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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marlboro County

Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTONIO ANDERSON,

APPELLANT

APPELLATE CASE NO. 2023-001257

RECORD ON APPEAL

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT: STATE'S
EXHIBIT NO. 8 (DVD- SURVEILLANCE TAPE AT STOP-N-SHOP) AND DEFENSE
EXHIBITS NOS. 1-3 (PHOTOGRAPHS OF FACEBOOK OR SOCIAL MEDIA)]**

1 State of South Carolina,) Court of General Sessions
2 Plaintiff,) Fourth Judicial Circuit
3 vs.) CASE NO. : 2017-GS-34-00498 & 499
4 Antonio Anderson,) Transcript of Record
5 Defendant.

6 -----

7 July 24, 25 & 26, 2023
8 Marlboro County, South Carolina

9 **B E F O R E:**

10 The Honorable, Presiding Judge Burch

11 -----

12 **APPEARANCES:**

13 For the State:

14 Elizabeth Munnerlyn, Esquire

15 For the Defendant:

16 Grant Smaldone, Esquire

17

18 Julie A. Kevish
19 Official Court Reporter

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P-R-O-C-E-E-D-I-N-G-S

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(Whereupon proceedings convened Monday, July 24,

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2023)

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THE COURT: Ladies and gentlemen of the jury, thank you so much for your patience. We have been proceeding to go over the docket, and if you will bear with us we are going to need to seek a jury. I will have some additional questions for you. The case that we're calling for trial is State of South Carolina, County of Marlboro entitled State of South Carolina versus Antonio Anderson. The indictment number on this particular case is 2017-GS-34-498. I'm going call upon the solicitor at this time to state the indictment charges for the record.

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MS. MUNNERLYN: Yes, Your Honor. In the State versus Antonio Anderson, indictment number 2017-GS-34-498, an indictment for murder, and indictment 2017-GS-34-499, an indictment for possession of a weapon during the commission of a violent crime, the State is ready for trial.

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THE COURT: Thank you, Solicitor. The defendant is present in court represented by Mr. Grant Smaldone, and the defendant has entered a plea of not guilty to these charges and I need him to stand and face the jury so I can see if we have any kinship. Thank you, sir, you may be seated.

1 (Voir Dire)

2 Do I have anyone on the panel, the jury panel, who is related
3 by blood or by marriage or has any business, social, religious
4 or fraternal relationship with the defendant, Antonio Anderson,
5 if so we need you to stand at this time but don't make any
6 comment. Counsel, you all may approach. I'm going ask the
7 potential jurors to come up on the court reporter station.
8 We need your name again.

9 THE JUROR: Mark Mccollough.

10 THE COURT: How does that question apply?

11 THE JUROR: Sir?

12 THE COURT: How does that question apply?

13 THE JUROR: I've been knowing him for over 20 years.

14 THE COURT: Any blood or marital or kinship?

15 THE JUROR: No, none of that, no.

16 THE COURT: If you were to be seated on this jury
17 could you give both the State and the defendant a fair and
18 impartial trial?

19 THE JUROR: Yeah, but I've known him for a long time
20 so I'd like to be excused from this trial if I can.

21 THE COURT: Thank you, sir. You may be seated. How
22 are you, sir? We need your name.

23 THE JUROR: William Coachman.

24 THE COURT: Mr. Coachman, how does that question
25 apply?

1 THE JUROR: Well, Antonio and I worked together and
2 we became good friends so I feel like I couldn't make a good
3 decision on that because I heard a lot about this situation.

4 THE COURT: Thank you, sir. I appreciate you coming
5 forward, but stay with us because we may need you for other
6 matters. Okay? Good afternoon, I need your name.

7 THE JUROR: Willa Cummings.

8 THE COURT: How does that question apply?

9 THE JUROR: I've been knowing the family for about 20
10 years.

11 THE COURT: How are you related to the defendant?

12 THE JUROR: He used to date my sister.

13 THE COURT: So you're not blood kin to him?

14 THE JUROR: No.

15 THE COURT: If you were to be seated on this jury
16 could you be fair both to the State and to the defendant?

17 THE JUROR: No.

18 THE COURT: Thank you. Stay with us, though, because
19 we've got other matters. Good afternoon.

20 THE JUROR: Precious white, 210.

21 THE COURT: How does that question apply?

22 THE JUROR: He is my cousin.

23 THE COURT: He is your cousin?

24 THE JUROR: Uh-huh.

25 THE COURT: Thank you. Stay with us, though, we've

1 got other matters. Good afternoon.

2 THE JUROR: Good afternoon.

3 THE COURT: What is your name?

4 THE JUROR: Taykemia Young, 225.

5 THE COURT: How does that question apply?

6 THE JUROR: He's my cousin.

7 THE COURT: Thank you. Stay was, though, we've got
8 other matters.

9 THE JUROR: Okay.

10 THE COURT: Good afternoon, what is your name?

11 THE JUROR: Sharon Wheeler, 209.

12 THE COURT: How does that question apply?

13 THE JUROR: I just recently found out that we are
14 cousins on my father's side and he's also some kin to my
15 ex-husband.

16 THE COURT: Okay, you say you're cousins on your
17 dad's side. Stay with us because we have other matters.

18 THE JUROR: Okay.

19 THE COURT: 211 stays. The one before Precious White
20 was Willa Cummings, 51. Coachman is still in jury panel.

21 Do I have anybody on the panel who is related by
22 blood or by marriage or had any business, social, religious or
23 fraternal relationship with Alonzo Lampkin, if so we need you
24 to come forward.

25 THE JUROR: Keandre Prince, 149.

1 THE COURT: How does that question apply?

2 THE JUROR: It's my cousin.

3 THE COURT: Thank you.

4 THE JUROR: Yes, sir.

5 THE COURT: He's out.

6 THE CLERK: What was that number?

7 THE COURT: 149. Do I have anybody on the panel who
8 is related by blood or by marriage or has any business, social
9 religious or fraternal relationship with any of these
10 individuals, Scott Bowen, Robbie Tryon, Trevor Murphy, Sara
11 Milligan, Terry Freeman, Tim Brown, Courtney Michelle Freeman,
12 Kimberly Marie Williams, Jennifer Roller, Bob Hale, John
13 Anderson, Terry Anderson, Ronnie Grace. If so, we need you to
14 come forward. Good afternoon.

15 THE JUROR: How are you doing, sir?

16 THE COURT: I need your name.

17 THE JUROR: Donald Radford.

18 THE COURT: Mr. Radford, how does that question
19 apply?

20 THE JUROR: Bob Hale, he's my cousin's husband.

21 THE COURT: Your cousin's husband. Okay, so you're
22 not blood kin to him?

23 THE JUROR: No, just by marriage.

24 THE COURT: Would that affect your ability to be a
25 fair and impartial juror towards the State and the defense?

1 THE JUROR: I don't see why not.

2 THE COURT: Thank you. Good afternoon.

3 THE JUROR: Good afternoon.

4 THE COURT: I need your name.

5 THE JUROR: Henry Seagraves.

6 THE COURT: How does that question apply?

7 THE JUROR: I work with John Anderson.

8 THE COURT: Tell me a little bit about that work.

9 THE JUROR: We work El Rocko (phonetic) together.

10 THE COURT: Would the fact that you worked together,
11 would that affect your ability to be a fair and impartial juror
12 seated on this case?

13 THE JUROR: No.

14 THE COURT: Thank you, sir.

15 THE JUROR: Juror number 14.

16 THE COURT: 14?

17 THE JUROR: Yes. I know Scott Bowen but we don't
18 talk like that.

19 THE COURT: You just know him?

20 THE JUROR: Yes.

21 THE COURT: Would that affect your ability to be a
22 fair and impartial juror if selected on this case?

23 THE JUROR: No, sir.

24 THE COURT: Thank you. Does anybody on the panel
25 have any personal knowledge or developed any opinion about this

1 case? If so, we need you to step forward. Does anybody on the
2 panel or immediate family member or very close personal friend
3 ever been the victim of violent criminal conduct? Yes, come on
4 up. Your number or name?

5 THE CLERK: She's 217, Sandra Williams.

6 THE JUROR: Sandra Williams, 217. This happened a
7 while back that my daughter was a victim of a criminal sexual
8 conduct.

9 THE COURT: Okay. Would the fact that your daughter
10 was a victim of that crime, if you were to be seated on this
11 jury could you be both fair to the state and the defense?

12 THE JUROR: Oh, yeah, it's been a while.

13 THE COURT: Thank you.

14 THE JUROR: Okay.

15 THE COURT: Good afternoon, your name?

16 THE JUROR: Wendy Taylor. My husband was convicted
17 about eight years ago in this court of domestic violence, no
18 longer my husband but my husband at the time.

19 THE COURT: With that in mind, if you were to be
20 seated on this jury could you be both fair to the state and the
21 defendant?

22 THE JUROR: I know I could. I just wanted to let you
23 know, yes.

24 THE COURT: Okay, you're fine. Thank you. Anybody
25 on the panel presently represented or represented in the past

1 by the solicitor's office or the two attorneys standing right
2 here to my right, Mr. Smaldone and Ms. Munnerlyn? Alright.
3 That takes care of that. Does anybody on the panel have any
4 formal or informal legal training or you work for any attorney
5 office or for the solicitor's office or the public defender's
6 office? Any of you ever been a witness in a criminal trial?
7 Any of you have a relative any of you have a family member or
8 close personal friend that's employed in law enforcement? Yes?
9 If you'll just stand and tell us how that question applies,
10 please, and we need your name or number.

11 THE JUROR: 57.

12 THE COURT: 57?

13 THE JUROR: Yes.

14 THE COURT: How does that question apply?

15 THE JUROR: I have a cousin in law enforcement.

16 THE COURT: Who is it?

17 THE JUROR: Douglas, Jamal.

18 THE COURT: Where does he work?

19 THE JUROR: He's the chief.

20 THE COURT: Thank you, sir. Do any of you on the
21 panel donate money or receive assistance from any community law
22 enforcement or victim advocate groups, examples of that are
23 M.A.D.D., the South Carolina Law Enforcement Officer's
24 Association, partnership for a drug free America, Sister Care,
25 the State Office of Victim's Assistant or any victim assistants

1 or neighborhood watch group or any similar organization? In
2 other words, if you're involved either financially or help in
3 any way, we need to know about that. The allegations in this
4 case concern the use of a gun. Do can any of you have such
5 strong beliefs concerning guns or the affect of guns on
6 individuals that it would impact your ability to be fair and
7 impartial if selected in this case, if so we need you to raise
8 your right hand but don't make any comment. This case involves
9 a defendant accused of a violent crime. With the fact because
10 of the nature of the charge does anybody have concerns to where
11 you could not be a fair and impartial juror if seated on this
12 case? Raise your right hand, but don't make any comment. Does
13 anybody on the panel have any reason, whatsoever, against
14 either the State or the defense whereby you cannot be fair and
15 impartial if seated on the jury, if so we need you to raise
16 your hand at this time. Correct me if I am wrong, but under
17 our statutory requirements this is five strikes and ten
18 strikes, five and ten. Are we ready to proceed?

19 MS. MUNNERLYN: Yes, Your Honor.

20 THE COURT: We will have, Madam Clerk, I need you all
21 to prepare a list and call them forward. As your name is
22 called we need you to come up here, stand in front of this
23 microphone but turn and face the tables where counsel and the
24 parties can see you. Okay? Please bring your personal
25 belongings with you.

1 (Jury selection.)

2 THE COURT: Please bear with us, in this computerized
3 age, it does not work perfectly, we have to get everything
4 loaded.

5 THE CLERK: As I call your name, if you would please
6 come forward, stand here, and then face the back of the
7 courtroom. Number 16, Jerry Bracey. What says the state?

8 MS. MUNNERLYN: Please present the juror.

9 THE CLERK: What says the defendant?

10 MR. SMALDONE: Please excuse the juror.

11 THE COURT: Please return to your seat.

12 THE CLERK: 130, Glenda Morton. What says the state?

13 MS. MUNNERLYN: Please present the juror.

14 THE CLERK: What says the defendant?

15 MR. SMALDONE: Please seat the juror.

16 THE CLERK: Please have a seat in the jury box. 173,
17 Benita Simmons. What says the state?

18 MS. MUNNERLYN: Please present the juror.

19 THE CLERK: What says the defendant?

20 MR. SMALDONE: Please seat the juror.

21 THE CLERK: Please have a seat in the jury box. 160,
22 Mandy Robinson. What says the state?

23 MS. MUNNERLYN: Please present the juror.

24 THE CLERK: What says the defendant?

25 MR. SMALDONE: Please seat the juror.

1 THE CLERK: Please have a seat in the jury box.

2 Sixty-five, Yolanda Echols. What says the state?

3 MS. MUNNERLYN: Please present the juror.

4 THE CLERK: What says the defendant?

5 MR. SMALDONE: Please seat the juror.

6 Please have a seat in the jury box. 215, Reginald Williams.

7 What says the state?

8 MS. MUNNERLYN: Please excuse this juror from service
9 on this trial.

10 THE CLERK: Please return to your seat. 161, Colin
11 Rodgers. What says the state?

12 MS. MUNNERLYN: Please present the juror.

13 THE CLERK: What says the defendant?

14 MR. SMALDONE: Please seat the juror.

15 THE CLERK: Please have a seat in the jury box.

16 Twenty-nine, Viretta Campbell. What says the state?

17 MS. MUNNERLYN: Please present the juror.

18 THE CLERK: What says the defendant?

19 MR. SMALDONE: Please seat the juror.

20 THE CLERK: Have a seat in the jury box. Number 5,
21 Timmy Barber. What says the state?

22 MS. MUNNERLYN: Please present the juror.

23 THE CLERK: What says the defendant?

24 MR. SMALDONE: Please excuse this juror.

25 THE CLERK: Please return to your seat. 213, Cedric

1 Williams. What says the state?

2 MS. MUNNERLYN: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. SMALDONE: Please seat the juror.

5 Please have a seat in the jury box. 162, Mandy Rodgers. What
6 says the state?

7 MS. MUNNERLYN: Please excuse this juror from service
8 on this trial.

9 THE CLERK: Please return to your seat. 217, Sandra
10 Williams. What says the state?

11 MS. MUNNERLYN: Please present the juror.

12 THE CLERK: What says the defendant?

13 MR. SMALDONE: Please excuse this juror.

14 THE CLERK: Please return to your seat. Number nine,
15 Angela Belcher. What says the state?

16 MS. MUNNERLYN: Please present the juror.

17 THE CLERK: What says the defendant?

18 MR. SMALDONE: Please seat the juror.

19 THE CLERK: Please have a seat in the jury box. 108,
20 Ricky Little. What says the state?

21 MS. MUNNERLYN: Please present the juror.

22 THE CLERK: What says the defendant?

23 MR. SMALDONE: Please seat the juror.

24 Please have a seat in the jury box. Fourteen, Logan Booth.
25 What says the state?

1 MS. MUNNERLYN: Please present the juror.

2 THE CLERK: What says the defendant?

3 MR. SMALDONE: Please seat the juror.

4 THE CLERK: Please have a seat in the jury box. 89,

5 Clenzo Ingram. What says the state?

6 MS. MUNNERLYN: Please present the juror.

7 THE CLERK: What says the defendant?

8 MR. SMALDONE: Please seat the juror.

9 THE CLERK: Please have a seat in the jury box. 169,

10 Henry Seagraves. What says the state?

11 MS. MUNNERLYN: Please excuse this juror from service
12 on this trial.

13 THE CLERK: Please return to your seat. 184, Anthony
14 Spivey. What says the state?

15 MS. MUNNERLYN: Please excuse this juror from service
16 on this trial.

17 THE CLERK: Please return to your seat. 155, Donald
18 Radford. What says the state?

19 MS. MUNNERLYN: Please present the juror.

20 THE CLERK: What says the defendant?

21 MR. SMALDONE: Please excuse this juror.

22 THE CLERK: Please return to your seat. 76, Cynthia
23 Gary. What says the state?

24 MS. MUNNERLYN: Please present the juror.

25 THE CLERK: What says the defendant?

1 MR. SMALDONE: Please seat this juror.

2 THE CLERK: Please have a seat in the jury box.

3 THE COURT: Two alternates, strikes one and two per
4 alternate.

5 THE CLERK: Number 69, Michael Flowers. What says
6 the state?

7 MS. MUNNERLYN: Please present the juror.

8 THE CLERK: What says the defendant?

9 MR. SMALDONE: Please excuse this juror.

10 THE CLERK: Please return to your seat. 189, Wendy
11 Taylor. What says the state?

12 MS. MUNNERLYN: Please excuse this juror from service
13 on this trial.

14 THE CLERK: Please return to your seat. 62, Stacey
15 Easterling. What says the state?

16 MS. MUNNERLYN: Please present the juror.

17 THE COURT: What says the defendant?

18 MR. SMALDONE: Please seat the juror.

19 THE COURT: Have a seat in the jury box. 198, Lisa
20 Townsend. What says the state?

21 MS. MUNNERLYN: Please present the juror.

22 THE CLERK: What says the defendant?

23 MR. SMALDONE: Please seat the juror.

24 THE CLERK: Please have a seat.

25 THE COURT: Any motions considering the jury

1 selection from the state?

2 MS. MUNNERLYN: No motions from the state, Your
3 Honor.

4 THE COURT: Thank you. From the defense?

5 MR. SMALDONE: None, Your Honor.

6 THE COURT: Counsel, will you all approach, please?
7 Now, those of you not seated on this jury, we need you to call
8 in, so please do not leave here without the telephone number.
9 Now, Solicitor, I'll defer as to when we want them to call in,
10 tonight or tomorrow?

11 MS. MUNNERLYN: Yes, sir, tonight.

12 THE COURT: We need you to call in between 6:00 and
13 8:00 tonight to get a further report. It may tell you to
14 report at a particular time or it may say call back at a
15 particular time. Thank you so much for coming in and helping
16 us today. We may well need you later on in the week, so please
17 make sure you call in between 6:00 and 8:00 for an update.
18 Try to do that between 6:00 and 8:00, but you can call in later
19 in case you're pushed for time for some reason. Thank you all
20 so much. You're dismissed at this time.

21

22 (Jury panel dismissed.)

23 THE COURT: Ladies and gentlemen of the jury, I need
24 to speak with you just a few minutes. We will not begin this
25 trial today, we've got other matters that we've got to tend to,

1 so we've got some folks that got to commute. We will not start
2 at 9:30, we will start at 10:00. A little later on I'll give
3 you a little briefing about hours. I can tell you now that the
4 Chief Justice does not want us working past 5:30, if that's a
5 concern for any of you, unless it's absolutely necessary, so we
6 will try to follow, basically, banking hours, and the reason we
7 do that starting at 9:30 or 10:00 is because the attorneys that
8 are involved in many of these cases have other clients, and
9 that's the only time they have to do their scheduling and meet
10 with other clients so traditionally court starts at 9:30 and
11 10:00, so that's the reason for that, and of course we will
12 take lunch breaks. During the process of the trial do not do
13 any independent research. Do not even discuss this case
14 amongst yourselves. Do not go home and discuss this case with
15 family members or friends. Do not allow anybody to contact you
16 concerning this case, and that may take many different avenues.
17 It could be in person, it could be somebody attempting to
18 influence you through a third party, it could be over the
19 computer or with Facebook or some type of computer contact, it
20 could be by telephone, whatever that form or fashion may be do
21 not allow that to happen. Should anybody try to contact any of
22 you to discuss this case or try to influence you, you
23 immediately notify the Sheriff's Department. If it happens in
24 court you notify me or one of the court staff. Okay? Once
25 again, don't do any independent research because trials under

1 our system are to be decided on the testimony and evidence
2 that's properly admitted in the courtroom, not from some press
3 release or from some others opinions, okay? Alright, that will
4 give you time to get ready, the trial of the case will start at
5 10:00 in the morning. Everybody else remain seated while the
6 jury departs, and I'm going to turn you over to Mr. Luther so
7 he can show you where to report to in the morning. You will
8 follow him out the door.

9 (Jury exited the courtroom and dismissed for the day.)

10 THE COURT: We will resume at 10:00 in the morning on
11 this case. What is our game plan for the rest of the day?

12 MS. MUNNERLYN: Your Honor, I'll have to see who all
13 is here. We did have some people noticed to be here. I'll
14 have to check to see if any of those others showed up, and I
15 don't know if there are any in the jail for this afternoon.
16 Some private attorneys are scheduled to be here at 2:00.

17 THE COURT: Court is in recess until 2:00.

18 MS. MUNNERLYN: Thank you, Your Honor.

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2 THE COURT: Anything before we get started?

3 MR. SMALDONE: Nothing from defense other than what
4 we talked about briefly in chambers.

5 THE COURT: Your Honor, we have agreed upon, we've
6 stipulated to the evidence, which is eight exhibits, and I
7 think that's going to be everything, if you want me to go
8 through those I can quickly or we can wait until the jury is
9 present. Both of you are in agreement?

10 MS. MUNNERLYN: We are. One through eight are in
11 evidence at this time and they're already marked without
12 objection from defense.

13 MR. SMALDONE: That's correct.

14 THE COURT: We'll bring the jury out, we've got one
15 more question we need to ask.

16 (Jury entered.)

17 THE COURT: Ms. Belcher, would you take that seat
18 there? Alright. Good morning everybody.

19 THE JURY: Good morning.

20 THE COURT: Thank you so much for reporting to
21 service this morning and being patient with us. We were
22 handling some administrative matters, nothing to do with this
23 particular case. I missed a potential witness yesterday. I
24 just need to ask one more preliminary question of you. Anybody
25 on the jury panel who may be if you are related by blood or

1 marriage to Renee Cummings or have any business, social,
2 religious or fraternal relationship with potential witness,
3 Renee Cummings, I need you to raise your right hand. Let the
4 record reflect the Court is appointing juror number 9, Ms.
5 Belcher, as foreperson for the jury. Madam Clerk, that's it,
6 you may put the jury under oath.

7 **(Jury panel sworn.)**

8 THE COURT: Ladies and gentlemen of the jury, I just
9 have a few opening remarks to make to you to basically to
10 outline how we're going to proceed in this trial, I'll go over
11 the different phases of the trial with you. First of all, all
12 of you realize that the state has indicted the defendant,
13 Antonio Anderson in this matter, and it is a criminal case and
14 I point out to you right off the bat that the burden of proof
15 in criminal cases is proof beyond a reasonable doubt. All
16 defendants that come before to Court in a criminal matters are
17 presumed innocent under the law, and it is on the duty of the
18 State, in other words, the burden of proof is on the State to
19 prove guilt beyond a reasonable doubt before a defendant can be
20 convicted. The first thing that is going to happen, both
21 sides, if they so choose, will make opening statements to you
22 to basically outline their position in the case and how they
23 are going to approach this case in presenting their side of the
24 case. You don't have to make an opening statement, but in all
25 these years of being on the bench I can only remember one time

1 when the attorneys elected not to do an opening statement, so
2 it is optional. The next portion of the case will be the
3 evidentiary phase of the case where you will receive the
4 evidence. Evidence may take many different forms. It may be
5 testimony from this witness stand, it may be physical type
6 items, it may be documents, it may be recordings, video or
7 audio, whatever that evidence is it is crucial that you listen
8 and observe the evidence because you are the triers of the
9 facts in this case. The trial judge in South Carolina is the
10 judge of the law. Trial judges do not go get involved in the
11 fact finding. We sit as neutral referees to make sure that the
12 rules of evidence and procedure are followed in the trial of
13 the case because from time to time there may be an objection
14 entered and I have to rule on that. When I do rule you can't
15 under your oath, under my instructions at this time you don't
16 in any way possibly consider how I rule on an objection, that I
17 have an opinion in the case. Okay? I'm not allowed to have an
18 opinion in the case. Now, other states are a little different
19 on that, but all the ones that I'm familiar with are basically
20 the same rule. So I'm the judge of the law and sometimes
21 matters of law will pop up and I have to send you back to the
22 jury room because I have to sort that all out. You are the
23 triers of the facts. You listen and observe the evidence and
24 you apply the facts as you find them to the law that I will
25 give to you in the judge's charge of the law at the end of the

1 case. The next phase of the trial after the evidentiary
2 portion will when the attorneys will given an opportunity to
3 make closing arguments, and that's where they try to persuade
4 you to see the evidence as they see it, and I will tell you
5 now, the attorneys may reference to the evidence, they may
6 quote to the evidence, but what they say is not evidence, you
7 have to find what you believe to be the facts from the evidence
8 that's presented up here from the witness stand and all of the
9 documents and items. The State has the burden of proof, so
10 therefore in most instances during a trial they get to go
11 first, so they will present their evidence and their witnesses
12 first. The reason for that is that the burden of proof lies on
13 the State. After the closing arguments that will come the time
14 for the judge to give you the law in the State of South
15 Carolina. As I told you, your duty is to apply the facts to
16 the law and come up with a verdict, but when you are asked to
17 deliberate and reach a verdict your verdict will need to be a
18 unanimous verdict, all 12 jurors will have to agree on whatever
19 the verdict may be. Alright. Note taking, some judges don't
20 want note taking. I have no opinion about that. If you want
21 to keep notes, that's up to you. If I were on the jury I
22 wouldn't do that because I remember my college days, just as
23 sure as I was sitting there trying to take extensive notes I
24 would miss something that the professor said and that would be
25 the very item that was on the final exam, so everybody's

1 different. My wife can watch three television sets at one time
2 and know everything that is going on on all three sets on
3 television, but every person is different, but I'll leave that
4 up to you, but there is one cardinal rule about note taking,
5 you've got to keep them to yourselves, you don't share them
6 with other jurors. Don't deliberate this case until I instruct
7 you to begin deliberations, and that will be at the conclusion
8 of the case after the judge's charge of the law. Once again,
9 don't deliberate and don't discuss this case even amongst
10 yourselves until that time comes. Breaks, we will try to break
11 every hour or so, but if someone needs a restroom break, let me
12 know, get somebody's attention, Mr. Luther's attention, or one
13 of the Clerks, and will take a break. We'll try to do that
14 every hour or hour and 15 minutes. Please do not fall asleep
15 on me. Now, that's normally our problem in the morning. When
16 it becomes a problem is in the afternoon after you've eaten
17 lunch, some people are used to taking naps after lunch, and
18 it's easy to fall asleep, so please don't do that to me. If
19 you feel like you're going to doze off, let us know and we will
20 take a coffee break, okay? I think that's about covered
21 everything with you except to, once again, do not allow anybody
22 to approach you in any form or fashion and discuss this case
23 with you. Should that occur, notify, if it's here in court
24 notify us, if it's after court notify either the Sheriff
25 Department or the police department so we can react to it.

1 Okay? That basically covers everything I wanted to let you
2 know how we're going to proceed, and I'm going to turn it over
3 to the attorneys now, and once again, the burden of proof is
4 upon the State. Solicitor, the floor is yours.

5 **(Attorney Munnerlyn presented an opening statement on**
6 **behalf of the State at this time.)**

7 MS. MUNNERLYN: May it please the Court, Your Honor,
8 Mr. Smaldone, ladies and gentlemen of the jury, good morning.

9 THE JURY: Good morning.

10 MS. MUNNERLYN: My name, as you know, is Elizabeth
11 Munnerlyn, and I am here today on behalf of the State of South
12 Carolina, and more specifically on behalf of Alonzo Lampkin.
13 He is the victim in this case, and as you heard the judge just
14 tell you, it is the State's burden of proof to prove this case
15 to you. That means that we have to present the evidence from
16 that witness stand or from these items of evidence that
17 satisfies your mind that the defendant is, in fact, guilty in
18 this case. So I want you to know what's going to happen. I
19 want you to have a framework of what's coming when you start to
20 listen to these witnesses so you can put it together in your
21 mind and everything will make sense, so that's really what I'm
22 going to do right now because you know the charges before you
23 are two indictments, one more murder and one for the possession
24 of a weapon during the commission of a violent crime.

25 Defendant, Antonio Anderson, sits at defense table,

1 he is charged with both of those crimes, and you will have to
2 consider both separately and make a decision independently on
3 each, but all of these things stem from the events of
4 August 21, 2017. Yes, it has been a long time, but I will tell
5 you that this case, although it is very serious, will be a
6 short case. We have, in fact, for you two of the best kinds of
7 evidence you can have, one is eyewitness testimony. You're
8 going to have right here sitting on the stand people who were
9 there that day and saw what happened and they are going to tell
10 you what they saw. Okay? You're also going to have a video.
11 It happened at a store in McColl called the Stop N Shop and at
12 that store there were multiple cameras, and you're going to
13 have the video right here for you from different angles so that
14 you can see everything that happened that day, and I submit to
15 you that that video tells the story better than anybody else
16 can, so I would ask you to please pay attention and please
17 watch that video, and if you need to look at it over again or
18 different angle, let's look at it. So what does that video
19 show? Let's go back to August 21, 2017. Alonzo Lampkin was a
20 30-year-old man living here in the McColl area. He went that
21 night to the Stop N Shop. Stop N Shop is located on North Main
22 Street there in McColl, went that night a little after 10:00,
23 and inside the store, when he got there was the defendant,
24 Antonio Anderson. Now, they knew each other. They had known
25 each other for a number of years, ten-plus years, in fact,

1 their mother's homes backed up each other, so the yards for
2 each of their mother's homes connected, so they saw each other
3 on a regular basis and they actually did things together from
4 time to time, but there was a time in the few months before
5 this incident where they began a little rivalry or competition,
6 and it stemmed from one woman by the name of Jennifer Roller.
7 She was seeing the victim, Alonzo Lampkin, and they had a
8 sexual relationship and he went away for a little while, he was
9 gone for about six months, and during the time that he was gone
10 his friend, neighbor, Antonio Anderson decided he was going to
11 go see Jennifer Roller and have a sexual relationship with her
12 without Alonzo Lampkin knowing. When Alonzo Lampkin came back,
13 about a month after he'd been back, he learned about this
14 relationship and what they had done behind his back and without
15 him knowing, and he was hurt and upset about it, and so they
16 had some confrontations about that, the victim, Alonzo Lampkin
17 and the defendant, Antonio Anderson. They argued about it,
18 they a couple of times even squared off like they were going to
19 fight, but one month before this happened at their mother's
20 homes in the backyards, Alonzo Lampkin was there with his then
21 girlfriend, Sara Milligan and her friend, Courtney Freeman.
22 They were in the backyard just hanging out, and Antonio
23 Anderson was in his mama's backyard, and it started, they
24 started arguing, and at that point the defendant pulled out a
25 gun threatening then, but thank goodness his mama came out and

1 squashed it all, calmed everybody down and separated them, so
2 nothing happened that day. But fast forward to August the 21st
3 of 2017 and they come in this store and they see each other
4 again, and you'll have the video to watch, you'll see when the
5 victim comes in the store what the defendant does, and I would
6 encourage you to watch the defendant's demeanor, you're not
7 going to have audio for all of that video, but you're going to
8 be able to see how he acts and what he does, and that will tell
9 you everything you need the know. Okay? But when the victim,
10 Alonzo Lampkin first comes in that store, Antonio is the first
11 one to speak to him. He's the first one to start the argument
12 up again, and it continues on, they act like they are going to
13 fight, they put their fists up like they are going to do, but
14 Sara Milligan, the girlfriend, comes in and, in fact, when the
15 victim starts to try to walk back outside to go back to his
16 car, Antonio stands in front of him. So he's bringing the
17 confrontation on, he's inviting the confrontation, and what the
18 video shows is that when he exits that store, the victim goes,
19 there's two cars, the defendant's car and the victim's car, the
20 victim goes out and goes to his car, puts one foot in and is
21 about to get in to leave. The defendant, the last thing on the
22 video before he exits the store, you'll hear to defendant say
23 is: Hold up, I'm coming out there. Hold up. Okay? He wants
24 this confrontation. He knows what he's got planned. He knows
25 what he's getting ready to do: Hold up. When he walks out

1 that store he goes directly, and I mean in a quick pace to his
2 vehicle, opens the door, reaches in, gets a gun, and in all one
3 smooth movement, cocks it, you can see all this on the video,
4 and proceeds all the way around the car to where the victim is
5 and confronts him, but inside the car behind the victim are
6 three little children. So at that point the defendant takes
7 the gun and he goes back to the car, this is the second time he
8 goes to the car, he comes out of the store and he goes first
9 and gets the gun, goes and confronts him, they argue, he goes
10 back. He puts the gun back in the car, doesn't get in and
11 leave that time, puts the gun back, turns to the victim, they
12 begin what appears like it's going to be a physical
13 confrontation. They square up again acting like they are going
14 to hit each other, they go around the parking lot a little bit,
15 you'll see the girlfriend again comes out, tries to get in the
16 middle of them to stop it, and in fact, she is successful in
17 doing that. She pushes the victim back, the defendant's behind
18 her, she's pushing him away, and the smallest child gets out on
19 of the victim's car, two or three-year-old child, comes around
20 and comes over to where the victim and his mama are, and at
21 that point the victim is holding back the girlfriend and
22 guarding the child, again, this is all on video, and at that
23 point the defendant goes back in his car and gets the gun, this
24 is the third time he goes into his car, gets the gun and shoots
25 the victim in his chest, one shot. The girlfriend's right

1 here, the child's right here, the victim is shot in the chest.
2 He goes into the store, ambulance is called, and the defendant
3 doesn't leave, he stays. When Scotty Bowen arrives he gives
4 him the gun, you're going to have the gun, he gives him the
5 magazine, they collect the casing, they collect the projectile,
6 and he's taken into custody, and the next morning Alonzo
7 Lampkin dies, all over a disagreement about some woman, and the
8 key things here are the victim never has any kind of weapon.
9 You never see a gun, you never see a knife, you never see a
10 stick, the victim has only his hands, and in all actuality you
11 never see a blow from either of them strike the other, and yet,
12 after three trips to his car the defendant ultimately shoots
13 the victim when he had three opportunities to leave, and I
14 think once you watch that video and you all go back there and
15 you consider the testimony of the history between these two and
16 what happened that night, that you will agree that the
17 defendant is guilty. Thank you.

18 THE COURT: Counsel?

19 **(Attorney Smaldone presented an opening statement on**
20 **behalf of the Defendant at this time.)**

21 MR. SMALDONE: Good morning.

22 THE JURY: Good morning.

23 MR. SMALDONE: My name is Grant Smaldone. I have the
24 pleasure of representing Antonio. First of all, I want to
25 thank you all for being here. Nobody plans on being a juror, I

1 don't know that anyone has ever called the Clerk's Office and
2 said, hey, I'd really like to be a juror next month, but I know
3 a few people who have actually served on juries, I'll probably
4 never get picked for a jury, I'm eligible, but most people
5 strike lawyers from their jury poll. Everyone I know that
6 served on a jury was trying to get out of it at first, and then
7 afterwards they told me, because I'm their lawyer friend, they
8 told me they want to do it again because they learned so much
9 and they had, you know, fun is not the word, certainly, it's
10 never going to be fun, but they learned so much about the inner
11 workings of how things work and they a new found respect for
12 the justice system, so I want to thank you all.

13 I've been thinking about this case a lot in the prior
14 weeks, obviously, and it reminds me of something that happened
15 a few years ago. I live in Charleston, and sometimes I'll take
16 cases up here and in Dillon County sometimes, I used to live in
17 Myrtle Beach so I still have connections to these areas. So
18 I'm driving from Charleston to Dillon, South Carolina. I
19 remember it was July, it was years ago because I had my old
20 car, it had black leather seats, it was July and the air
21 conditioning was, maybe it was just me, but some of my cars AC
22 works but doesn't work in the middle of July as well as it
23 should, it's kind of a losing battle, so it was pretty hot in
24 the car in July, I'm driving some two and a half hours and I
25 have to wake up early and I don't like to wake up early, and

1 I'm not going to make myself breakfast when I wake up that
2 early so I stop at a gas station and I get one of those Kind
3 bars, I don't know if you've all seen those, it's kind of like
4 a sticky granola bar and I like the coconut flavor, it has
5 chocolate chips and coconut and I get a coffee so I can wake up
6 a little since I've got to be up pretty early. So I'm driving,
7 eating my Kind bar, two and a half hours, and I'm feeling good
8 that day because I have a new suit on, I just got the suit a
9 couple weeks beforehand, I got the pants, I guess, hemmed, is
10 the word, so I don't look like MC Hammer, I get the pants
11 hemmed and I just got it back, it's real nice, it's a light
12 gray suit, real light gray, like, almost the color of these
13 walls without the pinkish tint, or whatever that is, so really
14 light gray, not quite white, but definitely very light and it's
15 a little bit linen, and it's striped, and I'm feeling good, so
16 I eat my Kind bar, drink some coffee, walk into court, and this
17 was probably six or seven years ago, I'm feeling good, I got
18 the new suit on, I'm with my client, you know, in Dillon
19 County, not here, but the equivalent of being here, I got
20 everyone behind me, and I actually think Judge Burch was there
21 that day, he probably doesn't remember because it was a while
22 ago, but I'm there and I hear people whispering kind of behind
23 me, and I don't know, maybe I was cockier back then, but I'm
24 like, oh, they like my suit, too, they think I'm doing a good
25 job, I'm feeling good, and the whispers kind of get louder, and

1 I'm like, I don't think my suit's that good, I wonder what's up
2 and so I'm about to start the hearing and a lady bailiff taps
3 my shoulder, and she says, tries to whisper, but it's still a
4 bit loud, she says, you must have sat in something. So I look
5 at my pants, my light gray pants, and all to chocolate chips
6 from my Kind bar in the middle of July on my leather seat had
7 fell off, I'm not the best eater, fell off, and melted, right
8 at the seat of my pants, and all those whispers I heard were
9 people whispering to themselves and laughing at me, rather than
10 noticing what I thought was a very nice suit all they saw was
11 that stain on my rear area, and I looked, I was, like, it's a
12 Kind bar, I'm trying to, you know, and they didn't care, they
13 just still laughed at me, and I went from feeling real great to
14 feeling real low in a quick second, and everyone back then,
15 they were 100 percent sure what had happened, of course that
16 wasn't what happened, I promise, but it reminds me a little bit
17 about this because if you had seen ten seconds or 15 seconds of
18 me in court in front of Judge Burch with my client in Dillon or
19 you're gonna photograph or video, you would say, well, that
20 lawyer, he must have had some issues, he must have ate a bad
21 batch of oysters down in Charleston or something like that, but
22 what really matters is context. It's not just about what you
23 see right away, it's not just about five or ten seconds, it's
24 about what happened before, and that's why it reminds me of
25 this case because there's a video that shows a fight and it

1 shows the end of what was a long, at least months, maybe
2 longer, a long rivalry, a long period of bullying, harassment,
3 threats, trespassing, so much that it was a breaking point.
4 Antonio had stopped going to his mom's house as much. He had
5 moved the place where he did business. He works on cars, he
6 used to do that at his mom's house, couldn't do that anymore,
7 because basically being, for lack of a better word, stalked by
8 someone who wouldn't let him live his life, and what you see is
9 the last five or ten seconds or a little bit longer of a
10 month's long struggle, and what set it off is, not what set it
11 off, but Antonio was trying to buy a drink at the gas station
12 and he sees this man there in a place where he normally doesn't
13 go, and he can't even do that anymore, and then he tries to
14 fight him, and that's the breaking point. This case is about
15 defending himself. It's about self defense, both from getting
16 beat up at the gas station, but mostly from month's long time
17 period, month's long struggle, kind of a month's long regime of
18 terror that he lived under, and had been. He tried everything,
19 he tried no trespassing sign, he tried police involvement, he
20 tried trying to get people to squash it, what other option did
21 he have, can't get to a gas station without physical assault,
22 death threats. I try to think of what else could have
23 happened. No one wants a shooting to happen. I don't think
24 Antonio woke up any day and said, I wish I could shoot that
25 man. If he did he would have done it at his mom's house, if he

1 did he would have done it any number of times. It wasn't a
2 plan. It was being backed into a corner. I don't know what
3 else could have happened. Again, I hate that that happened,
4 Antonio hates that that happened, Lord knows everyone else here
5 hates that that happened, but I honestly think he had no other
6 choice after months of this at his house, mom's house, random
7 places, he had to defend himself, and that's what this case is
8 about, that's what it's all about. So at the end of the day I
9 ask that you review all of the evidence, and there's not much
10 but the evidence they have is a video so I don't know what else
11 you really need, so review that and review the testimony from
12 witnesses, and you'll understand the whole story. It's not
13 just about the last few seconds. When I was growing up I
14 didn't like basketball because my dad would always say, no, you
15 only need to watch the last 30 seconds for basketball to
16 matter, and my whole life I didn't like basketball. In the
17 last few years I started watching, you know, because I thought
18 LeBron might be retiring soon, so I started actually watching
19 it, I like it, I just don't watch just the last 30 seconds, I
20 watch the whole thing because that's what it's about, that's
21 what it's about in this case, the whole story. So at the end
22 of the day, I ask that you review the evidence, understand the
23 whole story, realize that the State has not proven their case,
24 that it was not self defense beyond a reasonable doubt, and
25 understand Antonio's story and find him not guilty of this

1 charge, because he's not guilty. You are allowed to act in
2 self defense in South Carolina if it's warranted, and you'll
3 hear that from the judge at the end of this case, and then
4 you'll decide that he's not guilty. So I thank you for your
5 time, I thank you for your attention, and you will hear from
6 witnesses, and I won't get to speak to you directly until the
7 end of this case, but again, I thank you, and I will talk to
8 you all later.

9 THE COURT: I thank counsel for their opening
10 statements. Madam Solicitor, you may call your first witness.

11 MS. MUNNERLYN: Thank you, Your Honor, I will call
12 Scott Bowen.

13 SCOTT RYAN BOWEN WAS DULY SWORN AT THIS TIME AND
14 TESTIFIED AS FOLLOWS:

15 THE CLERK: If you'll be seated and state your full
16 name for the record.

17 THE WITNESS: Scott Ryan Bowen.

18 DIRECT EXAMINATION

19 BY MS. MUNNERLYN:

20 Q. Good morning.

21 A. Good morning, how are you?

22 Q. Good. Officer Bowen, where are you employed?

23 A. Currently with the City of Bennettsville Police.

24 Q. How many years of law enforcement experience do you
25 have?

1 A. Nine.

2 Q. And do you have any experience at McColl Police
3 Department?

4 A. Yes, I do.

5 Q. How many years were you there?

6 A. I little over two.

7 Q. Were you employed there a back on August 21, 2017?

8 A. Yes, I was.

9 Q. And you were working that night?

10 A. Yes, that is correct.

11 Q. And do you recall a call, a dispatch, for you to respond
12 to 200 North Main Street there in McColl?

13 A. Yes, I do.

14 Q. And what is located at 200 North Main Street in McColl?

15 A. The Stop N Shop Gas Station.

16 Q. And it's also sometimes referred to as "Skeeters," I
17 think?

18 A. That's correct, yes.

19 Q. And it's just a little convenience store, gas station,
20 right?

21 A. That's correct.

22 Q. And it was -- that call came out at about 10:20, or a
23 little after 10:20 that night; isn't that right?

24 A. Around that time frame, yes.

25 Q. Now, do you recall if you were the only one working, or

1 was there anybody else working that night?

2 A. At that time I was the only one on duty.

3 Q. Okay. Alright. And tell us what happened, did you know
4 why you were being dispatched to the store?

5 A. At first it was dispatched as a disturbance or an
6 argument going on at the gas station. As I was just about to
7 pull up the dispatch reiterated that it was now a shooting
8 incident and someone had been shot.

9 Q. Okay. And so tell us when you pulled up what happened.

10 A. As I turned into the parking lot I observed the
11 defendant standing in the parking lot near his vehicle. As I
12 put my patrol car in park and was about to exit, he actually
13 approached the front of my car and placed the weapon, it was a
14 9-millimeter handgun, on the front hood of my car. He had
15 actually taken the magazine out of the gun and the gun was
16 secured. At that time I exited the vehicle and immediately put
17 him in handcuffs for detainment and secured the weapon in my
18 vehicle and also placed him inside my patrol car.

19 Q. And did you know the defendant, Antonio Anderson?

20 A. I had saw him around just from being from McColl.

21 Q. But you knew who he was?

22 A. Yes.

23 Q. And you immediately cuffed him and put him in your front
24 seat of your car, I believe?

25 A. I believe so, yes.

1 MS. MUNNERLYN: Your Honor, I want to go ahead and
2 put on the record that we have already stipulated to eight
3 items of evidence that are already in evidence at this point.
4 Those are items one through eight, and so I'm going to
5 reference some of those now.

6 **(State's Exhibits 1, 2, 3, 4, 5, 6, 7 & 8 were marked**
7 **for identification and admitted into evidence.)**

8 THE COURT: Alright.

9 MR. SMALDONE: That does reflect for it, yes, sir.

10 THE COURT: Sheriff, we have been instructed to
11 follow that you double check that weapon and make sure it is
12 not loaded.

13 THE WITNESS: It's clear, Your Honor, yes, sir.

14 THE COURT: Thank you. Madam, Solicitor?

15 MS. MUNNERLYN: Thank you, Your Honor. And I did
16 have them put the lock on it, that is, of course, added by us.

17 THE COURT: Thank you.

18 BY MS. MUNNERLYN:

19 Q. Okay. I want to show you what's in evidence now,
20 State's Exhibit 4. Do you recognize that?

21 A. Yes, I do.

22 Q. And I also want to show you State's Exhibit 5. Do you
23 recognize those two items?

24 A. Yes, I do.

25 Q. From where do you recognize those?

1 A. That was the weapon and the magazine that the defendant
2 placed on the hood of my patrol car.

3 Q. But now this lock was not on it to at that time,
4 correct?

5 A. That's correct.

6 Q. And it was not pulled back like that, it was in its
7 regular position?

8 A. Yes, but the magazine was out of the gun.

9 Q. And the magazine, I believe, has three bullets in it?

10 A. Yes.

11 Q. So they were separate?

12 A. Yes, that's correct.

13 Q. When he placed them into --

14 A. Onto the hood of my car.

15 Q. Alright. And then separately there were two other
16 items, there was a casing that was found which has been marked
17 as State's Exhibit 6 and a partial projectile that was found in
18 the parking lot, that's State's Exhibit 7; is that right?

19 A. Yes, that's correct.

20 Q. And those were collected that night, as well?

21 A. Yes, that's correct.

22 Q. Now, once you had placed the defendant in your patrol
23 vehicle did you see the victim?

24 A. I could see him inside of the gas station.

25 Q. Okay. So he was actually inside the store at that

1 point?

2 A. That's correct.

3 Q. Did you go in to check on him?

4 A. Yes. Once I placed the defendant in handcuffs and my
5 patrol car, secured the weapon and then I went inside the gas
6 station to check on the victim, and I observed him having one
7 gunshot wound to the chest area, and I immediately radioed to
8 dispatch to have EMS respond a little quicker or as quickly as
9 possible.

10 Q. And it was a few minutes later, though, in the ambulance
11 ride?

12 A. That's correct, yes.

13 Q. And they transported the victim to the hospital at that
14 point?

15 A. I believe they flew him out on a helicopter, if I
16 remember correctly.

17 Q. When you saw him in the store did you at any point see a
18 weapon in his possession?

19 A. No, not at all.

20 Q. Any gun, any knife, anything that could be used as a
21 weapon?

22 A. No.

23 Q. And did you take any -- did you do anything else with
24 regard to this case, did you take any statements or anything of
25 that nature?

1 A. No, I didn't.

2 Q. Was that then the end of your involvement once that call
3 ended?

4 A. The only thing I did after that, I transported the
5 defendant to the McColl Police Department for -- it was, me --
6 or Terry Freeman was another officer, but after that that was
7 my only involvement.

8 Q. So the defendant was transported to the police
9 department to be interviewed there?

10 A. That's correct.

11 Q. That was by someone else, not you?

12 A. Yes.

13 Q. In this store that's located at 200 North Main Street in
14 McColl, that is in Marlboro County, correct?

15 A. That is correct.

16 MS. MUNNERLYN: That's all the questions I have for
17 you. If you would please answer any questions that Mr.
18 Smaldone has.

19 THE WITNESS: Yes, ma'am.

20 **CROSS-EXAMINATION**

21 BY MR. SMALDONE:

22 Q. Good morning.

23 A. Good morning, sir.

24 Q. Okay. So you were the first responder to the scene,
25 correct?

1 A. Yes, that's correct.

2 Q. And you saw Alonzo inside, right?

3 A. That's correct.

4 Q. And you saw Antonio outside?

5 A. That's correct.

6 Q. And you say he, when you arrived he put the gun on your
7 patrol car?

8 A. That's correct, yes.

9 Q. Did you tell him to do that?

10 A. No, I didn't.

11 Q. Did he do it in a threatening manner, or what was his
12 demeanor?

13 A. No, not at all. He wasn't threatening me in any way.

14 Q. Okay. So he did it, would you think that he did it
15 probably out of safety reasons?

16 A. Yes, absolutely.

17 Q. Were his hands up?

18 A. He did put his hands up after he placed the weapon down.

19 Q. And did he give any kind of statement to you?

20 A. No, sir.

21 Q. And you were the one that recovered the weapon?

22 A. Yes, that's correct.

23 Q. And did you find the -- you were the one that found the
24 projectile, too?

25 A. Yes, that's correct.

1 Q. And then you turned them over to evidence?

2 A. That's correct.

3 MR. SMALDONE: No further questions.

4 THE COURT: Anything else?

5 MS. MUNNERLYN: No, Your Honor.

6 THE COURT: You may step down. Thank you.

7 MS. MUNNERLYN: Your Honor, I would ask that this
8 witness be excused.

9 MR. SMALDONE: No problem from defense.

10 THE COURT: Witness is excused.

11 MS. MUNNERLYN: Your Honor, next I will call Kimberly
12 Williams.

13 THE COURT: Turn around and be sworn, please, ma'am.

14 **KIMBERLY WILLIAMS WAS DULY SWORN AT THIS TIME AND**
15 **TESTIFIED AS FOLLOWS:**

16 THE CLERK: Please be seated and state your full name
17 for the record.

18 THE WITNESS: Kimberly Marie Williams.

19 **DIRECT EXAMINATION**

20 BY MS. MUNNERLYN:

21 Q. Do you go by Kim or Kimberly?

22 A. Kim.

23 Q. Kim, where do you work?

24 A. I work at the Stop N Shop.

25 Q. Okay. You work as a clerk there at the Stop N Shop?

1 A. Yes, ma'am. I do both cook and clerk sometimes.

2 Q. Okay. And were you working there back on August 21,
3 2017?

4 A. Yes, ma'am, I was.

5 Q. Now, how long have you -- well, are you from McColl?

6 A. Yes, ma'am.

7 Q. You've lived there all your life?

8 A. Yes, ma'am.

9 Q. And so do you know the defendant, Antonio Anderson?

10 A. I do know him.

11 Q. How do you know him?

12 A. Just like from living in McColl and his X old lady,
13 she's my son's family, and I just know him by that, that's all.

14 Q. Okay. And you're not, are you socially involved with
15 him, you do go out and see him and stuff like that?

16 A. No, ma'am.

17 Q. But you see him when you're at work?

18 A. Yeah.

19 Q. Well, let's go to the -- well, let me ask you this, did
20 you know Alonzo Lampkin?

21 A. I didn't know him.

22 Q. Okay. You weren't really familiar with him?

23 A. No, ma'am.

24 Q. Were you working on the night of August 21, 2017?

25 A. I was.

1 Q. And what were you doing that night, were you running the
2 cash register or cooking?

3 A. Running the cash register.

4 Q. And do you recall when -- did Antonio come in the store
5 that day?

6 A. He did. He came in earlier and got some food.

7 Q. He actually came multiple times that day, didn't he?

8 A. Yes, ma'am.

9 Q. And you remembered seeing him?

10 A. Uh-huh.

11 Q. And now, when he came in the last time when this
12 incident happened, do you remember what he came in to buy?

13 A. He came in, he got a Minute Made juice and a bag of
14 chips.

15 Q. And he came to the counter to pay for it where you were?

16 A. Yes, ma'am.

17 Q. And do you remember what happened next?

18 A. I remember Alonzo coming in the store and it just went
19 from there. I don't know who said what first or nothing, I
20 just know they started arguing.

21 Q. And then when they started arguing, what happened?

22 A. I called May from the back to come and try to calm them
23 down and get them out of the store.

24 Q. Who is May?

25 A. May is my coworker, she was my coworker.

1 Q. And she was in the back cooking --

2 A. Yes, ma'am.

3 Q. -- or cleaning up?

4 A. Yes, ma'am.

5 Q. And so what did you do at that point?

6 A. I was just standing there, and then I called May, and
7 like I said, she came up and then as soon as she came in and
8 she got in between them and got him to go outside.

9 Q. Got who to go outside?

10 A. Alonzo.

11 Q. Alonzo?

12 A. Uh-huh.

13 Q. Okay. So she and Alonzo exited the store?

14 A. Yes, ma'am.

15 Q. And what did Antonio do at that point?

16 A. He proceeded to pay for his stuff and then he left out.

17 Q. And you continued to watch them even after they left
18 out?

19 A. Yes, ma'am.

20 Q. And did you see what happened outside, you could see
21 through the window, the confrontation?

22 A. Yeah, I could see them, you know, like, going around in
23 circles and stuff, nobody never punched each other or anything,
24 and then that happened.

25 Q. Okay. Nobody actually -- no punches actually got

1 delivered to the other party?

2 A. No.

3 Q. So then, you know, there was never any actual contact
4 made when those punches were thrown?

5 A. No, ma'am.

6 Q. And do you remember, and you said that that's what
7 happened, what happened?

8 A. He shot him.

9 Q. Who shot who?

10 A. Antonio shot Alonzo.

11 Q. And do you remember how many shots you heard?

12 A. I just heard one shot.

13 Q. Okay. And once you heard the shot what did you do?

14 A. I took off running and hollered for May Helm (phonetic.)

15 Q. And you were trying to deescalate the situation?

16 A. Yeah, I had asked Antonio to go home, to just go home
17 before all that happened but --

18 Q. But he didn't go home, did he?

19 A. No, ma'am.

20 Q. And you had an opportunity to view the video footage,
21 have you not?

22 A. Yes, ma'am.

23 Q. And it does accurately reflect what happened that night,
24 doesn't it?

25 A. Yes, ma'am.

1 MS. MUNNERLYN: Your Honor, I'd like to publish
2 pictures of that video at this time. I think it's already in
3 evidence as State's Exhibit 8.

4 THE COURT: Alright.

5 BY MS. MUNNERLYN:

6 Q. Now, before she starts that, do you see yourself in this
7 video?

8 A. Yes, ma'am.

9 Q. Where are you?

10 A. I'm right here at the cash register right here.

11 Q. And if you can kind of explain to us the layout of the
12 store there.

13 A. What do you mean the layout?

14 Q. The door, where is the door?

15 A. The door is located right here in the corner right here.

16 Q. And the parking lot is right out in front of that door?

17 A. Outside of the door, yes, ma'am.

18 Q. Is that the only door in and out the front of the store?

19 A. Yes, ma'am.

20 Q. And over to the left are the refrigerators where the
21 drinks are?

22 A. Yeah, over on that side there.

23 Q. Now, in this video who is the video there to the far
24 left, and if you need to stand up to point that out?

25 A. That's Antonio over here (indicating.)

1 Q. Okay. So in the white tank top there, that's Antonio?

2 A. Yes, ma'am.

3 Q. Okay.

4 MS. MUNNERLYN: Go ahead and play it. Stop. Hold on
5 just a minute.

6 (video playing.)

7 Q. Who was the individual coming in the blue shorts and the
8 white tank top?

9 A. That's Alonzo.

10 MS. MUNNERLYN: Is the sound all the way up? Go back
11 to where that starts. Yes, that's good.

12 (Video playing.)

13 Q. The female that just came in, who was that?

14 A. That's Sara Milligan.

15 MS. MUNNERLYN: Go ahead.

16 (Video playing.)

17 MS. MUNNERLYN: Okay. Pause for just a minute.

18 Q. So she just came in and got your phone?

19 A. The store phone.

20 Q. The store phone to call 911?

21 A. Yes, ma'am.

22 Q. Okay.

23 MS. MUNNERLYN: Play on. Okay. Stop right there.

24 Q. That individual who just came in, that was the police
25 Officer Bowen?

1 A. Scott Bowen.

2 MS. MUNNERLYN: We're going to stop right here. If
3 you'll go to channel 11, the fourth file.

4 Q. This is the front of the store?

5 A. Yes, ma'am.

6 Q. So there's the victim and his girlfriend coming out.

7 THE COURT: Can you see?

8 THE WITNESS: Yes, sir.

9 MS. MUNNERLYN: Pause it right there.

10 Q. What did he just do? You saw him, what did Antonio just
11 do?

12 A. I thought at the time he was just putting his stuff in
13 the car that he just got.

14 Q. But you saw him cock the gun?

15 A. Yeah, when I seen that, yeah, I realized, yeah, I seen
16 him cock the gun, yeah.

17 Q. Alright.

18 MS. MUNNERLYN: Now, go to shots fired, just the
19 shots fired, and then we'll do shots fired, too.

20 Q. What just happened right there?

21 A. He shot him, Antonio shot Alonzo.

22 (video playing)

23 Q. Okay. Alright, now, Antonio remained there until Scotty
24 Bowen arrived?

25 A. Yes, ma'am.

1 Q. But he remained outside his vehicle?

2 A. Yes, ma'am.

3 Q. And you were there with the victim and the children and
4 his girlfriend until the ambulance arrived?

5 A. Yes, ma'am.

6 Q. And then they transported the victim to the hospital?

7 A. Yes, ma'am.

8 Q. Now, did you ever see the victim, Alonzo Lampkin with a
9 weapon?

10 A. No, I didn't.

11 Q. And so when Antonio came into the store did you see
12 whether or not he had a gun on him then?

13 A. I didn't see any guns on either one of them inside the
14 store.

15 Q. Not inside the store?

16 A. No, ma'am.

17 Q. Do you know what the disagreement between the defendant
18 and the victim, Alonzo Lampkin was about?

19 A. I really don't know.

20 Q. But they were arguing about something?

21 A. Yes, ma'am.

22 Q. Obviously had a disagreement about something?

23 A. Yes, ma'am.

24 MS. MUNNERLYN: Court's indulgence just one moment.

25 Q. Now, in the video in the first video we were watching,

1 you state you told May, oh, he just cocked it, so you saw him
2 cock it?

3 A. I did.

4 Q. And then that's when you saw him go around the vehicle?

5 A. I think so, I think so.

6 Q. But then he put the gun back in -- then you stated he
7 put the gun back in the car --

8 A. Yes, ma'am.

9 Q. -- and then got it out a second time before the
10 shooting?

11 A. Yes, ma'am.

12 MS. MUNNERLYN: Those are all the questions I have
13 for you. If you would answer any questions that Mr. Smaldone
14 has.

15 MR. SMALDONE: Just one or two, actually.

16 **CROSS-EXAMINATION**

17 BY MR. SMALDONE:

18 Q. You said Antonio came in there pretty frequently?

19 A. Yeah, he was there every day close to.

20 Q. What kind of stuff would he buy?

21 A. Juices, chips, food, I could cook food and all that and
22 he came in earlier and got some food and I seen him every day.

23 Q. So he lived around McColl?

24 A. Yeah, at the time he did, yes, sir.

25 Q. When this happened, I mean, you saw it on the video, but

1 when this happened were those the only two cars in the parking
2 lot?

3 A. Yes, sir.

4 MR. SMALDONE: The Court's indulgence? No further
5 questions.

6 THE COURT: Anything further, Solicitor?

7 MS. MUNNERLYN: No, Your Honor. I would ask that
8 this witness be excused at this time.

9 THE COURT: You may step down. You're excused if you
10 so desire.

11 THE WITNESS: Thank you.

12 MS. MUNNERLYN: Your Honor, our next witness would be
13 Sara Milligan.

14 **SARA J. MILLIGAN WAS DULY SWORN AT THIS TIME AND**
15 **TESTIFIED AS FOLLOWS:**

16 THE CLERK: Please be seated and state your full name
17 for the record.

18 THE WITNESS: Sara J. Milligan.

19 MS. MUNNERLYN: Court's indulgence just one moment.

20 **DIRECT EXAMINATION**

21 BY MS. MUNNERLYN:

22 Q. State your full name for the record.

23 A. Sara J. Milligan.

24 Q. I need you speak up real loud so everybody can hear what
25 you're saying, okay?

1 A. Okay.

2 Q. And if you need to pull that microphone down a little
3 bit toward you, you can. Okay?

4 A. Yes, Sara J. Milligan.

5 Q. Sara, how did you know Alonzo Lampkin?

6 A. I met him at the Ashlyn Apartments in McColl when he was
7 with his girlfriend.

8 Q. When he was with who?

9 A. Jennifer Roller.

10 Q. When he was still with Jennifer Roller. And how did you
11 get to know him?

12 A. He was like apartment beside each other from Courtney
13 Freeman, and just one day he came out Jennifer's apartment,
14 which he never did, but one night he came out and we just
15 started talking.

16 Q. And ultimately, a relationship developed between you and
17 he?

18 A. It was more like a friendship to talk and then things
19 just got more than that.

20 Q. So initially you all were friends?

21 A. Uh-huh.

22 Q. And then that changed?

23 A. Yeah.

24 Q. And you all became boyfriend and girlfriend?

25 A. Yeah, because he moved back with his mama.

1 Q. And do you know about when all that was?

2 A. It was summer, June, I don't know.

3 Q. June of 2017?

4 A. Yes, ma'am.

5 Q. A couple months before this happened?

6 A. Yes, ma'am.

7 Q. And at some point did you and he start living together?

8 A. Yes, ma'am. I'll say, maybe a week, maybe a week and a
9 half after, I'm not sure, that was about six years ago, I can't
10 remember exactly how long.

11 Q. When this happened you all had been living together for
12 a week or two, is that what you're saying?

13 A. After we met it was a couple days, maybe a week when we,
14 like, moved in together.

15 Q. Okay. So when this happened you all had been together a
16 month or two?

17 A. Yes, ma'am. Basically, close to two months, probably
18 going into three months.

19 Q. And did you know the defendant, Antonio Anderson?

20 A. Yes, ma'am.

21 Q. How did you know him?

22 A. I met him through my friend, Courtney Freeman. He would
23 work on our cars, so when she'd go, I go, you know, so it
24 wasn't hard to, you know, that -- you know, two friends going
25 to somebody's house, of course, she would tell me who he is or

1 stuff like that.

2 Q. Okay. Alright. And so how well did you know him?

3 A. Well, I didn't know him well. I didn't know who he was
4 like that or what he was capable of or not even the whole
5 situation of what was going on.

6 Q. Okay. So tell us, there was something that happened,
7 though, when you went to over to Alonzo's mother's house one
8 weekend, isn't there?

9 A. Uh-huh.

10 Q. So tell us about that now. I need you speak up real
11 loud and clear. Okay?

12 A. Okay.

13 Q. When you all went there, who all went?

14 A. It was me, Courtney Freeman and Alonzo.

15 Q. You, Courtney Freeman and Alonzo?

16 A. Yes, ma'am.

17 Q. You went to Alonzo's mother's house?

18 A. Yes, ma'am.

19 Q. And she was living over, sort of behind you, isn't that
20 kind of where it is?

21 A. Yes, ma'am.

22 Q. And what were you all doing there?

23 A. If I'm not mistaken, I think she was taking him home.

24 Q. Who is "she?"

25 A. Courtney Freeman.

1 Q. Was taking who home?

2 A. Alonzo.

3 Q. And you were just riding along?

4 A. Uh-huh.

5 Q. And when you got there what did you all do?

6 A. We were sitting in his mama's backyard just talking.

7 Q. Okay. And what, if anything, happened?

8 A. Ma'am?

9 Q. What happened?

10 A. The most I remember is we were sitting back there, and
11 all I know is Antonio came up with his gun.

12 Q. Antonio came up with what?

13 A. His gun.

14 Q. His gun?

15 A. Yes, ma'am.

16 Q. Where was Antonio?

17 A. He was at his mama's house and I guess in the backyard,
18 I'm not sure.

19 Q. And that backyard sort of runs and meets --

20 A. Yes, ma'am.

21 Q. Where you all were?

22 A. Yes, ma'am.

23 Q. So he was just -- about how far from you all was he?

24 A. Probably from me to you, like how their backyards are.

25 Q. And so did he just start talking to you or was he

1 talking to one of you?

2 A. No. The only thing I can remember is that I just hear
3 him start fussing.

4 Q. Who started fussing?

5 A. Antonio. And the only thing that I remember is when he
6 cocked the gun and pointed it at him, and that's when Antonio's
7 mom and came and took him and made him leave.

8 Q. So who cocked the gun and pointed it?

9 A. Antonio cocked it and pointed it at Alonzo.

10 Q. And this was during the midst of a disagreement they
11 were having?

12 A. I'm not sure. I just know that we were just pulling up
13 to take him home and we sat there for a minute, because I
14 didn't have transportation to go back to see him if I wanted to
15 see him.

16 Q. So you all just sat there in the yard and talked for a
17 while?

18 A. Yes, ma'am.

19 Q. And that's when this happened?

20 A. Yes, ma'am.

21 Q. And you said Antonio's mother came out?

22 A. Yes, ma'am. After Antonio came with the gun and pointed
23 it at Alonzo she came out to get him to leave.

24 Q. And he left?

25 A. Yeah. He left and he said that he was going to go to

1 the apartments to tell Jennifer that Courtney took me over
2 there and that we were over there and that moments later she
3 was calling asking questions, Jennifer Roller.

4 Q. Jennifer Roller was calling asking questions. Now, why
5 was that even an issue?

6 A. I'm not sure. I guess he wanted to start drama. He
7 wanted to start problems.

8 Q. Do you know what Antonio's relationship had been with
9 Jennifer?

10 A. When I met Zo?

11 Q. Now, who is Zo?

12 A. Alonzo.

13 Q. Okay.

14 A. We talked about things. Like, he would tell me what
15 happened with Jennifer Roller and about someone telling him
16 that Antonio and Jennifer had some kind of sexual reactions
17 together while he was gone and that he didn't think that was
18 okay because that was his friend and he looked at him like a
19 friend and he was the same friend that picked his mama up to
20 bring him to the jail to pick him up when he was released from
21 jail.

22 Q. Okay. So he thought he was a friend and yet he was
23 having sex with his girlfriend, basically --

24 A. Yes, ma'am.

25 Q. -- while he was not here?

1 A. Yes, ma'am.

2 Q. And you think that's what it was about?

3 A. Honestly, yes, ma'am, because I felt like he just felt
4 the disrespect from that, because if you look at somebody as
5 your friend, that's not what friends do.

6 Q. Okay. Well, let's fast forward then. So when did that
7 incident at Alonzo's mother's house, when did that take place
8 with regard to the shooting incident?

9 A. I would say maybe two weeks after, I'm not 100 percent
10 sure, I can't remember exactly when it happened.

11 Q. So there was a little time passed between that incident
12 and when you went to the store in August?

13 A. Yes, ma'am.

14 Q. So let's fast forward to the incident on August 21,
15 2017.

16 A. Yes, ma'am.

17 Q. That night, a little after 10:00, 10:20, you and Alonzo
18 went and stopped by the Stop N Shop?

19 A. Yes, ma'am.

20 Q. Why were you all going there? Why were you all in
21 McColl, do you remember?

22 A. Yes, ma'am. My mom was down there with a friend of hers
23 and she asked me if I would come pick her up, and I told her,
24 yes, I would. We needed something from the store, but I was
25 pregnant with his child.

1 Q. You were pregnant with whose child?

2 A. Alonzo's, and I didn't want to go by myself.

3 Q. You didn't want to go to --

4 A. To the store by myself.

5 Q. -- to the store by yourself?

6 A. To pick up my mama, yeah.

7 Q. So you and Alonzo and the three children went?

8 A. Yes, ma'am.

9 Q. And tell us what store you went to.

10 A. We went to the Stop N Shop, but it was Skeeters, I
11 think, the name of it, but I'm not sure if they changed the
12 name, then but it's the Stop N Shop now.

13 Q. It used to be called Skeeters, but they also call it
14 Stop N Shop?

15 A. Yes, ma'am.

16 Q. And it's on North Main Street there in McColl?

17 A. Yes, ma'am.

18 Q. So when you pulled up in the parking lot did you notice
19 anything immediately?

20 A. Yeah. I noticed that Antonio was there.

21 Q. And so what did you do, anything?

22 A. We just said, go in the store because it's public. Who
23 would know that he would do something like that, you know, in
24 public, so I thought it was safe to do so.

25 Q. And so who went in the store?

1 A. Alonzo went in the store.

2 Q. And you sat and you waited in the car?

3 A. Yes, ma'am, with the kids.

4 Q. And what happened?

5 A. I looked inside the store and I seen them about to
6 fight, or I seen them circling.

7 Q. You got to tell us who you saw.

8 A. Okay. I seen Antonio and Alonzo about to fight in the
9 store.

10 Q. And so what did you do?

11 A. I told my kids, I said, sit here, I'll be right back, so
12 I went in the store to get Alonzo out to put him in my car so
13 we could go get my mama and we could go home.

14 Q. And you were able to get him out of the store?

15 A. Yes, ma'am.

16 Q. And when you went back out in the parking lot, tell us
17 what happened.

18 A. Okay. We was going to the car and I remember him
19 opening the door, Antonio, I meant -- Alonzo opening the door,
20 he was getting in the car.

21 Q. He was getting in you all's car?

22 A. Yeah. And I remember Antonio come out the door still
23 saying something, and all I remember is he was getting back out
24 the car, like, getting his leg back out and he put in the car
25 to go, and I just remember the sounds and trying to get them to

1 stop.

2 Q. You remember what? You just remember what? The sound?

3 A. Yeah.

4 Q. The sound of what?

5 A. Of them going in circles wanting to fight and arguing
6 and I just tried to get in between them.

7 Q. Okay. So let's go back. When Antonio first came out of
8 the store and went to his car the first time, did you see the
9 gun then?

10 A. No, ma'am.

11 Q. When he went around the car and approached Alonzo when
12 Alonzo was still about to get in the car, did you see the gun
13 then?

14 A. No, ma'am.

15 Q. When did you go in to get the phone to call 911?

16 A. I went in to get the phone as soon as they started going
17 into circles again to fight, or whatever it was they were
18 doing, because I was just one person, I was pregnant with three
19 kids.

20 Q. So you went in and got the phone --

21 A. Yes, ma'am.

22 Q. And you called 911?

23 A. Yes, ma'am.

24 Q. And you were on the phone with 911 the entire time?

25 A. Yes, ma'am.

1 Q. So when you went in and got the phone and you came back
2 out, what did you do?

3 A. They was still going in circles and Antonio and Alonzo
4 were going in circles to fight, I guess, and I got in between
5 them, because I was ready to go, I had my kids and that's what
6 I wanted to do, just go get my mama and go home.

7 Q. So you said they were going in circles?

8 A. Yeah.

9 Q. Were they swinging at each other?

10 A. Yeah, they were.

11 Q. Did any of them ever deliver any blood to the other?

12 A. No, ma'am, not that I recall.

13 Q. And so what happened next?

14 A. So all I remember, I was telling them to call and send
15 the police to help me, and all I remember is I was yelling on
16 the phone and I heard a shot in my ear and I didn't hear
17 anything but a loud little noise, like I couldn't even hear out
18 of my ear, and immediately I seen my baby, so I grabbed my
19 baby.

20 Q. Your baby?

21 A. Yes, ma'am.

22 Q. Now, how old was your baby?

23 A. He had just turned three.

24 Q. And where was he?

25 A. He was in the car, but he somehow got out and he was

1 right there with me and Alonzo.

2 Q. So he was right there where you and Alonzo were
3 standing?

4 A. Yes, ma'am.

5 Q. When the shot was fired?

6 A. Yes, ma'am, as soon as the shot was fired that's all I
7 could see is my baby.

8 Q. But you're still on the phone with 911?

9 A. Yes, ma'am.

10 Q. And did you realize what had just happened?

11 A. No. I seen blood, but I seen nobody else but the blood
12 and my child and I seen blood on the concrete by my car.

13 Q. So what did you do?

14 A. I went to get the kids out of the car to take them
15 inside the store.

16 Q. And you told them to send the ambulance?

17 A. Yes, ma'am.

18 Q. And the ambulance did ultimately come?

19 A. Yeah, after a little while they came.

20 Q. Scotty Bowen from the McColl Police Department arrived
21 first, right?

22 A. Yes, ma'am.

23 Q. Now, while Alonzo was still at the store he was still
24 talking to you all, correct?

25 A. Yes, ma'am.

1 Q. And what, if anything, was he saying?

2 A. All I remember is he was just saying, I can't breathe,
3 help me, I can't breathe.

4 Q. Did Alonzo have a weapon at any point that night?

5 A. No, ma'am, he didn't.

6 Q. Did you all have a gun in the car?

7 A. No, ma'am, our car was searched, no weapon was found.

8 Q. Are you even aware of whether or not Alonzo had a gun?

9 A. No, ma'am. As far as when he was with me, he had no
10 weapon at all, but he did can say once he needed a weapon to
11 protect himself, and I'm, like, from what, and he said from
12 Antonio, and I told him I don't think that's necessary, because
13 he was at your mama's house and he pulled a gun out on you in
14 the backyard and he did nothing so I feel like, you know, he
15 shouldn't have feared for his life.

16 Q. But he was living with you at this time?

17 A. Yes, ma'am, and we had our differences because I was
18 pregnant, you know, so we would fuss and argue sometimes and he
19 would go to his mama's house, but we'd be on the phone all day
20 all night. It wasn't like, if the phone dies we have it
21 plugged up.

22 Q. But he didn't have a weapon at your house?

23 A. No, ma'am.

24 Q. And you never saw him with a weapon?

25 A. No, ma'am.

1 Q. And that night did you ever see anything in his hands?

2 A. No, ma'am.

3 Q. Anything other than that, like a knife, stick or
4 anything like that?

5 A. Nothing at all.

6 Q. So when he was swinging, what was he swinging?

7 A. With his hands.

8 Q. And how many shots did you hear?

9 A. Just one.

10 Q. And the children were okay?

11 A. Yes, ma'am. I mean, they were screaming and scared, but
12 no one was harmed.

13 MS. MUNNERLYN: Court's indulgence just one moment.
14 That's all the questions I have at this time. If you answer
15 any questions that Mr. Smaldone has.

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Does anyone need a brief recess? Okay.
18 Let's take ten minutes, if you could stay right there. We'll
19 be in recess for about ten minutes. You can't talk to anybody
20 during the recess. Okay? You can get up and stretch. Don't
21 discuss anything.

22 THE WITNESS: I won't.

23 THE COURT: Let's take about ten.

24 (Recess taken.)

25

1 CROSS-EXAMINATION

2 BY MR. SMALDONE:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. So is your testimony that you saw, how many altercations
6 before this night between Lorenzo and Antonio?

7 A. One.

8 Q. And what happened there?

9 A. Just when we were outside and he pulled out the gun on
10 him.

11 Q. Did he say anything?

12 A. I don't know.

13 Q. So what do you mean you were outside? Where were you
14 outside?

15 A. In Alonzo's mom's backyard.

16 Q. And what were you all doing?

17 A. We were just talking before I go home.

18 Q. And were you all sitting down, laying down, standing up?

19 A. I can't remember.

20 Q. And so when he went -- it's your testimony that when you
21 all were outside there Antonio just came right outside and had
22 a gun?

23 A. I'm not sure if that's exactly how it came about. All I
24 remember is we were there and I remember he was yelling from
25 across the yard, and then he just came across the yard with the

1 gun and he pointed it at him. That's all I remember.

2 Q. He didn't shoot it?

3 A. No, sir.

4 Q. What did Lorenzo do, just ran away?

5 A. Alonzo?

6 Q. I'm sorry, what did Alonzo do?

7 A. I think he may have picked up, like, a brick or
8 something to protect himself from him. I can't remember, that
9 was way, like, six years ago, I can't remember everything.

10 Q. Okay. Do you remember talking to Robbie Tryon shortly
11 after this?

12 A. Yes, sir.

13 Q. Do you remember telling him that Lorenzo --

14 A. Alonzo?

15 Q. Sorry -- Alonzo picked up a brick before this?

16 A. Yes, sir.

17 Q. Before this?

18 A. Yes, sir.

19 Q. Now you remember saying that?

20 A. Yes, sir. But that would be self defense because he was
21 going to protect himself from being killed.

22 Q. So your testimony is that before. Sorry. Your
23 testimony is that after there's a gun on him he picks up a
24 brick?

25 A. If I wasn't mistaken, I think that's how it went.

1 Q. If you're not mistaken?

2 A. Yeah, I'm not 100 percent sure. I've been traumatized
3 from seeing a gunshot and my kids have been traumatized. I
4 can't exactly tell you how that day went, I just remember that,
5 yes, it was an altercation where he did so pull out a gun.
6 Alonzo didn't do anything, he did get in his car and he did
7 leave.

8 Q. So now you remember that he had a brick and he
9 threatened Antonio with it?

10 A. I wouldn't really, what you're saying, threaten him?

11 Q. What did he pick up a brick for?

12 A. Because if someone comes to you with a gun pointed at
13 you, I would feel like, you know, he had a right to protect
14 himself from someone shooting a gun at him.

15 Q. Right. There's a gun on him so rather than back away,
16 run away, he gets a brick?

17 A. I couldn't tell you because I've never had a gun pointed
18 at me so I have no idea how people react to different things.

19 Q. So you were but you say you didn't have the gun pointed
20 at you?

21 A. No. It was not pointed at me, it was pointed at Alonzo,
22 not me.

23 Q. But you all were sitting together?

24 A. He was across me. We weren't sitting, like, I'm sitting
25 in the same chair as him.

1 Q. So were you sitting or standing?

2 A. I don't remember.

3 Q. And you said he didn't have -- Alonzo did not have a gun
4 the night in question, right?

5 A. Do you mean, like, when it happened at the store?

6 Q. At the gas station, no gun, right?

7 A. No, sir.

8 Q. And you said he did not have any guns around him?

9 A. No, sir, not that I recall. He did say that he wanted a
10 gun to protect his self from him, but I felt like it was no
11 need because I didn't think that Antonio would do such a thing.
12 You know, just like that night at the store I didn't think he
13 would actually pull a gun out twice or actually shoot someone
14 in the eyes of me and my child standing next to Alonzo.

15 Q. So you never saw Alonzo with guns?

16 A. No, I surely didn't.

17 Q. Okay. And you were on social media in 2017, correct?

18 A. Sure.

19 Q. Does this picture look familiar?

20 MR. SMALDONE: May I approach?

21 Q. Alonzo?

22 MS. MUNNERLYN: I'm sorry, can I see?

23 MR. SMALDONE: I'm sorry. (indicating.)

24 BY MR. SMALDONE:

25 Q. Did Alonzo post a picture of this, what seems to be an

1 assault rifle, two pistols and several --

2 MS. MUNNERLYN: Your Honor, I'm going to object. I
3 don't think this has any --

4 A. Well, I can answer that. No, I never --

5 THE COURT: Wait a minute, wait a minute.

6 A. -- seen that, you know.

7 MS. MUNNERLYN: I don't know where this picture came
8 from, I don't know if it was ever posted on anything, this is
9 the first time I've ever seen it, so I would object, I don't
10 know what this has --

11 A. After the fact happened my car was stuck in McColl once
12 and my car was broken into and Alonzo's phone, it was a gold
13 phone, it was in many my glove department and once my car was
14 stuck in McColl someone that broke into it, stole his phone,
15 stole my -- so anyone could have posted that picture.

16 MR. SMALDONE: Well, I think we're past it, but I'll
17 let Your Honor rule.

18 MS. MUNNERLYN: I would just object to the relevance.
19 I mean, I don't even know where this is posted or on whose
20 account or anything. He's just asking an open-ended question.

21 THE COURT: Part of it was answered before I could
22 even rule. I'm going to overrule the objection at this point,
23 but I think you need to develop a little more.

24 MR. SMALDONE: I'm going to.

25 Q. So alright. I don't know where I finished so I might

1 repeat myself, I'm sorry.

2 A. That's alright.

3 Q. We've got two pistols, an assault rifle, what looks like
4 a long gun, it might be a Carbine, some ammunition, things of
5 that nature, and that's on Alonzo's Facebook page, correct?

6 A. I'm not sure.

7 Q. You're not sure?

8 A. No. I've never seen that picture. I've never those
9 guns.

10 Q. What's your social media Facebook account under? What's
11 your Facebook account name?

12 A. What you mean?

13 Q. Are you on social media?

14 A. Uh-huh.

15 Q. Okay. Do you go on social media, are you Say Say
16 (phonetic)?

17 A. Uh-huh.

18 Q. Do you see this picture?

19 A. Uh-huh.

20 Q. Right. And that's the same picture we just talked
21 about? When I press the heart button, is that you that hearted
22 that picture?

23 A. I mean, it could have been, it could not have been,
24 somebody could have made a page just like that.

25 Q. Do you want to go through the page under oath?

1 A. I just actually never seen that picture. I don't know
2 about that picture. It's been close to six years, I done had
3 his child, I carried it by myself, I don't recognize that
4 picture. Maybe I misclicked it, maybe I did heart it, or
5 maybe, you know, I don't remember. I don't remember a lot of
6 stuff that happened because it happened fast.

7 MS. MUNNERLYN: Your Honor, it is what it is, she's
8 answered the question, she doesn't remember.

9 THE COURT: I'll have to sustain the objection now.
10 She says she doesn't remember. You may get it in through
11 somebody else, but she says she doesn't know.

12 MR. SMALDONE: Okay. Beg the Court's indulgence.
13 Let me find one thing.

14 Q. I just want to make sure we're all on the same page.
15 You would say that your Facebook account did a heart, a love,
16 on that picture, correct?

17 A. I can't answer something I'm not sure of.

18 Q. Well, no, when you go online you do it again. I'm not
19 saying you hearted it, I'm saying that your Facebook account is
20 showing up --

21 A. But did you pull it up on his account and show my
22 account, or is it a screenshot?

23 Q. That is live internet.

24 A. Okay, well, like I said, I don't remember it. I mean, I
25 can't answer something I don't remember, honestly.

1 Q. But I'm not asking you, I'm saying, does your social
2 media, is there a heart button under that picture on your
3 social media? I'm not saying, necessarily, if you did it.

4 A. I just seen it but it's the first time I've ever seen
5 it.

6 Q. Okay. And that was from June of 2017, correct, when you
7 saw that date?

8 A. No. I just seen his name, and then I seen my name with
9 a heart on it, that's all I seen.

10 Q. And his -- alright, I'll move on. So it's still your
11 testimony you never saw him with any guns?

12 A. Never.

13 Q. Alright.

14 A. Never ever, ever. Only gun I saw was the two times I
15 seen it in Antonio's hands, that's the only time I seen a gun
16 because I have kids and I don't allow stuff like that around my
17 children. My kids could get it any time and it could go off,
18 so, no, sir, never had it in the car or house, none of that.

19 Q. And it's still your testimony that you've only been
20 around for one altercation between Alonzo and --

21 A. Just one, and that was at his mama's house in his
22 backyard, other than the store, that was the only two, because
23 I've not even known him that long, so, I mean, just two months,
24 that makes me sad.

25 MR. SMALDONE: No further questions at this time.

1 MS. MUNNERLYN: I don't have any follow-up questions,
2 Your Honor.

3 THE COURT: Please step down. Thank you. Please be
4 careful.

5 MS. MUNNERLYN: May this witness be excused?

6 MR. SMALDONE: No objection?

7 THE COURT: Witness is excused.

8 MS. MUNNERLYN: May we approach, Your Honor?

9 THE COURT: Yes. We're going to break for lunch.
10 We're running ahead of time, so let's be with back here at
11 2:00. Everybody remain seated in the courtroom while the jury
12 departs for lunch. Remember, don't discuss the case with
13 anyone.

14 (Recess taken at 12:39 p.m.)

15 (Jury exited the courtroom at this time.)

16 THE COURT: We are at recess until 2:00. I need my
17 security staff to stay in the courtroom after everybody else
18 departs, please. Everybody else that's not involved with court
19 security, clear the courtroom.

20 Obviously, everybody in here, you know has strong
21 feelings, emotional feelings about a case like this. There has
22 been a tremendous amount of traffic in and out of this
23 courtroom during the session this morning. Did everybody
24 especially pass the word downstairs?

25 THE DEPUTY: Yes, sir.

1 THE COURT: Make sure nobody slips by that metal
2 detector machine.

3 THE DEPUTY: Okay, I will ask them.

4 THE COURT: I don't know why all the traffic in and
5 out, but it's concerning to me because I know there's emotions
6 on both sides and we don't need anything getting out of hand
7 here. Okay.

8 MS. MUNNERLYN: Thank you, Your Honor.

9 **COURTNEY FREEMAN WAS DULY SWORN AT THIS TIME AND**
10 **TESTIFIED AS FOLLOWS:**

11 MS. MUNNERLYN: Thank you, Your Honor.

12 THE COURT: Be back at 2:00.

13 (Recess taken.)

14 THE COURT: Is the next witness ready?

15 MS. MUNNERLYN: Yes, sir, she's here, we're ready.

16 THE COURT: Madam Bailiff, will you lock that door
17 back there while the jury's coming in?

18 THE BAILIFF: Yes, sir.

19 THE COURT: You can have your cell phones in the
20 courtroom, I'm not going to interfere with that, but you better
21 not have them out because I'm not going to have anybody taking
22 photographs in here.

23 MS. MUNNERLYN: Your Honor, I did want to mention
24 that I do have Mr. Brown, the coroner is coming, he may come to
25 the back door. Thank you, Your Honor. We would call Courtney

1 Freeman to the stand.

2 THE COURT: Solicitor?

3 MS. MUNNERLYN: Thank you, Your Honor. We would call
4 Courtney Freeman to the stand.

5 COURTNEY FREEMAN WAS DULY SWORN AT THIS TIME AND
6 TESTIFIED AS FOLLOWS:

7 THE CLERK: Please be seated and state your full name
8 for the record.

9 THE WITNESS: Courtney Michelle Freeman.

10 **DIRECT EXAMINATION**

11 BY MS. MUNNERLYN:

12 Q. Courtney, do you live here in Marlboro County?

13 A. Yes, ma'am.

14 Q. Do you know the defendant, Antonio Anderson?

15 A. Yes, ma'am.

16 Q. How long have you known him?

17 A. Probably a few years.

18 Q. A few years?

19 A. Yes, ma'am.

20 Q. How do you know him?

21 A. Through some of his family.

22 Q. And what's the basis of your relationship?

23 A. Just friends.

24 Q. And how often do you see one another?

25 A. Basically when we're out and about and run into each

1 other or when I needed him to work on my car or something.

2 Q. So he's worked on your car before?

3 A. Yes, ma'am.

4 Q. And about how long do you think you've known him?

5 A. I guess a few years.

6 Q. Now, what about Alonzo Lampkin, you knew him?

7 A. I knew him through Jennifer Roller.

8 Q. Jennifer Roller?

9 A. Yes, ma'am.

10 Q. Now, tell us how that came about that you met and got to
11 know him.

12 A. Well, me and Jennifer Roller, we were staying side by
13 side at apartments in McColl and when he got out of jail,
14 prison, he went and stayed with her.

15 Q. Alonzo did?

16 A. Yes, ma'am.

17 Q. He went to stay with Jennifer Roller?

18 A. Yes, ma'am.

19 Q. And that was in the spring of 2017 before this happened?

20 A. Well, it was in March.

21 Q. Okay. In March?

22 A. Yes, ma'am.

23 Q. And how long did he stay there, do you remember?

24 A. No, ma'am, I don't.

25 Q. Did that change or did he come to a point where he

1 wasn't staying there any longer?

2 A. Well, I guess they had a falling out and whenever he
3 started talking to Sara Milligan.

4 Q. Do you know why they had a falling out?

5 A. Jennifer and Alonzo?

6 Q. Yes.

7 A. Not right off. I mean, unless it might have been with
8 Sara, dealing with Sara Milligan, but.

9 Q. What happened with Sara? What involvement did Sara have
10 that had anything to do with Jennifer and Alonzo?

11 A. Well, I guess whenever Jennifer Roller and Alonzo, I
12 guess whenever they separated or he left her, or whatever, he
13 started talking to -- Alonzo started talking to Sara.

14 Q. Okay. And what were the circumstances of Sara and
15 Alonzo starting to talk? Did that occur at your home?

16 A. Well, I mean, Sara has came and, you know, hung out at
17 my house and stayed at my house and stuff and I guess that's
18 how it started, they ran into each other or something.

19 Q. Okay. So that's how she probably met him --

20 A. Yes, ma'am.

21 Q. When she was over at your apartment one time and he was
22 there or he was in and out or something?

23 A. Yes, ma'am.

24 Q. And so was there any friction between you and Jennifer
25 with regard to their relationship?

1 A. Between her and Alonzo?

2 Q. Yes.

3 A. Other than when she got mad, I guess, because she
4 thought that I disrespected her in some kind of way when Alonzo
5 and Sara started talking.

6 Q. Explain what happened with that.

7 A. Well, she just felt like that I had something to do, I
8 guess with them getting together, hooking up.

9 Q. With Sara and Alonzo getting together?

10 A. Right.

11 Q. And she got mad at you when they got together?

12 A. Right.

13 Q. Okay. Now, were you with Sara and Alonzo, did you take
14 them over to Alonzo's house a month or two before this shooting
15 incident?

16 A. Yes, I did.

17 Q. And tell us what happened when you all went over to his
18 mama's house. Well, first of all, let me ask you, where is his
19 mama's house?

20 A. Whose, Alonzo's?

21 Q. Alonzo's, it's located behind U-Tote 'Em, isn't it?

22 A. Right.

23 Q. Okay. So sort of back in that, it's off Highway 385?

24 A. Yes.

25 Q. So you and who went over to Alonzo's mother's house?

1 A. Me, Sara Milligan and Alonzo.

2 Q. And when you got there do you remember what you all did?

3 A. Well, I had asked him if he could fix the speaker on my
4 driver door because it kept going in and out, so when we got
5 there he tried to see if he could fix it.

6 Q. Alonzo you're talking about?

7 A. Yes, ma'am.

8 Q. Was he able to to fix it?

9 A. No, ma'am. We just left it alone.

10 Q. And what happened, did anything else happen while you
11 were there?

12 A. Yes, ma'am. Well, I noticed that Alonzo and Antonio had
13 gotten into an altercation, but I don't know exactly how it
14 started, but I know that they were -- Antonio was in his back
15 yard working cars and we were in Alonzo's yard, I mean, I don't
16 know how it all started but they just had an altercation going
17 on back and forth.

18 Q. And did you have conversation with Antonio before all
19 that happened?

20 A. Before we got there or before the --

21 Q. No. While you were there before the incident and the
22 altercation occurred.

23 A. I went over there to his yard, to Antonio's yard and
24 speak with him, I mean, we was outside, and I mean, when I see
25 him I speak, so.

1 Q. So you went over and spoke to Antonio?

2 A. Yes, ma'am.

3 Q. And you went back to Alonzo's mama's yard?

4 A. Yes, ma'am.

5 Q. Now, Sara and Alonzo were still in the yard?

6 A. Yes, ma'am.

7 Q. And what happened next?

8 A. I'm not sure exactly what happened next. I mean, they
9 just got into a fuss, an altercation.

10 Q. Do you know what the fuss was about?

11 A. No, ma'am.

12 Q. And so when you say, they got into a fuss, they were
13 just arguing?

14 A. Yeah, basically, they were just fussing. I can't
15 remember what it was about, but I know they were fussing.

16 Q. And where were you when they were having this
17 altercation?

18 A. I was still in Alonzo's backyard. I mean, I don't know
19 if I was sitting down or -- I was probably by the car, but I
20 can't remember, but I was in his backyard.

21 Q. Okay. And so they had this altercation and they were
22 arguing back and forth, and what happened?

23 A. I noticed that Antonio had picked up, I think a pipe or
24 something, and Zo, well, Alonzo had picked up, I think a brick,
25 but I mean, they was still in their own backyard, and they were

1 just still going back and forth, and I mean at the time I was
 2 trying to get him to put it down and quit and stuff like that.
 3 I noticed -- I don't know where it came from, I don't know if
 4 it was in Antonio's pocket, but I noticed -- I know he had a
 5 gun, but he must have pulled it out of his pocket, but that's
 6 all I seen. I don't think he aimed it or cocked it or nothing
 7 like that, I mean he had his hand on it, but.

8 Q. So Antonio pulled the gun out of his pocket and was
 9 holding it in his hand?

10 A. Yes, ma'am, I mean, he had it down but he wasn't
 11 pointing it, but he had his hand on it.

12 Q. And this was during the time that he and Alonzo were
 13 having this argument?

14 A. Yes, ma'am.

15 Q. And so what happened -- while Antonio's got this gun in
 16 his hand, what happened? They were arguing, what happens?

17 A. I can't really remember what all happened next. I know
 18 his mama came out the house.

19 Q. Whose mama?

20 A. Sorry. Antonio's mother came out the house to, I guess,
 21 cease it down. I believe his brother, John, was outside, too,
 22 so they were trying to get him, Antonio, you know, back in the
 23 house.

24 Q. And did they?

25 A. Eventually he just, he left. I don't know if he went in

1 the house, I don't know if he got in the car and left, I'm not
2 sure, but I know it ended.

3 Q. And then what did you all do?

4 A. At the time, I think we had sat around for a little bit
5 in the yard, but then eventually I had left.

6 Q. And during this altercation you said at one point that
7 Antonio had a pipe in his hand and Alonzo had a brick; is that
8 what you said?

9 A. Yes, ma'am.

10 Q. Other than that brick -- what did he do with that brick?

11 A. I'm not sure. I'm not 100 percent sure, but I guess he
12 put it down, eventually, I'm really not sure.

13 Q. Were there any blows that were thrown, anything, anybody
14 struck?

15 A. No. It was in separate yards, they never crossed.

16 Q. How close were they to one another when this was going
17 on?

18 A. I really can't say.

19 Q. Just an estimate?

20 A. Probably, from I guess where I'm at to back there. I
21 mean, they live --

22 Q. To back where?

23 A. To the back door back there (indicating.)

24 Q. So a good distance apart?

25 A. I mean, it is. It's a pretty good little distance.

1 Q. Now, other than that brick that you indicated you saw in
2 Alonzo's hand at one point, did you see any other weapons on
3 Alonzo?

4 A. No, ma'am.

5 Q. Okay. So once Antonio left after his mother came out
6 everything ended at that point?

7 A. Yes, ma'am, everything died down.

8 Q. Now, you weren't at the Stop N Shop on the night of the
9 shooting, were you?

10 A. I wasn't there when the shooting happened, but I did
11 stop by there after I had left my grandmother's house going
12 home to the apartments.

13 Q. And but Alonzo and Sara were not there at that time?

14 A. No, ma'am.

15 Q. You were not there for the actual shooting incident
16 itself?

17 A. No, ma'am.

18 Q. So you don't know anything specifically about that?

19 A. No, ma'am.

20 MS. MUNNERLYN: Court's indulgence just one moment?

21 THE COURT: Sure.

22 MS. MUNNERLYN: Okay. I don't have any further
23 questions for you. If you would answer any questions that Mr.
24 Small done has?

25

1

CROSS-EXAMINATION

2 BY MR. SMALDONE:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. So you saw how many altercations between Antonio and Zo?

6 A. Just that one that happened at the house.

7 Q. And that one was Alonzo in his yard, right?

8 A. Yes, sir.

9 Q. And Antonio in his yard, correct?

10 A. Yes, sir.

11 Q. And you saw Alonzo with a brick?

12 A. Yes, sir.

13 Q. And Antonio with a pipe?

14 A. Yes, sir.

15 Q. And no contact was ever made?

16 A. No, sir.

17 Q. Do you know what they were talking about?

18 A. I didn't, I mean, it was just argument and stuff, I
19 don't remember what was said.

20 Q. Do you know the source of why they didn't like each
21 other?

22 A. No, sir. I mean, I know they had problems in the past.
23 I mean, I don't know.

24 Q. Is it fair to say the rumor is that it's over a girl?

25 A. Yeah, yes, sir, I've heard that.

1 Q. And I believe you've described Alonzo before as, I think
2 you said over-protective type?

3 A. In a way he was.

4 Q. And you told that to Investigator Tryon, do you remember
5 that?

6 A. Uh-huh.

7 Q. What do you mean by over-protective?

8 A. Well, what I noticed when he was dating Jennifer Roller
9 at the time, I mean, it was just things that I would see.
10 Like, she wouldn't -- she wouldn't, like, be able to go outside
11 hardly, and I mean, she would have bruises on her and stuff
12 like that.

13 Q. I think you said, also, that he was a fighter, right?

14 MS. MUNNERLYN: Objection, Your Honor. I don't know
15 what -- I mean, he's going to -- talking about relationship
16 with completely different people that are involved in this
17 particular case.

18 MR. SMALDONE: Their side of the story is it's all
19 over a girl so --

20 THE COURT: I'll give you some leeway.

21 Q. Do you recall saying that he was a fighter?

22 A. I can't remember.

23 Q. Would you describe him as a fighter?

24 A. I mean, I don't know -- I didn't know him like that.
25 Whenever I seen him we were either going out, coming in or

1 something like that, I mean, I never hung around him like that.

2 Q. And you just knew Antonio for quite a while, right?

3 A. Yes.

4 Q. So is it fair to say, basically, the only interactions
5 you had with Alonzo were when Alonzo and Antonio would get in
6 arguments and fights?

7 A. No. I've seen -- I mean, I've seen, like, if I would go
8 over to Jennifer's house and he was there, but I would go over
9 there for her.

10 Q. Okay. So you'd be in the same house as him sometimes,
11 right?

12 A. Correct.

13 Q. And I think you already said this, but maybe not, how
14 long did you know Alonzo?

15 A. When he got out of prison in March and moved in with
16 her.

17 Q. So probably March to August, five months or so?

18 A. (no audible response.)

19 Q. Alright, just wondering.

20 MR. SMALDONE: Court's indulgence. No more questions
21 for this witness.

22 THE COURT: Anything further, Solicitor?

23 MS. MUNNERLYN: Yes, Your Honor.

24

25

1

REDIRECT EXAMINATION

2 BY MS. MUNNERLYN:

3 Q. You said you that you had heard that it was about a
4 girl. What was the allegation regarding, what girl?

5 A. Jennifer Roller.

6 Q. And what about her?

7 A. I guess it was -- I guess it was dealing with her, I
8 guess, being sexually intimate with Antonio while Alonzo was
9 locked up, I'm guessing.

10 Q. So Antonio did, he and Jennifer Roller had a sexual
11 relationship while Alonzo was off?

12 A. That, I don't know. I mean, she said before that she
13 did.

14 Q. Okay.

15 A. I mean, if they did or not --

16 Q. And I'm not asking you if you personally know that.

17 A. Well, she said she did, she said she did.

18 Q. Okay. So then they had some conflict because of
19 Antonio's relationship with Jennifer then? Alonzo and Antonio
20 had conflicts because Antonio had slept with Jennifer?

21 A. I'm guessing, yes.

22 MS. MUNNERLYN: No further questions, Your Honor.

23

24

25

1 RECROSS-EXAMINATION

2 BY MR. SMALDONE:

3 Q. Just to clarify, were Antonio and Jennifer ever, like, a
4 public couple, for lack of a better word --

5 A. No, sir.

6 Q. -- like girlfriend and boyfriend?

7 A. No, sir.

8 MR. SMALDONE: Okay. That's all. Thank you.

9 MS. MUNNERLYN: No further questions. I would ask
10 that this witness be excused.

11 MR. SMALDONE: No objection.

12 THE COURT: The witness is excused.

13 MS. MUNNERLYN: Robbie Tryon.

14 **ROBERT ANTHONY TRYON WAS DULY SWORN AT THIS TIME AND**
15 **TESTIFIED AS FOLLOWS:**

16 THE CLERK: Please be seated and state your full
17 name.

18 THE WITNESS: Robert Anthony Tryon.

19 DIRECT EXAMINATION

20 BY MS. MUNNERLYN:

21 Q. What is your title?

22 A. I'm currently Lieutenant for the City of Bennettsville
23 Police Department.

24 Q. How many years law enforcement experience do you have?

25 A. This year makes 20 years.

1 Q. And did you at one point work at McColl Police
2 Department?

3 A. Yes, ma'am, I did.

4 Q. Were you employed there in August of 2017?

5 A. Yes, ma'am, I was.

6 Q. In what capacity?

7 A. I was a patrol officer at the time and an investigator,
8 they were a small department.

9 Q. So you wore many hats?

10 A. Yes, ma'am.

11 Q. And do you recall the call coming out to respond to, or
12 did you receive a call with regard --

13 A. I actually received a call from dispatch, I was off, and
14 they advised me of the shooting incident and T. Fleming advised
15 them to contact me and told me to come out.

16 Q. So tell us what you did in response to that call.

17 A. Upon arrival I was told by dispatcher that the call was
18 at the Stop N Shop and that a call came out as a domestic
19 argument at the Stop N Shop that then turned into a shooting,
20 they had individual shot and then they had one in custody. My
21 initial response was to get to the crime scene, to process the
22 crime scene. At that time some of the sheriff office
23 investigators heard the call so they showed up to assist me,
24 because this was a lot for one individual, and while they were
25 processing the scene I knew that the store was I equipped with

1 video surveillance so I went in and began looking at the video
2 surveillance.

3 Q. And as a result of your viewing of the video
4 surveillance, did you get a good idea of what had occurred that
5 particular night?

6 A. Yes, ma'am, I did.

7 Q. And did you proceed to question some of the witnesses?

8 A. Yes, ma'am. After I saw the surveillance footage I then
9 responded to the police department where Officer Bowen and
10 other witnesses were, Officer was with the Defendant. I think
11 I actually interviewed some witnesses before I interviewed the
12 defendant.

13 Q. I believe you interviewed Sara Milligan that night; is
14 that right?

15 A. Yes, ma'am, I did.

16 Q. And ultimately, you did also interview the defendant; is
17 that right?

18 A. That's correct.

19 Q. I think we have State's Exhibit 2 already in evidence.
20 Do you recognize that?

21 A. Yes, ma'am. This is a Miranda Warning signed by the
22 defendant, Mr. Antonio Anderson.

23 Q. And does it indicate the time you took that statement?

24 A. Yes, ma'am. It was at 1:09 a.m. on August 22nd.

25 Q. So this was just a few hours after the incident had

1 occurred, correct?

2 A. Yes, ma'am, that's correct.

3 Q. And where did that interview take place?

4 A. At McColl Police Department.

5 Q. And who was present for that interview?

6 A. Myself, Mr. Anderson, of course, and I want to say that
7 Trevor Murphy from the sheriff's office was in the interview
8 with me, as well, at the time.

9 Q. And he indicated his desire to speak with you about
10 this?

11 A. Yes, ma'am, he did.

12 Q. And you went through the Miranda Form and advised him of
13 all of his rights, and he could make a statement that he'd have
14 to do that freely and voluntarily?

15 A. Yes, ma'am, and I also advised him that if he needed
16 water or a bathroom break or anything of that nature that I
17 would allow him to do so during the interview.

18 Q. And in fact, he was provided a bottle of water, I
19 believe, was he not?

20 A. Yes, ma'am, that's correct.

21 Q. Okay. And was he threatened in any way or coerced in
22 any way to give a statement?

23 A. No, ma'am.

24 Q. And so he did tell you about what happened that night,
25 didn't he?

1 A. Yes, ma'am, he did.

2 Q. Well, what exactly did he tell you? Starting from when
3 he arrived at the store, do you recall what he told you
4 occurred?

5 A. Yes, ma'am. I want to say that he told me he was that
6 he was at the store. I couldn't remember what he was getting
7 at the store, and that the victim came inside the store and
8 began using profanity and threatening him, and so the two
9 engaged in a verbal altercation, and it appeared that it was
10 going to get physical but it never did and then it led over to
11 the parking lot, and he stated that the victim coerced him and
12 that's why he shot him.

13 Q. And you had viewed the video?

14 A. That's correct, yes, ma'am.

15 Q. Initially, did he tell you, and what did you tell him
16 about what he told you initially?

17 A. My response to the initial statement he gave was that it
18 was not correct. I advised him that the statement he gave is
19 not matching what we saw on the video and I needed him to be
20 honest with me about the situation.

21 Q. And then did he begin to tell you something more in line
22 with what you had seen on the video?

23 A. Yes, ma'am, then we started getting into the background
24 of the -- the history between the two individuals.

25 Q. And what did he tell you with regard to that?

1 A. He stated that he and Alonzo were initially friends for
2 maybe 10 years or so, that their mother's were really good
3 friends, in fact, that he had so much respect for the victim's
4 mother that when Mr. Lampkin was incarcerated he took the mom
5 to pick him up from the detention center, or prison, I'm not
6 really sure what it was, but over time the two had some words.
7 He advised that a couple years ago they had some words over
8 some parts that he thought Mr. Lampkin and or Mr. Lisser
9 (phonetic) had taken, and they would pass words back and forth,
10 and I asked him were there any other incidents prior or after
11 that. He began telling me about the incident over at 385
12 behind the U-Tote Em' over there, he said that he was over
13 there working on a car and that he and Alonzo had an
14 altercation and that I think he said that maybe Alonzo
15 threatened him with a rock or something of that nature during
16 that incident there.

17 Q. When you began talking about the incident that actually
18 occurred at the store --

19 A. Yes, ma'am.

20 Q. -- what did he tell you, if anything, about weapons, of
21 the victim having any kind of weapon?

22 A. Once we got to that part of the interview I did ask him
23 if he ever saw a knife or handgun, I even made a statement
24 maybe like a bomb, or anything, any type of weapon that he
25 might have had in his hand, and he advised me that he did not

1 see a weapon in his hands during to altercation at the store.

2 Q. So he admitted to you he never saw the victim with a
3 weapon that night?

4 A. Yes, ma'am.

5 Q. And why did he tell you he shot him?

6 A. His response when I confronted him, you know, did see a
7 weapon, I asked him, I said, why did you shoot him? He said
8 because he was tired of him bullying him and running up on him,
9 that was his response.

10 Q. Okay. He was tired of him bullying him? Did you have
11 any information that they had actually had physical
12 altercations?

13 A. No, ma'am. I asked if there was a report filed as far
14 as the incidents that occurred over at the mom's house and he
15 stated that they didn't get law enforcement involved in it.

16 Q. And did they actually get physical on that particular
17 day?

18 A. I want to say I don't think there was any physical
19 contact, 385 incident?

20 Q. Yes.

21 A. No, I don't think there was actually physical contact
22 that day.

23 Q. And actually, the video from the store, did he confirm
24 that at the store the night of the shooting that there wasn't
25 actual physical contact between the two of them that night

1 either?

2 A. I didn't see any physical contact on the video, no,
3 ma'am.

4 Q. Okay. Now, I'm going to replay a portion of this audio
5 video at the store.

6 (Video playing.)

7 MS. MUNNERLYN: If you could go to where you see the
8 defendant in the store, right before the victim enters. Pause
9 it right there.

10 Q. You can see and hear that? You're familiar with these
11 two individuals?

12 A. Yes, ma'am.

13 Q. And who was it that spoke first there?

14 A. Mr. Anderson.

15 Q. The defendant?

16 A. Yes, ma'am.

17 Q. And what did he say, you don't have to repeat it
18 exactly, what did he say?

19 A. He said explicative word, I don't know if I'm
20 comfortable saying it, but he said, you already know,
21 explicative word.

22 Q. So the defendant spoke to the victim first, right?

23 A. That's correct.

24 MS. MUNNERLYN: Go ahead.

25 (Video playing)

1 MS. MUNNERLYN: Okay, stop.

2 Q. Did you hear what he said right there?

3 A. Yes, ma'am.

4 Q. About the cameras?

5 A. Yes, ma'am.

6 Q. Who was that speaking?

7 A. Mr. Anderson.

8 Q. What did he say?

9 A. I don't give a fuck about no cameras.

10 Q. Okay. And so there's banter back and forth at this
11 point, correct?

12 A. That's correct, yes, ma'am.

13 MS. MUNNERLYN: Go ahead.

14 (Video playing)

15 MS. MUNNERLYN: Pause it just a minute.

16 Q. Who was that just saying that?

17 A. The defendant, Mr. Anderson.

18 Q. What did he say?

19 A. I'm finna come out there.

20 MS. MUNNERLYN: And then play it again -- or play.
21 Back it up just a little bit. Pause it.

22 Q. So what is he saying there?

23 A. He's saying explicative word and, he says, he already
24 know, he already know.

25 Q. Okay. He already knows why he's coming at him?

1 A. Yes, ma'am.

2 Q. And that is the defendant telling the victim, hold up,
3 don't leave, right?

4 A. That's correct.

5 Q. And the victim has left the store at this point?

6 A. Yes, ma'am.

7 Q. Do you know where he goes when he exits that door?

8 A. To his girlfriend's vehicle, which I think is a Mustang
9 in the parking lot.

10 Q. The victim goes to get into his girlfriend's vehicle?

11 A. That's right.

12 Q. And when the defendant exits the store after he says
13 this: Hold up, I'm fixing to come out there, where does he go?

14 A. He goes straight to his little vehicle, opens the
15 driver's side door and retrieves a firearm and cocks one into
16 the chamber.

17 Q. And once he has that firearm in his hand where does he
18 proceed?

19 A. He actually approaches the victim and goes around the
20 car where the victim was standing in the A-frame in the doorway
21 and then the two of them began a verbal altercation, you can
22 hear what's been said because there's no audio on the outside
23 portion, but you can see the verbal altercation between the
24 two, and Mr. Anderson actually has the firearm in his hand,
25 kind of like halfway in his pocket and halfway in his hand.

1 Q. Okay. Alright.

2 MS. MUNNERLYN: Let's go back again to channel 11,
3 the fourth file.

4 (Video playing.)

5 Q. Right there, what did he just do?

6 A. He retrieved the firearm from his vehicle.

7 Q. And what did he do with it?

8 A. He cocked around from the magazine into the chamber.

9 MS. MUNNERLYN: Go ahead.

10 (Video playing.)

11 Q. What about right there?

12 A. He returns the firearm back to his vehicle.

13 MS. MUNNERLYN: Okay. Now I'm going to the shots
14 fired.

15 (Video playing.)

16 Q. And if you can, tell us when you see the firearm being
17 discharged.

18 A. Just then, yes, ma'am.

19 MS. MUNNERLYN: If you would do the shots fired, too,
20 the different angle.

21 (Video playing.)

22 Q. And if you can just tell us when that discharge is?

23 A. Right there.

24 Q. Okay. And I believe that was the third time he went to
25 his vehicle?

1 A. That's correct, yes, ma'am.

2 Q. The defendant retrieved the gun from the vehicle the
3 second time before he fired that shot?

4 A. Yes, ma'am.

5 Q. And so that was the third opportunity he could have
6 actually gotten in that vehicle and left?

7 A. That's correct, yes, ma'am.

8 Q. Now, you were over this investigation, correct?

9 A. Yes, ma'am.

10 Q. And did you try to determine whether or not the victim
11 had access to any weapon that night at the store?

12 A. Yes, ma'am, through the video we weren't able to see any
13 weapons, sticks, knives, anything of that sort, in the
14 possession of the victim, and also, officers on the scene
15 checked the girlfriend's vehicle to make sure there was no
16 weapons inside of her vehicle.

17 Q. So this Mustang here that the victim and the girlfriend
18 and the children were in, there were no weapons in that
19 vehicle?

20 A. That's correct, yes, ma'am.

21 Q. And there were no weapons on the person of the victim?

22 A. That's correct.

23 Q. Did you in questioning all of the witnesses throughout
24 this investigation, were you able to find a witness who saw the
25 victim at any point that night at this store with a weapon?

1 A. No, ma'am.

2 MS. MUNNERLYN: I don't have any further questions,
3 if you would answer any questions that Mr. Smaldone has.

4 THE WITNESS: Sure.

5 **CROSS-EXAMINATION**

6 BY MR. SMALDONE:

7 Q. Good afternoon. How you doing, sir?

8 A. I'm alright.

9 Q. Did you live in McColl, I'm sorry, did you live in
10 McColl in 2017?

11 A. Yes, I did, yes, sir.

12 Q. So you knew Antonio from the community?

13 A. Yes, sir.

14 Q. And do you know if Alonzo lived in McColl?

15 A. Not as well as I knew Mr. Anderson. Mr. Lampkin had
16 just recently just come to McColl, so I had not had a whole lot
17 of dealings with him, just a few.

18 Q. Is it fair to say you've never really had any negative
19 dealings with Antonio before this, correct?

20 A. Negative dealings, when you say, negative dealings, what
21 do you mean? I've had some calls at his residence, and things
22 of that nature.

23 Q. He had no prior record prior to this, correct?

24 A. I don't think so, no, sir, no, sir, other than actually
25 --

1 Q. A DUS, right?

2 A. Yes, sir.

3 Q. But no prior records?

4 A. No, sir.

5 Q. You testified that no weapons were found on Alonzo,
6 correct?

7 A. Yes, sir.

8 Q. Do you know, I mean, you see the video, you see an
9 obvious size difference between those people, correct?

10 A. Sure.

11 Q. Okay. It's fair to say Alonzo is a good bit bigger of a
12 guy, right?

13 A. Sure, yes, sir.

14 Q. And we've all seen this video many times, do you see
15 any -- in fighting terms, do you see Antonio gain any ground in
16 any of the altercations?

17 A. When you say, gain grounds, what do you mean?

18 Q. Is it fair to say, it is Alonzo moving and Antonio
19 backing up the whole time, right?

20 A. Yes, sir.

21 Q. There's probably not much of a question there?

22 A. It's on the video, yes, sir.

23 Q. Do you know approximately how much Antonio weighed in
24 height and weight at the time?

25 A. I know he's short. I don't know, maybe 5'6, 5'7, 145,

1 150 pounds, maybe, guessing.

2 Q. What about Alonzo?

3 A. He's fairly big. He's probably close to six, maybe 215,
4 220, if I had to guess.

5 Q. I'm curious, did you write the police report?

6 A. I don't think so.

7 Q. Do you see the heights and weights there, and that might
8 not be at the time, but records.

9 A. Mr. Anderson, I don't see it. Yes, yes, sir, 5'6, 175,
10 Mr. Anderson.

11 Q. 5'6, 175, what about Alonzo?

12 A. 6'1, 260.

13 Q. So almost 100-pound difference?

14 A. Yes, sir.

15 Q. And Alonzo doesn't look like an obese individual there,
16 correct?

17 A. No, sir, correct.

18 Q. Right. Okay. Talking about what was said on camera,
19 and again, we've all watched it many times, but is it fair to
20 say, I couldn't make out what Alonzo was saying, could you?

21 A. Some of it, yes, sir.

22 Q. Do you know what he was saying, because I honestly could
23 not?

24 A. In which part?

25 Q. The only part with audio.

1 A. Yes, sir. Upon the initial contact, Mr. Anderson stated
2 to him, you already know with explicative word, of course they
3 exchanged words back and forth, and Mr. Lampkin says some
4 profanity word: Pull that pussy ass shit out. I assume he's
5 referring to the firearm: That camera's right there. You hear
6 Mr. Anderson saying: I don't give a fuck about no camera.

7 Q. And that is the first interaction that you saw on
8 camera, right?

9 A. Yes, sir.

10 Q. I don't know if you want me to hook up my computer,
11 or -- you've seen all the video, right?

12 A. Yes, sir.

13 MR. SMALDONE: Can I play something?

14 (Video playing.)

15 Q. I'm going to go to the first video from channel 11,
16 which is the first angle as here, and that's Antonio's car,
17 correct?

18 A. Yes, sir.

19 Q. It looked kind of sped up there, right? Now Alonzo's
20 driving, correct?

21 A. Yes, sir.

22 Q. And did you see the way that Mustang kind of sped up a
23 little bit in the middle?

24 A. I did not. I really couldn't tell, honestly.

25 Q. And I've already said, Alonzo's driving, right?

1 A. Yes, sir, that's correct.

2 Q. And there's a handicapped loading zone in between. He
3 parked right next to Antonio, didn't he?

4 A. Yes, sir. There's a gap in between them, I'm assuming
5 that's the loading for the store, yes, sir.

6 Q. Right, maybe it's a store loading, correct.

7 A. Yes, sir.

8 Q. But the next available parking spot he was there, right?

9 A. Yes, sir.

10 Q. And there was no audio available on that channel, right?

11 A. That's correct, yes, sir.

12 Q. So we don't know if words were exchanged or not there?

13 A. We do not, yes, sir.

14 Q. And Antonio told you in a statement that he was tired of
15 being bullied?

16 A. That's correct, he did, yes, sir.

17 Q. And you said that you don't -- I might be wrong, did you
18 know of any police involvement in the bullying prior to this?

19 A. During this incident?

20 Q. Prior to this incident. I think you said you didn't,
21 but it might have just been you, I'm not sure?

22 A. I don't understand what you're saying.

23 Q. Alright, sorry. Do you know of any police involvement
24 in any of their altercations before the shooting?

25 A. No, I had somebody prior say they didn't get police

1 involved in that, and that's the only incident that I'm aware
2 of that the two had, the police were not involved I don't
3 think.

4 Q. And you were with McColl police during this time period?

5 A. Yes, sir.

6 Q. So how many officers were there in McColl?

7 A. Maybe five or six, it's fairly small.

8 Q. I understand.

9 MR. SMALDONE: Beg the Court's indulgence.

10 MS. MUNNERLYN: Your Honor, I'm going to object to
11 this.

12 MR. SMALDONE: This is the draft version, and Judge,
13 this would not be for evidence.

14 MS. MUNNERLYN: It's not prepared by this witness and
15 it's not involving -- I mean, he doesn't know anything about
16 what he's getting ready to ask about.

17 THE COURT: You can go ahead and ask him if he knows
18 anything about it.

19 MR. SMALDONE: Okay. I'm not introducing it.
20 Alright. I'm sorry. And this is a draft version, so I
21 apologize.

22 BY MR. SMALDONE:

23 Q. Do you see the incident date on that?

24 A. Yes, sir.

25 Q. Okay. And that is McColl Police Department?

1 A. Yes, sir.

2 Q. And who is listed as -- sorry. What is the date?

3 A. July 31, 2017.

4 Q. Is it fair to say, and we'll get to the contents later
5 through actual witnesses, but is it fair to say that is a
6 police report with Antonio as a victim and Alonzo as the
7 subject or person?

8 A. That's correct.

9 Q. So it's fair to say there was, you might not have known,
10 now you might know there was some police involvement where
11 Antonio tried to get help from police?

12 A. Well, there was a report filed, yes, sir, I see that.

13 Q. Okay. That's just for ID. Did Antonio talk about any
14 specific instances, or was it just --

15 A. I can recall just the one prior to back at the mom's
16 house, that I can recall.

17 Q. And how long was the interview with him?

18 A. If I had to guess, maybe 45 minutes to an hour, I'm not
19 really sure.

20 Q. And that's just a guess?

21 A. Yes, sir.

22 Q. And that's probably from 1:45 a.m., something like that?

23 A. Just guessing, I don't know for sure, I'm not looking at
24 it.

25 Q. Yeah, it's not a quiz, I was just curious.

1 A. Yeah, sure.

2 Q. Alright. Do you remember anything, do you remember
3 speaking with Antonio in your patrol car?

4 A. I may have had a conversation with him. I think I may
5 have took him to the jail, I'm not real sure. I'm sure I did
6 if he was in the car with me, yes, sir.

7 Q. And do you remember him talking about other instances
8 with Alonzo?

9 A. Not that I can remember, no, sir.

10 Q. But you don't know --

11 A. Of course, he's probably still under the Miranda, but
12 we're not in the camera view, and if he said something, I don't
13 remember.

14 Q. That's fine, it's been awhile, hasn't it?

15 A. Yeah, six years, yes, sir.

16 Q. So you're not saying it didn't happen, but its just been
17 six years, right?

18 A. Yes, sir, that's correct.

19 MR. SMALDONE: That's all. No further questions.

20 **REDIRECT EXAMINATION**

21 BY MS. MUNNERLYN:

22 Q. You're not aware of any other reported incidents to law
23 enforcement with regard to anything that happened between the
24 victim and the defendant?

25 A. Not to my knowledge, no, ma'am.

1 MS. MUNNERLYN: I don't have any other questions.

2 THE COURT: You may step down.

3 THE WITNESS: Thank you.

4 THE COURT: Any juror need a brief recess?

5 THE JUROR: Yes, please.

6 THE COURT: Let's take ten minutes.

7 (Recess taken.)

8 (Jurors entered the courtroom.)

9 MS. MUNNERLYN: Thank you, Your Honor, the State
10 calls Tim Brown.

11 THE COURT: Come around and be sworn.

12 **TIMOTHY E. BROWN WAS DULY SWORN AT THIS TIME AND**
13 **TESTIFIED AS FOLLOWS:**

14 THE CLERK: Please be seated and state your full name
15 for the record.

16 THE WITNESS: My name is Timothy E. Brown.

17 **DIRECT EXAMINATION**

18 BY MS. MUNNERLYN:

19 Q. Mr. Brown, you are the elected coroner here in Marlboro
20 County; is that correct?

21 A. Yes.

22 Q. And how long have you served in that capacity?

23 A. I'm in my 39th year.

24 Q. Wow, okay. Alright. So basically, what does the
25 coroner do?

1 A. Well, according to the statute, all coroners in the
2 state are in charge with determination of any wrongful death
3 within the confines of its borders.

4 Q. And you issued the death certificate if there's a death
5 within the county; is that right?

6 A. I certify it, I do not issue one.

7 Q. Certify it, I'm sorry.

8 A. Yes, ma'am.

9 Q. And in fact, you did issue a death certificate in this
10 particular case; is that right?

11 A. I was the certifier, yes.

12 Q. Certified it, I'm sorry. I'm going to show you State's
13 Exhibit 3 and see if you recognize that?

14 A. Yes, ma'am.

15 Q. And that's already in evidence. What is that?

16 A. It's a certificate of death on an Alonzo Antoine
17 Lampkin.

18 Q. And in certifying his death, what is the process? When
19 do you learn that there is a death that you need to certify?

20 A. In --

21 Q. In general terms.

22 A. Well, in this case I learned about the death when Mr.
23 Lampkin expired at Florence Regional -- or Mcleod Regional
24 Hospital in Florence.

25 Q. Okay. Sometimes you go to the scene if there's a death

1 at the scene.

2 A. Yes.

3 Q. And other times the individuals die at the hospital and
4 then you're notified by the hospital; is that right?

5 A. That's correct.

6 Q. And then in this particular case the victim died at the
7 hospital, correct?

8 A. Yes.

9 Q. So you were notified upon his death at the hospital?

10 A. That's correct.

11 Q. And so then you made that determination as to the cause
12 of his death based upon what occurred there at the hospital and
13 how his death --

14 A. It was explained to me by the nursing supervisor what
15 the cause of death was.

16 Q. Alright. I'm going to show you what's already in
17 evidence as State's Exhibit 1, and I would just direct you to
18 the page that's marked by that pink post-it note. You
19 recognize those as the hospital records for Mr. Lampkin; is
20 that right?

21 A. Yes, it is.

22 Q. And do those, do the hospital records indicate what the
23 cause of death for Alonzo Lampkin was?

24 A. Yes, it does.

25 Q. What does it state?

1 A. It's a gunshot wound to the chest.

2 Q. Okay. And so that was the cause of death, and how
3 exactly did he expire? What is the reason you put on your
4 death certificate?

5 A. Exstrangulating -- excuse me -- exsanguination, I'm
6 sorry.

7 Q. Exsanguination.

8 A. I think they have it -- that's not what I put on the
9 death certificate. Exsanguination.

10 Q. Exactly.

11 A. He said exsanguinate.

12 Q. And what exactly does exsanguination mean?

13 A. It is the extensive loss of blood due to internal or
14 external hemorrhaging, and a layman's definition is blood loss
15 due to such degree that the person bleeding dies, and it is
16 also known as bleeding out and bleeding to death, and that was
17 due to the gunshot wound.

18 Q. Okay. So he essentially bled to death as a result of
19 the gunshot wound?

20 A. That is correct.

21 Q. And I think in those records, does it indicate how many
22 liters of blood he actually was given prior to his death?

23 A. He consumed approximately 55 units of blood, which was a
24 massive unit of fresh frozen platlets and basically
25 exsanguinated, having on multiple occasions having undergone

1 multiple resuscitations without result and was pronounced dead
2 the morning of 8/22/2017.

3 Q. So he was pronounced dead the morning of August 22,
4 2017?

5 A. That's correct.

6 Q. So that was in the hours following this particular
7 shooting incident?

8 A. He was shot on the day before, the 21st.

9 Q. Alright. And on your death certificate, too, you
10 indicate the manner of death, and what is that?

11 A. In this case the manner of death was homicide. That was
12 the ruling.

13 Q. Thank you. You did not go to the scene that night?

14 A. No, ma'am.

15 Q. So you don't know anything about the specific facts in
16 the case, do you?

17 A. No, I do not.

18 Q. You simply certified the death?

19 A. Certified the death, correct.

20 MS. MUNNERLYN: I don't have any further questions.
21 Answer any questions that Mr. Smaldone might have.

22 **CROSS-EXAMINATION**

23 BY MR. SMALDONE:

24 Q. Good afternoon.

25 A. Good afternoon.

1 Q. Just to be clear, it says cause of death was homicide,
 2 correct?

3 A. No. I mean, I'm sorry --

4 Q. Was it manner of death? I get those confused.

5 A. The cause of death would be the exsanguination, the
 6 manner of death would be homicide, and I ruled that.

7 Q. Just so everyone knows, it's fair to say homicide is a
 8 medical or coroner's term, not a legal one, correct?

9 A. Well, I don't know about the law.

10 Q. Okay.

11 A. I only have about six avenues that I can rule, and it's
 12 natural, accidental, suicide, homicide, pending investigation,
 13 or could not be determined. Those are the limits that we are
 14 bound by.

15 Q. So you made a determination that homicide means that one
 16 human being kills another human being, correct?

17 A. That would have been where I put: Shot by another.

18 Q. Right. There's no legal part of that, it's just it
 19 could be a legal killing, it could be an illegal killing,
 20 that's not for you to decide, correct?

21 A. Oh, no, sir.

22 Q. I just want to make sure everyone understands that.

23 MR. SMALDONE: Sounds good. No further questions.

24 THE WITNESS: Thank you, sir.

25 MS. MUNNERLYN: Nothing further, Your Honor.

1 THE COURT: Thank you, sir, good seeing you.

2 THE WITNESS: Thank you.

3 MS. MUNNERLYN: We would ask that Mr. Brown be
4 excused at this time.

5 MR. SMALDONE: Without objection.

6 THE COURT: Witness is excused.

7 THE WITNESS: Thank you.

8 MS. MUNNERLYN: Your Honor, that would be all the
9 State's witnesses. The State would rest.

10 THE COURT: Any matters of law?

11 MR. SMALDONE: Motion for a directed verdict.

12 THE COURT: Do you want to be heard on it?

13 MR. SMALDONE: Just to preserve.

14 THE COURT: Just to preserve. We'll deny it at this
15 time based on the evidence before the Court. Do I need to send
16 the jury out?

17 MR. SMALDONE: Yes, sir.

18 THE COURT: Ladies and gentlemen of the jury, if
19 you'll step back to your room.

20 (Jury exited to courtroom at this time.)

21 THE COURT: Alright, so we took care of the motions
22 there. Counsel, fifth amendment rights?

23 MR. SMALDONE: Yes, I thought we'd go over that just
24 to make sure that that's on the record.

25 THE COURT: Okay. Mr. Anderson, if I could have your

1 undivided attention, I need to speak with you about your fifth
 2 amendment rights under the United States Constitution, and I'm
 3 sure you probably want to discuss this with counsel. I need to
 4 go over it with you, because I have to have a decision to you
 5 that's made by you strictly by you that has to be freely,
 6 voluntarily and intelligently decided. Okay? Under the United
 7 States Constitution Fifth Amendment, you certainly have a right
 8 to testify, but the most important aspect of that amendment is
 9 you have a constitutional right to remain silent. If you elect
 10 not to testify, it cannot be held against you in any way. I
 11 will be instructing the jury concerning that. Now, you have a
 12 right to testify, but you also have a constitutional right not
 13 to testify. Like I said, a decision not to testify has to be
 14 freely, voluntarily and intelligently entered into. If you
 15 decide to testify you can be examined, specifically,
 16 cross-examined like any other witness, you can be impeached,
 17 and all would be subject to the rules of evidence and
 18 procedure, but you could be impeached like any other witness.
 19 Any questions?

20 THE DEFENDANT: No, sir.

21 THE COURT: Have you discussed this issue with your
 22 attorney?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you reached a decision concerning
 25 your right to testify?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And your right to not to testify?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you wish to speak with him further
5 before I hear from you?

6 THE DEFENDANT: No, sir.

7 THE COURT: Once again, do you have any questions?

8 THE DEFENDANT: No, sir.

9 THE COURT: Do you desire to testify?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Or do you desire not to testify?

12 THE DEFENDANT: I'll testify.

13 THE COURT: I couldn't hear you.

14 THE DEFENDANT: I want to testify.

15 THE COURT: Okay. Alright. I got a feeling they are
16 going to not be ready to come back in.

17 MR. SMALDONE: That's fine. I have a lot of
18 corralling to do, just, I thought it would be more of an
19 interruption after the State's case, so I can do some
20 corralling.

21 THE COURT: We'll need to get it on the record. To
22 your satisfaction, you have discussed his Fifth Amendment
23 rights, correct?

24 MR. SMALDONE: That is correct. I've counseled him,
25 but I told him it is his decision, and it is his decision, and

1 I have no reservations or concerns about his ability and his
2 understanding of the Fifth Amendment.

3 THE COURT: If they are ready, we can bring them on
4 back in.

5 MR. SMALDONE: I was going to ask for just a couple
6 minutes just to get my stuff in order, if Your Honor doesn't
7 mind?

8 THE COURT: We'll stand at ease. Just let us know.

9 MR. SMALDONE: Okay.

10 (Jury entered to courtroom at 3:48 p.m.)

11 THE COURT: Counsel?

12 MR. SMALDONE: Your Honor, defense would call Ms.
13 Renee Cummings.

14 THE COURT: Come around and be sworn, please.

15 **RENEE CUMMINGS WAS DULY SWORN AT THIS TIME AND**
16 **TESTIFIED AS FOLLOWS:**

17 THE CLERK: If you'll be seated and state your name.

18 THE WITNESS: Renee Cummings.

19 MR. SMALDONE: And spell your last name.

20 THE WITNESS: C-U-M-M-I-N-G-S.

21 **DIRECT EXAMINATION**

22 BY MR. SMALDONE:

23 Q. Ms. Cummings, good afternoon.

24 A. Good afternoon.

25 Q. Where are you from?

- 1 A. McColl, South Carolina.
- 2 Q. How long have you lived there?
- 3 A. All my life.
- 4 Q. Where did you go to school?
- 5 A. Marlboro County High School.
- 6 Q. And do you have a job?
- 7 A. Yes, sir.
- 8 Q. Where do you work?
- 9 A. Saint Andrews College in Laurinburg, North Carolina.
- 10 Q. And how long have you been there?
- 11 A. October will be a year.
- 12 Q. Do you know Antonio Anderson?
- 13 A. Yes, sir.
- 14 Q. How do you know him?
- 15 A. That's my ex-boyfriend.
- 16 Q. Ex-boyfriend?
- 17 A. Yes.
- 18 Q. Do you all still talk ever?
- 19 A. I don't communicate with him, but I do with his mom,
- 20 just, like, if I see him I speak to him. I mean, I don't have
- 21 no bad blood or nothing with him, it's just, we was together a
- 22 long time so it's just if I see him I speak.
- 23 Q. I understand. Were you with him in 2017?
- 24 A. Yes.
- 25 Q. Do you know Alonzo?

1 A. I knew of him through Antonio, but I didn't know him, I
2 just knew him through Antonio.

3 Q. You didn't know him before you knew Antonio?

4 A. I didn't know him before I knew Antonio, yes.

5 Q. What was the general dynamic or relationship between
6 Alonzo and Antonio?

7 A. They were friends before the confrontation.

8 Q. What do you mean by "the confrontation?"

9 A. Before all of the -- they had got into -- I knew he went
10 and picked him up from prison, and then something happened and
11 everything went haywire.

12 Q. Did you witness, you said everything went haywire, did
13 you witness some of the haywire activity?

14 A. Yes. I witnessed some of it at his mom's house where
15 they were going back and forth. Alonzo would be hollering
16 across the yard at Antonio and Antonio would have words back
17 with him, but it was more or less at my house. I saw it more
18 or less at my house because Antonio got to where -- he worked
19 on cars.

20 Q. He worked on cars, is that what you said?

21 A. He worked on cars at his mama's house, he had a shop at
22 his mama's house.

23 Q. So he had a -- sorry --

24 A. Antonio had cars -- worked on cars at his mom's house.

25 Q. Okay.

1 A. So it got to where he couldn't work at his mom's house
2 because of the confrontation.

3 Q. Did you witness any of the confrontations at his mom's
4 house?

5 A. Yes. They would be going back and forth at his mom's
6 house and Alonzo would be hollering starting with him at his
7 mom's house, going back and forth, cussing and carrying on with
8 Antonio at his mom's house.

9 Q. Who started those?

10 A. Alonzo.

11 Q. Did you see some of those start?

12 A. Yes. He would be saying what he was going to do with
13 his girlfriend and --

14 Q. With Antonio's girlfriend?

15 A. With Antonio's girlfriend.

16 Q. That was you?

17 A. That would be me.

18 Q. You can paraphrase, what kind of things?

19 A. I'm going to "F" your girlfriend. Sorry.

20 Q. So you'd hear that, and how often did things like that
21 happen?

22 A. I was only there, I worked so I was usually only there
23 on the weekends, so I didn't know what would be going on Monday
24 through Friday because he worked Monday through Friday or
25 Saturday. Antonio worked Monday through Friday, most time on

1 Saturdays working on other people's cars, I also worked myself.
 2 So when I came home, I had a son I had to take care of, get him
 3 to school and stuff, so I was home most the time during the
 4 week, but on the weekend they were going back and forth.
 5 Antonio and Alonzo were going back and forth until it got to
 6 the point where Antonio would just start telling people to
 7 bring their cars to our house in McColl, so he would just bring
 8 his work to -- Antonio would just bring his work to McColl and
 9 work at my house in McColl.

10 Q. At your house?

11 A. Yes. Well, it was our house. It was our house. So he
 12 would bring his -- Antonio would bring his work home to our
 13 house in McColl and work.

14 Q. How did you feel about that?

15 A. It didn't bother me. I mean, we had a little yard. Our
 16 yard was probably the distance between them two chairs out
 17 there from another house. That's how little our yard was, but
 18 the neighbors didn't mind us -- him parking his stuff there.
 19 So he got to the point where Alonzo started hanging out at the
 20 trailer beside our trailer.

21 Q. And that is in --

22 A. In McColl.

23 Q. McColl.

24 A. That's in McColl.

25 Q. And where is his mom's house, Antonio's mom's house.

1 A. His mama's house is in Bennettsville.

2 Q. So Alonzo went from Bennettsville --

3 A. Went from Bennettsville to McColl.

4 Q. Alright. That was before Antonio went there or after?

5 A. Antonio lived with me.

6 Q. Right. So after he started living with you Alonzo
7 showed up, right?

8 A. Alonzo showed up. He followed him from McColl to -- I
9 mean, he followed him from Bennettsville to McColl. So then
10 every day when I'd come home from work Alonzo was at the
11 trailer beside me everyday, hanging out on the back porch,
12 hanging out in the front yard with some guys, and it got to the
13 point where Antonio couldn't work because it was always, he was
14 out there running his mouth trying to start with Antonio just
15 carrying on, cussing and showing off with a bunch of friends,
16 showboating with a bunch of friends, he's gonna "F" him up,
17 he's gonna do this, he's gonna do that, until one day we came
18 home -- I came home, Antonio was standing in the door, Alonzo
19 had a couple guys out there and he was gonna do this and he was
20 gonna do that, and he had a gun. I called Nunni (phonetic) at
21 work, I said, Nunni (phonetic), I need you to come, I need you
22 to come.

23 Q. Who's Nunni (phonetic)?

24 A. I'm sorry, John, his name's John, and I call him Nunni,
25 but his name is John Anderson.

1 Q. Is that Antonio's brother?

2 A. That's Antonio's brother. I said I need you to come
3 down here, get Antonio and take him home because Alonzo and his
4 friends are down here. Antonio is by himself, I don't have
5 that down here with Trey, I need you to come get Antonio and
6 take him to your mama's house.

7 Q. Is Trey your son?

8 A. Trey's my son, yes.

9 Q. How old was he at the time?

10 A. Trey was probably, in '17, Trey was a teenager, he was
11 probably 13 or 14 at the time, he's 24 now. I said, I need you
12 to get Antonio and take him to your mama's house, you know, we
13 don't have that around Trey, and he said, okay, I'm on my way.
14 So by the time John got there, Antonio was already gone, and
15 this was on the regular. It got to the point where I filed
16 harassment and no trespassing papers and all of that police
17 report.

18 Q. So you filed a police report?

19 A. I filed a police report.

20 Q. Against Alonzo?

21 A. Alonzo, yes.

22 Q. What made you decide to finally get the police involved?

23 A. Because I have a son and I didn't want Antonio in no
24 trouble because it was like every day, every day, every other
25 day. It's like, I want peace in my home, I have a child, I

1 don't want this around my child. It's like every day. He
2 can't work, I can't come in and go to sleep, can't sleep in
3 peace, he can't sleep in -- he can't work. We got bills to pay
4 and he can't pay the bills if he can't work. He can't work at
5 his mama's house, he can't work here, you know, tried to get
6 somebody else involved.

7 Q. Right. And that was the police, right?

8 A. That was the police.

9 Q. You say, go back and forth, did you hear threats?

10 A. Yeah. He told him he was gonna shoot him, he was gonna
11 "F" him up, you know, he got his boys, he got his people. I
12 mean, that was a -- it was a good every week thing for us.
13 That was definitely becoming a normal at my house down there
14 for us, and I just didn't want that at my house.

15 Q. Did you hear death threats?

16 A. Yeah. I mean, he told him he was gonna shoot him.

17 MS. MUNNERLYN: Your Honor, I would object. I mean,
18 I've allowed a lot of this up to this point, but she's just
19 going on and on about what Alonzo Lampkin was saying. I would
20 just object.

21 THE WITNESS: That's the questions he's asking me.

22 THE COURT: Let's try to reel it in some.

23 Q. Did you ever see -- I think you said earlier you saw
24 Alonzo with a gun?

25 A. Yeah. He had a gun on the back door steps. We had went

1 to vacation and he was sitting on the back door steps and he
2 had his gun.

3 Q. Did you feel threatened by that?

4 A. I mean, who wouldn't feel threatened by a gun?

5 Q. And did you ever see him with a gun any other time?

6 A. That's the day I called his brother to come get him. I
7 mean, I don't -- like I said, I stay to myself. I stay in my
8 house and mind my business. That's the day I saw him with the
9 gun and I called his brother.

10 Q. Did you ever put up any no trespassing signs?

11 A. I had no -- I had no trespassing signs.

12 Q. Did you put them up?

13 A. I had them up on the tree.

14 Q. Would Alonzo ever be on your property?

15 A. That tree is kind of in between, so that is -- that's
16 considered our property, so it's borderline, so I can't say,
17 but that's borderline between the two properties.

18 MR. SMALDONE: Beg the Court's indulgence.

19 BY MR. SMALDONE:

20 Q. Earlier you talked about a gun. Do you remember what
21 day, or do you remember anything significant about the day
22 where you saw that gun?

23 A. I just know we had just came back from the beach. We
24 all went to the beach with John's daddy.

25 Q. And when this pattern and all of these things were

1 happening, when was this? I mean, what season of what year, I
2 guess?

3 A. It was the summertime.

4 Q. This was 2017?

5 A. I think that may have been 2017.

6 Q. Was this the summer that the shooting happened?

7 A. Yes, yeah.

8 Q. And did you see Alonzo with the gun shortly before the
9 shooting happened at the gas station?

10 A. All of this happened that year.

11 Q. Okay.

12 A. All of this happened in that year. Everything happened
13 in that year.

14 Q. Okay.

15 A. Because that's whenever -- everything happened in that
16 year. All of the turmoil, everything started boiling in that
17 year because I didn't know anything about anything until that
18 year. I didn't know of no confrontation, it started all
19 boiling over in that year.

20 Q. And would you see Antonio start the confrontation?

21 A. No, I never saw him start anything.

22 Q. Okay. Alright.

23 MR. SMALDONE: I don't have any further questions.

24 THE COURT: Your witness, Solicitor.

25 MS. MUNNERLYN: Thank you, Your Honor.

1

CROSS-EXAMINATION

2 BY MS. MUNNERLYN:

3 Q. So Ms. Cummings, you said you all had problems all the
4 time?

5 A. Yeah, we had problems all the time with him at our
6 house.

7 Q. You had what now?

8 A. We had problems all the time. He was always at the
9 neighbor's house all the time.

10 Q. Okay. But you only filed one report?

11 A. No. I went up there several times and they told me I
12 needed to file a report.

13 Q. And you only filed one report?

14 A. I only filed one report.

15 Q. And why did you file that report, why did Antonio not
16 file that report?

17 A. Because they told me I had to file the report because I
18 was the tenant.

19 Q. And this report makes no mention of a gun, does it?

20 A. No, it doesn't in the report, it say anything about a
21 gun.

22 Q. And there's no physical contact between the two of them
23 mentioned on this report, is there?

24 A. No.

25 Q. It's just arguing back and forth?

1 A. It's just arguing back and forth because that's what
2 happened that day.

3 Q. But that's the only day you filed the report?

4 A. That's the only day I filed the report.

5 Q. You say he had a gun another time, but you didn't file a
6 report for that?

7 A. No.

8 Q. If you felt the need to file a report for arguing why
9 would you not file a report for him having a gun?

10 A. Because I called his brother.

11 Q. What was his brother gonna do?

12 A. He came and got him.

13 Q. But he was already gone when he got there?

14 A. Yeah, he did already leave.

15 Q. Now, how long were you all together?

16 A. About 15 years.

17 Q. And when did that end?

18 A. We would have been separated probably five or six years,
19 maybe, it may be even longer than that.

20 Q. So you were with him in July of 2017?

21 A. Yeah.

22 Q. When you filed this report?

23 A. Uh-huh.

24 Q. So you all were together when he was having sex with
25 Jennifer Roller?

1 A. Yes.

2 Q. You were aware of that?

3 A. No, I wasn't aware of that.

4 Q. Okay. And in fact, since that time Antonio has gotten
5 married?

6 A. Yes.

7 Q. And have there been any other instance with Antonio at
8 your home since then?

9 A. No, I live with my dad, he has Alzheimer's.

10 Q. You live with your dad and what?

11 A. I live my dad, he has Alzheimer's.

12 Q. He has Alzheimer's?

13 A. Uh-huh.

14 Q. So you don't see Antonio anymore?

15 A. No, we don't see each other. I have a relationship, he
16 has a relationship.

17 Q. He doesn't come to your house?

18 A. I mean, why would he come to my house?

19 Q. Okay. But you had a 15-year relationship with him?

20 A. Yes. People have 15-year relationships and move on.

21 Q. Okay. You obviously had strong feelings for him at one
22 time?

23 A. Yes.

24 Q. And you're here to testify for him today?

25 A. His lawyer, yes. I'm on that police report -- that

1 police report.

2 Q. Is your son his child?

3 A. No, he raised him, though.

4 Q. So how many times -- you say you all were having
5 problems with Alonzo, and you said it was just in that year,
6 which the shooting happened in August of 2017, right?

7 A. I wasn't aware of that.

8 THE COURT: Wait a minute. If I hear that phone go
9 off one more time, you know what's going to happen, sir? Now,
10 if it's going to continue to go off, I suggest you get out.
11 Sorry, Solicitor.

12 MS. MUNNERLYN: That's fine, Your Honor. Thank you.

13 Q. So the shooting happened in August of 2017, and you said
14 all of this occurred in that year, right?

15 A. I wasn't aware until the problems -- until they have got
16 like heated and it started coming to my house, maybe until the
17 end at his mama's house and then it started coming to my house.

18 Q. So really it was in the last month or so before the
19 shooting?

20 A. No. It happened when it started at his mama's house and
21 I started going over there and he started coming to my house,
22 maybe like six or seven months, maybe.

23 Q. But Alonzo didn't even come home until --

24 A. I said maybe --

25 Q. -- until March?

1 A. I said maybe. I caught the end of it.

2 Q. So six months or so of harassment and you filed one
3 report?

4 A. When it started coming to my house.

5 Q. One report?

6 A. When it started coming to my house.

7 MS. MUNNERLYN: Nothing further, Your Honor.

8 THE COURT: Counsel?

9 **REDIRECT EXAMINATION**

10 BY MR. SMALDONE:

11 Q. How many times did you either contact law enforcement or
12 go to the police station because of this?

13 A. I know I spoke to the Chief, which he's not here to
14 verify anymore, but I know I spoke to the Chief, and the last
15 time I went up there.

16 Q. Is that Tommy Langley?

17 A. That's Tommy Langley, yes, sir, and the last time I went
18 up there I told him that, I said, Mr. Tommy, I said, I have my
19 police report, it's been filed, I said, and you know, this has
20 been going on, and he said, yes, I understand. They wouldn't
21 let me get the car at night, as a matter of fact, Robbie
22 wouldn't let me get the car that night. He said that it wasn't
23 in my name, that it was in Antonio's mom's name, I think, and I
24 couldn't get the car. They wouldn't let me get the car that
25 night to take it home, and he said, yes, I'm aware of that. I

1 said, so now this has happened. As a matter of fact, my son's
2 alarm went off that night, someone had tried to break in our
3 car that night. I've never had any problems before then.
4 Someone had tried to break in our car that night. I've never
5 had any break-ins at my house the whole 12 years I've been
6 there, and he said, yes, I understand that you all have not had
7 any problems, but, yes, this has been going on for a while. I
8 had been up there three or four times complaining about Alonzo
9 being at my house, harassing Antonio, so, no, I didn't file no
10 police report. I didn't feel like I had to file a police
11 report because, I mean, I'm home, why I got to file a police
12 report, but I did finally file a police report. I mean, sue me
13 because I didn't file a police report.

14 Q. Do you know a number of times that you talked with --

15 A. Probably three or four times.

16 Q. And I guess you heard the -- it's not what we're here
17 about and I don't do family law, but it's possible Antonio may
18 have cheated on you, you heard that?

19 A. I'm sure.

20 Q. And you all don't really talk anymore, right?

21 A. We don't have a reason to talk. I mean, if I see him I
22 speak. If I see his mama I speak. I mean, people date 25
23 years and never speak again.

24 Q. I understand, but you're still here today, correct?

25 A. I'm still here today. That's what I -- I mean, that's

1 what I'm supposed to do.

2 MR. SMALDONE: No further questions.

3 THE COURT: Solicitor?

4 MS. MUNNERLYN: Nothing further, Your Honor.

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

6 MR. SMALDONE: I'll ask that she may be excused.

7 MS. MUNNERLYN: No objection.

8 THE COURT: The witness is excused.

9 THE WITNESS: Thank you.

10 MR. SMALDONE: Defense would call Teri Anderson.

11 **TERI ANDERSON WAS DULY SWORN AT THIS TIME AND**

12 **TESTIFIED AS FOLLOWS:**

13 THE CLERK: Please be seated and state your full
14 name.

15 THE WITNESS: Teri Anderson.

16 **DIRECT EXAMINATION**

17 BY MR. SMALDONE:

18 Q. Ms. Anderson, good afternoon.

19 A. Good afternoon.

20 Q. Obviously, same last name. How do you know or how are
21 you related to Antonio?

22 A. That's my son.

23 Q. Okay. In addition to being your son, did he live with
24 you in 2016 and 2017?

25 A. Some, but he was kind of living with his girlfriend at

1 the time.

2 Q. Was he at your house a lot?

3 A. Yes.

4 Q. Did he do work at your house?

5 A. Yes.

6 Q. And where is your house?

7 A. T and [REDACTED] Edgefield Lane.

8 Q. Is that Bennettsville?

9 A. Bennettsville.

10 Q. Did you know Alonzo?

11 A. Yes.

12 Q. How did you know him?

13 A. He stayed right behind me.

14 Q. So basically like a neighbor?

15 A. Right.

16 Q. Did you have any run-in's with Alonzo?

17 A. No, not really --

18 MS. MUNNERLYN: Your Honor, I would object to any
19 run-in's she had with Alonzo really wouldn't be relevant to
20 this case. She's not -- she really wasn't involved in this
21 incident.

22 THE COURT: How does it relate to the case?

23 MR. SMALDONE: I'm just seeing if he's that way
24 towards everyone, someone specifically, just kind of a
25 background, not really --

1 THE COURT: Overruled. Just don't go too far out on
2 a tangent.

3 MR. SMALDONE: No.

4 BY MR. SMALDONE:

5 Q. Did you have any run-in's personally with Alonzo?

6 A. Well, not really, he picked at me one day, but other
7 than that, just that one time. Other than that, he was okay
8 with me.

9 Q. Okay. What about, were you a first-hand witness to
10 anything that happened between Alonzo and Antonio?

11 A. Yes.

12 Q. And to clarify, Antonio would be at your house a lot?

13 A. Right.

14 Q. Would he stay over there?

15 A. Antonio would, yes.

16 Q. So Antonio was staying at your house, working at your
17 house?

18 A. Right.

19 Q. And when did those problems begin?

20 A. I guess it was about, it wasn't right after he got out
21 of jail, but it wasn't long after he got out of jail.

22 Q. When you say "he," is that Alonzo?

23 A. Alonzo.

24 Q. So shortly after he had got out of jail, and I think
25 we've established that he got out of jail, I believe, March,

1 would that sound right, March of 2017?

2 A. Yes.

3 Q. Okay. So around March of 2017 things went south. Did
4 anything happen that you witnessed at your property or anywhere
5 else?

6 A. Yes. I was outside the day Alonzo picked up, it wasn't
7 a rock, it wasn't a brick, it was a center block.

8 Q. Okay. Let's back up. We heard a little bit about that
9 already. Were you there for the beginning of that argument or
10 fight?

11 A. Yes.

12 Q. Okay. Tell the jury what happened.

13 A. I was in -- we was all in the backyard. Antonio was
14 working on, I think he was working on Nunni's vehicle.

15 Q. Is Nunni your other son?

16 A. John, I'm sorry, John.

17 Q. Alright.

18 A. And the girl, Courtney Freeman, talked to Antonio, and
19 Alonzo got kind of upset because Antonio was talking to
20 Courtney, and he started with Antonio, and I was standing
21 beside Antonio when Alonzo picked up the center block and he
22 was running towards -- he came in my yard, he was running
23 towards it, I didn't know whether he was gonna hit me or
24 Antonio, and he said M-f'er I'm gonna kill you, and Antonio ran
25 and got his gun. He didn't point it at him, but me and John

1 took the -- we got Antonio calmed down and Antonio put the gun
2 up. He finished with Nunni's vehicle, he left, and he went and
3 got no trespassing signs.

4 Q. Okay. How many?

5 A. Two.

6 Q. Two. Where were those displayed?

7 A. They are displayed on the trees in my yard. They're
8 still there.

9 Q. Are those within eyeshot of where --

10 A. Yeah, they was for Alonzo.

11 Q. They was for him?

12 A. Yeah, they was for him, because we don't have anymore
13 property, you know.

14 Q. Right. Do you know about when that was?

15 A. I guess, no, I don't know exactly, maybe a month or so,
16 maybe a little over a month, I don't know.

17 Q. Before the shooting?

18 A. Yes.

19 Q. So possibly June of 2017?

20 A. Possibly, it was in the summer.

21 Q. In the summer?

22 A. Uh-huh.

23 Q. Did you witness any other problems between them?

24 A. Arguing here and there, yes.

25 Q. And how often would that be?

1 A. It was quite often, it was quite often.

2 Q. Did you see Antonio start those arguments ever?

3 A. No. Antonio, I think -- Alonzo kind of big, he was big,
4 so I think he kind of, you know --

5 Q. Yeah, I got you. Do you remember any other specific
6 incidents, other than arguing, anything specific that you
7 remember that you witnessed?

8 A. No, not that I can recall.

9 Q. When was his shop, when was Antonio's shop at your
10 house?

11 A. Well, it's been there for some years. It's still there,
12 but when Alonzo started messing with Tony, like he did, after
13 that incident with that stone, Antonio stopped coming to my
14 house, he wouldn't even come over for dinner, and he went to
15 McColl, and that's where he worked at then.

16 Q. So he basically moved his place of business?

17 A. Yeah, but his shop's still at the house.

18 Q. Right. But he didn't work out of there anymore?

19 A. No.

20 Q. And you said he stopped going to your house completely?

21 A. Yes.

22 Q. And it was your understanding it was all because of
23 Alonzo?

24 A. It was. One day his mama called him over and asked him
25 to leave Alonzo alone, and you know, he respected his, he

1 respected her. Antonio respected Alonzo's mom, and you know, he
2 told her he wouldn't mess with him, and he just didn't come
3 around.

4 Q. So after that he just stopped going around?

5 A. Yeah.

6 Q. And he was, I think, Antonio and his mom, Alonzo's mom,
7 were at one point --

8 A. Yes.

9 Q. -- semi-close, right?

10 A. Yes, they talked.

11 Q. Right, right, and I won't get into that, but.

12 MR. SMALDONE: Court's indulgence. I have no further
13 questions at this time.

14 **CROSS-EXAMINATION**

15 BY MS. MUNNERLYN:

16 Q. Just a couple questions, Ms. Anderson.

17 A. Okay.

18 Q. So you're Antonio's mom?

19 A. Right.

20 Q. Now, you said he had a, you referenced a stone just a
21 while ago.

22 A. It was a center block, you know, they make houses out
23 of, I guess that's what you call it, it was a block about this
24 to big (indicating.)

25 Q. And you said he just picked it up and was running with

1 it.

2 A. Yeah, I've seen him exercising on those things.

3 Q. And but he didn't hit anybody with it that time?

4 A. No, he didn't hit nobody, no.

5 Q. You all calmed everything down and then Antonio left?

6 A. Right.

7 Q. But Antonio did have his gun that particular time?

8 A. Antonio did run to the car and got the gun.

9 Q. Ran to the car and got the gun.

10 A. And that's when Alonzo drops the stone and leaves it
11 alone. We got Antonio calmed down and it was over, but Antonio
12 didn't have no pipe.

13 Q. I'm sorry?

14 A. He didn't have no pipe.

15 Q. Didn't have no --

16 A. Somebody said he had a pipe.

17 Q. Oh, I see, I see what you're saying. He had a gun, not
18 a pipe?

19 A. Right, after the stone, right.

20 Q. He went and pulled the gun out?

21 A. After the stone, right.

22 Q. Yeah, okay.

23 MS. MUNNERLYN: I don't have any further questions.

24 THE COURT: That's it?

25 MR. SMALDONE: That's it.

1 THE COURT: Thank you, you may step down.

2 MR. SMALDONE: Defense at this time calls Antonio
3 Anderson.

4 ANTONIO ANDERSON WAS DULY SWORN AT THIS TIME AND
5 TESTIFIED AS FOLLOWS:

6 THE CLERK: Please be seated and state your full
7 name.

8 THE DEFENDANT: Antonio Anderson.

9 DIRECT EXAMINATION

10 BY MR. SMALDONE:

11 Q. Mr. Anderson, good afternoon.

12 A. Good afternoon.

13 Q. Are you doing alright today?

14 A. Yes, sir.

15 Q. Are you nervous?

16 A. Yes, sir.

17 Q. That's okay. Tell us a little bit about yourself.
18 Where were you born?

19 A. Bennettsville, South Carolina.

20 Q. Did you live in Bennettsville your whole life?

21 A. No, I'm from McColl.

22 Q. So you're born in Bennettsville, moved to McColl?

23 A. McColl didn't have a hospital, so.

24 Q. Right, I guess moved, I meant --

25 A. Yeah.

1 Q. Where did you go to high school?

2 A. Marlboro County.

3 Q. How far did you get?

4 A. Eleventh.

5 Q. What kind of work do you do?

6 A. Mechanic work.

7 Q. Mechanic work. Is that what you've heard about this
8 week, the shop, and things like that?

9 A. Yeah, I was working at the house, and I went to Meggs
10 Ford for the last three -- three years.

11 Q. Where is it?

12 A. Meggs Ford Automotives, I just quit about six months
13 ago.

14 Q. And where is that located?

15 A. Bennettsville.

16 Q. Are you married?

17 A. Yes, sir.

18 Q. Do you have children?

19 A. Yes, sir.

20 Q. How many?

21 A. Four. Well, five, my wife got a son, too.

22 Q. And you consider that your child?

23 A. Yes, sir. Well, actually six, because I raised Trey.

24 Q. Right, we heard about that, too, yeah. So you've been
25 here all week, obviously, this is all about you. Tell us,

1 let's go back, how long have you known -- did you know Alonzo
2 prior to this?

3 A. Probably about ten years.

4 Q. Do you remember how you all met?

5 A. I had a Crown Vic. and he liked that and he came over
6 and started talking to me about it.

7 Q. So that was, what, 15, 16 years ago?

8 A. Something like 12 years.

9 Q. So he liked your Crown Vic. and you all got to be kind
10 of friends?

11 A. Yeah, because it was blue, and blue was his favorite
12 color.

13 Q. Okay. And you all were friends after that?

14 A. Yes.

15 Q. And then you heard, you picked him up from jail?

16 A. Yes. His mama and his daddy paid me to take them to
17 Turbeville and pick him up because they said they didn't feel
18 like driving.

19 Q. I got you. Was that in March of 2017?

20 A. I think so.

21 Q. And it's after March of 2017, is that kind of where
22 things went south?

23 A. Yeah, once he got home he was different.

24 Q. Okay. How so?

25 A. I don't know, one day I went down there to the

1 apartments to talk to him and he wasn't really talking, so I
2 just left, and after that everything, that's when everything
3 started happening.

4 Q. Do you remember the first time that it became hostile?

5 A. Yes, sir.

6 Q. What happened there?

7 A. I was coming through the apartments before I went to
8 work, I actually was going to talk to him.

9 Q. To talk to Alonzo?

10 A. Yeah, and I pulled up into the apartment complex, nobody
11 was there, I talked to a girl named Kelsey, I think that's her
12 name, one of the witnesses, but when I backed out I left out of
13 the apartments I seen Alonzo running around the building, and I
14 seen two shots, and it scared me so bad, my blood pressure went
15 real high and I was in the hospital for two days, but actually,
16 I don't think he was shooting at me because he could have hit
17 the truck if he wanted to. He just liked to scare people,
18 that's basically like the type of person is.

19 Q. So at that point you don't he was shooting at you -- --

20 A. No.

21 Q. -- to hit you at least --

22 A. Not to hit me, just to scare me. He do little stuff
23 like that, like, when his mama's house got shot up, I seen him
24 running to my truck and I got up from out of there and the next
25 morning he had a gun on him, I looked in the back, he left the

1 gun in my car and it was a toy gun, that's just like stuff he
2 did, I don't know why.

3 Q. And that was the first time that you all kind of had
4 a --

5 A. That, yeah.

6 Q. And what happened after that, was it pretty constant?

7 A. Yeah, maybe two -- maybe two times after that, two or
8 three.

9 Q. With what?

10 A. We argued back and forth.

11 Q. Okay. Did you know him to have guns?

12 A. Yes, sir.

13 Q. Other than that night do you know him to have guns --

14 A. Yes, sir.

15 Q. -- independent of what happened that night?

16 A. Yes, sir.

17 Q. How do you know that?

18 A. Because he was my friend and I knew him and the type of
19 person he was.

20 Q. Did he threaten you?

21 A. Threaten me?

22 Q. Yeah.

23 A. Yes, sir.

24 Q. How often?

25 A. Every other -- I ain't gonna say every other day, at

1 least once a week.

2 Q. Was that the summer that this all happened?

3 A. Yes.

4 Q. And did you take those threats seriously?

5 A. Yes, sir.

6 Q. Did you feel like your life was in danger?

7 A. Yes, sir.

8 MS. MUNNERLYN: Your Honor, I would object to
9 leading.

10 THE COURT: That could suggest the answer but be
11 careful.

12 MR. SMALDONE: Okay.

13 BY MR. SMALDONE:

14 Q. So just to be clear, you said you thought your life was
15 in danger?

16 A. Yes.

17 Q. Tell us about the time era, time period where you were
18 staying mostly with your mom and you had your shop there. Were
19 you living there, or what was your arrangement for housing?

20 A. I was staying in McColl, but I was working at my mama's
21 house.

22 Q. Okay. And was that every day?

23 A. Every day, yeah.

24 Q. And where at your mama's property were you working?

25 A. In the yard, I got a shop in her yard, me and his step

1 daddy built it, Alonzo's step daddy.

2 Q. Alonzo's step daddy?

3 A. Yeah.

4 Q. And you heard -- well, why did you move your shop?

5 A. I ain't moved the shop, I just, I moved, stopped working
6 outside in the yard.

7 Q. Okay, you moved the -- right, you didn't move your shop.

8 A. No.

9 Q. You moved your place of business, though, right?

10 A. Yeah, yeah.

11 Q. Where did you move that to?

12 A. If somebody called me, they'd call, I'd come to them and
13 or they'd come to where I was at.

14 Q. And where were you at?

15 A. In McColl, [REDACTED] King Street.

16 Q. And that's not where you were before, right?

17 A. No.

18 Q. Why did you move?

19 A. Because every time I'd come outside it was always
20 something, and he started texting me off of Jennifer Roller's
21 page. First it was: Little dick bitch, or something like
22 that. I thought it was her because she had two pages, and what
23 I say? I said, you ain't say that when you was --

24 Q. But it was just text messages?

25 A. And then he text back: Your mama not home, my mama not

1 home, I come out there and shoot, I shoot first. I think my
2 brother still got that text. Ever since then it was constant.

3 Q. And that was kind of early on --

4 A. Yeah.

5 Q. -- throughout the summer?

6 A. Yeah.

7 Q. You said it was constant. What else do you remember
8 specifically when he would get into it with you?

9 A. That day that they talked about with the brick, I was
10 out there working on the car and Courtney, she come over and
11 was talking me. I don't know if he got mad because she was
12 talking to me. When she went back he ran at me with the brick.
13 I thought he was gonna hit me with it, so my car was right
14 there and I had the gun in the driver's door and I grabbed it,
15 but I never pointed it at him, because I didn't want to hurt
16 him.

17 Q. When you said your car was right there, about how close?

18 A. It was right there, probably about, we got like a ditch
19 in between our yard, and mine was backed in and backed into the
20 ditch.

21 Q. Okay. And just because the court reporter is writing
22 everything down, when you say, right there, it's hard for
23 record.

24 A. It's right at the end of the --

25 Q. Do you know about how many feet, meters, yards?

1 A. Probably about five feet.

2 Q. Okay. So very close.

3 A. Very close.

4 Q. And where was it in your car?

5 A. Huh?

6 Q. Where was the gun in your car?

7 A. In the driver door.

8 Q. Okay. And do you know about what month or what week
9 that happened?

10 A. No, sir.

11 Q. What else stands out in your mind from that summer other
12 than until we get to that night?

13 A. One day me and my mom and my brother, we had went to the
14 place in Dillon called BC Steak, I think that's the name of it,
15 and I was coming through Clio and stopped at the store in Clio,
16 and when I was leaving Clio I saw a white truck come up behind
17 me, it was rushing up real fast, so I hit the gas, tried to
18 speed up a little, I thought I might have been going too slow,
19 we got down the road between Clio and McColl, I seen two
20 flashes coming at me so I ducked down and I hit the gas real
21 hard and I was trying to figure out, like, who, don't nobody
22 really know this car, I just got the car like three or four
23 weeks, and about three days later I go to the house and a white
24 truck backed in, I'm at [REDACTED] King Street in McColl. I see that
25 same white truck backed in at the door, so I ain't gonna lie, I

1 went and got my gun, I just trying to figure out who it was.
2 When I come around the corner he's standing around the door
3 with a long AR fussin' and stuff, so the neighbors in front of
4 us, they come out and told me to leave.

5 MS. MUNNERLYN: Objection, Your Honor. Hearsay to
6 what the neighbors said.

7 MR. SMALDONE: It's not used to prove the word
8 "leave," not being used to prove the matter asserted, nothing
9 asserted, also it's not to prove the word "leave."

10 THE COURT: Well, try not the get into anything
11 people said.

12 MR. SMALDONE: Right.

13 THE COURT: Asked and answered.

14 MR. SMALDONE: Okay.

15 BY MR. SMALDONE:

16 Q. Alright, so the neighbors saw, and that was he had an
17 AR, right, and did you still have -- you said it was your gun?

18 A. Yeah. I put it in my pocket. There's a gentleman there
19 named Jeff Rosco (phonetic), he made me go in the house, and he
20 went in the house and Alonzo just left. That actually was the
21 night before the shooting happened.

22 Q. That was the night before the shooting happened?

23 A. Yes, sir.

24 Q. So you saw him, you said an AR, I don't know if you know
25 about guns, what did it look like?

1 A. Just a long assault rifle.

2 Q. What color was it?

3 A. Black. I knew he had it because he actually sent
4 pictures of it to my brother with a bullet proof vest and two
5 guns saying he was trying to sell it, but he wasn't -- he was
6 just taunting me, I guess, so when that happened I
7 called Charles Lemon and Charles Lemon told me to --

8 MS. MUNNERLYN: Objection, Your Honor.

9 THE COURT: Sustained.

10 BY MR. SMALDONE:

11 Q. You spoke with law enforcement after that?

12 A. Yes, spoke to law enforcement.

13 Q. And when was that?

14 A. That was like about a month before that, before the
15 shooting.

16 Q. Did you file an official report or was it just kind of a
17 --

18 A. That's basically what I was gonna ask him, what's the
19 process of it?

20 Q. Alright. And so, alright, so on one hand, I just want
21 to make sure because we have two different dates. You said the
22 altercation where he had an AR because -- I'm sorry, he had an
23 AR, you had a gun, no one shot then, correct?

24 A. No, sir.

25 Q. But you had your gun because you saw the same car that

1 had shot twice at you?

2 A. Yes, the truck, yeah.

3 Q. And that was what kind of truck?

4 A. A Chevy F10.

5 Q. And when did you see that truck, someone in that truck
6 fire at you?

7 A. When?

8 Q. Yes. Was that the same day or day before, do you
9 remember?

10 A. Like three or four days.

11 Q. Did you remember that truck specifically, though?

12 A. Yes, sir.

13 Q. And you work on cars for a living?

14 A. Yes, sir, it had rims on it, I know it.

15 Q. Does it have the same rims as you saw?

16 A. Yeah.

17 Q. So there's no doubt in your mind it was the same truck?

18 A. Yes, sir. I asked and Courtney had told me he was out
19 working on her mama's car that day that the shooting happened.
20 She had told me, she was like --

21 MS. MUNNERLYN: I would just object again.

22 MR. SMALDONE: We'll skip that, I'll move on.

23 Q. When did you put up, or sorry, let me go back. When
24 were no trespassing signs put up?

25 A. It was after the incident from the apartments, I'm going

1 to say like a month and a half after he got out of prison, I
2 think.

3 Q. You think?

4 A. Yeah.

5 Q. And that was, was that in response to a specific event?

6 A. I just got tired of arguing with him, basically, yes.

7 Q. And in response to that you put up no trespassing signs?

8 A. Yes, sir.

9 Q. And that was at your mom's house in Bennettsville?

10 A. Yes, sir.

11 Q. How many signs do you remember putting up?

12 A. It was two.

13 Q. Were you the one that put them up physically?

14 A. Yes. Actually, when I was putting them up he was just
15 pulling in the yard just then.

16 Q. Okay. So you know that Alonzo saw -- --

17 A. I know he seen them, yeah.

18 Q. Saw the signs?

19 A. Yeah.

20 Q. Okay. Did you have occasion to see Alonzo's social
21 media after you put up the signs?

22 A. We were still friends on Facebook.

23 Q. Okay.

24 MR. SMALDONE: I'll premark.

25 MS. MUNNERLYN: Your Honor, I'm going to object to

1 this. Mr. Lampkin's not here, and there's no way to
2 authenticate the Facebook, that this is him, that he put it up
3 or anything along those lines, and I would object to that.

4 THE COURT: I'm going to overrule the objection and
5 you, Solicitor, may certainly cross-examine him on those
6 issues.

7 **(Defendant's Exhibit No. 1 was marked for identification.)**

8 Q. I'm going to show you, and don't say what it is yet,
9 just answer my questions directly. Okay? I'm going to show
10 you what I've premarked Defense 1. Do you recognize that
11 picture?

12 A. Uh-huh.

13 Q. Is that picture from social media?

14 A. Yes, sir.

15 Q. Did you see that picture shortly after it was posted?

16 A. Yes, sir.

17 Q. Is that picture in the same fair and accurate condition
18 that you originally saw that post?

19 A. Yes, sir.

20 Q. And what's on the picture?

21 A. Do you want me to say?

22 Q. Yeah, you can say.

23 MS. MUNNERLYN: Your Honor, I just want to object
24 again. I just want to reiterate. This is the Facebook, and we
25 all know how easily accounts can be hacked and cloned, and

1 there is no way for us to determine who posted this and whether
2 it's even him, I mean, there's no way. I would, again, just
3 object for the record. There's no way to authenticate this.

4 MR. SMALDONE: I have a way.

5 THE COURT: Objection is overruled, and certainly,
6 you may cross-examine on it, and certainly, you may argue your
7 points to the jury in closing arguments.

8 Q. So at this time I would seek to admit Defense Exhibit 1
9 into evidence.

10 THE COURT: Subject to their object, I'll allow it
11 in.

12 **(Defendant's Exhibit No. 1 was admitted into evidence.)**

13 Q. Okay. So what's on the picture?

14 A. AR, two pistols.

15 Q. And I'll just ask you to speak up a little bit and
16 annunciate a little bit, I know you like, you know, you're not
17 a public speaker but --

18 A. Yes, sir, assault rifle, two handguns, and four clips
19 and bullets.

20 Q. And what name posted that?

21 A. Alonzo Lampkin.

22 Q. Did you follow, were you all friends at the time?

23 A. No, sir.

24 Q. I'm sorry. Were you all Facebook friends at the time?

25 A. Yeah, we were Facebook friends.

1 Q. So your understanding is that was Alonzo posting that,
2 right?

3 A. Yeah.

4 Q. What does the caption say?

5 A. Strapped up, them signs don't mean nothin'.

6 Q. Little more clear?

7 A. Strapped up, them signs don't mean nothin'.

8 Q. When in relation to you putting up no trespassing signs
9 did he post that?

10 A. The same day.

11 Q. Same day?

12 A. Yeah.

13 Q. How do you remember that?

14 A. Because I posted the trespassing signs up on my Facebook
15 page.

16 Q. You posted the sign on your Facebook?

17 A. Yes, sir.

18 Q. Okay. And is that a comment toward -- I'm sorry.

19 Talking about social media, were you tagged in that, or was
20 that a comment under your post, or was that his own individual
21 post?

22 A. That's his own post.

23 Q. And what was the date on that?

24 A. June 24th.

25 Q. So June 24th, and you were friends with him at the time,

1 correct, on Facebook only?

2 A. On Facebook, yeah.

3 Q. And we'll just answer yes or no at this time. Did you
4 see this post when it was posted?

5 A. Yes, sir.

6 Q. Okay. Is that post on this piece of paper, the same
7 post, the same accurate condition that you saw on social media
8 afterwards?

9 A. Yes, sir.

10 Q. That you saw on social media back in 2017?

11 A. Yes, sir.

12 Q. So this piece of paper would reflect what a computer
13 said in 2017, correct?

14 A. Yes, sir.

15 MR. SMALDONE: So at this time defense would seek to
16 admit Exhibit 2.

17 MS. MUNNERLYN: My objection would be the same as to
18 this one, Your Honor.

19 THE COURT: Overruled.

20 Q. And is it fair to say this is a text, what does the
21 word? It's not a photograph, correct, that he posted?

22 A. No.

23 Q. What does that say?

24 A. He's writing in gang language, I don't know that word:
25 Shit into Call of Duty, let one more nigger try to cross me.

1 Q. Do you know what Call of Duty is?

2 A. Yes, a shooting game.

3 Q. Is that a first person shooter?

4 A. Yes, sir.

5 Q. When you're playing Call of Duty are you shooting other
6 video game people?

7 A. Yeah.

8 Q. How did you interpret that message, or that post?

9 A. That he's trying to kill me, shoot me.

10 Q. Okay.

11 MR. SMALDONE: Your Honor, I would seek to publish
12 Defense 1 and 2 to the jury to just pass around?

13 THE COURT: Alright.

14 (Photos being passed around to the jury.)

15 MR. SMALDONE: I'm going to pull something up while
16 they do that. Beg the Court's indulgence? I'm pulling
17 something up, Your Honor. I don't seek to admit it, just since
18 the issue of authentication is arisen I want to firm up that
19 and just have him --

20 BY MR. SMALDONE:

21 Q. Antonio, I'm sorry. So I am pulling up my laptop, and
22 just what is, are you good with computers, Antonio? Do you
23 know what Chrome is?

24 A. No.

25 Q. You don't know what Chrome is, oh, you ain't good at

1 computers. Alright. Does this look like an internet browser,
2 right? I'm going into the internet, I'm gonna hit, yeah, we'll
3 go down. Is it fair to say these are not screenshots?

4 A. No, sir.

5 Q. Okay, this is live internet, what appears to be live
6 internet, right?

7 A. Yes, sir.

8 Q. In fact, do you see the personal hot spot?

9 A. Yes.

10 Q. What does that say?

11 A. Grant 2022 outgoing.

12 Q. Is my name Grant?

13 A. Yes, sir.

14 Q. I just want to show you, okay, so you have post two, the
15 Call of Duty one, right?

16 A. Yes.

17 Q. Do you see the date there?

18 A. Yes, sir.

19 Q. That's June 24th, right?

20 A. Yes, sir.

21 Q. Now, go down a little bit, the post right before that,
22 what's that post?

23 A. The one with the guns.

24 Q. Okay, the one we already admitted into evidence. Okay.

25 Now, go down one post, is that the same day?

- 1 A. Yes, sir.
- 2 Q. What is that?
- 3 A. Alonzo throwing up gang signs.
- 4 Q. Well, is that a video of Alonzo?
- 5 A. A video, yeah.
- 6 Q. So that's the very same day, right?
- 7 A. Yes, sir.
- 8 Q. So and that's not a picture, right?
- 9 A. No.
- 10 Q. That's Alonzo, so you knew him a while, right?
- 11 A. Yes.
- 12 Q. So just to say it's -- so you said it was the same day
- 13 as the trespassing signs, that was posted?
- 14 A. Yes, sir.
- 15 Q. And that was when you were mostly staying with your mom,
- 16 or at least working at your mom's house?
- 17 A. Yeah, I was working, I wasn't staying with her, though.
- 18 Q. So you were there during the day?
- 19 A. I'd be there all day, though, until nighttime.
- 20 Q. And that's in Bennettsville, right?
- 21 A. Yes, sir.
- 22 Q. Do you remember what made you move your work to McColl?
- 23 A. Yeah.
- 24 Q. Was there anything specific --
- 25 A. Got tired of the threats, and I just didn't want no

1 problems.

2 Q. So you moved to McColl, worked there, what happened once
3 you got to McColl?

4 A. He followed me down there.

5 Q. He followed you down there?

6 A. Yeah.

7 Q. What do you mean by that?

8 A. Because I never really, I don't know, I just never
9 really seen him down there, not where I stayed at. I seen him
10 at the apartments, but I never seen him on my end.

11 Q. And then he pops up once you're there?

12 A. Yeah. The people next door, I didn't even think they
13 knew him, to be honest with you.

14 Q. And did this kind of pattern keep happening once you
15 were in McColl?

16 A. Yes, sir.

17 Q. What specific events happened there?

18 A. He'll see me riding down the road and try to run me off
19 the road.

20 Q. What road?

21 A. I used to go to the apartments, too, it's a road on the
22 side of the road right there, he seen me over there and tried
23 to -- I mean, I don't know, it's just like he just tried to
24 bully me all the time, I guess.

25 Q. He tried to run you off the road, anything else you

1 remember in McColl that happened?

2 A. No, sir.

3 Q. And then you were living in McColl when this shooting
4 happened, right?

5 A. Yes, sir.

6 Q. Had you ever seen Alonzo at that gas station?

7 A. No, sir.

8 Q. Tell me about that day, that night. Why did you go to
9 the gas station? I call it a gas station, what's the name of
10 it?

11 A. Skeeters, Stop N Shop. I think it's Stop N Shop now,
12 but it was Skeeters.

13 Q. It was Skeeters in 2017, right?

14 A. Yes.

15 Q. Why did you go to Skeeters?

16 A. I had just -- I had just went there that day earlier and
17 got some food like an hour earlier, and I had went back to get
18 a drink and potato chips, something like that.

19 Q. Back to what?

20 A. I had came and got a drink and a bag of potato chips.

21 Q. So you were alone, right?

22 A. I had just got out of the shower and went to the store,
23 I didn't have a shirt on. That's why in the picture you see me
24 put my tank top on and when I was putting my tank top on I see
25 him pulling up so I was kind of like, should I go in the store

1 or leave, so I just went ahead and went in the store.

2 Q. So you went in the store, what happened once you got in
3 the store?

4 A. All I heard was fuck and a gun, I turned around asked
5 him what -- first we made eye contact. You know Alonzo, you
6 already know how he is, that's just how he is.

7 Q. So you all were inside the store.

8 A. We made contact then.

9 Q. We saw it, it's --

10 A. Yeah.

11 Q. What was going through your mind at that time?

12 A. I don't feel like this today. If you look at the tape
13 from earlier, I had my blood pressure, I had told the girl,
14 asked did she have anything for high blood pressure in there.
15 My blood pressure was real high. I got blood pressure problems
16 and I didn't feel like arguing with him, to be honest with you.

17 Q. Well, you had already been in the hospital for high
18 blood pressure after you got shot at, right?

19 A. Yeah, they put me in the hospital for two days.

20 Q. Do you remember what you were prescribed, what drug it
21 was?

22 A. They put me on Klonopin, Lisinopril, Metoprolol, and
23 Hydro-something.

24 Q. So you took -- that night, going back, you said, I can't
25 remember, you didn't feel like arguing. What were you trying

1 to do?

2 A. Get my chips and go.

3 Q. Did you feel threatened?

4 A. Yes, sir.

5 Q. How so?

6 A. As far as -- what do you mean?

7 Q. Did you feel scared for your life that night?

8 A. Yeah.

9 Q. Why?

10 MS. MUNNERLYN: Your Honor, again, I would just
11 object as to the leading.

12 THE COURT: Rephrase your question.

13 Q. What was your emotion that night?

14 A. To be honest with you, I didn't know what he had, I was
15 --

16 Q. What did you say, you didn't know what he had?

17 A. Yeah, I didn't know what -- I was scared, to be honest
18 with you, yes, I was scared for my life.

19 Q. And then you all got in a fight outside, right?

20 A. Yes, sir.

21 Q. Had you all fought before?

22 A. Yes, sir.

23 Q. Who usually wins, or won?

24 A. There wasn't never really, I don't know.

25 Q. Is he about 100 pounds more than you?

1 A. Yeah.

2 Q. What was -- what happened? You all were fighting, you
3 went outside, what happened after that?

4 A. As far as -- when I looked out the door I seen him
5 staring there waiting for me. That's when I said, I'm coming.

6 Q. He was looking at you?

7 A. Yeah, him and his girlfriend was facing towards the
8 window. It was like they was standing there, but everything
9 that happened, it's just like it happened so -- like, it
10 happened so fast, you know? I wish I would have just left, to
11 be honest with you.

12 Q. Did you get your gun right away?

13 A. I think so.

14 Q. Why did you get it?

15 A. Because I didn't know what he had going on. Every time
16 he come at me he has a gun.

17 Q. He what?

18 A. I said, I didn't know what he had, usually every time he
19 come at me he have a gun.

20 Q. So how did that make you feel?

21 A. I was scared, yes, scared.

22 Q. Scared for your life?

23 A. Yes, sir. He just want to -- he want to start
24 something, I just told him one day, and I told him, I was like,
25 I don't know why you keep shooting -- keep messing with

1 shootin' -- by the time I get to my house his mama was outside
2 waiting for me, and me and her was talkin', she was, like, just
3 leave him alone, she was, like, leave each other alone. I was
4 like, yes, ma'am.

5 Q. That was his mom?

6 A. That was his mama, Alonzo's mama. So what I did, I
7 packed my stuff up and I left, and that's when everything.

8 Q. Did you ever go back?

9 A. No. Now, asked to sit on my side one day, all the kids
10 and his daddy and mama was out there, I tried to talk to him, I
11 went to in his yard, I tried to talk to him, I went to -- in
12 his yard, tried to talk to him, he was like, he ain't havin'
13 that.

14 Q. Who's him?

15 A. Alonzo.

16 Q. So you saw Alonzo in his yard, you tried to talk to him?

17 A. Yes, sir.

18 Q. When was that?

19 A. That was after he shot at me.

20 Q. Earlier in the summer?

21 A. Yeah. It was, like, he didn't want to talk to me like
22 he was going to kill me. I just walked out and put my hands --

23 Q. Is that when you moved?

24 A. Yes, sir.

25 Q. Or stopped going to your mom's?

1 A. Yeah.

2 Q. I got sidetracked, which I tend to do, so I apologize.

3 That night, did you have something that made you decide to

4 shoot, or what was going through your mind?

5 A. I don't know, everything just happened so fast. He just

6 kept yellin' he's gonna kill me. Like I said, I didn't see

7 nothin' but I didn't know what he had, to be honest.

8 Q. Right. So what happened after the shot?

9 A. I had called my ex-girlfriend and told her to come get

10 the car. I put the gun, popped it out the clip, waited for the

11 police to come, put it on the car and put my hands up.

12 Q. And at that point you eventually talked to Robbie Tryon,

13 right?

14 A. Yeah.

15 Q. And then we basically heard the rest in this trial,

16 right?

17 A. Yes.

18 Q. What did you feel like would happen if you didn't shoot?

19 A. He was gonna kill me.

20 Q. That night or that, when?

21 A. I felt like he wasn't gonna stop. Like I said, he had

22 an AR 15, and we had kids at the house. I know he liked to

23 play around, so I didn't want to put nobody else's life in

24 danger, especially not no kids.

25 Q. Right.

1 A. He might come shoot the house up, you know?

2 Q. Uh-huh.

3 A. My stepson, he slept on the end of the trailer, so.

4 Q. Right. Was that facing where Alonzo was?

5 A. Facing the road.

6 Q. Is that Trey?

7 A. Yes, sir.

8 Q. I think I've said all I said, but is there anything else
9 that we haven't gone over that you, and that's not a trick
10 question, you could say no, but is there anything I forgot to
11 mention or anything else you want to say at this time?

12 A. They won't let me talk about the time I talked to
13 Charles Lemon and Fred Knight.

14 Q. I mean, did you have a discussion with law enforcement?

15 A. Yes, sir, yeah, we sat outside for like an hour and
16 talked about it.

17 Q. Talked about what was going on?

18 A. Yes, sir.

19 Q. And when was that?

20 A. Like a month before it happened.

21 Q. Okay. Where was that?

22 A. He told me to meet him in Gibson and me and my brother
23 got in the car with him and we went to this church called Green
24 Pond and we sat back there. Actually, there was a, I don't
25 know if I can talk about it, but they was already looking at

1 him for stealing guns.

2 MS. MUNNERLYN: Your Honor, I'll object.

3 THE COURT: The jury will disregard that statement.

4 Let's get back on track now.

5 Q. So you had a discussion with law enforcement, and then
6 anything else that I haven't covered that you?

7 A. That's it.

8 Q. Okay.

9 MR. SMALDONE: I don't have any further questions at
10 this time.

11 THE COURT: Solicitor?

12 MS. MUNNERLYN: Thank you, Your Honor.

13 **CROSS-EXAMINATION**

14 BY MS. MUNNERLYN:

15 Q. So you and Alonzo were friends for a long time?

16 A. Yes, ma'am. We weren't friends, friends, he'd just come
17 to the house and work on cars every once in a while.

18 Q. Until the last six months or so of his life?

19 A. No, ma'am, not actually, because we had got into it like
20 10, 15 times. We weren't close friends.

21 Q. You got into it 10 or 15 times?

22 A. Yes, ma'am.

23 Q. And yet, you, yourself have never filed an actual
24 incident report?

25 A. No, ma'am.

1 Q. No?

2 A. No, ma'am.

3 Q. And yet, you want us to believe that all of these
4 incidents happened when he had a gun, and supposedly threatened
5 you, and yet, there is no report? You didn't file a report,
6 right?

7 A. No.

8 Q. In fact, Renee Cummings filed a report, but she only
9 filed one for you, supposedly, but even in that one there is no
10 mention of any guns, correct?

11 A. Yes, ma'am.

12 Q. That's right.

13 A. I talked to the cops.

14 Q. But there's no report that was ever filed?

15 A. I had talked to the cops about it. I don't know the
16 process of filing reports.

17 Q. You know how to go to the police department.

18 A. That's why I called Charles Lemon, he told me --

19 Q. But there's no report on file?

20 A. I don't understand why he's not here.

21 Q. And all of this really was about you having sex with
22 Jennifer Roller while he's off at prison?

23 A. No, ma'am.

24 Q. You said in your statement when you were talking with
25 Robbie Tryon that he was communicating with you through her

1 account, her Facebook page; isn't that right?

2 A. Yes, ma'am.

3 Q. He was sending you messages through Jennifer's Facebook,
4 in fact, you thought it was her at first?

5 A. Yes, ma'am.

6 Q. And he was upset, he was mad, he was trying to confirm
7 that you were the one sleeping with her while he was gone. He
8 thought you were his friend and you slept with his girlfriend
9 while he's in prison?

10 A. No, ma'am. Yeah, I slept with plenty girls I was
11 talking to. We weren't friends like that.

12 Q. But you slept with her.

13 A. No.

14 Q. He had been living with her.

15 A. Him and Jennifer had just started talking before he went
16 to prison, like two weeks.

17 Q. And he had been living there with her, hadn't he?

18 A. No, he wasn't staying with her, he was staying at home.
19 He was talking her and her sister, but it's not about her
20 sister.

21 Q. But you admit that he was messaging you through her
22 Facebook page, in fact, you thought it was her at first?

23 A. Yes, ma'am, I did.

24 Q. He was so mad that he was trying to conceal his identity
25 by using her Facebook page to try to make sure that that was

1 you that was sleeping with her?

2 A. I wouldn't -- me and him was talking about that and he
3 just, it's not about no female, we've been feuding for years.

4 Q. You've been feuding for years --

5 A. Yes, ma'am.

6 Q. -- and yet there is no report, is there?

7 A. His mama and his daddy all know about it. I never filed
8 no reports.

9 Q. Never filed reports?

10 A. No, ma'am.

11 Q. They're not here?

12 A. His daddy is here, his step daddy.

13 Q. You say there was this white truck that flew by you and
14 shot at you, and you didn't file a report because somebody shot
15 at your vehicle?

16 A. No, ma'am.

17 Q. You'll file a report through your girlfriend that
18 somebody's arguing with you in the yard, but you don't file a
19 report because somebody shoots a gun at your car that you're
20 driving down the road?

21 A. I never told her to file the report.

22 Q. You're in the store, you want us to believe that you
23 were afraid, but when you're standing at that counter and he
24 goes outside, you told him, hold up, I'm fixin' to come out
25 there, didn't you?

1 A. That's because he was standing at the glass looking at
2 me.

3 Q. If you were scared and wanted to get out of there you
4 could have gone out, gotten in your car and driven off,
5 couldn't you?

6 A. Yes, ma'am.

7 Q. In fact, you said earlier you wish that's what you would
8 have done?

9 A. I wish I would have.

10 Q. And you actually had three separate and distinct
11 opportunities to go get in your car, close the door, crank it
12 up, and drive off before you shot him, didn't you, three
13 separate times? You went in there, you came out of the store,
14 you went in your car and you got the gun the first time, that's
15 one. You walked around, you had a conversation with him, you
16 walked back around, you put the gun back, that's two. Then,
17 you go all around the parking lot, you come back, he's going
18 back with her toward the back of the car, you go in there, get
19 the gun, that's three. You could have left three different
20 times when you went to your car that night, but you didn't, did
21 you?

22 A. If I would have left he still wouldn't have stopped.

23 Q. And you admit you never saw him with the gun that night,
24 did you?

25 A. I didn't know what he had.

1 Q. But you didn't see a gun, did you?

2 A. I didn't know what he had.

3 Q. Did you see a gun?

4 A. No, ma'am.

5 Q. You want us to believe that this was posted by Alonzo
6 Lampkin?

7 A. Yes, ma'am.

8 Q. And that it was done on June the 24th, right?

9 A. Yes, ma'am.

10 Q. Which would have been almost two months before this
11 incident; isn't that right?

12 A. Yes, ma'am.

13 Q. Is that about the time that you and he had your
14 altercation in the backyard?

15 A. I can't remember.

16 Q. You can't remember when that altercation was, but you
17 can remember that day you posted the no trespassing signs?

18 A. That's because we got a day on it, on that paper.

19 Q. This has a date on it?

20 A. Yes.

21 Q. But how do you know the date that you posted the no
22 trespassing signs?

23 A. Because that happened the same date.

24 Q. I know why, because you got these.

25 A. Yeah, with that date on it.

1 Q. No way to confirm that. The fact is, you didn't like
2 him, you wanted to end it, and you wanted to be done with the
3 problem which was him.

4 A. I didn't have nothin' against --

5 Q. And you just pulled your gun and you took care of it
6 that day?

7 A. No, ma'am, I only shot him one time.

8 Q. That's exactly right, and that's all it took, wasn't it?

9 A. No, ma'am, he was still walking.

10 Q. Did he die? He did. You went out that front door of
11 that store and you weren't leisurely walking being cool, you
12 were doing a fast paced, almost a jog to your car to get that
13 gun, and you got it out and you cocked it, didn't you?

14 A. Yes, ma'am.

15 Q. Sure did. You cocked it because you were mad. This has
16 been going on way to too long, wasn't it, and it had made you
17 mad; isn't that right?

18 A. No, ma'am.

19 Q. You weren't scared, you were mad.

20 MS. MUNNERLYN: Court's indulgence just one moment.

21 Q. If in fact, you weren't mad and you were scared, as you
22 say, why did you put that gun back after you got it out the
23 first time?

24 A. Everything just moved so fast.

25 Q. You thought better of it and got it out a second time

1 then and shot him because you really weren't scared, you were
2 mad; isn't that right?

3 A. If I wasn't scared I would have never left where I
4 worked at.

5 MS. MUNNERLYN: I don't have any further questions,
6 Your Honor.

7 THE COURT: Anything further?

8 MR. SMALDONE: Court's indulgence. No further
9 questions.

10 THE COURT: You may step down. Thank you. Unless I
11 hear some argument that we work further today, I think we're
12 going to call it a day and we'll come back in the morning
13 because it's 5:15. The bosses in Columbia don't want us going
14 much further than that, so we will stop for the evening.
15 Remember my instructions, don't discuss this case with anyone,
16 do not allow anyone to approach you in any form or fashion.
17 Have a good evening, and let's try to get started at 9:30 in
18 the morning. Okay? Alright. Everybody else remain seated
19 while the jury departs for the day. Let me speak with counsel
20 back in chambers.

21 MS. MUNNERLYN: Your Honor, do you want everybody to
22 go ahead and leave? I was going to see if the victim's family
23 can go ahead and leave before everybody else leaves the
24 courtroom.

25 THE COURT: Sheriff, I'm going to turn it over to

1 you, you dismiss however you want to while I meet with counsel.

2 (Concluded for the day on Tuesday, July 25, 2023.)

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1 **(Whereupon proceedings reconvened Wednesday, July 26, 2023)**

2 THE COURT: Anything before we get started?

3 MR. SMALDONE: I don't think so, Your Honor, not from
4 defense.

5 MS. MUNNERLYN: No, Your Honor.

6 THE COURT: Are you ready to do the next witness?

7 MR. SMALDONE: Yes, Your Honor.

8 THE COURT: Bring them on in.

9 (Jury entered courtroom at 9:56 a.m.)

10 THE COURT: Good morning, everybody.

11 THE JURY: Good morning.

12 THE COURT: Thank you for your patience this morning.

13 You all were here early, I was here early, thought we'd get
14 started right on the dot, scheduling matters came up and
15 Murphy's Law prevailed on that, too, but we're ready to get
16 back to work. Counsel, you may call your next witness.

17 MR. SMALDONE: Defense would call John Anderson.

18 **JOHN ANDERSON WAS DULY SWORN AT THIS TIME AND**

19 **TESTIFIED AS FOLLOWS:**

20 THE CLERK: If you would have a seat and state your
21 full name.

22 THE WITNESS: My name is John Patrick Anderson.

23 **DIRECT EXAMINATION**

24 BY MR. SMALDONE:

25 Q. Mr. Anderson, good morning.

- 1 A. Good morning.
- 2 Q. Where are you from?
- 3 A. Originally from McColl, but I stay in Bennettsville now.
- 4 Q. And you lived there your whole life?
- 5 A. I'm from McColl.
- 6 Q. Have you lived in Marlboro County your whole life?
- 7 A. Yes, sir.
- 8 Q. And where did you go to school?
- 9 A. Marlboro County High.
- 10 Q. How far did you get?
- 11 A. Graduated.
- 12 Q. And what kind of work do you do now?
- 13 A. I'm a team lead at El Rocko (phonetic).
- 14 Q. How long have you done that?
- 15 A. Ten years.
- 16 Q. How old are you now?
- 17 A. I'm 37 years old.
- 18 Q. Obviously, your last name is Anderson, what kind of
- 19 relation are you to Antonio?
- 20 A. That's my oldest brother.
- 21 Q. Oldest brother?
- 22 A. Yes, sir.
- 23 Q. And do you know him pretty well?
- 24 A. Yes, sir.
- 25 Q. How would you describe your relationship with him?

1 A. It's a good relationship. We are family oriented. Our
2 family is pretty close.

3 Q. And I just ask, this is a big room and you've got a lot
4 of people in it and we've got a court reporter writing
5 everything down, so if you don't mind just speak up a little
6 bit. I know you're not used to testifying.

7 A. Yes, sir.

8 Q. Tell me, is it fair to say you know Antonio pretty well?

9 A. Yes, sir.

10 Q. You think you know him better than anybody else?

11 A. Yes, sir.

12 Q. Tell me about him, talk about Antonio.

13 A. Well, Antonio, of course everybody knows he's a
14 mechanic. He's the type, he'll give you the shirt off his
15 back. He does a lot of work for people, and you know, times
16 are hard, and he knows people can't afford it so a lot of times
17 he looks out for people. He tries to help them out with price,
18 you know, he'll do anything for anybody. I mean, he's just,
19 that's how we were raised, kind-hearted.

20 Q. Would you think he's a violent person?

21 A. No, sir.

22 Q. Do you know him to cause trouble?

23 A. No, sir, not any trouble like that, no, sir.

24 Q. And I'm just going to ask two questions about this. You
25 know Alonzo, you knew Alonzo, correct?

1 A. Yes, sir.

2 Q. Do you think that he had a reputation for violence?

3 MS. MUNNERLYN: Your Honor, I'm going the object.

4 THE COURT: Alright. Give me a grounds for the
5 objection.

6 MS. MUNNERLYN: Well, Your Honor, he's just, he's
7 asking him in general terms, he's not asking him with regards
8 to this particular defendant, his relationship with this
9 particular defendant relevant to this case, and so I would just
10 object on the basis of relevance.

11 THE COURT: How about rephrasing the question.

12 MR. SMALDONE: Well, Your Honor, I think reading the
13 case law I think I have to phrase it that way. I think the
14 case law says I can't get into specific things about
15 reputation, I just have to ask that question. That's why I was
16 so broad.

17 THE COURT: I'll overrule the objection.

18 MR. SMALDONE: Okay. And there's one more that's
19 like it just based off the same case, and I then will move on.

20 THE COURT: Okay.

21 BY MR. SMALDONE:

22 Q. And again, I'll ask two questions and then we're out of
23 here. Do you think that in your opinion did Alonzo have a
24 reputation for violence?

25 A. Yes, sir.

1 Q. Did Alonzo have a reputation for turbulence?

2 A. Yes, sir.

3 Q. Did you know, how long did you know Alonzo?

4 A. I think we moved to Bennettsville around about 2007,
5 2008, somewhere around there, so not long after we moved to
6 Bennettsville, that's how long I've known him.

7 Q. I'm going to do everyone a favor and not rehash all the
8 things that already happened because we've already heard it,
9 but you've been in the courtroom for this trial, correct?

10 A. Yes, sir.

11 Q. You've not been sequestered, right?

12 A. No, sir.

13 Q. Do you disagree with anyone on your side has said about
14 events? Because I could ask everything again, but I'd rather
15 just make sure that you -- do you disagree with anything you've
16 heard from them about specific events?

17 A. No, sir. A couple of them times I was actually there.

18 Q. Okay, yeah, I guess I should have asked that first. You
19 witnessed some of these events, right?

20 A. Yes, sir.

21 Q. And the ones you witnessed, was anything noticeably
22 wrong that was testified about?

23 A. Nothing that I've heard.

24 Q. And again, I'm not going to ask you about all of them
25 because we've heard about them. Did you can ever communicate

1 with Alonzo?

2 A. Yes, sir.

3 Q. Did you communicate with him -- did he communicate with
4 you on Facebook Messenger during the time of the turbulence
5 with Antonio?

6 A. Yes, sir.

7 Q. I'm going to show you what's been premarked Defense 3
8 that I've shown Solicitor, and without getting into the content
9 do you recognize this photo?

10 A. Yes, sir.

11 Q. And is this photo a fair and accurate reputation what it
12 purports to be?

13 A. Yes, sir.

14 Q. And briefly, is it a Facebook Messenger conversation
15 between you and Alonzo?

16 A. Yes, sir, because I still actually have it in my phone?

17 Q. Has it been altered in any way?

18 A. No, sir.

19 Q. Did you delete anything or add anything?

20 A. Nothing.

21 MR. SMALDONE: At this time I would offer Defense 3
22 into evidence.

23 MS. MUNNERLYN: Your Honor, I would make the same
24 objection as I did yesterday, this purports to be a Facebook
25 message, and this isn't coming from Facebook, this is just

1 coming from Mr. Anderson, so we all know that those accounts
2 get cloned, hacked, and other people have access to them, so I
3 would just object.

4 THE COURT: I'll overrule it and I'll base my
5 overruling on the same comments that I had yesterday.

6 MR. SMALDONE: Thank you Your Honor.

7 (Defendant's Exhibit No. 3 was admitted into evidence.)

8 Q. What was this conversation?

9 A. Him trying to sell some guns and there's an AR, I guess,
10 SKS, whatever, some type of assault rifle and guns he was
11 trying to sell to me.

12 Q. And what was the date on that message?

13 A. July 16, 2017.

14 Q. Is there anything specific you remember about that date
15 or that timeline?

16 A. Well, when I got that message right there, that was
17 during the time that everything went down between him and
18 Antonio in my mother's yard. Between that time, that incident
19 and the incident of August 17th, is that when the shooting
20 happened, 21st, that was during that time. I received the
21 messages, and I'm like, why you sending me this, and you and my
22 brother, we going through this already, we're trying to keep
23 the peace. When I got the message I was right there beside
24 Antonio. I showed it to him, he said keep him talking.

25 Q. And how did you interpret the message?

1 A. To me, I mean, you and my brother got a feud going on.
2 Of course, you know, I'm not -- I'm not in it, but you know,
3 I'm not finna communicate with you like that to keep things
4 going, you know, we want peace, so to me, I took it as you're
5 trying to be funny, you're trying to somehow send threats,
6 because you know I'm going to show my brother.

7 Q. Okay. Did you say threats?

8 A. Yes, sir. I took it, basically, as a threat, just to
9 show us what you got.

10 Q. Did he ever -- did you all buy guns off each other?

11 A. No, sir. Any weapon that we buy is from a store
12 legally.

13 Q. So was that kind of out of character and out of context
14 for your relationship?

15 A. Yes, sir.

16 Q. And briefly, without getting into substance of any
17 conversations because we've already dealt with that, were you
18 there when Antonio had a conversation with, I believe it was
19 Charles Lemon and Fred Knight?

20 A. I was.

21 Q. One moment. And we already heard about this, but was
22 there an event where you came to pick up Antonio because there
23 was a gun on him or something -- there was a threat with a gun
24 so you came to pick him up?

25 A. Yes, sir. I received a call while I was at work. It

1 was close to time for me getting off so I decided, you know,
2 just to wait a little bit for my shift to end before I get
3 there. Renee had called me and told me, come get Antonio --

4 MS. MUNNERLYN: Objection, Your Honor, in regard to
5 hearsay.

6 THE COURT: Watch hearsay.

7 MR. SMALDONE: Alright.

8 BY MR. SMALDONE:

9 Q. And we already heard it so it doesn't matter, but did
10 you try to give had him a ride?

11 A. Yes, sir.

12 Q. And were you under the impression that it was an
13 emergency situation?

14 A. Yes, sir.

15 Q. We already heard about the context of it so I won't get
16 into it, but -- and you -- sorry. You've seen Alonzo in
17 person, correct?

18 A. Yes, sir.

19 Q. What is his size? What is the size difference between
20 him and Antonio?

21 A. Antonio has always been short, and you know, like a
22 regular person, as I would call him. Alonzo, he's a built-type
23 muscular person. I mean, he worked out, you see him jogging
24 and lifting weights in the yard and stuff like that over there.

25 Q. Okay. So is that different than Antonio?

1 A. Yes, sir.

2 MR. SMALDONE: I promised everyone I'd keep it short,
3 so I don't have any other questions at this time for you.
4 Please answer any questions Munnerlyn has for you.

5 A. Yes, sir.

6 **CROSS-EXAMINATION**

7 BY MS. MUNNERLYN:

8 Q. So you are Antonio's brother?

9 A. Yes, ma'am, I am.

10 Q. And you all are close?

11 A. Yes, ma'am.

12 Q. And you're here to support him today?

13 A. Yes, ma'am.

14 Q. And you were not there at Renee's house when whatever
15 happened at Renee's house and you went to pick him up?

16 A. No, ma'am.

17 Q. Okay. And you were not at the store when the shooting
18 incident happened, were you?

19 A. No, ma'am, I was at work.

20 MS. MUNNERLYN: I don't have any further questions of
21 him, Your Honor.

22 THE COURT: Thank you, sir, you may step down.

23 MR. SMALDONE: Defense rests at this time.

24 THE COURT: Anything in rebuttal, reply?

25 MS. MUNNERLYN: No, Your Honor, no rebuttal.

1 THE COURT: Ladies and gentlemen of the jury, if
2 you'll step back to your room, I have to take up matters of law
3 at this time. Once I do that, we'll move on to the next phase
4 according to what I do on matters of law.

5 (Jury exited the courtroom at this time.)

6 THE COURT: Counsel?

7 MR. SMALDONE: At this time defense would move for a
8 directed verdict on the murder charge. Your Honor, I think
9 there's been more than ample evidence and lack of evidence by
10 the State to suggest that there was malice aforethought in this
11 case. We've heard about prior difficulties, we've seen the
12 video where the defendant was basically charged at, I think
13 that there is no element of malice in here, I think that at
14 best this would be a heat of passion or adequate provocation
15 matter to render it to be voluntary manslaughter, and that's at
16 best, of course. I don't think there's any evidence to show
17 that this would be appropriate as a murder case, so I would
18 move for a directed verdict on that charge.

19 THE COURT: What say the State?

20 MS. MUNNERLYN: Your Honor, we believe that there was
21 some planning with regard to the defendant arming himself,
22 thinking about this, and obviously, even in his statement, he
23 indicates, you know, I had to stop him, he was bullying me, he
24 was never gonna stop and he shot because he was rushing towards
25 him and he had to stop him, no weapon. I mean, they had this

1 previous altercation and he pulled the gun then, and, so he was
2 planning the right moment to use that, we believe, and I think
3 the circumstances of the video would potentially support a
4 verdict of murder. It could potentially, also, and I'm going
5 to take this one step further, it could potentially, also, and
6 I'll give you the jury could potentially also reach a voluntary
7 manslaughter verdict, but what I don't believe is that the
8 defendant would be entitled to a self defense charge. I think
9 that this case is either going to be decided as murder or
10 voluntary manslaughter, and it is not self defense. I know
11 that's a separate argument, but in response to the motion he's
12 making, that's part, plays into how we would argue the case.

13 THE COURT: Alright. I'll have to deny the motion of
14 directed verdict at this time because of the law of malice
15 aforethought. We all know that malice aforethought could be
16 weeks, or months, or even years in the planning. Of course,
17 one of the classifications of where you have malice
18 aforethought was developed, you know, with a good bit of time
19 and thought would be lying and waiting on somebody or poisoning
20 somebody, instances such as that, but malice aforethought can
21 develop in a matter of seconds under the law, as I understand
22 it, so I'll have to deny the motion on that.

23 Now, let's talk about request for charge. Obviously,
24 it's my opinion that based on the ruling that is made it would
25 be a murder charge, it would be a lesser included charge of

1 voluntary manslaughter. Now, having looked at the, I believe
2 it's the Lockamy case, any discussion about that?

3 MS. MUNNERLYN: Yes, Your Honor, I'd like to be
4 heard. Your Honor, I have reviewed the Lockamy case, and I
5 think it does dictate that this is not a self defense case. As
6 you know, there are four elements for self defense, and the
7 first is defendant must be without fault for bringing on the
8 difficulty. The second is the defendant must have been in
9 actual imminent danger of losing his life or sustaining serious
10 bodily injury. I don't think we even get there: Imminent
11 danger of losing his life and sustaining serious bodily injury.
12 He even admitted he never saw a weapon in the victim's hand, he
13 admitted there was no actual physical contact between the two,
14 the video shows, even though they are bouncing around and
15 swinging fists, no actual physical contact occurs. You can
16 clearly see from the video the victim has no weapon in his
17 hands, so I don't believe that the defendant was in imminent
18 danger, and the third course is if it's based upon, you know,
19 you can either be in imminent danger or believe you're in
20 imminent danger, which may be part of what he believes, but
21 then you would have to base that belief of imminent danger
22 upon -- and you must show that a reasonably prudent person of
23 ordinary firmness and courage would have entertained the belief
24 that he was actually in imminent danger, and I don't think he
25 meets that, and that really connects to the fourth element,

1 which is the defendant had no other probable means of avoiding
2 the danger. So that's the duty to retreat element of self
3 defense, and he admitted on the stand, you could see in the
4 video, there are three separate and distinct times he went to
5 his vehicle, was parked in the parking lot, two spaces over
6 from the victim's parking space, he went to the vehicle three
7 separate times, and he admitted on the stand that he could have
8 left each of those times but chose not to. The first time he
9 went and retrieved a gun, the second time he put the gun back,
10 the third time he retrieved the gun again. So all three of
11 those times he could have just as easily had sat right down in
12 the car, cranked it up and driven away, and so I think that
13 fourth element, the defendant had no other probable means of
14 avoiding the danger, clearly is not met in this case, and so I
15 do not think that this is a case where self defense should be
16 charged.

17 THE COURT: Thank you, Solicitor. Counselor?

18 MR. SMALDONE: Thank you, Your Honor. Regarding
19 everything, first I want to address the Lockamy case, Court of
20 Appeals case, older case, I read it. In Lockamy, all of the
21 elements in there is evidence of all the elements except for
22 the fourth element. The difference in Lockamy, in Lockamy
23 there's testimony that the brothers, Dana and James, Dana is
24 the defendant, James is the decedent, Dana testified that he
25 couldn't even see James when he shot the shotgun at him, it

1 wasn't in the line of sight, James was running away from him,
2 so in this case he was very close by, within, probably, I don't
3 know, I can't tell, probably 10 to 12 feet, and we see duty to
4 retreat, but you've heard a pattern of behavior that lasted for
5 months. We've heard multiple attempts to retreat, even moving
6 his place of business and where he mostly went and still the
7 troubles continued and the threats of violence continued, so I
8 think that retreat meaning as if he his car is home base is a
9 little bit shortsighted. Additionally, we've heard evidence
10 that the decedent, the victim in this case at one point tried
11 to run Antonio off the road, so we now know that even if his
12 car, even if he was to get this in his car and retreat, that
13 wouldn't possibly place him in greater harm of danger than not
14 doing that, and as the video shows Antonio seems to drive an
15 older Honda Civic, decedent drives a Ford Mustang, there would
16 be no contest in the speed if he was to try to run him off the
17 road again. So I think there's ample evidence to at least
18 bring it to a jury that self defense is warranted, amongst
19 various other parts of self defense that we'll get into in a
20 moment, but I think -- and the difference in the Lockamy case
21 is really not a jury question when you can't even see the
22 person and you shoot them with a shotgun, in this case there's
23 certainly evidence that he was close by.

24 Addressing, I skipped over, a second element, the
25 imminent danger. We've heard that there is, I believe doing

1 the math, that there is an 85-pound size difference between the
2 parties. That can be considered by a jury, and it's not just
3 death, it's death or serious bodily injury, which I equate to
4 the assault and battery in the second degree, assault and
5 battery second, which law enforcement loves charging everyone
6 with, is serious bodily injury. So taking legal analysis, is
7 there a jury question to say that an A and B second could have
8 occurred on Antonio Anderson by someone swinging at him that is
9 85 pounds bigger? I think that's not even a jury question, I
10 you could almost take judicial notice of that. So I think
11 there was ample danger, and he said he doesn't know what he has
12 on him, he didn't say he didn't have anything on him. He was
13 in tunnel vision, just scared, so he didn't know what he had on
14 him, so it's possible he thought he had a weapon on him. We've
15 heard the victim in this case is known to have weapons. This
16 photograph has photographs of weapons from his social media
17 account, so he didn't what he had on him. It could have been a
18 danger of death, but at least, obviously, a danger of serious
19 bodily injury, so I think there is ample evidence to bring self
20 defense to at least a jury. I think there's ample evidence for
21 verdict of it, but that's not why we're here, so that's what
22 I'll submit to the Court.

23 THE COURT: Thank you, counsel.

24 MS. MUNNERLYN: Can I just respond briefly, Your
25 Honor? He said that he had retreated previously because there

1 were continued threats of violence in that, and that is it,
2 that is all this case is about, nothing but threats of
3 violence. Never, there is no testimony that even in the past
4 in the instances that led up to this that there was ever any
5 actual physical contact. It was only threats. It was only as
6 he testified to, bullying. Now, if we are today going to allow
7 a self defense charge in a case of pure words, I don't think
8 we're there, because this is really just threats of violence,
9 and this case is different from the Lockamy case because in
10 that case the two brothers were actually engaged in a physical
11 fight. The victim, brother, beat the defendant, brother, with
12 a wrench and beat him good, he was bloody. We don't have that
13 here, completely different. We're not even close to there. He
14 beat him with a wrench and then he turned to go away and he was
15 going away from him, and that's when he shot him, that's when
16 he had the retreat. He should have retreated any of those
17 three times he had the opportunity. Now, he talks about, oh,
18 he could have chased him in his car. Well, he said he didn't
19 see a weapon, he only thinks he did. There's no evidence --
20 the only evidence he's brought is that this white truck
21 followed him and shot toward him, but he didn't even say the
22 defendant was in there. There was no testimony that the
23 defendant was the one driving the white truck. There's no
24 connection there. He wants to make connections where there are
25 not real connections and there is none in this case, there

1 never has been a threat of violence, and I don't think self
2 defense is an appropriate charge in a case where there are only
3 threats of violence, no weapons, no physical contact and only
4 what the defendant himself would call it, bullying.

5 THE COURT: Thank you, Solicitor. I've reviewed the
6 Lockamy case, and I'm going have to agree with the State after
7 observing the videos here. That fourth element is pretty
8 obvious after you take a look at the video, defendant had a way
9 to avoid the danger several times, three times, so I'm not
10 going to charge self defense, Counsel. There's certain aspects
11 of what you pointed out here in your argument a few minutes ago
12 that certainly you could bring up in your closing argument to
13 the jury, but I believe the Lockamy case has a definite affect
14 on this one, it controls, so I will not be charging the self
15 defense. I will charge murder, I will charge voluntary.
16 Alright. Are you all ready to argue?

17 MR. SMALDONE: Judge, I'm going to submit a memo and
18 various proposed charges of self defense, prior difficulties,
19 bad blood, threats, or not threats, part of prior difficulties,
20 I just need a minute to gather those and make those a Court's
21 Exhibit. One moment.

22 MS. MUNNERLYN: And if I could just have a minute to
23 review those once he submits them, Judge?

24 THE COURT: Okay.

25 MR. SMALDONE: Judge, I'm going to need probably some

1 time to just restructure based on what I'm arguing the whole
2 case, so I guess we're at ease now but --

3 THE COURT: Just let me know.

4 MR. SMALDONE: Basically I have to leave the
5 courtroom.

6 THE COURT: Court will stand at ease.

7 (Recess taken at 10:31 a.m.)

8 THE COURT: Ladies and gentlemen of the jury, we're
9 ready to move into the next phase of the case which will be
10 closing arguments. Thank you so much for your patience. I
11 know we kept you back there for an extended amount of time, we
12 had to give counsel time to prepare, and also we had a matter
13 that was scheduled weeks ago on Webex that we got in and got
14 through with that. It has nothing to do with this case so
15 through your patience we were able to take care of that Web X
16 matter. Alright, Solicitor?

17 **(Attorney Munnerlyn presented a closing argument on**
18 **behalf of the State at this time.)**

19 MS. MUNNERLYN: Thank you. May it please the Court,
20 Your Honor?

21 Mr. Smaldone, ladies and gentlemen of the jury, good
22 morning. So we have finally reached the end of this case and
23 so it's time for me to talk to you a little bit before it's in
24 your hands, and at the beginning you'll remember that we talked
25 a little about the burden of proof and that it is the State's

1 burden to prove this case to your satisfaction, and the burden
2 of proof is beyond a reasonable doubt, so that is, burden of
3 proof, that is a level of proof that leaves you firmly
4 convinced, okay? So it's not any doubt, it's a reasonable
5 doubt. Okay? So it would be beyond a doubt to which you could
6 assign a reason, if you are firmly convinced then that is your
7 decision. Okay? So the charges before you, as the judge has
8 stated at the beginning are: Murder, and possession of a
9 weapon during the commission of a violent crime, and you're
10 actually today going to be charged with what's called a lesser
11 included offense of murder, and that's called voluntary
12 manslaughter. So I'm going to talk to you a little bit about
13 those, and you will consider those all separately. So murder
14 is the unlawful killing of another person with malice
15 aforethought. Okay? And the malice can be expressed or
16 implied. So murder is the unlawful killing of another person
17 with malice aforethought, and what is malice? The judge is
18 going to charge you on the law at the end after we finish
19 talking. He's going to tell you what the law is, so you listen
20 to him when he charges you, but I'm going to talk a little bit
21 about it. So malice is, can be any of a number on things, it
22 can be an evil intent. Okay? It can be present for a period
23 of time or it can be formed immediately before the act happens.
24 It can be any of a number of things, and so malice aforethought
25 is a key element of murder. The lesser included is voluntary

1 manslaughter, which is the unlawful killing of another without
2 malice, and that is typically -- this is the charge where you
3 have, we've all heard the sudden heat of passion. It is the
4 unlawful killing of another in the sudden heat of passion upon
5 sufficient legal provocation, so voluntary manslaughter is
6 where you have heat of passion upon legal provocation. Okay?
7 You don't have malice, you just have heat of passion upon legal
8 provocation, both of those are the killing of another
9 unlawfully. So you're going to consider both on those, and
10 then finally, the other charge you're considering is possession
11 of a weapon during the commission of a violent crime, so if you
12 find him guilty of either murder or voluntary manslaughter then
13 you will have to determine whether or not the defendant is
14 guilty of possession of a weapon of a commission of violent
15 crime. That is the easiest of all of the things you're going
16 to consider, I would submit, because the defendant certainly
17 has admitted he had the gun, he admitted he shot, the video
18 shows he had the gun when he shot, so certainly, assuming you
19 find him guilty of murder and not voluntary manslaughter then
20 the next one will flow from there. So let's talk, though,
21 because I told you, you know, you were going to hear a lot and
22 you were going to hear from not only eyewitnesses, but you were
23 also going to see a video, and you've seen that several times,
24 and I'm going to show that to you again in just a minute, but
25 that really tells you the story here and you know that there's

1 been a lot of discussions in questioning witnesses yesterday
2 with regard to self defense, and I just want to say to you that
3 this is not a self defense case. Self defense is not going to
4 be charged to you by the judge and that is not going to be for
5 your consideration. So your only considerations are murder,
6 voluntary manslaughter and possession of a weapon during the
7 commission of a violent crime, guilty or not guilty. Okay. So
8 we're not going to talk about self defense. So what do we have
9 here? We have two people who had issues some issues with one
10 another. They had been friends for a number of years, but as
11 sometimes happens with friends, stuff happens and you get mad
12 with each other and you get upset with what the other person
13 has done, and that's what happened here. The victim's not
14 around and so the defendant sleeps with his primary girlfriend,
15 and ultimately, he finds about it and it upsets him, and so
16 they have an ongoing beef, and all of this, the defendant wants
17 to tell you he's been bullied all this time and on and on and
18 on, had all these threats, but what's lacking there? It's
19 nothing but threats. It's nothing but bullying and threats.
20 It never was physical. In all those incidents we want to talk
21 about or he wants to say existed, we know of at least one that
22 happened in our case, it never actually came to life. There
23 were threats it was going to, but it never happened, and even
24 in this incident, what happened, they are throwing fists and
25 running all around the parking lot there, but no contact never

1 made, that fist never hit the other one. It was all about
2 threats, and threats are not sufficient to kill somebody, ever.
3 Bullying does not create a situation that you can kill
4 somebody. We don't kill people for bullying. So what do we
5 have? We have a beef that develops, we know there's an
6 incident a month or two before this shooting incident between
7 the two of them at the victim's mother's house, and we know
8 that during that confrontation and that argument where all kind
9 on allegations are thrown back and forth between the two of
10 them, what happens? The defendant pulls a gun. He even admits
11 he pulled a gun. All the witnesses admit he pulled a gun. So
12 he was already forming in his mind a couple months before this
13 incident what was going to happen. Two months before he was
14 already preparing, and that, ladies and gentlemen, is what
15 leads to murder, preparations for your actions, having a gun
16 and being ready when the moment is right to kill the person,
17 and that's what he was doing. So you have this prior incident,
18 it's all over Jennifer Roller, which Jennifer Roller is isn't
19 here today, but she's the root of all of the issues between
20 these two, this rivalry that just won't go away, and one thing
21 that the victim, the victim had this relationship with her and
22 then went on to have the relationship with Sara and there were
23 all these threats and instances between the two of them, but in
24 the incident at his mother's house he didn't have a weapon, he
25 only picked up a cinder block or a brick at some point, but he

1 never used it, and the incident here he clearly never had a
2 weapon. The defendant says, I didn't see a gun, a knife, a
3 bomb, anything in his hand. Clearly, in the video you can see
4 he's got on shorts, he's got on slides, a T-shirt, I mean, a
5 tank top, nothing in his hands. The only thing is fists, no
6 weapon. Okay? So the victim has no weapon and there's never
7 any physical contact, and yet, the defendant is prepared to
8 kill him, and what do we see, what evidence of that do we see?
9 You know, you've heard from a lot of different witnesses and
10 heard about a lot of different incidents, but the most telling
11 thing is what actually happened that night on that video, and I
12 want us to concentrate on that again here, and so I'm going to
13 play that now and we're going to go through that again just to
14 show you how it meets those elements, and you'll recall, this
15 incident happened on August 21, 2017 at the Stop N Shop in
16 McColl and it was late that night at about 10:20, or a little
17 bit after, and the defendant went to the store, pulls up in his
18 blue Honda and goes in, and then shortly thereafter the victim
19 pulls up. Go ahead and play the part inside the store, channel
20 one, starting from when you can see the defendant in the store.

21 (video playing)

22 MS. MUNNERLYN: So you see the defendant, he's
23 already in the store and the victim's getting ready to come in.
24 Right there. Who speaks first? The defendant speaks first:
25 You already know, you already know. He already knows what he's

1 getting ready to do, and he even communicates it to him: You
2 already know. You already know, I've got that gun, you already
3 know I'm getting ready to shoot you. And what does he say in
4 response? I pull that -- in not very nice terms, pull that gun
5 out now. Okay?

6 (Video playing)

7 MS. MUNNERLYN: Watch his demeanor. He's not scared:
8 I don't give a fuck about no camera, man. He steps in front of
9 him. He's going out the door and he steps in front of him
10 right there. He is starting the whole altercation. The
11 defendant himself is starting to entire altercation right
12 there. He's the first one to speak, and then when the victim
13 comes back over toward the door, he steps out in front of him.
14 Swings: Hold up, I'm fixin' to come out there. He already
15 knows right there what he's getting ready to do. He's not
16 quiet, he's not minding his own business, he's not trying to
17 get in his car and get out of there because he's scared, that's
18 not how it's happening. See what he says, see how he's acting:
19 Hold up, I'm fixin' to come out there. Wait until you see what
20 I got. Hold up, I'm fixin' to come out there. Right there:
21 You already know. You already know. You can stop that one.
22 The defendant wants the confrontation, he's invited the
23 confrontation, and he's told the victim not to leave: Hold up,
24 I'm coming out there. The victim goes out, he's getting in his
25 car to leave, watch, straight over to his car, reaches down,

1 grabs the gun, and he's ready. He's cocked and ready to kill
2 him, and he doesn't stay there by his car, that's not a scared
3 man there, that's a mad man, and he's fixin' to take care of
4 this problem. This guy has been bothering him, and he's going
5 to take care of him, he's going to show him. He comes all the
6 way around, comes to the victim, cocked and ready to shoot.
7 Puts it back, second opportunity now, he could have left. If
8 he were really scared he could have left, and he did didn't.
9 He stays because his intent is to kill him. He's swinging, no
10 contact. No weapon, whatsoever, in that victim's hands,
11 nothing but his hands, clearly can see, no weapon. Here comes
12 the child. There we go. We're going to get you now. Look at
13 that. You see him throw that hand up, he's not scared, he is
14 mad, he just threw that hand up, boom, and he took care of that
15 problem, right there, and that's all it took. That, ladies and
16 gentlemen, is malice, that's preparations, that is murder, and
17 that victim, yeah, he was still walking, it took him 13, 14
18 hours to bleed to death, and he died the next morning from that
19 one single gunshot wound to his chest, but that's all it took,
20 one shot. The defendant was picking his moment, he got the
21 weapon out the first time, he already knew. He already knew,
22 he was telling him, you already know. He got it out the first
23 time, but when he went around to car, you'll remember, he sees
24 those children in the backseat right behind the victim. So he
25 doesn't shoot him then, he puts it back up and there was

1 another gentleman walking through, but then when he come back
2 around, he really gets mad then. They're swinging at each
3 other, and his demeanor and his actions speak. He threw that
4 gun up and just shot like he was mad as fire. Back that up a
5 little bit. Let's see that one more time. That wasn't an, I'm
6 scared, I'm defending myself kind of thing. That's an, I'm
7 mad, boom. He gets out there, boom. If he wanted to do
8 anything other than kill him, he had three opportunities to
9 leave that night, three separate times he could have left, but
10 that's not what he wanted to do. He had left every time
11 before, he could have left this time, and nothing, nothing
12 would have happened, no one would have gone to the hospital, no
13 one would have died, but that's not what he did because that
14 wasn't what he intended. He shot, and unfortunately, killed
15 him. I just want to remind you, there's no evidence in any of
16 this video, and the defendant admits, he didn't ever have a
17 weapon. He didn't have to do this. He didn't have to shoot
18 anybody. He brought on the confrontation, he was the first to
19 speak in the store. He stood in front of him when he started
20 to walk out and they started the fuss in the store. He's the
21 one that got the gun, told him to hold up, wait, went straight
22 to the car, didn't get in to crank it up and drive off. He
23 immediately reached in, grabbed the gun and went to confront
24 the victim, went to him, went to where he was, around the car,
25 took it back, put it up because the children were there and

1 there were other people around, put it back, second chance he
2 could have left. He could have changed the whole events that
3 night, but he didn't because that was not what he intended to
4 do. He was looking for his opportunity, and it came that third
5 time he went to the car. The victim was holding his girlfriend
6 back and he was protecting that three-year-old child. He was
7 walking back over toward his car, he went in, he saw his
8 opportunity, he went in, got that gun and whipped it up in the
9 air, shot one time, that's all it took. The video tells it
10 all. We can talk all day about what had happened previously,
11 about people having guns or there being messages on Facebook,
12 we all know how Facebook works. I mean, how many cloned and
13 duplicate accounts people end up with because somebody comes in
14 and steals their Facebook account, and low and behold, somebody
15 else's picture is on their old Facebook page, we know how all
16 that works, so easy for something to be posted on somebody
17 else's account, but regardless, it's just pictures of some
18 guns, it's not even threats. You can't shoot and kill somebody
19 because somebody said something you didn't like. We could talk
20 about all of that and all that led up to this, but it all comes
21 down to the decisions that were made in the Stop N Shop store
22 that night, and had the defendant made different decisions that
23 night, very easily could have made different decisions, none of
24 us would be here today, and Alonzo Lampkin would still be here
25 today, but unfortunately, what happened was the defendant

1 carried through with something, he was taking care of business,
2 it was quite simple, just taking care of business. He had been
3 bullied long enough, he was mad and he had prepared himself, he
4 had armed himself with a gun, so when the opportunity arose he
5 could take care of the situation, and he did that night with
6 just one shot. He didn't leave. He stayed right there, but
7 not -- what did law enforcement tell you? Not a single, other
8 than the one he used to shoot Alonzo Lampkin, not a single
9 weapon was found anywhere else, not in the victim's car, not on
10 the victim's person, nowhere else. He shot an unarmed man for
11 no reason, no good reason, no legal reason, and killed him, but
12 I submit to you that's exactly what he meant to do. His
13 actions show it. His demeanor, the position of his body, the
14 things he said in the store, all of that supports a verdict of
15 murder, and if you find him guilty of murder then it follows
16 based upon his admission of having the gun in this video that
17 you would find him guilty of possession of a weapon during the
18 commission of a violent crime, and I think once you consider
19 all that you will be firmly convinced that that is your
20 verdict. Thank you.

21 THE COURT: Counsel?

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1 **(Attorney Smaldone presented a closing argument on**
2 **behalf of the Defendant at this time.)**

3 MR. SMALDONE: Good afternoon.

4 THE JURY: Good afternoon.

5 MR. SMALDONE: At the beginning of this case, opening
6 statement, I talked about my pants and I lengthened it to what
7 would happen here about how it's not just about ten or 15
8 seconds, it's not just about making assumptions, it's not just
9 about walking in blind. It's about what happened, not just
10 that night, but in the six or so months prior to that. It's
11 about what Antonio had to endure and the hell that his life was
12 because of Alonzo. This is a case about survival. A minute
13 ago you heard counsel say that if he made different choices we
14 wouldn't be here right now. I think you all would, I think she
15 would, but I don't think Antonio would, I think it would be
16 someone else there, I think it would be Alonzo, so he had to
17 choose. He had to make a choice. He had to do it. I don't
18 think he wanted to do it. The State wants to make a point that
19 he went and got his gun and then decided not to use his gun and
20 they want to make that a bad thing. I think that shows that,
21 does that not show that that was the absolute last resort?
22 Does that not show that he's not some crazed mad man, he's a
23 guy put in a position where he had to live, he had to get out
24 of, again, the hell that his life was? If he wanted to just
25 kill him he wouldn't have dropped the gun back off, he would

1 have just shot him, more than once. You hear there was more
2 than one cartridge in the magazine, he shot him once.
3 Unfortunately, what happened, happened after the bullet hit,
4 but he only shot him once, and he walked away from it, and as
5 soon as that happened, he emptied the magazine, thought -- what
6 happens, happens. It's better to be judged by 12 than carried
7 by six, and I think that's what would have happened had Antonio
8 not decided, after, obviously, careful consideration,
9 unfortunately, careful consideration, meaning, am I going to
10 die tonight, tomorrow, this month, next month? Is this guy who
11 says, scrap up, them signs don't mean nothing, either the same
12 day of day after he puts up no trespassing signs, Antonio puts
13 up no trespassing signs. Three guns, four magazines, some
14 ammo, one of them is, again, I don't know, it might be an AR,
15 it might be a combat shotgun, it might even be a carbine, but
16 those are not -- I don't think that was for deer, that was for
17 him, he basically said it. So you heard several times, I tried
18 not to hit you again with those same stories today when I
19 called John to the stand, but you heard what he had heard
20 basically every time he's outside, just harassment, right?
21 Now, if it was just that like she says, maybe he could deal
22 with that, right? Maybe Antonio could have, I don't know,
23 dealt with it, but you also heard, one, you saw, this, and
24 Alonzo trying to sell Antonio, supposedly, trying to sell,
25 John, Antonio's brother guns, even though they don't talk

1 during the middle of their rivalry, basically saying, hey, look
2 what I got. I got, oh, different guns, actually, different --
3 this looks like the same pistol, there's an SKS here, so: Look
4 what I got, scrap up, them signs don't mean nothin'. And then
5 same day, I think, 24th of June, basically saying, we return
6 this in the Call of Duty, if one more person tries to cross me,
7 you all don't want to assume anything, but Call of Duty, we
8 heard, many people know that's a first person shooter video
9 game. You're a person, usually, I think it's a war game,
10 you're in a war in the video game, shooting people. What does
11 that mean? That's not just a threat, that's a promise and a
12 threat. Then you heard about him being shot at, apartments,
13 not just the white truck, I'll talk about the white truck in a
14 second, but shot at, saw Alonzo, shoot at him, I think twice,
15 and he even said, he was honest, he could have said, yeah, he
16 shot at me, you know, I escaped by the grace of God, or
17 whatever he said, he was honest, he said, I don't think at that
18 point he was trying to hit me, he was just trying to show off,
19 and remember, that was early on in their rivalry. I think he
20 said that was the first thing, I might be wrong, I think he
21 said that was the first thing that happened, the first overt
22 act, as we say, in that revelry was gunshots, and again, you
23 heard about the white truck, that was a difference incident,
24 white truck in Clio shoots at him, follows him. A couple days
25 later he sees that same white truck, guess whose house?

1 Alonzo's house. And he knows it's the same white truck because
2 he said there are rims on it, also remember Antonio was a
3 mechanic and works on cars. I'd submit to you he probably
4 knows which cars what, he said it was a white S10. So shot at
5 twice, all this stuff, cinder block at his mom's house, every
6 time they were around just constantly bickering, bucking up, to
7 the point where he moved. He moved where he was doing business
8 during the day, and he stopped going his own mom's house,
9 because of this guy. He moved from his mom's. He's obviously
10 very close with his mother. You heard from his family, you
11 heard from him, I submit to you that I think he's a pretty
12 quiet guy, might not be a social butterfly, and his family
13 means everything to him, so there's people, and he had to move
14 away from his own mom because of this, for his safety, for his
15 ability to live a life without just this. He had to do it. He
16 goes to McColl, stays in McColl all the time, goes to the gas
17 station he goes to all the time, gets out, turns around, sees a
18 Mustang, made a B-line towards him, walks in. Remember, Alonzo
19 didn't go to this convenient store, right? This is -- so he's
20 taking this as an act, a threat in itself, to come to your
21 spot. Was he followed? I don't know. He's coming to your
22 spot, and Alonzo, remember you hear Antonio say, you already
23 know, like 50 times because I guess he's probably nervous, and
24 that's the only thing he can say, verbal tick, if you will, but
25 you hear him say that, but remember there's no audio outside

1 anywhere else, so we don't know what was said by Alonzo
2 outside, and then we see them get into it at the convenient
3 store. She says that Antonio blocked the door, I submit Alonzo
4 was charging at him. Alonzo didn't buy anything either. You
5 see him go towards the drink counter and then turn around and
6 then all this happened, didn't buy anything. He does, like,
7 swings first, bucks up first, kind of, I guess, I don't know
8 what that's called, does that first, and then the video you see
9 is the fight. Watch it. Who do you think would win that fight
10 based on the size, but not just the size, watch the way they're
11 moving. I think I talked about this with Investigator Tryon,
12 Antonio does not seize any ground, right, it is just Alonzo,
13 just, he is fighting on his terms. They make a big deal that
14 there was no blow struck, he certainly tried. Is he supposed
15 to wait until the guy that's 85 pounds more than him and not in
16 body fat, and seven or 8 inches taller than he's supposed to
17 wait and say, please hit me, thank you, sir, may I have
18 another? He's already had plenty. He's already dealt with a
19 life of fear, a life of freedom of enjoyment, had to leave his
20 place of business, stopped seeing his own mom. That's why I
21 said it's more than just the store. I think the store is
22 plenty. I think you see who the aggressor is, but it's more
23 than that. You've heard that Antonio was mad, not scared. I
24 don't think those are mutually exclusive. I think you can be
25 mad and scared, I know, because I -- at least I can. Someone

1 breaks in your house, comes at you, kicks your dog or
2 something, are you just scared, are you just mad? I'd be
3 pretty mad and scared, and he talks tough. What is he going to
4 do, crawl up in a little ball and cry? That is the most
5 natural reaction to bullying, I submit to you, is when you try
6 to be bigger than you are. Even in nature, right, if you ever
7 watch Animal Planet, what do the prey animals do when they see
8 a predator? The ruffle their feathers, try to make themselves
9 bigger than they are, that's what you do when you're scared.
10 You don't want show fear. Can you imagine showing fear to that
11 guy? He was scared, can't show it. What do you see a mountain
12 lion or a bear on the trail? You go like that and make noise
13 and try to seem bigger than you are, because you're scared but
14 you know you cannot show fear, and that's what that was, that's
15 what that was all about. There's nothing but threats, shots
16 fired two different occasions, there's I guess this is just a
17 threat, but that's a pretty specific promise. There's being
18 around two different towns, the cinder block incident, and then
19 there's swinging on video by a guy 85 pounds more than you.
20 You're saying he's supposed to wait? He said if he walked out
21 or left, none of this would have happened. Let me see. I
22 wrote it, let me see: Left every time before this night. If
23 he left like every time before nothing would have happened.
24 Pretty one-sided, isn't it? Nothing would have happened to
25 who? Things would have been different at the gas station, but

1 nothing would have happened with Antonio or his children? A
2 lot would have happened. It would have kept going. So he's
3 living this life of, I don't even know how to describe it.
4 What are his remedies? What can he do to stop this nonsense?
5 He could go to the police, which they did, a report was filed,
6 and he said he talked to the sheriff, his brother was there,
7 two sheriffs, and he says, I don't know why Sheriff Lemon
8 didn't come here and testify, maybe there was a reason due to
9 his own self, nice guy, but he talk to cops, what else can you
10 do? You're in this situation, what do you do? At least put up
11 no trespassing signs, you know? Is that what an aggressor
12 does, or is that what someone who is the target does, put up no
13 trespassing signs? Obviously, the target. So you do that,
14 maybe that's on the playbook of how to make my life less
15 miserable because someone is destroying my life, other than
16 what happens, you get this. Okay, I'll move, I'll stop going
17 around him, that's what we'll do, that's how to stop this. Bad
18 news, can't do that either. What else? Got to get a gun to
19 protect yourself, I have a gun to protect myself, Marlboro
20 County, a lot of people do, South Carolina, a lot of people
21 have guns. It's not premeditation for everything that is going
22 to happen because of that gun, I did not sign up for that,
23 Antonio did not sign up for that. A gun is for protection.
24 What are guns for if not for something like this? He exhausted
25 every remedy he could have. So it's okay to be mad in this

1 situation, that doesn't mean that it's not still about
2 survival. Survival guide, you know, he's been to prison at
3 least once. I don't judge, but we know Alonzo's been to
4 prison. Antonio, you heard, the only thing he's ever got into
5 trouble for are convictions of driving under suspension. I'm
6 sure he's sorry about that. The guy's been to prison,
7 85 pounds heavier, seven, eight, nine inches taller, this is
8 survival. It's a pattern, it's not just the store. So we know
9 what his remedies are and I can only think of one more thing,
10 that's why we're here. I think that maybe the State talked
11 about and the judge will talk about the offenses in this case.
12 There's murder and there's manslaughter. I don't think this
13 could ever be a murder case, because manslaughter means you
14 were provoked, right, you were provoked but you still did
15 something wrong but, you know, still did something wrong with
16 advocate provocation. So clearly, there's at least that. If
17 this was just about the store that night, I think maybe
18 manslaughter could possibly be twisted into fitting the facts
19 here, but this is a case where he's not guilty because it's his
20 self, it's his own life. So it's not murder, there's no
21 malice. I mean, you saw, he didn't want to do this, no evil.
22 It's not manslaughter because of everything that happened
23 before this, more than adequate. More than just something to
24 set you off. This is a not guilty case across the board. So
25 one moment, I get lost sometimes on this. I think we've been

1 through what happened with Antonio. You've seen the video, you
2 have to ask yourself, what else could he have done, not just
3 that night. They're gonna say he could have left, left to
4 where? Where? They said he could have left. He could have
5 left two or three times, to where? Just more, more, because
6 this happened to him so now I'm getting his guns, too. Where
7 does he leave to? They say he could have left, not just the
8 gas station. I understand he could have left the gas station,
9 but to go to, what, the house that he was first targeted at or
10 the house that he was second targeted at? You heard from
11 Antonio, country fellow, nice kid. What is he going to do, do
12 you think he's going to take a semester in Paris and just leave
13 the country? Do you think that's within his means? No. Leave
14 to more of this. There's no leaving for him. It's just where
15 do you want to be attacked, where do you want to be bullied,
16 where do you want to be threatened to be shot and eventually
17 shot, where? Do you want it at your house, do you want it at
18 your mom's house or the convenient store? Pick one. He's not
19 going to pick. It's just a small town, nowhere to go. There's
20 a country song everyone's talking about, Try That In a Small
21 Town. I don't really listen to country much. I was thinking
22 earlier, should I tell them I listen to country to pretend, no,
23 I'm going to be honest, I don't listen to country much, but I
24 listened to the song, Try That in a Small Town, and everyone,
25 all the people on social media, a lot of people are defending

1 it, right? The song is about, we're a small town, we take care
2 of our own, and it says: See stuff on the news, spit on a cop,
3 set a flag on fire, I think something about a carjacking. The
4 moral is, try that in a small town and see how far you get down
5 the road because I have a rifle my grand daddy gave me, and
6 everyone defends it. What about this in a small town? What
7 about swung at while trying to get a drink, a juice at the gas
8 station you go to, he don't go to, what about guns, getting
9 shot at? You can't defend the song without standing up for
10 Antonio. There's only one difference between Jason Aldean and
11 Antonio, he's been bullied. And you all saw him, he testified,
12 and again, I'll submit that he was pretty truthful because he
13 said things like: I don't think he was shooting at me that
14 night, and things of that nature, so, but you all heard him,
15 he's not, I'm trying to find a nice way. He looks like someone
16 who may possibly be the target of a bully, maybe, kind of meek,
17 kind of mild, kind of unsure of himself, 5'6, no offense,
18 someone like that is tired of the world and people like Alonzo
19 ruining it for him. He didn't want to be the guy, Antonio
20 didn't want to be the guy everyone's remembering today, so he
21 made a choice. He was tired of being beat down, bullied,
22 threatened. Alonzo even said, I think he said, what you gonna
23 do? So today I'm asking you to make a choice. Antonio had to
24 stand up for himself that night because the reasons you heard.
25 It was him or him. He stood up for himself with faith that

1 someone else would stand up for him. So this is a, remember
2 this is a six-year-old case. For the last six years I have
3 been, in my opinion, standing up for him, because I'm also
4 tired of this. I'm tired of people treating people like he
5 treated him, but my time's about up. I'm not going to be able
6 to stand up for him anymore, and that's why I'm asking you all
7 to stand up for him anymore. I'm asking you all to do the
8 right thing. I'm asking you all to understand. Like I said
9 earlier, it's better to be judged by 12 than carried by six,
10 because he has faith in you all. It's not just me standing up
11 for him now, I'm going to sit down. I'm asking you all to
12 stand up for him. I'm asking you all to do the right thing.
13 I'm asking you all to understand this whole case. So I'm
14 asking you to find him not guilty on murder, and not guilty on
15 manslaughter, because he had no other option. If it wasn't
16 then, some other time it would have been, so please stand up
17 for him and find him not guilty. Thank you.

18 THE COURT: Solicitor?

19 MS. MUNNERLYN: Just briefly, I promise we're almost
20 done. So when you're tired of the world and how it treats you,
21 you can't just shoot and kill somebody. That's why we have
22 laws, that's why we have law enforcement. He said he had to
23 get out of the hell his life was, and yet, there wasn't a
24 single report that Antonio Anderson filed, not one single
25 report. He says he went and met with Charles Lemon and Fred

1 Knight, but they didn't come up here, not one single report.
2 He says he was shot at by this white truck, and he didn't file
3 a report? He says he was shot at at the apartments by Alonzo,
4 and he didn't file a report? If his life was such a hell that
5 he couldn't go anywhere or do anything, why did he not keep
6 going to law enforcement and say, help me, stop this man. He
7 didn't do that, he didn't do that, not one time. Now, Renee
8 Cummings, she did, she filed one report, one report filed for
9 all those alleged incidents of threats, and all the reports
10 said was they were arguing and then they left. Well, if that's
11 all it was then what in the world are we doing here? And I
12 submit to you, that's all it was, because if you had been shot
13 at and harassed to the level that the defense would have you
14 believe, why would you not have been at the Sheriff's office or
15 the police department every single day until they stopped that
16 and built your case and had your file and had that report for
17 every single incident? No. There's not one report where
18 Antonio Anderson asked for help or said, this guy is bullying
19 me. He says Alonzo was just there to target him and he went in
20 the store and he left without buying anything. I mean, he left
21 because the girlfriend's there, pushed him out, no, we got to
22 go, we're not having this today, we're going to get out of
23 here. That's not what it was about. And yes, he could have
24 ended it. He could have ended it. He could have ended it by
25 requesting law enforcement's help and by leaving that night.

1 His remedies are, he wants to go on about what are his remedies
2 and he did not have any remedy, the only he had was to shoot
3 and kill Alonzo Lampkin? The only remedy he had was to shoot
4 and kill this person who he says was threatening, threatening
5 him now, he hadn't been beaten by him one single time, no
6 physical altercation, but the only remedy he had was to shoot
7 and kill him? He couldn't go to law enforcement, he couldn't
8 file reports, he couldn't file and try to pursue harassment,
9 stocking, he didn't do that, none of that was filed. So why
10 did he not do it? I submit to you because that's not really
11 what it was. There should have been multiple reports filed by
12 the time this incident happened if, in fact, it all happened
13 the way the defendant said, and if that happened they could
14 come up here and they could pull all those reports, they could
15 have brought all those officers up here, they could talk about
16 all those incidents, nothing. So how do we know any of that
17 happened? How do we know he's not just saying that because
18 he's in a hell of a fix now? He's shot and killed him and now
19 he's charged with murder. He killed somebody for threatening
20 him. He killed something for speaking. He killed somebody for
21 doing nothing more than talking. He goes on and on and
22 continues to talk about being bullied, being bullied. Society
23 today, we talk a lot of being bullied. Bullying is not a nice
24 thing, I agree. It's awful in schools, we hear about it all
25 the time, we hear about school shootings connected to bullying,

1 but you can't shoot and kill a bully to solve the problem.
2 That is murder. You have to let law enforcement handle it. If
3 you handle it yourself, this is where you end up.
4 Unfortunately, the defendant never pushed for law enforcement's
5 help, if he had we'd have a far different case today. When
6 you're tired of the world and how it treats you, you have to
7 take action to help yourself, but not break the law and shoot
8 and kill someone. That is murder. Thank you.

9 THE COURT: Thank you, Solicitor, Counsel.

10 **(Jury Charge)**

11 THE COURT: The next phase of the trial will be the
12 judge's charge of the law. Does anybody need a brief recess
13 before we get into that? Okay. Bailiff, you'll make sure the
14 door is secure back there, we don't need anybody in and out.

15 Madam, Forelady and ladies and the gentlemen of the
16 jury, I appreciate your all's attendance and paying strict
17 attention to the evidence that's been presented, and I
18 appreciate your patience with the Court. It now becomes my
19 duty to give you the charge of the law, and I want to thank
20 both the Solicitor and counsel for the defendant for their
21 arguments on behalf of their respective parties. It is my duty
22 as trial judge under the Constitution of this state to charge
23 and instruct you on the law applicable to the case and it is
24 your duty as jurors to accept and apply the law as the Court
25 now states it to you. As jurors, it is your exclusive duty to

1 decide all the issues of fact in this case, and for that
2 purpose to determine the effect, the value and the weight of
3 the evidence. Both the State and the defendant have a right to
4 expect that you will conscientiously consider and evaluate the
5 evidence and apply the law of the case thereto to the end of
6 both the State of South Carolina and the defendant will receive
7 and obtain a fair and impartial trial in the case. Now, when I
8 use the word "defendant," I am referring to Antonio Anderson.
9 He is charged with the bill of indictments with the offenses of
10 murder, and that indictment alleges that Antonio Anderson did
11 in Marlboro County on or about August 21, 2017, willfully,
12 voluminously and intentionally kill the victim, Alonzo Lampkin,
13 with malice aforethought, either express or implied, by means
14 of shooting the victim and the victim did die as a proximate
15 result thereof on or about August 22, 2017 in Marlboro County
16 in violation of Section 16-3-10 of the South Carolina Code of
17 Laws of 1976 as amended.

18 The defendant is also indicted for the offense of
19 Possession of a Weapon During Commission of a Violent Crime.
20 That indictment alleges that Antonio Anderson did in Marlboro
21 County on or about August 21, 2017 possess a firearm or visibly
22 display what appeared to be a firearm or visibly displayed a
23 knife during the commission or attempted commission of a
24 violent crime in violation of Section 16-23-490 of the South
25 Carolina Code of Laws of 1976 as amended. To these charges, to

1 these indictments, the defendant has entered pleas of not
2 guilty. A plea of not guilty by a defendant places the burden
3 of proof on the State to prove evidence, the guilt of the
4 defendant beyond a reasonable doubt before you the jury can
5 find the defendant guilty. A defendant is presumed in the law
6 innocent of the charge contained in an indictment. It is a
7 cardinal and fundamental rule of the law of evidence that a
8 defendant irrespectively that normally the charge against him
9 will always be presumed innocent of the crime of which he is
10 indicted unless and until the guilt of the defendant has been
11 proved by the evidence that satisfies you the jury of his guilt
12 beyond a reasonable doubt. The presumption of innocence is not
13 a mere legal theory and it's not just a legal phrase, the
14 presumption of innocence is a substantial right that which
15 every accused is entitled. Our Supreme Court has declared that
16 the presumption of innocence is like a robe of righteousness
17 placed about the shoulders of the defendant and it remains with
18 him and assigns him to that class of the innocence until that
19 presumptive robe of righteousness has been stripped from his
20 person by evidence satisfying you the jury of the guilt of the
21 defendant beyond a reasonable doubt. The presumption of
22 innocence accompanies a defendant from the time of his
23 arraignment and appearance in the court and continues with the
24 defendant throughout every stage of the trial and continues
25 with the defendant after you retire to the jury room to

1 deliberate your verdict. The presumption of innocence
2 continues in existence to the benefit of the defendant until
3 you the jury reaches a conclusion that the State has proved the
4 guilt of the defendant beyond a reasonable doubt.

5 Ladies and gentlemen, the State is not required to
6 prove the guilt of a defendant beyond all doubt or beyond every
7 doubt, but beyond a reasonable doubt. The government has the
8 burden of proving the defendant guilty behind a reasonable
9 doubt. Some of you may have served as jurors in civil cases
10 where you were told that it is only necessary to prove that a
11 fact is more likely true than not true. In criminal cases the
12 government's proof must be more powerful than that, it must be
13 beyond a reasonable doubt. Proof beyond a reasonable doubt is
14 proof that leaves you firmly convinced of the defendant's
15 guilt. There are very few things in this world that we know
16 with absolute certainty and in criminal cases the law does not
17 require proof that overcomes every possible doubt. If based on
18 your consideration of the evidence you are firmly convinced
19 that the defendant is guilty of the crime charged, you must
20 find him guilty. If on the other hand you think there's a real
21 possibility that he is not guilty, you must give him to benefit
22 of the doubt and find him not guilty. I instruct you at this
23 time the defendant is entitled to every reasonable doubt
24 arising in the case. If upon any issue of a fact essential to
25 the conviction and the verdict of guilty you have a reasonable

1 as to how that issue should be resolved, it would be your duty
2 to resolve that reasonable doubt in favor of the defendant. A
3 defendant, ladies and gentlemen, is not required to prove his
4 innocence, but the State is required in law to provide every
5 essential element of the offense charged against the defendant
6 by evidence which satisfies you the jury of the guilt of the
7 defendant beyond a reasonable doubt before you can convict the
8 defendant and find him guilty. If then upon the whole case you
9 have a reasonable doubt as to the guilt or the innocence of the
10 defendant he is entitled to that reasonable doubt and would be
11 entitled to an acquittal and a verdict of not guilty, but on
12 the other hand if upon the whole case you find that the State
13 has proved by the evidence that satisfies you the jury of the
14 guilt of the defendant beyond a reasonable doubt, then in such
15 circumstances it would equally be your duty to convict the
16 defendant and find him guilty. If you find the defendant
17 guilty but you have a reasonable doubt as to whether the
18 defendant be guilty of a greater crime charged or the lesser
19 crime charged, then you would resolve that reasonable doubt in
20 favor of the defendant and write a verdict of guilty only as to
21 the lesser charge, but of course you could not write a verdict
22 of guilty to any charge unless as to that charge you find all
23 elements of the charge have been proven by the State beyond a
24 reasonable doubt.

25 I instruct you at this time that the indictments in

1 these cases which you will have a little later on are not
2 evidence and cannot be considered by the jury as evidence in
3 the case. An indictment is simply the formal written
4 instrument which contains the charges against the defendant and
5 it serves as a formal document by which the cases are processed
6 into the Court. Now, during the trial, each of us, you and I,
7 have certain duties to perform. As the trial judge it is my
8 responsibility to preside over the trial of this case, and I
9 also have the duty to rule upon or pass upon the admissibility
10 of evidence offered during the process of the trial. You are
11 to consider only the competent evidence before you and you are
12 to disregard and disabuse in your mind any testimony ordered
13 restricted from the record in this case during the progress of
14 the trial if there be any. You are to consider only the
15 testimony which has been presented from the witness stand
16 together with any exhibits admitted into the record in this
17 case and any stipulations of counsel made into the record if
18 there be any. I have the additional duty to charge you the
19 applicable law of the case. As the presiding judge I am the
20 sole judge of the law of the case and it is your duty to accept
21 and apply the law as I state it to you. If you have a
22 preconceived idea as to what the law is or what the law ought
23 to be in the case and it should not agree with what I tell you
24 the law is you are obligated under your oath to abandon that
25 preconception on your part because you are sworn to accept the

1 law precisely as I state it to you. In every case tried in
2 this court before a jury the jury becomes the sole and
3 exclusive judge of the facts of the case. You, the jury, are
4 the judge of the facts of this case, the Court is the judge of
5 the law in this case. The constitution of this state has
6 declared that a trial judge you shall not emanate, state,
7 comment upon, or make any statement to a trial jury about the
8 facts of the case. Since you are the sole judges of the facts
9 you are not to infer from anything that I've said during the
10 progress of this trial in ruling upon to admissibility of
11 evidence, or otherwise, on anything I say during the course of
12 this charge to you that I have an opinion about the facts of
13 the case. The law does not permit me to have an opinion about
14 the facts of the case. That is a matter solely for you the
15 jury to determine. It is yours then and it is your duty to
16 determine, as I have stated to you, the effect, the value and
17 the weight of the evidence presented during the course of this
18 trial. Necessarily then, you must assess the credibility of
19 the witnesses who have testified in this case. Credibility is
20 simply a legalistic term which means believability. I charge
21 you that in determining the question of the credibility or
22 believability of witnesses you may believe one witness as
23 against several witnesses or several witnesses as against one
24 witness. You may believe a part of the testimony of a witness
25 and reject the remaining part of the testimony of that same

1 witness. You may believe the testimony of a witness in its
2 entirety or reject the testimony of a witness in its entirety.
3 You may consider whether any witness has exhibited any
4 interest, any bias or any prejudice in the case, and you may
5 consider the demeanor of a witness and the appearance of a
6 witness from the witness stand. You may consider the
7 opportunity and knowledge concerning those things about which a
8 witness testified. In doing so in exercising your
9 mental processes the law simply requires that you exercise your
10 good judgment, your common sense, your sense of logic and
11 reason and your experiences in life. You then apply
12 these attributes of ability to the evidence to determine the
13 weight of the evidence and it is to the state of facts as you
14 determine it will be by you jury. You take and apply the law
15 as I state it to you and thus arrive at a verdict, or verdicts,
16 in this case.

17 I'll charge you to specific laws that are charged in
18 these indictments. I'm going to read to you first Section
19 16-3-10 of Code of Laws of South Carolina which states: Murder
20 is the killing of any person with malice aforethought either
21 expressed or implied. I'll point out to you, another word that
22 is often used the same as implied is inferred. Sometimes you
23 hear lawyers and judges and legal scholars reverse, substitute,
24 those two words, implied and inferred, it means the same thing.
25 Upon the principle and theory of our law that any greater

1 offense includes a lesser offense the charge of murder also
2 includes the lesser offense of voluntary manslaughter even
3 though the charge of voluntary manslaughter is not written into
4 the body of this to particular indictment. I'm going to define
5 to you the law of murder and then I'm going to define to you
6 the law of voluntary manslaughter. Murder is the unlawful
7 killing of any person with malice aforethought either expressed
8 or implied. Hence, in order to convict one of murder the State
9 must not only prove the killing of the deceased by the
10 defendant, but that it was done with malice aforethought, and
11 such proof must be with beyond a reasonable doubt. Malice
12 aforethought is an essential element in the crime of murder.
13 What is malice? Malice is defined in the law of homicide as a
14 term of art. Malice does not necessarily mean an actual intent
15 to kill. It is a technical term imported wickedness, an
16 excluded just cause or legal excuse. It is something which
17 springs from wickedness from depravity, from a depraved
18 spirit, from a heart which is devoid of social duty and fatally
19 bent on mischief. The words expressed or inferred malice does
20 not mean different kinds of malice but merely the manner to
21 which the only kind of malice known to the law may be shown to
22 exist. That is to say either by direct evidence or by
23 inference, malice may be expressed as where previous threats of
24 vengeance or where there is a lying in wait or where other
25 circumstances show directly that an intent to kill was

1 entertained. Malice may be inferred where -- there's no
2 expressed intent to kill is proved by direct evidence. It may
3 be inferred from the facts and circumstances which are proved.
4 Malice may be inferred from the willful, deliberate and
5 intentional doing of unlawful act without just cause or legal
6 excuse. In other words, in its general signification malice
7 means the doing of a wrongful act intentionally without
8 justification or legal excuse, but even if facts proved are
9 sufficient to raise an inference of malice this inference would
10 be simply an evidentiary fact to be taken into consideration by
11 you along with all the other evidence in the case and you may
12 give it such weight as you determine it should receive as to
13 whether or not malice has been proved beyond a reasonable
14 doubt, and it could be observed, ladies and gentlemen, that
15 there must be malice aforethought, and while the law does not
16 require that malice shall exist for any particular length of
17 time, before the commission of the act it must be aforethought.
18 There must be a combination of the previous evil intent and the
19 act producing the fatal result. The State is not required to
20 prove a motive for a homicide.

21 Now I'm going to speak with you about the law on
22 voluntary manslaughter. As I've already indicated to you,
23 ladies and gentlemen, and instructed you that the indictment
24 for murder includes the lesser crime of voluntary manslaughter.
25 Even though the lesser crime of voluntary manslaughter is not

1 physically written into the bill of indictment, in other words,
2 a defendant indicted for murder may be convicted of voluntary
3 manslaughter if the evidence warrants. The absence of malice
4 is what distinguishes voluntary manslaughter or murder. I have
5 instructed you that malice is an essential element of the crime
6 of murder. Malice is not an essential element of the crime of
7 voluntary manslaughter. The presence of malice and murder and
8 the absence of malice and voluntary manslaughter is what
9 distinguishes these two offenses. What is voluntary
10 manslaughter? Voluntary manslaughter is the felonious taking
11 of a life of another human being in sudden heat of passion upon
12 the sufficient legal provocation. The law recognizes the fact
13 that sudden heat of passion may for the time being affect one's
14 self control, temporarily disturbs the sway of reason, and
15 hence, reduces the crime of murder to that of voluntary
16 manslaughter where the homicide was done in sudden heat of
17 passion provided there was a sufficient legal provocation.
18 Sufficient legal provocation must be such as would be
19 calculated to cause a person of ordinary reason and prudence
20 sometimes described as an average person to become enraged,
21 that is, to experience sudden heat and passion, and hence, to
22 lose control of himself temporarily, and frequently it involves
23 some physical aggression or assault. Merely by way of
24 illustration and illustration alone, I say that when an
25 unjustifiable assault is made with violence or with

1 circumstances of indignity upon a man's person, if the party so
2 assaulted kills the aggressor the crime will be reduced to
3 manslaughter. If it appears that the assault was presented
4 immediately, then the aggressor was killed in the heat of
5 blood, for it will be observed and the killing must be in the
6 sudden heat of passion, and if, in fact, the passion has cooled
7 or if there was sufficient time between the provocation and the
8 killing that the passion has cooled, the killing would not be
9 attributed to heat of passion, but to malice. The sufficiency
10 of cooling time would depend upon whether there was time, all
11 circumstances being considered for a person of ordinary reason
12 and prudence to cool.

13 Now charging with possession of a firearm during the
14 commission of a violent crime. Section 16-23-490 makes it
15 illegal to possess a firearm or visibly display what appeared
16 to be a firearm during the commission of a violent crime.
17 Section 16-160 provides that a violent crime includes the
18 offenses of murder and voluntary manslaughter. For you to find
19 the defendant guilty of this separate statutory offense of
20 possessing a firearm during a violent crime you must first find
21 the defendant guilty of that violent crime. If you find the
22 defendant guilty of the violent crime then you must determine
23 whether the State has proved beyond a reasonable doubt that the
24 defendant was in possession of a firearm or visibly displayed
25 what appeared to be a firearm during the commission of the

1 violent crime. As used in Section 16-23-490 of the South
2 Carolina code a firearm is defined as any machine gun,
3 automatic rifle, revolver, pistol, or any weapon which will or
4 is designed to or may be readily converted to expel a
5 projectile. Ladies and gentlemen of the jury, you're not
6 partisans or advocates for the State of South Carolina or for
7 the defendant. you do not serve as jurors to reward friends or
8 punish enemies, obviously such a perverted system of justice
9 would be intolerable in our society. You have been selected by
10 both the State and the defendant as fair and impartial jurors.
11 It is your duty then by your joint deliberation to determine
12 the facts in this case given to the defendant the benefit of
13 every reasonable doubt on each and every issue, then to the
14 State or to the facts which you determine you then take and
15 apply the law which has been given to you by the Court and thus
16 arrive at a verdict. When you have accomplished these
17 responsibilities you will have satisfied your oath as jurors
18 and you will have discharged your duty to the Court.

19 Now, I'm going to speak with you about the forms of
20 the verdict in this case. Madam Forelady, these are the
21 indictments. The back of the indictment in the lower left
22 corner there is a section called "verdict." I instruct you
23 that once the jury has reached verdicts in this case it will be
24 your duty to write in the appropriate verdict, sign your name
25 as Foreperson, and date the indictment under that section where

1 it says "verdict." The possible forms of verdict, and don't
2 give any weight as to how I numerically call them out to you,
3 possible forms of verdict would be not guilty, guilty of
4 murder, guilty of voluntary manslaughter. Once again, Madam
5 Forelady, it will be your duty to write in whatever verdict is
6 reached by the jury and sign. As to the possession of a weapon
7 during a violent crime, you can only deliberate on that or
8 reach a verdict, as I told you before, unless you find the
9 defendant guilty of murder or voluntary manslaughter. If the
10 defendant be found not guilty on that then you would not
11 proceed to deliberate on the possession of a weapon during the
12 commission of a violent crime. So with that said, should you
13 get to that indictment it would be your duty to write in guilty
14 or not guilty, sign it and date it. I'm going to ask you at
15 this time -- one more thing, ladies and gentlemen of the jury,
16 whatever verdicts you reach will have to be a unanimous
17 verdict, all 12 deliberating jurors will have to be in
18 agreement on whatever the verdicts may be. Madam Forelady, if
19 you need to take a recess and all 12 jurors are not present in
20 the room such as restroom break or a smoke break, seize your
21 deliberations until you get all 12 back. It very seldom
22 happens, but we do have alternates seated, and they will not go
23 back into the jury room with you unless something like this
24 happens, and this is what I traditionally do. Madam Forelady,
25 if you get back to the jury room and you have a juror or jurors

1 that immediately say they are not taking part in the
2 deliberations, you are to immediately notify the bailiff and
3 let me know and I'll put in an alternate or alternates. Like I
4 said, any breaks, seize your deliberations until you get all 12
5 back. Now, before we ask you to deliberate you've got to give
6 me time to check in with the attorneys to make sure we have all
7 the exhibits accounted for. Once we send the exhibits back to
8 you and also these verdict forms, you may begin your
9 deliberations at that time, but don't begin until we get those
10 back to you. Now, as far as the video, the best way that we've
11 handled that in the past, if the jury wants to see the video
12 again for any reason, you need to let us know and we would need
13 to, because of our technical abilities here, you need to let us
14 know and we will bring you back into the courtroom and watch
15 whatever that juror or jury wants to see. So I'll leave that
16 at your discretion to let the bailiff staff know should that be
17 needed. Okay? I think I've covered everything with you. I
18 think your lunch is back there ready to go. I don't want to
19 hold you any longer. I'll let you all get started because you
20 don't want to eat a cold lunch. We'll be right back with you
21 and we'll check off all of these exhibits and also I'll check
22 in with the attorneys. Twelve of you will retire to the jury
23 room. I need the bailiff staff to place the two alternate
24 jurors in a separate room. Mr. Luther, okay? And do the
25 alternate jurors know who they are? Alternate jurors, Stacey

1 Easterling and Lisa Townsend will be the ones that go to a
2 separate room. You all may step back.

3 (Jury exited the courtroom.)

4 THE COURT: Alright, to hopefully finalize this, Mr.
5 Smaldone, I've got your proposed charges here which we've
6 discussed, and I elected not to charge and we're going to make
7 those Court exhibits for any appellate purposes, if needed.
8 And I note your request. Is there anything else you want to
9 add to that?

10 MR. SMALDONE: As long as my request and objection is
11 noted right now, I'm good.

12 THE COURT: I appreciate your all's legal argument,
13 both of you did an excellent job. It always makes my job a lot
14 easier when I've got professional competent excellent attorneys
15 presenting these cases, sot that will be Court. Anything else
16 for the record?

17 MS. MUNNERLYN: No, Your Honor, not from the State.

18 MR. SMALDONE: No, Your Honor.

19 THE COURT: I need you all to check off these
20 exhibits.

21 (Court's Exhibit 1 was marked for identification.)

22 THE COURT: Madam Clerk, if you would tell them they
23 may begin their deliberations, and it is 1:20 by the court
24 reporter. We'll stand at ease.

25 (Deliberations started at 1:20.)

1 THE COURT: Alright. We're back on the record.
2 Madam Forelady has handed up a request from the jury. I'll
3 read it into the record. The jury would like to see the video
4 again, and the part they want to see is the entry to the
5 parking lot. Is that correct, Madam Forelady?

6 THE FORELADY: Yes, sir.

7 THE COURT: This will be a Court Exhibit.

8 (Court Exhibit Number 2 was marked for identification.)

9 (Jury entered the courtroom.)

10 THE FORELADY: Your Honor, I have one thing we need
11 clarified. So the three verdicts we can choose is murder,
12 voluntary manslaughter or not guilty; is that correct?

13 THE COURT: That is correct.

14 (video playing)

15 THE COURT: Did you get to see what you needed to
16 see?

17 THE FORELADY: Yes, sir.

18 THE COURT: You may return to your jury room.

19 (Jury returned to jury room to continue deliberations
20 at 2:23 p.m.)

21 THE COURT: What I'm going to do, I'm going to go
22 ahead and release the two alternates. If you want to come
23 back, we've got people that have patiently waiting for other
24 matters to be heard, and all of you wondering about that docket
25 schedule, it's more or less what you can call a contingent

1 docket. If a trial goes forward we don't get to the
2 contingencies on that docket because we have to wait until the
3 trial is over and we do that because we don't want to lose a
4 lot of valuable court time in case a case pleads out, it leaves
5 us in a vacuum, so it's sort of a back up docket or I guess you
6 could call it sort of a contingent docket. I don't know what
7 happened to Robert, he's around here somewhere, but we can get
8 started on that as soon as we let these alternates go.
9 Everybody stay at ease for a minute, we'll be right back.

10 (Recess taken.)

11 THE COURT: Bring them in, please, Madam Bailiff.

12 (Jury entered the courtroom at 2:57 p.m.)

13 **(Allen Charge)**

14 THE COURT: Madam Forelady, ladies and gentlemen of
15 the jury, I'm going to give you an additional charge at this
16 time and it has to do with the problem of trying to reach a
17 verdict. So I have some very brief comments that I would like
18 to make to you by way of a further instruction on the matter of
19 being unable to reach a verdict. As I've already told you, I
20 am the sole judge of the law in the case and you, the jurors,
21 are the sole judges of the facts in the case. I am not
22 permitted to give you any hint as to how I feel about any
23 factual matter, and I certainly could give you no hint about
24 what verdict you ought to bring in this case. It is my duty to
25 state the law of the case as I have done it, and it is your

1 duty to bring in the verdict, but I can say this, that when a
2 matter is in dispute it is not always easy for even two persons
3 to agree, either two men or two women, and when 12 must agree
4 it becomes, obviously, correspondingly more difficult. It is
5 important that litigation, and this is litigation, be ended if
6 to it may be ended without a single one of you doing violence
7 to your own conscience. No juror is expected to give up an
8 opinion based on reasoning satisfactory to himself or herself
9 merely for the purpose of being in agreement, and I want to be
10 clearly understood on that. You are not called upon often to
11 try cases. There are over 40 circuit judges whose work it is
12 to try cases from day-to-day throughout the year. It is very
13 unusual, almost unheard of, for a jury to go out and promptly
14 return a verdict. This is what would happen if a jury normally
15 was in agreement to begin with. At the same time, we usually
16 get a verdict. Now, what that means is is that it is normal
17 for jurors to disagree first, but the fact that we normally get
18 a verdict also means that after reasonable persons lay aside
19 all extraneous matters and determine to decide a case on the
20 basis of the law and the evidence, they do come to a common
21 understanding and write a verdict. It has never been intended
22 that the verdict of a jury should be the verdict of any one
23 person. On the other hand, the verdict of a jury is the
24 collective reasoning of all persons put together, and that is
25 why we have a jury, so that we may have the benefit of

1 collective thought and collective reasoning. It becomes your
2 duty to tell the other jurors how you feel about the case and
3 why you think as you do, and I'm sure all of you have been
4 doing just that. On the other hand, it becomes the other
5 jurors' duty to exchange views with you and you should listen
6 to each other and give to each others thoughts such meaning as
7 you think it should have, so to some degree it can be said that
8 jury service is a matter of give and take. If you do not agree
9 on a verdict it doesn't mean that anybody wins. It just means
10 that at some future term of court before some other judge
11 perhaps, that some other jury will sit where you are sitting,
12 the same participants will come and the same lawyers probably
13 will come and they will ask, basically, the same questions, and
14 presumably and probably they will get much the same answers,
15 and we will go through the whole process again. I have no
16 reason now to think that any other 12 citizens in Marlboro
17 County will be more capable of solving this controversy than
18 you, so I am going to ask you at this time to go back to the
19 jury room, deliberate further, and see if you can write a
20 verdict in this case, and I want to close as part of this added
21 charge to you reminding you again that while it is important
22 that litigation be ended it should be ended in the form of a
23 verdict by no juror doing violence to their own conscience. No
24 juror is expected to give up an opinion based on reason and
25 satisfactory to himself or herself merely for the purposes of

1 being in agreement. With all of those additional comments, I'm
2 going to ask you all to retire back to the jury room and
3 deliberate further. If you'll follow Mr. Bailiff, Madam, to
4 the back.

5 (Recess taken.)

6 THE COURT: I've been watching the audience and I've
7 noticed the bailiffs have discussed about various ones in the
8 audience about cell phones, and this is the way it works. You
9 come in here with a cell phone you can keep it in your
10 pocketbook or in your pocket and it needs to be on silent,
11 but we had an incident over in Darlington where some folks had
12 some cell phones in a gang case over there and was
13 photographing potential witnesses creating a dangerous
14 situation, so the rule is, if you know that that phone is going
15 off because of the vibration, or whatever silent mechanism you
16 have, it's perfectly all right to get up and go outside the
17 courtroom and take that call. So I'm telling you, the next one
18 that pulls out a cell phone, we don't know whether you're
19 recording somebody or you're trying to take a picture, we can't
20 tolerate that because we don't want somebody hurt by violence
21 in the courtroom, and if you're taking somebody's photograph to
22 intimidate them that's a no, no, so this is the way it's gonna
23 be. The next one that gets caught with a cell phone outside of
24 their pocketbook or their pocket, the bailiff staff is going to
25 bring you right here and I'm going to give you a place to be

1 looking at that cell phone or using it for whatever you want
2 to. Now, all of you better listen to me. The last thing I
3 want to do is find somebody in contempt, so don't put me in
4 that position. And I noticed we've had a couple of folks
5 wanting to sleep, same advice there. You can go ahead and go
6 to sleep out there, I'd like to take a nap too, but I can't, so
7 if you want a place to sleep, I'm going to give you a place to
8 sleep.

9 (Recess taken.)

10 THE COURT: They've have reached a verdict. We have
11 no idea what it is. Just like I tell the gallery in the
12 courtroom when we've reached a verdict, if you feel like you
13 can't control your emotions no matter what the verdict is, you
14 probably need to step out, because we don't want anybody hurt
15 and we don't want anybody found in contempt because I have to
16 fill out a lot of paperwork, so we don't want to have any
17 excitement or any showing off, any disorderly conduct, so I'll
18 say it one more time, if you can't handle whatever the verdict
19 is, you'll need to step out, I know emotions run high in these
20 cases, I understand that. Bring them in.

21 (Jury entered the courtroom at 4:10 p.m.)

22 THE COURT: Madam Clerk?

23 THE CLERK: We understand you've reached a verdict?

24 THE FORELADY: Yes ma'am.

25 THE COURT: You may publish the verdict.

1 (VERDICT)

2 THE CLERK: Indictment Number 2017-GS-34-0498, State
3 versus Antonio Anderson, indictment for Murder: We, the jury,
4 find the defendant guilty of Voluntary Manslaughter.

5 THE COURT: We're construing that as a guilty of
6 voluntary manslaughter; is that correct?

7 THE FORELADY: Yes, sir. We'll give the Madam
8 Forelady the form.

9 THE CLERK: Signed Angela H. Belcher, July 26, 2023.
10 Indictment 2017-GS-34-0499, State versus Antonio Anderson,
11 indictment for Possession of a Weapon During a Violent Crime,
12 Verdict: Guilty, signed Angela H. Belcher, July 26, 2023. Is
13 this your verdict, so say you all, by raising your right hand?

14 THE COURT: Madam Forelady, on that last one, the
15 Court construes again as being guilty; is that correct?

16 THE FORELADY: Yes.

17 THE COURT: Madam Clerk, we'll need to get that form.

18 THE CLERK: Okay.

19 THE COURT: Anything further of the jury from either
20 the State or the defense?

21 MS. MUNNERLYN: Not from the State, Your Honor.

22 MR. SMALDONE: Defense would request a poll.

23 THE COURT: Madam Clerk?

24

25

1 (POLLING OF JURY)

2 THE CLERK: As I call your name, if you would stand,
3 start with Glenda Morton. Was this your verdict and is it your
4 verdict now?

5 THE JUROR: Yes.

6 THE CLERK: Thank you. Benita Simmons, was this your
7 verdict and is it your verdict now?

8 THE JUROR: Yes.

9 THE CLERK: Mandy Robinson, is this your verdict and
10 is it your verdict now?

11 THE JUROR: Yes.

12 THE CLERK: Yolanda Echols, was this your verdict and
13 is it your verdict now?

14 THE JUROR: Yes.

15 THE CLERK: Colin Rodgers, was this your verdict and
16 is it your verdict now?

17 THE JUROR: Yes.

18 THE CLERK: Viretta Campbell, was this your verdict
19 and is it your verdict now?

20 THE JUROR: Yes.

21 THE CLERK: Cedrick Williams, is this your verdict
22 and is it your verdict now?

23 THE JUROR: Yes.

24 THE CLERK: Angela Belcher, was this your verdict and
25 is it your verdict now?

1 THE JUROR: Yes.

2 THE CLERK: Ricky Little, was this your verdict and
3 is it your verdict now?

4 THE JUROR: Yes.

5 THE CLERK: Logan Booth, was this your verdict and is
6 it your verdict now?

7 THE JUROR: Yes, ma'am.

8 THE CLERK: Clenzo Ingram, was this your verdict and
9 is it your verdict now?

10 THE JUROR: Yes, ma'am.

11 THE CLERK: Cynthia Gary, was this your verdict and
12 is it your verdict now?

13 THE JUROR: Yes.

14 THE CLERK: Thank you.

15 THE COURT: Ladies and gentlemen, thank you so much
16 for your service on this case. I especially thank you for your
17 patience with us. We had some delays which is quite common
18 because our system operates like I explained to you. The jury
19 is the finder of the facts, the judge is the judge of the law.
20 I have to handle matters of law outside your presence and this
21 being one of the smaller counties we have to intertwine other
22 cases when we can put them in and sometimes we try to take care
23 of a case while we're having a break that may have been
24 scheduled earlier, and also when you're out deliberating we
25 could be in the middle of a plea or other motions of some type.

1 Thank you so much for your patience with us. If you need an
2 employment slip, check in with the Clerk's Office, we will take
3 care of that. Madam Clerk, the checks will be mailed out?

4 THE CLERK: Yes, sir.

5 THE COURT: Please do not put any blame on Madam
6 Clerk, nor me, about your pay. We don't control it, to tell
7 you the truth, most counties I go to around the state, I get a
8 little embarrassed about the pay, but the county counsel
9 controls the taxes and the jury pay, so if you feel strongly
10 about it, don't criticize Madam Clerk, take it up with your
11 county counsel, okay, because we're both embarrassed about the
12 pay and there's nothing we can do about it. If you need an
13 employment slip on of the Deputy Clerks or Madam Clerk will
14 step out and take care of that with you. The next portion of
15 this case will be what we call mitigation and sentencing. I'll
16 hear from both sides, anything they want to tell me about
17 potential sentencing. You're more than welcome to stay if you
18 would like. We've got several options, you can stay in the
19 jury booth, or if you're more comfortable, we'll escort you
20 around and you can sit in the back of the courtroom, either way
21 you're more comfortable with. If you want to go ahead and
22 leave, that would be fine, too. Once again, I want to thank
23 you for being willing to come in and help us resolve this
24 matter. If you're drawn again this year, you don't have to
25 worry about serving. If you're drawn in the future the next

1 two years, it will be your option, it will be an exemption, but
2 I would encourage you to come and help us should you be drawn
3 after this year. Anybody got any questions? Anything for the
4 record.

5 MS. MUNNERLYN: Your Honor, are you ready to hear
6 from the victims family?

7 THE COURT: We'll move into mitigation. I'll be glad
8 to hear from the State. Good afternoon.

9 MS. GARCIA: I'm Latrice Lampkin-Garcia, I'm the
10 victim's sister. December 25, 2022, 213 days ago, Alonzo's
11 mother left this world waiting for the day the person that took
12 her baby boy's life would have to make an account for what
13 happened. It has been 2,163 days since he left and 1,952 of
14 those days she waited crying, praying and watching the
15 defendant's life go on from her kitchen window even the day she
16 got home from dialysis. She watches him laugh and continue to
17 make memories where all she has is a headstone to remember her
18 son. He leaves behind kids, one that will never get to know
19 their daddy. Siblings, aunts, uncles and cousins and friends
20 have been forced to pick up pieces that have been shattered for
21 so long. I am hoping that today my mother from heaven can look
22 down and say finally I have justice for my baby boy. Thank
23 you.

24 THE COURT: Thank you for coming forward.

25 MS. MUNNERLYN: Anybody else? One more, Judge.

1 THE COURT: Come on around.

2 MS. SMITH: Hi, my name is Janice Smith. Alonzo, he
3 was my nephew. My sister, as my niece said, she waited a long
4 time for this day. She didn't get to see it because she died
5 on December 25th of last year, but I knew what she went through
6 and we all went through as a family, and she wouldn't be able
7 to go through this trial but I thank you for just allowing us
8 to speak on behalf of her --

9 THE COURT: Sure.

10 MS. SMITH: -- and we thank you for everything.
11 Thank you.

12 THE COURT: Thank you for being here.

13 MS. MUNNERLYN: I think that's it, Your Honor.

14 THE COURT: I'll hear from the defense and then I'll
15 come back to you, Solicitor.

16 MS. MUNNERLYN: Yes, sir.

17 MR. SMALDONE: Thank you, Your Honor. May it please
18 the Court? Judge, you've heard the facts of the case. This is
19 a little bit of a unique case because I don't think there was
20 much of any factual disagreement, maybe a little, but very
21 little factual disagreement in the case, it was more of just
22 giving the facts to the jury and seeing what they did, so I'd
23 ask Your Honor to take into consideration that my client's
24 always been very forthcoming about what happened, he's always
25 admitted what happened, and basically never lied or shuffled.

1 We just decided at one point it was best to go forward with the
2 trial and I asked you to be merciful and not exert more
3 punishment because of that. Your Honor, he's with 38 years
4 old. He has four of his own children, one that he raised and
5 one that he's raising, he's married. Your Honor, you heard
6 about his work. He's always as a mechanic. He and his brother
7 tell me sometimes people don't have the money to pay, he works
8 with them. In fact, the only thing he asked me all afternoon
9 was, I have two people's cars, how do I get them their cars
10 without screwing them over, for lack of a better word, if he
11 was to go away, that's really the only thing he wanted to know
12 this afternoon, so he's always thinking of other people and he
13 has no prior record other than a DUS before this. Your Honor,
14 he's -- sorry I lost my train of thought, one second. Your
15 Honor, like I said, he has always admitted to what happened,
16 it's just a matter of the jury to decide. I think that the
17 jury's found that he made a mistake, and I completely
18 understand why that happened. I think that it's really sad,
19 it's a sad case. It's sad because we have a person no longer
20 with us. It's sad because I always genuinely liked Antonio. I
21 think that in a 10,000 different lives and different universes
22 this would have only happened in one of them, and
23 unfortunately, that's the one he's in now, and it's sad we have
24 a split aisle between families that by all accounts used to
25 know each other, lived near each other and have a good

1 relationship with each other. I hope that one day that happens
2 again, and I understand it's not going to be today, it's not
3 going to be next year, but I hope that one day that happens.
4 Judge, I'd just ask that you take into account his lack of
5 record, take into account, you know, I know it's not a plea,
6 but his really acceptance of responsibility for all that you
7 can, and his family ties, community ties. I've talked with
8 him. I've advised him not to address the Court just because of
9 possible appellate issues. I don't know how it would affect
10 that, but I don't want anything to be messed up because of
11 that. So Your Honor, I would ask for numbers after a trial, we
12 might ask for something after this, but I would ask for
13 something on the lower end of the range, the range of two to 30
14 that would reflect everything I've said, his family ties, his
15 minimal involvement with the justice system, and kind of the
16 facts of this case.

17 THE COURT: Thank you, Counsel. Mr. Anderson, I know
18 your attorney has given you some advice there, but I have to go
19 by certain protocols.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Is there anything you would like to say?

22 THE DEFENDANT: If I were to ask for anything, only
23 thing if somebody killed my brother, I would do the same thing.

24 THE COURT: Madam Solicitor?

25 MS. MUNNERLYN: Yes, sir. Judge, this is a really

1 sad case for two families and two men who were formally
2 friends, one now is dead and the other is facing prison and
3 these, as Mr. Smaldone says, these two families are now very
4 hurt, grieving, and it just didn't have to happen this way, and
5 it's very unfortunate for everyone involved, but everybody has
6 to be accountable for their actions, and unfortunately, the
7 defendant took Alonzo Lampkin's life, and he's no longer here.
8 His family is here and they have been without him for the last,
9 nearly, six years, and we just, we've heard the evidence,
10 you've seen the video, and we just ask that your sentence
11 reflect what occurred and the loss that this family has had.

12 THE COURT: Thank you, Solicitor.

13 (SENTENCING)

14 THE COURT: What is the age of Mr. Anderson?

15 MR. SMALDONE: Your Honor, he's 38 years old, he
16 turns 39 on Saturday.

17 THE COURT: Alright. I'm going to speak to the
18 families on both sides of this. There's enough damage been
19 done, the trial is over. The defendant is going to be
20 sentenced. We don't need any further hurt. Gun violence is
21 not only here in Marlboro County, it's across the board in our
22 country. Every time you pick up the news either on television,
23 media or whether it be with social media or newspaper, it's
24 become all too common that somebody has been killed by gun
25 violence or seriously injured, and our law-abiding citizens are

1 certainly disturbed and fed up with it. The bottom line is
2 there's enough injury been done here, so please, let it be
3 over, don't go out antagonizing each other or put yourself in a
4 position that somebody could get hurt.

5 Mr. Anderson, there is no way that I know what
6 questions went through the juror's mind, but I just got a gut
7 feeling what went through their minds, and a lot of other folks
8 in this courtroom that listened to this case, and the question
9 they would like to ask, when you went to that car the first
10 time why didn't you get in it and drive away? We wouldn't be
11 here if you had just done that. Let's see, I've got to have
12 the sentencing sheet.

13 MS. MUNNERLYN: Yes, sir.

14 THE COURT: I'm going go ahead and get this on the
15 record. Mr. Anderson --

16 THE DEFENDANT: Yes, sir.

17 THE COURT: -- and Counsel, I need to advise you at
18 this time with the jury verdict conviction, please be on notice
19 that you have ten days if you desire to appeal. A notice of
20 appeal has to be filed within ten days or you don't preserve
21 your right to appeal. The next question I have, how many days
22 was he in jail?

23 MS. MUNNERLYN: It wasn't long, Your Honor. I would
24 have to -- he was only in jail a short period of time in the
25 beginning of 2017. I would have to check with the jail and

1 see. He's checking right now.

2 MR. SMALDONE: Two months. I'm going get a date,
3 exact number for you, Judge.

4 MS. MUNNERLYN: Lieutenant Williams is calling now.

5 THE COURT: Okay.

6 MS. MUNNERLYN: Your Honor, it looks like he bonded
7 out on September 21, 2017, which would be 31 days.

8 THE COURT: Thank you. First of all, I don't see any
9 reason to disturb the jury verdict, no problem with the
10 decision they reached. I am going to mitigate this somewhat
11 from a maximum sentence because the very limited record looks
12 like a traffic offense, however, also, there was some
13 disturbing parts of the testimony and evidence that was offered
14 that should have never happened, so that mitigates somewhat for
15 Mr. Anderson, but coming back to gun violence, and what really
16 bothers me the most about what happened was the fact those
17 children were present and the impact it could have even though
18 they weren't injured. It bothers me the impact it could have
19 on them in the future because of what they witnessed, that
20 bothers me more than anything.

21 On the Voluntary Manslaughter, the sentence of the
22 Court is 21 years in the State Department of Corrections,
23 credit for 31 days. On the gun violation, possession of a
24 firearm, the sentence is five years, that is concurrent, credit
25 for 31 days. Mr. Anderson, there are a lot of excellent

1 vocational programs, educational programs, that are available
2 within the Department of Corrections. Even though your future
3 looks pretty bleak right now, you can go down and get enrolled
4 in some of those programs and enhance your vocational
5 abilities. I've heard through testimony here that you've got
6 mechanical skills, you know how to work on vehicles, and if you
7 talk with them with that factor you may well get put into the
8 motor division or anything that has to do with mechanics and
9 come out, hopefully one day you will have increased skills to
10 carry on for the rest of your life. I thank everybody for
11 their presentation. Once again, enough harm's been done. The
12 Court will be in recess for a few minutes.

13 MS. MUNNERLYN: Thank you, Your Honor.

14 MR. SMALDONE: Thank you.

15 (Trial concluded on Wednesday, July 26, 2023 at 4:42 p.m.)

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25 CERTIFICATE

1 STATE OF SOUTH CAROLINA

2 COUNTY OF HORRY

3 I, Julie A. Kevish, Official Court Reporter for the
4 State of South Carolina, do hereby certify that the foregoing
5 is a true, accurate and complete Transcript of Record of the
6 proceedings had and evidence introduced in the Court of General
7 Sessions for Marlboro County, South Carolina, on the 25th day
8 of July, 2023.

9 I do further certify that I am neither of kin,
10 counsel, nor interest to any party hereto.

11 July 25, 2023

12

13

A handwritten signature in cursive script that reads "Julie Kevish". The signature is written in black ink and is positioned above a horizontal line.

14

JULIE A. KEVISH
OFFICIAL COURT REPORTER

15

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WITNESSES

R. TRYON

R. Tryon

Mccoll Police Department

Law Enforcement Case #:
112

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2017A3420300038

ARRESTED ON: 2017-08-22

ACTION OF GRAND JURY

True Bill
Charles Kay

Grand Jury Foreperson

12/5/17

Date

VERDICT

Voluntary - 12 yes
Guilty

Angela R. Belcher

Petit Jury Foreperson

7/26/2023

Date

DOCKET NUMBER:
2017-GS-34-0498

The State of South Carolina**County of Marlboro****COURT OF GENERAL SESSIONS**

Term:
December 2017

THE STATE

vs.

Antonio Anderson**INDICTMENT FOR****Murder / Murder**

§16-03-0010; 16-03-0020

CDR Code: 0116**William B. Rogers, Jr., Solicitor**

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARLBORO)

Murder / Murder

§16-03-0010; 16-03-0020

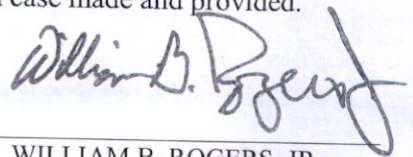
At a Court of General Sessions, convened on December 05, 2017, the Grand Jurors of Marlboro County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Antonio Anderson did in Marlboro County, on or about August 21, 2017, willfully, feloniously, and intentionally kill the victim, ALONZO LAMPKIN, with malice aforethought, either express or implied, by means of Shooting, and the victim did die as a proximate result thereof on or about 8/22/2017 in Marlboro County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

R. TRYON

R. Tryon

Mccoll Police Department

Law Enforcement Case #:
112

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After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

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2017A3420300038

ARRESTED ON: 2017-08-22

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

*True Bill
Charles Kay
12/5/17*

VERDICT

*Voluntary - 12 yes
Guilty*

Petit Jury Foreperson

Date

*Angela R. Becken
7/26/2023*DOCKET NUMBER:
2017-GS-34-0498

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
December 2017

THE STATE

vs.

Antonio Anderson

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARLBORO)

Murder / Murder

§16-03-0010; 16-03-0020

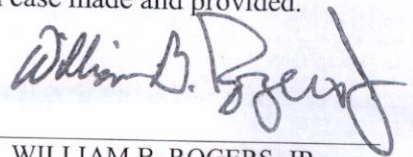
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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO
STATE
Antonio Anderson
AKA:
Race: Sex: M Age: 37
DOB:
Address:
City, State, Zip:
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017-GS-34-0498

A/W#: 2017A3420300038
Date of Offense: 8/21/2017
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: ~~Murder / Murder~~ Voluntary Manslaughter
in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # ~~0116~~ 217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:
Elizabeth R. Munnerlyn 66284 SC Bar# Defendant
Grant Smaldone SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 21 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be _____ and applied by SCDOC.
31 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED
2023 JUL 26 4:48
ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	TBD
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD
TOTAL	\$ 128.75

Clerk of Court/ Deputy Clerk:

Court Reporter:

April Driggers
Julie Kevish

Presiding Judge:

Judge Code:

Sentence Date:

[Signature]
 2048
 July 26, 2023

STATE OF ²⁶⁸ NORTH CAROLINA

COUNTY OF MARLBORO

STATE

VS.

Antonio Anderson

AKA:

Race: Sex: M Age: 37

DOB: [REDACTED]

Address:

City, State, Zip:

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017-GS-34-0499

A/W#: 2017A3420300039

Date of Offense: 8/21/2017

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

66284

Munnerlyn, Elizabeth R.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
31 days/months

☐ To include time spent on monitored house arrest prior to trial and sentence

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

2023 JUL 26 P 4:48
ANGELA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, SC

FILED

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %) \$100 \$ 100.00

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§14-1-211(A)(2) (DUI Surcharge) \$12 \$ 12.00

§56-5-2995 (DUI Assessment) \$25 \$ 25.00

§56-1-286 (DUI Breath Test) \$25 \$ 25.00

§14-1-212 (Law Enforce. Funding) \$150 \$ 150.00

§14-1-213 (Drug Court Surcharge) \$41 \$ 41.00

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs) \$50 \$ 50.00

§50-21-114(BUI Breath Test Fee) \$40/ea \$ 40.00

§56-5-2942(J) (Vehicle Assessment) TBD \$ 3.75

3% to County (if paid in installments) \$500 \$ 500.00

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. TBD \$ 500.00☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: April Driggers

Court Reporter: Julie Kevish

Presiding Judge: _____

Judge Code: 2048

Sentence Date: July 26, 2023

STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO

) IN THE COURT OF GENERAL SESSIONS
)
) FOURTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA

) No 2017-65-34-0498
)

Plaintiff,

)

MEMORANDUM
(SELF-DEFENSE INSTRUCTION)

v.

)

)

)

)

)

)

Antonio A. Iverson

Defendant.

"It is well-settled the law to be charged is determined from the evidence presented at trial, and if any evidence exists to support a charge, it should be given. The trial court commits reversible error if it fails to give a requested charge on an issue raised by the evidence." *State v. Burris*, 334 S.C. 256, 263, 513 S.E.2d 104 (1999).

"If there is any evidence in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the trial [court's] refusal to do so is reversible error." *State v. Light*, 378 S.C. 641, 661 S.E.2d 465, 469 (2008).

The elements of self-defense are:

- (1) the defendant must be without fault in bringing on the difficulty; (2) the defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury, or he must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury; (3) if his defense is based upon his belief of imminent danger, defendant must show that a reasonably prudent person of ordinary firmness and courage would have entertained the belief that he was actually in imminent danger and that the circumstances were such as would warrant a person of ordinary prudence, firmness, and courage to strike the fatal blow in order to save himself from serious bodily harm or the loss of his life; and (4) the defendant had no other probable means of avoiding the danger.

State v. Day, 341 S.C. 410, 416, 535 S.E.2d 431, 434 (2000) (citing *State v. Bryant*, 336 S.C. 340, 520 S.E.2d 319 (1999)).



"A defendant is not required to establish self-defense by a preponderance of the evidence; instead, the defendant must only produce evidence which causes the jury to have a reasonable doubt as to his guilt." *State v. Grooms*, 343 S.C. 248, 254, 540 S.E.2d 99, 102 (2000).

Even though the facts of *State v. Lockamy*, 369 S.C. 378, 631 S.E.2d 555 (Ct. App. 2006) were unfavorable to self-defense, the trial court still found evidence of every element but one. The trial court found that there were other probable means of avoiding danger because the defendant was able to run fifty feet before he fired the fatal shot.

This case presents a strikingly different scenario. "Any evidence" exists in this case supporting all four elements of self-defense. It would be reversible error for this Court to usurp the role of the jury, which is entitled to make its own decision regarding evidence of self-defense.

Dated: 07/26/2023

/s/ Grant Smaldone

Grant Smaldone

The Law Office of Grant B. Smaldone, LLC

142 Williman St.

Charleston, SC 29403

(843)808-2100

Attorney for Defendant

FILED
2023 JUL 27 A 8:50
ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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Dec 20 2024

SC Court of Appeals

Respectfully Submitted,

RMD
[Signature] w/permission

Robert M. Dudek

Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of December, 2024.

RECEIVED

Dec 20 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marlboro County

Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

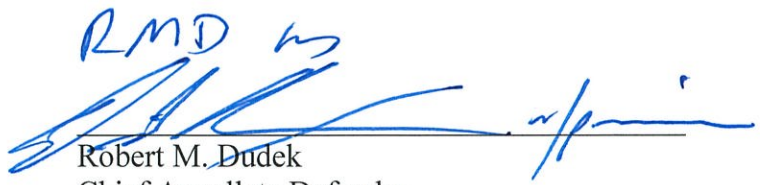
ANTONIO ANDERSON,

APPELLANT

APPELLATE CASE NO. 2023-001257

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Brian H Gibbs, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 20th day of December, 2024.


Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT