

**ORIGINAL**

# VOLUME I OF III

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Roger M. Young, Circuit Court Judge

**RECEIVED**

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**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

BREON JACOBY MAYERS,

APPELLANT

APPELLATE CASE NO, 2012-213003

RECORD ON APPEAL

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August 6 - 10, 2012  
 Lexington, South Carolina

B E F O R E:

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

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 Circuit Court Reporter

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

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

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

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



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

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

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

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

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

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

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

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

21               (Juror stands.)

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

1           Anyone else?

2           Okay. I find none.

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

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

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

23           (Jurors stand.)

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

1 JUROR: Tommy Cofield, number 32.

2 THE COURT: Okay.

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

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

8 JUROR: Yes, sir, it would.

9 THE COURT: Pardon?

10 JUROR: It would.

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

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

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

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

24 JUROR: I don't.

25 THE COURT: Okay. Thank you.

1 Yes, ma'am.

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

8 **THE COURT:** Thank you.

9 Anyone else?

10 (There was no response.)

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

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

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

3 All right. Go ahead.

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

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

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

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

15 (Jurors stand.)

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

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

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

22 **JUROR:** No, sir.

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

1 defense --

2 JUROR: No, sir.

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

5 JUROR: No, sir.

6 THE COURT: I can't hear you.

7 JUROR: No, sir.

8 THE COURT: Okay. Thank you.

9 Yes, ma'am.

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

17 THE COURT: Thank you.

18 Anyone else?

19 (There was no response.)

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

1 all about the case.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20                 (Juror stands.)

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

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

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

25                 (Whereupon, the following bench conference

1 was held on the record.)

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

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

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

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

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

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

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

14 **MR. GRAHAM:** Yes.

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

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

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

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

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

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

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

3           **JUROR:** Okay.

4           (The bench conference was concluded.)

5           **THE COURT:** Anyone else?

6           (There was no response.)

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

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

16          I'm sorry. Your name and number.

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

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

20          **LADY:** No.

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

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

1           **LADY:** I'm not --

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

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

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

6           Anyone else?

7           (There was no response.)

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

14          (Juror stands.)

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

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

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

18          **JUROR:** Charles Mayers.

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

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

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

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

3 JUROR: I don't think so.

4 THE COURT: Do you think it would?

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

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

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



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

12 (Juror Stands.)

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

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

16 **THE COURT:** Yes.

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

19 **THE COURT:** Sure.

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

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

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

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

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

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

14 **BAILIFF:** 140.

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

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

22 **JUROR:** No, sir.

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

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

25 (The bench conference was concluded and a

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

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

7               (There was no response.)

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

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

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

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

5               (Jurors stand.)

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

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

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

11              **THE COURT:** 81?

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

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

15              **JUROR:** 2008.

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

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

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

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

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

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

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

5           **THE COURT:** Yes, sir.

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

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

10          **JUROR:** Yes.

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

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

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

18          **JUROR:** No, sir.

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

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

22          **THE COURT:** Yes, sir.

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

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

25          **JUROR:** In Lexington County.

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

2           **JUROR:** Two years ago.

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

6           **JUROR:** No, sir.

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

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

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

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

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

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

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

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

18          **JUROR:** It might.

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

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

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

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

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

1 Points.

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

3 **JUROR:** Two Christmases ago.

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

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

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

13 **JUROR:** For sure.

14 **THE COURT:** What do you do?

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

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

25 **JUROR:** I would probably side with the State

1 more than anything in this case.

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

5 BAILIFF: 117, Your Honor.

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

9 THE COURT: Where at? What county?

10 JUROR: In Lexington County.

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

13 JUROR: No, sir.

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

16 JUROR: No, sir.

17 THE COURT: All right. Thank you.

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

19 THE COURT: Great. Thank you.

20 BAILIFF: That appears to be all, sir.

21 (The bench conferences were concluded.)

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



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

7 (There was no response.)

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

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

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

25 And there are groups out there in which they

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

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

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

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

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

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

22                 (There was no response.)

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

1 anything?

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

4 THE COURT: From the defense?

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

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

10 MR. GRAHAM: No, Your Honor.

11 THE COURT: From the defense?

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

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

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

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

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

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

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

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

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

7 Number 120, Jessica Long.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           Madame Juror -- Madame --

5           **THE CLERK:** 160.

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

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

9           Number 39, Marsha Crosby.

10                   (Whereupon, Marsha K. Crosby, a white  
11           female, was called forward.)

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

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

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

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

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

17           Number 29, Larry Cochran.

18                   (Whereupon, Larry O. Cochran, a black male,  
19           was called forward.)

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

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

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

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

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

25           Number 10, Dawn Barnes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1           92, William Hook.

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

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

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

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

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

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

11          **THE CLERK:** 61.

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

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

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

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

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

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

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

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

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

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

25          (Whereupon, Benjamin S. Norman, a white

1 male, was called forward.)

2 THE CLERK: What say you for the State?

3 MR. GRAHAM: Please excuse Mr. Norman.

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

5 31, Randy Cockrell.

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

8 THE CLERK: What say you for the State?

9 MR. GRAHAM: Please present Mr. Cockrell.

10 THE CLERK: What say you for the defense?

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

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

14 131, Blanche Mayse.

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

17 THE CLERK: What say you for the State?

18 MR. GRAHAM: Please present Ms. Mayse.

19 THE CLERK: What say you for the defense?

20 MR. WILLIAMS: Please swear the juror.

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

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

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

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

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

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

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

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

6           203, Grindle Terry.

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

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

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

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

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

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

14          Number 117, David Lipp.

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

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

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

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

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

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

22          Number 35, Cathi Cooper.

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

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

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

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

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

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

6           Number 139, Michael Montgomery.

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

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

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

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

12          Number 164, Jonathan Richards.

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

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

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

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

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

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

20          27, Ricky Caughman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           Number 204; Robert Tezza.

5           (Whereupon, Robert J. Tezza, a white male,

6           was called forward.)

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

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

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

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

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

13          115, Kristin Lee.

14          (Whereupon, Kristin O. Lee, a Asian female,

15          was called forward.)

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

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

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

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

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

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

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

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

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

1 was called forward.)

2 THE CLERK: What say you for the State?

3 MR. GRAHAM: Please excuse Mr. Leonard.

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

5 74, Raghusrathy Gomadam.

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

8 THE CLERK: What say you for the State?

9 MR. GRAHAM: Please present the juror.

10 THE CLERK: What say you for the defense?

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

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

14 Number 67, Gregory Garner.

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

17 THE CLERK: What say you for the State?

18 MR. GRAHAM: Please present Mr. Garner.

19 THE CLERK: What say you for the defense?

20 MR. WILLIAMS: Please swear the juror.

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

22 That's the first alternate, Your Honor.

23 Number 85, Jimmy Harrington.

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

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

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

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

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

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

7           Number 210, Natalie Waller.

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

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

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

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

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

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

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

16          145, Angelia Norris.

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

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

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

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

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

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

24          That's the second alternate, Your Honor.

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



1 the State on challenges?

2 MR. GRAHAM: No, Your Honor.

3 THE COURT: From the defense?

4 MR. WILLIAMS: Nothing, Your Honor.

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

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

1       you can, you know, introduce yourself --

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

14               (The jury retires to the jury room.)

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

1 picked to serve on a jury.

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

14 (The remaining jury panel was excused.)

15 (Brief recess.)

16 (The jury returns to the courtroom.)

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

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

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

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

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

1 will learn about the case.

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

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

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

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

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

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

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

CHARLES ROBERT LINT, JR. (IN CAMERA) - DIRECT BY MR. SCOTT

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

3               (The jury was excused for lunch.)

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

6               (Whereupon, there was a luncheon recess.)

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

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

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

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

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

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

20               DIRECT EXAMINATION

21       BY MR. SCOTT:

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

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

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

25       **A**     Since May of 2003.

1 Q What are your current duties there?

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

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

6 A Yes, sir, I was.

7 Q Do you recall meeting Breon Mayers?

8 A I do.

9 Q What were the circumstances?

10 A It was to conduct an interview.

11 Q Where was he to conduct an interview?

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

14 Q How did he come to you?

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

17 Q Turned himself in?

18 A Correct.

19 Q Do you remember about what time it was?

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

22 Q Where was he taken?

23 A To an interview room.

24 Q Describe that interview room.

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



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

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

7 A Investigator Derrenbacher.

8 Q Was he under arrest at that time?

9 A Correct.

10 Q He was under arrest at that time?

11 A Yes, sir.

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

13 A Yes, sir.

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

16 A Yes, sir.

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

19 A No, sir.

20 Q Did he indicate that he understood?

21 A Yes, sir.

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

25 A No, sir.

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

2 A Yes, sir.

3 Q Who advised him of these rights?

4 A Investigator Derrenbacher in my presence.

5 Q Now, how was he advised of them?

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

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

13 A Correct.

14 Q And what is that form called?

15 A It should say a suspect statement form.

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

18 A No, sir.

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

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

23 Q Was he questioned?

24 A Yes, sir.

25 Q Did you or anyone in your presence threaten or

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

3       A     No, sir.

4       Q     What was Mr. Mayers told?

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

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

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

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

16      A     He did.

17      Q     What did he say?

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

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

3 A He didn't know them.

4 Q Okay. How did the interview end?

5 A He requested an attorney.

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

8 A No, sir.

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

11 A Yes, sir.

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

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

17 A I do.

18 Q And how are you able to do so?

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

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

23 A I do.

24 Q And how are you able to do so?

25 A This is the one that we used when we

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

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

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

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

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

1 And they read as follows:

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

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

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

23 A I did.

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

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

5 A Correct.

6 Q And who provided that information?

7 A Mr. Mayers.

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

10 A Correct.

11 MR. SCOTT: Nothing further from this witness.

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

14 MR. WILLIAMS: May it please the Court.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. WILLIAMS:

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

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

23 Q The second door on the left?

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

1 Q Can I see your form there a second?

2 A Yes, sir.

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

8 A No, sir.

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

10 A Correct.

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

14 A Correct.

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

17 A No, sir, there's not.

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

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

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

24 A No, sir, it was not.

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



CHARLES ROBERT LINT, JR. (IN CAMERA) - REDIRECT BY MR. SCOTT

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1       A     No, sir.

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

4       A     Correct.

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

8       A     No, sir.

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

11      A     No, sir.

12      Q     How long was he in the interview room?

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

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

17           THE COURT: Anything else?

18           MR. SCOTT: Just briefly.

19                   REDIRECT EXAMINATION

20           BY MR. SCOTT:

21      Q     Was he given a copy of that form?

22      A     Yes, sir.

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

1           **A**     No, sir.

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

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

5                   **THE COURT:** You can step down. Thank you.

6                   Do you have another witness?

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

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

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

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

16                               DIRECT EXAMINATION

17           BY MR. SCOTT:

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

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

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

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

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

WILLIAM EDWARD DERRENBACHER (IN CAMERA) - DIRECT BY MR. SCOTT

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1           A     It is not.

2           Q     Where were you then?

3           A     Lexington County Sheriff's Department assigned  
4           to major crimes division as a detective.

5           Q     Were you working October 27, 2011?

6           A     I was.

7           Q     Do you recall meeting Breon Mayers?

8           A     I do.

9           Q     And how did you come to meet him that day?

10          A     He was turning himself in to the Lexington  
11          County Sheriff's Office on active warrants.

12          Q     What were those warrants?

13          A     Murder warrants.

14          Q     Burglary first warrant?

15          A     Burglary first. There was numerous warrants.  
16          It was burglary first, murder, armed robbery and  
17          there was another one in there.

18          Q     A weapon charge?

19          A     Yeah. I think violent -- commission during a  
20          violent crime.

21          Q     Okay. So he voluntarily turned himself in on  
22          those warrants?

23          A     He did.

24          Q     Do you remember what time it was?

25          A     I would say it was approximately 9:30 in the

1 evening.

2 Q And where was he taken?

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

6 Q Who was present?

7 A Myself and Sergeant Robbie Lint.

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

9 A He was.

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

12 A He was {verbatim}.

13 Q And who read him his charges?

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

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

18 A He did..

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

21 A He did not.

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

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

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

3           A     He was.

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

6           A     It was.

7           Q     And who advised him of his rights?

8           A     I did.

9           Q     And how did you give him his rights?

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

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

21          A     I do.

22          Q     How are you able to do so?

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

25          Q     Okay. And he initialed beside all those

1 rights?

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

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

9 A He did.

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

12 A He did not.

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

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

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

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

6       A     Uh-huh.

7       Q     Who wrote that in there?

8       A     I did.

9       Q     And where did you receive that information?

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

12      Q     Okay. Who questioned Mr. Mayers?

13      A     Myself and Sergeant Robbie Lint.

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

16      A     We did not.

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

19      A     We did not.

20      Q     What was he told?

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

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

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

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

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

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

16 Q What is that area you're describing?

17 A Road, Chapin area.

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

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

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

25 A I informed him that his co-defendants were



1       Jermaine Caughman, Jasmine Bowers and Tyrome  
2       Brennan.

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

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

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

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

9       Q     Okay. How did that interview end?

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

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

15      A     They were.

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

17      A     He was.

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

20      A     He was not.

21      Q     Thank you.

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

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

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

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

2           Anything further from the State?

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

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

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

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

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

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

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

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

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

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

10 Anything else we need to take up?

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

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

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

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

21 **THE COURT:** Excellent.

22 You?

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

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

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

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

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

11 (Brief Recess.)

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

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

17 (The jury returns to the courtroom.)

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

25 (The jury was duly sworn by the Clerk of

1 Court at 2:08 p.m.)

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

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

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

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

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

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

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

1 United States.

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

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

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

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

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

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



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

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

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

1 him not guilty of the crime.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 we live with it, all right.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

1       quicker way of doing it.

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

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

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

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

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

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

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

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

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

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

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

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

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

4           **THE COURT:** Yes, sir.

5                       OPENING STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1           **THE COURT:** Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 DIRECT EXAMINATION

18 BY MR. GRAHAM:

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

20 **A** I live at 3034 Road.

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

22 **A** Yes, it is.

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

25 **A** David Cannon.

SHARON BOWERS - DIRECT BY MR. GRAHAM

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

1 Q Tell me when was that?

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

3 Q And what kind of symptoms was he having?

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

8 Q Did you take him to a doctor?

9 A Yes.

10 Q And was he diagnosed with some illnesses?

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

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

16 A March 16.

17 Q What year was that, ma'am?

18 A 2009.

19 Q 2009?

20 A Yes.

21 Q What kind of prognosis did Dave have?

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



1 to control the pain.

2 Q So did they do anything to treat him?

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

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

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

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

8 A Yes.

9 Q When was that?

10 A 2009.

11 Q Why did he start smoking marijuana?

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

14 Q Did it help him?

15 A Yes.

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

17 A No.

18 Q Were you working then?

19 A Yes.

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

22 A Yes.

23 Q What do you do, Ms. Bowers?

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

25 Q Is that the Waffle House in Chapin?

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

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

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

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

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

7       **A**     Due to his illness.

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

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

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

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

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

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

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

23      **BY MR. GRAHAM:**

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

25      **A**     Yes, I do.

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

3           **THE COURT:** You may.

4           **BY MR. GRAHAM:**

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

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

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

12          **A**     Since 2009.

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

15          **A**     Yes.

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

19          **A**     On top.

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

21          **A**     Yes.

22          **Q**     And that's

23          **A**     Yes.

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

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

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

3 A Yes.

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

6 A Yes.

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

9 A That's my back deck.

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

11 A Yes.

12 Q Coming into the house from the back deck?

13 A Yes.

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

16 A That's my bedroom.

17 Q And that's where you stayed?

18 A Yes.

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

21 A That's the living room.

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

23 A Kitchen.

24 Q The kitchen area?

25 A Yes.

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

3 A Yes.

4 Q That right there is a hallway?

5 A Yes.

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

9 A Bathroom.

10 Q That's that room right there?

11 A Yes.

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

14 A That's Dave's room.

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

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

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

20 A No.

21 Q Was he strong man?

22 A No.

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

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

1 he was a weakling.

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

4 A Yes.

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

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

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

10 A Yes.

11 Q What's your relationship with her?

12 A She's my niece.

13 Q Your sister's daughter?

14 A Yes.

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

17 A No.

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

20 A Yes.

21 Q Do you know him?

22 A Yes.

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

24 A Yes, around and about.

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

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

3       **A**     It had a flat tire.

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

6       **A**     I took another vehicle.

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

8       **A**     Parked in my yard.

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

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

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

15           **THE COURT:** Admitted.

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

18           **BY MR. GRAHAM:**

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

20       **A**     Yes.

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

23       **A**     Yes.

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



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1           **THE COURT:** You may.

2           BY MR. GRAHAM:

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

4           **A** Somewhat.

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

7           **THE COURT:** Sure.

8           BY MR. GRAHAM:

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

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

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

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

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

17          **A** That's correct.

18          **Q** Now, there is a banner here that says,

19                      Road, David Cannon's residence. Do you  
20 see that?

21          **A** Yes.

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

24          **A** Yes.

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

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

3       A     That's my house.

4       Q     Your house is right there?

5       A     Yes.

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

8       A     Yes.

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

10      A     At the time it belonged to Larry Joe.

11      Q     The house next door?

12      A     My parents.

13      Q     And how about over here?

14      A     Jasmine's.

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

17      A     Jasmine Bowers.

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

19      A     Yes.

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

23      A     Yes.

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

1       A     Neil and Sue Meggett and Suzette and her  
2       family.

3       Q     You said Suzette Meggett, is that their  
4       daughter?

5       A     Yes.

6       Q     Coming back this way, when we come all the way  
7       down the road over to here, who lives right over  
8       here?

9       A     Jackie Boyd.

10      Q     Jackie Boyd?

11      A     Yes.

12      Q     And now earlier you mentioned that name, is  
13      that one of the people that Dave sold marijuana to?

14      A     Yes.

15      Q     Okay. Where was your car left that day? You  
16      said the car that had a flat tire, would you take  
17      this and just -- you can use your finger if you  
18      want. This is your house. I guess --

19      A     Uh-huh. Right.

20      Q     What is this right here?

21      A     Right there (indicating).

22      Q     Right there?

23      A     Right there.

24      Q     This is the road. What's that right there?

25      A     That's my driveway.

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

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

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

7 A Yes.

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

10 A (Witness resumes the witness stand.)

11 Q Did Dave have any handguns?

12 A Yes.

13 Q What kind of guns did he have?

14 A He had a .38, .357.

15 Q He had a .357?

16 A Yes.

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

18 A Yes.

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

21 A I'm not sure.

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

24 A No.

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

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

1 Q Your niece?

2 A Yes.

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

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

6 Q What did you do?

7 A I immediately left work.

8 Q When you -- you went back home?

9 A Yes.

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

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

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

14 A No.

15 Q Did they let you in your house then?

16 A No.

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

20 A Yes.

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

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

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

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1 answer any questions Mr. Williams has.

2 **THE COURT:** Cross.

3 **MR. WILLIAMS:** Thank you, Your Honor.

4 **CROSS-EXAMINATION**

5 **BY MR. WILLIAMS:**

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

9 **A** Twenty-six.

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

11 **A** No.

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

17 **A** Yes.

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

21 **A** My name.

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

24 **A** That's correct.

25 **Q** So the property was all in your name?

- 1       A     Yes.
- 2       Q     And you were -- you were referencing earlier
- 3       about the fact that your property is in Lexington
- 4       County and Newberry County?
- 5       A     Yes.
- 6       Q     Describe where the line runs on your property.
- 7       A     My driveway is in Newberry County and my house
- 8       is in Lexington County.
- 9       Q     So if we were talking -- if we were remembering
- 10      where the diagram is before, are you saying that you
- 11      go from Newberry County into Lexington County to
- 12      walk into your house?
- 13      A     Yes.
- 14      Q     You follow what I'm saying when I say it that
- 15      way? The road which is in front of your house is
- 16      actually in Newberry County; is that correct?
- 17      A     Lexington County.
- 18      Q     It's in Lexington County?
- 19      A     Yes.
- 20      Q     But the driveway which runs beside your
- 21      property is in Newberry County?
- 22      A     Yes.
- 23      Q     All right. Now, how far does the driveway sit
- 24      from your residence?
- 25      A     Probably about eight feet.



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

3 A No.

4 Q Just part of it?

5 A Yes.

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

8 A No.

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

10 A No.

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

15 A I know.

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

20 A I do not know.

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

24 A 5:30 to 1:00.

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

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

4 A That's correct.

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

8 A No.

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

14 A One gun.

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

17 A Correct.

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

21 A Correct.

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

25 A No.

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

4 A He kept it in a cooler.

5 Q Okay. Where was the cooler?

6 A It's usually in his closet.

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

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

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

14 A Yes.

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

18 A Correct.

19 Q How much money did he receive for disability?

20 A Approximately 457.

21 Q Approximately 457?

22 A Yes.

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

1 of his disability and money from his drug dealing?

2 A Probably. I'm not sure.

3 Q How did he purchase his marijuana?

4 A I don't know.

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

6 A No.

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

8 A No.

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

13 A Yes.

14 Q And did you know these two individuals?

15 A Yes.

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

18 A Yes.

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

20 A I said, yes.

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

24 A No, I do not.

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

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- 1       A     No.
- 2       Q     Did David Cannon have a cell phone?
- 3       A     Yes.
- 4       Q     What was his cell phone number?
- 5       A     Area code (803)     -9788.
- 6       Q     And did you have a cell phone number?
- 7       A     Yes.
- 8       Q     And what was your cell phone number?
- 9       A     (803)     -9786.
- 10      Q     Did y'all get the cell phones about the same
- 11      time?
- 12      A     Yes.
- 13      Q     Because your numbers are real close together?
- 14      A     Yes.
- 15      Q     Did you give the names of two individuals that
- 16      you suspected were suspects in this case to law
- 17      enforcement when they talked to you?
- 18      A     I don't remember.
- 19      Q     You don't remember if you told law enforcement
- 20      it might be one of these two individuals?
- 21      A     I don't remember.
- 22      Q     Had your house been burglarized recently?
- 23      A     Yes.
- 24      Q     On how many occasions had your house been
- 25      burglarized?

1       A     Once.

2       Q     And what was taken?

3       A     My safe.

4       Q     A safe?

5       A     Yes.

6       Q     How big was the safe?

7       A     It was probably three by three maybe.

8       Q     Three feet by three feet?

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

11      Q     And what was taken besides the safe?

12      A     Just that.

13      Q     And what was in the safe when it was  
14      burglarized?

15      A     The deed and title to my house, the deed and  
16      title to my vehicles, my birth certificate, my  
17      social security card, my jewelry, my old coins.

18      Q     Jewelry?

19      A     Yes.

20      Q     When this -- when was this break-in, this  
21      burglary?

22      A     It was on Thanksgiving day, 2008.

23      Q     Now, the pistol, the .357 pistol, you said that  
24      was missing. Were there any other weapons in the  
25      house?

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1       A     Yes.

2       Q     What other weapons were in the house?

3       A     It was a Browning hunting gun, which was -- had  
4       a camouflage stock and a .22 rifle.

5       Q     Were these rifles missing?

6       A     No.

7       Q     So whoever shot David Cannon took the handgun,  
8       the cooler with what you felt was marijuana in --  
9       did you know there was marijuana in the cooler at  
10      the time?

11      A     I didn't see it, but I assumed.

12      Q     And some money out of the wallet?

13      A     The entire wallet was missing.

14      Q     The entire wallet was missing. And anything  
15      else that you can think of?

16      A     Not that I'm aware of.

17      Q     Law enforcement asked you a question also about  
18      the types of cigarettes that you smoke and that  
19      David Cannon smoked. Do you remember that question  
20      being asked to you of law enforcement?

21      A     No.

22      Q     What kind of cigarette do you smoke?

23      A     Newport.

24      Q     And what kind of cigarette does David Cannon  
25      smoke?

1       **A**     U.S.A. Gold.

2       **Q**     Now, whether or not law enforcement found  
3       cigarette butts there on the scene or not, that's  
4       not your job to remember that or even think about  
5       it, that's what they do, right?

6       **A**     Correct.

7       **Q**     Anything else you can think of that was  
8       missing?

9       **A**     No, that day was just a blur. I just barely  
10      remember it.

11      **MR. WILLIAMS:** All right. Thank you.

12      **THE COURT:** Redirect.

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

14                   REDIRECT EXAMINATION

15      **BY MR. GRAHAM:**

16      **Q**     Ms. Bowers, I just want to make sure I heard  
17      you right. Your house is in Lexington County?

18      **A**     Yes.

19      **Q**     Mr. Williams had asked you about a .38, .357.  
20      Are you familiar with guns?

21      **A**     No.

22      **Q**     Do you know whether you can fire a .38 round in  
23      a .357 gun?

24      **A**     I'm not sure. I'm not sure how that works.

25      **Q**     Did you keep track of all the guns that Dave



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1 had?

2 A No. I just saw them in passing.

3 Q You weren't a hunter?

4 A No.

5 Q You don't shoot?

6 A No.

7 Q Could he have had a gun that you didn't know  
8 about?

9 A It's possible.

10 MR. GRAHAM: Thank you, ma'am.

11 MR. WILLIAMS: No questions on recross, Your  
12 Honor.

13 THE COURT: You may step down. Thank you.  
14 Next witness.

15 MR. GRAHAM: State calls Chris Davis, Sr.

16 CHRISTOPHER ROGER DAVIS, SR.,

17 having been duly sworn, testified as follows:

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

20 THE WITNESS: Christopher Roger Davis,  
21 D-a-v-i-s.

22 DIRECT EXAMINATION

23 BY MR. GRAHAM:

24 Q Mr. Davis, what do you do for a living, sir?

25 A I do plumbing and cutting grass.

- 1 Q Do you live in Lexington County?
- 2 A Yes, sir.
- 3 Q What part of the county do you live in?
- 4 A Off of Mountain Drive, 154.
- 5 Q Is that over in the Chapin/Little Mountain
- 6 area?
- 7 A Yes, sir.
- 8 Q And how long have you been there?
- 9 A I've been there about two years, but I used to
- 10 stay in Irmo.
- 11 Q I'm sorry?
- 12 A I used to stay in Irmo before that.
- 13 Q Do you have a son?
- 14 A Yes, sir.
- 15 Q What's his name?
- 16 A It's Christopher Roger Davis, II.
- 17 Q Where on Mountain Drive do you live? What's
- 18 your address?
- 19 A Drive.
- 20 Q Drive. Is that where Mountain
- 21 Drive and Chapin Road come together?
- 22 A Right.
- 23 Q Are you right near that point?
- 24 A Yes, sir.
- 25 Q And if I mention the name Tyrome Brennan, do

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1 you know who that is?

2 A Yes, sir.

3 Q Tell me how you know Tyrome.

4 A Me and his mom mess around -- go together.

5 Q You and his mom used to go together?

6 A Yes.

7 Q Back on October 21st of this last year, 2011,  
8 were y'all together at that time?

9 A Yes.

10 Q And was she living at your house there on  
11 Mountain Drive?

12 A Yes.

13 Q And how about Tyrome?

14 A He was, too.

15 Q So Tyrome was living with you at --

16 A Off and on.

17 Q Off and on?

18 A Yes.

19 Q At Drive back in October of last  
20 year?

21 A Yes, sir.

22 Q How about Jermaine Caughman, do you know him?

23 A Yes, sir.

24 Q How do you know him?

25 A My brother is his uncle.

1 Q So how about your son, Chris Davis, and  
2 Jermaine, were they friends or how did -- what's the  
3 age difference roughly between them?

4 A Jermaine, like, 19. My son is 16.

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

6 A I haven't really briefly talked to her, but I  
7 know her by name.

8 Q How about Breon Mayers, the defendant in this  
9 case, do you know him?

10 A He came to my house a couple time. I, like,  
11 know him that way.

12 Q Do you see him in the courtroom?

13 A Yes, sir.

14 Q And where is he?

15 A Right over there (indicating).

16 Q That's the individual sitting next to  
17 Mr. Williams, the defendant?

18 A Yes, sir.

19 Q You said that he came to your house a couple  
20 times. When was the last time you remember him  
21 being at your house?

22 A Um...

23 Q Let me ask it this way. Do you remember  
24 hearing about Mr. Cannon being killed?

25 A That Friday after I picked my son up at school,

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1       yes, I found out that he -- something happened to  
2       him then.

3       Q       October 21st, 2011, I believe is a Friday and  
4       that's the day that Mr. Cannon was killed.

5       A       Yes, sir.

6       Q       Going with that day, when was the time before  
7       then that you saw Breon Mayers?

8       A       He was at my house, like, two days before that  
9       and a couple days before that because they was  
10      hanging out and playing cards.

11      Q       Who was he playing cards with?

12      A       With Jermaine and Tyrome.

13      Q       Where were they playing cards?

14      A       In my storage room.

15      Q       Is that in your house or is that a different  
16      building?

17      A       On the outside of my house. Like, it was a  
18      storage room. I built the shed out there.

19      Q       It's like a shed in your backyard?

20      A       Yes, sir.

21      Q       And Breon Mayers, Jermaine Caughman and Tyrome  
22      Brennan were playing cards?

23      A       Yes, sir.

24      Q       Was that day or night?

25      A       It was at nighttime.

1 Q Now, Jermaine Caughman, where did he live in  
2 relationship to your house?

3 A Behind my house in another trailer.

4 Q So he's on Chapin Road?

5 A Yes.

6 Q Y'all's backyards back up to each other?

7 A Right.

8 Q If I ask you if you -- I'm going to ask you --  
9 I'm going to give you a number and ask what, if  
10 anything, you know about this number, (803)

11 -5126. Do you recognize that number?

12 A Yes, sir.

13 Q Whose number is that?

14 A That's my number.

15 Q Is that your house number or your cell number?

16 A My cell phone number.

17 Q And that's the number you had back on October  
18 21st of 2006 {verbatim}?

19 A Yes, sir.

20 Q Let me ask you about another number (803)

21 -8869. Do you recognize that one?

22 A Say it again, the last four digits.

23 Q 8869.

24 A I think that's Tyrome mama's number. I can't  
25 remember for sure.

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1 Q Now, you and Tyrome's mom are not together  
2 anymore, are you?

3 A Right.

4 MR. GRAHAM: Thank you, Mr. Davis. Please  
5 answer any questions that Mr. Williams has.

6 THE COURT: Cross.

7 CROSS-EXAMINATION

8 BY MR. WILLIAMS:

9 Q Were you playing cards with them?

10 A No, sir, I wasn't.

11 Q This building which sits behind your house; is  
12 that correct?

13 A Yes, sir.

14 Q Did you walk down to the building where they  
15 were playing cards?

16 A No, I didn't.

17 Q So when you say these three individuals were  
18 together playing cards, you're saying that somebody  
19 told you they're playing cards?

20 A No. They was at my house. They came there,  
21 asked for my storage room keys. Then they went out  
22 back and that's all I remember, but they were still  
23 going to play cards, that's all they told me.

24 Q So you never saw those three individuals go  
25 down there to play cards?

1       **A**    What I'm saying is they came to my house, they  
2       sat there, asked for my keys to the storage room.  
3       Then they went in there to the -- in the storage  
4       room and playing cards. And they played cards, I  
5       can't -- the only thing I can say, they told me  
6       that's what they're going to do, that was it. Other  
7       than that, I can't say who all was in the storage  
8       room.

9       **Q**    So when you break it down, what you know is  
10      that three individuals came to your house on that  
11      day and got keys?

12     **A**    Right.

13     **Q**    That's all you know, right?

14     **A**    That's it.

15       **MR. WILLIAMS:** That's all I have, Your Honor.

16                               REDIRECT EXAMINATION

17       **BY MR. GRAHAM:**

18     **Q**    Mr. Davis, who were those three individuals?

19     **A**    Jermaine, Tyrome and Breon.

20       **MR. GRAHAM:** Thank you.

21       **THE COURT:** Recross.

22       **MR. WILLIAMS:** None on recross, Your Honor.

23       **THE COURT:** You may step down.

24       **MR. GRAHAM:** Your Honor, we'd ask if Mr. Davis  
25      can be excused from his subpoena.



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

2           **THE COURT:** You're free to go. You're welcome  
3 to stay.

4           **MR. GRAHAM:** Your Honor, if Mr. Williams and I  
5 can approach, I need to inform Your Honor of  
6 something.

7                   (Whereupon, a bench conference was held off  
8 the record, in the presence of the jury, but out of  
9 the hearing of the jury.)

10          **THE COURT:** All right. Folks, let's go ahead  
11 and take our afternoon break right now. We'll take  
12 about ten minutes to use the restroom. Again, don't  
13 talk to anybody about the case, don't begin any  
14 deliberations or comment on any of the witnesses.  
15 We'll see you back in about ten minutes.

16                   (The jury retires to the jury room.)

17          **THE COURT:** All right. For the record, the  
18 jury's left. What do you need to tell me about the  
19 witness situation?

20          **MR. GRAHAM:** Yes, Your Honor. It came to my  
21 attention during the -- when Mr. Davis was  
22 testifying, that two of the State's potential  
23 witnesses that we intend to call, Suzette Meggett  
24 and Jassiel Kirkland, are in the courtroom sitting  
25 with the defendant's family. Obviously, I don't

1 know that it's on the record, Mr. Williams had made  
2 a sequestration motion and we had no opposition to  
3 that. And I wanted to bring that to the Court's  
4 attention and make sure that they are no longer in  
5 the courtroom during testimony.

6 **THE COURT:** Okay. It was, first of all,  
7 inadvertent. You didn't know they were in there and  
8 I take it neither did you?

9 **MR. WILLIAMS:** Your Honor, I wasn't looking  
10 behind me, but I would note my exception if they are  
11 allowed to testify because it would be in violation  
12 of the sequestration.

13 **THE COURT:** Well, certainly, it would be, but  
14 it sounds like it's inadvertent. But let's see --  
15 what do you purport to call them to elicit as far as  
16 evidence goes?

17 **MR. GRAHAM:** I can tell you now, Your Honor, or  
18 what we can do is an in camera hearing at the time  
19 we call them, however you want to handle it, or we  
20 can do both.

21 **THE COURT:** Let's do it in camera later so that  
22 we -- there's no need to just tell them anymore than  
23 what we need to at this point and we'll make a  
24 determination later on, but, at this point, we  
25 haven't had but two witnesses and they've been

1       pretty diverse. So I don't know -- I don't know  
2       that there's any prejudice yet that they were in  
3       here.

4               Okay. Let's see, Ms. Meggett and Ms. Kirkland,  
5       you two folks, we have all of the witnesses  
6       sequestered and so you aren't supposed to be sitting  
7       in the courtroom. It doesn't sound like anybody  
8       told that to you, but I don't think anybody  
9       recognized you right off anyway, so you'll need to  
10      go sit back outside. You won't be able to come into  
11      the courtroom until you're called. Please don't  
12      discuss your testimony with anyone else.

13             Is there anyone else in the courtroom who is  
14      named as a potential witness?

15             **MR. WILLIAMS:** Your Honor, there is one witness  
16      in the courtroom which would be, I just looked over  
17      my shoulder, and that would be Larry Mayers, who is  
18      the father of Breon. And we would abide by the  
19      sequestration order, Your Honor, and we do not elect  
20      to call him since it would be in violation of the  
21      order.

22             **THE COURT:** Well, that's certainly your  
23      decision, but, again, I think we'll handle it the  
24      same way and so at this time -- unless you want to  
25      not call him -- is this -- this is a defense only?

1           **MR. WILLIAMS:** Yes. It's the defendant's  
2 father, who is a potential witness listed.

3           **THE COURT:** He's not a State's witness?

4           **MR. GRAHAM:** He's on the State's list, Your  
5 Honor. In all honesty, I probably don't plan on  
6 calling him, I guess, now. I don't know. I guess I  
7 would ask that he be excluded from the courtroom,  
8 that way -- because it's a premature -- I mean,  
9 Mr. Williams at this point is saying he didn't want  
10 to call him because he's trying to enforce the  
11 sequestration order, I don't believe that Mr. Mayers  
12 has been prejudiced either.

13           **THE COURT:** All right. Well, let's go ahead  
14 and have Mr. Mayers step out as well.

15           (The witnesses leave the courtroom.)

16           **THE COURT:** All right. Anything else?

17           **MR. GRAHAM:** Not from the State, Your Honor.

18           **MR. WILLIAMS:** Nothing from the defendant, Your  
19 Honor.

20           **THE COURT:** Okay. Let's go ahead and take ten  
21 minutes and come back in and we'll go till 5:00.

22           (Brief Recess.)

23           **THE COURT:** Are y'all ready with your next  
24 witness?

25           **MR. GRAHAM:** The State's ready.

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1           **THE COURT:** Defense ready?

2           **MR. WILLIAMS:** Yes, we are, Your Honor.

3           **THE COURT:** We got all these witnesses taken  
4 care of now and everybody that might be called as a  
5 witness out?

6           **MR. GRAHAM:** As far as I know, Your Honor.

7           **THE COURT:** All right. Let's bring the jury  
8 back in.

9                   (The jury returns to the courtroom.)

10           **THE COURT:** Folks, I think they gave you some  
11 notepads. If anybody wants to take notes, that's  
12 fine. Please don't let it distract you from  
13 listening to the witnesses. And, again, you'll need  
14 to leave those in your seats whenever you leave  
15 either for a break or during the day.

16           All right. Are you ready to call your next  
17 witness?

18           **MR. GRAHAM:** Yes, Your Honor.

19           **THE COURT:** Go ahead.

20           **MR. GRAHAM:** The State calls Chris Davis, Jr.

21                   CHRISTOPHER DAVIS, JR.,

22           having been duly sworn, testified as follows:

23           **THE CLERK:** Once you're seated, you're going to  
24 need to speak up, state your full name and spell  
25 your last.

1           **THE WITNESS:** My name is Christopher Davis,  
2           D-a-v-i-s.

3                               DIRECT EXAMINATION

4           BY MR. GRAHAM:

5           **Q**     Chris, do you have a nickname?

6           **A**     C.J.

7           **Q**     C.J., will you pull the microphone a little bit  
8           closer?

9           **A**     C.J.

10          **Q**     Thank you very much. Your dad is Chris Davis,  
11          Sr.; is that right?

12          **A**     Yes, sir.

13          **Q**     Where do you live?

14          **A**                 Drive, Chapin, South Carolina.

15          **Q**     With your dad?

16          **A**     Yes, sir.

17          **Q**     And you lived there October of 2011?

18          **A**     Yes, sir.

19          **Q**     What's your cell phone number?

20          **A**     It's (803)     -2742.

21          **Q**     (803)     -2742?

22          **A**     Yes, sir.

23          **Q**     Did you know a fellow named Tyrome Brennan?

24          **A**     Yes, sir.

25          **Q**     How did you known him?

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1       **A**     My dad and his mom was going out at the time.

2       **Q**     Where was Tyrome living back in October of  
3       2011?

4       **A**     Sometimes he stay at our house and sometimes he  
5       stay at his dad house.

6       **Q**     Do you recognize the number (803)     -8869?

7       **A**     No.

8       **Q**     If I said the name Jermaine Caughman, do you  
9       know him?

10      **A**     Yes.

11           **MR. WILLIAMS:**  Objection, leading.

12           **THE COURT:**  Well, it doesn't suggest the  
13      answer.  Go ahead.  Overruled.

14      BY MR. GRAHAM:

15      **Q**     Jermaine Caughman, do you recognize that name?

16      **A**     Yes.

17      **Q**     Who is he?

18      **A**     My cousin.

19      **Q**     Where did he live back in October of 2011?

20      **A**     Right behind me.

21      **Q**     On Chapin Road?

22      **A**     Uh-huh.

23      **Q**     Do you know whether Jermaine had a cell phone  
24      back in October of 2011?

25      **A**     No.  He didn't have a cell phone.

- 1 Q He did not have a cell phone?
- 2 A No.
- 3 Q Did he borrow yours?
- 4 A Yes.
- 5 Q How about Breon Mayers, do you know him?
- 6 A A little bit.
- 7 Q Had Breon Mayers ever been over to your house?
- 8 A Yes.
- 9 Q Do you see him in the courtroom?
- 10 A Yes.
- 11 Q Where is he?
- 12 A Right there (indicating)..
- 13 Q The individual sitting next to Mr. Williams,
- 14 the attorney at the table?
- 15 A Yes.
- 16 Q Do you know whether Breon Mayers had a cell
- 17 phone back in October of 2011?
- 18 A Yes.
- 19 Q And how do you know that?
- 20 A Jermaine would call -- use my phone to call
- 21 him.
- 22 Q Do you know what number Breon Mayers had?
- 23 A No, not off the top of my head.
- 24 Q Let me show you two photographs and ask if you
- 25 recognize these photographs?



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1       **A**     Yeah.

2       **Q**     You do recognize those photographs?

3       **A**     (No response.)

4       **Q**     And where are those photographs from?

5       **A**     My phone.

6           **MR. WILLIAMS:** Your Honor, I have a matter of  
7 law to take up with the Court outside the presence  
8 of the jury.

9           (Whereupon, a bench conference was held off  
10 the record, in the presence of the jury, but out of  
11 the hearing of the jury.)

12       **BY MR. GRAHAM:**

13       **Q**     C.J., what kind of phone did you have October  
14 21st of 2011? Do you remember what kind of phone it  
15 was?

16       **A**     It was a Droid 2.

17       **Q**     A Droid 2. You had talked about Breon and  
18 Jermaine using -- Jermaine using your phone to talk  
19 with Breon; is that right?

20       **A**     Yes, sir.

21       **Q**     Did you ever talk with Breon on that phone  
22 yourself?

23       **A**     No.

24       **Q**     What, if anything, do you know about contact  
25 information for Breon Mayers that was on your Droid

1 phone back in October of 2011?

2 **A** Jermaine told me to save his number in my  
3 phone.

4 **Q** Did you do that?

5 **MR. WILLIAMS:** Objection to the hearsay, Your  
6 Honor.

7 **MR. GRAHAM:** It was not offered for the truth  
8 of the matter.

9 **MR. WILLIAMS:** Your Honor, I think in this case  
10 it is.

11 **THE COURT:** For what purpose are you offering  
12 it for?

13 **MR. GRAHAM:** I don't really care, Your Honor,  
14 who told him to do it. My point is is that he said  
15 he saved that information. It doesn't matter who  
16 told him, so I can -- if he wants to object to that,  
17 then he can.

18 **THE COURT:** Go ahead.

19 BY MR. GRAHAM:

20 **Q** C.J., did you save Breon Mayers' phone number  
21 in your Droid 2 phone that you had in October of  
22 2011?

23 **A** Yes.

24 **Q** You just don't happen to remember what that  
25 number is; is that correct?

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1       **A**     Yes.

2       **Q**     Did the police come and speak with you on  
3     October --

4           **THE COURT:** Where did he save that information?  
5     If you're laying the foundation for it going up and  
6     then coming back down and you said you saved it,  
7     where did he save it?

8       **BY MR. GRAHAM:**

9       **Q**     How did you save his contact? Explain how that  
10    happens. You said you saved it in the Droid phone,  
11    could you explain how you do that?

12    **A**     Like when that person dialed their number into  
13    my -- in my phone, I can just press it and save it  
14    like that, back, then hold {verbatim}.

15    **Q**     Is it saved on your physical phone itself or is  
16    it saved somewhere in the Clouds, too?

17    **A**     It's saved on my phone.

18    **Q**     What about your Gmail account, is there any  
19    contact information that --

20           **MR. WILLIAMS:** Objection to leading.

21           **THE COURT:** No, it doesn't suggest the answer.  
22    I don't know of any way to -- it's laying the  
23    foundation for getting to the point.

24    **BY MR. GRAHAM:**

25    **Q**     What, if any, connection is there between your

1 Gmail account and the contacts that you had on your  
2 Droid phone back in October of 2011?

3 A It saves everything from any phone I had.

4 Q The pictures that I've showed you, those  
5 weren't your Droid phone, were they?

6 A That was -- that's my new phone.

7 Q That's your new phone. What kind of phone is  
8 that?

9 A A Droid X.

10 Q A what?

11 A Droid X.

12 Q A Droid X? What, if anything, happened with  
13 the contact information that you had on the Droid 2  
14 phone that you had back in October of 2011 as  
15 compared to that contact information on your Droid X  
16 phone that you have now?

17 A The calling history.

18 Q I'm sorry?

19 A Like, the history, like, if I call -- like,  
20 whoever I called on my old phone, it's put on my new  
21 phone, but all my numbers I saved to it.

22 Q Your testimony, I think, was that you had saved  
23 Breon Mayers' telephone number on your Droid 2  
24 phone; is that correct?

25 A Yeah.

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1 Q Did that contact information pull over to the  
2 Droid X phone?

3 A Yes.

4 Q Those photographs I showed you, is that the  
5 contact information that was originally entered on  
6 your Droid 2 phone?

7 A Yes.

8 Q And that's the information that's now in your  
9 Droid X phone?

10 A Yes.

11 MR. GRAHAM: Your Honor, at this time, I would  
12 offer these two photographs into evidence.

13 THE COURT: Over the defendant's objection, it  
14 is admitted.

15 (State's Exhibit Numbers 4 and 5,  
16 photographs, marked and admitted into evidence.)

17 BY MR. GRAHAM:

18 Q C.J., looking at State's Exhibit Number 4, what  
19 is that? What is this a photograph of?

20 A His number.

21 Q Well, 4, is there names or numbers on 4?

22 A What you mean?

23 Q Looking at this photograph here, State's  
24 Exhibit Number 4, what, if anything, do you see on  
25 there about Breon Mayers?

1       A     His name.

2       Q     His name. Now, is there a photograph of his  
3       name?

4       A     (No response.)

5       Q     Is there a photograph -- is there a picture of  
6       him?

7       A     No..

8       Q     What is there a picture of?

9       A     A blank spot.

10      Q     And how did this information -- how did Breon's  
11      name get in your phone?

12      A     It was saved to my phone.

13      Q     Looking at State's Exhibit Number 5, what does  
14      that say?

15      A     His number.

16      Q     Would you read -- whose name is it on there?

17      A     Breon's.

18      Q     And what phone number do you see?

19      A     (803)     -4481.

20      Q     (803)     -4481?

21      A     Yeah.

22      Q     And how did that number get in there?

23      A     I saved it.

24      Q     The number that you saved and had in your phone  
25      back in October of 2011, correct?

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1       A     Yes, sir.

2       Q     Back on October 26th of 2011, do you  
3       remember -- what, if anything, do you remember about  
4       being at -- is it called Mr. J's?

5       A     Yeah.

6       Q     What do you remember about that?

7       A     A police officer had called me.

8       Q     I'm sorry, who did?

9       A     A police officer called me on my way home, told  
10      me he wanted to meet me at Mr. J's.

11      Q     And did you meet with that police officer?

12      A     Yes, sir.

13      Q     What, if anything, did you tell that police  
14      officer?

15      A     He asked me did I know Jermaine and Tyrone.

16      Q     What, if anything, did they ask about Breon  
17      Mayers having a cell phone?

18      A     They didn't ask that that day.

19      Q     What, if any, phone calls did your phone get  
20      from Breon Mayers, that (803)     -4481 number, on  
21      the 26th of October?

22      A     I don't remember.

23      Q     What, if anything, did you do with that contact  
24      information as far as sharing it with the police on  
25      October 26th of 2011?

1       A     That's it.

2       Q     I'm sorry?

3       A     That's it.

4       Q     What's --

5       A     That's it. That's all I did was just show him  
6       my contact.

7       Q     You did what with your contact?

8       A     I just showed the police officer the contact  
9       number.

10      Q     So although you had a different phone, did you  
11      show a police officer, on the Droid 2 phone you had  
12      then; the contact information from Breon?

13      A     Yes, sir.

14      Q     And that would have had his name and that  
15      (803)     -4481 number?

16      A     Yes, sir.

17      Q     When was the last time that you saw -- or have  
18      you ever seen Breon Mayers, Jermaine Caughman and  
19      Tyrome Brennan together?

20      A     That night before.

21      Q     You saw them the night before?

22      A     (Witness nodded head.)

23      Q     Where were they at?

24      A     In my shed playing cards.

25      Q     Now, did somebody tell you about that or did



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1       you see them?

2       **A**     I saw it.

3       **Q**     And Breon Mayers was with Tyrome and Jermaine?

4       **A**     Yeah, because I saw the light on in the  
5       backyard and I walked out there to see who was out  
6       there.

7               **MR. GRAHAM:** Thank you, C.J. Please answer any  
8       questions that Mr. Williams has.

9               **MR. WILLIAMS:** May it please the Court.

10                               CROSS-EXAMINATION

11       BY MR. WILLIAMS:

12       **Q**     Now, C.J., you have a phone now known as a  
13       Droid what?

14       **A**     Droid X.

15       **Q**     Droid X. When did you get that?

16       **A**     About November or December.

17       **Q**     And do you have an account with the Droid X,  
18       meaning do you have -- do you pay Verizon or pay --

19       **A**     I pay Verizon.

20       **Q**     And is your phone number for the Droid X the  
21       same phone number that you had for your previous  
22       phone?

23       **A**     Yes.

24       **Q**     And what is the phone number for your current  
25       phone?

1       A     (803)     -2742.

2       Q     Now, as I understand your testimony, Jerome  
3     told you to put that number down as Breon's contact?

4       A     Jermaine.

5       Q     Jermaine told you to put that number down as  
6     Breon's contact?

7       A     Yes.

8       Q     And when you were describing the exhibit --  
9     when you were describing this exhibit, do you know  
10    when these pictures were taken?

11    A     About, I think, between March and May.

12    Q     Of this year?

13    A     Uh-huh.

14    Q     So these pictures were taken some time between  
15    March and May of this year. And, as I understand  
16    it, you do not know what Tyrome Brennan's phone  
17    number is?

18    A     Not really.

19    Q     And if Jermaine had given you Tyrome Brennan's  
20    phone number --

21    A     I'd have saved it in my phone.

22    Q     Right. And Jermaine's the one that told you  
23    that that was Breon's phone number?

24    A     Yeah.

25    Q     Do you have a phone number saved for Tyrome?

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1       A     No.

2       Q     Do you know Tyrome?

3       A     Yes.

4       Q     But you know that Tyrome has a cell phone?

5       A     I knew he had one, but I ain't know the number.

6       Q     Now, the cell phone you have is actually your  
7     father's, isn't it?

8       A     Yes.

9       Q     When you go out and buy a cell phone, you have  
10    to go in the store and present identification, maybe  
11    some sort of evidence of credit when you purchase a  
12    cell phone?

13    A     I don't know.

14    Q     All you know is your daddy gave it to you?

15    A     Yeah.

16    Q     The -- and have you ever been with your daddy  
17    to Verizon?

18    A     Yes.

19    Q     Is that where y'all went when you bought your  
20    new cell phone?

21    A     I was at home and he went to go get a new phone  
22    and he just gave me his old one.

23    Q     So you don't know whether or not you have to  
24    fill out an application, pay money, have a check or  
25    what have you with that?

1       **A**     No, I don't.

2       **Q**     But, clearly, you don't know what Tyrome  
3       Brennan's cell phone number is and Jermaine told you  
4       to write that down as Breon's cell phone, right?

5       **A**     Yes.

6       **Q**     And when we were talking about this  
7       downloading, what you were talking about was a Gmail  
8       account?

9       **A**     Yeah. I got backup assistance on my phone.  
10      So, like, if anything happens to my phone, anything  
11      that was saved to it, like my numbers, it'll be  
12      switched right over.

13      **Q**     So you could produce from your cell phone the  
14      previous numbers that were called to the old phone?

15      **A**     No.

16             **MR. WILLIAMS:** That's all the questions I have.

17             **THE COURT:** Redirect.

18             **MR. GRAHAM:** Yes, Your Honor.

19                     REDIRECT EXAMINATION

20             **BY MR. GRAHAM:**

21      **Q**     C.J., do you remember talking to two  
22      detectives? There was a Doug Novak, this detective  
23      here with me, and another named Billy Derrenbacher.

24      **A**     Yes.

25      **Q**     That would have been on May 31st. Do you

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1 remember talking with them?

2 A Yes.

3 Q Do you remember giving them a statement?

4 A Yes.

5 Q Let me show you this and ask if you recognize  
6 this?

7 A Yes.

8 Q Mr. Williams was asking you about Jermaine  
9 telling you to store that number. Let me ask you  
10 again, had you ever talken (verbatim) to Breon  
11 Mayers on your Droid 2 phone?

12 A No, I never talked to him.

13 Q Is what you wrote down in this statement true?

14 A Yes, sir.

15 Q Let me let you read it and see if it refreshes  
16 your memory.

17 A The only thing...

18 COURT REPORTER: I can't hear you.

19 THE WITNESS: All they did was call my phone,  
20 ask for Jermaine.

21 BY MR. GRAHAM:

22 Q I'm sorry?

23 A All they did was call my phone asking for  
24 Jermaine, that's basically it. I never had a real  
25 conversation with him, just said, is Jermaine there,

1       yes or no. That's basically it.

2       **Q**     Okay. So when I asked you the question, did  
3       you talk to Breon, you never had any conversations  
4       with him; is that correct?

5       **A**     Yes.

6       **Q**     But did you ever answer a phone call that Breon  
7       Mayers made to you?

8       **A**     Yes.

9       **Q**     Did you recognize his voice?

10      **A**     Yes.

11      **MR. GRAHAM:** Thank you.

12      **THE COURT:** Recross. Anything further?

13                    RECROSS-EXAMINATION

14      **BY MR. WILLIAMS:**

15      **Q**     And the phone which Breon would have been on,  
16      you can't say that's Breon's phone, can you?

17      **A**     No, I never seen it. I never seen Breon's  
18      phone.

19      **MR. WILLIAMS:** That's all I have, Your Honor.

20      **THE COURT:** You may step down. Thank you.

21      **MR. GRAHAM:** Your Honor, we ask that he be  
22      excused from his subpoena as well.

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

24      **THE COURT:** You're free to go, welcome to stay.

25      Next witness.

CEDRIC MAYERS - DIRECT BY MR. GRAHAM

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1           **MR. GRAHAM:** Cedric Mayers, Your Honor.

2                           CEDRIC MAYERS,

3           having been duly sworn, testified as follows:

4           **THE CLERK:** Once you're seated, speak up loud  
5           and clear, state your full name, spelling your last.

6           **THE WITNESS:** Cedric Mayers, M-a-y-e-r-s.

7                           DIRECT EXAMINATION

8           BY MR. GRAHAM:

9           **Q**     Mr. Mayers, where do you live, sir?

10          **A**     129 Middlefield Road, Little Mountain, South  
11          Carolina.

12          **Q**     Let me ask you some names and ask if you  
13          recognize some of these people. Who is Jasmine  
14          Bowers?

15          **A**     A former friend of mine.

16          **Q**     Who is -- have you ever heard of Tyrome  
17          Brennan?

18          **A**     I've heard of him, but I'm not acquainted with  
19          him.

20          **Q**     How about Jermaine Caughman?

21          **A**     I know him from the neighborhood.

22          **Q**     In the Little Mountain area?

23          **A**     Yes, sir.

24          **Q**     Mr. Mayers, if you'll sit a little bit closer  
25          and pull the mic a little closer to you so everybody

1 can hear, I'd appreciate it.

2 A Yes, sir.

3 Q You knew Jermaine from the neighborhood, is  
4 that what you said?

5 A Yes, sir.

6 Q How about Breon Mayers?

7 A He's my cousin.

8 Q He's your cousin. And when we're talking about  
9 Breon Mayers, we're talking about the individual  
10 sitting over there next to Mr. Williams at that  
11 table?

12 A Yes, sir.

13 Q That's your cousin?

14 A Yes, sir.

15 Q Did you know David Cannon?

16 A Yes, sir.

17 Q And how did you know David?

18 A From the neighborhood.

19 Q Do you remember the day that David Cannon was  
20 killed?

21 A Yes, sir.

22 Q Let me show you a diagram and ask if this would  
23 assist you in explaining what happened. This is  
24 referring to State's Number 2. Do you recognize  
25 that?



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1           A     Yes, sir.

2           Q     Does that fairly and accurately depict the  
3           layout of the residences on           Road?

4           A     Yes, sir.

5           Q     That morning, October 21st, 2011, where did you  
6           start your morning at?

7           A     Mr. Bowers' house.

8           MR. GRAHAM: Your Honor, if I can have him step  
9           down, please.

10          THE COURT: You can step down.

11                 (Witness leaves the witness stand.)

12          BY MR. GRAHAM:

13          Q     If you can stand over here for me, Mr. Mayers,  
14           and face this way. Let me ask you a question. Do  
15           you want to be here today?

16          A     Not really.

17          Q     Not really?

18          A     (Witness shook head.)

19          Q     Why are you here?

20          A     Because I was subpoenaed.

21          Q     If you hadn't of got a subpoena, would you be  
22           here?

23          A     I doubt it.

24          Q     When you woke up that morning, sir, where were  
25           you at?

1       A     Right (indicating)...

2       Q     And whose residence was that?

3       A     Ms. Bowers.

4       Q     Jasmine Bowers?

5       A     Uh-huh.

6       Q     Did you leave there that morning?

7       A     Yes, sir.

8       Q     Where did you go?

9       A     To Hardee's.

10      Q     You're pointing that way (indicating), away  
11      from David's house?

12      A     Yes, sir.

13      Q     You go to Hardee's. When you come back, do  
14      you -- which way do you come in?

15      A     Back --

16      Q     Back on the same road you left out by Jasmine's  
17      house?

18      A     Yes, sir.

19      Q     What, if anything, do you see when you're  
20      passing Jasmine's house?

21      A     A gold car in the yard and Jasmine.

22      Q     A gold car in the yard and Jasmine. Did you  
23      recognize that gold car?

24      A     It could have been -- it's the color of Breon's  
25      car.

CEDRIC MAYERS - DIRECT BY MR. GRAHAM

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1       Q     The color of Breon's car. And you saw Jasmine  
2     outside?

3       A     Yes.

4       Q     Did you see anybody in the car?

5       A     No, sir. I just saw --

6       Q     After you -- I'm sorry?

7       A     I just saw her.

8       Q     You just saw her?

9       A     Yeah, I was just passing by her --

10      Q     As you're -- you're walking or driving?

11      A     Driving.

12      Q     Okay. Where are you driving to?

13      A     Ms. Boyd's house.

14      Q     Jackie Boyd's house?

15      A     Uh-huh.

16      Q     And why were you going to see Jackie Boyd?

17      A     She's my cousin. She's a friend of mine. I  
18     was visiting.

19      Q     You were going to visit her.

20      A     Uh-huh.

21      Q     About what time was it when you got to Jackie's  
22     house?

23      A     About 9:30, between 9:00, 9:30 -- 9:15, 9:30.

24      Q     Once you got at Jackie's house, did you ever  
25     see Breon Mayers that morning?

1       A     Yes, sir.

2       Q     Where did you see Breon?

3       A     In between Kristin's and Jackie's yard.

4       Q     You're pointing to this dirt area in between

5       Jackie's residence and this other house?

6       A     About where that car is parked.

7       Q     About where the car is right there. Was Breon

8       Mayers by himself or with somebody else?

9       A     With Jermaine, another guy and Jasmine walked

10      over.

11      Q     So Breon Mayers was there and he was with

12      Jermaine. We're talking about Jermaine Caughman?

13      A     Uh-huh.

14      Q     And you said there was another person?

15      A     Yeah.

16      Q     Did you know who that person was?

17      A     No.

18      Q     Was that a male or female?

19      A     Male.

20      Q     A male. Do you know what they were talking

21      about or what they were doing at that time?

22      A     No. I was inside.

23      Q     At some point, did you see who, if anybody,

24      came to join them there?

25      A     Jasmine.

CEDRIC MAYERS - DIRECT BY MR. GRAHAM

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- 1 Q Jasmine. So Jasmine came down the street?
- 2 A Uh-huh.
- 3 Q Do you know what they were talking about?
- 4 A No, I don't.
- 5 Q Where are you at when you see them?
- 6 A Inside of Ms. Boyd's house.
- 7 Q Inside Jackie Boyd's house looking out a window
- 8 or a door?
- 9 A A window.
- 10 Q A window. What's the next thing that you
- 11 notice?
- 12 A A group of people at the back walking by the
- 13 back.
- 14 Q You're on the back side of Jackie's house now?
- 15 A Yes, sir.
- 16 Q You said people. What people do we see back
- 17 there or did you see?
- 18 A Breon, Jermaine and the other buy.
- 19 Q Breon Mayers, Jermaine Caughman and the other
- 20 black male that you don't know. Which way were they
- 21 going?
- 22 A Walking this way (indicating).
- 23 Q They were walking from the side of Jackie's
- 24 house --
- 25 A Yes, in that general direction.

1 Q Toward this dirt road or toward

2 A I'm at the window, I see them walking by. The  
3 window's right here (indicating).

4 Q And they're walking from this side, on this  
5 map, down?

6 A The point where I saw them is just right here,  
7 between here and here (indicating).

8 Q So you saw those three males?

9 A (Witness nodded head.)

10 Q Which way were they heading, though? Were they  
11 going this way or that way (indicating)?

12 A This way.

13 Q Okay. What, if anything, did you say to them?

14 A I just asked what was going on, what were they  
15 going to do.

16 Q You asked them, what was going on, what they  
17 were going to do?

18 A Uh-huh.

19 Q What, if anything, did they respond?

20 A Someone said, Rob Dave.

21 Q Somebody said what?

22 A Rob Dave.

23 Q To rob Dave. Do you know who said it?

24 A I don't know. It wasn't the unknown male. He  
25 didn't say anything.

CEDRIC MAYERS - DIRECT BY MR. GRAHAM

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1       Q     It was not the unknown male. So it was either  
2 Breon Mayers or Jermaine Caughman?

3       A     Yeah.

4       Q     One of those two said, We're going to rob Dave?

5       A     Yeah.

6       Q     Did anybody else in that group say anything  
7 else to you?

8       A     No.

9       Q     Did you see anything in their hands at that  
10 time?

11      A     No.

12      Q     What did you do?

13      A     Went back and sat down, talked to Jackie.

14      Q     At some point later, did you hear something  
15 that got your attention?

16      A     Yeah. I heard two noises sounded like gunshot  
17 -- gunshots, plural.

18      Q     You heard -- I'm sorry?

19      A     Two gunshots.

20      Q     Two gunshots. When you heard the two gunshots,  
21 what did you do?

22      A     Came back to the back door, came down the back  
23 steps.

24      Q     You came out Jackie's back door and came down  
25 the back steps and where did you go?

1       A     This set of steps.

2       Q     This door on this side?

3       A     Yeah.

4       Q     And you came, what did you do?

5       A     Just looked around, looked to see what was  
6       going on.

7       Q     When you looked around, what, if anything, did  
8       you see?

9       A     I saw Ms. Bowers going back towards her house  
10      right here (indicating), going behind her  
11      grandparents' house towards her house.

12      Q     You recognize David's house, right?

13      A     Uh-huh.

14      Q     David and Sharon live here. There's a house  
15      next to them and there's another house. Where did  
16      you see Jasmine?

17      A     Behind the third house, her grandparents'  
18      house.

19      Q     Her grandparents' house. Was she walking or  
20      running?

21      A     She was walking pretty fast. She wasn't  
22      running, but she was walking.

23      Q     Which way was she headed?

24      A     Towards her house.

25      Q     How long after the gunshots did you see her?



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1       A     Immediately.

2       Q     At some point later, did you see some other  
3       people?

4       A     Yes, sir.

5       Q     Who did you see?

6       A     The same group at the same spot.

7       Q     You say the same group.  What group are we  
8       talking about?

9       A     The same group of three males, Breon, Jermaine  
10      and the unknown, the other guy.

11      Q     And your cousin, Breon, who's sitting over  
12      there?

13      A     Yes, sir.

14      Q     Along with the two other males, Jermaine being  
15      one of them and the other male that you didn't know  
16      before?

17      A     Yeah.

18      Q     Where are they coming from when you see them?

19      A     Same direction, just right -- by this time, I'm  
20      back inside at the same window and that's what is --  
21      at the window right there, coming back by -- going  
22      around the trailer.

23      Q     So they're coming from the                area,  
24      from the side area.  They're coming from this part  
25      of Jackie's house and moving that way?

1       A     I can't say. I was at the window when I saw  
2       them dashing back by the window.

3       Q     By you from this part of the trailer, they're  
4       going past the trailer and around?

5       A     Yes, sir. By the time we saw Jasmine going  
6       back in, we went back inside. By the time we walk  
7       up the hall, that's when I saw the group at the same  
8       window I saw them at the first time.

9       Q     When they were out here earlier, you said that  
10      Jasmine had come down here, right?

11      A     Uh-huh.

12      Q     Did you see what kind of vehicle they were in?

13      A     At that time, I didn't.

14      Q     Did you ever see Breon's vehicle for sure that  
15      day?

16      A     Just earlier here (indicating).

17      Q     Back there.

18      A     Not here. When I rode by, I saw the car there  
19      (indicating).

20      Q     When you said --

21      A     What appeared to be the car.

22      Q     When you saw the three males, Breon, Jermaine  
23      and the other male, coming, how would you describe,  
24      were they walking, were they running, how were they  
25      moving?

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1       A     Running.

2       Q     They were running. What, if anything, did you  
3     see in the unknown male's hands?

4       A     Nothing really, but I really wasn't paying any  
5     attention like that because I don't know him  
6     personally.

7       Q     How about Jermaine, did you see anything in his  
8     hands?

9       A     He had a rifle, shotgun.

10      Q     A rifle?

11      A     Rifle.

12      Q     How about Breon, was he holding anything?

13      A     Nothing in his hand.

14      Q     Did he look like he was carrying something on  
15     his body?

16      A     Could have been.

17      Q     Why do you say that?

18      A     Could have been, I mean, just could have been.  
19     He looked a little puffy, but he didn't have  
20     anything in his hand.

21      Q     You're pulling on your shirt and saying puffy,  
22     what do you mean?

23      A     Puffy, I mean, they're -- they're running by at  
24     a quick pace, they look kind of puffy. All this is  
25     going on really quick (indicating noise). I saw a

1 rifle. Like I said, by the time I realized what was  
2 going on, I came back inside -- well, went, turned  
3 my attention from the window back to Jackie.

4 Q You can have a seat. Thank you, Mr. Mayers.

5 A (Witness resumes the witness stand.)

6 Q What, if anything, do you know, Mr. Mayers,  
7 about the number (803) -2209?

8 A It's my old number.

9 Q That's your old number?

10 A Uh-huh.

11 Q Was that a landline or a cell number?

12 A A cell number.

13 Q Did you have that number on October 21st of  
14 2011?

15 A If that's the day of the murder.

16 Q That is the day of the murder.

17 A Yes, sir.

18 Q That was your number of your phone that day?

19 A Yes, sir.

20 MR. GRAHAM: Thank you, Mr. Mayers. Please  
21 answer any questions that Mr. Williams has.

22 CROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q Mr. Mayers, I didn't pick up on that cell phone  
25 number that you said you had. What's that number?

1       A     (803)     -2209.

2       Q     2209. And let me take you back through the  
3 events of that day. As I understand it, you were  
4 staying over at -- is that Jasmine's house?

5       A     Yes, sir.

6       Q     And were you and Jasmine boyfriend and  
7 girlfriend or what's the deal there?

8       A     Just friends. We had a sexual relationship,  
9 but we were just friends.

10      Q     All right. So you had spent the night there  
11 that night?

12      A     Sir?

13      Q     You'd spent the night there with Jasmine that  
14 night?

15      A     Yes, sir.

16      Q     Now, how long had you and Jasmine been going  
17 together?

18      A     Some months, I'm not quite sure.

19      Q     Now, the first thing that you recall that  
20 morning was what?

21      A     (No response.)

22      Q     What's the first thing you recall when you got  
23 up that morning? Got up and ate breakfast or did  
24 you go anywhere?

25      A     Yeah, I left to go to Hardee's.

1 Q Went where?

2 A Sir?

3 Q Where do you go?

4 A Hardee's.

5 Q Hardees. So you had breakfast at Hardee's?

6 A I grabbed something to go, yes, sir.

7 Q And then what time did you get back to  
8 Jasmine's house?

9 A I did not go back to Jasmine's house.

10 Q Where did you go?

11 A To Jackie's house.

12 Q Jackie Boyd?

13 A Yes, sir.

14 Q And what time did you get back there?

15 A About 9:30, 9:15, 9:30.

16 Q And you ate breakfast with Jackie Boyd?

17 A Yes, sir.

18 Q And who lives across the street from  
19 Mr. Cannon? Is that where Jackie Boyd lives?

20 A Not directly. She's kind of catty-cornered. I  
21 think directly across the street would be my Aunt  
22 Ann.

23 Q All right. And is it -- did you testify that  
24 you saw Jasmine first later on that morning or did  
25 you see -- was it your testimony that you saw Breon?

1       A     Jasmine.

2       Q     All right. Where did you see Jasmine at?

3       A     In her yard.

4       Q     And where did you see Breon at?

5       A     I didn't see him until later in my Aunt Ann's  
6     yard.

7       Q     I'm sorry?

8       A     In my Aunt Ann's yard, in front of my Aunt  
9     Ann's house, in between her -- Jackie's and my Aunt  
10    Ann's house.

11      Q     So you saw Breon in your Aunt Ann's yard?

12      A     Yes.

13      Q     And how far is that away from where -- how far  
14    is that away from where David Cannon lives?

15      A     I can't say for sure.

16      Q     How many lots are in between them?

17      A     How many what now?

18      Q     How many lots -- how many people live between  
19    that?

20      A     Maybe one.

21      Q     So they're not next door to each other or  
22    anything like that?

23      A     No.

24      Q     And Breon was standing in the yard in your Aunt  
25    Ann's house; is that right?

1       A     Yes.

2       Q     And you could see this because you were in  
3       Jackie Boyd's yard or house?

4       A     House.

5       Q     So where were you standing in Jackie Boyd's  
6       house when you saw this?

7       A     I was sitting. I wasn't standing.

8       Q     Sitting where?

9       A     In her living room.

10      Q     So when you sit in her living room, you can  
11      actually see your Aunt Ann's house?

12      A     Yes, sir.

13      Q     And is your house elevated -- is Jackie Boyd's  
14      house elevated or does it sit down?

15      A     It sits down. It's not elevated.

16      Q     So you were looking out the window and he was  
17      standing out there. Who was standing with him?

18      A     Jermaine and the unknown.

19      Q     So you couldn't hear anything that they were  
20      saying?

21      A     No, sir.

22      Q     And how long did you watch the three  
23      individuals standing there?

24      A     Not long. There was no reason -- there was  
25      really no reason to watch them like that. There



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1       wasn't anything unusual at that time..

2       Q     All right. And then when was the next time  
3       that you saw Breon?

4       A     At the back -- the first part, the back of  
5       Jackie's trailer.

6       Q     So he was behind Jackie's trailer?

7       A     Yes, sir.

8       Q     And where was his car parked?

9       A     I have no idea at that time.

10      Q     Did you ever see him in David Cannon's yard?

11      A     No, sir.

12      Q     So you never saw him where David Cannon lives?

13      A     No, sir.

14      Q     And I believe you said that from -- were you  
15      still sitting in the living room when you observed  
16      Jasmine going to her grandmother's house?

17      A     No. I was outside out on the back.

18      Q     I'm sorry?

19      A     I was out back.

20      Q     So you went out of her back porch then?

21      A     Yes, sir.

22      Q     And from your back porch, you could see her  
23      near her grandmother's house?

24      A     Yes, sir.

25      Q     Now, doesn't her grandmother live on the

1 opposite side of the road from --

2 A Yes, sir.

3 Q But you could see her over at her grandmother's  
4 house?

5 A Yes, sir.

6 Q Did you ever see her at David Cannon's house?

7 A No, sir.

8 Q So you never saw either one of them at David  
9 Cannon's house?

10 A I never saw anyone at David Cannon's including  
11 David.

12 Q So you never saw anyone at David Cannon's  
13 house?

14 A No, sir.

15 Q What did Breon Mayers have on that day?

16 A I have no idea.

17 Q And I believe you testified that you saw, was  
18 it, Jermaine running or walking fast that morning?

19 A Running.

20 Q He was running. From which direction was he  
21 running?

22 A I don't quite understand the question.

23 Q All right. You didn't see him at David  
24 Cannon's house?

25 A No, I didn't.

1 Q Was he running behind the house that you were,  
2 staying in?

3 A Yes, sir.

4 Q And he had a rifle, is that your testimony, in  
5 his hands?

6 A Yes, sir.

7 Q And you never saw Breon with anything in his  
8 hands; is that correct?

9 A Yes, sir.

10 Q And you saw this before or after you heard what  
11 sounded to you like two shots?

12 A After.

13 Q And then where did Jermaine go from there? Did  
14 you stand there to see where he went?

15 A No, sir.

16 Q Did you see anybody with what appeared to be  
17 marijuana in their hands?

18 A No, sir.

19 Q Did you see anyone throw anything that looked  
20 like marijuana?

21 A No, sir.

22 Q Did you subsequently pick up Jasmine and take  
23 her somewhere?

24 A Yes, sir.

25 Q And when did you do that?

1       A     When?

2       Q     Yes.

3       A     Hours later.

4       Q     How many hours later was it?

5       A     I'm not sure, maybe six or seven hours later.

6       Q     And you did that at the request of Jasmine?

7       A     Yes, sir.

8       Q     Did you drive?

9       A     Yes, sir, at that time, but that day I was not,  
10       but, yeah.

11       Q     All right. You said -- I guess we probably  
12       need some explanation. Are you saying you do not  
13       have a car or you do not have a driver's license or  
14       was somebody driving for you on that day?

15       A     I'm saying, at that time, I had a driver's  
16       license. I was driving earlier that morning, but at  
17       the time when she asked me to come get her, I was  
18       not.

19       Q     Okay. And the reason you were not driving was  
20       because someone else had your car?

21       A     My car was down at the time.

22       Q     All right. So how is it that you went and  
23       picked up Jasmine later on that day?

24       A     A friend of mine, Chris Duvall.

25       Q     Chris, last name is D --

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- 1       A     -u-v-a-l-l.
- 2       Q     So you and Chris went and picked up Jasmine
- 3       later on that day?
- 4       A     Yes, sir, along with Jason Derrick.
- 5       Q     And where was she when you picked her up?
- 6       A     At home.
- 7       Q     Where did y'all go?
- 8       A     She wanted to go to Columbia to meet her little
- 9       girl's father.
- 10      Q     And did you go -- I assume you went with them?
- 11      A     Yes, sir.
- 12      Q     And what happened after she met her little
- 13      girl's father?
- 14      A     I proceeded to come back to Chapin.
- 15      Q     And then where did you go from there?
- 16      A     To a convenience store and that's it, back
- 17      home.
- 18      Q     When you say back home, are you talking about
- 19      back to Jasmine's house?
- 20      A     No. Home is 129 Middlefield Road, Little
- 21      Mountain, South Carolina, 29075.
- 22      Q     129 Middlefield Road. You're talking about
- 23      your home?
- 24      A     Uh-huh.
- 25      Q     So Jasmine came with you to your home?

- 1       A     No.
- 2       Q     Where did Jasmine go?
- 3       A     To meet her little girl's father.
- 4       Q     So you did not stay with her when --
- 5       A     No.
- 6       Q     You just dropped her off there?
- 7       A     Yes.
- 8       Q     And what time was that?
- 9       A     I have no idea. It was -- it was almost dark.
- 10      It had to be about 6:00, 7:00.
- 11      Q     Did Jasmine give you anything that day?
- 12      A     No, sir.
- 13      Q     Now, you made the comment on direct examination
- 14      that you heard one of two individuals make a comment
- 15      that they were going to rob Dave; is that right?
- 16      A     Yes, sir.
- 17      Q     Now, you know your own cousin, don't you?
- 18      A     Yes, I do.
- 19      Q     Well, if your cousin had said that, you would
- 20      have known it was your cousin's voice, wouldn't you?
- 21      A     I'd like to think I would.
- 22      Q     Okay. Well, you didn't say you heard your
- 23      cousin say it, did you?
- 24      A     No, sir.
- 25      Q     Can we assume that whoever said it was not your

1       cousin?

2       **A**     I guess so. I mean, yes, sir, you could assume  
3       that.

4       **Q**     All right. Well, who is the other person who  
5       was there?

6       **A**     Jermaine and the unknown.

7       **Q**     Jermaine and the unknown?

8       **A**     Uh-huh.

9       **Q**     Do you -- you call him the unknown. Had you  
10      never met this person before?

11      **A**     Not to my knowledge. I may have seen him in  
12      passing, but, you know, just not to my knowledge.

13      **Q**     When you heard these two shots, did you call  
14      9-1-1?

15      **A**     A few minutes after.

16      **Q**     How many is a few minutes after?

17      **A**     I'm not quite sure. Long enough to have a  
18      discussion and debate on if I should call 9-1-1.

19      **Q**     Who did you have the debate with?

20      **A**     Jackie Boyd.

21      **Q**     Why did you have a debate with Jackie Boyd over  
22      whether or not you wanted to call 9-1-1 or not?

23      **A**     Because it's none of my business really.

24      **Q**     You and Jackie Boyd were arguing over whether  
25      or not you wanted to call 9-1-1?

- 1       A     No, not arguing, discussing.
- 2       Q     Why wouldn't you call 9-1-1?
- 3       A     Just because it's none of my business.
- 4       Q     So you're saying you wouldn't call 9-1-1
- 5       because it wasn't any of your business?
- 6       A     That was part of the debate, yeah, part of the
- 7       discussion.
- 8       Q     What was the other part of the discussion?
- 9       A     Just whether or not to call 9-1-1. I mean, it
- 10      wasn't a long, lengthy discussion, but it was a
- 11      discussion.
- 12      Q     Did Jackie Boyd not want to call 9-1-1?
- 13      A     No. Actually, Jackie didn't bring up the
- 14      topic, I brought it up.
- 15      Q     So you did call 9-1-1?
- 16      A     Yes, I did.
- 17      Q     Whose phone did you use when you called 9-1-1?
- 18      A     My phone.
- 19      Q     What is your phone number?
- 20      A     At that time, it was 537-2209.
- 21      Q     537-2209?
- 22      A     Uh-huh.
- 23      Q     So if we were to check 9-1-1, we would find out
- 24      that you did place a call to 9-1-1?
- 25      A     Yes, sir.



1 Q What did you tell them when you called 9-1-1?

2 A Just that I had heard gunshots.

3 Q Did you tell them who you were?

4 A No, I didn't.

5 Q Did you tell them where you lived?

6 A They didn't ask where I lived.

7 Q Did you give them your cell phone number?

8 A I don't recall.

9 Q Did you tell them where you thought you heard  
10 the shots?

11 A I don't recall. I think we had to debate about  
12 exactly where I was located when I called.

13 Q You had a debate about where you were located?

14 A With the operator, yes, sir. She was trying to  
15 tell me I was in Newberry County and I was trying to  
16 tell her I was in Lexington County. So we didn't  
17 really get far.

18 Q Did you know where the two sounds of shots came  
19 from?

20 A No, I don't.

21 Q Is there hunting in that area?

22 A Yes, sir.

23 Q Do you have neighbors or friends who actually  
24 have deer stands in the nearby area that hunt almost  
25 in the backyards up there?

1       A     I don't hunt, so I wouldn't be familiar.

2       Q     Do you know of anybody that lives in the area  
3     that hunts?

4       A     Yes, sir.

5       Q     Who lives in the area that hunts that you know  
6     of?

7       A     David Cannon.

8       Q     David Cannon hunts and who else?

9       A     Dave Holley.

10      Q     Dave Holley and who else?

11      A     I'm sure there's several other people, but, I  
12     mean, to my knowledge --

13      Q     Do you buy marijuana from David Cannon?

14      A     No, sir, not in a long time. I have before.

15      Q     You knew that he sold marijuana, didn't you?

16      A     It's common knowledge.

17            MR. WILLIAMS: Beg the Court's indulgence for  
18     one moment.

19            (Pause.)

20            MR. WILLIAMS: That's all the questions I have,  
21     Your Honor.

22            THE COURT: Redirect.

23            MR. GRAHAM: No, Your Honor.

24            THE COURT: You can step down.

25            Do you have another short witness or is this a

1 place to break for the day? You tell me.

2 MR. GRAHAM: Whatever you want, Your Honor.

3 THE COURT: Well, why don't we just go ahead  
4 and break for the day and we'll start back tomorrow  
5 morning at 9:30 fresh. If y'all would, be in the  
6 jury room about, you know, 9:20 or so. We'll have  
7 everything lined up and we'll start right at 9:30  
8 and just move on through a bunch of witnesses  
9 tomorrow.

10 Let me leave you with, again, the instructions,  
11 don't talk to anybody tonight about the case. You  
12 know, you can tell them you got picked, but I've  
13 instructed you that it's improper to talk about the  
14 case for the reasons we talked about earlier. Don't  
15 discuss the case with other juror members or with  
16 family members, friends, bartenders or whatever.  
17 Just go home and enjoy your evening.

18 Now, sometimes people get involved in these  
19 cases, they get picked for a jury and then they get,  
20 you know, well, I'm invested now, and they want to  
21 start looking up things on the Internet. I don't  
22 know if there's anything involved on the Internet  
23 about this case or not, but there might be and  
24 people want to start doing that. They want to go  
25 out sometimes and look at the place where the

1 incident took place, might want to start looking on  
2 Google Earth and Google maps and all that other  
3 stuff. Don't do that. It's improper to do that.

4 If you need to know anything about this case, I  
5 promise you we'll tell you about it in this  
6 courtroom. Anything that you find out about outside  
7 of the courtroom is improper and so please don't do  
8 that.

9 Sometimes these days, you know, we have to  
10 start adjusting to the times and making new  
11 instructions, but people now get on social media  
12 sites like Facebook, Twitter and they start talking  
13 about the case. Don't do that, don't tweet  
14 anything, don't go onto Facebook and start posting  
15 I'm on a jury and things like that.

16 The urge to do that I know is strong, but if  
17 you do it, it's improper and it causes us great  
18 grief. It will cause you great grief. And, again,  
19 we might have to declare a mistrial and start this  
20 thing all over again. We don't want to do that. We  
21 don't want -- we only want to do this one time. So  
22 please refrain from doing anything like that. Just  
23 go home and enjoy the evening. The Olympics are on  
24 if you care about that sort of thing, just T.V., do  
25 whatever you do, read a book, but just don't really

1 think about this case again until tomorrow morning.

2 But if you would, be in the jury room by about  
3 9:20 and we will hopefully get started right at 9:30  
4 for you, okay. Thank you so much for your patience  
5 today. And we will see you bright and early in the  
6 morning.

7 (The jury was excused for the day.)

8 **THE COURT:** All right. Is there anything we  
9 need to deal with before we break for the day?

10 **MR. GRAHAM:** Not from the State, Your Honor.

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

13 **THE COURT:** Wonderful. Well, thank y'all for  
14 moving things along so well and cooperating and we  
15 will see everybody a little bit before 9:30, all  
16 right. Thank you.

17 (The proceedings were concluded for August  
18 6, 2012.)

19 (The following proceedings were held on  
20 August 7, 2012.)

21 **THE COURT:** Are y'all ready to go?

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

23 **THE COURT:** Well, let's bring that jury in.

24 Let me just remind the audience, you're welcome  
25 to come and watch, but if there is any kind of

1 talking during the testimony, I'll have you removed  
2 and you will not be allowed to return. So if you  
3 cannot keep yourself quiet, go ahead and go on out  
4 now, but if I have to call you down, you'll be asked  
5 to leave and you will not be allowed to return.

6 (The jury enters the courtroom at 9:33 a.m.)

7 **THE COURT:** Okay. Folks, welcome back. We are  
8 going to resume now with the State calling their  
9 next witness.

10 So, Mr. Solicitor, when you're ready, go ahead.

11 **MR. GRAHAM:** Thank you, Your Honor. The State  
12 calls Jackie Boyd to the stand.

13 JACKIE BOYD,

14 having been duly sworn, testified as follows:

15 **THE CLERK:** Once you're seated, ma'am, I need  
16 you to speak up loud and clear, state your full  
17 name, spelling your last on the record.

18 **THE WITNESS:** Jackie Boyd, B-o-y-d.

19 DIRECT EXAMINATION

20 BY MR. GRAHAM:

21 **Q** Ms. Boyd, where do you live, ma'am?

22 **A** At 315 Little Mountain, South  
23 Carolina, 29075.

24 **Q** How long have you lived in Little Mountain?

25 **A** Since '07, '08.

1 Q Do you have a lot of family around there?

2 A Yes, sir. My mom and my sister. We all stay  
3 in this little area together.

4 Q Jackie, could you pull that mic a little closer  
5 to you so we can all hear?

6 A I say we all stay in that little area together.

7 Q And that's right there on

8 A Yes, sir.

9 Q Let me ask you a question. Do you want to be  
10 here today?

11 A No, sir, I don't, not in this seat anyway.

12 Q You got subpoenaed to be here, didn't you?

13 A Yes, sir.

14 Q And that's why you're here?

15 A Yes, sir.

16 Q Let me show you State's Exhibit Number 2 that's  
17 in evidence and ask if you recognize that?

18 A Yes, that's my area.

19 Q That's your area. Did you know David Cannon?

20 A (No response.)

21 Q Did you know David Cannon?

22 A Meaning?

23 Q Dave?

24 A Yes.. Dave, the guy -- the white guy.

25 Q The white guy that got killed?

1       A    Yes, sir.

2       Q    Where on               do you live? What's your

3       address?

4       A    315.

5       Q    Do you remember the day that Dave was killed?

6       A    Yeah, kind of, sort of, I guess.

7       Q    Do you remember getting a knock on your door.

8       that morning?

9       A    Yes, I do.

10      Q    Who was in your house when that knock came?

11      A    Me and my niece and my friend.

12      Q    And your friend would be who?

13      A    Pete. His name is Pete.

14      Q    The first visitor you had that day, who was it?

15      A    Cedric Mayers.

16      Q    Do you remember what time Cedric came?

17      A    Around 9:30, something to 10:00, I guess,

18       because we always watch the soap operas together, so

19       somewhere between there.

20      Q    After Cedric came, did somebody else come knock

21       on your door?

22      A    Yes, sir.

23      Q    And who knocked on your door later that

24       morning?

25      A    My nephew, Breon.



1 Q Breon?

2 A Mayers.

3 Q Breon Mayers. And we're talking about the  
4 young man sitting over there next to Mr. Williams,  
5 the attorney?

6 A Yes, sir.

7 Q And how are you related to him?

8 A His granddad and my mom was brothers and  
9 sisters. His dad and I, we all grew up, like,  
10 brothers and sisters.

11 Q What, if anything, did Breon -- did he come in  
12 your house?

13 A Yeah, he spoke.

14 Q What, if anything, did he say to you?

15 A He just asked us where the weed was.

16 Q Where the weed was?

17 A Who had the weed.

18 Q And what did you say to him?

19 A I said I didn't know. I bought my weed from  
20 Dave. And I -- I asked him prior to that Thursday  
21 night and he told me he didn't have any. He  
22 wouldn't have any until that Tuesday, Monday or  
23 Tuesday or something like that.

24 Q After Breon Mayers, your nephew, asked you  
25 where the weed was and you told him there wasn't

1 any, what did he say or what did he do?

2 A He left, was going out the door, going outside,

3 I guess. That's --

4 Q At that time -- I'm sorry, Ms. Boyd. Go ahead.

5 A Yeah, he went out the door. I guess, he be

6 outside.

7 Q Did he say where he was going, what he was  
8 going to do?

9 A Just outside posted up {verbatim}.

10 Q What was the next thing that caught your  
11 attention?

12 A Meaning? I don't know what you mean.

13 Q Well, did you see anything that was unusual?

14 Did you hear anything that was unusual?

15 A No. No, sir. Didn't seem unusual to me.

16 Q Well, did you look out the window?

17 A Yes, I did.

18 Q And when you looked out your window, what did  
19 you see?

20 A I saw Jasmine running.

21 Q And when you say Jasmine, who are we talking  
22 about?

23 A Jasmine Bowers.

24 Q And how do you know Jasmine?

25 A She stay right -- her mom and dad, her mom stay

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1 -- her grandmama and all them stay right across the  
2 street from me a little ways, went to school with  
3 her mom, knew all of them, you know.

4 Q Which way was she running?

5 A Towards her mom's house down by her  
6 grandmama's.

7 Q We're looking at State's Exhibit Number 2 here.  
8 Which one is her house, Jackie, you said she was  
9 running?

10 A Right underneath the yellow writing.

11 Q (Indicating)?

12 A No.

13 Q Underneath it?

14 A That's her trailer and those are her  
15 grandmama's and them houses there.

16 Q So let me give this to you --

17 MR. GRAHAM: Your Honor, can I have her step  
18 down, please?

19 THE COURT: Sure.

20 (Witness leaves the witness stand.)

21 THE WITNESS: Okay. She was running this  
22 a'way.

23 BY MR. GRAHAM:

24 Q So from in front of Dave's coming this way?

25 A Uh-huh.

1 Q What was the next thing that happened after you  
2 saw her running down the road?

3 A (Witness resumes the witness stand.)

4 I got up -- I got up. I went down, down the  
5 door -- well, the next thing that happened, um, the  
6 next thing that happened.

7 Q After you saw Jasmine running, did you hear  
8 anything?

9 A I didn't -- I didn't know if I heard anything  
10 because after all that -- after that, I was told --

11 MR. WILLIAMS: Objection to told, Your Honor,  
12 hearsay.

13 THE COURT: Sustained. Just tell us what you  
14 saw and that sort of thing. You can't tell us what  
15 somebody else told you.

16 THE WITNESS: Thank you.

17 BY MR. GRAHAM:

18 Q Did somebody tell you something?

19 A Yes.

20 Q Based on what somebody told you, what did you  
21 do?

22 A I jumped up and ran down the hall and was going  
23 to go out the door. And when I proceeded to go out  
24 the door and, you know, I was told --

25 MR. WILLIAMS: Objection, Your Honor, hearsay.

1           **THE WITNESS:** I was suggested not --

2           **THE COURT:** Hold on. When he says objection,  
3           you've got to stop and let me rule on it. Again,  
4           don't tell us what somebody else told you, just tell  
5           us what you did or what you heard or what you saw,  
6           okay. If we need to have somebody else come in and  
7           tell us what they told you, then they'll bring them  
8           in, okay.

9           **THE WITNESS:** All right.

10          **THE COURT:** Go ahead.

11          **THE WITNESS:** I went down my stairs and I was  
12          proceeding to go to the corner of my trailer and I  
13          stopped and I come back around and went back into my  
14          house. And I was feeling jittery, you know, nervous  
15          and I wanted to tell my friend --

16          BY MR. GRAHAM:

17          **Q**     Why were you nervous?

18          **A**     Because of what I was told. I mean, you know,  
19          I didn't know and I took it, you know, as a serious  
20          thing and not as --

21          **Q**     And who told you that?

22          **A**     Cedric Mayers.

23          **Q**     Okay. So Cedric told you something that made  
24          you nervous?

25          **A**     Yes.

1       Q     You went outside. Did you see anything when  
2       you went outside that time?

3       A     I really didn't -- I want to say I vaguely  
4       thought I saw something through some bushes, but I'm  
5       not certain. I wasn't certain.

6       Q     What do you think you saw?

7       A     Something white like somebody standing with  
8       something white.

9       Q     Where were they standing?

10      A     In...

11      Q     Do you need to point it out on the chart?

12      A     Like into their driveway, the -- during that  
13      time of the season, the bushes are down and not  
14      quite grown up from my area of my house. And it  
15      was, like, through the shadow of the bushes, like  
16      through here, it looked like somebody was standing  
17      this a'way. And their trailer is here (indicating).  
18      So it wasn't quite down all the way behind. I  
19      guess, because I know the area --

20      Q     Yes, ma'am.

21      A     -- and being gone to their house before, I  
22      guess I'm just knowing, you know.

23      Q     What do you think you saw?

24      A     Somebody standing there.

25      Q     And when you say they were standing there,

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1       where are you talking about?

2       A     Into Sharon and them's drive -- Dave's and them  
3       driveway a little piece.

4       Q     In Sharon and Dave's driveway?

5       A     Yes, sir.

6       Q     If I say that driveway right there --

7       A     Yes, sir.

8       Q     -- is that what you're talking about? And it  
9       looked like somebody dressed in white?

10      A     Yes, sir.

11      Q     Did you recognize that person?

12      A     No, sir.

13      Q     And, at that time, you're where? You said  
14      you're over here --

15      A     Yes, sir.

16      Q     -- around the corner of your house?

17      A     Right there at -- I didn't even -- yeah.

18      Q     After you saw what you think is somebody in  
19      white on Dave and Sharon's driveway, what did you do  
20      next?

21      A     I went into the -- back into my house to wake  
22      my friend to tell him what I thought was going on.

23      Q     What did you tell him?

24      A     That I thought that Dave might have got shot  
25      that -- because I was told that.

1           **MR. WILLIAMS:** Objection, Your Honor.

2           **THE COURT:** Sustained. Strike that last part.

3           Just tell us what you told him, all right.

4           **THE WITNESS:** Well, I didn't get into -- get to  
5 tell him anything because he told me he didn't even  
6 want to hear --

7           **MR. WILLIAMS:** Objection, Your Honor, hearsay.

8           **THE COURT:** Well, you can just say what you  
9 said, all right. Just leave out the part about what  
10 somebody else said.

11          **THE WITNESS:** I wasn't able to even tell him  
12 what I felt was going on because he didn't want to  
13 hear it. He told me to have a seat.

14          BY MR. GRAHAM:

15          **Q**     Don't worry about what anybody told you. My  
16 question is what did you -- and who are we talking  
17 about?

18          **A**     Pete, my friend.

19          **Q**     Talking about Pete?

20          **A**     Yes.

21          **Q**     Okay. You went and did you say you woke Pete  
22 up?

23          **A**     Yes.

24          **Q**     Okay. When you woke Pete up, what did you say  
25 to Pete?



1       A     Pete, I said, I think -- I think Dave might  
2       have got shot or I don't --

3       Q     And without saying what Pete said back to you,  
4       tell me what you did next.

5       A     I went and sat down. I went and sat down. And  
6       I couldn't sit still. And I got ready to get up and  
7       I go back out the door and I didn't go out the door.

8       Q     At some point did you look back out the window  
9       again?

10      A     Yes, sir, I did.

11      Q     When you looked back out the window, what did  
12      you see?

13      A     I seen a -- when I looked out the window, I  
14      seen a car going through my yard and it glared --  
15      with the glare off it, it looked like silver, a  
16      silver car. I couldn't actually tell.

17      Q     Did you recognize the car?

18      A     No. I couldn't -- no, I didn't. I did not  
19      recognize the car.

20      Q     Do you remember -- what, if anything, do you  
21      remember about anybody -- after you told Pete that  
22      you think Dave's been shot, who, if anybody, do you  
23      see in your backyard?

24      A     I saw this guy I didn't know had a -- coming  
25      towards my house with a rifle and this other guy

1 running, which he had something in his hand he had  
2 dropped and picked up. And I was closing my door,  
3 proceeded to close my door because once I see the  
4 guy I didn't recognize, I was closing my door then.  
5 And Cedric was there and he stepped in front of the  
6 window of the door because the door was closed.

7 Q Did you see Jermaine Caughman that day?

8 A Yes, sir, running through my yard.

9 Q Now, what time was that?

10 A I don't -- I don't know.

11 Q Well, in relation -- in relation to the time of  
12 you telling Pete that you think Dave's been shot?

13 A I guess about 10:30 or 11:00, something like  
14 that, I'm not certain.

15 Q And where was he coming from?

16 A From behind my house. There's a road, a dirt  
17 road, down past behind my house, from down in that  
18 a'way.

19 Q Again, looking at the -- looking at the map,  
20 Jackie, where are we talking about?

21 A This road right here on the corner.

22 Q This road here?

23 A That's behind my house there, was coming  
24 across --

25 Q So they were going on that road there --

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1       A     Uh-huh.

2       Q     -- which way were they going?

3       A     They was coming towards my house.

4       Q     From this way?

5       A     Uh-huh.

6       Q     So they were going that way?

7       A     Right.

8       Q     So what, if anything, did Jermaine have in his  
9       hand?

10       THE COURT: I don't think those folks on that  
11       end got to see where you were pointing, so you might  
12       want to --

13       BY MR. GRAHAM:

14       Q     I'm sorry, Jackie. You were talking about this  
15       road. And they were coming from -- this is  
16       here, right?

17       A     Uh-huh.

18       Q     Were they coming from                or to

19       This is your house?

20       A     Uh-huh.

21       Q     Which way did you see Jermaine running?

22       A     See where your right hand is, right there. And  
23       they was coming this way.

24       Q     Coming that way (indicating)?

25       A     Right.

- 1 Q Did Jermaine have anything in his hands?
- 2 A I think it was some weed. He had dropped a bag
- 3 and I believe that's what it was.
- 4 Q Was he by himself or was there somebody else
- 5 with him?
- 6 A Just him. I just remember seeing this dude
- 7 that I don't know and him.
- 8 Q What about Breon?
- 9 A I don't remember seeing Breon come out that
- 10 road that I know.
- 11 Q Jackie, do you remember giving a statement?
- 12 A Yes, I do.
- 13 Q Let me show it to you and ask if you recognize
- 14 your writing in that statement?
- 15 A Yes, I do.
- 16 Q I want you to read, not out loud, I want you to
- 17 read through it.
- 18 A Uh-huh.
- 19 Q Does that refresh your memory?
- 20 A Yes.
- 21 Q Who was with Jermaine that came running by your
- 22 house after you told Pete that you think Dave's been
- 23 shot?
- 24 A Jermaine Caughman and some other guy.
- 25 Q And who else?

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- 1       **A**     I put down Breon Mayers.
- 2       **Q**     Why did you put down Breon?
- 3       **A**     Because of what I was told.
- 4       **Q**     Did you see Breon?
- 5       **A**     Not since -- not since he left my house. I  
6       didn't see him no more after he left my house.
- 7       **Q**     Jackie, do you recognize this detective right  
8       here?
- 9       **A**     Yes, sir.
- 10      **Q**     Do you remember talking to him in your house on  
11      June 27, 2012?
- 12      **A**     Yes, sir.
- 13      **Q**     Do you remember telling him that you saw Breon  
14      Mayers, Jermaine Caughman and another person run  
15      past your house after you heard gunshots?
- 16      **A**     Yes, sir, I do remember saying that.
- 17      **Q**     But you saw it. Isn't that what you told him?
- 18      **A**     I guess I did. I guess I did tell him that.
- 19      **Q**     Isn't that what you saw?
- 20      **A**     No, I'm not -- no, I'm not going to say that's  
21      what I saw. You got to understand I cannot sit here  
22      and say what someone told me because I didn't look  
23      out my window and didn't see anyone in my yard. I  
24      saw Jasmine running. I saw somebody over there in  
25      Dave's yard. I see two people run through my yard,

1       who I don't -- one, I don't know. I'm scared to  
2       death. I assumed. I assumed. I assumed, like I  
3       put it down.

4       Q     Let me show you this statement. That's the  
5       whole statement that we're talking about. I want  
6       you to read the whole statement to yourself and make  
7       sure if that's what you remember writing. That's in  
8       your handwriting, isn't it?

9       A     (Witness reviewing document.)

10      Q     That's the statement that you gave to Detective  
11      Novak on June --

12      A     Yes.

13      Q     -- 27, 2011 {verbatim}?

14      A     Yes, it is.

15      Q     At your house, right?

16      A     Yes.

17      Q     That's your handwriting, isn't it?

18      A     Yes, sir.

19      Q     Did you tell the truth when you gave it to him?

20      A     Yes, sir, I thought I did.

21      Q     If you go to page three.

22      A     (Witness complies.)

23      Q     Actually, start on page two. It says that you  
24      said something to Pete. What, if anything, did you  
25      say to Pete?

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1       A     I said that I thought that Breon had shot Dave.

2       That might have shot Dave.

3       Q     And then it says, After that, did you go look  
4       out the door?

5       A     I went to my door and I seen this guy running  
6       that I didn't know.

7       Q     Did you rec -- you didn't recognize that  
8       person?

9       A     No, sir.

10      Q     And what did that person have in their hand  
11     according to you?

12      A     A rifle, a shotgun.

13      Q     Then what's the next thing you did?

14      A     What do you mean the next thing I did?

15      Q     Well, did you go inside or stay outside or what  
16     did you do?

17      A     I was coming back into my house when I seen...

18      Q     And then when you went back in your house, did  
19     you look out the window?

20      A     When I looked out the window, I seen a car.

21      Q     Didn't you tell Detective Novak and didn't you  
22     write down in this statement that you looked out the  
23     window of the door and saw Jermaine with two bags of  
24     weed?

25      A     Uh-huh. Yes, sir.

1 Q And then what, if anything, did you say to  
2 Detective Novak about Breon?

3 A I said that I don't think that Breon had  
4 anything.

5 Q Isn't it true that you told him, Breon had  
6 something else, I can't remember what?

7 A That's what it says on the paper, I don't know.

8 Q That's your handwriting and that's what you  
9 wrote --

10 A Yes, sir, that's what I got down on the paper,  
11 yes.

12 Q So after you woke up Pete and told him that you  
13 thought that Dave might have been shot, you saw how  
14 many people run past your window, past your door,  
15 past your house together?

16 A I saw two. I saw two.

17 Q Your statement says different, doesn't it?

18 A Yes, it does. It says I saw Breon, but only  
19 one -- on what you're saying on by hearsay, I never  
20 seen Breon. It was only what was said to me. And I  
21 didn't see Jasmine, but I saw Jasmine running, but I  
22 was told that Jasmine was in my yard.

23 MR. WILLIAMS: Objection, hearsay, Your Honor.

24 THE COURT: Again, don't tell us what somebody  
25 else told you.



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1           **THE WITNESS:** With all that going on --

2           BY MR. GRAHAM:

3           **Q**     Answer this question for me, ma'am. Is this  
4           what you told Detective Novak on June 27, 2012, at  
5           your house, I closed my door, looked out the window  
6           of the door, saw Jermaine with two bags of weed and  
7           Bre had something else, I can't remember what; isn't  
8           that what you told him?

9           **A**     Yes, sir.

10          **Q**     And then it says, Ran past my door, correct,  
11          that's what you told him?

12          **A**     Yes, sir, ran past my door.

13          **Q**     Further on down there, what, if anything, did  
14          you tell Detective Novak about Breon and his car?

15          **A**     It says that Breon was driving -- let me get it  
16          right...

17          **Q**     Do you see that in there?

18          **A**     (Witness reviewing document.)

19          **Q**     Halfway down on page three, ma'am.

20          **A**     Yeah. Went to the door, he was at the car.  
21          Breon was driving, came there -- came through my  
22          yard, backyard, and out the back driveway.

23          **Q**     And that's what you told Detective Novak that  
24          day, wasn't it?

25          **A**     Yes, sir, that's what I told because when that

1 car --

2 Q And that's what you saw, isn't it?

3 A That's what I thought I saw anyway.

4 Q That's what you saw, isn't it, ma'am?

5 A That's what I thought I saw anyway. You're not  
6 understanding what I'm saying. I figured -- which  
7 what I thought doesn't mean anything. I never  
8 looked out my window. Someone is telling me  
9 different stuff, it's going through my head and this  
10 is my scenario. I saw them two people. I assumed  
11 that third person was my cousin, Breon -- nephew.

12 Q But that's not what you said in this  
13 statement --

14 A That's not what I --

15 Q -- that's not what you told him, is it?

16 A No.

17 Q You told him it was Breon, not that you assumed  
18 it was Breon; isn't that right?

19 A Yes, that's what I said. That's what I said.  
20 But I didn't see Breon after he left my house. I  
21 assumed that. I took it upon myself to assume that  
22 that third person was Breon and I put it on paper.

23 Q But you didn't say I assume, did you, ma'am?

24 A No, I didn't. No, I didn't, not on paper.

25 Q Is there a reason you're changing your story

1 today?

2 A There is no reason I'm changing no story. What  
3 I put it on paper and what I'm saying is here. I  
4 guess you just had to have been there and see or  
5 hear what I heard. I don't know.

6 Q On page four of your statement at the very  
7 bottom, what, if anything, did you say to Detective  
8 Novak in writing in this statement is, who is they  
9 you referred to that came running by your house  
10 after the shots, and what did you say?

11 A Jermaine Caughman, Breon Mayers and some other  
12 guy. That's what I wrote down.

13 Q And nobody told you what to say, did they?

14 A Nobody told me not to say that, but they didn't  
15 tell me to say it. I'm assuming that third  
16 person...

17 Q You told Detective Novak that you saw Breon  
18 there that day because you did, didn't you?

19 A I saw Breon in my house that morning, yes, I  
20 did.

21 Q And you saw him run past your house after you  
22 thought Dave had been shot with Jermaine and some  
23 other man you didn't know; isn't that correct?

24 A I thought it was Breon.

25 Q You thought it was Breon?

1       A     I thought -- yes.

2       Q     And you told the police it was Breon?

3       A     I did tell them that.

4       Q     And you told the police that they drove away in  
5       Breon's car, didn't you?

6       A     I told them that I couldn't describe the car,  
7       but it was a car like -- I guess, it could have been  
8       a car like Breon and I wrote down, A car like Breon.  
9       That's why it's on the bottom of my statement.

10      Q     And Breon's your nephew, right, ma'am?

11      A     Yes, he is.

12      Q     You've known him his whole life?

13      A     Yes, I have.

14      Q     If you thought you saw him, you saw him, didn't  
15      you?

16      A     Yes, if I thought I saw him, I saw him. He  
17      came into my house.

18      Q     And when you saw him running by your house,  
19      that was the same man, that's your nephew, wasn't  
20      it?

21      A     I'm not going to sit here that I say -- I  
22      didn't see the third person totally. I assumed it  
23      was him.

24      Q     But that's not what you told the police. You  
25      didn't tell the police you assumed, you told the

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1 police it was Breon, didn't you?

2 A That's what I told them, yes, it is.

3 Q In fact, six days after Dave Cannon was shot  
4 and killed?

5 A If they came to me maybe six days after, I  
6 don't know. I don't know about no six days after.  
7 I can't remember that far back, six days after.

8 Q Do you love Breon?

9 A Do I love Breon?

10 Q He's your family?

11 A Of course. Yes, he is. He's like my own son.

12 Q Would you lie for him?

13 A Would I lie for him? No, not nothing like  
14 this. No, I wouldn't like lie for Bre.

15 Q Would you bend the truth?

16 A What is bending the truth?

17 Q Changing your story, ma'am. Would you change  
18 your story for him?

19 A No.

20 Q Isn't that what you've done today?

21 A No, I'm not changing my story. Everything I  
22 tell you in my story is the truth. What I can't --  
23 you can't go by on my hearsay and then I got to  
24 believe on what was told to me is what I'm believing  
25 and this is what I come up with.

1       Q     But, ma'am, in your statement, you would agree  
2       with me that you didn't tell Detective Novak that  
3       somebody told you they saw --

4       A     Yes, I did.

5       Q     -- Breon. Show me where it says that in the  
6       statement.

7       A     I said, Ced looked out the window and I asked  
8       him what did he say. He said he saw Breon and  
9       Jasmine. He said --

10      Q     Ma'am, the part where it talks about you  
11      looking out and seeing the three window -- the three  
12      people running by, Jermaine Caughman carrying weed,  
13      another one unknown male carrying a rifle and Breon  
14      Mayers having something maybe in his hand, tell me  
15      where it says Cedric Mayers told you that.

16      A     Cedric didn't tell me that. I assumed that by  
17      me seeing them other two guys and the other third  
18      person hadn't come through, I took it upon myself to  
19      assume that was Breon. And I didn't see him with  
20      anything. I can't even remember seeing him having  
21      anything.

22      Q     Ma'am, you knew the police were investigating  
23      the murder, didn't you?

24      A     I what?

25      Q     You knew that the police were investigating the

1 murder, that's what they were talking to you about,  
2 wasn't it?

3 A Yeah. They come to me telling -- yeah.

4 Q And you agree with me that you told the police  
5 that Breon Mayers ran by your house with those other  
6 two boys, didn't you?

7 A That's what I thought.

8 Q Tell me, ma'am, why, because you're testifying  
9 today that you're assuming it, why would you point  
10 the finger at your nephew if you didn't see him?

11 A I saw Breon that morning and I didn't see  
12 anyone else around the house and although -- despite  
13 what -- the hearsay, that's all I had to go on. It  
14 was just, like, laying right there saying, hey,  
15 there was -- I just ain't see no way -- I just don't  
16 understand. I don't know. I don't know.

17 Q Do you remember meeting with Detective Novak  
18 again on July 9th of this year in Chapin Hall?

19 A Yes, sir.

20 Q I'm sorry, the 19th. Do you remember that?

21 A I remember coming down to the Chapin Hall. I  
22 don't remember quite what day it was.

23 Q But you remember talking to him again getting  
24 ready for this trial?

25 A All of y'all.

1 Q And do you remember telling him that you saw  
2 Breon run past your house with those two boys?

3 A Probably so, probably did tell him that.

4 Q And, ma'am, you didn't tell him that you  
5 assumed it was Breon, you told him that it was  
6 Breon, didn't you?

7 A I guess I did. It's in my statement.

8 MR. GRAHAM: Thank you, ma'am.

9 THE COURT: Cross.

10 MR. WILLIAMS: May it please the Court.

11 CROSS-EXAMINATION

12 BY MR. WILLIAMS:

13 Q Ma'am, I'm Theo Williams. I'm just going to  
14 ask you a couple questions because I'm not going to  
15 beat a dead horse. I just want to know what you  
16 saw. You're under oath now. You've got a jury  
17 sitting right here in front of you.

18 A Yes, sir.

19 Q Did you see Breon Mayers after he came into  
20 your house that morning?

21 A No, sir, I didn't.

22 Q And all this stuff in statements that you've  
23 talked about is what somebody else has told you or  
24 what you assumed happened based on you seeing Breon  
25 that morning?



## JACKIE BOYD - CROSS BY MR. WILLIAMS

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1       A     Right.

2       Q     Did you actually see a car that day?

3       A     Going through my yard.

4       Q     What color was that car?

5       A     The sun glared off and it was like a silver,  
6       gold.

7       Q     But you don't know that that was Breon's car  
8       either, do you?

9       A     It was a sedan, four-door. I didn't know -- I  
10      was asked a question. I didn't know how to describe  
11      the car. It could have been a car like Breon's. I  
12      put on the paper a car like Breon's.

13      Q     Right. And you actually told -- you actually  
14      told the police officer that it was a silver car,  
15      didn't you?

16      A     I think so. I told him I didn't -- I didn't  
17      know the -- I couldn't describe the car. I don't  
18      know. With the sun glaring off, it could have been  
19      a gold, silver. And I put down --

20      Q     You put down silver?

21      A     Yes.

22      Q     So in the same statement that somebody was  
23      telling you what to put in your statement, you put  
24      down silver as being the car that you saw; is that  
25      correct?

1           **A**     Yes, sir.

2           **MR. WILLIAMS:**   That's all I have, Your Honor.

3           **THE COURT:**   Redirect.

4                               REDIRECT EXAMINATION

5           **BY MR. GRAHAM:**

6           **Q**     And in that statement, ma'am, didn't you say  
7           they left in Breon Mayers' car?

8           **A**     In a car like Breon.

9           **Q**     No, ma'am. Doesn't it first say, They left in  
10          Breon Mayers' car? If you'll turn to page four.

11          **A**     (Witness complies.)

12          **Q**     Second question from the bottom, Whose car did  
13          they leave in? What did you say?

14          **A**     They left in Breon Mayers' car, a four-door  
15          silver car like the one Breon drives. Because I  
16          said to them, I can't describe the car, what do I  
17          put down? That's what I said. And I was like,  
18          well, could it have been Breon's? I was like, well,  
19          a car like Breon, that's what I put down.

20          **MR. GRAHAM:**   Your Honor, the State would offer  
21          Ms. Boyd's statement into evidence at this time.

22          **MR. WILLIAMS:**   And, Your Honor, we would object  
23          to that.

24          **THE COURT:**   613(b) it doesn't come in. She's  
25          admitted to making all the statements. She just

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1 says that she changed her story now. But under 613,  
2 if there's not extrinsic evidence, it isn't allowed  
3 as long as she admits that she did make the earlier  
4 statement. So it doesn't come in. But you've had a  
5 chance to thoroughly cross-examine her on it.

6 **MR. GRAHAM:** Thank you, Your Honor. I don't  
7 have any other questions for this witness.

8 **MR. WILLIAMS:** No questions on recross, Your  
9 Honor.

10 **THE COURT:** You can step down.  
11 Next witness.

12 **MR. SCOTT:** State calls Clifton Holley.

13 CLIFTON HOLLEY,  
14 having been duly sworn, testified as follows:

15 **THE CLERK:** Once you're seated, speak up loud  
16 and clear, stating your full name and spelling your  
17 last on the record, please.

18 **THE WITNESS:** My name is Clifton Holley.

19 DIRECT EXAMINATION

20 BY MR. SCOTT:

21 **Q** Mr. Holley, where are you from?

22 **A** I'm originally from Pomaria, South Carolina,  
23 but I live on 319 Road.

24 **Q** Okay. And what is the name of that community?

25 Where is Road located?

- 1       A     It's right there in Little Mountain.
- 2       Q     Little Mountain?
- 3       A     Uh-huh.
- 4       Q     And how long have you lived in that area?
- 5       A     I've been over there for about five years.
- 6       Q     Who do you live with?
- 7       A     I live with Kristin Boyd.
- 8       Q     Where are you employed?
- 9       A     I'm employed over there in V.C. Summers right
- 10      now, the nuclear plant.
- 11      Q     Do you recall October 21st of last year?
- 12      A     That was the murder, I think, October
- 13      something.
- 14      Q     Well, do you remember the day of the murder?
- 15      A     I remember the day, but I do remember what
- 16      happened, you know what I'm saying.
- 17      Q     Tell me what you were doing that morning.
- 18      A     Deer hunting. I was in a deer stand.
- 19      Q     Deer hunting, is that what you said?
- 20      A     Deer hunting, uh-huh.
- 21      Q     And in relation to your home, where is that
- 22      deer stand?
- 23      A     My deer stand is at the bottom behind my house
- 24      down, like, in a creek down there.
- 25      Q     Are there some woods behind your house?

1       A     Yes.

2       Q     I'm going to show you State's Exhibit Number 2.

3       Do you recognize what this is?

4       A     Yes.

5       Q     Okay. Do you see your home on here?

6       A     Yes. My home is right there (indicating).

7       Q     Okay. And do you see Dave Cannon's home?

8       A     Right in here I think (indicating).

9       Q     Okay. Is the area you were hunting, is it

10      depicted in this picture?

11      A     Where I was at my deer stand is way on back

12      down here (indicating).

13      Q     Okay. Did you hear anything that was

14      noteworthy while you were in your deer stand?

15      A     Well, it was about 10:45 or 10:30, I heard gun

16      -- well, after about 10:45, it was about 30 minutes

17      after that, I heard two gunshots.

18      Q     Okay. 10:45, you're saying 30 minutes after

19      10:45?

20      A     Yeah, something like that.

21      Q     Okay. So, approximately, 11:15?

22      A     Yes.

23      Q     What did you hear?

24      A     The gunshots, you know, the gunshots you can't

25      really tell because people deer hunt down there and

1       when they hunt, you know what I'm saying, gunshots,  
2       they echo down there at the bottom of the creek  
3       line, so, you know. And you can't really tell  
4       because I got people that deer hunt on one side of  
5       me on the right side and the left side, so, you  
6       know, you can't really tell how the sound really is  
7       at the bottom.

8       Q     Well, did they sound like -- do you know the  
9       difference between a shot fired from a handgun and a  
10      long gun?

11     A     Yes.

12     Q     And what kind of shots were these?

13     A     They sound -- pistol shots. It wasn't no rifle  
14      shots I know that.

15     Q     You know they were not rifle shots?

16     A     Yes, I know that.

17     Q     How long have you been deer hunting?

18     A     I been deer hunting ever since I was 19 years  
19      old.

20     Q     How old are you now?

21     A     Forty-one.

22     Q     So, approximately, 11:15 --

23     A     Uh-huh.

24     Q     -- you hear some shots?

25     A     Uh-huh.

1 Q What was the next thing that you heard?

2 A I heard the ambulance coming probably about 35  
3 or 40 minutes after that.

4 Q Did you -- okay. Thirty-five, 40 minutes after  
5 that, so we're, approximately, noon?

6 A Yes.

7 Q What happened next?

8 A That's whenever -- after that, I heard the  
9 ambulance. So when they came around the corner, I  
10 heard it stop across the street, you know what I  
11 mean. So I was getting ready to get out of my deer  
12 stand anyway, climb down my tree climber, and that's  
13 when my brother-in-law came to the edge of the woods  
14 and screamed at me and told me --

15 MR. WILLIAMS: Objection, Your Honor, hearsay  
16 in regards to what the brother-in-law is screaming  
17 or saying.

18 BY MR. SCOTT:

19 Q And let me tell you, please don't say anything  
20 that anyone else said to you.

21 A Okay.

22 Q Where did you go after you left your deer  
23 stand?

24 A I went in my house and took my hunting clothes  
25 off and put my rifle underneath my bed.

1 Q Did you see where the ambulance went?

2 A No, I didn't see no contact or anything. I  
3 couldn't see anything.

4 Q You never saw where the ambulance had gone?

5 A No, I didn't.

6 Q At some point did you go across the street to  
7 Dave Cannon's home?

8 A No, I didn't go across the street. I was just  
9 right there at the road over there.

10 Q Did you ever speak with law enforcement?

11 A Well, one law enforcement, the guy that I went  
12 to school with named Wesley Bolin.

13 Q Did you speak with him?

14 A Yeah. He asked me what was going on.

15 MR. WILLIAMS: Objection to hearsay, Your  
16 Honor.

17 THE COURT: Sustained.

18 BY MR. SCOTT:

19 Q Did you speak with that officer?

20 A Yes, sir.

21 Q Eventually, did you give a statement to law  
22 enforcement?

23 A Yes. I gave a statement to one of the agents  
24 or whatever it is that came and talked to me.

25 Q And it was the day of the shooting?



1       **A**     Yes.

2       **Q**     And you told them what you've just told this  
3       court today?

4       **A**     Yes.

5           **MR. SCOTT:** Please answer any questions  
6       Mr. Williams may have.

7           **MR. WILLIAMS:** No questions, Your Honor.

8           **THE COURT:** You can step down. Thank you.

9           **MR. SCOTT:** We would ask that Mr. Holley be  
10       released from his subpoena.

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

12          **THE COURT:** You're welcome to stay or free to  
13       go.

14          **MR. SCOTT:** The State calls Barry Kinard.

15                       BARRY KINARD,  
16       having been duly sworn, testified as follows:

17          **THE CLERK:** Have a seat right up there, please,  
18       sir. Once you're seated, speak up loud and clear,  
19       stating your full name on the record and spell your  
20       last.

21          **THE WITNESS:** Barry Kinard, K-i-n-a-r-d.

22                       DIRECT EXAMINATION

23       BY MR. SCOTT:

24       **Q**     Where are you from, Mr. Kinard?

25       **A**     Chapin.

- 1 Q How long have you lived up there?
- 2 A All my life.
- 3 Q Are you employed?
- 4 A Yes, sir.
- 5 Q What do you do for a living?
- 6 A I work at Michelin Tire Plant.
- 7 Q Do you do anything else?
- 8 A I cut trees on the side around houses.
- 9 Q Do you know a guy named Dave Cannon?
- 10 A Yes, sir.
- 11 Q How did you meet him?
- 12 A Cut some trees across the road from his house
- 13 on a ditch bank. I was helping another guy do it.
- 14 It wasn't my job. He hollered at me about cutting
- 15 some limbs over at his house.
- 16 Q Where was his house?
- 17 A Straight across the road from where I was
- 18 working at on Lane -- or Road,
- 19 I think.
- 20 Q How long ago was that?
- 21 A Five and a half years ago roughly.
- 22 Q Okay. Were you all friends after that?
- 23 A Yes, sir, once I got to know him and he got to
- 24 know me.
- 25 Q Did you hang out very often?

1       **A**     Off and on, you know. I mean, I'm off through  
2       the week a lot. He didn't -- he was sick, you know,  
3       a lot of times he'd ride to the dump with me or I  
4       got a horse, going to need hay, he'd ride with me to  
5       go get hay, stuff like that.

6       **Q**     What were you doing on the morning of October  
7       21st, 2011?

8       **A**     Me and my cousin was going to split some wood  
9       and we ended up riding by there to check on him see  
10      how he was doing. And I had a part, I don't  
11      remember what the name of the part is, but it goes  
12      on a boat. He was over at the house a couple weeks  
13      earlier and seen that I had a couple of them and  
14      wanted one.

15      **Q**     It's a boat part you're talking about?

16      **A**     Yes, sir.

17      **Q**     And so that morning you're saying you're taking  
18      one of those parts to him?

19      **A**     Yeah. I was going to drop it off by there.

20      **Q**     Do you remember about what time that was?

21      **A**     I called I think it was -- I think it was  
22      11:45, didn't get no answer. I passed the road he  
23      lives on and then I called again, didn't get no  
24      answer. And I said, shoot, it's almost dinner time,  
25      he got to be up. And I turned around, went back and

1       when I pulled up in the yard, the back door was wide  
2       open. I said, well, he's here and I got out and  
3       walked up there and that's when I found him.

4       Q     What did you see?

5       A     I walked up to the back door, he was laid on  
6       his back, looked like he kind of collapsed down.  
7       There was a cup and some ice laying on the floor. I  
8       mean, he'd been sick, I didn't think he just passed  
9       out because he was sick, but I wasn't sure, but, you  
10      know, just by the way his face looked, I didn't feel  
11      right about it.

12      I kind of hollered his name. I felt a hundred  
13      percent sure he was dead, but I walked up kind of to  
14      him and, you know, hollered his name. He didn't  
15      respond, shook him a little bit, walked back out and  
16      hollered at my cousin, walked down toward the truck  
17      and said, you know, how about come here and look at  
18      Dave, I believe he done died, you know.

19      Q     Who is your cousin?

20      A     Jerry Taylor. His name is Jesse Jerry Taylor.

21      Q     He was riding with you that day?

22      A     Yes, sir.

23      Q     Was he a friend of Dave's as well?

24      A     Yeah.

25      Q     What, if anything, do you know about Dave

1 Cannon and marijuana?

2 A I knew he had it. I knew, you know, he sold it  
3 a little bit. I mean, I didn't know the extent of  
4 it, but, I mean, I knew he had weed. And I seen him  
5 smoke it every now and then, but I think he mainly  
6 drank liquor from what I saw.

7 Q Did you smoke marijuana with him?

8 A No.

9 Q Are you drug tested at Michelin?

10 A Yes, sir.

11 Q What about Jesse, your cousin, does he smoke  
12 weed with Dave?

13 A I'm sure he has. He's gone over there with me  
14 before and Jerry's gotten a little weed from him,  
15 you know. Jerry don't have a lot of money. He  
16 doesn't work that much, you know. It wasn't like he  
17 was going over there and buying a whole bunch or  
18 nothing.

19 Q You ever seen Dave Cannon with money?

20 A Oh, yeah. I ain't never seen him without.

21 Q Cash money?

22 A Oh, yeah.

23 Q Did he carry it on him?

24 A I've always seen him carry it in his front  
25 pocket.

1 Q Without saying what he would say about the  
2 money, what did you have to say about him carrying  
3 around cash like that?

4 A Well, he thought it was crazy that I used a  
5 card, you know, that I don't carry cash with me. I  
6 might have 10, 15, \$20 on me. I thought it was  
7 crazy to walk around with, I don't know, 600, \$2,000  
8 in your front pocket, you know, and don't mind  
9 pulling it out and letting people see it, you know,  
10 I got money.

11 Q People knew he had a little bit of money on  
12 him?

13 A I did. I mean, you know, I'm sure other people  
14 did, too.

15 Q You said earlier that when you came in, he was  
16 lying on his back. Could you tell if he was  
17 breathing or not?

18 A The first thing I thought he was dead.

19 Q Did you tell me you saw ice on the floor?

20 A Yes, sir.

21 Q What did that mean to you?

22 A It hadn't been long he'd been laying there  
23 first thing popped in my head, you know. And, you  
24 know, I kind of thought, you know, maybe he was  
25 still alive, but, you know, me and my cousin checked

1 him and I felt a hundred percent sure, you know, he  
2 was dead.

3 Q Did Jesse come back there, without saying  
4 anything he would have said, but did Jesse go back  
5 to the back door and look at Dave with you?

6 A Yeah.

7 Q What did y'all do next?

8 A Well, we came back up there and Jerry, you  
9 know, hollered his name. And his knee was sticking  
10 up in the air a little bit and Jerry grabbed his leg  
11 and shook it and there wasn't nothing. And I said,  
12 you know, let's get out of here and I called 9-1-1.

13 Q How far into the back door was he lying?

14 A The back door is right here. I'd say he was  
15 laying, like, right there (indicating). He was  
16 right there at the back door like.

17 Q To the right or to the left?

18 A To the right.

19 Q Did you go call 9-1-1?

20 A Sir?

21 Q Did you call 9-1-1?

22 A Yes, sir.

23 Q And where did you go to call 9-1-1?

24 A I went to the church up the road, I guess,  
25 maybe a mile.

1       Q     Okay. So directly from there, you went to the  
2       church to call. About how long after arrival did  
3       you call 9-1-1?

4       A     Arrival to his house or arrival to the church?

5       Q     Yes, sir, arrival to his home.

6       A     When I left his house, I don't -- I think I  
7       called 9-1-1 on the way to the church. I'm pretty  
8       sure that's what I was doing, I was calling while I  
9       was driving up there. I didn't really know how to  
10      tell them to get to his house because I didn't know  
11      the address, so I picked the church because the road  
12      they would come out of would be directly in front of  
13      the church. And I told them I'd be waiting. When  
14      they come out to the stop sign, I'll be driving a  
15      silver jeep, just whip in behind me, I'll take you  
16      to his house.

17            So, I mean, you know, I called them on the way  
18      up there. I didn't sit there, thinking -- it didn't  
19      seem like about five minutes, they were there. It  
20      didn't seem like long the ambulance got there.

21      Q     And then you led them back to

22      A     Yes, went straight there.

23      Q     What happened next?

24      A     The guy driving the ambulance, he -- we walked  
25      back there and I see he's right in there and he



1 walked in there. And it don't seem like he was in  
2 there but just a minute or two and he said, you  
3 know, everybody get back, he's been shot.

4 Q And did -- do you remember when the police  
5 arrived?

6 A Vaguely. I mean, I remember when they got  
7 there, but I don't remember who got there first. I  
8 know Newberry County came. I think Chapin came.  
9 And then I think Lexington County got there, I  
10 think, and then had to wait on a detective, I  
11 believe. I was there most of the day.

12 Q And you eventually gave a statement that day  
13 about what you saw?

14 A Yes, sir.

15 MR. SCOTT: Thank you. Please answer any  
16 questions Mr. Williams may have.

17 CROSS-EXAMINATION

18 BY MR. WILLIAMS:

19 Q Good morning.

20 A Good morning.

21 Q Mr. Kinard, had you seen your friend, Dave, the  
22 day before?

23 A No.

24 Q Had you seen him in close proximity maybe two  
25 days before or something like that?

1       A     No, sir. I believe if I remember right, the  
2       last time I'd seen him before I stopped there was  
3       probably a week, week and a half, two weeks before  
4       that. And he'd stopped by the house and that's when  
5       he noticed I had that aluminum thing to go on the  
6       boat, goes on the motor and the trailer.

7       Q     Have you ever seen him carrying around any type  
8       of container that he normally stores weed in?

9       A     No, not on him personally.

10      Q     Have you ever seen him move a container of weed  
11      about, like from his car to another car or anything  
12      like that?

13      A     No. I have seen a container of weed, though.

14      Q     Where did you see that container of weed?

15      A     In his bedroom.

16      Q     All right. What did it look like?

17      A     It's a, like a plastic, bigger than a lunch  
18      container, you know, plastic thing with a lid on it  
19      and had a little bit of marijuana in it.

20      Q     When you say a little bit, would you say half a  
21      pound or a pound?

22      A     I'm not familiar with that, but, I mean, about  
23      that big around, probably about that long  
24      (indicating), maybe two or three bags of it.

25      Q     Did you ever take him to pick up his car or

1 anything like that?

2 A No, sir. He always rode with me.

3 Q So you've never seen him transfer marijuana  
4 from one location to another?

5 A No, sir. When he was with me, he always  
6 carried a little container with a little bit of  
7 whiskey in it.

8 Q So he would just leave his marijuana in the  
9 house if he was going with you somewhere?

10 A He might would take a half a joint with him.

11 Q But most of it he would leave at the house?

12 A That's exactly right.

13 Q All right. What's the most marijuana you've  
14 ever seen in his house?

15 A Two or three little bags, which I -- I don't  
16 know if that's little, you know, about that big  
17 around. If I had to guess, I mean, I wouldn't think  
18 it was over, I don't know, four or five ounces.

19 Q It wouldn't be a half a pound or a pound?

20 A I find that hard to believe, but it might  
21 would. I don't know what he had as far as that  
22 amount. That's a lot of weed I would think.

23 Q So if --

24 A But I wasn't into all of that either, you know.

25 Q So if he had a pound of marijuana, you would

1 think that he would be, what you consider, a big  
2 time marijuana seller or drug dealer?

3 A I don't really know if that would be big time  
4 or not. I would say, you know, if you got ten  
5 pounds, you're growing.

6 Q And it's your testimony that you never bought  
7 marijuana from him; is that right?

8 A No, sir.

9 Q Just your -- is that your cousin you say bought  
10 it?

11 A Yeah.

12 Q How did you know that he sold marijuana?

13 A I mean, we got to be friends.

14 Q Okay.

15 A I know what he did as far as that go.

16 Q Did you know how much marijuana he sold or how  
17 much money he made?

18 A Not really. I mean, I figured, you know,  
19 people kind of like cousin or maybe, you know, just  
20 people dropping in, you know, I wouldn't think it  
21 would be -- I mean, I don't think he was rich.

22 Q What was the amount of money you said you saw  
23 on him at different times?

24 A I would say between 600 to \$2,000, just  
25 guessing. I mean, he always had money. I mean --

1 he went with me to the tough man contest. You know,  
2 it's nice to have somebody walking around, got  
3 plenty of money.

4 Q What's a tough man contest?

5 A Where people in different states get together  
6 and fight.

7 Q And where would y'all -- where would you go to  
8 see that?

9 A We went to the Jamil Temple, I think it was,  
10 out there on St. Andrews Road to watch those.

11 Q When was that?

12 A Probably three years ago I imagine.

13 Q When he had about \$2,000. How long has he been  
14 disabled?

15 A I ain't never known him to work, I mean, like I  
16 say, five and a half years.

17 Q So he's been disabled -- well, wait a minute.  
18 You've known him five and a half years and you've  
19 never known him to work. Is that what you just  
20 said?

21 A I ain't never known him to have a full-time  
22 job, no, sir. And if he did something, you know, as  
23 far as work, when I was -- I mean, I work a lot,  
24 too. And when I work, I don't really talk to  
25 nobody. I just work and sleep.

1 Q Do you know when he got sick?

2 A I want to say probably four, four and a half  
3 years ago. I mean, I don't know exactly.

4 Q So if he was not working five and a half years  
5 ago, then it wouldn't be because he was disabled as  
6 far as you know?

7 A I don't know. I mean, I know a lot of people  
8 that don't work. I mean, I got family members who  
9 like to drink liquor and, you know, they don't work.

10 Q Right. And he wasn't sick, but he was selling  
11 marijuana when he didn't work; is that right?

12 A I can't say for sure what he done, but I know  
13 he had marijuana.

14 Q And he wasn't sick back then when you knew him,  
15 was he?

16 A I didn't see him sick, but I ain't going to say  
17 he wasn't sick.

18 Q When you say you didn't see him sick, what do  
19 you mean by that?

20 A When I go by there and pick him up, he'd ride  
21 to go get hay with me. I mean, I'm not having to  
22 take him to the hospital or nothing. I'm not trying  
23 to be smart with you. I mean, I'm not around him  
24 everyday.

25 Q Did he go fishing?

1       A     Yeah, we went fishing.

2       Q     Did he go hunting?

3       A     He talked about hunting, but I never went  
4     hunting with him.

5       Q     Are you a hunter?

6       A     Occasionally.

7       Q     And would he ever go fishing by himself?

8       A     I'm pretty sure he did. His mom had a place on  
9     the lake. I mean, it would probably be easy to go  
10    fishing, leave the boat down there, just go there  
11    and get it and take off.

12      Q     So you certainly didn't feel like he was  
13    disabled?

14      A     I don't think he was able to do what I do for a  
15    living.

16      Q     Well, you cut trees, don't you?

17      A     I work at Michelin, also.

18      Q     Okay. So you work two jobs?

19      A     Off and on, yeah. I work one full-time job. I  
20    go to work with short pants on, I mean, it ain't  
21    that hard, but, I mean, he doesn't strike me as the  
22    type of person who could do that. Plus, you got to  
23    have a clean record to get a job down there, you  
24    know. I think he used to be a carpenter.

25           MR. WILLIAMS: I don't have any other

1 questions, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. SCOTT:

4 Q You didn't involve yourself with marijuana as  
5 far as Dave Cannon was concerned, did you?

6 A Not for my personal use. Like I said, when my  
7 cousin go over there with me, he'd get some.

8 Q Did you make it your business to know how much  
9 marijuana he'd have with him?

10 A Not at all. I didn't care as long as it wasn't  
11 in my vehicle with me.

12 Q How many times, I don't know, a month would you  
13 hang out with David Cannon?

14 A I'd say two or three times.

15 Q Did marijuana come up as a topic of  
16 conversation every time you were with him?

17 A No, not every time.

18 Q October of last year, do you recall what  
19 David's health was like at that point?

20 A You never knew how he was going to be when you  
21 went over there. He might be up walking around,  
22 doing good. You might walk over there and he'd be  
23 laid up in the bed look like he was about dead. I  
24 think he had his good days and his bad days.

25 And, if I can, a lot of times when we were



1       together, we'd talk about -- I was going through a  
2       divorce. We'd talk about my children. He done went  
3       through a divorce back years ago, talking about my  
4       ex-wife, stuff like that, you know, talking about  
5       stuff like that.

6       Q     How would you describe his health this past  
7       October?

8       A     I thought he was doing good.

9       Q     But sometimes he was laid up in the bed?

10      A     Every now and then, yeah.

11      Q     Did you have any idea what caused that? Did  
12      you ever know?

13      A     I didn't know for sure, but I think, you know,  
14      it came from, you know, drinking liquor, you know,  
15      that's what I think. I don't know that. Like I  
16      said, I got family members that drink hard and, you  
17      know, it'll kill you. It's a fact.

18      Q     So you never knew what he was suffering from?

19      A     If I had to guess, I'd say something to do with  
20      his liver.

21           MR. SCOTT: Thank you.

22           MR. WILLIAMS: No questions on recross, Your  
23      Honor.

24           THE COURT: You can step down.

25           MR. SCOTT: We would also again ask Mr. Kinard

1 be released from his subpoena.

2 MR. WILLIAMS: Without objection, Your Honor.

3 THE COURT: You're welcome to stay, free to go.

4 Why don't we go ahead and take a ten minute  
5 break for the restroom. Don't talk about the case  
6 or comment on any witness' demeanor or anything like  
7 that and we'll see you back in about ten minutes.

8 (The jury retires to the jury room.)

9 THE COURT: Okay. See y'all in ten minutes.

10 (Brief recess.)

11 THE COURT: All right. You got your next  
12 witness ready?

13 MR. GRAHAM: Yes, Your Honor, the State's  
14 ready.

15 THE COURT: Bring the jury in.

16 (The jury returns to the courtroom.)

17 THE COURT: Call your next witness.

18 MR. SCOTT: Thank you, Your Honor. The State  
19 calls Michael Schlegel.

20 MICHAEL GRANT SCHLEGEL,

21 having been duly sworn, testified as follows:

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

24 THE WITNESS: Michael Grant Schlegel,  
25 S-c-h-l-e-g-e-l.

MICHAEL GRANT SCHLEGEL - DIRECT BY MR. SCOTT

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1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q Where are you employed, Mr. Schlegel?

4 A I'm currently employed with the Lexington  
5 County Fire Service.

6 Q Where were you employed October of last year?

7 A I was assigned to the Chapin Fire Station  
8 working with the fire service, but paid by EMS.

9 Q How long have you worked in emergency medical  
10 services?

11 A Since 1999 when I got out of the Army and then  
12 eight years in the Army since '91. So a little over  
13 20 years, sir.

14 Q So you were, last October, assigned to fire  
15 service, but you were paid by EMS. You were  
16 doing --

17 A I was a dual role. I was working as a  
18 firefighter/paramedic.

19 Q Okay. October 21st of last year, do you  
20 remember being dispatched?

21 A Yes, sir.

22 Q And where was the call coming from?

23 A The call came from the 9-1-1 center. We were  
24 dispatched to 697 Road for a cardiac  
25 arrest.

1 Q Do you remember approximately what time that  
2 call came in?

3 A I was dispatched about 12 o'clock.

4 Q Where were you dispatched from?

5 A 440 East Boundary Road, which is the Chapin  
6 Fire Station.

7 Q How far is that from the location you were  
8 responding to?

9 A I'm not sure about miles. It took us a little  
10 over maybe five minutes to get there, sir.

11 Q Okay. So what was at the location were you  
12 responding to?

13 A We were told that we'd be meeting a silver SUV  
14 at a church at that location and it would take us to  
15 the actual scene.

16 Q And where was the actual scene?

17 A I advised dispatch that the actual scene was  
18 Road.

19 Q What kind of call did you think you were  
20 responding to?

21 A We were dispatched for a cardiac arrest.

22 Q Do you remember who you met with when you  
23 arrived at that church?

24 A It was Mr. Barry, I believe, sir.

25 Q Mr. Barry, Barry Kinard?

1       A     Yes, sir.

2       Q     And where did he take you?

3       A     Again, he took me to                   Road, which  
4       was a trailer.

5       Q     All right. And what did you observe when you  
6       arrived at

7       A     Me and my partner, my partner walked ahead of  
8       me inside the residence. He noticed a gentleman  
9       laying on the ground on his back in a supine  
10      position, hands over his head. My partner said he  
11      couldn't feel a pulse.

12           At that time, I stepped over the individual to  
13      verify that he was not breathing, did not have a  
14      pulse. My partner looked down and said, I believe  
15      there's blood. I said, I'm not sure. It kind of  
16      looks like water. We looked again and sure enough  
17      it was blood.

18           At that time, I went to pull his left side of  
19      his shirt collar down and noticed a bullet hole in  
20      the left part of his chest. At that time, I advised  
21      my partner that this is possibly a crime scene and  
22      we needed to vacate the premises.

23      Q     Okay. You saw some blood. Was there a little  
24      bit of blood or a lot of --

25      A     There was a lot of blood, sir.

1 Q And when you say supine, lying on his back?

2 A Yes, lying on his back with his arms above his  
3 head like so (indicating).

4 Q You said you entered the back door?

5 A Yes, sir.

6 Q How far into the back door was he lying?

7 A Maybe a foot, sir. The room was right next to  
8 the back door.

9 Q Was anyone else in the house?

10 A We were advised that they weren't sure if his  
11 significant other, I assume it was his wife, was  
12 home or not. My partner did go to look for her  
13 while I was doing my assessment on the individual  
14 and nobody was in the house.

15 Q Did you know who the man was?

16 A No, sir.

17 Q Did you eventually determine who the man was?

18 A Yes, sir. They told me he was a David Cannon.

19 Q You said you checked for a pulse, there was  
20 none. Who did you call after you noticed the bullet  
21 holes?

22 A As we were walking out of the house, we did  
23 look down at directly in the back door, noticed two  
24 shell casings. And at that time is when I got on  
25 the radio with dispatch and advised them that I

1       needed sheriff's department to a possible homicide,  
2       sir.

3       Q     Okay. What's a shell casing?

4       A     A cartridge that the ammunition comes in.

5       Q     Okay. Is it what's left after you fire a gun?

6       A     Yes, sir. It's what's left over after you  
7       discharge a weapon.

8       Q     And tell me where they were located, the  
9       casings?

10      A     Right by the back door there was a dryer or a  
11      washing machine right there, right in front of that  
12      washer and dryer.

13               (State's Exhibit Numbers 6 and 7,  
14      photographs, marked for identification purposes.)

15      Q     I'm going to show you State's -- what's been  
16      marked as State's 6 and 7. Do you recognize those?

17      A     Yes, sir.

18      Q     And how are you able to recognize those?

19      A     Those are the cartridges or shell casings, sir,  
20      that we noticed as we were walking out of the back  
21      door.

22      Q     How far away from Mr. Cannon were those?

23      A     Maybe two to three feet at the most, sir.

24      Q     Okay. And you say you called the police after  
25      that?

1           A     We called dispatch to make sure that the  
2                 sheriff's department was en route to us.

3 Q Do those pictures fairly and accurately  
4 represent what you saw on October 21st, 2011?

5           **A.**    Yes, sir.

6                   **MR. SCOTT:** The State would offer State's 6 and  
7                   7 for admission in evidence.

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

9 THE COURT: Admitted.

10 (State's Exhibit Numbers 6 and 7,  
11 photographs, admitted into evidence.)

12 BY MR. SCOTT:

13 Q Do you know how long it took for the police to  
14 arrive after you called them?

15       **A**     Probably about 15 or 20 minutes, sir.

16 Q Did you have any further involvement after  
17 that?

18           **A**     The only involvement we had was trying to keep  
19     his wife from entering the residence after we told  
20     her what had happened.

21 MR. SCOTT: Your Honor, permission to publish  
22 State's 6 and 7 to the jury.

23 THE COURT: You may.

24                   **MR. SCOTT:** Nothing further from this witness.

25 \*\*\*\*\*



MICHAEL GRANT SCHLEGEL - CROSS BY MR. WILLIAMS

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## 1 CROSS-EXAMINATION

2 BY MR. WILLIAMS:

3 Q Good morning.

4 A Good morning, sir.

5 Q You were the first persons to receive the call;  
6 is that correct?

7 A As far as I know, sir, yes.

8 Q So, to your knowledge, you were -- the only  
9 9-1-1 call was directed to you; is that correct?

10 A Yes, sir.

11 Q And the call that you're talking about came in  
12 at 11:57 point 14?

13 A I believe so, sir.

14 Q Pretty close to 12:00, isn't it?

15 A Close enough.

16 Q And it took y'all a few minutes to get there.  
17 When you got there, who did you see at the scene,  
18 because you obviously were following the two  
19 individuals who called it in?20 A Yes, sir. There was nobody else on the scene  
21 that we saw. The two individuals that led us there  
22 pulled over. We pulled around into the driveway and  
23 me and my partner walked into the residence.24 Q Were there -- was there anybody out of the  
25 houses along that road?

- 1       A     After we had pulled on scene, sir, neighbors  
2       did start coming out of their houses to see what was  
3       going on.
- 4       Q     How many persons did you see out?
- 5       A     I never counted, sir, but it was quite a few.
- 6       Q     As many as maybe 20, 25?
- 7       A     At least, sir, probably.
- 8       Q     40 or 50?
- 9       A     I would say probably about 20 personnel that  
10      eventually were there.
- 11      Q     All right. Now, what day of the week was this?
- 12      A     I'm not sure, sir.
- 13      Q     Well, let's just say it wasn't on a weekend was  
14      it?
- 15      A     No, sir. No, it was not on a weekend.
- 16      Q     It was during a work week and there were 25, at  
17      least, 25 people around at that time of day; is that  
18      right?
- 19      A     Yes, sir.
- 20      Q     You didn't have any involvement in the  
21      investigation of this case, did you?
- 22      A     No, sir.
- 23      Q     The only thing you were there was to see if you  
24      could help the individual who had been shot and to,  
25      I guess, mark the scene until the police got there,

1 keep people out until the police got there?

2 A Yes, sir.

3 Q Who did you give the shells to?

4 A We did not touch them, sir. We left them as  
5 they were.

6 Q So you didn't move them at all?

7 A No, sir.

8 Q Now, was there any question about there being a  
9 wound to the temple?

10 A The only wounds I observed, sir, was that one  
11 to the upper left chest.

12 Q So you never saw a wound to the temple at all?

13 A Not that I saw, sir, no.

14 Q And you only saw one wound; is that correct?

15 A Yes, sir.

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

17 THE COURT: Anything further?

18 MR. SCOTT: Nothing further, Your Honor.

19 THE COURT: You can step down.

20 THE WITNESS: Thank you, sir.

21 THE COURT: Next witness.

22 MR. GRAHAM: The State calls Cari Reinberg.

23 CARI REINBERG,

24 having been duly sworn, testified as follows:

25 THE CLERK: Once you're seated, speak up loud

1 and clear stating your full name, spelling your last  
2 on the record, please.

3 **THE WITNESS:** My name is Cari Reinberg,  
4 R-e-i-n-b-e-r-g.

5 **DIRECT EXAMINATION**

6 **BY MR. GRAHAM:**

7 **Q** Cari, could you pull the microphone up to you  
8 and maybe sit a little closer to it so everybody can  
9 hear you?

10 **A** (Witness complies.)

11 **Q** Where are you employed, ma'am?

12 **A** Lexington County 9-1-1.

13 **Q** And what do you do for Lexington County 9-1-1?

14 **A** I'm the training coordinator and the deputy  
15 communications coordinator.

16 **Q** And how long have you worked for Lexington  
17 County 9-1-1?

18 **A** Sixteen years.

19 **Q** As part of your current job responsibilities,  
20 are you designated as a keeper of the records?

21 **A** I am.

22 **Q** And what does that mean? What is a keeper of  
23 the records, what does that mean?

24 **A** Keeping all the information obtained by the  
25 9-1-1 center in a secure location.

1 Q That would be 9-1-1 calls that come in, CAD is  
2 that something that you all keep track of?

3 A Correct. The Computer Aided --

4 Q What is CAD?

5 A Computer Aided Dispatch System.

6 Q What does that mean?

7 A It's the database in which we maintain all the  
8 information from 9-1-1 callers.

9 Q And do you all keep those records in the  
10 regular course of your business?

11 A We do.

12 Q And some of that information comes as  
13 recordings on 9-1-1 calls themselves and some comes  
14 from people with keyboards typing things in,  
15 correct?

16 A Correct.

17 Q And you keep track of all that?

18 A All of that.

19 Q Were you able to find records involving 9-1-1  
20 calls and law enforcement and EMS dispatch related  
21 to the murder of David Cannon on October 21st of  
22 2011, at Road?

23 A I was.

24 Q And did you bring those records with you?

25 A I did.

1 Q Specifically, what was the first call -- when  
2 was the first call that came in regarding a call for  
3 service related to David Cannon?

4 A The first call received was at 11:56 and 37  
5 seconds.

6 Q And what type of a call was that?

7 A That was a medical call.

8 Q And the telephone number that called that 9-1-1  
9 call in was what?

10 A (803) -3646.

11 Q And who did your dispatch system identify as  
12 that caller, the person who called 9-1-1 asking for  
13 EMS assistance?

14 A A Barry Kinard.

15 Q Based on the conversation with Mr. Kinard, what  
16 did -- what did 9-1-1 dispatch do?

17 A Information documented in the CAD call card  
18 stated that there was a subject not moving or  
19 responding. The caller did not know the address,  
20 but would be standing by at the church in a gray  
21 Jeep Commander.

22 Q Did you -- or do the records indicate whether  
23 EMS was dispatched?

24 A Yes, it does.

25 Q And what time did EMS arrive on scene at 304

1

2       **A**     At 12:11 and seven seconds.3       **Q**     And at some point very quickly thereafter was  
4     the call changed from an EMS call to a law  
5     enforcement call?6       **A**     It was.7       **Q**     And what time was law enforcement dispatched?8       **A**     At 12:18.9       **Q**     And what time did law enforcement arrive on  
10    scene?11      **A**     Actually, I only have the EMS CAD report.12      **Q**     Let me show you some documents and ask if you  
13    recognize these documents?14      **A**     I do.15      **Q**     And are those the documents that Lexington  
16    County 9-1-1 provided to my office related to this  
17    call?18      **A**     Yes, they are.19      **Q**     Looking through those, would you see if you can  
20    determine what time law enforcement was dispatched  
21    and what time law enforcement arrived on scene?22      **A**     (Witness reviewing document.)23              **THE COURT:** Can you tell?24              **THE WITNESS:** I'm unable to locate the first  
25    unit arriving on scene for law enforcement.

1 (Pause.)

2 THE COURT: Well, have you got another question  
3 for her because she can't find it?

4 MR. GRAHAM: No, Your Honor. That's all the  
5 questions I have for her.

6 THE COURT: Okay. Anything?

7 MR. WILLIAMS: No questions, Your Honor.

8 THE COURT: You can step down. Thank you.  
9 Next witness.

10 MR. GRAHAM: State calls Roy Mefford.

11 ROY MEFFORD,  
12 having been duly sworn, testified as follows:

13 THE CLERK: Once you're seated, state your full  
14 name, spelling your last on the record.

15 THE WITNESS: It's Roy Mefford, M-e-f-f-o-r-d.

16 DIRECT EXAMINATION

17 BY MR. GRAHAM:

18 Q Sergeant Mefford, is that correct?

19 A Yes.

20 Q Where are you employed, sir?

21 A With the Lexington County Sheriff's Department.

22 Q And how long have you worked for Sheriff Metts?

23 A A little over 14 years.

24 Q And is that your total law enforcement  
25 experience?



1       **A**     I was a MP in the U.S. Army for five years  
2       prior to that.

3       **Q**     You are sergeant -- what are you job  
4       responsibilities as a sergeant?

5       **A**     Right now I'm a sergeant in the major crimes  
6       unit and we -- I supervise a team of investigators.  
7       And I also supervise the CSI unit along with the  
8       gang task force.

9       **Q**     Did you say violent crime, is that what you  
10      said?

11      **A**     Major crimes.

12      **Q**     What are major crimes?

13      **A**     Major crimes are usually crimes involving the  
14      victims of person, murders, robberies, rapes, child  
15      abuse and things of that nature.

16      **Q**     Is it fair to say that you were one of the  
17      major crime sergeants involved in supervising and  
18      then participating in the investigation of the death  
19      of David Cannon?

20      **A**     Yes.

21      **Q**     So on October 21st, 2011, the day that David  
22      Cannon was shot and killed, you all began your  
23      investigation?

24      **A**     Yeah. Actually, that day I was off that --  
25      scheduled to be off that day and another team

1 actually responded, but due to manpower shortages, I  
2 came out later that afternoon to assist in the case.

3 Q Prior to October 21st of 2011, were there any  
4 serious leads in the case as far as what had  
5 happened and who did it?

6 A No, sir.

7 MR. WILLIAMS: Your Honor, I was going to  
8 object to the question. It's calling for hearsay.

9 THE COURT: Well, the question says on October  
10 the 21st, the day he was shot and killed, you began  
11 your investigation. Then it says prior to the 21st,  
12 was there any serious leads --

13 MR. WILLIAMS: I'll withdraw the question --

14 THE COURT: Well, it didn't happen prior to the  
15 21st. I don't know how there could have been any  
16 leads, but maybe you want to rephrase the questions.

17 MR. GRAHAM: I thought I said the 26th, so I'll  
18 rephrase it.

19 BY MR. GRAHAM:

20 Q Prior to October 26, 2011, were there any  
21 leads, any major leads, any major movement, any  
22 major opening in your investigation of the death of  
23 David Cannon?

24 MR. WILLIAMS: And now I object, Your Honor.  
25 It's calling for hearsay because he's saying prior

ROY MEFFORD - DIRECT BY MR. GRAHAM

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1 to the 26th, he would have to remark on hearsay.

2 **THE COURT:** Well, he's not asking for any  
3 hearsay information. He just asked if he had any  
4 leads.

5 **THE WITNESS:** No, there were no leads prior to  
6 October 26th..

7 BY MR. GRAHAM:

8 **Q** Were there any suspects at that time?

9 **A** Not at that time.

10 **Q** What, if anything, happened on October 26,  
11 2011, that broke the case open for your  
12 investigation to go forward?

13 **A** We received an anonymous tip regarding the  
14 case.

15 **Q** Based on the anonymous tip, what, if any,  
16 suspects were developed?

17 **A** At that time, Jasmine Bowers, Jermaine  
18 Caughman, Breon Mayers and an individual only  
19 described as living with a Chris Davis were  
20 developed.

21 **Q** Did you speak with that anonymous tipster?

22 **A** I did.

23 **Q** Based on your conversation with that tipster,  
24 what, if anything, did you immediately do?

25 **A** Any time we get a tip on a case, we immediately

1 begin running any information on an individual's  
2 name in the tip or any other information. We had  
3 the information already on Jasmine Bowers. And we  
4 -- at that time, we ran information on Breon Mayers  
5 and Jermaine Caughman. And the other name, an  
6 individual living with Chris Davis, Chris Davis is a  
7 common name, as you can imagine, it took us a little  
8 longer to find any information on which Chris Davis  
9 that was.

10 Q When you said you ran information, would one of  
11 the things that you did would be to run somebody's  
12 driver's license?

13 A Correct to find out address information and --  
14 previous address information, current address  
15 information to attempt to locate --

16 Q Specifically regarding Breon Mayers, do you  
17 remember what date and what time you ran his  
18 driver's license?

19 A It was October 26th at approximately ten to two  
20 o'clock in the afternoon, about 1:50 in that  
21 afternoon.

22 Q At the time that you ran Breon Mayers' driver's  
23 license information, had you or any investigator or  
24 any police officer with the Lexington County  
25 Sheriff's Department contacted or interviewed any of

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1 the suspects that you mentioned?

2 A Jasmine Bowers had been interviewed, but the  
3 other ones, no, not to my knowledge.

4 Q Was Jasmine talked to before or after you had  
5 the information?

6 A Jasmine was talked to by the initial responding  
7 officers, if I remember correctly. I did not speak  
8 to her myself.

9 Q You were talking about the day of the murder  
10 itself --

11 A Correct.

12 Q -- when the officers arrived on the scene?

13 A Correct.

14 Q Did she implicate herself at that time --

15 A Not to my knowledge.

16 Q Because there weren't any suspects, correct?

17 A Correct.

18 Q After running the driver's license of Breon  
19 Mayers and checking information on Jermaine  
20 Caughman, Jasmine Bowers and tracking down the  
21 person who was living with Chris Davis, what was  
22 some of the first things that you or officers under  
23 your control did?

24 A What we did is we took all the information and  
25 we had -- we had a starting point and we got a game

1 plan together, which was to obviously go to Chapin  
2 and check out the validity of this tip, make contact  
3 with these individuals, if possible, and then see  
4 where it took us from there.

5 Q Is it fair to say that Jermaine Caughman then,  
6 although Jasmine was talked to earlier, Jermaine  
7 Caughman was the first suspect?

8 A Correct --

9 Q Was identified as a suspect that you or your  
10 officers came in contact with?

11 A Yes.

12 Q Approximately what time was that?

13 A It was in the -- some time before six o'clock  
14 in the afternoon on the 26th. We had headed up  
15 there early afternoon after we ran the information  
16 and got everybody together. It took a little bit to  
17 get detectives together to head up there because  
18 they were spread out doing other things, but it was  
19 early afternoon, midafternoon of the 26th.

20 Q While Jermaine Caughman was being talked to by  
21 officers under your command and supervision, did you  
22 happen to speak with any witnesses?

23 A I did.

24 Q And who was the first person that you spoke  
25 with personally?

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1       A     The first person I spoke to was a Linda Marsh.

2       Q     And without going into what Linda Marsh told  
3       you, based on what she told you, did you look at her  
4       phone?

5       A     I did.

6       Q     What were you looking for?

7       A     Looking for a telephone call that had occurred  
8       on the 21st of October around 11:30.

9       Q     Was that an incoming call to her phone or an  
10      outgoing call from her phone?

11      A     It was actually three incoming calls to her  
12      phone that she was -- she was showing me the phone  
13      and showing me telephone calls in her log.

14      Q     And did you record that phone number?

15      A     I did.

16      Q     And what phone number did you record?

17      A     The phone number is (803)     -4481.

18      Q     And those are three incoming calls to her  
19      phone; is that correct?

20      A     Yes.

21      Q     And what date did those incoming calls come in?

22      A     October 21st.

23      Q     Of 2011?

24      A     2011.

25      Q     The day of David Cannon's murder?

1       A     Yes, sir.

2       Q     Were you able to record the approximate time

3       that those phone calls came in to Linda Marsh's

4       phone?

5       A     Yes. They came in at approximately 11:23,

6       11:34 and 11:38 hours on the 21st of October 2011.

7       Q     Based on your -- when you finished the

8       interview with Linda Marsh, did you immediately go

9       and interview somebody else?

10      A     I did.

11      Q     And who was that?

12      A     That was Christopher Davis, Jr.

13      Q     Known as C.J.?

14      A     Yes.

15      Q     Did he allow you to look at his phone?

16      A     He showed me his phone. I didn't physically

17      have the phone in my hands, but he showed me the

18      telephone screen.

19      Q     And what did you ask him to see?

20      A     I was wanting to find any contact information

21      on Breon Mayers.

22      Q     And what, if anything, did Chris Davis, Jr.,

23      C.J., show you on his phone?

24      A     He showed me a telephone number of

25      (803)     -4481, which is the same number I got from



1 looking at the screen on Linda Marsh's phone.

2 Q So you saw that number on?

3 A Both phones.

4 Q On both phones?

5 A Yes, sir.

6 Q Did Chris Davis, Jr.'s phone have a name  
7 associated with that number on that phone?

8 A The name on the screen with that number was  
9 Breon.

10 Q Subsequent to that time, was Jermaine Caughman  
11 placed under arrest?

12 A Yes.

13 Q What was he charged with?

14 A He was charged with burglary, armed robbery and  
15 murder.

16 Q Subsequent to that time, was Jasmine Bowers  
17 arrested?

18 A The next day, yes.

19 Q Prior to her being arrested, was there anybody  
20 else that was arrested?

21 A Yes, there was.

22 Q And who was that?

23 A Tyrone Brennan.

24 Q And that would be the individual who was  
25 identified as living with Chris Davis?

1       A     Yes.

2       Q     What was Tyrome Brennan arrested on?

3       A     He was arrested for burglary, armed robbery and  
4       murder.

5       Q     So after Jermaine was arrested, Tyrome was  
6       arrested?

7       A     Yes.

8       Q     Those are both on the 26th?

9       A     He was located and interviewed and arrested.

10      Q     After his arrest, who was arrested next?

11      A     Jasmine Bowers was arrested on the 27th, the  
12      next day.

13      Q     And what was she charged with?

14      A     Burglary, armed robbery and murder.

15      Q     Ultimately, was Breon Mayers arrested?

16      A     He was.

17      Q     And what was he charged with?

18      A     Burglary, armed robbery and murder.

19           MR. GRAHAM: Thank you, Detective -- Sergeant.

20           Please answer any questions Mr. Williams has.

21                           CROSS-EXAMINATION

22           BY MR. WILLIAMS:

23      Q     Sergeant, are you familiar with how Breon  
24      Mayers was arrested?

25      A     Yes, I am.

1 Q And was he picked up by, I guess, the police  
2 officers or the sheriff's department or anything  
3 like that?

4 A He was escorted to the sheriff's department by  
5 a police officer, but not one of our police  
6 officers. He came to the sheriff's department.

7 Q All right. He came to the sheriff's department  
8 voluntarily with a former solicitor who is now a  
9 police officer with the City of Columbia, didn't he?

10 A Correct.

11 Q Who had a relationship with Breon's father?

12 A Yes.

13 Q So he was not picked up by way of being stopped  
14 or anything. He actually voluntarily turned himself  
15 in once he heard somebody was looking for him?

16 A Yes.

17 Q Now, before October the 26th of 2011, I think  
18 you said that there was a tipster which called in.  
19 Now, he was -- Mr. Cannon was shot on the 21st,  
20 right?

21 A Yes, sir.

22 Q So five days elapsed prior to this tipster  
23 calling in?

24 A Correct.

25 Q And during this five days, I assume the police

1 officers talked to everybody who was at the scene,  
2 in the houses nearby who would have had any type of  
3 information that might have shed light on who  
4 actually perpetrated the crime; is that right?

5 A They were interviewing individuals. I don't  
6 know if they caught people at home or if there was  
7 people that weren't home when they went out to  
8 interview them. I can't account for everybody who  
9 lived in the area to say that they were interviewed.

10 Q But for about a week, there'd been a lot of  
11 investigating going on where the police were talking  
12 to various people who lived in the neighborhood?

13 A For five days, yes, sir.

14 Q And up until the 26th, Breon Mayers was never  
15 listed as a potential, I guess, suspect in this  
16 case?

17 A Not to my knowledge, no.

18 Q Now, what was the name of the tipster that  
19 called in?

20 A I do not have the tipster's name.

21 Q Did you have -- when someone calls in, I assume  
22 that they're -- I know my cell phone, you can see  
23 who's called in. I assume law enforcement and 9-1-1  
24 have those magic ways to see who calls in. Do you  
25 know the phone number of the person who called in?

1       **A**     I was given the phone number and that's how I  
2       made contact. She didn't -- the tipster didn't call  
3       me.

4       **Q**     So you went and actually met the tipster; is  
5       that correct?

6       **A**     That's incorrect.

7       **Q**     All right. You had the tipster's phone number,  
8       right?

9       **A**     Yes.

10      **Q**     And what is the tipster's name?

11      **A**     I do not --

12           **MR. GRAHAM:** Objection, Your Honor, relevance.

13           **THE COURT:** What's the relevance?

14           **MR. WILLIAMS:** Your Honor, if the tipster is  
15       the one calling in the names, then perhaps that  
16       person knows something about the incident itself.

17           **THE COURT:** Overruled.

18       BY MR. WILLIAMS:

19      **Q**     That tipster's name is what?

20      **A**     I do not know the tipster's name.

21      **Q**     Who knows the tipster's name?

22      **A**     You have to ask around. I was given the phone  
23       number and I asked if the tipster would meet and the  
24       tipster did not want to meet.

25      **Q**     But you have the phone number; is that right?

1       A     I don't have it now. I had it at the time I  
2       called.

3       Q     So you don't have the phone number recorded  
4       somewhere from this tipster who called it in?

5       A     No. I was given the phone number verbally and  
6       I made a telephone call and spoke to the tipster.  
7       And as you can imagine, they weren't very  
8       forthcoming as far as me meeting them and having  
9       their identity given out. They didn't even give me  
10      their name.

11      Q     But you knew who it was?

12      A     I was given the inform -- I was given the  
13      telephone number of the tipster, but they would not  
14      give me their name.

15      Q     But you found out who it was, didn't you?

16      A     The name was mentioned to me, but I don't have  
17      the name now.

18      Q     So you don't know who it was?

19      A     Just the person I spoke to, yes, on the phone.

20      Q     All right. Who was the person you spoke to on  
21      the phone?

22      A     I don't have their name, sir.

23            MR. WILLIAMS: I don't have any other  
24      questions, Your Honor.

25                                   \*\*\*\*

## 1 REDIRECT EXAMINATION

2 BY MR. GRAHAM:

3 Q Is it uncommon, Detective -- what's an  
4 anonymous caller?5 A It's somebody that doesn't want to disclose  
6 their name for various reasons.7 Q Is that uncommon when you're investigating a  
8 murder case for somebody in the neighborhood to  
9 maybe know something but want to remain anonymous?

10 A It is absolutely not uncommon.

11 MR. GRAHAM: Thank you.

12 MR. WILLIAMS: Nothing on recross, Your Honor.

13 THE COURT: You can step down.

14 Next witness.

15 MR. GRAHAM: Your Honor, if we could approach.

16 (Whereupon, a bench conference was held off  
17 the record, in the presence of the jury, but out of  
18 the hearing of the jury.)

19 THE COURT: Call your next witness.

20 MR. SCOTT: The State calls Jermaine Caughman.

21 JERMAINE CAUGHMAN,

22 having been duly sworn, testified as follows:

23 THE CLERK: Once you're seated, state your full  
24 name, spelling your last on the record.

25 THE WITNESS: Jermaine Caughman,

1 C-a-u-g-h-m-a-n.

2 DIRECT EXAMINATION

3 BY MR. SCOTT:

4 Q Where are you from, Mr. Caughman?

5 A Chapin, South Carolina.

6 Q How old are you?

7 A Nineteen.

8 Q How long have you lived in Chapin?

9 A Most of my life.

10 Q Where do you live in Chapin?

11 A

12 Q Have you always lived at that address?

13 A Yes.

14 Q Did you go to school?

15 A Yes, sir.

16 Q Did you graduate?

17 A Yes, sir.

18 Q Where did you graduate from?

19 A Chapin High School.

20 Q Have you ever had a job?

21 A No, sir.

22 Q How do you make money?

23 A I used to get it from my parents.

24 Q Who is Jasmine Bowers?

25 A She is a friend of mine. She is Dave Cannon's



1 niece.

2 Q How do you know her?

3 A Through school and I grew up around the  
4 neighborhood.

5 Q So how long have you known her?

6 A All my life.

7 Q Where does she live?

8 A I don't know the exact address.

9 Q How close is it to Dave Cannon's house?

10 A Next door.

11 Q Who is Tyrome Caughman?

12 A I don't know Tyrome Caughman.

13 Q Tyrome Brennan. I'm sorry.

14 A He's a friend.

15 Q How do you know him?

16 A Through high school.

17 Q Where did Tyrome Brennan live?

18 A Mountain Drive, right below my house in the  
19 backyard, cut through my backyard.

20 Q So the back of his house faces the back of your  
21 house?

22 A Yes, sir.

23 Q How far apart are they?

24 A Not that far apart.

25 Q Who did you live there with?

- 1       A     My uncle.
- 2       Q     What's your uncle's name?
- 3       A     Christopher Davis.
- 4       Q     Do you know about when you met Tyrome Brennan?
- 5       A     Not exactly, my ninth grade year in high
- 6       school.
- 7       Q     Was he from Chapin?
- 8       A     No, sir.
- 9       Q     Where was he from?
- 10      A     Irmo, Friarsgate.
- 11      Q     What about Breon Mayers, who was that?
- 12      A     My co-defendant. He's from Little Mountain.
- 13      Q     How long have you known him?
- 14      A     All my life.
- 15      Q     How did you meet him?
- 16      A     I met him when I was real little through
- 17      family.
- 18      Q     Did he go to Chapin, too?
- 19      A     Yes, sir.
- 20      Q     Where did he live?
- 21      A     In Little Mountain. I don't know the exact
- 22      location.
- 23      Q     Do you know who he lived with?
- 24      A     His grandparents.
- 25      Q     Had you ever been to his home?

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- 1       A     Yes, sir.
- 2       Q     How many times?
- 3       A     I can't even count.
- 4       Q     More than once?
- 5       A     Yes, sir.
- 6       Q     More than ten times?
- 7       A     Probably, yes, sir.
- 8               (State's Exhibit Number 8, photograph,  
9     marked for identification purposes.)
- 10      Q     I'm going to show you what's been marked as  
11     State's Exhibit Number 8.
- 12      A     That's where he stays.
- 13      Q     And he lives there with who?
- 14      A     His grandparents.
- 15      Q     Do you know what road that's on?
- 16      A     No, sir.
- 17      Q     And you don't know the address, do you?
- 18      A     No, sir.
- 19      Q     But you were friends with Mr. Mayers, Breon  
20     Mayers?
- 21      A     Yes, sir.
- 22      Q     Where are you currently living?
- 23      A     Where am I currently living?
- 24      Q     Where did you come from today?
- 25      A     Lexington County Detention Center.

1 Q What charges do you have against you?

2 A Murder, armed robbery, burglary first,  
3 possession of a weapon during the commission of a  
4 violent crime.

5 Q And what is the date that these charges stem  
6 from?

7 A What do you mean?

8 Q When did the murder happen?

9 A The 21st, Friday the 21st of October.

10 Q What were you doing the night before October  
11 21st?

12 A Playing cards in my backyard with Breon and  
13 Tyrome Brennan.

14 Q In whose backyard?

15 A Mine slash my uncle's.

16 Q It's the backyard between yours and -- who is  
17 your uncle?

18 A Christopher Davis.

19 Q You said y'all were playing cards?

20 A Yes.

21 Q Who is C.J.?

22 A My little cousin.

23 Q How is he related to Chris Davis, Sr.?

24 A His son, that's his father.

25 Q So Chris Davis, C.J., and Tyrome all live

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1 together at Mountain Drive?

2 A Yes, sir.

3 Q Do you know if C.J. had a phone?

4 A Yes, sir.

5 Q How do you know?

6 A I seen it every day. I even use it.

7 Q Why did you use his phone?

8 A To call girls and I talked to Tyrome Brennan  
9 twice on it.

10 Q Did you have a cell phone?

11 A No, sir.

12 Q Is that why you used C.J.'s phone?

13 A Yes, sir.

14 Q Did you ever enter contacts in there?

15 A No, sir.

16 Q Did you ever have him enter contacts for you?

17 A No, sir.

18 Q But you made phone calls from his phone to  
19 other people?

20 A Yes, sir.

21 Q So you said you were playing cards with Tyrome  
22 Brennan and Breon Mayers the night of October 20th?

23 A Yes, sir.

24 Q What happened that next morning?

25 A The next morning they came, Breon came to my

1 house, knocked on my door. I don't know the exact  
2 time. It was in the morning time. He told me we  
3 was going to go get something to eat and he had to  
4 stop by somebody house first.

5 Q What do you remember -- about what time was it?

6 A 10:00, between 10:00 and 11 o'clock.

7 Q And it was you, Breon and --

8 A Tyrome Brennan.

9 Q Okay. Where do you remember you going next?

10 A From there, I closed my door, got dressed. And  
11 from there, I got in the car. When I met in the  
12 car, it was Tyrome Brennan and Breon Mayers and we  
13 went to Jasmine Bowers' house.

14 Q What kind of car were you in?

15 A A gray car, a grayish.

16 Q What kind of car was it?

17 A I don't remember.

18 Q Who was driving it?

19 A Breon Mayers.

20 Q Had you seen that car before?

21 A Yes.

22 Q Had you been --

23 A Yes, sir.

24 Q Had you been in that car before?

25 A Yes, sir.

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1 Q How many times?

2 A I don't even know. I mean, he used to take me  
3 to school, drop me off when we was at the  
4 alternative school together.

5 Q You didn't have a car?

6 A No, sir.

7 Q So you said you'd gotten into Breon Mayers' car  
8 and you drove to Jasmine --

9 A Jasmine Bowers'.

10 Q How far away is Jasmine's house from yours?

11 A Probably a mile and a half if I had to guess.

12 Q And what road does she live on?

13 A

14 Q What was the purpose of going to Jasmine's  
15 house; did you know at that time?

16 A No, sir.

17 Q What happens once you got to Jasmine Bowers'  
18 home?

19 A Breon asked me to get out and knock on the  
20 front door. And from there, I knocked on the front  
21 door. Jasmine came to the door. I told her Breon  
22 wanted to see her. She closed the door, went in the  
23 room, got dressed. I ran back to the car and got  
24 back in the car. From there, he got out the car,  
25 met her halfway.

1 Q And you were in the car during this time?

2 A Yes, sir.

3 Q Where was Tyrome Brennan?

4 A In the car.

5 Q What time was it that you were over at

6 Jasmine's house?

7 A 11:00, 11:00 something. I don't know the exact  
8 time.

9 Q How long was Breon outside of the car speaking  
10 with Jasmine?

11 A Three to four minutes.

12 Q What did he say once he got back in the car?

13 A He's going down the street to Jackie Boyd's  
14 house.

15 Q Did you drive to Jackie Boyd's?

16 A Yes, sir.

17 Q Who was there?

18 A Who was there when we got there? The only  
19 person I seen was Cedric Mayers.

20 Q What did Breon Mayers do when you arrived at  
21 Jackie Boyd's home?

22 A He said, Hold on. He got out the car and ran  
23 and talked to Ced. And then he came back and told  
24 us he was about to go rob David Cannon.

25 Q Who is Dave Cannon?



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1       A     The man that got killed.

2       Q     Did you know him before that?

3       A     Yes, sir.

4       Q     How did you know him?

5       A     He's a drug dealer. I used to buy drugs from  
6       him.

7       Q     Where did he live -- how far away from Jackie  
8       Boyd's house did he live?

9       A     Right across the street.

10      Q     What did you think when Breon said y'all were  
11     going to go rob Dave Cannon?

12      A     I told him I had to meet with my mentor. I had  
13     to go see my Army recruiter.

14      Q     Who was your mentor?

15      A     Linda Marsh.

16      Q     Well, what did you do when he said, We're  
17     fixing to go rob Dave?

18      A     What did I do? I asked him can I see his phone  
19     before. And then when I got his phone, we got out  
20     the car and we went to go -- I mean, I can't  
21     describe it.

22      Q     Wait a minute. Why did you ask to see his  
23     phone?

24      A     To call my mentor to come get me.

25      Q     Linda Marsh -- and what is Linda Marsh's phone

1 number?

2 A (803) -8256.

3 Q Why did you call her?

4 A To come get me and I asked her where was she  
5 at.

6 Q So what were you supposed to be doing that  
7 morning?

8 A Going to see my Army recruiter.

9 Q And Linda Marsh was going to take you?

10 A Yes, sir.

11 Q So you called to tell her -- ask her, I guess,  
12 if she was still coming to pick you up?

13 A Yes, sir. I asked her can she come get me.

14 Q What did you do? Did you get out of that car?

15 A Yes, sir.

16 Q Where did you go?

17 A We went the back way to Dave Cannon's place.

18 Q So you went with Breon to go rob David?

19 MR. WILLIAMS: Objection, leading.

20 BY MR. SCOTT:

21 Q Why did you go back there?

22 THE COURT: That wasn't leading. Overruled.

23 BY MR. SCOTT:

24 Q Why did you go back there with Breon?

25 A Because he was going to rob Dave Cannon.

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1 Q Why did you go with him?

2 A I mean, I didn't have a choice. I couldn't  
3 leave.

4 Q Why didn't you stay in the car?

5 A Why didn't I stay in the car? Because I  
6 couldn't stay in the car. I would have had to get  
7 out.

8 Q But you knew y'all were going to rob Dave  
9 Cannon?

10 A Yes, from that point on, yes.

11 Q Was anyone armed?

12 A Yes.

13 Q Who was armed?

14 A Tyrome Brennan and Breon Mayers.

15 Q What did Tyrome Brennan have?

16 A A .38.

17 Q Who did that .38 belong to?

18 A Me.

19 Q How did he come to have your gun?

20 A It was in Breon's car from previous -- the  
21 night before.

22 Q You left it there in his car?

23 A Yes, sir.

24 Q Do you always carry around your gun?

25 A It all depends. If I'm around in the

1 neighborhood, no.

2 (State's Exhibit Number 9, photograph,  
3 marked for identification purposes.)

4 Q I'm going to show you State's Exhibit Number 9.  
5 Do you recognize that?

6 A Yes, sir.

7 Q And how are you able to do so?

8 A That's my gun.

9 Q What kind of gun is that?

10 A .38 Colt.

11 Q How would you describe it?

12 A I mean, old, six shot, revolver.

13 Q And that's the gun Tyrome Brennan had with him  
14 on October 21st?

15 A Yes, sir.

16 MR. SCOTT: The State would offer State's  
17 Number 9 for admission into evidence.

18 MR. WILLIAMS: Without objection, Your Honor.

19 THE COURT: Admitted.

20 (State's Exhibit Number 9, photograph,  
21 admitted into evidence.)

22 BY MR. SCOTT:

23 Q Who else had a gun?

24 A Breon Mayers.

25 Q What did he have?

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1           A     A 9mm.

2           Q     What color was it?

3           A     Black.

4                     (State's Exhibit Number 10, photograph,  
5     marked for identification purposes.)

6           Q     Show you State's Exhibit Number 10.

7           A     That is it.

8           Q     Do you recognize it?

9           A     Yes, sir.

10          Q     How?

11          A     Because it's a black 9mm.

12          Q     Is that the gun that Breon Mayers had with him  
13     on October 21st?

14          A     Yes, sir.

15                **MR. SCOTT:** The State offers State's Number 10  
16     for admission, Your Honor.

17                     (Pause.)

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

19                **THE COURT:** Admitted.

20                     (State's Exhibit Number 10, photograph,  
21     admitted into evidence.)

22                BY MR. SCOTT:

23           Q     Okay. So you get out of the car, Tyrone  
24     Brennan has a .38, Breon Mayers has the black 9mm?

25           A     Yes, sir.

1 Q Where was Jasmine Bowers?

2 A Jasmine was coming down the street at that  
3 point in time.

4 Q From where?

5 A From her house, her grandparent's house to be  
6 exact.

7 Q Where did you and Breon and Jermaine walk?

8 A The back way through Dave Cannon's through a  
9 side dirt road and up the side way.

10 Q Where was Jasmine? Did she go back there with  
11 you?

12 A No, sir.

13 Q What was the plan? What did you talk about  
14 while you were behind his home?

15 A Back there it was to plan on robbing Dave  
16 Cannon. I told Breon, You're going to have to shoot  
17 him in order --

18 Q You told him he'd have to shoot him?

19 A Yes, sir.

20 Q Why did you think you'd have to shoot him?

21 A Because Dave Cannon has a lot of guns and Dave  
22 Cannon would have shot him.

23 Q What did Breon say when you told him that?

24 A He said he was going to shoot him anyway  
25 because him and him have beef and that was going to

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1 be his first body.

2 Q What does -- what is a body? What does that  
3 mean?

4 A That mean a death.

5 Q So how was he planning on getting a body?

6 A Pulling the trigger, killing him.

7 Q So y'all made that plan while you were outside?

8 A No. We were at the -- through the side way  
9 through his house.

10 Q Showing you now it's been marked as State's  
11 Exhibit Number 2.

12 A From here, we leave from here in this area  
13 (indicating).

14 Q Whose house is this?

15 A Jackie Boyd's. From here, we go this way. We  
16 leave. We go back this way, come up this way and  
17 come this way.

18 Q And this is where you talked about having to  
19 shoot Dave Cannon?

20 A Yes, sir.

21 Q Where is Jasmine at this point?

22 A I don't know.

23 Q You last saw her walking up this road?

24 A Yeah. She was walking this way.

25 Q Point to her home.

1       **A**     Her home is right here (indicating), but she  
2       was at her grandparent's, that's the house we came  
3       to.

4       **Q**     Okay. And you stated you drove the -- or Breon  
5       drove his car here and you and Tyrome were in it and  
6       she stayed there, but later came walking up the road  
7       to meet you all?

8       **A**     Yes, sir.

9       **Q**     What happened from back here after you talked  
10      about having to shoot Dave Cannon?

11      **A**     Back here, we seen dogs loose. So we cut back  
12      and run this way and cut back up this way  
13      (indicating) and that's when we meet Jasmine. And  
14      that's when I made the first phone call to my  
15      mentor.

16      **Q**     You already said you called her?

17      **A**     No. I mean, right here.

18      **Q**     That's the second time you called her?

19      **A**     The first time. The second time I called her  
20      was right here on the back porch.

21      **Q**     Okay. So what did you call her about the  
22      second time?

23      **A**     The second time I asked her was she on her way.

24      **Q**     Before you were about to go rob a man, you  
25      called her and ask --



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1       A     No, it was after. He was shot then.

2       Q     All right. Well, let's back up then. You  
3       stated y'all ran back through here?

4       A     Yes, sir.

5       Q     Jasmine was up front?

6       A     Yes. Jasmine met us right here at the entrance  
7       of Dave Cannon's driveway.

8       Q     And what was the plan at that point?

9       A     We go in through the front. Jasmine was going  
10      to knock on the door, but Jasmine told us to go  
11      ahead, he's there, he's up. And next thing you  
12      know, we all go this way. I stop, make a phone  
13      call, ask my mentor can she come get me.

14           From there, we get on the porch. From the  
15      porch, two gunshots, then a third one from a .38.  
16      Then I called my mentor again to ask her where she  
17      was at. Then we all entered the house. From there,  
18      Jasmine, Jasmine walks away on this side. She goes  
19      up the steps from that way. She's the first one in  
20      the house, then Breon, then Tyrome, then me.

21      Q     All right. What was discussed once you got to  
22      the front of the house?

23      A     What was discussed?

24      Q     After you ran from the back to the front and  
25      you met with Jasmine, tell me what was said at the

1 front of the house?

2 A Jasmine was going to go in and see if he was up  
3 where we can go in the house, but the dogs were  
4 loose, so she said he was already up. So we went  
5 in.

6 Q Well, why didn't you go in through the front  
7 door?

8 A We didn't. We went in through the back door.

9 Q Why did you go to the back door?

10 A Because that was the only door that we always  
11 use, everybody used to go in his house.

12 Q Describe the back of his house.

13 A It has a deck, a camper, basketball goal, dog  
14 cage, a shed. On the porch, he has a little tub,  
15 jacuzzi tub.

16 Q Well, when you were going from the front of the  
17 house to the back, did you go on the right side of  
18 the house or the left side of the house?

19 A We went on the left side of the house.

20 Q And which side of the house did Jasmine go on?

21 A The right side.

22 Q If you're facing from the road, she went on the  
23 right side?

24 A No. If you're facing from the road looking at  
25 his house, she went on the left side.

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1 Q And you all went on the right side?

2 A Right side, yes.

3 Q Breon had the black 9mm. You were unarmed?

4 A Yes, sir.

5 Q And Tyrome had the .38 revolver?

6 A Yes, sir.

7 Q What was the first thing you saw when you went  
8 around the corner of that house?

9 A First thing I saw, we went on the porch, I seen  
10 Dave Cannon.

11 Q Was the door open?

12 A Yes, sir.

13 Q What was Dave doing?

14 A Putting dog food in the dog dish.

15 Q Okay. All right. Now, wait a minute. What  
16 point was that? He was outside putting food in  
17 his --

18 A No. He was in the house. He let the dogs  
19 loose. He was going in the house to fix the food, I  
20 guess. That's what it looked like.

21 Q All right. So you had already seen him outside  
22 feeding the dogs is what you're saying?

23 A No. I seen dogs. What made us run was his  
24 dogs were loose, so we figured he was up then  
25 because the dogs normally be in the cage.

1       Q     All right. Well, stay with me. When you're  
2       going from the front of the house to the back on the  
3       right side, what's the first thing you see when you  
4       get to that back deck?

5       A     The first thing I see, nothing but the back  
6       deck.

7       Q     And the back door was open or closed?

8       A     I couldn't tell when I first -- when I first  
9       turned the corner. You had to get on the porch.

10      Q     But what can you tell me about when you went up  
11      on the back deck?

12      A     The door was open.

13      Q     Okay.

14      A     From the door open, it was Breon, Tyrome, then  
15      me. Then from there, that's when Dave Cannon got  
16      shot twice and Tyrome shot in the air once and  
17      that's when we went in the house.

18      Q     Tyrome shot the .38 up in the air?

19      A     Yes, sir.

20      Q     Why did he do that?

21      A     I don't know, because he didn't, I guess, he  
22      didn't want to disarm it. He had the hammer back.

23      Q     He already had the hammer back?

24      A     Yes, sir.

25      Q     So you're saying he cleared a round in the air?

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- 1       A     Yes, sir.
- 2       Q     Well, how long did it take for y'all to hit
- 3       that deck and Breon Mayers to shoot Dave Cannon?
- 4       A     Not even a minute.
- 5       Q     Well, was there any hesitation?
- 6       A     No.
- 7       Q     What did Dave Cannon do?
- 8       A     When he got hit, he just stopped, started
- 9       gasping for air.
- 10      Q     What did Breon do?
- 11      A     Breon stepped over him, asked him where the
- 12      fucking money is at.
- 13      Q     He said that to Dave Cannon as he laid there?
- 14      A     Yes, sir.
- 15      Q     Where did you go?
- 16      A     From that point, I went to the left. I went to
- 17      the living room.
- 18      Q     What were you looking for?
- 19      A     What were we looking for, drugs.
- 20      Q     What else were you looking for?
- 21      A     That's it.
- 22      Q     What did you get?
- 23      A     Nothing.
- 24      Q     Where did Tyrome go?
- 25      A     Tyrome went in some room straight across.

- 1 Q What did he get?
- 2 A Some gun, but I remember him coming back in the
- 3 house with the gun. He said it was a BB gun.
- 4 Q Did he put it back?
- 5 A Yes, if I'm not mistaken.
- 6 Q Where was Breon?
- 7 A In the back room where Dave Cannon was laying.
- 8 Q He had to step over Dave Cannon to get in
- 9 there?
- 10 A Yes, sir.
- 11 Q How close to the back door was Dave Cannon
- 12 lying?
- 13 A I mean, close.
- 14 Q All right. This is State's Exhibit Number 3.
- 15 Can you see that from where you're sitting?
- 16 A Yes, sir.
- 17 Q Do you recognize what that is?
- 18 A Yes, sir.
- 19 Q What is this right here?
- 20 A The back deck.
- 21 Q And what is this?
- 22 A The door entrance.
- 23 Q And where this door entrance is, where did Dave
- 24 Cannon fall?
- 25 A To your right.

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1 Q Right here (indicating)?

2 A Over some more.

3 Q Right here?

4 A Over a little bit more.

5 Q Into this bedroom?

6 A Yes, sir.

7 Q Okay. And is this the bedroom where Breon  
8 Mayers went?

9 A Yes, sir.

10 Q Who else went in that bedroom?

11 A Jasmine Bowers.

12 Q What was Jasmine doing in there?

13 A Getting the weed.

14 Q Did y'all find the weed?

15 A Yes, sir.

16 Q What happened after you found the weed?

17 A We all left. I went out, called my mentor  
18 again, told her I was on my way. When we leave,  
19 from that point on, we go through the back way, cut  
20 through the first exhibit where I showed you and  
21 from there --

22 Q The way y'all came in?

23 A Yeah -- no, huh-huh. The first time the way we  
24 came in, that's where we cut through.

25 Q And you ran back that back dirt road and then

1 up his driveway?

2 A Can you just bring the board?

3 Q Sure.

4 A We ran through this way and cut up this way  
5 (indicating).

6 Q Okay. Where were you going?

7 A To Breon's car, which was in this location.

8 Q Okay. Where did Jasmine go?

9 A She -- I didn't see her. She must have still  
10 been in the house.

11 Q She didn't go with you three?

12 A No, sir.

13 Q And who lives here?

14 A Jackie Boyd.

15 Q Who else was there that day?

16 A Cedric Mayers.

17 Q Did y'all see him?

18 A I seen him at the beginning the first time when  
19 we first pulled in the driveway.

20 Q Did you ever see the marijuana?

21 A Yes, sir.

22 Q When did you get to see it?

23 A Through the pathway, straight through the  
24 pathway when he passed the .38 -- I mean, the .357  
25 to Tyrone Brennan.



1 Q Well, you didn't say anything about a .357.

2 Who got that?

3 A Tyrome Brennan.

4 Q Tyrome took a .357?

5 A Yeah, but Breon took it out the house and gave  
6 it to him.

7 Q All right. What else did Breon take out of the  
8 house?

9 A Marijuana.

10 Q And who did he give that to?

11 A Nobody.

12 Q He kept it?

13 A Yes, sir.

14 Q Did you see Cedric Mayers again?

15 A No, sir.

16 Q What happened when you ran beside his house?

17 A We -- me and Tyrome Brennan got in the car.

18 Tyrome -- I mean, Breon Mayers went and went in the  
19 house to talk to Ced.

20 Q What happened after that?

21 A After that, he comes back out. We leave. We  
22 see Jasmine walking down the street. From that  
23 point, he said something to Jasmine. Jasmine said  
24 something back and he asked -- and from that point,  
25 he said something, something perverted or something,

1 and then we left.

2 Q Where did you go?

3 A Back straight the back way towards my house to  
4 drop me off.

5 Q In Breon Mayers' car?

6 A Yes, sir.

7 Q What happened when you got to your house?

8 A What happened? I got out, took off running to  
9 go with my mentor.

10 Q Where was your mentor?

11 A In my yard, my front yard.

12 Q She was waiting for you?

13 A Yes, sir.

14 Q Do you know about what time it was that you got  
15 with her?

16 A 11:40 something, 11:45'ish. I don't know the  
17 exact time.

18 Q Had she been waiting for you?

19 A Yes, sir.

20 Q Do you remember -- did you get in the car with  
21 Linda Marsh?

22 A Yes, sir.

23 Q And do you remember where y'all went after  
24 that?

25 A From there, we went to my grandparents' house.

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1       Then from my grandparents' house to Chapin High  
2       School, from Chapin High School to my Army  
3       recruiters.

4       Q     What were you doing at your grandparents'  
5       house?

6       A     Getting books to turn in to Chapin High School  
7       so I can get my high school diploma.

8       Q     And that's why you went to Chapin after that?

9       A     Yes, sir.

10      Q     Did you -- did y'all get lunch together or  
11     anything?

12      A     Yes, sir.

13      Q     And then you went to the Army recruiter?

14      A     Yes, sir. And then after that, we went by the  
15     DMV.

16      Q     So you spent the rest of the day with her?

17      A     The rest of the day and the next day. I stayed  
18     with her from that point on.

19      Q     You stayed at her house?

20      A     Yes, sir.

21      Q     Had you done that before?

22      A     Yes, sir.

23      Q     How long had you known Ms. Marsh?

24      A     Since the 6th grade.

25      Q     That day while you were with Ms. Marsh, did you

1 receive any phone calls?

2 A Yes, sir.

3 Q Did you recognize the number that had called  
4 you?

5 A Yes, sir.

6 Q Whose phone was calling Linda Marsh's?

7 A Breon Mayers.

8 Q So that -- he called you while you were with  
9 Linda Marsh?

10 A He didn't call me. Tyrome called me off of his  
11 phone.

12 Q Okay. That was while you were with Linda  
13 Marsh?

14 A Yes, sir.

15 Q Do you remember the day you were arrested?

16 A Yes, sir.

17 Q Tell me what you were arrested for.

18 A Murder, armed robbery, burglary first and  
19 possession of a weapon during the commission of a  
20 violent crime.

21 Q Are you guilty of these crimes?

22 A Yes, sir.

23 Q Why are you guilty?

24 A The hands of one is the hands of all in South  
25 Carolina.

JERMAINE CAUGHMAN - DIRECT BY MR. SCOTT

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- 1 Q Did you go to Dave Cannon's house knowing he  
2 was about to get robbed?
- 3 A No, sir.
- 4 Q You didn't know he was going to get robbed?
- 5 A No, until I got to Jackie Boyd's house.
- 6 Q Okay. When you were in his backyard, did you  
7 know he was about to get robbed?
- 8 A Yes, sir.
- 9 Q Did you know he was going to get shot?
- 10 A Yes, sir.
- 11 Q You knew two of the people you were with had  
12 guns?
- 13 A Yes, sir.
- 14 Q You know marijuana, a .357 --
- 15 A Yes, sir.
- 16 Q -- was taken from his house?
- 17 A Yes, sir.
- 18 Q Do you know if anything else was taken?
- 19 A From what I understand, money was taken [sic]  
20 too. Tyrome Brennan said Jasmine Bowers took his  
21 money.
- 22 Q Have you been offered anything?
- 23 A No, sir.
- 24 Q Have you been promised anything in exchange for  
25 your testimony today?

1       **A**     No, sir.

2       **Q**     Who shot Dave Cannon on October 21st?

3       **A**     Breon Mayers, twice.

4       **Q**     What kind of gun did he use?

5       **A**     A 9mm.

6       **Q**     Do you see Breon Mayers in this courtroom?

7       **A**     Yes, sir.

8       **Q**     Can you point to him?

9       **A**     (Witness indicating.)

10      **Q**     Now, you're indicating this male, black male,  
11      sitting beside the white male with the beard?

12      **A**     Yes, sir.

13             **MR. SCOTT:** Please answer any questions  
14      Mr. Williams may have for you.

15             **THE WITNESS:** Yes, sir.

16             **THE COURT:** Let's take a five minute restroom  
17      break before you begin your cross, okay.

18             Folks, we're going to take a five minute break  
19      so we can finish this up before lunch. Don't begin  
20      deliberations or discussions about the case and  
21      we'll have you back in just a couple minutes.

22             (The jury retires to the jury room.)

23             **THE COURT:** Let's just take five quick minutes.  
24      Do you need to go to the restroom?

25             **THE WITNESS:** No, sir.

JERMAINE CAUGHMAN - CROSS BY MR. WILLIAMS

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1           **THE COURT:** All right. Well, you just sit  
2 right there.

3                   (Brief Recess.)

4                   (The jury returns to the courtroom.)

5           **THE COURT:** Okay. We will resume now with the  
6 cross-examination of the witness.

7           **MR. WILLIAMS:** May it please the Court.

8                               CROSS-EXAMINATION

9           BY MR. WILLIAMS:

10          **Q**     Mr. Caughman, I'm going to take you back, I  
11 guess, to the earlier statements that you were  
12 making about your gun. You say it's your .38  
13 caliber pistol; is that right?

14          **A**     Yes, sir.

15          **Q**     Now, you're charged with murder and possession  
16 of a weapon during a violent crime and armed robbery  
17 and all these things; is that right?

18          **A**     Yes, sir.

19          **Q**     And you have not gone to court on your charges  
20 yet, have you?

21          **A**     No, sir.

22          **Q**     And it's your testimony that you haven't been  
23 offered anything or not looking for some kind of  
24 break by giving this testimony that you've given  
25 today?

1       A     No, sir.

2       Q     So, essentially, what you're testifying to is  
3     what you recall from that day; is that right?

4       A     Yes, sir.

5       Q     You and -- you and perhaps maybe one of the  
6     other co-defendants haven't gotten together and  
7     talked about this in any way?

8       A     No, sir.

9       Q     Let me ask you, the four co-defendants in this  
10    case are who?

11    A     The four co-defendants?

12    Q     Uh-huh.

13    A     I have three. Breon Mayers --

14    Q     You have three co-defendants and you.

15    A     Breon Mayers, Tyrome Brennan and Jasmine  
16    Bowers.

17    Q     Tyrome Brennan; is that right?

18    A     Yes, sir.

19    Q     And where is he housed right now?

20    A     F-pod, room 27.

21    Q     You know exactly where he's housed. Why is it  
22    you know exactly where he's housed?

23    A     Because I'm in F-pod, room seven.

24    Q     You're in room seven. What room is he in?

25    A     Twenty-seven.



JERMAINE CAUGHMAN - CROSS BY MR. WILLIAMS

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1 Q But it's in the same pod?

2 A Yes, sir.

3 Q What does that mean when you're in the same  
4 pod?

5 A That mean you can't --

6 Q You get out at the same time?

7 A No. We're keepaways.

8 Q You're keepaways?

9 A Yes, sir.

10 Q So it's your testimony that y'all are housed in  
11 the same pod, but y'all haven't had any time  
12 together in the same pod?

13 A No, sir.

14 Q That's not your testimony?

15 A We haven't had any time together.

16 Q So you haven't had any conversations with him  
17 about what you were going to testify to?

18 A No.

19 Q Now, let me ask you about this day. You said  
20 that there was a .38 caliber pistol, which was  
21 yours, which you gave to Tyrome Brennan; is that  
22 right?

23 A Yes, sir.

24 Q And when is it that you gave it to Tyrome  
25 Brennan?

1       A     I didn't give it to him. It was already in  
2       Breon Mayers' car.

3       Q     It was already in Breon Mayers' car because you  
4       left it in Breon Mayers' car; is that right?

5       A     Yes, sir.

6       Q     And you would have left it there the night that  
7       you were playing cards?

8       A     Yes, sir.

9       Q     Did you -- when did you put it in Breon Mayers'  
10      car?

11      A     Prior. We got into something before that.

12      Q     Well, the 32 -- you say it's .38 caliber  
13      pistol?

14      A     Yes, sir.

15      Q     Would your fingerprints be on that?

16      A     Yes, sir.

17      Q     All right. And would Tyrome Brennan's  
18      fingerprints be on that?

19      A     Yes, sir.

20      Q     And so when you were having -- playing cards  
21      that night, y'all didn't discuss anything about  
22      robbing Dave or anything, did you?

23      A     No, sir.

24      Q     The first thing you know is you woke up the  
25      next morning and who picked you up?

JERMAINE CAUGHMAN - CROSS BY MR. WILLIAMS

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- 1       A     Breon Mayers.
- 2       Q     Was anybody with him?
- 3       A     The first time when he knocked on my door, no,
- 4       sir, but when I got outside, it was Tyrome Brennan
- 5       with him.
- 6       Q     Are you saying that Breon came to your house?
- 7       A     By hisself.
- 8       Q     Well, how is it that Tyrome Brennan ended up in
- 9       his car if he wasn't with him?
- 10      A     How? Because he stays right through my
- 11      backyard.
- 12      Q     So you saw -- okay. So he didn't ride over
- 13      there. Is that what you're saying?
- 14      A     No, sir.
- 15      Q     Did you see Brennan walk to the car where --
- 16      A     No, sir. All I know is when I came out, he was
- 17      there.
- 18      Q     Now, what relationship is Brennan to you?
- 19      A     A friend.
- 20      Q     How long have y'all been friends?
- 21      A     Since the 9th grade.
- 22      Q     And when y'all left your house, where did you
- 23      go?
- 24      A     To Jasmine Bowers'.
- 25      Q     So you didn't go anywheres to get anything to

- 1 eat or anything like that?
- 2 A No, sir. He had to stop by Jasmine house
- 3 first.
- 4 Q All right. So y'all went to get something to
- 5 eat after you stopped by Jasmine's house?
- 6 A No. We didn't even get to that. I had to meet
- 7 with my mentor.
- 8 Q You had to go eat with your mentor?
- 9 A Meet with my mentor.
- 10 Q And that's why you didn't get anything to eat?
- 11 A Yes, sir.
- 12 Q All right. So what time was it that he came by
- 13 and woke you up?
- 14 A I don't know the exact time, around 10:00,
- 15 between 10:00 and 11:00.
- 16 Q What time were you supposed to meet with your
- 17 mentor?
- 18 A She was supposed to come at 11:30.
- 19 Q So she was supposed to be at your house -- was
- 20 it your house?
- 21 A Yes, sir.
- 22 Q An hour after he came by to pick you up?
- 23 A Yes, sir.
- 24 Q Where did you think you were going? Did you
- 25 think you were going to get something to eat?

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1       A     Yes, sir. I mean, he didn't -- we didn't -- he  
2       didn't come to my house until like 10:30 or  
3       something, something like that. And I went and got  
4       dressed.

5       Q     So you left your house about quarter till  
6       11:00?

7       A     Probably 11 o'clock.

8       Q     So it took you 30 minutes to get dressed. So  
9       you didn't leave your house till 11 o'clock?

10      A     Yes, sir.

11      Q     And you were supposed to meet your mentor back  
12      there in 30 minutes?

13      A     Yes, sir.

14      Q     So you and the other two guys were going to go  
15      get something to eat and then come back?

16      A     Yes, sir. I was going to come back. I don't  
17      know what they was going to do.

18      Q     All right. So where were y'all planning on  
19      going to eat?

20      A     Hardee's, right down the street.

21      Q     Hardee's in Chapin?

22      A     Yes, sir.

23      Q     And how long does it take to get from your  
24      house to the Hardee's in Chapin?

25      A     No time, probably --

- 1 Q Fifteen minutes?
- 2 A No.
- 3 Q How long?
- 4 A Five, if I had to guess, not even that.
- 5 Q All right. But you didn't go to Hardee's?
- 6 A No, sir.
- 7 Q Where did you end up going?
- 8 A To Jasmine Bowers'.
- 9 Q All right. And is it your testimony that you
- 10 stayed in the car when he got out and talked to
- 11 Jasmine Bowers?
- 12 A Yes, sir.
- 13 Q Did he tell you you couldn't get out of the
- 14 car?
- 15 A No.
- 16 Q Did he tell you why he was stopping at Jasmine
- 17 Bowers'?
- 18 A No. He said he had to holler at her for a
- 19 second.
- 20 Q All right. Then he got back in the car?
- 21 A Yes, sir.
- 22 Q And then what did he say?
- 23 A Then he said he's going to Jackie Boyd's house.
- 24 Q All right. And did you ask him about going to
- 25 Hardee's to get something to eat?

1       A     Yes, sir, when I first got in the car.

2       Q     Well, what about after he got back in the car  
3     after talking to Jasmine, didn't you ask him about  
4     going back to Hardee's to get something to eat then?

5       A     No, sir.

6       Q     Why not?

7       A     Because he said he had to do something.

8       Q     He said he had to do something?

9       A     Yeah.

10      Q     And that is to go see Jackie Boyd?

11      A     I don't know what it was.

12      Q     So he didn't tell you he was going to Jackie  
13     Boyd's?

14      A     Yeah. He just said he going down the street  
15     real quick.

16      Q     So when was the first time that you realized  
17     you were going to Jackie Boyd's?

18      A     As soon as he got back in the car and said he  
19     was going to Jackie Boyd's house.

20      Q     So he did tell you he was going to Jackie  
21     Boyd's house?

22      A     Yes, sir.

23      Q     And then when he said he was going to Jackie  
24     Boyd's house, why didn't you ask him, aren't you  
25     going to get something to eat --

- 1       A    He was running in and running out.
- 2       Q    I'm sorry?
- 3       A    He was running in and running out.
- 4       Q    Running in and running out of what?
- 5       A    Jackie Boyd's house, that's what he did. And
- 6       when he came back --
- 7       Q    So are you saying that you had this discussion
- 8       in the car and he said, We're not going to Hardee's,
- 9       we're going to Jackie Boyd's?
- 10      A    No. He said he had to stop by Jasmine house.
- 11      And when he got done talking to Jasmine, he went
- 12      over, he said he had to stop by Jackie house to run
- 13      in and run out to get something. He'll be right
- 14      back. Then he came back.
- 15      Q    Okay. So he went to Jackie Boyd's house to get
- 16      something, that's what he told you. And when he got
- 17      out of Jackie -- when he got out of the car, did you
- 18      get out when he went to Jackie Boyd's house?
- 19      A    No, sir.
- 20      Q    Why not?
- 21      A    Because I stayed in the car.
- 22      Q    Well, I mean, why not?
- 23      A    Because I was minding my own business.
- 24      Q    All right. And what was Mr. Brennan doing
- 25      then?



JERMAINE CAUGHMAN - CROSS BY MR. WILLIAMS

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- 1       A     He was in the car, too.
- 2       Q     And how long was he in Jackie Boyd's house?
- 3       A     Four, five minutes.
- 4       Q     You certainly didn't go to Irmo that morning
- 5       for any reason?
- 6       A     No, sir.
- 7       Q     All right. Then when he got back in the car,
- 8       what happened then?
- 9       A     He grabbed his gun out the center console, said
- 10      he was about to rob David Cannon.
- 11      Q     He said that inside the car?
- 12      A     Yes.
- 13      Q     So he didn't say that out there on the road or
- 14      anything like that?
- 15      A     Yes, he said that, too. He said it again.
- 16      Q     So he said it again?
- 17      A     Yes, when I told him he had to shoot him.
- 18      Q     Well, was he in the car when he said it again,
- 19      or was he outside when he said it?
- 20      A     When he said it again, he was outside the car.
- 21      Q     Okay. Well, if he's talking to you and he
- 22      tells you that we got to go rob David Cannon, then
- 23      all three of you jump out of the car; is that what
- 24      happens?
- 25      A     Yes, sir.

1 Q And then what do you do?

2 A From there, we walk the back way.

3 Q And then when did -- when does he say, We're  
4 going to go rob David Cannon's?

5 A Again?

6 Q Yeah.

7 A When we were in the middle of the park when I  
8 told him he had to shoot him. He said he was going  
9 to rob him and he was going to shoot him.

10 Q So he says that again and where were you?

11 A In the middle of the clearance.

12 Q Show me -- show me on this map where you were  
13 when he says this. You can step down if you want  
14 to.

15 A (Witness leaves the witness stand.)

16 Right here in this area (indicating).

17 Q And where was your car parked?

18 A I don't know the exact location, somewhere over  
19 here. It wasn't my car.

20 Q So you're telling me you can't remember where  
21 your car was parked, but you remember where you had  
22 this conversation?

23 A Yes.

24 Q And you don't know where on this map your car  
25 would -- his car would have been parked?

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1       A     No.

2       Q     And the three of y'all just jump out and you go  
3       which way?

4       A     This way (indicating). From here, we go this  
5       way, come this way.

6       Q     All right. And you have the discussion, We're  
7       going to rob him, down here?

8       A     Yes, right here.

9       Q     So you're nowheres near a house or anything  
10      when he says, We're going to rob Dave; is that  
11      right?

12      A     The second time, no.

13      Q     And the first time you were in the car?

14      A     (Witness resumes the witness stand.)

15            Yes, sir. He was in the car. He was reaching  
16      to get his weapon from the car.

17      Q     But you were in the car?

18      A     Yes, sir.

19      Q     Now, where is Jasmine when you do this?

20      A     She's somewhere walking down the street.

21      Q     You didn't see where she was?

22      A     No, sir.

23      Q     Had you not talked about how the plan was going  
24      to go or what was going to happen?

25      A     No, sir.

1       Q     So the three of y'all are simply going to go  
2     rob Dave and you have no idea that Jasmine's  
3     involved in this at all?

4       A     No, sir.

5       Q     Okay.

6       A     Until the point where we get -- when I see --  
7     when I see her.

8       Q     When is it you see her?

9       A     When I see her? I see her when I first knocked  
10    on the door. Then I seen her again when she came  
11    out.

12    Q     Let me slow you down here. When you knock on  
13    which door?

14    A     Jasmine grandparents' door.

15    Q     So you don't go behind Dave's house on this cut  
16    through here (indicating). You go to Jasmine's  
17    house after you say you're going to go rob Dave?

18    A     No, that was the first -- no.

19    Q     Okay. Well, we'll go again. All right. You  
20    went --

21    A     From my house. From my house. We leave my  
22    house, we goes to Jasmine grandparents' house.

23    Q     All right. So you go to Jasmine's  
24    grandparents' house. He gets out. He says  
25    something to Jasmine. The three -- the other two --

1 two of y'all stay in the car; is that right?

2 A No. When we gets to Jasmine's house, I get out  
3 and knocks on the door. I tells him {verbatim} he  
4 wants her. By that time, she close the door and  
5 gets dressed. I go back to the car and I sit down.  
6 From there, that's when he gets out the car and  
7 meets her.

8 Q All right. And what does she do?

9 A I don't know. She just walked to him. I mean,  
10 I couldn't --

11 Q So you have a conversation --

12 A No.

13 Q -- or they have a conversation?

14 A Yes, sir.

15 Q And then y'all get back in the car and you go  
16 to Jackie Boyd's?

17 A Yes, sir.

18 Q And you don't know what happened to Jasmine?

19 A No, sir.

20 Q You didn't have a conversation with Jasmine  
21 about how this was going to go down?

22 A No, sir.

23 Q So then you park in some area around there and  
24 you walk back on the cut through --

25 A Yes, sir.

1 Q -- behind David Cannon's house. And then he  
2 says that we're going to go rob David Cannon after  
3 you tell him, Well, you got to shoot him, you got to  
4 kill him?

5 A I said, You have to shoot him. He said he was  
6 going to shoot him because he had beef with him and  
7 he was going to get his first body.

8 Q Who had the beef with him?

9 A Breon, that's what he said.

10 Q Didn't you have a beef with him?

11 A Did I have a beef with him? No.

12 Q Had David Cannon never assaulted you at any  
13 point in time?

14 A Yes, when I was real little.

15 Q So you're the one that had the beef with David  
16 Cannon?

17 A No, I didn't.

18 Q Who would have known about that?

19 A Who would have known about that?

20 Q Uh-huh.

21 A A lot of people. This happened when I was 12  
22 years old.

23 Q Did you tell anyone -- how old are you now?

24 A Nineteen.

25 Q Did you tell anyone recently that he had -- he

1       slapped you or beat you up when you were 12 years  
2       old?

3       A     Yes, the prosecutors.

4       Q     You told the prosecutors that?

5       A     Yes, sir.

6       Q     But you didn't tell anybody else that?

7       A     No, sir.

8       Q     Now, when you're, I guess, walking around in  
9       the cut through, you say you see Jasmine at that  
10      point in time?

11      A     When we run through the back way, we see  
12      Jasmine.

13      Q     Where is Jasmine?

14      A     She meets us in the front of the yard, the  
15      front of the driveway.

16      Q     But you're behind the house, aren't you?

17      A     Yeah, but we cut through when we see the dogs.

18      Q     Okay. And she's in the front of the house?

19      A     Yes, sir.

20      Q     Then what happens next?

21      A     From there, she says she -- you can rob him,  
22      just shoot him, don't kill him.

23      Q     So you walk up to where she is in front of the  
24      house?

25      A     We all do.

1 Q So then you walk up to the front of the house  
2 and you have this conversation with Jasmine?

3 A Yes. I used the phone to call my mentor, tell  
4 her to come gets me.

5 Q So you're in front of David Cannon's house  
6 having this conversation with Jasmine in which she  
7 says, okay, it's okay to rob him now, you pick up  
8 the phone and you call the mentor saying, you can  
9 come pick me up in a few minutes?

10 A No. I tell her she can come pick me up.

11 Q She can come pick you up now?

12 A Yes, sir.

13 Q Well, you wouldn't have been there for the  
14 mentor to pick you up, would you?

15 A No, sir.

16 Q Well, why did you tell her to come pick you up  
17 now?

18 A Because I had -- because I had no other place  
19 to go.

20 Q Could it possibly be that you were trying to  
21 establish an alibi?

22 A No, sir.

23 Q Well, wouldn't it be a good alibi to call your  
24 mentor to tell her to come pick you up at the same  
25 time that you're robbing somebody else?



1       A     Repeat that again.

2       Q     Would it be a smart move if you were robbing  
3           somebody to call your mentor to come pick you up  
4           knowing that you might get there just in time for  
5           your mentor to be there and you could use her as a  
6           possible alibi?

7       A     No, not really. When I gave my statement to  
8           the detective telling them I heard what happened,  
9           that's when I could have used the alibi.

10      Q     Well, is it your testimony that you haven't  
11           told the police officers that you were with your  
12           mentor during this time span?

13      A     Yes.

14      Q     Okay. So then she would have been your alibi,  
15           wouldn't she?

16      A     No, because I told him after he asked me, the  
17           detective asked me there's been a murder down there  
18           and I told him, I came straight up with him, I told  
19           him what happened. And I told him I left with my  
20           mentor afterwards.

21      Q     Okay. So you never told the investigator that  
22           you were with your mentor so you would not have been  
23           involved in this?

24      A     Yes, I did.

25      Q     Okay. So you did -- so you lied to the

1 investigator?

2 A Yes, sir, at the beginning.

3 Q And that kind of fits in with your plan to call  
4 the mentor from the front yard so that she would be  
5 coming to the house and the time span would be about  
6 the same?

7 A No. She already been to my house and left.

8 Q Was this after 11:30?

9 A No, before.

10 Q But you didn't know she had been at your house,  
11 did you?

12 A Yes, she told me.

13 Q When did she tell you this?

14 A When I called her the first time.

15 Q And when did you call her the first time?

16 A Around 11:20 if I'm not mistaken.

17 Q You called her at 11:20 the first time and you  
18 had not robbed David Cannon at that time?

19 A No, sir.

20 Q When did you rob David Cannon?

21 A Right after that.

22 Q What time were you supposed to meet with her?

23 A At 11:30.

24 Q So your purpose in calling the first time would  
25 have been to establish your alibi, wouldn't it? You

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1 didn't know that she had already been there until  
2 you talked to her?

3 A That wouldn't have been any alibi.

4 Q What would your alibi have been?

5 A I wouldn't have had one. That's -- I'd have  
6 stuck with my alibi. I'd have stuck with something.

7 Q And when you found out that she had already  
8 been there, then you realized that your alibi  
9 wouldn't work, didn't you?

10 A No.

11 Q All right. So now you've had this conversation  
12 with Jasmine. And does she discuss how this  
13 robbery's going to go down?

14 A Yes.

15 Q So she tells everybody how the robbery's  
16 going --

17 A She was going to knock on the door.

18 Q So she's the one who plans this robbery?

19 A Yes, sir.

20 Q So neither you nor Mr. Brennan nor Breon Mayers  
21 designed this robbery?

22 A No, sir.

23 Q So then the next thing that happens is she goes  
24 to the back door and knocks on the back door; is  
25 that right?

- 1       **A**     No, sir, she didn't knock on the door.
- 2       **Q**     I'm sorry?
- 3       **A**     She didn't knock on the door.
- 4       **Q**     So what happens?
- 5       **A**     From there, when we seen the dogs, we cut back  
6       and we met with her. From there, she said what she  
7       said and then we went in. She went in the left side  
8       of the house and we went on the right side.
- 9       **Q**     Okay. So y'all circle the house. She goes to  
10      the left side. You go to the right side?
- 11      **A**     Yes, sir.
- 12      **Q**     And the dogs are where?
- 13      **A**     All over the place.
- 14      **Q**     So the dogs are not tied up?
- 15      **A**     No, sir. Them are little dogs, they'll be in a  
16      cage.
- 17      **Q**     Okay. So you weren't concerned about having  
18      dogs out there that might bite you or something like  
19      that. You didn't have big dogs in his backyard?
- 20      **A**     Yeah, he had big dogs, but he was on a chain.
- 21      **Q**     So you were waiting until he got up and chained  
22      the big dog; is that right?
- 23      **A**     The big dog stays on the chain all the time.
- 24      **Q**     Well, why was it you were concerned about  
25      whether or not he had gotten up or not?

1       A     I don't know. I mean, I wasn't concerned about  
2       anything. All I was concerned about is getting to  
3       my mentor.

4       Q     So you weren't worried about going into the  
5       house and stealing or anything?

6       A     That wasn't my intentions.

7       Q     It wasn't your intention to go in the house and  
8       steal anything?

9       A     No.

10      Q     When is it that it dawned on you that that's  
11      what you were doing? When y'all were carrying guns  
12      down there?

13      A     Y'all didn't carry guns. They carried guns.

14      Q     Well, your gun was being carried, wasn't it?

15      A     Yeah, but I didn't --

16      Q     It's your gun, right?

17      A     -- it wasn't in my possession. I never had it  
18      that day.

19      Q     What happened to that gun?

20      A     What happened to that gun? After the thing two  
21      days later when my mentor takes me to go work with  
22      my uncle, Tyrone gives it back to me.

23      Q     Oh, so you get the gun back?

24      A     Yes.

25      Q     So it is your gun?

1       A     Yes.

2       Q     And you just didn't use it at that time, but  
3       you get the gun back from Tyrome, right?

4       A     Yes, sir.

5       Q     Well, what do you do with that gun?

6       A     Put it in my room.

7       Q     So you hide it in your room?

8       A     No, I didn't hide it.

9       Q     Did you call the police and tell them you had  
10      the gun that was used in the robbery?

11      A     No, sir.

12      Q     How many shots were fired?

13      A     Three shots.

14      Q     Why is it -- or did you ever tell -- did you  
15      ever tell any law enforcement that there were only  
16      two shots fired?

17      A     Yes, sir.

18      Q     Well, when is it you said that there were two  
19      shots fired?

20      A     When they first asked me how many shots was  
21      fired.

22      Q     Now, is this before or after you said that you  
23      were with Linda Marsh during this robbery?

24      A     After.

25      Q     So how many different statements have you

1 given?

2 A One.

3 Q Well, there's at least one with you saying you  
4 were with your mentor. Then there's another one in  
5 which you say that there are at least two shots  
6 fired, because you've testified today that there  
7 were three shots fired --

8 A Yes, sir.

9 Q So that's at least three different things?

10 A No, sir, it's only twice. I never put in the  
11 statement -- the only statement I put was my  
12 handwriting statement and I gave two shots fired,  
13 that's the only statement I gave.

14 Q Okay. So you don't count the oral statements  
15 that you give police officers as being an official  
16 statement, do you?

17 A No, sir.

18 Q How many different oral statements have you  
19 given the police?

20 A Three.

21 Q So you've given three oral statements and two  
22 written statements?

23 A Two written statements and two oral statements  
24 that are the same as the written statements.

25 Q Well, no, they're not the same as the written.

1 statements, are they?

2 A Yes, they are.

3 Q Because you didn't put it in writing that you  
4 were with Ms. Mayers {verbatim} during that time  
5 span, did you?

6 A Yes, sir, in my statement, I did.

7 Q What else did you put in that first statement?

8 A I don't exactly remember.

9 Q Well, how do you know you put it in the first  
10 statement if you don't remember it?

11 A How do I -- I remember certain parts of it.

12 Q Well, let's go back to what. Since you  
13 remember not having a gun, what did you have on that  
14 particular day?

15 A A white hoody.

16 Q So you had white on that day?

17 A Yes, sir.

18 Q What did Breon have on?

19 A I don't remember.

20 Q You remember that you had on white that day,  
21 but you don't remember what Breon had on?

22 A Yes, sir.

23 Q And it's your testimony that he has a gray car?

24 A Grayish, yes, sir.

25 Q Not gold?



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- 1       A     Not gold, not to my knowledge.
- 2       Q     Well, you would know, wouldn't you?
- 3       A     Yes, sir.
- 4       Q     All right. So Jasmine comes to the back door
- 5       and she's already told you that you can come on
- 6       after she does some kind of motion; is that right?
- 7       A     Yes, sir. She didn't go to the back door.
- 8       Q     Okay. How --
- 9       A     She went to the back door after Dave was
- 10      killed.
- 11      Q     So she never went to the back door before the
- 12      shooting?
- 13      A     No. She was on the side of the house.
- 14      Q     All right. And -- but she gives you the signal
- 15      that it's okay to go in?
- 16      A     She didn't give me the signal. She gave it to
- 17      your client.
- 18      Q     She gave him the signal?
- 19      A     Yes, sir.
- 20      Q     You know she gave him the signal, but you
- 21      didn't see any signal; is that right?
- 22      A     No. When he moved, we all moved.
- 23      Q     Well, how do you know she gave a signal?
- 24      A     Because he moved.
- 25      Q     And you knew that she was going to give a

1 signal?

2 A Yes.

3 Q What was the signal?

4 A I don't exactly know. She just said go.

5 Q She said go. So you heard her say something  
6 then?

7 A Yes, sir.

8 Q So you heard her say go?

9 A (No response.)

10 Q So that's the signal, right?

11 A I mean, I guess.

12 Q Okay.

13 A I don't know.

14 Q You don't know?

15 A I don't know what her signal was with him. I  
16 mean --

17 Q Was that your signal with her?

18 A No. I went when he went.

19 Q All right. So he goes into the house, you go  
20 into the house and Mr. Brennan goes in the house; is  
21 that right?

22 A Everybody goes in the house.

23 Q Everybody goes in the house to include Jasmine?

24 A Yes, sir. She was the first person in.

25 Q What was the reason of going to the house?

1       A     To get some weed.

2       Q     Isn't it true that you actually told the  
3       investigator that you were there to get weed and  
4       money?

5       A     Yes, sir, in my first statement.

6       Q     Well, is that not true?

7       A     That is true. In my first statement, I did  
8       tell them that.

9       Q     But you're saying that's not what you were  
10      trying to do?

11      A     No, sir.

12      Q     So it's not true that you were going there to  
13      get weed and money?

14      A     No, sir.

15      Q     You were lying to the police officer about  
16      that?

17      A     Yes, sir.

18      Q     Do you think that somehow makes your story  
19      better to say that you were going to get weed and  
20      money and now say that you were just going to get  
21      weed?

22      A     No, sir. I mean, I told the truth. They told  
23      me to tell the truth from that point on when I  
24      talked to them, so that's what I did.

25      Q     So there was no money taken from the house?

1       A     Not that I know of. From what I heard, Tyrome  
2       says that Jasmine took the money, but Breon, Tyrome,  
3       they didn't have any money. All that was taken  
4       [sic] was a .357 and some weed, to my knowledge,  
5       until Tyrome told me Jasmine took money. And I  
6       don't know how true that is.

7       Q     You're inside the house, aren't you?

8       A     Yes, sir.

9       Q     Who finds the items?

10      A     Jasmine Bowers.

11      Q     So Jasmine has these items and she gives them  
12      to who?

13      A     Breon Mayers.

14      Q     What does she give to Breon?

15      A     A bag of weed in a Ziploc, a Ziploc bag with a  
16      .357 in it.

17      Q     Anything else?

18      A     No, sir.

19      Q     So she doesn't give him a wallet or anything,  
20      right?

21      A     No, sir.

22      Q     So no wallet was taken from the house?

23      A     No, sir.

24      Q     Now, after she hands this to Breon, then the  
25      four of y'all leave?

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1       A     Yes, sir.

2       Q     Now, of the four defendants, three of y'all  
3       have given statements, haven't you?

4       A     Yes, sir.

5       Q     And all three of you are actually giving  
6       statements against Breon?

7       A     Yes, sir.

8       Q     Breon --

9       A     Except for Jasmine, I don't think she gave one  
10      against him.

11      Q     You don't think Jasmine gave a statement  
12      against him?

13      A     No, sir.

14      Q     Where do you go after Jasmine gives Breon this  
15      marijuana and gun, which is in a -- did you say  
16      plastic bag?

17      A     No, like a BB&T bank bag, tannish color.

18      Q     Okay. It's a bank bag?

19      A     That's what it looked like.

20      Q     Where did y'all go inside the house?

21      A     To me, I went in there to the left to the  
22      kitchen. I stayed in the kitchen. Tyrome went  
23      straight ahead into that one room where he took a  
24      gun out. And Breon and Jasmine went into the room  
25      where all the drugs were. And then Tyrome came back

1.       towards my way.

2.       Q     Well, did y'all touch anything inside the  
3.       house?

4.       A     No, sir.

5.       Q     And you certainly didn't touch any shells or  
6.       anything like that, did you?

7.       A     No, sir.

8.       Q     You wouldn't have touched a 9mm pistol, would  
9.       you?

10.      A     No, sir.

11.      Q     And you wouldn't have touched any shells?

12.      A     No, sir.

13.      Q     What kind of tennis shoes did you have on?

14.      A     Black Adidas.

15.      Q     What happened to the clothing that you had when  
16.      you robbed David Cannon?

17.      A     I gave them to the investigators. Everybody  
18.      else threw theirs away.

19.      Q     You said you gave it to the investigator. Were  
20.      you under arrest at the time?

21.      A     Yes, sir. I told them where it was. I told  
22.      them where everything was.

23.      Q     After you had given your second or third or  
24.      fourth statement?

25.      A     No, the same night they arrested me.

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1 Q What was promised to you for that?

2 A Nothing.

3 Q Now, where do you leave -- when did you give  
4 the first statement?

5 A October 26th.

6 Q Well now, in your first statement, you told the  
7 investigator that money was taken also, right?

8 A Yes, sir.

9 Q So is it your testimony that no money was taken  
10 that you're aware of?

11 A That I'm aware of, I didn't know any money that  
12 was taken. But from what Tyrome told me, yes, money  
13 was taken [sic].

14 Q Why did you tell the investigator that money  
15 was taken along with weed?

16 A Because that's what Tyrome said it was taken  
17 out the house after I went, left with my mentor.

18 Q Now, in that statement, you said that Tyrome  
19 called you on Linda Marsh's phone; is that right?

20 A Yes, sir.

21 Q That means Tyrome is calling from number...

22 A I don't remember the exact number.

23 Q You don't?

24 A No.

25 Q How do you know he called you?

1       A     How do I know he called me? Because when my  
2       mentor answered the phone, she said it was for me.

3       And when I got on the phone, it was him.

4       Q     So Tyrome called you from a number that went to  
5       Linda Marsh's phone?

6       A     Yes, sir.

7       Q     Now, you made some comment about Breon having a  
8       phone?

9       A     Yes, sir.

10      Q     Have you ever seen Breon with a phone?

11      A     Yes, sir.

12      Q     Describe this phone.

13      A     I can't describe it off the top of my head.

14      Q     Well, you see my phone. It's a -- what kind of  
15      phone is it?

16      A     An iPhone, I guess. I mean, I don't know.

17      Q     But you don't know if he has an iPhone or a  
18      Droid or what have you?

19      A     No.

20      Q     You can't describe it in any way?

21      A     A touch screen, touch screen.

22      Q     You sure it's not a --

23      A     I think it's a touch screen, Blackberry.

24      Q     You think it's a Blackberry. You don't think  
25      it's an iPhone?



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1       A     No, sir. Tyrome Brennan gave it to him weeks  
2 prior.

3       Q     Well now, how do you know Tyrome Brennan gave  
4 him a phone?

5       A     Because I was there when he gave it to him.

6       Q     All right. So you've already said that Tyrome  
7 Brennan called Linda Marsh. So Tyrome Brennan --

8       A     Using Breon's phone.

9       Q     I'm sorry?

10      A     Using Breon's phone, yes.

11      Q     Well now, how do you know it was Breon's phone  
12 if Tyrome Brennan called Linda Marsh?

13      A     How do I know? Because when Tyrome gave it to  
14 Breon, Breon went and activated it the next day for  
15 \$40, Straight Talk.

16      Q     Were you with him when he did that?

17      A     No, sir.

18      Q     Well now, how do you know that?

19      A     How? Because he told me. And after that, I  
20 used his phone.

21      Q     So you used this number?

22      A     Yes. I called, used that number.

23      Q     And Breon uses this number?

24      A     Yes, sir.

25      Q     And Tyrome uses this number?

1       A     Yes, sir.

2       Q     So everybody uses this number?

3       A     Yes, sir.

4       Q     Well, wherever this phone got activated, there  
5       would be some sort of record of that, wouldn't  
6       there?

7       A     I mean, it's Straight Talk, no, sir.

8       Q     You don't think that if you go to a business  
9       establishment and you pay money to turn on the  
10      phone, that there wouldn't at least be a camera  
11      showing you activate the phone or some sort of  
12      receipt for your activation of the phone?

13      A     I mean, yes, sir. But the camera, it should  
14      be, but I don't think the receipt would matter  
15      because you can throw a receipt away.

16      Q     Well, you can't throw away that video showing  
17      that person activating the phone, can you?

18      A     I mean, if it's a video camera wherever he  
19      activated it, yes.

20      Q     So if there is a video camera where it was  
21      activated, it would show it?

22      A     Yes, sir, it should.

23      Q     Whoever activated the phone?

24      A     He activated the phone.

25      Q     Well, you don't know that, though. You weren't

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1       there.

2       **A**     I mean, it's his phone, who else would activate  
3       it?

4       **Q**     All right, sir. Now, where did you go after --  
5       did you say that Breon dropped you off at your  
6       house; is that right?

7       **A**     He dropped me off at my backyard.

8       **Q**     And then you and Linda Marsh went to the Army  
9       recruiters?

10      **A**     Yes, sir.

11      **Q**     Anything else?

12      **A**     We went -- before we went to the Army  
13      recruiters, we went to my grandparents' house to get  
14      my books and then to Chapin High School. Then from  
15      Chapin High School, we went to the Army recruiter  
16      place, which was closed. So we got something to eat  
17      and then we went to the DMV. And --

18      **Q**     Did you tell -- I'm sorry. I didn't mean to  
19      cut you off. Go ahead.

20      **A**     And then from there, we went to her house.

21      **Q**     Did you tell your mentor about just robbing  
22      somebody?

23      **A**     No, sir.

24      **Q**     Did you make any comments to your mentor when  
25      the ambulance rode by that --

1       A     Yes, sir.

2       Q     What did you tell her?

3       A     Somebody had just got killed.

4       Q     Well, how did you know somebody just got called  
5       killed?

6       A     How did I know?

7       Q     Yeah.

8       A     Because I was there.

9       Q     Why didn't you tell your mentor that you had  
10       just shot somebody?

11       A     Because if that's the case, if I'd have told, I  
12       would've had -- if I would've told, they would've  
13       knew I told, so I didn't tell.

14       Q     Well, then why did you subsequently give  
15       several statements about what happened then if your  
16       concern was not letting somebody find out?

17       A     I mean, now what can happen.

18       Q     I'm sorry?

19       A     What can happen now, I'm locked up.

20       Q     What do you think would have happened if you  
21       hadn't made a statement?

22       A     And I was free?

23       Q     Yeah.

24       A     A lot of things.

25       MR. WILLIAMS: Beg the Court's indulgence one

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1 moment.

2 (Pause.)

3 Q What did Mr. Brennan have on that day?

4 A I don't remember.

5 MR. WILLIAMS: That's all the questions I have,  
6 Your Honor.

7 THE COURT: Redirect.

8 MR. SCOTT: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q When was the plan made for you to meet with  
12 Linda Marsh on October 21st?

13 A Weeks prior.

14 Q Weeks prior?

15 A Yes, sir.

16 Q So that was a date on your calendar that you  
17 knew was upcoming?

18 A Yes, sir. It was supposed to be Thursday, but  
19 she had a funeral to go to Thursday, so we made it  
20 Friday.

21 Q Okay. Now, that day, while we're on Linda  
22 Marsh and she picked you up, did you want her to  
23 know what you had just done?

24 A Yes, sir, that's why I said, Somebody's been  
25 killed, but I didn't want to, like, tell her.

1 Q Did you want to get caught?

2 A Yes, sir -- I didn't want to get caught, no. I  
3 just wanted to tell somebody, let them know.

4 Q Did you feel guilty?

5 A Yes, sir.

6 Q But you didn't tell her, I was involved with a  
7 murder?

8 A No, sir.

9 Q You didn't want to go to jail?

10 A No, it's not that. I mean --

11 Q Did you want to go to jail?

12 A No, it's not because I didn't want to go to  
13 jail. It's the circumstance of me being on the  
14 street.

15 Q And when Mr. Williams was asking about when the  
16 police first showed up on your doorstep, you didn't  
17 come a hundred percent clean at first, did you?

18 A No, sir, because I was scared.

19 Q You were scared?

20 A Yes, sir.

21 Q About them putting handcuffs on you and  
22 arresting you?

23 A Yes, sir, or them letting me go and everybody  
24 found out I told.

25 Q Have people found out you told?

1       A     Yes, sir.

2       Q     You know Breon got arrested?

3       A     Yes, sir.

4       Q     Did you talk to him after you got arrested --  
5     after he got arrested?

6       A     Yes, sir, when we were on the first floor  
7     together.

8       Q     What did he say to you?

9       A     He said -- we was talking about the case and  
10    whatnot. He said, Keep your mouth closed. I told  
11    him, All right. Then one day Tyrome came back from  
12    court, he was like, Tyrome's snitching. Because he  
13    called Tyrome's name, Tyrome didn't answer. He  
14    said, Tyrome's snitching. He told me not to be like  
15    that.

16    Q     But you had already written a statement at that  
17    point, hadn't you?

18    A     Yes, but he didn't know.

19    Q     But you wrote a statement on October 26th,  
20    didn't you?

21    A     Yes, sir.

22    Q     That's the day you got arrested?

23    A     Yes, sir.

24    Q     And Mr. Williams asked about you writing a  
25    statement on Breon, but your statement puts you at

1 the crime scene, didn't it?

2 A Yes, sir.

3 Q Put Tyrome Brennan at the crime scene?

4 A Yes, sir.

5 Q Put Jasmine Bowers at the crime scene?

6 A Yes, sir.

7 Q It put you saying Dave Cannon was going to have  
8 to be shot, didn't it?

9 A Yes, sir.

10 Q It put you running all through that trailer  
11 looking for stuff, didn't it?

12 A Yes, sir.

13 Q You stated you knew people had guns going into  
14 it?

15 A Yes, sir.

16 Q So that statement wasn't just against Breon,  
17 was it?

18 A No, sir, it was against myself.

19 Q Was that the only statement you've written?

20 A Yes, sir.

21 Q That was written October 26th?

22 A Yes, sir.

23 Q Now, you stated that they called you, Jermaine  
24 and Breon called you while you were with Linda  
25 Marsh?



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- 1       A     Tyrome and Breon.
- 2       Q     I'm sorry. Tyrome and Breon called you while
- 3       you were with Linda Marsh?
- 4       A     Yes, sir.
- 5       Q     How would they have known Linda Marsh's number?
- 6       A     Because I called her earlier.
- 7       Q     From what phone?
- 8       A     Breon Mayers'.
- 9       Q     And so her number was already in that phone?
- 10      A     Yes, sir.
- 11      Q     Whose idea was it to rob Dave Cannon?
- 12      A     Jasmine's.
- 13      Q     It was Jasmine's idea to rob --
- 14      A     It was Jasmine plan, but it was Breon idea.
- 15      Q     What do you mean by that?
- 16      A     By what I mean, Jasmine -- in order to rob Dave
- 17      Cannon, Jasmine had to set it up the easiest way, so
- 18      she set it up.
- 19      Q     Jasmine set it up?
- 20      A     Yes, sir.
- 21      Q     And why was Jasmine a good person to set this
- 22      up?
- 23      A     Because she's the closest kin.
- 24      Q     Who all went to Jasmine's house the morning of
- 25      October 21st?

1       **A**     Me, Tyrome and Breon.

2       **Q**     Who said they were going to shoot Dave Cannon?

3       **A**     Breon.

4       **Q**     Who was supposed to get weed?

5       **A**     Breon.

6       **Q**     Who was supposed to get the money?

7       **A**     Breon really, but Jasmine got it.

8       **Q**     What, if any, reason do you have to lie for  
9       Breon Mayers?

10      **A**     I don't. I mean, I'm facing a life sentence.

11      **Q**     I showed you a picture earlier. I believe it  
12      was State's Number 8. Would you tell me one more  
13      time what that is?

14      **A**     That's Breon where he stays at his  
15      grandparents' house.

16             **MR. SCOTT:** Your Honor, the State would offer  
17      State's Exhibit Number 8 for admission into  
18      evidence.

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

20             **THE COURT:** Admitted.

21             **MR. SCOTT:** Thank you.

22                     (State's Exhibit Number 8, photograph,  
23      admitted into evidence.)

24             **MR. SCOTT:** Nothing further from this witness.

25             **MR. WILLIAMS:** Just a couple questions.

## 1 RECROSS-EXAMINATION

2 BY MR. WILLIAMS:

3 Q You said you only gave one written statement?

4 A Yes, sir.

5 Q Didn't you say a while ago you gave two written  
6 statements?

7 A No, sir.

8 Q Didn't you say in your first statement that --

9 A I gave three statements. I told you I gave  
10 three statements, two verbal and one written.11 Q And didn't you say that Tyrome wasn't even with  
12 you in the first statement -- or the second  
13 statement?

14 A No. I always said he was with me.

15 Q You always said Tyrome was with you?

16 A Yes, sir. In my statement, I just didn't put  
17 what he had, anything against him. I didn't put any  
18 -- I just told him he was there. It was me, him,  
19 Tyrome and Jasmine.20 Q Now, wait a minute. Are you saying that you've  
21 never told the police officer that you had not --  
22 that you did not see Tyrome on October the 21st of  
23 2011?

24 A No, sir.

25 Q You didn't tell any police officer that?

1           **A**     No, sir.

2           **MR. WILLIAMS:** That's all I have, Your Honor.

3           **THE COURT:** All right. Folks, we're going to  
4 break for lunch. I'm going to go ahead and have you  
5 go on back to the jury room and then you can go to  
6 lunch. Please don't begin any deliberations or  
7 discussions about the case, don't talk to anybody  
8 about the case including each other or comment on  
9 witness demeanor. And if anybody does approach you  
10 about the case, please report that when you get  
11 back.

12           It's one o'clock right now. So if y'all will  
13 be back in the jury room just before 2:30, we'll  
14 start back at 2:30, all right. Enjoy your lunch.

15           (The jury was excused for lunch.)

16           **THE COURT:** Okay. Do we need to discuss  
17 anything before we break?

18           **MR. GRAHAM:** Not from the State, Your Honor.

19           **MR. WILLIAMS:** Nothing from the defendant, Your  
20 Honor.

21           **THE COURT:** Okay. See y'all at 2:30. Thank  
22 you.

23           (Whereupon, there was a luncheon recess.)

24           **THE COURT:** Okay. Are y'all ready to go?

25           **MR. GRAHAM:** State's ready, Your Honor.

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1           **MR. WILLIAMS:** Defense is ready, Your Honor.

2           **THE COURT:** Okay. Bring the jury in.

3                   (The jury returns to the courtroom.)

4           **THE COURT:** Okay. Looks like everybody's back  
5 in. So, Mr. Solicitor, if you're ready, call your  
6 next witness.

7           **MR. SCOTT:** Thank you, Your Honor. The State  
8 calls Linda Marsh.

9                               LINDA MARSH;  
10           having been duly sworn, testified as follows:

11           **THE CLERK:** Have a seat right up here. Once  
12 you're seated, state your full name, spelling your  
13 last on the record, please, ma'am.

14           **THE WITNESS:** My name is Linda Marsh,  
15 M-a-r-s-h.

16                               DIRECT EXAMINATION

17           BY MR. SCOTT:

18           **Q**    Ms. Marsh, where are you farm?

19           **A**    Right now we live in Chapin, South Carolina.

20           **Q**    Have you always lived in South Carolina?

21           **A**    No. I'm from Iowa, lived Missouri, Ohio,  
22 Georgia.

23           **Q**    What brought you to South Carolina?

24           **A**    We actually came here because of our children.  
25 We -- it's a long story, but we, essentially, we

1        wanted them to be in a better school district. We  
2        were in Savannah. And so we moved here to live in  
3        District 5.

4        Q     And what -- are you working? Do you work?

5        A     I'm retired.

6        Q     What do you do now? Do you volunteer or do you  
7        do anything like that?

8        A     Yeah, pretty much that's what I do. Since I  
9        retired -- and I have always worked with children a  
10       lot and done a lot of volunteering, but since I've  
11       been retired, that's pretty much what I do is I  
12       volunteer with children.

13       Q     In what capacity?

14       A     Right now I'm mentoring. I've -- over the  
15       years, I've worked with mentally handicapped  
16       children. I've volunteered through junior  
17       achievement. I've just done a lot of different  
18       things, but since I've been in South Carolina, I've  
19       been a mentor.

20       Q     So you've been doing this sort of work for how  
21       many years?

22       A     Forty.

23       Q     So you've basically been volunteering in this  
24       capacity --

25       A     Pretty much my whole life.

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1 Q -- the majority of your life.

2 A I've been working with kids and volunteering  
3 with kids pretty much my whole life.

4 Q How did you become involved in the mentoring  
5 program in Chapin?

6 A How did I become involved? They were starting  
7 a mentoring program at the middle school, Chapin  
8 Middle School, and I wanted to be involved in that,  
9 so I called them and offered to help them get the  
10 program started.

11 Q And how were the kids entering the mentoring  
12 program, how were they picked?

13 A They're defined as at-risk children. And  
14 at-risk children in South Carolina are defined by a  
15 very specific kind of criteria. And if they meet  
16 enough of those criterias, they're defined as  
17 at-risk. So the program, the mentoring program at  
18 Chapin High School, was to work with defined at-risk  
19 children. Sometimes it's economically, sometimes  
20 it's academically, but they meet a number of  
21 criterias to be defined as at-risk according to  
22 South Carolina law.

23 Q Do you know what those criteria are?

24 A Well, sometimes it's if you're in -- one of the  
25 criterias, for example, if you're in a single family

1 home; another is if you're living below the poverty  
2 level; another is if your parents are divorced;  
3 another is if you have failed more than one year;  
4 there's another if you've missed a certain number of  
5 days in the academic school year. I think there are  
6 about 35 criteria.

7 Q And tell me about Jermaine Caughman, who is he?

8 A Well, Jermaine was one of the first -- he was  
9 part of the first group of African-American boys  
10 that were assigned to me. And Jermaine is, you  
11 know, a typical at-risk boy from a particular  
12 neighborhood in Chapin. He -- from the time I've  
13 known him, he kind of has this kind of, I'm the  
14 king, kind of attitude, you know, like, I'm all  
15 that, like a real tough guy, but he's really not.  
16 He's always, always been a follower. He -- of all  
17 the boys that I've worked with, he probably was the  
18 biggest follower of all of the boys.

19 Q How many -- if you had to guess, how many  
20 children have you mentored over the years or  
21 adolescents or youths?

22 A A lot. Just in Chapin alone, there were -- I  
23 had a group of at least ten boys from that  
24 neighborhood that I worked with. Last year at  
25 Chapin High School, I had eight girls that were



1 assigned to me. Over the years, it's been many,  
2 many more than that.

3 Q Okay. So what you're describing, I guess, was  
4 he's an arrogant guy to some degree?

5 A He would come off being real arrogant, yeah,  
6 but he didn't have anything really to back it up.  
7 It was just kind of this bravado that he had, kind  
8 of this attitude.

9 MR. WILLIAMS: Your Honor, objection to this  
10 line of questioning.

11 THE COURT: Well, on what grounds?

12 MR. WILLIAMS: It's not factual in nature. It  
13 has nothing to do with this charge. It's  
14 irrelevant.

15 THE COURT: What's the relevance?

16 MR. SCOTT: Jerm --

17 THE COURT: Well, let's just move to the day if  
18 you don't have any relevance.

19 BY MR. SCOTT:

20 Q Okay. So he was one of the first children in  
21 the mentoring program?

22 A At Chapin Middle School, correct.

23 Q Okay. He was in middle school at the time?

24 A Yes, sir.

25 Q And what year was that?

1       **A**     Let's see...

2       **Q**     What grade was he in?

3       **A**     It was about 2006 about. He was in -- he had  
4       just started 8th grade.

5       **Q**     Okay. So you've known him now for at least six  
6       years?

7       **A**     Uh-huh.

8       **Q**     He was, what you describe, as a follower?

9       **A**     Uh-huh.

10      **Q**     Now, what is your focus as a mentor of at-risk  
11      children?

12      **A**     Well, the primary thing that we try to do is we  
13      try to keep them out of trouble. We try to watch  
14      their academics. We help them academically if we  
15      need to do that, but we more than anything try to  
16      give them kind of a bigger view of the world than  
17      the neighborhood that they grow up in because many  
18      times these children never really see anything other  
19      than their neighborhood and the school that they  
20      attend.

21      **Q**     Describe the area where Jermaine Caughman is  
22      from.

23      **A**     Well, he's from an area in Chapin that the kids  
24      refer to as Creek Side. It's, typically speaking,  
25      it's north of Chapin itself, but it consists

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1 primarily of kind of larger lots with mostly  
2 trailers where the families live.

3 Q Okay. So you're describing a rural area where  
4 folks don't have a lot of money, do they?

5 A Oh, right, yeah.

6 Q Where did Jermaine end up going to school?

7 A Well, from Chapin Middle School, he went on to  
8 Chapin High School. At a certain point, he had some  
9 discipline issues and he went to the alternative  
10 academy for a short time, but he came back and  
11 graduated from Chapin High School a year ago June.

12 Q Did he graduate?

13 A He did with a diploma.

14 Q Okay. Well, since you mentioned it, what kind  
15 of -- are you aware of the disciplinary issues he  
16 had?

17 A I don't know what it was that sent him to the  
18 alternative academy. It was probably something, you  
19 know, like being disrespectful to the teachers, but  
20 I do know that there was -- the only incident I know  
21 of that really he was in trouble was when he hit a  
22 boy at Irmo High School, he was there for an auto  
23 tech class, and had an assault charge pressed  
24 against him. But that's the only trouble I ever  
25 know that Jermaine was ever in.

1 Q He got in a fight while he was a high school  
2 student?

3 A It wasn't really a fight. He just hit the boy.  
4 And, unfortunately, he had a cast on his arm, so  
5 when he hit the boy, he broke his nose and so they  
6 had to report it as an assault.

7 Q Okay. So because of that, he gets transferred  
8 to the alternative school?

9 A No, that wasn't what transferred him to the  
10 alternative school, that had happened before. He  
11 had gone to the alternative school for a short  
12 period of time before the assault happened.

13 Q Okay. Did he ever transfer back to Chapin  
14 High?

15 A Yes.

16 Q Okay. Did he graduate?

17 A Yes.

18 Q Where did he go once he graduated?

19 A He left pretty much right after graduation to  
20 go stay with his father for the summer in  
21 Philadelphia.

22 Q When was the next time you heard from him?

23 A He didn't really have any way to get a hold of  
24 me. So, to my surprise, I got a Facebook message  
25 and I was really surprised because I didn't know

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1       that he even had access to a computer, but I got a  
2       Facebook message from him telling me that he wanted,  
3       he wanted to talk to me.

4       Q     Okay. How would he typically get a hold of you  
5       if he wanted to talk with you?

6       A     The only way Jermaine ever got a hold of me was  
7       by borrowing either his mother's phone or someone  
8       else's phone and I never had any way to contact him.

9       Q     He didn't have a cell phone?

10      A     No, he did not.

11      Q     Did he ever in all those six years you knew  
12      him?

13      A     He never did. And that's something I actually  
14      would have known because kids are really proud when  
15      they have cell phones, that's the first thing they  
16      want you to see is that they have a cell phone.

17      Q     Okay. So I'm assuming he didn't have a car  
18      either?

19      A     He did not.

20      Q     How would he get around?

21      A     The only way he got around was if he could get  
22      word to me and he needed to go some place, I could  
23      pick him up and take him or some of the guys in the  
24      neighborhood, some of them had cars and so he could  
25      get around that way or his mother. His mother would

1 take him.

2 Q Do you remember the week of October 21st, 2011?

3 A Yes.

4 Q And did you have plans to meet back-up with  
5 Jermaine that week?

6 A I did. Jermaine had gotten a hold of me  
7 through Facebook and said that he really needed me  
8 to help him. He said, If you don't help me get out  
9 of here, I'm going to get myself in trouble. And so  
10 I didn't have time at that moment to help him. So I  
11 said, Jermaine, it's going to have to wait a little  
12 bit. So he got a hold of me a second time and said,  
13 Ms. Marsha, I really need you to help me. And I  
14 said --

15 MR. WILLIAMS: Your Honor, objection to the  
16 hearsay.

17 THE COURT: I suppose it depends on if you're  
18 offering it for some other reason, but it is hearsay  
19 to tell about what another witness already talk --  
20 has talked about, so move on to something different.

21 BY MR. SCOTT:

22 Q Let me ask you, you had plans to meet him the  
23 week of October 21st. Specifically, what day had  
24 y'all originally planned?

25 A We had originally planned on Thursday.

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1 Q That being October the 20th?

2 A Right. But I -- a very good friend of mine  
3 died and her funeral was scheduled for that day. I  
4 didn't know how long it would take. So I got a hold  
5 of Jermaine through Facebook, sent him a message and  
6 said, I just can't do it on Thursday. It'll have to  
7 be Friday.

8 Q Okay. Do you remember when you sent that  
9 Facebook message to him about changing the days?

10 A I don't, but it couldn't have been more than  
11 three days or four days because from the time she  
12 died until her funeral was, you know, four or five  
13 days.

14 Q So it would have been three or four days before  
15 the 21st, so --

16 A Yeah, it would have had to have been.

17 Q -- the 16th or 17th or so?

18 A Uh-huh.

19 Q In other words, these plans weren't made the  
20 day of the 21st?

21 A No.

22 Q What time were you supposed to meet him?

23 A I was supposed to pick him up at 11:30 because  
24 I mentored second block at the high school and  
25 second block ends at about 11:25, but they were on a

1 shortened day, so I finished at, like, 10:30. So I  
2 left, went over to his house, honked the horn  
3 because, you know, I didn't know if he was there or  
4 not. He didn't come out, so I went on home.

5 Q Let me stop you real quick. Without saying  
6 anything that he said, on your way home, did you  
7 receive a phone call?

8 A No. I had been home. I was already home and  
9 that's when I received a phone call after I had  
10 gotten home.

11 Q And who was it on the phone?

12 A And it was Jermaine.

13 Q Okay. Did he call you on your house or your  
14 cell phone?

15 A On my cell phone.

16 Q What is your cell phone number?

17 A (803) -8256.

18 Q All right. So after you heard from him, don't  
19 say what he said or anything, but what did you do?

20 A I got in my car to drive to his house.

21 Q Okay. Did you hear from him again?

22 A I did.

23 Q Where were you when you heard from him the  
24 second time?

25 A I was -- I was in his driveway.



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1 Q Do you remember about what time either one of  
2 those calls were?

3 A The first one was about 11:20 and the second  
4 one about 11:30.

5 Q Did you receive anymore calls from him?

6 A I received a third phone call.

7 Q And what time was that?

8 A Maybe five minutes later.

9 Q And you were in his driveway at this time?

10 A Uh-huh. And he said, Don't leave.

11 Q Five minutes, so what time was that third phone  
12 call?

13 A Probably 11:35.

14 Q All right. What happened next?

15 A Then about a minute or two later, he jumped in  
16 the passenger side of my car.

17 Q So a minute or two after 11:35 is what you're  
18 saying?

19 A Uh-huh.

20 Q How, and, again, without saying anything he  
21 said, how was he behaving?

22 A Well, he, you know, he was kind of out of  
23 breath and, I don't know, seemed kind of agitated or  
24 annoyed. And usually when he got in the car, you  
25 know, he -- Mr. Cheerful and he just wasn't exactly

1 Mr. Cheerful.

2 Q Did you -- those three phone calls that you  
3 referenced, were they from the same number?

4 A Oh, I don't know.

5 Q Did you have a chance to review those phone  
6 numbers later?

7 A I don't think I looked at the numbers.

8 Q But you didn't recognize the number?

9 A No. No, they came through as unidentified  
10 numbers.

11 Q Now, after he got in the car with you, where  
12 did y'all go next?

13 A We headed to his grandmother's house because he  
14 had some books that needed to be turned in so that  
15 he could clear his diploma, you know, clear his fees  
16 so we could get his high school diploma.

17 Q Okay. Did you find the books?

18 A No.

19 Q How long do you think you were at his  
20 grandmother's house?

21 A Well, maybe five minutes.

22 Q What did you see after you left his  
23 grandmother's house?

24 A Well, we were -- we were either in her driveway  
25 or pulling out onto the road and we saw police cars

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1 heading down into his neighborhood with their lights  
2 flashing.

3 Q So this was afternoon or do you know about what  
4 time?

5 A No. No. Jermaine's grandmother only lives two  
6 or three minutes from his house. So this would have  
7 been, you know, I don't know, 11:45, ten to 12:00,  
8 something like that.

9 Q Where did y'all -- where were y'all going after  
10 you left the grandmother's house?

11 A We were actually going to the Army recruiters  
12 because the plan was to get him out of the  
13 neighborhood to either get him into the Army or get  
14 him into the Job Corps, one of the two.

15 Q Did you guys eat lunch together?

16 A I actually offered to take him to lunch and he  
17 said, I can't eat. No, there's no point in going, I  
18 can't eat.

19 Q Did you receive anymore calls from that phone  
20 number after you and Jermaine were together?

21 A I don't know that it was that phone number, but  
22 I did receive at least one call on my phone while we  
23 were together.

24 Q Did you recognize that number?

25 A No.

1 Q And who was that call for?

2 A The person -- when I answered the phone, the  
3 person said, Is Jermaine there? And I said, Yes.  
4 And I just handed him the phone.

5 Q Why would somebody be calling your phone to get  
6 to Jermaine?

7 A Well --

8 MR. WILLIAMS: Objection, speculation.

9 THE COURT: Sustained.

10 BY MR. SCOTT:

11 Q Did y'all eventually go to the Army recruiters?

12 A Yeah, and they were closed. So we weren't  
13 able -- we weren't able to -- we didn't realize they  
14 were closed on Fridays.

15 Q So where did y'all go after that?

16 A So then -- then we went -- I said, Well, for  
17 you to go to the Peace Corps, whatever, you have to  
18 have I.D. And he told me that his driver's permit,  
19 he didn't have a license, but his permit had  
20 expired. And I said, Well, let's go to the DMV and  
21 renew your permit. So we went from the recruiters  
22 over to the DMV.

23 Q Did he renew his permit?

24 A He did, but he didn't -- it was -- he didn't  
25 have the money, so I paid for it.

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1 Q How much was it?

2 A It was \$2.50.

3 Q He didn't have \$2.50?

4 A No.

5 Q Was that uncommon?

6 A No. He almost never had any money.

7 Q Where did Jermaine stay that night?

8 A After we left there, we decided that the best  
9 course of action would be for him to study for --  
10 it's called the ASVAB, it's the armed services  
11 entrance exam. We decided it will be best for him  
12 to study that test and then go back and take it then  
13 the next week. So we went to the library, got an  
14 ASVAB study book and he went with me to my house.  
15 Actually, we stopped at his house first so he could  
16 get some clothes and then we went to my house.

17 Q Tell me about for the rest of that week, what  
18 was going on. Did he stay with you or --

19 A So he spent Friday night with us and then  
20 Saturday he said he needed to work -- that he was  
21 scheduled to work for his Uncle Chris. So we took  
22 him in that morning and dropped him off at his house  
23 so he could work with his Uncle Chris. And then we  
24 picked him up that night around 9:15 or so and then  
25 he spent Saturday night and then the rest of the

1 week he spent with us.

2 Q Who's us? You and your husband?

3 A My husband and I.

4 Q Do you remember when he was arrested?

5 A I do.

6 Q Where was he when he was arrested? Were you  
7 with him?

8 A We had gone back to his house to look for more  
9 books, again to look for the textbooks, and we  
10 had -- we were actually on our way to his  
11 grandmother's house when we saw a young man at the  
12 gas station and the Lexington County Police were  
13 with him. And so Jermaine said, That's my cousin,  
14 C.J. I need to tell my Uncle Chris that, you know,  
15 that C.J. is with the police.

16 So his Uncle Chris lived in the trailer behind  
17 Jermaine's trailer. So we pulled into his driveway  
18 and Jermaine jumped out and ran back through the  
19 trees to his Uncle Chris' trailer. And then I just  
20 sat there and waited for him. It was a while. And  
21 I was waiting and waiting. And, finally, two  
22 Lexington County Sheriff's Deputies came over to  
23 talk to me.

24 Q Okay. Without saying what they asked you or  
25 what they've said to you, what, if any, information

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1 did you provide to them?

2 A They asked several questions about --

3 MR. WILLIAMS: Objection, Your Honor, hearsay.

4 BY MR. SCOTT:

5 Q Again, what did -- did you show them anything?

6 A I offered my cell phone because my cell phone  
7 had information about calls that they were  
8 interested in seeing. And so I pulled up my call  
9 history and handed them the phone and said, Here,  
10 you can have whatever you want off my phone.

11 Q Now, was your call history from what -- any  
12 specific day?

13 A Well, they were interested in the call history  
14 from the previous Friday, from the time that I had  
15 picked Jermaine up in his driveway that Friday.

16 Q And that's October 21st?

17 A Yes.

18 MR. SCOTT: Please answer any questions  
19 Mr. Williams may have, Ms. Marsh.

20 CROSS-EXAMINATION

21 BY MR. WILLIAMS:

22 Q Ms. Marsh, I just want to take you back through  
23 where you were when. As I understand it, on October  
24 the 21st, you were with Jermaine after you picked  
25 him up and after the three phone calls; is that

1 correct?

2 A Yes.

3 Q And then you remained with Jermaine the entire  
4 day and you remained with Jermaine the entire day on  
5 Saturday?

6 A No.

7 Q What happened on Saturday?

8 A No. Saturday morning he said that he needed to  
9 work for his Uncle Chris in landscaping. So my  
10 husband took him in and dropped him off. And we  
11 picked him up that evening about 9:15 and then he  
12 came back to our house.

13 Q So you were not with him on the Saturday, which  
14 would have been the next day after -- of the murder?

15 A That's correct.

16 Q And he was with you on Saturday night?

17 A Uh-huh.

18 Q And Sunday and Monday?

19 A Well, there was some point -- some point he  
20 said he needed to go home and mow the lawn and I  
21 think it was maybe the next, maybe the next  
22 Wednesday. And I believe I was -- as I remember, I  
23 had to go back to school anyway because I mentor  
24 usually on Wednesdays and I remember dropping him  
25 off so that he could mow the lawn. And then I



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1       picked him up and took him back to my house again.

2       So it was, again, maybe a two-hour period or  
3       something.

4       Q       So, essentially, he was with you with the  
5       exception of Saturday --

6       A       Uh-huh.

7       Q       -- where he was doing landscaping during the  
8       day and for two hours on Wednesday. And --

9       A       I believe it was --

10      Q       -- aside from that, he was with you the entire  
11      time from Friday morning up until -- when was he  
12      arrested?

13      A       That Thursday evening.

14      Q       That Thursday evening?

15      A       Uh-huh.

16      Q       So, as far as you know, there would have been  
17      no opportunity for him to have received a .38  
18      caliber weapon and take it home and place it at his  
19      home, if he did that perhaps two days later or three  
20      days later, because he would have been with you  
21      during this time span?

22      A       When he was with me, it wouldn't have been  
23      possible because he didn't have any way to get  
24      around.

25      Q       Now, I understand that you've been doing

1 mentoring at least with him for six years, at least  
2 with him, right?

3 A Uh-huh.

4 Q Are you a teacher?

5 A No.

6 Q What's your college background?

7 A I have a degree in business and economics and I  
8 have most of my graduate degree.

9 Q So you have -- you don't have any education  
10 courses, though?

11 A No.

12 Q And so your mentoring is because you felt sorry  
13 for these young people in that area?

14 A I wouldn't put it like that, no.

15 Q Well, do you have any special qualifications  
16 that would help you mentor persons in that -- who  
17 have those types of problems?

18 A Do I have any specific --

19 Q Yeah. Are there classes that you take or --  
20 I'm -- I went to Clemson secondary at history, so  
21 obviously I was going to be a teacher before I  
22 became a lawyer. So I'm trying to find out what  
23 qualifications you had to be a mentor for this  
24 individual.

25 A Well, we have two adopted special needs

1 children and we've had a whole host of unofficial  
2 foster kids over the years. I've worked with the  
3 voluntary desegregation program in St. Louis. I  
4 would think that might give me a little credibility.

5 Q So you're an activist. Is that what you're  
6 telling me? You're a political activist?

7 A No, I wouldn't call myself a political  
8 activist.

9 Q Well, with those six years of working or  
10 mentoring, you wouldn't have expected this  
11 individual to be a murderer and a robber and a man  
12 who commits violent crimes, would you? Because your  
13 mentoring should have stopped all that, right?

14 A I wouldn't expect any child that I work with to  
15 be violent.

16 Q All right. Did he share with you when you  
17 picked him up, the fact that he had just robbed and  
18 shot somebody?

19 A No.

20 Q What did he have on on that particular day?

21 A I believe he had on a pair of jeans and a  
22 sweatshirt that zipped --

23 Q What color -- I'm sorry.

24 A That zipped up the front.

25 Q What color was his sweatshirt?

1       A     You know, I didn't remember this until after  
2       the police officers came to my house, but it was --  
3       they told me it was gray.

4       Q     So they told you it was gray?

5       A     Uh-huh.

6       Q     You went to his house to pick up additional  
7       clothing after you picked him up, right?

8       A     After -- yes. After we went to the recruiters  
9       and they were closed and then we decided he would  
10      come to my house, that's when we went and picked up  
11      additional clothes.

12      Q     And what additional clothes did you pick up?

13      A     He just came out to the car with something in  
14      his hands. I couldn't tell you what it was.

15      Q     Did he have the same clothing on that he had  
16      when you picked him up?

17      A     I couldn't tell you that.

18      Q     Did you tell the police what clothing he had on  
19      when you picked him up?

20      A     I did not..

21      Q     Do you know whether or not his clothing was  
22      used for any type of sampling, blood sampling, DNA  
23      or anything like that?

24      A     The only thing I know is that when the police  
25      came to my house and I invited them in and said,

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1 Look and take whatever you want, that they took a  
2 bag of what they said were his possessions. That's  
3 all I know.

4 Q And you don't know what was in the bag of  
5 possessions, whether or not it was clothing from  
6 October the 21st or not?

7 A I do not.

8 Q When was it that he told you, admitted that he  
9 was a murderer and a robber?

10 A In a letter that he wrote to me from the jail,  
11 but he didn't admit that he was a murderer or  
12 robber. He just apologized to me and he said, I'm  
13 really sorry if I've caused you any trouble.

14 Q So he's never admitted to you what he's done  
15 wrong?

16 A He has admitted to me that he was foolish. I  
17 mean, he has admitted that, yes, he was, he was  
18 there.

19 Q There where?

20 A He was there at the incident.

21 Q He sugarcoated it. Is that what he's done?

22 A He what?

23 Q Sugarcoated it.

24 A I wouldn't call it that.

25 Q You're still -- you're still supportive of him

1 after the robbery and the murder and all that?

2 A I am, uh-huh.

3 Q And you wouldn't know about him getting a .38  
4 caliber pistol a couple of days later?

5 A I don't know anything about that.

6 Q And the only thing you know really is that you  
7 saw him on October the 21st and he was -- he was  
8 panting and essentially that -- and somebody called  
9 you three times from a phone, which is marked  
10 unknown?

11 A Well, and there were other phone calls that  
12 came into my phone while he was in the car. I mean,  
13 I know that.

14 Q And they were marked unknown, also?

15 A Uh-huh.

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

18 THE COURT: Redirect.

19 MR. SCOTT: None from the State, Your Honor.

20 THE COURT: You may step down.

21 MR. SCOTT: The State calls Jasmine Bowers.

22 JASMINE JANELLE BOWERS,

23 having been duly sworn, testified as follows:

24 THE CLERK: Once you're seated, ma'am, I need  
25 you to state your full name, spelling your last on

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1 the record, please.

2 **THE WITNESS:** My name is Jasmine Janelle  
3 Bowers, B-o-w-e-r-s.

4 **DIRECT EXAMINATION**

5 **BY MR. SCOTT:**

6 **Q** And, Ms. Bowers, maybe move that microphone a  
7 little bit closer to your mouth.

8 **A** (Witness complies.)

9 **Q** How old are you, Ms. Bowers?

10 **A** I'm 20 years old.

11 **Q** And where are you from?

12 **A** Chapin, South Carolina.

13 **Q** How long have you lived there?

14 **A** All my life.

15 **Q** What is your address?

16 **A** Road, Little Mountain, South  
17 Carolina.

18 **Q** How long have you lived there?

19 **A** For about a year, maybe.

20 **Q** Have you ever lived anywhere else on  
21

22 **A** Yes, sir, Road.

23 **Q** Who else lives in your little neighborhood?

24 **A** My grandparents, my friend Suzette, the Boyds,  
25 Clarks.

1 Q Do you know Jackie Boyd?

2 A Yes, sir.

3 Q Does she live nearby?

4 A Yes, sir.

5 Q Do you know Cedric Mayers?

6 A Yes, sir.

7 Q Does he live nearby?

8 A Yes, he does.

9 Q And when you say Suzette, you're talking about

10 Suzette Meggett?

11 A Yes, sir.

12 Q And where does she live in relation to your

13 home?

14 A She lives right across the street.

15 Q Who is Sharon Bowers?

16 A She is my aunt.

17 Q And where does she live?

18 A Road.

19 Q How far away is that from your house?

20 A About another house -- we're a house apart --

21 two houses apart.

22 Q Is she married?

23 A No.

24 Q Was she married?

25 A Yes.



1 Q Who was she married to?

2 A David Cannon.

3 Q How long have you known him?

4 A All my life.

5 Q How is he related to you?

6 A He was my uncle.

7 Q What did you call him?

8 A Uncle Dave.

9 Q How was his health October of 2011?

10 A He was sick.

11 Q Do you know why he was sick, what was wrong

12 with him?

13 A He had cirrhosis of the liver.

14 Q Do you remember Friday, October 21st, 2011?

15 A Yes, sir.

16 Q What were you supposed to be doing that day?

17 A I had a job interview that morning.

18 Q Where?

19 A At the Rainbow Gas Station.

20 Q Where is that?

21 A It's right off the exit of Chapin.

22 Q And where did Sharon Bowers work?

23 A Chapin Waffle House.

24 Q How close is that to the rainbow?

25 A It's right across the street.

1 Q Did you ever get to go to that interview?

2 A No, sir.

3 Q What happened that morning while you were at  
4 your house?

5 A Jermaine Caughman came and knocked on my door  
6 and he said that Breon Mayers wanted me. And I put  
7 on my robe and I went outside and Breon was standing  
8 in front of the car. The first thing, he talked  
9 about my hair and stuff like that and then he just  
10 said, Did you get your Uncle Dave yet? And --

11 Q What does that mean, Did you get him yet?

12 A Did I rob him.

13 Q Why would he ask you that?

14 A I guess, he heard rumors about the past when I  
15 kind of like stole some money from him before.

16 Q You had taken money from him before?

17 A Yes, sir.

18 Q What kind of car was he in that morning?

19 A A champagne colored Alumina {verbatim}.

20 Q Two doors, four doors?

21 A Four.

22 Q And it was parked in front of your house?

23 A Yes, sir.

24 Q What did you say to him after he asked if you  
25 had robbed Dave yet?

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1       A    I said, No. Why do you want to know? And he  
2       wanted to do it. He asked me about if I knew where  
3       he kept his stuff at and I told him the last time I  
4       ever seen anything was in a cooler. I really didn't  
5       tell him I'd help him out or anything like that, but  
6       he resorted to bribing me, asking me -- I mean, if  
7       he gave me money or something, would I help. I  
8       really didn't give him an answer. So we just stood  
9       there talking for a minute.

10      Q    You didn't tell him you wouldn't do it, though,  
11      did you?

12      A    No, I didn't.

13      Q    And what was the stuff he was looking for?

14      A    Drugs and money.

15      Q    How did you know or did you know Breon Mayers  
16      before this?

17      A    I've known him for several years.

18      Q    How many years?

19      A    Maybe ten.

20      Q    Did y'all go to school together?

21      A    Yes, sir.

22      Q    Did you know where he lived?

23      A    Yes, sir.

24      Q    Where did he live?

25      A    Little Mountain, South Carolina.

- 1 Q Have you ever been there?
- 2 A I've been through a few times.
- 3 Q Who did he live there with?
- 4 A His grandparents.
- 5 Q I show you State's Number 8. Do you recognize
- 6 this?
- 7 A Yes, sir.
- 8 Q And have you been there before?
- 9 A A few times.
- 10 Q Because you were friends with Breon?
- 11 A Yes, sir.
- 12 Q Who else was with him? You mentioned Jermaine
- 13 Caughman, but while he was talking with -- while
- 14 Breon was talking with you, where was Jermaine
- 15 Caughman?
- 16 A He was in the car.
- 17 Q Was there anyone else in the car with him?
- 18 A Yes, Tyrome.
- 19 Q Tyrome who?
- 20 A Brennan.
- 21 Q Did you know Tyrome Brennan?
- 22 A No, I did not.
- 23 Q Was that the first time you ever met him?
- 24 A Yes, sir.
- 25 Q Did you know Jermaine Caughman?

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- 1       A     Yes, I know of him.
- 2       Q     How long have you known him?
- 3       A     Years.
- 4       Q     Were y'all friends?
- 5       A     I didn't talk to him on a day-to-day basis.
- 6       Q     So who were you closer with, Breon or Jermaine?
- 7       A     Breon.
- 8       Q     Did you have any problems with Jermaine
- 9       Caughman?
- 10      A     No, sir.
- 11      Q     But y'all just weren't friends, is what you're
- 12      saying?
- 13      A     Yes, sir.
- 14      Q     Okay. What else was discussed when y'all were
- 15      talking about Dave and he was asking you where he
- 16      kept his marijuana? What else was discussed in
- 17      front of your house?
- 18      A     That's about it.
- 19      Q     Did you have a cell phone?
- 20      A     Yes. I had my cell phone in my hand.
- 21      Q     Okay. Did Breon have a cell phone?
- 22      A     Yes, he had a cell phone.
- 23      Q     Did you have Breon's number while he was there?
- 24      A     Not at that time.
- 25      Q     Did you ever get his number?

1       A     Yes, I did.

2       Q     When was that?

3       A     He called my phone.

4       Q     How did he have your number?

5       A     I gave it to him right before he left my house.

6       Q     What was your phone number?

7       A     (803)     -9371.

8       Q     Do you remember what Breon's phone number was?

9       A     It started with        I can't remember the  
10      rest.

11      Q     Okay. What happened after you two exchanged  
12      phone numbers?

13      A     He left.

14      Q     Where did he go?

15      A     He went to the left and he went to Jackie  
16      Boyd's house.

17      Q     Did you know Jackie Boyd?

18      A     Yes, I know her.

19      Q     How do you know her?

20      A     She's in my neighborhood.

21      Q     How far away is her house from yours?

22      A     Maybe three or four houses.

23      Q     Now, did Breon, how did he get up to Jackie  
24      Boyd's house from yours?

25      A     He drove.

1 Q And the other two boys went with him?

2 A Yes, sir.

3 Q What did you do?

4 A I went in the house.

5 Q Why?

6 A I went to do my hygiene. I put on some

7 clothes. And the thought occurred to me that my

8 aunt usually works -- she doesn't work on Fridays.

9 So I called to see if she was home because I didn't  
10 want nothing to happen if she was there.

11 Q I'm sorry? Repeat that.

12 A I didn't want it to happen if she was at home.

13 Q So you called where, the Waffle House?

14 A Yes, I called the Waffle House.

15 Q And what did you find out?

16 A She was at work.

17 MR. WILLIAMS: Objection to hearsay, Your  
18 Honor.

19 THE COURT: You'll have to rephrase.

20 BY MR. SCOTT:

21 Q Did you speak with Sharon Bowers there?

22 A No, I didn't.

23 Q After you called the Waffle House, what did you  
24 do?

25 A I asked to speak with her.

1 Q Okay. But you didn't speak with her?

2 A She picked up the phone and I hung up.

3 Q Okay. What did you do next?

4 A I went -- I walked up the road to go see  
5 somebody to get a cigarette. On my way up there, I  
6 seen Breon and the other guy sitting in the car by  
7 the house.

8 Q By whose house?

9 A Jackie Boyd's house.

10 Q And where is that in relation to Dave Cannon's  
11 house?

12 A It's right across the street.

13 Q Okay. You say you were going there to get a  
14 cigarette, but you were also going to see what was  
15 going on, too --

16 MR. WILLIAMS: Objection to leading, Your  
17 Honor.

18 THE COURT: Rephrase.

19 BY MR. SCOTT:

20 Q Was there any other reason you were going up  
21 there besides getting a cigarette?

22 A Yes. I wanted to see what was going to happen.

23 Q What was happening when you got up there?

24 A They were just sitting in the car.

25 Q Doing what?



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- 1       A     Talking.
- 2       Q     Did you go talk with them?
- 3       A     I went and stood beside the car. I got a
- 4       cigarette from them. Again, he asked me if --
- 5       Q     Who's he?
- 6       A     Breon Mayers.
- 7       Q     He asked you what?
- 8       A     He asked me if I could go and knock on the door
- 9       and get him to come to the door and I told him I
- 10      couldn't. He talked to the other two guys in the
- 11      car for a second and then he asked me if I will walk
- 12      down the dirt road. I said, Yes. And then he
- 13      cocked a gun and got out the car and we all walked
- 14      down the dirt road.
- 15      Q     He cocked a gun while y'all were at the car?
- 16      A     Yes, sir.
- 17      Q     What kind of gun? What did it look like?
- 18      A     It was black. It looked like a cop gun.
- 19      Q     A cop gun? Did you see any other guns?
- 20      A     Not at that moment.
- 21      Q     Show you State's Number 10. What is that?
- 22      A     A gun.
- 23      Q     All right. So he cocked the gun and you said
- 24      y'all walked where?
- 25      A     We walked down the dirt road to the back path

1       that leads to the back of my aunt's house.

2       Q     What happened back there?

3       A     We were standing around talking. He asked me a  
4       couple of questions like what was in the camper and  
5       the tool shed and stuff. Again, he asked me could I  
6       go knock on the door try to get him to come out,  
7       just plotting.

8       Q     What did he say he was going to do?

9       A     He didn't really say what he was going to do at  
10      the moment, but they were standing around talking  
11      for so long, I just told them I was about to walk  
12      back out the dirt road. And I left out by myself  
13      and they were still back there.

14      Q     What did you say about robbing Uncle Dave?

15      A     I only suggested, you know, to grab him or  
16      something and hold him down and I'd go in and find  
17      the drugs, the money.

18      Q     What did Breon say about that?

19      A     He said, No, I'm going to shoot him.

20      Q     While you were behind the house, was anything  
21      else said?

22      A     No.

23      Q     Where did you go next?

24      A     I walked out into the main road and I got  
25      another cigarette from somebody. And I was walking

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1 back towards my house and all three of them came out  
2 of the dirt road and they stopped and caught up with  
3 me. And we were standing in the road talking for a  
4 minute and they were discussing again the strategy,  
5 how they were going to get him, you know, down or  
6 whatever to go in the house and get whatever they  
7 needed.

8 Q Well, let me ask you, back up just briefly for  
9 one minute. You said you left them in that cut  
10 through behind the trailer and you went back up to  
11 Road?

12 A Yes, sir.

13 Q Did you receive any phone calls at that point  
14 or anything?

15 A Not that I remember.

16 Q How long were you up there before they came to  
17 meet you?

18 A Not very long, maybe five minutes or less.

19 Q What was talked about while y'all were at the  
20 front of the house?

21 A The front of Jackie Boyd's house?

22 Q Yes.

23 A Who was going to do what.

24 Q What did Breon say?

25 A He said he was going to shoot him. Told him he

1        didn't have to do that because he was sick already,  
2        so.

3        Q        I'm going to show you State's Number 2. Show  
4        me where your house is.

5        A        (Witness indicating.)

6        Q        Show me where Jackie Boyd's house is.

7        A        (Witness indicating.)

8        Q        Do you see Sharon Bowers and Dave Cannon's  
9        home?

10       A        Yes, I do.

11       Q        Would you point to it?

12       A        (Witness indicating.)

13       Q        And show me the cut through where y'all met  
14       behind the trailer?

15       A        Around this area (indicating).

16       Q        And show me what happened when you went to the  
17       front?

18       A        I walked out this way and I stood in the road  
19       and they came out of the dirt road. And we were all  
20       talking right here (indicating).

21       Q        And then what happened?

22       A        I said I would go and look and see what was  
23       going on around the house. So I walked into the  
24       driveway and I looked around the corner of the house  
25       and I really couldn't see anything. So I came back

1 out and they were a little closer. So I walked down  
2 the road a little bit. And when I came out by --  
3 when I seen Uncle Dave standing right there, I  
4 looked at them and I was like, He's outside. And I  
5 kind of like motioned for them to go back, but they  
6 kind of bent down in combat style and ran down the  
7 driveway.

8 Q Where is the driveway?

9 A Right here.

10 Q So they are going down the right side of the  
11 trailer?

12 A Yes, sir.

13 Q And Uncle Dave was on the left side of the  
14 trailer?

15 A Yes, sir.

16 Q And you didn't want Uncle Dave to see them?

17 A No.

18 Q And they're crouching down low going down the  
19 driveway, tell me what happened next.

20 A I stood where I was for a second and shocked at  
21 him, was actually about to happen, about to rob him.  
22 And I ran, like, towards the middle of the houses  
23 and kind of stopped for a second and then I heard  
24 the shots. And by that time, I was over at the  
25 corner and I was trying to call somebody that I

1       heard shots.

2       Q     Who were you trying to call?

3       A     Cedric.

4       Q     Cedric Mayers?

5       A     Mayers.

6       Q     What could you see from where you were  
7       standing?

8       A     I seen somebody -- this guy standing in the  
9       doorway halfway in and halfway out. He had a gun in  
10      his hand.

11      Q     Could you tell which boy it was, Jermaine,  
12      Tyrome or Breon?

13      A     No, I couldn't.

14      Q     Did you see the other two boys from where  
15      you're standing?

16      A     Could I?

17      Q     Could you? Did you?

18      A     I only seen the guy standing in the doorway.

19      Q     All right. How many shots did you say you  
20      heard?

21      A     I thought I heard three.

22      Q     And what did you do?

23      A     After I tried to call and nobody picked up, I  
24      ran over to the house and I looked in the door and  
25      Uncle Dave was laying on the floor. And I looked in

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1 the room and Breon was in there looking around.

2 Q Whose room was Breon in?

3 A Uncle Dave's.

4 Q What was he doing?

5 A Looking around his stuff. And I looked up to  
6 the left and Tyrome was coming down the hallway with  
7 rifles in his arm. And Breon was like, Where it's  
8 at? And --

9 Q Where it's at?

10 A Yeah. Where is it at, meaning the drugs and  
11 the money. And I was like, I'm not coming in there,  
12 you know, he's laying right there dead. And I was  
13 like, Why don't you move him or something? And  
14 Tyrome said --

15 Q You can't talk about what Tyrome said. Did you  
16 step over --

17 A Yes, I went in the room, over his body.

18 Q What did you do in his bedroom?

19 A As soon as I stepped in the room, I looked on  
20 the bed and it was right there.

21 Q What was right there?

22 A The drugs and the money. And I grabbed the  
23 wallet and I ran out the door. I glanced back and I  
24 seen them running out the house.

25 Q Which way did they go?

- 1       A     They went in the direction they came from.
- 2       Q     Which direction --
- 3       A     And I went to the direction that I came from.
- 4       Q     You went back towards your house. What
- 5       direction did they come from?
- 6       A     They came from the right where I'm sitting and
- 7       I went to the left.
- 8       Q     Let me show you State's Number 2. Show me
- 9       where they went.
- 10      A     They went this way.
- 11      Q     Point to where they went, please.
- 12      A     They went this way (indicating) and I went that
- 13      a'way.
- 14      Q     Where was Breon's car?
- 15      A     It was parked right there (indicating).
- 16      Q     What happened next? Did you see him again that
- 17      day?
- 18      A     I seen him -- no, I didn't see him that day.
- 19      Q     How much money did you get away with?
- 20      A     Almost a thousand dollars.
- 21      Q     Did you help Breon find marijuana?
- 22      A     Yes.
- 23      Q     Did you go home?
- 24      A     Yes, sir.
- 25      Q     What happened next?



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1       A     I ran home and I went to my room and I kind of  
2       was freaking. And I called my friend, Suzette, to  
3       talk to her, but she was doing something. So I put  
4       on some more clothes, different clothes, and I went  
5       to her house and she was giving the baby a bath, I  
6       think. And when she came out, I kind of told her  
7       the situation about what happened.

8       Q     You told her what happened?

9       A     Yes.

10      Q     Is she a friend of yours?

11      A     Yes, she was.

12      Q     Who else was she friends with?

13      A     She was friends with Breon as well.

14      Q     Was this before the ambulances came?

15      A     Yes.

16      Q     Do you remember the ambulances arriving?

17      A     I seen them go by.

18      Q     What did you do when you saw them?

19      A     I was at home by that time and I went to my  
20      grandparents' house. And I called my aunt to let  
21      her know that the ambulance is at her home.

22      Q     What did you do the rest of the day?

23      A     I stayed at the scene. Then later on I went to  
24      go see Cedric Mayers again.

25      Q     Well, did police ever -- did you see the police

1       there?

2       **A**     At the crime scene?

3       **Q**     Yes, ma'am.

4       **A**     Yes, sir.

5       **Q**     Did they ever stop and talk to you?

6       **A**     No, not until I got back home.

7       **Q**     Well, the day of the murder, did any police  
8       speak with you?

9       **A**     Yes, sir.

10      **Q**     And did you tell them what happened?

11      **A**     No, sir.

12      **Q**     Why not?

13      **A**     I was scared. I thought I can keep the secret.

14      **Q**     Why did you go meet with Cedric Mayers that  
15      night?

16      **A**     I just wanted to speak with him.

17      **Q**     Where did you go with him?

18      **A**     We went to a Microtel on

19      **Q**     Tell me, without saying what anyone else said,  
20      why did you go to the Microtel Inn on  
21      Road?

22      **A**     It was chaotic in Chapin, so it's best to get  
23      away from the police.

24      **Q**     Did you ever talk with Breon Mayers again that  
25      day?

1       A    I talked to him that night at the hotel.

2       Q    He called you?

3       A    I called him.

4       Q    What number was it? The one --

5       A    It was a       number.

6       Q    What did he say or what did you say when you

7       called him?

8       A    I told him about the police being in the area.

9       Q    How did you know it was Breon you were calling?

10      A    Well, I asked him if it was him when he picked

11      up the phone and he asked who I was. I said, It's

12      Jasmine. And he said, Oh, what's up. And we

13      started talking. And at the end of the

14      conversation, he asked me did I get any money. He

15      knew I got money. And I said, Yeah, but you killed

16      my uncle. And he was like, Yeah, you right.

17      Q    Did you see him again after that?

18      A    A couple of nights after.

19      Q    Where did you see him?

20      A    I seen him at his home.

21      Q    His grandma's house?

22      A    Yes.

23      Q    Did you go there?

24      A    Yes, I did.

25      Q    Why did you go there?

1       A     Because I was being tailed by the police, so I  
2       wanted to make sure that they didn't put my name in  
3       it.

4       Q     What did you say to him about that?

5       A     I just -- I said, Don't, you know, Please don't  
6       put my name in it. And he said -- he assured me  
7       that nobody would say anything. I asked him again,  
8       I said, Did you shoot him? And he was like, Yeah, I  
9       shot him. And I asked him where the gun was and  
10      what did he do. He said, Don't worry about that.

11      Q     When were you arrested?

12      A     October 27th.

13      Q     Where were you when the police made contact  
14      with you?

15      A     In Orangeburg.

16      Q     Tell us why you were in Orangeburg.

17      A     My sister thought it was best to get away from  
18      all the madness that was going around in Chapin and  
19      police.

20      Q     So the morning of October 21st, whose idea was  
21      it to rob Dave Cannon?

22      A     Breon.

23      Q     Who had guns?

24      A     Breon.

25      Q     Who else?

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1       A     And I seen Jermaine with a gun.

2       Q     You knew they were going to rob Dave Cannon?

3       A     Yes, sir.

4       Q     And you went with them?

5       A     Yes, sir.

6       Q     What have you been charged with?

7       A     Murder, first degree burglary, armed robbery  
8       and possession of a gun.

9       Q     Are you guilty of those charges?

10      A     I feel guilty, but I know I didn't want my  
11      uncle dead.

12      Q     But you knew he was going to be robbed?

13      A     Yes, sir.

14      Q     And you knew two of the people with you had  
15      guns?

16      A     Yes, sir.

17      Q     And you did take nearly a thousand dollars from  
18      him?

19      A     Yes, I did.

20      Q     After you were arrested, did you give the  
21      police a statement, a written statement?

22      A     Yes, sir.

23      Q     Did you tell them everything?

24      A     No, I withheld.

25      Q     Why?

1       A    I thought if I didn't tell them I had contact  
2       with Breon at certain times, that I'll be in less  
3       trouble.

4       Q    How were you feeling about the situation?

5       A    How do I feel about it now?

6       Q    When you were arrested, how were you feeling?

7       A    I was really, really scared. I didn't want to  
8       get in trouble.

9       Q    Did you tell the police Jermaine had a gun?

10      A    Yes, I did.

11      Q    In that first statement, did you tell them  
12      Breon had a gun?

13      A    I don't think I did.

14      Q    Why would you tell them Jermaine had a gun, but  
15      you didn't tell them about Breon's gun?

16      A    I told them about Jermaine having a gun because  
17      he was the first person to get arrested, so I know  
18      he said my name and put me in it.

19      Q    Were you mad at him?

20      A    I was very mad at him.

21      Q    Why didn't you tell them about your  
22      involvement? Why didn't you tell them that you went  
23      in that house?

24      A    I thought I wouldn't get in that much trouble.

25      Q    Do you admit going into Dave Cannon's house

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1 taking money?

2 A Yes, sir.

3 Q Do you admit to being with two armed men?

4 A Yes, sir.

5 Q Do you admit that Dave Cannon was killed during  
6 this robbery?

7 A Yes.

8 Q Have any promises been made to you in exchange  
9 for your testimony today?

10 A No, sir.

11 Q Have any deals been cut?

12 A No.

13 Q What are you hoping for?

14 A I'm hoping for a little leniency.

15 Q Are you telling the truth?

16 A Yes, sir.

17 Q Do you see Breon Mayers in this courtroom  
18 today?

19 A Yes.

20 Q Can you point to him?

21 A (Witness indicating.)

22 MR. SCOTT: Please answer any questions  
23 Mr. Williams may have for you.

24 THE COURT: Cross.

25 MR. WILLIAMS: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. WILLIAMS:

3 Q Ms. Bowers, you say today that there haven't  
4 been any deals made and you just say that you hope  
5 there'll be a little leniency shown, but clearly,  
6 from what you've even described today, everything  
7 you have testified to is kind of calculating about  
8 not getting caught, not facing punishment, isn't it?

9 A Yes.

10 Q Because you ran to Orangeburg so that you  
11 wouldn't be arrested, right?

12 A No. I ran to get away from the chaos.

13 Q And the police officers?

14 A Yes.

15 Q And when the police officer came upon the  
16 scene, you were actually on the scene, weren't you?  
17 You didn't run then, did you, because it was in your  
18 best interest not to take off because that would  
19 look unusual if you had taken off, wouldn't it?

20 A Yes.

21 Q So you planned not to take off because you  
22 thought that you could outfox the police, didn't  
23 you?

24 A Yes, sir.

25 Q And the first police officer that talked to you



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1 as you were sitting on the front porch, he asked if  
2 you knew anything or heard anything that morning,  
3 what did you tell him?

4 A I was in my room listening to my phone music --  
5 music on my phone.

6 Q Didn't know a thing?

7 A No, sir.

8 Q Until you heard -- until you heard an ambulance  
9 go by; isn't that right?

10 A Yes.

11 Q Because you said you didn't know anyone who  
12 would do something like that, didn't you?

13 A Yes, sir.

14 Q But then you started talking about Uncle Dave  
15 and you were indicating that he was an alcoholic and  
16 he likes to fight, so maybe he got into a fight with  
17 somebody; isn't that what you said?

18 A I don't remember saying that.

19 Q And you say it was just a regular day. And you  
20 actually brought up the fact that you wouldn't have  
21 been there at the scene because you weren't allowed  
22 to go to the house, didn't you?

23 A Yes, sir.

24 Q Was that true?

25 A Yes, sir.

1 Q So part of what you said was a lie and then  
2 part of what you said was the truth because you  
3 weren't allowed to go there because you had stolen  
4 drugs and money from him before?

5 A I stole money, yes.

6 Q You didn't steal drugs?

7 A No, sir.

8 Q Did you put a 10-year-old up to going into the  
9 house and stealing from him?

10 A Yes, sir.

11 Q So were you allowed to go to the house or not?

12 A I was not.

13 Q Well, you talked to the police again, didn't  
14 you?

15 A Yes, sir.

16 Q When was the next time you talked to the  
17 police?

18 A I believe it was the next day after.

19 Q On the 22nd?

20 A Yes, sir.

21 Q What did you tell the police on that day?

22 A I told them I didn't know anything.

23 Q What else did you tell them besides not knowing  
24 anything?

25 A I don't remember.

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1 Q Did you indicate that -- did you give them any  
2 idea who might be involved in this?

3 A No, sir.

4 Q When was the next time you talked to the  
5 police?

6 A Maybe a day or two after.

7 Q All right. What did you tell them then?

8 A I still told them I didn't know anything.

9 Q So that's like the cock crowing three times.  
10 You said three times that you didn't know anything  
11 at all about it, didn't you?

12 A Yes, sir.

13 Q When was the next time you talked to them, to  
14 the police?

15 A I was arrested.

16 Q So then when you were arrested, then it's time  
17 to come free and say everything you know about it,  
18 right?

19 A Yes.

20 Q So let's see what you tell the police when you  
21 were arrested. Did you ever admit that you were a  
22 party to setting up this robbery?

23 A Yes, sir.

24 Q You did? The first time that you were  
25 arrested?

1 A I didn't say that I set it up.

2 Q When did you finally own up to setting it up?

3 A I never owned up to setting anything up.

4 Q And is it your story today that you didn't set  
5 anything up?

6 A Can you repeat that?

7 Q Is it your story today that you never set  
8 anything up?

9 A Yes, sir.

10 Q What kind of gun did you see in Jermaine's  
11 hand?

12 A It was an old looking gun, pistol.

13 Q So Jermaine had an old looking gun. He didn't  
14 have a Glock?

15 A No, sir.

16 Q When the police asked you about Breon, you said  
17 Breon didn't have a gun, didn't you?

18 A Yes, sir.

19 Q And you also told the police you never talked  
20 to Breon after the shooting, didn't you?

21 A Yes, sir.

22 Q You said when your Uncle Dave was shot, you  
23 were in your neighbor's yard?

24 A Yes, sir.

25 Q Now, how is it -- could you see anything from

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1       your neighbor's yard?

2       **A**     I could see.

3       **Q**     Which neighbor's yard were you in that you  
4       could see what was going on?

5       **A**     Right next to my aunt house.

6       **Q**     And you could see people in there shooting guns  
7       and stuff like that?

8       **A**     I didn't see that.

9       **Q**     You didn't see that?

10      **A**     I only seen a guy standing in the door with a  
11      gun.

12      **Q**     Well, you used the word, I saw a guy standing  
13      in the door using a gun. You didn't use the word  
14      Breon just then, did you?

15      **A**     No, sir.

16      **Q**     And that's because you didn't see Breon shoot  
17      anybody, did you?

18      **A**     No, I did not.

19      **Q**     Well, let's go back a little bit more. You  
20      said you were -- that Breon came up there and what  
21      kind of color was his car?

22      **A**     It was champagne --

23      **Q**     So he didn't --

24      **A**     -- gold.

25      **Q**     -- he didn't have a silver car at all. It was

1 champagne. It was kind of like gold looking, wasn't  
2 it?

3 A Yes, sir.

4 Q And I think you said that he met you -- were  
5 you at your house when he talked to you?

6 A Yes, sir.

7 Q And he basically asked if you had been robbing  
8 Uncle Dave again, is that what you say he said?

9 A Yes.

10 Q So everybody in the neighborhood knew that you  
11 were subject to rob Uncle Dave; is that right?

12 A It was a rumor.

13 Q Well, it was more than a rumor. It was the  
14 truth, wasn't it?

15 A They wouldn't know if it was the truth.

16 Q Well, that's what we're here today for is the  
17 truth.

18 A Yes.

19 Q So you did rob him, didn't you? So are you  
20 telling us that unless everybody knows what the  
21 truth is, then you're just going to keep saying  
22 whatever you want to say? I mean, you did rob him,  
23 didn't you?

24 A I did steal money from him.

25 Q Did you ever pay him back?

1       A     No, sir.

2       Q     And when you said that you called your aunt who  
3       was working at the Waffle House, you did that -- you  
4       didn't know what was going to go down at Uncle  
5       Dave's, you were just calling to make sure your aunt  
6       wasn't there?

7       A     No. I thought that they were going to actually  
8       rob him then.

9       Q     Did you tell your aunt that they were going to  
10      rob him?

11      A     No, I did not.

12      Q     Is that because you didn't like Uncle Dave?

13      A     No.

14      Q     But once you determined that she wasn't there,  
15      why did you walk down to Uncle Dave's house?

16      A     Can you repeat that question?

17      Q     Why did you walk down there after you verified  
18      that your aunt wasn't there?

19      A     I wanted to be curious -- I was curious. I  
20      wanted to know what was going on.

21      Q     Why did you want to know what was going on?  
22      You already knew that your aunt wasn't there. Why  
23      did you want to be a party to anything like that?

24      A     I really don't know.

25      Q     Do you think it had anything to do with money?

1       A     Maybe.

2       Q     Well now, who's bribing who here? I mean, it  
3       doesn't look like you needed much encouragement to  
4       go down there to check on the money. You were down  
5       there hoping you could get something, weren't you?

6       A     Not really. At first, I just wanted to see  
7       what was going on.

8       Q     You wanted to see a dead person?

9       A     No, I did not.

10      Q     What did you want to see?

11      A     I wanted to see if they were going to actually  
12      rob him.

13      Q     All right. You walked down there and what was  
14      the first thing you saw, the guy standing in the  
15      doorway?

16      A     What do you mean?

17      Q     You said you saw a guy standing in the doorway  
18      that was --

19      A     When I was on the side of the house that's next  
20      door, I seen somebody standing in the door looked  
21      like they were trying to get into the house and I  
22      can see a glimpse of a gun.

23      Q     Well, when you got through talking to your  
24      aunt, then you walked down there, what was the first  
25      thing you did?



1       A     When I called my aunty at my house and I walked  
2       to Jackie Boyd's house, they were sitting in the  
3       yard in the car.

4       Q     So they weren't doing anything?

5       A     They were still talking about it.

6       Q     They were sitting in the car until you got  
7       there, right?

8       A     Yes, sir.

9       Q     And after you get involved is when this robbery  
10      and this murder occurs; isn't that right?

11      A     No. I walked up on their conversation.

12      Q     And did you tell them, look, I'll help you out,  
13      I'll go check, I'll make sure he's up so that you  
14      have a good shot at him?

15      A     I never said that.

16      Q     What did you say?

17      A     I was asked by Breon if I could walk down the  
18      dirt road. I walked down there.

19      Q     To walk down the dirt road for what?

20      A     I didn't really know why I was doing it, but I  
21      just walked.

22      Q     So you walked down there to see what's going  
23      on, a bunch of guys are in a car they're talking.  
24      And then some guy asked you to walk down the dirt  
25      road, you walk down the dirt road, and you've got no

1 involvement in this, you're not planning anything,  
2 you're not trying to gain anything or anything like  
3 that?

4 A I did suggest some things.

5 Q Let's hear what you suggested.

6 A I suggested that they only grab him and hold  
7 him down and not shoot or kill anybody.

8 Q Did you tell them about getting money and weed  
9 and things like that?

10 A I told them if they did grab him and hold him  
11 down, like bring him outside or something, yeah, I  
12 will go in the house and try to find it.

13 Q Do you remember just a few minutes ago when you  
14 were telling the Solicitor about what you found when  
15 you heard a shot and you saw a man standing in the  
16 doorway, then is when you went into the house; do  
17 you remember saying that?

18 A Yes, sir.

19 Q And when you went into the house, you found  
20 Breon in the bedroom and there was the wallet and  
21 the marijuana on the bed; do you remember saying  
22 that?

23 A Yes, sir.

24 Q Is that the way it happened?

25 A Yes, sir.

1 Q So while Breon is standing there with the  
2 wallet and the marijuana, you grab the wallet --

3 A No. I actually went in the room and I looked  
4 around at all the stuff. And I just looked at the  
5 bed and I seen it sitting right there in the middle  
6 of the bed. I grabbed the wallet and said, There it  
7 is. And I ran back out the door.

8 Q Did you let anybody else know that you found  
9 the wallet?

10 A No, I didn't.

11 Q So --

12 A Except for one person.

13 Q Would that be Breon who was in there? You let  
14 Breon know?

15 A No, I didn't.

16 Q Who did you let know that you grabbed the  
17 wallet?

18 A I let Cedric Mayers know.

19 Q So you told Cedric Mayers know {verbatim} that  
20 you stole a wallet that occurred during a murder and  
21 an armed robbery, but the guy you say who was in the  
22 room somehow didn't know that you had gotten in the  
23 room and stolen this money?

24 A He knew later on that I had it.

25 Q Well, how did he know later on?

1       A     I don't know.

2       Q     Well, he didn't see you take it, right?

3       A     I didn't look at him, but he was watching me.

4       So after he watched me, I guess he went and grabbed  
5       the weed.

6       Q     Are you saying that he saw you take the wallet  
7       or not?

8       A     I said, There it is, and I grabbed it. I guess  
9       right after I grabbed it, he went and got the weed.

10      Q     What did you do with the wallet?

11      A     I went home. I took the money out and I put it  
12      in a cabinet under my T.V.

13      Q     Were you saving the wallet? You were going to  
14      sell it on eBay or something?

15      A     No, sir.

16      Q     Well, why would you save the wallet? Is it a  
17      memento, a keepsake?

18      A     I just grabbed it.

19      Q     What did you do with that money?

20      A     I spent it all.

21      Q     A thousand dollars, what did you spend it on?

22      A     Lots of things.

23      Q     Well, tell us, tell us what those things are  
24      that's so important for you to break into a man's  
25      house and kill him.

JASMINE JANELLE BOWERS - CROSS BY MR. WILLIAMS

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1       A     I bought weed.

2       Q     Why did you buy weed from anyone? You already  
3       said that there was weed there that people got. You  
4       didn't need to buy weed, did you?

5       A     I was trying not to -- I was trying to avoid  
6       Breon and I didn't really want any weed from him.

7       Q     His weed wasn't good enough for you?

8       A     I just --

9       Q     Was that weed from Uncle Dave? You didn't want  
10      to smoke Uncle Dave's weed. You'll take his money,  
11      but you won't take his weed?

12      A     No, sir. It was just I didn't want to be  
13      around Breon.

14      Q     Well, you didn't have to be there at all, did  
15      you?

16      A     No.

17      Q     Who did you buy weed from?

18      A     A drug dealer.

19      Q     Who's the drug dealer?

20      A     He was from out of town.

21      Q     Well, everybody's out of town from Chapin,  
22      aren't they? Who's the drug dealer?

23      A     He's from Columbia.

24      Q     What's his name?

25      A     Snoop.

1 Q What's his real name?

2 A I don't know his real name.

3 Q Why is it that you remember everything so clear  
4 about this day and you can just tell us what went  
5 on, but when it comes to asking you about something  
6 simply about buying drugs from somebody, you want to  
7 say, His name is Snoop, I don't know his name, don't  
8 know anything about him, he's from Columbia? Why is  
9 that?

10 A You meet lots of people who sell drugs and they  
11 don't give away their legitimate name.

12 Q And you're not trying to hide anything. You're  
13 here to tell the truth, right?

14 A Yes, sir. I'm here to tell the truth about a  
15 murder.

16 Q But you're not here to tell the truth about  
17 your drug dealing or your drug purchasing, right?

18 A Not really.

19 Q Not really. Well, tell me about Cedric. You  
20 and Cedric go to the motel to do what?

21 A To get away from the scene.

22 Q Well, before that, you didn't go to meet  
23 your -- do you have a child?

24 A Yes, sir.

25 Q Did you not go see your child's father that

JASMINE JANELLE BOWERS - CROSS BY MR. WILLIAMS

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1 day?

2 A No, I didn't.

3 Q You didn't?

4 A No, I did not.

5 Q So you have this robbery, you get this money,  
6 you call Cedric and Cedric picks you up. Does  
7 Cedric pick you up in his car?

8 A It was somebody he associated with.

9 Q Associated with?

10 A He rode with him.

11 Q What kind of associates does Cedric associate  
12 with?

13 A It was just somebody he hung out with.

14 Q Was it the drug dealer that you talked about?

15 A No, sir.

16 Q When did you hook up with the drug dealer with  
17 your money?

18 A In -- I wasn't around Cedric then.

19 Q Well, when did you buy the drugs?

20 A It was the next day I believe.

21 Q So you and Cedric didn't go back to a motel  
22 room and smoke drugs?

23 A No.

24 Q What was in his wallet? What was in David  
25 Cannon's wallet?

1       A     Money.

2       Q     Anything else?

3       A     That was it.

4       Q     He didn't have a driver's license in his  
5     wallet?

6       A     No, it was just money.

7       Q     Didn't have a credit card?

8       A     No, sir.

9       Q     Social security number?

10      A     No, sir.

11      Q     Picture of his wife?

12      A     No, sir.

13      Q     Just money?

14      A     Yes.

15      Q     Have you told his wife that you're sorry for  
16     what happened?

17      A     I've tried.

18      Q     That's your aunt, isn't it?

19      A     Yes, sir.

20      Q     Somewhere in all this testimony I heard you say  
21     that you went back after you talked with them to get  
22     another cigarette from somebody in the street.  
23     Remember -- you said you went to get two cigarettes.  
24     You went to get one one time, then you went to get a  
25     cigarette from somebody else in the street. Who was



1       that?

2       **A**     I received a cigarette from Breon and I got a  
3       cigarette from a guy named Reggie.

4       **Q**     What's Reggie's last name?

5       **A**     I believe Mayers.

6       **Q**     Reggie Mayers. And Reggie Mayers is in the  
7       street when all this is going on?

8       **A**     He was driving by.

9       **Q**     How many people drive by when this goes on?

10      **A**     I don't really notice.

11      **Q**     Would you say that shortly after this happened,  
12      there had to be 25 people out in the street after it  
13      happened?

14      **A**     Can you repeat that?

15      **Q**     Shortly after this happened -- when you're  
16      lying to the police officer, in fact, the first time  
17      you were lying to the police officer, there had to  
18      be at least 25 people in the street gathered when  
19      the police were down there talking to everybody;  
20      would you say that's true?

21      **A**     There was a lot people.

22      **Q**     And when this happened, how many people were in  
23      the street?

24      **A**     I remember, at that moment, it was just me,  
25      Breon, Tyrome, Jermaine.

1 Q What did Breon have on?

2 A He had on a jacket with a consistent pattern of  
3 skulls, Army design pants and a skully on his head.

4 Q Now, you remember exactly what he had on, but  
5 you don't remember the name of the drug dealer you  
6 bought the drugs from from Columbia?

7 A He never told me his name.

8 Q Where did you buy the drugs at?

9 A Columbia.

10 Q Where in Columbia?

11 A At a house.

12 Q What house?

13 A A house in Columbia.

14 Q What street?

15 A I don't remember the name of the street. I  
16 never knew it.

17 Q Would it be safe to say you remember what you  
18 want to remember?

19 A No, sir.

20 Q That wouldn't be safe to say. And you say what  
21 you want to say; is that right?

22 A I'm telling the truth.

23 Q How can we tell when you're telling the truth?

24 I mean, is there some magic thing that happens with  
25 you? Do you turn golden when you're telling the

1 truth?

2 A No, sir, I'm just telling it.

3 Q Now you're telling it. And it has nothing to  
4 do with you hope that you'll gain something from  
5 this testimony?

6 A Can you repeat that?

7 Q That's not that hard a question, is it? Do you  
8 think you're going to gain something from your  
9 testimony here?

10 A I hope to.

11 MR. WILLIAMS: That's all I have.

12 THE COURT: Anything further?

13 REDIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q Tell me what in the world does Snoop have to do  
16 with October 21st, 2011?

17 A Nothing, sir.

18 Q Why were you being asked that question?

19 A I don't really know.

20 Q Was he at Dave Cannon's house?

21 A No, sir.

22 Q Did he know Dave Cannon?

23 A No.

24 Q Have you ever seen him on Road?

25 A No. He's never been to Chapin.

1 Q What does he have to do with October 21st?

2 A I have no idea.

3 Q Let me show you State's Exhibit Number 9. What  
4 is that?

5 A It's a gun. It looks like the one that I seen  
6 Jermaine holding.

7 Q And how would you describe the gun that you saw  
8 Jermaine holding?

9 A Old and Western style.

10 Q Did you say Western style?

11 A Yes, sir.

12 Q You're talking about like a six-shooter like a  
13 cowboy would carry or something?

14 A It has a little thing that spins around.

15 Q You're referring to a revolver?

16 A Yes, sir.

17 Q Now, Jermaine, was he the leader of y'all's  
18 group that day?

19 A No, sir.

20 Q Who was calling the shots?

21 A Breon Mayers.

22 Q Who was making the decisions?

23 A Breon Mayers.

24 Q What were you hoping to get when you went to  
25 Dave Cannon's house?

1       A     I don't really know what I was going to get.

2       Q     What did you get?

3       A     I did get money.

4       Q     But you went in that house wanting to get  
5 something; is that fair?

6       A     Yes, sir, I did.

7       Q     And what was the plan -- what was Breon  
8 supposed to be getting?

9       A     He wanted drugs and money.

10      Q     Did you show him where the drugs were?

11      A     I just said, There it is.

12      Q     There what is?

13      A     There's the drugs and the money.

14      Q     You told him where the money was?

15      A     No. I just said, There it is. I saw the  
16 wallet. I grabbed it and I ran.

17      Q     So you took the money. You showed him where  
18 the weed was, is that what you're saying?

19      A     I didn't say, Look, here it is. I just said,  
20 There it is. And I grabbed what I wanted.

21      Q     Okay. There it is, just help me, what is there  
22 what is?

23      A     There's the weed and the money.

24      Q     Okay. What did Breon take?

25      A     Weed.

1 Q What did you take?

2 A Money.

3 Q And what were y'all hoping to get when you were  
4 going into Dave Cannon's house with two guns? Is  
5 that what y'all were hoping to get?

6 A Yes, sir.

7 MR. SCOTT: Thank you.

8 Nothing further from this witness.

9 MR. WILLIAMS: Just one question to follow up.

10 RECROSS-EXAMINATION

11 BY MR. WILLIAMS:

12 Q Tyrome Brennan did not have a gun?

13 A No, I didn't see him with a gun.

14 Q Let me ask the question again. Tyrome Brennan  
15 did not have a gun?

16 A I didn't -- in the house, I seen him stealing a  
17 gun.

18 Q But he didn't have one before he walked in?

19 A No, he did not.

20 Q And you never knocked at the Cannon residence?

21 A No, I did not.

22 Q You were on the street at the time of the  
23 shooting?

24 A Yes, I was standing there. And when I heard  
25 the shots, I ran.

1           **MR. WILLIAMS:** I don't have anything else, Your  
2 Honor.

3           **THE COURT:** Folks, let's take about a ten  
4 minute break here so you can use the restroom and  
5 then we'll figure out what we're going to do for the  
6 rest of the afternoon. Again, don't discuss the  
7 case or begin deliberations or comment on any  
8 witnesses. See you in a few minutes.

9           (The jury retires to the jury room.)

10          **THE COURT:** Okay. You can take her back.  
11 Let me see the lawyers for a second.

12                 (Whereupon, a bench conference was held off  
13 the record.)

14                 (Brief recess.)

15          **THE COURT:** Bring the jury on in.

16                 (The jury returns to the courtroom.)

17          **THE COURT:** Okay. Folks, what I've decided  
18 we're going to do since the next witness will  
19 probably take us a lot closer to 6:00, then we'll  
20 just break for the day and we'll start back fresh  
21 tomorrow morning at 9:30. I still think we're on  
22 track to be finished by probably Thursday afternoon,  
23 but maybe into Friday morning, but we're still on  
24 track for that, so that's not a problem. So let's  
25 go ahead and break for the day.

1           Let me remind you don't talk about the case  
2           with anybody, don't discuss amongst yourselves,  
3           don't go trying to find anything on the Internet,  
4           don't go posting on social media sites. And if  
5           anybody does approach you and attempts to discuss  
6           the case with you, please report that back to me  
7           tomorrow morning, all right.

8           So be in tomorrow morning by 9:30 and we should  
9           be able to start right on time, okay. Thank you for  
10          your patience today.

11          (The jury was excused for the day.)

12          **THE COURT:** Okay. See y'all at 9:30. And if  
13          you, again, you got some charges, send those to me.  
14          Thanks.

15          (The proceedings were concluded for August  
16          7, 2012.)

17          (The following proceedings were held on  
18          August 8, 2012.)

19          **THE COURT:** Let's ask Juror Jenny Farmer in,  
20          please.

21          (Juror Number 61, Jennifer Farmer, enters  
22          the courtroom.)

23          **THE COURT:** Ms. Farmer, let me ask you a  
24          question. Have you had any discussions with anybody  
25          about this case?



1           **JUROR:** No, sir. I told the people that are  
2           watching my children that I was on a trial, that I  
3           was a juror on a trial.

4           **THE COURT:** Okay. Well, we've got to just  
5           clear up something here. We had -- apparently,  
6           yesterday Detective Novak got a message at his home  
7           that you had called his wife.

8           **JUROR:** I did. I called because a friend of  
9           mine said that she ran into her and that she knew  
10          that I was there and said that he was here on this.  
11          And I said that I recognized him after I was on  
12          here, but you had said that if we didn't feel like  
13          it would change our decisions at all, that it was --  
14          that it's not going to sway my decision at all one  
15          way or the other.

16          And so my friend, who has my children today,  
17          said that I was on a trial and they said that they  
18          had -- so I wanted to let her know that that is not  
19          going to sway my decision, so that's why I called.  
20          I didn't call to discuss the case. I would never do  
21          that. I called just to let her know that that's not  
22          going to sway my decision. Does that make sense?

23          **THE COURT:** Well --

24          **JUROR:** I would never discuss anything. I  
25          mean, not even with my spouse. I have said, I

1 cannot discuss anything.

2 **THE COURT:** So this other third person, you  
3 didn't talk with her about the case?

4 **JUROR:** No. I have not talked to anybody about  
5 the case at all.

6 **THE COURT:** All right. Well, it sounds like it  
7 was innocent enough, but, please, it was not  
8 necessary for you to call and let them know if there  
9 was a --

10 **JUROR:** I felt that since she had discussed  
11 it --

12 **THE COURT:** If anything, you should disclose it  
13 to the Court that you knew him because we questioned  
14 about that.

15 **JUROR:** Whenever I heard the name, I recognized  
16 the name, but I didn't think Mr. Novak would know  
17 who I was. And, again, it's not going to sway my  
18 decision one way or the other. And so -- and I  
19 believe that's what, I don't know, what all was  
20 discussed yesterday.

21 **THE COURT:** It just raises a question that we  
22 have to answer and that is we have to bring you in  
23 and ask you those questions, okay.

24 Well, let me send you on back to the jury room.  
25 And, again, please don't talk to anybody in the jury

1 room about what we just talked about here.

2 **JUROR:** No, sir, I will not. Thank you.

3 **THE COURT:** Thank you.

4 (Juror Jennifer Farmer leaves the  
5 courtroom.)

6 **THE COURT:** Anybody have any concerns about her  
7 staying on the jury?

8 **MR. WILLIAMS:** I do, Your Honor. We would move  
9 that a alternate juror be placed in her position.

10 Your Honor, you'll note that when you asked her  
11 the question about what -- you didn't tell us that  
12 you knew any of the people that were questioned, she  
13 didn't say that she didn't know Officer Novak. What  
14 she said was, I didn't think that Novak would know  
15 me. I take from that that she knew Novak and that  
16 she did not answer that she knew him.

17 **THE COURT:** Okay.

18 **MR. GRAHAM:** Judge, I don't think she did  
19 anything wrong and I think she didn't taint the  
20 jury. And I think she could stay on the jury, but I  
21 do think the safest thing is to go ahead and agree  
22 that she be removed from the jury and an alternate  
23 be put on. So the State would consent or agree to  
24 the defense motion on that.

25 **THE COURT:** Well, it does sound like she did

1 not violate the Court's order on not discussing the  
2 case with anyone. However, it does sound like when  
3 I asked the question during voir dire that whether  
4 or not she had any knowledge of any of the  
5 witnesses, she should have disclosed that so that  
6 the defense could have had the opportunity to strike  
7 if they had so desired, and that, I guess, is sort  
8 of what tips the scale in this instance in my mind  
9 because I don't believe you used up all of your  
10 strikes.

11 But nevertheless she did say that she knew  
12 Officer Novak, but she just did not think that he  
13 would know her, which is not what I asked. So I  
14 will go ahead and we will strike her and seat then  
15 the first alternate who would be...

16 **THE CLERK:** It's number 67, Gregory Garner,  
17 Your Honor.

18 **THE COURT:** Is everyone all right with that?

19 **MR. WILLIAMS:** Yes, sir.

20 **MR. GRAHAM:** Yes, Your Honor.

21 (Pause.)

22 **THE COURT:** Something rang in the back of my  
23 mind about there's two different ways to do this,  
24 one's civil court, one's criminal court. I want to  
25 make sure I got them in the right order. And we

1 actually had this come up a couple of times on our  
2 judges listserv. And the consensus seemed to be, by  
3 somebody who actually did some research on it, that  
4 in a criminal case, you draw the name of the two  
5 jurors out of a hat. In civil court, you seat them  
6 in the order they were selected.

7 So put the two alternates' names -- I don't  
8 know if anybody even wears a hat these days.

9 **THE CLERK:** I have a cup.

10 **THE COURT:** Let's put them in some kind of  
11 envelope or something and I'll reach in...

12 **THE CLERK:** It will take me just a second, Your  
13 Honor.

14 (Pause.)

15 **THE COURT:** All right. Our alternate is number  
16 145, Angela {verbatim} Norris.

17 Okay. Let's bring Ms. Farmer back in.

18 (Juror Jennifer Farmer returns to the  
19 courtroom.)

20 **THE COURT:** Ms. Farmer, when I was questioning  
21 you earlier, I asked you if you knew Officer Novak  
22 and you stated that you knew him, but you didn't  
23 think that he knew you.

24 **JUROR:** I know his wife. I don't -- I think I  
25 maybe seen him once or twice.

1           **THE COURT:** But you knew his wife, but you  
2 didn't think that he knew you. And --

3           **JUROR:** I think --

4           **THE COURT:** Let me finish. And so when I --  
5 during the voir dire process at the first of the  
6 week, I asked if anybody knew them, were acquainted  
7 with them in any way, what you should have done at  
8 that point was disclosed to us that you knew him  
9 through his wife and that way both the parties were  
10 on knowledge. We could have asked you if that would  
11 have made any difference to you and you probably  
12 would have said no, which is what you said now, but  
13 it would have given the -- either of the two parties  
14 the opportunity to strike you as a juror if they  
15 wanted to.

16           And since they did not have that information,  
17 it's only proper at this point that I excuse you  
18 from jury service for the rest of this case.

19           **JUROR:** Yes, sir, I understand and I apologize.

20           **THE COURT:** It's just one of those things. It  
21 sounds like an innocent enough mistake, but in this  
22 case here, you should have disclosed that.

23           **JUROR:** I apologize and I've never -- and it's  
24 no excuse and I apologize, I've never been called  
25 for jury duty or I've never been in here, so I

1       wasn't -- I was very nervous and very --

2               **THE COURT:** I'm not going to throw you in jail.

3               **JUROR:** I know.

4               **THE COURT:** Well, you can go ahead and get your  
5       stuff and you don't have to come back the rest of  
6       this week. You're excused from jury service. And I  
7       want to thank you for your service so far this week.

8               **JUROR:** Thank you. And I apologize again  
9       for...

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

11              **JUROR:** Thank you.

12                      (Juror Jennifer Farmer was excused.)

13              **THE COURT:** Anything else we need to take up  
14       before we bring the jury in?

15              **MR. GRAHAM:** Not from the State.

16              **MR. WILLIAMS:** Nothing from the defendant, Your  
17       Honor.

18              **THE COURT:** All right. Well, let's go ahead  
19       and bring the rest of the jury on in.

20                      (The jury enters the courtroom at 9:42 a.m.)

21              **THE COURT:** Okay. Folks, well, the morning  
22       excitement is over with now. I've had to excuse  
23       Ms. Farmer from jury service and so we're now -- we  
24       had the random drawing that we're required to and we  
25       have to remove one between the two alternates. And,

1 Ms. Norris, you are now seated as a juror.

2 Okay. So we're going to resume now with the  
3 calling of the State's next witness.

4 MR. GRAHAM: Thank you, Your Honor. The State  
5 calls Tyrome Brennan.

6 TYROME BRENNAN,  
7 having been duly sworn, testified as follows:

8 THE CLERK: Have a seat up there, sir. Once  
9 you're seated, I'm going to need you to speak up,  
10 state your full name and spell your last on the  
11 record, please.

12 THE WITNESS: Tyrome Brennan. Last name  
13 spelled B-r-e-n-n-a-n.

14 DIRECT EXAMINATION

15 BY MR. GRAHAM:

16 Q Mr. Brennan, were you involved with the  
17 burglary, robbery and murder of David Cannon on  
18 October 21st, 2011?

19 A Yes, sir.

20 Q And are you currently charged with murder?

21 A Yes, sir.

22 Q And are you currently charged with burglary  
23 first degree?

24 A Yes, sir.

25 Q Armed robbery?



1       A     Yes, sir.

2       Q     And possession of a weapon during a violent  
3       crime?

4       A     Yes, sir.

5       Q     Has anyone promised you anything as far as what  
6       will happen to you regarding reduction of your  
7       sentence or what kind of sentence you will  
8       receive for --

9       A     No, sir.

10      Q     -- for your testifying here today?

11      A     No, sir.

12      Q     Are you here to tell the truth?

13      A     Yes, sir.

14      Q     On October 21st, in the month of October of  
15      2011, where were you living?

16      A     In Chapin.

17      Q     Do you remember the address?

18      A     Off of Mountain Drive.

19      Q     Off of Mountain Drive. Who were you living  
20      with?

21      A     My mother and Chris Davis.

22      Q     Chris Davis. And he had a son, didn't he?

23      A     Yeah, Chris, Jr.

24      Q     Chris, Jr. Are you from the Chapin area?

25      A     No, sir.

1 Q Where are you from?

2 A Irmo.

3 Q When did you start spending time in Chapin?

4 A September 12th or 11th, I moved to Chapin  
5 because me and my father got into it, so I moved  
6 with my mom.

7 Q Could you move the microphone down a little  
8 bit?

9 A (Witness complies.)

10 Around September 11th or 12th, I moved to  
11 Chapin because me and my father got into it.

12 Q So the middle of September of 2011, about six  
13 weeks before this happened, five, six weeks before  
14 this happened?

15 A Yes, sir.

16 Q How did you end up living at Chris Davis'  
17 house?

18 A Because that's where my mom was staying at the  
19 time and I had nowhere else to go because me and my  
20 dad got into it, so.

21 Q Do you know whether your mom and Chris Davis,  
22 Sr. are still together?

23 A No, sir, I don't.

24 Q Back in October 21st, 2011, did you have a cell  
25 phone?

1       A     Yes, sir.

2       Q     Where did you get that cell phone from?

3       A     My mother.

4       Q     When did you get that roughly?

5       A     I'm not positive, but I know it's probably,

6       approximately, about a week or two before the

7       incident took place.

8       Q     What, if anything, can you tell me about the

9       telephone number (803)     -8869?

10      A     That was my number.

11      Q     That was the number that you had on the phone

12      that your mom gave you a week or two before the

13      incident?

14      A     Yes, sir.

15      Q     When you got that -- did you have a phone

16      before you got that one from your mom?

17      A     Yes, sir.

18      Q     What kind of phone was that?

19      A     A Blackberry Storm, the first one with the

20      buttons, the mash buttons, not the touchscreen

21      buttons. It was the first Blackberry Storm.

22      Q     The first Blackberry?

23      A     Uh-huh.

24      Q     What, if anything, did you do with that

25      Blackberry?

1       A     Sold it to Breon.

2       Q     When did you do --

3       A     I gave it to Breon.

4       Q     I'm sorry?

5       A     I gave it to Breon.

6       Q     You gave it to Breon. When did you give it to  
7       Breon?

8       A     Probably about -- I'm not quite sure, but I  
9       know, at the least, it was four days before the  
10      incident, three or four days before the incident.

11      Q     Do you know whether Breon Mayers activated that  
12      phone?

13      A     Yes, sir.

14      Q     How do you know that?

15      A     Because he came to pick me up after he went to  
16      the Page Plus, Mr. Beeper store, up in Chapin area  
17      somewhere. And then I took him to Broad River where  
18      I paid my bill -- where I used to pay my bill at.  
19      And I took him there and got the number switched for  
20      him and paid the bill and it was activated again.

21      Q     So you were with him when he activated it?

22      A     Yes, sir.

23      Q     Do you know what kind of plan that he got?

24      A     It was the \$48 a month unlimited text and talk.

25      Q     Do you know if he registered that phone?

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1       A     As in in his name? .

2       Q     Yes, sir.

3       A     No, sir, because I paid the bill and it was  
4       still, you know, and --

5       Q     Was that account registered to anybody's name?

6       A     I can't remember. I got that -- I got the  
7       phone -- I got that account from my mom in 2010. So  
8       I don't know if it was registered in her name or my  
9       granddad's name, but it wasn't in my name either.

10      Q     Do you know how -- did he pay with a credit  
11      card?

12      A     No, with cash.

13      Q     He just paid cash?

14      A     Uh-huh.

15      Q     Do you know the number that he got?

16      A     No, sir, I can't remember.

17      Q     The night before Dave Cannon was killed, what,  
18      if anything, were you doing?

19      A     We were all at Doc's house, Chris Sr.'s house.

20      Q     Chris, Sr., you call him Doc; is that right?

21      A     Yes, sir.

22      Q     That's his house on Mountain Drive where you  
23      were staying?

24      A     Yes, sir.

25      Q     When you say us, who all was there?

1       A     Me, Jermaine, Breon and, you know, C.J., Doc,  
2       my mom and their little brother.

3       Q     When we're talking about Breon, let's go ahead  
4       and get this out of the way. Do you see Breon  
5       Mayers in the courtroom?

6       A     Yeah.

7       Q     Where is he?

8       A     Right there in the blue suit.

9       Q     In the blue suit at the defense table sitting  
10      next to the attorney?

11      A     Yes, sir.

12      Q     What were you, Breon Mayers and Jermaine  
13      Caughman doing?

14      A     Playing cards.

15      Q     After you were done playing cards, where did  
16      you go? Did you go to bed? Did you go out?

17      A     We stayed in that night. Probably -- I can't  
18      really remember honestly. I can't really remember.

19      Q     Well, how do you know -- how do you know Breon?

20      A     Because we -- back in '07 when I went to Chapin  
21      for the first time, Chapin alternative, I met him  
22      there. And, you know, I went to Chapin '07, '08 and  
23      '09 for one semester each year and he was there the  
24      whole time.

25      Q     How about Jermaine Caughman, how did you meet

1       Jermaine?

2       **A**     I met Jermaine in '08 at Chapin.

3       **Q**     What, if any, conversations did you have with  
4       Breon Mayers regarding David Cannon prior to you all  
5       playing cards?

6       **A**     They were just telling me about this man who  
7       had it, you know, who, who was on, who sold drugs  
8       and had money and stuff like that, then was talking  
9       about how he was racist towards him or wouldn't sell  
10      him no weed as -- referring to him as in Breon. And  
11      Jermaine said, yeah, if he ever got a hold of him,  
12      he would kill him and this, that and the third, and  
13      just talking -- talking down about the man because  
14      of past, past things that happened with him just  
15      basically out of vengeance. And it's pretty much  
16      both of them just said that if they had the  
17      opportunity, they'd kill him.

18      **Q**     So before you all played cards on October 20th,  
19      Breon Mayers told you, talking about David Cannon --

20      **A**     Yeah.

21      **Q**     -- that David sold weed, but he wouldn't sell  
22      weed to him?

23      **A**     Yes, sir.

24      **Q**     That he was -- that David Cannon was racist and  
25      that if Breon Mayers had a chance, he was going to

1 kill him?

2 A Yes, sir. And, also, he was telling me how he  
3 knew the exact time his wife went to work and the  
4 exact time she came home and know that David didn't  
5 work. And his wife drove the truck and every time  
6 he'd see the truck pass, he know she'd gone to work.

7 Q When he talked about killing him, did you think  
8 that was -- that he meant it or was he just talking?  
9 What did you think at that time?

10 A Honestly, I kind of just brushed it off because  
11 I was just like, yeah, whatever, you know what I  
12 mean, but I thought then again I wouldn't put it  
13 past him, you know, at that time. But, you know, I  
14 kind of brushed it off, you know, because him and  
15 Jermaine was having a conversation about him, I was  
16 in the dark. I didn't know what they was talking  
17 about, so I kind of brushed it to the side.

18 Q The morning of October 21st, 2011, how did you,  
19 Jermaine and Breon Mayers get together?

20 A October 21st?

21 Q Yeah, the day that David Cannon was killed, how  
22 did you all get together?

23 A Well, the night before we had planned to go to  
24 Irmo, you know, to pick up some weed and --

25 Q You planned -- I'm sorry -- to go to Irmo to do



1       what?

2       **A**     Pick up some weed --

3       **Q**     Pick up some weed.

4       **A**     -- from the weed man. And I called Breon that  
5 morning to wake him up to see if he still was trying  
6 to go. He didn't pick up. So he called me back and  
7 I didn't pick up. So then, at that point, he showed  
8 up. Jermaine knocked on the window. I wasn't going  
9 to get up, but I got up. And on my way out of the  
10 house, my mom asked where was I going, told her to  
11 Irmo. And when I got outside, Jermaine and Breon  
12 was waiting on me.

13      **Q**     Do you know where Breon Mayers was staying at  
14 that time?

15      **A**     I know he was staying with his grandmother  
16 right next to Chapin in Little Mountain.

17      **Q**     Had you been to the house before?

18      **A**     Yes, sir..

19      **Q**     I'm going to show you State's Exhibit Number 8  
20 and ask if you recognize that?

21      **A**     Yes, sir.

22      **Q**     Is that the house where Breon Mayers was living  
23 with his grandmother?

24      **A**     Yes, sir.

25      **Q**     So after Jermaine knocked on the window and you

1       went out and Breon Mayers was there and the three of  
2       you were together, what did you all do?

3       A     Rode to Irmo.

4       Q     Do you remember what part of Irmo it was at?

5       A     Friarsgate.

6       Q     The Friarsgate area?

7       A     Yes, sir.

8       Q     And you said you went there to get weed?

9       A     Yes, sir.

10      Q     And did you get the marijuana?

11      A     Not from the man we went to go get it from, so  
12      we went by my dad's house.

13      Q     What did you go to your dad's house for?

14      A     To get a blunt from my brother.

15      Q     Did you do that?

16      A     Yes, sir.

17      Q     After you got the blunt from your brother,  
18      where did the three of you go?

19      A     Went to Chapin and we was going back to my  
20      house, but we detoured. Breon said, Forget that.  
21      And we went to Jasmine's house.

22      Q     Did he tell you why he was detouring?

23      A     No. He just said, We fixing to make a stop  
24      real quick. We pull up to Jasmine's house, I was  
25      like, Whose house is this? Jermaine said, Jasmine.

1 And that's when she came out.

2 Q When you were going to Jasmine's house, did you  
3 know why you were going to Jasmine's house?

4 A No, sir.

5 Q Well, what, if any, discussions had you all had  
6 the night before that morning about committing a  
7 robbery at Dave Cannon's house?

8 A No, sir, we didn't have any.

9 Q Did you know Jasmine -- you're talking about  
10 Jasmine Bowers, right?

11 A Yes, sir.

12 Q Did you know her then?

13 A No, sir.

14 Q So when you pull up at that house, what, if  
15 anything, do you know about why you're going there?

16 A I didn't know nothing honestly. I didn't know  
17 why we were there.

18 Q So tell me what happened once you all -- well,  
19 whose car were you guys in?

20 A Breon.

21 Q When you pulled up at Jasmine's house, tell me  
22 what happened.

23 A Well, she came out and Breon got out and was  
24 talking to her. I didn't hear the conversation  
25 because I was inside the car with Jermaine. And

1       once Breon got back in the car, he told us what was  
2       up.

3       Q     Okay, you said he told you what was up. What  
4       did Breon tell you?

5       A     That we was fixing to go rob Dave.

6       Q     Did he say anything else at that time?

7       A     He just said, We fixing to go rob David.

8       Q     Did he describe how you were going to do it?

9       A     We discussed that kind of while getting out the  
10      car and, you know --

11      Q     But there at Jasmine's house when he came in,  
12      he just said, We're going to rob Dave?

13      A     Yeah, after we pulled in Cedric yard.

14      Q     What were you thinking at that time?

15      A     Well, honestly, I was thinking, all right, you  
16      know what I mean, because I was down bad, you know.  
17      And I needed the money, you know, I was in between  
18      jobs. So I needed the money. So I was like, all  
19      right, you know. But once he mentioned about  
20      killing and then I was kind of iffy --

21      Q     Let me slow down and we'll catch up to that.  
22      When you're sitting out in Jasmine's yard, Breon  
23      comes in and says, We're going to rob Dave, your  
24      first thought was, I'm down with that, because you  
25      needed money, right?

1       A     Well, my first thought was how are we going to  
2       go about doing it, you know what I mean, but then I  
3       kind of pushed that to the side because I kind of  
4       let greed overpower, you know, my thought -- my  
5       train of thoughts, you know. And I just needed the  
6       money. So I was like, All right, I'm down.

7       Q     Were there -- did y'all have guns already?

8       A     Yes, sir.

9       Q     Who had guns or what kind of guns were there?

10      A     Had a .38 revolver, that was Jermaine's. And  
11      we had a Glock 9 and that was Breon's.

12      Q     So Breon had a 9mm and Jermaine had a revolver,  
13      .38?

14      A     Yes, sir.

15      Q     Did you stay and keep talking about it in  
16      Jasmine's yard or did you all move somewhere?

17      A     No. We went straight to Cedric's yard.

18      Q     Cedric's yard. Did you know Cedric at the  
19      time?

20      A     Kind of. I seen him around a little bit.

21      Q     When we're talking about going to Cedric's  
22      yard, is that Cedric's house there (indicating)?

23      A     Yes, sir.

24      Q     Jackie Boyd, do you know her?

25      A     No, sir.

1 Q Now, do y'all walk from Jasmine's house down  
2 or do you drive?

3 A Drive.

4 Q So where does the car get parked?

5 A In Cedric's yard, between his yard and his  
6 next-door neighbors.

7 Q Up over here in this area (indicating)?

8 A Yes, sir.

9 Q Do y'all stay in the car or do you get out?

10 A Well, me and Jermaine stay in the car for the  
11 first part. He gets out and tells Ced what was up,  
12 that we was going to, you know, rob Dave. And then  
13 -- but he came back in the car and we all got out  
14 the car.

15 Q So you and Jermaine stayed in the car and Breon  
16 got out?

17 A Yes, sir.

18 Q What was Breon doing?

19 A He went to go talk to Ced and let him know what  
20 was up.

21 Q Did you see him talk with Cedric?

22 A Yes, sir.

23 Q Did you hear what was said?

24 A No, sir. I just know he got back in the car  
25 and told --

1       Q     Okay. So Breon gets out of the car, you see  
2       him go talk with Cedric. He comes back in the car.  
3       When he comes back in the car, what does Breon  
4       Mayers say?

5       A     My cousin know what's up. We're straight.  
6       Let's go.

7       Q     So the three of you are all in the car then?

8       A     Yes, sir.

9       Q     What happens next?

10      A     We all got out of the car -- first -- when we  
11      first got out of the car, Jermaine had the gun.  
12      Then the plan switched and I had the gun and then --

13      Q     Well, who's making the plans?

14      A     We were kind of, all kind of working together,  
15      you know, me, Breon, Jasmine and Jermaine.

16      Q     Okay. Well, hold it now. My understanding is  
17      that you said that the -- when did Jasmine --  
18      Jasmine was down there with you?

19      A     No, no, no, no. Jasmine came after. She was  
20      going to knock on the door and when --

21      Q     Let's back up for a second. Breon goes and  
22      talks with Cedric and he comes back in the car?

23      A     Uh-huh.

24      Q     So then you, Breon Mayers and Jermaine Caughman  
25      are in the car. Is Jasmine there at that time?

1       A     No, sir.

2       Q     Okay. So the three of you are in Breon's car  
3       and who now has guns?

4       A     Jermaine and Breon had guns.

5       Q     Okay. You started to say, I think, that, at  
6       some point, the plan changed and --

7       A     Yeah. The plan changed once we met with  
8       Jasmine in front of the woods.

9       Q     Okay. So where did you meet with Jasmine at?

10      A     In front of the woods, like, maybe 15 feet away  
11      from Dave's yard.

12      Q     Like down here on :

13      A     Uh-huh.

14      Q     You met Jasmine there. So how did you -- you  
15      guys are in the car. When you get out of the car,  
16      where do the three of you go?

17      A     We ran through the woods through a cut and came  
18      around and that's when Jasmine called him and said  
19      that he didn't answer.

20      Q     Okay. When you're talking about around in a  
21      cut, are we talking this way?

22      A     Yeah, up that dirt road.

23      Q     And then where the power line is going to --  
24      okay. So who goes back here?

25      A     Me and Breon and Jermaine.



1       Q     And what, if any, conversations happen back  
2       there?

3       A     None really. I think Jermaine might have  
4       called his mentor. I'm not quite sure. I know he  
5       called his mentor in between us getting out the car  
6       and us getting back in the woods. And I know that  
7       Jasmine called Breon and said that she don't think  
8       he home. He didn't answer the door or he was sleep,  
9       one or the other. And we met Jasmine back out  
10      front.

11      Q     Why did you all go through that cut through?

12      A     So we could go through the back door and not be  
13      seen by the front like --

14      Q     Who had guns then?

15      A     I had the gun then, then Breon had the gun.

16      Q     So what gun did you have?

17      A     The .38.

18      Q     What gun did Breon have?

19      A     The Glock.

20      Q     Why did you take the gun from Jermaine?

21      A     Because Jermaine was going to grab him.

22      Q     So the plan at that time was to do what?

23      A     Jermaine grab him and we just go in there and  
24      ramshack {verbatim} his house, get everything out  
25      the house.

1 Q So there wasn't a plan to kill him at that  
2 time?

3 A No, no, no, no, sir.

4 Q Well, why did you all not go through with the  
5 plan when you were back in the cut through? What  
6 changed?

7 A Because Jasmine called and said that he was  
8 sleep or wasn't home, he didn't answer the door,  
9 because she was going to knock on the door to make  
10 sure he was there awake and --

11 Q Did you hear Jasmine say that or did somebody  
12 tell you that?

13 A No. We heard Jasmine say that because once she  
14 called Breon, we cut back through instead of hitting  
15 the dirt road and went through the woods and went  
16 back out front, and that's when Jasmine told us that  
17 he didn't answer the phone -- I mean, answer the  
18 door that he was sleep.

19 Q All right. When you say -- so you're in this  
20 area. You said instead of going through the cut  
21 through, you go through the woods?

22 A Yes, sir.

23 Q And you're back out on

24 A Yes, sir.

25 Q You meet up with Jasmine somewhere over here in

1 front of Dave Cannon's house?

2 A Yes, sir.

3 Q Tell me about what's going on when you meet --  
4 all four of you meet back up.

5 A She said that he wasn't up, that he didn't open  
6 the door. Then that's when she said she'll try  
7 again. And then that's when the discussion went  
8 down about how I'm going to have to kill him.

9 Q Who said that?

10 A Breon. He said, I'm going to have to kill him.

11 Q Why -- what kind of -- slow down for a second  
12 and tell me about that discussion.

13 A She was just telling us how he was sleep and  
14 didn't answer the door. And then that's when --  
15 like, the plan changed, like, ten different  
16 times and at --

17 Q Do you know what was said right before Breon  
18 said that he was going to kill him?

19 A Honestly, I can't remember. I just know that  
20 she said that he wasn't -- he wasn't up. He didn't  
21 open the door. And the plan changed. And Breon  
22 said, I'm going to have to kill him. And I said --  
23 me and Jermaine said, We're not down with that. He  
24 said, Why, are y'all scared, you know, are y'all  
25 scared? And I was like, Nah, just ain't down with

1       it. And he just said, All right, I ain't going to  
2       kill him. And as soon as he said that, we heard  
3       David outside messing with the dogs.

4       Q     So after Breon said that he was going to kill  
5       him and you heard Dave outside messing with the  
6       dogs, what happens next?

7       A     Kind of like a confusion, adrenaline rush,  
8       whatever you want to call it. David went back up on  
9       the porch. Breon said, Let's go. He went around  
10      the house first.

11     Q     Where is Jasmine at?

12     A     Jasmine ran -- we went around the house this  
13     way. Jasmine went across -- she cut across the  
14     front yard and met us in the backyard.

15     Q     All right. When you say this way and that way,  
16     look at this diagram, tell me what you're talking  
17     about. Y'all are standing -- the four of you are  
18     out here somewhere in the front on                in  
19     front of the house?

20     A     Yes, sir.

21     Q     Which way does Jasmine go?

22     A     Jasmine goes straight up to the far side of  
23     Dave's house.

24     Q     She goes further down                   toward her  
25     house?

1       A    Yes, sir.

2       Q    And comes over on this side of Dave's house?

3       A    Yes, sir.

4       Q    Is that right?

5       A    Yes, sir.

6       Q    And then where do you and Breon Mayers and

7       Jermaine Caughman go?

8       A    Come up on the closer end of Dave's house to

9       where we were standing.

10      Q    More like where the driveway is?

11      A    Yes, sir.

12      Q    Are you walking, are you running or how are you

13      guys moving?

14      A    Kind of like a jog slash walk-type thing at

15      this point.

16      Q    So tell me what happens when you turn the

17      corner on Dave Cannon's house.

18      A    Well, by the time I turned the corner, Jermaine

19      was right behind me, Breon was already going up the

20      stairs. Then by the time I got, like, I want to say

21      about ten feet away from the stairs on the deck,

22      Breon had already shot twice. And all I heard was

23      Dave Cannon say, Oh, sh--, and that was it. And

24      then as soon as I came up around the door, he was

25      dead. And Breon said, Oh, I think he dead. Jasmine

1       said, Move the body. Breon nudged it with his foot,  
2       show me where the stuff at. Him and Jasmine ran up  
3       in the room this way and --

4       Q     Go ahead.

5       A     Him and Jasmine ran up in the room this way to,  
6       I'm guessing it was Dave's room because that's where  
7       they got everything from. And me and Jermaine went  
8       the opposite way through the living room to the back  
9       room. Me and Jermaine was in the back room, but I  
10      left Jermaine in the back room and ran back out of  
11      the house and was standing on the back porch just  
12      yelling for them to hurry up.

13      Q     Did you see Breon Mayers shoot Dave Cannon?

14      A     Yes, sir.

15      Q     What -- did you see -- what was David doing?

16      A     I didn't see David. David was kind of like in  
17      the threshold because, you know, his door swings  
18      this way (indicating). All I seen was Breon  
19      standing away from the door, he shot twice and Dave  
20      Cannon was dead.

21      Q     And what did Breon do and say after he shot  
22      David Cannon?

23      A     He said, Oh, he dead.

24      Q     Do you recognize that diagram, referring to  
25      State's Exhibit Number 3?

1       A     Yes, sir.

2       Q     Does that fairly and accurately layout David

3       Cannon's house?

4       A     Yes, sir.

5       Q     When you say you and Jermaine and Breon came

6       around the house, you're talking about that way,

7       right (indicating)?

8       A     Yes, sir.

9       Q     And you're coming up here on the steps and you

10      see Breon here at the door?

11      A     Yes, sir.

12      Q     And you see him fire two shots?

13      A     I wasn't quite at the door yet. I was at the

14      bottom of the steps.

15      Q     You were here?

16      A     Yes, sir.

17      Q     Breon was here?

18      A     Yes, sir.

19      Q     And you see Breon fire two shots from that 9mm?

20      A     Yes, sir.

21      Q     What do you hear him say?

22      A     Dave Cannon or Breon?

23      Q     Either one of them, whatever you hear next.

24      A     Dave Cannon say, Oh, sh. And then once I got

25      next to Breon, Breon said, Oh, he dead.

1 Q Where was Jasmine?

2 A Jasmine was standing right here on the opposite  
3 side of the door where I came over.

4 Q Right over here (indicating)?

5 A Yes, sir.

6 Q Where is Dave Cannon's body?

7 A His body was like -- from what I remember, it  
8 was in the, like -- it's like a washing machine  
9 right there and he was by -- like, his head was,  
10 like, at the washing machine straight like this.

11 Q By the time you went in the house, do you know  
12 whether Dave Cannon was still alive?

13 A No, sir, he wasn't alive.

14 Q He wasn't breathing anymore?

15 A No, sir.

16 Q So how did -- you said -- so who went over  
17 here? This was Dave Cannon's room, who went into  
18 that room?

19 A Jasmine and Breon.

20 Q How did they get into that room?

21 A Breon nudged the body out of the way and then  
22 went in the room.

23 Q Did you see what they were doing inside that  
24 room?

25 A No, sir.



- 1 Q Where did you go?
- 2 A I went to this room over here.
- 3 Q To that other bedroom (indicating)?
- 4 A Yeah. Me and Jermaine went that way and then I
- 5 doubled backed and came right back outside and
- 6 that's when I saw Breon and Jasmine come out of the
- 7 other room. Then we had to pretty much go drag
- 8 Jermaine out of the house because he was in the room
- 9 still.
- 10 Q I'm sorry. Jermaine was doing what?
- 11 A Still in the room, the far room.
- 12 Q He was still back there?
- 13 A Yes, sir.
- 14 Q What, if anything, did you take out of the
- 15 house?
- 16 A I didn't take anything out of the house.
- 17 Q What, if anything, did you see Jermaine take
- 18 out of the house?
- 19 A Jermaine came out empty handed, too.
- 20 Q He came out what?
- 21 A Empty handed.
- 22 Q Do you know, from what you saw, if Jasmine had
- 23 anything?
- 24 A Not from what I saw.
- 25 Q Did you find out later that she had something?

1       A     Yes, sir.

2       Q     Did you find that out from Breon?

3       A     Yes, sir.

4       Q     What did Breon Mayers tell you that Jasmine  
5       got?

6       A     She got a thousand dollars.

7       Q     What, if anything, did Breon Mayers take out of  
8       that house?

9       A     A .357 magnum snub nose in a bag and I'm going  
10      to say half a pound of weed, but it was four ounces  
11      short, so it was about 12 ounces of weed.

12      Q     How was it packaged?

13      A     It was packaged in little sandwich bags, four  
14      -- four little sandwich bags in a gallon bag. So it  
15      was three gallon bags with four little sandwich bags  
16      in each one.

17      Q     So three gallon -- like a Ziploc bag is what  
18      we're talking about?

19      A     Yes, sir.

20      Q     So three gallon Ziploc bags and in each gallon  
21      Ziploc bag, there were four sandwich bags?

22      A     Yes, sir.

23      Q     And in each sandwich bag, there was how much  
24      marijuana?

25      A     An ounce.

1 Q An ounce of marijuana in each?

2 A Yes, sir.

3 Q So 12 ounces?

4 A Yes, sir.

5 Q When everybody left the house, which way did

6 you go?

7 A We went the same way we came in.

8 Q Back down these steps and around, back to

9

10 A Yes, sir, but we didn't go around the house.

11 We went to cut through the woods, the way we came

12 when --

13 Q You went through the cut through in the woods?

14 A Uh-huh.

15 Q Where did Jasmine go?

16 A I honestly don't know.

17 Q Did she go with you guys?

18 A No. I know she went the opposite way, but I

19 don't know where she went from there.

20 Q All right. When you all left the house and

21 went back down that cut through, where did you go

22 next?

23 A Back to Ced's yard to get in the car.

24 Q Now, you had a .38, right?

25 A Yes, sir.

1 Q Why did you take a gun?

2 A Because we all had -- well, it was two guns.  
3 Two people was going to carry a gun and one person  
4 was going to grab him.

5 Q What, if anything -- Breon -- you said Breon  
6 shot his gun twice. Did you shoot your gun?

7 A Yes, sir.

8 Q Why?

9 A Because it was cocked -- it was a revolver and  
10 it was cocked, the hammer was back. And I honestly  
11 didn't know how to let it down without shooting it,  
12 so I shot it in the air.

13 Q That was the .38 revolver?

14 A Yes, sir.

15 Q When you went through the cut through, where  
16 did you, Breon and Jermaine go?

17 A Back to Ced's yard to the car.

18 Q And then once you went back over to the car  
19 that was over by Cedric's house, what did you guys  
20 do?

21 A Well, Breon, he tossed something up under Ced's  
22 porch and we got back in the car.

23 Q Do you know what he tossed under there?

24 A Yeah, some marijuana.

25 Q Did you see him do it or did Breon tell you

1       about it?

2       **A**    No, I seen him do it.

3       **Q**    Did Breon tell you why he did that?

4       **A**    No, sir, but it was pretty apparent why he did  
5       it to try and bribe his cousin not to say anything.

6       **Q**    After the three of you get back in Breon  
7       Mayers' car, where do you go?

8       **A**    We went through -- to the right away from  
9       Chapin and then came back down to Chapin and went to  
10      my house.

11      **Q**    On Mountain Drive?

12      **A**    Yes, sir.

13      **Q**    Okay. Why did you go back there?

14      **A**    Because Jermaine had to meet his mentor and,  
15      you know, Jermaine stayed right behind me, he had to  
16      meet his mentor. And I wanted to change and, you  
17      know, take a shower and stuff and give everything  
18      time to cool down.

19      **Q**    Did you take a shower and change your clothes?

20      **A**    Yes, sir.

21      **Q**    What did you do with the clothes that you wore?

22      **A**    They're in the garbage.

23      **Q**    Why did you throw them in the garbage?

24      **A**    Just because I was thinking, like, I got to get  
25      away, try and get away with it. So I wanted to try

1 and destroy, you know, anything that was going to  
2 hem me up.

3 Q How about Breon Mayers, what did he do with his  
4 clothes?

5 A Put them in a bag with mine.

6 Q So both of y'all threw your clothes away?

7 A Yes, sir.

8 Q Shoes too?

9 A Yes, sir.

10 Q Where did you throw them away at?

11 A In the dumpster.

12 Q So did Jermaine -- you said Jermaine was going  
13 where?

14 A With his mentor to the Army recruiter.

15 Q So Jermaine -- as soon as you got back to your  
16 house, Jermaine left you?

17 A Yes, sir.

18 Q What did you and Breon Mayers do next?

19 A Well, we took everything inside of my house,  
20 put it in a bag inside my house. Then Breon went to  
21 his house, said he was going to his house to take a  
22 shower and stuff and then get some clothes because  
23 all he had was gym shorts on because he put all his  
24 clothes in the bag with mine. And after that, I was  
25 just blowing him up after I get out of the shower

1       telling him to come get me, you know.

2               And in the meantime while I was at the house,  
3       he sent Cedric over there to get some more weed from  
4       me, you know what I mean. And that's when Cedric  
5       told me that we better get on through because the  
6       cops is out right now and it's real hot in Chapin,  
7       so y'all need to go. And that's when I started  
8       blowing up Breon real bad.

9       Q     Breon had his phone with him that day?

10      A     Yes, sir.

11      Q     Whose phone did Jermaine Caughman use to call  
12      his mentor?

13      A     Breon's.

14      Q     You said you were blowing him up. What did you  
15      mean by that?

16      A     Calling him, calling him a lot to come get me,  
17      that was my only way to leave Chapin.

18      Q     Do you remember Breon's number now?

19      A     No, sir.

20      Q     The phone that you had that day and until you  
21      got arrested, where is that phone? What did you do  
22      with it?

23      A     My mom's using it.

24      Q     Do you know what happened to Breon's phone?

25      A     No, sir.

1 Q At some point, did you and Breon after you both  
2 had changed -- thrown away your clothes, changed  
3 your clothes, taken a shower, did y'all get back  
4 together?

5 A Yes, sir.

6 Q What was the purpose of you all getting back  
7 together?

8 A Pretty much we just wanted to stay together.  
9 Both of us is paranoid, you know what I'm saying,  
10 scared, so we pretty much just wanted to make sure  
11 neither one of us told on each other pretty much,  
12 you know. And he was my -- he had a car. I was in  
13 Chapin stuck, so, you know, he was kind of my ride  
14 to Irmo. And he wanted to stay with me because he  
15 knew I was from Irmo and we could go chill somewhere  
16 in Irmo to get away from Chapin.

17 Q All right. So when you all went to Irmo and --  
18 he came over and got you, right?

19 A Yes, sir.

20 Q And you left Chapin and went to Irmo?

21 A Yes, sir.

22 Q Where was the 9mm at that time?

23 A At Doc's house.

24 Q At Chris Davis, the house you were staying on  
25 Mountain Drive?



1       A     Yes, sir.

2       Q     Where was the .38?

3       A     Jermaine took the .38 with him when he left  
4       with his mentor.

5       Q     The .357 that was stolen, where was that at  
6       that time?

7       A     In a bag with the 9mm and the eight ounces of  
8       weed.

9       Q     Okay. So you got eight ounces of weed there.  
10      What happened to the rest of the weed?

11      A     We took it with us, you know, just to have to  
12      smoke, you know, just in case we was going to sell  
13      some of it. And then we figured -- we found out --  
14      we figured we had a ride back to Chapin, so I put  
15      the four ounces at my cousin Chris' house.

16      Q     All right. So you start off with three gallon  
17      bags?

18      A     Yes, sir.

19      Q     One gallon bag got thrown under Cedric's house?

20      A     Yes, sir.

21      Q     That left you all with two bags, right?

22      A     Yes, sir.

23      Q     How much of that did you leave at Doc's house?

24      A     We left two because when he threw the gallon  
25      bag under Cedric's porch, I grabbed it. And then

1       once I grabbed it -- because I was like, What are  
2       you doing? Once I grabbed it, we left. And I guess  
3       that's when he was talking to Ced because I had time  
4       to grab it and get to the car before he did, you  
5       know.

6       Q     So you have -- so Breon threw a bag under  
7       there, you picked it back up. And when you guys got  
8       in the car, you still had all three bags?

9       A     Yes, sir.

10      Q     Cedric comes over and gets a bag from you?

11      A     He came over and got about a half an ounce of  
12      weed from me.

13      Q     So the rest of the marijuana, when you all are  
14      going to Irmo, what's left at Chris Davis' house and  
15      what do you all take?

16      A     We took the -- we took four of them with us and  
17      we had -- we had two of the gallon bags at the house  
18      still.

19      Q     So you go to Irmo. What do you do in Irmo?

20      A     We went to this girl named Kay White's house.

21      Q     Kay White?

22      A     Yes, sir.

23      Q     And why are you all going there?

24      A     Because that's Breon's homegirl and it was just  
25      somewhere to lay low at while we try to get our

1 thoughts together and figure out a way to get back  
2 to Chapin to get the stuff because we knew it was  
3 getting hot up in Chapin.

4 Q The marijuana that you took with you over to  
5 Kay White's house, what did you do with it?

6 A We didn't take the marijuana to Kay White's  
7 house. At this point, we had already dropped the  
8 four ounces off with Chris, at Chris' house. And  
9 not Doc, Chris, but Chris in Friarsgate, my cousin.

10 Q Your cousin, Chris Benjamin?

11 A Yes, sir.

12 Q Was he there?

13 A No, sir. He was at work still. But, see, me  
14 and him, I could just go in his house whenever I  
15 wanted pretty much, you know what I mean, so that's  
16 what I did.

17 Q Did he know that you had taken marijuana over  
18 to his house?

19 A No, sir, not until after he got off of work,  
20 then we went there.

21 Q All right. When you're over at Kay White's  
22 house, at some point, do y'all get your thoughts  
23 together and come up with a plan now?

24 A If you want to call it that. I mean, we really  
25 was just trying to figure a way to get back to

1 Chapin to get the stuff out of Doc's property  
2 before, you know, the police came and caught on. So  
3 that's when his sister came through, Shy, and took  
4 us back to Chapin.

5 Q What's her name?

6 A Shyesha.

7 Q Shyesha, is it Shyesha Chandler?

8 A I can't remember her last name.

9 Q How did Breon and Shyesha talk?

10 A Over the cell phone.

11 Q On Breon's cell phone?

12 A Yes, sir.

13 Q And that's his sister, is that what you said?

14 A Yes, sir.

15 Q Did she come over and pick you all up?

16 A Yes, sir.

17 Q And where did you all go then?

18 A Went to go pick up the stuff from Doc's house.

19 Q And what stuff did you get from Doc's house?

20 A The 9mm, the .357 magnum and the two gallon  
21 bags of reefer.

22 Q After you picked that up, where did you guys  
23 go?

24 A Went back to Kay White house to get Breon's  
25 car.

1 Q Okay. Did Shyesha stay with you or did she  
2 leave?

3 A No, she left.

4 Q So you and Breon Mayers are back at Breon's car  
5 at Kay White's house. You've got a 9mm, you've got  
6 a .357 that was stolen from David Cannon's house and  
7 you got two gallon bags of reefer?

8 A Yes, sir.

9 Q At some point as you were driving, was -- was  
10 Breon using his phone when you were with him that  
11 day?

12 A Yeah. He was talking to his dad. Once we hit  
13 26 out of Little Mountain, after he pick me up from  
14 the house after everything went down, after we were  
15 in the shower, was talking to his dad, and, you  
16 know, their conversation -- I only heard bits and  
17 pieces of it, but when he got off the phone, he  
18 pretty much --

19 Q Were you able to hear his voice?

20 A Yeah.

21 Q Do you recognize his voice?

22 A Probably not really, I wouldn't recognize it if  
23 he --

24 Q How did you know he was talking to his dad?

25 A Because he told me -- before he picked up the

1 phone, he said, Shh, hold on, that's my dad. And  
2 that's when he got on the phone.

3 Q What did you hear Breon telling his dad?

4 A That he didn't have nothing to do with it and  
5 he was with me in Irmo with some females all  
6 morning, you know what I'm saying. And he just kept  
7 telling his dad he didn't have nothing to do with it  
8 and stuff like that.

9 Q Did you hear his dad ask him any questions or  
10 did you just hear Breon's side, or what did you hear  
11 from the other side?

12 A The only thing I remember hearing out of his  
13 dad's mouth was, You better not have nothing to do  
14 with it.

15 Q And Breon kept saying that he didn't; is that  
16 correct?

17 A Yes, sir.

18 Q So you're back in Breon Mayers' car, the two of  
19 you with everything you stole and the murder weapon,  
20 where are y'all going?

21 A We went to meet my homeboy to sell a lot of  
22 weed. At this point, we was trying to pass time  
23 before Chris got off. Chris was getting off in,  
24 like, 30 minutes. So we met my homeboy, Ty, to sell  
25 him the eight ounces of weed.

1 Q Did you do that?

2 A Yes, sir.

3 Q And how much money did you guys get for that?

4 A Probably about 300, 250 -- about 300 a piece.

5 Q Three hundred dollars a piece?

6 A Yes, sir.

7 Q So you sold eight ounces of marijuana to your

8 friend, Ty, is that his name?

9 A Uh-huh. Yes, sir.

10 Q You got about 300 and Breon got 300?

11 A Yes, sir.

12 Q Where do you all go next?

13 A Then we went to Chris' house and waited on the

14 porch for him to come home.

15 Q Is Breon still using his phone?

16 A I don't really remember.

17 Q At some point, does Chris -- we're talking

18 about your cousin, Chris Benjamin, right? Does he

19 come home?

20 A Yes, sir.

21 Q When he comes home -- well, why are you all

22 there? Why did you go -- why are you going to your

23 cousin's house?

24 A Well, because, first of all, that's just where

25 I go every day, you know, that's just where I be.

1 That was one of the only people I hung out with, so  
2 we went there because that's where I chill at. You  
3 know, Breon was with me once again because, like I  
4 said, he felt like he needed somebody to be around,  
5 you know, and be away from Chapin, so, you know, I  
6 let that ride. And we just went over there pretty  
7 much to just kick it and try and lay low for the  
8 rest of the day.

9 Q How did Chris get home?

10 A His granddad.

11 Q When Chris got home, were you and Breon inside  
12 the house or outside?

13 A Outside sitting on the porch.

14 Q At some point, did you and/or Breon tell Chris  
15 Benjamin what happened?

16 A Yes, sir.

17 Q Where were you at when you did that?

18 A In his room.

19 Q In Chris Benjamin's bedroom?

20 A Yes, sir.

21 Q Inside the house?

22 A Yes, sir.

23 Q So where -- when you guys were in Chris  
24 Benjamin's bedroom, where was the 9mm?

25 A In the bag. I had the bag on my shoulder



1 because it was with us before Chris got there.

2 Q You had everything in there?

3 A Yeah, except for the four ounces that was still  
4 on Chris' shelf, but I brought that down and --

5 Q The four ounces that you dropped off earlier  
6 when Chris was at work?

7 A Yes, sir.

8 Q The rest of the marijuana and the two guns, the  
9 stolen gun of Dave Cannon's and the 9mm murder  
10 weapon, were in the bag that you were holding?

11 A Yes, sir.

12 Q When Chris Benjamin's in his bedroom, tell me  
13 what -- who says what first, you or Breon?

14 A First, I pulled the weed down and he ask, Where  
15 that come from? And then I was like, I can explain.  
16 And then I told him that we robbed this dude. And  
17 then that's when Breon chimed in and said, Yeah, I  
18 caught my first body.

19 Q I'm sorry, he said what?

20 A He said, I caught my first body.

21 Q After Breon said that he caught his first body,  
22 did you -- what does that mean?

23 A That mean he killed somebody for the first  
24 time. Street talk for I killed somebody for the  
25 first time.

1 Q What happened next?

2 A Then we both kind of got to telling him about,  
3 you know, how it went down and stuff like that, you  
4 know. And after that, Breon asked me if he could  
5 hold the gun. And I said, No, we need to toss that  
6 gun. He said, No, I'm not tossing my gun. So Chris  
7 said, All right, I'll hold it, but come back and get  
8 it. Then, you know, obviously, Breon didn't come  
9 back and get it because y'all got it.

10 Q You're talking about the 9mm?

11 A Yes, sir.

12 Q So Chris Benjamin held that gun for Breon?

13 A Yes, sir.

14 Q How was Breon acting?

15 A He was kind of, to be honest, he was glorifying  
16 hisself, you know, kind of putting hisself up, you  
17 know, pumping his own head up because he caught a  
18 body and he felt like he was going to get away with  
19 it, you know what I'm saying, felt unstoppable, you  
20 know what I'm saying.

21 Q How long do you, Breon and Chris Benjamin stay  
22 together?

23 A We was all together until Breon dropped me back  
24 off at the house around, I'm going to say, 9:30, ten  
25 o'clock that night.

1       Q     What, if anything, did -- so you got \$300 or so  
2       in your pocket now and Breon has about the same,  
3       right?

4       A     Yes, sir.

5       Q     What, if anything, did Breon Mayers buy from  
6       Chris Benjamin?

7       A     He bought my cousin's two Kicker Competition  
8       12s and --

9       Q     What are those? I'm sorry.

10      A     Speakers.

11      Q     Stereo speaker -- are they car speakers or home  
12      speakers?

13      A     Speakers for the trunk, car speakers, 12s. And  
14      he bought that and, you know, got that installed.

15      Q     How long did y'all stay at Chris' house then  
16      before -- you said you came back. So you stayed at  
17      Chris' house for a while and then you left and went  
18      somewhere?

19      A     Yes, sir.

20      Q     How long did you stay at Chris' house before  
21      you guys left; do you know?

22      A     Before we went to Best Buy, we was at Chris'  
23      house till about five -- 5:30, maybe 6:00.

24      Q     Do you know what Chris' address is?

25      A     No, sir. I know it's on Royal Tower though.

1 Q Road?

2 A Yes, sir.

3 Q So when -- was there anybody else with you or  
4 just the three of you when you guys left Chris'  
5 house?

6 A Just the three of us.

7 Q So whose car were you in?

8 A Breon's.

9 Q Where did the three of you go?

10 A Well, first, we stopped by my son's daycare,  
11 you know, I dropped in on him and paid the daycare  
12 bill with the money that I got. And then we went to  
13 Best Buy so Breon could get some speaker wire so he  
14 could have long enough speaker wire to hook up his  
15 amp.

16 Q So you leave Chris' house, you go to your son's  
17 daycare and pay his bill?

18 A Yes, sir.

19 Q So how much did you pay?

20 A I paid a hundred dollars at the daycare.

21 Q After you all leave the daycare while -- and  
22 while you're with Breon at this time, do you know  
23 whether he's using his phone?

24 A Yeah. He was using his phone all day, you  
25 know, at that point.

- 1 Q You go from the daycare to Best Buy?
- 2 A Yes, sir.
- 3 Q What Best Buy are you talking about?
- 4 A The one on Harbison.
- 5 Q And why did you all go to that Best Buy?
- 6 A So he could buy speaker wire for his speakers.
- 7 Q After you leave Best Buy, where do you go?
- 8 A We went to go pick up Deon from my uncle's
- 9 house off of in West Columbia.
- 10 Q And who is he?
- 11 A Deon, he's kind of a step-cousin, if you want
- 12 to call it that. My uncle dates his mom.
- 13 Q So you went from Harbison to West Columbia on
- 14 Leaphart?
- 15 A Yes, sir.
- 16 Q Picked Deon up?
- 17 A Yes, sir.
- 18 Q Now there's the four of you in Breon's car,
- 19 right?
- 20 A Yes, sir.
- 21 Q Where do you guys go then?
- 22 A To the mall.
- 23 Q Back to Harbison?
- 24 A Yes, sir.
- 25 Q Why do you go back to Harbison?

1       A     Because we had planned to go to Shyesha's  
2       Halloween party that night, so we went to the mall.  
3       And I bought a hat, Breon bought an outfit, Deon, he  
4       just bought some stuff and then that's when we left  
5       the mall.

6       Q     Well, where did y'all go?

7       A     After we left the mall?

8       Q     What store did you go to or what stores?

9       A     Oh, we went to a store called DTLR and  
10      Journeys.

11      Q     I'm sorry, say them both again.

12      A     DTLR and Journeys.

13      Q     You bought a hat?

14      A     Yes, sir.

15      Q     What kind of hat?

16      A     A New York hat.

17      Q     What did Breon -- what stores did Breon go  
18      into?

19      A     DTLR.

20      Q     And what did he buy there?

21      A     I want to say he bought -- might have bought a  
22      hat and a jacket or bought -- I can't really  
23      remember, but I know he bought either a shirt or a  
24      jacket and a hat.

25      Q     And that was for Shyesha's Halloween party?

- 1       A     Yes, sir.
- 2       Q     When you all left the mall -- did you go to any
- 3       other stores or just those two?
- 4       A     I went to Journey's, too.
- 5       Q     Did you buy anything there?
- 6       A     No, sir.
- 7       Q     You all left the mall after that?
- 8       A     Yes, sir.
- 9       Q     There's still four of you together, right?
- 10      A     Yes, sir.
- 11      Q     Where do you guys go?
- 12      A     Went back to Chapin. He dropped me off,
- 13      dropped me, Chris and Deon off at my mom's house.
- 14      Q     So Breon drove back over to Chapin, dropped
- 15      you, your cousin -- both your cousins?
- 16      A     Yeah.
- 17      Q     Chris Benjamin and Deon off?
- 18      A     Yes, sir.
- 19      Q     Where did he say he was going?
- 20      A     To the house to get dressed and wash.
- 21      Q     What did the three of you do at your house on
- 22      Mountain Drive?
- 23      A     I took a shower and got dressed, ironed my
- 24      clothes and got dressed. Deon got dressed.
- 25      Q     So you got dressed to go to Shyesha's party?

1       A     Yeah. And then I had my mom's car and I left,  
2       then went to Breon's house because he -- I was  
3       calling him and calling him. It took me about an  
4       hour and I was ready to go. So I was telling -- he  
5       told me to wait on him, you know what I mean. So I  
6       went to his house after I got dressed, after he  
7       wasn't picking up the phone, to make sure everything  
8       was all right. He wasn't dressed yet, you know what  
9       I'm saying. So I told him I'd meet him at Irmo and  
10      that's when we went to my cousin Chris' house that  
11      night and waited for Breon.

12     Q     Let me catch up with you. So you were trying  
13     to reach Breon on his cell phone, he wasn't  
14     answering. You drove to his grandmama's house?

15     A     Yes, sir.

16     Q     You talked to him. He was still getting ready?

17     A     Yes, sir.

18     Q     The three of you in your mom's car?

19     A     Yes, sir.

20     Q     Being you, Chris Benjamin and Deon?

21     A     Yes, sir.

22     Q     Y'all head on over to Irmo?

23     A     Yes, sir.

24     Q     Is that where you're going and that's when you  
25     take Chris back home?



1       A     Yeah, that's when we went back to Chris' house.

2       Q     And that was around 9:30 or so?

3       A     About 9:30, 10:00, yes, sir.

4       Q     Do you talk to Breon anymore that night?

5       A     Yes, sir. Actually, I was, you know, I was  
6       ready to go. So I was waiting on him to go to the  
7       party, you know what I mean, because we was going to  
8       meet in Irmo. So I was calling him and calling him.

9       I talked to him maybe once or twice before we  
10      actually met up at the Waffle House. And he was  
11      just telling me he on the way, and that was it as  
12      far as the phone conversation go.

13      Q     I'm sorry. You meet him at the Waffle House.  
14      What Waffle House are you talking about?

15      A     Right outside of Friarsgate in Irmo.

16      Q     And what phone conversations was he talking to  
17      you about?

18      A     Just telling me that he was on the way.

19      Q     When y'all met up at the Waffle House, who's  
20      with you?

21      A     Me -- at this point, it was me, Deon and my  
22      homeboy, Brandon. Chris had done went to Union  
23      around 11 o'clock that night. So I picked up my  
24      friend, Brandon, and we met Breon at Waffle House.

25      Q     Anybody else with Breon?

1       A     Some dude named T.O. and a dude name Terrell  
2     Counts.

3       Q     Somebody named who?

4       A     Terrell Counts.

5       Q     Terrell Counts. Do you know who that is?

6       A     Yeah, I know Smoke.

7       Q     Smoke is his nickname?

8       A     Yeah.

9       Q     How is he related to Breon?

10      A     I didn't know he was related to Breon. I just  
11     knew they was real close because we all went to  
12     Chapin in '07 together.

13      Q     After you all meet up at the Waffle House,  
14     where do you go?

15      A     We went to Highway 1, from Highway 1 to the Boy  
16     and Girls Club to the Halloween party.

17      Q     Is that Shyesha's party you're talking about?

18      A     Yes, sir.

19      Q     And how long did you all stay there?

20      A     We was probably there for about, wasn't no  
21     longer than an hour.

22      Q     How was Breon acting at that time?

23      A     Calm, collective, drinking a little bit, you  
24     know, acting like ain't nothing happened.

25      Q     How were you feeling at that time?

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1       A    I was paranoid until they locked me up, but, at  
2       that time, I was -- I was drunk, you know, trying to  
3       forget everything that had happened.

4       Q    What time did you leave the Boys and Girls  
5       Club?

6       A    I couldn't tell you the exact time, but I know  
7       it was after 12:00.

8       Q    Where did you go after you left?

9       A    Well, we stopped by the gas station first and  
10      then we went to Mr. Lucky's on

11      Q    What's Mr. Lucky's?

12      A    It's a club.

13      Q    What kind of club?

14      A    A strip club.

15      Q    A strip club. Who went to the strip club?

16      A    Me, Deon, Brandon, Breon, his homeboy, T.O.,  
17      and Smoke.

18      Q    So by the time you get to the strip club, how  
19      much money do you have?

20      A    I still had, I want to say, probably had about  
21      \$175 left, \$180 left. I only paid -- the only other  
22      money I spent was to get in the party.

23      Q    How about the strip club, did you spend any  
24      there?

25      A    No, sir, because we didn't go in because my

1       cousin didn't have his I.D. and somebody, I can't  
2       remember who, out of Breon car didn't have their  
3       I.D., but -- they didn't have their I.D., so none of  
4       them couldn't go in, so none of us went in. We just  
5       sat in the parking lot for about 45 minutes to an  
6       hour just hoping that they was going to magically  
7       let us in, but they didn't so that's when we left.

8       Q     Where did everybody go?

9       A     We all said our goodbyes and Breon went his way  
10      and I went my way. I had to take Deon back to West  
11      Columbia and then I dropped Brandon off and then I  
12      went back home.

13      Q     Did Breon tell you where he was going?

14      A     No, sir.

15      Q     What time do you think it is now when you all  
16      leave Lucky's?

17      A     I'd say roughly about two o'clock, 2:30  
18      roughly, about 2:00 or 2:30.

19      Q     And who do you take home?

20      A     I took Deon home first to West Columbia and  
21      then I took Brandon home to Friarsgate.

22      Q     And then where did you go?

23      A     I went home.

24      Q     Which home did you go to?

25      A     To

1 Q Did you talk with Breon later?

2 A Not that I remember. I really don't remember  
3 too much after about two o'clock. At that point, I  
4 was pretty drunk.

5 Q You made it home to

6 A Yes, sir.

7 Q Over the next couple of days, what's going on  
8 in your life?

9 A Well, I actually disappeared, you know, from  
10 everybody. I went with Chelsea, that's my  
11 girlfriend, went over to -- I stayed at her house  
12 that weekend with her and my son.

13 Q Why -- you said you disappeared. Why were you  
14 disappearing?

15 A Because for one I didn't want to be around  
16 Breon and, two, I didn't want to be around Chapin.  
17 I didn't want to be around none of that, so --

18 Q Why do you say -- why didn't you want to be  
19 around Chapin?

20 A Just because of what had happened. I mean, I  
21 knew I had done something wrong and I knew it wasn't  
22 right and I knew --

23 Q You knew the police were looking for who did  
24 it --

25 MR. WILLIAMS: Objection to leading, Your

1 Honor.

2 THE COURT: Please rephrase your question.

3 BY MR. GRAHAM:

4 Q What, if any, concerns did you have about the  
5 police finding you?

6 A Well, I pretty much knew the police was going  
7 to get me, you know, but I was just really just  
8 trying to stay out of sight because I didn't want to  
9 leave my son honestly, but I knew I was going to  
10 have to pay the cost soon enough. So I just decided  
11 to go ahead and get as much time in with my son as I  
12 could. I didn't really have time to be bothered  
13 with Breon or Jermaine because, you know, they were  
14 blowing up my phone, but, you know, I ignored it,  
15 you know what I mean, because I wanted to get that  
16 time in. I knew I was going to jail the following  
17 week.

18 Q What, if anything, did you eventually learn  
19 about the police looking for you?

20 A Well, actually, I was looking at the news the  
21 day before we got locked up and -- matter of fact,  
22 me, Breon and Jermaine were looking at the news with  
23 my mom and Doc and they was talking about how they  
24 had no leads and this, that and the third and how  
25 they're canvassing the area still. And then me and

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1 Breon was just looking at the T.V. like, yeah, all  
2 right, you know what I'm saying. Breon went back in  
3 my room saying, yeah, we're going to get off.

4 Sure enough, the next day, I'm coming back from  
5 the barber shop and I don't know which detective  
6 called, but they called Doc and Doc told them to  
7 call C.J., and that's when we was coming to Chapin.  
8 Then the detective told C.J. to meet him at Mr. J's.  
9 So C.J. dropped me off at the house. And by the  
10 time C.J. got back to the house, he let me know that  
11 they was looking for, you know, Jermaine, you know,  
12 and asked him about me, you know, and Breon.

13 So, at that point, I panicked, called Breon.  
14 He was the only ride I had. He came and picked me  
15 up. We left and went to Saluda to his aunty house.  
16 And then once we got back -- we went to Saluda for  
17 about an hour or two and we came back. I got my  
18 mom's car and that's when I was in Irmo. And I  
19 drove past my dad's street. I seen all the police  
20 at his house --

21 Q I'm sorry. At whose house?

22 A My dad's house because I was in Friarsgate at  
23 this point. After we came back from Saluda, I got  
24 my mom's car and drove to Friarsgate. And then  
25 that's when my mom called and told me that the

1 police were looking for me to go park the car at  
2 Chelsea's house, which is my girlfriend who stays in  
3 Friarsgate, and wait for her there.

4 But, of course, I didn't do that. I parked the  
5 car there, but I left there and, I'm not going to  
6 lie, I tried to run, you know, because I didn't want  
7 to go to jail. Then I went to my cousin's house.  
8 And my cousin talked some sense into me and I was  
9 just like, All right. And my mom took me to the  
10 police station and I turned myself in.

11 Q Are you guilty of armed robbery?

12 A Yes, sir.

13 Q Are you guilty of burglary in the first degree?

14 A Yes, sir.

15 Q And are you guilty of murder?

16 A Yes, sir, because of what Breon did.

17 Q And has anybody promised you anything?

18 A No, sir.

19 Q And have you told the truth?

20 A Yes, sir.

21 MR. GRAHAM: Thank you, Mr. Brennan. Please  
22 answer any questions that Mr. Williams has.

23 THE COURT: Why don't we take a ten minute  
24 break before we do cross-examination. Go on back to  
25 the jury room, don't begin deliberations or



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1 discussions or comment on any witness. See you back  
2 in ten minutes.

3 (The jury retires to the jury room.)

4 **THE COURT:** All right. See you in ten minutes.

5 (Brief Recess.)

6 **THE COURT:** Bring the jury in.

7 (The jury returns to the courtroom.)

8 **THE COURT:** Okay. Folks, we will resume where  
9 we left off and that is with cross-examination of  
10 the witness.

11 **MR. WILLIAMS:** May it please the Court.

12 CROSS-EXAMINATION

13 BY MR. WILLIAMS:

14 **Q** Mr. Brennan.

15 **A** Yes, sir.

16 **Q** Let's see, you were arrested when?

17 **A** On Wednesday, October 27th.

18 **Q** October the 27th, last year. And you're housed  
19 where?

20 **A** In F-pod at LCDC.

21 **Q** F-pod. And who else is housed in F-pod?

22 **A** Jermaine Caughman.

23 **Q** And since October of last year, you and  
24 Jermaine have talked about what stories y'all are  
25 going to talk about, haven't you?

1       A     No, sir.

2       Q     You haven't had any conversations with  
3       Jermaine?

4       A     No, because in jail, if I get caught talking to  
5       a keepaway, then I get in trouble and lose my  
6       privileges.

7       Q     So is it your testimony that you haven't had  
8       any conversations with Jermaine?

9       A     I haven't had any conversations about this case  
10      with Jermaine, no.

11      Q     And you haven't passed any messages to  
12      Jermaine?

13      A     No, sir.

14      Q     And he hadn't passed any messages to you?

15      A     No, sir.

16      Q     You've been out at the same time, hadn't you?

17      A     No, sir.

18      Q     Well, don't y'all have visitation at the same  
19      time?

20      A     That doesn't mean -- I don't talk to him on  
21      visitation. I talk to my family.

22      Q     Well, tell the jury what visitation means in  
23      F-pod. You come out and you're right there in the  
24      same area as he is, aren't you?

25      A     At the visitation booth, yes. Yes, sir.

1       Q     So it's easy for you to just pass a message to  
2       him, give him a piece of paper and y'all transfer  
3       information back and forth?

4       A     I wouldn't do that, no, because I know that's  
5       not right, that's not -- that's kind of against the  
6       law.

7       Q     So is it your testimony that you wouldn't do  
8       that because it's against the law and that would get  
9       you in trouble, so you don't pass messages back and  
10      forth to Jermaine who's in the pod with you?

11      A     No, because that wouldn't make any sense  
12      because if both of us are testifying, then that will  
13      kill off both our testimonies.

14      Q     Unless you're trying to put the finger on  
15      Breon?

16      A     No. I wouldn't blame anybody for nothing that  
17      they didn't do.

18      Q     You wouldn't?

19      A     No, sir.

20      Q     So what you're saying is that you're not the  
21      kind of person to make a statement that's not true?

22      A     Yes, sir.

23      Q     Well, let me take you back a little bit. You  
24      were arrested on the 27th, right?

25      A     Yes, sir.

1 Q Is that your first opportunity to talk to  
2 police and tell them what was going on?

3 A Yes, sir. That was the first time they even  
4 called my phone or considered me as a suspect.

5 Q And what did you tell the police when you first  
6 had that conversation with them?

7 A At first, when I told them -- I told them that  
8 I didn't know what they was talking about.

9 Q Well now, but that doesn't fit with you saying  
10 that you wouldn't lie to anyone because it wouldn't  
11 be right to do, does it?

12 A I didn't -- at that time, the only thing I was  
13 thinking about was that time and my kid. I didn't  
14 want to go to jail. But they brought me back to  
15 reality when they said that either way, I'm going to  
16 go down, so that's when I told them I had something  
17 to do with the situation and I was there and I told  
18 them my part in the situation.

19 Q So you told them when -- after they told you  
20 that you were going to be arrested anyway, you told  
21 them everything about the crime?

22 A I didn't tell them necessarily everything.

23 Q Well now, why wouldn't you tell them everything  
24 about the crime when you were arrested?

25 A Because it was my first time being arrested. I

1        didn't know how the game goes or whatever you want  
2        to call it. I didn't know what to tell them and  
3        what not to tell them. I was only trying to save  
4        myself at the time.

5        Q        You didn't know how the game goes. You know  
6        how the game goes now?

7        A        Yeah, tell the truth.

8        Q        Well, you know how you get rewarded if you give  
9        testimony for somebody who's being tried for a  
10       crime, don't you? You know how the game goes, don't  
11       you?

12       A        No, nobody ever told me I would get rewarded  
13       for testifying. I'm testifying because I want to  
14       see justice done and I want to see what's right be  
15       done and the right people take the falls for what  
16       they've done.

17       Q        That's very altruistic, isn't it? I mean,  
18       you're -- you've changed all your ways about what  
19       you believe and everything, haven't you?

20       A        Of course, yes, sir.

21       Q        Well, let's talk about the first statement you  
22       gave the police, you said you didn't know anything.  
23       When was that first statement?

24       A        That was at the substation off of Lake Murray.

25       Q        You said you didn't know anything about it.

1       When was your second time you had the opportunity to  
2       talk to the police?

3       A     See, the first statement didn't get written  
4       down, so I guess you wouldn't consider that a  
5       statement. But when I actually put something on  
6       paper, I told them that I was there and I was down  
7       to go in the house because I needed to pay my son's  
8       daycare bill. And I told them that we all had guns.

9       Q     You told them, We all had guns?

10      A     Yes, sir.

11      Q     We all had guns?

12      A     Yes, sir.

13      Q     Well now, do you consider not a statement -- so  
14      what you're telling us now, since you're not writing  
15      this down, it's not a statement, so you don't have  
16      to be accurate with that, do you?

17      A     No, I'm not saying that, sir. That's not what  
18      I'm saying at all. I'm saying I was shook up,  
19      scared, didn't know what to do and was trying to get  
20      out of the situation, but I realized soon after I  
21      gave them that first verbal statement, that I wasn't  
22      going to get out of it anyway and I was just digging  
23      myself a bigger hole by lying about my partaking in  
24      the event.

25      Q     So when did you give the second statement?

1       **A**     The written statement, I gave --

2       **Q**     Your second oral statement. Let's talk about  
3       what you said to people like what you're doing right  
4       now, how you're talking to the jury, let's hear what  
5       you've told other people.

6       **A**     Okay. Well, listen, my second oral statement.

7       **Q**     Yeah.

8       **A**     There was no second oral statement. From there  
9       on, anytime -- when I got my chance to tell the  
10      truth, I told the truth and that was my second oral  
11      statement, but it was put on paper, so you can  
12      consider that as a statement that was written.

13      **Q**     All right. Well, let's see what you said the  
14      second time you put -- that you were orally giving a  
15      statement. What did you say then?

16      **A**     I told them the truth. I told them everything.  
17      I told them that all three of us didn't have a gun,  
18      that only me and Breon had a gun and I told them  
19      that I took part in it. And I told them that I went  
20      in there and came back out and we got the marijuana,  
21      we sold the marijuana. I told them everything that  
22      they needed to know. I told the truth. There was  
23      no need in lying at that point because I was six,  
24      seven months in already, so --

25      **Q**     Six or seven months in?

1       A     Yes, sir.

2       Q     That's the time you gave your second statement?

3       A     Yes, sir.

4       Q     Six or seven months sitting in the same pod  
5       with Jermaine?

6       A     No. I didn't -- Jermaine didn't even come to  
7       my pod until about two months ago.

8       Q     Well, are you saying that because you put it in  
9       writing, that means more to you? When you give a  
10      written statement, it's more truthful?

11      A     No. My word means more than anything and I'm  
12      not going to break my word for nobody. And I'm not  
13      going to save myself and I'm not going to try and  
14      save nobody else because it's not right.

15      Q     Well, let me ask you about what you put in your  
16      written statement. In your written statement, what  
17      did you say about guns?

18      A     I said that -- in the first one, I said all  
19      three of us had guns.

20      Q     In your first written statement?

21      A     Yes, sir.

22      Q     How many written statements have you given?

23      A     I've given one that I actually wrote in my own  
24      hand. The other one was oral, but it was written on  
25      paper. I didn't write it on paper, though.



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1 Q What did you tell the officer about the types  
2 of guns that Jermaine and Breon had?

3 A In the first statement, I told them that all of  
4 us had nines.

5 Q Had knives?

6 A Nines, 9mm's.

7 Q 9mm's?

8 A Yes, sir.

9 Q Let me ask you if you will, if you'll look  
10 at -- tell me if you identify this.

11 A Yes, sir.

12 Q You know it already?

13 A Yeah.

14 Q How many times have you seen this?

15 A I never actually -- I seen it one time and that  
16 was -- that was right before the trial took place, I  
17 seen it in my motion.

18 Q That's the only time you saw it?

19 A Yes, sir.

20 Q You hadn't sat down with the Solicitor and gone  
21 over your written statement and your oral statements  
22 with the Solicitor?

23 A Yes, but that's when I saw my motion.

24 Q You only saw your motion then?

25 A Yes, sir.

1 Q You didn't go over your motion with your  
2 attorney who represents you?

3 A No, sir.

4 Q Well, are you saying that in your written  
5 statement, that you said that all three of y'all had  
6 9mm's?

7 A Yes, sir.

8 Q I want you to look at page three of three.

9 A (Witness complies.)

10 Q Around about the middle -- is that your  
11 statement by the way?

12 A Okay. I said that all three of us had guns and  
13 I went in the door last.

14 Q What did you say about 9mm's? Did you say in  
15 there that all three of you had 9mm's?

16 A I said a black Glock, some kind of black Glock.  
17 Jermaine and Breon had a black Glock. And I had --

18 Q Who and Breon --

19 A -- and I had an old rusty .38.

20 Q I'm sorry. Who and Breon had the Glock's?

21 A Jermaine.

22 Q And who had the .38?

23 A Me.

24 Q So all three of you didn't have 9mm's?

25 A No, sir. I understand -- I'm going to tell you