12 investigation to go forward?

13 **A** We received an anonymous tip regarding the
14 case.

15 **Q** Based on the anonymous tip, what, if any,
16 suspects were developed?

17 **A** At that time, Jasmine Bowers, Jermaine
18 Caughman, Breon Mayers and an individual only
19 described as living with a Chris Davis were
20 developed.

21 **Q** Did you speak with that anonymous tipster?

22 **A** I did.

23 **Q** Based on your conversation with that tipster,
24 what, if anything, did you immediately do?

25 **A** Any time we get a tip on a case, we immediately

1 begin running any information on an individual's
2 name in the tip or any other information. We had
3 the information already on Jasmine Bowers. And we
4 -- at that time, we ran information on Breon Mayers
5 and Jermaine Caughman. And the other name, an
6 individual living with Chris Davis, Chris Davis is a
7 common name, as you can imagine, it took us a little
8 longer to find any information on which Chris Davis
9 that was.

10 **Q** When you said you ran information, would one of
11 the things that you did would be to run somebody's
12 driver's license?

13 **A** Correct to find out address information and --
14 previous address information, current address
15 information to attempt to locate --

16 **Q** Specifically regarding Breon Mayers, do you
17 remember what date and what time you ran his
18 driver's license?

19 **A** It was October 26th at approximately ten to two
20 o'clock in the afternoon, about 1:50 in that
21 afternoon.

22 **Q** At the time that you ran Breon Mayers' driver's
23 license information, had you or any investigator or
24 any police officer with the Lexington County
25 Sheriff's Department contacted or interviewed any of

1 the suspects that you mentioned?

2 A Jasmine Bowers had been interviewed, but the
3 other ones, no, not to my knowledge.

4 Q Was Jasmine talked to before or after you had
5 the information?

6 A Jasmine was talked to by the initial responding
7 officers, if I remember correctly. I did not speak
8 to her myself.

9 Q You were talking about the day of the murder
10 itself --

11 A Correct.

12 Q -- when the officers arrived on the scene?

13 A Correct.

14 Q Did she implicate herself at that time --

15 A Not to my knowledge.

16 Q Because there weren't any suspects, correct?

17 A Correct.

18 Q After running the driver's license of Breon
19 Mayers and checking information on Jermaine
20 Caughman, Jasmine Bowers and tracking down the
21 person who was living with Chris Davis, what was
22 some of the first things that you or officers under
23 your control did?

24 A What we did is we took all the information and
25 we had -- we had a starting point and we got a game

1 plan together, which was to obviously go to Chapin
2 and check out the validity of this tip, make contact
3 with these individuals, if possible, and then see
4 where it took us from there.

5 Q Is it fair to say that Jermaine Caughman then,
6 although Jasmine was talked to earlier, Jermaine
7 Caughman was the first suspect?

8 A Correct --

9 Q Was identified as a suspect that you or your
10 officers came in contact with?

11 A Yes.

12 Q Approximately what time was that?

13 A It was in the -- some time before six o'clock
14 in the afternoon on the 26th. We had headed up
15 there early afternoon after we ran the information
16 and got everybody together. It took a little bit to
17 get detectives together to head up there because
18 they were spread out doing other things, but it was
19 early afternoon, midafternoon of the 26th.

20 Q While Jermaine Caughman was being talked to by
21 officers under your command and supervision, did you
22 happen to speak with any witnesses?

23 A I did.

24 Q And who was the first person that you spoke
25 with personally?

- 1 A The first person I spoke to was a Linda Marsh.
- 2 Q And without going into what Linda Marsh told
3 you, based on what she told you, did you look at her
4 phone?
- 5 A I did.
- 6 Q What were you looking for?
- 7 A Looking for a telephone call that had occurred
8 on the 21st of October around 11:30.
- 9 Q Was that an incoming call to her phone or an
10 outgoing call from her phone?
- 11 A It was actually three incoming calls to her
12 phone that she was -- she was showing me the phone
13 and showing me telephone calls in her log.
- 14 Q And did you record that phone number?
- 15 A I did.
- 16 Q And what phone number did you record?
- 17 A The phone number is [REDACTED].
- 18 Q And those are three incoming calls to her
19 phone; is that correct?
- 20 A Yes.
- 21 Q And what date did those incoming calls come in?
- 22 A October 21st.
- 23 Q Of 2011?
- 24 A 2011.
- 25 Q The day of David Cannon's murder?

1 **A** Yes, sir.

2 **Q** Were you able to record the approximate time
3 that those phone calls came in to Linda Marsh's
4 phone?

5 **A** Yes. They came in at approximately 11:23,
6 11:34 and 11:38 hours on the 21st of October 2011.

7 **Q** Based on your -- when you finished the
8 interview with Linda Marsh, did you immediately go
9 and interview somebody else?

10 **A** I did.

11 **Q** And who was that?

12 **A** That was Christopher Davis, Jr.

13 **Q** Known as C.J.?

14 **A** Yes.

15 **Q** Did he allow you to look at his phone?

16 **A** He showed me his phone. I didn't physically
17 have the phone in my hands, but he showed me the
18 telephone screen.

19 **Q** And what did you ask him to see?

20 **A** I was wanting to find any contact information
21 on Breon Mayers.

22 **Q** And what, if anything, did Chris Davis, Jr.,
23 C.J., show you on his phone?

24 **A** He showed me a telephone number of
25 ██████████, which is the same number I got from

1 looking at the screen on Linda Marsh's phone.

2 Q So you saw that number on?

3 A Both phones.

4 Q On both phones?

5 A Yes, sir.

6 Q Did Chris Davis, Jr.'s phone have a name
7 associated with that number on that phone?

8 A The name on the screen with that number was
9 Breon.

10 Q Subsequent to that time, was Jermaine Caughman
11 placed under arrest?

12 A Yes.

13 Q What was he charged with?

14 A He was charged with burglary, armed robbery and
15 murder.

16 Q Subsequent to that time, was Jasmine Bowers
17 arrested?

18 A The next day, yes.

19 Q Prior to her being arrested, was there anybody
20 else that was arrested?

21 A Yes, there was.

22 Q And who was that?

23 A Tyrome Brennan.

24 Q And that would be the individual who was
25 identified as living with Chris Davis?

1 A Yes.

2 Q What was Tyrome Brennan arrested on?

3 A He was arrested for burglary, armed robbery and
4 murder.

5 Q So after Jermaine was arrested, Tyrome was
6 arrested?

7 A Yes.

8 Q Those are both on the 26th?

9 A He was located and interviewed and arrested.

10 Q After his arrest, who was arrested next?

11 A Jasmine Bowers was arrested on the 27th, the
12 next day.

13 Q And what was she charged with?

14 A Burglary, armed robbery and murder.

15 Q Ultimately, was Breon Mayers arrested?

16 A He was.

17 Q And what was he charged with?

18 A Burglary, armed robbery and murder.

19 **MR. GRAHAM:** Thank you, Detective -- Sergeant.

20 Please answer any questions Mr. Williams has.

21 CROSS-EXAMINATION

22 BY MR. WILLIAMS:

23 Q Sergeant, are you familiar with how Breon
24 Mayers was arrested?

25 A Yes, I am.

1 Q And was he picked up by, I guess, the police
2 officers or the sheriff's department or anything
3 like that?

4 A He was escorted to the sheriff's department by
5 a police officer, but not one of our police
6 officers. He came to the sheriff's department.

7 Q All right. He came to the sheriff's department
8 voluntarily with a former solicitor who is now a
9 police officer with the City of Columbia, didn't he?

10 A Correct.

11 Q Who had a relationship with Breon's father?

12 A Yes.

13 Q So he was not picked up by way of being stopped
14 or anything. He actually voluntarily turned himself
15 in once he heard somebody was looking for him?

16 A Yes.

17 Q Now, before October the 26th of 2011, I think
18 you said that there was a tipster which called in.
19 Now, he was -- Mr. Cannon was shot on the 21st,
20 right?

21 A Yes, sir.

22 Q So five days elapsed prior to this tipster
23 calling in?

24 A Correct.

25 Q And during this five days, I assume the police

1 officers talked to everybody who was at the scene,
2 in the houses nearby who would have had any type of
3 information that might have shed light on who
4 actually perpetrated the crime; is that right?

5 A They were interviewing individuals. I don't
6 know if they caught people at home or if there was
7 people that weren't home when they went out to
8 interview them. I can't account for everybody who
9 lived in the area to say that they were interviewed.

10 Q But for about a week, there'd been a lot of
11 investigating going on where the police were talking
12 to various people who lived in the neighborhood?

13 A For five days, yes, sir.

14 Q And up until the 26th, Breon Mayers was never
15 listed as a potential, I guess, suspect in this
16 case?

17 A Not to my knowledge, no.

18 Q Now, what was the name of the tipster that
19 called in?

20 A I do not have the tipster's name.

21 Q Did you have -- when someone calls in, I assume
22 that they're -- I know my cell phone, you can see
23 who's called in. I assume law enforcement and 9-1-1
24 have those magic ways to see who calls in. Do you
25 know the phone number of the person who called in?

1 **A** I was given the phone number and that's how I
2 made contact. She didn't -- the tipster didn't call
3 me.

4 **Q** So you went and actually met the tipster; is
5 that correct?

6 **A** That's incorrect.

7 **Q** All right. You had the tipster's phone number,
8 right?

9 **A** Yes.

10 **Q** And what is the tipster's name?

11 **A** I do not --

12 **MR. GRAHAM:** Objection, Your Honor, relevance.

13 **THE COURT:** What's the relevance?

14 **MR. WILLIAMS:** Your Honor, if the tipster is
15 the one calling in the names, then perhaps that
16 person knows something about the incident itself.

17 **THE COURT:** Overruled.

18 **BY MR. WILLIAMS:**

19 **Q** That tipster's name is what?

20 **A** I do not know the tipster's name.

21 **Q** Who knows the tipster's name?

22 **A** You have to ask around. I was given the phone
23 number and I asked if the tipster would meet and the
24 tipster did not want to meet.

25 **Q** But you have the phone number; is that right?

1 A I don't have it now. I had it at the time I
2 called.

3 Q So you don't have the phone number recorded
4 somewhere from this tipster who called it in?

5 A No. I was given the phone number verbally and
6 I made a telephone call and spoke to the tipster.
7 And as you can imagine, they weren't very
8 forthcoming as far as me meeting them and having
9 their identity given out. They didn't even give me
10 their name.

11 Q But you knew who it was?

12 A I was given the inform -- I was given the
13 telephone number of the tipster, but they would not
14 give me their name.

15 Q But you found out who it was, didn't you?

16 A The name was mentioned to me, but I don't have
17 the name now.

18 Q So you don't know who it was?

19 A Just the person I spoke to, yes, on the phone.

20 Q All right. Who was the person you spoke to on
21 the phone?

22 A I don't have their name, sir.

23 **MR. WILLIAMS:** I don't have any other
24 questions, Your Honor.

25

1 REDIRECT EXAMINATION

2 BY MR. GRAHAM:

3 Q Is it uncommon, Detective -- what's an
4 anonymous caller?

5 A It's somebody that doesn't want to disclose
6 their name for various reasons.

7 Q Is that uncommon when you're investigating a
8 murder case for somebody in the neighborhood to
9 maybe know something but want to remain anonymous?

10 A It is absolutely not uncommon.

11 MR. GRAHAM: Thank you.

12 MR. WILLIAMS: Nothing on recross, Your Honor.

13 THE COURT: You can step down.

14 Next witness.

15 MR. GRAHAM: Your Honor, if we could approach.

16 (Whereupon, a bench conference was held off
17 the record, in the presence of the jury, but out of
18 the hearing of the jury.)

19 THE COURT: Call your next witness.

20 MR. SCOTT: The State calls Jermaine Caughman.

21 JERMAINE CAUGHMAN,

22 having been duly sworn, testified as follows:

23 THE CLERK: Once you're seated, state your full
24 name, spelling your last on the record.

25 THE WITNESS: Jermaine Caughman,

1 C-a-u-g-h-m-a-n.

2 DIRECT EXAMINATION

3 BY MR. SCOTT:

4 Q Where are you from, Mr. Caughman?

5 A Chapin, South Carolina.

6 Q How old are you?

7 A Nineteen.

8 Q How long have you lived in Chapin?

9 A Most of my life.

10 Q Where do you live in Chapin?

11 A [REDACTED] Chapin Road.

12 Q Have you always lived at that address?

13 A Yes.

14 Q Did you go to school?

15 A Yes, sir.

16 Q Did you graduate?

17 A Yes, sir.

18 Q Where did you graduate from?

19 A Chapin High School.

20 Q Have you ever had a job?

21 A No, sir.

22 Q How do you make money?

23 A I used to get it from my parents.

24 Q Who is Jasmine Bowers?

25 A She is a friend of mine. She is Dave Cannon's

1 niece.

2 Q How do you know her?

3 A Through school and I grew up around the

4 neighborhood.

5 Q So how long have you known her?

6 A All my life.

7 Q Where does she live?

8 A Meadowlark. I don't know the exact address.

9 Q How close is it to Dave Cannon's house?

10 A Next door.

11 Q Who is Tyrome Caughman?

12 A I don't know Tyrome Caughman.

13 Q Tyrome Brennan. I'm sorry.

14 A He's a friend.

15 Q How do you know him?

16 A Through high school.

17 Q Where did Tyrome Brennan live?

18 A Mountain Drive, right below my house in the

19 backyard, cut through my backyard.

20 Q So the back of his house faces the back of your

21 house?

22 A Yes, sir.

23 Q How far apart are they?

24 A Not that far apart.

25 Q Who did you live there with?

1 A My uncle.

2 Q What's your uncle's name?

3 A Christopher Davis.

4 Q Do you know about when you met Tyrome Brennan?

5 A Not exactly, my ninth grade year in high

6 school.

7 Q Was he from Chapin?

8 A No, sir.

9 Q Where was he from?

10 A Irmo, Friarsgate.

11 Q What about Breon Mayers, who was that?

12 A My co-defendant. He's from Little Mountain.

13 Q How long have you known him?

14 A All my life.

15 Q How did you meet him?

16 A I met him when I was real little through

17 family.

18 Q Did he go to Chapin, too?

19 A Yes, sir.

20 Q Where did he live?

21 A In Little Mountain. I don't know the exact

22 location.

23 Q Do you know who he lived with?

24 A His grandparents.

25 Q Had you ever been to his home?

1 A Yes, sir.

2 Q How many times?

3 A I can't even count.

4 Q More than once?

5 A Yes, sir.

6 Q More than ten times?

7 A Probably, yes, sir.

8 (State's Exhibit Number 8, photograph,
9 marked for identification purposes.)

10 Q I'm going to show you what's been marked as
11 State's Exhibit Number 8.

12 A That's where he stays.

13 Q And he lives there with who?

14 A His grandparents.

15 Q Do you know what road that's on?

16 A No, sir.

17 Q And you don't know the address, do you?

18 A No, sir.

19 Q But you were friends with Mr. Mayers, Breon
20 Mayers?

21 A Yes, sir.

22 Q Where are you currently living?

23 A Where am I currently living?

24 Q Where did you come from today?

25 A Lexington County Detention Center.

1 Q What charges do you have against you?

2 A Murder, armed robbery, burglary first,
3 possession of a weapon during the commission of a
4 violent crime.

5 Q And what is the date that these charges stem
6 from?

7 A What do you mean?

8 Q When did the murder happen?

9 A The 21st, Friday the 21st of October.

10 Q What were you doing the night before October
11 21st?

12 A Playing cards in my backyard with Breon and
13 Tyrome Brennan.

14 Q In whose backyard?

15 A Mine slash my uncle's.

16 Q It's the backyard between yours and -- who is
17 your uncle?

18 A Christopher Davis.

19 Q You said y'all were playing cards?

20 A Yes.

21 Q Who is C.J.?

22 A My little cousin.

23 Q How is he related to Chris Davis, Sr.?

24 A His son, that's his father.

25 Q So Chris Davis, C.J., and Tyrome all live

1 together at Mountain Drive?

2 **A** Yes, sir.

3 **Q** Do you know if C.J. had a phone?

4 **A** Yes, sir.

5 **Q** How do you know?

6 **A** I seen it every day. I even use it.

7 **Q** Why did you use his phone?

8 **A** To call girls and I talked to Tyrome Brennan

9 twice on it.

10 **Q** Did you have a cell phone?

11 **A** No, sir.

12 **Q** Is that why you used C.J.'s phone?

13 **A** Yes, sir.

14 **Q** Did you ever enter contacts in there?

15 **A** No, sir.

16 **Q** Did you ever have him enter contacts for you?

17 **A** No, sir.

18 **Q** But you made phone calls from his phone to

19 other people?

20 **A** Yes, sir.

21 **Q** So you said you were playing cards with Tyrome

22 Brennan and Breon Mayers the night of October 20th?

23 **A** Yes, sir.

24 **Q** What happened that next morning?

25 **A** The next morning they came, Breon came to my

1 house, knocked on my door. I don't know the exact
2 time. It was in the morning time. He told me we
3 was going to go get something to eat and he had to
4 stop by somebody house first.

5 Q What do you remember -- about what time was it?

6 A 10:00, between 10:00 and 11 o'clock.

7 Q And it was you, Breon and --

8 A Tyrome Brennan.

9 Q Okay. Where do you remember you going next?

10 A From there, I closed my door, got dressed. And
11 from there, I got in the car. When I met in the
12 car, it was Tyrome Brennan and Breon Mayers and we
13 went to Jasmine Bowers' house.

14 Q What kind of car were you in?

15 A A gray car, a grayish.

16 Q What kind of car was it?

17 A I don't remember.

18 Q Who was driving it?

19 A Breon Mayers.

20 Q Had you seen that car before?

21 A Yes.

22 Q Had you been --

23 A Yes, sir.

24 Q Had you been in that car before?

25 A Yes, sir.

1 Q How many times?

2 A I don't even know. I mean, he used to take me

3 to school, drop me off when we was at the

4 alternative school together.

5 Q You didn't have a car?

6 A No, sir.

7 Q So you said you'd gotten into Breon Mayers' car

8 and you drove to Jasmine --

9 A Jasmine Bowers'.

10 Q How far away is Jasmine's house from yours?

11 A Probably a mile and a half if I had to guess.

12 Q And what road does she live on?

13 A Meadowlark.

14 Q What was the purpose of going to Jasmine's

15 house; did you know at that time?

16 A No, sir.

17 Q What happens once you got to Jasmine Bowers'

18 home?

19 A Breon asked me to get out and knock on the

20 front door. And from there, I knocked on the front

21 door. Jasmine came to the door. I told her Breon

22 wanted to see her. She closed the door, went in the

23 room, got dressed. I ran back to the car and got

24 back in the car. From there, he got out the car,

25 met her halfway.

1 Q And you were in the car during this time?

2 A Yes, sir.

3 Q Where was Tyrome Brennan?

4 A In the car.

5 Q What time was it that you were over at

6 Jasmine's house?

7 A 11:00, 11:00 something. I don't know the exact

8 time.

9 Q How long was Breon outside of the car speaking

10 with Jasmine?

11 A Three to four minutes.

12 Q What did he say once he got back in the car?

13 A He's going down the street to Jackie Boyd's

14 house.

15 Q Did you drive to Jackie Boyd's?

16 A Yes, sir.

17 Q Who was there?

18 A Who was there when we got there? The only

19 person I seen was Cedric Mayers.

20 Q What did Breon Mayers do when you arrived at

21 Jackie Boyd's home?

22 A He said, Hold on. He got out the car and ran

23 and talked to Ced. And then he came back and told

24 us he was about to go rob David Cannon.

25 Q Who is Dave Cannon?

1 A The man that got killed.

2 Q Did you know him before that?

3 A Yes, sir.

4 Q How did you know him?

5 A He's a drug dealer. I used to buy drugs from

6 him.

7 Q Where did he live -- how far away from Jackie

8 Boyd's house did he live?

9 A Right across the street.

10 Q What did you think when Breon said y'all were

11 going to go rob Dave Cannon?

12 A I told him I had to meet with my mentor. I had

13 to go see my Army recruiter.

14 Q Who was your mentor?

15 A Linda Marsh.

16 Q Well, what did you do when he said, We're

17 fixing to go rob Dave?

18 A What did I do? I asked him can I see his phone

19 before. And then when I got his phone, we got out

20 the car and we went to go -- I mean, I can't

21 describe it.

22 Q Wait a minute. Why did you ask to see his

23 phone?

24 A To call my mentor to come get me.

25 Q Linda Marsh -- and what is Linda Marsh's phone

1 number?

2 A [REDACTED].

3 Q Why did you call her?

4 A To come get me and I asked her where was she
5 at.

6 Q So what were you supposed to be doing that
7 morning?

8 A Going to see my Army recruiter.

9 Q And Linda Marsh was going to take you?

10 A Yes, sir.

11 Q So you called to tell her -- ask her, I guess,
12 if she was still coming to pick you up?

13 A Yes, sir. I asked her can she come get me.

14 Q What did you do? Did you get out of that car?

15 A Yes, sir.

16 Q Where did you go?

17 A We went the back way to Dave Cannon's place.

18 Q So you went with Breon to go rob David?

19 MR. WILLIAMS: Objection, leading.

20 BY MR. SCOTT:

21 Q Why did you go back there?

22 THE COURT: That wasn't leading. Overruled.

23 BY MR. SCOTT:

24 Q Why did you go back there with Breon?

25 A Because he was going to rob Dave Cannon.

1 Q Why did you go with him?

2 A I mean, I didn't have a choice. I couldn't

3 leave.

4 Q Why didn't you stay in the car?

5 A Why didn't I stay in the car? Because I

6 couldn't stay in the car. I would have had to get

7 out.

8 Q But you knew y'all were going to rob Dave

9 Cannon?

10 A Yes, from that point on, yes.

11 Q Was anyone armed?

12 A Yes.

13 Q Who was armed?

14 A Tyrome Brennan and Breon Mayers.

15 Q What did Tyrome Brennan have?

16 A A .38.

17 Q Who did that .38 belong to?

18 A Me.

19 Q How did he come to have your gun?

20 A It was in Breon's car from previous -- the

21 night before.

22 Q You left it there in his car?

23 A Yes, sir.

24 Q Do you always carry around your gun?

25 A It all depends. If I'm around in the

1 neighborhood, no.

2 (State's Exhibit Number 9, photograph,
3 marked for identification purposes.)

4 Q I'm going to show you State's Exhibit Number 9.
5 Do you recognize that?

6 A Yes, sir.

7 Q And how are you able to do so?

8 A That's my gun.

9 Q What kind of gun is that?

10 A .38 Colt.

11 Q How would you describe it?

12 A I mean, old, six shot, revolver.

13 Q And that's the gun Tyrome Brennan had with him
14 on October 21st?

15 A Yes, sir.

16 MR. SCOTT: The State would offer State's
17 Number 9 for admission into evidence.

18 MR. WILLIAMS: Without objection, Your Honor.

19 THE COURT: Admitted.

20 (State's Exhibit Number 9, photograph,
21 admitted into evidence.)

22 BY MR. SCOTT:

23 Q Who else had a gun?

24 A Breon Mayers.

25 Q What did he have?

1 **A** A 9mm.

2 **Q** What color was it?

3 **A** Black.

4 (State's Exhibit Number 10, photograph,
5 marked for identification purposes.)

6 **Q** Show you State's Exhibit Number 10.

7 **A** That is it.

8 **Q** Do you recognize it?

9 **A** Yes, sir.

10 **Q** How?

11 **A** Because it's a black 9mm.

12 **Q** Is that the gun that Breon Mayers had with him
13 on October 21st?

14 **A** Yes, sir.

15 **MR. SCOTT:** The State offers State's Number 10
16 for admission, Your Honor.

17 (Pause.)

18 **MR. WILLIAMS:** Without objection, Your Honor.

19 **THE COURT:** Admitted.

20 (State's Exhibit Number 10, photograph,
21 admitted into evidence.)

22 BY MR. SCOTT:

23 **Q** Okay. So you get out of the car, Tyrone
24 Brennan has a .38, Breon Mayers has the black 9mm?

25 **A** Yes, sir.

1 Q Where was Jasmine Bowers?

2 A Jasmine was coming down the street at that
3 point in time.

4 Q From where?

5 A From her house, her grandparent's house to be
6 exact.

7 Q Where did you and Breon and Jermaine walk?

8 A The back way through Dave Cannon's through a
9 side dirt road and up the side way.

10 Q Where was Jasmine? Did she go back there with
11 you?

12 A No, sir.

13 Q What was the plan? What did you talk about
14 while you were behind his home?

15 A Back there it was to plan on robbing Dave
16 Cannon. I told Breon, You're going to have to shoot
17 him in order --

18 Q You told him he'd have to shoot him?

19 A Yes, sir.

20 Q Why did you think you'd have to shoot him?

21 A Because Dave Cannon has a lot of guns and Dave
22 Cannon would have shot him.

23 Q What did Breon say when you told him that?

24 A He said he was going to shoot him anyway
25 because him and him have beef and that was going to

1 be his first body.

2 Q What does -- what is a body? What does that
3 mean?

4 A That mean a death.

5 Q So how was he planning on getting a body?

6 A Pulling the trigger, killing him.

7 Q So y'all made that plan while you were outside?

8 A No. We were at the -- through the side way
9 through his house.

10 Q Showing you now it's been marked as State's
11 Exhibit Number 2.

12 A From here, we leave from here in this area
13 (indicating).

14 Q Whose house is this?

15 A Jackie Boyd's. From here, we go this way. We
16 leave. We go back this way, come up this way and
17 come this way.

18 Q And this is where you talked about having to
19 shoot Dave Cannon?

20 A Yes, sir.

21 Q Where is Jasmine at this point?

22 A I don't know.

23 Q You last saw her walking up this road?

24 A Yeah. She was walking this way.

25 Q Point to her home.

1 **A** Her home is right here (indicating), but she
2 was at her grandparent's, that's the house we came
3 to.

4 **Q** Okay. And you stated you drove the -- or Breon
5 drove his car here and you and Tyrome were in it and
6 she stayed there, but later came walking up the road
7 to meet you all?

8 **A** Yes, sir.

9 **Q** What happened from back here after you talked
10 about having to shoot Dave Cannon?

11 **A** Back here, we seen dogs loose. So we cut back
12 and run this way and cut back up this way
13 (indicating) and that's when we meet Jasmine. And
14 that's when I made the first phone call to my
15 mentor.

16 **Q** You already said you called her?

17 **A** No. I mean, right here.

18 **Q** That's the second time you called her?

19 **A** The first time. The second time I called her
20 was right here on the back porch.

21 **Q** Okay. So what did you call her about the
22 second time?

23 **A** The second time I asked her was she on her way.

24 **Q** Before you were about to go rob a man, you
25 called her and ask --

1 **A** No, it was after. He was shot then.

2 **Q** All right. Well, let's back up then. You
3 stated y'all ran back through here?

4 **A** Yes, sir.

5 **Q** Jasmine was up front?

6 **A** Yes. Jasmine met us right here at the entrance
7 of Dave Cannon's driveway.

8 **Q** And what was the plan at that point?

9 **A** We go in through the front. Jasmine was going
10 to knock on the door, but Jasmine told us to go
11 ahead, he's there, he's up. And next thing you
12 know, we all go this way. I stop, make a phone
13 call, ask my mentor can she come get me.

14 From there, we get on the porch. From the
15 porch, two gunshots, then a third one from a .38.
16 Then I called my mentor again to ask her where she
17 was at. Then we all entered the house. From there,
18 Jasmine, Jasmine walks away on this side. She goes
19 up the steps from that way. She's the first one in
20 the house, then Breon, then Tyrome, then me.

21 **Q** All right. What was discussed once you got to
22 the front of the house?

23 **A** What was discussed?

24 **Q** After you ran from the back to the front and
25 you met with Jasmine, tell me what was said at the

1 front of the house?

2 A Jasmine was going to go in and see if he was up
3 where we can go in the house, but the dogs were
4 loose, so she said he was already up. So we went
5 in.

6 Q Well, why didn't you go in through the front
7 door?

8 A We didn't. We went in through the back door.

9 Q Why did you go to the back door?

10 A Because that was the only door that we always
11 use, everybody used to go in his house.

12 Q Describe the back of his house.

13 A It has a deck, a camper, basketball goal, dog
14 cage, a shed. On the porch, he has a little tub,
15 jacuzzi tub.

16 Q Well, when you were going from the front of the
17 house to the back, did you go on the right side of
18 the house or the left side of the house?

19 A We went on the left side of the house.

20 Q And which side of the house did Jasmine go on?

21 A The right side.

22 Q If you're facing from the road, she went on the
23 right side?

24 A No. If you're facing from the road looking at
25 his house, she went on the left side.

1 Q And you all went on the right side?

2 A Right side, yes.

3 Q Breon had the black 9mm. You were unarmed?

4 A Yes, sir.

5 Q And Tyrome had the .38 revolver?

6 A Yes, sir.

7 Q What was the first thing you saw when you went

8 around the corner of that house?

9 A First thing I saw, we went on the porch, I seen

10 Dave Cannon.

11 Q Was the door open?

12 A Yes, sir.

13 Q What was Dave doing?

14 A Putting dog food in the dog dish.

15 Q Okay. All right. Now, wait a minute. What

16 point was that? He was outside putting food in

17 his --

18 A No. He was in the house. He let the dogs

19 loose. He was going in the house to fix the food, I

20 guess. That's what it looked like.

21 Q All right. So you had already seen him outside

22 feeding the dogs is what you're saying?

23 A No. I seen dogs. What made us run was his

24 dogs were loose, so we figured he was up then

25 because the dogs normally be in the cage.

1 Q All right. Well, stay with me. When you're
2 going from the front of the house to the back on the
3 right side, what's the first thing you see when you
4 get to that back deck?

5 A The first thing I see, nothing but the back
6 deck.

7 Q And the back door was open or closed?

8 A I couldn't tell when I first -- when I first
9 turned the corner. You had to get on the porch.

10 Q But what can you tell me about when you went up
11 on the back deck?

12 A The door was open.

13 Q Okay.

14 A From the door open, it was Breon, Tyrome, then
15 me. Then from there, that's when Dave Cannon got
16 shot twice and Tyrome shot in the air once and
17 that's when we went in the house.

18 Q Tyrome shot the .38 up in the air?

19 A Yes, sir.

20 Q Why did he do that?

21 A I don't know, because he didn't, I guess, he
22 didn't want to disarm it. He had the hammer back.

23 Q He already had the hammer back?

24 A Yes, sir.

25 Q So you're saying he cleared a round in the air?

1 A Yes, sir.

2 Q Well, how long did it take for y'all to hit

3 that deck and Breon Mayers to shoot Dave Cannon?

4 A Not even a minute.

5 Q Well, was there any hesitation?

6 A No.

7 Q What did Dave Cannon do?

8 A When he got hit, he just stopped, started

9 gasping for air.

10 Q What did Breon do?

11 A Breon stepped over him, asked him where the

12 fucking money is at.

13 Q He said that to Dave Cannon as he laid there?

14 A Yes, sir.

15 Q Where did you go?

16 A From that point, I went to the left. I went to

17 the living room.

18 Q What were you looking for?

19 A What were we looking for, drugs.

20 Q What else were you looking for?

21 A That's it.

22 Q What did you get?

23 A Nothing.

24 Q Where did Tyrome go?

25 A Tyrome went in some room straight across.

1 Q What did he get?

2 A Some gun, but I remember him coming back in the

3 house with the gun. He said it was a BB gun.

4 Q Did he put it back?

5 A Yes, if I'm not mistaken.

6 Q Where was Breon?

7 A In the back room where Dave Cannon was laying.

8 Q He had to step over Dave Cannon to get in

9 there?

10 A Yes, sir.

11 Q How close to the back door was Dave Cannon

12 lying?

13 A I mean, close.

14 Q All right. This is State's Exhibit Number 3.

15 Can you see that from where you're sitting?

16 A Yes, sir.

17 Q Do you recognize what that is?

18 A Yes, sir.

19 Q What is this right here?

20 A The back deck.

21 Q And what is this?

22 A The door entrance.

23 Q And where this door entrance is, where did Dave

24 Cannon fall?

25 A To your right.

1 Q Right here (indicating)?
2 A Over some more.
3 Q Right here?
4 A Over a little bit more.
5 Q Into this bedroom?
6 A Yes, sir.
7 Q Okay. And is this the bedroom where Breon
8 Mayers went?
9 A Yes, sir.
10 Q Who else went in that bedroom?
11 A Jasmine Bowers.
12 Q What was Jasmine doing in there?
13 A Getting the weed.
14 Q Did y'all find the weed?
15 A Yes, sir.
16 Q What happened after you found the weed?
17 A We all left. I went out, called my mentor
18 again, told her I was on my way. When we leave,
19 from that point on, we go through the back way, cut
20 through the first exhibit where I showed you and
21 from there --
22 Q The way y'all came in?
23 A Yeah -- no, huh-huh. The first time the way we
24 came in, that's where we cut through.
25 Q And you ran back that back dirt road and then

1 up his driveway?

2 A Can you just bring the board?

3 Q Sure.

4 A We ran through this way and cut up this way

5 (indicating).

6 Q Okay. Where were you going?

7 A To Breon's car, which was in this location.

8 Q Okay. Where did Jasmine go?

9 A She -- I didn't see her. She must have still

10 been in the house.

11 Q She didn't go with you three?

12 A No, sir.

13 Q And who lives here?

14 A Jackie Boyd.

15 Q Who else was there that day?

16 A Cedric Mayers.

17 Q Did y'all see him?

18 A I seen him at the beginning the first time when

19 we first pulled in the driveway.

20 Q Did you ever see the marijuana?

21 A Yes, sir.

22 Q When did you get to see it?

23 A Through the pathway, straight through the

24 pathway when he passed the .38 -- I mean, the .357

25 to Tyrome Brennan.

1 Q Well, you didn't say anything about a .357.
2 Who got that?
3 A Tyrome Brennan.
4 Q Tyrome took a .357?
5 A Yeah, but Breon took it out the house and gave
6 it to him.
7 Q All right. What else did Breon take out of the
8 house?
9 A Marijuana.
10 Q And who did he give that to?
11 A Nobody.
12 Q He kept it?
13 A Yes, sir.
14 Q Did you see Cedric Mayers again?
15 A No, sir.
16 Q What happened when you ran beside his house?
17 A We -- me and Tyrome Brennan got in the car.
18 Tyrome -- I mean, Breon Mayers went and went in the
19 house to talk to Ced.
20 Q What happened after that?
21 A After that, he comes back out. We leave. We
22 see Jasmine walking down the street. From that
23 point, he said something to Jasmine. Jasmine said
24 something back and he asked -- and from that point,
25 he said something, something perverted or something,

1 and then we left.

2 Q Where did you go?

3 A Back straight the back way towards my house to

4 drop me off.

5 Q In Breon Mayers' car?

6 A Yes, sir.

7 Q What happened when you got to your house?

8 A What happened? I got out, took off running to

9 go with my mentor.

10 Q Where was your mentor?

11 A In my yard, my front yard.

12 Q She was waiting for you?

13 A Yes, sir.

14 Q Do you know about what time it was that you got

15 with her?

16 A 11:40 something, 11:45'ish. I don't know the

17 exact time.

18 Q Had she been waiting for you?

19 A Yes, sir.

20 Q Do you remember -- did you get in the car with

21 Linda Marsh?

22 A Yes, sir.

23 Q And do you remember where y'all went after

24 that?

25 A From there, we went to my grandparents' house.

- 1 Then from my grandparents' house to Chapin High
2 School, from Chapin High School to my Army
3 recruiters.
- 4 Q What were you doing at your grandparents'
5 house?
- 6 A Getting books to turn in to Chapin High School
7 so I can get my high school diploma.
- 8 Q And that's why you went to Chapin after that?
- 9 A Yes, sir.
- 10 Q Did you -- did y'all get lunch together or
11 anything?
- 12 A Yes, sir.
- 13 Q And then you went to the Army recruiter?
- 14 A Yes, sir. And then after that, we went by the
15 DMV.
- 16 Q So you spent the rest of the day with her?
- 17 A The rest of the day and the next day. I stayed
18 with her from that point on.
- 19 Q You stayed at her house?
- 20 A Yes, sir.
- 21 Q Had you done that before?
- 22 A Yes, sir.
- 23 Q How long had you known Ms. Marsh?
- 24 A Since the 6th grade.
- 25 Q That day while you were with Ms. Marsh, did you

1 receive any phone calls?

2 A Yes, sir.

3 Q Did you recognize the number that had called
4 you?

5 A Yes, sir.

6 Q Whose phone was calling Linda Marsh's?

7 A Breon Mayers.

8 Q So that -- he called you while you were with
9 Linda Marsh?

10 A He didn't call me. Tyrome called me off of his
11 phone.

12 Q Okay. That was while you were with Linda
13 Marsh?

14 A Yes, sir.

15 Q Do you remember the day you were arrested?

16 A Yes, sir.

17 Q Tell me what you were arrested for.

18 A Murder, armed robbery, burglary first and
19 possession of a weapon during the commission of a
20 violent crime.

21 Q Are you guilty of these crimes?

22 A Yes, sir.

23 Q Why are you guilty?

24 A The hands of one is the hands of all in South
25 Carolina.

1 Q Did you go to Dave Cannon's house knowing he
2 was about to get robbed?

3 A No, sir.

4 Q You didn't know he was going to get robbed?

5 A No, until I got to Jackie Boyd's house.

6 Q Okay. When you were in his backyard, did you
7 know he was about to get robbed?

8 A Yes, sir.

9 Q Did you know he was going to get shot?

10 A Yes, sir.

11 Q You knew two of the people you were with had
12 guns?

13 A Yes, sir.

14 Q You know marijuana, a .357 --

15 A Yes, sir.

16 Q -- was taken from his house?

17 A Yes, sir.

18 Q Do you know if anything else was taken?

19 A From what I understand, money was taken [sic]
20 too. Tyrome Brennan said Jasmine Bowers took his
21 money.

22 Q Have you been offered anything?

23 A No, sir.

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

1 **A** No, sir.

2 **Q** Who shot Dave Cannon on October 21st?

3 **A** Breon Mayers, twice.

4 **Q** What kind of gun did he use?

5 **A** A 9mm.

6 **Q** Do you see Breon Mayers in this courtroom?

7 **A** Yes, sir.

8 **Q** Can you point to him?

9 **A** (Witness indicating.)

10 **Q** Now, you're indicating this male, black male,
11 sitting beside the white male with the beard?

12 **A** Yes, sir.

13 **MR. SCOTT:** Please answer any questions
14 Mr. Williams may have for you.

15 **THE WITNESS:** Yes, sir.

16 **THE COURT:** Let's take a five minute restroom
17 break before you begin your cross, okay.

18 Folks, we're going to take a five minute break
19 so we can finish this up before lunch. Don't begin
20 deliberations or discussions about the case and
21 we'll have you back in just a couple minutes.

22 (The jury retires to the jury room.)

23 **THE COURT:** Let's just take five quick minutes.
24 Do you need to go to the restroom?

25 **THE WITNESS:** No, sir.

1 **THE COURT:** All right. Well, you just sit
2 right there.

3 (Brief Recess.)

4 (The jury returns to the courtroom.)

5 **THE COURT:** Okay. We will resume now with the
6 cross-examination of the witness.

7 **MR. WILLIAMS:** May it please the Court.

8 CROSS-EXAMINATION

9 BY MR. WILLIAMS:

10 **Q** Mr. Caughman, I'm going to take you back, I
11 guess, to the earlier statements that you were
12 making about your gun. You say it's your .38
13 caliber pistol; is that right?

14 **A** Yes, sir.

15 **Q** Now, you're charged with murder and possession
16 of a weapon during a violent crime and armed robbery
17 and all these things; is that right?

18 **A** Yes, sir.

19 **Q** And you have not gone to court on your charges
20 yet, have you?

21 **A** No, sir.

22 **Q** And it's your testimony that you haven't been
23 offered anything or not looking for some kind of
24 break by giving this testimony that you've given
25 today?

1 **A** No, sir.

2 **Q** So, essentially, what you're testifying to is
3 what you recall from that day; is that right?

4 **A** Yes, sir.

5 **Q** You and -- you and perhaps maybe one of the
6 other co-defendants haven't gotten together and
7 talked about this in any way?

8 **A** No, sir.

9 **Q** Let me ask you, the four co-defendants in this
10 case are who?

11 **A** The four co-defendants?

12 **Q** Uh-huh.

13 **A** I have three. Breon Mayers --

14 **Q** You have three co-defendants and you.

15 **A** Breon Mayers, Tyrome Brennan and Jasmine
16 Bowers.

17 **Q** Tyrome Brennan; is that right?

18 **A** Yes, sir.

19 **Q** And where is he housed right now?

20 **A** F-pod, room 27.

21 **Q** You know exactly where he's housed. Why is it
22 you know exactly where he's housed?

23 **A** Because I'm in F-pod, room seven.

24 **Q** You're in room seven. What room is he in?

25 **A** Twenty-seven.

- 1 Q But it's in the same pod?
- 2 A Yes, sir.
- 3 Q What does that mean when you're in the same
- 4 pod?
- 5 A That mean you can't --
- 6 Q You get out at the same time?
- 7 A No. We're keepaways.
- 8 Q You're keepaways?
- 9 A Yes, sir.
- 10 Q So it's your testimony that y'all are housed in
- 11 the same pod, but y'all haven't had any time
- 12 together in the same pod?
- 13 A No, sir.
- 14 Q That's not your testimony?
- 15 A We haven't had any time together.
- 16 Q So you haven't had any conversations with him
- 17 about what you were going to testify to?
- 18 A No.
- 19 Q Now, let me ask you about this day. You said
- 20 that there was a .38 caliber pistol, which was
- 21 yours, which you gave to Tyrome Brennan; is that
- 22 right?
- 23 A Yes, sir.
- 24 Q And when is it that you gave it to Tyrome
- 25 Brennan?

1 A I didn't give it to him. It was already in
2 Breon Mayers' car.

3 Q It was already in Breon Mayers' car because you
4 left it in Breon Mayers' car; is that right?

5 A Yes, sir.

6 Q And you would have left it there the night that
7 you were playing cards?

8 A Yes, sir.

9 Q Did you -- when did you put it in Breon Mayers'
10 car?

11 A Prior. We got into something before that.

12 Q Well, the 32 -- you say it's .38 caliber
13 pistol?

14 A Yes, sir.

15 Q Would your fingerprints be on that?

16 A Yes, sir.

17 Q All right. And would Tyrome Brennan's
18 fingerprints be on that?

19 A Yes, sir.

20 Q And so when you were having -- playing cards
21 that night, y'all didn't discuss anything about
22 robbing Dave or anything, did you?

23 A No, sir.

24 Q The first thing you know is you woke up the
25 next morning and who picked you up?

- 1 **A** Breon Mayers.
- 2 **Q** Was anybody with him?
- 3 **A** The first time when he knocked on my door, no,
- 4 sir, but when I got outside, it was Tyrome Brennan
- 5 with him.
- 6 **Q** Are you saying that Breon came to your house?
- 7 **A** By hisself.
- 8 **Q** Well, how is it that Tyrome Brennan ended up in
- 9 his car if he wasn't with him?
- 10 **A** How? Because he stays right through my
- 11 backyard.
- 12 **Q** So you saw -- okay. So he didn't ride over
- 13 there. Is that what you're saying?
- 14 **A** No, sir.
- 15 **Q** Did you see Brennan walk to the car where --
- 16 **A** No, sir. All I know is when I came out, he was
- 17 there.
- 18 **Q** Now, what relationship is Brennan to you?
- 19 **A** A friend.
- 20 **Q** How long have y'all been friends?
- 21 **A** Since the 9th grade.
- 22 **Q** And when y'all left your house, where did you
- 23 go?
- 24 **A** To Jasmine Bowers'.
- 25 **Q** So you didn't go anywheres to get anything to

1 eat or anything like that?

2 A No, sir. He had to stop by Jasmine house
3 first.

4 Q All right. So y'all went to get something to
5 eat after you stopped by Jasmine's house?

6 A No. We didn't even get to that. I had to meet
7 with my mentor.

8 Q You had to go eat with your mentor?

9 A Meet with my mentor.

10 Q And that's why you didn't get anything to eat?

11 A Yes, sir.

12 Q All right. So what time was it that he came by
13 and woke you up?

14 A I don't know the exact time, around 10:00,
15 between 10:00 and 11:00.

16 Q What time were you supposed to meet with your
17 mentor?

18 A She was supposed to come at 11:30.

19 Q So she was supposed to be at your house -- was
20 it your house?

21 A Yes, sir.

22 Q An hour after he came by to pick you up?

23 A Yes, sir.

24 Q Where did you think you were going? Did you
25 think you were going to get something to eat?

- 1 **A** Yes, sir. I mean, he didn't -- we didn't -- he
2 didn't come to my house until like 10:30 or
3 something, something like that. And I went and got
4 dressed.
- 5 **Q** So you left your house about quarter till
6 11:00?
- 7 **A** Probably 11 o'clock.
- 8 **Q** So it took you 30 minutes to get dressed. So
9 you didn't leave your house till 11 o'clock?
- 10 **A** Yes, sir.
- 11 **Q** And you were supposed to meet your mentor back
12 there in 30 minutes?
- 13 **A** Yes, sir.
- 14 **Q** So you and the other two guys were going to go
15 get something to eat and then come back?
- 16 **A** Yes, sir. I was going to come back. I don't
17 know what they was going to do.
- 18 **Q** All right. So where were y'all planning on
19 going to eat?
- 20 **A** Hardee's, right down the street.
- 21 **Q** Hardee's in Chapin?
- 22 **A** Yes, sir.
- 23 **Q** And how long does it take to get from your
24 house to the Hardee's in Chapin?
- 25 **A** No time, probably --

1 Q Fifteen minutes?

2 A No.

3 Q How long?

4 A Five, if I had to guess, not even that.

5 Q All right. But you didn't go to Hardee's?

6 A No, sir.

7 Q Where did you end up going?

8 A To Jasmine Bowers'.

9 Q All right. And is it your testimony that you

10 stayed in the car when he got out and talked to

11 Jasmine Bowers?

12 A Yes, sir.

13 Q Did he tell you you couldn't get out of the

14 car?

15 A No.

16 Q Did he tell you why he was stopping at Jasmine

17 Bowers'?

18 A No. He said he had to holler at her for a

19 second.

20 Q All right. Then he got back in the car?

21 A Yes, sir.

22 Q And then what did he say?

23 A Then he said he's going to Jackie Boyd's house.

24 Q All right. And did you ask him about going to

25 Hardee's to get something to eat?

- 1 A Yes, sir, when I first got in the car.
- 2 Q Well, what about after he got back in the car
3 after talking to Jasmine, didn't you ask him about
4 going back to Hardee's to get something to eat then?
- 5 A No, sir.
- 6 Q Why not?
- 7 A Because he said he had to do something.
- 8 Q He said he had to do something?
- 9 A Yeah.
- 10 Q And that is to go see Jackie Boyd?
- 11 A I don't know what it was.
- 12 Q So he didn't tell you he was going to Jackie
13 Boyd's?
- 14 A Yeah. He just said he going down the street
15 real quick.
- 16 Q So when was the first time that you realized
17 you were going to Jackie Boyd's?
- 18 A As soon as he got back in the car and said he
19 was going to Jackie Boyd's house.
- 20 Q So he did tell you he was going to Jackie
21 Boyd's house?
- 22 A Yes, sir.
- 23 Q And then when he said he was going to Jackie
24 Boyd's house, why didn't you ask him, aren't you
25 going to get something to eat --

- 1 A He was running in and running out.
- 2 Q I'm sorry?
- 3 A He was running in and running out.
- 4 Q Running in and running out of what?
- 5 A Jackie Boyd's house, that's what he did. And
- 6 when he came back --
- 7 Q So are you saying that you had this discussion
- 8 in the car and he said, We're not going to Hardee's,
- 9 we're going to Jackie Boyd's?
- 10 A No. He said he had to stop by Jasmine house.
- 11 And when he got done talking to Jasmine, he went
- 12 over, he said he had to stop by Jackie house to run
- 13 in and run out to get something. He'll be right
- 14 back. Then he came back.
- 15 Q Okay. So he went to Jackie Boyd's house to get
- 16 something, that's what he told you. And when he got
- 17 out of Jackie -- when he got out of the car, did you
- 18 get out when he went to Jackie Boyd's house?
- 19 A No, sir.
- 20 Q Why not?
- 21 A Because I stayed in the car.
- 22 Q Well, I mean, why not?
- 23 A Because I was minding my own business.
- 24 Q All right. And what was Mr. Brennan doing
- 25 then?

- 1 A He was in the car, too.
- 2 Q And how long was he in Jackie Boyd's house?
- 3 A Four, five minutes.
- 4 Q You certainly didn't go to Irmo that morning
- 5 for any reason?
- 6 A No, sir.
- 7 Q All right. Then when he got back in the car,
- 8 what happened then?
- 9 A He grabbed his gun out the center console, said
- 10 he was about to rob David Cannon.
- 11 Q He said that inside the car?
- 12 A Yes.
- 13 Q So he didn't say that out there on the road or
- 14 anything like that?
- 15 A Yes, he said that, too. He said it again.
- 16 Q So he said it again?
- 17 A Yes, when I told him he had to shoot him.
- 18 Q Well, was he in the car when he said it again
- 19 or was he outside when he said it?
- 20 A When he said it again, he was outside the car.
- 21 Q Okay. Well, if he's talking to you and he
- 22 tells you that we got to go rob David Cannon, then
- 23 all three of you jump out of the car; is that what
- 24 happens?
- 25 A Yes, sir.

- 1 Q And then what do you do?
- 2 A From there, we walk the back way.
- 3 Q And then when did -- when does he say, We're
- 4 going to go rob David Cannon's?
- 5 A Again?
- 6 Q Yeah.
- 7 A When we were in the middle of the park when I
- 8 told him he had to shoot him. He said he was going
- 9 to rob him and he was going to shoot him.
- 10 Q So he says that again and where were you?
- 11 A In the middle of the clearance.
- 12 Q Show me -- show me on this map where you were
- 13 when he says this. You can step down if you want
- 14 to.
- 15 A (Witness leaves the witness stand.)
- 16 Right here in this area (indicating).
- 17 Q And where was your car parked?
- 18 A I don't know the exact location, somewhere over
- 19 here. It wasn't my car.
- 20 Q So you're telling me you can't remember where
- 21 your car was parked, but you remember where you had
- 22 this conversation?
- 23 A Yes.
- 24 Q And you don't know where on this map your car
- 25 would -- his car would have been parked?

1 **A** No.

2 **Q** And the three of y'all just jump out and you go
3 which way?

4 **A** This way (indicating). From here, we go this
5 way, come this way.

6 **Q** All right. And you have the discussion, We're
7 going to rob him, down here?

8 **A** Yes, right here.

9 **Q** So you're nowheres near a house or anything
10 when he says, We're going to rob Dave; is that
11 right?

12 **A** The second time, no.

13 **Q** And the first time you were in the car?

14 **A** (Witness resumes the witness stand.)
15 Yes, sir. He was in the car. He was reaching
16 to get his weapon from the car.

17 **Q** But you were in the car?

18 **A** Yes, sir.

19 **Q** Now, where is Jasmine when you do this?

20 **A** She's somewhere walking down the street.

21 **Q** You didn't see where she was?

22 **A** No, sir.

23 **Q** Had you not talked about how the plan was going
24 to go or what was going to happen?

25 **A** No, sir.

1 Q So the three of y'all are simply going to go
2 rob Dave and you have no idea that Jasmine's
3 involved in this at all?

4 A No, sir.

5 Q Okay.

6 A Until the point where we get -- when I see --
7 when I see her.

8 Q When is it you see her?

9 A When I see her? I see her when I first knocked
10 on the door. Then I seen her again when she came
11 out.

12 Q Let me slow you down here. When you knock on
13 which door?

14 A Jasmine grandparents' door.

15 Q So you don't go behind Dave's house on this cut
16 through here (indicating). You go to Jasmine's
17 house after you say you're going to go rob Dave?

18 A No, that was the first -- no.

19 Q Okay. Well, we'll go again. All right. You
20 went --

21 A From my house. From my house. We leave my
22 house, we goes to Jasmine grandparents' house.

23 Q All right. So you go to Jasmine's
24 grandparents' house. He gets out. He says
25 something to Jasmine. The three -- the other two --

1 two of y'all stay in the car; is that right?

2 A No. When we gets to Jasmine's house, I get out
3 and knocks on the door. I tells him {verbatim} he
4 wants her. By that time, she close the door and
5 gets dressed. I go back to the car and I sit down.
6 From there, that's when he gets out the car and
7 meets her.

8 Q All right. And what does she do?

9 A I don't know. She just walked to him. I mean,
10 I couldn't --

11 Q So you have a conversation --

12 A No.

13 Q -- or they have a conversation?

14 A Yes, sir.

15 Q And then y'all get back in the car and you go
16 to Jackie Boyd's?

17 A Yes, sir.

18 Q And you don't know what happened to Jasmine?

19 A No, sir.

20 Q You didn't have a conversation with Jasmine
21 about how this was going to go down?

22 A No, sir.

23 Q So then you park in some area around there and
24 you walk back on the cut through --

25 A Yes, sir.

- 1 Q -- behind David Cannon's house. And then he
2 says that we're going to go rob David Cannon after
3 you tell him, Well, you got to shoot him, you got to
4 kill him?
- 5 A I said, You have to shoot him. He said he was
6 going to shoot him because he had beef with him and
7 he was going to get his first body.
- 8 Q Who had the beef with him?
- 9 A Breon, that's what he said.
- 10 Q Didn't you have a beef with him?
- 11 A Did I have a beef with him? No.
- 12 Q Had David Cannon never assaulted you at any
13 point in time?
- 14 A Yes, when I was real little.
- 15 Q So you're the one that had the beef with David
16 Cannon?
- 17 A No, I didn't.
- 18 Q Who would have known about that?
- 19 A Who would have known about that?
- 20 Q Uh-huh.
- 21 A A lot of people. This happened when I was 12
22 years old.
- 23 Q Did you tell anyone -- how old are you now?
- 24 A Nineteen.
- 25 Q Did you tell anyone recently that he had -- he

- 1 slapped you or beat you up when you were 12 years
2 old?
- 3 **A** Yes, the prosecutors.
- 4 **Q** You told the prosecutors that?
- 5 **A** Yes, sir.
- 6 **Q** But you didn't tell anybody else that?
- 7 **A** No, sir.
- 8 **Q** Now, when you're, I guess, walking around in
9 the cut through, you say you see Jasmine at that
10 point in time?
- 11 **A** When we run through the back way, we see
12 Jasmine.
- 13 **Q** Where is Jasmine?
- 14 **A** She meets us in the front of the yard, the
15 front of the driveway.
- 16 **Q** But you're behind the house, aren't you?
- 17 **A** Yeah, but we cut through when we see the dogs.
- 18 **Q** Okay. And she's in the front of the house?
- 19 **A** Yes, sir.
- 20 **Q** Then what happens next?
- 21 **A** From there, she says she -- you can rob him,
22 just shoot him, don't kill him.
- 23 **Q** So you walk up to where she is in front of the
24 house?
- 25 **A** We all do.

1 Q So then you walk up to the front of the house
2 and you have this conversation with Jasmine?

3 A Yes. I used the phone to call my mentor, tell
4 her to come gets me.

5 Q So you're in front of David Cannon's house
6 having this conversation with Jasmine in which she
7 says, okay, it's okay to rob him now, you pick up
8 the phone and you call the mentor saying, you can
9 come pick me up in a few minutes?

10 A No. I tell her she can come pick me up.

11 Q She can come pick you up now?

12 A Yes, sir.

13 Q Well, you wouldn't have been there for the
14 mentor to pick you up, would you?

15 A No, sir.

16 Q Well, why did you tell her to come pick you up
17 now?

18 A Because I had -- because I had no other place
19 to go.

20 Q Could it possibly be that you were trying to
21 establish an alibi?

22 A No, sir.

23 Q Well, wouldn't it be a good alibi to call your
24 mentor to tell her to come pick you up at the same
25 time that you're robbing somebody else?

1 **A** Repeat that again.

2 **Q** Would it be a smart move if you were robbing
3 somebody to call your mentor to come pick you up
4 knowing that you might get there just in time for
5 your mentor to be there and you could use her as a
6 possible alibi?

7 **A** No, not really. When I gave my statement to
8 the detective telling them I heard what happened,
9 that's when I could have used the alibi.

10 **Q** Well, is it your testimony that you haven't
11 told the police officers that you were with your
12 mentor during this time span?

13 **A** Yes.

14 **Q** Okay. So then she would have been your alibi,
15 wouldn't she?

16 **A** No, because I told him after he asked me, the
17 detective asked me there's been a murder down there
18 and I told him, I came straight up with him, I told
19 him what happened. And I told him I left with my
20 mentor afterwards.

21 **Q** Okay. So you never told the investigator that
22 you were with your mentor so you would not have been
23 involved in this?

24 **A** Yes, I did.

25 **Q** Okay. So you did -- so you lied to the

1 investigator?

2 A Yes, sir, at the beginning.

3 Q And that kind of fits in with your plan to call
4 the mentor from the front yard so that she would be
5 coming to the house and the time span would be about
6 the same?

7 A No. She already been to my house and left.

8 Q Was this after 11:30?

9 A No, before.

10 Q But you didn't know she had been at your house,
11 did you?

12 A Yes, she told me.

13 Q When did she tell you this?

14 A When I called her the first time.

15 Q And when did you call her the first time?

16 A Around 11:20 if I'm not mistaken.

17 Q You called her at 11:20 the first time and you
18 had not robbed David Cannon at that time?

19 A No, sir.

20 Q When did you rob David Cannon?

21 A Right after that.

22 Q What time were you supposed to meet with her?

23 A At 11:30.

24 Q So your purpose in calling the first time would
25 have been to establish your alibi, wouldn't it? You

1 didn't know that she had already been there until
2 you talked to her?

3 A That wouldn't have been any alibi.

4 Q What would your alibi have been?

5 A I wouldn't have had one. That's -- I'd have
6 stuck with my alibi. I'd have stuck with something.

7 Q And when you found out that she had already
8 been there, then you realized that your alibi
9 wouldn't work, didn't you?

10 A No.

11 Q All right. So now you've had this conversation
12 with Jasmine. And does she discuss how this
13 robbery's going to go down?

14 A Yes.

15 Q So she tells everybody how the robbery's
16 going --

17 A She was going to knock on the door.

18 Q So she's the one who plans this robbery?

19 A Yes, sir.

20 Q So neither you nor Mr. Brennan nor Breon Mayers
21 designed this robbery?

22 A No, sir.

23 Q So then the next thing that happens is she goes
24 to the back door and knocks on the back door; is
25 that right?

- 1 **A** No, sir, she didn't knock on the door.
- 2 **Q** I'm sorry?
- 3 **A** She didn't knock on the door.
- 4 **Q** So what happens?
- 5 **A** From there, when we seen the dogs, we cut back
6 and we met with her. From there, she said what she
7 said and then we went in. She went in the left side
8 of the house and we went on the right side.
- 9 **Q** Okay. So y'all circle the house. She goes to
10 the left side. You go to the right side?
- 11 **A** Yes, sir.
- 12 **Q** And the dogs are where?
- 13 **A** All over the place.
- 14 **Q** So the dogs are not tied up?
- 15 **A** No, sir. Them are little dogs, they'll be in a
16 cage.
- 17 **Q** Okay. So you weren't concerned about having
18 dogs out there that might bite you or something like
19 that. You didn't have big dogs in his backyard?
- 20 **A** Yeah, he had big dogs, but he was on a chain.
- 21 **Q** So you were waiting until he got up and chained
22 the big dog; is that right?
- 23 **A** The big dog stays on the chain all the time.
- 24 **Q** Well, why was it you were concerned about
25 whether or not he had gotten up or not?

1 A I don't know. I mean, I wasn't concerned about
2 anything. All I was concerned about is getting to
3 my mentor.

4 Q So you weren't worried about going into the
5 house and stealing or anything?

6 A That wasn't my intentions.

7 Q It wasn't your intention to go in the house and
8 steal anything?

9 A No.

10 Q When is it that it dawned on you that that's
11 what you were doing? When y'all were carrying guns
12 down there?

13 A Y'all didn't carry guns. They carried guns.

14 Q Well, your gun was being carried, wasn't it?

15 A Yeah, but I didn't --

16 Q It's your gun, right?

17 A -- it wasn't in my possession. I never had it
18 that day.

19 Q What happened to that gun?

20 A What happened to that gun? After the thing two
21 days later when my mentor takes me to go work with
22 my uncle, Tyrone gives it back to me.

23 Q Oh, so you get the gun back?

24 A Yes.

25 Q So it is your gun?

- 1 A Yes.
- 2 Q And you just didn't use it at that time, but
- 3 you get the gun back from Tyrome, right?
- 4 A Yes, sir.
- 5 Q Well, what do you do with that gun?
- 6 A Put it in my room.
- 7 Q So you hide it in your room?
- 8 A No, I didn't hide it.
- 9 Q Did you call the police and tell them you had
- 10 the gun that was used in the robbery?
- 11 A No, sir.
- 12 Q How many shots were fired?
- 13 A Three shots.
- 14 Q Why is it -- or did you ever tell -- did you
- 15 ever tell any law enforcement that there were only
- 16 two shots fired?
- 17 A Yes, sir.
- 18 Q Well, when is it you said that there were two
- 19 shots fired?
- 20 A When they first asked me how many shots was
- 21 fired.
- 22 Q Now, is this before or after you said that you
- 23 were with Linda Marsh during this robbery?
- 24 A After.
- 25 Q So how many different statements have you

1 given?

2 A One.

3 Q Well, there's at least one with you saying you
4 were with your mentor. Then there's another one in
5 which you say that there are at least two shots
6 fired, because you've testified today that there
7 were three shots fired --

8 A Yes, sir.

9 Q So that's at least three different things?

10 A No, sir, it's only twice. I never put in the
11 statement -- the only statement I put was my
12 handwriting statement and I gave two shots fired,
13 that's the only statement I gave.

14 Q Okay. So you don't count the oral statements
15 that you give police officers as being an official
16 statement, do you?

17 A No, sir.

18 Q How many different oral statements have you
19 given the police?

20 A Three.

21 Q So you've given three oral statements and two
22 written statements?

23 A Two written statements and two oral statements
24 that are the same as the written statements.

25 Q Well, no, they're not the same as the written

1 statements, are they?

2 A Yes, they are.

3 Q Because you didn't put it in writing that you
4 were with Ms. Mayers {verbatim} during that time
5 span, did you?

6 A Yes, sir, in my statement, I did.

7 Q What else did you put in that first statement?

8 A I don't exactly remember.

9 Q Well, how do you know you put it in the first
10 statement if you don't remember it?

11 A How do I -- I remember certain parts of it.

12 Q Well, let's go back to what. Since you
13 remember not having a gun, what did you have on that
14 particular day?

15 A A white hoody.

16 Q So you had white on that day?

17 A Yes, sir.

18 Q What did Breon have on?

19 A I don't remember.

20 Q You remember that you had on white that day,
21 but you don't remember what Breon had on?

22 A Yes, sir.

23 Q And it's your testimony that he has a gray car?

24 A Grayish, yes, sir.

25 Q Not gold?

- 1 A Not gold, not to my knowledge.
- 2 Q Well, you would know, wouldn't you?
- 3 A Yes, sir.
- 4 Q All right. So Jasmine comes to the back door
5 and she's already told you that you can come on
6 after she does some kind of motion; is that right?
- 7 A Yes, sir. She didn't go to the back door.
- 8 Q Okay. How --
- 9 A She went to the back door after Dave was
10 killed.
- 11 Q So she never went to the back door before the
12 shooting?
- 13 A No. She was on the side of the house.
- 14 Q All right. And -- but she gives you the signal
15 that it's okay to go in?
- 16 A She didn't give me the signal. She gave it to
17 your client.
- 18 Q She gave him the signal?
- 19 A Yes, sir.
- 20 Q You know she gave him the signal, but you
21 didn't see any signal; is that right?
- 22 A No. When he moved, we all moved.
- 23 Q Well, how do you know she gave a signal?
- 24 A Because he moved.
- 25 Q And you knew that she was going to give a

1 signal?

2 A Yes.

3 Q What was the signal?

4 A I don't exactly know. She just said go.

5 Q She said go. So you heard her say something

6 then?

7 A Yes, sir.

8 Q So you heard her say go?

9 A (No response.)

10 Q So that's the signal, right?

11 A I mean, I guess.

12 Q Okay.

13 A I don't know.

14 Q You don't know?

15 A I don't know what her signal was with him. I

16 mean --

17 Q Was that your signal with her?

18 A No. I went when he went.

19 Q All right. So he goes into the house, you go

20 into the house and Mr. Brennan goes in the house; is

21 that right?

22 A Everybody goes in the house.

23 Q Everybody goes in the house to include Jasmine?

24 A Yes, sir. She was the first person in.

25 Q What was the reason of going to the house?

- 1 **A** To get some weed.
- 2 **Q** Isn't it true that you actually told the
3 investigator that you were there to get weed and
4 money?
- 5 **A** Yes, sir, in my first statement.
- 6 **Q** Well, is that not true?
- 7 **A** That is true. In my first statement, I did
8 tell them that.
- 9 **Q** But you're saying that's not what you were
10 trying to do?
- 11 **A** No, sir.
- 12 **Q** So it's not true that you were going there to
13 get weed and money?
- 14 **A** No, sir.
- 15 **Q** You were lying to the police officer about
16 that?
- 17 **A** Yes, sir.
- 18 **Q** Do you think that somehow makes your story
19 better to say that you were going to get weed and
20 money and now say that you were just going to get
21 weed?
- 22 **A** No, sir. I mean, I told the truth. They told
23 me to tell the truth from that point on when I
24 talked to them, so that's what I did.
- 25 **Q** So there was no money taken from the house?

- 1 **A** Not that I know of. From what I heard, Tyrome
2 says that Jasmine took the money, but Breon, Tyrome,
3 they didn't have any money. All that was taken
4 [sic] was a .357 and some weed, to my knowledge,
5 until Tyrome told me Jasmine took money. And I
6 don't know how true that is.
- 7 **Q** You're inside the house, aren't you?
- 8 **A** Yes, sir.
- 9 **Q** Who finds the items?
- 10 **A** Jasmine Bowers.
- 11 **Q** So Jasmine has these items and she gives them
12 to who?
- 13 **A** Breon Mayers.
- 14 **Q** What does she give to Breon?
- 15 **A** A bag of weed in a Ziploc, a Ziploc bag with a
16 .357 in it.
- 17 **Q** Anything else?
- 18 **A** No, sir.
- 19 **Q** So she doesn't give him a wallet or anything,
20 right?
- 21 **A** No, sir.
- 22 **Q** So no wallet was taken from the house?
- 23 **A** No, sir.
- 24 **Q** Now, after she hands this to Breon, then the
25 four of y'all leave?

1 **A** Yes, sir.

2 **Q** Now, of the four defendants, three of y'all

3 have given statements, haven't you?

4 **A** Yes, sir.

5 **Q** And all three of you are actually giving

6 statements against Breon?

7 **A** Yes, sir.

8 **Q** Breon --

9 **A** Except for Jasmine, I don't think she gave one

10 against him.

11 **Q** You don't think Jasmine gave a statement

12 against him?

13 **A** No, sir.

14 **Q** Where do you go after Jasmine gives Breon this

15 marijuana and gun, which is in a -- did you say

16 plastic bag?

17 **A** No, like a BB&T bank bag, tannish color.

18 **Q** Okay. It's a bank bag?

19 **A** That's what it looked like.

20 **Q** Where did y'all go inside the house?

21 **A** To me, I went in there to the left to the

22 kitchen. I stayed in the kitchen. Tyrome went

23 straight ahead into that one room where he took a

24 gun out. And Breon and Jasmine went into the room

25 where all the drugs were. And then Tyrome came back

1. towards my way.

2 Q Well, did y'all touch anything inside the
3 house?

4 A No, sir.

5 Q And you certainly didn't touch any shells or
6 anything like that, did you?

7 A No, sir.

8 Q You wouldn't have touched a 9mm pistol, would
9 you?

10 A No, sir.

11 Q And you wouldn't have touched any shells?

12 A No, sir.

13 Q What kind of tennis shoes did you have on?

14 A Black Adidas.

15 Q What happened to the clothing that you had when
16 you robbed David Cannon?

17 A I gave them to the investigators. Everybody
18 else threw theirs away.

19 Q You said you gave it to the investigator. Were
20 you under arrest at the time?

21 A Yes, sir. I told them where it was. I told
22 them where everything was.

23 Q After you had given your second or third or
24 fourth statement?

25 A No, the same night they arrested me.

- 1 Q What was promised to you for that?
- 2 A Nothing.
- 3 Q Now, where do you leave -- when did you give
- 4 the first statement?
- 5 A October 26th.
- 6 Q Well now, in your first statement, you told the
- 7 investigator that money was taken also, right?
- 8 A Yes, sir.
- 9 Q So is it your testimony that no money was taken
- 10 that you're aware of?
- 11 A That I'm aware of, I didn't know any money that
- 12 was taken. But from what Tyrome told me, yes, money
- 13 was taken [sic].
- 14 Q Why did you tell the investigator that money
- 15 was taken along with weed?
- 16 A Because that's what Tyrome said it was taken
- 17 out the house after I went, left with my mentor.
- 18 Q Now, in that statement, you said that Tyrome
- 19 called you on Linda Marsh's phone; is that right?
- 20 A Yes, sir.
- 21 Q That means Tyrome is calling from number...
- 22 A I don't remember the exact number.
- 23 Q You don't?
- 24 A No.
- 25 Q How do you know he called you?

- 1 **A** How do I know he called me? Because when my
2 mentor answered the phone, she said it was for me.
3 And when I got on the phone, it was him.
- 4 **Q** So Tyrome called you from a number that went to
5 Linda Marsh's phone?
- 6 **A** Yes, sir.
- 7 **Q** Now, you made some comment about Breon having a
8 phone?
- 9 **A** Yes, sir.
- 10 **Q** Have you ever seen Breon with a phone?
- 11 **A** Yes, sir.
- 12 **Q** Describe this phone.
- 13 **A** I can't describe it off the top of my head.
- 14 **Q** Well, you see my phone. It's a -- what kind of
15 phone is it?
- 16 **A** An iPhone, I guess. I mean, I don't know.
- 17 **Q** But you don't know if he has an iPhone or a
18 Droid or what have you?
- 19 **A** No.
- 20 **Q** You can't describe it in any way?
- 21 **A** A touch screen, touch screen.
- 22 **Q** You sure it's not a --
- 23 **A** I think it's a touch screen, Blackberry.
- 24 **Q** You think it's a Blackberry. You don't think
25 it's an iPhone?

1 A No, sir. Tyrome Brennan gave it to him weeks
2 prior.

3 Q Well now, how do you know Tyrome Brennan gave
4 him a phone?

5 A Because I was there when he gave it to him.

6 Q All right. So you've already said that Tyrome
7 Brennan called Linda Marsh. So Tyrome Brennan --

8 A Using Breon's phone.

9 Q I'm sorry?

10 A Using Breon's phone, yes.

11 Q Well now, how do you know it was Breon's phone
12 if Tyrome Brennan called Linda Marsh?

13 A How do I know? Because when Tyrome gave it to
14 Breon, Breon went and activated it the next day for
15 \$40, Straight Talk.

16 Q Were you with him when he did that?

17 A No, sir.

18 Q Well now, how do you know that?

19 A How? Because he told me. And after that, I
20 used his phone.

21 Q So you used this number?

22 A Yes. I called, used that number.

23 Q And Breon uses this number?

24 A Yes, sir.

25 Q And Tyrome uses this number?

1 A Yes, sir.

2 Q So everybody uses this number?

3 A Yes, sir.

4 Q Well, wherever this phone got activated, there
5 would be some sort of record of that, wouldn't
6 there?

7 A I mean, it's Straight Talk, no, sir.

8 Q You don't think that if you go to a business
9 establishment and you pay money to turn on the
10 phone, that there wouldn't at least be a camera
11 showing you activate the phone or some sort of
12 receipt for your activation of the phone?

13 A I mean, yes, sir. But the camera, it should
14 be, but I don't think the receipt would matter
15 because you can throw a receipt away.

16 Q Well, you can't throw away that video showing
17 that person activating the phone, can you?

18 A I mean, if it's a video camera wherever he
19 activated it, yes.

20 Q So if there is a video camera where it was
21 activated, it would show it?

22 A Yes, sir, it should.

23 Q Whoever activated the phone?

24 A He activated the phone.

25 Q Well, you don't know that, though. You weren't

1 there.

2 **A** I mean, it's his phone, who else would activate
3 it?

4 **Q** All right, sir. Now, where did you go after --
5 did you say that Breon dropped you off at your
6 house; is that right?

7 **A** He dropped me off at my backyard.

8 **Q** And then you and Linda Marsh went to the Army
9 recruiters?

10 **A** Yes, sir.

11 **Q** Anything else?

12 **A** We went -- before we went to the Army
13 recruiters, we went to my grandparents' house to get
14 my books and then to Chapin High School. Then from
15 Chapin High School, we went to the Army recruiter
16 place, which was closed. So we got something to eat
17 and then we went to the DMV. And --

18 **Q** Did you tell -- I'm sorry. I didn't mean to
19 cut you off. Go ahead.

20 **A** And then from there, we went to her house.

21 **Q** Did you tell your mentor about just robbing
22 somebody?

23 **A** No, sir.

24 **Q** Did you make any comments to your mentor when
25 the ambulance rode by that --

- 1 **A** Yes, sir.
- 2 **Q** What did you tell her?
- 3 **A** Somebody had just got killed.
- 4 **Q** Well, how did you know somebody just got called
- 5 killed?
- 6 **A** How did I know?
- 7 **Q** Yeah.
- 8 **A** Because I was there.
- 9 **Q** Why didn't you tell your mentor that you had
- 10 just shot somebody?
- 11 **A** Because if that's the case, if I'd have told, I
- 12 would've had -- if I would've told, they would've
- 13 knew I told, so I didn't tell.
- 14 **Q** Well, then why did you subsequently give
- 15 several statements about what happened then if your
- 16 concern was not letting somebody find out?
- 17 **A** I mean, now what can happen.
- 18 **Q** I'm sorry?
- 19 **A** What can happen now, I'm locked up.
- 20 **Q** What do you think would have happened if you
- 21 hadn't made a statement?
- 22 **A** And I was free?
- 23 **Q** Yeah.
- 24 **A** A lot of things.
- 25 **MR. WILLIAMS:** Beg the Court's indulgence one

1 moment.

2 (Pause.)

3 Q What did Mr. Brennan have on that day?

4 A I don't remember.

5 MR. WILLIAMS: That's all the questions I have,

6 Your Honor.

7 THE COURT: Redirect.

8 MR. SCOTT: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q When was the plan made for you to meet with

12 Linda Marsh on October 21st?

13 A Weeks prior.

14 Q Weeks prior?

15 A Yes, sir.

16 Q So that was a date on your calendar that you

17 knew was upcoming?

18 A Yes, sir. It was supposed to be Thursday, but

19 she had a funeral to go to Thursday, so we made it

20 Friday.

21 Q Okay. Now, that day, while we're on Linda

22 Marsh and she picked you up, did you want her to

23 know what you had just done?

24 A Yes, sir, that's why I said, Somebody's been

25 killed, but I didn't want to, like, tell her.

1 Q Did you want to get caught?

2 A Yes, sir -- I didn't want to get caught, no. I
3 just wanted to tell somebody, let them know.

4 Q Did you feel guilty?

5 A Yes, sir.

6 Q But you didn't tell her, I was involved with a
7 murder?

8 A No, sir.

9 Q You didn't want to go to jail?

10 A No, it's not that. I mean --

11 Q Did you want to go to jail?

12 A No, it's not because I didn't want to go to
13 jail. It's the circumstance of me being on the
14 street.

15 Q And when Mr. Williams was asking about when the
16 police first showed up on your doorstep, you didn't
17 come a hundred percent clean at first, did you?

18 A No, sir, because I was scared.

19 Q You were scared?

20 A Yes, sir.

21 Q About them putting handcuffs on you and
22 arresting you?

23 A Yes, sir, or them letting me go and everybody
24 found out I told.

25 Q Have people found out you told?

- 1 A Yes, sir.
- 2 Q You know Breon got arrested?
- 3 A Yes, sir.
- 4 Q Did you talk to him after you got arrested --
- 5 after he got arrested?
- 6 A Yes, sir, when we were on the first floor
- 7 together.
- 8 Q What did he say to you?
- 9 A He said -- we was talking about the case and
- 10 whatnot. He said, Keep your mouth closed. I told
- 11 him, All right. Then one day Tyrome came back from
- 12 court, he was like, Tyrome's snitching. Because he
- 13 called Tyrome's name, Tyrome didn't answer. He
- 14 said, Tyrome's snitching. He told me not to be like
- 15 that.
- 16 Q But you had already written a statement at that
- 17 point, hadn't you?
- 18 A Yes, but he didn't know.
- 19 Q But you wrote a statement on October 26th,
- 20 didn't you?
- 21 A Yes, sir.
- 22 Q That's the day you got arrested?
- 23 A Yes, sir.
- 24 Q And Mr. Williams asked about you writing a
- 25 statement on Breon, but your statement puts you at

1 the crime scene, didn't it?

2 A Yes, sir.

3 Q Put Tyrome Brennan at the crime scene?

4 A Yes, sir.

5 Q Put Jasmine Bowers at the crime scene?

6 A Yes, sir.

7 Q It put you saying Dave Cannon was going to have

8 to be shot, didn't it?

9 A Yes, sir.

10 Q It put you running all through that trailer

11 looking for stuff, didn't it?

12 A Yes, sir.

13 Q You stated you knew people had guns going into

14 it?

15 A Yes, sir.

16 Q So that statement wasn't just against Breon,

17 was it?

18 A No, sir, it was against myself.

19 Q Was that the only statement you've written?

20 A Yes, sir.

21 Q That was written October 26th?

22 A Yes, sir.

23 Q Now, you stated that they called you, Jermaine

24 and Breon called you while you were with Linda

25 Marsh?

JERMAINE CAUGHMAN - REDIRECT BY MR. SCOTT

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- 1 A Tyrome and Breon.
- 2 Q I'm sorry. Tyrome and Breon called you while
- 3 you were with Linda Marsh?
- 4 A Yes, sir.
- 5 Q How would they have known Linda Marsh's number?
- 6 A Because I called her earlier.
- 7 Q From what phone?
- 8 A Breon Mayers'.
- 9 Q And so her number was already in that phone?
- 10 A Yes, sir.
- 11 Q Whose idea was it to rob Dave Cannon?
- 12 A Jasmine's.
- 13 Q It was Jasmine's idea to rob --
- 14 A It was Jasmine plan, but it was Breon idea.
- 15 Q What do you mean by that?
- 16 A By what I mean, Jasmine -- in order to rob Dave
- 17 Cannon, Jasmine had to set it up the easiest way, so
- 18 she set it up.
- 19 Q Jasmine set it up?
- 20 A Yes, sir.
- 21 Q And why was Jasmine a good person to set this
- 22 up?
- 23 A Because she's the closest kin.
- 24 Q Who all went to Jasmine's house the morning of
- 25 October 21st?

1 **A** Me, Tyrome and Breon.

2 **Q** Who said they were going to shoot Dave Cannon?

3 **A** Breon.

4 **Q** Who was supposed to get weed?

5 **A** Breon.

6 **Q** Who was supposed to get the money?

7 **A** Breon really, but Jasmine got it.

8 **Q** What, if any, reason do you have to lie for
9 Breon Mayers?

10 **A** I don't. I mean, I'm facing a life sentence.

11 **Q** I showed you a picture earlier. I believe it
12 was State's Number 8. Would you tell me one more
13 time what that is?

14 **A** That's Breon where he stays at his
15 grandparents' house.

16 **MR. SCOTT:** Your Honor, the State would offer
17 State's Exhibit Number 8 for admission into
18 evidence.

19 **MR. WILLIAMS:** Without objection, Your Honor.

20 **THE COURT:** Admitted.

21 **MR. SCOTT:** Thank you.

22 (State's Exhibit Number 8, photograph,
23 admitted into evidence.)

24 **MR. SCOTT:** Nothing further from this witness.

25 **MR. WILLIAMS:** Just a couple questions.

JERMAINE CAUGHMAN - RECROSS BY MR. WILLIAMS

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1 RECROSS-EXAMINATION

2 BY MR. WILLIAMS:

3 Q You said you only gave one written statement?

4 A Yes, sir.

5 Q Didn't you say a while ago you gave two written
6 statements?

7 A No, sir.

8 Q Didn't you say in your first statement that --

9 A I gave three statements. I told you I gave
10 three statements, two verbal and one written.

11 Q And didn't you say that Tyrome wasn't even with
12 you in the first statement -- or the second
13 statement?

14 A No. I always said he was with me.

15 Q You always said Tyrome was with you?

16 A Yes, sir. In my statement, I just didn't put
17 what he had, anything against him. I didn't put any
18 -- I just told him he was there. It was me, him,
19 Tyrome and Jasmine.

20 Q Now, wait a minute. Are you saying that you've
21 never told the police officer that you had not --
22 that you did not see Tyrome on October the 21st of
23 2011?

24 A No, sir.

25 Q You didn't tell any police officer that?

1 **A** No, sir.

2 **MR. WILLIAMS:** That's all I have, Your Honor.

3 **THE COURT:** All right. Folks, we're going to
4 break for lunch. I'm going to go ahead and have you
5 go on back to the jury room and then you can go to
6 lunch. Please don't begin any deliberations or
7 discussions about the case, don't talk to anybody
8 about the case including each other or comment on
9 witness demeanor. And if anybody does approach you
10 about the case, please report that when you get
11 back.

12 It's one o'clock right now. So if y'all will
13 be back in the jury room just before 2:30, we'll
14 start back at 2:30, all right. Enjoy your lunch.

15 (The jury was excused for lunch.)

16 **THE COURT:** Okay. Do we need to discuss
17 anything before we break?

18 **MR. GRAHAM:** Not from the State, Your Honor.

19 **MR. WILLIAMS:** Nothing from the defendant, Your
20 Honor.

21 **THE COURT:** Okay. See y'all at 2:30. Thank
22 you.

23 (Whereupon, there was a luncheon recess.)

24 **THE COURT:** Okay. Are y'all ready to go?

25 **MR. GRAHAM:** State's ready, Your Honor.

LINDA MARSH - DIRECT BY MR. SCOTT

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1 **MR. WILLIAMS:** Defense is ready, Your Honor.

2 **THE COURT:** Okay. Bring the jury in.

3 (The jury returns to the courtroom.)

4 **THE COURT:** Okay. Looks like everybody's back
5 in. So, Mr. Solicitor, if you're ready, call your
6 next witness.

7 **MR. SCOTT:** Thank you, Your Honor. The State
8 calls Linda Marsh.

9 LINDA MARSH,

10 having been duly sworn, testified as follows:

11 **THE CLERK:** Have a seat right up here. Once
12 you're seated, state your full name, spelling your
13 last on the record, please, ma'am.

14 **THE WITNESS:** My name is Linda Marsh,
15 M-a-r-s-h.

16 DIRECT EXAMINATION

17 BY MR. SCOTT:

18 **Q** Ms. Marsh, where are you farm?

19 **A** Right now we live in Chapin, South Carolina.

20 **Q** Have you always lived in South Carolina?

21 **A** No. I'm from Iowa, lived Missouri, Ohio,
22 Georgia.

23 **Q** What brought you to South Carolina?

24 **A** We actually came here because of our children.
25 We -- it's a long story, but we, essentially, we

1 wanted them to be in a better school district. We
2 were in Savannah. And so we moved here to live in
3 District 5.

4 Q And what -- are you working? Do you work?

5 A I'm retired.

6 Q What do you do now? Do you volunteer or do you
7 do anything like that?

8 A Yeah, pretty much that's what I do. Since I
9 retired -- and I have always worked with children a
10 lot and done a lot of volunteering, but since I've
11 been retired, that's pretty much what I do is I
12 volunteer with children.

13 Q In what capacity?

14 A Right now I'm mentoring. I've -- over the
15 years, I've worked with mentally handicapped
16 children. I've volunteered through junior
17 achievement. I've just done a lot of different
18 things, but since I've been in South Carolina, I've
19 been a mentor.

20 Q So you've been doing this sort of work for how
21 many years?

22 A Forty.

23 Q So you've basically been volunteering in this
24 capacity --

25 A Pretty much my whole life.

1 Q -- the majority of your life.

2 A I've been working with kids and volunteering
3 with kids pretty much my whole life.

4 Q How did you become involved in the mentoring
5 program in Chapin?

6 A How did I become involved? They were starting
7 a mentoring program at the middle school, Chapin
8 Middle School, and I wanted to be involved in that,
9 so I called them and offered to help them get the
10 program started.

11 Q And how were the kids entering the mentoring
12 program, how were they picked?

13 A They're defined as at-risk children. And
14 at-risk children in South Carolina are defined by a
15 very specific kind of criteria. And if they meet
16 enough of those criterias, they're defined as
17 at-risk. So the program, the mentoring program at
18 Chapin High School, was to work with defined at-risk
19 children. Sometimes it's economically, sometimes
20 it's academically, but they meet a number of
21 criterias to be defined as at-risk according to
22 South Carolina law.

23 Q Do you know what those criteria are?

24 A Well, sometimes it's if you're in -- one of the
25 criterias, for example, if you're in a single family

1 home; another is if you're living below the poverty
2 level; another is if your parents are divorced;
3 another is if you have failed more than one year;
4 there's another if you've missed a certain number of
5 days in the academic school year. I think there are
6 about 35 criteria.

7 Q And tell me about Jermaine Caughman, who is he?

8 A Well, Jermaine was one of the first -- he was
9 part of the first group of African-American boys
10 that were assigned to me. And Jermaine is, you
11 know, a typical at-risk boy from a particular
12 neighborhood in Chapin. He -- from the time I've
13 known him, he kind of has this kind of, I'm the
14 king, kind of attitude, you know, like, I'm all
15 that, like a real tough guy, but he's really not.
16 He's always, always been a follower. He -- of all
17 the boys that I've worked with, he probably was the
18 biggest follower of all of the boys.

19 Q How many -- if you had to guess, how many
20 children have you mentored over the years or
21 adolescents or youths?

22 A A lot. Just in Chapin alone, there were -- I
23 had a group of at least ten boys from that
24 neighborhood that I worked with. Last year at
25 Chapin High School, I had eight girls that were

1 assigned to me. Over the years, it's been many,
2 many more than that.

3 Q Okay. So what you're describing, I guess, was
4 he's an arrogant guy to some degree?

5 A He would come off being real arrogant, yeah,
6 but he didn't have anything really to back it up.
7 It was just kind of this bravado that he had, kind
8 of this attitude.

9 MR. WILLIAMS: Your Honor, objection to this
10 line of questioning.

11 THE COURT: Well, on what grounds?

12 MR. WILLIAMS: It's not factual in nature. It
13 has nothing to do with this charge. It's
14 irrelevant.

15 THE COURT: What's the relevance?

16 MR. SCOTT: Jerm --

17 THE COURT: Well, let's just move to the day if
18 you don't have any relevance.

19 BY MR. SCOTT:

20 Q Okay. So he was one of the first children in
21 the mentoring program?

22 A At Chapin Middle School, correct.

23 Q Okay. He was in middle school at the time?

24 A Yes, sir.

25 Q And what year was that?

1 **A** Let's see...

2 **Q** What grade was he in?

3 **A** It was about 2006 about. He was in -- he had
4 just started 8th grade.

5 **Q** Okay. So you've known him now for at least six
6 years?

7 **A** Uh-huh.

8 **Q** He was, what you describe, as a follower?

9 **A** Uh-huh.

10 **Q** Now, what is your focus as a mentor of at-risk
11 children?

12 **A** Well, the primary thing that we try to do is we
13 try to keep them out of trouble. We try to watch
14 their academics. We help them academically if we
15 need to do that, but we more than anything try to
16 give them kind of a bigger view of the world than
17 the neighborhood that they grow up in because many
18 times these children never really see anything other
19 than their neighborhood and the school that they
20 attend.

21 **Q** Describe the area where Jermaine Caughman is
22 from.

23 **A** Well, he's from an area in Chapin that the kids
24 refer to as Creek Side. It's, typically speaking,
25 it's north of Chapin itself, but it consists

1 primarily of kind of larger lots with mostly
2 trailers where the families live.

3 Q Okay. So you're describing a rural area where
4 folks don't have a lot of money, do they?

5 A Oh, right, yeah.

6 Q Where did Jermaine end up going to school?

7 A Well, from Chapin Middle School, he went on to
8 Chapin High School. At a certain point, he had some
9 discipline issues and he went to the alternative
10 academy for a short time, but he came back and
11 graduated from Chapin High School a year ago June.

12 Q Did he graduate?

13 A He did with a diploma.

14 Q Okay. Well, since you mentioned it, what kind
15 of -- are you aware of the disciplinary issues he
16 had?

17 A I don't know what it was that sent him to the
18 alternative academy. It was probably something, you
19 know, like being disrespectful to the teachers, but
20 I do know that there was -- the only incident I know
21 of that really he was in trouble was when he hit a
22 boy at Irmo High School, he was there for an auto
23 tech class, and had an assault charge pressed
24 against him. But that's the only trouble I ever
25 know that Jermaine was ever in.

1 **Q** He got in a fight while he was a high school
2 student?

3 **A** It wasn't really a fight. He just hit the boy.
4 And, unfortunately, he had a cast on his arm, so
5 when he hit the boy, he broke his nose and so they
6 had to report it as an assault.

7 **Q** Okay. So because of that, he gets transferred
8 to the alternative school?

9 **A** No, that wasn't what transferred him to the
10 alternative school, that had happened before. He
11 had gone to the alternative school for a short
12 period of time before the assault happened.

13 **Q** Okay. Did he ever transfer back to Chapin
14 High?

15 **A** Yes.

16 **Q** Okay. Did he graduate?

17 **A** Yes.

18 **Q** Where did he go once he graduated?

19 **A** He left pretty much right after graduation to
20 go stay with his father for the summer in
21 Philadelphia.

22 **Q** When was the next time you heard from him?

23 **A** He didn't really have any way to get a hold of
24 me. So, to my surprise, I got a Facebook message
25 and I was really surprised because I didn't know

1 that he even had access to a computer, but I got a
2 Facebook message from him telling me that he wanted,
3 he wanted to talk to me.

4 Q Okay. How would he typically get a hold of you
5 if he wanted to talk with you?

6 A The only way Jermaine ever got a hold of me was
7 by borrowing either his mother's phone or someone
8 else's phone and I never had any way to contact him.

9 Q He didn't have a cell phone?

10 A No, he did not.

11 Q Did he ever in all those six years you knew
12 him?

13 A He never did. And that's something I actually
14 would have known because kids are really proud when
15 they have cell phones, that's the first thing they
16 want you to see is that they have a cell phone.

17 Q Okay. So I'm assuming he didn't have a car
18 either?

19 A He did not.

20 Q How would he get around?

21 A The only way he got around was if he could get
22 word to me and he needed to go some place, I could
23 pick him up and take him or some of the guys in the
24 neighborhood, some of them had cars and so he could
25 get around that way or his mother. His mother would

1 take him.

2 Q Do you remember the week of October 21st, 2011?

3 A Yes.

4 Q And did you have plans to meet back up with
5 Jermaine that week?

6 A I did. Jermaine had gotten a hold of me
7 through Facebook and said that he really needed me
8 to help him. He said, If you don't help me get out
9 of here, I'm going to get myself in trouble. And so
10 I didn't have time at that moment to help him. So I
11 said, Jermaine, it's going to have to wait a little
12 bit. So he got a hold of me a second time and said,
13 Ms. Marsha, I really need you to help me. And I
14 said --

15 MR. WILLIAMS: Your Honor, objection to the
16 hearsay.

17 THE COURT: I suppose it depends on if you're
18 offering it for some other reason, but it is hearsay
19 to tell about what another witness already talk --
20 has talked about, so move on to something different.
21 BY MR. SCOTT:

22 Q Let me ask you, you had plans to meet him the
23 week of October 21st. Specifically, what day had
24 y'all originally planned?

25 A We had originally planned on Thursday.

1 Q That being October the 20th?

2 A Right. But I -- a very good friend of mine
3 died and her funeral was scheduled for that day. I
4 didn't know how long it would take. So I got a hold
5 of Jermaine through Facebook, sent him a message and
6 said, I just can't do it on Thursday. It'll have to
7 be Friday.

8 Q Okay. Do you remember when you sent that
9 Facebook message to him about changing the days?

10 A I don't, but it couldn't have been more than
11 three days or four days because from the time she
12 died until her funeral was, you know, four or five
13 days.

14 Q So it would have been three or four days before
15 the 21st, so --

16 A Yeah, it would have had to have been.

17 Q -- the 16th or 17th or so?

18 A Uh-huh.

19 Q In other words, these plans weren't made the
20 day of the 21st?

21 A No.

22 Q What time were you supposed to meet him?

23 A I was supposed to pick him up at 11:30 because
24 I mentored second block at the high school and
25 second block ends at about 11:25, but they were on a

1 shortened day, so I finished at, like, 10:30. So I
2 left, went over to his house, honked the horn
3 because, you know, I didn't know if he was there or
4 not. He didn't come out, so I went on home.

5 Q Let me stop you real quick. Without saying
6 anything that he said, on your way home, did you
7 receive a phone call?

8 A No. I had been home. I was already home and
9 that's when I received a phone call after I had
10 gotten home.

11 Q And who was it on the phone?

12 A And it was Jermaine.

13 Q Okay. Did he call you on your house or your
14 cell phone?

15 A On my cell phone.

16 Q What is your cell phone number?

17 A [REDACTED].

18 Q All right. So after you heard from him, don't
19 say what he said or anything, but what did you do?

20 A I got in my car to drive to his house.

21 Q Okay. Did you hear from him again?

22 A I did.

23 Q Where were you when you heard from him the
24 second time?

25 A I was -- I was in his driveway.

1 Q Do you remember about what time either one of
2 those calls were?

3 A The first one was about 11:20 and the second
4 one about 11:30.

5 Q Did you receive anymore calls from him?

6 A I received a third phone call.

7 Q And what time was that?

8 A Maybe five minutes later.

9 Q And you were in his driveway at this time?

10 A Uh-huh. And he said, Don't leave.

11 Q Five minutes, so what time was that third phone
12 call?

13 A Probably 11:35.

14 Q All right. What happened next?

15 A Then about a minute or two later, he jumped in
16 the passenger side of my car.

17 Q So a minute or two after 11:35 is what you're
18 saying?

19 A Uh-huh.

20 Q How, and, again, without saying anything he
21 said, how was he behaving?

22 A Well, he, you know, he was kind of out of
23 breath and, I don't know, seemed kind of agitated or
24 annoyed. And usually when he got in the car, you
25 know, he -- Mr. Cheerful and he just wasn't exactly

1 Mr. Cheerful.

2 Q Did you -- those three phone calls that you
3 referenced, were they from the same number?

4 A Oh, I don't know.

5 Q Did you have a chance to review those phone
6 numbers later?

7 A I don't think I looked at the numbers.

8 Q But you didn't recognize the number?

9 A No. No, they came through as unidentified
10 numbers.

11 Q Now, after he got in the car with you, where
12 did y'all go next?

13 A We headed to his grandmother's house because he
14 had some books that needed to be turned in so that
15 he could clear his diploma, you know, clear his fees
16 so we could get his high school diploma.

17 Q Okay. Did you find the books?

18 A No.

19 Q How long do you think you were at his
20 grandmother's house?

21 A Well, maybe five minutes.

22 Q What did you see after you left his
23 grandmother's house?

24 A Well, we were -- we were either in her driveway
25 or pulling out onto the road and we saw police cars

1 heading down into his neighborhood with their lights
2 flashing.

3 Q So this was afternoon or do you know about what
4 time?

5 A No. No. Jermaine's grandmother only lives two
6 or three minutes from his house. So this would have
7 been, you know, I don't know, 11:45, ten to 12:00,
8 something like that.

9 Q Where did y'all -- where were y'all going after
10 you left the grandmother's house?

11 A We were actually going to the Army recruiters
12 because the plan was to get him out of the
13 neighborhood to either get him into the Army or get
14 him into the Job Corps, one of the two.

15 Q Did you guys eat lunch together?

16 A I actually offered to take him to lunch and he
17 said, I can't eat. No, there's no point in going, I
18 can't eat.

19 Q Did you receive anymore calls from that phone
20 number after you and Jermaine were together?

21 A I don't know that it was that phone number, but
22 I did receive at least one call on my phone while we
23 were together.

24 Q Did you recognize that number?

25 A No.

1 Q And who was that call for?

2 A The person -- when I answered the phone, the
3 person said, Is Jermaine there? And I said, Yes.
4 And I just handed him the phone.

5 Q Why would somebody be calling your phone to get
6 to Jermaine?

7 A Well --

8 MR. WILLIAMS: Objection, speculation.

9 THE COURT: Sustained.

10 BY MR. SCOTT:

11 Q Did y'all eventually go to the Army recruiters?

12 A Yeah, and they were closed. So we weren't
13 able -- we weren't able to -- we didn't realize they
14 were closed on Fridays.

15 Q So where did y'all go after that?

16 A So then -- then we went -- I said, Well, for
17 you to go to the Peace Corps, whatever, you have to
18 have I.D. And he told me that his driver's permit,
19 he didn't have a license, but his permit had
20 expired. And I said, Well, let's go to the DMV and
21 renew your permit. So we went from the recruiters
22 over to the DMV.

23 Q Did he renew his permit?

24 A He did, but he didn't -- it was -- he didn't
25 have the money, so I paid for it.

1 Q How much was it?

2 A It was \$2.50.

3 Q He didn't have \$2.50?

4 A No.

5 Q Was that uncommon?

6 A No. He almost never had any money.

7 Q Where did Jermaine stay that night?

8 A After we left there, we decided that the best
9 course of action would be for him to study for --
10 it's called the ASVAB, it's the armed services
11 entrance exam. We decided it will be best for him
12 to study that test and then go back and take it then
13 the next week. So we went to the library, got an
14 ASVAB study book and he went with me to my house.
15 Actually, we stopped at his house first so he could
16 get some clothes and then we went to my house.

17 Q Tell me about for the rest of that week, what
18 was going on. Did he stay with you or --

19 A So he spent Friday night with us and then
20 Saturday he said he needed to work -- that he was
21 scheduled to work for his Uncle Chris. So we took
22 him in that morning and dropped him off at his house
23 so he could work with his Uncle Chris. And then we
24 picked him up that night around 9:15 or so and then
25 he spent Saturday night and then the rest of the

1 week he spent with us.

2 Q Who's us? You and your husband?

3 A My husband and I.

4 Q Do you remember when he was arrested?

5 A I do.

6 Q Where was he when he was arrested? Were you
7 with him?

8 A We had gone back to his house to look for more
9 books, again to look for the textbooks, and we
10 had -- we were actually on our way to his
11 grandmother's house when we saw a young man at the
12 gas station and the Lexington County Police were
13 with him. And so Jermaine said, That's my cousin,
14 C.J. I need to tell my Uncle Chris that, you know,
15 that C.J. is with the police.

16 So his Uncle Chris lived in the trailer behind
17 Jermaine's trailer. So we pulled into his driveway
18 and Jermaine jumped out and ran back through the
19 trees to his Uncle Chris' trailer. And then I just
20 sat there and waited for him. It was a while. And
21 I was waiting and waiting. And, finally, two
22 Lexington County Sheriff's Deputies came over to
23 talk to me.

24 Q Okay. Without saying what they asked you or
25 what they've said to you, what, if any, information

1 did you provide to them?

2 A They asked several questions about --

3 MR. WILLIAMS: Objection, Your Honor, hearsay.

4 BY MR. SCOTT:

5 Q Again, what did -- did you show them anything?

6 A I offered my cell phone because my cell phone
7 had information about calls that they were
8 interested in seeing. And so I pulled up my call
9 history and handed them the phone and said, Here,
10 you can have whatever you want off my phone.

11 Q Now, was your call history from what -- any
12 specific day?

13 A Well, they were interested in the call history
14 from the previous Friday, from the time that I had
15 picked Jermaine up in his driveway that Friday.

16 Q And that's October 21st?

17 A Yes.

18 MR. SCOTT: Please answer any questions
19 Mr. Williams may have, Ms. Marsh.

20 CROSS-EXAMINATION

21 BY MR. WILLIAMS:

22 Q Ms. Marsh, I just want to take you back through
23 where you were when. As I understand it, on October
24 the 21st, you were with Jermaine after you picked
25 him up and after the three phone calls; is that

1 correct?

2 A Yes.

3 Q And then you remained with Jermaine the entire
4 day and you remained with Jermaine the entire day on
5 Saturday?

6 A No.

7 Q What happened on Saturday?

8 A No. Saturday morning he said that he needed to
9 work for his Uncle Chris in landscaping. So my
10 husband took him in and dropped him off. And we
11 picked him up that evening about 9:15 and then he
12 came back to our house.

13 Q So you were not with him on the Saturday, which
14 would have been the next day after -- of the murder?

15 A That's correct.

16 Q And he was with you on Saturday night?

17 A Uh-huh.

18 Q And Sunday and Monday?

19 A Well, there was some point -- some point he
20 said he needed to go home and mow the lawn and I
21 think it was maybe the next, maybe the next
22 Wednesday. And I believe I was -- as I remember, I
23 had to go back to school anyway because I mentor
24 usually on Wednesdays and I remember dropping him
25 off so that he could mow the lawn. And then I

1 picked him up and took him back to my house again.

2 So it was, again, maybe a two-hour period or
3 something.

4 Q So, essentially, he was with you with the
5 exception of Saturday --

6 A Uh-huh.

7 Q -- where he was doing landscaping during the
8 day and for two hours on Wednesday. And --

9 A I believe it was --

10 Q -- aside from that, he was with you the entire
11 time from Friday morning up until -- when was he
12 arrested?

13 A That Thursday evening.

14 Q That Thursday evening?

15 A Uh-huh.

16 Q So, as far as you know, there would have been
17 no opportunity for him to have received a .38
18 caliber weapon and take it home and place it at his
19 home, if he did that perhaps two days later or three
20 days later, because he would have been with you
21 during this time span?

22 A When he was with me, it wouldn't have been
23 possible because he didn't have any way to get
24 around.

25 Q Now, I understand that you've been doing

1 mentoring at least with him for six years, at least
2 with him, right?

3 A Uh-huh.

4 Q Are you a teacher?

5 A No.

6 Q What's your college background?

7 A I have a degree in business and economics and I
8 have most of my graduate degree.

9 Q So you have -- you don't have any education
10 courses, though?

11 A No.

12 Q And so your mentoring is because you felt sorry
13 for these young people in that area?

14 A I wouldn't put it like that, no.

15 Q Well, do you have any special qualifications
16 that would help you mentor persons in that -- who
17 have those types of problems?

18 A Do I have any specific --

19 Q Yeah. Are there classes that you take or --
20 I'm -- I went to Clemson secondary at history, so
21 obviously I was going to be a teacher before I
22 became a lawyer. So I'm trying to find out what
23 qualifications you had to be a mentor for this
24 individual.

25 A Well, we have two adopted special needs

1 children and we've had a whole host of unofficial
2 foster kids over the years. I've worked with the
3 voluntary desegregation program in St. Louis. I
4 would think that might give me a little credibility.

5 Q So you're an activist. Is that what you're
6 telling me? You're a political activist?

7 A No, I wouldn't call myself a political
8 activist.

9 Q Well, with those six years of working or
10 mentoring, you wouldn't have expected this
11 individual to be a murderer and a robber and a man
12 who commits violent crimes, would you? Because your
13 mentoring should have stopped all that, right?

14 A I wouldn't expect any child that I work with to
15 be violent.

16 Q All right. Did he share with you when you
17 picked him up, the fact that he had just robbed and
18 shot somebody?

19 A No.

20 Q What did he have on on that particular day?

21 A I believe he had on a pair of jeans and a
22 sweatshirt that zipped --

23 Q What color -- I'm sorry.

24 A That zipped up the front.

25 Q What color was his sweatshirt?

1 **A** You know, I didn't remember this until after
2 the police officers came to my house, but it was --
3 they told me it was gray.

4 **Q** So they told you it was gray?

5 **A** Uh-huh.

6 **Q** You went to his house to pick up additional
7 clothing after you picked him up, right?

8 **A** After -- yes. After we went to the recruiters
9 and they were closed and then we decided he would
10 come to my house, that's when we went and picked up
11 additional clothes.

12 **Q** And what additional clothes did you pick up?

13 **A** He just came out to the car with something in
14 his hands. I couldn't tell you what it was.

15 **Q** Did he have the same clothing on that he had
16 when you picked him up?

17 **A** I couldn't tell you that.

18 **Q** Did you tell the police what clothing he had on
19 when you picked him up?

20 **A** I did not..

21 **Q** Do you know whether or not his clothing was
22 used for any type of sampling, blood sampling, DNA
23 or anything like that?

24 **A** The only thing I know is that when the police
25 came to my house and I invited them in and said,

1 Look and take whatever you want, that they took a
2 bag of what they said were his possessions. That's
3 all I know.

4 Q And you don't know what was in the bag of
5 possessions, whether or not it was clothing from
6 October the 21st or not?

7 A I do not.

8 Q When was it that he told you, admitted that he
9 was a murderer and a robber?

10 A In a letter that he wrote to me from the jail,
11 but he didn't admit that he was a murderer or
12 robber. He just apologized to me and he said, I'm
13 really sorry if I've caused you any trouble.

14 Q So he's never admitted to you what he's done
15 wrong?

16 A He has admitted to me that he was foolish. I
17 mean, he has admitted that, yes, he was, he was
18 there.

19 Q There where?

20 A He was there at the incident.

21 Q He sugarcoated it. Is that what he's done?

22 A He what?

23 Q Sugarcoated it.

24 A I wouldn't call it that.

25 Q You're still -- you're still supportive of him

1 after the robbery and the murder and all that?

2 A I am, uh-huh.

3 Q And you wouldn't know about him getting a .38
4 caliber pistol a couple of days later?

5 A I don't know anything about that.

6 Q And the only thing you know really is that you
7 saw him on October the 21st and he was -- he was
8 panting and essentially that -- and somebody called
9 you three times from a phone, which is marked
10 unknown?

11 A Well, and there were other phone calls that
12 came into my phone while he was in the car. I mean,
13 I know that.

14 Q And they were marked unknown, also?

15 A Uh-huh.

16 MR. WILLIAMS: That's all the questions I have,
17 Your Honor.

18 THE COURT: Redirect.

19 MR. SCOTT: None from the State, Your Honor.

20 THE COURT: You may step down.

21 MR. SCOTT: The State calls Jasmine Bowers.

22 JASMINE JANELLE BOWERS,

23 having been duly sworn, testified as follows:

24 THE CLERK: Once you're seated, ma'am, I need
25 you to state your full name, spelling your last on

1 the record, please.

2 THE WITNESS: My name is Jasmine Janelle
3 Bowers, B-o-w-e-r-s.

4 DIRECT EXAMINATION

5 BY MR. SCOTT:

6 Q And, Ms. Bowers, maybe move that microphone a
7 little bit closer to your mouth.

8 A (Witness complies.)

9 Q How old are you, Ms. Bowers?

10 A I'm 20 years old.

11 Q And where are you from?

12 A Chapin, South Carolina.

13 Q How long have you lived there?

14 A All my life.

15 Q What is your address?

16 A [REDACTED] Meadowlark Road, Little Mountain, South
17 Carolina.

18 Q How long have you lived there?

19 A For about a year, maybe.

20 Q Have you ever lived anywhere else on
21 Meadowlark?

22 A Yes, sir, [REDACTED] Meadowlark Road.

23 Q Who else lives in your little neighborhood?

24 A My grandparents, my friend Suzette, the Boyds,
25 Clarks.

1 Q Do you know Jackie Boyd?

2 A Yes, sir.

3 Q Does she live nearby?

4 A Yes, sir.

5 Q Do you know Cedric Mayers?

6 A Yes, sir.

7 Q Does he live nearby?

8 A Yes, he does.

9 Q And when you say Suzette, you're talking about

10 Suzette Meggett?

11 A Yes, sir.

12 Q And where does she live in relation to your

13 home?

14 A She lives right across the street.

15 Q Who is Sharon Bowers?

16 A She is my aunt.

17 Q And where does she live?

18 A [REDACTED] Meadowlark Road.

19 Q How far away is that from your house?

20 A About another house -- we're a house apart --

21 two houses apart.

22 Q Is she married?

23 A No.

24 Q Was she married?

25 A Yes.

- 1 Q Who was she married to?
- 2 A David Cannon.
- 3 Q How long have you known him?
- 4 A All my life.
- 5 Q How is he related to you?
- 6 A He was my uncle.
- 7 Q What did you call him?
- 8 A Uncle Dave.
- 9 Q How was his health October of 2011?
- 10 A He was sick.
- 11 Q Do you know why he was sick, what was wrong
- 12 with him?
- 13 A He had cirrhosis of the liver.
- 14 Q Do you remember Friday, October 21st, 2011?
- 15 A Yes, sir.
- 16 Q What were you supposed to be doing that day?
- 17 A I had a job interview that morning.
- 18 Q Where?
- 19 A At the Rainbow Gas Station.
- 20 Q Where is that?
- 21 A It's right off the exit of Chapin.
- 22 Q And where did Sharon Bowers work?
- 23 A Chapin Waffle House.
- 24 Q How close is that to the rainbow?
- 25 A It's right across the street.

1 Q Did you ever get to go to that interview?

2 A No, sir.

3 Q What happened that morning while you were at

4 your house?

5 A Jermaine Caughman came and knocked on my door

6 and he said that Breon Mayers wanted me. And I put

7 on my robe and I went outside and Breon was standing

8 in front of the car. The first thing, he talked

9 about my hair and stuff like that and then he just

10 said, Did you get your Uncle Dave yet? And --

11 Q What does that mean, Did you get him yet?

12 A Did I rob him.

13 Q Why would he ask you that?

14 A I guess, he heard rumors about the past when I

15 kind of like stole some money from him before.

16 Q You had taken money from him before?

17 A Yes, sir.

18 Q What kind of car was he in that morning?

19 A A champagne colored Alumina {verbatim}.

20 Q Two doors, four doors?

21 A Four.

22 Q And it was parked in front of your house?

23 A Yes, sir.

24 Q What did you say to him after he asked if you

25 had robbed Dave yet?

1 A I said, No. Why do you want to know? And he
2 wanted to do it. He asked me about if I knew where
3 he kept his stuff at and I told him the last time I
4 ever seen anything was in a cooler. I really didn't
5 tell him I'd help him out or anything like that, but
6 he resorted to bribing me, asking me -- I mean, if
7 he gave me money or something, would I help. I
8 really didn't give him an answer. So we just stood
9 there talking for a minute.

10 Q You didn't tell him you wouldn't do it, though,
11 did you?

12 A No, I didn't.

13 Q And what was the stuff he was looking for?

14 A Drugs and money.

15 Q How did you know or did you know Breon Mayers
16 before this?

17 A I've known him for several years.

18 Q How many years?

19 A Maybe ten.

20 Q Did y'all go to school together?

21 A Yes, sir.

22 Q Did you know where he lived?

23 A Yes, sir.

24 Q Where did he live?

25 A Little Mountain, South Carolina.

1 Q Have you ever been there?

2 A I've been through a few times.

3 Q Who did he live there with?

4 A His grandparents.

5 Q I show you State's Number 8. Do you recognize

6 this?

7 A Yes, sir.

8 Q And have you been there before?

9 A A few times.

10 Q Because you were friends with Breon?

11 A Yes, sir.

12 Q Who else was with him? You mentioned Jermaine

13 Caughman, but while he was talking with -- while

14 Breon was talking with you, where was Jermaine

15 Caughman?

16 A He was in the car.

17 Q Was there anyone else in the car with him?

18 A Yes, Tyrome.

19 Q Tyrome who?

20 A Brennan.

21 Q Did you know Tyrome Brennan?

22 A No, I did not.

23 Q Was that the first time you ever met him?

24 A Yes, sir.

25 Q Did you know Jermaine Caughman?

- 1 A Yes, I know of him.
- 2 Q How long have you known him?
- 3 A Years.
- 4 Q Were y'all friends?
- 5 A I didn't talk to him on a day-to-day basis.
- 6 Q So who were you closer with, Breon or Jermaine?
- 7 A Breon.
- 8 Q Did you have any problems with Jermaine
- 9 Caughman?
- 10 A No, sir.
- 11 Q But y'all just weren't friends, is what you're
- 12 saying?
- 13 A Yes, sir.
- 14 Q Okay. What else was discussed when y'all were
- 15 talking about Dave and he was asking you where he
- 16 kept his marijuana? What else was discussed in
- 17 front of your house?
- 18 A That's about it.
- 19 Q Did you have a cell phone?
- 20 A Yes. I had my cell phone in my hand.
- 21 Q Okay. Did Breon have a cell phone?
- 22 A Yes, he had a cell phone.
- 23 Q Did you have Breon's number while he was there?
- 24 A Not at that time.
- 25 Q Did you ever get his number?

1 A Yes, I did.

2 Q When was that?

3 A He called my phone.

4 Q How did he have your number?

5 A I gave it to him right before he left my house.

6 Q What was your phone number?

7 A [REDACTED] [REDACTED].

8 Q Do you remember what Breon's phone number was?

9 A It started with [REDACTED]. I can't remember the

10 rest.

11 Q Okay. What happened after you two exchanged

12 phone numbers?

13 A He left.

14 Q Where did he go?

15 A He went to the left and he went to Jackie

16 Boyd's house.

17 Q Did you know Jackie Boyd?

18 A Yes, I know her.

19 Q How do you know her?

20 A She's in my neighborhood.

21 Q How far away is her house from yours?

22 A Maybe three or four houses.

23 Q Now, did Breon, how did he get up to Jackie

24 Boyd's house from yours?

25 A He drove.

1 Q And the other two boys went with him?

2 A Yes, sir.

3 Q What did you do?

4 A I went in the house.

5 Q Why?

6 A I went to do my hygiene. I put on some
7 clothes. And the thought occurred to me that my
8 aunt usually works -- she doesn't work on Fridays.
9 So I called to see if she was home because I didn't
10 want nothing to happen if she was there.

11 Q I'm sorry? Repeat that.

12 A I didn't want it to happen if she was at home.

13 Q So you called where, the Waffle House?

14 A Yes, I called the Waffle House.

15 Q And what did you find out?

16 A She was at work.

17 MR. WILLIAMS: Objection to hearsay, Your
18 Honor.

19 THE COURT: You'll have to rephrase.

20 BY MR. SCOTT:

21 Q Did you speak with Sharon Bowers there?

22 A No, I didn't.

23 Q After you called the Waffle House, what did you
24 do?

25 A I asked to speak with her.

1 Q Okay. But you didn't speak with her?

2 A She picked up the phone and I hung up.

3 Q Okay. What did you do next?

4 A I went -- I walked up the road to go see
5 somebody to get a cigarette. On my way up there, I
6 seen Breon and the other guy sitting in the car by
7 the house.

8 Q By whose house?

9 A Jackie Boyd's house.

10 Q And where is that in relation to Dave Cannon's
11 house?

12 A It's right across the street.

13 Q Okay. You say you were going there to get a
14 cigarette, but you were also going to see what was
15 going on, too --

16 MR. WILLIAMS: Objection to leading, Your
17 Honor.

18 THE COURT: Rephrase.

19 BY MR. SCOTT:

20 Q Was there any other reason you were going up
21 there besides getting a cigarette?

22 A Yes. I wanted to see what was going to happen.

23 Q What was happening when you got up there?

24 A They were just sitting in the car.

25 Q Doing what?

1 A Talking.

2 Q Did you go talk with them?

3 A I went and stood beside the car. I got a

4 cigarette from them. Again, he asked me if --

5 Q Who's he?

6 A Breon Mayers.

7 Q He asked you what?

8 A He asked me if I could go and knock on the door

9 and get him to come to the door and I told him I

10 couldn't. He talked to the other two guys in the

11 car for a second and then he asked me if I will walk

12 down the dirt road. I said, Yes. And then he

13 cocked a gun and got out the car and we all walked

14 down the dirt road.

15 Q He cocked a gun while y'all were at the car?

16 A Yes, sir.

17 Q What kind of gun? What did it look like?

18 A It was black. It looked like a cop gun.

19 Q A cop gun? Did you see any other guns?

20 A Not at that moment.

21 Q Show you State's Number 10. What is that?

22 A A gun.

23 Q All right. So he cocked the gun and you said

24 y'all walked where?

25 A We walked down the dirt road to the back path

1 that leads to the back of my aunt's house.

2 Q What happened back there?

3 A We were standing around talking. He asked me a
4 couple of questions like what was in the camper and
5 the tool shed and stuff. Again, he asked me could I
6 go knock on the door try to get him to come out,
7 just plotting.

8 Q What did he say he was going to do?

9 A He didn't really say what he was going to do at
10 the moment, but they were standing around talking
11 for so long, I just told them I was about to walk
12 back out the dirt road. And I left out by myself
13 and they were still back there.

14 Q What did you say about robbing Uncle Dave?

15 A I only suggested, you know, to grab him or
16 something and hold him down and I'd go in and find
17 the drugs, the money.

18 Q What did Breon say about that?

19 A He said, No, I'm going to shoot him.

20 Q While you were behind the house, was anything
21 else said?

22 A No.

23 Q Where did you go next?

24 A I walked out into the main road and I got
25 another cigarette from somebody. And I was walking

1 back towards my house and all three of them came out
2 of the dirt road and they stopped and caught up with
3 me. And we were standing in the road talking for a
4 minute and they were discussing again the strategy,
5 how they were going to get him, you know, down or
6 whatever to go in the house and get whatever they
7 needed.

8 Q Well, let me ask you, back up just briefly for
9 one minute. You said you left them in that cut
10 through behind the trailer and you went back up to
11 Meadowlark Road?

12 A Yes, sir.

13 Q Did you receive any phone calls at that point
14 or anything?

15 A Not that I remember.

16 Q How long were you up there before they came to
17 meet you?

18 A Not very long, maybe five minutes or less.

19 Q What was talked about while y'all were at the
20 front of the house?

21 A The front of Jackie Boyd's house?

22 Q Yes.

23 A Who was going to do what.

24 Q What did Breon say?

25 A He said he was going to shoot him. Told him he

1 didn't have to do that because he was sick already,
2 so.

3 **Q** I'm going to show you State's Number 2. Show
4 me where your house is.

5 **A** (Witness indicating.)

6 **Q** Show me where Jackie Boyd's house is.

7 **A** (Witness indicating.)

8 **Q** Do you see Sharon Bowers and Dave Cannon's
9 home?

10 **A** Yes, I do.

11 **Q** Would you point to it?

12 **A** (Witness indicating.)

13 **Q** And show me the cut through where y'all met
14 behind the trailer?

15 **A** Around this area (indicating).

16 **Q** And show me what happened when you went to the
17 front?

18 **A** I walked out this way and I stood in the road
19 and they came out of the dirt road. And we were all
20 talking right here (indicating).

21 **Q** And then what happened?

22 **A** I said I would go and look and see what was
23 going on around the house. So I walked into the
24 driveway and I looked around the corner of the house
25 and I really couldn't see anything. So I came back

1 out and they were a little closer. So I walked down
2 the road a little bit. And when I came out by --
3 when I seen Uncle Dave standing right there, I
4 looked at them and I was like, He's outside. And I
5 kind of like motioned for them to go back, but they
6 kind of bent down in combat style and ran down the
7 driveway.

8 Q Where is the driveway?

9 A Right here.

10 Q So they are going down the right side of the
11 trailer?

12 A Yes, sir.

13 Q And Uncle Dave was on the left side of the
14 trailer?

15 A Yes, sir.

16 Q And you didn't want Uncle Dave to see them?

17 A No.

18 Q And they're crouching down low going down the
19 driveway, tell me what happened next.

20 A I stood where I was for a second and shocked at
21 him, was actually about to happen, about to rob him.
22 And I ran, like, towards the middle of the houses
23 and kind of stopped for a second and then I heard
24 the shots. And by that time, I was over at the
25 corner and I was trying to call somebody that I

1 heard shots.

2 Q Who were you trying to call?

3 A Cedric.

4 Q Cedric Mayers?

5 A Mayers.

6 Q What could you see from where you were
7 standing?

8 A I seen somebody -- this guy standing in the
9 doorway halfway in and halfway out. He had a gun in
10 his hand.

11 Q Could you tell which boy it was, Jermaine,
12 Tyrome or Breon?

13 A No, I couldn't.

14 Q Did you see the other two boys from where
15 you're standing?

16 A Could I?

17 Q Could you? Did you?

18 A I only seen the guy standing in the doorway.

19 Q All right. How many shots did you say you
20 heard?

21 A I thought I heard three.

22 Q And what did you do?

23 A After I tried to call and nobody picked up, I
24 ran over to the house and I looked in the door and
25 Uncle Dave was laying on the floor. And I looked in

1 the room and Breon was in there looking around.

2 Q Whose room was Breon in?

3 A Uncle Dave's.

4 Q What was he doing?

5 A Looking around his stuff. And I looked up to
6 the left and Tyrome was coming down the hallway with
7 rifles in his arm. And Breon was like, Where it's
8 at? And --

9 Q Where it's at?

10 A Yeah. Where is it at, meaning the drugs and
11 the money. And I was like, I'm not coming in there,
12 you know, he's laying right there dead. And I was
13 like, Why don't you move him or something? And
14 Tyrome said --

15 Q You can't talk about what Tyrome said. Did you
16 step over --

17 A Yes, I went in the room, over his body.

18 Q What did you do in his bedroom?

19 A As soon as I stepped in the room, I looked on
20 the bed and it was right there.

21 Q What was right there?

22 A The drugs and the money. And I grabbed the
23 wallet and I ran out the door. I glanced back and I
24 seen them running out the house.

25 Q Which way did they go?

- 1 A They went in the direction they came from.
- 2 Q Which direction --
- 3 A And I went to the direction that I came from.
- 4 Q You went back towards your house. What
- 5 direction did they come from?
- 6 A They came from the right where I'm sitting and
- 7 I went to the left.
- 8 Q Let me show you State's Number 2. Show me
- 9 where they went.
- 10 A They went this way.
- 11 Q Point to where they went, please.
- 12 A They went this way (indicating) and I went that
- 13 a'way.
- 14 Q Where was Breon's car?
- 15 A It was parked right there (indicating).
- 16 Q What happened next? Did you see him again that
- 17 day?
- 18 A I seen him -- no, I didn't see him that day.
- 19 Q How much money did you get away with?
- 20 A Almost a thousand dollars.
- 21 Q Did you help Breon find marijuana?
- 22 A Yes.
- 23 Q Did you go home?
- 24 A Yes, sir.
- 25 Q What happened next?

- 1 **A** I ran home and I went to my room and I kind of
2 was freaking. And I called my friend, Suzette, to
3 talk to her, but she was doing something. So I put
4 on some more clothes, different clothes, and I went
5 to her house and she was giving the baby a bath, I
6 think. And when she came out, I kind of told her
7 the situation about what happened.
- 8 **Q** You told her what happened?
- 9 **A** Yes.
- 10 **Q** Is she a friend of yours?
- 11 **A** Yes, she was.
- 12 **Q** Who else was she friends with?
- 13 **A** She was friends with Breon as well.
- 14 **Q** Was this before the ambulances came?
- 15 **A** Yes.
- 16 **Q** Do you remember the ambulances arriving?
- 17 **A** I seen them go by.
- 18 **Q** What did you do when you saw them?
- 19 **A** I was at home by that time and I went to my
20 grandparents' house. And I called my aunt to let
21 her know that the ambulance is at her home.
- 22 **Q** What did you do the rest of the day?
- 23 **A** I stayed at the scene. Then later on I went to
24 go see Cedric Mayers again.
- 25 **Q** Well, did police ever -- did you see the police

1 there?

2 **A** At the crime scene?

3 **Q** Yes, ma'am.

4 **A** Yes, sir.

5 **Q** Did they ever stop and talk to you?

6 **A** No, not until I got back home.

7 **Q** Well, the day of the murder, did any police

8 speak with you?

9 **A** Yes, sir.

10 **Q** And did you tell them what happened?

11 **A** No, sir.

12 **Q** Why not?

13 **A** I was scared. I thought I can keep the secret.

14 **Q** Why did you go meet with Cedric Mayers that

15 night?

16 **A** I just wanted to speak with him.

17 **Q** Where did you go with him?

18 **A** We went to a Microtel on Piney Grove Road.

19 **Q** Tell me, without saying what anyone else said,

20 why did you go to the Microtel Inn on Piney Grove

21 Road?

22 **A** It was chaotic in Chapin, so it's best to get

23 away from the police.

24 **Q** Did you ever talk with Breon Mayers again that

25 day?

1 A I talked to him that night at the hotel.

2 Q He called you?

3 A I called him.

4 Q What number was it? The one --

5 A It was a [REDACTED] number.

6 Q What did he say or what did you say when you

7 called him?

8 A I told him about the police being in the area.

9 Q How did you know it was Breon you were calling?

10 A Well, I asked him if it was him when he picked

11 up the phone and he asked who I was. I said, It's

12 Jasmine. And he said, Oh, what's up. And we

13 started talking. And at the end of the

14 conversation, he asked me did I get any money. He

15 knew I got money. And I said, Yeah, but you killed

16 my uncle. And he was like, Yeah, you right.

17 Q Did you see him again after that?

18 A A couple of nights after.

19 Q Where did you see him?

20 A I seen him at his home.

21 Q His grandma's house?

22 A Yes.

23 Q Did you go there?

24 A Yes, I did.

25 Q Why did you go there?

1 **A** Because I was being tailed by the police, so I
2 wanted to make sure that they didn't put my name in
3 it.

4 **Q** What did you say to him about that?

5 **A** I just -- I said, Don't, you know, Please don't
6 put my name in it. And he said -- he assured me
7 that nobody would say anything. I asked him again,
8 I said, Did you shoot him? And he was like, Yeah, I
9 shot him. And I asked him where the gun was and
10 what did he do. He said, Don't worry about that.

11 **Q** When were you arrested?

12 **A** October 27th.

13 **Q** Where were you when the police made contact
14 with you?

15 **A** In Orangeburg.

16 **Q** Tell us why you were in Orangeburg.

17 **A** My sister thought it was best to get away from
18 all the madness that was going around in Chapin and
19 police.

20 **Q** So the morning of October 21st, whose idea was
21 it to rob Dave Cannon?

22 **A** Breon.

23 **Q** Who had guns?

24 **A** Breon.

25 **Q** Who else?

- 1 A And I seen Jermaine with a gun.
- 2 Q You knew they were going to rob Dave Cannon?
- 3 A Yes, sir.
- 4 Q And you went with them?
- 5 A Yes, sir.
- 6 Q What have you been charged with?
- 7 A Murder, first degree burglary, armed robbery
- 8 and possession of a gun.
- 9 Q Are you guilty of those charges?
- 10 A I feel guilty, but I know I didn't want my
- 11 uncle dead.
- 12 Q But you knew he was going to be robbed?
- 13 A Yes, sir.
- 14 Q And you knew two of the people with you had
- 15 guns?
- 16 A Yes, sir.
- 17 Q And you did take nearly a thousand dollars from
- 18 him?
- 19 A Yes, I did.
- 20 Q After you were arrested, did you give the
- 21 police a statement, a written statement?
- 22 A Yes, sir.
- 23 Q Did you tell them everything?
- 24 A No, I withheld.
- 25 Q Why?

1 A I thought if I didn't tell them I had contact
2 with Breon at certain times, that I'll be in less
3 trouble.

4 Q How were you feeling about the situation?

5 A How do I feel about it now?

6 Q When you were arrested, how were you feeling?

7 A I was really, really scared. I didn't want to
8 get in trouble.

9 Q Did you tell the police Jermaine had a gun?

10 A Yes, I did.

11 Q In that first statement, did you tell them
12 Breon had a gun?

13 A I don't think I did.

14 Q Why would you tell them Jermaine had a gun, but
15 you didn't tell them about Breon's gun?

16 A I told them about Jermaine having a gun because
17 he was the first person to get arrested, so I know
18 he said my name and put me in it.

19 Q Were you mad at him?

20 A I was very mad at him.

21 Q Why didn't you tell them about your
22 involvement? Why didn't you tell them that you went
23 in that house?

24 A I thought I wouldn't get in that much trouble.

25 Q Do you admit going into Dave Cannon's house

1 taking money?

2 A Yes, sir.

3 Q Do you admit to being with two armed men?

4 A Yes, sir.

5 Q Do you admit that Dave Cannon was killed during
6 this robbery?

7 A Yes.

8 Q Have any promises been made to you in exchange
9 for your testimony today?

10 A No, sir.

11 Q Have any deals been cut?

12 A No.

13 Q What are you hoping for?

14 A I'm hoping for a little leniency.

15 Q Are you telling the truth?

16 A Yes, sir.

17 Q Do you see Breon Mayers in this courtroom
18 today?

19 A Yes.

20 Q Can you point to him?

21 A (Witness indicating.)

22 MR. SCOTT: Please answer any questions
23 Mr. Williams may have for you.

24 THE COURT: Cross.

25 MR. WILLIAMS: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. WILLIAMS:

3 Q Ms. Bowers, you say today that there haven't
4 been any deals made and you just say that you hope
5 there'll be a little leniency shown, but clearly,
6 from what you've even described today, everything
7 you have testified to is kind of calculating about
8 not getting caught, not facing punishment, isn't it?

9 A Yes.

10 Q Because you ran to Orangeburg so that you
11 wouldn't be arrested, right?

12 A No. I ran to get away from the chaos.

13 Q And the police officers?

14 A Yes.

15 Q And when the police officer came upon the
16 scene, you were actually on the scene, weren't you?
17 You didn't run then, did you, because it was in your
18 best interest not to take off because that would
19 look unusual if you had taken off, wouldn't it?

20 A Yes.

21 Q So you planned not to take off because you
22 thought that you could outfox the police, didn't
23 you?

24 A Yes, sir.

25 Q And the first police officer that talked to you

1 as you were sitting on the front porch, he asked if
2 you knew anything or heard anything that morning,
3 what did you tell him?

4 A I was in my room listening to my phone music --
5 music on my phone.

6 Q Didn't know a thing?

7 A No, sir.

8 Q Until you heard -- until you heard an ambulance
9 go by; isn't that right?

10 A Yes.

11 Q Because you said you didn't know anyone who
12 would do something like that, didn't you?

13 A Yes, sir.

14 Q But then you started talking about Uncle Dave
15 and you were indicating that he was an alcoholic and
16 he likes to fight, so maybe he got into a fight with
17 somebody; isn't that what you said?

18 A I don't remember saying that.

19 Q And you say it was just a regular day. And you
20 actually brought up the fact that you wouldn't have
21 been there at the scene because you weren't allowed
22 to go to the house, didn't you?

23 A Yes, sir.

24 Q Was that true?

25 A Yes, sir.

- 1 Q So part of what you said was a lie and then
2 part of what you said was the truth because you
3 weren't allowed to go there because you had stolen
4 drugs and money from him before?
- 5 A I stole money, yes.
- 6 Q You didn't steal drugs?
- 7 A No, sir.
- 8 Q Did you put a 10-year-old up to going into the
9 house and stealing from him?
- 10 A Yes, sir.
- 11 Q So were you allowed to go to the house or not?
- 12 A I was not.
- 13 Q Well, you talked to the police again, didn't
14 you?
- 15 A Yes, sir.
- 16 Q When was the next time you talked to the
17 police?
- 18 A I believe it was the next day after.
- 19 Q On the 22nd?
- 20 A Yes, sir.
- 21 Q What did you tell the police on that day?
- 22 A I told them I didn't know anything.
- 23 Q What else did you tell them besides not knowing
24 anything?
- 25 A I don't remember.

1 Q Did you indicate that -- did you give them any
2 idea who might be involved in this?

3 A No, sir.

4 Q When was the next time you talked to the
5 police?

6 A Maybe a day or two after.

7 Q All right. What did you tell them then?

8 A I still told them I didn't know anything.

9 Q So that's like the cock crowing three times.
10 You said three times that you didn't know anything
11 at all about it, didn't you?

12 A Yes, sir.

13 Q When was the next time you talked to them, to
14 the police?

15 A I was arrested.

16 Q So then when you were arrested, then it's time
17 to come free and say everything you know about it,
18 right?

19 A Yes.

20 Q So let's see what you tell the police when you
21 were arrested. Did you ever admit that you were a
22 party to setting up this robbery?

23 A Yes, sir.

24 Q You did? The first time that you were
25 arrested?

- 1 A I didn't say that I set it up.
- 2 Q When did you finally own up to setting it up?
- 3 A I never owned up to setting anything up.
- 4 Q And is it your story today that you didn't set
5 anything up?
- 6 A Can you repeat that?
- 7 Q Is it your story today that you never set
8 anything up?
- 9 A Yes, sir.
- 10 Q What kind of gun did you see in Jermaine's
11 hand?
- 12 A It was an old looking gun, pistol.
- 13 Q So Jermaine had an old looking gun. He didn't
14 have a Glock?
- 15 A No, sir.
- 16 Q When the police asked you about Breon, you said
17 Breon didn't have a gun, didn't you?
- 18 A Yes, sir.
- 19 Q And you also told the police you never talked
20 to Breon after the shooting, didn't you?
- 21 A Yes, sir.
- 22 Q You said when your Uncle Dave was shot, you
23 were in your neighbor's yard?
- 24 A Yes, sir.
- 25 Q Now, how is it -- could you see anything from

1 your neighbor's yard?

2 A I could see.

3 Q Which neighbor's yard were you in that you
4 could see what was going on?

5 A Right next to my aunt house.

6 Q And you could see people in there shooting guns
7 and stuff like that?

8 A I didn't see that.

9 Q You didn't see that?

10 A I only seen a guy standing in the door with a
11 gun.

12 Q Well, you used the word, I saw a guy standing
13 in the door using a gun. You didn't use the word
14 Breon just then, did you?

15 A No, sir.

16 Q And that's because you didn't see Breon shoot
17 anybody, did you?

18 A No, I did not.

19 Q Well, let's go back a little bit more. You
20 said you were -- that Breon came up there and what
21 kind of color was his car?

22 A It was champagne --

23 Q So he didn't --

24 A -- gold.

25 Q -- he didn't have a silver car at all. It was

1 champagne. It was kind of like gold looking, wasn't
2 it?

3 **A** Yes, sir.

4 **Q** And I think you said that he met you -- were
5 you at your house when he talked to you?

6 **A** Yes, sir.

7 **Q** And he basically asked if you had been robbing
8 Uncle Dave again, is that what you say he said?

9 **A** Yes.

10 **Q** So everybody in the neighborhood knew that you
11 were subject to rob Uncle Dave; is that right?

12 **A** It was a rumor.

13 **Q** Well, it was more than a rumor. It was the
14 truth, wasn't it?

15 **A** They wouldn't know if it was the truth.

16 **Q** Well, that's what we're here today for is the
17 truth.

18 **A** Yes.

19 **Q** So you did rob him, didn't you? So are you
20 telling us that unless everybody knows what the
21 truth is, then you're just going to keep saying
22 whatever you want to say? I mean, you did rob him,
23 didn't you?

24 **A** I did steal money from him.

25 **Q** Did you ever pay him back?

1 A No, sir.

2 Q And when you said that you called your aunt who
3 was working at the Waffle House, you did that -- you
4 didn't know what was going to go down at Uncle
5 Dave's, you were just calling to make sure your aunt
6 wasn't there?

7 A No. I thought that they were going to actually
8 rob him then.

9 Q Did you tell your aunt that they were going to
10 rob him?

11 A No, I did not.

12 Q Is that because you didn't like Uncle Dave?

13 A No.

14 Q But once you determined that she wasn't there,
15 why did you walk down to Uncle Dave's house?

16 A Can you repeat that question?

17 Q Why did you walk down there after you verified
18 that your aunt wasn't there?

19 A I wanted to be curious -- I was curious. I
20 wanted to know what was going on.

21 Q Why did you want to know what was going on?
22 You already knew that your aunt wasn't there. Why
23 did you want to be a party to anything like that?

24 A I really don't know.

25 Q Do you think it had anything to do with money?

- 1 **A** Maybe.
- 2 **Q** Well now, who's bribing who here? I mean, it
3 doesn't look like you needed much encouragement to
4 go down there to check on the money. You were down
5 there hoping you could get something, weren't you?
- 6 **A** Not really. At first, I just wanted to see
7 what was going on.
- 8 **Q** You wanted to see a dead person?
- 9 **A** No, I did not.
- 10 **Q** What did you want to see?
- 11 **A** I wanted to see if they were going to actually
12 rob him.
- 13 **Q** All right. You walked down there and what was
14 the first thing you saw, the guy standing in the
15 doorway?
- 16 **A** What do you mean?
- 17 **Q** You said you saw a guy standing in the doorway
18 that was --
- 19 **A** When I was on the side of the house that's next
20 door, I seen somebody standing in the door looked
21 like they were trying to get into the house and I
22 can see a glimpse of a gun.
- 23 **Q** Well, when you got through talking to your
24 aunt, then you walked down there, what was the first
25 thing you did?

1 A When I called my aunty at my house and I walked
2 to Jackie Boyd's house, they were sitting in the
3 yard in the car.

4 Q So they weren't doing anything?

5 A They were still talking about it.

6 Q They were sitting in the car until you got
7 there, right?

8 A Yes, sir.

9 Q And after you get involved is when this robbery
10 and this murder occurs; isn't that right?

11 A No. I walked up on their conversation.

12 Q And did you tell them, look, I'll help you out,
13 I'll go check, I'll make sure he's up so that you
14 have a good shot at him?

15 A I never said that.

16 Q What did you say?

17 A I was asked by Breon if I could walk down the
18 dirt road. I walked down there.

19 Q To walk down the dirt road for what?

20 A I didn't really know why I was doing it, but I
21 just walked.

22 Q So you walked down there to see what's going
23 on, a bunch of guys are in a car they're talking.
24 And then some guy asked you to walk down the dirt
25 road, you walk down the dirt road, and you've got no

1 involvement in this, you're not planning anything,
2 you're not trying to gain anything or anything like
3 that?

4 A I did suggest some things.

5 Q Let's hear what you suggested.

6 A I suggested that they only grab him and hold
7 him down and not shoot or kill anybody.

8 Q Did you tell them about getting money and weed
9 and things like that?

10 A I told them if they did grab him and hold him
11 down, like bring him outside or something, yeah, I
12 will go in the house and try to find it.

13 Q Do you remember just a few minutes ago when you
14 were telling the Solicitor about what you found when
15 you heard a shot and you saw a man standing in the
16 doorway, then is when you went into the house; do
17 you remember saying that?

18 A Yes, sir.

19 Q And when you went into the house, you found
20 Breon in the bedroom and there was the wallet and
21 the marijuana on the bed; do you remember saying
22 that?

23 A Yes, sir.

24 Q Is that the way it happened?

25 A Yes, sir.

1 Q So while Breon is standing there with the
2 wallet and the marijuana, you grab the wallet --

3 A No. I actually went in the room and I looked
4 around at all the stuff. And I just looked at the
5 bed and I seen it sitting right there in the middle
6 of the bed. I grabbed the wallet and said, There it
7 is. And I ran back out the door.

8 Q Did you let anybody else know that you found
9 the wallet?

10 A No, I didn't.

11 Q So --

12 A Except for one person.

13 Q Would that be Breon who was in there? You let
14 Breon know?

15 A No, I didn't.

16 Q Who did you let know that you grabbed the
17 wallet?

18 A I let Cedric Mayers know.

19 Q So you told Cedric Mayers know {verbatim} that
20 you stole a wallet that occurred during a murder and
21 an armed robbery, but the guy you say who was in the
22 room somehow didn't know that you had gotten in the
23 room and stolen this money?

24 A He knew later on that I had it.

25 Q Well, how did he know later on?

1 **A** I don't know.

2 **Q** Well, he didn't see you take it, right?

3 **A** I didn't look at him, but he was watching me.

4 So after he watched me, I guess he went and grabbed

5 the weed.

6 **Q** Are you saying that he saw you take the wallet

7 or not?

8 **A** I said, There it is, and I grabbed it. I guess

9 right after I grabbed it, he went and got the weed.

10 **Q** What did you do with the wallet?

11 **A** I went home. I took the money out and I put it

12 in a cabinet under my T.V.

13 **Q** Were you saving the wallet? You were going to

14 sell it on eBay or something?

15 **A** No, sir.

16 **Q** Well, why would you save the wallet? Is it a

17 memento, a keepsake?

18 **A** I just grabbed it.

19 **Q** What did you do with that money?

20 **A** I spent it all.

21 **Q** A thousand dollars, what did you spend it on?

22 **A** Lots of things.

23 **Q** Well, tell us, tell us what those things are

24 that's so important for you to break into a man's

25 house and kill him.

- 1 A I bought weed.
- 2 Q Why did you buy weed from anyone? You already
3 said that there was weed there that people got. You
4 didn't need to buy weed, did you?
- 5 A I was trying not to -- I was trying to avoid
6 Breon and I didn't really want any weed from him.
- 7 Q His weed wasn't good enough for you?
- 8 A I just --
- 9 Q Was that weed from Uncle Dave? You didn't want
10 to smoke Uncle Dave's weed. You'll take his money,
11 but you won't take his weed?
- 12 A No, sir. It was just I didn't want to be
13 around Breon.
- 14 Q Well, you didn't have to be there at all, did
15 you?
- 16 A No.
- 17 Q Who did you buy weed from?
- 18 A A drug dealer.
- 19 Q Who's the drug dealer?
- 20 A He was from out of town.
- 21 Q Well, everybody's out of town from Chapin,
22 aren't they? Who's the drug dealer?
- 23 A He's from Columbia.
- 24 Q What's his name?
- 25 A Snoop.

- 1 Q What's his real name?
- 2 A I don't know his real name.
- 3 Q Why is it that you remember everything so clear
4 about this day and you can just tell us what went
5 on, but when it comes to asking you about something
6 simply about buying drugs from somebody, you want to
7 say, His name is Snoop, I don't know his name, don't
8 know anything about him, he's from Columbia? Why is
9 that?
- 10 A You meet lots of people who sell drugs and they
11 don't give away their legitimate name.
- 12 Q And you're not trying to hide anything. You're
13 here to tell the truth, right?
- 14 A Yes, sir. I'm here to tell the truth about a
15 murder.
- 16 Q But you're not here to tell the truth about
17 your drug dealing or your drug purchasing, right?
- 18 A Not really.
- 19 Q Not really. Well, tell me about Cedric. You
20 and Cedric go to the motel to do what?
- 21 A To get away from the scene.
- 22 Q Well, before that, you didn't go to meet
23 your -- do you have a child?
- 24 A Yes, sir.
- 25 Q Did you not go see your child's father that

1 day?

2 A No, I didn't.

3 Q You didn't?

4 A No, I did not.

5 Q So you have this robbery, you get this money,
6 you call Cedric and Cedric picks you up. Does
7 Cedric pick you up in his car?

8 A It was somebody he associated with.

9 Q Associated with?

10 A He rode with him.

11 Q What kind of associates does Cedric associate
12 with?

13 A It was just somebody he hung out with.

14 Q Was it the drug dealer that you talked about?

15 A No, sir.

16 Q When did you hook up with the drug dealer with
17 your money?

18 A In -- I wasn't around Cedric then.

19 Q Well, when did you buy the drugs?

20 A It was the next day I believe.

21 Q So you and Cedric didn't go back to a motel
22 room and smoke drugs?

23 A No.

24 Q What was in his wallet? What was in David
25 Cannon's wallet?

1 A Money.

2 Q Anything else?

3 A That was it.

4 Q He didn't have a driver's license in his
5 wallet?

6 A No, it was just money.

7 Q Didn't have a credit card?

8 A No, sir.

9 Q Social security number?

10 A No, sir.

11 Q Picture of his wife?

12 A No, sir.

13 Q Just money?

14 A Yes.

15 Q Have you told his wife that you're sorry for
16 what happened?

17 A I've tried.

18 Q That's your aunt, isn't it?

19 A Yes, sir.

20 Q Somewhere in all this testimony I heard you say
21 that you went back after you talked with them to get
22 another cigarette from somebody in the street.

23 Remember -- you said you went to get two cigarettes.

24 You went to get one one time, then you went to get a
25 cigarette from somebody else in the street. Who was

1 that?

2 **A** I received a cigarette from Breon and I got a
3 cigarette from a guy named Reggie.

4 **Q** What's Reggie's last name?

5 **A** I believe Mayers.

6 **Q** Reggie Mayers. And Reggie Mayers is in the
7 street when all this is going on?

8 **A** He was driving by.

9 **Q** How many people drive by when this goes on?

10 **A** I don't really notice.

11 **Q** Would you say that shortly after this happened,
12 there had to be 25 people out in the street after it
13 happened?

14 **A** Can you repeat that?

15 **Q** Shortly after this happened -- when you're
16 lying to the police officer, in fact, the first time
17 you were lying to the police officer, there had to
18 be at least 25 people in the street gathered when
19 the police were down there talking to everybody;
20 would you say that's true?

21 **A** There was a lot people.

22 **Q** And when this happened, how many people were in
23 the street?

24 **A** I remember, at that moment, it was just me,
25 Breon, Tyrome, Jermaine.

1 Q What did Breon have on?

2 A He had on a jacket with a consistent pattern of
3 skulls, Army design pants and a skully on his head.

4 Q Now, you remember exactly what he had on, but
5 you don't remember the name of the drug dealer you
6 bought the drugs from from Columbia?

7 A He never told me his name.

8 Q Where did you buy the drugs at?

9 A Columbia.

10 Q Where in Columbia?

11 A At a house.

12 Q What house?

13 A A house in Columbia.

14 Q What street?

15 A I don't remember the name of the street. I
16 never knew it.

17 Q Would it be safe to say you remember what you
18 want to remember?

19 A No, sir.

20 Q That wouldn't be safe to say. And you say what
21 you want to say; is that right?

22 A I'm telling the truth.

23 Q How can we tell when you're telling the truth?
24 I mean, is there some magic thing that happens with
25 you? Do you turn golden when you're telling the

1 truth?

2 A No, sir, I'm just telling it.

3 Q Now you're telling it. And it has nothing to
4 do with you hope that you'll gain something from
5 this testimony?

6 A Can you repeat that?

7 Q That's not that hard a question, is it? Do you
8 think you're going to gain something from your
9 testimony here?

10 A I hope to.

11 MR. WILLIAMS: That's all I have.

12 THE COURT: Anything further?

13 REDIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q Tell me what in the world does Snoop have to do
16 with October 21st, 2011?

17 A Nothing, sir.

18 Q Why were you being asked that question?

19 A I don't really know.

20 Q Was he at Dave Cannon's house?

21 A No, sir.

22 Q Did he know Dave Cannon?

23 A No.

24 Q Have you ever seen him on Meadowlark Road?

25 A No. He's never been to Chapin.

1 Q What does he have to do with October 21st?

2 A I have no idea.

3 Q Let me show you State's Exhibit Number 9. What
4 is that?

5 A It's a gun. It looks like the one that I seen
6 Jermaine holding.

7 Q And how would you describe the gun that you saw
8 Jermaine holding?

9 A Old and Western style.

10 Q Did you say Western style?

11 A Yes, sir.

12 Q You're talking about like a six-shooter like a
13 cowboy would carry or something?

14 A It has a little thing that spins around.

15 Q You're referring to a revolver?

16 A Yes, sir.

17 Q Now, Jermaine, was he the leader of y'all's
18 group that day?

19 A No, sir.

20 Q Who was calling the shots?

21 A Breon Mayers.

22 Q Who was making the decisions?

23 A Breon Mayers.

24 Q What were you hoping to get when you went to
25 Dave Cannon's house?

- 1 A I don't really know what I was going to get.
- 2 Q What did you get?
- 3 A I did get money.
- 4 Q But you went in that house wanting to get
5 something; is that fair?
- 6 A Yes, sir, I did.
- 7 Q And what was the plan -- what was Breon
8 supposed to be getting?
- 9 A He wanted drugs and money.
- 10 Q Did you show him where the drugs were?
- 11 A I just said, There it is.
- 12 Q There what is?
- 13 A There's the drugs and the money.
- 14 Q You told him where the money was?
- 15 A No. I just said, There it is. I saw the
16 wallet. I grabbed it and I ran.
- 17 Q So you took the money. You showed him where
18 the weed was, is that what you're saying?
- 19 A I didn't say, Look, here it is. I just said,
20 There it is. And I grabbed what I wanted.
- 21 Q Okay. There it is, just help me, what is there
22 what is?
- 23 A There's the weed and the money.
- 24 Q Okay. What did Breon take?
- 25 A Weed.

1 Q What did you take?

2 A Money.

3 Q And what were y'all hoping to get when you were
4 going into Dave Cannon's house with two guns? Is
5 that what y'all were hoping to get?

6 A Yes, sir.

7 MR. SCOTT: Thank you.

8 Nothing further from this witness.

9 MR. WILLIAMS: Just one question to follow up.

10 RECROSS-EXAMINATION

11 BY MR. WILLIAMS:

12 Q Tyrome Brennan did not have a gun?

13 A No, I didn't see him with a gun.

14 Q Let me ask the question again. Tyrome Brennan
15 did not have a gun?

16 A I didn't -- in the house, I seen him stealing a
17 gun.

18 Q But he didn't have one before he walked in?

19 A No, he did not.

20 Q And you never knocked at the Cannon residence?

21 A No, I did not.

22 Q You were on the street at the time of the
23 shooting?

24 A Yes, I was standing there. And when I heard
25 the shots, I ran.

1 **MR. WILLIAMS:** I don't have anything else, Your
2 Honor.

3 **THE COURT:** Folks, let's take about a ten
4 minute break here so you can use the restroom and
5 then we'll figure out what we're going to do for the
6 rest of the afternoon. Again, don't discuss the
7 case or begin deliberations or comment on any
8 witnesses. See you in a few minutes.

9 (The jury retires to the jury room.)

10 **THE COURT:** Okay. You can take her back.

11 Let me see the lawyers for a second.

12 (Whereupon, a bench conference was held off
13 the record.)

14 (Brief recess.)

15 **THE COURT:** Bring the jury on in.

16 (The jury returns to the courtroom.)

17 **THE COURT:** Okay. Folks, what I've decided
18 we're going to do since the next witness will
19 probably take us a lot closer to 6:00, then we'll
20 just break for the day and we'll start back fresh
21 tomorrow morning at 9:30. I still think we're on
22 track to be finished by probably Thursday afternoon,
23 but maybe into Friday morning, but we're still on
24 track for that, so that's not a problem. So let's
25 go ahead and break for the day.

1 Let me remind you don't talk about the case
2 with anybody, don't discuss amongst yourselves,
3 don't go trying to find anything on the Internet,
4 don't go posting on social media sites. And if
5 anybody does approach you and attempts to discuss
6 the case with you, please report that back to me
7 tomorrow morning, all right.

8 So be in tomorrow morning by 9:30 and we should
9 be able to start right on time, okay. Thank you for
10 your patience today.

11 (The jury was excused for the day.)

12 **THE COURT:** Okay. See y'all at 9:30. And if
13 you, again, you got some charges, send those to me.
14 Thanks.

15 (The proceedings were concluded for August
16 7, 2012.)

17 (The following proceedings were held on
18 August 8, 2012.)

19 **THE COURT:** Let's ask Juror Jenny Farmer in,
20 please.

21 (Juror Number 61, Jennifer Farmer, enters
22 the courtroom.)

23 **THE COURT:** Ms. Farmer, let me ask you a
24 question. Have you had any discussions with anybody
25 about this case?

1 **JUROR:** No, sir. I told the people that are
2 watching my children that I was on a trial, that I
3 was a juror on a trial.

4 **THE COURT:** Okay. Well, we've got to just
5 clear up something here. We had -- apparently,
6 yesterday Detective Novak got a message at his home
7 that you had called his wife.

8 **JUROR:** I did. I called because a friend of
9 mine said that she ran into her and that she knew
10 that I was there and said that he was here on this.
11 And I said that I recognized him after I was on
12 here, but you had said that if we didn't feel like
13 it would change our decisions at all, that it was --
14 that it's not going to sway my decision at all one
15 way or the other.

16 And so my friend, who has my children today,
17 said that I was on a trial and they said that they
18 had -- so I wanted to let her know that that is not
19 going to sway my decision, so that's why I called.
20 I didn't call to discuss the case. I would never do
21 that. I called just to let her know that that's not
22 going to sway my decision. Does that make sense?

23 **THE COURT:** Well --

24 **JUROR:** I would never discuss anything. I
25 mean, not even with my spouse. I have said, I

1 cannot discuss anything.

2 **THE COURT:** So this other third person, you
3 didn't talk with her about the case?

4 **JUROR:** No. I have not talked to anybody about
5 the case at all.

6 **THE COURT:** All right. Well, it sounds like it
7 was innocent enough, but, please, it was not
8 necessary for you to call and let them know if there
9 was a --

10 **JUROR:** I felt that since she had discussed
11 it --

12 **THE COURT:** If anything, you should disclose it
13 to the Court that you knew him because we questioned
14 about that.

15 **JUROR:** Whenever I heard the name, I recognized
16 the name, but I didn't think Mr. Novak would know
17 who I was. And, again, it's not going to sway my
18 decision one way or the other. And so -- and I
19 believe that's what, I don't know, what all was
20 discussed yesterday.

21 **THE COURT:** It just raises a question that we
22 have to answer and that is we have to bring you in
23 and ask you those questions, okay.

24 Well, let me send you on back to the jury room.
25 And, again, please don't talk to anybody in the jury

1 room about what we just talked about here.

2 **JUROR:** No, sir, I will not. Thank you.

3 **THE COURT:** Thank you.

4 (Juror Jennifer Farmer leaves the
5 courtroom.)

6 **THE COURT:** Anybody have any concerns about her
7 staying on the jury?

8 **MR. WILLIAMS:** I do, Your Honor. We would move
9 that a alternate juror be placed in her position.

10 Your Honor, you'll note that when you asked her
11 the question about what -- you didn't tell us that
12 you knew any of the people that were questioned, she
13 didn't say that she didn't know Officer Novak. What
14 she said was, I didn't think that Novak would know
15 me. I take from that that she knew Novak and that
16 she did not answer that she knew him.

17 **THE COURT:** Okay.

18 **MR. GRAHAM:** Judge, I don't think she did
19 anything wrong and I think she didn't taint the
20 jury. And I think she could stay on the jury, but I
21 do think the safest thing is to go ahead and agree
22 that she be removed from the jury and an alternate
23 be put on. So the State would consent or agree to
24 the defense motion on that.

25 **THE COURT:** Well, it does sound like she did

1 not violate the Court's order on not discussing the
2 case with anyone. However, it does sound like when
3 I asked the question during voir dire that whether
4 or not she had any knowledge of any of the
5 witnesses, she should have disclosed that so that
6 the defense could have had the opportunity to strike
7 if they had so desired, and that, I guess, is sort
8 of what tips the scale in this instance in my mind
9 because I don't believe you used up all of your
10 strikes.

11 But nevertheless she did say that she knew
12 Officer Novak, but she just did not think that he
13 would know her, which is not what I asked. So I
14 will go ahead and we will strike her and seat then
15 the first alternate who would be...

16 **THE CLERK:** It's number 67, Gregory Garner,
17 Your Honor.

18 **THE COURT:** Is everyone all right with that?

19 **MR. WILLIAMS:** Yes, sir.

20 **MR. GRAHAM:** Yes, Your Honor.

21 (Pause.)

22 **THE COURT:** Something rang in the back of my
23 mind about there's two different ways to do this,
24 one's civil court, one's criminal court. I want to
25 make sure I got them in the right order. And we

1 actually had this come up a couple of times on our
2 judges listserv. And the consensus seemed to be, by
3 somebody who actually did some research on it, that
4 in a criminal case, you draw the name of the two
5 jurors out of a hat. In civil court, you seat them
6 in the order they were selected.

7 So put the two alternates' names -- I don't
8 know if anybody even wears a hat these days.

9 **THE CLERK:** I have a cup.

10 **THE COURT:** Let's put them in some kind of
11 envelope or something and I'll reach in...

12 **THE CLERK:** It will take me just a second, Your
13 Honor.

14 (Pause.)

15 **THE COURT:** All right. Our alternate is number
16 145, Angela {verbatim} Norris.

17 Okay. Let's bring Ms. Farmer back in.

18 (Juror Jennifer Farmer returns to the
19 courtroom.)

20 **THE COURT:** Ms. Farmer, when I was questioning
21 you earlier, I asked you if you knew Officer Novak
22 and you stated that you knew him, but you didn't
23 think that he knew you.

24 **JUROR:** I know his wife. I don't -- I think I
25 maybe seen him once or twice.

1 **THE COURT:** But you knew his wife, but you
2 didn't think that he knew you. And --

3 **JUROR:** I think --

4 **THE COURT:** Let me finish. And so when I --
5 during the voir dire process at the first of the
6 week, I asked if anybody knew them, were acquainted
7 with them in any way, what you should have done at
8 that point was disclosed to us that you knew him
9 through his wife and that way both the parties were
10 on knowledge. We could have asked you if that would
11 have made any difference to you and you probably
12 would have said no, which is what you said now, but
13 it would have given the -- either of the two parties
14 the opportunity to strike you as a juror if they
15 wanted to.

16 And since they did not have that information,
17 it's only proper at this point that I excuse you
18 from jury service for the rest of this case.

19 **JUROR:** Yes, sir, I understand and I apologize.

20 **THE COURT:** It's just one of those things. It
21 sounds like an innocent enough mistake, but in this
22 case here, you should have disclosed that.

23 **JUROR:** I apologize and I've never -- and it's
24 no excuse and I apologize, I've never been called
25 for jury duty or I've never been in here, so I

1 wasn't -- I was very nervous and very --

2 **THE COURT:** I'm not going to throw you in jail.

3 **JUROR:** I know.

4 **THE COURT:** Well, you can go ahead and get your
5 stuff and you don't have to come back the rest of
6 this week. You're excused from jury service. And I
7 want to thank you for your service so far this week.

8 **JUROR:** Thank you. And I apologize again
9 for...

10 **THE COURT:** Okay. Thank you.

11 **JUROR:** Thank you.

12 (Juror Jennifer Farmer was excused.)

13 **THE COURT:** Anything else we need to take up
14 before we bring the jury in?

15 **MR. GRAHAM:** Not from the State.

16 **MR. WILLIAMS:** Nothing from the defendant, Your
17 Honor.

18 **THE COURT:** All right. Well, let's go ahead
19 and bring the rest of the jury on in.

20 (The jury enters the courtroom at 9:42 a.m.)

21 **THE COURT:** Okay. Folks, well, the morning
22 excitement is over with now. I've had to excuse
23 Ms. Farmer from jury service and so we're now -- we
24 had the random drawing that we're required to and we
25 have to remove one between the two alternates. And,

1 Ms. Norris, you are now seated as a juror.

2 Okay. So we're going to resume now with the
3 calling of the State's next witness.

4 **MR. GRAHAM:** Thank you, Your Honor. The State
5 calls Tyrome Brennan.

6 TYROME BRENNAN,
7 having been duly sworn, testified as follows:

8 **THE CLERK:** Have a seat up there, sir. Once
9 you're seated, I'm going to need you to speak up,
10 state your full name and spell your last on the
11 record, please.

12 **THE WITNESS:** Tyrome Brennan. Last name
13 spelled B-r-e-n-n-a-n.

14 DIRECT EXAMINATION

15 BY MR. GRAHAM:

16 **Q** Mr. Brennan, were you involved with the
17 burglary, robbery and murder of David Cannon on
18 October 21st, 2011?

19 **A** Yes, sir.

20 **Q** And are you currently charged with murder?

21 **A** Yes, sir.

22 **Q** And are you currently charged with burglary
23 first degree?

24 **A** Yes, sir.

25 **Q** Armed robbery?

1 A Yes, sir.

2 Q And possession of a weapon during a violent
3 crime?

4 A Yes, sir.

5 Q Has anyone promised you anything as far as what
6 will happen to you regarding reduction of your
7 sentence or what kind of sentence you will
8 receive for --

9 A No, sir.

10 Q -- for your testifying here today?

11 A No, sir.

12 Q Are you here to tell the truth?

13 A Yes, sir.

14 Q On October 21st, in the month of October of
15 2011, where were you living?

16 A In Chapin.

17 Q Do you remember the address?

18 A Off of Mountain Drive.

19 Q Off of Mountain Drive. Who were you living
20 with?

21 A My mother and Chris Davis.

22 Q Chris Davis. And he had a son, didn't he?

23 A Yeah, Chris, Jr.

24 Q Chris, Jr. Are you from the Chapin area?

25 A No, sir.

1 Q Where are you from?

2 A Irmo.

3 Q When did you start spending time in Chapin?

4 A September 12th or 11th, I moved to Chapin
5 because me and my father got into it, so I moved
6 with my mom.

7 Q Could you move the microphone down a little
8 bit?

9 A (Witness complies.)

10 Around September 11th or 12th, I moved to
11 Chapin because me and my father got into it.

12 Q So the middle of September of 2011, about six
13 weeks before this happened, five, six weeks before
14 this happened?

15 A Yes, sir.

16 Q How did you end up living at Chris Davis'
17 house?

18 A Because that's where my mom was staying at the
19 time and I had nowhere else to go because me and my
20 dad got into it, so.

21 Q Do you know whether your mom and Chris Davis,
22 Sr. are still together?

23 A No, sir, I don't.

24 Q Back in October 21st, 2011, did you have a cell
25 phone?

- 1 A Yes, sir.
- 2 Q Where did you get that cell phone from?
- 3 A My mother.
- 4 Q When did you get that roughly?
- 5 A I'm not positive, but I know it's probably,
- 6 approximately, about a week or two before the
- 7 incident took place.
- 8 Q What, if anything, can you tell me about the
- 9 telephone number [REDACTED] [REDACTED]?
- 10 A That was my number.
- 11 Q That was the number that you had on the phone
- 12 that your mom gave you a week or two before the
- 13 incident?
- 14 A Yes, sir.
- 15 Q When you got that -- did you have a phone
- 16 before you got that one from your mom?
- 17 A Yes, sir.
- 18 Q What kind of phone was that?
- 19 A A Blackberry Storm, the first one with the
- 20 buttons, the mash buttons, not the touchscreen
- 21 buttons. It was the first Blackberry Storm.
- 22 Q The first Blackberry?
- 23 A Uh-huh.
- 24 Q What, if anything, did you do with that
- 25 Blackberry?

1 A Sold it to Breon.

2 Q When did you do --

3 A I gave it to Breon.

4 Q I'm sorry?

5 A I gave it to Breon.

6 Q You gave it to Breon. When did you give it to
7 Breon?

8 A Probably about -- I'm not quite sure, but I
9 know, at the least, it was four days before the
10 incident, three or four days before the incident.

11 Q Do you know whether Breon Mayers activated that
12 phone?

13 A Yes, sir.

14 Q How do you know that?

15 A Because he came to pick me up after he went to
16 the Page Plus, Mr. Beeper store, up in Chapin area
17 somewhere. And then I took him to Broad River where
18 I paid my bill -- where I used to pay my bill at.
19 And I took him there and got the number switched for
20 him and paid the bill and it was activated again.

21 Q So you were with him when he activated it?

22 A Yes, sir.

23 Q Do you know what kind of plan that he got?

24 A It was the \$48 a month unlimited text and talk.

25 Q Do you know if he registered that phone?

- 1 A As in in his name?
- 2 Q Yes, sir.
- 3 A No, sir, because I paid the bill and it was
- 4 still, you know, and --
- 5 Q Was that account registered to anybody's name?
- 6 A I can't remember. I got that -- I got the
- 7 phone -- I got that account from my mom in 2010. So
- 8 I don't know if it was registered in her name or my
- 9 granddad's name, but it wasn't in my name either.
- 10 Q Do you know how -- did he pay with a credit
- 11 card?
- 12 A No, with cash.
- 13 Q He just paid cash?
- 14 A Uh-huh.
- 15 Q Do you know the number that he got?
- 16 A No, sir, I can't remember.
- 17 Q The night before Dave Cannon was killed, what,
- 18 if anything, were you doing?
- 19 A We were all at Doc's house, Chris Sr.'s house.
- 20 Q Chris, Sr., you call him Doc; is that right?
- 21 A Yes, sir.
- 22 Q That's his house on Mountain Drive where you
- 23 were staying?
- 24 A Yes, sir.
- 25 Q When you say us, who all was there?

1 **A** Me, Jermaine, Breon and, you know, C.J., Doc,
2 my mom and their little brother.

3 **Q** When we're talking about Breon, let's go ahead
4 and get this out of the way. Do you see Breon
5 Mayers in the courtroom?

6 **A** Yeah.

7 **Q** Where is he?

8 **A** Right there in the blue suit.

9 **Q** In the blue suit at the defense table sitting
10 next to the attorney?

11 **A** Yes, sir.

12 **Q** What were you, Breon Mayers and Jermaine
13 Caughman doing?

14 **A** Playing cards.

15 **Q** After you were done playing cards, where did
16 you go? Did you go to bed? Did you go out?

17 **A** We stayed in that night. Probably -- I can't
18 really remember honestly. I can't really remember.

19 **Q** Well, how do you know -- how do you know Breon?

20 **A** Because we -- back in '07 when I went to Chapin
21 for the first time, Chapin alternative, I met him
22 there. And, you know, I went to Chapin '07, '08 and
23 '09 for one semester each year and he was there the
24 whole time.

25 **Q** How about Jermaine Caughman, how did you meet

1 Jermaine?

2 **A** I met Jermaine in '08 at Chapin.

3 **Q** What, if any, conversations did you have with
4 Breon Mayers regarding David Cannon prior to you all
5 playing cards?

6 **A** They were just telling me about this man who
7 had it, you know, who, who was on, who sold drugs
8 and had money and stuff like that, then was talking
9 about how he was racist towards him or wouldn't sell
10 him no weed as -- referring to him as in Breon. And
11 Jermaine said, yeah, if he ever got a hold of him,
12 he would kill him and this, that and the third, and
13 just talking -- talking down about the man because
14 of past, past things that happened with him just
15 basically out of vengeance. And it's pretty much
16 both of them just said that if they had the
17 opportunity, they'd kill him.

18 **Q** So before you all played cards on October 20th,
19 Breon Mayers told you, talking about David Cannon --

20 **A** Yeah.

21 **Q** -- that David sold weed, but he wouldn't sell
22 weed to him?

23 **A** Yes, sir.

24 **Q** That he was -- that David Cannon was racist and
25 that if Breon Mayers had a chance, he was going to

1 kill him?

2 **A** Yes, sir. And, also, he was telling me how he
3 knew the exact time his wife went to work and the
4 exact time she came home and know that David didn't
5 work. And his wife drove the truck and every time
6 he'd see the truck pass, he know she'd gone to work.

7 **Q** When he talked about killing him, did you think
8 that was -- that he meant it or was he just talking?
9 What did you think at that time?

10 **A** Honestly, I kind of just brushed it off because
11 I was just like, yeah, whatever, you know what I
12 mean, but I thought then again I wouldn't put it
13 past him, you know, at that time. But, you know, I
14 kind of brushed it off, you know, because him and
15 Jermaine was having a conversation about him, I was
16 in the dark. I didn't know what they was talking
17 about, so I kind of brushed it to the side.

18 **Q** The morning of October 21st, 2011, how did you,
19 Jermaine and Breon Mayers get together?

20 **A** October 21st?

21 **Q** Yeah, the day that David Cannon was killed, how
22 did you all get together?

23 **A** Well, the night before we had planned to go to
24 Irmo, you know, to pick up some weed and --

25 **Q** You planned -- I'm sorry -- to go to Irmo to do

1 what?

2 **A** Pick up some weed --

3 **Q** Pick up some weed.

4 **A** -- from the weed man. And I called Breon that
5 morning to wake him up to see if he still was trying
6 to go. He didn't pick up. So he called me back and
7 I didn't pick up. So then, at that point, he showed
8 up. Jermaine knocked on the window. I wasn't going
9 to get up, but I got up. And on my way out of the
10 house, my mom asked where was I going, told her to
11 Irmo. And when I got outside, Jermaine and Breon
12 was waiting on me.

13 **Q** Do you know where Breon Mayers was staying at
14 that time?

15 **A** I know he was staying with his grandmother
16 right next to Chapin in Little Mountain.

17 **Q** Had you been to the house before?

18 **A** Yes, sir.

19 **Q** I'm going to show you State's Exhibit Number 8
20 and ask if you recognize that?

21 **A** Yes, sir.

22 **Q** Is that the house where Breon Mayers was living
23 with his grandmother?

24 **A** Yes, sir.

25 **Q** So after Jermaine knocked on the window and you

1 went out and Breon Mayers was there and the three of
2 you were together, what did you all do?
3 **A** Rode to Irmo.
4 **Q** Do you remember what part of Irmo it was at?
5 **A** Friarsgate.
6 **Q** The Friarsgate area?
7 **A** Yes, sir.
8 **Q** And you said you went there to get weed?
9 **A** Yes, sir.
10 **Q** And did you get the marijuana?
11 **A** Not from the man we went to go get it from, so
12 we went by my dad's house.
13 **Q** What did you go to your dad's house for?
14 **A** To get a blunt from my brother.
15 **Q** Did you do that?
16 **A** Yes, sir.
17 **Q** After you got the blunt from your brother,
18 where did the three of you go?
19 **A** Went to Chapin and we was going back to my
20 house, but we detoured. Breon said, Forget that.
21 And we went to Jasmine's house.
22 **Q** Did he tell you why he was detouring?
23 **A** No. He just said, We fixing to make a stop
24 real quick. We pull up to Jasmine's house, I was
25 like, Whose house is this? Jermaine said, Jasmine.

1 And that's when she came out.

2 Q When you were going to Jasmine's house, did you
3 know why you were going to Jasmine's house?

4 A No, sir.

5 Q Well, what, if any, discussions had you all had
6 the night before that morning about committing a
7 robbery at Dave Cannon's house?

8 A No, sir, we didn't have any.

9 Q Did you know Jasmine -- you're talking about
10 Jasmine Bowers, right?

11 A Yes, sir.

12 Q Did you know her then?

13 A No, sir.

14 Q So when you pull up at that house, what, if
15 anything, do you know about why you're going there?

16 A I didn't know nothing honestly. I didn't know
17 why we were there.

18 Q So tell me what happened once you all -- well,
19 whose car were you guys in?

20 A Breon.

21 Q When you pulled up at Jasmine's house, tell me
22 what happened.

23 A Well, she came out and Breon got out and was
24 talking to her. I didn't hear the conversation
25 because I was inside the car with Jermaine. And

1 once Breon got back in the car, he told us what was
2 up.

3 Q Okay, you said he told you what was up. What
4 did Breon tell you?

5 A That we was fixing to go rob Dave.

6 Q Did he say anything else at that time?

7 A He just said, We fixing to go rob David.

8 Q Did he describe how you were going to do it?

9 A We discussed that kind of while getting out the
10 car and, you know --

11 Q But there at Jasmine's house when he came in,
12 he just said, We're going to rob Dave?

13 A Yeah, after we pulled in Cedric yard.

14 Q What were you thinking at that time?

15 A Well, honestly, I was thinking, all right, you
16 know what I mean, because I was down bad, you know.
17 And I needed the money, you know, I was in between
18 jobs. So I needed the money. So I was like, all
19 right, you know. But once he mentioned about
20 killing and then I was kind of iffy --

21 Q Let me slow down and we'll catch up to that.
22 When you're sitting out in Jasmine's yard, Breon
23 comes in and says, We're going to rob Dave, your
24 first thought was, I'm down with that, because you
25 needed money, right?

1 A Well, my first thought was how are we going to
2 go about doing it, you know what I mean, but then I
3 kind of pushed that to the side because I kind of
4 let greed overpower, you know, my thought -- my
5 train of thoughts, you know. And I just needed the
6 money. So I was like, All right, I'm down.

7 Q Were there -- did y'all have guns already?

8 A Yes, sir.

9 Q Who had guns or what kind of guns were there?

10 A Had a .38 revolver, that was Jermaine's. And
11 we had a Glock 9 and that was Breon's.

12 Q So Breon had a 9mm and Jermaine had a revolver,
13 .38?

14 A Yes, sir.

15 Q Did you stay and keep talking about it in
16 Jasmine's yard or did you all move somewhere?

17 A No. We went straight to Cedric's yard.

18 Q Cedric's yard. Did you know Cedric at the
19 time?

20 A Kind of. I seen him around a little bit.

21 Q When we're talking about going to Cedric's
22 yard, is that Cedric's house there (indicating)?

23 A Yes, sir.

24 Q Jackie Boyd, do you know her?

25 A No, sir.

1 Q Now, do y'all walk from Jasmine's house down
2 Meadowlark or do you drive?

3 A Drive.

4 Q So where does the car get parked?

5 A In Cedric's yard, between his yard and his
6 next-door neighbors.

7 Q Up over here in this area (indicating)?

8 A Yes, sir.

9 Q Do y'all stay in the car or do you get out?

10 A Well, me and Jermaine stay in the car for the
11 first part. He gets out and tells Ced what was up,
12 that we was going to, you know, rob Dave. And then
13 -- but he came back in the car and we all got out
14 the car.

15 Q So you and Jermaine stayed in the car and Breon
16 got out?

17 A Yes, sir.

18 Q What was Breon doing?

19 A He went to go talk to Ced and let him know what
20 was up.

21 Q Did you see him talk with Cedric?

22 A Yes, sir.

23 Q Did you hear what was said?

24 A No, sir. I just know he got back in the car
25 and told --

1 Q Okay. So Breon gets out of the car, you see
2 him go talk with Cedric. He comes back in the car.
3 When he comes back in the car, what does Breon
4 Mayers say?

5 A My cousin know what's up. We're straight.
6 Let's go.

7 Q So the three of you are all in the car then?

8 A Yes, sir.

9 Q What happens next?

10 A We all got out of the car -- first -- when we
11 first got out of the car, Jermaine had the gun.
12 Then the plan switched and I had the gun and then --

13 Q Well, who's making the plans?

14 A We were kind of, all kind of working together,
15 you know, me, Breon, Jasmine and Jermaine.

16 Q Okay. Well, hold it now. My understanding is
17 that you said that the -- when did Jasmine --
18 Jasmine was down there with you?

19 A No, no, no, no. Jasmine came after. She was
20 going to knock on the door and when --

21 Q Let's back up for a second. Breon goes and
22 talks with Cedric and he comes back in the car?

23 A Uh-huh.

24 Q So then you, Breon Mayers and Jermaine Caughman
25 are in the car. Is Jasmine there at that time?

1 A No, sir.

2 Q Okay. So the three of you are in Breon's car

3 and who now has guns?

4 A Jermaine and Breon had guns.

5 Q Okay. You started to say, I think, that, at

6 some point, the plan changed and --

7 A Yeah. The plan changed once we met with

8 Jasmine in front of the woods.

9 Q Okay. So where did you meet with Jasmine at?

10 A In front of the woods, like, maybe 15 feet away

11 from Dave's yard.

12 Q Like down here on Meadowlark?

13 A Uh-huh.

14 Q You met Jasmine there. So how did you -- you

15 guys are in the car. When you get out of the car,

16 where do the three of you go?

17 A We ran through the woods through a cut and came

18 around and that's when Jasmine called him and said

19 that he didn't answer.

20 Q Okay. When you're talking about around in a

21 cut, are we talking this way?

22 A Yeah, up that dirt road.

23 Q And then where the power line is going to --

24 okay. So who goes back here?

25 A Me and Breon and Jermaine.

1 Q And what, if any, conversations happen back
2 there?

3 A None really. I think Jermaine might have
4 called his mentor. I'm not quite sure. I know he
5 called his mentor in between us getting out the car
6 and us getting back in the woods. And I know that
7 Jasmine called Breon and said that she don't think
8 he home. He didn't answer the door or he was sleep,
9 one or the other. And we met Jasmine back out
10 front.

11 Q Why did you all go through that cut through?

12 A So we could go through the back door and not be
13 seen by the front like --

14 Q Who had guns then?

15 A I had the gun then, then Breon had the gun.

16 Q So what gun did you have?

17 A The .38.

18 Q What gun did Breon have?

19 A The Glock.

20 Q Why did you take the gun from Jermaine?

21 A Because Jermaine was going to grab him.

22 Q So the plan at that time was to do what?

23 A Jermaine grab him and we just go in there and
24 ramshack {verbatim} his house, get everything out
25 the house.

1 Q So there wasn't a plan to kill him at that
2 time?

3 A No, no, no, no, sir.

4 Q Well, why did you all not go through with the
5 plan when you were back in the cut through? What
6 changed?

7 A Because Jasmine called and said that he was
8 sleep or wasn't home, he didn't answer the door,
9 because she was going to knock on the door to make
10 sure he was there awake and --

11 Q Did you hear Jasmine say that or did somebody
12 tell you that?

13 A No. We heard Jasmine say that because once she
14 called Breon, we cut back through instead of hitting
15 the dirt road and went through the woods and went
16 back out front, and that's when Jasmine told us that
17 he didn't answer the phone -- I mean, answer the
18 door that he was sleep.

19 Q All right. When you say -- so you're in this
20 area. You said instead of going through the cut
21 through, you go through the woods?

22 A Yes, sir.

23 Q And you're back out on Meadowlark?

24 A Yes, sir.

25 Q You meet up with Jasmine somewhere over here in

1 front of Dave Cannon's house?

2 A Yes, sir.

3 Q Tell me about what's going on when you meet --
4 all four of you meet back up.

5 A She said that he wasn't up, that he didn't open
6 the door. Then that's when she said she'll try
7 again. And then that's when the discussion went
8 down about how I'm going to have to kill him.

9 Q Who said that?

10 A Breon. He said, I'm going to have to kill him.

11 Q Why -- what kind of -- slow down for a second
12 and tell me about that discussion.

13 A She was just telling us how he was sleep and
14 didn't answer the door. And then that's when --
15 like, the plan changed, like, ten different
16 times and at --

17 Q Do you know what was said right before Breon
18 said that he was going to kill him?

19 A Honestly, I can't remember. I just know that
20 she said that he wasn't -- he wasn't up. He didn't
21 open the door. And the plan changed. And Breon
22 said, I'm going to have to kill him. And I said --
23 me and Jermaine said, We're not down with that. He
24 said, Why, are y'all scared, you know, are y'all
25 scared? And I was like, Nah, just ain't down with

1 it. And he just said, All right, I ain't going to
2 kill him. And as soon as he said that, we heard
3 David outside messing with the dogs.

4 Q So after Breon said that he was going to kill
5 him and you heard Dave outside messing with the
6 dogs, what happens next?

7 A Kind of like a confusion, adrenaline rush,
8 whatever you want to call it. David went back up on
9 the porch. Breon said, Let's go. He went around
10 the house first.

11 Q Where is Jasmine at?

12 A Jasmine ran -- we went around the house this
13 way. Jasmine went across -- she cut across the
14 front yard and met us in the backyard.

15 Q All right. When you say this way and that way,
16 look at this diagram, tell me what you're talking
17 about. Y'all are standing -- the four of you are
18 out here somewhere in the front on Meadowlark in
19 front of the house?

20 A Yes, sir.

21 Q Which way does Jasmine go?

22 A Jasmine goes straight up to the far side of
23 Dave's house.

24 Q She goes further down Meadowlark toward her
25 house?

1 A Yes, sir.

2 Q And comes over on this side of Dave's house?

3 A Yes, sir.

4 Q Is that right?

5 A Yes, sir.

6 Q And then where do you and Breon Mayers and

7 Jermaine Caughman go?

8 A Come up on the closer end of Dave's house to

9 where we were standing.

10 Q More like where the driveway is?

11 A Yes, sir.

12 Q Are you walking, are you running or how are you

13 guys moving?

14 A Kind of like a jog slash walk-type thing at

15 this point.

16 Q So tell me what happens when you turn the

17 corner on Dave Cannon's house.

18 A Well, by the time I turned the corner, Jermaine

19 was right behind me, Breon was already going up the

20 stairs. Then by the time I got, like, I want to say

21 about ten feet away from the stairs on the deck,

22 Breon had already shot twice. And all I heard was

23 Dave Cannon say, Oh, sh--, and that was it. And

24 then as soon as I came up around the door, he was

25 dead. And Breon said, Oh, I think he dead. Jasmine

1 said, Move the body. Breon nudged it with his foot,
2 show me where the stuff at. Him and Jasmine ran up
3 in the room this way and --

4 Q Go ahead.

5 A Him and Jasmine ran up in the room this way to,
6 I'm guessing it was Dave's room because that's where
7 they got everything from. And me and Jermaine went
8 the opposite way through the living room to the back
9 room. Me and Jermaine was in the back room, but I
10 left Jermaine in the back room and ran back out of
11 the house and was standing on the back porch just
12 yelling for them to hurry up.

13 Q Did you see Breon Mayers shoot Dave Cannon?

14 A Yes, sir.

15 Q What -- did you see -- what was David doing?

16 A I didn't see David. David was kind of like in
17 the threshold because, you know, his door swings
18 this way (indicating). All I seen was Breon
19 standing away from the door, he shot twice and Dave
20 Cannon was dead.

21 Q And what did Breon do and say after he shot
22 David Cannon?

23 A He said, Oh, he dead.

24 Q Do you recognize that diagram, referring to
25 State's Exhibit Number 3?

1 A Yes, sir.

2 Q Does that fairly and accurately layout David
3 Cannon's house?

4 A Yes, sir.

5 Q When you say you and Jermaine and Breon came
6 around the house, you're talking about that way,
7 right (indicating)?

8 A Yes, sir.

9 Q And you're coming up here on the steps and you
10 see Breon here at the door?

11 A Yes, sir.

12 Q And you see him fire two shots?

13 A I wasn't quite at the door yet. I was at the
14 bottom of the steps.

15 Q You were here?

16 A Yes, sir.

17 Q Breon was here?

18 A Yes, sir.

19 Q And you see Breon fire two shots from that 9mm?

20 A Yes, sir.

21 Q What do you hear him say?

22 A Dave Cannon or Breon?

23 Q Either one of them, whatever you hear next.

24 A Dave Cannon say, Oh, sh. And then once I got
25 next to Breon, Breon said, Oh, he dead.

1 Q Where was Jasmine?

2 A Jasmine was standing right here on the opposite
3 side of the door where I came over.

4 Q Right over here (indicating)?

5 A Yes, sir.

6 Q Where is Dave Cannon's body?

7 A His body was like -- from what I remember, it
8 was in the, like -- it's like a washing machine
9 right there and he was by -- like, his head was,
10 like, at the washing machine straight like this.

11 Q By the time you went in the house, do you know
12 whether Dave Cannon was still alive?

13 A No, sir, he wasn't alive.

14 Q He wasn't breathing anymore?

15 A No, sir.

16 Q So how did -- you said -- so who went over
17 here? This was Dave Cannon's room, who went into
18 that room?

19 A Jasmine and Breon.

20 Q How did they get into that room?

21 A Breon nudged the body out of the way and then
22 went in the room.

23 Q Did you see what they were doing inside that
24 room?

25 A No, sir.

1 Q Where did you go?

2 A I went to this room over here.

3 Q To that other bedroom (indicating)?

4 A Yeah. Me and Jermaine went that way and then I

5 doubled backed and came right back outside and

6 that's when I saw Breon and Jasmine come out of the

7 other room. Then we had to pretty much go drag

8 Jermaine out of the house because he was in the room

9 still.

10 Q I'm sorry. Jermaine was doing what?

11 A Still in the room, the far room.

12 Q He was still back there?

13 A Yes, sir.

14 Q What, if anything, did you take out of the

15 house?

16 A I didn't take anything out of the house.

17 Q What, if anything, did you see Jermaine take

18 out of the house?

19 A Jermaine came out empty handed, too.

20 Q He came out what?

21 A Empty handed.

22 Q Do you know, from what you saw, if Jasmine had

23 anything?

24 A Not from what I saw.

25 Q Did you find out later that she had something?

1 A Yes, sir.

2 Q Did you find that out from Breon?

3 A Yes, sir.

4 Q What did Breon Mayers tell you that Jasmine
5 got?

6 A She got a thousand dollars.

7 Q What, if anything, did Breon Mayers take out of
8 that house?

9 A A .357 magnum snub nose in a bag and I'm going
10 to say half a pound of weed, but it was four ounces
11 short, so it was about 12 ounces of weed.

12 Q How was it packaged?

13 A It was packaged in little sandwich bags, four
14 -- four little sandwich bags in a gallon bag. So it
15 was three gallon bags with four little sandwich bags
16 in each one.

17 Q So three gallon -- like a Ziploc bag is what
18 we're talking about?

19 A Yes, sir.

20 Q So three gallon Ziploc bags and in each gallon
21 Ziploc bag, there were four sandwich bags?

22 A Yes, sir.

23 Q And in each sandwich bag, there was how much
24 marijuana?

25 A An ounce.

1 Q An ounce of marijuana in each?

2 A Yes, sir.

3 Q So 12 ounces?

4 A Yes, sir.

5 Q When everybody left the house, which way did

6 you go?

7 A We went the same way we came in.

8 Q Back down these steps and around, back to

9 Meadowlark?

10 A Yes, sir, but we didn't go around the house.

11 We went to cut through the woods, the way we came

12 when --

13 Q You went through the cut through in the woods?

14 A Uh-huh.

15 Q Where did Jasmine go?

16 A I honestly don't know.

17 Q Did she go with you guys?

18 A No. I know she went the opposite way, but I

19 don't know where she went from there.

20 Q All right. When you all left the house and

21 went back down that cut through, where did you go

22 next?

23 A Back to Ced's yard to get in the car.

24 Q Now, you had a .38, right?

25 A Yes, sir.

1 Q Why did you take a gun?

2 A Because we all had -- well, it was two guns.
3 Two people was going to carry a gun and one person
4 was going to grab him.

5 Q What, if anything -- Breon -- you said Breon
6 shot his gun twice. Did you shoot your gun?

7 A Yes, sir.

8 Q Why?

9 A Because it was cocked -- it was a revolver and
10 it was cocked, the hammer was back. And I honestly
11 didn't know how to let it down without shooting it,
12 so I shot it in the air.

13 Q That was the .38 revolver?

14 A Yes, sir.

15 Q When you went through the cut through, where
16 did you, Breon and Jermaine go?

17 A Back to Ced's yard to the car.

18 Q And then once you went back over to the car
19 that was over by Cedric's house, what did you guys
20 do?

21 A Well, Breon, he tossed something up under Ced's
22 porch and we got back in the car.

23 Q Do you know what he tossed under there?

24 A Yeah, some marijuana.

25 Q Did you see him do it or did Breon tell you

1 about it?

2 **A** No, I seen him do it.

3 **Q** Did Breon tell you why he did that?

4 **A** No, sir, but it was pretty apparent why he did
5 it to try and bribe his cousin not to say anything.

6 **Q** After the three of you get back in Breon
7 Mayers' car, where do you go?

8 **A** We went through -- to the right away from
9 Chapin and then came back down to Chapin and went to
10 my house.

11 **Q** On Mountain Drive?

12 **A** Yes, sir.

13 **Q** Okay. Why did you go back there?

14 **A** Because Jermaine had to meet his mentor and,
15 you know, Jermaine stayed right behind me, he had to
16 meet his mentor. And I wanted to change and, you
17 know, take a shower and stuff and give everything
18 time to cool down.

19 **Q** Did you take a shower and change your clothes?

20 **A** Yes, sir.

21 **Q** What did you do with the clothes that you wore?

22 **A** They're in the garbage.

23 **Q** Why did you throw them in the garbage?

24 **A** Just because I was thinking, like, I got to get
25 away, try and get away with it. So I wanted to try

1 and destroy, you know, anything that was going to
2 hem me up.

3 Q How about Breon Mayers, what did he do with his
4 clothes?

5 A Put them in a bag with mine.

6 Q So both of y'all threw your clothes away?

7 A Yes, sir.

8 Q Shoes too?

9 A Yes, sir.

10 Q Where did you throw them away at?

11 A In the dumpster.

12 Q So did Jermaine -- you said Jermaine was going
13 where?

14 A With his mentor to the Army recruiter.

15 Q So Jermaine -- as soon as you got back to your
16 house, Jermaine left you?

17 A Yes, sir.

18 Q What did you and Breon Mayers do next?

19 A Well, we took everything inside of my house,
20 put it in a bag inside my house. Then Breon went to
21 his house, said he was going to his house to take a
22 shower and stuff and then get some clothes because
23 all he had was gym shorts on because he put all his
24 clothes in the bag with mine. And after that, I was
25 just blowing him up after I get out of the shower

1 telling him to come get me, you know.

2 And in the meantime while I was at the house,
3 he sent Cedric over there to get some more weed from
4 me, you know what I mean. And that's when Cedric
5 told me that we better get on through because the
6 cops is out right now and it's real hot in Chapin,
7 so y'all need to go. And that's when I started
8 blowing up Breon real bad.

9 Q Breon had his phone with him that day?

10 A Yes, sir.

11 Q Whose phone did Jermaine Caughman use to call
12 his mentor?

13 A Breon's.

14 Q You said you were blowing him up. What did you
15 mean by that?

16 A Calling him, calling him a lot to come get me,
17 that was my only way to leave Chapin.

18 Q Do you remember Breon's number now?

19 A No, sir.

20 Q The phone that you had that day and until you
21 got arrested, where is that phone? What did you do
22 with it?

23 A My mom's using it.

24 Q Do you know what happened to Breon's phone?

25 A No, sir.

1 Q At some point, did you and Breon after you both
2 had changed -- thrown away your clothes, changed
3 your clothes, taken a shower, did y'all get back
4 together?

5 A Yes, sir.

6 Q What was the purpose of you all getting back
7 together?

8 A Pretty much we just wanted to stay together.
9 Both of us is paranoid, you know what I'm saying,
10 scared, so we pretty much just wanted to make sure
11 neither one of us told on each other pretty much,
12 you know. And he was my -- he had a car. I was in
13 Chapin stuck, so, you know, he was kind of my ride
14 to Irmo. And he wanted to stay with me because he
15 knew I was from Irmo and we could go chill somewhere
16 in Irmo to get away from Chapin.

17 Q All right. So when you all went to Irmo and --
18 he came over and got you, right?

19 A Yes, sir.

20 Q And you left Chapin and went to Irmo?

21 A Yes, sir.

22 Q Where was the 9mm at that time?

23 A At Doc's house.

24 Q At Chris Davis, the house you were staying on
25 Mountain Drive?

1 A Yes, sir.

2 Q Where was the .38?

3 A Jermaine took the .38 with him when he left

4 with his mentor.

5 Q The .357 that was stolen, where was that at

6 that time?

7 A In a bag with the 9mm and the eight ounces of

8 weed.

9 Q Okay. So you got eight ounces of weed there.

10 What happened to the rest of the weed?

11 A We took it with us, you know, just to have to

12 smoke, you know, just in case we was going to sell

13 some of it. And then we figured -- we found out --

14 we figured we had a ride back to Chapin, so I put

15 the four ounces at my cousin Chris' house.

16 Q All right. So you start off with three gallon

17 bags?

18 A Yes, sir.

19 Q One gallon bag got thrown under Cedric's house?

20 A Yes, sir.

21 Q That left you all with two bags, right?

22 A Yes, sir.

23 Q How much of that did you leave at Doc's house?

24 A We left two because when he threw the gallon

25 bag under Cedric's porch, I grabbed it. And then

1 once I grabbed it -- because I was like, What are
2 you doing? Once I grabbed it, we left. And I guess
3 that's when he was talking to Ced because I had time
4 to grab it and get to the car before he did, you
5 know.

6 Q So you have -- so Breon threw a bag under
7 there, you picked it back up. And when you guys got
8 in the car, you still had all three bags?

9 A Yes, sir.

10 Q Cedric comes over and gets a bag from you?

11 A He came over and got about a half an ounce of
12 weed from me.

13 Q So the rest of the marijuana, when you all are
14 going to Irmo, what's left at Chris Davis' house and
15 what do you all take?

16 A We took the -- we took four of them with us and
17 we had -- we had two of the gallon bags at the house
18 still.

19 Q So you go to Irmo. What do you do in Irmo?

20 A We went to this girl named Kay White's house.

21 Q Kay White?

22 A Yes, sir.

23 Q And why are you all going there?

24 A Because that's Breon's homegirl and it was just
25 somewhere to lay low at while we try to get our

1 thoughts together and figure out a way to get back
2 to Chapin to get the stuff because we knew it was
3 getting hot up in Chapin.

4 Q The marijuana that you took with you over to
5 Kay White's house, what did you do with it?

6 A We didn't take the marijuana to Kay White's
7 house. At this point, we had already dropped the
8 four ounces off with Chris, at Chris' house. And
9 not Doc, Chris, but Chris in Friarsgate, my cousin.

10 Q Your cousin, Chris Benjamin?

11 A Yes, sir.

12 Q Was he there?

13 A No, sir. He was at work still. But, see, me
14 and him, I could just go in his house whenever I
15 wanted pretty much, you know what I mean, so that's
16 what I did.

17 Q Did he know that you had taken marijuana over
18 to his house?

19 A No, sir, not until after he got off of work,
20 then we went there.

21 Q All right. When you're over at Kay White's
22 house, at some point, do y'all get your thoughts
23 together and come up with a plan now?

24 A If you want to call it that. I mean, we really
25 was just trying to figure a way to get back to

1 Chapin to get the stuff out of Doc's property
2 before, you know, the police came and caught on. So
3 that's when his sister came through, Shy, and took
4 us back to Chapin.

5 Q What's her name?

6 A Shyesha.

7 Q Shyesha, is it Shyesha Chandler?

8 A I can't remember her last name.

9 Q How did Breon and Shyesha talk?

10 A Over the cell phone.

11 Q On Breon's cell phone?

12 A Yes, sir.

13 Q And that's his sister, is that what you said?

14 A Yes, sir.

15 Q Did she come over and pick you all up?

16 A Yes, sir.

17 Q And where did you all go then?

18 A Went to go pick up the stuff from Doc's house.

19 Q And what stuff did you get from Doc's house?

20 A The 9mm, the .357 magnum and the two gallon
21 bags of reefer.

22 Q After you picked that up, where did you guys
23 go?

24 A Went back to Kay White house to get Breon's
25 car.

1 Q Okay. Did Shyesha stay with you or did she
2 leave?

3 A No, she left.

4 Q So you and Breon Mayers are back at Breon's car
5 at Kay White's house. You've got a 9mm, you've got
6 a .357 that was stolen from David Cannon's house and
7 you got two gallon bags of reefer?

8 A Yes, sir.

9 Q At some point as you were driving, was -- was
10 Breon using his phone when you were with him that
11 day?

12 A Yeah. He was talking to his dad. Once we hit
13 26 out of Little Mountain, after he pick me up from
14 the house after everything went down, after we were
15 in the shower, was talking to his dad, and, you
16 know, their conversation -- I only heard bits and
17 pieces of it, but when he got off the phone, he
18 pretty much --

19 Q Were you able to hear his voice?

20 A Yeah.

21 Q Do you recognize his voice?

22 A Probably not really, I wouldn't recognize it if
23 he --

24 Q How did you know he was talking to his dad?

25 A Because he told me -- before he picked up the

1 phone, he said, Shh, hold on, that's my dad. And
2 that's when he got on the phone.

3 **Q** What did you hear Breon telling his dad?

4 **A** That he didn't have nothing to do with it and
5 he was with me in Irmo with some females all
6 morning, you know what I'm saying. And he just kept
7 telling his dad he didn't have nothing to do with it
8 and stuff like that.

9 **Q** Did you hear his dad ask him any questions or
10 did you just hear Breon's side, or what did you hear
11 from the other side?

12 **A** The only thing I remember hearing out of his
13 dad's mouth was, You better not have nothing to do
14 with it.

15 **Q** And Breon kept saying that he didn't; is that
16 correct?

17 **A** Yes, sir.

18 **Q** So you're back in Breon Mayers' car, the two of
19 you with everything you stole and the murder weapon,
20 where are y'all going?

21 **A** We went to meet my homeboy to sell a lot of
22 weed. At this point, we was trying to pass time
23 before Chris got off. Chris was getting off in,
24 like, 30 minutes. So we met my homeboy, Ty, to sell
25 him the eight ounces of weed.

1 Q Did you do that?

2 A Yes, sir.

3 Q And how much money did you guys get for that?

4 A Probably about 300, 250 -- about 300 a piece.

5 Q Three hundred dollars a piece?

6 A Yes, sir.

7 Q So you sold eight ounces of marijuana to your

8 friend, Ty, is that his name?

9 A Uh-huh. Yes, sir.

10 Q You got about 300 and Breon got 300?

11 A Yes, sir.

12 Q Where do you all go next?

13 A Then we went to Chris' house and waited on the

14 porch for him to come home.

15 Q Is Breon still using his phone?

16 A I don't really remember.

17 Q At some point, does Chris -- we're talking

18 about your cousin, Chris Benjamin, right? Does he

19 come home?

20 A Yes, sir.

21 Q When he comes home -- well, why are you all

22 there? Why did you go -- why are you going to your

23 cousin's house?

24 A Well, because, first of all, that's just where

25 I go every day, you know, that's just where I be.

1 That was one of the only people I hung out with, so
2 we went there because that's where I chill at. You
3 know, Breon was with me once again because, like I
4 said, he felt like he needed somebody to be around,
5 you know, and be away from Chapin, so, you know, I
6 let that ride. And we just went over there pretty
7 much to just kick it and try and lay low for the
8 rest of the day.

9 Q . How did Chris get home?

10 A His granddad.

11 Q When Chris got home, were you and Breon inside
12 the house or outside?

13 A Outside sitting on the porch.

14 Q At some point, did you and/or Breon tell Chris
15 Benjamin what happened?

16 A Yes, sir.

17 Q Where were you at when you did that?

18 A In his room.

19 Q In Chris Benjamin's bedroom?

20 A Yes, sir.

21 Q Inside the house?

22 A Yes, sir.

23 Q So where -- when you guys were in Chris
24 Benjamin's bedroom, where was the 9mm?

25 A In the bag. I had the bag on my shoulder

1 because it was with us before Chris got there.

2 Q You had everything in there?

3 A Yeah, except for the four ounces that was still
4 on Chris' shelf, but I brought that down and --

5 Q The four ounces that you dropped off earlier
6 when Chris was at work?

7 A Yes, sir.

8 Q The rest of the marijuana and the two guns, the
9 stolen gun of Dave Cannon's and the 9mm murder
10 weapon, were in the bag that you were holding?

11 A Yes, sir.

12 Q When Chris Benjamin's in his bedroom, tell me
13 what -- who says what first, you or Breon?

14 A First, I pulled the weed down and he ask, Where
15 that come from? And then I was like, I can explain.
16 And then I told him that we robbed this dude. And
17 then that's when Breon chimed in and said, Yeah, I
18 caught my first body.

19 Q I'm sorry, he said what?

20 A He said, I caught my first body.

21 Q After Breon said that he caught his first body,
22 did you -- what does that mean?

23 A That mean he killed somebody for the first
24 time. Street talk for I killed somebody for the
25 first time.

1 Q What happened next?

2 A Then we both kind of got to telling him about,
3 you know, how it went down and stuff like that, you
4 know. And after that, Breon asked me if he could
5 hold the gun. And I said, No, we need to toss that
6 gun. He said, No, I'm not tossing my gun. So Chris
7 said, All right, I'll hold it, but come back and get
8 it. Then, you know, obviously, Breon didn't come
9 back and get it because y'all got it.

10 Q You're talking about the 9mm?

11 A Yes, sir.

12 Q So Chris Benjamin held that gun for Breon?

13 A Yes, sir.

14 Q How was Breon acting?

15 A He was kind of, to be honest, he was glorifying
16 hisself, you know, kind of putting hisself up, you
17 know, pumping his own head up because he caught a
18 body and he felt like he was going to get away with
19 it, you know what I'm saying, felt unstoppable, you
20 know what I'm saying.

21 Q How long do you, Breon and Chris Benjamin stay
22 together?

23 A We was all together until Breon dropped me back
24 off at the house around, I'm going to say, 9:30, ten
25 o'clock that night.

1 Q What, if anything, did -- so you got \$300 or so
2 in your pocket now and Breon has about the same,
3 right?

4 A Yes, sir.

5 Q What, if anything, did Breon Mayers buy from
6 Chris Benjamin?

7 A He bought my cousin's two Kicker Competition
8 12s and --

9 Q What are those? I'm sorry.

10 A Speakers.

11 Q Stereo speaker -- are they car speakers or home
12 speakers?

13 A Speakers for the trunk, car speakers, 12s. And
14 he bought that and, you know, got that installed.

15 Q How long did y'all stay at Chris' house then
16 before -- you said you came back. So you stayed at
17 Chris' house for a while and then you left and went
18 somewhere?

19 A Yes, sir.

20 Q How long did you stay at Chris' house before
21 you guys left; do you know?

22 A Before we went to Best Buy, we was at Chris'
23 house till about five -- 5:30, maybe 6:00.

24 Q Do you know what Chris' address is?

25 A No, sir. I know it's on Royal Tower though.

1 Q Royal Tower Road?

2 A Yes, sir.

3 Q So when -- was there anybody else with you or
4 just the three of you when you guys left Chris'
5 house?

6 A Just the three of us.

7 Q So whose car were you in?

8 A Breon's.

9 Q Where did the three of you go?

10 A Well, first, we stopped by my son's daycare,
11 you know, I dropped in on him and paid the daycare
12 bill with the money that I got. And then we went to
13 Best Buy so Breon could get some speaker wire so he
14 could have long enough speaker wire to hook up his
15 amp.

16 Q So you leave Chris' house, you go to your son's
17 daycare and pay his bill?

18 A Yes, sir.

19 Q So how much did you pay?

20 A I paid a hundred dollars at the daycare.

21 Q After you all leave the daycare while -- and
22 while you're with Breon at this time, do you know
23 whether he's using his phone?

24 A Yeah. He was using his phone all day, you
25 know, at that point.

- 1 Q You go from the daycare to Best Buy?
- 2 A Yes, sir.
- 3 Q What Best Buy are you talking about?
- 4 A The one on Harbison.
- 5 Q And why did you all go to that Best Buy?
- 6 A So he could buy speaker wire for his speakers.
- 7 Q After you leave Best Buy, where do you go?
- 8 A We went to go pick up Deon from my uncle's
- 9 house off of Leaphart Road in West Columbia.
- 10 Q And who is he?
- 11 A Deon, he's kind of a step-cousin, if you want
- 12 to call it that. My uncle dates his mom.
- 13 Q So you went from Harbison to West Columbia on
- 14 Leaphart?
- 15 A Yes, sir.
- 16 Q Picked Deon up?
- 17 A Yes, sir.
- 18 Q Now there's the four of you in Breon's car,
- 19 right?
- 20 A Yes, sir.
- 21 Q Where do you guys go then?
- 22 A To the mall.
- 23 Q Back to Harbison?
- 24 A Yes, sir.
- 25 Q Why do you go back to Harbison?

- 1 **A** Because we had planned to go to Shyesha's
2 Halloween party that night, so we went to the mall.
3 And I bought a hat, Breon bought an outfit, Deon, he
4 just bought some stuff and then that's when we left
5 the mall.
- 6 **Q** Well, where did y'all go?
- 7 **A** After we left the mall?
- 8 **Q** What store did you go to or what stores?
- 9 **A** Oh, we went to a store called DTLR and
10 Journeys.
- 11 **Q** I'm sorry, say them both again.
- 12 **A** DTLR and Journeys.
- 13 **Q** You bought a hat?
- 14 **A** Yes, sir.
- 15 **Q** What kind of hat?
- 16 **A** A New York hat.
- 17 **Q** What did Breon -- what stores did Breon go
18 into?
- 19 **A** DTLR.
- 20 **Q** And what did he buy there?
- 21 **A** I want to say he bought -- might have bought a
22 hat and a jacket or bought -- I can't really
23 remember, but I know he bought either a shirt or a
24 jacket and a hat.
- 25 **Q** And that was for Shyesha's Halloween party?

- 1 A Yes, sir.
- 2 Q When you all left the mall -- did you go to any
- 3 other stores or just those two?
- 4 A I went to Journey's, too.
- 5 Q Did you buy anything there?
- 6 A No, sir.
- 7 Q You all left the mall after that?
- 8 A Yes, sir.
- 9 Q There's still four of you together, right?
- 10 A Yes, sir.
- 11 Q Where do you guys go?
- 12 A Went back to Chapin. He dropped me off,
- 13 dropped me, Chris and Deon off at my mom's house.
- 14 Q So Breon drove back over to Chapin, dropped
- 15 you, your cousin -- both your cousins?
- 16 A Yeah.
- 17 Q Chris Benjamin and Deon off?
- 18 A Yes, sir.
- 19 Q Where did he say he was going?
- 20 A To the house to get dressed and wash.
- 21 Q What did the three of you do at your house on
- 22 Mountain Drive?
- 23 A I took a shower and got dressed, ironed my
- 24 clothes and got dressed. Deon got dressed.
- 25 Q So you got dressed to go to Shyesha's party?

1 **A** Yeah. And then I had my mom's car and I left,
2 then went to Breon's house because he -- I was
3 calling him and calling him. It took me about an
4 hour and I was ready to go. So I was telling -- he
5 told me to wait on him, you know what I mean. So I
6 went to his house after I got dressed, after he
7 wasn't picking up the phone, to make sure everything
8 was all right. He wasn't dressed yet, you know what
9 I'm saying. So I told him I'd meet him at Irmo and
10 that's when we went to my cousin Chris' house that
11 night and waited for Breon.

12 **Q** Let me catch up with you. So you were trying
13 to reach Breon on his cell phone, he wasn't
14 answering. You drove to his grandmama's house?

15 **A** Yes, sir.

16 **Q** You talked to him. He was still getting ready?

17 **A** Yes, sir.

18 **Q** The three of you in your mom's car?

19 **A** Yes, sir.

20 **Q** Being you, Chris Benjamin and Deon?

21 **A** Yes, sir.

22 **Q** Y'all head on over to Irmo?

23 **A** Yes, sir.

24 **Q** Is that where you're going and that's when you
25 take Chris back home?

1 A Yeah, that's when we went back to Chris' house.

2 Q And that was around 9:30 or so?

3 A About 9:30, 10:00, yes, sir.

4 Q Do you talk to Breon anymore that night?

5 A Yes, sir. Actually, I was, you know, I was

6 ready to go. So I was waiting on him to go to the

7 party, you know what I mean, because we was going to

8 meet in Irmo. So I was calling him and calling him.

9 I talked to him maybe once or twice before we

10 actually met up at the Waffle House. And he was

11 just telling me he on the way, and that was it as

12 far as the phone conversation go.

13 Q I'm sorry. You meet him at the Waffle House.

14 What Waffle House are you talking about?

15 A Right outside of Friarsgate in Irmo.

16 Q And what phone conversations was he talking to

17 you about?

18 A Just telling me that he was on the way.

19 Q When y'all met up at the Waffle House, who's

20 with you?

21 A Me -- at this point, it was me, Deon and my

22 homeboy, Brandon. Chris had done went to Union

23 around 11 o'clock that night. So I picked up my

24 friend, Brandon, and we met Breon at Waffle House.

25 Q Anybody else with Breon?

1 **A** Some dude named T.O. and a dude name Terrell
2 Counts.
3 **Q** Somebody named who?
4 **A** Terrell Counts.
5 **Q** Terrell Counts. Do you know who that is?
6 **A** Yeah, I know Smoke.
7 **Q** Smoke is his nickname?
8 **A** Yeah.
9 **Q** How is he related to Breon?
10 **A** I didn't know he was related to Breon. I just
11 knew they was real close because we all went to
12 Chapin in '07 together.
13 **Q** After you all meet up at the Waffle House,
14 where do you go?
15 **A** We went to Highway 1, from Highway 1 to the Boy
16 and Girls Club to the Halloween party.
17 **Q** Is that Shyesha's party you're talking about?
18 **A** Yes, sir.
19 **Q** And how long did you all stay there?
20 **A** We was probably there for about, wasn't no
21 longer than an hour.
22 **Q** How was Breon acting at that time?
23 **A** Calm, collective, drinking a little bit, you
24 know, acting like ain't nothing happened.
25 **Q** How were you feeling at that time?

1 **A** I was paranoid until they locked me up, but, at
2 that time, I was -- I was drunk, you know, trying to
3 forget everything that had happened.

4 **Q** What time did you leave the Boys and Girls
5 Club?

6 **A** I couldn't tell you the exact time, but I know
7 it was after 12:00.

8 **Q** Where did you go after you left?

9 **A** Well, we stopped by the gas station first and
10 then we went to Mr. Lucky's on Broad River Road.

11 **Q** What's Mr. Lucky's?

12 **A** It's a club.

13 **Q** What kind of club?

14 **A** A strip club.

15 **Q** A strip club. Who went to the strip club?

16 **A** Me, Deon, Brandon, Breon, his homeboy, T.O.,
17 and Smoke.

18 **Q** So by the time you get to the strip club, how
19 much money do you have?

20 **A** I still had, I want to say, probably had about
21 \$175 left, \$180 left. I only paid -- the only other
22 money I spent was to get in the party.

23 **Q** How about the strip club, did you spend any
24 there?

25 **A** No, sir, because we didn't go in because my

1 cousin didn't have his I.D. and somebody, I can't
2 remember who, out of Breon car didn't have their
3 I.D., but -- they didn't have their I.D., so none of
4 them couldn't go in, so none of us went in. We just
5 sat in the parking lot for about 45 minutes to an
6 hour just hoping that they was going to magically
7 let us in, but they didn't so that's when we left.

8 Q Where did everybody go?

9 A We all said our goodbyes and Breon went his way
10 and I went my way. I had to take Deon back to West
11 Columbia and then I dropped Brandon off and then I
12 went back home.

13 Q Did Breon tell you where he was going?

14 A No, sir.

15 Q What time do you think it is now when you all
16 leave Lucky's?

17 A I'd say roughly about two o'clock, 2:30
18 roughly, about 2:00 or 2:30.

19 Q And who do you take home?

20 A I took Deon home first to West Columbia and
21 then I took Brandon home to Friarsgate.

22 Q And then where did you go?

23 A I went home.

24 Q Which home did you go to?

25 A To Mountain Drive.

1 Q Did you talk with Breon later?

2 A Not that I remember. I really don't remember
3 too much after about two o'clock. At that point, I
4 was pretty drunk.

5 Q You made it home to Mountain Drive?

6 A Yes, sir.

7 Q Over the next couple of days, what's going on
8 in your life?

9 A Well, I actually disappeared, you know, from
10 everybody. I went with Chelsea, that's my
11 girlfriend, went over to -- I stayed at her house
12 that weekend with her and my son.

13 Q Why -- you said you disappeared. Why were you
14 disappearing?

15 A Because for one I didn't want to be around
16 Breon and, two, I didn't want to be around Chapin.
17 I didn't want to be around none of that, so --

18 Q Why do you say -- why didn't you want to be
19 around Chapin?

20 A Just because of what had happened. I mean, I
21 knew I had done something wrong and I knew it wasn't
22 right and I knew --

23 Q You knew the police were looking for who did
24 it --

25 MR. WILLIAMS: Objection to leading, Your

1 Honor.

2 THE COURT: Please rephrase your question.

3 BY MR. GRAHAM:

4 Q What, if any, concerns did you have about the
5 police finding you?

6 A Well, I pretty much knew the police was going
7 to get me, you know, but I was just really just
8 trying to stay out of sight because I didn't want to
9 leave my son honestly, but I knew I was going to
10 have to pay the cost soon enough. So I just decided
11 to go ahead and get as much time in with my son as I
12 could. I didn't really have time to be bothered
13 with Breon or Jermaine because, you know, they were
14 blowing up my phone, but, you know, I ignored it,
15 you know what I mean, because I wanted to get that
16 time in. I knew I was going to jail the following
17 week.

18 Q What, if anything, did you eventually learn
19 about the police looking for you?

20 A Well, actually, I was looking at the news the
21 day before we got locked up and -- matter of fact,
22 me, Breon and Jermaine were looking at the news with
23 my mom and Doc and they was talking about how they
24 had no leads and this, that and the third and how
25 they're canvassing the area still. And then me and

1 Breon was just looking at the T.V. like, yeah, all
2 right, you know what I'm saying. Breon went back in
3 my room saying, yeah, we're going to get off.

4 Sure enough, the next day, I'm coming back from
5 the barber shop and I don't know which detective
6 called, but they called Doc and Doc told them to
7 call C.J., and that's when we was coming to Chapin.
8 Then the detective told C.J. to meet him at Mr. J's.
9 So C.J. dropped me off at the house. And by the
10 time C.J. got back to the house, he let me know that
11 they was looking for, you know, Jermaine, you know,
12 and asked him about me, you know, and Breon.

13 So, at that point, I panicked, called Breon.
14 He was the only ride I had. He came and picked me
15 up. We left and went to Saluda to his aunty house.
16 And then once we got back -- we went to Saluda for
17 about an hour or two and we came back. I got my
18 mom's car and that's when I was in Irmo. And I
19 drove past my dad's street. I seen all the police
20 at his house --

21 Q I'm sorry. At whose house?

22 A My dad's house because I was in Friarsgate at
23 this point. After we came back from Saluda, I got
24 my mom's car and drove to Friarsgate. And then
25 that's when my mom called and told me that the

1 police were looking for me to go park the car at
2 Chelsea's house, which is my girlfriend who stays in
3 Friarsgate, and wait for her there.

4 But, of course, I didn't do that. I parked the
5 car there, but I left there and, I'm not going to
6 lie, I tried to run, you know, because I didn't want
7 to go to jail. Then I went to my cousin's house.
8 And my cousin talked some sense into me and I was
9 just like, All right. And my mom took me to the
10 police station and I turned myself in.

11 Q Are you guilty of armed robbery?

12 A Yes, sir.

13 Q Are you guilty of burglary in the first degree?

14 A Yes, sir.

15 Q And are you guilty of murder?

16 A Yes, sir, because of what Breon did.

17 Q And has anybody promised you anything?

18 A No, sir.

19 Q And have you told the truth?

20 A Yes, sir.

21 MR. GRAHAM: Thank you, Mr. Brennan. Please
22 answer any questions that Mr. Williams has.

23 THE COURT: Why don't we take a ten minute
24 break before we do cross-examination. Go on back to
25 the jury room, don't begin deliberations or

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1 discussions or comment on any witness. See you back
2 in ten minutes.

3 (The jury retires to the jury room.)

4 **THE COURT:** All right. See you in ten minutes.

5 (Brief Recess.)

6 **THE COURT:** Bring the jury in.

7 (The jury returns to the courtroom.)

8 **THE COURT:** Okay. Folks, we will resume where
9 we left off and that is with cross-examination of
10 the witness.

11 **MR. WILLIAMS:** May it please the Court.

12 CROSS-EXAMINATION

13 BY MR. WILLIAMS:

14 **Q** Mr. Brennan.

15 **A** Yes, sir.

16 **Q** Let's see, you were arrested when?

17 **A** On Wednesday, October 27th.

18 **Q** October the 27th, last year. And you're housed
19 where?

20 **A** In F-pod at LCDC.

21 **Q** F-pod. And who else is housed in F-pod?

22 **A** Jermaine Caughman.

23 **Q** And since October of last year, you and
24 Jermaine have talked about what stories y'all are
25 going to talk about, haven't you?

1 **A** No, sir.

2 **Q** You haven't had any conversations with
3 Jermaine?

4 **A** No, because in jail, if I get caught talking to
5 a keepaway, then I get in trouble and lose my
6 privileges.

7 **Q** So is it your testimony that you haven't had
8 any conversations with Jermaine?

9 **A** I haven't had any conversations about this case
10 with Jermaine, no.

11 **Q** And you haven't passed any messages to
12 Jermaine?

13 **A** No, sir.

14 **Q** And he hadn't passed any messages to you?

15 **A** No, sir.

16 **Q** You've been out at the same time, hadn't you?

17 **A** No, sir.

18 **Q** Well, don't y'all have visitation at the same
19 time?

20 **A** That doesn't mean -- I don't talk to him on
21 visitation. I talk to my family.

22 **Q** Well, tell the jury what visitation means in
23 F-pod. You come out and you're right there in the
24 same area as he is, aren't you?

25 **A** At the visitation booth, yes. Yes, sir.

1 Q So it's easy for you to just pass a message to
2 him, give him a piece of paper and y'all transfer
3 information back and forth?

4 A I wouldn't do that, no, because I know that's
5 not right, that's not -- that's kind of against the
6 law.

7 Q So is it your testimony that you wouldn't do
8 that because it's against the law and that would get
9 you in trouble, so you don't pass messages back and
10 forth to Jermaine who's in the pod with you?

11 A No, because that wouldn't make any sense
12 because if both of us are testifying, then that will
13 kill off both our testimonies.

14 Q Unless you're trying to put the finger on
15 Breon?

16 A No. I wouldn't blame anybody for nothing that
17 they didn't do.

18 Q You wouldn't?

19 A No, sir.

20 Q So what you're saying is that you're not the
21 kind of person to make a statement that's not true?

22 A Yes, sir.

23 Q Well, let me take you back a little bit. You
24 were arrested on the 27th, right?

25 A Yes, sir.

1 Q Is that your first opportunity to talk to
2 police and tell them what was going on?

3 A Yes, sir. That was the first time they even
4 called my phone or considered me as a suspect.

5 Q And what did you tell the police when you first
6 had that conversation with them?

7 A At first, when I told them -- I told them that
8 I didn't know what they was talking about.

9 Q Well now, but that doesn't fit with you saying
10 that you wouldn't lie to anyone because it wouldn't
11 be right to do, does it?

12 A I didn't -- at that time, the only thing I was
13 thinking about was that time and my kid. I didn't
14 want to go to jail. But they brought me back to
15 reality when they said that either way, I'm going to
16 go down, so that's when I told them I had something
17 to do with the situation and I was there and I told
18 them my part in the situation.

19 Q So you told them when -- after they told you
20 that you were going to be arrested anyway, you told
21 them everything about the crime?

22 A I didn't tell them necessarily everything.

23 Q Well now, why wouldn't you tell them everything
24 about the crime when you were arrested?

25 A Because it was my first time being arrested. I

1 didn't know how the game goes or whatever you want
2 to call it. I didn't know what to tell them and
3 what not to tell them. I was only trying to save
4 myself at the time.

5 Q You didn't know how the game goes. You know
6 how the game goes now?

7 A Yeah, tell the truth.

8 Q Well, you know how you get rewarded if you give
9 testimony for somebody who's being tried for a
10 crime, don't you? You know how the game goes, don't
11 you?

12 A No, nobody ever told me I would get rewarded
13 for testifying. I'm testifying because I want to
14 see justice done and I want to see what's right be
15 done and the right people take the falls for what
16 they've done.

17 Q That's very altruistic, isn't it? I mean,
18 you're -- you've changed all your ways about what
19 you believe and everything, haven't you?

20 A Of course, yes, sir.

21 Q Well, let's talk about the first statement you
22 gave the police, you said you didn't know anything.
23 When was that first statement?

24 A That was at the substation off of Lake Murray.

25 Q You said you didn't know anything about it.

1 When was your second time you had the opportunity to
2 talk to the police?

3 **A** See, the first statement didn't get written
4 down, so I guess you wouldn't consider that a
5 statement. But when I actually put something on
6 paper, I told them that I was there and I was down
7 to go in the house because I needed to pay my son's
8 daycare bill. And I told them that we all had guns.

9 **Q** You told them, We all had guns?

10 **A** Yes, sir.

11 **Q** We all had guns?

12 **A** Yes, sir.

13 **Q** Well now, do you consider not a statement -- so
14 what you're telling us now, since you're not writing
15 this down, it's not a statement, so you don't have
16 to be accurate with that, do you?

17 **A** No, I'm not saying that, sir. That's not what
18 I'm saying at all. I'm saying I was shook up,
19 scared, didn't know what to do and was trying to get
20 out of the situation, but I realized soon after I
21 gave them that first verbal statement, that I wasn't
22 going to get out of it anyway and I was just digging
23 myself a bigger hole by lying about my partaking in
24 the event.

25 **Q** So when did you give the second statement?

1 **A** The written statement, I gave --

2 **Q** Your second oral statement. Let's talk about
3 what you said to people like what you're doing right
4 now, how you're talking to the jury, let's hear what
5 you've told other people.

6 **A** Okay. Well, listen, my second oral statement.

7 **Q** Yeah.

8 **A** There was no second oral statement. From there
9 on, anytime -- when I got my chance to tell the
10 truth, I told the truth and that was my second oral
11 statement, but it was put on paper, so you can
12 consider that as a statement that was written.

13 **Q** All right. Well, let's see what you said the
14 second time you put -- that you were orally giving a
15 statement. What did you say then?

16 **A** I told them the truth. I told them everything.
17 I told them that all three of us didn't have a gun,
18 that only me and Breon had a gun and I told them
19 that I took part in it. And I told them that I went
20 in there and came back out and we got the marijuana,
21 we sold the marijuana. I told them everything that
22 they needed to know. I told the truth. There was
23 no need in lying at that point because I was six,
24 seven months in already, so --

25 **Q** Six or seven months in?

1 A Yes, sir.

2 Q That's the time you gave your second statement?

3 A Yes, sir.

4 Q Six or seven months sitting in the same pod
5 with Jermaine?

6 A No. I didn't -- Jermaine didn't even come to
7 my pod until about two months ago.

8 Q Well, are you saying that because you put it in
9 writing, that means more to you? When you give a
10 written statement, it's more truthful?

11 A No. My word means more than anything and I'm
12 not going to break my word for nobody. And I'm not
13 going to save myself and I'm not going to try and
14 save nobody else because it's not right.

15 Q Well, let me ask you about what you put in your
16 written statement. In your written statement, what
17 did you say about guns?

18 A I said that -- in the first one, I said all
19 three of us had guns.

20 Q In your first written statement?

21 A Yes, sir.

22 Q How many written statements have you given?

23 A I've given one that I actually wrote in my own
24 hand. The other one was oral, but it was written on
25 paper. I didn't write it on paper, though.

1 Q What did you tell the officer about the types
2 of guns that Jermaine and Breon had?

3 A In the first statement, I told them that all of
4 us had nines.

5 Q Had knives?

6 A Nines, 9mm's.

7 Q 9mm's?

8 A Yes, sir.

9 Q Let me ask you if you will, if you'll look
10 at -- tell me if you identify this.

11 A Yes, sir.

12 Q You know it already?

13 A Yeah.

14 Q How many times have you seen this?

15 A I never actually -- I seen it one time and that
16 was -- that was right before the trial took place, I
17 seen it in my motion.

18 Q That's the only time you saw it?

19 A Yes, sir.

20 Q You hadn't sat down with the Solicitor and gone
21 over your written statement and your oral statements
22 with the Solicitor?

23 A Yes, but that's when I saw my motion.

24 Q You only saw your motion then?

25 A Yes, sir.

- 1 Q You didn't go over your motion with your
2 attorney who represents you?
- 3 A No, sir.
- 4 Q Well, are you saying that in your written
5 statement, that you said that all three of y'all had
6 9mm's?
- 7 A Yes, sir.
- 8 Q I want you to look at page three of three.
- 9 A (Witness complies.)
- 10 Q Around about the middle -- is that your
11 statement by the way?
- 12 A Okay. I said that all three of us had guns and
13 I went in the door last.
- 14 Q What did you say about 9mm's? Did you say in
15 there that all three of you had 9mm's?
- 16 A I said a black Glock, some kind of black Glock.
17 Jermaine and Breon had a black Glock. And I had --
- 18 Q Who and Breon --
- 19 A -- and I had an old rusty .38.
- 20 Q I'm sorry. Who and Breon had the Glockes?
- 21 A Jermaine.
- 22 Q And who had the .38?
- 23 A Me.
- 24 Q So all three of you didn't have 9mm's?
- 25 A No, sir. I understand -- I'm going to tell you