

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

R. Lawton McIntosh, Judge

Appellate Case No.: 2017-002011

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Oct 19 2022

S.C. SUPREME COURT

State of South Carolina,

Respondent,

v.

Jason Franklin Carver,

Appellant.

RECORD ON APPEAL
Volume II of II

October 4, 2019

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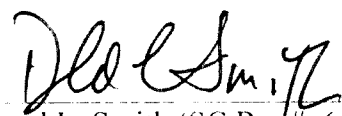
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SC Court of Appeals

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1 A. I don't understand the question,
2 sir.

3 Q. All right. You just said that you
4 didn't have any information that Steven's
5 body had been rolled; is that right?

6 A. I didn't have any actual informa-
7 tion.

8 Q. When the body was picked up, ---

9 A. The cousin from Michigan that came
10 down for the funeral told me that she heard
11 somebody say that his body had been rolled.

12 Q. Which one was that, Stacy or Erica?

13 A. Stacy is the cousin. Erica is the
14 sister.

15 Q. Okay. So Erica -- she was from
16 here?

17 A. Uhhhh, I don't recall exactly what
18 her address is. She's local to the area.

19 Q. Yes, sir. So the autopsy was made
20 -- Mr. Cameron's body got to the autopsy and
21 he didn't have anything in his pocket?

22 A. I don't believe so, sir.

23 Q. Turn to page twenty-six.

24 A. (Reviewing) -- I don't have a page
25 twenty-six.

1 Q. With regard to -- Patricia Kong
2 (phonetic), who is that?

3 A. Patricia Kong is a friend of Angela
4 Daughtery (phonetic), who is Christopher's
5 brother's girlfriend. She is a friend of the
6 family.

7 Q. Patricia Kong, is she the one that
8 was in the pickup truck that we just saw?

9 A. Yes, sir, she was the complainant in
10 the incident. If you watch the video a
11 little further, the police arrived shortly
12 after she was seen in the truck.

13 Q. It was Erica's belief that Patricia
14 had been there earlier, is that right?

15 A. Yes, sir.

16 Q. Angela Daughtery, who is that?

17 A. Angela Daughtery is Christopher
18 Cameron's girlfriend. Christopher Cameron is
19 the oldest brother, I believe, of the victim.

20 Q. And Steven Cameron, what was his
21 demeanor -- from what you investigated, what
22 did you learn that Mr. Cameron's, uh, ability
23 to -- I withdraw that. Did he have anger
24 issues?

25 A. I didn't know Mr. Cameron.

1 Q. I understand that. But in your
2 investigation did you learn anything about
3 his anger?

4 A. I learned from my investigation that
5 he had a traumatic brain injury that he had
6 received in a construction accident. I don't
7 have any personal knowledge of him.

8 Q. In your interviews and investigation
9 you learned that it was after the accident
10 and the traumatic brain injury that he had a
11 very short fuse; is that right?

12 A. I know that there were arguments
13 with family members, from my interviews.

14 Q. What did Angela Daughtery
15 specifically say?

16 A. About?

17 Q. About Mr. Cameron.

18 A. Give me just a moment to find it.
19 She said that he had a drug habit and, uh,
20 (reviewing) -- on March 31st?

21 Q. Yes, sir.

22 A. I don't see anything here about --
23 there was an argument. That's all that was
24 in here.

25 Q. Did you learn that he had a drug

1 problem at that time?

2 A. Yes, sir, he did have a drug
3 problem.

4 Q. And Daniel -- was it Daniel White?

5 A. Yes, sir.

6 Q. Now, he is the one that went with
7 Investigator Henry?

8 A. Yes, sir.

9 Q. And Investigator Henry didn't know
10 that there was drugs being sold out of that
11 house?

12 A. I can't advise what Detective Henry
13 knew or didn't know at the time. I know that
14 I requested him to take Mr. White to the
15 house, to have him show him the house that
16 Mr. Cameron frequented. What, specifically,
17 -- I don't know what his knowledge of that
18 was. I don't know that I requested it of him
19 directly, it may have been his supervisor.
20 But he was requested to do that, through me.

21 Q. Daniel White. Right?

22 A. Yes, sir.

23 Q. So you had already talked to Daniel
24 White when you sent Investigator Henry by
25 Appaloosa?

1 A. Yes, sir. But I can't testify as to
2 what Detective Henry knew. I can only
3 testify as to what I knew, that there were
4 drugs being sold out of there.

5 Q. But you can testify as to what you
6 told Investigator Henry, right?

7 A. I don't recall exactly what words I
8 may have told him. I requested that somebody
9 get Mr. White in the car and drive him by the
10 residence to get that address.

11 Q. So you didn't say 'take Mr. White'
12 -- that 'Mr. White has told me that there are
13 drug sales happening at this house and I need
14 you to go with him and get footage or see
15 what you can find out.' You didn't tell
16 Detective Henry that?

17 A. I don't remember exactly what was
18 said.

19 Q. Did you take any notes?

20 A. Of what I said to Detective Henry?

21 Q. Yes, sir.

22 A. Absolutely not.

23 Q. What did you take down once he had
24 gone to the location? What notes did you
25 take then?

1 A. As far as what he told me?

2 Q. Yes, sir.

3 A. Detective Henry left shortly after
4 taking them to the residence. I learned that
5 he had gone there and gotten footage, video
6 footage of the location, but he left shortly
7 thereafter and I didn't really see the
8 photographs or anything like that, if that --
9 I assume that is what you are asking. I
10 didn't see the photographs or anything until
11 several days later.

12 Q. So once you saw the photographs or
13 the footage or whatever, you took notes from
14 that for future reference, right?

15 A. I have it documented somewhere in
16 here, (reviewing notes). (Upon review),
17 documented photographs and video footage.

18 Q. What did you become aware of?

19 A. That there was a Buick Regal that
20 was consistent with the footage that was on
21 the screen.

22 Q. Yes, sir. Look at page forty-six.

23 A. (Complies).

24 Q. Specifically talking about line six,
25 towards the right where it says, "Daniel

1 said..." ---

2 A. (Reviewing).

3 Q. Can you read the next five
4 sentences?

5 A. I'm trying to -- I don't see exactly
6 where you're asking.

7 Q. Line six, halfway down the line.

8 A. Six, "Daniel told me..." ---

9 Q. Yes.

10 A. He said the brother, Christopher
11 Cameron, gave Steven rides there all the
12 time. He said that Angie and -- Daniel said
13 that Christopher used marijuana regularly and
14 sometimes use methamphetamine. Daniel said
15 that Christopher had a firearm about a year
16 ago.

17 Q. That's fine, sir. From this alone,
18 you learned that he had an anger issue.
19 Right?

20 A. Christopher, (affirmative nod).
21 Christopher was not the victim, he's the
22 victim's brother.

23 Q. Yes, sir. Sorry. Christopher's
24 girlfriend, though, planned on robbing
25 Steven. Is that what you understand from

1 that?

2 A. That's the statement that Daniel
3 White gave.

4 Q. Daniel White, the individual who
5 showed the investigator the house and so
6 forth?

7 A. Yes.

8 SOLICITOR MOORE: Objection, Your Honor.
9 I think we have allowed the hearsay to go on
10 long enough.

11 MR. SMITH: Your Honor, I am just
12 asking his perception.

13 THE COURT: I understand. I sustain
14 the objection.

15 SOLICITOR MOORE: Thank you, Judge.

16 CROSS EXAMINATION CONTINUED

17 BY MR. SMITH:

18 Q. Patricia and Angela are friends?

19 A. That is my understanding, sir.

20 Q. Do you know if they both had issues
21 with drugs, methamphetamine?

22 SOLICITOR MOORE: Your Honor,
23 objection.

24 THE COURT: Sustained.

25 SOLICITOR MOORE: Thank you.

1 CROSS EXAMINATION CONTINUED

2 BY MR. SMITH:

3 Q. Patricia is the first person ---

4 A. She is the first person that pulls
5 into that driveway at the residence after the
6 incident.

7 Q. Have you had an opportunity to
8 review all the video that has been taken in
9 this case? Is that right?

10 A. No, sir, I've not personally
11 reviewed all the video. I had Detective
12 Russell do that.

13 Q. With regard to the video on the
14 night in question, can you from your personal
15 observation tell us anything about the
16 individuals on that night?

17 A. Are you asking descriptions of the
18 individuals?

19 Q. Can you see the individuals? Tell
20 us what you see.

21 A. I see the white Buick pull up with
22 lights on when it pulled in the driveway. It
23 parked, turned the lights off. The door
24 opens and one set of legs gets out on the
25 driver's side. Then after a period of time

1 the vehicle leaves at a high rate of speed
2 with the lights off.

3 Q. So that's all you have. Right?

4 A. No, sir, that's not all that we
5 have. That's what is on the video.

6 Q. Yes, sir. Is there any better video
7 that shows more?

8 A. There is another video from I
9 believe 126 Sterling Bridge Road -- yeah, 126
10 Sterling Bridge Road that does show another
11 angle.

12 Q. That else does that show?

13 A. This shows the vehicle on the road.
14 It's not close enough to show the incident
15 location or anything.

16 Q. How many times did you talk to Erica
17 Cameron?

18 A. Several times.

19 Q. As a result of these interviews,
20 what did you do? Did you look into anything
21 or make any contact with anyone else?

22 A. If you're referring to the
23 conversation about the cousin, I did speak
24 with the cousin on the phone. Stacy Cameron
25 that you spoke about. I can't remember the

1 gentlemen's name that was with her but I did
2 talk to those folks as a result of that.

3 Q. Did you learn anything that you
4 found that was relevant to your investiga-
5 tion?

6 A. Hearsay that the victim had stolen
7 an ounce of cocaine from a drug dealer and
8 that, uh, that he had ordered some people to
9 go over and get his drugs or his money back.

10 Q. In your department's investigation
11 of that home, did every -- did police canvas
12 that whole home?

13 A. Which home are you referring to,
14 sir?

15 Q. The one at Sterling Bridge Road?

16 A. Yes, sir, we did a thorough search
17 of that home; yes, sir.

18 Q. And what did your search yield?

19 A. I don't recall specifically what was
20 collected during that search. From my own
21 personal observation, we found that a Yamaha
22 dirt bike was missing. I know that we
23 collected some paperwork on this Yamaha
24 vehicle and some keys for some Yamaha skis.
25 We were looking for the Yamaha dirt bike that

1 was missing from the residence, the paperwork
2 and keys to that.

3 The house was in a general state of
4 disarray with damage to the floor and holes
5 had been punched in the walls.

6 Q. Is it your understanding from the
7 investigation that Mr. Cameron did that
8 himself?

9 A. Yes, sir. That's what I understand.

10 Q. And in your investigation of the
11 home, you did not find drugs and you did not
12 find money; is that correct?

13 A. There was drugs paraphernalia in the
14 home. We did not have it tested for the
15 presence of drugs.

16 Q. And it was your understanding from
17 whom that an ounce of cocaine had been taken
18 by the victim?

19 A. The first person I heard it from was
20 either Stacy Cameron or the gentleman who was
21 in the car with her, whose name I can't
22 recall without looking at my papers.

23 Q. Now, you said earlier that the
24 investigation told you that Mr. Carver had
25 driven Mr. Cameron home.

1 A. Yes, sir.

2 Q. What investigation?

3 A. Part of the investigation at 310
4 Appaloosa Drive, when we made contact with
5 the Gambrells, I spoke with them briefly at
6 the residence and also they had followed me
7 to the sheriff's office one time prior to --
8 I was told when we spoke with them that Mr.
9 Carver had taken Mr. Cameron to his home.

10 Q. What date did you learn that?

11 A. It was in the first few days of the
12 investigation. I was trying to get in touch
13 with Mr. Carver, so it would have been right
14 in the first few days.

15 Q. Now, in regard to Mr. Carver, do you
16 have any understanding that he was aware that
17 the cocaine had been stolen at the time that
18 he drove Mr. Curry back to Mr. Cameron's?

19 A. He was absolutely aware.

20 Q. Based on what?

21 A. Based on the statement that he gave
22 to the deputy.

23 Q. Which was given when?

24 A. 4/11.

25 Q. So twelve days after the incident?

1 A. The incident happened on the 28th, so
2 -- not to split hairs, but I think that it
3 was a couple more days than that.

4 Q. How did Mr. Carver get to the April
5 11th meeting?

6 A. I believe that he drove the
7 Gambrells to the Sheriff's Office. They came
8 voluntarily.

9 Q. The Gambrells, which included Mr.
10 Gambrell?

11 A. Yes, James Gambrell and Juanita
12 Gambrell. They all arrived in the same car.

13 Q. We saw the video earlier that was at
14 9:02 when the dark sedan left Sterling Bridge
15 Road?

16 A. Yes, sir.

17 Q. And it returned at 9:30?

18 A. No, sir, it wasn't the same vehicle.

19 Q. Excuse me. That a vehicle returned
20 at 9:30?

21 A. Yes, excuse me -- excuse me. That a
22 vehicle arrived at 9:30.

23 Q. And we know that vehicle to be Mr.
24 Gambrell's vehicle?

25 A. Yes, sir.

1 Q. That is twenty-eight minutes?

2 A. All right.

3 Q. How long does it take to get from
4 Appaloosa to Sterling Bridge Road?

5 A. Roughly ten or fifteen minutes. Not
6 long. It's just across the county line.

7 Q. So it's snowing?

8 A. No, sir, I think that is dust
9 particles, something that was just in the
10 camera. When you look on the other video,
11 you can see -- I think it was just dust
12 particles in the camera.

13 Q. Yes, sir, you may be right. So
14 twenty-eight minutes and you just told us
15 that it takes ten to fifteen minutes to get
16 from Sterling Bridge Road to Appaloosa.

17 A. Depending on the speed. At normal
18 speed, yes, sir.

19 Q. And there was one individual, one
20 set of legs that got out of the dark sedan.
21 Is that right?

22 A. Yes, sir.

23 Q. So based on your understanding of
24 the video and so forth, it's your belief that
25 Mr. Gambrell got out at 9:02?

1 A. Yes, sir.

2 Q. And then the dark sedan returned --
3 well, left and came back twenty-eight minutes
4 later?

5 A. No, sir, the white Buick came back
6 (sic) twenty-eight minutes later. Or you say
7 twenty-eight minutes later, ---

8 Q. Yes, sir. Is it your understanding
9 from your interviews and your investigations
10 that Mr. Cameron got back at his home at 9:02
11 that night, 2102?

12 A. Thereabouts, (affirmative nod); yes,
13 sir.

14 Q. And the investigation tells you that
15 Mr. Carver drove Mr. Curry in the white Buick
16 and they arrived at 9:30/2130; is that right?

17 A. Yes, sir.

18 Q. So is it your understanding that Mr.
19 Carver drove back to the residence, learned
20 that they needed to go pick up Mr. Cameron,
21 he went back and they arrived at 9:30?

22 A. My understanding is that they were
23 either supposed to get drugs, money or bring
24 Steven Cameron back to Mr. Gambrell's house.
25 Yes, sir.

1 Q. Can you tell me out of those things
2 what is illegal?

3 A. Well, sir, anytime that you go to
4 someone else's home to demand that they come
5 somewhere, we call that kidnaping in the
6 state of South Carolina.

7 If you go to demand money or something
8 from someone, we call that armed robbery in
9 the state of South Carolina.

10 Q. Tell me where -- anything other than
11 they were to told to go down and bring him
12 back.

13 A. Sir, if someone had pulled a firearm
14 on me and asked that I go to a residence, I'd
15 assume that it was not a request.

16 Q. Well, sir, you don't have any proof
17 that a gun was pulled or that there was
18 pushing. Is that right?

19 A. I think it's safe to say that a gun
20 was pulled and that there was pushing.

21 Q. When? When was a gun pulled?

22 SOLICITOR MOORE: Objection, Your Honor.
23 Detective Marzolf was not present on the
24 front porch that night. He cannot say when
25 that gun was pulled.

1 THE COURT: Based on his investigation,
2 he can answer.

3 WITNESS: Based on the investigation,
4 sometime during the shoving match.

5 CROSS EXAMINATION CONTINUED

6 BY MR. SMITH:

7 Q. So there wasn't a demand based on
8 those facts, right?

9 A. I don't know what was said on that
10 porch that night.

11 Q. Yes, sir, I understand that. The
12 gun wasn't pulled until the pushing occurred.

13 A. I believe that it is best to ask Mr.
14 Curry that question. That was my understand-
15 ing; yes, sir.

16 Q. That is your understanding based on
17 discussing this with the people involved?

18 A. Yes, sir.

19 Q. Mr. Carver told you -- told Ms. Call
20 that he was told to go get him.

21 A. Yes, sir.

22 Q. Mr. Carver did not have a cell
23 phone, is that right?

24 A. I don't believe he did.

25 Q. So no one could tell him *en route*

1 that -- that he needed to come back with
2 anybody?

3 A. He wasn't told until he took Steven
4 Cameron to the residence and had come back,
5 that's correct.

6 Q. Because Mr. Carver didn't have a
7 phone, he couldn't have known anything about
8 the alleged theft of cocaine at least -- at
9 the very least -- until he returned?

10 A. I believe that he learned of that
11 when he returned; yes, sir.

12 Q. And you believe that he learned that
13 when?

14 A. He learned it when he returned to
15 Mr. Gambrell's house after taking Steven
16 home.

17 Q. What in your investigation indicates
18 that?

19 A. The statement that he gave Detective
20 Call.

21 Q. On April 11th?

22 A. Yes, sir.

23 Q. Right after Mr. Gambrell was brought
24 into the jail?

25 A. Brought into the Anderson County

1 Sheriff's Office; yes, sir.

2 Q. Mr. Carver wasn't part of any drug
3 enterprises during your investigation, was
4 he?

5 A. I can't answer that, sir. He was
6 the mechanic who drove him.

7 Q. He has a full-time job as a
8 mechanic?

9 A. Yes, sir, he worked at Greenville
10 Transmissions. My understanding is his job
11 was not as a mechanic at that location.

12 Q. What would you call it then?

13 A. I believe that he was more of an odd
14 jobs type of employee. That was my under-
15 standing from the people that run the
16 transmission center.

17 Q. He didn't know how to fix
18 transmissions?

19 A. I can't testify as to what he knew,
20 sir, as far as his mechanical knowledge.

21 Q. Was it your knowledge that he was
22 fixing a transmission that weekend at Mr.
23 Gambrell's house?

24 A. He did say that he was working on a
25 car at Mr. Gambrell's house; yes, sir.

1 Q. Did Mr. Gambrell say that?

2 A. No, sir.

3 Q. Mr. Carver did not have a gun, did
4 he?

5 A. There were two guns and two ---

6 Q. Mr. Carver did not have a gun, did
7 he?

8 A. They had guns. They were given a
9 .38 by Mr. Gambrell and Mr. Curry carried a
10 .25 automatic with him.

11 Q. Where was the .25 carried?

12 A. In a fanny pack, is my understand-
13 ing.

14 Q. Who knew about the .25?

15 A. Mr. Curry knew about it and I know
16 that his wife knew about it, she told me
17 about it as well.

18 Q. So neither of those people are Mr.
19 Gambrell or Mr. Carver, right?

20 A. No.

21 Q. Was it a .380 or a .38?

22 A. It was a .38 revolver, sir.

23 Q. A .38 revolver.

24 A. (Affirmative nod).

25 Q. That was Mr. Gambrell's gun?

1 A. Yes, sir.

2 Q. Mr. Gambrell told you he -- that the
3 gun was taken and that he told him to put it
4 down, right?

5 A. Uh -- (no verbal response).

6 Q. 'You don't need a gun.'

7 A. That is what Mr. Gambrell says.

8 Q. When Mr. Gambrell took that gun, Mr.
9 Carver had not returned from Mr. Cameron's
10 yet; had he?

11 A. Mr. Gambrell didn't take the gun,
12 sir. Mr. Curry received the gun from Mr.
13 Gambrell or took it from him.

14 Q. Mr. Curry took it from Mr. Gambrell?

15 A. (No verbal response).

16 Q. When he did that, Mr. Carver was not
17 there. He was at Mr. Cameron's house?

18 A. I am not sure about that.

19 Q. Well, you just talked about how long
20 a trip it is, presumably both ways.

21 A. Yes, sir.

22 Q. There was just enough time for Mr.
23 Carver to get up there and get back,
24 according to your own calculation. Right?

25 A. Ten to fifteen minutes. It could be

1 eight to ten minutes, with conversation time
2 in the meantime, which is plenty of enough
3 time, in my opinion, to get the firearm.

4 Q. Sir, so Mr. Gambrell told you that
5 Mr. Curry took his gun and he (indicating
6 Defendant) told you that he told him to put
7 it down because he didn't need it.

8 A. Yes, sir.

9 Q. Mr. Carver learned of the gun after
10 Mr. Curry got in his car or the Buick, right?

11 A. I am not sure exactly at what point
12 he was made aware of the gun.

13 Q. Mr. Carver told you that he told Mr.
14 Curry to leave the gun in the car, the .38;
15 right?

16 A. I believe that he told Detective
17 Call that. Detective Call is the one who
18 interviewed Mr. Carver.

19 Q. So it's not in your notes that Mr.
20 Carver told him that?

21 A. (No verbal response).

22 Q. And, more importantly, Mr. Carver --
23 Mr. Curry told you that he left the .38 in
24 the car. Correct?

25 A. Yes, sir, he did tell me that.

1 Q. So the only gun was Mr. Curry's gun
2 in the fanny pack, which the only people who
3 knew about it was Mr. Curry and his wife?

4 A. I can't advise on what anybody knew.
5 I can't say that they knew about it because
6 they told me that they didn't. I can't say
7 who else may have known.

8 Q. So you don't know who would have
9 known but the Currys?

10 A. Those are the only people that I
11 know said they knew about it. I know that
12 Mr. Carver was aware of the .38.

13 Q. How many interviews did you do with
14 Mr. Curry?

15 A I only did one interview with Mr.
16 Curry.

17 Q. How many were done?

18 SOLICITOR MOORE: Your Honor, I hate to
19 interrupt but I believe the jury is ---

20 THE COURT: You need to take a break?

21 FORELADY: Yes, sir.

22 THE COURT: All right. Go ahead and
23 take a break. We'll have you back in a few
24 minutes. Thank you.

25 (JURY OUT @ 12:36 P.M.)

1 THE COURT: Thank you.

2 SOLICITOR MOORE: Yes, sir.

3 THE COURT: Let me ask the lawyers to
4 come up here a minute.

5 (OFF RECORD BENCH CONFERENCE)

6 (BREIF RECESS 12:40 - 12:47 P.M.)

7 (DEFENDANT PRESENT)

8 THE COURT: Please be seated. Guys,
9 just to kind of keep things running, I want
10 to go about 1:00 and then recess for lunch.
11 Are you ready to proceed, Mr. Smith?

12 MR. SMITH: Sir?

13 THE COURT: Are you ready to proceed
14 with your cross-examination?

15 MR. SMITH: Yes, sir.

16 THE COURT: State ready?

17 SOLICITOR MOORE: Yes, sir.

18 THE COURT: Bring in our jury.

19 (WITNESS RESUMES STAND)

20 (JURY IN @ 12:49 P.M.)

21 CROSS EXAMINATION RESUMED

22 BY MR. SMITH:

23 Q. In your investigation, you learned
24 that Mr. Carver was not at the residence when
25 they discovered that the cocaine had been

1 taken?

2 A. Yes, sir.

3 Q. You also learned that the .38 nor
4 any other guns were provided to Jason Carver;
5 right?

6 A. The gun was provided to Curry and
7 Carver when they were leaving, so I don't
8 know.

9 Q. Which gun was provided to Mr. Curry?

10 A. The .38

11 Q. Which gun was provided to Mr.
12 Carver?

13 A. There were no other weapons
14 provided.

15 Q. And Mr. Gambrell told you that it
16 was not provided to him, meaning Mr. Curry
17 (sic); right?

18 A. He said that Mr. Curry took the
19 weapon.

20 Q. But there is no doubt that Mr.
21 Carver did not have a gun?

22 A. There were two guns in the car and
23 two suspects. I don't know if Mr. Curry had
24 a gun in his hand in the car and may have
25 handed it to Mr. Carver or -- I don't know

1 any of what transpired inside that vehicle
2 on the way to that house.

3 Q. So you're assuming that he did?

4 A. No, sir. I am just saying that
5 there were two guns and there were two guys
6 in the car.

7 Q. But nobody knows that that .25 --
8 there is no evidence, no one to say that
9 anyone knew about the .25 other than Curry?

10 A. There is nothing to say that he
11 didn't. I just don't know.

12 Q. Mr. Curry told you that he left the
13 gun in the car; right?

14 A. Yes.

15 Q. So we are here today and you're
16 saying that Mr. Carver did what?

17 SOLICITOR MOORE: Uh, ---

18 THE COURT: Sustained.

19 SOLICITOR MOORE: Thank you, Judge.

20 CROSS EXAINATION CONTINUED

21 BY MR. SMITH:

22 Q. Mr. Carver is charged with murder,
23 right?

24 A. Yes, sir.

25 Q. And that is based on what?

1 A. Based on his participation in the
2 murder of Steven Cameron. He drove the
3 murderer to and from the scene.

4 Q. Did Mr. Gambrell ever see Mr. Carver
5 with a gun?

6 SOLICITOR MOORE: Objection, Your Honor,
7 as to speculation.

8 THE COURT: He can answer if he knows.

9 WITNESS: He told me that Mr. Carver
10 hunts and that he had seen him with a rifle.

11 CROSS EXAMINATION CONTINUED

12 BY MR. SMITH:

13 Q. Is that what you put in your
14 incident report, your supplemental report?

15 A. Yes, sir. I am not sure in which
16 conversation with Mr. Gambrell -- it may have
17 been an earlier conversation with him.

18 Q. Didn't you say that Mr. Gambrell
19 provided them both with a weapon, a handgun?

20 A. Carver and Curry left together in
21 the same vehicle. A .38 caliber revolver was
22 taken with them, from Mr. Gambrell's
23 residence.

24 Q. And a .38, was recovered at
25 Appaloosa?

1 A. Yes, sir, it was.

2 Q. And when you did the fingerprint or
3 fingerprints were dusted, who'all was seen on
4 there?

5 A. We didn't get any fingerprints back
6 in this case that matched anyone, sir.

7 Q. So once again there is no evidence
8 that Mr. Carver ever touched the gun?

9 A. No, sir.

10 Q. Not even Mr. Gambrell's prints were
11 on it?

12 A. I didn't get any fingerprint matches
13 back from the weapon. My understanding is
14 that the way that fingerprints work and the
15 way you read them that it takes a lot of fine
16 detail in a fingerprint to be able to match
17 one. So to say that his fingerprints were
18 not on there is not entirely accurate. I
19 don't think -- fingerprints were not matched
20 in this case. A fingerprint can be on
21 something and not be matched to anyone.

22 Q. When Mr. Curry and Mr. Carver returned to
23 the Gambrell home, do you have any under-
24 standing of how Mr. Carver was emotionally?

25 SOLICITOR MOORE: Objection, Your Honor.

1 THE COURT: Overruled.

2 WITNESS: Just from what I got from
3 Mr. Gambrell -- (reviewing file), I'm trying
4 to find it here.

5 CROSS EXAMINATION CONTINUED

6 BY MR. SMITH:

7 Q. Was he crying?

8 A. I don't recall if he told me that or
9 not -- (reviewing file). I don't have any-
10 thing that Mr. Gambrell said documented in my
11 supplemental that says that.

12 Q. Look at page fifty-seven, please.

13 A. (Reviewing).

14 Q. What I am talking about specifically

15 ---

16 A. I'm just trying to find it.

17 MR. SMITH: May I approach the witness,
18 Your Honor?

19 THE COURT: Yes, sir.

20 CROSS EXAMINATION CONTINUED

21 BY MR. SMITH:

22 Q. Start right there and read four
23 sentences.

24 A. Here?

25 Q. Yeah. Now, we just talked about Mr.

1 Gambrell's knowledge of Mr. Carver with a
2 weapon, right?

3 A. Right.

4 Q. It was a hunting weapon that he saw
5 him with?

6 A. (Affirmative nod).

7 Q. Is that what your report says?

8 A. Well, these are two separate
9 interviews that we are talking about, sir.
10 When he was talking about the hunting rifle,
11 I was talking about the original interview
12 when I talked to him. He said at that time
13 that was the only weapon he had seen him
14 with. That was -- it's on page fifty-six, I
15 believe, middle of the page there in the
16 supplement. The interview with Mr. Gambrell
17 on 4/7.

18 Q. Did you understand from your
19 investigation that Mr. Curry had expressed
20 to Mr. Carver that if he told anybody that he
21 would be killed?

22 A. I was told that; yes, sir.

23 Q. And did you also learn that Mr.
24 Curry told his wife that if she said anything
25 that he would kill her and her son?

1 A. Yes, sir.

2 Q. Now, is it your understanding that
3 Mr. Carver was a witness to Mr. Curry
4 shooting Mr. Cameron?

5 A. Yes, sir.

6 Q. Mr. Gambrell was aware of the
7 pistol, the .38 being picked up?

8 SOLICITOR MOORE: Objection, Your Honor.

9 THE COURT: Sustained.

10 SOLICITOR MOORE: Thank you.

11 CROSS EXAMINATION CONTINUED

12 BY MR. SMITH:

13 Q. That weapon was not utilized in this
14 event to our knowledge?

15 SOLICITOR MOORE: Objection, Your Honor.

16 THE COURT: Asked and answered. Move
17 forward, please.

18 CROSS EXAMINATION CONTINUED

19 BY MR. SMITH:

20 Q. The reports that you created were
21 based on your interviews; right?

22 A. Yes, sir, -- well, my interviews and
23 reports from other investigators and
24 witnesses throughout the course of the case.

25 Q. Do you believe that your reports

1 accurately depict what was said in those
2 interviews?

3 A. Yes, sir. I tend to summarize and
4 have the videos and audios available for the
5 full interviews, if necessary.

6 MR. SMITH: May I approach, Your Honor?

7 THE COURT: Yes, sir.

8 (OFF RECORD BENCH CONFERENCE)

9 THE COURT: Ladies and gentlemen of the
10 jury, I am going to go ahead and take a lunch
11 break now. I have a conference call that I
12 have to do at 2:00 o'clock by Order of the
13 Supreme Court, so we will start back at 2:30.
14 Be back in your jury room at 2:30 and we will
15 resume the testimony at that time. Thank
16 you. Leave your pads in the jury room.

17 (JURY OUT @ 1:03 P.M.)

18 THE COURT: For the record, two things
19 that I want to put on the record. I told the
20 Solicitor to get the footage of the
21 surveillance that was admitted as State's
22 Exhibit 14.

23 I also told everyone involved that if
24 anybody wanted something that is not
25 presented that it is up to them to make sure

1 they present their case.

2 We had a bench conference right before we
3 broke. Defense counsel indicated that he
4 wanted to use the actual questioning of some
5 of these witnesses by various detectives or
6 this detective in cross-examination.

7 I told you -- I think I understand --
8 that's fine if you use it to impeach certain
9 parts of his testimony, but we're not going
10 to go back and play the whole thing because
11 you've been cross-examining him for about an
12 hours. I know it's a murder case, so I'm
13 giving you some leeway but we're not going to
14 go back and rehash things that are already
15 part of the record. Is that fair enough?

16 MR. SMITH: Yes, sir.

17 SOLICITOR MOORE: Yes, Your Honor.

18 THE COURT: Anything else from the
19 defense before we break for lunch?

20 MR. SMITH: No, sir. I'm going to
21 review and make sure that everything is ready
22 to go, if in fact I decide to do that, based
23 on our discussion.

24 THE COURT: All right. Anything
25 further from the State?

1 SOLICITOR MOORE: Nothing, Your Honor.

2 THE COURT: I'll see you guys at 2:30.

3 (LUNCH RECESS 1:10 - 2:35 P.M.)

4 (DEFENDANT PRESENT)

5 THE COURT: Please be seated. Mr.

6 Smith, are you ready to continue?

7 MR. SMITH: I would like to turn my
8 attention to the video. We have some. I'm
9 not ready to use it yet, not with this
10 witness.

11 THE COURT: Okay, sir. Do you have
12 anything else on cross-examination?

13 MR. SMITH: I have a few questions,
14 yes.

15 THE COURT: State ready?

16 SOLICITOR MOORE: Yes, sir.

17 THE COURT: Bring in the jury.

18 (WITNESS RESUMES WITNESS STAND)

19 (JURY IN @ 2:36 P.M.)

20 THE COURT: Mr. Smith, you may continue
21 with your cross-examination.

22 MR. SMITH: May it please the Court?

23 THE COURT: Yes, sir.

24 TESTIMONY OF KREIG MAZGOLF CONTINUED

25 CROSS EXAMINATION RESUMED

1 BY MR. SMITH:

2 Q. Detective Marzolf, we talked
3 earlier about Mr. Cameron's tendency for
4 anger or violence. I asked you specifically
5 if you had talked to anybody or learned of
6 that issue previously. Right?

7 A. Yes, sir.

8 Q. And what you have in your hand now
9 is a supplemental report. Right?

10 A. Yes, sir.

11 Q. Something that you signed off on?

12 A. No, sir.

13 Q. Who is the "K. Marzolf" at the
14 bottom?

15 A. That just means that I am the
16 officer in charge of the whole investigation.
17 This supplemental is actually Scott Hill's.

18 Q. You were the lead investigator?

19 A. Yes.

20 Q. Is that something that you have in
21 front of you?

22 A. It is not something that I would
23 have in here, no.

24 Q. No?

25 A. (Negative gesture).

1 Q. Does that also indicate a violent
2 tendency ---

3 SOLICITOR MOORE: Your Honor, objection
4 as to hearsay.

5 THE COURT: Ask the question again.

6 CROSS EXAMINATION CONTINUED

7 BY MR. SMITH:

8 Q. This that you have in front of you,
9 which is under your purview, that also
10 demonstrates a tendency towards violence;
11 right?

12 A. This is Scott Hill's supplemental
13 and apparently he was talking to a witness
14 who told him about some tendencies and things
15 of that nature, but it is nothing that was
16 told to me.

17 Q. Yes, sir. That's the neighbor,
18 right?

19 A. Yes, sir.

20 Q. In fact, he wasn't hanging with him
21 anymore before that?

22 A. (No verbal response).

23 MR. SMITH: Mark this for marking
24 purposes.

25 THE COURT: Are you going to introduce

1 it?

2 MR. SMITH: No.

3 CROSS EXAMINATION CONTINUED

4 BY MR. SMITH:

5 Q. So there is no question about him --
6 how many other people recognized the violence
7 as a result of his closed head injury?

8 A. The one thing that I found as far as
9 what we were discussing earlier -- please
10 repeat the question.

11 Q. Do you know of anyone that described
12 Mr. Cameron as being violent or having a
13 short fuse?

14 A. I can't think of anyone off the top
15 of my head. I know that he had a closed head
16 injury and a drug addiction problem, but
17 that's the extent of my knowledge about that.

18 Q. How long have we known about this
19 trial, sir?

20 A. For quite some time.

21 Q. Are you prepared for it?

22 A. Yes, sir.

23 Q. You just don't remember seeing
24 anything about it?

25 A. No, sir, the reports and case file

1 is every extensive. I've been over it but I
2 don't remember from memory every specific
3 detail about a case file.

4 Q. Yes, sir. Mr. Curry, -- is it your
5 understanding that he had a short fuse?

6 A. I don't -- I can't speak to that.

7 Q. In your investigation, did you learn
8 or did you hear that he was on methampheta-
9 mine at the time of the incident?

10 A. I heard that he was a drug addict.

11 Q. The first interview that your office
12 had with him ended in two minutes?

13 A. I don't believe that it was very
14 extensive. Another investigator spoke with
15 him.

16 Q. It was a short interview because he
17 was not capable of communicating, right? He
18 was high on drugs or something?

19 SOLICITOR MOORE: Objection, Your Honor.

20 THE COURT: I sustain the objection.

21 SOLICITOR MOORE: Thank you.

22 CROSS EXAMINATION CONTINUED

23 BY MR. SMITH:

24 Q. Do you know why it ended?

25 A. Uh, no, sir, I wasn't present for

1 the interview. I don't know exactly why it
2 was ended.

3 Q. The officer didn't come to you and
4 say, 'hey, we're going to have to do this
5 again.'

6 A. No, I don't remember him saying
7 that. I know we talked about it but I don't
8 remember the conversation.

9 Q. Who stopped the interview?

10 A. I wasn't there. I can't speak to
11 that.

12 Q. One last question. Mr. Carver is
13 charged with what?

14 A. He is charged with participating in
15 the murder.

16 MR. SMITH: Thank you. Nothing
17 further.

18 THE COURT: Redirect?

19 SOLICITOR MOORE: I have no redirect,
20 Your Honor.

21 THE COURT: Thank you. You may step
22 down.

23 (WITNESS STEPS DOWN)

24 THE COURT: Call your next witness.

25 SOLICITOR MOORE: Your Honor, at this

1 time the State calls Woodrow Curry.

2 (WITNESS TAKES STAND)

3 WOODROW CURRY, having been sworn to tell
4 the truth, and nothing but the truth,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY SOLICITOR MOORE:

8 Q. Mr. Curry, could you tell us one
9 more time your full name.

10 A. Woodrow Curry.

11 Q. How old are you, Mr. Curry?

12 A. Twenty-six.

13 Q. Where are you from?

14 A. Greenville, South Carolina.

15 Q. I see you're in an orange jumpsuit
16 today. Where are you currently incarcerated?

17 A. Greenville County Detention Center.

18 Q. All right. Were you incarcerated on
19 March 28th, 2016?

20 A. No -- I don't know the date. I have
21 been for the past fifteen months.

22 Q. Okay. Do you remember in March of
23 2016 being at Appaloosa Drive?

24 A. I'm not sure of the dates.

25 Q. You've been to Appaloosa Drive

1 before?

2 A. Yes.

3 Q. Okay. And do you remember when you
4 got incarcerated on this charge? On your
5 current charges?

6 A. Yes.

7 Q. When was that?

8 A. About fifteen months ago.

9 Q. That would be around April 12th,
10 2016?

11 A. Yes.

12 Q. So it's safe to say that you were
13 not incarcerated on March 28th, 2016?

14 A. I don't know.

15 Q. Before you became incarcerated, what
16 was your occupation? What did you do for a
17 living?

18 A. Before I was incarcerated, I was
19 working on cars for Milton Gambrell.

20 Q. For Milton Gambrell?

21 A. Yeah.

22 Q. Was that Milton Gambrell's house?

23 A. Yeah.

24 Q. 310 Appaloosa Drive?

25 A. Yeah.

1 Q. Where were you living there?

2 A. City View. I can't seem to think of
3 the name of the street.

4 Q. That's okay. City View. Was that
5 in Greenville?

6 A. Yeah. Greenville, South Carolina.

7 Q. Do you know this defendant? Do you
8 know Jason Carver?

9 A. Yes.

10 Q. How do you know him?

11 A. Through Milton Gambrell.

12 Q. Before March 28th, 2016, -- I know
13 you're not good with dates, but around 2016
14 how long had you known him?

15 A. Just -- since I'd met him.

16 Q. How long would that have been?

17 A. Oh, about a month.

18 Q. And how do you know -- we know him
19 as James Gambrell, but you call him Milton?

20 A. Yeah.

21 Q. How do you know Milton Gambrell?

22 A. I used to work at a scrap yard and
23 he used to haul scrap to the yard.

24 Q. How long had you known him?

25 A. Around eight, nine, ten years.

1 Q. So for a while?

2 A. Yes.

3 Q. All right. Were you with Jason
4 Carver and James Gambrell on the night that
5 I am asking you about?

6 A. (No verbal response).

7 Q. The night that you are here to talk
8 about today?

9 A. Yes.

10 Q. You were?

11 A. Yes.

12 Q. Where were the three of you?

13 A. I was outside working on a car.
14 Milton Gambrell, he was inside. Jason, he
15 was at work and he'd just got off work and he
16 came over there.

17 Q. Who else was at the house that
18 night? Do you remember?

19 A. My wife, Milton's wife. My stepson,
20 he was there.

21 Q. What were y'all doing?

22 A. Well, at the time -- at the time I
23 was working on a car. I was working on a car
24 and I guess he was in there with them. Then
25 Milton came out there and told Jason to take

1 Steven home.

2 Q. Why did Milt get Jason Carver to
3 take Steven home?

4 A. Because Steven didn't have no way.
5 He'd brought a dirt bike over there, so --
6 (pause).

7 Q. He's brought a dirt bike -- the
8 victim brought a dirt bike over to Mr.
9 Gambrell's house?

10 A. Yes.

11 Q. And he sold it while he was there?

12 A. Yes.

13 Q. So he didn't have any way to get
14 home?

15 A. Right.

16 Q. Okay. And do you know in particular
17 why he asked Mr. Carver to take him home?

18 A. I don't know.

19 Q. You just know that he did?

20 A. Yeah. He did stuff like that when
21 he asked him to.

22 Q. Do you remember about what time that
23 they left?

24 A. No, ma'am. I'd say around 6:30 or
25 7:00.

1 Q. You're not positive?

2 A. No, ma'am.

3 Q. Can you tell us about how long they
4 were gone?

5 A. Probably twenty, thirty minutes.

6 Q. Okay. And did Jason Carver come
7 back to Appaloosa Drive?

8 A. Yes, ma'am.

9 Q. Was he alone when he came back?

10 A. Yes, ma'am.

11 Q. Okay. And, uh, did the two of you
12 go anywhere together that night?

13 A. We went back to Steven house.

14 Q. Do you remember what that address
15 is?

16 A. No, ma'am.

17 Q. Does Sterling Bridge Road sound
18 familiar?

19 A. Yes, ma'am.

20 Q. Okay. Did you know why you were
21 going to Sterling Bridge Road?

22 A. Yes, ma'am.

23 Q. Did Jason Carver know why you were
24 going to Sterling Bridge Road?

25 A. Yes, ma'am.

1 Q. Why were y'all going to Sterling
2 Bridge Road?

3 A. To go retrieve -- Milton had told us
4 that Steven had stolen some drugs and that
5 since Carver knew where his house was for us
6 to go back over there and get either the dope
7 or the money.

8 Q. Can you repeat that one more time.
9 You said Carver knew where his house was.

10 A. Yes, ma'am.

11 Q. Was Carver, to your knowledge, the
12 only person who knew where Steve Cameron
13 lived?

14 A. Yes.

15 Q. Did you have a gun when you left
16 Appaloosa Drive?

17 A. Yes.

18 Q. Where did you get that gun?

19 A. Milton Gambrell.

20 Q. Did Jason Carver have a gun when you
21 left Appaloosa Drive?

22 A. Yes.

23 Q. Where did he get that gun?

24 A. It was his.

25 Q. Did you have more than one gun with

1 you?

2 A. Yes.

3 Q. How many guns did you have?

4 A. Two.

5 Q. Do you remember what kind of guns
6 they were?

7 A. A .38 and a .22 -- .25, I mean.

8 Q. Who drove to Sterling Bridge Road
9 that night?

10 A. Uh, -- Jason Carver.

11 Q. And you said that was because Jason
12 knew where Steven Cameron lived?

13 A. Yeah.

14 Q. What car did he drive?

15 A. The white Buick.

16 Q. Where did y'all get that car?

17 A. It was his, Milton's.

18 Q. And what happened next, what
19 happened after you left Appaloosa Drive?

20 A. We went over there and knocked on
21 the door. No one came to the door. The door
22 looked like it hadn't been closed. So we
23 just kinda of tapped a little harder and it
24 come open. I didn't know if Steven had
25 opened it or -- but all of a sudden he come

1 out the door there like he was riled up or
2 something there. He stormed out.

3 Q. Where were you standing on the porch
4 when you were talking to Steven Cameron?

5 A. Just there where when he come out
6 the door, I backed up.

7 Q. Okay.

8 A. So it started out there and then he
9 -- he was a little agitated, so I stepped
10 back towards the steps.

11 Q. So you were on the front porch?

12 A. Yes, ma'am.

13 Q. And was Jason Carver there with you?

14 A. Yes, ma'am, he was there by the
15 steps too.

16 Q. So you say that you spoke to Steven
17 Cameron that night. What did you say to him
18 again?

19 A. I told Milt Gambrell wanted his coke
20 back, that he had stole the coke; that Milt
21 wanted him to pay for it or he wanted his
22 coke back.

23 Q. Okay, and did Steven Cameron give
24 you any money?

25 A. No, ma'am.

1 Q. Did he give you any drugs?

2 A. No, ma'am.

3 Q. What did he do?

4 A. He denied that he took it. I told
5 him, 'well, Milt says you definitely did.'

6 He said, 'Well, he ---

7 MR. SMITH: Objection as to hearsay.

8 THE COURT: Sustained.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR MOORE:

11 Q. That's okay, stop right here. I am
12 going to ask you another question. Okay?

13 A. (Affirmative nod).

14 Q. So you had a chat with Steven
15 Cameron. And after he did not give you any
16 money and he did not give you any drugs, what
17 did you do?

18 A. I don't know, I like turned and he
19 come at me, and I looked down, I didn't know
20 I had the gun but obviously I did -- I had
21 it, I mean. Then like, 'oh.' He charged at
22 me and -- I don't even remember pulling the
23 trigger but I heard *Pop! Pop!* So -- (pause).

24 Q. So you shot Steven Cameron?

25 A. Yeah, I guess.

1 Q. You said that you heard "Pop, pop!"

2 A. Yeah. I heard it.

3 Q. Do you remember how many times you
4 fired?

5 A. No, ma'am. See, I don't even
6 remember pulling the trigger or nothing.
7 I don't know remember that.

8 Q. What happened after you shot?

9 A. I turned around and run back to the
10 car. I was scared. I ran back to the car,
11 got in the car. By that time Carver was
12 there and he jumped in the car with me.

13 Q. Were you in the driver's seat or was
14 Mr. Carver in the driver seat?

15 A. He was.

16 Q. I'm sorry?

17 A. Mr. Carver.

18 Q. Mr. Carver was in the driver's seat?

19 A. Yes, ma'am.

20 Q. Okay. And, uh, what did Jason
21 Carver do when he got in the driver's seat?

22 A. Drove away.

23 Q. He drove away?

24 A. Yes, ma'am.

25 Q. Did you tell Mr. Carver when you got

1 in the car to turn the headlights off?

2 A. No, ma'am.

3 Q. What did you and Jason Carver do
4 when you left Steven Cameron's house?

5 A. Went back to Milt's.

6 Q. Now, we talked about you being
7 incarcerated in Greenville County.

8 A. Yes, ma'am.

9 Q. What are you incarcerated for?

10 A. Trafficking.

11 Q. Anything else?

12 A. Naw.

13 Q. Were you recently being held on
14 other charges from Anderson County?

15 A. No, ma'am.

16 Q. For this case?

17 A. It was only like two weeks after
18 this happened that Greenville arrested me.

19 Q. Had you been charged with murder in
20 this case?

21 A. They come and told me, uh, I --
22 (affirmative nod). I turned myself in.

23 Q. So yes, you had been charged with
24 murder in this case?

25 A. (Affirmative nod).

1 Q. Did you recently enter a guilty plea
2 in this case?

3 A. Yes, ma'am.

4 Q. What did you plead to?

5 A. Voluntary manslaughter.

6 Q. Were you sentenced?

7 A. Not yet.

8 Q. Not yet?

9 A. (Negative gesture).

10 Q. Did I promise you anything in order
11 to get you to come and testify today?

12 A. No, ma'am.

13 Q. Did I threaten you in any way to get
14 you to come here and testify?

15 A. No, ma'am.

16 Q. Do you have any kind of record that
17 you would like to tell me about, any kind of
18 criminal record?

19 A. I don't know.

20 Q. You don't know?

21 A. I have a record, but not that I know
22 of.

23 Q. You do. Does it sound right that
24 you have a possession with intent to
25 distribute methamphetamine waste, first

1 offense, from 2013?

2 A. Yeah, that sounds right.

3 Q. That sounds right?

4 A. (Affirmative nod).

5 Q. Okay. And you say that you're
6 still being held on trafficking charges in
7 Greenville?

8 A. Yes, ma'am.

9 Q. Is everything that you've told us
10 here today the same thing that you told the
11 detective who came to interview you or did
12 your story change a little bit?

13 A. It's the same.

14 Q. When you originally spoke to
15 detectives who did you say shot Steven
16 Cameron?

17 A. I didn't.

18 Q. You didn't?

19 A. (Negative gesture).

20 Q. So you're telling us today who shot
21 Steven Cameron?

22 A. Yes, ma'am. It just happened, I
23 didn't mean to shoot him. He was just coming
24 at me. I don't even remember pulling the
25 trigger, it just went -- (pause) -- I wish I

1 could turn back time, but I can't.

2 Q. Thank you, Mr. Curry. Please answer
3 any questions that Mr. Smith may have for
4 you.

5 A. Okay.

6 THE COURT: Cross-examination.

7 MR. SMITH: May it please the Court?

8 THE COURT: Yes, sir.

9 CROSS EXAMINATION

10 BY MR. SMITH:

11 Q. How did Mr. Cameron die?

12 A. I shot him.

13 Q. "I shot him" with what?

14 A. A .22.

15 Q. You reckon it was it a .22?

16 A. Yeah, it was a .22 or a .25. I'm
17 not sure.

18 Q. Why don't you know which one it was?

19 A. It wasn't my gun. It looked like a
20 .22 caliber, it was a small caliber.

21 Q. So you don't know if that was your
22 .25?

23 A. It wasn't mine.

24 Q. It wasn't?

25 A. No, I don't have a gun.

1 Q. How did your wife know about it?

2 A. What do you mean?

3 Q. How did she know about your .25?

4 A. How did she know about that I had a
5 .25?

6 Q. Yes, sir.

7 A. 'Cause I told her, she's my wife.

8 Q. Okay. What did you tell her?

9 A. That I had it that night.

10 Q. How long had you had it?

11 A. I didn't have it. I just had
12 because Milt gave it to go get his cocaine.

13 Q. Where is it now?

14 A. I guess Milt has it, he's had it for
15 years.

16 Q. You took the .38?

17 A. Huh?

18 Q. You took the .38?

19 A. He gave me the .38 along with the
20 .25 when he sent us to Steven's.

21 Q. Gosh, that's not the same gun,
22 though, is it?

23 A. I don't know.

24 Q. You don't know?

25 A. I don't know.

1 Q. Did you remember when you pled
2 guilty yesterday?

3 A. Yes.

4 Q. You don't have a sentence yet;
5 right?

6 A. Right.

7 Q. Right. Why not?

8 A. They deferred sentence on me.

9 Q. What's that?

10 A. I said that they deferred
11 sentencing.

12 Q. What are we waiting for? Is
13 something going to happen?

14 A. No.

15 Q. Okay. You've been in trouble
16 before.

17 A. (Affirmative nod).

18 Q. And you've been sentenced before?

19 A. (Affirmative nod).

20 Q. How many times have you had a
21 deferred sentence before?

22 A. Not any. I never had.

23 Q. So you've never had a deferred
24 sentence before this time?

25 A. No, I hadn't.

1 Q. You were part of that conversation,
2 right?

3 A. I don't know what you mean.

4 Q. Well, this is different than
5 anything that you'd experienced before.

6 A. Yeah.

7 Q. I want to know why.

8 A. I don't know.

9 Q. Have you ever said that there were
10 two guns before?

11 A. They didn't ask me.

12 Q. They didn't ask you in your
13 interviews?

14 A. What? If there was two guns?

15 Q. (Affirmative nod).

16 A. No.

17 Q. They asked you how Mr. Cameron was
18 shot?

19 A. They asked me how I shot him.

20 Q. And that's when you told them that
21 it was with the .25.

22 A. They didn't ask me, they tell me.

23 Q. How long were your interviews?

24 A. I don't know.

25 Q. How many were there?

1 A. I am not sure.

2 Q. You are pretty sure there were at
3 least two, right?

4 A. Yeah.

5 Q. How many interviews did you have?

6 A. I don't know, I didn't count them.
7 Interviews? You mean people speaking to me
8 about this case?

9 Q. Yeah. Yes, sir. How many times did
10 you talk to the police?

11 A. Maybe twice.

12 Q. Which one was longer, the first or
13 the second?

14 A. Second.

15 Q. How long do you think the first one
16 went?

17 A. I don't know.

18 Q. Five minutes?

19 A. It was pretty fast.

20 Q. Why is that? Did you end it or did
21 the police end it?

22 A. I ended it.

23 Q. Why did you end it?

24 A. I didn't have nothing to say at the
25 time.

1 Q. Were you under the influence on
2 March 29th?

3 A. I'm not sure when that was.

4 Q. What was that?

5 A. I am not for sure when that was. I
6 don't remember dates.

7 Q. What about the day that you shot Mr.
8 Cameron?

9 A. Okay. Yeah.

10 Q. Were you under the influence at that
11 point?

12 A. Yeah.

13 Q. How would you -- you know yourself
14 better than anybody else. How "high" were
15 you?

16 A. I was high as normally high.

17 Q. So it was normal for you to be high
18 enough that you didn't know what you were
19 doing?

20 A. It was normal for me to be high, I
21 guess. Mr. Gambrell gives us dope when we
22 come over there. We got high. We weren't
23 going anywhere.

24 Q. When does your day start with Mr.
25 Gambrell?

1 A. Early in the morning.

2 Q. How many cars had you worked on that
3 day?

4 A. About two.

5 Q. What did you do?

6 A. I don't remember exactly.

7 Q. Mr. Gambrell had Mr. Carver doing
8 real work, right? Because you didn't know
9 what you were doing.

10 A. Mr. Carver did the work ---

11 Q. Did you work on transmissions?

12 A. I didn't know transmissions, no.
13 Mr. Carver did the transmissions.

14 Q. He'd worked that previous weekend on
15 a vehicle, worked on a transmission to
16 rebuild it. Right?

17 A. I don't know.

18 Q. And on Monday -- it was a Monday,
19 right?

20 A. I don't know.

21 Q. If I told you that you went over
22 there after work, at a quarter of 6:00, would
23 that sound reasonable?

24 A. Yeah, I went over there after work.

25 Q. And he was putting the finishing

1 touches on that vehicle that he was working
2 on. Right?

3 A. It's possible.

4 Q. You said that nobody knows where Mr.
5 Cameron lived. Is that true?

6 A. I know.

7 Q. Well, you said nobody -- Mr.
8 Gambrell knew where he lived. Right?

9 A. I didn't say nobody. Milt said he
10 did. I don't know if he did or didn't.

11 Q. Had y'all been drinking that day?

12 A. Drink every day.

13 Q. So in response to people who say
14 'don't drink and drive', what would you say?

15 A. Uh, I don't know.

16 Q. Mr. Cameron sold that mini bike to
17 Quay; right?

18 A. Yes, sir.

19 Q. Quay is Milton's nephew?

20 A. Yeah.

21 Q. In fact they went and got the title,
22 didn't they?

23 A. Signed a bill of sale.

24 Q. Of course that would have the
25 seller's address, wouldn't it?

1 A. I'd reckon. Quay wasn't there then.

2 Q. Quay was not at the house at that
3 time?

4 A. Quay, to my understanding -- being
5 all honest, to my understanding was that
6 actually Quay told Steven and Steven decided
7 to take it from Gambrell, because Quay hadn't
8 come back at that time. Steven and Quay --
9 that actually Quay told Steven and Steven
10 decided to collect from Gambrell because Quay
11 hadn't come back yet. Steven and Quay owned
12 the place. Quay didn't come back, was my
13 understanding.

14 Q. So did you and Steven talk about --
15 when did you talk to Steven?

16 A. I talked to Steven when -- I didn't
17 talk with Steven, Steven -- Steven.

18 Q. Gambrell talked to Steven?

19 A. Yeah, they were inside the house.

20 Q. Mr. Carver?

21 A. Right.

22 Q. Where did you keep your .25?

23 A. I didn't keep a .25

24 Q. What would you call it? Possess it?

25 A. I mean, the gun that Gambrell give

1 to -- that went to Steven's, is that what
2 you're talking about?

3 Q. Yes.

4 A. Waistband.

5 Q. You had it in your fanny pack,
6 didn't you?

7 A. No. Waistband. I don't have a
8 fanny pack.

9 Q. So it wasn't visible out of your
10 fanny pack?

11 A. No.

12 Q. Yes?

13 A. I don't know.

14 Q. Did they ever find that .25?

15 A. I don't know.

16 Q. Are you sure that you didn't keep it
17 with you to make sure that nobody got it?

18 A. I'm sure.

19 Q. Do you recall threatening your wife
20 and her son if they told anybody?

21 A. No.

22 Q. No recollection of that?

23 A. No, sir.

24 Q. No recollection of that?

25 A. No, sir.

1 Q. Mr. Carver tried to take it away
2 from you, didn't he?

3 A. No, sir.

4 Q. You remember getting in the car,
5 putting the gun in your lap pointed at him
6 and telling him that if he told anybody that
7 you would kill him and his mother?

8 A. No, sir.

9 Q. You have a green Grand Am?

10 A. Yes, sir. Well, I did have.

11 Q. You had it on that day?

12 A. Yes, sir.

13 Q. And you know where Mr. Carver's
14 mother lives, don't you?

15 A. Yes, sir.

16 Q. You went by that house fifteen
17 minutes after he left Mr. Gambrell's house?

18 A. No, sir.

19 Q. Where did you go?

20 A. I went home.

21 Q. So you recall that part?

22 A. Yes, sir.

23 Q. When did your recollection come
24 back?

25 A. (No verbal response).

1 Q. I mean, I know you couldn't recall
2 shooting him. Right?

3 A. I do not recall pulling the trigger.

4 Q. You shot him?

5 A. That's what I'm telling you. I went
6 home, I'm not -- you know, it was unreal.

7 Q. So your day was done?

8 A. My day was a wreck, man, (negative
9 gesture), my day was done.

10 Q. So you went home to your wife and
11 her son, right?

12 A. Yeah.

13 Q. What is your driver's license
14 number?

15 A. Don't have a driver's license.

16 Q. Why did Mr. Carver drive you there?

17 A. Because I don't have a driver's
18 license.

19 Q. So Milton asked him to drive you
20 because he had a drivers license and you
21 didn't; right?

22 A. He'd just told Carver -- he's just
23 took Steven home. So he know where Steven
24 lived. I didn't.

25 Q. Yes, sir. So that is why Mr. Carver

1 was going?

2 A. Yes, sir.

3 Q. He was taking you there. He was
4 driving back to get Mr. Cameron because Mr.
5 Gambrell told him, 'Hey, you need to go get
6 him.' Isn't that right?

7 A. Yes, sir.

8 Q. 'Bring Cameron back.'

9 A. He told him to go down there and get
10 his dope or his money back because Steven had
11 stole his money/dope.

12 Q. Mr. Carver hadn't had any drugs that
13 day, had he?

14 A. Sure.

15 Q. When?

16 A. (No verbal response).

17 Q. When?

18 A. When I come in they all smoking. I
19 can't say for sure because I wasn't in there.
20 Maybe not. But they be smoking every day
21 when I come over there.

22 Q. How many times did he go in the
23 house that day?

24 A. I don't know. Maybe once.

25 Q. Once and that is when he was told

1 that he needed to go back and get Mr.

2 Cameron, isn't that right?

3 A. Once when he was told to take
4 Cameron home, then again when he was told to
5 go back.

6 Q. Mr. Gambrell came outside to tell
7 him to take Mr. Cameron home, the first time;
8 didn't he?

9 A. Yeah.

10 Q. All right. Then the second time
11 when he came back, that's when he was told
12 that he needed to go back and get him.

13 A. (No verbal response).

14 Q. Why didn't you or Mr. Gambrell text
15 Mr. Carver and tell him to bring Mr. Cameron
16 back before we went all the way down there?

17 A. He didn't have a phone, is what he
18 told me.

19 Q. Did Mr. Carver have a phone?

20 A. I don't know. He tried to call
21 Steven.

22 Q. So with regard to Mr. Carver, you
23 know that he didn't get in contact with him
24 via phone; correct?

25 A. I don't know that he had a phone.

1 He told me that he didn't have a phone.

2 Q. If I said that Mr. Carver did have a
3 phone, would you believe that?

4 A. Yeah, it's possible. Sometimes
5 Carver did, sometimes he didn't.

6 Q. What gun did Mr. Carver have?

7 A. His own gun, a -- I don't know what
8 caliber his gun was but he had a gun, a gun
9 that he owned.

10 Q. Really?

11 A. (Affirmative nod).

12 Q. What color was it?

13 A. It was a, had a long -- I don't know
14 what kind.

15 Q. You don't know what kind it was,
16 though?

17 A. I'd say a .380 but I don't know
18 exactly.

19 Q. When did he present that to you?
20 When did you see it?

21 A. I seen it when he showed it to Milt
22 one night.

23 Q. When he what?

24 A. When he showed it to Milton, because
25 he was proud of the gun.

1 Q. So you're telling us that you seen
2 him with something other than a rifle?

3 A. He should, (affirmative nod). It's
4 the truth, man. I wouldn't lie.

5 Q. You worked for Mr. Gambrell for
6 eight years?

7 A. No. For three years.

8 Q. You know it was three years.

9 A. I known him for more years, ten or
10 twelve years now.

11 Q. Because of the scrap metal work?

12 A. He brought scrap metal into the
13 scrap yard where I worked.

14 Q. Yes, sir. Mr. Carver was gone
15 twenty or thirty minutes?

16 A. To take Steven home; yes, sir.

17 Q. Was there a delay in any way or did
18 he travel that long a trip?

19 A. I'd say that was about the right
20 time.

21 Q. Now, you were at that house with Mr.
22 Gambrell and that is when Mr. Gambrell
23 learned that there was cocaine missing.
24 Isn't that right?

25 A. Yes, sir.

1 Q So before Mr. Carver got back, what
2 did you tell Milton?

3 A. I don't follow you.

4 Q. He obviously found out that the
5 cocaine was missing. Did he say, 'Ah, man, I
6 can't believe that Steve Cameron just took my
7 cocaine.'

8 A. He come outside and told me to come
9 in, and that's how I learned -- when he come
10 outside and told me to come in, that's when
11 he told me that Steven Gambrell (sic) -- I
12 mean Steven Cameron had took his dope.
13 That's when he give me the gun. Now, I
14 didn't think about why he was giving me a
15 gun.

16 Q. Where did he give the gun to you?

17 A. Where?

18 Q. Yes.

19 A. In his little, like, -- I guess
20 you'd call it his man cave. Got a little
21 room there where he'd got his -- and we
22 stepped in there.

23 Q. Who was the first person out of that
24 room?

25 A. I don't remember exactly. What are

1 you referring to?

2 Q. After you left that room after he'd
3 noticed that the cocaine was missing, ---

4 A. After he noticed the cocaine was
5 missing, I guess he did and I was right
6 behind him.

7 Q. Right. So did you grab the gun as
8 you were walking out of that room?

9 A. No, he give me the gun before I left
10 the room.

11 Q. He gave you two guns?

12 A. (Affirmative nod).

13 Q. Now, the house has video
14 surveillance; right?

15 A. (Affirmative nod).

16 Q. Is that a yes?

17 A. Yes, sir.

18 Q. Therefore you could see Mr. Carver
19 approach?

20 A. Yes, sir.

21 Q. So the minute that Mr. Carver pulls
22 in that driveway, you and Mr. Gambrell tell
23 him that he needs to go back and get him?

24 A. Yes, sir.

25 Q. You don't take the next twenty

1 minutes telling him about the unbelievable
2 Mr. Cameron taking his cocaine, do you?

3 A. No. No, he didn't.

4 Q. Did he talk to him about not having
5 a phone, how he couldn't get in touch with
6 him?

7 A. I don't know. I don't recall.

8 Q. What do you recall for sure?

9 A. I recall him being told to go back
10 to Steven's, that he had taken his coke, to
11 get the coke or the money and to take me with
12 him. He said that he'd tried to call him but
13 that he couldn't get ahold of him.

14 Q. Why would he need to take you with
15 him if he knows where to go?

16 A. I don't know, sir.

17 Q. Are you sure that you didn't just
18 get in?

19 A. He called me, I guess, his "do boy".

20 Q. Were you his "do boy"?

21 A. I guess I was.

22 Q. What was the make of the gun that
23 Mr. Carver likely had?

24 A. I'm not for sure, sir. It was a
25 shiny gun that had a long barrel, I think.

1 Q. Do you recall giving an interview
2 wherein he said that he told you to leave the
3 gun and that in fact you left the gun in the
4 car?

5 A. Yes, sir.

6 Q. All right. You still had the gun,
7 though; didn't you?

8 A. Yes, sir.

9 Q. And he was not aware of that gun,
10 was he?

11 A. Who?

12 Q. Mr. Carver?

13 A. Maybe not.

14 Q. So Mr. Carver thought -- 'I told him
15 to leave it in the car, he left it in the
16 car.' So going up to the door, you told the
17 guy 'Hey, you have something of his' or 'do
18 you have some money?' Does that sound about
19 right?

20 A. Yeah. I mean, I don't -- there --
21 this wasn't -- there wasn't no plan to kill
22 nobody.

23 Q. Nobody had that plan, did they?

24 A. No, sir.

25 Q. How long have you know Mr. Cameron?

1 A. Not long.

2 Q. What was his temper like?

3 A. I didn't know him that well.

4 Q. On this particular occasion what was
5 it?

6 A. On this particular occasion it was,
7 like, aggravated.

8 Q. All right. What did you say at that
9 point? What did you ask him? What did you
10 tell him?

11 A. That Milton wanted his drugs back or
12 wanted him to pay for it.

13 Q. Was there anything more to that?

14 A. (Negative gesture).

15 Q. Is that a "no"?

16 A. Yes, sir.

17 Q. And he is not aware that there was a
18 gun either, is that right?

19 A. Not until -- I guess not until I
20 pulled it on him. I didn't even realize it.
21 I didn't even realize that I did have it.

22 Q. How many times did he push you at
23 that point?

24 A. He'd come at me. He come at me and
25 I -- I -- that's whenever he pushed me and I

1 guess that's when I must have pulled it out,
2 had it in my hand. I heard the *Pop! Pop!* I
3 didn't intend to shoot him but I shot him.

4 Q. You do recall the interview that you
5 gave?

6 A. Yeah.

7 Q. Do you recall in any of them -- or
8 either of them -- saying that Mr. Carver had
9 a shiny -- what did you say it was, what kind
10 of gun did you say that he had?

11 A. Maybe a .380. I don't know.

12 Q. Do you remember seeing that at any
13 time?

14 A. (No verbal response).

15 Q. Do you remember seeing it at any
16 time prior to today?

17 A. Could you repeat that?

18 Q. Yes, sir. Do you remember saying
19 that Mr. Carver had a gun before today?

20 A. No, sir, nobody asked me. Well,
21 (pause).

22 Q. But you do recall him telling you to
23 put your gun down, the .38 that you had, and
24 you did that?

25 A. No, sir, he didn't tell me to put

1 the .38 down. I didn't have the .38.

2 Q. So you took the gun but then you
3 left the gun of your own accord?

4 A. Yes, sir.

5 Q. Why did you take it in the first
6 place?

7 A. He give it to me.

8 SOLICITOR MOORE: Objection, Your Honor.
9 I think this has all been asked and answered.

10 THE COURT: I will let him delve a
11 little further. Go ahead.

12 MR. SMITH: Thank you.

13 CROSS EXAMINATION CONTINUED

14 BY MR. SMITH:

15 Q. Do you remember what day the first
16 interview was?

17 A. No, sir.

18 Q. It ended early because you said,
19 "I can't speak anymore." Right?

20 A. I can't remember.

21 Q. And today you are telling us that
22 Jason had a gun but you don't know what it
23 was?

24 A. (No verbal response).

25 Q. And you don't have a sentence as of

1 yet?

2 A. Right.

3 Q. You threatened your wife and her
4 son, made an excited utterance; right?

5 A. I don't recall.

6 Q. You don't recall?

7 A. (Negative gesture).

8 Q. Didn't you tell them that in the
9 interview?

10 A. You mean, my wife?

11 Q. Yeah, and say that?

12 A. I don't recall.

13 Q. But you did tell her that by your
14 actions that night?

15 A. I don't know.

16 Q. You knew Jason Carver for four of
17 five months, is that right?

18 A. About that, (affirmative nod).

19 Q. At any time during that four or five
20 months did you see him commit any acts of
21 violence?

22 A. No, sir.

23 Q. Did you see him have any verbal
24 exchanges that were heated in any way?

25 A. Nothing other than him and Milt

1 sometimes. He was pretty laid back.

2 Q. And the weapon that you said that
3 you had seen, was that the same weapon that
4 you allege that he had at this time?

5 A. I don't know that he owned one.

6 Q. The one with the sight on it, the
7 one that he allegedly brought out and showed
8 you previous to this incident, you still
9 don't know what that is?

10 A. No, sir.

11 Q. No doubt that the mini bike was sold
12 to Quay?

13 A. No, sir. Yes, sir.

14 Q. And in fact a bill of sale was
15 created?

16 A. Yes, sir.

17 Q. Green Grand Am, is that right?

18 A. Yes, sir.

19 MR. SMITH: I have nothing further,
20 Your Honor.

21 THE COURT: Redirect?

22 SOLICITOR MOORE: No redirect, Your
23 Honor.

24 THE COURT: May this witness be
25 excused?

1 SHELIA FAY CURRY, having been sworn to
2 tell the truth, and nothing but the truth,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. SMITH:

6 Q. Mrs. Curry, your last name -- does
7 that mean you're married to Mr. Curry?

8 A. Yes.

9 Q. How long have you been married to
10 Mr. Curry?

11 A. Since 2006.

12 Q. Do you have any children together?

13 A. No.

14 Q. Do you have a child or children?

15 A. I have a son.

16 Q. Does he live with you?

17 A. He -- off and on, (affirmative nod).

18 Q. What did you say?

19 A. Off and on, he does.

20 Q. What county do you live in?

21 A. Greenville.

22 Q. Does your husband appreciate guns?

23 A. I don't allow them in the house.

24 Q. Has he ever had one, or owned one?

25 A. A long time ago.

1 Q. What kind of gun did he have at that
2 time?

3 A. A .22 rifle.

4 Q. Are you separated at this time or
5 are y'all still a couple?

6 A. We're still together.

7 Q. Were you together on March 29th,
8 2016?

9 A. Yes.

10 Q. Do you recall what time of day that
11 Mr. Curry left the home?

12 A. No.

13 Q. Was he gone from the home?

14 A. He was in and out, I mean back and
15 forth.

16 Q. Back and forth?

17 A. He worked out of town some and went
18 over to Milt's.

19 Q. How often did he go to Milt's?

20 A. Just about every day.

21 Q. Are you aware of any drug use by
22 your husband?

23 A. Yes.

24 Q. Any drug in particular?

25 A. Meth and cocaine.

1 Q. Could you tell when he was on either
2 one of these drugs?

3 A. Yeah.

4 Q. What would you notice?

5 A. He was a different person.

6 Q. What kind of person was he?

7 A. He was just -- I mean, he was just
8 different.

9 Q. Was it easy to talk to him when he
10 was on drugs?

11 A. No.

12 Q. How would he act? How would he
13 react to whatever you were saying?

14 A. We would probably start arguing.

15 Q. Was Mr. Curry ever violent based on
16 the arguments with drug use?

17 A. Sometimes. I mean, it depends.

18 Q. Would he hit you or hit your son?

19 A. He wouldn't hit us, no.

20 Q. Would he do anything to furniture or
21 to the walls or anything like that?

22 A. No.

23 Q. What did you learn on March 29th,
24 2016?

25 A. I didn't know nothing then, until

1 later.

2 Q. What did you learn and when did you
3 learn it?

4 A. It was maybe a couple of days after
5 that. He'd come home upset one day and I
6 asked him what was wrong. He said something
7 about some boy got shot. And I told him that
8 I didn't want to hear no more.

9 Q. He shared more with you, though;
10 didn't he?

11 A. He talked -- he frightened me, but I
12 knew that he wouldn't do nothing to me.

13 Q. He told you that if you said
14 anything he'd kill you or your son, didn't he?

15 A. Um-humm, (affirmative nod).

16 Q. Is that a "yes"?

17 A. Yes. But I think he said that out
18 of being upset and everything.

19 Q. Did he tell you any other facts
20 about this situation?

21 A. No.

22 Q. Did you know at that point who had
23 died?

24 A. No, I didn't know exactly who it was
25 until I seen it on the News and I started

1 putting it all together.

2 Q. Steven Cameron, how long have you
3 known him?

4 A. I don't really know him. I've seen
5 him one time at Milt's and that was it.

6 Q. What was he doing at Milt's that one
7 time, on that particular occasion?

8 A. Taking his wife to pay bills.

9 Q. Do they pay bills at Mr. Gambrell's?

10 A. I would take her to pay them, her
11 bills.

12 Q. So you would go and get Mrs.
13 Cameron?

14 A. Mrs. Gambrell.

15 Q. Oh, you would take Mrs. Gambrell to
16 pay bills and Mr. Cameron just happened to be
17 there?

18 A. (Affirmative nod), um-humm.

19 Q. Is that a "yes"?

20 A. "Yes."

21 Q. So the threat came two days or so
22 after the 29th?

23 A. Yeah, I don't remember how long it
24 was after it.

25 Q. Do you remember what you told the

1 May this witness be excused?

2 SOLICITOR MOORE: She may, Your Honor.

3 MR. SMITH: Yes, sir.

4 (WITNESS STEPS DOWN)

5 THE COURT: Call your next witness.

6 MR. SMITH: The Defense calls Timothy
7 Jacobs.

8 SOLICITOR MOORE: Your Honor, may we
9 approach?

10 THE COURT: Yes, ma'am.

11 (OFF RECORD BENCH CONFERENCE)

12 (WITNESS TAKES STAND)

13 TIMOTHY JACOBS, having been sworn to
14 tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. SMITH:

18 Q. Mr. Jacobs, what county do you live
19 in?

20 A. Greenville County.

21 Q. How long have you lived there?

22 A. Since 1979.

23 Q. Where did you live prior to that?

24 A. South Africa.

25 Q. Are you married?

1 A. I am.

2 Q. Do you have children?

3 A. Four boys.

4 Q. What do you do for a living?

5 A. I am an automotive mechanic. I own
6 a shop.

7 Q. What shop is that?

8 A. Greenville Transmission Clinic.

9 Q. How long have you owned that shop?

10 A. I've owned the shop for three years.

11 Q. And where did you get the shop?

12 A. I purchased it from my father, who
13 started the business in 1979 when we came to
14 America.

15 Q. So you've been around it for a
16 while?

17 A. Most of my adult life.

18 Q. How do you know Mr. Carver?

19 A. He works for me.

20 Q. How long have you known Mr. Carver?

21 A. Since 1999.

22 Q. 1999?

23 A. That's when we hired him.

24 Q. What did you hire him to do?

25 A. He started off cleaning transmission

1 parts and helping with tear-down and whatever
2 else we needed him to do.

3 Q. At this point what are his
4 responsibilities?

5 A. He still cleans parts and he does
6 tear-down transmissions and he also takes care
7 of all the tool computers. We are a warehouse
8 for a national product that remanufactures
9 tool computers, which is part that we sell in
10 the transmission business. He was basically
11 in charge of all that. So he controlled the
12 inventory, the shipments coming in and out.
13 When the trucks came in, he would be there
14 early in the morning to offload the truck. So
15 he was in charge of all the tool computers.

16 Q. What kind of employee was he or is
17 he?

18 A. He's a fantastic employee.

19 Q. You say fantastic, that's pretty
20 strong. Can you tell us why he is fantastic?

21 A. I can always rely on him. When the
22 tool computer truck comes in in the morning --
23 he has to be there by 6:00 o'clock in the
24 morning and offload the truck. I knew when
25 I'd pull in he'd always be waiting on me. He

1 was always there before me.

2 The other thing as well is that whenever
3 he was asked to do something, I never had to
4 go back and check on him. I just knew that it
5 would be done.

6 Q. You've had an opportunity to see him
7 in and out of work?

8 A. We didn't really socialize a lot.
9 We, uh, -- we did the Christmas party things
10 and stuff like that, but apart from work that
11 is the only time I ever saw him. I knew him
12 at work.

13 Q. Yes, sir. Over the course of
14 eighteen years, what kind of person have you
15 assessed Mr. Carver to be?

16 A. He seems to be a very loving person.
17 I know he loves his mom and he loved his dad
18 when his dad was alive. He is a family guy.
19 He is very loyal to his family.

20 He's a hard worker. Whenever his
21 brothers needed help, whether it be fixing
22 their houses or working at their property at
23 the lake -- his mom and dad had a real small
24 place down in Abbeville. They would have to
25 go down there and do repairs on the place and

1 everything, and Jason was always willing to go
2 down and help them do work over there.

3 Q. Did you ever eat lunch with him?
4 Often?

5 A. Yeah, we had lunch sometimes.

6 Q. Did you eat lunch at the office?

7 A. No, he normally would walk home to
8 his mom's house and have lunch with her, then
9 take a short nap and then walk back.

10 Q. Do you recall any issues in March of
11 last year?

12 A. Not really except for the morning
13 that he came in that -- well, I believe the
14 week or two before that we knew that he had
15 been interrogated or had been questioned by a
16 police officer about an incident that had
17 happened.

18 Q. That interview occurred in your
19 office?

20 A. Yes, but I was not there. My son
21 was getting married that weekend and -- this
22 was on a Friday and my wife and I were at my
23 parents' home preparing for the wedding on
24 Saturday. So we had taken the day off to do
25 that. So we were not there at the shop the

1 day that the police came to interview him.

2 Q. When Mr. Carver approached you that
3 Monday, April 11th, did you have anything to
4 offer him? Advice?

5 A. Yes, I did. I told him to go over
6 and see his mom, inform her. And I told him
7 to drive directly to Anderson and to turn
8 himself in.

9 I told him to find the police officer
10 that interviewed him and I told him to tell
11 the police officer that he didn't tell him all
12 of the truth the day that he was interviewed.
13 Then I told him, 'then you must stop and ask
14 for legal representation.' I said, 'do not
15 say anything more than that until you have
16 legal representation.' That was my advice to
17 him.

18 Then we hugged each other and I told him
19 that I loved him.

20 Q. Since that point on April 11th, 2016,
21 have you talked to Mr. Carver?

22 A. Yes.

23 Q. Have you talked to him regularly?

24 A. We alternate on the days that we can
25 go visit him on a Monday evening. So his mom

1 and brother go on one Monday and then my wife
2 and I go on the other Monday.

3 Q. So are you aware what he has been
4 charged with?

5 A. Yes.

6 Q. Has that changed your opinion of him
7 in any way?

8 A. No. Because in my view, it's so out
9 of his character that I don't feel -- I don't
10 feel that he has it within him to do anything
11 like that.

12 Q. Are you aware of his educational
13 background?

14 A. Yes.

15 Q. What is that?

16 A. I believe that it is eleventh grade,
17 high school.

18 Q. Is he a very bright individual?

19 A. He is extremely intelligent and he
20 can memorize more than I ever -- he can
21 memorize numbers like I've never met anybody
22 in my life.

23 Q. Did you ever have the opportunity to
24 meet Mr. Gambrell?

25 A. Yes. I met him one time when he

1 purchased a vehicle from me.

2 Q. Other than that, have you talked to
3 him?

4 A. No. Well, I take that back. We
5 went over to Mr. Gambrell's house after Jason
6 was arrested and we got all of Jason's tools
7 that he was doing work with at Mr. Gambrell's
8 house. So we collected all of Jason's
9 personal belongings that were at the house,
10 which was mostly mechanics tools.

11 Q. How many -- I understand they were
12 mechanics tools, but was it a significant
13 amount?

14 A. Yes. It was a pickup truckload
15 full. It was a tool box, a full set of hand
16 tools and some specialty tools that he was
17 doing work with. A parts cleaning thing and
18 all kinds of transmission and automotive-
19 related tools.

20 Q. And you were aware that he was
21 working on the side?

22 A. Unfortunately in our line of work
23 that is a fairly common practice. But, yes, I
24 was aware that he was working because he would
25 purchase parts from me.

1 Q. Did he do anything that would hurt
2 your job by doing this side work?

3 A. No.

4 MR. SMITH: Nothing further, Your
5 Honor.

6 THE COURT: Cross-examination? Well,
7 before we do, let's take about a fifteen-
8 minutes break, ladies and gentlemen, and then
9 we will come back and do cross-examination.

10 (JURY OUT @ 11:08 A.M.)

11 THE COURT: Mr. Jacobs, if you could
12 step down. Sit out in the gallery or go to
13 the bathroom, whatever you need to do. Don't
14 discuss the case with anyone during the break,
15 please. Thank you.

16 All right, let's take about ten minutes.

17 (BRIEF RECESS 11:08 - 11:19 A.M.)

18 (DEFENDANT PRESENT)

19 (OFF RECORD BENCH CONFERENCE)

20 (WITNESS RESUMES STAND)

21 THE COURT: State ready to proceed?

22 SOLICITOR MOORE: We are, Your Honor.

23 THE COURT: Defense ready to proceed?

24 MR. SMITH: We are, Your Honor.

25 THE COURT: Bring the jury in, please.

1 police?

2 A. Huh?

3 Q. Do you remember talking to the
4 police?

5 A. I remember talking to the
6 investigator.

7 Q. What all did you tell him?

8 A. More or less told him that I was
9 threatened if I said anything.

10 Q. Had Mr. Curry ever threatened you
11 before?

12 A. Yeah. I mean, I'm used to him
13 threatening me. I know that he won't do
14 anything to me.

15 Q. Have you ever had him charged with a
16 CDV or anything?

17 A. Yeah, I have before.

18 Q. Is that because you weren't sure if
19 he would hurt you?

20 A. He tore up a door at the house.
21 That was years ago.

22 Q. Is it safe to say that he was
23 volatile?

24 A. I guess.

25 Q. How often did he use drugs?

1 was a codefendant in this matter.

2 MR. SMITH: (Affirmative nod).

3 THE COURT: We met with the Solicitor's
4 Office counsel, Defense counsel and Mr.
5 Gambrell's counsel.

6 My understanding is that Mr. Gambrell
7 will exercise his rights under the Fifth
8 Amendment to the United States Constitution
9 but we will find that out.

10 If he does, we will react accordingly.

11 If he doesn't, then we will bring the
12 jury out.

13 (JAMES MILTON GAMBRELL INTO COURTROOM)

14 THE COURT: Swear Mr. Gambrell, please.

15 (WITNESS TAKES STAND)

16 JAMES MILTON GAMBRELL, having been sworn
17 to tell the truth, and nothing but the truth,
18 testified as follows:

19 INCAMERA EXAMINATION

20 THE COURT: Before we get started, let
21 me go over some things with him. Mr.
22 Gambrell, can you understand me?

23 WITNESS: Yes, sir.

24 THE COURT: I need you to slide up
25 closer and speak in the microphone. You've

1 been called as a witness in this case. It is
2 my understanding that you are also a co-
3 defendant along with Mr. Carver and Mr. Curry
4 as to the incident in March of 2016. Is that
5 correct?

6 WITNESS: Yes, sir.

7 THE COURT: At this point I need to
8 advise you of your rights under the Fifth
9 Amendment of the United States Constitution
10 which says in part that no person can be
11 compelled in a criminal case to be a witness
12 against themselves. Do you understand your
13 rights?

14 WITNESS: Yes, sir.

15 THE COURT: That means that you can't
16 be required to testify against yourself, the
17 State can't require you to, I can't require
18 you to. Nobody can.

19 You have the right to refuse any question
20 asked of you, anything that gives you
21 reasonable cause to believe that the answer,
22 if given, might tend to incriminate you as
23 charged.

24 If you wish to exercise your right under
25 the Fifth Amendment, you will state that to

1 the court. You will say, "I refuse to answer
2 the question because the answer to the
3 question may tend to incriminate me." Do you
4 understand that?

5 WITNESS: Yes, sir.

6 THE COURT: And let me advise you
7 further that your statement is not the final
8 decision as to whether or not your answer to
9 the question would violate the Fifth
10 Amendment. I will ultimately make that
11 decision. Do you understand?

12 WITNESS: Say that again, sir?

13 THE COURT: Just because you exercise
14 your right by saying "I refuse to answer the
15 question because the answer may tend to
16 incriminate me" does not mean that is the end
17 of the inquiry. I will make the final
18 determination as to whether or not you will
19 have to answer the question. Do you
20 understand?

21 WITNESS: Yes, sir.

22 THE COURT: Now, Mr. Phillips, let me
23 ask you this. I think that I know the answer
24 before we get started.

25 MR. PHILLIPS: Yes, sir?

1 THE COURT: Has -- do you represent Mr.
2 Gambrell in the criminal charges?

3 MR. PHILLIPS: Yes.

4 THE COURT: And you've gone over his
5 rights and the Fifth Amendment; is that
6 correct?

7 MR. PHILLIPS: Yes.

8 THE COURT: Does your client intend to
9 testify in this case?

10 MR. PHILLIPS: I don't believe so.

11 THE COURT: So you are not positive?

12 MR. PHILLIPS: I am ninety percent
13 sure but I ---

14 THE COURT: Then, Mr. Smith, you may
15 examine Mr. Gambrell.

16 MR. SMITH: Yes, sir, may it please the
17 Court?

18 THE COURT: Yes, sir.

19 JAMES MILTON GAMBRELL, having been sworn
20 to tell the truth, and nothing but the truth,
21 testified as follows:

22 INCAMERA EXAMINATION

23 BY MR. SMITH:

24 Q. Mr. Gambrell, how old are you?

25 A. Fifty-eight.

1 Q. And do you still reside at
2 Appaloosa?

3 A. Yes, sir.

4 Q. Who do you live there with?

5 A. My wife and my mother-in-law.

6 Q. With regard to Mr. Carver, how long
7 have you known him?

8 A. About ten years. Eight to ten
9 years, I think.

10 Q. And do you have a relationship with
11 regard to Mr. Carver's skills?

12 A. Yes, sir. We work on cars together.
13 We build cars and sell them, together.

14 Q. So he helps you with cars, perhaps?

15 A. Right.

16 Q. What kind of car did he have?

17 A. He usually drove a, uh, -- his car
18 tore up now but he did have a Jeep. He was
19 driving his mother's car most of the time.

20 Q. An Escort?

21 A. Yes, sir.

22 Q. On that day did he have an Escort?

23 A. Yes, sir, a white one.

24 Q. Do you have -- does Mr. Curry have a
25 driver's license?

1 A. Yes, sir.

2 Q. Did he have a driver's license back
3 in March of 2016?

4 A. I think so. He told me that he had
5 a driver license.

6 Q. We're talking about Mr. Curry at
7 this point.

8 A. Oh, not Mr. Curry. I mean -- no,
9 not Mr. Curry. Not Curry. I get it
10 confused. His name is Junior. His name is
11 Carver. We call Carver "Carver" and Curry
12 "Junior."

13 Q. Yes, sir.

14 A. Junior.

15 Q. Did Mr. Carver have a phone on March
16 29th, 2016?

17 A. No, sir, I don't remember that.

18 Q. Do you know if Mr. Cameron had a
19 phone that day?

20 A. He called me. I don't know what he
21 called me on, but he called me on a phone.

22 Q. Yes, sir. Did Quay purchase a dirt
23 bike ---

24 A. Yes, sir, that ---

25 Q. --- from Mr. Curry? From Mr.

1 Cameron?

2 A. From Steven.

3 Q. Steven?

4 A. Yeah, (affirmative nod).

5 Q. Who did the bill of sale?

6 A. They took the bill of sale to
7 somebody that wanted -- I told them to take
8 it to the funeral home because that's the
9 only place that I know to get a bill of sale.
10 But it was late and they took it to somebody
11 that they knew.

12 Q. When you say "they", was that Mr.
13 Carver and Quay or was Mr. Cameron with them?

14 A. Mr. Cameron went with them, I think.
15 Mr. Cameron and somebody else. I can't quite
16 remember.

17 Q. Mr. Cameron came over to your house
18 a lot, didn't he?

19 A. No, he didn't come over there a lot.

20 Q. Would you call yourselves friends or
21 acquaintances or how would you label it?

22 A. More like a friend of another
23 friend, associate. I had just met him about
24 three weeks.

25 Q. Mr. Curry, what was his relationship

1 with Mr. Cameron?

2 A. Nothing, not that I know of.

3 Q. Mr. Carver, what was his relation-
4 ship with Mr. Cameron?

5 A. Nothing.

6 Q. On that particular day, did you
7 attempt to call Mr. Cameron by phone?

8 A. Yes.

9 Q. Did you attempt to contact Mr.
10 Carver by phone?

11 A. Yes, and he didn't have his phone
12 with him, I don't think.

13 Q. How long does it take to get from
14 Appaloosa to Sterling Bridge Road?

15 A. Say that again, sir?

16 Q. From Appaloosa, your house, to
17 Steven's house, how long does it take you?

18 A. I think about thirty minutes, twenty
19 to thirty minutes.

20 Q. If you go back and forth?

21 A. Maybe a little longer. I guess back
22 and forth about forty minutes.

23 Q. So it is your belief that it takes
24 about twenty minutes to get between the two
25 houses?

1 A. I haven't been there but one time.

2 Yeah, I'd say about twenty minutes there and
3 twenty minutes back.

4 Q. On the day in question, did you have
5 Mr. Carver take Mr. Cameron home?

6 A. Yeah. Yes, sir.

7 Q. You did that because he had sold the
8 bike?

9 A. Right.

10 Q. Why did you pick Jason to drive Mr.
11 Cameron home?

12 A. Because I was too drunk. You know,
13 I was drunk, too drunk. I asked him and he
14 said yeah.

15 Q. Had Mr. Carver driven people home
16 for you in the past?

17 A. Yeah, a couple of times. You know,
18 a couple of times. But, you know, most
19 people who come there have their car. Or
20 we're working on their car and we'll take
21 them back home, you know, ---

22 Q. Yes, sir.

23 A. --- while we work on the car?

24 Q. Was Mr. Carver skillful at working
25 on the cars?

1 A. Yes, sir. Yes, sir, we were doing
2 pretty good with the cars.

3 Q. What kind of skills did Mr. Curry
4 have working on the cars?

5 A. He was good at rebuilding. We go
6 through the internet -- really, you know,
7 we're based on the internet, we learning off
8 the internet. He worked at a transmission
9 place. We'd done about two transmissions for
10 people and we, you know, pretty good. You
11 know, a transmission is pretty complicated
12 and most times he get 'em right. Sometimes
13 we have to take them back out and do
14 something but most times we got them right.

15 Q. Is it your understanding that Mr.
16 Cameron, that Steven had taken something from
17 you on that particular day?

18 A. Yes, sir.

19 Q. And you couldn't get in touch with
20 him?

21 A. I couldn't get in touch with him.

22 Q. And because of that, you sent Mr.
23 Carver to go back out there to tell Steven
24 that 'I know you have it.'

25 A. Yeah, that was it.

1 Q. Because you couldn't talk to him by
2 phone?

3 A. (Negative gesture), couldn't talk to
4 him.

5 Q. So the only purpose was to go tell
6 him that 'we know ...' ---

7 SOLICITOR MOORE: Your Honor, objection.

8 THE COURT: I sustain that objection.
9 Just one second. Mr. Phillips -- for the
10 record, William Phillips represents Mr.
11 Gambrell. If counsel could come up here.

12 (OFF RECORD BENCH CONFERENCE)

13 THE COURT: Mr. Phillips, do you have a
14 matter to bring up on the record?

15 MR. PHILLIPS: Yes, sir. I have
16 advised my client not to testify in this
17 case. He originally chose to testify. I
18 am again advising him to exercise his Fifth
19 Amendment right and not to testify in this
20 case from this point forward.

21 THE COURT: Do you wish to honor your
22 attorney's advice, Mr. Gambrell?

23 WITNESS: (No verbal response).

24 THE COURT: In other words, do you want
25 to testify or do you want to exercise your

1 rights under -- on your attorney's advice to
2 exercise your rights under the Fifth
3 Amendment not to testify?

4 WITNESS: I don't really understand.

5 THE COURT: Well, let me tell you this,
6 Mr. Gambrell. Your testimony in this case is
7 being transcribed and it will be obtained by
8 the State and used against you in the
9 upcoming trial against yourself, or it can
10 be. Do you understand that?

11 WITNESS: Yes, sir.

12 THE COURT: Now, your attorney -- I
13 gave you your rights under the Fifth
14 Amendment and you told me that you understood
15 them. Is that correct?

16 WITNESS: I am trying to understand
17 them.

18 THE COURT: Well, sir, either you
19 understand them or you don't. You told me
20 that you did. What I told you is that under
21 the Fifth Amendment to the United States
22 Constitution that no person can be compelled
23 to testify against himself in a criminal
24 trial. Do you understand that?

25 WITNESS: Yes, sir.

1 THE COURT: And effectively what you
2 are potentially doing is testifying against
3 yourself because this testimony will be or
4 can be used against you in your trial later,
5 if you continue to testify. Do you
6 understand?

7 WITNESS: (Pause) -- yes, sir.

8 THE COURT: Okay, sir. Now, Mr.
9 Phillips, who is your attorney for your
10 criminal charges has just stated that he's
11 advised you not to testify and he's re-
12 advised you not to testify any further. Do
13 you understand that?

14 WITNESS: (No verbal response).

15 THE COURT: Do you understand that, Mr.
16 Gambrell?

17 WITNESS: Yes, sir.

18 THE COURT: Now, you have a right --
19 the only person who can exercise their right
20 under the Fifth Amendment is yourself. It is
21 advisable to listen to an attorney, however
22 the ultimate decision as to whether or not
23 you wish to continue to testify in this
24 proceeding is your decision, yours alone to
25 make.

1 WITNESS: Yes, sir.

2 THE COURT: Okay. You have to make
3 that decision knowing your rights under the
4 Fifth Amendment and also knowing the
5 consequences to you if you continue to
6 testify.

7 That is that -- the consequence are that
8 the State can and will obtain the transcript
9 of your testimony and when you are called to
10 trial they can use that against you in the
11 courtroom. Do you understand? In front of
12 the jury?

13 WITNESS: Yes, sir.

14 THE COURT: Now the question is, do you
15 wish to testify or do you wish to exercise
16 your Fifth Amendment rights and not testify;
17 take your attorney's advice not to testify?

18 WITNESS: (No verbal response).

19 THE COURT: Would you like to speak
20 with your attorney further?

21 WITNESS: Yes, sir.

22 THE COURT: Would you take him in the
23 hallway, Mr. Phillips?

24 (BRIEF RECESS - COUNSEL PHILLIPS AND
25 WITNESS TO CONSULT OUTSIDE COURTROOM)

1 THE COURT: Mr. Phillips, have you had
2 sufficient time to consult with your client?

3 MR. PHILLIPS: Yes, sir. May I ask
4 him a question?

5 THE COURT: Yes, sir.

6 MR. PHILLIPS: Mr. Gambrell, is it
7 your desire to stop your testimony from this
8 point forward?

9 WITNESS: Yes, sir.

10 THE COURT: Very good. I'm going to
11 let him step down. He is relieved of his
12 subpoena.

13 MR. PHILLIPS: Thank you.

14 (WITNESS STEPS DOWN)

15 THE COURT: His testimony will not be
16 presented to the jury. Your next witness,
17 please, Mr. Smith.

18 MR. SMITH: I guess I will call Andrea

19 ---

20 THE COURT: Mr. Thurman.

21 THE COURT: Okay, bring in the jury.

22 (JURY IN @ 11:46 A.M.)

23 THE COURT: Ladies and gentlemen, we
24 are getting a witness in. Bear with us.

25 MR. SMITH: May we approach, Your

1 be, your client is going to be compelled to
2 make a decision. Is he ready to make a
3 decision as to whether or not he wants to
4 testify or do you still want to see?

5 MR. SMITH: Wait and see, sir.

6 THE COURT: I understand. That is his
7 right to do. Just make sure that you under-
8 stand, Mr. Carver, if we come back at 1:30
9 and those other witnesses aren't here, you're
10 going to have to make that call. Okay?

11 DEFENDANT: Yes, sir.

12 THE COURT: We will recess until 1:30.

13 (LUNCH RECESS 12:57 - 1:30 P.M.)

14 (DEFENDANT PRESENT)

15 THE COURT: Mr. Smith has handed me a
16 case. I don't know if you've seen it, *State*
17 *v. Doctor*.

18 SOLICITOR MOORE: I did, Your Honor.

19 THE COURT: That would have to do with
20 the statement of Mr. Gambrell since he
21 claimed the privileges under the Fifth
22 Amendment that are given, I guess, to law
23 enforcement. The audiotape?

24 MR. SMITH: Yes, sir.

25 THE COURT: First, what is the

1 substance of what he says?

2 MR. SMITH: He talks about Mr. Curry
3 picking up the gun, taking the gun, that all
4 he did was to tell him about the fact that
5 the cocaine was gone.

6 THE COURT: Speak up. Go ahead.

7 MR. SMITH: He just talks about facts
8 that are contrary to what the police put in
9 their report, their testimony. It is
10 extremely important, obviously, in our case.

11 THE COURT: I understand that. I want
12 to know what he says so that I can determine
13 -- here's the deal: the case says that an
14 unavailable declarant is admissible in
15 criminal or civil trials, however if used to
16 exculpate the accused -- which is what you're
17 trying to do in this case.

18 MR. SMITH: Yes, sir.

19 THE COURT: In a criminal trial it is
20 admissible only, one, "if corroborating
21 evidence clearly indicates the trustworthy-
22 ness of the statement." I don't even know
23 what the statement is.

24 MR. SMITH: Yes, sir, and I've thought
25 about this. First and foremost, it was a

1 voluntary statement. He came in ---

2 THE COURT: That's irrelevant.

3 MR. SMITH: All right. Uh, ---

4 THE COURT: For this analysis.

5 MR. SMITH: Yeah.

6 THE COURT: I hear what you're saying.

7 MR. SMITH: Yeah, I think without
8 watching it that you can't possibly know the
9 level of trustworthiness.

10 THE COURT: How long is the statement?

11 MR. SMITH: Forty minutes.

12 THE COURT: Oh.

13 MR. SMITH: I cut down from over two
14 hours.

15 THE COURT: I understand that. Mr.
16 Smith, I will tell you that bringing these
17 things up to me at the last minute and the
18 way that you have started and stopped this
19 trial does not suit at all. At all.

20 MR. SMITH: Yes, sir, but you told me
21 that I wasn't allowed to.

22 THE COURT: Give me a heads up. You
23 said right before the lunch break -- and you
24 had these other witnesses that weren't here,
25 and that's not your fault because you had

1 them under subpoena.

2 MR. SMITH: Yes, sir.

3 THE COURT: Tell the jury that we are
4 looking at something, to just relax, that we
5 will get them up here as soon as we can.

6 BAILIFF: Yes, sir.

7 THE COURT: Tee it up -- I can't make a
8 determination. But, first, let me ask you
9 this before I look at it, what other
10 corroborating evidence is in the record that
11 clearly establishes the trustworthiness of
12 Mr. Gambrell's statement to law enforcement?
13 What?

14 MR. SMITH: The fact that Mr. Curry
15 testified and said that there was a .38
16 revolver. So it's a conflict there.

17 THE COURT: That's -- you're trying to
18 use it for impeachment. What the Rule says
19 is that it has to corroborate it, meaning
20 that it makes it more likely than not true.
21 Okay?

22 MR. SMITH: Yes.

23 THE COURT: Shows that what Mr.
24 Gambrell said is trustworthy. What evidence
25 is there in the record that shows me that

1 what he told the police is true?

2 MR. SMITH: Mr. Steven, uh, the victim
3 is dead. He's dead as the result of a
4 gunshot.

5 The discussion regarding threats to Mrs.
6 Curry's life and her son's life.

7 Uh, these are all things that support
8 what had been said. So it's not for purposes
9 of impeachment. It is to bolster what has
10 been said, to show that the events are real
11 and that this is what happened as opposed to
12 'I don't remember what Mrs. Curry said', 'I
13 don't remember her saying 'this occurred' or
14 'I don't remember this', 'I don't remember
15 that', 'I wasn't privy to the information
16 about why this guy went to the drug house
17 three times a week' or whatever.

18 THE COURT: Well, how would that
19 exculpate -- you understand what exculpate
20 means. Right?

21 MR. SMITH: It means that he is not
22 guilty. Right.

23 THE COURT: Has a tendency to show that
24 he is not guilty in this matter.

25 MR. SMITH: Yes.

1 THE COURT: So what about the statement
2 besides impeaching what Ms. Curry said, that
3 her husband didn't threaten her or didn't do
4 these things -- what does it do to show that
5 this guy is innocent?

6 MR. SMITH: It shows that what they've
7 provided, his statements and things in
8 evidence supports what he said from a non-
9 criminal standpoint. There was no criminal
10 thought in this matter. That's what he says.

11 THE COURT: Well, I'll look at it.
12 Quite frankly, I think you're just wrong. I
13 think that if your client went to go pick up
14 money or drugs, that's a criminal act in and
15 of itself. If you don't think so, then we
16 have a disagreement about that.

17 MR. SMITH: Yes, sir.

18 THE COURT: Okay. Let's go ahead and
19 view that. What were you going to say?

20 SOLICITOR MOORE: Your Honor, I was just
21 going to say that if it might take time,
22 Detective Marzolf can give a summary of his
23 interview with James Gambrell.

24 THE COURT: He wants to see it live,
25 and I'll be glad for you to pass it up but I

1 -- do you have a copy for Mr. Smith?

2 SOLICITOR MOORE: Yes, sir, (tendering).

3 THE COURT: Okay. I will say, Mr.
4 Smith, that I was wrong when I told you at
5 the bench conference that I thought that was
6 hearsay. That was an incorrect statement
7 because it was -- I mean, he is an
8 unavailable declarant, fits that exception.

9 MR. SMITH: Yes, sir.

10 THE COURT: All right, let's view it,
11 play the video and let's look at it --
12 (review of statement of James Milton Gambrell
13 via video).

14 All right. First let me say, Mr. Smith,
15 that you -- I was wrong earlier what I said
16 to you about the presentation of the tape.
17 It was proper for me to look at.

18 That being said, I don't know how in the
19 world you find that exculpatory of your
20 client. First, tell me in which way that you
21 think that is exculpatory.

22 MR. SMITH: Yes, sir. I begin by
23 saying -- pointing out, uh, in Detective
24 Marzolf's supplemental report he tells us
25 that Mr. Gambrell gave the gun to Curry when

1 Mr. Gambrell tells us specifically that Curry
2 took the gun. That is the hand of one, hand
3 of all.

4 THE COURT: I disagree. The hand of
5 one is the hand of all is when they went down
6 there to talk to the man about drugs and it
7 spiraled out of control.

8 Do you think if they just went down there
9 and said -- picked up the money for this
10 gentleman, that that would have been an
11 illegal act?

12 MR. SMITH: I don't know what status
13 that is, sir. I don't know of a criminal act
14 here.

15 THE COURT: Selling drugs and buying
16 drugs, that as illegal as it can be.

17 MR. SMITH: Sure.

18 THE COURT: Going to retrieve drugs is
19 illegal too.

20 MR. SMITH: Yes, sir.

21 THE COURT: So there's nothing at any
22 point that -- granted, I will give you that
23 it clearly implicates Mr. Curry as being the
24 bad guy in the crowd, the worse. But there
25 is nothing there that I see that exonerates

1 him at all. If you think it does, I want to
2 hear it because I'm just not seeing it.

3 MR. SMITH: That whole recording was
4 about Curry doing something that was not
5 contemplated at all. And certainly Mr.
6 Carver, who was not part of the conversation,
7 who wasn't even there, he couldn't have
8 contemplated it. He didn't know what was
9 going on. What he did know is that he told
10 him to put down the gun that he took from
11 Curry. Mr. Carver, when he saw the gun, he
12 said 'put the gun in the car.' Which he did.
13 There is no evidence whatsoever about the
14 .25, and all that he did the whole time -- 'I
15 can't believe he did this, this is not him,
16 this is not him.' The whole time. There was
17 no intent to do anything criminal.

18 He knew he was going to get paid, at one
19 point or another. He knew that he was good
20 for the money. There was no communication.
21 There was no phone call to say, 'Hey, you got
22 my stuff. Bring it back.'

23 So -- Mr. Curry approached the door and
24 said, 'hey', uh, -- the minute that he
25 approached the door, Mr. Cameron with -- with

1 coke enough to bust his heart, according to
2 Mr. Gambrell, came rushing out of there
3 aggressively. Then what happened is what
4 happened.

5 Mr. Curry was not aggressive. That's
6 what his friend of twelve years said --
7 'that's not him.'

8 Mr. Curry stated that the guy came out
9 aggressive, then was taunting him and so
10 forth and -- he obviously was fearful. He
11 ran. That's where the gun came out. Nobody
12 knew about the gun but Mr. Curry.

13 THE COURT: Well, let me just say that
14 you're focusing on this concept of the gun in
15 isolation. They were going there, from all
16 evidence submitted, to go pick up money for
17 drugs or the drugs themselves. Both acts are
18 illegal. So it doesn't exonerate your guy,
19 exculpate your fellow.

20 In addition, to what evidence there meets
21 the second standard of the test to show is
22 there to show the trustworthiness of Mr.
23 Gambrell's statement? First, Mr. Gambrell by
24 his own conduct showed that he was in trouble
25 too because of this.

1 MR. SMITH: He came in voluntarily ---

2 THE COURT: So does your client's.

3 MR. SMITH: He came in voluntarily to
4 give a statement without provocation.

5 THE COURT: Well, let me tell you.

6 I'm not going to let you play the tape. You
7 can make it a court's exhibit and you can --
8 that may be a basis for your appeal but I
9 don't think that it meets the standard under
10 *State v. Doctor*, which is 413 S.E. 2nd 36 in
11 that it does not exculpate this defendant nor
12 is it clearly corroborated by evidence that
13 indicates the trustworthiness of Mr.
14 Gambrell's statement, so I don't think it
15 meets it in either regard, except that Mr.
16 Gambrell is not testifying.

17 Would you check in the lobby and see if
18 any of the other defense witnesses are
19 available?

20 BAILIFF: (Returns from lobby and
21 has an off-the-record bench conference with
22 Judge).

23 MR. SMITH: May we approach, Your
24 Honor?

25 THE COURT: Yes, sir.

1 (OFF RECORD BENCH CONFERENCE)

2 THE COURT: While the jury is taking a
3 break, let's take five minutes. Check and
4 see if any of your witnesses are here.

5 (BRIEF RECESS 2:49 - 2:57 P.M.)

6 (DEFENDANT PRESENT)

7 THE COURT: Please be seated. Mr.
8 Smith, I think that you advised your other
9 witnesses who are under subpoenaed just
10 didn't show. Right?

11 MR. SMITH: Yes.

12 THE COURT: Have you had sufficient
13 time to talk to your client as to whether or
14 not he wishes to testify?

15 MR. SMITH: Yes, sir. Before him, I
16 would like to call Detective Marzolf.

17 THE COURT: What is your position on
18 that?

19 SOLICITOR MOORE: Your Honor, I think
20 that -- my question I suppose is what would
21 he be trying to elicit from Detective
22 Marzolf. We've had ---

23 THE COURT: That would be -- you're not
24 going to be able to go back over testimony
25 already in the record. If there is something

1 that -- this is unusual because usually you
2 have to do with cross-examination. So based
3 on what are you trying to recall him?

4 MR. SMITH: I want to recall him about
5 his statement that Mr. Curry was given the
6 gun by Mr. Gambrell, that totally contradicts
7 that.

8 THE COURT: I'm not going to allow
9 that.

10 MR. SMITH: Sir, he lied. That's a
11 lie. That is not what the man said, and the
12 only way that I know that is because we
13 watched that. I didn't get that from his
14 report. How am I supposed to cross examine
15 him if I don't have that material

16 THE COURT: You had the material. In
17 fact, -- did you make that part of the court
18 record?

19 SOLICITOR MOORE: Your Honor, I have to
20 get a true copy from the Clerk's Office.

21 THE COURT: When was that audio of Mr.
22 Gambrell given to the defense?

23 SOLICITOR MOORE: Your Honor, that was
24 all sent on the flash drive back in December.

25 THE COURT: December 2016?

1 SOLICITOR MOORE: Yes, Your Honor.

2 MR. SMITH: As far as exculpating,
3 there is corroborating evidence in that
4 statement that to my mind exculpates my
5 client.

6 THE COURT: If you're looking at the
7 video, I've already ruled. I'm not asking
8 for further argument on that. If I'm wrong,
9 they will correct me on appeal.

10 The question before the court is you --
11 you want to cross-examine Detective Marzolf
12 based on the video that you had in December.
13 I'm not going to allow you to do that. You
14 had it in December and you had an opportunity
15 to question him during cross-examination.

16 Any other basis?

17 MR. SMITH: He's testified and now you
18 see that he testified against what happened.
19 Has he perjured himself?

20 THE COURT: You know, it is up to the
21 jury to determine what they believe. They
22 weigh the evidence, the jury does. I'm not
23 going to let you cross-examine him again
24 unless you give me a good basis. So far I've
25 not heard one.

1 DEFENDANT: Yes, sir.

2 THE COURT: Has anybody forced you,
3 threatened you or promised you anything to
4 get you to testify?

5 DEFENDANT: No, sir.

6 THE COURT: This is solely your
7 decision?

8 DEFENDANT: Yes, sir.

9 THE COURT: Are you ready to proceed,
10 Mr. Smith?

11 DEFENDANT: Yes, sir.

12 THE COURT: Is the State ready?

13 SOLICITOR MOORE: Yes, Your Honor.

14 THE COURT: Bring in our jury.

15 (JURY IN @ 3:01 P.M.)

16 THE COURT: Mr. Smith, are you ready to
17 call your next witness?

18 MR. SMITH: The Defense calls Jason
19 Carver.

20 (WITNESS TAKES STAND)

21 JASON CARVER, having been sworn to tell
22 the truth, and nothing but the truth,
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MR. SMITH:

1 Q. Mr. Carver, where do you live at?

2 A. I live at 702 Westmoreland Street.
3 I used to, but I've been staying with my mom,
4 helping her out, because she's been going
5 through cancer treatment and all that.

6 Q. Can you tell us about your
7 education?

8 A. Well, I tell people that I went to
9 the eleventh but I only went to the tenth and
10 a half grade.

11 Q. When you were in school, did you
12 have any special classes?

13 A. Yes, sir, I had speech problems and
14 I -- I did really poor in English but I made
15 straight A's in Math.

16 Q. So numbers were good?

17 A. Yes, sir.

18 Q. You said that you went into the
19 tenth grade but did not finish?

20 A. Did not finish.

21 Q. Did you have any certificates or
22 licenses or anything?

23 A. No, sir.

24 Q. When did you start working?

25 A. At Greenville Transmission Clinic?

1 Q. No. How old were you?

2 A. I was seventeen years old.

3 Q. And where did you start working?

4 A. I started working at C&J Utilities
5 putting natural gas in, for five years.

6 Q. What were your responsibilities
7 there?

8 A. We used to lay natural gas pipes
9 down for Pickens County, Oconee County,
10 Seneca and all that.

11 Q. So then was your next job then with
12 your current position?

13 A. Well, I had a couple other small
14 jobs that wasn't to my liking. I didn't quit
15 them until I found the job where I'm
16 currently at now.

17 Q. All right. So you started working
18 with Greenville Transmission Clinic when?

19 A. June 1st, 1999.

20 Q. What were you hired to do?

21 A. I was hired to wash parts at the
22 time. Then I still washed parts and I
23 elevated up to start tearing transmissions
24 down, then I elevated up to wash parts, tear
25 transmissions down and do a little bit of

1 parts organizing and run torque converters.

2 Q. Who else works there?

3 A. Mr. Tim Jacobs, his wife, one of --
4 his second oldest son that just finished
5 school to be a technician, uh, a repair
6 transmission certify (sic). I got a little
7 brother that works there too.

8 Q. Your little brother?

9 A. My little brother, (affirmative
10 nod). He's been there, I want to say almost
11 eight years.

12 Q. So you've been there eighteen years

13 A. Yes, sir.

14 Q. How close does your mom live to your
15 place of business?

16 A. Well, she's less than probably about
17 a quarter of a mile, less than that.

18 Probably an eighth of a mile, I'd say. I'm
19 not for sure but I do walk it a lot of times
20 when I ain't had no transportation. When
21 it's snow or sleet, I'm usually the only one
22 that shows up. If they don't have work, they
23 call.

24 Q. Do you go home for lunch, to your
25 mom's?

1 A. Yes, sir, I do that every day. I
2 eat lunch and I take me about a thirty-minute
3 nap or a fifteen-minute nap, then I go back
4 to work.

5 Q. How old are you?

6 A. I am forty-eight years old today,
7 probably -- this year.

8 Q. You've used drugs in the past,
9 haven't you?

10 A. Yes, sir. Marijuana.

11 Q. And what drugs did you use?

12 A. Marijuana, and then I did a little
13 bit of cocaine.

14 Q. When you say a little bit, what does
15 that mean?

16 A. Well, it wasn't nothing big but I
17 did -- I did just a little bit.

18 Q When you got the cocaine, did you
19 get it for yourself?

20 A. Yes, sir.

21 Q. Can you recall any time when you
22 sold?

23 A. No, sir, I do not buy drugs to sell.
24 What I buy is pretty much my use only.

25 Q. How long have you known Mr.

1 Gambrell?

2 A. I've known him for about eight to
3 almost ten years.

4 Q. How did you meet him?

5 A. I met him through an acquaintance/
6 friend. When I was introduced to him, he was
7 having problems with his vehicles. We
8 started talking about working on cars and
9 stuff. Prior to that -- after that we
10 developed a friendship.

11 Q. Did that friendship include the
12 working on cars?

13 A. Yes, sir. He got a '79 Chevy truck
14 that he was restoring. I swapped out a
15 three-speed transmission and put a four-speed
16 transmission in it for him.

17 It had been running pretty good until he
18 let somebody use the truck and wrecked it.
19 Then we had to do a body work fix on it.

20 Q. You did that?

21 A. Yes, sir.

22 Q. Mr. Curry, how do you know him?

23 A. I only know him for mostly half a
24 year to a year, not long. First time I met
25 him was when he came over to Gambrell's house

1 and all that stuff, and he started talking.

2 Q. How well did you get along with him?

3 A. We had a couple disputes working on
4 cars and all that. I was telling him that he
5 can't be doing this stuff right here because
6 he was tearing up more than what he fixing
7 and all that.

8 Q. All right. So your six-month to
9 twelve-month affiliation was bumpy?

10 A. Yes, sir, because he didn't approve
11 of how I went out there and tried to do work
12 on vehicles and stuff. He tried to do the
13 less amount of time and not do it the right
14 way the first time, causing more problems.

15 Q. Mr. Cameron, how did you know him?

16 A. I only met him three times. The
17 third time was the night that I took him
18 home.

19 Q. The times that you had seen him
20 before, where had that been?

21 A. At Mr. Gambrell's house. Usually I
22 was outside working on a car, or he'd come by
23 or ---

24 Q. How long would he stay?

25 A. Sometimes he stayed from thirty to

1 an hour, depending on who was bringing him or
2 what, because he did not have no transporta-
3 tion.

4 Q. When he was there for an extended
5 period of time, thirty minutes to an hour,
6 who did he talk to?

7 A. He usually would deal with Steven --
8 I mean Steven would usually deal with
9 Gambrell or Junior, because Junior ---

10 Q. So that's who he talked to?

11 A. Yeah.

12 Q. Would you chat with him?

13 A. No, sir, I usually just stay to
14 myself. I mean, I -- I'm just a more laid
15 back guy, do what I gotta do and be done
16 with.

17 Q. Yes, sir.

18 A. I worked a full-time job and when I
19 get off work ---

20 Q. What is your tendency to go to work?

21 A. (No verbal response).

22 Q. Do you have a tendency to go to
23 work?

24 A. Yes, sir, -- at Greenville
25 Transmission Clinic?

1 Q. Yes, sir.

2 A. Can you rephrase it?

3 Q. How often do you think you've missed
4 in the last three years?

5 A. Missed work from the Greenville
6 Transmission Clinic?

7 Q. Yes, sir.

8 A. None, sir. I'd take a week vacation
9 or two during the wintertime, that's about
10 it.

11 Q. Why did you take it in the winter?

12 A. Because it's hunting season.

13 Q. Yes, sir. What side work do you do?
14 What side work have you done?

15 A. Yeah, I've built two transmissions
16 for Mr. Gambrell. I also have built quite a
17 few others for other people but for Mr.
18 Gambrell I did two of them for him. I did an
19 engine swap in his truck, I did some exhaust
20 work and all that stuff. I even do wheel-
21 bearings, uh, I did, uh, CV axles in cars and
22 stuff like that. I do a number of engine
23 transmissions.

24 Q. The tools that you had over there,
25 can you tell us what they consisted of?

1 A. Most of them consisted of rebuilt
2 transmission. Most of them were all the
3 mechanics tools you've got to have, you know,
4 wrenches and all that stuff. But there's
5 certain tools that you've got to have to tear
6 a transmission apart because a transmission
7 has got so much parts on the inside of 'em.

8 Q. So when Mr. Jacobs said that you had
9 a lot of tools over at Mr. Gambrell's house,
10 would that be a fair assessment?

11 A. Yes, sir. Because Gambrell would
12 buy cars that needed to be fixed on and we
13 were fixing on them to -- to sell.

14 Q. Do you remember March 29th

15 A. The incident that night?

16 Q. Yes, sir.

17 A. Yes, sir.

18 Q. That was a Monday? Is that right?

19 A. Yes, sir, and it was March 28th.

20 Q. The 28th?

21 A. Yes, sir.

22 Q. It was a workday, is that right?

23 A. Yes, sir.

24 Q. Had you worked a full day?

25 A. I worked the full day. We got off a

1 little bit after 5:00 that day.

2 Q. What time did you get to the
3 Gambrell location?

4 A. I'd say probably about fifteen until
5 6:00 or 6:00 o'clock.

6 Q. What were you working on at that
7 time?

8 A. Over the weekend I had a rebuild,
9 had pulled out a transmission from an '89
10 Chevy Monte Carlo, torn it down and rebuilt
11 it. I'd started putting it back in Sunday
12 but I had something else I had to do and I
13 didn't get it finished up Sunday so I had to
14 work on it Monday. I went over there to
15 finish it up and ---

16 Q. Was it your belief that you would
17 get it done Monday night?

18 A. Yes, sir.

19 Q. Where was Mr. Gambrell at this
20 point?

21 A. Mr. Gambrell was in the house.

22 Q. Mr. Cameron, where was he at?

23 A. He was in the house too.

24 Q. And Mr. Curry?

25 A. Mr. Curry was in the house.

1 Q. Was there anyone helping you with
2 the transmission?

3 A. No, sir. I tried to not include
4 Junior in my work because I don't like how he
5 does work at all.

6 Q. Yes, sir. Was your dog there?

7 A. Yes, sir.

8 Q. What kind of dog do you have?

9 A. I have a blue Pit Bull. He's not an
10 aggressive dog, he's just a baby. But I --
11 he's a Pit Bull.

12 Q. How did you guys get over there, you
13 and your dog?

14 A. In my mom's '93 or '95 Ford Escort.

15 Q. What color is it?

16 A. Green.

17 Q. Dark green?

18 A. Almost a -- close to a dark green.

19 Q. Where did your dog sit?

20 A. When I was working on the car?

21 Q. No, when you were driving over
22 there.

23 A. He normally sit in the passenger
24 seat with me or he'd get in the backseat.

25 Q. What all did you have in that car?

1 A. I had ---

2 Q. Were you using it exclusively or did
3 your mom use it as well?

4 A. I used it exclusively. My mom got
5 the mini van. It was just a family car that
6 my dad had bought new back in the day and my
7 mom had gave it to me because I didn't have
8 no vehicle.

9 Q. Yes, sir. You get over there about
10 6:00 o'clock.

11 A. (Affirmative nod).

12 Q. And what did you do at that time
13 until such time as you were going to Sterling
14 Bridge Road?

15 A. Well, when I first got there I went
16 over there and started working on that car,
17 to finish it up and all.

18 While I was there, Cameron and Quay and
19 them were outside trying to start a dirt bike
20 up. Cameron was showing them how to start a
21 dirt bike up.

22 I was still busy working on the car at
23 the time and all and my dog usually laid
24 right beside the car I was working on.

25 Q. So they were dealing with that dirt

1 bike?

2 A. Yes, sir.

3 Q. From your observation, did they get
4 it started?

5 A. After Cameron came out and -- after
6 Cameron came out, he went down there and
7 showed them how to crank it up and all.

8 Q. So the boys that had it, they didn't
9 understand how ---

10 A. Neither one of them knew how to
11 drive a dirt bike or a motorcycle.

12 Q. So when Cameron came out, he started
13 it?

14 A. (Affirmative nod).

15 Q. Did someone ride it after that
16 point?

17 A. Yeah. Quay's friend rode it and all
18 that stuff. I mean, he had a little
19 experience but he wasn't for sure how to get
20 it going and all.

21 Q. Okay. So Mr. Gardner rode it?

22 A. Yes, sir.

23 Q. When Mr. Gardner came back with the
24 bike and shut it off, what happened then?

25 A. Well, Quay and Cameron went in and

1 talked and all that stuff and then they came
2 back out and they left: Cameron, Quay and ---

3 Q. Was it your understanding that they
4 were going to get ---

5 A. Not at the time, no, sir.

6 Q. What time are we talking about at
7 that point?

8 A. I want to say at that time it was
9 around 6:40 or 7:00 o'clock when they went
10 and did all that.

11 Q. This was at the end of March, so was
12 it dark at this point?

13 A. It was getting dark. Yes, sir.

14 Q. What was the lighting like in the
15 area where you were working?

16 A. There's a lot of shade. I've got a
17 spotlight that I use as you -- I walk out
18 with a spotlight so that I can work on under
19 the car.

20 Q. So you hook it on the hood?

21 A. No. It's like a square thing. It's
22 got like legs. You just prop it up, it has
23 lights and all that stuff.

24 Q. At this point you'd been there for
25 an hour. Have you seen Mr. Gambrell?

1 A. No, sir, he ain't come out.

2 Q. At what point did you see Mr.
3 Gambrell?

4 A. I want to say that it was probably
5 about around 7:30 or so. He asked me to take
6 Cameron home when Cameron was ready, because
7 he had been drinking.

8 Q. That's Mr. Gambrell?

9 A. Yes, sir.

10 Q. When did Mr. Cameron -- how soon
11 after that Mr. Gambrell ask you to do that,
12 how soon did Mr. Cameron ask you to take him
13 home?

14 A. It was about around 8:00 o'clock or
15 so. He came out there where I was still
16 working on the car.

17 Q. So 8:00 o'clock and you've had two
18 hours now on the vehicle that you were
19 working on?

20 A. Yes, sir.

21 Q. How much more have you got to do?

22 A. I was pretty much done and all that
23 stuff to have it ready for the customer.

24 Q. Did you have any intention of taking
25 it to the customer?

1 A. I wanted to that night, to get paid
2 and all.

3 Q. What did you have to do in order to
4 get ready to take Mr. Cameron to Sterling
5 Bridge Road?

6 A. Well, I went -- got out, cleaned
7 myself up a little bit because I had grease
8 all over me. We walked down to my car. I
9 put my Pit Bull in the backseat.

10 Q. Was he in the backseat by himself?

11 A. My dog?

12 Q. (Affirmative nod).

13 A. Yes, sir. He takes the whole
14 backseat up.

15 Q. Was there anything else in the
16 backseat?

17 A. Well, there was -- in the floorboard
18 I had two spare tires.

19 Q. So they weren't interrupting the
20 dog's ---

21 A. No, sir, he had plenty of room to
22 lay down.

23 Q. How many times had you been to
24 Sterling Bridge Road?

25 A. That was the first time.

1 Q. Can you tell me the route that you
2 took?

3 A. We went down 124 to 25 and took 25
4 to -- I don't -- I ain't sure of the road,
5 next to the Tabernacle Baptist Church and
6 bear off to the right. He showed me the rest
7 of the way from there.

8 Q. How long did that take?

9 A. I want to say probably about close
10 to -- fifteen, twenty minutes at the most.

11 Q. So it wasn't that far?

12 A. It wasn't that far; no, sir.

13 Q. Did you ever reach speeds of 45 or
14 55?

15 A. When I was first going on the side
16 road because I didn't know when -- he didn't
17 hardly talk to me when we was in the car, so
18 I didn't want to go too fast and have to slam
19 on brakes. So I did a little bit less than
20 the speed limit at first.

21 Q. So when you got there, I mean what
22 -- what kind of discussion did you have with
23 him, or did you talk?

24 A. I just asked him how he was doing
25 and he said that he was alright. Like I say

1 I didn't know this -- know the guy. That was
2 my third time.

3 Q. When you got to his house, how did
4 you approach the house? Did you park? What
5 happened?

6 A. Well, as soon as I pulled up in the
7 driveway he said 'this is fine.' He opened
8 up the door, I didn't even get all the way
9 into his driveway. He opened up the door,
10 got out. So I backed out and left.

11 Q. When you left, what was your
12 understanding of your relationship with
13 Steven Cameron?

14 A. Everything was all right. I mean,
15 we didn't have no problem with each other.

16 Q. How many people do you dislike?

17 A. There ain't -- there's nobody that I
18 dislike.

19 Q. Anybody in your observations, from
20 your encountering them not like you?

21 A. As far as I know, no, sir.

22 Q. Do you believe you do anything to
23 make them not like you?

24 A. I usually stay by myself. I don't
25 associate. I don't go to clubs or stuff like

1 that. I usually work all the time.

2 Q. Yes, sir. You've gotten in trouble
3 with the law, right?

4 A. Yes, sir.

5 Q. You got in trouble for cocaine on a
6 couple of occasions, is that right?

7 A. Yes, sir.

8 Q. Were you out at a club or what
9 happened there?

10 A. Well, I was with a girlfriend of
11 mine and, uh, we was -- we was spending time
12 together.

13 Q. Did you get cocaine for just hanging
14 out by yourself?

15 A. For me? Yeah.

16 Q. Yeah.

17 A. Yeah.

18 Q. Did the use of drugs ever interfere
19 with your work with Greenville Transmission?

20 A. No, sir.

21 Q. You didn't miss work because you
22 were hung over?

23 A. No, sir. I am really respectful
24 about my work. That's one thing my dad had
25 taught me over the years.

1 Q. So you saw Mr. Gambrell when he
2 asked you to take home Mr. Cameron?

3 A. Yes, sir.

4 Q. Did you have a phone that day?

5 A. No, sir, I didn't have a phone at
6 all.

7 Q. Did Mr. Cameron's phone go off on
8 the way back to his house?

9 A. I did not hear it.

10 Q Do you know if he had a phone?

11 A. Like I say, I do not know nothing.
12 That was the third time I'd met him. He was
13 in the house most of the time. The only time
14 I noticed he'd left was when he was with
15 Quay, was when they came out and tried to
16 start the dirt bike.

17 Q. When you got back to the house from
18 taking him to Sterling Bridge Road, tell us
19 what happened.

20 A. Well, when I got back I started
21 cleaning up my tools and all that, started
22 putting it up because I was pretty much done
23 for the night and all that stuff. I was just
24 trying to get everything cleaned up before it
25 got too dark and I wouldn't leave something

1 out and all that stuff, because tools ain't
2 cheap.

3 Q. At this point you've already taken
4 Mr. Cameron home?

5 A Yes, sir.

6 Q. And you've returned?

7 A. Yes, sir.

8 Q. About what time is it at this point?

9 A. I want to say probably, give or
10 take, 9:00 o'clock or so.

11 Q. You've had an opportunity to see the
12 video that we saw; right?

13 A. Yes, sir.

14 Q. And they said that the vehicle got
15 there at 9:02 at Sterling Bridge Road. All
16 right?

17 A. Okay.

18 Q. And you saw it pull in, pull out?

19 A. Yeah.

20 Q. Do you believe that was your car?

21 A. The first one?

22 Q. Yes.

23 A. Yes, sir, it was my car.

24 Q. And so at 9:02, do -- you believe
25 that you arrived back at the Appaloosa home

1 at about what time?

2 A. I want to say about 9:20, probably
3 about 9:15.

4 Q. So you got back about 9:15. You
5 were in the process of putting your tools
6 away.

7 A. Yes, sir.

8 Q. What happens next?

9 A. Curry comes outside and told me that
10 Milt wanted to talk to me. So I go inside
11 and Milt asked me -- said, 'I wish you had a
12 phone, I've been trying to call Cameron' --
13 but, like I said, I did not hear any phone
14 from Cameron going off.

15 After I returned, Gambrell asked me to go
16 back and pick Cameron up and bring him back.
17 That was it.

18 Q. So Gambrell asked you to go get him?

19 A. Yes, sir.

20 Q. What were you going to do with the
21 Pit Bull or was he just going to stay there?

22 A. Yeah. I left him in my car and all
23 that stuff because I don't let him run
24 around, you know.

25 Q. So you left him in your car?

1 A. (Affirmative nod).

2 Q. You didn't take him to get Cameron?

3 A. No, sir, because Curry wanted to
4 ride with me.

5 Q. So as a result of -- was it your
6 belief that you were to bring Cameron back?

7 A. Yes, sir.

8 Q. How did you get the Buick?

9 A. Well, the key was already in the
10 switch and all that stuff. And since I had
11 to bring Cameron back, that's the reason why
12 I took the Buick because there was no room to
13 fit three people in my car.

14 Q. Especially with the dog in there?

15 A. Especially with the dog. A lot of
16 people don't like to sit beside a Pit Bull
17 that they don't know.

18 Q. Yes, sir. Pit Bulls in general?

19 A. In general; yes, sir.

20 Q. So Mr. Gambrell tells you that you
21 need to go back and get Mr. Cameron. Was
22 there a discussion as to what had transpired?
23 As to what the need was?

24 A. No, sir.

25 Q. Did Mr. Cameron get along with Mr.

1 Gambrell, at least from whatever you saw if
2 you saw anything?

3 A. Pretty much. I'm assuming that they
4 got along pretty good.

5 Q. Did you ever see them have any
6 difficulties?

7 A. No, sir.

8 Q. Did you ever see Mr. Curry have
9 difficulties with Mr. Gambrell?

10 A. None other than Mr. Gambrell would
11 try to straighten them up on how they worked
12 on cars.

13 Q. I'm asking you about Mr. Curry and
14 Mr. Cameron. Did you see any difficulty
15 between those two?

16 A. Oh, no, sir.

17 Q. All right. So you take off for
18 Sterling Bridge in the Buick. Did you travel
19 the same route?

20 A. Yes, sir.

21 Q. Did you travel at the same pace?

22 A. It was probably a little bit more --
23 more to the speed limit this time because I
24 knew where it was at.

25 Q. You knew where you were going?

1 A. Yes, sir.

2 Q. Was there any difficulties on the
3 way down there?

4 A. Well, when we started to approach,
5 Curry had a .38 in his lap. I told him to
6 put it up, that we didn't need it.

7 Q. Now, where was the .38?

8 A. Well, I'm assuming that he had a --
9 he had like a black hood over and he had
10 pockets in here and, uh, when it was leaning
11 it fell out of his pocket, between the door,
12 and made a noise. When he picked it up, he
13 laid it in his lap. I told him to put it up,
14 that we did not need no gun.

15 Q. You said "we", what does we mean?

16 A. Me and Junior/Curry.

17 Q. What were you there for? Tell me
18 what was your understanding of your purpose?

19 A. My understanding is that all we was
20 supposed to do was to go up there and pick
21 Cameron up for him and bring him back.

22 Q. Did you and Curry get along?

23 A. We had a little dispute sometimes.

24 Q. So you didn't get along because of
25 your thoughts on car repairs?

1 A. Yes, sir.

2 Q. So what was the conversation like on
3 the way down there?

4 A. It wasn't much other than Curry told
5 me that -- said that we was going up there to
6 pick him up.

7 Q. What else did he tell you?

8 A. Told me that we was going to pick
9 him up or to pick up some money. That was
10 it.

11 Q. So that was your understanding from
12 Curry?

13 A. That was my understanding from
14 Curry. But Gambrell did not say anything
15 about picking no money up, to me.

16 Q. So you see the gun?

17 A. (Affirmative nod).

18 Q. About how close were you to the
19 residence? Had you turned onto that street
20 yet?

21 A. We was about to.

22 Q. All right. So what discussion took
23 place after the gun -- after you had notice
24 of the gun?

25 A. Well, he didn't say much after I

1 told him to put the gun up. I was assuming
2 that he did put the gun up and all that.

3 Q. When you got out of the car -- well,
4 tell me what happened. You pulled in the
5 driveway?

6 A. Yes, sir.

7 Q. Take us from there?

8 A. We pulled in the driveway and we
9 went to the door. Curry knocked on the door.
10 At first Cameron did not answer.

11 Q. If I may, you knocked on the door?

12 A. Yes, sir.

13 Q. And there was no answer. Is that
14 right?

15 A. Yes, sir.

16 Q. Was the door ajar or anything of
17 that nature?

18 A. I wasn't close to the door at all.
19 I was right at the top of the step by the
20 porch. Curry was more doing everything.

21 Q. So did both of you -- based on the
22 failure to respond, did both of you leave the
23 stairs?

24 A. Yes, sir.

25 Q. Off the porch?

1 A. Yes, sir.

2 Q. Were you leaving at that point?

3 A. I was headed to the car.

4 Q. You were thinking that he wasn't
5 there?

6 A. Yes, sir.

7 Q. What happened next?

8 A. Next, Junior hollered at me to go
9 around back but I did not go.

10 Q. Why would he say that?

11 A. I do not know. I had no participa-
12 tion in going around back.

13 Q. I understand that but what did you
14 learn?

15 A. (No verbal response).

16 Q. Did Mr. Curry see Cameron?

17 A. Well, as soon as Mr. Curry said
18 that, he seen Cameron peek out the window.

19 Q. So you learned that Mr. Cameron
20 peeked out the window?

21 A. Yes, sir.

22 Q. Tell us what happened next. What
23 did Mr. Curry do?

24 A. Well, Mr. Curry went back to the
25 door to knock again and that's when Cameron

1 opened up the door.

2 Q. What did you do?

3 A. I was in the middle between my car
4 -- well, not my car, but Mr. Gambrell's car
5 -- and the house at that time.

6 Q. Did you start walking back towards
7 the porch?

8 A. I was at the time when Curry went
9 towards the porch.

10 Q. So Curry is knocking on the door,
11 Cameron has answered the door. Tell us what
12 happened next.

13 A. Well, they started talking and then,
14 all of a sudden, they started arguing. Then
15 Cameron had pushed Curry and then ---

16 Q. Did he push him hard?

17 A. Not the first time. I mean, they
18 were pushing each other a few times. Then
19 Cameron pushed Curry so hard that Curry about
20 fell. That's when I noticed that Curry had
21 pulled out a silver gun between -- I thought
22 it was his fanny pack. As soon as he pulled
23 it out, I hollered at him and told him to put
24 his gun up, to get the gun out of Cameron's
25 face.

1 Q. What did Curry say when you said
2 that, did he say anything?

3 A. He did not say anything at all.

4 Q. Did Cameron say anything?

5 A. Cameron said 'get the gun out of my
6 face.'

7 Q. How many times did you say to put
8 the gun away?

9 A. I repeated twice, I said 'get the
10 gun out of his face and put it up.'

11 Q. What was Mr. Cameron doing at this
12 time?

13 A. Mr. Cameron was just standing there.
14 I mean, he said -- when I was saying at that
15 time to get the gun out of his face, he was
16 saying it too. Then he took his left arm and
17 pushed Curry's right arm with the gun out of
18 his face.

19 Q. So Mr. Curry has pulled the gun out
20 and he was pointing it directly at his face?

21 A. Yes, sir.

22 Q. His chest or his face?

23 A. I want to say his face. It was
24 between here and there (gesturing).

25 Q. So you're telling him to put the gun

1 away?

2 A. Yes, sir.

3 Q. And Mr. Cameron, at the same time,
4 he's not afraid of the gun?

5 A. No, sir.

6 Q. So he takes his left hand and he
7 hits Mr. Curry's right hand, with the gun,
8 out of his face?

9 A. Yes, sir.

10 Q. What happened next?

11 A. After that was done, Curry -- when
12 he was swinging his arm back around, he
13 started shooting. I got scared, I took off.
14 I ran to the car. My intention was to leave
15 him there but I -- my hand was shaking so bad
16 that I dropped the keys in the floorboard.

17 Q. How long do you think it took you to
18 get back to that car from the side of the
19 porch?

20 A. It didn't take me long because I was
21 scared and shocked.

22 Q. So you get in the car?

23 A. (Affirmative nod).

24 Q. Mr. Curry gets in the car?

25 A. (Affirmative nod).

1 Q. What does Mr. Curry offer you?

2 A. (No verbal response).

3 Q. What does he say?

4 A. Well, Mr. Curry, he was sitting
5 there -- he turned around and looked at me,
6 with the gun in his lap, with -- apparently
7 the .38 which he was supposed to have left
8 in the car.

9 Q. What was that, now?

10 A. Mr. Curry, when he jumped in the
11 car, apparently he had the .38 in his lap,
12 pointing at me when he got in the car.

13 Q. So it wasn't the .25 that he pointed
14 at you?

15 A. No, sir.

16 Q. It was the .38?

17 A. Yes, sir.

18 Q. Could that have been in the seat and
19 he picked it up as he jumped in?

20 A. Yes, sir, I'm assuming if he did
21 leave it in the car that he picked it up when
22 he come got back in.

23 Q. So the .25, where was it at at this
24 point?

25 A. I do not know, sir. I have no

1 recollection of him having a .25.

2 Q. Did you ever see the .25 after you
3 got -- after you saw it being hit out of
4 Cameron's face?

5 A. No, sir. After he shot that first
6 time, I took off running to the car because I
7 was scared.

8 Q. Did you see the shot itself?

9 A. No, sir.

10 Q. Did you hear the shot as you were
11 running away?

12 A. Yes, sir.

13 Q. What did Mr. Curry tell you at this
14 point?

15 A. Well, he jumped in the car and had
16 the .38 pointed at me. Told me if I told
17 anybody that he had -- that he would kill me
18 and my mom. And then ---

19 Q. Where does your mom live compared to
20 Appaloosa, how far?

21 A. I want to say probably about not
22 more than three or maybe four miles. But
23 where Curry lives at, his house is less than
24 a mile.

25 Q. So you and Mr. Curry are in the car

1 now. Then what happens?

2 A. Well, as soon as I get in the car
3 and got the car started and all that stuff,
4 after I got the keys and picked them up, uh,
5 he threatened my life then and he told me
6 'don't turn the lights on until we get down
7 the road.' He told me, 'Let's go.'

8 Q. How far did he let you drive before
9 you were allowed to turn on the lights?

10 A. We got probably about a hundred
11 yards or so before we got away from the
12 house.

13 Q. So obviously on the video that we
14 watched you didn't have the lights on in the
15 video from the neighbor's house. How much
16 farther did you go?

17 A. According to that right yonder, I'd
18 say probably right after we passed that house
19 that I turned the lights on because it was
20 getting like a little wooded area where you
21 couldn't see.

22 Q. How long did it take to get back to
23 Appaloosa this time as compared to the time
24 before?

25 A. Well, we got back there. Me being

1 shook up, I wasn't doing the speed limit for
2 sure.

3 Q. Were you driving faster or slower?

4 A. I was a little bit faster somewhat
5 because I was shook up, scared. I didn't
6 know was going to happen. I didn't know if
7 he was going to shoot me when we got back to
8 Gambrell's house or not.

9 Q. All right. So you get back to Mr.
10 Gambrell's house?

11 A. (Affirmative nod).

12 Q. What takes place then?

13 A. When I got out, Curry got out behind
14 me. I don't know if he still had the gun on
15 me at the time but he followed me all the way
16 into the house.

17 Q. So he -- you say that he got out
18 behind you. Did he slide across the front
19 seat?

20 A. I'm assuming he did. I ain't for
21 sure.

22 Q. Because he was directly behind you?

23 A. Yes, sir, he was behind me.

24 Q. Did you take a chance and look
25 behind you or just keep on walking?

1 A. I looked but I didn't pay that much
2 attention. I was still shocked going in
3 Gambrell's house. I was already in tears at
4 that time too.

5 Q. Mr. Gambrell, he probably keeps his
6 house locked up pretty good, doesn't he?

7 A. Yes, sir.

8 Q. And when you got to the front door,
9 were you able to open it?

10 A. No, sir.

11 Q. How did you get in?

12 A. His nephew came to the door.

13 Q. So he opened the door?

14 A. (Affirmative nod).

15 Q. And you and Mr. Curry go in the
16 house?

17 A. Yes, sir.

18 Q. Did you get past that immediate
19 area?

20 A. (No verbal response).

21 Q. Did you go further than that? Did
22 you go the man cave or ---

23 A. We started back towards the man
24 cave. Then I sat down and Curry came across
25 from me. Once he got on the other side of

1 the little table, he sat down and laid the
2 .38 down. So I'm assuming that he already
3 had it out.

4 Q. So he had the .38?

5 A. Yes, sir.

6 Q. Where was Mr. Gambrell at this
7 point?

8 A. Mr. Gambrell was sitting in his
9 chair and he asked where Cameron was at.
10 That's when Curry was telling him, said 'we
11 got in an argument' and he said it got out of
12 hand. Then he said that he shot him. And I
13 was scared -- I was shocked, in tears.
14 Gambrell could see that I was scared, that
15 I'd been crying.

16 Q. What was Mr. Gambrell's reaction?

17 A. Well, Mr. Gambrell and Curry started
18 arguing. I mean, they were getting real
19 loud.

20 Q. Did Mr. Gambrell say anything about
21 the fact that Mr. Cameron was just shot?

22 A. Well, he told him that 'you was just
23 supposed to have went up there and was
24 supposed to have brung him back', all that
25 stuff. That was it.

1 But, uh, Curry -- he acted like he didn't
2 just acknowledge it. He acted like, you
3 know.

4 Q. So Curry and Gambrell are now in an
5 argument?

6 A. Yes, sir.

7 Q. And the .38 is sitting on the coffee
8 table?

9 A. No, it was in the floor. He'd laid
10 it in the floor.

11 Q. What did you do at this point?

12 A. Well, I was already so scared, I
13 just got up and left.

14 Q. Did you say goodbye?

15 A. No. No, sir.

16 Q. Did you say, 'can I leave?'

17 A. No, sir.

18 Q. You just left?

19 A. Yes, sir.

20 Q. Where did you go?

21 A. I went to my mom's.

22 Q. Where was your dog at this point?

23 A. My dog was still in the car at the
24 time.

25 Q. Did you go back the normal way? Or

1 how did you go back?

2 A. To my mom's house?

3 Q. Yes.

4 A. Same way I usually do all the time.

5 Q. How are you emotionally at this
6 point?

7 A. I was still shocked, still in tears
8 and I -- I was scared.

9 Q. So you go to your mom's house
10 directly?

11 A. Yes, sir.

12 Q. What did you do when you got there?

13 A. At first I was sitting on the front
14 porch trying to comprehend what went on
15 because, like I say, I was in shock.

16 Q. Where was your mom?

17 A. My mom was in the house taking a
18 bath.

19 Q. How long did you stay on the porch?

20 A. It was a good almost twenty minutes
21 before I came in, because my mom usually
22 takes a hot tub for about thirty minutes.

23 Q. So at this point what are you
24 contemplating? Are you thinking about the
25 police at all, are you thinking about Mr.

1 Cameron, what are you doing?

2 A. I was thinking about what I needed
3 to do at first until I seen Cameron (sic)
4 start riding by my -- not Cameron. Until I
5 seen Curry ride by my mom's house.

6 Q. How do you know that it was him?

7 A. Because he drives a green Grand Am.

8 Q. All right. There is more than one
9 green Grand Am out there.

10 A. Well, when he came by he literally
11 slowed down between my mom's van and my car
12 where the walkway is to go to the front door
13 and you can clearly see him.

14 Q. You saw him?

15 A. Yes, sir.

16 Q. Did you see him again?

17 A. I seen a car like his car but I
18 didn't see his face like I saw it the first
19 time.

20 Q. So Mr. Curry, it's your testimony,
21 threatened you and your mother?

22 A. Yes, sir.

23 Q. Did you believe that Mr. Cameron was
24 in bad shape at that point?

25 A. I didn't know.

1 Q. Did you hear -- as you were going
2 away from what you now know to be a shooting,
3 did you hear any thud or anything from Mr.
4 Cameron falling?

5 A. No, sir. Like I say, I was in
6 shock. I was in the car before Curry got to
7 it. I'd dropped the keys to the floor, I was
8 shaking so bad.

9 Q. Did you invite Mr. Curry?

10 A. To go with me?

11 Q. Yes.

12 A. No, sir.

13 Q. Was that your plan?

14 A. No, sir.

15 Q. Did Mr. Curry tell you that was the
16 way that it was going to be?

17 A. No, sir. He didn't tell me anything
18 like that.

19 Q. So you got home on March the 28th
20 still, about 10:00 o'clock.

21 A. Yes, sir.

22 Q. What did you do that night?

23 A. I had to be at work the next day,
24 at 6:00 o'clock in the morning to convert a
25 truck. I didn't sleep good that night. Like

1 I say, I was in shock and scared, didn't know
2 what was going to happen. I probably didn't
3 get but about a couple of hours sleep at the
4 most and it wasn't all at one time.

5 Q. When did you see your mom next?

6 A. Well, I -- when I got up, I hollered
7 out to my mom before I left because she keeps
8 my nieces and nephew and they go to school.

9 Q. From her house?

10 A. Yes, sir.

11 Q. You got to work on time?

12 A. Yes, sir. I always do.

13 Q. What did you do for lunch?

14 A. I go to my mom's house and eat.

15 Q. Did you share with your mom what you
16 had seen last night?

17 A. No, sir. I didn't want to even put
18 her in the shock that I was in.

19 Q. Did you do anything whatsoever to
20 ensure your mother's safety?

21 A. Yes, I stayed with her as much as
22 possible unless I had to go to work.

23 Q. Did you stay overnight?

24 A. Yes, sir.

25 Q. Do you have a bedroom there?

1 A. No, sir, and she gets mad at me
2 because my dog jumps on the couch.

3 Q. Did you sleep in the house the whole
4 time?

5 A. Yes, sir. Well, not the first night
6 I did not. I slept in my car.

7 Q. And where was your car as it relates
8 to the road?

9 A. It was two wheels off the road.

10 Q. Why did you do that?

11 A. Because I was scared that Curry
12 might have come back, tried to do something
13 because I had seen him ride by my mom's
14 house.

15 Q. The police came and talked to you at
16 Greenville Transmission?

17 A. Yes, sir.

18 Q. Who did you talk to?

19 A. It was Detective Marzolf and
20 Detective Call there.

21 Q. What did you tell them?

22 A. Well, I told them that I had took
23 Cameron home and all that. I did not mention
24 anything about Curry because I was scared to
25 death about mentioning anything about Curry's

1 name and all that. Then I ---

2 Q. Was that on or about April 6th or was
3 that the Monday after the wedding or when was
4 that?

5 A. That was April Fools Day, Aril 1st.
6 That Friday they came and talked to me.

7 Q. So April 1st, they came and talked to
8 you?

9 A. Yes, sir.

10 Q. So Mr. and Mrs. Jacobs was not
11 there?

12 A. No, sir.

13 Q. They were away?

14 A. Yes, sir.

15 Q. How long was that conversation?

16 A. I really ain't for sure. I mean, it
17 was probably about thirty minutes, maybe
18 forty minutes at the most.

19 Q. Now, Detective Call told us about
20 you showing him around.

21 A. Yes, sir.

22 Q. Did you tell him anything that
23 wasn't right?

24 A. Well, I was hinting around about
25 some stuff that happened, all that stuff, but

1 they wasn't taking knowledge of it.

2 Q. So you just simply did not talk
3 about Mr. Curry?

4 A. No, sir.

5 Q. So that was the 1st?

6 A. Yes, sir.

7 Q. What did you do between the night it
8 happened and the 1st?

9 A. I stayed at my mama's house and all
10 that stuff. I had learned from Mr. Gambrell
11 -- but I wasn't -- I had learned from Mr.
12 Gambrell that Curry had been arrested. It
13 was Saturday at that time.

14 Q. Was that at night?

15 A. Yes, sir, Saturday night.

16 Q. So he was being picked up and he was
17 being held in jail, is that right?

18 A. Yes, sir.

19 Q. Did you talk to Mr. Gambrell at that
20 time or make any determination at that time?

21 A. I told Mr. Gambrell that we needed
22 to come before because I didn't have nothing
23 to do with this right here and I was scared
24 for my life.

25 Q. So you saw this as an opportunity?

1 A. Yes, sir.

2 Q. Tell us what you did Monday morning.

3 A. Monday morning I went and I told my
4 brother first what happened, then I talked to
5 my bossman and told him.

6 Q. What did he tell you?

7 A. My bossman?

8 Q. Yeah.

9 A. He told me to come up here and tell
10 them that I wasn't completely honest about
11 what -- the interrogation that they did to me
12 at work. To tell them that I needed a legal
13 representative.

14 Q. Did he tell you to go see your mom?

15 A. Yes, sir, he did tell me to go see
16 my mom.

17 Q. What was that like?

18 A. I went and told my mom what happened
19 because he told me that I needed to tell her
20 and all that stuff, so I went and told her
21 what happened.

22 Q. Was that a difficult conversation?

23 A. Yes, it was. But I want to let you
24 know that Curry called me at work to let me
25 know that the detective was on his way.

1 Q. Curry told you that?

2 A. Yes, sir, he called my shop and they
3 passed that through to me at work.

4 Q. Was that that Friday, April Fools
5 Day?

6 A. Yes, sir.

7 Q. So Mr. Curry wanted to make sure
8 that you were aware that he was still alive,
9 still around?

10 A. Yes, sir.

11 Q. Did you take note of that?

12 A. Sir?

13 Q. Did you take note of the fact that
14 he was still ---

15 A. I was really scared to death of
16 Curry after I seen what he did. After all
17 that happened, I totally quit going over to
18 Mr. Gambrell's house.

19 Q. So you hadn't been hanging around
20 Mr. Gambrell?

21 A. No, sir.

22 Q. Had you been chatting with Mr. Curry
23 at all?

24 A. No, sir.

25 Q. Did Mr. Gambrell give you any

1 advice?

2 A. No, sir. I mean, like I say, for
3 that whole week I probably hadn't slept any.
4 I was in shock.

5 Q. So we've had the opportunity to see
6 your interview?

7 A. Yes, sir.

8 Q. So you have had anything to say
9 about that interview?

10 A. Yes, sir. When I talked to
11 Gambrell, he asked me what had happened that
12 night when I was taking Cameron home.

13 Q. So when you left Gambrell's house,
14 did Gambrell and Cameron have an issue
15 between them at that point, to your
16 knowledge?

17 A. When I took Cameron home that night?

18 Q. When you left?

19 A. Are you talking about ---

20 Q. When you got Mr. Cameron in your
21 car?

22 A. I didn't know they had any issue at
23 that time. No issue at that time, (negative
24 gesture).

25 Q. So you got back, did you have a

1 conversation with Mr. Gambrell about anything
2 that Mr. Cameron may or may not have done?

3 A. What you talking about?

4 Q. Did Mr. Gambrell tell you, 'go get
5 that thief'?

6 A. No, sir, he just told me to go up
7 there and pick him up, to bring him back,
8 since I knew where I'd dropped him off at.

9 Q. You'd seen Mr. Cameron there?

10 A. Yes, sir.

11 Q. And they'd never had an issue
12 before?

13 A. No, sir.

14 SOLICITOR MOORE: Objection, Your Honor.
15 He's leading.

16 THE COURT: Rephrase, please.

17 MR. SMITH: Yes, sir.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. SMITH:

20 Q. People that are involved in this
21 matter, did anyone dislike the other one; to
22 your knowledge?

23 A. What -- what do you mean?

24 Q. Was anyone unhappy with someone?
25 Was Mr. Curry unhappy with someone -- or Mr.

1 Cameron?

2 A. Mr. Curry's got a short fuse. I
3 mean, you just push his button a little way
4 and he just snaps.

5 Q. Was that in general or was that that
6 night?

7 A. That's in general.

8 Q. So you had the opportunity to watch
9 what happened on that porch. Right?

10 A. All the way up until he shot,
11 (affirmative nod).

12 Q. Who was the aggressor in that
13 particular act?

14 A. Cameron was the aggressor.

15 Q. Cameron was?

16 A. Yes, sir.

17 Q. How far away from the actual door
18 was Mr. Curry -- Mr. Curry knocked at the
19 door?

20 A. Yes, sir.

21 Q. How far was he from the door at this
22 point?

23 A. I -- want to say maybe three or four
24 feet.

25 Q. Could he reach it?

1 A. Reach the door?

2 Q. (Affirmative nod).

3 A. Yes, sir.

4 Q. When Mr. Cameron answered the door,
5 how far did he open the door?

6 A. When Cameron came out, he opened the
7 door pretty much all the way.

8 Q. Did he present himself at the front
9 door or did he go right into physical contact
10 with Mr. Curry?

11 A. Well, they were talking at first.

12 Q. Just chatting, in a normal voice?

13 A. Normal voice; yes, sir.

14 Q. Did you hear any of this discussion
15 whatsoever?

16 A. No, sir. I wasn't at the porch at
17 that time.

18 Q. At what point is there physical
19 contact? Where was it when the voices start
20 rising?

21 SOLICITOR MOORE: Objection, Your Honor.
22 This has been asked and answered.

23 THE COURT: Overruled.

24 DIRECT EXAMINATION CONTINUED

25 BY MR. SMITH:

1 Q. Can you tell what is said, if you
2 know, that raised the voice?

3 A. Well, I know that Cameron said
4 something about that Milton wanted his drugs.

5 Q. Speak up please.

6 A. That Milton was wanting his drugs or
7 for him to come back with us.

8 Q. Who said that?

9 A. That was Curry that said that.

10 Q. What was Cameron's response to that?

11 A. That he didn't have them.

12 Q. All right. So at this point was
13 that response a loud response? In other
14 words 'don't call me a thief.'

15 A. Yes, sir.

16 Q. So his voice starts rising?

17 A. Yes, sir.

18 Q. Then what does Mr. Curry say in
19 response to, 'I don't have them'?

20 SOLICITOR MOORE: Your Honor, this is
21 all hearsay.

22 THE COURT: I sustain the objection.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. SMITH:

25 Q. How many exchanges ---

1 A. They start arguing and then all of a
2 sudden Cameron started pushing because Curry
3 had got up on him. At first when Cameron got
4 up on Curry, Curry did step back. But then
5 Curry stepped back up in front when Cameron
6 pushed him out of the way.

7 Q. So a couple of gentlemen getting in
8 each other's face?

9 A. Yes, sir.

10 Q. When Mr. Curry brandished the gun,
11 pulled the gun from his front, how far away
12 was he? Had he just been pushed, so he was a
13 little bit farther away?

14 A. Yeah, he'd been pushed. That's when
15 he presented the gun out

16 Q. And when he pushed him, did he go
17 down and catch himself on the ground or how
18 did that ---

19 A. He stumbled back a little bit, then
20 he stepped forward.

21 Q. So when he -- after he got done with
22 the stumbling, stabilized himself, that's
23 when he came back with the gun?

24 A. Yes, sir.

25 Q. How far was the gun away from Mr.

1 Cameron at that point?

2 A. I wasn't really for sure. It was
3 pretty close to ---

4 Q. Close enough that he could knock it
5 out of his face?

6 A. Yes, sir.

7 Q. Were you part of any plan on this
8 particular night?

9 A. No, sir, I had no knowledge of
10 anything.

11 Q. When you saw the gun initially, that
12 .38, why didn't you turn around?

13 A. I didn't think nothing about it,
14 sir. Like I said, when he set the gun down I
15 was assuming that was the only firearm that
16 he had on him.

17 Q. Did you feel from the conversation
18 or what Mr. Curry was telling you that he was
19 there to take or -- did you have any feeling
20 as you were going down the road ---

21 A. He didn't tell me that he was going
22 up there to take ---

23 Q. I'm asking you how did you feel, did
24 you have any certain thought as you pulled in
25 that driveway?

1 A. No, sir. I mean, I can't say that I
2 -- I thought that we was all right. You
3 know? We didn't have no issues.

4 Q. To your knowledge, you, Mr. Curry or
5 Mr. Cameron had no issues?

6 A. That's right.

7 Q. No doubt you've done drugs?

8 A. I didn't do no drugs that night.

9 Q. It was a 'school night'?

10 A. It was a school night; yes, sir.
11 But I was working all day and when I got off
12 work, I was working again.

13 Q. So if Mr. Curry sat up there and
14 made a statement about you doing drugs that
15 night, is there any possibility you'd done
16 that?

17 A. No, sir.

18 Q. Had you even gone to the bathroom?

19 A. No, sir.

20 MR. SMITH: Please answer any questions
21 that Ms. Moore has.

22 THE COURT: Cross-examination.

23 SOLICITOR MOORE: Yes, sir.

24 THE COURT: May I see the lawyers?

25 (OFF RECORD BENCH CONFERENCE)

1 CROSS EXAMINATION

2 BY SOLICITOR MOORE:

3 Q. Mr. Carver, you've been in this
4 courtroom this week; is that correct?

5 A. Yes, ma'am.

6 Q. You have watched that video
7 yourself?

8 A. Yes, ma'am.

9 Q. Is everything that you said in that
10 video true?

11 A. Yes, ma'am.

12 Q. It was?

13 A. Yes, ma'am.

14 Q. So you drove Steven Cameron home
15 that night, didn't you?

16 A. Yes, ma'am, I did.

17 Q. You drove him in your car?

18 A. Yes, ma'am.

19 Q. When you got back to Milton
20 Gambrell's house, he sent you away again;
21 didn't he?

22 A. Yes, ma'am.

23 Q. He sent you away to get drugs, to
24 get money or bring Steven Cameron back; isn't
25 that right?

1 A. He told me to go pick up Cameron and
2 bring him back.

3 Q. So when did you know -- you say in
4 that video that you were supposed to go down
5 there, get the drugs, get the money or bring
6 him back.

7 A. Gambrell did not tell me anything
8 about picking up ---

9 Q. When did you know that?

10 A. It was probably around about Sunday
11 before we come down here to turn ourselves
12 in, to tell them.

13 Q. Do I need to replay the video to
14 refresh your recollection about what you
15 said?

16 A. About what?

17 Q. What you said in your statement to
18 police?

19 A. I told ---

20 Q. Do I need to play back the video for
21 you?

22 MR. SMITH: Objection, Your Honor. He
23 has stated that in fact he said that in the
24 video but he's offered from the stand what
25 happened ---

1 THE COURT: Overruled.

2 MR. SMITH: Argumentative.

3 THE COURT: But let him answer.

4 SOLICITOR MOORE: Yes, sir.

5 CROSS EXAMINATION CONTINUED

6 BY SOLICITOR MOORE:

7 Q. Do I need to play your video for
8 you?

9 A. No, ma'am.

10 Q. So in that video, when you say "we
11 went..." -- and by "we", I assume that you
12 meant Mr. Curry and you. Correct?

13 A. Yes, ma'am.

14 Q. You went, the two of you, to Steven
15 Cameron's house to get the drugs, to get the
16 money or to bring Steven Cameron back.

17 A. Well, I didn't know anything about
18 no drugs was missing until we were on our way
19 down here.

20 Q. On your way to Steven Cameron's
21 house?

22 A. No, on the way to the Anderson
23 County Sheriff's Office to talk to Detective
24 Marzolf and Detective Call.

25 Q. So when you said that in the video,

1 when you said "that's what we were supposed
2 to go and do", what did you mean?

3 A. I have a problem with expressing the
4 way -- when I speak, I do have a speech
5 problem. But I did not have any knowledge of
6 any drugs that were missing at Mr. Gambrell's
7 house that night, at all. Or -- like I say,
8 when Curry got in the car he said that we
9 were to pick up Cameron or pick up some
10 money. That was it.

11 Q. Or pick up some money?

12 A. Yes.

13 Q So you didn't know anything about
14 any drugs?

15 A. No, sir.

16 Q. Even though ---

17 A. No, ma'am.

18 Q. --- you said in the video that you
19 knew about the drugs?

20 A. (No verbal response).

21 Q. We will move on from that. You went
22 to Steven Cameron's house with Mr. Curry.
23 Correct?

24 A. Yes, ma'am.

25 Q. And on the way you discovered that

1 Mr. Curry was armed; is that correct?

2 A. On the -- yes, ma'am.

3 Q. And you puled in the driveway, you
4 said 'leave that gun in the car.' Correct?

5 A. No, ma'am.

6 Q. You did not?

7 A. No, ma'am.

8 Q. What did you tell him?

9 A. I told him to leave the gun in the
10 car when we were going down the road and it
11 fell out of his pocket and hit the door.

12 Q. Okay.

13 A. We wasn't even in his driveway at
14 that time.

15 Q. And you told him to leave the gun in
16 the car because the two of you were going to
17 scare him. Isn't that correct?

18 A. No, ma'am. I told the detectives
19 that it was two of us, we didn't need no gun.

20 Q. Because you were going to scare him,
21 right?

22 A. No, ma'am. I am not an aggressive
23 person.

24 Q. That is not what you told the
25 detectives?

1 A. I told them that we say -- like I
2 say it, the way that I say it and the way
3 that it came out, because I do have a speech
4 problem on that right yonder, uh, I was just
5 telling the detective that since there was
6 two of us that he shouldn't have even had a
7 gun and all that stuff. We weren't going to
8 go scare the dude. He was supposed to have
9 gone up there and told him to come with us,
10 and that was it.

11 Q. You weren't going to go scare him.
12 You were just going to gang up on him.
13 Right?

14 A. No, ma'am. I do not believe in
15 ganging.

16 Q. You were going there and you thought
17 -- with Woodrow Curry, the man who you just
18 testified had a short fuse, and you thought
19 that would go well?

20 A. (No verbal response).

21 Q. You thought that Steven Cameron
22 would get into that car peacefully?

23 A Cameron and them didn't have no
24 problem. We was all friends at the time.
25 You know what I mean?

1 Q. Okay.

2 A. I mean, I don't know what led up to
3 the argument, what they had to argue about.
4 I was not on the porch.

5 Q. Your boss told us that you were an
6 exceptionally intelligent man?

7 A. Yeah, when it comes to parts,
8 organizing parts and -- when he asks me to go
9 get a part, I can go up there and get a part
10 for him with no problem.

11 Q. And as an exceptionally intelligent
12 man, you're riding down the street with a man
13 who you know has a short temper; isn't that
14 correct?

15 A. Yes, ma'am.

16 Q. And you knew that he had a gun?

17 A. He left the gun in the car, ma'am.

18 Q. But you knew that he had a gun in
19 that car; isn't that correct?

20 A. Yes, ma'am.

21 Q. And you knew that you were going to
22 get money or to get Steven Cameron; isn't
23 that correct?

24 A. Going to pick up is different than
25 "getting him" and all that. We were supposed

1 to go pick him up

2 Q. It is different, "getting him" and
3 picking him up.

4 A. Yes, ma'am.

5 Q. Do you bring a gun to get someone,
6 usually?

7 A. No, ma'am.

8 Q. No, you don't. Let's talk about
9 what happened when you got there. You were
10 near the porch?

11 A. I was between Mr. Gambrell's car and
12 the porch when Cameron opened up the door.

13 Q. And there is no doubt that the house
14 that you went to was Steven Cameron's house;
15 correct?

16 A. I was not for sure that it was his
17 house when I dropped him off.

18 Q. Did he live there?

19 A. I dropped him off there and that's
20 where I went back to.

21 Q. Okay. And, uh, if someone came to
22 your front door and pointed a gun in your
23 face, how would you react?

24 A. Well, he did not point the gun at
25 his face when he first got there, ma'am.

1 Q. If someone came to your front door
2 and accused you of being a thief, how would
3 you react?

4 A. Ma'am, like I said, they were not
5 arguing when they were first talking. I was
6 not at the porch at that time, so I don't
7 know what was said from there.

8 Q. Let's talk about what happened when
9 you left. You drove away from that scene,
10 didn't you?

11 A. Yes, ma'am. I was scared to death.
12 I tried to leave ---

13 Q. You didn't turn your headlights on,
14 did you?

15 A. Ma'am, I was told not to turn the
16 headlights on when I had the .38 on me.

17 Q. Then Woodrow Curry just let you turn
18 them back on when you got in the road?

19 A. Curry told me to turn them on when
20 we got down the road.

21 Q. And he just let you walk out of
22 James Gambrell's house?

23 A. They two was arguing, so I am
24 assuming that they didn't notice I was gone.

25 Q. You're sneaky?

1 A. Ma'am?

2 Q. Are you sneaky like that?

3 A. Am I sneaky like that?

4 Q. Yeah.

5 A. No, ma'am. I was scared.

6 Q. You were scared?

7 A. Yes, ma'am. I was in shock over
8 what I just saw and all that stuff, and I was
9 fearful for my life and my mama's life.

10 Q. I understand. So you thought a lot
11 about your life?

12 A. Ma'am?

13 Q. You thought a lot about your life?

14 A. Ma'am, I don't want my mama to die
15 or for me to die for something ---

16 Q. You thought a lot about your mom's
17 life. That is understandable. Right?

18 A. Yes, ma'am.

19 Q. Did you at any time when you went
20 home to your mother, did you at any time
21 spare a thought for Steven Cameron's life?

22 A. Ma'am, I didn't know what had
23 happened to Steven Cameron then.

24 Q. You heard a gunshot, right?

25 A. I heard a gunshot and I left, tried

1 to get away from Cameron -- I mean get away
2 from Curry. Like I say, I was so shocked and
3 scared that I dropped the keys in the
4 floorboard. By the time I picked the keys
5 up, Curry had jumped in and put a gun on me.

6 Q. And you were afraid of Curry because
7 Curry had fired a gun; correct?

8 A. Yes, ma'am. He had shot Cameron and
9 he could have shot me.

10 Q. He shot Cameron. Right?

11 A. I'm a guessing.

12 Q. You knew that?

13 A. I didn't know it at the time. I
14 knew he shot. I was turning and leaving
15 then.

16 Q. But you thought that maybe, just
17 maybe he'd shot him. Correct?

18 A. I -- like I said, I was trying to
19 leave there. When he pointed the gun at me
20 and all that stuff, I figured -- like I said,
21 I did not see Cameron fall down or nothing.
22 I wasn't even facing that way. As soon as he
23 shot, I turned, I ran to leave Cameron (sic)
24 -- I mean to leave Curry there.

25 Q. Did you give any thought to Mr.

1 Cameron's life, did you at any time call 911?

2 A. Ma'am, I had the gun on me at that
3 time. And I did not have no phone.

4 Q. When you got back to your mother's,
5 did you call 911 then?

6 A. Curry was riding by my mom's house.

7 Q. No, no, no. You said earlier that
8 there was a gap, that there was a space of
9 time ---

10 A. Fifteen minutes.

11 Q. And in that fifteen minutes, you
12 never once thought, 'Gosh, Steven Cameron
13 could be laying dead on his front porch and
14 maybe I should call 911.' That thought never
15 occurred to you?

16 A. Yes, ma'am. It did.

17 Q. It did, and yet you didn't do it?

18 A. Ma'am, I was so scared to death, I
19 didn't know what Curry would do and I didn't
20 know where Curry would be at because he come
21 and go as he please, ma'am.

22 Q. You were scared?

23 A. Yes, ma'am. I was.

24 Q. Do you imagine that Steven Cameron
25 was scared?

1 A. Ma'am, the way he pushed that gun,
2 he didn't seem scared.

3 Q. Well, ---

4 A. I mean, you got somebody that come
5 up there and started pushing somebody first
6 and all that stuff. He pushed him so hard,
7 he didn't look scared to me.

8 Q. He didn't look scared to you?

9 A. He turned around and told Curry to
10 get the gun out of his face as I was telling
11 Curry to put the gun up. He didn't seem
12 scared when he pushed the gun out of his
13 face.

14 Q. So your statement to Detective
15 Marzolf was just a miscommunication?

16 A. Statement on what?

17 Q. Your statement to Detective Marzolf
18 that you were going to get the drugs, get the
19 money or bring Steven back was just a mis-
20 communication?

21 A. Ma'am, all I was told by Mr.
22 Gambrell was to go pick up Mr. Cameron and
23 bring him back.

24 Q. I forgot to ask you about the Buick.

25 A. Yes, ma'am?

1 Q. You said that you switched cars,
2 isn't that correct?

3 A. The only reason I switched cars was
4 so I had enough room to bring Cameron back,
5 ma'am.

6 Q. You needed to make sure that he
7 could get in the car and come back with you.
8 Right?

9 A. No, ma'am. I don't have no room in
10 my car for three people, a Pit Bull and with
11 two spare tires in the back floorboard.

12 Q. Right, so you needed a bigger car;
13 correct?

14 A. I mean, he ain't going to sit on my
15 dog.

16 Q. I completely agree that would be
17 inappropriate. So you planned to bring
18 Steven Cameron back with you. Correct?

19 A. I was only asked to go up there and
20 give him a ride back. That's all that was
21 said. We weren't supposed to do no more.

22 Q. You were supposed to bring him back.

23 A. No, we were asked to go up there and
24 give him a ride back. If he wanted to come
25 back, he would have come back. If not, then

1 we would have returned back without him.

2 Q. So if Steven Cameron had said 'no,
3 I'm not coming with you' ---

4 A. I would have left.

5 Q. You would have just left?

6 A. Yes, ma'am.

7 Q. I don't know, your boss told us that
8 you're the man who always gets the job done.
9 Isn't that what he said?

10 A. I'm not a killer. I'm not a
11 gang'er. I work hard every day and I provide
12 for myself, my mom sometimes, help out around
13 the house, help my brothers out. I'm not a
14 gang'er, I'm not a killer. My goal in life
15 is work and I was trying to start a business
16 myself.

17 SOLICITOR MOORE: I have nothing
18 further.

19 THE COURT: Redirect?

20 MR. SMITH: May it please the Court.

21 THE COURT: Yes, sir.

22 REDIRECT EXAMINATION

23 BY MR. SMITH:

24 Q. To your knowledge, did Mr. Cameron
25 have any transportation?

1 A. Mr. Cameron?

2 Q. Yes.

3 A. No, sir.

4 MR. SMITH: Nothing further.

5 THE COURT: No further questions?

6 MR. SMITH: No, sir.

7 THE COURT: You may step down.

8 (WITNESS STEPS DOWN)

9 THE COURT: Call your next witness,
10 please, sir.

11 MR. SMITH: Your Honor, if I may check
12 and see ---

13 THE COURT: Yes, sir.

14 MR. SMITH: May we approach, Your
15 Honor?

16 THE COURT: Yes, sir.

17 (OFF RECORD BENCH CONFERENCE)

18 THE COURT: The Defense rests, is that
19 correct?

20 MR. SMITH: Do we have an understanding
21 as to the witnesses?

22 THE COURT: Come on back up.

23 (OFF RECORD BENCH CONFERENCE)

24 THE COURT: Madam Forelady, ladies and
25 gentlemen of the jury. We are at the end of

1 the defense case. The State says that it does
2 not have reply. So we're at a good juncture
3 to call that the testimony for the day. We
4 have some administrative matters that we will
5 be working on for a while.

6 In the morning, we will come back and
7 have closing arguments. Then I will charge
8 you on the law which you must apply. Okay?

9 Everybody okay with 9:30 tomorrow? Okay.
10 Leave your pads in the jury room and we will
11 see you tomorrow as close to 9:30 as we can.

12 (JURY OUT @ 4:18 P.M.)

13 THE COURT: For the record, there was
14 three additional witnesses, Mr. Smith:
15 Gardner, Gambrell and -- who was it?

16 MR. SMITH: Gambrell, Gardner, and
17 Thurman.

18 THE COURT: You issued subpoenas. Do
19 you have the Affidavits of Service on those?
20 If so -- you don't have to do it right this
21 minute, but make those affidavits of service a
22 court's exhibit.

23 (SO ENTERED AS COURT'S EXHIBIT 7)

24 THE COURT: I issued modified bench
25 warrants for them to be detained and brought

1 here. There was some resistance but they went
2 forward with it and they have not located
3 them. So if you can get them here, I'll let
4 you put them up. Even though I've told the
5 jury that you've rested, I will let you put
6 them up in the morning.

7 MR. SMITH: Yes, sir. I subpoenaed
8 them in Greenville and Anderson counties.
9 If I have to kidnap them, I'll ---

10 THE COURT: No, no, no, we don't want
11 any kidnaping.

12 MR. SMITH: No, sir.

13 THE COURT: But you know what I'm
14 saying, if you can get them here I'm going to
15 let you -- since -- because of the gravity of
16 the charge, I will let you -- although I've
17 told the jury that you've rested, I'll allow
18 that. You've asked that you be allowed to do
19 that, so if you can get them here then you can
20 call them tomorrow.

21 MR. SMITH: Thank you.

22 THE COURT: Now, let me ask you this.
23 Is their testimony simply going to be
24 cumulative to what we've heard or will they
25 bring new information to the court?

1 MR. SMITH: I feel comfortable that
2 they will be bringing new information.

3 THE COURT: And the State says that
4 they have no reply?

5 SOLICITOR MOORE: No reply, Your Honor.

6 THE COURT: While we are here, let's go
7 ahead and do a charge conference. Both of
8 y'all have -- well, this is your -- you
9 haven't but you've been around when I've done
10 my standard charge.

11 SOLICITOR MOORE: Yes, sir.

12 THE COURT: So you've heard about
13 duties and all, so I think all we need to do
14 is to go over the substantive law. Agreed?

15 MR. SMITH: Yes, sir.

16 SOLICITOR MOORE: Yes, Your Honor.

17 THE COURT: Okay. Right now the only
18 thing that I am charging is on murder and the
19 hand of one being the hand of all. Does
20 anybody have any other requests that you want
21 for me to charge?

22 MR. SMITH: The defense does not at
23 this time, sir.

24 THE COURT: Sir?

25 MR. SMITH: The defense does not at

1 this time.

2 THE COURT: Well, if you have any, make
3 sure that you get them to me first thing in
4 the morning.

5 MR. SMITH: Yes, sir.

6 THE COURT: Does the State have any
7 requests to charge?

8 SOLICITOR MOORE: No, Your Honor.

9 THE COURT: Okay. Take a minute.
10 That's my standard, take a look at it and see
11 if anybody has any objection to that.

12 One thing I would add, on page eight on
13 the hand of one, hand of all, they say that
14 I'm not supposed to charge on similar facts to
15 the case. That illustration is exactly what
16 this case is, so what I would propose in its
17 place is that two people can be guilty of
18 killing another person -- excuse me. Two
19 people can be guilty of armed robbery, for
20 example, when only one of the two actually
21 took and carried away the property of another
22 by use of force while armed with a deadly
23 weapon. Does anybody have a problem with
24 substituting that for the language there? Or
25 I could just delete the entire illustration.

1 SOLICITOR MOORE: I have no objection to
2 the armed robbery, Your Honor.

3 MR. SMITH: I do. Armed robbery is a
4 joint act and -- I don't know of any evidence
5 of a joint act here, so I would ask that it be
6 deleted.

7 THE COURT: Be deleted?

8 MR. SMITH: Yes, sir.

9 THE COURT: I don't have a problem
10 deleting it. That's fine with me.

11 SOLICITOR MOORE: That's fine, Your
12 Honor.

13 THE COURT: Okay. Is anybody still
14 looking at the substantive charge?

15 SOLICITOR MOORE: No objection, Your
16 Honor.

17 THE COURT: How about the verdict form,
18 from the State's position?

19 SOLICITOR MOORE: I take no issue with
20 that, Your Honor.

21 THE COURT: Mr. Smith.

22 MR. SMITH: No objection.

23 THE COURT: Mr. Smith, I know that you
24 and I have had some serious disagreements
25 about the admissibility of evidence. I think

1 that you need to renew -- so that you're
2 protected on the record -- your Motions and
3 objections?

4 MR. SMITH: Yes, sir. I renew my wish
5 for deleting the interview given by the
6 codefendant.

7 THE COURT: That would be Gambrell,
8 correct?

9 MR. SMITH: Gambrell, yes. It's my
10 contention that it was freely and voluntarily
11 given, that the speaker was speaking honestly
12 and had no reason to lie. So I believe that
13 it is trustworthy.

14 On top of that, my exception to
15 exculpating includes the fact that the police,
16 uh, stated that the gun was given to the
17 shooter, when in actuality the shooter took
18 the gun. That, in part, exculpates my client
19 from anything -- Mr. Gambrell said that Mr.
20 Curry was acting on his own, uh, and, uh, --
21 there's more to that, but that is my basis.
22 There are things in that video that
23 corroborate my client's testimony or statement
24 -- also impeaching. That video is extremely
25 important. When talking about the hand of one

1 being the hand of all, statements given by
2 police are not what we just witnessed. Not
3 having an ability to place that before the
4 jury when a man's life is at stake is
5 prejudicial.

6 THE COURT: Well, let me think about
7 that on the hand of one, hand of all. But
8 here is my thoughts on that. First, I don't
9 think that it exculpates your client, the
10 reason being -- I think that they had a
11 criminal enterprises regardless of the
12 shooting; that is, 'go get him', go get this
13 man, go get the drugs or go get the money like
14 he said and the other officers testified to.
15 If the jury finds that to be the case, that's
16 a illegal plan or scheme in that they have --
17 the cases are replete with the nexus between
18 drugs and guns, also drugs and violence.

19 So if you look at the charge of hand of
20 one, hand of all, it says that "if two people
21 join with another to commit an unlawful act
22 then they are responsible for everything done
23 by the other person which happens as a
24 probable or natural consequence of the act(s)
25 in carrying out the common plan or purpose."

1 So therefore -- although I think probably that
2 your client did not know that a gun -- that he
3 was going to shoot this fellow, but -- the
4 cases recognize the connection between guns,
5 drugs and violence where the plan was illegal
6 and it just spiraled out of hand.

7 So the jury may believe that he was an
8 innocent bystander, but that's my belief as to
9 why the video of Mr. Gambrell does not
10 exculpate your client.

11 Now, I'll think about it over night. If
12 I change my mind, I'll let you play it in the
13 morning. I don't think that I will. But I
14 will think about it.

15 You can give me any cases that you want
16 and I'll be happy to hear you on the record
17 if you want to.

18 SOLICITOR MOORE: Your Honor, if Mr.
19 Smith wishes to put into the record another
20 person who says that his defendant knew that
21 they were going to get drugs or money from
22 Steven Cameron, then I agree we need to let
23 him do that.

24 THE COURT: The question is that he
25 wants to play Gambrell's video.

1 SOLICITOR MOORE: Yes, sir.

2 THE COURT: You don't have a problem
3 with it?

4 SOLICITOR MOORE: I have no problem with
5 that.

6 THE COURT: Well, I wish you had told
7 me that before we went and beat each other up
8 for an hour, but -- that's all right.

9 You want to play it first thing tomorrow?

10 MR. SMITH: Yes, sir.

11 THE COURT: All right. If you have
12 your other witnesses, you can do that. I'm
13 not anticipating that you will, quite frankly,
14 but you may surprise me.

15 Do you want to do it the old-fashion way
16 of doing your closing and then I charge or do
17 you want me to charge and then you close.

18 MR. SMITH: Personally I'd love for you
19 to charge so that the law ---

20 THE COURT: You want me to charge
21 first?

22 MR. SMITH: Yes, sir.

23 THE COURT: If you both agree, I'll
24 charge first.

25 SOLICITOR MOORE: Your Honor, I agree

1 with Mr. Smith.

2 THE COURT: Then I will charge first.

3 All right. So you get the final argument.

4 Anything further?

5 MR. SMITH: Nothing from the Defense.

6 SOLICITOR MOORE: Nothing from the

7 State, Your Honor.

8 THE COURT: Thank you. See you in the
9 morning.

10 SOLICITOR MOORE: Your Honor, I would
11 like to make this as a Court's Exhibit.

12 THE COURT: Okay.

13 (SO ENTERED AS COURT'S EXHIBIT 8)

14 (COURT IN RECESS)

15 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 AUGUST 25, 2017 9:45 A.M.

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(DEFENDANT PRESENT)

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THE COURT: Please be seated. For the record, Mr. Smith, you have put your affidavits of service in for Gambrell, Gardner and Thurman. Correct?

MR. SMITH: Yes, sir.

THE COURT: That was made a court's exhibit yesterday. My understanding is that one of those three has contacted the Clerk's Office and is going to be here, supposedly. Which one is that?

MR. SMITH: Mr. Thurman. He called me first thing this morning.

THE COURT: Okay. So it would seem to me that the best thing to do is just to tell the jury that some things developed after the case was closed and it is being reopened for that purpose.

Also we will allow the playing of the videotape and also additional testimony of one witness and then go to the next phase. Does anybody have a problem with that?

SOLICITOR MOORE: No objection, Your

1 Honor.

2 MR. SMITH: Your Honor, it is my belief
3 that we need the witnesses subpoenaed. Also,
4 we believe that Mr. Gambrell should plead the
5 Fifth in front of the jury.

6 THE COURT: Sir?

7 MR. SMITH: We believe that Mr.
8 Gambrell should plead the Fifth in front of
9 the jury. It looks like I didn't call him for
10 some reason, and that's not the case.

11 THE COURT: What is your response to
12 that?

13 SOLICITOR MOORE: Your Honor, I think he
14 has already asserted his Fifth Amendment
15 rights. I think to put him on the stand in
16 front of a jury is going to be a violation of
17 those.

18 MR. SMITH: He is not a defendant in
19 this case, sir, ---

20 THE COURT: Sir?

21 MR. SMITH: He is not a defendant in
22 this case, so him getting up on the stand and
23 saying, 'I plead the Fifth' is not something
24 that is going to be held against him in this
25 case, and that's what we're talking about.

1 He's not a defendant in this case.

2 THE COURT: Do you have any cases or
3 anything to show that that is the appropriate
4 procedure?

5 MR. SMITH: I subpoenaed him and that's
6 all that I know, sir. He is a witness that I
7 subpoenaed and he is not a witness in this
8 case, so he does not get to cloak himself in
9 the ---

10 THE COURT: I'm not going to allow that
11 but I will note your objection to that for the
12 record.

13 Other than those, Mr. Smith, -- playing
14 the video and having Mr. Thurman testify, that
15 should be your testimony (sic). Do you agree?

16 MR. SMITH: Uh, not -- I have two
17 witnesses that have not contacted me.

18 THE COURT: If they are not here, we'll
19 go forward. Are you asking for a continuance
20 for their ---

21 MR. SMITH: Yes, sir.

22 THE COURT: What would they testify,
23 what would you hope to elicit?

24 MR. SMITH: They would testify to --
25 what I know they would testify to is things

1 related to that bike, things related to Mr.
2 Cameron, ---

3 THE COURT: Things related to that
4 what?

5 MR. SMITH: To the bike, the dirt bike.
6 The bike that was sold.

7 THE COURT: What would that have to do
8 with the guilt or nonguilt of your client?

9 MR. SMITH: Basically that Mr. Cameron
10 was there, everybody had a good relationship,
11 the vehicle -- the bike was sold. I'm not
12 sure if the monies were transferred. And Mr.
13 Quay Gambrell, uh, is the one that was dealing
14 with Mr. Cameron. He is the one that sold --
15 Mr. Cameron sold him the bike. I don't know
16 what Mr. Gambrell gave him in exchange for the
17 bike. I don't know if it was the cocaine that
18 we are talking about. I'm not sure. In order
19 to exhaust my client's defenses, I need those
20 people to testify.

21 THE COURT: At most what I am hearing
22 you say that you could elicit from these
23 witnesses, other than the circumstances of
24 this collateral issue of the sale of the bike,
25 that there was an amicable relationship

1 between everybody out there. Right?

2 MR. SMITH: That Quay and the other
3 gentleman under subpoena, they were originally
4 going to get Mr. Cameron and then they didn't
5 go get Mr. Carver. This could all be elicited
6 while they are on the stand. It's imperative
7 that the jury see all of these things because
8 of what my client is charged with.

9 THE COURT: And the other witness,
10 you'll elicit the same information?

11 MR. SMITH: He was the one that knew
12 how to ride the bike and was part of the sale
13 by Mr. Cameron.

14 THE COURT: All right. I'm going to
15 deny your Motion.

16 That being said, is the State ready to
17 proceed?

18 SOLICITOR MOORE: We are, Your Honor.

19 THE COURT: Is that video teed up and
20 ready to go?

21 SOLICITOR MOORE: It can be, Your Honor.

22 THE COURT: Let's go ahead and do it.

23 SOLICITOR MOORE: Yes, Judge. Mr.
24 Smith?

25 MR. SMITH: We just need to put it in,

1 sir.

2 (VIDEOTAPE PREPARED FOR PLAYING TO JURY)

3 (OFF RECORD BENCH CONFERENCE)

4 (DISCUSSION RE VIDEO START TIME -

5 TO BE PLAYED FOR 43 MINUTES)

6 THE COURT: We will play what we played
7 yesterday. Can I make it any more clear?

8 SOLICITOR MOORE: That's where we have
9 it, Your Honor.

10 THE COURT: All right, have a seat.

11 MR. SMITH: It is where it was
12 yesterday, sir.

13 THE COURT: Bring in our jury.

14 (JURY IN @ 10:06 A.M.)

15 THE COURT: Good morning, ladies and
16 gentlemen. I hope you had a nice evening.
17 Subsequent to us breaking yesterday we had
18 further proceedings and there's been a few
19 more developments. This morning -- I told you
20 that we would go into closing arguments but
21 before we get there, because of these
22 developments, we're going to play the
23 interview of one of the codefendants in this
24 case and then potentially we have one more
25 witness.

1 Then we will get into the next phase. By
2 agreement of counsel, I will charge you on the
3 law first and then they will argue last.
4 Okay? Just so you know where we are.

5 Any additions or exceptions to those
6 instructions?

7 SOLICITOR MOORE: None, Your Honor.

8 THE COURT: Defense.

9 MR. SMITH: No, sir.

10 THE COURT: All right. Identify the
11 person on the tape, please, sir.

12 MR. SMITH: The Defense is now playing
13 James Gambrell, one of the three individuals
14 charged in this matter. This is his interview
15 with the police.

16 (WHEREUPON VIDEO TAPE PLAYED BEFORE JURY)

17 THE COURT: All right, Madam Forelady,
18 ladies and gentlemen of the jury, let us check
19 on the -- check on the next witness. We will
20 take our morning break here. Please go back
21 to your jury room.

22 (JURY OUT @ 10:48 A.M.)

23 THE COURT: I asked the Clerk to go
24 ahead and take the jury's lunch order. Does
25 anybody have a problem with that?

1 THE COURT: What's the relevance?

2 MR. SMITH: May we approach?

3 THE COURT: Madam Forelady, would you
4 go back to your jury room?

5 (JURY OUT @ 11:14 A.M.)

6 THE COURT: What is the relevance?

7 MR. SMITH: The relevance is his
8 relationship with Mr. Cameron and the fact
9 that Mr. Cameron had drug problems, and that
10 he stopped speaking to him based on the drug
11 problems and anger issues. That he had almost
12 gotten into a fight with him. I wanted to ask
13 questions relating to that.

14 SOLICITOR MOORE: Your Honor, I believe
15 that is already part of the record that Mr.
16 Cameron had drug problems, that he had a brain
17 injury, that he had anger. I think this
18 evidence is duplicative.

19 THE COURT: I will let you go into it
20 a little bit. Let's not go into it too far.
21 If you go too far -- it is cumulative, but I
22 will give you a little leeway.

23 MR. SMITH: Yes, sir.

24 THE COURT: Bring the jury back in.

25 (JURY IN @ 11:17 A.M.)

1 THE COURT: You may continue.

2 MR. SMITH: May it please the Court?

3 THE COURT: Yes, sir.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. SMITH:

6 Q. Mr. Thurman, I am going to offer you
7 something I want you to read to yourself, then
8 I will ask you some questions about it.

9 Please refresh your memory. All right?

10 A. Yes, sir. (Upon review), okay.

11 Q. To your knowledge, did Mr. Cameron
12 have drug problems?

13 A. Yes.

14 Q. Did you stop speaking to him because
15 of that?

16 A. Yes. I mean -- yes.

17 Q. Specifically what transpired that
18 you made you step back?

19 A. Well, uh, his wife had told me to
20 back off for one. Two, he was just kind of --
21 he was kind of doing more and more and it was
22 getting -- it was just too much for me. I
23 couldn't deal with that.

24 Q. Did you have any confrontation with
25 him?

1 A. I never had a physical confrontation
2 with him but he let me know that he was, you
3 know, that he wasn't -- he was willing to
4 fight. I mean, if he had to.

5 Q. What did that relate to?

6 A. One time it was just about -- it was
7 a misunderstanding is what it came to be, but
8 he thought I had taken something from him. He
9 challenged to fight about it but it -- it
10 resolved, but he did.

11 Q. Do you know -- have any knowledge of
12 Mr. Cameron's appreciation for crack cocaine?

13 A. That's what he liked to do, to my
14 knowledge.

15 Q. Did you see any aspect of that? Did
16 he have a microwave?

17 SOLICITOR MOORE: Objection, Your Honor.

18 THE COURT: Sustained.

19 DIRECT EXAMINATION CONTINUED

20 BY MR. SMITH:

21 Q. Do you need me to reask that?

22 A. Yes, he had -- I seen ---

23 THE COURT: I sustained the objection.
24 Ask that it be stricken from the record. Move
25 on, please.

DIRECT EXAMINATION CONTINUED

BY MR. SMITH:

Q. Did Mr. Cameron make crack in his microwave?

SOLICITOR MOORE: Objection, Your Honor.

THE COURT: Sustained. Move on, please, sir.

MR. SMITH: I have nothing further, Your Honor.

THE COURT: Cross-examination?

CROSS EXAMINATION

BY SOLICITOR MOORE:

Q. Mr. Thurman, ---

A. Yes?

Q. --- were you at Steven Cameron's house on the night of March 28th-29th, 2016?

A. No.

Q. So you were not present the night that he was killed?

A. No.

Q. Thank you so much.

SOLICITOR MOORE: I have no further questions.

MR. SMITH: I have nothing further.

THE COURT: May this witness be

1 excused?

2 SOLICITOR MOORE: Yes, Your Honor.

3 (WITNESS STEPS DOWN)

4 MR. SMITH: May I check and see if the
5 other witnesses are out here?

6 THE COURT: Yes, sir.

7 MR. SMITH: (Upon return to courtroom),
8 there is no one out there, sir.

9 THE COURT: So that concludes the
10 defendant's case?

11 MR. SMITH: Yes, sir. I have some
12 Motions.

13 THE COURT: Does the State, subject to
14 those Motions, intend to have a rebuttal?

15 SOLICITOR MOORE: No, Your Honor.

16 THE COURT: Very good.

17 THE COURT: All right, ladies and
18 gentlemen of the jury, we have now concluded
19 the phase of the trial that has to do with the
20 presentation of the evidence. I have a couple
21 of administrative matters that I will take up.
22 Then in reverse order, I will charge you on
23 the law and then the attorney will give you
24 their closing statements, after which we will
25 send back the verdict form and the exhibits

1 and you will be given the express word to
2 begin your deliberations.

3 If you would, go back to your jury room.

4 (JURY OUT @ 11:23 A.M.)

5 THE COURT: All right, do you have some
6 Motions?

7 MR. SMITH: Yes, sir.

8 THE COURT: You need to speak up. I
9 can't hear you.

10 MR. SMITH: I move for a directed
11 verdict on the based on the fact that Mr.
12 Carver is not part of any conspiracy, did not
13 have knowledge that a crime was going to be
14 committed. As Mr. Gambrell said, he was going
15 down there to tell him something. He also
16 said that if the guy wanted to talk to bring
17 him back. Mr. Carver took the Buick with that
18 in mind. He was not part of anything, didn't
19 know of any crime that was going to be
20 committed. Therefore, he can't be found to be
21 an accomplice to the crime.

22 THE COURT: This isn't necessarily an
23 accomplice but it's the hand of one, hand of
24 all. I deny the Motion.

25 I think that there are sufficient facts

1 in the record that a jury can determine --
2 although he might not have gone down there for
3 the ultimate act that was committed, the jury
4 has a right to find or could find that it was
5 a natural and probable consequence of their
6 initial criminal conspiracy. So I deny your
7 Motion.

8 MR. SMITH: Yes, sir. I would also
9 like to move for a mistrial based on the fact
10 that I duly served subpoenas on individuals
11 who are extremely important to the case. They
12 were Quay Gambrell. He was wanted to go down
13 to the home to address whatever issue with Mr.
14 Gambrell -- Milton said specifically that he
15 did not send them because he did not want
16 anything to happen.

17 He sent Mr. Curry and Mr. Carver because
18 that wouldn't happen, that nothing would
19 happen. His idea was to get across to Mr.
20 Cameron the fact that they knew of his theft,
21 whatever you want to term it, and that nothing
22 violent would happen. So it was just a matter
23 of knowledge.

24 Based on the fact that we don't have the
25 witnesses and a Motion for continuance was

1 Okay? It has to point with reasonable
2 certainty to the guilt of the accused beyond
3 a reasonable doubt.

4 Now, the State has the burden of proving
5 the defendant guilty by proof beyond a
6 reasonable doubt. This rests with the State
7 whether the State relies on direct evidence
8 or circumstantial evidence or a combination
9 of the two.

10 In deciding what the facts are, you must
11 consider all the evidence. In doing this you
12 must decide which testimony to believe and
13 which testimony not to believe.

14 You may disbelieve all or part of any
15 witness' testimony. You may believe all of
16 it. You may believe none of it. In making
17 this decision you may take into account a
18 number of factors, including the following:

19 Was the witness able to see or hear or
20 know the things about which the witness
21 testified?

22 How well was the witness able to recall
23 and describe those things?

24 What was the witness' manner while
25 testifying?

1 Is there some reason a witness would want
2 to give testimony that would help or hurt one
3 side or the other?

4 Did the witness have an interest in the
5 outcome of this case or any bias or prejudice
6 concerning the party or matter of this case?

7 How reasonable was the testimony of the
8 witness considered in the light of all the
9 evidence in this case?

10 Also whether the witness' testimony was
11 contradicted by what the witness had said or
12 done at another time, or by the testimony of
13 other witnesses or of other evidence in this
14 case.

15 As I told you, those are some but
16 certainly not all of the factors that you may
17 consider in determining the credibility or
18 the believability of the evidence.

19 Also I told you that you did not check
20 your common sense at the door when you were
21 sworn in as jurors. You should not do so in
22 this case.

23 You should use those things in your day-
24 to-day lives that you find indicative of
25 truthfulness and indicative of lack of

1 truthfulness when you make this determination
2 of credibility of the witnesses.

3 One thing that you may not do, however,
4 is add up the number of witnesses that appear
5 for one side or the other in making your
6 determination of the issue of credibility,
7 because it doesn't matter to you where
8 information comes from. Your sole interest
9 is to try to find the truth based on the
10 evidence presented in the case.

11 Have we had expert testimony in this
12 case?

13 SOLICITOR MOORE: We have, Your Honor.

14 THE COURT: That's right. Now, ladies
15 and gentlemen, you've heard testimony from a
16 person who has been qualified as an expert.
17 As I told you during the trial, people who
18 because of their education or experience have
19 become experts in a particular field, and
20 that area would be helpful to you the jury in
21 making your determination of what the facts
22 are allowed to give their opinion(s).

23 Again, expert testimony must be judged
24 just like any other testimony that you've
25 heard in this case. You may accept it,

1 reject it or give it as much weight as you
2 think that it deserves considering the
3 witness' education, their experience, the
4 reasons that they give for their opinions, as
5 well as all other evidence in this case.

6 Also, ladies and gentlemen, I will remind
7 you once again that the fact that the
8 defendant in this case was arrested, charged
9 and indicted is not evidence of his guilt.
10 Nor does it raise any inference of his guilt
11 or a presumption of his guilt. These
12 documents are simply the documents by which
13 the State brings the defendant here today for
14 trial and a determination of his guilt or
15 innocence.

16 In fact, in this case the defendant has
17 said 'I am not guilty.' That plea puts the
18 burden on the State of South Carolina to prove
19 his guilt. That burden is by proof beyond a
20 reasonable doubt.

21 I charge you, ladies and gentlemen, that
22 a person charged with committing a criminal
23 offense in South Carolina is never required
24 to prove himself innocent. They are presumed
25 innocent.

1 I charge you that it is an important rule
2 of law that a defendant in a criminal trial,
3 no matter what the seriousness of the charges
4 or charge may be will always be presumed to
5 be innocent of the crime or crimes for which
6 the indictment has been issued unless guilt
7 has been proven by evidence satisfying you of
8 that guilt beyond a reasonable doubt.

9 This presumption of innocence does not
10 end when you begin your deliberations but
11 accompanies the defendant throughout the
12 trial until you, the jury, reaches a verdict
13 of guilt based on evidence satisfying you
14 that there is guilt beyond a reasonable
15 doubt.

16 It is said in the law that the
17 presumption of innocence is like a robe of
18 righteousness that is placed about the
19 shoulders of a defendant, which remains there
20 until it is has been stripped from his
21 shoulders by evidence satisfying you of guilt
22 beyond a reasonable doubt.

23 I also tell you that the presumption of
24 innocence is not a mere legal theory, it is
25 not just a legal phrase. It is a substantial

1 right to which every defendant is entitled
2 unless you, the jury, are satisfied from the
3 evidence of the defendant's guilt beyond a
4 reasonable doubt.

5 That leads me to the definition of what
6 a reasonable doubt is. A reasonable doubt
7 is the kind of doubt which would cause a
8 reasonable, honest, conscientious person to
9 hesitate to act in an important matter in
10 their own affairs.

11 Proof beyond a reasonable doubt is proof
12 that leaves you firmly convinced of the
13 defendant's guilt. There are very few
14 things that we know in this world with
15 absolute certainty and in criminals cases the
16 law does not require proof that overcomes
17 every possible doubt.

18 If based on your consideration of all the
19 evidence you are firmly convinced that the
20 defendant is guilty of the crime for which he
21 has been charged, you must find the defendant
22 guilty.

23 If, on the other hand, you think that
24 there is a real possibility that the
25 defendant is not guilty, you must give the

1 defendant the benefit of the doubt and find
2 him not guilty.

3 Ladies and gentlemen, a reasonable doubt
4 may arise from the evidence from a lack of
5 evidence.

6 I further instruct you that the defendant
7 is entitled to every reasonable doubt that
8 may arise in the case. What that means,
9 ladies and gentlemen, is simply that if upon
10 any issue of fact essential to a conviction
11 and a verdict of guilty of the offense with
12 which this defendant has been charged, if you
13 have any reasonable doubt as to how that
14 issue should be resolved, it is your duty to
15 resolve that doubt in favor of the defendant.

16 Also, ladies and gentlemen, in order to
17 establish criminal liability, criminal intent
18 is required to be proven. For example, the
19 mental state required to be proven by the
20 State for a particular crime might be
21 purpose, intent, knowledge, recklessness or
22 criminal negligence. Criminal intent must be
23 proven by the State beyond a reasonable
24 doubt.

25 Criminal intent is always a matter that

1 must always be determined by you, the jury,
2 from the circumstances surrounding the
3 situation. There is no way to prove intent
4 to a mathematical certainty. There is no way
5 that medical science can dissect a person's
6 brain and determine what the person had in
7 mind, so the law says that criminal intent
8 may be inferred from the circumstances shown
9 to have existed.

10 Ladies and gentlemen, that is how you
11 make a determination of whether or not the
12 element requiring intent was present. It is
13 not necessary to establish intent by direct
14 and positive evidence but intent may be
15 established by inference in the same way as
16 any other fact by taking into consideration
17 the acts of the parties and all the facts and
18 circumstances of the case.

19 Criminal intent is a mental state, a
20 conscious wrongdoing. It is up to you to
21 determine what the defendant intended to do
22 based on the circumstances shown to have
23 existed. Criminal intent can arise from
24 action or a failure to act. It may arise
25 from negligence, recklessness or indifference

1 to duty or to consequences considered by the
2 law to be the equivalent to criminal intent.

3 Finally, ladies and gentlemen, the
4 defendant has presented evidence of his good
5 reputation and character to show that it
6 would be inconsistent with the defendant
7 committing the crime. The way that you view
8 that testimony, like all of the testimony in
9 this case, is for you to decide in your good
10 judgment.

11 You may consider the testimony of the
12 defendant's good character along with all the
13 other evidence in deciding whether or not the
14 defendant committed the crime with which he
15 has been charged.

16 Now, ladies and gentlemen, that is the
17 first aspect of my charge and probably the
18 longest. That ends the charge relating to
19 your general duties defining your role as
20 jurors.

21 If you would like to stand up and take a
22 quick stretch, the next part of my charge
23 will probably be about ten to fifteen
24 minutes. Would you like to stand up or would
25 you like to continue?

1 FORELADY: Continue.

2 THE COURT: I knew that you were going
3 to say that.

4 The defendant in this case is charged
5 with murder. The State must prove beyond a
6 reasonable doubt that the defendant killed
7 another person with malice aforethought.

8 Malice is hatred, ill will or hostility
9 towards another person. It is the
10 intentional doing of a wrongful act without
11 just cause or excuse and with the intent to
12 inflict injury or under circumstances that
13 the law will infer an evil intent.

14 Malice aforethought does not require that
15 malice exist for any particular time before
16 the act is committed, but malice must exist
17 in the mind of the defendant just before and
18 at the time that the act is committed.
19 Therefore there must be a combination of the
20 previous evil intent and the act.

21 Malice aforethought may be expressed or
22 inferred. These terms, expressed and
23 inferred, do not mean different kinds of
24 malice but merely the manner in which malice
25 may be shown to exist; that is, either by

1 direct evidence or by inference from the
2 facts and circumstances which are proven.

3 Express malice is shown when a person
4 speaks words that show hatred or ill will
5 towards another or when the person prepared
6 beforehand to do the act which was later
7 accomplished.

8 For example, laying in waiting for a
9 person or any other acts of preparation going
10 to show that the deed was within the
11 defendant's mind would be express malice.

12 Ladies and gentlemen, malice may be
13 inferred by conduct showing a total disregard
14 to human life.

15 Now, that is the law of murder.

16 In this case there is the theory of
17 liability that the hand of one is the hand
18 of all. So let me give you that law.

19 Ladies and gentlemen, if a crime is
20 committed by two or more people who are
21 acting together in committing the crime, the
22 act of one is the act of all.

23 A person who joins with another to commit
24 an unlawful act is criminally responsible for
25 everything done by the other person which

1 happens as a probable or natural consequence
2 of the acts done in carrying out the common
3 plan and purpose.

4 If two or more people are together,
5 acting together, assisting each other in
6 committing the offense, the hand of one is
7 the hand of all. Or as it is sometimes said
8 -- excuse me. The act of one is the act of
9 all or, as it is sometimes said, the hand of
10 one is the hand of all.

11 Prior knowledge that a crime is going to
12 be committed without more is not sufficient
13 to make a person guilty of that crime. Mere
14 knowledge that another person is going to
15 commit a crime, even if the defendant is
16 present when the crime is committed, is not
17 sufficient to convict the defendant as a
18 principal.

19 Guilt as a principal is shown by actual
20 or constructive presence at the scene as a
21 result of a prior arrangement. Therefore, a
22 finding of a prior arranged plan or common
23 scheme is necessary for the finding of guilt
24 as a principal.

25 The State must prove beyond a reasonable

1 doubt by competent evidence that the theory
2 of the hand of one is the hand of all.

3 A principal in a crime is one who either
4 actually commits the crime or who is present
5 aiding, abetting or assisting in committing
6 the crime.

7 When a person does an act in the presence
8 of and with the assistance of another, the
9 act is done by both.

10 Where two or more acting with a common
11 scheme or intent are present at the
12 commission of a crime, it does not matter who
13 actually commits the crime. All are guilty.
14 The hand of one is the hand of all.

15 Present at the commission of a crime
16 means to be sufficiently near to aid and abet
17 and assist in the commission of the crime.
18 However, mere presence at the scene of a
19 crime is not sufficient to convict one as
20 principal on the theory of aiding and
21 abetting. Intent is also a necessary
22 element, for there must have been a common
23 design or intent to commit the crime and the
24 crime must be committed pursuant thereto by
25 the person aiding and abetting by some overt

1 act.

2 Intent means intending the result which
3 actually occurs, not accidentally or
4 involuntarily. Intent may be shown by acts
5 and conduct of the defendant and other
6 circumstances from which you may naturally
7 and reasonably infer intent.

8 The State must prove these elements
9 beyond a reasonable doubt.

10 Now, ladies and gentlemen, that is the
11 substantive law that you must apply in this
12 case.

13 Madam Forelady, I do not send my charge
14 back to you but anytime that the jury would
15 like for me to read or go over the charge or
16 the law for you, I'll be happy to do as many
17 times and as often as you would like for me
18 to do so.

19 That leads me to the end of my charge,
20 and that is consideration about your
21 deliberations.

22 First, "deliberation" is defined as a
23 careful consideration, weighing up with a
24 view to a decision.

25 Now, regardless of what any of you may

1 think about our jury system, I would submit
2 to you that the genius of the system is that
3 it allows twelve men and women, such as
4 yourselves, who come from different walks of
5 life, who have different experiences and
6 different perspectives to listen to the
7 testimony, to listen to the evidence, to
8 listen to the arguments and the law and to
9 hopefully come up with a verdict in this
10 matter.

11 Now, you are to consider all of the
12 evidence in this matter carefully and
13 courteously and discuss it amongst yourselves
14 in a calm, courteous manner.

15 Remember, you are not partisans or
16 advocates for one side of the other. You are
17 the judges of the facts. You and you alone
18 determine what that is; in other words, what
19 your verdict will be.

20 When you begin your deliberations, you
21 must listen to your fellow jurors points of
22 view. Let them discuss why they have those
23 points, those points of view.

24 If you are doing something deliberately,
25 you're not to be in a hurry. I will tell you

1 that this is the State's only day in court
2 and it is the defendant's only day in court.
3 This case is equally important to the State
4 and the Defendant. The will not have another
5 chance to come back here and try the case
6 again.

7 Now, in order for your verdict to stand,
8 all twelve of you must agree as to what that
9 verdict is. In other words, it has to be
10 unanimous.

11 With that being said, each of you must
12 decide this case for yourself but you should
13 only do so after you have impartially
14 considered all the evidence, you have
15 discussed it fully with your fellow jurors,
16 you've listened to their views and the
17 reasons for their views.

18 Do not be afraid to change your opinion
19 as to the weight of the evidence if your
20 deliberations convinces you that is the right
21 thing to do.

22 On the other hand, do not change your
23 firmly-held belief as to what the facts are
24 in this case solely to appease your fellow
25 jurors.

1 Now, Madam Forelady, if at any time the
2 jury has a question or needs something to
3 process, I ask that you write that down on a
4 piece of paper, sign your name, fold it up,
5 knock on the door and give that paper to the
6 bailiff. We will receive you here in the
7 courtroom and we will react accordingly.
8 Okay.

9 Now, one thing I will ask you to do is
10 never to tell us, the bailiff or anybody
11 where the jury stands numerically; in other
12 words, if you are 6:6, 10:2 or anything like
13 that. That is solely between you jurors. Do
14 not tell anyone the numerical division of
15 where you may stand.

16 If you need anything as far as drinks or
17 something along those lines, tell the
18 bailiffs. They will take care of you.

19 That leads me to the verdict form in this
20 case. This is a bit ahead since arguments
21 haven't occurred. But the verdict form -- I
22 have to put it in some order, so the order
23 you see is in no way relevant to your
24 determination.

25 In this case the charge is murder and

1 your options are, (reading):

2 "As to the charge of murder, Indictment
3 16-GS-04-2279, we the jury unanimously find
4 the Defendant not guilty."

5 If that is your unanimous decision, check
6 by subsection a), fold the paper over, crease
7 it, knock on the door and we will receive you
8 back in the courtroom.

9 The other option, (reading): "b) As
10 to the charge of murder, Indictment 16-GS-04-
11 2279, we the jury unanimously find the
12 Defendant guilty."

13 If that is your unanimous decision, check
14 by subsection b), fold the paper over, crease
15 it, knock on the door and we will receive you
16 back in the courtroom.

17 Now, ladies and gentlemen, that concludes
18 my charge. I am going to send you back to
19 your jury room for just a minute to make sure
20 that I haven't misstated or meant to tell you
21 something that I failed to mention.

22 Go back to your jury room for a minute,
23 then we'll get you back out for closing
24 arguments.

25 (JURY OUT @ 12:03 P.M.)

1 THE COURT: Yes, sir.

2 MR. SMITH: Ladies and gentlemen, Jason
3 Carver and I appreciate your attention to
4 this matter.

5 As Miss Moore said, the law is given to
6 you by the Judge and that is what you go on.

7 COURT REPORTER: Speak up, please.

8 MR. SMITH: First of all, Mr. Carver --
9 the hand of one is the hand of all meaning
10 that he did what his accomplice did. As you
11 know, Mr. Curry got up on the stand and told
12 us how he pled guilty to voluntary
13 manslaughter. Voluntary manslaughter is the
14 killing of a person but without malice.

15 Malice. Malice aforethought. See that
16 up there? You need that for murder.

17 The person who shot Mr. Cameron pled
18 guilty to voluntary manslaughter, which does
19 not have malice. So the guy who shot Mr.
20 Cameron, no malice. But they're trying to
21 say that Mr. Carver is guilty of the same
22 thing -- that is what the hand of one is the
23 hand of all is. He's charged with murder.

24 There's no malice with Mr. Curry, so you
25 cannot impute malice to Mr. Carver.

1 Reasonable doubt.

2 Mr. Gambrell said that Mr. Curry took his
3 .38 on two separate occasions.

4 Detective Marzolf told us that Mr.
5 Gambrell gave the gun to Mr. Curry, it's
6 better sounding that way. Obviously they've
7 got to do something bad and we've got to get
8 that across.

9 But that is not what Mr. Gambrell said,
10 not what he said. That's what the police
11 tells us.

12 Mr. Curry, the voluntary manslaughter
13 person, said 'I shot him.' Wow.

14 You saw Mr. Carver. You can weigh the
15 credibility of witnesses here. Mr. Curry
16 pled guilty to voluntary manslaughter but,
17 gosh, 'we didn't sentence him yet.' Why?
18 Mr. Curry better do what he is supposed to.

19 COURT REPORTER: Speak up, please.

20 MR. SMITH: Mr. Curry better do what
21 he's supposed to because if he doesn't, the
22 hammer is coming.

23 So as you heard on the stand, he offered
24 us evidence or statements that he hadn't done
25 before. 'Mr. Carver had a gun.' He never

1 said that before, there's no evidence
2 presented to you that Mr. Carver had a gun.

3 But we do know that Mr. Curry pled
4 guilty, that sentencing is in front of him
5 and -- do we want anybody to think that he's
6 not working with the team?

7 Mr. Curry had been in trouble before but
8 had never before had a deferred sentence.
9 There is something waiting for him at the end
10 of the rainbow.

11 No reason for a deferred sentence.

12 No coercion there, is there?

13 I asked the detectives about Mr. Curry
14 and his demeanor in the interviews. 'Gosh, I
15 can't remember that. I don't remember that.
16 Can't remember that.'

17 Did you happen to see how many of these
18 officers couldn't remember anything? 'Did
19 you talk to anybody else or do any other
20 investigation.' 'We don't talk about them.'
21 Everybody had an excuse as to why they didn't
22 know something. They told us, 'I can't
23 remember how Mr. Curry was.'

24 You just watched Mr. Gambrell give his
25 interview. Detective Marzolf said

1 specifically he was so high that we had to
2 stop the interview, so high that they
3 couldn't finish the interview. But is that
4 what he says? No. No, not what he said
5 because that wouldn't sound so good, wouldn't
6 sound like it was a team.

7 Just like the gun. Mr. Gambrell said, on
8 two separate occasions in that interview,
9 that he took the gun and that he told him to
10 leave. Detective Marzolf was telling us that
11 Mr. Gambrell gave him the gun. That goes
12 with the 'hand of one, hand of all', see.

13 What you heard from Mr. Gambrell as well
14 was the fact that he was trying to get Mr.
15 Curry out of jail for the drug charges that
16 arose when Mr. Gambrell's house was raided.
17 Mr. Gambrell tried to tell us that 'I thought
18 he had the stuff in his pocket.'

19 Detective Marzolf told us 'no, it wasn't
20 in his pocket', but he tried to take credit
21 for everything in that house.

22 Mr. Gambrell said that Mr. Curry was his
23 best friend. There is no question that Mr.
24 Carver took Mr. Cameron home. Very simple,
25 drive him home. Why? Mr. Gambrell was

1 drunk, admittedly. Mr. Curry didn't have a
2 license.

3 Mr. Carver had been working until a
4 quarter of 6:00 at his job. It was a school
5 night, he was not partying. He was trying to
6 finish up that transmission in that car to
7 get paid for his job. 'Hey,' Mr. Gambrell
8 asked, 'can you take Mr. Cameron home? He
9 doesn't have a ride. No one here can drive
10 here' -- either because of intoxication or
11 they don't have a license. So he takes him
12 home.

13 While he is gone, the team of Curry and
14 Gambrell, they notice that 'our the stuff is
15 missing.' Mr. Carver didn't have a phone and
16 Mr. Cameron didn't have a phone, or wasn't
17 responding for whatever reason that may have
18 been. So they didn't have the opportunity to
19 speak to Mr. Cameron, to give him the
20 message, 'Hey, we know what you have and we
21 will be expecting remuneration', payment.
22 They didn't have that opportunity.

23 So Mr. Carver arrives fourteen minutes or
24 thirteen minutes after he gets Mr. Cameron to
25 his home at 9:02, back by 9:15, 9:16. 'Turn

1 around, go back there.'

2 And Mr. Gambrell tells us that he was
3 either -- that they were to just offer --
4 tell him we know, to just pay for it. Or
5 bring him back. He wants to talk about it.
6 Bring him back, he wants to talk about it.

7 Mr. Carver, realizing that his Pit Bull
8 and the tires are in the back of his Escort
9 would not be conducive to bringing back a
10 third person. He takes the Buick with the
11 idea of, 'hey, if he wants to come and talk
12 to them about this accusation, he can do so.'
13 Because Mr. Carver testified that it was his
14 understanding that he was supposed to bring
15 him back.

16 I just offered you what Mr. Gambrell
17 said. Mr. Gambrell said to tell him, offer
18 him the opportunity to come back. That
19 coincides with Mr. Carver's belief that he
20 was supposed to bring him back and that's why
21 he took the other car. If he didn't expect
22 to bring him back, the Escort worked to get
23 Mr. Cameron to his home and it would
24 certainly allow him to bring Mr. Curry back
25 -- but it wouldn't have allowed for that

1 third person.

2 This is a murder case, every fact is very
3 important. Detective Call, Detective
4 Marzolf, -- 'gosh, I don't remember what
5 Shelia Curry said, I don't remember her
6 thoughts, her beliefs.' Why not?

7 Well, she said that her husband threaten-
8 ed to kill her and her son should she open
9 her mouth. If they said that, that would
10 mean that Mr. Carver who said that his mother
11 was threatened, that he was threatened, it
12 would sound like it goes together. It would
13 sound like he was not part of the team.

14 You know, Mr. Gambrell said, 'I tried
15 to get that Carver out. He works on
16 transmissions over here.' No, he didn't do
17 that. But he did try to get out Mr. Curry.
18 He was trying to protect his business, his
19 real business. Mr. Curry had been there
20 working all day. Mr. Gambrell said that his
21 problem was that 'damn math.' What? He sure
22 worked hard on those wheels found throughout
23 the property. 'His math is okay, while Mr.
24 Curry is advancing my business interest with
25 these vehicles.' But since he shot somebody,

1 hands off, 'I don't want any part of that.'

2 That brings us back to the shooting. The
3 shooting that, without question, was tragic,
4 unfortunate, ridiculous, a sad statement
5 about society.

6 Mr. Curry went down there high on meth.
7 Meth -- who knows how long, how much, but
8 that was his drug of choice.

9 On the other hand, we have Mr. Cameron
10 who had a closed head injury that was
11 acknowledged, it was acknowledged that he had
12 a short fuse, and it was also acknowledged
13 that cocaine, crack cocaine, whichever
14 derivation, was his drug of choice.

15 You heard the doctor get on the stand and
16 he told you that cocaine is a stimulant, that
17 it makes you excited.

18 You hear Mr. Curry talk about that when
19 Mr. Cameron came out of the front door that
20 he came out with a purpose. Pushing,
21 shoving.

22 There was no gun when he knocked on that
23 door, no gun to Mr. Carver's knowledge. The
24 gun that he had picked up when it'd fallen
25 out in the car was still in the car. Mr.

1 Curry admitted to that.

2 Mr. Curry (sic) also admitted to the fact
3 that 'well, I thought that maybe the gun came
4 from his fanny pack.' 'No, from his waist,
5 behind the fanny pack.'

6 There was no gun until there was enough
7 pushing and shoving that either Mr. Curry was
8 scared by what was going on, most likely
9 doubtful, or 'you'll never push me again.'
10 Somebody was getting the better of him, the
11 other agitated person high on drugs.

12 *Bam, bam, bam!* Finally the dam breaks,
13 the straw that breaks the bough's back. He
14 comes up and he's got a gun in the guy's
15 face. Of course, he's on cocaine -- strong,
16 invincible perhaps. 'Get this guy out of my
17 face!' The guy has got a loaded gun in his
18 face and he doesn't care. He hits it out of
19 his face and the reaction is *boom, boom,*
20 *boom!* There's no thought to that. There is
21 no advancement of anybody's interest.

22 Mr. Gambrell tells us about that. And
23 Detective Marzolf helps him out. That is not
24 good for business. You're talking about a
25 guy that has a closed head injury, always was

1 good for whatever he received from Mr.
2 Gambrell. 'Why am I going to hurt someone
3 that is a good business partner? I know for
4 a fact that he comes up here a couple of
5 times a week.'

6 That brings us back to Patrick Henry.
7 Patrick Henry. Mr. Henry, Detective Henry,
8 took Darren (sic) White -- I think his name
9 was Darren White. He took him for a drive
10 around the property a couple of times.

11 In fact, Darren White told us that 'I'd
12 given Mr. Cameron a ride up here three times
13 in the last week or two weeks.' Substantial
14 evidence.

15 Raid. They get a bunch of drugs. Mr.
16 Gambrell misses an ounce of cocaine and he --
17 and he's going up there for drugs,
18 occasionally?

19 Detective Henry offered us nothing.

20 Detective Marzolf told us that he had
21 been the one to talk to Darren White. 'I was
22 told that Darren White has said that there
23 was drug activity going on there.' Where do
24 you think that search warrant came from, to
25 go in that house in Greenville? Darren (sic)

1 difficulties understanding more than literal
2 questions. His responses were not to the
3 question's intent/context by the solicitor.
4 At times he would answer in very basic
5 literal terms.

6 He wasn't any part of any operations.
7 He was the guy that 'you want to take this
8 guy home?' 'Sure.'

9 There's no question that he took Mr.
10 Cameron home. But is that part of anything?
11 No. He just gave the guy a ride home because
12 he didn't have a ride.

13 Gambrell also told us that his nephew,
14 Quay, who purchased the dirt bike, and his
15 friend were going to go down there and pick
16 up Mr. Cameron. What did Mr. Gambrell say?
17 'No, I don't want anything bad to happen.
18 I'm not sending these boys, because they're
19 really quick with what they've seen in the
20 movies and the TV shows. They're going to
21 react in a violent manner if that opportunity
22 should arise.' He didn't want that.

23 'You know what? I'll send Mr. Curry, a
24 laidback guy, nonviolent, my best friend.
25 I'll send Mr. Carver because he was just

1 there and he knows where he lives, he has a
2 license to drive. Send him back there, send
3 a message.' It was 9:00 o'clock at night.
4 There were no pigeons flying at that point.
5 There was no smoke notices or smoke messages.
6 There were no phones. One way to
7 communicate, face to face. 'So go back and
8 tell him and then come back.'

9 Mr. Gambrell wanted to get paid. Get
10 payment, things of that nature -- I mean,
11 talking about a difficult business. No one
12 follows the law. But Mr. Cameron was always
13 good for his money. Mr. Gambrell said that.
14 'I had his confidence, he had my confidence.
15 He knows I'm not going to do anything, I know
16 he's not going to do anything.' He had no
17 intent to hurt these gentlemen. 'Go down and
18 tell him.' That was it, that was the plan.

19 Mr. Curry had his own plan. But
20 accomplice liability means that you are part
21 of the plan. Mr. Curry did not shoot the
22 individual until there was physical contact
23 between the two. That's it.

24 Mr. Gambrell (sic) wasn't part of that.
25 It certainly wasn't in his mind.

1 What was Mr. Curry thinking?

2 When was the last time he slept?

3 Unknown. Unknown. Unknown.

4 Mr. Carver most certainly -- why let Mr.
5 Carver in on the plan. He wasn't getting a
6 cut. He's nothing but a transmission guy.

7 Apparently, according to Mr. Curry, he
8 knew what he was doing. Mr. Gambrell thought
9 he knew what he was doing too, because he
10 kept having him work on the transmissions,
11 for the cars that he bought and the cars that
12 he was trying to flip or cars of his friends.

13 Mr. Curry had the gun in the car. There
14 is nothing to dispute that. Mr. Carver
15 thought it was a .38, he told him they didn't
16 need a gun. He told Mr. Curry, 'don't be
17 bringing no gun, I'm not participating in
18 that. What you talking about? Gun? I don't
19 understand why a gun is even here.'

20 But he sees the gun in the car and goes
21 out, gets out and starts going to the front
22 door to talk to him. He'd just been there,
23 he'd rode with the guy. Maybe they were not
24 tight friends but they were certainly
25 acquaintances. They talked to each other.

1 He goes up there: knock, knock, knock.
2 No one comes to the door. Since there is no
3 car there, since Mr. Cameron didn't have
4 transportation, they start -- especially
5 since he's got their ounce of cocaine,
6 everybody is best friends at this point.

7 He starts walking back towards the car.
8 Mr. Carver is in front. Mr. Curry has a
9 purpose. Mr. Curry is still looking,
10 looking. He looks out of the corner of his
11 eye, whatever, and he sees Mr. Cameron
12 looking out the window. 'Hey, Mr. Cameron's
13 here.' He goes back to the front porch.

14 Mr. Carver turns around, starts going
15 back towards the front porch. Mr. Cameron
16 comes out -- push, push. Regardless of who
17 you are listening to, there is no doubt that
18 there was physical interaction, a
19 confrontation. Certainly the language, the
20 voices rising, physical confrontation that --
21 no question that occurred. Mr. Carver gets
22 to the steps and there is pushing back and
23 forth, like they're fourth graders. All of a
24 sudden Mr. Curry is pushed too hard for his
25 liking and that was the end of the fourth

1 grade. When he came back up, he had a gun.

2 Mr. Carver, in shock, 'You just left the
3 gun back there! What are you doing? Put
4 that away! Put that away!'

5 On the third occasion that's about the
6 time that Mr. Cameron is physically knocking
7 the gun out of his face, and that's the end
8 of it. It's like Godzilla fighting whatever
9 creatures he fights -- meth was fighting
10 crack. *Bang!*

11 About the time that he said for the third
12 time 'put that gun away' he saw in his mind,
13 you know, -- and this is speculative of
14 course -- bad things happen. He starts
15 running back to his car and he hears one
16 shot. Was that all the shots there were?
17 Was there only one shot? No. But that's all
18 that he heard.

19 He gets back to the car and he is
20 fumbling for his keys -- mind, they were not
21 his keys because he's still got the Buick.
22 He's got his keys and then there is the keys
23 to the Buick that he had borrowed to bring
24 back Mr. Cameron if he so desired to "chat."

25 Well, he drops his keys, the Buick keys,

1 whatever. By that time, Mr. Curry is there,
2 gets in the car with him, he's got his .25.
3 'You need to drive out of her without your
4 lights on. I am going to kill you or your
5 mother if you open your mouth.'

6 Mr. Carver is driving down the road.
7 Who knows what is going through your mind
8 after witnessing any part of this event, in
9 any way. He is driving and, you know, back
10 to the house. Mr. Curry was kind enough at
11 one point to allow him to put the lights so
12 they could get through the unlit area over on
13 Sterling Bridge.

14 He gets back to the house and by this
15 point Mr. Gambrell has awaken from his
16 slumber or was awakened from his slumber.
17 'What did you do?'

18 'Shit happens. I shot him.'

19 Mr. Gambrell is just as shocked -- in
20 particular, he didn't see anything. So when
21 he hears something like that, do you really
22 -- he was just talking to this guy and he's
23 now been shot. What do you say to that? 'I
24 can't believe it. You can't be serious.'
25 Especially when Mr. Curry has no feelings

1 whatsoever. General numbness. 'Hey, I wish
2 he wouldn't have pushed me. I shot him. He
3 probably won't push me again.'

4 You heard Detective Call get up here and
5 talk about the demands that were made of Mr.
6 Cameron. Demands? What is he basing that
7 on? Do you have any information regarding
8 the discussion that took place on that porch?
9 No. 'I'm just assuming that.'

10 Demands? There were no demands. If
11 anything, Mr. Curry said 'hey, we know you
12 got that stuff.' That, of course, Mr.
13 Cameron -- 'hey, you're not going to call me
14 that.' Whether he did or not is to really
15 the question. If somebody accuses you of
16 something: deny, deny, deny. At least at
17 that point, 'how dare you say that?'

18 He's agitated, he's not happy, he's fired
19 up. An ounce of cocaine. An ounce of
20 cocaine and his short fuse occasioned by his
21 head injury is just exponentially increased,
22 made shorter.

23 I asked both officers, I said, 'Is asking
24 somebody for money a crime?' "No."

25 'Is asking somebody for something that

1 they may have borrowed or taken, is that a
2 crime?' "No."

3 'Is asking someone for money for some-
4 thing they borrowed or taken, is that a
5 crime?' "No."

6 Not a crime.

7 In order to be an accomplice to something
8 he's got to be an accomplice to a crime. Mr.
9 Carver didn't know. He didn't have time. He
10 got there and Gambrell said, 'hey, go back
11 and get him.'

12 The only other conversation was, 'I don't
13 have a phone.' 'If you'd had a phone, we
14 would have told halfway there to go back.'

15 Why? Because Mr. Gambrell nor Mr. Curry
16 wanted him to get home. It would be a hell
17 of a lot harder to get the cocaine back if he
18 got home.

19 Mr. Carver was not part of that. He was
20 not part of that. Mere presence? Oh, no.
21 Not enough.

22 Hand of one, hand of all. You've got to
23 have legal intent. You would have had to be
24 going there to rob somebody or something to
25 that effect.

1 The only things we have regarding the
2 criminal intent is from the police. There is
3 no evidence, no evidence other than that --
4 and that's no evidence. That is just their
5 opinions. You can't take what is not
6 evidence into your deliberation. It has got
7 to be evidence. So the only people telling
8 us that there was criminal intent that,
9 'gosh, there was criminal intent' are them.

10 Mr. Gambrell dealt, in particular, dealt
11 cocaine to Mr. Cameron. Mr. Cameron was
12 probably his best customer or at least a
13 solid customer. He knew that he never had to
14 worry about payment. So the idea of him
15 saying, 'I wanted him to understand that I
16 knew that he had it and I would expect
17 payment.' Certainly feasible.

18 The idea that he had a good working
19 relationship with him, capable of moving an
20 ounce at a time -- an ounce at a time --
21 what is that, over a thousand dollars worth?
22 I don't know but it's a lot. He was willing
23 to give that to him, knowing that he's going
24 to get paid. That was not the first time
25 that he'd dealt with such weight. He's not

1 worried about that. He doesn't want anything
2 to hurt Mr. Cameron, his paycheck.

3 And he didn't want Quay to go down there
4 and take care of it, the nephew who he'd sold
5 the bike to. Mr. Gambrell said, 'No, I'm not
6 sending those boys down there. Send the old
7 guys down there.' They know what to do,
8 they'll talk to him

9 They interacted on a regular basis.
10 Regardless of how superficial it was, he was
11 there, stayed a half hour, an hour at times,
12 according to Mr. Carver.

13 Mr. Carver gets along with everybody.
14 A very quiet individual. Mr. Gambrell said,
15 'hey, take him back.' So Mr. Carver, who
16 was almost done with his job, in order to get
17 Mr. Cameron back home, he stopped what he was
18 doing and cleaned up enough to do that.

19 The idea of bringing him back then, why
20 is that going to be a crime? He just took
21 him down there without issue. He's not privy
22 to the fact that Mr. Curry and Mr. Gambrell
23 -- "we", 'we found out that he had done
24 this.' "We" needed to take action before it
25 was, say, shared, eliminated, disposed of;

1 that being the cocaine. Mr. Carver was not
2 part of that. He didn't know the scope.

3 Mr. Carver every once in a while, every
4 once in a while he used cocaine; however, not
5 on a school night. Testimony from his boss
6 -- sure, he loves him. He's been there
7 eighteen years. He is like one of the
8 family. But he's not going to get up there
9 and say anything other than the truth. For
10 what purpose? He gets up there and tells you
11 that he gets to work every day by 6:00
12 o'clock. Mr. Carver is not out doing cocaine
13 all night and getting there by 6:00 o'clock.
14 Making sure that all the shipments are coming
15 in, making sure that parts are clean, to
16 rebuilt transmissions. That is Mr. Carver's
17 character.

18 I told you in the beginning that when I
19 got to the end that I was going to come back
20 to this, Steven Cameron was killed, that he
21 was killed with malice aforethought -- that's
22 what murder is, according to the State.

23 Well, in order to have murder you have to
24 have malice aforethought. That means that
25 Mr. Carver had to have malice aforethought.

1 Mr. Curry was indicted for murder, just
2 like Mr. Carver. It's a piece of paper,
3 that's it. It is to bring one before a jury
4 like yourselves, but it is still a piece of
5 paper. What happens in the trial, it is
6 still a piece of paper. What you say is the
7 law, not what that paper says.

8 So he pled guilty, and that is the law
9 for him, to voluntary manslaughter.
10 Voluntary manslaughter is the killing of
11 someone but it doesn't have the malice
12 aforethought part. All right?

13 So they're trying to say that Mr. Carver
14 was equal to Mr. Curry. Mr. Curry did not
15 have malice. They are trying to say that Mr.
16 Carver did have malice by seeing someone shot
17 or knowing that he was shot. Seeing Curry
18 drive by his house minutes after in his green
19 Grand Am.

20 So here we are at the end. If Mr. Curry
21 did not have malice when he shot the guy from
22 pointblank range, but the State is telling us
23 that Mr. Carver had malice -- running to his
24 car after the presentation of a weapon that
25 he did not know or apparently use is the

1 same?

2 Mr. Carver was visited by Detective
3 Marzolf and Detective Call at his place of
4 business on April 1st, 2016. Prior to that,
5 he had a nice call from Mr. Curry, 'Hey,
6 police are coming to talk to you. This is
7 Woodrow Curry in case you've forgotten me,
8 what I represent.'

9 Ladies and gentlemen, malice aforethought
10 -- you saw him testify. Does he appear
11 angry? The solicitor was on him hard, she
12 was in disbelief of Mr. Carver, especially
13 given the fact that Mr. Carver gives a ride
14 over to the jail with Mr. Gambrell and his
15 wife. That's when he learned about what
16 happened while he was driving Mr. Cameron
17 home. That's when he found out. He didn't
18 know anything about why he was going to get
19 him. He wasn't told about why he was taking
20 him in the first place, so why would he
21 inquire. This is one of the guys, 'go get
22 him.' Apparently he forgot something.

23 That's when Mr. Carver understood more,
24 he goes into this interview, he's coming in
25 blind.

1 Mr. Curry is no longer an issue. He's
2 been picked up after the raid on Mr.
3 Gambrell's house where he said that all the
4 drugs that were found in the house were his.
5 That's when he learned that someone stole
6 from them. He didn't want to share that.
7 He didn't want Mr. Carver to know. He just
8 wanted him to use his license and take him to
9 Cameron's. He didn't want any question as to
10 why they were going down there. If he was
11 part of it, what might happen then? We got a
12 drunk and we got a guy without a license.
13 'Go talk to him. Get down there.' Get Jason
14 to do it. He did.

15 They go down there, he sees the gun when
16 the guy takes his out of his pocket and it
17 hits the door on the side. He said, 'Dude,
18 what you doing with a gun? Leave it in here.
19 Don't be taking no gun. We don't need a
20 gun.'

21 If -- he's talking to the investigator
22 and telling him, 'I told him to leave the
23 gun. We don't need the gun.'

24 It is unfortunate that we can't go back
25 to what his knowledge was at that time

1 because there was two weeks between the death
2 and the interview, the interview that you
3 saw. So during those two weeks, a guy that
4 doesn't do anything but transmissions and
5 goes hang with his mother -- what was he
6 doing, 'Why? Why? Why?' That's what is
7 going through his head. Those things play a
8 part in your thinking.

9 What he did know, though, was that -- he
10 read the paper the next day, at the very
11 least. He knew that shots or a shot had been
12 fired. He knew that Curry was still free.
13 'If I go to the police, are they going to get
14 him immediately or is he going to hear
15 through the grapevine -- will my mother miss
16 another birthday?'

17 He had to make decisions, not for Steven
18 Cameron but for the here and now, 'me and my
19 mother.' Is there any question in our minds
20 that in fact that occurred, that there were
21 threats against him and his mother?

22 Now, I leave you with Detective Marzolf
23 and Detective Call are all about getting
24 justice, justice for 'the children' or
25 whatever. We want them to know that justice

1 was done. Somebody went to jail.

2 Remember what we know: cocaine, crack.
3 What else? Who is to say that that is the
4 only reason that we are here today?

5 Reasonable doubt, ladies and gentlemen.
6 You saw him, you heard him. Then you heard
7 different things -- oh, Gambrell gave him the
8 gun. 'No, sir, that's not what happened in
9 your interview. That's not what you wrote on
10 the paper.'

11 What is justice? Is justice putting
12 someone in jail because someone died or
13 because someone did something to make him
14 die? What we are trying to say is that not
15 only is Curry responsible for the killing but
16 that he had the malice aforethought to
17 support that. The guy who shot Mr. Cameron,
18 pled to voluntary manslaughter and the State
19 accepted that plea. Mr. Carver did not have
20 intent, did not have any malice aforethought.
21 But they're saying that he is worse than the
22 shooter? (Negative gesture). We want you to
23 take that into consideration, ladies and
24 gentlemen, and find Mr. Carver not guilty.
25 Thank you.

1 testify that he didn't think that Milton
2 Gambrell knew how to get there either. And
3 even if did, Milton was too drunk; couldn't
4 get there, no way.

5 There was one person that did know, he
6 had just been there. By his own admission he
7 had just come from the scene of the crime.
8 'Sure, I'll take you back. No problem. I'll
9 even switch cars so that I will have room to
10 bring him back with me if we need to.'

11 So, no, he was not just the driver.
12 Jason Carver didn't pull that trigger but he
13 may as well have. Jason Carver didn't pull
14 that trigger but he delivered Woodrow Curry
15 to Steven Cameron's doorstep. No one else
16 could have done that. Only Jason Carver
17 could have done that. That's makes him a
18 principal actor in this.

19 Well, what else did he do? You heard
20 some testimony that Jason Carver may have
21 been armed. You heard that from Woodrow
22 Curry.

23 Now, I know I'm asking a lot of you for
24 Woodrow Curry. We'll go into that a little
25 bit. But you heard that he was armed.

1 He says that he wasn't, but who knows?

2 Steven Cameron definitely was
3 intoxicated.

4 And all of them were involved in the drug
5 trade. Now, you've watched the News. You
6 know what happens in the world. Drugs and
7 guns, drugs and violence, drugs and murder
8 are inextricably related. Those things
9 happen together all the time.

10 So what happened in this case is that
11 Jason Carver drove a man that he knew to be
12 armed, who he knew had a short fuse to
13 another man's house, who also had a short
14 fuse, to collect on a drug debt or to kidnap
15 him. What did they think was going to ---

16 MR. SMITH: Objection, Your Honor, not
17 in evidence.

18 THE COURT: Overruled. Ladies and
19 gentlemen, let me tell you -- for both sides
20 of this case, to the extent that anyone tells
21 you anything that differs from your memory of
22 what the facts are, your memory will control.

23 Go ahead, Solicitor.

24 SOLICITOR MOORE: Thank you, Judge.
25 What did they think was going to happen? Did

1 that's all up to you.

2 Madam Forelady, if you have any questions
3 about anything, make a note and send it out
4 here. Because we do not have "clean"
5 computers -- in other words you may be able
6 to get into anything on a computer that is
7 not a part of this case, uh, -- we'll watch
8 any videos or related testimony here in the
9 courtroom. If you want to do that, let us
10 know and we will set it up for you. Go back
11 to your jury room at this time.

12 (JURY OUT @ 1:50 P.M.)

13 THE COURT: If you would, get all the
14 exhibits and confirm those with each other
15 and then we will send those back with the
16 verdict form.

17 (COUNSEL APPROVAL OF EXHIBITS)

18 (JURY IN DELIBERATION @ 1:54 P.M.)

19 (LUNCH RECESS 1:55 - 2:10 P.M.)

20 (NOTIFIED OF JURY QUESTION @ 2:30 P.M.)

21 (SO ENTERED AS COURT'S EXHIBIT 9)

22 (DEFENDANT PRESENT)

23 THE COURT: Please be seated. All
24 right, we have received a note from the jury
25 requesting to review Carver's statement.

1 Next, "needing a definition of murder
2 from the Judge." I'll find out about that.
3 Are you ready?

4 SOLICITOR MOORE: Your Honor, I believe
5 that we are.

6 THE COURT: Defense ready?

7 MR. SMITH: Yes, sir.

8 THE COURT: Bring in the jury, please.

9 (JURY IN @ 2:49 P.M.)

10 THE COURT: Madam Forelady, I under-
11 stand that the jury wishes to review the
12 defendant's statement; is that correct?

13 FORELADY: That's correct.

14 THE COURT: All right, we have that set
15 up. Also you want me to recharge you on
16 murder; is that correct?

17 FORELADY: Yes, sir.

18 THE COURT: Is it murder or also hand
19 of one, hand of all?

20 FORELADY: Both.

21 THE COURT: Both. Okay. Do you have
22 a preference in which I give them to you?

23 FORELADY: Hand of one.

24 THE COURT: You want the hand of one,
25 hand of all first?

1 FORELADY: First.

2 THE COURT: Do you want me to charge
3 you on that, then murder, then see the
4 statement of the defendant, or do you want to
5 see the defendant first?

6 FORELADY: The charge first.

7 THE COURT: Okay. This is the criminal
8 liability under the theory of the hand of one
9 is the hand of all.

10 If a crime is committed by two or more
11 people who are acting together in committing
12 the crime, the act of one is the act of all.

13 The person who joins with another to
14 commit an unlawful act is criminally
15 responsible for everything done by the other
16 person which happens as a probable or natural
17 consequence of the acts done in carrying out
18 the common plan or purpose.

19 If two or more people gather, acting
20 together, assisting each other in committing
21 the offense, the act of one is the act of
22 all. Or as it is sometimes said, the hand of
23 one is the hand of all.

24 Prior knowledge that a crime is going to
25 be committed without more is not sufficient

1 to make a person guilty of that crime.

2 Mere knowledge that another person is
3 going to commit a crime, even if the
4 defendant is present when the crime is
5 committed, is not sufficient to convict the
6 defendant as a principal.

7 Guilt as a principal is show by actual
8 or constructive presence at the scene as a
9 result of prior arrangement.

10 Therefore a prior arranged plan or common
11 scheme is necessary for a finding of guilt as
12 a principal. The State must prove beyond a
13 reasonable doubt by competent evidence the
14 theory that the hand of one is the hand of
15 all.

16 A principal in a crime is one who either
17 actually commits the crime or who is present
18 aiding, abetting or assisting in committing a
19 crime. When a person does an act in the
20 presence of or with the assistance of
21 another, the act is done by both.

22 Where two or more acting with a common
23 plan or intent are present at the commission
24 of a crime, it does not matter who actually
25 commits the crime. All are guilty. The hand

1 of one is the hand of all.

2 Presence at the commission of a crime
3 means to be sufficiently near to aid and abet
4 and assist in the commission of the crime.
5 However, mere presence at the scene of a
6 crime is not sufficient to convict one as a
7 principal on the theory of aiding and
8 abetting. Intent is also a necessary
9 element, for there must have been a common
10 design or intent to commit a crime, and the
11 crime must have committed pursuant thereto
12 with the person aiding and abetting by some
13 overt act.

14 Intent means intending the result which
15 actually occurs, not accidentally or
16 involuntarily. Intent may be shown by acts
17 and conduct of the defendant and under
18 circumstances from which you may naturally
19 and reasonably infer intent.

20 The State must prove these elements
21 beyond a reasonable doubt.

22 That is the law of the hand of one is the
23 hand of all. Did y'all get that sufficient-
24 ly?

25 FORELADY: Yes, sir.

1 THE COURT: Okay. Now, this is murder,
2 the law on murder. The defendant is charged
3 with murder. The State must prove beyond a
4 reasonable doubt that the defendant killed
5 another person with malice aforethought.

6 Malice is hatred, ill will or hostility
7 towards another person. It is the
8 intentional doing of a wrongful act without
9 just cause or excuse and with the intent to
10 inflict an injury or under circumstances that
11 the law will infer an evil intent.

12 Malice aforethought does not require that
13 the malice exist for any particular time
14 before the act is committed. But malice must
15 exist in the mind of the defendant just
16 before and at the time the act is committed.
17 Therefore there must be a combination of the
18 previous intent and the act.

19 Malice aforethought may be express or
20 inferred. These terms, "express" and
21 "inferred", do not mean different kinds of
22 malice but merely the manner in which malice
23 may be shown to exist. That is either by
24 direct evidence or by inference from the
25 facts and circumstances which are proved.

1 Express malice is shown when the person
2 speaks words which express hatred or ill will
3 toward another or when a person prepared
4 beforehand to do the act which was later
5 accomplished. For example, laying in wait
6 for a person or any other acts of preparation
7 going to show that the deed was within the
8 defendant's mind would be express malice.

9 Malice may be inferred from conduct
10 showing a total disregard for human life.

11 That is the charge of murder. Does
12 that sufficiently answer that aspect of your
13 question?

14 FORELADY: Yes, sir.

15 THE COURT: Okay, would you go ahead
16 and play the interview, please, ma'am?

17 (WHEREUPON VIDEO REPLAYED)

18 THE COURT: Madam Forelady, ladies and
19 gentlemen of the jury, does that respond to
20 the second aspect of your request?

21 FORELADY: Yes, sir.

22 THE COURT: If you would, go back to
23 your jury room. Don't resume your
24 deliberations until you hear to do so. We
25 will be with you in just one moment. Thank

1 you.

2 (JURY OUT @ 3:04 P.M.)

3 THE COURT: Any exceptions to the
4 handling of the jury's requests, from the
5 State?

6 SOLICITOR MOORE: None, Your Honor.

7 THE COURT: From the defense?

8 MR. SMITH: No, sir.

9 THE COURT: All right, we will be at-
10 ease until we hear from the jury. Please
11 tell the jury to resume their deliberations.

12 (DELIBERATIONS RESUMED @ 3:05 P.M.)

13 (NOTIFIED OF VERDICT @ 3:44 P.M.)

14 THE COURT: All right, I understand
15 that the jury has reached a verdict. Let's
16 get everyone in here.

17 (DEFENDANT PRESENT)

18 THE COURT: Mr. Smith, do you have
19 everybody here that you need?

20 MR. SMITH: I do.

21 THE COURT: From the State, do you have
22 everybody that you need?

23 SOLICITOR MOORE: Yes, Your Honor.

24 THE COURT: Bring the jury in, please,
25 sir.

(JURY IN @ 3:50 P.M.)

THE COURT: Madam Forelady, my understanding is that the jury has reached a verdict.

FORELADY: (Affirmative nod).

THE COURT: Is it unanimous?

FORELADY: Yes, sir.

THE COURT: Would you please pass the verdict to the Court?

FORELADY: (Complies).

THE COURT: (Upon review), publish the verdict, please, sir.

CLERK: May it please the Court, this is the State of South Carolina, County of Anderson, in the Court of General Sessions, Tenth Judicial Circuit, Indictment 2016-GS-04-02279, the State of South Carolina versus Jason Franklin Carver, Defendant.

This is the verdict form and on the question of murder, (reading): "As to Murder, Indictment 16-GS-04-02279 we, the jury, unanimously find the Defendant guilty." Signed by the foreperson, dated today, August 25th, 2017 in Anderson, South Carolina.

THE COURT: Madam Forelady, ladies and

1 gentlemen of the jury, if that was your
2 verdict in the jury room and that is your
3 verdict here in the courtroom, would you
4 raise your right hands, please.

5 (UNANIMOUS RESPONSE BY JURORS)

6 THE COURT: All right. For the record,
7 all twelve jurors answered in the
8 affirmative.

9 Ladies and gentlemen, it is never easy
10 sitting on a criminal trial, it's never easy
11 listening to all the evidence. The Court is
12 never concerned with what your verdict is but
13 that you executed your duties. I watched you
14 throughout the course of this week. It's
15 been a longer trial than I anticipated but
16 you stayed engaged, you did your duty as far
17 as paying attention to all the testimony, the
18 attorneys as well as the law as I gave it to
19 you. So you performed your duty as citizens
20 and jurors and for that, I thank you -- not
21 for your verdict but for your service.

22 That being said, Madam Forelady, I need
23 to get some paperwork signed by you. If the
24 jury will go back to the jury room, I will
25 walk back there in just a moment.

1 (JURY DISMISSED)

2 THE COURT: I'll be back in just a
3 moment.

4 (BRIEF RECESS)

5 (DEFENDANT PRESENT)

6 THE COURT: Do you have the necessary
7 paperwork?

8 SOLICITOR MOORE: I do, Your Honor.

9 THE COURT: Please, sir, come around.

10 (DEFENDANT BEFORE BENCH)

11 THE COURT: Before we get started,
12 you'll have ten days to appeal my sentence to
13 the verdict. Okay, sir?

14 MR. SMITH: Yes, sir.

15 THE COURT: What is his criminal
16 record?

17 SOLICITOR MOORE: Your Honor, his only
18 prior criminal record is a shoplifting and
19 possession of cocaine.

20 THE COURT: How long ago was that?

21 SOLICITOR MOORE: The possession of
22 cocaine, I'm -- the conviction is not on his
23 NCIC, but I believe it was in 2013. The
24 shoplifting was in 2018.

25 DEFENDANT: It was in '95.

1 SOLICITOR MOORE: There are two victims
2 that wish to speak, Steven Cameron's wife,
3 Regina Cameron, and his sister, Erica
4 Cameron.

5 THE COURT: All right, state your name
6 for the record, please.

7 ERICA CAMERON: My name is Erica
8 Cameron. I am Steven's sister.

9 THE COURT: Okay.

10 ERICA CAMERON: This has been very
11 hard. (Emotional), he never had mercy on my
12 family, not one time has he shown remorse
13 through none of this. Never.

14 My family has been through so much. My
15 brother never hurt nobody. Yes, he had a
16 brain injury. He was on drugs, yes, he was,
17 but he wasn't a bad person. There is a lot
18 to that.

19 He fell from four stories high. Before
20 that he worked all the time to support his
21 family. He worked seven days a week, he'd
22 been working since he was fourteen years old
23 and he supported -- he supported my niece and
24 my sister-in-law. Even when he was disabled
25 he still supported them.

1 With that, -- he fell on the job. It was
2 a workers comp and they stopped the payments.
3 He was on a lot of medicine. He wasn't on
4 any illegal drugs and they stopped him from
5 getting medication because, workers comp
6 stopped paying. So the doctors told him he
7 could come back when they paid up the bill.
8 My brother lost everything he had because he
9 fell. He almost died that night, that day.

10 My brother went through withdrawal
11 because he didn't have the medicine. He
12 didn't know he was going to be an addict.
13 That's when he went and got street drugs.
14 That's where the addiction came from. He
15 tried to get help. He was denied because in
16 the state of South Carolina somebody with a
17 brain injury, a facility -- when they find
18 out that they have a brain injury, they don't
19 want to take them. He tried to get help,
20 they denied him. He didn't want to be like
21 that.

22 But he didn't hurt nobody, he never -- he
23 never did any criminally. He was a good man.
24 He had his problems, just like anybody else,
25 but he never hurt anybody.

1 I want justice today for my brother
2 because he is not here to speak his side of
3 the story about anything. I am asking for
4 maximum allowed. Please, Your Honor, I'm
5 pleading with you. I can't do anymore --
6 (emotional, sobbing).

7 REGINA CAMERON: I am Regina Cameron,
8 Steve Cameron's wife. Steven is not here to
9 tell his story, there is no one here that can
10 tell his story.

11 You've left both of my children without a
12 father. A mother should never have to tell a
13 kid that their father is not coming home, to
14 explain it the way that I did. My son was
15 seven years old and I had to go home and tell
16 him and all he could do was keep asking, 'Why
17 would somebody shoot my dad?' My daughter
18 was sixteen at the time, fixing to graduate
19 and he didn't get to see her walk across the
20 stage.

21 You took everything from us that night
22 with that one decision that you could -- that
23 you could have controlled. You could have
24 said no, and you chose not to.

25 I ask, Your Honor, to please impose the

1 maximum allowed. Please do that. I know my
2 husband. He was my best friend and he never,
3 never would have hurt no one.

4 THE COURT: Thank you. Anyone else?

5 PATRICIA WHITE: Yes, Your Honor. I am
6 Patricia White. He's my son, he was my birth
7 son. Like I said, he would never hurt no
8 one. I carry him around with me every day.
9 I've got a lot of mental issues because of
10 this. He was my first, and he -- like they
11 said, he wasn't on drugs before. He helped
12 me, he would do anything. He would have been
13 an Eagle Scout and -- like I said, you took
14 my child.

15 And it wasn't even the drugs -- like
16 Erica said, he had to go to the street to get
17 this because no one was there to help him. I
18 am hoping that through this that somehow that
19 God will give me the will and show me what to
20 do to change something on his behalf so that
21 somebody can help brain injuries. He tried
22 to get help. He even signed documents
23 stating that he didn't want no narcotics. He
24 didn't want to live that life. But when you
25 are hurting so bad -- he said, 'Mom, it looks

1 like a TV in my head.' It was just crazy for
2 him. I carry him every day, right here near
3 my heart and in this chain is his ashes.
4 That is all that I have and it's all messed
5 me up so bad. I ask to get justice for what
6 he took from me.

7 CHRISTOPHER WHITE: Good afternoon,
8 Your Honor. My name is Christopher White.
9 I am Steven's stepfather. I helped to raise
10 that boy from when he was about two years
11 old. I remember how good a man he was for
12 his wife and his family. The last time I saw
13 my son, he -- he always had a smile on his
14 face -- I told him that I loved him and he
15 said that he loved me too. That was like a
16 week away from when he was murdered. We were
17 to have a birthday party for him, but that
18 never occurred. So -- but I want him
19 remembered as a good man. He had his
20 problems. I personally didn't see that but I
21 heard about it, with what happened in his
22 life with his brain injury. But I wish that,
23 you know, that you will use the law to the
24 full extent for this gentleman. Thank you
25 sir.

1 THE COURT: Anybody on behalf of the
2 defendant wish to speak?

3 MR. SMITH: Not at this time, Your
4 Honor. I don't believe that they're able to
5 speak at this time.

6 THE COURT: Mr. Smith, I'll let you
7 start. Would you like to say anything on
8 behalf of Mr. Carver? Then I'll give him an
9 opportunity to speak if he wishes to.

10 MR. SMITH: Yes, Your Honor, may it
11 please the court. Your Honor, you've had the
12 opportunity to listen to the evidence and to
13 understand Mr. Carver's past, which the State
14 has told us was a shoplifting in '95 or 2008,
15 and a cocaine possession conviction.

16 Mr. Carver has done nothing previously.
17 It is our contention, obviously, that he was
18 just driving down the road.

19 Obviously he has great remorse for what
20 happened. If there was something that he
21 could have done -- like if he'd had a gun,
22 maybe he could have done something. But he
23 did not have a gun.

24 He told him three times to put the gun
25 away. He didn't listen. He was reaching for

1 it apparently, and that's what happened.

2 He feared for his own life and that of
3 his mother. That was supported by Mr.
4 Curry's testimony. We'd ask that you take
5 this into consideration when sentencing him.

6 The idea that he's never had a violent
7 crime, had those two minor issues which
8 aren't that bad, we just ask that you take
9 that into consideration, sir, and treat him
10 based on not only the facts but more
11 importantly the person he's shown who he is
12 over the forty years of his existence.

13 THE COURT: Mr. Carver, do you wish to
14 say anything?

15 DEFENDANT: Sir, I didn't want this to
16 happen. If I could have done something, I
17 would have done it. I didn't go up there to
18 do this. I was fearful for my life. I don't
19 know how to prove I'm innocent but I didn't
20 have nothing to do with this, I didn't want
21 this to happen.

22 THE COURT: Let me just say this, I
23 heard from the victims' side of the case and
24 I understand their feelings. I also
25 understand your side of the case too.

1 It is my understanding that the actual
2 shooter is looking at a maximum of thirty
3 years?

4 SOLICITOR MOORE: Yes, Your Honor.

5 THE COURT: So I -- I am convinced that
6 it was not necessarily Mr. Carver's intention
7 to kill anybody when they went down there.
8 But I'm equally convinced that you went down
9 there to get the man, the money or the drugs
10 back. As such, you engaged in a criminal
11 conspiracy that ultimately spiraled out of
12 control. It was notable to me that you drove
13 away with the lights off, 911 wasn't called,
14 that you didn't involve yourself with law
15 enforcement until Mr. Curry was involved with
16 law enforcement himself. You can interpret
17 that several ways.

18 I think it's clear that when you start
19 messing around with drugs, especially the
20 type of drugs that y'all were using, a
21 natural and probable consequence such as what
22 ultimately happened in this case is what you
23 will see.

24 Also, the fact that this car of Mr.
25 Gambrell's was used instead of yours is an

1 indication that you did go with the intent to
2 bring this guy back. And then you hid it
3 after the fact, too; which is a sign that
4 y'all knew that you had a problem.

5 That being said and done, I think it is
6 only fair that you be treated equally, so I
7 am going to sentence you to thirty (30)
8 years. You have ten days to appeal this
9 decision. If he is entitled to any credit,
10 give him credit for any time served. Okay?

11 MR. SMITH: Yes, Your Honor.

12 THE COURT: Good luck to you, sir.

13 (TRIAL CONCLUDED)

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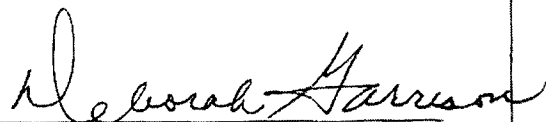
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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF GREENVILLE)

I, the undersigned Deborah Garrison,
Circuit Court Reporter for the 13th Judicial
Circuit, hereby certify that the foregoing is a
complete and accurate transcript of the jury trial
held in the within action August 21-25, 2017,
before the Honorable R. Lawton McIntosh as prepared
from the audio notes of Vivian H. Cross, assigned
Court Reporter;

I further certify that I am neither kin
nor counsel to any of the parties and have no
interest in the outcome of this action.



Deborah Garrison

Greenville, South Carolina

April 11, 2018

**TRANSCRIPT OF PLEA
BARGAINING OF
WOODROW CURRY
08/22/2017**

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF ANDERSON	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
v.	)	Case No.
	)	2017-GS-04-01648
Woodrow Walter Curry.	)	
	)	
Defendants	)	

ORIGINAL TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held on August 22, 2017, before The Honorable R. Lawton McIntosh, in the Anderson County Courthouse, 100 South Main Street, Anderson, SC 29622; attended by counsel as follows:

APPEARANCES:

Chelsey Lauren Moore, Esq.,
Appearing for The State.

Elizabeth Jennings Byford, Esq.,
Appearing for The Defendant.

Vivian H. Cross
Circuit Court Reporter – 10th Judicial Circuit
P O Box 704
Belton, South Carolina 29627
vcross@sccourts.org

I-N-D-E-X

STATE OF SOUTH CAROLINA v. WOODROW WALTER CURRY
CASE NO. 2017-GS-04-01648
AUGUST 22, 2017

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E-X-H-I-B-I-T-S

IDENTIFICATION ENTERED

*****NO EXHIBITS OFFERED*****

P R O C E E D I N G S

1:23 P.M.

MS. MOORE: Good afternoon, Judge. I think we do have one guilty plea.

THE COURT: One guilty plea?

MS. MOORE: Yes, Your Honor.

THE COURT: Okay.

MS. MOORE: Woodrow Curry.

(DEFENDANT AND HIS ATTORNEY FORWARD.)

MS. MOORE: May it please The Court.

THE COURT: Yes, ma'am.

MS. MOORE: Judge, before you is Woodrow Walter Curry. He is pleading guilty on indictment number 2017-GS-04-1648 on the charge of Voluntary Manslaughter. He's represented by Jen Byford and The State is asking that we defer sentencing until after Jason Carver's trial.

(WHEREUPON, WOODROW WALTER CURRY WAS DULY SWORN AND TESTIFIED AS FOLLOWS:)

THE COURT: All right, you are Woodrow Walter Curry?

MR. CURRY: (Inaudible.)

THE COURT: Mr. Curry, I need you to speak up louder, okay sir?

MR. CURRY: Yes, sir.

1 **THE COURT:** Mr. Curry, it says that you're
2 forty-five (45) years of age; is that correct?

3 **MR. CURRY:** Forty-six (46).

4 **THE COURT:** Sir?

5 **MR. CURRY:** Forty-six (46).

6 **THE COURT:** Forty-six (46). All right, sir.
7 Now...

8 Is he on the docket this week?

9 **MS. MOORE:** He is not, Your Honor.

10 **THE COURT:** He is not; all right. Mr. Curry,
11 are you married?

12 **MR. CURRY:** Yes, sir.

13 **THE COURT:** Do you -- are you currently
14 together?

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

16 **THE COURT:** Do you have children that are
17 eighteen (18) years or younger?

18 **MR. CURRY:** No, I do not.

19 **THE COURT:** You do not. Now, you're pleading
20 guilty to Voluntary Manslaughter today; is that
21 correct?

22 **MR. CURRY:** Yes, sir.

23 **THE COURT:** And you -- I'm sure your Counsel
24 has advised you that carries up to thirty years in
25 prison; you understand that?

1 **MR. CURRY:** Yes, sir.

2 **THE COURT:** And what they are -- The State is
3 telling me is that they intend to defer your
4 sentencing until after the trial of Mr. Carver,
5 who we just picked a jury on; is that correct?
6 You understand that?

7 **MR. CURRY:** (Nod.)

8 **THE COURT:** If you would give me verbal
9 responses so we can have it for the record, okay?

10 **MR. CURRY:** Yes, sir.

11 **THE COURT:** But you do understand that you
12 could get up to thirty (30) years in prison?
13 That's the point I'm trying to make.

14 **MR. CURRY:** Yes, sir.

15 **THE COURT:** Knowing that do you still want to
16 go forward with your plea?

17 **MR. CURRY:** Yes, sir.

18 **THE COURT:** Are you under the influence of
19 any medications, drugs, or alcohol today?

20 **MR. CURRY:** No, sir.

21 **THE COURT:** Counsel, are you satisfied that
22 Mr. Curry's competent to plea?

23 **MS. BYFORD:** I am, Your Honor.

24 **THE COURT:** Now, Mr. Curry, do you understand
25 that you have a right to a jury trial on this

1 charge?

2 **MR. CURRY:** Yes, sir.

3 **THE COURT:** During that trial you would be
4 presumed innocent. The State would have to prove
5 every element of your offense by proof beyond a
6 reasonable doubt before you could be found guilty.
7 Do you understand that?

8 **MR. CURRY:** Yes, sir.

9 **THE COURT:** Now, Mr. Curry, if you go forward
10 today you will give up or waive your right to have
11 a jury trial. Do you understand?

12 **MR. CURRY:** Yes, sir.

13 **THE COURT:** Is that what you want to do?

14 **MR. CURRY:** Yes, sir.

15 **THE COURT:** Do you freely and voluntarily
16 give up or waive your right to a jury trial in
17 favor of pleading guilty today?

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

19 **THE COURT:** Mr. Curry, if you were to
20 exercise your right to have a jury trial, during
21 that trial, uh, you would have the right to
22 exercise the following constitutional rights,
23 which would include, number one, the right to
24 confront and cross-examine The State's witnesses
25 against you. You would have the right to present

1 evidence in your own defense. You would have the
2 right to subpoena people here to Court to testify
3 on your behalf. And, you would have the right,
4 under the Fifth Amendment to the United States
5 Constitution, to remain silent. Have these rights
6 been explained to you?

7 **MR. CURRY:** Yes, sir.

8 **THE COURT:** Do you understand them?

9 **MR. CURRY:** Yes, sir.

10 **THE COURT:** Do you understand that if you
11 were to go to trial and not testify, the trial
12 Judge would instruct the jury that they couldn't
13 consider your failure to testify whatsoever
14 because that's your right under the Fifth
15 Amendment and the burden remains on The State to
16 prove your guilt by proof beyond a reasonable
17 doubt? Do you understand that?

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

19 **THE COURT:** Also, Mr. Curry, if you go
20 forward today you will waive or give up the
21 Constitutional protections I've just gone over
22 with you. Do you understand?

23 **MR. CURRY:** Yes, sir.

24 **THE COURT:** Is that what you want to do?

25 **MR. CURRY:** Yes, sir.

1 **THE COURT:** Do you freely and voluntarily
2 give up your Constitutional rights in favor of
3 pleading guilty today?

4 **MR. CURRY:** Yes, sir.

5 **THE COURT:** Under indictment 2017-1648, are
6 you guilty of Voluntary Manslaughter?

7 **MR. CURRY:** Yes, sir.

8 **THE COURT:** Are you satisfied with the
9 services of your attorney?

10 **MR. CURRY:** Yes, sir.

11 **THE COURT:** Has she reasonably done what
12 you've asked her to do?

13 **MR. CURRY:** Yes, sir.

14 **THE COURT:** All right. Ms. Byford, have you
15 gone over the elements of this charge with
16 Mr. Curry and explained to him the time he could
17 get? Explored whether or not he has any defenses
18 to this charge as well as his Constitutional
19 rights?

20 **MS. BYFORD:** Yes, sir, I have.

21 **THE COURT:** And you agree with his decision
22 to plead?

23 **MS. BYFORD:** Absolutely, Your Honor.

24 **THE COURT:** And that there is a substantial
25 factual basis to support his decision to plead?

1 **MS. BYFORD:** Yes, sir.

2 **THE COURT:** All right; tell me about the
3 facts, please.

4 **MS. MOORE:** Judge, on the evening of March
5 28th 2016, this Defendant went with -- went to 128
6 Sterling Bridge in Powdersville with the
7 Codefendant in the case on the trial docket,
8 Jason Carver. Um, according to this Defendant,
9 both men were armed. Um, but Jason Carver was the
10 driver, this man was the passenger in the car, and
11 they were sent to Steven Cameron's house to
12 retrieve some money for some drugs that they
13 thought belonged to the third Codefendant in this
14 case. When they got there, according to Mr.
15 Curry, he and the victim got into a bit of a
16 shoving match and, uh, Mr. Curry did shoot Steven
17 Cameron.

18 **THE COURT:** Mr. Curry did do it?

19 **MS. MOORE:** He did.

20 **THE COURT:** All right. Do you deny those
21 facts, Mr. Curry?

22 **MR. CURRY:** No, sir.

23 **THE COURT:** All right. Ms. Byford? Anything
24 you want to add?

25 **MS. BYFORD:** Nothing further; not until

1 sentencing, Your Honor.

2 **THE COURT:** All right; very good.

3 **MS. MOORE:** Thank you, Judge.

4 (WHEREUPON, HEARING ENDED AT 1:29 P.M.)

5 *****END OF REQUESTED TRANSCRIPT*****
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State of South Carolina v. Woodrow Walter Curry
Case No. 2017-GS-04-01648
Hearing of August 22, 2017
Before The Honorable R. Lawton McIntosh

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STATE OF SOUTH CAROLINA)

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) CERTIFICATE OF REPORTER

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COUNTY OF ANDERSON)

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I, THE UNDERSIGNED VIVIAN H. CROSS, OFFICIAL COURT
REPORTER FOR THE TENTH JUDICIAL CIRCUIT OF THE STATE OF
SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS
A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF THOSE
PROCEEDINGS REQUESTED AND EVIDENCE INTRODUCED IN THE
TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE
COURT OF GENERAL SESSIONS FOR ANDERSON COUNTY, SOUTH
CAROLINA, ON THE 22nd DAY OF AUGUST 2017.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL NOR INTEREST TO ANY PARTY HERETO.

VIVIAN H. CROSS, COURT REPORTER

TENTH CIRCUIT AT LARGE

SEPTEMBER 4, 2017

0799

**EXCERPTS OF TRIAL
TRANSCRIPT FOR
JAMES MILTON GAMBRELL
09/05/2018**

1 State of South Carolina
2 County of Anderson In the Court of General Sessions

3
4 State of South Carolina,)
5)
6 -vs-) 2016-GS-04-02312
7 James Milton Gambrell,) 2016-GS-04-02234
8 Defendant.) September 5, 2018
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B E F O R E:

The Honorable R. Scott Sprouse, Judge;
and a jury.

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

Chelsey L. Moore, Esquire
Michael Scott McElhannon, Esquire
Assistant Solicitors
Tenth Judicial Circuit
Attorneys for the State

Robert Newton, Jr., Esquire
Attorney for Defendant

Diane L. Marcengill, RPR, CRR, CRC
Circuit Court Reporter

1 collected during our neighborhood canvass some
2 surveillance video from neighbors' residences and
3 things like that. And we noticed that there was a
4 white Buick on the property at 310 Appaloosa that
5 appeared consistent with the Buick that was seen in the
6 surveillance footage.

7 So because of that and because of the statements
8 and things that I had gotten from the family at that
9 point, I knew he frequented that residence. I also had
10 learned at that point he had taken a dirt bike over
11 there to sell earlier the day that he was killed.

12 You know, all those factors combined, I
13 coordinated with Greenville County and got the search
14 warrant executed at the residence of 310 Appaloosa.

15 Q When you say he was taking a dirt bike over there
16 to sell, do you mean over to 310 Appaloosa Drive?

17 A Yes, ma'am.

18 Q I'm going to show you State's Exhibit 6A, B and C.
19 Are those the still shots from Detective Henry's
20 surveillance?

21 A Yes, ma'am.

22 Q I'm also showing you State's 4A and 4B. Are those
23 the photos taken of the Buick at the armory from the
24 Anderson County Sheriff's Office?

25 A Yes, ma'am, they are.

1 Q So based on the surveillance footage that we
2 watched yesterday and these still photos, is that the
3 white Buick to which you're referring?

4 A Yes, ma'am.

5 Q And this is State's Exhibit 6A. And then in
6 State's Exhibit 6C, is that the back of the white Buick
7 you're referring to?

8 A Yes, ma'am, it is.

9 Q Okay. Now, when you went to -- did you go to 310
10 Appaloosa Drive with Greenville County to assist in
11 executing that search warrant?

12 A Yes, ma'am. I was there.

13 Q When was that search warrant executed?

14 A I don't recall the exact date without the notes.
15 I'm sorry.

16 Q Does April 5, 2016, sound about right?

17 A Yes, ma'am.

18 Q Were you -- did you get to observe the collection
19 of any evidence while you were present for that search
20 warrant?

21 A There was evidence collected. There were some
22 firearms collected at the residence. A title for the
23 Buick was collected. And also it's my understanding
24 there was some drugs collected from the residence as
25 well.

1 A I didn't know Mr. Cameron. I believe that there
2 was some domestic violence and things like that in the
3 home, but I don't know personally.

4 Q All right. Also in the video, first of all, of
5 course, you know and the jury knows you're under oath
6 and you're sworn to tell the truth and you're telling
7 the truth now.

8 A Yes, sir.

9 Q But when you're giving the interview, isn't it
10 true that you, police officers, are not bound to tell
11 the truth. I mean, you're free to lie. I'm not saying
12 there's anything wrong with that, but when you're
13 interviewing a subject, you're free to tell him all
14 kinds of lies to get him to give a confession; isn't
15 that true?

16 A I don't have to be truthful with a suspect, that's
17 true.

18 Q And that's perfectly legal?

19 A Yes, sir.

20 Q So when you mentioned that on the first video that
21 a neighbor had heard the argument and heard what went
22 on down that night, that just was not true, correct?

23 A Actually, that was true. We had -- during the
24 neighborhood canvass, it's my understanding that one of
25 the detectives talked with a neighbor who overheard an

1 argument and the words "dirt bike" were mentioned
2 during the argument.

3 Q Did they hear gunshots?

4 A No one -- I don't recall. I don't recall if
5 somebody heard gunshots or not. I know that they
6 talked to several people in the neighborhood.

7 Q Did this person call the police?

8 A No, sir.

9 Q Do you know this person's name?

10 A Not off the top of my head, sir. I could probably
11 find it in my file.

12 Q Isn't it possible they were referring to some
13 other argument at some other time involving other
14 people?

15 A All I know is what, you know, what the detective
16 that was told to canvass told me, which was that, you
17 know, somebody had overheard an argument involving the
18 words "dirt bike."

19 Q But no gunshots?

20 A I don't recall if they had heard gunshots or not,
21 sir. I don't want to tell you the wrong thing.

22 Q All right. You mentioned when -- oh, did you
23 interview Woodrow Curry, the shooter, when you were
24 still investigating this case?

25 A Yes. He was interviewed by Detective Mitchell

1 very briefly at Greenville County when he was first
2 arrested, and then later on, I did interview him.

3 Q And where was that interview at?

4 A That was at the Greenville County sheriff's
5 office.

6 Q Greenville County. Was he under arrest at that
7 time for something else?

8 A Yes, sir, he was.

9 Q What was he under arrest for?

10 A Drug possession.

11 Q Possession? It wasn't a trafficking?

12 A It was some type of drug offense.

13 Q But he was being held there because he couldn't
14 make bond at that time?

15 A Yes, sir.

16 Q Now, did Mr. Curry, the shooter, admit to you what
17 had happened, or did he deny all knowledge of what had
18 happened?

19 A He gave me a version of what had happened in which
20 he said that they did go to the house and that Jason
21 Carver was the shooter that night.

22 Q But didn't Mr. Curry later change his mind and
23 admit that, in fact, he was the shooter?

24 A Yes, sir, he did.

25 Q But at the time he was lying about that to you,

1 correct?

2 A Yes, sir.

3 Q Do you know when he changed his mind about that,
4 decided to admit he was the shooter?

5 A Sometime after he had been charged.

6 Q Charged by you?

7 A Yes, sir.

8 Q With these crimes?

9 And to your knowledge, was that part of a plea
10 agreement with him?

11 A I don't know what the actual -- I know he's agreed
12 to testify.

13 Q As a matter of fact, he's here today, isn't he,
14 ready to testify?

15 A I believe so.

16 MR. NEWTON: May I beg the court's indulgence for
17 a moment.

18 Q Now, I don't mean to, certainly not insulting my
19 client, but he's sometimes hard to understand on the
20 video, what he's saying?

21 A Yes, sir, he is.

22 Q But just to be clear, he denied giving either of
23 those two people a gun, right? Isn't what he told you
24 is that the person doing the shooting took the gun out
25 of his house?

1 A Yes, sir.

2 Q He also emphasized to you that all he wanted was
3 for them to let Mr. Cameron know that he had the drugs,
4 they knew it, and to pay for it, right? Wasn't that
5 his story?

6 A Yes, sir.

7 Q Okay. You -- also on that video, at one point I
8 believe I heard you say that Mr. Cameron -- dope was
9 found on Mr. Cameron after he was killed?

10 A Yes, sir. During the autopsy, they did find some
11 drugs.

12 Q Okay. Did you mean in his system?

13 A No, sir. I mean they found actual drugs on his
14 person.

15 Q Do you know how much?

16 A I think in his tennis shoes, I believe. I don't
17 know the exact quantity, sir.

18 Q Okay. So obviously --

19 A It was significant, but I don't know exactly what
20 it was.

21 Q Couldn't have put it there after he was killed, so
22 it was there in his shoes before he was killed,
23 obviously. You don't know how much?

24 A I don't know exactly, sir.

25 Q Okay. Did anybody -- were his shoes still on when

1 Q Okay. And were you with James Gambrell on the
2 night of March 28, 2016?

3 A Yes, ma'am.

4 Q Where were you?

5 A Appaloosa Drive, out there working on a car.

6 Q Okay. Who else was there?

7 A At the time there is just me -- me, him, his wife,
8 my wife, my stepson. Jason come over after he got off
9 work, Jason Carver.

10 Q Okay. And when you say "me and him," you mean you
11 and James Gambrell?

12 A Yes, ma'am.

13 Q Okay. So you and Mr. Gambrell and Jason Carver
14 were all at Appaloosa Drive that night?

15 A Yes, ma'am.

16 Q What were y'all doing?

17 A Well, I mean, like I say, I was out there
18 working -- to begin with, I was out there working on a
19 car. Carver wasn't even there yet. I was working on a
20 car there, and they was in the house. Steven had come
21 over with a dirt bike, and he was in the house.

22 And then later on, when Carver got off work, he
23 come over there like he normally did. He went in the
24 house and come back out, him and Steven there, and he
25 took Steven home.

1 mean -- I don't know why I get them confused. Carver
2 there, he was shortly there behind me there, jumped in
3 the car and we left.

4 Q So you and Carver drove away?

5 A Yes, ma'am.

6 Q Where did you go?

7 A Back to -- back to Mr. Gambrell's, Appaloosa
8 Drive.

9 Q Okay. Did you do anything on the way to
10 Mr. Gambrell's house?

11 A Yes, ma'am. I called him there and told him
12 that he better be sure that Steven got that dope. I
13 mean, I just shot him.

14 Q You called Milt and told him that?

15 A Yes, ma'am.

16 Q And what happened when you got back to Appaloosa
17 Drive?

18 A When -- Carver went in before me there, but we
19 went in there and trying to give Milt there the guns
20 there. And, I mean, Carver had a -- there, and I
21 turned around and left there. I told him I was going
22 home; I was done for the night.

23 Q Okay. What did you do with the gun when you got
24 back to Mr. Gambrell's house?

25 A I gave them back to Mr. Gambrell.

1 Q You didn't ever share anything?

2 A Steven bought his own. He had his money there.
3 He had his own. He smoked big-time.

4 Q Okay. So you hung out with him and got high with
5 him, didn't you?

6 A He hung out over there, yes, sir, and we got high.

7 Q So you did know him?

8 A Uh-huh. About five times, yes, sir.

9 Q Do you have a cell phone or did you have a cell
10 phone at the time?

11 A Yes, sir.

12 Q You did?

13 A Yes, sir.

14 Q Why did you testify in your first trial that you
15 went back to Milt's house and that's when you told him
16 about the shooting when you're testifying in this trial
17 that you called him on the way on your cell phone?
18 Which is the truth?

19 A I called him on the cell phone.

20 Q Why is this the first time you're saying this?

21 A First time I recall being asked.

22 Q Weren't you asked in the first trial? And,
23 specifically, I'm talking about your codefendant's
24 trial, the other person who was with you, Jason
25 Carver's trial.

1 A That's 11 months ago, sir. It's hard for me to
2 remember that far back. But, I mean, I told him on the
3 way, you know. When I got there, he smelled the gun.
4 I mean...

5 Q You're saying you can't remember the truth because
6 it was 11 months ago when you testified in the other
7 trial?

8 A No, sir. That's not what I'm saying.

9 Q What are you saying?

10 A I'm saying there is -- you have me twisted up here
11 and I may be misunderstood. You know what I'm saying?

12 Q The question is simple, sir --

13 A I make a mistake.

14 Q Your first trial when you testified that --

15 A 11 months ago, yes, sir.

16 Yes, sir.

17 Q Okay. So the first trial, you testified that
18 after the shooting, you drove back to Milt's house,
19 Mr. Gambrell's, and then you told him inside of his
20 house --

21 A Uh-huh.

22 Q -- that you shot the guy.

23 A I don't recall that, but if you say I did, I did.

24 Q Do you recall what you told him as to why you shot
25 the poor man, why you shot Mr. Cameron?

1 A He didn't ask.

2 Q Didn't you say something like, "Well, things just
3 went crazy and I shot him"?

4 A No. Like I say, he didn't ask. I told him on the
5 way back over there that he better have been sure that
6 that guy took his dope there because I shot him.

7 Q You said the way back over there?

8 A On the way back over there, I called him. He
9 answered the phone. I said, "You better be sure that
10 the man took your dope, Steven took your dope, because
11 I just shot him."

12 Q Did you tell any of the detectives this, that you
13 called him on the way back over there on your cell
14 phone?

15 A Sir, I was under the influence. I don't recall
16 speaking there to y'all, to detectives. Are you
17 talking about when I was first arrested?

18 Q No, sir. When you were interviewed by the police,
19 when you're sitting in Greenville County jail.

20 A Like I said, when I was first arrested 31 months
21 ago, I was still under the influence of
22 methamphetamines at that time. I went through their
23 drug and alcohol treatment program in Greenville County
24 Detention Center.

25 Q So you're telling this jury --

1 A The first time I spoke to a detective, I did not
2 tell them nothing. I can tell you that much. The
3 second time I spoke to them, I don't -- I don't recall
4 what I told them. I mean, I was still, you know, as
5 they told me in drug class, I was still high.

6 Q My question to you, sir, is: Why are we hearing
7 this story that you called Mr. Gambrell on your cell
8 phone after the shooting before you got back to the
9 house? Why are we hearing this the first time today?

10 A It's the first time it's been asked.

11 Q The detectives never asked you the details of what
12 happened?

13 A Not that I recall.

14 Q The lawyers in the first trial didn't ask you what
15 happened?

16 A They never asked me whether I called Mr. Gambrell.

17 Q Sir, what kind of gun did you use to kill
18 Mr. Cameron with?

19 A A .22 or a .25, I think. It was small caliber.

20 Q What did you do with it afterwards?

21 A I gave it back to Mr. Gambrell.

22 Q Are you sure about that?

23 A Yes, sir.

24 Q You didn't keep it?

25 A No, sir. What would I want to keep it for?

1 Q Didn't you have this gun before that, sir, the .25
2 caliber?

3 A No, sir.

4 Q Did you go over there with the intent to kill
5 Mr. Cameron?

6 A No, sir.

7 Q Did anybody tell you to go kill him?

8 A No, sir.

9 Q Did anybody tell you to go beat him up?

10 A No, sir.

11 Q Did anybody tell you to go threaten that you were
12 going to beat him up?

13 A No, sir. I was just told to go get the dope or
14 get paid for it.

15 Q What does that mean --

16 A I never intended to --

17 Q What does that mean, you were told to steal the
18 dope from him?

19 A No. I was just told to go and retrieve it. He
20 stole the dope.

21 Q What if he refused? What if he said, "I'm not
22 going to give it to you?" What were you going to do
23 then?

24 A Well, this is where this here seemed to blow out
25 there. I mean, I didn't have intentions to do nothing.

1 Q That's right. Because nobody had instructed you
2 about that, correct?

3 A That's right. I wasn't instructed. Nobody told
4 me to. I've done said over and over this was never
5 planned. I never planned to shoot Steven Cameron let
6 alone kill him. This is something I'm living with.
7 Nobody told me to do that. I didn't want to do that.

8 Q Why did you do it?

9 A Because for some reason or another I had done
10 pulled the gun, I guess to intimidate him or whatever,
11 and he charged at me. "What are you going to do, shoot
12 me?" And he charged at me. I don't know what to do.
13 What's he going to do, take the gun and shoot me or
14 what? I don't know. I mean, that's just --

15 Q Why did you feel the need to try to intimidate
16 him?

17 A He's bigger than I am.

18 Q He's bigger than you are?

19 A A lot bigger than I was.

20 Q But you just said you were just going to have a
21 conversation with him. Why should him being bigger
22 than you make a difference if you're just going to have
23 a conversation?

24 A Man, like I said, I was high. I was 150 pounds.
25 I was all drawed up myself, you know I mean.

1 A Yes, sir. It happened almost 31 months ago.

2 Q Okay. Well, if your memory was so messed up, why
3 should this jury believe anything you have to say today
4 about what happened over two years ago?

5 A I'm just telling the truth as I remember it.

6 Q Is your memory good enough to remember what
7 happened or not?

8 A I think it is. I have to live with this here all
9 the time. I live that night over a lot.

10 Q Okay.

11 A I wake up with it. I have flashbacks from it.

12 Q What do you remember? I mean, you said he charged
13 you.

14 A Yes, sir.

15 Q How far away was he standing from you when he
16 charged you?

17 A Probably from here to the corner of where she's
18 sitting at, that corner. He was at the front door; I
19 was at the steps. We were about that far apart.

20 Q Why did he charge you?

21 A I guess, I mean, I don't know. I'm sure he was
22 high, too, but I guess he did feel intimidated, you
23 know. Like I said, he said, "What are you going to do,
24 shoot me?" And he charged at me. I didn't think
25 about -- I didn't think about it there. I just -- I

1 way?

2 A No, sir.

3 Q That's just something that happened for whatever
4 reason on that porch, according to you.

5 Mr. Gambrell was upset, isn't it true, when he
6 found out you had killed Mr. Cameron; isn't that true?

7 A I don't know. He was still getting high.

8 Q I'm sorry?

9 A He was still drinking, still getting high.

10 Q He was drunk at the time?

11 A He was drinking. He drank beer but he don't get
12 drunk. I ain't very seldom seen him drunk. He drinks
13 all day and not get drunk.

14 Q Well, sir, you just testified he didn't want you
15 to do all that stuff. What did he do, pat you on the
16 back and say "good job" when you got back to his house?

17 A Sir, I just said he didn't tell me to go over
18 there and do that.

19 Q Okay. You had no instructions from anybody to go
20 do it; it was just something that happened between you
21 and Mr. Cameron?

22 A Right.

23 MR. NEWTON: No further questions.

24 THE COURT: Anything further from this witness?

25 MS. MOORE: Nothing further, Your Honor.

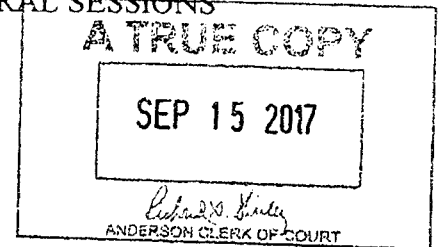
TRUE-BILLED INDICTMENTS
2016-GS-04-2279

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)
THE STATE,)
V.)
JASON FRANKLIN CARVER,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS

ORDER

INDICTMENT 2016-GS-04-02279



This matter came before the Court on September 14, 2017 pursuant to a Motion for New Trial and Motion for Verdict in Arrest of Judgment and Entry of Judgment of Acquittal made by Defense Counsel. Present were Defendant, Jason Carver; Counsel for the Defense, Don Smith; Assistant Solicitor Chelsey L. Moore; and Detective Kreig Marzolf of the Anderson County Sheriff's Office. The Court has thoroughly considered the statements of counsel and testimony which occurred during the hearing in making its ruling.

Defendant's Motions are hereby denied. The Court finds that any arguments regarding the lack of Criminal Conspiracy or criminal activity in general were questions of fact for a jury to determine. The Court further finds that its initial rulings on James Gambrell's testimony and denial of Defense's motion to continue the case until Defense witnesses could be located were proper. The Court further finds that the sentence is not cruel or unusual punishment. Finally, the Court finds that the State did not intentionally alter or withhold any video surveillance footage in this matter; and further, that the referenced portion of surveillance footage would not be exculpatory.

Therefore, it is **ORDERED, ADJUDGED, AND DECREED:**

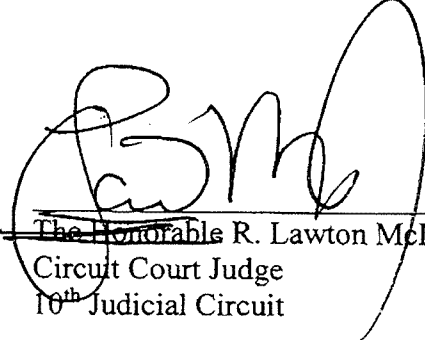
1. Defense's Motion for a New Trial is denied; and

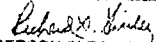
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COMMON PLEAS AND
GENERAL SESSIONS

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2. Defense's Motion for Verdict in Arrest of Judgement; and Entry of Judgement of Acquittal is also denied.

IT IS SO ORDERED.


~~The Honorable~~ R. Lawton McIntosh
Circuit Court Judge
10th Judicial Circuit

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Anderson, South Carolina
9-14, 2017

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**COMMON PLEAS AND
GENERAL SESSIONS**

CERTIFICATE OF COUNSEL

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

R. Lawton McIntosh, Judge

Appellate Case No.: 002011

State of South Carolina,

Respondent,

v.

Jason Franklin Carver,

Appellant.

CERTIFICATE OF COUNSEL

I HEREBY CERTIFY that this Record on Appeal contains all materials proposed to be
included by the parties, and not any other material.

Anderson, SC
October 4, 2019.


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SC Court of Appeals