

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Horry County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CALVIN D. FORD,

APPELLANT

APPELLATE CASE NO. 2024-001870

RECORD ON APPEAL

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
FROM THE MARCH 5, 2019 HEARING: DEFENSE EXHIBITS 1 (PICTURE OF
JAMAL BURGESS) AND 2 (ENLARGED PICTURE)]**

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
vs.)
CALVIN D FORD,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

**NOTICE OF MOTION AND
MOTION TO DISMISS PURSUANT TO
SECTION 16-11-450 OF THE SOUTH
CAROLINA CODE OF LAWS**

TO: JOSHUA D. HOLFORD, SENIOR ASSISTANT SOLICITOR

YOU WILL PLEASE TAKE NOTICE, that the Defendant, through his undersigned attorney, will move before the presiding judge of the Fifteenth Circuit General Sessions Court as soon as counsel may be heard for an order dismissing all charges against the Defendant based upon Section 16-11-450 of the South Carolina Code of Laws, commonly referred to as “the Castle Doctrine,” *State v. Duncan*, 709 S.E.2d 662 (2011) and *State v. Burriss*, 334 S.C. 256 (1999).

FACTS

On July 23, 2016, Defendant Calvin D. Ford (Defendant) was lawfully present at [REDACTED] Warren Street, where he was attending his cousin’s birthday party. Upon arriving to the party, the Defendant was approached by Jamal Burgess, Deceased (D1). D1 grabbed Defendant around his neck and walked him to the side of the house. Defendant tried to remove D1’s arm/hand from around his neck for fear that D1 was planning on physically attacking him. While his arm/hand was around Defendant’s neck, D1 repeatedly made aggressive movements, threats and actions towards Defendant. While Defendant was attempting to remove himself from D1’s grasp and the area, he could smell a strong odor of alcohol on D1, as well as visually see a gun in D1’s waistband. This was later corroborated by witnesses and an earlier photo (See Exhibit 1 - Facebook Photo of D1 just prior to the incident).

Defendant was finally able to maneuver out of D1's grasp. At this time, D1 became visibly angry, agitated and even more aggressive as he shouted threats of violence towards Defendant. As D1 began yelling at Defendant, Damien Alston, also deceased (D2), and several other bystanders approached the scene. In an attempt to diffuse the situation, D2 stepped between the two men. D1 shoved D2 aside causing D2 to drop a firearm. It should be noted that Defendant and D2 were related and good friends, which is why D2 attempted to calm D1 down. D1 then drew a firearm from his waistband and began to shoot at Defendant while yelling at him and into the crowd, potentially fatally shooting D2.

Defendant was in great fear that not only his life was in danger but also the lives of the other bystanders present at the party. Defendant, in rational and obvious fear for his life, retrieved the firearm D2 dropped and began to shoot in the direction of the firing as he ran from D1. Soon thereafter, D1 and D2 were pronounced deceased from gunshot wounds and Defendant was charged with two counts of murder as well as possession of a weapon during a violent crime.

The State initially claimed that Defendant came to his cousin's birthday party with the intention of confronting and shooting D1. However, this theory was soon changed approximately one year later when another Defendant (Defendant 2) was arrested and charged with the murders of D1 and D2. Assuming the State's new theory is that Defendant and Defendant 2 acted together, the State has provided no evidence of this whatsoever.

Multiple witnesses as well as evidence shows that D1 was acting aggressively, threatening and pulled his gun and shot first towards the Defendant and D2 (See exhibit 2 - witnesses statements). Furthermore, at D1's funeral (while only Defendant 1 had been charged), many family members and supporters, some of whom were at the birthday party, wore t-shirts with the quote "It's Hard But It's Fair" (See exhibit 3 - photographs from Facebook). It is clear

that the onlookers at the party and the community as a whole knew that the incident was tragic, but, that Defendant would not have ever needed to use a gun but for D1's life-threatening actions.

The State will present evidence claiming Defendant willingly attended the birthday party with the intent of starting a physical altercation with D1. However, evidence shows Defendant was unaware D1 would be present until his arrival at the party at which time he attempted to avoid D1. (See exhibit 2 and 4). D1 told Defendant 2 to call Defendant and ask him if he was coming to the party because D1 had assumed Defendant would be there and he was growing anxious as he waited on Defendant so he could aggressively and surprisingly confront him. (See exhibit 4 – Aliga Campbell's Statement). There are currently no phone records to show that a phone call took place between the Defendants. Furthermore, the State will show that Defendant was located at the party and near the scene because he was on an ankle monitor at the time. This only shows how wildly outrageous the accusation that Defendant went to a crowded party where almost everyone knew him, on a GPS tracking device, with the intent to commit a violent crime against D1 or his friend and cousin D2 actually is.

The State will also present evidence alleging Defendant is barred from claiming he acted in self-defense due to the fact that he was a felon in possession of a firearm. However, Defendant, according to the Supreme Court of South Carolina, is not barred from unlawfully possessing a firearm and using it in self-defense as long as the act of possessing the firearm was not the "proximate cause" of the death. *State v. Burriss* states "the burden rests upon the State to prove beyond a reasonable doubt that the unlawful act in which the accused was engaged was at least the proximate cause of the homicide." *Burriss*, 334 S.C. at 262 (citing *State v. Goodson*, 312 S.C. 278, 440 S.E.2d 370, 372). Furthermore, *Burriss* states "a person can be acting

lawfully, even if he is in unlawful possession of a weapon, if he was entitled to arm himself in self-defense at the time of the shooting.” *Id.* at 262. This puts the burden directly on the State to prove that the unlawful carrying of the gun was the cause of D1 and D2’s death. Here, D1’s actions of pulling a firearm and shooting wildly at Defendant and into a crowd of innocent bystanders was the proximate cause of D1 and D2’s deaths. Defendant’s actions were solely due to the “fear of great bodily injury or death,” perpetrated by D1.

THE SOUTH CAROLINA PROTECTION OF PERSONS AND PROPERTY ACT

The South Carolina General Assembly codified the so-called “Castle Doctrine” by passing the “Protection of Persons and Property Act” in 2006. S.C. Code Ann. § 16-11-410 et. seq. The General Assembly memorialized the legislative intent of the Act as follows:

(A) It is the intent of the General Assembly to codify the common law Castle Doctrine which recognizes that a person’s home is his castle and to extend the doctrine to include an occupied vehicle and the person’s place of business.

(B) The General Assembly finds that it is proper for law-abiding citizens to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves and others.

(C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force...

(D) The General Assembly finds that persons residing in or visiting this State have a right to expect to remain unmolested and safe within their homes, businesses, and vehicles.

(E) The General Assembly finds that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.

S.C. Code Ann. § 16-11-420.

The sections of the Act relevant to this matter includes the following:

(C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force...

(E) The General Assembly finds that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.

The Act textually proves immunity from criminal prosecution:

(A) A person who uses deadly force as permitted by the provisions of this article or another applicable provision of law is justified in using deadly force and is immune from criminal prosecution and civil action for the use of deadly force.

S.C. Code Ann. § 16-11-450(A).

The Defendant maintains that the language in S. C. Code Section 16-11-420(C)&(E), “a person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force... that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.” is unambiguous. The Defendant likewise asserts that he was acting lawfully at the time of the shooting as stated in *State v. Burriss*, 334 S.C.

256 (1999). Furthermore, the Defendant submits that his conduct falls within the circumstances set forth in Section 16-11-440 and *State v. Duncan*, 709 S.E.2d 662 (2011) and he should therefore be immune from prosecution.

STANDARD OF PROOF

In a criminal case where the immunity of Code Section 16-11-420 is asserted, the proper procedure is for the trial court to hold a pretrial evidentiary hearing on the issue of immunity to decide the factual question of the applicability of the statutory immunity. The South Carolina Supreme Court has rejected the idea that the State may defeat the assertion of immunity by a showing of probable cause. The proper standard of proof in determining Immunity under this Code Section is whether the Defendant has produced evidence that he is immune from prosecution by a preponderance of the evidence. *State v. Duncan* 392 S.C. 404, 709 S.E.2d 662 (2011).

WHEREFORE, the Defendant prays that the warrants and charges be dismissed and he be ruled immune from prosecution pursuant in this matter.

Respectfully submitted,

Jonny McCoy, Esq.
Bar #: 77540
1240 21st Avenue North, Suite 105
Myrtle Beach, SC 29577
843-848-7325 Telephone
843-839-0455 Fax

Myrtle Beach, South Carolina

Date: _____, 2018

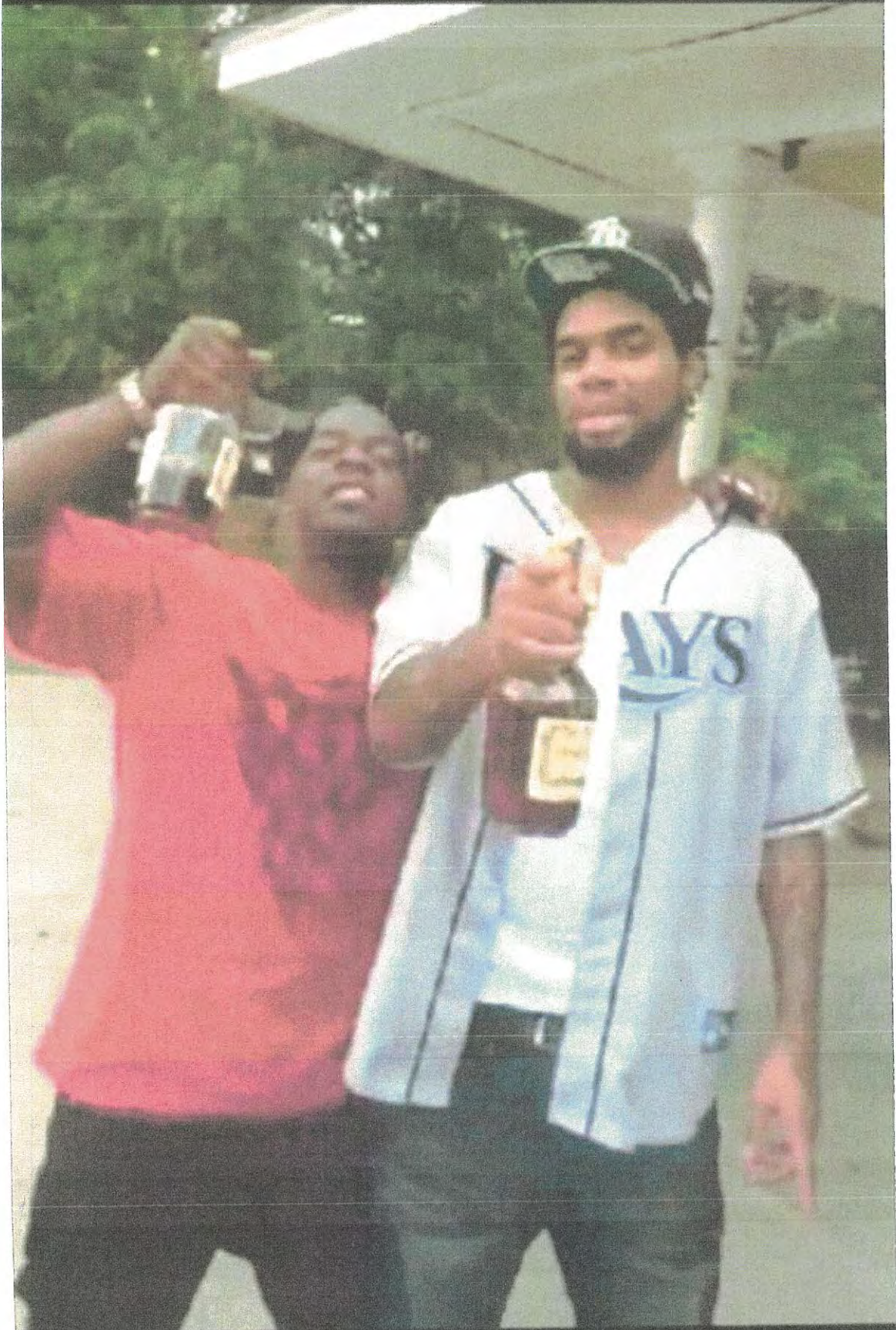
EXHIBIT

1

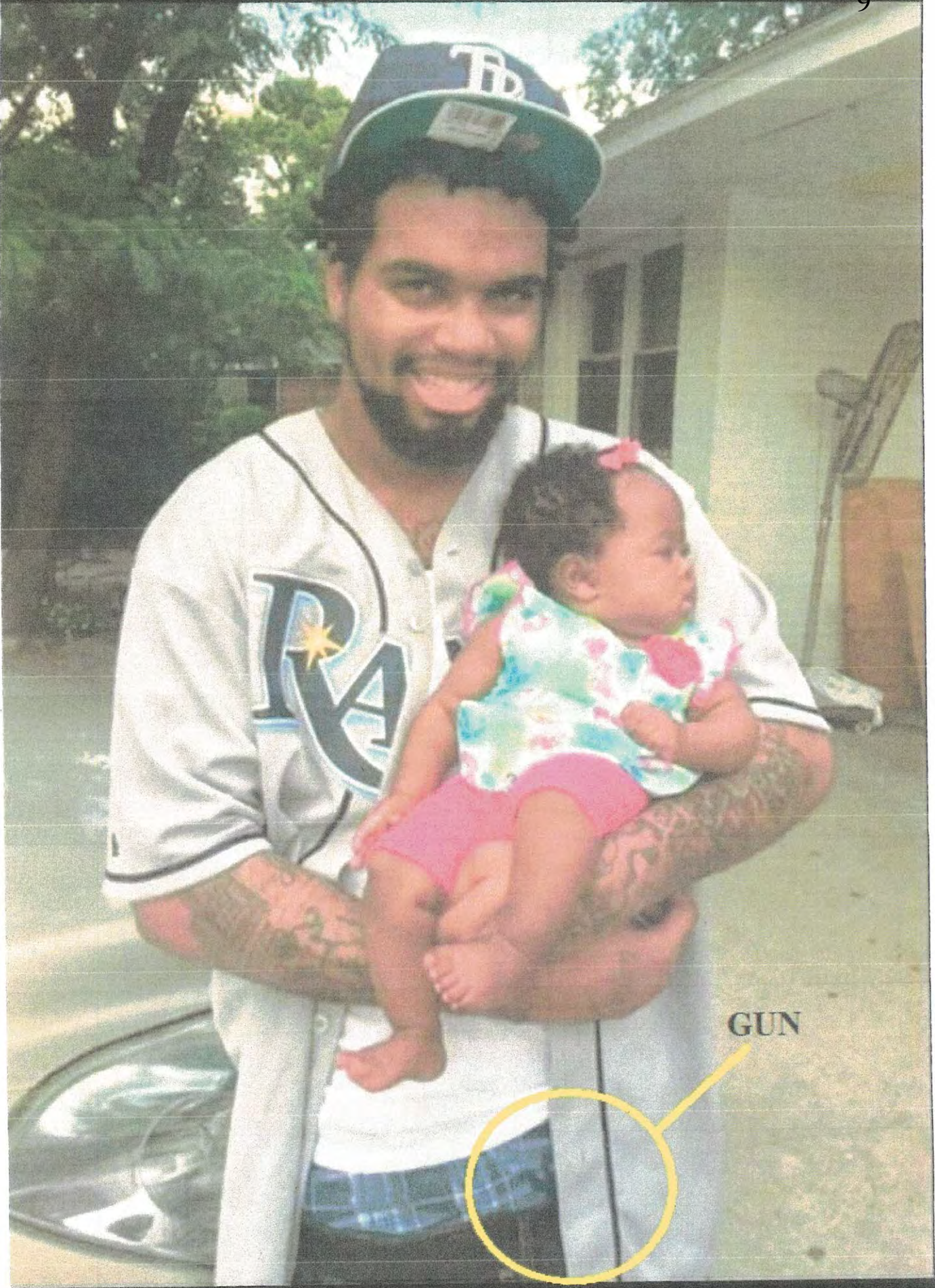
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CHAT



GUN



EXHIBIT

2

WRITTEN STATEMENT

OF SOUTH CAROLINA
COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
INCIDENT LOC: Warren Street, Myrtle Beach, SC
INCIDENT TYPE: Criminal Defense - Murder
CASE NAME: State of SC v. Calvin Ford
CASE NUMBER: 2016A2620601884,885,886,887

I, RASHEED MCKNIGHT Date of Birth: 07/23/1995 SSN: XXX XX 1178 TEL# 843-597-4030
Gender M Ethnicity B Hgt 510 Wgt _____ Hair BLK Eye BRO reside at 918 WHITE STREET
in the city/town of MYRTLE BEACH which is located within HORRY County in the
State of SOUTH CAROLINA do on this 4 day of AUGUST 2016 state that the following is
true and accurate to the best of my knowledge:

There has been ongoing hostility between Jamal Burgess and Calvin Ford instigated and perpetuated by Jamal Burgess. The hostility started about two years ago when Jamal struck Calvin in the mouth with the butt of a pistol causing Calvin to lose his two front teeth. The incident was very similar to what happened on the night of the shooting. Jamal put his arm around Calvin and walked with him to the side of the street where he suddenly removed his arm, pulled a gun from his waist band and pistol whipped Calvin in the mouth. The night of the shooting was almost identical to that. Upon seeing Jamal at the party, Calvin was fearful of what Jamal might do to him this time and tried to walk the other way to avoid the conflict.

On the night of the shooting, Jamal was drinking heavily and on "Molly". Jamal didn't pay any attention to me or my friend but then Jamal saw one of my other friends, (Alijah Campbell) at a house next door. Jamal began to argue with him (Alijah Campbell) about Calvin. Jamal was demanding Alijah Campbell call Calvin on the phone and make him come to the party

I do not know why Jamal was angry and demanding Calvin to come to the party. He just doesn't like Calvin and everyone knew it.

Jamal just got out of jail on 7/21, two days before the shooting. Since getting out of jail and up to the day of the shooting, Jamal kept coming through the neighborhood like he was looking for Calvin. On at least one occasion, Jamal rode by the house really slow on a scooter, and pulled up his t shirt to show everyone outside he had a gun. Calvin was home at the time on house arrest, but I do not know if he was outside to see this. A lot of other people were outside and saw it, including women and kids.

When Calvin got to the party on Warren Street, me and another friend were sitting inside of a car, so I could not hear what was being said. However, I saw Calvin walking toward the party and when he saw Jamal, he turned to walk the other way. At that point, Jamal had already seen Calvin and went over to him, putting his arm around him as though they were close friends - just like the last time two years ago when for no reason he knocked Calvin's teeth out with the gun. I saw Jamal walking with Calvin to the side of the road where he removed his arm from around Calvin and appeared to start yelling at him.

It looked like a fight was about to start as other people started to try to step between them to stop things from getting out of control. Everyone knows they do not get along, and Calvin had tried to walk away to avoid the situation. Jamal appeared to be very angry and threatening toward Calvin. Jamal was yelling at Calvin and so agitated I could actually see spit flying out of his mouth while he was yelling at him. Jamal looked extremely agitated and angry.

I could see things starting to heat up and a fight looking like it was going to happen between Jamal and Calvin, so me and my friend got out of the car and started to walk over.

I was about 10 yards behind Calvin. Jamal was facing Calvin and Damien Alston was standing next to Jamal trying to get Jamal to calm down. I could hear Jamal telling Damien Alston to run and get out of the way as he kept trying to push him (Alston) to the side.

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
 INCIDENT LOC: Warren Street, Myrtle Beach, SC
 INCIDENT TYPE: Criminal Defense - Murder
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 CASE NUMBER: 2016A2620601884,885,886,887

At one point during all this, Jamal pushed Damien Alston to one side as he leaned to the other, pulling his gun from his waistband. Calvin had not pulled a gun or threatened Jamal.

As Jamal pulled the gun out and pointed it at Calvin, Calvin pulled his own gun and shot at Jamal but I am not sure because it all happened so fast. ~~I am not sure if Jamal shot first or if Calvin shot first, but Jamal was the first to pull a gun and he~~ ^{EA} pointed it at Calvin. When Jamal fired, he missed and the bullet struck the ground somewhere passed Calvin. At this point, everyone started to run, including Calvin Ford.

Jamal kept shooting everywhere trying to hit Calvin who was running away. Jamal was crazy, shooting at anyone and anything. Anyone could have gotten killed. Damien Alston was running near me when he went down. He got hit by one of Jamal Burgess' shots. It could have been me or anyone.

When it was over, everyone was standing over Jamal, picking up his gun and bullets, saying get everything off him. They were trying to make him look like the "good guy" when he actually started the whole thing. Maybe two people at the most were trying to help Damien Alston, but for the most part he just laid there and bled out.

Jamal started the whole thing and Calvin was defending himself. Jamal was arguing with at least 2 people during the day and saying how he wanted to hurt Calvin.

Calvin was not looking for trouble. When he got to the party and saw Jamal, he even tried to walk away to avoid any problems. Jamal went after him and didn't let him leave. Jamal is responsible for the whole thing.

Subscribed and sworn to before me this

4 day of AUGUST, 2016

[Signature] (L.S)
Notary Public for South Carolina

My commission expires 2/5/23

Edward McKnight
Claimant / Witness Signature

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA
 COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
 INCIDENT LOC: Warren Street, Myrtle Beach, SC
 INCIDENT TYPE: Criminal Defense - Murder
 CASE NAME: State of SC v. Calvin Ford
 CASE NUMBER: 2016A2620601884,885,886,887

I, EVERETTE FORD Date of Birth: 09/13/1987 SSN: XXX-XX-7854 TEL# 843-443-5292
 Gender M Ethnicity B Hgt 509 Wgt Hair BLK Eye BRO reside at 918 WHITE STREET
 in the city/town of MYRTLE BEACH which is located within HORRY County in the
 State of SOUTH CAROLINA do on this 4 day of February 2016 state that the following is
 true and accurate to the best of my knowledge:

Before discussing what happened on the night of the party, I want to describe other incidents where Jamal Burgess showed aggression toward Calvin Ford because I think it is relevant to what happened on the night of the shooting.

I was incarcerated and was released in ~~December~~ ^{FEBRUARY (EF)} 2015. While I was incarcerated, I heard about Jamal Burgess shooting different people. I also heard about Jamal Burgess pistol whipping Calvin Ford and knocking his front teeth out. Jamal Burgess was messing with some younger boys. Calvin saw this, walked over and asked Jamal Burgess to leave the young boys alone. Jamal put his arm around Calvin as if to talk to him, and then suddenly pulled his pistol out, stepped back and pistol whipped Calvin in the face causing his two front teeth to be knocked out. Calvin was just trying to look out for the younger boys and Jamal took it as a disrespect to him. This happened in 2014 while I was still incarcerated. I didn't see it but everyone was talking about it.

~~Sometime in July of this year, after July 4th but before July 21st,~~ ^{SOMETIME IN DECEMBER 2014 (EF)} Jamal got tied into some kind murder that happened at a club because everyone knew Jamal as an agitator. Jamal ended up getting arrested for it and got out on bond on July 21st. Some people that knew the boy who got shot came through the neighborhood looking for Jamal. These people stopped Calvin on White Street and asked where Jamal lived. Calvin told them he did not know where Jamal lived. Even though he did know, he was not going to betray Jamal to these people. We all grew up together and are like family, despite the issues between us. Jamal heard these guys came looking for him and accused Calvin of telling them where he lived. ~~Jamal was angry, believing Calvin had given him up.~~ ^(EF)

After Jamal got out of jail on July 21st, he rode by our house on White Street on a scooter, pulled up his shirt, and showed a gun. I took that as a threat toward Calvin. Honestly, I wanted to do something about that because I never really liked Jamal, he had knocked Calvin's teeth out, and now he was riding by our house threatening Calvin. Calvin told me to let it go, that Jamal just had a baby, and to just let it go. I did.

^{HE, CALVIN (EF)}
 On the night of the party when the shooting happened, Jamal was there drinking a lot of ^{ALCOHOL (EF)} beer and doing "Molly". Everyone knows Jamal loved to drink and loved his "Molly". Jamal had his gun in his waistband under his shirt, it's in a picture on Facebook of him holding his baby at the party.

I saw Jamal confront Alijah Campbell. I was too far away to hear what was being said, but you can tell when someone is angry by their body language. It looked like Jamal was very agitated. I already didn't like Jamal and it looked like he was about to do something to hurt Alijah Campbell, so I started to move in a little closer to protect Alijah Campbell if it was needed. Jamal made Alijah Campbell take out his lower "grill" and give it to him. Jamal held the lower "grill" and was making fun of it and making fun of Alijah Campbell in front of everyone. Jamal was showing dominance and power over the younger boys. I heard Jamal tell Alijah Campbell to call Calvin and tell him to come to the party. I saw Alijah Campbell try to call Calvin but Calvin didn't answer. About the same time, I looked and saw Calvin already walking across the street toward the party from White Street.

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

INCIDENT DATE: July 23, 2016

COUNTY OF HORRY

INCIDENT LOC: Warren Street, Myrtle Beach, SC

INCIDENT TYPE: Criminal Defense - Murder

CASE NAME: State of SC v. Calvin Ford

CASE NUMBER: 2016A2620601884,885,886,887

When Jamal saw Calvin, he went over to him and put his arm around him like they were friends. Calvin told Jamal to take his arm from around his neck, because of what happened the last time when Jamal knocked his teeth out. Calvin didn't trust that Jamal wasn't going to do something again. Jamal took his arm from around Calvin and started questioning Calvin about "why you tell those guys..." talking about the friends of the boy who got shot that had come looking for him. Calvin told Jamal he did not tell the guys anything. Jamal did not seem to accept that and continued to get more agitated. The whole time Jamal was questioning Calvin, Jamal kept putting his hand on his gun like he was trying to slide it up and out of his waistband but it was stuck or something. Damien Alston stepped between Jamal and Calvin to try and break it up, saying "chill, chill..."

It all happened so fast. Jamal was clutching at the gun. Calvin asked Jamal if he was going to shoot him and told him they could just fight and to put the gun down. Jamal just kept clutching at the gun and started telling Damien Alston to move out of the way, "move dean (Alston), move dean, move dean..." Jamal pushed Damien Alston to the side, leaned back, pulled out his gun, and started shooting. Jamal fired at least 7-8 times. I heard another three shots of a different gun about the same time. Jamal shot first and it hit the ground behind / passed Calvin. Everyone, including Calvin started running. Jamal kept shooting all over the place and at everyone. Damien Alston started running like everyone else and was hit by Jamal as he ran. Jamal was crazy and shooting everywhere and at everyone. ~~I think Jamal had been shot by Calvin EF because he pulled his gun out to shoot Calvin first and seemed to be holding his side.~~ Calvin and everyone started running after that as Jamal was "chasing" Calvin with the gun - meaning shooting at Calvin as he Calvin ran. Anyone in the way could have gotten shot by Jamal as he was just shooting wildly. Even Damien Alston was running, and that is why I believe he was hit by a shot fired from Jamal and not shot by Calvin.

Calvin Ford and Damien Alston were very close and like family. Calvin Ford would never shoot Damien Alston. We could go to Damien Alston's house right now and they would say the same thing. Everyone knew Jamal Burgess was crazy and that is why hardly anyone hung around with him. Calvin Ford tried to avoid the situation, but if he shot Jamal it was in self-defense.

Subscribed and sworn to before me this

4 day of AUGUST, 2016

Notary Public for South Carolina

(L.S)

My commission expires 2/5/23



Claimant / Witness Signature

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE:

INCIDENT LOC: Warren Street, Myrtle Beach, SC

INCIDENT TYPE: Criminal Defense - Murder

CASE NAME: State of SC v. Calvin Ford

CASE NUMBER: 2016A2620601884,885,886,887

I, Emily Ford Date of Birth: 03/06/1991 SSN: 2903 TEL# 843-940-0025
Gender F Ethnicity BIK Hgt 5'2 Wgt 216 Hair BIK Eye BRN reside at 918 White St
in the city/town of Myrtle Beach which is located within Horry County in the
State of South Carolina do on this 10 day of August 2016 state that the following is
true and accurate to the best of my knowledge:

I went and brought 2 bushels of blue crabs on Friday July 22, 2016. On my way to wal-mart. I stopped by home. On white street I stopped and was speaking to my neighbor that's when I saw Jamal Burgess come riding by on a moped like he was looking for someone or something in front of my house. He then kept going. he came back through a few times. That's when I realised that he was released from jail. Friday July 22, 2016 when we had the crab cookout. Damien Alston was there with Calvin and the rest of their friends enjoying the crabs bringing in his birthday with all of us. He even stayed later that night maybe about 2:30 am. He helped us clean up and get the trash together before he left.

Subscribed and sworn to before me this

10 day of AUGUST, 2016

[Signature] (L.S)
Notary Public for South Carolina

My commission expires 2/5/23

Emily Ford
Claimant / Witness Signature

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

INCIDENT DATE: July 23, 2016

INCIDENT LOC: Warren Street, Myrtle Beach, SC

COUNTY OF HORRY

INCIDENT TYPE: Criminal Defense - Murder

CASE NAME: State of SC v. Calvin Ford

CASE NUMBER: 2016A2620601884,885,886,887

I, PHYLLIS CAMPBELL (aka, Miss Peach) Date of Birth: 02/21/1966 SSN: _____ TEL# No Phone
 Gender F Ethnicity B Hgt 510 Wgt _____ Hair BLK Eye BRO reside at 988 WHITE STREET
 in the city/town of MYRTLE BEACH which is located within HORRY County in the
 State of SOUTH CAROLINA do on this 12 day of AUGUST 20 16 state that the following is
 true and accurate to the best of my knowledge:

I am familiar with the shooting that happened in the area of Warren Street on July 23, 2016. However, I did not go to the birthday party where the shooting occurred and therefore I did not witness the actual incident.

I was aware that Jamal Burgess was released from jail on July 21, 2016, just two days before the shooting.

I was aware of bad blood between Jamal Burgess and the defendant, Calvin Ford ever since Jamal Burgess knocked out Ford's front teeth a couple of years ago.

Jamal was a dangerous person and everyone knows it. He is "Death Struck", meaning he is looking to die or get shot or something. I am not sure why he was like that, but everyone knew he was. Jamal has been that way for quite a while and that is why he is so dangerous. Whenever he is around, someone usually gets shot.

On July 22, 2016, a day after Jamal got released from jail and a day before the shooting on Warren Street, there was a crab cookout at the house next door (Ford's). I was outside and saw Jamal ride by the Ford house really slow on a small motorbike. He looked like he was looking for someone.

Jamal rode to the end of the street, turned around and rode back by the house. I did not wait around to see what was going to happen, because I knew where it involved Jamal there was likely going to be shooting. I got my kids, got into my car, and left the area to avoid any trouble.

A lot of people were outside at the Ford house when Jamal rode by on the motorbike, but no one at the Ford house did anything. I did not see that Jamal had a gun at the time, but everyone knows he always has a gun all the time.

I believe that Jamal kept riding by to start trouble

Subscribed and sworn to before me this

12 day of AUGUST, 2016

[Signature]
 Notary Public for South Carolina

(L.S)

My commission expires

2/5/23

[Signature]
 Claimant / Witness Signature

EXHIBIT

3





EXHIBIT

4

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

INCIDENT DATE: July 23, 2016
INCIDENT LOC: Warren Street, Myrtle Beach, SC

COUNTY OF HORRY

INCIDENT TYPE: Criminal Defense - Murder
CASE NAME: State of SC v. Calvin Ford
CASE NUMBER: 2016A2620601884,885,886,887

I, ALIGA CAMPBELL Date of Birth: 04/18/1996 SSN: _____ TEL# 843-605-2563
 Gender M Ethnicity B Hgt 510 Wgt _____ Hair BLK Eye BRO reside at 918 WHITE STREET
 in the city/town of MYRTLE BEACH which is located within HORRY County in the
 State of SOUTH CAROLINA do on this 10 day of AUGUST 20 16 state that the following is
 true and accurate to the best of my knowledge:

Mr. Campbell states he was at the birthday party the night the shooting happened.

It started off when me and his homeboy "sheed" (witness, Rasheed McKnight) got to the party. Jamal Burgess saw us and walked over.

I had my "grill" tucked behind my ear and Burgess tried to grab it. I flinched back away from Burgess and my "grill" fell on the ground. Burgess picked it up and looked at it.

Burgess told me to walk with him to talk.

We walked a short distance and Burgess started asking me questions like "You fuck with me?"

I asked Burgess what he meant. Burgess replied "You fuck with me...cause I know at the end of the day you gonna ride with Smooth (Calvin Ford)?"

The conversation between me and Burgess was pretty heated and Burgess was angry talking about Ford, but Burgess changed his tone and started to sound nice about Ford toward the end. That is what Burgess does, he changes to make people think he isn't angry anymore, but he is. That is exactly how he knocked out Ford's teeth.

Burgess was trying to sound nice about Ford and went into a conversation describing how back in the day, he (Burgess) and Smooth (Ford) used to be cool, and then he talked about how he knocked Smooth's teeth out, and the reason he knocked Smooth's teeth out.

Burgess told me to call Smooth (Ford) and tell him to come to the party.

I tried to call Calvin Ford but he didn't answer.

A few minutes later, I saw Calvin Ford walking across the street and up to the party. I told Ford that Burgess wanted to talk to him. Ford asked why Burgess wanted to talk with him. I told Ford that I didn't know but Burgess acted like he wanted to talk things out with him.

Ford didn't really trust Burgess so he (Ford) didn't go over to talk with Burgess. Instead, Ford walked over and talked with some other people.

Burgess must have seen Ford, because Burgess walked right over to Ford and said "Man, let me holler at you."

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
 INCIDENT LOC: Warren Street, Myrtle Beach, SC
 INCIDENT TYPE: Criminal Defense - Murder
 CASE NAME: State of SC v. Calvin Ford
 CASE NUMBER: 2016A2620601884,885,886,887

I saw Burgess and Ford talking.

Damien Alston had stepped between Burgess and Ford to try and break it up because it started to look like Burgess was trying to fight Ford.

At one point, I saw Burgess push Damien Alston to the side and turned to walk away like the conversation was over, but the whole time he (Burgess) was whipping out his gun.

When Burgess pushed Damien Alston to the side, Alston's gun fell out onto the ground.

When Burgess whipped out his gun, turned and fired, Ford had picked up Damien Alston's gun that had fallen on the ground and fired back at Burgess in self-defense.

But Burgess fired first. It was self-defense

When Burgess started shooting, everyone started running including Ford.

The way Burgess was shooting, any one could have gotten hit. Burgess was waving the gun all around and shooting at everyone. The way Burgess was shooting and Damien was running, I think Burgess shot Damien Alston.

Burgess was highly intoxicated drinking Hennessy liquor and high on "Molly". Burgess was not on the same planet with the rest of us.

The day before the shooting, Burgess rode by my house on White Street. Me and Smooth (Ford) were outside. Burgess saw us and pulled up his shirt and showed his gun in his waistband.

I took this as a threat and a warning against Ford and anyone with Ford.

The way Burgess was acting at the party and during their argument, he might have even shot me.

What Ford did was completely self-defense. Burgess was going to kill him.

I believe that Burgess shot Damien Alston in the process of trying to shoot Ford.

Subscribed and sworn to before me this

10 day of AUGUST, 2016

[Signature] (L.S)
Notary Public for South Carolina

My commission expires 2/5/22

[Signature]
 Claimant / Witness Signature

STATE OF SOUTH CAROLINA)	IN THE CIRCUIT COURT
COUNTY OF Horry)	2017-GS-26-2912 - 2915
State of South Carolina,)	
Plaintiff,)	
)	
Vs)	Transcript of Record
)	
Calvin Ford,)	March 5, 2019
)	
Defendant.)	
)	

B E F O R E:

The Honorable Benjamin Culbertson
Horry County Courthouse
Conway, South Carolina

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

Mary Ellen Walter, Esquire
Joshua Holford, Esquire
Attorneys for State

Jonny McCoy, Esquire
Attorney for Defendant

J. Eric Fox, Esquire
Attorney for Co-Defendant, Aliga Campbell

Sallie Beth Todd
Circuit Court Reporter

State vs. Ford

2

2017-GS-26-2912 - 2915

	<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
1				
2	EMILY FORD			
3	By Mr. McCoy	10		18
4	By Ms. Walter		14	
5				
6				
7	EVERETT FORD			
8	By Mr. McCoy	20		51
9	By Mr. Holford		35	
10				
11	CALVIN FORD			
12	By Mr. McCoy	61		109
13	By Ms. Walter		80	
14				
15	ELIZABETH HOLOMAN			
16	By Ms. Walter	129		
17	By Mr. McCoy		133	
18				
19	FELICIA WILLIAMS			
20	By Ms. Walter	134		156
21	By Mr. McCoy		145	
22				
23	SHERIKA GORE			
24	By Ms. Walter	157		
25	By Mr. McCoy		164	

1	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
2	OFFICER CHRISTOPER TURNER				
3	By Mr. Holford	172			
4	By Mr. McCoy		176		
5					
6	OFFICER CURTIS BENCO				
7	By Mr. Holford	177			
8	By Mr. McCoy		179		
9					
10	OFFICER DAVID BAILEY				
11	By Mr. Holford	180			
12					
13	OFFICER NATHAN HOWITT				
14	By Mr. Holford	187			
15	By Mr. McCoy		189		
16					
17	-----				
18	Certificate of Court Reporter				200
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E X H I B I T S

<u>No.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	<u>PAGE</u>
ST 1	Picture of White St. & Warren St.		X	37
ST 2	Picture of Ms. Holoman's house		X	37
ST 4	Defendant's NCIC	X		81
ST 5	Picture of crime scene		X	182
ST 6	Picture of evidence markers		X	186

1 **THE COURT:** This is State versus Calvin Ford.

2 **MS. WALTER:** I can call it, Your Honor, if you'd like.

3 **THE COURT:** Okay.

4 **MS. WALTER:** Your Honor, he is charged in true billed
5 indictments 2017-GS-26-02912, a felon in possession of a
6 firearm; two counts of murder under indictments ending in
7 02913 and 2914, which obviously would be the most tramane(?)
8 to this motion and then also indictment ending 02915,
9 possession of a weapon during a violent crime. And we are
10 here on the Defendant's Stand Your Ground Motion and I'm just
11 waiting to get a copy of that from defense.

12 **THE COURT:** Alright, now possession of a weapon during
13 the commission of a violent crime and the violent crime being
14 the charges of murder?

15 **MS. WALTER:** Yes.

16 **THE COURT:** Okay. So, the Stand Your Ground then would
17 not apply to the possession of a firearm by a felon?

18 **MS. WALTER:** Correct.

19 **THE COURT:** Okay. So, the Stand Your Ground only applies
20 to the murder charges and then, I guess, collaterally the
21 possession of a weapon during the commission of a violent
22 crime.

23 **MS. WALTER:** Correct.

24 **THE COURT:** If it's Stand Your Ground then there's no
25 violent crime.

1 **MS. WALTER:** Yes.

2 **THE COURT:** I got it. Okay. Do we have those files, the
3 court files, or not? We're going to need them. Can you go
4 pull those files?

5 Alright, I tell you what, let's take about a 10-minute
6 break because the Clerk of Court has got to go get the files
7 and bring them up so I can take a look at them and then we'll
8 go ahead and proceed, okay. Alright, let's take about a 10-
9 minute recess and then we'll be back.

10 **(RECESS)**

11 **THE COURT:** Alright, anything before we get started?

12 **MS. WALTER:** Your Honor, we would just have a Motion for
13 Sequestration.

14 **THE COURT:** Alright. Alright, Mr. McCoy, any objections
15 to sequestering the witnesses?

16 **MS. WALTER:** I don't have any problem with that, Your
17 Honor.

18 **THE COURT:** Alright, all witnesses except the defendant
19 and -- who are the victims?

20 **MS. WALTER:** And our lead investigator, Your Honor,
21 Detective Whitmyer.

22 **THE COURT:** Alright, Detective Whitmyer and do we have
23 any victims present?

24 **MS. WALTER:** We do, Your Honor, in the second row.

25 **THE COURT:** Okay, and are they testifying?

1 **THE COURT:** Not during this Stand Your Ground hearing?

2 **MS. WALTER:** Well, Your Honor, it's our position because
3 the testimony goes to the facts of the underlying criminal
4 case, that sequestration -- a violation of sequestration at
5 this point would also go towards the criminal trial.

6 **THE COURT:** I don't know if that's the case or not. Have
7 we got anything on point in that regard? I can't rule as a
8 matter of law that she cannot testify at a criminal trial if
9 this motion is denied.

10 **MS. WALTER:** I will bring it up if it comes to the point
11 where they are trying to call her at trial.

12 **THE COURT:** Okay, I'm going to leave that up to the trial
13 Judge but that's a risk you're running. By consent I granted
14 to the Motion to Sequester the witnesses in this hearing. So,
15 it's going to be up to the trial Judge as to whether or not
16 she can testify or not, okay.

17 **MR. MCCOY:** Thank you, Your Honor.

18 **THE COURT:** Alright, anything else preliminary before we
19 proceed?

20 **MS. WALTER:** I don't believe so, Your Honor.

21 **MR. MCCOY:** Nothing from the defendant, Your Honor.

22 **THE COURT:** Alright, this is a Motion for Immunity from
23 Prosecution pursuant to 16-11-450 South Carolina Code of Laws
24 in the case of State of South Carolina versus Calvin D. Ford.
25 The matter has come before the Court, the defendant in this

1 motion bears the burden of proving by the preponderance of the
2 evidence. Anything else preliminary?

3 **MS. WALTER:** May we approach?

4 **THE COURT:** Alright.

5 (Bench Conference)

6 **THE COURT:** Alright, Mr. McCoy, the defense bears the
7 burden of proving by preponderance of the evidence that the
8 defendant is immune from prosecution. So, the defendant can
9 call your first witness.

10 **MR. MCCOY:** Your Honor, at this time the defense will be
11 calling Ms. Emily Ford.

12 **THE COURT:** Alright.

13 **MS. FORD, HAVING BEEN FIRST**
14 **DULY SWORN, TESTIFIED AS FOLLOWS:**

15 **CLERK:** Please state your name and spell your name for
16 the Court.

17 **MS. FORD:** Emily E-M-I-L-Y Ford F-O-R-D.

18 **THE COURT:** Alright, now before we get started, the
19 attorneys know I allow direct examination, cross examination,
20 redirect only as to matters raised on cross that were not
21 addressed on direct, no recross. Okay?

22 **MR. MCCOY:** Yes, sir.

23 **THE COURT:** Alright, Mr. McCoy.

24 **MR. MCCOY:** Thank you, Your Honor. May it please the
25 Court?

1 **DIRECT EXAMINATION OF MS. FORD BY MR. MCCOY:**

2 Q: Ms. Ford, how are you doing today?

3 A: I'm doing fine. How are you?

4 Q: I'm good. Thank you for being here this morning. Where
5 do you reside right now, currently?

6 A: [REDACTED] White Street, Myrtle Beach.

7 Q: And what do you do for a living?

8 A: I'm a PCA.

9 Q: A PCA? And what is that?

10 A: I go and do personal care aid.

11 Q: So, it's home health care?

12 A: Yes.

13 Q: Okay. And do you know the Defendant, Mr. Calvin Ford?

14 A: Yes.

15 Q: How do you know Mr. Calvin Ford?

16 A: He's my son.

17 Q: And do you know why we're here today?

18 A: Yes.

19 Q: July 23rd, 2016, is that the date of the incident that you
20 recall?

21 A: Yes.

22 Q: Leading up to that date of the incident, July 23rd, 2016;
23 did you have a chance to see Calvin within 24 hours prior to
24 the incident?

25 A: Yes.

1 Q: And describe that. What were you doing?

2 A: Actually, we had just buried my nephew and we all were
3 with my sister at her house. And we were just trying to keep
4 her together.

5 Q: Okay, and where was this house located?

6 A: [REDACTED] Spivey Avenue.

7 Q: Okay, and what was your sister's -- or what is your
8 sister's name?

9 A: Carla Ford.

10 Q: Who all was at this house; if you can recall? Was Calvin
11 there?

12 A: Calvin was there.

13 Q: Was Damian there?

14 A: Yes.

15 Q: And Damian is one of the deceased in this case; correct?

16 A: Yes.

17 Q: And are Damian and Calvin good friends?

18 A: Yes.

19 Q: Are they related?

20 A: Yes. We are all -- my nephew was Damian's cousin.

21 Q: And was Aliga Campbell at that house?

22 A: Yes. We all -- I mean, people been back and forth. I
23 remember seeing him, but I don't know how long he stayed.

24 Q: And what were you guys doing? This was July 22nd?

25 A: Yes.

1 Q: The day before the incident?

2 A: Uh-huh. (Affirmative response).

3 Q: And what were you guys doing that day?

4 A: We just cooked seafood and we were all out in the yard
5 eating and talking with each other.

6 Q: Okay, and what was the mood like?

7 A: Everybody was happy. We just were taking care of my
8 sister to make sure she was okay.

9 Q: Okay. And did you happen to see Jamal Burgess that day?

10 A: Yes.

11 Q: Do you know Jamal Burgess?

12 A: Yes.

13 Q: Do you know what he looks like?

14 A: Yes.

15 Q: So, did you -- do you saw him on July 22nd?

16 A: Yes.

17 Q: And describe that. What did you see?

18 A: Well, actually I had left her house to go back home and he
19 was sitting in front of my house on a moped. And I was
20 wondering why because we were -- when I drove back up, he
21 pulled off and started driving back down the road. So, I
22 didn't really think anything of it because I was trying to get
23 everything I needed, go to Wal-Mart, and get back to my
24 sister.

25 Q: Okay. Did he seem like happy, sad, threatening in any

1 way?

2 A: I really didn't pay too much attention.

3 Q: But why did that stick out in your mind that you saw
4 Jamal?

5 A: I just remember seeing him because I knew he was locked up
6 and that was the first time I had seen him since he had been
7 locked up.

8 Q: Okay, and did you see him again on July 23rd or anytime
9 after the incident?

10 A: No.

11 Q: That was the last time you saw him was in front of your
12 house?

13 A: Yes.

14 Q: Okay, but you did see him in front of your house the day
15 before the incident sitting on a moped?

16 A: Yes.

17 Q: Did Calvin stay at your house?

18 A: Yes.

19 Q: Was Calvin known to stay at your house at that time?

20 A: Yes.

21 Q: Did you feel as though Jamal was looking for Calvin?

22 **MS. WALTER:** Objection.

23 **THE COURT:** Sustained.

24 **MR. MCCOY:** No further questions, Your Honor.

25 **THE COURT:** Alright. Cross examination?

1 **CROSS EXAMINATION OF MS. FORD BY MS. WALTER:**

2 Q: Ms. Ford, how is it that you know, or knew I should say,
3 Jamal Burgess?

4 A: I grew up around his family.

5 Q: How long would you say you knew him prior to his being
6 killed?

7 A: All his life.

8 Q: Now this day, July 22nd, 2016, when you went back to your
9 house, Calvin, the defendant, remained at your sister's house?

10 A: Yes.

11 Q: So, Calvin was not at the White Street home ---

12 A: No, he wasn't.

13 Q: --- when you saw Mr. Burgess?

14 A: No, he wasn't.

15 Q: You testified that Mr. Burgess was simply sitting in front
16 of your house on the moped; correct?

17 A: Yes.

18 Q: And he didn't approach you or say anything to you, didn't
19 go up to the house?

20 A: Actually, when I -- he pulled off as I was parking.

21 Q: He pulled off and then you never saw him again.

22 A: No.

23 Q: And I believe you testified that you didn't pay much
24 attention to him when you pulled up.

25 A: No, not really because I didn't really think much of it.

1 Q: Were you at the party the next day, July 23rd, 2016?

2 A: Yes.

3 Q: Okay, so let's go into that a little bit. What time did
4 you -- and by party, I mean, the party on Warren Street?

5 A: Oh no. I wasn't there.

6 Q: So, where were you the night of July 23rd?

7 A: I was at my home.

8 Q: Were you home all day?

9 A: I was back and forth because I was seeing about my sister,
10 helping her out, trying to get everything back together after
11 my nephew's funeral and all of that stuff.

12 Q: Alright. So, other than going to your sister's house on
13 occasion, were you essentially at home on White Street for the
14 evening?

15 A: Yes.

16 Q: And then directing your attention -- Court's indulgence --
17 was Calvin at home at times on the night of the 23rd?

18 A: Yes.

19 Q: He was on an electronic ankle monitor at the time;
20 correct?

21 A: Yes.

22 Q: Are you familiar with the times that Calvin was home that
23 day? Let's deal just between 7PM and 11PM. Was he home all
24 that time?

25 A: No.

1 Q: Okay. Can you tell me how long he was gone for?

2 A: I can't.

3 Q: Do you know -- do you know if Calvin went over to the
4 Warren Street party?

5 A: No. I didn't know at the time.

6 Q: Do you now know?

7 A: Yes.

8 Q: When -- so, on that day on the 23rd did you have any
9 conversations with Calvin about where he was going or what he
10 was doing?

11 A: No, because at the time I was actually getting my hair
12 done. I wasn't really, you know, sitting asking him
13 questions.

14 Q: Were you getting your hair done in your own home?

15 A: Yes.

16 Q: Do you know what time that started?

17 A: Not at the moment I don't.

18 Q: And how long did it take?

19 A: It took some hours.

20 Q: Do you know when it was finished?

21 A: Probably about 7 something.

22 Q: After your hair was finished did you see your son?

23 A: No.

24 Q: When was -- using that as sort of our reference point,
25 your hair was finished sometime around 7PM.

1 A: Yeah.

2 Q: When is the next time that you saw your son?

3 A: I don't think I saw him until after the incident?

4 Q: Okay, so did you see him later on that same night, the
5 23rd?

6 A: Yes.

7 Q: What time did you see him?

8 A: I don't remember.

9 Q: Do you remember what time you went to bed that day?

10 A: I really didn't because I found out what happened.

11 Q: Okay, so you didn't go to bed that night?

12 A: No.

13 Q: Okay. So, when you saw the defendant next, where did you
14 see him?

15 A: At home. I never left home.

16 Q: Can you describe --- strike that. While you were home
17 that evening, and again we'll use your hair being done at 7 as
18 sort of the frame of reference, was the defendant in and out
19 of your house several times?

20 A: Yeah.

21 Q: And you those times when he was in and out of the house
22 was there anyone with him?

23 A: He was with his girlfriend.

24 Q: What's his girlfriend's name?

25 A: Courtney Robinson.

1 Q: Was Courtney with him the entire evening or every time you
2 saw him?

3 A: Yeah, they had the baby.

4 Q: Was -- did you ever see anyone else with them?

5 A: No.

6 Q: Did the defendant ever go outside to speak with anyone
7 that you know of?

8 A: I'm not sure.

9 Q: Do you recall -- do you know who Damian Alston is?

10 A: Yes.

11 Q: And you said that you are related to him?

12 A: Yes.

13 Q: Did you see Damian Alston at your house at all that night?

14 A: No.

15 Q: So, you are not aware of Mr. Alston coming to your block
16 sometime around 7:24 to 7:32?

17 A: No.

18 **MS. WALTER:** Court's indulgence.

19 **THE COURT:** Alright.

20 **MS. WALTER:** Nothing further at this time.

21 **THE COURT:** Alright. Redirect?

22 **MR. MCCOY:** Thank you, Your Honor.

23 **REDIRECT EXAMINATION OF MS. FORD BY MR. MCCOY:**

24 Q: Ms. Ford.

25 A: Yes.

1 Q: Just a few more questions for you. You just said you saw
2 your son, Calvin, on the date of the incident; is that
3 correct?

4 A: Yes.

5 Q: In and out all day, right?

6 A: Yes.

7 Q: And you testified just a moment ago that he had his baby
8 with him all day; is that right?

9 A: Yes.

10 Q: And that he was with Courtney Robinson all day, right?

11 A: Yes.

12 Q: So, he was -- was he doing natural father things all day?

13 A: Yeah. They actually brought the baby to see me. He was
14 maybe about 2 months at the time.

15 Q: The baby was two months years old?

16 A: Yeah.

17 Q: And he was with his father the whole day?

18 A: Yes.

19 Q: The child was?

20 A: Yes.

21 Q: Up until what time was the last time that you saw Calvin
22 with his son and his -- the mother of his child?

23 A: It was after dark, but I don't remember what time.

24 Q: And did you see Calvin at all look like he was
25 intoxicated, drinking or smell alcohol on him?

1 A: No.

2 Q: You didn't?

3 A: Uh-uh. (Negative response).

4 Q: Did Calvin look like he had a plan to kill somebody or
5 talk to you about a plan to kill somebody at all that day?

6 **MS. WALTER:** Objection, Your Honor.

7 **THE COURT:** Okay, I sustain the objection as to what he
8 looked like, but I'll allow it on whether or not he talked to
9 her.

10 **BY MR. MCCOY:**

11 Q: Did Calvin tell you that he had a plan to go to that party
12 and hurt somebody?

13 A: No.

14 **MR. MCCOY:** No further questions.

15 **THE COURT:** Alright, you may step down.

16 Alright, defendant can call your next witness.

17 **MR. MCCOY:** Thank you, Your Honor. Defense calls Mr.
18 Everett Ford.

19 **MR. EVERETT FORD, HAVING BEEN FIRST**
20 **DULY SWORN, TESTIFIED AS FOLLOWS:**

21 **CLERK:** If you will state your name and spell it for the
22 Court.

23 **MR. EVERETT FORD:** Everett Ford. E-V-E-R-E-T-T F-O-R-D

24 **DIRECT EXAMINATION OF MR. FORD BY MR. MCCOY:**

25 Q: Mr. Ford, thank you for coming here today. I have some

1 questions for you regarding Mr. Calvin Ford and an incident on
2 July 23rd. Do you know Mr. Calvin Ford, the defendant in this
3 case?

4 A: Yes, sir.

5 Q: How do you know him?

6 A: He is my cousin.

7 Q: He's your cousin.

8 A: Yes, sir.

9 Q: And have you guys known each other all of your lives, in
10 and out, describe the relationship.

11 A: All my life.

12 Q: All your life?

13 A: All my life, yes.

14 Q: And do you know any of the other parties in this case?
15 The deceased, Jamal Burgess?

16 A: Yes, sir.

17 Q: How long have you known Jamal?

18 A: All my life.

19 Q: And do you know Damian Alston?

20 A: All my life.

21 Q: And did you know, or do you know, Aliga Campbell?

22 A: All my life.

23 Q: Alright, and do you recall an incident that took place on
24 July 23rd, 2016?

25 A: Yes, sir.

1 Q: I believe it was on -- do you remember the street name?

2 A: Warren Street.

3 Q: Warrant Street. What do they call that street, the
4 nickname? Dudley Street?

5 A: Dudley Road, yeah.

6 Q: What was going on on July 23rd on that street? Just the
7 morning of, just paint me a picture of what was going on on
8 that day. Were you there?

9 A: Yes, sir.

10 Q: What was going on that day?

11 A: Earlier that day just people was out and about. People
12 was out and about getting ready for my cousin birthday party.

13 Q: Okay, let's talk about that. Which cousin?

14 A: Rasheed.

15 Q: Rasheed. And what's his last name?

16 A: McKnight.

17 Q: Rasheed McKnight. Are you related to Rasheed?

18 A: Yes, sir.

19 Q: Okay, and to the best of your knowledge is Calvin related
20 to Rasheed

21 A: Yes, sir.

22 Q: And you guys all hang out together?

23 A: Yes, sir.

24 Q: Okay, and what was the plan for the birthday party that
25 day?

1 A: Just basically get together on Warren Street cause it was
2 my other partner birthday too.

3 Q: Who is your other partner?

4 A: Damian.

5 Q: Damian, the deceased, it was also his birthday?

6 A: Yes, sir. Yes, sir.

7 Q: Okay, so just for clarification it was both ---

8 A: Rasheed and Damian birthday.

9 Q: Okay.

10 A: So, they planned to do something together.

11 Q: At that specific house?

12 A: Yes. I think, yes.

13 Q: Or in that specific area.

14 A: The area basically. It's a little small street, little
15 dead-end street.

16 Q: Okay, and do you know what house -- what house was
17 everybody congregating at? What house was everybody kind of
18 hanging out near?

19 A: Ms. Dudley house.

20 Q: Ms. Dudley house. Is that normal?

21 A: Yes.

22 Q: Now, have you ever seen Calvin hang out there before?

23 A: Yes.

24 Q: And has Ms. Dudley ever told Calvin he couldn't hang out
25 there?

1 A: No. All of us like family right there.

2 Q: So, you can all hang out there whenever you want?

3 A: Yes, sir.

4 Q: Okay, and is there a basketball court there? Is there a
5 basketball court there?

6 A: Yes, sir. In the driveway.

7 Q: Have you ever played basketball there?

8 A: All the time coming up.

9 Q: Have you ever played with Calvin at that court?

10 A: Yeah, all the time.

11 Q: Okay, I'm not going to ask you who won. What -- that
12 whole weekend were you guys all together as a family? What
13 happened the day before?

14 A: The day before?

15 Q: Right. Were you together the day before?

16 A: Yeah, always. We always together.

17 Q: And what was going on the day before?

18 A: Where at, on Warren, on Dudley Road?

19 Q: Wherever. Was there a blue crab boil or something like
20 that? Were you guys all together the day before on the 22nd?

21 A: Oh, yeah, yeah, yeah, yeah. Yeah, that's my granddaddy
22 house.

23 Q: Okay, and what took place that night?

24 A: Everybody, me and my family was out there just chilling,
25 eating crabs.

1 Q: Okay, nothing too much out of the ordinary?

2 A: No. Old boy came down there that day.

3 Q: Who's old boy?

4 A: Jamal.

5 Q: Jamal came by to the crab boil. What did you notice about
6 that?

7 A: He never don't come on the street at all.

8 Q: Why not? Why do you believe he doesn't?

9 A: I don't know. Because of previous incidents.

10 Q: Because of previous incidents that you've witnessed?

11 A: No, but I know of, everybody know of.

12 Q: Okay. Do you yourself fear Jamal, or did you?

13 **MS. WALTER:** Objection.

14 **THE COURT:** I'll allow it as to whether or not he fears
15 Jamal, but not anyone else.

16 **BY MR. MCCOY:**

17 Q: Did you fear Jamal or that Jamal may have a gun on him at
18 times?

19 A: He always had a gun now.

20 Q: Okay. Now, let's skip forward to the day of the actual --
21 the actual incident, July 23rd. What time did you arrive at
22 the gathering?

23 A: I was coming from behind Carver Apartments, the back
24 street, the back end.

25 Q: Yeah.

1 A: It just got really dark. I don't recall the time, but I
2 know it wasn't too late. It was between -- it was summertime
3 -- between 8 and 9:30 to 10. It wasn't too late.

4 Q: So, when you got there had Calvin arrived yet? Was Calvin
5 at the party before you or did he get there ---

6 A: When I was coming down the back street, he was basically
7 coming, basically.

8 Q: Okay. So, what did you see as you were at the party; or
9 what did you see as you were coming up to the party as far as
10 Calvin was concerned? Did you see him arrive? Did you see
11 him already there?

12 A: I seen him. I was basically coming up the back street. I
13 basically seen Jamal call him, like somebody see hand motions.
14 I was walking and I seen hand motions and him calling him,
15 Calvin.

16 Q: So, you saw -- was Calvin already at the party or did you
17 see Calvin ---

18 A: Walking up, there's a street, basically everybody's
19 walking up. He just crossed the street and Jamal was
20 basically like signal for him to come here.

21 Q: And did Calvin approach Jamal or did Jamal approach
22 Calvin?

23 A: It was walking like you got to cross the 10th Avenue, you
24 got to cross the road to get on the street.

25 Q: Right.

1 A: So, basically he is walking towards like towards y'all
2 cause the house is on the right hand side and Jamal was
3 calling him like, you come let me talk to you for a minute.

4 Q: Alright, and then what happened when Jamal encountered
5 Calvin?

6 A: He basically put his arm like let me talk to you type junk
7 and Calvin be like, man get your arm from round me man.

8 Q: What does that mean, put his arm around him?

9 A: Put your arm around somebody?

10 Q: Yeah, in a friendly way or aggressive?

11 A: Nah, bully really, you feel me. Aggressive.

12 Q: So, what did -- were you within ear shot of them or you
13 just know ---

14 A: I was walking up on them. I was walking up on them.

15 Q: Did you hear what was being said?

16 A: Yeah, yeah. In and out because everything, you feel me.

17 Q: Was it a harassing conversation, a threatening
18 conversation, a normal conversation?

19 A: I would say on one end it was aggressive, on Jamal end,
20 cause what he said.

21 Q: What did he say.

22 A: He basically on some junk like, why you telling people you
23 saved me. Attitude.

24 Q: I'm sorry, let's clarify. Why are you telling people you
25 what?

1 A: Saved me, basically.

2 Q: Saved me.

3 A: Yeah.

4 Q: Okay, so it was a disrespect thing?

5 A: Yeah, basically he had an attitude. Mad about something.

6 Q: Okay, and how did Calvin respond to that?

7 A: He was like, man what you talking about? I ain't told
8 nobody nothing like that.

9 Q: Okay. And did Jamal have his arm around Calvin the whole
10 time?

11 A: No. Calvin moved his arm cause, you know, he had knocked
12 his teeth out like that before the same way. He'll put his
13 arm around you and hit you with the gun. He known for doing
14 that.

15 Q: So, he's known for what?

16 A: Knocking you -- he'll hit you with his gun.

17 Q: Jamal will hit you with his gun?

18 A: Yeah.

19 **MS. WALTER:** Objection, Your Honor. Proper foundation
20 hasn't been laid for that testimony.

21 **MR. MCCOY:** He just said it, Your Honor.

22 **THE COURT:** Okay, overruled. I'll allow it. Go ahead.

23 **BY MR. MCCOY:**

24 Q: So, say that again a little bit slower.

25 A: Basically, he was known to do it, he did it to multiple

1 people, not just him.

2 Q: Did you witness any of this stuff or ---

3 A: Yeah, he knocked one of my home boy's teeth out too.

4 Q: Were you there?

5 A: No. But I was next door when it happened.

6 Q: Okay.

7 A: It happened at Futrell Park and my mother live beside it.

8 So, when incident happened, he came over there to my mother

9 house.

10 Q: Okay.

11 A: Mouth bleeding.

12 Q: But when you were observing the situation, you at that
13 time in your mind thought to yourself -- and correct me if I'm
14 wrong because I'm trying to clarify what you're saying. You
15 said, this is all normal that he's about to get his teeth
16 knocked out; is that correct?

17 A: Basically, yeah. You know, something wasn't right because
18 his demeanor was an aggressive demeanor.

19 Q: And were you there the night that Jamal knocked Calvin's
20 teeth out with the gun?

21 A: No, I wasn't there that night.

22 Q: Were you there afterwards, when he was in the hospital?

23 A: No.

24 Q: Okay. Did you see him afterwards with stitches or
25 anything?

1 A: Yeah, at a visit. He fractured his face and knocked his
2 teeth out and stuff.

3 Q: Okay, and how long ago was that?

4 A: I think that was like 2014.

5 Q: So, a couple of years ago?

6 A: Yeah, 2014.

7 Q: Okay, and to the best of your knowledge you or Calvin's
8 brother, you never retaliated for that; did you?

9 A: No.

10 Q: And you were never with Calvin -- and Calvin never
11 retaliated for that; did he?

12 A: No.

13 Q: Not to the best of your knowledge, right?

14 A: No.

15 Q: Okay. Now, let's talk about ---

16 A: We used to see him all the time.

17 Q: That's right.

18 **MS. WALTER:** I'm sorry. I didn't hear what he said.

19 **MR. MCCOY:** He said, I used to see him all the time.

20 **BY MR. MCCOY:**

21 Q: Now, let's talk about what happened when they were in the
22 struggle, as you say. Walk us through exactly what took
23 place. I'm gone let you just narrate the whole thing. We'll
24 start with when Jamal and Calvin encountered each other. What
25 exactly did you see?

1 A: Basically, they were kind to each other. Jamal put his
2 arms around him and been like, yo let me talk to you. Just
3 like that. Calvin moved his arm and be like, yo you can talk
4 to me without putting your arms around me. He be like, you be
5 telling people such, and such, and such, you saved me, this
6 that, this that, this that. And Calvin was on some junk like,
7 man I didn't tell nobody nothing like that, you feel me. I
8 didn't tell nobody like that. Cause the reason he said that
9 cause an incident had happened at a club ---

10 **MS. WALTER:** Objection, Your Honor, as to basis of
11 knowledge for this, saying the reason he said anything.

12 **THE COURT:** Okay. I sustain that.

13 **BY MR. MCCOY:**

14 Q: Okay, go ahead, just don't describe, you know, what Jamal
15 had done --- ---

16 A: Alright, so basically that happened. After that he been
17 like, what you saying that for; and he been like, I ain't tell
18 people nothing like that. And he be like, man ---

19 Q: Who is he? Who is he?

20 A: Jamal. He been like -- Jamal been like, you telling
21 people you saved me, this, that, to the third; and Calvin been
22 on some junk like, man I ain't told people nothing like that.

23 After that, Jamal been like, yeah you is, my people been
24 coming and telling me this that, this that, this that.

25 Aggressive, yelling, you feel me? Out of character basically.

1 After that ---

2 Q: Let me stop you right there. Did you see Calvin reaching
3 for -- Jamal reaching for a gun at any of ---

4 A: Yeah. I'm bought to get to that.

5 Q: Okay, go ahead. I'm sorry.

6 A: And my other partner Damian Alston came, he been like, man
7 what's going on type junk. Trying to diffuse the situation
8 and been like telling Jamal like, chill man what's going on.
9 He got between them or whatever. After that, when all this
10 was going on -- it happened fast -- when all this was going on
11 the whole time you get in front of somebody, in the middle of
12 somebody, the whole time Jamal was basically reaching for his
13 gun. He eased his gun out, whatever like that. He eased his
14 gun out and messed around and after that Damian been like,
15 chill man what you doing, like chill what you doing. He was
16 like in between the two. He been like chill what you doing,
17 chill what you doing. After that, you know like a few other
18 people came and tried to like chill, chill. It happened real
19 fast and Damian dropped his gun.

20 Q: Damian had a gun?

21 A: Yeah, he had a gun too.

22 Q: Okay, and then what happened?

23 A: Damian dropped his gun, whatever. And in the whole
24 process of this right here he just -- Jamal came up and he
25 fired.

1 Q: He fired?

2 A: Yeah, he fired.

3 Q: Did he hit anybody to the best of your knowledge?

4 A: Not that I know of. Not that I know of.

5 Q: And then what happened next?

6 A: He pulled out -- after that I just seen Calvin reach down,
7 pick the -- it happened real fast, everybody bundled up. He
8 picked the gun up and start running. He fired. And then J-
9 Money fired a couple times. Jamal just kept firing and firing
10 and firing and Calvin ran off. It happened fast.

11 Q: Did you run away at that point?

12 A: Yeah. Everybody got on through.

13 Q: Okay. So, did you have a good angle at the entire
14 struggle?

15 A: Yeah.

16 Q: Okay. What made Damian drop his gun?

17 A: Because he was trying to diffuse the situation. Like just
18 grab somebody like man chill, chill, chill. Somehow it fell
19 from bumping each other.

20 Q: Okay, and at what point did you notice Jamal had a gun or
21 did you just notice him reaching?

22 A: I kind of figured he had a gun, but I seen him reaching
23 and come up firing.

24 Q: And did you -- did you try to break up the fight?

25 A: No.

1 Q: Okay.

2 A: I been on some junk like y'all calm down, like y'all
3 chill. That's the only thing I did. I ain't put no hands on
4 nobody.

5 Q: So, how many guns do you think were used total?

6 A: I don't know. I just heard shots. I heard multiple
7 shots, multiple shots basically.

8 Q: Multiple guns?

9 A: It had to be because how it sound. One might be loud, one
10 might be low. There were multiple gun shots, a lot of them.

11 Q: So, how long -- so you were just walking up to the party,
12 so were you there earlier in the day?

13 A: Yeah, earlier in the day I been there.

14 Q: You were there?

15 A: I came through earlier in the day too because my little
16 brother been over there too.

17 Q: Okay. Did you see Jamal earlier in the day?

18 A: Yes, I did.

19 Q: Did you see Jamal drinking earlier in the day?

20 A: Yes.

21 Q: Okay. Do you know what Jamal was drinking earlier in the
22 day?

23 A: Hennessy.

24 Q: Hennessy. How are you so positive about that?

25 A: Big bottles. You know how we do it. Big bottle of

1 Hennessy is always in his hand.

2 Q: Alright. And did you see Calvin drinking earlier in the
3 day?

4 A: No.

5 Q: Did you see Calvin with his baby earlier in the day?

6 A: At my granddaddy house.

7 **MR. MCCOY:** Court's indulgence, Your Honor.

8 **BY MR. MCCOY:**

9 Q: Do you think Calvin shot Jamal?

10 A: I mean, it's a group of people. So, like I said, you feel
11 me, I seen him pick up a gun and run so they ain't no telling.

12 Q: As far as the direction goes where Damian was, do you
13 think Calvin could have shot Damian?

14 A: No. I don't think it's possible.

15 **MR. MCCOY:** No further questions, Your Honor.

16 **MR. EVERETT FORD:** I don't think it's possible he shot
17 Damian.

18 **THE COURT:** Alright, cross examination.

19 **CROSS EXAMINATION OF MR. FORD BY MR. HOLFORD:**

20 Q: Mr. Ford, you have a little bit of a criminal history,
21 don't you?

22 A: Yes, I do.

23 Q: You spent some time in SCDC for ABWIK.

24 A: Yes, I did.

25 Q: Assault and battery with intent to kill.

1 A: Yes, I did.

2 Q: Possession of a stolen vehicle.

3 A: No, I ain't spent time for that. No, I didn't.

4 Q: Okay. Did you get probation for that?

5 A: Yeah, I think so.

6 Q: You were convicted of possession of a stolen vehicle?

7 A: I think so. Yeah, probation.

8 Q: When did you get out for that assault and battery with
9 intent to kill?

10 A: 2015.

11 Q: So, pretty soon before this, right?

12 A: Yeah.

13 Q: I have a couple of screenshots of that area so we can know
14 -- you're familiar with Warren Street, White Street, that
15 whole area, right?

16 A: Yeah. Born and raised in that same area.

17 Q: Okay. So, if I showed you an overview of that area, you'd
18 be able to identify where the houses are and everything?

19 A: Yeah.

20 **MR. HOLFORD:** Your Honor, may I approach?

21 **THE COURT:** Alright.

22 **BY MR. HOLFORD:**

23 Q: I'm going to hand you what's been marked as State's 1
24 first. Can you just identify what's this area show? What's
25 that a picture of?

1 A: My neighborhood.

2 Q: Okay. Does it have streets on it?

3 A: Yes, White and Warren Streets on there.

4 Q: Okay, so White and Warren Street and all that. Is
5 Calvin's house located on there?

6 A: Yes.

7 Q: And is the house that this party was at on the 23rd on
8 there?

9 A: Yes.

10 Q: Okay. And you're familiar with that area?

11 A: Uh-huh. (Affirmative response).

12 Q: I'm going to hand you State's 2. What's that appear to be
13 a picture of?

14 A: Warren Street and Ms. Dudley house.

15 Q: Okay. So, that's a picture -- that's a close up of Ms.
16 Dudley's house. So, that's the area we've been talking about,
17 right?

18 A: Yes, sir.

19 **MR. HOLFORD:** Your Honor, State would seek to admit 1 and
20 2 for purposes of this hearing.

21 **THE COURT:** Any objection?

22 **MR. MCCOY:** No, Your Honor.

23 **THE COURT:** Alright, State's exhibit 1 and State's
24 Exhibit 2 admitted into evidence without objection.

25 **(STATE'S EXHIBIT NUMBER ONE AND TWO**

1 onto Warren. What -- how long had you been at this party
2 before Calvin showed up?

3 A: We was basically arriving around the same time basically.

4 Q: Okay ---

5 A: I was on the street a little bit before him because I come
6 around the back way.

7 Q: So, you came around from the back way?

8 A: Yeah, the back way coming down this street right here.

9 Q: Because that Futrell Park is kind of behind it, right?
10 Those apartments?

11 A: It's Carver Apartments.

12 Q: Carver Apartments.

13 A: Yeah. It's behind it, dead end. Come around the back
14 way.

15 Q: And this little pond on State's 1, that's the park area;
16 is that right?

17 A: Yeah. Let me see where you at. Yeah. Futrell Park right
18 beside the fire department. That's it.

19 Q: So, how long had Jamal been there at that party before
20 Calvin showed up?

21 A: I don't even know.

22 Q: Okay. Did you see Jamal at the party?

23 A: Yes, sir.

24 Q: Because he was there when Calvin showed up, right?

25 A: Yes, sir.

1 Q: Okay. Was Damian there at the party?

2 A: Damian was there.

3 Q: How long had he been there before Calvin showed up?

4 A: I don't know but know that him and Rasheed, it was both of
5 them party together. They had a birthday on the same day so
6 they had ---

7 Q: Okay, so they could have been there for a while, right?

8 A: I don't know.

9 Q: But no question Jamal is at this party. Did he punch
10 anyone before Calvin showed up?

11 A: He -- my other homeboy, he been aggressive with him. Made
12 him take his grill out his mouth and stuff like that.

13 Q: Did he shot anybody at this party before Calvin showed up?

14 A: Not before this incident.

15 Q: Did you see him flashing a gun around or anything?

16 A: He keep a gun with him.

17 Q: He does? You saw him with a gun?

18 A: Everybody probably seen him. I seen him with a gun around
19 my apartment.

20 Q: But did you see him with a gun on this night on the 23rd,
21 2016?

22 A: With the gun, yeah.

23 Q: What kind of gun was it?

24 A: I don't know what type gun it was. It was a big gun
25 though.

1 Q: You're familiar with guns; aren't you?

2 A: Nah, not really. Not that familiar with it to know the
3 name of one.

4 Q: You haven't guns before?

5 A: Yes, I did.

6 **MR. MCCOY:** Objection, Your Honor ---

7 **MR. EVERETT FORD:** That's irrelevant though.

8 **MR. MCCOY:** --- asking if he's carried guns before is two
9 different things.

10 **MR. EVERETT FORD:** Right.

11 **THE COURT:** Overruled. Go ahead.

12 **MR. HOLFORD:**

13 Q: So, would you know the difference between a revolver and a
14 semi-automatic?

15 A: Yeah. A revolver, yeah I know the difference.

16 Q: Okay, so what kind of gun was Jamal holding?

17 A: He was holding a -- it wasn't a revolver.

18 Q: A semi-automatic.

19 A: Yeah.

20 Q: Was it black? Was it silver?

21 A: I think it was probably silver.

22 Q: Silver.

23 A: Silver, black, something.

24 Q: Small frame, big frame?

25 A: Big gun. Sounded like a -- sounded like a 9 or something

1 like that. 45 something big.

2 Q: Okay, 9 or 45 something big, semi-automatic.

3 A: Yeah. It was big.

4 Q: And when Calvin came up did you see him with a gun?

5 A: Nah.

6 Q: Okay. What kind of gun does he carry?

7 A: He don't have a gun.

8 Q: He never carries a gun?

9 A: No. At the time, no he just came home so it's
10 stipulations like nah, he ain't had no gun.

11 Q: Okay. So, you're saying Calvin didn't have a gun when he
12 came up to Jamal?

13 A: Nah. He couldn't have one. I seen him pick it off the
14 ground.

15 Q: Okay. So, he comes up. You saw him pick it up off the
16 ground?

17 A: A gun, yeah. I ain't never seen him with no gun prior to
18 that.

19 Q: Okay. So, Calvin comes up to Jamal. Jamal puts his arm
20 around him like he's a friend.

21 A: Yes, sir.

22 Q: Okay.

23 A: Basically, on some like son type junk, when somebody grab
24 you like aggressive.

25 Q: Now, did you ever talk to police when they were out there?

1 A: No.

2 Q: Were you still out there when the police showed up?

3 A: No.

4 Q: Did you ever give a statement to police?

5 A: No.

6 Q: Did you ever come tell them that Jamal had aggressively
7 attached Calvin?

8 A: No.

9 Q: Okay. You did give a written statement -- well, it looks
10 like a typed statement to somebody August 4th, right? 2016?

11 A: Yes.

12 Q: Do you remember doing that?

13 A: Yes, sir.

14 Q: Did you type this up?

15 A: No, I didn't type it up.

16 Q: Who typed it?

17 A: I guess the investigator.

18 Q: You don't know who typed it for you?

19 A: No.

20 Q: Did you read it?

21 A: Yes, I read it.

22 Q: So, someone typed up a statement for you and then you
23 signed your name to it?

24 A: I read it. I read it. I wrote the statement and then I
25 read it again and then I signed it.

1 Q: Do you remember in that statement saying that Jamal put
2 his arm around Calvin like they were friends?

3 A: Like they was friends?

4 Q: Yeah.

5 A: Yeah, but we know they not.

6 Q: Okay. But, that's what you said in your statement, right?
7 Like they were friends.

8 **MR. MCCOY:** Objection. Asked and answered, Your Honor.

9 **THE COURT:** Overruled. Go ahead.

10 **BY MR. HOLFORD:**

11 Q: Is that what you said back then, August 2016, he put his
12 arm around him like they were friends?

13 A: Like, yeah, but aggressive like. Like I put my arm around
14 you but you don't know me.

15 Q: But now today it's aggressive?

16 A: It been aggressive before that cause they been ain't see
17 eye to eye cause of the previous situation.

18 Q: Right cause Calvin and Jamal didn't get along, did they?

19 A: Well, I don't know what Jamal problem, you feel me. He
20 knocked his teeth out so I wouldn't get along with anybody
21 knocked my teeth out but they ain't never had no -- we seen
22 him. We seen him and there never was nothing before that.
23 Nothing ever happened before that.

24 Q: I mean, except for the fact that Jamal knocked his teeth
25 out. That's something, right?

1 A: After that happened, we still see him after that.

2 Q: Okay. So, there's this history of bad blood between
3 Calvin and Jamal?

4 A: I ain't gone say no history -- I ain't gone say no history
5 of bad blood cause personally I don't think he felt no type
6 way towards him.

7 Q: Now, when you gave this statement or someone typed this
8 statement and you signed it back in August of 2016, you never
9 said anything about Damian dropping a gun, did you?

10 A: I don't know if I did or not on that. I don't recall.

11 Q: I'm just going to show you what's been marked as State's 3
12 to refresh your recollection. This is a copy of that
13 statement you signed. Do you see in there where you say
14 anything about Damian dropping a gun?

15 A: Nah.

16 Q: You don't see anything where you said Calvin picks up a
17 gun that Damian dropped, do you?

18 A: Nah, but I stated when Jamal pushed Damian, you feel me.

19 **THE COURT:** Excuse me, sir. You're leaning against the
20 microphone. You need to speak into the microphone.

21 **MR. HOLFORD:** You can pull that down.

22 **THE COURT:** Alright.

23 **BY MR. HOLFORD:**

24 A: Nah, I don't see that on there.

25 Q: Okay. You do state in there that Calvin shot, right? And

1 you said that today, right? Calvin picks up a gun and he's
2 shooting?

3 A: Yeah.

4 Q: Did Calvin shoot Jamal? Did Calvin shoot Jamal?

5 A: I mean, it was at a distance, they was close to each
6 other.

7 Q: Okay, they were pretty close to each other?

8 A: Yeah.

9 Q: On State's 2, after Calvin is shooting, which direction
10 does he run? Is he running back towards White Street?

11 A: It happened fast. We ran separate ways, but nah he didn't
12 I don't think.

13 Q: Okay. So, Calvin ---

14 A: I think he ran between the building right there.

15 Q: Calvin ---

16 A: Then ran back off.

17 Q: He runs off to ---

18 A: Between the houses.

19 Q: If we're facing the house, he's going to the right?

20 A: He ran between the houses, yeah.

21 Q: Okay. Did you see Aliga Campbell out there?

22 A: Yeah. He was out there.

23 Q: He was out there. Did Aliga actually call Calvin right
24 before Calvin showed up?

25 A: Tried to. Attempted to.

1 Q: Okay. So, he tried to call him and then Calvin showed up?

2 A: Yeah, basically.

3 Q: Now, where did Jamal end up on this -- was he in the
4 driveway? Did you see where he fell after he got shot?

5 A: He was still standing when I ran.

6 Q: Okay. He got shot and he's still standing.

7 A: Yeah. He's firing still. Everybody was dispersing.
8 Multiple times, yeah.

9 Q: Jamal's firing multiple times ---

10 A: Yeah.

11 Q: --- from that driveway?

12 A: He was firing standing in the area, in the street area
13 right there.

14 Q: Okay. What about Damian? Did Damian fire any shots?

15 A: No. He was trying to diffuse the situation.

16 Q: Did Calvin shoot Damian trying to hit Jamal?

17 A: I don't think it's possible.

18 Q: Who shot Damian then?

19 A: Ain't no telling. I don't know.

20 Q: Could have been Aliga?

21 A: I don't know. I ain't seen him with no gun either.

22 Q: Could have been Calvin?

23 A: I don't know. I know multiple people shooting I think by
24 hearing the sound of gun shots. I don't know who all was
25 shooting but I know when the gun shots erupted I dispersed. I

1 ran.

2 Q: How many guns were shooting at that time?

3 A: It's more than one.

4 Q: Two?

5 A: Two or three probably.

6 Q: Could have been three.

7 A: Could have. Ain't no telling.

8 Q: Where are you standing? I'm going to come here. If we're
9 at Warren Street right here and so the house is where Mr.
10 McCoy and Mr. Ford are ---

11 A: Yeah.

12 Q: --- and right here is kind of the driveway. Is that kind
13 of like that picture, like this is the driveway?

14 A: Be on the right-hand side.

15 Q: On this side?

16 A: Yeah. Be on the right-hand side.

17 Q: Okay. Where are you? Are you in the driveway?

18 A: Nah. I was ---

19 Q: You're up over here?

20 A: Yeah.

21 Q: Okay.

22 A: On the backside right here.

23 Q: Okay. Alright, so you're looking at the situation like
24 this, right?

25 A: The whole situation, yeah.

1 Q: And so after the shots you run out that way?

2 A: Yeah, I ran.

3 Q: Out around the house. Now, Calvin's over about where the
4 podium is? I mean, I know it's not to scale but ---

5 A: Yeah, yeah, basically.

6 Q: He's on the other side. And Jamal's somewhere in the
7 driveway area?

8 A: Yeah, basically a few people was right there.

9 Q: Okay, there are a number of people right there. So, he
10 could have hit anybody. He could have hit multiple people.

11 A: Who could have?

12 **MR. MCCOY:** Objection, Your Honor, calls for speculation.

13 **THE COURT:** Overruled. I'll allow that.

14 **BY MR. HOLFORD:**

15 Q: If there are multiple people standing here where Jamal is,
16 Calvin could have hit multiple people while he's shooting.

17 A: If he would have fired multiple times, but it wasn't ---

18 Q: He only fired once?

19 A: I heard about two, about two times that I heard.

20 Q: So, you think that Calvin only fired twice and then ran
21 away?

22 A: Yeah, that's what -- yeah from hearing, just listening to
23 sounds. Two times.

24 Q: What -- and then -- sorry I got distracted. So, if this
25 is the driveway and Calvin's over here, Jamal's in the

1 driveway, you're over there, where is Aliga at?

2 A: Aliga was on this side.

3 Q: So, he's kind of over with Calvin.

4 A: Yeah, but over like the side.

5 Q: Okay, he's kind of at that yard beside the driveway?

6 A: Yeah. Everybody together though. Everything close
7 together.

8 Q: You know where Calvin ran after he -- after he fired those
9 shots?

10 A: He ran between the houses.

11 Q: Do you know what he did with that gun?

12 A: No. I ran a whole different way.

13 Q: Did you meet back up with him at any point?

14 A: Did I see him again?

15 Q: Yeah. Later that night?

16 A: I went to my granddaddy house.

17 Q: Did he have the gun there with him at that time?

18 A: No, I ain't see no gun.

19 Q: Okay. Did you see anyone else with a gun that night?
20 You've said you saw Jamal with a gun.

21 A: Yeah.

22 Q: And you said you saw Damian with a gun.

23 A: Yeah.

24 Q: Did you see anyone else with a gun that night?

25 A: Everybody be having guns really, man, so we ---

1 Q: I mean, I know a lot of people carry guns but did you see
2 anyone with a gun that night?

3 A: There was a few people had guns.

4 Q: Who else had a gun?

5 A: I don't know their names. I don't recall.

6 Q: You can't recall their names?

7 A: I can't recall the people, but I know I seen guns out
8 there.

9 Q: Alright. Were other people shooting that night?

10 A: I don't know. When the gunshots erupted I ran but I heard
11 multiple gunshots. I be leaving running and hear gunshots
12 going off.

13 **MR. HOLFORD:** No further questions.

14 **THE COURT:** Alright. Redirect.

15 **MR. MCCOY:** Thank you, Your Honor.

16 **REDIRECT EXAMINATION OF MR. EVERETT FORD BY MR. MCCOY:**

17 Q: Mr. Ford, I'm going to ask you a couple of questions on
18 redirect. Mr. Holford talked to you about the State's Exhibit
19 3, the ---

20 **MR. MCCOY:** Your Honor, may I approach?

21 **THE COURT:** Yes.

22 **BY MR. MCCOY:**

23 Q: The State asked you if you -- a couple of questions about
24 this statement; do you remember that? They asked you if you
25 wrote it and if you read it and if you signed it. Do you

1 remember that?

2 A: Yeah.

3 Q: Okay. And they asked you a couple more questions about it
4 and they said, well you didn't mention on there that Calvin
5 picked up a gun off the ground. Do you remember them asking
6 you that?

7 A: Uh-huh. (Affirmative response).

8 Q: Is that a yes?

9 A: Yes, sir.

10 Q: And they said, you didn't mention, you know, that Damian
11 dropped a gun.

12 A: Yes, sir.

13 Q: You remember them saying that?

14 A: Yes, sir.

15 Q: Did you mention anywhere in that statement that Calvin
16 pulled a gun out of his waistband?

17 A: No, sir.

18 Q: You didn't. Did you mention anywhere out of that
19 statement that Calvin had a gun on him at all that night?

20 A: No, sir.

21 Q: And this was approximately two weeks after the incident?
22 About that time is when you gave that statement, correct?

23 A: Yes, sir.

24 Q: And two weeks after this statement, you never said Calvin
25 pulled a gun, correct?

1 A: Yes, sir.

2 Q: You never said Calvin had a gun on him, correct?

3 A: Yes, sir.

4 Q: And that's the same two things you said here today,
5 correct?

6 A: Yes, sir.

7 Q: And also the prosecutor asked you what -- about being
8 friends and all this, that and the other.

9 A: Yes, sir.

10 Q: And he talked about how he put his arm around him in a
11 friendly way and you said, no it's aggressive.

12 A: Yes, sir.

13 Q: If you could go to where he was talking about.

14 **MR. MCCOY:** Your Honor, may I approach for a second?

15 **THE COURT:** Yes.

16 **BY MR. MCCOY:**

17 Q: Go to where he was talking about on this statement and
18 read that -- read the line starting with Calvin asked.

19 A: Calvin asked Jamal was he going to shoot him and told him
20 they could just fight.

21 Q: Slow down, please. Again.

22 A: Calvin asked Jamal if he was going to shoot him and told
23 him they could just fight and to put the gun down.

24 Q: Okay. Two weeks after the incident you signed a sworn
25 statement -- I will submit that my private investigator is the

1 one, Jay Stevens, if you recall he was in here earlier. --
2 You signed a sworn statement and you said -- correct me if I'm
3 wrong -- Calvin asked Jamal if he was going to shoot him and
4 told him they could just fight and to put the gun down. Is
5 that correct?

6 A: Yes, sir.

7 Q: Is that still your sworn statement here today?

8 A: Yes, sir, that's what happened.

9 Q: And did Jamal stop grabbing at a gun?

10 A: No.

11 Q: And did Calvin reach for a gun?

12 A: No.

13 Q: And did Calvin pull a gun?

14 A: No.

15 Q: Did Calvin reach to the ground and pick up a gun off the
16 ground?

17 A: Yes, he did that.

18 Q: And why did he do that?

19 **MS. WALTER:** Objection, Your Honor.

20 **MR. EVERETT FORD:** To survive.

21 **THE COURT:** Sustained.

22 **MR. EVERETT FORD:** To protect his self.

23 **THE COURT:** No. Sustained.

24 **BY MR. MCCOY:**

25 Q: Alright, now I want to talk to you about one more thing

1 that Mr. Holford brought up. He said, did you see Jamal
2 earlier in the day acting aggressively or, I believe his words
3 were threatening or shooting anyone earlier in the day. Did
4 you see -- but you started to answer -- well, you did answer,
5 and you said something about a grill. One of your homeboy's
6 grill. Go on and elaborate on that.

7 A: Yeah, basically Aliga Campbell -- he saw Aliga and just
8 called Aliga to the side, approached him, asked him questions
9 about Calvin.

10 Q: What did he say?

11 A: Basically said, where your big homie at? He out here
12 doing this and that. Where your big homie at? Call that
13 nigga, this that, this that, stuff like that.

14 Q: Was he being aggressing towards Aliga?

15 A: Yeah. He made him take his grill out his mouth.

16 Q: Take his grill out?

17 A: Yeah. Let me see that.

18 Q: Take his teeth out of his mouth?

19 A: Yes, sir.

20 Q: And did you, in your mind, view that whole conversation as
21 Jamal was being aggressive?

22 A: Yeah, he was.

23 Q: And this was earlier in the day?

24 A: Yes, sir. He also been aggressive to my little brother
25 that day too.

1 Q: Who's your little brother?

2 A: Dayquan Ford.

3 Q: And how so?

4 A: Saying little slick comments. Basically just saying
5 little slick comments to him. But my little brother just
6 ignored him.

7 Q: So, it was like a full day's worth of agitation you would
8 see.

9 A: Basically, but my little brother never called me. He
10 never called me because he didn't want me to reach no certain
11 type crazy way so he just dealt with it. He left.

12 Q: Okay. Now, the grill incident, two weeks after the
13 incident during your sworn statement did you talk about that?

14 A: In this right here?

15 Q: In that right there.

16 A: It's stated in this one right here.

17 Q: Go ahead and read the sentence where you talk about the
18 grill, please.

19 A: It said, so I start to move a little closer. Let me see.
20 You want me to read the whole little paragraph?

21 Q: Just the part where -- just the part where Mr. Holford was
22 asking you if somebody was being aggressive and then you just
23 talked about how he walked up on somebody and asked them to
24 take their grill out. I just want to make it clear that you
25 talked about that two, almost three years ago on your sworn

1 statement. Let me see. I don't find it either, but I know
2 it's in there.

3 A: I've got to read the whole little ---

4 **MR. MCCOY:** Your Honor, may I approach?

5 **THE COURT:** Yes.

6 **MR. MCCOY:** Thank you, Your Honor.

7 **BY MR. MCCOY:**

8 Q: Why don't you take your attention to mid-way through the
9 last paragraph. Start right there. Start with I already did.
10 You got it?

11 A: I'm looking for it now. I started moving a little closer
12 to protect Aliga Campbell.

13 Q: Hold on. Slow down.

14 A: I started to move a little closer to protect Aliga
15 Campbell.

16 Q: Stop right there. To protect Aliga Campbell from what?

17 A: Anything going down. Anything crazy transpiring because
18 he was being aggressive.

19 Q: Earlier in the day you moved closer to Jamal and Aliga to
20 protect Aliga from Jamal?

21 A: Yes, sir,

22 Q: Continue, please. You can read.

23 A: To protect Aliga Campbell if it was needed. Jamal made
24 Aliga Campbell take out his little grill and gave it to him.

25 Jamal held the little grill and was making fun of it and

1 making fun of Aliga Campbell in front of everyone. Jamal was
2 showing dominance and power over the younger boy. I heard ---

3 Q: Alright. Okay, you can go ahead.

4 A: I heard Jamal tell Aliga Campbell to call Calvin and tell
5 him to come to the party. I saw Aliga Campbell try to call
6 Calvin, but he didn't answer. About the same time, I looked
7 and saw Calvin already across the street.

8 Q: Alright, that was your statement two weeks after the
9 incident, correct? Sworn statement given to my investigator.
10 Yes or no?

11 A: Yes, sir.

12 Q: Is that still your sworn testimony here today under oath
13 to this Court?

14 A: Yes, sir.

15 **MR. MCCOY:** Nothing further, Your Honor.

16 **THE COURT:** Alright.

17 You may step down.

18 Defendant can call your next witness.

19 **MR. MCCOY:** Alright, Your Honor, at this time the defense
20 calls Mr. Calvin Ford to the stand.

21 **THE COURT:** Alright, before we do this, let me -- well
22 let's go ahead and bring him to the stand and put him under
23 oath.

24 **MR. FORD, HAVING BEEN FIRST**

25 **DULY SWORN, TESTIFIED AS FOLLOWS:**

1 **THE CLERK:** Please state your name and spell it for the
2 Court.

3 **MR. FORD:** Calvin Ford. C-A-L-V-I-N F-O-R-D.

4 **THE COURT:** Alright, Mr. Ford, you've been called as a
5 witness to testify in this case. This is not a trial to
6 determine your guilt or innocence of the charges pending
7 against you. This is a motion hearing to determine whether or
8 not you're immune from prosecution for the charges pending
9 against you. Even though this is not the criminal trial to
10 determine your guilt or innocence, I advise you that anything
11 you say in this motion hearing, including the testimony you
12 are about to give, can be used as evidence against you in your
13 criminal trial should your motion for immunity from
14 prosecution be denied. I now advise you that as a witness you
15 have the right to invoke the protections given to you by the
16 Fifth Amendment to the Constitution of the United States.
17 This amendment provides in part that no person shall be
18 compelled in any criminal case to be a witness against
19 himself. This provision means that you cannot be required to
20 be a witness against yourself. This is a personal right which
21 can only be claimed by you. You have the right to refuse to
22 answer any question asked of you which you think gives you
23 reasonable cause to believe that the answer to the question,
24 if given, might tend to incriminate you. If you wish to
25 exercise this right when a question is asked you must assert

1 your right to remain silent. You should state that you refuse
2 to answer the question because the answer may tend to
3 incriminate you. Now, do you understand that?

4 **MR. FORD:** Yes, sir.

5 **THE COURT:** Alright. Do you have any questions about
6 that?

7 **MR. FORD:** No, sir.

8 **THE COURT:** Alright.

9 Alright, Mr. McCoy, your direct examination.

10 **MR. MCCOY:** Thank you, Your Honor.

11 **MR. HOLFORD:** Your Honor?

12 **THE COURT:** Yes.

13 **MR. HOLFORD:** Would you like a copy of his NCIC? Do you
14 think that's necessary?

15 **THE COURT:** I mean, you can ask the questions. I've just
16 told him that he can assert his right and say that he refused
17 to answer on the grounds that it might incriminate him. I
18 don't know that we need the NCIC at this juncture.

19 **MR. HOLFORD:** Your Honor, is it the Court's ruling that
20 he's allowed to answer what he wants to and then assert his
21 right to not answer if he doesn't want to?

22 **THE COURT:** He can assert his right since anything he
23 says can be used against him and this is a motion hearing. I
24 do allow him to assert that right, yeah.

25 Alright, go ahead, Mr. McCoy.

1 **MR. MCCOY:** Thank you, Your Honor.

2 **MR. HOLFORD:** Your Honor, the State would just make an
3 objection for the record that I don't believe a defendant can
4 waive his Fifth Amendment right to the answers he wants to
5 give and then assert it to answers he doesn't.

6 **THE COURT:** I agree with you if this was the trial, but
7 this is just a motion hearing to determine whether or not he's
8 immune from prosecution. He bears the burden of proving his
9 immunity by preponderance of the evidence. The State doesn't
10 have to put anything up. So, I'll allow him to assert his
11 right unless you've got some appellate decision that says
12 something to the contrary. I'm not aware that that applies in
13 a motion hearing. So, I'll allow him to assert his right and
14 that's just the way I've handled it in the past and I've never
15 seen anything that basically said that was the wrong ruling.

16 **MR. HOLFORD:** Yes, sir.

17 **THE COURT:** Okay.

18 Alright, Mr. McCoy.

19 **MR. MCCOY:** Thank you, Your Honor. If it pleases the
20 Court.

21 **DIRECT EXAMINATION OF MR. FORD BY MR. MCCOY:**

22 Q: Mr. Ford, as you know my name is Jonny McCoy and I'm your
23 attorney. How are you doing today?

24 A: I'm alright.

25 Q: Okay. Do you need a tissue or anything?

1 A: I'm alright, man.

2 Q: What is your date of birth?

3 A: ██████████, 1987.

4 Q: What is -- how many children do you have?

5 A: I have one, but my girlfriend has an older son, so I have
6 two.

7 Q: Okay. And where are you living currently?

8 A: ██████ Timrod Road.

9 Q: And are you currently or before you were -- are you
10 currently incarcerated?

11 A: Yes, sir.

12 Q: And leading up to your incarceration were you on a GPS
13 monitor?

14 A: No, sir.

15 Q: What was going on with your bond conditions at that time,
16 leading up to your incarceration?

17 A: I had a curfew. I had to be -- I could come out at 6AM to
18 7:30PM.

19 Q: Okay. And then prior to that, what was your bond
20 conditions?

21 A: I had a home detention ankle monitor.

22 Q: And when did that cease?

23 A: I want to say October 21st, 2018.

24 Q: Okay. And how long has it been since you've been allowed
25 to carry a gun?

1 A: Maybe nine years.

2 Q: Nine years. Alright, and did that make you concerned?

3 A: Yes.

4 Q: Of what? Or who, should I say?

5 A: My safety from past incident from Jamal.

6 Q: What does that mean? Why don't you expand a little bit?

7 Alright, if somebody asks you if you're scared, what are you

8 going to say?

9 A: If I'm scared of a person, yes. I'm gone say yes.

10 Q: Why?

11 A: Because they got to be a threatening person or, you know,

12 did something that makes me fearful.

13 Q: Okay. So, what did Jamal do that makes you afraid for

14 your safety?

15 A: He knocked my teeth out.

16 Q: Go ahead and -- we've heard a couple of people testify

17 about that. Go ahead and tell us about that incident.

18 A: My older cousin, her name is Ann Chestnut, she was getting

19 into it with somebody one night and her daughter called me

20 because the guy that she was getting into it with was my

21 partner. So, she was like, hey can you come over here and

22 calm them down? I said, yeah I'm about to walk down the road

23 right now and come to calm them down. So, I start walking

24 down the road and when I got to the same house on Dudley Road,

25 I was walking through because my cousin lived in Carver

1 Apartments at that time. So, I start walking through there
2 and that's when Jamal saw me and he approached me and said,
3 why was I telling people that I kept some guys off of his ass.
4 And I told him -- well, no that's the wrong incident. That
5 night I walked down there, and this young guy actually came up
6 on a moped and Jamal punched him in the mouth as I was walking
7 up and I saw that. So, the young guy ran off. And when he
8 ran off, he went to get some other young guys. Then the other
9 young guys came back through the woods at the back of Carver
10 Apartments. When they came, I looked down the road and Jamal
11 put his arm around my shoulders. When he put his arm around
12 my shoulders I was still looking straight up the road and
13 that's when he took the gun and hit me in my face with it.
14 And I fall on the ground and spit out my teeth and blood came
15 out my mouth. And he walked over me and said, move, move,
16 mother I'll shoot you. And I jumped up and grabbed him. And
17 there was some other guys there and I was -- I asked one of
18 the guys, I was like man grab him, man grab him so he wouldn't
19 shoot me. And the other guy grabbed him and I ran and I ran
20 to my cousin house.

21 Q: And about what time was this incident? When was this
22 incident?

23 A: Maybe 9 something, 10 something that night.

24 Q: What, as in how many years ago?

25 A: About five years ago now.

1 Q: Okay. And what happened as a result of this incident?
2 Did you just get up and go about your business or did you need
3 emergency treatment?

4 A: I had to go to the -- I had to go to the emergency room
5 and from there they sent me to a surgeon. I had to go to a
6 surgeon over there on International Highway, I want to say.

7 Q: So, let me get this straight. So, five years ago the
8 person who you are claiming stand your ground defense on in
9 this case, put his arm around you and knocked your teeth out
10 with a gun. Is that what you're saying?

11 A: Yes, sir.

12 Q: And you went to the hospital over that. Is that what you
13 just testified to?

14 A: Yes, sir.

15 Q: What exactly -- what work was done to your face?

16 A: Well, they had to remove the rest of my teeth because my
17 teeth had chipped when he hit me with the gun. My two front
18 teeth chipped way down to my gums and one of my side tooth was
19 broken. And basically they sent me to the emergency room and
20 then they sent me to the surgeon because the surgeon had to
21 remove the little pieces of teeth that was down in the gums
22 that the hospital couldn't get to. And I had to get my gums
23 stitched together.

24 Q: And did you talk to Jamal after this incident?

25 A: No.

1 Q: Did you talk to him ever about this incident?

2 A: No.

3 Q: Did you ever plan retribution?

4 A: No.

5 Q: So, you were never going to get him back for this
6 incident? You were just going to let this go?

7 A: Yeah, cause I just came home from prison actually two
8 months before the incident and I didn't want to go back to
9 jail behind it.

10 Q: So, for five years you just kept piece?

11 A: Yeah, I just stayed away, tried to not be around him.

12 Q: Now, let's fast forward five years later to the summer of
13 2016. Do you remember the summer of 2016?

14 A: Yes, sir.

15 Q: Do you remember what you were doing in the summer of 2016?

16 A: Yes, sir.

17 Q: Do you remember where you were living in the summer of
18 2016?

19 A: Yes, sir.

20 Q: Where were you living?

21 A: I was living at [REDACTED] White Street, my grandfather's house.

22 Q: Okay. And were you on a GPS monitor at that time?

23 A: Yes, sir.

24 Q: And at that time what were the restrictions for you of
25 that GPS monitor?

1 A: I had -- at that time I had a curfew on GPS. I could come
2 out at 6AM til 10PM at night.

3 Q: 6AM to 10PM; is that what you said?

4 A: Yes, sir.

5 Q: And were there any restrictions on where you could go or
6 couldn't go?

7 A: Yeah, it was but they was like North Myrtle Beach city
8 limits, a few places in North Myrtle Beach.

9 Q: But not Dudley Road?

10 A: No, sir.

11 Q: Alright. Did you -- did you see Jamal, let's say a month
12 before the incident?

13 A: No, sir.

14 Q: Did you -- were you afraid of him a month before the
15 incident?

16 A: Yeah. Yes, sir.

17 Q: I'm mean, why are you laughing? Go ahead and explain why.

18 A: Well, because I got my teeth knocked out. That's
19 something you gone be fearful of a person taking a gun and
20 hitting you in your face.

21 Q: What about leading up to the incident? Were you afraid of
22 him leading up to the incident?

23 A: Yes, sir.

24 Q: Why?

25 A: He knocked my teeth out.

1 Q: Had you heard anything else about Jamal?

2 A: Yeah. He always shooting people and shooting at people.

3 **MR. HOLFORD:** Objection.

4 **MR. MCCOY:** State of mind, Your Honor.

5 **THE COURT:** Overruled.

6 **BY MR. MCCOY:**

7 Q: Had you heard anything about Jamal a couple days before
8 the incident?

9 A: Yes, sir.

10 Q: What did you hear?

11 A: He was actually ---

12 **MR. HOLFORD:** Your Honor ---

13 **MR. MCCOY:** State of mind, Your Honor.

14 **THE COURT:** Wait, wait, wait.

15 **MR. HOLFORD:** He's saying what he heard.

16 **THE COURT:** What was the question?

17 **MR. MCCOY:** Did he hear anything that would make him feel
18 threatened about Jamal a couple of days before the incident?

19 **THE COURT:** Okay. Overruled. I'll allow that. Go
20 ahead.

21 **BY MR. MCCOY:**

22 Q: Specifically to you, what did you hear threatening about
23 Jamal a couple of days before the incident?

24 A: Well, he was actually in jail. He was actually locked up
25 and he was getting ready to come home and they were just

1 saying he was coming home to kill three people.

2 Q: And were you one of those three people?

3 A: My name was brought up in the conversation. Yes, sir.

4 Q: Did you believe that he was going to come home and kill
5 you?

6 A: I didn't know. I didn't know. With him you -- he take
7 his threats out so I could have believed it, yeah.

8 Q: Did -- when did he get out of jail? Did that make you
9 fearful when he got out of jail?

10 A: Yeah. And I just had a son, so I don't like to have my
11 family around certain things.

12 Q: When did he get out of jail?

13 A: Like maybe two days prior to the incident?

14 Q: So, 48 hours prior to this incident he got out of jail?

15 A: Yes, sir.

16 Q: Okay. Did that make you fearful?

17 A: Yes, sir.

18 Q: So, leading up to this incident, just so we're on the same
19 page, he knocked your teeth out and he had told people while
20 he was in jail he was going to get out and kill three people
21 and you were one of the three. Am I right about that?

22 A: Yes, sir.

23 Q: So, then he gets out and 48 hours later is the date of the
24 incident. Is that right?

25 A: Yes, sir.

1 Q: What about the day prior to the incident? Did you see
2 Jamal? Hear anything about Jamal the day prior to the
3 incident that would make you fearful?

4 A: Well, I didn't see him myself but people were saying that
5 he was riding up and down my road in front of my grandfather's
6 house on a moped, a dirt bike.

7 Q: What's fearful about that?

8 A: Well, he don't come over there. He don't usually come
9 over there. I guess dealing with our past events he stayed
10 where he be at and I just stay where I be at, at my house.

11 Q: Did you think that he had a gun on him after he got out of
12 jail?

13 A: He always has a gun, of course I'm gone think that.

14 Q: Did anybody tell you he did?

15 A: No. But I know that he has a gun.

16 Q: Okay. So, let's talk about the blue crab night, if you
17 will, July 22nd. Did you see him on that night?

18 A: No, sir.

19 Q: Okay. Did you hear anything about him on that night?

20 A: That's the night that he was supposedly over there by my
21 house.

22 Q: Okay. And then, so this was 24 hours after he got out of
23 jail he was over there at your house?

24 A: Yes, sir.

25 Q: According to what you heard.

1 A: Yes, sir.

2 A: Yes, sir.

3 Q: Alright. And then what about July 23rd, the date of the
4 incident. Let me stop and let's go through, you wake up.
5 Walk me through the day.

6 A: I wake up. My girlfriend, she called me. She actually
7 had to go to work earlier that day in the earlier part of the
8 day and I had to watch my kids. So, I got my kids that
9 morning. I'm watching the kids and I -- my little cousin just
10 came from college. His name Dayquan Ford. And basically, he
11 wanted some shoes that was coming out at the mall. So, I went
12 to the mall, did a little shopping, got my kids some stuff
13 from the mall and stuff and I came right back home. And I was
14 home with the kids and Courtney got off. We was home at my
15 grandfather's house all that day.

16 Q: But, as you've heard through testimony you were at home
17 all day but you also saw your mother; is that right?

18 A: Yes, sir.

19 Q: Okay. And what was your -- what was your plans that day?

20 A: Well, the night before we had a crab boil at my aunt's
21 house because my little cousin just died. He died on July 4th
22 and we buried him on July 12th. And basically, we was just
23 trying to be there for my aunt because she just lost her
24 youngest son. And she was grieving real bad so we was trying
25 to be there for her. So, we had a crab boil and invited all

1 our family and friends over so everybody could just be around
2 her at her time of grief. And we were just eating that night
3 and Damian and Rasheed was over there with us. And both of
4 their birthday was the next day. And they both was like, hey
5 we having a party over at Ms. Dudley's house tomorrow. We
6 want everybody to come. And they wanted me to come and stuff.
7 Well, Rasheed goes with Ms. Dudley's granddaughter and
8 basically that's why they -- I guess that's why they chose to
9 have the party over there. So, they was like, he we want you
10 to come over there. We want everybody to come and I said okay
11 I'll stop by tomorrow. And basically, that's how I ended up
12 going over there.

13 Q: Okay. And so, whose birthday was it?

14 A: It was my brother Rasheed McKnight's and Damian Alston's.

15 Q: And at whose house was the main congregation?

16 A: Ms. Dudley's.

17 Q: And were you invited over to Ms. Dudley's house?

18 A: Yes, sir.

19 Q: Had you been to Ms. Dudley's before?

20 A: Yes, sir.

21 Q: Had you played basketball at Ms. Dudley's?

22 A: Yes, sir. I grew up there.

23 Q: Have you ever been asked to leave Ms. Dudley's?

24 A: No, sir.

25 Q: Any of the houses around there?

1 A: No, sir.

2 Q: Were you drinking at all on that day?

3 A: No, sir.

4 Q: Were you using drugs at all on that day?

5 A: No, sir.

6 Q: And you had left your family at some point that day; is
7 that correct?

8 A: Yes, sir.

9 Q: What time was that?

10 A: It was maybe about 7 something, 7:30, 7:40ish.

11 Q: Is that PM?

12 A: Yes, sir.

13 Q: Okay. And what time did you arrive at the birthday party
14 for your brother and your cousin on Dudley Road?

15 A: Like right before 8.

16 Q: Right before 8.

17 A: Yes, sir.

18 Q: Okay. And let's walk through how you got there, what
19 happened when you got there, and I'll tell you to stop when
20 it's time. Go ahead.

21 A: Well basically, I had my baby at that time right before I
22 left the house and I gave my baby to my girlfriend and gave
23 all of them kisses and said, hey I'm bought to walk down to
24 Ms. Dudley's house for Rasheed and Damian's birthday because I
25 was on a curfew. I had to be home at 10. So, I was like, hey

1 I'm gone go over there with them for a little while before I
2 have to be in. And she was like, okay or whatever. And I
3 walked down the road. I walked down the road going to Ms.
4 Dudley's house, cross the street. I was coming across the
5 street and then I walked up to the house, like right at the
6 yard. And then that's when everybody was like, hey Jamal
7 looking for you. And as they said that, he, he, he looked
8 right at me and started telling me, he let me holler at you,
9 let me holler at you. And, I mean ---

10 Q: Stop right there. How'd you feel right at that moment?

11 A: I felt dread. I felt scared kind of.

12 Q: Okay. Continue, please.

13 A: And well, he walked up to me and I was like, I was like
14 what you want. And he was like, man I want to holler at you.
15 And he put his arm around me aggressively like hey why you
16 telling people that you saved me from these guys in Popular.
17 And I was like, man I'm not telling people that. I don't know
18 what you talking about. And he was like, yes the F you is. I
19 was like man I didn't come over here for that. I'm not
20 telling nobody nothing. I'm not saying nothing about you. He
21 was like, yes the F you is. My partner's coming telling me
22 you saying this and you saying that. And I was like man,
23 listen man, I didn't come over here for that. I ain't telling
24 nobody nothing. And he was like, yes the F you did, I should
25 shoot you. And that's when I was like, man why you gone shoot

1 me for, we can fight. We can fight. That's when Damian walk
2 up and he was like, he walk straight to Jamal and he was like,
3 hey man y'all chill. And I was like, man we could fight, you
4 don't got to shoot me. And he was like, man -- he said, he
5 said I ain't doing no fighting. And I was like because you
6 know I'll beat you up. And that's when he grabbed his gun.
7 He grabbed his gun and Damian and him start tussling a little
8 bit and Damian was like, chill man, chill. And he was telling
9 Damian move, move. And that's when like -- when they was
10 tussling Damian's gun dropped. I pick up the gun. He pushed
11 Damian and turned his gun, pointed at me and fired and I fired
12 back. But I run like firing. And he's shooting at me and I
13 run. I have to run between some cars because there was a car
14 behind me. So, I have to run between some cars and I run
15 through Ms. Dudley's front yard and jump the fence into the
16 next yard and then I run off like behind the house.

17 Q: Alright. So, let's slow down and take it back a second,
18 okay. So, you said that when you got to the party you saw
19 Jamal and he walks up to you, approaches you and then puts his
20 arm around you; is that correct?

21 A: Yes, sir.

22 Q: And is this -- a minute ago you just testified he put his
23 arm around you the night he knocked your teeth out; is that
24 right?

25 A: Yes, sir.

1 Q: Was that the same feeling that you had?

2 A: Yes, sir.

3 Q: And the night that he knocked your teeth out, he put his
4 arm around you was he saying the same similar things or
5 anything to that nature?

6 A: No, sir.

7 Q: Was the incident similar?

8 A: Yes, sir.

9 Q: How so?

10 A: Because he put his arm around me like real tight.

11 Q: To control you?

12 A: Yeah, kind of like controlling.

13 Q: Okay. So, when he put his arm around you and was
14 controlling you, what did you notice about Jamal? Did you
15 notice anything about his demeanor?

16 A: The night of the incident or ---

17 Q: The night of the incident.

18 A: Yeah. The night of the incident he was drunk because when
19 he was -- like when we were talking he was spitting in my face
20 and I could look in his face and tell he was under the
21 influence of something.

22 Q: Okay. And did you see a gun on him?

23 A: Yes, sir.

24 Q: Where was the gun?

25 A: On his waist.

1 Q: Where on his waist?

2 A: I want to say on his right side, the right side of his
3 waist or the left. I can't remember which side of the waist
4 it was on, but it was there.

5 Q: Okay. Did you see him reach for a gun?

6 A: Yes, sir.

7 Q: A second ago you said that he reached a pulled for a gun,
8 when did he do that?

9 A: When I told him that we could fight, that I'd beat him up.

10 Q: Okay. So, you said this in response to him reaching for a
11 gun?

12 A: No. I said it in response to him telling me he should
13 shoot me. And I was telling him man why you got to shoot me.

14 Q: Okay. So, at what point did you fear I'm going to get
15 shot or did you?

16 A: Yeah. When he started reaching for the gun. Well, when
17 he told me that he should shoot me I was scared that he was
18 going to shoot me.

19 Q: Okay. And did -- at that point in time did you fear for
20 your life?

21 A: Yes, sir.

22 Q: And did all of your encounters with your mom come into
23 your head and lead you to believe I may die right here and
24 now?

25 A: Yes, sir. It wasn't no question that he would hurt me.

1 He hurt me before and he hurt a lot of people. So, I know
2 that he would hurt me.

3 Q: And by hurting you, do you mean a little bit or cause you
4 great bodily injury or death?

5 A: Cause me great bodily injury or death.

6 Q: Okay. Did you have any plans to hurt Jamal that day?

7 A: No, sir.

8 Q: Did you have any plans ever to hurt Jamal?

9 A: No, sir.

10 Q: Did you and Aliga talk about hurting Jamal ever?

11 A: No, sir.

12 Q: There's been talk about Aliga calling you to come to the
13 party. Did Aliga call you to come to the party to hurt
14 somebody?

15 A: I didn't get his call. I didn't get his call. I was
16 walking up the road. They said that he tried to call me, but
17 I never answered the phone or talked to him.

18 Q: Did you talk to him throughout that day at all?

19 A: Maybe earlier that morning.

20 Q: Were y'all close?

21 A: Well, my grandfather is his grandmother's landlord. She
22 lives right next door to us.

23 Q: So, y'all talk regularly?

24 A: Yes, sir.

25 Q: Alright. And why did you fire the gun that you picked up?

1 A: Because Jamal was shooting at me. I did it out of defense
2 for myself.

3 Q: Do you think that you hit Damian?

4 A: No, sir.

5 Q: Why do you say that?

6 A: Because Damian was like he got pushed and he was under the
7 influence too, he was drinking, and he stumbled back where he
8 got pushed.

9 Q: Okay. And do you remember what kind of gun that you had
10 on -- or what kind of gun it was that you picked up?

11 A: Yes, sir.

12 Q: What kind of gun was it?

13 A: It was a 9-millimeter.

14 Q: Okay. And would you have had a gun on you at any point in
15 time had you not thought that you were about to be killed?

16 A: No, sir.

17 Q: Did you have a gun on you at all that day?

18 A: No, sir?

19 Q: Did you bring a gun on you to that party?

20 A: No, sir.

21 Q: How did you know Damian?

22 A: I grew up with him all my life.

23 Q: Were you and Damian close?

24 A: Yeah. We was good friends.

25 Q: Were you hanging out the night before?

1 A: Yes, sir.

2 Q: Who do you think shot Damian?

3 A: I don't know because at the time when we was like in the
4 heat of the moment. I had to run for my life, so I didn't see
5 like who all was shooting. I just heard a bunch of shots even
6 as I was running away. So, I can't say who shot him.

7 **MR. MCCOY:** Court's indulgence just one second, Your
8 Honor.

9 **THE COURT:** Alright.

10 **BY MR. MCCOY:**

11 Q: If you hadn't of picked up that gun and fired at Jamal,
12 what do you think would have happened to you?

13 A: I would have probably got shot. I'd probably be dead.

14 **MR. MCCOY:** No further questions, Your Honor.

15 **THE COURT:** Alright. Cross examination.

16 **MS. WALTER:** Thank you, Your Honor.

17 **CROSS EXAMINATION OF MR. FORD BY MS. WALTER:**

18 Q: Alright, let's just start and get your criminal history
19 out of the way. So, to say that you've had a few brushes with
20 the law, that would be accurate; correct?

21 A: Yes, ma'am.

22 **MR. MCCOY:** Your Honor, on the advice of counsel, I'm
23 going to tell my client to plead the Fifth Amendment to any
24 questions that may incriminate him.

25 **THE COURT:** Okay. Well, that's just his prior criminal

1 record.

2 **MR. MCCOY:** I understand that.

3 **THE COURT:** Overruled. Go ahead.

4 **MS. WALTER:** Thank you.

5 **BY MS. WALTER:**

6 Q: And some of those convictions involve what we would say is
7 dishonesty; correct? For instance, and I'll give you an
8 example. In 2008 were you convicted of fraud for obtaining a
9 license?

10 A: No, ma'am.

11 **MS. WALTER:** Court's indulgence.

12 **THE COURT:** Alright.

13 **MS. WALTER:** May I approach the witness, Your Honor?

14 **THE COURT:** Yes.

15 **MS. WALTER:** And I'll just ask that this be marked for ID
16 only at this point.

17 **THE COURT:** How are we marking it?

18 **MS. WALTER:** It is going to be State's 4.

19 **THE COURT:** Alright.

20 **MS. WALTER:** And just so that the record is complete,
21 it's a copy of the defendant's NCIC.

22 **THE COURT:** Alright.

23 **(STATE'S EXHIBIT NUMBER FOUR**
24 **IS MARKED FOR IDENTIFICATION.)**

25 **BY MS. WALTER:**

1 Q: Are you -- have you ever seen a criminal history print out
2 before?

3 A: Yes, ma'am.

4 Q: Alright. And just make sure you're speaking into the
5 microphone.

6 A: Yes, ma'am.

7 Q: Alright. And this is your name, right, Calvin Darrell
8 Ford?

9 A: Yes, ma'am.

10 Q: Your alias is Smoo.

11 A: Yes, ma'am.

12 Q: And is that your date of birth, [REDACTED], 1987?

13 A: Yes, ma'am.

14 Q: Alright. So, now I'm directing your attention to this
15 charge here with a conviction date of October 27th, 2008,
16 unlawful use of fraud in the application for a license. Do
17 you see that there?

18 A: Yes, ma'am.

19 Q: Do you remember that conviction?

20 A: I don't remember it, but if it's there then I was charged
21 with it.

22 Q: Okay. And convicted of it, correct?

23 A: Yes, ma'am. Would that be a blue ticket charge? Cause I
24 only have two felonies that I been convicted of.

25 Q: Okay. Right now were just dealing with you've been

1 convicted of fraud at that point. And then in 2010 you were
2 convicted of petit larceny; correct?

3 A: Yes, ma'am.

4 Q: And then again also in 2010 you were convicted of two
5 counts of burglary in the 2nd degree, violent offenses;
6 correct?

7 A: Yes, ma'am.

8 Q: So, Jamal Burgess isn't the only person who has a violent
9 history in this case; correct?

10 A: Yes, ma'am.

11 Q: Now, you talked about some incident in 2014 where Jamal
12 Burgess allegedly knocked out your teeth.

13 A: Yes, ma'am.

14 Q: Did you file a police report on that?

15 **MR. MCCOY:** Objection, Your Honor. At this time, I'd
16 like to advise my client to plead the Fifth Amendment against
17 his right of self-incrimination. I mean, we're talking about
18 filing police reports, she may say at this point in time that
19 he is committing some sort of crime in the fact of false
20 allegations, failure to file a proper police report. I mean,
21 she'd digging for things that are essentially inconsistencies
22 which could turn out to be crimes. All of this falls under
23 the Fifth Amendment, Your Honor.

24 **THE COURT:** Alright. Overruled. I'll allow the
25 question, go ahead.

1 **MS. WALTER:** Thank you.

2 **BY MS. WALTER:**

3 Q: After you claim that Jamal Burgess knocked your teeth out,
4 did you file any kind of police report?

5 A: No, ma'am.

6 Q: Why not?

7 A: Because if I would have told on him he probably would have
8 came back and retaliated.

9 Q: But you don't know that because you didn't file a police
10 report; correct?

11 A: Yes, ma'am.

12 Q: Now, you said that you tried not to be around him after
13 that incident; right?

14 A: Yes, ma'am.

15 Q: So, you never went to his house or his girlfriend's house
16 at any point?

17 A: No, ma'am.

18 Q: Never socialized with -- never socialized with Jamal
19 Burgess other than seeing him the night of the shooting?

20 A: Yes, ma'am.

21 Q: Never had any sort of friendly encounter with him?

22 A: No, ma'am.

23 Q: Never went to Martina Harriett's house to see him?

24 A: No, ma'am.

25 Q: And anyone -- strike that, Your Honor. Now, you said that

1 in the summer of 2016 you were on a GPS ankle monitor. Why
2 were you on a GPS ankle monitor?

3 A: For a charge that I caught in 2015, July 2015.

4 **MR. MCCOY:** Objection, Your Honor. I'm currently
5 representing him on that charge. I know that she just asked
6 him about it, but she's prosecuting him for that charge and we
7 got that out of the way. Let's ---

8 **MS. WALTER:** This is simply facts about why he's on a GPS
9 monitor, nothing about the underlying. It's not asking him
10 for any sort of admission on that case.

11 **THE COURT:** Alright. Go forward with your question.

12 **BY MS. WALTER:**

13 Q: I'm sorry. So, you were on GPS monitoring for what?

14 A: For a charge that I caught in 2015.

15 Q: And what were those charges?

16 A: Attempted murder and unlawful carrying I want to say.

17 Q: So, those charges involved the use of a firearm?

18 A: Yes, ma'am.

19 Q: And you've testified at length about how you were afraid
20 of Jamal Burgess.

21 A: Yes, ma'am.

22 Q: And you were here when you heard your cousin, Everett Ford
23 "Bill Bill", talk about how many people at this party had
24 guns. Lots of people had guns, everybody has a gun he said,
25 right?

1 A: Yes, ma'am.

2 Q: So, if you were so afraid of Jamal Burgess when he called
3 you over, why did you go?

4 A: Who called me over?

5 Q: Jamal Burgess. You said he called you over, right?

6 A: I was in ---

7 Q: Like hollering.

8 A: --- I was in the yard. He was right there in front of me.

9 What was I supposed to do?

10 Q: Walk away.

11 A: Yeah. But, I'd think it was nothing aggressive.

12 Q: Okay. So, when you first saw Jamal Burgess you weren't
13 afraid, and you said that it wasn't aggressive.

14 A: I mean, when he start calling me, I know he don't talk to
15 me. So, of course in my mind I'm thinking like what's going
16 on, you know.

17 Q: Now, I'm actually confused because just a second ago you
18 said, I didn't think anything of -- I'm paraphrasing. I
19 didn't think anything of it because it wasn't aggressive.

20 A: I didn't think he -- I mean, I was home all that day. I
21 didn't do anything to him. So, of course I'm not gone think
22 it's aggressive.

23 Q: Right. So, when you first saw him you weren't afraid of
24 him.

25 A: I was always afraid of him.

1 Q: Even though you didn't do anything aggressive about him.

2 A: Yeah. I got my teeth knocked out by him.

3 Q: Okay.

4 **MS. WALTER:** Your Honor, I'd ask that he respond to the
5 question.

6 **THE COURT:** Okay. I think you made your point. GO ahead
7 and move on.

8 **BY MS. WALTER:**

9 Q: Now, you testified that Jamal had gotten out of custody
10 just a couple of days before you killed him, right?

11 **MR. MCCOY:** Objection, Your Honor. Before he killed him?

12 **MS. WALTER:** Is there a dispute that Jamal ---

13 **THE COURT:** What's your objection?

14 **MR. MCCOY:** Objection, Your Honor, I advise my client not
15 to answer the question on the grounds of the Fifth Amendment
16 self-incrimination. At this point, the only testimony so far
17 has been ---

18 **THE COURT:** Well, his claim is he killed him in self-
19 defense.

20 **MR. MCCOY:** Or transferred intent at this point.

21 **THE COURT:** Alright. I recognize that. Alright.

22 Overruled. Go ahead.

23 **MS. WALTER:** Thank you.

24 **BY MS. WALTER:**

25 Q: So, you testified that Jamal Burgess got out of custody a

1 couple days before you killed him, correct?

2 A: Yes, ma'am.

3 Q: And you said that you heard that he was coming home to
4 kill three people.

5 A: Yes, ma'am.

6 Q: Alright. Who told you that? Who did you hear that from?

7 A: From one of his baby mother's.

8 Q: Who?

9 A: Monique Brown.

10 Q: Monique?

11 A: Brown.

12 Q: Brown?

13 A: Yes, ma'am.

14 Q: When did she tell you that?

15 A: Like the same week that he came home.

16 Q: Tell me that conversation.

17 A: Well, basically she was going with this other guy named
18 Ash. And basically, she just -- she just know her baby daddy
19 like always doing stuff to people and stuff. So, she
20 basically was giving me a heads up that he said he was coming
21 home to hurt Ash and Kendrick Green, which him and Kendrick
22 had gotten into a shootout at Jimmagan's Bar and Kendrick
23 supposedly had told on him. And that he was coming home to
24 hurt those two and me.

25 Q: Alright. Where did this conversation take place?

1 A: Phone call.

2 Q: Was anyone present with you during the phone call?

3 A: No, ma'am.

4 Q: Now, so this was a threat by someone who you say had
5 assaulted you before, right?

6 A: Yes, ma'am.

7 Q: So, did you call the police to tell them I'm being
8 threatened by someone who had just gotten out of prison?

9 A: No, ma'am.

10 Q: Did you take any other steps to report the fact that you
11 had been told he was going to kill you?

12 A: No, ma'am.

13 Q: Was Monique Brown the only person that supposedly told you
14 about this threat?

15 A: Yes, ma'am.

16 Q: Now, you also said that the night of the crab boil you
17 heard that Jamal Burgess was at your house.

18 A: Yes, ma'am.

19 Q: Who told you that?

20 A: My mother and other people that was on that road because a
21 lot of people be outside over there.

22 Q: Who else?

23 A: Some of the people from next door. They sit outside all
24 the time.

25 Q: What are their names?

1 A: John Campbell, Ms. Peach, Ms. Phyllis Bar, and some of
2 Aliga's cousins that live right next door.

3 Q: And you were here when your mother testified, right?

4 A: Yes, ma'am.

5 Q: She paid no attention to Jamal Burgess being there.

6 A: Yes, ma'am.

7 Q: So it -- strike that. You said that these people told
8 you simply that Jamal Burgess was on your block?

9 A: That he was in front of my house. Yes, ma'am.

10 Q: It's a public street, correct?

11 A: Yes, ma'am.

12 Q: You're not the only person that lives on that block,
13 right?

14 A: I mean, yeah there's different houses there.

15 Q: Now, we've already discussed that you were on a GPS
16 monitor that day, correct?

17 A: Yes, ma'am.

18 Q: And do you know whether Damian Alston was also on an ankle
19 monitor that day?

20 A: I don't know for sure, but I know he had just come home
21 like a month or so prior to the incident.

22 Q: Do you know when you first went to Warren Street that day?

23 A: Yes, ma'am. It was about 7:40ish, right before 8 or so.

24 Q: You're aware of the fact that the GPS records track where
25 you are, right? That's the purpose of an ankle monitor.

1 A: Yes, ma'am.

2 Q: So, if I told you that your GPS records have you on Warren
3 Street as early as 7:00; does that sound about right?

4 A: Yeah. I did go over there earlier. Yes, ma'am.

5 Q: How long were you there for?

6 A: Maybe like 10 minutes, 15 minutes. I can't remember.

7 Q: And where did you go after that 10 to 15 minutes?

8 A: Probably back to my house.

9 Q: Who -- let's start with that first 10 to 15-minute period.
10 Did you go there with anyone else?

11 A: No, ma'am.

12 Q: Who did you see -- and when I say Warren Street, I mean
13 Dudley Road, right?

14 A: Yes, ma'am.

15 Q: Who did you see there when you got there for that 10 or 15
16 minutes?

17 A: Everybody who lived over there. It was a bunch of people
18 out there.

19 Q: Was Damian Alston there?

20 A: I want to say he pulled up in a car. Yes, ma'am.

21 Q: Was Aliga Campbell there?

22 A: No, ma'am. Not that I recall.

23 Q: Was Everett Ford there?

24 A: Not that I recall. No, ma'am.

25 Q: What about Mario Randall?

1 A: I can't recall at this time.

2 Q: Ashley Randall?

3 A: I think he was there. I think he was home. I don't know
4 because I didn't go inside their home. So, they could be in
5 the house.

6 Q: But there were a lot of people just hanging outside,
7 correct?

8 A: Yes, ma'am.

9 Q: What about any females? Do you remember any females being
10 there?

11 A: It was a couple females out there.

12 Q: Like who?

13 A: I want to say that Sherika Gore was out there. And this
14 girl name Che.

15 Q: Criche Nelson. C-R-I-C-H-E. Criche Nelson.

16 A: I don't know her name. I just know they call her Che.

17 Q: What other women were there?

18 A: That's the only two that I recall.

19 Q: Alright. And so, after that 10 to 15-minutes you went
20 back to your house. How long did you stay at your house?

21 A: Probably like until I went back to Dudley Road the next
22 time.

23 Q: When did you go back to Dudley Road the next time?

24 A: It was like right before 8.

25 Q: How about it was at 8:50; does that sound about right?

1 A: Yeah, right before 9. Yes, ma'am. That's like when the
2 incident happened.

3 Q: While you were at your home did anyone that you had seen
4 at the party come to your house?

5 A: No, ma'am.

6 Q: So, Damian Alston never came to your house?

7 A: No, ma'am. Not that day.

8 Q: Okay. His -- when you went home were you inside or
9 outside of your home?

10 A: Inside. I had my kids that day.

11 Q: Well, it was the middle of the summer so it wouldn't be
12 unusual to be outside, right?

13 A: No, ma'am.

14 Q: So, if I told you that GPS records show that Damian Alston
15 was, in fact, on your block from 7:24 to 7:32 that night; are
16 you saying you didn't see him at all?

17 A: I mean, no. Not that I recall, but I was probably in the
18 house at that time.

19 Q: So, you don't recall seeing him or you remember that you
20 did not see him.

21 A: I didn't see him.

22 Q: Why did you leave Warren Street the first time after you'd
23 been there for 10 to 15-minutes?

24 A: Because I was watching my kids that day and I left them at
25 the house with my mom.

1 Q: Where was your girlfriend?

2 A: She had just got off or yeah, she was either -- she was
3 either there or she was either on the way there from
4 somewhere.

5 Q: You don't remember?

6 A: No, ma'am.

7 Q: Alright. So, you went home, and you were home until just
8 before 9. What made you go back to the Warren Street to
9 Dudley Road?

10 A: Because it was my brother and Damian's birthday and I was
11 on a curfew. I had to be home at 10PM. And I told them I was
12 coming back over there before like the curfew -- before my
13 curfew time was up.

14 Q: So, you were there at 7, approximately, correct?

15 A: Yes, ma'am.

16 Q: Well before your curfew.

17 A: Yes, ma'am.

18 Q: Until 7:24, right, about? And you say your cousin and
19 your brother, where they there when you were there that first
20 time?

21 A: My brother was, but not my cousin.

22 Q: And when you say your cousin are you talking about
23 Rasheed?

24 A: I'm talking about Everett, Everett Ford.

25 Q: Okay. It wasn't Everett's birthday though. It was Damian

1 Alston's birthday and Rasheed's birthday, correct?

2 A: Yes, ma'am.

3 Q: Okay. How did you know -- if you were going back to see
4 Everett, how did you know that Everett was there?

5 A: I never said I was going back to see Everett.

6 Q: Why did you go back a second time?

7 A: My brother is Rasheed.

8 Q: Okay.

9 A: And Damian.

10 Q: How did you know Rasheed was there?

11 A: It was his and Damian's birthday gathering.

12 Q: Okay. I just must not be asking this very clearly. So,
13 you show up at the Warren Street location, a party. And
14 you're there for approximately 15 minutes.

15 A: Yes, ma'am.

16 Q: Damian Alston is there?

17 A: He pulled up in a car at that time with someone.

18 Q: And what about Rasheed?

19 A: Rasheed was over there. That's his girlfriend's house.

20 Q: Okay. So, while you're there for that initial 10 to 15
21 minutes ---

22 A: Yes, ma'am.

23 Q: --- you see Alston and you see Rasheed?

24 A: I don't know if I saw Rasheed at that time, but I saw
25 Damian. Yes, ma'am.

1 Q: So, when you went back the second time who were you going
2 back to see?

3 A: My brother and Damian.

4 Q: Your brother being?

5 A: Rasheed.

6 Q: And you had already seen him when you were there that
7 first 15 minutes? He was there.

8 A: I just said I don't recall, but that's where he usually is
9 because that's his girlfriend's house.

10 Q: How did you -- if you're saying that you didn't know
11 whether or not he was there that first 15 minutes you were
12 there. How did you know he would be there when you went back?

13 A: Because that's where he always is. That's his
14 girlfriend's house.

15 Q: Right. But if he was there the first 10 to ---

16 **MR. MCCOY:** Your Honor.

17 A: He could have been in the house. I said I didn't see him.

18 **THE COURT:** Alright. Hold for a second.

19 **MR. MCCOY:** Your Honor, I'm going to object. This is
20 asked and answered at least five times.

21 **THE COURT:** Alright. Overruled. Go ahead.

22 **BY MS. WALTER:**

23 Q: How did you know he would be there when you went back?

24 A: Because that's where he usually is.

25 Q: Did you -- when you were there that initial 10 to 15

1 minutes, did you knock on the door and say, hey is my brother
2 here?

3 A: No, ma'am.

4 Q: Did you ask anyone, hey is Rasheed here? I'd like to see
5 him.

6 A: No, ma'am. Everybody was outside, but that's my brother.
7 I saw him at the house that day so ---

8 Q: You saw him at what house?

9 A: My grandfather house.

10 Q: So, you had seen Rasheed earlier in the day?

11 A: Yes, ma'am. We live together. We lived at that house
12 together at that time.

13 Q: But you went back to the Warren Street location
14 specifically to see your brother?

15 A: Him and Damian. Yes, ma'am.

16 Q: Do you know how long you were at Warren Street before you
17 killed Jamal Burgess?

18 A: Maybe 5, 10 minutes before the incident took place.

19 Q: About 5 minutes, right?

20 A: Yes, ma'am.

21 Q: Now, you said that you picked up a 9-millimeter.

22 A: Yes, ma'am.

23 Q: Tell me a little bit more about how you came to pick that
24 up.

25 A: Well, Damian was trying to break up the altercation. And

1 him and Jamal start tussling because he saw Jamal trying to
2 pull his gun out, so they start tussling over the gun or
3 whatever and Damian's gun fell.

4 Q: They were tussling over what gun?

5 A: Of Jamal's.

6 Q: So, they were tussling over Jamal's gun but then this
7 other gun magically falls to the floor?

8 A: It falls. Yes, ma'am.

9 **MR. MCCOY:** Objection, Your Honor. Magically. I mean,
10 can we keep this professional?

11 **THE COURT:** Overruled. Go ahead.

12 **BY MS. WALTER:**

13 Q: And that was a 9-millimeter. How did you recognize it to
14 be a 9-millimeter?

15 A: Well, at the time I didn't recognize it but when I ran off
16 with the gun that's when I saw what kind of gun it was.

17 Q: Okay. So, you carried the gun away. When you ran from
18 the scene you carried the gun with you?

19 A: Somebody was shooting at me. I didn't have time to put
20 the gun up.

21 Q: You could have thrown it to the ground, right?

22 A: I mean, when you in fear for your life you're not thinking
23 about putting a gun up. You're thinking about getting out of
24 there.

25 Q: Okay. Let me try and ask the question again. Was there

1 anything preventing you from throwing the gun to the ground as
2 you ran from the scene?

3 A: Yes, ma'am.

4 Q: What prevented you from throwing the gun to the ground?

5 A: I was being shot at.

6 Q: Was there anything hold the gun in your hand to prevent
7 you from getting rid of it?

8 A: Yes, ma'am.

9 Q: What was holding the gun in your hand?

10 A: Fear.

11 Q: Okay. Now, you said as you're running with the gun you
12 recognize it to be a 9-millimeter.

13 A: No. I said after the fact I recognized it to be a 9-
14 millimeter.

15 Q: At what point after the fact?

16 A: After I got away from danger.

17 Q: Alright, so once you got away from danger then you were
18 free to put the gun down, right?

19 A: Well, the gun had jammed so that's what really made me
20 look at the gun.

21 Q: How did you know just by looking at the gun that it was a
22 9-millimeter?

23 A: I mean, I've saw guns before. My uncles, my grandfather
24 they're hunters.

25 Q: They hunt with 9-millimeters?

1 A: I don't know what kind of guns they hunt with, but they're
2 hunters. Yeah.

3 Q: Okay. So, you didn't recognize it as a 9-millimeter
4 because it something that they use for hunting?

5 A: No, ma'am.

6 Q: So, my question is how do you know it was a 9-millimeter?
7 Is it because you're familiar with guns?

8 A: Well, people have guns. Yes, ma'am.

9 Q: Are you familiar with guns?

10 A: I mean, I know what types of guns there are in the world.
11 Yes, ma'am.

12 Q: Correct. So, you are familiar enough with the gun to know
13 that this was a 9-millimeter.

14 A: Yes, ma'am.

15 Q: You were familiar enough with guns to know or tell us that
16 this gun jammed.

17 A: Yes, ma'am.

18 Q: Now, by your own testimony you had just fired in self-
19 defense.

20 A: Yes, ma'am.

21 Q: What did you do with the gun?

22 **MR. MCCOY:** Objection, Your Honor. My client ---

23 **THE COURT:** Okay. I sustain that. Go ahead.

24 **BY MS. WALTER:**

25 Q: Where did you run when you left the scene?

1 A: I ran between the houses and went down behind Carver
2 Apartments and then I ran over by the duck pond and ran to my
3 aunt's house.

4 Q: What did you do at the duck pond?

5 A: Threw the gun.

6 Q: Where?

7 A: In the pond.

8 Q: Why?

9 A: Because, I mean, I didn't -- I would have probably threw
10 it before that if I wasn't getting shot at.

11 Q: And this was a gun that you're testifying belonged to your
12 friend Damian Alston?

13 A: Yes, ma'am.

14 Q: And after you threw the gun in the duck pond; where did
15 you go?

16 A: I went to my aunt's house.

17 Q: Why did you choose to go to your aunt's house?

18 A: Because, well, in order for me to get back home I had to
19 go back close by Dudley house because her house sits like
20 right on the other -- it's just a fire station sitting between
21 her house and the sidewalk. So, I would have had to go back
22 that way to get home.

23 Q: Okay. Well, ---

24 **MS. WALTER:** May I approach, Your Honor?

25 **THE COURT:** Alright.

1 **MS. WALTER:** I'm showing him State's 1, Jonny.

2 **BY MS. WALTER:**

3 Q: This is State's Exhibit 1.

4 A: Yes, ma'am.

5 Q: Alright. So, █████ Warren Street, that's Ms. Dudley's
6 house, right?

7 A: Yes, ma'am.

8 Q: And █████ White Street was where you were living, correct?

9 A: Yes, ma'am.

10 Q: And so, you're testifying -- now, the shooting occurred on
11 Warren Street in front of █████ Warren Street, correct?

12 A: Yes, ma'am.

13 Q: Would it not be the shortest distance to just run down
14 Warren Street, across Joe White and onto White Street?

15 A: Yes, ma'am, it would.

16 Q: And instead you're saying that you ran between the houses
17 and then are you saying you ran around?

18 A: It was two houses.

19 Q: Okay. So, Ms. Dudley's house and the one ---

20 A: And her neighbor's house.

21 Q: And her neighbor's house that would be further away from
22 Joe White Avenue?

23 A: Yes, ma'am.

24 Q: And behind the firehouse?

25 A: Well, not -- I had to go kind of down the side then behind

1 the firehouse.

2 Q: Okay. So, certainly a longer route than just running down
3 Warren Street to your home.

4 A: Yes, ma'am. But it was something preventing me from going
5 that way.

6 Q: How long did it take you to get back home?

7 A: Well, maybe about 10 - 15 minutes, maybe 20. I don't know
8 exactly. I was at my aunt's house and, you know, everything
9 had just happened so my nerves was rattled, and I was just
10 trying to calm down.

11 **MS. WALTER:** I'm going to approach again, Your Honor.

12 **THE COURT:** Alright.

13 **BY MS. WALTER:**

14 Q: Does State's 1 show your aunt's house?

15 A: No, ma'am.

16 Q: So, where does your aunt live in relation to Ms. Dudley or
17 your own, whichever is easiest?

18 A: She lives right on the other side of the duck pond. She
19 lives at Futrell Park.

20 Q: Okay. So, you ran between Ms. Dudley's house and her
21 neighbor's house farther away from Joe White, around the
22 firehouse, and to Futrell Park?

23 A: Yes, ma'am.

24 Q: And stopped at your aunt's house?

25 A: Yes, ma'am.

1 Q: Why did you stop at your aunt's house versus going
2 straight home?

3 A: Well, like I said, the incident had just taken place and
4 if I would have ran back towards 10th I had to come back by Ms.
5 Dudley's house. So, I didn't -- I didn't know what happened
6 at the time so I didn't want to go back that way. My aunt
7 house was right there beside the duck pond.

8 Q: You're saying 10th. That's also Mr. Joe White Avenue,
9 right?

10 A: Yes, ma'am.

11 Q: So, would you agree with me that if you run around Futrell
12 Park, you can cross Joe White Avenue well away from Warren
13 Street, right?

14 A: Yes, ma'am.

15 Q: And once you cross Mr. Joe White Avenue, you could get to
16 your home, right?

17 A: Yes, ma'am.

18 Q: And your mother -- was your mother at home at that time?

19 A: When I got home?

20 Q: Yes.

21 A: Yes, ma'am.

22 Q: Your girlfriend was there?

23 A: Yes, ma'am.

24 Q: Your children were there?

25 A: Yes, ma'am.

1 Q: And yet you went to your aunt's house and waited there for
2 15 minutes or so?

3 A: Yes, ma'am. Somebody was shooting at me so, I mean, I was
4 ---

5 Q: That whole 15 minutes?

6 A: No. Like during the incident, I'm in the heat of the
7 moment so I'm not thinking of where to run. I'm just thinking
8 of trying to get away.

9 Q: Right. But I think -- can you agree with me that once
10 Jamal Burgess is dead, he's not firing at you anymore, right?

11 A: He wasn't dead when I ran.

12 Q: But once he did die, he couldn't be shooting at you
13 anymore?

14 A: I ran away from the area, so I didn't know if he was dead
15 or not. When I was running, he was still standing shooting at
16 me.

17 Q: And during that 15 to 20 minutes that you were at your
18 aunt's house which is there near Futrell Park, which is just
19 barely a block from the crime scene, did you hear a fairly
20 large police response to this location? Sirens? Blue lights?

21 A: Yes, ma'am. Yes, ma'am. That's when I decided to walk
22 home.

23 Q: And, in fact, this location is not far from Myrtle Beach
24 Police headquarters, correct?

25 A: Yes, ma'am.

1 Q: So, when you heard all of this large police response, you
2 left your aunt's house and walked to your house?

3 A: Yes, ma'am.

4 Q: And didn't stop or talk to anyone in between?

5 A: No, ma'am.

6 Q: Alright. So, we've established already that you are
7 familiar with guns because you knew that the gun that you
8 picked up was a 9-millimeter. What kind of gun did -- are you
9 saying Jamal had?

10 A: I don't know. I can't say what kind of gun that he had at
11 the time of the incident because it was like I was trying to
12 get away.

13 Q: Well, correct me if I'm wrong. I thought you testified
14 that you saw him reaching for the gun that's why you feared
15 for your life.

16 A: Yes, ma'am.

17 Q: So, when you saw him reaching for the gun, what kind of
18 gun did you see him reaching for?

19 A: I can't say what kind of gun he had.

20 Q: And you said that even before he said -- let me see if I
21 can get the right words here. You testified that you saw the
22 gun on his waist.

23 A: Yes, ma'am.

24 Q: And this was even before he reached for his gun.

25 A: No. That was when he reached for it.

1 Q: Okay. Well, if I recall correctly you said he was drunk.
2 You saw a gun on his waist.

3 A: Yes, ma'am.

4 Q: You couldn't remember which side it was on, and then he
5 reached for a gun.

6 A: Yes, ma'am.

7 Q: So, in that period of time -- because when he first called
8 you over, right, and he said let me holler at you. Did you
9 see the gun in his waistband at that point?

10 A: Well, I wasn't looking for a gun at that time.

11 Q: This was a man, who by your own admission, you're scared
12 of.

13 A: Yes, ma'am.

14 Q: Feared for your life.

15 A: Yes, ma'am.

16 Q: Known to be violent.

17 A: Yes, ma'am.

18 Q: Known to be armed.

19 A: Yes, ma'am.

20 Q: And you didn't look for a gun when he called you over?

21 A: No, ma'am.

22 Q: Because you weren't scared at that point.

23 A: I said I didn't think it was nothing serious. I didn't do
24 nothing to him.

25 Q: So, you weren't scared at that point?

1 A: You asked me this question like a thousand times, ma'am.

2 Q: Well, I'm just trying to get an answer.

3 A: Yes. I was.

4 Q: You were scared?

5 A: When he first called me, I didn't think I did anything to
6 him to make him angry with me because I didn't talk to him or
7 nothing that day. So, I'm not thinking this nothing serious
8 because I didn't do anything to him. I mean, I know he'll
9 hurt people but at this time I'm not thinking he got no
10 aggression towards me.

11 Q: So, when you approached you did not think he was being
12 aggressive towards you?

13 A: Not at first. No, ma'am.

14 **MS. WALTER:** Court's indulgence.

15 **THE COURT:** Alright.

16 **MS. WALTER:** I apologize, Your Honor.

17 **THE COURT:** Alright.

18 **MS. WALTER:** I'm sorry. I should be very brief, Your
19 Honor.

20 **THE COURT:** Okay.

21 **BY MS. WALTER:**

22 Q: I'm showing you again State's Exhibit 1. You said that
23 you threw the gun into a pond. Is that the pond that's on
24 this picture?

25 A: Yes, ma'am.

1 Q: So, that's the pond in Futrell Park?

2 A: Yes, ma'am.

3 Q: And then let me just go back very briefly to the first
4 time you went over to the Warren Street party. Was Jamal
5 Burgess there that first time when you were there for 10 to 15
6 minutes?

7 A: I didn't see him at that time.

8 **MS. WALTER:** Nothing further, Your Honor.

9 **THE COURT:** Alright. Redirect.

10 **MR. MCCOY:** Thank you, Your Honor. Just briefly.

11 **REDIRECT EXAMINATION OF MR. FORD BY MR. MCCOY:**

12 Q: Calvin, let me ask you a couple of questions just to kind
13 of slow some things down here for you. The entire time that I
14 questioned you and you testified, you said that when you
15 arrived Jamal approached you. Is that still your testimony?

16 A: Yes, sir.

17 Q: So, you didn't approach Jamal; is that right?

18 A: No, sir.

19 Q: So, this whole time that the prosecutor can lead on the
20 other side, when she says that you approached him is that
21 accurate?

22 A: No, sir.

23 Q: Did he approach you?

24 A: Yes, sir.

25 Q: And what about the night he knocked your teeth out? Who

1 approached who?

2 A: He approached me.

3 Q: And what about the night of the incident? Did he put his
4 arm around you?

5 A: Yes, sir.

6 Q: And what about the night he knocked your teeth out?

7 A: He put his arm around me.

8 Q: Okay. And now, I mean, we spent a minute on you being
9 scared but you didn't run away. So, I think I'm gone ask you
10 a couple questions about being scared in general. Are you
11 scared of any insects or anything like that? Bugs?
12 Pitbull's?

13 **MS. WALTER:** Objection, Your Honor.

14 A: Not really you know but ---

15 **THE COURT:** Alright. Hold, we've got an objection.

16 Alright. Go ahead.

17 **MS. WALTER:** Relevance of whether he's scared of insects
18 or Pitbull's?

19 **THE COURT:** What's the relevance?

20 **MR. MCCOY:** Your Honor, she's stating that if he's scared
21 of someone or something, he could never go around it. He'll
22 run away every time.

23 **THE COURT:** Sustained. That's not relevant. Go ahead,
24 move on.

25 **BY MR. MCCOY:**

1 Q: Can you still be in the same area as something or someone
2 that you're scared of and not run away.

3 **MS. WALTER:** Objection, Your Honor. We're dealing
4 specifically with his fear of the victim in this case.

5 **THE COURT:** Sustained.

6 **BY MR. MCCOY:**

7 Q: As far as Jamal is concerned, you are afraid of Jamal ever
8 since he knocked your teeth out; is that correct?

9 A: Yes, sir.

10 Q: So, when you saw Jamal at the party when he was waiving at
11 you or whatever it was he was doing when he was approaching
12 you. Were you scared of Jamal?

13 A: Well, I mean, I didn't think I did anything to make him
14 angry with me so.

15 Q: Did your -- that's not the question. Were you -- did your
16 fear from the time he knocked your teeth out ---

17 A: I mean, I mean, I was scared because I didn't know why he
18 wanted to talk to me because he didn't talk to me. I mean, if
19 that's what you're asking. I didn't know like why he would
20 want to talk to me.

21 Q: I guess what my question is, is did at any point from the
22 time that you got your teeth knocked out all the way up until
23 the time that he approached you, did you ever stop thinking
24 this guy is not dangerous?

25 A: No. I never stopped thinking that.

1 **THE COURT:** Alright.

2 **MR. MCCOY:** He's in lockup.

3 **THE COURT:** Alright.

4 **MR. FOX:** Your Honor, if I may while we're we waiting for
5 Mr. Campbell to come up.

6 **THE COURT:** Alright.

7 **MR. FOX:** I just want to give you a heads up. I
8 represent Mr. Campbell. He is co-defendant in this case.

9 **THE COURT:** Okay.

10 **MR. FOX:** I'll let Mr. McCoy why he's being called, but I
11 would alert Your Honor that I certainly have advised and would
12 advise Mr. Campbell again to invoke his rights under the Fifth
13 Amendment not to give any testimony at all. He is still
14 indicted in a double homicide that is still pending.

15 **MS. WALTER:** That's correct, Your Honor.

16 **THE COURT:** Alright. Well, I don't know that I can -- I
17 mean, this isn't his trial. I can't compel him to testify.
18 If his attorney objects to you calling him as a witness.

19 **MR. MCCOY:** I don't think he objects to me calling, Your
20 Honor. It's a procedural matter.

21 **THE COURT:** Well, I mean, do you object to him
22 testifying? I thought you said you objected to your client
23 testifying in any way.

24 **MR. FOX:** I do, Your Honor.

25 **MR. MCCOY:** So, the issue is, Your Honor, his client gave

1 a statement. His client wasn't arrested until what was it a
2 year later?

3 **MR. FOX:** A year later.

4 **MR. MCCOY:** A year later, so my client was arrested.
5 They thought that my client, you know, did all this stuff and
6 they found out some other information that led them to believe
7 that somebody else did it. So, they arrested his client a
8 year later. And during that time period Mr. Campbell gave my
9 private investigator a sworn statement and a written affidavit
10 which he signed two weeks after the incident when my
11 investigator was going through everything and Mr. Campbell
12 wrote -- or signed a two page statement that he verbally gave
13 and also went through with the private investigator. Now, it
14 is our intention to call Mr. Campbell. If you wish to plead
15 the Fifth Amendment, that's fine for record sake. And then we
16 wish to call the private investigator under the hearsay rules.

17 **THE COURT:** Okay. Well, the fact of the matter is, is
18 Mr. Campbell's attorney is invoking his right ---

19 **MR. MCCOY:** In understand.

20 **THE COURT:** --- in this hearing. So, I can't allow you
21 to call him.

22 **MR. MCCOY:** So, then we would bring in the private
23 investigator to testify about the contents of the affidavit
24 that Mr. Campbell gave under two specific rules under the
25 hearsay, as well as the caselaw.

1 **THE COURT:** Well, I don't know about that. The question
2 is whether or not you can call Mr. Campbell as a witness over
3 his attorney's objection.

4 **MR. MCCOY:** Yes, sir, Your Honor. I was just trying to
5 make it a clean transition for the record.

6 **THE COURT:** So, you want to call him to the stand, have
7 him assert his Fifth Amendment right and then have him step
8 down; and you're saying that creates an exception to the
9 hearsay rule?

10 **MR. MCCOY:** Right.

11 **MS. WALTER:** And the State objects to that and does not
12 believe that it creates an exception to the hearsay rule.

13 **THE COURT:** Well, I'll be honest. I don't know whether
14 it does or it doesn't. That's a different decision at a
15 different time. My question is do I let Mr. Campbell take the
16 stand to assert his Fifth Amendment right when his attorney
17 says, no I'm invoking it now, he doesn't take the stand. I
18 mean, this isn't a criminal trial. This is a motion hearing.

19 **MR. MCCOY:** Right, Your Honor.

20 **MS. WALTER:** I actually don't think it's proper to call
21 someone just to invoke their Fifth Amendment.

22 **MR. MCCOY:** Well, Your Honor, I'm not calling him just to
23 invoke -- my client was up there and I said Calvin Ford you
24 should plead the Fifth Amendment on everything you've got to
25 say and Your Honor advised me that we were just going over his

1 name and his record and things like that. I just want to ask
2 him did you do a statement, I plead the Fifth Amendment, that
3 would be the end of it.

4 **THE COURT:** Yeah. But Mr. Fox is saying you're not going
5 to call my client because he's got charges pending against
6 him. I'm not going to allow him to take the stand.

7 **MR. MCCOY:** Alright.

8 **THE COURT:** Because I've got his rights to protect as
9 well.

10 **MR. MCCOY:** I understand, Your Honor.

11 **THE COURT:** Alright. Alright, so we can move on to the
12 next issue as to whether or not your investigator can testify
13 the way you want. What is the hearsay exception?

14 **MR. MCCOY:** Well, there is two hearsay exceptions. One -
15 --

16 **THE COURT:** Oh, I see what you're saying where it's an
17 unavailable witness.

18 **MR. MCCOY:** Right.

19 **THE COURT:** Because they have invoked their right.

20 **MR. MCCOY:** That's right.

21 **THE COURT:** Well, I think we can recognize that he is
22 invoking his right.

23 **MR. MCCOY:** Yes, sir, Your Honor. So, we would ask now
24 that my private investigator be allowed to testify as to the
25 contents of the affidavit to which he was a witness to and to

1 which Mr. ---

2 **THE COURT:** I see what -- I hear your argument now. Let
3 me ---

4 **MS. WALTER:** May I just ask what exceptions he's ---

5 **THE COURT:** That's what I -- I had this come up the other
6 week. It's -- and I need to reread the rule. What rule is
7 that?

8 **MR. MCCOY:** It's 803(6), Your Honor; as well as 804(3).
9 But 8036 is what you're speaking of.

10 **THE COURT:** Alright, hold for a minute. Let me pull this
11 up.

12 **MR. MCCOY:** 8043 would be the exception. And the case
13 would be State v. Goode.

14 **THE COURT:** Alright, hold for a second.
15 Alright. Hearsay exceptions declaring unavailable.
16 Unavailability as a witness include any situation which the
17 declarant -- let's see -- persists and refusing to testify
18 concerning the subject matter of the declarant's statement
19 despite an order to do so. I do remember that unavailable is
20 someone who asserts their right. Alright, so which exception
21 is it?

22 **MR. MCCOY:** 804 and then in this case he is unavailable
23 and in this case we'd be using a statement against interest.

24 **THE COURT:** But it's not a statement against his
25 interest.

1 **MR. MCCOY:** We would be coming in through the fact that
2 he is -- the statements that our investigator would be
3 testifying to would be statements given to him through an
4 unavailable declarant. And those statements were sworn
5 statements given to our investigator during the normal course
6 and procedures of his duties and investigation which he did --
7 -

8 **THE COURT:** But it's not statements against the
9 declarant's interest.

10 **MR. MCCOY:** Well, first of all there's two ways to look
11 at this. First of all is the business records and regular
12 conducted activity of a private investigators business.

13 **THE COURT:** No. I'm denying your motion on that.

14 **MR. MCCOY:** Well, I agree with that in part. But
15 secondly, State v. Goode addressed the exact instance in which
16 I'm talking about with the statement being a co-defendant.
17 This is a co-defendant ---

18 **THE COURT:** Alright. Let me see.

19 **MR. MCCOY:** Technically he is a defendant ---

20 **MS. WALTER:** Do you have a copy for the State?

21 **MR. MCCOY:** Yes, I do.

22 So, technically he is defendant in this case.

23 **THE COURT:** Alright, let me take a look at this case.

24 **MR. MCCOY:** I point Your Honor to the second paragraph on
25 page two.

1 **THE COURT:** Well, let me see. Alright, what they ruled
2 here was this was a prior inconsistent statement.

3 **MR. MCCOY:** Correct, and ---

4 **THE COURT:** But this was in his trial. This was in the
5 declarant's trial. The declarant ---

6 **MR. MCCOY:** What I perceive the Court to have said is
7 that out of court admission of a criminal defendant to be
8 related by a witness, which would be our investigator, so we
9 have a criminal defendant who made a statement out of court --
10 okay, so here we have a criminal defendant.

11 **THE COURT:** Yeah. But that was because the criminal
12 defendant took the stand and testified. The declarant
13 actually testified, and they were trying, after his testimony
14 wanted to get in the uncle's testimony that he had made a
15 prior inconsistent statement, different from the way he was
16 testifying in trial. Here this is a stand your ground hearing
17 that does not involve your client's co-defendant. He has bot
18 taken the stand. He is not testifying. He's asserting his
19 Fifth Amendment right which makes him unavailable. But the
20 rule you site still says it has to be against his interest,
21 not your client's interest, but his interest.

22 **MS. WALTER:** Your Honor, I would also note that it's not
23 a prior inconsistent statement because we don't have a
24 statement with which to compare it. But with this logic to
25 the next extreme, if the State were to try two defendants

1 together and each defendant gave a statement saying -- I'll
2 use myself and Mr. Holford -- yep, Mr. Holford we went into
3 that bank, we robbed it, we shop up people and he gave a
4 similar statement implicating me as well as himself. At trial
5 we both decide we're not going to testify, I mean, and it
6 would be as if one of the defendant's could then use their co-
7 defendant's statement and that's not how it works.

8 **THE COURT:** Yeah. Alright. I sustain the State's
9 objection. You can't get that in.

10 **MR. MCCOY:** Thank you, Your Honor. I had to ---

11 **THE COURT:** I understand. I understand. So, I sustain,
12 or I'll let Mr. Fox assert his client's Fifth Amendment right.
13 And what's your client's name?

14 **MR. FOX:** It's Aliga, that's A-L-I-G-A, Campbell.

15 **THE COURT:** C-A-M-P ---

16 **MR. FOX:** Yes, sir.

17 **THE COURT:** B-E-L-L.

18 **MR. FOX:** That's correct.

19 **THE COURT:** Alright, so Mr. Campbell won't testify
20 because Mr. Fox asserts his Fifth Amendment.

21 **MR. MCCOY:** Yes, sir, Your Honor.

22 **THE COURT:** Alright, now do you have another witness?

23 **MR. MCCOY:** No, Your Honor.

24 **THE COURT:** Okay. So, I sustain -- in other words, who
25 was the other witness you wanted to call?

1 **MR. MCCOY:** My private investigator would be Jay Stevens.

2 **THE COURT:** Jay Stevens?

3 **MR. MCCOY:** Yes, sir, Your Honor.

4 **THE COURT:** And you were calling him to ---

5 **MR. MCCOY:** To essentially verify the existence of a
6 sworn statement by the co-defendant in this case and also
7 testify to its -- what's in the statement, its contents.

8 **THE COURT:** Alright. I sustain the State's objection to
9 suppress that as hearsay. That's not an exception.

10 **MR. MCCOY:** Thank you, Your Honor.

11 **THE COURT:** So, having said that, you rest?

12 **MR. MCCOY:** We rest, Your Honor.

13 **THE COURT:** Alright. Any motions?

14 **MR. HOLFORD:** Yes, Your Honor. The State would make two
15 separate motions in this case for directed verdict as to the
16 count. First of all, as it relates to Damian Alston, the
17 State would say as to that indictment the defendant has not
18 shown that he acted in self-defense. Specifically, in this
19 this hearing he's claimed that he did not shoot Damian Alston
20 and his witnesses have claimed that he didn't shoot Damian
21 Alston. And so as to the charge of murder against Damian
22 Alston he is not actually asserting a self-defense claim based
23 on him shooting and killing Damian Alston.

24 **THE COURT:** And which indictment is that?

25 **MR. HOLFORD:** Your Honor, that would be indictment 2017-

1 GS-26-02914.

2 **THE COURT:** Alright.

3 **MR. HOLFORD:** And so as to that indictment the State
4 would argue that that indictment should proceed and that's an
5 issue for a jury to determine whether, in fact, he shot him
6 given the testimony at trial.

7 **THE COURT:** Alright.

8 Alright, Mr. McCoy.

9 **MR. MCCOY:** Your Honor, clearly, it's transferred intent.
10 The evidence shows immensely from both of the testimony of the
11 witnesses who were there including my client that Damian
12 Alston, yes he was a friend of my client, yes he was there,
13 yes Damian Alston tried to break up the fight. But no, we
14 don't know who shot Damian Alston. But we do know that the
15 State is accusing my client of shooting Damian Alston through
16 a transferred intent.

17 **THE COURT:** Yeah, but the problem is is what you're
18 claiming as self-defense for the -- as I understand your
19 testimony is, number one your client did not shoot Damian
20 Alston.

21 **MR. MCCOY:** Right.

22 **THE COURT:** Which means stand your ground doesn't apply.
23 That's a jury question to decide whether or not he actually
24 shot him, number one. Number two, if you're claiming self-
25 defense Damian Alston was not the aggressor and according to

1 your position here, your client killed the person he was
2 trying to defend. The transferred intent. You said when Mr.
3 Burgess started shooting he turned around, was shooting I
4 guess to protect everybody including Mr. Alston against the
5 aggression from Mr. Burgess.

6 **MR. MCCOY:** Who did? My client?

7 **THE COURT:** Yes.

8 **MR. MCCOY:** Okay, because there was several people
9 firing.

10 **THE COURT:** Right.

11 **MR. MCCOY:** I was getting confused.

12 **THE COURT:** And you're saying that your client firing the
13 shots was to defend others against Mr. Burgess.

14 **MR. MCCOY:** No. My client was defending himself against
15 Mr. Burgess and there's no arguable presumption in this case,
16 or no arguable facts in this case that if my client -- if my
17 client is ruled to have qualified for stand your ground
18 against Jamal Burgess in this case it transfers to Damian
19 Alston. There's no question of that. If there's ---

20 **THE COURT:** But, I mean, he's trying to defend Damian
21 Alston.

22 **MR. MCCOY:** I'm confused. He's trying to save his own
23 life against Jamal. He's not trying to defend Damian. He's
24 trying to save himself. Damian just tried to break up ---

25 **THE COURT:** I mean, the transferred intent, I don't see

1 where stand your ground ---

2 **MR. MCCOY:** What we ---

3 **THE COURT:** I mean, you might have a defense of no
4 criminal intent or involuntary manslaughter or something of
5 that nature. But what you're saying is either your client did
6 not shoot Damian Alston ---

7 **MR. MCCOY:** Correct.

8 **THE COURT:** Or if your client shot Damian Alston, it was
9 an accident, as he was defending himself against Burgess.

10 **MR. MCCOY:** Yes, sir. Your Honor.

11 **THE COURT:** Okay. That's accident. That's a separate
12 defense than stand your ground.

13 **MR. MCCOY:** Yes, sir.

14 **THE COURT:** Stand your ground is self-protection. Stand
15 your ground is you're protecting yourself or you're protecting
16 others because of an aggression. So, I don't know how he can
17 claim stand your ground against Damian Alston because the
18 evidence is either one or two -- if we take your case 100
19 percent then either your client did not kill Damian Alston and
20 so the State's going to have to prove that at trial; or if
21 your client shot Damian Alston it was an accident because he
22 was trying to defend himself against Burgess. Well, there
23 again, that's a factual determination by a jury. That's not
24 stand your ground.

25 **MR. MCCOY:** Right, Your Honor, and I believe that we

1 whole heartedly came here for the stand your ground for Jamal
2 and the State ---

3 **THE COURT:** Alright, well I'm going to grant your motion
4 for directed verdict as to indictment 2017-GS-26-02914
5 regarding the murder of Damian Alston. I'm granting the
6 State's motion for directed verdict as to that. Alright.

7 **MR. HOLFORD:** Thank you, Your Honor. And as to
8 indictment 2017-GS-26-02913 for murder, the State would also
9 assert to the Court that in relying on 16-11-440(c), it was in
10 a place which given the testimony, if believe by the
11 defendant, he had the right to be at. So, we would fall under
12 16-11-440(c), not under A or B and so he's not entitled to an
13 assumption of imminent fear. That it wasn't his own house.
14 So, we fall under this 16-11-440(c) and under to prevail under
15 that the defendant would still have to show that he prevails
16 on the three of four prongs of self-defense. Being that he
17 was without fault in bringing on the difficulty, that he was
18 in fear of imminent danger of serious bodily injury or death;
19 and three that that was a reasonable fear by a reasonably
20 prudent person under those circumstances. The State would
21 argue that he has failed to show that Mr. Ford was without
22 fault in bringing on the difficulty. Based on the testimony
23 he was at this party earlier in the night. He left. Mr.
24 Burgess was not at that party earlier in the night and within
25 5 minutes of apparently Mr. Burgess making fun of Aliga

1 Campbell, Aliga Campbell attempting to call Mr. Ford, Mr. Ford
2 coming up to the party, within 5 minutes there's an argument
3 between Mr. Ford and Mr. Burgess which results in the death of
4 both Burgess and Alston. Your Honor, the State would assert
5 that certainly had Calvin Ford not come back to that party,
6 there would not have been gun shots which resulted ---

7 **THE COURT:** Yeah, but I mean, he's got the legal right to
8 be there. Yeah, he might not, should not have come there but
9 what says he does not have the legal right to be there?

10 **MR. HOLFORD:** I'm not arguing that he didn't have the
11 legal right to be there. I understand that. I'm arguing that
12 Calvin Ford brought about the difficulty which resulted in the
13 death of Jamal Burgess.

14 **THE COURT:** How?

15 **MR. HOLFORD:** Well, he was at the party. And then he
16 leaves the party. Apparently, Jamal makes some comment to
17 Aliga Campbell and within 5 minutes of Calvin coming back over
18 to the party, there's a shootout.

19 **THE COURT:** Okay. Alright, I don't think that's --- I
20 think if he's where he can legally be then that get's him past
21 the directed verdict.

22 **MR. HOLFORD:** I would just like to state for the record,
23 I understand that there's a court case out there that's an
24 unlawful carrying of a pistol in and of itself is not an
25 unlawful act that would preclude someone from relying on stand

1 your ground. However, the State would like the record to
2 reflect that Calvin Ford is prohibited from carrying a handgun
3 so he's not just unlawful carrying but he's a prohibited
4 person engaged in a fight by his own words. He says, hey
5 let's just fight. That was his testimony that he told Jamal
6 let's fight and instead he picked up a gun, if his testimony
7 is believed, and instead shot Jamal.

8 **THE COURT:** Alright. I'm going to deny -- this is still
9 on your motion for directed verdict as to Jamal Burgess?

10 **MR. HOLFORD:** Yes, Your Honor.

11 **THE COURT:** Okay. Well, let me hear from you on that,
12 unlawful carrying.

13 **MR. MCCOY:** Your Honor, if that was the case, I mean, I
14 think we all know what the (inaudible) case says. If the
15 Court would like I could read it. It applies to this case
16 wholeheartedly. It also quotes the McCaskill and Goodson
17 case, a person can be acting lawfully even if he is in
18 unlawful possession of a weapon if he was entitled to arm
19 himself in self-defense at the time of the shooting. Clearly
20 Calvin Ford was entitled to arm himself once he saw Jamal
21 reaching for a gun. Once he saw, once he heard Jamal had
22 already attacked him, knocked his teeth out a couple of years
23 prior, saying I'm going to shoot you. Mr. Ford heard it and
24 another witness heard it and Mr. Ford is simply saying don't
25 shoot me, I don't have a gun, let's just fight.

1 **THE COURT:** I understand. I'm going to still deny your
2 motion. Anything else?

3 **MR. HOLFORD:** No, Your Honor.

4 **THE COURT:** Alright, now I had previously said, and let
5 me hear from you on this, the stand your ground that is not a
6 defense to possession of a firearm by a felon and having
7 granted the motion for directed verdict that would kind of
8 kill it as a defense, not that I even know that it is a
9 defense to a possession of a weapon during the commission of a
10 violent crime. I guess, my only question going forward now is
11 regarding the alleged murder of Jamal Burgess.

12 **MR. MCCOY:** Your Honor, that murder, whatever happened
13 between Calvin and Jamal is the whole case. Yes, sir. That's
14 why we're here.

15 **THE COURT:** Okay, alright. So, I grant the directed
16 verdict as to the alleged murder of Damian Alston. Grant the
17 State's motion for directed verdict. The stand your ground is
18 not a defense to the possession of a firearm of a felon which
19 is 2017-GS-26-2912. Likewise, it's not a defense to
20 possession of a weapon during the commission of a violent
21 crime, 2017-GS-26-2915. So, now we'll just proceed with the
22 State's case as to indictment 2017-GS-26-2913.

23 **MR. MCCOY:** Yes, sir. Thank you.

24 **THE COURT:** Alright, the State can call your first
25 witness.

1 **MS. WALTER:** The state calls Elizabeth Holoman.

2 **THE COURT:** Alright.

3 **MS. WALTER:** Come right up here, Ms. Holoman. Watch
4 yourself on this wire.

5 **MS. HOLOMAN, HAVING BEEN FIRST**
6 **DULY SWORN, TESTIFIED AS FOLLOWS:**

7 **CLERK:** If you could please state your name and spell
8 your name for the Court?

9 **MS. HOLOMAN:** Elizabeth Holoman.

10 **MS. WALTER:** And, ma'am, could you just spell your last
11 name for the court reporter, please?

12 **MS. HOLOMAN:** H-O-L-O-M-A-N.

13 **MS. WALTER:** May I, Your Honor?

14 **THE COURT:** Alright.

15 **DIRECT EXAMINATION OF MS. HOLOMAN BY MS. WALTER:**

16 Q: Good afternoon, Ms. Holoman. Are you also known as Ms.
17 Dudley?

18 A: Yes, I do.

19 Q: Okay. And where do you live?

20 A: ██████████ Warren Street, Myrtle Beach, South Carolina.

21 Q: Do they also call Warren Street, Dudley Row?

22 A: Yes, that's what they call it. I don't know why but they
23 do.

24 Q: Do you know the defendant in this case, Calvin Ford?

25 A: Yeah. I know him.

1 Q: How long have you known him?

2 A: Ever since he was a little child, I guess.

3 Q: Is he someone that frequents the neighborhood?

4 A: Huh?

5 Q: Does he come around Dudley Row a lot?

6 A: Sometimes he will.

7 Q: So, you know him from around the neighborhood.

8 A: Uh-huh. (Affirmative response).

9 Q: Alright. And you have to say yes or no because that young
10 lady is trying to take down everything you say.

11 A: Yes.

12 Q: Do you also know a man named Jamal Burgess?

13 A: Yes, I know him.

14 Q: And did you know him by the name J-Money?

15 A: That's the only thing I know him by is J-Money. That's
16 all I call him.

17 Q: How did you know J-Money?

18 A: Well, he be at my house a lot.

19 Q: How long have you known him?

20 A: All his life.

21 Q: I want you to think back to July 23rd of 2016. The night
22 that Jamal Burgess was killed. Do you remember that night?

23 A: Yes, I do.

24 Q: What were you doing that day?

25 A: Well, I went out of town to Spartanburg to my nephew

1 funeral. And when I came back that night he was in the yard
2 talking on the phone.

3 Q: I'm just going to stop you there for one second. Who was
4 in the yard, J-Money?

5 A: J-Money.

6 Q: Okay.

7 A: And he saw me getting out of the car and he saw I had some
8 packages so he turned around and came back and took my package
9 so I could get out the car. And when I got out the car, I
10 said I can take it now. He said, you sure. I told him I'm
11 sure. He said, okay. So, he went walking up the road
12 talking.

13 Q: So, you saw him talking on the phone this whole time?

14 A: Yes.

15 Q: Did you ever see him having any type of argument or
16 conversation with anyone else?

17 A: No, just on the phone.

18 Q: When you saw him did you ever see him with a gun?

19 A: No. I didn't see no gun.

20 Q: After he helped you out of the car, what did you do?
21 Where did you go?

22 A: I went straight on in the house.

23 Q: Can you estimate how many people were outside?

24 A: I really can't, but a yard full.

25 Q: Was there a party going on?

1 A: Well, they was out there gambling and drinking, having fun
2 as usually.

3 Q: But, a lot of people outside?

4 A: Yeah.

5 Q: When you went inside, what happened next?

6 A: I heard a gunshot.

7 Q: How much time do you think passed between your going
8 inside and hearing the gunshot?

9 A: Well, I wasn't in there about 5 minutes and I heard the
10 gunshot and I said, what is that. And my sister said, that's
11 a gun you crazy, somebody shooting. So that's when I called
12 the police. I grabbed the phone and called 911.

13 Q: Now, before you went into the house when J-Money was
14 carrying or helping you out of the car, did you see Calvin
15 Ford there at all?

16 A: I didn't see him.

17 Q: Alright, so you called 911. Did you ever go outside after
18 calling 911?

19 A: No, because they asked me was they alive or what. I told
20 them I don't know, but I'm not going out there cause they
21 shooting. I'm gone stay in the house.

22 Q: Do you know how many shots you heard?

23 A: I think I heard about two. I'm not sure right now, you
24 know, it's been a while, but I think it was two.

25 Q: And that you know of after that, both J-Money and Damian

1 Alston were dead?

2 A: Huh?

3 Q: After that, as far as you know, J-Money and Damian Alston
4 were dead?

5 A: Yeah. Far as I know cause I didn't go out until the
6 police came.

7 Q: When you went outside once the police got there, did you
8 see the defendant?

9 A: No.

10 Q: Did you see -- do you know Everett Ford? Bill Bill, they
11 call him Bill Bill. Do you know who that is?

12 A: Everett Ford?

13 Q: Everett Ford, someone known as Bill Bill.

14 A: No.

15 Q: No. Okay.

16 **MS. WALTER:** Court's indulgence.

17 **THE COURT:** Alright.

18 **MS. WALTER:** I have nothing further at this time.

19 **THE COURT:** Alright. Cross examination.

20 **CROSS EXAMINATION OF MS. HOLOMAN BY MR. MCCOY:**

21 Q: Hey Ms. Dudley. My name is Jonny McCoy.

22 A: Alright.

23 Q: I don't have any questions for you.

24 A: Okay.

25 **THE COURT:** Alright. You may step down.

1 **MS. HOLOMAN:** Alright.

2 **MS. WALTER:** Your Honor, the State will next call Felicia
3 Williams.

4 **THE COURT:** Okay.

5 **MS. WALTER:** Your Honor, I'm sorry. We'd ask that Ms.
6 Holoman be released from her subpoena, but she's going to
7 stick around for a ride.

8 **THE COURT:** Alright. Any objection?

9 **MR. MCCOY:** Nothing from the defense, Your Honor.

10 **THE COURT:** Alright. She's free to go.

11 **MR. WILLIAMS, HAVING BEEN FIRST**
12 **DULY SWORN, TESTIFIED AS FOLLOWS:**

13 **CLERK:** Just state your name and spell it for the record,
14 please.

15 **MS. WILLIAMS:** Felicia Denise Williams. F-E-L-I-C-I-A D-
16 E-N-I-S-E W-I-L-L-I-A-M-S.

17 **MS. WALTER:** May I, Your Honor?

18 **THE COURT:** Yes, ma'am.

19 **DIRECT EXAMINATION OF MS. WILLIAMS BY MS. WALTER:**

20 Q: Ms. Williams, you're not thrilled to be here, are you?

21 A: No, I'm not.

22 Q: It took a little doing to get you to come in?

23 A: Yes, ma'am.

24 Q: And I apologize for that inconvenience. We'll try not to
25 keep you here too long.

1 A: That's okay.

2 Q: Do you know the defendant in this case, Calvin Ford?

3 A: Yes, I do.

4 Q: How do you know him?

5 A: Growing up in Myrtle Beach, Calvin's aunt used to stay
6 next to my grandmother and we used to play on the weekends
7 together.

8 Q: So, you've known him most of your life?

9 A: Yes, ma'am.

10 Q: Did you know Jamal Burgess?

11 A: Yes, I do. Jamal and Jamal's grandmother and my father
12 live on Canal Street and Jamal stays on the bottom. So, we
13 played and we were on the rec team together. So, we basically
14 grew up together as well.

15 Q: What about Damian Alston?

16 A: Damian, I knew Damian as a childhood friend. He's a
17 little younger than me.

18 Q: So, essentially the four of you grew up together?

19 A: Yes. All from the same area.

20 Q: Do you recall the night of July 23rd, 2016 when Jamal and
21 Damian were killed?

22 A: Yes, I do.

23 Q: Did you on that evening go to Dudley Row or Warren Street?

24 A: Yes. I did go over there.

25 Q: Alright. When you got there can you tell us what you did?

1 A: I actually came up on the road. I parked on one side of
2 the road where one of my friends were standing and we were
3 outside talking, conversating. And you want me to keep
4 telling you what I did?

5 Q: Yes.

6 A: Okay. We were conversating and we were conversating I
7 heard a glass drop and it caught my attention. So, you know,
8 I stood back from the car to see what was going on. I seen
9 Mr. Calvin Ford pull out a gun and him and Jamal --- well,
10 actually I seen --- let me go back, I'm sorry. I seen Calvin
11 and Jamal was --- when I pulled on the road, Calvin and Jamal
12 were already talking to each other. And Damian was in the
13 middle of them. And I seen Jamal hand go like this, because
14 after the glass bottle dropped, I seen Jamal's hand go like
15 this to move Damian. That's when I seen Calvin pull out the
16 gun and once the first shot went off I took off running into
17 Dudley's house.

18 Q: Okay. And let me just stop you there. So, you said you
19 saw Jamal's hand go like this. And you're sort of giving a
20 sweeping motion?

21 A: Yes. Moving Damian out the way from in the middle of
22 them.

23 Q: Okay.

24 **MS. WALTER:** And if I may approach, Your Honor.

25 **THE COURT:** Alright.

1 BY MS. WALTER:

2 Q: I am showing you State's Exhibit 2. And that would be ---
3 do you recognize that address?

4 A: That's Dudley's house and that's Tara's house and then
5 that's the road. I was right here.

6 Q: Okay. So, you're showing us on the picture that you
7 stopped across the street from Ms. Holoman's house.

8 A: Yes.

9 Q: And you said when you pulled up the defendant and Jamal
10 were already talking.

11 A: Yes. It was all three of them were already in the road.

12 Q: Okay. So, all three meaning, Calvin Ford, Damian Alston
13 and Jamal Burgess?

14 A: Yes, ma'am.

15 Q: How were they standing?

16 A: They were -- Calvin's back was towards 10th Avenue. Damian
17 was in the middle and Jamal's back was towards the back of
18 Warren Street.

19 Q: Okay. And I'm going to approach again just so we're
20 clear.

21 A: They were in the road right here.

22 Q: And you're indicating between what you've said was Ms.
23 Dudley's house and Tara's house.

24 A: Yes. And Calvin's back was pointed toward this. Damian
25 was in the middle and Jamal's back was pointed towards that

1 way.

2 Q: Okay, and when you say this way, it's the right side of
3 the picture. That's where Mr. Joe White or 10th is?

4 A: Yes. That's going back to 10th Avenue North.

5 Q: So, Calvin's back was towards Joe White. Jamal's back was
6 towards the other end of Warren Street?

7 A: Yes, ma'am.

8 Q: This conversation that they were having, did it -- can you
9 describe what it seemed like?

10 A: No. I can't. I couldn't make out the words. I mean, I
11 really wasn't trying to pay attention. I was over there
12 talking to someone else in another yard.

13 Q: Were you able to tell whether it was angry, or happy, or
14 anything like that?

15 A: No. I wasn't about to tell that. Just what brought my
16 attention was when the glass bottle dropped.

17 Q: Do you know what that glass bottle was?

18 A: It was a bottle of Hennessy.

19 Q: And who had that glass bottle?

20 A: I'm not sure. Like I said, I was on the side of the car
21 talking. That's when I heard the glass bottle drop. I
22 stepped back to see what was the noise and that's what I saw.

23 Q: You said once you stepped back and turned towards those
24 three men, you saw the defendant pull out a gun?

25 A: Yes. And that's when --- no, Jamal took his hand and

1 moved Damian. That's when Calvin pulled out the gun.

2 Q: Could you see where he pulled the gun from?

3 A: Off of his body. It was like he came up like that.

4 Q: And you're showing from your right side?

5 A: Uh-huh. (Affirmative response). Came up like that.

6 Q: Did you ever see the defendant bend down to pick a gun up
7 off the ground?

8 A: No, ma'am. I didn't see any of that.

9 Q: Did you ever see Damian Alston with a gun?

10 A: No, ma'am. I didn't see Damian with a gun.

11 Q: Did you see Jamal Burgess with a gun?

12 A: No, I didn't see him with a gun. Like I said, when Calvin
13 shot I took off running in Dudley's house.

14 Q: How many shots do you think you heard?

15 A: I don't know, about three or four.

16 Q: Now, in the period of time from what you first pulled onto
17 the block and ran inside, did you see Aliga Campbell anywhere?

18 A: Only time I saw Aliga Campbell is when I ran into Dudley's
19 house. He was inside.

20 Q: And that was after the shooting?

21 A: Yeah. That was after the first shot went off and we all
22 took off running in the house. I did see Aliga Campbell in
23 Dudley's house, inside.

24 Q: Okay. And what about -- do you know a man named Everett
25 Ford or Bill Bill?

1 A: Yes. I do know Bill Bill.

2 Q: Was Bill Bill there?

3 A: No, Bill Bill was not there that night.

4 Q: You did not see Bill Bill?

5 A: I did not see Bill Bill at all that night.

6 Q: Do you know Bill Bill?

7 A: Yes, I do.

8 Q: And that is Everett Ford, right?

9 A: Yes.

10 Q: Okay. How do you know Bill Bill?

11 A: As I said before, we all grew up together at my
12 grandmother's house on the weekend's. Like I said, I played
13 with Calvin, Bill Bill, he has another brother and a couple
14 cousins. We all played together.

15 Q: And people were aware -- have people contacted you about
16 the fact that you're testifying in this hearing?

17 A: Yes, they have.

18 Q: Specifically, has Everett Ford contacted you about your
19 testimony here?

20 A: Yes, he has.

21 Q: Can you tell the Court about that conversation?

22 A: He contacted me on Friday, this Friday that just passed.
23 He said that he know that -- he knows that I didn't want to
24 testify against Calvin. And he said don't let them people
25 coerce me into saying something that's not true. And I said,

1 well Bill Bill I'm just going up -- I call him Bill Bill,
2 y'all may call him Everett. I said I'm just going to tell
3 them what happened. I'm telling them the truth. And he was
4 like tell them the truth because you wasn't there. And I was
5 like, Bill Bill I was there. I picked Sherika kids up off
6 that road. The police seen my car leaving off that road. I
7 was there. And he specifically told me, he was like -- I
8 said, well they asked me were you there and I told them no you
9 weren't there. And he was like, yeah because when I heard the
10 gunshots, I ran from my mother's house to the fire station and
11 by the ---

12 **MR. MCCOY:** Objection, Your Honor. That's hearsay.

13 **THE COURT:** Sustained.

14 **BY MS. WALTER:**

15 Q: Okay. But just to reiterate, you did not see Bill Bill
16 there?

17 A: No, I didn't.

18 Q: Now, after the shooting you said that you gathered Sherika
19 Gore's children. Did you go outside at some point?

20 A: After the shooting? Yes, I did go outside. I got
21 Sherika's four kids and we were getting in the car. As I go
22 outside Damian was by the basketball court. Jamal was further
23 in the driveway and it was some people over there with Jamal,
24 it was some people over there with Damian as well.

25 Q: Can you describe how Damian was?

1 A: Damian was face down. I couldn't even tell who Damian
2 was. I wasn't sure who that was.

3 Q: Did you see any guns around him?

4 A: No.

5 Q: Did you hear anyone talking about any guns around him?

6 A: No.

7 Q: Where ---

8 **MS. WALTER:** If I may approach, Your Honor.

9 **THE COURT:** Alright.

10 **BY MS. WALTER:**

11 Q: So, with State's 2 and showing the back of the driveway,
12 is that where Damian Alston was?

13 A: Damian was back there, and Jamal was over there.

14 Q: And so, you're indicating sort of like the sidewalk area
15 in front of Ms. Holoman's?

16 A: Uh-huh. (Affirmative response). That's actually still
17 the driveway.

18 Q: Okay. So, did you have to pass by where Jamal Burgess was
19 laying?

20 A: Yes. I did.

21 Q: Can you describe what you saw?

22 A: He was on the ground. He had on a white wife beater and
23 it was blood, and it was people around and they was like, hold
24 on Jamal, hold on. And he was like, I am, I am. He was still
25 talking. He was still alive when I left off that road.

1 Q: Did you see a gun anywhere near him?

2 A: No, I did not.

3 Q: Did you see anyone taking a gun from the ground or
4 anywhere around there?

5 A: No, I did not.

6 Q: Did you hear anyone say something like, get that gun, hide
7 that gun?

8 A: No. I wasn't out there that long to hear any of that.

9 Q: Where you able to see -- After Calvin started shooting
10 were you able to see which way he ran?

11 A: No. I took off running. I wasn't standing around to see.

12 Q: You couldn't see which direction down Warren Street he
13 went? I think you said that the shooting sort of occurred in
14 the street here.

15 A: It was in the middle of the road right there.

16 Q: Okay. Were you able to see which direction on Warren
17 Street Calvin ran?

18 A: No. Once they started shooting, I took off running. I
19 don't know what direction they took off. I don't know if he
20 went this way or ran. I don't know what happened in that
21 yard.

22 Q: Okay. When you came outside was Calvin still there?

23 A: No, he wasn't.

24 Q: Okay.

25 A: As I was getting Sherika's kids in the car and leaving off

1 that road, it was some boys running across the street. Little
2 Calvin was one of them going back across 10th.

3 Q: Okay. So, as you're getting Sherika's -- and that's S-H-
4 E-R-I-K-A and the last name is G-O-R-E. After -- as you were
5 getting Sherika's children into the car, you saw ---

6 A: Some boys running across the road. It was Little Calvin
7 and they were in black. They were running back towards 10th.

8 Q: Okay. So, I'm going to approach with State's 1. So, this
9 is showing Ms. Dudley's house. Where did you see these men?

10 A: They were coming back cross this way.

11 Q: Okay. So, across or down Warren and down Mr. Joe White
12 Avenue?

13 A: Yes. 10th Avenue North.

14 Q: 10th Avenue. Okay, and Calvin was one of those?

15 A: Yes, he was.

16 **MS. WALTER:** Court's indulgence one moment.

17 **THE COURT:** Alright.

18 **BY MS. WALTER:**

19 Q: And you said that as Jamal was laying on the ground, you
20 remember him saying like I'm hanging on. Do you remember him
21 saying anything else, maybe related to the shooting or to the
22 defendant?

23 A: No. Like I said, I mean, he was on the ground and I can't
24 recall what he said to be honest with you.

25 Q: That's okay. Thank you. I have nothing further. Mr.

1 McCoy's going to have some questions for you.

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

4 **THE COURT:** Yes.

5 **CROSS EXAMINATION OF MS. WILLIAMS BY MR. MCCOY:**

6 Q: Hi, Ms. Williams.

7 A: Hey, how are you doing?

8 Q: I'm okay. My names Jonny McCoy. I'm Calvin's defense
9 lawyer in this case. I appreciate you coming out here this
10 afternoon. I know this is difficult. I want to talk to you
11 about a couple of things. First, let's just go over a few
12 things that you just told the Solicitor's Office.

13 A: Okay.

14 Q: You said you didn't see Bill Bill, who is named Everett
15 Ford, right?

16 A: Uh-huh. (Affirmative response).

17 Q: So, you didn't see Bill Bill but you said that you pulled
18 up to the house when Calvin was already talking or arguing
19 with J. Money; is that right?

20 A: Yes.

21 **MS. WALTER:** Objection. She did not say that they were
22 arguing.

23 **THE COURT:** Go ahead. Overruled.

24 **BY MR. MCCOY:**

25 Q: So, when you pulled up to the house and you saw Jamal and

1 Calvin arguing did you walk around to see anything else or was
2 your attention focused on that?

3 A: No, my attention wasn't focused on that. I was actually
4 talking to a classmate of mine.

5 Q: Okay. How long did that incident, did the argument take
6 place?

7 A: Like I said, when I came on the road my intentions was to
8 just go talk to my classmate.

9 Q: Right.

10 A: So, when I got out the car we were talking and then that's
11 when I heard the glass bottle drop. That's what alerted me
12 and made me say like what is that.

13 Q: Yeah. I understand.

14 A: So, that's why I stepped back from the car and looked at
15 what was going on in the road.

16 Q: So, you were classmate and then the argument?

17 A: Yes. It was right there.

18 Q: So, that's probably why you didn't see Bill Bill; is that
19 right? You weren't looking for him.

20 A: I mean, I didn't see Bill Bill out there.

21 Q: Well, I understand that. But, the logical reason would
22 be, you didn't see a whole lot of people, did you?

23 A: Yeah. I didn't see a lot of people out there.

24 Q: And, I mean, you're not afraid of Bill Bill, right?

25 A: No, I'm not.

1 Q: And you're not afraid of Calvin, right?

2 A: No.

3 Q: And you're just here to tell the truth. We all know that,
4 correct?

5 A: Yes, sir.

6 Q: Alright. And did you tell the truth to -- or do you
7 remember talking to Detective Woods in a recorded statement
8 you gave him right after this incident on 7/24/2016?

9 A: Yes, sir. I do.

10 Q: Okay. Do you remember telling that detective that you
11 heard the conversation between J-Money and Calvin? They were
12 trying -- quote -- tell me if this is wrong. At 10 seconds in
13 your interview, they were trying to squash beef cause J-Money
14 knocked Calvin teeth out.

15 A: I just told them -- they asked me what was the beef about
16 and I said it could have been over J-Money knocking Calvin's
17 teeth out.

18 Q: Okay. So, you didn't say, I heard them talking about
19 that?

20 A: No. I didn't hear them talking.

21 Q: Okay. But, you did say, and I quote, is this not true at
22 47 seconds into it: Calvin said I'll fight, I'll fight but I
23 ain't gonna shoot.

24 A: Calvin did say that.

25 Q: Right. Because Jamal said, I'm gonna shoot, quote: Jamal

1 said I'm gone shoot fool, I'm gonna shoot. Now you said that,
2 correct?

3 A: No. I did not say Jamal said I'm gone shoot fool, I'm
4 gone shoot.

5 Q: What did you say then?

6 A: I didn't say Jamal said anything in my statement. All I
7 heard, like I said, when I came on that road, they were
8 standing up talking. I didn't pay attention really to see
9 what they were saying. I mean, this did happen almost three
10 years ago.

11 Q: But you specifically remember Calvin saying, I'll fight,
12 I'll fight man, but I ain't gone shoot?

13 A: Yes. I did remember Calvin saying that.

14 Q: Okay. And then at 53 seconds in, correct me if I'm wrong.
15 Do you remember saying, J-Money pushed Damian out of the way?

16 A: Yes. J-Money took his arm and moved Damian out the way.
17 He did.

18 Q: Okay. And J-Money's back was to me that's why I could see
19 the arm moving. Is that correct?

20 A: No. J-Money, when I was standing -- if my car was right
21 there. I came on the side when the bottle dropped. So,
22 nobody's back actually was toward me. They were like one,
23 two, three. They were in a line.

24 Q: They were in a line just three guys facing?

25 A: No. They weren't facing me, Jonny. They were one, two,

1 three. It was Calvin's back was towards 10th.

2 Q: Okay, hang on.

3 A: So, you're Calvin.

4 Q: I'm Calvin

5 A: You're Calvin. Your back is towards 10th Avenue. Damian's

6 in the middle.

7 Q: Right here?

8 A: No, put Damian, turn Damian around. He's in the middle.

9 Q: Right here? Where do you want me to be?

10 A: You trying to be funny.

11 Q: I swear to God. Alright, Calvin's here.

12 A: Calvin's there.

13 Q: Alright.

14 A: Damian's in the middle of them. And then Jamal is facing

15 Calvin so you need to turn around.

16 Q: Oh okay.

17 A: Okay, now you're Jamal.

18 Q: And now, you're there?

19 A: Yes. I'm on the side.

20 Q: Alright, which angle are you?

21 A: I'm on the side by my car, Jonny.

22 Q: Okay. So, like just this way, right?

23 A: Yes. Basically, where I can back up and I can -- I was on

24 the side of my car. I could see what was going on.

25 Q: Okay. So, then Jamal sweeps this way?

1 A: Yes. Moves his arm so Damian can move.

2 Q: Okay.

3 A: And then that's when I seen Calvin take the gun out.

4 Q: Okay. So, when Damian moves out of the way does he fall
5 backwards?

6 A: No. I don't recall him falling backwards.

7 Q: And when ---

8 A: He probably kind of stumbled or something, but I don't
9 remember him falling backwards.

10 Q: And did you notice when Jamal moved Damian out of the way,
11 you say you didn't see anything fall on the ground or
12 anything?

13 A: No. Nobody bent down to the ground that night.

14 Q: Okay.

15 A: The only thing that was on the ground was those bodies
16 after the thing happened.

17 Q: I understand. So, you say at 2:05 in your statement: it
18 was a split second, it was so crazy. It all went down so
19 fast. Is that accurate?

20 A: Yes.

21 Q: And at 3 minutes into it, you say, I'm not sure if J-Money
22 fired a gun. Do you remember saying that?

23 A: No. I don't remember saying that.

24 Q: Well, we'll get to that in a second.

25 A: I'm not sure. I can't tell you if J-Money fired a gun. I

1 ran in the house. I don't know who else was shooting out
2 there.

3 Q: Okay. And let's talk about the demeanor while you saw
4 Jamal and Calvin talking to each other. When you first saw
5 them when the bottle dropped and broke, usually when a bottle
6 drops and breaks in a bar everybody kind of turns and looks.

7 A: Uh-huh. (Affirmative response). Catches your attention.

8 Q: That's the moment. That's the moment where it's about to
9 go down, right? And we heard from Bill Bill earlier and you
10 can correct this if I'm wrong, Hennessy is Jamal Burgess', it
11 was his drink, correct?

12 A: I can't tell you that.

13 Q: Okay.

14 A: I just know Hennessy is a bottle of liquor.

15 Q: Okay. So, you hear the bottle crash and at that point
16 finally you look over at the argument; is that correct?

17 A: It wasn't an argument. I mean, they were talking. I
18 don't know if it was an argument or not. I can't say it was a
19 loud argument where they were loud, like duh, duh, duh. No,
20 they were talking. If I was on the side of the car speaking
21 with one of my classmates as I was, I wasn't tuned in to what
22 they were saying. But, you know, you could hear the
23 conversation, but it wasn't any loud talking or aggression or
24 anything like that to say it was an argument.

25 Q: So, Calvin was like, hey man you know I'll fight but I

1 ain't gone shoot man. Like just joking with him?

2 A: No. It wasn't like that.

3 Q: No. It was because he was about to get shot and he said -

4 --

5 **MS. WALTER:** Objection, Your Honor.

6 **THE COURT:** This is cross examination. Overruled. Go
7 ahead.

8 **BY MR. MCCOY:**

9 Q: So, he was about to get shot but he said, I'll fight but
10 I'm not gonna shoot, right? It was more that way?

11 A: No. It wasn't Jonny.

12 Q: Well, how was it.

13 A: It wasn't how you're trying to make it seem.

14 Q: Okay, then how was it?

15 A: It was more of them talking and then the bottle dropped
16 and then from there it just went like that. I don't know what
17 made the bottle drop. I don't know. But like I said, my
18 intentions was not to come over there to see what Little
19 Calvin and them had going on.

20 Q: So, just like you said you didn't know if you saw Bill
21 Bill, and just like you said you didn't know if you saw Jamal
22 fire a gun, you don't know if Jamal had a gun on his
23 waistband, do you?

24 A: I don't know that because I didn't ---

25 Q: You weren't inspecting his waistband?

1 A: I wasn't looking at him like that.

2 Q: That's right.

3 A: I didn't see him with a gun. You asked if he had a gun.
4 I didn't see him with one.

5 Q: Yes, ma'am. I understand. Thank you. Alright. I have a
6 couple more questions for you. Have you ever told anybody,
7 including Calvin Ford, that if you didn't shoot Jamal he was
8 going to shoot you?

9 A: I mean, like I said, it would have went either way out
10 there.

11 Q: Well, then that would indicate that Jamal had a gun.

12 A: I said it could have went either way out there.

13 Q: I'm confused.

14 A: You're speaking of snapchat messages me and Little Calvin
15 had, yes.

16 Q: So, you told Calvin, if you didn't shoot Jamal he would
17 have shot you.

18 A: I said it would have went either way out there. That's
19 what I said to him. It could have gone either way out there.

20 Q: Is that your exact wording or do you want to change it?

21 A: I mean, I can't remember what I said but it was some
22 conversations between us.

23 Q: Is I showed you your snapchat conversation would that help
24 refresh your recollection?

25 A: I mean, you can. When I was on the snapchat you saw me

1 tell him I didn't see Jamal shoot.

2 Q: I understand that. It was very fast. There was a lot of
3 things.

4 A: Yes. And also on the snapchat you will see that Calvin
5 said he shot first.

6 Q: I do not see that. Maybe you could bring that to us.

7 A: Okay.

8 **MR. MCCOY:** Your Honor, may I approach?

9 **THE COURT:** Alright.

10 **MS. WALTER:** Can I see what you're showing her?

11 **MR. MCCOY:** Yes, ma'am. Sorry. I've got an extra copy
12 for you.

13 **BY MR. MCCOY:**

14 Q: Alright, I'm going to approach now. And this is the full
15 conversation, what we have. But I'm going to direct your
16 attention to number 2. It's labeled on the back and I'll get
17 out of your way in a second. But if you could, just read at
18 the beginning of the second page there. Start at the top.

19 A: Everyone is not against you. I say it like this, if you
20 wouldn't have killed Jamal he would have killed you. Somebody
21 was going to get killed that night regardless. Just wish both
22 of y'all could have talked this shit out and squashed it.

23 Just wish it didn't have to end like it did. Just wish it

24 could have happened elsewhere except on Dudley Road with

25 everyone out there like that. It could have been more than

1 just J-Money and Dam gone. What if one of those bullets would
2 have hit one of them kids, Dudley, or even May? They didn't
3 have anything to do with the beef. Everyone lost someone that
4 night. Kids lost their father's, you missed out on almost a
5 year of Carter's life you can't get back. Just promise me
6 you'll make better decision now. Carter needs you.

7 Q: Thank you very much. You have a very good reading voice.

8 A: Oh, thank you.

9 Q: So, just to clarify. You said to Calvin, if you wouldn't
10 have killed Jamal, he would have killed you. Right?

11 A: Yes. I probably did say that. I did say it. It's in the
12 snap.

13 Q: Okay, and you believe that.

14 A: I just feel like something probably bad would have
15 happened that night.

16 Q: At that moment?

17 A: Yes, but like I said, I didn't see Jamal with a gun that
18 night so I can't say that Jamal was shooting. The only way I
19 was told something about Jamal having a gun was when the
20 detectives came to me the next morning and said that he had
21 gunshot residue on him.

22 **MR. MCCOY:** Your Honor, I don't have anything further of
23 this witness. Thank you.

24 **THE COURT:** Alright. Redirect.

25 **MS. WALTER:** Just very briefly.

1 **REDIRECT EXAMINATION OF MS. WILLIAMS BY MS. WALTER:**

2 Q: So, I just want to make sure I heard something correctly
3 that you just said. Did the defendant tell you that he shot
4 first?

5 A: Yes, he did.

6 Q: And you never saw Jamal with a gun?

7 A: I never saw Jamal with a gun that night.

8 Q: You never saw Jamal fire a gun that night?

9 A: Never saw him fire a gun that night.

10 Q: When you saw the defendant pull out a gun, you did not see
11 a gun in Jamal's hand?

12 A: No, I didn't.

13 **MS. WALTER:** Nothing further, Your Honor.

14 **THE COURT:** Alright. You may step down.

15 **MS. WALTER:** And, Your Honor, I'd ask that she be
16 released from her subpoena.

17 **THE COURT:** Any objection?

18 **MR. MCCOY:** None, Your Honor.

19 **THE COURT:** Alright, she's free to go.

20 **MS. WALTER:** The State calls Sherika Gore.

21 **THE COURT:** Alright. Excuse me for one second.

22 **MR. GORE, HAVING BEEN FIRST**
23 **DULY SWORN, TESTIFIED AS FOLLOWS:**

24 **THE COURT:** Hold for one second.

25 **CLERK:** Just state your name and spell your name for the

1 record.

2 **MS. GORE:** Do it now?

3 **MS. WALTER:** Yes.

4 **MS. GORE:** Sherika Gore. S-H-E-R-I-K-A, last name Gore,
5 G-O-R-E.

6 **MS. WALTER:** May I, Your Honor?

7 **THE COURT:** Alright.

8 **DIRECT EXAMINATION OF MS. GORE BY MS. WALTER:**

9 Q: Ms. Gore, you're here because you were subpoenaed by the
10 State, correct?

11 A: Yes.

12 Q: Do you know the defendant, Calvin Ford?

13 A: Yes.

14 Q: How do you know him?

15 A: We grew up together.

16 Q: Did you know Jamal Burgess?

17 A: Yes.

18 Q: How did you know him?

19 A: We also grew up together.

20 Q: What about Damian Alston?

21 A: Yes.

22 Q: Also grew up together?

23 A: Yes.

24 Q: So, the four of you sort of grew up in the same
25 neighborhood as friends?

1 A: Correct.

2 Q: Directing your attention to July 23rd of 2016, did you
3 attend a party on Warren Street at Ms. Dudley's house?

4 A: Yes.

5 Q: Do you know about what time you got there?

6 A: I don't. It was early though because the sun was still
7 out and it was still warm.

8 Q: Did you have your children with you?

9 A: I did.

10 Q: How many children did you have at the time?

11 A: Four.

12 Q: How old were they?

13 A: Ten, eleven, twelve and a three-month-old.

14 Q: Alright, were all four of them there?

15 A: Yes.

16 Q: Okay. Did you see Jamal Burgess at the party?

17 A: I did.

18 Q: Do you remember what he was wearing?

19 A: He had on some jeans, a wife beater, and a jersey that was
20 open.

21 Q: Like a baseball jersey?

22 A: Yes.

23 Q: Okay. How was he wearing his jeans?

24 A: He was sagging.

25 Q: Okay.

1 A: You could see his boxers.

2 Q: Okay. So, sort of down around his hips?

3 A: Yes.

4 Q: At some point did Jamal hold your youngest child?

5 A: He did.

6 Q: Did you prior to that happening did you see Jamal with a
7 gun at all?

8 A: I didn't.

9 Q: Would you have let him hold your daughter?

10 A: No.

11 Q: Okay. Do you think that based on what he was wearing
12 would you have been able to see that he had a gun?

13 A: Yes.

14 Q: Were you still at the party when Ms. Holoman or Ms. Dudley
15 got home?

16 A: I was.

17 Q: Okay, what did you see with respect to any interaction
18 between her and Jamal?

19 A: He helped her carry some of her groceries from out of the
20 car to her house.

21 Q: How much time passed between that and were you still there
22 when shots were fired?

23 A: I was.

24 Q: How much time passed between Jamal helping Ms. Dudley and
25 the shots being fired?

1 A: It wasn't that long after, maybe 15 minutes or so. It
2 wasn't that long because she wasn't home for that long.

3 Q: And if you don't know a time if I'm asking you how long,
4 you can always say not that long or a long time.

5 A: It wasn't that long.

6 Q: Okay. What did you see leading up to the shots being
7 fired?

8 A: Only thing I can remember, I seen Jamal and Calvin talking
9 and they was kind of like off in the road. I wasn't paying
10 that close of attention and then the next thing when I looked
11 up I seen Calvin with a gun and then I ran.

12 **MS. WALTER:** If I may approach, Your Honor.

13 **THE COURT:** Alright.

14 **BY MS. WALTER:**

15 Q: I'm going to show you State's Exhibit 2. Do you recognize
16 that as Ms. Dudley's address?

17 A: Yes.

18 Q: Okay. So, where were you standing when you saw Jamal and
19 ---

20 A: Maybe about right here.

21 Q: So, sort of in the driveway but in front of the house.

22 A: Yeah. Uh-huh. (Affirmative response). A little close to
23 those bushes.

24 Q: Okay, and you just have to keep your voice into that. So,
25 close to these bushes in front of the house?

1 A: Correct.

2 Q: And where was the defendant and Jamal?

3 A: They were kind of off in the road a little bit. Maybe
4 about right here or so.

5 Q: So, in the middle of Warren Street but still in front of
6 Ms. Dudley's house?

7 A: Yeah.

8 Q: Was Damian Alston there too?

9 A: He was.

10 Q: Can you -- what di you remember about that conversation?
11 Did it seem -- were they gesturing or was it loud?

12 A: It wasn't loud because if they were arguing then it would
13 have gotten the attention of everyone. So, it wasn't loud.
14 It was more so like they were talking. But I didn't hear
15 anybody yelling.

16 Q: Now, you say you saw Calvin with a gun. Did you see where
17 he got the gun from?

18 A: I didn't.

19 Q: Did you see Damian Alston with a gun?

20 A: I didn't.

21 Q: Did you see Jamal Burgess with a gun?

22 A: I didn't.

23 Q: Did you ever see either Damian Alston or Jamal Burgess
24 fire a gun?

25 A: No.

1 Q: So, the only person you saw with a gun was the defendant?

2 A: Correct.

3 Q: Once you saw him with the gun what did you do?

4 A: I ran.

5 Q: Where did you run?

6 A: Inside Ms. Dudley's house.

7 Q: Did you come out eventually?

8 A: I did.

9 Q: When you came outside did you see Jamal and Damian?

10 A: I did.

11 Q: Where were they?

12 A: Damian was like over near the basketball goal and Jamal

13 was kind of at the end of the driveway.

14 Q: What did Damian look like?

15 A: He was bleeding all over so.

16 Q: Okay. What about Jamal?

17 A: Jamal was still alive and everybody was trying to keep him

18 calm. But I can't remember exactly where he was shot at.

19 Q: Okay. Did you see either Damian or Jamal with a gun while

20 they were laying on the ground?

21 A: I didn't.

22 Q: Did you see anyone picking a gun up from where they were

23 laying?

24 A: I didn't.

25 Q: When you came outside did you see the defendant at all

1 A: I didn't.

2 Q: Did you see where he went after the shooting?

3 A: No, ma'am.

4 Q: Do you know a man named Everett Ford, Bill Bill?

5 A: Yes, ma'am.

6 Q: When you were at the party -- let's first talk about
7 before the shooting -- did you ever see Everett Ford there?

8 A: I didn't.

9 Q: Did you see him there after the shooting?

10 A: No, ma'am.

11 Q: Did you see Aliga Campbell there? Do you know Aliga
12 Campbell?

13 A: Does he have another name?

14 Q: Lij.

15 A: Yes.

16 Q: Okay. You saw him there?

17 A: Yes.

18 Q: Did you see any kind of confrontation or anything between
19 Lij and Jamal?

20 A: I seen them two talking.

21 Q: Just talking?

22 A: Uh-huh. (Affirmative response).

23 Q: But no ---

24 A: Before Calvin came they were talking.

25 Q: Based on that conversation did you have any idea there was

1 a problem between them?

2 A: No.

3 Q: Did you ever see Jamal -- strike that. Did you ever see
4 Lij take his teeth out?

5 A: No, ma'am.

6 Q: Okay.

7 **MS. WALTER:** Nothing further at this time, Your Honor.

8 **THE COURT:** Alright. Cross examination.

9 **MR. MCCOY:** Thank you, Your Honor. May it please the
10 Court?

11 **CROSS EXAMINATION OF MS. GORE BY MR. MCCOY:**

12 Q: Ms. Gore, my name is Jonny McCoy. I am Calvin Ford's
13 defense lawyer. Thank you for coming in today. Do you
14 remember giving a statement to Detective Hugh Jones on
15 September 1st, 2016, and Horry County Detective?

16 A: Yes.

17 Q: You remember that being recorded?

18 A: Yes.

19 Q: And do you remember him telling you you need to tell the
20 truth you're giving a statement to the police and all that
21 good stuff?

22 A: Uh-huh. (Affirmative response). Yes.

23 Q: And do you remember taking your oath here today?

24 A: Yes.

25 Q: Under penalty of perjury?

1 A: Yes.

2 Q: Okay. So, you stated that, it just seemed like they were
3 talking. It didn't seem like an argument when you saw them
4 talking.

5 A: Right.

6 Q: That's what you say here today, right?

7 A: Yes.

8 Q: Did you say something different back on September 1st?

9 A: I did not. I let them know that it seemed like they were
10 talking because if they were arguing then so many people was
11 around, they would have gotten up and diffused the situation.

12 Q: Okay. So, let's see if I got my notes wrong from the
13 recording, okay.

14 A: Uh-huh. (Affirmative response).

15 Q: Do you remember at 1 minute into the recording saying,
16 they walking into the road arguing?

17 A: No.

18 Q: Do you remember at 1 minute and 8 seconds saying, and then
19 it got heated?

20 A: No.

21 Q: Now, these are just my notes so I'm just clarifying. Do
22 you remember at 1 minute 11 seconds saying, the voices they
23 were yelling. It was obvious I could hear their voices
24 yelling?

25 A: No.

1 Q: And do you remember saying -- flash forward to 2 minutes
2 and 50 seconds, I could hear them getting loud before Jamal
3 pushed Damian?

4 A: No.

5 Q: Okay. Well, now let's go over to the detective's notes
6 okay. Alright, and tell me if these are wrong now. I'm just
7 trying to get to the bottom of it. Detective Hugh Jones
8 conducted a recorded interview with Sherika Gore. She advised
9 that they were celebrating Alston's birthday last night. She
10 advised that Calvin and Burgess were in the road arguing. She
11 advised that the argument turned into yelling. She advised
12 that she sees the two of them begin shouting. Do you remember
13 not saying any of that?

14 A: No.

15 Q: So, this detective is just completely?

16 A: I don't remember saying that.

17 Q: Is that what happened? This was given a month after the
18 incident. You're here almost three years later, it's okay if
19 this is what really happened and maybe your ---

20 **MS. WALTER:** Objection, Your Honor. I'm going to ask him
21 to allow the witness to answer. He's asked a couple questions
22 in there.

23 **THE COURT:** Alright, ask your question.

24 **BY MR. MCCOY:**

25 Q: So, I know that you're on the stand and that you've done

1 some preparations for your testimony here today, correct?

2 Have you talked to anybody about your testimony here today?

3 A: No.

4 Q: You haven't talked to the prosecutor's office or any
5 police officers?

6 A: They didn't prep me on anything.

7 Q: Did you tell them what you were going to say on the stand
8 today?

9 A: No.

10 Q: Okay. Now, my question is what you told he detective back
11 in 2016, did they show you what you said to the detective in
12 2016, has anybody?

13 A: I heard the taping of it. The recording.

14 Q: And how long ago did you hear the recording?

15 A: Right before we came here.

16 Q: And you don't remember saying on the recording, the
17 argument turned into yelling and then I witnessed Jamal push
18 Damian out of the way?

19 A: No.

20 Q: You don't remember saying at 1 minute, they walked in the
21 road arguing?

22 A: No.

23 Q: Do you not remember at 1 minute 8 seconds, then it got
24 heated?

25 A: Uh-Uh. (Negative response).

1 Q: You don't remember hearing that at all in the ---

2 A: No.

3 **MR. MCCOY:** Alright, Your Honor, I'm going to beg the
4 Court's indulgence.

5 **BY MR. MCCOY:**

6 Q: If I played back your statement for you would you be able
7 to identify if that's you on the statement and if that's what
8 you said?

9 A: Yes.

10 **THE COURT:** Do we need to take a break or is it about ---

11 **MR. MCCOY:** Yes, Your Honor. My computer it takes like 5
12 minutes to open up. If we take a 10-minute break, 5-minute
13 break.

14 **THE COURT:** Alright, let's take about a 5-minute break.
15 Ms. Gore, we're still in the middle of your testimony so you
16 cannot discuss your testimony with anyone, whether it be what
17 you've testified to thus far or what you anticipate testifying
18 to in the future, okay?

19 **MS. GORE:** Okay.

20 **THE COURT:** Alright, you can step down but don't discuss
21 your testimony with anyone. We're only going to take about a
22 10-minute break and then we'll come back.

23 **MS. GORE:** Yes, sir.

24 **MR. MCCOY:** Thank you, Your Honor.

25

(RECESS)

1 **THE COURT:** Please be seated. Alright, Mr. McCoy, you
2 can continue.

3 **MR. MCCOY:** Thank you, Your Honor. If it'd please the
4 Court?

5 **THE COURT:** Alright.

6 **BY MR. MCCOY:**

7 Q: I just have a few more questions, okay. When you said
8 that you never -- you talked about Jamal's clothing that day
9 and what he was wearing and how his pants were worn and things
10 like that. And you say that you never saw a gun on him. Do
11 you remember saying that?

12 A: Yes.

13 Q: Could he have had a gun on him? I mean, did you
14 thoroughly look him over? Could he have a gun on him on his
15 waistband or something? Did you miss it?

16 A: No.

17 Q: If I showed you a picture of what is believed to be Jamal
18 on that day could you identify whether or not it was him or
19 not?

20 A: Yes.

21 Q: And possibly who the other person is in the photo?

22 A: Yes.

23 **MR. MCCOY:** Your Honor, may I approach, please?

24 **MS. WALTER:** Counsel, can you show us what you're talking
25 about first?

1 **MR. MCCOY:** Oh, I'm sorry. So, we can mark this one ---
2 we'll do that second.

3 **BY MR. MCCOY:**

4 Q: Now, do you recognize those two people in that photo?

5 A: Yes.

6 Q: And who is that?

7 A: Jamal and my daughter.

8 Q: Okay. And is that the outfit that you described?

9 A: It is.

10 Q: Is that what he was wearing on that day?

11 A: Yes.

12 Q: And do you see a gun in that photo on his waistband?

13 A: I don't.

14 Q: Do you see anything in his waistband?

15 A: Looks like maybe a cellphone holder.

16 Q: Looks like a cellphone holder? If I showed you an
17 enlarged photo of that area that you're saying is a cellphone
18 holder would that help you out a little bit?

19 A: Uh-huh. (Affirmative response).

20 **MR. MCCOY:** Your Honor, may I approach?

21 **THE COURT:** Yes.

22 **BY MR. MCCOY:**

23 Q: Does that help you a little bit? Does that look like a
24 cellphone holder?

25 A: It still looks like that to me, yes.

1 Q: Okay.

2 **MR. MCCOY:** Your Honor, at this time I'd like to move
3 these into evidence as Defendant's Exhibit 1 and 2.

4 **MS. WALTER:** Your Honor, there's been no foundation laid
5 for them.

6 **THE COURT:** Alright. Sustain the objection.

7 **MR. MCCOY:** Okay.

8 **BY MR. MCCOY:**

9 Q: Okay, is this the -- is this how you saw Jamal on that
10 day?

11 A: It is.

12 Q: Is this exactly what he was wearing?

13 A: Correct.

14 Q: And is that your child in the photo?

15 A: It is.

16 Q: And is this exactly the condition that he was in when you
17 saw him earlier in the day?

18 A: Yes.

19 **MR. MCCOY:** Your Honor, we move these into defense
20 exhibit 1 and 2, please.

21 **THE COURT:** Alright. Any objection?

22 **MS. WALTER:** No, Your Honor.

23 **THE COURT:** Alright, defendant's exhibit's 1 and 2
24 admitted into evidence without objection.

25 **(DEFENSE'S EXHIBIT NUMBER ONE AND TWO**

1 Q: And how long have you been there?

2 A: Five years.

3 Q: Did you have an opportunity -- were you employed with
4 Myrtle Beach Police Department in July of 2016?

5 A: Yes, sir.

6 Q: And were you on duty that day?

7 A: Yes, sir.

8 Q: Did you have an opportunity to respond to Warren Street?

9 A: Yes, sir.

10 Q: Approximately what time was that?

11 A: I don't have that in my report?

12 Q: Was it in the evening?

13 A: Yeah, it was dark.

14 Q: What was it in reference to?

15 A: Shots fired.

16 Q: Okay. So, you responded to shots fired at Warren Street?

17 A: Yes.

18 Q: What happened when you ---

19 **MR. HOLFORD:** Court's indulgence.

20 **THE COURT:** Alright.

21 **BY MR. HOLFORD:**

22 Q: Can you just tell the Court the scene of what you
23 responded to? What did you see?

24 A: When I first responded I could see down Warren Street.

25 It's a dead end from Joe White. I looked down and there was

1 just a huge crowd of people when I first pulled up and we went
2 in and I immediately saw a male on the ground with apparent
3 gunshot wounds.

4 **MR. HOLFORD:** May I approach, Your Honor.

5 **THE COURT:** Yes.

6 **BY MR. HOLFORD:**

7 Q: I'm going to show you what's been marked as State's 2 and
8 if you hold it so Warren Street's at the bottom. So, this is
9 as if you're on Warren Street facing that house, correct?

10 A: Uh-huh. (Affirmative response).

11 **THE COURT:** Excuse me, you need to answer yes or no.

12 **OFFICER TURNER:** Yes, sir.

13 **BY MR. HOLFORD:**

14 Q: Is that where you responded to?

15 A: Yes, sir.

16 Q: And where on this photograph did you see the male?

17 A: Lying on the ground?

18 Q: Yeah.

19 A: I know that he was in the driveway somewhere. I'm not
20 exactly sure where.

21 Q: Okay. But in this driveway right here?

22 A: Yes.

23 Q: Okay. Did you know who the male was at that time?

24 A: At first, when I first pulled up, no. But I was told and
25 as soon as I heard his name I was familiar.

1 Q: Okay, and what was his name?

2 A: Jamal Burgess.

3 Q: And what did you do?

4 A: I rendered aid to him.

5 Q: Was he still breathing?

6 A: Yes, he was breathing slightly.

7 Q: And so when you rendered aid what were you trying to do?

8 A: I was trying to put some pressure on the wound. He had a
9 stomach wound and a back wound. I removed his shirt. I
10 believe I cut it off. I removed his belt as well to further
11 assess injuries to see if he had any other wounds.

12 Q: Did you see a gun on Mr. Burgess?

13 A: No, sir.

14 Q: Was there a gun under him?

15 A: Not that I saw.

16 Q: Did EMS arrive at some point?

17 A: Yes, sir.

18 Q: And were you with Mr. Burgess until EMS arrived?

19 A: Yes, sir.

20 Q: Did they eventually move him?

21 A: Yes, sir.

22 Q: Did you see a gun around him after they moved him?

23 A: I did not.

24 Q: Did you notice any shell casings on or around his person?

25 A: I did not.

1 **MR. HOLFORD:** No further questions.

2 **THE COURT:** Alright. Cross examination.

3 **MR. MCCOY:** Just a few, Your Honor.

4 **CROSS EXAMINATION OF OFFICER TURNER BY MR. MCCOY:**

5 Q: Do you work that area a pretty good bit? Is that your
6 area?

7 A: It was not my area. But yeah I'm very familiar with that
8 area.

9 Q: Have you responded to shootings in that area?

10 A: Yes. Yes, sir.

11 Q: And have you responded to any victims, where there were
12 victims on the scene with gunshot wounds?

13 A: In close proximity. Not to that exact area.

14 Q: Okay. And would you say that this scene had an average
15 amount of people or above average amount of people?

16 A: There was above average.

17 Q: Okay. Did you expect to find a gun in the middle of all
18 these people?

19 A: I didn't have any expectations.

20 **MR. MCCOY:** No further questions, Your Honor.

21 **THE COURT:** Alright. Redirect.

22 **MR. HOLFORD:** None, Your Honor.

23 **THE COURT:** Alright, you may step down.

24 **OFFICER TURNER:** Thank you, sir.

25 **MR. HOLFORD:** Your Honor, I'd ask that Officer Turner be

1 excused.

2 **THE COURT:** Any objection?

3 **MR. MCCOY:** None, Your Honor.

4 **THE COURT:** Alright, he's free to go.

5 **MR. HOLFORD:** State calls Officer Benco.

6 **OFFICER BENCO, HAVING BEEN FIRST**
7 **DULY SWORN, TESTIFIED AS FOLLOWS:**

8 **CLERK:** Please state your name and spell your name for
9 the record.

10 **OFFICER BENCO:** Officer Curtis Benco. Last name is B-E-
11 N-C-O.

12 **DIRECT EXAMINATION OF OFFICER BENCO BY MR. HOLFORD:**

13 Q: Officer Benco, where are you currently employed?

14 A: City of Myrtle Beach.

15 Q: With the police department?

16 A: Yes, sir.

17 Q: How long have you been employed there?

18 A: Since January 2016, so about three years.

19 Q: Were you on duty on July 23rd, 2016?

20 A: Yes, sir.

21 Q: And did you have an occasion to respond to Warren Street?

22 A: Yes, sir.

23 Q: Was that during the day or night? Do you remember?

24 A: During the night.

25 Q: And what was the reason for your responding?

1 A: We're relieving the Myrtle Beach PD and there was reports
2 of shots fired with possible victims on Warren Street and
3 that's where we responded. It was [REDACTED] Warren Street.

4 Q: Okay. And when you arrive on scene can you just describe
5 what you saw and what you drove up to?

6 A: There was a large crowd. It was later learned that it was
7 a birthday party. When we pulled up, I was riding with
8 Officer Turner. He was directed to one victim that was laying
9 next to the road. I was directed towards another victim which
10 was laying underneath the basketball -- it's like a basketball
11 hoop in the rear of the driveway.

12 **MR. HOLFORD:** Can I approach, Your Honor?

13 **THE COURT:** Yes.

14 **BY MR. HOLFORD:**

15 Q: I'm going to show you what's been entered as State's 2.
16 Does that appear to be the house that you responded to?

17 A: Yes.

18 Q: Okay. And where was the victim that you responded to?

19 A: He was back in the rear, right back here.

20 Q: So, the driveway to the right of that house?

21 A: Yes.

22 Q: And the back of the driveway would be towards the
23 backyard?

24 A: Yes.

25 Q: Okay. Did you know who that victim was at the time?

1 A: No. I did not.

2 Q: And what did you find when you responded to him?

3 A: He was unresponsive. He had a large amount of blood
4 around him. I checked him for a pulse and attempted to render
5 aid. He had no pulse, and that's pretty much all we had at
6 that point until EMS arrived and helped with the victims.

7 Q: Were you one of the first on scene?

8 A: Yes.

9 Q: And was there a gun or any shell casings around this
10 victim by the basketball court?

11 A: No. Not that I observed.

12 Q: Did EMS eventually move him?

13 A: Yes.

14 Q: Did you observe any firearms on his person or under him or
15 around him after he was moved?

16 A: No, sir.

17 **MR. HOLFORD:** No further questions.

18 **THE COURT:** Alright, Mr. McCoy, cross examination.

19 **CROSS EXAMINATION OF MR. BENCO BY MR. MCCOY:**

20 Q: Did you know how many shots were -- how many times the
21 victims were hit in this case?

22 A: No. Not until after the fact.

23 Q: So, did you find an amount of casings at the scene that
24 matched the amount of times that the victims were hit?

25 A: I did not collect any shell casings or see any shell

1 casings because we left right after the victims were
2 transported by EMS.

3 Q: As working crime scenes as you do, would it surprise you
4 to know that the difference between the amount of injuries to
5 the victim's bodies and casings on the ground was grossly
6 disproportionate?

7 A: I ---

8 Q: More wounds than casings. Less casings than wounds. Is
9 that common?

10 A: I couldn't answer that, there's all these variables. I
11 can't testify to something I'm not sure of.

12 Q: Okay.

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

14 **THE COURT:** Redirect.

15 **MR. HOLFORD:** Nothing, Your Honor.

16 **THE COURT:** Alright. You may step down.

17 **OFFICER BENCO:** Thank you.

18 **MR. HOLFORD:** Your Honor, the State calls CSI Bailey.

19 **THE COURT:** Alright.

20 **OFFICER BAILEY, HAVING BEEN FIRST**
21 **DULY SWORN, TESTIFIED AS FOLLOWS:**

22 **CLERK:** Please state your name and spell your name for
23 the record.

24 **OFFICER BAILEY:** David Bailey.

25 **DIRECT EXAMINATION OF OFFICER BAILEY BY MR. HOLFORD:**

1 Q: Mr. Bailey, where are you currently employed?

2 A: The City of Myrtle Beach Police Department.

3 Q: And what's your title there?

4 A: I'm a crime scene investigator.

5 Q: Crime scene investigator. How long have you been a crime
6 scene investigator with Myrtle Beach?

7 A: Probably 12 years.

8 Q: And were you crime scene investigator back on July 23rd,
9 2016?

10 A: Yes, sir, I was.

11 Q: And did you have an occasion that night to respond to
12 Warren Street?

13 A: Yes, I did.

14 Q: What was that in reference to?

15 A: It was in reference to a shooting incident.

16 Q: And what were your duties that night?

17 A: To process the scene, photograph, collect evidence.

18 Q: And did you photograph and process that scene?

19 A: Yes, I did.

20 **MR. HOLFORD:** Your Honor, may I approach the witness?

21 **THE COURT:** Yes.

22 **BY MR. HOLFORD:**

23 Q: I'm going to hand you what's been marked as State's 5 for
24 ID at this point. Can you identify what that document is that
25 I just showed you?

1 A: Yes. It's an overall photograph of the scene.

2 Q: And who took that photograph?

3 A: I did.

4 Q: And does it appear to be an accurate reflection of the
5 photo you took that night?

6 A: Yes, it does.

7 **MR. HOLFORD:** State would seek to enter 5 in evidence.

8 **THE COURT:** Any objection?

9 **MR. MCCOY:** None, Your Honor.

10 **THE COURT:** Alright. State's Exhibit 5 admitted into
11 evidence without objection.

12 **(STATE'S EXHIBIT NUMBER FIVE**
13 **IS ADMITTED INTO EVIDENCE.)**

14 **MR. HOLFORD:** Your Honor, may I approach again?

15 **THE COURT:** Yes.

16 **BY MR. HOLFORD:**

17 Q: Now, I'm going to show you what's been already entered as
18 State's 2. Do you recognize what State's 2 is?

19 A: Yes, it's overall.

20 Q: It's a photo of what?

21 A: Of Warren Street, the incident scene.

22 Q: Okay. And so, if we're looking at State's 2 with Warren
23 Street on the bottom and the house up above it as I'm
24 orienting this picture. Where is the photo you took, State's
25 5, where are you standing?

1 A: I'm standing just approximately in front of this house
2 right here, this with the red roof, near that direction.

3 Q: Okay. And what are you taking a picture of? What
4 direction?

5 A: The direction would be sort of northeast probably, just
6 photographing the entire scene. Trying to include as much
7 evidence as I can in one single photograph.

8 Q: Okay. And in State's 5, the little yellow markers, what
9 are those?

10 A: Those are evidence markers.

11 Q: And what were they evidence markers of?

12 A: It was markers of cartridge casings, fired cartridge
13 casings.

14 Q: Okay. And what -- how many cartridge casings did you find
15 on that scene?

16 A: There were six.

17 Q: Six. And can you identify what kind of caliber those
18 cartridge casings were?

19 A: There was five 380 cartridge casings and one 9-milimeter
20 cartridge casing.

21 Q: And with this picture on State's 5, can you tell where the
22 380's were located?

23 A: The 380's were on the east side of the roadway. Some of
24 the cartridge casings are very, very close to the roadway.

25 Some are in the dirt, some are on the roadway, but they're

1 very close together in sort of like a line going up beside the
2 road.

3 Q: Now, did you mark -- you said there were five 380's.

4 A: Yeah.

5 Q: Did you mark a specific number? Is there something that
6 we can tell which is a 380 and which is another caliber?

7 A: Yes. When I photographed the scene and the marker
8 numbers, I photographed it at sort of a line angle and I'll
9 come in close and I'll photograph again and then I'll hold the
10 cartridge case and actually photograph the back of the
11 cartridge case showing the headstamp and showing the marker
12 number showing where I actually collected that particular
13 cartridge case from.

14 Q: And so markers 1, 2, 3, 4, and 5; do you know what caliber
15 those casings were?

16 A: 380.

17 Q: I might have skipped over this. What is a cartridge
18 casing?

19 A: It contains the powder and actual projectile. It's just
20 basically a spent cartridge. Once the bullet's fired it's
21 ejected out of the weapon.

22 Q: Okay. And so, were these actual full bullets that could
23 have been fired?

24 A: No. These have already been fired.

25 Q: Okay. So, they're casings from a bullet that has already

1 been fired?

2 A: Yes, sir.

3 Q: And then marker 9. You said there were six casings out
4 there. What was the last marker that you had?

5 A: Marker 9 was -- it doesn't show exhibit B -- or exhibit 5
6 here. There's an additional wide angle photograph. Marker
7 number 9 was a 9-millimeter cartridge casing.

8 **MR. HOLFORD:** May I approach, Your Honor?

9 **THE COURT:** Yes.

10 **BY MR. HOLFORD:**

11 Q: I'm going to hand you what's been marked for ID as State's
12 6. Is that the photograph you were just talking about?

13 A: Yes.

14 Q: Did you take this photograph?

15 A: I did. Yes, sir.

16 Q: And does that include all the markers?

17 A: Yes, it does.

18 Q: Okay. State would seek -- is it a true and accurate
19 reflection of the picture you took that night?

20 A: Yes, it is.

21 Q: And it is the scene as you processed it?

22 A: Yes.

23 **MR. HOLFORD:** State would seek to introduce 6 into
24 evidence, Your Honor.

25 **THE COURT:** Any objection?

1 **MR. MCCOY:** No objection.

2 **THE COURT:** Alright, State's Exhibit 6 admitted into
3 evidence without objection.

4 **MR. HOLFORD:** Thank you.

5 **(STATE'S EXHIBIT NUMBER SIX**
6 **IS ADMITTED INTO EVIDENCE.)**

7 **BY MR. HOLFORD:**

8 **Q:** Alright, as to this picture that has all the markers in
9 id; doesn't it?

10 **A:** Yes.

11 **Q:** Okay. And where is marker 9 in relation to the others?

12 **A:** Marker 9 is in the center of the roadway, approximately in
13 the center of the roadway. Just -- if I had a copy of the
14 report, I could tell you exactly as I measured it down. But
15 it's approximately in the center of the roadway right in front
16 of the driveway where the shooting incident took place. And
17 it's a single casing by itself. There was no other casings
18 around it.

19 **Q:** And what was the caliber of that one?

20 **A:** A 9-millimeter.

21 **Q:** So, the total number of casings you found on the scene
22 were? Tell me again.

23 **A:** Six.

24 **Q:** Six. Five were?

25 **A:** Five were 380, one was a 9-millimeter.

1 **MR. HOLFORD:** No further questions at this time, Your
2 Honor.

3 **THE COURT:** Alright. Cross examination.

4 **MR. MCCOY:** Nothing, Your Honor.

5 **THE COURT:** Alright, you may step down.

6 **OFFICER BAILEY:** Thank you.

7 **MR. HOLFORD:** Now the State would call -- or I would ask
8 that CSI Bailey be excused.

9 **THE COURT:** Any objection?

10 **MR. MCCOY:** None, Your Honor.

11 **THE COURT:** Alright, he's free to go.

12 **OFFICER BAILEY:** Thank you.

13 **THE COURT:** Thank you.

14 **MR. HOLFORD:** The State would call CSI Howitt.

15 **THE COURT:** Alright.

16 **OFFICER HOWITT, HAVING BEEN FIRST**
17 **DULY SWORN, TESTIFIED AS FOLLOWS:**

18 **CLERK:** Please state your name and spell your name for
19 the record.

20 **OFFICER HOWITT:** Officer Nathan Howitt. H-O-W-I-T-T.

21 **DIRECT EXAMINATION OF OFFICER HOWITT BY MR. HOLFORD:**

22 Q: Officer Howitt, where are you currently employed?

23 A: The Myrtle Beach Police Department.

24 Q: And how long have you been with the police department?

25 A: Since 2007.

1 Q: Okay. You're currently in crime scene investigation?

2 A: That's correct.

3 Q: How long have you been there?

4 A: Since 2015.

5 Q: And so, were you in crime scene investigation back on July
6 23rd, 2016?

7 A: I was.

8 Q: And how did you become involved or did you have an
9 occasion to become involved in the case against Calvin Ford?

10 A: I was assigned to attend the autopsy after the shooting.

11 Q: And whose autopsy did you attend?

12 A: The two victims, Mr. Alston and Mr. Burgess.

13 Q: Okay. And did you -- were you present for the whole
14 thing?

15 A: Yes, sir.

16 Q: And did you note how many -- I'm not going to ask you
17 specifically the manner of death, but what did you notice
18 about these two bodies?

19 A: Yes, sir. Mr. Alston sustained three gunshot wounds. Mr.
20 Burgess sustained one gunshot wound. He had two other
21 injuries on him.

22 Q: Okay. So, you got to my question, how many times had
23 Burgess been shot?

24 A: The preliminary findings per Doctor Proctor was at least
25 one. There was two other injuries but he didn't specify if

1 they were gunshot wounds or from an assault.

2 Q: And how about Alston?

3 A: Three times.

4 Q: Alright. Now, sometimes when we see wounds there's
5 entrance and exit. Are you talking about number of holes or
6 number of shots?

7 A: Shots total three shots for Alston and one shot with
8 Burgess.

9 Q: Did you recover any -- withdraw that.

10 **MR. HOLFORD:** No further questions at this time, Your
11 Honor.

12 **THE COURT:** Alright. Cross Examination.

13 **MR. MCCOY:** Thank you, Your Honor. Just briefly.

14 **CROSS EXAMINATION OF OFFICER HOWITT BY MR. MCCOY:**

15 Q: What kind of bullets were used?

16 A: None were recovered from the body, sir.

17 Q: So, you have no idea.

18 A: No, sir.

19 Q: Okay. It could have been multiple guns?

20 A: I don't know.

21 Q: Okay. Were you present during the GSR kits that were done
22 on the two victims?

23 A: On the victims? No, sir. Stand by. I don't believe I
24 did GSR on the victims. No, sir.

25 Q: Did you do GSR at all in this case?

1 A: Not to my knowledge.

2 Q: Are you aware that GSR came back positive on the victims?

3 A: No, sir.

4 **MR. MCCOY:** Nothing further, Your Honor.

5 **THE COURT:** Redirect.

6 **MR. HOLFORD:** Nothing, Your Honor.

7 **THE COURT:** Alright, you may step down.

8 **OFFICER HOWITT:** Thank you.

9 **MR. HOLFORD:** Your Honor, the State would rest.

10 **THE COURT:** Alright. Any motions?

11 **MR. HOLFORD:** Your Honor, I'm actually blanking, if it
12 would be my motion to deny since it was originally raised or
13 since we ended if it would be his motion?

14 **THE COURT:** Well, I'll entertain a motion by anyone.

15 **MR. HOLFORD:** I apologize, Your Honor.

16 **THE COURT:** Yeah.

17 **MR. HOLFORD:** Your Honor, the State would make a motion
18 to deny the Stand Your Ground Hearing in regards specifically
19 to indictment 2017-GS-26-2913, as it relates to the murder of
20 Jamal Burgess. Your Honor, again, I believe the State's
21 contention would be that we are under section 16-11-440(c) and
22 in such that the defendant would have to show, still prove
23 self-defense, at least those three elements. And further that
24 the State has shown by a preponderance of the evidence based
25 on not only questioning defense witnesses but also providing

1 its own witnesses that the defendant was, in fact, the
2 aggressor in this. And therefore, he would fail on the first
3 part of ---

4 **THE COURT:** Before you go any further here, are you going
5 to put up any rebuttal witnesses?

6 **MR. MCCOY:** No more witnesses, Your Honor.

7 **THE COURT:** Okay. Alright, go ahead.

8 **MR. HOLFORD:** I apologize, Your Honor.

9 **THE COURT:** That's fine.

10 **MR. HOLFORD:** That defendant would fail on the first
11 prong of self-defense that he was without fault in bringing on
12 the difficult -- testimony has come out now to the Court that
13 it was, in fact, Mr. Ford that fired the first shot. They did
14 not see Jamal Burgess with a gun. Prior there were two
15 separate witnesses that did not see Jamal with a gun. In
16 fact, that it was Mr. Ford that pulled a gun from his
17 waistband and was the first to fire. Also, there has been
18 testimony that would rebut the defense's position that Mr.
19 Ford had a 9-millimeter. Mr. Burgess was shot, as stated by
20 Officer Howitt, at least once; on Damian at least three times.
21 There are five 380 casings laying along the road. The
22 direction as stated by his own witness, Everett Ford, if he
23 was even out there; was that Calvin was running toward White
24 Street in between those houses. In State's 5 and in 6 the
25 Court can see that those are where the shell casings were.

1 Further, there's been testimony to the Court that no
2 responding officer found a gun on either of the victims in
3 this case. There's been testimony that individuals did not
4 see either of the victims with a gun in this case. Your
5 Honor, by the defense's own admission, Calvin was firing
6 multiple shots. There's only one 9-milimeter casing found at
7 the scene and multiple 380 casings found at the scene. Your
8 Honor, the major reason why the State would move to -- move
9 this Court to deny the Motion for Stand Your Ground would be
10 the defendant was, in fact, with fault in bringing on the
11 difficulty and further there certainly a jury question here.
12 There are witnesses on both sides, if believed, the defense
13 witnesses that Jamal had a gun and that Mr. Ford fired. But
14 on the State's side, if believed, Jamal didn't have a gun and
15 didn't fire first. Certainly a question the State would pose
16 to this Court that is a question for the jury to determine
17 which side or which witnesses to believe or not to believe.

18 **THE COURT:** Alright. Mr. McCoy.

19 **MR. MCCOY:** Your Honor, the purpose of this hearing is to
20 decide immunity before we get to trial. As you know in the
21 Duncan case and in the State statute we're here to kind of
22 circumvent, or prior to a full on trial to assure citizens of
23 the State of South Carolina that you don't have to go in front
24 of 12 people if you are just defending yourself. We don't go
25 in front of a jury and say, hey it's a question for you guys

1 to figure out whether or not this guy, you know, may or may
2 not have been in reasonable fear, if at the Stand Your Ground
3 Hearing we show that these elements are met, Your Honor. So,
4 the question that this is a question for a jury, I don't
5 believe that's the law. This is a -- did Mr. Ford show by a
6 preponderance of the evidence, which is more likely than not
7 51 percent as Your Honor knows, was he more likely than not at
8 fault of bringing on the controversy. And I bring your
9 attention to South Carolina Chapter 8, defenses, self-defense
10 without false definition in our South Carolina Court of Jury
11 Charges. If the defendant's conduct was the type which was
12 reasonable calculated and did provoke a deadly assault, Calvin
13 didn't provoke a deadly assault. None of the witnesses said
14 that he was going to provoke a deadly assault. He had a man
15 who knocked his teeth out, pulled him in the same way.
16 Everybody, everybody testified that they knew Calvin had his
17 teeth knocked out. He had his teeth knocked out in the same
18 manner and the same way than the guy had done it four years
19 prior. Calvin knew that the guy was in jail just a couple
20 days before. Calvin knew -- all these things are in his mind.
21 Calvin knew that the guy was dangerous and was just involved
22 in a club shooting. Calvin knew that the guy had told people
23 who he was close to, when he gets out of jail, he's going to
24 kill you. Calvin knew that his mom saw him right in front of
25 the house. All these things were in his mind when the guy

1 comes up and puts his arm around him. Now, whether or not
2 Calvin ran when he saw the guy is not the question. Whether
3 or not Calvin had the right when he goes to pull the trigger
4 to defend himself in the great State of South Carolina is the
5 question. And that question is answered in the affirmative in
6 this case. The preponderance of the evidence shows that
7 Calvin went to a birthday party. He was with his kid and his
8 -- the mother of his child all day long, visiting his father,
9 visiting his mother and stopping in every now and then on the
10 party. But, I mean, there was evidence that showed he stopped
11 there for 10 minutes. He stopped there and he comes back
12 without his family finally and this is the time where he
13 finally -- nobody said he saw Jamal before. Nobody said he
14 was confronted before, but he finally sees Jamal and Jamal, as
15 Calvin testified on his own admission he had a car behind him
16 and Jamal sees him, comes up and puts his arm around him. Two
17 witnesses testified Calvin was trying to get the arm off
18 because that's how the gun happened last time. Calvin says I
19 saw the gun in his front of his jeans pocket. One of the
20 State's witnesses paints the perfect picture of how he looked
21 on that day. Goes through his entire clothes. I asked her
22 did he have a gun on him? No way. I looked him up and down.
23 I said, did he have anything in his waistband. She said no
24 way, I looked him up and down. I show her the picture and I
25 submit, Your Honor -- request, Your Honor, to look at that

1 photo because clearly there's something and she says it looks
2 like a cellphone holder. I mean, there is a clear definite
3 hammer from the back end of a gun in that photo and we
4 enlarged it and she said yep it still looks like a cellphone
5 holder. That's there one witness to the event. She's
6 backtracking but that goes to show credibility. That's one
7 witness. What about the other witness? Well, I show her the
8 snapchat conversation and she says, if you didn't shoot that
9 guy he would have definitely killed you. I can pull it up
10 verbatim, Your Honor. You know, those are there two
11 witnesses. We have satisfied our burden. Our burden was to
12 exceed preponderance of the evidence. They found two
13 witnesses, both of them on the stand backtracked. The second
14 one -- the first witness that they put up miss Felicia
15 Williams might as well of been our witness. I said it like
16 this, if you wouldn't have killed Jamal he would have killed
17 you. Somebody was going to get killed that night regardless.
18 That's what their witness testified to and then I said was
19 that true when you said it to him, she said yes. And then
20 they put up another witness and I tried to get in the
21 statement she made through one of the other officers as
22 opposed to playing the audio, but I didn't realize we weren't
23 going to bring the officer. It's okay. But that witness said
24 I looked him up and down. She asked him about his boxers, she
25 asked him about his t-shirt. She asked him about his Tampa

1 Bay Devil Rays Jersey and put up into evidence -- she said
2 there wasn't anything on it. There wasn't anything on his
3 waist. Now, I show him a picture from that day when he's
4 holding her child. Now, I understand that they're very close
5 and it's a very heated case for all of these families involved
6 and it's horrible. It's tragic. But at the same time there's
7 got to be a truth somewhere and saying the guy didn't have
8 anything in his waistband when the photo clearly shows he did.
9 That's not truth, that's not justice. And then the other one
10 saying I don't remember saying to Calvin if you wouldn't have
11 killed the guy, the guy would have killed him. That's not
12 truth. And that was their only two witnesses, Your Honor.
13 This is preponderance of the evidence. We put up three
14 different witnesses to show that guy was dangerous. Calvin
15 knew it. All we have to show is Calvin was without fault.
16 Calvin did not go over there to kill somebody, on GPS monitor,
17 at his brother's birthday party, and also under curfew and
18 while he's being watched for two other cases that she brought
19 up, and in front of all of these people. This wasn't some
20 setup in the middle of the street, Your Honor. And secondly,
21 and secondly, without fault it would have to be conduct that
22 was the type when reasonable calculated to provoke the deadly
23 assault. Calvin would never approach this guy and try to
24 assault this guy. Never. And he didn't that day. They say
25 they were just talking and all of our witnesses said no, no,

1 no they were arguing. As a matter of fact, Your Honor, when
2 they put up one of their witnesses who was Ms. Gore, she says
3 oh yeah, yeah, yeah I saw -- she corroborates with Bill Bill's
4 statement. She corroborates Everett Ford's statement.
5 They're saying Everett Ford wasn't there, Sherika Gore said
6 no, no, no I saw what Everett Ford said. I saw Aliga Campbell
7 and Jamal talking earlier in the day. And were they fighting?
8 What were they doing? I mean, she wouldn't make that up.
9 These are all things that go to a line, our witnesses are
10 telling the truth. And when it comes down to the things that
11 are pointed, they're not credible. But the fact remains is
12 the first witness hit the law on the nose for us. I mean,
13 clearly Stand Your Ground was established for this case. And
14 we'll take it on to imminent danger. Your Honor, he knew --
15 he told the guy and it was said by their witness, by their
16 witness. I heard Calvin say, don't shoot, let's fight. I
17 can't think of a more clear case in the State of South
18 Carolina where we have a Stand Your Ground where somebody says
19 -- this is what we've longed for, for these kids. Let's not
20 shoot each other. Let's fight with our hands. That was their
21 witness and our witness and our witnesses' brother -- or our
22 witness who was his brother. These are all three separate.
23 We've never even talked to that witness, Your Honor. She said
24 I don't remember saying that on the recording with the
25 detective. And now, reasonable fear, this man undoubtedly had

1 a reasonable fear of this man, of Jamal. He had his teeth
2 knocked out with a gun, undisputed. We raised the issue
3 undisputed. The preponderance of the evidence standard. My
4 client testified, his brother knew about it, he visited him in
5 the hospital, his mom knew about it. This man had his teeth
6 knocked out in the middle of the street. Yes, he didn't talk
7 about it because that's where he's from. He doesn't talk to
8 anyone about this case, ever. They've asked him everything,
9 he hasn't said a word. That's just how it is and that
10 shouldn't be viewed one way or another. But what should be
11 viewed is that he -- I submit having your teeth knocked out,
12 needing surgery and being in bed for a month is great bodily
13 injury on the first go round. But if it's not is sure is
14 enough to make somebody in imminent fear and have that fear
15 reasonable when he sees a gun. That picture shows a gun, Your
16 Honor. And if it doesn't show a gun, it certainly show
17 reasonable fear that that is a gun. She says it's a phone
18 holder right here in the front of his jeans, Your Honor. I
19 submit to you, that is highly unlikely. And let's say for
20 arguments sake she's spot on and it is. It's reasonable for
21 him to fear that it's a gun, Your Honor. Reasonable under
22 those circumstances. He was told he was going to get out of
23 jail and kill him. He was told that he was -- that Jamal was
24 angry at him. He saw Jamal for the first second and all of
25 that stuff happened at one time. And, Your Honor, under 14-40

1 (c) he was attacked at a place he had a right to be. This was
2 his brother's birthday. Everybody knew that he was invited.
3 It's a very, very sad and tragic case. But they have another
4 person who they arrested for this charge.

5 **THE COURT:** Alright.

6 **MR. MCCOY:** Thank you, Your Honor.

7 **THE COURT:** Alright. I don't know if you call it
8 granting the State's motion or what, but I am going to deny
9 the defendant's motion for immunity from prosecution. I find
10 that the defense has failed to prove by preponderance of the
11 evidence that they are in -- or that he is entitled to
12 immunity in this case. So, therefore it does go to trial.
13 Now, the burden shifts and the State has to disprove self-
14 defense but preponderance of the evidence -- I mean, beyond a
15 reasonable doubt. So, I'm just denying the defendant's motion
16 for immunity finding that the defendant has failed to prove
17 immunity under the statute 16-11-450 by preponderance of the
18 evidence. And as I said, that just means it goes to trial.
19 He can still raise self-defense and the State has to disprove
20 self-defense beyond a reasonable doubt. Alright.

21 **MR. MCCOY:** I understand. Thank you, Your Honor.

22 **THE COURT:** Thank you.

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State vs Ford

200

2017-GS-26-2912 - 2915

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C E R T I F I C A T E

I, the undersigned, Sallie Beth Todd, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of the Transcript of Record of the hearing held in the interest of State of South Carolina versus Calvin Ford, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on March 5, 2019.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Sallie Beth Todd, CVR
Official Reporter

December 11, 2019.

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE COURT OF GENERAL SESSIONS

ORDER IN A CRIMINAL CASE
WARRANT(S):
INDICTMENT(S): 2017GS2602912
2017GS2602913
2017GS2602914
2017GS2602915

State of South Carolina

Calvin Ford
DEFENDANT(S)

This form order submitted by: Benjamin H. Culbertson Presiding Judge	Attorney for : <input type="checkbox"/> State <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE

- DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered. See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. See below for additional information.

MOTION: Defendant's Motion for Immunity From Prosecution Pursuant to S.C. Code Ann. §16-11-450

GRANTED DENIED CONTINUED WITHDRAWN

WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party

OTHER:

FILED
 2019 MAR -6 AM 10:02
 REBEKAH ELMS
 CLERK OF COURT
 HORRY COUNTY, SC

IT IS ORDERED AND ADJUDGED: See Order of the Court below See attached order
 Formal Order to follow; to be prepared by: State Defendant Other:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk : _____

At the close of the defendant's case, the court GRANTS the State's Motion for Directed Verdict as to indictment 2017GS2602914 (alleging the murder of Damien Alston) and, therefore, DENIES the defendant's Motion for Immunity From Prosecution as to indictment 2017GS2602914.

The court DENIES the defendant's motion as to indictments 2017GS2602912 (Possession of a Firearm By a Felon) and 2017GS2602915 (Possession of a Weapon During the Commission of a Violent Crime) as S.C. Code Ann. §16-11-450 does not provide immunity from prosecution for those crimes.

(CONTINUED ON PAGE 2)

prove (BAC)

Defendant failed to ~~provide~~ by a preponderance of the evidence that he is entitled to immunity from prosecution under S.C. Code Ann. §16-11-450 for indictment 2017GS2602913 (alleged murder of Jamal Burgess). Therefore, the defendant's motion for immunity is DENIED.

Margaret Culbertson

Circuit Court Judge

2148

Judge Code

March 5, 2019

Date

Court Reporter: Sallie Beth Todd

RENÉE A. ELVIS
CLERK OF COURT
Horry County, SC

2019 MAR -6 AM 10:02

FILED

For Clerk of Court Office Use Only

This judgment was entered on the 10 day of March, 2019 and a copy mailed first class or placed in the appropriate attorney's box on this 10 day of March 2019 to attorneys of record or to parties (when appearing pro se) as follows:

Mary Ellen Waeter
Josh Wolford
ATTORNEY(S) FOR THE STATE

Jonathan McCoy
ATTORNEY(S) FOR THE DEFENDANT(S)

Renee Elvis
CLERK OF COURT

Court Reporter:

FILED
2019 MAR -6 AM 10:02
RENEE N. ELVIS
CLERK OF COURT
70 Horry County, SC

in self-defense and denies shooting Damian Alston.

Jamal Burgess was known to carry a gun.⁴ He was also known to be violent and had assaulted the defendant on a previous occasion by knocking out the defendant's teeth with a pistol.⁵ The defendant was afraid of Jamal Burgess from this prior altercation⁶ and thought that Jamal Burgess wanted to kill him.⁷

During the evening of July 23, 2016, while at a birthday party, Jamal Burgess was angry and aggressive toward the defendant.⁸ Damian Alston intervened and tried to calm the situation by getting between the defendant and Jamal Burgess. The defendant contends that both Damian Alston and Jamal Burgess had guns.⁹ He alleges that Jamal Burgess pushed Damian Alston, causing Damian Alston's gun to fall to the ground; that Jamal Burgess pulled out his gun and began shooting at the defendant; that the defendant picked up Damian Alston's gun and returned fire in self-defense, killing Jamal Burgess.¹⁰ The defendant denies that he shot Damian Alston and does not know who shot Damian Alston.¹¹

In contrast to the defendant's evidence, the State presented evidence that neither Jamal Burgess nor Damian Alston had guns, that the defendant was the only person with a gun and that the defendant instigated the altercation by pulling out his gun and firing shots at Jamal Burgess first.¹²

⁴ *Transcript*, p. 25, lines 17-19. Testimony of Everett Ford. *Transcript*, p. 70, lines 11-15. Testimony of Defendant.

⁵ *Transcript*, p. 28, line 24 – p. 30, line 17. Testimony of Everett Ford.

⁶ *Transcript*, p. 63, line 13 – p. 65, line 23; p. 67, lines 14-25; p. 111, lines 15-25. Testimony of Defendant.

⁷ *Transcript*, p. 68, line 1 – p. 70, line 15. Testimony of Defendant.

⁸ *Transcript*, p. 26, line 8 – p. 28, line 8. Testimony of Everett Ford.

⁹ *Transcript*, p. 32, line 2 – p. 34, line 10. Testimony of Everett Ford.

¹⁰ *Transcript*, p. 73, line 18 – p. 80, line 13; p. 97, line 16 – p. 99, line 10. Testimony of Defendant.

¹¹ *Transcript*, p. 79, lines 3-8; p. 80, lines 2-6. Testimony of Defendant.

¹² *Transcript*, p. 131, lines 18-19. Testimony of Elizabeth Holoman. *Transcript*, p. 136, line 13 – p. 139, line 15; p. 149, line 23 – p. 150, line 13; p. 156, lines 2-12. Testimony of Felicia Denise Williams. *Transcript*, p. 159, lines 6-13; p. 161, line 16 – p. 162, line 2; p. 170, lines 6-13. Testimony of Sherika Gore. *Transcript*, p. 175, lines 12-23. Testimony of Chris Turner.

CONCLUSIONS OF LAW

The *Protection of Persons and Property Act* (the Act) states as follows:

A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be...has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person....¹³

The Act further provides that “[a] person who uses deadly force as permitted by the provisions of this article or another applicable provision of law is justified in using deadly force and is immune from criminal prosecution and civil action for the use of deadly force....”¹⁴

A defendant is entitled to a pre-trial ruling by the circuit court to determine whether or not the defendant is entitled to immunity from prosecution under the Act. *State v. Duncan*, 392 S.C. 404, 709 S.E.2d 662 (2011). The defendant bears the burden of proving by a preponderance of the evidence that he has a valid claim of self-defense, saving and excepting the duty to retreat. *State v. Curry*, 406 S.C. 364, 752 S.E.2d 263 (2013). A preponderance of the evidence means the greater weight of the evidence. It is evidence which, as a whole, shows that the fact sought to be proved is more likely true than not true. *Metropolitan Stevedore Co. v. Rambo*, 521 U.S. 121, 117 S. Ct. 1953, 138 L. Ed. 2d 327 (1997). Self-defense requires that: 1) a defendant must be without fault in bringing on the difficulty; 2) the defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger; 3) if the defendant believed he was in imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief or, if the defendant actually was in imminent danger, the circumstances were such as would warrant a man of ordinary

¹³ Code §16-11-440(c)

¹⁴ Code §16-11-450(A)

prudence, firmness and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life; and 4) the defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did. *State v. Davis*, 282 S.C. 45, 317 S.E.2d 452 (1984). The last element of self-defense, the duty to retreat, is not required for a defendant to have immunity from prosecution under the Act. *State v. Curry*, *id.*

In the case at hand, the defendant alleges that he is entitled to immunity from prosecution under the Act because he acted in self-defense. However, the defendant asserts that he did not shoot or kill one of the victims, Damian Alston. He asserts that someone else did. Therefore, his defense to that alleged murder is not self-defense but, rather, that someone else committed the crime. The Act does not provide immunity from prosecution when a defendant claims that he did not commit the crime. Whether or not the defendant shot and killed Damian Alston (not whether or not the defendant acted in self-defense) is a question of fact to be determined by a jury at trial. Therefore, as a matter of law, the defendant is not entitled to immunity from prosecution under the Act for the alleged murder of Damian Alston.

As to the alleged murder of Jamal Burgess, possession of a weapon by a felon and possession of a weapon during the commission of a violent crime, the State presented evidence that the defendant was at fault in bringing on the difficulty. The State's evidence is in direct contrast to the evidence presented by the defendant and is as equally compelling as the evidence presented by the defendant. Therefore, the defendant failed to prove that it is more likely true than not true that he was not at fault in bringing on the difficulty, thus failing to prove that element of self-defense by a preponderance of the evidence. The defendant failed to meet the burden of proof required for immunity from prosecution. Therefore, as a matter of law, the defendant is not entitled

to immunity from prosecution under the Act for the alleged murder of Jamal Burgess, possession of a weapon by a felon and possession of a weapon during the commission of a violent crime.

NOW, THEREFORE, based upon the above findings of fact and conclusions of law, it is hereby

ORDERED, that the defendant's Motion for Immunity from Prosecution in this case is DENIED.

AND IT IS SO ORDERED.



Benjamin H. Culbertson
Presiding Judge

October 24, 2024
Georgetown, SC

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY)

The State,)
)
 Plaintiff,)
 vs.) 2017GS2602912
) 2017GS2602913
) 2017GS2602914
) 2017GS2602915
 Calvin Durrell Ford,)
)
 Defendant.)

The State,)
)
 Plaintiff,)
 vs.) 2017GS2606725
) 2017GS2606729
)
)
 Aliga Dasun Farrie Campbell,)
)
 Defendant.)

Transcript of Record
 November 4-8, 2019

B E F O R E:

Honorable Paul M. Burch
 Horry County Courthouse
 Conway, South Carolina

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

Joshua D. Holford, Esquire
 Mary-Ellen Walter, Esquire
 Attorneys for Plaintiff

Jonathan D. McCoy, Esquire
 Attorney for Defendant,
 Calvin Durrell Ford

Voir Dire

13

1 (On the record, November 4, 2019. The following takes
2 place in the presence of the jury venire.)

3 THE COURT: Now, what we're going to do here we're going
4 to call a case for trial and that means I'm going to ask you
5 some additional questions, unless Judge John did that. I
6 don't think he did case-specific voir dire; did he?

7 MS. WALTER: No, Your Honor.

8 MR. HOLFORD: No, Your Honor.

9 THE COURT: Okay. All right. If I can have the
10 indictments.

11 MS. WALTER: The Court's indulgence.

12 THE COURT: Okay. Do you have any voir dire for me?

13 MR. MCCOY: Yes, Your Honor. Thank you, Judge.

14 THE COURT: Thank you.

15 All right. The Court is calling for trial the following
16 indictments: Indictment Number 2017GS2602912, it's the State
17 of South Carolina versus Calvin D. Ford. If Mr. Ford would
18 stand and face the jury at this time.

19 (Complies with request.)

20 THE COURT: Thank you, sir. You may be seated.

21 Also, on that indictment, the charge on that particular
22 indictment is unlawful possession of a firearm by a person
23 convicted of a violent offense. Next indictment is
24 2017GS2602913. It's for murder. Also for trial is indictment
25 2017GS2602914, an indictment for murder. Also indictment

Voir Dire

14

1 2017GS2602915 is an indictment possession of a weapon during
2 the commission of a violent crime. So we have four
3 indictments.

4 To give you a little background information, the
5 allegations contained in indictment alleges that these
6 offenses occurred in Horry County on or about July the 23rd of
7 2016, the victim being Jamal Burgess. Counsel, have you all
8 -- you all correct me if I misstate anybody's names.

9 Also for trial is indictment 2017GS2606725, the State of
10 South Carolina versus, and correct me if I'm wrong on
11 pronunciation, Aliga.

12 MR. FOX: Aliga, Your Honor.

13 THE COURT: Aliga Dasun Farrie, is that correct?

14 MR. FOX: Yes, sir.

15 THE COURT: Campbell, indicted on that particular
16 indictment for murder, and this particular indictment, for
17 background purposes, Horry County, allegedly occurred in Horry
18 County on or about July the 23rd of 2016, the victim, Jamal
19 Burgess.

20 Also for trial is indictment 2017-06729, on that
21 particular Defendant is a -- another indictment for murder,
22 and this particular one it's Horry County, the same alleged
23 date, the victim, Dameion Alston. Am I pronouncing that --

24 MS. WALTER: Yes, Your Honor.

25 THE COURT: So those are the indictments with some of the

Voir Dire

15

1 allegations there.

2 Defendant Campbell present?

3 MR. FOX: Yes, sir, Your Honor.

4 THE COURT: If you would, I need you to stand and face
5 the jury so we can see if anybody might be related to you.

6 (Complies with request.)

7 THE COURT: Thank you, sir. You may be seated, and that
8 is the first question. Do I have anybody on the jury panel
9 who is related by blood or by marriage or has any business,
10 social, religious or fraternal relationship with Defendant
11 Campbell or Defendant Ford? If so, we need you to stand at
12 this time.

13 (No response.)

14 THE COURT: All right. The next question I will pose
15 after I ask all the attorneys involved to stand and introduce
16 themselves and we'll start with the State's side.

17 MS. WALTER: Good morning. My name is Mary-Ellen Walter.
18 I'm a senior assistant solicitor for the Fifteenth Circuit.
19 I'll be prosecuting this case along with --

20 MR. HOLFORD: I'm Josh Holford, also with the Circuit
21 Solicitor's Office here in Horry County, senior assistant
22 solicitor.

23 MR. MCCOY: Hey there. I'm Jonny McCoy. I have a law
24 firm on 21st Avenue North, downtown Myrtle Beach, respectfully
25 called the Law Office of Jonny McCoy. It's just me. I have a

- 1 BY MS. WALTER:
- 2 Q Ms. Holoman, if you can just -- good morning, Ms.
- 3 Holoman. If you can just state your name and then just spell
- 4 your last name for the court reporter, please.
- 5 A Say what?
- 6 Q Can you state your name, please, and then just spell your
- 7 last name for the court reporter.
- 8 A Oh, Elizabeth Holoman, Elizabeth Holoman.
- 9 Q And how do you spell your last name?
- 10 A H-O-L-O-M-A-N.
- 11 Q Are you referred to as Ms. Dudley?
- 12 A Yes.
- 13 Q Okay. And where do you live?
- 14 A [REDACTED] Warren Street, Myrtle Beach.
- 15 Q And that's here in Horry County?
- 16 A Uh-uh. Myrtle Beach, South Carolina.
- 17 Q Right beside --
- 18 A In Myrtle Beach, South Carolina.
- 19 Q Okay. And do people also refer to Warren Street as
- 20 Dudley Row?
- 21 A Yes. They do.
- 22 Q Okay. How long have you lived there?
- 23 A Ever since 1965.
- 24 Q Okay. And you're -- so you're still living there today?
- 25 A I'm still there.

1 Q Dameion Alston.

2 A Alston?

3 Q Yes.

4 A Yeah. They just come around there, where his sister live
5 right across the street.

6 Q Okay. Now, thinking back to July 23rd of 2016, do you
7 remember that day, the day that the shooting occurred?

8 A Uh-huh.

9 Q And you just have to say yes or no so she can --

10 A Yes.

11 Q Okay. Sorry. What had you been doing that day?

12 A Well, I been out of town for my nephew funeral in
13 Spartanburg, South Carolina.

14 Q Did you come back home after the funeral?

15 A Yes. We did.

16 Q Do you know about what time you got home?

17 A I know it was dark. I can't remember what time it was.

18 Q But it was already dark out?

19 A Yeah. Uh-huh.

20 Q And who had gone with you to the funeral? Who went to
21 the funeral with you?

22 A Oh, me and my brother and my cousin and one of our
23 friends, she took us.

24 Q Okay. So when you got back to Warren Street what did you
25 see happening outside?

1 A Oh, I guess so. I don't know.

2 Q Checking on him and stuff.

3 A Yeah. Because I didn't go out the door.

4 Q I understand. I wouldn't have either.

5 A I wasn't going out there.

6 Q I understand. Ms. Holoman, thank you very much. Okay?

7 A Okay.

8 Q Thank you.

9 THE COURT: Mr. Fox.

10 MR. FOX: Thank you, Your Honor. I have no questions of
11 this witness.

12 THE COURT: Ms. Holloman, you may step down. Be careful.

13 A All right. Thank you.

14 MS. WALTER: And Your Honor, we'd ask that she be
15 released from her subpoena.

16 THE COURT: Any objection?

17 MR. MCCOY: None, Your Honor.

18 MR. FOX: None, Your Honor.

19 THE COURT: All right. We will take about a 10 to
20 15-minute break. Mr. Clerk will be coming back to

21 --

22 MS. WALTER: May I just escort -- I'm just going to
23 escort the witness.

24 THE COURT: -- yeah -- take your lunch order. The jury
25 may step back to the room.

Christopher Turner - Direct by Mr. Holford

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- 1 Q Mr. Turner, where are you currently employed?
- 2 A Myrtle Beach Police Department.
- 3 Q And how long have you been with the police department?
- 4 A Five and a half years.
- 5 Q Okay. What's your, what's your position there right now?
- 6 A I work in the K-9 department, a K-9 unit.
- 7 Q Okay. And where were you working back in July 2016?
- 8 A I was working for the patrol unit.
- 9 Q Patrol. Okay. You're an officer, obviously?
- 10 A Yes, sir.
- 11 Q I know that's a silly question. You're in civilian
- 12 clothing though; right?
- 13 A Yes, sir.
- 14 Q Did you respond in this case with Calvin Ford and Aliga
- 15 Campbell?
- 16 A Yes, sir.
- 17 Q Where'd you respond to?
- 18 A I responded to Warren Street.
- 19 Q All right. Where is Warren Street?
- 20 A It is off of Joe White just north of Joe White in
- 21 between, I guess, Dunbar and Robert Grissom.
- 22 Q And at that point how long had you been a patrol officer
- 23 in Myrtle Beach?
- 24 A Two years-ish.
- 25 Q You're familiar with that area?

1 evidence and appropriately marked.)

2 BY MR. HOLFORD:

3 Q Then I'm going to show you -- this is State's 39. How is
4 that different from 41?

5 A It's just a larger view. Warren Street is on the top
6 right of the picture.

7 Q Okay. And you're familiar with this?

8 A Yes, sir.

9 MR. HOLFORD: The State would seek to introduce State's
10 39 in evidence.

11 MR. MCCOY: Without objection, Your Honor.

12 MR. FOX: No objection.

13 THE COURT: In without objection.

14 (State's Exhibit Number 39 [Poster] admitted into
15 evidence and appropriately marked.)

16 BY MR. HOLFORD:

17 Q And the last one, I took them a little out of order.
18 This is State's 40. How, how does this differ from 39?

19 A It's just a -- more zoomed in view.

20 Q Okay. And you're familiar with that area?

21 A Yes, sir

22 MR. HOLFORD: The State would seek to introduce State's
23 40 in evidence.

24 MR. MCCOY: Without objection, Your Honor.

25 MR. FOX: No objection, Your Honor.

Christopher Turner - Direct by Mr. Holford

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1 (State's Exhibit Number 40 [Poster] admitted into
2 evidence and appropriately marked.)

3 MR. HOLFORD: Your Honor, could the officer come off the
4 stand and explain as he's pointing to these maps?

5 THE COURT: Sure.

6 BY MR. HOLFORD:

7 Q Now, would you just explain as best you can without
8 blocking anyone out, maybe go like this. This is State's 39,
9 so, so to give the jury an idea where, where we are in
10 relation to Myrtle Beach?

11 A This is kind of the center of Myrtle Beach. The police
12 department is further down, the bottom, would be in the bottom
13 right-hand corner of that area. Robert Grissom would be
14 further up here, and 501 would be running along almost kind of
15 parallel to Joe White.

16 Q Okay. And what's this, what's this pond here?

17 A That's the pond in Futrell Park.

18 Q Okay. Now, what is this, this [REDACTED] Warren Street? Why
19 is that marked on there?

20 A That was the location of the incident.

21 Q Okay. And so you said you responded there; right?

22 A Yes, sir.

23 Q Okay. Which way did you come?

24 A I was coming out of the police department which like,
25 like I said earlier would be in the bottom right-hand corner

1 of the, the picture there.

2 Q Okay.

3 A And I came westbound on Joe White which is going towards
4 Warren Street, and I made the immediate right onto Warren
5 Street.

6 Q Okay. Now, we're going to zoom in just a little bit.
7 This is -- now, now we're looking at State's 40. So that's
8 just a little closer up to where you responded?

9 A Yes, sir.

10 Q All right. So, so where do you pull in once you come off
11 Joe White onto Warren Street? Where are you pulling into?

12 A I pulled in right onto Warren Street, and I'm not sure
13 exactly where I parked. There was a large crowd, but I parked
14 somewhere in the road.

15 Q All right. Tell me about that, a large crowd.

16 A It was just seemed like there was some kind of party
17 going on that night. There was a large crowd, multiple
18 people.

19 Q Could you estimate about how many people are out there?

20 A Anywhere between 60 to 80 I would, I would guess.

21 Q More than 10?

22 A Oh, absolutely.

23 Q More than 40?

24 A Absolutely.

25 Q And so, so what do you do? You park your car and then

Christopher Turner - Direct by Mr. Holford

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1 where did you go?

2 A I parked my car, and I, I was -- I could see where people
3 were pointing me to go, and I saw a body laying in --
4 somewhere around the, the driveway of 1008 Warren Street, and
5 I immediately went to the body.

6 Q All right. Can you point on the map about where you saw
7 that?

8 A I believe it was somewhere in this area. I'm not exactly
9 sure whereabouts.

10 Q All right. So you're, you're pointing closer to Warren
11 Street in the driveway rather than further back in the
12 backyard?

13 A Yes, sir.

14 Q Okay. And, and do you know who that was laying on the
15 ground?

16 A It was Jamal Burgess.

17 Q And did you -- what'd you see when you saw Jamal Burgess
18 laying on the ground?

19 A He was bleeding. He had apparent gunshot wounds.

20 Q All right. You say apparent gunshot wounds. How, how do
21 you know they were gunshot wounds?

22 A I, I would assume they were gunshot wounds based off the
23 -- what I was instructed. I was told that he had been shot
24 and I've also seen them prior by working on the, on the road.

25 Q Okay. What does a, what does a gunshot wound look like?

- 1 A Essentially it looks like a puncture wound.
- 2 Q Okay. And how would that differ from a stab wound or, or
3 another weapon?
- 4 A Normally stab wounds are elongated. This was a circle.
- 5 Q Where did you see these wounds on Jamal Burgess?
- 6 A Saw one in his abdominal area and one on his back.
- 7 Q Okay. And that would -- in here somewhere?
- 8 A Yes, sir.
- 9 Q Okay. Did you see anyone, anyone else laying on the
10 ground?
- 11 A I did not see anyone in that area when I first arrived.
12 After I had been there for a little while I realized that
13 another officer was tending to a subject that was -- had also
14 been shot and he was further towards the back of the --
- 15 Q Okay. Can you just point on the map to where?
- 16 A I believe it was, like I said, somewhere towards, closer
17 towards the backyard.
- 18 Q You can come back here if you want. Now, talk to us about
19 when you respond, you see Jamal Burgess laying on the ground,
20 what you say is an apparent gunshot wound. So what do you do?
- 21 A I began to render aid. We've been taught to remove as
22 much clothing as we can to figure out how many injuries there
23 are to the, to the subject. I removed his shirt and I began
24 to remove his clothing. Shortly after I was rendering aid,
25 another officer was there and assisted me. I began to put

Christopher Turner - Direct by Mr. Holford

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- 1 Q I'm going to hand you what's been marked as State's 43.
2 This is just for ID. It's not in evidence, but are you able
3 to tell by refreshing your recollection what time that call
4 came out?
- 5 A The date and time it was received was 2058.
- 6 Q Okay. And so what is that in laymen's terms?
- 7 A That was the time the call came out, and it would be
8 8:58.
- 9 Q Okay. And, and on this CAD sheet are you able to tell
10 when you respond?
- 11 A Yes, sir.
- 12 Q Were you riding with anyone else? Were you by yourself?
13 How do you, how do you know that patrol?
- 14 A Yes, sir. I was, I was riding or I was driving the
15 vehicle and Officer Benco was riding with me in passenger.
- 16 Q Okay. And, and does the CAD sheet show when you're
17 dispatched or when you arrive?
- 18 A The CAD sheet shows when Officer Benco was dispatched and
19 he was the one that was operating the radio at the time as --
20 because I was driving. He was dispatched at 21:01, which
21 would be 9:01.
- 22 Q Okay. So within three minutes?
- 23 A Yes, sir.
- 24 Q And does it show what time you arrived?
- 25 A Yes, sir. It shows that Officer Benco arrived, and like

1 I said, he would be the one calling out our traffic at 21:01.

2 Q So you actually arrive at the scene within three minutes?

3 A Yes, sir.

4 Q When you get to -- when you get there and, and you see

5 Jamal Burgess laying on the ground, did you see anything

6 around him?

7 A No, sir.

8 Q Did you see any weapons around him?

9 A No, sir.

10 Q Did you see a gun around him?

11 A No, sir.

12 Q You said you're taught to remove clothing. Did -- was

13 clothing removed?

14 A Yes, sir. I believe I -- I know that I removed his, his

15 shirt and I believe that we were working on removing his pants

16 as well.

17 Q Was there a gun in his waistband?

18 A No, sir.

19 Q Was he laying on one?

20 A No, sir.

21 Q Did you, did you search around that immediate vicinity

22 for one?

23 A In the very close immediate area I was able to. There

24 was a large crowd around us. So I wasn't able to see very far

25 around.

1 A Yes, sir.

2 Q About halfway up the pole, and this is, this is the green
3 street sign of the entrance of the actual street; correct?

4 A Yes, sir.

5 Q Okay. And is that street a dead end?

6 A Yes, sir.

7 Q So that's the only entrance into that street; correct?

8 A Yes, sir.

9 Q Okay. So how many cameras are on that pole? Is it four;
10 correct?

11 A I do not know.

12 Q Okay. If I show you a, a close-up picture of the cameras
13 on that pole would that help refresh your recollection?

14 A Yes, sir. I could count them.

15 Q Okay. Does that look like a true and accurate copy of
16 the cameras on Warren Street, and the corner of Warren and 10th
17 Avenue?

18 A Yes, sir.

19 Q Okay.

20 MR. MCCOY: Your Honor, we would move -- ask to move this
21 picture as Defense Exhibit Two.

22 MR. HOLFORD: No objection.

23 THE COURT: In without objection.

24 (Defendant Ford Exhibit Number Two [Photograph] admitted
25 into evidence and appropriately marked.)

1 BY MR. MCCOY:

2 Q Now, can you tell the jury how many, how many cameras are
3 on the, the camera pole at the corner of Warren Street and
4 10th Avenue?

5 A I see four.

6 Q Four cameras at the corner of Warren Street and Joe White
7 Avenue; correct?

8 A Yes, sir.

9 Q Okay. And can you tell the jury what -- which way each
10 one's facing? It's towards, towards the --

11 A They're all on the Joe White side. I'm not sure where
12 they're -- the lens is actually pointing.

13 Q Is there one in front or, or down towards the entrance of
14 the, the street?

15 A Yes. There's one that's more towards the Warren Street
16 and Joe White side.

17 Q And you've patrolled there and you see these cameras. Do
18 you think that camera would have captured who came, who came
19 to the party in a car?

20 A Possibly, probably.

21 Q Probably. Is this a close up of the -- of those cameras
22 that you just saw?

23 A Yes, sir, appears to be.

24 Q This is a true and accurate copy or picture of what those
25 cameras appear to be?

Bernard Devoid - Direct by Mr. Holford

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1 A I could not see the victim. I could see an officer
2 kneeling down back there.

3 Q Okay. No further questions.

4 THE COURT: Anything else?

5 MR. MCCOY: Nothing from Defense One, Your Honor.

6 MR. FOX: Nothing further, Your Honor.

7 THE COURT: Thank you, sir. You may step down.

8 A Thank you, Your Honor.

9 THE COURT: We need him?

10 MR. HOLFORD: Your Honor, the State would ask that he be
11 released from his subpoena.

12 MR. MCCOY: Certainly, Your Honor.

13 MR. FOX: No objection, Your Honor.

14 THE COURT: Thank you. You are excused.

15 MR. HOLFORD: The State calls Bernie, Bernard Devoid.

16 Whereupon, Bernard Devoid is called to the stand, duly
17 sworn by the clerk and testified as follows:

18 THE CLERK: State your name and then spell your name for
19 the Court.

20 MR. DEVOID: Bernard Devoid, B-E-R-N-A-R-D, D-E-V-O-I-D.

21 DIRECT EXAMINATION

22 BY MR. HOLFORD:

23 Q Officer Devoid, where are you currently employed?

24 A Myrtle Beach Police Department.

25 Q And how long have you been at Myrtle Beach Police?

- 1 A 19 years.
- 2 Q 19 years. All right. What's your current position?
- 3 A Assigned to patrol division.
- 4 Q Okay. And, and where were you assigned back in July of
- 5 2016?
- 6 A I was assigned to midnight patrol.
- 7 Q Patrol. Okay. You have a vehicle?
- 8 A Yes.
- 9 Q Did you ride with anyone at the time or were you by
- 10 yourself?
- 11 A I was by myself.
- 12 Q Okay. And did you respond to this shooting incident on
- 13 Warren Street --
- 14 A Yeah.
- 15 Q -- On July 23rd, 2016?
- 16 A Yes. I did.
- 17 Q Okay. And tell the jury just a little bit about how do
- 18 you, how do you know there's a shooting? How does that
- 19 happen?
- 20 A The call was dispatched as a shooting incident and I
- 21 think I was actually at the police department when that came
- 22 out.
- 23 Q Okay.
- 24 A And then we basically left from there.
- 25 Q And when a call comes to dispatch what, what happens?

Bernard Devoid - Direct by Mr. Holford

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1 What does dispatch do?

2 A Goes to dispatch. They dispatch units that are in the
3 area with a call like that. Normally depending on how many
4 people are working a lot of people go to that.

5 Q So how do you find out about it?

6 A Radio.

7 Q Radio. And are, are the radios connected? Do multiple
8 people hear the same thing?

9 A Yes.

10 Q And you responded in this case; correct?

11 A Yes. I did.

12 Q Now, where did you respond? Where'd you go first?

13 A When I left the police department there was another call
14 that came in and said that the fire station, which is fire
15 station one, it's -- it backs to actually east of the actual
16 incident location. They said that the firemen were calling
17 and saying there were shots fired and somebody's beating on
18 their door. So I responded to that fire station, fire station
19 one.

20 Q Okay. Could there have been multiple calls come in for
21 the same incident?

22 A Yes.

23 Q Do you know what time you arrived on scene?

24 A 21:02.

25 Q 21:02, and how are you able to, how are you able to tell

- 1 us that?
- 2 A From our CAD report.
- 3 Q Okay. And you've reviewed the CAD report?
- 4 A Briefly.
- 5 Q So you respond within about four minutes; is that right?
- 6 A Correct.
- 7 Q I'm going to show you what's been entered as State's 39.
8 Are you familiar with this area?
- 9 A Yes.
- 10 Q Okay. Is the fire station on here?
- 11 A Yes, sir.
- 12 Q And, and can you point to the jury where that is?
- 13 A It's right here on this side here. Sorry.
- 14 Q This big building?
- 15 A Yes.
- 16 Q Okay. So where we see [REDACTED] Warren Street, that's marked;
17 correct?
- 18 A Correct.
- 19 Q Again, just for -- why is that marked?
- 20 A That's the shooting incident.
- 21 Q Okay. And so you responded to this big building right
22 back here?
- 23 A Correct.
- 24 Q Okay. Do you eventually go over to this Warren Street?
- 25 A I do. I checked with the firemen that are inside. They

Bernard Devoid - Cross by Mr. McCoy

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1 control of the immediate area, yes, but it was, it was
2 sometime after we started assisting with witness statements
3 and stuff like that.

4 Q Okay. And were you able to find a weapon?

5 A No.

6 Q Now, this is going to seem like a really silly question,
7 but this area of Myrtle Beach, what county is that in?

8 A Horry County.

9 Q No further questions.

10 MR. MCCOY: Thank you, Your Honor. May it please the
11 Court?

12 THE COURT: Yes, sir.

13 CROSS EXAMINATION

14 BY MR. MCCOY:

15 Q Maybe just one or two questions, Officer Devoid. Thank
16 you for being here. This is a dead-end street; correct?

17 A Correct.

18 Q And if you're coming on car that's the only way to get
19 out of there is that one exit onto Robert Grissom?

20 A Yes, sir.

21 Q Or Mr. Joe White, 10th Avenue; correct?

22 A Right.

23 Q You said eventually you got around -- you were able to, I
24 should say, look for a gun?

25 A Right.

1 Q Correct? Now, you, you've obviously investigated crime
2 scenes before?

3 A Yes, sir.

4 Q And have you been in a crime scene where there's been
5 that many people before, 60 to 80 people?

6 A Yes.

7 Q Okay. And you weren't that surprised that you weren't
8 able to find a weapon amongst 60 to 80 people just on the
9 ground; correct?

10 A Correct.

11 Q No further questions.

12 MR. FOX: No questions, Your Honor.

13 THE COURT: Solicitor, anything further?

14 MR. HOLFORD: Nothing further, Your Honor.

15 THE COURT: Thank you, sir. You may step down.

16 MR. HOLFORD: The State calls Cathie Rhodes.

17 THE COURT: Ms. Rhodes, if you'll come up.

18 Whereupon, Cathie Rhodes is called to the stand, duly
19 sworn by the clerk and testified as follows:

20 THE CLERK: State your name and spell your last name for
21 the Court.

22 MS. RHODES: My name is Cathie Rhodes, spelled last name,
23 R-H-O-D-E-S.

24 REPORTER: Can you spell your first name, too?

25 MS. RHODES: C-A-T-H-I-E.

David Bailey - Direct by Mr. Holford

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1 A Yes.

2 Q Now, I don't see anyone laying on the ground in these
3 photos.

4 A No, sir. Both victims had been transported from the
5 scene when I arrived.

6 Q Okay. And where are they transported to?

7 A To my knowledge it was Grand Strand Regional Hospital.

8 Q But I do see yellow markers. Are those yellow markers
9 out there when you arrive?

10 A No. I placed those out there.

11 Q Okay. So these are pictures that you took after you
12 place the markers?

13 A Yes.

14 Q Tell us, what's the purpose of a yellow marker? What are
15 you doing?

16 A Just to notate the locations of any evidence I find on
17 the scene.

18 Q All right. And what did you find in this case?

19 A There were cartridge cases, and what I mean by cartridge
20 cases is the piece that's ejected out of a gun after it's
21 fired. Basically some people call them casings or cartridge
22 cases, cartridge cases, some fragments, one projectile which
23 is fired out of the barrel of the weapon, one projectile and
24 there were 380 cartridge cases and that one 9 millimeter
25 cartridge casing and an unfired -- I mean, a fired projectile

1 with -- it had a little bit of blood on it.

2 Q All right. Let's, let's back up just a little bit. I --
3 and explain so we're using the same terminology.

4 A Okay.

5 Q Cartridge casings, so let's talk about a cartridge --

6 A Okay.

7 Q -- or a bullet. What, what are the components of a
8 bullet?

9 A The components of a bullet you have the projectile, which
10 is the lead part on the front and then you'll have the case
11 which contains the powder for the bullet and then a primer in
12 the back of the case which is struck to fire the bullet,
13 ignite the powder and fire the bullet.

14 Q Okay. And so what happens when a bullet is fired from a
15 gun?

16 A When a bullet is fired from a gun in a semi auto pistol
17 the bullet is -- the striker is struck by the firing pin and
18 the bullet goes out of the barrel. As the bullet exits the
19 barrel the slide on the weapon will come back and eject a
20 cartridge casing out of the weapon.

21 Q And let me back you up just a moment. You said you'd
22 been at Myrtle Beach Police for 20 years and you've been with
23 crime scene for 14. Do you have specific training in crime
24 scene analysis?

25 A I do.

David Bailey - Direct by Mr. Holford

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1 Q So basically you take a, a wide picture so we can see and
2 then zoom in --

3 A Yes.

4 Q -- to tell what it actually is, and then tell the jury
5 again where, where is that 9 millimeter shell casing?

6 A It's west of [REDACTED] Warren Street. It's approximately 16
7 to 20 feet from the driveway of [REDACTED] Warren.

8 Q Is that away from all the, the 380s?

9 A Yes. It is.

10 Q Were there any other 9 millimeter shell casings out
11 there?

12 A That's the only one I found.

13 Q Now, that's not in the driveway?

14 A No, sir.

15 Q I want to go back to this, this overall photo. If we can
16 look at State's Four and Nine. Are we able to kind of piece
17 together where each of those shell casings is laying based on
18 the yellow markers?

19 A Yes.

20 Q So does it kind of go like, like that?

21 A Yes.

22 Q That's the yellow pole right there, and can you see the
23 vehicles in both of them?

24 A Yes.

25 Q So if we look at both of those we're able to see the

1 groupings of where you found those shell casings?

2 A Yes.

3 Q Talk to us just briefly about, now, you said a shell
4 casing is ejected from a semi automatic?

5 A Yes, sir.

6 Q How, how does that happen? What's the direction? Can it
7 go anywhere? Does it go in a single direction?

8 A It could go, it could go straight up. It could go -- but
9 most, most firearms eject to the right with the exception of
10 some custom made pistols. Most firearms, because most people
11 in the world are right-handed and firearms are made to where
12 they eject on the right-hand side so basically the casing when
13 it comes out it doesn't hit you in the face. So but most,
14 most firearms eject to the right.

15 Q Okay. And is there a distance, I mean, if you're firing
16 a gun in one spot are you able to tell how far away the shot
17 was actually?

18 A It -- you couldn't tell exactly. You could do -- it
19 would just be a proximate because it depends on the power of
20 the weapon, what type of weapon, you know, all weapons throw
21 cartridges different, different distances.

22 Q But when you're looking at this crime scene and you see
23 all these shell casings, are they, are they grouped together,
24 are they all spread out, are they random?

25 A They appear to be in close quarters to each other, almost

David Bailey - Direct by Mr. Holford

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1 in a line. It appeared either someone was either walking
2 towards or retreating back from that scene while they were
3 being fired.

4 MR. MCCOY: Speculation, Your Honor.

5 THE COURT: I'm going to give him some leeway. I
6 overrule the objection on that one.

7 MR. HOLFORD: Thank you, Your Honor.

8 BY MR. HOLFORD:

9 Q Now you say that it appears someone was either walking
10 towards or away, what do you base that on?

11 A Just on the cartridge cases being in a row.

12 Q Okay. So if, if a person were standing stationary, based
13 on your experience, are shell casings going to be in a line
14 from, from there to behind the person?

15 A In my experience, no.

16 THE COURT: Solicitor, is it a good time for a break?

17 MR. HOLFORD: Yes, Your Honor.

18 THE COURT: Okay. All right. Your lunch is here. Let's try
19 to hold it to 45 minutes. The rest of us should be ready to
20 go back to work about 20 till two. All right. Breaking for
21 lunch, 45 minutes. All right. You may step down and relax.
22 (The following takes place outside the presence of the jury.)

23 MR. HOLFORD: Your Honor, may we approach?

24 THE COURT: Yes, sir.

25 MR. HOLFORD: And obviously we can't talk to the witness

1 A Gas is marijuana.

2 Q All right. Thank you for explaining that. So did you go
3 to Warren Street to get marijuana?

4 A I went on Warren Street, not saying that I was going to
5 Warren Street to get marijuana, but I went on Warren Street.

6 Q All right. When you got to Warren Street do you know
7 what time it was?

8 A It was dusk dark.

9 Q Okay. When you got to Warren Street was anyone else on
10 Warren Street?

11 A It was a few people out there.

12 Q Do you remember seeing anyone in particular?

13 A I seen J Money and I seen Dameion.

14 Q All right. And when you say J Money do you mean Jamal
15 Burgess?

16 A Yes, ma'am.

17 Q And you saw Dameion. Did you see anyone else out there?

18 A There was other people out there but I was talking mainly
19 to them two people.

20 Q All right. Did you have any physical contact with --

21 A I got a hug from both of them.

22 Q When you hugged them, did you -- were you able to tell
23 whether either one of them was carrying a gun?

24 A Man, I, I ain't felt no gun on either one of them.

25 Q And when you hugged them was it full body on them?

Darlene Young - Direct by Ms. Walter

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1 A Yeah. Full body. I got a hug 'round my neck and I
2 hugged them 'round their waist because they taller than me.

3 Q All right. And you --

4 A J Money taller than me. Me and Deem [spelled
5 phonetically] probably about the same height, but he didn't
6 have no gun.

7 Q Okay. Now, thinking back to some of the other people
8 that were there, do you remember seeing Sherika Gore there?

9 A Yes, ma'am.

10 Q What about Poo or Mario?

11 A He was probably out there, ma'am.

12 Q What -- when you got there what were Jamal and Dameion
13 doing?

14 A Standing up with a big old bottle of Hennessy.

15 Q Where were they standing?

16 A Right there on the car porch.

17 Q Okay.

18 MS. WALTER: May I approach, Your Honor?

19 THE COURT: Yes.

20 BY MS. WALTER:

21 Q Step around this way, and you just have to -- I'm going
22 to hold it this way because you have to talk into that
23 microphone. So I'm showing you State's Exhibit 41, [REDACTED]
24 Warren Street. Can you show us on here where Jamal and
25 Dameion were standing?

1 A (Complies with request.)

2 Q So and you're pointing to an area in the middle of the
3 driveway?

4 A In the middle right here. That's where I got my hug at,
5 right there, by both of them.

6 Q Okay. So right in the middle of the driveway, and do you
7 recall who had the bottle of Hennessy?

8 A Dameion had the bottle of Hennessy because he ask me to
9 take a shot with him, and I told him I don't drink.

10 Q Okay. After Dameion offered you a shot what happened?

11 A They went -- you know, they went about their ways, you
12 know, doing what they was doing, but Jamal personally asked me
13 to call my son for him. I called my son and they talked on
14 the phone. They said what they said, whatever, whatever, and
15 you know, after I hung my phone up he said, "Take your A
16 home." I said, "I ain't going nowhere," you know, we used to
17 go back and forth because that was just J Money. He always
18 like a laugh, you know.

19 Q So you were kidding back-and-forth --

20 A Yeah. We kid for a little minute back-and-forth and then
21 I just stood there waiting for somebody to come up so I could
22 get what I wanted so I could go back 'cross the highway.

23 Q Okay. And so how long do you think you stood there?

24 A I stood there a little bit too long, that's all. I stood
25 too long. That's it. I stood too long.

Darlene Young - Direct by Ms. Walter

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- 1 Q Okay. As you were standing there, did you see either of
2 the Defendants walk up?
- 3 A No. I can't tell you I seen Aliga walk up.
- 4 Q What about Calvin?
- 5 A I can't tell you that.
- 6 Q What about Calvin Ford?
- 7 A Oh, yeah, I seen him.
- 8 Q Where did you see him coming from?
- 9 A Across the highway into -- I didn't see him until he got
10 in the yard.
- 11 Q Okay. What yard did he get into?
- 12 A He was in Dudley yard, on Dudley car porch.
- 13 Q And Dudley, that's Ms. Holloman?
- 14 A Ms. Holloman.
- 15 Q I'm going to show you again Exhibit 41. Where was Calvin
16 Ford when you first saw him?
- 17 A Okay. This the back of Dudley daughter house. They was
18 up in this area. They was close to the basketball court. It
19 was a basketball court back here, but they were standing
20 closer but they was on the car porch.
- 21 Q And who -- when you say they were standing close to the
22 car porch, who are you saying?
- 23 A Jamal and Calvin.
- 24 Q Okay. So and did, did you see Calvin walk up?
- 25 A He walked up.

1 Q When, when Jamal and Calvin first got together how did
2 that happen? Who approached who?

3 A I can't honestly tell you who approach who, but I seen
4 when J Money put his arm around Calvin neck and they walk from
5 the car porch together. I'm thinking they sums it up, they --
6 whatever problem they got it's going to end there.

7 Q All right. Let me stop you there for a second. So you
8 saw Jamal put his arm around Calvin's neck?

9 A Yes, ma'am.

10 Q Was it friendly, aggressive that you could tell?

11 A It didn't look aggressive at all.

12 Q When Jamal put his arm around Calvin's neck what did
13 Calvin do?

14 A They walked off the car porch and they was talking.

15 Q Could you tell whether that was a friendly conversation,
16 an argument or something else?

17 A For it had -- for it to have been intensive conversation
18 or not I can't tell you that. I can't tell you if it was
19 violent or nonviolent, but they walked off the car porch
20 together.

21 Q Could you hear the volume of their words? Were they
22 talking in normal tones or were they shouting?

23 A I didn't hear the volume until it got into the street.

24 Q What happened when they got into the street?

25 A I heard Calvin say, "If I want something done to you I

Darlene Young - Direct by Ms. Walter

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1 could have been had it done to you."

2 Q Who was he talking to when he said that?

3 A Jamal Burgess.

4 Q Now, and where were they when he said -- when Calvin said
5 that?

6 A They were standing in the street of Warren Street. This
7 the street right here; right?

8 Q Yep.

9 A Okay. So they was standing about right here.

10 Q Okay. And so you're indicating sort of in the middle of
11 Warren Street?

12 A Right here.

13 Q On the corner of --

14 A Right. Right.

15 Q -- Ms. Dudley's daughter's house?

16 A Yes, ma'am.

17 Q All right. How far were you standing from them during
18 this conversation?

19 A At that light pole on that picture right there, at that
20 light pole.

21 Q Okay. And so that light pole?

22 A This, right here, yes, ma'am.

23 Q Okay. Was there anyone else standing right there besides
24 Calvin and Jamal?

25 A Dameion.

1 Q Where was --

2 A Dameion was trying to break it up.

3 Q When you say he was trying to break it up, what --

4 A He was trying to eliminate the problem. He didn't want
5 it to get to where, where it got to. That's what he was
6 trying to -- he was trying to stop it. He knew more than what
7 I knew apparently.

8 Q Okay. So we can't talk about what Dameion knew, but what
9 was happening right before Dameion tried to break whatever it
10 was up?

11 A Smoo and J Money was having words.

12 Q Is that when you've testified Calvin said, "If I wanted
13 something done to you I could have been done it"?

14 A I heard him say that.

15 Q All right. How was Dameion trying to break it up?

16 A Telling them to, "Go ahead, it's my birthday, man, let's
17 turn up."

18 Q What does that mean, let's turn up?

19 A Turn up is having a good time.

20 Q Okay. So as Dameion is trying to break it up, as he's --
21 where is he standing?

22 A Right on the outside of them.

23 Q And which way was Calvin Ford facing?

24 A Right towards the back of the projects.

25 Q So would his back have been towards Joe White?

Darlene Young - Direct by Ms. Walter

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- 1 A Yes, ma'am.
- 2 Q And where was Jamal standing?
- 3 A In front of him facing Joe White.
- 4 Q Okay. And where was Dameion standing?
- 5 A Right beside them.
- 6 Q All right.
- 7 A On Warren Street.
- 8 Q What was Dameion doing to try to break it up?
- 9 A He just kept telling them, "Man, go ahead, man, don't do
10 this. Go ahead, man." He just kept saying that.
- 11 Q Could you see Calvin Ford's hands during this time?
- 12 A At one point in time I could. At one point in time I
13 couldn't.
- 14 Q And what about Jamal Burgess?
- 15 A He was -- he was talking with his hands. He was talking
16 with his hands. He was moving his hands.
- 17 Q Okay. And you're indicating just sort of moving your
18 hands back and forth?
- 19 A Yeah. Like, yeah. Just like that.
- 20 Q All right. Now, at some point did whatever was going on
21 between Jamal and Calvin escalate, like get worse? Did
22 something happen? What did you see happen?
- 23 A I seen fire come out of a gun and hit J Money. That's
24 what I seen.
- 25 Q All right. Now, let me back you up for a second. Who

1 had the gun?

2 A Calvin.

3 Q Did you see where Calvin got the gun from?

4 A It was out, out of one of his pockets, but I seen the
5 fire come out the gun and when it hit J Money. I seen that.

6 Q How far away were you when you --

7 A Right there at that light pole like I told you the first
8 time.

9 Q Okay. When -- so you saw Calvin take it from one of his
10 pockets?

11 A Yes, ma'am.

12 Q So you never saw Calvin bend down to the ground?

13 A No, ma'am.

14 MR. MCCOY: Your Honor, I'm going to start objecting to
15 leading this witness. It's gone on long enough.

16 MS. WALTER: That's fine.

17 THE COURT: Yeah.

18 BY MS. WALTER:

19 Q Did you ever see Dameion with a gun?

20 A No, ma'am.

21 Q Did you see Jamal pull a gun?

22 A No, ma'am.

23 Q When Calvin pulled the gun what was Jamal doing with his
24 hands?

25 A Jamal hands was in the air.

Darlene Young - Direct by Ms. Walter

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- 1 Q Can you show us how he?
- 2 A (Complies with request.)
- 3 Q Okay. So indicating raised up, both arms raised up?
- 4 A Just like this.
- 5 Q Okay. And what was Dameion doing?
- 6 A Dameion was basically out the way because I didn't see
- 7 him no more for a little while.
- 8 Q Do you know how he got moved up -- how he came to be out
- 9 of the way?
- 10 A Man, when them shots got fired he had sense he'd ran like
- 11 everybody else.
- 12 Q Okay. So you saw one shot hit Jamal?
- 13 A Yes.
- 14 Q Could you tell where on the body it hit him? And you can
- 15 just be general or if you don't know, don't know.
- 16 A I want to say his right side. That's what I want to say
- 17 on his right side.
- 18 Q So when that shot was fired did you see anyone other than
- 19 Calvin Ford with a gun?
- 20 A No.
- 21 Q Once that shot was fired what did you do?
- 22 A I ran.
- 23 Q Where did you run?
- 24 A I ran behind Dudley house.
- 25 Q Did you do anything as you were running behind?

- 1 A Yes. I picked that baby up and I threw him in the bush.
- 2 Q Do you know whose baby it was?
- 3 A Sherika Gore baby, Xavy [spelled phonetically].
- 4 Q Okay. And you said you threw the baby in a bush. Why
- 5 did you do that?
- 6 A It was either him -- he -- I couldn't see that baby get
- 7 hit with no bullet. I deal with kids. I got that baby out
- 8 the way.
- 9 Q Okay.
- 10 A And I kept running.
- 11 Q After that first shot did you hear any other shots?
- 12 A I heard a lot, but I don't know who was shooting because
- 13 I was running.
- 14 Q But you heard more than one shot?
- 15 A Yes.
- 16 Q Could you tell what direction the shots were coming from?
- 17 A Man, I wasn't paying none of that no attention. I was
- 18 getting out the way.
- 19 Q Okay. At any time during the night did you see Aliga
- 20 Campbell?
- 21 A I seen Aliga.
- 22 Q When did you see him? Here, I'll be more -- let me --
- 23 A At the end of the row I seen Aliga.
- 24 Q At the end of Warren Street?
- 25 A Warren Street and Joe White.

James Green - Direct by Ms. Walter

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1 BY MS. WALTER:

2 Q Okay. So directing your attention first to the cartridge
3 casings, I believe you said that there were five 380 cartridge
4 casings and one 9 millimeter?

5 A Yes, ma'am.

6 Q Okay. Did you, in fact, conduct an examination on let's
7 start with the five 380 cartridge casings. Did you do an
8 examination of those?

9 A Yes, ma'am.

10 Q What were you able to conclude from your examination
11 there?

12 A My conclusions were that State's Exhibits 20, 21, 22 and
13 23 were all fired by the same firearm, but when I examined or
14 compared State's Exhibits 20 through 23 with State's Exhibit
15 24 my results were inconclusive. There was some markings on
16 there that made me think it could have been fired by the same
17 firearm, but there was not enough for me to say yes, that it
18 was.

19 Q Okay. So let me just go over that to make sure I'm
20 clear. State's Exhibit 20 through 23, so four of the 380
21 caliber cartridge casings were you able to make a -- draw a
22 conclusion as to whether those four had been fired from the
23 same gun?

24 A Yes, ma'am. I did, and they were.

25 Q Did you have a gun to compare them to?

1 A No, ma'am.

2 Q So are you able to narrow down the field of guns at all
3 that could have fired those cartridge casings?

4 A Based on the cartridge cases themselves, no, ma'am.

5 Q And then the fifth 380 cartridge casing, you were not
6 able to make a conclusion that it was fired from the same gun
7 as the first four; correct?

8 A Yes, ma'am. It was inconclusive.

9 Q Directing your attention to State's Exhibit 25 which, I
10 believe, is a fired bullet --

11 A Yes, ma'am.

12 Q -- were you able to examine that item of evidence?

13 A Yes, ma'am.

14 Q What if any conclusions were you able to draw there?

15 A The State's Exhibit 25 fired bullet was most consistent
16 with being a 380 auto caliber bullet, and the way I was able
17 to tell that is by what we call the, the OPCs, the observable
18 physical characteristics, the side -- diameter at the base,
19 the overall shape and length of the bullet, as well as its
20 weight.

21 Q Okay. So when you say that it's most consistent with a
22 380 caliber does that mean that it would not be say from a 9
23 millimeter or some other type of gun?

24 A Well, yes, ma'am. It's most consistent with means just
25 that, it's most consistent with being a 380. 380s and nines

Jason Shumpert - Direct by Mr. Holford

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1 response to that question be stricken.

2 THE COURT: The jury will disregard that response.

3 Stricken.

4 Q Were people hesitant to speak with you?

5 A Yes, sir.

6 Q Do you know approximately how many people were out at the
7 party that night?

8 A I don't.

9 Q Were, were witnesses coming forward to you or to Myrtle
10 Beach Police Department to give information about what
11 happened that night?

12 A Not to me, no, sir.

13 Q Were people coming forward willing to say what they saw?

14 A Not to me, no, sir.

15 Q Okay. During the course of your assistance with this
16 investigation did anyone tell you that Jamal Burgess shot a
17 gun that night?

18 A No, sir.

19 Q During the course of your investigation or your
20 interviews did anyone tell you that Dameion Alston shot a gun
21 that night?

22 A No, sir.

23 Q Is there a reluctance to even talk to Myrtle Beach Police
24 Department?

25 A Sometimes.

1 how to word it to not --

2 Q Did he -- would -- the information that he gave you, did
3 you know who that information came from?

4 A No. He did not tell us who it came from.

5 Q Were you -- any -- were you able to corroborate anything
6 that he told you in that interview?

7 A No. Nothing he told us matched any of what we had
8 developed up to that point.

9 Q Did what he tell you contradict what you had developed up
10 until that point?

11 A Yes, and since that point.

12 Q Now, were you present at a prior proceeding in this
13 matter on March 5th of 2019?

14 A Yes, ma'am.

15 Q And did Calvin Ford testify at that hearing?

16 A Yes, ma'am.

17 Q Were you present during his testimony?

18 A Yes, ma'am.

19 Q And the Judge warned him that what he said could be used
20 against him?

21 A Yes, ma'am.

22 Q He was represented by counsel at that hearing?

23 A Yes, ma'am.

24 Q No force or threats or promises were made to him prior to
25 his testifying?

Tiffany Whitmire - Direct by Ms. Walter

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1 A Not to my knowledge.

2 Q Did he testify that day as to whether or not he was
3 present on Warren Street during the shooting?

4 A Yes, ma'am.

5 MR. MCCOY: Objection, Your Honor. I think I have to --
6 just have to enter it in, my objection that we already agreed
7 with before trial.

8 THE COURT: Overruled.

9 Q Did he testify as to whether or not he was present on Warren
10 Street at the time of the shooting?

11 A Yes, ma'am. He did.

12 Q What did he testify to?

13 A That he was present.

14 Q Did he testify as to whether or not he fired a gun?

15 A Yes, ma'am.

16 Q What did he say?

17 A That he did.

18 Q Where did he say he got that gun?

19 A He said that he picked it up off the ground, that Dameion
20 Alston had had that gun and dropped it.

21 Q Is that information anything you have been able to
22 corroborate?

23 A No, ma'am.

24 Q In fact, have you received information that contradicts
25 that?

1 A Yes, ma'am.

2 Q Did he testify as to what he did with that gun once he
3 supposedly picked it up off the ground?

4 A Yes, ma'am. He did.

5 Q What did he testify?

6 A He testified that as he ran away from the scene through
7 Futrell Park that he threw it in the pond.

8 Q Sorry. I think I jumped ahead. After he -- right after
9 he picked it up off the ground.

10 A Oh, I apologize.

11 Q That's okay.

12 A That he picked it up and fired the gun at Jamal Burgess.

13 Q Did he testify as to whether or not he ever saw a gun in
14 Jamal's hand?

15 A He did testify to that.

16 Q What did he testify to?

17 A There were actually two separate almost statements when
18 he was responding to his attorney, Mr. McCoy. He said that
19 Jamal had pulled a gun and fired at him prior to him picking
20 up the gun and firing back, but when Solicitor Walter talked
21 to him about that same timeframe of the incident he said that
22 Dameion and Jamal were tussling over a gun, when Dameion's gun
23 dropped he picked it up and fired.

24 Q And now I think we'll get back to -- what you said
25 before, did he testify as to what he did with the gun after he

Sherika Gore - Direct by Ms. Walter

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1 Q Now, you were taking your daughter. How many children
2 did you have at that point?

3 A Four.

4 Q How old were they, and now I making you do math. I'm
5 sorry.

6 A She would have been three months and my boys would have
7 been 10, 11 and 12 or either nine, 10 and 11, I think, I think
8 they were nine, 10 and 11.

9 Q Okay. So why were you taking your daughter to see Jamal?

10 A Because he had just been released and he didn't get to
11 see her yet.

12 Q Do you -- so did you take all of your children with you?

13 A I did.

14 Q How did you get to Warren Street?

15 A I drove.

16 Q When -- do you know what time you got there?

17 A I don't remember the time. I just remember it being
18 early in the day because it was still hot. The sun was still
19 out.

20 Q When you got there can you tell us were other people
21 there?

22 A There was.

23 Q Do you know how many?

24 A Maybe about 10 or so.

25 Q Do you remember recognizing anyone who was there when you

- 1 first got there?
- 2 A There was a lot of guys.
- 3 Q Was Jamal there when you got --
- 4 A He was.
- 5 Q Was Calvin there when you got there?
- 6 A He wasn't.
- 7 Q What about Aliga Campbell?
- 8 A I can't remember about him.
- 9 Q And Dameion Alston?
- 10 A Dameion was.
- 11 Q So when you got there what were Jamal and Dameion doing?
- 12 A They were celebrating Dameion's birthday. So they were
- 13 drinking, laughing.
- 14 Q What were they drinking? Do you know?
- 15 A Hennessey.
- 16 Q Did you see the Hennessey?
- 17 A I did.
- 18 Q Okay. You said that you brought your four children
- 19 there. Other than your children did you go with anyone else
- 20 or just you and your kids?
- 21 A Just me.
- 22 Q I'm going to ask you a couple of people, if you saw them
- 23 at the party --
- 24 A Okay.
- 25 Q -- at any point while you were there.

Sherika Gore - Direct by Ms. Walter

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- 1 A Okay.
- 2 Q Did you ever see Everett Ford?
- 3 A Did not.
- 4 Q And is he known as Bill Bill?
- 5 A Yes.
- 6 Q What about Patrick Brave or P.J. Brave?
- 7 A No.
- 8 Q Dominic Alston?
- 9 A No.
- 10 Q So, now, when you got there you said Dameion and Jamal
11 were just drinking and celebrating. What did you do while you
12 were at the party?
- 13 A I was talking to everybody.
- 14 Q And you had said the purpose of your going was so that
15 Jamal could see your daughter?
- 16 A Right.
- 17 Q Before I get further into that, did you -- do you
18 remember what Jamal was wearing that day?
- 19 A I do.
- 20 Q What was he wearing?
- 21 A A baseball jersey and a white wife beater, some jeans.
- 22 Q How was he wearing his jeans?
- 23 A He was sagging, like kind of around his hips.
- 24 Q Okay. So were you able to see his waistline?
- 25 A You was.

1 Q When you saw him did you ever see a gun on him?

2 A I did not.

3 Q What would you have done if you had seen a gun on him?

4 A He wouldn't have held Mia [spelled phonetically].

5 Q Mia's your daughter?

6 A Correct.

7 MS. WALTER: May I approach, Your Honor?

8 THE COURT: Yes.

9 BY MS. WALTER:

10 Q I'm showing you what's been marked as State's Exhibit 38.

11 A Uh-huh.

12 Q Do you recognize the people in that photo?

13 A I do.

14 Q Who are they?

15 A Jamal and Mia.

16 Q Is that a picture that was taken that day?

17 A It was.

18 Q So is that a fair and accurate representation of how
19 Jamal looked that day?

20 A It was.

21 MS. WALTER: Your Honor, at this time I would ask that
22 State's Exhibit 38 be admitted and published.

23 MR. MCCOY: Without objection, Your Honor.

24 MR. FOX: No objection.

25 THE COURT: Without objection.

Sherika Gore - Direct by Ms. Walter

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1 (State's Exhibit Number 38 [Photograph] admitted into
2 evidence and appropriately marked.)

3 BY MS. WALTER:

4 Q As the night went on did more people get to the party?

5 A It did.

6 Q Were people sort of coming and going all day?

7 A Correct.

8 Q Let me ask you about another person. Did you see Darlene
9 Young there?

10 A I did.

11 Q And everyone calls her Cup?

12 A Yes.

13 Q Okay. Now, at some point did you see Calvin come to the
14 party?

15 A Yes.

16 Q What did you see happen once Calvin got to the party?
17 What did he do?

18 A He walked to where Jamal was. So he, he didn't come like
19 in the yard. Him and Jamal kind of walked off and they
20 started talking.

21 Q So let me back you up, when -- did you see what direction
22 Calvin was coming from?

23 A Across 10th.

24 Q So across Joe White Avenue?

25 A Yes.

- 1 Q When you saw Calvin approaching where was Jamal?
- 2 A Jamal was standing across the street. He wasn't in Ms.
3 Dudley's yard. He was standing across the street.
- 4 Q I'm going to show you State's Exhibit 41. If -- and this
5 is where Ms. Dudley lives; right?
- 6 A Correct.
- 7 Q So and just make sure you speak into the microphone.
- 8 A Okay.
- 9 Q Can you tell me where Jamal was standing when you saw
10 Calvin walk up?
- 11 A Maybe about somewhere over here but it wasn't -- it was
12 closer over here than it was to Ms. Dudley's.
- 13 Q Okay. So closer to the other side of Warren Street than
14 Ms. Dudley's house?
- 15 A Right.
- 16 Q Okay.
- 17 A Right.
- 18 Q So when, when Jamal and Calvin got close to each other
19 what happened?
- 20 A They were talking. They had a conversation. I'm not
21 sure what about.
- 22 Q Can you -- were you able to see them talking?
- 23 A Right. Yes.
- 24 Q Could you hear anything they were saying?
- 25 A I could not.

Sherika Gore - Direct by Ms. Walter

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1 Q Could you tell the tone of their voice? Was it friendly,
2 was it shouting, was it whispering?

3 A It started off, it started off kind of quiet. I couldn't
4 hear anything, and then it eventually turned [sic] into voices
5 being raised, getting loud.

6 Q At this point was it still light out or was it dark out?

7 A It was turning dark.

8 Q As the voices started getting loud were you able to tell
9 anything that was being said?

10 A I, I couldn't hear what was still being said. I wasn't
11 really paying that close enough attention to listen. So I
12 don't really know.

13 Q That's fine. At some point did you turn to look and see
14 what was going on?

15 A I did.

16 Q When you looked in that direction were they still where
17 you just showed us that Jamal had been standing?

18 A Kind of. They was kind of getting closer though.

19 Q Closer to Ms. Dudley's?

20 A To Ms. Dudley's, yes.

21 Q And who all was standing there?

22 A I only remember whenever I looked to see I only seen
23 Jamal and Calvin.

24 Q You didn't see Dameion there?

25 A I didn't.

- 1 Q Okay. And as this argument got heated what did you see
2 next?
- 3 A When I, when I looked next, the only thing I seen was
4 Calvin take out a gun and fire it. So I ran to see where my
5 daughter was because she was outside and so was my son.
- 6 Q So let me stop you again. Could you tell where Calvin
7 got his gun from?
- 8 A It looked like from his waist.
- 9 Q Did you ever see Calvin bend down to the ground?
- 10 A No.
- 11 Q Did you ever see Jamal with a gun?
- 12 A No.
- 13 Q Did you ever see anyone else with a gun that night?
- 14 A No.
- 15 Q Did you -- you said you saw Calvin pull out a gun. Did
16 you see when he fired the gun?
- 17 A I did.
- 18 Q What did you see?
- 19 A I, I seen the fire come from the barrel.
- 20 Q Were you able to see if he hit anything or
21 anyone?
- 22 A I didn't.
- 23 Q You just turned around?
- 24 A I just went -- yes.
- 25 Q Okay. Did you hear any more shots after that shot?

Sherika Gore - Direct by Ms. Walter

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- 1 A I did.
- 2 Q Do you know how many?
- 3 A No.
- 4 Q More than two?
- 5 A Yes.
- 6 Q So you turned around to look for your children. Were you
7 able to find your children?
- 8 A I did. Well, my daughter was in the house and Cup
9 grabbed my boys.
- 10 Q How did -- did your children -- did you get your children
11 away from that scene?
- 12 A I did.
- 13 Q How did they get away from the scene?
- 14 A Felicia took them.
- 15 Q Do you know when Felicia got to the party?
- 16 A I don't. I was talking to everybody. So before all of
17 this happened I didn't get a chance to speak to her because
18 this happened so fast. So the next time I saw her I was
19 trying to get her to take my kids with her.
- 20 Q And I actually forgot something. So let me back up.
21 When -- this party is at Ms. Dudley's house?
- 22 A Uh-huh.
- 23 Q When you first got there was Ms. Dudley there?
- 24 A She wasn't.
- 25 Q Did she get there at some point while you were there?

1 A She did.

2 Q Did you see her interact with Jamal at all?

3 A He helped her carry in some groceries.

4 Q So that was obviously before the shooting. How much time
5 passed between Jamal helping Ms. Dudley with the groceries and
6 the shooting?

7 A It wasn't that long, maybe about 15, 10, 15 minutes. It
8 wasn't long because she wasn't -- she hadn't been home long.

9 Q Okay. And if you ever don't know if I ask you a question
10 that you don't know or you don't remember you can just tell us
11 that.

12 A Okay.

13 Q That's fine. Between the time that you saw Jamal help
14 Ms. Dudley or Ms. Holloman and the shooting, did you ever see
15 Jamal and Aliga Campbell talking?

16 A I seen them talking before him and Calvin.

17 Q Okay. So did Calvin come over before or after Jamal
18 helped Ms. Dudley with the groceries?

19 A He came over after.

20 Q Okay. So did you see Jamal and Aliga talking before or
21 after Jamal helped Ms. Dudley with the groceries?

22 A I think that was before.

23 Q Okay. Could you tell from the way they -- Jamal and
24 Aliga were interacting did it seem friendly, aggressive?

25 A From the outside looking in it seemed like whatever

Sherika Gore - Direct by Ms. Walter

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1 issues that they had that they were trying to resolve them. I
2 didn't hear anybody yelling or anything crazy.

3 Q And can you describe Jamal's mood that day?

4 A He seemed happy.

5 Q Happy to be home?

6 A Yes.

7 Q Okay. How did you get to the party that day?

8 A I drove.

9 Q I'm approaching you with State's Exhibit Three.

10 A Okay.

11 Q And I'm going to hold it this way.

12 A Okay.

13 Q Is this Ms. Dudley's house in the background?

14 A Yes.

15 Q Do you see your car in that picture?

16 A My car here.

17 Q Okay. So you're pointing to the SUV that's in the
18 driveway?

19 A Correct.

20 Q Okay. And do you know whose car is parked next to you?

21 Let me -- I'll show it to you again. Sorry. I'll show you,
22 I'll show you State's Four, which has a side view of it, and
23 if you don't know that's fine.

24 A Okay.

25 Q You don't know?

- 1 A Okay.
- 2 Q That's fine, but this -- the SUV is yours?
- 3 A It's mine, uh-huh.
- 4 Q So you ran after the shooting. Did you see Jamal and
- 5 Dameion again?
- 6 A I did.
- 7 Q Let's start with Jamal. Where was Jamal when you saw him
- 8 again?
- 9 A He was kind of at the end of the driveway.
- 10 Q Can you describe what he looked like?
- 11 A He looked like he was fighting.
- 12 Q Fighting for what?
- 13 A For his life.
- 14 Q Okay. Did you see blood?
- 15 A I did.
- 16 Q Were there people around him?
- 17 A There was.
- 18 Q What were they -- were they saying anything to him, doing
- 19 anything?
- 20 A They was just trying to keep him calm.
- 21 Q Did you -- at that point when you saw Jamal did you see a
- 22 gun anywhere near him?
- 23 A I didn't.
- 24 Q Did you see anyone taking a gun from the area around him?
- 25 A I didn't.

Felicia Williams - Direct by Ms. Walter

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- 1 A Yes. I'm sorry.
- 2 Q No. You're fine. And then can you tell us where you saw
3 Jamal, Calvin and Dameion standing?
- 4 A They were in the road like right up in here.
- 5 Q Okay. And so you're indicating in the middle of Warren
6 Street kind of in front of the driveway to Ms. Dudley's house?
- 7 A Yes. Saying like not in right but kind of like in front
8 of Tara's [spelled phonetically] house.
- 9 Q Okay.
- 10 A This is Tara's house with the red roof on it.
- 11 Q Okay. Thank you. When you saw them can you tell us how
12 they were standing?
- 13 A Jamal's back was faced towards Warren Street. So his
14 back was to Warren Street. Dameion was in the middle and
15 Calvin's back was towards 10th Ave.
- 16 Q Okay. When you first saw them what were they doing?
- 17 A It just look like they were talking. I really wasn't
18 paying attention to them because I had came over there for
19 like I went to go talk to one of my classmates.
- 20 Q Okay. As you were talking to your classmate, did you --
21 did anything draw your attention?
- 22 A A glass bottle fell. It cracked on the ground.
- 23 Q What did you do once you heard that glass bottle fall?
- 24 A I stepped back from the car and looked to see what it
25 was.

- 1 Q Were you able to tell what had fallen?
- 2 A It just looked like, it looked like a bottle of liquor
3 that fell on the ground.
- 4 Q What happened after you turned and looked back up and
5 when you were looking back that way what direction were you
6 looking at?
- 7 A I was looking -- when I stepped back from the car to look
8 to see if the glass -- when the glass bottle dropped I was
9 looking like towards 10th Ave.
- 10 Q And were you looking in the direction of any particular
11 people?
- 12 A I was looking at Jamal, Dameion and Calvin in the road.
- 13 Q When you looked back at them what did you see?
- 14 A I saw them talking. I saw Dameion in the middle and I
15 seen Jamal take his arm and move Dameion out the way and then
16 I seen Calvin take the gun up off his side and pull it out and
17 shoot.
- 18 Q Okay. And I'm going to take you through that step-by-
19 step. So you said you saw Jamal move Dameion out of the way
20 and you're sort of doing a sweeping?
- 21 A Yes, sway him with his arm.
- 22 Q If you recall do you know did Jamal move Dameion closer
23 to the side of Warren Street that Ms. Dudley's house is on or
24 closer, and if you don't remember it's fine?
- 25 A I don't remember.

Felicia Williams - Direct by Ms. Walter

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- 1 Q Okay. And after Jamal moved to Dameion out of the way
2 could you see where Calvin got the gun from?
- 3 A It was off of his side.
- 4 Q Did you ever see Calvin lean down to the ground to pick
5 up a gun?
- 6 A No, ma'am.
- 7 Q Did you at that time see Jamal with a gun?
- 8 A No, ma'am.
- 9 Q Did you see Dameion with a gun?
- 10 A No, ma'am.
- 11 Q Did you see anyone else with a gun?
- 12 A No, ma'am.
- 13 Q So after Calvin pulled out the gun where was he pointing
14 it?
- 15 A He pointed it at Jamal.
- 16 Q And what did you see?
- 17 A I seen him when he shot and I took off running.
- 18 Q Did you see what happened to Jamal?
- 19 A I can't remember.
- 20 Q Did you -- do you know whether Jamal fell right there?
21 Did he move?
- 22 A No. It look like he was taking off running because I
23 took off running, too.
- 24 Q Do you know what direction he was running in?
- 25 A I, I don't recall. I can't remember.

- 1 Q Okay. So you said you took off running. Where did you
2 go?
- 3 A I was running towards Dudley's house.
- 4 Q What did you do once you got to Ms. Dudley's house?
- 5 A I went into the house. I was scared.
- 6 Q Just trying to get out of the gunfire?
- 7 A Uh-huh.
- 8 Q Okay. So at some point did the shooting stop?
- 9 A Yes. It did.
- 10 Q Do you know how many shots you heard?
- 11 A I heard maybe three or four.
- 12 Q Not stopping to count them?
- 13 A No. I was scared.
- 14 Q And by the way, do you know what type of gun Calvin had?
- 15 A No. I don't -- I don't know nothing about guns.
- 16 Q Okay. So at some point did you come outside, back
17 outside?
- 18 A Yes. I did.
- 19 Q Why were you coming back outside?
- 20 A Because I was leaving. My car was outside.
- 21 Q Were you taking anyone with you?
- 22 A Yes. As I was coming out the door Sherika yelled,
23 "Felicia, get my kids. Get my kids. Get my kids." So I was
24 like, "Okay," because we were scared like it was a shooting
25 over here. We was just trying to -- I was trying to get off

Motions

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1 the statements that he gave that were put in, which aren't
2 actually in evidence, they were read as an exhibit, but
3 they're not going to be there for the jury. So it's not
4 actually in evidence in the sense that it'll be an exhibit to
5 go back to the jury, he admitted that he backed up. He
6 admitted he wrote a statement later taking it back. Detective
7 Beam, who took both statements from him, admitted that when he
8 interviewed him the second time he contradicted what he had
9 said and they had to say, "Oh, no, no, no." It's not
10 competent evidence, Judge. Under no standard can anybody say
11 that this is competent evidence sufficient to put this man at
12 jeopardy of a jury verdict, and so for that reason we would
13 request a directed verdict on both indictments for Aliga
14 Campbell.

15 THE COURT: Thank you, sir. Solicitor.

16 MS. WALTER: Your Honor, the physical evidence certainly
17 supports the State's theory that there were two shooters
18 because you have the 9 millimeter casing that is closer to the
19 other side of Warren Street and then you have the 380 casings
20 that are running sort of along the edge of Warren Street on
21 the side of Ms. Holoman's home. Clearly, from Robert
22 Campbell's statement to the police, he says Aliga Campbell
23 told him that he was shooting that night. He told -- Aliga
24 Campbell told him that one of the bodies was his. Aliga
25 Campbell told him that he used a 9 millimeter pistol. So the

- 1 Q And what happened when you got to your house?
- 2 A As I was pulling in I saw Jamal Burgess in front of my
3 house, and I looked and he like pulled off, and I didn't think
4 anything else of it. So I went on to Walmart.
- 5 Q And this was the night before the incident?
- 6 A Yes.
- 7 Q And was Calvin living there at the time?
- 8 A Yes.
- 9 Q And Jamal didn't say anything to you?
- 10 A No. He just looked at me and pulled off. So I didn't
11 think nothing of it.
- 12 Q But did you tell Calvin you saw Jamal out in front of the
13 house that night?
- 14 A Yes.
- 15 Q And did Calvin seem afraid?
- 16 A No. Not really. I mean, we just didn't think nothing
17 much of it.
- 18 Q Okay. And the next day did you see your son at all on
19 July 23rd?
- 20 A Yes.
- 21 Q What -- when did you see Calvin?
- 22 A Mainly all day.
- 23 Q Okay.
- 24 A I was off that day. I was home.
- 25 Q Tell us about that day.

Patrick Brave - Direct by Mr. McCoy

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1 MR. BRAVE: Patrick Brave.

2 DIRECT EXAMINATION

3 BY MR. MCCOY:

4 Q Mr. Brave, my name is Jonny McCoy. I'm Calvin Ford's
5 Defense lawyer. I know you don't want to be here.

6 A No.

7 Q All right. I completely understand that, sir. Jamal is
8 your brother; correct?

9 A Yeah.

10 Q Now, I know that you all were close; right?

11 A Yeah.

12 Q Do you recall, do you recall Jamal calling you on, on
13 July 23rd, 2016, the day of his death?

14 A Yeah.

15 Q Do you recall him telling you when he called you on the
16 phone that day that he was going to -- well, first of all, do
17 you recall him asking you if you were going to come out?

18 A Yes.

19 Q And you stating that, "Yeah, I'm coming out"?

20 A Yeah.

21 Q And do you remember telling Jamal or do you remember --
22 I'm sorry. You remember Jamal telling you, he said, "Well,
23 I'm about to go and talk to that boy about the situation we
24 had about his teeth being knocked down"? Do you remember him
25 telling you that?

1 A Yeah.

2 Q And do you remember saying to Jamal, "I was like, all
3 right, don't go over there by yourself. I'm going to be there
4 in a minute?"

5 A Yeah.

6 Q Thanks, man. No further questions.

7 A All right.

8 THE COURT: Hold, hold up, hold up.

9 MR. FOX: I have no questions, Your Honor.

10 THE COURT: Solicitor.

11 CROSS EXAMINATION

12 BY MS. WALTER:

13 Q Mr. Brave, what did you take that to mean when Jamal said
14 he was going to talk to that guy about the situation with the
15 teeth?

16 A To squash the situation.

17 Q Squash the situation?

18 A Like, like end the situation.

19 Q So when you say squash the situation, does that mean to
20 get in a fight or does it mean to try and resolve it?

21 A Resolve it.

22 Q Thank you.

23 MS. WALTER: Nothing further.

24 REDIRECT EXAMINATION

25 BY MR. MCCOY:

Patrick Brave - Redirect by Mr. McCoy

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1 Q Mr. Brave, I got to ask now. Then why would you tell him
2 to hold up and wait on you to come with him?

3 A That's my brother, like and, and, and I know the
4 situation that happened at hand already.

5 Q So you wanted to make sure he had somebody there when he
6 was confronting Calvin; right?

7 A Yeah.

8 MR. MCCOY: No further questions.

9 THE COURT: Anything further?

10 MS. WALTER: No, Your Honor.

11 MR. FOX: No, Your Honor. We ask that he be excused.

12 Thank you, Mr. Brave.

13 A All right.

14 THE COURT: Thank you, sir.

15 MR. MCCOY: Your Honor? No, no, I'm good. Sorry. At
16 this time the Defense would like to recall Detective Tiffany
17 Whitmire to the stand, Your Honor.

18 Whereupon, Tiffany Whitmire is called to the stand, duly
19 sworn by the clerk and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. MCCOY:

22 Q Detective Whitmire?

23 A Yes, sir.

24 Q That was Mr. Brave that you interviewed during your
25 recorded conversation; correct?

1 A Yes, sir.

2 Q And do you recall during that discussion, that interview
3 with Mr. Brave telling Mr. Brave in response to whatever he
4 told you, "You said J Money was shooting, too. Do you know
5 what happened to his gun?"

6 MS. WALTER: Objection, Your Honor. This is hearsay.

7 MR. MCCOY: It's her statement, Judge.

8 MS. WALTER: Again, hearsay. It's still hearsay if it's
9 an out-of-court statement of anyone.

10 MR. MCCOY: It's the declarant, Judge.

11 MS. WALTER: Right. Out-of-court statement by the
12 declarant. That's the hearsay part. So then there needs to
13 be an exception to that.

14 MR. MCCOY: She's the, she's the person who's made the
15 statement. Hearsay is to protect us from saying whoever else
16 it's a, it's a third party.

17 THE COURT: Overruled. Go ahead.

18 MR. MCCOY: Thank you, Judge.

19 BY MR. MCCOY:

20 Q Do you remember saying to Mr. Brave who was just on the
21 stand, "You said J Money was shooting, too. Do you know what
22 happened to his gun"? Do you recall saying that to him?

23 A Yes.

24 Q And then whatever he responded about what happened to the
25 gun do you remember saying, "Well, I know that by now"?

Tiffany Whitmire - Direct by Mr. McCoy

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1 A I don't remember what his response was. So I don't --
2 I'm sure I said whatever it was, but I don't remember his
3 response.

4 Q Okay. But you agree that your response was, "Well, I
5 know that by now"?

6 A If that's what you say. I don't remember the whole
7 interview. It was a while ago, but --

8 Q Okay.

9 A -- I agree that if that's what --

10 Q But you did --

11 A -- the recording says that's what I said.

12 Q You would agree you did ask him what happened to Jamal's
13 gun; right?

14 A Yes, when he said that he heard he had a gun.

15 Q And you testified yesterday that you were present at Mr.
16 Ford's stand your ground hearing; correct?

17 A Yes, sir.

18 Q And you testified on several things that Mr. Ford said
19 during that stand your ground hearing; correct?

20 A Yes, sir.

21 Q Do you recall Calvin saying during that stand your ground
22 that he saw Jamal reach for a gun; correct?

23 A Yes, sir.

24 Q Do you recall in that stand your ground that Calvin
25 stated that the gun was on Jamal's waist; correct?

1 A I believe so, yes.

2 Q And you recall Calvin stating during that stand your
3 ground, "And when he told me that he should shoot me I was
4 scared he was going to shoot me"?

5 MS. WALTER: Your Honor, objection. This is all leading
6 questions and she is now his witness. So it should be direct
7 exam.

8 MR. MCCOY: Adversarial, Your Honor. She's a hostile
9 witness.

10 MS. WALTER: She he has not established that she's
11 hostile. She's answered every question.

12 MR. MCCOY: Yesterday she did.

13 THE COURT: Well, just, just for safety sake just try to
14 --

15 MR. MCCOY: Okay.

16 THE COURT: -- clean your question up.

17 MR. MCCOY: Okay.

18 BY MR. MCCOY:

19 Q Did Calvin state during the stand your ground, "When
20 Jamal told me he should shoot me I was scared he was going to
21 shoot me"?

22 MS. WALTER: Objection, Your Honor. May we approach,
23 please?

24 THE COURT: Sure.

25 (Whereupon, a bench conference is held in the presence,

Tiffany Whitmire - Direct by Mr. McCoy

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1 but out of the hearing of the jury.)

2 BY MR. MCCOY:

3 Q Calvin testified during the stand your ground, "When he
4 told me he should shoot me I was scared he was going to shoot
5 me"; correct?

6 A I believe so, yes.

7 Q And that was before Calvin shot; right?

8 A Yes.

9 Q No further questions. Thank you.

10 MS. WALTER: The Court's indulgence. Do you have any
11 questions?

12 MR. FOX: Oh, I'm sorry.

13 MS. WALTER: I'm sorry. I don't --

14 MR. FOX: The order has been -- I have no questions, Your
15 Honor. I'm used to being last.

16 MS. WALTER: The Court's indulgence for just one moment,
17 please. The Court's indulgence for just one second.

18 THE COURT: Sure.

19 MS. WALTER: Nothing further, Your Honor.

20 THE COURT: You can step down. Thank you.

21 MR. MCCOY: Yeah. Yes, sir, Your Honor. At this time,
22 the Defense calls Mr. Everett Ford, Your Honor.

23 Whereupon, Everett Ford is called to the stand, duly
24 sworn by the clerk and testifies as follows:

25 REPORTER: Could I get you to spell your first name?

Everett Ford - Direct by Mr. McCoy

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1 MR. FORD: E-V-E-R-E-T-T.

2 DIRECT EXAMINATION - BY MR. MCCOY:

3 Q Mr. Ford, my name is Jonny McCoy. I'm Calvin Ford's
4 Defense attorney. I appreciate you being here today, sir.
5 Can you tell everybody in this courtroom how you know the
6 Defendant, Mr. Calvin Ford?

7 A Yes. He's my cousin, first cousin.

8 Q And how do you know -- do you, do you know Aliga
9 Campbell?

10 A Yes, sir.

11 Q How do you know Aliga Campbell?

12 A All his life, next-door neighbor.

13 Q A did you know Jamal Burgess?

14 A Yes, sir.

15 Q How did you know Jamal Burgess?

16 A All us from the same basically community, area, all my
17 life.

18 Q What about Dameion -- sorry. What's that?

19 A All my life.

20 Q What about Dameion Alston?

21 A Know him all my life.

22 Q And how do you know Dameion Alston?

23 A Same community, same area.

24 Q Did you guys all hang out together?

25 A Yes, sir, one point in time.

Everett Ford - Direct by Mr. McCoy

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- 1 Q At one point in time. As far as this were you guys
2 hanging out with Jamal or only Dameion?
- 3 A Like when?
- 4 Q Were you guys hanging out with Jamal?
- 5 A At any point in time like coming up.
- 6 Q Towards this incident?
- 7 A Oh, no, no, no.
- 8 Q Okay. And are you aware of an incident that took place
9 between Calvin and Jamal prior to this incident?
- 10 A Yes, sir.
- 11 Q What took -- what happened with that?
- 12 A He knocked his teeth out with a gun.
- 13 Q Who did?
- 14 A Jamal.
- 15 Q Knocked whose teeth out?
- 16 A Calvin's.
- 17 Q And how did he do that?
- 18 A He hit him in his -- he basically hit him in his face
19 with a gun, knocked his teeth out, fractured his face.
- 20 Q Did you see Calvin after? Well, did he go to the
21 hospital?
- 22 A He went to the hospital I think.
- 23 Q Did you see Calvin after he got out of the hospital?
- 24 A Not personally, but yeah.
- 25 Q But ever.

- 1 A Yeah. Yeah. I seen him.
- 2 Q Did you, did you see him without his teeth and all that?
- 3 A Yeah.
- 4 Q Did you see him with surgery marks?
- 5 A I see his teeth gone.
- 6 Q Was he afraid of Mr. Burgess after that?
- 7 A You could say so because we stayed away from him after --
- 8 ever since then kind of stayed away from him.
- 9 Q So Calvin -- well, you knew new that Mr. Burgess had --
- 10 carried a gun on him; correct?
- 11 A Yeah. Yes, sir.
- 12 Q And did you and Calvin ever talk about Jamal having a gun
- 13 on him, Jamal casually carrying a gun on him?
- 14 A Yeah. Everybody know that, but, yeah, like everybody
- 15 knows -- it's known he -- he known to have a gun.
- 16 Q Now, the day before this incident did you -- were you
- 17 hanging out with -- what'd you do the day before this
- 18 incident, July 22nd, 2016?
- 19 A What I --
- 20 Q You remember what was going on?
- 21 A We was just chilling because my little brother just died
- 22 around like a couple weeks prior to that. So the family was
- 23 really together right at that point in time.
- 24 Q Okay.
- 25 A So they was like chilling.

Everett Ford - Direct by Mr. McCoy

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1 Q Were you guys all together at someone's house the night
2 before?

3 A Yes. My granddaddy house.

4 Q Was Dameion Alston there?

5 A Yes. Always.

6 Q Was Calvin Ford there?

7 A Yes.

8 Q Was Aliga Campbell there?

9 A Yes.

10 Q Were you there?

11 A Yes.

12 Q Was there any fights going on between anybody?

13 A No. We cool, all of us, you feel me, all of us cool, we
14 hung together.

15 Q Did you see Jamal at all that night?

16 A I seen him earlier that day and later on that evening.
17 Yeah. I saw him.

18 Q Did you guys have any words exchanged or anything like
19 that?

20 A Like, I think -- he, he had -- nah, he rode through, he
21 had rode through by my granddaddy house, though.

22 Q What does that mean he rode through?

23 A He ride -- he rode -- he rode through on a dirt bike.

24 Q On a dirt bike?

25 A Yeah. All of us on the porch, all the family was on the

1 porch. He was doing it right with his little gun showing.

2 Q What do you mean with a gun showing?

3 A Just, just with his gun on his side, like he riding a
4 little dirt bike, he just rode through down the street
5 looking.

6 Q So the day before this incident you saw Jamal with a gun?

7 A Yeah.

8 Q Now, let's talk about the day of the incident. Did you
9 go -- what'd you do the day of the incident, July 23rd, 2017
10 -- 2016?

11 A What I did the day of the incident?

12 Q Yeah. What was going on in your morning, your
13 afternoon?

14 A Oh, just woke up. It was my little cousin Rasheed
15 birthday which is his brother.

16 Q Which is whose brother?

17 A Calvin's, Calvin Ford brother.

18 Q So go ahead.

19 A It was his birthday, and we basically plan to get
20 together like his brother because him and Dameion Alston --
21 well, Rasheed and Dameion Alston birthday they share the same
22 birthday.

23 Q Okay.

24 A The plan basically get together and just chill.

25 Q And was the plan to chill in any one certain location?

Everett Ford - Direct by Mr. McCoy

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1 that was the plans, to just go chill at Ms. Dudley house and
2 just get together and chill.

3 Q Did you all, you all have a plan to confront anybody?

4 A No.

5 Q Did you all have a plan to fight anybody?

6 A No.

7 Q Did you all have a plan to hurt anybody?

8 A No.

9 Q Now, as you're walking up the road, do you see Jamal
10 Burgess?

11 A Yes.

12 Q And how does, how does Jamal appear? What's his demeanor
13 like?

14 A Aggressive.

15 Q Was he -- did he appear to be intoxicated, I mean?

16 A Something wrong with him, you feel me? Something was
17 wrong with him. Probably was intoxicated or something.

18 Q Okay. Now, did you see Calvin Ford as you were walking
19 up the road?

20 A Yes, sir.

21 Q And why don't you tell us in your own words what happened
22 when you saw Mr. Burgess and Mr. Ford. Describe the
23 situation.

24 A Basically I was coming down the street. Basically we was
25 -- basically, he -- we were arriving. I was coming down. He

1 crossed the other street. He was coming across the street,
2 but I was coming down the street from behind the projects way,
3 and basically like you see somebody like wave somebody over,
4 "I'm coming." So I ain't really hearing that shit, in and
5 out, but I'm, excuse my language, but things in and out. I'm
6 coming down the street and I seen him flag Calvin over, Jamal.

7 Q All right.

8 A And I see Calvin approach him. I'm walking because I know
9 they ain't -- they don't really get along. So I'm trying to,
10 you feel me, try to speed up a little bit, but he put his arm,
11 he put his arm around like, like you know how you put -- like,
12 like around, he came from the side and grabbed him and --

13 Q Who, who came from the side and grabbed him?

14 A Jamal.

15 Q Grabbed?

16 A Calvin like, like, like come here type junk. You feel me?

17 Q Okay.

18 A Yeah.

19 Q Now, you stated -- at, at one time you've -- the, the,
20 the -- there's been a point made by the State that you stated
21 in a statement given to our investigator that as, as you
22 stated Jamal put his arm around him acting like they were
23 friends.

24 A The key word is acting. Yeah. They -- we know that they
25 not friends. Aggression was in that though. I use that

Everett Ford - Direct by Mr. McCoy

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1 terminology because like you grab a buddy, say how you grab a
2 buddy but put your arms around them but it's aggressive.

3 Q Okay. So if you say --

4 A Yeah. But not friendly.

5 Q So if you say Jamal put his arm around him like they were
6 friends --

7 A Yeah.

8 Q -- what does that mean? I want to hear you say it the
9 way you meant to say it without being on paper.

10 A Because you -- what I mean the only -- like if you my
11 friend if I mess with you I can put my around you in a loving
12 embrace.

13 Q Yeah.

14 A You get what I'm saying? Not no aggressive manner. This
15 is aggressive. Like you grab somebody, you like, like you
16 sonning somebody, you get what I'm saying? You can tell like
17 your demeanor like he --

18 Q Okay.

19 A -- his attitude.

20 Q And to your knowledge is that how Jamal grabbed Calvin on
21 the night that he knocked his teeth out four years ago?

22 A Yeah. Exactly what he did.

23 Q So did you see -- at that point did you see Jamal with a
24 gun?

25 A You could see the print. You could see it was a print,

1 but I was walking up like I said, but you, you -- yeah. He
2 had a gun.

3 Q All right. Why don't you go ahead and just tell --

4 A Yeah. Well, yeah.

5 Q -- why don't you just go ahead and tell us the whole
6 story.

7 A But anyway, I was coming down the street and Jamal put
8 his arms around him like aggressively, aggressively put his
9 arm around him and Calvin been like basically like move like
10 you move an arm from around him like, "Man, get your arm from
11 around my neck," basically like, "Get your arm from around my
12 neck," is the motion I get from him. Then they had little
13 words in and out 'cause I was coming up the street, you hear
14 what I'm saying? You know, like people talking, everybody out
15 there, whoo, whoo, whoo, whoo, whoo.

16 Q You didn't hear what they were saying?

17 A Huh?

18 Q You didn't hear what they were saying; correct?

19 A Nah. Not -- it's in its small little.

20 Q It's okay.

21 A Small, people trying to break it up, "You all, chill,
22 chill, chill, chill," type junk, and I was coming down the
23 street.

24 Q Who was trying to break it up? Was Dameion?

25 A Dameion.

Everett Ford - Direct by Mr. McCoy

635

1 Q Okay. Who was trying to break it up?

2 A Dameion.

3 Q And was he facing Jamal trying to break it up?

4 A He was just like I see somebody -- he was just like, "You
5 all chill, chill, man," between it was like, "Chill, chill."

6 Q Okay. And what happened next? What happened?

7 A When, when it -- well, anyway, when it -- when he was
8 breaking it up, when Dameion got in, when Dameion got in the
9 middle of breaking it up, Dameion which is Dameion, he's got
10 in the middle just breaking it up. Jamal like, like when he
11 was, like when he was stepping back he came up with his gun
12 and pulled and he fired.

13 Q Fired at who?

14 A Calvin.

15 Q And where was Dameion when Jamal pulled a gun?

16 A He's -- by that time, all that time he pulled, tried to
17 get out the way, stepped to the side.

18 Q Did, did -- okay. So let's slow down. At that point had
19 you seen Calvin produce a gun?

20 A No, sir.

21 Q So when Jamal pulled his gun had Calvin done anything
22 aggressive?

23 A Not really, no, nothing. He just walked up. He, he
24 couldn't had. The only thing he did was like move his arm
25 from around his neck and you could see a tone like, "What you

1 tell," he been like, man, he been like, "Why you telling such
2 and such, such, such, such, like be."

3 Q Who said that?

4 A That's what Jamal was saying basically to Calvin.

5 Q So Jamal was in -- Jamal was the one being aggressive?

6 A Yeah. You could tell like his motions, body motions, you
7 know, "Why you such, such, such, such, such.

8 Q But Calvin was not being aggressive?

9 A No. He was standing there. He just standing there like,
10 like talking about, "Chill, you all, chill."

11 Q Okay.

12 A When he did that Jamal stepped back, went to his side, he
13 came up with a, a gun, a silver gun, a chrome gun, whatever.
14 He came up with a gun and he fired. When he fired everybody
15 start -- I ran, too. You feel me? Well, you feel me? When
16 he fired everybody like, "Oh, you fired," you feel me? When I
17 look -- when he fired -- because I thought he, he -- I thought
18 he shot him. You with me? When I look I seen Calvin like go
19 down like he, like he was falling.

20 Q Back up to the microphone, man.

21 A Oh, yeah. Like he was falling when he shot.

22 Q You got to face the jury; okay?

23 A And when he shot I thought he had shot him because he had
24 like went down a little bit. You feel me?

25 Q You thought, you thought Jamal shot Calvin?

Everett Ford - Direct by Mr. McCoy

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1 A Yeah. That's what I think.

2 Q Okay.

3 A That's what I thinking.

4 Q And you testified about Calvin with, with a gun; correct,
5 at the stand your ground hearing?

6 A Yes, sir.

7 Q I want you to describe that to the jury.

8 A About the stand your ground hearing?

9 Q No. No. No. Why don't you tell us what happened after
10 Jamal shot Calvin?

11 A Oh, after Jamal he pulled a gun, like somebody in between
12 trying to dispuse [sic] it, like diffuse the situation he step
13 back. When he was stepping back he eased his gun out. He
14 pulled and he just fired. He shot -- Calvin had like, like he
15 went down a little bit. I thought he was hit like I said, you
16 feel me, and by that time when I was running I was going back
17 the other way from. I ain't going to run across no fire, but
18 anyway, I looked back, I just see like, like he picked
19 something up, you feel me, like he came off the ground. I
20 thought he was hit, when he came up and when I look and I
21 just, now you heard like there's gunshots going off, loud,
22 big, whatever, you feel me? I two guns -- it's like multiple
23 guns was shooting anyway. When I look back, you feel me, I
24 just see people -- Jamal in the middle of the street shooting
25 running.

1 Q But you did Calvin with a gun; correct?

2 A After all that, yeah.

3 Q Yeah. After he was shot at; right?

4 A Yeah.

5 Q And where did you think Calvin got the gun from?

6 A He had to get it, he had to get it off the ground or
7 something. He ain't had one because when they was tussling,
8 now, because when they was tussling, I mean, when they, when
9 they tried to diffuse the situation, what was going on, they
10 tried to diffuse the situation and somebody dropped a gun.

11 They --

12 Q Who dropped, who dropped a gun? What does that mean?

13 A Somebody had dropped one.

14 Q Who do you think dropped a gun?

15 A It had to, it had to be, had to be, had to be, had to be
16 Dameion because he's the only one actually really trying to
17 diffuse the situation.

18 Q Now, you -- your testimony here to this jury is that
19 Jamal or whoever during the tussle something, something
20 dislodged a gun from Dameion and it fell out and that's the
21 gun Calvin picked up and shot?

22 A Had to be.

23 Q What do you mean it had to be?

24 A Because no -- like --

25 Q Sorry. I keep walking around. Just face the jury.

Jerome Thompson - Direct by Mr. McCoy

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1 THE COURT: Jerome Thompson.

2 Mr. Thompson, if you'll come around.

3 Whereupon, Jerome Thompson is called to the stand, duly
4 sworn by the clerk and testified as follows:

5 THE CLERK: Just state your name for the Court.

6 DIRECT EXAMINATION

7 BY MR. MCCOY:

8 Q Good afternoon, Mr. Thompson. My name is Jonny McCoy.
9 I'm Calvin Ford's Defense attorney. I appreciate you being
10 here today. I know you don't want to be here; right? I just
11 have a few questions for you. Did you serve time inside of
12 prison with Jamal Burgess?

13 A Yes, sir.

14 Q And during that time that you served time in prison with
15 Jamal Burgess was it prior to July 23rd of 2016?

16 A Yes, sir.

17 Q And at any time that you were in prison with Jamal
18 Burgess did he tell you that he planned to kill anybody?

19 MR. HOLFORD: Objection.

20 MR. MCCOY: 803(3), Your Honor.

21 MR. HOLFORD: It's hearsay, Your Honor.

22 MR. MCCOY: Comes in under 803(3) under, okay, under the
23 exception to the rule of plan, motive, all the other good
24 stuff, Judge.

25 THE COURT: Overruled.

1 BY MR. MCCOY:

2 Q Did Jamal tell you while you were together in prison that
3 he planned to kill anybody when he got out?

4 A Well, we had a conversation.

5 Q That's okay. And who did he say he was going to kill?

6 A Ford.

7 Q Calvin Ford, anybody else? Were you, were you and Jamal
8 friends while you were in prison?

9 A No. We wasn't in the same dorm, but I knew him almost my
10 whole life.

11 Q Where did this conversation take place?

12 A On the rec field.

13 Q But you've known Jamal?

14 A Yes, sir.

15 Q How, how long had you known Jamal?

16 A A long time, at least 20 years.

17 Q 20 years, so you guys are friends?

18 A You could say that.

19 Q Nothing further, Mr. Thompson. Thank you, sir.

20 MR. FOX: No questions, Your Honor.

21 THE COURT: Solicitor.

22 CROSS EXAMINATION

23 BY MR. HOLFORD:

24 Q Mr. Thompson, we know which other; don't we? I, I mean,
25 we're not related. You know who I am; right?

Jerome Thompson - Cross by Mr. Holford

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- 1 A No, sir. I have no idea.
- 2 Q Do you know I'm prosecuting your case against you?
- 3 A No, sir. No.
- 4 Q You don't know that?
- 5 A Okay. Yeah. I know who you are.
- 6 Q Okay.
- 7 A Mr. Holford.
- 8 Q Yes, sir.
- 9 A You look different.
- 10 Q Now, I'm not going to ask you anything about that.
- 11 That's got nothing to do with what we're today; does it?
- 12 A No, sir.
- 13 Q You're not locked up in relation to this at all?
- 14 A No, sir.
- 15 Q Okay. But, but your testimony today is that when you
- 16 were in prison before with Jamal he said he was going to kill
- 17 Calvin?
- 18 A Yeah.
- 19 Q When did that happen?
- 20 A It's been about -- 2019 -- about 10 years ago.
- 21 Q Ten years ago. Okay. Did you, did you approach Myrtle
- 22 Beach Police Department and tell them that or have you -- have
- 23 you told anyone that --
- 24 A No, sir.
- 25 Q -- before today?

1 A No, sir.

2 Q No. So this is the first time that you're, you're
3 telling this statement that Jamal said he was going to kill
4 Calvin?

5 A Yes, sir.

6 Q Who -- did you approach someone about that or did someone
7 come talk to you about it?

8 A What you mean approach somebody?

9 Q Like did you, I mean, from, from where you are at J.
10 Reuben did you reach out to people and say, "Hey, I got
11 something to tell you," or did someone come see you?

12 A No, sir. Somebody reached out to me. They just --

13 Q Who, who reached out to you?

14 A A private investigator. He just said he knew I was from
15 the area, asked me about the incident, and I told him I
16 couldn't speak for the incident itself I wasn't there.

17 Q Right.

18 A He just asked me a few questions about Burgess and about
19 Ford.

20 Q Was that Calvin's investigator asked you those questions?

21 A I have -- I'm assuming --

22 Q Okay.

23 A -- it's his investigator. I don't know the guy.

24 Q And, and just to be clear, you don't, you don't know
25 about the incident itself because you were, you were actually

Maurice Vereen - Direct by Mr. McCoy

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1 in jail at the time; right?

2 A Yes, sir.

3 Q Did you, did you ever tell Calvin that Jamal had said he
4 was going to kill him?

5 A No.

6 Q Okay. Nothing further.

7 MR. MCCOY: That's it, Your Honor. Thank you.

8 THE COURT: Mr. Fox, anything?

9 MR. FOX: I'm sorry. No, Your Honor.

10 THE COURT: You may step down. Thank you.

11 MR. MCCOY: Your Honor, at this time the Defense calls
12 Mr. Maurice Vereen.

13 Whereupon, Maurice Vereen is called to the stand, duly
14 sworn by the clerk and testified as follows:

15 THE CLERK: State and spell your name for the Court.

16 MR. VEREEN: Maurice Vereen, M-A-U-R-I-C-E, V-E-R-E-E-N.

17 DIRECT EXAMINATION

18 BY MR. MCCOY:

19 Q Mr. Vereen, how old are you, sir?

20 A All right. 41.

21 Q 41. And how are you doing?

22 A I'm good.

23 Q My name is Jonny McCoy. I'm Calvin Ford's Defense
24 attorney. I appreciate you being here. Do you know Calvin
25 Ford, the Defendant in this case?

- 1 A Yes, sir.
- 2 Q Do you know the alleged victims and the deceased Jamal
3 Burgess?
- 4 A Yes, sir.
- 5 Q Do you know Dameion Alston?
- 6 A Yes, sir.
- 7 Q And how do you know Dameion Alston?
- 8 A From the neighborhood.
- 9 Q How long have you known Dameion Alston?
- 10 A About 20 some years.
- 11 Q How long have you known Jamal Burgess?
- 12 A About the same.
- 13 Q How long have you known Calvin Ford?
- 14 A About the same.
- 15 Q And are you closer to any one above the other?
- 16 A No.
- 17 Q You know them all the same?
- 18 A Basically.
- 19 Q Do you like them all the same?
- 20 A Yes, sir.
- 21 Q In your time knowing Jamal Burgess did you ever see him
22 with a gun?
- 23 A He got a reputation.
- 24 Q Did you ever see him with a gun though?
- 25 A No. I haven't.

Maurice Vereen - Direct by Mr. McCoy

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1 Q But he had a reputation for having a gun? On the night
2 of Saturday, July 23rd, 2016, the night of the alleged
3 incident, you aware of what's going on here today?

4 A Yes, sir.

5 Q Do you recall being at the party on that night of the
6 incident?

7 A Yes.

8 Q So why don't you just, why don't you just tell us a
9 little bit about how you -- what time did you get to the
10 party?

11 A I got there like six.

12 Q Six. And what did you do when you got there?

13 A Did what you do, get intoxicated, play cards.

14 Q Hang out?

15 A Yeah, basically.

16 Q And did you see Jamal Burgess at the party while you were
17 there?

18 A Yes.

19 Q Did you see Dameion Alston at the party while you were
20 there?

21 A Yes.

22 Q And at some point did you see Calvin Ford at the party
23 while you were there?

24 A Later on. Yes.

25 Q Okay. Did you see Jamal Burgess drinking that day?

- 1 A Yes.
- 2 Q Did you see Jamal Burgess have a gun that day?
- 3 A I can't say I did.
- 4 Q Now, at the time of the incident, do you, do you recall
- 5 being there at the time of the incident?
- 6 A No, sir.
- 7 Q Do you recall meeting with Mr. Ford's private
- 8 investigator in this case?
- 9 A Yes. I do.
- 10 Q Do you recall giving him a statement in this case?
- 11 A Yes, sir.
- 12 Q Do you recall that statement being, being signed by you
- 13 and sworn? Do you remember him going over that with you?
- 14 A Yes, sir.
- 15 Q Have you had a chance to look at that statement?
- 16 A Yes. I did.
- 17 Q How long ago did you look at that statement?
- 18 A About a week, two weeks ago.
- 19 Q Do you recall in that statement stating that, "I observed
- 20 Burgess appear to pull at his waist, waistband where his
- 21 handgun was located, then shots were fired, I ducked and
- 22 ran"?
- 23 A I did say that.
- 24 Q Is that the truth?
- 25 A Yes, sir.

Walter Stanley - Direct by Mr. McCoy

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1 "how you doing," and then he kept right on walking. Okay. He
2 wound up walking ahead of me because I was moving kind of slow
3 because there were cars on my street like always. It's always
4 a lot of cars on my street, you know. Like I said, Ms.
5 Holoman's house was always the house that had all the kids.
6 Kids regular there. So it's not unusual for a lot of kids
7 being in her yard. Okay. And so I, I was moving kind of
8 slow, you know, because of the cars ahead of me and cars
9 moving, past, past me, stuff like that, and all of a sudden
10 when he -- when Calvin approached Jamal they head, headlock
11 together, and Calvin did this (indicating), and when he did
12 this that's --

13 Q What do you mean, what do you mean when he did this? Was
14 he --

15 A He broked [sic] away from, from Jamal.

16 Q So Jamal had --

17 A In like a headlock.

18 Q Okay.

19 A Uh-huh.

20 Q Go ahead. I'm sorry. I didn't mean to interrupt.

21 A Okay. And he broked [sic] away and when they broked away
22 that's when Jamal pulled the hand revolver and fired after
23 Calvin. Calvin ducks and when he comes up Calvin comes up
24 with his revolver and he fired a shot. His shot connected
25 with Jamal. When that -- when he connected with Jamal, Jamal

1 interview with, with the media they, they, they, they aired it
2 the next day. A lot of them got mad with me when they saw it.
3 A lot of them were very pleased with what I said.

4 Q Did you tell the media that you were there and witnessed
5 the incident?

6 A Yes. I did. I told the media. That's when they found
7 out that I was there. I told the media that I was there.

8 Q And did the, did the police department ever, ever --

9 A No.

10 Q -- send anybody to talk to you?

11 A No.

12 Q Did the Prosecutor's Office ever, ever send anybody to
13 talk to you?

14 A No, no one, nope. No one ever came to my house until
15 after I, I was incarcerated in, in, in January of this, of
16 this year on a double charge which was driving under, driving
17 under suspension. My license had gotten suspended since then
18 and a breach of trust.

19 Q And you were in there for traffic violations?

20 A Yes.

21 Q That's okay.

22 A Yeah.

23 Q We don't have to get into that.

24 A So, therefore, that's when they found out -- that's when
25 the, the investigator I connected with Calvin.

Verdict

840

1 the verdicts.

2 THE CLERK: Indictment number 2017-GS-26-6725, State of
3 South Carolina, County of Horry versus Aliga Campbell on the
4 indictment of murder, we, the jury, unanimously find the
5 Defendant not guilty.

6 2017-GS-26-6729, the State of South Carolina, County of
7 Horry versus Aliga Campbell, indictment for murder, we, the --
8 we, the jury, unanimously find the Defendant not guilty.

9 2017-GS-26-2913, State of South Carolina, County of Horry
10 versus Calvin Ford, indictment for murder, we, the jury
11 unanimously find the Defendant not guilty.

12 2017-GS-26-2914, State of South Carolina, County of Horry
13 versus Calvin D. Ford, indictment for murder, we, the jury
14 unanimously find the Defendant guilty.

15 2017-GS-26-2915, State of South Carolina, County of Horry
16 versus Calvin D. Ford, indictment for possession of a weapon
17 during the commission of a violent crime, we, the jury
18 unanimously find the Defendant guilty.

19 Docket number 2017-GS-26-2912, State of South Carolina,
20 County of Horry versus Calvin D. Ford, on the indictment for
21 unlawful possession of a firearm by a person convicted of a
22 violent offense, we, the jury unanimously find the Defendant
23 guilty, signed by, signed by Perry Hubbard, foreperson on
24 November 8th, 2019.

25 Ladies and gentlemen of the jury, if this is your verdict

1 presented in this trial. It gives me great concern about the
2 fact -- well, let me say, you know, I certainly recognize your
3 remorse here, but you know, based on the criminal record and
4 the fact that you were not supposed to have a gun to start
5 with with that prior record and you go knowing that you'd had
6 difficulty with this victim before and lost some teeth in a
7 fight or whatever why you would go up there knowing you did
8 not have a right to have that gun on you and you see what
9 happens and now the whole community is suffering. You got two
10 families that are absolutely devastated about what went on
11 that night, but I don't, I don't want anybody to think in this
12 courtroom that that's just isolated to Horry County. It's,
13 it's everywhere, any, any town, small town, medium, Charlotte,
14 North Carolina, Atlanta, here. It's these same scenarios,
15 fairly young people get a hold of a gun and then you have a
16 disaster.

17 All right. On the murder, the conviction on 2017-2914,
18 the sentence of the Court is Calvin D. Ford be confined to the
19 State Department of Corrections for a term of life. On 2017-
20 2915, possession of a weapon during a violent crime, the
21 sentence is five years concurrent, 2017-2912, possession of a
22 firearm by a person convicted of a violent felony, the
23 sentence is five years concurrent, and I want to thank all the
24 attorneys involved for getting this case presented, and with
25 that said, the sentencing sheets are executed. Sheriff, Mr.

WITNESSES

H. Jones Myrtle Beach Police Department

327 Shea Clarkson

DOCKET NO. 2017-GS-26- 02914

The State of South Carolina

County of Horry

Joshua D. Holford

16H03929

COURT OF GENERAL SESSIONS

June, 2017 TERM

FILED
HORRY COUNTY

2017 JUN 23 PM 3:18

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

ARREST WARRANT NUMBER

6A2620601886
CDR: 0116 16-03-0010, 0020
DOA: 7/25/2016

ACTION OF GRAND JURY

TOTAL

Neil Bennett
Foreperson of Grand Jury JUN 22 2017
Date:

INDICT
Gaulty 11-08-19

Jimmy A. Richardson
Foreperson of Petit Jury
Date:

THE STATE
VS.

Calvin D Ford
B/ M



ATTORNEY: Jonny D. McCoy

Indictment for
Murder

Jimmy A. Richardson, II, Solicitor

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

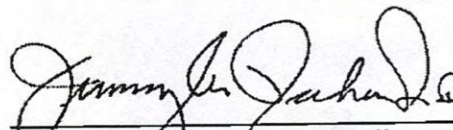
At a Court of General Sessions, convened on June 22, 2017, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Calvin D Ford did in Horry County, on or about July 23, 2016, willfully, feloniously, and intentionally kill the victim, Jamal / deceased Burgess, with malice aforethought, either express or implied, by means of gunshot wounds, and the victim did die as a proximate result thereof on or about July 23, 2016 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Officer Hugh Jones Myrtle Beach Police Department

329 Shea Clarkson

ARREST WARRANT NUMBER

6A2620601884
CDR: 3434 16-23-0500(A)
DOA: 7/25/2016

ACTION OF GRAND JURY

TRUDY

Foreperson of Grand Jury
Date: JUN 22 2017

INDICT

Griffith 11/20/2019

For person of Petit Jury
Date:

DOCKET NO. 2017-GS-26-02912

The State of South Carolina

County of Horry

Joshua D. Holford 16H03929

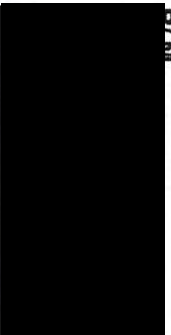
COURT OF GENERAL SESSIONS

June, 2017 TERM

THE STATE

VS.

Calvin D Ford



ATTORNEY: Jonny D. McCoy

Indictment for

Unlawful Possession of Firearm by Person
Convicted of a Violent Offense

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY

2017 JUN 23 PM 3:18

REBE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

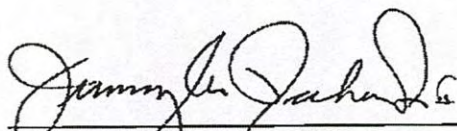
At a Court of General Sessions, convened on June 22, 2017, the Grand Jurors of Horry County present upon their oath:

**UNLAWFUL POSSESSION OF FIREARM BY PERSON
CONVICTED OF A VIOLENT OFFENSE**

CDR: 3434 16-23-0500

That Calvin D Ford did in Horry County on or about 2016-07-23, knowingly possess or acquire a firearm and or ammunition after having been convicted of a violent crime defined in Section 16-1-60, S. C. Code of Laws, 1976, as amended, in violation of Section 16-23-0500, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Myrtle Beach Police Department

Shea Clarkson

331

DOCKET NO. 2017-GS-26-02915

The State of South Carolina

County of Horry

Joshua D. Hofford

16H03929

FILED
HORRY COUNTY

2017 JUN 23 PM 3:18

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

ARREST WARRANT NUMBER

6A2620601887

CDR: 0549 16-23-0490

DOA: 7125/2016

ACTION OF GRAND JURY

TOTAL

Calvin D Ford

BLM

THE STATE

VS.

ATTORNEY: Jonny D. McCoy

Foreperson of Grand Jury

Date: JUN 22 2017

INDICT

County 11-08-14

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

Jimmy A. Richardson, II, Solicitor

ORIGINAL

Foreperson of Petit Jury
Date:

Shea Clarkson

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on June 22, 2017, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Calvin D Ford did in Horry County, on or about July 23, 2016, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

COUNTY OF Henry
STATE VS.

Calvin D Ford

AKA: _____

Race: BLACK Sex: M Age: 32

DOB: _____

Address: _____

City: _____

DL#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Murder 30-life

INDICTMENT/CASE#: 2017GS2602914

A/W#: 2016A2620601886

Date of Offense: 7/23/2016

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Walter Mary-Allen SC103036 _____ SCB77540

Walter Mary-Allen

SC Bar#

Defendant

McCoy, Jonny D.
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of Life days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

TOTAL \$ _____

Clerk of Court/ Deputy Clerk Roger Flinn

Court Reporter: Grace Harley

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge _____
Judge Code: 2098
Sentence Date: 11/8/2019

FILED
2019 NOV 8 PM 6:44
RECEIVED
CLERK OF COURT
HORRUM COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF

STATE

VS.

Calvin D Ford

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2602912

A/W#: 2016A2620601884

Date of Offense: 7/23/2016

S.C. Code § : 16-23-0500(A)

CDR Code #: 3434

SENTENCE SHEET

AKA:

Race: BLACK Sex: M Age: 32

DOB:

Address:

City, S:

DL#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Possession of Firearm or Ammunition by person convicted of violent felony CONVICTED OF or PLEADS 0-5 years and/or \$2,000

in violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Walter, Mary-Ellen SC Bar# SC103036 Defendant McCoy, Jonny D. Attorney for Defendant SC Bar# SCB77540

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

FILED 11/18/2017 9:44 AM CLERK OF COURT Horry County, SC

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like §14-1-206 (Assessments 107.5 %), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk: Renee C.W.S. Court Reporter: Grace Hui

days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: [Signature] Judge Code: 2048 Sentence Date: 11/8/2017

COUNTY OF STATE

VS. Calvin D Ford

INDICTMENT/CASE#: 2017GS2602915

A/W#: 2016A2620601887

Date of Offense: 7/23/2016

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

AKA:

Race: BLACK Sex: M Age: 32

Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Possession of weapon during violent crime, if not also sentenced to life without parole or death 5 years

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST Walter, Mary-ellen SC Bar# Defendant McCoy, Jonny D. Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOD.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments).

TOTAL \$

Clerk of Court/ Deputy Clerk Renee Gluz Court Reporter: [Signature]

RECEIVED CLERK OF COURT FORRY COUNTY, SC NOV 8 2016 6:14 PM

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

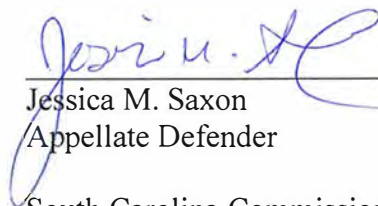
Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature] Judge Code: 2048 Sentence Date: 11/8/2016

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 6th day of October, 2025.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

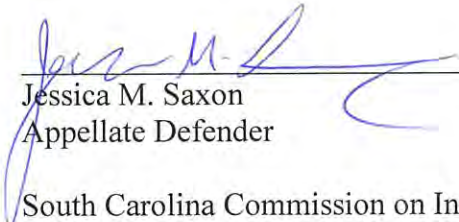
CALVIN D. FORD,

APPELLANT

APPELLATE CASE NO. 2024-001870

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Tommy Evans, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 6th day of October, 2025.



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT