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VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUN 19 2017

SC Court of Appeals

Appeal from Sumter County

Honorable George C. James, Circuit Court Judge

THE STATE,

RESPONDENT,

V:

RAYMOND ANGELO SCOTT,

APPELLANT

APPELLATE CASE NO 2016-001560

RECORD ON APPEAL

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2 COUNTY OF SUMTER

3

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Plaintiffs) 2016-GS-43-00565
5)

6 vs.)

7 Raymond Scott,) July 18-21 2016
Defendant) Sumter, S.C.
8

9

10 BEFORE THE HONORABLE George C. James, Jr., Judge.

11

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

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Assistant Solicitor the State

14 Mr. Timothy Murphy,
15 Attorney for Defendant

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19 Margaret T. Sullivan,
Court Reporter

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1 (Whereupon, the trial commences on July
2 18, 2016 at 9:30 a.m.)

3 THE COURT: Do you have any voir dire or
4 any witness list for me?

5 MR. MEADORS: Can we approach?

6 (Whereupon, the attorneys approach and
7 confer with the judge.)

8 THE COURT: Mr. Meadors.

9 MR. MEADORS: May it please, Your Honor.

10 THE COURT: Yes, sir.

11 MR. MEADORS: At this time the State of
12 South Carolina does call the State versus Raymond
13 Angelo Scott. He has been indicted by the Sumter
14 County Grand Jury on 2006-GS-43-0565.

15 THE COURT: 2016?

16 MR. MEADORS: Yes, sir. Count 1,
17 attempted murder. Count 2, attempted murder. Count
18 3, armed robbery. Count 4, possession of a weapon
19 during the commission of a violent crime. Count 5,
20 possession of a weapon by a person convicted of a
21 violent crime.

22 THE COURT: Ladies and gentlemen, we are
23 going to now select a jury for the trial of the case
24 of the State of South Carolina versus Raymond Angelo
25 Scott. I am going to go over some specific

1 questions in just a moment. But before I do that,
2 I want to explain to you that the fact that a person
3 has been arrested or charged or indicted for any
4 criminal offense, is not evidence of anything.

5 The indictment that has been referenced
6 and that I will reference as we go, is simply a
7 charging document. The indictment sets forth
8 certain criminal charges, and the State has the sole
9 burden of proving the elements of those crimes
10 charged beyond a reasonable doubt. The defendant
11 has entered a plea of not guilty. He is presumed
12 innocent. He has no burden of proving or disproving
13 anything. And at all times the burden does remain
14 on the State to prove what it has to prove beyond a
15 reasonable doubt.

16 The fact that I refer now to this
17 indictment is not intended to be a comment by me on
18 the facts. I simply have to go over the indictment
19 with you so that I can ask you the first question.
20 And that is, is there anyone on this jury who knows
21 anything about this case?

22 The indictment alleges or the allegations
23 in the indictment all center upon one particular
24 date, that being December 29th 2015. In what area
25 of the county, please, Mr. Meadors?

1 MR. MEADORS: [REDACTED] Manning Avenue. Near
2 the intersection of Shepherd and Manning.

3 THE COURT: The allegations center upon
4 the date of December 29 2015, on Manning Avenue.
5 The State alleges that on or about that date the
6 defendant did attempt to kill one Tyrone Williams by
7 firing several shots from a handgun. Count 2, says
8 that Mr. Scott did attempt to kill one minor
9 minor in the same fashion. Count 3, alleges that
10 on or about the same date that the defendant
11 committed the offense of armed robbery.

12 Count 4, alleges that on about the same
13 date the defendant possessed a firearm in during the
14 commission of a violent crime. And Count 5,
15 otherwise alleges that the defendant was illegally
16 in possession of a firearm. The first question of
17 course you are under oath. If I ask a question that
18 applies to you, the first thing I would like for you
19 to do is stand up. Then I will get your juror
20 number, and then I will ask any necessary follow up
21 questions. And more than likely, my practice
22 anyway is for you to come forward and I will get a
23 lot of this information from you privately. That
24 will be apparent as we go along. Because some of
25 the questions that I ask will deal with your

1 personal situations that frankly is nobody else's
2 business.

3 Is there anyone on this panel or to your
4 knowledge, first of all, is there anyone on this
5 panel who knows anything about this case? Read
6 anything about it. Seen anything about it, or
7 listened to anything about it, or have any knowledge
8 or received any communications of any kind. And I
9 mean any kind about this particular case? If so,
10 please stand. Your name, please. Ma'am?

11 THE JUROR: Shanay Shannon. Ms. Shannon,
12 I will have you come forward in just a moment. You
13 can have a seat for a now. What's her juror number?

14 THE CLERK: 156, Judge.

15 THE COURT: Yes, ma'am. Your name.

16 THE JUROR: Shakea Davis.

17 THE COURT: Ms. Davis is No. 43. Have a
18 seat, ma'am. And your Name, sir.

19 THE JUROR: Raymond Humphries.

20 THE COURT: Mr. Humphries is 88. Thank
21 you, sir. And if you do give me information from
22 where you are or give it to me privately, don't
23 share any of that information with your fellow
24 jurors. The defendant, Mr. Scott, if you could
25 please stand and face the jury panel. This is the

1 defendant, Raymond Angelo Scott. Thank you, sir.

2 You can have a seat.

3 If I use the term immediate family member
4 during these questions that would mean typically
5 your father, mother, brother, sister, spouse or
6 child, or anyone else you consider else you consider
7 to be a close family member. Is there anyone on
8 this panel or to your knowledge anyone in your
9 immediate family who first of all might be related
10 by blood or marriage which means kin to, Mr. Scott?
11 Is there anyone on this panel or to your knowledge
12 anyone in your immediate family who has any current
13 or past connection or acquaintance or association
14 with Mr. Scott? And I mean anything you can
15 possibly imagine. It might be that you once knew.
16 You now know him. You might have gone to school
17 with him, church with him, worked with him, been in
18 some type of organization with him, know him in
19 passing, know him very well, or something in
20 between. Any connection, acquaintance or
21 association now or in the past? If so, please
22 stand.

23 (Whereupon, no response.)

24 THE COURT: Beginning with Mr. Meadors, if
25 you could stand and and introduce yourself. of

1 course Mr. Finney is seated beside you. Anyone from
2 your office and the lead investigator on the case.

3 MR. MEADORS: May it please the court.

4 THE COURT: Yes, sir.

5 MR. MEADORS: Ladies and gentlemen, my
6 name is John Meadors. I am an assistant solicitor
7 and work for your elected solicitor Chip Finney,
8 III. With me is investigator Tom Miller. Sergeant
9 Wayne Dubose from Sumter County Sheriff's Office.

10 THE COURT: Mr. Murphy.

11 MR. MURPHY: Good morning, my name is Tim
12 Murphy. I'm the chief county public defender here
13 in Sumter County. I'm also partner in the firm of
14 Kolb, Murphy and Givens on Main Street. Thank you.

15 THE COURT: Ladies and gentlemen,
16 Mr. Meadors represents the State of South Carolina.
17 He has introduced an investigator Tom Miller from
18 the solicitor's office, and Wayne Dubose from the
19 sheriff's office. Mr. Murphy has stood and
20 introduced himself, and given you the name of his
21 law firm. First of all, is there anyone on this
22 panel or to your knowledge is there anyone in your
23 immediate family who has any relationship by blood
24 or marriage with any of these individuals? If so,
25 please stand.

1 (Whereupon, no response.)

2 THE COURT: Is there anyone on this panel,
3 or to your knowledge is there anyone in your
4 immediate family who has any, and again, I mean any,
5 connection, acquaintance or association with any of
6 these individuals of any kind, now or in the past?
7 It could be that you might know them in passing.
8 You might know them well. It might be that the
9 business you work for does business with them. It
10 could be some personal, business or other connection
11 or acquaintance now or in the past. Or it could be
12 that you or an immediate family member have been
13 represented by either Mr. Meadors, Mr. Finney, or
14 Mr. Murphy, and members of his firm in the past. If
15 so, please stand.

16 On the front row, first of all, please,
17 sir, your name.

18 THE JUROR: Tommy Clark.

19 THE COURT: Mr. Clark is No. 31. Thank
20 you, sir. You can have a seat. To my left up
21 closer to me. Yes ma'am. Your name.

22 THE JUROR: Patricia Williams. 184.

23 THE COURT: Ms. Williams, you can have a
24 seat. In the white shirt and closer to aisle, your
25 name, please.

1 THE JUROR: 130.

2 THE JUROR: 102.

3 THE CLERK: 102, Judge.

4 THE COURT: And, Ms. Smith, do you know
5 your juror number?

6 THE JUROR: 161.

7 THE COURT: You can have a seat. Your
8 name in the orange.

9 THE JUROR: Dennis Petri. Juror 136.

10 THE COURT: And next to him, your name,
11 sir.

12 THE JUROR: Albetis Neal 124.

13 THE COURT: Thank you. You can have a
14 seat. Beside him.

15 THE JUROR: Patricia Neal, 125.

16 THE COURT: And your name, please, ma'am.

17 THE JUROR: Anita Tobiere. Juror 168.

18 THE COURT: 168.

19 THE JUROR: Yes.

20 THE COURT: Thank you. You can have a
21 seat. I am going to call out the names of some
22 possible witnesses. And it could be that all of
23 these individuals testify. It could be a fraction
24 of them of some number. The question is going to
25 be the same. And that is going to be, is there

1 anyone on this panel or to your knowledge anyone in
2 your immediate family who first all might be kin to
3 any these people, or have any other connection,
4 acquaintance or association of any kind that you can
5 possibly imagine. And that would be now or in the
6 past.

7 If any of the witnesses are here, please
8 stand. Sergeant Dubose has already stood, so he
9 need not stand again. Corporal Roulong. Corporal
10 Roulong of the Sumter County Sheriff's Office,
11 lieutenant Donnie Vickers, Corporal Elmore,
12 Investigator Michael McCaulay, Investigator Derron
13 Soloman, Senior Investigator Jennifer Thomas, Senior
14 Investigator Greg Hawkins. All of those individuals
15 are with the sheriff's office.

16 In addition, Marie Hodge with the Sumter
17 Police Department. I believe I left out Corporal
18 Ardis of the Sumter County Sheriff's Office. And
19 Investigator Nicky with the Clarendon County
20 Sheriff's Office, investigator Caitlyn McPherson of
21 the Sumter County Sheriff's Office. Tyrone
22 Williams, Walter Brunson, Jimmy Jones, Nicole
23 Jenkins, Allison McLaughlin, Investigator Shawn
24 DeBerry, Sumter County Sheriff's Office, and
25 Forensic Scientist Maryanne Boheme of Sled.

1 Anyone or anyone in your immediate family,
2 have any family relationship or any other past or
3 current connection or acquaintance or association of
4 any kind? If so, please stand. Your name please.

5 THE JUROR: Stacy Jordan 98.

6 THE COURT: Thank you, ma'am. Your name
7 please.

8 THE JUROR: 156 Shannon.

9 THE COURT: Ms. Shannon. Yes, ma'am.

10 THE JUROR: Lenoir Davis. No. 9.

11 THE COURT: Ladies and gentlemen, certain
12 criminal offenses have certain classifications. I
13 am not going to get into detail. But there are
14 certain criminal offenses that one might consider to
15 be violent in nature. And these include but they're
16 not limited to things such as murder, attempted
17 murder, armed robbery, burglary. That is not
18 breaking into a car. That is entering a dwelling or
19 a building without consent. So sexual assaults and
20 any one of a number of other offenses. Is there
21 anyone on this panel or anyone in your immediate
22 family who is now or has in the past been accused of
23 committing such an offense? Or is there anyone on
24 this panel or anyone in your immediate family, who
25 has ever been the victim of, or claimed to have been

1 the victim of such an offense? If so, please stand.

2 Your name, please sir.

3 THE JUROR: James Best.

4 THE COURT: Thank you, sir. Your name,
5 please.

6 THE JUROR: Patricia Neal.

7 THE COURT: And Mr. Best's number is.

8 THE CLERK: 172.

9 THE COURT: 172. Ms. Neal, thank you. Is
10 there anyone on this panel who is a member of or a
11 contributor to any organization that has as it's
12 primary focus the promotion of law enforcement or
13 the enforcement of victim's rights? And these
14 organizations include but they are not limited to
15 Citizens Against Violent Crime, Mother's Against
16 Drunk Driving, Students Against Drunk Driving, State
17 Law Enforcement Officer's Association, State
18 Trooper's Association or any other similar type
19 organizations. And that again be a member of a
20 contributor to any of those organizations.

21 Your name, please, Ms. Craven. Ms. Craven
22 is No.---

23 THE JUROR: No. 38.

24 THE COURT: 38. Thank you, ma'am. Is
25 there anyone on the panel who is aware of any bias

1 or prejudice that you might have for or against the
2 State of South Carolina or the defendant, either of
3 the attorneys or their offices, or any possible
4 witnesses in this particular case? Any bias or
5 prejudice for or against them? If so, please stand.

6 (Whereupon, no response.)

7 THE COURT: Is there anyone on this panel
8 who is aware of any reason why you should not serve
9 as a juror during the trial of this case,
10 particular, but not sole emphasis being upon your
11 ability be completely fair and impartial?

12 (Whereupon, no response.)

13 THE COURT: For the time being,
14 Mr. Meadors, any additional questions?

15 MR. MEADORS: No, sir.

16 THE COURT: Mr. Murphy?

17 MR. MURPHY: No, Your Honor.

18 THE COURT: And I will call out these
19 names and make it so you won't have to stand so
20 long. Ms. Shannon, Ms. Davis, Mr. Humphries, Mr.
21 Clark, Ms. Williams, Mr. Kirby and Ms. Smith. If
22 you would please get in line in the center aisle.
23 Lawyers you all can come up too.

24 THE COURT: 184. Patricia Williams. You
25 answered the question about attorneys?

1 THE JUROR: Yes.

2 THE COURT: Who is that?

3 THE JUROR: Just that I know people on
4 both sides.

5 THE COURT: Tell me who you know.

6 THE JUROR: Tim Murphy because of Wilson
7 Hall and his boys. And then Mr. Miller because of
8 his son teaching.

9 THE COURT: If you were on this jury you
10 would be required to set aside all those
11 circumstances and base your verdict on the evidence
12 and law and be fair and impartial without giving any
13 weight to who any of the actors are. Would you be
14 able to do that?

15 THE JUROR: Yes.

16 THE COURT: Would you be able to
17 completely set aside all those circumstances?

18 THE JUROR: Yes, sir.

19 THE COURT: Thank you, ma'am.

20 THE BAILIFF: 156, Your Honor.

21 THE COURT: You answered two of the
22 questions. One was about knowing something or
23 hearing something about the case.

24 THE JUROR: Yes, sir.

25 THE COURT: You can speak up.

1 THE JUROR: I am aware of the case. I am
2 acquainted to Tyrone Williams and minor

3 THE COURT: I guess it goes without
4 saying. You didn't witness any of this, did you?

5 THE JUROR: No.

6 THE COURT: What have you heard about it?

7 THE JUROR: Just that he was shot, and I
8 can't remember all the details.

9 THE COURT: Did you hear anything about
10 who did it, or what the circumstances were?

11 THE JUROR: No, sir.

12 THE COURT: What was the other question
13 you answered?

14 THE JUROR: About knowing the witnesses.

15 THE COURT: Which witness do you know?

16 THE JUROR: Tyrone Williams and minor
17 minor

18 THE COURT: Any others?

19 THE JUROR: No.

20 THE COURT: How long you known Mr.
21 minor

22 THE JUROR: minor he was 5. His whole
23 life. Five years. minor he's 5. I've known him
24 at least 5 years.

25 THE COURT: How do you know him?

1 THE JUROR: My kids and him are first
2 cousins.

3 THE COURT: How about Tyrone?

4 THE JUROR: I've known him like 7 years.

5 THE COURT: Is that a social acquaintance
6 or business or what?

7 THE JUROR: Yes, his fiancée is my kid's
8 cousin.

9 THE COURT: Now taking into account all
10 those circumstances, could you set them aside
11 totally and base your verdict on the evidence and
12 the law? Or would you have difficulty doing that?

13 THE JUROR: I think I would have
14 difficulty.

15 THE COURT: You can have a seat, and just
16 don't share any of this with your fellow jurors,
17 okay. 156.

18 THE BAILIFF: 102, Your Honor.

19 THE COURT: Ms. Kirby. Hi, you answered
20 the question about knowing one of the attorneys.

21 THE JUROR: Oh, I know Chip.

22 THE COURT: How long have you known
23 Mr. Finney?

24 THE JUROR: We took swimming lessons when
25 we were little kids together. And then associated

1 a little bit when I was in college.

2 THE COURT: Could you set aside those
3 circumstances and be completely fair and impartial
4 if you were on a jury?

5 THE JUROR: Yes.

6 THE COURT: And be fair to both sides?

7 THE JUROR: Yes.

8 THE BAILIFF: No. 43, Your Honor.

9 THE COURT: Ms. Davis. And Mr. Petri, and
10 Mr. and Ms. Neal, you all can get in line next. You
11 all can get in line. Ms. Davis.

12 THE JUROR: Yes.

13 THE COURT: You answered the question
14 about having some knowledge about this?

15 THE JUROR: Yeah.

16 THE COURT: Tell me about that.

17 THE JUROR: I know Tyrone Williams.

18 THE COURT: How do you know him?

19 THE JUROR: His mother and my mother are
20 best friends. So...

21 THE COURT: So what did you hear?

22 THE JUROR: Well I was there to help clean
23 up the blood and everything. But I heard the guy
24 went in, and at first it wasn't about the robbery.
25 They just wanted to go in because they was looking

1 for him.

2 THE COURT: Okay.

3 THE JUROR: But something happened. I
4 don't know what happened in the midst of it, but
5 then they started shooting.

6 THE COURT: Tell me about you going to the
7 scene.

8 THE JUROR: Yes.

9 THE COURT: What did you do then?

10 THE JUROR: With me, his sister, and the
11 cousin cleaned up the blood and everything after the
12 police left.

13 THE COURT: Thank you, ma'am. You can
14 have a seat.

15 THE BAILIFF: No. 88.

16 THE COURT: Mr. Humphries. You answered
17 the question about knowing or hearing something
18 about this.

19 THE JUROR: Yes, I remember when it
20 happened. I read about it in the newspaper on the
21 news sites. I also followed up until the suspect
22 was arrested.

23 THE COURT: Did you come to any
24 conclusions or predispositions about anything
25 involving this?

1 THE JUROR: No.

2 THE COURT: Tell me about what you read,
3 and be as specific as you can.

4 THE JUROR: I remember as soon as it
5 happened. Of course, you know, the news sites are
6 popping up, news stories about it. And they
7 arrested the suspect. I remember reading about it
8 on WIS or the Item newspaper. I can't remember
9 exactly which one.

10 THE COURT: Did it give you any bias or
11 prejudice as to whether this defendant is guilty or
12 not guilty?

13 THE DEFENDANT: No, sir.

14 THE COURT: Could you set aside everything
15 that you've read or otherwise learned, and be
16 completely fair and impartial and base your verdict
17 on the evidence and the law and not what you read?

18 THE JUROR: Yes, sir.

19 THE BAILIFF: 31, Your Honor.

20 THE COURT: Mr. Clark. And Ms. Tobiere,
21 you can get in line too. Yes, sir, Mr. Clark, you
22 answered the question about having read or learned
23 something about this?

24 THE JUROR: No, sir.

25 THE COURT: Oh, you know the attorneys.

1 THE JUROR: Yeah, actually 20 something
2 years ago in a divorce, Mr. Finney was my wife's
3 legal counsel. And then also I've been in the
4 grocery business for years and years and Donnie
5 Vickers and Wayne and them, they've helped us with
6 several things throughout the years.

7 THE COURT: Where do you work?

8 THE JUROR: IGA of Sumter. We have the
9 two stores here in Sumter. And also Donnie, I've
10 employed both his boys probably within the last
11 5 years.

12 THE COURT: Well let's take all of that
13 one at a time. First of all, your 26 years ago
14 concerning Mr. Finney, could you set that aside and
15 be fair both sides?

16 THE JUROR: Certainly.

17 THE COURT: And your acquaintance or
18 relationship with the Vickers and Mr. Dubose, would
19 you be able to set aside those circumstances and be
20 completely fair and impartial?

21 THE JUROR: Certainly.

22 THE COURT: Thank you.

23 THE BAILIFF: 136, Your Honor.

24 THE COURT: Mr. Petri.

25 THE JUROR: Yes, sir.

1 THE COURT: You answered the question
2 about one of the attorneys?

3 THE JUROR: Yes, sir. I know Mr. Murphy.
4 He represented my wife and I in our Wills.

5 THE COURT: How long ago was that?

6 THE JUROR: About a year and a half, two
7 years ago. And then Mr. Murphy is retired military
8 and I work on base. And I run into him at the gym.

9 THE COURT: Would either of those
10 circumstances give you any difficulty in being
11 completely fair and impartial if you were on this
12 jury?

13 THE JUROR: No, I hope not.

14 THE COURT: Would you be able to base your
15 verdict on what evidence and the law is and not on
16 the fact that you've had this past relationship with
17 Mr. Murphy?

18 THE JUROR: Yes, sir.

19 THE BAILIFF: 124, Your Honor.

20 THE COURT: Mr. Neal, you answered the
21 question about attorneys.

22 THE JUROR: Yes, I know Solicitor Finney
23 real good.

24 THE COURT: How long have you known him?

25 THE JUROR: All my life.

1 THE COURT: Okay.

2 THE JUROR: And other things about the
3 violent crime.

4 THE COURT: Yes, sir.

5 THE JUROR: My nephew was shot and killed
6 in an armed robbery two years ago in Eutawville,
7 South Carolina, Ty Jenkins.

8 THE COURT: Was anybody prosecuted?

9 THE JUROR: I didn't mean to sound like
10 that, Your Honor, but he gave him a little time,
11 that was it.

12 THE COURT: The person got a little time?

13 THE JUROR: Uh-huh. (Affirmative.)

14 THE COURT: As far as your knowing
15 Mr. Finney, could you set that aside and be
16 completely fair and impartial to the State and to
17 the defendant?

18 THE JUROR: I think so.

19 THE COURT: You think so or you know so?

20 THE JUROR: I know so. But the other
21 thing I am not sure about.

22 THE COURT: You're not sure about whether
23 you could fair about the other.

24 THE JUROR: To him, the same type of
25 crime.

1 THE COURT: And who was it that was shot
2 and killed?

3 THE JUROR: Ty Jenkins. Down in
4 Eutawville, South Carolina.

5 THE COURT: That was your nephew?

6 THE JUROR: Right.

7 THE BAILIFF: 125, Your Honor.

8 THE COURT: You answered two questions.
9 The first one was about attorneys?

10 THE JUROR: My husband has done -- he
11 knows the prosecutor.

12 THE COURT: Mr. Finney?

13 THE JUROR: Yes.

14 THE COURT: Do you know Mr. Finney?

15 THE JUROR: I do know him.

16 THE COURT: How long have you known him?

17 THE JUROR: We've been married 40 years.

18 THE COURT: And you also answered the
19 question about a family member either being a victim
20 or accused of committing a violent crime?

21 THE JUROR: My nephew was a victim. He
22 was murdered two years ago.

23 THE COURT: Was that in Eutawville?

24 THE JUROR: Yes.

25 THE COURT: Did You -- how, was he shot

1 and killed? Tell me about that, what you know.

2 THE JUROR: He was at home. And went out,
3 stepped out of his door, and the person just stepped
4 out and shot him.

5 THE COURT: Would any of those
6 circumstances, you knowing Mr. Finney for 40 years,
7 first of all, would that have any impact on your
8 ability to be fair and impartial?

9 THE JUROR: No, I don't know him that
10 close.

11 THE COURT: How about the situation
12 concerning your nephew? Would that give you any
13 difficulty in being fair and impartial?

14 THE JUROR: No, sir.

15 THE COURT: Would you be able to set that
16 aside, and completely base your verdict in this case
17 solely on the evidence and law and not let that
18 other situation even enter your mind?

19 THE JUROR: Yes.

20 THE BAILIFF: 168, Your Honor.

21 THE COURT: Ms. Tobiere, you answered the
22 question about having an acquaintance perhaps with
23 an attorney?

24 THE JUROR: Yes.

25 THE COURT: Tell me about that.

1 THE JUROR: My husband and Solicitor
2 Finney are acquaintances. And I just wanted to
3 make sure that the court knew that.

4 THE COURT: How long have you known each
5 other to your knowledge?

6 THE JUROR: It's been several years.

7 THE COURT: Do you know Mr. Finney too?

8 THE JUROR: I do.

9 THE COURT: You've known him for about the
10 same time?

11 THE JUROR: Yes.

12 THE COURT: Would that have any impact on
13 your ability to be fair and impartial?

14 THE JUROR: No.

15 THE COURT: And you would be able to set
16 that aside in this case.

17 THE JUROR: Yes, absolutely.

18 THE BAILIFF: 98, Your Honor.

19 THE COURT: Mr. Vest and Ms. Craven, you
20 all can get line.

21 THE COURT: Ms. Jordan, you stood up in
22 response to a question about a witness

23 THE JUROR: Yes, Allison McLaughlin.

24 THE COURT: How do you know her?

25 THE JUROR: She works at the hospital.

1 THE COURT: What does she do?

2 THE JUROR: She's a nurse.

3 THE COURT: What do you do?

4 THE JUROR: Cardiac Cath.

5 THE COURT: Do you see her every day?

6 THE JUROR: No.

7 THE COURT: Do you have solely a working
8 relationship with her?

9 THE JUROR: Yeah, just working.

10 THE COURT: Would you be able to set that
11 aside and be completely fair and impartial to the
12 State and the defendant?

13 THE JUROR: Yes.

14 THE COURT: And base your verdict on the
15 evidence and the law?

16 THE JUROR: Yes.

17 THE COURT: Okay. Thank you, ma'am.

18 THE BAILIFF: No. 5, Your Honor.

19 THE COURT: Ms. Ardis, you stood up in
20 response to a question about a witness?

21 THE JUROR: Yes, sir. I know a Nicole
22 Jenkins from working at the hospital. I'm not
23 certain if it's the same woman.

24 THE COURT: What do you do at the
25 hospital?

1 THE JUROR: I'm a material management
2 analyst in the operating room. And there is a
3 Nicole Jenkins who is an RN there. We have known
4 each other for probably I guess maybe 5 or 7 years
5 that she's been there.

6 THE COURT: Do you all have any ideal
7 where Nicole Jenkins works?

8 MR. MEADORS: That's her.

9 THE COURT: How long have you known her
10 again?

11 THE JUROR: I'd say she's probably been
12 there somewhere between 5 to 7 years.

13 THE COURT: And when you have interactions
14 with her, what is that, just passing in the hall?

15 THE JUROR: It's on a daily basis multiple
16 times a day. Sometimes she acts as the charge nurse
17 in the department where I work. So it's a pretty
18 frequent interaction.

19 THE COURT: What floor do you work on?

20 THE JUROR: On the second floor in the
21 operating room.

22 THE COURT: Would the fact that you know
23 her and have that interaction with her from a work
24 standpoint, would that interfere with your ability
25 to be fair and impartial if she were to testify?

1 THE JUROR: It may, because I consider her
2 a friend.

3 THE COURT: Thank you, ma'am. You can
4 have a seat.

5 THE BAILIFF: 172, Your Honor.

6 THE COURT: Mr. Vest. You stood up in
7 response to the question about a violent crime.

8 THE JUROR: I didn't know if I understood
9 correctly or not. But I did have a business that
10 was broken into and robbed when I wasn't there. And
11 that's what I was pertaining to.

12 THE COURT: When was that?

13 THE JUROR: That was back in, it might
14 have been, 09 or 10.

15 THE COURT: Here in Sumter?

16 THE JUROR: Yeah, here in Sumter.

17 THE COURT: What's the name of the
18 business?

19 THE JUROR: Performance Plus Auto Service.

20 THE COURT: Was anybody apprehended?

21 THE JUROR: No.

22 THE COURT: Under any of those
23 circumstances from beginning to end, would that give
24 you any difficulty in being fair and impartial if
25 you were on this jury?

1 THE JUROR: No.

2 THE COURT: Would you be able to set that
3 aside and base your verdict on the evidence and the
4 law in this case?

5 THE JUROR: Yes, sir.

6 THE COURT: Thank you, Mr. Vest.
7 Ms. Craven. I can't remember the question you stood
8 up about. It was the last one.

9 THE JUROR: It was whether or not I
10 supported---

11 THE COURT: Right.

12 THE JUROR: ---the police and all that.
13 My son is a trooper, and I certainly do support the
14 trooper's association.

15 THE COURT: Is his last name Craven?

16 THE JUROR: It is.

17 THE COURT: Where is he stationed?

18 THE JUROR: Well he was just over here
19 this morning, but he is stationed in Blythewood.

20 THE COURT: How long has he been in the
21 patrol?

22 THE JUROR: He's, 17 years. He's got 21
23 years altogether.

24 THE COURT: Of course there is no trooper
25 testifying in this case. But the fact that your son

1 is a trooper and you do support that law enforcement
2 agency, would that give you any problems in being
3 completely fair and impartial if you were on this
4 jury?

5 THE JUROR: No.

6 THE COURT: Thank you. You can have a
7 seat. Ms. Ardis, No. 5 is out. Mr. Neal is out.
8 Ms. Williams is out.

9 MR. MEADORS: 184.

10 THE COURT: Ms. Davis, No. 43 is out. And
11 Ms. Shannon No. 156 is out. How about Ms. Neal?

12 MR. MEADORS: He's going to strike her.
13 Did I have an 88?

14 THE COURT: Mr. Humphries. He stood up
15 and said he could be fair, I believe. Any other
16 motions for cause at this stage?

17 MR. MURPHY: No, you pretty much hit all
18 the ones for cause.

19 (Whereupon, the following takes place
20 within the hearing of the jury.)

21 THE COURT: Any other questions,
22 Mr. Meadors?

23 MR. MEADORS: No, sir.

24 THE COURT: Mr. Murphy?

25 MR. MURPHY: No, sir.

1 THE COURT: Ladies and gentlemen of the
2 jury, in the old days, when your names were on a
3 strip of paper, it would be folded up or rolled up,
4 and and put into a plastic capsule, and then all
5 those would be put into a brass drum and spun around
6 and names were pulled out one at a time. Now in
7 every the county of the State, I think with the
8 exception of Saluda, there is a computerized random
9 selection. All of your names are going be put on a
10 list unless you've otherwise been excluded. And
11 your names will be called one at a time. So the
12 selection process will go in that fashion.

13 The strikes are 5 and 10. One alternate
14 suit, Mr. Meadors?

15 MR. MEADORS: Yes, sir.

16 THE COURT: Mr. Murphy?

17 MR. MURPHY: Yes, sir.

18 THE COURT: This takes just a couple of
19 minutes to plug in the right information into the
20 computer and then it has to print. The lawyers do
21 not know whose name is going to be next. Do you
22 want to use this list as it is?

23 THE CLERK: We can, Judge.

24 THE COURT: Well the list is already done
25 randomly, so we're ready to go. Just follow

1 Mr. Bradley's instructions and we'll take it from
2 there.

3 THE CLERK: Ladies and gentlemen, when I
4 call your name please come forward and stand here in
5 front of the podium and face the back of the
6 courtroom and bring with you please, any personal
7 belongings that you may have.

8 Juror No. 166 Donna Steele, (f-w)
9 accepted. 161 Lynn Smith (f-w) accepted. Juror No.
10 56 Theresa Evans (f-b) accepted. Juror No. 129
11 Sharon Oloughlin (f-w) accepted. Juror No. 27 James
12 Charles (m-w) (m-w). Juror No. 136 Dennis Petri
13 (m-w) state struck. Juror No. 126 Richard Newman
14 (m-w) accepted. Juror No. 31 Thomas Clark (m-w)
15 defense struck. Juror No. 98 Stacy Jordan (f-w)
16 accepted. Juror No. 160 Jonathan Singleton, Jr.
17 (m-b) accepted. Juror No. 127 Kathleen Noonan (f-w)
18 accepted. Juror No. 144 Chantelle Rogers (f-b)
19 accepted. Juror No. 128 Sara Alford (f-w) accepted.
20 Juror No. 49 Anthony Floyd (m-w) accepted.
21 Alternate Juror, Juror No. 34 Kathryn Coker (f-w).

22 THE COURT: Any motions or any other
23 matters pertaining to jury selection from the State?

24 MR. MEADORS: Nothing from the State.

25 MR. MURPHY: No, Your Honor.

1 THE COURT: May I see you all up here for
2 a moment.

3 (Whereupon, the attorneys approach and
4 confer with judge.)

5 THE COURT: Ladies and gentlemen, please
6 let me have your attention for a few minutes. We
7 are going to begin the trial at 10 o'clock tomorrow
8 morning. That means that you are free to go for the
9 rest of today. In the meantime, I am required to
10 tell you that you are not permitted to discuss this
11 case with anyone, and that includes amongst
12 yourselves. This may be the only thing that the 13
13 of you have in common, but you cannot talk about it
14 at all. You can't talk any about of what I've
15 referenced from the indictment. You can't talk
16 about who the lawyers are, who the defendant is, who
17 any of the possible witnesses are. If you find
18 yourself in a situation where that has happened, you
19 will be required to let the bailiff know when you
20 come back tomorrow morning.

21 Do not read anything about this case,
22 watch anything about it, listen to anything about
23 it, or attempt to gather any information on your
24 own. Simply put, that is illegal. You can't do it,
25 it's forbidden by law.

1 In addition to that, you cannot
2 communicate with the outside world, for example, if
3 you go to work, go home, or wherever you might go,
4 you can't talk to anybody about this case. Somebody
5 may know you are on jury duty. When you walk in the
6 door, they'll say, what happened, did you get
7 picked. The only answer you can give is, I can't
8 talk about it. Because if you do mention anything
9 about this case, that person you say it to, may say
10 something in response that will be improper. It
11 might impact your decision making in this case. If
12 you are on facebook or tweeter or instagram, linked
13 in, or any other social media, this case and your
14 jury service is out of bounds. It is illegal for
15 you to get on any of those social media and blog or
16 type or talk about your experiences as a juror.
17 Some people think that's neat to do, but it's
18 illegal, you can't do it. If you do that, I can
19 guarantee you that that will come to light, and
20 unfortunately there would be some adverse
21 consequences for you. So don't do that at all.
22 Don't get on there and talk about how fun this is,
23 or how boring it is, or how awful it is, or how
24 great it is. You can't do it.

25 So from now until 10:00 o'clock in the

1 morning, you are free to go, and we'll see you then.
2 The bailiff's will give you instructions about what
3 you are supposed to do.

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 THE COURT: What have you got that we need
7 to do?

8 MR. MEADORS: We have got some photo
9 lineups. We'll need to do those too. And at least
10 Sergeant Dubose and maybe one of the other officers.
11 But the victim and the witness. And one of them
12 isn't here yet. So we'd like to start that this
13 afternoon.

14 THE COURT: What time do you want to
15 start?

16 MR. MEADORS: Not before two if you
17 wouldn't mind.

18 THE COURT: Well just make it 2:15 just to
19 make sure everybody gets here. Now as far as the
20 Jackson versus Denno, is this is written statement,
21 a verbal statement, or what kind of statement or
22 statements? Make sure Mr. Murphy has notice of all
23 of those.

24 MR. MEADORS: Judge, he does. It's
25 Jennifer Thomas and Greg Hawkins initially talked to

1 the defendant very briefly. It's not recorded.
2 And there's a summary. We may be able to work that
3 out. But the big one is a recorded statement that
4 Wayne Dubose took from the defendant at the
5 hospital. And I think our argument basically is
6 that he was not in custody to start with. There was
7 no miranda at the start of it. Mr. Murphy has a
8 motion on. The point is when and if miranda was
9 given after minutes into it, and that will be the
10 issue, was he in custody.

11 THE COURT: Mr. Murphy, other than
12 Neal v. Biggers and Jackson versus Denno, any other
13 motions that you can think of?

14 MR. MURPHY: Well, Your Honor, well
15 obviously what we have been talking about. And I
16 would ask that that hearing be conducted outside the
17 presence of the solicitor's office with regard to
18 my client's representation.

19 THE COURT: Any objection to that,
20 Mr. Meadors?

21 MR. MEADORS: No.

22 MR. MURPHY: And the only other thing I
23 think of is that obviously my client is charged with
24 being in possession of a weapon as a felon. That
25 needs to be worked out how to let the jury know

1 that. His prior conviction is an armed robbery
2 conviction. And naturally our view is that if the
3 jury discovered he was convicted of armed robbery,
4 that would taint the jury. And that fact is more
5 prejudicial than probative. We would be willing to
6 stipulate that he was unauthorized to carry a gun
7 because of a prior felony conviction.

8 THE COURT: Mr. Meadors.

9 MR. MEADORS: I think we can come up with
10 a stipulations that meet Your Honor's approval that
11 at that time he had been convicted of a violent
12 crime. Of course, I think it would solve it.

13 THE COURT: Or a felony. I think the
14 statute says felony.

15 MR. MEADORS: I know he's indicted for
16 possession of a violent crime.

17 THE COURT: Well no, he's indicted for
18 possession of a weapon during the commission of a
19 violent crime. And he's indicted for possession of
20 a weapon by a person convicted of a felony.

21 MR. MEADORS: I think I read out violent
22 crime.

23 THE COURT: You read out both, because the
24 first one you had to read it out, because of this
25 offense. Before we break for lunch, can we take up

1 the issue that you want to take up, Mr. Murphy?

2 MR. MURPHY: I believe so, Your Honor.

3 THE COURT: You all are excused. You all
4 be back at 2:15.

5 THE COURT: Anyone else, Mr. Murphy, whose
6 attendance you would like to be excused?

7 MR. MURPHY: No, Your Honor.

8 THE COURT: Whoever is in the courtroom
9 don't relay to anyone in the solicitor's office what
10 the subject matter is we are getting ready to cover.
11 Mr. Murphy.

12 MR. MURPHY: Your Honor, my client has
13 indicated to me over the course of a couple of
14 meetings with and some correspondence that he is
15 dissatisfied with some of my advice and the course
16 that I have suggested to him. And I'll deal with it
17 very specifically. One of the things my client has
18 raised to me is the prospect that he may have been
19 engaging in self-defense; that the allegations by
20 the victim are somewhat self serving. And that the
21 situations is a little different.

22 I have advised him and very specifically,
23 that in my judgment in order to successfully present
24 a self defense argument, he will have to testify.
25 And in my judgment looking at the evidence, and

1 while I don't want to prejudge him, and while it be
2 that a self defense theory could be present just
3 from the State's case by the circumstances, it is my
4 judgment that unless he testifies, we're not going
5 to get that instruction. And he was very -- he's
6 provided me with cases that quite frankly aren't
7 really on point. And has been very upset with that
8 type of advice. There has been also some respectful
9 disagreement. I mean, he's not a difficult person
10 to speak to. I don't want to get in to any
11 personal animosity. But there has been some
12 respectful disagreement about things like a bond
13 motion, and things like that. And I have explained
14 to him my thought process on that.

15 At our last meeting last week before I had
16 to leave he indicated that he would like to speak to
17 Your Honor on that issue. And he indicated that he
18 would like to represent himself. I indicated he
19 would be given an opportunity to raise whatever his
20 concerns are. I also told him for the court's
21 knowledge that if Your Honor would grant his
22 request, I would be happy to stay in some sort of
23 legal resource if he wanted me to stay.

24 THE COURT: Standby counsel?

25 MR. MURPHY: Yes, sir. And I have

1 indicated it's not -- there is no -- what I would
2 consider personal animosity. And I've had
3 situations where these was personal animosity.

4 THE COURT: With other clients.

5 MR. MURPHY: With other clients, but not
6 with him. And so very clearly and it's important
7 that this be resolved now, because while I don't
8 necessarily need to know at this point whether or
9 not he's going to testify, it is very -- I do, you
10 know, it's very clear to me what his goal is, is not
11 going to happen in my judgment unless he does. And
12 that's been my advice to him. And he's indicated
13 some dissatisfaction. So, your Honor, that's really
14 all, that kind of lays the groundwork. That's all I
15 have to say. My client has indicated to me he'd
16 like to address the court.

17 THE COURT: Mr. Scott, please stand. Yes,
18 sir.

19 THE DEFENDANT: Your Honor, I have
20 provided my attorney with a case law about a
21 statement -- a case that was argued in South
22 Carolina. South Carolina versus Hendricks stated
23 that I can bring up certain defenses as an argument,
24 if I have evidence to support my claim. Now the
25 fact of the case of the evidence that's been -- that

1 the solicitor's office won't be able to present
2 against me, plus the testimonial evidence of the
3 victim will show and prove and bring up my
4 self-defense claim. Also I have gave him another
5 case law indicating that once the self-defense issue
6 is brought up, it's going to be the prosecution's
7 job to prove or disprove self-defense beyond a
8 reasonable doubt.

9 Now on July -- no, on June 14th, I
10 received a letter and a court summons from my
11 attorney indicating that he requested that he filed
12 a motion to status of counsel under the grounds
13 that---

14 THE COURT: He filed a motion to do what?

15 THE DEFENDANT: A motion for status of
16 attorney---

17 THE COURT: Okay.

18 THE DEFENDANT: ---and I have the court
19 summons right here. And it was accompanied by a
20 letter. I have it with me right here. Due to this
21 letter, the 7 sentences, the last 7 sentences of
22 different writings that he wrote. I have all of
23 them with me, but inconsistencies about what's he's
24 claiming. And inside in the letter that I got along
25 with the court summons, the very last statement, the

1 sentence was, given that the fundamental
2 disagreement, I have filed a motion of status of
3 counsel and asking the court to relieve the public
4 defender's office of responsibility so that you can
5 represent yourself as you deem appropriate.

6 Now before last week, I never insinuated
7 or even proposed the motion of that I wanted to
8 represent myself. I do even though that I am
9 capable of doing it, if I am allowed adequate legal
10 assistance or legal access. Right now I without a
11 bond.

12 THE COURT: Without a bond?

13 THE DEFENDANT: In March. March 22nd, I
14 ran up for my first appearance for a bond hearing.
15 I had before we went to the bond hearing, I
16 addressed it to my attorney that I would like to
17 wait on the discovery so we could be able to present
18 everything in my defense. He said that we should go
19 ahead in front of the Judge Cothran now, and he's a
20 good judge. And that we can always file for a new
21 bond, for a bond hearing later.

22 Now I have a letter indicating that, you
23 know, this whole correspondence started, I got my
24 motion in April. I have my motion so far now, 3
25 months, gave or take a couple of days. In May, I

1 started the correspondence with my attorney asking
2 for a reconsideration of bond due to a change of
3 circumstances from my view. He told me in the
4 letter, a June 7th letter, I was told that
5 without -- hold up. If a witness, the victim
6 doesn't suffer from death or charges dropped, then
7 he has no change of custody. I mean there is no
8 change of circumstances in my case.

9 So I responded to that letter, and I
10 informed him due to, I have a copy of one of my
11 affidavits a charge of attempted murder against a
12 5-year-old. Inside my affidavit it says that the
13 child was holding his father's leg. And I brought
14 it to my attorney's attention that I would like a
15 motion to be filed for challenging the legitimacy of
16 this charge, due to the fact that I have -- I have
17 an offer of proof that I am going to be submitted to
18 the court whenever a motion at any time. But the
19 affidavit given under oath must recite sufficient
20 factual information to establish just probable cause
21 that a crime was committed, and that the person
22 named in the warrant, committed the crime.

23 And I brought it to my attorney's
24 attention that the only place where this particular
25 crime takes place is in my investigative report

1 written by Sergeant Dubose. And that to be able to
2 contest this crime is in the victim's written
3 statement; that if the child was never holding his
4 leg at any time during this altercation; that I have
5 grounds for this charged to be dropped down.

6 THE COURT: Down to what?

7 THE DEFENDANT: To be dropped, period.

8 Because the child was never in danger. The child
9 was---

10 THE COURT: Was the child shot,
11 Mr. Murphy?

12 THE DEFENDANT: No, sir.

13 MR. MURPHY: No, Your Honor.

14 THE DEFENDANT: The child was never shot
15 and the child was never -- the investigative report
16 by Sergeant Wayne Dubose says that Williams advised
17 that his 5-year-old was hanging on to his leg when
18 he started shooting him at close range. Now I have
19 a written statement by the victim Tyrone Williams
20 that states, after he was shot the first time, his
21 son ran out saying he that he had -- he pee up. His
22 son. He never indicated that his son was holding on
23 to his leg. And I told Mr. Murphy before I got my
24 motion, I gave my version of events. I told him
25 from the very beginning that the child was never in

1 harms way or in danger of being shot.

2 I told him from the very beginning that I
3 never committed an armed robbery. And I told him
4 that from the beginning, that I only shot, because I
5 was first shot. All the evidence in my case
6 supports my version of events to Mr. Murphy. Now my
7 victim that was recovered -- over \$3,000 was
8 recovered from his person. He's saying that he
9 gave about a \$1,000 in the middle of a shootout. I
10 requested in a letter to Mr. Murphy, I requested for
11 the evidence and when he was found that large amount
12 of money.

13 THE COURT: You were requesting the what?

14 THE DEFENDANT: I requested for a motion
15 to be filed where really I requested for
16 information. I requested for the information for
17 it. And he said he owned three businesses and he
18 was just paid. That's why he had so much money on
19 him. But I got from investigative notes, charging
20 officer Investigator Dubose, as -- he asked the
21 victim how much money he had on him. Tyrone
22 Williams said he had 32 or 3300 on his person.
23 That's what he had from the beginning. He was
24 caught with \$3100 on him, sir. He said he gave me a
25 \$1,000. So that's a missing \$1,000 that doesn't

1 even exist in my motion.

2 So I brought these issues to my attorney
3 asking them to file a motion for a bond, so I can
4 have adequate legal assistance or legal action, that
5 I can't reach inside Sumter Lee Regional. I'm also
6 asking for information to provide. So far my
7 attorney told -- and my motion of discovery does not
8 exculpatory evidence of the 3 one dollar bills in my
9 case---

10 THE COURT: The three what?

11 THE DEFENDANT: I have 3 one dollar bills
12 in my case with blood on them. With my blood on it.
13 And the victim---

14 THE COURT: So you were shot too?

15 THE DEFENDANT: I was shot two times, Your
16 Honor. And the victim denied having a weapon. The
17 victim also admits to me putting my money in my
18 pocket. If I have my money in my pocket the
19 clothing or the fabric is going to protect it from
20 exposure of any blood. The fact that my blood is on
21 this money and the victim did knows and he did say
22 it did go in my pocket, he saw me put it in my
23 pocket. That means I was shot before I put my
24 money away. I brought it to his attention. I asked
25 for certain information -- well the transcript from

1 my preliminary hearing that Sergeant Dubose, he
2 spoke at my preliminary hearing. He brought this
3 information. This information is not provided
4 anywhere inside our motion of discovery.

5 So I asked for the transcript from my
6 preliminary hearing. I was told that you won't be
7 filing any transcript from a preliminary hearing.
8 Which Sergeant Dubose also stated my co-defendant
9 which was standing to my right, shot the first shot
10 which supposedly struck me in the left chest.

11 THE COURT: Who is your co-defendant?

12 THE DEFENDANT: They have no leads, and
13 they gave up looking for my co-defendant.

14 THE COURT: So there was a co-defendant?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Who is it? Who is that?

17 THE DEFENDANT: Who is my co-defendant?

18 THE COURT: Yes, sir.

19 THE DEFENDANT: They have no idea who he
20 is.

21 THE COURT: Oh, and do you?

22 THE DEFENDANT: I know his name.

23 THE COURT: Well go ahead. I guess you
24 don't have to tell me his name. But I don't
25 understand where you're going with this.

1 THE DEFENDANT: My whole thing is, I'm
2 showing -- I was showing my attorney that I was shot
3 by the victim. The victim does have like, the
4 victim shot me first. All the evidence is showing
5 and proves that the victim did have a gun. You have
6 two bullet holes on the wall from my where my
7 co-defendant was standing. And a bullet hole in a
8 pool table in the direction of my co-defendant. I
9 have two shots to me. There is no bullets anywhere
10 over on this side of the crime scene. The victim
11 has four shots in him, all on the right side of his
12 body. So that means he was facing this way, giving
13 me all access to his right side, when I was from the
14 ground. There was a puddle of blood right there. I
15 gave my version of events before I got my motion. I
16 asked my attorney to provide certain information.

17 Now we're rushing to trial. We're not
18 ready for trial. I don't have the ballistics of the
19 firing from the bullet fragments from the wall, in
20 the pool table, all the ballistics from the bullet
21 that was token from the victim. Once these
22 ballistics are tested and these ballistics will show
23 I'll have exculpatory---

24 THE COURT: Exculpatory.

25 THE DEFENDANT: Yes. I tried to get the

1 word right now. But I'll have that area in my
2 favor to show and prove that there were more than
3 two guns involved in this shot out. On December
4 29th, Investigator Jennifer Thomas specifically
5 asked the defendant, did anybody else fire---

6 THE COURT: That's you. You.

7 THE DEFENDANT: Huh? The victim.

8 THE COURT: The victim.

9 THE DEFENDANT: Asked the victim did he
10 fire a weapon. He said no. And the officer asked
11 him, was there any other person besides the two
12 suspects who fired a weapon. He also said no. I
13 have a statement from the victim, and a statement
14 from the witness that I had a gun, and my
15 co-defendant had one gun. These ballistic testings
16 will show and prove that there are more than one gun
17 involved in this shooting.

18 THE COURT: Well can't one person have two
19 guns?

20 THE DEFENDANT: Yes, sir, it is possible.
21 But when you've got the testimony from the victim
22 and the testimony from the witness who was at the
23 scene of the crime scene, that it was one gun in the
24 defendant's hands and one gun in the co-defendant's
25 hands, you're stuck with one gun, right?

1 THE COURT: You're stuck with two guns.

2 THE DEFENDANT: One over there and one
3 right here. Fifteen shots. I didn't shoot myself.
4 And from the direction of my bullets, I asked for
5 pictures of bullet wounds that wasn't provided.

6 THE COURT: You asked for what?

7 THE DEFENDANT: Pictures. To be able to
8 present this evidence to the jury, so they can see
9 from the direction from which I was shoot. With me
10 and you standing right here in front of each other,
11 you're right handed, you can shoot me on the left
12 side of my body. But If I've got somebody standing
13 over here to the right of me, it ain't like you've
14 got a bullet that's going to come and come back and
15 enter from left angle and hit my body. I asked him
16 for results of gunpowder residue. We don't have
17 those results yet either. And the State hasn't
18 provided us with that information. Like we're
19 rushing to trial, and we're not ready for it.

20 THE COURT: So you want the---

21 THE DEFENDANT: So pretty much, I have a
22 whole offer of proof.

23 THE COURT: Do you want to represent
24 yourself?

25 THE DEFENDANT: I would like if

1 possible---

2 THE COURT: Because if you're going to be
3 moving for a continuance, the solicitor is going to
4 be in here for that. I'm not going to have that
5 hearing ex parte. This is to deal with whether or
6 not this hearing right now, the solicitor is out of
7 the courtroom, don't interrupt. This hearing right
8 now is for me to determine if you're going to
9 represent yourself, or whether Mr. Murphy is going
10 to represent you. Not a continuance.

11 I'll deal with that only if the solicitor
12 is in the courtroom.

13 THE DEFENDANT: Is it possible for me to
14 be appointed a different attorney?

15 THE COURT: No, sir. Because the reason
16 for that is, Mr. Murphy has been your attorney and I
17 see no reason for another attorney to be appointed
18 for you, because Mr. Murphy is an extremely good
19 lawyer. He's trained in how to represent people
20 like you. He's knows what motions to make. He
21 knows what evidence is relevant and what points
22 should be raised. And it seems to me that you all
23 might have a difference of opinion about whether or
24 not you're ready for trial.

25 And No. 2, whether you and he agree on any

1 defenses or roads to go down to present evidence.
2 That's what it seems like to me. And I can't
3 imagine that any other attorney would feel any
4 differently than he does about legal and factual
5 issues and their development.

6 You have the right to represent yourself.
7 But there is a whole series of questions that I will
8 have to cover with you to make sure you understand
9 all of your rights and the hazards of representing
10 yourself.

11 So I understand, and I'm going to get
12 Mr. Murphy to comment on in a minute. But you've
13 got some issues about whether or not self defense
14 can be explored during the trial without certain
15 things happening. Such for example, you testifying.
16 I've got some questions of Mr. Murphy about the
17 things that you brought up. But what I want to know
18 now is, do you represent yourself or continue with
19 Mr. Murphy representing you? Because I will tell
20 you that the hazards of you representing yourself
21 are great.

22 You might not have a clue about what
23 you're supposed to do. You might not be able --
24 even if you do have a clue about what you want to
25 present, you may not know how to do it as

1 effectively as Mr. Murphy might be able to do. But
2 those questions are first for me, I need to first
3 find out whether or not you want to represent
4 yourself, or you want to continue with Mr. Murphy.

5 THE DEFENDANT: Can I make one more
6 statement about this attorney/client relationship
7 right now?

8 THE COURT: Yes, sir.

9 THE DEFENDANT: At this present moment, I
10 provided the trial strategy. I have written up
11 pretty much an overview of the cross examination
12 process, the opening statement, the closing
13 argument. I have an offer of proof by evidence I
14 want to present. And I haven't gotten any feed back
15 whatsoever from Mr. Murphy. Two weeks ago, I
16 provided him a -- I was just given this back today.
17 I offered the self defense argument, and I gave an
18 opening statement and a closing argument. And I
19 also gave him information about the fact that the
20 allegedly armed robbery I am charged with, and the
21 attempted murder I am charged with of a 5-year-old
22 child. I was just given this back this today. We
23 didn't have any time to go over it.

24 THE COURT: You were just given what
25 today? Your papers back?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: The ones that you wrote?

3 THE DEFENDANT: The ones I wrote. And
4 that was 2 weeks ago. And the following week behind
5 him getting this, he told me that we were supposed
6 to be preparing for trial. He said he was going to
7 get it, copy it, you know, analyze all the
8 information. And he would be back the following
9 week, and we were going to discuss, you know, how
10 we're going to approach trial.

11 The following -- the next week he came, he
12 came with a plea offer. And we had did have no
13 discussions about how we're going, you know, go
14 about a trial. Now Mr. Murphy informed me through a
15 letter, he informed me of ABA standards supposedly
16 5.2, ABA standards of criminal justice, about
17 strictly about decisions that are all that are just
18 for the client. But he neglected to tell me about
19 the trial related decisions that's included.

20 THE COURT: The what?

21 THE DEFENDANT: The trial related
22 decisions; such as, what I'm speaking on right now.

23 THE COURT: So you're telling me that if
24 you give Mr. Murphy things to read to the jury as an
25 opening statement that that's what he's got to read.

1 THE DEFENDANT: No, sir.

2 THE COURT: What are you telling me?

3 THE DEFENDANT: I am pretty much bringing
4 up to you, I'm bringing it your attention that so
5 far we have not discussed how we're going to pretty
6 much beat this trial. We ain't even got no common
7 ground right now. Period, right? Two weeks ago I
8 served with a motion for me to represent myself, for
9 him to be relieved. He was asking to be relieved
10 off my case.

11 THE COURT: Are you asking to be relieved,
12 Mr. Murphy?

13 MR. MURPHY: I never specifically -- what
14 I did was, I refiled a status motion.

15 THE COURT: In other words, you wanted
16 a---

17 MR. MURPHY: I wanted clarification which
18 is exactly what we're doing here. I did tell him
19 that the judge would determine at that point whether
20 he would represent himself or whether it would be
21 me. At one point I do believe I told him unless we
22 can sort this through, that I would ask to be
23 relieved. When that motion was filed and that was
24 actually one of the reasons why we're back at the
25 jail. I thought we got a plea week coming up next

1 week, this was two weeks ago. I said we've got a
2 plea week coming up next week. I've got a hearing
3 scheduled. Can we resolve this or not. And at
4 the end of that meeting he said I don't -- you know,
5 you don't have to be here anymore. You know, I'm
6 okay with you proceeding. I wouldn't dispute that
7 we had that subsequent conversation. It is not
8 uncommon I don't think for perhaps a person thinking
9 they have a better case than they actually do. I
10 view my role as advising my client based on my
11 experience and my judgment, what I actually think of
12 his case. And what his strengths are and what his
13 weaknesses are.

14 The State without his testimony, has an
15 extremely strong case. They have two witnesses who
16 place him in a -- who can identify him, unless we
17 get this motion resolved on identification unless we
18 win that, who can identify him coming in, pulling
19 out a weapon and shooting this guy. In regard to
20 the child, the child at a minimum, was in the
21 vicinity. Nobody disputes the child is there. And
22 both witnesses, both the victims, well both the
23 victims I guess, said the child was in the vicinity
24 of this hail of fire, and literally there are
25 bullets everywhere.

1 So I would argue anybody standing around
2 in that bar was a potential victim let alone the
3 child.

4 THE COURT: Well there is case law on
5 specific versus general intent under the new
6 attempted murder statute.

7 MR. MURPHY: Right.

8 THE COURT: And there is---

9 MR. MURPHY: And again a lot of those
10 issues deal with how it's going to improve. Now
11 most of these discussions occurred in the context of
12 him asking me about a bond. And my response to him
13 consistently was, based on my review of the
14 discovery, there has been no change in
15 circumstances. The time to attack evidence is at
16 trial. Now we've had discussions about new
17 evidence. He has been consistent with what he told
18 me happened. And I think the gravamen of the issue
19 is, I don't believe we're going to get a self
20 defense instruction unless he testifies, and I told
21 him that.

22 I also understand there's risks involved
23 if he testifies. And I told him that. I told him
24 he has a prior conviction for armed robbery. I can
25 try to get that suppressed based on a balancing

1 test, but that's up to you. I've told him what I
2 thought about those chances based on the case law.

3 THE COURT: Of course that would be one
4 thing that I would not be able to debate or engage
5 in a ruling on right now, because the solicitor is
6 not in the courtroom.

7 MR. MURPHY: Exactly. I've told him---

8 THE COURT: But you are 100 percent
9 correct that there is a balancing test.

10 MR. MURPHY: And I have tried to engage
11 with him and tell him, these are the likelihood that
12 you testify. These are likelihood. Either way you
13 cut it, the State even with the self defense, it's
14 going to come down to believability. Mr. Williams
15 and Mr. Brunson are -- can be impeached to a degree
16 on some of the facts. Some of which of my client
17 has presented to the court. But the reality is,
18 there is no -- they don't have any convictions in
19 their past that are usable for credibility purposes
20 of any significance. And if they come across and
21 they are believed that individuals that I am aware
22 of who have interviewed Mr. Williams, I have the
23 services of an investigator, find that he is a very
24 credible guy.

25 I am also aware that some of the

1 inconsistencies that Mr. Williams has had with my
2 client are due to the fact that in regard to the
3 first interview, he was totally drugged up. I mean
4 I've listed to the tape of him giving the first
5 interview to Officer Dubose. He's semiconscious.
6 And actually Office Dubose in the interview, because
7 I believe he feel asleep. So I don't think a jury
8 would hold those statements necessarily against him.
9 I have explained those factors.

10 So I've tried as much as I can to go into
11 the details. The bottom line is---

12 THE COURT: How about GSR?

13 MR. MURPHY: Regarding the GSR and
14 regarding the ballistics, I have filed a specific
15 request for -- a specific discovery request for
16 those after talking with my client. And I filed
17 that. Mr. Meadors has advised me, much to his
18 dismay and regret, that no ballistics had been done.
19 They were never sent to sled. And the GSR wasn't
20 sent to sled.

21 THE COURT: Well that's good for you.

22 MR. MURPHY: Exactly. I have tried to
23 explain that to my client. He doesn't quite see it
24 that way. So I mean, I've had -- what I would, you
25 know, I will defend myself in this regard. I have

1 had substantive conversations about the evidence
2 with my client. And I've also advised the court
3 very frankly, I don't take opening statements from
4 my client ever. And I don't take closing statements
5 from my client ever. And I rarely---

6 THE COURT: But y'all consider their
7 input.

8 MR. MURPHY: I take this and what I
9 consider it as is input. And I'll take a look at
10 it. Sometimes clients give me things that I use.
11 Most of the time not. Sometimes I use it, sometimes
12 I don't. But I did lay down a very clear direction
13 to him, that I will not simply be a puppet for what
14 he wants me to do. It doesn't work that way. I
15 make the decisions in regard to which witnesses to
16 call if any. And I make decisions on what to argue.
17 And how to try to present the case to achieve a
18 goal. His goal is an acquittal, and basically an
19 acquittal, particularly on the armed robbery charge
20 Because the armed robbery did occur.

21 The best way to get there, the best way to
22 get there and I've told him this, is for him to take
23 the stand and present a self-defense case. That's
24 the best way. Now that's his right not to. And
25 I've explained that to him. He doesn't have to. If

1 he decides not to take the stand, in my judgment,
2 we're not going to be able to get an instruction on
3 self defense. And if that occurs well then I'm in
4 position where basically I'm simply attacking
5 Mr. Williams and pointing to the inconsistencies,
6 and asking them to conclude that the State hasn't
7 met its burden.

8 What I am not going to do in an opening
9 statement is talk about self defense and him not
10 having to take the stand. I'm not going to do that.
11 That in my mind is improper. I am not going to
12 present information to a jury that I'm not willing
13 to back up. I have ethical issues with that, and I
14 think that's just fundamentally improper. I will
15 not raise that.

16 So if he doesn't want to take the stand or
17 he doesn't want to make up his mind, that's fine.
18 But we're going to proceed, you know, in this
19 manner, as I believe an attorney, any attorney
20 would. And that's what I've explained to him.
21 That's what he has a problem with. As I've
22 indicated to the court before I think he has
23 demonstrated to court he has a very detailed
24 knowledge of his case. What he wants to do. What
25 his strategy would be. And for that reason I said,

1 look you can explain to the judge, and if the judge
2 wants you to represent yourself, that's great. Or
3 agrees that you can represent yourself, that's
4 great. I am more than happy to stand as a legal
5 resource.

6 THE COURT: Mr. Scott, a couple of things.
7 If you decide you want to represent yourself and I
8 decide that under the circumstances that that is
9 appropriate, you will not be able to stand in front
10 of the jury during your opening statement or your
11 closing argument, and give them your version of
12 events as you perceive them to be, unless you
13 testify. I want to make sure you understand that if
14 one of the reasons you might want to represent
15 yourself is you feel like with your opening or your
16 closing, you can give the jury your version of
17 events, that will not happen. But I don't know the
18 ends and outs of whether you will or will not, or
19 whether you should or should not testify. That's on
20 down the line.

21 I'll go back -- I will tell you this,
22 Mr. Murphy has explained to me in my mind a very
23 clear, very clearly what his approach to the case
24 is. And I need to hear from you, whether or not you
25 want him to continue to represent you as your

1 lawyer, or whether or not you want to represent
2 yourself.

3 THE DEFENDANT: I ain't trying to
4 represent myself if I don't have to.

5 THE COURT: Sir?

6 THE DEFENDANT: I am not trying to
7 represent myself If I don't have to. Because like
8 the process that just took place just now, I
9 understand cross examination and how to put all his
10 together, but the process that just took place just
11 now I mean, I really don't even know what happened,
12 to be honest.

13 THE COURT: No, he was responding to what
14 you had to say.

15 THE DEFENDANT: No, I'm talking about the
16 jury selection and all what just.

17 THE COURT: Oh, I see.

18 THE DEFENDANT: I don't understand what's
19 going on with that. I understand like I know what
20 happened with my case. And I understand how to put
21 this together. I know the truth that took place.
22 So I can examine whoever, but I can't represent
23 myself. Because certain aspects of the trial
24 process, I am not going to be aware of.

25 THE COURT: That's one of things I wanted

1 to cover with you. Should you choose you want to --
2 I'll go ahead and ask you these questions. How old
3 are?

4 THE DEFENDANT: 26 years old.

5 THE COURT: How far did you school?

6 THE DEFENDANT: I got a high school
7 diploma and a GED.

8 THE COURT: What kind of work do you do?

9 THE DEFENDANT: I never had a job.

10 THE COURT: Are you from Sumter?

11 THE DEFENDANT: No, sir.

12 THE COURT: Where are you?

13 THE DEFENDANT: From Charleston.

14 THE COURT: Were you living in Sumter in
15 2015?

16 THE DEFENDANT: No, sir. I just came
17 home.

18 THE COURT: Have you ever been in
19 criminal court before?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And that was for the armed
22 robbery charge?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Is that your own only criminal
25 conviction?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Did you have a lawyer then?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Where was that case
5 prosecuted?

6 THE DEFENDANT: Charleston County.

7 THE COURT: You were convicted by a jury
8 or pled guilty.

9 THE DEFENDANT: Pled guilty.

10 THE COURT: How much time did you do?

11 THE DEFENDANT: 9 years and 10 months.

12 THE COURT: So you did 85 percent. I
13 don't if an 85 percent.

14 THE DEFENDANT: I got 10 years. But I did
15 a little bit over 85 percent.

16 THE COURT: I see. Do you understand that
17 you're charged with attempted murder two counts.
18 One count of armed robbery and two weapons charges.
19 Possession of a weapon during the commission of a
20 violent crime, and possession of a weapon by a
21 person convicted of a felony.

22 THE DEFENDANT: I ain't got that last
23 charge, right?

24 THE COURT: Well there are 5 counts in
25 your indictment.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Two counts of attempted
3 murder. Count 3, is armed robbery. Count 4, is
4 possession of a weapon during the commission of a
5 violent crime. Count 5, is possession of a firearm
6 by a person convicted of a violent crime.

7 THE DEFENDANT: I had possession of
8 ammunition. All right.

9 THE COURT: Do you understand that you're
10 facing some significant prison time because of those
11 charges?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And do you understand that --
14 well let me ask you this. Have you ever been
15 treated for any mental problem?

16 THE DEFENDANT: Excuse me?

17 THE COURT: Have you ever been treated for
18 any mental problem?

19 THE DEFENDANT: No, sir.

20 THE COURT: Do you have any mental
21 problem?

22 THE DEFENDANT: No, sir.

23 THE COURT: Do you have any drug or
24 alcohol addictions?

25 THE DEFENDANT: No, sir.

1 THE COURT: Do you take any medication?

2 THE DEFENDANT: No, sir.

3 THE COURT: Are you supposed to be?

4 THE DEFENDANT: No, sir.

5 THE COURT: Do you understand that you do
6 have the right to have Mr. Murphy represent you?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And do you understand that he
9 is trained in how to represent people like you who
10 are accused of crimes. He has many years or
11 experience in this regard.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand that he
14 knows what motions to make, how to present evidence,
15 how to cross examine witnesses, how to question
16 witnesses perhaps better than you would, since
17 you're not trained in the law.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that
20 Mr. Murphy in addition to that technical knowledge
21 he has, he has practical experience in how to relay
22 things to a jury or to me as the presiding judge?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that he
25 knows what the case law is and what the statutes are

1 that perhaps pertain to your case better than you
2 would.

3 THE DEFENDANT: The case law and the
4 statutes?

5 THE COURT: Yes, sir. In other words,
6 there's statutes -- there are statutes and there is
7 case law. Mr. Murphy has knowledge of those or the
8 pertinent and applicable statutes in cases perhaps
9 better than you would. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that all in
12 all, Mr. Murphy is probably better -- would be
13 better at representing you than you could be at
14 representing yourself.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: But you do have the right to
17 represent yourself if that's what you want to do,
18 But it can't be -- you can't, you represent
19 yourself, and he represent you too. In other words,
20 if you represent yourself you will one giving an
21 opening statement. You will be the one questioning
22 witnesses, and you will be the one giving a closing
23 argument not Mr. Murphy. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: I would authorize him to sit

1 beside you and give you advice, but when the rubber
2 hits the road and the questioning of witnesses is
3 going on and the arguments are being made, it will
4 be you doing that. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now do you want to represent
7 yourself, or do you want Mr. Murphy to continue to
8 represent you?

9 THE DEFENDANT: It's him or me, right?

10 THE COURT: Him or you.

11 THE DEFENDANT: I would rather him
12 represent me.

13 THE COURT: Well to me that is a wise
14 decision, but I'm certainly under the law you, based
15 on my conversations with you, you would be allowed
16 to represent yourself, but for the time being I'll
17 take it that you want Mr. Murphy to do.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now as he mentioned, any
20 client that he has he values their input. But he
21 has to make the decision based on training and
22 experience as to whether or not a particular
23 question should be asked or a particular issue
24 should be explored. So he'll have to do that. But
25 you all are certainly entitled as the trial goes on

1 to talk. I call it tugging on the sleeve. In other
2 words, if he's standing there making an argument or
3 questioning the witness, you can tug on a sleeve and
4 say, I want to talk to you about something.

5 Sometimes that kind of gets distracted,
6 but you'll certainly have that right as any client
7 would, do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Have I covered everything to
10 your satisfaction, Mr. Scott?

11 THE DEFENDANT: I've a question about the
12 input about that statement you made.

13 THE COURT: Yes, sir.

14 THE DEFENDANT: We ain't going to get to
15 the input. As far as my input goes into the trial
16 and the reason I asked, I got to make Mr. Murphy, I
17 have no personal issues with him. I just understand
18 that my life is on the line right now, you know.

19 THE COURT: Right.

20 THE DEFENDANT: My thing is as far a the
21 input goes, exactly how much input am I supposed to
22 have?

23 THE COURT: That's between you and him.
24 For example, and I am going to give a real
25 ridiculous example. If you wanted to argue that the

1 tooth fairy did this, and you wanted him to question
2 the witness that the tooth fairy did it, he's not
3 going to do that.

4 THE DEFENDANT: Right.

5 THE COURT: He's going to value your
6 reasonable input. And what's reasonable is between
7 you and him. Okay.

8 MR. MEADORS: Judge, since the computer is
9 on the way its way up here, the State would like to
10 go over the Neal v. Biggers if that's okay.

11 THE COURT: Just put on the record,
12 please, Mr. Meadors, during the time where you left
13 the courtroom.

14 MR. MEADORS: Yes, sir.

15 THE COURT: I wanted to confirm that there
16 were no matters pertaining to the merits that we
17 discussed. If anything ever got close to that
18 point, Mr. Murphy can confirm that I indicated that
19 I would not discuss those issues without you
20 present. So I want to make sure you understand.

21 MR. MEADORS: So he is counsel of record.

22 THE COURT: Yes, sir, Mr. Murphy is.

23 MR. MEADORS: Thank you, Judge. Your
24 Honor, at this time the State would call Tyrone
25 Williams.

Tyrone Williams-by Mr. Meadors

1 THE COURT: Mr. Williams.

2 Tyrone Williams, being first duly sworn,
3 testified as follows:

4 THE COURT: And one housekeeping issue,
5 Mr. Murphy, and, Mr. Meadors, if on cross
6 examination if you choose to impeach him with any
7 criminal record, you are certainly permitted to do
8 that, because his credibility is at issue in this
9 proceeding, but I'll cover the same types of
10 analysis that I would if he were testifying in front
11 of the jury.

12 MR. MURPHY: Yes, sir.

13 THE CLERK: Please state your full name
14 and spell your last name for the record.

15 A. My name is Tyrone Williams.

16 W-I-L-L-I-A-M-S.

17 DIRECT EXAMINATION by Mr. Meadors:

18 Q. Good afternoon, Mr. Williams.

19 A. How are you doing, sir.

20 Q. Fine, sir. Just very briefly tell the
21 judge a little bit about you. Where are you from?

22 A. From Sumter, South Carolina.

23 Q. Born and raised here?

24 A. Yes, sir.

25 Q. And where did you go to school?

Tyrone Williams-by Mr. Meadors

1 A. Sumter High, Bates Middle School and
2 Lemira.

3 Q. Bates Middle School and where's the
4 elementary?

5 A. Lemira.

6 Q. After high school, what did you?

7 A. After high school, I started working.
8 Then I got in a little trouble. I got away. I got
9 sent away for a while and come back. Just start my
10 life over trying to do things right.

11 Q. And I think you've been in a little
12 trouble with some drugs?

13 A. Yes, sir.

14 MR. MEADORS: Of course, Your Honor, we've
15 been over it and we don't think there's anything
16 impeachable in front of the jury. It's outside of
17 the 10 year, all of it is. It carries less than a
18 year, and we've already looked at that. But you got
19 your life back together at some point.

20 A. Yes, sir, I did.

21 Q. Then what did you do?

22 A. I started working for a living, and doing
23 things right. I had kids, I look at life
24 differently.

25 Q. And back in December of last year, did you

Tyrone Williams-by Mr. Meadors

1 have a business on Manning Avenue?

2 A. Yes, sir.

3 Q. And what was the name of it?

4 A. It was Manning Avenue Grocery Store and
5 Club House.

6 Q. How long did you have that?

7 A. Over a year.

8 Q. Did you work there by yourself, or did you
9 have any employees?

10 A. I worked there by myself. And I had like
11 some people come help me like a lot of times, but
12 basically I'm by myself.

13 Q. And tell the judge just what kind of
14 business was that?

15 A. It was a -- it's a car detail business.
16 But the club house represent a little other things.
17 That's why I call it a club house. But I sold hot
18 dogs, hot wings, chips, sodas. I had pool tables in
19 there where people come and play. It was like a
20 little lot going inside like one business area.

21 Q. Anybody ever gamble?

22 A. Yes, sir. Sometimes we used to gamble at
23 night after hours.

24 Q. Now I just for the purposes of this
25 hearing, I want to take you back to December 29th of

Tyrone Williams-by Mr. Meadors

1 2015. Were you actually closed for business that
2 day? Prior to this incident, had you been there
3 earlier that day at your store?

4 A. Prior to this, no, sir.

5 Q. So this was the first time.

6 A. Until the day I got shot?

7 Q. That's exactly right.

8 A. No, I had not been there that day.

9 Q. So what time did you get there
10 approximately?

11 A. About 1:30, 1:40. I wasn't there that
12 long.

13 THE COURT: P.m. or a.m.?

14 A. A.m., sir. Me and my son got there around
15 about 1:30 or 1:40.

16 Q. In the afternoon?

17 A. In the daytime, yes, sir.

18 Q. In the daytime?

19 A. Yes, sir.

20 Q. And you opened the store up?

21 A. Yeah, I was opening up to come in there to
22 clean up a little bit from the night before, because
23 we was gambling the night before. You know what I'm
24 saying, we don't gamble every night. But that
25 night, that particular night, we just been gambling

Tyrone Williams-by Mr. Meadors

1 the night before. So, you know, the building was
2 kind of dirty. So I got there a little early and
3 try to prep up before I opened up.

4 Q. Prior to this incident when these
5 individuals came in, did anybody else come in your
6 store?

7 A. Nothing but a friend who just stopped by
8 to see my vehicle when I pulled up.

9 Q. Who was that?

10 A. Walter Brunson.

11 Q. Walter Brunson. And how long did
12 Mr. Brunson stay once he popped up?

13 A. He stopped by, because he is a friend of
14 mine. He saw me pull up there. He's sitting there
15 talking. Actually he had his kids in the car. So
16 he was -- only he stopped because he see me there.
17 So he just left right after he you know what I am
18 saying, asked me what I was doing. You know, he
19 just left, and just pull off and told me he would be
20 back.

21 Q. So he wasn't there long at all.

22 A. No, sir.

23 Q. Now you had your son with you.

24 A. Yes, sir.

25 Q. Tell the judge was on December 29th 2015?

Tyrone Williams-by Mr. Meadors

1 A. He just had turned 5.

2 Q. And his name?

3 A. minor

4 Q. So you get you there

5 1:30ish. Mr. Brunson comes by and leaves. And

6 before we get to this, describe the inside of

7 business to the judge.

8 A. It's very clean. The whole building is

9 clean, pool tables, TV's. I've got an area for

10 sitting. You know just nice casual little area.

11 Q. What's way under here this light, what's

12 the lighting like?

13 A. The light, it's great even when it's dark

14 it is still light. Because the whole thing like so

15 many windows going around the building.

16 Q. That was my next question. Are there

17 windows around the building?

18 A. Yes, sir. They are all around the

19 building.

20 Q. Are you near the intersection of Manning

21 and Shepherd?

22 A. Yes, sir.

23 Q. Are you on that intersection?

24 A. Yeah, I'm on like Manning Avenue and that

25 side road right across it. I'm right across the

Tyrone Williams-by Mr. Meadors

1 street from the Annex. The county annex.

2 Q. Would that perhaps be Spring Street?

3 A. Spring Street.

4 Q. And you mentioned across the street from
5 your business is what?

6 A. Is the Sumter County Annex.

7 Q. Substation?

8 A. Yes, sir.

9 Q. Do you see many police over there?

10 A. They come through every now and then.

11 Q. So Mr. Brunson has come and gone. What is
12 your intent as far as going to the -- you said you
13 were cleaning up from the night before.

14 A. From the night before.

15 Q. What time does your business usually open
16 up?

17 A. Around about 5. I open up probably about
18 5, 4 or 5 by the time I get there. After I get set
19 up for my kids, and, you know, my fiancée, she work
20 in the daytime. So when she -- by the time she got
21 off, we rotate. So I get to sit up earlier, then
22 I'll come open my store a little earlier. That's
23 why it's like a night business really.

24 Q. Well that was my next. Is minor
25 your child, is he usually with you when the business

Tyrone Williams-by Mr. Meadors

1 is open?

2 A. Yeah. If I come early in the daytime,
3 he's with me. He's pretty mostly with me all the
4 time. Actually until his mother gets off work.

5 Q. But at night, like the night before, late,
6 would minor have been there?

7 A. No, sir. No.

8 Q. What are you actually doing before this
9 happens? This incident.

10 A. I was washing cars.

11 Q. Washing cars?

12 A. Yes, sir. It was a detail. Car detail
13 business. Washing cars. Running my business as a
14 business. That's what I was doing just trying to
15 make ends meet for my family.

16 Q. Did Mr. Brunson come back?

17 A. Yes, sir, he came back.

18 Q. Was it prior to these other fellows coming
19 in?

20 A. He was here before he -- yeah, yes, sir.
21 He came back before they came.

22 Q. And did you have a -- did you talk to
23 Mr. Brunson when he came back?

24 A. Yeah, we was in there talking about a
25 wedding I was about to go to. You know, and I'm

Tyrone Williams-by Mr. Meadors

1 telling him, actually I'm asking him about a suit,
2 because me and him about the same size. I'm asking
3 about him about a suit, did he like suits. So I'm
4 telling him about that. And he say, I'm telling I
5 have to go to Mayo to get me a suit, and all of a
6 sudden some guys walked in.

7 Q. Tell us about that. What is the thing
8 first thing you noticed?

9 A. I noticed that they had on hoodies and it
10 was hot outside. That's the first thing I noticed
11 that kind of got my attention. They was all in
12 black. They had like dark colored clothes on.
13 They're walking up. And when they came in, they
14 just had looked strange to me. You know, people
15 I've never seen before in my life. That kind of got
16 my attention.

17 Q. Can you describe these two individuals to
18 the Judge?

19 A. I can describe only one here. Yes, sir.
20 That guy right there.

21 Q. Describe him as he's coming in.

22 A. As he's coming in, he was like, he had on
23 like some black fatigue pants. Black Jordan's on.
24 The white and black shoes that's when I see him.

25 THE COURT: Sir? Black fatigues and what?

Tyrone Williams-by Mr. Meadors

1 A. Some black and white air jordans. Yes,
2 sir. He had like a black hoodie on at the time with
3 a durag on. A skull cap.

4 Q. And did you -- can you describe the other
5 fellow?

6 A. He was kind of like light skinned, hazel
7 eyes. It seemed like he's about 5'6, 7, something
8 like that.

9 Q. Was he lighter or darker skinned?

10 A. He was light. He looked like about an
11 albino almost.

12 Q. Like a what?

13 A. Like an albino.

14 Q. Albino.

15 A. Yes. He was real light skinned.

16 Q. And describe his other features.

17 A. Like hazel looking eyes. Squinting.
18 Looked like he can't see a far distance something
19 like that. Looks like he had braids on his head.
20 He had on a skully hat as well.

21 Q. And how tall did you say he was? The
22 lighter skinned guy.

23 A. He looked like 5'7 something like that.

24 Q. And the height of the darker skinned guy?
25 How high was he? Tall was he?

Tyrone Williams-by Mr. Meadors

1 A. I think he was about may 5'8, 5'9 to 11
2 on.

3 Q. 5'8, 5'9 to 5'11.

4 A. Yes, sir, up in that area.

5 Q. Now tell the judge when they came in, what
6 happened.

7 A. He came in and as he approached me, after
8 he walked in I kind of like I say, I felt like
9 something strange.

10 Q. Now for these purposes, are you talking
11 about the dark skinned guy or lighter skinned guy?

12 A. The darked skin guy. The light skinned
13 guy really didn't say much. The dark skinned guy is
14 the one I was talking to personally as he approached
15 me, because I just felt like he was here for
16 trouble. You know, so I was sitting talking to him,
17 like, may I help you. You know what I'm saying. He
18 was like yeah, I would like to have something to
19 drink. I said you want something to drink. I said
20 you just passed like two stores before you got to
21 this residence. Like what made you just stop here
22 out of the group. He was like nah this, I didn't
23 realize that, I just saw the store, and I just want
24 to get something to drink. I was like okay, you
25 want to get something to drink. I say, you're not

Tyrone Williams-by Mr. Meadors

1 even from around here. So what made you pick this
2 store out, and I can tell you are not from around
3 here because of your accent. You know, We actually
4 seen carried on a conversation. You know what I'm
5 saying.

6 Q. How far are you from him when you're
7 talking to him?

8 A. About from me and the judge at.

9 Q. So 3 to 4 feet?

10 A. Yes, sir.

11 Q. And this sounds crazy, but when you're
12 talking to somebody, do you look at them?

13 A. I look them dead in the eyes.

14 Q. So as you're talking and as he's talking
15 your---

16 A. I looked him dead in his face.

17 Q. You see his face---

18 A. Yes.

19 Q. ---and his nose.

20 A. I see his face, because I don't even know
21 him, you know. I just felt like something wasn't
22 right. I was looking at his face, because I wanted
23 to see the man. Let him see my face too, you know,
24 the kind of person, you know what I'm saying, hoping
25 he would change my mind by me looking at his face.

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1 He see me and my son and everything. I've got so
2 much going on, you know. Maybe he have a change of
3 heart, man, you know what I'm saying, before you do
4 something crazy. You know what I mean.

5 Q. You felt something was up, right?

6 A. Yes, sir.

7 Q. For these purposes you can testify to
8 that. You mentioned earlier about this listening to
9 him. Did you notice anything about his dialect or
10 his accent?

11 A. Yes, sir. I realized he was Charleston.

12 Q. Explain that. How did you know about
13 that?

14 A. Because I've been locked up in SCDC
15 before. I done did some time myself, and I was
16 surrounded by Charleston people like. I've been
17 friends with some of them. You know what I'm
18 saying.

19 Q. And is there a term for that?

20 A. Call it Gullah Geechee accent.

21 Q. Gullah Geechee. And did you recognize
22 that accent from this dark skinned person?

23 A. Yes, sir. I recognized it instantly.

24 Q. Now tell us after that, you're saying, why
25 did you stop here, you've got all these convenient

Tyrone Williams-by Mr. Meadors

1 stores. Then he asked for something to drink. Did
2 you get him something?

3 A. Yes, sir. After that he just say well I
4 want something to drink. I said well the vending
5 machine is right there, and I pointed to the vending
6 machine. So he looked at the vending machine and he
7 went to approach the vending machine. He opened the
8 door. As he walked in, he was looking around, like
9 pacing the place, trying to figure out must be
10 cameras. That's what I thought about later. I
11 don't know, you know what I'm saying. Then he tried
12 to go to the back area, and I tell him not to.
13 Because there ain't -- I said nothing is going on
14 back there, nothing but some stale chips I've got to
15 restack and all that. You know what I'm saying.

16 So after that he went on to the vending
17 machine. He grabbed a Mystic. When he grabbed a
18 Mystic, he asked me how much it was. I told him
19 two bucks. So I haven't had a cash register yet, so
20 I had this big pickle jar that hold change and my
21 money that I make throughout the week. So I went in
22 my pickle jar and I got 3 one's out, and give it to
23 him. He gave me a \$5 bill, and I gave him 3 one's
24 back. And he put in his pocket, and he pulled out
25 a gun.

Tyrone Williams-by Mr. Meadors

1 Q. And, Mr. Williams, how far were you from
2 him when that happened? Could you give him change?

3 A. I gave him change. So I give him
4 change---

5 Q. Give it to me like you're giving him.

6 A. I gave him change. As soon he put it in
7 his pocket, he pulled out the gun, close range just
8 like that.

9 Q. You're talking about a foot or two.

10 A. Yes, sir.

11 Q. And did you know what type of gun it was?

12 A. Like a silver handgun. I couldn't, I
13 don't know what caliber.

14 Q. What happened next?

15 A. I heard a shot went off. I heard a shot
16 went off, and it was from the guy that he was also
17 with, the light skinned guy. That's the guy that
18 also was standing around Mr. Brunson.

19 Q. And so we don't have the diagrams here
20 today.

21 A. Right.

22 Q. But where were they in relation to the
23 entrance to your business? The light skinned guy
24 and Mr. Brunson.

25 A. Like how you first walk in, it's like a

Tyrone Williams-by Mr. Meadors

1 pool table. They were standing in from of the pool
2 table. I had two pool tables. Like they're beside
3 each other. They were standing in front of the
4 first pool table, and I was like in the back by the
5 cooler in the area I serve my food out of.

6 Q. So is it far to say the light skinned guy
7 and Mr. Brunson were in front of the store, and you
8 and the dark skinned guy were in the back.

9 A. Yes, sir.

10 Q. Generally.

11 A. Yes, sir.

12 Q. So you hear a shot coming from the front?

13 A. Yeah, like the first -- yeah, by the front
14 entrance by pool table, yeah. I heard the shot go
15 off, so that's the natural reaction. I looked to
16 see did he shot my friend on, that was in there
17 talking to me. After that, I see my friend went
18 down. Like he held his hand up like he was falling
19 down. I don't know if he got shot or not. But at
20 the same time, I had to bring my attention back to
21 the guy who had a gun on me too as well. So when I
22 looked back at him, he shot me, boom. Just like
23 that. He let off too. He shot me. I'm like, man,
24 come on, man, I've got nothing for you. He shot me
25 again. My son come running. Because my son was

Tyrone Williams-by Mr. Meadors

1 over there like watching TV, playing and all that.
2 So he hear all the commotion, he come running
3 towards me screaming. Daddy, man, I am peeing up.
4 He come grabbed me.

5 The next thing I know like I have some
6 money in my pocket. I just pulled the money. At
7 the same time grabbed, I like threw it out. Like
8 here, that's what you come for. I grabbed my son.
9 He shot me again. I fall in the back area.

10 Q. You said, did your son pee on himself?

11 A. Yes, sir.

12 Q. Had he come to grab you? Did your son
13 come grab you?

14 A. He come grab my legs trying to get in my
15 arms.

16 Q. Did you try to block him from any bullets?

17 A. I did. I got shot like several times in
18 my arm and my leg on this side. Because the guy was
19 on this side of me. So I grabbed my son with this
20 arm when he was falling backwards. He kept shooting
21 from this side of my body. That's why everything I
22 got shot four times on this side of my body.

23 Q. How many times did you get shot?

24 A. Four.

25 Q. Show the judge where. You don't to take

Tyrone Williams-by Mr. Meadors

1 your shirt off right now, but....

2 A. I had to have surgery. I still ain't got
3 no feelings in none of my fingers.

4 Q. You're pointing to where. Just kind of
5 tell the judge where.

6 A. Yeah, I got shot twice in my arm. One
7 time here. Right here. I got shot on my chest, and
8 I got shot in my leg.

9 Q. So at that point what happens to your
10 body, did go down?

11 A. I didn't go down right then. I didn't go
12 down, you know. I know I felt like if I was to
13 fall, it was over with. So I like to stay up on my
14 feet the whole time for the sake of me and my son,
15 you know. So I stay on my feet the whole time. And
16 I listened. When I fall in the back, they must have
17 thought I was dead, you know.

18 Q. How gunshots and if you can't answer this,
19 how many gunshots did you hear coming from the
20 front?

21 A. A lot. I can't even count them. It was a
22 lot.

23 Q. After your fourth shot, what did you do?
24 And did you see the person that you shot you?

25 A. Yes, sir.

Tyrone Williams-by Mr. Meadors

1 Q. What happened after your last shot?

2 A. On the last shot, when I had my son in the
3 back area, I just laid in the back, because the way
4 the building is, it's an old building. So the way
5 the back room is, it's like brick they added on to
6 it. So the bricks been like a barrier for me. When
7 I fall in the back room, you know, I guess you know,
8 that blocked a lot of things. So I felt like I was
9 covered. They probably thought I was dead back
10 there too as well. They hit me four times. So I
11 just laid back there until I didn't hear more
12 gunshots. And then I peeped my head out and I
13 didn't see nobody with a gun. That's when I came
14 out.

15 Q. And I asked you earlier, but specifically
16 when you were given change to this person, and when
17 you saw the person shoot, could you see?

18 A. Easily.

19 Q. What happens after you get up? When the
20 gunshots stop, what did you do?

21 A. I get up. You know what I'm saying. My
22 son walked. I looked around. I came out of the
23 back room area. I came on the side of the pool
24 table where at first where I see Mr. Brunson going
25 down at. I didn't know whether he was shot or not.

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1 So I wanted to go look and see my friend. He wasn't
2 there. So then I made my way out the door, because
3 I mean, his car was outside. When I went outside,
4 he had his son in the car. Like I say, he was
5 stopping by. So I went to go check to see if he was
6 in the car trying to leave, because on account of
7 me, could leave as well. He wasn't there. Then
8 that's when he came out of back and went yeah, I am
9 all right. I find my way to the back room area.
10 The bathroom area so....

11 Q. Did you go to the hospital after that?

12 A. Yes, sir, after that. But during all the
13 shooting there was people around, the other
14 businesses, they heard the gunshots, so already
15 coming towards my business to see what took place,
16 to help me out. Because they say, as I walk out the
17 door, they was almost approaching my business. Like
18 they just ran that way. They just ran that way, you
19 know, and asking me if I'm all right. And like I
20 am calling the police right now on the phone and
21 everything. So they was kind of like around to
22 helping already.

23 Q. There's a beauty shop to the right of you.

24 A. Yes, sir.

25 Q. And Ms. Soloman works there, correct?

Tyrone Williams-by Mr. Meadors

- 1 A. Right.
- 2 Q. And there were other folks that came out.
- 3 A. As well.
- 4 Q. Is what you're trying to say.
- 5 A. Yes, sir.
- 6 Q. How did you get to the hospital?
- 7 A. Ambulance.
- 8 Q. When you got to the hospital, did you have
- 9 an occasion to see, could you see, could you stand
- 10 up, Ms. Thomas? Did you have a chance to see
- 11 Ms. Thomas there?
- 12 A. Yes, sir.
- 13 Q. You can have a seat. And do you remember
- 14 seeing Investigator Dubose there?
- 15 A. Yes, sir.
- 16 Q. And at that, we're not going into that
- 17 now. But you basically told her what happened.
- 18 A. Yes, sir.
- 19 Q. And Mr. Dubose.
- 20 A. Yes, sir.
- 21 Q. And you didn't know who these folks were.
- 22 A. No, sir.
- 23 Q. You've never seen them before.
- 24 A. In my life.
- 25 Q. This was on December 29th, correct? Of

Tyrone Williams-by Mr. Meadors

1 2015, last year.

2 A. Yes, sir.

3 Q. After Christmas.

4 A. After Christmas.

5 Q. And do remember Mr. Dubose coming to see
6 you the next day at the hospital and showing you a
7 group of pictures?

8 A. Yes, sir.

9 Q. And what did Investigator Dubose ask you,
10 or say to you prior to you looking at these group of
11 pictures?

12 A. He asked me, he told me I got he said I
13 have got a photographic lineup. And I just want to
14 know, could you, if I show it to you, do you think,
15 could you pick out the guy who shot you.

16 (Photo lineups marked Court's 1-4 for id.)

17 Q. And I am going to show you what's marked
18 Court's 3 for these purposes, Mr. Williams. Is that
19 what Investigator Dubose, showed you?

20 A. Yes, sir.

21 Q. Did he in any way try to tell you who to
22 pick out or put his finger on a picture or anything?

23 A. No, he didn't, sir.

24 Q. And after he asked you if you recognized
25 anybody in there, did you pick anybody out?

Tyrone Williams-by Mr. Meadors

- 1 A. Yes, sir.
- 2 Q. And who did you pick out?
- 3 A. I picked out this guy right here.
- 4 Q. And why did you pick him out?
- 5 THE COURT: What number?
- 6 MR. MEADORS: No. 3.
- 7 A. Because that been the guy that shot me.
- 8 Q. Any doubt in your mind about that?
- 9 A. No doubt in my mind.
- 10 Q. And this is the day after the incident
- 11 happened.
- 12 A. Yes, sir.
- 13 Q. Now and that's dated 12/25. But have we
- 14 discuss -- that couldn't have happened, because the
- 15 event happened on 12/29, correct?
- 16 A. Right.
- 17 Q. So Mr. Dubose will have to explain that to
- 18 us that day, correct?
- 19 A. Right.
- 20 Q. But you're sure this was on 12/30 when you
- 21 looked at this picture?
- 22 A. Right.
- 23 Q. Still in the hospital.
- 24 A. Still in the hospital.
- 25 Q. Now let me show you what's Court's 4. On

Tyrone Williams-by Mr. Meadors

1 your name indicating that's the guy---

2 A. Yes, sir.

3 Q. ---who robbed me and shot me?

4 A. Yes, sir.

5 Q. And when you're picking out on Court's

6 No. 4, No. 1, why were you picking out No. 1?

7 A. Because that's the guy who shot me.

8 Q. Now do you know why he came back and

9 showed you Court's No. 4?

10 A. Yes, because just to make sure I knew who

11 shot me.

12 Q. But he didn't tell you he was coming back

13 to show it for any -- you didn't know why he brought

14 that.

15 A. No, sir.

16 Q. Can I show you Court's No. 3, and tell the

17 judge if I've ever asked you this before or not. Do

18 you notice anything on Court's No. 3 today regarding

19 that picture?

20 A. No, sir.

21 Q. You picked out No. 3 because that was the

22 person that robbed you?

23 A. Right.

24 Q. Same as Court's No. 4?

25 A. Yes, sir.

Tyrone Williams-by Mr. Meadors

1 Q. Now you gave a description to law
2 enforcement. Told them what he was wearing.

3 A. Right.

4 Q. Did you also tell them about the accent?

5 A. Yes, sir. I kind of realized where he
6 been from, because I'm from South Carolina and
7 Charleston is the only area that got to that Gullah
8 Geechee accent. You maybe find somebody from
9 Beaufort, call in of Beaufort they're from, where
10 you catch a little bit accent. But it's momentarily
11 in that area right there. That's how I realized
12 where he was from.

13 Q. Now, Mr. Williams, he looked at you.
14 Based on the time at your business and the
15 opportunity you had and the lighting you had, is the
16 person who came in the store, asked for a Mystic,
17 gave you \$5, the person who pulled out a gun and
18 shot you four times, is that person in this
19 courtroom today?

20 A. Yes, sir.

21 Q. Would you please point him out for the
22 judge?

23 A. He's right there. Right here.

24 Q. In the red next to Mr. Murphy?

25 A. Yes, sir.

Tyrone Williams-by Mr. Murphy

1 Q. Are you sure?

2 A. Positive.

3 MR. MEADORS: I beg the court's
4 indulgence.

5 Q. I don't know if it's directly to this, but
6 Mr. Dubose talked to you also, didn't he---

7 A. He did.

8 Q. ---at the hospital. And then took a
9 recording of you---

10 A. Yes.

11 Q. ---at the hospital also.

12 A. Right.

13 MR. MEADORS: Thank you. That's all.

14 THE COURT: Mr. Murphy.

15 Cross Examination by Mr. Murphy:

16 Q. Mr. Williams, how you are?

17 A. Fine, sir.

18 Q. My name is Tim Murphy. I represent
19 Mr. Scott. Just a few questions. How long were you
20 at the -- at your establishment before---

21 A. This happened to me?

22 Q. ---the individuals walked in. The two
23 individuals who?

24 A. 15 minutes.

25 Q. So it was relatively soon.

Tyrone Williams-by Mr. Murphy

1 A. I just got there.

2 Q. And you indicated that your friend pulled
3 in behind you, and then left to come back. So he
4 pulled in behind you and left and came back prior to
5 that? Because he was in your facility before these
6 other two individuals showed up, right?

7 A. Right. I was pulling in my establishment,
8 he was on the other side of road going in the
9 opposite direction. So when he see me pulling in,
10 he swerved in as well. He asked me what I was about
11 to do. I'm telling him I have to clean up and
12 everything, and go get suited. Go get fitted for
13 the suit, because my mother-in-law was getting
14 married on New Year's night. So I been telling him
15 I about to head there and asking him about the suit.
16 And he was like -- me and him, when we talk, we talk
17 for hours. We sit there and talk. And somebody
18 have to break us up. That's how bad we talk so. So
19 he's been like, I got my son and everything. I'll
20 be right back, I'm on the way to do something. I'll
21 be right back. So he left and came right back.

22 Q. Now how long before he came back did the
23 individuals come in?

24 A. About 7 minutes, 10 minutes.

25 Q. So he was gone for about---

Tyrone Williams-by Mr. Murphy

- 1 A. He was gone for about---
- 2 Q. 10 minutes?
- 3 A. Yeah, if that.
- 4 Q. If that. Now from the time the
- 5 individuals came in until the time that you saw -- I
- 6 mean the shooting stopped and you left, that entire
- 7 scenario, how long a period is that? From the time
- 8 they walked in your store until you knew they were
- 9 gone and the shooting stopped?
- 10 A. How long did that took place I think?
- 11 Q. Yeah, that whole episode.
- 12 A. That whole episode about, probably about 3
- 13 minutes.
- 14 Q. Three minutes.
- 15 A. Probably was in there about 3 minutes.
- 16 Q. About 3 minutes.
- 17 A. If that, yeah. It seemed longer than
- 18 that. But it was probably like 3 minutes. I can't
- 19 sit there and say, I was going through so much. I
- 20 can't give you a direct time.
- 21 Q. So 3 minutes on the outside. It could
- 22 have been less than 3 minutes. You're comfortable
- 23 with 3 minutes.
- 24 A. Kind of comfortable yeah, three. I guess,
- 25 yes.

Tyrone Williams-by Mr. Murphy

1 Q. Three minutes.

2 MR. MEADORS: Your Honor, the record
3 reflect. He said 3 or 4 minutes. I'm kind of
4 comfortable. I just want to.

5 THE COURT: You all and clear it up. I
6 think I understand his answer. You can clear it up
7 on redirect if you want.

8 Q. And of that 3 or 4 minutes, you were face
9 to face with the dark skinned guy about how much
10 time in that 3 or 4 minutes?

11 A. How close I was---

12 Q. No. Not how close you were, but how much
13 contact had you had within that 3 or 4 minute time
14 frame?

15 A. Are you talking about physically?

16 Q. Yeah.

17 A. Verbally?

18 Q. Yeah, seen them and everything.

19 A. Talking to him? Oh, me and him spoke for
20 awhile. Me and him spoke like a good 30 seconds as
21 he walked in the door, we was talking to him.
22 Because here's a person I don't know. And then the
23 way I run my business is, like I say, man, we used
24 in that gamble in that spot at night, right. So at
25 the same time it's people that I wouldn't even allow

Tyrone Williams-by Mr. Murphy

1 because the area, because I know the area is already
2 kind of bad. So I been trying to eliminate, you
3 know, I deal with a lot of grown folks. So I'm
4 trying to eliminate all the childish things that
5 could take place, because people trying to go back
6 home to their family, man. You know what I'm
7 saying, we have people trying to go home at night.
8 So I Have eliminate a lot of the negativity with the
9 young folks. So when I see some new faces come to
10 my establishment, it's kind of like a red light come
11 on, you know, especially somebody I don't see
12 before.

13 So as he came into my establishment, I was
14 talking to him. Trying to feel him out, trying to
15 see if he really wanted something to drink or he was
16 up to no good. Me and him talked. He looked at me
17 in my face, and I'm looking at him in his face. As
18 he approached me talking, looking around.

19 Q. Uh-huh. (Affirmative.)

20 A. Right. So we're sitting there talking.
21 He asked me what type of business this is I'm
22 running. I'm telling him what type of business this
23 is. I ain't see him pull up in no car. I see him
24 walking on feet. So...

25 Q. And all that, I understand that. And all

Tyrone Williams-by Mr. Murphy

1 that took how long?

2 A. Excuse me? All that took about a minute,
3 that conversation. If anything, it took a minute.

4 Q. And from the time this incident ended,
5 until today, you've not seen my client, is that
6 correct?

7 A. Correct. Nothing but when I think he went
8 to his bond hearing or something like that.

9 Q. So you there at the bond hearing?

10 A. Yes.

11 Q. How long ago was that? Approximately?

12 A. A month and a half ago, or 2 months
13 something like that.

14 Q. So you were at his bond hearing. So from
15 the time of this incident until the bond hearing,
16 you saw him at the bond hearing. Did you see him
17 any other time before today?

18 A. No, sir.

19 THE COURT: Mr. Murphy, could you clarify
20 just for whatever it's worth, you saw him on one and
21 half to 2 months after the event or 2 months ago?

22 A. When he went to the bond hearing. I don't
23 know exactly what date it was.

24 Q. So the bond hearing was 1 or 2 months.

25 A. From this date right here.

Tyrone Williams-by Mr. Murphy

1 Q. Right, from today.

2 A. Yeah, whenever that was.

3 Q. It was prior to today.

4 A. Yes, sir.

5 MR. MURPHY: And I apologize, Your Honor.

6 THE COURT: That's okay.

7 Q. No the now other individual you indicated
8 was a -- you thought he was very light skinned like
9 an albino, correct?

10 A. Yes, sir.

11 Q. And you have 5'6, 5'7, is that correct?

12 A. Yes, sir.

13 Q. Anything else stand out about him that you
14 recall?

15 A. Like I say, his eyes.

16 Q. He had hazel eyes something?

17 A. Kind of like. Squinty eyes. He looked
18 like.

19 Q. What about his build?

20 A. Built like, he was kind of like healthy.

21 Q. Healthy?

22 A. Yes, sir.

23 Q. Muscular?

24 A. No, sir.

25 THE COURT: Which person are you asking

Tyrone Williams-by Mr. Murphy

1 about?

2 Q. Not my client, the other individual.

3 A. Light skinned. Real light skinned. Kind
4 of healthy wise. Like...

5 Q. What do you mean by healthy? You mean
6 like chubby?

7 A. Not chubby, not fat. But yeah, he had a
8 little weight on him.

9 Q. Okay.

10 A. Yeah.

11 Q. And you had never him before either.

12 A. No, sir.

13 Q. No contact with him, correct?

14 A. No, sir.

15 Q. Prior to that incident. And he is the
16 individual who shot first, correct?

17 A. Yes, sir.

18 Q. And I apologize, I didn't quite get this.
19 When he shot, did he hit you?

20 A. No, sir.

21 Q. But he was the first person to shoot?

22 A. Yes, sir.

23 MR. MURPHY: I have no further questions.

24 Thank you.

25 THE COURT: Redirect?

Tyrone Williams-Redirect by Meadors

1 MR. MEADORS: Very briefly.

2 Redirect Examination by Mr. Meadors:

3 Q. Was he shooting in the direction, what
4 direction was he shooting in, the light skinned guy?

5 A. The first shot, like I said, I didn't
6 realize what angle he shot at. But he, like I say,
7 when the first shot when off, I looked towards the
8 direction. I see Mr. Brunson and he was like his
9 hand going down, and the pool table kind of like
10 blocked my view of him going down. Like if he did
11 get shot, or whether he's on the ground bleeding I
12 didn't know. Because of the pool table. But then
13 soon I divert my attention back to the dark skinned
14 guy beside me. That's when he shot me first. So I
15 know for a fact who shot me. Ain't no question
16 about that.

17 Q. A couple of other just brief questions.
18 Mr. Murphy asked you about the time limit. Did you
19 have stop watch with you?

20 A. No, sir.

21 Q. Were you exactly sure how long it took?

22 A. Not really. I just again -- just trying
23 to think it off and try to give him an estimate of
24 time.

25 Q. But the conversation you told Mr. Murphy

Tyrone Williams-Redirect by Meadors

1 about and the back and forth, that took some time,
2 didn't it?

3 A. Yes, sir. We was talking as he was kind
4 of approaching me, yeah.

5 Q. And you were trying to determine what was
6 up, or who he was.

7 A. Yeah, was he here for good intentions.
8 Hot outside and want something to drink for real, or
9 he was up to no good.

10 Q. And as a part of that you said you
11 recognized him or you didn't recognize him. Were
12 you -- as you're talking to him, were you looking at
13 him to see his face?

14 A. Yes, because, you know, you can tell if
15 he's serious whether he wants something to drink or
16 not, or he got something else on his mind.

17 MR. MEADORS: I beg the court's
18 indulgence.

19 Q. And I'm confused now. But as far as the
20 bond, was that a month and a half ago from today?

21 A. Yes, sir.

22 Q. Today's date.

23 A. Yeah, a couple of month's from today's
24 date.

25 MR. MEADORS: That's all.

Walter Brunson-Direct by Meadors

1 THE COURT: Mr. Murphy.

2 MR. MURPHY: Nothing further, Your Honor.

3 THE COURT: Next witness on the
4 identification.

5 MR. MEADORS: Walter Brunson.

6 Walter Brunson, being first duly sworn,
7 testified as follows:

8 THE CLERK: State your full name and spell
9 your last name for the record.

10 A. Walter Brunson. B-R-U-N-S-O-N.

11 DIRECT EXAMINATION by Mr. Meadors:

12 Q. Good afternoon, Mr. Brunson.

13 A. Good afternoon.

14 Q. Mr. Brunson, where are you from?

15 A. Sumter, South Carolina.

16 Q. Born and raised?

17 A. Born and raised.

18 Q. Where did you go to high school?

19 A. Sumter High.

20 Q. You're a young man, when did you get out?

21 A. 89.

22 Q. What did you do after that?

23 A. I worked on the farm and Gold Kist.

24 Q. And how long did you work at those places?

25 A. A year, a year and a half.

Walter Brunson-Direct by Meadors

1 Q. Do you know Mr. Tyrone Williams?

2 A. Real good.

3 Q. How long have you known him?

4 A. A long time. Ever since I met him which I
5 was in school.

6 Q. Are familiar with his business on Manning
7 Avenue?

8 A. Yes, sir.

9 Q. And had you been there several times
10 before this incident?

11 A. Yes, sir.

12 Q. And what I want to ask you now about today
13 for this hearing is your opportunity to view the
14 people that came in. Did you go to the
15 establishment, to Mr. Williams' business on December
16 29th 2015?

17 A. Yes.

18 Q. Do you remember how many times you went
19 there?

20 A. That day?

21 Q. Yes, sir.

22 A. Twice.

23 Q. What happened the first time you went
24 there?

25 A. Just conversation.

Walter Brunson-Direct by Meadors

1 Q. Just stopping by. How did you know he was
2 there?

3 A. I saw his truck.

4 Q. And where would his truck, did he have a
5 place he usually parked his truck?

6 A. Right in front.

7 Q. How long did that first visit take?

8 A. About for 5 or 10 minutes.

9 Q. What happened after that? Did you have
10 your children with you?

11 A. Yes, sir. I had my son and my niece with
12 me.

13 Q. Did you have an occasion to come back to
14 the business after you left?

15 A. I sure did.

16 Q. How long was that, and how much later?

17 A. I went down the street to the store. And
18 I was going back home, when I saw he still was
19 there, so I just pulled up. Probably about 5, 10
20 minutes at the most.

21 Q. When you got back there, was anybody else
22 in the establishment besides Mr. Williams and his
23 son?

24 A. No.

25 Q. Are you familiar with his son?

Walter Brunson-Direct by Meadors

1 A. Yes.

2 Q. It's minor And why had you gone
3 back there?

4 A. Because I saw him still there. I ain't
5 had nothing to do.

6 Q. This was after Christmas but before New
7 Year's last year, right?

8 A. Yes, sir.

9 Q. And when you got back in his store, how
10 long before this indictment happened? How long
11 were you there for?

12 A. We just was -- we were sitting there
13 having a conversation. I really can't give you a
14 direct time. But it looked like probably about 15,
15 20 minutes at the most.

16 Q. And do you remember when this happened?

17 A. When?

18 Q. No, do you remember it happening?

19 A. Yeah, I remember it happening, yes.

20 Q. Tell the judge what happened.

21 A. I see two fellows walk up. And they had
22 looked familiar to me. You know what I'm saying. I
23 said they look like the fellows from Lincoln Street.
24 But when I look at him, he had look like, who are
25 these guys here. You know what I'm saying.

Walter Brunson-Direct by Meadors

1 Q. When you saying, judging him, when you
2 looked at him and say who are the guys, are you
3 talking about Mr. Williams?

4 A. No, I was talking about the two guys that
5 walked in.

6 Q. I understand that. You said they
7 looked -- thought they looked familiar to you.

8 A. Thought they looked familiar to you.

9 Q. And then you said you looked at
10 Mr. Williams.

11 A. Yeah, and he looked kind of puzzled like.
12 You know, something ain't right, you know. I guess
13 he ain't never see him before.

14 Q. So then what happened?

15 A. And then the dark skinned went to talk to
16 him about drinks. And the other one sit by -- stand
17 behind me. I was a the pool table in front.

18 Q. And he's standing behind you?

19 A. And he's standing behind me. So I turned
20 around and look at him. I said I thought you had
21 look familiar. You know what I'm saying. That's
22 when he said, nah, I'm not from around here. So I
23 could tell by his accent that you know what I'm
24 saying, they were from Charleston.

25 Q. So it wasn't who you thought it was.

Walter Brunson-Direct by Meadors

1 A. Say it again.

2 Q. You didn't -- it turned out you didn't
3 know them.

4 A. I didn't know them. No, I didn't know
5 them. You know what I'm saying, the dark skinned
6 and Mr. Williams, they had a conversation. You know
7 what I'm saying. He was asking him all kinds of
8 questions, you know what I'm saying. Like he said,
9 trying to feel them out. And he asked for a drink.
10 And Mr. Williams, he went to get the drink. Then
11 he hand Mr. Williams \$5.

12 So he went to get to the change and give
13 him the money back. And when he went to give him
14 the money. And he said, what's back there. He was
15 saying, those are stale. They ain't no good. I've
16 got to restock. And when he give him the change,
17 the dark skinned dude, pulled the gun out. And when
18 he -- when the dark skinned dude pulled the gun out,
19 that's when light skinned dude that I was in front
20 of, he came out of his hoodie and he slapped me with
21 the gun.

22 Q. Where did he hit you?

23 A. In my head. As soon as slapped me, he
24 let me loose. You know what I'm saying. And for
25 odd reason, he just kept shooting.

Walter Brunson-Direct by Meadors

1 Q. You say he let loose, you mean he started
2 shooting.

3 A. He started shooting, yeah.

4 Q. And you say he kept shooting.

5 A. He kept shooting. So I say I ain't got
6 nothing. So I fall to the ground. I started
7 falling, and I didn't know what he was shooting at.

8 Q. You started crawling.

9 A. Yeah, I went to the ground and I went to
10 the door on the right.

11 Q. So light skinned guy just started
12 shooting.

13 A. He started shooting.

14 Q. And can you describe him for the judge any
15 more than light skinned guy?

16 A. Yes. He was kind of healthy. Kind of
17 healthy like. A beard and real light skin.

18 Q. And you gave a description to law
19 enforcement, correct?

20 A. Yes.

21 Q. What about the dark skinned guy? Can you
22 describe him? Or did you describe him?

23 A. Well I described that he was dark skinned
24 and, you know what I'm saying, kind of 5, he was
25 5'7. But he asked me what kind of pantry is in

Walter Brunson-Direct by Meadors

1 there. I was focusing on the other guy.

2 Q. You were focusing on the guy that was
3 shooting right beside you?

4 A. Yeah, we was face to face. I was talking
5 to him. But as I was looking around at both sides,
6 you know what I'm saying, that's when I see him pull
7 the gun out and they just started shooting.

8 Q. You saw who pull the gun out?

9 A. I saw the dark skinned pulled the gun. He
10 pulled the gun out. And that's when the other dude
11 pulled the gun out. And when he pulled the gun out,
12 he slapped me with the gun, and he started shooting.
13 And he ain't stop.

14 Q. And describe the inside of the building to
15 the judge as far as the lighting. Could you see?

16 A. Say that again.

17 Q. Could you see?

18 A. Yes, I could see.

19 Q. Did you have any trouble seeing? Was
20 there enough light for you to see?

21 A. There was enough light for me to see.

22 Q. And you got to see the light skinned guy?

23 A. I got to see the light skinned guy, and I
24 got to see the dark skinned guy.

25 Q. When the dark skinned guy comes in and

Walter Brunson-Direct by Meadors

1 just is talking to -- and for the record, Your
2 Honor, we're referring the light skin and dark skin
3 as how they did in their statements. And for these
4 purposes, we thought it would be easier for
5 everybody until we got to the identification for the
6 record.

7 THE COURT: Okay.

8 Q. I certainly don't mean anything
9 disparaging at all by using these descriptions.
10 That's what the witnesses did at the time. Did you
11 observe the other individual, the dark skinned guy
12 talking to Mr. Williams?

13 A. Yes, I did.

14 Q. And I think you said earlier he was trying
15 to feel him out?

16 A. Yeah.

17 Q. And was anything obstructing your view of
18 seeing Mr. Williams -- Mr. Williams and the dark
19 skinned guy talking?

20 A. No.

21 Q. So you had a clear avenue of sight to him?

22 A. I had a clear avenue.

23 Q. Do you have how long all this took?

24 A. Oh, from my recollection, probably about
25 5 to 8 minutes.

Walter Brunson-Direct by Meadors

1 Q. Were you sitting there watching your
2 clock?

3 A. No, I wasn't sitting there watching my
4 clock.

5 Q. After you got on the ground, where did you
6 go when the shots started firing?

7 A. To the bathroom. I fall to the bathroom.
8 One door, and the next door.

9 Q. Did you see minor

10 A. Did I see minor

11 Q.

12 A. Yeah, before I went to the bathroom. When
13 I was going to the bathroom, when I was calling him,
14 I saw him picking up money.

15 Q. How close -- did you see how close the
16 dark skinned guy and Mr. Williams got to each other?

17 A. When they was -- after they had a
18 conversation?

19 Q. Yes, sir.

20 A. Yes.

21 Q. And how close was that?

22 A. Probably like from me to you.

23 Q. A couple of feet?

24 A. A couple of feet.

25 Q. Were you able to -- did you look at dark

Walter Brunson-Direct by Meadors

1 skinned guy's face?

2 A. Yes.

3 Q. Did you see him shoot Mr. Williams?

4 A. Did I see him shoot Mr. Williams? Not
5 really, I didn't see him shoot. But I know he did
6 like he shot, when the dark skinned guy shot, I
7 don't know which one. Either one probably been
8 shooting. But both of them were shooting.

9 Q. But did you have an opportunity to see
10 him? Did you describe him to law enforcement, the
11 dark skinned guy?

12 A. Yes.

13 Q. You also described the light skinned guy?

14 A. Yes.

15 Q. And did Investigator Dubose come to see
16 you on December 30th? Or did you come to see him on
17 December 30th, the day after this happened?

18 A. I came to see him.

19 Q. Where?

20 A. At law enforcement.

21 Q. And I am going to show what's marked
22 Court's Exhibit No. 1. Do you recognize that?

23 A. Yes.

24 Q. And did Investigator Dubose ask you if you
25 recognized anybody in there that could have been

Walter Brunson-Direct by Meadors

1 involved in this?

2 A. Yes.

3 Q. Did you pick somebody out?

4 A. Yes.

5 Q. What number did you pick out?

6 A. No. 3.

7 Q. And why did you pick out No. 3?

8 A. Because I recognized him as the one who
9 shot me.

10 Q. And you recognize him as the what?

11 A. The dark skinned guy.

12 Q. The fellow that had been there the day
13 before. Is he the fellow that was near and talking
14 to Mr. Williams?

15 A. Yes, sir.

16 Q. The fellow that was getting the drink?

17 A. Yes, sir.

18 Q. State's No. -- excuse me, Court's No. 2.

19 Did Investigator Dubose show you another lineup
20 January 8th?

21 A. Yes.

22 Q. And where was that? You have to say yes
23 for the record.

24 A. Yes, sir.

25 Q. Where was that?

Walter Brunson-Direct by Meadors

1 A. At the law enforcement center.

2 Q. And did you also give him a statement that
3 day?

4 A. Yes, sir.

5 Q. About what happened.

6 A. Yes, sir.

7 Q. The day after.

8 A. Yes, sir.

9 Q. And once again showing you Court's No. 2,
10 what did Investigator Dubose tell you prior to
11 showing you this lineup?

12 A. He just told me to pick him out.

13 Q. And he's in there. Were you able to pick
14 one?

15 A. No. 1.

16 Q. And again what was No. 1?

17 A. The dark skinned guy.

18 Q. Who was in the club.

19 A. Who was in the club.

20 Q. Do you know why Investigator Dubose came
21 by and showed you this lineup, the second one?

22 A. No.

23 Q. Based on the opportunity you had to see
24 the individual that was near Mr. Williams -- that
25 was near Mr. Williams when he was shot, that was

Walter Brunson-Cross by Murphy

1 talking to Mr. Williams about a soda, that
2 individual that came into his business with the
3 light skinned guy, is that dark skinned person in
4 this courtroom today?

5 A. Yes, sir.

6 Q. Would you please point him out for the
7 judge.

8 MR. MEADORS: Pointing, the record will
9 reflect, please, he's pointing to the defendant next
10 to Mr. Murphy.

11 A. Yes, sir.

12 Q. Is there any doubt in your mind?

13 A. No doubt.

14 MR. MEADORS: That's all. Thank you.

15 THE COURT: Mr. Murphy.

16 Cross Examination by Mr. Murphy:

17 Q. Mr. Brunson, I'm Mr. Murphy. I represent
18 Mr. Scott.

19 A. How are you doing, sir.

20 Q. Good, how are you. I just have a couple
21 of questions for you. You indicated that you saw
22 somebody pick up the money. I'm sorry, I didn't
23 quite get that. Who was it that you saw picking up
24 money?

25 A. The dark skinned guy.

Walter Brunson-Cross by Murphy

1 Q. And you were laying on the floor.

2 A. Yes.

3 Q. And was people -- I mean was somebody
4 still shooting?

5 A. Yes.

6 Q. Shots were still being fired when you saw
7 the dark skinned guy picking stuff up.

8 A. Yeah.

9 Q. Now when you met with Investigator Dubose
10 on December 30th, this would have been the day after
11 the incident, and he told you he was recording the
12 incident, right?

13 A. Yes, sir.

14 Q. And I've listened to it. I've just got
15 one or two questions about that.

16 THE COURT: Mr. Murphy, was it a recorded
17 conversation?

18 MR. MURPHY: Between Officer Dubose and
19 Mr. Brunson.

20 Q. He asked you could you pick somebody out.

21 A. Yes, sir.

22 Q. And you said well if I had to pick
23 somebody out it would be this guy. Do you remember
24 saying that?

25 A. No.

Walter Brunson-Cross by Murphy

1 Q. Well let this me ask you this. Let's say
2 on a scale -- at the time this is the very next day,
3 were you 100 percent certain, 50 percent certain, 20
4 percent certain? Can you, how certain were you on
5 that day of the individuals that you were looking
6 at?

7 A. I was certain. I want to say 100 percent.
8 I was certain.

9 Q. Well you don't recall hesitating at all
10 about wanting to pick one of these guys out?

11 A. No, sir. But I probably could have been,
12 I just want to make sure look at the right one. I
13 look at him, and look at him good and clear.

14 Q. So using the phrase, if I had to pick one,
15 it would be this guy. To you that means you were
16 100 percent certain or close to a 100 percent.

17 A. If that's what you want to say.

18 Q. Well I am not saying. I am asking you
19 that. That's the phrase you used. So in your mind,
20 if I have to pick one, that's 100 percent, or close
21 to 100 percent.

22 A. If I pick the right one out, It's a 100
23 percent.

24 MR. MURPHY: Good enough. Fair enough.
25 Thank you. I have no further questions.

Walter Brunson-Redirect by Meadors

1 THE COURT: Redirect.

2 Redirect Examination by Mr. Meadors:

3 Q. I don't know if I asked you this. Did you
4 recognize an accent on the dark skinned guy?

5 A. Yes.

6 Q. And was that when he was talking to
7 Mr. Williams?

8 A. Yes.

9 MR. MEADORS: Thank you, that's all.

10 THE COURT: You can step down. Where are
11 those two exhibits? Next witness.

12 MR. MEADORS: I am going to kind of go
13 into the statement and save Mr. Dubose for last for
14 everything. Could I do that? I think that will be
15 smoother. Sergeant J.J. Ardis.

16 James H. Ardis III, being first duly
17 sworn, testified as follows.

18 THE CLERK: State your full name and spell
19 your last name for the record.

20 A. James H. Ardis, III. A-R-D-I-S.

21 Direct Examination by Mr. Meadors:

22 Q. Good afternoon, Sergeant.

23 A. Good afternoon.

24 Q. I know you're off today. Did you
25 initially respond to Manning Avenue, start to

JJ Ardis-Direct by Meadors

1 respond to the scene?

2 A. I did.

3 Q. Did you make it to the crime scene?

4 A. No, sir.

5 Q. Why not?

6 A. As I was approaching, maybe a half a block
7 away, I was diverted to go, they needed a deputy to
8 go to the hospital. I responded to Tuomey Hospital.

9 Q. And when you got to Tuomey Hospital, what
10 did you do?

11 A. I made it through the double doors, made
12 the left where they told me the victim was. And so
13 I passed a trauma bed doctor. And the doctor
14 grabbed me and said, I need to give you these two
15 bullets.

16 Q. So you're heading to see the victim.

17 A. Yes.

18 Q. Or what you've been informed, and a doctor
19 grabs you and says I need to give you these two
20 bullets.

21 A. Yes, sir.

22 Q. What did you do then?

23 A. I went in there to him. I said, well I'm
24 trying to figure is this the same victim from
25 Manning Avenue. Then I began to talk to the victim

JJ Ardis-Direct by Meadors

1 that had been shot, or who I thought was the victim,
2 had been shot and tried to establish where it had
3 happened at.

4 Q. So when you went there, you went there
5 with the intent to see Mr. Williams, but you were
6 diverted by a doctor and you ended up seeing Mr.
7 Scott.

8 A. Yes, sir.

9 Q. And did you know what was going on at this
10 point?

11 A. All I know is we had a shooting on Manning
12 Avenue and that was all.

13 Q. So do you go see the defendant?

14 A. Yes, I see Mr. Scott.

15 Q. And when you were there, did you have a
16 conversation with him?

17 A. I did.

18 Q. And what did he say? What did you ask
19 him?

20 A. I asked him where he shot at, and he said
21 he was shot somewhere in Manning.

22 Q. In Manning you said.

23 A. In Manning. Yes, sir. Clarendon County.

24 Q. Clarendon County. And prior to working
25 here, did you have any experience in Clarendon?

JJ Ardis-Direct by Meadors

1 A. I did. I worked two and a half years as a
2 sergeant in Clarendon County as well.

3 Q. So you're familiar with Clarendon County.

4 A. Yes.

5 Q. And when he said to you, I got shot in
6 Clarendon County, what did you do?

7 A. I'm trying to figure out where it
8 happened.

9 Q. And what -- did he tell you something more
10 specific?

11 A. We started talking about dirt roads, and
12 he said it was on the road to, it was either 260 or
13 261. When we're talking, you know, when you're
14 heading 260 heads to the lake. 261 heads, you know,
15 back to Sumter, Greeleyville in that area. He said
16 it was next to a church, which I determined was
17 Arland Road. And it was a big, he said it was a big
18 metal church, like, fabricated church and in there.
19 I said were you before the 90 degree turn near where
20 the Gibson's live. He goes he hadn't made it to,
21 you know, where the Gibson's household is.

22 He said as he was walking up, there was a
23 group approaching. They were going to smoke. He
24 didn't know if somebody behind him made some type of
25 gesture, but the people they were approaching

JJ Ardis-Direct by Meadors

1 started shooting.

2 Q. And he was walking.

3 A. Yes.

4 Q. And did you ask him who these people were?

5 A. I did.

6 Q. Could he identify anybody?

7 A. He could not.

8 Q. Could he identify anybody?

9 A. He said there were two people with him, a
10 white male, and a white female that drove him from
11 Charleston to Manning to see his girlfriend.

12 Q. And did he -- and he told you when he was
13 shot he was walking.

14 A. Yes.

15 Q. Now at this point, did you consider, what
16 did you consider his status to be?

17 A. He was the victim of a shooting in
18 Clarendon County.

19 Q. And did somebody get in touch with
20 Clarendon County?

21 A. Somebody did. I don't know who, but
22 someone from our department did.

23 Q. And did Clarendon County actually come
24 down to Tuomey, or somebody?

25 A. Somebody did. I had already left, and

JJ Ardis-Direct by Meadors

1 went back to the patrol at that point.

2 Q. But as far as you're concerned, you
3 respond, you talked to him, and you thought he was a
4 victim from Clarendon County.

5 A. Yes.

6 Q. And he told you, I have been shot in
7 Clarendon County.

8 A. Yes.

9 THE COURT: And where did this
10 conversation took place?

11 A. In the Tuomey Emergency Room.

12 THE COURT: In a trauma room or?

13 A. In a trauma room.

14 Q. And did you have any trouble understanding
15 him?

16 A. No.

17 Q. Did he have any trouble understanding you
18 based on his answers?

19 A. I don't think, no, sir.

20 Q. Were thy content appropriate? I mean, was
21 it subject matter appropriate?

22 A. Yes.

23 Q. You asked him like where the road was,
24 and he was able to.

25 A. Yeah, we were able to, you know, pinpoint.

JJ Ardis-Direct by Meadors

1 Q. And at this point, did you read his
2 rights?

3 A. No.

4 Q. And was he custody?

5 A. No.

6 Q. And you really thought he was a victim.

7 A. Yes.

8 Q. Was anybody else with you then in the room
9 with -- any other law enforcement with you when you
10 spoke with the defendant?

11 A. Not until later on, until I called the
12 shift lieutenant and say I need some, you know, at
13 least another investigator in here, because we have
14 another someone who has been shoot.

15 Q. And somebody else came.

16 A. Yes.

17 Q. And who was that?

18 A. Investigator Hawkins. Investigator Thomas
19 was there, but she didn't come in to me.

20 Q. Say that one more time.

21 A. Investigator Thomas was there also, but
22 she didn't come to where I was. She went to where
23 Mr. Williams was.

24 Q. Did Mr. Hawkins come back, or let me
25 phrase it this way. Did Mr. Hawkins come into the

JJ Ardis-Direct by Meadors

1 room where you were with Mr. Scott at some point.

2 A. Yes.

3 Q. So he would have heard some of the
4 conversation that the defendant had with you.

5 A. Yes, sir.

6 Q. But you were in the room just one time
7 with the defendant.

8 A. Yes, sir.

9 Q. And the person that told you he was shot
10 in Clarendon; had been shot while he was walking on
11 a dirt road by folks he didn't know who they were,
12 is that person on the courtroom?

13 A. Yes.

14 Q. Can you point him out?

15 A. Over there in the red jumpsuit.

16 Q. Mr. Scott. And he never asked you for a
17 lawyer?

18 A. No.

19 Q. Never said, I don't want to talk to you?

20 A. No.

21 Q. Wasn't handcuffed.

22 A. No, sir.

23 Q. Was it later determined just for purposes
24 here, that this shooting had not occurred from
25 Clarendon County, who investigated that, and said

JJ Ardis-Cross by Murphy

1 there had not been a shooting in that area?

2 A. I had left and knowing, I never followed
3 up. I left and went back to patrol, I never
4 followed up with it.

5 MR. MEADORS: I beg the court's
6 indulgence. Thank you, that's all.

7 THE COURT: Mr. Murphy.

8 Cross Examination by Mr. Murphy:

9 Q. When you went to the hospital to the talk
10 to the doctor, did you have any conversation about
11 what type of drugs or whatever he might be on?

12 A. I did not.

13 Q. You don't know if he was being treated at
14 that point with IV or any sorts of drugs?

15 A. I don't recall.

16 Q. How was he, I mean was he in his own
17 clothes? Was he?

18 A. No, I believe he had boxers on when I was
19 there. Because I remember he had bandages on him.

20 Q. So you didn't clarify whether or not he
21 was under -- had received any sort of drugs or
22 anything like that.

23 A. No, sir.

24 MR. MURPHY: I have no further questions.

25 Redirect Examination by Mr. Meadors:

JJ Ardis-Redirect by Meadors

1 Q. Did you notice anything about the
2 defendant's accent?

3 A. He did have an accent.

4 Q. And what would you describe it as?

5 A. As a Lowcountry accent. Geechee accent.

6 Q. How do know what a Lowcountry geechee
7 accent is?

8 A. I have family in that part of the state.

9 Q. You recognized it right away.

10 A. Yes.

11 Q. And you don't have any idea what was told
12 to law enforcement about any kind of an accent, do
13 you?

14 A. No, sir.

15 MR. MEADORS: I beg the court's
16 indulgence. Ladies and gentlemen, we're trying to
17 save time, I'm sorry.

18 THE COURT: Take your time.

19 MR. MEADORS: Jennifer Thomas.

20 Jennifer Thomas, being first duly
21 sworn, testified as follows:

22 THE CLERK: Please state your full name
23 and spell your last for the record.

24 A. Jennifer Thomas. T-H-O-M-A-S.

25 Direct Examination by Mr. Meadors:

Jennifer Thomas-Direct by Meadors

1 Q. Good afternoon.

2 A. Good afternoon.

3 Q. Are you a sergeant?

4 A. No, sir, I wish. Senior Investigator.

5 Q. Senior Investigator, I'm sorry. Senior
6 Investigator Jennifer Thomas, we are talking right
7 now exclusively about the opportunity you had to
8 talk to defendant on December 29th. That's what I
9 will be directing my questions to. Did you respond
10 to Tuomey Hospital on December 29th of 2015?

11 A. Yes, sir, I did.

12 Q. And initially did you talk to the victim?

13 A. Yes, sir.

14 Q. After that, did you have an occasion to go
15 talk to the defendant either in the presence of Greg
16 Hawkins and or Mary Hawkins?

17 A. Yes, sir, I did.

18 Q. Was Ardis already gone?

19 THE COURT: Who?

20 MR. MEADORS: Ardis.

21 A. No, he still there.

22 Q. And I have your notes. You prepared notes
23 for this, didn't you? A supplemental report?

24 A. Yes, sir, I did.

25 Q. And did the defendant tell you where he

Jennifer Thomas-Direct by Meadors

1 was shot? What location he was shot at?

2 A. The location, yes, he did.

3 Q. What county did he say? Where did he say
4 he was shot?

5 A. He told me he was shot on Fairfield Road.
6 And I asked him what county, and he said that was in
7 Clarendon County.

8 Q. And did he tell you, or did you ask him
9 who brought him to the hospital?

10 A. Yes, I did.

11 Q. And what did he say about that?

12 A. He said he didn't know their name.

13 Q. And can you describe the people that
14 brought him to the hospital?

15 A. It appeared to be a white female by the
16 video that Tuomey security had. And a white male.

17 Q. And were you able to determine who they
18 are?

19 A. No, sir.

20 Q. Did you ask him where he was from?

21 A. Yes, I did.

22 Q. Did he tell you he was from Niagara Street
23 in North Charleston?

24 A. That's correct.

25 Q. And you confirmed that his name was

Jennifer Thomas-Direct by Meadors

1 Raymond Scott?

2 A. Yes, sir.

3 Q. And he gave you his date of birth.

4 A. Yes, sir.

5 Q. And that was the extent of what your talk
6 with him at that point.

7 A. Yes, sir. That's when Investigator Dubose
8 came in.

9 Q. And prior to Investigator Dubose getting
10 there, did anybody else have a recorder, a tape
11 recorder?

12 A. No, sir.

13 Q. And then when Investigator Dubose was
14 there, there was a tape recorder, correct?

15 A. Yes, sir.

16 Q. And did you stay for the conversation that
17 Investigator Dubose had with the defendant? Were
18 you in the room?

19 A. Yes, sir, I was.

20 Q. And who else was in there?

21 A. Investigator Nicki Kelly from Clarendon
22 County.

23 MR. MEADORS: And, Your Honor, we may have
24 to ask the jury on that if she even testifies. It
25 was Investigator Nicki, and nobody knew her last

Jennifer Thomas-Direct by Meadors

1 name until right now.

2 THE COURT: And it was -- you all
3 described it as her last name.

4 MR. MEADORS: I did. In the report it
5 has, I'll show Your Honor, it has investigators
6 Nicki and Dominique from Clarendon. That's why I
7 assumed it was her last name. We may not even use
8 her.

9 THE COURT: I'm sorry, would you cover
10 that with her again after the defendant's, or she
11 confirmed the defendant was from North Charleston.
12 Would you explain or go back through what you asked
13 her after that.

14 Q. I asked her did he tell you he lived on
15 Niagara Street?

16 A. Yes, I asked him for his address.

17 Q. And his date of birth, I believe.

18 A. Yes.

19 Q. And then I asked you who was in the room
20 after Dubose got the video. Excuse me, strike that,
21 please. The audio, that was Investigator Dubose and
22 you. Who else from law enforcement?

23 A. Investigator Hawkins, Nicki, from
24 Clarendon County. Sergeant---

25 Q. Investigator Kelly.

Jennifer Thomas-Direct by Meadors

1 A. Investigator Kelly and then Sergeant
2 Dubose and myself. And I believe that was the time
3 that Ardis had left.

4 Q. And so that conversation that Dubose had
5 when you all were in the room is on audiotape.

6 A. Yes, sir.

7 Q. And is the individual that you talked to,
8 and he told you he was shot in Clarendon County, and
9 he lives in North Charleston at the Niagara address
10 and told you when his birthday was, is he in the
11 courtroom?

12 A. Yes, he is.

13 Q. The defendant?

14 A. Yes, sir, the defendant.

15 MR. MEADORS: Thank you, that's all.

16 THE COURT: Mr. Murphy.

17 MR. MURPHY: No questions, Your Honor.

18 THE COURT: Thank you, ma'am. You can
19 step down.

20 MR. MEADORS: Your Honor, can we just take
21 a minute and set this up?

22 THE COURT: Let's take 5 or 10 minutes.

23 (Whereupon the court takes a short
24 recess.)

25

Investigator Dubose-Direct by Meadors

1 THE COURT: Next witness, Mr. Meadors.

2 MR. MEADORS: May it Please, Your Honor.

3 THE COURT: Yes, sir.

4 MR. MEADORS: Investigator Wayne Dubose.

5 Investigator Wayne Dubose, being
6 first duly sworn, testified as follows:

7 THE CLERK: State your full name and spell
8 your last name for the record.

9 A. Wayne Dubose. D-U-B-O-S-E.

10 DIRECT EXAMINATION by Mr. Meadors:

11 Q. Good afternoon, Investigator Dubose.

12 A. Good afternoon.

13 Q. How long have you been in law enforcement?

14 A. 19 years.

15 Q. How many years here at the sheriff's
16 department?

17 A. 18.

18 Q. Where was other year?

19 A. City.

20 Q. I am going to ask you about two different
21 topics. No. 1, the opportunity you had to talk with
22 the defendant in the hospital.

23 A. Yes, sir.

24 Q. On then also the -- your summary of what
25 happened as far as the your conversation with the

Investigator Dubose-Direct by Meadors

1 victim and witness and photo lineups, okay.

2 A. Yes, sir.

3 Q. First of all, let's move to the the
4 hospital. Did you have an occasion to talk to the
5 defendant at Tuomey Hospital on December 29th?

6 A. Yes, sir, I did.

7 Q. And about what time was that?

8 A. Just after, probably around 3 o'clock I
9 would say.

10 Q. And when you got---

11 THE COURT: A.m. or p.m?

12 A. P.M.

13 Q. Where was the defendant when you talked to
14 him?

15 A. He was in one trauma rooms in the ER.

16 Q. Who else besides yourself, was in the
17 trauma room with the defendant?

18 A. That was myself, Investigator Thomas,
19 Investigator Hawkins, and the Clarendon County
20 Sheriff or Investigator Nicki---

21 Q. Kelly.

22 A. Kelly.

23 Q. We've come to find out.

24 A. That's right.

25 Q. Were they all there the whole time when

Investigator Dubose-Direct by Meadors

1 you were talking?

2 A. They were.

3 Q. Now was it your practice -- first of all,
4 describe the defendant's condition to the judge.
5 Was he in the bed?

6 A. He was in a hospital bed. They had
7 already -- he had already had some bandages on his
8 wound. I asked one of the nurses if he had been
9 given any medication for pain or anything yet, and
10 they told me no, that he had not. But they were
11 prepping him to treat him.

12 Q. Was he handcuffed when you went in there?

13 A. He was not.

14 Q. And Investigator Wayne Dubose, when you
15 went in there, did you know what was going on when
16 you went in there?

17 A. We had just had a shooting. When I got
18 there, I was told that we had two individuals in the
19 hospital at that time that had been shot. I knew
20 that Mr. Williams was a victim and he had been
21 transported by EMS there. So I knew he was there.
22 I did not know who the second person was. When I
23 got there, I was informed that we had a second one,
24 and that person could have possibly been shoot in
25 Clarendon County. So that was basically the extent

Investigator Dubose-Direct by Meadors

1 that I knew.

2 Q. And Sergeant Ardis had initially talked to
3 the defendant, correct?

4 A. To that's right, Mr. Scott. But he had
5 already left before I got there.

6 Q. That was my next question. He had already
7 gone when you got there?

8 A. That's correct.

9 Q. Now do you have some sort of device you
10 use to record conversations with witnesses and or
11 suspects? Potential suspects?

12 A. I do. I had a digital recorder when I got
13 there. And I've asked the other officers there if
14 anything had been recorded yet and they told me no.
15 So I went ahead and made contact.

16 Q. And you actually, did you record
17 Mr. Williams' statement too in the hospital?

18 A. I did.

19 Q. So both recordings of both individuals who
20 were shot in the hospital.

21 A. That's correct. And I actually recorded
22 another statement from Mr. Williams at the hospital
23 days later. But all of them were recorded.

24 Q. Did you get your little notes back that
25 were written on the outside of that? I got them

Investigator Dubose-Direct by Meadors

1 right here. Never mind. Tell the judge as you're
2 speaking with the defendant now there's been -- what
3 did you ask him when you started off?

4 A. When I first asked him, I asked him, what
5 had happened to him. Who had shot him. And where
6 he had been shot. He relayed to me that it was down
7 in Clarendon -- I believe it Fairfield Road area.
8 Down in Clarendon County. I tried to inquire of him
9 at that time who shot him. Where he was at, what he
10 was doing when he got shot. Who the people were
11 that shot him. He started giving me details about
12 being on a dirt road with several other people that
13 were waking down the road. Some black males, I
14 believe he said confronted him. Pulled a gun. I
15 believe in words, da, da, da, give me that, give me
16 that. And at some point and time he was shot by the
17 individual.

18 I inquired from him if he knew that
19 individual. He said he didn't. I started inquiring
20 about the individuals that were with him. If he
21 knew who they were. He advised that he been in jail
22 with one of the guys. He refused to give me a name.
23 Even at some point he describes as there being about
24 8 people with him.

25 THE COURT: With him or with the person

Investigator Dubose-Direct by Meadors

1 who shot?

2 A. With Mr. Scott, with him. He refused to
3 give me any of those names. At that time, someone
4 had notified Clarendon County. So they had officers
5 in that area, checking the area to see if there was
6 a scene down there. If there were people down there
7 that heard something, seen something. And they
8 could not find nothing in that area either.

9 Q. Did he say where he had come from?

10 A. Mr. Scott said he had came Charleston with
11 some individuals. And at some point and time, he
12 had ended up in the Clarendon County area. He was
13 shot and he was brought to Tuomey.

14 Q. Did he describe the vehicle he was in?

15 A. He described a white female, and a white
16 male brought him up there.

17 Q. Did he describe the vehicle?

18 A. Had a creme colored SUV.

19 Q. And did he tell you he wasn't getting
20 anybody involved, and he wasn't giving up guy's
21 names at some point in the interview?

22 A. He did.

23 Q. And that's around the 9:37 minute mark,
24 according to your notes.

25 A. Yes, sir.

Investigator Dubose-Direct by Meadors

1 Q. And talks about being locked up. And
2 actually he had just gotten out of jail for armed
3 robbery less---

4 A. 30 days earlier.

5 Q. ---than a month before, correct?

6 A. I believe 30 days.

7 Q. And obviously that couldn't come in front
8 of the jury, but he told you that, correct?

9 A. He did.

10 Q. And at some point I have on your notes,
11 16:45. You say, I doubt you're going to walk out of
12 here. Do you remember that?

13 A. Right.

14 Q. What did you mean by that when you told
15 him that?

16 A. He had a gunshot wound to his chest or
17 abdomen area. He had a gunshot wound to his leg.
18 He wasn't fixing to leave. He was inquiring about
19 talking to his family. And he said the doctors told
20 him they wasn't going to remove the bullets. He had
21 only been at the hospital for maybe 45 minutes. And
22 he was saying well I'm -- they're fixing to -- or
23 they're not going to take the bullets out of me. He
24 made it sound like he was fixing to get up and
25 leave. And I told him, you know, you're not going

Investigator Dubose-Direct by Meadors

- 1 Q. At any time during your talk with him
2 prior to reading his miranda, did you have trouble
3 understanding him?
- 4 A. No.
- 5 Q. I know you've said the doctors told you he
6 wasn't on any medication. But did he appear to
7 understand you?
- 8 A. We were carrying on a conversation.
- 9 Q. And his answers were appropriate to your
10 questions subject matter content?
- 11 A. Somewhat. He was being very vague, but,
12 yeah, they were.
- 13 Q. And I understand that. But at least it
14 would on the right topic.
- 15 A. It was.
- 16 Q. And when he had asked you -- when you
17 asked him to name somebody, he said, I am not going
18 to give the name up. I mean that was a response at
19 least, right? Subject matter, right?
- 20 A. That's correct.
- 21 Q. He didn't tell you what you wanted, but at
22 least he answered the question.
- 23 A. That's right.
- 24 Q. And did appear to be under the influence
25 of anything?

Investigator Dubose-Direct by Meadors

1 A. No, sir.

2 Q. And is Mr. Scott sitting next to
3 Mr. Murphy the individual that told you he was shot
4 in Clarendon County?

5 A. He is.

6 Q. And prior, and it's on the tape. But if
7 he'd said, I don't want to talk to you, or give me a
8 lawyer prior to that, would you have stopped?

9 A. Yes, sir.

10 THE COURT: How many minutes into the
11 conversation did he ask for a lawyer?

12 A. I believe later on, late in the statement,
13 around maybe 15 minutes or so.

14 THE COURT: 15 minutes into the
15 statement.

16 A. Yes, sir. I believe around 15, 16 minutes
17 maybe. He did something about maybe he needed an
18 attorney. And then I asked him, I said why if you
19 are a victim, why would you need an attorney. But
20 that was -- it was shortly after that is when I
21 ended up mirandizing him.

22 Q. Was that toward the end? Because I don't
23 have that on your notes. Was that toward the end of
24 the first disk? Or not first disk his first
25 interview.

Investigator Dubose-Direct by Meadors

1 A. Yeah, I'm thinking it was around 15, 16
2 minutes.

3 MR. MEADORS: Judge, I think that's it.
4 Thank you.

5 THE COURT: Are you going to ask him about
6 the lineup?

7 MR. MEADORS: Thank you.

8 Q. Did you take a statement from -- I've
9 already asked you this, I'm sorry, of Mr. Williams
10 in the hospital?

11 A. I did.

12 Q. Tape recorded it.

13 A. I did.

14 Q. Also took a written statement from him.

15 A. I did.

16 Q. And did he give you a description of the
17 individual or individuals who came in his store?

18 A. He did in his statement.

19 Q. Can you give that what Mr. Williams told
20 you the description was?

21 A. He -- there was two black males that came
22 in. One was a light skinned black male. He
23 actually identified the guy closest to the door as
24 albino. Light skinned. I believe he considered him
25 in some dark clothing. I have to look at his

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1 statement. And then he identified the other
2 individual as a dark skinned black male.

3 Q. Can you be specific---

4 A. He described the light skinned black male
5 as dirty red. Light skin. About 5'10, 5'9.
6 Weighed about 235, I believe it is. Eyes looked
7 squinted. Color, hazel. Reading from a distance,
8 wore a skull cap. Seemed like he had hair coming
9 out from underneath it. He wore a black hoodie,
10 blue jeans. And he spoke with a like a Charleston
11 or Gullah Geechee accent.

12 Q. And that was the light skinned guy.

13 A. The light skinned guy by the door.

14 Q. What did he tell you -- and this is
15 Mr. Williams about the description about the dark
16 skinned guy.

17 A. The dark skinned guy, he described a low
18 haircut, dark skin, about 165 5'9 5'11. He wore
19 black cargo pants.

20 Q. In parenthesis does he say maybe there?

21 A. And maybe. Pants dark black. Wore a
22 black tee shirt with a hoodie over it. Wore
23 Jordans, black dark color with a little bit of
24 white. Had a silver handgun in his possession. And
25 he also had a Charleston Gullah Geechee accent.

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1 Q. Now did you find clothes consistent with
2 this description that the defendant had worn to the
3 hospital?

4 A. That's exactly what Mr. Scott was wearing.

5 Q. And as far as the accent, did you notice
6 and is it depicted on an audio an accent, that would
7 be consistent with, I call it Charleston accent or
8 Geechee?

9 A. Yes, sir.

10 Q. And again for the Judge's, that
11 description was given to you by Mr. Williams on,
12 well let me take it back. Did he give a description
13 of Ms. Thomas that night? That afternoon?

14 A. Earlier that day, I believe he,
15 Mr. Williams, had given a description to
16 Investigator Thomas, and we also had another witness
17 on the scene that had described that.

18 Q. And this description that you just read
19 came out of a January 7th of 2016, he gave in his
20 statement.

21 A. Correct.

22 Q. Let's move to Mr. Brunson. Did he also
23 describe the individuals that had come in the store?
24 The business?

25 A. He did. He described the same subjects.

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1 He described them as the light skinned male that was
2 standing behind him by the door, light skinned. He
3 described him as having a Gullah Geechee accent. I
4 believe they referred to it as a more Charleston
5 accent. And then he also described the dark
6 skinned guy, as also being dark skinned. Dark
7 clothing, I believe it was. And he also described
8 him as having that Gullah Geechee accent.

9 Q. Did you have an occasion to prepare a
10 lineup?

11 A. I did.

12 Q. And I believe you showed Mr. Brunson the
13 lineup first?

14 A. That's correct.

15 Q. Can you tell the judge how does Sumter
16 County Sheriff's Office get a lineup? A
17 photographic lineup?

18 A. We send a request to sled. We'll either
19 send them a photo, or a driver's license photo with
20 the information on it. We'll send it to sled, and
21 they'll prepare us a lineup. And they'll send a
22 lineup that they prepare back. Usually if we have a
23 violent crime, we'll request a rush on it. And they
24 usually send it back within a few hours.

25 Q. And you're obviously looking for all males

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1 of the same race, same similar features.

2 A. We send them the photo. How they do that,

3 I don't know. They send us---

4 THE COURT: You send them a photo?

5 A. Sir?

6 THE COURT: You send them a photo of who?

7 A. Of whoever we're requesting. If I'm
8 requesting a lineup of you, I would send a photo of
9 you. And then how they come up with putting that
10 together, I don't know, but they'll send us back
11 five other people.

12 Q. But based on your training, they'll
13 looking for people with similar features. You
14 wouldn't put a white person in a lineup with five
15 other black folks if the suspect was a white person.

16 A. No.

17 Q. We want to make it as neutral as possible.

18 A. That's correct.

19 Q. If possible. So did you have an occasion
20 to show Court's 1 to Mr. Brunson on 12:30.

21 A. I did.

22 Q. Of last year.

23 A. I did.

24 Q. And where did you show that?

25 A. That was at the sheriff's office.

Investigator Dubose-Direct by Meadors

1 Q. And what did you tell Mr. Brunson prior to
2 showing him that lineup?

3 A. When I received the photo lineup, I showed
4 him 6 photos. And if he saw anyone in that photo of
5 the people that were involved, and he did pick out
6 No. 3 on that lineup.

7 Q. Was there any hesitation?

8 A. No, sir.

9 Q. And did he circle that?

10 A. He did. And he signed his name and date
11 to it.

12 Q. Now Court's 2 is another lineup that you
13 showed Mr. Brunson on January 8th of 2016. Tell the
14 judge why you did another lineup.

15 A. I actually noticed I think in, I believe
16 it was a preliminary hearing. I noticed the first
17 statement, there was something in the statement.
18 Not the statement, the photo lineup. The suspect
19 actually had a box around him in the background.

20 Q. Had you noticed that before?

21 A. Never. I didn't notice it. Any of the
22 officers that seen it, didn't notice it. Apparently
23 sled didn't notice that. So I seen that. I figured
24 that was going to be a problem. So I contacted
25 sled. Sent them a copy of the lineup back. Showed

Investigator Dubose-Direct by Meadors

1 them the problem with it, and asked they could they
2 prepare me another lineup removing that background.
3 That was the only person in there. So I did, I sent
4 it back to them. They returned that lineup. I also
5 asked them to remove the person from No. 3 to
6 somewhere else in the lineup, which they did. They
7 removed the background, and moved him to No. 1. And
8 then I later showed that to Mr. Brunson.

9 Q. Why did you tell him you were showing him
10 another lineup?

11 A. I believe I recall I told him that I lost
12 it, and I needed him to look at another one. But
13 I'd showed him the other one, and he picked out
14 No. 1.

15 Q. And No. 1. And No. 3 on C-1 and No. 1 on
16 Court's 2 are the defendant, is that correct?

17 A. Yes, sir.

18 Q. Was there any hesitation when you showed
19 him this C-2 as far as who had robbed him?

20 A. No, sir. After he looked at it, he picked
21 out No. 1.

22 Q. And as far as you know, I've never talked
23 to him about black box at all. The first time
24 they're hearing about it is today, right?

25 THE COURT: The blue box.

Investigator Dubose-Direct by Meadors

1 Q. The blue box, correct?

2 A. Yes, sir, that's correct.

3 Q. So they didn't notice it as far as you
4 know.

5 A. No.

6 Q. Did you have an occasion to show
7 Mr. Williams the photo lineup?

8 A. I did. On December 30th, as soon as
9 Mr. Brunson left the office, I prepared that lineup
10 and went straight to Tuomey and showed Mr. Williams
11 the same lineup. The original one. And that was
12 the one that had the box around it.

13 Q. What day is Christmas on?

14 A. December 25th.

15 Q. And what did you show this to him?

16 A. December 30th.

17 Q. And you have on there December 25th.

18 A. I did. For whatever reason, I wrote
19 December 25th. I can't tell you why, but that would
20 have been a statement like that.

21 Q. And not to highlight and embarrass you at
22 all for the record, but clearly that's not possible,
23 because this incident happened.

24 A. It was the 29th. Correct.

25 Q. So that was a clerical error.

Investigator Dubose-Direct by Meadors

1 A. That was.

2 Q. Showing C-3 to Mr. Williams, where was
3 that?

4 A. This was at Tuomey. He was still in
5 Tuomey at that time.

6 Q. What did you tell him prior to seeing it?

7 A. I told him to pick out the individual. If
8 he saw the individual that shot him, to pick him
9 out. And he knew to pick out No. 3.

10 Q. And that's the defendant?

11 A. That's correct.

12 Q. Raymond Scott. And did he also sign that,
13 or initial it?

14 A. He initialed.

15 Q. And you initialed that he signed it and
16 picked that out?

17 A. I did.

18 Q. And did you have an occasion to go back on
19 January 7th and show another lineup to the
20 defendant?

21 A. I did.

22 Q. And was that again because of the blue box
23 that no one had noticed? To your knowledge no one
24 had noticed?

25 A. That's correct. And he actually we came

Investigator Dubose-Direct by Meadors

1 up that day and that's the day that he provided a
2 written statement. And he looked at it and picked
3 Mr. Scott out on that.

4 Q. Again, did you try to indicate in any way
5 who to pick out or try to lead him towards somebody,
6 or indicate who he should pick out?

7 A. I just told him to pick out the person, if
8 he saw the person that shot him in there, pick him
9 out. And he picked out No. 1, which was Mr. Scott.

10 Q. That's on Court's Exhibit 4. And did he
11 initial that TW?

12 A. He did.

13 Q. And you signed there, and put the date
14 time.

15 A. I did.

16 Q. January 7th 2016.

17 A. That's correct.

18 Q. And again, had sled moved the position of
19 the defendant from Court's 3 to Court's 4?

20 A. They did.

21 MR. MEADORS: I beg the court's
22 indulgence.

23 THE COURT: All right.

24 Q. And you've never had any interaction at
25 all with the defendant prior to this day.

Investigator Dubose-Direct by Meadors

1 A. No. This is the first time I ever saw him
2 was the day I went to the hospital.

3 Q. He's just not from around here, is he?

4 A. No.

5 Q. And is Raymond Scott the individual that
6 you took the statement from at the hospital?

7 A. Yes, sir.

8 Q. That's on that recording. Which, Your
9 Honor, I guess for the record, we need to -- there
10 may be a copy separate. Mr. Brown hopefully will
11 come up. For these purposes, we'd mark the Court's,
12 it's a copy of at least two of the interviews. Mr.
13 Brown told me there were three on there. But we'll
14 get that clarified.

15 THE COURT: You mean No. 5?

16 MR. MEADORS: Court's 5.

17 (Taped interview marked Court's No. 5 for
18 Id.)

19 THE COURT: Which one is it of the
20 defendant? Where is he on there?

21 MR. MEADORS: I beg the court's
22 indulgence. Your Honor, this is 1 and 2 of the
23 hospital. The third one is was when he just served
24 him with the warrants and nothing is really said on
25 there. So we're not offering or trying to get that

Investigator Dubose-Cross by Murphy

1 too, right?

2 A. Correct.

3 Q. And about 5 minutes in to the
4 conversation you advised my client that you believed
5 that the other guy had said he had been shot. And
6 you said something to the effect of and I believe
7 that other -- that person might be you. Do you
8 recall saying that?

9 A. I did. I told him that I was getting a
10 feeling he might be the other person.

11 Q. And you were getting the feeling, because
12 you're a good investigator and things weren't -- his
13 story wasn't adding up, correct?

14 A. It wasn't.

15 Q. So you began to suspect he was involved
16 with the other.

17 A. Correct.

18 Q. And about 9 minutes and 20 seconds into
19 the conversation when this version of events he was
20 giving is starting to become a little bit
21 inconsistent, you indicated to him that you thought
22 he was lying, and that he's making up things and he
23 can't think that far ahead. And then you challenged
24 him with that, correct?

25 A. I did.

Investigator Dubose-Cross by Murphy

1 Q. About now you said about 15 minutes into
2 it or so, he does make a reference that maybe you
3 need to talk to an attorney.

4 THE COURT: And that's who, Mr. Murphy?

5 MR. MURPHY: That's about 15 minutes in.

6 THE COURT: And that's the defendant that
7 does that?

8 MR. MURPHY: Yes, sir.

9 Q. Is that correct, you recall that?

10 A. Yeah, that's correct. Right.

11 Q. And then that was around -- it was after a
12 series of things where you asked him well you had to
13 shoot this guy, because you're focusing on trying to
14 connect him to the other individual, correct?

15 A. That's correct. And I told him if he did
16 get shot, he'd be justified in shooting
17 Mr. Williams. But he needed to tell us that, but he
18 never would admit to anything there.

19 Q. And obviously at that point you're -- you
20 pretty suspect he must be involved in this. And
21 it's probably the shooter.

22 A. That's correct.

23 Q. In fact you tell him that. You said you
24 tell him, I think you're lying, right? And then at
25 some point you say you think you're just going to

Investigator Dubose-Cross by Murphy

1 walk out of here.

2 A. Well he made the -- he was making the
3 reference at that point and time that he was -- that
4 the doctors told him they were going to remove the
5 bullets. And the way I took it is, he thought he
6 was just fixing to get up and leave out of there.
7 And I just think it was medically possible at that
8 time. I told him he wasn't going anywhere.

9 Q. Well he wasn't going to go anywhere
10 anyway. Based on what your---

11 A. Well not quite at that time, because I
12 still hadn't put all the pieces together. At that
13 point and time, I didn't know the type of clothing
14 and stuff he had.

15 Q. Uh-huh. (Affirmative.)

16 A. I didn't learn about the actual -- the
17 specific description of the clothing that he had on
18 when he came into the hospital, of what the
19 witnesses told us. And once I find that out later
20 on in there, then I said, you know, this is our guy,
21 I guess. But I didn't know that at that particular
22 time.

23 Q. Then I guess it's about 7 minutes into the
24 second part of the tape, you actually do read him
25 his rights at that point, right?

Investigator Dubose-Cross by Murphy

1 A. That's correct.

2 MR. MURPHY: I have no further questions,

3 Your Honor.

4 THE COURT: Redirect?

5 MR. MEADORS: No, sir. Thank you.

6 THE COURT: Thank you, sir. You can step
7 down. Any additional witnesses?

8 MR. MEADORS: No, sir.

9 THE COURT: Mr. Murphy, do you have any
10 witnesses?

11 MR. MURPHY: No, Your Honor.

12 THE COURT: Mr. Murphy, what is your
13 argument about the statement or the identification?
14 Whichever one you would like to approach first.

15 MR. MURPHY: Your Honor, we'll just rest
16 on the testimony in regard to identification.

17 THE COURT: Sir?

18 MR. MURPHY: I said we're just going to
19 rest on the testimony in regard -- I don't have an
20 argument in regard to the identification. But I
21 will say in regard to the identification -- the out
22 of court, only in regard Mr. Brunson. I would
23 suggest that he wasn't -- his testimony, that he
24 wasn't clear when he first identified my client,
25 than he did on the stand. So I would argue that

1 would probably be questioned about. Obviously I
2 rely on the conversation. I don't really have an
3 argument.

4 THE COURT: How about the statements?

5 MR. MURPHY: Regarding the statements,
6 Your Honor, I think it's pretty clear that early on,
7 Investigator Dubose put two and two together. I
8 mean by his own testimony, he realized that my
9 client was involved. At a minimum, my client is
10 lying to him from -- about this, how he was shot.

11 THE COURT: Let me ask this to make sure
12 it's clear. Does your client in any part of that
13 interview ever admit that he was at the victim's
14 store, or that he participated in any this event in
15 any way?

16 MR. MURPHY: No, Your Honor.

17 THE COURT: So what is incriminating about
18 what he said by either saying it or?

19 MR. MURPHY: Well, Your Honor, anything
20 you can say can be used against you. So an
21 incriminating statement, I would suggest wouldn't
22 necessarily have to be inculpatory. If it is
23 demonstrative, you can demonstrate by the version of
24 events that the person is clearly lying. And I
25 would suggest, Your Honor, that when you listen to

1 the tape, that it will be readily evident that my
2 client over the course of the dialogue with Mr. --
3 with Investigator Dubose, is contradicting himself.
4 Is, and I hate to use this term, but he's basically,
5 making things up as he's going along. And it is
6 demonstrative.

7 And I would argue that if the jury hears
8 that, that is the nature of the incriminating
9 statement, that he is clearly making up a story that
10 makes almost no sense. And is internally
11 inconsistent. And so in that regard, is
12 inculpatory. Especially given the fact that
13 Investigator Dubose early on recognized that my
14 client was involved based on the nature of that
15 particular version of events he's given. I mean,
16 the inconsistencies and the rather refusal to
17 cooperate, all come together and actually give rise
18 to investigator -- confirms with Investigator Dubose
19 that something is up with this guy, and that he's
20 involved.

21 And certainly by the time Investigator
22 Dubose is challenging him 14, 15 minutes into the
23 tape, he's calling him a liar. And saying, you
24 know, I think you're involved with this shooting. I
25 would argue that that is incriminating; that those

1 are incriminating statements. And therefore, you
2 know regarding the first 5 minutes or so, you know,
3 I don't think there's that much of a problem. But
4 clearly when the 5 minutes went on, Investigator
5 Dubose understands that there was some involvement.
6 And I would suggest from that point forward, there
7 is no reasonable person would conclude that my
8 client was going to leave at any point after that,
9 and was clearly a suspect, and was suspected of
10 being involved in this.

11 THE COURT: And I know that Investigator
12 Dubose differently than the context you would take
13 it in. But what point on the tape was it that he
14 said, well you know you're not just going to walk
15 out of here? What minute was that, 9 minutes?

16 MR. MURPHY: 16 minutes and 34 seconds.

17 THE COURT: Into the first.

18 MR. MURPHY: Yes, sir. At 9 minutes and
19 20, he says something to the effect of you're -- he
20 accuses him of lying. He says you're just to -- you
21 know, I think you're lying.

22 THE COURT: At 5:17, I think that person
23 is you.

24 MR. MURPHY: Around 9:20.

25 THE COURT: What was it at 5 minutes and

1 17 seconds.

2 MR. MURPHY: He says I believe it might be
3 you. He's saying he was shot by somebody, and I
4 believe that might be you.

5 THE COURT: In 15 minutes the defendant
6 said something about needing an attorney. In 16
7 some odd, what was that you said?

8 MR. MURPHY: You think you're just going
9 to walk on out of here. In 16 minutes and 34
10 seconds. And, you know, I don't have any reason
11 to -- I appreciate what Investigator Dubose says in
12 regard to, you know, how he made that statement.
13 You know, I would still indicate, he wasn't going to
14 go anywhere from that point forward. Clearly from
15 that point forward. He had been called --
16 Investigator Dubose had already called him on his
17 story at least 2 or 3 times before that.

18 THE COURT: How many people were in the
19 room when Investigator Dubose was interviewing him?
20 I think he mentioned it.

21 MR. MURPHY: There were four individuals.

22 THE COURT: The defendant, Investigator
23 Dubose, and who?

24 MR. MURPHY: And three agents.
25 Investigator Thomas, Officer Ardis had left by then.

1 A representative from Clarendon Hawkins, and then
2 there was the sheriff from Clarendon.

3 THE COURT: Three officers, and Mr. Scott.

4 MR. MURPHY: So I think that environment
5 in and of itself, in addition to what is being said,
6 I would suggest at least be investigated.

7 THE COURT: Anything else on that point,
8 Mr. Murphy?

9 MR. MURPHY: No, Your Honor.

10 THE COURT: Mr. Meadors?

11 MR. MEADORS: Very briefly in reverse
12 order. We'd ask Your Honor to consider that he was
13 really read his rights. And not that you've heard
14 the phrase that says, you think you're just going
15 to be walking out of here. I doubt you're going to
16 walk out of here. And that's at 16:45 I have on our
17 notes. We'd respectfully at least ask Your Honor to
18 consider that point. Other than that, we don't have
19 anything to add. You heard the investigator's
20 testimony. When he came in, he didn't know what his
21 status was. And he's talking about being shot in
22 Clarendon, and he's trying to find out where he was
23 shot and who shot him.

24 Judge, as far as the, I don't what I need
25 to say about the line up. I know he didn't make an

1 argument, but for the record we do not think it's
2 unduly suggestive even with the box. Which really
3 quite frankly nobody discovered initially or
4 realized. And once the investigator did realize
5 that, he went and attempted to remedy it, without
6 the box. Moved the picture, took it back to the
7 victims. And I don't think they ever realized even
8 a box was there until they heard on the stand today
9 from the investigator.

10 I certainly did not tell them about that
11 in my preparations. So we do not think that was
12 unduly suggestive to taint the in court ID which
13 they have given today, and which we will anticipate
14 they'll get tomorrow. That's all we have.

15 THE COURT: On the issue of the
16 interview, Stansbury v. California is still good
17 law. And State v. Easler, a South Carolina case.
18 If the standard is what would a reasonable person
19 conclude. What would a reasonable person conclude
20 at the 517 mark if the officer said I think that
21 person who was involved in the shooting was you.
22 Would a reasonable person feel like they were free
23 to leave absent the shotgun wounds?

24 MR. MEADORS: I think what he -- and Your
25 Honor will hear it tonight. I think they were

1 talking about the blood. And he said I think that
2 blood might be yours. Is what I kind of remember.

3 THE COURT: The blood might be yours at
4 the scene?

5 MR. MEADORS: At the scene. But at the
6 same -- I think he was talking about the gunshot.
7 Whatever the context is.

8 THE COURT: Whatever the context is, I
9 think that blood at the scene might be yours. But a
10 reasonable person in the defendant's shoes believe
11 that he was free to leave?

12 MR. MEADORS: If he really was shot in
13 Clarendon like he was telling them and convinced
14 Sergeant Ardis.

15 THE COURT: No, I'm talking about -- if
16 you're being interviewed, if you're the reasonable
17 man, and the officer says, you've been shot twice,
18 there's blood at that scene here in Sumter on
19 Manning, I think that blood is yours. After you had
20 just finished telling the officer that you got shot
21 in Clarendon County. Would you, Mr. Reasonable
22 Man, feel like you free to leave?

23 MR. MEADORS: I might. Because I think
24 during that process he said get Ardis back here. At
25 some point in there he's asking for Ardis to come

1 back here. And I think at that point he still
2 wasn't sure. I think he's trying to figure it out,
3 he being Dubose. But he's still telling him, I got
4 shot. I was with 8 people. Here's the car we were
5 driving in. It's cream colored.

6 THE COURT: But doesn't the case law say
7 that the officers subjective perceptions don't
8 matter?

9 MR. MEADORS: Correct. Without question.

10 THE COURT: It's what an objective --
11 excuse me, a reasonable person in the defendant's
12 shoes would conclude.

13 MR. MEADORS: Would an objective, I think
14 the law says objective. I looked but, yes, sir, I
15 certainly agree with that.

16 THE COURT: Well then any other points,
17 Mr. Murphy, you'd like to make or, Mr. Meadors, on
18 any of the interview issues? I'm going to
19 articulate my ruling more clearly. But what I've
20 gathered on the lineups, are that those are going to
21 come in. I'll have to look at that, and read my
22 notes and articulate better on the suggestiveness if
23 any, and the reliability of it. But on the
24 interview, any further points you want to make?

25 MR. MURPHY: No, Your Honor.

1 MR. MEADORS: Judge, can I -- I beg one
2 second, I am sorry.

3 THE COURT: Yes, sir.

4 MR. MEADORS: Judge, I guess if I read on
5 down in the interview, the defendant himself talks
6 about leaving. And I know that's not the objective.
7 But I'm -- he says, he thinks he's getting out.
8 Which an objective person might if they're telling
9 that story, I was in Clarendon hey. And they're
10 two. There are actually two white people that are
11 seen on a Tuomey video camera taking him in to the
12 Tuomey. Which at some point, I don't know when we
13 do that, but they are actually taking him. Now
14 where they came into this picture, I think it's in
15 Sumter but that's really not a point here. But his
16 own words, and even say later on he thought was
17 leaving. I don't know if that helps. That's all I
18 have.

19 THE COURT: Anything else, Mr. Murphy?

20 MR. MURPHY: No, Your Honor. I don't -- I
21 honestly don't recall that.

22 THE COURT: I'll listen to the entire
23 recording. Anything else on any other issues we
24 have to cover before we break for the day?

25 MR. MEADORS: No, sir. What time -- I'm

1 sorry.

2 MR. MURPHY: The only other point that I
3 want to cover is, there is a part in the dialogue
4 where my client mentions he was in prison. And I
5 wanted that to be addressed, Your Honor. I mean
6 obviously it's suppressed.

7 THE COURT: All things being equal, did
8 you take that part out anyway?

9 MR. MEADORS: And I think, Judge, and we
10 won't get to this until after lunch. So we'll have
11 the lunch hour to tighten up whatever Your Honor
12 lets us get in.

13 THE COURT: I will listen to the tape and
14 apply the applicable law to it. And we'll see what
15 we come up with.

16 MR. MEADORS: Thank you, Your Honor.

17 THE COURT: Thank you.

18 (Whereupon, the trial commences on July
19 19, 2016 at 9:30 a.m.)

20 THE COURT: We are back on the record now
21 in the State versus Raymond Scott. I have a couple
22 of questions. I've listened to the recording
23 twice. And you know, sometimes it's hard to -- it's
24 easy to hear, it's just hard for me to make note of
25 all these things on a note pad. At any time on the

1 reporting was, to the extent it matters, was the
2 defendant placed under arrest. I know he was
3 mirandized, and I'm not talking about that. I know
4 that miranda arrests, custody, and those things are
5 not mutually inclusive. What I'm trying to find out
6 was he ever put under arrest on this recording, or
7 was that done some other time? I am just curious.
8 Because I didn't hear it on there.

9 MR. MEADORS: I didn't see the -- here's
10 the copy you've got. But there is apparently one
11 version where he speaks, refers to his warrants.
12 Which we certainly aren't offering. But that was
13 not at the hospital.

14 THE COURT: So the location of the
15 recording changed?

16 MR. MEADORS: No, sir, I think---

17 THE COURT: Oh, that's just not -- I don't
18 have it.

19 MR. MEADORS: Yes, sir, we weren't
20 offering it.

21 THE COURT: So what we have then, starting
22 at the 4:50 mark on what I would call the first
23 loop, Investigator Dubose said, you're in here shot.
24 There's a man across the hospital in here shot at
25 the exact same time. There's blood in the building

1 or whatever he called it. And there's blood leading
2 away, and I believe that might be you. At 5:35 on
3 the first loop, Investigator Dubose says if you're
4 lying, you need to stop or you'll be in a heap of
5 trouble. That's when I guess to put it generously,
6 the defendant was struggling with his story.

7 At the 9:16 mark for about 10 seconds,
8 this is the basic exchange when Investigator Dubose,
9 logically I might add, was asking him about why the
10 story really wasn't adding up. And Investigator
11 Dubose said is this something you're making up, and
12 you can't think ahead. And then he said that's kind
13 of the way it looks to me. At 7:02 of the second
14 loop, I was making a note and the phone rang. No,
15 my phone rang, so I had to answer it.

16 So, I am going to find that. And as
17 Mr. Murphy pointed out on cross yesterday, roughly
18 the 16 minute mark, somewhere in there on the second
19 loop. It might have been the first loop. They're
20 talking about him shot him in the chest.
21 Investigator Dubose says something to the effect
22 that, you think you're going to just walk out of
23 here. Mr. Murphy argues it one way. Mr. Meadors
24 argues it another way.

25 In that respect, I'm inclined to conclude

1 that Investigator Dubose's contention was to say,
2 you're been shot twice, you ain't leaving here.
3 Because he's wounded. The question is though, would
4 that make a reasonable person under the
5 circumstances think they were free to go, absent the
6 gunshot wounds. But let me find the 7:03 mark that
7 I've written down. This won't take long. Okay,
8 that was the exchange about Karma. And Investigator
9 Dubose said Karma, if you are the one who is in that
10 store, Karma brought you here.

11 So, Mr. Murphy, is your argument at this
12 stage, I'll make my conclusions after I hear about
13 the the custody status of Mr. Scott. Is there
14 anything else you want to add that you didn't add
15 yesterday?

16 MR. MURPHY: No, Your Honor.

17 THE COURT: Mr. Meadors?

18 MR. MEADORS: No, sir.

19 THE COURT: I couldn't tell from the
20 context, Mr. Meadors, at the end of the second loop.
21 What was -- did they all just get up and walk out
22 and leave him in the care of the doctor?

23 MR. MEADORS: Yes, sir. The doctors came
24 in to do what they were doing, and things just kind
25 of back fired.

1 THE COURT: Okay. Of course your counsel
2 is aware of the custody requirement for miranda to
3 be triggered. And the operative cases that I found
4 obviously as we all know, the initial determination
5 of whether or not a person is in custody, depends on
6 the objective circumstances of the interrogation,
7 and not on the suggestive views harbored by either
8 the interrogating officers or the person who is
9 being questioned. I've got to look at the totality
10 of the circumstances, including the suspects or the
11 person being questioned freedom to leave and the
12 purpose, place and the length of the questioning
13 will determine whether he's is in custody.

14 In addition to that, the overarching
15 consideration is whether a reasonable man in the
16 suspect's position would have understood himself to
17 be in custody or free to leave.

18 I think it's a pretty close question. But
19 my conclusion is, if not by the 4:50 mark through
20 the 5:12 mark of the first loop, then at least by
21 the 9:16 mark at the end of that 10 second exchange,
22 a reasonable person in Mr. Scott's position would
23 not have been considered himself free to go. So the
24 miranda to me was triggered at the latest, at
25 approximately the 9:16 to 9:26 mark for the first

1 loop. What I've been struggling with is whether or
2 not it's triggered at the 4:50 mark.

3 Mr. Murphy, what is it about the word I
4 believe it might be you, that would trigger an
5 earlier custody scenario? And that is at the 5:12
6 mark.

7 MR. MURPHY: Your Honor, I would suggest
8 the fact that you have four officers there, and he
9 being specifically told at that point.

10 THE COURT: I think it was three. At
11 least I heard three.

12 MR. MURPHY: Well, I think there were
13 three. I guess the Clarendon County Sheriff had
14 showed up. And I would suggest at the point he's
15 being told very specifically, you are a suspect.
16 He's clearly at that point on notice, a reasonable
17 person and my client is being told, we're not
18 buying your story about being shot in Clarendon
19 County.

20 THE COURT: I think it might be you who
21 was there.

22 MR. MURPHY: He's clearly on notice at
23 that point he's a suspect in a shooting of an
24 individual down the hall.

25 THE COURT: But you can be a suspect and

1 know you're a suspect, and still not have a
2 reasonable belief that you're not free to go.

3 MR. MURPHY: Right. But at that point,
4 the dialogue turns from an investigatory what
5 happened to you, to an accusatory, you're not
6 telling me the truth. And that combined with the
7 fact that there are a number of officers there, I
8 would suggest that requires miranda. So...

9 THE COURT: What does it mean, and I take
10 it Mr. Meadors, you may want to chime in on this.
11 When the miranda warnings were given, he immediately
12 said he wanted a lawyer.

13 MR. MEADORS: Yes, sir.

14 THE COURT: What does -- what if anything
15 does that have do to with anything? In other words,
16 there's a train of thought, I am not saying I
17 subscribe to it; that if someone, if there is a
18 debatable issue about whether or not a reasonable
19 person would think you were in custody from minute
20 1 through minute 19, and then minute 20, when he was
21 mirandized, he immediately said, I don't want to
22 talk. I want a lawyer. Except her wanted to argue
23 about the GSR kit. What is it, what is relevant if
24 anything about upon being mirandized, he immediately
25 said, I don't want to talk anymore.

○

13 So he's still trying to find out if he was
14 shot in Clarendon County. And again, I don't if
15 this point I made yesterday meant anything, Your
16 Honor, and I'm sure it should. But he still thinks,
17 I think, he thinks he's leading up to the point
18 where he says, well I'm going to be getting out of
19 here. And this is where Mr. Dubose says, well I
20 don't think you're leaving. And I argued with this
21 he meant because he was shot. I think at point, he
22 still thinks he's free to leave. I think somehow
23 that should come into the factor. I don't whether
24 it should or not.

25 THE COURT: Well I've got to look at all

1 of it. But you would agree that the officers
2 subjective frame of mind is not---

3 MR. MEADORS: Without question.

4 THE COURT: ---really relevant.

5 MR. MEADORS: It not really relevant.

6 It's an objective reasonable person. I agree with
7 that 100 percent.

8 THE COURT: Mr. Murphy, how about the
9 issue about we're Mr. Scott does say I'm going to be
10 leaving. What is it, how about the fact that your
11 client perhaps actually thought he was free to go,
12 because he's saying this isn't -- evidently he's
13 saying these two chest wounds aren't too bad. I'm
14 going to be leaving.

15 MR. MURPHY: I don't know that that
16 statement has any relevance at all. First of all, I
17 mean, I'll be frank, I don't particularly recall
18 that statement. I do know he said something to the
19 effect, but I don't specifically recall.

20 THE COURT: Somewhere around 16 minutes of
21 either the first or the second loop. Okay. The
22 question becomes where we're going to cut the tape
23 off. I am going, and I am looking at the totality
24 of the circumstances of what a reasonable person
25 would conclude. And the number of officers in the

1 room does enter into to me. Even though Mr. Meadors
2 said, there could have been or they ostensibly were
3 trying to figure out who shot Mr. Scott.

4 I'm going to move to the 9 minute mark.

5 And I'm trying to figure out Mr. Meadors in
6 conjunction with my ruling, if I determine that
7 miranda or custody is triggered and the requirement
8 for miranda is triggered at the time or surrounding
9 the time or before or whenever it was, and
10 Mr. Dubose says, is this something you're making up,
11 you can't think far enough ahead. And then says
12 that's kind of the way it looks to me. Based on my
13 ruling, should that stay in? Because that's just
14 declaration. It is not really evidence. So what
15 I'm trying to figure out, do I cut it off at the
16 9:15 mark, or do I cut it off at 9:26 mark after
17 Mr. Dubose says that? Because if miranda is
18 triggered there, then the answer is not admissible.
19 So I think it ought to be stopped at 9:15.

20 MR. MEADORS: Would that exclude the
21 question also?

22 THE COURT: Yes, it would exclude the
23 question.

24 MR. MEADORS: Yes, sir. We would concede
25 to that. And it's based on Your Honor's ruling at

1 that point, yes, sir.

2 THE COURT: So 0, Mr. Murphy, I know you
3 want to stop at 5. So 4:49, you're in here shot.

4 MR. MURPHY: Right.

5 THE COURT: Another man is across the
6 hospital shot at the exact same time. Blood here,
7 blood there, and I believe it might be you. Any
8 comments on that?

9 MR. MURPHY: I have nothing further.

10 THE COURT: I'll require the recording to
11 be to stopped at the 9:15 mark absent any other
12 evidentiary issues that you have with that. Any
13 other ones, Mr. Murphy? I know the reference that
14 he had just gotten out of prison 30 days before for
15 armed robbery, that's not in this 9 minutes, is it?

16 MR. MURPHY: I, that's what I'm checking.

17 MR. MEADORS: I don't think that's in the
18 9 minutes. We would redact that if it was.

19 MR. MURPHY: I don't believe it is, your
20 Honor.

21 THE COURT: I don't think it is either. I
22 think it was after that. Now, Mr. Meadors, you said
23 you were going to play this after lunch?

24 MR. MEADORS: Yes.

25 THE COURT: During the opening, you can

1 tell the jury that they're going to hear certain
2 portions of a recorded statement. Or excuse me,
3 hear recorded comments or statements made by the
4 defendant. Don't go in to any details of what's in
5 that, because this is an in limine ruling, and I may
6 change my mind based on further argument or
7 development of the evidence.

8 MR. MEADORS: I understand you.

9 THE COURT: And I guess the next question
10 would be is the State going to appeal this ruling or
11 are you going to go forward?

12 MR. MEADORS: We are ready to go. Thank
13 you.

14 THE COURT: Mr. Murphy, are you ready to
15 go?

16 MR. MURPHY: Yes, sir.

17 THE COURT: To the extent I need to rule
18 on it, yesterday, I think, Mr. Murphy, did you
19 withdraw your objection to the identification?

20 MR. MURPHY: I didn't withdraw it, Your
21 Honor, but I -- I mean the writing is on the wall.

22 THE COURT: Well I do conclude that the
23 lineup scenarios testified to by Investigator Dubose
24 and the two gentlemen in the store, one of whom was
25 the victim, they were not under any circumstances

1 suggestive at all. Under any of the cases
2 interpreting or Neal v. Biggers or any of the cases
3 interpreting Neal v. Biggers, I think the lineups
4 were certainly in accord with what the law requires.
5 Of course, Mr. Murphy, you can cross examine as you
6 see fit in all relevant areas.

7 MR. MURPHY: Yes, sir.

8 THE COURT: Okay.

9 (Photographs marked State's Exhibit Nos. 6
10 through 19 marked for ID.)

11 MR. MEADORS: Your Honor, State's 6
12 through 19, will be entered without objection.

13 THE COURT: Are you all going to use them
14 during your openings, or are going to wait until a
15 foundation is laid?

16 MR. MEADORS: I think he's agreeing to
17 stipulate or without objection.

18 MR. MURPHY: I don't have any objection to
19 those being introduced. If he wants to use them.

20 MR. MEADORS: I'm not going to use them in
21 my opening.

22 THE COURT: 6 through 19?

23 MR. MEADORS: Yes, sir. Your Honor, all
24 these are a picture of the business on Manning
25 Avenue or right outside of it.

1 THE COURT: Okay.

2 (Photographs marked State's 6-19 into
3 evidence.)

4 MR. MEADORS: Can I look at Count 5 with
5 you on the record, just to make sure I don't mess
6 up?

7 THE COURT: All right.

8 MR. MEADORS: I've looked at the statute.
9 It's possession of a firearm by a person convicted
10 of a violent crime.

11 THE COURT: Is that what the statute says?

12 MR. MEADORS: Yes, sir.

13 THE COURT: Well, Mr. Murphy, what's your
14 position on the proof to be put to the jury, and the
15 comments to be made during opening statement? In
16 other words, sometimes burglary first is proven by
17 the fact that the person has been convicted of
18 burglary two other times. Even if it occurred at
19 night and even if a weapon was involved, the State
20 is still allowed to prove in a burglary setting that
21 he had two prior burglary convictions.

22 MR. MURPHY: Right.

23 THE COURT: As prejudicial as that might
24 be, that's what the law is. Is this a first cousin
25 to that, or what are we talking about?

1 on doing because we had talked about, and I thought
2 mentioned briefly on the record, if we didn't
3 yesterday, it's my fault.

4 MR. MURPHY: I mean---

5 MR. MEADORS: If we were going to
6 stipulate, and I was just going to say if y'all find
7 that it has been stipulated he has a prior
8 conviction or a violent crime, and leave it at that.

9 THE COURT: Okay.

10 MR. MURPHY: And then that would be the
11 statute. Whatever the line in the language in the
12 statute is.

13 THE COURT: And not when. Not when he got
14 out or anything like.

15 MR. MEADORS: I think that's fair. That's
16 what we offered to do if that's okay with you.

17 THE COURT: Unless that scenario becomes
18 relevant somehow later on.

19 MR. MEADORS: Yes sir.

20 THE COURT: Anything else?

21 MR. MEADORS: Thank you, that's all.

22 THE COURT: Are you ready for the jury?

23 MR. MEADORS: Yes, sir.

24 THE COURT: Mr. Murphy.

25 MR. MURPHY: Yes, sir.

1 THE COURT: Bring in the jury.

2 (Whereupon, the following takes place
3 within the presence of the jury.)

4 THE COURT: Ladies and gentlemen, the
5 first thing that we're going to do before we
6 actually begin the trial is for Mr. Bradley to
7 administer a new oath to you. Okay.

8 (Whereupon, jury is sworn.).

9 THE COURT: Ladies and gentlemen, we are
10 now going to now begin. We actually now have
11 formally begun this trial. Before we begin with the
12 opening statements, I am going to talk to you about
13 what your responsibilities will be in this trial.
14 How many of you have ever actually sat on a trial
15 jury before? Roughly half. A little bit less than
16 half.

17 So some of you may have heard these
18 comments before. Some of you may have some
19 knowledge of how the process works. But in any
20 event, I want to explain to you first of all, that
21 under our system of justice, a jury is considered to
22 be a the sole finder of fact. That means that it
23 will be you, and you only, who at the end of this
24 case will be able complete the verdict form through
25 your foreperson who we haven't appointed yet. And

1 the verdict that you reach will be based upon your
2 view of the facts as they are introduced during this
3 case, and you will put those facts together with the
4 law as I give it to you.

5 So you are the sole finders of facts. I
6 have nothing to do with the determination of the
7 facts or the weight that you give the evidence.
8 That's going to be entirely up to you. I will offer
9 no input on what I think, because I have no role in
10 that regard. The same law that makes you the judges
11 of the facts, makes me the judge of the law. I will
12 explain that to you at the tail end of these
13 comments to you. You are required under the oath
14 that you have just taken to well and truly try this
15 case according to the evidence and the law. You're
16 going to get all of that right here in this
17 courtroom. As I mentioned to you yesterday, and as
18 I will mention to you many, many times, it will be
19 totally inappropriate, improper, against the rules,
20 for you to get any other information from any source
21 other than from right in this courtroom.

22 As I will explain to you in just a few
23 minutes, we have many, many rules that govern the
24 conduction of trials. These lawyers know those
25 rules. This case has brought before you to be

1 tried, and it would be a shame if you violate my
2 instructions and try to obtain evidence or
3 information from other sources. I want to make sure
4 you understand that right out of the box. You're
5 going to hear me that so many times, and you might
6 do it where I can see it, but inside you might be
7 rolling your eyes saying why is he telling us that
8 again, because it's important. Evidence and the law
9 right here, nowhere else.

10 Some of you may have come in to this case
11 with life experiences that other jurors on this jury
12 don't have. You are to use your common sense, but
13 in using your life experiences, you are not to
14 substitute as evidence, things that have happened to
15 you, or things that you have seen. You are to base
16 your view of the evidence on your life experiences.
17 But your life experiences are not a substitute for
18 evidence that comes in to this courtroom.

19 Now your most valuable tool that you have
20 when you walk into this courtroom, and when you
21 leave and you deliberate, when you go home, and you
22 drive home and you go to work, is your good common
23 sense. That's what you are to use. So do two
24 things in this trial, use your common sense and pay
25 attention. You will not fulfill oath until you --

1 unless you do both of those things. As I will -- as
2 you heard yesterday when I read off the names of
3 possible witnesses, you will have to pay close
4 attention to everybody who testifies, not just the
5 first witness or the third or the 10th or the 15th.
6 You've got to pay close attention to them all.
7 Because the 10th or the last one or the middle one
8 or the first one, may have information that is in
9 your mind, something that carries the day. Or
10 something that defeats another notion about what one
11 side says this case is about or says what the
12 evidence is. So pay close attention to everything.
13 This is going to be especially apparent when we come
14 back after lunch. Because everybody, I don't know
15 care who you are, starts to wind down a little bit,
16 kind of chill out. You can't do that. This is too
17 important.

18 Now in this case, the defendant has been
19 indicted for several criminal offenses. As I
20 mentioned to you yesterday, the fact that a person
21 is arrested or charged or indicted for any criminal
22 offense is not evidence of anything. The indictment
23 is a charging document. It is the document that
24 figuratively walks this case into the courtroom.
25 The defendant has entered pleas of not guilty. He

1 is presumed innocent. He does not have to prove or
2 disprove anything. And the State has the sole
3 burden of proving the elements of these crime
4 charged beyond a reasonable doubt.

5 And as I mentioned yesterday, there are
6 two counts of attempted murder. There is one count
7 of armed robbery. One count of possession of a
8 weapon during the commission of a violent crime.
9 And one count of possession of a firearm by a person
10 convicted of a violent crime. He is presumed
11 innocent of all of those. And as I will tell you at
12 the end of the case, your verdict on one of these
13 counts is not going to control your verdict on the
14 other. There may be one small exception, but you
15 have to listen to all of the evidence. And at the
16 end of the case, apply the evidence and the law to
17 each count separately. I will give you very clear
18 instructions at the end of the case about that.

19 Evidence is going to come to you in
20 different ways during this trial. Witness testimony
21 is one prime example. The witness will be sworn.
22 The witness will sit in that chair and will testify
23 to you. You will notice that basically the witness
24 is pointed away from me towards you. It doesn't
25 matter what I think about how the witness looks or

1 what the witness has to say, except the legal
2 respects that I will get into in just a minute.
3 It's up to you to evaluate the believability of the
4 witnesses who testify. How do you that? Common
5 sense. When you watch someone talk every day in
6 your mind you're thinking, do I believe what that
7 person is telling me. Even though you might not
8 realize it, that's what you're doing.

9 You can take into account anything you
10 think is appropriate; such as, how the witness
11 appears on the stand. We call that demeanor. How
12 did they act. Were they are hesitant or were they
13 straightforward when they were answering questions.
14 You can take into account whether or not you think
15 that witness has a reason to give testimony that
16 helps or hurts one side or the other. In other
17 words, was the witness biased or prejudiced. You
18 can also take into account whether or not you think
19 that witness' testimony has been strengthened or
20 weakened by other evidence that is in the record.
21 Also what was that witness' ability in your mind to
22 know what they claim to know.

23 In other words, does it make sense that
24 they know what they say they know. In addition to
25 that, you can take into account whether or not a

1 witness may have said something different or the
2 same on a prior occasion. And anything else you
3 think is appropriate you can take into account.
4 What you don't do is count up the number of
5 witnesses who say A. And the number of witnesses
6 who say B. And say, well more said A than B, so
7 I've got to believe those people who said A. That's
8 not the way it works. You can believe many over
9 one. You can believe one witness over many. So
10 don't count up the number of witnesses in your
11 service for what the evidence has established to
12 you.

13 The last comment I'll make on witness
14 credibility is, you can believe every word that
15 comes out of a witness' mouth. You can disbelieve
16 every word or you can believe parts and disbelieve
17 the rest. Again, how do you do that? Common sense.
18 All right another way evidence will come to you
19 during a trial is by way of an exhibit. Those are
20 typically things that you can see or touch. Usually
21 they will have a sticker or a tag. And the tag or
22 the sticker will have a number on it. The lawyers
23 and the witnesses will refer to those numbers. Just
24 a little brief on the law, if an exhibit is not yet
25 in, but they are talking about the exhibit, they may

1 say exhibit number whatever for identification.
2 That's for the court reporter's benefit so she will
3 know what to type about which one they're talking
4 about. If an exhibit is in, you can consider it.

5 Some exhibits are marked for
6 identification and are never offered into evidence
7 for whatever reason. It could be a legal reason.
8 Don't concern yourself with that. If it comes in,
9 you may consider it. If it does not, I'll give you
10 further instructions about that. So we have
11 testimony and exhibits. Another way evidence can
12 come is by way of a stipulation. That is where the
13 parties agree that a fact or a certain set of facts
14 is true. If a stipulation is entered into, one of
15 the lawyers upon confirmation from the other lawyer
16 or I upon conformation from both, will tell you what
17 it is. The legal word for that is publish it to
18 you. So those are the three ways evidence comes in,
19 exhibits, testimony and stipulations. As I
20 mentioned if evidence comes in, you may consider it.

21 Now to move in to my role. If I tell you
22 that you must disregard something you've just seen
23 or heard, under your oath to follow the law, you
24 must disregard what I tell you to disregard. That's
25 what the law is. During the course of the trial,

1 you may hear at any given time one of the lawyers
2 stand up and make an objection. That is a legal
3 signal to me under either the evidentiary rules or
4 the procedural rules that the lawyer has an issue
5 about whether or not a answer is properly asked or
6 answered. Don't keep score. If I sustain an
7 objection or overrule an objection don't think that
8 just because the judge ruled in favor of one side
9 more than the other that he thinks that side should
10 win. That's not the way it works. My rulings are
11 based on the law.

12 The rules that we have are pretty short,
13 but the books are big, because the interpretations
14 are many. And the lawyers are trained in these
15 rules. And they're oftentimes good faith
16 differences of opinion in whether or not a question
17 is proper, whether or not an answer is proper, or
18 whether or not evidence is admissible. In many
19 instances I will send you out of the courtroom so
20 that I can hear what the lawyers want to tell me,
21 because they know the rules and they know they can't
22 say some things in front of you. That's just the
23 way rules are. So I'll have to send you out and
24 hear what they have to say. And then I will rule.
25 Y'all come back in. And sometimes I may have to

1 send you right back. Please don't fault the parties
2 for that. It's simply the way the process works.
3 You may have seen trials on TV and in movies, I will
4 guarantee you one thing, if they have rules, they
5 don't follow them.

6 If lawyers acted like that in real life,
7 we would not have very many lawyers remaining in the
8 courtroom, because these lawyers follow the rules
9 and they don't do that in the television or in the
10 movies. They're not going to be hollering and
11 screaming. Nobody is going to be throwing things or
12 slamming things down. That's not the way works in
13 real life. Now another area where I will come in is
14 at the end of this case. After you have heard all
15 of the evidence and all the arguments, I will give
16 you a charge on the law. You might have come into
17 the case with the notion of what you think the law
18 is, or what you think should be, I will tell you
19 what the law is at the end of the case, and y'all
20 have to apply it even if you thought it was
21 different. Even if you disagree with it.

22 The trial itself will be conducted in
23 stages. First, the State in just a minute through
24 Mr. Meadors, will stand up and give you an opening
25 statement. That is his opportunity to explain to

1 you what he believes the evidence will or will not
2 establish in this case. What he says is in
3 evidence, but it is a roadmap from his perspective
4 of what the evidence is going to be. After that
5 Mr. Murphy if he chooses, he does not have to,
6 because the defendant has no burden at all.
7 Mr. Murphy may give an opening statement if he
8 wants. He does not have to.

9 After the opening, Mr. Murphy may give an
10 opening statement not at all, or give it after
11 Mr. Meadors gives his, or he can give his opening
12 statement after the State rests. That will be
13 entirely up to Mr. Murphy. Now after the opening
14 statements, the State will begin presenting its case
15 in chief, and the State does that by calling
16 witnesses, offering exhibits, and presenting that
17 evidence to you. After the State rests, the
18 defendant has the right if he chooses, but he does
19 not have to, to present evidence. Again keep in
20 mind that he does not have the burden of proving or
21 disproving anything, so need not put up any
22 evidence.

23 After all the evidence is in, the lawyers
24 will give a closing argument, and then I will give
25 you the charge on the law. And it is not until then

1 until you retire to deliberate, that you can begin
2 talking about this case amongst yourselves or with
3 anyone else. And when you take breaks, you can't go
4 back into your jury room and talk about what you've
5 just seen or heard. It sounds a little
6 counterintuitive but that is the law. Because if
7 you start talking about the case before you've scene
8 and heard everything, you may just choose in your
9 mind to disregard other evidence that comes in
10 during the trial, and that would not be fair to the
11 parties. Any objection to those remarks from the
12 State?

13 MR. MEADORS: No, sir.

14 THE COURT: Any from the defendant?

15 MR. MURPHY: No, Your Honor.

16 THE COURT: Mr. Meadors.

17 MR. MEADORS: May it please the court.

18 THE COURT: Yes, sir.

19 MR. MEADORS: Five year old minor

20 ran to his father for protection as shots rang out

21 at [REDACTED] Manning Avenue on December 29th of 2015.

22 Five year old minor ran to his father for

23 protection. Peed on himself as shots rang out on

24 [REDACTED] Manning Avenue. His father, Tyrone Williams,

25 grabbed him and shielded him as several more shots

1 entered the body of Tyrone Williams. Tyrone
2 Williams then threw some money out at the person who
3 shot him. And that person grabbed the money, and
4 fled. That's what we're here about, Ladies and
5 Gentlemen, the attempted murder of Tyrone Williams,
6 minor and the armed robbery of Tyrone
7 Williams on December 29th of 2015.

8 Good morning.

9 THE JURY: Good morning.

10 MR. MEADORS: Thank you all for being
11 here. Being a juror is not easy, but without you,
12 this system would not exist. Thank you for being
13 here. Thank you for the attention you've given this
14 case. I know you didn't choose to be here, but you
15 came when you got the notice. And you've been
16 chosen to be fair and impartial to both sides. And
17 we know that you will.

18 As I was introduced yesterday, my name is
19 John Meadors. I'm an assistant solicitor for the
20 Third Judicial Circuit, and I work for your elected
21 solicitor, the Honorable Earnest A. Chip Finney,
22 III. And I here today along with law enforcement,
23 Wayne Dubose from the sheriff's office, and Tom
24 Miller from our office, representing the State,
25 representing the County of Sumter against the

1 Defendant Raymond Scott, who is represented by
2 Mr. Tim Murphy. The judge most eloquently went over
3 the types of evidence. I usually do that, I'm not
4 going to do it. He went it over it much better than
5 I could. I want to tell you now briefly, and I'm
6 allowed to briefly, what the defendant is charged
7 with and show you what we must prove. Go overly
8 briefly what our burden is.

9 First of all, the defendant is charged
10 with 2 counts of attempted murder. Now attempted
11 murder as His Honor will charge you later, we must
12 show that a person had the intent to kill, and then
13 they attempted to kill another person. In this case
14 we allege Tyrone Williams and his son ^{minor}
15 ^{minor} and that he did that with malice
16 aforethought. You all have all heard that term
17 malice I'm sure. You will hear the real definition
18 in this court through the judge later, through his
19 charge later. But we just show that a person had
20 the intent to kill, and he did attempt to kill,
21 another person with malice aforethought either
22 express or implied.

23 Now what is malice. Malice is a beautiful
24 word and it's an evil word. In almost saying it,
25 you understand it. Malice is a meanness, a

1 wickedness, and a spitefulness, just for no good
2 reason. One expresses himself through words or
3 actions to another. Firing 4 shots at a fellow
4 while he's holding his child. That's malice.
5 Malice can be express. I'm going to kill you. Give
6 me your money. Or it can be inferred depending on
7 the facts and circumstances that come out of that,
8 by the use of deadly weapon. That depends on each
9 case and the facts. Express or inferred malice. A
10 forethought is a term of art. We don't have
11 premeditation in the State of South Carolina.
12 You'll see on TV sometimes where it's premeditated.
13 There is no premeditated in this State for murder or
14 attempted murder. You don't have to plan it. You
15 don't have to sit down and write it, put it on your
16 to do list.

17 Aforethought is a term of art. Just it
18 existed the moment he pulled the trigger. One, two,
19 three, four. That's how many times Tyrone Williams
20 shot, four times. He's going to show you for real,
21 express or inferred malice. minor is the
22 second attempted murder. On his daddy's body, as
23 three of the shots at least, you will hear that.
24 There is something called reckless disregard, is
25 another way to show malice. We will submit that

1 will be shown. minor is with his dad, as
2 shots were being fired. A malignant heart, not
3 caring what happens when you fire shots. Another
4 charge we believe the judge will give you to show
5 malice. Well those are the two attempted murders.
6 What else have we have charged. Well the
7 defendant is charged with armed robbery. Everybody
8 knows what that is. Armed robbery is when you take
9 from the person or presence of another person the
10 goods or monies from that person, by force or
11 intimidation, and you are armed with a deadly
12 weapon. In this case a firearm. The defendant came
13 into the business of Tyrone Williams. Tried to rob
14 him. Shot him, and then did rob him. Armed
15 robbery. Finally, Counts 4 and 5 for your
16 consideration will be possession of a weapon during
17 the commission of a violent crime. During the
18 commission of a violent crime, if you find that he
19 is guilty of attempted murder and armed robbery,
20 those are violent crimes. And if he was in
21 possession of a firearm, that would be what the
22 State has to prove to you for Count 4.
23 Count 5, if you listen to me closely,
24 possession of a firearm by a person convicted of a
25 violent crime. There will be a stipulation. Has

1 been a stipulation. It will be read by His Honor
2 to you, that the defendant has been convicted of a
3 violent crime. So for your consideration on Count
4 5, if you find that the defendant attempted to kill
5 Tyrone and minor and attempted to rob them, and
6 the parties have stipulated that there is previously
7 been convicted of a violent crime. In that case,
8 the State would just have to show you, that you'd
9 have to find beyond a reasonable doubt, that the
10 defendant was guilty of armed robbery and attempted
11 murder. And we'll talk about that later.

12 I want to briefly go over it now. He's
13 the law. The judge is the law. He decides the law.
14 He tells us what the law is. He tells you all what
15 the law is. And he's a smart man. He knows the
16 law. So at the end of the case, he will tell you
17 what the law is and what you must decide. And I'll
18 go into this and you can save it until the end, but
19 I will kind of close here. That's his role. He's
20 the judge of the law. We all have roles. Mr.
21 Murphy has his role. I have my role. You have your
22 role. And I respectfully submit to His Honor and
23 Mr. Murphy, you have the most important role here.
24 His Honor is the judge, the judge of the law. But
25 you're also a judge, kind of. You're judge of the

1 facts. You are the judges of the facts. We're here
2 week end and week out. We love what we do. I love
3 this right here. This is my office. We come in
4 week end and week out trying to get justice. But
5 the jurors come in and it's almost like a game, but
6 it's not a game at all, I assure you. But it's
7 almost like basketball game. We have a most
8 valuable player that comes in and decides the game.
9 It's no game to be sure. But you come in, you
10 jurors, the judge of the facts, and you decide what
11 happens. Well how do you do that. Did Mr. Campbell
12 send you to a, how to be a juror. Juror school
13 yesterday? No, sir, no, ma'am. But you have been
14 going to that school your whole life. It's the
15 school of life. It's the school of common sense.
16 It's the school of evaluating people, your family,
17 your friends. What's true. What's credible. As
18 you watch people and listen. And that's what you're
19 going to do. What you've done your whole life.
20 You're going to sit in here and evaluate what the
21 testimony is and decide what the truth is. That's
22 why you are the judges of the facts. And you'll do
23 it. The only thing you can consider is what comes
24 out of this jury box and the exhibits that Your
25 Honor lets in and pictures. That's all you can

1 consider.

2 And as you're watching witnesses,
3 listening to the witnesses, observe their demeanor,
4 listen to them, watch their reaction. Watch their
5 body language. You will decide what the truth is
6 and what's credible. That's really the big issue,
7 not only in this case, but every case. What's the
8 truth. What happened. And you all decide. And
9 that's pure. You'll take what comes from this
10 witness stand, decide what the truth is, follow the
11 law the judge gives you and then come up with a
12 verdict. Now what's our burden. You all know it,
13 you can say it to me right now. It's beyond a
14 reasonable doubt. It's not beyond all doubt. The
15 judge will tell you that later in his charge. If
16 that was a burden, we didn't need to build this new
17 courthouse. It's beyond a reasonable doubt. Beyond
18 a doubt that makes reasonable folks hesitate to act.
19 We respectfully submit, there won't be a reasonable
20 doubt. But that's up to you, based on what you find
21 the testimony is, what testimony you find credible
22 and believable. I usually save that until the end.
23 What is important is this case as any that has been
24 tried.

25 What happened. December 29th 2015,

1 shortly after 2 o'clock, a call comes in to the
2 police department, shots fired at [REDACTED] Manning
3 Avenue. It's a building and a business owned by
4 Tyrone Williams right here. Raise your hand,
5 Tyrone, in the orange shirt. They start
6 investigating. This case is going to be divided
7 into two scenes, Ladies and Gentlemen. You've got
8 the scene at [REDACTED] Manning Avenue and you have Tuomey
9 Hospital. We're basically going to take you to both
10 of those scenes through testimony, through pictures.

11 The investigation unfolds. What do we
12 find. Well sometime the morning or late morning of
13 December 29th of 2015, Tyrone Williams and his son
14 minor go to [REDACTED] Manning Avenue his
15 business. But Tyrone is going to tell you about his
16 business. What type of business he does. He washes
17 some cars. Gambling going on there. People come at
18 gamble at night. He's going to tell you about his
19 business through pictures and he'll show them to
20 you. He ended up, and his son ^{minor} go there mid
21 morning, early afternoon, to kind of clean up from a
22 party or an incident the night before. Folks were
23 there having a good time. His friend Walter
24 Brunson, remember that name. Walter Brunson comes
25 to see him. Walter pops in, sees his car, the

1 evidence will show, talks to Tyrone. Knows him. A
2 friend of his. He's going to tell you that. Talks
3 to him for a minute, and Walter has got his kids in
4 the car, and he leaves. About 10 minutes later,
5 Walter comes back. Comes in. They're still
6 chatting, Walter Brunson and Tyrone Williams. And
7 at this point somewhere around two-ish in the
8 afternoon, two individuals come in. A lighter
9 skinned fellow and a darker skin fellow come in to
10 Tyrone Williams' business. And Tyrone is going to
11 tell you, we believe the evidence will show, that
12 when he first came in, he didn't recognize these
13 folks. Mr. Brunson says I thought I did at first,
14 but then realizes he didn't.

15 The darker skinned fellow comes back, and
16 these are descriptions given by the witnesses.
17 Comes back in the store and comes up to Tyrone
18 Williams, and asks for a soda. And you'll hear
19 Tyrone say, why did you stop here. All these
20 convenience stores on the way, why did you come in
21 to my store here. He then says there's a soda over
22 there in the box. He goes and gets a soda. The
23 fellow says how much is it. He said well that's \$2.
24 Mr. Williams tells him. He reaches in a jar and
25 we'll show that, what's left of it. Gets change

1 for a \$5, from a \$5 bill. Gives this person \$3.
2 Hands it to him. As the person is putting the money
3 back in, he's bringing out a firearm, and he says
4 give me your money. And you're going to hear the
5 interaction between Tyrone Williams. He is going to
6 tell you what it was like in that business, what
7 the lighting was like. How close he got to this
8 individual. The conversations they had with each
9 other. Listen to him please. Listen to him.
10 Watch him as he describes this, and what happened.
11 And his interaction with this person. Respectfully.
12 The person, Tyrone will tell you he hears
13 shots coming from the other side of the business.
14 He turns and looks to see his friend, Walter. At
15 this point the evidence will show you, he turns back
16 and he gets shot. And ^{minor} runs to him. His
17 5-year-old son runs to him, grabs hold to him. And
18 Tyrone is going to tell you he turned to shield
19 ^{minor} and had three more shots in his body, as
20 he's standing feet from the person who had shot him.
21 And he's going to tell you about the person that
22 shot him, what he looked like. What he sounded
23 like.
24 He's on the floor, excuse me, he's
25 standing there. His buddy Walter now crawls to the

1 bathroom in the back of the business. We're going
2 to show you a picture. Tyrone waits until the
3 sounds go down. At some point gets down. Listen to
4 his testimony. Waits. Gets behind a little brick
5 wall. Waits for the shots to stop and then
6 eventually he gets up. And he heads outside his
7 business.

8 Approximately 2:03 law enforcement were
9 called. They respond. Tyrone Williams goes to the
10 hospital. That's scene one. And, Ladies and
11 Gentlemen, as you hear scene one, which we are going
12 to start in just a minute, please, as the judge
13 said, use your credibility and believability, you'll
14 determine the truth. Later Tyrone Williams goes to
15 Tuomey Hospital. A fellow named James Ardis, goes
16 by JJ, Sergeant JJ, I think, Ardis, responds to the
17 hospital to see Tyrone Williams. As he's coming in,
18 he's informed there is somebody else that is shot.
19 Somebody else here was shot. Somebody else is shot
20 that was holding a three 38 bullets in their hand.
21 He goes to that room. Calls for another
22 investigator to go see Mr. Williams. He goes in
23 that room, and he finds the defendant Raymond Scott
24 in the hospital. Tyrone Williams in another room in
25 the hospital.

1 You're going to hear what happed at Tuomey
2 Hospital. Sergeant Dubose talks with the defendant
3 at Tuomey Hospital. You'll hear that after lunch.
4 Raymond Scott is talked to. Raymond Scott is talked
5 to by Sergeant Dubose. Tyrone Williams is talked to
6 by several officers. He gives them a statement of
7 what happened. The defendant is subsequently
8 arrested for attempted murder, armed robbery,
9 possession of a weapon during a violent crime, and
10 possession of a weapon by a person convicted of a
11 crime of violence.

12 Sergeant Dubose develops a lineup with
13 six individuals. He shows it to Walter Brunson.
14 Walter Brunson says that's the fellow that came in
15 the store. That's the fellow that was back talking
16 to Tyrone Williams. Sergeant Dubose shows a lineup
17 to Tyrone Williams. Tyrone Williams says that's the
18 fellow that came in the store. That's the fellow
19 that asked for a Mystic soda. That's the fellow who
20 wanted to know if I had food. I told him, no, it
21 was stale. That's the fellow that pulled the gun
22 out and shot me. That's what the evidence will
23 show. And that person that Walter picked out and
24 that Tyrone picked out, is the defendant Raymond
25 Scott.

1 And Walter is going to get up here this
2 morning, I think, and testify, and we believe tell
3 you, who robbed him, who shot him. Who shot at the
4 direction where minor was. Watch him as he
5 testifies. But he's going to tell you that on
6 December 29th 2015, Raymond Scott came in to my
7 business and shot me, and tried to kill me while I
8 was holding my son. That's what this case is about.
9 Is it going to be long. No, sir. No, ma'am.
10 Probably finish tomorrow. Whenever the judge says.
11 Maybe Thursday. But that does not take away from
12 the importance. This is the important case tried in
13 this country today. And it is. It's important for
14 the defendant. It's important for the victim. It
15 doesn't get any more important. And that's why we
16 ask you to use your common sense. Listen and decide
17 what the truth facts are. And that's all we can
18 ask.

19 Ladies and Gentlemen, when we are
20 finished, we'll ask you for a verdict. And verdict
21 simply means to speak the truth. It is beautiful,
22 speak the truth. And your verdict will speak the
23 truth. And we respectfully submit after you've
24 heard all the evidence, the verdict that will be the
25 truth is that December 29th, Raymond Scott came in

1 to Tyrone Williams' business, robbed him. Shot him
2 four times while he's holding ^{minor} And he is
3 guilty of armed robbery and attempted murder. Thank
4 you.

5 THE COURT: Thank you, Mr. Meadors. Any
6 opening statements, Mr. Murphy?

7 MR. MURPHY: Yes. I'll say good morning
8 too. Good morning.

9 THE JUROR: Good morning.

10 MR. MURPHY: My name is Tim murphy, and I
11 represent Mr. Raymond Scott. And I want to talk
12 about a couple of things here, and I want to start
13 out by saying first of all, that Raymond Scott is
14 innocent. He's innocent of all of these charges.
15 And it's important for all of you to realize that at
16 the very beginning of this. Now what does that
17 mean. I'll talk a little bit about that. You're
18 going to be getting an instruction later. But he's
19 innocent, not just not guilty, we're not here to
20 find out what happened. He's innocent, because he's
21 entitled under our law to the presumption of
22 innocence. A presumption that all of us are
23 entitled to. A presumption that separates us from
24 some of these other countries like Syria and some of
25 these other countries where there's a rush to

1 judgment and individuals and evidence don't
2 determine what happened, but people rush to judgment
3 and make decisions about people's guilt or innocence
4 or culpability before they've heard everything. And
5 notwithstanding Mr. Meadors' rather eloquent
6 opening, you haven't heard anything about this case
7 yet. You haven't.

8 Now what is the presumption of innocence.
9 And again, you're to going to hear an instruction
10 from the judge a couple of times during this
11 process. But the presumption of innocence is
12 described in the instruction like a robe of
13 righteousness. What does that mean. Well I would
14 suggest to you what it means is something like this,
15 you know, in a practical matter. When you go and
16 visit the dentist or you go and visit a car repair
17 place, or God forbid you go and see a lawyer, you
18 presume that the individual that you're dealing with
19 is certified. Has the requisite training, has the
20 requisite licenses and things like that. You don't
21 question it. You presume it.

22 And in this process, that's the same type
23 of mentality, that my client requests, and quite
24 frankly the law demands that you have throughout
25 this process, until you begin your deliberations

1 tomorrow or Thursday. Presume he's innocent. Force
2 the State to prove its case. The burden is on them.
3 And that's another instruction you'll be receiving
4 soon. The burden is on the State to prove its case
5 beyond a reasonable doubt. Which is the highest
6 burden known in the law. That is what Mr. Scott is
7 entitled to and quite frankly that's what we're
8 asking for. We're asking only what he's entitled
9 to.

10 So when I say he's innocent, he's
11 innocent. The second thing I am going to ask that
12 you do is to recognize that Mr. Scott is entitled
13 for you keep an open mind throughout this whole
14 process until all the evidence is in. Until all the
15 testimony has been heard question. Question the
16 State's evidence, because at the end of this process
17 and at the end of all testimony, what I'm going to
18 tell you is that the facts described by Mr. Meadors,
19 that's not the way it happened. That's just not the
20 way it happened. My client is not guilty of this
21 crime. And the evidence taken as a whole when you
22 sit back there and deliberate, you will come to that
23 same conclusion. You will come to the conclusion
24 that the State has not met it's burden. It's a high
25 burden. And that the verdict, the truth will be

1 that my client is not guilty. And that will be the
2 verdict that we will be requesting at the end of
3 this trial. Thank you.

4 THE COURT: Thank you, Mr. Murphy. Is
5 everybody on the jury okay. We'll be taking a break
6 in probably in 35 or 45 minutes. Mr. Meadors, you
7 can call your first witness.

8 MR. MEADORS: May it please the court.

9 THE COURT: Yes, sir.

10 MR. MEADORS: The State will call Tyrone
11 Williams.

12 Tyrone Williams, being first duly
13 sworn, testified as follows:

14 THE CLERK: Please state your full name
15 and spell y our last name for the record.

16 A. My name is Tyrone Williams.

17 W-I-L-L-I-A-M-S.

18 Direct Examination by Mr. Meadors:

19 Q. / Good morning, Mr. Williams.

20 A. How are you doing, sir.

21 Q. Mr. Williams, tell these ladies and
22 gentlemen of this jury, about Tyrone Williams.
23 Where are you from?

24 A. From Sumter, South Carolina. Born and
25 raised. Attended Lemira Elementary School, Bates

Tyrone Williams-Direct by Meadors

1 Middle School and Sumter high.

2 Q. When did you, if you don't mind telling
3 us, what did you get out Sumter High, sir?

4 A. 91.

5 Q. And after that, what did you do?

6 A. I started working with my father. And he
7 was living then, then he passed. And I got into a
8 little trouble. I went away for a while. Came
9 back. Changed my life, and try to do things right.

10 Q. What did you do with your father before he
11 passed?

12 A. I was window cleaning. Store fronts,
13 window cleaning.

14 Q. Then you said you got into a little
15 trouble. And then...

16 A. I came home, and I start back working
17 until I build up enough to get my own business.

18 Q. And when did you have your own business?

19 A. I had it around about a year and a half.
20 It was about a year and a half. A year and 4
21 months, something like that.

22 Q. Tell these folks about your business.
23 What do you do?

24 A. I've got a business on Manning Avenue.
25 It's called the Manning Avenue Clubhouse. It

Tyrone Williams-Direct by Meadors

1 consists of car detailing, pool tables, games, hot
2 dogs, hot wings. It's just like a -- it's some
3 different things. That's why I call it a clubhouse.
4 Then at night we after hours just try to give kids
5 something to do. Like people during the daytime and
6 some place where somebody can come get a car wash,
7 where they can relax, watch TV, the news. Just a
8 place of comfort versus then at the night, we turn
9 to like the grown folks. A shop where good friends
10 come through we have fun. Play cards. You know,
11 we do the grown folks sometimes, just to get away
12 from other crowds. We've got our own little members
13 only crowd.

14 Q. Is there gambling there?

15 A. Yes, sir. Mostly we play cards at night
16 in there.

17 Q. And you said in December of 2015, how long
18 had long had your business been open?

19 A. Almost a year.

20 Q. Is it open now?

21 A. It hasn't been opened now since what took
22 place with myself. I wasn't physically back to
23 getting it open yet. I still haven't.

24 Q. So since this incident, you have not
25 reopened it?

Tyrone Williams-Direct by Meadors

1 A. No, sir.

2 Q. Now let's go back to December 29th, if we
3 can, 2015, please, sir. Can you tell the jury about
4 that morning before this, just leading up to that,
5 what did you do?

6 A. The morning before this? I was getting
7 myself prepared for a wedding I was going to attend
8 in two days, prior to New Year's. My mother-in-law
9 was getting married on New Year's night.

10 Q. Yes, sir.

11 A. And I was getting up, me and my son. We
12 were about to go get suited for a suit. Well I know
13 that prior night that we was gambling, so we were
14 getting things prepped up for my next night. Me and
15 my son went to my store. We got up in my store to
16 clean up a little bit.

17 Q. So there had been some folks there
18 gambling the night before.

19 A. Yes, sir. We was playing the night
20 before.

21 Q. And do you remember what time you and your
22 son went by?

23 A. I went back to -- I came to my store, I
24 woke up around about maybe about 12, because I get
25 in late nights. Because as I say, it's a night

Tyrone Williams-Direct by Meadors

1 spot. So I may be there about 4 or 5 in the
2 morning. So by the time I get up about noon, I got
3 up around about noon. Then I went to, like I say,
4 I've got my son most of the time. But so me and
5 him are getting up to go the clean up the spot.
6 That's something we do routine all the time, you
7 know.

8 Q. You go clean up.

9 A. We go clean up, yeah. It's something
10 routine all the time, you know.

11 Q. You go clean up.

12 A. We go clean up, yeah. It's something
13 routine all the time, me and him. So we had just
14 had got there around about, maybe like 1:30.

15 Q. And had your son been with you there the
16 night before when you were---

17 A. No, sir. At home. No, sir, home. Now
18 he might come in the daytime with me while I'm
19 washing cars and stuff like that, to gave him an
20 idea on how to work a little bit. But not at night
21 when grown folks come out, the kids go to bed.

22 Q. Now before this incident that you are
23 going to tell the jury about, did somebody else come
24 and see you?

25 A. Yeah, while I was there that day, yeah, as

Tyrone Williams-Direct by Meadors

1 I was turning in to my convenience store, a friend
2 of mine, which is Walter.

3 Q. And you said for the record, what's
4 Walter's last name?

5 A. Brunson.

6 Q. Is that Mr. Brunson? Mr. Brunson, if
7 you're in the courtroom, raise your hand, please.
8 Is that Mr. Walter Brunson?

9 A. Yes, sir. Yeah, as I was pulling in, into
10 my establishment, he was like coming past this way.
11 I'm coming this way. So as I pull in, he saw me.
12 He'd swerved in to talk to me, because we're
13 friends. Every time we see each other, we stop and
14 talk for hours, you know. He had his son and his
15 niece in the car. He had my -- I had my son in the
16 car. So he asked me what I had going on. You know,
17 because he know I don't open until later on in the
18 evening as well sometimes. I'm telling him what was
19 going on. I was cleaning up. I'm about to go get
20 suited for a suit and all that.

21 And he said well I'm headed to the store.
22 I grabbed my kids, I'm going to get them something.
23 Because my store is not open. And we've got like,
24 like I say, we've chips, sodas. But it's just like
25 more of a car detail shop than just somebody wants

Tyrone Williams-Direct by Meadors

1 something to drink or a hot dog. They can eat there
2 while they're getting their car detailed. But I
3 wasn't open yet to prep up the items, so he went to
4 the next store. And he came back. He came back to
5 talk to me.

6 Q. So Mr. Brunson comes back the second time.

7 A. Yes, sir.

8 Q. How long between the first visit and the
9 second visit?

10 A. The first visit lasted maybe 3 minutes.
11 He's watched me while I clean for awhile. I'm like
12 not -- cleaning up like fast. He throw the bags in
13 the trash up under here. But I had to get suited
14 right fast, I'll be back later. But before I leave,
15 he already see I'm still there. So he just pulled
16 back in, you know, and talked to me while I trying
17 to clean up and do stuff like that.

18 Q. So he left and he came back just a little
19 bit later.

20 A. Yes, sir.

21 Q. When Mr. Brunson comes back the second
22 time, where were you?

23 A. I was inside my store by then, the second
24 time. Me and my son. We was inside of the store
25 cleaning up and little things. He came in. When he

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1 came in, he started talking.

2 Q. Who did?

3 A. Me and Walter Brunson.

4 Q. Mr. Brunson came in the store.

5 A. Yes, sir.

6 Q. This is the second time.

7 A. Yes, sir. Yeah, while he came in the
8 second time, me and him started talking. And I was
9 sitting down, just been talking. We just been
10 talking like we always do. That's when I released
11 two people came walking in my store.

12 Q. Before we get to that, do you recognize
13 this, State's 16?

14 A. Yes, sir. That's my store front and my
15 vehicle.

16 MR. MEADORS: And, Your Honor.

17 THE COURT: Are you going to use the
18 machine or?

19 MR. MEADORS: Not right now. I'm just
20 going to do these briefly. Your Honor, as
21 previously stated, we're going to be using 6 through
22 19 State's Exhibit which are without objection.

23 THE COURT: 6 through 19, Mr. Murphy, are
24 all in evidence without objection?

25 MR. MURPHY: Yes, Your Honor.

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1 THE COURT: Those are in, you can use them
2 freely.

3 Q. State's 16, I am just going to show you
4 before we get started, what is that?

5 A. That's my store front. That's the trash I
6 been pulling out of the front and that's my vehicle.

7 Q. And this is [REDACTED] Manning Avenue.

8 A. Yes, sir.

9 Q. And that's in Sumter County, isn't it?

10 A. Yes.

11 Q. State's 17, what is that?

12 A. That's the side of my building.

13 Q. The side of your building?

14 A. Yes, sir.

15 Q. You and Mr. Brunson are at your business
16 at [REDACTED] Manning Avenue?

17 A. Yes, sir.

18 Q. You started to say, what happened?

19 A. Like I say, we were inside the building
20 just talking. I noticed two gentlemen begin to
21 walk into my establishment. They had looked kind of
22 out place, because it was kind of warm outside and
23 they hoodies and all black. And they looked like
24 people I don't know, you know. So in my
25 neighborhood like, I know a couple of people like in

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1 my area, so I know they was out of place. It just
2 didn't look right. So as they entered the building,
3 I started talked to them. There was a light skinned
4 fellow, and a dark skinned fellow. I started
5 talking to the dark skinned fellow, because he
6 looked like, he's the one came in first, talking
7 like. Like what kind of building is this, and what
8 do you do inside the building and stuff like that.
9 And I asked him why is he here. He said he just
10 wanted to something to drink.

11 So I asked the man why did he pick to
12 choose this store when he just you passed like two
13 stores entering this -- both ways it's two stores
14 before you get to mines in the middle. I don't got
15 like no lights, no bills, no signs, no sodas, like
16 giving an indication like we're open right now or
17 none of this. So I'm trying to figure out like why
18 he came here. So me and him talking.

19 Q. Did this person give you an answer to
20 that?

21 A. Yes, sir.

22 Q. What did he say?

23 A. He said I'm down here visiting some
24 friends. He said I am down here visiting some
25 friends, and I just want something cold to drink. I

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1 said well the vending machine, I point towards the
2 vending machine. I said the vending machine is over
3 there if you want something to drink, you know. So
4 he went walking towards the vending machine. At the
5 same time, he asked his friend did he want something
6 to drink. That's when his friend also tell him, he
7 said, nah, I'm straight. When his friend spoke then
8 I indicated that both of them are from Charleston,
9 because the dialect that they spoke. So I kind of
10 figured it is something about to go down bad.

11 Q. When you say the dialect, what do you
12 mean?

13 A. Like the accent. The Geechee Gullah
14 accent. The accent, the distinct accent that only a
15 certain county in South Carolina carry it, you know,
16 certain areas like Charleston and Beaufort in that
17 area, you probably get that dialect. You know, get
18 that. People like from Sumter and Myrtle Beach and
19 all over the place, speak in different.

20 Q. So you recognized a distant dialect from
21 Sumter.

22 A. From Charleston. The dialect from
23 Charleston.

24 Q. Different from Sumter.

25 A. Yes, sir.

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1 Q. And how do you describe it? Is there a
2 word you have for that dialect?

3 A. I call it the Geechee Gullah accent.

4 Q. So both of these individuals had that?

5 A. Yes, sir.

6 Q. Now when this -- the darker -- who was it
7 that approached you and asked for the soda, which
8 one?

9 A. Mr. Raymond Scott.

10 Q. And we're getting to that, is that the
11 darker skin or the light skin?

12 A. The dark skinned guy.

13 Q. As he's approaching you, Mr. Williams, how
14 close did you and he, and you get to him when you
15 all were talking? Can you stop me when?

16 A. Yes, sir. About right here. About this
17 distance right here. I was talking.

18 Q. And then the conversation you just told
19 these Ladies and Gentlemen, is that just how close
20 you were when you all---

21 A. Were talking. Yes.

22 Q. You asked him why he come to your store?

23 A. Right.

24 Q. And would this be for the record, 2 feet?
25 3 feet? What?

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1 A. Yes, sir. About 2 or 3 feet, yeah. Arm
2 reach.

3 Q. Arm reach?

4 A. Yes, sir.

5 Q. Was anything blocking your view when you
6 were talking?

7 A. No, sir.

8 Q. When you talk with somebody, do you look
9 at them?

10 A. In the eyes.

11 Q. I mean, like we're talking now, were you
12 looking at this person when you were talking to
13 them?

14 A. Yes, sir.

15 Q. Were you able to see his face?

16 A. Easily.

17 Q. Can you describe him?

18 A. Yes, sir.

19 Q. Describe him.

20 A. I described with like when it took place,
21 like even after the shooting like when they had me
22 in the ambulance and take me to the hospital and
23 stuff, like that, they even asked me like, how he
24 look. I told them then like, man, the dude might be
25 half way home. Man, it's somebody I never know.

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1 You might never find him, you know. So I was
2 explaining all the details. Like I'd say he's about
3 165. Like 5'9, 5'11. Dark skinned. Low hair cut.
4 You know, I tried to explain like what he had on and
5 everything.

6 Q. Did you tell them what he had?

7 A. Yes, sir.

8 Q. What did he have on?

9 A. I told him he had on like a black hoodie,
10 with a skull cap, some black cargo pants, some black
11 Jordans with a little white in them.

12 Q. With a little writing?

13 A. With a little white.

14 Q. With a little white.

15 A. At the bottom, yeah.

16 Q. And we'll get to that later, but that's a
17 description you gave to law enforcement.

18 A. Yes, sir.

19 Q. As you're a few feet from this person,
20 tell the Ladies and Gentlemen of the jury, what was
21 the lighting like in your business.

22 A. Actually the lighting is about this dim.
23 Maybe like dim, like just to get to the back area
24 right there. I didn't have the lights on in the
25 building at the time, but it's got so many windows

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1 that in the daytime, it's like me saving energy. I
2 don't cut the lights on, because that is so much
3 light from the sun come inside.

4 Q. I want to show you what's State's 6 and
5 State's 7. Do you recognize these? These have been
6 entered?

7 A. Yes, sir. That's my place of business.

8 Q. That's your place of business. And you've
9 just described some windows. Is this what you were
10 talking about?

11 A. Yes, sir.

12 Q. And is that?

13 A. That's with lights off right there.

14 Q. This is with the lights off here?

15 A. Yes, sir.

16 Q. And so did you have any trouble seeing in
17 your business on December 29th---

18 A. No, sir.

19 Q. ---2015?

20 A. Not at all.

21 Q. Specifically the person that you were
22 talking to at this point about getting a soda?

23 A. Yes, not at all.

24 Q. I think where we were, you were talking to
25 this fellow about why did you stop here, correct?

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1 A. Right.

2 Q. What happened next?

3 A. Next happened, like I asked him why he was
4 here. He said I just want to get something cold to
5 drink, man. I leave my friend's house, and weren't
6 just walking through. I said, okay then. I said,
7 well the vending machine over there. He went
8 towards the vending machine. He grabbed a Mystic.
9 He asked his friend did he want something to drink.
10 His friend tell him, nah, he was straight.

11 So he asked me how much is it for the
12 Mistic. I say \$2 for the Mistic. So like I have a
13 big pickle jar I been saving in, because I haven't
14 got the cash register. So I'm saving the pickle
15 jar. So I went in my little pickle jar and gave him
16 \$3 back, as he gave me a 5. As he put the \$3 back
17 in his pocket, he whip out a silver little gun.

18 Q. He whipped out a what?

19 A. A silver gun.

20 Q. A silver.

21 A. Yes, sir. He asked me, he said man just
22 give me everything you've got. I said, man, I don't
23 have nothing. You're in the wrong establishment. I
24 haven't got no money here. I said I just opened. I
25 don't start with no money. I ain't got nothing in

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1 here. So at the same time, I notice a gunshot just
2 went off. Because at first I'm paying attention to
3 the brown skinned guy. The dark skinned guy has got
4 the gun on me.

5 Q. If I can approach, Judge. When you've
6 given this fellow change.

7 A. Right.

8 Q. How close was he to you at that point?

9 A. Arm reach, because I handed him the
10 change.

11 Q. That was my next question. Did he take it
12 out?

13 A. Yes, sir. He take it out my hands.

14 Q. At that point, when did the gun come out?

15 A. When he put the money in his pocket, he
16 whipped out the gun.

17 Q. And you told him what?

18 A. I tell him I say -- he said give me
19 everything you've got. I say, I don't have nothing.
20 I just opened. I've got no money on me like that,
21 you know. You're at the wrong business. You're at
22 the wrong place. So as soon as I say that, his
23 friend, I heard a gunshot. I heard a gunshot. So I
24 glanced. That's a natural reaction, I like glanced
25 over there. I see my friend Walter Brunson, going

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1 down with his hands up. Like oh, so, I thought -- I
2 didn't know if he got shot or what, but I went back
3 to the guy who had the gun on me. As soon as I
4 looked back at him, he let off a shot on me.

5 Q. He leveled a shot on you?

6 A. He let off a shot.

7 Q. He let off. I'm sorry.

8 A. Yes, sir.

9 Q. Where did you get hit that first bullet?

10 A. The first bullet hit me in my arm. The
11 first bullet, it hit me right here. Because the
12 angle he was at, it was on this side. So he hit me
13 right here first. So then at the same time from the
14 gunshot, because from where Walter and the light
15 skinned guy let up at, my son he was in like in the
16 corner, because that's where I had the game room
17 section at, set up with the TV. I keep the TV on
18 for him and everything. So he come running from
19 that area towards me, screaming because of the
20 gunfire. Oh, daddy, I'm peeing up. I'm peeing.
21 He run and jump in my arms. And during that time, I
22 grabbed him.

23 This guy, Raymond, I see my son coming.

24 He began to fire again, and I went up. That's how
25 he shot here, to try to block the view, because my

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1 son is coming, and the bullet is coming this way. I
2 see him shooting at me. So that's why I blocked
3 this arm right here. After that, my son gripping my
4 arm. Raymond shot me again as I've been turning,
5 because I've got a back room where I do all my
6 cooking at and a serving window, where I serve out
7 of it. So in the back room, it's like an add on it,
8 so actually the older building is on a brick, with
9 the back room like the add on part. So the
10 protection of the bricks kind of like protected me a
11 little bit from the gunfire. So that's the reason I
12 fall to the back room with my son. But during my
13 fall to back room with my son, I noticed Mr. Raymond
14 shot me two more times.

15 MR. MURPHY: Your Honor, I am going to
16 object to this. It hasn't been established yet.

17 THE COURT: Well his objection is
18 sustained at this stage, Mr. Meadors.

19 Q. How far were you from the individual you
20 describe at this point as the dark skinned guy---

21 A. Right.

22 Q. ---when the first shot hit you?

23 A. Arm reach.

24 Q. Did you see person that shot you?

25 A. Yes, sir, easily.

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1 Q. And you say, easily, explain that.

2 A. Easily like me looking at you right now as
3 I speak. I can recognize you. If I see you again,
4 I recognize you anyplace.

5 Q. And which -- where were the first shots
6 fired from, from the dark skinned guy, or this other
7 fellow you've described on the other side?

8 A. The light skinned guy fired the first
9 shot.

10 Q. How many times did he fire?

11 A. I notice one. I noticed the first shot
12 that got my attention.

13 Q. And then how many shots were there after
14 that? Not just to you, but in total. Do you know?

15 A. No, sir. I just -- no, sir. A lot.

16 Q. You know there was a lot. Now can you
17 describe the light skinned guy.

18 A. He was kind of like 5'7. Maybe 5'7, 5'8.
19 Kind of healthy. Like 235, 240. Hazel eyes. How
20 like albino yellow.

21 Q. Like a what?

22 A. Like an albino yellow. He had like
23 yellow. A skull hat on him as well. So he had
24 fuzzy hair coming up under. So I don't know if it
25 was braids or dreads, I don't know. And he wore a

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1 black hoodie as well. And some blue jeans.

2 Q. After as you describe it, the dark skinned
3 fellow shot you one time, correct?

4 A. Yes, sir.

5 Q. How many more times did he shoot you?

6 A. I know for a fact he shot me two more
7 times.

8 Q. And where?

9 A. One in my chest. And the other one was
10 right here.

11 Q. And was that the same fellow that had shot
12 you the first time?

13 A. Yes, sir.

14 Q. And did you see him fire each time?

15 A. Yes, sir. I see the fire.

16 Q. Did you know this person before this?

17 A. Not at all, sir.

18 Q. Prior to you being shot, you said you were
19 talking to him. Did your gut tell you something was
20 up?

21 A. Yes, sir. I felt like he was out of
22 place. Then they had the wrong clothing for the
23 weather. That's what kind of really struck my
24 attention. The clothing they had for the weather.
25 It was like about, it was about 80, 88 degrees

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1 something like that. It was kind of warm. It
2 wasn't cold. It was December. It just felt kind of
3 good outside. And they came through with hoodies on
4 and cargo pants. So that gave me an indication like
5 they was up to no good.

6 MR. MEADORS: Your Honor, State's 21,
7 State's 21 and 22 without objection.

8 THE COURT: 21 and 22?

9 MR. MEADORS: Yes, sir.

10 MR. MURPHY: No objection.

11 MR. MEADORS: 20 and 21. I'm sorry. Can
12 I approach?

13 THE COURT: Yes, sir.

14 (Photos of box and refrigerator marked
15 State's Exhibit Nos. 20 and 21 into evidence.)

16 Q. You mentioned you a soda box. I'm showing
17 you what's marked State's 20.

18 A. No, that's -- yeah, that actually is my
19 box I keep in the back area of the room, because in
20 the daytime, I like that kept that from the kids and
21 stuff. So I keep that separated from in the back.
22 The main refrigerator is, that's the back room as
23 well.

24 Q. That's in the back room as well.

25 A. Yeah.

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1 Q. And that's State's 21. Where is the other
2 refrigerator you were talking about?

3 A. The other refrigerator is in the front
4 area where right where the games and stuff at. The
5 games and pool tables. The games, that would be the
6 sitting area.

7 Q. And state's 13, can you tell the folks
8 what this is?

9 A. That's the Mystic bottle next to it.

10 Q. That's the Mystic bottle he asked for.

11 A. Yes, sir.

12 Q. And you charged him what for that?

13 A. \$2.

14 Q. Mr. Williams, you're shot. Your son was
15 upset. And you say he peed on himself.

16 A. Yes.

17 Q. After the shots were fired, what did you
18 do?

19 A. I just stand on my feet and just fight for
20 me and my son all I could, until saying to myself, I
21 just hope I don't lose my life like this right here.
22 That's it. Basically try to defend myself. Protect
23 me and my son. That's it. That's the only thing I
24 could do.

25 Q. How long did you stay back behind this

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1 wall before you got up and tried to leave?

2 A. It seemed like a long time. Maybe
3 probably like 2 minutes. After I didn't hear
4 nothing else, I heard no more gunshots, I then
5 peeped around the corner to see was anybody still
6 out there, and they was gone.

7 Q. Where was Mr. Brunson?

8 A. At first when I came from the out the
9 back, I didn't see him. I went around the side of
10 the pool table where I see him fall at. Because I
11 didn't know did the light skinned guy or the brown
12 skinned guy, Mr. Scott, I didn't not know if they
13 had shot him or not. So I just wanted to go check
14 and see if they had killed a friend of mine or
15 something, shot him. So I was still walking, so I
16 could maybe help him. After I looked around the
17 pool table, and he was gone. He wasn't there. So I
18 went outside to the vehicle where he had one of his
19 son's in the car. So I went out there, he wasn't
20 there.

21 As I walked back inside, he came out the
22 building. Like I'm okay, I made it to the back. I
23 crawled into the back when I heard the shooting.

24 (Diagram and photo marked State's 22-23
25 marked for Id.)

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1 Q. I'm going to show you what's marked
2 State's 22. Do you recognize that?

3 THE COURT: That's for Id. right now?

4 A. That's a layout of my establishment.

5 Q. Do you recognize the markings?

6 A. Yes, sir.

7 Q. How do you recognize those?

8 A. This actually is a setup Mr. Dubose gave
9 me when I told him where I was sitting, where
10 everybody was at, and how it took place.

11 MR. MEADORS: Your Honor, State's 22
12 without objection.

13 THE COURT: All right.

14 MR. MURPHY: No objection.

15 Q. State's 22 is a diagram of your
16 establishment?

17 A. Yes, sir.

18 THE COURT: Can I see you all lawyers up
19 here for just a moment?

20 (Whereupon, the attorneys approach the
21 bench and confer with judge.)

22 THE COURT: Ladies and gentlemen, we are
23 going to take our morning recess right now. You may
24 go to your jury room, but please do not discuss the
25 case in any way at all. Thank you.

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1 Mr. Williams, you can step down, but you
2 are not permitted to talk to anybody about your
3 testimony, okay.

4 (Whereupon, the court takes a short
5 recess.)

6 THE COURT: You can bring the jury.

7 (Whereupon, the following takes place
8 within the presence of the jury.)

9 THE COURT: Ladies and gentlemen, we had
10 to resolve an issue with one of these monitors. I
11 apologize for that, but it required the talents of
12 people who weren't in the courtroom at the time. So
13 we're ready to move forward. I apologize for that
14 delay. Mr. Meadors.

15 MR. MEADORS: Please the court.

16 THE COURT: This is Exhibit 22 on the
17 scene.

18 MR. MEADORS: Yes, sir.

19 THE COURT: And that's in without
20 objection?

21 MR. MEADORS: Yes, sir.

22 MR. MURPHY: Yes, sir.

23 Q. Mr. Williams, do yes recognize State's 22?

24 A. Yes, sir.

25 Q. How do you recognize it?

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1 A. It's a blueprint of my establishment.

2 Q. And did you have an occasion to go over
3 this with Sergeant Dubose previously?

4 A. Well when he first showed it to me, he
5 asked me was this the setup. Because he brought it
6 to me, and I tell him, yes.

7 Q. On State's 22, show the ladies and
8 gentlemen the front of your business. Where is the
9 front door? Put your finger on it.

10 A. Yes, sir. Right here, where it say,
11 Walter's car and the truck. It looks like the
12 entrance is about right here.

13 Q. Can you show on State's 22 where the two
14 individuals came in?

15 A. They came in through this front door right
16 here.

17 Q. And we're going, as we go, I'm going to
18 clear it, unless I hear objection to leave it on
19 there. If that's okay with the court.

20 THE COURT: Yes, sir.

21 Q. When they came in, show the jury where the
22 light skinned guy went, the guy you described.

23 A. As they both entered the building, the
24 light skinned guy, he stopped directly right here
25 behind Mr. Brunson. Mr. Brunson been sitting --

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1 standing up in front of the pool table one. As I've
2 been sitting between the two pool tables, we've just
3 been talking, as I've been sitting here, in the
4 middle of pool table one and pool table two. So as
5 the light skinned guy entered, he stopped directly
6 behind Mr. Brunson. And then the dark skinned guy,
7 he walked in and just kind of like, as he came in, I
8 began to talk, to try to like to feel him out,
9 trying to figure out what he been doing in my place
10 of business.

11 So he was coming towards me, just talking,
12 asking for something to drink. As I'm talking to
13 him, we're trying to feel each other out.

14 Q. And is that when you noticed his accent?

15 A. Yes, sir.

16 Q. And you said he got, I believe previously,
17 you said he got close to you.

18 A. Yes, sir.

19 Q. And a foot or two?

20 A. Yes, sir.

21 Q. And you all were talking that close.

22 A. Yes, sir.

23 Q. And that's were you got a look at his
24 face?

25 A. Yes, sir.

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1 So as he went to the cooler, I kind of like stay
2 kind of close to him. Because I just figured
3 something wasn't right. But as he went to the
4 cooler, like as he went to the cooler, he asking me
5 about the drinks. How much they cost. And I'm
6 telling him, the cooler, they're \$2.

7 So he grabbed the Mystic out of the
8 cooler. My jug where I keep my change at is right
9 here. So he had a -- he said okay. Then he pull
10 out a \$5 as he grabbed the Mystic. I walked towards
11 from here where I was at. He was about right here.
12 I was about right here. I walked towards the change
13 jar right here. Get the three ones. I come back,
14 gave him the three ones. And that's when we were
15 sitting here. That's when he say, just go ahead and
16 give me everything out of your pockets.

17 We both was about right here. Right here
18 beside each other. When he said give me everything
19 out of your pockets, I was telling him, I don't have
20 nothing. You're in the wrong establishment. I
21 just opened. I haven't made nothing and all that.
22 That's when this light skinned guy here, that he
23 came inside the building with, that's when I heard
24 the gunshot. So me being right here, I just
25 automatically looked over towards the sound of the

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1 gunshot.

2 Q. Which would be back in which direction?

3 A. Towards pool table one where Walter and
4 the light skinned guy was standing at. Plus my son
5 is over here, over on the couch. So I'm really
6 like paying attention to all of that.

7 Q. Your son was over at the couch area.

8 A. Yes, sir. Because right here is where my
9 TV at. Where the TV was at. So he was on the
10 couch watching the TV and all that stuff. So here
11 it is. When the gunfire went off, the light skinned
12 guy looked to see when the first shots went off. I
13 see Mr. Brunson with his hands up, falling down.
14 During that time, I looked back at the brown skinned
15 guy who had the gun on me. When I looked back at
16 him, he just let off the first shot.

17 Q. Let's clear this real quick. Go back to
18 now to where you, you've looked at the light skinned
19 guy, and you've looked back at the brown skinned
20 guy. Show on here where you were and he was at this
21 point.

22 A. I was right here, and he was right here.

23 Q. And shots already been fired in the other
24 direction.

25 A. Yes, sir.

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1 Q. What happens now?

2 A. When shots fired from the light skinned
3 guy, like I say, I glanced over to see what took
4 place. During that time, Mr. Brunson, he was
5 falling with his hands up. He was falling down
6 behind this pool table, so I couldn't see if he was
7 shot, he was moving or nothing. Because he fell
8 behind the pool table. After that I looked back at
9 this guy right here, who had the gun on me, and he
10 shot me. The first shot me, he shot me then in my
11 arm first. During that time---

12 Q. And how far were you from him?

13 A. When he shot me, about arm reach, two
14 feet. I just had gave him the \$3 bills.

15 Q. This close.

16 A. Yes, sir.

17 Q. Did you see him shoot you?

18 A. Yes, sir. That close. So after that he
19 shot me. I said, man, come on, man, I don't have
20 nothing. Man, I mean, why are you shooting me.
21 You ain't got to shoot me. And during that time my
22 son come running, because he must have realized what
23 was going on. Oh, dad, I'm peeing up. He's scared.
24 He's shook. So he come off the couch running
25 through this way, coming down the middle to where I

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1 was at, between the two pool tables running to where
2 I was at. I took my left hand. As I took my left
3 hand, he's running. Oh, dad, I'm peeing up. He's
4 crying and stuff. So I grabbed him with my left.

5 During this time Mr., the brown skinned
6 guy, he shot me again. During that time I had some
7 money in my right pocket. I pulled -- I went in my
8 pocket, pull the money out, and I throw it at him.
9 Like here. That's what y'all going to get. I
10 throw him the money.

11 Q. What did you say when did that?

12 A. I said this is for you all here. I throw
13 them the money I had in my pockets. I throw some
14 money I had in my pocket. After that---

15 Q. Was your son on your body when you got
16 that next shot? Were you holding him?

17 A. Yeah, he had just came into my arms.
18 That's when I was right here. Okay, I haven't
19 fall, so I guess he figured, you know, I didn't
20 fall. So my son grabbed me in my arms, he shot me
21 again. This guy here shot me again. During that
22 time, like I say, this area right here is all brick.
23 It's all brick. So I find myself falling back into
24 the back room area. And that's where I remained
25 until the shoots were settled.

Tyrone Williams-Direct by Meadors

1 Q. Could you -- were you on the floor then
2 when you were in this back area?

3 A. I think I did hit the floor one time.

4 Q. Where was minor

5 A. With me.

6 Q. And how long did you stay back there
7 before you got up and went back through the store?

8 A. Like a minute or so. After I find out --
9 hear the gunshots, then settled.

10 MR. MEADORS: Your Honor, State's 23 and
11 24 without objection.

12 THE COURT: Mr. Murphy, is that correct?

13 MR. MURPHY: Yes, Your Honor.

14 (Photos of business marked State's Exhibit
15 No. 23 and 24.)

16 Q. If you will continue, I am just going to
17 show you these on the monitor, okay.

18 A. Okay.

19 Q. This is State's 19. Will you tell us what
20 that is?

21 A. That's my two pool tables. And this area
22 right here is where I was sitting at right here.
23 Back here is the cooler area. And back here is the
24 area I am referring to, the brick area. This is my
25 establishment.

Tyrone Williams-Direct by Meadors

1 Q. I am sorry, go ahead.

2 A. Yes, sir, I said this is my establishment.

3 Q. This is State's 14. Is that a pool table?

4 A. Yes, sir.

5 Q. State's 23, can you see the Mystic bottle
6 in there?

7 A. Yes sir.

8 Q. And when he was paying you for the Mystic
9 bottle, where were you?

10 A. I was, the cooler right there. He was
11 right here, and I was right here in that area right
12 there. We was arm reach from each other. Because
13 he just had got the Mystic. He just had got the
14 Mystic out of the freezer, and he was asking me how
15 much. And I told him \$2.

16 Q. How did the Mystic get on the pool table?

17 A. He had put it there.

18 Q. This is State's 10. What part of your
19 business is that?

20 A. The car wash part.

21 Q. Is this the front or the back?

22 A. This is the front entrance door right
23 here.

24 Q. And where was Walter and or the light
25 skinned guy if you can show on State's 10.

Tyrone Williams-Direct by Meadors

1 A. Well it would be like over here, because
2 the pool table, the beginning of the pool table.

3 Q. You can't see on that photo.

4 A. No, sir. That would be where my son was
5 sitting in that couch over there.

6 Q. Let me go back to that on State's 10.
7 Show us.

8 A. That couch right there. That was Right
9 there where my son was sitting at. That's a couch.

10 Q. This is 11.

11 A. This right here is actually the chair I
12 was sitting in right here before the guys came in.
13 And Mr. Brunson was standing right here at this pool
14 table while we was talking.

15 Q. This may be another view of that. But the
16 one I have is State's 12.

17 A. Yes, sir. That same thing, the chair I
18 was sitting as well. And Mr. Brunson is about here.
19 This is the chair I was sitting in. Mr. Brunson
20 would have been in front of this pool table over
21 here.

22 Q. Where were you shot, location wise?

23 A. Well I was shot one time---

24 Q. Can you show -- the picture. I'm sorry.
25 It's a terrible question.

Tyrone Williams-Direct by Meadors

1 A. Yes. I was shot, that first shot I had to
2 have been right here, behind this second pool table
3 in front of this cooler right here.

4 Q. State's 8.

5 A. This right here would have been right
6 where here where the light skinned guy stood, and
7 Mr. Brunson was standing right here, as we was
8 talking. Like I say, we was there to clean up.
9 Because, you know, Christmas had just passed. You
10 can see right there, look like the razor bikes.
11 Because we came in and fix up the bikes that we
12 bought our kids for Christmas. And we just been
13 coming to clean up all the old trash I had to pick
14 up.

15 Q. State's No. 9. And this again, does this
16 depict where your son was?

17 A. Yes, sir.

18 Q. And these signs down here, that says, is
19 that part or your business, the car wash?

20 A. Yes, sir. That's how you can tell I'm
21 open, because I take these signs and go stick them
22 out in the front of the business, to let people know
23 we're open.

24 Q. Now I inartfully tried to show you a
25 cooler earlier. Will you look at State's 21 and

Tyrone Williams-Direct by Meadors

1 tell me if you recognize, or is that the same thing
2 I showed you earlier?

3 A. Yes, sir. That's the cooler in the back
4 area of my store.

5 Q. State's 24.

6 A. That's the jar. That's my jar I keep the
7 money in I receive. And that's where I put the \$5
8 bill at he gave me, and got the three one's out of,
9 and give them back to him.

10 Q. Looking back here at 27, show us where
11 that jar is on the diagram again, please.

12 A. It would be right here. That's the server
13 window right here.

14 Q. How did you get to Tuomey hospital?

15 A. By ambulance.

16 Q. Do you remember that trip?

17 A. Kind of, sort of.

18 Q. When you got to Tuomey, do you remember
19 talking to some police officers?

20 A. Yes, sir.

21 Q. And did you give them on that day a
22 description of the folks that had come in your
23 business, and the description of the person, the
24 light skinned guy and the dark skinned guy?

25 A. Yes, sir.

Tyrone Williams-Direct by Meadors

1 Q. And did you give them a description of the
2 fellow that shot you?

3 A. Yes, sir.

4 Q. That day.

5 A. Yes, sir.

6 Q. And on December 29th, when this happened,
7 Mr. Williams, you were in the hospital.

8 A. Yes, sir.

9 Q. How long did you stay in the hospital?

10 A. I got discharged the 7th of January.

11 Q. Did you have an occasion to talk or see
12 Sergeant Wayne Dubose? Wayne, raise your hand,
13 please. You saw him on the 29th, didn't you? The
14 day this happened.

15 A. Yes, sir.

16 Q. In the hospital. Did you see him the next
17 day?

18 A. He came back. I don't -- yes, sir, he
19 came back.

20 Q. To the hospital.

21 A. Yes, sir.

22 Q. Did he show you a group of pictures of
23 some individuals, or an individual that might be
24 involved in this?

25 A. Yes, sir. He give me a photo. He gave me

Tyrone Williams-Direct by Meadors

1 photo lineup, and he asked do any of these faces
2 ring a bell, stick out to me somehow.

3 Q. And this was December 30th.

4 A. Yes, sir.

5 Q. December 29th, had you given him a
6 description?

7 A. Already.

8 Q. And did you, and you were in the hospital
9 when you saw this?

10 A. Yes, sir.

11 Q. And I'm showing you what's marked State's
12 3, do you recognize it? Do you recognize it?

13 A. Yes, sir.

14 Q. Is that what you were just talking about?

15 A. Yes, sir.

16 Q. And prior to showing you this lineup
17 did -- that's what Mr. Dubose told you?

18 A. Right.

19 Q. If you could pick out somebody there.

20 A. Yes.

21 Q. Were you able to pick out anybody?

22 A. Yes, sir.

23 Q. Who did you pick out?

24 A. I pick out No. 3, the guy I recognize.

25 Q. And did you indicate on State's 3 that you

Tyrone Williams-Direct by Meadors

1 Q. On January 7th, did you have an occasion
2 to go to the sheriff's department to see
3 Investigator Sergeant Dubose?

4 A. Yes, sir. When I got discharged, he
5 already told me like once I got discharged, to come
6 down and speak with him. So during my discharge
7 after I left the hospital, I went to speak with
8 Mr. Dubose.

9 Q. So just if I could -- and by the 29th, you
10 gave a description. The 30th, you look at a photo
11 lineup.

12 A. Right.

13 Q. And January 7th of 2016, you go back to
14 see Sergeant Dubose after you got out of the
15 hospital.

16 A. Correct.

17 Q. Did you give him a statement?

18 A. Yes, I did.

19 Q. And at that point, did he also show you
20 another lineup?

21 A. He showed me another lineup, yes, sir.

22 Q. Did he tell you why?

23 A. No, sir.

24 Q. And what if anything did he tell you
25 before you looked at this lineup, which is marked

Tyrone Williams-Direct by Meadors

1 for these purposes as State's No. 4?

2 A. Right. He just told me did I recognize
3 the guy that probably could have did this to me.

4 Q. Was there anybody that was in there that
5 was involved in this?

6 A. Yeah.

7 Q. Did you pike out anybody?

8 A. I say, yes, this is the guy right here who
9 shot me.

10 Q. And what number was he in this lineup?

11 A. No. 1.

12 Q. Did you initial that indicating that?

13 A. I circled and initialed it.

14 Q. Why did you pick out No. 1 in the photo
15 lineup marked State's No. 4?

16 A. Because that's the guy that shot me.

17 Q. Any doubt in your mind?

18 A. Ain't no doubt.

19 Q. Who is No. 1 in State's 4?

20 A. Mr. Raymond Scott.

21 THE COURT: Are you offering No. 4?

22 MR. MEADORS: I would offer State's 4.

23 THE COURT: Subject to all arguments

24 earlier made, it's in.

25 (Photo lineup marked State's Exhibit No. 4

Tyrone Williams-Direct by Meadors

1 into evidence.)

2 Q. Would you describe the clothes again that
3 the person you said in photo 4?

4 A. He had on a, Mr. Raymond, the guy I
5 recognized---

6 Q. You can say his name.

7 A. Mr. Scott he had black cargo pants, a
8 black hoodie, a skull cap. He had some black
9 Jordans with some white bottoms on them, you know.
10 I know they're Jordan's because I got a pair myself.
11 So I kind of knew the shoe when I seen it. I know
12 the pants I saw when I saw it.

13 THE COURT: 25 and 26?

14 MR. MEADORS: Yes, sir. I believe without
15 objection.

16 THE COURT: Mr. Murphy?

17 MR. MURPHY: No objection.

18 (Photos of shoes, pants marked State's
19 Exhibit Nos. 25 and 26 into evidence.)

20 Q. I am going to show you what's marked
21 State's 25, for these purposes. Do you recognize
22 that?

23 A. These are the shoes he had on at the time.

24 Q. State's 25. And I am going to show what's
25 marked 26. Do you recognize any of these items of

Tyrone Williams-Direct by Meadors

1 clothing?

2 A. I don't recognize the underclothing but I
3 recognize the pants.

4 Q. I didn't mean the underclothes. I
5 apologize. Do you recognize the pants?

6 A. Yes, sir.

7 Q. Anything else is?

8 A. That's a shirt right there. That might be
9 the black shirt that he had on, with the short
10 hoodie he had on.

11 Q. But you recognize the pants.

12 A. Yes, sir.

13 Q. And that's State's 26. Mr. Williams,
14 based on the time you spent in your business on
15 December 29th of 2015, and the opportunity you had
16 to observe the individual that came and asked for a
17 Mystic, and the person who you it told be \$2, and
18 the person who gave you a \$5, and the person who,
19 hold your hand out, who you gave change to.

20 A. Yes, sir.

21 Q. And the person that pulled out a gun as he
22 was putting the money in his pocket, and the person
23 who said give me everything you've got, and the
24 person that fired the bullet into you, and fired
25 another shot and another shot while minor was on

Tyrone Williams-Direct by Meadors

1 your body, and the person you threw your money to,
2 and the person who took your money and went out of
3 that -- and ran out of that store, is that person
4 who robbed you and shot you, in this courtroom?

5 A. Yes, sir.

6 Q. Would you tell these Ladies and Gentlemen
7 who he is?

8 A. Mr. Raymond Scott who is over there with
9 Mr. Murphy.

10 Q. Sitting next to Mr. Murphy.

11 A. Yes, sir.

12 Q. And we would like the record to so
13 reflect. Is there any doubt in your mind that's who
14 you?

15 A. Ain't on doubt.

16 MR. MEADORS: Judge, with the court's
17 permission, can I get him to show his injuries on
18 the top part of his body?

19 THE COURT: Mr. Murphy.

20 MR. MURPHY: No objection.

21 THE COURT: You can step down.

22 (Whereupon, witness steps down from the
23 witness stand.)

24 Q. First of all, do you mind doing that?

25 A. No, I don't mind. I just don't want to

Tyrone Williams-Direct by Meadors

1 pull my pants down and show them where he shot me on
2 my legs.

3 Q. We all would agree with that. Would you
4 stand up.

5 A. He shot me on, this would have been the
6 first shot. He hit me right here for the first
7 shot. When he hit me with the first shot right
8 here, that's when I could see my son coming.
9 Because the other guy, he was already shooting.

10 MR. MURPHY: Your Honor.

11 THE COURT: That's not the question. The
12 question is where, where on the body. Answer the
13 questions.

14 A. Okay, then. I got shot here. I got shot
15 right here. It went through. All this is where I
16 just had surgery a couple of months from the
17 accident. And I got shot in my side where it came
18 through right here. The doctor say he don't even
19 know why the bullet stopped traveling.

20 MR. MURPHY: Your Honor.

21 THE COURT: Sustained. Disregard that
22 last statement.

23 MR. MEADORS: We're not trying to elicit
24 that, Judge.

25 Q. And you said something about your leg

Tyrone Williams-Direct by Meadors

1 area. You didn't want to show that.

2 A. Yes, sir.

3 Q. What was that?

4 A. Just a fourth shot to my leg right here.

5 Q. So you got 4 shots?

6 A. Yes, sir.

7 Q. Were any of the projectiles taken out of
8 your body?

9 A. Yes, sir. They took one of them out of
10 my chest. But the other ones in my arm they said
11 they don't want to remove, because it's sitting up
12 on the nerves and it might cause worse nerve
13 damages.

14 Q. But one was taken out.

15 A. Yes.

16 MR. MEADORS: I beg the court's
17 indulgence.

18 THE COURT: All right.

19 Q. One final. Are you having trouble with
20 your hands?

21 A. Yes, I haven't started feeling back in my
22 hands. And the doctor said it would be like two
23 years maybe before the feeling would start.

24 Q. So your hand was not like this beforehand?

25 A. No, sir.

Tyrone Williams-Direct by Meadors

1 MR. MEADORS: Judge, that's all. Thank
2 you.

3 THE COURT: Mr. Murphy, would you like to
4 cross now or after lunch?

5 MR. MURPHY: After lunch, Your Honor.

6 THE COURT: Ladies and Gentlemen, we're
7 going to stop now. It's 12:20. We will get back
8 together at 2 o'clock. That gives you time to get
9 out of the courtroom, to your cars, to get to where
10 you want to go to have lunch, or run errands and
11 what you would like to do. Gives you time to get
12 back and park and back to the building, with s
13 little's interference as possible with your leisure.

14 So please do not discuss the case in any
15 way. Don't discuss it amongst yourselves or with
16 anyone else. And do not undertake to do any
17 research or investigation of your own. I'll see you
18 back at 2:00 o'clock. Thank you.

19 (Whereupon, the jury goes to lunch.)

20 THE COURT: Mr. Williams, you can step
21 down. But over the lunch break and until you sit
22 back in the witness chair for cross examination, you
23 are not permitted to talk about your testimony with
24 anybody, okay.

25 MR. WILLIAMS: Yes, sir.

Tyrone Williams-Direct by Meadors

1 THE COURT: Anything before we recess,
2 Mr. Meadors, Mr. Murphy?

3 MR. MEADORS: I appreciate your patience,
4 Judge.

5 MR. MURPHY: I have nothing, Judge.

6 THE COURT: Are you going to be using the
7 projector too, perhaps?

8 MR. MURPHY: Perhaps, but probably not.

9 THE COURT: We'll leave it on just in
10 case. You can step down. Thank you, sir. If you
11 all could be back at about 10 till two just in case
12 we have to cover anything.

13 THE COURT: Anything before we bring the
14 jury, Mr. Meadors?

15 MR. MEADORS: No, Your Honor.

16 THE COURT: Mr. Murphy.

17 MR. MURPHY: No, Your Honor.

18 MR. MEADORS: No.

19 THE COURT: You may have a seat in the
20 witness chair, sir.

21 MR. MURPHY: Your Honor, I apologize. I
22 would ask that Mr. Brunson be sequestered during the
23 cross examination.

24 THE COURT: Mr. Brunson, would you please
25 step our please into the hallway. Or in that

Tyrone Williams-Cross by Murphy

1 attorney room as long as there is no audio. Is
2 there any audio in there. Is there any audio in
3 there, Mr. Brown?

4 MR. MEADORS: I just don't want him to go
5 far. He's going to be the next witness.

6 THE COURT: He's just going. I'm not
7 going to wait on him. But he is going have to be
8 right outside.

9 THE COURT: Okay, we ready for the jury.

10 (Whereupon, the following takes place
11 within the presence of the jury.)

12 THE COURT: We are ready to continue.
13 Mr. Williams is still on the witness stand.
14 Mr. Murphy.

15 MR. MURPHY: Thank you, Your Honor.

16 Cross Examination by Mr. Murphy:

17 Q. Mr. Williams, how are you?

18 A. I am doing fine, sir.

19 Q. You indicated that your business hours
20 actually started later in the day, typically?

21 A. Yes, sir.

22 Q. What time do you normally start?

23 A. Around about 4:00 o'clock.

24 Q. So you were there kind of more on a spur
25 of a moment kind of thing?

Tyrone Williams-Cross by Murphy

1 A. Yeah, like when my fiancée come home to
2 take care of the kids, that's when I come -- like
3 really come to open my store.

4 Q. There is no preplanned.

5 A. No, sir. It's already a nightspot, yes,
6 sir.

7 Q. You weren't arranging anything or planning
8 to meet anybody.

9 A. No, sir.

10 Q. Now when you first taken to the hospital,
11 the first person that you spoke to from law
12 enforcement was Investigator Thomas, do you recall
13 that? A female?

14 A. A female, yes, sir.

15 Q. Right. And she asked you what happened.
16 Do you recall that?

17 A. Yes, sir.

18 Q. And you told her that you gave basically a
19 part of what you told her, you said, you talked
20 about you guys coming in. You recall that.

21 A. Yes, sir.

22 Q. And you said that you gave an individual
23 \$1,000. Do you recall saying that?

24 A. Nah, I didn't say nothing about no \$1,000.
25 No, sir.

Tyrone Williams-Cross by Murphy

1 Q. So you didn't say if you gave a person a
2 \$1,000?

3 A. No, sir.

4 Q. And you also said that the two folks --
5 the two individuals pulled out guns, but you
6 couldn't describe them at point. You said, it
7 happened so fast that I can't describe the guns. Do
8 you remember saying that?

9 A. No, sir.

10 Q. So you didn't say that.

11 A. No, sir. I remember saying something
12 like, they're not here. They're probably gone back
13 home, because they wasn't from around here. I
14 remember saying that to her.

15 Q. You don't remember saying you couldn't
16 describe the gun.

17 A. No, sir. I told them it was silver, yeah.

18 Q. And then a later, on you talked to
19 Investigator Dubose that same night.

20 A. Right.

21 Q. And then you described it as a silver gun,
22 right?

23 A. Correct.

24 Q. The person you identify as my client had
25 one gun, correct?

Tyrone Williams-Cross by Murphy

1 A. Correct.

2 Q. And the other individual the light skinned
3 guy had one gun, correct?

4 A. Correct.

5 Q. Those are the only two guns.

6 A. Right.

7 Q. And you spoke to Investigator Dubose, the
8 next day too on December 30th, correct?

9 A. Correct.

10 Q. And that was taped.

11 A. Yes, sir.

12 Q. You were feeling a little bit better?

13 A. Yes, sir.

14 Q. And again in that one you said that the
15 dark skinned guy pulled out a silver gun. Do you
16 recall saying that?

17 A. Yes, sir.

18 Q. And then you said I then said here man,
19 and you pulled money out of your pocket, meaning
20 you. Peeled some off and give it to him. Do you
21 recall saying that?

22 A. Yes, sir.

23 Q. And actually you had about what \$3300 on
24 you?

25 A. Yes, sir.

Tyrone Williams-Cross by Murphy

1 Q. So you peeled it off. You gave him the
2 money, and you handed him the money.

3 A. No, I didn't. I threw the money in his
4 direction.

5 Q. And it was after that, handing him the
6 money that you heard the first shot. Isn't what you
7 told Investigator Dubose?

8 A. No, sir.

9 Q. You also told Investigator Dubose that you
10 tried to grab the gun. Do you recall saying that?

11 A. Yeah, I told I tried to -- yeah, from the
12 shot after I grabbed my son, I tried to like swipe
13 at the gun from him shooting again. That's how I
14 received this bullet wound right here.

15 Q. You recall saying that.

16 A. Yeah, from swiping the gun, yes, sir.

17 Q. You have seen this before. This is
18 State's Exhibit No. 27.

19 A. Right.

20 Q. Now I am not high tech as Mr. Meadors. So
21 I am going to use my pen, okay. You described in
22 your direct testimony that the black skinned guy
23 walked between the pool tables.

24 A. Yes, sir.

25 Q. That's your testimony today.

Tyrone Williams-Cross by Murphy

1 A. Yes, sir.

2 Q. Is that correct? On December 30th, you
3 said that the black skinned guy walked around this
4 table. That's why this line is here, is that
5 correct?

6 A. No, sir. I told him that the light
7 skinned guy was standing right here behind me and
8 Mr. Walter. And the dark skinned, the brown skinned
9 guy as he was approaching and talking to him, he
10 came through this way right here.

11 Q. So you're saying, so this line here that
12 goes from the dark skinned guy to the dark skinned
13 guy, is that you put on this document on
14 December 30th, what is that?

15 A. This is the print out of my store and
16 where----

17 Q. No, no, no, the line. I'm asking you the
18 line. You wrote that line there, right?

19 A. No, I didn't write the line.

20 Q. You didn't draw that line.

21 A. I've been trying to explain to him how it
22 was going down. Because I couldn't write. I'm
23 right handed. My arm was banded up. I didn't
24 have -- I couldn't use my right arm hand, so it was
25 explaining how the approachment came.

Tyrone Williams-Cross by Murphy

1 Q. Let me show it to you a little closer. I
2 can approach. You see this line right here.

3 A. Yes, sir.

4 Q. You didn't draw that.

5 A. No, I don't recall that.

6 Q. Now you had \$3300 on you about that.

7 A. Yes, sir.

8 Q. And here's a guy whose got a gun pointed
9 at you, and says give me all your money, right?

10 A. Right.

11 Q. And your son is in the same store, right?

12 A. Correct.

13 Q. And you tell him that you don't have the
14 money.

15 A. Correct.

16 Q. And you have \$3300 in your pocket.

17 A. Correct.

18 Q. And in fact there's about \$3,000 that's
19 found on you at the hospital, correct?

20 A. Yeah, a little under that, yes, sir.

21 Q. And so you're not going to give a guy the
22 money you have in your pocket when he's standing
23 there holding a gun on you.

24 A. No.

25 Q. And your son's in the same vehicle.

Tyrone Williams-Cross by Murphy

1 You're going to lie to him and say, I don't have any
2 money.

3 A. Yes, sir.

4 Q. Now you initially indicated that the
5 amount of money you had on you, you were questioned
6 about the amount of money by Investigator Thomas.
7 You remember that, correct?

8 A. Correct.

9 Q. And she said you told her that you had,
10 you were paid from three businesses, is that what
11 you said?

12 A. Yeah, I got like two businesses. I got my
13 store. I got -- we do lawn care there sometimes on
14 the weekends. I'm telling her, she asked me why I
15 had the amount of money on me, I told her it was
16 from gambling the night before.

17 Q. So you told her it was gambling funds.

18 A. I told her, yeah, we do a lot of that. A
19 lot of things at that spot.

20 Q. You told Investigator Thomas that you had
21 gambling funds, that's why you had so much money on
22 you.

23 A. No, I told her that. She asked me why I
24 had that amount of money on me at that time. I tell
25 her I'm about to go out and pay some bills. That's

Tyrone Williams-Cross by Murphy

1 what I told her.

2 Q. She also told you, you smelled like
3 marijuana.

4 A. Yes, sir.

5 Q. Now before you spoke to Investigator
6 Dubose on December 30th. This would not be the
7 first day, this would be the second day. You're
8 still in the hospital along with the tape recorded
9 interview. Just to focus you. You had had a
10 conversation with Mr. Brunson sometime before you
11 spoke to Investigator Dubose, correct?

12 A. Can you repeat that?

13 Q. Mr. Brunson. Walter Brunson.

14 A. Okay.

15 Q. You had talked to him between your first
16 interview with Investigator Dubose when you were --
17 before they treated you that night. And the second
18 day, December 30th, is the next day, you had a
19 conversation with this Mr. Brunson.

20 A. I don't remember what day he came to visit
21 me, but he did come visit me to see if I was all
22 right. Yeah, I got a lot of visitors.

23 Q. And you in that -- because you referenced,
24 you recall referencing Mr. Brunson to Investigator
25 Dubose.

Tyrone Williams-Cross by Murphy

1 A. Yes, he asked me who all was in the store
2 with me at the time. Did I had somebody there at
3 the time with me when this occurred.

4 Q. And isn't it true that you told
5 Investigator Dubose you thought Mr. Brunson might be
6 involved.

7 A. No, sir. He asked did I would think
8 Mr. Brunson would be involved. I say that's a
9 friend I've known for a long time. You know, I
10 can't see him doing that.

11 Q. So your testimony today is that you that
12 you did not intimate to or did not tell Investigator
13 Dubose that you thought Mr. Brunson might be
14 involved?

15 A. No, sir.

16 Q. You never did that.

17 A. No, he asked do I would think Mr. Brunson
18 would do such things to me since the way he had left
19 and came back so fast. I told him, nah, I wouldn't
20 think he would do that, like a brother. We were
21 friends for a long time. If it was it would be
22 shocking. That's what I told him.

23 Q. Do you know a guy named cow?

24 A. No, sir.

25 Q. C-O-W.

Tyrone Williams-Cross by Murphy

1 marijuana?

2 A. That's not true, sir.

3 Q. So he did not call you about an hour
4 beforehand and arrange a meeting at your
5 establishment?

6 A. No, sir.

7 MR. MEADORS: Your Honor, did he say Kyle
8 and my client?

9 MR. MURPHY: Cow. C-O-W.

10 THE COURT: Cow and my client.

11 MR. MURPHY: And my client.

12 THE COURT: Cow and the defendant. Is
13 that what you meant, Mr. Murphy?

14 MR. MURPHY: Yes, sir.

15 Q. Isn't it true that you had a 38 on you at
16 that time?

17 A. No, sir.

18 Q. Isn't it true that you got into an
19 argument first with my client, and later on the
20 fact that your child was in the facility and that's
21 what precipitated an argument?

22 A. No, sir.

23 Q. Isn't it true that you pulled out the gun
24 first and shot my client?

25 A. No, sir.

Tyrone Williams-Cross by Murphy

1 Q. You have two scales in your facility?

2 A. No, sir. They say when they was cleaning
3 up, they found one in my facility. It didn't
4 belong to me though.

5 Q. So they were in your facility, but you're
6 saying they don't belong to you.

7 A. No, sir.

8 Q. You know marijuana was found in your
9 facility too. A small amount of marijuana.

10 A. I didn't know they find something in my
11 establishment. I thought what they found was in my
12 back pocket.

13 MR. MURPHY: Can I have a moment, Your
14 Honor?

15 THE COURT: Yes, sir.

16 Q. Just to clarify one point. You had \$3,017
17 on you at the hospital?

18 A. I don't know quite how much it was. It
19 was, because like I say, I had an amount of money in
20 my pocket. And then as he was shooting me, and as I
21 grabbed my son, I just went in my pocket and just to
22 try peel off something and just throw it at them.
23 That's what happened.

24 Q. Not you told Investigator Dubose that the
25 total amount of money between what was found on you

Tyrone Williams-Redirect by Meadors

1 and what was found on my client, should not exceed
2 \$3200. Do you recall saying that?

3 A. I told him, yeah. He asked me do I can
4 recall how much money I had on me at the time. I
5 told him I had like 33, 3400. So after I count my
6 money, I'd say I think I had \$2700 or something.
7 So The most he could have had on him, the day you
8 all found him, could have been about 6 or \$700.
9 That's what I threw at him.

10 Q. So you're saying you had \$2700 on you.
11 Counting the money when you went to the hospital you
12 had \$2700.

13 A. That's what they gave me back. 27 and
14 some change. Yes, sir. I had to sign off on the
15 paper.

16 Q. And you don't know anybody named cow.

17 A. No, sir.

18 MR. MURPHY: I have no further questions.

19 THE COURT: Redirect?

20 MR. MEADORS: Please the court.

21 THE COURT: Yes, sir.

22 Redirect Examination by Mr. Meadors:

23 Q. When you talked to Investigator Thomas,
24 was that shortly after you got to the hospital?

25 A. Yes, sir.

Tyrone Williams-Redirect by Meadors

1 Q. Investigator Thomas stand up, please. Is
2 this Investigator Jennifer Thomas?

3 A. Yes, sir.

4 Q. Is that who you talked to initially?

5 A. Yes, sir.

6 Q. And did you tell her you -- did you tell
7 her somebody had taken money from you?

8 A. I didn't tell her nobody take no money
9 from me. She asked me what happened and I told her
10 it was robbery. As soon as I told her, I also told
11 her that the person who done this to me might be
12 gone, because he wasn't from around here. That's
13 what I told her.

14 Q. Did you tell her you had peeled off or had
15 given some money to him?

16 A. I don't remember telling her all that.

17 Q. Did you also remember telling her I'm in
18 some pain and I need some medication?

19 A. That's what remember I screaming to her.

20 Q. Did you peel off or throw some money at
21 him?

22 A. Yes, sir. I peeled off the money out of
23 my right pocket. As I grabbed my son, I left just
24 to calm the shooter down.

25 Q. And that person got that money, didn't

Tyrone Williams-Redirect by Meadors

1 they?

2 A. Yes, sir.

3 Q. He got the money, didn't he?

4 A. Yes, sir.

5 Q. And that was found on him later, wasn't
6 it?

7 A. Yes, sir.

8 Q. And your son was against you when you were
9 being shot by the defendant, right?

10 A. Yes, sir.

11 Q. Now Mr. Murphy asked you---

12 MR. MURPHY: Your Honor, I don't recall.
13 I think this is beyond the scope of cross.

14 THE COURT: About the son, you mean?

15 MR. MURPHY: Yes, sir.

16 MR. MEADORS: Your Honor, he brought in a
17 whole new area that I'd never even heard of before,
18 respectfully. And I'm trying to go back.

19 THE COURT: I will allow it.

20 MR. MEADORS: I understood.

21 THE COURT: And technically you are
22 correct, Mr. Murphy, but I certainly am going to
23 give him some latitude with---

24 MR. MURPHY: Yes, sir.

25 THE COURT: ---redirect. Go ahead,

Tyrone Williams-Redirect by Meadors

1 Q. ---Sergeant Dubose.

2 A. Yes, sir.

3 Q. Was that in your statement?

4 A. Yes, sir.

5 Q. He asked you something about smelling like

6 marijuana. I think that's what the question was.

7 Did you have any marijuana on you when you were in

8 the hospital?

9 A. Yes, sir.

10 Q. How much?

11 A. One joint inside of a cigar pack that was

12 in my back pocket. That's what he found.

13 Q. Was there any marijuana in your store?

14 A. No, sir.

15 Q. Has anybody ever smoked marijuana at your

16 store? At your business?

17 A. We had smoked before like after hours when

18 we was in there gambling. Yes, sir. We done did

19 before it. Yeah, somebody would lite up. But it

20 was after hours, doors locked. Ain't nobody there.

21 Q. He's insinuating it, and I hope this is a

22 proper recross. Do you sell marijuana out of your

23 store?

24 A. No, sir.

25 Q. And he's implying this is a drug deal gone

Tyrone Williams-Redirect by Meadors

1 bad. Was this a drug deal gone bad?

2 A. No, sir.

3 MR. MURPHY: Your Honor, I'm going to
4 object.

5 THE COURT: No comments on what other
6 lawyer's intentions are. You can ask questions. So
7 restate it please. The jury disregard that last
8 exchange.

9 Q. He asked you where it was some Cow or some
10 other person, and then he said my client, whether
11 you had set up or talked to him that day about
12 selling drugs. Do you remember that?

13 A. No, I don't remember none of that.

14 Q. Do you remember him asking you that?

15 A. No, sir.

16 Q. Do you remember him asking you if you had
17 talked to these people on the phone prior to this?

18 A. No, sir.

19 Q. You don't remember him asking you that, or
20 that didn't happen?

21 A. That didn't happen.

22 Q. Had you set up a drug deal for that day?

23 A. No, sir.

24 Q. Your son was with you?

25 A. Yes, sir.

Tyrone Williams-Redirect by Meadors

1 Q. He asked you something about Mr. Brunson.

2 This is in direct response to that. When this
3 happened, did you know who was involved? Did you
4 know the identity of who came in and shot you?

5 A. I didn't know who was involved, but I just
6 know the identity of the person who came inside my
7 store. That's it.

8 Q. You've identified that person. Did you
9 know that person before that day?

10 A. No, sir.

11 Q. Do you know how they would have known to
12 come to your store?

13 A. No, sir. Unless somebody he know somebody
14 in that area or something.

15 MR. MURPHY: Your Honor, that's
16 speculation.

17 THE COURT: Sustained.

18 A. No, sir, then.

19 Q. Because you've never talked to him before.

20 A. I've never seen him a day in my life.

21 Q. And you did not know -- you did not know
22 in your mind whether he had a local connection, do
23 you? You didn't know that.

24 A. No, sir.

25 Q. And finally, he asked you about the money

Tyrone Williams-Recross by Murphy

1 that you had on you. And you, on direct, did you
2 testify there's gambling going on there?

3 A. Yes, sir.

4 Q. The money you had on you, was that from
5 the night before?

6 A. Some of it was, not all. I've got a
7 business there. I make -- I also make money. I was
8 making money there.

9 Q. And would this person, you've identified
10 the defendant. Mr. Murphy asked you -- came and
11 asked you for your money, did you want to give it to
12 him?

13 A. No, sir.

14 Q. Was it his money?

15 A. No, sir.

16 Q. That was your money.

17 A. That was my money.

18 MR. MEADORS: I beg the court's
19 indulgence.

20 THE COURT: Yes, sir.

21 MR. MEADORS: That's all. Thank you.

22 Recross Examination by Mr. Murphy:

23 Q. After you were shot, you fell in the back
24 room, is that correct?

25 A. After they had shot me?

Walter Brunson-Direct by Meadors

1 Q. Yeah, the last time you fell, you were in
2 the back room?

3 A. When I did took the ground, yes, I was in
4 the back.

5 Q. And did you hear any more shots after
6 that?

7 A. If anything maybe like one or two, and
8 that was it, maybe. I don't know, so much going on.
9 I was trying to grab my son and stay focused and try
10 to save myself.

11 Q. I'm just asking you about the shots.

12 A. Yes.

13 MR. MURPHY: I have nothing further.

14 THE COURT: Thank you, sir. You can step
15 down. Mr. Meadors.

16 MR. MEADORS: Your Honor, if Mr. Murphy
17 and I can have a brief moment. Walter Brunson.

18 Walter Brunson, being first duly sworn,
19 testified as follows:

20 THE CLERK: State your full name and spell
21 your last name for the record.

22 A. Walter Brunson. B-R-U-N-S-O-N.

23 DIRECT EXAMINATION by Mr. Brunson:

24 Q. Good afternoon, Mr. Brunson.

25 A. Good afternoon.

Walter Brunson-Direct by Meadors

1 Q. Mr. Brunson, tell the ladies and gentlemen
2 about Walter Brunson. Just wait a minute, where you
3 were born, and where you went to school if you don't
4 mind.

5 A. I was born in Sumter, South Carolina. I
6 went to Sumter High.

7 Q. And born and raised here.

8 A. And born and raised here.

9 Q. When did you get out of Sumter High?

10 A. 1989.

11 Q. What did you do after that, Mr. Brunson?

12 A. I worked at Goldkist.

13 Q. What did you do there?

14 A. Packing in the---

15 Q. And how long---

16 A. ---assembly line.

17 Q. ---did you work there?

18 A. I have been there for about 3 years.

19 Q. Packing in the assembly line?

20 A. Yes.

21 Q. And you've been there what?

22 A. About 3 years.

23 Q. Have you had any other jobs?

24 A. Yes, about Goldkist. I just recently left
25 about 7 months ago, during this incident right here.

Walter Brunson-Direct by Meadors

1 Q. During the incident.

2 A. Yes.

3 Q. And that was on December 29th of 2015.

4 A. Yes.

5 Q. And how long have you known the victim,
6 Tyrone Williams?

7 A. Ever since I've been here. Ever since
8 I've been probably middle school.

9 Q. And you're familiar with this place of
10 business at [REDACTED] Manning.

11 A. Yes, sir.

12 Q. What type of -- how often did you go
13 there?

14 A. Quite often.

15 Q. And go there to relax?

16 A. Yes.

17 Q. Gamble?

18 A. No, I don't gamble. During that time, I
19 was at work. I used to work at night.

20 Q. But some gambling went on there, didn't
21 it?

22 A. Yes.

23 Q. Now on this particular day of December
24 29th of 2015, did you have an occasion to go by the
25 business of Mr. Williams and see him that day?

Walter Brunson-Direct by Meadors

1 A. Yes, sir.

2 Q. Before all this started.

3 A. Yes, sir.

4 Q. And why did you go by there?

5 A. Because I see him, and we always
6 conversate. Every time we see each other we have a
7 conversation.

8 Q. And how did you know he was there?

9 A. Because I saw his truck.

10 Q. So the first -- that first time you went
11 there, what transpired, what happened?

12 A. We had a conversation. And then I left,
13 and went down the street to the store. Came back.

14 Q. Was anybody with you that first time?

15 A. Yes.

16 Q. Who?

17 A. My son and my niece.

18 Q. So you went to the store and came back?

19 A. Yes.

20 Q. And who was with you when you came back?

21 A. The same people, my son and niece.

22 Q. And where did you go then?

23 A. Back to the store. He still was there.

24 Q. And what did you do then?

25 A. Sit there and still talking, having a

Walter Brunson-Direct by Meadors

1 conversation. He was telling me about the wedding
2 his mother-in-law is supposed to have and so forth.
3 Just conversating.

4 MR. MEADORS: I beg the court's
5 indulgence.

6 Q. I'm sorry, I had something on my mind.
7 Conversating about what coming up?

8 A. His mother-in-law was getting married.
9 And he was telling me about a suit that he was going
10 to get suited up. And then we was talking about all
11 the other stuff.

12 Q. And what did you do next? Did you go in
13 the store?

14 A. Yeah, we was in the store at that time.

15 Q. And were the other folks in the truck?

16 A. You mean the car.

17 Q. In the car. They were in the car?

18 A. They were in the car.

19 Q. And you went inside and what happened
20 then?

21 A. As far as the conversation, or about the
22 two fellows walking up?

23 Q. You tell us what happened.

24 A. The two fellows were walking up. And I
25 said they look like the people on Lincoln Street.

Walter Brunson-Direct by Meadors

1 They had looked familiar to me until they got in the
2 store. And when they got in the store, the dark
3 skinned fellow, walked towards Tyrone saying he had
4 want to something to drink. The light skinned
5 fellow stopped behind me because I was at the pool
6 table. At the beginning of the pool table, he had
7 stopped right there. And I went back to him and
8 say, you had looked like somebody I know. He say,
9 he tell me, no, he wasn't from around here. That's
10 how I know where he was from, the answer he gave.

11 Q. The what?

12 A. The accent.

13 Q. What? Describe that to the ladies and
14 gentlemen of the jury.

15 A. A Geechee accent like they're from
16 Charleston.

17 Q. Are you familiar with that dialect?

18 A. Yes, I am familiar with that.

19 Q. And so is that -- your testimony that's
20 when they really weren't from around here when---

21 A. Yes.

22 Q. ---you heard the accent?

23 A. Yes.

24 Q. Well had you seen that fellow before, the
25 fellow that was near you?

Walter Brunson-Direct by Meadors

1 A. No, I never seen either one of them.

2 Q. Well describe the fellow that was near
3 you?

4 A. Kind of chubby, light skinned. And he had
5 a beard.

6 Q. And where did this other fellow go that
7 you said went to Mr. Williams? In the business,
8 where did he go?

9 A. He went towards him to like the soda
10 machine, and asked for something to drink. And he
11 pointed to the soda machine. And then Mr. Williams
12 started conversating with him, asking him all kind
13 of questions. You know what I'm saying, like he
14 feel like something wasn't right about it.

15 MR. MURPHY: Your Honor, that's
16 conclusory.

17 THE COURT: Sustained.

18 Q. What did you observe? Well how long were
19 they together, the victim and the defendant?

20 A. About two or 3 minutes just conversating.
21 He was asking questions. Questions about this.

22 Q. So they were talking back and forth.

23 A. They were talking back and forth.

24 Q. And you mentioned something about a soda.
25 Did that fellow get a soda?

Walter Brunson-Direct by Meadors

1 mind. You know what I'm saying, because I had
2 something I was eating back there too then. And
3 when he said that, that's something triggered. And
4 then he said, nah, that stuff is stale. I have got
5 to restock and all that. And then when he give him
6 the change, and he pull -- the dude pulled a gun
7 out. The dark skinned dude pulled a gun out. And
8 the other dude slapped me across the head with a
9 gun. He pulled a gun out, and slapped me across the
10 head with the gun. And he started shooting.

11 Q. So the fellow, when your testimony is when
12 the dark skinned guy pulled a gun out---

13 A. Uh-huh. (Affirmative.)

14 Q. ---the fellow near you started shooting?

15 A. Yes, sir. He hit me and started shooting.

16 Q. Where did he hit you on the head?

17 A. On my head right up in here.

18 Q. What did he hit you with?

19 A. A gun.

20 Q. And then he started shooting?

21 A. He started shooting.

22 Q. How many shots went off?

23 A. I can't say. A lot of them.

24 Q. And which way was that guy shooting, the
25 light skinned guy?

Walter Brunson-Direct by Meadors

1 A. He was shooting towards -- he was shooting
2 too. I don't know if he was shooting towards the
3 front towards them. I don't know where he was
4 shooting.

5 Q. He was just shooting.

6 A. He was just shooting.

7 Q. What did you do?

8 A. Fall to the ground. I said, I ain't got
9 nothing. And I fall to the ground. Then when I see
10 him keep shooting, I fall, you know what I'm saying,
11 to the door. And then that's when I saw, I looked
12 towards and I see the dark skinned guy picking money
13 off the floor. But I was opening the door and keep
14 on falling. And lay down in the bathroom.

15 Q. Did you see the dark skinned guy near
16 Tyrone, when shots were fired from that area of the
17 store?

18 A. Yes.

19 Q. And did you actually see the dark skinned
20 guy shoot Tyrone?

21 A. No, I didn't actually see him shoot
22 Tyrone, because I was leaning down. I was on the
23 ground. But I know he had the gun. I know he was
24 shooting. And I went to the bathroom.

25 Q. Were you scared?

Walter Brunson-Direct by Meadors

1 A. Was I scared?

2 Q. Yeah.

3 A. Yes.

4 Q. And how long did you stay in the bathroom?

5 A. Probably about 3 minutes until Tyrone
6 comes -- he called for me, and then I went outside.

7 And that's when I saw the blood. And he said, I'm

8 shot. I'm shot. And then when he walked back

9 outside, and that's when everybody from the

10 neighborhood started coming. And they're steady

11 telling, they went around this way. They went

12 around this way.

13 Q. The neighborhood came.

14 A. The neighborhood came.

15 Q. Kind of came together.

16 A. Yes.

17 Q. You've described the light skinned guy

18 near you. Can you describe the dark skinned guy

19 that bought the soda from Tyrone?

20 A. Yeah.

21 Q. Would you?

22 A. Yes, he was dark skinned. About 5'7, 5'8.

23 Q. Did you hear him talk?

24 A. Yes, I hear him talk.

25 Q. Was there anything unusual about his

Walter Brunson-Direct by Meadors

1 accent?

2 A. The same accent. The geechee accent like
3 from Charleston.

4 Q. Had you ever seen either one these fellows
5 before?

6 A. Never.

7 Q. Did you know who they were?

8 A. No.

9 Q. And did you give a description to Sergeant
10 Dubose or somebody else, about the light skinned guy
11 and black skinned guy?

12 A. Yes, I did.

13 Q. And, Mr. Walter Brunson, did you later
14 give a statement also to Sergeant Dubose, I think on
15 January 8th?

16 A. Yes.

17 Q. And was that at the sheriff's department?

18 A. Yes.

19 Q. I'm going to show you a brief pictures.
20 If I can get this going, fine. If I can't, I'll
21 just bring them to you.

22 THE COURT: That's already in,
23 Mr. Meadors?

24 MR. MEADORS: Yes, all these are in. I'll
25 just call them out.

Walter Brunson-Direct by Meadors

1 Q. State's 13. Do you recognize that?

2 A. Yes, sir.

3 Q. Could you please say what it is?

4 A. Mystic drink.

5 Q. State's 24, Mr. Brunson. What is that?

6 A. That's the jar he went to, to get the
7 change from.

8 Q. Now was the jar in that condition prior to
9 the gunshots?

10 A. No.

11 Q. This is State's No. 10, Mr. Brunson. Do
12 you recognize that?

13 A. That's the front door. That's the door
14 they came through.

15 Q. I am going to show you what's now been
16 entered as State's 22. Do you recognize that?

17 A. Yes.

18 Q. You may not have ever seen this before. I
19 don't know.

20 A. No, I didn't.

21 Q. Does this depict what appears to be the
22 business of Tyrone Williams?

23 A. Yes.

24 Q. Can you show where you were basically with
25 the light skinned guy?

Walter Brunson-Direct by Meadors

1 Q. Did you have a gun, Mr. Brunson?

2 A. No, sir.

3 Q. Did Mr. Williams have a gun that you knew
4 of?

5 A. No, sir.

6 Q. Did Mr. Sergeant Dubose come to see you on
7 December 30th of 2015, or did you have an occasion
8 to see Mr. Dubose when he showed you a group of
9 pictures?

10 A. Yes.

11 Q. Do you remember when that first time was
12 showed where you were?

13 A. At the sheriff's department.

14 Q. So you went to the sheriff's department?

15 A. Yes, sir.

16 Q. And did Mr. Dubose actually show you
17 what's marked State's 1?

18 A. Yes, sir.

19 Q. And do you recognize that?

20 A. Yes, sir.

21 Q. And did he ask you if you could, to pick
22 out anybody in State's 1 that if they might have
23 been involved in this robbery?

24 A. Yes, sir.

25 Q. And were you able to do that?

Walter Brunson-Direct by Meadors

1 A. Yes, sir.

2 Q. And what number did you pick out?

3 A. I picked No. 3.

4 Q. And did you initial that showing that you
5 picked that out?

6 A. Yes, I did.

7 Q. And what did you put up there, W.B.?

8 A. W.B.

9 Q. And Walter Brunson?

10 A. Yes, sir.

11 Q. 12/30/2015.

12 A. Yes, sir.

13 Q. Did Sergeant Dubose try to indicate to you
14 in any way who to pick out?

15 A. No, sir.

16 Q. Why did you pick out No. 3 on State's 1?

17 A. I recognize him from the shop.

18 Q. Say that one more time.

19 A. I recognize him from the shop.

20 Q. And this was shown to you December 30th.

21 So you recognized him from the day before.

22 A. Yes, sir.

23 MR. MEADORS: State's 1, we would now

24 offer.

25 MR. MURPHY: No objection.

Walter Brunson-Direct by Meadors

1 THE COURT: That's in.

2 (Photo lineup marked State's Exhibit No. 1
3 into evidence.)

4 Q. Let me ask you if January 8th, a week or
5 so later, did Sergeant Dubose ask you to come back
6 to the station and look at another photo lineup?

7 A. Yes, sir.

8 Q. Did you know why you had done that?

9 A. No, sir.

10 Q. Again, did he suggest in any way who
11 Walter Brunson should -- that you should pick out
12 anybody in particular in there? Did he try to
13 suggest anybody to you?

14 A. No, sir.

15 Q. Did he cheat or anything?

16 A. No, sir.

17 Q. Were you able to pick out anybody in
18 what's marked State's 2?

19 A. Yes, sir.

20 Q. And who number did you pick out?

21 A. No. 1.

22 Q. Why did you pick out No. 1, Walter
23 Brunson?

24 A. I notice him from the shop.

25 Q. Say it one more time?

Walter Brunson-Direct by Meadors

- 1 A. I notice him from the shop.
- 2 Q. Where did you notice him in the shop?
- 3 A. When he been doing the shooting.
- 4 Q. Was No. 1 on State's 2, the individual
5 near Tyrone Williams?
- 6 A. Yes.
- 7 Q. And did you initial No. 1?
- 8 A. Yes, I did.
- 9 Q. Who is No. 1?
- 10 A. Mr. Scott.
- 11 Q. Had you been doing any drugs that day?
- 12 A. No, sir.
- 13 Q. Marijuana?
- 14 A. No, sir.
- 15 Q. Now based on the time you were in
16 Mr. Williams' business on December 29th 2015, will
17 you tell the ladies and gentlemen of this jury,
18 Mr. Brunson, is the dark skinned person that came in
19 and got a soda from Mr. Williams, and then pulled a
20 gun out, when he was somewhere in the process of
21 giving change for the soda, and the person that was
22 near Mr. Williams when he got shot, and the person
23 you heard had a Geechee in your opinion, or a
24 Charleston accent, is that person in this courtroom?
- 25 A. Yes, sir.

Walter Brunson-Cross by Murphy

1 Q. Would you please point him out live for
2 this jury?

3 A. Mr. Scott sitting by his lawyer.

4 Q. Sitting by Mr. Murphy.

5 A. Yes.

6 Q. We would like the record to so reflect.

7 Had you ever seen him before that day?

8 A. No, sir.

9 Q. Have you ever talked to him before that
10 day?

11 A. No, sir.

12 Q. Did you ever have any kind of relationship
13 whatsoever with him?

14 A. No, sir. None whatsoever.

15 MR. MEADORS: Thank you, that's all.

16 THE COURT: Mr. Murphy.

17 Cross Examination by Mr. Murphy:

18 Q. Good afternoon, Mr. Brunson.

19 A. Good afternoon, sir.

20 Q. When you came back to the, I'll call it
21 the night club. Is that a fair description? Or the
22 club house.

23 A. Yes, sir.

24 Q. When you came back the second time from
25 the club house, how long did you plan on being

Walter Brunson-Cross by Murphy

1 there?

2 A. How long did I plan on being there?

3 Q. Uh-huh. (Affirmative.)

4 A. Not long. We just had stopped.

5 Q. And your children were left outside in the
6 car, is that right?

7 A. Yes, sir.

8 Q. How old are they?

9 A. 2 and 17.

10 Q. Is Mr. Williams, would you characterize
11 him as a good friend of yours?

12 A. Yes, he is.

13 Q. You've known---

14 A. Like a brother.

15 Q. ---all your life, right?

16 A. Yes, sir.

17 Q. Would you characterize him as your best
18 friend.

19 A. A brother.

20 Q. Like a brother.

21 A. Yes.

22 Q. So you guys are tight.

23 A. Real tight.

24 Q. Super close.

25 A. Super close.

Walter Brunson-Cross by Murphy

1 Q. Loyal to each other.

2 A. Yes.

3 Q. Do you have each other's back?

4 A. Yes, sir.

5 Q. Yes?

6 A. Yes, sir.

7 Q. Now did you speak to Mr. Williams before
8 you spoke to Investigator Dubose? You called him
9 that night, or did you in and visit him? Do you
10 remember? The night of the incident, did you talk
11 to Mr. Williams?

12 A. Are you talking about when he was in the
13 hospital?

14 Q. Right. (Uh-huh.) (Affirmative.)

15 A. I think did.

16 Q. Did you call him, or did you stop in?

17 A. I called him.

18 Q. You called him.

19 A. Yes.

20 Q. So you guys talked on the phone.

21 A. Yeah.

22 Q. And now after to left the club house,
23 where did you go?

24 A. Are you talking about after the incident?

25 Q. Yeah, after this incident.

Walter Brunson-Cross by Murphy

- 1 A. I went to the hospital.
- 2 Q. You went right to the hospital or?
- 3 A. Yes. Well I dropped my kids off. I
- 4 called my girlfriend and she got the kids.
- 5 Q. Now did you there seeking treatment?
- 6 A. No.
- 7 Q. You didn't seek treatment?
- 8 A. No, I didn't.
- 9 Q. You didn't approach any police officers?
- 10 A. No.
- 11 Q. You didn't tell them what happened?
- 12 A. No.
- 13 Q. In fact, Investigator Dubose had to call
- 14 you, right?
- 15 A. Yes, he did.
- 16 Q. Did a part of you not want to get involved
- 17 in this?
- 18 A. Yes.
- 19 Q. And that's because you didn't want to lie
- 20 for your friend, right?
- 21 A. Lie for him?
- 22 Q. Right.
- 23 A. What do you mean by that?
- 24 Q. Well do you know a guy named cow, C-O-W?
- 25 A. Cow?

Walter Brunson-Redirect by Meadors

1 Q. Cow.

2 A. No.

3 Q. Do you know a guy named Alonzo Fitzgerald?

4 A. No.

5 Q. Isn't it true that Mr. Williams is the
6 person who actually pulled out a gun and started
7 shooting first?

8 A. No. He didn't have -- I only see two
9 guns.

10 MR. MURPHY: I have no further questions.

11 THE COURT: Redirect?

12 MR. MEADORS: Very briefly.

13 Redirect Examination by Mr. Meadors:

14 Q. So you had your kids with you the second
15 time.

16 A. I had them both times when I came.

17 Q. You weren't expecting any trouble.

18 A. No.

19 Q. And Mr. Williams had his 5-year-old son
20 with him.

21 A. Yes.

22 MR. MEADORS: Thank you. That's all.

23 THE COURT: Anything else, Mr. Murphy?

24 MR. MURPHY: No.

25 MR. MEADORS: Can we approach?

1 THE COURT: Yes.

2 (Whereupon, the attorneys approach the
3 bench and confer with judge.)

4 THE COURT: We'll take 10 minutes. Ladies
5 and gentlemen, please do not discuss the case.
6 Mr Bradley, do they have soft drinks back there?

7 THE CLERK: Yes, sir.

8 THE COURT: Don't discuss the case. I
9 tell you what, let's do this. We make take a
10 little bit longer depending upon what you do.
11 Ms. Coker, you're the only person who can't be
12 foreperson of this jury. What I would like for you
13 do is during this break, to coordinate a discussion
14 amongst the other 12, and you all decide who's going
15 to be your foreperson. It would be a job that is
16 not of any greater pay, but you would be responsible
17 for completing the verdict form at the conclusion of
18 the case.

19 It's not a political campaign. There
20 would be no reason to get deadlocked over that. But
21 it will be the person who will be responsible for
22 conducting the deliberations in accordance with the
23 instructions that I give. Also report any concerns
24 on the part of the jury. And once you have figured
25 out who that is, just tap on the door and let

1 Mr. Bradley, or the bailiff outside the door know.

2 Don't discuss the case though.

3 (Whereupon, the following takes place
4 outside the presence of the jury.)

5 THE COURT: Mr. Meadors.

6 MR. MEADORS: I've just wanted -- I just
7 wanted to have a brief conference on Mr. Murphy --
8 when Mr. Murphy was cross examining Mr. Williams
9 about some information. And did he know folks. And
10 he said, I do. Things I think were objectionable.
11 And I objected as we approached. Mr. Murphy said
12 his client going was to take the stand and he would
13 tie this up later.

14 THE COURT: He said he would it make it
15 relevantly apparent or something to effect.

16 MR. MEADORS: And done respectfully. And
17 I mean at that point was relevant, or could have
18 been relevant without being tied up. But he did say
19 his client would be taking the stand.

20 THE COURT: Well he was asking, let's just
21 make sure we have got it straight so everybody has
22 their opportunity to put their position on the
23 record. When you started asking about Cow and
24 Alonzo.

25 MR. MURPHY: Your Honor, I asked him if he

1 knew an individual named Cow. If it was an
2 individual named Alonzo Fitzgerald who is cow.
3 Wasn't Cow the light skinned guy who accompanied my
4 client to the establishment. Was there a telephone
5 conversation ahead of time. This was a prearranged
6 goal to do some sort of marijuana transaction.
7 Isn't it true that he had a -- Mr. Williams had a
8 38. And Mr. Williams initiated the altercation
9 because of an argument about his son being in there,
10 so at the bench.

11 THE COURT: You objected to relevance,
12 Mr. Meadors.

13 MR. MEADORS: Yes, sir.

14 THE COURT: Go ahead. You can put your
15 grounds on the record now.

16 MR. MEADORS: It just wasn't relevant.
17 Never heard these names. And had no connection. At
18 this point, it would be like throwing anybody's name
19 out. It just was not relevant, and I don't see how
20 it could be admissible at this point.

21 THE COURT: Mr. Murphy.

22 MR. MURPHY: Your Honor, as I've indicated
23 before, first of all, I was on cross examination.
24 Secondly, I can tell the court that those questions
25 are asked in good faith. And I can tell the court

1 that my client will testify essentially to those
2 facts and others.

3 THE COURT: Okay.

4 MR. MURPHY: To the nature of the
5 transaction.

6 MR. MEADORS: And I guess he was holding
7 out third party guilt on the other objection.

8 THE COURT: Well third party guilt, to the
9 extent that Mr. Cow, or the light skinned guy was
10 there. I think that's established. If your version
11 is correct, he's just guilty, but he is
12 unapprehended.

13 MR. MEADORS: Right. So I have no idea
14 who that person is that they're naming.

15 THE COURT: But he's got a name. I
16 understand what you're saying. I think it might be
17 a distant cousin of the third party guilt.

18 MR. MEADORS: But anyway, he's put on the
19 record, he's going to call his client. I assume
20 with that assurance that those questions were
21 allowed to go forward.

22 THE COURT: Well in the first instance, I
23 have to determine whether or not they would be
24 relevant. You know, we see on TV all the time,
25 I'll tie this up later. That's really not a rule.

1 You've got to, of course, if they're not immediately
2 relevant, that maybe the only way to tie it up. But
3 alternatively, the way to tie it up would be either
4 right before or right after his client testified.
5 But of course that brings up other issues that I'll
6 volunteer or comment on if you all want me to,
7 otherwise, I'll keep my mouth. About my ruling on
8 the inadmissibility of all points past 916 of the
9 tape.

10 MR. MURPHY: That's fine.

11 THE COURT: You all know the rules on that
12 confession or statement taken in violation of
13 miranda may come in to impeach, if it is otherwise
14 voluntary. That's just another patch we have to
15 hoe.

16 MR. MURPHY: I understand fully. I'm
17 committing to the court my client will testify. If
18 you want to go through any questioning now that's
19 fine.

20 THE COURT: Mr. Meadors, you said up here
21 you wanted to put -- you wanted to -- I don't think
22 you said get your head screwed on right. But get
23 your mind right.

24 MR. MEADORS: Well just as far as it may
25 shorten the length of the trial quite frankly.

1 Because obviously there are a lot of issues that
2 just won't be in dispute now.

3 THE COURT: Well It would seem to me as a
4 spectator that once Mr. Murphy has tossed that
5 little---

6 MR. MURPHY: Grenade.

7 THE COURT: No. You tossed that out
8 there. Identification is really not an issue, but
9 I've seen stranger things.

10 MR. MEADORS: I think I still have to go
11 through what I was going to do.

12 THE COURT: I think you probably do.

13 MR. MEADORS: Do it a lot quicker perhaps.

14 THE COURT: You probably do. But unless
15 Mr. Murphy stands up in the front of the jury, and
16 says, I stipulate that my client was there, I would
17 assume you have to do that.

18 MR. MEADORS: I understand. Judge, just
19 for your purposes too, and I'm planning and I pray
20 that I stick to it today, but just go through the
21 hospital witnesses. Play the tape until you ordered
22 us to stop. We understand that. And we're just
23 going to with start with the crime scene and kind of
24 gear it from that. Thinking it wouldn't take
25 longer. So that's my plan. We'll finish the

1 hospital today, and do crime scene in the morning.

2 Then we will be rested.

3 THE COURT: The hospital insofar as both
4 the defendant and the victim are concerned, to
5 establish gunshots?

6 MR. MEADORS: Yes, sir. And the other
7 thing too. I have somebody on standby from the
8 hospital to, or excuse me, from Clarendon County
9 that's coming in the morning to say that nothing
10 happened in Clarendon County. I've talked to
11 Mr. Murphy. It may not be an issue that that comes
12 through Sergeant Dubose now, since his client is
13 saying I was at the scene.

14 THE COURT: You all take a few minutes and
15 talk, and I'll certainly leave the logistics to you.
16 We'll take just a few minutes. But don't go too far
17 now, I don't want to tarry.

18 (Whereupon, the court takes a short
19 recess.)

20 THE COURT: Anything before we bring the
21 jury?

22 MR. MEADORS: No, Your Honor.

23 MURPHY: Nothing, Your Honor.

24 THE COURT: You may bring the jury.

25 (Whereupon, the following takes place

Jimmy Jones-Direct by Meadors

1 within the presence of the jury.)

2 THE COURT: Mr. Newman?

3 THE CLERK: Yes.

4 THE COURT: He can sit wherever you want
5 him to sit. You are the foreperson of the jury, you
6 can sit wherever you want. Sometimes where we may
7 go to a county, and they want you to sit in a
8 certain spot. As far as I'm concerned, wherever
9 you're comfortable. At the end of the case, y'all
10 be responsible for delivering the verdict form to
11 the bailiff. You won't have to read it. Like on
12 television, we don't do that. But otherwise, I'll
13 explain to you your responsibilities as we go.

14 THE FOREMAN: Yes, sir.

15 THE COURT: Mr. Meadors.

16 MR. MEADORS: We would call Jimmy Jones.

17 Jimmy L. Jones, being first duly sworn,
18 testified as follows:

19 THE CLERK: Please state your full name
20 and spell your last name for the record.

21 A. Jimmy L. Jones.

22 Direct Examination by Mr. Meadors:

23 Q. Good afternoon, Mr. Jones. Good
24 afternoon.

25 A. Good afternoon to you.

Jimmy Jones-Direct by Meadors

1 Q. You are Jimmy L. Jones?

2 A. That's it.

3 Q. Where are you from?

4 A. I'm actually -- I've lived in Sumter here
5 for ever since 1968. But I retired down on the lake
6 now.

7 Q. So most of your life here in Sumter.

8 A. Yeah. Uh-huh. (affirmative.)

9 Q. And you have some rental units here in
10 Sumter.

11 A. I do.

12 Q. And one of those is near 1640 Manning
13 Avenue, correct?

14 A. Yeah, that's right. Correct.

15 Q. And is one of those you rent to
16 Ms. Soloman who is a hair dresser?

17 A. That's right.

18 Q. And on December 29th of 2015, were you
19 outside Ms. Soloman's business?

20 A. Yes, sir.

21 Q. Your building?

22 A. Yeah. Uh-huh. (Affirmative.)

23 Q. And do you remember hearing anything?

24 A. Well we were standing up talking, and all
25 of a sudden you'll hear something, a noise going

Jimmy Jones-Direct by Meadors

1 off. And I asked her, I said, that sounds like
2 somebody beating on some tin with ball ping hammer
3 or something. And she said, no that's gunshots.

4 Q. And, Mr. Jimmy, that's gunshots.

5 A. That's gunshots.

6 Q. And after that you heard the gunshots,
7 what did you observe, Mr. Jones?

8 A. Well we looked over there and there was a
9 couple of guys. They were running stretched out,
10 heading towards Spring Street. It was probably
11 about, I don't know, between 200, and 250 feet from
12 where I was at.

13 Q. Did they come out of that establishment
14 and go to the right or the left?

15 A. I didn't see them coming out of the
16 building. All I seen was them running across the
17 lot.

18 Q. Behind the business?

19 A. That's right, or to the side of the
20 business.

21 Q. Going, is that Spring Street?

22 A. That's right.

23 Q. And could you tell whether it was black
24 males, white males?

25 A. It was black males.

Jimmy Jones-Direct by Meadors

1 Q. One of them bigger than the other---

2 A. Yes.

3 Q. Or smaller?

4 A. Yeah, the one near to me, he was probably
5 50 feet out in front of the other guy that was kind
6 of heavy.

7 Q. So you saw them heading back away from the
8 store. Away from Manning Avenue.

9 A. That's right.

10 Q. And that's really all you saw that day.

11 A. That's all I saw.

12 MR. MEADORS: Thank you. That's all for
13 Mr. Jones.

14 MR. MURPHY: No questions.

15 THE COURT: Thank you, Mr. Jones. Can he
16 be released, or would you all like him to stay?

17 MR. MEADORS: Your Honor, he's ready to
18 head back to the lake. We would ask that he be
19 released, if you don't mind.

20 THE COURT: Next witness.

21 MR. MEADORS: Sergeant James Ardis.

22 Sergeant James Ardis, being first duly
23 sworn, testified as follows:

24 THE CLERK: Please state your full name
25 and spell your last name for the record.

Sergeant Ardis-Direct by Meadors

1 A. James H. Ardis, III. A-R-D-I-S.

2 DIRECT EXAMINATION by Mr. Meadors:

3 Q. You are Sergeant Ardis?

4 A. Yes, sir.

5 Q. You go by JJ?

6 A. I do.

7 Q. Sergeant, please tell the jury about
8 yourself. Where you were born and raised. And your
9 background and education and training, and
10 particularly your training in law enforcement
11 please.

12 A. I was born in Manning, South Carolina. I
13 grew up in Pinewood. Went to public school here in
14 Sumter. I went in the Air Force for 6 years. Got
15 out and come back here, and became a deputy with the
16 Sumter County Sheriff's Office.

17 Q. How long have you been with Sheriff
18 Dennis?

19 A. This time since 2012. From 2010 to 2012,
20 I worked at Clarendon County under Sheriff Garrett.

21 Q. For Clarendon County from 2010 to 2012?

22 A. Yes.

23 Q. You've been here since 2012.

24 A. Yes.

25 Q. What have your duties been here under

Sergeant Ardis-Direct by Meadors

1 Sheriff Dennis?

2 A. I've been assigned to patrol. Now I'm on
3 the community action team. And now I'm back on
4 patrol as a supervisor.

5 Q. And do you work different shifts?

6 A. Yes.

7 Q. Let's go back to December 29th, Sergeant,
8 of last year. Did you have an occasion -- how did
9 you get involved in this case?

10 A. I was assigned to community action team at
11 that point and time, and I heard a broadcast go over
12 for a shooting down by our substation, and so I
13 started headed that way. And as I got closer almost
14 on the scene, they said they needed a deputy at the
15 hospital. So I turned around and went to the
16 hospital. They needed a deputy to respond to the
17 hospital.

18 Q. So you never actually went to [REDACTED] Manning?

19 A. No, sir, never made it there.

20 Q. So you redirected to go to Tuomey?

21 A. Yes, sir.

22 Q. And what happened when you got to Tuomey?

23 A. Go through the back doors and make a left
24 to where they told me the victim was. And a
25 doctor grabs me and hands me two bullets and a

Sergeant Ardis-Direct by Meadors

1 purple glove. I asked him where these came from,
2 and he goes from this victim here that was a in
3 trauma bay. And I said is this the one that just
4 got shot. He goes, they said, no, he's in another
5 room. This is another -- someone else who has been
6 shot.

7 Q. So when you went there were you looking
8 for the victim of [REDACTED] Manning?

9 A. Yes.

10 Q. And you got there and you were directed to
11 someone else.

12 A. Yes, to Mr. Scott.

13 (Three bullets marked State's Exhibit No.
14 27 for Id.)

15 Q. And did you have -- I'm going to show you
16 what's been marked State's 27.

17 A. Yes, sir.

18 Q. You testified two, but there's three in
19 here. Do you remember how many the doctor or how
20 many you collected?

21 A. When I looked in the glove, I only saw --
22 I only did see two, but I didn't take them out.
23 Because once they were in, I didn't want to touch
24 them.

25 Q. So there could have been three later.

Sergeant Ardis-Direct by Meadors

1 Another one you didn't know about.

2 A. Yes, sir.

3 Q. So at this point, without objection, 27,
4 Your Honor.

5 THE COURT: That's in.

6 (Three bullets marked State's Exhibit No.
7 27 marked into evidence.)

8 Q. And these are the bullets you got from the
9 doctor.

10 A. Yes.

11 Q. Who had gotten them from---

12 A. Mr. Scott.

13 Q. Mr. Scott.

14 A. Yes, sir.

15 Q. And where were they on Mr. Scott?

16 A. They were in his hands. They said -- they
17 took them, and they said were in his hand.

18 Q. He was holding them in his hand.

19 A. Yes.

20 Q. Do you go see who we all know now is
21 Mr. Scott in the hospital?

22 A. Yes.

23 Q. Tell the ladies and gentlemen when you're
24 in there, were you in your uniform?

25 A. Yes.

Sergeant Ardis-Direct by Meadors

1 Q. And what happens when you see Mr. Scott?

2 A. The conversation, you know, where this
3 happened at. Did this happen in Sumter. Did it
4 happen in our county. And he started saying no, it
5 happened in Manning.

6 Q. When you walked in to that room, Sergeant,
7 did you know, anything about what had happened to
8 Raymond Scott?

9 A. No, just that he---

10 Q. Other than he had been shot.

11 A. Been shot, that was it.

12 Q. So your first question to him was what?

13 A. Where did this happen at.

14 Q. And what did he tell you.

15 A. That it happed somewhere in Manning.

16 Q. Somewhere in Manning.

17 A. Yes.

18 Q. Now I think when you were introducing
19 yourself, you said you worked for the Clarendon
20 County Sheriff's Department.

21 A. I did.

22 Q. Are you familiar with the county?

23 A. Yes.

24 Q. And when he said that, did you start
25 asking questions about where it could have,

Sergeant Ardis-Direct by Meadors

1 specifically?

2 A. I did. We started trying to narrow it
3 down where it happened. He said in Clarendon
4 County.

5 Q. Tell them how that went.

6 A. He said it was down a dirt road off of
7 260. I said well going towards the lake. He goes,
8 no. So it had to be 261, because they were both two
9 roads in Clarendon County. And he said it was near
10 a church. So I'm automatically went to the biggest
11 church on 261 that I can recall, which is next to
12 Arland Road. We started talking about the church.
13 It had a big sign. It wasn't metal. And it was, so
14 I determined if this shooting happened on Arland
15 Road. And we started talking about where. There
16 are some side streets before the 90 degree turn
17 where the Gibson's live. The Gibsons is the people
18 we frequent with in Clarendon County. He said he
19 didn't know them. And that we determine, that I
20 determined it was going to be on Arland Road.

21 Q. So you're discussing with Raymond Scott
22 about where he got in Clarendon County.

23 A. Yes.

24 Q. And you're trying to narrow it down
25 specifically where it was he got shot.

Sergeant Ardis-Direct by Meadors

1 A. Yes, sir.

2 Q. Down to a road.

3 A. Yes, sir.

4 Q. And what road did you finally get it
5 narrowed down to?

6 A. Arland Road.

7 Q. Did he agree with that?

8 A. He did.

9 Q. And did ask him anything else about
10 whether -- who was with him?

11 A. Who was him. What kind of circumstances.
12 I asked him who was with him. It was a group of
13 people. They were going there to smoke. And as
14 they were walking up, another group of people were
15 coming to them. He said somebody behind him must
16 have made some type of movement, because the people
17 that were approaching him, begin shooting.

18 Q. And did he tell you how he got to
19 Clarendon?

20 A. That he paid somebody from Charleston, a
21 white gentleman, to bring him to see his girlfriend
22 in Manning.

23 Q. In Manning?

24 A. Yes, from Charleston to Manning.

25 Q. And did he tell you how he got to be

Sergeant Ardis-Direct by Meadors

1 walking on that road?

2 A. They were just going there to smoke.

3 Q. And did you ask him to identify any of the
4 people that were there?

5 A. I did.

6 Q. And what did he say?

7 A. He said wouldn't put that on them.

8 Q. Wouldn't put that on them.

9 A. Yes.

10 Q. There's no question this shooting happened
11 in Clarendon County.

12 A. Yes.

13 Q. Not Sumter County.

14 A. Yes.

15 Q. And his status to Sergeant JJ Ardis at
16 that point, what did you consider Raymond Scott when
17 you were talking to him on December 29th, in the
18 hospital?

19 A. He was a victim of a shooting in another
20 jurisdiction.

21 Q. And you believed that.

22 A. Oh, yes.

23 Q. And you were trying -- were you trying to
24 determine where he was shot?

25 A. I was.

Sergeant Ardis-Direct by Meadors

1 Q. And who shot him?

2 A. Yes.

3 Q. How long did you talk to the defendant?

4 A. I might have been there 30, 35 minutes at
5 the most.

6 Q. Now where are you from?

7 A. Pinewood.

8 Q. As you were talking to the defendant, did
9 you notice anything about his accent?

10 A. Yes, he did have a little country accent.

11 Q. And how do you know that? Why would you
12 say that?

13 A. My family is from Ravenel. Just that part
14 of South Carolina.

15 Q. So you noted a distinct accent from that
16 area.

17 A. Yes.

18 Q. Did he tell you he was from that area?

19 A. I believe we did get to that conversation
20 that he was from the low country.

21 Q. And while we're on that topic, he's been
22 shot. How many times had he been shot, do you know?

23 A. I can recall two.

24 Q. Did he ever tell you who had shot him?

25 A. No.

Sergeant Ardis-Direct by Meadors

1 Q. Ever identify anybody that was with him?

2 A. No.

3 Q. Did he ever tell you, I was in Sumter when
4 I get shot?

5 A. No.

6 Q. Did he ever say, I was at [REDACTED] Manning
7 Avenue when I got shot?

8 A. No, sir.

9 Q. Did you have any trouble understanding
10 him?

11 A. No, I did not.

12 Q. And I mean by that, when you asked him a
13 question, would his answer be subject matter
14 appropriate?

15 A. Yes.

16 Q. Could he understand you based on his
17 responses to you?

18 A. Yes, he could.

19 Q. Were they timely?

20 A. As in?

21 Q. Like when you asked him a question, would
22 he respond?

23 A. Yes, sir. It wasn't 30 minutes per
24 answer.

25 Q. Did he appear to know where the streets in

Sergeant Ardis-Direct by Meadors

1 Clarendon when you were talking to him?

2 A. Yes.

3 Q. Like if you give a reference point did
4 he -- based on his answer, do you think he knew the
5 area?

6 A. Yes, sir. We were over in the area now.

7 Q. And you left the trauma room thinking
8 Raymond Scott was what?

9 A. A victim.

10 Q. Based on where he told you he was shot.

11 A. Yes.

12 Q. After you left, did other law enforcement
13 come talk to him?

14 A. Yes.

15 MR. MEADORS: Beg the court.

16 THE COURT: Yes, sir.

17 Q. Did he mention the vehicle or how he got
18 there, or the type of transportation?

19 A. Not of the trip. Someone had brought him
20 there.

21 Q. I'm sorry, sir.

22 A. Not of the trip in the vehicle; no, but
23 someone had brought him there.

24 Q. To this hospital.

25 A. To the emergency room.

Sergeant Ardis-Direct by Meadors

1 Q. Not to Clarendon Hospital, but to Sumter
2 hospital.

3 A. To Tuomey yes, sir.

4 Q. You're from Clarendon County. Excuse me,
5 strike that, I apologize. You've worked in
6 Clarendon County.

7 A. Yes, sir.

8 Q. Is Clarendon County hospital closer to
9 where he told you he was shot than the Sumter
10 County?

11 A. Yes, sir.

12 Q. Than Tuomey?

13 A. Yes, sir.

14 Q. And is the fellow that told you he was
15 shot in Clarendon, near a church on a dirt road,
16 with 8 people coming behind him, but he can't
17 identify who they are. But he was shot in Clarendon
18 County. Is that person in the courtroom?

19 A. Yes, sir.

20 Q. Who is it?

21 A. Mr. Scott.

22 Q. Sitting next to Mr. Murphy?

23 A. Yes, sir.

24 MR. MEADORS: Thank you. That's all.

25 THE COURT: Mr. Murphy.

Investigator Greg Hawkins-Direct by Meadors

1 MR. MURPHY: No questions.

2 THE COURT: Thank you, Sergeant. You can
3 step down.

4 MR. MEADORS: Greg Hawkins.

5 Greg Hawkins, being first duly
6 sworn, testified as follows:

7 THE CLERK: Please state your full name
8 and spell your last name for the record.

9 A. It's Gregory Hawkins. H-A-W-K-I-N-S.

10 Direct Examination by Mr. Meadors:

11 Q. Good afternoon.

12 A. Good afternoon.

13 Q. Investigator Hawkins.

14 A. Yes, sir.

15 Q. Please tell these folks about yourself.
16 Where you are from, your training, and how long you
17 have been in law enforcement please.

18 A. I grew up here in Sumter County, and
19 started with the sheriff's office in 2002. I worked
20 approximately 10 years in the patrol division up to
21 the rank of sergeant. And then since I transferred
22 over to the investigation's division, where I have
23 worked since then.

24 Q. And did you have an occasion to respond to
25 Tuomey Hospital on December 29th?

Investigator Greg Hawkins-Direct by Meadors

1 A. Yes, sir, I did.

2 Q. And did you have an occasion to see the
3 defendant?

4 A. Yes..

5 Q. Were you present Sergeant Dubose took a
6 recorded statement?

7 A. Yes, sir.

8 (Shoes and clothing marked State's Exhibit
9 Nos. 28 & 29 for Id.)

10 Q. Did you, may I approach?

11 THE COURT: Uh-huh. (Affirmative.)

12 Q. Did you have, I am going to show you
13 what's marked State's Exhibit 28, do you recognize
14 these?

15 A. Yes, sir. That's the shoes that I
16 collected at the hospital that day.

17 Q. And these came from the defendant?

18 A. They were in a bag that the nurse said all
19 of his, with his clothes. And the nurse informed us
20 that that was all the items they took of him prior
21 to them beginning their treatment on him.

22 Q. So the answer would be, these were on the
23 defendant.

24 A. Yes, sir.

25 MR. MEADORS: State's 28 without

Investigator Greg Hawkins-Direct by Meadors

1 objection, Your Honor.

2 THE COURT: Mr. Murphy.

3 MR. MURPHY: No objection.

4 THE COURT: 28 is in.

5 (Shoes marked State's Exhibit No. 28 into
6 evidence.)

7 Q. And I will show you what's marked State's
8 29 too. Do you recognize these as the clothes that
9 were given to you that came off the defendant?

10 A. Yes, sir.

11 MR. MEADORS: State's 29 without
12 objection, Your Honor.

13 MR. MURPHY: No objection, Your Honor.

14 THE COURT: 28 is whose clothes?

15 MR. MEADORS: It's just the shoes of the
16 defendant.

17 THE COURT: Shoes.

18 MR. MEADORS: And 29 would be clothing
19 worn by the defendant.

20 THE COURT: Those are in.

21 (Clothing marked State's Exhibit No. 29
22 into evidence.)

23 Q. You got the bullets at some point.

24 A. Sergeant Ardis handed those to me when I
25 arrived on the scene, as he was leaving, to turn

Investigator Greg Hawkins-Direct by Meadors

1 inside the pants. These may be the gloves that were
2 in the pants pocket. They don't appear that they've
3 been on any hands.

4 Q. And that's State's 30.

5 A. They have been expanded out.

6 MR. MEADORS: I believe without objection.

7 MR. MURPHY: No objection.

8 (Gloves marked State's Exhibit No. 30 into
9 evidence.)

10 Q. Did you also collect some zip ties?

11 A. Yes, sir. They were inside the pocket of
12 those pants in your hands there.

13 Q. I will look for those. See if you
14 recognize this picture.

15 A. 31.

16 MR. MEADORS: 31, Your Honor without
17 objection.

18 (Photo of zip ties marked State's Exhibit
19 No. 31 for evidence.)

20 A. Yes. This appears to be a picture of me
21 holding the zip ties that came out the pants pocket.

22 Q. So that's actually your arm there.

23 A. Yes, sir.

24 Q. And the zip ties came out of those pants
25 pocket.

1 A. That's right.

2 Q. So they're either in there, or they're
3 somewhere in evidence. But those are the ones you
4 collected.

5 A. Yes, sir.

6 Q. And turned them in to evidence.

7 A. Yes, sir.

8 MR. MEADORS: I think that's all. Thank
9 you.

10 THE COURT: Mr. Murphy.

11 MR. MURPHY: I have no questions, Your
12 Honor.

13 THE COURT: Thank you, Mr. Hawkins. You
14 can step down.

15 MR. MEADORS: Can we approach?

16 (Whereupon, attorneys confer with judge.)

17 THE COURT: Ladies and gentlemen, this
18 might be a good time to break. The reason for that
19 might not be apparent, but we are going to stop for
20 today. I'll explain it to you at the end of the
21 case if you're interested. So you are free to go
22 for the rest of the day. We're going to start back
23 tomorrow morning at 10 o'clock. In the meantime,
24 you may not discuss the case at all. Certainly
25 don't read anything about it, watch anything about

1 it. Gather any information about it at all. Please
2 continue to follow that instruction. If you find
3 yourself be in circumstances where that happens,
4 because you're aware somebody is talking about, let
5 them know you are on the jury, and remove yourself
6 from that situation, and certainly report it
7 tomorrow morning through your foreperson.

8 But in the meantime, have a good evening,
9 and see you tomorrow morning at 10:00 o'clock.

10 (Whereupon, at 3:41 jury is dismissed.)

11 THE COURT: Anything for the record before
12 we stop, as far as evidence, arguments or anything?

13 MR. MEADORS: Your Honor, I think based on
14 our conversations that we would be able to get in to
15 through Sergeant Dubose, some information just for
16 time wise, and we won't need several witnesses, I do
17 think we will rest by lunch.

18 THE COURT: Mr. Murphy, if you have any
19 witnesses other than your client, will you make sure
20 that they are here by mid-morning tomorrow?

21 MR. MURPHY: Yes, sir. I don't anticipate
22 any at this point.

23 THE COURT: Okay. Anything that we need
24 to cover that we might could do tomorrow, because I
25 would like to start right at 10:00 o'clock.

1 MR. MEADORS: Not now. I think it's --
2 unless the only issue would be maybe in reply or
3 that would come of up after lunch.

4 THE COURT: Right.

5 MR. MEADORS: So I'll just take, that's
6 the only thing.

7 THE COURT: If you have any written
8 charges, any written jury charges, I would like to
9 have those by mid-morning too.

10 MR. MURPHY: Yes, sir.

11 MR. MEADORS: Thank you.

12 THE COURT: Mr. Murphy, just for the
13 record purposes, make sure you brief your client the
14 questions I will be asking him.

15 MR. MURPHY: Yes, sir.

16 THE COURT: And we will cross that bridge
17 at the time the State rests.

18 (Whereupon, the trial commences on
19 Wednesday, July 20th 2016 at 9:30 a.m.)

20 THE COURT: Is there anything before we
21 bring the jury?

22 MR. MEADORS: No, Your Honor.

23 MR. MURPHY: Nothing, Your Honor.

24 THE COURT: You may bring the jury.

25 (Whereupon, the following takes place

Jennifer Thomas-Direct by Meadors

1 within the presence of the jury.)

2 THE COURT: Good morning. We are ready to
3 continue with the trial. The State is still
4 presenting its case in chief. Mr. Meadors, you can
5 call your next witness.

6 MR. MEADORS: Jennifer Thomas.

7 Jennifer Thomas, being first duly sworn,
8 testified as follows.

9 THE CLERK: Please state your full name
10 and spell your last name for the record.

11 A. Jennifer Thomas. T-H-O-M-A-S.

12 DIRECT EXAMINATION by Mr. Meadors:

13 Q. Good morning, Investigator Thomas.

14 A. Good morning, sir.

15 Q. You are Senior Investigator Thomas.

16 A. Yes, sir.

17 Q. Please tell the ladies and gentlemen of
18 this jury about Senior Investigator Jennifer Thomas.
19 Your background, where you from. Your background
20 and your training, your education, and especially
21 your education in the field of law enforcement,
22 please ma'am.

23 A. Yes, sir. I was born and raised in
24 Sumter. I graduated from Lakewood High School in
25 2003. After high school I went to Sumter City

Jennifer Thomas-Direct by Meadors

1 Police Department where I became a dispatcher. From
2 that point on, I went to the sheriff's office as a
3 code enforcement officer until I was the age of 21,
4 and then to the criminal justice academy. And I
5 have been with the sheriff's office since 2005. I
6 have 11 years of experience. And I have been in the
7 investigation division for Sumter County Sheriff's
8 Department for 4 years now, after being on the road.

9 Q. How long were you on the road?

10 A. Until the point I went to investigations
11 on 8 -- close to 7 or 8 years.

12 Q. I want to call your attention to this
13 case. The State of South Carolina versus Raymond
14 Scott. Did you have an occasion to go to Tuomey
15 Hospital on December 29th 2015?

16 A. Yes, sir, I did.

17 Q. And initially did you have occasion to see
18 the victim Tyrone Williams?

19 A. Yes, I did.

20 Q. And I'm not allowed to ask you what he
21 said, but did you interview him?

22 A. I did.

23 Q. And as a result of that, did you learn
24 that there had been an incident at his place of
25 business on Manning Avenue?

Jennifer Thomas-Direct by Meadors

1 A. Yes, sir.

2 Q. Describe Tyrone Williams in the hospital.

3 A. Tyrone Williams, when I got there, I was
4 the secondary investigator on call. And I heard
5 over the radio that there was a shooting on Manning
6 Avenue, and they needed an investigator to respond
7 to the hospital. I was a short distance away.

8 Responded to the hospital. Mr. Williams had just
9 got there and got into one of the rooms, Room No. 12
10 at the ER. And I met with Mr. Williams. At that
11 point he had just gotten there. He didn't have any
12 medication at the time. He was in a lot of pain.

13 Q. After you talked with Mr. Williams, did
14 you have an occasion to go in the room where the
15 defendant was? Raymond Scott.

16 A. Yes, sir.

17 Q. Prior to that, do you know what officer
18 had talked to the defendant Raymond Scott?

19 A. Yes, Corporal Ardis. Which is now
20 Sergeant Ardis. Corporal at the time.

21 Q. So Sergeant Ardis was in Scott's room, and
22 you were in Mr. Williams' room.

23 A. That's correct. Yes, sir.

24 Q. And after you went in the defendant
25 Raymond Scott's room, were there any other officers

Jennifer Thomas-Direct by Meadors

1 in there with you?

2 A. Yes. Sergeant Hawkins, Sergeant Ardis,
3 and later came Sergeant Dubose. And Nicky Kelly
4 from Clarendon County.

5 Q. And let's talk about her. She's from
6 Clarendon County. Why did she come over?

7 A. She came over because initially Mr. Scott
8 had told Mr. Ardis that he was shot in Manning over
9 on Fairfield Road.

10 Q. Now did you have an occasion to talk to
11 Raymond Scott yourself?

12 A. Yes, briefly, just before Sergeant Dubose
13 came in.

14 Q. And at that point was he in custody?

15 A. No, he wasn't.

16 Q. At that point, did you know what his
17 status was?

18 A. No, we were just getting there trying to
19 figure everything out.

20 Q. And what did he tell you about how he got
21 his injuries?

22 A. He said---

23 Q. What did Raymond Scott tell you about how
24 he got his injuries?

25 A. I asked him what happened. He said that

Jennifer Thomas-Direct by Meadors

1 he was shot on Fairfield Road and while he was
2 smoking. I asked him how he got there to Fairfield
3 Road. He didn't know how he got to the hospital.
4 He didn't know. He just, a lot of, I don't knows.
5 I confirmed his information, name and date of birth.
6 And he said he was from North Charleston and gave me
7 his address.

8 Q. Did you ask him how he got to Fairfield
9 Road?

10 A. Yeah, he didn't know.

11 Q. He didn't know how he got to Fairfield
12 Road.

13 A. He did not know.

14 Q. Did you have any trouble understanding him
15 when you were in there? As far as his answers to
16 you?

17 A. No, he really just didn't know.

18 Q. I understand he told you I didn't know.

19 A. Right.

20 Q. But as far as him saying it in his words,
21 could you understand his words?

22 A. Yes, I could.

23 Q. And did he appear to understand you when
24 you were talking with him?

25 A. Yes.

Jennifer Thomas-Direct by Meadors

1 Q. Did you also ask him about anybody that
2 had brought him to the hospital?

3 A. Yes. And he said he didn't know.

4 Q. You asked him specifically what?

5 A. I asked specifically, we had the Tuomey
6 security pull up a video of who brought him in to
7 the hospital. And it appeared a white female and a
8 white male had helped him into the hospital.
9 Specifically the female was rolling him in to the
10 actual ER. So I asked him who was the white female
11 was that brought him to the hospital. And he said,
12 I don't know.

13 Q. And did you get an address from him? An
14 address where he lived?

15 A. I did get an address.

16 Q. And where was that?

17 A. It was in North Charleston, if I can look
18 at my notes.

19 Q. Please.

20 A. The exact address was [REDACTED] Niagara Street
21 in North Charleston.

22 Q. And you said he said something about
23 smoke. Did he tell you he got shot when he was
24 about to smoke?

25 A. He was smoking is what he said.

Jennifer Thomas-Cross by Murphy

1 Q. Can you look at your notes, please.

2 A. He said he got shot when he was about to
3 smoke on Fairfield Road.

4 Q. And did he give you his date of birth?

5 A. He did. He gave me a date of birth of

6 [REDACTED].

7 Q. And at that point, did it kind of -- did
8 the case get turned over to Sergeant Dubose?

9 A. That's right.

10 Q. And is the individual that told you he was
11 about to smoke on Fairfield Road, the individual who
12 said he didn't know who the white female was that
13 took him to the hospital, and the individual that
14 told you he didn't know how he got to Fairfield
15 Road, is that person in the courtroom?

16 A. Yes, sir. Mr. Raymond Scott is sitting
17 over there.

18 MR. MEADORS: Thank you. That's all.

19 Cross Examination by Mr. Murphy:

20 Q. Good morning, Investigator Thomas, how are
21 you.

22 A. Good morning, Mr. Murphy.

23 Q. Let's talk a little bit about

24 Mr. Williams, when you went in to see him, he
25 smelled like marijuana, correct?

Jennifer Thomas-Cross by Murphy

1 A. He did.

2 Q. And you brought that to his attention,
3 correct?

4 A. I did.

5 Q. And he had \$3,081.07 on his person?

6 A. Let me look at the notes to make sure
7 that's the exact amount. \$3,081.07, yes, sir.

8 Q. And he also had a \$20 in his back pocket?

9 A. Yes, sir. That is correct.

10 Q. So that's a total I guess \$3101.07, right?

11 A. I'll trust you.

12 Q. He told you that -- he started telling you
13 about the robbery, right?

14 A. Yes.

15 Q. Because you asked him about what happened,
16 right?

17 A. Yes, sir.

18 Q. And at some point he told you that he gave
19 the individual who robbed him about \$1,000, correct?

20 A. Yes.

21 Q. And he also told you he couldn't describe
22 the guns; that it happened too quick.

23 A. Yes.

24 MR. MURPHY: I have no further questions.

25 Thank you.

Jennifer Thomas-Redirect by Meadors

1 MR. MEADORS: Very directly just directly
2 following up to that.

3 Redirect Examination by Mr. Meadors:

4 Q. Did he tell you that the incident happened
5 at this club house?

6 A. Yes, he did.

7 Q. Did he tell you his 5-year-old son was
8 with him?

9 A. Yes, he did.

10 Q. Did he tell you two men had walked inside
11 and asked for drinks?

12 A. Yes.

13 Q. Did he tell you one of them got a Mystic
14 and give him a \$5 bill?

15 A. Yes, he did.

16 Q. And did he tell you that person said, give
17 me everything you got?

18 A. Yes, he did.

19 Q. Did he tell you he gave him approximately
20 \$1,000?

21 A. Yes, he did.

22 Q. Do you know how much exactly he gave him?

23 A. I do not.

24 Q. Did he tell you all the shots to him were
25 on the right side of his body?

Jennifer Thomas-Recross by Murphy

1 A. Yes.

2 Q. Did he give you a description of both of
3 them?

4 A. He said that they were two black males.
5 One had light skin. The one that was at the counter
6 by the Mystic drinks. All dark clothing, and a red
7 bandanna.

8 Q. Did he tell you he recognized a North
9 Charleston accent?

10 A. He did. He said he had a Geechee accent
11 from North Charleston.

12 MR. MEADORS: That's all.

13 MR. MURPHY: Just a couple of questions.

14 Recross Examination by Mr. Murphy:

15 Q. A GSR kit was done on both Williams and
16 Scott, correct?

17 A. Yes, sir.

18 MR. MURPHY: I have no further questions.

19 Thank you.

20 THE COURT: Mr. Meadors, anything else?

21 MR. MEADORS: Nothing further.

22 THE COURT: Thank you, ma'am. You can
23 step down.

24 MR. MEADORS: Your Honor, we are going to
25 need to get this going.

Investigator McCauley-Direct by Meadors

1 THE COURT: Mr. Meadors.

2 MR. MEADORS: Michael McCaulay.

3 Michael McCaulay, being first duly
4 sworn, testified as follows:

5 THE CLERK: Please state your full name
6 and spell your last name for the record.

7 A. Michael Thomas Mark McCauley.
8 M-C-C-A-U-L-E-Y.

9 Direct Examination by Mr. Meadors:

10 Q. What is your title?

11 A. I am an investigator.

12 Q. Just an investigator.

13 A. Yes, sir.

14 Q. I didn't mean just investigator, but
15 Investigator Michael McCauley.

16 A. You're fine, sir.

17 Q. Please tell the ladies and gentlemen of
18 this jury about you, where you were born, your
19 background, your training, and your training in law
20 enforcement please.

21 A. Yes, sir. I was originally born in Enid,
22 Oklahoma in 1980. My family was military and we
23 moved around a lot. I moved to South Carolina in
24 1981, and over the next several years moved and back
25 and forth there from various locals. My dad enjoyed

Investigator McCauley-Direct by Meadors

1 the place, so he put his roots down when he retired.
2 I graduated from high school here. I graduated from
3 the University of South Carolina in 2002. I
4 attended the South Carolina Criminal Justice Academy
5 in 2004. I was sworn as a deputy after that. I
6 have served on the uniform patrol division for 10
7 and a half years. In 2014, I was sent to Kentucky
8 for forensic analysis school, and graduated from
9 there, and have been attached to the crime scene
10 unit since.

11 Q. How many crime scenes have you been to?

12 A. In the past two years as a crime scene
13 investigator or grand total?

14 Q. Both. I don't need an exact figure.

15 A. Specifically in crime scene, approximately
16 500. In the past 12 years, probably almost 3,000.

17 Q. And just tell the ladies and gentlemen of
18 the jury, when you go to a crime scene, what's your
19 job as a crime scene investigator or processor?

20 A. My job mostly deals with any kind of
21 artifacts and evidence. The first thing you would
22 do is to survey the scene as it is. Try to figure
23 out what's important, what's not. You do several
24 walk throughs. You'll come back through and
25 document everything with a camera. Go back, and

Investigator McCauley-Direct by Meadors

1 then remark everything you think is pertinent to the
2 case at the time.

3 Rephotograph it, with the same camera.

4 Usually you'll have 2 or 3 pictures of the same
5 thing. After that, we'll collect the markers. Go
6 through and collect the items. Measure, mark as we
7 need anything we can't get at. We'll try to mark
8 what it was, and where we saw it. And the
9 approximate location and sizes as needed. We'll
10 then collect the evidence. Hold it, analyze it, and
11 present it in court as needed.

12 Q. Do you attempt to preserve the scene as
13 best you can, like it was when the incident
14 happened?

15 A. As best we can, furnish with
16 documentation.

17 Q. That's your ultimate goal.

18 A. Yes, sir.

19 Q. And have you been offered an expert in the
20 field of crime scene investigation in courts of
21 record in this state before?

22 A. Yes, I have.

23 Q. By me?

24 A. Yes, I have.

25 MR. MEADORS: Your Honor, at this time, we

Investigator McCauley-Direct by Meadors

1 would offer Investigator Michael McCaulay as an
2 expert in the field of crime scene investigation.

3 THE COURT: Mr. Murphy, any questions or
4 objections?

5 MR. MURPHY: No, Your Honor.

6 THE COURT: Ladies and gentlemen, let me
7 have your attention for just a moment. The witness
8 is qualified as an expert in the field of crime
9 scene investigation. The rules of evidence that I
10 mentioned to you at the beginning of the trial,
11 typically do not allow witnesses to give opinions.
12 Witnesses we call lay witnesses are allowed to say
13 what they saw or heard or touched or smelled.
14 Things like that. There is an exception in the
15 rules for witnesses who are qualified by education,
16 training or experience in a certain fields. Those
17 witnesses can give opinions, and they give the
18 reasons for those opinions.

19 As I will tell you in more detail at the
20 end of the case, that does not mean that you are
21 automatically obligated to accept the opinion just
22 because it comes from an expert. Using your good
23 common sense, you are to give the expert's opinion
24 the weight you think it deserves. Mr. Meadors, he
25 is qualified.

Investigator McCauley-Direct by Meadors

1 MR. MEADORS: Thank you, Judge.

2 (Diagrams marked State's Exhibit Nos. 38
3 and 39 for Id.)

4 Q. Investigator, take us right there in your
5 testimony. Take us to [REDACTED] Manning Avenue like you
6 did on December 29th 2015. What's the first thing
7 you observed?

8 A. The first thing we observed besides the
9 crime scene tape and all the units marked around it,
10 was the door, the front door being opened and the
11 large white truck outside. Upon walking out and
12 around the truck, we noticed a small knit cap over
13 to the left by the -- facing the building to the
14 left corner. There was some blood spatter in the
15 gravel right next to the truck, and there was a
16 single shell casing just outside the door.

17 Q. State's 16 is that the entrance and the
18 truck you just testified about?

19 A. Yes, sir.

20 Q. Can you see your monitor?

21 A. I can see myself in my monitor.

22 Q. Can you now see the truck and the
23 entrance?

24 A. I can.

25 Q. Is that what you were just testifying

Investigator McCauley-Direct by Meadors

1 about?

2 A. Yes, sir.

3 Q. What did you do next?

4 A. Along with Lieutenant Vickers, my
5 immediate supervisor, we walked inside the building
6 and conducted a, what's called normally, a walk
7 through, or a single sweep, just to see what was
8 inside the building that would look important.
9 There were multiple shell casings observed. Several
10 bullet holes were seen, and a large amount of blood
11 was on the floor.

12 Q. I show you what's mark State's 10. All
13 this is all in evidence, Investigator, these
14 pictures. Do you recognize that?

15 A. I do, sir. That's the view of the front
16 door from just instead it.

17 THE COURT: What number is that, please?

18 MR. MEADORS: 10.

19 THE COURT: 10, okay.

20 Q. I call them placards or placards, the
21 little yellow things. What are those?

22 A. Those are evidence makers. We normally
23 those are placed on and as we find a basis, there is
24 seniority to the markers themselves. It's just the
25 first thing we find is usually the first thing

Investigator McCauley-Direct by Meadors

1 marked, and so on as we come to them. We try to
2 block it out in the logical pattern. Just walking
3 in, this is importance, it gets No. 1. This is
4 important it gets No. 2. And working our way in
5 steadily.

6 Q. So if a marker is 1, 2, 3, 4, 5, that
7 doesn't mean you're not saying it didn't happen in
8 that order, 1, 2, 3, 4, 5.

9 A. Not necessarily. In fact, it's not
10 unusual for us to once we start moving things around
11 after we have documented the scene as it was when we
12 found out, to find additional evidence I'd have to
13 mark that later on. Even though y'all find
14 something long after you pass that area, you'll have
15 to go back and remark that. So for example No. 1
16 and No. 40, might be sitting next to each of other.

17 Q. I think for the most efficient, this isn't
18 necessarily my strong point. But the important
19 sufficient way to get this, did you all do a log
20 that corresponds to the placards?

21 A. Yes, we did.

22 Q. Could we just go down that log?

23 A. Yes, sir.

24 Q. Do you have yours with you?

25 A. I do not.

Investigator McCauley-Direct by Meadors

1 Q. Well I have got a copy for you.

2 A. Please.

3 Q. What is No. 1?

4 A. No. 1 was the white truck itself.

5 Q. And so is there somewhere there is a
6 placard that shows?

7 A. Yes, sir. It should have been documented.
8 Normally we just sit the placard on top of the hood,
9 or the crew cab of the truck.

10 Q. No. 2 blood on outside of front door of
11 business.

12 A. Yes, sir.

13 Q. And to aid us in this, I am going to show
14 you what's marked State's Exhibit 38 and 39 without
15 objection, Your Honor.

16 THE COURT: Okay.

17 (Diagrams marked State's Exhibit Nos. 38
18 and 39 into evidence.)

19 Q. I am going to show 38 and 39, and will it
20 aid you what we're doing right now?

21 A. Yes, sir. These are a basic sketch of the
22 crime scenes we compiled after the fact, just to use
23 as a point of reference later on. The sketches are
24 almost never to scale.

25 Q. And do you have your copy of this up

Investigator McCauley-Direct by Meadors

1 there?

2 A. No, sir, I don't.

3 Q. Shall I provide you one?

4 A. Please.

5 Q. I am just going to mark on this. This is
6 an extra copy, correct?

7 A. Yes, sir.

8 Q. This will be State's 38, what I'm
9 referring to. And this will be 39, so you know
10 which one I am referring to.

11 A. All right.

12 Q. Now you said this is not to scale,
13 correct?

14 A. Yes, sir.

15 Q. Again, what is State's 38?

16 A. That will be the -- your copy of the final
17 evidence sketch we did of the crime scene. And a
18 right to left orientation, and that will be the
19 inside of the building. The right being facing the
20 front facing Manning Avenue. And to the left will
21 be the rear of the building.

22 Q. So Manning Avenue is this way?

23 A. Yes, sir.

24 Q. Or that way.

25 A. It's exactly going both directions, sir.

Investigator McCauley-Direct by Meadors

1 Q. I understand that. But Manning Avenue is
2 coming out of the business, correct?

3 A. Yes, sir.

4 Q. Let's go to No. 3. Bullet casing outside
5 the front door by business. And we're going to take
6 our time and go through this, okay.

7 A. Yes, sir.

8 Q. Where is that on State's 38?

9 A. That will be right next to 2, just inside
10 the open door to the left of the truck.

11 Q. Do you have that with you?

12 A. I do, sir. It is in this tin right here.

13 Q. And what is that marked? What placard?

14 A. That would be marked as No. 3 on the
15 actual.

16 Q. If you will go ahead mark that.

17 A. Yes, sir.

18 MR. MEADORS: Without objection No. 40.

19 (45 shell casing marked State's Exhibit
20 No. 40 into evidence.)

21 Q. Tell us what No. 40 is please.

22 A. 40 is a 45 caliber shell casing, spent.

23 Q. How do you know that?

24 A. Not the least of which on the head stamp
25 written on the back of the shell casing itself is 45

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1 ACP. And usually a mark from the actual
2 manufacturer.

3 Q. So that's how you know that's a 45 shell
4 casing.

5 A. At a glance. Yes, sir. I write
6 additional measurements if needed.

7 Q. So you know that's a 45.

8 A. Yes, sir.

9 Q. Black knit cap to the left of the front
10 door of the business No. 4. Can you show us on the
11 diagram where that is?

12 A. Yes, sir. That will be on the far right
13 marked at the bottom in red. Close towards the
14 little arrow.

15 Q. As they're looking for that, we'll go on
16 to the next one. Bullet casing just inside of the
17 front door of the business, No. 5.

18 A. Yes, sir. That would be this one.

19 (Shell casing inside and knit cap marked
20 State's Exhibit Nos. 41 & 42 into evidence.)

21 MR. MEADORS: Your Honor, 41 with the
22 shell casing with the placard No. 5 without
23 objection. And 42 the knit cap without objection.

24 THE COURT: 41 is a 45 also.

25 MR. MEADORS: I'm fixing to ask him, yes,

Investigator McCauley-Direct by Meadors

1 sir.

2 Q. What is 41?

3 A. Forty-one is a 45 caliber shell casing.

4 Q. And where was this found on State's 38 of
5 the diagram, if you can show it.

6 A. That is going to be just inside of the
7 door with this cluster of red dots that's marked.

8 Q. No. 6 bullet casing just inside front door
9 of business.

10 A. That would be this one, sir.

11 Q. And what is that?

12 A. That should be a 45 caliber shell casing.

13 MR. MEADORS: 43 without objection, Your
14 Honor.

15 (Shell casing marked State's Exhibit No.
16 43 into evidence.)

17 Q. And show on State's 38 where 43 is please.

18 A. Forty three is a 45 caliber spent shell
19 casing.

20 Q. Where is it on State's 38 please?

21 A. It is going to be again, in this small
22 cluster with the rest of these right here.

23 Q. And that is the yellow card---

24 A. That is the yellow card No.---

25 Q. 6 or 5?

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1 A. This will be 6.

2 Q. What No. 7 there was something LS,
3 marijuana just found at the front door of the
4 business.

5 A. GLS is your green leafy substance. By
6 state law we can't call it marijuana until it's been
7 tested. And the lead chemist tells it is marijuana.
8 We are familiar enough with it that we usually list
9 it is as a green leafy substance believed to be
10 marijuana.

11 Q. We'll offer that in a little bit. Let's
12 go to No. 8. Bullet casing just inside the front
13 door of business.

14 MR. MEADORS: This is State's 44 without
15 objection, Your Honor.

16 (Bullet marked State's Exhibit NO. 44 into
17 evidence.)

18 THE COURT: Okay.

19 Q. What is State's 44?

20 A. That is a spent 45 caliber shell casing.

21 Q. And again referring to 38, where was it?

22 A. That is going to be right here slightly in
23 further than the rest of them.

24 Q. And this is marked No. 8, correct, the
25 placard?

Investigator McCauley-Direct by Meadors

1 A. Yes, sir.

2 Q. So when we look on here we can tell No. 8
3 on here is this No. 44 shell casing, correct?

4 A. 45 shell casing, yes, sir.

5 Q. Yeah, I'm sorry, 45. But you can say
6 because of your drawing and picking this up this---

7 A. Matches that, yes, sir.

8 Q. Matches that in the front of the business.
9 And that's what you do as the crime scene
10 investigator, right?

11 A. Yes, sir. It's actually specifically for
12 court, that it's marked and recorded as such.

13 Q. Let's go to No. 9. Bullet casing just
14 inside the front door of business. And that would
15 be again, the placard No. 9.

16 A. Yes, sir.

17 MR. MEADORS: State's 45 without
18 objection, Your Honor.

19 (45 caliber shell casing inside marked
20 State's 45 for evidence.)

21 Q. What is State's 45?

22 A. 45 is a 45 caliber shell casing.

23 Q. The bullet, the last one I showed you
24 was.

25 A. You were on 9, sir.

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- 1 Q. So we're on No. 9.
- 2 A. We're on No. 10 now, sir.
- 3 Q. What is No. 10? Thank you.
- 4 A. Ten is a 45 caliber shell casing.
- 5 Q. So that's 10.
- 6 MR. MEADORS: 46 without objection.
- 7 (45 caliber shell casing inside marked
- 8 State's No. 46 into evidence.)
- 9 Q. What is 46?
- 10 A. Forty-six is a 45 caliber shell casing.
- 11 Q. And again referring to 38, where was our
- 12 46?
- 13 A. No. 10 was right here.
- 14 Q. Your No. 10 is where?
- 15 A. In just to the left of that small cluster
- 16 right at the front door.
- 17 Q. Is that where you got the little red dot?
- 18 A. Yes, sir.
- 19 Q. Let's move to No. 11. Your No. 11.
- 20 A. Is a spent 45 caliber shell casing.
- 21 Q. And where was that found?
- 22 A. That was going to be found just outside of
- 23 the small cluster right there. It's going to be on
- 24 the top.
- 25 Q. Show me that again.

Investigator McCauley-Direct by Meadors

1 A. It should be right there, sir.

2 MR. MEADORS: State's 47 without

3 objection, Your Honor.

4 (Shell casing inside marked State's
5 Exhibit No. 47 into evidence.)

6 Q. No. 12.

7 A. No. 12 was a plastic Mountain Dew bottle
8 just to the right of the pool table. Marked as pool
9 No. 1.

10 Q. I'm going to show you what's marked
11 State's No. 8. Is it depicted in there?

12 A. It is. It's just to the center between
13 the pool table and the wall.

14 Q. Is that it?

15 A. That it is.

16 Q. Now were any of these items dusted for
17 prints?

18 A. All of the bottles were dusted for prints.
19 They were treated with cyanoacrylate fuming, which
20 is a fancy way of saying super glue was evaporated
21 next to and allowed to settle on the prints, which
22 is attracted to them. They are then dusted with a,
23 in this case, a silk black powder.

24 MR. MEADORS: 48 without objection, Your
25 Honor.

Investigator McCauley-Direct by Meadors

1 (Mountain Dew bottle marked State's
2 Exhibit No. 48 into evidence.)

3 Q. Is that A Mountain Dew bottle?

4 A. That would be a Mountain Dew bottle.

5 Q. And how many items were dusted for prints?

6 A. May I see the fingerprints. Not only were
7 several artifacts dusted for prints, but we did dust
8 several things on the scene, most notably the front
9 door.

10 Q. I'm sorry, that last part, most notably
11 what?

12 A. The front door.

13 Q. The long and short of it, did you all
14 collect several prints?

15 A. Yes, sir.

16 Q. Potential prints.

17 A. Yes, sir. We collected 7 total cards
18 worth latent prints.

19 Q. And where had they come from generally?

20 A. The inside of the gambling hall itself, or
21 any items that were in there.

22 Q. And were those sent to Marie Hodge with
23 the Sumter Police Department?

24 A. They were.

25 Q. And did she do a report that it was just

Investigator McCauley-Direct by Meadors

1 incon -- that she could not -- what was her report?

2 A. Her report that the latent lifts were not
3 of sufficient quality to be entered through the AFIS
4 system, which is the Automated Fingerprint
5 Identification System.

6 Q. So there wasn't enough print there to tell
7 who it was?

8 A. Yes, sir.

9 Q. And is that unusual in a crime scene?

10 A. Not unusual at all.

11 Q. But you tried.

12 A. Of course.

13 Q. A cigarette butt next to the front door.
14 Front, right front leg of pool table No. 1. Was
15 that collected?

16 A. It is. It's right here, sir.

17 MR. MEADORS: Your Honor, 49 without
18 objection. Cigarette butt near the pool table.

19 (Cigarette Butt marked State's Exhibit No.
20 49.)

21 THE COURT: Do you have a placard number?

22 MR. MEADORS: No.---

23 A. It would be---

24 Q. No. 13. Placard 14. Just tell us what
25 that is.

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1 A. 14 will be a shell casing between pool
2 tables No. 1 and 2.

3 (Shell casing marked State's Exhibit No.
4 50 into evidence.)

5 Q. I am going to show you some pictures
6 later, But State's 50, which is placard No. 14
7 without objection, Your Honor. What is No. 50, your
8 14.

9 A. My 14, No. 50 is a spent 45 caliber shell
10 casing.

11 Q. And let's get back to 38, if we can. Can
12 you show us on 38 where your 14 State's marked 50
13 for these purposes, is?

14 A. 14 is going to be this one right here just
15 above pool table No. 2.

16 Q. You've got a black phone on pool table No.
17 1.

18 A. Yes, sir. That was No. 15.

19 MR. MEADORS: State's 51 without
20 objection, Your Honor.

21 (Black phone marked State's Exhibit No. 51
22 marked into evidence.)

23 Q. Placard 16.

24 A. No. 16 was going to be a green disposable
25 lighter.

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1 MR. MEADORS: Placard 16, State's 52
2 without objection, Your Honor. For the record,
3 we'll give a copy of this to the court reporter for
4 the record later.

5 (Green lighter marked State's Exhibit No.
6 52 into evidence.)

7 MR. MEADORS: For the record, we'll give a
8 copy of this to the court reporter for the record
9 later.

10 Q. No. 17. Your placard 17.

11 A. That will be a plastic mountain bottle
12 found on the rail of pool table No. 2.

13 Q. Are you pointing that out for everybody
14 now?

15 A. I am.

16 Q. When you go to a crime scene, you don't
17 know what's up, do you?

18 A. No.

19 Q. I mean, you don't know what happens. So
20 you're collecting everything to try to see if it
21 potentially may be evidence.

22 A. Anything that looks like it was pertinent
23 to putting an individual in a crime scene, or
24 something will describe the action is considered
25 pertinent at the time.

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1 Q. That's your placard 17?

2 A. It is.

3 MR. MEADORS: State's 53 without
4 objection, which is placard 17.

5 (Mountain Dew marked State's Exhibit No.
6 53 into evidence.)

7 Q. Was there another green disposable
8 lighter?

9 A. There was, sir. That was No. 18.

10 Q. There's been an error. The one we put in
11 was 16. Excuse me, was 18. Is this No. 16?

12 A. This is No. 16 that's marked on the back.

13 MR. MEADORS: Your Honor, this is placard
14 No. 16, which is State's 54.

15 THE COURT: What was the 52?

16 MR. MEADORS: we would now like the record
17 to reflect without objection -- we would like to
18 amend the record State's 52 to reflect placard
19 No. 18. State's 54 placard No. 16. State's 52
20 placard was No. 18 without objection. We apologize.

21 (Green lighter marked State's No. 54
22 marked into evidence.)

23 Q. Was this cigarette lighter behind the pool
24 table?

25 A. Yes, sir. That was marked as No. 19,

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1 right behind pool table No. 2.

2 MR. MEADORS: State's 55, without

3 objection, Your Honor.

4 (Keys, lighter marked State's Exhibit No.

5 54 into evidence.)

6 Q. Keys, and it says another lighter, is that
7 correct?

8 A. A cigarette lighter and key chain, yes,
9 sir.

10 Q. Now looking at 20 on your sheet, what is
11 20?

12 A. No. 20 was a footprint made in the blood
13 that was right next to a small cooler. It's going
14 to be this one right here.

15 Q. That's 20.

16 A. Yes, sir.

17 MR. MEADORS: State's 56 without
18 objection, Your Honor. It's a picture with placard
19 20.

20 (Photo marked State's Exhibit No. 56
21 without objection.)

22 Q. The footprints with placard 20, is that
23 what you're talking about on State's 56,
24 Investigator McCauley?

25 A. Yes, sir.

Investigator McCauley-Direct by Meadors

1 Q. This right here.

2 A. Yes, sir.

3 Q. What is 21?

4 A. 21 as written, is a busted change jar. It
5 appeared at the time to have been shattered. Kept
6 on the bar tab of this center section right here.
7 That will be marked as that right there.

8 Q. So that's 21?

9 A. I'm making sure 21. My apologies. It's
10 actually going to be this one right here marked in
11 red.

12 Q. Show to it to us again, which one.

13 A. It will be this red one centered on the
14 bar tab.

15 THE COURT: That is the jar?

16 MR. MEADORS: That is the jar, Judge,
17 State's 57, which is 21 placard without objection.

18 (Jar marked State's Exhibit No. 57 without
19 objection.)

20 A. And all the fragments of it we could
21 collect.

22 Q. What's next, please.

23 A. 22 was a blue ball cap that was recovered
24 on the table in the kitchen bar area.

25 Q. Can you show that on?

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1 A. I can. That would be right here.

2 Q. And we have a picture of that we'll put in
3 before you're through.

4 MR. MEADORS: State's 58. Placard 22,
5 Your Honor, without objection.

6 (Photo of blue baseball cap marked State's
7 58 into evidence.)

8 Q. Is that what you're talking about?

9 A. Yes, sir.

10 Q. Just to show it to the Ladies and
11 gentlemen of the jury. And again, do you have any
12 idea of whether is relevant to this incident or
13 crime when you collect it?

14 A. At the time, no. If it's a personal
15 effect it's usually going to be collected to see if
16 it can identify a person later on.

17 Q. 23.

18 A. 23 is a bullet hole itself, in the TV
19 above the window, looking into the store room. 23
20 is marked. It's right here. It's actually going to
21 be over the little bar opening area.

22 Q. Is this where you're pointing to? Where
23 are you pointing to, I am sorry. I missed it.

24 A. Right here.

25 Q. So 23 is what?

Investigator McCauley-Direct by Meadors

1 A. That's actually a bullet hole in the TV
2 that was above the bar.

3 Q. And on your notes you've got it's just
4 above item 21?

5 A. Yes, sir.

6 Q. Did you take a picture of that?

7 A. Yes, sir.

8 MR. MEADORS: I beg the court's
9 indulgence.

10 Q. Let's move to No. 24.

11 A. 24 was a bullet hole in the shelf above
12 the microwave oven and the back store room.

13 Q. Let me clear this on 38, and looking at
14 the monitor, can you show us where that is?

15 A. He added mark right here is actually a
16 sink. The microwave was right above it on a shelf.

17 Q. And that's placard 24?

18 A. Yes, sir.

19 Q. Let's move on to 25.

20 A. 25 is generously described as a bullet
21 hole. It actually was where one of projectiles
22 struck the top of a shelf, under a hot dog roller
23 and carved a piece away, leaving a mark.

24 Q. What do you mean generously?

25 A. It was not a perfect hole as such. It's

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1 more just a large scrape on the top of the shelf.

2 Q. And where is that on State's 38?

3 A. That is actually going be right back here.

4 Q. I am going to show you State's 59. Does
5 that show placard 23?

6 A. Yes, sir, it does.

7 Q. And tell the jury again what placard 23
8 is.

9 MR. MEADORS: And 59 without objection,
10 Your Honor.

11 (Photo of hole above television marked
12 State's Exhibit No. 59 into evidence.)

13 A. Marker 23 was the hole in the television
14 set above that bar area.

15 Q. And show us again on 38 again, I
16 apologize.

17 A. 23 would be this one right here.

18 Q. This one is already in evidence. State's
19 Exhibit 21. Can you tell us if you see 24 in here?

20 A. Yes, I can.

21 Q. And showing this to the jury, when I say,
22 24, placard 24 on the State's 21, what is 24?

23 A. 24 is going to be the---

24 Q. Bullet hole in the shelf above the
25 microwave?

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1 A. Yes, sir.

2 Q. Can you show that to the jury on this
3 picture?

4 A. Interesting. I made a mistake. 24 and 25
5 should have been reversed. 25 was a hole above the
6 shelf, and 24 was the hole in the shelf itself.

7 Q. So 25 which is depicted on State's 21 is
8 what?

9 A. 25 is marked as No. 24 here. That was the
10 hole that went under the hot dog roller and behind
11 the shelf.

12 Q. And again, these are bullet holes?

13 A. Yes, sir.

14 Q. So there is no actual evidence to present
15 beside the picture.

16 A. Yes, other than the damage.

17 Q. And you can't get a picture on the inside
18 or I guess you could. But you can get the wall from
19 right here to show 24 and 25.

20 A. Not without a great deal of effort.

21 Q. So in that case you took a picture.

22 A. Yes, sir.

23 Q. No. 26 is a roach partly smoked marijuana
24 cigarette on the floor near the rear of pool table

25 2?

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1 A. Yes, sir.

2 THE COURT: 60?

3 MR. MEADORS: 60, yes, sir. 60 without
4 objection, Your Honor.

5 (Marijuana roach marked State's Exhibit
6 No. 60 into evidence.)

7 Q. Placard 26, is this the marijuana roach?

8 A. That is a picture of it.

9 Q. Did you all collect it also?

10 A. Yes, sir.

11 Q. 27.

12 A. 27 is a bullet hole that was found on the
13 facing it, it would be on the right towards the
14 bottom of the bar table area.

15 MR. MEADORS: State's 61 depicts placard
16 No. 27 without objection.

17 (Photo of bullet hole marked State's 61
18 marked into evidence.)

19 THE COURT: It is a photo of what?

20 MR. MEADORS A bullet hole. I am going to
21 ask him describe right now, Your Honor.

22 Q. What is State's 61?

23 A. That is marked 27. That is a bullet hole
24 caused by a projectile. Towards the top left you
25 can see the actual bar area itself. The actual

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1 white mark with the silver tape under it is the
2 bullet hole.

3 Q. Right here is the bullet hole?

4 A. Yes, sir.

5 Q. And right here is what you say?

6 A. That's going to be the right side of the
7 bar area.

8 Q. Whose arm is this?

9 A. That's mine.

10 Q. No. 27.

11 A. No. 27 was the picture just shown, that
12 was the bullet hole to the right of the bar area.

13 Q. I'm sorry. I didn't check it of. No. 28.

14 A. 28 is also a bullet hole. It was on the
15 left of the bar area.

16 MR. MEADORS: May it please the court,
17 State's 62, which depicts placard 28, the bullet
18 hole in the wall of [REDACTED] Manning Avenue without
19 objection.

20 THE COURT: 62?

21 MR. MEADORS: 62.

22 THE COURT: How about placard No. 26, is
23 there a photo in evidence for that?

24 MR. MEADORS: Roach, yes, sir there is.

25 THE COURT: What number?

Investigator McCauley-Direct by Meadors

1 MR. MEADORS: 60.

2 (Photo of bullet hole marked State's
3 Exhibit No. 62 into evidence.)

4 Q. Tell the jury or show them on 62 what it
5 is.

6 A. That would be the bullet hole right there
7 just to the right of the bar area, which was up and
8 over here.

9 Q. 29.

10 A. 29 was a bullet hole above the entry door
11 to the store room that goes back into the kitchen
12 bar area. It was just below a clock that was
13 hanging over it.

14 MR. MEADORS: Your Honor, we now offer
15 State's 63, which depicts placard 29 showing a
16 bullet hole underneath a clock in [REDACTED] Manning Avenue
17 without objection.

18 (Photo of bullet hole marked State's
19 Exhibit No. 63 into evidence.)

20 Q. Is that what you described earlier?

21 A. Yes, sir. That's going to be the bullet
22 hole right there.

23 Q. Let's go back to State's 38, and show
24 these ladies and gentlemen where we are talking
25 about. State's 29.

Investigator McCauley-Direct by Meadors

1 A. These indicating an open doorway itself,
2 29 would have been right above that. On the actual
3 sketch itself, we were able to see through the hole
4 all the way towards this path of travel to the back
5 wall of the thing, showing this broken line.

6 Q. So you were able to tell from that hole.

7 A. The path of the bullet as it continued on
8 through that arch doorway into the back wall.

9 Q. So what direction was that bullet coming
10 from, based on your analysis of just looking through
11 the hole?

12 A. All these bullets going from the front of
13 the building towards the back.

14 Q. Towards the back. Unless somebody
15 corrects me wrong, are we on No. 30?

16 A. Yes, sir.

17 Q. What is No. 30?

18 A. 30 is actually going to be a bullet hole
19 just to the right facing of the jute box. It's
20 going to be this one right here in the front -- in
21 the wall of the building from the inside.

22 MR. MEADORS: Show me that again, on 38m
23 I'm sorry. For the record, Your Honor, this is
24 State's 64 depicting a bullet hole with placard 30
25 without objection.

Investigator McCauley-Direct by Meadors

1 (Photo of bullet hole marked State's
2 Exhibit no. 64 into evidence.)

3 Q. Again, is this your hand?

4 A. In this case, that is going to be
5 Lieutenant Vickers hand.

6 Q. 31, please.

7 A. 31 is a bullet hole in the front wall of
8 the business that was just to the left facing of the
9 front door. Specifically this one right here.

10 Q. Let me clear this, please. Please show
11 that again.

12 A. Certainly.

13 Q. That would be one of those things again
14 where you may start with one and something came back
15 so you remember it later, a later number, but it
16 doesn't really mean anything.

17 A. Yes, sir. We work our way back around.

18 Q. So that is 31.

19 A. Yes, sir. Normally we work logically. If
20 we find a bunch of shell casings and obvious bullet
21 holes in the back, we're going to the back, showing
22 those paths first, and then walking back around to
23 see if there was any others.

24 MR. MEADORS: State's 65 depicting placard
25 31 without objection.

Investigator McCauley-Direct by Meadors

1 (Photo of bullet hole marked State's
2 Exhibit No. 65 into evidence.)

3 Q. And that's a bullet hole?

4 A. It is.

5 Q. And again, it's at the front of the
6 business?

7 A. Yes, sir.

8 Q. 32.

9 A. 32 was the top to a digital scale that was
10 found in the the back store room. And that would be
11 marked as right here.

12 (Photos of top of scale and small scale
13 marked State's Exhibit Nos. 66 and 67 for Id.)

14 Q. For efficiency purposes, what's 33?

15 A. 33 was the actual bottom part of the scale
16 found in the shelf right behind where 32 was.

17 MR. MEADORS: Your Honor, for the record,
18 State's 66 which depicts 32, the top of the scale.
19 And State's 67, which depicts placard 33 the scale
20 without objection.

21 (Photos of top of the scale and small
22 scale marked State's Exhibit Nos. 66 and 67 into
23 evidence.)

24 Q. And that's State's 68 which is the actual
25 scale without objection.

Investigator McCauley-Direct by Meadors

1 A. It is.

2 (Scale marked State's Exhibit No. 68 into
3 evidence.)

4 Q. Could you pull that. And that's a scale?

5 A. It is.

6 Q. So State's 66 which you said is the top of
7 the scale.

8 A. This was put back together when it was put
9 into evidence.

10 Q. That was my next question. That's why
11 there are two different placards?

12 A. Yes. We marked them as we find them.

13 Q. So now together State's 66 and 67 is 68
14 actually.

15 A. Yes, sir.

16 Q. If that makes sense. You can put that
17 back, please. On the last page. 34.

18 A. 34 was a partially smoked roach as a
19 marijuana joint usually referred to, kind of in the
20 store room, just to the right facing of the scale
21 property. It would have been right here.

22 MR. MEADORS: May it please the court for
23 the record, State's 69, which depicts a roach
24 cigarette, marijuana cigarette, depicting placard 34
25 without objection.

Investigator McCauley-Direct by Meadors

1 (Photo of marijuana roach marked State's
2 Exhibit No. 69 into evidence.)

3 Q. 35, please, sir.

4 A. 35 was a shell casing found under the
5 couch after we moved it, by the front wall of the
6 business. It would have been right there.

7 Q. Investigator McCauley, just to show me and
8 everyone else, just to clear it up, where State's 70
9 is, which is--

10 A. No. 35.

11 Q. Yes, sir.

12 A. Is going to be right here.

13 MR. MEADORS: And, your Honor, State's 70
14 is placard 35 without objection.

15 (Shell casing marked State's Exhibit No.
16 70 into evidence.)

17 MR. MEADORS: And, Your Honor, State's 70
18 which is placard 35 without objection.

19 Q. What is State's 70, could you open that?

20 A. It is a spent 45 caliber shell casing.

21 Q. No. 36.

22 A. 36 was a bullet hole in pool table 1, in
23 the front left corner of the top. That would be
24 right here.

25 MR. MEADORS: State's 71 depicting a

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1 placard 36 on the pool table without objection.

2 THE COURT: Okay.

3 (Photo of a bullet hole marked State's
4 Exhibit No. 71 into evidence.)

5 Q. Now would you explain this, please. You
6 say a bullet hole.

7 A. Yes, sir.

8 Q. Explain that. What you mean.

9 A. Well that's a divot in the metal of the
10 corner of a pool table itself. Initially we thought
11 a bullet had entered through there. We called the
12 rental company that rented the pool tables. And
13 they sent one of their technicians who assisted us
14 in actually taking the pool table apart piece by
15 piece, looking for a bullet fragment, which we
16 never located. Matching it up with a later sketch
17 of the area, we determined that it was most likely a
18 hole caused in the rather brittle metal from the
19 ricochet of the bullets fired.

20 Q. So there wasn't penetration through and
21 through the pool table.

22 A. No, sir.

23 Q. And by ricochet, you obviously mean it hit
24 there and went somewhere else.

25 A. Yes, sir.

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1 Q. Can you determine, did you determine where
2 that bullet may have gone? Based on your
3 examination of the crime scene.

4 A. To the best of our knowledge, the ricochet
5 came as marked No. 29, which struck high above the
6 door frame right below the clock, as was previously
7 noted. And continued on into the back of the -- as
8 such, it would have been coming from here. Hit the
9 table, bounced up, went high, and struck the
10 overarch of this doorway and then continued on this
11 way. It is not usual for a bullet's direction once
12 it hits multiple solid objects to change slightly.

13 Q. From your examination of this crime scene,
14 and that dent in the pool table based on your
15 training and observation, do you think that's where
16 that bullet went?

17 A. That is my belief.

18 Q. No. 37.

19 A. No. 37 is a bottle of Mystic that was on
20 pool table No. 2.

21 Q. I believe that bottle is already in
22 evidence, but I'm going to show you State's 13
23 that's in evidence. Is that the Mystic?

24 A. That is.

25 Q. For these ladies and gentlemen, please

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1 show them on State's 38 where 37 is. The placard.

2 A. That would sitting on this corner on the
3 right of the pool table.

4 Q. Right here.

5 A. Yes, sir.

6 Q. 38.

7 A. 38 was actually from the outside of the
8 building. It was a blood spatter on a piece of
9 gravel in the parking lot. Facing the building, it
10 would have been to the far left. Approximately It
11 would have been in this area right here.

12 MR. MEADORS: Your Honor, State's 72
13 depicting placard 38, outside the business of [REDACTED]
14 Manning Avenue without objection.

15 (Photo of swab outside of building marked
16 State's Exhibit No. 72 into evidence.)

17 Q. Did you all collect the gravel too?

18 A. We did collect the gravel. Just to make
19 sure as there was blood on there, we collect the
20 swab for after DNA testing as needed.

21 MR. MEADORS: Your Honor, State's 72, I
22 think I did this, depicting placard 38 without
23 objection. And State's 73 which is the gravel, that
24 was also collected as part of the 38 placard
25 evidence without objection.

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1 THE COURT: It is not the same placard
2 number.

3 MR. MEADORS: It actually would be the
4 same placard, it's just gravel under part of it.

5 THE COURT: Okay.

6 (Gravel marked State's Exhibit No. 73 into
7 evidence.)

8 THE COURT: Was there an exhibit for the
9 Mystic bottle?

10 MR. MEADORS: I read out the picture of
11 it. There is an exhibit for the bottle.

12 A. Yes, sir. The bottle itself probably was
13 taken into evidence.

14 MR. MEADORS: That was entered I think
15 yesterday.

16 Q. Is this the swab, State's 72 that's in?

17 A. Yes, it is.

18 Q. And this right here is just the gravel you
19 got from there, right?

20 A. Yes, it is.

21 Q. And did you all take some swabs from
22 either inside or outside of this business?

23 A. Yes, sir. Several swabs were taken from
24 the larger pools of blood inside, and from that
25 blood trail that led outside the front door towards

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1 the side road.

2 Q. Towards the what?

3 A. Towards the side crossing road that was to
4 the left of the building.

5 Q. Let's look at State's 12, already in.

6 Does there appear to be blood in this area?

7 A. There is. It's on the floor.

8 Q. And where were the swabs taken from inside
9 [REDACTED] Manning Avenue?

10 A. Several of the larger pools of blood. I
11 believe the ones towards the back are where they
12 were collected.

13 Q. Here's State's 19.

14 A. Usually I'll have a picture of the swab
15 superimposed over the pool of blood right before
16 I'll take the swab, just to show which one it was.

17 Q. Where was the swab taken outside?

18 A. The swab I believe was collected from one
19 of the pieces of gravel that was collected. It was
20 swabbed before we put the gravel in. Another one
21 was also collected from the roadway I believe.

22 Q. And that's the side roadway, right?

23 A. Yes, sir. The name of the street escapes
24 me at the time, I apologize.

25 MR. MEADORS: I beg the court's

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1 indulgence.

2 Q. And also the money and the other items
3 that were in the jar, did you collect that?

4 A. I do. They are collected, taken back as
5 is, and usually the money will be removed from the
6 jar itself. Counted. Recounted with a witness and
7 then sealed as needed.

8 Q. Did you count this?

9 A. I did, and Investigator Soloman. Sergeant
10 Reynolds with the drug unit also witnessed us
11 counting it.

12 Q. Do you know right now how much is in
13 there?

14 A. On the top of my head, I can't guess. I
15 wrote it on the side.

16 MR. MEADORS: Your Honor, State's 74. The
17 contents of a broken glass jar without objection.

18 THE COURT: What was 73?

19 MR. MEADORS: The gravel.

20 MR. MEADORS: 74 without objection.

21 (Money marked as State's Exhibit No. 74
22 into evidence.)

23 Q. Did you list on beside the?

24 A. Each denomination and how much there was
25 there.

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1 Q. So \$10 in \$10 bills?

2 A. Yes, sir. There was one \$10 bill.

3 Q. 15 in \$5 bills.

4 A. Three \$5 bills.

5 Q. And so on.

6 A. Yes, sir.

7 (Photos marked State's Exhibit Nos. 75
8 through 77 for Id.)

9 Q. I am going to show you what's marked 75,
10 76, and 77. And numerically, can you tell us what
11 they are? What is 75?

12 A. 75 is going to be the blood spatter from
13 the outside of the building just outside of the
14 front door. 76 is going to be the blood spatter on
15 the side wall of just to the left of the front door.
16 And the swab held over it, showing that that's where
17 I was going to take the swab of blood from. And 77
18 was the blood pool from the inside towards the back
19 beyond the pool table. That's the swab next to it
20 showing that that's where I took that swab from.

21 MR. MEADORS: Your Honor, 75 of blood
22 spatter from outside the business. 76 in McCauley's
23 hand with the swab showing he was prepared to take a
24 swab 76 on the building. And 77 blood and a
25 preparation for a swab inside the building.

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1 Seventy-five, 76 and 77 without objection.

2 (Photos marked State's Exhibit Nos. 75-77
3 into evidence.)

4 Q. 75 is that blood spatter?

5 A. Yes, sir.

6 Q. And on 76, what is that?

7 A. 76 is the same, with the swab superimposed
8 next to it.

9 Q. Is that so we can do like we're doing
10 right now, show them what you swabbed?

11 A. Yes. Just so that you have more than my
12 word as to where I put it from, where I took it, and
13 what I did with it.

14 Q. 77?

15 A. Same. The blood pool from the back of the
16 building with the swab next to it.

17 MR. MEADORS: May it please the court,
18 Your Honor, we would offer the DNA analysis from the
19 State Law Enforcement Division No. 78 without
20 objection.

21 THE COURT: Mr. Murphy.

22 MR. MURPHY: No objection.

23 (DNA analysis marked State's No. 78 into
24 evidence.)

25 Q. All of this stuff you did send to sled.

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1 A. Yes.

2 Q. The swabs you took, correct?

3 A. Yes.

4 Q. That procedure?

5 A. Yes, sir.

6 Q. And was it analyzed?

7 A. It was analyzed by sled.

8 Q. And is 78 the results of that?

9 A. 78 is the results printed out.

10 Q. As far as No. 7, swab from in front of
11 bar, what were the results from sled analysis as far
12 as the DNA profile developed from No. 7, which was a
13 swab of the blood inside [REDACTED] Manning Avenue?

14 A. The swab from the large pool of blood was
15 the one that came from sled as a match to Mr. Tyrone
16 Williams, the victim.

17 Q. And could you read the probability of it
18 being somebody else?

19 A. The probability of it being someone else
20 with the exact same DNA is approximately 1 and 366
21 trillion.

22 Q. Now as far the swab from the smear on the
23 left of the building outside of the door, and a swab
24 from the asphalt of Shepherd Street, are those what
25 you testified to before?

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1 A. Yes, sir.

2 Q. What were -- and does sled have to develop
3 a profile before they could compare it someone else?

4 A. They do.

5 Q. So do you all take smears? So what is a
6 smear? I mean how do you collect blood?

7 A. A swab is a--

8 Q. Swabs, excuse me.

9 A. Swabs are sealed in their packages so that
10 there is no contaminants. After we take the
11 pictures, we'll open the package there. All this is
12 done wearing gloves of course, so we don't
13 contaminate it. The top is open and slide back,
14 exposing what is essentially a very large Q-tip.
15 That is moistened with a bottle of sterilized water
16 that is kept and disposed of after that's used. And
17 it's used basically just to get a full rubbing of
18 whatever DNA we're going to get. It can get be used
19 for other DNA besides. Well that's just the best
20 one we like to get.

21 That is the -- the top case is slide back
22 up. Sealed. The package is put into evidence and
23 left open slightly to dry out. Sled procedure
24 prefers the blood to be dry when they get it. It is
25 then sealed in a, first in a paper carton, marking

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1 what it is, where it was taken from and the case
2 number. And it is then sealed in a plastic wrapper
3 around that carton. That is all done on site, and
4 submitted to sled in that fashion.

5 Q. Did sled have a buccal swab from Tyrone
6 Williams, and a buccal swab from Raymond Scott?

7 A. They did.

8 Q. Some people say buccal, I say buccal.
9 What is that?

10 A. That is basically the standard swab
11 usually taken from the inside of the mouth. It's
12 simply the saliva. It takes about 3 seconds to do.
13 You open it up, you rub the Q-tip around the inside
14 one time, and you seal it, and submit it to sled the
15 same way. Sled prefers to do direct comparisons.
16 That way to not have the computer spinning for
17 several days at a time as they go through the entire
18 CODIS system.

19 Q. And is sled able to get a profile from
20 those two swabs, in this case from Williams and
21 Scott?

22 A. Yes. They build a DNA profile from those
23 buccal swabs themselves and use that as a standard
24 to match the blood against.

25 Q. That's what they are going to use to see

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1 if the blood that you collect, matches anybody,
2 correct?

3 A. Yes, they're going to compare it directly.

4 Q. And in the case of Mr. Williams his DNA
5 profile matched -- the blood inside matched his DNA
6 profile from his swab, correct?

7 A. It did.

8 Q. And as far as the swab from the smear of
9 the left side of the -- on the left of the outside
10 door of Manning, [REDACTED] Manning, and a swab from the
11 asphalt on Shepherd Street, is that where you got
12 another swab?

13 A. Yes, sir.

14 Q. What were sled's results as far as
15 developing a profile out of your swabs? Could they
16 develop a profile out of the swabs you gave them?

17 A. According to sled, they were unable to
18 develop a DNA profile from the samples sent.

19 Q. So they couldn't develop a profile enough
20 to say who it was.

21 A. Yes, sir.

22 (Photos of swabs marked States Exhibit
23 No. 79 and 80 for id.)

24 Q. I am going to show you what's marked
25 State's 79 and 80. And, Your Honor, without

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1 objection. Are these the swabs from Shepherd
2 Street, or the location where swabs were taken?

3 A. Yes, they are.

4 MR. MEADORS: 79 and 80 without objection.

5 (Photos of swabs marked State's Exhibit
6 Nos. 79 and 80.)

7 Q. Do you really know what this is when
8 you're swabbing it? Did it appear to look like
9 blood?

10 A. It appears to look like blood. I can't
11 tell it without sniffing it or tasting it, which is
12 usually a no, no in my job.

13 Q. But you just took it because it might be
14 potentially be.

15 A. It could be.

16 Q. But no DNA profile could be developed from
17 your swab from 79 and 80, correct?

18 A. Yes, sir.

19 Q. Now we had previously marked State's 35,
20 36 and 37. Do you recognize these?

21 A. Yes, these are the projectiles dug out of
22 the wall. They're corresponding placard was already
23 marked and entered in.

24 Q. Let's go back to State's No. 38. Let's
25 start with what's marked as State's 35 at this

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1 point. Can you show us where that is?

2 A. 35 was marked out of what was marked as
3 placard 24. That will be the one that went in
4 between the hotdog roller and the shelf causing a
5 divot. And it actually struck the -- it struck the
6 cinder block of the back wall and was on the
7 floor -- on the ground underneath it.

8 Q. And did you collect that?

9 A. I did.

10 Q. How did you actually collect it?

11 A. I literally crawled under the sink on my
12 hands and knees and just picked it up with my hands.

13 MR. MEADORS: State's 35 without
14 objection.

15 (Bullet marked State's Exhibit No. into
16 evidence.)

17 Q. What is State's 35?

18 A. 35 by my measurement, is a spent
19 projectile from a 45 caliber.

20 Q. A 45 caliber.

21 A. Yes, sir.

22 Q. I know this is going to sound elementary
23 to you. What's the difference between a 38 and a
24 45?

25 A. Oh on average 1/10 of an inch in total

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1 diameter, and usually almost double the weight of
2 the bullet primer.

3 Q. So are you able to examine them.

4 A. Basically long story short, a caliber is
5 one inch divided by a 100. A 38 caliber is as
6 marked at .38ths of one inch. A 45 caliber is .45
7 of one inch. 50 caliber would be exactly half an
8 inch.

9 Q. So that in your estimation are -- you
10 determined that's a 45?

11 A. Yes, sir. I use a pair of calipers. I
12 measure the outsides of it. I take one measurement
13 and then move them 90 degrees, and then take another
14 measurement of both sides. A fired bullet tends to
15 distort even if it hits a soft target. So a rough
16 estimation is made. In addition, the calibers are
17 not always exactly as marked. A 38 caliber goes
18 anywhere from a 34 to 38 caliber. A 45 can go
19 anywhere from 43 to about 46 caliber in total
20 markings.

21 Q. Let's go to State's 36, which I believe is
22 marker 28 on State's 38.

23 A. It is.

24 Q. And can you tell us what that is?

25 A. 28 are going to be the fragments of a

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1 projectile, which when it struck the baseboard and
2 where 28 was, completely disintegrated. All we were
3 able to do were dig out various parts to put
4 together and weigh.

5 Q. And you determined that's what projectile?

6 A. By weight alone, I would say it was a 45
7 caliber. Simply because the grain weights that I
8 was able to weigh from recovered pieces, tends to
9 exceed the largest of 38 caliber projectiles.

10 Q. State's 36, which is depicted on marker
11 28. A fired projectile without objection.

12 (Fired projectile marked State's Exhibit
13 No. 36 into evidence.)

14 Q. And I think 37 has not been entered yet.
15 What is 37? And where is 37?

16 A. 37 was from marker 27 right here on the
17 opposite side of 28. These were both dug out of a
18 wall. By this time Lieutenant Vikers had retrieved
19 a circular saw, and was able to get into the softer
20 parts of the building using that. This will be by
21 weight and the measuring of the base, which we do in
22 a case when a bullet completely---

23 Q. Hold that up so they can see it please.

24 A. A bullet when it strikes a solid object
25 tends to either disintegrate depending on its weight

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1 or how massive it is itself, or it completely
2 mushrooms black, depending on the construction. So
3 in order to measure that, we usually use the base,
4 the most in tact part. The measurements are always
5 at a approximate, due to the distortion caused by
6 the striking of a harder object. By that and by the
7 weight of that, this was determined to be a
8 45 caliber projectile.

9 MR. MEADORS: This is 37 without
10 objection, Your Honor.

11 (Casing marked State's Exhibit No. 37 into
12 evidence.)

13 THE COURT: Mr. Meadors, would it be
14 possible to take a break right now?

15 MR. MEADORS: Yes, sir. And I think I can
16 finish up fairly quickly when I come back.

17 THE COURT: Ladies and gentlemen, we are
18 going to take our morning recess right now. Please
19 go to your jury room. You may not discuss the case
20 at all, okay.

21 (Whereupon, the following takes place
22 outside the presence of the jury.)

23 THE COURT: Investigator McCauley, you can
24 step down, but you can't discuss your testimony with
25 anyone.

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1 A. Yes, Your Honor.

2 THE COURT: Mr. Meadors, you will be --
3 you said you would conclude in a few minutes with
4 this witness?

5 MR. MEADORS: Well I have got to make sure
6 I've got everything in. I've got a few more to get
7 in. I'm just going to ask him a general question.
8 It shouldn't be that much longer.

9 THE COURT: Mr. Murphy, your ballpark of
10 your cross of this witness?

11 MR. MURPHY: No more than 5 minutes.

12 THE COURT: So what do you think you will
13 be able to accomplish by lunch, Mr. Meadors, if we
14 break at one o'clock today?

15 MR. MEADORS: I think this will be another
16 30 minutes, at least.

17 THE COURT: On your direct?

18 MR. MEADORS: No, total. I mean, I just
19 it's going to take 10 minutes to make sure we've got
20 everything. But then we've just got Sergeant
21 Dubose.

22 THE COURT: Would you rather put him up
23 before lunch or after?

24 MR. MEADORS: After lunch, but whatever
25 you say.

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1 THE COURT: Well I will leave that up to
2 you. We'll take 5 minutes.

3 (Whereupon, the court takes a short
4 recess.)

5 THE COURT: You may bring the jury.

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: Mr. Meadors.

9 MR. MEADORS: Please the court.

10 THE COURT: Yes, sir.

11 Q. I've just got a few more exhibits to ask
12 you to inspect. This is State's 39. Do you
13 recognize that?

14 A. Yes, sir. This is the amended version of
15 the crime scene sketch with all the items described
16 above them.

17 Q. So 38 we're looking at it. If you overlay
18 39, is that pretty much everything we did for the
19 last hour and a half?

20 A. Yes, sir.

21 Q. And encircled it shows -- and printed on
22 there, what's what?

23 A. Yes, sir.

24 Q. So in this area, that's a shell casing?

25 A. Yes, sir.

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1 Q. And it shows the bullet hole. That's the
2 pool table you said was ricocheted.

3 A. Yes, sir.

4 Q. And the other items in here, 26 and 27.
5 You've now written in here, bullet holes.

6 A. Yes, sir.

7 Q. Plus the change jar here.

8 A. Yes, sir.

9 MR. MEADORS: 39 without objection, Your
10 Honor.

11 (Diagram marked State's Exhibit No. 39
12 into evidence.)

13 Q. This is State's 81, can you tell us what
14 that was.

15 A. That was the -- what was left of the
16 projectile removed from marker No. 30. It was dug
17 out of the front wall there.

18 Q. Here.

19 A. Yes, sir.

20 MR. MEADORS: State's Exhibit No. 81
21 without objection.

22 (Bullet marked State's Exhibit No. 81 into
23 evidence.)

24 Q. And can you tell the ladies and gentlemen
25 of this jury what State's 81 is please?

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1 A. 81 was a full lead projectile. The back
2 of it has severely distorted because after going
3 through the wall, struck a piece of cinder box. It
4 was measured out to be approximately 37/40 caliber.
5 Approximately a 37 caliber by 27/90 caliber. Simply
6 because it deformed into an oblong shape and the
7 base was the only part that was able to be actually
8 measured to determine from the original size.

9 Q. So what's your opinion regarding what type
10 of bullet that is?

11 A. My opinion was that this was probably a 38
12 caliber.

13 Q. And State's 82, can you first of all show
14 us where that is on State's 38?

15 A. State's 38 was the projectile was dug
16 out---

17 Q. Not state's 38 is the exhibit.

18 A. Yes, sir. State's 82, excuse me, was dug
19 out of marker No. 31 was on the wall in the front of
20 the building just to the left of the front door.
21 Yes, sir.

22 MR. MEADORS: And we'd offer State's 82
23 without objection if I haven't already.

24 MR. MURPHY No objection.

25 THE COURT: 38?

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1 MR. MEADORS: 82.

2 THE COURT: 82.

3 (Projectile marked State's No. 82 into
4 evidence.)

5 A. Again, this is a similar full lead
6 projectile that was severely distorted after hitting
7 a piece of cinder box. It was measured to be 43/90
8 by 23/90 in caliber. And that it's measuring the
9 oblong at 90 degrees to each other.

10 Q. Who does mean?

11 A. Approximately this was going to be a 38
12 caliber projectile before it hit the piece of cinder
13 block and distorted.

14 Q. And is there really other way to tell it
15 besides weighing and measuring it after it's been
16 fired, after it struck something, after it's been
17 deployed?

18 A. Only in approximations. Every bullet
19 fired will always lose at least 1 percent of it's
20 overall mass, even if it's simply fired in the
21 water. That's just from pieces of the jacket
22 wearing off while they travel down the barrel. The
23 fact that they are not manufactured to the exact
24 tolerances that they were designed. The fact that
25 the bullet is given a little bit of room to expand

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1 while it's in the barrel to fired accurately. And
2 the fact that it is going to hit something, and
3 simply break. Pieces are going to break off of it.
4 It's sharp is going to deform.

5 Q. So basically yes, there is no other way to
6 fill it. Correct?

7 A. They can all be measured in
8 approximations, yes.

9 MR. MEADORS: State's 33, I don't believe
10 is in. We talked about it earlier, and I may have
11 said on the record it was in earlier. But can you
12 can see, is that the Mystic bottle?

13 A. That is going to be the Mystic bottle with
14 the liquid still inside.

15 Q. And what number is that? Your Honor, we
16 would officially offer State's 33 without objection.

17 MR. MEADORS: Your Honor, we would
18 officially offer State's 33 without objection.

19 THE COURT: Okay.

20 (Mistic Bottle marked State's Exhibit No.
21 33 into evidence.)

22 Q. Tell me what State's 34 is.

23 A. State's 34 was actually added some time
24 later. This is one of the bullets removed from the
25 victim Mr. Tyrone Williams by Tuomey Hospital.

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1 Q. Was that given to Sergeant Dubose?

2 A. It was. And then from there, entered into
3 evidence.

4 MR. MEADORS: State's 34 without
5 objection, Your Honor.

6 (Bullet from victim marked State's Exhibit
7 No. 34 into evidence.)

8 Q. Can you take it out. Are you going to put
9 your gloves on?

10 A. Yes, sir.

11 Q. Can you tell these ladies and gentlemen --
12 strike that. Can you please tell the ladies and
13 gentlemen of this jury, in your opinion, and after
14 examining that, what caliber is that?

15 A. In my opinion, due to the fact that since
16 Mr. Williams is a considerably softer target than a
17 piece of cinder box, this is a 38 caliber
18 projectile. Very likely a hollow point, due to the
19 way front end deformed of it, but the back end
20 stayed fairly in tact.

21 Q. And that you said came from his body,
22 Mr. Williams.

23 A. Yes, sir.

24 Q. Does this go back in here?

25 A. Yes, sir.

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1 MR. MEADORS: I beg the court's
2 indulgence.

3 Q. I show you what's been marked as State's
4 37. It has ties on it. Are you familiar with that?
5 Cable ties.

6 A. Yes, sir. These were cable or also known
7 as zip ties, that were entered into evidence shortly
8 thereafter by, I believe by Sergeant Hawkins, who is
9 the original point on the chain of custody.

10 Q. Who testified yesterday, I think, and
11 maybe showed a picture of it yesterday.

12 A. Yes, sir.

13 Q. And those were taken off the defendant?

14 A. To my knowledge, yes.

15 Q. And are you the evidence custodian?

16 A. Investigator Soloman is the evidence
17 custodian. He's the one who originally received
18 this. I can serve as the evidence custodian as
19 needed.

20 Q. And those have been keep in evidence
21 locker at Sumter.

22 A. Yes, sir.

23 Q. Since they were taken off the defendant
24 and given to the Sumter Police Department.

25 A. Yes.

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1 MR. MEADORS: Your Honor, State's 37
2 without objection.

3 THE REPORTER: 32.

4 (Zip ties marked State's Exhibit No. 32
5 into evidence.)

6 (Money from Defendant's pockets marked
7 State's 83 and 84 for Id.)

8 Q. State's 83 and 84 were you aware of money
9 that was taken off the defendant?

10 A. I'm aware that money was entered in
11 from -- taken from the defendant at the hospital and
12 entered into evidence.

13 Q. Would 83 and 84 be those amounts of cash
14 taken off the defendant?

15 A. These would be them.

16 Q. Have you counted them?

17 A. Those I did not count personally, sir.

18 Q. And this was money that was taken off the
19 defendant, correct?

20 A. Yes, sir.

21 Q. And then some also separately from his
22 wallet?

23 A. Both were taken from the pockets, as I was
24 told. They're kept separate as they come from
25 separate pockets.

Investigator McCauley-Direct by Meadors

1 MR. MEADORS: 83 and 84 without objection,
2 if I haven't already done it.

3 (Money from Defendant's pockets marked
4 State's 83 and 84 into evidence.)

5 MR. MEADORS: Your Honor, this is State's
6 85 a hand written list of all the placards.
7 Placards 1 through 38, which we went over this
8 morning.

9 (List of placards marked State's Exhibit
10 No. 85 into evidence.)

11 Q. Based on your examination of the crime
12 scene, collecting all this evidence, taking the
13 pictures, did you an opinion regarding the shell
14 casings that are depicted in this part of 38, in
15 regards to which shots were being fired?

16 A. In my opinion, all the 45's were coming
17 from right around the doorway, heading towards them.
18 They were fired at the back of the -- as in other
19 words, the bullets were going towards the back of
20 the structure. No shell casings from a 38 were
21 recovered, which is not usual. Most 38's are going
22 to be revolvers. The projectiles recovered from the
23 actual location itself came -- were going back
24 towards the doorway.

25 Q. And the projectile that was in, the

Investigator McCauley-Direct by Meadors

1 projectile that was in Mr. Williams, that was taken
2 out.

3 A. Yes, sir.

4 Q. In your opinion was what?

5 A. A 38 special.

6 Q. I am sorry.

7 A. A 38 special.

8 Q. And the blood you found that was swabbed,
9 that sled said was Mr. Williams' blood is where in
10 the 38? Where was the swab?

11 A. It would have been approximately this
12 area.

13 Q. And that was a 38 he was hit with.

14 A. The one that was taken out of him, yes,
15 sir.

16 Q. And the two projectiles back towards the
17 doorway, I believe you said that they were
18 consistent of 38's. That would be placard No. 30
19 and 31?

20 A. Yes, sir.

21 Q. And they would be consistent with 38's?

22 A. Yes, sir.

23 Q. 45's going this way.

24 A. Yes, sir.

25 Q. A 38 going into the victim?

Investigator McCauley-Cross by Murphy

1 A. Yes, sir.

2 Q. And a couple of 38's going back that way.

3 A. Yes, sir.

4 MR. MEADORS: I beg the court's
5 indulgence. Thank you, that's all.

6 THE COURT: Mr. Murphy.

7 Cross Examination by Mr. Murphy:

8 Q. I want to show State's 27.

9 A. Yes, sir.

10 Q. Are you familiar with this?

11 A. I am familiar with them.

12 Q. What is this again?

13 A. Those were three live 38 special rounds
14 that were entered into evidence.

15 Q. And you're aware that they came from my
16 client, correct?

17 A. Yes.

18 Q. Would you take a look at this please?

19 A. Of course.

20 Q. Now these 38's have copper casings,
21 correct?

22 A. Yes, sir. They are copper jacketed.

23 Q. And the -- I don't ask you to take your
24 gloves on or anything. The bullet that was given to
25 you provided from the hospital that was extracted

Investigator McCauley-Cross by Murphy

- 1 from Mr. Williams, also had copper.
- 2 A. It had a copper jacket on, yes, sir.
- 3 Q. And you've testified that there wouldn't
- 4 be any casings necessarily with a 38, correct?
- 5 A. Normally those are revolvers. They'd have
- 6 to be manually ejected. Yes, sir.
- 7 Q. Now in regard to the State's Exhibits 81
- 8 and 82, which are extracted from here, your placard
- 9 No. 30, and the placard No. 31.
- 10 A. Yes, sir.
- 11 Q. They do not have casings, correct?
- 12 A. No, sir.
- 13 Q. So they -- they're different.
- 14 A. Yes, sir.
- 15 Q. Than the other 38's, correct?
- 16 A. Yes, sir.
- 17 Q. Now you've handled all the evidence in
- 18 this case, correct?
- 19 A. Yes, sir. It has all been reviewed by me.
- 20 Q. You're aware that some GSR analysis, not
- 21 analysis, sorry, a GSR kit was done on Mr. Williams
- 22 and my client.
- 23 A. Yes, sir.
- 24 Q. Was that ever sent to sled?
- 25 A. They were both submitted to sled, as I

Investigator McCauley-Cross by Murphy

1 recall.

2 Q. Any results that you are aware of?

3 A. No, sir. As of the time of this trial,
4 they have not come back.

5 Q. Any analysis done on the digital scale
6 that was found?

7 A. Other than just the make and manufacturer.
8 No, for analysis no, sir.

9 Q. So reviewed again here, we've got No. 14,
10 placard No. 14 here. Or I'm sorry, 30 here is a
11 bullet hole towards the front of the--

12 A. Yes, sir.

13 Q. ---facility.

14 A. It's in the front wall.

15 Q. And that's a 38.

16 A. Yes, sir, to my knowledge.

17 Q. Without a copper.

18 A. Yes, sir. It was completelyunjacketed.

19 Q. And then here you have a 45 casing,
20 correct?

21 A. Yes, sir.

22 Q. And over here in the middle you've got a
23 bunch of 45 casings, correct?

24 A. Yes, sir.

25 Q. And right here you have another bullet

Investigator McCauley-Cross by Murphy

1 hole, correct?

2 A. Yes, sir.

3 Q. With A 38.

4 A. Yes, sir.

5 Q. Without a cooper casing.

6 A. Yes, sir.

7 MR. MURPHY: I have no further questions.

8 Thank you.

9 THE COURT: Redirect?

10 MR. MEADORS: Very briefly.

11 Redirect Examination by Mr. Meadors:

12 Q. On a 38, can different type 38's be fired
13 from the same weapon?

14 A. Yes, sir. There are actual several types.
15 It's not unusual, though it is increasingly rare for
16 there to be unjacketed 38 rounds. One thing about a
17 revolver is as long as you can put the bullet inside
18 it, it will probably be able to fire it.

19 Q. A revolver is going to fire a 38 no matter
20 what type of 38 it is.

21 A. Yes, normally.

22 MR. MEADORS: Thank you. That's all.

23 THE COURT: Mr. Murphy?

24 MR. MURPHY: None, Your Honor.

25 MR. MEADORS: Can I ask one more?

Investigator McCauley-Redirect by Meadors

1 THE COURT: Yes, sir.

2 Redirect Examination by Mr. Meadors:

3 Q. How many bullets does a typical revolver
4 hold?

5 A. On average between 5 and 6, depending on
6 the frame size of the revolver.

7 MR. MEADORS: Thank you. No further.

8 THE COURT: Thank you, sir. You can step
9 down. Mr. Meadors, the next witness will be after
10 lunch you said?

11 MR. MEADORS: Yes, sir.

12 THE COURT: Let me see you all up here for
13 just a minute to talk about this afternoon.

14 (Whereupon, the attorneys approach and
15 confer with judge.)

16 THE COURT: Ladies and gentlemen, we are
17 going to stop for lunch now. Please be back in your
18 jury room at 1:45. That gives you an hour and a
19 half. You can't discuss the case. Don't do any
20 research. Just don't do anything involving this
21 case until we get back together at 1:45. Thank you.

22 (Whereupon, At 12:13 jury goes to lunch.)

23 (Whereupon, the following takes place
24 outside the presence of the jury.)

25 THE COURT: Before we do go to lunch, the

1 possession of a weapon by a person convicted of a
2 violent crime, of course, is he has to prove that.
3 When is the stipulation going to be entered into the
4 record, and who is going to do that?

5 MR. MEADORS: I was going to do it. If I
6 can type it up, or we can get somebody from the
7 clerks's office.

8 THE COURT: It doesn't need to be typed
9 up. I just want to know, as long as you all agree
10 on the specific words that will be relayed to the
11 jury.

12 MR. MURPHY: I'll grab something and we
13 can work it out over lunch.

14 THE COURT: And as far as your, your
15 client, you've indicated your client is going to
16 testify. We haven't gotten to that point
17 technically. We need to make sure that if he does
18 testify, that I'm able to hear your arguments if
19 any, about the portions of the audiotape that I have
20 excluded that might come in for impeachment purposes
21 only. There is, I believe there is limiting
22 instructions for that but they can only use it for
23 impeachment purposes.

24 MR. MURPHY: And it would be extrinsic.
25 Extrinsic evidence.

1 THE COURT: Well for example, anything
2 from 916 forward.

3 MR. MURPHY: It might be admissible if he
4 denies it.

5 THE COURT: If he denies having said it.

6 MR. MURPHY: Exactly.

7 THE COURT: In other words, if Mr. Meadors
8 says didn't you tell officer A, B, C, boom, boom,
9 boom, boom, boom, and he says yes, I did, then 613
10 is done, and the rest of the tape will not come in.

11 MR. MURPHY: Yes, sir, I understand that.

12 THE COURT: So but anyway, just be
13 prepared for those arguments, and any instructions
14 to the jury. I don't think anybody has given me any
15 written charges, so I assume that there won't be
16 any. We will not be arguing and charging today. I
17 don't think, if you decide and think that would be
18 reasonable, if the defense won't finish it's case
19 until later this afternoon.

20 MR. MURPHY: We will finish today, Your
21 Honor.

22 MR. MEADORS: Judge, we just haven't had
23 time to get you, quite frankly, this morning. I'm
24 sorry.

25 THE COURT: Well---

1 MR. MEADORS: But State v. Mouzon, I'm
2 going to be asking you to consider it.

3 THE COURT: But when we -- I'm not
4 concerned about it now. I just, for example, if we
5 are already finished with the case, and we are going
6 to argue and charge at two, I would have wanted
7 them, so I would be able to prepare for it. But
8 since we're apparently probably going to stop, the
9 evidence will be in by 4:15 maybe, we can
10 spend the rest of the afternoon dealing with that.
11 The time would be right on us.

12 MR. MURPHY: Yes, sir.

13 MR. MEADORS: Thank you.

14 THE COURT: If you would be back at 1:40.

15 Okay.

16 (Whereupon, court adjourns for lunch.)

17 THE COURT: Are you all ready get started?

18 MR. MEADORS: Yes, Your Honor.

19 MR. MURPHY: Yes, we are, Judge.

20 THE COURT: You may bring the jury.

21 MR. MEADORS: We would call Sergeant Wayne
22 Dubose.

23 Sergeant Wayne Dubose, being first duly
24 sworn, testified as follows:

25 THE CLERK: State your full name and spell

Investigator Dubose-Direct by Meadors

1 your last for the record.

2 A. Wayne Dubose. D-U-B-O-S-E.

3 Direct Examination by Mr. Meadors:

4 Q. Good afternoon, Sergeant Dubose.

5 A. Good afternoon.

6 Q. Would you tell this jury about Sergeant
7 Wayne Dubose, where you are from, where you went to
8 school, and your training in law enforcement,
9 please, sir.

10 A. My name is Wayne Dubose. I was born and
11 raised here in Sumter. I attended the schools here
12 in Sumter. Graduated from Furman High School.
13 After high school, I went to work with the fire
14 department. I was there approximately 15 years. In
15 96, I came to the sheriff's office. And then I
16 graduated from the academy. And I have been law
17 enforcement now for 19 years.

18 Q. What are the different positions or rank
19 that you have held at Sumter County Sheriff's
20 Office?

21 A. I have been with the sheriff's office for
22 18 of those years. One year I was working with the
23 city.

24 Q. What are the different positions you've
25 held with the sheriff's department?

Investigator Dubose-Direct by Meadors

1 A. I have been on patrol, Family Court,
2 narcotics, community action team, CAT team. And I'm
3 currently assigned to criminal investigations as a
4 sergeant.

5 Q. And how long have you been in criminal
6 investigations?

7 A. Four years now.

8 Q. You said four?

9 A. Yes, sir.

10 Q. I bring you attention to December 29th
11 2015, how did you get involved in the State of South
12 Carolina versus Raymond Scott?

13 A. On December 29th, there was a shooting on
14 Manning Avenue, and I responded to the scene after
15 other officers had responded and secured the scene.

16 Q. And the CAD report, I know we talked
17 previously before it not coming in. But there was
18 actually a description given on CAD report of the
19 two suspects?

20 A. There was a description given out at that
21 time of two black males running from the business,
22 dressed in dark clothing. And one had of them had a
23 red cap on. I did not have that information at the
24 time, but that was something that was BOLO'd out to
25 officers that were in the area.

Investigator Dubose-Direct by Meadors

1 Q. So where did you go first?

2 A. I was actually in court when this
3 occurred. I was at a magistrate's office. I left
4 the magistrate's office and responded to Manning
5 Avenue. Other officers had already been on the
6 scene. They had secured the scene. The crime scene
7 was already actually on the scene by the time I got
8 there.

9 Q. And one of those was McCauley who we have
10 already---

11 A. Yes, sir.

12 Q. ---who is sitting right here.

13 A. Yes, sir.

14 Q. Does that happen a lot in your business?
15 That shots fired in Sumter on whatever day, you
16 respond no matter where you are?

17 A. I work the violent crime section, so if I
18 am out, me or maybe another couple of other officers
19 will respond to it, or one of the investigators
20 will.

21 Q. So this is your case. You're the chief
22 investigator?

23 A. Yes, sir.

24 Q. You went by the scene briefly, then where
25 did you go?

Investigator Dubose-Direct by Meadors

1 A. I went by the scene. I tried to get a
2 little bit of details of what happened. I was told
3 at that time that there had been at least one person
4 shot. It was Mr. Williams, and he had been
5 transported to the hospital by EMS. So I left the
6 scene, and I went to, actually I was headed to
7 Tuomey, when I heard over the radio that they had
8 actually had second person coming in with a gunshot
9 wound.

10 Q. And you learned that as you were going to
11 Tuomey.

12 A. That's right.

13 Q. And when you got to Tuomey, what did you
14 do?

15 A. As soon as I got to Tuomey, I encountered
16 Investigator Thomas and Investigator Hawkins in the
17 ER. They advised me that there were two gunshot
18 victims. One was in a trauma room, and one was in
19 another room. I asked at that time where
20 Mr. Williams was. He was the person I knew I was
21 going to see. Investigator Thomas advised me that
22 he was in one room, and that Mr. Scott was actually
23 in a trauma room. And then he advised me at that
24 time that Mr. Scott had come in with some gunshot
25 wounds, and that he actually had bullets in his

Investigator Dubose-Direct by Meadors

1 possession. And that someone else was talking to
2 him.

3 Q. And they actually found that out when they
4 did an x-ray on him, correct? He was holding them
5 in his hand.

6 A. That's correct.

7 Q. Did you know who Raymond Scott was? Did
8 you know who this other person was before you got to
9 Tuomey?

10 A. No, sir.

11 Q. So who did you see first?

12 A. I actually seen Mr. Williams first.

13 Q. Describe that to the ladies and gentlemen
14 of the jury. And describe him.

15 A. When I got there, I met with Investigator
16 Thomas. We went to the room where he was at. He
17 was being treated. He was in a hospital gown. He
18 was laying in the bed. Investigator Thomas had
19 already spoke to him before I got there. I went in
20 there and started talking to him, and I could tell
21 at that time they'd already given him some pain
22 medication, and he'd been sedated. And he as kind
23 of started to drift off a little bit.

24 Q. But did you get a brief kind of background
25 of what?

Investigator Dubose-Direct by Meadors

1 A. I did. I asked him briefly tell me what
2 happened. And he slowly went through what occurred
3 to him at the business.

4 Q. What did you do after that?

5 A. After that, I went to the room where
6 Mr. Scott was being held. I was advised at that
7 time that Mr. Scott was in there with a gunshot
8 wound; that he had advised that he was shot in
9 Clarendon County. So at this time I'm thinking we
10 have a shooting here in Sumter, and a shooting in
11 Clarendon County. And it's not out of the
12 possibility, we have had two shootings here before
13 at the same time. So I went in and started speaking
14 to him to see if I could get any details about where
15 he was shot, and who may have shot him.

16 Q. So prior to you going there, had Corporal
17 Ardis talked to him?

18 A. That's correct.

19 Q. And had Jennifer Thomas talked to him?

20 A. That's correct.

21 Q. And to him, for the record, I mean the
22 defendant Raymond Scott?

23 A. That's correct.

24 Q. When you went in that room where Raymond
25 Scott was, the defendant, his status to you was

Investigator Dubose-Direct by Meadors

1 what?

2 A. He was talking. He was coherent. He
3 could carry on a conversation.

4 Q. No, no. What was his position? I mean,
5 what was he to you? A victim? A witness? Did you
6 know what he was?

7 A. At that time, he was a shooting victim
8 from Clarendon County is what I was thinking.

9 Q. Now you go to the room, what do you
10 observe?

11 A. I go in there, Mr. Scott is in a hospital
12 bed. He's in a -- I believe he had a hospital gown
13 on. I could see that he had a, it appeared to be a
14 gunshot wound to the front of his body. He had
15 bandages on his leg. And I went ahead and started
16 talking to him, trying to get details about what
17 occurred. And then I had digital recorder with me,
18 so I recorded the statement that he gave me.

19 Q. Had you had that recorder too for
20 Mr. Williams?

21 A. I did.

22 Q. Now, how did your conversation start off
23 with the defendant?

24 A. With Mr. Scott?

25 Q. The defendant, yes?

Investigator Dubose-Direct by Meadors

1 A. I told him who I was. I was there to talk
2 to him about a shooting. And basically I started
3 asking details about what happened, who shot him,
4 where he got shot. And we tried to get some
5 details. So if he did get shot in Clarendon County,
6 we could pass that on to Clarendon County. I was
7 advised at that time that Clarendon County had
8 already been notified. And they had officers going
9 to the area where he said he had been shot on
10 Fairfield Road, on Fairfield Road, to check and see
11 if there was actually a scene there.

12 Q. And that had already been put in the works
13 earlier when Ardis, and Corporal Ardis worked in
14 Clarendon County?

15 A. That's correct.

16 Q. When you're talking to him, did you and
17 the defendant, excuse me, did you have any trouble
18 understanding him?

19 A. No.

20 Q. Did he appear to have any trouble
21 understanding you based on his answers to you?

22 A. No.

23 Q. Were they logical answers? Subject matter
24 appropriate.

25 A. They were.

Investigator Dubose-Direct by Meadors

1 Q. If you asked him his name, he'd tell you
2 his name.

3 A. That's correct.

4 Q. If you asked him where he was shot and
5 what county he was, did he have any trouble
6 answering that?

7 A. No, he told where he was shot.

8 Q. And were there other officers in the room
9 when you were talking to the defendant?

10 A. There were. At time it would have been
11 myself, Investigator Thomas, Investigator Hawkins,
12 and Investigator Kelly from Clarendon County.

13 Q. And at this point again, he was a victim
14 or his status to you was a shooting victim, correct?

15 A. That's correct.

16 Q. And you were trying to find out what
17 happened to him.

18 A. That's correct.

19 Q. Did you want to know where he was shot?
20 Where, location wise?

21 A. That's right. We wanted to know where he
22 was shot, and who shot him.

23 Q. And when he was shot?

24 A. That's right.

25 Q. Are those just common sense questions, no

Investigator Dubose-Direct by Meadors

1 offense, that you ask as an investigator?

2 A. Just to get basic investigation to see
3 where we need to go from there.

4 MR. MEADORS: Can we approach?

5 THE COURT: Yes, sir.

6 (Whereupon, the attorneys approach and
7 confer with judge.)

8 THE COURT: Would you tell them that,
9 please, Mr. Meadors? You are offering---

10 MR. MEADORS: Your Honor, at this time---

11 THE COURT: Lay the foundation for that
12 with him?

13 Q. Did you -- have you listened to your
14 conversation with the defendant on December 29th of
15 2015? The recording you made?

16 A. Yes, sir, I have.

17 Q. And does that accurately reflect the
18 conversation that you and the defendant Raymond
19 Scott had?

20 A. Yes, sir.

21 Q. And is that contained on State's No. 5?

22 A. Yes, sir.

23 MR. MEADORS: Your Honor, at this time,
24 we'd offer State's 5.

25 THE COURT: I will note any -- any prior

Investigator Dubose-Direct by Meadors

1 objections are noted. And it's 9 minutes and 15
2 seconds in duration?

3 MR. MEADORS: Yes, sir.

4 (Taped interview of Mr. Scott marked
5 State's Exhibit No. 5 into evidence.)

6 (Playing audio Mr. Scott and Mr. Dubose.)

7 Q. Is this the actual taped interview of
8 Raymond Scott?

9 A. Yes, sir.

10 Q. On December 29th?

11 A. Yes, sir.

12 Q. 2015. After talking with the defendant
13 Raymond Scott, did you have an occasion to go back
14 and meet with other investigators that were working
15 on the case?

16 A. We did. We actually went back out in the
17 hallway, and we spoke a little bit and then we went
18 back to the office.

19 Q. At that time that you were talking to
20 Raymond Scott, had you gathered any information
21 about whether or not he had an accent?

22 A. While when I was speaking to him on the
23 conversation we just heard, I did know anything
24 about an accent. I knew he had an accent, but I
25 didn't know anything anybody else describing an

Investigator Dubose-Direct by Meadors

1 accent.

2 Q. Did you subsequently learn about that?

3 A. Shortly after that conversation.

4 Q. That's kind where I'm going. What did you
5 learn about it?

6 A. I learned at that time from Investigator
7 Thomas that when she had spoke with Mr. Williams
8 before I got to the hospital, she provided a
9 description of the clothing that Mr. Williams stated
10 that the suspect was wearing. And also advised that
11 the suspect had a Gullah Geechee accent. I didn't
12 know what that was. And after they told me about
13 the accent, and explained to me what it was, well
14 this guy has got a Gullah Geechee accent. And he's
15 wearing the exact same clothing that the victim
16 described.

17 So at that time I decided at that time, I
18 thought we had enough to make an arrest. We went
19 placed Mr. Scott under arrest at that time.

20 Q. Now are we still on 29th of December?

21 A. Correct.

22 Q. What did you do next in your
23 investigation? Did you talk again to the victim
24 that day? How many times did you talk to the victim
25 on the December 29th 2015?

Investigator Dubose-Direct by Meadors

1 A. Just once. Just before I talked to
2 Mr. Scott. After Mr. Scott, I sent off for a photo
3 lineup of Mr. Scott, sent that request to sled to
4 get a 6 person photo line.

5 Q. And is that what you, what your department
6 does for lineups? You send a picture of a
7 particular suspect to sled, and do they prepare the
8 lineups?

9 A. They do. We send a request of that
10 person. And then with the photo we send them, they
11 prepare a lineup including 5 other individuals with
12 similar features.

13 Q. And you just took my word. When you --
14 what are you as a member of law enforcement looking
15 for in a lineup?

16 A. If it's -- if we're looking for a white
17 person, a white male, we want to have 5 other white
18 males. If they are bald headed, we want 5 other
19 white males that are bald headed. If it's a black
20 male, the same thing. Black female, white female.
21 As long as they have similar features.

22 Q. Same race, same gender, similar features.

23 A. Correct.

24 Q. Who did you show the lineup to first?

25 A. I showed the first lineup to Mr. Brunson

Investigator Dubose-Direct by Meadors

1 at the sheriff's office on the 30th.

2 Q. And I'm going to show you what's been
3 entered as State's 1, if not, we would move to enter
4 it without objection. And also State's 2, which may
5 not have entered officially, but we want to enter
6 both. We enter both State's 1 and 2 at this time.

7 THE COURT: Mr. Murphy?

8 MR. MURPHY: No objection.

9 THE COURT: Those are in.

10 (Photo lineups marked State's Exhibit Nos.
11 1 and 2 into evidence.)

12 Q. State's No. 1, what is this? And I tell
13 you, I guess I'll put it on there. Well we've got
14 that on there. Let's just do this right now. What
15 is State's 1?

16 A. This is a photo lineup that I showed
17 Walter Brunson on the 30th.

18 Q. And black males? White males?

19 A. Six black males.

20 Q. And where did you show Mr. Brunson this
21 lineup?

22 A. At the sheriff's Office.

23 Q. And what if anything did you tell
24 Mr. Brunson about this lineup?

25 A. I told Mr. Brunson if he seen the person

Investigator Dubose-Direct by Meadors

1 that I believe was involved or that did the
2 shooting, to pick that person out. And he picked
3 No. 3.

4 Q. And did you have him sign or initial that
5 he had picked out No. 3?

6 A. I did. He circled it, and put his
7 initials there.

8 Q. W.D.?

9 A. No, that's mine. He put W.B. there.

10 Q. W.B.

11 A. That's right. And I initialed it.

12 Q. And why did he tell you he picked out
13 No. 3?

14 A. He said that was the individual that was
15 at the store, and he who was one of the individuals
16 who shot.

17 Q. Now on January the 8th, let me just
18 correct this date. This date has December 30th.
19 State's 1 has December 30, 2015 on it.

20 A. Correct. That's the day after the
21 incident.

22 Q. On January 8th of 2016, did you have an
23 occasion to show Mr. Brunson a lineup again, State's
24 2?

25 A. I did. He came back to the sheriff's

Investigator Dubose-Direct by Meadors

1 office on that day, and gave me a written statement.

2 And I showed him that photo lineup again.

3 Q. And was he able to pick out anybody?

4 A. He was. He picked out No. 1 in that photo
5 lineup.

6 Q. And who's No. 1?

7 A. Mr. Scott.

8 Q. And Mr. Scott has been moved from State's
9 1 and State's 2, correct? In different positions.

10 A. He was moved from position No. 3 to
11 position No. 1.

12 Q. And again, did he have any trouble picking
13 him out?

14 A. No, sir.

15 Q. He picked him.

16 A. He picked him out. He circled it, and
17 identified it as being the person.

18 Q. Let me ask you, do you usually show
19 2 photo lineups to people?

20 A. No, sir.

21 Q. Why did you go back and show Mr. Brunson
22 another lineup? Although the defendant was in a
23 different position on January 8th 2016.

24 A. On December 29th, I sent off that request
25 to sled. Asked -- told them that it was a rush

Investigator Dubose-Direct by Meadors

1 situation, we had a shooting. They usually send it
2 back in a couple of hours. They sent the photo
3 back on the 30th. Actually while I was in the
4 interview room interviewing Mr. Brunson, Captain
5 Burnish came in and said that they -- that a lineup
6 was back. This is a lineup he brought in to me. I
7 set it down in front of Mr. Brunson. I asked him to
8 pick out the person who was involved in the crime
9 and did the shooting. He picked No. 3.

10 Q. After you did that, were you in some other
11 setting, when you looked at this lineup and
12 something came to your mind?

13 A. I did. It was days later. I was in a --
14 I am not sure if I was in a prelim. or a bond
15 hearing. For whatever reason, I had this in front
16 of me, and something jumped out at me on this
17 lineup. And No. 3, you see No. 3 has a box around
18 it.

19 Q. And had you noticed that before?

20 A. Nobody noticed it before.

21 Q. Nobody had noticed it before. So it
22 didn't suggest anything to you or anybody else based
23 on your showing it to people, and you finally
24 noticed there was a little box up there.

25 A. I did.

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1 Q. And was that because that was a picture
2 you sent to sled or explain that box.

3 A. I sent it. And the photo I sent,
4 apparently when the sled agent who made the lineup,
5 they did crop out that box behind it. A lot of
6 times these Id.'s come off of driver's license
7 photos. Or if you send them a photo off a camera,
8 it's probably going to have some type of background.
9 The sled agent just did not remove that, and I
10 actually saw that several days later.

11 Q. And then you went and showed State's 2 to
12 Mr. Brunson again.

13 A. Well actually once I seen that, contacted
14 sled. Told them to pull it up and look at what had
15 occurred. The sled agent said that got by me, you
16 know, I didn't see that. So I asked him if they
17 would recreate that lineup again, and move Mr. Scott
18 to somewhere else in the lineup. And that's the
19 lineup they sent me back.

20 And on January 8th, Mr. Brunson, I made
21 contact with him again. He actually came up that
22 day and gave me a written statement about what had
23 occurred. And I also showed him this lineup that
24 day, and then he picked out Mr. Scott as No. 1.

25 Q. And again, what did you tell -- why did

Investigator Dubose-Direct by Meadors

1 you tell Mr. Brunson you were showing him another
2 lineup?

3 A. I believe I recall telling him and
4 Mr. Williams that I lost the first lineup, and that
5 I needed them to look at another one. I didn't want
6 to tell them why I needed to look at another one.
7 But I just told them they needed to look at another
8 lineup, and he picked Mr. Scott out.

9 Q. And did you have an occasion to show a
10 lineup also to Mr. Williams?

11 A. I did.

12 Q. I'm showing you what's been State's 3 and
13 4 without -- well State's 3 and 4 I believe are
14 already entered. If not, I'm just making sure.

15 THE COURT: Mr. Murphy, those are in,
16 correct?

17 MR. MURPHY: Yes, sir.

18 A. These are the lineups I showed to Tyrone
19 Williams.

20 Q. Let's start with State's 3. Where did you
21 show Mr. Tyrone Williams this lineup, State's No. 3?

22 A. What date is on it? Let me see that one.
23 That one would have been at Tuomey.

24 Q. And does it actually say at Tuomey?

25 A. It does say at Tuomey. That would been on

Investigator Dubose-Direct by Meadors

1 -- it would have actually been on December 30th.

2 Q. And that was my next question. And I'm
3 not trying to be funny or smart with you, and I
4 apologize. And this incident happened on
5 December 29th.

6 A. It did.

7 Q. And you dated, you're still excited about
8 Christmas. You dated this December 25th.

9 A. I did. I wrote, I don't why I wrote
10 December 25th. That was a mistake on my behalf.
11 And I wrote 12/25/2015. It should have been 12/30.
12 It was the same day I showed the lineup to
13 Mr. Brunson.

14 Q. And it says at Tuomey, correct?

15 A. That's correct.

16 Q. So this, there is no way it could have
17 been 12/25, because the incident happened on 12/29.

18 A. That's right?

19 Q. So when you showed this to Mr. Williams,
20 where was he?

21 A. He was still admitted to Tuomey. He
22 hadn't been released yet.

23 Q. And what if anything did you say to
24 Mr. Williams prior to showing him State's 3?

25 A. I asked him if he recognized the

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1 individual that committed the robbery and the
2 shooting, to pick them out, and he picked out No. 3,
3 which is Mr. Scott.

4 Q. Did you in anyway try to suggest or point
5 your finger to or cheat in telling him who to pick
6 out?

7 A. No, sir.

8 Q. And he picked out No. 3. And did he
9 initial that?

10 A. He did.

11 Q. And is that---

12 A. He circled it, and that's his initials.

13 Q. And he picked him out as the what? Why
14 did he pick out No. 3?

15 A. He said that was person who shot him.

16 Q. Now again on State's No. 4, dated 1 -- get
17 sure this is your writing. What is the date on
18 that?

19 A. It should be the 7th.

20 Q. The 7th?

21 A. Yeah, the 7th.

22 Q. Did you have an occasion to show another
23 lineup to Mr. Williams?

24 A. I did. Mr. Williams was released from
25 Tuomey that day. He was discharged. I advised him

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1 that he was discharged and needed to come to the
2 office. And I needed him to give me a written
3 statement, which he did. And when he came down, I
4 showed him this lineup on that day.

5 Q. And did Mr. Williams give you a statement?

6 A. He did.

7 Q. On the 7th?

8 A. He did.

9 Q. Did Mr. Brunson give you a statement?

10 A. Mr. Brunson gave me one on the 8th.

11 Q. And again very briefly, you showed No.
12 State's 4 to Mr. Williams because of the little blue
13 box you found?

14 A. I did.

15 Q. So the blue box is removed on No. 4?

16 A. Correct.

17 Q. And why did you tell Mr. Williams you were
18 showing him a second lineup?

19 A. There again, I believe I told him I'd lost
20 it, but I needed him to look at another lineup.

21 Q. And he picked out No. 1 as the shooter.

22 A. Yes, sir.

23 Q. This is State's 32. Do you recognize
24 that?

25 A. Yes, sir. This would be bag of zip ties

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1 that were removed from Mr. Scott's pants. His pants
2 were taken off of him at Tuomey, and they were
3 placed in evidence. And Investigator Hawkins then
4 took them back to office and did an inventory of the
5 items that were in there. Those were located in a
6 pant's pocket.

7 Q. Of the defendant?

8 A. Correct.

9 Q. What are these? 32 I believe without
10 objection.

11 THE COURT: They're in already.

12 A. They are zip ties, tie straps, or whatever
13 you want to call them. Well actually we have used
14 these in law enforcement and you can do large rounds
15 of it, they can be used as handcuffs. You can
16 actually put these around someone's wrists, and you
17 can use it to subdue them.

18 MR. MEADORS: I beg the court's
19 indulgence.

20 Q. Do you recognize State's 86, 87 and 88?

21 A. These are photos of Mr. Scott's pants,
22 black cargo pants, and the items that were removed
23 from them. Money that was being removed from the
24 pockets.

25 MR. MEADORS: Your Honor, I believe 86, 87

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1 and 88, which have not been entered without
2 objection?

3 MR. MURPHY: No objection.

4 THE COURT: 86, 87, 88?

5 MR. MEADORS: Yes, sir.

6 (Photos marked State's 86-88 into
7 evidence.)

8 Q. Now what does 87 appear to be?

9 A. One of the pant's pockets or the pant's
10 pockets with the money down in one of the pant's
11 pockets.

12 Q. What does 88 appear to be?

13 A. It appears to be another pocket. Money
14 down in the pocket.

15 Q. And are you aware of the money -- this
16 money that came off the defendant's clothes, where
17 was it taken?

18 A. It was placed into evidence.

19 Q. And State's 83 which is in, how much was
20 in that pocket?

21 A. It says \$7. \$7. A 5 and two 1's.

22 Q. And State's 84, how much cash was in this
23 other pocket of the defendant?

24 A. It says \$562. And there is a number
25 denominations of 10's, 20's, 5's, 1's, and at least

Investigator Dubose-Cross by Murphy

1 one, 100.

2 Q. A total of \$562.

3 A. That's what it says on the front, yes,
4 sir.

5 Q. Is this Raymond Scott that you talked to
6 on that tape, in the hospital?

7 A. Yes, sir.

8 Q. The individual that told you he was shot
9 in Clarendon County?

10 A. Yes, sir.

11 Q. Is he the individual that told you he
12 didn't know who the other people were with him?

13 A. Yeah, he refused to tell us who they were.

14 MR. MEADORS: Thank you that's all.

15 THE COURT: Mr. Murphy.

16 MR. MURPHY: Thank you, Your Honor.

17 Cross Examination by Mr. Murphy:

18 Q. Good afternoon, Investigator Dubose. You
19 went to the club house scene before or after you
20 spoke to Mr. Williams and my client?

21 A. Before.

22 Q. And I believe you made a statement that it
23 reeked of raw marijuana, is that correct?

24 A. You could smell marijuana in the business.

25 Q. In fact you suggested to Mr. Williams in

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1 A. I believe he did.

2 Q. And in that interview he also made some
3 comments indicating, leading you to conclude that
4 perhaps Mr. Brunson needed to be questioned about
5 whether or not he was involved.

6 A. He did actually learn that day that
7 Mr. Brunson wasn't there when I talked to him. And
8 I wanted to talk to him to see what he, or his
9 version of the story while he was inside.

10 Q. But I mean Mr. Williams was -- relayed
11 information to you that he was suspicious of
12 Mr. Brunson, correct?

13 A. He did.

14 Q. Now in regard to some of the money that
15 was found on my client, there were three \$1 bills
16 found.

17 A. I believe it was actually four and the
18 money. Mr. Williams specifically said he did give
19 the subject at least three.

20 Q. And you found what appeared to you, I
21 guess to be some traces of blood on some of that
22 money, correct?

23 A. Yes, sir. It came out of Mr. Scott's
24 pocket.

25 Q. Right, on the dollar bills.

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1 shot him?

2 A. On the 29th when I first went to talk to
3 him, he actually identified Mr. Scott, or the person
4 that shot him as having a silver revolver, which was
5 consistent of why we didn't find shell casings
6 there.

7 Q. That's while he was still in the hospital?

8 A. Yes, sir.

9 MR. MEADORS: Thank you.

10 THE COURT: Anything else Mr. Murphy?

11 MR. MURPHY: No, sir.

12 THE COURT: Thank you, Sergeant. You can
13 step down.

14 MR. MEADORS: Court's indulgence.

15 THE COURT: Mr. Meadors.

16 MR. MEADORS: We have one other matter too
17 before we rest.

18 THE COURT: Sir?

19 MR. MEADORS: May it please the court.

20 THE COURT: Yes, sir.

21 THE COURT: The last thing we want to mark
22 is this.

23 THE COURT: Okay.

24 MR. MEADORS: Your Honor, State's 89
25 without objection.

1 THE COURT: Is this a stipulation?

2 MR. MEADORS: It is a stipulation between
3 the State through the Assistant Solicitor John
4 Meadors and the defendant, Raymond Scott, through
5 his attorney, Timothy R. Murphy.

6 (Stipulation marked State's Exhibit No. 89
7 for Id. only.)

8 MR. MEADORS: We hereby stipulate between
9 the State and the defendant that for purposes of
10 proof related to Count 5 of the indictment, the
11 defendant Raymond Scott prior to December 29th, 2015,
12 had been convicted of a crime of violence.

13 THE COURT: Is that correct, Mr. Murphy?

14 MR. MURPHY: Yes, Your Honor.

15 THE COURT: Can I see you all up on more
16 time? Other than that, Mr. Meadors, will you have
17 any additional evidence to present?

18 MR. MEADORS: No, sir.

19 THE COURT: Will you hand me that
20 stipulation. Mr. Meadors.

21 MR. MEADORS: Your Honor, at this time the
22 State of South Carolina rests.

23 THE COURT: Ladies and gentlemen, the
24 procedural rules that we must abide by, require me
25 to take a recess at this point to take up certain

1 matters that would not require your presence. This
2 will be about a I would say 10 minute exercise out
3 in here in the courtroom for us. In the meantime,
4 you may go to your jury room. You may not discuss
5 the case in any way. I'll have you back out
6 shortly.

7 (Whereupon, the following takes place
8 outside the presence of the jury.)

9 THE COURT: Mr. Murphy, any motions at
10 this time?

11 MR. MURPHY: Yes, Your Honor. We would
12 move for a directed verdict on both of the attempted
13 murder counts. We believe that of course that would
14 be a burden in regard to demonstrating the required
15 requisite intent. Regarding the armed robbery, we
16 would for a directed verdict specially, we believe
17 the State has failed to demonstrate the activity of
18 such that would require robbery. We no motion on
19 Count 5. And obviously if the court grants the
20 directed verdicts on the other, then in regard to
21 Count 4, there was no crime, so therefore there is
22 no motion for a weapon during a violent crime.

23 THE COURT: Mr. Meadors, do you have any
24 responses to that?

25 MR. MEADORS: Judge, there is an eye

1 witness who said the individual came in the car
2 firing at him. Wanted the money. Threw the money
3 back. And said here take this, as he's being shot.
4 The intent to kill, you can't look in somebody's
5 mind as I know Your Honor will charge. But clearly
6 shooting an unarmed person three times, while he's
7 holding his child, we think that under the rules
8 there is evidence to go forward with the jury.

9 THE COURT: Anything else, Mr. Murphy?

10 MR. MURPHY: Your Honor, in regard to the
11 armed robbery, it doesn't prove any response to
12 that.

13 MR. MEADORS: He said give me your money,
14 give me everything you have. He's being shot. He
15 said he finally threw him his money and said take
16 that. Take it. I mean, I don't know how else you
17 can frame an armed robbery.

18 THE COURT: There was evidence should the
19 jury choose to believe, Mr. Murphy, that the
20 defendant picked the money up as he left. Is that
21 correct?

22 MR. MURPHY: Your Honor, I believe that
23 testimony was not made during the case in chief.
24 That was made during the preliminary by Mr. Brunson.
25 Mr. Brunson testified---

1 THE COURT: During the in camera in front
2 of me?

3 MR. MURPHY: Yes. I don't believe that
4 testimony existed at the time in the case in chief.

5 MR. MEADORS: Your Honor, we think that
6 came out in the case in chief. Circumstantially,
7 he's admitted that he throws the money at the person
8 he's identified in the shooting and took it. We
9 think we can get it there circumstantially if not
10 direct.

11 THE COURT: Let me find it in my notes.
12 On the issue of attempted murder, those are
13 respectfully denied. The interesting legal/academic
14 question is always regarding the intent to kill
15 under the attempted murder statute, which is
16 relatively new for all of us, 6 years old. The case
17 law says, at least the court of appeals decision
18 says there must be specific intent proven.

19 The interesting angle for this case is
20 that there is certainly enough evidence to go to the
21 jury as to the older victim, Mr. Williams. The
22 question of specific intent, with concentration on
23 the word specific, as to the little boy, I think
24 there's enough there, because the evidence at least
25 would allow a reasonable jury to conclude that the

1 shooter knew that boy was right there, and the
2 defendant continued to shoot while the boy was
3 hanging on to his father's leg. I'm still in my in
4 camera notes. Let me move on up. My recollection
5 is that there was evidence of a taking Mr. Murphy.

6 I am going to respectfully deny your
7 motion. Certainly if we can find the specific part
8 of the transcript for me to review more closely,
9 I'll certainly do that. But at least at this stage,
10 I am going go deny your motion. A stipulation was
11 entered into on the possession of a weapon by a
12 person convicted of a crime of violence. What is
13 the defendant's suggestion as to any limiting
14 instruction I give to the jury should you request
15 one?

16 MR. MURPHY: Your Honor, there is, I
17 believe there is a standard instruction you can only
18 consider it to be an element.

19 THE COURT: And not to prove any
20 predisposition or that he is in fact guilty of any
21 other crimes alleged in this case?

22 MR. MURPHY: Yes, sir.

23 THE COURT: Mr. Meadors, is that suitable?

24 MR. MEADORS: That is for the stipulation.
25 Are we go over the record in a minute also?

1 THE COURT: Go over the -- no, I'm talking
2 about just for the stipulation.

3 MR. MEADORS: Right, yes, sir. We are
4 fine with that.

5 THE COURT: What did you want to bring up?

6 MR. MEADORS: Just as a point whether or
7 not, what I'll be allowed to ask if anything when he
8 takes the stand.

9 THE COURT: Come on up please, Mr. Scott.
10 I will have you sworn, please. You can come right
11 up to the rail, Mr. Bradley.

12 (Whereupon, the defendant is sworn.)

13 THE COURT: Mr. Scott, you are the
14 defendant in this case, correct?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: We have reached the stage of
17 the trial now during which you may if you choose,
18 offer your own defensive. Included within that is
19 your right to testify or not testify. What I'm
20 going to talk to you about now are certain rights
21 that you have the 5th amendment to the United States
22 Constitution. And that amendment states in
23 pertinent part, and I'll just quote it. It says, no
24 person in any criminal case shall be compelled to be
25 a witness against himself. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: What that means basically is
3 that you cannot be forced to testify against your
4 will. The right that you have under the 5th
5 amendment is a personal right. Since it is a
6 personal right, no one can give it up except for the
7 person who has it. And that being you, you
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Now if you decide to testify,
11 you will be subject to the same basic rules that
12 have governed the direct and cross examination of
13 other witnesses in this case. Do you understand
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: If you have a record of a
17 criminal -- if you been convicted of a crime,
18 depending upon certain timing parameters, and that
19 is a crime of dishonesty, under the rules you may be
20 impeached with that conviction. Not the
21 circumstances behind it, but just impeached with the
22 conviction of outright. Do you understand that?

23 In other words, the State can get into
24 evidence that you have been convicted of a crime of
25 dishonesty, and use that for impeachment purposes.

1 Do you understand that?

2 THE DEFENDANT: What would be a crime of
3 dishonesty?

4 THE COURT: Well there's several kinds. I
5 guess the easiest ones to say that it might be
6 pertinent to this case are ones that are not crimes
7 of dishonesty as found by our supreme court.
8 Burglary is not a crime of dishonesty according to
9 our supreme court. Armed robbery is not a crime of
10 dishonesty according to our supreme Court. Things
11 that are, are things such as, forgery, embezzlement,
12 breach of trust, things of that nature that have
13 more an indicia of of dishonesty. Do you understand
14 that?

15 THE DEFENDANT: I understand.

16 THE COURT: In addition to that, and this
17 gets a little complicated, if you have been
18 convicted of a crime and the potential punishment
19 was more than one in prison, depending upon a
20 balancing test that I do, the conviction of that
21 type of crime may be introduced to impact your
22 believability as well. Do you understand that?
23 There are five factors that I will have to balance.
24 And those are typically ones that I balance based on
25 fairly extensive argument made by the parties.

1 I typically do not engage in that
2 balancing test before a person testifies unless both
3 sides agree. And I think that might be the
4 appropriate thing to do. That will be essentially
5 up to me. Do you understand that?

6 THE DEFENDANT: Yes, sir, I understand.

7 THE COURT: I have to balance whether or
8 not the allowing that crime in your instance, I
9 always look at this summary that I have done. If
10 you have been convicted of a crime that involved a
11 death penalty or imprisonment for more than one
12 potentially, the probative value must outweigh the
13 prejudicial effect to you. In other words, what the
14 State would gain by proving it must outweigh any
15 prejudicial effect to you. And again, there is a 5
16 factor balancing test: the impeachment value of the
17 crime. No. 2, the point and time of that conviction
18 and your subsequent history. The similarity between
19 the prior crime and the charged crime. The
20 importance of your testimony and the centrality of
21 the credibility issue. It does sound complicated,
22 but as you apply them to a certain set of facts, to
23 me apply those, and within my discretion determine
24 whether or not I'll let those convictions in. Do
25 you understand that?

1 THE DEFENDANT: I understand.

2 THE COURT: Now if you decide to testify,
3 I will tell the jury that that does not mean you
4 have taken on any burden of proving or disproving
5 anything. Do you understand that?

6 THE DEFENDANT: I understand that.

7 THE COURT: If you decide not to testify,
8 I will tell the jury, and as a matter of fact, we
9 are required to emphasize to the jury, that the fact
10 that you didn't testify can't be used you in any
11 way. The jury can't talk about it. They can't
12 consider it at all. Do you understand that?

13 THE DEFENDANT: I understand.

14 THE COURT: In the end the decision is
15 going to be yours. You remember, it's your personal
16 right. After you consult with counsel, if you have
17 family members immediately within the courtroom
18 area, you may consult with them for a reasonably
19 short time. But in the end, the decision is going
20 to be yours. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Have you understood everything
23 I've explained to you?

24 THE DEFENDANT: Everything.

25 THE COURT: Do you have any questions?

1 THE DEFENDANT: None.

2 THE COURT: Do you need any additional
3 time to talk to Mr. Murphy?

4 THE DEFENDANT: No.

5 THE COURT: Have you made your decision?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: What is that decision?

8 THE DEFENDANT: I'd like to testify.

9 THE COURT: You will?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Has anyone forced you to make
12 that decision?

13 THE DEFENDANT: No one.

14 THE COURT: Has anyone given you any
15 promises about you testifying? Have you been
16 promised benefits by anyone?

17 THE DEFENDANT: No benefits.

18 THE COURT: But this is your decision.

19 THE DEFENDANT: My decision.

20 THE COURT: Thank you, sir. You can have
21 a seat. Mr. Murphy, any objections to those
22 questions or any additions?

23 MR. MURPHY: No, Your Honor.

24 THE COURT: Mr. Meadors, any objections to
25 those questions?

1 MR. MEADORS: Not at all.

2 THE COURT: Any additions?

3 MR. MEADORS: I'd like to go over his
4 prior record.

5 THE COURT: That would be fine.

6 MR. MEADORS: He has an armed robbery
7 conviction in November -- excuse me, June 21st of
8 2007. It looks like it was a Dorchester case. An
9 armed robbery conviction from November 8th of 2007
10 out of Charleston. It appears that sentence was
11 run concurrent, 10 years.

12 THE COURT: And he was released from
13 confinement when?

14 MR. MEADORS: Approximately the 1st of
15 December 2015. I don't have the exact date, but I'm
16 sure he does.

17 THE DEFENDANT: December 1st 2015.

18 THE COURT: Any others?

19 MR. MEADORS: No, sir.

20 THE COURT: Will you be seeking to
21 introduce those if he were to testify?

22 MR. MEADORS: Yes, sir.

23 THE COURT: And what is your argument
24 under Rule 609, and the balancing test that I'm
25 required to employ?

1 MR. MEADORS: The Coll factors, I believe,
2 Judge.

3 THE COURT: Yeah, the State v. Coll,
4 C-O-L-L.

5 MR. MEADORS: I've never known how to
6 quite argue this, but I think there's impeachment
7 value, which goes along with the credibility issue,
8 which is the other factor which I think is central
9 in this case. He has said to an officer, two
10 officers at the scene. This happened in different
11 county. Denied even being there. I understand from
12 questions on cross that he believed he'll put
13 himself there now. I don't know what he is going to
14 say. But clearly, as to the first and fifth factor
15 and the impeachment of centrality of credibility, I
16 think it's very important. The point and time, he's
17 out less than 30 days. I don't know how else to
18 argue point and time. I really don't know. He's
19 out 30 days, and he's committing another armed
20 robbery. I can't argue that to the jury, but as far
21 as the balancing factor, I think that's something
22 Your Honor ought to take into consideration
23 respectfully.

24 The importance of the testimony, I think
25 it will come right to down to his testimony and the

1 victim's and Mr. Brunson's, as to what -- again I
2 don't know what he is going to testify. And a lot
3 of those I won't know until he finishes testifying.
4 But I don't know else to argue that except, I think
5 that factor will be very important his testimony, if
6 you hear the full value of his life and his
7 experiences. Similarity in crimes, I can't answer
8 that. I honestly do know the exact facts of those
9 two armed robberies. I am not going to suggest that
10 I do.

11 THE COURT: Mr. Murphy.

12 MR. MURPHY: Your Honor, in regard to,
13 obviously my client's decision to testify, I believe
14 that's central to our defense. He is going to
15 present a self-defense argument. So his testimony
16 is vital to that. In regard to point and time, I
17 think you can look at that in two different ways. I
18 mean, the balancing is whether in 2000, his release
19 earlier that month and then this, is so prejudicial
20 that the timing is prejudicial that, you know, I
21 ended up being lost on that as to whether he was
22 actually sentenced.

23 So I would argue that in that case, in
24 that situation, point and time is actually
25 prejudicial. Obviously the charge is the same crime

1 he has convicted of the same crime. Your Honor, I
2 believe the impeachment value if, you know,
3 obviously I would feel more comfortable if, they
4 already know he's been convicted of a violent crime.
5 I would be willing to concede that if Your Honor
6 believes that impeachment is important that it be
7 brought out that he, you know, he was convicted of a
8 violent crime for purposes of the remaining charges.
9 But, you know, the fact that it is an armed robbery
10 which is similar, I believe is so grossly
11 prejudicial that on a balance given the fact they
12 already know he has been convicted of a prior crime.
13 I would argue that the nature of that particular
14 crime is unduly prejudicial.

15 And finally centrality. Obviously his
16 testimony is central to his defense. But I would
17 argue once again, that I believe the armed robbery
18 itself, the prior armed robbery itself, which
19 occurred in 2007, would be grossly disproportionate
20 to whether or not he has being credible on this
21 particular instance. And whether he's guilty on
22 these particular charges.

23 THE COURT: Mr. Meadors, anything else.

24 MR. MEADORS: Judge, you know this is
25 probative versus prejudicial. Obviously it's

1 prejudicial.

2 THE COURT: Well it just can't be unduly
3 prejudicial. Unfairly, that's the word. Unfairly
4 prejudicial under 403.

5 MR. MEADORS: Right. And then you get to
6 that point when would it ever not be. And at some
7 point, you know, two armed robberies. Closeness in
8 time. Credibility a key issue. We think it's more
9 probative than prejudicial under the specific facts
10 of this case. That's all we have.

11 THE COURT: Let me correct one thing.
12 Rule 609 actually says: Evidence that an accused
13 has been a convicted of such a crime shall be
14 admitted if I determine that the probative value
15 outweighs it's prejudicial effect. So unfairly
16 doesn't really matter. The State has to establish
17 that the probative value of admitting the armed
18 robbery convictions outweighs its prejudicial
19 effect.

20 Well it's really no secret, and I'm not
21 going to address these in any order. It's really no
22 secret but it's a surprise to many, that armed
23 robbery is not considered to be a crime of
24 dishonesty, especially since there is case law that
25 says larceny is.

1 MR. MEADORS: And there was for years
2 under Aleman.

3 THE COURT: And shoplifting is.
4 Shoplifting is low level stealing, low level
5 larceny. But in any event, the supreme court as
6 said that armed robbery is not a crime of
7 dishonesty, so I'll take into account those
8 5 factors. First of all, it does have some
9 impeachment value, even though it is not in the
10 classification of a crime of dishonesty. Armed
11 robbery is stealing with a deadly weapon, and I
12 think that larceny, or excuse me, it has some
13 impeachment value. No. 2, the point and time
14 between the prior conviction and the defendant's, or
15 and the subsequent history.

16 Here he got out of prison on December 1,
17 and at least allegedly committed an armed robbery
18 28 days later. That cuts in favor of admissibility.
19 Mr. Murphy looks at it from the prejudice angle,
20 which I respectfully disagree with. The importance
21 of the defendant's testimony, the way a trial is
22 progressed, his own testimony is frankly his only
23 hope. So it is important that the defendant be --
24 that the defendant testify. Some judges don't make
25 these decisions until the defendant has actually sat

1 on the stand and been sworn and the jury is looking
2 at him. But this particular factor to me indicates
3 that a ruling should not discourage a defendant from
4 testifying improperly.

5 But in my mind the importance of a
6 defendant's testimony would cut against letting the
7 armed robbery in. The centrality, the credibility
8 issue, I understand, I agree to a point with
9 Mr. Meadors argument that the jury shouldn't
10 evaluate his credibility in an absolute vacuum. And
11 if he wants to take that stand and say this is what
12 happened, his credibility is central to the case.
13 But it has to be, because he is going to be his only
14 witness. It might otherwise be misleading if you
15 will, to have him testify without that -- those two
16 convictions coming in. The kicker is this, the
17 similarity between the two crimes. It's not a 404
18 analysis where it comes in to prove the common
19 scheme or plan. That factor is designed to guard
20 against defendants who are accused of crimes, who
21 have been convicted of the same or similar crimes in
22 the past.

23 Many people think that if they're similar,
24 it should come in automatically, but as we all know,
25 that's not what the law is. So it's up to me to

1 decide whether the probative value outweighs any
2 prejudicial effect to the defendant. I will take
3 5 minutes and do that, and I will come back in and
4 rule. And then we'll move from there, okay. Five
5 minutes. And one thing before we stop, Mr. Murphy,
6 his suggestion was what the case law and other
7 states calls sanitized convictions, where, of
8 course, we already know that the evidence of a
9 violent crime is coming in to prove an element crime
10 charged. Mr. Murphy has extended the prospect of
11 letting the jury know that he has been convicted of
12 a crime in the past. And that that generality be
13 used for impeaching purposes.

14 There's one state, and don't ask me how I
15 know this. But there's one state and that's
16 Michigan, that says you can't do that, because the
17 jury is sitting there guessing. They're throwing
18 darts in their mind, oh, what was he convicted of.
19 Well to a degree, they're already going to be doing
20 that, because of the violent crime stipulation. So
21 I will think about that part. if you want to think
22 about the sanitization, you can put that on the
23 record when I come back.

24 MR. MURPHY: And I would also note that
25 it's the defense who requested that.

1 THE COURT: Yeah, no, so you don't have
2 that argument that the jury is speculating, and that
3 you're -- so in other words, the limiting
4 instruction that I will give, would now be twofold
5 if I follow your suggestion. That being that it's
6 to be considered for one or both or two reasons.
7 Number one, to prove whether or not Count 5 has been
8 proven beyond a reasonable doubt. And No. 2,
9 whether or not the defendant is credible.

10 MR. MEADORS: And, Judge, we still hope
11 respectfully you let the armed robberies in. But if
12 you don't be, would it then be to sanitize it, he
13 would be convicted of two crimes of violence, which
14 would be the truth. I mean because he's already in
15 about the one anyway.

16 THE COURT: Well there's case law on that
17 too. It's purely balancing. And I think if you
18 read these opinions that come out, if I were to rule
19 this way, and I did the balancing test and there's
20 evidence to support it, my ruling would be 100
21 percent correct. If I rule the exact opposite, and
22 I employ a balancing test and there was evidence
23 to support that, I would be a 100 percent correct.
24 The only way I can be wrong is if I abuse my
25 discretion, that's why I want to think about it.

1 The case law is that essentially that
2 the -- if you have similar, or if he's on trial for
3 X, and he's been convicted in the past of X, or
4 something similar to X, that there is a heightened
5 degree of prejudice. I believe that the way our
6 precedent has been handed down that it would pretty
7 much be a coin flip. But in any event, the
8 defendant has offered the prospect of letting the
9 defendant be impeached with evidence that he has
10 been convicted of a, you all can call it a violent
11 crime or just a felony or two crimes. What is your
12 specific position on that, Mr. Murphy?

13 MR. MURPHY: Your Honor, we stipulated to
14 a crime of violence. We're comfortable with a crime
15 of violence.

16 THE COURT: Mr. Meadors.

17 MR. MEADORS: If Your Honor is leaning
18 that way, a crime of violence would be the
19 preferred.

20 THE COURT: And I'm just going to restrict
21 it to one. And I will tell the jury when they --
22 are you going to bring it out on your direct,
23 Mr. Murphy?

24 MR. MURPHY: Your Honor, I will. It is my
25 intention to bring it out on direct that he has been

1 convicted of a crime of violence. And my next
2 question will be, so you're aware he should not have
3 been in possession of a firearm.

4 THE COURT: At that point, would it be all
5 right if I gave the limiting instruction?

6 MR. MURPHY: Yes, sir.

7 THE COURT: And what I will tell the jury
8 is this, and I don't have anything written down.
9 Something to the effect, Ladies and gentlemen of the
10 jury, you have heard evidence and a stipulation that
11 the defendant has been convicted of a crime of
12 violence. That evidence is to be used by you if at
13 all, only for two issues. No. 1, to determine
14 whether or not the State has met the requisite
15 burden of proving the elements of Count 5 that I
16 will explain to you later. No. 2, whether or not
17 the defendant is believable.

18 I will also tell the jury that the
19 evidence can't be used for them to conclude that
20 he's a bad guy, or that if he has been convicted of
21 a crime like this or a crime of violence in the
22 past, that he automatically committed this one. I
23 will tell them that, because that kind of refines it
24 down to its brass tacks. Do you agree with that,
25 Mr. Meadors?

1 MR. MEADORS: But you will include that
(2 they can consider it as part of credibility.

3 THE COURT: Absolutely. Mr. Murphy?

4 MR. MURPHY: That is acceptable to me.

5 THE COURT: Now we all know if the game
6 changes and we've just -- we will have wasted 25
7 minutes, if the defendant gets up and testifies and
8 were to utter something to the effect, I would never
9 do something like this. Well because in fact he has
10 done it twice before. So the old door opening,
11 which is not a rule of evidence, but it's somewhere
12 in some fancier words than that. So we know that.

13 MR. MEADORS: Yes, sir.

14 THE COURT: And that is a matter of
15 degree. And if you think that's happened,
16 Mr. Meadors, you will ask to be heard before you
17 cross, okay.

18 MR. MEADORS: I'll approach.

19 THE COURT: If Mr. Murphy brings out the
20 conviction before, you are certainly still permitted
21 to cross examine him on the conviction based, but
22 within the parameter of my ruling.

23 MR. MURPHY: And, Your Honor, I want it to
24 be clear it is just the conviction, not the fact
25 that he was released from prison 30 days ago.

1 THE COURT: That's a somewhat different
2 issue. I don't see how that would be relevant.
3 Mr. Meadors.

4 MR. MEADORS: Unless that door got opened,
5 I was not going to open it.

6 MR. MURPHY: I am not opening any doors.

7 MR. MEADORS: So My reply would be, so
8 you've been convicted of a crime of violence. I
9 could just repeat it basically.

10 THE COURT: Sure. Yeah. Are you ready
11 to go, Mr. Murphy?

12 MR. MURPHY: Yes, sir.

13 THE COURT: And, Mr. Scott, do you need
14 any time to talk to Mr. Murphy before we again?

15 THE DEFENDANT: Not at all.

16 THE COURT: And is your decision the same?

17 THE DEFENDANT: Yes.

18 THE COURT: That you will testify. If you
19 will bring in the jury.

20 (Whereupon, the following takes place
21 within the presence of the jury.)

22 THE COURT: Ladies and gentlemen, before
23 we recessed you heard the State from Mr. Meadors
24 rests. That means the State has presented all the
25 evidence it is going to present in its case in

1 chief. The defendant should he choose may present
2 evidence as well. Mr. Murphy, will you have any
3 evidence to offer?

4 MR. MURPHY: Yes, Your Honor. We would
5 call Raymond Scott.

6 THE COURT: Come up please, Mr. Scott.

7 THE CLERK: Please state your full name
8 and spell your last name for the record.

9 A. Raymond Angelo Scott. S-C-O-T-T.

10 Direct Examination by Mr. Murphy:

11 Q. Mr. Scott, you defendant in this case?

12 A. Correct.

13 Q. How old are you?

14 A. 26.

15 Q. Where are you from?

16 A. Charleston, South Carolina.

17 Q. And how far did you get in school?

18 A. Like I got a high school diploma and a
19 GED.

20 Q. You have been convicted previously of a
21 crime of violence, is that correct?

22 A. Yes, sir.

23 Q. So you're aware in regard to Count 5 that
24 you should not have possessed a weapon.

25 A. Yes, sir.

Raymond Scott-Direct by Murphy

1 Q. And you did possess a weapon on December
2 29th 2015, correct?

3 A. Yes, sir.

4 THE COURT: Ladies and gentlemen, let me
5 have your attention and bring a couple of points to
6 you, keep your mind on that. You've heard the
7 stipulation earlier that the defendant was in the
8 past, convicted of a crime of violence. That is
9 pertinent if at all, for two reasons insofar as your
10 consideration in this case. No. 1, the evidence
11 of the defendant having been convicted of a crime of
12 violence can be used by you, if at all, only for one
13 or both of two reasons. One, to determine whether
14 or not the State has met it's burden of proving the
15 elements of the crime charged under Count 5 of the
16 indictment, which I cover in detail at the end of
17 the case. And No. 2, to determine whether or not
18 the defendant in your eyes, is credible or
19 believable.

20 Is that in accordance with your
21 understanding of my ruling, Mr. Murphy?

22 MR. MURPHY: Yes, Your Honor.

23 THE COURT: Mr. Meadors?

24 MR. MEADORS: Yes.

25 THE COURT: Thank you.

Raymond Scott-Direct by Murphy

1 Q. Mr. Scott, I am going to focus your
2 attention---

3 THE COURT: Let me amplify, so I can
4 complete what I intended to do. Evidence that he
5 has been convicted of a crime of violence in the
6 past is not to be used by you as not being offered
7 or argued by either party, that he was a bad guy.
8 Or that if he hadn't committed this type of crime in
9 the past that he committed these crimes. It's not
10 to be used by you for those reasons at all. Only on
11 credibility, and if at all, in determining whether
12 or not the State has met its burden of proving the
13 elements of Count 5 beyond a reasonable doubt.

14 Mr. Murphy.

15 MR. MURPHY: Thank you, Your Honor.

16 Direct Examination by Mr. Murphy:

17 Q. I want to focus your attention to
18 December 29th, 2015, of last year. All right.

19 A. Yes, sir.

20 Q. You ultimately ended up in Sumter County,
21 correct?

22 A. Yes, sir.

23 Q. And how did you get up here in Sumter
24 County?

25 A. Me and Cow ride up here together.

Raymond Scott-Direct by Murphy

1 Q. Cow is who?

2 A. Alonzo Fitzgerald.

3 Q. And where did you come from?

4 A. We went to school together back in the
5 past. And I recently ran back into him. So it's
6 like, he asked me, what's up. And we started
7 talking and all that. He let me know he's about to
8 go make---

9 MR. MEADORS: Objection to hearsay.

10 Q. You can't get into what he told you.

11 A. Well pretty much, he was coming to Sumter.
12 We was on our way to Sumter. We're about to go make
13 a buy.

14 Q. Let me stop you right there. When you say,
15 make a buy of what?

16 A. Personally I was going to get -- I was
17 getting a pound of reefer. A pound of marijuana.

18 Q. A pound of marijuana.

19 A. That's what I was going to walk away with.

20 Q. And that was your intention.

21 A. That was my intention of leaving
22 Charleston, and coming up in this direction, period.

23 Q. Have you ever been Sumter before?

24 A. I've never been to Sumter. I've been in
25 this area of Manning. I've never been to Sumter.

Raymond Scott-Direct by Murphy

1 Q. And had you ever been to the place we'll
2 call the club, where Mr. Williams was. Had you ever
3 been there before?

4 A. No, sir.

5 Q. What did you come up in? What kind of a
6 vehicle?

7 A. A white SUV. Creme colored. It's been a
8 truck, SUV type.

9 Q. Whose vehicle was that?

10 A. That's Cow's car.

11 Q. Did you make any stops on your way up to
12 Sumter?

13 A. Yes, sir.

14 Q. Where did you go?

15 A. We did stop and eat. It was during the
16 early part of the day, so we ate Bonjangles. And
17 then we stopped in Manning to my girlfriend's house.
18 At the time she was my girlfriend.

19 Q. And you stayed there for a period of time,
20 and then where did you go?

21 A. We stayed there for a period of time, and
22 then we came to Sumter. Meet up with Buster.

23 Q. Had you ever met Buster before?

24 A. The first time I met him was at his little
25 spot. I didn't know the name at the time.

Raymond Scott-Direct by Murphy

1 Q. Do you know if Cow had ever met Buster
2 before?

3 A. I know they done met. They been talking
4 on the phone. That's what we went up here for.

5 Q. Did you have any money with you?

6 A. Yes, sir.

7 Q. How much money did you have with you?

8 A. I know I had over 500, because 500 was
9 what I was going to use to make, you know, my buy.
10 And he was supposed to put the extra, extra added
11 amount for me to make -- to get the whole pound of
12 reefer.

13 Q. By he you mean Cow.

14 A. Cow.

15 Q. Did you have any zip ties with you?

16 A. Yes, sir.

17 Q. What were the zip ties for?

18 A. Before we left Charleston and came up here
19 towards Sumter, I was in the truck with, somebody
20 done tried to steal his truck before, so up under
21 the steering wheel, all the wires loose. It looked
22 like, it pretty much look like the car stolen, you
23 feel me. That's what it looked like. So you know
24 I'm laughing about it, because he's dressed nice.
25 You know, you can tell he get money.

Raymond Scott-Direct by Murphy

1 So I'm tripping off about all of those
2 loose wires. And we're about to go make a buy. So
3 I'm like, man, I'm not about to ride on no highway.
4 We're about to go on the road in this truck like
5 that. You know, if we get stopped and the police
6 see that, that's probable cause for them to search
7 the car. I ain't trying to get caught with no weed
8 if I don't have to, you see what I'm saying. So
9 when I went in the house some go grab some extra to
10 make the 500 to get the buy, and grab the zip ties,
11 it was all, it ain't been nothing wrapped. Really,
12 the zip ties really belonged to my mother. So I
13 don't know if she noticed they were missing or not,
14 but I grabbed the zip ties, grabbed the scissors.
15 You know I tie up the wires. Now it didn't looked
16 so ragged, you feel me. If somebody stopped the
17 car and look into the vehicle or whatever, they
18 ain't going to think nothing crazy. He never did
19 fix it.

20 Q. Now you ultimately ended up at the club,
21 where you were supposed to make a buy. What we're
22 talking about today.

23 A. I got you.

24 Q. And just to make it clear, you are the
25 dark skinned guy that everybody is talking about.

Raymond Scott-Direct by Murphy

1 A. Absolutely.

2 Q. What happened when you got there?

3 A. Well the first thing I'm going to state
4 is, you know, I got---

5 Q. Well say what happened.

6 A. Yeah, under God's oath, listen, when we
7 walk in, the first person I meet, I was meeting, I
8 talked to Buster. Not Buster, I talked to Walter.
9 He been at the front, you know. He at the first
10 pool table. So we're walking, Cow done walked to
11 dap up, you know, and I was like pretty much, what's
12 up. I never met him either. That was my first time
13 meeting Walter too. You know, I'm like, what's up,
14 a regular basic reading for anybody. I dap him up
15 too, you feel me. It was a made a reference and it
16 was known that, who, who's the little dude, you feel
17 me.

18 Q. So there was a child.

19 A. A small child, you feel me. He's small.
20 You know, and I inquired who he was. I didn't
21 inquire it, but it was inquired of who he was. Now,
22 you know, Buster been like, that's his little man,
23 you feel me. That's when I stated, what you got
24 your little man in the mix for, we're supposed to be
25 handling business.

Raymond Scott-Direct by Murphy

1 Q. Who did you say that to?

2 A. I said that to Buster, Tyrone Williams.

3 Q. Now what was fib like between the four of
4 you when you first came in?

5 A. When we first came in, everything going
6 good, because I mean Walter, Walter been -- he been
7 cool. He shook, and everything been good, you feel
8 what I'm saying. So, you know, I dap him up.
9 Everything been all right. When I made the little
10 statement about, why you got your little man here,
11 you know, why you got your little man in the mix and
12 we're about to handle business. It changed the
13 whole vibe. You feel me. Everything changed, the
14 whole atmosphere, the whole vibe of this, you know,
15 situation changed.

16 Q. How so?

17 A. Well when we walk in, Walter been standing
18 up at the first table. You had to put your -- the
19 first table, that's where Walter standing up at.

20 Q. Just stop for a second. I am going to use
21 39, all right. Can you see that on your monitor?

22 A. Yes, sir.

23 Q. Where was Walter when you first came in?

24 A. When we first came in, he would have been
25 like over here by the first table, as soon as you

Raymond Scott-Direct by Murphy

1 walk through the door.

2 Q. Was he standing or sitting?

3 A. He was standing up.

4 Q. So you guys are over there talking. And
5 then where was Mr. Williams?

6 A. Buster is sitting -- he's sitting pretty
7 much right there in the middle. That's where he's
8 sitting.

9 Q. And where did to go when you came in?

10 A. When I came in, after I dapped Walter up
11 right here, you know, I'm walking around this way.

12 Q. So that's where you walk around.

13 A. I'm coming around this way, but I'm about
14 to head over here to the cooler.

15 Q. Now you were about to say that the vibe
16 changed. What specifically changed in regard to --
17 I mean how'd it change?

18 A. Well first off, I wasn't known to be
19 coming. You feel me. And this is my first time
20 meeting Buster. So the fact that I made that
21 statement about what little man doing here when he's
22 supposed to be handling business. He went in on me,
23 who he was. I don't even know him. He might be the
24 police, you know, that type of stuff. Pretty much
25 about the claimer. I asked the question about who

Raymond Scott-Direct by Murphy

1 the little man is, why he in the mix if we're
2 supposed to be handling business.

3 Q. Did appear angrier or upset?

4 A. He been spasming. He started inquiring.
5 Making how to be like you must be the police. I
6 don't know you, you could be the police. I ain't go
7 no -- you feel me. And that's when it all that was
8 supposed to have been. They thought it was funny.
9 Because Walter and, you know, Buster be dripping.
10 Boy they made a claim like man, he good. You know,
11 pretty much I was vouchful. You know I done, I was
12 in prison before. I done did my time. I ain't
13 never told on nobody. And everything was good. I
14 didn't care nothing about that. So what I did, you
15 know, trying to pretty much I came up here to make a
16 buy, you know. I ain't trying to come this whole
17 way for nothing. You know, so to keep the vibe
18 down, I been like man, like you ain't talking about
19 nothing, you feel me. I ain't no scary dude or
20 nothing like that. But I been like, yo, you ain't
21 talking about nothing. Man, you buy us something to
22 drink. I then asked him where the cooler was at. I
23 mean, the place looked big on this picture right
24 here. But you know everything kind of looked
25 smaller together. So I walked to the cooler.

Raymond Scott-Direct by Murphy

1 Q. And did you get a Mystic?

2 A. Yes, sir.

3 Q. And did you offer to pay him for the
4 Mystic?

5 A. Yes, sir.

6 Q. After you grabbed the Mystic, how much did
7 you -- I mean what did you say to Mr. Williams?

8 A. Well I walk over to the cooler. I grabbed
9 the Mystic. But, you know, I mean I did say you
10 ain't talking about nothing loud enough for him to
11 hear me, you feel me.

12 Q. Uh-huh. (Affirmative.)

13 A. That's when he got up and he approached
14 me. He was sitting in the middle between pool table
15 No. 1 and pool table No. 2. He got up and he
16 approached me over here by the cooler, you feel me.
17 So I mean, you can feel the presence coming. To be
18 honest with you, I didn't know he been that big
19 until he get up and walk upon me, you feel me.

20 Q. Okay.

21 A. I been like, yo, what do you want for
22 this. He said, give me \$2. You know, my facial
23 expression, you know, could nothing. \$2 for a
24 Mystic, I mean I know that ain't the price for it,
25 but I ain't really you know trying to penny pinch.

Raymond Scott-Direct by Murphy

1 I come up here to do business, I'm ready to go. So
2 I give him a \$5. He left, he walked from here to
3 behind the bar, like to where the register or the
4 change jar. Now I wasn't just watching him. I
5 can't really say. But I know he left, and went over
6 here and put my money in the change jar, the
7 register, you know get my change. When he did
8 that, I walked and I pulled something right here by
9 the pool table.

10 Q. All right.

11 A. And that's why, you know, I'm supposed to
12 hold me and -- I'm leaning on the pool table. While
13 he's going to get the change, I'm telling Cow like,
14 man, let's go ahead and handle business so we can
15 get back to the Char -- you know, and get to
16 Charleston.

17 Q. Right. And then what happened?

18 A. That's when he came back from over here
19 getting my change. He walked up on me. Now I'm
20 standing at the pool table, you know, like I am
21 sitting, I'm not pretty much sitting on the pool
22 table, I'm leaning against it, but partially sitting
23 on it. I got my Mystic right here. Now when he
24 comes up from the left him, you know, he went to
25 hand me my 3, \$1 bills.

Raymond Scott-Direct by Murphy

1 Q. Okay.

2 A. I don't accept nothing from my left hand.
3 I don't offer anything from my left hand, you know,
4 I just don't do it. So I turned to him, and I put
5 my Mystic down. That's why my Mystic was on the
6 pool table. I put my Mystic down and turned to him
7 to accept the money.

8 Q. And then what happened?

9 A. He got this look on his face, he's
10 looking. Like he never calmed down, period, the
11 whole. After I mad that comment, why the little man
12 in the mix, we're supposed to be handling business.
13 He just been aggressive the whole time. He got that
14 look on his face, you know, like what's up. He's
15 looking. The next thing you know, I mean, I saw him
16 move.

17 Q. What do you mean by move?

18 A. I saw him went for his strap. I saw him
19 reach. I saw the move, but I was slowing my
20 reaction.

21 Q. Now by that you mean he went for a weapon?

22 A. Yeah. He had a gun on -- yeah, it
23 wasn't while his hip, you know, like his pants
24 holding his gun against his body.

25 Q. Had you seen the gun---

Raymond Scott-Direct by Murphy

1 A. Nah.

2 Q. ---before he went for it?

3 A. He was sitting down like. I ain't -- I
4 had no reason to think there was going to be no
5 problems, you feel what I'm saying. So when he got
6 up, he went back. I don't know if he had it on him.
7 I don't know if he went and got it. I don't know
8 what he did, you feel what I'm saying. I just
9 know it been on his hip. He walk up. You know, he
10 handed me my money. You know, I got my money. I
11 got my money in my hand. Like, what's up. The man,
12 pow, ain't been no talking. He ain't laid out know
13 of that. He just pow, he hit me in my chest.

14 Q. By hit you in your chest you mean---

15 A. He shot me in the chest. Now I'm
16 standing---

17 Q. Now you were facing him that when that
18 happened.

19 A. Yes, sir. We were facing each other
20 directly.

21 Q. How close were you?

22 A. I'm right here. He's right here. Pretty
23 much on the outside. He just handed me my money.

24 Q. Let the record reflect he's talking about
25 the other side of the witness box. Are you able to

Raymond Scott-Direct by Murphy

1 describe what the gun looked like?

2 A. Under oath, nah. To be honest with you,
3 like I told you, when he pow, he bust. I mean I
4 wasn't like, you know, in the midst of it. In the
5 heat of the moment, you ain't really going to be
6 focused on the color or make or model. All I know
7 is when that gun come out, it fired. You feel what
8 I'm saying. Because it knocked me down. I'm
9 standing right here in the middle pool table. I
10 fall because of the range, you feel what I'm saying.
11 The range, the closest we been at. Because the shot
12 knocked me down. So that puddle of blood.

13 Q. Then what happened after that?

14 A. That would be me. I'm on the ground.
15 While I'm on the ground, pow, he shot me again. You
16 feel me.

17 Q. Did you feel that where that went or?

18 A. He hit me in the leg. Now the whole thing
19 with that is when I fall, you know self
20 preservation, that's the first intention right now,
21 you know, I just got shot. So it's all about
22 preserving myself. When I hit the ground, you know,
23 I kind of ball up. You know try to calm myself.
24 That's when I got the next shot. He's in front of
25 me. Like it was Walter and Cow, they're over here.

Raymond Scott-Direct by Murphy

1 They were talking. Little man, little man over here
2 by the couch area. I am standing right here, and
3 Buster is standing right in front of me by the bar
4 area.

5 Q. Uh-huh. (Affirmative.)

6 A. So everybody else is really like behind me
7 a little bit, but over to the right. Buster is
8 standing right here in front of me. Now I got shot
9 directly right here in my chest. And I got a wound
10 right here in my leg on the left side, you feel me.
11 So like me and you facing each other, you're right
12 handed and you fire with your right hand, it's going
13 to attack the left side of my body, you feel me.
14 And, you know, I'm on the ground now. So once I'm
15 on the ground, now I can say this. I will say this
16 for the record. I don't know if it been immediately
17 his second shot or Cow's second shot. I know once I
18 been on the ground, and dumb boy started firing at
19 each other.

20 Q. And what did you do?

21 A. The first thing---

22 Q. On the ground. What did you do on the
23 ground?

24 A. The first thing I'm doing on the ground is
25 making sure I'm straight. You feel what I'm saying.

Raymond Scott-Direct by Murphy

1 That's the first thing I do. My main focus, you
2 know, self preservation. But I am conscious. I
3 mean, I know, I'm aware of what's going on around
4 me. I'm aware that he's shooting over here. I know
5 shots coming back. But I also know I got a gun in
6 my pocket. So it been a let go and grab type of
7 thing, you feel me. I never did let my 3, \$1's go.
8 That's how, you know, the blood got on me. I put my
9 money in pocket. Really I wouldn't press about 3,
10 \$1's, but I just never let it got.

11 I put my money in my pocket, and I let it
12 go and I grabbed my gun. When I grabbed my gun, I
13 pull out and that right there. And I pop off.

14 Q. And you shot him.

15 A. Yeah.

16 Q. How many times did you shoot him?

17 A. In the heat of the moment, I mean, I can't
18 say for the record like under oath for God that I
19 did shoot him four times. But I will say, it is
20 very possible and very much likely, that I did shoot
21 him all four times, you know.

22 Q. What happened after you starting shooting
23 at him?

24 A. I'm on the ground. I'm hitting him. Well
25 he moving around now, so he ain't as close to me no

Raymond Scott-Direct by Murphy

1 more. Like the man, when he been taking it, he just
2 wouldn't back up or fall down or leave. He just
3 taking it. But the minute he fall, the minute he
4 fell, and, you know, he went for cover, he took off.

5 Q. Now during that time frame, did you see
6 his little boy at all?

7 A. No, sir. I cannot -- now I won't contest
8 that he did run up. Now I understand that, you
9 know, you know, this perjury charge. I can't
10 contest that he did run up. I can say I never saw
11 him run up to Buster. I never saw him anywhere in
12 the vicinity of no shots being fired at all.

13 Q. What did you do after Mr. Williams fell?

14 A. When he fell, he fell back in this back
15 room area. Well I know he fall over here in front.
16 Got up, and made a B line straight to the door.

17 Q. And was Cow in front of you or behind you?

18 A. He got the door open. Come on, you feel
19 me. He opened the door, so I took off out the door
20 before him. But at the same time, you know, I was
21 just on the ground with a hole in my leg and my
22 chest, you know, your muscles start tightening up.
23 So, you know, I probably would have faster than him
24 given any other day. But he shoot off in front of
25 me on our way out the business, but he did hold the

Raymond Scott-Direct by Murphy

1 door open for me, for me to leave first.

2 MR. MURPHY: Your Honor, at this point, I
3 would ask that the defendant be permitted to show
4 the jury his bullet wound.

5 THE COURT: Any objection, Mr. Meadors?
6 You can step down, sir. Mr. Murphy, you can have
7 him stand back so the entire jury can see.

8 (Whereupon, the defendant steps down from
9 the witness stand and shows jury wound.)

10 Q. Now would you show them the wound that's
11 in your chest?

12 A. Right here.

13 Q. And then what about the one in your leg?

14 A. The wound is on the left side.

15 Q. Okay, have a seat.

16 (Whereupon, the witness resumes the
17 witness stand.)

18 Q. No where had you and Cow parked before you
19 went into the club house?

20 A. This would be the front of the
21 establishment. So it would have been over this way
22 somewhere. From my understanding, there's supposed
23 to be a police station or something going on around
24 this up the street or somewhere close by. And, you
25 know, we're coming to get marijuana in broad

Raymond Scott-Direct by Murphy

1 daylight. I mean I don't know what time it is, but
2 it's early in the daytime. It's during the day
3 time, so, you know, it ain't been no need for a
4 bunch of cars in traffic to be in front of the
5 building. We parked over here.

6 Q. When you got in the car, you and Cow got
7 in the car. And where did -- he drove, right?

8 A. Yes, sir.

9 Q. And where did you guys go to?

10 A. Straight to the hospital.

11 Q. Had you ever been to Tuomey before?

12 A. I've never been there before. Didn't know
13 where it was located.

14 Q. Now how did you get in the hospital?

15 A. When we got to the hospital, you know,
16 when we got to the hospital, it was like, pretty
17 much I tell him, go ahead. I got it, you know. I
18 told him that.

19 Q. You told Cow that.

20 A. Yeah.

21 Q. What did you mean by that?

22 A. He was going to take me into the hospital.
23 We went through the drive, the loop, the car loop
24 for Tuomey.

25 Q. Right.

Raymond Scott-Direct by Murphy

1 A. He was going to take me into the hospital,
2 but I mean, I am aware that all hospitals got
3 cameras. So I was like, man, go ahead brother,
4 you're straight. I got this, you know. Knowing
5 there was no other part to get, you know, the police
6 was going to be hearing it. So I got out. When I
7 got out of the truck, you know, the fact that I been
8 sitting in the truck for so long, you know, muscles
9 done tighten up. I ran from the business, but I
10 ain't really been, well we're just walking up in the
11 hospital, because everything done settled.

12 When I got out of the truck, it was two
13 wheelchairs by some nurses that was up by the car
14 loop. I asked one -- I asked the nurse could I use
15 one of the wheelchairs. She pushed it over to me.
16 So I got in the wheelchair, and the first thing is,
17 I tried to, you know, wheel myself. I was going to
18 go into the hospital by myself. But, you know, when
19 you're in a wheelchair, if you try to wheel
20 yourself, you've got to use your chest muscles.
21 That wasn't working, so, you know, I happened to see
22 this white lady coming from the left side of the
23 hospital area. I just asked her for help. Like yo,
24 could you push me into the ER.

25 Q. And she, what did she do?

Raymond Scott-Direct by Murphy

1 A. You know, we went in there, and she pushed
2 me. She's from around this area, the Sumter area.
3 She knew nothing about what was going on. I knew
4 nothing at first. I knew nothing about her being
5 accompanied by anybody. It was just her walking. I
6 was like, yo, man, can you help me. Can you push me
7 into the hospital. She was like, all right. She
8 just pushed me in there and she stood around
9 waiting. They immediately see me.

10 Q. Then at some point you were seen by
11 representatives of law enforcement, correct?

12 A. Ardis. He been the first person coming
13 through.

14 Q. And he asked you what happened.

15 A. Yeah.

16 Q. And you lied to him.

17 A. Yes.

18 Q. And then Investigator Dubose came and
19 talked to you.

20 A. Yes, sir.

21 Q. And you've heard -- you heard your own
22 tape.

23 A. Yes, sir.

24 Q. And that's a bunch of lies too.

25 A. Yes, sir.

Raymond Scott-Direct by Murphy

1 Q. You lied about where you were, and who you
2 were with, and how you got shot.

3 A. Well I never told him who I was with. I
4 never pretty much, I didn't tell him nothing. Like
5 everything that was being said to him was really --
6 it was lies. It was just a run around.

7 Q. But you're telling the truth today.

8 A. Yes, sir.

9 Q. About what happened.

10 A. Yes, sir.

11 Q. Did you take any money out of that
12 establishment at all?

13 A. Absolutely not.

14 Q. Were you the first person to shoot at
15 Mr. Williams?

16 A. No, sir.

17 Q. When you shot Mr. Williams was it because
18 you had been shot first and you were concerned with
19 your health---

20 MR. MEADORS: Objection to leading.

21 THE COURT: Go ahead and you can rephrase
22 it.

23 Q. When you were shot -- when you shot
24 Mr. Williams, what was going through your my mind?

25 A. When I shot him, my main focus was pretty