

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Spartanburg County

Honorable Eugene C. Griffith, Circuit Court Judge

TERRELL A. BROWN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000798

APPENDIX

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2 COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS

3
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5 PLAINTIFF,) OF
6 VS.) RECORD
7 TERRELL ANTONIO BROWN,) 2013-GS-42-4249, 4250
8 DEFENDANT.) 2014-GS-42-5071

9
10 March 16th - 19th, 2013
11 Spartanburg, South Carolina

12
13 B E F O R E:

14 THE HONORABLE J. MARK HAYES, II, Judge; and a jury.

15
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23 Circuit Court Reporter
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25 Transcribed by Pamela E. Green, Circuit Court Reporter

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P R O C E E D I N G S

1

2

3

THE COURT: Has your client been brought over?

4

MR. BROWN: Your Honor?

5

THE COURT: Your client been brought over?

6

MR. BROWN: Yes, sir. Yes, sir.

7

THE COURT: Are they gonna bring him in?

8

MR. BROWN: Yes, sir.

9

(WHEREUPON, the defendant enters the courtroom at this time.)

10

11

THE COURT: Okay. We'll go on the record in the matter of the State versus Terrell Brown.

12

13

14

I believe that we are here today on the, on the motions that have been presented by the defense of Stand Your Ground Motion as well as I believe we're gonna do a Jackson v.

15

16

Denno hearing as well.

17

MR. BROWN: That's correct, Your Honor.

18

19

THE COURT: All right. Be more than happy to hear from you.

20

MR. BROWN: May it please the Court, Your Honor?

21

22

23

24

25

I'm standing here on behalf of Mr. Terrell Brown. As the Court has called for the record, the first proceeding that we'd like to bring before the Court today is the defense motion as relates to Mr. Brown's potential immunity under the Protection of the Persons and Property Act

1 codified in Section 16-11-450(C), Your Honor.

2 As the defense brings the motion here today, Your
3 Honor, my client faces three indictments that will be
4 presented by the State for its prosecution as it relates to
5 the alleged murders of two decedents. It is our contention
6 that, based upon, the Court has recognized the Stand Your
7 Ground, my client had a right, on the day of the underlying
8 matters, to defend himself and, therefore, we bring forth
9 this motion, this motion of self-defense, Your Honor.

10 THE COURT: Okay.

11 MR. BROWN: And we would like to call -- actually our
12 first witness is also in the holding room, Mr. DeAdrien
13 Morton.

14 THE COURT: Give me that name again please.

15 MR. BROWN: DeAdrien Morton.

16 THE COURT: Mr. Morton, just come right up here and let
17 the Clerk of Court swear you in.

18 THE WITNESS: Okay, Your Honor.

19 DeADRIEN MORTON, being first duly
20 sworn, testified as follows:

21 THE CLERK: You may be seated.

22 THE COURT: Just have a seat in the red chair, sir,
23 and, if you would, pull the chair up to the microphone and
24 speak up loud enough so that both the court reporter and I
25 can hear you.

DeAdrien Morton - Direct examination
By Mr. Brown

1 Okay?

2 THE WITNESS: All right.

3 DIRECT EXAMINATION

4 BY MR. BROWN:

5 Q Morning, sir.

6 A Good morning.

7 Q If you could, for the purpose of the record, speak up
8 and state your, your entire legal name.

9 A DeAdrien Porta (phonetic) Morton.

10 Q And where do you live?

11 A Woodruff, South Carolina.

12 Q And do you know my client, Mr. Terrell Brown?

13 A Yes, sir.

14 Q Do you have a nickname?

15 A Yes, sir.

16 Q What is that?

17 A Dweet.

18 Q Okay. Do you understand why we're here today?

19 A Yes, sir.

20 Q Do you know anything related to the alleged incidents
21 that occurred related to the charges that Terrell's facing?

22 A I know a little something about it.

23 Q Okay. In particular, on that day, could you tell us
24 where you were at and what was going on?

25 A We was out in Kelly Acres one night just chilling, me,

DeAdrien Morton - Direct examination
By Mr. Brown

1 Terrell, and a couple of my friends or whatever, and Tee and
2 Summer Bayne had pulled up. We was sitting out there. We
3 just chilling, whatever, smoking, talking with a couple more
4 people. And, you know, like, say like about 30 minutes, 30
5 minutes later, Yearg, Frado, and Brittany Jeter, and her
6 boyfriend had pulled up with her or whatever, which when
7 they pulled up or whatever, things kind of soured or
8 whatever out there.

9 You know, Yearg, he had hostility toward me and Terrell
10 Brown or whatever. So, we just, we just out there hanging
11 out or whatever. Just trying to put all that together or
12 whatever. You know, it's been a minute ago.

13 So, we was out there hanging out and Yearg just started
14 popping off.

15 "Dweet, what up?"

16 "You and Re'll out there. No f'ing (phonetic) for me
17 and about messing, messing with me or high or whatever. So
18 like whatever, whatever, bla, bla, bla, and then he just
19 started gotten along. When Re'll got there, he was like
20 Re'll, you act like you don't f'ing me. I out of jail and
21 all this and that.

22 So---

23 Q Was he was talking to Mr. Brown---

24 A Yeah.

25 Q ---at that point?

DeAdrien Morton - Direct examination
By Mr. Brown

1 A He talking to, he talking to Mr. Brown, Mr. Brown too.

2 So, we kind of little still around the little crowd or

3 whatever. So -- and then Frado get together. In my life, I

4 ain't one of y'all. I ain't one of y'all. And then that's

5 when Yearg had pulled his pistol out or whatever. Kept

6 walking up on me and Terrell talking about he'll kill me and

7 Terrell and all this. And shoot, he, he walked up like two,

8 two, three times and kept yelling off at the mouth or

9 whatever. Yearg, oh, I'll kill both of y'all, I'll kill

10 both of y'all. So, shoot, long story short, and then --

11 dude had to do. You know what I mean?

12 Q So, so, it's your testimony that -- the person that you

13 called Yearg, do you know his actual name?

14 A I think it's Yeargin or something.

15 Q Mr. Yeargin?

16 A Yeah.

17 Q It's your testimony that he pulled out or presented

18 what to be some type of handgun?

19 A Yes, sir.

20 Q And he pointed it at who?

21 A Me and Terrell.

22 Q Pointed at both you and Mr. Brown?

23 A Uh-huh. (Affirmative).

24 Q And, after he pointed the gun, did a lot of time go by

25 or a short amount of time before there were gunshots?

DeAdrien Morton - Direct examination
By Mr. Brown

1 A Short amount of time.

2 Q And, as far as you know, Mr. Brown pulled out a handgun
3 and fired in the direction of Mr. Yeargin?

4 A Yeah, after.

5 Q Okay. And what happened after that?

6 A That's when, when Frado had started shooting after
7 Terrell had shot or whatever. That's when Frado started
8 shooting.

9 Q So, you're saying there was another individual at the
10 scene that had a handgun?

11 A Yes, sir.

12 Q And you're saying the person known as Frado?

13 How, how do you know he was shooting?

14 A Cause I was, I was standing right there.

15 Q And you saw him pull out a handgun and he started
16 shooting?

17 A He, he also had a handgun too.

18 Q Okay. And, after he was shooting -- in what direction
19 was he shooting at, Mr. -- Frado?

20 A Towards over Terrell.

21 Q And where were y'all standing?

22 A After Terrell had shot, you know, I had backed up a
23 little bit and Tee was still in the middle. Like we was
24 in-between the cars kind of, and Tee was still in the middle
25 of the car. And I think Lekesha, and it was -- it's a

DeAdrien Morton - Direct examination
By Mr. Brown

1 couple of us right there between the car or whatever. And
2 he was like at the tail of the car. So, he was shooting.
3 Tee and Yearg was right in-between the car and Terrell done
4 took off already.

5 Q Okay. So, Tee was standing at that point?

6 A Yeah, he was standing.

7 Q All right. And he was in the middle of the car in the
8 path where Mr. Brown was at?

9 A (Witness nods affirmatively.)

10 Q And where was Frado in relation to---

11 A He was like at the tail of the car.

12 Q Was he standing near Tee or was he off to the side?

13 A Well, we probably like -- he probably like right here
14 and the car was like -- he like -- Tee was right like
15 in-between the car.

16 Q Did you ever have a chance to be interviewed by anyone
17 in law enforcement?

18 A No, sir.

19 Q No one ever contacted you?

20 A No, sir.

21 Q Today is your first time having an opportunity to tell
22 your version of what happened on that day?

23 A Yes, sir.

24 Q All right. Please answer any questions that the State
25 may have.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 CROSS-EXAMINATION

2 BY SOLICITOR BULSA:

3 Q Okay. Your last name is Morton?

4 A Yes, sir.

5 Q M-O-R-T-O-N?

6 A Yes, sir.

7 Q And the first name?

8 A DeAdrien.

9 Q Spell that.

10 A D-E-A-D-R-I-E-N.

11 Q Okay. What's your date of birth, sir?

12 A [REDACTED].

13 Q [REDACTED]?

14 A '90.

15 Q '90.

16 And what are you in jail for right now?

17 A Child support.

18 Q Child support.

19 Okay. And your nickname is what?

20 A Dweet. D-W-E-E-T.

21 Q I'm still not hearing you.

22 D-W?

23 A E-E-T.

24 Q E-E-T.

25 Dweet?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

- 1 A Yes, sir.
- 2 Q And you are a friend of Mr. Brown?
- 3 A Yes, sir.
- 4 Q And he's known as who?
- 5 A Terrell.
- 6 Q Does he have a nickname?
- 7 A Rell. Rell.
- 8 Q Rell.
- 9 R-E-L-L?
- 10 A Yes.
- 11 Q Short for Terrell?
- 12 His name is Rell?
- 13 A Yes, sir.
- 14 Q How long have you known Mr. Brown?
- 15 A All my life.
- 16 Q All your life.
- 17 So, y'all grew up together?
- 18 A Yes, sir.
- 19 Q Went to school together?
- 20 A (Witness nods affirmatively.)
- 21 Q You got to answer yes or no.
- 22 Okay?
- 23 A Yes, sir.
- 24 Q You were kind of hard to hear when you were testifying
- 25 earlier.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 So, you and he grew up together.

2 Did you play ball together?

3 A We just hung out together.

4 Q You just hung out together.

5 A (Witness nods affirmatively.)

6 Q Are y'all close in age?

7 A Yeah, he's probably a year older than me.

8 Q A year older than you.

9 where did you go to high school?

10 A Woodruff.

11 Q Did you finish?

12 A No, sir.

13 Q How far did you go?

14 A Ninth.

15 Q Ninth grade.

16 And, when this happened, were you employed?

17 A No, sir.

18 Q Were you employed before you got picked up for child
19 support?

20 A No, sir.

21 Q Okay. And you're testifying as an actual eye witness
22 to the events that happened?

23 A Yes, sir, I was out there.

24 Q Okay. What time did you get to Kelly Acres?

25 A I think about like 9:00. I ain't really sure. It was,

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 it was nightfall though.

2 Q Nightfall.

3 So, that would of been September 1st because the
4 shooting happened sometime after midnight on the 2nd.

5 Is that right?

6 A Yes, sir.

7 Q You got there after dark?

8 A Yes, sir.

9 Q And who did you arrive with?

10 A Me and my friend, PI.

11 Q PI's a nickname?

12 A (Witness nods affirmatively.)

13 Q What's his real name?

14 A Franklin.

15 Q Franklin who?

16 A Higgins. Higgins.

17 Q Franklin Higgins.

18 THE COURT: Mr. Morton, do you see this lady right
19 here?

20 (Witness nods affirmatively.)

21 THE COURT: She's a court reporter. She's taking down
22 everything that's said. You're giving some of your answers
23 with a nod of your head. Give verbal responses so that she
24 can write that down.

25 Okay?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 THE WITNESS: Okay.

2 THE COURT: And really speak into that microphone.

3 Q And how did you and Mr. Higgins get to Kelly Acres?

4 A We got dropped off.

5 Q Dropped off.

6 A Yes, sir.

7 Q All right. So, you don't live in Kelly Acres?

8 A No, sir.

9 Q Did Mr. Higgins live in Kelly Acres?

10 A No, sir.

11 Q For that matter, did Mr. Brown live in Kelly Acres?

12 A He was down at his sister house at the time.

13 Q And where does his sister stay in Kelly Acres?

14 A She stayed in -- I forgot what Court it is but she
15 stayed out there in Kelly Acres.

16 Q Okay. Are you familiar with the layout of Kelly Acres?

17 A Yes, sir.

18 SOLICITOR BULSA: Can we have this marked for this
19 hearing?

20 (WHEREUPON, a photograph was marked as State's Exhibit
21 No. 1 for identification purposes only at this time.)

22 Q Mr. Morton, I want to show you what's been marked for
23 this hearing as State's Exhibit No. 1. This would be the
24 entrance into Kelly Acres over here to the right side of the
25 picture.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 Does that look about like the layout of Kelly Acres?

2 A Yes, sir.

3 Q Okay. Would you -- and you tell me how, how best to do
4 this but where did Mr. Brown's sister live in Kelly Acres?

5 A Right down there.

6 Q So, this down here in this Court?

7 A Yes, sir.

8 Q Okay. And where were you when this shooting occurred.

9 A (Witness points.)

10 Q Up here at this Court?

11 A Yes, sir.

12 Q Okay. And where did you first go to or where did you
13 get dropped off at in Kelly Acres?

14 A I was dropped off at the top.

15 Q The top being what?

16 A The top entrance.

17 Q This entrance?

18 A Uh-huh. (Affirmative).

19 Q Did they drive into the entrance and drop you off?

20 A I got dropped off at the fence right there.

21 Q Just dropped off at the fence and you walked in?

22 A Yes, sir.

23 SOLICITOR BULSA: Could you tell where he was pointing,
24 Judge?

25 THE COURT: I did.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 SOLICITOR BULSA: Okay. I'll get him to mark it then.

2 THE COURT: Okay.

3 Q All right. So, you got dropped off with Mr. Higgins
4 and where did you go in --?

5 A Right there at Woody Court.

6 Q Right to Woody Court and Woody Court is the -- would be
7 the first Court on the right-hand side?

8 A Yes, sir.

9 Q Where the shooting actually occurred?

10 A Yes, sir.

11 Q So, you didn't walk down to the other Court where
12 Terrell's sister lived?

13 A No, sir.

14 Q What's the name of that Court?

15 A I ain't for sure.

16 Q Not sure.

17 Okay. So, what was the purpose of going up to Woody
18 Court?

19 A That's where we just hang out at down there. Just
20 drive down there and hang out.

21 Q Sit out there and hang out.

22 Okay. You got there sometime after dark, you and
23 Mr. Higgins, and dropped off and went to Woody Court and
24 what was going on?

25 A We just hang out, chill, smoke, laugh around a little

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 bit.

2 Q Okay. Were you drinking?

3 A No, sir.

4 Q Was anybody drinking?

5 A No, sir.

6 Q So, nobody was drinking alcohol?

7 A No, sir.

8 Q You said you were smoking?

9 A Yes, sir.

10 Q What was being smoked?

11 A Marijuana.

12 Q Marijuana.

13 Okay. Were you personally smoking marijuana?

14 A Yes, sir.

15 Q Okay. How many other people were smoking marijuana?

16 A Two or three more of us.

17 Q Okay. Would you give their names?

18 A Ty Murray and J, Big J.

19 Q Ty Murray.

20 Who's Big J?

21 A My friend.

22 Q All right. We need a name.

23 A Jamar. I think his name Jamar. I think that's his
24 name.

25 Q Do you know his last name?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

- 1 A Murray.
- 2 Q Jamar Murray and---
- 3 A It's a---
- 4 Q ---Ty Murray?
- 5 A Yeah.
- 6 Q Are they brothers?
- 7 A Yes, sir.
- 8 Q Okay. So, the Murray brothers were there.
- 9 A (Witness nods affirmatively.)
- 10 Q And at least the three of y'all were smoking marijuana?
- 11 A Yes, sir.
- 12 Q How about Mr. Brown?
- 13 A Yes, sir.
- 14 Q He was smoking also?
- 15 A Yeah.
- 16 Q Okay. Did they all -- did you have permission from
- 17 anybody at the Kelly Acres complex to be there?
- 18 A I didn't know I needed none.
- 19 Q Okay. So, that's a no?
- 20 A (Witness nods negatively.)
- 21 Q Okay. And did you have any permission to being -- to
- 22 smoking marijuana on that premises?
- 23 A No.
- 24 Q Okay. Okay. At sometime -- I'm gonna speed up now.
- 25 At sometime later you said Summer Bayne and Tee showed

DeAdrien Morton - Cross-examination
By Solicitor Balsa

1 up?

2 A Yes, sir.

3 Q Is that right?

4 And Tee is also Nahtyrieian Parks.

5 Is that right?

6 A Yes, sir.

7 Q He's one of the guys who died?

8 A Yes, sir.

9 Q Right?

10 Okay. And did they come together?

11 A Yes, sir.

12 Q Did they come to Woody Court?

13 A Yes, sir.

14 Q Were they in a vehicle?

15 A Yes, sir.

16 Q So, they drove up in a vehicle and parked in Woody
17 Court?

18 A Yes, sir.

19 Q All right. And was that Summer Bayne's vehicle to your
20 knowledge?

21 A Yes, sir.

22 Q Okay. And do you remember approximately what time they
23 got there?

24 A Probably like -- probably like 30 minutes to an hour I
25 think they got there.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 Q After you got there?

2 A (Witness nods affirmatively.)

3 Q Okay. Now, the other victim, Laquinton Yeargin, you
4 were calling him what?

5 A Yearg.

6 Q Yearg.

7 Okay. So, that's his nickname. Laquinton Yeargin is
8 Yearg.

9 How did he get there?

10 A With Brittany Jeter, Frado, and Brittany Jeter
11 boyfriend.

12 Q All right. Who was driving?

13 A Brittany Jeter boyfriend.

14 Q Brittany Jeter's boyfriend was driving.

15 Did they pull in and park in Woody Court also?

16 A Yes, sir.

17 Q Do you know Brittany Jeter's boyfriend's name?

18 A Man, he's, he's, he's dead.

19 Q He's deceased?

20 A Yes, sir.

21 Q Okay. Frado, who is Frado?

22 A Travis Geter.

23 Q Travis Jeter.

24 So, we have Frado, Mr. Jeter, and Brittany.

25 Are they brother and sister?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 A Yes, sir.

2 Q And then it would be Mr. Yeargin and the boyfriend is
3 deceased and you don't know his name, nickname or anything?

4 A Nah, I ain't even know him.

5 Q Okay. About how long after Summer arrived did this
6 next car arrive?

7 A About ten minutes I'd say.

8 Q Ten minutes.

9 Okay. Now, is this everybody that was there when the
10 shooting happened?

11 A It was a couple more people out there.

12 Q Do you remember who they were?

13 A Gee Shug, Jackson, Brasher.

14 Q who?

15 A A girl named Brasher.

16 Q Brasher.

17 Do you know her other name?

18 A And it was Brandon Jeter. It was a, it was a good
19 little crowd out there.

20 Q Brian Jeter?

21 A Brian Jeter.

22 Q Is he related to the other Jeters?

23 A I ain't sure.

24 Q Okay. So, we have a good little crowd out there in
25 Woody Court hanging out?

DeAdrien Morton - Cross-examination
By Solicitor Balsa

1 A Yes, sir.

2 Q At least some of you smoking marijuana?

3 A Yes, sir.

4 Q And you're telling me nobody was smoking or nobody was
5 drinking alcohol?

6 A Well, they was intoxicated when they came but we
7 wasn't.

8 Q And you said they.

9 who is they?

10 A Yearg, Frado, Brittany, Tee. I guess Summer too. All
11 of them been drinking or whatever.

12 Q So, you're telling this Court that the people that were
13 with the two deceased persons, Mr. Yeargin and Mr. Parks,
14 were all intoxicated?

15 A Yes, sir.

16 Q And that they came there in that condition?

17 A Yes, sir.

18 Q Okay. Did you see them drinking any alcohol while they
19 were there?

20 A No, sir.

21 Q No.

22 Now, it's very hard to understand you about how this
23 got started. So, tell me slowly what happened that caused
24 this shooting.

25 A To be honest with you, when Yearg had pulled that gun

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 out, he kept walking back on me and Terrell and telling us
2 he was gonna shoot us.

3 Q Yearg -- we're putting Yearg in, pulled the gun,
4 walking back and forth on you and Mr. Brown?

5 A Yes, sir.

6 Q And now where were you and Mr. Brown standing or
7 hanging out?

8 A Right there beside there in Woody Court.

9 Q Okay. Were you in the parking area or are you in
10 the---

11 A Sidewalk.

12 Q Sidewalk.

13 Let's mark this for this hearing.

14 (WHEREUPON, a photograph was marked as State's Exhibit
15 No. 2 for identification purposes only at this time.)

16 Q Mr. Morton, now this is State's Exhibit No. 2 for this
17 hearing. This is a picture taken in the daylight of a
18 portion of Woody Court.

19 Do you recognize that area?

20 A Yes, sir.

21 Q Does it show the area where you and Mr. Brown would of
22 been?

23 A Yes, sir.

24 Q Is it an unlit parking lot or, excuse me, in the
25 sidewalk area in front of those three vehicles?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 A Yes, sir.

2 Q Okay. And you said Mr. Yeargin was walking back and
3 forth on you and Mr. Brown and where was he walking from?

4 A Right up beside that red car cause Summer car was
5 parked like right there beside that red car.

6 Q So, there would of been another car parked here?

7 A Yes, sir.

8 Q He was walking between the cars?

9 A Yes, sir.

10 Q Coming towards you and Mr. Brown?

11 A He would walk back, keep walking back and forth over
12 there where him and Frado was standing at.

13 Q Okay. And you said he had a gun?

14 A Yes, sir.

15 Q What kind of gun?

16 A It was a hand -- probably a nine or .40 or something
17 like that.

18 Q A 9-millimeter or a .40 caliber?

19 A Yes, sir.

20 Q Handgun?

21 A Yes, sir.

22 Q Did you see where he pulled it from?

23 A No, because when he pulled it out he was on the side of
24 the car, and, when he came back over there, he had it in his
25 hand.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 Q Okay. He already had it in his hand?

2 A Yes, sir.

3 Q And what was he saying?

4 A Mother fucker, I'll kill you. I'll shoot you. I'll
5 kill both of y'all. I'll kill both of y'all. Y'all act
6 like y'all don't F with me.

7 Q Okay. So, your testimony is he was cursing at both of
8 you and threatening to kill both of you?

9 A Yes, sir.

10 Q And he did this as he was walking back and forth?

11 A Yes, sir.

12 Q How close did he get to you and Mr. Brown with the
13 pistol?

14 A Up in our face really.

15 Q Got in your face?

16 A Closeup.

17 Q Okay. Do you recall how many times he would of come to
18 you and made that kind of a threat?

19 A About two or three.

20 Q Two or three.

21 Okay. Well, did he ever pull the trigger?

22 A No, he, he never fired.

23 Q He never fired it.

24 A No.

25 Q Okay. All right. So, what did you and Mr. Brown do

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 when this was happening?

2 A Kind of stood cause I was in shock a little bit.

3 Q Do you know what he was upset about?

4 A Yeah, kind of cause like before he had caught some jail
5 time, you know what I mean, he had a little altercation or
6 whatever between me and Rell. He had a little hostility
7 towards us, towards us or whatever.

8 Q So, there was a prior incident that had caused some bad
9 blood between the two of you --

10 A Yeah.

11 Q -- or the three of you?

12 A Yeah, cause he had a -- he had shot my homeboy grandma
13 car one day.

14 Q Okay. You're telling this Court that Mr. Yeargin
15 actually fired a gun in your---

16 A At my homeboy grandma car about a couple months before
17 that happened.

18 Q Okay. So, this was an incident a couple months
19 earlier---

20 A Yes, sir.

21 Q ---at some point and he actually went to prison for
22 that?

23 A I don't think he went to prison for it. He had went
24 down to prison for something else.

25 Q Was in prison for something else.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 You claim that he actually fired a gun at -- were you
2 there when the gun was shot?

3 A At the car?

4 Q Yes, sir.

5 A No, sir.

6 Q Okay. But that's something you knew about?

7 A Yes, sir.

8 Q All right. And you think this was an extension of
9 that?

10 A I feel like, when he got out, he still had a little
11 hate in his heart or whatever when he still got out of jail
12 or whatever.

13 Q But you weren't the subject of the earlier shooting.
14 It was your homeboy's -- it was your homeboy over -- who is
15 your homeboy?

16 A Franklin Higgins.

17 Q It was Franklin Higgins.

18 Okay. Was he still there when this happened?

19 A Well, he had left.

20 Q So, he had actually left.

21 Had he left before Mr. Yeargin got there?

22 A Yes, sir.

23 Q And how did he leave?

24 A My friend boy, Brian Jeter, had dropped him off.

25 Q I'm sorry?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 A I say Brian Jeter had dropped him off.

2 Q Oh, I thought he got dropped off with you.

3 A I'm talking about after like -- he had came with him
4 and then he had left or whatever. Me and Terrell and Big J
5 and Ty Murray was still out there and had -- when we heard
6 them had pulled up. I guess that's before I---

7 Q All right. But Mr. Higgins got a ride with Mr. Jeter
8 away?

9 A Uh-huh. (Affirmative).

10 Q Brian Jeter left the area?

11 A Yes, sir.

12 Q So, even though this prior incident involved
13 Mr. Higgins, he -- Mr. Higgins wasn't even there?

14 A No.

15 Q Mr. Yeargin never fired the gun?

16 A Yes, sir.

17 Q Okay. And then what led to Mr. Brown shooting Mr.
18 Yeargin?

19 A I guess when he had, when he had walked up on him about
20 twice with the gun, the gun out, you know, and threatened to
21 shoot him. Kind of shook him -- shook me and him both up to
22 be honest.

23 Q Okay.

24 A So, you know, he was drunk, you know. He didn't know
25 what he was thinking.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

- 1 Q All right. And then tell us what happened.
- 2 A And he -- after Terrell had shot him or whatever,
- 3 Terrell took off running.
- 4 Q Now, you just jumped a big space of events.
- 5 You say Yeargin's walking back and forth?
- 6 A Uh-huh. (Affirmative).
- 7 Q Pointing the gun at you?
- 8 A Right.
- 9 Q Making threats but never pulls the trigger.
- 10 A See what made Terrell shoot him---
- 11 Q And you and Mr. Brown are shook up.
- 12 Now, how does that go into the shooting?
- 13 A See, what made him shoot him, I think Terrell had tried
- 14 to act like he lift up on him like he wanted to, you know
- 15 what I mean, to hit Terrell with the pistol like he was
- 16 trying to fire it but Terrell had already pulled his pistol
- 17 out like -- at the time when he had walked up on him, he put
- 18 it behind his back, you know.
- 19 Q So, Mr. Brown had a pistol with him?
- 20 A Yes, sir.
- 21 Q Did you know that?
- 22 A Yes, sir.
- 23 Q What kind of pistol was his?
- 24 A .38.
- 25 Q Was that a revolver or automatic?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 A Revolver.

2 Q Revolver.

3 So, your testimony is that, while Mr. Yeargin walked
4 up, Mr. Brown had pulled that pistol and was hiding it
5 behind his back?

6 A He had walked back.

7 Q Okay.

8 THE COURT: I'm sorry. I didn't hear that last
9 response.

10 THE WITNESS: I said he had walked back or whatever.
11 He had pulled it out.

12 Q After Mr. Yeargin had -- you said walked back.
13 what do you mean walked back?

14 A Like he kept walking back and forth on us and to the
15 car and when he walked back.

16 Q Was it when Mr. Yeargin was leaving you is when
17 Mr. Brown pulled the trigger, pulled his gun?

18 A Yeah, after he walked back like the second time, he had
19 pulled it out, yeah.

20 Q Okay. Well, did they ever sit there pointing their
21 guns at each other?

22 A No, sir.

23 Q No.

24 So, when did Mr. Brown decide to shoot Mr. Yeargin?

25 A Yearg had walked up the third time and act like he

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 wanted to lift up on his gun.

2 Q Okay. And were you in a position to see Mr. Brown
3 actually point his gun at Mr. Yeargin and shoot?

4 A Yes, sir.

5 Q How close was Mr. Yeargin when Mr. Brown shot him?

6 A Closer than you are to me.

7 Q Closer than I am to you?

8 A Yes, sir.

9 Q How -- so, what happened?

10 A After he lift up on his gun, that's when Terrell pulled
11 it out behind his back and he had shot him.

12 Q And how many times did he shoot him?

13 A About two or three.

14 Q Two or three.

15 And what happened to Mr.---

16 A That's when---

17 Q ---Yeargin?

18 A That's when Yearg had fell or whatever on the, on the
19 car or whatever, and Terrell took off running between the
20 apartments or whatever. That's when Frado start shooting.

21 Q Okay. All right. So, how many times did Mr. Brown
22 actually fire his gun?

23 A Like---

24 MR. BROWN: Your Honor, that's been asked and answered.

25 THE COURT: I'm gonna let him answer it.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 A I'd say about two or three times.

2 Q My first question to Mr. Brown was interrupting me on
3 was that how times did he shoot Mr. Yeargin, and my
4 follow-up question was how many times did he actually pull
5 the trigger.

6 A I'll say he shot Yearg like two, two or three times.
7 He shot again. You know, it's only six shots in a revolver.
8 So, he shot like two or three times.

9 Q Okay. So, you're telling this judge, this Court, that
10 he only fired his gun, at the most, three times?

11 A No, four at the most.

12 Q Okay. Now there's four times.

13 A No, it's not. It's about three or four.

14 Q Okay. And you're saying he fired his gun, at the most,
15 four times and then fled?

16 A Yeah.

17 Q And where did he flee to?

18 A He just fled to the back of the apartments.

19 SOLICITOR BULSA: May I see that picture again, Judge?

20 I show you State's Exhibit No. 2 first because I
21 believe the shooting happened up near on the sidewalk,
22 right?

23 A Yes, sir.

24 Q And you said Yeargin got shot and fell on to one of the
25 cars?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 A Yes, sir, the white truck.

2 Q Fell on the white truck.

3 Okay. And then Mr. Brown fled in which direction?

4 Back this way?

5 A Back between -- I guess. Between the apartments.

6 Q He didn't run through the cars. He ran this way.

7 A Yes, sir.

8 Q which would be -- got these out of order I believe.

9 This would of been back through these two buildings?

10 A Yes. Yes, sir.

11 Q Okay. Back towards the back of the apartment complex?

12 A Yes, sir.

13 Q And did Mr. Yeargin ever pull his trigger -- his gun?

14 A He didn't have time.

15 Q All right. And while Mr. Brown was running away, what
16 did you do?

17 A I backed backed. I was shocked. I mean it all
18 happened. I backed back and, you know, I'm like shoo, like
19 10, 12 feet back.

20 Q Back to State's Exhibit 2.

21 You backed to where?

22 A By that rail where this car is by the rail.

23 Q Did you go down the steps?

24 A No, by the rail or whatever.

25 You see the second building right there?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

- 1 Q Over here?
- 2 A Yeah, I backed backed up with Terrell.
- 3 Q You run up through here?
- 4 A Uh-huh. (Affirmative).
- 5 Q Back toward the main road?
- 6 A Yes, sir.
- 7 Q Okay. And this Frado, Travis Geter, you said he pulled
- 8 a gun and started shooting?
- 9 A Yes, sir.
- 10 Q Now, were -- can you position him in this picture,
- 11 State's 2?
- 12 A He was like at the tail of that truck.
- 13 Q He was at the tail of the white truck?
- 14 A Yes, sir.
- 15 Q Okay. And which direction -- you said he shot?
- 16 A Straight ahead.
- 17 Q Straight ahead?
- 18 A Towards Terrell.
- 19 Q He shot back between the buildings?
- 20 A Yes, sir.
- 21 Q Okay. Now, where was Mr. Parks during all this?
- 22 A He was in-between a truck and the car right there.
- 23 Q Okay. Between the truck and the -- this dark colored
- 24 car or the light colored car?
- 25 A Light colored.

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 Q Light colored car?

2 A Yes, sir.

3 Q These two?

4 A Yes, sir.

5 Q So, you backed off and just watched the aftermath?

6 A Yeah, cause I mean really the only two shooting was the
7 only two people shooting out there. So, I was trying to
8 keep my eye on Frado at the same time cause he, he
9 intoxicated. He was talking crazy. So, I ain't know if he
10 wanted to turn the pistol on me or -- so, I backed back up a
11 couple feet so I can see, kind of see everything.

12 Q How many times did Frado shoot?

13 A Numerous of times. I say numerous of times. About
14 like -- at least about six. Six or seven times at least.

15 Q And you said his gun was a nine or a .40 caliber?

16 A Yes, sir.

17 Q Was it's a semiautomatic or a revolver?

18 A It was semiautomatic I'm pretty sure.

19 Q Okay. Did you see Mr. Parks fall?

20 A No, I didn't.

21 Q You didn't.

22 Okay. We got a lot going on here. We got, by your
23 testimony, we got Mr. Brown running away. We got Frado and
24 was Frado standing still or was he moving towards the
25 direction of where Mr. Brown ran?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

- 1 A Standing still.
- 2 Q He was standing still shooting in the direction of
- 3 Mr. Brown?
- 4 A Yes, sir.
- 5 Q And what's going on with Mr. Yeargin?
- 6 A He was already on the ground.
- 7 Q Okay. Did you see what happened with him?
- 8 A After I had, after I had, had back out, Terrell took
- 9 off. I kind of, you know, left the scene kind of. You
- 10 know, I light the fuse after he held up.
- 11 Q All right. So, where did you go?
- 12 A I had run to the top.
- 13 Q You call it the top?
- 14 You call it the top up here near the---
- 15 A Wait. Hold. Hold.
- 16 Q ---where the office is?
- 17 A Yes, sir, by the office.
- 18 Q Okay. Did you know that Mr. Yeargin got put into a car
- 19 and driven to the hospital?
- 20 A No, sir.
- 21 Q All right.
- 22 A I was already onto the top.
- 23 Q Okay. Were you at the top when the police arrived?
- 24 A I was -- I left Kelly Acres before the police arrived.
- 25 Q You left Kelly Acres before the police arrived?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

- 1 A Yes, sir.
- 2 Q And why did you do that?
- 3 A Because I don't need -- I know I, I know I should of
- 4 stayed, all right, but --.
- 5 Q Okay. When did you learn that two men died?
- 6 A Like the next day.
- 7 Q When did you learn that Mr. Brown was a suspect?
- 8 A The next day.
- 9 Q When did you learn that Mr. Brown was arrested?
- 10 A All the next day.
- 11 Q All that happened in the next day?
- 12 A Yes, sir.
- 13 Q And you called the next day, you mean the daylight
- 14 hours?
- 15 A Yes, sir, daylight hours.
- 16 Q After this -- cause this shooting happened at night?
- 17 A Yes, sir.
- 18 Q So, you're calling the next day is actually the same
- 19 day but it's the daylight hours?
- 20 A It's the daylight hours.
- 21 Q So, it would be sometime September 2nd?
- 22 A Yes, sir.
- 23 Q Okay. Then did you try to contact either the Woodruff
- 24 Police Department or the Sheriff's Office about being a
- 25 witness to this?

DeAdrien Morton - Cross-examination
By Solicitor Bulsa

1 A No, sir, cause I had some warrants on me at the time.

2 Q You did?

3 A Yeah, and I really wasn't trying to contact no police.

4 Q All right. What were those warrants?

5 A I can't remember but I know I had some on me.

6 Q Are those still pending?

7 A No, sir.

8 Q What happened to them, the warrants?

9 A I got time served on them.

10 Q So, you actually went to Court on them?

11 A I had got locked up.

12 Q Huh?

13 A I had got locked up for them.

14 Q And how long after this incident did you get locked up?

15 A I'd say about a month or two. Something like that.

16 SOLICITOR BULSA: Okay. Excuse me, Your Honor.

17 (Pause.)

18 Q All right. Thank you, sir.

19 THE COURT: I assume there's no objection to State's 1
20 and 2?

21 MR. BROWN: No objection, Your Honor.

22 THE COURT: All right.

23 (WHEREUPON, State's Exhibit Nos. 1 and 2 were received
24 into evidence for purposes of this hearing only at this
25 time.)

DeAdrien Morton - Redirect examination
By Mr. Brown

1 THE COURT: Any redirect, any redirect limited to what
2 he went into, Mr. Brown?

3 MR. BROWN: Just one thing.

4 THE COURT: Uh-huh. (Affirmative).

5 REDIRECT EXAMINATION

6 BY MR. BROWN:

7 Q Is your testimony that basically all three gentlemen
8 were standing in the same direction?

9 A Talking about before -- Terrell and them?

10 Q Yes.

11 A Yes, sir.

12 Q Frado?

13 A Frado---

14 Q Tee?

15 A ---Yearg, Tee, yes, sir.

16 Q Between these two vehicles?

17 A Yes, sir.

18 Q It's a lighter colored car and the truck?

19 A Yes, sir.

20 Q In the same direction?

21 A Yes, sir.

22 Q And you're saying, after Yearg got shot, Frado began to
23 shoot?

24 A Yes, sir.

25 Q And he was shooting in the direction of Mr. Brown?

DeAdrien Morton - Redirect examination
By Mr. Brown

1 A Yes, sir.

2 MR. BROWN: That's all the questions I have, Your
3 Honor.

4 SOLICITOR BULSA: Nothing else.

5 THE COURT: Thank you, sir. You may step down.

6 MR. BROWN: Your Honor, we call Mr. Jamar Murray to the
7 stand.

8 THE COURT: Sir, just come right up here. Let the
9 Clerk of Court swear you in please, sir.

10 (Witness complies.)

11 JAMAR MURRAY, being first duly
12 sworn, testified as follows:

13 THE CLERK: Thank you. You may be seated.

14 THE COURT: Sir, just have a seat in the red chair and
15 pull the red chair up to the microphone.

16 (Witness complies.)

17 DIRECT EXAMINATION

18 BY MR. BROWN:

19 Q Sir, if you could please, state your legal name for the
20 record.

21 A Jamar Terrell Murray.

22 Q And are you a resident of Woodruff, South Carolina?

23 A Yes, sir.

24 Q And do you know Mr. Terrell Brown?

25 A Yes, sir.

Jamar Murray - Direct examination
By Mr. Brown

1 Q How do you know him?

2 A We grew up together.

3 Q Do you know why you're here today?

4 A Because of what I, what I saw basically.

5 Q Were you present during the time period of the events

6 --

7 A Yes, sir.

8 Q -- September 1st and September 2nd?

9 A Yes, sir.

10 Q Could you tell, tell us here in the courtroom what do
11 you remember as far as that day?

12 A Well, basically, like, like Dweet said, we was all out
13 there like chilling, you know. Wasn't trying to cause no
14 problems, you know, out there just smoking, you know, having
15 a good time or whatever. And, you know, Summer and Tee,
16 they pulled up.

17 So, you know, we already knew it was like problems
18 anyway, you know. We was wondering why they was coming over
19 there anyway. You know what I mean?

20 So, you know, we was just out there chilling, you know,
21 just watching everything. Then, you know, Frado, Brittany,
22 Yearg, they pull up. So, you know, Yearg, he got out the
23 car. You know, he dap everybody up, you know, before he
24 been started this B.S. about, you know, whatever he had a
25 beef with Re'll about. You know, he came up dapping

Jamar Murray - Direct examination
By Mr. Brown

1 everybody up. You know what I'm saying?

2 So, you know, we thought everything was cool. So, you
3 know, Frado, you know, he walking around, you know, Muggie,
4 he was like, you know, I F everybody up out here tonight.
5 Make it ruin the night. You know what I'm saying?

6 So, I guess, you know, he had problems with us for, I
7 don't know what reason, but, you know, Yearg, he walked off.
8 He was gone for like ten, fifteen minutes. Then he come
9 back with a gun, you know, like what's up? You know what I
10 mean?

11 I'll kill all y'all out here. I'll kill all y'all.
12 So, he kept walking back and forth. So, like I say, you
13 know, I asked, asked Rell, you know, he straight? He like
14 brah, you know, I ain't even worrying about these dudes.
15 You know what I mean?

16 You know, they---

17 THE COURT: Excuse me. If you would, slow down a
18 little bit. Remember, I'm not familiar with any of these
19 names. And so, I'm trying to piece together this. So, when
20 you speak, slow down just a little bit so I can---

21 THE WITNESS: Okay.

22 Back to what I was saying. Like I say, Yearg, he
23 walked off. He came back with a pistol, you know, was like,
24 you know, I'll, I'll kill all of y'all. He did it like two
25 or three times just walking back and forth with the gun in

Jamar Murray - Direct examination
By Mr. Brown

1 his hand playing with the gun.

2 So, anybody out there would feel threatened when
3 somebody got a gun out there. You know what I mean?

4 So, he walking back and forth. So, he walk up on Rell
5 and was like what's up. You know what I mean?

6 And Rell was like I mean what's up? I mean, you know.
7 He was like what's up. And like he lifted the gun up. You
8 know what I mean? I mean Rell had to defend hisself. You
9 know what I mean?

10 Q So, it's your testimony that Yearg walked back and
11 forth and had a handgun and, at some point, he presented
12 to---

13 A Yes, sir.

14 Q ---Mr. Brown?

15 A Yes, sir.

16 Q And Mr. Brown had to respond?

17 A Yes, sir.

18 Q And that's what you saw?

19 A Yes, sir.

20 Q Where were you standing at the time period in which
21 this happened?

22 A Right beside Rell.

23 Q Right beside him?

24 A Right beside him.

25 Q And where were y'all standing?

Jamar Murray - Direct examination
By Mr. Brown

1 A The front of like her name Carolyn. Up the front of
2 her apartment.

3 Q Ms. Alexander?

4 A Yes, ma'am (sic).

5 Q [REDACTED]?

6 A Yes, ma'am (sic). Yes, sir.

7 Q So, you were on the sidewalk?

8 A Yes, sir.

9 Q And what happened after you heard the first gunshot?

10 A You know, I stood there for a minute, you know, just
11 basically in shock. You know what I mean?

12 And then, after I seen Yearg hit the ground, you know,
13 I took off running.

14 Q Okay. Did you have the, the chance to observe Frado
15 being there?

16 A Yeah, he was there.

17 Q Did you see Frado with a handgun?

18 A Yeah.

19 Q And---

20 A Like I say, you know, he shot a couple times after Re'll
21 took off running. When I ran and ran to my brother's
22 girlfriend's back porch, it was still gunshots going off
23 after we already had left the scene.

24 Q So, more than one person had a gun on that day?

25 A Yes, sir.

Jamar Murray - Direct examination
By Mr. Brown

1 Q And so, you're saying you know at least three guns---

2 A Was -- yeah.

3 Q ---were displayed on that day?

4 A Yes, sir.

5 Q One by Mr. Brown?

6 A One by Yearg and one by Frado.

7 Q Okay. Did you have a chance, after all this, to come
8 in contact with anybody in law enforcement?

9 A Yeah, I went, I went to the police department and wrote
10 a statement.

11 Q Okay. When you say the police department, did you come
12 to Spartanburg County or---

13 A I went to Woodruff Police Department and wrote a
14 statement.

15 Q Okay. And who did you see?

16 what officer do you remember seeing?

17 A Officer Dawkins was there and like Darrell Johnson -- I
18 think his name is Darrell, Darrell Johnson. Darrell. Like
19 a black dude named Darrell Johnson and a couple more white
20 cops. It was a few people in there when I came in there and
21 wrote my statement.

22 Q And in terms of the information that you shared with
23 them on that day, is it the same or similar to what you're
24 telling us here today in court?

25 A Yes, sir.

Jamar Murray - Direct examination
By Mr. Brown

1 Q Do you know if Mr. Brown was related to anyone involved
2 in this matter?

3 A Not during the time. I ain't know till afterwards.

4 Q Okay. And then what did you learn afterwards?

5 A That they was cousins.

6 Q Which -- when you say they, who?

7 A Tee and Yearg and Rell was, they was, they was kin.
8 They was cousins.

9 Q They were all cousins?

10 A Yes, sir.

11 Q That's all the questions I have. Please answer any
12 questions that the State may have.

13 CROSS-EXAMINATION

14 BY SOLICITOR BULSA:

15 Q All right. Who was all, sir?

16 A Terrell Brown, Parks, Mr. Parks, and Mr. Yeargin.

17 Q Okay. And how close of cousins?

18 A I don't know exactly how close they are.

19 Q Do you know if they're first cousins, second cousins?

20 A I don't, I don't know. Like I say, I didn't know they
21 was cousins until after the, the incident happened.

22 Q So, you didn't know they were cousins until afterwards?

23 A Yes, sir.

24 Q So, what was their relationship before all this?

25 A I don't know.

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 Q Did you know of any problems they had?

2 A No, I was -- no.

3 Q Okay.

4 A I just had came from prison myself. So, you know, I,
5 I, I don't know.

6 Q You had just got out of prison---

7 A Yes.

8 Q ---when this happened?

9 A Yes, sir.

10 Q Okay. And what were you doing in prison?

11 A Probation violation.

12 Q What kind of case?

13 A A burglary charge.

14 Q Okay. And how long had you been out?

15 A A month.

16 Q A month.

17 I don't -- you may of said this but I don't -- I didn't
18 hear it.

19 How did you get to Kelly Acres that night?

20 A I basically -- my family stays in Kelly Acres. So, I
21 was out there all day basically.

22 Q And where does your family stay?

23 A I don't know exactly what Court my aunt stays in but
24 she says in Kelly Acres.

25 Q Okay. Did she stay in the Court where the shooting

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 happened?

2 A No, sir.

3 Q Okay. If I show you a picture, you think you could
4 pick out the Court that she stays in?

5 A Yes, sir.

6 Q Okay. This is State's Exhibit No. 1. This is a layout
7 of Kelly Acres. It's my understanding that the shooting
8 happened down here at Woody Court.

9 A Uh-huh. (Affirmative).

10 Q Where's -- where did your aunt stay?

11 A I'm trying to follow the woods.

12 Q This is the entrance.

13 A Okay. She stayed in that section. She stays in that
14 section right there.

15 Q That section right there?

16 A Yes.

17 Q That's -- so, that other -- the other road at Kelly
18 Acres -- Kelly Acres basically has two roads, right?

19 A It just basically just a -- just you go in.

20 Q It goes to the right and one goes to the left?

21 A Yeah.

22 Q Okay.

23 A Like I say -- yeah.

24 Q And basically -- okay. But it was a little distance
25 away from Woody Court?

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 A Yeah.

2 Q All right. And do you know if Mr. Brown had any family
3 that lived in that area?

4 A Yeah, his sister stays.

5 Q well, where does she stay?

6 A I don't know exactly what apartment she stays in. I
7 ain't been to her apartment.

8 Q Okay. But she wasn't staying in Woody Court?

9 A No, sir.

10 Q All right. And so, you'd been hanging out at Kelly
11 Acres all day you said?

12 A No, I basically hang in Kelly Acres everyday. Like I
13 say, that's where I grew up at. So, I be at Kelly Acres
14 basically everyday.

15 Q Okay. The day this happened, were you hanging out in
16 the part where your aunt lived?

17 A No, I was -- had been messing with a girl over there
18 honestly. You know, I was just over there just basically
19 chilling to be honest with you. Like we was all out there
20 chilling. That's basically where we chilled at when we came
21 to Kelly Acres. In Woody Court, that's where we chilled at.

22 Q So, Woody Court is where you were chilling with a girl?

23 A I said the reason why I was over there, I was dating a
24 girl. That's why I was over there.

25 Q Does she stay on Woody Court?

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 A No, sir.

2 Q Okay. As part of the -- well, the idea of that is
3 everything happened at Woody Court.

4 Did you have permission to be at Woody Court?

5 A I ain't know you had to have permission to be -- had to
6 have permission to be in Kelly. I wasn't on trespass. So,
7 why, why couldn't I be in Kelly Acres?

8 Q All right. But you weren't visiting anybody on Woody
9 Court, were you?

10 A No, sir.

11 Q Okay. You -- how did you happen to come to be at Woody
12 Court when this shooting happened?

13 A I walked down there.

14 Q Okay. And how did everybody know to go gather at Woody
15 Court?

16 A Like I told you, that's basically where everybody
17 chills at.

18 Q All right.

19 A Might see somebody standing out there. You might ride
20 through. You pull, park, you know, chill. You know what I
21 mean, you know?

22 Q So, what time did you go to hang out at Woody Court?

23 A It was earlier in that day. It was still daylight when
24 I was down there. Like I say, I basically had been down
25 there all day, been at Kelly Acres all day.

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 Q Okay. And when this shooting actually happened, where
2 were you in Woody Court?

3 I'm gonna show you State's 2.

4 Does this picture contain the area where you were?

5 A Yes, sir.

6 Q Can you point it out for the Court?

7 A I was standing right up there.

8 Q So, you were standing on the sidewalk?

9 A Yes, sir.

10 Q Okay. Near the stairs?

11 A Yes, sir.

12 Q Who is standing there with you?

13 A Me, Re'll, Dweet, and my brother.

14 Q And your brother is?

15 A Tyrus Murray.

16 Q Tyrus Murray.

17 The four of y'all were out there on the sidewalk,
18 right?

19 A Uh-huh. (Affirmative).

20 Q So, did you know Mr. Yeargin before this happened?

21 A Yeah, we grew up together. Like we didn't stay at each
22 other houses growing up. So, I, I know Yearg really well,
23 you know.

24 Q Did you have any problems with him?

25 A Never had a problem with him.

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 Q Were you aware of anybody else having any problems with
2 him?

3 A No, I was not.

4 Q Okay. So, what caused this incident?

5 A I, you know what I mean, you know, they was
6 intoxicated. You know, had a little hostility on they
7 chest. They came over there basically, you know, I guess to
8 cause problems, you know, cause we basically didn't chill
9 with them anyway, you know. So, I guess they motive was to
10 come over there to cause problems. You know, like I say,
11 the first thing he do was pull out a gun and, you know, we
12 ain't even did nothing to them. You know, we just out there
13 chilling basically.

14 Q Had you been smoking marijuana?

15 A Earlier that day.

16 Q Had you been drinking?

17 A No.

18 Q And what did you do when he pulled the gun out?

19 A I just stood there.

20 Q You didn't walk off?

21 A No.

22 Q You didn't call the police?

23 A No, the police just had left from over there.

24 Q Oh, they had?

25 A Yeah.

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 Q In what area?

2 A Woody Court.

3 Q Who was it?

4 A I think her name Missy. Missy. I don't know her last
5 name.

6 Q Why was she there?

7 A She stated that somebody had called about a noise
8 disturbance and she was basically coming around there
9 telling us to keep it down.

10 Q All right. Did she tell you you needed to leave the
11 area?

12 A No, she didn't exactly tell us to leave. She just said
13 just keep it down.

14 Q What time of day was she there?

15 A I don't know exactly what time but it was dark.

16 Q How long before the shooting?

17 A How long before?

18 Q Yes, sir.

19 A Thirty minutes.

20 Q And you're just guessing, aren't you?

21 A No, I'm giving you exact time, 30 minutes.

22 Q Was Mr. Yeargin there?

23 A Yeah, Mr. Yeargin, Yeargin was there.

24 Q He was there?

25 A Yes, sir.

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 Q So, how long was he there before the shooting?

2 A An hour.

3 Q An hour.

4 Okay. All right. He pulled the gun and did it scare
5 you?

6 A Yeah, a little bit.

7 Q A little bit.

8 Okay. Describe what he did with the gun.

9 A You know, he -- like he presented it. He basically
10 walked through the crowd, you know, pointing it, you know
11 what I'm saying, that he'll kill everybody out there.
12 That's, you know what I mean, you know, threatening people
13 basically. Just making threats.

14 Q Were you taking him seriously?

15 A Somewhat, yeah, because, you know, I already know he
16 was known for toting a gun. You know, shooting. You know
17 what I mean? That's what he's known for.

18 Q Were you toting a gun?

19 A No, sir.

20 Q All right. Was anybody you were with toting a gun?

21 A Yes, sir.

22 Q Who?

23 A Mr., Mr. Brown.

24 Q Just, just him?

25 A Yeah.

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 Q You sure?

2 A I'm positive.

3 Q Okay. How can you be positive?

4 A I had been with him all day. So, why wouldn't I know
5 who had a gun?

6 Q Okay. And when did Mr. Brown pull his gun?

7 A Like the last time Re'll -- the last time Yearg walked
8 up and was like, you know, I'll kill y'all. Like I say, he
9 lifted the gun like he was fixing to get ready to shoot and
10 I guess like, you know, Re'll got scared and he, and he fired
11 back.

12 Q Fired back?

13 A You know---

14 Q He fired first?

15 A He fired first. You know what I'm saying?

16 Q Okay.

17 A I mean you know.

18 Q Yeah.

19 Cause Mr. Yeargin never got a shot off, right?

20 A Yearg never fired, right. Yeah.

21 Q How many times did Mr. Brown shoot?

22 A No more than four times.

23 Q Four times?

24 A Yeah, no more than four times.

25 Q Were you sitting in here when the other guy testified?

Jamar Murray - Cross-examination
By Solicitor Bulsa

- 1 A Yeah.
- 2 Q You were?
- 3 A Yes, sir.
- 4 Q Okay. So, you heard him say four times?
- 5 A Yes, sir.
- 6 Q Okay. And then what happened?
- 7 A We all took off. We all ran, you know.
- 8 Q Which direction did you run?
- 9 A I ran up the street.
- 10 Q Up the street being?
- 11 A Towards the -- I guess it's called the office. The,
- 12 the little building that's in Kelly Acres where you go pay
- 13 your rent and stuff.
- 14 Q Were you---
- 15 A I ran towards that way.
- 16 Q Did you stop and turn around and watch what was---
- 17 A No, I didn't stop. I just---
- 18 Q ---happening?
- 19 A I just ran.
- 20 Q Okay. And did you hear any shooting afterwards?
- 21 A Yeah, it was like four more gunshots after I took off
- 22 running after we all had ran.
- 23 Q So, you heard four more gunshots?
- 24 A Three or four more shots.
- 25 Q I got you.

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 You don't know who shot?

2 A I don't know who shot.

3 Q All right. Mr. Brown asked you about the statement you
4 gave the police.

5 Is that right?

6 A Mr. Brown who?

7 Q Michael Brown.

8 A You talking about---

9 Q Attorney Brown.

10 A Oh, yeah, he asked me -- yeah.

11 Q Not Defendant Brown. Attorney Brown. Mr. Michael
12 Brown---

13 A Yeah.

14 Q ---asked you about the statement you gave to the
15 police?

16 A Yes, sir.

17 Q And you told the Court that you went to the police
18 station the next day?

19 A A couple days. The next day or the day after.

20 Q Could it have been---

21 A You know what I'm saying?

22 Q How did you happen to go to the police?

23 A You know, somebody was -- had came to me and told me
24 that the police had said that I had something to do with Tee
25 getting killed. So, I went to the police station and really

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 just to clear my name. You know what I'm saying? Like, you
2 know, I ain't had nothing to do with it. You know what I
3 mean?

4 Q Okay. So, you went to protect your own self?

5 A Yeah, I went---

6 Q Okay.

7 A Yeah.

8 Q And let me show you.

9 Is that a copy of your statement?

10 A Yes, sir.

11 Q Is that your handwriting?

12 A Yes, sir.

13 Q Okay. Have this marked for this hearing.

14 (WHEREUPON, the statement of Mr. Jamar Murray was
15 marked as State's Exhibit No. 3 for identification purposes
16 only at this time.)

17 MR. BROWN: Without objection for the purposes of this
18 hearing, Your Honor.

19 THE COURT: Thank you, sir.

20 (WHEREUPON, State's Exhibit No. 3 was received into
21 evidence for purposes of this hearing only at this time.)

22 Q I'm not gonna go over the whole statement but your
23 reference -- you wrote in this statement that you gave on
24 9/3, September 3rd---

25 A Uh-huh. (Affirmative).

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 Q ---I never saw Terrell shoot nobody.

2 A But Quinn -- you see the name Quinn right there?

3 Q Okay. But Quinn.

4 A Yeah.

5 Q Okay. So, you shot (sic) Terrell shoot Quinn?

6 A Yeah.

7 Q All right. I guess -- am I reading it right?

8 I guess Rell felt threatened and he did what he had to
9 protect hisself. I never saw Terrell shoot nobody but
10 Quinn. So, I don't know what happened with him.

11 I'm trying to under -- can, can you explain that a
12 little bit more to me?

13 A It's basically right there on, on paper. You know, I
14 say I seen when he shot Yearg. I didn't see him shoot Tee.
15 That's basically what I was saying.

16 Q Oh, you were, you were describing that you didn't know
17 what happened to Tee?

18 A Yeah, I don't, I don't know how he got, how he got
19 shot.

20 Q Okay. Okay. All right. Do you know if anybody else
21 that was with you went to the police?

22 A No, sir, I know I went myself. I don't know about
23 nobody else.

24 Q Do you recall your brothers say hey, we need to go talk
25 to the police and tell them what we know?

Jamar Murray - Cross-examination
By Solicitor Bulsa

1 A Yeah, I told him. You know, I told him.

2 Q You don't know if he went or not?

3 A I don't know if he went or not but I told him.

4 Q How about the -- Mr. Morton, did you talk with him
5 about?

6 A No, I ain't talk to him about --.

7 Q You didn't?

8 All right. So, from what I gather, there were four of
9 y'all on the sidewalk, right?

10 A Yes, sir.

11 Q Your testimony is Mr. Yeargin was walking towards all
12 four of you showing the gun?

13 A Yes, sir.

14 Q And he made a movement like he was raising the gun and
15 Mr. Brown shot him?

16 A Yeah. Yes, sir, that's what I said.

17 Q And the four of y'all took off---

18 A Took off running, yes, sir.

19 Q Okay. Thank you.

20 MR. BROWN: Very briefly.

21 THE COURT: Limited to what he went into.

22 REDIRECT EXAMINATION

23 BY MR. BROWN:

24 Q This is your voluntary statement?

25 A Yes, sir.

Jamar Murray - Redirect examination
By Mr. Brown

1 Q Could you read the very last sentence?

2 A From what I saw, Terrell Brown did not shoot Tee Parks.

3 Q Thank you.

4 You were standing there the whole time?

5 A Yes, sir.

6 MR. BROWN: All right. That's all the questions I
7 have.

8 SOLICITOR BULSA: Just briefly on that matter.

9 RECROSS EXAMINATION

10 BY SOLICITOR BULSA:

11 Q Did you see where Mr. Parks was?

12 A Like he was standing right there in-between those,
13 those cars right there on that picture right there.

14 Q Was he near where Mr. Yeargin was?

15 A You know, he was in the vicinity where, you know, Mr.
16 Yearg was, Mr. Yeargin was.

17 Q Okay. So, he was in the vicinity of the gunshots from
18 Mr. Brown?

19 A Yeah, like I say, when I took off running after Terrell
20 got to shooting, Tee was still standing up when I took off
21 running.

22 Q All right.

23 A He was still standing on his feet when I took off
24 running.

25 Q But he was in the vicinity of Mr. Brown's gunshots?

Jamar Murray - Recross examination
By Solicitor Bulsa

1 A No, he was in-between the cars. Like I say, all Rell
2 shot was aimed at one person. It ain't like he was out
3 there, you know, just waving that gun to be shooting, just
4 to be shooting. He was shooting at the person that was
5 threatening him. He wasn't shooting wildly. That's what,
6 that's what I'm trying to tell you. You know what I'm
7 saying?

8 I seen -- what I seen was Rell shoot Quinn Yeargin. I
9 did not shoot -- see him shoot Tee Parks. Tee Parks was
10 still on -- standing on his feet when I took off running.

11 Q Was he---

12 A He was still standing.

13 Q Which direction was Tee Parks facing?

14 A He was facing towards us like in-between the cars.

15 Q Okay. Thank you.

16 THE COURT: Thank you, sir. You may step down.

17 MR. BROWN: We would call Mr. Franklin Higgins.

18 THE COURT: Sir, just come right up here if you would.

19 The Clerk of Court will swear you in.

20 (Witness complies.)

21 FRANKLIN HIGGINS, being first duly
22 sworn, testified as follows:

23 THE CLERK: Thank you. You may be seated.

24 THE COURT: Sir, just have a seat in the red chair and
25 pull the red chair up to the microphone if you would.

Franklin Higgins - Direct examination
By Mr. Brown

1 (Witness complies.)

2 DIRECT EXAMINATION

3 BY MR. BROWN:

4 Q If you could please, sir, state your entire legal name
5 for the Court.

6 A Franklin Antonio Higgins.

7 Q All right. Try it without talking directly into the
8 microphone.

9 A Franklin Antonio Higgins.

10 Q And where do you live?

11 A Woodruff, South Carolina.

12 Q And do you know why you're here today?

13 A Yes, sir.

14 Q Are you familiar with the events that happened on --
15 between September 1st and September 2nd?

16 A Yes, sir, I was -- I wasn't there but I---

17 Q Okay. When you say you wasn't there, were you not --
18 you wasn't there during the time of the shooting?

19 A No, sir.

20 Q Were you there at any point during that day?

21 A Yes, sir.

22 Q And meaning there, what do you -- where was there at?

23 A Like right there with everybody at first and then I had
24 left.

25 Q On Woody Court?

Franklin Higgins - Direct examination
By Mr. Brown

1 A Yes, sir.

2 Q Okay. And who did you observe to be there when you
3 were there?

4 A Like everybody was saying, Yearg, Tee, Summer, Brittany
5 Jeter. I think Notorious Goodman. It was, it was a couple
6 people out there. It was a lot of people out there.

7 Q Okay. And you're familiar with Yearg?

8 A Yes, sir.

9 Q Frado?

10 A Yes, sir.

11 Q How do you know them?

12 A From back in the day. Then they was the one that shot
13 my grandma car.

14 Q They shot your grandmother's car?

15 A Yes, sir.

16 Q But when you say they, who do you mean?

17 A Tee. Not Tee. Yearg. They was both Yearg or Frado
18 that was shooting at the same time but I don't know which
19 one hit really.

20 Q Okay. And this was prior to---

21 A This was before.

22 Q ---the events of September 1st?

23 A Before.

24 Q But your testimony here today is that you know Yearg
25 carried a gun and was known for shooting?

Franklin Higgins - Direct examination
By Mr. Brown

- 1 A Yes, sir.
- 2 Q He shot at your grandmother's car?
- 3 A Yes, sir.
- 4 Q Was your grandmother driving?
- 5 A No, I was driving.
- 6 Q So, he was shooting at you?
- 7 A Uh-huh. (Affirmative).
- 8 Q But in terms of being an act during the time period of
- 9 this incident occurring, you don't know anything?
- 10 A Not really.
- 11 Q Do you have family that stays in Kelly Acres?
- 12 A Yes, I got an aunt that stay down the street and I had
- 13 a cousin that stay right in front of it but stuff happening.
- 14 Q You mean [REDACTED]?
- 15 A Yeah, Carolyn Alexander.
- 16 Q Ms. Alexander --
- 17 A Uh-huh. (Affirmative).
- 18 Q -- who stays in [REDACTED]?
- 19 A Yes, sir.
- 20 Q She has a son named Tay?
- 21 A Yes, sir.
- 22 Q Has Mr. Brown ever accompanied you over there?
- 23 A Yes, sir, we always hang out down there.
- 24 Q Based upon your family member, Ms. Alexander and her
- 25 son, have they ever told you that you couldn't be there?

Franklin Higgins - Direct examination
By Mr. Brown

- 1 A Hu huh. (Negative).
- 2 Q Have they ever said that Mr. Brown couldn't be there?
- 3 A Hu huh. (Negative).
- 4 THE COURT: Sir, if you would---
- 5 Q You have to speak up.
- 6 THE COURT: If you would---
- 7 THE WITNESS: No, sir.
- 8 THE COURT: Thank you.
- 9 Q So, they never told you that you couldn't be there?
- 10 A No, sir.
- 11 Q They never told you that Mr. Brown couldn't be there --
- 12 A No, sir.
- 13 Q -- with you?
- 14 A No, sir.
- 15 Q They never came out and said y'all can't stand in front
- 16 of my place?
- 17 A Hu huh. (Negative).
- 18 No, sir.
- 19 Q Now, you would often -- well, you would go visit them
- 20 from time to time when you were over there?
- 21 A Almost everyday.
- 22 Q And sometime Mr. Brown would be with you?
- 23 A Yes, sir.
- 24 Q Okay. Please answer any questions that the State might
- 25 have.

Franklin Higgins - Cross-examination
By Solicitor Bulsa

1 CROSS-EXAMINATION

2 BY SOLICITOR BULSA:

3 Q So, Ms. Alexander is your aunt?

4 A No, that's my daddy niece.

5 Q Your daddy's niece?

6 A Yeah.

7 Q So, your cousin?

8 A So, that's my cousin.

9 Q Okay. And you said her -- she and her son stayed
10 there?

11 A And her daughter.

12 Q And her daughter.

13 And how old are -- how old is Ms. Alexander?

14 A Ms. Alexander, she's probably late forties.

15 Q Late forties?

16 A Yes, sir.

17 Q And how old is her son?

18 A Twenty-one. Around there.

19 Q And what's his name?

20 A Tay Alexander.

21 Q Tay?

22 A Yes, sir.

23 Q Is he out there that night?

24 A I don't remember seeing him out there.

25 Q And was the daughter out there?

Franklin Higgins - Cross-examination
By Solicitor Bulsa

1 A I don't remember seeing her.

2 Q Was Ms. Alexander herself out there?

3 A She was at the door but she really don't -- she always
4 nosey basically.

5 Q Nosey.

6 A Just peeping every now and then. She don't hang out
7 there when everybody's there.

8 Q And your testimony is that she didn't mind y'all
9 hanging out in front of her place?

10 A No, sir.

11 Q And just so the Court understands, [REDACTED] is the building
12 that would be down these steps?

13 A Yeah, that's where she stayed at. Right down those
14 steps.

15 Q Okay. Are any of these her cars?

16 A That one.

17 Q So, this kind of goldish colored car?

18 A That's her.

19 Q That's hers.

20 Okay. So, y'all were hanging out in front of her
21 place?

22 A Uh-huh. (Affirmative).

23 Q And other people came to the area -- to that location?

24 A Uh-huh. (Affirmative).

25 Q Did anything happen while you were there?

Franklin Higgins - Cross-examination
By Solicitor Bulsa

1 A Not while I was there.

2 Q What time did you leave?

3 A Around about -- I'd say about 30 minutes, 30 minutes to
4 an hour I had got a phone call. So, it was somewhere around
5 there. Around about 11:00. Somewhere around in there,
6 10:30, 11:00.

7 Q So, you would of left before midnight?

8 A Uh-huh. (Affirmative).

9 Q And you heard about this by a phone call?

10 A Yes, sir.

11 Q Who called you?

12 A Different people.

13 Q What did they tell you?

14 A That they -- that what's his name had been shot. At
15 first I didn't know Tee had been shot. So, they was
16 basically just telling me the scoop about that situation.

17 Q So, people called you to tell you that Mr. Yeargin got
18 shot?

19 A Uh-huh. (Affirmative).

20 Q Did they tell you who shot him?

21 A Yes, sir.

22 Q Did they tell you where he went?

23 A Where what?

24 Excuse me?

25 Q Who did they say shot him?

Franklin Higgins - Cross-examination
By Solicitor Bulsa

1 A Terrell Brown.

2 Q Okay. So, people told you Terrell Brown shot Mr.
3 Yeargin.

4 Did they tell you where Mr. Brown went?

5 A No.

6 Q No.

7 Okay. Did you know where he went?

8 A No, sir.

9 Q Did you know when he was arrested?

10 A I think the same night I think.

11 Q Okay. All right. Thank you, sir.

12 THE COURT: Any redirect limited to what he went into?

13 MR. BROWN: No, sir, Your Honor.

14 THE COURT: Thank you, sir. You may step down.

15 MR. BROWN: We call Miss Jasmine Brown.

16 THE COURT: Ma'am, just come right up here and let the
17 Clerk of Court swear you in.

18 (Witness complies.)

19 JASMINE BROWN, being first duly
20 sworn, testified as follows:

21 THE CLERK: Thank you. You may be seated.

22 (Witness complies.)

23 THE COURT: Thank you, ma'am. Just pull the chair up
24 to the microphone.

25 (Witness complies.)

Jasmine Brown - Direct examination
By Mr. Brown

1 THE COURT: Thank you.

2 DIRECT EXAMINATION

3 BY MR. BROWN:

4 Q Good morning.

5 A Good morning.

6 Q If you could, please state your name.

7 A Jasmine Clarice Brown.

8 Q And where do you live?

9 A Woodruff, South Carolina.

10 Q Do you know why you're here today?

11 A Yes, sir.

12 Q During the time period of the alleged incidents, where
13 were you living?

14 A Kelly Acres.

15 Q So, on September -- between September 1st and
16 September 2nd, you were living at Kelly Acres?

17 A Yes, sir.

18 Q And are you -- how do you know Mr. Brown?

19 A That's my brother.

20 Q It's your brother?

21 A Uh-huh. (Affirmative).

22 Q Does your brother ever come over to where you live?

23 A Yes, sir.

24 Q Did you give him permission to come to where you live?

25 A Yes, sir.

Jasmine Brown - Direct examination
By Mr. Brown

1 Q Did you ever tell your brother that he could only come
2 inside where you stayed, he couldn't go outside?

3 A No, sir.

4 Q Did you ever hear from anyone, in terms of management,
5 that told you anyone that you have there that they couldn't
6 go outside?

7 A No, sir.

8 Q Did you ever receive any information that you couldn't
9 have anyone at your apartment that would not be allowed to
10 walk around the neighborhood?

11 A No, sir. No, sir.

12 Q At some point did you have contact with the management
13 there?

14 A Yes, sir, after the incident happened.

15 Q Okay. And what, what kind of contact?

16 what -- did they come to you and talk to you about the
17 situation or what did they say?

18 A They basically told me to leave for a few days because
19 of the situation because they had been heard I was getting
20 threats.

21 Q Oh, threats from people that knew the decedents?

22 A Yes, sir.

23 Q Okay. And you followed their advice?

24 A Yes, sir.

25 Q And eventually you, you moved?

Jasmine Brown - Direct examination
By Mr. Brown

1 A Uh-huh. (Affirmative).

2 Q Okay. So, you no longer stay there?

3 A No, sir.

4 Q But your testimony here today is that Mr. Brown was
5 invited by you during that time period?

6 A Yes, sir.

7 Q How did you get around in terms of traveling during
8 that time period?

9 A My brother, Mr. Brown.

10 Q Terrell?

11 A Uh-huh. (Affirmative).

12 Q He was your means of transportation?

13 A Yes, sir.

14 Q And so, you got around everyday because of him?

15 A Whenever I needed to go somewhere I would call him.

16 Q Did Mr. Brown ever, from time to time, come stay with
17 you?

18 A Yes, sir.

19 Q You know the reasons why?

20 A Situations with him and his girlfriend.

21 Q So, you allowed him to stay there with you from time to
22 time?

23 A Yes, sir.

24 Q And you never told him that he couldn't come to visit
25 you?

Jasmine Brown - Cross-examination
By Solicitor Bulsa

1 A No, sir.

2 Q Never told him he couldn't come stay with you?

3 A No, sir.

4 Q Please answer any questions that the State may have.

5 CROSS-EXAMINATION

6 BY SOLICITOR BULSA:

7 Q What was your address at Kelly Acres?

8 A What was that?

9 Q What was your address at Kelly Acres?

10 A 113 Aurelia Court.

11 Q 113 Aurelia Court.

12 If I show you a picture, do you think you can point out
13 where it was?

14 A Yeah.

15 Q Okay. State's Exhibit No. 1, this being the entrance,
16 where is Aurelia Court?

17 A I want to say this, this way.

18 Q Okay. The second to last Court on the left?

19 A Yes, sir.

20 Q Okay. How many buildings are there on that Court?

21 A About eight.

22 Q About eight buildings.

23 Okay. Somebody testified about that somebody else
24 living in that area.

25 Who was that?

Jasmine Brown - Cross-examination
By Solicitor Balsa

1 A It's about five buildings.

2 THE COURT: Ma'am, if you're responding, you need to
3 speak in the microphone. We're having problems hearing you.

4 A It's about five buildings. I apologize.

5 Q Just five buildings.

6 Okay. All right. And you said your brother would come
7 over there and visit you?

8 A Yes.

9 Q And actually stay there with you sometimes?

10 A Yeah.

11 Q And actually drove you around?

12 A Yeah.

13 Q What kind of car did he drive?

14 A A Lexus.

15 Q A Lexus.

16 Did you see him the night this happened?

17 A Yeah.

18 Q What time did you see him?

19 A It was earlier that day.

20 Q Approximately what time?

21 A I'm not sure.

22 Q Daylight?

23 A Daylight turning into night.

24 Q Okay. So, the dusk---

25 A Yeah.

Jasmine Brown - Cross-examination
By Solicitor Balsa

- 1 Q All right. Had he driven over there?
- 2 A I can't remember.
- 3 Q All right. Was he with anybody?
- 4 A He was at my house with me.
- 5 Q I know but was anybody with him?
- 6 A My younger brother.
- 7 Q Okay. Do you know how he got there?
- 8 A No.
- 9 Q But he was just by himself visiting you and your
10 younger brother?
- 11 A Uh-huh. (Affirmative).
- 12 Q All right. Did you see him leave?
- 13 A I left before he did.
- 14 Q You left?
- 15 A Uh-huh. (Affirmative).
- 16 Q How did you leave?
- 17 A My cousin.
- 18 Q Another cousin?
- 19 A Uh-huh. (Affirmative).
- 20 Q Drove you away?
- 21 A Uh-huh. (Affirmative).
- 22 Q And what time would that have been?
- 23 A Probably around 8:00 or 9:00.
- 24 Q Okay. And did you come back that night?
- 25 A No.

Jasmine Brown - Cross-examination
By Solicitor Bulsa

1 Q You stayed away that whole night?

2 A Yeah.

3 Q who all lived at [REDACTED]?

4 A Me and my son.

5 Q You and---

6 THE COURT: I'm sorry. I didn't hear you.

7 THE WITNESS: Me and my son.

8 THE COURT: Thank you.

9 Q Your son is how old?

10 A Right now he's three.

11 Q So, back then he would of been a year and a half?

12 A Yeah.

13 Q So, you left with your son?

14 A Uh-huh. (Affirmative).

15 Yes, sir.

16 Q So, you left Mr. Brown at your place and you drove off?

17 A He wasn't -- we were leaving at the same time but he
18 did not go where I went. So, he was not at my place --

19 Q Okay.

20 A -- when I left.

21 Q All right. So, did you -- you left and locked your
22 place up?

23 A Yes, sir.

24 Q So, he couldn't have stayed there at your apartment
25 when you left because you were leaving?

Jasmine Brown - Cross-examination
By Solicitor Bulsa

1 A Uh-huh. (Affirmative).

2 Q Is that what I'm understanding?

3 A Yes, sir.

4 Q Okay. So, you don't know where he went in Kelly Acres?

5 A No, sir.

6 Q Do you ever hang out at Woody Court yourself?

7 A No, sir.

8 Q You never did?

9 A Nope.

10 Q Okay. Were you aware that people did hang out down
11 there?

12 A Yes, sir.

13 Q Thank you.

14 THE COURT: Any redirect limited to what he went into?

15 MR. BROWN: No, Your Honor.

16 THE COURT: All right. Thank you, ma'am. You may step
17 down.

18 MR. BROWN: Your Honor, we would call Detective Lorin
19 Williams.

20 THE COURT: All right. Sir, just come right up here
21 and let the clerk of court swear you in.

22 (Witness complies.)

23 LORIN WILLIAMS, being first duly
24 sworn, testified as follows:

25 THE CLERK: You may be seated.

Lorin Williams - Direct examination
By Mr. Brown

1 THE COURT: Sir, just have a seat in the red chair and
2 pull the red chair up to the microphone.

3 (Witness complies.)

4 DIRECT EXAMINATION

5 BY MR. BROWN:

6 Q Sir, if you could, please state your name.

7 A Lorin Williams.

8 Q And you are employed where?

9 A Spartanburg County Sheriff's Office.

10 Q And what is your relation to this case in chief?

11 A I assisted Woodruff Police Department.

12 Q And based upon the events that occurred on the evening
13 in -- as a matter of your investigation, what have you
14 ascertained?

15 A Two people died and the -- as a result of the shooting
16 and that the defendant is the person that shot them.

17 Q And based upon your investigation, you're saying the
18 defendant is the person that shot both of the individuals?

19 A That's the way it appears.

20 Q Did you have any other corroborating evidence that
21 would show that the defendant shot both of the individuals?

22 A Just based on the physical evidence and things that we
23 had at the scene.

24 Q Based upon any type of investigation, interviews, did
25 you gather that there was anyone at the any -- at the --

Lorin Williams - Direct examination
By Mr. Brown

1 anyone else at the scene that had a handgun?

2 A There were.

3 Q And who would those individuals have been?

4 A If I may refer to my notes?

5 Q Yes, sir.

6 (Pause.)

7 A Yeargin.

8 Q Yeargin had a gun at the scene?

9 A That's the information that we, we were given during
10 the investigation.

11 Q Did you have any information of anyone else having a
12 gun at the scene?

13 A I was not given any during the interview or anything at
14 that time. I've, I've since heard that there were. I'm
15 trying to remember right. I gave one of the statements to
16 the solicitor.

17 (WHEREUPON, a SLED lab report was marked as Defendant's
18 Exhibit No. 1 for identification purposes only at this
19 time.)

20 Q Showing you what's been marked as Defense Exhibit 1,
21 South Carolina Law Enforcement Division forensic services
22 lab report.

23 A Yes, sir.

24 Q Are you, are you familiar with this report?

25 A No, sir, I'm not.

Lorin Williams - Direct examination
By Mr. Brown

1 Q Who was it made out to?

2 A It is to me but it comes in and it is attached to the
3 file. I have not -- I've not looked at that.

4 Q If you could please, direct your attention -- well,
5 this is something that would be part of your overall
6 investigation?

7 A It would.

8 SOLICITOR BULSA: No objection to the introduction for
9 this hearing.

10 THE COURT: All right. Without objection, it will be
11 introduced.

12 (WHEREUPON, Defendant's Exhibit No. 1 one was received
13 into evidence for purposes of this hearing only at this
14 time.)

15 Q And based upon this, if you need a few moments to
16 review it, I want to ask you some very specific questions as
17 relates to handguns and rounds---

18 A Okay.

19 Q ---regarding this.

20 Beg the Court's indulgence.

21 (Pause.)

22 A Okay.

23 Q And based upon the information that you have there with
24 Item Number 10 in particular, as an investigator, what
25 information would you have garnered from Item 10?

Lorin Williams - Direct examination
By Mr. Brown

1 A It appears that both rounds were fired from the Smith &
2 Wesson Model 67.

3 Q But nothing from Item 4 and Item 10 would be
4 compatible?

5 A No, sir. No, sir, they're not. Basically it says
6 that, that the differences in general rifling
7 characteristics were sufficient to conclude that Item 10,
8 bullet, was not fired by Item 4.

9 Q Was there any other, based upon your investigation, any
10 other rounds or shell casings found at the scene besides
11 that of a .38 revolver?

12 A There was a -- would of been a single 9-millimeter
13 shell casing recovered.

14 Q And based upon the information I, I've just shared with
15 you and what you know from the investigation, that
16 9-millimeter shell would not be attributed to any actions of
17 my client on that day, would it?

18 A Not based off of the ballistic testing that was done
19 here.

20 Q In fact, again, it would be consistent with testimony
21 you've heard here today that, at the time of the shooting,
22 he had a .38 revolver?

23 A I would say that would be consistent---

24 Q And he fired---

25 A ---yes.

Lorin Williams - Direct examination
By Mr. Brown

1 Q And he fired the .38 revolver at the time?

2 A Yes, sir.

3 Q Again, it's your testimony that you know at least two
4 different guns were, were in question at the time but now
5 you say there may of been a third one at the time of the
6 shooting?

7 A Well, we know that there were two.

8 Q And the two were possessed by?

9 For the -- my client had one of them?

10 A Correct. And then the -- based off of testimony, or
11 not testimony, based off of statements that have been made,
12 Yeargin would of had the second one.

13 Q Okay. The individual named Frado, did you ever have a
14 chance to come into contact with him?

15 A No, sir.

16 Q You haven't had a chance to speak with him?

17 A No, sir.

18 Q Have you looked for him?

19 A We tried to find several people.

20 Q Him in particular?

21 A Yes, sir.

22 Q You've looked for him?

23 A I believe, along with the Woodruff Police Department,
24 we attempted to get in touch with him.

25 Q Okay. But you've been unsuccessful to date?

Lorin Williams - Direct examination
By Mr. Brown

1 A What is his full name?

2 Q A Mr. Jeter, Travis.

3 A No, that's correct. We have not.

4 Q Okay. Based upon the information that's been shared
5 with you about the two guns that were on the scene on that,
6 on that day, has it been consistent, based upon your
7 investigation, with the testimony you heard here today?

8 A For the most part, that is consistent.

9 Q That Mr. Yeargin presented the handgun to Mr. Brown and
10 Mr. Brown fired?

11 A Based on the statement that we got that night or
12 shortly after the incident, based on what we've heard today,
13 it's been pretty much the same.

14 Q At some point related to a separate matter, I'm gonna
15 have a chance to speak with you, but do you recall speaking
16 with Mr. Brown?

17 A Yes.

18 Q Did you give any, any personal statements to him in
19 regards to this shooting as you recall?

20 A Not that I recall.

21 Q That's all the questions that I have. Please answer
22 any questions the State might have.

23 SOLICITOR BULSA: Okay.

24 CROSS-EXAMINATION

25 BY SOLICITOR BULSA:

Lorin Williams - Cross-examination
By Solicitor Bulsa

1 Q I've got a few things I need to clear up.

2 First of all, did you go to the scene

3 A No, I did not.

4 Q You sent other investigators to the scene?

5 A Correct.

6 Q Okay. But you were the lead investigator?

7 A For the Sheriff's Office.

8 Q Okay. So, y'all were assisting the Woodruff Police
9 Department?

10 A Correct.

11 Q Cause this was actually within their jurisdiction?

12 A That's correct.

13 Q But as the lead investigator, did you collect all the
14 reports?

15 A I did. The SLED report comes in usually a good time
16 after, you know, the case has been, been done, you know, the
17 book's been put together and everything, and it will just be
18 filed in the, into the case file.

19 Q Okay. So, you had actually already investigated and
20 made the arrest before the SLED results came back?

21 A Correct.

22 Q Okay. Again, we'll get to that in a minute.

23 But, but it's your job, as lead investigator, to
24 collect all the reports and statements?

25 A Yes.

Lorin Williams - Cross-examination
By Solicitor Balsa

1 Q And review them and determine whether a charge is
2 proper?

3 A Correct.

4 Q It was your assessment of those reports and statements
5 to charge Mr. Brown?

6 A Correct.

7 Q Now, we heard from Jamar Murray, and I believe you
8 actually pulled this statement out and gave it to me before
9 he, before he testified?

10 A Correct.

11 Q Do you remember that?

12 How many people did your agency or Woodruff interview
13 that were connected directly to Mr. Brown in regards to this
14 case?

15 A None. Well, I guess that would be the only one.

16 Q And Mr.---

17 A The other ones were---

18 Q Jamar Murray?

19 A Correct.

20 Q The other witnesses were more connected to the two
21 decedents?

22 A That's correct.

23 Q Okay. Now, Mr. Brown was asking you about the number
24 of weapons at the scene.

25 Do you remember that question?

Lorin Williams - Cross-examination
By Solicitor Bulsa

1 A Yes, sir.

2 Q We know Mr. Brown had one.

3 A Correct.

4 Q And, from the forensics, the collection of evidence at
5 the scene, there was a shell casing found, right?

6 A Yes.

7 Q And that shell casing did not come from a .38?

8 A No, it did not.

9 Q From the SLED report, what kind of round was it or what
10 kind of casing was it?

11 A It's a 9-millimeter Luger.

12 Q 9-millimeter shell casing.

13 Okay. So, do you know when that 9-millimeter casing
14 would of been put on the ground at Woody Court?

15 A No.

16 Q Okay. But based on the shooting, it's collected under
17 the assumption it might have something to do with this case?

18 A That's correct.

19 Q All right. So, assuming, and I probably shouldn't,
20 but, for argument sake, that might place the second gun at
21 the scene?

22 A Yes.

23 Q Okay. Now, you said Mr. Murray referenced Mr. Yeargin
24 having a gun?

25 A Correct.

Lorin Williams - Cross-examination
By Solicitor Bulsa

1 Q Do you know what kind of gun he had?

2 A No, sir.

3 Q Did he reference it in his statement?

4 A No, sir.

5 Q So, we wouldn't know if he had a 9-millimeter, do we?

6 A No, sir.

7 Q Okay. We've heard some testimony today about it being
8 a 9-millimeter but it was never reported to the police the
9 kind of weapon he may of had, was it?

10 A That's correct.

11 Q Okay. So, for argument sake, if he had a 9-millimeter,
12 that shell casing could or could not have come from -- the
13 shell casing at the scene could or could not of come from
14 his gun?

15 A Correct.

16 Q Okay. And you don't know what time it was placed
17 there?

18 A No, sir, I have no way of knowing that.

19 Q Okay. Were there any other shell casings recovered at
20 that scene?

21 A Not that I recall.

22 Q And how many ID officers do you recall going out and
23 participating in the collection of evidence?

24 A At least two.

25 Q All right. And was it -- was the scene investigated

Lorin Williams - Cross-examination
By Solicitor Balsa

1 during the day -- the nighttime hours?

2 A The best that I can remember with the scene was it
3 was -- the, the incident was during the nighttime but the
4 scene was held over into the daytime.

5 Q Okay. In fact, wasn't some other evidence collected in
6 the daytime hours?

7 A That's correct.

8 Q And one piece of evidence is actually noted in this
9 SLED report, is it not?

10 If you would look specifically to---

11 A Item 7.

12 Q Item 7.

13 And how was that referenced?

14 How was it referenced on the SLED report, Item 7?

15 A Oh, I'm sorry. One, one fired bullet recovered from

16 [REDACTED].

17 Q [REDACTED].

18 And in your case file, do you know where that Item 7 on
19 the SLED report would of been collected from Woody Court?

20 A Directly across the parking lot---

21 Q Okay.

22 A ---from the incident.

23 Q Directly across the parking lot.

24 Okay. Can I get this marked?

25 (WHEREUPON, the diagram was marked as State's Exhibit

Lorin Williams - Cross-examination
By Solicitor Bulsa

1 No. 4 for identification purposes only at this time.)

2 Q Now, let me show you State's Exhibit 4. It's just for
3 ID at this time. Mr. Brown is not agreeing to it.

4 Is that sort of a summation of some of the items that
5 were recovered at that scene?

6 A It looks like a drawing that would of been done by ID

7 --

8 Q Okay.

9 A -- that would of represented where each individual item
10 was located.

11 Q But it doesn't actually have every piece of evidence
12 noted, does it?

13 A I don't think so.

14 Q Because it has different numbers?

15 A Correct.

16 Q Okay. But as far as your investigation of the case, is
17 the positioning of those items accurate on this diagram?

18 A It appears to be.

19 SOLICITOR BULSA: Okay. Your Honor, I would like to
20 introduce this for this hearing.

21 MR. BROWN: Your Honor, this is the first time I've had
22 a chance to see it. I know supposedly it's a summary of
23 what the prosecution would deem to be other information that
24 was shared within our discovery. But because I haven't had
25 a chance to evaluate it thoroughly or consider it, I would

Lorin Williams - Cross-examination
By Solicitor Bulsa

1 object to it at this time.

2 THE COURT: All right. I'll, I'll allow it for
3 purposes of this hearing.

4 MR. BROWN: Yes, sir.

5 (WHEREUPON, State's Exhibit No. 4 was received into
6 evidence for purposes of this only hearing only at this
7 time.)

8 Q All right. And does this diagram that -- on State's
9 Exhibit No. 4 show where the location of that fired
10 projectile would of been recovered?

11 A E-47---

12 Q E-40---

13 A ---would be there in [REDACTED] -- in front of [REDACTED].

14 Q Okay. And the rest of the evidence was found across
15 the parking lot area?

16 A Correct.

17 Q In front of [REDACTED]?

18 A [REDACTED].

19 Q And for the Court's matter, there's a legend on the, on
20 there.

21 Okay. So, this SLED report references how many actual
22 weapons?

23 How many weapons were sent to SLED?

24 A Two.

25 Q Two weapons.

Lorin Williams - Cross-examination
By Solicitor Balsa

1 what kind of weapons were they?

2 A A 9-millimeter Kel-Tec Model PF-9 9-millimeter Luger,
3 and a Smith & Wesson Model 67. It's a .38 Special revolver.

4 Q Where was the .38 revolver recovered?

5 A It was recovered out of a pond over in Greenville
6 County.

7 Q Okay. It was recovered from the bottom of a pond?

8 A Yes.

9 Q Greenville County by Spartanburg dive, dive team?

10 A Correct.

11 Q Okay. And do you know how -- the Kel-Tec 9-millimeter,
12 where was it recovered?

13 A Motel room in Greenville County.

14 Q Okay. So, both weapons were actually recovered in
15 Greenville County?

16 A Yes, sir.

17 Q Did your investigation determine a person linked to the
18 hotel room in Greenville County?

19 A Yes, sir, the defendant.

20 Q Who was that?

21 Who was it?

22 A The defendant.

23 Q Okay. In your conversation with Mr. Brown after he was
24 arrested, did he tell you about the pistol in the pond?

25 A He did.

Lorin Williams - Cross-examination
By Solicitor Bulsa

1 MR. BROWN: Your Honor, I'd object.

2 THE COURT: All right. I'll allow it.

3 MR. BROWN: Yes, sir.

4 Q He did?

5 A Yes, sir, he did.

6 Q Okay. And then y'all went out and recovered it?

7 A We did.

8 Q Okay. And how many bullets were taken from the
9 decedents in this case, from their bodies?

10 A I would need to refer to the autopsy report.

11 Q Let's, let's ask it this way.

12 How many were sent to SLED for comparison that are
13 shown on the firearm's report?

14 A Appears to be two.

15 Q Okay. Specifically Items 9 and 10.

16 Is that correct?

17 A Correct.

18 Q One fired bullet from the shoulder of Laquinton Yeargin
19 and one from the back of Laquinton Yeargin.

20 Is that correct?

21 A That's correct.

22 Q All right. Do you show any bullets being sent to SLED
23 and being connected to Mr. Parks?

24 A No, sir.

25 Q All right. So, we have the two bullets from Mr.

Lorin Williams - Cross-examination
By Solicitor Balsa

1 Yeargin and then Item 7 we've talked about being the bullet
2 recovered from the crime scene, right?

3 A Correct.

4 Q And were each of those bullets compared to the two
5 weapons that were submitted to SLED?

6 A They were.

7 Q Okay. And which weapon, if any, were those three
8 deemed to be fired by?

9 A The Smith & -- Smith & Wesson Model 67.

10 Q Okay. So, the physical evidence attributes all the
11 spent bullets going to the .38?

12 A Correct.

13 Q All right. And the nine -- just for the sake of the
14 Court, the 9-millimeter shell casing found at the scene did
15 not match the 9-millimeter from the hotel?

16 A That's correct.

17 Q All right. Now, during your investigation, we talked
18 about Mr. Murray's statement.

19 Who gave statements in relation to the deaths of Mr.
20 Yeargin and Mr. Parks?

21 A Brittany Jeter, Summer Bayne.

22 Q And also Lakesha Jackson?

23 A Do you know if it was provided at the scene or at the
24 hospital?

25 Q It would of been a couple days later.

Lorin Williams - Cross-examination
By Solicitor Bulsa

1 A No, sir, that was given to the Woodruff Police
2 Department.

3 Q Okay. All right. Are you aware if anybody remained on
4 sight at the scene after the shooting?

5 A As far as --?

6 Q Any witnesses that stayed around to speak to the
7 police.

8 A Not that I'm aware of.

9 Q Okay. In fact, were you aware of how Mr. Parks and Mr.
10 Yeargin got to the hospital?

11 A I believe they got -- they were taken to the hospital
12 by a female.

13 Q Summer Bayne?

14 A I believe it was Summer Bayne, yes, sir.

15 Q Okay. Were any of the vehicles that were out there in
16 the parking lot, did they have any bullet rounds to them to
17 your knowledge?

18 A Not that I recall.

19 Q Okay. How long did it take to locate Mr. Brown?

20 A It was early the next morning. I don't have the exact
21 time he was taken into custody.

22 Q Okay. Did you send another officer to Greenville
23 County to assist in the apprehension of him?

24 A We were, we were actually at the motel. He was
25 transported from there to the hospital. That's what I'm

Lorin Williams - Cross-examination
By Solicitor Balsa

1 looking for is the transport to, to see what time he was
2 actually --.

3 Q So, you, yourself, went to Greenville County?

4 A Yes, sir, I did.

5 Q Was that after you learned he was at the hotel?

6 A That's correct.

7 Q And how was he actually captured?

8 A Greenville County K-9.

9 Q Okay. So, Greenville County assisted in capturing
10 Mr. Brown?

11 A They did.

12 Q By K-9, you mean the dogs?

13 A Dog team, track.

14 Q Okay. So, he didn't readily give up to the police as
15 they -- when they found out where he was?

16 A No, sir, not at that, no, sir.

17 Q You referenced that he actually was taken to the
18 hospital?

19 A He was bitten by the K-9.

20 Q And then, after that, it was -- after he went to the
21 hospital, he was taken to the Sheriff's Office?

22 A He was.

23 Q And it was there that you interviewed him and he told
24 you about the location of the pistol?

25 A That's correct.

Lorin Williams - Redirect examination
By Mr. Brown

1 SOLICITOR BULSA: Thank you, sir. That's all I have.

2 THE COURT: Any redirect limited to what he went into?

3 MR. BROWN: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. BROWN:

6 Q Just to clarify, Item 1 on the SLED report, that was
7 also a spent casing, correct?

8 A Yes, sir, it is a cartridge casing.

9 Q From a 9-millimeter?

10 A That's correct.

11 Q And that spent casing is not attributed to any handgun
12 that was known or constructively to be in possession of
13 Mr. Brown?

14 A None that we know of.

15 Q And were you present during the testimony of
16 Mr. DeAdrien Morton who was dressed out in the county
17 clothes?

18 A I think I got here during the -- towards the end of
19 his.

20 MR. BROWN: All right. That's all the questions I
21 have.

22 THE COURT: Yes, sir.

23 SOLICITOR BULSA: Just briefly.

24 RE CROSS EXAMINATION

25 BY SOLICITOR BULSA:

Lorin Williams - Recross examination
By Solicitor Bulsa

1 Q The 9-millimeter shell casing that Mr. Brown
2 referenced, that was the one that was actually recovered at
3 the scene?

4 A That's correct, yes.

5 Q Okay.

6 A In the parking lot.

7 Q Okay. Thank you.

8 THE COURT: Thank you, sir.

9 MR. BROWN: That's all.

10 THE COURT: You may step down.

11 MR. BROWN: May, may we approach, Your Honor?

12 (WHEREUPON, a bench conference was held at this time.)

13 THE COURT: Let's step down for a few minutes.

14 (WHEREUPON, a short recess was taken at this time.)

15 MR. BROWN: Your Honor, we would call Mr. Terrell Brown
16 to the stand.

17 THE COURT: Sir, just come right up here and let the
18 Clerk of Court swear you in.

19 (Witness complies.)

20 TERRELL BROWN, being first duly
21 sworn, testified as follows:

22 THE CLERK: Thank you. You may be seated.

23 THE COURT: Sir, just have a seat in the red chair and
24 pull the red chair up to the microphone if you would.

25 (Witness complies.)

Terrell Brown - Direct examination
By Mr. Brown

1 DIRECT EXAMINATION

2 BY MR. BROWN:

3 Q Sir, if you could please, state your name for the
4 record.

5 A Terrell Brown.

6 Q And where are you a resident of?

7 A Woodruff, South Carolina.

8 Q And, of course, you know the reason why we're here
9 today?

10 A Yes, sir.

11 Q And you're familiar with the events that occurred
12 between September 1st and September 2nd?

13 A Yes, sir.

14 Q For the purpose of the Court and for the record, can
15 you tell us what was going on on that, on that day?

16 A We was just out there just hanging out and Yearg and
17 Frado and some -- Tee and Brittany Jeter and them, they all
18 pulled up and like a whole -- the whole mood just changed.
19 Frado was walking around mean mugging everybody just looking
20 like he was looking for trouble and---

21 Q When you say Frado, what's his actual name?

22 A Travis Jeter.

23 Q Okay. Go ahead.

24 A And I could tell they had been drinking. They was a
25 little intoxicated, talking crazy. I was trying to ignore

Terrell Brown - Direct examination
By Mr. Brown

1 them cause Yearg my cousin and I really ain't want to -- I
2 didn't want no problems between us two but they---

3 Q And why, why do you say that?

4 A why do I say what?

5 Q You didn't want any problems between you and Yearg.

6 A Because that's my cousin and we was -- you know, we
7 done been close together, spend the night at each other
8 house, and, you know, and I didn't, I didn't want no -- I
9 didn't want us to have no problems between each other. So,
10 I'm trying to ignore what's going on but I, I just took it
11 as Mr. Travis Jeter kept influencing Yearg, kept telling
12 him, whispering in his ear, telling him to do little crazy
13 stuff. And they was about to leave. They went to they --
14 they started going towards the car and I remember thinking
15 to myself good, they about to leave. You know, everything
16 gonna be cool.

17 But once they got to the car, they paused and just said
18 like leaned on -- leaned up against the car and just looking
19 around at everybody. I seen, I seen Mr. Travis Jeter
20 whisper in Yearg's ear. And then next thing I know, Yearg
21 was calling out to my friend Dweet. He was like hey, yo,
22 Dweet. But Dweet, Dweet was trying to ignore him too.

23 So, Dweet just looked the other way like he ain't hear
24 him and he just kept calling his name. And then finally he
25 was like hey, Rell. I was like -- I'm like what's up? And

Terrell Brown - Direct examination
By Mr. Brown

1 he started like staggering towards me. I could tell he was
2 drunk. It was like, it was like he was making it up as he
3 was going. Like yeah, you, you suppose to be my cousin.
4 You ain't hollered at me since I got out but I didn't even
5 know -- I didn't even know he was out.

6 Q So, when you say he was out, what do you mean?

7 A Oh, he had just did like -- I think like 18 months in
8 prison.

9 Q Do you know what kind of charge?

10 A I really don't know for sure. I think it had something
11 to do with shooting at my, my friend, PI's grandma's car or
12 something. I'm, I'm guessing.

13 Q Okay. Okay. Well, you can---

14 A But -- so, I'm just like, I'm just really like kind of
15 confused like what you, you know, what you talking about
16 you -- I ain't hollered at you? But I ain't really say
17 nothing. I just looked at him like I don't know what you
18 talking about.

19 So, then he goes to pull a gun out. He like I'm trying
20 to see what's up. I'm just like man, what -- how did it get
21 to this?

22 So, Summer and Tee, they ran over to him and like
23 Yearg, you know, put it down, put it down, chill out. So,
24 he end up putting it back up. So, him and Mr. Travis Jeter,
25 they went to the middle of the street. They like who want

Terrell Brown - Direct examination
By Mr. Brown

1 to fight? who want to fight? we'll take all y'all. Y'all,
2 y'all don't want it and all this stuff.

3 So, wasn't nobody saying nothing. So, then I see
4 Travis Jeter whisper in Yearg's ear again. I don't know
5 what he said to him but Yearg -- then Yearg pulled the gun
6 out again. This time he cocked it, cho, cho (phonetic).
7 I'll kill everybody out here.

8 So, my heart just racing like. I hope he planned.
9 Then, right after that, he start walking towards me. Once
10 he got close up on me, start raising it, I pulled out and
11 started firing.

12 Q Okay. And you say, once he got up on you, he was, he
13 was advancing towards you with his gun?

14 A Yes, sir.

15 Q And you know that you shot in his direction?

16 A Yes, sir.

17 Q All right. What happened after you shot?

18 A After I shot, he fell down and like right after that --
19 like when I first -- when I shot the first time, he kept
20 coming. I think I missed the first time because he kept
21 coming and like, right after that, I, I was hearing gunshots
22 coming from this direction and this direction. Mr. Travis
23 Jeter started shooting at me right after that. I got
24 bullets flying past my face.

25 So, once Yearg, Yearg fell, then I took off running.

Terrell Brown - Direct examination
By Mr. Brown

1 Well, I, I aimed towards Mr. Travis Jeter because he was
2 shooting at me too. So, I aimed towards him. Then I took
3 off running.

4 Q Okay. And you -- and what type of gun did you have?

5 A A .38.

6 Q And it was a revolver?

7 A Yes, sir.

8 Q How many shots does it hold?

9 A Six.

10 Q How many times you think you shot that day?

11 A The whole, the whole time, probably like four or five.

12 Q And, at some point, you, you made your way from, from
13 the scene?

14 A Yes, sir, I was still being shot at while I was fleeing
15 from the scene.

16 Q Did you -- prior to that, did you have any reason to,
17 to be afraid of them?

18 A I mean we had had some problems before, yes, sir.

19 Q All right. And did you ever have any problems with
20 Frado or Mr. Travis Jeter?

21 A Yes, sir, back in like 2011, we had got into a little
22 confrontation. He walked up on me talking crazy. I tried
23 to walk away and he pulled out a -- he had an empty Bud
24 Light bottle and he smashed me in the face with it. That's
25 how I got this scar right here and we got to tussling.

Terrell Brown - Direct examination
By Mr. Brown

1 Q Was anybody with him at that time?

2 A Was anybody with him?

3 Q Uh-huh. (Affirmative).

4 A It was, it was quite a few people out there that night.

5 Q Was Mr. Parks and Mr. Yeargin with him?

6 A No, sir.

7 Q All right. And from your -- you say you're related to,
8 to the other two?

9 A Yes, sir.

10 Q Mr. Parks and Yeargin?

11 A Yes, sir.

12 Q So, you were familiar, as a family member, of their
13 reputation in the community?

14 A Yes, sir.

15 Q And what did you know about Yearg in terms of guns?

16 A He, he had done -- Yearg had done -- he really started
17 changing on me like. I think after his, after his mama
18 passed away, he kind of start changing on me and started
19 hanging with Mr. Travis and just started like wild 'n out.
20 I was hearing all kind of stories about him shooting at
21 people, pulling guns out on people, and --.

22 Q But definitely Mr. Jeter didn't like you?

23 A Oh, no, sir.

24 Q And Mr. Parks was a friend to Yeargin and Mr. Jeter?

25 A Yeah, and me and Mr. Parks, we had never had any

Terrell Brown - Direct examination
By Mr. Brown

1 problems. Even that night, me and him had done shook hands.

2 We were sitting there rapping with each other, laughing.

3 Q So, you didn't have any problems with him that evening
4 and nothing was going on with him as related to you?

5 A No, sir.

6 Q And do you recall shooting in the direction of where
7 Frado was standing, Travis Jeter?

8 A Yes, sir.

9 Q And from that evening, when you ran, where did you make
10 your way to next?

11 A I made my way towards Greenville.

12 Q Let me show you State's Exhibit 2. From the way the,
13 the -- we see the cars lined up in this picture.

14 Where was everyone standing?

15 A I was standing right here in the corner, the corner
16 right here on the sidewalk and Jamar, Tyrus, DeAdrien, all
17 them was standing kind of close to me and they was parked in
18 this, this empty spot right here. So, a couple of them was
19 standing like right between this, between this truck and
20 this car. It was like -- it had to be like 20 people out
21 there.

22 Q Okay. And where Yeargin came up on you, how did he
23 come up on you?

24 From what direction?

25 A He came between these two cars right here and started

Terrell Brown - Direct examination
By Mr. Brown

1 headed towards my way down the sidewalk.

2 Q Okay. And, Mr. Jeter, where was he the whole time this
3 was going on?

4 A He started off like around this direction. Once Yearg
5 started walking up on me, he started walking this way like
6 he was -- kind of like they was gonna surround me or
7 something.

8 Q Okay. And at the moment at which Mr. Yeargin pulled
9 out his handgun and you shot him, where were you standing?

10 A Right here, sir.

11 Q And where was Mr. Jeter in relation to that?

12 A Probably around, around this area right here.

13 Q Okay. And you're saying you shot in that direction?

14 A Yes, sir.

15 Q And then where did you go in direction wise on this
16 picture?

17 A When I ran?

18 Q Yes.

19 A I ran this way behind them apartments.

20 Q So, that would of been to the right of the building and
21 behind some apartments?

22 On the opposite end in this photo, could you have ran
23 this way?

24 A Nah, if I would of ran that way I probably would of --
25 wouldn't be here right now.

Terrell Brown - Direct examination
By Mr. Brown

1 Q why you say that?

2 A Cause I was -- that's where the gunshots was coming
3 from.

4 Q Okay. And, in particular, at the end of this part of
5 Woody Court, is there any kind of obstruction there or does
6 it just stay open so you can go to open field or is there a
7 fence there?

8 A Yeah, it's a fence.

9 Q So, you couldn't run that way?

10 A No, sir.

11 Q And this was open this way?

12 A Yes, sir.

13 Q Are you certain that someone else was shooting at you
14 that night?

15 A Yes, sir.

16 Q Mr. Yeargin didn't shoot at you at all?

17 A No, sir.

18 Q He didn't have a chance?

19 A No, sir.

20 Q You didn't remember any bullets being fired from his
21 handgun?

22 A Not, not that I recall. I remember him pointing it,
23 bringing it up like he was, but I don't remember him firing.

24 Q And you took that to be as a real threat to you?

25 A Yes, sir, cause he had done -- he had already done

Terrell Brown - Direct examination
By Mr. Brown

1 cocked it and already threatened me numerous of times and
2 plus he was intoxicated. So, he could of easily
3 accidentally pulled the trigger.

4 Q During that time period, did you have any family
5 members that lived there?

6 A Yes, sir, my sister was staying out there.

7 Q All right. And had you, from time to time, stayed with
8 your sister?

9 A Yes, sir.

10 Q And your sister didn't have a problem with you being
11 there?

12 A No, sir.

13 Q Your sister knew that you came to the neighborhood?

14 A Yes, sir.

15 Q And she knew that you could come to the neighborhood
16 sometimes when she would leave?

17 A Yes, sir.

18 Q And sometimes were you there -- your sister would leave
19 while you were still in the neighborhood?

20 A Yeah, sometimes she would leave me at her apartment by
21 myself.

22 Q Okay. And, from time to time, would you spend the
23 night or stay there for a few days?

24 A Yes, sir.

25 Q And why would you do that?

Terrell Brown - Direct examination
By Mr. Brown

1 A Just basically whenever me and my, me and my girl would
2 have problems, I would stay over there for like a night or
3 two.

4 Q Did your sister ever tell you that you couldn't walk
5 around Kelly Acres?

6 A No, sir.

7 Q Did she ever tell you that anyone came to her, from
8 management, and said that you couldn't be in Kelly Acres?

9 A No, sir.

10 Q Did your sister ever say that you couldn't be on that
11 end where you were standing on that day on which this
12 occurred?

13 A No, sir.

14 Q This is something you've, you've done a number of times
15 in terms of being out there?

16 A Yes, sir.

17 Q And that was the chill spot as we've heard?

18 A Yes, sir.

19 Q Were you causing any other kind of -- was you -- were
20 you causing any type of commotion on that day?

21 A No, sir.

22 Q Were you being rowdy?

23 A No, sir.

24 Q Were you being loud?

25 A No, sir.

Terrell Brown - Direct examination
By Mr. Brown

1 Q Boisterous?

2 A No, sir.

3 Q Making noise?

4 A No.

5 Q Were you threatening anyone else?

6 A No.

7 Q You also heard the State inquire of Lorin Williams as
8 it relates to statements being made?

9 A Yes, sir.

10 Q There was one statement in particular in which someone
11 said that they didn't think that you shot Tee Parks.

12 Do you recall shooting in his direction?

13 A I recall, I recall shooting in his direction but I
14 don't -- I honestly don't think I shot him cause it's like
15 he was already -- to me, it looked like he was already hit
16 and it was, it was so much going on. I had bullets flying
17 by my head. It was dark. I didn't realize it was him till
18 I just looked over there and it looked like he was already
19 hit to me.

20 Q So, if he, if he was standing and got hit by a bullet
21 attributed to you, it wasn't your intention on shooting him?

22 A No, sir.

23 Q You were trying to defend yourself?

24 A Yes, sir.

25 Q And you were shooting in the direction of Mr. Jeter?

Terrell Brown - Direct examination
By Mr. Brown

1 A Yes, sir.

2 Q And clearly you would of also shot in the direction of
3 Mr. Yeargin?

4 A Yes, sir.

5 Q And they all were generally in the same area?

6 A Yes, sir.

7 Q During the time period in which Mr. Yeargin was
8 presenting his handgun to you, did he ever leave your sight?

9 A If you, if you would consider him going behind the car
10 or something leaving my sight, yes, sir.

11 Q But he was still in that -- right in that area?

12 A Yes, sir.

13 Q So, you're saying a car length away or less?

14 A Yes, sir.

15 Q So, he was right there between those two cars?

16 A Yes, sir.

17 Q Were you---

18 A About the, about the same distance as me and you right
19 now.

20 Q Okay.

21 A That's about as far as he went.

22 Q And he was being loud, threatening?

23 A Yes, sir.

24 Q And he would walk up and then he would walk back and he
25 was talking and he was threatening during this time period?

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 A Yes, sir.

2 Q And you had your eyes on him?

3 A Yes, sir.

4 Q And then he came back at you?

5 A Yes, sir.

6 Q At that moment when he walked up on you, you took that
7 to be a credible threat?

8 A Yes, sir.

9 Q When did you learn that Mr. Parks and Mr. Yeargin had
10 passed away?

11 A When, when Detective Lorin Williams told me.

12 Q Please answer any questions the State may have.

13 CROSS-EXAMINATION

14 BY SOLICITOR BULSA:

15 Q Mr. Brown, where did they get the gun -- you get the
16 gun that you had?

17 A You say where did I get it?

18 Q Yes, sir.

19 A I bought it.

20 Q You bought it?

21 A (Witness nods affirmatively.)

22 Q From what store?

23 A I didn't buy it from a store.

24 Q You didn't?

25 A No, sir.

Terrell Brown - Cross-examination
By Solicitor Bulsa

- 1 Q who did you buy it from?
- 2 A A crackhead.
- 3 Q A crackhead?
- 4 A Yes, sir.
- 5 Q what did you do, trade him some crack for the gun?
- 6 A No, sir.
- 7 Q No.
- 8 How long had you had it?
- 9 A Maybe a couple months.
- 10 Q A couple months.
- 11 The, the serial number was scraped off it?
- 12 A Not that I know of.
- 13 Q Not that you know of.
- 14 where did you get the bullets that you had in it?
- 15 A From the, the -- is it Ace Hardware?
- 16 Q So, you went and bought the bullets?
- 17 A Yes, sir.
- 18 Q Did you have extra rounds in your pocket?
- 19 A I had a, I had a shell in my pocket.
- 20 Q A shell?
- 21 A Yes, sir.
- 22 Q what kind of shell?
- 23 A A .38 shell.
- 24 Q Okay. It wasn't a -- was it a shell casing or a
- 25 bullet?

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 A A shell casing.

2 Q what was it doing in your pocket?

3 A Probably like a week before the incident happened, I
4 was on a -- I was like on a back road.

5 Q Uh-huh. (Affirmative).

6 A And I had just -- I had shot it in the air.

7 Q Uh-huh. (Affirmative).

8 A And you know, when you shoot a .38, it keeps the shell
9 casings.

10 Q Right.

11 A And my -- I had just took the spent shell casing out
12 and put it in my pocket without thinking.

13 Q And then you reloaded?

14 A Yes, sir.

15 Q So, it was a full cylinder?

16 A Yes, sir.

17 Q How many shots were in that cylinder?

18 A Six.

19 Q Six.

20 Okay. And how many of those six did you shoot that
21 night?

22 A I'm not really sure. I'm guessing around like four or
23 five.

24 Q where did you take that gun?

25 A I threw it in the lake.

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 Q Did you empty out the shell casings before you did
2 that?

3 A Yes, sir.

4 Q Okay. So, how many of them were empty?

5 A Five of them.

6 Q Five of them?

7 A Yes, sir.

8 Q And what happened to the sixth one, the bullet?

9 A I guess it's, I guess it's still in the, in the lake.

10 Q So, you, you emptied the gun and you threw the gun out
11 and then you threw the casings and bullet out separate?

12 A Yes, sir.

13 Q Okay. All right. Now, you told Mr. Brown, I think I
14 heard this right, is that you're getting shot at from two
15 directions?

16 A It felt like two directions.

17 Q Okay.

18 A I'm not, I'm not really sure cause it was -- like I
19 say, it was dark and it was just so much going on at the
20 time. I'm not even sure but I kind of think Tee was
21 shooting at me too but I, like I said, I'm not sure.

22 Q All right. Well, I thought you sounded pretty sure
23 when Mr. Brown was questioning you, and I was gonna ask you
24 which of -- where were those two directions that you were
25 being shot from?

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 A I was standing right here. It was like from this
2 direction and this direction.

3 Q Okay. So, you, you've identified Mr. Yeargin as having
4 a pistol and Mr. Parks, excuse me, and Mr. Jeter as having a
5 pistol.

6 Who else out there had a pistol?

7 A Like I said, I'm not sure. I'm not sure but I, I --
8 I'm thinking Tee had one too but I'm not sure.

9 Q Tee being Mr. Parks?

10 A Yes, sir.

11 Q Okay. So, the -- when you say you think you were
12 getting shot at from two directions, who do you think were
13 the people that were shooting at you?

14 A Mr. Jeter and Mr. Parks.

15 Q But not Mr. Yeargin?

16 A No, sir.

17 Q Okay. And how many bullets did you feel go by you?

18 A I really wasn't counting, but from the sounds of it, it
19 was, it was a lot of shots. It was probably about six,
20 seven. I don't know.

21 Q So, you heard more shots coming in your direction than
22 you fired in the other direction?

23 A Definitely.

24 Q All right. Did Mr. Yeargin ever fire at you?

25 A No, sir.

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 Q At what point did you actually pull your weapon?

2 A When -- the second time after he went off and he
3 started coming back. While he was approaching me.

4 Q And this was your cousin, right?

5 A Yes, sir.

6 Q And Tee's your cousin?

7 A Yes, sir.

8 Q Okay. And you talked about Mr. Yeargin having a
9 problem with somebody else and shot at somebody's car?

10 A Yes, sir.

11 Q Did he ever actually have a problem with you?

12 A Yes, sir.

13 Q He did?

14 A Yes, sir.

15 Q So, y'all weren't friendly cousins?

16 A I mean we was but like when the -- at the time when he
17 went to jail, we was -- we wasn't seeing eye to eye.

18 Q Did you ever think about just leaving and going back to
19 your sister's apartment when he came out there?

20 A When he came out there?

21 Q Yes, sir.

22 A When he came out there, my, my train of thought was
23 like he been gone for 18 months and, like I said, that's
24 my -- that's really my cousin.

25 Q Uh-huh. (Affirmative).

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 A I didn't want no bad blood between us. So, I was
2 thinking to myself if he, if he pull up -- I mean if he, you
3 know what I'm saying, if I show him that I'm not trying to
4 harm him, maybe he'll, you know, do the same thing. I
5 wasn't gonna just go out my way to go up to him and try to
6 shake his hand and all that but I was just gonna show him
7 that I'm not trying to harm you.

8 Q Okay. So, you didn't do anything aggressive towards
9 him is what you're telling me?

10 A Not at all, sir.

11 Q Okay. But you did have a history with him, a bad
12 history?

13 A Like the year before he went to jail, like a couple, a
14 couple weeks before he went to jail, I had an incident with
15 him and Mr. Jeter. It really wasn't, it really wasn't aimed
16 towards me. It was aimed towards some people I was hanging
17 with but they came out there talking a little junk. Like
18 hey, what up, Street, a little distance up the street.
19 Really like they shot in the air and just trying to scare
20 us. So --

21 Q Uh-huh. (Affirmative).

22 A -- whatever and that was that.

23 Q Okay. So, they never actually shot at you before?

24 A No, sir.

25 Q No.

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 Okay. Now -- okay. We're talking about your
2 relationship with Mr. Yeargin.

3 Your relationship with Mr. Jeter, was it similar to Mr.
4 Yeargin?

5 Was he -- Mr. Jeter mad at you for some reason?

6 A Yeah, Mr. Jeter ain't never really liked me.

7 Q Never really liked you?

8 A Yeah.

9 Q So, when you saw Mr. Jeter out there, did you think
10 about walking back to your sister's apartment?

11 A I kind of did and I was just like -- kind of like tired
12 of running. Like I was here first and I was just thinking,
13 like I said, if I show them I'm not trying to harm you,
14 maybe they would show -- they was gonna show the same
15 courtesy.

16 Q Okay. Now, Mr. Yeargin walked up to you, you say,
17 waving the gun, and then actually walked back because his
18 girlfriend came and got him to leave you alone?

19 A Uh-huh. (Affirmative).

20 Q Was trying to, right?

21 A Right.

22 Q Okay. And then you said you saw him, Mr. Yeargin, talk
23 or Mr. Jeter actually whispering in Mr. Yeargin's ear?

24 A Yes, sir.

25 Q Okay. And did -- what did you think was going on?

Terrell Brown - Cross-examination
By Solicitor Bulsa

- 1 A Guessing?
- 2 Q what did you think was going on?
- 3 You were there. You saw it.
- 4 what was going on with Yearg?
- 5 A I'm guessing he was telling him to -- telling him to do
- 6 something.
- 7 Q Okay. And, at that point, did you think about walking
- 8 away and going back to your sister's apartment?
- 9 A To be real with you, I was really like just froze.
- 10 Q Uh-huh. (Affirmative).
- 11 Was that when you pulled your gun out?
- 12 A I pulled my gun out as he was approaching me the second
- 13 time.
- 14 Q Did he have his gun out that second time?
- 15 A Yes, sir.
- 16 Q Okay. So, you pulled your gun out?
- 17 A Uh-huh. (Affirmative).
- 18 Q Who actually shot first?
- 19 A I did.
- 20 Q You, you shot first toward Mr. Yeargin and you said you
- 21 missed him you think?
- 22 A Yeah, the only reason I say I think cause he kept
- 23 coming.
- 24 Q Okay. Well, did he shoot you -- shoot at you?
- 25 A No, sir.

Terrell Brown - Cross-examination
By Solicitor Balsa

1 Q No.

2 Okay. But you said you thought the shots were coming
3 from Mr. Jeter and Mr. Parks, right?

4 A I, I know for sure they was coming from Mr. Jeter.

5 Q Okay. Well, did you then turn your gun to shoot at Mr.
6 Jeter or did you just shoot at Mr. Yeargin again?

7 A Mr. Yeargin had already done fell down. So, I turned
8 my gun to shoot at Mr. Jeter.

9 Q Wait a minute.

10 A Cause he was shooting at me.

11 Q Wait a minute. You said you shot at Mr. Yeargin and
12 then you heard people shooting at you.

13 A Yes, sir.

14 Q So, when you heard the people shooting at you, you shot
15 at Mr. Yeargin again?

16 A No, at Mr. Jeter.

17 Q Okay. Well, that's what I'm saying. That's what I
18 thought I heard you say.

19 So, at what point did you then turn and shoot at Mr.
20 Yeargin?

21 A I shot at Mr. Yeargin first.

22 Q Right.

23 A When Mr. Yeargin approached me with the gun that he had
24 just cocked --

25 Q Uh-huh. (Affirmative).

Terrell Brown - Cross-examination
By Solicitor Bulsa

- 1 A -- he started raising it up, that's when I started
2 shooting at Mr. Yeargin.
- 3 Q All right. So, it wasn't one shot and see if it stops
4 him. It was a---
- 5 A It was two.
- 6 Q ---a number of shots?
- 7 A It was two.
- 8 Q Two shots?
- 9 A Yes, sir.
- 10 Q And how many shots do you recall shooting at Mr.
11 Yeargin?
- 12 A Two.
- 13 Q Just two?
- 14 A Yes, sir.
- 15 Q Huh.
- 16 Okay. And then you say you turned and shot some at Mr.
17 Jeter?
- 18 A Yes, sir.
- 19 Q And then you turned and fled?
- 20 A Yes, sir.
- 21 Q Is that when you went back to your sister's?
- 22 A No, sir.
- 23 Q Did you go back to your sister's?
- 24 A No, sir.
- 25 Q Why not?

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 A Cause I was -- I panicked. I was scared.

2 Q Scared of what?

3 A Scared of that the people that was just shooting at me
4 was still in Kelly Acres. I was scared for my life.

5 Q Was anybody chasing you?

6 A I don't know. I, I took off. I didn't look back.

7 Q Well, did you hear anybody chasing you and shooting at
8 you?

9 A I heard some more shots as I was running.

10 Q Okay. And did they sound like they were following you?

11 A Maybe.

12 Q Maybe.

13 Okay.

14 A I mean, like I say, I didn't look back.

15 Q So, where did you run to?

16 A I ran to the, to the back of Kelly Acres.

17 Q Okay. To the back of Kelly Acres and then what did you
18 do?

19 A And I started walking.

20 Q So, you somehow got through the fence?

21 Isn't there a fence that goes around Kelly Acres?

22 A Yes, sir.

23 Q So, how did you get through the fence?

24 A At the back gate of Kelly Acres, it's a little opening
25 that you can walk through.

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 Q So, there's no gate there?

2 A Yes, sir, it's a fence. It's still a fence but it's
3 a -- yeah, it's a little, little path just for you to walk
4 through.

5 Q Okay. So, it's not like a locked gate that you have to
6 climb over or anything?

7 A Oh, no, sir.

8 Q All right. So, you just left Kelly Acres and you ran
9 to the fence and then you just walked up the street?

10 Is that right?

11 A Yes, sir.

12 Q And then what did you do?

13 A Then I got a ride to Greenville.

14 Q So, you didn't ride to the Woodruff Police Department
15 and tell them what just happened?

16 A No, sir.

17 SOLICITOR BULSA: Okay. That's all I have.

18 THE COURT: Any, any redirect limited to what he went
19 into?

20 MR. BROWN: No, Your Honor.

21 THE COURT: Thank you, sir. You may step down.

22 MR. BROWN: That's all the witnesses for the defense.

23 THE COURT: Does the State intend to call witnesses?

24 SOLICITOR BULSA: Yes, sir.

25 State calls Debbie Marshall.

Debbie Marshall - Direct examination
By Solicitor Bulsa

1 THE COURT: Ma'am, just come right up here and let the
2 Clerk of Court swear you in.

3 (Witness complies.)

4 DEBBIE MARSHALL, being first duly
5 sworn, testified as follows:

6 THE CLERK: You may be seated.

7 THE COURT: Just have a seat in the red chair and pull
8 the red chair up to the microphone if you would.

9 (Witness complies.)

10 DIRECT EXAMINATION

11 BY SOLICITOR BULSA:

12 Q Ms. Marshall, where do you work?

13 A I work at the Housing Authority.

14 Q Make sure you speak up.

15 A Woodruff Housing Authority, Kelly Acres.

16 Q Okay. Are you the manager at Kelly Acres?

17 A I'm the deputy director.

18 Q Okay. How long have you worked there?

19 A Four years.

20 Q And you're familiar with the residents out there?

21 A Yes, sir.

22 Q Okay. And are you familiar with Mr. Brown?

23 A No, sir.

24 Q Are you familiar with his sister that testified?

25 A Yes, sir.

Debbie Marshall - Direct examination
By Solicitor Bulsa

1 Q How so?

2 A She was a resident.

3 Q Okay. And are there any policies that residents have
4 involving visitors to their place?

5 A Yes, sir. In the lease, it states that if you are to
6 have -- if you have an overnight guest, you need to report
7 that guest to the office and we make a copy of their ID and
8 put it in your file and also give them a temporary parking
9 pass.

10 Q Okay. And do you recall whether Mr. Brown had any
11 permission to stay there?

12 A No.

13 Q Is there a sign in check -- at Kelly Acres whether --
14 about loitering in particular?

15 A Yes, sir.

16 SOLICITOR BULSA: Get this marked.

17 (WHEREUPON, two photographs were marked as State's
18 Exhibit Nos. 5 and 6 for identification purposes only at
19 this time.)

20 Q I show you what's been marked State's Exhibit 5.

21 Can you tell me what that's a picture of?

22 A Woody Court.

23 Q Okay. Does it appear to be taken from the---

24 A Where the office is.

25 Q ---from the direction of from where the office is?

Debbie Marshall - Direct examination
By Solicitor Bulsa

1 A Yes, sir.

2 Q Okay. And is there a sign up under the speed limit
3 sign?

4 A Yes, sir.

5 Q Okay. I show you State's Exhibit No. 6.
6 Would that be a close-up of that sign?

7 A Yes, sir.

8 Q What does it say?

9 A No loitering. Police enforced.

10 Q Okay.

11 THE COURT: I assume without objection?

12 MR. BROWN: That's correct, Your Honor.

13 THE COURT: All right.

14 (WHEREUPON, State's Exhibit Nos. 5 and 6 were received
15 into evidence for purposes of this only hearing at this
16 time.)

17 (WHEREUPON, two photographs were marked as State's
18 Exhibit Nos. 7 and 8 for identification purposes only at
19 this time.)

20 Q I show you State's Exhibit No. 7.

21 Does that appear to be one of the buildings in Woody
22 Court?

23 A Yes, sir.

24 Q Is there a sign up on a telephone pole to the right of
25 that building?

Debbie Marshall - Direct examination
By Solicitor Bulsa

1 A Yes, sir.

2 Q Does this appear to be a close-up of that sign?

3 A Yes, sir.

4 Q Okay. And is that a similar sign that was in the other
5 picture?

6 A Yes, sir.

7 Q No loitering?

8 A Yes, sir.

9 Q Police enforced.

10 what is the purpose of having those signs?

11 A Not to have people loitering around Kelly Acres.

12 Q Okay. And, and why would you not want people loitering
13 around?

14 A Cause there's families that live there. Those are
15 peoples' homes and we really don't want crowds of people
16 gathered up, especially in the evening, when we're not
17 there.

18 Q And you leave the enforcement of that law up to the
19 local police department?

20 A Woodruff Police Department, yes.

21 Q And, to your knowledge, would they ride through the
22 neighborhood---

23 A Yes, sir.

24 Q ---on occasion?

25 Now, the night this happened, you weren't working, were

Debbie Marshall - Direct examination
By Solicitor Bulsa

1 you?

2 A No, sir.

3 Q When did you learn that something occurred?

4 A 6:00AM.

5 Q That, that morning---

6 A That morning.

7 Q ---of the shooting?

8 A Yes, sir.

9 Q Were you told of who the people were that were
10 involved?

11 A No, sir.

12 Q Since the incident, you've learned of people that were
13 involved.

14 Did any of them actually reside at any of those
15 apartments there---

16 A No, sir.

17 Q ---in Woody Court?

18 A No, sir.

19 Q Thank you, ma'am.

20 THE COURT: And for purposes of the record, State's 7
21 and 8 without objection as well?

22 MR. BROWN: That's correct, Your Honor.

23 THE COURT: Okay.

24 (WHEREUPON, State's Exhibit Nos. 7 and 8 were received
25 into evidence for purposes of this hearing only at this

Debbie Marshall - Cross-examination
By Mr. Brown

1 time.)

2 CROSS-EXAMINATION

3 BY MR. BROWN:

4 Q I'm sorry, ma'am. What did you say your name---

5 A Debbie Marshall.

6 Q Ms. Marshall, are you familiar with Mr. Steven Wray?

7 A I sure am.

8 Q Who is Steven Wray?

9 A He's executive director of Woodruff Housing Authority.

10 Q And would he -- would his policy be consistent with
11 yours?

12 A Yes, sir.

13 Q In terms of individuals that may find their way into
14 Kelly Acres, would they be the responsibility of the police
15 or would they be the responsibility of the residents there?

16 A If they're loitering and they're hanging out, they
17 should be -- the residents knows when they are, when they
18 move in, it states in their lease that they are not to
19 disturb the quiet and peaceful enjoyment of their neighbors.
20 We also -- it is stated in their lease and the police are
21 the ones that enforce that.

22 Q Well, how would a person know if they're disturbing the
23 quietness and the peacefulness of their neighbors?

24 A It's listed out. If you're loud. If you -- if they
25 call the police, you're disturbing their enjoyment.

Debbie Marshall - Cross-examination
By Mr. Brown

1 Q Did you receive any information that the police had
2 been called on that day by anyone in the area?

3 A Yes, I think they were called out because there was a
4 disturbance.

5 Q And what type of disturbance?

6 A I don't know.

7 Q What---

8 A My neighbors -- the residents said that someone called
9 the police and that they had come.

10 Q Okay. But you have no proof of an actual call being
11 made?

12 A No, sir, I do not have a police report.

13 Q And what constitutes loitering?

14 A I don't know.

15 Q You used that term like you know what it is.

16 So, what constitutes loitering?

17 A Hanging around if you don't live there.

18 Q But if you do live there, would that still be
19 considered loitering?

20 A Maybe.

21 Q Well, ma'am, it's, it's either yes, you are or no,
22 you're not.

23 So, if you live there, are you loitering?

24 A No.

25 Q If, if I'm a guest of yours and you live in Kelly

Debbie Marshall - Cross-examination
By Mr. Brown

1 Acres, would that be considered loitering?

2 A No.

3 Q And so, that would apply to all of Kelly Acres?

4 A (Witness nods affirmatively.)

5 Q I'm sorry. You---

6 A Yes.

7 Q So, if Mr. Wray had stated, during the time period of
8 this, that your lease agreement, in fact, says that any
9 person who resides in the apartments is responsible for his
10 or her guests --

11 A That's correct.

12 Q -- that's your policy?

13 A Yes, sir.

14 Q So, the police can't determine if a person -- their
15 status of being in the community?

16 A Correct.

17 Q So, if they're there to meet with someone or if they're
18 there to visit with someone or if they're there actually to
19 be with a family member, that person would determine it, not
20 the police?

21 A Correct.

22 Q And do you---

23 A Unless there's a disturbance.

24 Q And do you have any information, besides the incident
25 that occurred involving the shooting as it relates to

Debbie Marshall - Cross-examination
By Mr. Brown

1 Mr. Terrell Brown---

2 A No, sir.

3 Q ---and Kelly Acres?

4 A No, sir.

5 Q Have you ever had any type of incident that you are
6 aware of that involved Mr. Terrell Brown and Kelly Acres?

7 A No, sir.

8 Q And his sister was a resident there at the time?

9 A Yes, sir.

10 MR. BROWN: That's all the questions I have.

11 THE COURT: Any redirect limited to what he went into?

12 SOLICITOR BULSA: Just briefly.

13 REDIRECT EXAMINATION

14 BY SOLICITOR BULSA:

15 Q Ms. Jasmine Brown lived some distance away in another
16 part of Kelly Acres?

17 A Yes, sir, on a different Court.

18 Q Okay. Are you familiar that Woody Court was an area
19 where people frequented a lot?

20 A Yes.

21 Q They did.

22 Okay. Thank you.

23 THE COURT: Thank you, ma'am. You may step down.

24 SOLICITOR BULSA: I call Darrell Dawkins.

25 THE COURT: Come on around, sir. Just come right up

Darrell Dawkins - Direct examination
By Solicitor Bulsa

1 here and let the Clerk of Court swear you in.

2 (Witness complies.)

3 DARRELL DAWKINS, being first duly
4 sworn, testified as follows:

5 THE CLERK: Thank you. You may be seated.

6 THE COURT: Just have a seat in the red chair, sir, and
7 pull the red chair up to the microphone.

8 (Witness complies.)

9 DIRECT EXAMINATION

10 BY SOLICITOR BULSA:

11 Q All right. Officer Dawkins, are you employed with the
12 Woodruff Police Department?

13 A Yes, sir.

14 Q I believe, at the time of this incident, you were the
15 Chief of Police.

16 Is that right?

17 A That's correct.

18 Q Could you give me a -- kind of a description of Kelly
19 Acres from the police prospective?

20 A Just to clarify why Woody Court is such a gathering
21 area, it provides a, from your scheme there, it's a --
22 surrounded by a total fence. There's a front entrance that
23 comes in what is called Miller Drive before you get to a
24 right to Woody Court. At the bottom, there's a gate or
25 exit/entrance to the bottom of the fence at the bottom of

Darrell Dawkins - Direct examination
By Solicitor Bulsa

1 Miller, which goes completely to the apartments.

2 Woody Court provides an area where people can socialize
3 and gather and have a vantage point where they can watch
4 anybody that comes into the area, which provides them maybe
5 30, 35 seconds before they have to -- you know, it gives
6 them time to disburse.

7 Q So, if the police were coming to that area, they could
8 leave before the police get there --

9 A Yes, sir.

10 Q -- actually drive to Woody Court?

11 A Correct.

12 Q Okay. Did you get -- did the police agency get
13 numerous reports from, from Kelly Acres about people
14 loitering?

15 A Yes, sir, on occasion, yes, sir.

16 Q And how did y'all respond to that kind of a call?

17 A Well, it was normal to disburse them. It depends on
18 the level. Sometimes it's a situation where, if it was
19 residents residing -- and, and from the general area showing
20 the parking area, a lot of times, when a person were having
21 a, a gathering or, or social event at that house, if they
22 have something in the rear or cookout or things of that
23 nature, but when you have such -- we have such an influx,
24 when we do have disturbances, it's frequently that
25 nonresidents that take advantage of that situation.

Darrell Dawkins - Cross-examination
By Mr. Brown

1 Q Okay. So, would there be any reason for people to be
2 hanging out in that Woody Court parking lot at twelve
3 o'clock at night?

4 A No, sir.

5 Q Okay.

6 A Not for a good reason.

7 Q Okay. Thank you.

8 CROSS-EXAMINATION

9 BY MR. BROWN:

10 Q Mr. Dawkins, you were present when the -- pretty much
11 the entire time period in which testimony was taken?

12 A Yes, sir.

13 Q Are you familiar with a Missy that works or worked for
14 your police department?

15 A Yes, sir.

16 Q Would it be unreasonable for Missy to have made a
17 drive-through on that day and to tell people just to keep
18 the noise down?

19 A No, sir.

20 Q And so, it could be, at times, based upon the
21 discretion of your officers or indeed your department, that
22 there wouldn't be a direct request from law enforcement to
23 ask people to disburse?

24 A It's on case-by-case.

25 Q It's on a case-by-case.

Darrell Dawkins - Cross-examination
By Mr. Brown

1 Your officers could see a number of people outside and
2 allow people to stay out there and just to tell them to keep
3 the noise down?

4 A It depends on what was taking place, yes, sir.

5 Q And based upon that date, do you have any information
6 or any dispatch records that would show that there was a
7 call for a disturbance on that day?

8 A I don't have them with me, no, sir.

9 Q Okay. And do you have any records to indicate that
10 there was an actual call that indicated that people were
11 loitering on Woody Court?

12 A I do have a -- I don't have the, the call. Officer
13 Forrester advised me that, shortly before the incident took
14 place, that she was given a call in reference to a noise
15 ordinance out there.

16 Q You saw Officer Foster?

17 A Forrester.

18 Q Is that Missy?

19 Forrester?

20 A That's correct.

21 Q Missy, Missy Forrester?

22 A Yes, sir.

23 Q And so, you, based upon that, you understood that Ms.
24 Forester did go to the scene?

25 A That's correct.

Darrell Dawkins - Cross-examination
By Mr. Brown

1 Q And based upon that information, you do agree with me
2 that she did tell individuals standing out there just to
3 keep the noise down?

4 A That's my understanding.

5 Q Okay. Would it be uncommon for people that lived in
6 Kelly Acres or any place that is similar to it to want to
7 come outside no matter what time of day?

8 A That's true, yes, sir. That's true.

9 Q So, it is possible that people could, even with their
10 guests or invitees, to come outside and simply to stand in
11 front of their housing units?

12 A That's possible, yes, sir.

13 Q And it wouldn't be uncommon for you to, to see them?

14 A Not uncommon. Well, it depends on the -- but we
15 talking about the time of night, usually that kind of
16 activity, during the daylight hours, that kind of. But
17 usually, at midnight or after, Kelly Acres itself, part of
18 the residence is very quiet.

19 Q How would an individual know that they are loitering?

20 A It depends on what the activity is, and what I mean by
21 that is standing in a parking lot, drinking, smoking
22 marijuana as I've heard the testimony, for what kind of
23 illegal activity, that would consider myself would be
24 determined if the officer ascertained that's what's taking
25 place for it.

Darrell Dawkins - Cross-examination
By Mr. Brown

1 Q So, the officer would have to---

2 A Yes.

3 Q ---apprise an individual that they are engaging in
4 loitering?

5 A Correct.

6 Q And so, as -- again, as you understand the incidents on
7 this day, no one was apprised that they were loitering at
8 that time?

9 A At that time.

10 Q Well, specifically as it relates to Mr. Terrell Brown
11 and the information you have, was he ever apprised that he
12 could of been or was loitering on that day?

13 A Not to my knowledge.

14 Q Thank you.

15 REDIRECT EXAMINATION

16 BY SOLICITOR BULSA:

17 Q Mr. Brown mentioned the activity.

18 Is it -- does your police department allow smoking of
19 marijuana there at Woody Court?

20 A No, sir.

21 Q All right. So, if they were going there doing that,
22 should they have been there doing that?

23 A No, sir.

24 Q Thank you.

25 THE COURT: Thank you. Thank you, sir. You may step

Summer Bayne - Direct examination
By Solicitor Bulsa

1 down.

2 SOLICITOR BULSA: Like to call Summer Bayne.

3 THE COURT: Ma'am, if you will just come right up here
4 and let the Clerk of Court swear you in.

5 (Witness complies.)

6 SUMMER BAYNE, being first duly
7 sworn, testified as follows:

8 THE CLERK: Thank you. You may be seated.

9 (Witness complies.)

10 DIRECT EXAMINATION

11 BY SOLICITOR BULSA:

12 Q Summer, how old are you?

13 A Twenty-three.

14 Q Where do you live?

15 A In Woodruff, South Carolina.

16 Q Did you grow up in Woodruff?

17 A I did not.

18 Q When did you move to Woodruff?

19 A When I was 13.

20 Q Okay. So, you've been living there since the age of
21 13?

22 A Yes, sir.

23 Q Did you go to school there?

24 A Yes, sir.

25 Q How far did you go in school?

Summer Bayne - Direct examination
By Solicitor Bulsa

- 1 A I graduated in '09.
- 2 Q Woodruff High School?
- 3 A Yes, sir.
- 4 Q Did you go any further?
- 5 A Yes, I'm in college now.
- 6 Q Where?
- 7 A At Brown Mackie in downtown Greenville.
- 8 Q Do you work?
- 9 A I do.
- 10 Q Where do you work?
- 11 A I work at Northwest Grill in Travelers Rest.
- 12 Q And how long have you been working there?
- 13 A Two years.
- 14 Q Do you have any children?
- 15 A I have a three year old.
- 16 Q And who's the father?
- 17 A Quinn Yeargin.
- 18 Q That's one of the decedents?
- 19 A Yes, sir.
- 20 Q How did you meet Mr., Mr. Yeargin?
- 21 A In high school.
- 22 Q Did he finish high school?
- 23 A No, sir.
- 24 Q Y'all started seeing each other though when you were in
- 25 high school together?

Summer Bayne - Direct examination
By Solicitor Bulsa

- 1 A Yes, sir.
- 2 Q All right. And you heard some of the testimony.
- 3 Actually you didn't.
- 4 I think you came in late, right?
- 5 You didn't hear anybody testify, right?
- 6 A Yes, I didn't hear anything.
- 7 Q So, from, from your memory, could you tell us what time
- 8 or do you remember what time you got to Woody Court that
- 9 night?
- 10 A It was probably 20 minutes till midnight.
- 11 Q Okay. And who did you get there with?
- 12 A I arrived the first time with just me and Tee Parks.
- 13 Q All right. The first time?
- 14 A Yes, sir.
- 15 Q So, what did you do?
- 16 Did you leave and come back?
- 17 A I left to go meet Quinn, yes, sir.
- 18 Q So, you got there a few minutes -- 20 minutes before
- 19 midnight and dropped Tee Parks off?
- 20 A Yes, sir.
- 21 Q And that's Nahtyriean Parks, right?
- 22 A Yes, sir.
- 23 Q Okay. And then tell me what you did after you dropped
- 24 him off?
- 25 A I went and met with Quinn to pick him up but he had

Summer Bayne - Direct examination
By Solicitor Bulsa

1 decided to ride with Travis Jeter.

2 Q And they were riding in whose car?

3 A Jermaine. I'm not sure of his last name. Jermaine.

4 Q Okay.

5 A He's deceased now.

6 Q That's the gentleman that's deceased.

7 Was that Brittany Jeter's boyfriend?

8 A Yes, sir.

9 Q So, who all was in that car?

10 A Travis Jeter, Quinn Yeargin, and Jermaine Nesbitt. I
11 think that's his last name. I'm not sure.

12 Q Was Brittany in the car with him?

13 A Yes, she got in the car with me.

14 Q With you?

15 A Yes, sir.

16 Q So, she rode back over with you and the three guys came
17 together?

18 A Yes, sir.

19 Q Okay. And why did y'all choose to go to Kelly Acres?

20 A Cause that's just where everybody was hanging out at.

21 Q Okay. Did you know anybody that lived over there?

22 A Not at the time, no, sir.

23 Q So, y'all weren't over there actually visiting anyone?

24 A No, sir.

25 Q Why specifically Woody Court?

Summer Bayne - Direct examination
By Solicitor Bulsa

1 A That's just where Quinn was going that night. Tee
2 wanted to hang out with Quinn and that's where Quinn was
3 going. So, that's where we went.

4 Q All right. So, when you got there the second time,
5 what took place?

6 A We all got out the car speaking to everybody that was
7 out there, just hanging out, and I know that Quinn and Frado
8 walked to the middle of Woody Court and---

9 Q Let me stop you right there.

10 A Okay.

11 Q Who is Frado?

12 A Travis Jeter.

13 Q Travis Jeter.

14 So, he's -- he actually rode over with Quinn?

15 A Yes, sir.

16 Q Okay. So, they got out and did what?

17 A They walked to the middle of Woody Court.

18 Q Okay.

19 A They were communicating between the two of them. I'm
20 not -- I don't know what they were saying. I wasn't close
21 enough to hear. I was walking with Brittany Jeter
22 in-between the cars and I went and spoke to Tez Taylor.
23 He's not in here. But was talking to him and Quinn and
24 Frado walked back to the car, talking, doing whatever, and
25 they walked back to the middle of the road and Quinn -- I

Summer Bayne - Direct examination
By Solicitor Bulsa

1 know Quinn asked where Deweet and somebody said Deweet had
2 left. So, that's when Quinn walked up to Terrell Brown.

3 Q Let me stop you a minute.

4 A Okay.

5 Q Deweet is DeAdrien Morton?

6 A Yeah.

7 Q Okay. So, you know these people?

8 A (Witness nods affirmatively.)

9 Q How do you know all these people?

10 A Just from being around in Woodruff.

11 Q Okay. Everybody kind of has a nickname?

12 A Yeah, and I know -- I'm more familiar with their
13 nicknames than their real name.

14 Q Okay. So, Quinn, Yeargin, asked for Deweet?

15 A Yes, sir.

16 Q And was Deweet there?

17 A I didn't see Deweet and I know everybody hollered back
18 that Deweet was gone. From my knowledge, I did not see
19 Deweet.

20 Q Okay. So, what happened after Quinn was asking for
21 Deweet?

22 A He wanted to talk to Rell. So, he walked up to Rell
23 and he said, you know, you my cousin, man. You ain't, you
24 ain't hollered at me since I been out---

25 Q Meaning---

Summer Bayne - Direct examination
By Solicitor Bulsa

1 A ---and---

2 Q Meaning out of prison?

3 A Right.

4 Q Okay. And what---

5 A He had just gotten out of prison two days prior to
6 this.

7 Q And then what happened?

8 A Then Re'll started shooting.

9 Q Did Quinn have a gun?

10 A Not to my knowledge. I never seen him with a gun, no,
11 sir.

12 Q Okay. When the shooting happened, where were you
13 located?

14 A I was probably ten steps away behind Quinn. So,
15 Quinn's back would have been facing me.

16 Q State's Exhibit No. 2, it's a daylight photo of that
17 location.

18 would -- does this show where you might of been?

19 A Yeah, I was right behind that maroon car.

20 Q Behind the maroon car?

21 A Uh-huh. (Affirmative).

22 Q Okay. Do you know where Mr. Parks would of been?

23 A He was behind me over in the middle of Woody Court.
24 So, I couldn't see him. My back would of been to him as
25 well.

Summer Bayne - Direct examination
By Solicitor Bulsa

1 Q So, you didn't see him up here between the cars?

2 A No, sir.

3 Q Where was Mr. Jeter?

4 A He was with Tee Parks over in that area behind me.

5 Q So, when the shooting started, did you actually see the
6 gun in Mr. Brown's hand?

7 A Yes, sir.

8 Q How many times do you recall him shooting?

9 A Three times.

10 Q And what did you do when the shots were fired?

11 A Oh, I was just at a standstill.

12 Q You kind of froze?

13 A Yes, sir.

14 Q And then what do you remember happening?

15 A I remember everybody hollering for me to unlock my
16 doors of my vehicle to get him into my car.

17 Q Did you see where all the people went to?

18 A No, sir.

19 Q You didn't see Mr. Brown run off?

20 A I seen him flee but I wasn't aware of what direction he
21 went.

22 Q Did you see anybody else with any guns?

23 A No, sir.

24 Q Did you hear any other gunshots?

25 A I heard multiple gunshots. Now, whether they were from

Summer Bayne - Direct examination
By Solicitor Bulsa

1 a different gun, I do not know.

2 Q well, what area did they sound like they were coming
3 from?

4 A The same area. I mean I -- I'm not familiar with
5 anything like that. I've never been in that kind of
6 situation --

7 Q Uh-huh. (Affirmative).

8 A -- to know what that was even sounding like.

9 Q When people said for you to get your car unlocked, what
10 did you do?

11 A I unlocked my car.

12 Q Okay. Did you have a---

13 A No, I had to go over and manually put it in the door.

14 Q Use your key to unlock it?

15 A Yes, sir.

16 Q Okay. So, you unlocked your car and then what
17 happened?

18 A Me and Brittany Jeter went to Quinn to assist him to
19 the car.

20 Q And where was Quinn when you went to get him?

21 A Laying on the ground in front of the white truck in the
22 picture.

23 Q Would he have been on the sidewalk kind of?

24 A He would of been halfway on the sidewalk, yes, sir.

25 Q Okay. So, you actually had to help him stand?

Summer Bayne - Direct examination
By Solicitor Bulsa

1 A No, we had to pick him up. He couldn't stand.

2 Q So, you and Brittany were able to pick him up yourself?

3 A No, that -- somebody -- some other guy helped. I'm not
4 sure who it was.

5 Q Okay. And does this show where your car would of been
6 parked?

7 A No.

8 Q Which, which direction would it have been in?

9 A It would of been this way.

10 Q Further this way?

11 A Uh-huh. (Affirmative).

12 Q Okay. Were you able to get him in your car?

13 A Yes, sir.

14 Q And then what happened?

15 A Tee Parks opened the passenger door of the backside and
16 got him in my car.

17 Q And then what happened?

18 A He put Quinn's head in his lap, shut the door, and told
19 me to go and not stop for anybody. So, I did.

20 Q Where did you go?

21 A To Spartanburg Regional.

22 Q When did you realize Mr. Parks had been shot?

23 A Halfway, halfway to the hospital. He was talking to me
24 the whole time and he just, all of a sudden, quit responding
25 to me. So, I turned around and seen him slouched over on

Summer Bayne - Direct examination
By Solicitor Bulsa

1 top of Quinn.

2 Q when you picked up Mr. Yeargin from the ground, did you
3 see any weapons around?

4 A No, sir.

5 Q Okay. Was there a weapon in your car after the fact?

6 A No, sir.

7 Q Okay. Did the police go through your car?

8 A Yes, sir.

9 Q Did they find anything in there?

10 A No, sir.

11 Q Did you know Mr. Yeargin had a gun?

12 A No, sir.

13 Q So, you didn't see one on him that night?

14 A No, sir.

15 Q Who did you see with a gun that night?

16 A Terrell Brown.

17 Q Anybody else?

18 A No, sir.

19 SOLICITOR BULSA: Okay. That's all I have.

20 Answer any questions Mr. Brown has for you.

21 CROSS-EXAMINATION

22 BY MR. BROWN:

23 Q Were you looking at Frado the whole time you were out
24 there?

25 A No, sir.

Summer Bayne - Cross-examination
By Mr. Brown

1 Q So, you don't know what he could of been doing?

2 A No, sir.

3 Q What did Yearg go to jail for, prison for?

4 A Quinn Yeargin?

5 Q Yes.

6 A It was multiple charges. He had a -- gun charges. He
7 never had any actual -- he never actually had a charge for
8 shooting at anybody. He had a charge for pulling a firearm.

9 Q Did you ever know him to be the kind of person that was
10 known to pull guns out?

11 A Yes.

12 Q So, that wouldn't have been uncommon for him to have a
13 gun and pull it on someone?

14 A No, sir.

15 Q Would it have been uncommon for him to pull a, pull a
16 gun on someone he had some beef with?

17 A No, sir.

18 Q Was a lot of people out there that night?

19 A Yes, sir.

20 Q Friends of both Mr. Brown and friends of Yearg and
21 everybody else?

22 A Yes, sir.

23 Q So, you can't say, if something was left behind,
24 friends didn't grab things up from the ground?

25 A No, sir, I can't say that.

Summer Bayne - Cross-examination
By Mr. Brown

1 Q You don't know that?

2 A No, sir.

3 Q You weren't concerned about hey, let me try to find a
4 gun and take it with me or let me find a gun and identify it
5 for anybody?

6 A No, sir.

7 Q The only thing you were concerned with was what?

8 A The -- my child's father.

9 Q Getting him to the hospital?

10 A Right.

11 Q Did you ever have the occasion to speak with Mr. Brown
12 after this?

13 A Yes, sir.

14 Q And did you have a conversation with him about this
15 being potentially a matter of self-defense?

16 A Yes, sir.

17 Q Okay. And did you ever tell him directly that he may
18 have just been defending himself?

19 A No, sir.

20 Q You never had that --

21 A No.

22 Q -- conversation?

23 well, what kind of conversation did you have in regards
24 to self-defense then with Mr. Brown?

25 A He told me his side of the story.

Summer Bayne - Cross-examination
By Mr. Brown

1 Q And you listened?

2 A Yes, sir.

3 Q And you brought, at some point, you brought everybody
4 to the scene that was with Mr. Yearg?

5 A Did I bring who?

6 Q Anyone else besides Yeargin and Tee.

7 A I didn't bring Yearg. He rode in another car.

8 Q Okay. You, you said you left and went to meet---

9 A Yes, sir.

10 Q ---who, him?

11 A Yeargin.

12 Q And when you met him, he came back to the scene with
13 you?

14 A No, he stayed in the car with Travis Jeter and
15 Jermaine.

16 Q And that's Frado?

17 A Yes.

18 Q And followed you back out to Woody Court?

19 A Yes, sir.

20 Q Were there any conversations that was had at the, at
21 the point in which you wanted to meet with them?

22 A Meet with who?

23 Q Yearg.

24 A Yes, Tee was meeting with them and Tee was with me.

25 Q Any conversations involving something about Mr. Brown?

Summer Bayne - Cross-examination
By Mr. Brown

1 A No, sir.

2 Q Any conversation, at that point, involving Deweet?

3 A No, sir.

4 MR. BROWN: Okay. That's all the questions I have.

5 THE COURT: Any redirect limited to what he went into?

6 SOLICITOR BULSA: Just briefly.

7 REDIRECT EXAMINATION

8 BY SOLICITOR BULSA:

9 Q Mr. Brown asked about if you had a conversation with
10 Terrell Brown.

11 A Yes, sir.

12 Q When did that occur?

13 A It's been, it's been a while. I'm not sure about when
14 it was. I don't remember.

15 Q I mean how did that take place?

16 A He called my phone from the county.

17 Q From the jail?

18 A Uh-huh. (Affirmative).

19 Q And Mr. Brown mentioned -- he made a comment about
20 having a beef with somebody.

21 Did Mr. Yeargin have a beef with the defendant?

22 A From my knowledge, I wasn't aware of them having any
23 beef. Now, people that he hung out with, yes, but Mr. Brown
24 himself, no.

25 Q Who, who did he have a beef with that Mr. Brown hung

Summer Bayne - Redirect examination
By Solicitor Bulsa

1 out with?

2 A Franklin Higgins and Booker. I don't know his real
3 name.

4 Q Before the shooting, what was the atmosphere?

5 A I mean everybody was just hanging out. I mean
6 drinking.

7 Q And when Mr. Yeargin went up to Mr. Brown, was it in an
8 angry fashion?

9 A Not to my knowledge, no.

10 Q I mean you were there.

11 A Right.

12 Q From your prospective, what was going on?

13 A I mean he just wanted to know why Re'll hadn't spoke to
14 him since he had been out of the prison.

15 Q well, did he seem like he was upset?

16 A No, sir.

17 Q Thank you.

18 THE COURT: Thank you, ma'am. You may step down.

19 SOLICITOR BULSA: I have one other officer.

20 May I step out?

21 THE COURT: Yes, sir.

22 (Pause.)

23 SOLICITOR BULSA: Your Honor, may we approach?

24 (Whereupon, a bench conference was held at this time.)

25 SOLICITOR BULSA: Please the Court, Your Honor.

1 We have an officer that was in route. He was the
2 forensics officer, Sean Nix. He was actually working a
3 homicide. The initial forensics officer was not a homicide
4 forensics officer that responded that night. Mr. Nix came
5 later that morning and basically went back over the scene
6 again, and I was gonna have him testify that there was no
7 other shell casings located in the daylight hours or any
8 other bullet strikes to any of the vehicles or buildings in
9 the area noted during his investigation.

10 MR. BROWN: Your Honor, I understand that he would of
11 been the secondary officer to come to the scene several
12 hours later during the daylight hours. We do not, not
13 object to that being the testimony that was gonna be
14 perceived. We don't object to that, Your Honor.

15 THE COURT: All right.

16 SOLICITOR BULSA: And that would be all the testimony
17 from the State regarding this hearing.

18 THE COURT: Defense intend to call any reply?

19 MR. BROWN: No, Your Honor.

20 THE COURT: All right. In chambers, y'all had
21 mentioned, y'all don't know whether y'all were serious about
22 it, about me going out to the scene.

23 Do y'all want me to do that?

24 SOLICITOR BULSA: I don't believe the State needs the
25 Court to do that. I'll leave it up to the defense.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 MR. BROWN: May I confer with my client, Your Honor?

2 THE COURT: (Nods affirmatively.)

3 (Pause.)

4 MR. BROWN: Your Honor, based upon the, the testimony
5 that's been presented and the evidence, we don't find it's
6 necessary for the Court --.

7 THE COURT: All right. Okay. Lawyers approach a
8 moment.

9 (WHEREUPON, a bench conference was held at this time.)

10 THE COURT: All right. Having consulted with the
11 lawyers, we're gonna move to the next hearing, which is a
12 Jackson v. Denno hearing.

13 SOLICITOR BULSA: State calls Lorin Williams.

14 THE COURT: Sir, just come right up here. I just need
15 to remind you that you remain under oath.

16 Do you understand that?

17 THE WITNESS: Yes, sir.

18 THE COURT: All right, sir. Just have a seat in the
19 red chair.

20 (Witness complies.)

21 LORIN WILLIAMS, having been previously
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY SOLICITOR BULSA:

25 Q Detective Williams, we're gonna talk about your

Lorin Williams - Direct examination
By Solicitor Bulsa

1 conversation that you had with the defendant. You mentioned
2 it briefly in your prior testimony.

3 Do you remember that?

4 A Yes, sir.

5 Q All right. I'm gonna show you what's been marked --.

6 (WHEREUPON, an advice of rights form was marked as
7 State's Exhibit No. 9 for identification purposes only at
8 this time.)

9 Q This is State's Exhibit No. 9 for purposes of this
10 hearing.

11 A Yes, sir.

12 Q When would you have met with Mr. Brown?

13 A This was on 9/2 at approximately 10:30AM.

14 Q And where were you when you met with him?

15 A The Sheriff's Office.

16 Q Had you spoken to him at anytime before then?

17 A I saw him at the, at the scene where Greenville County
18 had taken him into custody. I may of introduced myself at
19 that point but I'm not, I'm not a hundred percent sure
20 whether I did or not.

21 Q Was there any interrogation?

22 A No, there was not.

23 Q At that point?

24 A No.

25 Q In fact, you said he went to the hospital to get

Lorin Williams - Direct examination
By Solicitor Bulsa

1 treated for --?

2 A Dog bite.

3 Q -- dog bite?

4 A That's correct.

5 Q So, he came from the hospital back to the Sheriff's
6 Office?

7 A Yes.

8 Q And where exactly in the Sheriff's Office did you meet
9 with him?

10 A Criminal investigations.

11 Q Just in an interview room?

12 A In an interview room, yes, sir.

13 Q Would anybody have been with you?

14 A Not at this point, no.

15 Q Okay. Would you tell us what procedure took place when
16 you first met with him?

17 A Introduced myself. I would have explained first what
18 we were gonna do as far as the interrogation form. Read it
19 to him, got the information to fill the top of it out, went
20 down through each portion of it, told him what it was in
21 reference to as it was in reference to a shooting, and asked
22 him about his education, and he told me he had finished 12
23 years in school. I asked him where he went to school. He
24 said Hillcrest High and I always write that out to the side.
25 Then asked him sign and that -- to sign it that he

Lorin Williams - Direct examination
By Solicitor Balsa

1 understands what the Miranda form is in reference to.

2 Q Okay. So, State's Exhibit 9 contains five points which
3 set out his legal rights?

4 A That's correct.

5 Q And it says that you read those to him?

6 A That's correct.

7 Q And did he acknowledge understanding those?

8 A He did.

9 Q And then there's a second portion where he waives and
10 agrees to talk to you?

11 A About that particular incident.

12 Q And did he waive those rights and agree to talk to you?

13 A Yes, he did.

14 Q And it's got your signature on it?

15 A That's correct.

16 Q All right. Did he seem to understand what was taking
17 place?

18 A He did.

19 Q Now, he'd just been to the hospital.

20 Do you know if he was in -- on any medication that
21 would of affected his ability to know what was going on?

22 A No, sir, I don't know what medication he was given at
23 the hospital but he was very coherent, willing, and able to
24 talk.

25 Q And about how long did your discussion last?

Lorin Williams - Direct examination
By Solicitor Balsa

1 A Oh, I would say -- well, it was fairly lengthy because,
2 after we, we spoke with him, we went to recover the weapons.

3 Q Okay. Well, I'm talking about just there---

4 A The actual interview itself, I would say an hour, hour
5 and a half, somewhere in that neighborhood.

6 Q Was he forthcoming at first?

7 A Not at -- not in the very beginning, no.

8 Q Okay. Was he made any promises or coerced in anyway to
9 get him to become willing?

10 A No, sir.

11 Q Okay. What took place?

12 How did he then begin to talk with you?

13 A Well, we started speaking about the incident. He
14 started talking about the, the way and who was there and
15 what had happened. He, he laid out pretty much what had,
16 what had gone on. Talked about the -- Yeargin and the
17 person by that -- that he knew as PI that had been, you
18 know, having some problems, that they -- then he started
19 hollering at him wanting to know why he hadn't come and seen
20 him or hadn't talked to him since he had been out of jail.
21 And then he, he just basically went into the point where
22 Yeargin had come at him with the gun and presented the
23 weapon. At that point, he pulled his and the rounds were
24 fired.

25 Q Did he put any of this in writing?

Lorin Williams - Direct examination
By Solicitor Bulsa

- 1 A No, sir, he didn't.
- 2 Q why is that?
- 3 A I couldn't answer that.
- 4 Q Did you ask him to?
- 5 A I did.
- 6 Q what was his response?
- 7 A He just -- don't know that he had one. He just said
- 8 that he would tell me about it but he didn't want to write
- 9 it down.
- 10 Q Okay. How did you learn where the pistol was?
- 11 A He told me.
- 12 Q Did you coerce him in anyway?
- 13 A No.
- 14 Q Did you promise him anything?
- 15 A No. No, I didn't. We talked about it. I explained to
- 16 him that, due to the fact that the story that he was giving
- 17 us with the, the different weapons, that without the weapon,
- 18 it would be hard to corroborate any of his testimony. It
- 19 would be hard to be able to say, you know, what had
- 20 happened, what hadn't happened, and also, anytime we have
- 21 someone that's thrown or discharged or discarded a weapon, I
- 22 always caution them to let them know, you know, that you
- 23 don't want a child or someone else to find the weapon and
- 24 get hurt with it.
- 25 Q Did he actually accompany, accompany you to a location

Lorin Williams - Direct examination
By Solicitor Balsa

1 where he threw it out?

2 A Yes, he did.

3 Q Okay. So, his cooperation extended beyond just the
4 interview?

5 A Yes, it did. I mean he, once we got to the, to the,
6 the pond, the area where the weapon had been thrown out, he
7 actually got and showed us where he was standing and
8 demonstrated, you know, to get an idea of exactly where the
9 weapon would of gone, how far out it would of been.

10 Q Was he doing all this of his own free will?

11 A Yes.

12 Q And how long you been an officer?

13 A I started in '94.

14 Q So, your dealings with Mr. Brown, did he understand his
15 rights?

16 A He did.

17 Q Was he threatened in anyway?

18 A No, sir, he was not.

19 Q Was not made any promises?

20 A No, sir.

21 Q Freely and willingly gave up those rights?

22 A He did.

23 Q You said you were the one in the interview room.

24 Did anybody else accompany you to the pond?

25 A Yes.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q who?

2 A Jason Bryant was with us. I think there were a couple
3 of other investigators that met us over there. I don't
4 remember exactly who went over there that time.

5 Q It was you and Mr. Bryant and the defendant in one
6 vehicle?

7 A Yes.

8 Q Okay. On the waiver form, it's got 12 years in school
9 at Hillcrest High School.

10 Does that mean he graduated from Hillcrest High School?

11 A That's correct.

12 Q Okay. Answer any questions Mr. Brown has for you.

13 CROSS-EXAMINATION

14 BY MR. BROWN:

15 Q Twenty-one years of law enforcement experience.

16 Is that your testimony?

17 A I got out for five years. I started in '94.

18 Q And you are the only person that was in the room
19 interviewing Mr. Brown?

20 A Correct.

21 Q You have no witness on that form?

22 A No, sir.

23 Q There's a place for a witness to sign that form?

24 A There is.

25 Q Based upon your law enforcement, law enforcement

Lorin Williams - Cross-examination
By Mr. Brown

1 experience over the 20 odd years, is it uncommon for someone
2 to write a statement for someone and have them sign what
3 you've written?

4 Have you ever done that?

5 A You're referring to the Miranda form?

6 Q Well, an actual voluntary statement.

7 A It's, it's gonna be signed.

8 Q So, my question to you is would it be uncommon for you
9 to write out a statement for someone, if they didn't write
10 it, and have them sign it after they'd gone over the
11 statement---

12 A Oh, no.

13 Q ---with you?

14 A No.

15 Q You didn't do that in this case?

16 A No, I didn't.

17 Q I asked it because you said there wasn't any type of
18 promises made to Mr. Brown in terms of him giving his
19 information to you?

20 A That's correct.

21 Q So, you never promised to help him out on his case?

22 A No, sir.

23 Q You never had a discussion with him, prior to him
24 signing this form, about the, the events that occurred on
25 that evening or that morning?

Lorin Williams - Cross-examination
By Mr. Brown

1 A No, sir. We was --.

2 Q Please.

3 A He, he was transferred to the Sheriff's Office and that
4 was -- when I went into the room, that would be when he was
5 Mirandized.

6 Q So, the moment, the moment he was seen by you you
7 immediately went over his, his rights on that form?

8 A When they're transferred to the Sheriff's Office, once
9 they go into CID, when we go in, I introduce myself, tell
10 him why we're there, and we do Miranda.

11 Q And he was immediately, after you read that form and
12 had him sign it, he was immediately, immediately ready to
13 speak with you about the events that occurred between
14 September 1st and September 2nd?

15 A I don't understand what you mean.

16 Q Did he hesitate after he signed that form to talk to
17 you?

18 A If I can refer back to my notes?

19 (Pause.)

20 A I apologize. No. No, he didn't and we started, we
21 started talking about it and he told me what had happened.

22 Q In getting him to sign that form, did you ever say to
23 him, prior to him signing the form and having a conversation
24 with him, that you understood what happened on that evening
25 and there's nothing wrong with a person having to defend

Lorin Williams - Cross-examination
By Mr. Brown

1 themselves?

2 A No, sir.

3 Q You never had that type of conversation with him
4 throughout the time period?

5 A No, sir.

6 Q Never talked to him about self-defense?

7 A I'm sure self-defense was brought up after he -- when
8 he laid it out the way that he did but not, not at the time
9 of Miranda.

10 Q And when you say it may of been brought up, would you
11 have brought that up?

12 A No, he brought it up.

13 Q would you have talked to him about him personally
14 having the right of self-defense?

15 A That -- the discussion of what self-defense is I'm
16 sure, yes.

17 Q And self-defense, as relates to him, would have had
18 that conversation with him?

19 A Just as far as what it was.

20 Q Okay.

21 A You know, the circumstances, if they are what he said
22 they were, that was---

23 Q And that was---

24 A That was how we got into the gun portion of it.

25 Q Not your opinion that he would of been entitled to

Lorin Williams - Cross-examination
By Mr. Brown

1 exercise self-defense?

2 A No.

3 Q Under the circumstances?

4 A Not at the time of Miranda.

5 Q But eventually you had that conversation?

6 A I mean it -- I've got in my report that, if everything
7 was the way that he said that it was and everything that
8 was, you know, the forensic evidence, statements, witnesses
9 that we didn't have, witnesses that never showed up, had
10 they come forward, had they been able to provide that, that
11 those would be things that would be looked at.

12 Q Okay. Anything inconsistent with what he's supposedly
13 said to you or shared with you?

14 A At the time that he gave the statement?

15 Q Yes, sir.

16 A No.

17 Q And based upon your investigation, you have not had the
18 chance to hear from a number of witnesses and different
19 individuals?

20 A They never came forward.

21 Q You never found them?

22 A No, sir.

23 Q That's all the questions I have. Please---

24 THE COURT: Any redirect limited to what he went into?

25 SOLICITOR BULSA: Just briefly.

Lorin Williams - Redirect examination
By Solicitor Bulsa

1 REDIRECT EXAMINATION

2 BY SOLICITOR BULSA:

3 Q Did the defendant ever ask you to write his statement
4 for him?

5 A No, sir.

6 Q Okay. Did you ask him if he wanted you to write it?

7 A No, sir.

8 Q Okay. You merely asked him if---

9 A If he wanted to---

10 Q ---write it himself?

11 A Yeah, give him -- I give them the opportunity to write
12 a statement. I asked him if we need to put it on paper, do
13 they want to write a statement.

14 Q And his response was?

15 A And he said he did not, he did not want to write it.

16 Q But then you later documented the conversation in your
17 report?

18 A Correct.

19 Q And that's what you've been referencing?

20 A That's correct.

21 Q Thank you.

22 THE COURT: Thank you, sir. You may step down.

23 SOLICITOR BULSA: And that's the State's showing in
24 this matter. I don't know if the defense has anything.

25 THE COURT: Defense wish to call a witness on this

Terrell Brown - Direct examination
By Mr. Brown

1 issue?

2 MR. BROWN: Your Honor, we call Mr. Terrell Brown.

3 THE COURT: Sir, come on up to the witness stand.

4 (Witness complies.)

5 THE COURT: Sir, I just need to remind you that you
6 remain under oath.

7 Do you understand that?

8 THE WITNESS: Yes, sir.

9 TERRELL BROWN, having been
10 previously sworn, testified as follows:

11 THE COURT: Thank you, sir. Just have a seat in the
12 red chair and pull the red chair up to the microphone.

13 (Witness complies.)

14 DIRECT EXAMINATION

15 BY MR. BROWN:

16 Q Mr. Brown, you were present when the testimony of
17 Investigator Williams --?

18 A Yes, sir.

19 Q The way in which he described the events relating to
20 your interrogation, is he correct?

21 A Somewhat.

22 Q In terms of what you differ with his version of facts
23 as relates to getting to the reading of your rights and you
24 signing away, did you have a conversation with him prior to
25 signing that form?

Terrell Brown - Direct examination
By Mr. Brown

1 A Yeah, when I first came in there, he, he informed me --
2 I think he informed me of my rights but I didn't sign
3 nothing. He started, he started questioning me about, you
4 know, what, what went on or whatever. And, at first, I
5 wasn't talking to him. And he told me, he was like, if you
6 feel like your life was in danger, then you have the, you
7 have the -- it's your God given right to defend your life.

8 Q And that's what he told you specifically?

9 A Yes, sir.

10 Q At some point you, you signed the form but he did
11 apprise you of your rights?

12 A Yes, sir.

13 Q And from that, after that conversation, you told him
14 about the events that, that led up --?

15 A Yes, sir.

16 Q Did he ever ask you to write your statement?

17 A I really don't remember. I think so though. I think
18 he did ask me.

19 Q In your, in your state of mind, would you have wanted
20 to ask him to write it for me?

21 Did you ever say that to him?

22 A No, sir.

23 Q Did he ever offer to write it for you?

24 A I don't think so.

25 Q Well, in fact, do you have a written statement from

Terrell Brown - Direct examination
By Mr. Brown

1 your conversation with him?

2 A No, sir.

3 Q So, we don't know how many people you, you talked about
4 that were at the scene?

5 There's no written statement from you in regards to
6 that?

7 A No, sir.

8 Q Did he ever talk to you about Mr. Jeter, also known as
9 Mr. Frado, in your conversation with him?

10 A I think so, yeah. I think we talked about that.

11 Q He talked to you about Mr. Parks?

12 A Yes, sir.

13 Q Of course, the activities of Yeargin and everyone out
14 there that evening?

15 A Yes, sir.

16 Q Did he talk to you directly about giving him some names
17 of people that he could talk to?

18 A Yes, sir.

19 Q He told you he was gonna follow-up with that?

20 A Yes, sir.

21 Q In all -- from your conversation with him, you took
22 him, at some point, to the scene of where the gun, .38
23 revolver, was located?

24 A Yes, sir.

25 Q And he was able to recover that?

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 A Yes, sir.

2 MR. BROWN: That's all the questions I have, Your
3 Honor.

4 CROSS-EXAMINATION

5 BY SOLICITOR BULSA:

6 Q Mr. Brown, you went to the hospital right before this,
7 right?

8 A Yes, sir.

9 Q They gave you some pain medicine?

10 A Yes, sir.

11 Q That affect your ability to understand what was going
12 on?

13 A No, sir.

14 Q So, you knew what was taking place?

15 A Yes, sir.

16 Q How about the marijuana you had smoked the night
17 before, did that affect you?

18 A No, sir.

19 Q Okay. But you did smoke marijuana the night before?

20 A Probably, yeah. Probably a couple nights before.

21 Q The night of the shooting?

22 A No, I ain't smoked no marijuana that night.

23 Q Oh, I thought somebody said you were involved in the
24 marijuana smoking.

25 A I didn't smoke no marijuana that night.

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 Q So, you didn't have any marijuana in your system that
2 would of affected your understanding of what was taking
3 place with Mr. Williams?

4 A No, sir.

5 Q All right. And the medicine didn't bother you and what
6 I heard is a description about when you signed the form
7 cause you said, when you first went in there, Mr. Williams
8 read you your rights.

9 Is that right?

10 A Yes, sir.

11 Q So, before he starts speaking to you, you understood
12 what your rights were?

13 A Yes, sir.

14 Q And with that understanding, you spoke to him?

15 A Yes, sir.

16 Q Okay. And then you'd say it was at a later point he
17 actually pulled out the form and you signed it?

18 A Yes, sir.

19 Q Regardless of the sequencing, you knew your rights
20 before you were questioned?

21 A That's correct.

22 Q Okay. And you understood those rights?

23 A Yes, sir.

24 Q And you gave those rights up and spoke with the
25 detective?

Terrell Brown - Cross-examination
By Solicitor Bulsa

1 A Yes, sir.

2 Q And you went only -- carried him or showed him where
3 you threw the gun?

4 A Yes, sir.

5 Q Thank you.

6 THE COURT: Thank you, sir. You may step down.

7 Any, any evidence in reply from the State or does the
8 defense have any other witnesses on this issue?

9 MR. BROWN: None, Your Honor.

10 THE COURT: Any reply from --?

11 SOLICITOR BULSA: No, sir.

12 THE COURT: All right. I'm gonna step down. Give me
13 two seconds and I'll come back and see if we can address
14 these.

15 SOLICITOR BULSA: Yes, sir.

16 (WHEREUPON, a short recess was taken at this time.)

17 THE COURT: All right. On the, on the first series of
18 motions, to invoke the provisions of South Carolina
19 16-11-450 and to do so to prevent prosecution of these
20 cases, the immunity that's offered by that section, I
21 believe the Legislature has been quite clear that persons
22 can not be prosecuted for offenses when a defendant asserts
23 that statute and meets their burden of proof by
24 preponderance of the evidence to establish the provisions of
25 the statute. Part of the statute does provide that the

1 person had to lawfully be at an area where he had a right to
2 be.

3 We've got two different victims in this case. I think
4 that -- the fact that they had a policy in effect that said
5 you can't be out there, the fact that it was in the lease
6 about the conduct, I do not believe that the defense has met
7 its burden of establishing, by preponderance of the
8 evidence, the necessary elements to make this statute
9 applicable. So, I don't feel like I have to -- I note that
10 there's gonna be a big difference in the facts of the case.
11 There's gonna be testimony about, about one of, one of the
12 deceased had a gun. There also will be testimony that a
13 particular deceased didn't have a gun.

14 So, I don't -- I'm not addressing that -- those issues.
15 My understanding is that, you know, if the defense still
16 desires, they can still put up the defense of self-defense,
17 and have, have me properly charge a jury on those elements.
18 So, I understand that there's gonna be a factual dispute in
19 this case on the other elements that relate to self-defense.

20 I also am gonna find that the State has met its burden
21 of proof in regards to the statement that was given by the
22 defendant to the police officer. The defendant was quite
23 candid. He relayed to the Court that he understood his
24 Constitutional rights when he began speaking to the police
25 officer irregardless of when this actual form might have

1 been given to him. And so, I believe that and I, I didn't
2 hear any testimony that it was -- had been coerced or was
3 any type -- under any type of pressure or undue duress at
4 the time that he offered the statement to the police
5 officers.

6 So, I believe the State has met its burden in regards
7 to the Jackson v. Denno issue.

8 But, again, if the defense wishes to raise that issue
9 to the jury at trial, they're more than apt to do so.

10 All right. We will be adjourned until 9:30 in the
11 morning.

12 SOLICITOR BULSA: Thank you, Your Honor.

13 THE COURT: See the lawyers for a moment.

14
15 (WHEREUPON, a bench conference was held at this time
16 and Court was in recess for the evening.)
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1 Tuesday, March 17th, 2015

2
3 THE COURT: Let me ask the, the lawyers a question for
4 a moment.

5 Yesterday, the, the two victims were referred to by
6 nicknames frequently. I'm going to be asking the jurors if
7 they know these victims.

8 So, should I identify them also by their nicknames?

9 MR. BROWN: Yes, Your Honor.

10 THE COURT: Okay. What was this, this Nahtyriean?

11 UNIDENTIFIED FEMALE: Nahtyriean.

12 THE COURT: Yeah.

13 What was his name?

14 UNIDENTIFIED FEMALE: Tee.

15 MR. BROWN: Tee.

16 SOLICITOR BULSA: Tee.

17 THE COURT: Tee?

18 Okay. And what was Mr. Yeargin's?

19 SOLICITOR BULSA: Quinn.

20 MR. BROWN: Yearg and Quinn.

21 THE COURT: Yer?

22 MR. BROWN: Yearg.

23 SOLICITOR BULSA: Shorten version of his last name and
24 Quinn.

25 MR. BROWN: And Quinn was the first name.

1 SOLICITOR BULSA: Quinn is short for Laquinton.

2 THE COURT: Yer and Quinn?

3 Okay.

4 SOLICITOR BULSA: Yearg.

5 MR. BROWN: Yearg like Spartanburg.

6 THE COURT: Yearg.

7 Quinn as in Quinn?

8 SOLICITOR BULSA: Yes, sir.

9 THE COURT: Okay. All right. We'll come back in just
10 a moment.

11 (WHEREUPON, a short recess was taken at this time and
12 the following takes place within the presence of the entire
13 jury panel.)

14 THE COURT: All right. Ladies and gentlemen, we're now
15 going to begin with the selection of the first jury of the
16 week, and the, and the first case is gonna be the State
17 versus Terrell Antonio Brown.

18 I've got a few questions that I need to ask you prior
19 to our actual, actual selection of the jury. But before I
20 ask you these questions, it is necessary for the Clerk of
21 Court to swear you in again. So, if you will, please stand
22 and raise your right-hand.

23 (WHEREUPON, the entire jury panel was placed under oath
24 at this time.)

25 THE CLERK: You may be seated.

1 THE COURT: Thank you. You may be seated.

2 All right. Lady -- ladies and gentlemen, we are now
3 going to begin the jury selection in the case of the State
4 of South Carolina versus Terrell Antonio Brown.

5 Ladies and gentlemen, I, I -- I'm like -- can we have
6 Mr. Brown please stand and face the ladies and gentlemen of
7 the jury?

8 (WHEREUPON, the Defendant complies.)

9 THE COURT: Ladies and gentlemen, this is Mr. Terrell
10 Antonio Brown.

11 Now, Mr. Brown is charged, by way of indictment, of
12 three offenses. He's charged with one count of murder and
13 the indictment provides that, in Spartanburg County, on or
14 about September the 2nd, 2013, Mr. Brown did feloniously,
15 willfully, and with malice aforethought kill one Nahtyriean
16 Shaquille Parks, and Mr. Parks -- otherwise known as Tee
17 Parks.

18 The second charge is also a charge of murder and the
19 indictment provides that, in Spartanburg County, on or about
20 September 2nd, 2013, Mr. Terrell Antonio Brown did,
21 feloniously, willfully, and with malice aforethought, kill
22 one Laquinton Yeargin. Mr. Yeargin nicknames -- also known
23 as Yearg or Quinn.

24 And then also Mr. Terrell Antonio Brown is also charged
25 with unlawful carrying of pistol, and the indictment

1 provides that Mr. Terrell Antonio Brown, did, in Spartanburg
2 County, on or about September 2nd, 2013, unlawfully possess
3 a handgun and not being authorized to do so by law.

4 Now, Mr. Terrell Antonio Brown has pled not guilty to
5 all three of these indictments, ladies and gentlemen, and
6 that is what the trial of this case is going to be about.

7 But, ladies and gentlemen, if you are related to
8 Mr. Terrell Antonio Brown or if you have a close personal or
9 social relationship with Mr. Terrell Antonio Brown, I need
10 for you to please stand at this time.

11 (No response.)

12 THE COURT: Thank you, Mr. Brown. You may be seated.

13 (WHEREUPON, the Defendant complies.)

14 THE COURT: Ladies and gentlemen, again, I've announced
15 the victim, the alleged victims in these cases as being a
16 Nahtyriean Shaquille, Shaquille Parks also known as Tee
17 Parks, and a Mr. Laquinton Yeargin also known as Yearg or
18 Quinn.

19 Ladies and gentlemen, if you know either of these
20 alleged victims or if you or -- I'm sorry. If you are
21 related by blood or marriage to any of -- either of these
22 two alleged victims or if you have a close personal or
23 social relationship with either of these alleged victims, I
24 need for you to please stand at this time.

25 (No response.)

1 THE COURT: All right. All right. Ladies and
2 gentlemen, I'm now going to read to you a list of potential
3 witnesses who may be called in the trial of this case. I
4 need for you to please listen to all of these names. After
5 I've announced all of the names, I'm gonna ask that you
6 please stand if you're related by blood or marriage to any
7 of these individuals or if you have a close personal or
8 social relationship with any of these individuals.

9 I would also ask if any of these individuals, if they
10 are in the courtroom, if, when I call your name, if you
11 would, please stand and face the ladies and gentlemen of the
12 jury.

13 All right. We have James Abercrombie.

14 Summer Bayne.

15 Keala Drummond.

16 Lakesha Jackson.

17 Brittany Jeter.

18 Travis Jeter.

19 Asa Lake.

20 Debbie Marshall.

21 Nancy Rodriguez.

22 Darrell Dawkins of Woodruff Police Department.

23 (Witness stands.)

24 THE COURT: Sergeant Darrell Johnson of Woodruff Police
25 Department.

1 (Witness stands.)

2 THE COURT: Sergeant Mitzi Forrester. Use to work for
3 Woodruff Police Department.

4 Lee Teal, who is now with the Cowpens Police
5 Department. Formerly with Woodruff Police Department.

6 Sergeant Jason Bryant, Spartanburg County Sheriff's
7 Office.

8 Sergeant Deanna Burgess, Spartanburg Sheriff's --
9 Spartanburg County Sheriff's Department.

10 Tommy Clark is with the Spartanburg County Sheriff's
11 Department.

12 Matt Davis is with the Spartanburg County Sheriff's
13 Department.

14 Darren Dukes is with the Spartanburg County Sheriff's
15 Department.

16 (Juror responds.)

17 THE COURT: Sir, you can sit down. I'm gonna ask that
18 you stand up at the end of this process.

19 THE JUROR: All right.

20 THE COURT: Mark Freeman, who's with the Spartanburg
21 County Sheriff's Department.

22 William Gary is with the Spartanburg County Sheriff's
23 Department.

24 Steven Horton is with the Spartanburg County Sheriff's
25 Department.

1 Chad Ingle with the Spartanburg County Sheriff's
2 Department.

3 Michael Sean Nix with the Spartanburg County Sheriff's
4 Department.

5 Robert Talanges?

6 SOLICITOR BULSA: Talanges.

7 THE COURT: Talanges who's with the Spartanburg County
8 Sheriff's Department.

9 Lorin Williams with the Spartanburg County Sheriff's
10 Department.

11 John Boyd who's with the Greenville County Sheriff's
12 Office.

13 H.T. Campbell who's with the Greenville County
14 Sheriff's Department.

15 Pat DeRosa who's with the Greenville County Sheriff's
16 Department.

17 Sergeant Patrick Donahue is with the Greenville County
18 Sheriff's Department.

19 Robert Grubbs who's with the Greenville County
20 Sheriff's Department.

21 Robert May who's with the Greenville County Sheriff's
22 Department.

23 John Redman with the Greenville County Sheriff's
24 Department.

25 Whitney Berry who is with South Carolina Law

1 Enforcement Division.

2 Dan DeFreese who's with the Spartanburg -- South
3 Carolina Law Enforcement Division.

4 Chris Jenkins who's with Spartanburg Regional Medical
5 Center.

6 Doctor David Wren who's with Spartanburg Regional
7 Medical Center.

8 Kierri Gilliam.

9 Kesha Jackson.

10 Tay Alexander.

11 Kelsi Jones.

12 Franklin Higgins.

13 DeAdrien Morton.

14 Ann Parks.

15 Captain Mike Jones of the Spartanburg County Sheriff's
16 Department.

17 Jamar Murray.

18 Tyrus Murray.

19 Jasmine Brown.

20 Nicklous Rhodes.

21 Tabatha Parks.

22 Shay Jeter.

23 Marcus Parks.

24 Abreshia Elmore.

25 Ladies and gentlemen, if you're related by blood or

1 marriage to any of those individuals or if you have a close
2 personal or social relationship with any of those
3 individuals, I would ask that you please stand at this time.

4 (Jurors respond.)

5 THE COURT: All right. Your number, sir?

6 THE JUROR: 85.

7 THE COURT: And who is it that you, that you know, sir?

8 THE JUROR: Matthew Davis.

9 THE COURT: And, sir, the fact that you know that
10 individual, would that, in anyway, affect your ability to
11 give both the State and the defense a fair and impartial
12 trial in the event you're selected as a member of this jury?

13 THE JUROR: No, sir.

14 THE COURT: Thank you, sir. You may be seated.

15 Yes.

16 THE JUROR: 132.

17 THE COURT: One?

18 THE JUROR: Lena Russell.

19 THE COURT: 132.

20 THE JUROR: Doctor David Wren.

21 THE COURT: Just a moment, ma'am.

22 (Pause.)

23 THE COURT: Thank you.

24 Ms. Russell, who is it that you know?

25 THE JUROR: Doctor David Wren.

1 THE COURT: And the fact that you know that individual,
2 would that, in anyway, affect your ability to give both the
3 State and the defense a fair and impartial trial?

4 THE JUROR: No, sir.

5 THE COURT: Thank you, ma'am. You may be seated.

6 Ladies and gentlemen, I'm now going to ask the
7 attorneys that will be participating in the trial of this
8 case to please stand and introduce themselves to you.

9 Yes, sir, Mr. Bulsa.

10 SOLICITOR BULSA: I'm Derrick Bulsa from the
11 Solicitor's Office.

12 MR. BROWN: Michael Brown with the Spartanburg Bar.

13 THE COURT: Thank you, gentlemen.

14 Ladies and gentlemen, I need for you to please stand if
15 you're related by blood or marriage to any of the attorneys
16 or if you have a close personal or social relationship with
17 any of the attorneys.

18 If so, please stand at this time.

19 (No response.)

20 THE COURT: Ladies and gentlemen, I need for you to
21 please stand if you have -- if you have ever been
22 represented by either of the attorneys participating in the
23 trial of this case.

24 If so, please stand at this time.

25 (No response.)

1 THE COURT: Ladies and gentlemen, if you or a member of
2 your immediate family has ever been prosecuted by the
3 Seventh Circuit Solicitor's Office, I need for you to please
4 stand at this time.

5 (No response.)

6 THE COURT: Ladies and gentlemen, I need for you to
7 please stand if you or a member of your immediate family has
8 ever been the victim of a crime that has been prosecuted by
9 the Seventh Circuit Solicitor's Office, if so, please stand
10 at this time.

11 (No response.)

12 THE COURT: Has any -- has anyone ever -- I'm sorry.
13 Has any member of the jury panel formed or expressed
14 any opinions about any issue or matter involved in this
15 case, if so, please stand at this time.

16 (No response.)

17 THE COURT: Is any member of the jury panel aware of
18 any bias or prejudice towards either the State or the
19 defense in this case, if so, please stand at this time.

20 (No response.)

21 THE COURT: Is there any member of the jury panel that
22 was a member of the Grand Jury which issued the indictment
23 in this case, if so, please stand at this time.

24 (No response.)

25 THE COURT: Is there any member of the jury panel who

1 is a member of or contributor to any group which has as its
2 primary concern the promotion of law enforcement or victim's
3 rights?

4 Now, these groups would include but certainly not be
5 limited to such groups as MADD, SADD, or CAVE, Citizens
6 Against Violent Crime.

7 If so, please stand at this time.

8 (No response.)

9 THE COURT: Does any member of the jury panel know of
10 any reason whatsoever why he or she should not serve as a
11 juror in this case with particular emphasis being placed on
12 your ability to be fair and impartial to both the State and
13 the defense, if so, please stand at this time.

14 (No response.)

15 THE COURT: Any additional questions from the State?

16 SOLICITOR BULSA: No, Your Honor.

17 THE COURT: Any from the defense?

18 MR. BROWN: May we approach, Your Honor?

19 (WHEREUPON, a bench conference was held at this time.)

20 THE COURT: Ladies and gentlemen, has any member of the
21 jury panel or their immediate family ever been a victim of a
22 violent crime, if so, please stand at this time.

23 (Jurors respond.)

24 THE COURT: All right. Yes, ma'am, your juror number?

25 THE JUROR: 152.

1 THE COURT: You're Mrs. Sumter?

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

3 THE COURT: Ma'am, the fact that that has occurred,
4 would that, in anyway, affect your ability to give both the
5 State and the defense a fair and impartial trial?

6 THE JUROR: No, sir.

7 THE COURT: Thank you, ma'am.

8 Yes, sir, your juror member?

9 THE JUROR: 127.

10 THE COURT: And you're Mr. Robbs?

11 THE JUROR: Yes, sir.

12 THE COURT: Sir, the fact that that has occurred, would
13 that, in anyway, affect your ability to give both the State
14 and the defense a fair and impartial trial?

15 THE JUROR: No, sir.

16 THE COURT: Thank you, sir. You may be seated.

17 Yes, ma'am, your name?

18 I mean your juror number.

19 THE JUROR: Number 3.

20 THE COURT: You're Mrs. Anders?

21 THE JUROR: Yes, sir.

22 THE COURT: Ma'am, the fact that that has occurred,
23 would that, in anyway, affect your ability to give both the
24 State and the defense a fair and impartial trial?

25 THE JUROR: Yes, sir.

1 THE COURT: All right. Thank you, ma'am. You may be
2 seated.

3 All right. And the lawyers approach.

4 (WHEREUPON, a bench conference was held out of the
5 hearing of the jury at this time.)

6 THE COURT: And, gentlemen, for purposes of the record,
7 ten and five, is that agreeable?

8 SOLICITOR BULSA: Yes, sir.

9 MR. BROWN: Yes, sir.

10 THE COURT: All right. Madam Clerk.

11 (Pause.)

12 THE COURT: Ladies and gentlemen, we're now spinning
13 the barrel so to speak. The Clerk of Court has a word
14 processor thing down there that she can randomly select a
15 group of names by pressing a couple buttons. If ever -- it
16 use to be, when I was in private practice, we did this by a
17 barrel and we still have the wooden barrel out here behind
18 in the hallway.

19 So, what we would do is we would put all of your names
20 in a capsule, put the capsule in the barrel, spin the
21 barrel, we would bring in a person from the School for Deaf
22 and Blind that was visually challenged. We would have that
23 person actually reach in the barrel and pull out the names
24 one at a time. Jury selection sometimes would take two and
25 three hours to do that process. But now we have it done

1 through word processing. So, give us just a moment and
2 we're going to randomly select your names.

3 Ladies and gentlemen, once your name is called, I'm
4 gonna ask, if you would, to bring any personal belongings
5 that you have with you and come right up here and stand by
6 the bailiff in-between the counsel tables, and then the
7 counsels then will make their decisions on whether to excuse
8 you from the trial of the case or to sit you as part of this
9 jury.

10 So, if you would, just please be patient. We are now
11 going through this process and should be beginning just
12 momentarily.

13 (Pause.)

14 THE COURT: And we had a computer problem about a month
15 or so back. It went offline. So, we actually went and got
16 the barrel and brought it out. It was sheer terror on the
17 look of the Clerk of Court's Office to have to do that but,
18 but we do have it in reserve in the event that ever happens.

19 At this time, we will proceed with the selection of the
20 first jurors.

21 THE CLERK: Yes, sir.

22 (WHEREUPON, the jury panel was selected at this time
23 along with two alternate jurors.)

24 THE CLERK: Jury selection has been completed.

25 THE COURT: Anything concerning the manner and method

1 of selection of the jury from the State or the defense?

2 SOLICITOR BULSA: None by the State, Your Honor.

3 MR. BROWN: None from the defense, Your Honor.

4 THE COURT: All right. Thank you, gentlemen.

5 All right. Ladies and gentlemen who were selected to
6 be our first jury, congratulations. Give me just a moment.
7 I need to speak with the people out here.

8 (Pause.)

9 THE COURT: All right. Ladies and gentlemen, thank you
10 for your time and your patience while we went through the
11 jury selection process. I'm going to review with you right
12 now just some preliminary instructions.

13 You have been selected to be jurors in this case and
14 you will be -- your role will get to be more prominent once
15 this trial is over. Once this trial is over, you will
16 engage in deliberations in this case and you will reach a
17 verdict. That verdict has to be unanimous and it has to be
18 based solely on information that you receive in this
19 courtroom during the course of this trial.

20 I tell you that because if -- on lunch breaks or
21 afternoon or this evening or at some point when you leave
22 the courthouse, you can not have any discussion with anyone
23 about anything involved in the case. You might go home.
24 Your family's interested. Well, I got picked on a jury.
25 What kind of case is it?

1 Very politely tell them I can't have any discussion
2 with you. The judge has ordered me not to. I'll talk to
3 you when the case is over as much as you want to know. But
4 until the case is over, I can't talk to anyone about this
5 case.

6 That includes, ladies and gentlemen, that you can not
7 discuss the case among yourselves as well. You're not to
8 engage in any discussion with anyone about this case until
9 your deliberations begin, and your deliberations will begin
10 at the end of this trial. So, when you are on break and
11 you're in the back of the jury assembly room or coming and
12 going from the courthouse and y'all may be traveling
13 together, do not talk about this case among yourselves as,
14 as well.

15 Ladies and gentlemen, I told you your decision has to
16 be based on the information you received during the course
17 of this trial. Take that as an instruction from me you --
18 that you can't do any type of independent research or
19 investigation into anything involved in the case. Take that
20 as a blessing cause I don't want you to feel like you've got
21 homework you've got to do when you go home to try to figure
22 out what's taking place in the courtroom. Allow me, allow
23 the lawyers to educate you and to present to you the
24 information that, that you need to make your decisions once
25 you engage in your deliberation.

1 That includes, ladies and gentlemen, you may hear words
2 during the course of this trial that you just don't think
3 you quite understand. You can not even go and pull
4 Webster's Dictionary off the shelf and look up the, look up
5 a word that maybe I or one of the lawyers have used. You
6 will, at times, make -- might hear a location or a scene or
7 you might want to do research on me or one of the lawyers or
8 one of the participants in the trial. You can't go on the
9 Internet and do anything like that.

10 The reason we have those instructions to you is that
11 this is a trial and this is a very serious matter. And you
12 are to base -- you are to base your decisions that you're
13 gonna make in this trial based on the evidence that is
14 presented to you from this witness stand and the law that I
15 will give you at the end of this trial.

16 So, those are just some preliminary instructions,
17 ladies and gentlemen. I've got -- there will be times,
18 during the course of this trial, that I have to take up
19 what's called matters of law with the attorneys. And I have
20 to address those matters of law outside of your presence
21 because I have to make comments about the case, and I
22 don't -- I do not want any of you to be influenced by
23 anything that I might say in ruling on matters of law. So,
24 I have to excuse you from the courtroom for brief moments.

25 I tell you that because this is one of those times.

1 I've got to take up a couple matters with the attorneys
2 outside of your presence. If you will, retire back to the
3 jury deliberation room. The judge -- the bailiff will show
4 you where that is and we'll get you back just shortly.

5 And, and when we come back, Mr. Martin, I'm gonna ask
6 that you serve as foreperson of this jury. So, with that,
7 I'll let you retire back to the jury deliberation room.
8 We'll get you, we'll get you back just shortly.

9 (WHEREUPON, the following takes place outside the
10 presence of the jury.)

11 THE COURT: All right. Any other pretrial matters that
12 I need to rule on?

13 SOLICITOR BULSA: Your Honor, yes.

14 The -- yesterday, in the testimony, several comments
15 came out about Laquinton Yeargin just being released from
16 prison. We don't feel that's relevant to this case and we
17 would ask the Court to not allow any questioning or comments
18 on that.

19 THE COURT: About the deceased?

20 SOLICITOR BULSA: Yes, sir, Laquinton Yeargin.

21 MR. BROWN: In terms of his actual prison sentence,
22 Your Honor, we would think that it would be relevant. It
23 goes towards his reputation and conduct in the community.

24 THE COURT: Based on what I heard yesterday, I, I tend
25 to agree with the defense if it's -- if they're going to

1 assert a self-defense position. I think that and I say, at
2 this time, I have not heard any of the testimony and I've
3 only heard the testimony that was presented at the pretrial
4 hearing.

5 So, if it goes at it did with the pretrial, I would
6 probably not -- I'll probably overrule the State's objection
7 on that and allow them to go into that but I will --
8 naturally if it's going to be a balancing that I have to do
9 prejudicial effect/probative value type of analysis, I need
10 to actually hear some testimony.

11 So, if you -- you can make the objection at the
12 appropriate time if you feel you need to.

13 SOLICITOR BULSA: Yes, sir.

14 THE COURT: All right. We're gonna step down just for
15 a few minutes.

16 All right.

17 (WHEREUPON, a short recess was taken at this time.)

18 THE COURT: All right. We're now ready to begin with
19 the trial of the case.

20 If you will, bring the jury in.

21 (WHEREUPON, the following takes place within the
22 presence of the jury.)

23 THE COURT: Mr. Foreman, ladies and gentlemen, we're
24 now ready to begin the trial of this case. But before we
25 actually start the trial, it is necessary for the Clerk of

1 Court to administer an oath to you.

2 So, if you would, please stand and raise your
3 right-hand.

4 (WHEREUPON, the jury panel was placed under oath at
5 this time.)

6 THE CLERK: Thank you.

7 THE COURT: Thank you. You may be seated.

8 Ladies and gentlemen, we're now going to begin the
9 trial of the case of the State of South Carolina versus
10 Terrell Antonio Brown.

11 Now, before we begin this trial, I want to tell you
12 that this trial probably will be different from what you
13 might expect. Many people do not have the chance to attend
14 an actual Court session as you are doing now, and may think,
15 from watching television or movies or reading books, that
16 trials are always full of high drama, intense action, and
17 rivetting circumstances.

18 while all of these things may be true at times, this
19 trial is not for entertainment. It is a fundamental part of
20 our democracy, a search for the truth and an effort to make
21 sure that justice is done between the parties that are
22 presently before the Court. In searching for the truth and
23 making sure that justice is done is often slow, deliberate,
24 and repetitive. Just is opposite of what you may have seen
25 on television or in movies or read about in books.

1 This courtroom is a place of honor dedicated to the
2 protection and preservation of citizen's rights through what
3 many have called the greatest justice system ever created.
4 The attorneys appearing before you, they are advocates for
5 the parties that they represent, but, first and foremost,
6 they are officers of the Court sworn to uphold the integrity
7 of fairness of our judicial system and to help you in the
8 search for the truth.

9 You should expect them to be professional, competent,
10 and ethical in the -- in the representation of their
11 client's interest. But remember that you have taken an oath
12 to try this case and reach a fair and just verdict, and you
13 are also expected to be professional, reasonable, and
14 ethical. And I want to thank you for you accepting the
15 important responsibility of jury service and for your
16 contribution today to our justice system.

17 Now, ladies and gentlemen, what I will now say is
18 intended to serve as an introduction to the trial of this
19 case. These remarks are not a charge on the law in this
20 case. I will instruct you on the law applicable to this
21 case at the end of the trial before you retire to consider
22 your verdict. This is merely an explanation of the
23 procedures that we will follow in the trial of this case so
24 that you may better understand what may be happening.

25 Now, the defendant is charged by way of indictments

1 filed in this course -- filed in this Court with the
2 crime -- with two charges of murder and one charge of
3 unlawful carrying of a pistol. The elements of which I'll
4 explain to you later.

5 Now, these indictments are the -- are simply the charge
6 by which the case is brought into Court, and they are not,
7 in any sense, evidence of any of the allegations contained
8 in them. The defendant, he has pled not guilty to these
9 indictments. The State, therefore, has the burden of
10 proving each of the elements contained in the indictments
11 beyond a reasonable doubt, and it will be your duty, ladies
12 and gentlemen, to decide whether the State has met that
13 burden.

14 Your purpose, as jurors, is to find and determine the
15 facts. You are the sole judge of the facts in this case.
16 If, at anytime, I make any comment regarding the facts, you
17 must disregard it. You are to determine the facts from the
18 testimony you hear and the other evidence that is introduced
19 in this Court. It is up to you to determine the inferences,
20 the inferences which you feel may be properly drawn from the
21 evidence that is presented to you. It is essentially
22 important that you perform your duty of determining the
23 facts diligently and conscientiously because, ordinarily,
24 there is no way to correct an erroneous determination of
25 facts that is made by a jury.

1 Now, on the other hand, and with equal emphasis, the
2 same law that makes you the judge of the facts makes me the
3 judge of the law. The law, as given by the Court, is the
4 only law that you may consider. You must accept and follow
5 it even though you may disagree with it. I can not tell you
6 what the facts are and you can not disagree with me about
7 what the law is or about -- or what the law should be. Your
8 job is to take the law as I give it to you and apply it to
9 the facts as you find them from the testimony of the
10 witnesses and other evidence that is introduced during the
11 course of this trial. After doing that, you will render
12 your verdict, a true and just verdict, under the solemn oath
13 that you've just took as jurors.

14 As I've already told you or asked you, until I advise
15 you to begin your deliberations, you must not discuss the
16 case with anyone, including your fellow jurors, friends,
17 family members, and anyone else that is involved in this
18 case.

19 Now, this includes you can't have any discussion with
20 anyone by face-to-face or by telephone, email, text, blog,
21 or any other type of communication. You can't use your --
22 don't think about using your computer, your cell phone, or
23 any other type of electronic communication devices during
24 the course of this trial to have any discussions about
25 anything involved in this case. Don't go on the Facebook or

1 whatever, if you use social media, and have any discussion
2 or do any type of research into any of the issues that might
3 be involved in this case or any of the people that might be
4 participating in the trial of this case.

5 I'd also, ladies and gentlemen, tell you that you can
6 not read any type of newspaper. Don't listen to the radio.
7 Don't watch the television. Don't do any type of, if there
8 are any type of news reports that are generated during the
9 course of this trial, do not read or study or have any
10 connection with any of those types of publications as well
11 because you must not consider anything that you have heard
12 prior to coming into Court that might have to do about this
13 case.

14 Ladies and gentlemen, after the case is submitted to
15 you, you must discuss it only in the jury room with your
16 fellow jurors. The attorneys and the parties in this case
17 have been advised that they are not to talk to you at all.
18 So, like I've told you, if you see one of them or see
19 somebody you know coming and going from the courthouse, they
20 do not even speak to you, they're not being unfriendly to
21 you. They're simply following my instructions that they not
22 have any contact with you.

23 It is important that you keep an open mind and not
24 decide any issue in the case until all the evidence has been
25 presented and the parties have made their closing arguments

1 and I have instructed you on the law applicable to the case.
2 It is your solemn responsibility to determine the guilt or
3 innocence of the defendant and your verdict must be based
4 solely on the evidence as it is presented to you in this
5 trial and on the law as I instruct you during and at the
6 close of the trial.

7 Now, in just a moment, the solicitor will make what is
8 called an opening statement in which the solicitor will
9 explain to you the issues in the case or at least what the
10 solicitor thinks the issues are in this case. The attorney
11 for the defendant may also make an opening statement
12 although he is not required to do so.

13 Now, ladies and gentlemen, what the attorneys tell you
14 during that opening -- during their opening statements is
15 not evidence in the case. It is only their contention as to
16 what the issues are in the case. The evidence in this case
17 will be presented to you by testimony of sworn witnesses
18 from this witness stand and any exhibits that might be
19 introduced during the course of this trial.

20 Again, from time to time during this trial, you may
21 hear one of the lawyers say something like Your Honor, I
22 believe I have a question of law or a matter of law to
23 discuss with you or they may say Your Honor, may we approach
24 the bench or sometimes I, myself, may find it necessary to
25 exclude you from the courtroom for a short while so that the

1 attorneys and I can discuss what is called matters of law.

2 The reason for this is because you are the judges of
3 the facts in this case, and sometimes, in discussing matters
4 of law, it is necessary for me to make some comments about
5 the facts in connection with ruling on whether or not a
6 particular law applies or not. I'm not suppose to tell you
7 what I think about the facts and so that you will not be --
8 so, I will excuse you from the courtroom while these
9 discussions take place so that you will not be influenced by
10 anything that I say in making rulings related to matters of
11 law.

12 In determining what the true facts are in this case,
13 you must decide whether or not the testimony of a witness is
14 believable. It will be my responsibility to rule, as a
15 matter of law, whether certain testimony is admissible or
16 not. Once the testimony is admitted, whether or not you
17 believe it is solely for you to determine.

18 In, in deciding whether to believe a witness, you have
19 the right to consider the interest of any witness, the bias
20 of any witness, the prejudice of any witness, the
21 opportunity for the witness to have seen the matters and
22 things about which the witness may testify and the way the
23 witness acts on the witness stand.

24 You have a right to consider anything that is in the
25 record that will help you evaluate the testimony of the

1 witnesses. That means that it is your duty to pay close
2 attention to these witnesses, to observe them, to listen to
3 them, and to pay close attention to the attorneys and to the
4 Court. Do not let, do not let your thoughts wonder but give
5 strict attention to the testimony in this case so that, at
6 the end of all the testimony, after the arguments of
7 counsel, the charge on the law, you will be in a position to
8 determine what the true facts are and apply the law to those
9 facts and thus render a true and just verdict.

10 It is your added duty, Mr. Foreperson, to preside in
11 the jury room and to be the jury spokesperson here in this
12 courtroom if that becomes necessary. It will also be your
13 duty to write the verdict but I will give you further
14 instructions about that at the conclusion of this case.

15 In order to protect everyone's rights, I will give
16 either party an opportunity to object to anything that I
17 have just stated to the jury.

18 Anything else from the State?

19 SOLICITOR BULSA: I'm sorry, Your Honor. I couldn't---

20 THE COURT: Any objections from the State?

21 SOLICITOR BULSA: No, sir.

22 THE COURT: Any from the defense?

23 MR. BROWN: No, Your Honor.

24 THE COURT: At this time, ladies and gentlemen, we will
25 receive the opening statements.

1 SOLICITOR BULSA: May it please the Court.

2 Good morning time, ladies and gentlemen. It's just
3 about lunchtime. The judge is gonna cut you loose in just a
4 little bit but I first want to thank you for coming to
5 Court. Thank you for doing your duty as citizens. This is
6 the way our system works.

7 This case is about a double homicide. Two young men
8 lost their lives on the night of September 1st and the
9 morning of September 2nd, 2013.

10 These two men were out at a place in Woodruff, South
11 Carolina called Kelly Acres. Kelly Acres is a housing
12 complex where there are buildings set up as duplexes and
13 apartment type living in that community.

14 A shooting rang out just after midnight. The police
15 were called and responded to that location.

16 First of all, it was the City of Woodruff Police. They
17 got there. They realized what they had and they asked for
18 assistance from the Spartanburg County Sheriff's Office.

19 This case is about, in my opinion, the State will
20 present to you whether this is a murder case or whether it's
21 a manslaughter case.

22 Okay. What actually occurred out there will be told to
23 you through this witness stand from some of the witnesses
24 that were out there. But you need to understand, when the
25 police department got out there, the victims weren't there

1 because they had been put into a private vehicle and driven
2 to the hospital. The defendant wasn't there because he fled
3 to Greenville County. Not only was Spartanburg County
4 Sheriff's Office brought in to help investigate this case,
5 the Greenville County Sheriff's Office was brought in to
6 help this case -- investigate this case because the
7 defendant fled to Greenville County, hid out, and actually
8 had to be apprehended by use of canines.

9 So, listen carefully to the witnesses that are called.
10 The police did their best in investigating and finding the
11 people that were there that saw this shooting.

12 These men knew each other. They had some issues in the
13 past. Those issues led to this shooting. The defendant
14 shot initially Laquinton Yeargin. He was approaching the
15 defendant. The defendant shot him multiple times.

16 The State's contention is, is, while the shooting at
17 Mr. Yeargin, he also shot and struck Nahtyriean Parks who
18 goes by Tee, Tee Parks. Tee Parks was shot one time and he
19 died as a result of his gunshot wound as well.

20 Both these men were collected by friends, tried to get
21 treatment, but, unfortunately, they passed away at
22 Spartanburg County or at the Spartanburg Regional Medical
23 Center.

24 So, you're gonna see a little bit of forensics at the
25 scene but the bodies were gone. So, the officer's gonna do

1 their best to kind of put and show you where everybody might
2 have been. You're gonna have witnesses, from their
3 different perspectives, come testify to you about where they
4 were, what they saw, and how they reacted when these shots
5 were fired.

6 We're gonna use this machine over here. It's called --
7 we call it an ELMO, and you're gonna see a lot of this via
8 pictures, pictures and overheads of, of the complex, to help
9 you visualize, the best you can, what took place. We're
10 gonna use those to help describe the testimony as the
11 witnesses go through the -- their story.

12 Murder is the unlawful killing of another person with
13 malice aforethought. You'll hear argument at the close of
14 this case that malice aforethought existed and that two
15 young men died as a result of that.

16 Voluntary manslaughter is the unlawful killing of
17 another without malice aforethought. It is, in essence,
18 means did Laquinton Yeargin provoke the defendant to the
19 extent that the defendant reacted and shot?

20 Did Laquinton Yeargin almost cause his own death by
21 some action?

22 It doesn't mean it's justified. It just means that it
23 lowers murder down to voluntary manslaughter. I submit to
24 you, at the close of the case, that's the question you're
25 gonna have.

1 The judge told you I was gonna point out the issue in
2 the case. That's what the State believes the issue to be.
3 Two young men lost their lives. Listen to the story from
4 the witnesses that were there and to the aftermath and
5 investigation of that incident.

6 Once again, I thank you for your attention in advance.
7 I know this is a difficult matter to listen to and have to
8 decide. It's the nature of living in a free society, and
9 justice, ladies and gentlemen, applies to everybody. And
10 that's what we're seeking is justice.

11 Thank you.

12 MR. BROWN: May it please the Court?

13 THE COURT: Yes, sir.

14 MR. BROWN: It was his God given right to defend
15 himself.

16 I submit to you, ladies and gentlemen of this jury,
17 that's what this case is about cause on that morning of
18 September 2nd, 2013, my client, Terrell Brown, no relation
19 to me, as a person that knew both of the alleged victims in
20 this case, knew of the history, and you'll have a chance to
21 hear that via testimony as it comes out in this very
22 courtroom, of Mr. Yeargin.

23 You'll have the opportunity to hear from a number of
24 people that will tell you how he was in the community and,
25 in particular, the type of threat that he would pose to

1 several members of that county. But on this particular
2 morning, the person that he posed the threat to is that
3 young man seated right there.

4 Keep that in mind cause you'll have a chance to hear
5 testimony from the stand. You'll have a chance to see a
6 number of diagrams showing you a series of events of where
7 people were standing and ultimately where a shooting
8 occurred.

9 You'll also have a chance to hear the conduct of the
10 Woodruff Police Department, the conduct of the chief
11 investigator on this case, Mr. Lorin Williams with the
12 Spartanburg County Sheriff's Department, and others, and the
13 type of investigation they did or the lack thereof. You'll
14 hear more than just names of the two people that are passed
15 away. You'll also hear the name of a third individual that
16 is said to have been at the scene at that time as an
17 aggressor against my client coupled with at least one of the
18 decedents in the attempt to take his life.

19 So, keep that in mind and you'll have a chance, at the
20 conclusion of this case, to hear the pertinent elements of
21 the law. Murder, issues of manslaughter, and, in
22 particular, self-defense.

23 They'll be a number of pictures they'll want to
24 present, different people on different sides, and I'll have
25 you know why these people in this courtroom on both sides

1 are family members. Keep that in mind too.

2 I too, on behalf of my client, and the families
3 involved here, are so thankful that, on this same day,
4 you're inside this courtroom doing what a lot of people in
5 this particular community couldn't do cause you'll hear of
6 people that had criminal backgrounds, people that had some
7 problems, good people from both sides of the family and try
8 to do the best they could.

9 Couldn't help it if some members of their family
10 couldn't get jobs because one or two things happened in
11 their past. Couldn't help it that they found themselves in
12 what people know to be as a housing development. Nothing
13 wrong with being poor but trying to do the best that you
14 can.

15 You'll hear the elements of that and you'll hear the
16 elements of how the young folks in this community would come
17 to a common area and "hang out." And, unfortunately, the
18 events that evening, because cooler heads did not prevail,
19 led to someone having their life threatened and,
20 unfortunately, a young man had to make a decision to protect
21 himself.

22 Thank you for your service and, often times, you hear
23 lawyers supposedly will have to come before you and use big
24 words, big terms. All the time periods supposedly that we
25 spend in school, the only word I have for you that we

1 learned over a time period is a Latin word. It's veredicto.
2 From that word comes the term verdict, and that's what
3 you're here to do as a jury.

4 Veredicto, the exact translation means to speak the
5 truth. So, at the conclusion of this case, we're gonna ask
6 you to speak the truth.

7 Justice, yes, we're asking for justice to prevail. In
8 speaking the truth, I submit to you that, at the very end of
9 this case, you will hear, throughout the course of this,
10 enough reason that you should come back and find no other
11 conclusion as relates to the underlying charges my client is
12 facing here today. Let the verdict to speak the truth of
13 not guilty.

14 Thank you and I look forward to speaking with you
15 again.

16 THE COURT: Thank you, sir.

17 Ladies and gentlemen, I need for you to retire back to
18 the jury deliberation room just for a brief moment. I need
19 to take up an issue with the attorneys.

20 Do not have any discussion among yourselves about
21 anything involving the case. We'll get you right back. If
22 you will, retire back to the jury deliberation room.

23 (WHEREUPON, the following takes place outside the
24 presence of the jury.)

25 THE COURT: I'll come right back. Just stand at ease

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1 for a few moments.

2 (WHEREUPON, a short recess was taken at this time.)

3 THE COURT: Are you ready?

4 SOLICITOR BULSA: We're just looking at some pictures.
5 We need to mark them all for ID right now. Those four.

6 (WHEREUPON, two photographs were marked as State's
7 Exhibit Nos. 10 and 11 for identification purposes only at
8 this time.)

9 SOLICITOR BULSA: Your Honor, State's ready.

10 THE COURT: All right. Let's bring them in. You want
11 to get the jury?

12 (WHEREUPON, the following takes place within the
13 presence of the jury.)

14 THE COURT: Is the State ready to call their first
15 witness?

16 SOLICITOR BULSA: State calls Officer Lee Teal.

17 THE COURT: Sir, come right around up here and let the
18 Clerk of Court swear you in.

19 (Witness complies.)

20 LEE TEAL, being first duly
21 sworn, testified as follows:

22 THE CLERK: You may be seated.

23 DIRECT EXAMINATION

24 BY SOLICITOR BULSA:

25 Q Okay. Officer, I've turned this machine on. It's

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1 gonna -- this makes some noise. So, make sure you speak up.

2 Okay?

3 A Yes, sir.

4 Q Would you introduce yourself to the jury?

5 A I'm Officer Teal. My first name's Lee.

6 Q And who are you employed with?

7 A Cowpens Police Department.

8 Q And were you formerly employed with Woodruff?

9 A Yes, sir, I was.

10 Q In what capacity?

11 A I was a police officer for about six years for
12 Woodruff.

13 Q And how long have you been a law enforcement officer?

14 A Since 2001.

15 Q Okay. And back when this incident occurred on
16 September the 1st and the evening of September 1st, morning
17 of September 2nd, 2013, were you on-duty?

18 A Yes, sir, I was.

19 Q And what were your duties at this time?

20 A I -- normal patrol.

21 Q Can you adjust that microphone please?

22 A I can.

23 THE COURT: Thank you, sir.

24 Q You were on normal patrol?

25 A Yes, sir.

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1 Q Did you get a call to go to the Kelly Acres part of
2 Woodruff?

3 A Yes, sir, I did.

4 Q Would you describe to the jury what Kelly Acres is?

5 A Kelly Acres is a set of apartments that has a fence
6 around it with one way in and one way out.

7 Q Okay. And is it -- how large is that area?

8 A It's -- not real sure. I know it's one main road and
9 two or three roads off of the main road.

10 Q Okay. All right. And was that within your zone that
11 you patrolled?

12 A Yes, sir.

13 Q Okay. What kind of a call did you get that night?

14 A We got a shots fired call just a little after midnight.

15 Q Okay. And what does that mean?

16 A It's someone that fired gunshots in the area of Connie
17 Drive and Woody Court.

18 Q And what did you do when you got that call?

19 A I started towards Connie Drive and Woody Court.

20 Q Did you go at a fast pace?

21 A Yes, sir, I did.

22 Q Sirens?

23 A No, sir.

24 Q Okay. Were you the only officer that responded?

25 A No, sir, Sergeant Forrester also responded.

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By Solicitor Bulsa

1 Q Is that a lady?

2 A Yes, it is.

3 Q Did y'all arrive at about the same time?

4 A Yes, sir.

5 Q Tell us what took place when you arrived at Kelly
6 Acres.

7 A When we arrived at Kelly Acres, Sergeant Forrester
8 actually went to Woody Court and Connie Drive where the call
9 came from. I continued on Miller Drive to see if there was
10 anybody in the area that matched the description dispatch
11 had give us over the radio.

12 Q Okay. And did you see anybody?

13 A They was three or four black males standing on Miller
14 Drive matching the description.

15 Q And what was that description?

16 A Black male, white t-shirt, long blue jean shorts.

17 Q Common dress for that time of year?

18 A Yes, sir.

19 Q Did any of those persons -- did they have any contact
20 with the incident you were there investigating?

21 A No, they stated to me they did not.

22 Q What did you do after meeting with those men?

23 A I went to the scene of Connie Drive and Woody Court.

24 Q And what was taking place there?

25 A When I arrived there Sergeant Forrester was talking to

Lee Teal - Direct examination
By Solicitor Bulsa

1 some people that was standing outside. They had stated to
2 her that two individuals had been shot. They had been
3 loaded into a white car and was taken to the hospital.

4 Q Were the identity of the two persons that were shot
5 given?

6 A It was. They stated that it -- they thought it was
7 Quinn Yeargin and Tee Parks.

8 Q What did you do upon that information?

9 A At that time, we had seen some blood in the parking
10 lot. So, it was contacted to Spartanburg Regional Hospital
11 to see if any gunshot wounds had, had come in.

12 Q And did you get any confirmation?

13 A I did. They had stated that two young males, Quinn
14 Yeargin and Tee Parks, had -- was at the hospital with
15 gunshot wounds.

16 Q Okay. And then what took place?

17 A I spoke to a detective from the county. They agreed to
18 go to the hospital to talk to the victim and the witness who
19 brought them in.

20 Q Why was the county brought into this?

21 A Well, they was only two of us working. We had the
22 crime scene. We had no one else to go to the hospital to
23 talk to anybody.

24 Q Did other deputies arrive at the crime scene?

25 A Yes, sir, there was one or two deputies come to back us

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1 up because they was large crowds in the area.

2 Q Okay. And did you happen to speak with anybody in the
3 crowds that knew anything?

4 A No, sir, I didn't.

5 Q You didn't?

6 What were your duties at the scene?

7 A Control the crime scene. Not let anyone in the area.

8 Q And I believe you wrote the actual incident report?

9 A Yes, sir, I did.

10 Q Okay. And that referenced the shooting and any
11 response to it?

12 A Yes, sir.

13 Q I'm gonna first show you these pictures. Don't
14 describe them but just see if you recognize them and can
15 just -- and know what they show.

16 For the record, State's 1, 5, 10, and 11 for
17 identification.

18 A Yes, sir, I know what these are.

19 Q Does State's 1 show an aerial photograph of the area
20 known as Kelly Acres?

21 A Yes, sir, it does.

22 Q Is it an accurate depiction of that area?

23 A Yes, sir, it is.

24 Q Okay. Now, it wasn't taken the day of the incident but
25 it just shows the makeup of the complex and the location of

Lee Teal - Direct examination
By Solicitor Bulsa

1 the buildings?

2 Is that correct?

3 A Yes, sir, it is.

4 Q And State's 5 I believe is a -- does that show a view
5 of the location called Woody Court?

6 A Yes, sir.

7 Q Is Woody Court part of Kelly Acres?

8 A Yes, sir, it is.

9 Q Okay. Now, that wasn't taken the day of either, but
10 does it give the -- does it provide the jury of a
11 prospective of looking onto that Court?

12 A Yes, sir.

13 Q And that's, that's the view someone would have as
14 they're driving in Kelly Acres onto Woody Court?

15 A Yes, sir.

16 Q And State's 10 and 11, are those actual scenes taken
17 the night of the incident?

18 A Yes, sir.

19 Q And actually show a police car?

20 A Yes, sir.

21 Q And whose car is that?

22 A Sergeant Forrester's.

23 SOLICITOR BULSA: And the State would offer these into
24 evidence at this time.

25 MR. BROWN: Without objection, Your Honor.

Lee Teal - Direct examination
By Solicitor Bulsa

1 THE COURT: Without objection. Be State's 1, 5, 10,
2 and 11.

3 SOLICITOR BULSA: Okay.

4 (WHEREUPON, State's Exhibit Nos. 1, 5, 10, and 11 were
5 received into evidence at this time.)

6 Q I'm gonna get you to sort of describe State's 1. Kind
7 of orient the jury and tell us what we're seeing.

8 A This is the entrance to Kelly Acres. This is Connie
9 Drive. That's Woody Court right there.

10 Q Okay. Now, where's the location that you first went
11 to?

12 A I come and I went right down the hill. So, right in
13 here, they's a parking lot right in here.

14 Q You receive the call.

15 Were you given the location of Woody Court to go to?

16 A Just Woody Court and Connie Drive, the intersection.

17 Q Okay. Well, why did you turn left instead of going
18 straight to Woody Court?

19 A During my experience with Kelly Acres, anytime we have
20 problems right there, when we come in, they, they see us and
21 they always head towards the back gate like here. They come
22 this way down the road or they run and come down the fence
23 and go out -- walk through the gate at the back.

24 Q Okay. So, is this complex surrounded by a gate, I
25 mean, excuse me, by a fence?

Lee Teal - Direct examination
By Solicitor Bulsa

1 A Yes, sir, it is.

2 Q Could you outline where the fence would be located?

3 A It runs probably the edge of Southside Street, comes
4 back in here around through the trees, up through here
5 through the trees, and then around the edge of Miller Drive.
6 Just like that.

7 Q okay. So, there's only one vehicular route into
8 this---

9 A Yes, sir.

10 Q ---complex but how many gates are there through the
11 fence where people can walk through?

12 A Well, they's a couple holes in the fence. The only
13 gate to walk through gate is at the very end of Miller Drive
14 and then the drive through gate.

15 Q Which route would you have driven into Kelly Acres?

16 A I come down Miller Drive and turned right into -- onto
17 Miller Drive.

18 Q Miller Drive intersects with what?

19 A Kelly Road.

20 Q Okay. Does that lead toward the main road in Woodruff?

21 A Yes, sir, Kelly Road leads back up and to Willis Road
22 and right cross the railroad tracks is Highway 221, which is
23 Main Street.

24 Q Where were you located when, when you got the call?

25 A At the Woodruff Police Department.

Lee Teal - Direct examination
By Solicitor Bulsa

- 1 Q You were actually at the police department?
2 A Yes, sir.
3 Q About how far is the police department from Kelly
4 Acres?
5 A A mile and a half.
6 Q So, how long would it have taken you to get there?
7 A Roughly three or four minutes.
8 Q Did you see a car leaving?
9 A No, sir, I did not.
10 Q Who would of pulled in first, you or Sergeant
11 Forrester?
12 A Sergeant Forrester came in first.
13 Q Now, you left Woodruff Police Department when?
14 A When we was dispatched to go.
15 Q Now, I'm talking -- I mean when did you cease working
16 for Woodruff?
17 A January of 2014.
18 Q So, just a few months after this?
19 A Yes, sir.
20 Q Sergeant Forrester also left?
21 A Yes, sir.
22 Q Is that right?
23 Is she still in law enforcement?
24 A Not that I'm aware of.
25 Q Okay. You went to Cowpens?

Lee Teal - Direct examination
By Solicitor Bulsa

1 A Yes, sir.

2 Q All right. Okay. So, you went where was -- where did
3 you meet the three men that --?

4 A I believe it was on Miller Drive. They's a parking lot
5 right here. The office -- the main office is right here.
6 They was crossing the street from the parking lot headed
7 towards these roads.

8 Q Okay. And based on what they told you, you let them
9 leave?

10 A Yes, sir.

11 Q Okay. And then you went to Woody Court?

12 A Yes, sir.

13 Q I'm now showing you State's Exhibit 5.
14 what does that show us?

15 A This is Connie Drive. That's Woody Court.

16 Q All right. So, there's nothing blocking the view of
17 Connie Drive?

18 A No, sir.

19 Q Okay. Did you -- you made the comment earlier that,
20 when people see you, they flee?

21 A Yes, sir.

22 Q All right. Can you just point out, from this picture
23 of the building, where the -- if you could, the location
24 where the -- you believe the shooting to have occurred.

25 A It would of been right in here.

Lee Teal - Direct examination
By Solicitor Bulsa

1 Q Okay. In front of the second building on the left?

2 A Yes, sir.

3 Q All right. And further with respect to State's No. 10,
4 what does that show us?

5 A Sergeant Forrester's car, that police tape, that pickup
6 truck. They's some blood in -- right beside the pickup
7 truck.

8 Q Okay. Do you recall where you would of parked?

9 A I was just behind Sergeant Forrester.

10 Q Behind her.

11 Okay. State's 11, what does that show us?

12 A That's the same parking lot. They's some beer cans
13 laying in the road right in here.

14 Q Okay. So, that's the other half of the parking lot?

15 A Yes, sir.

16 Q The car we see, is that the same---

17 A Yes, sir.

18 Q ---car that---

19 A Yes, sir, that's Sergeant Forrester's car.

20 Q Okay. And we see some, I believe, pull this one back,
21 State's No. 10, we see a streetlight---

22 A Yes, sir.

23 Q ---in there.

24 How much light does that give off?

25 A Probably 20-foot circle around the bottom road.

Lee Teal - Direct examination
By Solicitor Bulsa

1 Q Okay. Do you recall -- can you point out the
2 streetlights from State's Exhibit 5?

3 A Right here.

4 Q There's one there and there's one up -- seen from this
5 other building.

6 Okay. And this pole where the speed limit sign is, is
7 that a street light as well?

8 A I'm not sure.

9 Q Okay. All right. So, there's not that much
10 visibility, is there, in that area?

11 A No, sir.

12 Q On that State's 10, where were the people congregating
13 that was out there that evening?

14 A Well, they was no one there when I got there but
15 normally they congregate in the whole parking.

16 Q You said there was no one there?

17 A Not -- they was a couple people standing on the
18 sidewalk on this side but not over in this area.

19 Q So, nobody was over there---

20 A No, sir.

21 Q ---where the shooting was believed --?

22 A No, sir.

23 Q So, State's 11, they were behind these other vehicles?

24 A Yes, sir, they's a sidewalk that runs in front of them.
25 They was standing on the sidewalk.

Lee Teal - Direct examination
By Solicitor Bulsa

1 Q And when you pulled up, the tape wasn't already there,
2 was it?

3 A No, sir.

4 Q Who put that tape up?

5 A Sergeant Forrester.

6 Q Did you help her?

7 A No, sir.

8 Q What were you doing while she did that?

9 A I was standing over next to where the pickup truck sat
10 making sure no one got over in there.

11 Q Okay. So, you were protecting any items that might
12 have forensic value?

13 A Yes, sir.

14 Q Okay. And she was roping off the area to keep people
15 out?

16 A Yes, sir.

17 Q And did a forensic officer from the Sheriff's Office
18 arrive sometime later?

19 A Yes, sir.

20 Q And what happened when they arrived?

21 A Once they got there, they come in the crime scene,
22 started taking pictures, and doing their thing.

23 Q Did you, in essence, turn this scene over to the
24 Sheriff's Office?

25 A Yes, sir.

Lee Teal - Direct examination
By Solicitor Bulsa

1 Q All right. I believe that's all -- well, let me. One
2 last thing.

3 Kelly Acres, of course, is in Woodruff?

4 A Yes, sir, it is.

5 Q Which is a part of Spartanburg County?

6 A Yes, sir.

7 Q Okay. That's just for the record. Thank you for
8 answering my questions. Answer anything Mr. Brown may have.

9 CROSS-EXAMINATION

10 BY MR. BROWN:

11 Q You mentioned Quinn Yeargin and Tee, Tee Parks.

12 A Yes, sir.

13 Q How do you know them by that name?

14 A I've -- just from dealing with them in the City of
15 Woodruff.

16 Q Through your potential police department?

17 A Yes, sir.

18 Q Mr. Bulsa asked you about the lighting --

19 A Yeah.

20 Q -- in this particular area.

21 What's producing the lightingness (sic) for?

22 A That light and the flashing of the camera I reckon.

23 Q And the flashing of the camera?

24 A Yes, sir.

25 Q So, the one for the flashing of the camera, the area

Lee Teal - Cross-examination
By Mr. Brown

1 where the grass is and where this truck is, would that be
2 well lit or could you see it at all?

3 A The grass may be because they's a street light right
4 here too.

5 Q Okay. And what about the sidewalk?

6 A The sidewalk, probably not.

7 THE COURT: Can you identify, for the record, the, the
8 exhibit number that he's referring to?

9 MR. BROWN: Referring to State's Exhibit No. 11.

10 THE COURT: Thank you.

11 Q I'm gonna show you State's Exhibit 5. You identified
12 the area where the shooting occurred.

13 Could you, you show us where that, that's at?

14 A Right here.

15 Q Going, going back towards it, is there a trash dump,
16 dumpster in the back?

17 A Yes, sir, it's right here.

18 Q Is anything behind that --

19 A No.

20 Q -- the trash dumpster?

21 A Yes, sir, they's another building right here.

22 Q Okay. And you said there's a fence right there?

23 A Yes, sir.

24 Q And the fence goes all the way around coming from that
25 direction?

Lee Teal - Cross-examination
By Mr. Brown

1 A Yes, sir.

2 Q And so, the open space coming from Woody Court would
3 come back up this way near the stop sign or the---

4 A Yes, sir.

5 Q ---speed, speed sign?

6 A Yes, sir.

7 Q And on out?

8 A Yes, sir.

9 Q To let you back into the neighborhood?

10 A Yes, sir.

11 Q You can't go the opposite direction?

12 A No, sir.

13 Q And you said, at the very beginning, that since --
14 there's just only one way in and one way out --

15 A As far as, as far vehicles, yes.

16 Q -- to drive in?

17 well, in looking at State's Exhibit 5, typically where
18 would cars be parked at?

19 A From right here down and then on this side.

20 Q would it be uncommon if someone wanted to have some,
21 some lighting in the dark area to have their car backed up
22 and lights on?

23 A No, sir.

24 Q So, it was possible to be able to see the area if
25 someone had lights on from their vehicle?

Lee Teal - Cross-examination
By Mr. Brown

1 A Yes, sir.

2 Q You've seen that before?

3 A Yes, sir.

4 Q And without that, it's a, it's a pretty dark area?

5 A Yes, sir.

6 Q And you say you talked to three black males?

7 A Yes, sir.

8 Q And you got their -- do you know their names?

9 A I do not.

10 Q Had you seen them before?

11 A Yes, sir, from inside Kelly Acres.

12 Q Okay. You just don't know who they are right offhand?

13 A No, sir, I don't.

14 Q It wasn't uncommon for large crowds to gather around
15 there?

16 A No, sir.

17 Q On Woody Court?

18 A No, sir.

19 Q Would that be one of the areas where people normally
20 hung out --

21 A Yes, sir.

22 Q -- in Kelly Acres?

23 Thank you. That's all the questions I have.

24 THE COURT: Any redirect limited to what he went into?

25 SOLICITOR BULSA: Yes, sir.

Lee Teal - Redirect examination
By Solicitor Bulsa

1 REDIRECT EXAMINATION

2 BY SOLICITOR BULSA:

3 Q These, these crowds at Woody Court, do they
4 typically -- were they typically people that lived in Kelly
5 Acres?

6 A No, sir, most of the time it was people coming in from
7 other places.

8 Q Okay. And Mr. Brown asked you about whether you knew
9 Quinn and Tee.

10 A Yes, sir.

11 Q Did you ever learn the name of the possible suspect or
12 shooter in this case?

13 A Later on. It was probably three or four o'clock in the
14 morning before I ever found out who was suppose to have been
15 the one shooting.

16 Q And was that name Terrell Brown?

17 A Yes, sir, it was.

18 Q Were you familiar with him?

19 A No, sir.

20 Q Okay. Mr., Mr. Brown asked you about the lighting
21 conditions and we talked about it briefly on direct.

22 A Yes, sir.

23 Q You mentioned vehicles with their lights on maybe
24 helping illuminate the area.

25 A Yes, sir.

Lee Teal - Redirect examination
By Solicitor Bulsa

1 Q When you got there after the shooting, were -- was
2 there any vehicle there with any headlights on?

3 A No, sir.

4 Q In fact, I believe in State's 10 and 11, the vehicles
5 all appeared to be parked facing the sidewalk?

6 A Yes, sir.

7 Q Okay. And you -- do you know all the residents at
8 Kelly Acres?

9 A No, sir.

10 Q Okay. So, you, you can't -- you don't know if all
11 these vehicles belonged to them or not?

12 A No, sir, I don't know.

13 Q Okay. Did anybody appear that they were trying to
14 leave the area?

15 A No, sir.

16 Q Okay. All right. Just so the jury has a better
17 prospective, State's 1, Mr. Brown asked you about some
18 dumpster.

19 A Yes, sir, they's a dumpster at the end of the parking
20 lot right here.

21 Q Okay. And is that a couple buildings back behind it?

22 A Yes, sir.

23 Q Okay. All right. Thank you. That's all I have.

24 THE COURT: All right. Thank you, sir. You may step
25 down.

1 Lawyers approach.

2 (WHEREUPON, a bench conference was held at this time.)

3 THE COURT: All right. Ladies and gentlemen, given the
4 hour that it is, we're gonna take a lunch break at this
5 time. I'm gonna ask, if you would, in looking at this clock
6 back behind you, ask that you would to please be back in the
7 jury, jury deliberation room by two o'clock.

8 Again, I need to instruct you not to have any
9 discussion among yourselves or with anyone else involved in
10 the case. Also need to remind you that you can't do any
11 type of independent research or investigation. You now have
12 the incident scene presented to you. Don't go out and try
13 to drive by and take a look at anything. But we'll get --
14 we will see you back at 2:00.

15 You may go with the bailiff.

16 Everybody keep their seats.

17 (WHEREUPON, the following takes place outside the
18 presence of the jury.)

19 THE COURT: All right. We got -- any reason why the
20 witness can not be excused?

21 SOLICITOR BULSA: No, sir, I was gonna ask that he be
22 excused.

23 MR. BROWN: No, sir.

24 THE COURT: Okay. Thank you, sir. You may be excused
25 if you'd like.

1 All right. We'll step down for lunch.

2 (WHEREUPON, Court was in recess for the lunch hour.)

3 THE COURT: Is the State ready -- well, Mr. Brown.

4 SOLICITOR BULSA: State is ready. I don't know where
5 Mr. Brown is.

6 (Pause.)

7 THE COURT: All right. We'll step down for a few
8 moments.

9 (WHEREUPON, a short recess was taken at this time.)

10 THE COURT: Is the State ready to call their---

11 SOLICITOR BULSA: Yes, sir.

12 THE COURT: ---witness?

13 All right. Let's bring the jury in.

14 Are they bringing them in?

15 THE BAILIFF: Yes, sir.

16 THE COURT: Okay.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: Is the State ready to call their next
20 witness?

21 SOLICITOR BULSA: Yes, sir.

22 THE COURT: Yes, sir.

23 SOLICITOR BULSA: State calls Steven Horton.

24 THE COURT: Sir, just come right up here and let the
25 Clerk of Court swear you in.

Steven Horton - Direct examination
By Solicitor Bulsa

1 (Witness complies.)

2 STEVEN HORTON, being first duly
3 sworn, testified as follows:

4 THE CLERK: Thank you. You may be seated.

5 THE COURT: Just have a seat in the red chair and pull
6 the red chair up to the microphone if you would.

7 (Witness complies.)

8 DIRECT EXAMINATION

9 BY SOLICITOR BULSA:

10 Q Please introduce yourself to the jury.

11 A I'm Steven Horton.

12 Q Who are you employed with?

13 A Spartanburg County.

14 Q And how long have you been with the Sheriff's Office?

15 A A little over four years. Four years two months.

16 Q What are your duties with the Sheriff's Office?

17 A I work in the crime scene unit.

18 Q How long have you worked in that unit?

19 A A little over two years.

20 Q So, back in September of 2013, you'd been there about
21 six months?

22 A Yes, sir.

23 Q Did you receive a call to go to Kelly Acres on that
24 evening?

25 A I did.

Steven Horton - Direct examination
By Solicitor Bulsa

1 Q And do you recall what time you would of arrived?

2 Well, let me ask you this. Did you go, go directly to
3 Kelly Acres?

4 A No, sir, I did not.

5 Q And why not?

6 A I was out -- originally dispatched to go to Spartanburg
7 Regional Hospital.

8 Q Okay. And what was the nature of that call?

9 A It was a shooting.

10 Q All right. Okay. A shooting.

11 Was it connected to a Woodruff incident?

12 A Yes, sir, they, they stated that woodruff had requested
13 our assistance with the shooting.

14 Q And your first direction was to go to the hospital?

15 A Yes.

16 Q For what reason?

17 A Because the victims had already been transported to the
18 hospital. So, I was dispatched there to go and try and
19 photograph them before they were taken to surgery.

20 Q Were you successful in doing that?

21 A One of them.

22 Q Do you remember which one you photographed?

23 A It was on Nahtyriean Parks.

24 Q And what was the nature of his wound?

25 A According to one of the doctors, he said that it wasn't

Steven Horton - Direct examination
By Solicitor Bulsa

1 looking good.

2 Q Were you able to photograph the wound?

3 A Not really cause they were, they were working on him as
4 I was photographing.

5 Q Okay. So, you basically photographed him on a hospital
6 bed?

7 A Yes, sir.

8 Q Okay. Did you have the occasion to process any other
9 item while you were at the Sheriff's Office or, excuse me,
10 at the hospital?

11 A Just collecting the clothes from the victims.

12 Q Did you---

13 A They were removed by, by hospital personnel.

14 Q Did you look at any of the vehicles that might of
15 transported them?

16 A Yes, I did.

17 Q Did you do it at that time?

18 A After, after I was finished photographing them. I left
19 there and then went to the main entrance to the hospital.

20 Q Okay. So, your first contact would of been with the
21 victims.

22 Second contact was with what?

23 A with the vehicle that they were brought to the
24 hospital.

25 Q And how did you know they were brought to the hospital

Steven Horton - Direct examination
By Solicitor Bulsa

1 in that vehicle?

2 A Spartanburg City Police had gotten out with the
3 vehicle. I'm not exactly sure how they got their
4 information but I was told by them that that was the vehicle
5 they were brought in.

6 Q what kind of vehicle was it?

7 A It was -- I don't believe I have that in here. It was
8 a 2001 Mazda sedan.

9 Q Okay. And what did you do in regards to that Mazda?

10 A Initially I just photographed the exterior of it,
11 interior, and then swabbed some blood that was found in the
12 vehicle --

13 Q All right.

14 A -- and collected some evidence out of it.

15 Q what was the purpose of swabbing for blood?

16 A For possible DNA analysis.

17 Q Did -- was that ever done?

18 A I'm not sure.

19 Q Okay. For what purpose would that have been requested?

20 A The DNA?

21 Q Yes, sir.

22 A To see if the blood belonged to the victims.

23 Q Okay. That didn't really become a question, did it?

24 A No, sir.

25 Q Okay. Now, you said you searched it for other

Steven Horton - Direct examination
By Solicitor Bulsa

1 evidence.

2 What were you looking for?

3 A Just anything that may belong to the victims. Anything
4 that, that may contain some evidentiary value to it.

5 Q Did you look throughout the whole vehicle?

6 A Yes, sir, I did.

7 Q Including the trunk?

8 A Yes, sir.

9 Q And what, if anything, did you find?

10 A It was -- belonging to the victims, it was -- there was
11 one black shoe, Nike shoe, that was found, the South
12 Carolina ID of Yeargin, and that was all from the vehicle.

13 Q Did you find any weapons?

14 A Oh, no, sir, I did not.

15 Q Would you have taken any weapons had you found them?

16 A Probably, yes.

17 Q Would you have at least noted it if you'd seen one?

18 A Yes, sir.

19 Q Okay. And you did not?

20 A I did not.

21 Q Any rounds, any bullets, or anything like that?

22 A No, sir, no shell casings, no bullets.

23 Q Okay.

24 Can I get this marked?

25 (WHEREUPON, a photograph was marked as State's Exhibit

Steven Horton - Direct examination
By Solicitor Bulsa

1 No. 12 for identification purposes only at this time.)

2 Q Officer, let me show you what's been marked State's
3 Exhibit No. 12 for identification.

4 Do you recognize that picture?

5 A Yes, I do.

6 Q And what does it show?

7 A That is showing the back seat and in the floorboard
8 area of the car.

9 Q Okay. Is that an accurate depiction of what you found?

10 A Yes, sir.

11 SOLICITOR BULSA: And the State would offer State's 12
12 into evidence.

13 MR. BROWN: Without objection, Your Honor.

14 THE COURT: Without objection, be State's 12.

15 (WHEREUPON, State's Exhibit No. 12 was received into
16 evidence at this time.)

17 THE COURT: Have the witness tell me again how I would
18 identify this.

19 SOLICITOR BULSA: I'm sorry?

20 THE COURT: How would I -- State's 12, what did he call
21 it?

22 SOLICITOR BULSA: It's the back seat of the car.

23 THE COURT: Okay. Thank you.

24 SOLICITOR BULSA: Publish this to the jury?

25 THE COURT: Yes, sir.

Steven Horton - Direct examination
By Solicitor Bulsa

1 Q why did you take this picture?

2 A To document the evidence that was in the seat as well
3 as the -- what appeared to be blood stains on the seat.

4 Q Okay. And this picture shows -- let me get it back
5 out.

6 Looks like a shoe in the floorboard?

7 A Yes, sir.

8 Q Is that the tennis shoe you were commenting about?

9 A Yes, sir, it is.

10 Q Okay. So, you took a picture to document it and then
11 you recovered that shoe?

12 A Yes, sir.

13 Q Now, once you looked at this car, what did you then do?

14 A Um---

15 Q What was your next step?

16 A After photographing?

17 Q Well, after, after you processed the car. We've
18 already talked about what you did.

19 So, after that, what was your next step?

20 A The next step, once I collected all the evidence, it
21 was placed into my truck and secured inside the vehicle.
22 Then I left from there to go to the original incident
23 location.

24 Q Okay.

25 A [REDACTED].

Steven Horton - Direct examination
By Solicitor Bulsa

1 Q Were you doing all this by yourself?

2 A I was.

3 Q Okay. Why is that?

4 A Generally, when it's given out as a shooting, only one
5 of us will go out to work that.

6 Q What if it was given out as a homicide?

7 A If it was given out as a homicide, then we have an
8 on-call team that we call in where usually at least two
9 people will show up to process.

10 Q So, at the time of the initial call, no one had died?

11 A No, sir.

12 Q All right. So, you were essentially working it by
13 yourself?

14 A Yes, sir.

15 Q All right. And then -- when you said you went to the
16 scene, where did you go?

17 A To [REDACTED].

18 Q Okay. And when you got to Woody Court, what did you
19 see?

20 A Woodruff police officers were sitting at the crime
21 scene. They had it roped off and secured.

22 Q I show you State's No. 10.

23 Is this pretty much how it would of been when you
24 arrived?

25 A Yes, sir.

Steven Horton - Direct examination
By Solicitor Bulsa

1 Q Okay. And what was your next step when you got there?

2 A Once I got there, I waited. I -- actually, I think I
3 contacted Investigator Williams to see if they wanted me to
4 go ahead with the processing, and I was advised to continue
5 with processing the scene.

6 Q Investigator Williams, what do you mean by that?

7 A Investigator Lorin Williams.

8 Q Was he the lead detective?

9 A Yes, sir.

10 Q All right. So, he asked you to process the scene?

11 A Yes, sir.

12 Q Was there any specific area in this parking lot that
13 you concentrated on?

14 A The area right in here.

15 Q And why is that?

16 A Back along in here. That was where I was told that the
17 shooting occurred by Woodruff Police.

18 Q Okay. So, you, you were acting on the information that
19 you were provided when you arrived?

20 A Yes, sir.

21 Q Okay. Did they direct you specifically to any items
22 that they may of seen?

23 A They did point out the shell casing that was located
24 right behind this vehicle here.

25 Q Okay. So, that further directed your, your

Steven Horton - Direct examination
By Solicitor Bulsa

1 investigation to that area?

2 A Yes, sir.

3 SOLICITOR BULSA: All right. Like to get this marked.

4 (WHEREUPON, three photographs were marked as State's
5 Exhibit Nos. 13, 14, and 15 for identification purposes only
6 at this time.)

7 Q Let me show you what's been marked for identification
8 State's 13, 14, and 15.

9 Do you recognize those pictures?

10 A Yes, sir.

11 Q And what do they show?

12 A General area of where the incident supposedly occurred.

13 Q Taking the three together, is it sort of a panning view
14 of the three vehicles but you can't really see behind this
15 Woodruff Police car?

16 A Yes, it is.

17 Q Okay. So, we see the Woodruff Police car in State's
18 10. We can see the top of a white truck.

19 Do these areas show the area directly behind the
20 vehicle?

21 A Directly in front of it.

22 Q Okay.

23 A Yes.

24 SOLICITOR BULSA: Your Honor, the State would offer 13,
25 14, and 15 into evidence.

Steven Horton - Direct examination
By Solicitor Bulsa

1 MR. BROWN: Without objection, Your Honor.

2 THE COURT: Without objection.

3 (WHEREUPON, State's Exhibit Nos. 13, 14, and 15 were
4 received into evidence at this time.)

5 SOLICITOR BULSA: For the record, Your Honor, they show
6 vehicles parked in the parking spaces.

7 Q State's 13, tell us what that is.

8 A This is the area where the shooting supposedly occurred
9 somewhere between the truck and this vehicle right here.

10 Q Okay. And State's 14.

11 A And then right above in here, this is where your shell
12 casing was found. There was some blood stains here and then
13 there was a hat and then the other shoe that was believed to
14 belonged to the victim, the other black Nike.

15 Q Okay. And just to carry it a little further and we
16 have State's 15.

17 A And this is just a further out view of the parking lot.

18 Q Okay.

19 A It all occurred here.

20 Q So, we've just seen a panning view of those three
21 vehicles --

22 A Yes, sir.

23 Q -- that seem to mark where the shooting occurred?

24 A Yes.

25 Q Okay. You referenced already the shell casing.

Steven Horton - Direct examination
By Solicitor Bulsa

1 (WHEREUPON, two photographs were marked as State's
2 Exhibit Nos. 16 and 17 for identification purposes only at
3 this time.)

4 Q Now, let me show you State's 16 and 17.

5 Do those show other items of interest in this case?

6 A Yes, sir.

7 Q And the next -- they've seen some of those items in one
8 of the earlier pictures.

9 Is that correct?

10 A Yes.

11 SOLICITOR BULSA: Okay. Your Honor, the State would
12 offer these into evidence.

13 THE COURT: 16 and 17?

14 SOLICITOR BULSA: 16 and 17. Sixteen is the sidewalk
15 and 17 is a close-up of a hat and a shoe.

16 THE COURT: Any objection?

17 MR. BROWN: Without objection, Your Honor.

18 THE COURT: Without objection, will be admitted.

19 (WHEREUPON, State's Exhibit Nos. 16 and 17 were
20 received into evidence at this time.)

21 Q State's 17, is that a close-up of the hat and shoe we
22 saw in State's 14?

23 A Yes, it is.

24 Q Okay. And I believe you referenced that shoe as
25 matching the shoe from the vehicle you processed at the

Steven Horton - Direct examination
By Solicitor Bulsa

1 hospital?

2 A Yes, it does.

3 Q Okay. And on State's 16 appears to show the sidewalk
4 in front of the truck and the red car.

5 A Yes.

6 Q What are we seeing in that picture?

7 A Here's the, the shoe and the hat and then here are the
8 blood spatter along the sidewalk and then there's some
9 flip-flops and then a vodka bottle.

10 Q Okay. So, at this time, you are preserving the
11 evidence with photographs?

12 A Yes.

13 Q What did you actually collect and take with you?

14 A In this picture, I collected the shoe and the hat --

15 Q All right.

16 A -- that they were believed to belong to the victim.

17 Q And what did you do with the flip-flops?

18 A I did not collect those at that particular time.

19 Q Did you ever recover those yourself?

20 A I did.

21 Q You did?

22 A Yes.

23 Q And when did you get those?

24 A It was at a later time after the homicide investigator
25 had come out.

Steven Horton - Direct examination
By Solicitor Bulsa

1 Q Okay. So, at some point later somebody had came out to
2 assist you?

3 A Yes, sir.

4 Q All right.

5 (WHEREUPON, three photographs were marked as State's
6 Exhibit Nos. 18, 19, and 20 for identification purposes only
7 at this time.)

8 Q Let me show you what's been marked for identification
9 State's 18, 19, and 20.

10 Do you recognize those pictures?

11 A Yes.

12 Q Are those essentially similar pictures to the ones
13 we've seen?

14 A Yes, they are.

15 Q Did they actually have a placard or a number?

16 A Yeah, they have number placards marking each item of
17 evidence that I collected.

18 SOLICITOR BULSA: Okay. Your Honor, State would offer
19 State's 18, 19, and 20 into evidence.

20 MR. BROWN: Without objection.

21 THE COURT: Without objection.

22 (WHEREUPON, State's Exhibit Nos. 18, 19, and 20 were
23 received into evidence at this time.)

24 Q State's 18, give the jury a better prospective of what
25 does it show us.

Steven Horton - Direct examination
By Solicitor Bulsa

1 A Here you have, you can't see it good, but it's Placard
2 1, which would be the shell casing.

3 Q All right. Too much.

4 Okay. That's Number 1 marking the shell casing?

5 A Yes.

6 Q Do you know what caliber that shell casing was?

7 A I believe it was a 9-millimeter. Yes, 9-millimeter.

8 Q Okay. State's 19 shows us what?

9 A Here, Number 2, that's a puddle of blood where I took
10 one DNA swab from. Number 3 is your hat and then Number 4
11 was the other black shoe.

12 Q Okay. State's 20.

13 A And then Number 5, that's where I also took another DNA
14 swab from.

15 Q Okay. And you actually took into evidence the shoe and
16 the hat later?

17 A I did, yes.

18 Q Okay. And then later the flip-flops?

19 A Yes.

20 (WHEREUPON, a 9-millimeter shell casing was marked as
21 State's Exhibit No. 21 for identification purposes only at
22 this time.)

23 Q I show you what's been marked State's 21 for
24 identification.

25 Do you recognize, do you recognize that package?

Steven Horton - Direct examination
By Solicitor Bulsa

1 A I do, yes.

2 Q What is it?

3 A It's an evidence envelope that I've placed the
4 9-millimeter fired cartridge into.

5 Q Okay. It appears it has some packaging taken in the
6 back?

7 A Yes.

8 Q What does that indicate?

9 A That is where I place that on there and it seals the
10 package --

11 Q Okay.

12 A -- for anyone open -- you can't open it without tearing
13 the tabs. So --.

14 Q Do you know if that item was submitted for any further
15 analysis?

16 A Oh, no, sir, I do not.

17 Q Okay. Now, the shoe and the flip-flops and the hat,
18 would they have been packaged in the same way?

19 A They would either be in an envelope or in a paper bag.

20 Q Okay. For the sake of trial, we're just gonna use
21 pictures of this. This is an actual shell casing. You can
22 feel it's still in there?

23 A Yes, sir.

24 SOLICITOR BULSA: Okay. And the State would offer 21
25 into evidence.

Steven Horton - Direct examination
By Solicitor Bulsa

1 MR. BROWN: Without objection.

2 THE COURT: Without objection, be State's 21.

3 (WHEREUPON, State's Exhibit No. 21 was received into
4 evidence at this time.)

5 Q Now, did ever recover any firearms at the scene?

6 A I did not.

7 Q Did you recover any other shell callings at the scene?

8 A I did not.

9 Q Did you recover any spent bullets at the scene?

10 A No.

11 Q Any unspent bullets?

12 A No.

13 Q What area did you search while you were out there?

14 A My primary focus, primarily focused on the side of the
15 parking lot where the shooting supposedly occurred.

16 Q Okay. And how long do you recall staying out there
17 processing this location?

18 A I think it's like a couple of hours approximately.

19 Q We'll go back to State's Exhibit 10. In that picture
20 we see one overhead light.

21 Do you remember what the visibility was while you were
22 investigating this location?

23 A It wasn't extremely dark but it wasn't bright either.

24 Q Did you have to use any other sort of lighting to
25 assist you in seeing to do your job?

Steven Horton - Direct examination
By Solicitor Bulsa

1 A I did. I used a flashlight.

2 Q Just a flashlight?

3 A Yes, sir.

4 Q Did it have any stand, light stands that you used?

5 A No, I did not.

6 Q Okay. Was there any, any other officer around
7 assisting you to look?

8 A Not inside the crime scene, no. There were other
9 officers outside the crime scene.

10 Q Did you see any lay witnesses, non-law enforcement
11 witnesses?

12 A I did not --

13 Q The ID person or---

14 A -- when I was there.

15 Q Okay. So, did you interact with any other people while
16 you were at this location?

17 A I did not.

18 Q So, you were there you said what, a couple hours?

19 A It was approximately, yeah.

20 Q So, what did you do?

21 Did you leave?

22 A No, after collecting the evidence, I was packaging
23 everything, getting it sealed up, before leaving the scene
24 and waiting on further instruction from the lead detective.

25 Q Thank you.

Steven Horton - Direct examination
By Solicitor Bulsa

1 Now, did you get any further instruction?

2 A I did. Shortly after processing the scene, I was
3 called by one of the detectives, I think it was Investigator
4 Matt Davis, called and said that one of the victims had
5 passed away and that Investigator Lorin Williams wanted me
6 to respond back to the hospital to photograph the deceased
7 victim as well as the other victim that I didn't get to
8 photograph the first time. And to also collect the GSR from
9 the victim that was still alive.

10 Q Did you go back to the hospital?

11 A I did.

12 Q What happened to the crime scene?

13 A Woodruff, Woodruff officers continued to keep it secure
14 after I left.

15 Q Where would you have parked your vehicle?

16 A I think I was parked down here on this side of the
17 road.

18 Q Do you -- is this your actual picture that you took?

19 A This one, I don't think so. I don't recall taking this
20 one.

21 Q But it does accurately depict what you saw when you
22 pulled up?

23 A Yes, it does.

24 Q Okay. There's a dumpster down at the end of the
25 parking lot.

Steven Horton - Direct examination
By Solicitor Bulsa

1 Did you, at anytime, go look in that dumpster?

2 A No, sir, I did not.

3 Q Do you have any reason to think there might be
4 something there?

5 A At the time I didn't.

6 Q Okay. All right. And you went to the hospital and
7 took pictures of the other victim?

8 A Yes.

9 Q And how long were you there?

10 A I was there approximately 30 to 45 minutes.

11 Q And then was your job finished?

12 A No.

13 Q What happened then?

14 A I responded back to the crime scene where I then met
15 with Homicide Detective Sean Nix and he took over as the,
16 the lead crime scene investigator.

17 Q So, you and he worked in the same unit?

18 A Yes, sir.

19 Q Okay. And he has more experience than you?

20 A Yes.

21 Q Okay. Was it -- would it have been daylight when you
22 got back?

23 A Yes, it was.

24 Q Okay. And then, along with him, did y'all continue to
25 look and investigate that location?

Steven Horton - Direct examination
By Solicitor Bulsa

1 A We did. We continued to canvas more of the area around
2 behind some of the buildings looking for additional shell
3 casings or projectiles.

4 Q And did you find any?

5 A We did not.

6 Q So, in your investigation, you were on the scene
7 approximately how long?

8 A Probably, in all, approximately eight to nine hours.

9 Q Okay. And we know it was -- the lighting was somewhat
10 dim, so to speak, initially but you also searched the area
11 in daylight.

12 A Yes, we did.

13 Q And all you found, related to any firearms, is one
14 shell casing?

15 A Yes.

16 Q Okay. All right. Thank you. That's all I have.

17 Answer any questions Mr. Brown has.

18 CROSS-EXAMINATION

19 BY MR. BROWN:

20 Q Officer Horton?

21 A Yes, sir.

22 Q From what you know of---

23 THE COURT: Give me just a second. If you will, ladies
24 and gentlemen, stand up and stretch your legs just for a
25 moment. Just stand up and stretch your legs.

Steven Horton - Cross-examination
By Mr. Brown

1 (Pause.)

2 THE COURT: All right. Thank you, ladies and
3 gentlemen.

4 Sorry about that, Mr. Brown.

5 Q From what you know of the crime scene and the events
6 that evening, there could of been additional shell casings
7 at that area at some point?

8 A At some point, yes.

9 Q But when you came to the scene, you only found one
10 shell casing?

11 A That is correct.

12 Q And as it relates to what you know to be at least one
13 of the decedents, the type of caliber of bullet was not a
14 9-millimeter bullet, was it?

15 A On that I do not know.

16 Q Did you collect any .38 round shell casings?

17 A Did not.

18 Q Did you collect multiple shell casings that evening?

19 A No, just one.

20 Q You only collected one?

21 A Yes, sir.

22 Q Were there any other indications of weapons having been
23 discharged there?

24 A None that I could find.

25 (WHEREUPON, a photograph was marked as Defendant's

Steven Horton - Cross-examination
By Mr. Brown

1 Exhibit No. 2 for identification purposes only at this
2 time.)

3 Q Let me show you what's been marked as Defense Exhibit
4 No. 2.

5 Okay. All right. Do you---

6 SOLICITOR BULSA: Okay. There's no objection if he
7 wants to introduce it.

8 Q I'm showing you what's been marked as Defendant's
9 Exhibit No. 2.

10 Are you familiar with that?

11 A Yes, I am.

12 Q Did you take that photo?

13 A I did.

14 Q Could you tell us what's in this -- the four frames of
15 this photo?

16 A In the first frame, it appears that there was a
17 projectile that had struck the bumper, the front bumper, of
18 the truck. And then the other one is showing the blood
19 spatter on the side of the front of the, front of the truck
20 and the car. And then two pictures of the vodka bottle.

21 Q Okay. Did you process the vodka bottle?

22 A No, sir, I did not.

23 Q Did you find any spent rounds as it relates to the
24 potential projectile from the truck?

25 A No, I did not.

Steven Horton - Cross-examination
By Mr. Brown

1 MR. BROWN: May I publish it to the jury?

2 THE COURT: So, you, you are admitting that?

3 MR. BROWN: Yes, sir, Your Honor.

4 THE COURT: All right. Without objection, Defense 2.

5 (WHEREUPON, Defendant's Exhibit No. 2 was received into
6 evidence at this time.)

7 Q So, could you show us where the spent round supposedly
8 hit the bumper?

9 A It's possible it hit right in here.

10 Q And from the top photo on the right-hand side, where
11 would that have been?

12 A It would of been right about in there.

13 Q And then processing the scene, you didn't see any
14 projectiles, any rounds, or any shell casings --

15 A I did not.

16 Q -- related to that?

17 A Just the one I collected.

18 Q Did you process the, the vodka bottles for any
19 fingerprints?

20 A No, sir, I did not.

21 Q Would that have been an odd thing to do?

22 A Not necessarily. But, at that particular time, I
23 didn't really see any need to.

24 Q What about now?

25 Do you think they could of been pertinent?

Steven Horton - Cross-examination
By Mr. Brown

1 A It's possible.

2 Q But it wasn't done?

3 A Sir?

4 Q But it wasn't done?

5 A No, sir, it was not.

6 Q You say you went first to Spartanburg Regional?

7 A That's correct.

8 Q How long were you at Regional?

9 A Initially I was there probably around an hour to an
10 hour and a half approximately.

11 Q From the initial call that you received, you were there
12 about an hour, an hour and a half?

13 A Once I arrived, yes.

14 Q How much time was that from the time period in which
15 the shooting occurred approximately?

16 A Approximately 30 minutes. When I initially received
17 the call, I was in Chesnee clearing up off of another call.
18 So, the time it took to drive from Chesnee to the hospital.

19 Q So, you would agree with me that it was at least two
20 hours after the shooting that you were still at Spartanburg
21 Regional?

22 A It is possible, yes.

23 Q And you hadn't made it to Woodruff yet?

24 A No.

25 Q How far is Spartanburg Regional from, from Woodruff?

Steven Horton - Cross-examination
By Mr. Brown

1 A About a 30, 30 minute drive.

2 Q So, at some point after about two hours of being at the
3 hospital, you made your way to Woodruff?

4 A Yes.

5 Q So, it's about two and a half hours after what you know
6 to be the initial shooting?

7 A That is correct.

8 Q And you say you didn't check the trash bin at the
9 opposite end?

10 A I did not.

11 Q Did you check any other areas on the right-hand side of
12 this photo?

13 A Oh, over here?

14 Q Yes.

15 A No, I did not.

16 Q You didn't walk to the opposite end looking for any
17 signs of any other materials?

18 A I did not, no.

19 Q Well, the, the 9-millimeter shell casing, you found it
20 behind a car?

21 A Yes, sir.

22 Q I'm showing you State's Exhibit 15.

23 would that have been behind either one of these
24 vehicles?

25 A It was behind this vehicle right here.

Steven Horton - Cross-examination
By Mr. Brown

1 Q Okay. Which is a distance away from the sidewalk?

2 A From this sidewalk or the one over here?

3 Q The one in which the vodka bottle as well as it looks
4 like a pair of black shorts.

5 A No, the vodka bottle actually was kind of right in
6 front of that vehicle.

7 Q Okay. And the 9-millimeter round was behind that
8 vehicle?

9 A Yeah, it was right in here.

10 Q And it was a spent shell casing?

11 A Yes, sir.

12 Q So, which means what?

13 A It had been fired.

14 Q And what type of weapon would of been able to fire a
15 9-millimeter, as far as you know, a 9-millimeter shell
16 casing?

17 A You -- generally some type of handgun.

18 Q Okay. Would it have been a 9-millimeter handgun of
19 some sort?

20 A More than likely, yes.

21 Q And in terms of swabbing any blood at the scene, you
22 said it was, it was taken for a DNA analysis?

23 A I collected it in case the investigators ordered a DNA
24 analysis.

25 Q Okay. But as far as you know, it was never tested?

Steven Horton - Cross-examination
By Mr. Brown

1 A Not that I'm aware of.

2 Q Okay. And you said your -- you used your flashlight to
3 illuminate the area?

4 A Yes, I did.

5 Q And that was sufficient enough for you to kind of look
6 at some of the places you were trying to look at?

7 A Yes, it was.

8 Q There was also the light of any of the patrol cars that
9 were in the area as well?

10 A Yes.

11 Q Okay. How many patrol cars were out there?

12 A I recall this one. There was one other one behind this
13 one and then my vehicle.

14 Q Okay. And when you arrived on the scene, two and a
15 half hours after the shooting approximately, no one was out
16 there?

17 A Woodruff officers were out there.

18 Q Any residents out there?

19 A None that I saw at the beginning.

20 Q Thank you. That's all the questions I have.

21 THE COURT: Any redirect limited to what he went into?

22 SOLICITOR BULSA: Yes, sir.

23 REDIRECT EXAMINATION

24 BY SOLICITOR BULSA:

25 Q Were the officers still there when you got back in the

Steven Horton - Redirect examination
By Solicitor Bulsa

1 daylight hours?

2 A Yes, they were.

3 Q Okay. So, as far as you know, the scene had been
4 secure all night?

5 A Yeah, as far as I know it was.

6 Q Okay. It appears that this Woodruff Police car has its
7 headlights on?

8 A Right.

9 Q Is that correct?

10 A It appears that way, yes.

11 Q Did you have your headlights on shining over the area?

12 A I did.

13 Q Okay. So, at least two vehicles were projecting --

14 A Yes.

15 Q -- light on the area to help you search?

16 A Yes.

17 Q Okay. Going back to State's 21, it has a description
18 of the item.

19 Is that in your handwriting?

20 A Yes, it is.

21 Q And how did you describe that?

22 A That's an R-P Luger 9-millimeter fired cartridge
23 casing.

24 Q And, in your experience, that's fired from a handgun?

25 A Generally, yes.

Steven Horton - Redirect examination
By Solicitor Bulsa

1 Q You know how it might of been placed on the ground
2 there at Woody Court?

3 A That I don't know. If it was fired from a gun and it
4 just, when the gun ejects it, it lands on the ground.

5 Q Okay. Or it could of been dropped there by someone?

6 A It could of been, yes.

7 Q Okay. So, a thought might be it was placed there by
8 firing but that's not necessarily true?

9 A Exactly, yes.

10 Q And you only found one?

11 A That's correct.

12 Q All right. Now, the bullet strike that Mr. Brown
13 referenced in the Defendant 2, do you know when that -- what
14 makes you think that was a bullet strike?

15 A Just the way it was indented in the truck. It kind of
16 had a round sort of grounded out indention and it appeared
17 to be fresh. There wasn't any rust or anything on the
18 bumper from where the paint had been chipped off.

19 Q All right. Could you tell what direction the strike
20 would of had to come from?

21 A I could not, no.

22 Q So, you didn't know if somebody was standing on the
23 sidewalk shooting back towards the truck?

24 A It, it is possible.

25 Q But nonetheless---

Steven Horton - Redirect examination
By Solicitor Bulsa

1 A I couldn't---

2 Q ---it's on the front bumper?

3 A Yeah, it's on the front bumper, yes.

4 Q Okay. Mr. Brown asked you about any .38 rounds.

5 Are you familiar with how a .38 round is fired?

6 A Oh, yes.

7 Q What, what is the usual type of weapon to fire a .38
8 round?

9 A Generally a handgun.

10 Q Are those automatics or cylinder?

11 A It could be either or one.

12 Q Okay. So, you can have an automatic and an automatic
13 is when the shell ejects --

14 A Uh-huh. (Affirmative).

15 Q -- or semiautomatic?

16 A Yes.

17 Q But a revolver, it stays in the cylinder?

18 A Yes.

19 Q Okay. But, nonetheless, you didn't find anything
20 related to that caliber?

21 A I did not.

22 SOLICITOR BULSA: Okay. That's all I have.

23 RECROSS EXAMINATION

24 BY MR. BROWN:

25 Q Are you, are you saying that it's impossible for that

Steven Horton - Recross examination
By Mr. Brown

1 9-millimeter shell casing to have been there as a result of
2 a gun being fired?

3 That's not what you're saying?

4 A No, no, I'm saying it could of been put, placed there
5 by a gun or by someone dropping it there.

6 Q Okay. But as far, as far as you know, it was a spent
7 shell casing which means it came from a fired---

8 A Yes, sir.

9 Q ---gun?

10 A Yes.

11 Q Okay. And, again, the fresh indention, you know that
12 to be an area that you believed to be a bullet that hit the
13 front of that bumper?

14 A It is possible, yes.

15 Q And you didn't find a projectile of any sort from a
16 bullet?

17 A I did not.

18 Q So, the bullet came out of the handgun, hit that
19 bumper, there would be an indication of something there,
20 more than likely?

21 A It's possible, yes.

22 Q And you didn't find any, any projectile?

23 A No, I did not.

24 MR. BROWN: That's all the questions I have.

25 SOLICITOR BULSA: Nothing further.

Sean Nix - Direct examination
By Solicitor Bulsa

1 THE COURT: All right. Thank you, sir. You may step
2 down.

3 State ready to call their next witness?

4 SOLICITOR BULSA: Deputy Nix.

5 THE COURT: Sir, if you will, just come right up here
6 and let the Clerk of Court swear you in.

7 (Witness complies.)

8 SEAN NIX, being first duly
9 sworn, testified as follows:

10 THE CLERK: Thank you. You may be seated.

11 THE WITNESS: Thank you.

12 Good afternoon, Your Honor.

13 THE COURT: Good afternoon.

14 DIRECT EXAMINATION

15 BY SOLICITOR BULSA:

16 Q Please introduce yourself to the jury.

17 A Michael Sean Nix.

18 Q Who are you employed with?

19 A I'm employed by the Spartanburg County Sheriff's
20 Office.

21 Q In what capacity?

22 A In my current capacity, I'm employed as a crime scene
23 investigator.

24 Q How long have you been with the Sheriff's Office?

25 A It will be 14 years in April.

Sean Nix - Direct examination
By Solicitor Bulsa

1 Q What were your duties back in September of 2013?

2 A Crime scene investigation.

3 Q Is that the Spartanburg version of CSI?

4 A I guess if you want to call it that, sir.

5 Q Okay. All right. So, you're a forensics investigator
6 back then?

7 A Yes, sir.

8 Q What were your duties?

9 A My duties is to document and collect any evidence.

10 Q Okay. Is that done with the direction of anybody in
11 particular?

12 A It can be.

13 Q Now, on this case in question, do you recall
14 participating in the investigation of a scene at Woody Court
15 in Woodruff?

16 A Yes, sir.

17 Q How did you become involved?

18 A I was notified by phone call about a shooting that had
19 occurred earlier in the morning hours of, of
20 September 2nd, 2013, about a shooting that occurred.

21 Q Why were you brought into the involvement in the
22 searching the scene?

23 A At the request of, of the lead investigator.

24 Q Did you have any special skills or experience?

25 A I been doing this job a little bit longer than

Sean Nix - Direct examination
By Solicitor Bulsa

1 Investigator Horton.

2 Q Okay. So, you had a little more experience?

3 A Yes.

4 Q All right. So, you were asked to assist him in looking
5 at the scene?

6 A Yes, sir.

7 Q When did you arrive?

8 A Let's see. I had my arrival time as approximately
9 7:11AM.

10 Q And describe for us what you saw when you got there.

11 A The incident location is, as I stated earlier, 205
12 Woody Court, which is in Kelly Acres Housing Development in
13 Woodruff City limits located in Spartanburg County. It is a
14 series of duplexes arranged out.

15 When I got there, the -- excuse me. Let me backup.

16 The duplex, the incident location, is a parking lot
17 that is elevated above the duplexes numbered as [REDACTED]
18 [REDACTED]. They were three vehicles parked in parking spaces in
19 front of [REDACTED]. The scene had been secured with
20 crime scene and there were officers with Woodruff P.D. and I
21 think some of our investigators were there as well.

22 Q So, this scene was, in essence, secured when you
23 arrived?

24 A Yes, sir.

25 Q Can you see the picture of State's 10?

Sean Nix - Direct examination
By Solicitor Bulsa

1 A Yes, sir, I can.

2 Q Do you see the tape that's up?

3 A Yes, sir.

4 Q Is that typical to preserve a crime scene?

5 A Yes, sir, they have it roped off with evidence tape.

6 Q How do you determine what area to rope off?

7 A You just -- initially you just kind of look to see if
8 there's any evidence present, excuse me, present, and then
9 you just kind of back off that area, rope it off. If you
10 find more evidence, you can always make it bigger and shrink
11 it if you need to do that as well.

12 Q Do you limit your investigation to just that roped off
13 area?

14 A No, sir, you don't.

15 Q Okay. So, we see this roped off area and it doesn't
16 seem to include that white car and the SUV?

17 A It does not seem to be, sir.

18 Q Okay. And then -- so, you arrived in the daytime hours
19 and began to look over a larger area?

20 A Not at first. I just wanted to see the area that
21 already been roped off. But, eventually, during the course
22 of doing what I do, yes, sir, I expanded it a little bit.

23 Q Okay. So, you saw the pictures that Officer Horton
24 took?

25 A Uh-huh. (Affirmative).

Sean Nix - Direct examination
By Solicitor Bulsa

1 Q Okay. And did he collect some of those items at your
2 request?

3 A The items that he collected, that he -- he collected
4 items before I arrived. Then additional items were
5 collected after I arrived as well.

6 Q Okay. What other items do you recall being collected?

7 A In my report, I have him collecting a, please bear with
8 me, a white plug, a white power cord, a plastic bag, liquor
9 bottle, and a pair of flip-flops.

10 Q Okay. Let's take Exhibit 19.

11 Do you see the object between two and three being a
12 white line?

13 A Yes, sir.

14 Q That's what I was looking for.

15 What is that?

16 A If you're referring to that, it looks like a power
17 cord.

18 Q Okay. So, that was one of the other items that you---

19 A Yes, sir.

20 Q ---collected?

21 What was the purpose of collecting those other items
22 that Officer Horton did not collect?

23 A They were just in the area where it appeared that the
24 incident had occurred and sometimes we collect things to
25 have them. And if we don't need them, that's fine, but at

Sean Nix - Direct examination
By Solicitor Bulsa

1 least we have them.

2 Q Okay. So, it's not your job to determine if they're
3 pertinent.

4 You just collect what's there?

5 A Yes, sir.

6 Q And the investigators determine what they need to do,
7 do with the rest of it?

8 A Yes, sir, they can.

9 Q Okay. All right. Did you take additional pictures of
10 the scene?

11 A Yes, sir, I did.

12 Q Okay.

13 (WHEREUPON, eight photographs were marked as State's
14 Exhibit Nos. 22 through 29 for identification purposes only
15 at this time.)

16 Q Okay. Officer Nix, I'm gonna show you a group of
17 photographs marked State's Exhibit 22 through 29 for
18 identification and also one that had been previously marked,
19 State's Exhibit 2, for identification.

20 A Okay.

21 Q These appear they all have been taken in the daytime.
22 Did those show the scene from your investigation?

23 A Yes, sir.

24 Q Are they accurate depictions of what you observed?

25 A Yes, sir.

Sean Nix - Direct examination
By Solicitor Bulsa

1 Q You, in fact, took these pictures?

2 A Yes, sir.

3 SOLICITOR BULSA: The State would move State's No. 2
4 and State's 22 through 29 into evidence.

5 MR. BROWN: Without objection.

6 THE COURT: Without objection, they'll be admitted.

7 (Whereupon, State's Exhibit No. 2 and 22 through 29
8 were received into evidence at this time.)

9 Q And these show the daylight hours and it appears that
10 it was a pretty clear day. State's 22.

11 Is that right?

12 A Yes, sir.

13 Q Okay. State's 23 shows the front of the vehicles?

14 A Yes, sir.

15 Q And State's 24 is a little bit closer?

16 A The side-view, yes, sir.

17 Q State's 25 shows us down the sidewalk where we can
18 actually see where the tape was?

19 A Yes, sir.

20 Q Did you stop your investigation at that tape?

21 A No, sir.

22 Q Did you go and look at the buildings?

23 A Yes, sir.

24 Q What was the purpose of looking in those buildings?

25 A To see if they had been hit by any possible

Sean Nix - Direct examination
By Solicitor Bulsa

1 projectiles.

2 Q And what -- for what reason did you look at those?

3 what caused you to think those might, those buildings
4 might of been hit?

5 A Just because we wasn't sure exactly what direction the
6 incident had occurred in. So, we kind of wanted to look at
7 all the buildings.

8 Q Okay. With that said, how many of these buildings did
9 you look at?

10 A Kind of hard for me to see in the photo. If I'm
11 looking at it right, sir, I see three buildings on this
12 side.

13 Q Did you look at all those buildings?

14 A Yes.

15 Q Some of the buildings are across the street, across the
16 parking lot?

17 A Somebody else checked those buildings. It wasn't me.

18 Q Okay. Here's State's 26, the opposite view down the
19 sidewalk.

20 A Uh-huh. (Affirmative).

21 Q Did you check that building there at the end of the
22 sidewalk?

23 A Yes.

24 Q Okay. And did you see any bullet strikes?

25 A No, sir.

Sean Nix - Direct examination
By Solicitor Bulsa

1 Q And how in the world would you know if something was a
2 bullet strike?

3 A You just look for damage that you -- may be consistent
4 with something that or a projectile at high velocity hit.

5 Q Based on your experience, you didn't see anything that
6 met that description?

7 A No, sir.

8 Q All right. Here's State's 27, the front view of the
9 vehicles.

10 A Uh-huh. (Affirmative).

11 Q State's 28, a little closer.

12 A Yes, I do.

13 Q Can you point out the strike that was referenced in the
14 previous testimony on that Mazda truck?

15 A I believe that's it right there.

16 Q Okay. State's 29, is that a close-up view?

17 A Yes, sir, it is.

18 Q Okay. So, in your experience, what direction would
19 that -- would whatever hit that have had to have come from?

20 A It would had to -- I can't tell you exactly what
21 direction it came from but it had to come from, from up to
22 down.

23 Q It came from the sidewalk?

24 A Yes, sir.

25 Q Could somebody have been standing beside of the

Sean Nix - Direct examination
By Solicitor Bulsa

- 1 vehicle, struck it, shot down?
- 2 A Like on this side, sir?
- 3 Q Yes, sir.
- 4 A I don't see how.
- 5 Q Okay. So, based on your experience, you believe it
- 6 came from someone standing in front of the vehicle?
- 7 A Possibly, yes, sir.
- 8 Q Okay. And to carry it further, State's 2, it's the
- 9 opposite view looking down the sidewalk?
- 10 A Yes, sir.
- 11 Q Did you find any other shell casings in the area?
- 12 A No, sir.
- 13 Q You looked in the grassy area on the sidewalk?
- 14 A Yes, sir.
- 15 Q How long did you recall being out at the scene?
- 16 A Several hours to my recollection.
- 17 Q Okay. And what evidence related to any possible
- 18 gunshots did you find at this location?
- 19 A At this location?
- 20 Q Yes, sir.
- 21 A Other than something hitting the front bumper of that
- 22 truck, nothing.
- 23 Q Because Officer Horton had already recovered the shell
- 24 casings?
- 25 A He had already---

Sean Nix - Direct examination
By Solicitor Bulsa

1 Q Is that right?

2 A ---recovered the fired cartridge case, yes, sir.

3 Q All right. Did you attend the autopsy of the victims?

4 A I attended a autopsy of one of the victims.

5 Q Okay. And which one was that?

6 A Actually let me rephrase that. I attended the autopsy
7 of one of the victims on the same day the incident occurred,
8 and then I attended the autopsy of the second victim I
9 believe it was the next day. But for the one on the day
10 that the incident occurred, it was for the autopsy of,
11 pardon me, Nahtyriean Parks.

12 Q Okay. So, Mr. Parks passed away and was examined the
13 day of the incident?

14 A Yes, sir.

15 Q And did you recover anything from his body?

16 A Let's see. I performed a GSR kit on him. Previously,
17 before performing that GSR kit, he had had two bags placed
18 over his hands. I collected those off of both his hands,
19 let's see, and I believe that was the only thing I collected
20 from Mr. Parks autopsy.

21 Q So, a bullet wasn't taken from his body?

22 A I do not believe so. Let me double-check to make sure
23 I'm telling you correctly, Mr. Bulsa.

24 (Pause.)

25 A No, sir, that's it.

Sean Nix - Direct examination
By Solicitor Bulsa

1 Q And you attended the autopsy of Mr. Yeargin the next
2 day?

3 A Yes, sir.

4 Q And what did you collect from his body?

5 A From his autopsy, two fired bullets were removed and
6 collected.

7 Q So, the pathologist cut those out and gave them to you?

8 A Yes, sir, he did.

9 Q And you were present when those were taken?

10 A Yes, sir, I was.

11 (WHEREUPON, two fired bullets were marked as State's
12 Exhibit Nos. 30 and 31 for identification purposes only at
13 this time.)

14 Q Let me show you what's been marked for identification
15 State's 30 and 31.

16 Do you recognize those packages?

17 A Yes, sir.

18 Q And what, what are they?

19 A They are listed as fired bullet from right shoulder and
20 fired bullet from back.

21 Q Is that your handwriting?

22 A Yes, sir, it is.

23 Q Those are the bullets you recovered from the autopsy of
24 Mr. Yeargin?

25 A Yes, sir, it is.

Sean Nix - Direct examination
By Solicitor Bulsa

1 Q What did you do with those items?

2 A After being handed the fired bullets -- well, let me
3 back up.

4 Doctor Wren places the fired bullets into little
5 containers. After being handed those containers, I seal
6 them up and place them in these evidence bags and they are
7 sealed up.

8 Q Is that for later analysis, if needed?

9 A Yes, sir.

10 Q Okay. Would that have been at the direction of you?

11 A Later analysis?

12 Q Yes, sir.

13 A That would of been -- I would of sent these off to
14 analysis for SLED but I don't do actual analyst, analyst
15 collection. Excuse me.

16 Q Would you, would you have been the person to decide
17 what should be sent to SLED?

18 A No, sir, I'm sorry.

19 Q Who decides that?

20 A The lead investigator. I consult with the lead
21 investigator to see what he wants sent off to SLED for
22 analyzation.

23 Q Okay. So, based on your and Deputy Horton's
24 investigation of this shooting, we find one shell casing,
25 one possible bullet strike to a truck, and two bullets from

Sean Nix - Cross-examination
By Mr. Brown

1 a body?

2 A Yes, sir.

3 Q Thank you.

4 That's all I have.

5 CROSS-EXAMINATION

6 BY MR. BROWN:

7 Q Investigator Nix, based upon your testimony, are you
8 saying that it was no bullet found from the body of Tee
9 Parks?

10 A There was none recovered from the autopsy of Mr. Parks,
11 no.

12 Q And none that you know of at this time?

13 A No, sir.

14 Q All right. Now, you say you checked the buildings.
15 How did you go about checking the buildings?

16 A Visually.

17 Q Visually from a distance?

18 A Visually close-up.

19 Q Did you take any pictures of the other buildings?

20 A No, sir.

21 Q Did you get on top of the buildings?

22 A On top of them, no, sir.

23 Q Is it possible there could of been strikes of some sort
24 if there had been gun play coming from the opposite
25 direction on any of the buildings?

Sean Nix - Cross-examination
By Mr. Brown

1 A I'm not understanding your question, Mr. Brown.

2 Q If someone was standing behind one of the vehicles and
3 was firing in the direction of the buildings, and they were
4 aiming up, maybe they hit the top of the building.

5 Did you check for that?

6 A If you're referring to like the roofs that are parallel
7 with the sky, no. If you're talking about the top part
8 where these eaves are, yes, I did.

9 Q But the low lying -- well, you would agree with me that
10 some of the units or the duplexes, as they've been
11 described, sit kind of down?

12 A Yes, they -- the parking lot they's (sic) in this
13 picture, you can see the parking lot is elevated and that's
14 going downslope.

15 Q And that would lower some of the duplexes as opposed
16 to---

17 A That is correct.

18 Q ---the one you see here?

19 A Yes, sir.

20 Q And, from that, did you check the top of the roofs?

21 A No, sir.

22 Q Never did?

23 A No, sir.

24 Q Do you have any pictures of the trash can or trash bin
25 at the opposite end of this area?

Sean Nix - Cross-examination
By Mr. Brown

1 A No, sir.

2 Q Do you have any pictures on the inside of that trash
3 can?

4 A No, sir.

5 Q So, you never checked?

6 A I did not check inside the trash can but I did check
7 the outside trash can to see if it had been hit by a
8 projectile.

9 Q But you didn't check for any potential shell casings
10 inside the trash can?

11 A Inside it, no, sir.

12 Q Would you have had the opportunity or would it been a
13 part of what you do to speak with any of the residents?

14 A No, sir, that is not part of what we do.

15 Q Okay. And the area that's roped off, that was there
16 before you got there?

17 A Yes, sir.

18 Q And you, you got there around what time of day?

19 A As I stated earlier, I believe it was 7:11AM.

20 Q Okay. And you said you'd been, you, at that time in
21 2013, September, you were doing the job that you did at that
22 time period a little bit longer than Investigator Horton?

23 A Correct, sir.

24 Q How long had you been doing that job?

25 A In 2013, it would of been just short of seven years.

Sean Nix - Cross-examination
By Mr. Brown

1 Q And you had who to come assist you when you were
2 processing the area?

3 A Investigator Horton.

4 Q I'm showing you State's Exhibit No. 28.

5 This scene was preserved when you, when you arrived,
6 correct?

7 A It appears as it -- yes, it---

8 Q Are there any empty parking spaces across from what
9 we're looking at?

10 A Yes.

11 Q And that would -- that area would of just been held in
12 tact?

13 A Yes.

14 MR. BROWN: That's all the questions I have.

15 THE COURT: Any redirect limited to what he went into?

16 SOLICITOR BULSA: Yes, sir.

17 REDIRECT EXAMINATION

18 BY SOLICITOR BULSA:

19 Q State's Exhibit 22 shows the front of [REDACTED]?

20 A Yes, sir.

21 Q Okay. And then it shows another building to the left I
22 guess.

23 Is that right?

24 A Yes, sir.

25 Q Can you point to it for us?

Sean Nix - Redirect examination
By Solicitor Bulsa

1 A (Witness complies.)

2 Q If someone were standing in this parking lot firing
3 back between those two buildings, based on your presence at
4 the scene, where would the bullets have struck?

5 MR. BROWN: Your Honor, that calls for speculation.

6 THE COURT: You want to lay a foundation?

7 SOLICITOR BULSA: Okay.

8 Could you see the actual roof of that building?

9 Let me, let me show it in 26.

10 What kind of angle would of been -- somebody would of
11 had to shoot at to strike that building?

12 A Strike that building?

13 Q Yes, sir.

14 A I guess shooting back this a way.

15 Q Okay. And about how much lower then the parking lot is
16 that building?

17 A I can't give you, I can't give you an exact --

18 Q How many steps---

19 A -- to be honest.

20 Q How many steps are there?

21 A From this picture, it appears to be five but I'm sure
22 there's more than that.

23 Q Okay. State's Exhibit 25.

24 Can you count the number of steps?

25 A Not with my eyesight, sir. I can't -- I don't think I

Sean Nix - Redirect examination
By Solicitor Bulsa

1 can. Maybe five by the way I'm looking at it.

2 Q Okay. All right. And the building in 26 that we see,
3 is that about the same level as the previous building?

4 A Yes, sir.

5 Q Okay. And now Mr. Brown asked you if you took any
6 pictures, any close-up pictures of those buildings.

7 A No, sir.

8 Q You testified you did not?

9 A No, sir.

10 Q And why not?

11 A I didn't find anything to suggest that they had been
12 struck by something.

13 Q So, there was nothing to take a picture of.

14 Is that what I hear you saying?

15 A Yes, sir.

16 Q Okay. If there had been, would you have taken a
17 picture similar to the one in 29?

18 A Yes, sir.

19 Q A close-up of it?

20 A Yes, sir.

21 Q Okay. Mr. Brown asked you about the trash can.

22 A Uh-huh. (Affirmative).

23 Q Did you have any reason to look in that trash can?

24 A At the time I was on the scene, no other reason to look
25 in the trash can, no, sir.

Sean Nix - Redirect examination
By Solicitor Bulsa

1 Q Okay. Is that a common place to look?

2 A It depends on what the circumstances are.

3 Q All right. And do these circumstances lend any reason
4 to do that?

5 A Based on what I knew at the time, no, sir.

6 Q All right. Now, thank you, sir.

7 THE COURT: Thank you, sir. You may step down.

8 SOLICITOR BULSA: I think he may have something else.

9 THE COURT: Beg your pardon?

10 SOLICITOR BULSA: I believe Mr. Brown may have --.

11 THE COURT: I believe that I control the conducting of
12 the witnesses.

13 SOLICITOR BULSA: Yes, Your Honor. I'm sorry. I
14 didn't --.

15 THE COURT: I hear---

16 MR. BROWN: May I just briefly, Your Honor?

17 THE COURT: Briefly because usually I do not allow
18 attorneys to go back and forth but, briefly, go ahead.

19 RE CROSS EXAMINATION

20 BY MR. BROWN:

21 Q You said, at the time, you would of had a need to look
22 in the trash can.

23 From what you know now, could it have helped if you had
24 looked in the trash can?

25 A It may or may not.

William Gary - Direct examination
By Solicitor Bulsa

1 Q Thank you.

2 THE COURT: Thank you, sir. You may step down.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: The State ready to call their next witness?

5 SOLICITOR BULSA: Yes, sir.

6 William Gary.

7 WILLIAM GARY, being first duly
8 sworn, testified as follows:

9 THE CLERK: Thank you. You may be seated.

10 (Witness complies.)

11 DIRECT EXAMINATION

12 BY SOLICITOR BULSA:

13 Q Please introduce yourself to the jury.

14 A My name is William Gary. I'm an employee of the
15 Spartanburg County Sheriff's Office.

16 Q All right, sir. I had a couple pictures I was gonna
17 show you.

18 Did you participate in the investigation?

19 A I did.

20 Q In what capacity?

21 A I was asked, the next day, to go meet with Woodruff
22 P.D. and get some information they had received that I went
23 to look back over the scene of the incident.

24 Q What day would that have been?

25 A I believe it's the day after, the 3rd.

William Gary - Direct examination
By Solicitor Bulsa

1 Q And this occurred on the morning of the 2nd.

2 A I think so.

3 Q Okay. Why would you, as an investigator, have been
4 sent back to the scene?

5 A Well, there was some information that Woodruff had
6 gotten. So, I went to follow-up on that with them, and then
7 there was an unaccounted for projectile and we looked to see
8 if we might could locate it in the area.

9 Q When you say an unaccounted for projectile, what do you
10 mean?

11 A If we have a shooting, you try to account for the
12 injuries, if you can, or other damage, how many projectiles
13 there may be. It may be as back as far as counting shell
14 casings, what's ejected from a semi-automatic pistol. If
15 you have multiple of those, which you can't find but so many
16 projectiles, you try to look and see if you can find the
17 rest of the projectiles at the scene.

18 Q Why did you think you had one unaccounted for?

19 A I don't remember. I know I was told or I was told
20 to -- there was one that we could not account for at least
21 and I was asked to go look and see if we could find anything
22 over there where -- make sure a car or a vehicle or a
23 building, something like that.

24 Q Okay. And what part of this crime scene did you look
25 in?

William Gary - Direct examination
By Solicitor Bulsa

1 A We're looking in the parking lot where it occurred. It
2 occurred at one apartment and so we kind of looked in the
3 whole parking lot area. Almost directly across from where
4 it occurred, there was a car, I believe, that had been
5 struck. It had been moved since I think and close where it
6 was parked we actually -- I did locate a projectile right up
7 where the parking lot where you have the concrete curb that
8 comes up from the parking area that's right up against right
9 near that.

10 (WHEREUPON, three photographs were marked as State's
11 Exhibit Nos. 32, 33, and 34 for identification purposes only
12 at this time.)

13 Q All right. I show you a series of photographs, State's
14 Exhibit 7 for identification, State's 32, 33, and 34 for
15 identification.

16 Do you recognize what's in those pictures?

17 A Yes, sir, I do recognize it.

18 Q Do those accurately depict the area that you looked at?

19 A Yes, they do.

20 SOLICITOR BULSA: The State would move those into
21 evidence.

22 MR. BROWN: Without objection.

23 THE COURT: Without objection, be admitted, 7, 32, 33,
24 and 34.

25 SOLICITOR BULSA: Yes, sir.

William Gary - Direct examination
By Solicitor Balsa

1 (WHEREUPON, State's Exhibit Nos. 7 and 32 through 34
2 were received into evidence at this time.)

3 Q I'm first going to show you State's 32 and it shows the
4 white pickup and a vehicle on the other side of the parking
5 lot.

6 Do you see that?

7 A Yes, sir.

8 Q Okay. Is that the vehicle that you described as being
9 near the spent round?

10 A The vehicle here.

11 Q Okay. That is shown on State's 7.

12 A Yes, sir, that's a closer view of the same vehicle.

13 Q Okay. And State's 33, what does that show us?

14 A That is the projectile here where it's directly in
15 front of that view.

16 Q All right. And State's 34.

17 A That's a closer view to split the scale taken of that
18 projectile. You see it's right at the edge where the
19 concrete and asphalt come together.

20 Q Okay. And do you know what caliber that round was?

21 A Just looking at it, I'm not, I'm not sure.

22 Q You do not know.

23 what did you do when you found that?

24 A I stayed with it so that it would not be moved until
25 Sergeant Burgess, from our forensics division, could get

William Gary - Direct examination
By Solicitor Bulsa

1 there to photograph it and document it and collect it.

2 Q Did you -- how large of an area did you search?

3 A Basically this is about halfway through the parking
4 area between the building, and we went up looking at the
5 walls, the apartment across the street. There's some
6 dumpster, I believe, to the left. Looked all the way over
7 there. And then basically I almost stepped on it and walked
8 right in front of that car there.

9 Q You mentioned a dumpster.

10 Did you look in the dumpster?

11 A I don't remember if we did or not.

12 Q Did you find anything else of value?

13 A No, sir.

14 Q You said Sergeant Burgess came and collected it?

15 A Yes, sir.

16 Q Okay. Thank you. That's all I have.

17 CROSS-EXAMINATION

18 BY MR. BROWN:

19 Q What time were you at the center?

20 A I think it was around between 9:30 and ten o'clock in
21 the morning.

22 Q Okay.

23 A I think we got there about 9:00, 9:30.

24 Q You still don't know what caliber that was?

25 A I don't know, sir.

Deanna Burgess - Direct examination
By Solicitor Bulsa

1 MR. BROWN: That's all the questions I have.

2 SOLICITOR BULSA: Nothing further.

3 THE COURT: Thank you, sir. You may step down.

4 Any reason why the witness can not be excused?

5 SOLICITOR BULSA: No, sir.

6 MR. BROWN: None, Your Honor.

7 THE COURT: Thank you, sir. You may be excused.

8 SOLICITOR BULSA: State calls Deanna Burgess.

9 THE COURT: Just come right up here, ma'am, and let the
10 officer -- Clerk of Court swear you in.

11 (Witness complies.)

12 DEANNA BURGESS, being first duly sworn,
13 testified as follows:

14 THE CLERK: Thank you. You may be seated.

15 (Witness complies.)

16 DIRECT EXAMINATION

17 BY SOLICITOR BULSA:

18 Q Please introduce yourself to the jury.

19 A I'm Sergeant Deanna Burgess with the crime scene unit
20 at the Spartanburg County Sheriff's Office.

21 Q So, you're the supervisor of that unit?

22 A I am.

23 Q How long have you been with the Sheriff's Office?

24 A Thirty years in July.

25 Q And how long have you been with the crime scene unit?

Deanna Burgess - Direct examination
By Solicitor Bulsa

1 A Thirty years in July.

2 Q That's all you've done?

3 A Yes.

4 Q Okay. All right. How did you get involved in the
5 investigation at Woody Court?

6 A I was called by Investigator William Gary to come to
7 Kelly Acres because he had found some evidence that needed
8 to be collected.

9 Q Why wasn't one of the other officers sent that
10 initially worked the case?

11 A They were busy with all the other things that they had
12 collected previously.

13 Q Okay. And showing you some photos.

14 Can you see that picture --

15 A I can.

16 Q -- State's Exhibit 7, a close-up, State's 33, and
17 State's 34.

18 What does State's 34 show us?

19 A It's a projectile.

20 Q And what is the marking beside it?

21 A That is a rule -- tape rule.

22 Q And what is the purpose of that?

23 A It's -- it -- one, it causes the evidence to stand out
24 more and tell you -- it tells you a little bit about size.

25 (WHEREUPON, a projectile was marked as State's Exhibit

Deanna Burgess - Direct examination
By Solicitor Bulsa

1 No. 35 for identification purposes only at this time.)

2 Q Okay. Let me show you what's been marked State's
3 Exhibit 35 for identification.

4 Do you recognize that package?

5 A Yes.

6 Q What is it?

7 A It's a projectile collected on that scene.

8 Q Is that filled out by you?

9 A Yes, it is.

10 SOLICITOR BULSA: Your Honor, State would move that --
11 State's 35 into evidence.

12 MR. BROWN: Without objection.

13 THE COURT: Without objection, be State's 35.

14 (WHEREUPON, State's Exhibit No. 35 was received into
15 evidence at this time.)

16 Q So, you collected what was in the picture of State's 34
17 and put it in that envelope, State's 35?

18 A Yes, I did.

19 Q Okay. And then what was done with it?

20 A I took it back to the Sheriff's Office and put it with
21 the other evidence given to Steven Horton and Michael Nix.

22 Q And then there would of been a decision, a decision
23 made as to what to do with that evidence?

24 A Right. It's our procedure that whoever is the lead
25 investigator on the case take all the evidence and list

Deanna Burgess - Direct examination
By Solicitor Bulsa

1 whatever's to be done with it along with the investigator
2 from CID.

3 Q Okay. When you were called out there by Mr. Gary, did
4 you search any other area?

5 A No.

6 Q Why not?

7 A Well, he told me, Investigator Gary, told me that he
8 had come out there that morning and he looked around and
9 that he had found this.

10 Q Okay. Had you spoken with the other two investigators
11 prior to going out there?

12 A I, I did know that they had a call there but I didn't
13 know exactly what had happened.

14 Q Okay. So, were you aware of where the actual shooting
15 was believed to have taken place?

16 A Yes.

17 Q And this location was all the way across the parking
18 area?

19 A Yes, straight across the parking lot.

20 Q Okay. So, at the time, you didn't know if it connected
21 to or not?

22 A No.

23 Q Okay. But it was collected because it was found during
24 the same timeframe?

25 A Right.

Deanna Burgess - Cross-examination
By Mr. Brown

1 Q Okay. Thank you. That's all I have.

2 CROSS-EXAMINATION

3 BY MR. BROWN:

4 Q Did it look like it had struck that vehicle that it was
5 in front of?

6 A I could not find any places on that vehicle.

7 Q Okay. So, you don't know what it struck?

8 A No, sir.

9 Q You didn't see any indication that it struck the
10 sidewalk?

11 A No, sir, I did not.

12 MR. BROWN: That's all the questions I have.

13 SOLICITOR BULSA: Nothing further.

14 THE COURT: Thank you, ma'am. You may step down.

15 Any reason why the witness can not be excused?

16 SOLICITOR BULSA: No, sir.

17 MR. BROWN: No, Your Honor.

18 THE COURT: Thank you, ma'am. You may be excused.

19 SOLICITOR BULSA: State calls Summer Bayne.

20 THE COURT: Lawyers approach a moment.

21 (WHEREUPON, a bench conference was held out of the
22 hearing of the jury at this time.)

23 THE COURT: All right. Miss Bayne, if you will, return
24 back to the gallery.

25 Ladies and gentlemen, we're gonna take a short recess.

Summer Bayne - Direct examination
By Solicitor Bulsa

1 Remind you not to have any discussions among yourselves
2 about anything involved in the case but you may retire back
3 to the jury deliberation room.

4 Everybody keep their seats.

5 (WHEREUPON, the following takes place outside the
6 presence of the jury.)

7 THE COURT: All right. We're gonna step down.

8 (WHEREUPON, a short recess was taken at this time.)

9 THE COURT: Lawyers approach a moment. Lawyers
10 approach a moment.

11 (WHEREUPON, a bench conference was held at this time.)

12 THE COURT: All right. Let's bring the jury in.

13 (WHEREUPON, the following takes place within the
14 presence of the jury.)

15 THE COURT: State ready to call their next witness?

16 SOLICITOR BULSA: Let me get her, Your Honor.

17 Miss Bayne.

18 Miss Bayne, is she outside?

19 UNIDENTIFIED WOMAN: Yes, sir.

20 THE COURT: Ma'am, just come right up here and let the
21 Clerk of Court swear you in.

22 (Witness complies.)

23 SUMMER BAYNE, being first duly
24 sworn, testified as follows:

25 THE CLERK: Thank you. You may be seated.

Summer Bayne - Direct examination
By Solicitor Bulsa

1 (Witness complies.)

2 DIRECT EXAMINATION

3 BY SOLICITOR BULSA:

4 Q Ma'am, if you would, introduce yourself to the jury.

5 A My name is Summer Bayne.

6 Q How old are you, ma'am?

7 A I'm 23.

8 Q And where do you live?

9 A I live in Woodruff, South Carolina.

10 Q How long have you lived in Woodruff?

11 A For 13 years.

12 Q Did you graduate high school there?

13 A I did.

14 Q When would you have graduated?

15 A In 2009.

16 Q Try to just talk instead of talking towards the mic.

17 A Okay.

18 Q It probably will make it a little more comfortable.

19 All right?

20 A (Witness nods affirmatively.)

21 Q Are you employed?

22 A I am.

23 Q Are you going to school?

24 A I am.

25 Q Where are you, where are you going to school?

Summer Bayne - Direct examination
By Solicitor Bulsa

- 1 A At Brown Mackie College in downtown Greenville.
- 2 Q How long have you been attending that college?
- 3 A A year.
- 4 Q What are you studying?
- 5 A Nursing.
- 6 Q And where are you working?
- 7 A I work at Northwest Grill.
- 8 Q And where is that?
- 9 A In Travelers Rest.
- 10 Q And how long have you held that job?
- 11 A Two years.
- 12 Q So, you were working back when this incident happened?
- 13 A I was.
- 14 Q Did you have occasion to be at Woody Court the night of
- 15 this shooting?
- 16 A Did I have plans?
- 17 Q Did you have an occasion to be there?
- 18 Were you there?
- 19 A Yes, I were there.
- 20 Q And who did you come with?
- 21 A I came with Tee Parks.
- 22 Q Okay. And what was the reason for going there?
- 23 A Nahtyriean wanted to hang out with Quinn Yeargin.
- 24 Q And Nahtyriean is Tee?
- 25 A Yes, sir.

Summer Bayne - Direct examination
By Solicitor Balsa

- 1 Q He wanted to hang out with Quinn Yeargin.
2 was Quinn already there when you arrived?
- 3 A No, sir.
- 4 Q Okay. So, what time did you and Tee arrive?
- 5 A About 20 or 30 minutes till midnight.
- 6 Q All right. And about how many people were already at
7 that location?
- 8 A They were probably about 20 people outside of that
9 location.
- 10 Q How many of those people were you familiar with?
- 11 A Maybe seven.
- 12 Q Okay. So, when you got there with Tee, what took
13 place?
- 14 A Tee got out the car and said that he was gonna stay and
15 I was gonna go pick Quinn up.
- 16 Q Okay. So, you had expected him to be there but he
17 wasn't there?
- 18 A Right.
- 19 Q And what did you -- did you leave to go get him?
- 20 A Yes.
- 21 Q where did you go?
- 22 A I went to Pine Ridge.
- 23 Q Is that also in Woodruff?
- 24 A It is. It's about maybe a minute from Kelly Acres.
- 25 Q All right. And what took place when you got there?

Summer Bayne - Direct examination
By Solicitor Bulsa

1 A I met Quinn as well as Travis Jeter, Brittany Jeter,
2 and Jermaine.

3 Q And Jermaine who?

4 A Nesbitt.

5 Q Nesbitt.

6 All right. Did you pick Quinn up and go back to Kelly
7 Acres?

8 A No, he decided to ride with Travis Jeter and Jermaine
9 and Brittany Jeter got in the vehicle with myself.

10 Q So, it would of been the two of y'all and those two
11 vehicles went back to Kelly Acres?

12 A Yes, sir.

13 Q Back to Woody Court?

14 A Yes, sir.

15 Q And that's the area we, we've been looking at in these
16 pictures?

17 A Right.

18 Q I'm just gonna publish one of these pictures to you.
19 I'm gonna show it to you. State's Exhibit No. 15.

20 Do you see those vehicles?

21 A I do.

22 Q Would your vehicle have been parked in any of those
23 three open spots?

24 A It would of been on the other side of the light
25 vehicle.

Summer Bayne - Direct examination
By Solicitor Bulsa

1 Q Okay. And we see -- sort of see it. There's another
2 vehicle on the other side, the white and silver.

3 It would of been further down---

4 A Right.

5 Q ---of that vehicle?

6 A Correct.

7 Q Okay. Showing you State's Exhibit No. 10.

8 Do you see this corner right here?

9 A Okay.

10 Q Point to where you recall you parked?

11 A (Witness complies.)

12 I would of been on the other side of this Expedition I
13 believe.

14 Q Okay. Are you familiar with any of those vehicles or
15 know who owns them or drives them?

16 A No, sir.

17 Q All right. Where -- whose vehicle did Quinn ride in?

18 A Jermaine's.

19 Q So, Jermaine was driving.

20 what kind of vehicle was he driving?

21 A I have no idea.

22 Q You don't remember?

23 A (Witness nods negatively.)

24 Q Do you remember where he would of parked?

25 A He was on the other side of me. He would of been on my

Summer Bayne - Direct examination
By Solicitor Bulsa

1 right side.

2 Q Okay. So, both of y'all would of been on the far side
3 of that white SUV looking vehicle?

4 A Correct.

5 Q All right. And what did y'all do when y'all got there?

6 A We got out of the vehicle and was communicating with
7 people that were there.

8 Q All right. Where, in particular, did you go in the
9 parking lot to speak to people?

10 A Well, there was people standing here behind these
11 vehicles here.

12 Q All right. Let me move this one away.

13 State's 13, does that show the area?

14 A Yes, sir.

15 Q And also State's 13.

16 You said there were people standing behind the
17 vehicles?

18 A Yeah, there was people standing behind and even between
19 it and on the other side of this car.

20 Q And were there people standing on the sidewalk?

21 A There were.

22 Q Okay. And where did you -- which persons were you
23 speaking to?

24 A I was speaking to Tez Taylor and I'm not sure who he
25 was with at the time.

Summer Bayne - Direct examination
By Solicitor Bulsa

1 Q Okay. How long did you -- would you say you were at
2 this parking lot before anything broke out?

3 A Probably ten to fifteen minutes.

4 Q And tell us what's the first thing that happened that
5 led to this shooting.

6 A Quinn and Travis Jeter approached the middle of the
7 parking lot calling out for Dweet also known as DeAdrien
8 Morton. And when somebody told them that he was not there
9 anymore, he wanted to speak with Terrell Brown.

10 Q Did you know who Dweet was?

11 A I did.

12 Q Did you see him there?

13 A I did not.

14 Q Okay. So, you didn't see him and you heard someone say
15 that he's not there?

16 A Correct.

17 Q All right. And then what happened?

18 A Quinn approached Terrell as Terrell was standing on the
19 other side of the white truck and asked him why he hasn't
20 hollered at him since he had been out of prison for two
21 days.

22 Q Do you remember how or from what direction Quinn
23 approached him?

24 A Quinn would of been in the middle here and he
25 approached him down the side of this white truck.

Summer Bayne - Direct examination
By Solicitor Bulsa

- 1 Q Okay. So, I'm using State's 14.
2 He would of walked through there?
- 3 A Yes, sir.
- 4 Q Those two vehicles?
- 5 A Yes, sir.
- 6 Q All right. And could you tell or hear what was going
7 on?
- 8 A I could hear Quinn asking him why he hasn't spoke to
9 him. After that, I didn't hear anyone say anything.
- 10 Q All right. Now, where were you actually located when
11 you---
- 12 A I would of been---
- 13 Q ---saw this?
- 14 A ---probably about 6-feet to the left of that vehicle.
- 15 Q All right. Well, after Quinn spoke to Mr. Brown, what
16 then happened?
- 17 A Shots were fired.
- 18 Q Okay. How many times did Quinn approach Mr. Brown
19 before the shots were fired?
- 20 A That was the first time that I witnessed him
21 approaching him.
- 22 Q Okay. Could there have been an opportunity before --
23 that you didn't see?
- 24 A There could have, yes.
- 25 Q Okay. Do you know why the shots were fired?

Summer Bayne - Direct examination
By Solicitor Bulsa

1 A I do not.

2 Q Did you hear anything that might of caused the shots to
3 be fired?

4 A No, sir.

5 Q Did you see anybody with a weapon?

6 A I did.

7 Q Who?

8 A Terrell Brown.

9 Q Do you know what kind of weapon he had?

10 A I do not.

11 Q Do you know if it was a pistol or a handgun?

12 A I have no, no clue.

13 Q Or a rifle?

14 A I mean obviously it wasn't a rifle. It would of had to
15 of been a handgun.

16 Q well, how do you know you saw a weapon?

17 A Cause I saw it in his hand.

18 Q Okay. So, he had it -- it was a -- that's what I'm
19 trying to get you to say.

20 was it a handgun or a fire -- or a long gun or what?

21 A Yeah, it was a small handgun.

22 Q Okay. Do you know anything about weapons?

23 A I do not.

24 Q So, you don't know what kind of weapon it was?

25 A No, sir.

Summer Bayne - Direct examination
By Solicitor Bulsa

1 Q Did Quinn have a weapon?

2 A I never seen him with a weapon, no, sir.

3 Q Okay. And how well did you know Quinn?

4 A He's the father of my child.

5 Q And how old is your child?

6 A She's three.

7 Q So, at that time your child was about a year and a
8 half?

9 A She was two. She had just turned two two days before.

10 Q Just turned two.

11 Okay. All right. And how long did you actually see
12 Quinn that evening?

13 A That was my first time seeing him when we went to Pine
14 Ridge to meet him.

15 Q Okay. So, he didn't ride over in your car?

16 A He did not.

17 Q How long did you and he or did you and he even speak at
18 this location---

19 A We did.

20 Q ---before this happened?

21 A One time.

22 Q One time?

23 A Uh-huh. (Affirmative).

24 Q So, if he had anything on him, you don't know?

25 A I have no idea.

Summer Bayne - Direct examination
By Solicitor Bulsa

1 Q Okay. But at the time the shots rang out, did you look
2 in that direction?

3 A I did.

4 Q And what did you see happen?

5 A I seen Quinn fall against the white truck, and as he
6 fell, Re'll shot him two more times.

7 Q Where about?

8 Can you show us in this picture where Quinn would of
9 been on the ground?

10 A Right here.

11 Q Okay. This is State's 16.

12 Did it appear that he was on the sidewalk?

13 A He was somewhat on the sidewalk and the pavement as
14 well.

15 Q Okay. So, sort of in the curb?

16 A Yes, sir.

17 Q And State's 17 we see a hat and shoe.

18 Do you know whose (sic) those belong to?

19 A The shoe belonged to Quinn. I'm not sure who the hat
20 belonged to.

21 Q Okay. You don't remember if he had a hat on that
22 night?

23 A I do not.

24 Q In fact, the other shoe was found in your car?

25 A Yes, sir.

Summer Bayne - Direct examination
By Solicitor Balsa

1 Q How did the other shoe wind up being in your car?

2 A He still -- when we picked him up, one shoe came off.

3 Q All right.

4 A When he picked him up from the ground.

5 Q Let's go back to Quinn being on the ground and being
6 shot. You said Mr. Brown shot him while he was on the
7 ground.

8 How close was he to Mr. Yeargin?

9 A I mean he was in standing ridge (sic). So, he wasn't
10 far from him at all.

11 Q When he first shot at Quinn, Quinn was standing?

12 A Correct.

13 Q All right. And did the shot come in your direction?

14 A No, sir.

15 Q Which direction do you recall the shot coming from?

16 A Towards Quinn.

17 Q Okay. Where was Mr. Parks?

18 A Mr. Parks would of been somewhere behind me in the
19 middle of the parking lot.

20 Q All right. On the other side of this red vehicle?

21 A Yes, sir.

22 Q When Quinn fell and was shot, what did Mr. Brown do
23 after that?

24 A He shot off two more times and then he aimed towards
25 the middle of the parking lot.

Summer Bayne - Direct examination
By Solicitor Bulsa

1 Q Okay. In your direction?

2 A Yeah.

3 Q Then what did he do?

4 A After he shot two more rounds, he took off on foot.

5 Q So, if I hear you correctly, he shot how many rounds in
6 total?

7 A Four. Five. I'm sorry. Excuse me.

8 Q Five?

9 A Yes, sir.

10 Q And once -- and Quinn drops to the ground, twice more
11 while Quinn's on the ground, and then twice more towards the
12 parking area?

13 A Yes, sir.

14 Q And then he takes off and runs?

15 A Correct.

16 Q In which direction?

17 A I didn't recall what direction he ran in.

18 Q And what did you do?

19 A I was just froze. I didn't. I was just amused (sic)
20 at what was happening. .

21 Q When did you unfreeze?

22 A When everybody was hollering at me to unlock my
23 vehicle.

24 Q Do you feel that you were in the -- in danger?

25 A I mean I don't know what I was feeling at the time. I

Summer Bayne - Direct examination
By Solicitor Bulsa

1 just --

2 Q All right.

3 A -- was froze.

4 Q Okay. They told you to unlock your vehicle.
5 why?

6 A To place Quinn into my car to get him to the hospital.

7 Q Do you recall who was yelling at you?

8 A Brittany Jeter is the one that I remember.

9 Q And did you do that?

10 A I did.

11 Q How did you -- did you have to go to your vehicle to
12 unlock it?

13 A I did. I had to manually unlock it with the key.

14 Q So, you did that and then what happened?

15 A Me and Brittany Jeter and another male, I'm not sure
16 who he was, walked over to Quinn to pick him up and bring
17 him to the vehicle.

18 Q Why didn't y'all call for 9-1-1?

19 A I just didn't think to call.

20 Q So, you, Brittany, and a man --

21 A Correct.

22 Q -- took Mr. Yeargin, using State's No. 10, did you go
23 down the sidewalk?

24 A Yes.

25 Q Down to where your car was located and where did, where

Summer Bayne - Direct examination
By Solicitor Bulsa

1 did you place him in your car?

2 A In the back seat.

3 Q And what happened after you placed him in the back
4 seat?

5 A Nahtyrieian Parks come to the passenger side to get in
6 and assist us with getting the rest of Quinn into the
7 vehicle.

8 Q And then what happened?

9 A We shut the doors and I left.

10 Q Who left?

11 A Myself, Nahtyrieian, and Quinn.

12 Q Where was Nahtyrieian that -- he's also Tee, right?

13 A Correct.

14 Q And where was he in the vehicle?

15 A He was in the back seat passenger side.

16 Q So, there were -- him and Mr. Yeargin were both in the
17 back seat?

18 A Correct.

19 Q Did you know that, that Mr. Parks had been shot?

20 A I did not.

21 Q When did you learn he had been shot?

22 A When we were halfway to the hospital he stopped
23 responding to me. So, I turned around to glance and he was
24 slouched over on top of Quinn not responding to me.

25 Q Miss Jeter didn't ride with you?

Summer Bayne - Direct examination
By Solicitor Bulsa

1 A She did not.

2 Q Did she come to the hospital later?

3 A She did.

4 Q On your way to the hospital, how fast were you driving?

5 A 120 miles an hour.

6 Q Did any officers try to stop you?

7 A No, they got behind me as -- right before I approached
8 the hospital.

9 Q And where did you go in the hospital?

10 A Right to the front door of the emergency room.

11 Q And that's Spartanburg Regional?

12 A Yes, sir.

13 Q And what happened when you arrived?

14 A I ran in and told them I needed help getting two shot
15 victims out of my vehicle.

16 Q So, medical personnel took over?

17 A They did.

18 Q What did you do with your vehicle?

19 A I left it right there. They told me they needed to
20 take it for investigations.

21 Q Who, who told you that?

22 A Some police officer. I have no idea who it was.

23 Q So, there was a police officer at the hospital already?

24 A Yeah, they pulled in right behind me.

25 Q So, at anytime did you get inside your car and clean it

Summer Bayne - Direct examination
By Solicitor Bulsa

1 out---

2 A I did not.

3 Q ---of any items?

4 A No, sir.

5 Q Before Quinn was taken into your car, did any -- did
6 you see anybody take anything off his person or from around
7 him?

8 A I did not.

9 Q When you went to pick him up off of the curbing, did
10 you see a weapon or anything?

11 A I did not.

12 Q All right. Did you hear any other shots that evening
13 as opposed -- in addition to the five you described
14 Mr. Brown shooting?

15 A No, sir, not that I recall.

16 Q Could you see anybody else out there with any other,
17 other weapons?

18 A I did not.

19 Q Okay. Did you speak to the police that night?

20 A I did.

21 Q And did you tell them what you saw?

22 A Yeah, they asked me if I knew who did it.

23 Q And did you know who did it?

24 A I did.

25 Q How well did you know Mr. Brown?

Summer Bayne - Direct examination
By Solicitor Bulsa

1 A I wouldn't say I knew him very well personally but I
2 did know him and I spoke with him on occasion.

3 Q So, you knew him by sight?

4 A Yes.

5 Q You knew his name?

6 A Yes.

7 Q Did you know his full name?

8 A Just Terrell Brown. I didn't know any other.

9 Q Okay. And that's the name you gave the police?

10 A Yes, sir.

11 Q Okay. And you allowed the police to look in your car?

12 A Yes, sir.

13 Q Did you meet with another officer and actually go back
14 to the shooting scene later?

15 A I did.

16 Q Do you know why that was?

17 A I have no idea. They just came in the emergency room
18 waiting area and told me that I needed to go with him back
19 to the crime scene. So, that's what I did.

20 Q Okay. And what did -- what was done at the crime
21 scene?

22 A He asked me what happened and where everyone was
23 standing.

24 Q And did you describe to him what you've told this jury?

25 A I did.

Summer Bayne - Cross-examination
By Mr. Brown

1 Q Please answer any questions Mr. Brown has.

2 CROSS-EXAMINATION

3 BY MR. BROWN:

4 Q Miss Bayne?

5 A Yes, sir.

6 Q You say that Quinn approached Mr. Brown at some point
7 and said why haven't you hollered at me?

8 A Yes, sir.

9 Q Is that all he said?

10 A Yes, sir.

11 Q Is that what you told the investigators around the time
12 in which they interviewed you on September 2nd?

13 A Yes, sir.

14 Q Is that the only thing you told them?

15 A As far as I know, yes.

16 Q And you didn't say anything about why haven't you
17 hollered at me since I've been out?

18 You didn't tell the investigators that?

19 A Yes, I did.

20 Q So, what would of Quinn meant by that?

21 A Since he had---

22 SOLICITOR BULSA: Objection, Your Honor.

23 A ---gotten released from prison.

24 THE COURT: All right. I'll allow it. He -- that's
25 already been entered into anyway.

Summer Bayne - Cross-examination
By Mr. Brown

1 Q And do you know why he went to prison?

2 A He had---

3 SOLICITOR BULSA: Objection, Your Honor.

4 THE COURT: I'll -- y'all want to approach a moment?

5 (WHEREUPON, a bench conference was held out of the
6 hearing of the jury at this time.)

7 Q Miss Bayne, in fact, didn't you tell investigators that
8 there was some type of argument that was occurring between
9 Mr. Brown and Quinn?

10 A I do not remember, no, sir.

11 Q So, you don't remember telling investigators that?

12 A No, sir.

13 Q So, if someone took the stand and would attribute those
14 statements towards what was said by you, would they be
15 correct or incorrect or you just don't remember?

16 A I just don't remember.

17 Q would that have been odd for Quinn to have argued with
18 someone?

19 A with anyone, no.

20 Q You say you were there about -- well, why?

21 why wouldn't that have been odd for Quinn to have an
22 argument with anybody?

23 A It wouldn't be odd. I said no.

24 Q was he a hot head?

25 A He could of been, yeah.

Summer Bayne - Cross-examination
By Mr. Brown

1 Q At times?

2 A Right.

3 Q On that particular evening, you say you came to the
4 scene with Tee Parks?

5 A Correct.

6 Q And you later left to meet Quinn?

7 A Right.

8 Q You met someone else that was with Quinn?

9 A Correct.

10 Q who was that person?

11 A Brittany Jeter.

12 Q Okay. And she has a brother named Travis?

13 A Correct.

14 Q was he there?

15 A Yes.

16 Q Has travis been here during the course of today's
17 events?

18 A He has.

19 Q Is he here now?

20 A He is.

21 Q where is he sitting?

22 A In the very back in the black shirt.

23 Q Does he go by a nickname?

24 A He does.

25 Q Have you ever told anyone that both Quinn and -- oh,

Summer Bayne - Cross-examination
By Mr. Brown

1 what's his nickname?

2 A Frado.

3 Q Frado is Mr. Jeter's nickname?

4 A Correct.

5 Q Have you ever told anyone that Frado was standing near
6 where Quinn was standing?

7 A During what event?

8 Q During the time period in which Quinn ultimately was
9 shot.

10 A No.

11 Q Did you ever tell anyone that Frado was standing
12 anywhere near them prior to Quinn being shot?

13 A No.

14 Q You've never said that Quinn -- that Frado was at that
15 location during that time period?

16 A During the time of him being shot?

17 Q Yes.

18 A No, sir.

19 Q where was Frado at?

20 A In the middle of the parking lot somewhere around
21 Nahtyrieon.

22 Q Okay. Were you watching Frado the whole time?

23 A No, I was not.

24 Q So, you don't know what Frado was doing?

25 A I have no idea.

Summer Bayne - Cross-examination
By Mr. Brown

1 Q In terms of the vehicle in which you say you were
2 parked near, where was Frado standing at?

3 I'm showing you State's Exhibit 14.

4 A During what event?

5 Q When you say that Quinn went to the front near the
6 white vehicle.

7 A He would of been somewhere behind me behind this red
8 vehicle. I didn't have my eyes on him. I couldn't tell
9 exactly where he would of been standing.

10 Q So, he was out there?

11 A Correct.

12 Q Do you know if Frado had any beef with anybody out
13 there?

14 A Not that I was aware of, no.

15 Q Okay. You never heard that, that a -- you never heard
16 Frado having any problems with anybody that was out there
17 that evening?

18 A Not that was out there, no.

19 Q But he had a problem with Deweet?

20 A Deweet?

21 Q Yes.

22 A Not that I'm aware of.

23 Q So, he didn't have problems with anybody?

24 A I have no idea if he did or not.

25 Q Quinn didn't have any problems with anybody?

Summer Bayne - Cross-examination
By Mr. Brown

1 A No.

2 Q Quinn never got into it with anybody that was out there
3 prior to this day?

4 A In front of me, no.

5 Q Based upon your knowledge, he's your baby's father,
6 correct?

7 A Correct.

8 Q And you know him pretty well?

9 A Yeah.

10 Q So, based upon your knowledge, did Quinn ever have any
11 problems with anyone that was out there on that day?

12 A Not that I seen that were out there, no.

13 Q So, he never had any problem with Mr. Brown?

14 A Not that I'm aware of.

15 Q You never ever heard that?

16 A No, I've heard that he's had problems with people that
17 Re'll hung around but not him specifically, no.

18 Q People like who?

19 A Like Franklin Higgins and---

20 Q Who?

21 A ---Jama'l Higgins.

22 Q Was Franklin out there that day?

23 A No.

24 Q Franklin wasn't out there that day?

25 A I didn't see him.

Summer Bayne - Cross-examination
By Mr. Brown

- 1 Q And Jamal?
- 2 A I didn't see him either.
- 3 Q Did he have any problems with Jamar Murray?
- 4 A I'm sorry?
- 5 who?
- 6 Q Jamar.
- 7 A I don't know who that is.
- 8 Q You don't know who Jamar -- where is he?
- 9 This guy right here.
- 10 A Oh, D.J. I'm sorry. I'm not familiar with their real
- 11 names.
- 12 Q Had any problems with him?
- 13 A I have no idea. Not that I'm aware of.
- 14 Q What about his brother?
- 15 A He has had problems with his brother before, yes.
- 16 Q Okay. Was his brother out there that evening?
- 17 A Yes.
- 18 Q Did he have any words with his brother?
- 19 A Not that I'm aware of, no.
- 20 Q And when you say problems, what kind of problems would
- 21 that have been?
- 22 A They had a fight a couple years before the incident.
- 23 I'm not sure what it concerned.
- 24 Q Okay. What kind of fight?
- 25 A A physical altercation.

Summer Bayne - Cross-examination
By Mr. Brown

1 Q Okay. Just physical?

2 A Correct.

3 Q Could you -- and you stated that you never saw Quinn
4 with a gun?

5 A Correct.

6 Q You never saw Quinn with a gun on that day?

7 A Right.

8 Q You never saw Quinn with a gun before?

9 A Yes, I have.

10 Q You have seen Quinn with a gun?

11 A Yes.

12 Q How?

13 A I've seen him carrying a pistol before.

14 Q On a number of occasions?

15 A Yes.

16 Q Do you know if Quinn has ever used that gun or a gun?

17 A Yes.

18 Q How?

19 A When he, he shot out like in the middle of nowhere
20 before in front of me.

21 Q Okay. Have you ever had any direct information that
22 Quinn had shot at someone with a gun?

23 A No.

24 SOLICITOR BULSA: Objection, Your Honor.

25 THE COURT: I'm gonna have to sustain the objection.

Summer Bayne - Cross-examination
By Mr. Brown

1 Lawyers want to approach.

2 (WHEREUPON, a bench conference was held out of the
3 hearing of the jury at this time.)

4 THE COURT: I tell you what. Let's put this on the
5 record.

6 Ladies, ladies and gentlemen, I have to take up a
7 matter of law with the attorneys. So, if you would, please
8 do not have any discussion with anyone about -- among
9 yourselves about the case. We'll get you out just shortly.

10 You may retire back to the jury deliberation room.

11 (WHEREUPON, the following takes place outside the
12 presence of the jury.)

13 THE COURT: Yes, sir, Mr. Bulsa.

14 SOLICITOR BULSA: Thank you, Your Honor.

15 We feel that this is a -- completely irrelevant, and if
16 there is any relevance, it's certainly prejudicial effect
17 outweighs any probative value. It's most likely too remote
18 in time as well and there's no direct connection between any
19 shooting to the defendant.

20 THE COURT: All right.

21 SOLICITOR BULSA: I -- we feel it's not appropriate.

22 MR. BROWN: Your Honor, I never asked for a timeframe.

23 I didn't ask when was the time period in which you say he
24 shot a gun in relation to this time period. I also asked

25 questions that led up to the fact that she knew he possessed

Summer Bayne - Cross-examination
By Mr. Brown

1 a handgun at some point. In fact, he also was known to have
2 discharged a weapon.

3 Naturally, she said that he shot it up in the air. My
4 next question would of been, which I did ask directly, do
5 you know if he's ever shot it at anyone. Simply questioning
6 her about her, her knowledge of his use of a handgun in any
7 regard, Your Honor.

8 THE COURT: All right. But I think Mr. Bulsa's
9 objection is going more to the entire manner---

10 MR. BROWN: Yes, sir.

11 THE COURT: ---of cross-examination.

12 This -- whether -- this witness' knowledge or lack of
13 knowledge of a relationship that someone might of had with
14 any number of people that were out there, there were 20 or
15 30 people that were out there according to the testimony
16 that's already been presented, I -- this trial is not gonna
17 turn into the relationship of those 20 and 30 people to
18 either the, either of these deceased or to the defendant.
19 If that were being the case, then we would be here until
20 2017 going into every relationship that anybody out there
21 would of had with anybody and any altercation that anybody
22 would of had with anybody, and we're not going to do that.

23 MR. BROWN: Yes, sir.

24 THE COURT: We're gonna make -- this trial is gonna be
25 relevant to the issues that have been presented by the

Summer Bayne - Cross-examination
By Mr. Brown

1 lawyers in this case so far as I understand it. The defense
2 is going to present a defense of self-defense.

3 MR. BROWN: Yes, sir.

4 THE COURT: Self-defense is not going to include does
5 everybody out like -- there like everybody or everybody out
6 there that night that had problems with everybody. It's
7 going to be dealing with the defendant that's on trial of
8 this case and the two victims.

9 All right. So, you're gonna need to bring your
10 cross-examination of this witness into focus on the issues
11 that this trial is about. Otherwise, we will, we will have
12 20,000 collateral issues to take up and that will---

13 MR. BROWN: Yes, sir.

14 THE COURT: ---be very confusing to the jury and the
15 probative value will be very minimal and it would be
16 prejudicial to the jury in reaching the facts that they have
17 to find in this case.

18 Do you have any questions of me about that?

19 MR. BROWN: None, Your Honor.

20 SOLICITOR BULSA: No, sir.

21 THE COURT: All right. Let's bring the jury back.

22 (WHEREUPON, the following takes place within the
23 presence of the jury.)

24 THE COURT: Yes, sir, Mr. Brown.

25 CONTINUED CROSS-EXAMINATION

Summer Bayne - Cross-examination
By Mr. Brown

1 BY MR. BROWN:

2 Q Miss Bayne, from where you were standing, again, you
3 said Quinn was at the front of the, of the white vehicle?

4 A Right.

5 Q And you would of been standing somewhere over here?

6 A Correct.

7 Q And, at some point, you said that Mr. Brown was
8 shooting in the middle of the parking lot?

9 A Correct.

10 Q What area?

11 A He would of been aiming towards to where you can't see
12 in the picture.

13 Q This way?

14 A Yes.

15 Q Okay. And you said you heard no other gunshots that
16 evening?

17 A No, sir.

18 Q And standing right in here, you would not have been
19 able to see Quinn's hands in anyway?

20 A No, sir.

21 Q Was it dark out there?

22 A Correct.

23 Q And so, you couldn't see everything he was doing?

24 A Right.

25 Q All right. And then after Quinn fell at some point --

Summer Bayne - Cross-examination
By Mr. Brown

1 well, let me ask you this.

2 You say that you were able to see Quinn fall and hit
3 which vehicle here?

4 A The white truck.

5 Q He hit the white truck?

6 A (Witness nods affirmatively.)

7 Q How do you know he hit the ground if it was dark?

8 A I mean I could see him enough to where he hit the
9 ground.

10 Q Okay. And say you saw Mr. Brown shoot him as he was
11 against the truck?

12 A Correct.

13 Q And then at some point he fell?

14 A Correct.

15 Q Okay. So, was it the fact that he shot him as he was
16 against the truck and then he fell and Mr. Brown ran?

17 A No, he shot two more times.

18 Q Okay. He shot directly at him?

19 A Correct.

20 Q And then he turned and shot in the middle of the
21 parking lot?

22 A Correct.

23 Q And you don't know why?

24 A I have no idea.

25 Q Did you have any conversations with Tee or Quinn when

Summer Bayne - Cross-examination
By Mr. Brown

1 they were in the car with you?

2 A No, Nahtyriean just kept talking to Quinn in his ear
3 telling him to keep breathing and to stay with him.

4 Q Tee never said anything to you?

5 A He did not.

6 Q Quinn never had a chance to speak with you?

7 A No, Quinn was not able to speak.

8 MR. BROWN: That's all the questions I have.

9 THE COURT: Any redirect limited to what he went into?

10 SOLICITOR BULSA: Just briefly, Your Honor.

11 REDIRECT EXAMINATION

12 BY SOLICITOR BULSA:

13 Q we've been using the nighttime photographs. I want to
14 use a couple of the daylight photographs to see if you can
15 give the jury a better prospective of where you were. Let's
16 look at it from another direction, State's 23.

17 Do you still have that pointer with you?

18 A I do.

19 Q I know this is a little bit below the vehicles but can
20 you see the area where you would of been standing?

21 A I mean you can't see it clear. It would of been behind
22 the red vehicle.

23 Q Okay. So, let's use State's 22.

24 Is that enough of the parking lot --

25 A Yes.

Summer Bayne - Redirect examination
By Solicitor Bulsa

- 1 Q -- to show where you would of been standing.
- 2 A Yes, sir.
- 3 Q Right in that area?
- 4 A Yes, sir.
- 5 Q Who else was standing in that area?
- 6 A Behind me would of been Nahtyriean Parks and Travis
- 7 Jeter.
- 8 Q Okay. Do you know if they were talking together?
- 9 A I have no idea. I had my back to them. So, I wouldn't
- 10 of been able to tell.
- 11 Q How do you know they were behind you?
- 12 A Cause when I walked from my vehicle this way they went
- 13 over there.
- 14 Q Okay. And when the shooting happened, you would of
- 15 been looking in the direction of Quinn?
- 16 A Correct.
- 17 Q And the shots -- the last shots came towards you and
- 18 towards Mr. Parks?
- 19 A Correct.
- 20 Q And Mr. Jeter?
- 21 A (Witness nods affirmatively.)
- 22 Q And what time did you say you got there that night?
- 23 A It was -- when me and Tee first arrived, it was about
- 24 30 minutes before midnight.
- 25 Q And then the second time you got back?

Summer Bayne - Redirect examination
By Solicitor Bulsa

1 A It would of just been just a few minutes before
2 midnight.

3 Q So, you would of been there about how long before this
4 happened?

5 A About ten to fifteen minutes.

6 Q Okay. Thank you, ma'am.

7 THE COURT: Thank you, ma'am. You may step down.
8 Any reason why the witness can not be excused?

9 SOLICITOR BULSA: Yes, sir, I may need her again.

10 THE COURT: Okay. Ma'am, you need to wait for us
11 outside. Thank you very much.

12 THE WITNESS: I'll try.

13 SOLICITOR BULSA: Can she stay in the courtroom, Your
14 Honor?

15 THE COURT: If you want her to she can.

16 SOLICITOR BULSA: Thank you.

17 State calls Brittany Jeter.

18 THE COURT: Ma'am, just come right up here and let the
19 Clerk of Court swear you in.

20 (Witness complies.)

21 BRITTANY JETER, being first duly
22 sworn, testified as follows:

23 THE CLERK: Thank you. You may be seated.

24 THE COURT: Ma'am, if you would, just pull the red
25 chair up to the microphone.

Brittany Jeter - Direct examination
By Solicitor Bulsa

1 (Witness complies.)

2 THE COURT: Thank you.

3 DIRECT EXAMINATION

4 BY SOLICITOR BULSA:

5 Q Miss Geter, if you would, introduce yourself to the
6 jury.

7 A I'm Brittany Jeter.

8 Q And where do you live, ma'am?

9 A Woodruff.

10 Q How long have you lived in Woodruff?

11 A All my life.

12 Q Did you go to school there?

13 A Uh-huh. (Affirmative).

14 Q Say yes or no.

15 A Yes.

16 Q And did you graduate?

17 A No.

18 Q How far did you go?

19 A Eleventh grade.

20 Q Okay. Why did you stop?

21 A I wanted to.

22 Q Are you employed?

23 A Yeah.

24 Q Where?

25 A Woodruff Manor.

Brittany Jeter - Direct examination
By Solicitor Bulsa

- 1 Q What is that?
- 2 A A nursing home.
- 3 Q How long have you been employed there?
- 4 A A month.
- 5 Q Were you working back when this happened?
- 6 A No.
- 7 Q Do you have any children?
- 8 A Yeah.
- 9 Q How many?
- 10 A A boy and a girl.
- 11 Q How old are they?
- 12 A Six and five.
- 13 Q Are you the brother -- are you the sister of Travis
- 14 Jeter?
- 15 A Yes, sir.
- 16 Q I believe there's a set of twins, right?
- 17 A Yes, sir.
- 18 Q Tavis and Travis?
- 19 A Yes, sir.
- 20 Q Travis's nickname is Frado?
- 21 A Yes, sir.
- 22 Q How do you know Miss Bayne?
- 23 A She is friends -- well, she's Quinn's baby mama.
- 24 Q Okay. Is that how you met her?
- 25 A No, I mean I knew her from school but I ain't really

Brittany Jeter - Direct examination
By Solicitor Bulsa

1 started being around her until she dated Quinn and she's
2 friends with my niece.

3 Q Okay. Were you out there when this shooting happened?

4 A Yes, sir.

5 Q How did you arrive?

6 A With Summer.

7 Q You drove -- rode in her car?

8 A Yeah.

9 Q Where were you when the shooting happened?

10 A Standing on the sidewalk.

11 Q Which sidewalk?

12 A On the same sidewalk---

13 Q Okay. And---

14 A ---where Reil and Quinton was standing on.

15 Q I'm gonna show you this pointer. Push the red button.

16 Could you point to the jury -- does that picture show
17 where you were?

18 A No, I was standing in-between that white car and
19 Summer's car --

20 Q Okay.

21 A -- by the light.

22 Q Does that picture show it?

23 A Yeah.

24 Q All right.

25 A I was standing right there.

Brittany Jeter - Direct examination
By Solicitor Bulsa

1 Q Okay. So, who were you speaking to?

2 A Sir?

3 Q Who were you speaking to out there?

4 A When I first got out the car when I arrived, I had
5 walked into the middle and I heard Tee was talking about
6 somebody had robbed his house. Well, somebody stole some
7 money from him and his girlfriend the night before. So, I
8 went into the crowd where he was at and I was listening to
9 the conversation.

10 Q Where was Tee located?

11 A Out here in this area. Right here in this area.

12 Q About in the parking lot?

13 A Well, it was over here I'm saying at first.

14 Q Okay. And how long were you there before anything
15 happened?

16 A Maybe about ten, fifteen minutes I guess. I wasn't
17 really keeping up with the time.

18 Q So, you went over and you were talking to him and how
19 is that you wound up back on the sidewalk?

20 A I just walked back on the sidewalk cause that's where
21 me and my boyfriend was at. I was over there.

22 Q Who's your boyfriend?

23 A Jermaine.

24 Q He's not alive?

25 A No, he's deceased.

Brittany Jeter - Direct examination
By Solicitor Bulsa

1 Q Deceased.

2 Okay. What first drew your attention to something
3 going on?

4 A Well, first, when we first got there, they got out the
5 car. Well, everybody got out the car and they was asking
6 for Dweet, where he was or whatever, DeAdrien Morton.

7 Q Slow down.

8 A So, that was---

9 Q Slow down.

10 Quinn was asking for who?

11 A DeAdrien.

12 Q DeAdrien who is Dweet?

13 A Yeah, who is Dweet.

14 Q Okay.

15 A And I guess he wanted to talk to him and Dweet was like
16 no, over there, and Dweet walked back to a van that was in
17 front of those. It was -- it's on the other side over here.
18 It was a van parked in front of the apartment that's by
19 itself down that hill.

20 Q Okay.

21 A He walked back over there and then everybody had done
22 got into a little circle or whatever. And when I walked up,
23 only thing I could hear was Jamar saying he got a -- Quinn
24 got a gun and I was like I don't see no gun and everybody
25 don't see no gun. Then it disbursed or whatever. And then

Brittany Jeter - Direct examination
By Solicitor Balsa

1 everybody walked back to wherever they was standing there or
2 whatever and I walked back to the -- back up -- I walked
3 over here and I was standing there and I just seen like
4 people that was out there already leaving and walking up the
5 hill.

6 And so, I told my boyfriend, I was like I'm ready to
7 go. I like something don't feel right and he was like no,
8 I'm not leaving your brother out here. I was like man, oh
9 my gosh, I'm ready to go.

10 So, by that time, Quinn had sat back and he -- Quinn
11 had somehow got back and sat in Summer car. She had gone to
12 the car too and then he got right -- he got back out the
13 car. He was like man, no, I'm fixing to go holler at my
14 cousin. And then as he was walking over towards Rell, I can
15 hear my brother saying don't go up on nobody with no gun.
16 And he was like man, he looked back, he was like man, that's
17 my cousin. I was like oh, they kin. They was like yeah,
18 which I did not know.

19 And so, Quinn walked up to Rell with his hands up like
20 this. He walked up to Rell and he was like what's up, cuz?
21 Holler at me, cuz. And then that's when Rell pulled him
22 towards him and shot him.

23 Q How many shots do you remember hearing?

24 A Probably four. At the same time I was screaming loud,
25 yes.

Brittany Jeter - Direct examination
By Solicitor Balsa

1 Q Did you run anywhere?

2 A No, I was stuck. I couldn't do nothing. I just --
3 when -- after he shot him or whatever and he fell or
4 whatever, I just -- when I just seen him like doing like
5 that or whatever, I just got down in-between the cars.

6 Q And you just did a motion with your hand.
7 who did?

8 A Well, when he shot Quinn or whatever and threw him off
9 him, I just seen him doing like this and I just got down and
10 after that I don't know.

11 Q Well was pointing the gun out into---

12 A Yeah, he---

13 Q ---the parking area?

14 A Yeah.

15 Q Did you hear any other shots?

16 A I don't -- I was screaming still until my boyfriend
17 came and picked me up off the ground.

18 Q So, you actually fell on the ground?

19 A Yeah, cause he was hollering saying get down, get down,
20 get down.

21 Q So, you would of been on the sidewalk?

22 A Yeah, I was on the sidewalk. I can see.

23 Q And you fell down on the sidewalk?

24 A I fell in-between the cars.

25 Q In-between the -- which cars?

Brittany Jeter - Direct examination
By Solicitor Bulsa

1 A Summer and that white car.

2 Q So, you were here?

3 A Cause Jermaine car was on the other side of Summer car.

4 Q Okay. So, after you fell between the cars, you
5 couldn't see what was going on anymore?

6 A No, I just remember my boyfriend like crawling to me
7 and he was just holding me and telling me it -- he was like
8 come on, get up.

9 Q All right. And you got up and then what happened?

10 A And I got back on the sidewalk and I just bull and they
11 was like go get Yearg, go get Yearg, and then I had ran down
12 there. Well, I had walked down there real fast on that same
13 sidewalk.

14 Q State's 26.

15 This sidewalk?

16 A Yeah.

17 Q And where was Mr. Yeargin?

18 A He was up in here.

19 Q Okay. And when you got to him, what did you do?

20 A At first I was -- I just stood there cause I just seen
21 blood coming out his mouth. I was just standing there and
22 then my boyfriend, he didn't -- he was just like get him. I
23 was like you get him. He was like get him. And I was like
24 Summer, go on, open your car door. Open your car door or
25 whatever. And I was just still like standing over him and,

Brittany Jeter - Direct examination
By Solicitor Balsa

1 at first, I had pull his face or whatever and I just seen
2 blood coming out.

3 And, you know, Summer came back and just some dude, I
4 don't know who it was, but he helped us. And then I seen
5 Tee come up. I did not know he was shot. I just seen Tee
6 come up and he helped us, like helped us all to the car.
7 And we had -- I had put Yearg in on the driver's side,
8 backside, and then Tee walked around the car and he got in
9 on the passenger back side.

10 Q What happened to your boyfriend, Jermaine?

11 A He was shot.

12 Q No, I'm talking about this night.

13 A What you mean what happened?

14 Q You and -- you said you and your boyfriend walked over
15 there to where Quinn was.

16 A He was just watching me. He wasn't -- he went and
17 cranked his car up.

18 Q So, he didn't help carry Quinn to the car?

19 A I guess he was stunned. I don't know.

20 Q What?

21 A I don't -- I guess he was stunned like me. I don't
22 know why. I just --.

23 Q Okay. You testified you heard a couple people
24 commenting about Quinn having a gun.

25 Did you ever see Quinn with a gun?

Brittany Jeter - Direct examination
By Solicitor Bulsa

1 A No, I didn't.

2 Q When you went to help him up and take him to the car,
3 did you see any gun around his person?

4 A No.

5 Q And I believe you described him with his hands---

6 A Yeah, he walked up to him---

7 Q ---walking up towards---

8 A ---like this.

9 Q ---Terrell Brown?

10 A Yeah.

11 Q And that's how he was positioning when he was first
12 shot?

13 A Uh-huh. (Affirmative).

14 Q Is that a yes?

15 A Yes, sir.

16 Q And how did you get to the hospital?

17 A Jermaine.

18 Q Did y'all follow---

19 A No.

20 Q ---Miss Bayne?

21 A I went to my house first and changed my clothes. I had
22 blood on me.

23 Q Did you speak to the police?

24 A They came and got me when they had moved everybody to
25 the bottom of the hospital where everybody was waiting at.

Brittany Jeter - Direct examination
By Solicitor Bulsa

1 That's when they came and got me. I forgot which one he was
2 though.

3 Q Okay. Did you see anybody else with a gun that
4 evening?

5 A No.

6 Q The only person you saw was Mr. Brown?

7 A Yeah.

8 Q Thank you, ma'am.

9 CROSS-EXAMINATION

10 BY MR. BROWN:

11 Q Brittany, would I be correct to say that you are
12 friends with Quinn and Summer Bayne?

13 A Yes, sir.

14 Q Are you friends with Terrell Brown?

15 A I knew him. I mean we was straight.

16 Q Straight.

17 You say that Dweet was out there?

18 A Yeah.

19 Q So, Summer is incorrect when she says---

20 A I mean she was -- Summer had been drinking.

21 Q Okay.

22 A I mean I guess she ain't know. I don't know.

23 Q Was Quinn drinking?

24 A I didn't see him drinking earlier at my house.

25 Q But you knew Summer was drinking?

Brittany Jeter - Cross-examination
By Mr. Brown

1 A Yeah, she had a little bit cause she was --.

2 Q And you heard Jamar say that Quinn had a gun?

3 A Yeah.

4 Q Was that before Quinn went back and sat down in the car
5 with Summer or was that after?

6 A After?

7 No, no, no. It was before.

8 Q So, before Quinn went to the car and sat down with
9 Summer---

10 A It was an altercation or whatever. It's a little
11 argument at first.

12 Q Okay. An argument between who?

13 A I mean they was -- they all just met up and like on
14 this sidewalk right there by that white truck. That was
15 all. Right there.

16 Q And you say they.

17 who do you mean by they?

18 A I mean it was a crowd out there. But I do remember
19 seeing Re'll and Jamar and Tee Street and Quinn and Tee and
20 my brother, yeah.

21 Q Where was Re'll standing?

22 A He was behind Jamar and Tee Street on the other side of
23 him.

24 Q Were they standing out in the---

25 A They was facing this way.

Brittany Jeter - Cross-examination
By Mr. Brown

1 Q ---parking lot?

2 Was it---

3 A It was actually toward that gold car on the sidewalk.

4 Q So, they were facing this way but they were standing at
5 the sidewalk?

6 A Yeah, we was on the sidewalk.

7 Q The whole time, when you observed Mr. Brown, he was on
8 that sidewalk?

9 A Yeah.

10 Q So, you're saying, at some point, Quinn wasn't on the
11 sidewalk?

12 A At one -- after they had an altercation.

13 Q So, I---

14 A Well, I mean it was not really. It was just they kept
15 saying Quinn had a gun or something.

16 Q Quinn walked over to where Mr. Brown was located?

17 A They all met up but Mr. Brown didn't say nothing.

18 Q Well, when you say they met up, did Mr. Brown come off
19 that sidewalk?

20 A No, he was on it the whole time.

21 Q Quinn wasn't on the sidewalk the whole time?

22 A Yeah, they was back -- their backs was this way. Quinn
23 and them backs was this way.

24 Q I'm gonna show you State's Exhibit 13.

25 Were you present when you heard testimony about Quinn

Brittany Jeter - Cross-examination
By Mr. Brown

1 going in-between the two cars?

2 A Yeah, I was present.

3 Q So, if he went between the two cars, he was coming from
4 the parking lot?

5 A Talking about from where he at at Summer's car?

6 Q Yes.

7 A Yeah, he kind of came the back way around Summer car
8 and went through there.

9 Q So, he came through the parking lot?

10 A He got out of Summer car and yeah, he came through the
11 parking lot.

12 Q So, he didn't walk straight down the sidewalk?

13 A No.

14 Q Okay.

15 A I was the only one on the sidewalk.

16 Q So, again, Mr. Brown never came off the sidewalk?

17 A No.

18 Q So, Quinn walked from the parking lot to the sidewalk
19 where Mr. Brown was at?

20 A He got out the car and walked down to Summer car and
21 walked to the truck or whatever.

22 Q And when you say there was an altercation, what do you
23 mean by that?

24 A I mean I guess they wanting to talk. I mean that Jamar
25 just got -- he was like he got a gun, he got a gun. I was

Brittany Jeter - Cross-examination
By Mr. Brown

1 like what gun? Everybody was like what gun? And then
2 everybody got back from each other.

3 Q Did you ever see Quinn, as he was approaching the
4 sidewalk, get pushed by people and say get back, let it go,
5 let it go?

6 A No, I heard my brother say don't walk up on nobody.

7 Q And so, you never told investigators that you heard
8 people say let it go---

9 A No.

10 Q ---to Quinn?

11 A Hu huh. (Negative).

12 I just heard my brother say don't walk up on nobody.

13 Q And your brother acknowledged that there was supposedly
14 some type of gun being held by Quinn?

15 A No.

16 Q Okay. Well, didn't you just testify and say that your
17 brother said don't go up on somebody with a gun?

18 A I mean yeah.

19 (WHEREUPON, the statement of Brittany Jeter was marked
20 as Defendant's Exhibit No. 3 for identification purposes
21 only at this time.)

22 Q Okay. I'm gonna show you Defendant's Exhibit No. 3.
23 Are you familiar with what I'm showing you?

24 A It's my statement.

25 Q It's your statement?

Brittany Jeter - Cross-examination
By Mr. Brown

- 1 A Uh-huh. (Affirmative).
- 2 Q Who did you give this statement to?
- 3 A It was -- I was sitting in a car. I mean a truck. It
4 was a guy. I seen him earlier out there.
- 5 Q Okay.
- 6 A What's his name is?
- 7 Q Can you read the first sentence?
- 8 A I was down in Kelly Acres chilling.
- 9 Q Did -- well, where the period stops.
- 10 A Right here where the comma --?
- 11 Q The period. From the beginning to the period. The
12 entire sentence.
- 13 A I was out in Kelly Acres chilling like I usually do,
14 and I heard Quinn, Yearg, Quinton Yeargin say he wanted to
15 talk to his cousin, Terrell Brown, and people was pushing
16 him back saying nah. That's the altercation he had. And
17 that's when Jamar was like he got a gun or whatever.
- 18 Q So, you did hear people say or you did see people
19 pushing Quinn back?
- 20 A I mean not really push him cause I mean --.
- 21 Q Is this your statement or not?
- 22 A I mean yeah, but, you know, like when everybody like,
23 you know what I'm saying, they was like together and they
24 was -- I mean it wasn't running and pushing. It was like
25 nah.

Brittany Jeter - Cross-examination
By Mr. Brown

1 THE COURT: All right. Ma'am, let me remind you.

2 See this lady right here beside you?

3 She's a court reporter. She's taking everything that's
4 said. And so, when you speak, don't nod and shake your head
5 and go hu huh or uh huh.

6 THE WITNESS: I'm sorry.

7 THE COURT: Give real words so that she can write them
8 down.

9 And, Mr. Brown, allow the witness to finish her
10 question and don't step on her words cause that makes it
11 difficult for the court reporter as well.

12 Q What day did you write this statement according to
13 what's written here?

14 A That night. I mean into that morning at the hospital.

15 Q What time is listed?

16 A 2:40.

17 Q So, would you agree with me that this statement was
18 close to the time period in which the, the shooting
19 occurred?

20 A Yes, somewhat, yeah.

21 Q And you say you know that DeAdrien Morton or Dweet was
22 out there?

23 A I seen him when we first got there.

24 MR. BROWN: Okay. That's all the questions I have.

25 THE COURT: Any redirect limited to what he went into?

Brittany Jeter - Redirect examination
By Solicitor Bulsa

1 SOLICITOR BULSA: Yes, sir.

2 May I see that statement?

3 REDIRECT EXAMINATION

4 BY SOLICITOR BULSA:

5 Q I'm not gonna ask you to read it but just look over it.
6 Don't read it out loud.

7 Okay. Brittany, this is a statement you gave to the
8 police at 2:40AM.

9 Is that right?

10 A Uh-huh. (Affirmative).

11 Q You were at the hospital?

12 A Yeah.

13 Q And it's in your writing?

14 A Yeah.

15 Q Okay. And you described to them what you saw?

16 A Yeah.

17 Q Okay. And Mr. Brown had you read the first statement
18 but, at the end of that same statement, you told the police
19 about Mr. Brown aiming the gun at---

20 MR. BROWN: Your Honor, I think---

21 Q ---Nahtyriean Parks.

22 MR. BROWN: That's outside the scope. I'm happy to
23 introduce it as evidence.

24 THE COURT: I'm gonna let him go into it. You went
25 into the statement.

Brittany Jeter - Redirect examination
By Solicitor Bulsa

- 1 MR. BROWN: Yes, sir.
- 2 THE COURT: So, she can go ahead.
- 3 Q Isn't that included in the statement as well?
- 4 A Can you repeat that?
- 5 Q Didn't you, in your statement, include the fact that
- 6 Mr. Brown aimed the gun at Nahtyrieian Parks?
- 7 A Yes.
- 8 Q Okay. And Nahtyrieian Parks wound up being shot?
- 9 A Yeah.
- 10 Q Mr. Brown went into the issue of the drinking and Quinn
- 11 had been at your house how long that day?
- 12 A Like that afternoon.
- 13 Q I think---
- 14 A But he wasn't drinking.
- 15 Q Wasn't drinking at your house?
- 16 A Maybe it -- he was like, he was like in another zone.
- 17 Q What do you mean in another zone?
- 18 A I mean he wasn't talking to nobody I guess because he
- 19 went out the night before.
- 20 Q Okay. Was, was he intoxicated?
- 21 A When?
- 22 That day?
- 23 Q Yes, ma'am.
- 24 A Not -- no, I don't think he was.
- 25 Q Okay. When he was at your house, did you see him with

Brittany Jeter - Redirect examination
By Solicitor Bulsa

- 1 a gun?
- 2 A No, sir.
- 3 Q All right. And this Dweet fellow you remember actually
- 4 being there?
- 5 A Yeah, when he first got there he was there.
- 6 Q Where do you remember him -- seeing him?
- 7 A On the sidewalk.
- 8 Q Standing up near --?
- 9 A They was---
- 10 Q -- Mr. Brown?
- 11 A Yeah, they was all together right there at -- in front
- 12 of that gold car.
- 13 Q Use the pointer.
- 14 A Oh, I'm sorry. They was all together right here.
- 15 Q All right. Now, they, tell us who they are.
- 16 A Jamar and Tee Street was standing right here. Re'll was
- 17 right here and I seen, when I was like back here when I
- 18 first got out, I seen Dweet walk right here and he walked
- 19 back off and went back over here where that car right there.
- 20 It was a van parked there.
- 21 Q So, when Mr. Yeargin was shot, Dweet would of been---
- 22 A I don't remember. I don't remember seeing him no more.
- 23 Q You didn't see him in the area where---
- 24 A No, I don't remember seeing him no more?
- 25 Q ---Mr. Yeargin got shot?

Lakesha Jackson - Direct examination
By Solicitor Bulsa

1 Okay. Thank you, ma'am.

2 THE COURT: Thank you, ma'am. You may step down.

3 Lawyers approach.

4 SOLICITOR BULSA: Yes, sir.

5 (WHEREUPON, a bench conference was held out of the
6 hearing of the jury at this time.)

7 SOLICITOR BULSA: Like to call Lakesha Jackson.

8 THE COURT: Ma'am, just come right up here and let the
9 Clerk of Court swear you in.

10 (Witness complies.)

11 THE CLERK: You can set your stuff down.

12 LAKESHA JACKSON, being first duly
13 sworn, testified as follows:

14 THE CLERK: Thank you. You may be seated.

15 (Witness complies.)

16 DIRECT EXAMINATION

17 BY SOLICITOR BULSA:

18 Q Ma'am, would you introduce yourself to the jury?

19 A Lakesha Jackson.

20 Q And how old are you, ma'am?

21 A I'm 21.

22 Q Where do you live?

23 A Woodruff.

24 Q Where -- did you grow up in Woodruff?

25 A Uh-huh. (Affirmative).

Lakesha Jackson - Direct examination
By Solicitor Bulsa

1 Yes.

2 Q Went to Woodruff High?

3 A Yes.

4 Q Did you graduate?

5 A Uh-huh. (Affirmative).

6 THE COURT: Ma'am, if you---

7 THE WITNESS: Yes.

8 THE COURT: Thank you.

9 Q We tend to fall into that. Just answer out loud.
10 Okay. Are you working?

11 A Not right now.

12 Q When did you last work?

13 A November.

14 Q Of -- what were you doing back in 2000 -- September,
15 2013?

16 Were you in school or were you working?

17 A I was working.

18 Q Working back then?

19 A Uh-huh. (Affirmative).

20 Q Where did you live at that time?

21 A On Parison Street in Woodruff.

22 Q And where is that in relation to Kelly Acres?

23 A It's right behind Kelly Acres.

24 Q Were you at Kelly Acres the night of this shooting?

25 A Yes, sir.

Lakesha Jackson - Direct examination
By Solicitor Bulsa

- 1 Q How is it that you were there?
2 why were you there?
- 3 A We was just all out there chilling.
- 4 Q who were you there with?
- 5 A My cousins.
- 6 Q who there---
- 7 A I got a cousin that live over there.
- 8 Q what are their names?
- 9 A Manual T. Burnside and Abreshia Elmore.
- 10 Q Do they live on Woody Court?
- 11 A No, an auntie live there.
- 12 Q An auntie lived on Woody Court?
- 13 A Yeah, she had her own place.
- 14 Q Okay. So, you were there visiting her on Woody Court?
- 15 A Yes.
- 16 Q And did you know these other people that were out
17 there?
- 18 A Yeah.
- 19 Q How did you know them?
- 20 A Some of them was cousins and friends.
- 21 Q who did you know best?
- 22 A Huh?
- 23 Q who did you know the best?
- 24 A I knew Quinn and Tee.
- 25 Q Quinn Yeargin and Tee Parks?

Lakesha Jackson - Direct examination
By Solicitor Bulsa

- 1 A Uh-huh. (Affirmative).
- 2 Q Did you know Mr. Brown?
- 3 A Yes, sir.
- 4 Q How well did you know him?
- 5 A We cousins but we, we don't talk like that. We just
- 6 speak. You know, speak when we see each other.
- 7 Q Okay. Well, you call yourself cousins.
- 8 How close cousins, first cousins?
- 9 A Yeah, I think it's been down some more.
- 10 Q Down the line somewhere?
- 11 A (Witness nods affirmatively.)
- 12 Q Okay. What part of the parking lot were you in when
- 13 all this was taking place?
- 14 A Oh, behind the gold car.
- 15 Q Huh?
- 16 A Behind the gold car.
- 17 Q Behind the gold car.
- 18 Opposite this sidewalk?
- 19 A Yes, sir, it was on the same sidewalk.
- 20 Q Okay.
- 21 A But I was just behind it over here.
- 22 Q You were behind that gold car?
- 23 A Yes, sir.
- 24 Q Okay. All right. What did you see taking place?
- 25 A Well, when I got -- well, when I was there, I seen

Lakesha Jackson - Direct examination
By Solicitor Bulsa

1 Quinn, Quinn and Summer pulled up like 15 minutes later, and
2 he got out the car and he was like you suppose to be my
3 cousin. That's what Quinn said to Tee -- I mean to Terrell.
4 He was like he suppose to be my cousin and you haven't even
5 spoke to me since I been out and Terrell gave him a confused
6 look.

7 Q All right. And then what happened?

8 A And then somebody yelled out he got a gun.

9 Q Yelled out who had a gun?

10 A I don't know.

11 Q You don't know who they were talking about?

12 A Hu huh. (Negative).

13 Q You just heard somebody---

14 A I didn't see no gun.

15 Q I know, but the he, do you know who the he was---

16 A No.

17 Q ---that supposedly had a gun?

18 A No.

19 Q Okay. So, you didn't hear anybody say Quinn's got a
20 gun or---

21 A No.

22 Q ---Re'll's got a gun?

23 Just that he's got a gun?

24 A Uh-huh. (Affirmative).

25 THE COURT: Ma'am, if you would, you---

Lakesha Jackson - Direct examination
By Solicitor Bulsa

1 THE WITNESS: Yes.

2 Q Okay. So, what did you do when you heard that
3 statement?

4 A Everybody spreaded apart and I went onto the other
5 sidewalk.

6 Q All right. When you say the other sidewalk, what do
7 you mean?

8 A Across the street. It's over here across the street.

9 Q I'm gonna use State's 28 and see if you can show us.

10 A On this side over here.

11 Q The opposite sidewalk on the other side of the parking
12 lot?

13 A Yeah.

14 Q Okay. You went over there.

15 So, you didn't see anybody with a gun?

16 A No.

17 Q Okay. And you got away from the area?

18 A Uh-huh. (Affirmative).

19 Q And then what do you remember happening?

20 A And then I heard shots fired. So, me and my friend
21 took off between the two apartments and that's when I got
22 grazed in the neck.

23 Q All right. You took off between which apartments?

24 A It was just two apartments. It was one up the sidewalk
25 I was staying at and right here. Over here.

Lakesha Jackson - Direct examination
By Solicitor Bulsa

- 1 Q I show you State's 32.
2 Can you see that?
3 A Yes, we took off right here.
4 Q Right in there?
5 A (Witness nods affirmatively.)
6 Q So, when the shooting started, you ran away from it?
7 A Uh-huh. (Affirmative).
8 Q You said you got grazed?
9 A Yes.
10 Q What do you mean by grazed?
11 A Like scraped on the right---
12 Q You got hit by a bullet?
13 A It scraped me, yeah.
14 Q Okay. Where on your body?
15 A Like right here.
16 Q In your back?
17 A Uh-huh. (Affirmative).
18 Q What makes you think it was a bullet?
19 A I don't know. Somebody was shooting. That's the only
20 thing I could think of.
21 Q You just felt a sting on your back?
22 A Yes, and it made -- it pushed me forward.
23 Q Pushed you forward?
24 A Uh-huh. (Affirmative).
25 Q So, you're connecting the two and believing you got hit

Lakesha Jackson - Direct examination
By Solicitor Bulsa

1 with a bullet?

2 A Yeah.

3 Q Did it go into your body at all?

4 A No, sir.

5 Q Okay. So, you mean a graze, you got like a scrape like
6 a cut?

7 A Yes.

8 Q All right. And what did you do when that happened?

9 A I ran into the, into this apartment right here. My
10 cousin Mangie (phonetic) stay right there. Well, she was
11 staying there and that's -- we all ran into the back.

12 Q Ran into---

13 A Me and my friend.

14 Q Ran into the back of that apartment?

15 A Uh-huh. (Affirmative).

16 Q Opposite this, this sidewalk you see in this picture?

17 A Uh-huh. (Affirmative).

18 Yes.

19 Q Okay. Did you ever see anybody with a gun?

20 A No, sir.

21 Q How long did you stay in the apartment?

22 A I stayed in there for a minute and then I went to the
23 hospital.

24 Q Did you know that anybody had been wounded other than
25 yourself?

Lakesha Jackson - Direct examination
By Solicitor Bulsa

1 A No, sir.

2 Q So, you were in the back of the car but you didn't know
3 that Mr. Yeargin or Mr. Parks had been shot?

4 A I heard shots but I didn't know until I got into the
5 apartment and people were calling. Somebody called and said
6 Quinn got shot.

7 Q Okay. And when you heard that news, what did you do?

8 A I just started crying.

9 Q Started crying?

10 A Uh-huh. (Affirmative).

11 Q Did you go to the -- what hospital did you go to?

12 A Spartanburg Regional.

13 Q And how did you get there?

14 A My cousin, Abreshia.

15 Q Took you?

16 A Uh-huh. (Affirmative).

17 Yes, sir.

18 Q Did you see Mr. Yeargin and Mr. Parks family at the
19 hospital?

20 A Yes.

21 Q Now, you didn't give a statement to the police until a
22 couple of days later?

23 A Yes.

24 Q Do you know why is that?

25 A They had came to the house and said they needed my

Lakesha Jackson - Direct examination
By Solicitor Bulsa

1 shirt, and then they told me the next day -- well, they,
2 they wanted me to write a statement, when they came to the
3 house, but I couldn't do it then.

4 Q Okay. So, did they learn that you'd been grazed when
5 you went to the hospital?

6 A Uh-huh. (Affirmative).

7 Yes.

8 Q Okay. And that you were too shaken up to give a
9 statement that day?

10 A Uh-huh. (Affirmative).

11 Yes.

12 Q And they came back to see you again?

13 A (Witness nods affirmatively.)

14 Q Okay. Thank you, ma'am.

15 A You welcome.

16 CROSS-EXAMINATION

17 BY MR. BROWN:

18 Q Miss Jackson, I think you said a couple days.

19 You gave your statement the next day?

20 A It's the next day, yeah. They told me to come the next
21 day.

22 Q You stated that, at some point, you say that you heard
23 Quinn say to Mr. Brown you're suppose to be my cousin, that
24 you haven't even spoken to me since I've been out?

25 A Yes.

Lakesha Jackson - Cross-examination
By Mr. Brown

1 Q What was the very next thing that you heard after that?

2 No, you said it to---

3 A Terrell was looking. He had a confused look.

4 Q Okay. And then what you observed Quinn to do after
5 that?

6 A He started walking towards Terrell.

7 Q And what happened after that?

8 A They was -- what I seen, they was face-to-face.

9 (WHEREUPON, the statement of Lakesha Jackson was marked
10 as Defendant's Exhibit No. 4 for identification purposes
11 only at this time.)

12 Q I'm showing you what's been marked as Defense Exhibit
13 No. 4.

14 Is this the same statement that you have here is a copy
15 of what you've been reading?

16 A Yes.

17 Q Could you read that statement?

18 A The whole thing.

19 Q Yes.

20 SOLICITOR BULSA: No, just to yourself. Not out loud.

21 MR. BROWN: Yes.

22 A (Witness complies.)

23 Q In reading your statement, is there something that you
24 left out based upon my questioning?

25 A It sounded like multiple gunshots was fired that night.

Lakesha Jackson - Cross-examination
By Mr. Brown

1 Q Well, in particular, and let me draw your attention
2 to -- after you said that Quinn said you're suppose to be my
3 cousin and you haven't even spoke to me since you been out,
4 then you stated what?

5 A Terrell was looking like what are you talking about.

6 Q And the very next sentence?

7 A After that, Tee and Quinn -- Tee and some more people
8 ran towards Quinn and started pulling him back.

9 Q Tee and some more people ran towards Quinn and start
10 pulling him back.

11 What was the next thing that happened in your
12 statement?

13 A The next thing we knew, the next thing we know, they
14 let go -- they let that go. So, people started back talking
15 and then somebody yelled out he got a gun. So, everybody
16 spreaded apart.

17 Q Okay. And from there, you state that you, at some
18 point, heard multiple gunshots?

19 A Yes, sir.

20 Q You got to speak up.

21 A Yes.

22 Q And when you said multiple gunshots, do you mean from
23 different directions?

24 A No, it just sounded like it's just more than one
25 gunshot.

Lakesha Jackson - Cross-examination
By Mr. Brown

- 1 Q In the same direction?
- 2 A Yes.
- 3 Q From the same gun?
- 4 A Yeah.
- 5 Q Did you hear any other shots go off when you, when you
- 6 were running?
- 7 A No.
- 8 Q Would you, would you be pretty sure if you had heard
- 9 anything else?
- 10 A Yes.
- 11 Q Okay. And you are friends with -- you're cousins with
- 12 Mr. Brown?
- 13 A Yes.
- 14 Q Distant cousins?
- 15 A Uh-huh. (Affirmative).
- 16 Q Don't have a close relationship---
- 17 A (Witness nods negatively.)
- 18 Q ---with him?
- 19 A Not -- we'll speak when we see each other---
- 20 Q Anybody else---
- 21 A ---and say---
- 22 Q Anybody else -- I'm sorry.
- 23 A We'll speak when we see each other and say something.
- 24 Q Anyone else out there that you were friends with?
- 25 A Yes.

Lakesha Jackson - Cross-examination
By Mr. Brown

1 Q Who?

2 A It was a lot of people out there. I'm friends with all
3 of them out there.

4 Q Friends with Summer Bayne?

5 A Yes.

6 Q Are you friends with Mr. Jamar Murray?

7 A Yes.

8 Q Good friends?

9 A I mean we know each other.

10 MR. BROWN: Your Honor, I would move Defense Exhibit 4
11 --.

12 SOLICITOR BULSA: I would have an objection. She's
13 already testified to the pertinent parts of his questioning
14 her on.

15 THE COURT: I'd have to sustain the objection. She's
16 already testified to it.

17 MR. BROWN: Yes, Your Honor.

18 Based upon me presenting your statement here today to
19 you and what you've read, is that your version of the facts
20 that you've just stated?

21 A Yes.

22 Q Everything as it happened?

23 A Yes.

24 Q Including they pulled Quinn back?

25 A Yes.

1 MR. BROWN: That's all the questions I have.

2 THE COURT: Any redirect limited to what he went into?

3 SOLICITOR BULSA: Just briefly.

4 REDIRECT EXAMINATION

5 BY SOLICITOR BULSA:

6 Q You're cousins with Mr. Brown?

7 A Yes.

8 Q Does that mean you're cousins with -- you were cousins
9 with Quinn?

10 A No, I don't -- no.

11 Q Do you know if there's a relationship between the two?

12 A With Terrell and Quinn?

13 Q Yes, ma'am.

14 A I, I think they cousins.

15 Q But you're a cousin as well. It's just kind of
16 distant.

17 Is that right?

18 A Yes.

19 Q Okay. Do you have anything against Mr. Brown?

20 A No, sir.

21 Q Thank you, ma'am.

22 THE COURT: Thank you, ma'am. You may step down.

23 Is that her statement?

24 SOLICITOR BULSA: That's the one she had.

25 THE COURT: Oh, okay. So, I'm sorry.

1 All right. Ladies and gentlemen, I want to thank you
2 for your time and your patience while we proceeded with the
3 taking of testimony today. We're going to conclude your
4 days work at this time. I'm gonna ask, if you would, please
5 be back in the jury assembly room by 9:30 in the morning.

6 I need to remind you not to have any discussions
7 with -- among yourselves or with anyone else about anything
8 involved in the case. Also, do not do any type of
9 independent research or investigation or anything involving
10 the case or don't try to research any of the Court personnel
11 or Court staff. Just, just don't do any type of homework in
12 this case, but I want to thank you for your time today, and
13 we will see you at 9:30 in the morning.

14 You may retire with the bailiffs.

15 (WHEREUPON, the following takes place outside the
16 presence of the jury.)

17 THE COURT: All right. If, if the lawyers are gonna
18 have any type of special request to charge, go ahead and
19 sort of be filtering to us because we're beginning to build
20 the, the jury charges. And if I don't hear any other
21 reason, I will step down. I will see everybody at 9:30 in
22 the morning.

23 (No response.)

24 THE COURT: All right. We'll see you in the morning.

25

(WHEREUPON, Court was in recess for the evening.)

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1 | Wednesday, March 18, 2015

2

3 THE COURT: Is the State ready to call its first --
4 next witness?

5 | SOLICITOR BULSA: Yes, sir.

6 THE COURT: All right. Let's bring them in.

7 (WHEREUPON, the following takes place within the
8 presence of the jury.)

9 THE COURT: Yes, sir, Mr. Solicitor.

10 SOLICITOR BULSA: State calls Chris Jenkins.

11 THE COURT: Sir, come right up here and let the Clerk
12 of Court swear you in.

13 (witness complies.)

14 CHRIS JENKINS, being first duly
15 sworn, testified as follows:

16 THE CLERK: Thank you. You may be seated.

17 (witness complies.)

18 DIRECT EXAMINATION

19 BY SOLICITOR BULSA:

20 Q Introduce yourself to the jury please.

21 A Good morning. My name is Chris Jenkins. I, I worked
22 this case with the Sheriff's Office back in 2013. I'm --
23 good morning, everybody.

24 Q And you're employed now with Spartanburg Regional
25 Medical Center?

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 A I am.

2 Q As a -- in what, in what capacity?

3 A I'm a police officer to a -- with the security office
4 at Regional.

5 Q Okay. So, you worked with the Sheriff's Office and you
6 since left and went to a different agency?

7 A Yes, sir.

8 Q And how is it that you came to be involved in this
9 investigation?

10 A At the time I was working a rotation with a homicide
11 unit with the Sheriff's Office. Detective Williams had
12 called me that evening and asked me to assist him with the
13 case.

14 Q And where -- were you directed to go to any place in
15 particular?

16 A At the time when he called I was directed to go to the
17 hospital at Spartanburg Regional and show a photo lineup at
18 that time.

19 Q Okay. And who did you actually speak with at the
20 hospital?

21 A May I refer to my notes?

22 Q Yes, sir.

23 A I did speak to a Brittany Jeter and showed her the
24 photo lineup.

25 Q And that was containing Mr. Brown?

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 A Yes.

2 Q Terrell Brown?

3 A Yes.

4 Q And she actually knew him, did she not?

5 A She did.

6 Q Okay. So, the photo lineup was for what reason?

7 A To just corroborate that we were delivering information
8 to Detective Williams had gotten that we were actually
9 looking for the right suspect at the time.

10 Q Okay. Were you -- what were you then directed to do?

11 A At that time, myself and another investigator that was
12 also working this case at the time were tasked to try and
13 locate him.

14 Q Did you receive any information where he might be?

15 A We did. Detective Williams was in contact with someone
16 who was giving us---

17 MR. BROWN: Your Honor, we may have a matter of law.

18 THE COURT: All right. Ladies and gentlemen, I need to
19 excuse you from the courtroom. I need to remind you not to
20 have any discussions among yourselves about anything
21 involved in the case but we'll get you back just shortly.

22 You may retire to the jury deliberation room.

23 (WHEREUPON, the following takes place outside the
24 presence of the jury.)

25 THE COURT: Yes, sir, Mr. Brown.

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 MR. BROWN: Your Honor, I understand this is Mr.
2 Bulsa's contention on trying to elicit from this particular
3 witness the location of my client outside of Spartanburg
4 County. I think the additional information that my
5 understanding to be correct would be sought in terms of his
6 actual location in the County of Greenville as well as
7 information as relates to items that could of been
8 recovered.

9 I don't know if that would be deemed in terms of a
10 continuous set of activities associated with the alleged
11 acts that occurred in Kelly Acres but I don't, I don't
12 understand the probative value of merely presenting to the
13 jury that my client was out of the County of Spartanburg,
14 and, at some point, was in Greenville County and whatever
15 activities were alleged to be associated with that will be a
16 value for a jury to hear.

17 I think it would be substantive if there was
18 information that, at some point, he made his way to the
19 Sheriff's Office and an interview was conducted. But to go
20 into activities as relates to Greenville County, I don't see
21 the, the value in that in terms of that being presented to a
22 jury.

23 SOLICITOR BULSA: Your Honor, the defendant clearly
24 fled the scene. We have information that he fled into
25 Greenville County. And when he was going to be apprehended,

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 he fled from officers in Greenville County and it took a
2 manhunt to locate him.

3 That certainly goes to a consciousness of guilt. The
4 jury can infer that that's the purpose of this, this witness
5 and subsequent witnesses coming up.

6 THE COURT: Well, are you going to be -- am I going to
7 hear testimony that he engaged in criminal activity or just
8 that, that the defendant engaged in flight?

9 SOLICITOR BULSA: Your Honor, we did intend to
10 introduce a pistol that was recovered from the hotel room we
11 believe was attributed to the defendant. That pistol was
12 sent down. It was a 9-millimeter and it was sent down to
13 SLED in conjunction with the other items of evidence to be
14 compared with the 9-millimeter shell casing at the scene.
15 It did not match, but to present the full picture to the
16 jury, we felt that that was important so they could---

17 THE COURT: Give me that again.

18 SOLICITOR BULSA: ---have the full picture.

19 THE COURT: Is that -- is -- but it's the pistol that
20 was referred in Greenville, that's not the pistol that the
21 State is contending is the basis for the unlawful carrying
22 of a pistol charge?

23 SOLICITOR BULSA: No, sir, that, that pistol -- the
24 pistol of the unlawful carrying is a revolver which was
25 recovered from a pond that the defendant showed the

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 police---

2 THE COURT: All right.

3 SOLICITOR BULSA: ---he threw it. That's actually also
4 in Greenville County as well.

5 THE COURT: Okay. I'm going to not sustain the, the
6 objection to the testimony. I think it goes more -- I mean
7 you can attack the testimony, attack the credibility of it,
8 and attack the weight to which the jury would want to
9 consider that testimony. But I -- I'm going to allow it.

10 Now, in regards to the pistol, you can -- I'm gonna
11 allow you to bring it up but I don't want to hear anything
12 much more about it other than just the basic stuff because
13 I, I think that might -- got into too much about that pistol
14 might lead to the confusion of the jury on a pistol because
15 I've yet to hear any information about -- yet presented to
16 the jury about what the basis of the unlawful carrying of
17 the pistol charge is.

18 SOLICITOR BULSA: All right.

19 THE COURT: All right?

20 SOLICITOR BULSA: Yes, sir.

21 THE COURT: Okay. You want to bring the jury back?

22 THE BAILIFF: Yes, sir.

23 (WHEREUPON, the following takes place within the
24 presence of the jury.)

25 THE COURT: Yes, sir, Mr. Solicitor.

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 SOLICITOR BULSA: Thank you, Your Honor.

2 CONTINUED DIRECT EXAMINATION

3 BY SOLICITOR BULSA:

4 Q Mr. Jenkins, you were actually testifying that you were
5 trying to find the defendant.

6 where did you happen to go to try to find him?

7 A Investigator Davis and I were actually arriving
8 together. We were directed to I-85 corridor there around
9 Woodruff Road exit. There were several motels in the area.
10 We don't have a set spot to look at. So, he -- we're --
11 he's going in one. I'm going in the other. We're kind of
12 back and forth. I have a picture of Mr. Brown.

13 I walked into the Microtel, actually showed the clerk
14 working, and I have that in my note as well, showed her a
15 photo, a photo lineup or actually just a single photo of
16 Mr. Brown. She did tell us that he was there.

17 Q And what did you do once you had that information?

18 A At that time -- she, she gave us a little more
19 information as to that he did not -- the room was not in his
20 name. The room was in the name of actually Mr. Lake. We --
21 I went out to get Investigator Davis to go with me to the
22 room to actually knock on the room as we're outside.

23 Q what, what happened when you went towards the room?

24 A We were outside and there was a car that kept circling
25 the parking lot. It just kind of looked suspicious to us.

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 It had a black male in it. Investigator Davis and I did
2 approach the vehicle just to speak to see who that was, and
3 it happened to be Mr. Lake who the room was actually rented
4 to.

5 Got to talking to him. At that time, Investigator
6 Davis told me he did see a male run from the back of the
7 motel. Not saying that that was Mr. Brown or anything. But
8 he was running. Speaking with Mr. Lake, he started, at that
9 time, receiving some messages on his phone, some actual
10 calls coming from his phone coming from Mr. Brown.

11 Q So, all this was taking place in the parking lot?

12 A This is taking place in the front of the Microtel there
13 on 85, Woodruff Road, yes, sir.

14 Q Okay. And after you learned that there was contact
15 between the two of them, what did you do?

16 A At that time, Investigator Davis was contacting
17 Greenville County to get them to come to our location. We
18 were sitting there. Kept talking to Mr. Lake about it. He
19 was -- he got several phone calls from Mr. Brown at the time
20 telling him -- telling him, you know, I'm down at the gas
21 station down the corner, come pick me up there, the police
22 are everywhere, come pick me up.

23 Mr. Lake, we were allowing him to answer the phone at
24 this time to see if he could get a little more information
25 for us of where Mr. Brown was. Mr. Brown called back the

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 last time and said that the, the police are everywhere. I'm
2 on down Woodruff Road, come pick me up there. Never got
3 anymore phone calls from him at the time. Greenville County
4 was on scene by this time as well.

5 Q Was Mr. Lake cooperative with you?

6 A Yes. Yes, it took a little bit of, of talking to him
7 but he was, he was very cooperative as far as allowing, you
8 know, or wanting to use the phone to, to help us out with
9 that.

10 Q And once you called Greenville County, what did they
11 do?

12 A Greenville County brought a -- what they called their,
13 their K-9 unit. They, they actually brought them over to
14 the area where we were. Got with Investigator Davis as the
15 last location he saw the male enter the woods. They started
16 tracking at that point, and I'm not even gonna try and give
17 you a time because I don't have that written in my notes.
18 But probably an hour had went by, somewhere close to, and
19 they were able to apprehend Mr. Brown down below the gas
20 station down just on the corner past Microtel.

21 Q What did you and Investigator Davis do while the
22 canines were searching?

23 A We were still there with Mr. Lake at the Microtel at
24 that time talking to him, trying to get a little more
25 information, you know, as to where, where Mr. Brown may go,

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 where, who would come get him other than him. Just
2 information such as that.

3 Q Was there any effort to look in the hotel room---

4 A He---

5 Q ---that he had rented?

6 A He went -- we asked him, once Greenville County, we got
7 somebody from Greenville County there, we asked him if he
8 minds if we went and checked the room. We did go check the
9 room with him since it was in his name, and he allowed us to
10 look in. Mr. Brown was not in the room.

11 Q Did Greenville County get search warrants for that?

12 A Greenville County and yes, Greenville County and I do
13 not remember the officer's name. He's in the courtroom but
14 I don't remember his name. Actually went to the courthouse
15 over at the LEC and obtained a search for -- warrant for the
16 room.

17 Q All right. Once Mr. Brown was apprehended, what took
18 place?

19 A Mr. Brown was taken to -- I, I think he was actually
20 taken, due to a dog bite, to Greenville County Hospital. At
21 that time, Investigator Davis and I went with the Greenville
22 County deputy to the search warrant, come back to the room,
23 a search warrant was executed along with myself, Greenville
24 County, Investigator Davis, and our ID Guy Dukes.

25 Q Darren Dukes?

Chris Jenkins - Direct examination
By Solicitor Bulsa

1 A Yes.

2 Q And was a pistol found in the room?

3 A There was.

4 Q Do you know what kind it was?

5 A I do have it in my notes.

6 MR. BROWN: Your Honor, we would object.

7 THE COURT: I'm gonna overrule the objection.

8 A It was a Kel-Tec 9-millimeter.

9 Q Was that trans -- was custody transferred to
10 Spartanburg County?

11 A It was.

12 Q Did you have any further contact with Mr. Brown in this
13 case?

14 A No, sir.

15 Q You provided this information to Investigator Williams?

16 A Yes, sir.

17 Q Thank you. Answer any questions---

18 A Thank you.

19 Q ---Mr. Brown may have.

20 CROSS-EXAMINATION

21 BY MR. BROWN:

22 Q Investigator, who did you say was circling the parking
23 lot?

24 A Let me -- you mind if I refer to my notes?

25 Q No, sir.

Chris Jenkins - Cross-examination
By Mr. Brown

1 A Notes -- I'll give you a full name.

2 Okay. His first name is A-S-A Jackson Lake.

3 Q Mr. Lake?

4 A Yes, sir.

5 Q And you're saying Mr. Lake was the individual that was
6 receiving phone calls supposedly from Mr. Brown?

7 A Yes, sir.

8 Q You say he's being cooperative?

9 A Yes, sir.

10 Q Did you ever inquire of him why Mr. Brown was in, in
11 that particular room?

12 A I think that you'll have to refer to Investigator Davis
13 on that one. I think he's the one that was actually talking
14 to him on that.

15 Q So, you never spoke with him about any concerns to
16 that?

17 A No.

18 MR. BROWN: Okay. That's all the questions I have.

19 THE COURT: Any redirect limited to what he went into?

20 SOLICITOR BULSA: No, Your Honor. We ask that he be
21 excused.

22 THE COURT: Thank you, sir. You may step down.

23 Any objection to the witness being excused?

24 MR. BROWN: No objection, Your Honor.

25 THE COURT: Sir, you may be excused as well. Thank you

Matt David - Direct examination
By Solicitor Bulsa

1 very much.

2 THE WITNESS: Thank you, Your Honor. Thank you for
3 your time.

4 SOLICITOR BULSA: State calls Matt Davis.

5 THE COURT: Please come up and let the Clerk of Court
6 swear you in.

7 (Witness complies.)

8 MATT DAVIS, being first duly
9 sworn, testified as follows:

10 THE CLERK: Thank you. You may be seated.

11 (Witness complies.)

12 DIRECT EXAMINATION

13 BY SOLICITOR BULSA:

14 Q Please introduce yourself to the jury.

15 A Detective Matthew Davis with the Spartanburg County
16 Sheriff's Office.

17 Q How long, how long have you been with the Sheriff's
18 Office?

19 A With the Sheriff's Office a little over six years.
20 Before that, I was with the City of Spartanburg as a police
21 officer there for four years.

22 Q So, you've been an officer for how long?

23 A Ten years.

24 Q What are your duties with the Sheriff's Office?

25 A I'm a detective. Now currently I'm assigned to the

Matt David - Direct examination
By Solicitor Bulsa

1 property and crimes unit and on call standby with the
2 violent crime unit. At that (sic) time of this I was the
3 second shift detective and I was assigned to the violent
4 crime unit. I was the only night shift detective we had.

5 Q When did you become involved in the investigation of
6 the shooting down in Woodruff?

7 A I'd received a phone call from dispatch. They advised
8 me that a shooting had occurred in the City of Woodruff,
9 which is, you know, within Spartanburg County, and that they
10 had asked for a deputy to respond as the -- Deputy Ingle. I
11 contacted Deputy Ingle and he advised me of Woodruff was
12 requesting our assistance to a shooting in Woodruff and
13 advised it was in the Kelly Acres area and that both the
14 victims, as far as they knew at that time, had been
15 transported to Spartanburg Regional, and that one of them
16 was believed to be possibly already passed, deceased, and,
17 at that time, I then contacted dispatch and asked them if
18 they would go ahead and get in touch with Detective Lorin
19 Williams, give him a run down, and have him give me a call
20 as I was in route to the hospital.

21 Q Why did you ask for Detective Williams?

22 A The way our system works at the Sheriff's Office is we
23 have on-call rotation for violent crimes. Irregardless of
24 who's working at the time, something major, they'd come
25 saying that was the point person for an investigation. They

Matt David - Direct examination
By Solicitor Bulsa

1 kind of head everything up, take on the lead investigator
2 role and responsibilities.

3 This week was Investigator Williams week. You know,
4 with it quickly evolving, and from what I was getting with
5 Deputy Ingle about multiple people being shot, it's more --
6 it's not uncommon for towns to ask for us to either help or
7 fully take over an investigation for them based on
8 resources. So, I knew, at the ground level, it was
9 important to go ahead and get the lead investigator in there
10 and go ahead and get him working on this and get as many of
11 our people as possible.

12 Q And how did you assist Detective Williams?

13 A Initially I went to the hospital. I talked with
14 medical staff. I was unable to talk with either of -- what,
15 at this time, was believed to be at least victims or
16 shooting victims, people that were injured, was unable to
17 talk to them. Medical staff advised one had already been
18 taken to surgery. Another one had already -- they intubated
19 him. He had a breathing tube in him. I was unable to talk
20 to him.

21 And then, shortly after he was being sent, relayed that
22 information to Detective Williams and then we started to
23 check, because I was told there was several people that were
24 coming -- arriving at Spartanburg Regional and it was a
25 massive amount of people that they were directing them to a

Matt David - Direct examination
By Solicitor Bulsa

1 totally separate area away. And then I assisted Detective
2 Williams as we tried to find people that were either there
3 when it occurred or people that saw. And then later on
4 found out they were drove to this, to the hospital. So, we
5 begin to track down the vehicle, people, so on and so forth.

6 Q And while at the hospital, did you determine a suspect?

7 A We did. We took several statements. I took some
8 statements. I went to the surgery waiting area. There was
9 a female that identified herself as one of the, as one of
10 the victim's mother's as to how the victim traveled there.
11 Basically I was told then that a female named Summer Bayne,
12 she had spoke up and advised that she drove both people that
13 were shot to the hospital.

14 In speaking with her, and then subsequent people that
15 we -- other people that were there, we obtained written
16 statements. They advised who they had saw during the
17 incident, who they saw commit the act, and then that's when
18 Detective Williams was in contact with Sergeant Bryant and
19 others at the scene, and then Detective Jenkins showed up at
20 the scene with a photo lineup and we proceeded from there.

21 Q Okay. So, then Mr. Brown became the suspect?

22 A He did.

23 Q Did you and Mr. Jenkins attempt to locate him?

24 A We did. We received information that it's possibly in
25 the Woodruff Road area off of I-85 in Greenville. I do not

Matt David - Direct examination
By Solicitor Balsa

1 know where that information had come from. I was told that
2 that was the last possible known location to head that
3 direction.

4 We had a photo of him. We proceeded to that area, and
5 while we were waiting, because Detective Williams and others
6 were starting to do additional investigative work, we made a
7 decision let's go ahead and start checking. There's
8 multiple motels in this area. Let's start checking with all
9 these motels to see if they'd seen anybody due to us knowing
10 that there was a person shot. So, there was reason to
11 believe they were still armed and they could be, you know,
12 possibly, you know, a danger to others.

13 Q How many hotels did you check before you located him?

14 A Got lucky. It was the very first one. We checked the
15 Microtel. We figured we'd go down a little bit and we would
16 start right there and start working our way back and got
17 lucky and it was the first one we walked into. He showed
18 the photo and they said yeah, he's here. Not that name.
19 But he's here. He and another guy.

20 Q What did you do when you got that information?

21 A When that happened, Detective Jenkins made a phone call
22 to Sergeant Bryant and advised them that we were being told
23 by a clerk that the suspect was at this location staying in
24 a room under another person's name. At that time he advised
25 get out to our cars, get hidden, don't be seen, and then, in

Matt David - Direct examination
By Solicitor Bulsa

1 doing so, that they would be in route to our location and
2 would see about going ahead and getting in touch with
3 Greenville and seeing what we could get moving on that.

4 We go out to the car. We go ahead start putting on our
5 vests. We do that. As we're getting in the car, we notice
6 a car coming back into the parking lot. So, we get in our
7 car. Detective Jenkins car, at the time, was a Chevy Impala
8 dark tinted windows. You know, to anybody, it screams
9 police. Dark tinted window, Chevy Impala.

10 We noticed a car kept circling the parking lot and one
11 time, as it come by, I could see what it appeared -- it
12 looked like the guy was on a cell phone. I told Detective
13 Jenkins we need to check with this guy, that he's done
14 circled too many times the parking lot and he's on his phone
15 now. You know, we don't know if both guys, one guy's up in
16 there. We need to check this.

17 Q Now, let me go back. You commented you put on a vest.
18 What do you mean by that?

19 A Yes, just like TV, when you see them, detectives or
20 SWAT team or anything like that, it's a vest. I was dressed
21 like this, pretty much shirt and tie at all. Put a vest on.
22 It says sheriff in the front big bold yellow, orangish
23 yellow letters, and on the back it says sheriff. It has my
24 body armor on there to help from any type of injuries or
25 anything especially with us knowing this guy was gonna be

Matt David - Direct examination
By Solicitor Bulsa

1 probably armed due to the incident that had occurred
2 earlier. We wanted to go ahead and take those precautions
3 and be ready just in case something happened.

4 Q Did Officer Jenkins have that kind of a vest also?

5 A He did and his said sheriff on the front. Sheriff on
6 the back also.

7 Q So, while out in the parking lot, and you observed the
8 car circling, is that how you were dressed wearing the vest?

9 A Yes, we exited our vehicle because, as we were putting
10 it on, we were standing outside the car. Walk out, pull it
11 out, put on the vest, and as we're getting in, we see the
12 car coming through. So, we don't know, you know, how long
13 the car might of, you know, seen us or anything. The
14 occupants like watching us, I guess you could say, get
15 dressed with our vests on.

16 But as they kept circling the parking lot, and they
17 were plenty of parking spaces and they weren't seemed to
18 take advantage of any of those parking spaces, it just
19 raised suspicion given the circumstances.

20 Q And did anything else catch your attention out while
21 you're in the parking lot?

22 A Yes, sir, when we got out, we made contact with the guy
23 in the vehicle. We start talking to him. Detective Jenkins
24 is asking him his name and all, asking him if we could see
25 his phone and all that stuff just cause he still kind of

Matt David - Direct examination
By Solicitor Bulsa

1 looked like he had the phone on and all. We weren't sure if
2 he was in contact with somebody in the house on a
3 speakerphone or whatever.

4 If you're facing the Microtel, we had the guy back
5 here. Right up here is Woodruff Road, the entrance to come
6 into the Microtel. We're talking to him at our vehicle.
7 You've got on down through here wooded area, gas station.
8 There's a QT and all that going on down Woodruff Road, I
9 guess you could say, going on into the City away from I-85.
10 I-85 is back this way.

11 We're speaking to him. Well, as Jenkins starts to talk
12 to him, I start making a quick scan just cause, you know,
13 he's been on the phone with somebody. There's a reason he
14 keeps circling. I see a subject that later, as they're
15 going through the parking lot, I can tell that it's a black
16 male due to the parking lot lights and all, come from the
17 corner of the building of the Microtel and comes and just
18 starts making a line towards the woods.

19 So, I told Jenkins make sure you got him and I take off
20 that way and I holler Sheriff's Office, and he disappears
21 after the second row of cars. So, I start going out and
22 checking as quickly as I can going down through there. I
23 can't find anything and the direction is straight towards
24 the woods.

25 So, then I come back and let Jenkins know, whoever that

Matt David - Direct examination
By Solicitor Bulsa

1 was, they've now made it into the woods. And then as we
2 continue on --.

3 Q Did you later recognize who that person was?

4 Could you tell if it was the same person that was later
5 apprehended?

6 A No, it -- based on the clothing and all, it appeared to
7 be about the same but there would be no certainty other than
8 woods, shortly after, you know, Greenville getting there a
9 little bit later making sure the perimeter is set and all of
10 that, that's the only person that was found in the woods.

11 Q Did you see anybody else leaving the motel area around
12 that timeframe?

13 A Nobody. Nobody came in the parking lot. Nobody left
14 other than the vehicle or the person that we saw fleeing
15 that way.

16 Q You remember the time of day in which you were at
17 Greenville?

18 A It was early morning around -- it was -- I get off at
19 2:00. So, we done hit later on from that. It was -- when
20 we got there it was still dark morning hours, and then, as
21 we continued on and Greenville County had to get more
22 involved with us, I say more involved, they had to call out
23 additional personnel to secure the area and so on and so
24 forth, by the time they had started to shut down Woodruff
25 Road and all, it was rush hour traffic, 8:00 in the morning.

Matt David - Direct examination
By Solicitor Balsa

1 So, we really messed up a lot of people's commute to work
2 that day.

3 Q So, they actually had to close the road?

4 A Greenville advised that they were shutting down part of
5 Woodruff Road and all the stuff to make sure that they had
6 it contained because, in-between the time of when the
7 subject we had seen left, taking Jenkins on and advising
8 Sergeant Bryant, Detective Williams kind of our
9 developments, and then we get Greenville there. And then
10 about the time Detective Williams and others arrive and
11 there, I get a call from dispatch because dispatch knew that
12 was where I was out at. I had called them earlier to tell
13 them they need to get Greenville here, get them here now.
14 We've got, you know, just everything from our shooting is
15 just kind of starting to go array.

16 They call me back and told me that they had received a
17 phone call from Spartanburg Regional advising that one of
18 the guys in surgery had passed and was now dead. So, at
19 that time, then it went in from a track of someone involved
20 into a shooting to possibly gonna be a homicide suspect.
21 So, they called additional resources out to try to keep the
22 perimeter contained and everything for additional dog units
23 out. They said they had their SWAT team ready so on so
24 forth especially with that being a high business area.

25 Q You heard Detective Jenkins or Officer Jenkins testify?

Matt David - Direct examination
By Solicitor Balsa

1 A I heard some of it.

2 Q Did you stay with him during all this?

3 A The majority of it was. We were (sic) always try to be
4 at least in eyesight just because the only thing we knew at
5 that time was obviously our suspect had fled to Greenville
6 County. Then by making contact with the hotel, we found out
7 then that he was obviously in some type of outside aid, and
8 then there's at least one person that's fled towards the
9 wooded area and then we had done checked. Until additional
10 people got there, we stayed in contact. So, we knew he had
11 a hold of somebody. We didn't know if there was other
12 people assisting the suspect or anything.

13 Q Once Mr. Brown was caught, what did you then do?

14 A I was on scene. He was caught. He ended up suffering
15 from a dog bite. He was brought out of the woods. I was
16 advised where he was at and Jenkins and me were both on
17 scene there. At that time, he was being transported to
18 Greenville Hospital, one of the hospitals in Greenville.
19 Just made sure Detective Dukes or Darren Dukes, our ID unit,
20 got and took pictures of the area down there. And also
21 stood by while Greenville County got their search warrant
22 for the room.

23 Based on what Detective Jenkins said of us, at least
24 doing -- making sure we did a check of the room to make sure
25 he was not in there. Once we did that, there'd been some

Matt David - Direct examination
By Solicitor Bulsa

1 marijuana and other things that was found in the room.
2 Greenville County did a search warrant for that. Once they
3 got in there, they was additional items, a gun and all, that
4 was not listed in the search warrant. So, based on us
5 knowing, shell casings at the scene and all and stuff, I
6 talked to Greenville County. So, they were able to then do
7 an additional search warrant so we could get those items to
8 help us in our investigation.

9 Q So, ultimately the 9-millimeter pistol was recovered?

10 A Yes, sir, it was.

11 Q And later transported -- transferred to Spartanburg
12 County?

13 A It was right there on scene. We had our ID unit,
14 Deputy Dukes, that was there. He took pictures in
15 conjunction with Greenville County. That's not uncommon.
16 we've got multiple jurisdictions. Everybody wants to have
17 their own pictures. And then they signed it over to us just
18 for custody purposes and he took it and secured it.

19 Q Now, did you have any later contact with the defendant?

20 A No, I did not. At that time I'd been up, plus the day
21 before, on into the morning hours now. When we got back, I
22 checked. At that time we had additional guys that were in
23 doing different things that got to sleep all night cause
24 they had the first shift job, and I was allowed to go home
25 and catch some sleep and all that. So, that way, if I

Matt Davis - Cross-examination
By Mr. Brown

1 needed to come back in, there was additional things that
2 needed to be done cause, at that time, my hours were 4:00PM
3 to 3:00AM or either 4:00PM to 2:00AM depending on what day
4 it was.

5 Q All right. Thank you, detective.

6 CROSS-EXAMINATION

7 BY MR. BROWN:

8 Q Detective Davis, you said you made your way to
9 Spartanburg Regional prior to going to Greenville County?

10 A Yes, sir.

11 Q You said you spoke with some people that ultimately
12 gave statements?

13 A Yes, sir.

14 Q were they all female?

15 A The two that identified themselves were female. There
16 was a male subject that I do remember because hospital
17 security was kind of worried that the guy was going to
18 present some problems. He did not want one of the females
19 to talk to me. Started to become very vocal and irate and
20 caused a lot more males to come out from the surgical
21 waiting area in his interest for this black female to not
22 talk to me. And she had to convince him everything's fine,
23 don't worry about it. You just go see what he wants and
24 I'll be back.

25 Q who was that, that male?

Matt Davis - Cross-examination
By Mr. Brown

1 A I have no idea who that male was. I thought it was
2 best then -- we had best just to get her out of that
3 situation, get me out of that situation. I didn't want to
4 inflame the situation anymore with some male being irate,
5 boisterous, just because a police officer is there during a
6 shooting trying to ask people if they know anything and the
7 female says hey, I'll talk to you and he gets all mad. I'm
8 not gonna pick a fight.

9 Q Did, did that male seem like he was with the females?

10 A At that time at Spartanburg Regional, I don't know if
11 any of you have been there, but they're outpatient surgery
12 waiting area for anybody that's, I guess, doesn't have a
13 hospital room and he gets taken to surgery and then comes
14 back. This was so massive that they had directed everybody
15 to that outpatient surgical waiting area. That room was
16 getting full by the second.

17 So, you couldn't really tell who was with who. There
18 was just massive amounts of people coming and more people
19 still coming. I couldn't tell you who she was with, who she
20 wasn't with. Just that everybody was in this same area and
21 people were walking in and out. And it was to the point to
22 where Spartanburg Regional already had several of their
23 security guys come off their tasks to come sit down there to
24 make sure nothing happened, people didn't start going off
25 into restricted areas of the hospital and all that because,

Matt Davis - Cross-examination
By Mr. Brown

1 at night or third shift hours, you know, that part of the
2 hospital doesn't have anybody down there.

3 So, therefore, but that's the only place they had to
4 put those people because they couldn't put them up there in
5 the ER area because people that were coming in still needing
6 aid in that area wouldn't of been able to get in.

7 Q And was one of the females that he was talking to --
8 have you been present during the majority of testimony?

9 A No, sir.

10 Q Have you had a chance to observe any of the females
11 that gave statements there come testify before this Court?

12 A No, I have not. I, yesterday, I was in reference to a
13 different case next door. I wasn't over here. I was only
14 here during the first part of the jury selection part and
15 then I had to go take part---

16 Q Do you -- excuse me.

17 A No, I just had to go take part in that. So, I -- this
18 is the first time I've been back in here was in the middle
19 of Detective Jenkins.

20 Q Do you have in your notes who that female was that he
21 was trying to get to not talk to law enforcement?

22 A I spoke with Summer Bayne in reference to this
23 incident. That would be the white female that drove the car
24 up that we later found out was at the hospital and all lead
25 there. When I spoke with her, she advised of Brittany Jeter

Matt Davis - Cross-examination
By Mr. Brown

1 also witnessed the incident. Miss Jeter was with people in
2 the waiting area according to Miss Bayne. Now, she did her
3 statement off stuff, went there, and got Miss Bayne during
4 that time. And so it's Miss Bayne.

5 Q Miss Bayne?

6 A (Witness nods affirmatively.)

7 Yes.

8 Q That was the female that---

9 A Well, Miss Bayne was the white female I spoke with and
10 then Brittany Jeter, sorry, Brittany Jeter, that would be
11 the black female. Brittany Jeter.

12 Q Brittany Jeter was the one that the male didn't want
13 her to talk to law enforcement or was it Miss Bayne?

14 A Yes.

15 Q Brittany Jeter?

16 A Miss Geter. She was the one that I went up to the
17 surgical or outpatient waiting area to see if she was up
18 there.

19 Q When you made your way to Greenville, you mentioned
20 that you had a chance to speak with a clerk?

21 A The clerk?

22 Q At the Microtel?

23 A At the Microtel?

24 Q Yes, sir.

25 A Yes, Detective Jenkins was doing the majority of the

Matt Davis - Cross-examination
By Mr. Brown

1 talking and I was present.

2 Q And the clerk mentioned he and another guy had used the
3 room?

4 A She mentioned that there was -- this guy was here, our
5 suspect, the guy in the picture. He's here. He's not in a
6 room with his name. He's under another name with a
7 different male.

8 Q Okay. And you also mentioned that both guys up in
9 there.

10 Was the clerk telling you that two people had used the
11 room or two people were associated with that room?

12 A That was about all she had told us. At that time we
13 were then making phone calls. We were a little more
14 concerned with getting additional units there.

15 Q You were present when an investigator who testified to
16 an individual circling the parking lot?

17 A I was.

18 Q Did you make contact with that individual?

19 A We both did and that was the individual who he had
20 given the name of the gentleman. I --.

21 Q You had a chance to speak with him?

22 A We did back and forth. Like if -- when Detective
23 Jenkins would get on the phone talking back and relaying
24 information, obviously I was right there and I'd make sure
25 he was occupied. Our biggest thing, at that time, was we

Matt Davis - Cross-examination
By Mr. Brown

1 didn't want -- we wanted to contain the situation. We
2 didn't want something getting worse than what it already
3 was.

4 Q Did that individual tell you why that room was being
5 rented?

6 A I do not recall if he said anything as to why it was
7 being rented or not. I do recall that we had told him that,
8 you know, we're investigating a shooting at Spartanburg
9 County that had occurred, and that people were severely
10 injured and at the hospital, was this in surgery, and we
11 advised him why we were there cause obviously Spartanburg
12 County detectives and Greenville County, that's people we
13 were like, you know, same thing as Greenville popped up
14 here. So, we wanted to let him know why we were there. So,
15 he knew pretty quick why we were there and why we were
16 speaking to him and taking interest.

17 MR. BROWN: That's all the questions I have.

18 THE COURT: Any redirect limited to what he went into?

19 SOLICITOR BULSA: No, Your Honor. No redirect.

20 THE COURT: Thank you, sir. You may step down.

21 SOLICITOR BULSA: We ask that he be excused.

22 THE COURT: Any objection to the witness being excused?

23 MR. BROWN: No objection, Your Honor.

24 THE COURT: Sir, you may also be excused. Thank you
25 for coming.

Asa Lake - Direct examination
By Solicitor Bulsa

1 THE WITNESS: Yes, sir.

2 SOLICITOR BULSA: State calls Asa Lake.

3 THE COURT: Mr. Lake, just come right up here if you
4 would, sir. Let the Clerk of Court swear you in if you
5 would.

6 (Witness complies.)

7 ASA LAKE, being first duly sworn,
8 testified as follows:

9 THE CLERK: Thank you. You may be seated.

10 THE COURT: Just have a seat in the red chair and pull
11 the red chair up to the microphone.

12 (Witness complies.)

13 DIRECT EXAMINATION

14 BY SOLICITOR BULSA:

15 Q Mr. Lake, introduce yourself to us.

16 A Asa Lake.

17 Q And where do you live, sir?

18 A Greenville in Mauldin, South Carolina.

19 Q I'm sorry. I didn't hear that.

20 A Mauldin, South, South Carolina.

21 Q Mauldin.

22 How long have you lived there?

23 A What's this?

24 This March -- we're in March '09.

25 Q Okay. And how old are you?

Asa Lake - Direct examination
By Solicitor Bulsa

- 1 A So, it would be five months, about six months.
- 2 Q Okay. How old are you?
- 3 A 34.
- 4 Q 34.
- 5 Do you know the defendant?
- 6 A I sure do.
- 7 Q How?
- 8 A He's my family. That's my cousin.
- 9 Q That's your cousin.
- 10 How close are you?
- 11 A I look at him like my little brother, you know.
- 12 Q Okay. So, how often did you see him?
- 13 A A good amount.
- 14 Q I didn't hear that.
- 15 A A good amount. At least -- I'd, I'd go holler at him
- 16 about two or three times a week.
- 17 Q Now, where did he live back in August, September of
- 18 2013?
- 19 A I think it's Woodruff.
- 20 Q I'm having a hard time hearing you.
- 21 A I think it's Woodsdale Apartments. I think it's called
- 22 Woodsdale.
- 23 Q Woodsdale?
- 24 A Yeah.
- 25 Q And where is Woodsdale located?

Asa Lake - Direct examination
By Solicitor Bulsa

1 A It's almost right across from Woodruff Primary
2 Elementary School.

3 Q So, that was in Woodruff, South Carolina?

4 A Uh-huh. (Affirmative).

5 Q So, at the time of this shooting, Mr. Brown was living
6 in Woodruff?

7 A Right.

8 Q Is that right?

9 A (Witness nods affirmatively.)

10 Q Okay.

11 THE COURT: Sir, if you would, the lady next door (sic)
12 to me is a court reporter. She's taking down everything
13 that's said. You're beginning to nod your head in response
14 and she can't take that down. So, I need you to give verbal
15 responses.

16 Okay?

17 THE WITNESS: Okay.

18 THE COURT: And really speak into that microphone.

19 THE WITNESS: All right.

20 Q So, Mr. Brown lived in Woodruff and, at the time of
21 this incident, where were you living?

22 A In Greenville.

23 Q In Greenville.

24 So, you weren't living in the Mauldin area?

25 You were living in what part of the Greenville area?

Asa Lake - Direct examination
By Solicitor Bulsa

1 A I had just -- me and, me and my girlfriend had -- we
2 was having problems. So, I had just moved back to the
3 Woodruff Road area.

4 Q Woodruff Road area?

5 A Yes, sir.

6 Q Okay. And do you recall going to the Microtel Inn &
7 Suites in Greenville?

8 A I sure do.

9 Q What caused you to go there?

10 A Trying to protect him.

11 Q How did you first hear from him that day?

12 A well, we were actually waiting on him and his girl to
13 come to the house so we could, you know, you know, hang out,
14 you know, with family or whatever, friends, and -- but he
15 said, he said that he was gonna -- he was waiting for her to
16 take a nap because she was tired. So, we were there waiting
17 for, like I say, waiting on them and we get a phone call
18 saying something happened with Terrell in Kelly, you know.
19 You know, well, what's actually really going on but it's
20 something going on with him.

21 And I say not even two minutes, not even, not even a
22 minute and a half later, Terrell called. Hey, I need
23 somebody to come get me, you know, and, you know, he was
24 like I'm in trouble. He said will you come get me? So, of
25 course, I'm gonna be on the way you know.

Asa Lake - Direct examination
By Solicitor Bulsa

1 Q Let me stop you right there and ask you a couple
2 questions from what you just said.

3 A Okay.

4 Q What time were you waiting on Mr. Brown?
5 When were you expecting to see him?

6 A I mean we didn't -- he didn't give us an actual time
7 when they would be there. Like I say, he was waiting on his
8 girlfriend to finish taking her nap and then they were
9 coming.

10 Q And, to your knowledge, where was he going to be coming
11 from?

12 A I have no clue.

13 Q No clue.

14 But you'd spoken to him earlier that day?

15 A Right.

16 Q And---

17 A Cause we called---

18 Q ---y'all made arrangements to meet up?

19 A Right. Excuse me. Yeah.

20 Q All right.

21 A We had called everybody, you know, trying to, like I
22 say, trying to get the family together and hang out, you
23 know, cause we don't never -- we don't really just get to
24 hang out with all, all the family together.

25 Q And this was Labor Day weekend, right?

Asa Lake - Direct examination
By Solicitor Bulsa

- 1 A I guess so. I'm not sure.
- 2 Q Okay. where did his girlfriend live?
- 3 A With him in woodsdale.
- 4 Q They lived together in woodsdale in woodruff?
- 5 A Yeah.
- 6 Q Do you know her name?
- 7 A Do I know her name in --?
- 8 Q Yes, sir.
- 9 A All I know is they call her Shay. Shay.
- 10 Q Shay?
- 11 A Yeah.
- 12 Q You don't know her real name?
- 13 A (witness nods negatively.)
- 14 Q Okay. How were you expecting Mr. Brown to get to the
- 15 Greenville area?
- 16 A I guess with Shay.
- 17 Q You -- did Mr. Brown have a car himself?
- 18 A Uh-huh. (Affirmative).
- 19 Q Is that a yes?
- 20 A Yes.
- 21 Q Okay. Did you expect him to drive his car?
- 22 A I had no clue. I mean they, if I remember correctly, I
- 23 think they both had cars but something may of been wrong
- 24 with one of them and I'm not sure which one. So, before---
- 25 Q So, either Shay or Mr. Brown was gonna drive their

Asa Lake - Direct examination
By Solicitor Bulsa

1 vehicle and they were gonna come together to your place?

2 A Right.

3 Q And they never showed up?

4 A Right.

5 Q And you got a call about what time?

6 A I have no clue.

7 Q Can you give an estimate?

8 Had you been sleeping?

9 Were you woken up?

10 A Oh, no, we was -- we had actually had started drinking
11 and playing video games.

12 Q Okay. So, you're -- you were inside your house?

13 A Right.

14 Q Could it have been after midnight?

15 A It could of been. It was close to midnight.

16 Q Okay. And the first call was not from Mr. Brown?

17 It was from someone else?

18 A Right.

19 Q Saying that Mr. Brown was in trouble?

20 A They -- yeah, they -- it was like basically -- but they
21 didn't, they didn't have -- they didn't call me actually.

22 It was just like they called a family member and it was
23 like, you know, something's going on with Terrell.

24 Something done happened with Terrell. You know, you might
25 want to check on him. And so then, like I say, not, not

Asa Lake - Direct examination
By Solicitor Bulsa

1 even less than a minute and a half later he called.

2 Q He called you?

3 A Yeah.

4 Q And where did he say he was?

5 A In Woodruff.

6 Q In Woodruff.

7 And what did he want?

8 A Somebody to come get him.

9 Q Somebody to come get him.

10 Okay. And I believe you testified that you then went
11 on your way to go get him?

12 A Yes.

13 Q So, you actually drove from Greenville to Woodruff?

14 A Yes, sir.

15 Q Picked him up?

16 A Yep.

17 Q And where was he in Woodruff when you picked him up?

18 A He was on a dead-end street like hiding behind the
19 trees and stuff.

20 Q He was hiding in some woods?

21 A Yeah.

22 Q How did you know where to go to get him?

23 A well, he told me it was a dead-end on Allen Street.

24 So, I went to Allen Street. I only know of one dead-end on

25 Allen Street and that's where another cousin's family

Asa Lake - Direct examination
By Solicitor Bulsa

1 stayed. So, I went to there to get him.

2 Q All right. So, you didn't drive to his house in
3 Woodsdale?

4 A (Witness nods negatively.)

5 Q How close was Allen Street to Woodsdale?

6 A Allen Street is on the other side of town from
7 Woodsdale. Allen Street is, is closer. It's like -- if you
8 come out -- if you come out the back gate of Kelly, came
9 through Pine Ridge, you right there at Allen Street.

10 Q Okay. So, if you -- are you familiar with Kelly Acres?

11 A Uh-huh. (Affirmative).

12 Q Yes?

13 A Yes.

14 Q So, you've been there before?

15 A Yes.

16 Q It's a complex surrounded by a fence?

17 A Yes.

18 Q You can walk through a back gate?

19 A Yes.

20 Q So, from where you found Mr. Brown, did that appear to
21 be how he got out of Kelly Acres?

22 A Yes, sir.

23 Q All right. And do you remember what time you got to
24 Woodruff to pick him up?

25 A I sure don't.

Asa Lake - Direct examination
By Solicitor Bulsa

1 Q How long did it take you to drive from Greenville to
2 Spartanburg?

3 A That night there, probably ten minutes.

4 Q Cause you were driving fast?

5 A Pretty fast.

6 Q Why so fast?

7 A Because my cousin was in danger.

8 Q Okay. And was anybody hiding with him?

9 A With him?

10 Q Yes, sir.

11 A No.

12 Q He was by himself?

13 A Right.

14 Q You picked him up and then what did you do?

15 A I picked him up and I asked him, I said what's going
16 on, man, you know. You all right? He said, he said yeah,
17 I'm fine. He said, he said---

18 Q I'm not gonna ask you what he told you what happened.
19 Okay?

20 A All right.

21 Q You just picked him up and took him to where?

22 A Picked him up, called the family to let them know I had
23 him and he was safe. And I told them I was gonna try to
24 find somewhere to take him to so he would be safe.

25 Q Why didn't you drive him to the Woodruff Police

Asa Lake - Direct examination
By Solicitor Balsa

- 1 Department?
- 2 A To the Woodruff Police Department?
- 3 Q Yes, sir.
- 4 A why would I stay in woodruff if somebody trying to kill
- 5 him in woodruff?
- 6 Q well, the police, aren't they there to help?
- 7 A I don't know.
- 8 Q I don't understand.
- 9 what was that answer?
- 10 A I say I don't know.
- 11 Q You don't know?
- 12 A I don't, I don't, I don't necessarily trust polices.
- 13 Q You don't trust the police?
- 14 A Yeah.
- 15 Q Okay. So, you drove him back to Greenville.
- 16 Did you make any stops on the way?
- 17 A Did I make any?
- 18 Yes, we -- actually we stopped to see -- seen his
- 19 mother and cause she was, she was getting ready to break
- 20 down and his girlfriend and we---
- 21 Q Wait a minute.
- 22 where did you stop?
- 23 A where did we stop?
- 24 Q Yes, sir.
- 25 A There's a development on woodruff Road. Something

Asa Lake - Direct examination
By Solicitor Bulsa

- 1 Lakes. Woodruff Lakes or something like that.
- 2 Q Okay. You mentioned his girlfriend.
- 3 A Yes.
- 4 Q Was she over there at his mother's?
- 5 A She was riding with his mother when he pulled in.
- 6 Q So, you didn't drive from Allen Street to Woodsdale to
- 7 pick up the girlfriend?
- 8 A No.
- 9 Q And you---
- 10 A Once I picked him up we left Woodruff.
- 11 Q Okay. All right. And you stopped at his mother's
- 12 house?
- 13 A No.
- 14 Q No, that wasn't his mother's house?
- 15 A No.
- 16 Q Whose house was it that y'all stopped at?
- 17 A Nobody's.
- 18 Q Nobody's?
- 19 A Right.
- 20 Q Well, where did you meet up with his mother and his
- 21 girlfriend?
- 22 A In a housing development that we -- I told them, you
- 23 know, meet us over here, you know, cause one, we're out of
- 24 Woodruff, we're not going back. I'm not going back to
- 25 Woodruff. And then, two, we were, like I say, we were out

Asa Lake - Direct examination
By Solicitor Bulsa

1 on Woodruff. So, this should be safe or, you know, just in
2 case anybody, you know, seen me pick him up or noticed my
3 car cause everybody knows we're close, we're related, and
4 try to follow me. This way, you know, in this particular
5 neighborhood, we could see if somebody's following us or
6 follow his mom.

7 Q when did you see the gun that he was carrying?

8 A I'm sorry?

9 Q when did you see the pistol that he was carrying?

10 A what pistol?

11 Q The pistol he was carrying.

12 A I never seen a pistol.

13 Q You never saw a pistol?

14 A No.

15 Q You didn't stop him at a pond and have him toss it out?

16 A well, we cut -- we was cutting through neighborhoods
17 and he said hold on a minute. Just, just hold on a second.
18 And then he stepped out. I figured he was, you know, after
19 what just happened, just taking it in, getting a deep breath
20 and everything and, you know.

21 Q So, did he stand there by the car?

22 what did he do?

23 A Oh, he, he walked off. Like, like I say, where we were
24 at, he, he -- it was a pond on the side of us and he like
25 walked off toward the ponds and he was, he was out there for

Asa Lake - Direct examination
By Solicitor Bulsa

1 a second and then he come back in. But I was on the phone
2 when he, when he, when he got out the car.

3 Q So, you don't know what he did at the pond?

4 A Right.

5 Q So, your testimony is you didn't see him with a gun and
6 you didn't see him throw the gun out?

7 A Right.

8 Q You just happened to stop in an area --

9 A Right.

10 Q -- where there was a pond?

11 A Right.

12 Q Okay.

13 A I mean it's a beautiful scene. So, I can understand.

14 Q Okay. All right. So, what happened after that stop?

15 A After that, we went and got -- his, his son needed some
16 formula and things. So, we went to the store and got some
17 things for the baby.

18 Q All right. Got some stuff for his son and then what
19 did you do?

20 A Then we went to the -- we went and checked out -- went
21 and got the room at the Microtel for him, and it -- he had
22 told me he hadn't eaten anything and we cooked about for
23 everybody. So, I told him I said, well, you know, we'll get
24 you something to eat and I say you -- I asked him did he
25 want some clothes or something and he was, he said sure.

Asa Lake - Direct examination
By Solicitor Bulsa

1 So, went and got him something to eat and got him some
2 clothes.

3 (WHEREUPON, the registration from the Microtel was
4 marked as State's Exhibit No. 36 for identification purposes
5 only at this time.)

6 Q Okay. Mr. Lake, I want to show you State's Exhibit No.
7 36 for identification.

8 Does that look familiar to you?

9 A That's my initials.

10 Q Okay. Has that got your name on it?

11 A Yeah, and my signature.

12 Q So, is that the registration from Microtel?

13 A Yes, sir. Yeah, it says right here.

14 SOLICITOR BULSA: Okay. And the State would offer 36
15 into evidence.

16 MR. BROWN: Without objection.

17 THE COURT: Without objection will be State's 36.

18 (WHEREUPON, State's Exhibit No. 36 was received into
19 evidence at this time.)

20 Q So, this document has registration, Asa Lake, having
21 your address at [REDACTED] in Simpsonville?

22 A Correct.

23 Q Is that the correct address at the time?

24 A Correct.

25 Q Okay. And it's got you renting a -- one room for one

Asa Lake - Direct examination
By Solicitor Bulsa

- 1 night for one guest?
- 2 A Right.
- 3 Q Is that right?
- 4 A Uh-huh. (Affirmative).
- 5 Q And you said that's your signature?
- 6 A Correct.
- 7 Q Okay. Tell this jury why you didn't take him to your,
- 8 to your house to stay.
- 9 A To my house?
- 10 Q Yes, sir.
- 11 A Like I say, at the time, me and my girlfriend were
- 12 having problems and I just didn't want him involved.
- 13 Q So, tell us -- this jury why you didn't take him to
- 14 your mother's house to stay.
- 15 A Because people know, people know my family in Woodruff,
- 16 and the people that was trying to get him know my family.
- 17 So, why would I take him to mama's house and possibly bring
- 18 that drama to my mama's house?
- 19 You know, my mama's over 50 years old. She don't need
- 20 nobody shooting at her house --
- 21 Q All right.
- 22 A -- or around her house.
- 23 Q But you only rented this room for one night?
- 24 A Correct.
- 25 Q Okay. And how was it you or what time did you drop him

Asa Lake - Direct examination
By Solicitor Bulsa

1 off?

2 A I have no clue.

3 Q See this document has printed at 9:00 on September the
4 2nd, 2013, at 2:53AM.

5 Does that seem about right?

6 A Yeah.

7 Q Okay. So, you rented the room yourself?

8 A Uh-huh. (Affirmative).

9 Q Did you see him go into the room?

10 A No, actually, no.

11 Q You did not.

12 Did he have a bag with him?

13 A Not that I can remember.

14 Q So, did he take any possessions with him?

15 A Out of the car?

16 Q Just out of the car.

17 Did you know what he had on his person?

18 A (Witness nods negatively.)

19 Q No?

20 THE COURT: Sir, if you would, again---

21 THE WITNESS: I'm sorry.

22 THE COURT: ---give verbal responses.

23 THE WITNESS: No, sir.

24 Q No, sir.

25 So, you didn't know if he had another pistol?

Asa Lake - Direct examination
By Solicitor Bulsa

- 1 A No.
- 2 Q A 9-millimeter pistol, you don't know if he had that?
- 3 A No, sir.
- 4 Q Okay. And you didn't give him one, did you?
- 5 A Did I give him one?
- 6 Q Yes, sir.
- 7 A I thought about it but I know he don't, you know, for
- 8 him being a felon already, if I give him my .40, then it
- 9 would of looked bad, you know, if it was to get caught with
- 10 it for some reason.
- 11 Q Okay. So, you were trying to protect him by getting
- 12 him out of there but you didn't give him a pistol?
- 13 A Correct.
- 14 Q Okay. So, you didn't -- you wouldn't have, have any
- 15 knowledge of the pistol that was found in his room?
- 16 A Hu huh. (Negative).
- 17 No, sir.
- 18 Q Okay. All right. So, you dropped him off shortly
- 19 before three o'clock and then what did you do?
- 20 A I went, like I say, I went to go get him something to
- 21 eat.
- 22 Q All right. And where did you go?
- 23 A Back to my mom's house.
- 24 Q You went back to your mom's house to get him something
- 25 to eat?

Asa Lake - Direct examination
By Solicitor Bulsa

1 A Right.

2 Q And then what did you do?

3 A I went to my mama's house and fixed him a plate, and I
4 think I had grabbed some -- no, actually, I had told -- I
5 told his brother to, to deliver a message to his girlfriend
6 to get some clothes for him. And after I fixed the plate, I
7 went ahead and went back to take him his plate.

8 Q Okay.

9 A And I got back up there. while I was driving, you
10 know, like when, like when I got closer to the motel, I
11 started receiving messages from a girl that I was chatting
12 with from California that I went to school with. And when I
13 pulled in -- I pulled in into the parking lot, and I seen
14 the, I guess, seen the police car, the unmarked car, with
15 the tinted windows or whatever. And I -- but I didn't know
16 it was unmarked. I just figured it was a car with tinted
17 windows.

18 So, I seen them and they looked like they was coming
19 out of a parking space. So, I stopped to let them do
20 whatever they was gonna do cause I'm texting anyway. So, I
21 finished my message or whatever and I look up. They had
22 pulled in front of me like into the parking space up right
23 next to the building.

24 So, then I went around to see if it was -- to a parking
25 space closest to the door cause they were all taken by the

Asa Lake - Direct examination
By Solicitor Bulsa

1 front door and most of them to the side. Well, I didn't
2 feel like going all the way to the end of the building. So,
3 I come back around kind of halfway, you know what I'm
4 saying, like on -- like if the door, the front door of the,
5 in the area got this side front door like, you got this
6 side, well, I, I parked halfway between the corner and the
7 door on this side.

8 Q How many loops around the parking lot did you make?

9 A That was, there was no it -- loops. They were just I
10 went around to see a parking space.

11 Q Your testimony is you just drove around once?

12 A Yes.

13 Q Okay.

14 A Right.

15 Q When did you realize these were police officers?

16 A When did I realize it?

17 Q Yes, sir.

18 A After he -- the one cop, he, he come up to me. Well,
19 come up to the car. The other cop went in. No, actually he
20 paused for a second. He started going but then he paused.
21 Then he pulled -- he, he asked me my name and everything and
22 I told him my name and he pulls out the, the badge and asked
23 me my name again. So, I told him.

24 And so, then he was -- he said somebody it's a go or
25 whatever. And the other police officer, he went on into the

Asa Lake - Direct examination
By Solicitor Bulsa

1 building.

2 well, my phone had got -- received a message from the
3 girl. well, the cop that was at, at my car -- at the -- my
4 car -- actually my mom's car, snatched the phone and I
5 looked. I'm, you know -- and then he snatched my keys out
6 my hand for the car.

7 So, then I'm like okay, what's going on? You know,
8 why -- what is -- and he was asking me, you know, why, why
9 are you here? why are you just at this? And I was actually
10 angry because he snatched my things out my hand and to, for
11 my knowledge, that's kind of like unlawful.

12 And so, then I went on the offense like, you know, I
13 can be here if I want to. I'm not -- it's not against the
14 law to get a room, you know, because -- they didn't -- he
15 didn't -- he never did tell me why he was wanting to detain
16 me or arrest me or wanting me out the car or anything.

17 Q when did you learn they were looking for Mr. Brown?

18 A After, after he called.

19 Q After who called?

20 A Terrell.

21 Q And how long were you there with the police officer
22 before Mr. Brown called?

23 A Not too long.

24 Q Not too long?

25 A No.

Asa Lake - Direct examination
By Solicitor Bulsa

1 Q Did you have a conversation with him?

2 A With Terrell?

3 Q Yes, sir.

4 A Well, it wasn't -- after he called, the one officer put
5 the phone -- he answered it and put it on speakerphone.

6 Q Okay. And what was -- did Mr. Brown say anything to
7 you?

8 A He just told me where he was at.

9 Q And did you tell him he needed to turn himself in?

10 A After -- no, actually they told me. They kept saying
11 if you say anything you going to jail. Da, da, da. Don't
12 say anything about us being here. This the third -- well,
13 actually the one kept saying that but then the other one,
14 then the other one -- well, he wanted, he wanted -- he --
15 come on, my partner's in here, you know, in the building.
16 So, he started heading towards the building, and once
17 we get into the door where they have to unlock the door to
18 let you in, that's when he -- the other partner -- officer
19 comes around and he already has the key or whatever or not.
20 And they took me up there to the room and opened the door to
21 check and see if he was in there. He was not in there.

22 Q He wasn't there?

23 A No.

24 Q Okay. How many times did Mr. Brown call you that
25 morning --

Asa Lake - Direct examination
By Solicitor Bulsa

- 1 A I don't remember.
- 2 Q -- while at the hotel?
- 3 Approximately.
- 4 A Probably three, four.
- 5 Q That's while you were with the police?
- 6 A Right.
- 7 Q Did you see the Greenville County officers?
- 8 A Oh, yeah.
- 9 Q Did they ever show up?
- 10 A Oh, yeah.
- 11 Q You saw the search for your brother?
- 12 A Yeah. Oh, actually I, I seen the, I guess, the set-up
- 13 for the search.
- 14 Q Where were you when all of this was going on?
- 15 A They made me stay there in the parking lot.
- 16 Q Did you see where he was caught?
- 17 A No.
- 18 Q Do you recall how long it took to catch him?
- 19 A I remember standing there all morning. Well, till the
- 20 morning, the daylight hours.
- 21 Q And when were you released?
- 22 A Sometime after they had -- they caught him.
- 23 Q Okay. You -- your testimony is you didn't know
- 24 anything about him having the .38 revolver?
- 25 A No, I did not.

Asa Lake - Cross-examination
By Mr. Brown

1 Q You didn't know anything about him having a
2 9-millimeter pistol?

3 A No, sir.

4 Q And you don't even know that he tossed the gun out?

5 A Right.

6 Q Thank you, Mr. Lake.

7 CROSS-EXAMINATION

8 BY MR. BROWN:

9 Q Mr. Lake, you used terms such as trying to protect him,
10 you had to take him somewhere to be safe, and your cousin in
11 danger.

12 A Right.

13 Q Were you concerned about him being in danger from law
14 enforcement?

15 A No, sir.

16 Q Why would you be concerned of him being in danger of
17 some sort?

18 A Because when I, when I picked him up, I asked him
19 what's going on because we got a phone call something's
20 going on and then he calls. So, that told me -- that there
21 told me that something was wrong. And so, I asked him. I
22 said what's going on and he was like man, I don't even know.

23 SOLICITOR BULSA: Your Honor, that would be hearsay.

24 THE COURT: All right. I think it's a properly asked
25 question so far.

Asa Lake - Cross-examination
By Mr. Brown

1 Go ahead, sir.

2 A And then he was like man, I don't even know what
3 happened.

4 SOLICITOR BULSA: Objection. He's testifying to what
5 the defendant told him.

6 THE COURT: Well, I'm, I'm gonna allow it.

7 A And some -- I asked him, I said, well, what happened?
8 And he said they -- I don't know. They was trying to get
9 me. I said who, who, who? What you talking about? He
10 said -- and he told me about Quinn and Frado and Tee. Well,
11 Quinn and Frado and then he say -- he said they was -- Frado
12 kept saying something to Quinn, talking slick, whatever, or
13 not. And he say, you know, I was, I was just ignoring it,
14 you know, chilling and he say he kept going -- walking up on
15 him with a pistol. I'll kill all y'all, yah, yah, yah.

16 And somebody said something about fighting it out. And
17 then somebody say -- one of them was like well, we --
18 everybody got guns. We'll shoot it out. And then somebody
19 say well, they ain't got but one gun like that.

20 And from what he told me, that's when Yearg, I guess,
21 Yearg walked back up on him. And he said he -- he was
22 telling me that he had, from the times that he was walking
23 back and forth, he just, you know, he said I, you know, I
24 put it behind my back. And he said well, he come back up on
25 me and he started to raise up. He said I didn't -- he said,

Asa Lake - Cross-examination
By Mr. Brown

1 cuz, I didn't know what to think. So, I, you know, he said
2 he shot him.

3 Q And this was after you picked him up in Woodruff?

4 A Right. This is on the way to Greenville.

5 Q So, he called you shortly after the alleged incident?

6 A Right.

7 Q You made your way to Woodruff in a short amount of
8 time?

9 A Right.

10 Q You picked him up?

11 A Uh-huh. (Affirmative).

12 Q And on that ride, immediately after the shooting, from
13 Woodruff to Greenville, he told you what happened?

14 A Right.

15 Q Just like that?

16 A Right. And he told me -- he also told me that, when he
17 shot -- when he shot Yearg, he, he was hearing bullets. He
18 told me about the hearing bullets flying by or whatever and
19 he say he looked up and Frado was shooting. So, he went to
20 shooting at Frado. But Frado, he say Frado was running
21 while he was shooting. So -- and he said, you know, he --
22 once he started running, he just kept going.

23 Q Okay. And Frado, do you know his actual name?

24 A I think it's Travis.

25 Q Travis?

Asa Lake - Redirect examination
By Solicitor Bulsa

1 A Travis Jeter, yeah.

2 Q Is he related to Brittany Jeter?

3 A Yeah.

4 Q How is he related to Brittany, Brittany Jeter?

5 A I think they're brother and sister.

6 Q And so, once you were at the Microtel and inter,
7 interacted with law enforcement, you basically cooperated?

8 A Right. Oh, I didn't have, I didn't have no choice
9 really but, yeah.

10 MR. BROWN: That's all the questions I have.

11 THE COURT: Any redirect limited to what he went into?

12 REDIRECT EXAMINATION

13 BY SOLICITOR BULSA:

14 Q Did you tell law enforcement that you picked up
15 Mr. Brown from Woodruff?

16 A No, sir.

17 Q Okay. After the time you dropped Mr. Brown off, did
18 you call the police and say that he was in danger?

19 A No, sir. Like I say, I don't trust police. As far as
20 I know, they, they could of had a cop in they, in they
21 pocket on payroll or something and paying the police to do
22 their dirty work.

23 Q well, by this time you were over in Greenville County.
24 There was no connection---

25 A But I don't, I don't know---

Asa Lake - Redirect examination
By Solicitor Bulsa

1 Q ---to players in Woodruff, to Greenville County, and
2 you didn't call Greenville County either, did you?

3 A I know people that have police in their pockets. So,
4 I'm not gonna -- why would I call the police and say yeah,
5 Terrell's over here if they looking for him?

6 They can say well, Terrell over there, go get him, and
7 I be sitting there looking crazy cause I let the police that
8 working for the people that trying to kill him take my
9 cousin.

10 SOLICITOR BULSA: Okay. Nothing further.

11 THE COURT: Thank you, sir. You may step down.

12 Lawyers approach one moment.

13 (WHEREUPON, a bench conference was held out of the
14 hearing of the jury at this time.)

15 SOLICITOR BULSA: State calls Sergeant Patrick Donahue.

16 THE COURT: Sir, come right up here and let the Clerk
17 of Court swear you in.

18 THE WITNESS: Yes, sir.

19 PATRICK DONAHUE, being first duly
20 sworn, testified as follows:

21 THE CLERK: Thank you. You may be seated.

22 (Witness complies.)

23 DIRECT EXAMINATION

24 BY SOLICITOR BULSA:

25 Q Mr. Donahue, would you introduce yourself to the jury?

Patrick Donahue - Direct examination
By Solicitor Balsa

1 A Yes, my name is William Patrick Donahue. I'm employed
2 by the Greenville County Sheriff's Office in Greenville,
3 South Carolina. At the time of this incident I was employed
4 as a sergeant, as a supervisor of the K-9 Services Unit.

5 Q What is the K-9 Services Unit?

6 A It's comprised of a, of a cadre of patrol dogs and
7 hunter dogs as well as a tracking team element utilized to
8 help apprehend fugitives and other wanted subjects.

9 Q And on September 2nd, 2013, did your unit receive a
10 call to assist with some Spartanburg County officers?

11 A We did. I was actually out at approximately about 4:42
12 in the morning when we received an emergency request from
13 the Spartanburg County at the Microtel Inn. I responded to
14 that location. I met with two detectives from Spartanburg
15 County. Learned that they were looking for the defendant.
16 They had information that he may be at the QT, which was
17 within a block of the Microtel Inn.

18 Myself and a couple other deputies checked that
19 location and didn't find the defendant and started to clear
20 the scene.

21 Q And then what did you do once you didn't find him at
22 the QT?

23 A Shortly after clearing the scene, I received a call
24 back from one of the uniform patrol sergeants stated that he
25 received some additional information. At that point in

Patrick Donahue - Direct examination
By Solicitor Balsa

1 time, I responded back over, established that there was a
2 high likelihood that he was in the woods behind the QT based
3 on some information they had received. I activated our
4 tracking team and requested other personnel to respond to
5 the, to the location.

6 Q How many tracking teams were called out?

7 A About, all tolled, there were well over two dozen
8 county officers on the scene. In addition, there were
9 Greenville City Police Department personnel and several
10 Highway Patrol troopers.

11 Q How many dogs?

12 A We had three dogs on the ground at one point but I'm
13 not sure the total number of dogs that we had there without
14 going back to the reports.

15 Q And was there any air surveillance called in?

16 A No, the, the helicopter couldn't fly at that point in
17 time. The pilot was out there with us on the ground. He
18 was one of the personnel that was on the ground.

19 Q Why couldn't he -- the helicopter fly?

20 A That's something you'd have to ask him but I believe it
21 had to do with cover, the, the ceiling.

22 Q Okay. Okay. Nonetheless, quite a number of officers
23 were -- responded and how long did the search last?

24 A From the start to the finish, it was a little over two
25 hours and I will add, when we responded, we respond with our

Patrick Donahue - Direct examination
By Solicitor Balsa

1 lights and sirens. There's no doubt that there were police
2 in the area. We had a perimeter established around the, the
3 Microtel, the QT. I don't know if you guys are familiar
4 with Greenville but Woodruff and Verdae, where they
5 intersect, down Verdae, back around the backside on Salters
6 and, and Old Sulphur Springs Road out to the interstate. I
7 mean it was basically a box with blue lights going. It --
8 you'd be hard pressed to not know we were in the area.

9 Q So, then you sent dogs into the area to search?

10 A Yes, we did. We did what's called an area search with
11 several dog teams to eliminate certain areas.

12 Q Okay. And what consists of the dog team?

13 A At this point in time, I think we had it broken down to
14 the dog and two or three recovery units.

15 Q You said recovery units.

16 Does that mean officers?

17 A Yes, I'm sorry. I'm sorry. Yeah, I use technical
18 terms. That was a, a uniformed officer. We go with the,
19 the actual dog handler. In the event that they encounter
20 somebody, he can then effect the arrest or, or give
21 commands.

22 Q Were you on -- were you on the -- at the, at the
23 location where the defendant was actually apprehended?

24 A Within a short distance. I was over near the Microtel
25 the majority of the time. He was apprehended behind the QT

1 Gas Station on the edge of the woods.

2 Q All right. Thank you, sergeant. Answer any questions
3 Mr. Brown may have.

4 MR. BROWN: No questions.

5 THE COURT: Thank you, sir. You may step down.

6 THE WITNESS: Thank you, sir.

7 SOLICITOR BULSA: Your Honor, we ask that he be
8 excused.

9 MR. BROWN: Without objection.

10 THE COURT: Thank you, sir. You may be excused as
11 well.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: All right. Ladies and gentlemen, we're
14 gonna take a short recess at this time. I need to remind
15 you not to have any discussion among yourselves or about
16 anything involved in the case but you may go with the
17 bailiff to the jury deliberation room. We'll get you back
18 just shortly.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: All right. We're gonna step down just a
22 few moments.

23 (WHEREUPON, a short recess was taken at this time.)

24 THE COURT: Everybody ready?

25 SOLICITOR BULSA: Yes, sir.

John Redman - Direct examination
By Solicitor Bulsa

1 THE COURT: All right, sir. Bring them back in.

2 (WHEREUPON, the following takes place within the
3 presence of the jury.)

4 THE COURT: Yes, sir, Mr. Solicitor.

5 SOLICITOR BULSA: State calls Officer John Redman.

6 THE COURT: Sir, come on around and let the Clerk of
7 Court swear you in please.

8 (Witness complies.)

9 JOHN REDMAN, being first duly
10 sworn, testified as follows:

11 THE CLERK: Thank you. You may be seated.

12 (Witness complies.)

13 DIRECT EXAMINATION

14 BY SOLICITOR BULSA:

15 Q would you introduce yourself to the jury?

16 A I am John Redman. I'm a deputy with Greenville County.

17 Q And Mr. -- Officer Redman, were you called to the
18 Microtel on September the 2nd, 2013?

19 A I was. I was off-duty and they paged our tracking team
20 out. I'm a deputy uniform patrol and also have a K-9
21 handler or I am a K-9 handler. I have a bloodhound. So,
22 our team got called out to the Microtel Inn that morning.

23 Q Do you recall how many K-9 teams were called out?

24 A I believe, when I reviewed the report, it was four or
25 five that were actually out.

John Redman - Direct examination
By Solicitor Bulsa

1 Q All right.

2 A I came -- I live a farther distance away than most of
3 them. So, it took me a little bit longer to get there.

4 Q So, did all of these units go into this location, the
5 area, to search at the same time?

6 A We had multiple searches going on in that area around
7 the Microtel. So, it was locked down, the perimeter. We
8 have kind of what we call a grid search. So, we have
9 different deputies assigned to different areas cause we
10 didn't have a clear start point.

11 Q Were you part of the team that actually located
12 Mr. Brown?

13 A I was. I literally pulled up at the QT, and Deputy
14 Parrish and his team, I saw them. They had two guys with
15 Deputy Parrish. So, I jumped out real quick and grabbed my
16 gun and followed them.

17 Q How long were you with Deputy Parrish before Mr. Brown
18 was?

19 A Literally if you're familiar with Woodruff -- with any
20 QT Gas Station, I jumped out at the entrance on Woodruff
21 Road and got behind them. And we, if you can just picture,
22 we checked the perimeter and that's -- and then it was
23 within minutes. So --.

24 Q But the search had been going on before you arrived?

25 A I did. Like I said, I showed up a little bit later

John Redman - Direct examination
By Solicitor Bulsa

1 cause I'm further away. So, I jumped out in the middle of
2 their search at the entrance to the QT Gas Station.

3 Q Do you know how long Parrish had been searching?

4 A I don't. I know he had done several searches prior to
5 that. So, as he was clearing one, they were confirming what
6 was checked and what wasn't, and then he was working his
7 way -- he literally came out onto the grass, the little sod
8 area right by the QT, and that's where I joined with him.

9 Q Okay. And he's actually on military duty.

10 Is that correct?

11 A He is, yes, sir.

12 Q Now, describe for us what took place when Mr. Brown was
13 located.

14 A I was given a description, and as we're -- it's
15 about -- I mean the sun's just coming up, if that makes
16 sense. So, it's early, sun just coming up, and our job is
17 to look around cause I don't want to get killed. I got to
18 stay safe and I'm -- we're suppose to protect each other and
19 also the dog handler. So, the dog handler is looking for
20 his dog. I'm looking for anybody else.

21 As we're moving behind the gas station, there's kind of
22 a -- it was just a thick, as I remember it, it was recently
23 cleared area, thick brush, so not wooded, and I looked ahead
24 of us. As I'm scanning out as we're moving forward, and I
25 saw a subject laying down in the bushes.

John Redman - Direct examination
By Solicitor Balsa

1 Q And what did you do when you saw him?

2 A I called out to him to show me his hands.

3 Q And what happened?

4 A Briefly saw his hands partially raised and then he
5 dived back down towards the ground.

6 Q what did you do?

7 A I have a semiautomatic shotgun and I was pointing it at
8 him ready to use lethal force if he came up with a weapon.
9 I was watching only for him to come up with a weapon cause I
10 couldn't see where his hands were and we knew that he was
11 suppose to be armed.

12 Q And what were the other officers in the team that you
13 were with doing?

14 A I -- obviously I'm not looking at them but we all
15 were -- I know that Deputy Parrish, he deployed his dog for
16 our safety, which is what the dog is for, and the other
17 deputies were covering us. Me and Deputy Parrish, like I
18 said, I'm a K-9 handler, I have a bloodhound. So, I work
19 side-by-side with patrol dogs and their handlers. So, me
20 and Parrish were moving forward rapidly as his dog was as
21 well.

22 Q You say he deployed his dog.

23 what does that mean?

24 A It means that he released his dog.

25 Q Okay. And what did the dog do?

John Redman - Direct examination
By Solicitor Bulsa

1 A Went to the subject and provides, for us, it's two
2 things. One is a distraction so that, if he does have a
3 gun, that we have another factor to distract, and also to
4 help us gain control of him.

5 Q Is that common to deploy the dog?

6 A Absolutely.

7 Q Was it necessary to deploy the dog?

8 A Absolutely.

9 Q Why, sir?

10 A For our safety. The dog is a tool. We love our dogs.
11 My dog's my best friend but he's a tool, and it's a control
12 thing where, based on the circumstances that we have, we
13 will deploy our dogs. And Oz, in that matter, was able to
14 provide a distraction as me and Parrish moved up. And then,
15 at the point that I could see his hands, I immediately
16 transitioned. So, I'm slinging my shotgun behind me, and
17 while other deputies are covering me, I'm going to get his
18 hands and get control of him. Deputy Parrish is moving to
19 control his dog.

20 Q If Mr. Brown had complied with your instructions to
21 show, show his hands and get up, would the dog have been
22 deployed?

23 A No.

24 Q So, the dog was deployed because Mr. Brown wasn't
25 cooperating?

John Redman - Direct examination
By Solicitor Bulsa

1 A Correct. I mean -- and why I say this, is a manner of
2 seconds, you're literally looking at somebody. You briefly
3 see their -- I can see his hands come -- start to come up
4 and then they're gone and we have no idea and we can't take
5 a risk.

6 Q Okay. And what happened when the dog got to Mr. Brown?

7 A The dog, I don't remember where the dog made contact
8 with him, but he did and I handcuffed him. There's a brief
9 struggle. I remember trying to get him handcuffed. And the
10 point I got him handcuffed, Deputy Parrish had the dog
11 release and we took him back up to the QT. Called EMS.

12 Q And once he got to QT, what took place?

13 A I saw Deputy DeRosa in the parking lot and he had a
14 marked patrol vehicle with a prisoner cage. So, I had him
15 come to us and we went to that patrol car and that's where I
16 had EMS come. And we stood by with him at that time. And
17 then also the Spartanburg County investigators that were out
18 there -- well, everybody starts coming. I mean just to make
19 it easier. So --.

20 Q Okay. Okay. So, Mr. Brown was turned over to Deputy
21 DeRosa?

22 A Yes, sir.

23 Q Okay. Thank you, sir.

24 MR. BROWN: No questions.

25 THE COURT: Thank you, sir. You may step down.

Pat DeRosa - Direct examination
By Solicitor Bulsa

1 Any reason why the witness can not be excused?

2 SOLICITOR BULSA: No, sir.

3 THE COURT: Thank you, sir. You may be excused as
4 well.

5 THE WITNESS: Thank you, Your Honor.

6 SOLICITOR BULSA: Call Deputy DeRosa.

7 THE COURT: Sir, come on around and let the Clerk of
8 Court swear you in.

9 (witness complies.)

10 PAT DeROSA, being first duly sworn,
11 testified as follows:

12 THE CLERK: Thank you. You may be seated.

13 (witness complies.)

14 DIRECT EXAMINATION

15 BY SOLICITOR BULSA:

16 Q Deputy, please introduce yourself to the jury.

17 A My name is Pascal DeRosa. I'm a deputy with Greenville
18 County Sheriff's Office.

19 Q You go by Pat?

20 A Yes, sir.

21 Q Okay. And how long have you been with the Greenville
22 Sheriff's Office?

23 A Going on nine years.

24 Q Okay. What are your duties with them?

25 A Patrol officer.

Pat DeRosa - Direct examination
By Solicitor Bulsa

1 Q Were you called to the QT/Microtel area on -- back on
2 September 2nd, 2013?

3 A I was. I was called out there to relieve our Delta
4 Units that were on the scene for shift change.

5 Q The Delta Units are which units?

6 A I'm sorry?

7 Q What units are the Delta Units?

8 A That's just that -- we're Adam Platoon. They're,
9 they're Delta Platoon. There's Bravo and Charlie.

10 Q So, there's four platoons?

11 A Just different platoons. We have five.

12 Q Five platoons.

13 Okay?

14 A Yes, sir.

15 Q So, it was a shift change and you were called, were
16 called out to assist?

17 A Yes.

18 Q How long had -- did you actually spend out there?

19 A I, I couldn't tell you right off the top but I'd have
20 to go through our dispatch to find when I actually got on
21 scene but not long. I set up -- went out to Woodruff Road,
22 sat on perimeter until I heard that Mr. Brown had been
23 arrested or was in custody. And I went to the QT to assist
24 in anyway that I could.

25 Q And what took place when you got to the QT?

Pat DeRosa - Direct examination
By Solicitor Bulsa

1 A Deputy Redman dropped him -- came walking up. I saw
2 them coming out from the wood line. Deputy Redman brought
3 him up to me at which point we, as he said, we had an EMS
4 come out and check on him. We also did the inventory of his
5 person.

6 Q And then what's an inventory of his person?

7 A It's a search incident to arrest. We, we pat him down,
8 go through his pockets, and remove anything, check to see if
9 there's weapons or anything on his person, and put it off to
10 the side and place it in property and evidence.

11 Q Did you find out any weapons on him?

12 A I did not. No weapons were found on the person.

13 Q You didn't find any bullets?

14 A I found one, the brand is Blazer, .38 special shell
15 casing that was found in his right rear pocket.

16 Q Anything else of note did you find?

17 A In total, there was a black Bic lighter, another
18 lighter, a gift card, and approximately six, in total,
19 \$661.00 in monies in cash.

20 Q And what did you do with the items that you recovered?

21 A We do an inventory sheet detailing what was removed
22 from the person, and once that was done, I turned it over to
23 Spartanburg County forensics unit that was on scene.

24 Q Do you have a copy of the inventory sheet?

25 A I do.

Pat DeRosa - Direct examination
By Solicitor Bulsa

1 Q And who did you turn the items over to?

2 A If I can understand this writing, I believe it says
3 Dukes.

4 Q Okay. And you, you turned over everything that you---

5 A That was---

6 Q ---described that was collected?

7 A Yes, those items as well as a pair of blue jean shorts
8 with a black leather belt that the subject was wearing.
9 They had fallen down. He had another pair of shorts
10 underneath that. So, we just had him step out rather than
11 try and pull them back up and appropriately secure them.

12 Q Okay. After you took the items off Mr. Brown, what
13 then occurred after you transferred that to Officer Dukes?

14 A Well, what had happened was we -- EMS came. They
15 checked on him. They did what EMS does. He did not want to
16 go with EMS. So, they left, and after I turned over the
17 property to Spartanburg and placed the subject in the back
18 of my patrol vehicle, because of the dog bite, and drove him
19 to the hospital.

20 Q Did you stay---

21 A Greenville Memorial.

22 Q Did you stay---

23 A I'm sorry.

24 Do what?

25 Q Did you stay with him at the hospital?

Pat DeRosa - Direct examination
By Solicitor Bulsa

1 A Once I got to the hospital, I turned him over to -- it
2 was Sergeant Wannamaker, the K-9, and as well as Spartanburg
3 officer.

4 Q Did you ask Mr. Brown any questions about the night
5 before?

6 A No, sir.

7 Q So, you didn't gain any information from him about what
8 had all occurred?

9 A I did not.

10 Q Okay. Thank you, Officer DeRosa.

11 MR. BROWN: No questions.

12 THE COURT: Thank you, sir. You may step down.

13 Any reason why the witness can not be excused?

14 SOLICITOR BULSA: No, sir.

15 MR. BROWN: None, Your Honor.

16 THE COURT: Thank you, sir. You may be excused as
17 well.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: Thank you for coming.

20 SOLICITOR BULSA: State calls Officer Grubbs.

21 THE COURT: Come on around and let the Clerk of Court
22 swear you in.

23 (witness complies.)

24 ROBERT GRUBBS, being first duly
25 sworn, testified as follows:

Robert Grubbs - Direct examination
By Solicitor Bulsa

1 THE CLERK: Thank you. You may be seated.

2 THE COURT: Sir, just have a seat in the red chair and
3 pull the red chair up to the microphone --

4 THE WITNESS: Yes, sir.

5 THE COURT: -- if you would.

6 (Witness complies.)

7 DIRECT EXAMINATION

8 BY SOLICITOR BULSA:

9 Q Please introduce yourself to the jury.

10 A Deputy Robert Grubbs. I'm a deputy at Greenville
11 County Sheriff's Office. I work at the uniform patrol
12 division on Adam Platoon.

13 Q How long have you been with Greenville County?

14 A Four years.

15 Q Were you on duty September 2nd, 2013?

16 A Yes, sir, it was shift change and I responded to the
17 Microtel to relieve our Delta Units as explained at that
18 time.

19 Q Okay. So, what was taking place or where were you
20 directed to go when you arrived?

21 A There's a deputy, a Delta Unit, I believe it was Deputy
22 Hancock. He was standing at [REDACTED] and, at that time, I
23 relieved him of the room and let him go home.

24 Q Okay. Was that room subsequently searched?

25 A Yes, sir, it was.

Robert Grubbs - Direct examination
By Solicitor Bulsa

1 Q Did you participate in that search?

2 A Yes, sir, I did.

3 Q And did you locate any weapons of any sort?

4 A Yes, sir, I located a black semiautomatic handgun
5 underneath a mattress.

6 Q Okay. And were Spartanburg officers with y'all?

7 A They were. They were back and forth, I believe, with
8 the search and back communicating with us.

9 Q Okay. The -- just what, what did you do with that?

10 A The pistol was located. I located it at the corner of
11 the bed. After locating it, I informed Master Deputy Boyd
12 that we located a pistol and I left it and we went and got
13 another search warrant for the pistol.

14 Q Okay. And that was subsequently taken from the room?

15 A I believe it was taken by Master Deputy Boyd. I, I
16 never touched the pistol.

17 Q Okay. You found it and left it where it was?

18 A Found it and left it where it was.

19 Q Okay. And the room was secured in the mean time?

20 A Yes, sir, I -- me and another deputy, James Brown, we,
21 we stayed at the room door. Nobody went in. Nobody went
22 out.

23 Q Okay. Then it was later collected?

24 A Yes, sir.

25 Q And would that have been turned over to Spartanburg as

Darren Dukes - Direct examination
By Solicitor Bulsa

1 well?

2 A I believe it was turned over to Spartanburg County
3 investigators.

4 Q All right. Thank you. That's all I have.

5 A Yes, sir.

6 MR. BROWN: No questions.

7 THE COURT: Thank you, sir. You may step down.

8 Any reason why the witness can not be excused?

9 SOLICITOR BULSA: No, sir.

10 THE COURT: Mr. Brown?

11 MR. BROWN: None, Your Honor.

12 THE COURT: Thank you, sir. You may be excused as
13 well. Thank you for coming.

14 SOLICITOR BULSA: State calls Darren Dukes.

15 THE COURT: If you will, just come right up here and
16 let the Clerk of Court swear you in, sir.

17 (Witness complies.)

18 DARREN DUKES, being first duly
19 sworn, testified as follows:

20 THE CLERK: Thank you. You may be seated.

21 (Witness complies.)

22 DIRECT EXAMINATION

23 BY SOLICITOR BULSA:

24 Q Please introduce yourself to the jury.

25 A Master Deputy Darren Dukes with the Spartanburg County

Darren Dukes - Direct examination
By Solicitor Bulsa

1 Sheriff's Department. I apologize for my voice. I have a
2 cough drop. I hope that's not too distracting.

3 Q Okay. And how long have you been with the Sheriff's
4 office?

5 A Approximately 17 and a half years.

6 Q What are your duties?

7 A I'm currently assigned to the crime scene division on
8 dayshift.

9 Q And were you with them back in September of 2013?

10 A I was.

11 Q Were you tasked to go to Greenville County to assist in
12 the investigation over there?

13 A I was.

14 Q And where did you go to?

15 A I first responded to the QT parking lot on Woodruff
16 Road.

17 Q Okay. And did you meet with anybody at that location?

18 A I did. I met with several Greenville County deputies
19 and some of our investigators from the Sheriff's, from the
20 Spartanburg County Sheriff's Office.

21 Q And did you recover anything or receive anything from
22 them?

23 A I did. When I arrived on scene, there were items, from
24 my understanding, that had been taken from the suspect's
25 pockets. He was in a patrol car. These items were on top

Darren Dukes - Direct examination
By Solicitor Bulsa

1 of the patrol car and I collected those items.

2 Q Okay. One of which was a cartridge casing?

3 A It was a Blazer brand .38 Special cartridge casing.

4 (WHEREUPON a .38 cartridge case was marked as State's
5 Exhibit No. 37 for identification purposes only at this
6 time.)

7 Q I show you what's been marked State's Exhibit 37 for
8 identification.

9 Do you recognize that package?

10 A I do.

11 Q What is it?

12 A That would be Evidence Item Number 40, the spent Blazer
13 .38 special casing I collected from the, the items on the
14 car.

15 Q From your knowledge, that came from the pocket of the
16 defendant?

17 A That is correct.

18 Q Okay. And what did you do with that, that cartridge?

19 A It was placed into the evidence department at
20 Spartanburg Sheriff's Office.

21 Q Okay. Was it secured?

22 A Yes.

23 Q All right. After you met with officers at the QT, what
24 did you then do?

25 A After leaving the QT, I went with officers to the

Darren Dukes - Direct examination
By Solicitor Bulsa

1 Microtel at 1024 Woodruff Road as also a part of this
2 investigation to help them executing a search warrant that
3 had been prepared for that location, Room Number [REDACTED].

4 Q So, you actually assisted in the search?

5 A That's correct.

6 Q And was a pistol located?

7 A It was.

8 Q Okay.

9 A Located by Greenville County deputies at which time the
10 search stopped, and then a new search was prepared for that
11 room based on the location of the gun, the finding of the
12 gun.

13 Q What items of note were taken from that room?

14 A From that room, a Kel-Tec 9-millimeter pistol,
15 semiautomatic pistol, Model PF-9 with a missing serial
16 number was located under the mattress, a Kel-Tec
17 9-millimeter magazine which fits into that pistol, five
18 unfired 9-millimeter cartridge casings, two different
19 brands, from the magazine, one unfired Winchester
20 9-millimeter Luger cartridge casing from the gun chamber.

21 Q Was the magazine inside the pistol?

22 A In my notes, it says it was included with the gun, yes.

23 Q Okay. That means the gun was loaded?

24 A Yes.

25 (WHEREUPON, a Kel-Tec 9-millimeter pistol was marked as

Darren Dukes - Direct examination
By Solicitor Bulsa

1 State's Exhibit No. 38. A Kel-Tec magazine was marked as
2 State's Exhibit No. 39. Live 9-millimeter rounds were
3 marked as State's Exhibit No. 40. Winchester 9-millimeter
4 rounds were marked as State's Exhibit No. 41. All of the
5 above exhibits were for identification purposes only at this
6 time.)

7 Q Mr. Dukes, let me show you these packages, State's 38
8 through 41, for identification at this time.

9 Do you recognize those?

10 A I do.

11 Q What are they?

12 A The items that I described collecting from the motel
13 room.

14 Q In Item 38 I believe is the box and what's inside the
15 box?

16 A Kel-Tec 9-millimeter semiautomatic pistol model PF-9.

17 Q Why are there other packages?

18 Why wasn't everything just packaged in the --
19 separately or together?

20 A Just as a matter of course in case we need one item
21 later on without needing all the other items. We usually
22 separate things and package them separately.

23 Q Okay. So, the other three, the label contained the
24 magazine and then the rounds?

25 A Right. It's noted on here such as Winchester

Darren Dukes - Direct examination
By Solicitor Bulsa

1 9-millimeter Luger live from the chamber of the Kel-Tec.
2 That would be the bullet taken out of the, out of the barrel
3 of the gun.

4 SOLICITOR BULSA: And, Your Honor, the State would
5 offer these into evidence.

6 MR. BROWN: Defense would renew its previous objection,
7 Your Honor.

8 THE COURT: All right. All right. Lawyers want to
9 approach.

10 (WHEREUPON, a bench conference was held out of the
11 hearing of the jury at this time.)

12 THE COURT: All right. We'll over, overrule the
13 objection.

14 (WHEREUPON, State's Exhibit Nos. 38 through 41 were
15 received into evidence at this time.)

16 Q These items were packaged and stored at the Sheriff's
17 office?

18 A That's correct.

19 Q And later to be sent to SLED?

20 A Or whatever -- right, whatever needed to be done with
21 them.

22 Q Okay. Thank you.

23 Did you have any contact with Mr. Brown himself?

24 A I believe initially when I -- at the QT parking lot
25 when I took the clothing that he had.

Mark Freeman - Direct examination
By Solicitor Bulsa

1 Q You didn't actually speak to him?

2 A No.

3 Q Okay.

4 A That was the only time I would of had any personal
5 contact with him, no.

6 Q Thank you. That's all I have.

7 MR. BROWN: No questions, Your Honor.

8 THE COURT: Thank you, sir. You may step down.

9 SOLICITOR BULSA: We would ask---

10 THE COURT: Any reason why the witness could not be
11 excused?

12 SOLICITOR BULSA: No, sir.

13 MR. BROWN: No, sir.

14 THE COURT: Sir, thank you for coming. You may be --
15 oh, I'm sorry. Mr. Brown.

16 MR. BROWN: None, Your Honor.

17 THE COURT: All right. Thank you, sir. You may be
18 excused as well.

19 SOLICITOR BULSA: State calls Mark Freeman.

20 THE COURT: Sir, come right up here and let the Clerk
21 of Court swear you in.

22 (Witness complies.)

23 MARK FREEMAN, being first duly
24 sworn, testified as follows:

25 THE CLERK: Thank you. You may be seated.

Mark Freeman - Direct examination
By Solicitor Bulsa

1 THE COURT: Sir, just have a seat in the red chair and
2 pull the red chair up to the microphone.

3 (Witness complies.)

4 DIRECT EXAMINATION

5 BY SOLICITOR BULSA:

6 Q Officer, please introduce yourself to the jury.

7 A I'm Mark Freeman. I'm a lieutenant with Spartanburg
8 County Sheriff's Office.

9 Q How long have you been with the Sheriff's Office?

10 A I been with the county for about 20 years.

11 Q Okay. And what are your duties with them?

12 A Administrative lieutenant. I'm also one of the members
13 of the underwater criminal investigations units which we
14 call the Dive Team, and a member of the SWAT team.

15 Q Were you asked to assist in this investigation?

16 A Yes, sir, I was.

17 Q What were you asked to do?

18 A I received a call, cell phone call from the Dive Team
19 commander asking to come out and assist with a search for a
20 weapon in a pond over in Greenville County. Showed up on
21 scene, dressed out in my dive gear, and the way that works
22 is we have one driver in the water and some others standing
23 by. When it becomes my turn, I took over for the driver to
24 come out of the water.

25 Q Do -- what was the location in Greenville?

Mark Freeman - Direct examination
By Solicitor Bulsa

1 A It was on Black Horse Run and it's actually Heritage
2 Lakes Subdivision located in Simpsonville, which is in
3 Greenville County.

4 Q And that's a housing complex?

5 A Yes, sir.

6 Q Housing development?

7 A Housing development, yes, sir.

8 Q Okay. Is that off the main road or do you have to
9 drive back into the subdivision?

10 A It's not very far off the main road but it is off the
11 main road a, a decent little bit.

12 Q Okay. So, it's not like you just drive by and toss it
13 in --

14 A No.

15 Q -- if you're on the main road?

16 A No, it would have to be a good toss to get in there.

17 Q Okay. So, you were assisting in the dive.

18 Did you actually find something?

19 A Yes, sir, I did.

20 Q And tell us what -- how that took place.

21 A What, what we do is, is basically a grid search. We
22 have two anchors on, on a long rope with buoy balls at the
23 top so they float. You can't really see anything in the
24 waters, especially little ponds around here like that.

25 So, what we do is we start on one end of the road, go

Mark Freeman - Direct examination
By Solicitor Bulsa

1 down to the bottom, and start tapping, feeling around,
2 follow the rope, follow the rope, and when we get to the
3 end, we pick the rope up, slide it over, turn around and
4 come back.

5 As I was doing my pat search, I felt something what was
6 consistent with my personal knowledge of a revolver. I
7 marked that with what we have dive buoys. It's a little
8 anchor on the bottom and it floats. So, mark it, let it go.
9 It comes up to search the water and sits there so we know
10 exactly where it's at.

11 I exit the water, told them where it -- what I found,
12 what I thought I'd found. We retrieve the cannister. We
13 try to package everything exactly the way we found it. I
14 would describe it like you go to the bank teller and you
15 have little incapsulated capsule but it's a lot larger and
16 has a cylinder on top of it. Went back out to the scene
17 where it was at, took the weapon off the bottom, put it in a
18 capsule, sealed it up with the water inside of it, take it
19 up to the bank.

20 Q why do you keep the water?

21 A we try to keep it -- we try to collect everything
22 exactly the way we found it. That's the best way to do it
23 underwater is we don't want anything coming off of it.
24 That's our standard protocol. whether it be clothing,
25 whether it be a body, whether it be a knife, gun, safe, we

Mark Freeman - Direct examination
By Solicitor Bulsa

1 capture it the best way we found it. That is what we try to
2 do.

3 Q So, Greenville officers were there assisting you?

4 A They were Greenville officers there. I don't remember
5 any of the Greenville officers that were diving that day or
6 when I was diving. I don't remember any.

7 Q But they were on scene?

8 A Yes, sir.

9 Q When you recovered the gun, what happened when it came
10 out?

11 A I brought the gun out in the sealed capsule. There's a
12 detective on scene. He asked if I could -- his name was
13 Deputy Campbell. He asked if I could find the serial number
14 on it since I was the one who collected it. I reopened the
15 cannister, took the gun out, flipped it over, couldn't find
16 the serial number. Where the serial number normally is
17 located on the bottom of the grips, it actually had file
18 marks where it had been filed off and obliterated. So, we
19 put it back in the cannister, sealed it back up.

20 (WHEREUPON, a pistol was marked as State's Exhibit No.
21 42 for identification purposes only at this time.)

22 Q Lieutenant, let me show you what's been marked State's
23 Exhibit 42 for identification. Now, that clearly is not a
24 cannister.

25 A No, sir.

Mark Freeman - Direct examination
By Solicitor Bulsa

1 Q That evidence is sent for some analysis.

2 Is that correct?

3 A That was my understanding.

4 Q Okay. Can you look inside and see if you recognize
5 what's in there?

6 A This is consistent with the weapon that I found on that
7 day.

8 Q And that would of been collected and turned over to
9 evidence?

10 A Yes, sir.

11 SOLICITOR BULSA: Your Honor, State would offer State's
12 42 into evidence.

13 MR. BROWN: Without objection.

14 THE COURT: Without objection, be State's 42.

15 (WHEREUPON, State's Exhibit No. 42 was received into
16 evidence at this time.)

17 Q Was that the extent of your involvement in this case?

18 A Yes, sir, I just filled out the evidence tag and I
19 turned it over to the evidence officer that was on scene.

20 Q Thank you.

21 CROSS-EXAMINATION

22 BY MR. BROWN:

23 Q Lieutenant Freeman, you were just told where to go?

24 A Yes, sir, I was called and told the address, put it in
25 GPS, and showed up.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q You told -- you were told what you were looking for?

2 A Looking for a weapon.

3 Q Did you receive any information on how that weapon
4 supposedly got there?

5 A No.

6 MR. BROWN: That's all the questions I have.

7 THE COURT: Thank you, sir.

8 SOLICITOR BULSA: Nothing further.

9 THE COURT: Thank you, sir. You may step down.

10 Any reason why the witness can not be excused?

11 SOLICITOR BULSA: No, sir.

12 MR. BROWN: No, Your Honor.

13 THE COURT: Thank you, sir. You may be excused.

14 THE WITNESS: Thank you, Your Honor.

15 THE COURT: Thank you for coming.

16 SOLICITOR BULSA: State calls Lorin Williams.

17 THE COURT: Just come on up here and let the Clerk of
18 Court swear you in.

19 (Witness complies.)

20 LORIN WILLIAMS, being first duly
21 sworn, testified as follows:

22 THE CLERK: Thank you. You may be seated.

23 (Witness complies.)

24 DIRECT EXAMINATION

25 BY SOLICITOR BULSA:

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q Please introduce yourself to the jury.

2 A My name is Lorin Williams.

3 Q Who are you employed with?

4 A Spartanburg County Sheriff's Office.

5 Q In what capacity?

6 A I'm a violent crime investigator with the Sheriff's
7 Office.

8 Q How long have you been with the Sheriff's Office?

9 A Since 2005.

10 Q How long have you been a violent crimes investigator?

11 A I was moved into the violent crime unit in the end of
12 2006.

13 Q All right. Are you the lead investigator in this case?

14 A Yes, sir, with the Sheriff's Office.

15 Q How is it that you became, became involved?

16 A I received a phone call from Investigator Davis who,
17 this particular night this incident occurred, was working
18 second shift. He called me and told me what was going on
19 and that the Woodruff Police Department had requested our
20 assistance.

21 Q And what did you do when you received that call?

22 A I went to, I went to Spartanburg Regional to assist him
23 in trying to interview any witnesses. We didn't know, at
24 that time, whether either one of the victims would be where
25 we could talk to them or, or able to talk. So, that was

Lorin Williams - Direct examination
By Solicitor Bulsa

1 part of our plan was to try to, try to talk to them to get
2 any information that we could about a possible suspect.

3 Q As lead investigator, is part of your job to kind of
4 coordinate and direct other people to do different items,
5 different --?

6 A It is. It's -- you know, once, once our guys are, are
7 activated and sent out, it -- basically whoever is given
8 that task is the lead investigator to coordinate everything
9 to make sure that everybody is where they need to be and,
10 and try to do it in a timely fashion.

11 Q So, were you tasking people to go to the scene to
12 process it?

13 A I was. I was trying to get everything covered. I
14 already -- we already had a little bit of time pass. So, we
15 were trying to, to get everything to, you know, lined up and
16 get everybody where they needed to be.

17 Q And when did you develop a suspect?

18 A Once I had arrived at the hospital and had had an
19 opportunity to speak with Investigator Davis. He informed
20 me that he had actually spoken with two females that were
21 directly involved in bringing both of the victims to the
22 hospital. He had gotten statements from both of them and it
23 was determined, through their statements and through actual
24 interviews with them, that they had direct knowledge of who
25 the suspect in this case was.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q Did you try to locate any other persons that might of
2 been at the scene during this incident?

3 A Just, just from talking to them and Investigator Davis
4 had spoken with the crowd that was at the hospital and no
5 one else was willing to give any other information in regard
6 to this incident.

7 Q So, you were working with a limited amount of
8 information?

9 A Very limited. Very limited.

10 Q Okay. You've heard testimony about the apprehension of
11 Mr. Brown?

12 A I have.

13 Q Did you try to speak with him?

14 A Not at the scene. They -- he -- whenever they notified
15 us, we were actually at the Microtel when he was taken into
16 custody. We were advised that he had been taken into
17 custody. We went down, for numerous reasons, one, to see,
18 see what kind of clothing and everything he had on to, once
19 they did their article search from where he was located, if
20 there were any weapons located, things of that nature.

21 He had received the bite from the canine and it was my
22 understanding that Greenville County's protocol was, anytime
23 that the dog is deployed and you receive a bite, that you
24 are required to go get medical treatment. So, they
25 transported him to Greenville, or I'm not sure which

Lorin Williams - Direct examination
By Solicitor Bulsa

1 hospital, but to the hospital for medical treatment.

2 Q When did he come to Spartanburg?

3 A Once he was released. When, when Greenville took him
4 to the hospital, I contacted our shift commander and told
5 him that we were going to need one of our deputies to come
6 to Greenville to meet with Greenville County to keep from
7 tying them up where, once he was released, he could be
8 transferred to Spartanburg. I'm not sure exactly what time
9 he wound up being released.

10 Q Where was he brought to in Spartanburg?

11 A He was brought to the Sheriff's Office to criminal
12 investigations, which is the upstairs portion of the
13 Sheriff's Office, and placed into one of five interview
14 rooms.

15 Q What was his condition when you saw him?

16 A He was, he was fine. He, he had the injury from the
17 dog bite, but other than that, he was fine.

18 Q So, he was bandaged up?

19 A Yes.

20 Q Did he appear to be under any medication?

21 A No, sir.

22 Q Did he appear to understand where he was?

23 A Absolutely.

24 Q Did you attempt to interview him?

25 A I did.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q Tell us that process.

2 A Basically, once someone is brought in, brought to the
3 Sheriff's Office, placed into an interview room, we go in,
4 introduce ourselves, check on them, ask them if they need
5 something to drink, need to use the bathroom, anything like
6 that. Then before we start talking to them, typically the
7 way that I start out is I say, you know, I know you watch
8 TV. I know you've seen movies and things like that. You
9 know your rights.

10 Before I can talk to you because you're here, I need to
11 advise you of your rights and give you your Miranda warning.
12 At that time, the, the Miranda forms are blank with the
13 information -- their information, the type of incident that
14 we are investigating, and then there's a portion of that
15 that gets into their education.

16 So, I start out by asking them their name, fill it out,
17 their address, their age, their date, the, the -- that days
18 date, time of the interview, and where we are. Then we go
19 over the Miranda form, the rest of it is filled out, my
20 name, what it is we're talking to them about, and then, once
21 everything is read, I ask them if they understand it. If
22 they acknowledge that they do, I ask them to sign, one,
23 stating that they understand and, two, stating that they
24 waive their rights as they've been explained to them and
25 agree to talk to me.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q Okay. I show you what's been marked State's Exhibit 9
2 for identification.

3 Is that the form that you used to go over with
4 Mr. Brown?

5 A It is.

6 Q Does it contain your signature?

7 A I'm sorry?

8 Q Does it contain your signature?

9 A It does.

10 Q And Mr. Brown's signature?

11 A It does.

12 Q Did he acknowledge understanding those rights?

13 A He did.

14 SOLICITOR BULSA: Your Honor, the State would offer
15 State's 9 into evidence.

16 THE COURT: Any objection?

17 MR. BROWN: None, Your Honor.

18 THE COURT: Without objection, be State's 9.

19 (WHEREUPON, State's Exhibit No. 9 was received into
20 evidence at this time.)

21 Q So, this has you interviewing him at 10:30AM on
22 September 2nd?

23 A Correct.

24 Q Okay. And the address he gave you was what?

25 A The address that he provided me, when I sit down and

Lorin Williams - Direct examination
By Solicitor Bulsa

1 asked him his name and his address, was [REDACTED]

2 [REDACTED] in Simpsonville.

3 Q So, he didn't give you a Woodruff address?

4 A No, sir, he did not.

5 Q Did he sign that form acknowledging that he was waiving
6 his rights and he would speak with you?

7 A Yes, he did.

8 Q Tell us what took place after that form was completed.

9 A We just basically started talking about the, the
10 incident. Didn't have a lot to say at first about it. He
11 was alluding to the fact that, that it was self-defense. I
12 basically told him, you know, that if it was, that I needed
13 to know. I mean there was limited information. Not a lot
14 of people telling us about it.

15 So, I asked him to, you know, basically tell me about
16 it, tell me what had happened. A lot of times, in an
17 interview, I'll, I'll tell people, you know, you don't want
18 somebody else telling your story. You know, there's,
19 there's multiple sides to every story and we, we need to
20 hear your side of it to know what happened, what, you know,
21 to be able to tell whether or not that's what the evidence
22 shows us happened.

23 You know, basically, we went through the events of that
24 night, and once, once he -- we got to the point about the
25 gun, where the gun had gone, he said that he had put it up

Lorin Williams - Direct examination
By Solicitor Bulsa

1 and then he said that it was in a pond, and he agreed to
2 take us to show us where it was.

3 Q Before you got to the location of the gun, what did he
4 tell you was the kind of gun it was?

5 A If I can refer to my notes?

6 Q Yes, sir.

7 A When we were, when we were talking about the shooting
8 and I, you know, I typically will ask, you know, what, what
9 type of weapon was involved, what, what type of weapon was
10 used, and that, that's for several reasons. One, to see
11 if -- what the truthfulness is of, of the individual.

12 When I asked him what kind of gun he had, his, his
13 initial response was what kind of shells we had found at the
14 scene. Whatever we found at the scene was the type of gun
15 he had on him.

16 Q You documented what he said in your notes?

17 A I did.

18 Q What did he say about the bullets recovered from the
19 victim's body?

20 A He told me that the, the bullets removed from the
21 victim would not match any shell we found at the scene.

22 Q And did you ask him why?

23 A Yes.

24 Q What did he respond?

25 A He said the evidence would speak for itself.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q Is that when you pressed him to try to get him to tell
2 you where the gun was?

3 A Yes.

4 Q Okay. And how long was it before he agreed to tell you
5 where it was?

6 A I'm not sure the exact amount of time had passed during
7 that point. But typically what we'll do is, is, when we
8 have a situation where we know a weapon has been discarded,
9 it's, it's very common for a weapon to get thrown out of a
10 window, get thrown in water, thrown somewhere where it's not
11 readily gonna be found. But, occasionally, we, we have had
12 weapons that were discarded and a child pick them up,
13 somebody walking down the street pick them up and find them.
14 And, you know, the worst thing that we could ever imagine
15 would be that that happened and somebody else get hurt with
16 that weapon.

17 So, I go over that with them, you know, when we, we --
18 this is bad enough. We don't, we don't want another
19 situation to arise. You know, you've told us, you've told
20 us about the situation. You've told us where the weapon,
21 you know, you got rid of it or put it up. You know, where
22 is it? Let's, let's get it. Let's get it off the street
23 where we know nobody else can get hurt with it.

24 Q Did he initially believe you would find a gun?

25 A I think he told me -- bear with me one second please.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 (Pause.)

2 A He said that the gun was in water.

3 Q He initially told you that you wouldn't find it.

4 Is that right?

5 A I apologize. I'm trying to scan over all this.

6 Q Page 4 of your notes.

7 A I'm sorry. I'm not seeing it.

8 Q Okay.

9 A What line is it on?

10 Q In the first paragraph of Page 4.

11 A I can't see the forest for the trees. He stated

12 that -- he stated they would not find it, correct.

13 Q That they would not find it and what did you respond

14 when he made that comment?

15 A I told him if things happened the way that he said that

16 we would need the gun. He didn't -- he said he did not see

17 why that would help. I told him that it would help for

18 ballistic testing. I told him it would prove, in fact, that

19 there was another gun used or present. He stated if we had

20 an automatic casing on the scene, that, that we had another

21 gun. I asked him how are we gonna prove it without his gun

22 and he told me, at that point, again, he said whatever,

23 whatever was in the victim, that was the kind of gun he

24 used.

25 Q So, it took some prodding before he finally told you

Lorin Williams - Direct examination
By Solicitor Bulsa

1 where he put the gun?

2 A Correct.

3 Q He wasn't upfront and cooperative about that?

4 A No, not, not totally, no.

5 Q In fact, he was trying to deflect you.

6 Okay?

7 A He was fishing. Wanting to know what we knew.

8 Q Okay. Did you give him an opportunity to write down
9 his version?

10 A I did.

11 Q Tell us how that took place.

12 A Once, once we've gone through the interview and, and
13 we've, you know, talked about things and one version or
14 another will -- sometimes you'll have, you'll have people
15 that will give multiple versions of something and then, then
16 they'll change their story but typically what we will do is,
17 once they given us a version of, of what is happened, we'll
18 ask them to provide us with a written statement.

19 Some people are not comfortable writing. Whether it be
20 because of their level of education, they don't have good
21 handwriting like myself, or whatever, sometimes they'll ask
22 that we write it for them. Sometimes they'll even ask that
23 it's put on an audiotape and he just -- he did not want to
24 give a statement.

25 Q He didn't want to put it on paper?

Lorin Williams - Direct examination
By Solicitor Bulsa

1 A Well, then, once we got a little further into it, and I
2 told him, you know, that we were gonna need to go to try to
3 find the gun, he said that he would, he would show me where
4 the gun was but he would not put anything on paper.

5 Q And then, of course, the weapon was found?

6 A Correct.

7 Q Okay. And as part of the, your job as lead
8 investigator, did you identify which items needed to be
9 submitted for testing?

10 A We, we go through the list of items that are collected.
11 We, we -- SLED's protocol is we can only send a certain
12 number of items down at a given time for, for specific types
13 of tests. So, what we'll do is we'll go through the -- all
14 the evidence that's, that's collected, in this case, it was
15 from Greenville County as well as the crime scene in, in
16 Kelly Acres. And, in this situation, you actually -- you
17 got a third crime scene.

18 You've got the crime scene that's at Spartanburg
19 Regional. Unfortunately, it was, you know, two young men
20 whose bodies were having to be treated as crime scenes
21 because we had to recover the bullets to, to be able to
22 tell, you know, who or what was responsible for their death.

23 So, once all of that evidence is collected, once all of
24 that evidence is processed, and, and we've got it in a list
25 form, we'll go through and make a determination what needs

Lorin Williams - Direct examination
By Solicitor Bulsa

1 to be sent, what's most important for this case to, to link
2 up to different items that have been recovered.

3 Q And did you consider the ballistics testing most
4 important---

5 A At this---

6 Q ---evidence---

7 A At that point in the investigation, we did.

8 Q Cause you've identified the shooter?

9 A Correct.

10 Q Correct?

11 Okay. So, you directed certain items to be sent, sent
12 down to the State Law Enforcement Division?

13 A Yes.

14 Q Okay. And was that the two pistols that had been
15 introduced?

16 A I don't have the list of all the items that were sent
17 but I do know the pistols were sent.

18 Q Let me show you the evidence you---

19 A Both, both of the pistols were sent, yes, sir.

20 Q Okay. So, we know we're gonna send the one that was
21 recovered from the pond?

22 A Correct.

23 Q And the one that was recovered from the room, was that
24 sent because of the shell casing found at the scene?

25 A Yes.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q Okay. So, we've got the two weapons, shell casing from
2 the scene.

3 Did you send the bullets from the body?

4 A Yes.

5 Q And those were State's 30 and 31.

6 Your Honor, I believe I've failed to offer these into
7 evidence.

8 May I offer those at this time, 30 and 31?

9 THE COURT: 30 and 31.

10 Any objection?

11 MR. BROWN: Without objection.

12 THE COURT: Without objection, be 30 and 31 will be
13 admitted.

14 (WHEREUPON, State's Exhibit Nos. 30 and 31 were
15 received into evidence at this time.)

16 Q So, we got the bullets from the body, the shell casing
17 from the scene, the bullet, the spent bullet from the scene
18 that was found in the, in the, the parking lot?

19 A Correct.

20 Q And the weapon from Greenville County?

21 A That's correct.

22 Q Okay. All right. After you recovered the, the weapon
23 and was that your last dealings with Mr. Brown?

24 A It is.

25 Q Okay. So, he would of been sent to the detention

Lorin Williams - Direct examination
By Solicitor Bulsa

1 center?

2 A That's correct.

3 Q Okay. Then you would of collected all the rest of the
4 information and sent the item to SLED to test?

5 A Yes.

6 Q And your testimony today about your contact with
7 Mr. Brown would of come from your recollection of that
8 interview?

9 A That's correct.

10 Q So, you, you documented, to the best of your memory,
11 what that conversation was and what he told you?

12 A Correct.

13 Q So, it's not like you were sitting there writing it,
14 writing it down as he told you?

15 A No, not the way he told it.

16 Q Thank you. That's all I have. Answer anything
17 Mr. Brown has for you.

18 CROSS-EXAMINATION

19 BY MR. BROWN:

20 Q Investigator Williams, how long have you been in law
21 enforcement?

22 A Just shy of 20 years.

23 Q Is it your testimony here today that my client refused
24 to give you a statement?

25 A Yes.

Lorin Williams - Cross-examination
By Mr. Brown

- 1 Q Do you have the ability to videotape him at the time?
- 2 A No, I did not.
- 3 Q Could you have videotaped him?
- 4 A No, sir.
- 5 Q Why not?
- 6 A That equipment is not available.
- 7 Q What about you mentioned audiotape?
- 8 A Correct.
- 9 Q Could you have done that?
- 10 A I could have.
- 11 Q But you didn't?
- 12 A He didn't want it.
- 13 Q Do you typically do what a suspect wants you to do?
- 14 A Once he's given the option of, of how he wants to put
- 15 his statement down, record it, to document it, whether it be
- 16 audio, handwritten, or I write it for him.
- 17 Q So, what, what would be the purpose of taking the
- 18 statement from someone?
- 19 A To get information about the crime that had happened,
- 20 what, what had happened.
- 21 Q All right. Would it also be used to prove what they
- 22 had to say and make sure that someone else wasn't supposedly
- 23 saying things they said?
- 24 A Sure.
- 25 Q The only person that's come here today saying what he

Lorin Williams - Cross-examination
By Mr. Brown

1 said is you?

2 A Correct.

3 Q But you did have the occasion to take statements from
4 other people associated with this case?

5 A I did not.

6 Q But you had a chance to review those statements?

7 A I did. I did.

8 Q And they were actually handwritten statements?

9 A They were. They were written by them. I was -- that
10 was the way they chose to, to give their statement.

11 Q And it's also your testimony that, if a suspect were to
12 ask you could they write their statement, you allow that?

13 A Absolutely.

14 Q In your 20 years of law enforcement, have you ever
15 written a statement for a suspect?

16 A I have.

17 Q Have you ever offered to write a statement for a
18 suspect?

19 A I have.

20 Q But you didn't do it in this case?

21 A I asked him if he was going to give a statement and he
22 said no, he wouldn't put anything on paper.

23 Q But you had the ability to write a statement in terms
24 of what he was saying to you?

25 A well, I can write all day long, but if he's not gonna

Lorin Williams - Cross-examination
By Mr. Brown

1 give me that information verbatim for a statement, then,
2 then there's no need.

3 Q So, would you take the basis of what was shared with
4 you as a statement?

5 A It's the interview. No, it would not be a statement
6 but it is a, a -- of what the conversation was.

7 Q Did it lead you to lead other members of your team to
8 find and recover a handgun?

9 A It did.

10 Q And who told you where the handgun would be?

11 A He did.

12 Q And he did recover that?

13 A Yeah, we did, yes.

14 Q Did you have the ability to take a look at the .38
15 revolver?

16 A I did not. I never, never saw it. It came out of the
17 water in a cannister, and actually, when it was recovered, I
18 was not present.

19 Q Did you have any other information about that revolver?

20 A As far as --?

21 Q Shell casings.

22 A I don't understand what you're asking me.

23 Q Did you have any other information, in terms of your
24 investigation, as it relates to that .38 revolver?

25 A As to what it's involvement would of been?

Lorin Williams - Cross-examination
By Mr. Brown

1 Q No, in terms of the actual gun and the, and the shell
2 casings that were associated with that gun.

3 A He had told us that he, he was using a .38 caliber
4 revolver. I don't know exactly what else you want me to
5 say.

6 Q Is a revolver a single shot pistol?

7 A No, this particular one, is my understanding from
8 reading the reports, that it was a six shot revolver.

9 Q Okay. And based upon your information and your
10 investigation, where would the shell casings have been for
11 that type of gun?

12 A They're inside of the -- if you're familiar with a lot
13 of people call them, refer to them as a wheel gun, the
14 cylinder falls out the side and the hinge, and then there
15 are six holes or five holes. Depending on the size of the
16 revolver, the shell casings would be in the cylinder in
17 those.

18 Q And so, the shell casings will remain inside of the
19 revolver and not kick back out?

20 A That's correct. I mean it's not like a semiautomatic
21 handgun where, after each round, the round is ejected. As
22 it's fired, whether it be five shots or six shots, as each
23 shot is fired, the cylinder simply rotates in battery. It
24 just moves to the next one. And then, once you've shot all
25 the rounds that are in the weapon, it's not gonna fire

Lorin Williams - Cross-examination
By Mr. Brown

1 anymore until you manually take them out.

2 Q So, he was correct that you weren't gonna find any
3 shells from his gun at the scene if he said that?

4 A That's -- yes, that's, that's what he said.

5 Q Based upon your investigation and your information that
6 you have related to this case, there was a mention of a
7 9-millimeter handgun. Also there was mention of a
8 9-millimeter shell casing from the scene.

9 Did the two match, based upon what you know?

10 A The shell casing that was recovered at the scene did
11 not match, best of my recollection, the 9-millimeter that
12 was recovered in Greenville, no.

13 Q And the shell casing that was at the scene was actually
14 a shell casing from a fired gun?

15 A It, it had been spent. It -- there was no projectile.
16 There was no bullet. It was a fired empty casing.

17 Q Again, that one from the handgun that was supposedly
18 found in Greenville?

19 A I believe that is correct.

20 Q Based upon your conversation with Mr. Brown, you say
21 that he said there was self-defense.

22 why did he say that?

23 A Oh, he just -- he said that they were there, had been
24 there when the suspects arrive, that -- actually he said
25 that they were -- they had started out by trying to speak to

Lorin Williams - Cross-examination
By Mr. Brown

1 another gentleman that was there with him. They didn't pay
2 it any attention. He kept on and he said that Mr. Yeargin
3 eventually wound up coming to him, coming towards him, and,
4 his words, he felt threatened and had taken the gun out and
5 had it behind his back. Mr. Yeargin came over there and he
6 wound up shooting Mr. Yeargin, and somewhere in that period
7 of time, fired into the parking lot or an additional round
8 was fired and struck the other victim.

9 Q Did he say why an initial -- why there may have been
10 additional shots on that day?

11 A If I can refer back to my notes?

12 (Pause.)

13 A No, actually he didn't. He just said that he had -- he
14 stated he was afraid of Yeargin and that he had known about
15 Yeargin. Let's see. Said that Yeargin got close to him,
16 pulled the pistol, and started to fire. He did not know
17 that he had shot the other suspect or the other -- yes,
18 other victim. I'm sorry.

19 Q And from the information that you have, based upon your
20 investigation, is there any evidence that he shot the other
21 individual?

22 A Other than his testimony, no.

23 Q You don't have any projectiles, any bullets, any rounds
24 from Mr. Parks?

25 A No, the, the round that struck Mr. Parks, there was no

Lorin Williams - Cross-examination
By Mr. Brown

1 projectile recovered in his body. It was a through and
2 through gunshot wound.

3 Q Based upon your investigation and the information that
4 you received in this case, did you receive information there
5 was more than one person out there with a handgun?

6 A At the time, at the time of the interview, the only
7 person that we had that -- the only person that we knew had
8 a weapon was the suspect, Mr. Brown, and in what he told us,
9 Mr. Yeargin. So, two people.

10 Q Did you ever hear the name of Frado and at any point in
11 your investigation?

12 A I did not. Not from Mr. Brown.

13 Q Did you ever hear the name Frado at any point in your
14 investigation?

15 A No, I never heard the name Frado till we came to Court.

16 Q So, you never heard the name of Travis Jeter?

17 A No, sir.

18 Q Travis Jeter is just listed on the State's witness
19 list?

20 A No, sir, I did not.

21 Q You never heard of anyone else firing a handgun in the
22 direction of Mr. Brown on that evening?

23 A No, sir.

24 Q Throughout the course of your investigation?

25 A No, sir, there was some speculation that there may have

Lorin Williams - Cross-examination
By Mr. Brown

1 been but no one ever came forward. No one ever provided any
2 other information.

3 Q who would of provided that speculation?

4 A I'm just gonna say it was, you know, different people.

5 I, I don't know whether it came from Woodruff Police

6 Department or wherever. It was never substantiated.

7 Q And speculation involved a third person being on the
8 scene with a handgun?

9 A And didn't say if it was two, three, four. Didn't say.

10 Just said that there were other people.

11 Q People besides Mr. Yeargin and Mr. Brown?

12 A Correct.

13 Q In terms of your investigation and the matters that you
14 reviewed, you only reviewed a few voluntary statements?

15 A I reviewed the statements from the people that came
16 forward.

17 Q And the people that -- there, the people that went to
18 the hospital with the two gentlemen?

19 A Yes, and then there was, there was a -- one other
20 person that came forward.

21 Q Miss Jackson?

22 A Correct.

23 Q So, you only had three statements?

24 A That's correct.

25 Q No one else?

Lorin Williams - Cross-examination
By Mr. Brown

1 A No one else came forward.

2 Q And you said no one else was willing to give
3 information?

4 A Correct.

5 Q Did you talk to the people located at [REDACTED]?

6 A I never went to the scene. I had other investigators
7 that were down there.

8 Q You never spoke with the Alexanders?

9 A No.

10 Q You've never went to Woody Court?

11 A I did not.

12 Q As the chief investigator, you never made your way to
13 Woody Court?

14 A The chief investigator for the Sheriff's Office, no, I
15 did not.

16 Q As related to this case, you're the chief investigator?

17 A For the Sheriff's Office. Woodruff Police Department,
18 we were assisting.

19 Q But you had the ability to go to Woody Court and seek
20 out individuals?

21 A Could have.

22 Q But you didn't?

23 A No, we did not.

24 Q And you heard the numbers of people that allegedly were
25 out there that evening?

Lorin Williams - Cross-examination
By Mr. Brown

1 A Sure.

2 Q And you say you only have statements from three people?

3 A That's correct.

4 Q Three people associated with the decedents?

5 A That's correct.

6 Q And you say you spoke with Mr. Brown but you don't have
7 any form of written statement?

8 A That's correct.

9 Q And as far as you know, based upon your investigation,
10 bullets that were recovered that evening only came from one
11 person, Mr. Yeargin?

12 A Say that again.

13 Q Bullets that were recovered, by way of evidence, as you
14 said, the hospital was a third crime scene.

15 A Correct.

16 Q The two projectiles that were recovered came from Mr.
17 Yeargin?

18 A That's correct. They came from the, the body of Mr.
19 Yeargin.

20 MR. BROWN: That's all the questions I have. Thank
21 you.

22 THE COURT: Any redirect limited to what he went into?

23 SOLICITOR BULSA: Yes, sir, briefly.

24 REDIRECT EXAMINATION

25 BY SOLICITOR BULSA:

Lorin Williams - Direct examination
By Solicitor Bulsa

1 Q There was a third bullet that was recovered at Woody
2 Court?

3 A Correct.

4 Q It's the one Detective Gary testified to?

5 A That's correct.

6 Q Okay. Let me ask you to refer to your notes you made
7 reference in your conversation with Mr. Brown. Page 3. The
8 large paragraph right before the end of the page.

9 Did Mr., Mr. Brown tell you anything about Mr. Parks?

10 A He said that, that he did not know that he had shot
11 Mr. Parks. He did tell me that Mr. Parks was coming over to
12 him with Mr. Yeargin.

13 Q Okay. So, based on that description, Mr. Parks would
14 of been facing him?

15 A Correct.

16 Q Okay. And did your information, your investigation,
17 determine how many guns would of been shooting in the
18 direction of Mr. Yeargin and Mr. Parks?

19 A All the information and the evidence that we had on the
20 scene, there was only one weapon that would of been facing
21 in that direction and that would of been the weapon that
22 Mr. Brown had.

23 Q Okay. Thank you.

24 That's all I have.

25 THE COURT: Thank you, sir. You may step down.

1 Lawyers approach.

2 (WHEREUPON, a bench conference was held out of the
3 hearing of the jury at this time.)

4 THE COURT: All right. Ladies and gentlemen, I want to
5 thank you for your time and work this morning while we went
6 through the testimony in the case. At this time I'm gonna
7 take a lunch break. Taking a look at the clock behind you,
8 I'm gonna ask, if you would, to please be back in the jury
9 deliberation room by 1:45.

10 Again, I want to instruct you not to have any
11 discussions among yourselves about anything involving the
12 case. But you may go with -- or with anyone else. But you
13 may go with the bailiff and retire back to the jury
14 deliberation room.

15 Thank you very much.

16 (WHEREUPON, the following takes place outside the
17 presence of the jury.)

18 THE COURT: All right. At this time we'll step down.

19 (WHEREUPON, Court was in recess for the lunch hour.)

20 SOLICITOR BULSA: Your Honor, in regards to direct of
21 Officer Dukes, I believe I introduced State's Exhibit 37.
22 Madam Court Reporter does not have that noted.

23 THE COURT: Thirty-seven?

24 SOLICITOR BULSA: Yes, sir.

25 THE COURT: Was part of Dukes did you say?

1 SOLICITOR BULSA: Yes, sir.

2 THE COURT: I have down that you proposed it for ID.

3 SOLICITOR BULSA: Okay. At this time I move it into
4 evidence.

5 MR. BROWN: Without objection, Your Honor.

6 THE COURT: All right. You -- what is it?

7 SOLICITOR BULSA: It's a shell casing that was taken
8 off of Mr. Brown.

9 THE COURT: Well, I would have to sustain Mr. Brown's
10 objection but that means he's gonna have to go through the
11 process of just recalling a witness.

12 MR. BROWN: If the Court is gonna give him latitude to
13 recall the witness after we allowed him to leave, then I
14 would, would hate to go through the formality but, but we
15 will object to it at this time.

16 THE COURT: Okay. All right. That would be left up,
17 left up to him.

18 All right. Ready to call your next witness?

19 SOLICITOR BULSA: May I send an email to my officer?
20 (Pause.)

21 SOLICITOR BULSA: Yes, sir.

22 THE COURT: All right. Let's bring them in.

23 (WHEREUPON, the following takes place within the
24 presence of the jury.)

25 THE COURT: Yes, sir, Mr. Bulsa.

Lorin Williams - Direct examination
By Solicitor Bulsa

1 SOLICITOR BULSA: State recalls Lorin Williams.

2 THE COURT: Mr. Williams, sir, I need to remind you you
3 remain under oath.

4 Do you understand that?

5 THE WITNESS: Yes, sir.

6 THE COURT: Just have a seat in the witness stand and
7 please pull the chair up to the microphone.

8 (Witness complies.)

9 LORIN WILLIAMS, having been previously
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR BULSA:

13 Q Detective Williams, did you go to the QT parking lot
14 where the defendant was apprehended and taken from
15 Greenville?

16 A I did.

17 Q And were you present when his persons was searched?

18 A I was.

19 Q And did you see a shell casing being removed from him?

20 A I did.

21 Q And did you see that transferred over to Darren Dukes
22 of the Spartanburg County Sheriff's Office?

23 A I did. When Investigator Dukes arrived, they took
24 pictures of everything and Greenville County had actually
25 taken it out of his pocket and it was on the trunk of the

Lorin Williams - Direct examination
By Solicitor Bulsa

1 car and he collected it from there.

2 Q Okay. I show you what's been marked State's 37 for
3 identification.

4 I'm gonna -- is that the packaging officer Dukes placed
5 it in?

6 A It is.

7 SOLICITOR BULSA: Your Honor, the State would move 37
8 into evidence.

9 MR. BROWN: I would object based upon the manner in
10 which it was transferred. I don't think I've heard the
11 investigator testify that he collected the shell and
12 transferred it to Investigator Dukes.

13 THE COURT: Okay. I'm gonna allow it in. I, I believe
14 he has laid the foundation for the identification of it.

15 MR. BROWN: Yes, sir.

16 SOLICITOR BULSA: Thank you.

17 (WHEREUPON, State's Exhibit No. 37 was received into
18 evidence at this time.)

19 SOLICITOR BULSA: That's all I have.

20 THE COURT: Any cross on that subject?

21 MR. BROWN: Not on that subject.

22 THE COURT: All right. Thank you, sir. You may step
23 down.

24 SOLICITOR BULSA: States calls Doctor Wren.

25 THE COURT: Sir, just come right up here and let the

Doctor David Wren - Direct examination
By Solicitor Bulsa

1 Clerk of Court swear you in.

2 (Witness complies.)

3 DOCTOR DAVID WREN, being first duly
4 sworn, testified as follows:

5 THE CLERK: Thank you. You may be seated.

6 THE COURT: Sir, just have a seat in the chair and pull
7 the chair up to the microphone if you would.

8 (Witness complies.)

9 DIRECT EXAMINATION

10 BY SOLICITOR BULSA:

11 Q Please introduce yourself to us, Doctor Wren.

12 A My name is John David Wren.

13 Q What is your profession?

14 A I'm a medical doctor with a specialty in pathology.

15 Q Okay. Do you perform autopsies at the request of law
16 enforcement?

17 A Yes, I do, at the request of the Coroner's Office.

18 Q Okay. And what is the -- would you give us the benefit
19 of your education?

20 A Well, I have a Bachelor's Degree, a Master's Degree,
21 and a Doctor of Philosophy Degree in Chemical Engineering
22 from Clemson University. After that, I worked for several
23 years. Then I went to Medical School at the Medical
24 University of South Carolina.

25 I finished -- well, I started in September of 1975. I

Doctor David Wren - Direct examination
By Solicitor Bulsa

1 actually finished my requirements for my M.D. on
2 January 31st, 1979. I started directly into a pathology
3 residency at the Medical University.

4 while waiting to graduate with my class, in June, I, as
5 I said, I started February the 1st, 1979, and I finished all
6 my requirements for my anatomic and pathology boards by
7 October 18th, 1982, as well as finishing requirements for
8 being able to stand forensic boards if I wanted to.

9 I came to work at the Medical University -- I mean at
10 Spartanburg Regional Medical Center with Spartanburg
11 Pathology Associates in 1982. While I was at Charleston at
12 the Medical University, I had done research as well as my
13 research in chemical engineering. So, I qualified to skip
14 some of the requirements that met the requirements for
15 standing my anatomic and pathology boards. So, I took my
16 first board exam in anatomic pathology in November of 1984.
17 I passed on my first attempt. I then took clinical boards,
18 which is another part of pathology, in November of 1987 and
19 passed that on my first attempt.

20 while I was at the Medical University from July of 1980
21 until mid -- well, the end of January of 1982, I did
22 forensic pathology examinations one weekend a month under
23 the supervision of a board certified pathologist essentially
24 as a mini-residency and I filled in for them when they were
25 off or away on vacation or while they were testifying in

Doctor David Wren - Direct examination
By Solicitor Bulsa

1 Court.

2 I was assistant medical examiner for Charleston County
3 from just about those same times investigating deaths within
4 the county acting as a medical examiner. While I was there,
5 I also, on those legal cases that I had to testify, I went
6 to various locations in the State and testified then, and
7 since that time, I've done forensic pathology examinations
8 since I came here. I've done about 5,000 autopsies in case
9 anyone needs to know.

10 Q Have you testified in Court as an expert in that field
11 before?

12 Have you testified, Doctor Wren, as an expert?

13 A Oh, yes, I've testified in the all -- a lot of counties
14 in South Carolina including Charleston, Beaufort,
15 Dorchester, Orangeburg, Georgetown, Horry, Dillon,
16 Greenville, Anderson, Greenwood, Laurens, Fairfield, Union,
17 Spartanburg, and probably a couple of more I don't remember,
18 Newberry, of course, and been qualified about probably 200
19 times by now.

20 SOLICITOR BULSA: And the State would offer Doctor Wren
21 as an expert in the field of forensic pathology.

22 MR. BROWN: Without objection.

23 THE COURT: All right. Ladies and gentlemen, normally
24 a person can not give opinion testimony in the court of law.
25 Normally, when persons testify, they must testify as to what