

VOL. I OF III

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Abbeville County

S.C. Supreme Court

R. Lawton McIntosh, Circuit Court Judge

SHONDRAY LAMONT MARTIN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-213701

A P P E N D I X

CARMEN V. GANJEHSANI
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

J. RUTLEDGE JOHNSON
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT (dated March 15-20, 2004)	1
ORDER OF THE COURT OF APPEALS DISMISSING APPEAL	1270
ORDER DENYING PETITION FOR REHEARING	1272
APPLICATION FOR POST-CONVICTION RELIEF	1273
RETURN AND MOTION TO DISMISS	1286
CONDITIONAL ORDER OF DISMISSAL	1293
APPLICANT'S REPLY AND OBJECTIONS TO RESPONDENT'S CONDITIONAL ORDER OF DISMISSAL	1299
POST-CONVICTION RELIEF HEARING TRANSCRIPT (dated November 27, 2012)	1302
APPLICANT'S PCR EXHIBITS	1331
STATE'S PCR EXHIBITS	1374
ORDER OF DISMISSAL	1462
CLERK OF COURT RECORDS	1467

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

2002-GS-01-192

STATE OF SOUTH CAROLINA,)
)
)
-vs-)
)
)
SHONDRA LAMONT MARTIN,)
)
Defendant.)

B E F O R E:

HONORABLE WYATT T. SAUNDERS, JR.

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

W. TOWNES JONES, IV
TIMOTHY W. WOOLSTON
Attorneys for the State

W. BENJAMIN McLAIN
Attorney for the Defendant Shondra Martin

Henry P. Young
Court Reporter

VOLUME I OF VI
March 15, 2004

1	I-N-D-E-X				
2					Page
3	Jury Qualification				5
4	Jury Selection				178
5	Opening Statements				214
6	Closing Arguments				1146
7	Charge of the Court				1214
8	Sentence of the Court				1268
9	<u>WITNESS:</u>				
10		Direct	Cross	Redirect	Recross
11	COREY TROTTER	239	248	260	
12	LAMONCYON SUTTON:	262	288		
13	JOHNNY MCCOPPIN:	328	337		
14	BRIAN WALKER	384	392		
15	ROSALIND BROWN	401	418	437	439
16	JAMES G. FOSTER	446	454		
17	DONALD BRETT BAKER	468	486		
18	EARL GILLIAM	512	525	557	
19	MARIO LIJOI	558	571	579	588
20	STEVE GAMBRELL	599	610		
21	BRETT WOODARD	631	648	668	669
22	STEVE GAMBRELL	674	678		
23	SHONDRA MARTIN	690	734	774	
24	EDWARD MILLER	817	835		
25	EARL GILLIAM	892	904		

1	MARIO LIJOI	912	919	
2	STEVE GAMBRELL	926	938	954
3	SHONDRA MARTIN	972	1033	
4	EDWARD MILLER	1096	1104	
5	EARL GILLIAM	1125	1132	
6		- - - - -		
7	EXHIBITS			<u>PAGE</u>
8	State's 1	(Diagram)		197
	State's 2	(Photograph)		197
9	State's 3	(Photograph)		197
	State's 4	(Photograph)		197
10	State's 5	(Photograph)		197
	State's 6	(Photograph)		197
11	State's 7	(Photograph)		197
	State's 8	(Photograph)		197
12	State's 9	(Photograph)		197
	State's 10	(Photograph)		197
13	State's 11	(Knife)		386
14	State's 12	(Knife)		386
15	State's 13	(Shell Casings)		386
16	State's 14	(Eyeglasses)		387
17	State's 15	(Book Bag)		388
18	State's 16	(911 Tape)		283
19	State's 17	(Photograph)		336
20	State's 18	(DMV Record)		683
21	State's 19	(Sketch)		899
22	State's 20	(Interview Memorandum)		931
23	State's 21	(Pro Se Pleadings)		1099
24				
25				

1	Defendant 1	(Lamoncyon Sutton Statement)	304
2	Defendant 2	(Lamoncyon Sutton Statement)	304
3	Defendant 3	(Brown letter)	419
4	Defendant 4	(Photograph)	490
5	Defendant 5	(Photograph)	490
6	Defendant 6	(Photograph)	490
7	Defendant 7	(Photograph)	490
8	Defendant 8	(Photograph)	490
9	Defendant 9	(Proffer Agreement)	990
10	Defendant 10	(Martin Letter)	999
11		- - - - -	
12			
13	Court 1	(Juror Note)	327
14	Court 2	(Advisement of rights)	516
15	Court 3	(Proffer Agreement)	521
16	Court 3A	(Original Proffer Agreement)	825
17	Court 4	(Report of Interview)	587
18	Court 6	(Sketch)	604
19	Court 7	(Martin Letter)	615
20	Court 8	(Requested Charge)	1139
21	Court 9	(Requested Charge)	1139
22	Court 10	(Requested Charge)	1139
23	Court 11	(Jury Note)	1142
24			
25			

1 P-R-O-C-E-E-D-I-N-G-S
2 (Convened at 3:07 p.m.).

3 THE COURT: Good
4 afternoon, ladies and
5 gentlemen of the jury. My name is Wyatt Saunders,
6 I'm a circuit judge and I am a circuit judge in the
7 Eighth Judicial Circuit in South Carolina, which is
8 composed of Abbeville, Laurens, Newberry and
9 Greenwood counties.

10 You have been called as a juror, or potential
11 trial juror for this term of General Sessions Court
12 in Abbeville County. It is possible that your
13 service would extend beyond this week but we make
14 every effort to conclude every case within a week
15 but sometimes we're not able to do that, so if you
16 are selected as a trial juror we will keep you
17 apprised of how long we expect the trials that may
18 come before the Court to take.

19 Our purpose this afternoon is to determine
20 your qualifications and your eligibility to serve
21 as a trial juror during this term of General
22 Sessions Court.

23 You may be curious to know how it came about
24 that you have been selected and perhaps your
25 neighbor or friend has not been selected to come

1 and serve as a potential trial juror. Your name
2 appears on one or more of three lists. You are a
3 driver with a driver's license issued by the
4 Department of Transportation showing that you live
5 in Abbeville County, you have been issued an
6 identification card by the Department of
7 Transportation showing that you live in Abbeville
8 County, or you are a registered voter from
9 Abbeville County.

10 Now, your Clerk of Court Miss King has
11 assimilated all of those lists by computer and
12 those lists have selected you as potential trial
13 jurors. Now, some people refer to you as you sit
14 there as potential trial jurors, as a jury panel or
15 a jury pool, but you are actually a venire.

16 A venire is a very old word. Many of you
17 will not have heard the term or word venire because
18 it comes from the old English practice of going out
19 into the community to select people to be chosen as
20 trial jurors, who may or may not be trial jurors.
21 So, when you hear the word venire that means all of
22 you who are potential trial jurors. You will not
23 be a trial juror until each party, each side
24 accepts you as a trial juror. But as you sit there
25 you are not a trial juror, you are a venire person

1 and you are a very important person, each of you,
2 because any of you, each of you has the potential
3 of being selected as a trial juror.

4 Now, all the parties who are concerned with
5 the Court and business of the Court genuinely
6 understand the inconvenience that jury service
7 causes you, and it works a hardship upon you
8 because you're away from work, you're away from
9 your families, your homes, your hobbies and other
10 things, but jury service is a high, heavy and
11 important duty.

12 It's hard work for you to be selected as a
13 trial juror because it's difficult to concentrate
14 on the words that are elicited from the lips of
15 witnesses sworn to tell the truth from this witness
16 stand and to listen to the questions posed to the
17 witnesses and to listen to the attorneys address
18 the trial jury in the trial. So, it's hard work,
19 it's not easy work.

20 It's been said that there are two times, only
21 two times that any citizen of the United States
22 will be called away from their homes and from their
23 jobs and required to do something somewhere else.
24 One is in time of war and the other is when you are
25 called as a venire person and chosen as a trial

1 juror. So, that tells you the high and important
2 responsibility that devolves upon you as a trial
3 juror.

4 There are some folks here that the Court
5 would like to introduce you to. Miss Nancy King is
6 your Clerk of Court, she sits here. Miss King, if
7 you would just throw up a hand.

8 Miss Emily McMahan is her assistant.

9 Mr. Henry Young is your court reporter. Can
10 you throw up a quick hand? Mr. Young is operating
11 a very sophisticated device, a stenotype, but some
12 of you may remember a stenotype when it was just
13 put on paper. His has a computer in it and it has
14 a disk in it and he could, were he to care to do
15 so, actually if we had a television up here you
16 could see the words coming out as they are spoken
17 much like the hearing aid device on your television
18 on the news program. That's what Mr. Young is
19 doing. He also has the responsibility as our court
20 reporter to operate several tape recording devices.
21 All of the microphones you see in the courtroom are
22 live, and there are some microphones which you
23 cannot see, they are live. Everything is recorded
24 in this court of record. A court of record means
25 that everything is preserved, it is put down for

1 review, if it ever were to become necessary, by
2 another court.

3 Now, there are other important people here
4 whom the Court wishes to introduce you to, and they
5 are your bailiffs. Mr. Bowie sits here, Mr.
6 Manning is over here, Mr. Busby is in the back, and
7 Mr. Simpson was here earlier. He's outside.

8 Ladies and gentlemen, your bailiffs are here
9 for your benefit and for the benefit of the Court.
10 If you have a problem, if you have a concern, if
11 you have a question or anything comes up that you
12 need to communicate with the Court, these gentlemen
13 are anxious to help you in any way at all with any
14 problem or concern that you have. Please do not
15 hesitate to call upon your bailiffs because they
16 are here to help operate the Court.

17 There are a number of other important people
18 here whom the Court will not digress to introduce
19 to you and you may get to know those people as we
20 go along.

21 The jury qualification is done in several
22 stages and at the end of the process the Court will
23 share with you some general guidelines for your
24 service this week as jurors.

25 The first stage of jury qualification is

1 referred to as roll call. This is much similar to
2 roll call in home room in high school. However, we
3 will need some information from you. Your clerk of
4 court will call the roll of all of you who have
5 been summoned to be potential trial jurors during
6 this term of court. As your name is called you
7 will please stand, and recognize that you don't
8 have the advantage that the Court has of a public
9 address system and people who are sitting all the
10 way over here in the very back need to hear you, so
11 you need to speak in a loud, clear voice and say
12 your name in response to the call of your name.
13 That means that Mr. Young can take down that it is
14 you who is responding to the call of your name.

15 Say your name, tell us what you do, what kind
16 of work you do as precisely as you can and whom you
17 do it for, whom your employer is. If you are
18 self-employed, if you are disabled or retired, the
19 attorneys are interested in knowing what kind of
20 work you do as a self-employed person or what you
21 did before the onset of your disability or the
22 beginning of your retirement. They want to know
23 that. That sometimes is important because cases
24 involve different subject matters and sometimes
25 your experience and your working life may make you

1 a good juror or may give you an idea about some of
2 the subject matter.

3 Now, the Court has absolutely no idea about
4 cases before they are called but that is a helpful
5 bit of information. Also, after you say what you
6 do or did, as the case may be, tell us what your
7 spouse does, what kind of work they do and whom
8 they do it for. If your spouse is disabled or
9 deceased tell us what he or she did before the
10 onset of the disability or their death or
11 retirement, as the case may be.

12 Do we need mileage, Madam Clerk?

13 THE CLERK: No, sir.

14 THE COURT: All right. If you don't have any
15 objection, tell us how old you are. If you object
16 to that, the attorneys can rifle through the
17 returns and find out how old you are, ladies.

18 So to recapitulate briefly, when your name is
19 called stand up and in a voice that is more loud
20 than you really feel necessary, because this room
21 absorbs sound, say your name, what you do with
22 specificity, if you're retired or disabled tell us
23 what you did do. Tell us what your spouse does.
24 If you are self-employed we want to know exactly
25 what kind of self-employment you are into. If your

1 spouse is self-employed, deceased, disabled or
2 retired tell us that information, and give us your
3 age. And if you were to forget anything, Madam
4 Clerk will remind you and ask you that specific
5 question.

6 As part of the roll call and qualification
7 process it's necessary that the Court administer an
8 oath to you. If you would all please stand and
9 raise your right hands.

10 (Jury panel sworn).

11 THE COURT: Thank you. Be seated. The clerk
12 will now call the roll. Madam Clerk, the jury is
13 with you.

14 THE CLERK: Thank you, Judge Saunders. As
15 instructed by Judge Saunders, I'm going to do the
16 roll call. For today we have summoned 200 jurors
17 and these were done by the computer, as Judge
18 Saunders has instructed us, and present are the
19 Treasurer, the Auditor and Clerk of Court. We all
20 have to be together with the computer to be able to
21 do this.

22 I'm going to do the roll call based on the
23 jurors that I think are present today, that have
24 not been excused by the statutes or the laws of
25 South Carolina, but at the conclusion of the roll

1 call, if I did not call your name, then we will go
2 back and I will give you an opportunity to respond
3 just like the rest of the jurors.

4 If you cannot hear me at the back, just
5 please raise your hand and we'll speak up, but you
6 need to speak loud and clear because our court
7 reporter needs to take down all the information
8 that is required.

9 Juror Number 3, Miranda Alewine.

10 JUROR: My name is Miranda Alewine, I'm a
11 spinner at Mohawk, and my husband is Mike Alewine,
12 he is a lieutenant in Calhoun Falls, at the police
13 department, and I'm 39 years old.

14 THE CLERK: Thank you. Number 5, Rebecca
15 Alexander.

16 JUROR: I'm Rebecca Alexander, I'm a
17 part-time machinist and programmer and operator
18 with Tafta, Incorporated, my husband works with
19 Greenwood Mills, he's a spinning room technician,
20 and I'm 52 years old.

21 THE CLERK: And what is his name?

22 JUROR: Excuse me. His name is Ronnie
23 Alexander.

24 THE CLERK: Okay, thank you. Number 6,
25 Damien Anderson.

1 JUROR: My name is Damien Anderson, I work
2 for the Emerald Center, also I work at Westwood
3 Elementary School, lunchroom staff, I'm 25 years
4 old and I am single.

5 THE CLERK: Okay. Number 7, Carroll Ashley.

6 JUROR: My name is Carroll Ashley, I'm
7 unemployed at this time. I was maintenance
8 mechanic for 31 years at Maxxim Medical. My wife
9 works at Anderson Medical Center, her name is
10 Janice Ashley, I'm 53 years old.

11 THE CLERK: Thank you. Number 9, Thomas
12 Batts.

13 JUROR: My name is Thomas Batts, age 64,
14 pastor of Calhoun Falls Pentecostal Church. My
15 wife is named Lynda and she's church organist.

16 THE CLERK: Number 14, Charles W. Bowie, Jr.

17 JUROR: I'm Charles W. Bowie, Jr., I work
18 for Flexible Technologies as an operator, my wife's
19 name is Debra and she's office manager of the
20 Clemson Extension.

21 THE CLERK: Number 15, Angela Boyd.

22 JUROR: My name is Angela Boyd, I'm married
23 to Michael Boyd, he drives a truck for Centurion
24 Eagle Auto Transport out of Jacksonville, Florida,
25 I'm unemployed.

1 THE CLERK: Okay. Number 17, Ralph Bratcher.

2 JUROR: I'm Ralph Bratcher, 58 years old, I'm
3 retired, single, I was formerly employed with the
4 City of Abbeville, Abbeville Public Utilities.

5 THE CLERK: Number 21, Jackie L. Brown.

6 JUROR: My name is Jackie Brown, I'm employed
7 at Kentucky Fried Chicken, also Pirelli, my wife is
8 an R.N., works at Greenville Hospital, I'm 44 years
9 old.

10 THE CLERK: What is her name?

11 JUROR: Paula Brown.

12 THE CLERK: Number 23, Clifton Bryant.

13 Number 23, Clifton Bryant.

14 We had a response from Mr. Bryant, so he well
15 get a call from us to find out why he is not
16 present today.

17 THE COURT: Excuse my interruption, Madam
18 Clerk.

19 THE CLERK: Yes, sir.

20 THE COURT: Ladies and gentlemen, when
21 someone has made a return and they are not here we
22 have the Sheriff's Department check on them. They
23 should be here. However, there could be an
24 acceptable reason such as a sudden illness or death
25 in the family at some other place but we will find

1 out why they aren't here, and sometimes people
2 forget, that's understandable, but we will get to
3 the bottom of it. You are here and we only think
4 it's fair that we investigate why someone who had
5 made a return has not come here. Sometimes we,
6 sometimes we sanction people, that means fine them,
7 sometimes we do that when they just ignore the
8 Court, but on other occasions there is very good
9 reason why people aren't able to come but we will
10 find that out. So, if there is a return and
11 someone doesn't answer, do not think that that's
12 the end of it, because that situation will be
13 investigated and dealt with accordingly.

14 Excuse the interruption, Madam Clerk.

15 THE CLERK: Thank you, Judge Saunders.
16 Number 25, Shannon Bryant?

17 JUROR: I'm Shannon Bryant, single, 24,
18 employed at Mohawk, winding operator.

19 THE CLERK: Number 27, Carl Cade.

20 JUROR: I'm Carl Cade, I'm 35 years old, I
21 work at Milliken Abbeville Plant, I'm an operator,
22 and I'm separated.

23 THE CLERK: If you could, give us, since
24 you're separated, your wife's name and where she
25 works and what she does.

1 JUROR: She's unemployed but her name is
2 Jackie Cade.

3 THE CLERK: Where did she work her last job?

4 JUROR: I can't remember. It's been a long
5 time since we separated.

6 THE CLERK: Okay. Number 29, Glenn Caldwell.

7 JUROR: Yes, I'm Glenn Caldwell, I'm 44, I
8 work for Boyd Management as maintenance man, my
9 wife's name is Sherri, she's disabled.

10 THE CLERK: Thank you. Number 33, Mary
11 Cannon. Mary Cannon.

12 I'll check on this juror.

13 THE COURT: Miss Cannon is here.

14 JUROR: I'm Mary Cannon, I work at home, I'm
15 not married, and I'm 57 years old.

16 THE CLERK: Okay, thank you, Mary. Number
17 37, Sally Chadwick.

18 JUROR: I'm Sally H. Chadwick, I work for
19 U.S. Post Office, I'm a rural carrier in Greenwood,
20 my husband is Matt, he has a restaurant, and I'm
21 55.

22 THE CLERK: Thank you. Number 39, Lavinia
23 Clement.

24 JUROR: My name is Lavinia Clement, I'm 47, I
25 work at Self Regional Healthcare as a medical

1 technologist. My husband is Jerry Clement, he
2 works at Abbeville Milliken plant, in automotive
3 development.

4 THE CLERK: Number 40, Dexter Cochran.

5 JUROR: I'm Dexter Cochran, 18, full-time
6 student at Piedmont Tech, part-time employed at CVS
7 Pharmacy.

8 THE CLERK: Okay. 41, Kelvin Coleman.

9 JUROR: My name is Kelvin Coleman, I'm 26, I
10 work at the Mohawk plant as a winder operator, I'm
11 single.

12 THE CLERK: Okay. 42, Betty Cowan.

13 JUROR: My name is Betty Cowan, I work at
14 Abbeville Nursing Home, my husband is retired.

15 THE CLERK: Okay. Your husband's retired?

16 JUROR: Uh-huh.

17 THE CLERK: Give us his name and where he
18 works, last worked.

19 JUROR: Claude.

20 THE COURT: I didn't understand, what did she
21 say?

22 THE CLERK: Could you repeat that for us
23 because we couldn't hear up here.

24 JUROR: His name is Claude Cowan.

25 THE COURT: What did he do before he retired?

1 JUROR: Textile work.

2 THE COURT: Thank you.

3 THE CLERK: 44, Willie Crawford.

4 JUROR: My name is Willie Crawford, I'm 34
5 years old, I'm employed by Flexible Technologies
6 and I'm a vac operator. My wife is Constance
7 Crawford, she works at Park Seed in Greenwood.

8 THE COURT: Madam Clerk, 43?

9 THE CLERK: No, sir, 44 was Willie Crawford.

10 THE COURT: Did you call 43?

11 THE CLERK: No, sir. He works for the
12 Sheriff's office.

13 THE COURT: I understand.

14 THE CLERK: Okay. Number 45, Mansfield
15 Creech.

16 JUROR: I'm Mansfield Creech, I'm 52 years
17 old, I'm a chemist, I work for Hexcel Corporation
18 in Anderson, South Carolina, my wife is an RN, she
19 works for Anderson Memorial Hospital.

20 THE CLERK: And what is her name, Mr. Creech?

21 JUROR: Sylvia Creech.

22 THE CLERK: Number 46, Jerry Dalton.

23 JUROR: I'm Jerry Dalton, bi-vocational
24 pastor. I presently pastor at Solid Rock Community
25 Church in Calhoun Falls. I also work three days a

1 week for World Acceptance Corporation based out of
2 Greenville. I have the opportunity of working in
3 Abbeville County, Greenwood County, Laurens County
4 and Newberry County. My wife is Teresa, she's a
5 clerk for Callaway's Pharmacy in Calhoun Falls, and
6 right at this moment I'm 46 years old.

7 THE CLERK: Okay. Number 48, Ollie Dawson.

8 JUROR: My name is Ollie Dawson, I'm 57 years
9 old and I'm disabled. I got disabled at Flexible
10 Technologies, I was a vac operator.

11 THE CLERK: Okay. Are you married, Ollie?

12 JUROR: Separated.

13 THE CLERK: Okay. Give us your wife's name
14 and where she works.

15 JUROR: My wife is Rosa Lee Dawson, she's
16 employed at a poultry plant.

17 THE CLERK: Thank you, Ollie. Number 52,
18 Kimberly Drafts.

19 JUROR: I'm Kim Drafts, I'm 36, I work at
20 Tyco Healthcare as controller. My husband is John
21 Drafts, he's self-employed, landscape architect.

22 THE CLERK: Okay. 53, Rosa Eichelberger.

23 JUROR: I am Rosa Eichelberger, I'm employed
24 by Nutricia Manufacturing in Greenville, South
25 Carolina, granulated herbs and mineral supplements.

1 My husband is John Eichelberger and he's the pastor
2 of St. Mary Baptist Church in Due West, South
3 Carolina.

4 THE CLERK: Number 58, Donald Fry.

5 JUROR: Donald Fry, I'm a fixer at Westpoint
6 Stevens in Calhoun Falls, I'm single and 33.

7 THE CLERK: Okay. Number 60, Amy Gable.

8 JUROR: I'm Amy Gable, I'm 29, I'm a first
9 grade teacher at Calhoun Falls Elementary School,
10 I'm single.

11 THE CLERK: Number 61, Mary Gable.

12 JUROR: I'm Mary Gable, I'm 54 years old, I'm
13 a final inspector at Timken. My husband's name is
14 Ronnie Gable and he works at Timken also and he's
15 engineering manager.

16 THE CLERK: Number 62, James A. Gambrell.

17 JUROR: My name is Andy Gambrell, I'm half
18 owner of C & A Appraisal Company, Honea Path, South
19 Carolina, I'm 59 years old. My wife Sue is
20 director of finance at Patrick Harris Hospital.

21 THE CLERK: 64, Dale Gilchrist.

22 JUROR: My name is Dale Gilchrist, I work at
23 Leath Correctional Institution in Greenwood, I'm a
24 dental assistant, 41 years old. My husband is
25 Johnny Gilchrist, unemployed from a back injury, he

1 was employed at Milliken in McCormick.

2 THE CLERK: What did he do, Mrs. Gilchrist.

3 JUROR: Loom technician.

4 THE CLERK: Number 67, Samuel Grant.

5 JUROR: I'm Samuel Grant, 39 years old, I'm
6 single, I work at Capsugel.

7 THE CLERK: Okay. Number 68, Mary Gray.
8 Mary Gray.

9 THE COURT: Is there a return?

10 THE CLERK: Yes, sir. Number 69, Teresa
11 Haddon.

12 JUROR: I'm Teresa Haddon, I'm employed at
13 West Carolina Rural Telephone as customer service
14 representative. My husband is George Haddon, he's
15 self-employed, he raises cattle. And I'm 45.

16 THE CLERK: Number 74, Benjamin Hester.
17 Benjamin Hester. We'll check on Mr. Hester.

18 Number 75, Joseph Hill.

19 JUROR: My name is Joseph Richard Hill, I'm a
20 welder for Goodman Conveyor Company in Belton,
21 South Carolina. My wife's name is Kathy and she's a
22 nurse at Self.

23 THE CLERK: Number 78, Donna Horne.

24 JUROR: I'm Donna Horne, I work at Greenwood
25 Ear, Nose and Throat as a clerical secretary. My

1 husband is Jeff Horne, he's a manager of the
2 Galleria at Greenwood. And I'm 39 years old.

3 THE CLERK: Number 79, Janice Horne.

4 JUROR: I'm Janice Horne, I'm an accountant
5 for Milliken & Company in Williamston, and my
6 husband is Michael Horne, he works at Ken's Auto
7 Body Shop in Pelzer, and I'm 32.

8 THE CLERK: Number 80, Billy Huckabaa, Billy
9 Huckabaa. Okay, check on this juror.

10 Number 81, W. D. Hudson.

11 JUROR: My name is W. D. Hudson, I'm '63,
12 employed by Capital Bank out of Greenwood. My wife
13 Lona is retired, she formerly worked with William
14 Thomson, an attorney in Belton.

15 THE CLERK: Number 82, Theresa Hughes. Okay,
16 I'll check on this one.

17 Number 85, Debra Jacks.

18 JUROR: I'm Debbie Jacks, I'm a Registered
19 Nurse, I work at McCormick Healthcare down at
20 Savannah Lakes. My husband is Barry Jacks and he's
21 principal at Long Cane Elementary in Abbeville, and
22 I'm 42 years old.

23 THE CLERK: Okay. Number 86, Katherine
24 Jackson.

25 JUROR: I'm Katherine Jackson, I work at

1 Electrolux, I'm separated, my husband's name is
2 Rubin Jackson, Jr. The last time I knew, he was
3 working at the packing plant in Greenwood. I don't
4 know where he works now. I'm --

5 THE CLERK: Thank you. I'm sorry, I
6 interrupted you. Would you please stand.

7 JUROR: I forgot to say my age. I'm 45.

8 THE CLERK: Okay, thank you. Number 91,
9 Kimberly Jones. Kimberly Jones.

10 Okay, check on her.

11 Number 93, Jesse Karls.

12 JUROR: I'm Jesse Karls, 25 years old, I'm
13 with Power Equipment Maintenance out of Anderson,
14 South Carolina, I'm a pipefitter and welder.

15 THE CLERK: Are you married?

16 JUROR: Yes. My wife is Jennifer, she works
17 for Spartan Manor.

18 THE CLERK: Number 94, Kevin Kauffman.

19 JUROR: Kevin Kauffman, 31 years old, I work
20 for Cold Spring Enterprises, Abbeville, doing
21 custom metal fabricating and CAD programming. My
22 wife is Delores, self-employed in house cleaning,
23 also homemaker.

24 THE CLERK: Number 96, Bobbie Killingsworth.

25 JUROR: I'm Bobbie Killingsworth, I work at

1 Mohawk Plant, I'm a machine operator. My husband
2 is Cleave Hollingsworth, he's retired but he used
3 to work at Professional Medical.

4 THE CLERK: Okay. 97, Osborne King.

5 JUROR: Osborne King, I'm 46 years old,
6 self-employed barber. My wife Julie is a Sprint
7 employee, she's a marketing assistant.

8 THE CLERK: Okay. 98, Brenda P. Knapp.

9 JUROR: My name is Brenda Knapp, I'm a
10 secretary at Self Regional Healthcare, I'm 42. My
11 husband is an electrician and he's the owner and
12 operator of ICR Electric.

13 THE CLERK: And his name.

14 JUROR: Ronnie.

15 THE CLERK: Okay. 99, Pamela Land.

16 JUROR: I'm Pam Land, I'm a nurse at Calhoun
17 Falls Family Practice, I'm 44 years old. And my
18 husband's name is Roger Land, he's self-employed,
19 Land's BP Station, he's a mechanic.

20 THE CLERK: 100, Kimberly Lang.

21 JUROR: Hello. I'm Kimberly Lang, I'm a home
22 schooling mother. My husband is Jeffrey Lang, he's
23 minister at Upper Long Cane Presbyterian Church in
24 Abbeville.

25 THE CLERK: 103, Sheridan Laughlin.

1 JUROR: Sheridan Laughlin, I'm a secretary at
2 Moore Pest Control in Greenwood. My husband Paul
3 is a mechanic at Herbert Anderson Construction, and
4 I'm 37.

5 THE CLERK: And did you give us his name?

6 JUROR: Paul.

7 THE CLERK: Okay. 108, Fred L. Lewis, Jr.

8 JUROR: I'm Fred Lewis, I'm retired manager
9 with Milliken & Company. My wife is Patricia,
10 she's a former associate of Abbeville Distributing,
11 and I'm 60.

12 THE CLERK: Okay. 110, Fannie Link.

13 JUROR: I'm Fannie Link, I'm 47, I'm laid
14 off, and I'm divorced.

15 THE CLERK: Where did you last work?

16 JUROR: Professional Towel.

17 THE CLERK: And what did you do there?

18 JUROR: I was a folder.

19 THE CLERK: 113, Mary London.

20 JUROR: My name is Mary London, I'm 42, I'm a
21 molder at Flexible Technologies. My husband is
22 Ray, he's a lathe grinder in Greenwood, with Grede
23 Foundry.

24 THE CLERK: 114, Kimberly Macialek. Number
25 114, Kimberly Macialek. We'll check on her.

1 Number 115, Amanda Madden.

2 JUROR: I'm Amanda Madden, 21, employed by
3 Garrison's Sanitorial Service, single.

4 THE CLERK: 117, Josephine Major.

5 JUROR: My name is Josephine Major, I'm 63
6 years old, I work for Second Baptist Church in
7 Belton, my husband and I clean there, custodian,
8 he's semi-retired, his name is Daniel Major.

9 THE CLERK: 118, Frances Manley.

10 JUROR: I'm Frances P. Manley, I'm
11 self-employed, I buy and sell antiques. My husband
12 is Mike Manley, he's retired from CSX Railroad,
13 retired conductor, and I am 57.

14 THE CLERK: 120, Fonda Martin.

15 JUROR: I'm Fonda Martin, I work with
16 Abbeville County Health Department, medical
17 records. My husband is Timothy Martin, he's a
18 sales rep for Coca Cola in Greenwood, I'm 31.

19 THE CLERK: 122, Betty McCall.

20 JUROR: I'm Betty McCall, I'm 55, I'm a
21 health care assistant. My husband is John McCall,
22 he works with CSX Railroad, conductor.

23 THE CLERK: Okay. 123, William McCall.

24 JUROR: I'm William McCall, I'm 59 years old
25 and I work with Capsugel division of Pfizer

1 Pharmaceutical, director of manufacturing for West
2 Asia. My wife's name is Iahua and she's a
3 homemaker.

4 THE CLERK: Okay. 126, Cynthia McClinton.

5 JUROR: I'm Cynthia McClinton, I am 43 years
6 old, I'm a bookkeeper at Lakelands Orthopedic
7 Clinic in Greenwood. My husband's name is James
8 McClinton, he's a superintendent with Town &
9 Country Construction in Greenwood.

10 THE CLERK: Okay. 136, Chastity Nelson.

11 JUROR: I'm Chastity Nelson, I work at
12 Walmart, I'm 45 years old, I'm single.

13 THE CLERK: Can you tell us what you do at
14 Walmart?

15 JUROR: I'm a cashier.

16 THE CLERK: Okay. 138, Travis K. Nickles.

17 JUROR: I'm Travis Nickles, I'm 33 years old,
18 I'm employed with Donalds-Due West Water Authority
19 as meter reader and maintenance man. My wife is
20 Kim, she's is employed as a secretary at the
21 Greenwood Childrens Center.

22 THE CLERK: 142, Brenda L. Osborne.

23 JUROR: I'm Brenda Osborne, I'm a clinical
24 counselor for Abbeville Mental Health, I'm divorced
25 two years from Steve Osborne, who is an agent in

1 charge of Probation, Pardons and Parole in
2 Greenwood. Today is my birthday and I'm .

3 THE CLERK: 143, Michael Overholt.

4 JUROR: I'm Michael Overholt, I'm 32 years
5 old, self-employed, I do concrete work for a
6 living. My wife's name is Sharon Overholt, she's a
7 homemaker.

8 THE CLERK: 144, Kathy Parker.

9 JUROR: I'm Kathy Parker, I'm 41 years old,
10 my husband's name is Marvin Parker, I'm a
11 housekeeper, homemaker, whatever you want to call
12 it, mother of five, and he works at Jennings-Dill
13 in Greenville and I was employed at NHC as a
14 medical transporter for the patients.

15 THE CLERK: In Greenville what type of work
16 does he do for his company?

17 JUROR: He's a sheetmetal mechanic.

18 THE CLERK: Okay. 149, Raymond Pressley.

19 JUROR: I'm Raymond Pressley, pastor of
20 Church of Christ in Abbeville. My wife is Jirlie
21 Pressley, she's a nurse's assistant at Abbeville
22 Nursing Home, father of four, 39 years old.

23 THE CLERK: 153, Terri Ray.

24 JUROR: I'm Terri Ray, I'm a home school mom
25 and part-time music teacher, I'm 43 years old, and

1 my husband is Phil Ray and he is the agent in
2 charge of the Abbeville Office of Probation,
3 Pardons and Parole.

4 THE CLERK: Okay. And his name, Terri?

5 JUROR: Phil.

6 THE CLERK: Okay. 155, Kevin Riley. Kevin
7 Riley. Okay, check on him.

8 161, Kimberly Saylors.

9 JUROR: I'm Kimberly Saylors, 29, I work for
10 the Palmetto Bank, I'm a customer service
11 representative for the Abbeville office. My
12 husband is Dorn Saylors.

13 THE CLERK: 162, Predette Shaw.

14 JUROR: My name is Predette Shaw, 37, and I'm
15 employed at Burger King as a cashier.

16 THE CLERK: Are you married, Kimberly?

17 JUROR: Separated. I'm separated. My
18 husband is Antonio and he works in Belton as a
19 welder.

20 THE CLERK: Okay.

21 THE CLERK: 169, Milton Smith.

22 JUROR: I'm Milton Smith, 33, I work at Blair
23 Mills as a crane operator in Belton, I'm single.

24 THE CLERK: Okay. 170, Peggy Smith.

25 JUROR: I'm Peggy Smith, I'm 53, I work with

1 the Postal Service as a mail carrier. My husband
2 was Preston, he's deceased, and he was a project
3 superintendent in construction.

4 THE CLERK: 173, Patricia Stutler.

5 JUROR: I'm Patricia Stutler, I'm 45 years
6 old. My husband is Robert Stutler, he's a licensed
7 auctioneer here in South Carolina and I work for
8 him.

9 THE CLERK: Okay. What type of work does he
10 do?

11 JUROR: He's an auctioneer.

12 THE CLERK: Okay. 175, Jon Sutherland.

13 JUROR: Jon Sutherland, conductor with CSX
14 Railroad, I'm not married, 43 years old.

15 THE CLERK: 176, Debra Tedder.

16 JUROR: I'm Debra Tedder, I'm 39, I'm a
17 teller with the Palmetto Bank in Abbeville. And my
18 husband is Clarence Tedder and he works with
19 Precision Electrical as an electrical contractor.

20 THE CLERK: 177, Nathaniel Thomas. Nathaniel
21 Thomas. Okay, check on him.

22 182, Allen Tollison.

23 JUROR: My name is Allen Tollison, I'm on
24 disability since 1994, I was a pipe welder with
25 Daniel Construction Company and a long distance

1 truckdriver. My wife is Melissa, she works at
2 Glenn Raven Mills in Anderson, and I'm 60 years
3 old.

4 THE CLERK: 183, Latonya Tucker.

5 JUROR: I'm Latonya Tucker, I work at
6 Abbeville Post Office. My husband is Michael
7 Tucker, he works at Milliken Abbeville Mills.

8 THE CLERK: 184, Pamela Tucker.

9 JUROR: My name is Pamela Tucker, I'm a cook
10 in the canteen at Trisdale, I'm 27 and I'm single.

11 THE CLERK: 186, Ben Turner.

12 JUROR: Ben Turner, 54, self employed at
13 snack food items, my wife is a homemaker, Terry
14 Tucker.

15 THE CLERK: 187, Karen Turner.

16 JUROR: I'm Karen Turner, I'm administrative
17 assistant for Abbeville Hospital physical therapy.
18 My husband works for R & D Maintenance, he's in
19 maintenance, and I'm 40.

20 THE CLERK: 189, William Vinson, Jr. I
21 believe his return says he did not live in
22 Abbeville County.

23 192, Willie Walker.

24 JUROR: My name is Willie Mae Walker, I'm
25 unemployed, I'm single, I worked at Rug Barn as a

1 machine operator.

2 THE CLERK: Okay. 195, Edward White. Edward
3 White. We'll check on Mr. White.

4 Number 200, Christy Young.

5 JUROR: My name is Christy Young, I work as a
6 dental hygienist in Dr. Lawson's office here in
7 Abbeville. My husband's name is Michael Young, he
8 is self employed, bathroom and kitchen remodeling,
9 remodels people's bathrooms and kitchens, I'm 35.

10 THE CLERK: Christy, what is the name of his
11 business?

12 JUROR: Young's Bath and Kitchens.

13 THE CLERK: Okay. At this time I will ask
14 the jurors whose names that I did not call if you
15 would please stand.

16 Okay, if you know your juror number, that
17 will be helpful but if you don't, we can easily
18 find it. We'll start here with the young lady on
19 the front row.

20 JUROR: I'm juror number 133.

21 THE CLERK: Okay, just a minute. Number 133,
22 Amanda Morton.

23 JUROR: My name is Amanda Morton, I work for
24 Winn-Dixie, Incorporated, I'm a pharmacy
25 technician, slash, administrative assistant. My

1 husband is Brian Morton, he works for Carmax in
2 Greenville, and he is a Carmax inventory
3 supervisor.

4 THE CLERK: Thank you.

5 Your number?

6 JUROR: 56.

7 THE CLERK: Okay. Number 56, Bobby Finley.

8 JUROR: Bobby J. Finley, I'm a retired weave
9 room supervisor, I'm 68 years old, I'm married. My
10 wife works for Dixie High School in Due West.

11 THE CLERK: Okay. What is her name, Mr.
12 Finley, what is your wife's name?

13 JUROR: Irene.

14 THE CLERK: Thank you.

15 Your number?

16 JUROR: 167.

17 THE CLERK: Okay. Patrick Singletary, 167.

18 JUROR: I'm 29 years old, I'm the warehouse
19 manager for Grundy & Company, I'm single.

20 THE CLERK: Okay.

21 All right, your number?

22 JUROR: 196.

23 THE CLERK: Okay. 196, Joseph Wiles.

24 JUROR: I'm Joseph Wiles, I'm 57 years old
25 and I'm disabled, single.

1 THE CLERK: Okay. Where was your last place
2 of employment?

3 JUROR: Jergens Construction.

4 THE CLERK: What did you do, Mr. Wiles?

5 JUROR: Sheetmetal mechanic.

6 THE CLERK: Thank you.

7 Your number?

8 JUROR: I don't know my number.

9 THE CLERK: Your name?

10 JUROR: Kenneth Rishert.

11 THE CLERK: Okay, 157, Kenneth Rishert.

12 JUROR: My name is Kenneth Rishert, I'm 73

13 years old, retired from an agency of the U.S.

14 Department of Defense. My wife's name is Sue, she

15 has worked off and on through the years but

16 basically a homemaker raising five children.

17 THE CLERK: Okay, thank you.

18 Okay?

19 JUROR: 38.

20 THE CLERK: Okay. Shelley Chrisley.

21 JUROR: My name is Shelley Chrisley, I work

22 with Abbeville County School District in the

23 operations and maintenance department. My husband

24 is Brian Chrisley, he works with Merle's Shop here

25 in Abbeville, he installs countertops for them.

1 I'm 28 years old.

2 THE CLERK: Okay, thank you.

3 The gentleman? You're fine.

4 JUROR: 131.

5 THE CLERK: Okay. 131, George Mobley.

6 JUROR: I'm George Mobley, I've been retired
7 five years from Greenwood Mills. My wife is Helen,
8 she's retired from Greenwood Mills, she's been
9 retired five years.

10 THE CLERK: And her name?

11 JUROR: Helen.

12 THE COURT: What kind of work did she do, Mr.
13 Mobley?

14 JUROR: Loom technician.

15 THE COURT: Thank you.

16 THE CLERK: Okay. We'll take the lady on the
17 front.

18 JUROR: Number 172.

19 THE CLERK: Okay, 172 is Mary Spencer.

20 JUROR: My name is Mary Spencer, I'm a
21 teacher at Kids Under Construction here in
22 Abbeville. My husband's name is Willie Spencer, he
23 works at Milliken in Abbeville, he's a machine
24 operator, and I'm 53.

25 THE CLERK: Okay, thank you.

1 JUROR: 127.

2 THE CLERK: All right. Edna McCoppin.

3 JUROR: Edna McCoppin, I'm 67 years old, I
4 work at Big Lots part time in Anderson, I'm a
5 widow.

6 THE CLERK: Okay, thank you.

7 All right, your number?

8 JUROR: 163.

9 THE CLERK: Ronald Shaw.

10 JUROR: I'm Ronald Shaw, 42, employed by
11 Milliken as an electronics technician. My wife is
12 Mary, she's disabled and previously worked for
13 Professional Towel.

14 THE CLERK: Okay. What is her name, Ronald?

15 JUROR: Mary.

16 THE CLERK: Okay.

17 The gentleman?

18 JUROR: 150.

19 THE CLERK: 150, okay, is Thomas Prestia.

20 JUROR: Yes, I'm Thomas Prestia, I'm 67,
21 retired, divorced, I worked as a traffic
22 coordinator in New York.

23 THE CLERK: Okay, thank you.

24 All right, sir?

25 JUROR: 194.

1 THE CLERK: 194, okay, Douglas Watt.

2 JUROR: Douglas Watt, 25, I was a warehouse
3 manager at Old Colony. My wife's Jeanne, she works
4 for Verizon Wireless, customer service.

5 THE CLERK: Okay, thank you.

6 Okay?

7 JUROR: Number 12.

8 THE CLERK: Number 12 is Leslie Bowie.

9 JUROR: My name is Leslie Bowie, I'm a
10 full-time student at Lander University and work
11 part time at Lowe's, and single, I'm 21.

12 THE CLERK: Thank you.

13 Okay, we'll start with the lady on the left?

14 JUROR: I'm 139.

15 THE CLERK: 39, okay.

16 JUROR: 139.

17 THE CLERK: 139, Margaret Norkett.

18 JUROR: Margaret Norkett, I'm an
19 administrator or analyst for International
20 Technologies in Greenville, South Carolina. My
21 husband is Kenneth, he's a test driver for BMW.

22 THE CLERK: What is his name?

23 JUROR: Kenneth.

24 THE CLERK: Thank you.

25 The gentleman in the middle?

1 JUROR: I don't know my number.

2 THE CLERK: What is your name?

3 JUROR: Norman Reese.

4 THE CLERK: Reese? Okay, number 154, Norman
5 Reese. Okay, where do you work, Mr. Reese?

6 JUROR: I'm unemployed. I worked at
7 Greenwood Mills four years, unemployed now. My
8 wife is Becky Reese, she works for Abbeville First
9 Citizens.

10 THE CLERK: Can you tell us what she does at
11 first citizens?

12 JUROR: She's a head teller.

13 THE COURT: What did you do before you were
14 unemployed?

15 JUROR: I was maintenance at Greenwood Mills
16 Harris Plant.

17 THE COURT: Thank you, sir.

18 THE CLERK: All right.

19 JUROR: Delia Brownlee. I don't know my
20 number.

21 THE CLERK: Delia Brownlee, 22.

22 JUROR: I'm a high school English teacher at
23 Ware Shoals High School. My husband is Jim, he's a
24 maintenance supervisor at ASI.

25 THE CLERK: Thank you very much. Are there

1 any other jurors now whose names --

2 JUROR: I'm old enough.

3 THE CLERK: -- whose names I did not call?
4 Okay, thank you.

5 THE COURT: Number 22, did you have some
6 additional information, number 22, Miss Brownlee?

7 JUROR: I just stated I'm old enough.

8 THE COURT: Thank you for that additional
9 information.

10 Ladies and gentlemen, thank you all for your
11 responses to the Clerk's inquiries, and thank you,
12 Madam Clerk, for calling the roll.

13 There are certain questions that are required
14 to be asked of you, ladies and gentlemen, that
15 determine your qualifications to serve as a juror
16 during this term of General Sessions Court, and the
17 law requires that these questions be asked of you.
18 Some of these questions are very personal and call
19 for intentionally personal and private responses
20 and you may not wish to respond before everybody.

21 Now, if that were to be the case, that's
22 okay, don't worry about that but keep in mind that
23 if there is a question to which you may have a
24 response and you will be offered an opportunity at
25 the end of these proceedings to come up and talk

1 privately with the Court where the court reporter
2 can take down your response and/or your question
3 about a possible response, because recall and
4 remember that you are on your oath to give complete
5 and accurate information. It is absolutely
6 essential that we receive complete, thorough and
7 accurate information to the questions that are
8 about to be asked of you. We don't want anybody to
9 suffer any undue embarrassment, so if you choose
10 not to answer a question, it's important that you
11 remember to come forward at the end of the
12 proceedings and share the information that may
13 apply with us.

14 Here are the questions that regard your
15 qualifications to serve as jurors.

16 Is there any juror whose name has changed
17 either by application or by marriage and was not
18 correctly called by the Clerk of Court? If so,
19 please stand if your name has changed.

20 There are no responses.

21 Is there any member of the venire who is not
22 a citizen of the United States of America? If so,
23 please stand.

24 There are no responses.

25 Is there any member of the venire who is not

1 presently a citizen and resident of Abbeville
2 County, South Carolina? If so, please stand.

3 Your name and number, please, sir?

4 JUROR: Joseph Wiles, 196.

5 THE COURT: Yes, sir, Mr. Wiles, number 196,
6 how do you respond?

7 JUROR: I'm a resident in Anderson County.

8 THE COURT: We'll have to excuse you, Mr.
9 Wiles. Now, do you still live at
10 in Iva?

11 JUROR: Right.

12 THE COURT: That's in Anderson County?

13 JUROR: In Anderson County.

14 THE COURT: The clerk will send you a large
15 check for your coming here today but we'll have to
16 excuse you. You can stay with us or you may leave
17 the building if you wish.

18 JUROR: I wish to go.

19 THE COURT: All right, sir.

20 The next question, ladies and gentlemen --
21 yes, ma'am?

22 JUROR: I thought I might need to tell you,
23 I'm here in Abbeville County most of the time but I
24 have been having some work done on my home and I
25 live part of the time in Anderson County.

1 THE COURT: Where do you consider your
2 residence to be?

3 JUROR: Abbeville.

4 THE COURT: Thank you. That's a necessary
5 response. However, residence always is an
6 important. Part of the determination of residence
7 has to do with the intention of an individual to
8 reside in and at a certain place, and that certain
9 place being where he or she considers themselves to
10 reside and keeps their important papers, registers
11 themselves to vote, lists themselves as a driver,
12 that causes the residence to be there. So, that
13 was a proper answer, that you were temporarily not
14 living at the place because you are having some
15 renovations accomplished. But you still reside
16 there, you consider that to be your home, is that
17 correct?

18 JUROR: Correct.

19 THE COURT: Thank you very much. That's a
20 proper response and thank you for it.

21 The next question, ladies and gentlemen, is
22 there ~~any member of the jury venire who is unable~~
23 ~~to read, write, speak or understand the English~~
24 ~~language?~~ If so, please stand.

25 There are no responses.

1 Is there any member of the venire who has
2 less than a sixth grade education or the equivalent
3 of a sixth grade education? If so, please stand.

4 There are no responses.

5 Is there any member of the venire who is
6 incapable by reason of any mental or physical
7 condition or infirmity to render efficient jury
8 service? Efficient jury service is rendered by
9 sitting in one of these rather comfortable jury
10 chairs, you can see them up here, they're a lot
11 more comfortable than the chairs in which you are
12 now situated, for about an hour at a time, sometimes
13 less, sometimes a little more, and listening to the
14 testimony of witnesses from this witness stand and
15 inspecting and looking at any exhibits that may be
16 introduced. The main thing is that you have to sit
17 and concentrate for about an hour.

18 Now, if you have a circumstance that makes
19 you need to stand from time to time, then what we
20 will do is seat you on the back row so if you have
21 a particular problem that causes you to need to
22 stand up or sit down from time to time that's okay.

23 So, just stand up, sir. The question again,
24 is there any one of the jury venire who has any
25 mental or physical disability or infirmity that

1 would cause you not to be able to render efficient
2 jury service? If so, please stand now.

3 Your name and juror number please?

4 JUROR: I forgot my number. My name is Ollie
5 Dawson.

6 THE COURT: Number 48, Mr. Dawson. Yes, sir,
7 Mr. Dawson?

8 JUROR: I had two back surgeries. If I sit
9 down an hour or two hours I have a lot of pain
10 sitting that long a period of time.

11 THE COURT: That's not an unusual situation.
12 As aforesaid, now, if you are selected as a trial
13 juror and you are permitted to stand if you wish or
14 sit if you wish, would that assist you in
15 performing your duties?

16 JUROR: Yes, sir.

17 THE COURT: Thank you very much. If you are
18 selected and you need to stand up we'll put you on
19 the back row, if you need to stand up you will just
20 stand up and sit down as you are comfortable.

21 JUROR: All right.

22 THE COURT: Thank you very much for your
23 response, sir.

24 Is there any member of the jury venire who
25 has ever been convicted, either by guilty plea or

1 jury trial, of any crime in state or federal court
2 for which you could have been imprisoned for more
3 than one year and your civil rights have not been
4 restored by pardon or amnesty? If so, please
5 stand.

6 All right, you all can just come on up,
7 please.

8 The question asked is there any member of the
9 jury venire who has ever been convicted, either by
10 guilty plea or jury trial, of any crime in state or
11 federal court for which you could have been
12 imprisoned for more than one your and your civil
13 rights have not been restored by pardon or amnesty?
14 The question does not ask whether you were
15 convicted and received a sentence of less than one
16 year, it asked if you were convicted and could you
17 have been sentenced to more than one year. If you
18 have any question about it, please come up and
19 discuss it with the Court or make a mental note and
20 come forward later.

21 (Bench conference out of the hearing of the
22 remainder of the jury panel).

23 Tell me your name and juror number, and speak
24 where he can hear you.

25 JUROR: My name is Predette Shaw.

1 THE CLERK: Number 162.

2 THE COURT: Yes, ma'am?

3 JUROR: They had found me guilty for
4 ~~aggravated assault~~ from stabbing my fiance', they
5 put me on three years probation, I just got off,
6 and I have a case pending at the city court for
7 petty larceny.

8 THE COURT: All right. The assault and
9 battery of a high and aggravated nature for which
10 you were convicted --

11 JUROR: Uh-huh.

12 THE COURT: -- would cause you to be
13 disqualified. Unfortunately we'll have to ask you
14 to leave. It looks like you would be a good juror.

15 JUROR: Okay.

16 THE COURT: Thank you very much. Her name
17 again?

18 THE CLERK: Predette Shaw.

19 (Bench conference concluded).

20 THE COURT: Number 162, Predette Shaw, is
21 excused. Predette Shaw, 162, is excused.

22 (Bench conference out of the hearing of the
23 remainder of the jury panel).

24 THE COURT: Yes, sir, your name and juror
25 number?

1 JUROR: Norman Reese.

2 THE CLERK: 154.

3 THE COURT: Yes, sir. Number 154.

4 JUROR: I was caught with marijuana, a
5 marijuana charge.

6 THE COURT: Simple possession?

7 JUROR: Yes, sir.

8 THE COURT: Is that what it was, simple
9 possession in magistrate's court?

10 JUROR: Yes, sir.

11 THE COURT: Well, you couldn't have gotten
12 more than a fine or 30 days.

13 JUROR: I don't know that. They said I was
14 involved. I don't know what kind of court.

15 THE COURT: What court did you go to?

16 JUROR: Actually I didn't go to court.

17 THE COURT: You didn't go to any court?

18 JUROR: No.

19 THE COURT: Then that wouldn't disqualify
20 you, because you weren't charged with any crime
21 that could have caused you to have more than one
22 year. You would have to be up here in Circuit
23 Court.

24 JUROR: Okay.

25 THE COURT: So, thank you for coming up and

1 reporting it and letting us be certain about it.

2 JUROR: Okay.

3 THE COURT: But just return to your seat.

4 (Bench conference concluded).

5 THE COURT: Okay.

6 (Bench conference out of the presence of the
7 jury panel).

8 JUROR: Yes, sir.

9 THE COURT: Thank you, sir. Your name and
10 juror number?

11 JUROR: 194, Douglas Watt.

12 THE COURT: Yes, sir, Mr. Watt?

13 JUROR: I pleaded guilty just a couple weeks
14 ago in city court, me and my wife had a fight and
15 she called the cops, I have no idea if that affects
16 anything or not.

17 THE COURT: That is a proper response, but it
18 was city court?

19 JUROR: City court.

20 THE COURT: It was criminal domestic violence
21 first offense?

22 JUROR: No, illegal use of a phone.

23 THE COURT: Illegal use --

24 JUROR: Of a phone.

25 THE COURT: -- of a phone?

1 JUROR: Yes, that was basically the charge.

2 THE COURT: But it was handled in city court?

3 JUROR: Yes.

4 THE COURT: Did you pay a fine?

5 JUROR: No.

6 THE COURT: What did they do?

7 JUROR: He said since I'm taking care of the
8 kids by myself and she's not paying support he's
9 not charging me with a fine or jail time.

10 THE COURT: So, he suspended the sentence?

11 JUROR: Basically. I guess that's what
12 happened.

13 THE COURT: But that was in city court?

14 JUROR: Yes, it was.

15 THE COURT: Thank you for reporting it, Mr.
16 Watt, but stay with us.

17 JUROR: Okay. I didn't want to question it.

18 THE COURT: Thank you for being sure. It's
19 better to be sure. Thank you.

20 (Bench conference concluded).

21 THE COURT: The next question, ladies and
22 gentlemen of the jury, is there any member of the
23 venire who is a Clerk of Court or deputy Clerk of
24 Court, constable, sheriff or other commissioned law
25 enforcement officer, probate judge, county

1 commissioner, magistrate judge or any county
2 officer or any person employed within the walls of
3 any courthouse or adjacent building, in this case
4 such as the Opra House or City Hall? If so, please
5 stand.

6 There are no responses.

7 Is there any member of the venire who is a
8 guard at any penitentiary? If so, please stand, if
9 you are a guard at a penitentiary.

10 There are no responses.

11 Is there any member of the venire who has
12 previously served on jury duty in a court of
13 record? This means circuit court or federal court,
14 it does not mean city court, summary court or
15 magistrate's court. Is there any one of you who
16 has served on jury duty in a court of record, which
17 means circuit court or federal court, during this
18 calendar year, 2004? If so, please stand.

19 There are no responses.

20 Is there any member of the venire who has
21 served as a member of the grand jury from Abbeville
22 County for the last several years, say from 1999
23 until now? If you have been on the grand jury from
24 1999 until now, please stand.

25 There are no responses.

1 Ladies and gentlemen, that concludes the
2 questions regarding your qualifications to serve
3 and we now move to questions regarding potential
4 exemptions. An exemption is different and distinct
5 from a qualification, in that a qualification
6 question, were it to apply to you, causes you not
7 to be able to serve. But an exemption question
8 allows you to choose whether you want to serve or
9 not. It essentially asks of all of you if an
10 exemption were to apply to you, whether you wish to
11 exercise the exemption and choose not to serve.

12 For instance, those of you who are 65 years
13 of age or older, according to the General Assembly
14 of our state, may be exempt from jury service.
15 However, your having reached the age of 65 or older
16 certainly makes you wise in life experience, it
17 makes you aware and alert to certain things that
18 younger people may not be aware of, and we
19 encourage you to serve. But if you are 65 years of
20 age or older and you wish to be exempt and you
21 choose not to serve, then you may be exempt. If
22 there is anyone who is 65 years of age or older and
23 wishes to be exempt from jury service please stand.

24 Your name and juror number, please?

25 JUROR: 127.

1 THE COURT: And your name?

2 JUROR: Edna McCoppin.

3 THE COURT: We would like for you to stay but
4 you are entitled to be exempt if you wish to leave.

5 JUROR: I wish to leave.

6 THE COURT: You may leave. Miss McCoppin,
7 127, is excused. Thank you for coming.

8 The Court extends its thanks to the remaining
9 number of you citizens who have reached 65 or older
10 and who have elected to stay. You may not be
11 chosen as jurors but the Court thanks you for your
12 willingness to serve if you are chosen as a trial
13 juror.

14 Another exemption concerns prior jury
15 service. You will recall that prior jury service
16 during this calendar year, 2004, is a
17 disqualification. No citizen can serve, may serve
18 more than one time during any calendar year as a
19 juror in a court of record. However, prior jury
20 service gives rise to a potential exemption if a
21 citizen wishes to invoke it.

22 If you have been a juror in a court of
23 record, circuit court or federal court, it does not
24 mean magistrate court, summary court or city court,
25 but if you have been a juror in a court of record

1 during the prior three calendar years, 2001, 2002,
2 2003, you may choose to be exempt. Is there any
3 one of you who has been a juror during the previous
4 three calendar years and you choose to be exempt?
5 If so, please stand.

6 There are no responses.

7 The next exemption deals with those of you
8 who may have small children at home. Please listen
9 carefully to the exemption, as it has several
10 parts, all of which must apply to you for you to
11 exercise the exemption.

12 A venire person may be exempt from jury
13 service if he or she has a small child or small
14 children under the age of seven years and for whom
15 they have legal custody and they have the
16 responsibility for the care, supervision and
17 control of any child or children under seven years
18 of age and after having made reasonable efforts to
19 make arrangements for the care, supervision and
20 control of the child or children while serving as a
21 juror you are unable to do so. If all the
22 requirements apply to you, then you may be exempt
23 on this basis but only if all the requirement are
24 present. If this exemption applies and you wish to
25 exercise it, please stand.

1 The lady in the front, your name and juror
2 number, please?

3 JUROR: Number 15.

4 THE COURT: Number 5?

5 JUROR: 15.

6 THE COURT: Miss Boyd. Yes, ma'am, Miss
7 Boyd?

8 JUROR: I have a seven month old baby. I
9 don't have anybody to watch them.

10 THE COURT: Who is watching the child now?

11 JUROR: My mother is watching him while I'm
12 here but she don't watch him for me, I need to be
13 there with him, she don't know what to do for him.

14 THE COURT: All right, Miss Boyd, Number 15,
15 is excused. Miss Boyd, your clerk will be in touch
16 with you about your signing an affidavit to this
17 effect.

18 JUROR: Yes, sir.

19 THE COURT: You have to sign a sworn
20 certificate but your clerk will be in touch with
21 you about that. You may leave. Thank you.

22 Miss Boyd, Number 15, is excused.

23 Yes, ma'am, your name and juror number?

24 JUROR: Kimberly Saylors, 161.

25 THE COURT: 161?

1 JUROR: 161.

2 THE COURT: Miss Saylors. Yes, ma'am, Miss
3 Saylors?

4 JUROR: After 5:00, if I was chosen,
5 throughout the week my husband works at night, I
6 have a three year old and four year old.

7 THE COURT: If we work after 5:00, if you're
8 chosen, first, and we were to work after 5:00 could
9 you make arrangements to have someone look after
10 the child or children for a little while after
11 5:00?

12 JUROR: After 5:00, no.

13 THE COURT: Now, if you are chosen you will
14 have some opportunity to make some arrangements.
15 Could you make some arrangements if you were
16 required to?

17 JUROR: I could try to, yes.

18 THE COURT: Ma'am?

19 JUROR: I could try to.

20 THE COURT: What are the prospects of
21 success? Now, we try to stop at 5:00, we make
22 every effort to stop at or about 5:00 o'clock but
23 sometimes we have a witness on the witness stand
24 who is from a far away place and we try to complete
25 that witness' testimony so the jury hears it all at

1 one time. Sometimes witnesses come on airplanes
2 from other states to testify in court and it is
3 possible that we will be here until 5:30 or might
4 be a little bit later, a quarter of 6:00. Seldom,
5 if ever, after that hour. Could you, do you think
6 you could make arrangements, if you're chosen, to
7 see for the care of the child or children for a
8 little while after 5:00 if you are chosen?

9 JUROR: Yes.

10 THE COURT: Thank you very much, Miss
11 Saylors. Be seated. Thank you kindly.

12 The next exemption, ladies and gentlemen,
13 deals with those of you who may be attending or
14 working at a school at this time. Is there any
15 member of the venire who is a full-time student,
16 schoolteacher, school crossing guard, school bus
17 driver or who serves in any other school related
18 function or capacity and who is unable to serve on
19 jury duty this week as a result of your school
20 related duties, responsibilities and involvements?

21 We have one. Now, we're unable to excuse
22 you, keep in mind, but we may transfer you to
23 another term of court which does not interfere or
24 conflict with your school related duties and
25 responsibilities. The Court is not permitted to

1 excuse a juror, who is otherwise qualified for jury
2 service, on this ground but we'll transfer you to a
3 time that doesn't conflict with your duties and
4 responsibilities.

5 Your name and juror number, please madam?

6 JUROR: Number 60, Amy Gable.

7 THE COURT: And how do you respond, please?

8 JUROR: I'm a first grade teacher at John C.
9 Calhoun Elementary.

10 THE COURT: And when would be a time when you
11 could serve?

12 JUROR: I'm in training in Columbia all
13 summer, so -- I'm also the behavior specialist, so
14 I have four weeks of training in Columbia in the
15 summer.

16 THE COURT: The Court instructs that you
17 after this week come and talk with your Clerk of
18 Court at a time that is convenient for you and she
19 will pick out a term of court that is not
20 conflicting with your schedule, that you could
21 come.

22 JUROR: All right.

23 THE COURT: All right?

24 JUROR: All right.

25 THE COURT: We'll do that. Number 60, Miss

1 Gable, Number 60 is excused for this term and
2 transferred to another term of court. We would
3 expect you to report to the Clerk, Miss Gable, next
4 week sometime. Thank you.

5 JUROR: Yes, sir.

6 THE COURT: Your name and juror number,
7 please?

8 JUROR: Number 12, Leslie Bowie. I'm a
9 student at Lander.

10 THE COURT: You're a student at Lander?

11 JUROR: Yes, sir.

12 THE COURT: All right. Now, here again your
13 being a fulltime student would be grounds for
14 transfer but would you be able to come over to the
15 Clerk's office one day and see what time you could
16 serve?

17 JUROR: Yes, sir.

18 THE COURT: Miss Bowie, number 12, is
19 transferred. Miss Bowie, you can leave. Check
20 with the Clerk next week. Number 12, Miss Bowie,
21 is transferred.

22 THE COURT: Your name and jury number,
23 please?

24 JUROR: Delia Brownlee, 22. I'm a high
25 school English teacher, I just ask I be transferred

1 to a time that will not conflict.

2 THE COURT: It shall be done. You're a
3 teacher in the high school here?

4 JUROR: Ware Shoals.

5 THE COURT: Ware Shoals? Number 22, Miss
6 Brownlee, is transferred. Miss Brownlee, at your
7 convenience at sometime during the next week when
8 court is not in session go to the Clerk of Court's
9 office and coordinate a time that's convenient with
10 your schedule where you can serve as a juror.

11 JUROR: Thank you, sir.

12 THE COURT: Thank you. you're excused and
13 transferred, Number 22, Miss Brownlee is
14 transferred.

15 Ladies and gentlemen, that conclude the list
16 of questions that are required by law to be asked
17 of you with regard to your qualifications and
18 potential exemptions. However, it may be that no
19 exemption has applied and you are qualified but
20 jury service this week would constitute an unusual,
21 pressing and difficult hardship upon you because of
22 some circumstance that exists in your life during
23 this week. The Court is not permitted to excuse a
24 juror permanently from jury service because of an
25 unusual pressing situation but the Court can

1 transfer a juror to another term of court so that
2 whatever circumstance exists during this week that
3 causes you to ask for a transfer, if the opinion of
4 the Court concurs with your situation you will be
5 transferred to another term of court, particularly
6 those who have not previously been transferred.

7 Now, the general inconvenience of being a
8 juror and being out of work and away from your
9 homes and hobbies and other things is not a
10 sufficient ground to seek a transfer but if you
11 have an unusual, pressing, compelling, pertinent
12 reason that you need to get transferred from this
13 term to another term please come forward now and
14 discuss that with the Court.

15 If you want to be transferred, this will be
16 an opportunity for anyone who did not come forward
17 and respond to any question, or who has a question
18 about whether you should have come forward, to come
19 on up here now and discuss it with the Court if you
20 have any concern about a question that was asked,
21 if you feel that you may should have responded and
22 didn't, could have responded and didn't, please
23 come forward now.

24 Very briefly, the qualifications for jury
25 service are that you are a citizen and resident of

1 Anderson County, excuse me, of Abbeville County,
2 South Carolina; that you are able to read, write,
3 speak and understand the English language; that you
4 have at least a sixth grade education or the
5 equivalent of a sixth grade education; that you are
6 physically and mentally able to render efficient
7 jury service; that you have not been convicted of a
8 crime punishable by imprisonment for more than one
9 year and your civil rights have not been restored
10 by pardon or amnesty; that you are not employed as
11 a law enforcement officer, county officer or
12 employed within the walls of any courthouse or
13 adjacent office building; that you have not
14 previously served on jury duty during this calendar
15 year in a court of record; and that you are not a
16 guard at any prison or penitentiary or jail.

17 If any of these qualifications concerns you
18 or if you have a question about any of the
19 qualifications, if they do or may or might concern
20 you and your situation or if you have a question or
21 a concern about an exemption or if you have changed
22 your mind and wish to seek a transfer on the basis
23 of an exemption, please come forward at this time.

24 (Bench conference out of the hearing of the
25 jury panel).

1 THE COURT: Your name and juror number?

2 JUROR: 187, Karen Turner. I was in a car
3 accident on the 6th of March and I have rheumitoid
4 arthritis and I have to have treatments like every
5 eight weeks and my doctor has just had surgery, he
6 had a titanium plate put in his neck, so he had to
7 cancel me for a week. I got a letter from my
8 doctor, I just have to have this tomorrow, so I
9 don't know how that would conflict because I really
10 don't want to be transferred but I do need this
11 infusion and it takes three to four hours for the
12 infusion. It's tomorrow at 12:30.

13 THE COURT: You could not postpone it for a
14 week?

15 JUROR: It's already been postponed for two
16 weeks. Normally I have them every six weeks, so
17 we're trying to go to eight and so I had it set up
18 and my doctor had to have surgery. The only thing
19 they are worried, I was in a car wreck two and a
20 half years ago, and it knocks you out of remission
21 and I have gone from steroids and all that to
22 taking infusions for three to four hours.

23 THE COURT: Is there any way you could do
24 this at night or any other time when we weren't in
25 session? You look like a good juror.

1 JUROR: I know, and I want to.

2 THE COURT: You may not be chosen but is
3 there any way this could be scheduled at anytime
4 when we're not in session, either early in the
5 morning --

6 JUROR: It's three to four hours. They can
7 do it as early as 8:00 in the morning, I could see
8 if they could, you know, work me in. You see, they
9 do it at the doctor's office. It's like \$2,900 if
10 you go to the hospital and have it done. It's like
11 half that, so that is why I have it done at the
12 doctor's office.

13 THE COURT: What is your number, Miss Turner?

14 THE CLERK: 187.

15 THE COURT: We'll transfer you so you can
16 have this done. I wish we didn't have to do that
17 but I see no way we can avoid it.

18 JUROR: Okay.

19 THE COURT: So, thank you very much. You may
20 leave the building.

21 JUROR: I will check with her next week.

22 THE COURT: Check with her.

23 (Bench conference concluded).

24 THE COURT: Number 187, Miss Turner, number
25 187 is transferred.

1 THE COURT: Okay.

2 (Bench conference out of the hearing of the
3 jury panel).

4 THE COURT: Yes, ma'am. Your name and juror
5 number, please?

6 JUROR: My number is 200, my name is Christy
7 Young.

8 THE COURT: Yes, ma'am?

9 JUROR: I have conflicts this weekend, where
10 I get my CE training to keep my license as a dental
11 hygienist. I'm also going to be resuming training
12 on new equipment in the office. The other thing
13 was, if it did go into next week my daughter has a
14 field trip that I was involved as a chaperon for in
15 Charleston, I just wanted to mention these things.

16 THE COURT: Although you might be able to get
17 your hours at another time, you have special
18 training that you are going to get at this time, is
19 that correct?

20 JUROR: Yes, sir.

21 THE COURT: You wouldn't be able to get that
22 at another time?

23 JUROR: They could do it in the office when
24 they got back but I feel my employer would prefer
25 for me to be there because it would inconvenience

1 him to do it another time. I can get the training
2 done.

3 THE COURT: When was the field trip?

4 JUROR: The field trip is next week.

5 THE COURT: When?

6 JUROR: March 23rd and 24th.

7 THE CLERK: Tuesday and Wednesday?

8 JUROR: Of next week.

9 THE COURT: What about transferring this
10 juror? Your name and number?

11 JUROR: Christy Young, 200.

12 THE COURT: You would be a good juror, Miss
13 Young, but we will have to transfer you because it
14 could go into next week. I want you to have that
15 training but it's more important that you be on
16 that field trip to supervise those kids, so thank
17 you very much.

18 (Bench conference concluded).

19 THE COURT: Miss Young, Number 200, number
20 200, Miss Young, is transferred.

21 (Bench conference out of the hearing of
22 the jury panel).

23 THE COURT: Your name and juror number?

24 JUROR: Betty McCall but I go by Gail.

25 Anyway, I don't mind serving. If it goes over to

1 next week, I've got a vacation paid for next week,
2 it's already paid for, if the case was to come up
3 and ran over.

4 THE COURT: It very well may; we don't know.
5 We'll transfer Miss McCall.

6 THE CLERK: 122.

7 THE COURT: We will have to transfer you.
8 You come back next week and check with the Clerk
9 about a time you can serve.

10 JUROR: Okay, thank you.

11 THE COURT: We don't want you to lose that
12 money. Thank you, Miss McCall.

13 (Bench conference concluded).

14 THE COURT: Number 122, Miss McCall, number
15 122, Miss McCall is transferred.

16 (Bench conference out of the hearing of
17 the jury panel).

18 THE COURT: Yes, ma'am, your name and juror
19 number?

20 JUROR: Betty Cowan.

21 THE COURT: Yes, ma'am. What is your number?

22 JUROR: 42.

23 THE COURT: Yes, ma'am?

24 JUROR: I don't know what to do about my
25 patients. I work every day taking care of my

1 patients at Abbeville Nursing Home, I got excused
2 to come here today, I got an excuse to come one
3 day. What do you think about it?

4 THE COURT: There is a lot of people here who
5 have pressing things they need to do.

6 JUROR: Uh-huh.

7 THE COURT: That you are not able to do what
8 you ordinarily would do does not cause you to have
9 a reason to be excused from jury duty.

10 JUROR: I do it seven days a week.

11 THE COURT: Is there someone who fills in for
12 you when you are ill or when you can't go?

13 JUROR: No, I'm pretty healthy, this be the
14 first time I be out, it's a blessing, you know.

15 THE COURT: It is a blessing, you're a
16 blessing to them.

17 JUROR: That's what I'm worried about.

18 THE COURT: Can you get someone to go see
19 about them if you are chosen? You might not be
20 chosen, but if you are chosen can you get someone
21 to go see about them until you can get off?

22 JUROR: No, they just have to do the best
23 they can, is the only thing I would say.

24 THE COURT: Well --

25 JUROR: They are short but they would have do

1 the best they can.

2 THE COURT: If I were to transfer you the
3 same situation would be then occurring because, as
4 you say, you are lucky with good health, so you
5 would have the same problem then.

6 JUROR: I work, I'm able to do it, you know.

7 THE COURT: Bless your heart. Stay with us,
8 if you're chosen, serve and serve well. If you are
9 not chosen, then you will be free to go.

10 JUROR: Okay.

11 THE COURT: Thank you, ma'am. Just have a
12 seat.

13 JUROR: Okay.

14 (Bench conference concluded).

15 THE COURT: Yes, sir.

16 (Bench conference out of the hearing of
17 the jury panel).

18 THE COURT: Yes, sir? Your name and juror
19 number, please?

20 JUROR: Kevin Kauffman, juror number 94.

21 THE COURT: Yes, sir?

22 JUROR: Trust me, I don't want to be a
23 pickle, I want to be a good citizen but I don't
24 feel that I can conscientiously, what I believe,
25 take part in the judicial process and sit in

1 judgment in that way.

2 THE COURT: Based upon what?

3 JUROR: What I believe God wants me to do,
4 the Bible says.

5 THE COURT: Now, the requirement would be if
6 you are asking to be excused as a juror on the
7 basis of conscientiously held beliefs you will be
8 required to be present in this courtroom and
9 observe the entire trial.

10 JUROR: I'm willing to do that.

11 THE COURT: Well --

12 JUROR: I'm not trying to be evasive.

13 THE COURT: I understand. This trial could
14 go into next week, you are warned and cautioned it
15 could be lengthy.

16 JUROR: If that's part of it, that's part of
17 it.

18 THE COURT: Well, you just have to wait and
19 see what happens. I don't know anything about it.
20 I'm just told a general idea of the time but I
21 don't know anything about the case at all. That's
22 not shared with the Court. But if you are excused,
23 and you will be because you have asked to be on the
24 basis of conscientiously held beliefs, you will be
25 here when a jury is here. Even if they are in the

1 jury room waiting, you will be here.

2 JUROR: If I'm chosen as part of it?

3 THE COURT: No, you will be taken out of the
4 box, you won't be chosen.

5 JUROR: Okay, I see what you mean.

6 THE COURT: But if the Court notes you are
7 not here we will send the sheriff after you.

8 JUROR: If I'm required to be here?

9 THE COURT: You will be required to be here
10 because you're not going to be chosen, you will be
11 taken from the box.

12 JUROR: Okay.

13 THE COURT: But you may learn something very
14 important.

15 JUROR: Okay. So, you are telling me that --
16 that's fine, I will be here.

17 THE COURT: Stay with us but you will hear
18 the announcement. Right now just go have a seat.

19 JUROR: The other thing I should mention, is
20 there any way we can know who will be tried? I'm
21 involved with a ministry at the county jail and I
22 meet a lot of these pretrial guys.

23 THE COURT: Yes, that will be, that will be
24 announced and you may be disqualified on that
25 basis, then that would be a different matter.

1 JUROR: Right.

2 THE COURT: That will be a different matter,
3 we will take that up individually.

4 JUROR: That's a separate thing?

5 THE COURT: Yes, but right now you're out of
6 the box.

7 (Bench conference concluded).

8 THE COURT: Mr. Kaufmann, number 94, is
9 excused. Stay with us and have a seat, please,
10 sir.

11 (Bench conference out of the hearing
12 of the jury panel).

13 THE COURT: Yes, ma'am, your name and jury
14 number?

15 JUROR: Pamela Tucker, number 184.

16 THE COURT: Yes, ma'am?

17 JUROR: I've been on probation, convicted of
18 assault and battery, high and aggravated.

19 THE COURT: What was the sentence?

20 JUROR: Probation, one year probation.

21 THE COURT: Assault and battery of a high and
22 aggravated nature, you were convicted of that
23 crime?

24 JUROR: Yes, sir.

25 THE COURT: We will have to excuse you.

1 JUROR: Okay.

2 (Bench conference concluded).

3 THE COURT: Let's see. Miss Tucker, number
4 184, is excused. Miss Tucker, number 184, is
5 excused.

6 (Bench conference out of the hearing of
7 the jury panel).

8 THE COURT: Yes, ma'am, your name and juror
9 number please?

10 JUROR: Kim Drafts, number 52.

11 THE COURT: Yes, ma'am?

12 JUROR: I'm controller for the hospital in
13 Hartwell, Georgia, we're in our third week for
14 annual audit, I'm primarily responsible for
15 supplying them with documentation if they need
16 information in order to complete our audit.

17 THE COURT: Is there anyone who can, who can
18 assist and carry out your responsibilities and
19 duties with your not being there, if you call them
20 from time to time?

21 JUROR: There is not anyone at my facility
22 that can get the documentation. We're a health
23 care system, we have several facilities. Now,
24 there is someone in another facility that can give
25 general information. As far as supplying any

1 documentation from our files, there is no one else
2 with access to those.

3 THE COURT: Do you expect that the review
4 will require documents from your file that could
5 not be obtained per your instructions?

6 JUROR: Some can, some can't. I mean, we had
7 anticipated that the audit would be over in two
8 weeks, this is the third week for it. I mean, I
9 imagine, it's in Georgia, if it was here in
10 Abbeville where I could go during breaks or after
11 it was over with, it might be different, I think
12 for the most part they could, but to expedite the
13 audit, which is costly to our facility --

14 THE COURT: We have a number lined up who
15 want to be excused, a number have already been
16 excused, and you appear to be a good juror if you
17 are chosen, you may not be chosen, but if you are
18 chosen, you appear to be a good juror, we want to
19 keep you if we can in the venire. Now, if you can
20 give a number to someone to call if they need
21 information and if you are made available a
22 telephone at every break would that give you a way
23 that you could stay with us?

24 JUROR: Yes, sir.

25 THE COURT: We're getting pretty short on

1 jurors.

2 JUROR: Okay.

3 THE COURT: If you could, we'll work with you
4 if you will work with us, okay?

5 JUROR: Okay.

6 THE COURT: Thank you very much.

7 JUROR: Thank you.

8 (Bench conference concluded).

9 THE COURT: Okay.

10 (Bench conference out of the hearing
11 of the jury panel).

12 THE COURT: Yes, ma'am. Teller at the
13 Palmetto Bank?

14 JUROR: No, customer service.

15 THE COURT: Customer service, excuse me.
16 Your name and juror number?

17 JUROR: Kimberly Saylor, 161.

18 THE COURT: Yes, ma'am?

19 JUROR: My co-worker is here, there are only
20 four of us in our office. If possible, I would
21 like to come at a later time.

22 THE COURT: Now, why are you coming, rather
23 than she coming?

24 JUROR: Well, I'm customer service
25 representative, so when my manager is not there I'm

1 able to approve things or make decisions that need
2 to be made, whereas she's not able to do that.

3 THE COURT: I notice that there was another
4 juror from the Palmetto Bank here. It presents a
5 good deal of a problem. I know that you are pushed
6 to work out the situation with your children. But
7 because of work there is a difficulty for you is
8 not a reason to transfer an otherwise qualified
9 juror. Could you make the necessary call to your
10 employer and have someone fill in for you or for
11 the both of you if you are selected? You may not
12 be selected. Be aware that we're getting down to a
13 close number of jurors and we do not need to excuse
14 anybody else.

15 JUROR: Right. I don't know if that's
16 possible or not. There is already a situation with
17 having help come over when needed. I had someone
18 come over today for us to both come.

19 THE COURT: Will you make an inquiry at the
20 break?

21 JUROR: Yes.

22 THE COURT: As to whether if you are chosen
23 that situation can be handled?

24 JUROR: Okay.

25 THE COURT: And it would be appreciated if

1 you would do that.

2 JUROR: All right.

3 THE COURT: Thank you, Miss Saylor. And
4 just report to the Clerk, she's sitting right up
5 here, even though I'm going to be back making calls
6 on making arrangements on other cases, she will be
7 here. Let her know and we'll talk further.

8 JUROR: Okay.

9 (Bench conference concluded).

10 THE COURT: Okay.

11 (Bench conference out of the hearing of the
12 jury panel).

13 THE COURT: Yes, sir, your name and juror
14 number?

15 JUROR: My number is 21. I understood, I
16 understood on a record you couldn't serve for a
17 year on a sentence. I violated probation, I served
18 two years, and in 1986 I had a ten year suspended
19 to five, Greenwood County Probation. I also have a
20 DUI, not having a license.

21 THE COURT: You only have a DUI second,
22 right?

23 JUROR: Yes, sir.

24 THE COURT: The distribution of marijuana is
25 more than a year. The distribution of marijuana

1 would be cause for you to be excused. We would
2 like to keep you. You ought to check on seeing if
3 you can get that, that happened in '87, you ought
4 to look and see if you can get a pardon for that,
5 on all this stuff. All of it is old?

6 JUROR: Yes, sir, it's all old.

7 THE COURT: You ought to go in this office
8 right over here and ask for a pardon, but we'll
9 have to excuse you --

10 JUROR: Okay, thank you.

11 THE COURT: -- on the basis of that. We
12 don't want to but you ought to get that off your
13 record. Thank you, sir.

14 JUROR: Okay.

15 THE COURT: Name and number?

16 JUROR: Jackie Lee Brown, 21.

17 THE COURT: Thank you, Mr. Brown.

18 (Bench conference concluded).

19 THE COURT: Number 21, Jackie Lee Brown, is
20 excused. Jackie Lee Brown, number 21, is excused.

21 (Bench conference out of the hearing
22 of the jury panel).

23 THE COURT: Yes, sir. Your name and juror
24 number?

25 JUROR: My my name is Richard Hill, number

1 75.

2 THE COURT: Yes, sir, Mr. Hill?

3 JUROR: Did I understand you to say that our
4 service could run into next week?

5 THE COURT: Yes, sir, it could. We don't
6 expect it but it could?

7 JUROR: Well, I'm a big Philadelphia Phillies
8 fan, every year I go to spring training and I'm
9 leaving, scheduled to leave this coming Saturday to
10 go for a week and I got a lot of money tied up in
11 hotels and tickets and what not in Tampa, Florida.
12 This is next week.

13 THE COURT: Well, now, I don't know anything
14 about this case any more than you do because the
15 Court is not ever told about a case other than
16 estimated time it could take to try it, and I am
17 advised that this case could take more than a week,
18 so we need you, it looks like you would be a good
19 juror, we need you. If it were to take more than a
20 week could you make any arrangement to change or do
21 anything to save your money?

22 JUROR: If I could serve any other week
23 during the year.

24 THE COURT: Transfer him, Madam Clerk. What
25 is your name and number again, please?

1 JUROR: 75, Richard Hill.

2 THE COURT: All right, Mr. Hill, we'll
3 transfer you, sir. It's with reluctance, we're
4 getting short on jurors. You can leave the
5 building.

6 (Bench conference concluded).

7 THE COURT: Number 75, Mr. Hill, is
8 transferred. Mr. Hill, Number 75, is transferred.

9 (Bench conference out of the hearing
10 of the jury panel).

11 THE COURT: Thank you, sir. Your name and
12 juror number?

13 JUROR: 167, Patrick Singletary.

14 THE COURT: Yes, sir.

15 JUROR: I had a possession of crack charge
16 back in 1993.

17 THE COURT: That would disqualify you. You
18 ought to look into getting a pardon for that.

19 JUROR: How would I go about doing that?

20 THE COURT: Go over here to the office where
21 you reported for probation and see about getting a
22 pardon. It takes a while but get started on it.

23 JUROR: All right.

24 (Bench conference concluded).

25 THE COURT: Mr. Singletary, number 167,

1 number 167, Mr. Singletary is excused.

2 (Bench conference out of the hearing
3 of the jury panel).

4 THE COURT: Yes, ma'am, your name and juror
5 number?

6 JUROR: Kathy Parker, 144. I had a fraudulent
7 check charge. Does that --

8 THE COURT: Did you pay the check?

9 JUROR: Yes, sir, everything was cleared up.
10 I mean, I pleaded guilty to it and all that.

11 THE COURT: First offense?

12 JUROR: I had two. One came in and then
13 another one came in, it was two.

14 THE COURT: Did you pay them before you went
15 to court?

16 JUROR: Yes, sir.

17 THE COURT: All right. That would not
18 disqualify you. But you didn't pay a fine or
19 anything?

20 JUROR: Oh, yes, I had to pay a fine because
21 what I done, I was out of town when the paperwork
22 came in that the check was out, then I picked it
23 up.

24 THE COURT: Both were in magistrate's court?

25 JUROR: Uh-huh.

1 THE COURT: That would not disqualify you.
2 Thank you for checking.

3 JUROR: Okay. I just didn't want to get in
4 trouble.

5 THE COURT: Thank you very much.
6 (Bench conference concluded).

7 THE COURT: Ladies and gentlemen, is there
8 any one of the venire who wishes to report anything
9 to the Court that is pertinent to any of the
10 questions, to request a transfer based upon a
11 pressing and unusual circumstance or to ask any
12 question of the Court concerning your eligibility
13 and qualifications to serve as a juror? This is
14 the last call.

15 JUROR: I would like to ask something, Your
16 Honor.

17 THE COURT: Yes, sir. Do you want to come up
18 and do it privately?

19 JUROR: No, sir, it don't matter.

20 THE COURT: All right. First say your name
21 and juror number.

22 JUROR: I'm sorry. Allen Tollison, I have to
23 look it up.

24 THE COURT: Number 182. Yes, sir?

25 JUROR: My question is, you asked a question

1 about being a prison guard or an officer of the
2 law. I was at one time in Georgia several years
3 ago.

4 THE COURT: But you are not currently a
5 prison guard?

6 JUROR: No, sir, not currently.

7 THE COURT: Thank you for inquiring. That is
8 a proper question but it would not disqualify you,
9 and thank you, sir, be seated. Thank you.

10 Yes, sir, your name and juror number?

11 JUROR: Ralph Bratcher, number 17. Your
12 Honor, I have a death in the family, service will
13 be tomorrow at 11:00 o'clock.

14 THE COURT: Please overlook and excuse this
15 inquiry. How close is the relative?

16 JUROR: It's a first cousin of my husband's.

17 THE COURT: Mr. Bratcher, if you are selected
18 you will be expected to serve.

19 JUROR: Okay.

20 THE COURT: If you are selected. Now, you
21 may not be selected.

22 JUROR: Okay.

23 THE COURT: But if you are selected it is
24 anticipated that you would call and explain the
25 circumstances that confronted you.

1 JUROR: Thank you, sir.

2 THE COURT: Thank you for understanding in
3 asking that question, sir.

4 Anyone else have any inquiry, reason to ask
5 for a transfer or disqualification or exemption?
6 Last call.

7 The record will show and the Court finds that
8 the jury venire is qualified.

9 Ladies and gentlemen, some guidelines for
10 your jury service. It is important that you do not
11 bring any beepers, cell phones or audible devices
12 into the courtroom. Now, sometimes we have audible
13 devices that go off inadvertently but you may rest
14 assured that it has never happened to this judge at
15 that time during an actual trial. If it happens
16 during these proceedings it's not a terrible
17 interruption, if a cell phone goes off or a beeper
18 goes off or something of that nature, but when you
19 have a jury in the jury box, you have a witness on
20 the stand, you have an attorney who is examining
21 that witness, the other attorney is paying close
22 attention to the question, a cell phone rings, the
23 witness may forget what answer was about to be
24 given to the question that was just asked, or the
25 questioner may forget the question that was going

1 to be asked, the other attorney may forget what the
2 question was that was asked and the jury may become
3 temporarily disoriented as to the line of
4 questioning taking place. It is a disaster, and
5 you can imagine.

6 If you care to read the Chief Justice's order
7 you may, I believe it's posted on the door, she has
8 made it clear that she expects you to be sanctioned
9 if you bring any such device into the room and it
10 goes off. This judge has never sanctioned anybody
11 because it's never happened at a critical moment
12 during the proceedings. It is the best policy to
13 leave any such devices in the automobile or if you
14 absolutely must bring them with you, to be certain
15 without question that they are on a mode that is
16 not going to cause them to make any noise. Be
17 certain and sure about that.

18 Ladies and gentlemen, you are, as has already
19 been said to you, important people, you are not
20 ordinary citizens any longer because you are
21 potential trial jurors. Have no interaction with
22 anyone whom you do not know to be a member of the
23 venire, and if you know a person to be a member of
24 the venire, talk about your families, talk about
25 the city, talk about the county, talk about the

1 weather, but don't talk about anything that you
2 think might be before the Court at anytime, not
3 even if you are chosen as a trial juror.

4 If anyone of a strange nature approaches you,
5 you tell them that you are a venire person or a
6 potential juror, you can even tell them you're a
7 member of the jury panel, if you want to use that
8 term, but don't talk to anybody whom you don't know
9 to be one of your number under any circumstances.

10 If you are chosen as a trial juror please be
11 here on time, and if we ask you to come back at
12 another time to select another jury in another case
13 please be here on time. If you are inadvertently
14 and unavoidably delayed please call the Clerk of
15 Court's office, don't call the call-in number
16 that's on the sheet, but call the Clerk of Court's
17 office and let us know. We know things happen that
18 are unanticipated and unavoidable, but sometimes
19 when we don't know about a juror, whether he or she
20 is coming, why, when, where, it causes a lot of
21 consternation, to say the least. So, if you'll
22 communicate with the Clerk of Court a real person
23 will come up and say we have had a delay and/or
24 whatever the situation is and we'll understand
25 that. But please let us know, otherwise be on

1 time.

2 If you are selected as a juror in the trial
3 of any case, when you report for service you will
4 not stop in this room, you will not stop, you will
5 not tarry, you will not fool around, so to speak,
6 at any time or place but you will go directly into
7 the jury room, which is through that door to your
8 right and immediately to the right, and there will
9 be refreshments in there for you and you can visit,
10 get to know each another, relax until we're ready
11 to have the jury take the jury box, but don't talk
12 with any strangers.

13 Now, it is important that you understand that
14 if you are stopped on the way into the courtroom,
15 if you are going to assemble as a venire or if you
16 are a trial juror and you are on your way to the
17 jury room to wait for us to call you out and to
18 hear the testimony of a witness or the argument or
19 comments of the lawyer, and some stranger
20 approaches and asks you where the Opra House is,
21 well, that's an innocent question and you being the
22 nice citizen that you are you would of course say
23 well, it's just right nextdoor. That person may be
24 a member of the family of a person accused of a
25 crime. This is commonly called criminal court, the

1 other part of the circuit court is commonly called
2 circuit court, it's Common Pleas, this is General
3 Sessions. But that person who's talking with you
4 might be a person who is accused of a crime or a
5 family member of that person or person who is
6 involved in the matter and someone on the other
7 side of the issue, a member of the other family, a
8 member of the other side of the question may see
9 that person approach you and see some conversation
10 take place. Although they can't hear it, rest
11 assured that your impartiality and your fairness
12 and your expectations will be compromised.

13 Don't talk to anybody unless you know them to
14 be a member of the venire or if you are a juror
15 actually trying a case, trial juror, unless you
16 know them to be a trial juror. Otherwise walk
17 directly from your mode of transportation to the
18 jury room without stopping, without tarrying in any
19 way because we don't want anyone to be compromised
20 in their fair and impartial views toward all the
21 evidence in any case that is tried in this
22 courtroom. Of course, the intent is to seat and
23 select a fair and impartial jury in any case that's
24 tried.

25 Now, during the trial of any case, ladies and

1 gentlemen, it's not uncommon for an attorney on one
2 side or the other to make a motion that the jury be
3 excused so that some matter can be taken up outside
4 the presence of the jury. You should know now,
5 were you to be selected as a trial jury, that that
6 motion is a common ordinary motion that is made in
7 every trial just about, because the attorneys are
8 skilled advocates and professionals and they know
9 when something might need to be taken up before it
10 falls upon the ears of the jurors. You are not to
11 hold that against the attorney nor his or her
12 client because that's an ordinary motion concerning
13 whether certain evidence is going to properly be
14 introduced or certain matters of procedure should
15 be followed. This gives you an opportunity to rest
16 your mind, to have some refreshments and to visit
17 with each other a little while until we get back
18 into business. We'll be working out here but be
19 assured that there is no attempt to hide anything
20 or keep anything from the jury. As a matter of
21 fact, on the converse. Every effort is made to
22 reveal everything to the jury of a factual nature.
23 That's what jurors do, is find facts. Jurors do
24 not sit in judgment of anyone. Jurors find facts,
25 they find the truth of the issues before the Court.

1 That's a very tough job. If you are chosen you
2 will understand that.

3 We'll operate court from about 9:30 until
4 10:00 in the morning, depending on whether we have
5 things to take up before we need the jury, until
6 about 1:00 o'clock. We'll come back into session
7 at about 2:30 and we'll operate until about 5:00 or
8 5:30.

9 Now, all these estimated hours are because we
10 may finish a juror before the lunch hour and not
11 have a short witness, so we may take an early
12 lunch. I'm sorry, I misspoke, I said we may finish
13 a juror. We may finish a witness and we might not
14 have a short witness to follow that witness, so
15 we'll take an early lunch hour.

16 On the other hand, as has already been
17 discussed with you, a witness testifying may have
18 to have, have to be in Columbia and catch a plane
19 to fly away to some far away place and we need to
20 finish that witness' testimony so he or she can
21 leave this place and go somewhere else, in which
22 circumstance we'll go over, sometimes we'll go over
23 the lunch hour, sometimes we'll go over the evening
24 recess hour so we can complete the testimony of a
25 certain witness because of the scheduling conflicts

1 that may occur with that particular witness. But
2 those hours are approximate and you can depend on
3 them approximately.

4 We have a juror call-in system that's been
5 implemented by your Clerk Miss King. It is to keep
6 you from coming up here simply to say sorry, we
7 haven't finished the case we're trying, so go on
8 back home and come back tomorrow. The call-in
9 system is very effective. The information that's
10 on your juror information pamphlet contains the
11 call-in number. If any of you do not have the
12 juror information pamphlet with the call-in number
13 see to it that you see one of the bailiffs or go to
14 the Clerk of Court's office before leaving the
15 building. Secure that pamphlet, secure that number
16 because you will be instructed to call in from time
17 to time, and the information will be terse, concise
18 and straightforward and you will understand it were
19 you to be asked to call in.

20 It's a good system and we appreciate Miss
21 King going to the trouble to institute that system
22 for you in Abbeville County.

23 Now, that concludes the qualification process
24 and we will take a recess. You may sit here if you
25 wish, the restrooms are downstairs, the bailiffs

1 will be happy to direct you to them. You may go
2 outside the building if you wish but stay within
3 call of the bailiff's voice. We are coming back
4 into session momentarily. We are going to be in
5 recess.

6 (Brief recess).

7 THE COURT: Ladies and gentlemen, the Court
8 has been engaged in discussions with counsel for
9 the first case that is scheduled for trial. We
10 have a number of matters that don't involve the
11 jury. We have determined to select and seat a jury
12 in the morning. We were going to try to do that
13 this afternoon but after having considered it
14 carefully, it would take at least an hour and a
15 half or so, so it would be a good late hour and
16 many of you have duties at home that you would need
17 to attend to before that. So, unfortunately we are
18 not going to be able to go forward with selection
19 and seating a jury today and we will do that in the
20 morning at 10:00 o'clock. At 10:00. Anyone have
21 any questions? You will be required to be here at
22 10:00 o'clock in the morning. Is Mr. Reese here?
23 Mr. Reese? Did you see him, Mr. Simpson?

24 BAILIFF: No, sir, I couldn't find him
25 anywhere.

1 THE COURT: Sheriff, you will find that
2 juror, Mr. Reese, number 154, and have him here
3 tomorrow morning at 9:30.

4 DEPUTY SHERIFF: Yes, sir.

5 THE COURT: Ladies and gentlemen, you are
6 excused. Everyone else remain seated. The jurors
7 are excused to return at 10:00 o'clock in the
8 morning.

9 (Jury panel excused from the courtroom).

10 THE COURT: Everyone else stay seated,
11 please.

12 DEPUTY SHERIFF: Everyone else stay seated,
13 please. If you are not a juror, sit down.

14 THE COURT: Are there any jurors present?
15 There are no jurors present. We're coming into
16 order and opening the record in 2003-80, the State
17 of South Carolina versus three different
18 defendants. The defendant called to trial is
19 Defendant C, Shondra Lamont Martin, who sits at
20 counsel table with his attorney Mr. Ben McLain of
21 the Greenville Bar.

22 The State is represented by Mr. Townes Jones.
23 Mr. Jones is assisted by Assistant Solicitor Mr.
24 Tim Woolston. We had a short meeting in chambers
25 to decide what to do about the jury and when to

1 recommence and select a jury, and the Court was
2 apprised of the circumstance, of the situation that
3 there were some discussions to take place on the
4 record, whether motions or not, discussions, but
5 there may be motions regarding voir dire. We were
6 going to try to dispose of all those things this
7 evening so in the morning at 10:00 o'clock when
8 these jurors do appear, that we're able to commence
9 the voir dire and select and seat a jury.

10 Who wishes to speak to the record first?
11 Whomever wishes to do it may do so.

12 Mr. McLain?

13 MR. McLAIN: May it please the Court, Your
14 Honor?

15 THE COURT: Mr. McLain.

16 MR. McLAIN: It is my understanding that
17 we're not going to hear all motions in limine and
18 all that type things today. We're going to hear
19 those as we go, I would imagine, motion to
20 suppress, Jackson versus Deno hearing, I imagine we
21 would hear that after we impanel a jury.

22 THE COURT: That's fine with the Court,
23 unless the State has a different position?

24 MR. JONES: No, Your Honor.

25 THE COURT: Very well.

1 MR. McLAIN: What I did have is, some of
2 these I will go through, I think you covered most
3 of these, if I may hand this up to the bench?

4 THE COURT: Yes, please. You can just hand
5 them to the Clerk.

6 MR. McLAIN: These were additional, I'm
7 sorry, these were additional questions that I had
8 wanted Your Honor to address with the jury. Some
9 of these you have already covered and some of them
10 may or may not apply. I think 1 through 15, that
11 you have covered, on page one. However, I would
12 like to know especially if anyone here has ever
13 been an active government employee. You may have
14 covered that. I want to know specifically, Your
15 Honor, if anyone here knew the deceased or any
16 member of his family, if they have heard anything
17 about this case.

18 These are approximately 163 questions, those
19 that I did not think apply I have scratched
20 through. I think the others do apply. We can go
21 through those one at a time if need be. Actually 1
22 through 21, I think you have covered.

23 22, have you ever been a government employee?

24 23, I don't really care that much about.

25 24, I do.

1 25 and 26, I think you asked whether or not
2 they had ever, members of the jury panel had ever,
3 or the jury pool, I'm sorry, you asked if they had
4 ever served on a jury before. However, the rest of
5 the questions such as do any of you feel that any
6 guilty person should escape punishment because of
7 legal technicality.

8 Do you feel that a police officer, for
9 instance, number 29, may make a mistake during the
10 course of performing his duties of his job? I
11 think these should be asked, Your Honor.

12 Have you ever had, for instance, number 45,
13 have you ever had a relative or close friend ever
14 been a victim of any crime? If so, state the facts
15 of the crime, when.

16 If you have a friend or a member of your
17 family who has ever worked with a law enforcement
18 agency.

19 But particularly in a city the size of
20 Abbeville I need to know have any members of the
21 jury ever heard the name of Shondra Martin or the
22 deceased Toriano Adarryl McCoppin? Obviously some
23 of these folks in the jury pool may have known
24 these people. In fact, one of the ladies that was
25 excused --

1 THE COURT: Excuse me a minute, we have a
2 juror present. He was in the jury room. Mr.
3 Juror, you will be here at 9:30 in the morning.

4 JUROR: Yes, sir.

5 THE COURT: You're excused.

6 JUROR: Thank you, sir.

7 (Juror excused from the courtroom).

8 MR. McLAIN: I'm sorry, Your Honor, I didn't
9 know he was back there. These questions, other
10 than the ones I scratched through, I think are
11 relevant because ~~a lot of these folks here in this~~
12 ~~jury pool may have known the deceased.~~ In fact,
13 one of the ladies who was excused for cause because
14 of her age and asked to be excused from serving on
15 the jury was herself a McCoppin and may have, for
16 all I know, been a relative with the deceased.
17 These questions go into more detail but I think
18 that they are necessary that they be asked.

19 THE COURT: Well, now, you began back on 24
20 by saying you felt that was necessary to determine
21 if any one of the jurors had ever worked in the
22 legal field or were involved in any way in the
23 legal field.

24 MR. McLAIN: Right.

25 THE COURT: Then you kind of skipped over 25,

1 if they had any legal training of any kind. That
2 could be incorporated in 24.

3 Now, 26, whether they like or dislike our
4 judicial system, it's the only judicial system we
5 have, Mr. McLain.

6 MR. McLAIN: Yes, sir.

7 THE COURT: And they will be instructed to
8 follow the rules that the Court lays down for them.

9 MR. McLAIN: Yes, sir.

10 THE COURT: I mean, in all due respect to
11 you, that's what they will be told and if they feel
12 too many people might escape punishment because of
13 legal technicalities, that is not a question, not a
14 proper question on voir dire. A person who is
15 seated as a trial juror, their job is to find the
16 facts.

17 MR. McLAIN: Yes, sir, Your Honor. What I'm
18 most really, may it please the Court, what I'm
19 really concerned with is are these people, are any
20 members of the jury pool, did they know Mr.
21 McCoppin, the deceased, do they know the family, do
22 they know Mr. Martin, are they relatives in any way
23 with the deceased or Mr. Martin or friends, or with
24 their attorneys, for that matter. Obviously some
25 of these folks may have gone to high school or

1 something with the deceased, and I think it's only
2 fair to the defendant to know, ~~to really excuse~~
3 ~~those jurors for cause if they did, if they knew~~
4 the deceased in any way, particularly if they are
5 family members, obviously.

6 THE COURT: Well, all right, the last thing
7 you said -- excuse me just a minute.

8 The last thing you said, if they knew the
9 deceased you would move that they be, let's put
10 that in the form of a motion, that they be excused
11 for cause?

12 MR. McLAIN: ~~Without using strikes, yes, sir.~~

13 THE COURT: How says the State about that?
14 He moved before the Court that anyone who may have
15 known the deceased in whatever capacity be excused
16 for cause.

17 MR. JONES: Your Honor, his motion is not
18 supported by the law, and the law says that if you
19 choose to inquire about a juror's familiarity with
20 the victim or any other witness in the case, the
21 law basically says, Judge, that you're to ask if
22 they are related, related, if the jurors are
23 related to either party in the action, and we would
24 assume that when the State is the moving party that
25 could include witnesses who, although aren't party

1 to the action, become a part of the action by being
2 a witness and being a part of the proof that we
3 must establish beyond a reasonable doubt to
4 convict.

5 But, Judge, the question of do you know him,
6 are you acquainted with him, is really not even in
7 the scope of the law as it relates to voir dire in
8 this state at this time, and we'll ask you not to
9 veer from that, Judge. I would like to hand you a
10 memorandum as well as the controlling law in the
11 state now, a copy of State versus Smart, and a
12 memorandum on scope of voir dire as well as an
13 attendant case that Smart refers to, State versus
14 Middleton.

15 Of course those were death penalty cases, so
16 there was an extensive discussion by the Court
17 about the voir dire as it relates to death penalty
18 cases, but fortunately in Smart they returned to
19 the issue. The issue, Judge, that is the
20 controlling law, statutory law, 14-7-1020, permits
21 the Court's inquiry into the following matters.

22 Whether a juror is related to either party,
23 has any interest in the cause, does the juror have
24 any interest in the cause, has the juror expressed
25 or formed any opinion in the matter, has the juror

1 expressed or formed any opinion in the matter or is
2 the juror aware, the Court said sensible, of any
3 bias or prejudice therein? Which comes to the
4 point that Mr. McLain wants you to address
5 essentially, Your Honor, and we believe it could be
6 addressed in the appropriate fashion, in the
7 appropriate manner.

8 Judge, if you will turn to page eight in
9 State versus Smart, the opinion, State versus
10 Smart, I handed you a copy, Supreme Court of the
11 State of South Carolina, November 23rd, 1982, on
12 page eight, Your Honor, second paragraph.

13 THE COURT: My pages aren't numbered.

14 MR. McLAIN: All right, if you would start
15 with the first one and count them through to number
16 eight, then, please.

17 THE COURT: Excuse me, please.

18 THE COURT: I was on page eight, the first
19 full paragraph begins in his defense.

20 MR. JONES: Yes, sir. The second paragraph,
21 "Because of the length and mostly superfluous voir
22 dire which occurred in this case we consider it
23 appropriate to offer guidelines in this respect for
24 the benefit of the Bench and the Bar. Section
25 16-3-20 of the Code grants to a capital defendant

1 the right to examine jurors through counsel. We so
2 held in State versus Smart. This section does not,
3 however, enlarge the scope of voir dire as it is
4 clearly delineated in Section 14-7-1020 of the
5 Code. That provision permits trial court inquiry
6 into the following matters." The Court cites
7 whether a juror is related to either party, has any
8 interest in the cause, has expressed or formed an
9 opinion, any opinion about the matter, or is
10 sensible of any bias or prejudice. "The manner in
11 which these questions are pursued and the scope of
12 any voir dire beyond their bounds are matters of
13 trial court discretion."

14 Now, Your Honor, in attempting to determine
15 whether or not these jurors are related to either
16 party or any witnesses, they can answer that
17 question. Sometimes, you know, you want to know
18 what the relationship is, "Are you a brother,
19 sister, second cousin, third cousin?" But, Judge,
20 then you ask the jury, "Do any of you have any
21 interest in this matter at all, do you have any
22 interest in this matter, have any of you expressed
23 or formed any opinion about this matter, about this
24 case?"

25 You tell them what the case is, you tell them

1 what it's about, you tell them who the witnesses
2 are, who the victim is, who the defendant is, "Any
3 of you have any interest in this matter?"

4 And, Judge, I believe in attempting to
5 ascertain whether they have any interest in the
6 matter or whether they have any bias or prejudice,
7 "Have any of you heard anything or seen anything on
8 television, heard anything on the radio, read
9 anything in the newspapers, heard anything from any
10 people in the community that you may have talked
11 with about this case, that you feel would cause you
12 to be unable to render a fair and proper verdict in
13 this case, fair both to the State and to the
14 defense? If you know of any reason why you cannot
15 be fair in this case raise your hand and we'll ask
16 you about it."

17 Judge, that addresses the issue and does not
18 lend us to travel outside the scope of the
19 statutory delineated voir dire. You have
20 discretion to go further, Judge, but my point to
21 you is, once you begin to get outside the scope
22 here, once you allow an inch they want a mile. For
23 instance, if you want to go down and address each
24 one of these specifically I will, Judge, but on
25 page, of the voir dire request, on page, at number

1 105, "Since you don't have a background in the
2 law," on page 11, voir dire number 105, "you
3 probably don't know how or what is utilized to
4 decide whether a person is to be charged with
5 murder, do you?" That is, "Do you feel that the
6 prosecutor knows for certain that a person is
7 guilty when he or she charges the person with
8 guilt, or do you think it's possible for the
9 prosecutor to bring charges against an innocent
10 person?"

11 Once you begin, he's already said you have
12 covered 1 through 21, he even got up to 45. He
13 said, "I really want 45 but I think all of them are
14 relevant, I think all of them apply." "Do you feel
15 that it's possible for persons who are charged with
16 a crime could be innocent rather than guilty?"

17 You're going to instruct them, Judge, they
18 are innocent until proven guilty, you are going to
19 instruct them more than once that they are
20 considered innocent under the law and must be
21 considered innocent by this jury only if and until
22 this jury determines that a sufficient amount of
23 evidence has been offered. So, these questions,
24 again, they start, here is one on page, well, he
25 even had one question about, "If you listen to all

1 the evidence and you probably thought he was
2 guilty, would you find him innocent or guilty?"

3 Here it is, on page 12, number 112, "At the
4 end of the trial, after you have heard all the
5 evidence, if you think that Shondra possibly
6 committed the crime in the matter, in the manner
7 that the State claims, how would you vote, guilty
8 or not guilty?"

9 I mean, not only is it ludicrous and
10 preposterous to ask you to ask such a question of a
11 juror at this stage of the case, but it's unfair to
12 the juror to ask them to tell us whether they would
13 find him guilty or not guilty, when they don't even
14 know what the evidence is. He is just throwing
15 some sort of a hokey pokey question out there, "If
16 you heard all the evidence and you thought he was
17 guilty, would you find him guilty or not guilty?"

18 These questions are designed to confuse
19 jurors, to disorient jurors, and not to have jurors
20 thinking or looking at anything that is relevant
21 but, rather, to throw out nebulous and rather
22 innocuous questions.

23 On page 16, number 144, "Do you find it is
24 difficult to make up your mind who is right and who
25 is wrong in a family dispute or in a problem at

1 work?"

2 What in the heck has that got to do with
3 whether or not under the law they are related to
4 either party, they have an interest in this cause,
5 they have expressed or formed an opinion, or is
6 sensible, sensitive to any bias or prejudice they
7 have in this case? Nothing, and I object to all of
8 the voir dire and suggest to you that if there are
9 any questions, and there are, there are, by the
10 way, number 163, the last one is relevant, "Is
11 there any member of the jury that cannot render a
12 fair verdict in this case?" That's a relevant
13 question because if they can't you need to ask them
14 why they can't and if they've got a legitimate
15 reason you need to excuse them for cause but you
16 don't need to excuse a juror for cause simply
17 because they knew the victim or anybody else that
18 might testify or be associated with this case. If
19 the defense wants to exercise peremptory challenges
20 to excuse a person who even after being asked by
21 you, again, you shouldn't ask them, we don't agree
22 with asking do you know them, the scope should be
23 limited to are you related to, are you related to.

24 Judge, when you go into questions do you
25 know, I have had some judges rule recently and I

1 think if they had a chance to reconsider they would
2 have, and quite frankly, usually it's been in death
3 penalty cases, they say ask them if they know the
4 Sheriff, he's a witness. You've got a hundred
5 people out here and probably 70 or 80 of them would
6 like to think they know the Sheriff, you know, and
7 probably a third of them do, you know, to some
8 extent. They know him, you know, he came by the
9 house and asked for a vote or they were at a supper
10 where he was there politicking or they just, you
11 know, seen him on the street or heard of him or
12 read something about him, know him, know the
13 sheriff. So, you have 30 of them standing up there
14 and you've got to go through and ask each and every
15 one of them does your knowledge, your relationship
16 with the Sheriff cause you, prevent you from being
17 fair and impartial as a juror in this case? No,
18 sir; no, sir; no, sir.

19 My experience has been 29 or 30 out of the 30
20 will say, "No. I know him, I don't know anything
21 about this case, I can be fair, I can sit as a
22 juror, it's not going to interfere with my ability
23 to to something."

24 If you've got somebody on that jury panel
25 that is either related to the Sheriff or is an, and

1 again this is a difference, that is why it says
2 related, Judge, there is a difference between blood
3 kin relationship and familiarity, knowledge of
4 somebody, a relationship with somebody.

5 You draw the line on whether you are going to
6 be honest and fair and do the right thing as a
7 juror in a case, and what happens is, blood, people
8 don't want to have to put their blood in jail so
9 they'll tell you, "I don't want to sit on this
10 thing," but if somebody is going to tell you that
11 their relationship with the Sheriff, relationship,
12 not blood kin, but familiarity is going to cause
13 them to feel uncomfortable serving they'll tell
14 you, if they are that close to him, because you ask
15 them a general question, is there any reason why
16 any of you out here for any reason feel like you
17 couldn't be fair to this defendant and the State of
18 South Carolina, stand up and tell us now.

19 And if somebody out there feels uncomfortable
20 for some reason they're going to let you know
21 because most of them don't want to serve anyway.
22 How many of them lined up down here wanting to get
23 out today, 10, 15, 20 out of the hundred? Most of
24 them are looking for a reason to get off. Most of
25 them will tell you, "I'm not related to him but I

1 go to Rotary with him," or, you know, "Will that
2 get me off," you know. "Well, is it going to keep
3 you from being fair and impartial, is it going to
4 keep you from rendering a fair verdict to the State
5 and the defense?" "No, I'll be fair, you know, I
6 can, I'll listen to the evidence, I'll make a
7 decision, I'm not going to let knowing him cause me
8 to put a man in jail just because I know this
9 sheriff, if he ain't got the evidence I'll tell him
10 right quick, Solicitor, too."

11 And that's why our Supreme Court has said
12 that the statutory scope of voir dire is
13 sufficient. Although it's in your discretion to
14 veer out of it if you want to, I ask you not to,
15 but I'm willing to and ready to go down each and
16 every one of his 163 voir dire questions presented
17 to us here an hour before trial and tell you why I
18 don't think they are either relevant, material or
19 proper.

20 MR. McLAIN: May it please the Court, Your
21 Honor?

22 THE COURT: Yes, sir, Mr. McLain.

23 MR. McLAIN: If we want to get down to
24 timeliness, I was served with discovery which I had
25 not seen until Friday and today, but being a

1 gentleman of the Bar, I would like to think of
2 myself as a gentleman, I try not to bring up
3 timeliness on people.

4 The other thing is, perhaps I did not make
5 myself clear to the Solicitor, and I shall not go
6 into, with all due respect to the Solicitor, I do
7 not find it becoming to go into a tirade, so I'll
8 just be short and to the point. What I would like
9 to do is follow exactly those guidelines under the
10 State versus Middleton, 14-7-1020, and the State
11 versus Smart. And that is, I would like to know if
12 the jurors are related to, I didn't say know, no
13 offense, Townes, I did not say did they know the
14 Sheriff, I said are they related to any law
15 enforcement officer. I would like to know if they
16 are related to any witnesses, I would like to know
17 if they are related to the deceased, I would like
18 to know if they had a relationship with the
19 deceased such that they could not render a fair
20 verdict in the trial, and I believe I prefaced my
21 argument, and I stand to be corrected, that I
22 thought that you pretty much covered all of these
23 except for those, and that my main interest was I
24 wanted to know if anyone in the jury pool knew Mr.
25 McCoppin, had a relationship with him such that it

1 might affect their judgment or such that they could
2 not render a fair verdict or that they were related
3 to a police officer, particularly in this
4 investigation, or to a witness or to a party or to
5 a party's attorney.

6 And I think that's exactly what State versus
7 Middleton says. I think that's exactly what South
8 Carolina Code Annotated 14-7-1020, 1976 amended,
9 says. I think think that is exactly what the State
10 versus Smart says. And all I really want to know
11 is, did you play football with Mr. McCoppin, how
12 long have you known Mr. McCoppin, did anybody here
13 know the deceased since he was a child? This is
14 Abbeville, South Carolina, not Chicago, no offense
15 to anyone, because it's also, as we know, my
16 father's hometown, but I'm sure that there are
17 folks here who knew the deceased and they might
18 have, and if they knew him I don't want to know if
19 they knew of him, but did they have a relationship
20 such as they were his best friend in high school,
21 their first cousin.

22 There is a flip side to that 45 record about
23 lining up not wanting to be on a jury, and the flip
24 side of that 45 record is suppose I am a first
25 cousin of the deceased and I don't want anybody to

1 know it so that I can get on the jury and convict
2 the defendant. That's all I want to know, and I
3 think that's within the guidelines. There is no
4 reason to go down through this 163 questions.
5 That's all I really want to know. I think all the
6 rest of it is covered and I think you covered it
7 quite well, Judge.

8 THE COURT: The Court sees two of your
9 questions that will be asked, number 36, "Do you
10 have any immediate relatives or close friends who
11 are connected with the police or any type of law
12 enforcement agency?" That's a fair question, the
13 Court will ask that question.

14 Number 45 will be asked of the jurors, "Have
15 you or any relative or close friend of yours ever
16 been a victim of any kind of crime?" We'll ask
17 that question. But, now, with regard to the
18 witnesses and the parties the question will be is
19 there any member of the jury venire related by
20 blood or marriage or in any way acquainted with any
21 of these witnesses or either of these parties,
22 particularly the defendant, the defendant or the
23 deceased?

24 MR. McLAIN: That's all I want, Judge.

25 THE COURT: That's going to elicit the

1 information that you're asking for.

2 MR. McLAIN: Exactly, and that's why I said
3 to Your Honor, if I may, that is why I said even
4 though these do go into more detail, I think that
5 they are covered generally in those questions
6 within that scope, the scope of those guidelines.
7 That's all I want to know. I want to know if this
8 man can have a fair trial, I don't want any first
9 cousins. In fact, that's happened to me on
10 occasion, on a case in which Judge Anderson years
11 and years ago asked if anyone were kin to any
12 parties or their attorneys, and I had three first
13 cousins stand up.

14 THE COURT: Well, that question will be
15 asked, you may have a cousin out here but it will
16 be asked if any one of them is in any way related
17 by blood or marriage or in any way acquainted with
18 you, Mr. McLain.

19 MR. McLAIN: Yes, sir, or with the deceased,
20 that's what I want to know, with the deceased.

21 THE COURT: Or with the deceased or with the
22 Solicitor or Mr. Woolston or anyone with whom they
23 are associated, anybody with the Solicitor's
24 office, it will be allowed inquiry.

25 MR. McLAIN: Right, Your Honor. I just want

1 to make sure that I am not stuck with just blood
2 relation.

3 THE COURT: No.

4 MR. McLAIN: Blood relation.

5 THE COURT: I just told you, sir --

6 MR. McLAIN: Yes, sir.

7 THE COURT: -- that this judge asks not only
8 are you related by blood or marriage, but are you
9 in any way, not closely, but in any way acquainted
10 with either of these witnesses or this defendant or
11 this deceased or this lawyer or that lawyer.

12 MR. McLAIN: ~~That's all I want, Judge, and~~
13 ~~whether or not they can render --~~

14 THE COURT: Not closely related, in any way
15 related.

16 MR. McLAIN: Yes, sir, or acquainted, I need
17 to know if they are acquainted such that they could
18 not render a fair verdict.

19 THE COURT: Now, let's take the Sheriff, for
20 instance. We'll ask a separate question, perhaps,
21 about the Sheriff, in anticipation of the
22 Solicitor's remarks that there may be quite a
23 number of the venire that may stand when they are
24 asked are they related by blood or marriage or in
25 any way acquainted with the Sheriff, anticipating

1 his being a witness.

2 MR. McLAIN: I don't care --

3 THE COURT: Is he going to be a witness?

4 MR. JONES: He's not a witness.

5 THE COURT: Then this question won't be
6 asked.

7 MR. McLAIN: Obviously I'm acquainted with
8 the Sheriff. I wouldn't want, I don't want to go
9 that far or we don't have to go that far to say do
10 you know the Sheriff, are you acquainted with the
11 Sheriff.

12 THE COURT: He's not a witness, his veracity
13 is not in question.

14 MR. McLAIN: Right.

15 THE COURT: I thought we were talking about
16 someone whose veracity was going to be in question.

17 MR. McLAIN: No, I just want to know if they
18 have any relationship by blood, marriage or any
19 other relationship with the deceased or with the
20 attorneys and parties.

21 THE COURT: ~~It will be asked about your~~
22 ~~client as well.~~

23 MR. McLAIN: That's fine, Judge, that's all I
24 ask.

25 THE COURT: Anybody who is involved in this

1 case, this venire will be subject to voir dire
2 about any knowledge or any relation they may have
3 about that person. Any relation by blood or
4 marriage or any acquaintance at all, we'll know it,
5 if it exists.

6 MR. McLAIN: And I think you have already
7 asked about whether or not they are related to any
8 member of any law enforcement agency, because we
9 had the gentleman stand up and say he used to be a
10 prison guard in Georgia.

11 THE COURT: Question number 36, that will be
12 asked and your victim of a crime will be asked.

13 MR. McLAIN: Yes. This is really just kind
14 of a menu to go down and see if they apply, but
15 within the scope, Judge, but I know that you
16 generally, I know that you are going to generally
17 ask these questions. The main thing, once again,
18 in which I am interested is whether or not there is
19 any relationship between any member of the jury
20 pool or relationship or kinship or whatever to the
21 deceased or, for that matter, to the defendant.
22 That's all.

23 THE COURT: That will be done.

24 MR. McLAIN: Thank you, Judge.

25 MR. JONES: Judge, if I can be given an

1 opportunity, then, to respond to the initial
2 question you asked me, do I, what say the State
3 about his request that they be excused for cause if
4 they know the victim or, I mean, I would ask you
5 not to excuse them for cause unless they tell you
6 they can't give a fair verdict to both the State
7 and the defense.

8 MR. McLAIN: Agreed, that's agreed.

9 THE COURT: Very well.

10 THE COURT: Any other issues that we need to
11 take up at this time?

12 All agreed? Will you get me a witness list
13 that I don't have to cross out and assimilate to be
14 sure that I'm listing all of the witnesses? Will
15 you work on that and be sure that you hand me a
16 list that includes all the State's witnesses, and
17 then you can add any that are not on that list that
18 are peculiar or specific to the defense.

19 MR. McLAIN: Yes, I have already done that
20 for Mr. Woolston by hand but I will have that typed
21 for you.

22 THE COURT: You don't have to type it, you
23 can hand write it, just so it's hand written so it
24 can be read.

25 MR. JONES: Your Honor --

1 MR. McLAIN: I'll try, judge.

2 THE COURT: Yes, sir.

3 MR. JONES: Your Honor, I do have one other
4 issue I would like to bring up with the Court at
5 this time, and it relates to juror number 154,
6 Norman Reese.

7 THE COURT: Yes, sir.

8 MR. JONES: I would ask the Court to consider
9 excusing that juror for cause. My perception of
10 his response and reaction to the Court's request
11 that he return at 10:00 in the morning, it bordered
12 on being disrespectful to this Court, in my
13 opinion. I can't quite put my finger on where his,
14 on where his, I know he came down and thought maybe
15 he had been convicted of a crime that carried a
16 sentence of more than one year and apparently he
17 had not, but then he didn't return to court.

18 Somehow I guess he got word he was supposed
19 to be back in court so he sat there, you know, it
20 may just be, you know, the way he reacts to a
21 situation, but I have been watching him a good bit
22 even before he came down, you questioned him before
23 about that, I think his name wasn't called out or
24 he was one of the ones, he was one of the last
25 three that you questioned, who didn't hear from the

1 Court, and his responses then, you know, seemed to
2 indicate some sort of either a neurological
3 situation or an auditory situation or just, again,
4 potential lack of respect for the proceedings of
5 the Court. And, you know, if you're not, if you're
6 not at this time predisposed to excusing him for
7 cause, you know, I don't know that some further
8 review of the juror by yourself with regard to, you
9 know, just exactly whether or not he understands
10 what his duties and obligations are as a juror are,
11 so you might be able to get a firmer grip on where
12 he's coming from.

13 THE COURT: That will happen at 9:30 in the
14 morning, Solicitor.

15 MR. JONES: All right.

16 THE COURT: I asked him to return, instructed
17 him to return here at 9:30. It may be, now, the
18 Court noticed that Mr. Simpson was having to get
19 his attention during the qualification process, and
20 it could be that he worked last night, it could be
21 that he has a temporary circumstance, but it could
22 be that there is, as you say, some neurological or
23 permanent disability that affects him and his
24 ability to serve as a fair and impartial juror who
25 can absorb the information. In that case, it would

1 be presumed that neither party would want him on
2 this venire.

3 MR. McLAIN: Judge, that would be true, too,
4 for the lady, I think there was a lady that
5 couldn't hear well, I mean, you know, that's a wait
6 and see thing, just wait and see. I mean, if
7 somebody, if the lady that was here on the front
8 row couldn't hear well and she can't hear what
9 we're saying, that would certainly apply to her,
10 too.

11 THE COURT: She did not report that to the
12 Court.

13 MR. McLAIN: Right.

14 THE COURT: She did have a speech impediment.

15 MR. McLAIN: Right, which may or may not be
16 caused by her hearing, we don't know.

17 THE COURT: It may not be.

18 MR. McLAIN: So, we just have to find that
19 out in the morning.

20 THE COURT: The question was asked whether
21 anybody had the ability, if everybody had the
22 ability to hear, speak, understand and all that
23 sort of thing. She didn't respond, so we'll check
24 into that tomorrow, especially if you move on her,
25 we'll single her out and talk with her, see if she

1 has a hearing deficiency of any sort.

2 Anything further?

3 MR. JONES: Well, we talked in chambers, I
4 would like to go ahead and confirm we will stay
5 here this evening and go over any evidence and
6 documents that defense counsel or the State would
7 like to have stipulated to ahead of time or at
8 least marked as court's exhibits to assist in the
9 movement of the case and the introduction of any
10 evidence we may have. We will meet with him this
11 evening, I won't ask the court reporter to stay
12 while we do that but maybe if he can be here a half
13 hour before we start at 10:00 tomorrow morning and
14 we do have some agreement on things we would like
15 for him to mark ahead of time, at least the court's
16 exhibits, prior to the introduction of them, we can
17 do it then or do it on the break in the morning.
18 We'll try to get that squared up this evening.

19 THE COURT: We will be here at 9:30 because
20 we need to talk to the Juror Reese, number 154. In
21 the morning, at 9:30 we will talk to him and both
22 of you will have an opportunity to hear and see his
23 responses and either agree or disagree as to the
24 Court's ruling. We will take that up off the
25 record or we might take it up on the record and

1 outside the hearing of everybody else about what we
2 think or what we want to do about him, as the case
3 may be, but then you will have a chance after that,
4 that shouldn't take but just a few minutes, have an
5 opportunity after that to let the court reporter do
6 his preliminary work while these jurors are filing
7 in. Some of them, we probably won't get started
8 right at 10:00, there will be a few stragglers who
9 can't find a parking place or can't get here right
10 on the money, so we'll have time to mark everything
11 but it would certainly be appreciated if you would
12 be, if you would stay this evening a little while
13 longer, knowing you are tired, to see to it that
14 everything is agreed upon and if there is a
15 disagreement, we'll take that up, if we can,
16 tomorrow at the earliest opportunity so we can move
17 this case along.

18 Anything further from the State?

19 MR. JONES: No, Your Honor.

20 THE COURT: From the defense?

21 MR. McLAIN: No, sir, Your Honor.

22 THE COURT: We're in recess. Now, the case
23 won't start until 10:00 but we have a little
24 business with one juror at 9:30, and then anything
25 that you want to take up, you might be able to take

1 up in chambers. We are in recess.

2 MR. McLAIN: I'll be here as close to 9:30 as
3 I can, Judge.

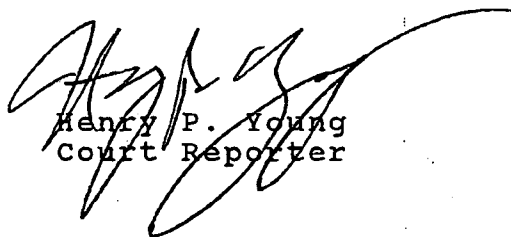
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I, the undersigned Henry P. Young, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case in the Circuit for Abbeville County, South Carolina, on the 15th day of March, 2003.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 8, 2004



Henry P. Young
Court Reporter

2002-GS-01-192

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HONORABLE WYATT T. SAUNDERS, JR.

W. TOWNES JONES, IV
TIMOTHY W. WOOLSTON
Attorneys for the State

Henry P. Young
Court Reporter

March 16, 2004

1 (Reconvened at 11:45 a.m.).

2 THE COURT: Ladies and gentlemen of the
3 venire, we are preparing to try the case of the
4 State of South Carolina versus Shondra Lamont
5 Martin. This indictment is not evidence and the
6 indictment in no circumstances should ever be
7 considered to be evidence. It is a charging paper.
8 It's the document that officially allows the Court
9 to have jurisdiction to decide innocence or guilt
10 in any case. It is not evidence.

11 Jurors, of course, in this and every case
12 must be absolutely fair and impartial both to the
13 State of South Carolina and to the defendant, in
14 this case Shondra Lamont Martin, and decide this
15 and every case based on and exclusively upon the
16 evidence that's presented during the course of the
17 trial. To that end it's necessary to determine if
18 any member of the jury panel has heard anything or
19 knows anything about this case and whether, if any
20 such knowledge were to exist, it would affect in
21 any way your ability to be absolutely impartial and
22 fair both to the State of South Carolina and to the
23 defendant Shondra Lamont Martin.

24 Now, this indictment alleges several counts.
25 First is accessory before the fact of armed

1 robbery. It says in Count One that Rosalind Rene
2 Brown did in Abbeville County on or about the 29th
3 day of July, 2001, feloniously, willfully, and
4 unlawfully harbor and assist Christopher Frank
5 Landrum and Shondra Lamont Martin, with knowledge
6 that the said Christopher Frank Landrum and Shondra
7 Lamont Martin were going to commit the act of armed
8 robbery.

9 That count probably does not affect this
10 case, Solicitor, Count One. That would be against
11 Rosalind Rene Brown.

12 MR. JONES: She's not on trial today, Judge.

13 THE COURT: Not on trial, disregard that,
14 please, ladies and gentlemen.

15 You must understand that the Court has just
16 been handed the indictment and has not had a chance
17 to review it. You and I are learning about the
18 case at the same time. So, that individual is not
19 on trial and in no way should any remark about any
20 individual other than Shondra Lamont Martin be
21 considered by you. The defendant on trial is
22 Shondra Lamont Martin.

23 MR. JONES: Your Honor, may I approach the
24 bench for a moment with counsel?

25 THE COURT: Of course.

1 (Unrecorded bench conference).

2 THE COURT: Ladies and gentlemen, thank you
3 for your patience. The matter has been
4 re-indicted, which is not an unusual circumstance
5 or event, and the Court was reading from the
6 original indictment and not from the re-indictment.

7 This indictment is not evidence. It's
8 extremely important that you understand that the
9 indictment is a charging paper or an allegation
10 only and it does not prove anything, it just
11 alleges or puts forward the position of the
12 prosecution or the State of South Carolina but it
13 doesn't constitute, it is not evidence of any kind.

14 Now, the indictment that we now have, which
15 is the correct one, we have been working on other
16 things, and by the way, the Court extends its
17 thanks to you for your understanding and your
18 patience while we were working on some other
19 matters in preparation for telling these things to
20 you.

21 The indictment alleges that, in Count One,
22 that Christopher Frank Landrum, Shondra Lamont
23 Martin and Rosalind Brown did in Abbeville County
24 on or about the 29th day of July, 2001, willfully
25 and unlawfully unite, combine, conspire,

1 confederate and agree upon and among themselves to
2 have tacit understanding with each other and with
3 other persons whose names are unknown, for the
4 purpose of committing the act of armed robbery in
5 violation of the laws of this state. That is,
6 conspiracy. That's known as conspiracy. When you
7 conspire together with other people and other
8 people who may be known or unknown to do an
9 unlawful object that's called conspiracy, so that's
10 Count One. That's not evidence. That's the
11 allegation.

12 The allegations contained in Count Two are
13 that Christopher Frank Landrum, Shondra Lamont
14 Martin and Rosalind Brown aiding and abetting and
15 assisting one another did in Abbeville County on or
16 about the 29th day of July, 2001, willfully and
17 unlawfully attempt to commit robbery while armed
18 with a deadly weapon, being a firearm, or while
19 alleging either by action or words that he or they
20 were armed, while using a representation of a
21 deadly weapon or any object which such person may
22 have presented during the commission of the robbery
23 which reasonably was believed to be a deadly
24 weapon, by willfully, unlawfully and feloniously
25 attempting to take the goods or monies from the

1 person of Lamoncyon Sutton and goods or monies
2 being owned by the said Lamoncyon Sutton in
3 violation of the laws of this state.

4 That is the allegations of Count Two, being
5 attempted armed robbery.

6 The allegations of Count Three are that
7 Christopher Frank Landrum, Shondra Lamont Martin
8 and Rosalind Brown aiding, abetting and assisting
9 one another did in Abbeville County on or about the
10 29th day of July, 2001, with malice aforethought,
11 kill Toriano Adarryl McCoppin by means of shooting,
12 and that said Toriano Adarryl McCoppin did in
13 Abbeville County as a proximate result thereof on
14 or about the 29th day of July, 2001, die in
15 Abbeville County, in violation of the laws of this
16 state. That is an allegation of murder.

17 Again, this is not evidence, this is the
18 allegations of the State.

19 Count Four is that Christopher Frank Landrum,
20 Shondra Lamont Martin and Rosalind Brown aiding,
21 abetting and assisting one another did in Abbeville
22 County on or about the 29th of July, 2001, possess
23 a firearm or visibly display what appeared to be a
24 firearm or visibly displayed a knife during the
25 commission of a violent offense, being the offense

1 and crime of attempted armed robbery and/or murder
2 or any lesser included offense, said offense being
3 defined as a violent offense according to the laws
4 of the State of South Carolina. And that is the
5 allegation of the possession of a firearm or knife
6 during the commission of a violent crime. That's
7 Count Four.

8 Again, the indictment is not evidence of any
9 kind and should not ever and under any
10 circumstances be considered to be evidence. It is
11 simply what the State alleges.

12 The Court mentions these allegations to you
13 to determine if you have heard anything or know
14 anything about this case. If you do, please stand.
15 If you have heard anything about it or if you know
16 anything about it please stand up.

17 All right, if you will call come forward,
18 please.

19 (Bench conference out of the hearing of
20 the jury panel).

21 THE COURT: Tell me your name and juror
22 number.

23 JUROR: Juror number 133. My name is Amanda
24 Morton.

25 THE COURT: Okay.

1 JUROR: I went to the funeral of the deceased
2 and my family is friends with the family.

3 THE COURT: Both attorneys approach.

4 THE COURT: Your number again?

5 JUROR: 133.

6 THE COURT: This is Amanda Morton, she's
7 juror number 133, and she attended the funeral of
8 the deceased in this case. Did you have anything
9 else to report?

10 JUROR: My family is friends with the
11 victim's family.

12 THE COURT: All right. Now, would you,
13 knowing what you do about this case, if you know
14 anything else about it, would you be able to be
15 fair and impartial both to the State of South
16 Carolina and to the Defendant Shondra Lamont
17 Martin?

18 JUROR: Considering my relationship with the
19 family, from what I have been told by the family
20 and from my family, I don't think I could,
21 considering the circumstances with them.

22 THE COURT: All right.

23 (Bench conference concluded).

24 THE COURT: Number 133 will be removed from
25 the box in this case.

1 THE CLERK: Okay.

2 THE COURT: Just return to your seat.

3 JUROR: Okay, thank you.

4 (Bench conference out of the hearing of the
5 jury panel).

6 THE COURT: Come right here so everybody can
7 hear you, including Mr. Young, he's the most
8 important one to hear you, and say your name and
9 juror number.

10 JUROR: My name is Terri Ray, I believe my
11 juror number is 153.

12 THE CLERK: That's right.

13 JUROR: I overheard, my husband works in the
14 ~~Probation and Parole office in Abbeville and I~~
15 overheard him talking with a group of people, I was
16 in the same room, about the case he thought was
17 coming up this week. He said something about this
18 was a bad, these guys apparently came to Abbeville,
19 supposedly came to Abbeville to kill someone and
20 killed the wrong person, and also said something
21 about that he had a drug possession wherever he was
22 from, I have heard Spartanburg, I don't know, I'm
23 not sure. I did not hear a name and I don't know
24 if this is even the same case.

25 THE COURT: Now, Miss Ray, the question to

1 you would be, notwithstanding what you heard, could
2 you put all that out of your mind and were you to
3 be selected as a trial juror could you be fair and
4 impartial both to the State of South Carolina and
5 to the Defendant Shondra Lamont Martin and decide
6 the case upon the evidence that's presented during
7 the trial, whatever it is? You and I don't know
8 what it is, all we know is what the allegations of
9 the indictment is, which is not evidence, but could
10 you be fair and impartial if you were chosen?

11 JUROR: Yes, sir, I think I could.

12 THE COURT: Because what you may have heard
13 outside this Court is not evidence.

14 JUROR: Right.

15 THE COURT: It makes no difference
16 whatsoever.

17 JUROR: Right, I understand that. I think I
18 can listen.

19 THE COURT: Do you think you could be fair to
20 the State of South Carolina and to the Defendant
21 Mr. Martin if you're chosen?

22 JUROR: Yes, sir.

23 MR. McLAIN: Judge, I'm sorry, may I
24 interject, may I ask the Court?

25 THE COURT: Would you stand back just a

1 minute, please, Miss Ray? If you can, come closer.
2 I don't want any interjection in front of this
3 juror.

4 MR. McLAIN: I'm sorry, Judge.

5 (Juror not present).

6 MR. McLAIN: She said I think I can, she
7 didn't say I can.

8 THE COURT: All right, I understood her to
9 say she could but we'll put it a little broader to
10 her.

11 (Juror present).

12 THE COURT: Miss Ray, the question to you,
13 given what you have heard, whatever it was, you
14 recited some of the facts you have heard, can you
15 put those aside and decide this case upon the
16 evidence that's presented during the course of the
17 trial and be fair and impartial both to Mr. Martin,
18 the defendant, and to the State of South Carolina?

19 JUROR: Yes, sir, I believe I can.

20 THE COURT: Now, can you, rather than believe
21 you can?

22 JUROR: Okay. I can.

23 THE COURT: Are you sure?

24 JUROR: As sure as I can be, I mean.

25 THE COURT: Very well. Be seated.

1 (Bench conference concluded).

2 THE COURT: Okay.

3 (Bench conference out of the hearing of the
4 jury panel).

5 THE COURT: Say your name and juror number.

6 JUROR: My name is Fonda Martin and my juror
7 number is 120.

8 THE COURT: Yes, ma'am. How do you respond?

9 JUROR: I am the niece of the McCoppins, I'm
10 Adarryl's first cousin and a neighbor of them,
11 we're neighbors.

12 THE COURT: And you're neighbors of the
13 deceased?

14 JUROR: Of the deceased, and first cousin.

15 THE COURT: You are related by blood to him?

16 JUROR: By marriage. That is my husband's
17 aunt and uncle and first cousin.

18 THE COURT: Sitting over there?

19 JUROR: Sitting over there.

20 THE COURT: All right, stand back just a
21 minute, please.

22 (Juror not present).

23 THE COURT: You all close your shoulders in.
24 It appears this juror should be excused for cause.

25 MR. McLAIN: I agree.

1 THE COURT: I will ask her further if the
2 State wishes but it appears not necessary.

3 MR. JONES: You can excuse her for cause
4 regardless of what her answer is. I would like to
5 to know whether she can be fair and impartial, you
6 can excuse her regardless of what her answer is.

7 THE COURT: All right, we'll ask her.
8 (Juror present).

9 THE COURT: Given your response to the
10 inquiry, could you be fair and impartial, if you
11 were chosen as a juror, both to the State of South
12 Carolina and to the defendant Mr. Martin, Shondra
13 Lamont Martin, if you're chosen as a juror?

14 JUROR: Yes, sir, I can be fair. Well, being
15 a relative --

16 THE COURT: What does that mean?

17 JUROR: ~~He was a close relative.~~

18 THE COURT: Would that affect your ability to
19 be objective, fair and impartial?

20 JUROR: It shouldn't, no. No.

21 THE COURT: Now, you understand how important
22 it is you put aside anything that you think that
23 you in any way would be affected by your kinship
24 and knowledge of the family, you should let that be
25 known?

1 JUROR: Okay.

2 JUROR: Okay. I prefer not to.

3 THE COURT: Not to?

4 JUROR: Not to serve in this case, where it
5 would be affecting them.

6 MR. JONES: That's sufficient.

7 THE COURT: Very well, thank you. Return to
8 your seat, please.

9 (Bench conference concluded).

10 THE COURT: Her name and number?

11 LAW CLERK: 120, Fonda Martin.

12 THE COURT: Fonda Martin, number 120, is
13 excused for cause.

14 (Bench conference out of the hearing of
15 the jury panel).

16 THE COURT: Your name and juror number,
17 please?

18 JUROR: I'm not sure of my juror number. My
19 name is Travis Nickles.

20 THE COURT: Mr. Nickles, number 138. Yes,
21 sir, Mr. Nickles?

22 JUROR: I just wanted to let it be known I
23 knew of the guy that was killed, I knew him through
24 school, and I just wanted to --

25 THE COURT: That's a proper response, you

1 should do that. That you knew him in whatever
2 capacity, you said through school, maybe you have
3 seen him otherwise?

4 JUROR: Yes, sir.

5 THE COURT: Would that in any way affect or
6 impair your ability to be objective, to be fair and
7 impartial both to the Defendant Shondra Lamont
8 Martin and to the State of South Carolina if you
9 are selected as a trial juror in this case?

10 JUROR: I'll try to be objective to the best
11 of my ability.

12 THE COURT: Well, would it affect in any way
13 your ability to be fair and impartial?

14 JUROR: No, sir.

15 THE COURT: That you knew this person?

16 JUROR: No, sir.

17 THE COURT: Are you sure about that?

18 JUROR: Yes. I just wanted to let it be
19 known I know him.

20 THE COURT: All right, sir. Return to your
21 seat, please. Thank you.

22 (Bench conference concluded).

23 THE COURT: Okay.

24 (Bench conference out of the hearing of
25 the jury panel).

1 JUROR: Number 94, Kevin Kauffman.

2 THE COURT: Yes, sir.

3 JUROR: You said if we know anything. I do
4 remember when it happened, I knew Adarryl McCoppin
5 and I also know, if it's who I think it is, the
6 Christopher Landrum was listed as an accomplice.
7 There is, I have been involved in prison jail
8 service ministry for about the past three years and
9 there is someone who comes to service, his name is
10 Chris and they say that he was involved in that. I
11 don't know that for sure.

12 THE COURT: You will recall on yesterday that
13 you reported your conscientiously held beliefs and
14 that you did not feel that you could be a juror in
15 this or any case, and the Court told you that you
16 would be excused but you have to be here during the
17 course of the trial. That's already been placed on
18 the record and you have been removed from the jury
19 box because of your conscientiously held beliefs
20 that you are not able to be a juror in this or any
21 criminal case, but thank you for reporting this
22 additional information but your name has been
23 removed and you remain under the same requirements
24 of attendance that we talked about on yesterday.
25 Thank you very much. Return to your seat, sir.

1 (Bench conference concluded).

2 (Bench conference out of the hearing of the
3 jury panel)..

4 THE COURT: Say your name and juror number.

5 JUROR: Kim Drafts, number 52. This may not
6 be relevant, I don't know, I went to school with
7 the McCoppins, my husband was raised with some
8 McCoppins, I vaguely recall a couple years ago my
9 husband mentioned that one of the McCoppins was
10 killed but I don't know anything about it.

11 THE COURT: It's proper for you to report
12 that. To the extent that you may know some people
13 named McCoppin or have heard something about this
14 matter, whatever it may have been, could you, if
15 you are selected and seated as a trial juror could
16 you be absolutely fair and impartial both to the
17 Defendant Shondra Lamont Martin and to the State of
18 South Carolina and be completely, absolutely
19 objective and decide the case exclusively upon the
20 evidence that's presented during the course of the
21 trial and upon nothing else whatsoever?

22 JUROR: Yes, sir.

23 THE COURT: You could do that?

24 JUROR: Uh-huh.

25 THE COURT: Thank you very much. Be seated.

1 (Bench conference concluded).

2 THE COURT: Ladies and gentlemen, the State
3 of South Carolina is represented by Solicitor
4 William Townes Jones, IV., who stands and
5 introduces himself to you.

6 MR. JONES: Good morning.

7 THE COURT: He is assisted by Timothy
8 Woolston, Assistant Deputy Solicitor.

9 MR. WOOLSTON: Good morning.

10 THE COURT: The Defendant Shondra Lamont
11 Martin is represented by Benjamin McLain, Esquire,
12 of the Greenville Bar.

13 Is there any member of the jury venire who is
14 acquainted with or related by blood or marriage to
15 either of the attorneys? If so, please stand.

16 Your name and juror number, please, madam?

17 JUROR: Number 126, Cynthia McClinton.

18 THE COURT: Yes, ma'am.

19 JUROR: By marriage to the Solicitor Jones.

20 THE COURT: And what is the relationship?

21 JUROR: Second cousin.

22 THE COURT: Would your having that
23 relationship as you describe it in any way affect
24 or impair your ability to be fair and impartial
25 both to the Defendant Shondra Lamont Martin and to

1 the State of South Carolina were you to be selected
2 as a trial juror in this case?

3 JUROR: No, sir.

4 THE COURT: Your name and number again,
5 please?

6 JUROR: 126.

7 THE COURT: Name?

8 JUROR: Cynthia McClinton.

9 THE COURT: McClinton, number 126. Thank
10 you, madam. Be seated.

11 Yes, sir?

12 JUROR: James Gambrell, number 62. Michael
13 Gambrell, who is an attorney for the Solicitor, is
14 my son.

15 THE COURT: Would your relationship with the
16 Solicitor's office, and that question will follow,
17 you have anticipated it properly, would that
18 relationship with the Solicitor's office through
19 your son's working there in any way impair or
20 affect your ability to be fair and impartial both
21 to the State of South Carolina and to the Defendant
22 Shondra Lamont Martin if you were selected as a
23 trial juror in this case?

24 JUROR: Probably not.

25 THE COURT: Now, we're unable to accept

1 speculation or guesswork. Would you feel
2 comfortable in your ability to be objective, to be
3 fair and to be impartial to both sides and to
4 decide the case only and exclusively upon the
5 evidence that's presented in front of you in this
6 courtroom? Would you be able to do that?

7 JUROR: Yes, sir.

8 THE COURT: Very well, sir. Be seated.

9 (Bench conference concluded).

10 THE COURT: Is there any member of the jury
11 venire who is in any way connected with the
12 Solicitor's office by knowing anyone that works
13 with the Solicitor's office or have any of you ever
14 worked with the Solicitor's office, do you know
15 anyone that works there in any capacity, whether as
16 attorney, clerical or otherwise, do you know, are
17 you connected with or know of anyone that is
18 associated with the Solicitor's office of the
19 Eighth Judicial Circuit in any way whatsoever? If
20 so, please stand.

21 JUROR: Thomas Batts. Jamie Steifle is a
22 member of my church, works with the Solicitor's
23 office.

24 THE COURT: A proper response. Your number
25 is?

1 JUROR: Nine.

2 THE COURT: Yes, sir. Would your knowledge
3 of that individual in any way affect or impair your
4 ability to be fair and impartial both to the
5 Defendant Shondra Lamont Martin and to the State of
6 South Carolina were you to be seated as a trial
7 juror in this case?

8 JUROR: Absolutely not.

9 THE COURT: Thank you, sir. Be seated.
10 Yes, madam, your name and juror number?

11 JUROR: Terri Ray, my number is 153, we are
12 friends with and know Jerry Peace who works with
13 the Solicitor's office, I believe.

14 THE COURT: That's a proper response. Would
15 your knowledge of that individual whom is
16 associated with the Solicitor's office of the
17 Eighth Judicial Circuit in any way affect or impair
18 your ability to be fair and impartial to both
19 parties, both the Defendant Shondra Lamont Martin
20 and the State of South Carolina if you are selected
21 and seated as a juror in this case?

22 JUROR: No, sir.

23 THE COURT: Thank you. Be seated, please.

24 Mr. McLain is assisted by Sonny Sutton. Mr.
25 Sutton, if you would, stand and face the jury.

1 He's also assisted with his paralegal who works
2 closely with him, she is his wife, Sonja Gay. Mrs.
3 McLain, if you would stand, please, and introduce
4 yourself. This is Mrs. McLain, she also is
5 assisting Mr. McLain.

6 Thank you both. Be seated.

7 Is there any member of the jury venire who in
8 any way knows or is associated with either Mr.
9 Sutton or Mrs. McLain or related to either of them
10 by blood or marriage? If so, please stand.

11 There is no response.

12 The defendant Shondra Lamont Martin will
13 please stand and face the jury. This is the
14 defendant here on trial. He introduces himself to
15 you by standing. Thank you, be seated.

16 Is there any member of the jury panel who is
17 related by blood or marriage or who in any way is
18 acquainted with, regardless of how distant, with
19 Shondra Lamont Martin or any member of his family,
20 of whom you may be aware? If so, please stand.

21 There are no responses.

22 The deceased individual is Toriano Adarryl
23 McCoppin. Is there any member of the jury venire
24 who is related by blood or marriage or in any way
25 acquainted with Toriano Adarryl McCoppin or any

1 member of his family of whom you may be aware to
2 any extent at all? If so, please stand.

3 JUROR: ~~I'm a friend of the family.~~

4 THE COURT: Your name, please?

5 JUROR: Jesse Karls.

6 THE CLERK: Number 93.

7 THE COURT: Number 93. Now, you're a friend
8 of the family, you say?

9 JUROR: Yes, sir.

10 THE COURT: Would your relationship as you
11 describe it, would it prohibit your being fair and
12 impartial both to the Defendant Shondra Lamont
13 Martin and to the State of South Carolina were you
14 to be seated as a trial juror in this case?

15 JUROR: No, sir.

16 THE COURT: Thank you. Be seated, please.

17 Now, the next juror has been, has reported
18 privately here and you will be seated, please,
19 ma'am. Thank you.

20 And the next juror also has reported
21 privately. Would you have anything additional?
22 Would you stand back up, please, sir, and say your
23 name and juror number again? This gentleman, yes,
24 sir.

25 JUROR: Travis Nickles, juror number 138.

1 THE COURT: Now, Mr. Juror, you came up and
2 you responded in private, if you will recall, just
3 a few moments ago, and would your answer in any way
4 be different from the answer that you gave
5 previously?

6 JUROR: No, sir.

7 THE COURT: Very well, be seated.

8 Yes, madam?

9 JUROR: Number 53, Rosa Eichelberger, and I
10 just know the family but I don't know anything
11 about the young man.

12 THE COURT: Would your knowledge -- and that
13 would be the family of the deceased person?

14 JUROR: Right.

15 THE COURT: Would your knowledge of the
16 family to the extent that it exists in any way
17 affect or impair your ability to be fair and
18 impartial both to the Defendant Shondra Lamont
19 Martin and to the State of South Carolina were you
20 to be seated as a trial juror in this case?

21 JUROR: No, sir.

22 THE COURT: Thank you, madam. Be seated.

23 Yes, madam?

24 JUROR: Number 170, Peggy Smith. I'm not
25 sure but I think maybe that person was related to a

1 man that worked for my husband a few years ago.

2 THE COURT: That's a proper response. Were
3 the individual to be the same or the family to be
4 the same would that in any way affect or impair
5 your ability to be fair and impartial both to the
6 State of South Carolina and to the Defendant
7 Shondra Lamont Martin were you to be selected and
8 seated as a trial juror in this case?

9 JUROR: It wouldn't.

10 THE COURT: Thank you, be seated. And your
11 name and juror number, please, ma'am?

12 JUROR: Fonda Martin, number 120.

13 THE COURT: And you also came up and spoke to
14 the Court on the record outside the hearing of all
15 others. Would your report now in any way differ
16 from what you said then?

17 JUROR: No, sir.

18 THE COURT: Thank you. Be seated, please.

19 Returning to the attorneys, is there any
20 member of the jury venire who has ever been
21 represented by the Solicitor's office of the Eighth
22 Judicial Circuit or involved in any kind of
23 investigation or criminal matter wherein the
24 Solicitor's office was also involved? If so,
25 please stand.

1 There are no responses.

2 Has any one of you ever been represented by
3 Mr. McLain or anyone of whom you may be aware that
4 he is now or formerly associated? Mr. McLain is
5 not associated with anyone now, are you, Mr.
6 McLain?

7 MR. McLAIN: No, sir.

8 THE COURT: He is a sole practitioner. He in
9 the past may have been associated with others but
10 we won't ask you to name those, but is there any
11 member of the venire who is aware of any business
12 relationship, professional relationship or any
13 relationship that you have ever had with Mr. McLain
14 or anyone with whom he is now or formerly
15 associated? If so, please stand.

16 There are no responses.

17 The next question is the reverse of the
18 previous two questions and it's to be absolutely
19 certain, and the question is, is there any member
20 of the venire who has ever been involved in any
21 kind of circumstance, situation, question or
22 lawsuit wherein the other side was represented by
23 the Solicitor's office of the Eighth Judicial
24 Circuit or by Mr. McLain or anyone with whom he is
25 now or formerly associated? If so, please stand.

1 There are no responses.

2 Has any member of the jury venire or any of
3 your close friends or relatives ever been the
4 victim of a crime? If so, please stand. If you or
5 any of your family or close friends have ever been
6 the victim of a crime please stand.

7 Your name and juror number?

8 JUROR: Bob Finley, number 56.

9 THE COURT: Yes, sir?

10 JUROR: My spouse's brother was killed back
11 in 1987.

12 THE COURT: Would that incident as it were,
13 without going further into it, in any way affect or
14 impair your ability to be a fair and impartial
15 juror both to the State of South Carolina and to
16 the Defendant Shondra Lamont Martin if you were to
17 be selected and seated as a trial juror in this
18 case?

19 JUROR: No, sir.

20 THE COURT: Thank you. Be seated, please.

21 The gentleman on the extreme right?

22 JUROR: Juror number 46, Jerry Dalton. I had
23 a nephew that was shot and killed by one of his
24 close friends in Pickens County.

25 THE COURT: Would that incident as you

1 describe it in any way affect or impair your
2 ability to be fair and impartial both to the
3 Defendant Shondra Lamont Martin and to the State of
4 South Carolina were you to be selected and seated
5 as a trial juror in this case?

6 JUROR: Not at all, sir.

7 THE COURT: Thank you, sir. Be seated.

8 Yes, sir, again your name and juror number?

9 JUROR: Thomas Batts number 9. While living
10 in the State of Florida we had a break-in at our
11 home.

12 THE COURT: A proper response. Would that
13 event or incident in any way affect or impair your
14 ability to be fair and impartial both to the
15 Defendant Shondra Lamont Martin and to the State of
16 South Carolina were you to be selected as a trial
17 juror in this case?

18 JUROR: No, sir.

19 THE COURT: Thank you, sir. Be seated.

20 Yes, madam?

21 JUROR: Patricia Stutler, number 173. We had
22 property stolen out of Anderson County.

23 THE COURT: A proper response, thank you for
24 it. Would that incident in any way affect or
25 impair your ability to be fair and impartial both

1 to the Defendant Shondra Lamont Martin and to the
2 State of South Carolina were you to be selected and
3 seated as a trial juror in this case?

4 JUROR: No, sir.

5 THE COURT: Thank you, madam. Be seated.
6 And the lady who just stood?

7 JUROR: Numbr 98, Brenda Knapp. I was a
8 victim of domestic violence.

9 THE COURT: Would that incident as it were in
10 any way affect or impair your ability to be a fair
11 and impartial juror both to the State of South
12 Carolina and to the Defendant Shondra Lamont Martin
13 were you to be seated as a trial juror in this
14 case?

15 JUROR: No, sir.

16 THE COURT: Thank you, madam. Be seated.
17 Yes, sir, your name and juror number?

18 JUROR: George Mobley, 131. Six years ago my
19 house was broken into and I was robbed, not
20 personally, merchandise.

21 THE COURT: Property of yours was taken?

22 JUROR: Yes, sir.

23 THE COURT: Would that incident as you
24 referred to it and describe it in any way affect or
25 impair your ability to be fair and impartial both

1 to the State of South Carolina and to the Defendant
2 Shondra Lamont Martin if you were selected and
3 seated as a juror, trial juror in this case?

4 JUROR: No, sir.

5 THE COURT: Thank you. Be seated, please.
6 Yes, sir?

7 JUROR: Travis Nickles, juror 138. My home
8 was recently broke into, robbed.

9 THE COURT: Would that incident as you refer
10 to it and describe it in any way affect or impair
11 your ability to be fair and impartial both to the
12 State of South Carolina and to the Defendant
13 Shondra Lamont Martin were you to be selected and
14 seated as a trial juror in this case?

15 JUROR: No, sir.

16 THE COURT: Thank you. Be seated, sir.
17 Yes, sir, your name and juror number?

18 JUROR: Allen Tollison, 182. I had, I
19 believe, a second cousin who served some time for
20 murder with a weapon.

21 THE COURT: Would that circumstance in any
22 way affect or impair your ability to be fair and
23 impartial both to the Defendant Shondra Lamont
24 Martin and to the State of South Carolina were you
25 to be selected and seated as a trial juror in this

1 case?

2 JUROR: No, it would not, Your Honor.

3 THE COURT: Thank you, sir. Be seated, sir.

4 Yes madam?

5 JUROR: Latonya Tucker, 183. My uncle
6 committed murder about nine years ago.

7 THE COURT: What happened?

8 JUROR: He committed murder but --

9 THE COURT: I'm sorry, Miss Tucker, it's
10 difficult to hear you. About nine years ago
11 something happened?

12 JUROR: My uncle James Riley committed
13 murder.

14 THE COURT: Would that event as you refer to
15 it and describe it in any way affect or impair your
16 having the ability to be absolutely fair and
17 impartial both to the Defendant Shondra Lamont
18 Martin and the State of South Carolina were you to
19 be selected and seated as a trial juror in this
20 case?

21 JUROR: No, sir.

22 THE COURT: Thank you, madam. Be seated.

23 The lady on the back?

24 JUROR: Juror number 64, Dale Gilchrist. I
25 had a nephew that served time for murder.

1 THE COURT: Would that circumstance in any
2 way affect or impair your ability to be fair and
3 impartial both to the Defendant Shondra Lamont
4 Martin and to the State of South Carolina were you
5 to be seated as a trial juror in this case?

6 JUROR: No, sir.

7 THE COURT: Thank you, madam. Be seated
8 please.

9 Yes, sir? We'll take the gentleman in the
10 back who has been standing up a long time. Yes,
11 sir, say your name and juror number please.

12 JUROR: Carl Cade, I don't know my number.

13 THE COURT: Just a moment. Number 27.

14 JUROR: December 8th of 2003 my first cousin
15 Deputy Danny Wilson was murdered.

16 THE COURT: Would that event in any way
17 affect or impair your ability to be fair and
18 impartial both to the Defendant Shondra Lamont
19 Martin and to the State of South Carolina were you
20 to be seated as a trial juror in this case?

21 JUROR: No, sir.

22 THE COURT: Thank you, sir. Be seated. This
23 lady, say your name and juror number.

24 JUROR: My name is Mary Cannon, 33.

25 THE COURT: 33. Yes, ma'am?

1 JUROR: We had stuff stolen from our house
2 about ten years ago.

3 THE COURT: Would that event in any way
4 affect or impair your ability to be fair and
5 impartial both to the Defendant Shondra Lamont
6 Martin and to the State of South Carolina were you
7 to be seated as a trial juror in this case?

8 JUROR: No, sir.

9 THE COURT: Thank you. Be seated, please.
10 Members of the venire, do you have, are you
11 or any of your family members or close friends
12 connected with law enforcement in any way? If so,
13 please stand.

14 All right, let's start with the young lady on
15 the front in the dark blouse, your name and juror
16 number?

17 JUROR: 115, Amanda Madden. My brother is a
18 deputy sheriff of Abbeville County.

19 THE COURT: Would your brother's doing that
20 work in any way affect or impair your ability to be
21 fair and impartial both to the State of South
22 Carolina and to the Defendant Shondra Lamont Martin
23 were you to be selected and seated as a trial juror
24 in this case?

25 JUROR: No.

1 THE COURT: Thank you. Be seated, please.

2 Yes, madam?

3 JUROR: Teresa Haddon, number 69. My
4 brother-in-law is a Texas Ranger, of course not
5 from here, and my father-in-law is retired from, I
6 think, the Abbeville Sheriff's Department.

7 THE COURT: Would those relationships as you
8 describe them in any way affect or impair your
9 having the ability to be fair and impartial both to
10 the State of South Carolina and to the Defendant
11 Shondra Lamont Martin were you to be seated as a
12 trial juror in this case?

13 JUROR: Not at all.

14 THE COURT: Thank you very much. Be seated,
15 please, madam.

16 Yes, ma'am?

17 JUROR: My name is Josephine Major, my number
18 is 117. I have a stepson that is Chief of Police
19 in Honea Path, and also a nephew that serves on the
20 Anderson County Sheriff's Department as a deputy.

21 THE COURT: Would those relationships with
22 those relatives in any way affect or impair your
23 having the ability to be fair and impartial both to
24 this Defendant Shondra Lamont Martin and to the
25 State of South Carolina were you to be seated as a

1 trial juror in this case?

2 JUROR: No, sir.

3 THE COURT: Thank you, madam. Be seated,
4 please.

5 Yes, ma'am, the taller of the two ladies in
6 the front?

7 JUROR: Me?

8 THE COURT: Yes, ma'am.

9 JUROR: My name is Miranda Alewine, I'm juror
10 number three, and my husband is a police officer.

11 THE COURT: Would that relationship in any
12 way affect or impair your ability to be fair and
13 impartial both to the Defendant Shondra Lamont
14 Martin and to the State of South Carolina were you
15 to be seated as a trial juror in this case?

16 JUROR: No, sir.

17 THE COURT: Thank you. Be seated, please.

18 Yes, madam?

19 JUROR: My name is Brenda Osborne, my number
20 is 142. My ex-husband is a probation officer.

21 THE COURT: Would your relationship as you
22 describe it in any way affect or impair your
23 ability to be fair and impartial both to the State
24 of South Carolina and to the Defendant Shondra
25 Lamont Martin were you to be seated as a trial

1 juror in this case?

2 JUROR: No, sir.

3 THE COURT: Thank you, madam. Be seated.

4 The lady on the extreme right?

5 JUROR: Yes, sir. My name is Kathy Parker,
6 number 144. My brother-in-law is a deputy sheriff
7 in Anderson County.

8 THE COURT: Would that relationship in any
9 way affect or impair your having the ability to be
10 absolutely fair and impartial both to the State of
11 South Carolina and to the Defendant Shondra Lamont
12 Martin were you to be seated as a trial juror in
13 this case?

14 JUROR: No, sir.

15 THE COURT: Thank you, madam. Be seated.
16 Thank you.

17 Yes, ma'am, your name and juror number?

18 JUROR: 38, Shelley Chrisley. My husband's
19 aunt works in the probation office.

20 THE COURT: Would the relationship that you
21 have just described in any way affect or impair
22 your ability to be fair and impartial both to the
23 State of South Carolina and to the Defendant
24 Shondra Lamont Martin were you to be selected and
25 seated as a trial juror in this case?

1 JUROR: No, sir.

2 THE COURT: Thank you, madam. Be seated.

3 Yes, ma'am, again?

4 JUROR: Terri Ray, number 153. My husband
5 also works in the probation office in Abbeville.

6 THE COURT: Would that relationship in any
7 way affect or impair your ability to be fair and
8 impartial both to the State of South Carolina and
9 to the Defendant Shondra Lamont Martin were you to
10 be seated and selected, selected and seated, excuse
11 me, as a trial juror in this case?

12 JUROR: No, sir.

13 THE COURT: Thank you, madam. Be seated
14 please.

15 Yes, ma'am, the lady behind her?

16 JUROR: Number 25, Shannon Bryant.

17 THE COURT: I'm sorry?

18 JUROR: Shannon Bryant, number 25. I have an
19 uncle works at the prison in McCormick.

20 THE COURT: A proper response, thank you.
21 Would that relationship in any way impair or affect
22 your ability to be fair and impartial both toward
23 the Defendant Shondra Lamont Martin and toward the
24 State of South Carolina were you to be seated as a
25 trial juror in this case?

1 JUROR: No, sir.

2 THE COURT: Thank you. Be seated, please.

3 Yes, sir?

4 JUROR: Daniel Anderson, I don't know my
5 number.

6 THE COURT: Number six. Yes, sir?

7 JUROR: I have an uncle who is a detective in
8 the Las Vegas Police Department.

9 THE COURT: That's a proper response. Would
10 that relationship in any way affect or impair your
11 ability to be fair and impartial both to the
12 Defendant Shondra Lamont Martin and to the State of
13 South Carolina were you to be selected and seated
14 as a trial juror in this case?

15 JUROR: No, sir.

16 THE COURT: Thank you. Be seated, please.

17 The gentleman on the back?

18 JUROR: Douglas Watt, 194. Dawn Smith of the
19 Abbeville Police Department is a longtime family
20 friend.

21 THE COURT: A proper response. Would that
22 relationship in any way affect or impair your
23 ability to be fair and impartial both to the State
24 of South Carolina and to the Defendant Shondra
25 Lamont Martin were you to be selected and seated as

1 a trial juror in this case?

2 JUROR: No, sir.

3 THE COURT: Thank you, sir. Be seated,
4 please.

5 Yes, madam?

6 JUROR: Dale Gilchrist, 64. I have a sister
7 works at the Abbeville Police Department.

8 THE COURT: Would that relationship in any
9 way affect or impair your ability to be fair and
10 impartial both to the Defendant Shondra Lamont
11 Martin and to the State of South Carolina were you
12 to be seated as a trial juror in the case?

13 JUROR: No.

14 THE COURT: The next gentlemen?

15 JUROR: Carl Bennett, juror 146. I'm first
16 cousin to the dispatcher in Abbeville.

17 THE COURT: Would that relationship in any
18 way affect or impair your ability to be fair and
19 impartial both to the State of South Carolina and
20 to the Defendant Shondra Lamont Martin were you to
21 be seated as a trial juror in this case?

22 JUROR: No, sir.

23 THE COURT: Yes, ma'am.

24 JUROR: Willie Walker, 192. I used to work
25 at the prison in McCormick.

1 THE COURT: Wait, remain standing. Would the
2 relationship that you have just referred to in any
3 way affect or impair your ability to be fair and
4 impartial both to the State of South Carolina and
5 to the Defendant Shondra Lamont Martin if you are
6 seated as a trial juror in this case?

7 JUROR: No.

8 THE COURT: Thank you, madam. Be seated.

9 Yes, sir, your name and juror number?

10 JUROR: Number seven, Carroll Ashley. I have
11 a sister works for the prison in Greenwood, my
12 wife's uncle and cousin works for the City of
13 Anderson.

14 THE COURT: Your name and number, sir?

15 JUROR: George Mobley, 131. My first cousin
16 was married to Donald Ouzts, the constable that was
17 killed in January this year.

18 THE COURT: As to each of you, would the
19 circumstances, situations and relationships to
20 which you have just referred in any way affect or
21 impair your abilities to be fair and impartial both
22 to the State of South Carolina and to the Defendant
23 Shondra Lamont Martin were you to be selected and
24 seated as a trial juror in this case?

25 JUROR: No, sir.

1 THE COURT: Thank you, be seated.

2 JUROR: No, sir.

3 THE COURT: Thank you. Be seated, please.

4 Yes, madam?

5 JUROR: Katherine Jackson, number 86. I've
6 got an uncle is a deputy sheriff, and cousin.

7 THE COURT: Would those relationships in any
8 way affect or impair your ability to be fair and
9 impartial both to the Defendant Shondra Lamont
10 Martin and to the State of South Carolina were you
11 to be seated as a trial juror in this case?

12 JUROR: No, sir.

13 THE COURT: Thank you, madam. Be seated.

14 Ladies and gentlemen, the Court will now say
15 to you all of the potential witnesses in the case
16 and tell you ahead of time that both parties in
17 this and every case are required to report to the
18 Court all witnesses who may be called to testify.
19 It does not mean that every witness will be called
20 but contingencies, possibilities, if you will,
21 exist that a witness may or may not be called to
22 testify in any case, but in order for you to be
23 completely apprised of the potential that a witness
24 may be called the Court requires both parties to
25 share with the Court every party that may get on

1 this stand and testify. This doesn't mean that all
2 of this long list of people will testify, they may
3 or may not, but keep in mind whether they will or
4 will not is of no consequence because each of the
5 sides in every case is required to report every
6 witness who may possibly, even if remotely, be
7 called to testify so that you can be asked this
8 question.

9 At the end of this list of potential
10 witnesses you will be asked is any member of the
11 jury venire related by blood or marriage or in any
12 way acquainted with any of the potential witnesses
13 in this case. That will be the question, are any
14 of you related by blood or marriage or in any way
15 acquainted with or know any of the potential
16 witnesses in the case?

17 Now, if any potential witness is present he
18 or she will please stand when your name is called.

19 Here are the persons who may or may not
20 testify in this case. These are the potential
21 witnesses.

22 Lamoncyon Sutton.

23 Johnny McCoppin.

24 Corey Trotter.

25 Mike Rucker with the Abbeville Sheriff's

1 office.

2 Brian Walker with the Abbeville Sheriff's
3 office.

4 Marion Johnson, Abbeville Sheriff's office.
5 He stands in front of you.

6 Brett Baker.

7 Steve Gambrell.

8 David Alford with the Abbeville Sheriff's
9 offers. Come on out a little bit. Mr. Alford is
10 right here, ladies and gentlemen. He identifies
11 himself by standing, the gentleman in the red tie.
12 Thank you, sir.

13 Rosalind Brown. Rosalind Brown stands to
14 your immediate left. Look at her, please. Thank
15 you, madam.

16 Earl Gilliam.

17 Mario Lijoi. Is that a correct
18 pronunciation?

19 MR. WOOLSTON: Yes.

20 MR. JONES: It is, Your Honor.

21 THE COURT: Dr. James Foster.

22 Dr. Brett Woodard.

23 Tabitha Brown.

24 Vello Paavel, spell his last name
25 P-a-a-v-e-l, Paavel. Is that the correct

1 pronounciation?

2 MR. McLAIN: Yes, sir.

3 THE COURT: Vello Paavel.

4 Denise Merritt.

5 Donnie Ashley.

6 Christon Dawkins.

7 J. W. McCoppin. Mr. McCoppin stands, be
8 easy, Mr. McCoppin, you can just wave your stick,
9 just so they know you. This is Mr. McCoppin, J. W.
10 McCoppin.

11 If you need to respond, at this time you
12 don't need to stand, but make a mental note. Both
13 of you, I believe, needn't respond. Say your name
14 and juror number, please.

15 JUROR: I'm Amanda Morton, juror number 133.

16 THE COURT: The Court will defer to Miss
17 Morton's remarks, refer to Miss Morton's remarks as
18 previously placed on the record.

19 Say your name and number, please.

20 JUROR: Fonda Martin, number 120.

21 THE COURT: The Court will refer the record
22 to Miss Martin's prior remarks placed on the record
23 at a previous time.

24 JUROR: Peggy Smith, 170.

25 THE COURT: Yes, ma'am?

1 JUROR: I believe I know Mr. McCoppin.

2 THE COURT: Would your knowing him in
3 whatever capacity you do in any way affect or
4 impair your ability to be fair and impartial both
5 to the State of South Carolina and to the Defendant
6 Shondra Lamont Martin were you to be selected as a
7 trial juror in this case?

8 JUROR: No, it wouldn't.

9 THE COURT: Thank you.

10 Now, that doesn't end the list, ladies and
11 gentlemen. There may be quite a number of you who
12 will stand, and we will try and accomplish that in
13 an organized way.

14 To continue the reading of the list of
15 potential witnesses who may or may not be called,
16 Kathleen McCoppin. She stands to your left up
17 front here. Thank you, madam.

18 Edward Miller, who was an attorney and who is
19 now a Circuit Judge, Edward Miller. He resides in
20 Greenville.

21 Christopher Landrum.

22 Sonny Sutton, who has already stood and
23 identified himself. Go ahead and stand up again,
24 Mr. Sutton, please. Thank you.

25 Tyrone Ramey.

1 Mark Dellinger,

2 M. Perry is a trooper with the South Carolina
3 Highway Patrol but the only way he's identified is
4 by the initial M. Perry. If you know a Trooper
5 Perry, that is in all probability this trooper,
6 Trooper M. Perry.

7 Charles Lomax.

8 N. J. Peluso, spell his last name,
9 P-e-l-u-s-o, N. J. Peluso.

10 D. K. Wilkins.

11 J. R. McClellan.

12 Lieutenant Rucker, that's the only
13 identification the Court has, Lieutenant Rucker.
14 Apparently he is a lieutenant with police or law
15 enforcement. It could be Mike Rucker. Is that the
16 same, one and the same?

17 DEPUTY SHERIFF: Yes.

18 THE COURT: Very well. That refers to
19 Lieutenant Mike Rucker of the Abbeville Sheriff's
20 office whose name has already been said to you.

21 Andi Cooper.

22 Sheila Hanna Wiles.

23 Now, Mr. Simpson, would you come forward and
24 go down about halfway. That's about right. Anyone
25 in front of Mr. Simpson, the row in which he is

1 standing, if you are in front of that row and you
2 need to respond that you are related by blood or
3 marriage or in any way acquainted with any of the
4 witnesses whose names have been said to you please
5 stand now.

6 Now, say your name and number.

7 JUROR: Amanda Morton, juror number 133, and
8 there is another witness on there that I do know.

9 THE COURT: The Court will refer the record
10 to the remarks that you made earlier that were made
11 up here in private and you may be seated.

12 Your name and juror number, please?

13 JUROR: Mary Gable, juror number 61, and I
14 know Steve Gambrell's family.

15 THE COURT: Would your relationship or
16 knowledge of that potential witness such as it may
17 be in any way affect or impair your ability to be
18 fair and impartial both to the Defendant Shondra
19 Lamont Martin and to the State of South Carolina
20 were you to be seated as a trial juror in this
21 case?

22 JUROR: No, sir.

23 THE COURT: Thank you, madam.

24 Yes, sir?

25 JUROR: Travis Nickles, juror 138. I know

1 one of the witnesses.

2 THE COURT: Would your knowledge of that
3 witness -- which witness is it?

4 JUROR: Lamont Sutton.

5 THE COURT: Would your knowledge of the
6 witness in whatever capacity that you know him in
7 any way affect or impair your ability to be fair
8 and impartial both to the State of South Carolina
9 and to the Defendant Shondra Lamont Martin were you
10 to be seated as a trial juror in this case?

11 JUROR: No, sir.

12 THE COURT: Thank you, sir. Be seated.

13 Everyone on the rows behind those just
14 designated by Mr. Simpson, if you are acquainted
15 with in any way any of these witnesses or related
16 to any of them by blood or marriage please stand.

17 Say your name and number, please, madam.

18 JUROR: Fonda Martin, I'm 130.

19 THE COURT: The Court would refer the record
20 to the remarks and comments that you made earlier
21 in private. Thank you and be seated.

22 Your name and juror number, please, sir?

23 JUROR: Number 29, Glenn Caldwell. I'm
24 acquainted with Mr. Johnson and Sheila Hanna Wiles.

25 THE COURT: Would your knowledge and

1 acquaintance with those two potential witnesses in
2 any way affect or impair your ability to be fair
3 and impartial both to the State of South Carolina
4 and to the Defendant Shondra Lamont Martin were you
5 to be seated as a trial juror in this case?

6 JUROR: No, sir.

7 THE COURT: Thank you, sir. Be seated. Yes
8 madam?

9 JUROR: Sheridan Laughlin, 103. I know Mike
10 Rucker and his family.

11 THE COURT: Would your knowledge of that
12 potential witness in any way affect or impair your
13 ability to be fair and impartial both to the
14 Defendant Shondra Lamont Martin and to the State of
15 South Carolina were you to be seated as a trial
16 juror in this case?

17 JUROR: No, sir.

18 THE COURT: Thank you, madam. Be seated.

19 Any further or additional responses? If you
20 know or think you know or think you are related to
21 any of these particular witnesses and haven't
22 responded, let's have it now.

23 There are no additional responses.

24 Is there any member of the jury venire who
25 based upon anything whatsoever has formed or

1 expressed an opinion as to the guilt or as to the
2 innocence of the Defendant Shondra Lamont Martin?
3 If you have, let it be known by standing.

4 There are no responses.

5 Is there any member of the jury venire who is
6 conscious or aware of any interest, any bias or any
7 prejudice for or against the State of South
8 Carolina or for or against the Defendant Shondra
9 Lamont Martin? If so, please stand.

10 There are no responses.

11 Is there any member of the jury venire who
12 feels that he or she would be unable to give both
13 the State of South Carolina and the Defendant
14 Shondra Lamont Martin a fair and impartial trial?
15 This excludes two individuals who needn't stand.

16 Again, is there any member of the venire who
17 feels that he or she, based upon anything
18 whatsoever, would not be able to give both the
19 State of South Carolina and the Defendant Shondra
20 Lamont Martin a fair and impartial trial? If so,
21 please stand.

22 There are no responses.

23 Is there any further or additional inquiry
24 requested of the venire by the defendant?

25 MR. McLAIN: None, Your Honor.

1 THE COURT: Thank you. Any further or
2 additional inquiry requested of the venire by the
3 State?

4 MR. JONES: None, Your Honor.

5 THE COURT: Thank you. Ladies and gentlemen,
6 all of you -- two questions to both parties. All
7 the names are not in sealed capsules -- they are in
8 capsules but the little caps have not been put on.

9 Ladies and gentlemen, our state requires that
10 each of your names be put on a little tiny piece of
11 paper, put in a plastic capsule that's about two
12 inches long with a little silver cap on it, and
13 these names have been put in the little capsules
14 but the little silver cap, I noticed, Miss McMahan,
15 has not been screwed on all of them, maybe some.

16 Two questions to be asked both sides before
17 we commence and give further instructions to our
18 venire. Is there any objection to the jurors'
19 names not being in capsules which are sealed, or
20 any objection to the assistant clerk drawing the
21 names?

22 From the State?

23 MR. JONES: None, Your Honor, to either
24 point.

25 THE COURT: Thank you. From the defense?

1 MR. McLAIN: None, Your Honor.

2 THE COURT: Thank you. Now, Miss McMahan has
3 put all your names in this cigar box, it's a
4 Bittersweets cigar box. Most of the time we have
5 what's called a random roller box, we may even have
6 one around here somewhere, or a bingo box, and it's
7 vigorously turned and you can hear all the capsules
8 turning over, but you're going to see and hear Miss
9 McMahan shake this box vigorously so that you see
10 and hear that.

11 Okay. She has a rubberband around it. She's
12 going to open it up and without looking she's going
13 to pull out a name. When your name is called --
14 Mr. Manning, come on up, please. Mr. Manning will
15 be standing right up here. You will gather your
16 belongings, please, bring your wraps, belongings
17 and purses and other otherwise with you, walk down
18 here to the very middle and face the back of the
19 courtroom where Mr. Simpson is standing. Look out
20 the back window back there.

21 Strikes are five for the State, ten for the
22 defense, and you will be either accepted or you
23 will be excused.

24 Now, if you're accepted it means you are a
25 fair and impartial juror. If you're excused it

1 means you are a fair and impartial juror but the
2 parties are waiting to see if somebody else might
3 be called. The whole objective is to seat a fair
4 and impartial jury, so you are not to be offended
5 if you are accepted or rejected. There is a lot of
6 strategy that goes on, a lot more than this judge
7 ever knew before practicing law for nearly 27
8 years, in selecting a jury.

9 So, if you are excused it should not reflect
10 upon you at all and you or none of the venire
11 should think anything of it because the parties may
12 be using a strike to see if another person may be
13 drawn. That's usually the case. So, it doesn't
14 mean that you're not fair and impartial, it's a
15 strategic move.

16 So, as your names are called come down here
17 and Mr. Manning will give you a nice bright smile,
18 make you feel comfortable and the parties will
19 accept you or they will excuse you, as the case may
20 be.

21 Call the first juror.

22 THE CLERK: Number 161, Kimberly Saylors.

23 What say you for the State?

24 MR. JONES: We accept the juror. Please
25 present Miss Saylors.

1 THE CLERK: What say you for the defense?

2 MR. McLAIN: Excuse the lady, please.

3 THE CLERK: Miss Saylor, you're excused for
4 the trial of this case.

5 Number 14, Charles W. Bowie, Jr.

6 What say you for the State?

7 MR. JONES: We accept the juror. Please
8 present Mr. Bowie.

9 MR. McLAIN: Swear the gentleman, please.

10 THE CLERK: Mr. Bowie, you may take your seat
11 in the jury box.

12 THE COURT: Mr. Manning, direct them, please.

13 THE CLERK: Number 131, George M. Mobley.

14 What say you for the State?

15 MR. JONES: We accept the juror. Please
16 present Mr. Mobley.

17 MR. McLAIN: Excuse the gentleman in this
18 case, please.

19 THE CLERK: You're excused from the trial of
20 this case, Mr. Mobley.

21 110, Fannie L. Link.

22 What say you for the State?

23 MR. JONES: We accept the juror. Please
24 present Mrs. Link.

25 THE CLERK: What say you for the defense?

1 MR. McLAIN: Swear the lady.

2 THE CLERK: Miss Link, you may take your seat
3 in the jury box.

4 Number 86, Katherine Jackson.

5 What say you for the State?

6 MR. JONES: We accept the juror. Please
7 present Miss Jackson.

8 THE CLERK: What say you for the defense?

9 MR. McLAIN: Excuse the lady in this case,
10 please.

11 THE CLERK: You're excused from the trial of
12 this case, Miss Jackson.

13 139, Margaret Norkett.

14 What say you for the State?

15 MR. JONES: We accept the juror. Please
16 present Miss Norkett.

17 THE CLERK: What say you for the defense?

18 MR. McLAIN: Excuse the lady in this case.

19 THE CLERK: 186, Ben Turner.

20 What say you for the State?

21 MR. JONES: We accept the juror. Please
22 present Mr. Turner.

23 THE CLERK: What say you for the defense?

24 MR. McLAIN: Excuse the gentleman in this
25 case, please.

1 THE CLERK: 176, Debra Tedder.

2 What say you for the State?

3 MR. JONES: We accept the juror. Please
4 present Miss Tedder.

5 THE CLERK: What say you for the defense?

6 MR. McLAIN: Excuse the lady in this case,
7 please.

8 THE CLERK: 172, Mary A. Spencer.

9 What say you for the State?

10 MR. JONES: We accept the juror. Please
11 present Miss Spencer.

12 THE CLERK: What say you for the defense?

13 MR. McLAIN: Swear the lady, please.

14 THE CLERK: You may take your seat in the
15 jury box, Miss Spencer.

16 Number 29, Glenn Caldwell.

17 What say you for the State?

18 MR. JONES: We accept the juror. Please
19 present Mr. Caldwell.

20 THE CLERK: What say you for the defense?

21 MR. McLAIN: Swear the gentleman.

22 THE CLERK: You may take your seat in the
23 jury box.

24 149, Raymond J. Pressley.

25 What say you for the State?

1 MR. JONES: We accept the juror. Please
2 present Reverend Pressley.

3 THE CLERK: What say you for the defense?

4 MR. McLAIN: Please swear Reverend Pressley.

5 THE CLERK: Okay, you may take your seat in
6 the jury box.

7 192, Willie M. Walker.

8 What say you for the State?

9 MR. JONES: We accept the juror. Please
10 present Mrs. Walker.

11 THE CLERK: What say you for the defense?

12 MR. McLAIN: Swear the lady, please.

13 THE CLERK: You may take your seat in the
14 jury box.

15 Number 45, Mansfield Creech.

16 What say you for the State?

17 MR. JONES: We accept the juror. Please
18 present Mr. Creech.

19 THE CLERK: What say you for the defense?

20 MR. McLAIN: Please excuse the gentleman in
21 this case.

22 THE CLERK: 113, Mary R. London.

23 What say you for the State?

24 MR. JONES: We accept the juror. Please
25 present Miss London.

1 THE CLERK: What say you for the defense?

2 MR. McLAIN: Swear the lady, please.

3 THE CLERK: You may take your seat in the
4 jury box.

5 194, Douglas Watt.

6 What say you for the State?

7 MR. JONES: Please excuse Mr. Watt from the
8 trial of this case.

9 THE CLERK: You're excused from this trial,
10 Mr. Watt.

11 157, Kenneth Rishert.

12 What say you for the State?

13 MR. JONES: We accept the juror. Please
14 present Mr. Rishert.

15 THE CLERK: What say you for the defense?

16 MR. McLAIN: Excuse the gentleman in this
17 case, please.

18 THE COURT: What was the number of that
19 juror?

20 THE CLERK: 157. 136, Chastity Nelson.

21 What say you for the State?

22 MR. JONES: Beg the Court's indulgence, Your
23 Honor.

24 THE COURT: Take your time, counsel.

25 MR. JONES: We accept the juror. Please

1 present Miss Nelson.

2 THE CLERK: What say you for the defense?

3 MR. McLAIN: Swear the lady, please.

4 THE CLERK: You may take your seat in the
5 jury box.

6 37, Sally Chadwick.

7 What say you for the State?

8 MR. JONES: We accept the juror. Please
9 present Miss Chadwick.

10 THE CLERK: What say you for the defense?

11 MR. McLAIN: Swear the lady, please.

12 THE CLERK: Number 53, Rosa Eichelberger.
13 What say you for the State?

14 MR. JONES: We accept the juror. Please
15 present Miss Eichelberger.

16 THE CLERK: What say you for the defense?

17 MR. McLAIN: Excuse the lady, please.

18 THE CLERK: Number 78, Donna Horne.
19 What say you for the State?

20 MR. JONES: We accept the juror. Please
21 present Miss Horne.

22 THE CLERK: What say you for the defense?

23 MR. McLAIN: Swear the lady, please.

24 THE CLERK: You may take your seat in the
25 jury box.

1 Number 42, Betty Cowan.

2 What say you for the State?

3 MR. JONES: We accept the juror. Please
4 present Mrs. Cowan.

5 THE CLERK: What say you for the defense?

6 MR. McLAIN: Swear the lady, please.

7 THE CLERK: You may take your seat in the
8 jury box.

9 Number 25, Shannon Bryant.

10 What say you for the State?

11 MR. JONES: We accept the juror. Please
12 present Miss Bryant.

13 THE CLERK: What say you for the defense?

14 MR. McLAIN: Swear the lady, please.

15 THE CLERK: You may take your seat in the
16 jury box.

17 THE COURT: That is the jury in chief. We
18 will have two alternates. Strikes will be two for
19 the State, four for the defense.

20 THE CLERK: Number 98, Brenda Knapp.

21 What say you for the State?

22 MR. JONES: We accept the juror. Please
23 present Miss Knapp.

24 THE CLERK: What say you for the defense?

25 MR. McLAIN: Please excuse the lady in this

1 case.

2 THE CLERK: Number 6, Damien Anderson.

3 What say you for the State?

4 MR. JONES: We accept the juror. Please
5 present Mr. Anderson.

6 THE CLERK: What say you for the defense?

7 MR. McLAIN: Please excuse Mr. Anderson in
8 this case.

9 THE CLERK: Number 99, Pamela Land.

10 What say you for the State?

11 MR. JONES: We accept the juror. Please
12 present Miss Land.

13 THE CLERK: What say you for the defense?

14 MR. McLAIN: Please excuse the lady in this
15 case.

16 MR. JONES: Your Honor, may I approach the
17 bench?

18 THE COURT: Yes, sir.

19 MR. JONES: With defense counsel?

20 (Unrecorded bench conference).

21 THE CLERK: Number 33, Mary Cannon.

22 What say you for the State?

23 MR. JONES: We accept Miss Cannon. Please
24 present the juror.

25 THE CLERK: What say you for the defense?

1 MR. McLAIN: Excuse the lady, please.

2 THE CLERK: Number 153, Terri L. Ray.

3 What say you for the State?

4 MR. JONES: We accept the juror. Please
5 present Miss Ray.

6 THE CLERK: What say you for the defense?

7 MR. McLAIN: Swear the lady, please.

8 THE CLERK: Miss Ray, you may take your seat
9 to the left of the jury box.

10 143, Michael Overholt.

11 What say you for the State?

12 MR. JONES: We accept the juror. Please
13 present Mr. Overholt.

14 THE CLERK: What say you for the defense?

15 MR. McLAIN: Swear the gentleman.

16 THE CLERK: Mr. Overholt, you may take your
17 seat to the left of the jury.

18 THE COURT: Thank you, Miss King, Mr.
19 Manning.

20 Ladies and gentlemen of the trial jury, you
21 and I know the bare essentials of the indictment,
22 which is not evidence in this case, so we really
23 don't know anything about the case at all and all
24 of us are in the same boat, so to speak, in that we
25 know what is alleged but we don't have any proof,

1 we don't know what this case is really about at
2 all, so do not talk about the case by, between and
3 among yourselves and go to the jury room
4 temporarily. This will be a very short break.
5 Don't talk about the case at all. You won't be
6 permitted to talk about the case at all until you
7 start deliberating a verdict. Further instructions
8 will be given you momentarily but retire to the
9 jury room.

10 (The jury was excused from the courtroom).

11 THE COURT: Madam Clerk -- do that, then I
12 want to ask you a question.

13 Ladies and gentlemen of the venire, the Court
14 extends its sincere gratitude to you. We have to
15 first ask is there any objection to the selection
16 or compilation of this jury, from the state?

17 MR. JONES: ~~No, Your Honor.~~

18 THE COURT: Any objection to the selection or
19 compilation of this jury, from the defense?

20 MR. McLAIN: ~~None, Your Honor.~~

21 THE COURT: Very well. Ladies and gentlemen
22 of the venire, then turning again to you, the Court
23 extends its sincere and deep gratitude for your
24 patience both yesterday and today and assures you
25 that throughout the time that you have been waiting

1 we have been busy doing things behind the scenes
2 that have to be done in order to prepare a case for
3 trial. Those things take time and they cannot be
4 anticipated, there is no way that they can be
5 anticipated. You should know that we have already
6 had open hearings, we have done a lot of work in
7 open court about this case but sometimes we have to
8 take up matters that inconvenience you, so we ask
9 that you understand that on behalf of both the
10 parties and on behalf of the Court.

11 At this time we will excuse you, ask you to
12 call the call-in number after 6:00 o'clock this
13 evening for instructions.

14 Does anybody not have your call-in number?

15 All right, Mr. Simpson, is the call-in number
16 available downstairs?

17 BAILIFF: Yes, sir, we will give it to them
18 when they come out.

19 THE COURT: There are some extra cards, those
20 of you who do not have them, get them as you go
21 out. And, Mr. Simpson, I hope that didn't hurt
22 your hand, sir?

23 BAILIFF: I lost three fingers.

24 THE COURT: All right. That swinging door is
25 sometimes a danger.

1 But anyway, those of you who don't have your
2 card please get one from the bailiffs, and all of
3 you will please secure and keep that card and call
4 the call-in number after 6:00 o'clock for
5 instructions. It may be for you to call in later,
6 it may be for you to report here. We don't know
7 but you will be told accordingly.

8 Does anyone have any questions, please?

9 All right, all of you are excused, please.
10 Mr. Kauffman, stay with us.

11 BAILIFF: Everybody else on the other side
12 keep your seat. Everybody who is not a juror will
13 remain seated. Sir, remain seated.

14 (The jury panel was excused from the
15 courtroom).

16 THE COURT: Any jurors present? No jurors
17 are present. Anything from the State, please,
18 before we ask this jury out and excuse them for
19 lunch and come back at 2:30 or as soon thereafter
20 as we can? ~~We do have a matter to take up at 2:00~~
21 o'clock, gentleman, it doesn't involve this case,
22 it will be brief. Is Mr. Gambrell here? But
23 anyway, we have a matter that we think we're going
24 to take up at 2:00 o'clock, it should take about 15
25 or 20 minutes. Anything from the State that we

1 need to discuss before we ask the jury out and
2 release them?

3 MR. JONES: No, Your Honor.

4 THE COURT: Thank you, sir. Anything from
5 the defense?

6 MR. McLAIN: No, sir, Your Honor.

7 THE COURT: Thank you. Mr. Gambrell, you
8 will be ready at 2:00 o'clock?

9 MR. GAMBRELL: Yes, sir.

10 THE COURT: Okay. Ask the jury out, please,
11 Mr. Busby.

12 BAILIFF: Judge, you want this young man to
13 stay here now or come back after lunch?

14 THE COURT: Who? Mr. Kauffman, come on in.
15 He's to have a seat, he's to be here at all times.
16 Mr. Kauffman, you will be here at all times that
17 this jury is here, whether they are in the jury
18 room or in the box. You can sit wherever you're
19 comfortable, and the closer you sit the better you
20 can hear.

21 BAILIFF: There is one in the restroom.

22 THE COURT: Very well. They've got time.
23 Close that door. Mr. Kauffman, you understand,
24 now, you are to be here at all times that the Court
25 is in session, not necessarily in session, but when

1 these jurors are here you will be here. There will
2 be times when the jurors are leaving the building
3 and you will leave the building, too, but you don't
4 have to stay here when we're doing motions and
5 doing things that don't require the jurors'
6 presence, but if that jury is either sitting
7 listening to evidence or they are in the jury room
8 waiting for us to get them out you will please be
9 here. Is that clear?

10 JUROR: That is. I'm not sure how I will
11 always know that schedule.

12 THE COURT: If you stay with us you will know
13 that.

14 JUROR: Thank you.

15 THE COURT: Yes, sir. There won't be any
16 difficulty in following the schedule. Thank you,
17 sir.

18 Whenever they're ready, Mr. Busby.

19 (The jury returned to the courtroom
20 at 1:25 p.m.).

21 THE COURT: Ladies and gentlemen, we will
22 take a luncheon recess until 2:45. It's now 1:25.
23 That will give you about an hour and 20 minutes.
24 We like to give you a little bit longer than that
25 but when you come back we'll have opening

1 statements. The Court will have a brief
2 preliminary charge to give to you and then the
3 attorneys will make opening remarks and then we
4 will have the first witness, if we have time, and
5 we hope to have time to get some witnesses up or a
6 witness up to commence the trial of the case.

7 Now, you will tire of these instructions but
8 it is required that the Court give you these
9 instructions every time you are released.

10 ~~Do not discuss this case.~~ Now, at this point
11 you don't know anything about the case other than
12 the bare essential elements and things that are
13 said in the indictment, which are not evidence.
14 That's not evidence of any kind, it doesn't mean
15 anybody has done anything, so you're not to discuss
16 the case, what little you now know. As the case
17 progresses you will know more and more and more
18 about it, and there may be a more difficult
19 requirement for you not to discuss it because the
20 more you know, it's harder for you not to say
21 anything. But you will be on your oath. When you
22 come back you will be sworn as a jury but at this
23 time you are directly ordered, each, every and all
24 of you are ordered not to discuss this case with
25 anyone.

1 If anyone attempts to discuss the case with
2 you it's your responsibility and duty to tell that
3 person that you are a juror and you may not discuss
4 the case with them. If after you alert someone or
5 some persons that you are a juror and that person
6 or persons continue to try to talk to you about
7 this case that should raise an alarm, because
8 that's wrong, that's illegal and that's not
9 permitted, and you should use every reasonable
10 means available to you to find out who that person
11 is, say who are you, what's your name? Get a tag
12 number from any vehicle that they may be driving,
13 riding in or driving. Find out, if you can, who
14 that person is and report it to the bailiff at the
15 door or to the Court Clerk who sits immediately in
16 front of the Court privately, don't share it with
17 anybody, and the Court will take that matter up,
18 investigate it and deal with it, because that would
19 be highly improper.

20 Now, were there to be any media coverage such
21 as newspaper, television or radio of this trial
22 it's your responsibility to disabuse completely any
23 knowledge that you may have. As soon as you
24 realize what you are reading, hearing or seeing has
25 to do with this case ignore it completely and

1 which are photographs of the crime scene, with the
2 exception of one photograph of an Excursion that we
3 purport to be the automobile owned by the defendant
4 at the time this crime was committed, and
5 registered to the defendant at the time this crime
6 was committed. We would ask that they be allowed
7 to be introduced into evidence without objection,
8 at this point in time understanding that the
9 witnesses who could introduce them will also be
10 called to the stand and testify, so they can be
11 referred to prior to the witnesses who come to the
12 stand as to their authenticity.

13 THE COURT: Any objection?

14 MR. McLAIN: No objection, Your Honor, they
15 have been previously provided to me.

16 THE COURT: Very well, they are in evidence.

17 (Diagram of scene was marked and
18 received as State's Exhibit Number 1).

19 (One photograph was marked and received as
20 State's Exhibit Number 2).

21 (One photograph was marked and received as
22 State's Exhibit number 3).

23 (One photograph was marked and received as
24 State's Exhibit Number 4).

25 (One photograph was marked and received as

1 State's Exhibit Number 5).

2 (One photograph was marked and received as
3 State's Exhibit Number 6).

4 (One photograph was marked and received as
5 State's Exhibit Number 7).

6 (One photograph was marked and received as
7 State's Exhibit Number 8).

8 (One photograph was marked and received as
9 State's Exhibit Number 9).

10 (One photograph was marked and received as
11 State's Exhibit Number 10).

12 THE COURT: Anything further from the State?

13 MR. JONES: Your Honor, there has been some
14 mention at some point in time, Deputy Solicitor
15 Woolston insists I bring it to the Court's
16 attention now, ~~about the issue of sequestration.~~ I
17 don't know if defense counsel is going to move to
18 have the witnesses sequestered or not but I suppose
19 if he is we probably need to go ahead and address
20 it at this point in time rather than later.

21 THE COURT: How says the defense?

22 MR. McLAIN: Your Honor, I would move to have
23 the witnesses, of course, the State's witnesses
24 ~~sequestered,~~ particularly the co-defendant,
25 sequestered as far as their testimony.

1 THE COURT: All right. The Court will not
2 sequester the witnesses during opening statements.

3 MR. McLAIN: Yes, sir.

4 THE COURT: ~~But once the testimony commences,~~
5 ~~then both sides will be responsible to be certain~~
6 ~~that their witnesses are sequestered.~~ The State
7 could, as a suggestion, use the area back here or
8 some other area and the defense could use a room up
9 at the front left as you leave the building, where
10 the witnesses would be comfortable. So, we'll talk
11 about that in greater depth but the motion to
12 sequester is granted. And that means for any
13 witnesses who are present, that you will not talk
14 about any testimony that you expect to give or that
15 you have heard any other witness talk about, you
16 will not discuss the case at all with anybody, you
17 will just answer the questions in the courtroom.

18 Anything further, Solicitor?

19 MR. JONES: Your Honor, we would ask that our
20 lead investigating officer, Detective Alford, and
21 the parents of Adarryl McCoppin be allowed to
22 remain in the courtroom even with the prospect they
23 may be called as fact witnesses in the case.

24 THE COURT: The Victim Bill of Rights, as it
25 were, allows the victims to stay, counsel, and it's

1 assumed that you would want your investigator to
2 stay?

3 MR. McLAIN: Yes, sir.

4 THE COURT: The investigator for the State
5 will be permitted, the investigator for the defense
6 will be permitted, and the parents of the victim
7 will be permitted to remain in the courtroom during
8 the course of the trial.

9 Anything further?

10 MR. JONES: No, Your Honor.

11 MR. McLAIN: No, sir.

12 THE COURT: Mr. McLain?

13 MR. McLAIN: ~~No, sir.~~

14 THE COURT: Show the jury in.

15 (The jury returned to the courtroom).

16 THE COURT: Ladies and gentlemen, thank you
17 for your patience. We have been pre-occupied with
18 other important matters, but we often are
19 unexpectedly pre-occupied with things that are
20 unforeseeable and ask you to understand that that
21 is the nature of what we're doing. Now that we
22 have gotten those things done we expect to move
23 along with some rapidity. There may be times that
24 you will be excused, as you already know, for us to
25 take things up outside your presence but those

1 occasions would not require your absence for very
2 long and as a matter of fact sometimes when we,
3 when the motion is made we use it to take a break
4 and we don't expect you just to run in and run out
5 unless we really do know it's going to be short.

6 But we're preparing and beginning the trial
7 of the case of the State of South Carolina versus
8 Shondra Lamont Martin, and the Court will give you
9 a brief preliminary instruction.

10 First, thanking you for your service as
11 jurors and for your service in this particular case
12 as trial jurors. The Court certainly and fully
13 understands that you are here under varying degrees
14 of hardship. It's difficult for you to be here,
15 you would rather be other places and certainly you
16 would rather be working or with your family or
17 doing your hobbies or other things, but we
18 genuinely appreciate your service as jurors.

19 In our system of justice you must understand
20 that the right to a jury trial, the right to a jury
21 trial of one's peers, one's fellow citizens is a
22 valuable, protected and important right. Our
23 constitution guarantees an individual and the State
24 a right to a jury trial in a case like this. You
25 should not hold it against either the State or the

1 defendant that it is you who has been chosen as
2 jurors to be here for this particular case, to be
3 here and listen to and decide the facts in this
4 particular case.

5 You will now be administered an oath.

6 Madam Clerk.

7 THE CLERK: Ladies and gentlemen of the jury,
8 if you will please stand and raise your right hand.

9 You shall well and truly try and true
10 deliverence made between the State of South
11 Carolina and the defendant and a true verdict
12 render in the case according to the law and
13 evidence, so help you God.

14 If you accept this oath please indicate by
15 saying I will.

16 JURORS: I will.

17 THE CLERK: You may be seated, thank you.

18 THE COURT: Ladies and gentlemen, you have
19 just taken an oath to well and truly try this case,
20 and at the conclusion of the trial the Court will
21 charge you, that simply means tell you or instruct
22 you, as to what the law is as it may apply to this
23 case.

24 Now, as aforesaid, the Court knows no more
25 than you do about the case, so what the charge or

1 what the instructions may be depends upon what
2 evidence is revealed during the course of the
3 trial, so the Court will be making notes during the
4 course of the trial, you may make notes if you
5 please but you have to completely and utterly
6 destroy those notes at the end of the trial because
7 each of you is entitled to equal recollection of
8 the facts as you recall them to be and that you
9 made notes may make you a better juror but it also
10 may make your recollection more important or be
11 given more weight because you have written down
12 something. So, the Court will instruct you to
13 dispose of completely and absolutely any notes that
14 you may make because every one of you will listen
15 to the testimony and give due adherence to the
16 evidence that's admitted during the course of the
17 trial.

18 While the jury will decide the facts of the
19 case, the Court is the determiner of the law. You
20 are the judges of the facts. You and you alone
21 will determine the facts and what the truth is in
22 this case. And as judges of the facts you will
23 determine the credibility, that means the
24 believability, of the witnesses who testify before
25 you here on this witness stand. In accordance with

1 your oath you must decide the case only upon the
2 evidence that you hear within the walls of this
3 courtroom and upon nothing else whatsoever.

4 As judge of the law the Court may be called
5 upon from time to time to determine whether
6 evidence is admissible or whether a particular
7 procedure will be followed, or something of that
8 nature, during which period you will be asked to
9 leave the room because we have to decide whether
10 something is proper for the jurors to hear before
11 you hear it, because if we don't do that there
12 could be an error, and these skilled, trained
13 lawyers, they know when they should ask that you be
14 excused from the room because this is the only
15 place that our court reporter has set up his
16 microphones and his equipment so that he can record
17 everything, and so that's why we may excuse you
18 from time to time.

19 Now, evidence. It's important that you
20 understand what evidence is and what it is not.
21 What the Court tells you is not evidence. What the
22 attorneys say in their opening statements, closing
23 remarks, questioning of witnesses and things of
24 that nature is not evidence. Evidence, there are
25 three parts to evidence. The evidence with which

1 we are mostly familiar is the testimony from the
2 lips of witnesses sworn to tell the truth on this
3 witness stand. That's evidence. You see that on
4 television all the time. Pay close attention to
5 what the witnesses say because what the witnesses
6 say is evidence. What the lawyers ask is not
7 evidence. It's what the witnesses say that is
8 evidence and you may give it such weight as you
9 deem it is deserving. You may disbelieve it or
10 believe it.

11 Also evidence is exhibits. Now, exhibits are
12 things that you can feel, look at, inspect, such as
13 pictures, diagrams, things of any nature that may
14 be introduced as evidence in the case, and any
15 evidence that's introduced, you will be permitted
16 to take it into the jury room and use it during
17 your deliberations.

18 Also evidence is any stipulations that may be
19 entered into by the parties. A stipulation is
20 simply a big word that means that the parties have
21 agreed upon a fact. You as fact finders, if a
22 stipulation comes about, that fact can be taken by
23 you as true because the parties have both agreed
24 that fact is true. It will be written down, it
25 will be read to you and you may consider that as

1 evidence.

2 So, recapitulating, evidence is testimony,
3 exhibits and stipulations, if any occur. Nothing
4 else in this trial will be ever considered to be
5 evidence.

6 While the Court will rule upon any questions
7 regarding the admissibility of evidence, you and
8 you alone will determine what weight or importance
9 to give to any admitted evidence. Now, as judges
10 of the facts it's important for you to understand
11 now what the legal yardstick is that you will use
12 in determining this case or in measuring, judging
13 the evidence.

14 In this criminal case the burden of proof is
15 beyond a reasonable doubt. It is upon the State
16 and remains upon the State throughout the trial and
17 until you reach a verdict. The State must prove
18 the guilt of the defendant beyond a reasonable
19 doubt, and it is for you and you alone to determine
20 whether the State has met that burden. We will
21 talk about that in greater depth and length at a
22 later time.

23 The first part of any trial is opening
24 statements. The attorneys will make brief
25 statements to you about the case. The statements,

1 remember, are not evidence. Remember, evidence is
2 testimony, exhibits and stipulations. The
3 attorneys in their opening statements will tell us
4 what this case is about. They will tell you as
5 jurors what they expect the evidence may reveal or
6 not reveal. They will warn you or alert you as to
7 what you should be on the lookout for that they
8 expect may come forward during the course of the
9 trial or expect may not come forward during the
10 course of the trial, and make it more easy for you
11 to understand what is about to occur when the
12 evidence commences to be presented to you.

13 That's the purpose of opening statements, is
14 to give you an idea of what this case is about and
15 what the attorneys who are well versed in the
16 matter expect you to pay close attention to and see
17 if you give it weight or if you don't give it
18 weight, because that's in your province. Behind
19 that bar, we will consider that the bar runs on out
20 to the alternate, behind that bar is the finders of
21 the fact, no one else, no one else on earth can
22 find the facts in this case but this jury.

23 Now, you and I are unlike the attorneys. The
24 attorneys are advocates. They are going to
25 advocate the positions taken by the sides in this

1 case, but you and I are not advocates. You have no
2 enemies to punish and you have no friends to
3 reward. It's your duty and responsibility to find
4 the truth, regardless of what source it may come
5 from. That's your responsibility and that's your
6 oath, to well and truly try this case according to
7 the law and the evidence, so help you God. That's
8 what you're to be doing, and that truth will be
9 reflected in your verdict.

10 The word verdict comes from the Latin term
11 verdicto, which means to speak the truth. That's
12 what verdict means. So, what we're trying here is
13 to find the truth.

14 It's very important that you understand from
15 now until the end of this case that you may not
16 under any circumstances discuss this case at all
17 with anyone, not even by, between and among
18 yourselves nor even your spouse nor your closes
19 friend nor anyone. You can't even tell anybody
20 what this case is about.

21 Now, the Court is alert that that's a high
22 and tough order because human nature being what it
23 is, everybody is going to want to know what you're
24 doing at the court, what kind of case it is, what
25 is it about. They will ask you questions, and we

1 expect them to ask you questions, but you have to
2 say, "I'm a juror and I cannot discuss the case, I
3 can't even tell you what it's about." That's your
4 responsibility. Don't even tell them what it's
5 about because something they may say that may seem
6 very harmless and innocuous to you may,
7 nonetheless, stick in your mind and upset the even
8 level balance that you must keep throughout the
9 trial until the very end when all of you are then
10 able to speak your mind about the evidence in the
11 case. So, we don't want anyone to say anything to
12 you, and in order to do that it's best to say, "I
13 cannot talk about the case."

14 Now, if anyone talked with you, you must
15 first immediately tell them, "Don't talk to me, I'm
16 a juror." If they persist, as you have already
17 been told, if anyone persists in talking with you
18 after you tell that person that you're a juror,
19 then that ought to run up red flags to you, because
20 that's wrong and that's illegal and that person is
21 prying beyond what is permitted and you should use
22 every reasonable measure to find out who that is
23 and report it to one of the bailiffs quietly and
24 without any ado, or to the Court Clerk quietly, and
25 the Court will investigate that and find out why

1 that person persisted in talking to you or trying
2 to talk with you after you told them that you were
3 a juror. That's not permitted.

4 At anytime during the proceedings if any of
5 you cannot see or cannot hear, it's important that
6 you raise your hand, we'll make any adjustments so
7 that everybody can see and hear everything that's
8 going on. There may be displays, there may be
9 demonstrative evidence, demonstrations, if you
10 will, either by pictures or otherwise, but if you
11 can't see it, if you can't hear a witness, if you
12 can't hear somebody or can't see, you must let that
13 be known because it's important that all of you
14 hear and see everything.

15 Another interesting thing our Supreme Court
16 has spoken to on not too remote in time, you must
17 all stay awake. Now, that sounds a little bit
18 funny but after lunch we get a little bit drowsy,
19 it's easy to get a little bit drowsy, and it's easy
20 for this judge to get a little drowsy after lunch,
21 but you will see the Court will be surveilling you
22 and watching you. The Court will not embarrass
23 anyone but if it appears that someone is beyond
24 their ability to remain alert we'll take what is
25 known in baseball as a seventh inning stretch.

1 We'll stand up and we'll have a stretch, talk to
2 each other for a few minutes about anything in the
3 world but the case, but we'll at least regain our
4 attentive abilities.

5 Now, that sounds funny but the Supreme Court
6 had a case where apparently a juror went to sleep,
7 and I don't remember exactly whether it was a civil
8 case or a criminal case, but the Supreme Court said
9 that you cannot sleep, all of you have to stay
10 awake, and there was a case, some of the people may
11 remember, about a judge who went to sleep one time.
12 He said he didn't remember going to sleep but he
13 remembered waking up.

14 But at any rate, don't discuss the case and
15 don't allow anyone to discuss the case with you
16 under any circumstances.

17 We have already discussed the times that we
18 will try to adhere to. We will try to give you
19 sufficient time at the lunch period to go home and
20 have your lunch if you live close by some way.
21 That will save you buying your lunch anywhere. We
22 try to give you enough time to relax your minds and
23 go home and eat if you care to or to have not a
24 hurried meal. Sometimes we don't have that leisure
25 and we have to shorten or curtail the lunchtime

1 because, as you already know, we have people coming
2 from far away, sometimes they need to get their
3 testimony before you and leave as soon as possible.
4 That happens from time to time. But we'll do
5 everything we can to facilitate that.

6 Now, this judge does not appoint a
7 foreperson. A foreperson is the individual among
8 you, and the alternates are not eligible to be a
9 foreperson, but a foreperson is the individual
10 among the jurors in chief, that's the twelve of you
11 who were chosen in chief, and if one of you were to
12 have an unforeseeable accident, as we might have
13 already almost had, forbid that, please, or
14 something, then one of the, that's a reason for
15 alternates, but it's expected that all twelve of
16 you will serve throughout and that you will choose
17 from your number a foreperson who has no more say
18 so nor authority than anybody else on the jury, and
19 Madam Clerk, where does the foreperson sit in this
20 courtroom?

21 THE CLERK: In the seat right here on the
22 left.

23 THE COURT: Sit in the right front seat, the
24 foreperson will sit in the right front seat. Now,
25 take your time, get to know each other and decide

1 upon a foreperson when you feel comfortable. There
2 is no rush but you should not not do it for any
3 reason, it should be done in due time with an
4 attentive nature to whom among you you feel
5 comfortable in supervising your deliberations and
6 communicating on your behalf with the Court. That
7 person will write anything to the Court.

8 Everything that, every communication we have from
9 now on will be in writing because this is a court
10 of record, as you know, and if you need to
11 communicate with the Court you will need to get a
12 foreperson because that's the person who will do
13 the written communication and the Court will
14 respond in writing and then ask you to hand that
15 out to the bailiff and it will be handed to the
16 court reporter and marked as a Court's exhibit so
17 that anybody can see what communication has taken
18 place between the Court and the jury.

19 Now, sometimes an individual juror will have
20 a concern about a matter. If that were to happen
21 you write your note, don't share it with anyone,
22 hand it to the bailiff, the bailiff will hand it to
23 the clerk who will hand it to the Court, the Court
24 will read it and do one of two things. Either
25 respond to you individually in writing and ask you

1 not to share that with anyone at all, or ask that
2 individual juror out into the courtroom and discuss
3 the concern or situation with that juror. But
4 don't tell anybody about it, it's nobody else's
5 business but yours if it is an individual
6 communication. But your foreperson will
7 communicate with you as a body, as a jury.

8 When you do select a foreperson write the
9 person's name on a piece of paper, and there will
10 be paper and pencil back in the jury room for you,
11 write it on a piece of paper, put foreperson
12 underneath it and their juror number, their name,
13 foreperson and juror number. That will be handed
14 to the court reporter and marked as a Court's
15 exhibit.

16 Thank you very much, ladies and gentlemen,
17 for your attention to these preliminary remarks.
18 This is an important case. This case is important
19 to the State of South Carolina, this case is
20 important to the Defendant Shondra Lamont Martin.
21 Each is entitled to a fair and impartial trial at
22 your hands.

23 We will now have opening statements.
24 Solicitor, the jury is with you.

25 MR. JONES: It was midnight and it was dark.

1 It's midnight and it's dark on this July the 29th
2 evening here in Abbeville County, 2001, but it was
3 going to get even darker. As the minutes ticked
4 away past midnight it got darker and darker for
5 Adarryl McCoppin. He didn't know, he didn't know
6 that he was living the last minutes of his life
7 when he was there socially with his uncle and
8 friends. He didn't know that when he got on his
9 motorcycle to leave and go home to see his parents,
10 that he wouldn't get there. He didn't know that in
11 the darkness on this night, in the woods around the
12 home of Lamoncyon Sutton was this defendant. He
13 didn't know that. He didn't know this defendant
14 with his partner in crime, Chris Landrum, had come
15 there to rob Lamoncyon Sutton and that they had
16 parked, parked their Excursion, their white
17 Excursion down the road and had come up through the
18 woods out where Lamoncyon lived on
19 stalking their victims. He didn't know that as he
20 left there he would literally feel his heartbeat
21 for the last time, take his last breaths in the
22 arms of his uncle and EMS personnel because of this
23 defendant and his greed and his malice and his
24 meanness. Adarryl McCoppin didn't know he wouldn't
25 get back to see his parents, he had no idea, had no

1 idea that on this warm July night in the darkness
2 ~~were his murderers, the thieves.~~

3 And with witnesses and evidence we will
4 attempt to show and prove to you that he did get on
5 his motorcycle, Adarryl, and he was going home, and
6 he got to the end of the road where Lamoncyon and
7 his uncle Johnny had been, saw this Excursion
8 parked down there. Johnny McCoppin had left the
9 social gathering and was going home himself and saw
10 this Excursion, this vehicle, "What's it doing down
11 here," because, you see, I don't know if you're
12 familiar with but let me try to
13 give you a location here.

14 If you are leaving Abbeville and going toward
15 Anderson on 28 highway, you know, going out, going
16 north from Abbeville town square, going out 28, you
17 go about 12 or 14 miles and there is a store on the
18 right there, ~~it's the Crawford Store~~ Crawford's
19 Grocery Store. And just as you get to Crawford's
20 you can veer to the left there on Highway 184,
21 which takes you to Iva and Lake Secession. And you
22 go up Highway 184 about two miles and you come to
23 Stone Hollow Road and you take a left, okay, on
24 Stone Hollow Road and go about a quarter mile and
25 then you take a right, and that's A-Frame Road, and

1 you're getting into a fairly heavily wooded rural
2 residential area of Abbeville County. That's where
3 they were. And Lamoncyon Sutton's home is a good
4 hundred yards from the paved road, A-Frame Road,

5
6 And they had parked that vehicle out there
7 and had walked up into the woods stalking their
8 intended robbery victim. They went there to rob
9 Lamoncyon Sutton. Well, when Johnny McCoppin saw
10 that car he says, "What's it doing, whose is that?
11 They're not at our party."

12 So, he went back to tell his friend
13 Lamoncyon, "There's a big old Excursion down there,
14 you got to go see about that." So, they got in
15 Johnny's car and drove down there and they were
16 looking at it. They can't figure out, "Locked,
17 what's going on? Let's go back and get a
18 flashlight and some protection."

19 So, on the way back up they see Adarryl,
20 Adarryl McCoppin, he's on his motorcycle leaving.
21 They say, Adarryl, stay right here and take a
22 look-out on this thing until we get back. Do you
23 mind?" And he was shining his motorcycle light on
24 it and he was looking at it. And that's when,
25 that's when this defendant and his partner in crime

1 come out of the woods, and they cut Adarryl, cut on
2 his hand, they cut on his arm, and then they shoot
3 him twice, they shoot him once here and once down
4 here. He makes it off in the woods before he gets
5 shot again, the third shot was fired, but he's off
6 in the woods before he gets shot again.

7 What do they do? They get in the car and
8 leave. They leave. They leave Adarryl laying in
9 the ditch. What does he do? He starts crawling
10 back up to his uncle's house, leaving a trail of
11 blood along the way, and meets, and meets his uncle
12 Johnny McCoppin and Lamoneyon, and they try to save
13 him.

14 This bullet here severed what is called a
15 femoral artery, it's one of the biggest veins
16 you've got running in your body, and it pumps blood
17 like a spout. Every time your heart pumps blood in
18 your body, if there is a hole in your femoral
19 artery it comes out like a spout. And all the
20 blood in his body was pumped out from that gunshot
21 wound before they could get him to the hospital, in
22 a matter of minutes, in a matter of minutes on that
23 very dark, dark, dark July evening.

24 It was dark but it was made darker because of
25 greed and because of meanness and because of

1 malice. And I submit to you more than enough proof
2 will be submitted to you from this witness stand
3 that will enable you to render, to render a verdict
4 of guilty of murder, attempted armed robbery, and
5 the commission of a violent crime while in the
6 possession of a firearm and a knife, and I submit
7 to you those verdicts will be proper and some
8 measure of justice for a mother and a father who
9 will never see their only son again.

10 THE COURT: Mr. McLain, the jurors are with
11 you.

12 MR. McLAIN: May it please the Court, Your
13 Honor.

14 THE COURT: Mr. McLain.

15 MR. McLAIN: Ladies and gentlemen of the
16 jury, my name is Ben McLain, I'm from Greenville,
17 South Carolina and my father was born in Abbeville
18 in 1912, so this is kind of like coming home to me.

19 My wife is here, Sonja Gay McLain, easy to
20 remember. My client is seated between her and Mr.
21 Sonny Sutton, who has been in law enforcement for a
22 few years, Mr. Shondra Martin, my client, the
23 defendant, is seated between the two.

24 Now, let's get down to the facts of the case
25 and what really happened. On July the 29th, 2001,

1 in the early hours of the morning the deceased went
2 to visit his relative Mr. Sutton, AKA Heavy D, a
3 known drug dealer who was having a party at the
4 time where other people were there who were not of
5 greatest character and apparently, as the Solicitor
6 said, there was a car parked on the side of the
7 road down by the woods at the end of the road,
8 meaning the driveway. The driveway itself is some
9 120 something feet, yards, a long way down there on
10 A-Frame Road.

11 And according to the facts as we intend to
12 prove them to you, what really occurred was that
13 someone was there in the woods, apparently maybe
14 leaving the party. The deceased apparently found
15 them as he was leaving on his motorcycle, an
16 altercation ensued, the deceased was shot in the
17 ankle and he was shot in the left leg.

18 Now, my client allegedly conspired with Mr.
19 Christopher Landrum and Miss Rosiland Brown to go
20 down and rob Heavy D, Mr. Sutton, and this wasn't
21 his first time around the block as far as robbery.
22 Then Mr. Johnny McCoppin and the other people there
23 went down to check and see why this Ford Excursion
24 or whatever vehicle was parked there on the road
25 locked. They went to go get their flashlights and

1 guns, or gun.

2 The deceased, who weighed some close to 300
3 pounds, according to the facts that were given to
4 me by the Solicitor in discovery, came down on his
5 Ninji motorcycle at that time, he was parked there.
6 There was cuts, I'm told, on his hands, he was shot
7 in the ankle and in the leg.

8 At that time Mr. Johnny McCoppin took the
9 deceased in a vehicle, not to the Abbeville
10 Hospital, he didn't even take the road straightest
11 to the Anderson Hospital or Medical Center, he took
12 the back road to the Anderson Medical Center. At
13 that time he was stopped by the Highway Patrol for
14 speeding or erratic driving, speeding, I believe as
15 the story goes, and was detained for quite some
16 time.

17 The Highway Patrolman then radioed in to one
18 law enforcement agency, another call was made to
19 dispatch another law enforcement agency, ambulances
20 were dispatched to the scene. Keep in mind the
21 whole time the Highway Patrol is detaining Mr.
22 McCoppin with the deceased who at the time is
23 lucid, talking with the Highway Patrolman,
24 everything was fine, they are on their way to the
25 hospital but stopped by the Highway Patrol.

1 Despite being notified to release the
2 vehicle, that wasn't done, the ambulances were sent
3 there, we have a tape, by the way, for you all to
4 listen to, the ambulances were dispatched there,
5 ~~Mr. McCoppin was still lucid, talking to everybody.~~
6 By the time they get him to the emergency room in
7 Anderson he's still talking and lucid to everybody
8 and, according to the information afforded to us in
9 discovery and according to doctor's testimony, was
10 combative in the emergency room, and because of the
11 ~~length of time that he was there and was detained~~
12 ~~he literally bled to death.~~

13 In fact, and I mean no offense to the family
14 of the deceased, they have filed a civil lawsuit in
15 state court and a civil lawsuit in federal court in
16 Anderson County alleging that the proximate cause
17 ~~of Mr. McCoppin's death was the negligence of the~~
18 ~~Highway Patrol.~~ So, today and tomorrow, ever how
19 long it takes, it is not a question of just who
20 killed the victim, but what killed this victim.
21 There is no gun, there was never any gun found.
22 There were three casings that were found, nine
23 millimeter casings, and apparently the deceased was
24 shot twice in the leg with a nine millimeter
25 semiautomatic.

1 Now, you have to remember first of all the
2 Solicitor has to prove beyond all reasonable doubt
3 that my client, my client right there shot Mr.
4 McCoppin, beyond all reasonable doubt. He has to
5 prove that that caused his death beyond all
6 reasonable doubt. He has to prove that he was the
7 trigger man --

8 MR. JONES: Your Honor --

9 MR. McLAIN: -- beyond all reasonable doubt.

10 THE COURT: Just a moment.

11 MR. JONES: I would like to lodge an
12 objection, I will address the Court.

13 THE COURT: Sustained.

14 MR. JONES: It's a misstatement of the law.

15 THE COURT: The objection is sustained. The
16 allegation, you are familiar with the allegation,
17 counsel.

18 MR. McLAIN: All right. He has to prove that
19 my client is guilty, I'm sorry, Your Honor, he has
20 to prove that my client is guilty of the charges
21 beyond all reasonable doubt, and the charges are
22 that he conspired with Miss Brown, that he
23 conspired with Christopher Landrum, that he
24 conspired to go down there to, to commit armed
25 robbery and to murder this gentleman. There is not

1 enough evidence to prove beyond all reasonable
2 doubt, you never even get close with the evidence
3 that the State is going to try to submit or will
4 submit to you to prove beyond all reasonable doubt
5 that my client is guilty of the charges with which
6 he is charged.

7 Now, if I place myself in a position where I
8 ~~know that somebody is a heavy duty drug dealer~~, in
9 the early hours of the morning, then I have assumed
10 the risk of certain things. I have taken a
11 voluntary risk that something might happen to me.
12 This was an unfortunate thing or unblessed thing to
13 happen, that Mr. McCoppin died. It was a bad thing
14 that he was shot. It is always a bad thing when
15 somebody dies, especially a young man or a young
16 lady who has not fulfilled all their lives and
17 lived a long life.

18 But number one, what was the deceased doing?
19 Number two, who really killed him? Number three,
20 what killed him? I don't have to and my client
21 does not have to prove that. The solicitor has to
22 prove that. He doesn't have to prove that by a
23 preponderance of the evidence as in a civil case.
24 In a civil case the burden is by a preponderance of
25 the evidence, and the judge often instructs a jury

1 these schematic drawings, the little flags that
2 they put out or that type thing where the blood
3 stains are, they never thought about that until
4 long after the deceased had expired because nobody
5 expected him to die. In fact, he was still alive
6 when he got to the hospital, when they finally got
7 him to the hospital. After he was taken to the
8 wrong hospital by the wrong road, pulled over by
9 the Highway Patrol and detained for an unreasonable
10 amount of time, he got to the hospital, he was
11 still lucid enough to be combative, and then he
12 expired. It's not a conspiracy case, it's not an
13 armed robbery case. What was taken? The State
14 doesn't have any proof that anything was taken.
15 None of these things was collected until long after
16 the gentleman was dead, because nobody expected him
17 to die, and if you don't expect one to die you
18 don't go murder somebody.

19 The State has the right string but the wrong
20 yoyo, to put it quite bluntly. Everybody wants to
21 point their finger at Mr. Shondra Martin right
22 there and say he did it, he's the culprit, let's
23 get him, let's charge him with murder, let's charge
24 him with conspiracy, let's charge him with
25 commission of a crime with a knife or a gun, let's

1 charge him with everything, let's heap it all on
2 him, it's all his fault, nobody else had any fault
3 at all, he did it.

4 And, yet, the co-defendants here who have
5 come to testify, Mr. Christopher Landrum, Miss
6 Rosiland Brown, and we'll get to that later, Heavy
7 D was brought here from jail to testify, who was
8 the gentleman having the party at the time, but
9 they all want to put it on him, Mr. Martin, nobody
10 had any guilt in anything except Mr. Martin, and
11 they want you to believe that beyond all reasonable
12 doubt. They have to prove beyond all reasonable
13 doubt that he is the culprit, he did it all, he's
14 the man on trial today for the crime. And I submit
15 to you that when you hear all the evidence in this
16 case, circumstantial or not, you will have more
17 than a reasonable doubt, not just a reasonable
18 doubt, but you're going to have more than a
19 reasonable doubt in your mind, as I do in mind,
20 when you hear it all you're going to have more than
21 a reasonable doubt as to who committed the alleged
22 crime, and these are still alleged crimes. They
23 not only have to prove who committed the alleged
24 crime, but they have to meet the elements of the
25 crimes themselves.

1 And His Honor, after you hear all the
2 testimony and you see all the evidence in this
3 case, is going to instruct you as to what the
4 elements of those crimes are and the State has the
5 burden of proving those things, and that the State
6 also has the burden of proving beyond all
7 reasonable doubt that my client Mr. Shondra Martin
8 is a man who is guilty of those crimes. All that
9 my client asks of you and all that I ask of you is
10 to listen to all the testimony, put it all together
11 yourselves in your own mind, search your heart,
12 search your soul and decide is Mr. Martin guilty of
13 these crimes beyond all reasonable doubt.

14 Thank you.

15 THE COURT: How long will your first witness
16 be, approximately?

17 MR. JONES: Well, Your Honor, it would be
18 difficult to say. I do have one witness that
19 should not take more than 15 or 20 minutes I would
20 like to call out of order. That witness has a wife
21 who's having some pretty significant surgery
22 tomorrow morning in Charleston and would not be
23 available tomorrow and possibly the next day, so I
24 would like to call that witness out of order, but
25 before I call that witness, Your Honor, I do have a

1 matter for the Court I would like to take up
2 outside the presence of this jury.

3 THE COURT: Very well. Ladies and gentlemen,
4 do not discuss the case by, between and among
5 yourselves and retire to the jury room.

6 (The jury was excused from the courtroom).

7 THE COURT: For the benefit of the State and
8 the defense, we will run until about 6:30 if that's
9 convenient. I just ask, the reason for the asking
10 was to determine if you needed to take a break now
11 or later.

12 You had something to take up, Solicitor?

13 MR. JONES: Yes, Your Honor. I would
14 respectfully ask the Court to consider the need for
15 an instruction to this jury that the State is not
16 required to prove that the defendant in this case
17 was the trigger man as I believe Mr. McLain termed
18 it, and before that he said was the shooter, was
19 actually, said he's got to prove that he actually
20 shot the victim, and, Judge, under the law of
21 aiding and abetting, as he's charged in the murder
22 count, the State is not required to prove that he
23 was the trigger man or that he was the shooter, and
24 he made that statement. It's a complete
25 misstatement of the law as I understand it, I'm not

1 going to ask you to charge them at this point the
2 law of aiding and abetting and the hand of one is
3 the hand of the other, presence at the scene of a
4 crime, but I do think that, you know, I objected,
5 you sustained it, but they have in their mind now a
6 perception based on what he said. They don't know
7 exactly what I objected to. I mean, I objected,
8 you know, I said it's a misstatement of the law but
9 it could have been any statement that he made, made
10 a sentence or two before or right at that time, and
11 I do believe that he was able to emphasize on two
12 separate occasions that the State was required to
13 prove that his client was the trigger man or that
14 his client actually shot him, for him to be guilty
15 of murder. And that's not the law and I would ask
16 you to charge them that the State is not required
17 to prove that he was the shooter or that he was the
18 trigger man. I believe those are the terms that he
19 used.

20 For him to have made that statement at this
21 juncture, a complete misstatement of the law, for
22 them to carry it through the course of this trial,
23 in their mind believing that we're required to
24 prove under the law, you know, you're the man. If
25 he wants to venture into discussing what the law is

1 he needs to get it right, okay, and if he's going
2 to stand up there and make complete misstatements
3 of the law, then we're asking you and believe that
4 you need to set the record straight as far as the
5 law is concerned.

6 THE COURT: Thank you, Solicitor. Mr.
7 McLain?

8 MR. McLAIN: May it please the Court.

9 THE COURT: Mr. McLain.

10 MR. McLAIN: I think if the Solicitor is
11 correct, and I agree that the hand of one is the
12 hand of all, I think that will be taken care of in
13 your jury instructions. They have to prove, the
14 State has to prove, if they are going to try to
15 convict my client of felony murder, they're going
16 to have to prove that he took part in it. And as
17 he said, you are the giver of the law, Your Honor,
18 and in your instructions I'm sure you're going to
19 tell them that the hand of one is the hand of all.
20 So, if I made any mistake, as the Solicitor said,
21 I'm sure that can be cured by any curative
22 instruction.

23 THE COURT: Thank you, Mr. McLain. It is
24 true, however, that you on two occasions touched on
25 the necessity of the State to prove beyond, as you

1 said, all reasonable doubt. The Court will say
2 beyond a reasonable doubt that your client actually
3 fired the shot or intended to kill the deceased.
4 The court will give a preliminary and cautionary
5 instruction to cure any misapprehension that may
6 have arisen as a result of that. It will be very
7 brief but that will not lessen the burden of proof
8 that remains upon the State to prove the guilt of
9 the defendant beyond a reasonable doubt of the
10 charges contained in the indictment.

11 MR. McLAIN: May I be heard, Your Honor?

12 THE COURT: You may.

13 MR. McLAIN: May it please the Court, when
14 you give that instruction, Your Honor, I would ask
15 that you also give the latter part of the
16 instruction you just gave us, that the burden of
17 proof is still on the State to prove beyond a
18 reasonable doubt --

19 THE COURT: That part of the preliminary
20 charge will be repeated. There is no, let there be
21 no doubt about it this jury will know whose burden
22 it is to prove the guilt of the defendant beyond a
23 reasonable doubt.

24 MR. McLAIN: Yes, sir, and the elements of
25 the crime.

1 THE COURT: The elements of the crime will
2 come later.

3 MR. McLAIN: Yes, sir.

4 THE COURT: But they will be instructed as
5 well, but in order that there be no misconception
6 from the onset because of a perhaps inadvertent
7 statement that you may have made, we'll correct
8 that.

9 MR. McLAIN: ~~Thank you, Your Honor.~~

10 THE COURT: Thank you.

11 MR. McLAIN: Just so they still know that the
12 burden of proof is on the state.

13 THE COURT: Yes, sir. Anything further from
14 the State?

15 MR. JONES: No, Your Honor.

16 THE COURT: Anything from the defense? We
17 will take a few minutes.

18 MR. McLAIN: ~~None, Your Honor.~~

19 THE COURT: We're going to be at ease,
20 please, just a few minutes before we commence.

21 (Recessed at 5:00 o'clock p.m.).

22 (Reconvened at 5:33 p.m.).

23 THE COURT: The record is open. The State of
24 South Carolina versus Shondra Lamont Martin,
25 indictment number 2002-192. Is there anything from

1 the State before the jurors come out, Solicitor?

2 MR. JONES: Only to inquire, Your Honor, do
3 you intend to provide this jury with a curative
4 instruction as to the law of whether someone,
5 whether the State has to prove a defendant charged
6 with murder to be the trigger man or the shooter?
7 Were you going to address that or leave it be?

8 THE COURT: It was anticipated that they
9 would be told that mere presence is, or prior
10 knowledge is not sufficient but that when two or
11 more persons act in pursuance of a common design to
12 commit an unlawful act, set out together to commit
13 a crime and each takes a part agreed upon or
14 assigned to him and one or more of them commit the
15 act or part agreed upon or assigned to him and one
16 or more of them commit the act or one or more of
17 them watch from proper distances and stations to
18 prevent interference or surprise or to encourage
19 the commission of the unlawful act or to favor, if
20 necessary, the escape of those immediately engaged
21 in the commission of the unlawful act, under these
22 circumstances if the unlawful act is committed the
23 act of one is the act of all and all are guilty.
24 However, the burden remains upon the State
25 throughout the trial to prove the defendant's guilt

1 beyond a reasonable doubt.

2 MR. JONES: Thank you.

3 THE COURT: Is that sufficient?

4 MR. JONES: It certainly is, the charge
5 itself, but that would dissuade them from any
6 presumption that may have been planted by an
7 inadvertent, if it were, statement by counsel in
8 his opening concerning the necessity for the State
9 to actually prove the shooter, as it were.

10 Thank you, Your Honor.

11 THE COURT: Anything from the defense?

12 MR. McLAIN: No, sir.

13 THE COURT: Do you have any -- excuse me just
14 a minute, Mr. Busby. Do you have any objection to
15 what was just stated that this jury would be told
16 in a curative measure?

17 MR. McLAIN: No, Your Honor.

18 THE COURT: Very well. Show the jury in, Mr.
19 Busby.

20 (The jury returned to the courtroom).

21 THE COURT: Ladies and gentlemen of the jury,
22 you are instructed that prior knowledge itself that
23 a crime may or is going to be committed, without
24 anything else shown, is not sufficient to make a
25 person guilty of that crime. However, if two or

1 more persons in pursuance of a common design and
2 intent to commit an unlawful act set out together
3 and each takes the part agreed upon or assigned to
4 him or her, and one or more of them commits the act
5 and one or more of them goes out to watch out at
6 proper distances and stations to prevent
7 interference or surprise or to encourage the
8 commission of the unlawful act or to favor, if
9 necessary, the escape of those immediately engaged
10 in the commission of the unlawful act, under these
11 circumstances, if the unlawful act is committed,
12 then the act of one is the act of all and all are
13 guilty.

14 The matter lies with the State. Call your
15 first witness.

16 MR. JONES: If it please the Court Your
17 Honor, we call Corey Trotter to the stand.

18 THE COURT: Before the swearing of the
19 witness, Mr. Witness, remain there, please.

20 To continue something in addition to what you
21 were just instructed, the burden of proof remains
22 with the State and is upon the State throughout the
23 trial to prove the defendant's guilt beyond a
24 reasonable doubt.

25 Now, Mr. Witness, come up and be sworn.

1 THE CLERK: Raise your right hand, put your
2 left on the Bible.

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COREY TROTTER - DIRECT

1 ~~COREY MICHAEL TROTTER,~~
2 after being first duly sworn testified as follows:

3 THE CLERK: Be seated.

4 THE COURT: You may examine.

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. JONES:

7 Q Please state your name for the record.

8 A Corey Michael Trotter.

9 Q Mr. Trotter, what type work do you do?

10 A ~~I'm a paramedic.~~

11 Q And who do you work for?

12 A Currently I work for Spartanburg EMS but I
13 was working for the Anderson MedShore.

14 Q All right. I'm going to ask you if you were
15 working for them on July 29th of the year 2001?

16 A Yes, sir.

17 Q And do you recall responding to a call the
18 early morning hours of that date, between 12:00
19 o'clock and 1:00 o'clock in the morning of July
20 29th, 2001?

21 A Yes, sir.

22 Q Tell this jury approximately, if you recall,
23 what time you received your call, who was with you
24 and what you did in response to that call.

25 A Initially I received a call a short time

COREY TROTTER - DIRECT

1 after midnight, we were responding to a gunshot
2 wound, I was with my current partner Jason M.
3 Rowland. When we arrived on the scene we noted the
4 patient was currently lying in a ditch, being
5 cradled by his uncle. The patient was alert at the
6 time, very scared and in a lot of pain, you could
7 note that by his scream. He was also very sweaty.
8 The patient was babbling at the time, probably
9 because of his pain.

10 We treated the patient at the scene very
11 quickly, put him on a spine board, as we did not
12 know if there was any spinal damage at that time.
13 We did note two gunshot wounds to the left leg,
14 entrance and exit wounds, and the wounds were not
15 bleeding. We moved the patient to the ambulance
16 very quickly.

17 During the time that we were moving the
18 patient to the ambulance, in order for me to know
19 the best way to treat him I had to know if he knew
20 what type weapon he was shot with. And in response
21 to my question if he knew what he was shot with he
22 stated that he was shot by a small caliber gun at
23 close range.

24 We loaded the patient immediately into the
25 ambulance and attempted to resuscitate him

COREY TROTTER - DIRECT

1 immediately, as he was going into shock. After we
2 started applying the patient on oxygen he
3 immediately went unconscious and remained
4 unconscious the whole time. The rest of our
5 attempts to resuscitate the patient was very
6 unsuccessful.

7 Q Let me ask you, Mr. Trotter, where were you
8 when you received the call?

9 A I was at our station in Cumberland Park Fire
10 Department.

11 Q And where is that in relation to the town of
12 Abbeville?

13 A I would probably say the station where we're
14 at, in relation to the town of Abbeville, is
15 probably 30 or more miles.

16 Q So, would you say, then, you're closer to
17 Anderson than Abbeville?

18 A Yes, sir.

19 Q Okay. What county were you in?

20 A Anderson County.

21 Q Anderson County?

22 A Yes, sir.

23 Q All right. And what location were you told
24 to respond to from where you were?

25 A The location of the call.

COREY TROTTER - DIRECT

1 Q Which is where?

2 A That location of the call was on Flat Rock
3 Road.

4 Q And do you recall how far you were at that
5 location on Flat Rock Road where you found Adarryl
6 McCoppin in a ditch, as you testified, being
7 cradled by his uncle, how far were you at that
8 point in time from the Anderson Hospital?

9 A Approximately twelve minutes, sir.

10 Q Twelve minutes?

11 A Yes, sir.

12 Q Now, you mentioned that he was ~~not bleeding~~
13 from the wounds that you observed to his leg, is
14 that correct?

15 A That's correct, sir.

16 Q And do you recall approximately where the
17 wounds were?

18 A The wounds were located on the upper thigh
19 region, the upper thigh, from the hip to the upper
20 thigh.

21 Q Did you observe it to the flesh?

22 A Yes, sir. We could tell there was
23 penetrating trauma to the flesh.

24 Q Did you apply a tourniquet above it?

25 A Negative.

COREY TROTTER - DIRECT

1 Q Why didn't you apply a tourniquet above it?

2 A The reason why we did not apply a tourniquet
3 is due to the fact the wound was not bleeding. You
4 only apply, according to our training, tourniquets
5 when there is obvious hemorrhage.

6 Q Based on the scene that you observed, could
7 you tell whether or not there had been any
8 substantial bleeding out from that wound prior to
9 your getting there?

10 A Yes, sir.

11 Q What did you observe about the scene to make
12 that notation?

13 A ~~We noted the patient was without most of his~~
14 ~~clothes.~~ Looking at the pile of clothes that were
15 removed by another unknown party on the scene, they
16 were very thoroughly saturated in blood. In moving
17 the patient to the truck, his underwear was also
18 red through and through.

19 Q Well, based on your training and based on
20 your experience how would a wound like that cause
21 so much bleeding and then stop bleeding when you're
22 there?

23 A The bullet penetrated an artery which once,
24 after a short period of time bleeding will stop as
25 the blood pressure falls to fatal levels.

COREY TROTTER - DIRECT

1 Q What makes the blood pressure fall?

2 A The loss of blood.

3 Q Did you attempt to put more blood in his
4 body?

5 A Not blood. We don't carry that but we do
6 carry a form of ~~i.v. solution~~. We did try multiple
7 attempts to get an i.v. in him but without having
8 any circulating blood in your body you're not going
9 to know whether you're in a vein or not because
10 i.v. catheters have what is called a flashback
11 chamber. Blood will come back in the flashback
12 chamber, then you know you're in the vein, and we
13 could not get that, even when he had perfect veins
14 we could not get flashback, so we had no clue we
15 were in a vein.

16 Q Which led you to conclude what about the
17 blood in the body?

18 A That all of his blood in his body was out
19 somewhere on the ground or on his clothes.

20 Q Now, when did you attempt to insert that
21 intravenous fluid to Adarryl?

22 A Initially after we left the scene when we
23 were doing all our treatments on the way to the
24 hospital. I would probably say within a minute to
25 two minutes of leaving the scene we were attempting

COREY TROTTER - DIRECT

1 multiple times back to back, not just myself, but
2 my partner, which we each tried three times on the
3 way to the hospital.

4 Q And during that time was Adarryl conscious?

5 A Yes, sir.

6 Q At any point in time did he become
7 unconscious?

8 A The point in time at which he became
9 unconscious is whenever we inserted him into the
10 truck. He was getting a lot worse with his blood
11 pressure, his respirations, which caused him to go
12 unconscious and we never could get him to respond
13 ever again.

14 Q So, you got him in the truck and he was
15 unconscious?

16 A Yes, sir.

17 Q Did you drive to the Anderson Hospital?

18 A I was the attending paramedic, my partner did
19 drive, yes, sir.

20 Q Were you driven to the Anderson Hospital?

21 A Yes, sir.

22 Q Was it a twelve minute drive?

23 A Yes, sir.

24 Q Did he ever regain consciousness during that
25 twelve minute drive?

COREY TROTTER - DIRECT

- 1 A No, sir.
- 2 Q Did you accompany him from your van, your
3 emergency medical services van, into the hospital?
- 4 A Yes, sir, I did.
- 5 Q Did he regain consciousness during that
6 period?
- 7 A No, sir.
- 8 Q Did you assist and stand ready to assist any
9 emergency medical room personnel in the hospital,
10 including doctors?
- 11 A Yes, sir.
- 12 Q Did at anytime during doctors' efforts to
13 resuscitate Adarryl, did he become conscious?
- 14 A No, sir.
- 15 Q Did doctors attempt to resuscitate?
- 16 A Yes, sir, very thoroughly.
- 17 Q What measures were made in your presence to
18 attempt to resuscitate him at Anderson Hospital?
- 19 A They also attempted several times to start
20 i.v. lifelines and start blood transfusions.
- 21 Q Unsuccessfully?
- 22 A I cannot recall.
- 23 Q But he never regained consciousness in your
24 presence?
- 25 A No, sir.

COREY TROTTER - DIRECT

1 Q Do you recall the name of any of the doctors
2 or physicians that you were able to get to assist
3 you in the care given to Adarryl?

4 A I transferred Mr. McCoppin over to Dr.
5 Foster.

6 MR. JONES: Thank you. Answer any questions
7 defense counsel has for you.

8 THE COURT: Cross-examination?

9 MR. McLAIN: May it please the Court.

10 THE COURT: Yes, sir.

11 MR. McLAIN: Thank you.

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COREY TROTTER - CROSS

CROSS EXAMINATION

QUESTIONS BY MR. McLAIN:

1
2
3 Q Let me ask you, are you familiar with these
4 documents?

5 A Yes, sir.

6 Q Other than the stickers my wife put right
7 here?

8 A Yes, sir.

9 Q Did you prepare these?

10 A Yes, sir, that is my handwriting.

11 Q Okay. It's kind of difficult, no offense,
12 from the copy for us to read this, right?

13 A Yes, sir.

14 Q Okay. But it says called dispatch -- excuse
15 me, I have bifocals, it says called dispatch at
16 what time?

17 A 0146 a.m.

18 Q Okay. Well, what does that mean for us
19 nonmilitary time people?

20 A That is approximately 1:46 in the morning,
21 was dispatch time. However, it was incorrect.

22 Q That was incorrect?

23 A Yes, sir.

24 Q Did you make an error when you put that down
25 there?

COREY TROTTER - CROSS

1 A I thought initially when I was talking to a
2 911 operator that is what she said, and tried
3 several times to rectify the situation with a 911
4 operator.

5 Q But they didn't rectify the document?

6 A No, sir.

7 Q Okay. What is this right here, arrive at the
8 scene?

9 A 1:54 a.m.

10 Q Okay. So, that's nearly 2:00 a.m., right?

11 A Yes, sir.

12 Q Okay. And arrive at destination, what does
13 that say?

14 A 1:19.

15 Q Okay. Now, let me take these up right here.
16 Okay. Can you tell me what that says right there?

17 A The entire report?

18 Q Just to there.

19 A Patient complains of gunshot wound to the
20 left leg, multiple entrance and exit wounds,
21 medical history is unknown, no known drug
22 allergies, medications.

23 History of present illness. Patient found
24 supine on the ground on the side of the road, the
25 patient appeared to be combative on initial impact,

COREY TROTTER - CROSS

1 shot by small caliber weapon at close range, which
2 is per the patient.

3 We found the patient supine on the ground,
4 pupils equal, round, reacts to light, conscious,
5 alert, oriented times three, airway was patent,
6 lungs clear, airway was patent, patient was also
7 diaphoretic, patient found without shirt and pants,
8 clothes were removed by another party on the scene,
9 fully saturated with blood. Patient's underwear
10 also saturated.

11 Negative on chest pain, negative tracheal
12 deviation, negative jugular veinous distention,
13 patient complained of shortness of breath.

14 Q And right here, what is this other document?
15 Did you prepare that one, too?

16 A Yes, sir, that is a two page form.

17 Q It says time right there?

18 A Yes, sir.

19 Q 2:05 a.m., is that right?

20 A Yes, sir. The time that I filled that out
21 was the time that I filled it out, it had nothing
22 to do with dispatch time.

23 Q Right here this was an error, you say, 1:46?

24 A Yes, sir.

25 Q Okay. What should it have been?

COREY TROTTER - CROSS

- 1 A That should have been 0046.
- 2 Q Okay.
- 3 A Shortly after 12:00.
- 4 Q 14 minutes until 1:00 a.m.?
- 5 A Yes, sir.
- 6 Q Okay. And by the way, when you got there was
- 7 the Highway Patrol there?
- 8 A Yes, sir, I did see Highway Patrol.
- 9 Q Okay. Did you talk to the Highway Patrolman?
- 10 A I asked the Highway Patrolman to remove his
- 11 uncle from the scene, which was becoming a little
- 12 belligerent at the time.
- 13 Q What do you mean, belligerent?
- 14 A Well, due to the fact that his nephew was
- 15 shot, he was very scared for his nephew, so he had
- 16 a right to be a little confused himself, so in
- 17 order to, for me to protect the patient and care
- 18 for his best interests I had to have him removed.
- 19 Q Hang on a minute. You had to have him
- 20 removed because he was confused?
- 21 A The patient's uncle.
- 22 Q Because he was confused?
- 23 A Yes, sir, scared, confused, any one of the
- 24 emotions for his nephew, he was hindering patient
- 25 care.

COREY TROTTER - CROSS

- 1 Q He was hindering patient care?
- 2 A Yes.
- 3 Q And the Highway Patrolman was there?
- 4 A Yes, sir.
- 5 Q And how long had the Highway Patrolman been
- 6 there?
- 7 A I have no idea.
- 8 Q Well, do you know who called in to send EMS
- 9 out to pick up this gentleman?
- 10 A No, sir, I do not.
- 11 Q Do you know what time you all were
- 12 dispatched?
- 13 A It was on another report, in fact, but it was
- 14 the error that should have been 0046.
- 15 Q Instead of 0146, it should have been?
- 16 A The time of the correct dispatch should have
- 17 been 0146, the same time, excuse me, 0046 is the
- 18 time they were actually dispatched.
- 19 Q You've got arrived at the scene, EMS arrived
- 20 at the scene at 1:54, is that right?
- 21 A Yes, sir. All those first numbers up to the
- 22 depart scene should have read 00, after midnight.
- 23 Q You are telling me all three of those numbers
- 24 now are incorrect?
- 25 A Yes, sir.

COREY TROTTER - CROSS

1 Q Okay. They were never corrected after this?

2 A That's correct.

3 Q Okay. But that one right there shows 2:05
4 a.m.?

5 A Yes, sir. It took an awful lot of time and
6 thought to put in this report and make sure I
7 didn't get in trouble, so I wound up writing this
8 second page at 2:05 after I wrote the initial
9 pages.

10 Q So, you got the Highway Patrolman to ask the
11 relative of the deceased to leave?

12 A I asked him to remove him away from the
13 immediate patient care area.

14 Q Okay. And what was he doing that hindered
15 his medical treatment?

16 A The fact that he was up under his nephew
17 holding his head was hindering me from immobilizing
18 Adarryl McCoppin on a long spine board. I was
19 totally unable to do that until he was removed from
20 the scene.

21 Q Okay.

22 A And that was necessary.

23 Q Was his car there, in which Mr. McCoppin was
24 a passenger?

25 A I believe I did see a car there. I'm not

COREY TROTTER - CROSS

1 sure if that's Mr. McCoppin's.

2 Q Okay. Did it have blood in the floorboard?

3 A I did not look in the car.

4 Q Okay. And did you talk with the Highway
5 Patrolman?

6 A No, sir.

7 Q Okay. You didn't talk with him when you
8 asked that the relative be removed?

9 A That is the only thing I asked the Highway
10 Patrol.

11 Q And do you know what time the Highway Patrol
12 was dispatched?

13 A No, sir, I do not.

14 Q Do you know how long the deceased was there
15 before you all were called?

16 A No, sir, I do not.

17 Q Do you know who called you?

18 A No, sir, I do not.

19 Q Okay. What does that say, I'm sorry, I can't
20 read it.

21 A Okay. "Patient had dried blood all over his
22 body."

23 Q Dried blood?

24 A Yes, sir.

25 Q Okay. Go ahead.

COREY TROTTER - CROSS

1 A "No other significant findings were noted."

2 Q Okay. Read that.

3 A "Treatment. Patient's C spine was

4 established immediate lung sounds assessment and

5 corotid pulse checked, lungs were noted clear.

6 Belligerent bystander on the scene. Highway Patrol

7 removed from scene for EMS. Patient became

8 combative and had to be restrained due to size and

9 weight of the patient, which he was a very tall

10 individual. Rapid assessment performed. Placed

11 patient on oxygen at 15 liters a minute via 02

12 breather mask. Posterior aspects cleared of

13 trauma." Sorry, I skipped a line.

14 Q Sure.

15 A "Patient was complaining of shortness of

16 breath. Transferred to spine board, with

17 movements, sensation, distal pulse and capillary

18 refill intact prior to and after immobilization."

19 Once again, "Posterior was clear completely of

20 trauma with the exception of a lump found in the

21 back."

22 Okay. "The patient was moved to spine board,

23 immobilized with straps, moved to our stretcher,

24 with the rails placed in the upward position,

25 straps placed on patient and moved him to the unit.

COREY TROTTER - CROSS

1 All vital signs were taken and assessment performed
2 and noted on primary report. Oxygen therapy was
3 continued. Unable to establish i.v. access times
4 multiple attempts in both extremities, upper and
5 lower extremities."

6 It gets kind of hard to read with the copy
7 quality. Okay. "Sinus rhythm found on
8 electrocardiogram, declining respiratory status,
9 became depressed, respirations assisted with a bag
10 mouth mask, times 20 times respirations a minute by
11 MTI Rowland. Nasal airway was inserted, patient
12 would not tolerate endotracheal intubation.
13 Patient restrained due to combativeness. Vital
14 signs were monitored enroute."

15 I'm not able to read through this copy
16 quality.

17 Q That's all right.

18 A "Patient totally unresponsive on emergency
19 department arrival. The ER was notified prior to
20 our arrival. Ventilations continued enroute.
21 Transported to AAMC. Upon arrival patient
22 transferred over to staff."

23 I can't read that last part but that's the
24 end of the report.

25 Q Let me ask you this. What time were you

COREY TROTTER - CROSS

1 dispatched, again? You were dispatched at 14
2 minutes until 1:00, is that right?

3 A 0046.

4 Q 0046?

5 A Uh-huh.

6 Q What time did you arrive?

7 A 14 until 1:00.

8 Q Right. And what time did you arrive?

9 A We arrived at 0054.

10 Q And --

11 A 12:54.

12 Q I'm sorry. And what time did you get to the
13 hospital, or AnMed?

14 A Yes, sir, Anderson Area Medical Center.

15 Q What time did you get there?

16 A I'm sorry, I can't see it. We arrived at the
17 Anderson Area Medical Center Hospital at 1:19.

18 Q Okay. Do you know what time the Highway
19 Patrol pulled the McCoppins' vehicle over?

20 A I do not know that, sir.

21 Q Okay. No doubt the Highway Patrolman was
22 there, though?

23 A Yes, sir, I do remember seeing a Highway
24 Patrol there.

25 Q Do you have any knowledge of the sequence of

COREY TROTTER - CROSS

1 calls, dispatch calls?

2 A In reference to this one particular patient?

3 Q Yes.

4 A I don't know who was called first, who was
5 dispatched first but I'm pretty sure it was the
6 Highway Patrol first because they were first on the
7 scene.

8 Q And you don't know how long the Highway
9 Patrol was there, do you?

10 A No, sir, but they would have had to secure
11 the scene prior to our entrance, so they were there
12 for a while, for a little while.

13 Q When you say little while, how long do you
14 mean?

15 A Probably three to four minutes.

16 Q Three to four minutes?

17 A Yes, sir.

18 Q Do you have any actual knowledge as to what
19 time they were dispatched?

20 A The Highway Patrol?

21 Q Uh-huh.

22 A Absolutely not.

23 Q And what time they arrived?

24 A I have no idea.

25 Q And how long they detained the McCoppin

COREY TROTTER - CROSS

1 vehicle?

2 A That, I do not know.

3 Q Are you familiar with A-Frame Road in
4 Abbeville?

5 A No, sir. I'm not from Abbeville, I don't
6 know anything about it.

7 Q So, you don't know which is closer, the
8 Anderson Hospital or the Abbeville Hospital?

9 A I would assume that Abbeville would be a
10 whole lot closer than Anderson.

11 MR. McLAIN: Thank you. That's all I have.

12 THE COURT: Redirect?

13 MR. JONES: Briefly, Your Honor.
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COREY TROTTER - REDIRECT

1 REDIRECT EXAMINATION

2 QUESTIONS BY MR. JONES:

3 Q Mr. Trotter, during the course of your work
4 as an emergency medical service technician, other
5 than this occasion have you had the opportunity,
6 the obligation to experience a patient who
7 struggles and fights for the last breath of life
8 that they have?

9 MR. McLAIN: I'm sorry, objection.

10 A Yes, sir, frequently.

11 THE COURT: Just a minute, sir.

12 MR. McLAIN: Objection, not relevant.

13 THE COURT: Overruled.

14 Q Would you say that Adarryl McCoppin's
15 combativeness, as you wrote in your paper, is
16 consistent with somebody who was struggling and
17 indeed fighting for their last breath of life?

18 A Yes, sir.

19 MR. JONES: No further questions.

20 THE COURT: Anything in recross?

21 MR. McLAIN: Beg the Court's indulgence, Your
22 Honor.

23 THE COURT: Take your time.

24 MR. McLAIN: Thank you. That's all I have.

25 THE COURT: Thank you, sir. Come down.

COREY TROTTER - REDIRECT

1 Watch your step.

2 (Witness excused)..

3 MR. JONES: Your Honor, we would ask this
4 witness be excused at this time, please.

5 THE COURT: Any objection?

6 MR. McLAIN: No objection, Your Honor.

7 THE COURT: Sir, you may be excused or you
8 may stay in the courtroom if you please.

9 Call your next witness, Solicitor.

10 MR. JONES: The State calls Lamoncyon Sutton.

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LAMONCYON SUTTON - DIRECT

1 LAMONCYON SUTTON,
2 after being first duly sworn testified as follows:

3 THE COURT: This witness is with you,
4 Solicitor.

5 MR. JONES: If it please the Court.

6 DIRECT EXAMINATION

7 QUESTIONS BY MR. JONES

8 Q State your name for the record.

9 A Lamoncyon Sutton.

10 Q Mr. Sutton, where were you living on July
11 29th, 2001?

12 A 96 A Frame Road.

13 Q And tell the jury where that is located. Is
14 it in Abbville County?

15 A Yes, sir.

16 Q Whereabouts is it located?

17 A Right off Lake Secession.

18 Q Lake Secession?

19 A Yes, sir.

20 Q How would you get there if you went out on
21 the square right out here today and drove north up
22 28, how would you get to your place,
23 ?

24 A Take 28 North, I think, then you would follow
25 like the Iva route going toward Iva and it bears

LAMONCYON SUTTON - DIRECT

1 off on Hollow Stokes Road.

2 Q You take, going toward Iva, do you get off 28
3 onto 184 to go to Iva?

4 A 184, yes, sir.

5 Q At what point do you get off 28 onto 184 to
6 go to Iva headed north on 28 in Abbeville County.

7 A Right at the intersection of Crawford's Store
8 in Antreville.

9 Q Do you know where Crawford's Store is?

10 A Yes, sir.

11 Q Have you ever been in there?

12 A Yes, sir.

13 Q And, so, you would veer there and take 184 to
14 go to where again?

15 A Towards Iva.

16 Q Uh-huh, okay.

17 A Located in Anderson County.

18 Q Uh-huh. How would you get there, again?
19 What would you do once you got on 184?

20 A Once you bear toward Iva, I guess you go
21 about two miles, then you, it's a bear to the left
22 on Hollow Stokes Road, then you have to take a
23 right turn on A-Frame Road, which is where the
24 residence was, off of A-Frame Road.

25 Q What type residence did you have there?

LAMONCYON SUTTON - DIRECT

- 1 A It's a double wide mobile home.
- 2 Q I want to hand you a copy of State's Exhibit
- 3 Number 8 and ask you if you recognize what is
- 4 depicted in that photograph?
- 5 A That's the home, the residence.
- 6 Q That's your residence you were living in on
- 7 July 29th, 2001, is that correct?
- 8 A Yes, sir.
- 9 Q How many acres is it situated on,
- 10 approximately?
- 11 A Approximately three.
- 12 Q Three acres?
- 13 A Yes, sir.
- 14 Q So, your closest neighbor is at least an acre
- 15 and a half away?
- 16 A Basically, yes, sir.
- 17 Q How many other homes were out there in the
- 18 area at the end of A-Frame Road where you lived?
- 19 A Three, approximately three.
- 20 Q Three other homes?
- 21 A Yes, sir.
- 22 Q That you would consider neighbors?
- 23 A Yes, sir.
- 24 Q You don't have any other neighbors other than
- 25 those three?

LAMONCYON SUTTON - DIRECT

1 A No, sir.

2 Q Is it fair to describe the area where you
3 live as rural Abbeville County?

4 A Yes, sir.

5 Q Mr. Sutton, what were you doing out there
6 around midnight on, you know, midnight, shortly
7 thereafter, the early morning hours of July 29th,
8 2001?

9 A We was concluding what was a birthday
10 get-together that was for me and we was concluding
11 that up around midnight, a little after midnight.

12 Q What birthday was it?

13 A My 31st birthday.

14 Q And did you invite the family and friends to
15 your celebration?

16 A Actually they had the get-together for me,
17 they planned it for me.

18 Q Uh-huh.

19 A And everything was just, they put everything
20 together and I just showed up, just basically
21 there.

22 Q Mr. Sutton, were you drinking alcoholic
23 beverages?

24 A I might have had one, one or two.

25 Q Were they available to the other folks there

LAMONCYON SUTTON - DIRECT

1 attending the celebration?

2 A Yes, sir.

3 Q What about drugs, marijuana, cocaine?

4 A No, sir.

5 Q There was none available?

6 A No, sir.

7 Q But you had had experience with drugs prior
8 to July 29th, 2001, had you not?

9 A Yes, sir.

10 Q And as a matter of fact you have been
11 convicted prior to that time for, for some drug
12 charges, is that correct?

13 A Yes, sir.

14 Q Do you recall what convictions for drugs you
15 had prior to that date?

16 A Yes, sir.

17 Q What were they?

18 A I had a trafficking charge back in '93, '94,
19 approximately. And back in 2000 I got another
20 possession with intent to distribute.

21 Q Trafficking in what?

22 A Crack cocaine.

23 Q Did you serve time for that?

24 A Yes, I did.

25 Q How much time did you serve for that?

LAMONCYON SUTTON - DIRECT

- 1 A Six years.
- 2 Q Did you actually serve six years?
- 3 A I got paroled.
- 4 Q Do you recall how much time you actually
- 5 served for it?
- 6 A 23 months, approximately.
- 7 Q So, on a six year sentence you served about
- 8 two?
- 9 A About two years, yes, sir.
- 10 Q All right. And prior to 2001, you say, had
- 11 you had another conviction?
- 12 A Yes, sir, I did.
- 13 Q Have you been, were you convicted in 1989 of
- 14 auto breaking and petty larceny?
- 15 A Yes, sir.
- 16 Q And how old were you at that time?
- 17 A Around 19 or 20 years old.
- 18 Q All right. Did you receive an active
- 19 sentence for that?
- 20 A Yes, sir.
- 21 Q What kind of sentence?
- 22 A I think it was youthful offender sentence.
- 23 Q At 19 you went to a youthful offender
- 24 facility?
- 25 A Yes, sir.

LAMONCYON SUTTON - DIRECT

- 1 Q How long did you stay there for that?
- 2 A Seven or eight months.
- 3 Q Okay. In 1989 were you charged with
- 4 discharging a firearm?
- 5 A Yes, sir.
- 6 Q And disorderly conduct?
- 7 A Yes, sir.
- 8 Q Did you plead guilty to that?
- 9 A Yes, sir.
- 10 Q Did you plead guilty to the auto breaking
- 11 charge?
- 12 A Yes.
- 13 Q You didn't go to trial?
- 14 A No, sir.
- 15 Q All right. In 1998, again did you have a
- 16 disorderly conduct conviction?
- 17 A Yes, sir.
- 18 Q Did you plead guilty to it?
- 19 A Yes, sir.
- 20 Q In 1991 did you have a shoplifting
- 21 conviction?
- 22 A Yes, sir.
- 23 Q Did you plead guilty to it?
- 24 A Yes, sir.
- 25 Q And did you also during that period of time

LAMONCYON SUTTON - DIRECT

1 plead guilty to another auto breaking in 1991?

2 A Yes, sir.

3 Q All right. And did you plead guilty to that?

4 A Yes, sir.

5 Q And then you said you had an additional drug
6 charge. Was it pending or did you plead guilty to
7 one in 2000?

8 A I pled guilty to it, sir.

9 Q You had been sentenced?

10 A Yes, sir. I'm currently doing time on it
11 now.

12 Q But you actually didn't plead to that until
13 after July 29th, 2001, is that correct?

14 A Yes, sir.

15 Q The charge was pending against you at the
16 time --

17 A Yes, sir.

18 Q -- that you were living on A-Frame Road on
19 July 29th of 2001, is that correct?

20 A Correct.

21 Q And is it fair to say that you pled guilty to
22 that additional trafficking and crack cocaine
23 charge on November 19th, 2001, and received a
24 sentence for that?

25 A Yes.

LAMONCYON SUTTON - DIRECT

1 Q Did you plead guilty or did you go to trial?

2 A I pleaded guilty, sir.

3 Q And what kind of sentence did you get?

4 A Eighteen years.

5 Q All right. And you're currently incarcerated
6 and serving that sentence?

7 A Yes, sir.

8 Q Where are you incarcerated?

9 A ~~McCormick Correctional.~~

10 Q Maximum security facility?

11 A Yes, sir, level three.

12 Q All right. Now, do you know this defendant
13 seated here?

14 A No, sir.

15 Q Did you know him before January 29th, 2001?

16 A No, sir.

17 Q Do you recall whether or not you saw him on
18 January 29th, 2001?

19 A No, sir.

20 Q July 29th, 2001, let me ask you to tell this
21 jury at approximately some minutes at 12:00
22 midnight on that date, July 29th, 2001, what you
23 did, if anything, to leave your party?

24 A The only thing I did to leave is when my, I
25 had one of my uncles come back and let me know

LAMONCYON SUTTON -- DIRECT

1 there was a suspicious vehicle at the end of the
2 driveway, so me and him got together and drove to
3 the end of the driveway to check it out and see
4 what was going on with it. And I made a three
5 point turn in front of it, turned around and put my
6 headlights on the front of it.

7 Q Let me ask you this. I want to hand you
8 State's Exhibit Number 6 and ask you if you can
9 recognize what is depicted in that photograph.
10 What is it?

11 A The driveway in which the vehicle was
12 located.

13 Q And what do you see in that photograph at the
14 end of the driveway, the far end of the driveway?

15 A The residence.

16 Q That's your residence?

17 A Yes.

18 Q State's Exhibit Number 6, is that correct?

19 A Yes.

20 Q That is your driveway depicted in State's
21 Exhibit Number 6, is that correct?

22 A Yes, sir.

23 Q State's Exhibit Number 7, I want to ask you
24 to look at that and see if you can identify what is
25 depicted there?

LAMONCYON SUTTON - DIRECT

1 A That's the same driveway but it's a picture
2 of exiting the driveway.

3 Q So, you are looking in a different direction
4 there?

5 A Yes.

6 Q Looking down towards the road?

7 A Yes, sir.

8 Q And that's the road you traveled down with
9 Mr. Johnny McCoppin to go see about that vehicle
10 that was parked down at the end of it?

11 A Correct.

12 Q What did you see when you drove down to the
13 end of the road?

14 A We noticed a vehicle so, like I said, I drove
15 in front of it, I made a three point turn, I put my
16 headlights on bright and tried to focus on the
17 vehicle to see what was involved with the vehicle
18 or around it.

19 Q What did you see?

20 A Nothing. The doors, we even got out and
21 checked the doors, the doors were locked and, you
22 know, we didn't see nothing, so we decided to go
23 get some flashlights to try to look further.

24 Q Could you see through the windows?

25 A With the light shining I could.

LAMONCYON SUTTON - DIRECT

- 1 Q Was anybody in there?
- 2 A No, sir.
- 3 Q Did you knock on the windows?
- 4 A Yes, sir.
- 5 Q Did you try to open the doors?
- 6 A Yes, sir.
- 7 Q Did you look around and see anybody standing
- 8 around out by that car?
- 9 A We did.
- 10 Q Did you see anybody?
- 11 A No, sir.
- 12 Q Did you call out for anybody?
- 13 A No, sir, we didn't call out.
- 14 Q All right. But you looked around?
- 15 A Yes, sir.
- 16 Q Did you see any human being standing around?
- 17 A No, sir.
- 18 Q Did you see this defendant here standing
- 19 there?
- 20 A No, sir.
- 21 Q So, what did you do?
- 22 A We decided to investigate it further and get
- 23 some flashlights to check perimeters, look further
- 24 and see what was going on, and by that time when we
- 25 got up to the, I mean at the time that we decided

LAMONCYON SUTTON - DIRECT

1 to get the flashlights, that's when Adarryl drove
2 up on his motorcycle and he stopped and asked did
3 we see anything, we told him no, and he got off and
4 he stood around, and we basically just kept looking
5 around, so we decided to go ahead and get the
6 flashlights, me and my Uncle Johnny, and he told us
7 that he was going to stay there by the vehicle
8 until we come back.

9 Q Adarryl told you that?

10 A Yes, he did.

11 Q Then he was leaving?

12 A He was going, he was positioned right there
13 by the vehicle.

14 Q What was he doing down there?

15 A ~~He was leaving the get-together we had.~~

16 Q How do you know?

17 A He was on his motorcycle, he was leaving,
18 everybody had previously, was getting together to
19 leave and he was leaving then because --

20 Q Is that where -- had Johnny left, was he
21 going home, before he came back to tell you there
22 was a car down there?

23 A That's correct.

24 Q So, the party was breaking up?

25 A Yes.

LAMONCYON SUTTON - DIRECT

1 Q Was the party on the inside of your home or
2 the outside of your home?

3 A On the outside.

4 MR. JONES: Your Honor, at this point in time
5 it's my understanding these State's Exhibits, at
6 least 1 through 10, have been stipulated to as
7 having, we marked them as Court's exhibits
8 initially but I was under the impression defense
9 counsel stipulated they would be entered into
10 evidence.

11 MR. McLAIN: ~~That's correct.~~

12 MR. JONES: So, I'm okay publishing these to
13 the jury at this point?

14 THE COURT: Yes, sir.

15 QUESTIONS BY MR. JONES

16 Q I want to hand you State's Exhibit Number 9
17 and ask you if you can identify what's depicted in
18 that photograph?

19 A It's an '86 El Camino.

20 Q What else is in the background of it?

21 A Adarryl's motorcycle, a picnic table.

22 Q What else is in the background of it? Do you
23 see the corner of your home in it?

24 A Oh, yes, sir.

25 Q Okay. Are the picnic tables and the chairs

LAMONCYON SUTTON - DIRECT

1 in that photograph within some distance of the
2 corner of your home?

3 A Yes.

4 Q Is that the back yard of your home?

5 A Yes, sir.

6 Q Is that where the party was taking place on
7 that evening?

8 A Yes.

9 Q It is?

10 A Yes, sir.

11 Q That is where you were gathered and partying?

12 A Yes, sir.

13 Q So, you were talking to each other out there?

14 A Yes, sir.

15 Q And so, when people were saying good-bye,
16 time to go home, anybody in the woods could have
17 known that people were leaving and the party was
18 breaking up, isn't that right?

19 A Correct.

20 Q That is Exhibit 9, the picnic tables, that's
21 where they are located?

22 A Yes.

23 Q And they were there on July the 29th, 2001,
24 the early morning hours of that day, is that
25 correct?

LAMONCYON SUTTON - DIRECT

- 1 A Correct.
- 2 Q Those picnic tables were there then?
- 3 A Correct.
- 4 Q That's where your birthday party was?
- 5 A Correct, sir.
- 6 Q When you were saying your good-byes to your
- 7 guests that were leaving did you know that there
- 8 were people in the woods, hidden in the woods
- 9 around your party listening to what you were doing
- 10 and saying?
- 11 A No, sir.
- 12 MR. McLAIN: I object to that, Your Honor,
- 13 that's speculative.
- 14 THE COURT: Sustained.
- 15 Q I hand you State's Exhibit Number 10 and ask
- 16 you if you can identify that?
- 17 A Yes, sir.
- 18 Q What is it?
- 19 A That's the motorcycle which he was riding.
- 20 Q Who was riding?
- 21 A Adarryl McCoppin.
- 22 Q Is that the motorcycle that he was on when
- 23 you left him down at the end of your driveway by
- 24 himself?
- 25 A Yes, sir.

LAMONCYON SUTTON - DIRECT.

1 Q Watching the Excursion when you and Johnny
2 McCoppin went back up to your home to get
3 flashlights?

4 A Correct, sir.

5 Q I'm going to hand you State's Exhibit Number
6 3 and ask you if you can identify what's depicted
7 in that photograph?

8 A Yes.

9 Q What is it?

10 A Once again it's the end of the driveway in
11 which the vehicle was located and you have tire
12 marks spinning away.

13 Q So, where those tire marks are is where you
14 recall seeing the white Excursion parked?

15 A Correct, sir.

16 Q Is that correct?

17 A Correct.

18 Q And am I pointing to the tire marks off the
19 side of the road, that you observed?

20 A Correct, sir.

21 Q I would like to hand you a photograph,
22 State's Exhibit Number 2, and ask you if you
23 recognize what's depicted in that photograph?

24 A Correct, sir.

25 Q What's depicted there?

LAMONCYON SUTTON - DIRECT

1 A That was the vehicle that was located below
2 the driveway.

3 Q Can you say for sure?

4 A It looks exactly like it, like the one that
5 was there.

6 Q Did you take down a license plate when you
7 went out to look and see what was going on?

8 A No, sir, I didn't.

9 Q Did you commit it to memory, did you commit a
10 license plate to memory?

11 A Not a license plate, no, sir.

12 Q So, you can't say that the license plate
13 depicted on the back of that white Excursion
14 vehicle is the same license plate that was on it
15 when you observed it?

16 A That's correct, sir.

17 Q But you can say that looks exactly like the
18 Excursion vehicle you saw parked, is that correct?

19 A I can, sir.

20 Q Now, tell the jury what you did, what
21 happened after you left Adarryl McCoppin down by
22 the Excursion and you headed back up to your
23 trailer?

24 A Well, we headed back to the home. When we
25 got there it was still a couple people that was

LAMONCYON SUTTON - DIRECT

1 standing outside, I mean on the porch area, the
2 front porch area of the home. We went in to get
3 the flashlights so we could go back and see what
4 was going on.

5 While we was in there somebody come running
6 in the house, said they hear somebody hollering, so
7 my Uncle Johnny, he then proceeded to run out of
8 the house. After he had got the .22 rifle out from
9 under the bed he ran out toward the end of the
10 driveway to see what was going on. Adarryl had
11 been shot and he was hollering for some help, some
12 attention.

13 And by the time I got to running to proceed on
14 down there to see what was going on my Uncle Johnny
15 asked me to turn around and get the car and get it
16 ready because Adarryl had been shot and needed to
17 get him to the hospital, so that's what we
18 proceeded then to do, to try to load him in the
19 car. He was a rather healthy sized fellow so it
20 took everything we had, me and my uncle and another
21 guy, to load him in the vehicle to get him to the
22 hospital.

23 Q Where was Adarryl McCoppin when you loaded
24 him into Johnny McCoppin's car?

25 A Somehow he had managed enough strength to try

LAMONCYON SUTTON - DIRECT

1 to make his way, his self toward the house and he
2 had proceeded up through the driveway, I say about
3 a quarter of the way up through the driveway, he
4 had made his self that far and couldn't make it no
5 farther.

6 Q Okay. And you helped get him in the car?

7 A Yes, I did.

8 Q Do you know whether or not the white
9 Excursion was at the end of the road?

10 A It wasn't, it was gone.

11 Q How do you know?

12 A We proceeded to look down through there and
13 it was gone.

14 Q All right. What happened next?

15 A Well, after we got him in the vehicle for my
16 uncle to try to take him to the hospital I
17 proceeded then to call 911 and let them know he had
18 been shot and so, I guess so they can be expecting
19 him at the hospital.

20 Q All right.

21 MR. JONES: Your Honor, we would like to play
22 that 911 tape for the jury at this point in time.

23 THE COURT: Any objection?

24 MR. McLAIN: No, sir, I think that's the same
25 tape the solicitor provided me in discovery.

LAMONCYON SUTTON - DIRECT

1 THE COURT: Has it been marked?

2 BY MR. JONES:

3 Q Prior to playing the tape, though, for
4 clarification purposes, you had actually pled
5 guilty to the trafficking charge you received the
6 18 year sentence on prior to July 29th, 2001, you
7 just hadn't been sentenced yet, is that correct?

8 A Correct, sir.

9 Q And that charge was through a statewide grand
10 jury charge?

11 A Correct, sir.

12 Q Possession with intent to distribute crack
13 cocaine?

14 A Yes, sir.

15 Q That's what you pled to?

16 A Correct, sir.

17 MR. JONES: All right, we will proceed with
18 the tape.

19 THE COURT: Has it been marked, Solicitor,
20 does it have a number?

21 MR. JONES: I'm sorry, I believe it's number
22 16, State's Exhibit Number 16.

23 THE COURT: No objection?

24 MR. McLAIN: If it's the same tape provided
25 in discovery, I have no objection.

LAMONCYON SUTTON - DIRECT

1 THE COURT: Very well, 16 is in and will be
2 played.

3 (State's Exhibit Number 16 was marked,
4 received in evidence and played to the jury).

5 BY MR. JONES:

6 Q Mr. Sutton, I want you to take a look at this
7 diagram, State's Exhibit Number 1. I want to ask
8 you if you can look at it and recognize what's
9 depicted on it?

10 A It's an outline of the property, including
11 the driveway at which the vehicle was located.

12 Q All right. Where in the driveway -- what
13 vehicle are you talking about?

14 A The white Excursion.

15 Q Where was it located?

16 A In this area here.

17 Q All right. Was it pointed -- where was the
18 front, which way was it, was the front of the
19 vehicle pointed?

20 A It was pointed toward leaving the residence.

21 Q Toward leaving the residence?

22 A In the grassy area right there.

23 Q It was in this grassy area pointing away from
24 your residence?

25 A Yes, sir.

LAMONCYON SUTTON - DIRECT

1 Q All right. What is depicted along this area
2 of this diagram, what does this represent right
3 here?

4 A That's the . It circled
5 around toward the front of the residence.

6 Q Where is your residence on it?

7 A Right here.

8 Q So, this road comes around here and then
9 comes around back and dead-ends here?

10 A Yes, sir.

11 Q You have to come, you have to get out, you
12 have to come back around and come this way,
13 correct?

14 A Yes, sir.

15 Q This is your driveway?

16 A Yes.

17 Q And where is your closest neighbor in here
18 located?

19 A It was in this area here.

20 Q Back up in there?

21 A Yes, facing the lake.

22 Q Okay. Now, Mr. Sutton, do you know how far
23 from right here on the square in Abbeville you
24 would have to travel to get from there to your
25 house? How many miles would you have to travel to

LAMONCYON SUTTON - DIRECT

1 get from out here on the square, up to your house
2 at A-Frame Road, approximately?

3 A Approximately 18 to 20, something like that.

4 Q If you left your house and wanted to travel
5 to the square in Anderson do you know approximately
6 how many miles it would be for you to get from your
7 house to Anderson?

8 A Approximately, approximately 18 to 20 miles.

9 Q So, would you say you're right in between the
10 two?

11 A Correct, sir.

12 Q All right. Are there different routes you
13 could take to get from your house to the Abbeville
14 Hospital, or is there just one way?

15 A Just one way.

16 Q And what about from your house to the
17 hospital in Anderson? Do you know where the
18 hospital in Anderson is?

19 A Yes, I do. You got to go a complete
20 different way to go to Anderson but they are both
21 about equal distance.

22 Q Okay. I want to ask you, do you know a
23 person by the name of Rosalind Brown?

24 A Yes, sir, I do.

25 Q How do you know Rosalind Brown?

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1 A I had past experiences with her, sir.

2 Q And what type of experiences had you had with
3 Rosalind Brown?

4 A Well, I used to sell drugs and she used to, I
5 used to supply her with drugs and she sold them for
6 me.

7 Q Okay. And, so, she would buy them from you?

8 A No, sir. I would supply her with them and
9 then in return she would pay me, she would profit
10 from it also.

11 Q So, you would front the drugs to her?

12 A Yes, sir, correct.

13 Q You would give them to her?

14 A Correct.

15 Q Once she sold them she would come give you
16 your cut and she would keep what was her's?

17 A Correct.

18 Q Now, did she know where you lived on

19 ?

20 A Correct, sir.

21 Q She had been to your house before?

22 A Correct.

23 Q Do you know where she was living on July
24 29th, 2001?

25 A Correct, sir.

LAMONCYON SUTTON - DIRECT

- 1 Q Do you know where she was living?
- 2 A Correct, sir.
- 3 Q Where?
- 4 A ~~Richards Street in Anderson.~~
- 5 Q In Anderson?
- 6 A I think it was Richards Street. It was in
- 7 that vicinity. I know where she lived at, though.
- 8 I don't know the exact name of the street.
- 9 Q Was she at your birthday party on July 29th,
- 10 2001?
- 11 A No, sir.
- 12 Q Had you seen her anytime the day before, July
- 13 28th, 2001?
- 14 A No, sir.
- 15 Q Had you seen her a week prior to July 29th,
- 16 2001?
- 17 A No, sir.
- 18 Q Do you recall the last time prior to that
- 19 date approximately you had had any dealings with
- 20 her regarding drugs?
- 21 A Approximately, I would say approximately two
- 22 months, three months.
- 23 Q Could it have been longer?
- 24 A It could have been.
- 25 MR. JONES: Answer any questions for defense

LAMONCYON SUTTON - DIRECT

1 counsel.

2 THE COURT: Cross-examination.

3 MR. McLAIN: May it please Your Honor.

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LAMONCYON SUTTON - CROSS

CROSS-EXAMINATION

QUESTIONS BY MR. McLAIN:

Q Mr. Sutton?

A Yes, sir.

Q My name is Ben McLain, I represent Mr. Martin, okay?

A Yes, sir.

Q Are you known by any other aliases?

A Yes, sir.

Q What are those?

A Heavy D, and by my family, Monk.

Q Monk?

A Yes.

Q Heavy D?

A Yes, sir.

Q You are doing 18 years right now?

A Correct, sir.

Q And how many crack cocaine charges have you had?

A Two, sir.

Q Okay. And how many times have you been robbed?

A One time, sir.

Q Okay. How many robbery attempts have you had at your residence?

LAMONCYON SUTTON - CROSS

- 1 A That was the only one, sir.
- 2 Q Okay. Do you want to tell us about that, did
3 somebody rob you?
- 4 A Yes, sir.
- 5 Q What did they get?
- 6 A They took clothing, they came down to my
7 common law wife at the time, held me and my kids at
8 gunpoint and basically made me strip in front of my
9 kids and so forth.
- 10 Q Your common law wife?
- 11 A Yes, sir.
- 12 Q What was her name?
- 13 A Wanda Rhodes.
- 14 Q Okay. And I believe at that time were there
15 two people that came to rob you that time?
- 16 A Three.
- 17 Q Three?
- 18 A Yes, sir.
- 19 Q Did you know them?
- 20 A No, sir.
- 21 Q Were they subsequently caught by the police?
- 22 A Yes, sir.
- 23 Q Then you knew them, didn't you?
- 24 A No, sir.
- 25 Q You knew who they were?

LAMONCYON SUTTON - CROSS

1 A I knew of one of them but as far as knowing
2 him, I didn't know him.

3 Q Who was it? You knew one of them, who was
4 that?

5 A Monte Burris.

6 Q Did you sell him drugs -- I'm sorry, go
7 ahead, I didn't mean to interrupt.

8 A No, sir, I never had any dealings with him of
9 any kind.

10 Q Do you know how he came to know you were a
11 drug dealer?

12 A No, sir.

13 Q And to come rob you?

14 A Well, I was a pretty popular fellow around --

15 Q I bet.

16 A -- the area so I guess that's how he knew of
17 of me.

18 Q How heavy were you dealing? Cookies?

19 A Yes, sir.

20 Q Dealing in cookies? How much is in a cookie?

21 A Well, different amounts. I mean, it depends
22 on, you got different sizes of quantity. It just
23 depends.

24 Q Okay. Well, this last time you got caught
25 how much crack cocaine did you have then?

LAMONCYON SUTTON - CROSS

- 1 A It was in excess of 400 grams.
- 2 Q That's a couple big cookies, isn't it?
- 3 A Yes, sir.
- 4 Q Kind of like a cake?
- 5 A Yes, sir.
- 6 Q Okay. And when you got robbed before with
- 7 your common law wife, I believe that they took her
- 8 in the car or something, in the car and the car
- 9 went off, a gun went off in the car, is that right?
- 10 A Yes, sir.
- 11 Q And the police were called?
- 12 A Something similar to that, yes, sir.
- 13 Q And had the police not arrived they were
- 14 going to take you and your children out in the
- 15 woods and execute you?
- 16 A That was my belief.
- 17 Q Well, that's pretty much what was going to
- 18 happen, wasn't it?
- 19 A That was my belief.
- 20 Q What are you basing your belief on?
- 21 A From the way they was, from the way they was
- 22 acting towards us, just basically the way they was
- 23 acting towards us.
- 24 Q Like what, like strip and go in the woods,
- 25 we're going to blow you away with a shotgun or

LAMONCYON SUTTON - CROSS

1 something?

2 A Yes, sir.

3 Q Okay. But what did you do, keep on swinging
4 the next day?

5 A No, sir, I didn't. I have since then but --

6 Q How much time elapsed from the time your
7 family was going to be executed, until you kept on
8 swinging cocaine?

9 A A couple weeks maybe.

10 Q It took about a couple weeks for that to rub
11 off?

12 A I guess, approximately.

13 Q You know Christopher Landrum, too, don't you?

14 A I knew of him.

15 Q How did you know of him?

16 A Back from my conviction in '93, I was
17 sentenced to six years, I was granted parole upon
18 completion of the ATU program, addiction treatment
19 unit, and he was a fellow that was already there a
20 group ahead of me, he wasn't in my group but he was
21 in a group ahead of me, therefore I knew of him.

22 Q Did you know him personally?

23 A No, sir.

24 Q Did you meet him personally?

25 A I met him personally there.

LAMONCYON SUTTON - CROSS

- 1 Q You did meet him there?
- 2 A There.
- 3 Q What year was that?
- 4 A 1996.
- 5 Q Okay. So, you met Chris Landrum in 1996?
- 6 A Yes, sir, I did.
- 7 Q Okay. Did he know you were a drug pusher?
- 8 A Not at that time, he didn't.
- 9 Q Well, he knew later that you were a drug
10 pusher?
- 11 A I assume so.
- 12 Q Okay. And why do you assume so?
- 13 A Basically I just assume so. Just my -- I
14 just assume.
- 15 Q You don't have anything to base that
16 assumption upon?
- 17 A Well, like I said, once before I had a pretty
18 popular name that was out, so I guess that's why I
19 assumed that.
- 20 Q How come you were so popular?
- 21 A I sold drugs.
- 22 Q Big time?
- 23 A I guess you could say that.
- 24 Q Okay. Now let me ask you something. Did
25 anybody attempt to rob you this time involving this

LAMONCYON SUTTON - CROSS

1 case?

2 A No, it wasn't actually a robbery attempt but
3 I mean, it wasn't actually a robbery but I think it
4 was a robbery, it was going to be a robbery
5 attempt.

6 Q Let me -- that's a good attempt to answer my
7 question.

8 MR. JONES: Your Honor, I object to his
9 commenting on a witness' response, and the witness
10 answered the question and the answer said there was
11 no actual robbery but he believes there was an
12 attempt and that is what he stated and it was a
13 direct response to the question asked. I would ask
14 you direct defense counsel not to comment in front
15 of this jury on the answers that the witness gives
16 but ask you if he needs help in that regard.

17 MR. McLAIN: Your Honor, I would ask you to
18 direct this witness to give me a simple yes or no.

19 THE COURT: Very well, but refrain from
20 voluntary remarks between questions.

21 MR. McLAIN: Yes, sir.

22 BY MR. McLAIN:

23 Q Was there a robbery attempt involved in this
24 case, to your knowledge?

25 A To my knowledge, no, sir.

LAMONCYON SUTTON - CROSS

1 Q Okay. Now, tell me about the length of that
2 driveway right here. Let's refer right here to
3 State's Exhibit Number, excuse me, Number 1, okay,
4 it's down here. Is it down here, where Adarryl
5 was?

6 A Down there?

7 Q Where it says number three?

8 A Number three is where the tire marks were.

9 THE COURT: The jurors can't see.

10 Q I'm sorry, let me --

11 A That's approximately where the vehicle was.

12 Q The tire marks were, right?

13 A Yes, sir.

14 Q Do you know of your own personal knowledge
15 where Adarryl was shot?

16 A No, sir.

17 Q Okay. But this says blood trail. Do you
18 agree with this blood, did you actually see this
19 blood trail right here?

20 A ~~I seen the blood trail in the driveway and I~~
21 ~~spotted some out on the pavement area where it~~
22 ~~looked like it might have occurred.~~

23 Q Okay. This right here is an embankment,
24 isn't it?

25 A I wouldn't call it an embankment, no, sir.

LAMONCYON SUTTON - CROSS

1 Q It's higher than the rest of the ground,
2 isn't it?

3 A Yes, a tad, a tad.

4 Q A tad?

5 A I wouldn't call it an embankment, though.

6 Q Okay, what would you call it?

7 A I say a grade, a slight grade.

8 Q How high?

9 A It just gradually increases, I say two to
10 three foot. I mean, it was above the pavement a
11 little.

12 Q Okay. And how far distance is that?

13 A The complete driveway?

14 Q Yes.

15 A I say around 25, 30 yards, give or take a
16 little.

17 Q Okay. And right down here did you see any
18 items or anything down there after he was shot?

19 A Yes, sir.

20 Q What did you see down there?

21 A From what I could see, it was a pair of
22 glasses.

23 Q What color?

24 A They were prescription glasses, they had the
25 gold frames on them.

LAMONCYON SUTTON - CROSS

- 1 Q Gold frames?
- 2 A They had gold frames.
- 3 Q Okay. What else, if anything, did you see?
- 4 A I seen blood, I seen blood in the roadway.
- 5 Q Uh-huh. Anything else?
- 6 A Not to my recollection. I'm sure, I mean,
- 7 that's to the best of my recollection.
- 8 Q Okay. And let me refer you to State's
- 9 Exhibit Number 2, which is a white Ford Excursion.
- 10 Do you know of your own personal knowledge if
- 11 that's the vehicle that was involved in this
- 12 incident?
- 13 A I don't know if it is the exact vehicle but
- 14 it looks exactly like it.
- 15 Q It looks just like it?
- 16 A Yes.
- 17 Q How many white Ford Excursions have been
- 18 made, do you know?
- 19 A I'm sure it was several.
- 20 Q Okay. Thousands?
- 21 A Thousands, yes, I guess, I assume.
- 22 Q Now, do you remember when you gave -- you
- 23 were interviewed by Detective, Officer, Agent
- 24 Alford?
- 25 A Yes, sir.

LAMONCYON SUTTON - CROSS

1 Q Okay. And do you read well?

2 A Yes, sir.

3 Q Okay. Look at this interview right here.
4 What does it say you state? It starts Sutton
5 states, what?

6 A That his uncle had left his residence and
7 then returned and --

8 Q Stated?

9 A Stated that, stated that there was a
10 suspicious vehicle parked at the end of the
11 driveway.

12 Q I think that says by the driveway.

13 A By the driveway. They both went down there,
14 we both went down there and saw white Ford
15 Excursion. The vehicle was empty and locked. They
16 then noticed door --

17 Q Dog?

18 A Then noticed dog barking and maybe someone
19 was in the woods. They returned.

20 Q I think it says they then noticed dogs
21 barking and maybe someone in the woods?

22 A Right.

23 Q Okay. Did you notice somebody in the woods?

24 A We didn't see no one in the woods but I did
25 have dogs and they would react to something like

LAMONCYON SUTTON - CROSS

- 1 that. They had did it in the past.
- 2 Q Did you see someone in the woods?
- 3 A No, sir, I didn't.
- 4 Q Okay. But that's what you told the agent?
- 5 A Excuse me?
- 6 Q But that's what you told the agent?
- 7 A ~~Maybe someone was in the woods.~~
- 8 Q It says they then noticed dogs barking and
- 9 maybe someone in the woods. Is that correctly --
- 10 A Yes.
- 11 Q Is that what it says?
- 12 A Correct.
- 13 Q Okay. What does it say next?
- 14 A They returned to the house to get flashlights
- 15 and left the victim at the road, then they heard
- 16 victim call for help and did return to the victim.
- 17 Victim was shot in leg. They did not hear any
- 18 gunshots. Victim was placed in car and taken to
- 19 hospital.
- 20 Q By?
- 21 A By Johnny Ray McCoppin.
- 22 Q All right. Now, do you remember when you
- 23 gave that statement?
- 24 A That was my uncle's statement.
- 25 Q It says person interviewed up here, is that

LAMONCYON SUTTON - CROSS

1 you?

2 A That's me, sir.

3 Q Okay. And then you gave another statement
4 right here, didn't you?

5 A That was my statement, sir.

6 Q That's one statement. That says incident
7 interview report, right?

8 A Right.

9 Q Okay. Then this right here says voluntary
10 statement. Is that your name right there?

11 A Yes, sir.

12 Q Is that your signature right there?

13 A Yes, sir.

14 Q Okay. Well, let's just do this one. This
15 one is -- when was this given, do you know?

16 A It was that Sunday, Sunday morning after the
17 shooting.

18 Q This says --

19 A July 29th.

20 Q This says July 29th, 2001, at 8:48 a.m.?

21 A Uh-huh.

22 Q Okay. What does it say, "I am having," what?

23 A "David Alford write the statement for me at
24 approximately 12:15 to 12:30 a.m. today. My Uncle
25 Johnny Ray McCoppin left my brother's house at

LAMONCYON SUTTON - CROSS

1 after a party. When he went down the
2 driveway and he saw what, he saw what --

3 Q "He come back"?

4 A "He saw what, come back up to the house." I
5 guess there is something missing in there.

6 Q "Back up to the house and said"?

7 A "It was a white Ford Expedition on the road,"
8 I guess that's what it is.

9 Q Okay, go ahead.

10 A "He told me that it didn't look right down
11 there, and we drove down there."

12 Q "In my brother's El Camino"?

13 A "In my brother's El Camino. Time come --"

14 Q "The time to come out of the drivewaym a
15 white Ford Excursion was parked"?

16 A "Was parked and facing towards Stokes Hollow
17 Road on the left side. Then --"

18 Q "There was no one around the vehicle"?

19 A "Around the vehicle and the door was locked.
20 My uncle --"

21 Q "Tried to open"?

22 A "-- tried to open the door. At this time
23 Adarryl rode down the driveway on his motorcycle.
24 He asked us did we see anything. Me and my uncle
25 went, me and my uncle went back --"

LAMONCYON SUTTON - CROSS

- 1 Q "To the house"?
- 2 A "-- to the house to get flashlights. Someone
- 3 came in the door and said somebody was hollering.
- 4 We then --"
- 5 Q "Rushed out"?
- 6 A "-- rushed out on the porch."
- 7 Q "And heard Adarryl calling my name"?
- 8 A Exactly.
- 9 Q "We then ran down the driveway. My uncle had
- 10 a .22 rifle"?
- 11 A Right.
- 12 Q "My uncle --"
- 13 A "Yelled get the car."
- 14 Q Go ahead.
- 15 A "I then went back to get the car. My
- 16 mother," I guess that's mother.
- 17 Q "Mother's car"?
- 18 A "My mother's car and drove down the driveway.
- 19 Adarryl was laying on the right side of the
- 20 driveway with Johnny --"
- 21 Q "Near him"?
- 22 A "-- near him. Me and Johnny then --"
- 23 Q "Put Adarryl"?
- 24 A "-- put Adarryl in the car and Johnny left
- 25 for the hospital."

LAMONCYON SUTTON - CROSS

1 Q All right.

2 MR. McLAIN: Let's make these Defendant's
3 Exhibits 1 and 2.

4 THE COURT: How says the State?

5 MR. JONES: ~~No objection, Your Honor.~~

6 THE COURT: Without objection, they will be
7 marked as Defendant's Exhibit 1 and 2.

8 (Defendant's Exhibits 1 and 2 were marked
9 and received in evidence).

10 MR. McLAIN: Do you want me to publish these
11 now?

12 THE COURT: Whatever you wish, counsel.

13 MR. McLAIN: All right.

14 BY MR. McLAIN:

15 Q Now, you don't sound very upset on that 911
16 tape. Why is that?

17 A Why I don't sound upset?

18 Q Uh-huh.

19 A Well, I don't understand.

20 Q On that tape you are just talking to the
21 dispatcher at the police department.

22 A I had, I had a loved one get shot and I don't
23 sound upset?

24 Q Right. Is there any reason why you don't
25 sound upset on that tape?

LAMONCYON SUTTON - CROSS

1 A I might not sound upset to you.

2 Q Okay. But, where was Adarryl shot, how many
3 times?

4 A He was shot in the leg but at the time we
5 didn't have no recollection of how many times.

6 Q Do you know whether he was shot in the ankle?

7 A I know it was in the leg.

8 Q And --

9 A We knew that from where the blood was coming
10 from.

11 Q Okay. Was there blood coming from his ankle,
12 too?

13 A I couldn't recollect.

14 Q Okay. What kind of steps, first-aid, if any,
15 did you take?

16 A We didn't take it. First-aid, I'm not a
17 paramedic, I wouldn't know what kind of first-aid
18 steps to take.

19 Q Well, did you --

20 A Our first instinct was to get him some
21 medical attention, period.

22 Q You didn't get a towel and apply pressure to
23 the wound?

24 A No, sir. We were trying to get him to the
25 hospital.

LAMONCYON SUTTON - CROSS

- 1 Q You didn't bandage him up?
- 2 A No, sir. I'm not a paramedic.
- 3 Q Okay. How far is Abbeville Hospital from
- 4 your house?
- 5 A Approximately 20 or so miles, approximately.
- 6 Q Okay, and what about Anderson AnMed?
- 7 A About the same, about 20 or so approximate
- 8 miles.
- 9 Q Is there a quicker course or is there a
- 10 shorter way to the Anderson Hospital than the one
- 11 that was taken by Johnny McCoppin?
- 12 A I don't think so.
- 13 Q Okay. He kind of took the back way, didn't
- 14 he?
- 15 A Yes, sir.
- 16 Q Okay.
- 17 A Both ways, both ways are rural area.
- 18 Q Okay. Is there any reason why he took the
- 19 back way?
- 20 A I can't answer that.
- 21 Q Is there -- do you know why he went to
- 22 Anderson instead of the Abbeville Hospital?
- 23 A I can't answer that, sir.
- 24 Q You got charged with Rosalind Brown at one
- 25 time, didn't you?

LAMONCYON SUTTON - CROSS

- 1 A Yes, sir, I sure did.
- 2 Q When was that?
- 3 A Approximately '93, '94.
- 4 Q What was it for?
- 5 A ~~Trafficking in crack cocaine.~~
- 6 Q In fact it was at her residence, wasn't it?
- 7 A Yes, sir.
- 8 Q You pled guilty to that, too, didn't you?
- 9 A Yes, sir.
- 10 Q Did you see anything other than a pair of
- 11 gold glasses at the end of that driveway?
- 12 A Not to my recollection.
- 13 Q That was all you saw?
- 14 A To the best of my recollection, sir.
- 15 Q Okay. And were there any shots fired from
- 16 that .22 rifle?
- 17 A No, sir.
- 18 Q No shots fired?
- 19 A I don't assume so. My uncle had the rifle,
- 20 sir.
- 21 Q So, there was no exchange of gunfire?
- 22 A No, sir.
- 23 Q ~~So, of your own personal knowledge you have~~
- 24 ~~no idea who shot Adarryl, do you?~~
- 25 A ~~Correct.~~

1 MR. McLAIN: That's all I have.

2 THE COURT: Redirect?

3 MR. JONES: None, Your Honor.

4 THE COURT: Thank you, sir. Come down, and
5 watch your step.

6 (Witness excused).

7 THE COURT: Ladies and gentlemen of the jury,
8 we will recess at this time, and take your time if
9 you need it to look at those documents. While you
10 are looking at the documents and completing looking
11 at the exhibits please do not, please understand
12 your obligation not to discuss this case with
13 anyone, even by, between or among yourselves or
14 with anyone whatsoever.

15 Again the Court reminds you that the Court is
16 aware that people will be curious, people will be
17 asking you, people will want to know what the case
18 is all about. And for your information, after the
19 verdict has been rendered you may refuse to talk
20 about the case and if anyone bothers you, then you
21 would call the sheriff and the sheriff would get in
22 touch with this judge and that will be stopped.
23 But at the end of the case, after a verdict has
24 been rendered you are free to talk about the case
25 if you please, that's your choice, but until the

1 verdict has been rendered you may not talk about
2 the case at all with anyone, even between and
3 among, by and among yourselves or with any other
4 persons. You are going to be asked and you are
5 going to have to tell them that you are a juror and
6 you are not permitted to even discuss the subject
7 matter or what the case is about. You cannot talk
8 about the case.

9 As we said, some innocent seeming comment
10 that someone may make to you if you talk with them
11 about the case may in some way stick in your mind
12 and upset the balance that you must maintain
13 throughout this trial, and something that you hear
14 or see during the very last part of the trial may
15 be as important or more important than something
16 that you see at the beginning. So, keep an open
17 mind, it's very important that you keep an open
18 mind and not talk with anyone or permit anyone to
19 talk with you. If anyone talks with you, you must
20 tell them that you are a juror and you cannot and
21 you may not and you are instructed not to talk with
22 them. If anyone persists, as you know, after you
23 alert them you are a juror that should put you on
24 your guard and on your responsibility to obtain the
25 identity of any person or persons who persist in

1 trying to talk with you about this case after you
2 alert them that you are a juror, because that would
3 be wrong, improper and illegal. They shouldn't do
4 that.

5 If there were to be any newspaper coverage,
6 media coverage of any kind, newspaper, television
7 or radio, when you see, hear or read such, if any
8 were to exist, you must immediately disregard it,
9 remove it from your eyes, turn the radio off, don't
10 hear it, and whatever you do see, hear or read, you
11 must disabuse yourself of it absolutely and
12 completely because your oath is to well and truly
13 try this case on the evidence and law presented
14 during the course of the trial and upon nothing
15 else whatsoever.

16 So, if any newspaper, radio or television
17 coverage were to exist you should, as soon as you
18 realize it involves this, turn away, disregard it,
19 don't pay any attention to it, it makes no
20 difference, and you shouldn't, you shouldn't let it
21 influence you at all, you shouldn't listen to it,
22 look at it or read it.

23 That having been said, keep in mind that when
24 you gather together and have time consider the
25 selection of one of your number of the twelve of

1 you to be your foreperson. As you know, that
2 person has no more authority nor say so than any
3 other juror. He or she will preside over your
4 deliberations and will communicate with the Court
5 on your behalf as a jury.

6 Thank you very much. Do not talk about the
7 case, be back in the jury room at 9:30 in the
8 morning. Everyone remain seated, the jurors are
9 excused.

10 (The jury was excused from the courtroom
11 at 6:21 p.m.).

12 THE COURT: All right, is there anything for
13 the record from the State before we recess for the
14 evening?

15 MR. JONES: Well, Your Honor, there is a
16 matter that I would like to bring to the Court's
17 attention, I suppose on the record, you know, would
18 be all right. If I venture into an area that you
19 think maybe I shouldn't, we will go off the record,
20 but we received a call, the Solicitor's office,
21 Deputy Solicitor Tim Woolston today, from Circuit
22 Judge Miller and he had been subpoenaed by us and
23 by the defense. Our subpoena was one where we
24 wanted him to be on standby in the event either
25 the defense or we needed him. The message he left

1 with Deputy Solicitor Woolston on his answering
2 machine was his lawyer would be here tomorrow
3 morning to move to have the subpoena issued by Mr.
4 McLain quashed, both subpoenas actually quashed.
5 Mr. McClain's subpoena, I think required him to be
6 here at 9:30 tomorrow morning, which is why his
7 lawyer will be here tomorrow morning at 9:30.

8 Now, Judge Miller's potential testimony would
9 arise, I believe, during the course of a Jackson v.
10 Deno hearing or the admissibility of a statement
11 made by this co-defendant. You know, I'm not
12 telling you that his testimony is necessary, I'm
13 just telling you that it is my understanding he
14 represented this defendant during the time of the
15 statement that was obtained from this defendant in
16 this case but it is my understanding he did not
17 represent this defendant on this charge at the time
18 the statement was obtained from this defendant.

19 So, you know, there are some issues there. I
20 just wanted you to know that apparently a lawyer
21 will be here in the morning. Based on scheduling
22 and what I anticipate might take place tomorrow, I
23 would hope to be in a position to sometime either
24 an hour prior to the lunch break or, you know, a
25 half hour to an hour after the lunch break,

1 depending on how long the lunch break is, to
2 address the Jackson v. Deno issue. And I will
3 address it anytime you want to at this point in
4 time because we would intend to call those
5 witnesses, they would be our, let's see, our fifth
6 witness tomorrow. I have got four I think I can
7 get to in the morning. Deputy Brian Walker who
8 collected some of the evidence at the scene, SLED
9 Agent Brett Baker who assisted in recovering that
10 evidence and analyzing some of it, Johnny McCoppin
11 and Rosalind Brown, and I may even put off Brett
12 Baker's testimony until after the Jackson v. Deno,
13 depending on how long McCoppin, Walker and Brown's
14 testimony is, but we would be at a point either
15 before SLED Agent Brett Baker testifies, or after,
16 to entertain the Jackson v. Deno hearing involving
17 at least two witnesses.

18 You know, I would anticipate, based on my
19 experience in these matters, that hearing would
20 take anywhere from an hour to an hour and a half,
21 to possibly as much as two hours. It depends, I
22 mean, I try to get to the point and my examination
23 of those two witnesses in toto would probably be,
24 you know, a half hour to 45 minutes.

25 THE COURT: The Court can anticipate what the

1 two officers and the other two co-defendants, as
2 you will, not Mr. McCoppin, I think you said
3 Rosalind Brown --

4 MR. JONES: Yes, sir. She's the only
5 co-defendant that will testify.

6 THE COURT: The Court could anticipate what
7 they will testify to, but what about Baker?

8 MR. JONES: Your Honor, Deputy Walker is just
9 going to testify he collected ~~some eyeglasses at~~
10 the scene, a couple pocket knives, a duffle bag and
11 some shell casings.

12 THE COURT: There was another person, though,
13 not the deputy.

14 MR. JONES: That's Brett Baker, SLED Agent
15 Brett Baker is a crime scene analyst. Basically he
16 will testify as to the tire marks, blood trails and
17 the photographs that have been introduced and some
18 testing on some evidence.

19 THE COURT: Well, at the risk of having Judge
20 Miller's lawyer stay here, there may be some
21 possibility of contacting him and telling him that
22 it will be, he won't be needed in the morning,
23 perhaps we could get the testimony of the witnesses
24 whom you just referred to and at that time it seems
25 that we would be in a posture to delve into the

1 statement, such as it may be or whatever it is --

2 MR. JONES: I agree, Your Honor.

3 THE COURT: -- that we're talking about.

4 MR. JONES: I agree.

5 THE COURT: How say you?

6 MR. McLAIN: May it please the Court, Your
7 Honor, the facts are these. Judge Miller was a
8 contract public defender for Mr. Martin on some
9 other federal things and there is some question as
10 to proper Mirandizing and his presence at the time
11 with Mr. Martin, whether or not he was present,
12 which obviously goes to a Jackson v. Deno hearing.
13 I would make a motion in limine to exclude, unless
14 my client takes the stand, to exclude any mention
15 of any federal charges, anything federal whatsoever
16 should be excluded unless he takes the stand.

17 THE COURT: Your motion is granted. He's
18 being tried for this crime.

19 MR. McLAIN: That's right.

20 THE COURT: The crimes indicated in this
21 indictment.

22 MR. JONES: And up to this point Mr. McLain
23 is the one only one that's mentioned federal
24 charges.

25 THE COURT: Well, it's assumed that was a

1 precautionary measure.

2 MR. McLAIN: That's correct.

3 THE COURT: Well, that won't be mentioned and
4 of course the experienced ~~Solicitor is not going to~~
5 ~~mention any other convictions or prior bad acts~~
6 other than the ones with which we're now concerned.

7 Now, the issue here is when we're going to
8 take up whether or not anything your client said
9 would be admissible against him and the materiality
10 of Judge Miller's participation in whatever he said
11 and to whom he said it.

12 MR. McLAIN: That's correct.

13 THE COURT: Now, that decision, he may need
14 his lawyer here during the Jackson v. Deno hearing
15 so his lawyer can, if he wants to, have any input
16 on that hearing but he very well may be a material
17 witness here. The Court knows nothing about this
18 at all until we get to that point, I'm just
19 pointing out that maybe we ought to get those
20 witnesses out of the way and not have his lawyer
21 come down in the morning, but get ready to have
22 that hearing tomorrow afternoon and decide whether
23 Judge Miller needs to come here.

24 MR. McLAIN: Yes, sir, but what I'm getting
25 at, I suppose what I'm getting at is I don't want

1 any federal agents coming in here and testifying
2 except for the Jackson v. Deno hearing, if that's
3 material to the Jackson v. Deno issues. Obviously
4 that will be outside the hearing of the jury.

5 THE COURT: That will be.

6 MR. McLAIN: Right, but I don't want any FBI
7 agent or anything else coming in here and
8 testifying in front of a jury unless it has to do
9 with this charge.

10 THE COURT: We'll have to cross that bridge
11 when we get to it, Mr. McLain.

12 MR. McLAIN: Yes, sir.

13 THE COURT: If he said something and the
14 Court rules it admissible and he said it to a
15 federal agent, then if he's asked what he does or
16 did, then he can answer truthfully but he will not
17 say anything about any pending charges or prior
18 convictions or prior bad acts. It will have to be
19 relevant and material to the inquiry before the
20 Court, and that arises out of this indictment.

21 MR. McLAIN: Yes, sir, but the statement
22 allegedly made by my client was not a statement
23 that he read or, I'm sorry, that he wrote or
24 anything else, and it may not have been given to a
25 state agent.

1 THE COURT: What difference does that make?

2 MR. McLAIN: I don't want the jury to hear
3 anything about anything else.

4 THE COURT: Well, that he may have made it to
5 a law enforcement officer who is not a state law
6 enforcement officer, let's say he made it to a
7 Russian KGB agent.

8 MR. McLAIN: That would make me believe as an
9 individual he might be involved in something else.

10 THE COURT: But keep in mind that the
11 veracity and the credibility of the witness
12 testifying about what your client said is what's in
13 question here.

14 MR. McLAIN: That's correct.

15 THE COURT: If it's admissible.

16 MR. McLAIN: If it's admissible.

17 THE COURT: So, it doesn't matter whom he
18 made it to. The question is whether the jury
19 believes he made it or not.

20 MR. McLAIN: Correct.

21 THE COURT: Whether it's a federal agent, a
22 federal agent is not going to talk about, it's
23 anticipated won't be questioned about any
24 convictions or charges or allegations of bad acts
25 but he can say, "I'm a federal agent, I'm a Secret

1 Service Agent, whatever he might be, he can answer
2 that. He wouldn't go into any convictions or
3 crimes or bad acts.

4 MR. McLAIN: But I want to register my
5 objection, Your Honor, for the record and make a
6 motion in limine on that because the fact that he
7 may just be a federal agent may lead somebody to
8 believe that he may have some other charges out
9 there.

10 MR. JONES: It's an implausible conclusionary
11 jump, Your Honor.

12 THE COURT: That is a rather great leap, Mr.
13 McLain, just to, for you to, I mean, it's a good
14 argument but for the jury to presume that he has
15 been convicted of or committed any crime under the
16 jurisdiction of the federal government because he
17 may have made a statement to a federal agent --

18 MR. McLAIN: It would certainly cause a
19 question in my mind, the first thing would pop in
20 my mind is, well, this person, if you have a KGB
21 agent testify or federal agent testify, oh, well,
22 there must be something else behind this that I
23 don't know about, he might have some other pending
24 charges with another agency.

25 THE COURT: The Court will charge the jury

1 that he is, that they are only to consider this
2 charge and any mention of any other crime or any
3 other acts not involved in this indictment in this
4 case will be completely and absolutely disregarded
5 by them. That will be in the charge.

6 MR. McLAIN: Okay.

7 THE COURT: But the Court doesn't expect the
8 State to question a witness who may be a Secret
9 Service agent or FBI agent and not identify that
10 witness honestly and completely.

11 MR. McLAIN: Well, that's true, Your Honor,
12 but first, of course, we have to get to the issue
13 of whether or not that statement is admissible. It
14 may be a moot issue.

15 THE COURT: We're grinding a sharp axe here,
16 aren't we?

17 MR. McLAIN: Yes, sir.

18 THE COURT: Let's stop.

19 MR. JONES: Well, Your Honor, if I might,
20 just briefly, the reason I brought all this up was
21 understanding, I realize sometimes when I try to
22 orchestrate things I can ruffle feathers. I'm not
23 really trying to ruffle feathers, really not trying
24 to orchestrate anything, but I in a very timid
25 fashion would suggest I will try to conclude the

1 presentation of witness testimony tomorrow around
2 11:30 so that we can get to the judge's lawyer, so
3 that we can excuse this jury for lunch from 11:30
4 to 2:30 so that we can address some Jackson v. Deno
5 issues between 11:30 and 12:00 or 1:30 or even
6 2:00, which would give you a half hour break for
7 lunch if you bring the jury back at 2:30 tomorrow,
8 and try to accomplish it in that fashion,
9 understanding that I also have a doctor, a medical
10 doctor that is only available, if I can work it,
11 tomorrow afternoon to testify sometime between 2:30
12 and 7:30 in the evening.

13 MR. McLAIN: I believe he told me 3:00.

14 MR. JONES: He'll stay here, I've just
15 scheduled, his surgery schedule allowed me to call
16 him tomorrow afternoon. He's under subpoena and if
17 he has to cancel surgeries he will, but if I can
18 coordinate his testimony tomorrow afternoon I would
19 like to try and do that.

20 THE COURT: It could be, now, anticipation in
21 this business is very risky, as we all know, it
22 could be that we have to take up the issue of
23 Jackson versus Deno and anything this defendant may
24 have said after you complete your doctor. It could
25 be that we let this jury go for the rest of the

1 afternoon after that, and the judge's lawyer will
2 just have to stay, I'm just suggesting we tell the
3 judge's lawyer to come around noon or 11:30 rather
4 than 9:00 o'clock.

5 MR. McLAIN: That's fine.

6 MR. JONES: Yes, sir, 11:30, 12:00 would be a
7 good time, Judge.

8 THE COURT: Then if we don't get to him until
9 tomorrow afternoon, well, we're doing the best we
10 can.

11 MR. McLAIN: Yes, sir. May I ask who the
12 lawyer was that called?

13 MR. JONES: We don't know who his lawyer is.

14 THE COURT: We'll try to contact the judge
15 and find out that and see if he will contact his
16 own lawyer.

17 Anything further from either quarter?

18 MR. McLAIN: Nothing.

19 MR. JONES: Thank you for allowing us to work
20 late this evening, Judge.

21 MR. McLAIN: Thank you, Judge.

22 MR. JONES: I appreciate it.

23 THE COURT: Be at ease until tomorrow at
24 9:30.

25 (Recessed at 7:10 p.m.).

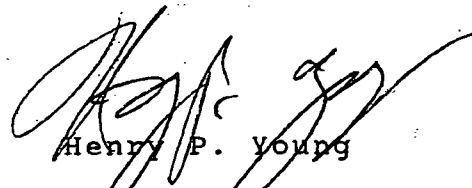
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I, the undersigned Henry P. Young, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case in the Circuit Court for Abbeville County, South Carolina, on the 16th day of March, 2004.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 8, 2004


Henry P. Young
Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

2002-GS-01-192

STATE OF SOUTH CAROLINA,

-vs-

SHONDRA LAMONT MARTIN,
Defendant.

B E F O R E:

HONORABLE WYATT T. SAUNDERS, JR.

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

W. TOWNES JONES, IV
TIMOTHY W. WOOLSTON
Attorneys for the State

W. BENJAMIN McLAIN
Attorney for the Defendant Shondra Martin

Henry P. Young
Court Reporter

VOLUME III OF VI

March 17, 2004

1 (Reconvened at 10:25 a.m.).

2 THE COURT: The record is open. This is
3 State of South Carolina versus Shondra Lamont
4 Martin, indictment 2002-191. Is there anything
5 from the State before the jurors come out, please?

6 MR. JONES: No, Your Honor.

7 THE COURT: Anything from the defense?

8 MR. McLAIN: No, Your Honor.

9 THE COURT: Thank you. Show the jury out,
10 please, Mr. Busbee.

11 (The jury returned to the courtroom
12 at 10:26 a.m.).

13 THE COURT: Good morning, ladies and
14 gentlemen. You have selected Donna Horne, juror
15 number 78, as your foreperson, and Miss Horne is
16 properly seated. Miss Horne sits in that seat for
17 the remaining portion of the trial. Of course, the
18 alternates will sit in the alternate seats for the
19 remaining portion of the trial. The others of you
20 may sit wherever you are comfortable during and
21 throughout the trial.

22 Madam Clerk, will you hand this to the court
23 reporter and have it marked as a Court's exhibit,
24 please.

25 (Juror note marked as Court's Exhibit 1).

1 THE COURT: The matter lies with the State.

2 Call your next witness, please, Solicitor.

3 MR. JONES: If if please the Court, Your
4 Honor, the State calls Johnny McCoppin to the
5 stand.

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1 JOHNNY MCCOPPIN,
2 after being duly sworn, testified as follows:
3 THE COURT: This witness is with you,
4 Solicitor.

6 QUESTIONS BY MR. JONES:

7 Q Please state your name for the record.
8 A Johnny R. McCoppin.
9 Q Mr. McCoppin, where do you live?
10 A I live on Highway 249. At the time of the
11 incident I was living at .
12 Q Are you employed anywhere at the time?
13 A No, sir.
14 Q I want to ask you, you have been charged and
15 convicted of several criminal offenses, is that
16 correct?
17 A Yes, sir.
18 Q In 1989 did you plead guilty to a fraudulent
19 check charge?
20 A Yes, sir.
21 Q In 1991 did you plead guilty to a simple
22 assault and battery charge?
23 A Yes, sir.
24 Q And again in 1991 did you plead guilty to an
25 assault and battery of a high and aggravated nature

JOHNNY MCCOPPIN - DIRECT

1 charge?

2 A Yes, sir.

3 Q In 1991?

4 A Yes, sir.

5 Q And you received a probationary sentence for
6 that charge, is that correct?

7 A Yes, sir.

8 Q Now I would like to bring your attention to
9 the midnight hour, the early morning minutes of
10 July 29th, 2001. Were you attending a birthday
11 party at at that time?

12 A Yes, sir, I was.

13 Q Who's party was it?

14 A It was at Lamoneyon Sutton's, my nephew.

15 Q Uh-huh. Do you recall approximately how many
16 people had gathered, were there at that location at
17 that time?

18 A At the time I arrived it was, I say, about 15
19 people, 12 or 15 people.

20 Q And about what time did you arrive?

21 A Around 10:00. 9:30, 10:00.

22 Q On the 28th?

23 A Yes, sir.

24 Q All right. At some point in time had you
25 decided to leave the party?

JOHNNY MCCOPPIN - DIRECT

1 A Yes, sir. It was after the party was winding
2 down, I guess you would say, and we had basically
3 come to watch the fight and celebrate a birthday, a
4 birthday party, there was a fight on that night,
5 the fight was over and the party was winding down,
6 I decided to leave, I guess approximately around
7 12:00.

8 Q Were a number of you gathered outside of the
9 home of in a picnic area located
10 behind the house?

11 A Yes, sir.

12 Q I hand you State's Exhibit Number 9 and ask
13 you if you recognize what's depicted in that
14 photograph?

15 A Well, it's a picnic table, that's the area
16 where the cookout was being held at.

17 Q Okay.

18 A The corner of the house, okay, back side of
19 the house.

20 Q And you say you were getting ready to leave
21 at about what time?

22 A It was approximately 11:30 to 12:00, I'm not
23 exactly sure of the time.

24 Q Where were you going?

25 A Home.

JOHNNY MCCOPPIN - DIRECT

1 Q How were you traveling?

2 A I was traveling in my car, I had a Chrysler,
3 Chrysler Fifth Avenue.

4 Q Well, tell the jury what you did, what you
5 saw from that point forward.

6 A Well, when I was leaving the party I was
7 coming out the driveway to enter A-Frame Road. As
8 I left the driveway, it comes into A-Frame Road,
9 there was a white SUV sitting at the end of the
10 driveway facing, facing out of A-Frame, like the
11 direction of leaving. And when I came out I
12 noticed this vehicle, I noticed this vehicle and I
13 turned around and went back. I told Lamoncyon
14 there was this white SUV parked at the end of his
15 driveway, he maybe should go check it out and see
16 what it was. At that time we came back in
17 Lamoncyon's car to look at the vehicle. We turned
18 around, made a complete turnaround, he came back
19 and shined his lights directly on the vehicle, we
20 got out, we walked around the vehicle, we seen
21 nobody, the doors was locked, and at that time
22 Adarryl was, Adarryl was coming, coming out and he
23 was -- excuse me.

24 THE COURT: Hand him a tissue, Madam Clerk.

25 A Thank you. Adarryl was coming out on his

JOHNNY MCCOPPIN - DIRECT

1 motorcycle and he asked us what was going on, and I
2 told him this vehicle was sitting, we didn't know
3 who it belonged to, we was going back to get some
4 lights and a weapon. And he said that, "I'll stay
5 here."

6 He had his motorcycle pointed toward the
7 vehicle, he was sitting on the bike, he said, "I'll
8 wait here until you all get back." At that time we
9 left and went back to the property and Lamoncyon
10 went in the house, I was getting out of the car, I
11 was coming up on the porch of Lamoncyon's house,
12 went to the front door, this guy named Bobby Paul,
13 he called me, he said, "I can hear someone,
14 somebody hollering for help." And I told him, I
15 said, "Don't play with me, man," like that. And he
16 said, "I'm not playing."

17 I came around the house and I heard Adarryl's
18 voice, and all I could do was, I just grabbed this
19 gun and I just took off running toward where
20 Adarryl was, and it was really dark on the highway
21 that he was laying on and, I'm sorry, he was laying
22 on the highway and I was running and I couldn't see
23 him, I fell, I fell over him and he was laying
24 there bleeding and I said, "Adarryl, what's the
25 matter, what's wrong," he said, "They shot me."

JOHNNY MCCOPPIN - DIRECT

- 1 Q He said what?
- 2 A He said, "They shot me."
- 3 Q "They shot me"?
- 4 A Yes, sir.
- 5 Q All right.
- 6 A And I started to feel all over his body and
- 7 where he was hurt at, and he was bleeding, blood
- 8 was coming out, it was hot and you could smell it,
- 9 and he passed out, and I started to hollering for
- 10 someone to bring a vehicle so I could carry him to
- 11 the doctor. And my nephew, Lamoncyon, brought his
- 12 vehicle out, and he was a big guy and we, maybe we
- 13 were four or five minutes trying to get him in the
- 14 car because the car was a Honda Civic, it was a
- 15 small car and we couldn't, he couldn't move his
- 16 legs, he was unconscious and we couldn't pick him
- 17 up. So, another guy named Bobby Paul, he came out
- 18 to where we were and all three of us got him in the
- 19 car. And after we got him in the car I took off to
- 20 the hospital, and I was going to Anderson Memorial
- 21 and the direction I went in, it wasn't any less
- 22 mileage than going to Abbeville from where I were,
- 23 and I didn't go the wrong way to the hospital but I
- 24 went the most direct route from that area to
- 25 Anderson Memorial. If I went the other way I would

JOHNNY MCCOPPIN - DIRECT

1 have been going out of the way.

2 And, so, I continued to try to get to the
3 hospital and a patrolman stopped us on the way up
4 there. And from that -- they stopped us up there,
5 the patrolman wouldn't let me leave, wouldn't let
6 me take him to the hospital or anything, and I
7 tried to leave and then he told me not to move and
8 he went for his weapon, like to draw his weapon, so
9 I had to freeze, and they wouldn't let me move or
10 do anything. And then one of the other patrolmen
11 came over and opened the door up where Adarryl was
12 and he fell on the ground and they wouldn't do
13 nothing to help him, and all I could do was hold
14 him with my arms, he was looking at my face, with
15 his eyes --

16 THE COURT: Take a moment and gain your
17 composure because you have to speak clearly so that
18 the record can have your voice recorded, so
19 recompose yourself, take your time.

20 A He was bleeding, I begged the officers and
21 stuff to let me take him to the hospital but they
22 wouldn't, they just kept us there. Then the
23 paramedics came and they took him from there and
24 after that they kept me there and then I went to
25 the hospital and he had passed.

JOHNNY MCCOPPIN - DIRECT

1 Q You did everything you could to try to save
2 your nephew's life?

3 A Yes, sir, I did everything I could do.

4 Q You mentioned he was pretty good sized. I
5 want you to take a look at State's Evidence Number
6 17 and ask you --

7 A Yes, sir.

8 Q -- if Adarryl McCoppin appeared similar to
9 that photograph --

10 A Yes, sir.

11 Q -- on July 29th, 2001?

12 A Yes, sir.

13 Q That's not the way he was dressed?

14 A No.

15 Q But he was the same size?

16 A Yes, sir.

17 MR. JONES: Your Honor, we offer this
18 photograph into evidence at this time.

19 THE COURT: How says the defense?

20 MR. McLAIN: No objection, Your Honor.

21 THE COURT: Without objection it will become
22 part of the evidence in the case. State the
23 number, please.

24 MR. JONES: State's Evidence Number 17, Your
25 Honor.

JOHNNY MCCOPPIN - DIRECT

1 (State's Exhibit Number 17 was marked
2 and received in evidence).

3 BY MR. JONES:

4 Q Is this the person you were trying to get to
5 the hospital?

6 A Yes, sir. He is large but he's just like a
7 baby, I have raised him, I helped raise him, he
8 used to sleep in my arms when he was a little baby.
9 He was the best person anybody could ever want to
10 know. He never bothered anybody.

11 Q And you gave statements to the police as
12 well?

13 A Yes, sir.

14 MR. JONES: Answer any questions this lawyer
15 has.

16 THE COURT: Cross-examination, Mr. McClain?

17 MR. McLAIN: Yes, sir, may it please the
18 Court.

19 THE COURT: Mr. McLain.
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JOHNNY McCOPPIN - CROSS

CROSS EXAMINATION

QUESTIONS BY MR. McLAIN:

Q Mr. McCoppin, I know this is painful for you but, of course, I need to ask you a few questions.

A Yes, sir.

Q Okay?

A Yes.

Q Okay. Now, you're aware that the family of the deceased has filed a wrongful death and survivial action in Anderson County --

A Yes, sir, I'm aware.

Q -- against the Anderson County Sheriff's Department and South Carolina Department of Public Safety. Are you aware of that?

A Yes, sir.

Q And you are also aware they filed a federal lawsuit in Anderson County in federal court for a violation of the deceased's civil rights?

A Yes.

Q Okay. And I believe your deposition was taken by Mr. Victor McDade who is defending those cases in Anderson County?

A Yes.

Q Do you remember when they took your deposition?

JOHNNY MCCOPPIN - CROSS

1 A I don't remember the exact date. I know it
2 was a couple months back.

3 Q But you remember them taking it?

4 A Yes, I do.

5 Q Okay. First let me ask you about this. How
6 long is that driveway at A-Frame Road where this
7 incident occurred?

8 A I would say probably 200 feet, 250 feet.

9 Q Okay. And did you know at the time what kind
10 of SUV it was that you all looked at?

11 A I didn't know exactly. All I know, it was a
12 ~~Ford type SUV.~~ I gave a statement to the officer
13 maybe it was an Explorer or Expedition. All I
14 know, it was an SUV and was made by Ford Motor
15 Company.

16 Q You don't know whether it was an Expedition,
17 just a white, just a white Ford SUV?

18 A Yes, sir.

19 Q Okay. Let's go back to the scene of this
20 event.

21 A Okay.

22 Q I believe Heavy D was having a party at that
23 time, is that correct?

24 A That's correct.

25 Q Did you know Heavy D was a big time crack

JOHNNY MCCOPPIN - CROSS

1 cocaine pusher?

2 A Yes, I did.

3 Q And who all was at that party that night?

4 A Some of the people I knew -- I didn't know
5 some. Some I didn't. Most of the people I
6 associated with was like my cousin Adarryl, or
7 cousins, other nephews. I didn't know some of the
8 other people that was there.

9 Q Okay. And were people drinking there?

10 A Yes, they had beer there, yes.

11 Q Were you drinking?

12 A I dranked maybe one beer.

13 Q Okay. Could it be you said in your
14 deposition you said you dranked two Coors beers?

15 A I could have.

16 Q Would you agree with me that's what you said?

17 A Yes, I would.

18 Q Okay. That was under oath when they took
19 your deposition, right?

20 A Yes, sir.

21 Q Okay. Now, I believe you also said in your
22 deposition, you correct me if I'm wrong --

23 A Sure.

24 MR. JONES: Your Honor, if he wants to refer
25 to a document that contains testimony taken from a

JOHNNY McCOPPIN - CROSS

1 sworn statement, I believe the rules require that
2 he give him a copy of the document and point to
3 what page and line he's referring to if he's going
4 to ask him if he did or did not make a statement in
5 that document pertaining to any subject. We have a
6 copy of it if he wants to hand it to him. If he's
7 going to refer to a copy of a deposition that he
8 gave under oath, then I would ask that he tell him
9 what page and what line he's referring to.

10 THE COURT: Are you going to continue with
11 this line of questioning?

12 MR. McLAIN: Yes, sir, I have no problem with
13 the Solicitor's request.

14 THE COURT: Very well. The Solicitor may
15 pass the witness that copy.

16 MR. JONES: Yes, sir.

17 THE COURT: We will refer the witness to the
18 page and line.

19 MR. McLAIN: Yes, sir. Excuse me, sir. Beg
20 the Court's indulgence.

21 THE COURT: Take your time.

22 MR. McLAIN: Thank you, sir.

23 BY MR. McLAIN:

24 Q Let's start at page 24, line 7. Are you with
25 me, sir?

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1 A Yes, sir, I'm with you.

2 Q Okay. Mr. McDade asked you, "So, you think
3 it was a Ford Explorer," and that's line 7 on page
4 24?

5 A Yes, sir.

6 Q And what did you, what was your answer?

7 A Or Expedition.

8 Q And he said or Expedition?

9 A Yes.

10 Q And you said what?

11 A Yes, sir.

12 Q Okay. But you weren't sure then whether it
13 was a Ford Expedition or an Explorer, correct?

14 A Correct.

15 Q Okay. And then he asked you on line 14,
16 "What did you think when you saw it there," and
17 what was your answer?

18 A "I didn't really have any thought of why it
19 was there."

20 Q Keep going, "Well, I didn't really have any
21 thought of why or what." Do you see where I'm at?
22 Look at line 15.

23 A Okay. "I really didn't have any thought on
24 why or what but I figured that I maybe should, you
25 know, tell my nephew that it was there in case it

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1 was somebody broke down or something like that."

2 Q Okay. When you say you were going to tell
3 your nephew, to whom are you referring?

4 A Lamoncyon.

5 Q Heavy D?

6 A Yes, sir.

7 Q Okay. And you went back and told him about
8 that, correct?

9 A Yes, sir.

10 Q Okay. And let's look at line 25, which is
11 the very last line on page 24 of your deposition.

12 A Yes, sir.

13 Q I'm sorry, 23. Okay, and the question was by
14 Mr. McDade, "Did you think that, did you think that
15 the vehicle posed a threat to anybody?" And what
16 was your answer?

17 A "I'm being honest, I really didn't, I don't
18 know whether, whether I thought that, thought at
19 that time it may be that or not because there is a
20 lot of, a lot of crazy things going on around the
21 world, and so I just wanted to let him know and be
22 aware because of my little nieces and nephews that
23 live there in the house."

24 Q Okay. And let's flip over to page 25, line
25 17. Mr. McDade asked you, "Does he have a long

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1 driveway?" What was your answer?

2 A "It's pretty good ways. I would say about
3 100 feet or 200 feet, maybe."

4 Q Okay. And continue, the question, next
5 question on line, beginning on line 20 says, "When
6 you were initially leaving you were in your vehicle
7 and when you got to the end of the driveway your
8 headlights were shining on a white or showing a
9 white SUV?" And what was your answer?

10 A Yes, they were.

11 Q And then the next question says, "And you
12 thought you needed to go back and tell Lamoncyon
13 about that?" What was your answer to that?

14 A Yes.

15 Q Yes?

16 A Yes.

17 Q How come?

18 A You asked me how come, or are you referring
19 to the deposition?

20 Q Right now I'm asking you, I'm not referring
21 to the deposition, I'm asking you if the driveway
22 was that long and you went and saw this white SUV
23 of whatever type and it were locked and nobody was
24 in it, was there any particular reason why you
25 thought that you should go back and tell Heavy D

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1 about it?

2 A Yes, because like I stated earlier, there is
3 a lot of crazy things goes on in the world and you
4 don't know who or when something could happen, and
5 I love my nieces and my nephews and all my family,
6 and like, you know, I try to do my part in trying
7 to protect my people in any way.

8 Q Okay. And had you known that Heavy D, when
9 you attended this party, had been robbed twice?

10 A Excuse me?

11 Q Did you know, when you attended this party,
12 that Heavy D had been robbed twice before, before
13 you attended this party?

14 A Yes, I know.

15 Q Do you think that's a safe environment in
16 which to be or have your children?

17 A Well, I don't think it's for me to call
18 whether they are safe or any place is safe because
19 things can happen to you at any place and time or
20 any place, so I'm not the one to say whether it was
21 safe or not.

22 Q Okay. Now let's go to page 26, line 20. The
23 question by Mr. McDade was, "So, the doors were
24 locked and no one was inside?" Is that correct?

25 A On page 26?

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1 Q Yes, sir, line 20.

2 A You want my answer?

3 Q Yes. "So, the doors were locked and no one
4 was inside?" What was your answer?

5 A Right.

6 Q Okay. Then he said, "What happened then?"
7 And what was your answer?

8 A "Well, as we were returning to our vehicle
9 Adarryl was coming out on his motorcycle, he asked
10 what was going on, and we told him we didn't know
11 if someone, if someone's vehicle was broke down or
12 what was happening. We was just -- you know, a
13 little idle talk."

14 Q Idle talk?

15 A Yes, idle talk.

16 Q Continue.

17 A Okay. "We was trying to figure out what's
18 going on with the vehicle and so at that time we
19 told him that we was going to get something to
20 spotlight with, get a spotlight or a big flashlight
21 and everything and we was going to come back out.
22 At that time he said that, I'll wait here until you
23 all get back."

24 Q Okay. And let's skip down to line 15 on that
25 same page. I'm sorry, 14. It says, "How long were

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1 you gone?" What was your answer?

2 A "Well, for that time I left, from that time
3 that I left, the period, it would seem that it was
4 no more than three, two, no more than three, two or
5 three or four minutes at the most."

6 Q Continue.

7 A "And that's when one of the guys, one of the
8 guys, that's when one of the guys, one of the guys
9 that was there at that party came out and said,
10 man, I ~~hear someone hollering.~~ And that time, at
11 that time, at that time that's when I turned, came
12 back to the outside and, of the house, it was
13 Adarryl's voice and --"

14 That's the end of it.

15 Q Go ahead, turn to the next page, 28, begin
16 and continue.

17 MR. JONES: Excuse me, Your Honor.

18 THE COURT: Yes, sir. Continue
19 cross-examination.

20 MR. McLAIN: Thank you, sir.

21 MR. JONES: Page 28, I think.

22 MR. McLAIN: I believe we are on page 28,
23 thank you, sir.

24 BY MR. McLAIN:

25 Q Line 7, "And was Lamencyon the one who was

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1 going to get a flashlight?" What was your answer?

2 A Yes, sir.

3 Q "Was he looking for a flashlight?" What was
4 your answer?

5 A Yes, sir.

6 Q Continue, please.

7 A "Yes, sir. While, we had made it complete
8 into the house when he was, complete into the
9 house, he was, he got out first, went in the door
10 first, I was standing at the back talking to one of
11 the guys and came on in, and just about that time I
12 heard one of the guys --"

13 Q "One of the other guys?"

14 A Yes. "One of the other guys that was at the
15 party. One of the other guys at the party, I heard
16 someone call, call out, and I thought he was just
17 joking like, I said man, quit bull joking, and I
18 walked back then, when I heard Adarryl, and then I
19 just took off running to where he were."

20 Q Okay. The next question was, "Were there
21 people standing outside?"

22 A Yes.

23 Q Okay.

24 Q "That was when you all had gone in the car,"
25 correct?

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1 A Yes. Excuse me, I'm sorry, could you repeat
2 that?

3 Q Yes, sir. The question was, on line 25, the
4 very last line, "When you all had gone out in the
5 car?"

6 A Yes.

7 Q And your answer?

8 A Yes, sir.

9 Q And the next question was, "Just kind of
10 standing out in the yard talking, right?"

11 A Yes, sir.

12 Q And your answer was?

13 A "Yes, sir. Yes, sir, it was like, it was
14 like a game room around where we was, like a pool
15 room area where they was shooting pool and playing
16 cards and stuff like that."

17 Q Okay. Now, the next question on line 7 was,
18 "Did anyone ever hear a shot?" And what was your
19 answer?

20 A "No, no one never said that they ever heard a
21 shot."

22 Q And the next question was, "And there were
23 people out in the yard?" And what was your answer,
24 line 10, page 29, line 10?

25 A "Yes, sir. And I asked everybody but no one

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1 never, no one ever heard, said they heard a shot,
2 and I asked everyone."

3 Q Okay. And the next question was, "So, you
4 took off running to the end of the driveway and
5 what did you find?" And what was your answer?

6 A "I found Adarryl laying on the ground."

7 Q Continue, please, sir. If you need to take a
8 break --

9 A No, I'm okay. "The driveway was really dark
10 and as I ran to him I tripped over him. I got to
11 where he was and he was laying kind of on, like
12 across the highway there and I tripped over him and
13 that's where I found him and he was just bleeding."

14 Q And the next question was, "What did you do?"
15 And what was your answer?

16 A "I asked him, I asked him, I asked him what
17 was wrong and what had happened and he just said
18 they shot me."

19 Q He said, "They had shot me"?

20 A Yes.

21 Q They?

22 A Yes.

23 Q "Had shot me"?

24 A They, as in more than one.

25 Q Okay. And the next question was, "Did he

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1 give you any idea of who it was that had done that
2 or if he knew them?" And what was your answer?

3 A "No, sir, he didn't, because he was going in
4 and out, and, going in and --" do I have to read
5 this? I could tell you.

6 Q Yes, sir, I need you to read your answers to
7 these and I will try to skip over those parts that
8 aren't relevant, okay?

9 MR. JONES: Your Honor, if I might suggest,
10 maybe I could read it and he could watch me read
11 it. What he's looking for is what was the
12 response. I don't mind if he reads it, I believe
13 he may be having difficulty reading. He's fine
14 talking and testifying but we're asking him to
15 read. I didn't ask him what grade level he has.

16 THE WITNESS: I can read it, it's just
17 difficult constantly going over the same thing.

18 THE COURT: He seems to be a little
19 discomfitted also.

20 MR. JONES: Yes, sir.

21 THE COURT: Counsel, would it suit you and
22 your measures if you were to read the question and
23 the answer and ask him if that's correct?

24 MR. McLAIN: Yes, sir, I'll do that.

25 THE COURT: Very well.

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1 MR. McLAIN: Yes, sir.

2 BY MR. McLAIN:

3 Q Okay. sir, let's turn to page 30 and look at
4 line 14, okay? And the question was, "Did anybody
5 ever discuss that perhaps the person that shot
6 Adarryl," Adarryl, I'm sorry, "did anybody ever
7 discuss that perhaps the person that shot Adarryl
8 had intended that for Lamoncyon?" And your answer
9 was, "No one discussed it with me but there was
10 scuttlebutt, you know, rumors all over town about
11 this and that." Is that your answer?

12 A Yes, sir.

13 Q And you continued, "But I didn't pay any
14 attention to stuff like that because I don't feel
15 anyone could have mistaken Adarryl for Lamoncyon,
16 it's just like me and him," indicating. Was that
17 your answer?

18 A Yes, sir.

19 Q Now, you saw -- now, look away from your
20 deposition for a second, let me ask you a question.
21 You're familiar with Heavy D?

22 A Yes, I am.

23 Q And you were familiar with Adarryl?

24 A Yes, sir.

25 Q Okay. When Adarryl, when all this happened

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1 how much did Adarryl weigh?

2 A Maybe 310, 315.

3 Q Right around 300 pounds?

4 A Yes, somewhere.

5 Q And how much did Heavy D weigh?

6 A About, maybe 280, 270.

7 Q Close to 300 pounds?

8 A Yes, close to three.

9 Q Okay. And also the question on page 30,

10 line 23 was, the question was, "Was there any

11 reason that you think of why anyone would want to

12 hurt Adarryl?" And your answer was, "No, no

13 reason, not to my knowledge, no. I couldn't think

14 of any reason why anyone would want to harm him

15 because he's the most kind, gentle person I know.

16 I mean, that's coming from the heart." That was

17 your answer, right?

18 A Yes, it was.

19 Q Okay. And then the next question was,

20 "After you talked to Adarryl and he had told you

21 that they shot him what did you or anybody else

22 there do for him?"

23 And your answer was, "Well, I tried to see

24 where he was shot but I couldn't tell and I kept

25 screaming back for someone to bring a car, bring a

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1 car so I could take him to the hospital, and
2 eventually they brought a car and then we loaded
3 him, you know, to try to lift about 400 pounds,
4 after about five minutes we got him in the car."
5 Was that your answer?

6 A Yes, sir.

7 Q And the next question, "Did anybody go with
8 you?" And your answer was, "No, sir." Is that
9 correct?

10 A Yes, sir, that's correct.

11 Q And the next question was, "Did anybody call
12 an ambulance or call 911?" And your answer was,
13 "No, sir. They called 911 after I left to tell
14 them about the incident, you know, what happened."
15 Is that correct?

16 A That's correct.

17 Q And the next question was, "You didn't call
18 them while you were on the way, did you?" And your
19 answer was, "No, sir, no, sir"?

20 A No, sir.

21 Q "They called, somebody at the house called?"
22 and your answer was, "Yes, yes." Is that correct?

23 A Yes.

24 Q And the next question was, "How long do you
25 think it was from the time you found him, until the

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1 time you got him loaded in a car?" And your answer
2 was, "About five minutes." Is that correct?

3 A Yes, sir.

4 Q Okay. And the next question was, "Was that
5 your car they brought?" And your answer was, "No,
6 sir. It was Lamoncyon's, it was a green Honda
7 Civic." Correct?

8 A Correct.

9 Q By the way, what color was the Ninji?

10 A What color was what?

11 Q The Ninja of the deceased, the Ninja
12 motorcycle?

13 A It was a blue, light blue.

14 Q And did that -- were there other vehicles at
15 that residence the night of the party, painted the
16 same color?

17 A As the motorcycle?

18 Q Yes.

19 A Not to my knowledge.

20 Q Okay. Let's go back to line 6 on page 36.

21 It says, "Was there any discussion about who should
22 go or who should drive him?" And your answer was,
23 "No. I was always kind of like the big guy of the
24 family so it was automatically that I was going to
25 go." Right?

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1 A That's correct.

2 Q And by the way, you went by yourself, didn't
3 you?

4 A Yes, sir.

5 Q Just the two of you?

6 A Just me and Adarryl, yes.

7 Q Okay. And let's go to line 17. The question
8 was, "And where were you trying to take Adarryl?"
9 And you said, "To Anderson Memorial"?

10 A That's correct.

11 Q And the next question was, "And do you know
12 how far it is from that house to Anderson Area
13 Medical Center?" And your answer was, "Not
14 exactly, no, not exactly, I don't." Okay?

15 A Yes.

16 Q And then your question, there was a question
17 beginning on the very last line, 25 on page 32, and
18 continues to page 33, and the question was, "Is
19 there some type of hospital in Abbeville?" And
20 what was your answer? It was, "Yes, Abbeville has
21 a hospital"?

22 A Yes, correct.

23 Q Okay. "But I was thinking of the best
24 treatment. I'm sure that he would have got, I
25 might be biased but I think Anderson does a little

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1 better than Abbeville." Is that what you said?

2 A That's correct.

3 Q Okay. And then the next question is, "What
4 route did you take to get from Lamoncyon's house to
5 Anderson Area Medical Center?" Correct?

6 A Yes.

7 Q And your answer was, "Okay, I left A-Frame
8 Road, I'm not sure of the number." Okay? Let's go
9 down to the next question, line 13. "So, you
10 actually live, so, you actually live or are trying
11 to buy Lamoncyon's house?" And you said yes. Is
12 that correct? Line 13 through 15.

13 A I see the question but I don't have any
14 reason for that answer there.

15 Q Well, that was your answer?

16 A That was my answer, yes. I was upset.

17 Q Okay. Now let's look at line, look again at
18 line 17, okay? Your answer was, "Okay, the route I
19 take, it was Highway Number, I think it's 178, I'm
20 not sure if that's the number of the highway or
21 not, it goes from Iva to Abbeville County, I took
22 it up to, there is a road called Flat Rock Road,
23 and from there just straight Flat Rock Road until I
24 would have come up on 81, but I was stopped before
25 I got there." Correct?

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1 A Correct.

2 Q And then he asked you, "Were you stopped on
3 Flat Rock Road, is that the road you were stopped
4 on, Flat Rock Road?" And your answer was yes.
5 Correct?

6 A Correct.

7 Q And the question was, "As you were driving,
8 before you were stopped I assume you were trying to
9 get him to the hospital as quickly as you could?"
10 And your answer was yes?

11 A Yes.

12 Q Okay. And then he said, "Did that mean you
13 were running stop signs and stop lights and going
14 faster than the speed limit?" And your answer was,
15 "Well, there is only one stop sign on that road and
16 I had to stop at it, it was across 413, but there
17 wasn't any stop signs but I was speeding faster
18 than the speed limit." Correct?

19 A That's correct.

20 Q Okay.

21 Q Then let's go down to line 19. "What
22 department stopped you? Was it Trooper Perry or
23 was it the Sheriff's Department?" And your answer
24 was, "Honest, sir, I don't know, I don't know. I
25 mean, I don't know if it was, I don't know whether

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1 Highway Patrolman or the county, I don't know who."

2 Is that correct?

3 A That's correct.

4 Q "Do you recall talking," the next question,

5 "Do you recall talking to anybody after you were
6 stopped?" And your answer on line 1, page 38 is,

7 "Yes, yes." Correct?

8 A Yes, sir.

9 Q Okay. And then line 2, "Was it the Sheriff's
10 Department or Highway Patrol?" And your answer

11 was, "I talked to one of the officers, the officer
12 directed his remarks towards me, I couldn't tell

13 whether he was a county officer or State Trooper

14 because they had these little hats, little drill
15 sergeant hats and I don't know one from the other.

16 At that moment I couldn't, I really couldn't tell,

17 I wasn't looking to see who the uniforms were, I

18 was trying to get my nephew to the hospital."

19 Correct?

20 A Correct.

21 Q And let's turn over to page 36, line 7. The

22 question is, "Now, your brother J. W. McCoppin and

23 his wife have filed a lawsuit in federal court and

24 they allege that Mark Perry of the South Carolina

25 Highway Patrol stopped you. Do you know anything

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1 about that?" And your answer was, "Well, other
2 than being here now, no, sir." Is that correct?

3 A At that time that's correct.

4 Q Okay. Now look at line 17. "All right, let
5 me ask you this. Were you stopped with a blue
6 light and siren?" And your answer was, "It was a
7 blue light, yes." Correct?

8 A Yes.

9 Q "So, I assume you were traveling on Flat Rock
10 Road?" And your answer was, "Yes, sir"?

11 A Correct.

12 Q "At that time were you going faster than the
13 speed limit?" Your answer was yes?

14 A Yes.

15 Q Correct?

16 A Correct.

17 Q "And you saw a blue light?" And your answer
18 was, "Yes, sir"?

19 A Yes.

20 Q And the question was, "What did you do when
21 you first saw the blue light?" And your answer
22 was, "At first I didn't stop immediately, I guess I
23 went maybe a quarter of a mile, half a mile and
24 then I said maybe they would escort us on to the
25 hospital, and that's when I pulled over by this

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1 little store, Sav-A-Stop store, and that's when I
2 pulled up over above there and I got out of the
3 car, the officer was standing out and he asked me
4 where were I going so fast, I told him that my
5 nephew had been shot." Correct?

6 A That's correct.

7 Q "And what did he do when you told him your
8 nephew was shot? Did he tell, did you tell him you
9 were going to the hospital?" And your answer was,
10 "Yes, sir."

11 A That's correct.

12 Q Correct?

13 A Correct.

14 Q And the question was, "What did he say then?"
15 And your answer was, "He came up to the car and
16 looked in the car, shined his light in the car, and
17 he asked me to stand back and he shined his light
18 in the car and then he went back to his car and I
19 asked him, I said are you all going to lead me on
20 to the hospital, are you all going to help me or
21 what you are going to do, and him and this other
22 guy, they was in this discussion." Correct?

23 A That's correct.

24 Q And the next question, "Let me ask you this.
25 When you got out of the car were there a few

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1 minutes when you were very upset and a few minutes
2 before you and the officer were able to
3 communicate? Does that make any sense to you?"
4 And the answer was, "I'm not sure what you're
5 saying." Correct?

6 A That's correct.

7 Q And the next question was, "When you got out
8 of the car you were upset?" And your answer was,
9 "Yes, naturally"?

10 A Yes, sir.

11 Q Okay. The next question --

12 MR. JONES: Your Honor, what's the relevancy
13 of this line of questioning? I mean, does he want
14 to read the entire deposition, is that where we're
15 going, or is there some area of relevancy that this
16 has to these charges?

17 MR. McLAIN: Yes, sir.

18 THE COURT: How is it relevant, Mr. McLain?

19 MR. McLAIN: The relevancy is the time frame
20 in here and what transpired between the time of the
21 alleged shooting and the time of the arrival at the
22 hospital.

23 THE COURT: The time of what?

24 MR. McLAIN: And his arrival at the
25 hospital. There has been a lawsuit, there have

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1 been three lawsuits filed in Anderson County
2 against the Highway Patrol and I would like to know
3 exactly how long they were detained, for the jury
4 to know exactly how long this gentleman was
5 detained and what steps he asked the Highway Patrol
6 to take and what steps, if any, were taken to help
7 the deceased.

8 MR. JONES: Your Honor, why doesn't he ask
9 him that?

10 THE WITNESS: Thank you.

11 THE COURT: Ask him how long he was detained
12 and what steps he took. If his answers are
13 inconsistent with anything he said in the
14 deposition, then you can cross-examine him on the
15 deposition and note the inconsistencies. But if
16 what he wants to know is how long he was detained
17 and what did he do to help him, to try to help him,
18 that is fine.

19 MR. McLAIN: Fine. I thought it would be
20 easier to ask him in his deposition. We can do it
21 that way, Your Honor.

22 BY MR. McLAIN:

23 Q Let me ask you this. You got out and walked
24 to the back of your car, is that correct?

25 A Yes, sir, that's correct.

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1 Q Okay. He stood at the back of the car and
2 told you what? What did he tell you?

3 A The officer asked where was I going so fast,
4 why was I driving so fast.

5 Q What did you tell him?

6 A I was trying to get my nephew to the
7 hospital.

8 Q Okay. And did you ask him to assist you to
9 the hospital?

10 A Yes, I did.

11 Q And did he then not allow you to get back in
12 the car?

13 A No, he did not.

14 Q He wouldn't let you get back in the car?

15 A No, he wouldn't.

16 Q Do you know why he did that?

17 A I don't know.

18 Q And you told him at that time that you were
19 taking your nephew to the hospital and that he was
20 bleeding to death, is that correct?

21 A That's correct.

22 Q Okay. And you went toward the car, is that
23 correct?

24 A Yes, sir.

25 Q And what did he do then?

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1 A He made me stop, went for like he was going
2 to draw his weapon.

3 Q He grabbed his handgun?

4 A Yes, he got like in the ready position to
5 draw his weapon.

6 Q He told you not to get back in the car, is
7 that correct?

8 A Yes, sir, that's correct.

9 Q Okay. He didn't actually draw his gun, did
10 he?

11 A No, sir. I stopped because I knew he would
12 have.

13 Q Okay. Were there one, or two officers at the
14 scene?

15 A In the beginning there was two.

16 Q Okay. In the beginning there was two?

17 A Yes.

18 Q Did one leave?

19 A No. As time went on there was several
20 officers came to the scene.

21 Q Several patrol officers?

22 A They was deputy cars, patrol cars, I would
23 say, I couldn't give an exact count but there was
24 at least 15 cars there, I know, of officers.

25 Q Okay. Do you know whether or not anybody

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1 called for any help?

2 A I'm not sure what you mean.

3 Q Okay. Did you hear any officers call 911 or
4 call for an ambulance to be dispatched?

5 A The officer that stopped me, he said that he
6 would call the ambulance, EMS, whatever you call
7 it.

8 Q And I believe you also stated, you also
9 stated they were very rude to you, is that correct?

10 A That's correct.

11 Q And you also were asked, and I will ask you
12 this, from the time you got there, when you were
13 stopped by them, how much time elapsed before he
14 actually called for an ambulance?

15 A I would say, I couldn't give an exact answer
16 but I would say maybe five, six, seven minutes. I
17 couldn't give an exact answer.

18 Q Well, turn to page 40 of your deposition,
19 please, sir, and let's begin at line 19.

20 A Okay.

21 Q Okay. At line 19 you were asked by Mr.
22 McDade under oath, "How long, how long after you
23 had gotten there was it before he called for an
24 ambulance?" And what was your answer there? Was
25 it, "I'm not sure of the time, sir, but I'm

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1 guessing maybe five, ten minutes, maybe?"

2 A That's what I said.

3 Q Okay. And you were also asked, "Is the one
4 officer the only one that talked to you. Was it
5 the one officer that talked to you, out of
6 everybody there?"

7 A At that time, yes.

8 Q Okay. And you were also asked, and I will
9 ask you this question, too. Did that one officer
10 indicate to you that you could not leave and take
11 your nephew to the hospital?

12 A Are you asking --

13 Q Yes, sir.

14 A ~~Did he indicate I could not leave?~~

15 Q ~~Yes.~~

16 A Yes, that's correct.

17 Q Even though he knew that your nephew had been
18 shot?

19 A Yes, that's correct.

20 Q He indicated you couldn't go to the hospital?

21 A That's correct.

22 Q Okay. And would you consider that being
23 mistreatment?

24 A I would, yes, I would, because I felt that
25 they could at least have escorted me to the

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1 hospital.

2 Q In fact, on line 16, page 41 of your
3 deposition you said the whole situation was rude
4 and out of line, didn't you?

5 A I did.

6 Q Okay. And you felt that way because you felt
7 that he could have assisted you and not detain you,
8 correct?

9 A That's correct, yes, sir.

10 Q Okay. Instead of, you said instead of
11 letting your nephew sit there and bleed to death?

12 A That's correct.

13 Q Okay. By the way, were there any bandages or
14 anything applied to the wounds, did anybody do
15 anything?

16 A No one did anything.

17 Q And was Adarryl -- where was he shot? We
18 know he was shot in the left leg. Was he also shot
19 in the left ankle?

20 A I was told that he was shot in the upper leg
21 and in the ankle. I didn't know exactly where he
22 was shot at first but I found out later.

23 Q Okay. Let's turn to page 42 of your
24 deposition and let me just ask you a few questions
25 directly about that. Was there an EMT there on the

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1 scene?

2 A They came later, yes.

3 Q Okay. And how long was it before the
4 ambulance, an ambulance actually arrived?

5 A Maybe 10 minutes, 15.

6 Q Okay. And when they arrived -- the whole
7 time Adarryl was sitting in the car?

8 A No. One of the officers came around to the
9 side of the car where he were, he was leaning
10 against the door, and once he opened the door he
11 ~~fell out onto the ground and I asked the officers~~
12 ~~to help me get him back in the car, they refused to~~
13 ~~help me because they said he had blood on him, and~~
14 ~~I couldn't lift him by myself.~~ The only, the only
15 thing I could do was just pick his head up and hold
16 it in my arms, in my lap, and I sat there on the
17 ground with him.

18 Q I believe you said then he was too heavy for
19 you to pick up?

20 A That's correct.

21 Q And that they just let him fall, and I mean
22 no disrespect by this, is your answer this, "He
23 just let him fall on the ground like a sack of
24 potatoes"?

25 A True.

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1 Q And you were asked who did that, and you said
2 one of the officers. Is that correct?

3 A That's correct.

4 Q And you were also asked why they opened the
5 door. "Do you know?"

6 A Yes. I didn't know.

7 Q Okay. And did anybody, was he, was Adarryl
8 lucid at this time, meaning did he know what was
9 going on, or was he able to talk?

10 A No.

11 Q Did the officers try to talk to him at all or
12 help him at all?

13 A No, they did not.

14 Q Do you know whether or not the Highway
15 Patrolman received a dispatch to allow you to
16 release, to release you so you could take your
17 nephew to the hospital?

18 A I don't know whether he did or he didn't,
19 because I was holding Adarryl's, sitting on the
20 ground with Adarryl in my arms, he was back there
21 at his car back there.

22 Q And I think you said in your deposition you
23 actually begged them to help you to get him up?

24 A That's exactly right.

25 Q And they hollered, "No, blood"?

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1 A True.

2 Q Is that correct?

3 A True.

4 Q Okay. Now, when the ambulance finally got
5 there what did they do?

6 A Well, they came up, again, give him oxygen,
7 and one of the EMS guys, I guess he was a volunteer
8 or whatever, he had the mask on him and Adarryl was
9 beginning to try, would begin to try to pull on the
10 mask, I said what's wrong? The oxygen wasn't on
11 and I called for one of the other EMS guys to come
12 over there and they started to holler, "Get him out
13 of the way, get him out of the way."

14 I was telling them that the, the EMS guy was
15 improperly putting on the oxygen mask, there was no
16 oxygen coming through, and one of the other EMS
17 guys said it was true and checked it, and that's
18 when the rookie guy called for the policeman to
19 remove me from the scene, and at that time I told
20 him I would move but they had to help me lift
21 Adarryl up off me because I had the upper part of
22 his body laying in my lap and I couldn't move
23 because I had been sitting there on my knees and
24 they had locked for the time period that we was
25 there, and after they helped lift him up that's

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1 when I moved out, back out of the way.

2 Q Okay. And it was only after all this
3 occurred that they called in your license to check
4 and see if you had any outstanding warrants?

5 A That's true.

6 Q They were more interested in that?

7 A Evidently.

8 Q Okay. And how long was it after the
9 ambulance left before you were allowed to leave?

10 A Maybe 10 or 15 minutes.

11 Q And did anybody ever tell you that you
12 weren't going the most direct route to get to the
13 Anderson Area Medical Center?

14 A No, no one did.

15 Q And when you left Flat Rock Road you hit
16 Highway 81 on your way to the hospital?

17 A That's correct.

18 Q Did any officers escort you?

19 A No, sir.

20 Q Okay. Now, when you got to the hospital, and
21 of course anybody naturally would drive a little,
22 more than a little over the speed limit under these
23 circumstances to get to the hospital, which you
24 did, correct?

25 A That's correct.

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1 Q You continued to drive over the speed limit,
2 correct?

3 A Yes, sir, sure.

4 Q And when you got there who was there?

5 A I saw Katherine and J.W.

6 Q Okay.

7 A My brother and sister-in-law, Adarryl's
8 mother and father.

9 Q Okay. And how far do they live from Heavy
10 D's house?

11 A Maybe seven or eight miles, ten miles, maybe.

12 Q Okay.

13 A I'm not sure but in that range.

14 Q They beat the ambulance to the hospital,
15 didn't they?

16 A I'm not sure.

17 Q Well, turn to page 46 of your deposition.

18 Let's look at line 1, begin with line 1. The
19 question was, "Do you know how long, did they get,
20 did they beat the ambulance there," referring to
21 the mother and father of the victim. Correct?

22 A Yes.

23 Q And your answer was, "Yes, they were there
24 when the ambulance and I arrived." Is that
25 correct?

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1 A The ambulance was there when I arrived, yes,
2 that's correct.

3 Q Okay. And how far did they live from Heavy
4 D? I think you said about four or five miles?

5 A No, I said about seven or eight miles.

6 Q Okay. And would their house have been closer
7 to the Anderson Area Medical Center than Heavy D,
8 or farther away?

9 A From where they live at it would have been
10 nearer to go from that way there, up 28 from where
11 they live at.

12 Q Okay. Turn to page 45 of your deposition,
13 please, sir, and look at, beginning with line 22.

14 A You said 45?

15 Q Yes. Pardon, it's hard for me to see,
16 myself, with these bifocals.

17 A Okay.

18 Q Line 22.

19 A All right.

20 Q It says, "All right, would their house have
21 been closer to Anderson Area Medical Center than
22 Lamoncyon's, or farther away?" And your answer was
23 farther. Right?

24 A Yes.

25 Q But they still beat the ambulance there?

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1 A Yes, they did, sir. We was detained on the
2 side of the road, and the phone calls were made to
3 the family when I first left.

4 Q Okay. On page 46 of your deposition you were
5 actually asked on line 4, "Did they beat the
6 ambulance there?" And your answer was, "Yes,
7 because we were detained so long on the side of the
8 road. They was called even after we left to go to
9 the hospital." Correct?

10 A Correct, sir.

11 Q Okay.

12 MR. McLAIN: Beg the Court's indulgence, Your
13 Honor.

14 THE COURT: Take your time, counsel.

15 Q Did the officer ask you if you had anything
16 alcoholic to drink at the scene?

17 A No, he did not.

18 Q He didn't ask you anything about drugs or
19 anything like that?

20 A No, he did not.

21 Q Right?

22 A That's correct.

23 Q Okay. And do you still think that you were
24 detained for a rather extensive period, by the
25 Highway Patrol, in getting your nephew to the

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1 hospital?

2 A Yes, I do.

3 Q When did he actually lose consciousness?

4 A I'm not sure of him losing consciousness
5 because I was constantly talking to him up the
6 road. I would continue to talk to him, you know,
7 keep calling his name as I was going up the highway
8 to the hospital.

9 Q And you also gave a voluntary statement,
10 excuse me, dated 7/29/2001, at approximately 8:30
11 a.m., is that correct?

12 A Voluntary statement?

13 Q Did you give a statement, written statement?

14 A Yes, that's correct.

15 Q Okay. Did you write this out?

16 A No, sir. The chief wrote it, I signed it.

17 Q The police chief wrote it for you?

18 A Yes.

19 Q Okay. And you signed it?

20 A Yes.

21 Q Did he read it to you?

22 A Yes.

23 Q Okay. And you said in this statement that
24 you arrived at Lamont Sutton's, AKA, Heavy D's
25 residence between 9:30 and 10:00 p.m.?

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1 A That's correct.

2 Q Okay. And there were about 10 or 15 people
3 there at a cookout watching a fight on television?

4 A That's correct.

5 Q Okay. And you all did that until about
6 midnight, is that correct?

7 A That's correct.

8 Q Okay. And in your statement you said you
9 noticed a large white Ford SUV vehicle but you did
10 not know what kind, is that correct?

11 A That's correct.

12 Q It says in here in this statement, and you
13 correct me if I'm wrong, okay, I'm just trying,
14 we're just trying to get to the truth of the facts,
15 okay? If you need to take a break you let us know.

16 MR. JONES: Your Honor --

17 THE COURT: All right. Continue
18 cross-examination.

19 MR. McLAIN: Thank you, sir.

20 BY MR. McLAIN:

21 Q It says that you, "I then walked up to the
22 vehicle." Right?

23 A That's correct.

24 Q And the doors were locked but you could see a
25 cell phone lit up and several, four or five

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1 necklaces hanging in the rearview mirror?

2 A Yes, that's true.

3 Q A black necklace and a light necklace. Is
4 that correct?

5 A That's true.

6 Q Could you tell whether those were necklaces
7 for males, or necklaces for females?

8 A No, sir, I couldn't.

9 Q And then you all, you and Heavy D went back
10 up to Heavy D's and left Adarryl at the scene?

11 A That's correct.

12 Q By himself?

13 A That's correct.

14 Q Okay. And you were all the way back up to
15 the residence before you heard him say, "Help me,
16 help me"?

17 A That's correct.

18 Q Is that what he said?

19 A That's what I heard him say.

20 Q And then you tripped on him and all he said
21 was, "They shot me"?

22 A Yes, I asked him what was wrong.

23 Q Okay. And he said, "They shot me"?

24 A That's correct.

25 Q Okay. And then this statement, you said you

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1 were driving toward the Anderson Hospital and you
2 were stopped by the Anderson County Sheriff's
3 office and they would not let you leave?

4 A That's correct.

5 Q And that was at the Sav-A-Stop on Flat Rock
6 Road?

7 A That's correct.

8 Q Okay. How long were you at Flat Rock Road
9 before they called EMS and picked him up, meaning
10 Adarryl?

11 A Yes. Maybe 10 minutes, 15 minutes, 10 or 15
12 minutes.

13 Q You said in your statement, "I was held there
14 for a while, then I went to the Anderson Hospital"?

15 A True.

16 Q Could you explain for us what you mean by a
17 while?

18 A A while meaning when they first stopped me I
19 was held there maybe five to ten minutes before he
20 called an ambulance, it took about 10 or 15 minutes
21 before the ambulance arrived, then after the
22 ambulance got there it was about a period of 10 to
23 20 minutes maybe before they did perform their
24 duties or whatever you call it they have to do, and
25 after they loaded him into the ambulance they sat

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1 there again for maybe five minutes, so I don't
2 know, before they took off.

3 Q Okay. So, this whole ordeal from the time
4 they stopped you until they transported Adarryl to
5 the hospital, how much time elapsed?

6 A I'm not sure of the exact time.

7 Q Approximately?

8 A Maybe 20 minutes, I guess, 15 or 20 minutes.

9 Q ~~Could it be as much as 30 or 35 minutes?~~

10 A ~~It could be, I'm not sure.~~

11 Q Okay. And who was at that cookout other than
12 you there?

13 A It was my nephew Adarryl, my nephew Landrum,
14 Lamoncyon's wife, friends, this girl called
15 Charlene, her boy boyfriend, and Bobby Paul, and
16 some people that I don't know their name. There
17 was several people there.

18 Q Okay. In your statement you said at the
19 cookout was Lamont Sutton, Wanda Groves, Landrum
20 McCoppin, Ulysess Moore and a guy named, this is in
21 quote, Cat?

22 A True.

23 Q "A girl named Charlene Groves, her boyfriend
24 that lives in Calhoun Falls, Calvin McCoppin, Jr.,
25 Elijah Hamilton and some others I can't remember?"

JOHNNY MCCOPPIN - CROSS

- 1 A True. That's correct.
- 2 Q So, how many people would you say were at
3 this cookout?
- 4 A I don't know an exact number. I would say
5 approximately 15, 10 to 15 people.
- 6 Q Okay. And those people were outside?
- 7 A Some outside, some were inside.
- 8 Q Any in the woods?
- 9 A No, sir, they wasn't, there wasn't anyone in
10 the woods.
- 11 Q In the driveway?
- 12 A They was all there at the picnic area, the
13 cookout area right at the pool and the game room.
- 14 Q Is that on the outside?
- 15 A Yes, sir.
- 16 Q Okay. And have you ever seen my client
17 before?
- 18 A Never have seen him.
- 19 Q Did you see him at the scene?
- 20 A I didn't.
- 21 Q Do you actually have any knowledge, personal
22 knowledge as to who shot Adarryl?
- 23 A No personal knowledge, no, sir.
- 24 Q And you said, I believe you said earlier that
25 you had to tell the EMS technician how to use an

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1 oxygen mask?

2 A I didn't tell him how to use it. I was
3 telling him that Adarryl was not getting any oxygen
4 through the mask.

5 Q Okay. And how long had the mask been put on
6 Adarryl before you told him that?

7 A It was a matter of seconds.

8 Q Okay. And do you feel the Highway Patrol was
9 negligent?

10 A Yes, I do.

11 Q Do you feel the EMS was negligent?

12 A In some way.

13 Q In what way?

14 A By putting an oxygen mask on somebody without
15 the oxygen coming through it.

16 Q And how was the Highway Patrol negligent?

17 A At least, in my opinion, he could have
18 escorted me to the hospital. That is just my
19 opinion.

20 Q Okay. And had he immediately escorted him to
21 the hospital, escorted you to the hospital when you
22 told him that Adarryl was bleeding, had he
23 immediately escorted you to the hospital, how long
24 would it have taken you to get there?

25 A Maybe five or six more minutes, maybe not

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1 that long.

2 Q Are you familiar with the term called the
3 golden hour?

4 A No, sir.

5 MR. McLAIN: Okay, that's all I have. Thank
6 you, sir.

7 THE COURT: Redirect?

8 MR. JONES: None, Your Honor.

9 THE COURT: Thank you. Come down, please.
10 (Witness excused).

11 THE COURT: Madam Forelady, ladies and
12 gentlemen of the jury, we will take a short recess
13 at this time. Please do not discuss the case by,
14 between and among yourselves, and retire to the
15 jury room.

16 (The jury was excused from the
17 courtroom at 11:35 am.).

18 THE COURT: Anything from the State before we
19 take a short recess?

20 MR. JONES: No, sir.

21 THE COURT: From the defense?

22 MR. McLAIN: No, sir.

23 THE COURT: We are in recess briefly.

24 MR. McLAIN: Thank you, sir.

25 (Recessed at 11:36 a.m.).

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1 (Resumed at 12:01 p.m.).

2 THE COURT: The record is open. This is
3 indictment 2002-192, the State of South Carolina
4 versus Shondra Lamont Martin. Anything from the
5 State before the jurors come in?

6 MR. JONES: No, Your Honor.

7 THE COURT: From the defendant?

8 MR. McLAIN: No, sir.

9 THE COURT: Thank you. Show the jury in, Mr.
10 Busbee.

11 (The jury returned to the courtroom
12 at 12:02 p.m.).

13 THE COURT: We'll come into session, please.
14 All the jurors are present, with the foreman and
15 the alternates properly seated. The matter lies
16 with the State. Call your next witness please.

17 MR. JONES: Call Brian Walker to the stand.
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BRIAN WALKER - DIRECT

1 BRIAN GUERARD WALKER,
2 after being first duly sworn, testified as follows:

3 THE CLERK: Be seated, please.

4 THE COURT: This witness is with you,
5 Solicitor.

6 DIRECT EXAMINATION

7 QUESTIONS BY MR. JONES:

8 Q Please state your name for the record.

9 A Brian Guerard Walker.

10 Q Who do you work with?

11 A I work with the Abbeville County Sheriff's
12 Department.

13 Q How long have you worked with the Abbeville
14 County Sheriff's Department?

15 A Eight years now.

16 Q In what capacity do you serve?

17 A I'm a deputy, I work third shift.

18 Q And what did you do prior to becoming a
19 deputy with the Abbeville County Sheriff's
20 Department?

21 A I retired from the U.S. Army after 20 years.

22 Q Twenty years in the Army?

23 A Yes, sir.

24 Q Did you have occasion and were you working on
25 July 29th, in the early, early morning hours of

BRIAN WALKER - DIRECT

1 that day, 2001?

2 A Yes.

3 Q You were working third shift?

4 A Yes, sir.

5 Q Did you go to a crime scene at

6 ?

7 A Yes, I did.

8 Q Did you collect some evidence that you found
9 on the road there at ?

10 A Yes, sir, I did.

11 Q I'm going to hand you State's Exhibits 11 and
12 12 and if you can identify those two items?

13 A Yes, sir, I can.

14 Q Did you find those at A-Frame Road?

15 A Yes, sir.

16 Q You did?

17 A Yes, sir.

18 Q What did you do with them when you found
19 them?

20 A I videotaped most of them I saw, I collected
21 that evidence, then I turned that evidence over to
22 my chief, Marion Johnson.

23 MR. JONES: We offer State's 11 and 12 into
24 evidence, Your Honor.

25 THE COURT: What says the defense?

BRIAN WALKER - DIRECT

1 MR. McLAIN: Without objection, Your Honor.

2 THE COURT: Without objection, they are part
3 of the evidence in the case.

4 (State's Exhibits 11 and 12 were
5 marked and received in evidence)

6 BY MR. JONES:

7 Q I hand you State's Exhibit 13 and ask you if
8 you recognize what's contained in that package,
9 State's Exhibit 13?

10 A Yes, I do.

11 Q What is it?

12 A Three shell casings, nine millimeter Luger,
13 nine millimeter Luger.

14 Q Did you find those?

15 A Yes, I did.

16 Q At ?

17 A Yes, sir.

18 MR. JONES: Your Honor, we offer these into
19 evidence.

20 MR. McLAIN: Without objection.

21 THE COURT: Without objection they will
22 become part of the evidence in the case.

23 (State's Exhibit 13 was marked
24 and received in evidence)

25 BY MR. JONES

BRIAN WALKER - DIRECT

1 Q I hand you this item labeled State's Exhibit
2 14. Do you recognize that item?

3 A Yes, I do.

4 Q And did you find it at ?

5 A Yes, I did.

6 MR. JONES: Your Honor, we offer State's
7 Exhibit 14 into evidence.

8 MR. McLAIN: Certainly without objection.

9 THE COURT: It will become part of the
10 evidence in the case.

11 (State's Exhibit 14 was marked
12 and received in evidence)

13 BY MR. JONES:

14 Q I hand you this item, State's Exhibit 15, and
15 ask you if it looks familiar or if you recognize
16 it?

17 A Yes, I do.

18 Q What is it?

19 A It's a book bag.

20 Q Was it recovered at the crime scene?

21 A Yes, it was.

22 Q By you?

23 A Yes, it was.

24 Q Did you find it on the road or was it given
25 to you by another person?

BRIAN WALKER - DIRECT

1 A It wasn't on the road, it was in the grass in
2 the same area.

3 MR. JONES: Your Honor, we offer State's
4 Exhibit 15 into evidence.

5 MR. McLAIN: ~~That's without objection.~~

6 THE COURT: Number 15 will become part of the
7 evidence.

8 (State's Exhibit 15 was marked
9 and received in evidence)

10 BY MR. JONES:

11 Q And you turned all these items over to Chief
12 Deputy Marion Johnson, is that correct?

13 A Yes, sir, I did.

14 Q I want you to look at this State's Exhibit
15 Number 1. Do you recognize it as a diagram, not to
16 scale, of A-Frame Road and a driveway entering up
17 to a mobile home, the mobile home of Lamoncyon
18 Sutton at ?

19 A Yes, sir.

20 Q And can you on this diagram familiarize
21 yourself enough with it to recognize the general
22 area as to where State's Exhibit 11, 12, 13 and 14
23 were found by you in the road?

24 A Yes, sir.

25 Q Where is that?

BRIAN WALKER - DIRECT

1 A If you can move around?

2 Q Point that out for the jury.

3 A Approximately right in here.

4 Q Approximately in that area?

5 A Yes, sir.

6 Q You found them there?

7 A Yes, sir.

8 Q 11, 12, 13 and 14?

9 A Yes, sir.

10 Q 11 would be a knife, 12 would be a knife, 13
11 would be the shell casings and 14 would be the
12 eyeglasses?

13 A Yes, sir.

14 Q Is that correct?

15 A Yes, sir.

16 Q All right. Can you point to the area where
17 you believe the backpack was located?

18 A It would be here, right off the edge of the
19 road, in the grass.

20 MR. JONES: The record will reflect the
21 witness was pointing to State's Evidence Number 1,
22 the diagram in the area of

23 THE COURT: So noted.

24 BY MR. JONES:

25 Q I want you to take a look at this photograph,

BRIAN WALKER - DIRECT

1 State's Evidence Number 4. Do you recognize what's
2 depicted in that photograph?

3 A Yes, sir.

4 Q What is it?

5 A This is A-Frame Road and it shows the
6 driveway to Mr. Sutton's residence.

7 Q Is an area of the roadway there of
8 depicted that you believe would allow you to
9 show this jury the approximate area where these
10 items of evidence, State's Exhibits 11 through 14,
11 were found?

12 A Yes, sir.

13 Q It does?

14 A Yes.

15 Q Would you step down and point for the
16 foreperson and the jury and show them where in the
17 road you found those items at?

18 MR. McLAIN: Do you mind if I come over here?
19 Excuse me.

20 A It's going to be approximately in this area
21 here.

22 MR. McLAIN: Which?

23 A This area here.

24 MR. McLAIN: Your left index finger?

25 A Yes.

BRIAN WALKER - DIRECT

- 1 Q Step down and allow the jury --
- 2 A This area here.
- 3 Q The shell casings?
- 4 A Yes.
- 5 Q The shell casings were found there?
- 6 A Yes, sir.
- 7 Q The knives?
- 8 A Yes, sir.
- 9 Q All right. Return to the witness stand.
- 10 MR. JONES: Answer any questions the other
- 11 lawyer has for you, please.
- 12 MR. McLAIN: May it please the Court, Your
- 13 Honor?
- 14 THE COURT: Mr. McLain.
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BRIAN WALKER - CROSS

CROSS EXAMINATION

QUESTIONS BY MR. McLAIN:

Q Officer, are you sure you found ~~this book bag~~ right in that area, or did somebody give it to you?

A It was in that area, somebody brought it to my attention that it was there.

Q Who brought it to your attention?

A I really can't recall but I think it might have been, it was one of the persons that was out there. Mr. Sutton was out there and some other people was out there.

Q Could it be that Heavy D is the one who gave you that book bag?

A No.

Q It wasn't Mr. Sutton?

A ~~I'm not sure who it was that brought it to my attention that it was there.~~

Q Was it a member of any law enforcement agency?

A No, it wasn't.

Q Or was it somebody who was there at the party?

A Somebody that was there at the party.

Q Okay. But the other stuff you found?

A Yes, sir.

Q Okay. And you know that there are

BRIAN WALKER - CROSS

1 co-defendants in this case, right?

2 A Yes, sir.

3 Q Okay. And referring to State's Exhibit 14 --

4 A Yes, sir.

5 Q Okay. Do you know whether or not Mr.

6 Christopher Landrum wears gold rimmed glasses?

7 A I have no idea.

8 Q Okay. And I think you prepared, were you the
9 gentleman who prepared the handwritten drawing from
10 whence that schematic drawing was prepared?

11 A No, I didn't.

12 Q Who prepared that?

13 A I don't know. I don't know.

14 Q Okay, I'm sorry, I didn't hear you. Now,
15 were you here -- you were here when Mr. McCoppin
16 testified, weren't you, or were you?

17 A No.

18 Q Did you take photographs?

19 A I did a video.

20 Q You did the video?

21 A Yes, sir.

22 Q Did you actually see the car in which the
23 deceased was transported?

24 A No, sir.

25 Q You never did see the Honda?

BRIAN WALKER - CROSS

1 A No, sir.

2 Q And what time did you arrive at the scene,
3 sir?

4 A We received the call about 12:30.

5 Q 12:30?

6 A Yes, and we arrived about 12:48.

7 Q Okay. Do you remember, do you know who
8 called?

9 A No, I don't.

10 Q You just received a call from the dispatcher?

11 A Correct.

12 Q Okay. And do you know when people actually
13 went out to the crime scene and began investigating
14 the crime scene as far as drawings, photographs,
15 that type things?

16 A I had started doing that approximately about
17 1:00. It was after 1:00 when I started documenting
18 the evidence.

19 Q After 1:00 at night?

20 A Yes, sir.

21 Q Did you talk to anybody at the crime scene
22 other than law enforcement officials?

23 A Mr. Sutton.

24 Q What did Mr. Sutton tell you?

25 A He basically told me they were having a

BRIAN WALKER - CROSS

1 ~~cookout and an uncle or somebody told him that~~
2 ~~somebody was parked at the end of the road. They~~
3 went down there, didn't see anybody, then some of
4 the people went back up to the house to get a
5 spotlight, they left Mr. McCoppin down at the end
6 of the driveway and said then they heard him
7 ~~hollering he had been shot, so they ran down there,~~
8 ~~and they said that he had been shot.~~

9 Q Okay. Now, do you know exactly where -- let
10 me refer you, excuse me, I'm sorry, let me refer
11 you to State's Exhibit 1, and it is kind of a
12 little difficult here for us to do this here, but
13 can you show me exactly where the victim was shot?
14 Can you show me on here, if you know, where the
15 victim was shot?

16 A Exactly where?

17 Q Approximately, can you show me approximately
18 where the victim was shot, from this blood trail?

19 A It would be my guess that it was around in
20 here.

21 Q Number three?

22 A Yes.

23 Q Okay. And how close were those eyeglasses to
24 number three?

25 A They were pretty close.

BRIAN WALKER - CROSS

- 1 Q How close?
- 2 A I guess within five feet.
- 3 Q Within five feet?
- 4 A Uh-huh.
- 5 Q How about the shell casings?
- 6 A All that was in the same area.
- 7 Q Everything except the book bag?
- 8 A Yes, the book bag -- the shell casings were
- 9 more in the middle of the road.
- 10 Q Uh-huh.
- 11 A And the knives and the wire frame glasses
- 12 were more towards the side.
- 13 Q So, the glasses, and you correct me if I'm
- 14 wrong, okay, the shell casings, the glasses and the
- 15 knives were all closer to where the victim was
- 16 shot, is that correct?
- 17 A Well, the shell casings were, as you say, the
- 18 shell casings were here. The glasses --
- 19 Q Uh-huh.
- 20 A The glasses and the knives were over here.
- 21 Q Okay. The shell casings here, the glasses
- 22 and knives over here. Where is the book bag?
- 23 A That was located in the grass over here.
- 24 Q Okay. How do you know it was located in the
- 25 grass over here?

BRIAN WALKER - CROSS

1 A That's where I picked it up from.

2 Q I thought somebody brought it to you?

3 A No, somebody brought it to my attention.

4 Q Oh, somebody brought it to your attention,
5 otherwise you wouldn't have seen it?

6 A No, I didn't. The first time I went down
7 there I didn't see it.

8 Q The first time you went down there you didn't
9 see it?

10 A Well, when I did the videotaping I didn't see
11 it.

12 Q Correct me if I'm wrong. You went down to
13 the scene, you found the glasses, the casings and
14 the knives but you didn't find the book bag then?

15 A We had to look for it. Actually we saw the
16 blood, and the blood kind of led us to --

17 Q Right.

18 A Yes.

19 Q But how many times did you go down to the
20 scene?

21 A I mean, we actually never left.

22 Q Okay.

23 A We were down there.

24 Q But I guess my question is, when you got down
25 to approximately the place where the deceased was

BRIAN WALKER - CROSS

1 shot, there you found the casings and the
2 eyeglasses and the knives, correct?

3 A Yes, sir.

4 Q And how long were you there before somebody
5 directed your attention to a book bag over in the
6 grass?

7 A ~~We were there approximately over an hour.~~

8 Q And how far was the book bag over in the
9 grass from number three?

10 A Probably about 15, 20 feet.

11 Q Is that a wooded area, a grassy area?

12 A It's unlighted.

13 Q But a wooded --

14 A Yes.

15 Q Is all this area wooded?

16 A On the side of the road.

17 Q Was it wooded where the book bag was?

18 A Yes.

19 Q Okay, but it wasn't wooded where you found
20 this stuff, the other items right there?

21 A They were in the road.

22 Q They were right in the road?

23 A Yes.

24 Q Where the victim was shot?

25 A Or where I think he was shot.

BRIAN WALKER - CROSS

1 Q Where the blood trail began?

2 A Yes.

3 Q Okay. Which would be where he was shot?

4 A I guess.

5 Q And no doubt it was a guest at the party or
6 whoever was having the party or somebody other than
7 a law enforcement official that brought your
8 attention to the book bag?

9 A Correct.

10 Q In fact, you did a video before you found the
11 book bag?

12 A Yes, sir.

13 Q How long did it take you to do that video
14 before you found the book bag?

15 A I got there at 12:48, I think I started
16 videotaping probably about an hour later.

17 Q Okay. And how long did you videotape?

18 A Approximately 10 minutes.

19 Q Okay. And how long were you on the scene
20 before someone at the party brought your attention
21 to the book bag?

22 A It was probably maybe 10 or 15 minutes after
23 I videotaped.

24 Q So, you were there, what, at least an hour
25 and 10 or 15 minutes before somebody brought your

BRIAN WALKER - CROSS

1 attention to the book bag?

2 A Yes, sir.

3 Q Okay. And how did they do that? Did they
4 just say, "Hey, there's a book bag over there," or
5 ~~did they go grab it and bring it to you?~~

6 A They said, "Hey, there's a book bag over
7 there."

8 Q Were there a bunch of people out there at
9 that time?

10 A No, there wasn't.

11 Q Who all was out there when you were picking
12 up these exhibits, particularly the book bag?

13 A Only one that I knew was Heavy D, that's the
14 only one I knew. There were people I didn't know,
15 I hadn't seen them before.

16 MR. McLAIN: Thank you, sir. I don't have
17 any further questions.

18 THE COURT: Redirect?

19 MR. JONES: None, Your Honor.

20 THE COURT: Thank you, sir. Come down.

21 (Witness excused).

22 THE COURT: Call your next witness, please.

23 MR. JONES: Rosalind Brown.

24

25

ROSALIND BROWN - DIRECT

1 ROSALIND BROWN,

2 after being duly sworn testified as follows:

3 THE COURT: You may examine, Solicitor.

4 DIRECT EXAMINATION

5 QUESTIONS BY MR. JONES:

6 Q State your name for the record.

7 A Rosalind Rene Brown.

8 Q Miss Brown, how old are you?

9 A 34.

10 Q Where do you live?

11 A Anderson --

12 Q What part of Anderson?

13 A -- South Carolina, on the west side.

14 Q On the west side?

15 A Uh-huh.

16 Q Are you married?

17 A Single.

18 Q Do you have children?

19 A Three.

20 Q How old?

21 A Seventeen, twelve and eleven.

22 Q Miss Brown, you have been in court before on
23 criminal charges, have you not?

24 A Yes, sir.

25 Q And I believe you were convicted of

ROSALIND BROWN - DIRECT

1 possession of stolen goods in 1994. Is that
2 correct?

3 A Yes, sir.

4 Q And shoplifting?

5 A Yes, sir.

6 Q Okay. And you had a number of fraudulent
7 check convictions, checks that were written, bad
8 checks, that you pled guilty to in the year 2000,
9 is that correct?

10 A Yes, sir.

11 Q And then in 2001 you were convicted of
12 another shoplifting charge, is that correct?

13 A Yes, sir.

14 Q Uh-huh. And an additional fraudulent check
15 charge as well in 2001. Is that correct?

16 A Yes, sir.

17 Q And then in 2002 you had an additional
18 forgery charge that you pled guilty to. Is that
19 correct?

20 A Yes, sir.

21 Q Do you remember approximately how many it was
22 there?

23 A ~~No, sir, I don't.~~

24 Q And, so, you also pled guilty most recently,
25 in 2003, actually you were charged with financial

ROSALIND BROWN - DIRECT

1 transaction card fraud, credit card fraud, you pled
2 guilty to a third offense of white collar theft, a
3 property theft conviction. Is that correct?

4 A Yes, sir.

5 Q And you have always pled guilty, I mean, you
6 pled guilty to all these charges, is that correct?

7 A Yes, sir.

8 Q And you primarily were sentenced to
9 consecutive probation and restitution sentences
10 were you not?

11 A Yes, sir.

12 Q You had to pay back the money that you stole?

13 A Yes, sir.

14 Q And you were placed on probation?

15 A Yes, sir.

16 Q Okay. Now, are you and have you been
17 acquainted with Lamoneyon Sutton?

18 A Yes, sir.

19 Q Do you know him by a nickname or an alias?

20 A Yes, sir.

21 Q What's that?

22 A Heavy D.

23 Q And you had a relationship with him that
24 involved him giving you drugs and you selling the
25 drugs and splitting the profits with him and

ROSALIND BROWN - DIRECT

1 yourself, is that correct?

2 A Yes, sir.

3 Q And you did this over a number of years, is
4 that correct?

5 A Yes, sir.

6 Q All right. Do you recall approximately,
7 approximately the last time you engaged in this
8 behavior with Lamoncyon Sutton, that is, the drug
9 business, when was the last time he fronted you any
10 drugs or you bought any drugs from him, so to
11 speak?

12 A 2000, 2001.

13 Q Would that have been 2001, prior to July
14 29th, 2001?

15 A That was before.

16 Q Before?

17 A Uh-huh.

18 Q Before July 29th, 2001?

19 A Yes, sir.

20 Q All right. On that date, July 28th, July
21 29th, 2001, were you familiar with, did you, did
22 you know Shondra Martin, the defendant seated here
23 in court?

24 A Yes, sir.

25 Q You knew him?

ROSALIND BROWN - DIRECT

1 A Yes, sir.

2 Q Do you know him today?

3 A Yes, sir.

4 Q How did you know him on July 28th, July 29th?

5 A I met him through his father, that's how I
6 met him.

7 Q And you actually were with him on July 28th,
8 2001, weren't you?

9 A Yes, sir.

10 Q All right. Now, were you approached by some
11 law enforcement officers after July 29th, 2001,
12 about the shooting and murder of Adarryl McCoppin?

13 A I didn't understand you.

14 Q Did you give a statement to a law enforcement
15 officer about any knowledge that you had or
16 involvement you had with Shondra Martin on July
17 28th, 2001, as it related to knowledge and
18 information you had about matters that you
19 discussed with Shondra Martin on that day, matters
20 that you did with Shondra Martin on that day and
21 matters that you subsequently discussed with
22 Shondra Martin after that day?

23 A Yes, sir.

24 Q Do you recall the name of the law enforcement
25 officer that you talked to?

ROSALIND BROWN - DIRECT

- 1 A No, sir, I don't.
- 2 Q But you did talk to an officer about those
3 matters?
- 4 A Yes, sir.
- 5 Q And did you give him a statement about those
6 matters?
- 7 A Yes, sir.
- 8 Q And did you sign that statement?
- 9 A Yes, sir.
- 10 Q Did you then later, approximately a month
11 later talk to a law enforcement officer with the
12 Abbeville Sheriff's Department about your
13 involvement in that case?
- 14 A Yes, sir.
- 15 Q And in the company of a SLED agent as well at
16 that time, State Law Enforcement Division?
- 17 A Yes, sir.
- 18 Q And did you give them a statement about your
19 involvement?
- 20 A Yes, sir.
- 21 Q After you gave those statements, would it be
22 fair for you to acknowledge that the last statement
23 you gave to the law enforcement officer, I want to
24 ask you to look at this document, look at the
25 bottom of the page, was on October 31st, 2001?

ROSALIND BROWN - DIRECT

- 1 A Yes, sir.
- 2 Q Is that a fair representation of a signed
3 statement that you gave them?
- 4 A Yes, sir.
- 5 Q Now, I would like to ask you did you have
6 occasion to be in the company of this defendant,
7 Shondra Martin, on July 28th, 2001?
- 8 A Yes, sir.
- 9 Q Where?
- 10 A It started out as a conversation on the
11 phone, then at my house.
- 12 Q Who called who on the phone?
- 13 A He called me.
- 14 Q He came to your house?
- 15 A Yes, sir.
- 16 Q In Anderson County?
- 17 A Yes, sir.
- 18 Q Who was with him, if anybody?
- 19 A Chris Landrum.
- 20 Q Chris Landrum?
- 21 A Yes, sir.
- 22 Q Do you know Christopher Landrum?
- 23 A I know him through the contact with Shondra.
- 24 Q Did you know him before July 28th, 2001?
- 25 A Yes, sir.

ROSALIND BROWN - DIRECT

- 1 Q How did you know him before 2001, January
2 28th, July 28th, 2001?
- 3 A Shondra.
- 4 Q He had introduced you to Chris Landrum?
- 5 A Yes, sir.
- 6 Q Where were you all, do you remember where you
7 were when Shondra Martin introduced you to Chris
8 Landrum?
- 9 A At my house.
- 10 Q How long before July 28th, approximately, was
11 it when you were introduced to Chris Landrum by
12 Shondra Martin?
- 13 A Maybe about two months, two or three months.
- 14 Q And when he introduced you to him, when he
15 brought him by your house what did you all do
16 together? Well, let me ask you this. When he came
17 back on July 28th, he called you and he came by, he
18 brought Chris Landrum with him?
- 19 A Yes, sir.
- 20 Q What did you do on that day?
- 21 A Got in the vehicle with him.
- 22 Q For what purpose?
- 23 A ~~To go to purchase, to buy drugs from Heavy D.~~
- 24 Q Who was going to buy drugs from Heavy D?
- 25 A Shondra and Chris.

ROSALIND BROWN - DIRECT

1 Q Well, why did they need you to go buy drugs
2 from Heavy D?

3 A Because I knew him and they, Chris said he
4 knew him, Shondra, he didn't say anything about he
5 knew him.

6 Q Did they know where he lived?

7 A No, sir.

8 Q Did you know where he lived?

9 A Yes, sir.

10 Q How did you know where Heavy D, or Lamoncyon
11 Sutton lived?

12 A Because I have had dealings with him?

13 Q So, you had been to his home before?

14 A Yes.

15 Q Where was his home?

16 A Abbeville Highway.

17 Q Where?

18 A A-Frame Road.

19 Q So, you were going to take them to his house
20 and help them buy some drugs and show them where
21 Lamoncyon Sutton lived?

22 A Yes, sir.

23 Q What time of day was this?

24 A It was in the afternoon.

25 Q What time in the afternoon?

ROSALIND BROWN - DIRECT

- 1 A It had to be after 4:00 or 5:00 o'clock.
- 2 Q And tell the jury what happened once you got
- 3 in the car with them and went to go do what you
- 4 were going to do.
- 5 A As I got in the car we left, we left, we went
- 6 down to Mr. Sutton's home. As we entered the
- 7 driveway we went, and as we got on the back side of
- 8 their house I seen two people, three people in the
- 9 yard, his girlfriend and their two children. As we
- 10 approached the driveway we could see the lake, and
- 11 I was in the front seat.
- 12 Q What kind of car were you in?
- 13 A A white Excursion.
- 14 Q Who was driving the white Excursion?
- 15 A Mr. Martin.
- 16 Q Who?
- 17 A Mr. Martin.
- 18 Q Shondra Martin?
- 19 A Shondra.
- 20 Q Shondra Martin was?
- 21 A Yes, sir.
- 22 Q Had you had any discussions with Shondra
- 23 Martin on the way over to Heavy D's?
- 24 A Yes, sir, about buying some drugs.
- 25 Q Anything else?

ROSALIND BROWN - DIRECT

1 A Not to my knowledge.

2 Q Well, what happened?

3 A After we got there in the yard, seeing the
4 kids, they told me they wanted me to knock on the
5 door. Mr. Landrum said, "I'm going to tell you
6 what the story is now, we're not going to buy no
7 drugs, we're going to rob him." I told him I
8 wanted no part of robbing nobody. I told them they
9 could take and put me out because I'm not going to
10 rob anybody.

11 Q You told them they could take and put you
12 out?

13 A Yes, sir.

14 Q Was there discussion between you and Landrum
15 about a robbery, between you and Chris Landrum,
16 about a robbery?

17 A He was talking about robbing Mr. Sutton when
18 we got there.

19 Q Was there a discussion between you and Martin
20 about a robbery?

21 A He was in on the conversation.

22 Q Was he in the car when you were discussing
23 the robbery?

24 A Yes, sir.

25 Q What was your impression with regard to what

ROSALIND BROWN - DIRECT

1 he intended to do at that time?

2 MR. McLAIN: Objection, speculative on what
3 her impressions were.

4 THE COURT: ~~Sustained.~~

5 Q Go ahead and tell them what conversation took
6 place and what you did.

7 A As we got there, as I said, the first time,
8 they wanted me to knock on the door. I wouldn't do
9 it. I told them they could take me back, put me
10 out, I wasn't going to do it. So, they took me
11 back home. I don't know if they --

12 Q Let me ask you. ~~They took you back home?~~

13 A Yes, sir.

14 Q Is that correct?

15 A Well, they took me back to my cousin's house,
16 I'm sorry.

17 Q Did they let you out?

18 A Yes, sir.

19 Q What time was it when you got back home?

20 A It was dusk dark.

21 Q Dusk dark?

22 A Yes, sir.

23 Q Well, it was July 31st, do you remember about
24 what time, July 28th, do you remember about what
25 time it would get dusk dark?

ROSALIND BROWN - DIRECT

1 A About 8:30, 9:00 o'clock.

2 Q That's when you got back home?

3 A Yes, sir.

4 Q During the course of the time that you were
5 in the car with them did you ever, did you ever see
6 any weapons in the car?

7 A No, sir.

8 Q Did you ever see any weapons on them?

9 A No, sir.

10 Q Did they ever tell you how they were going to
11 rob him?

12 A No, sir.

13 Q All right. You mentioned that Chris Landrum
14 told you, "All right, we're going to tell you
15 what's going down, we're going to rob him." Is
16 that what he said to you?

17 A Yes, sir.

18 Q Did Shondra Martin ever say anything to you
19 to try to convince you to assist in the robbery?

20 MR. McLAIN: Objection, leading question.

21 THE COURT: Overruled.

22 A He was the one said knock on the door.

23 Q And was it during that statement you were
24 aware that the reason for the knock was to bring
25 him to the door to rob him?

ROSALIND BROWN - DIRECT

1 MR. McLAIN: Same objection, leading.

2 THE COURT: ~~Sustained.~~

3 Q During the time that you were telling them
4 that you weren't going to participate in a robbery
5 did anybody else in the car indicate that they
6 weren't going to participate in a robbery either?

7 A No, sir.

8 Q Did Shondra Martin express surprise when
9 Chris Landrum told you they were going to rob him?

10 MR. McLAIN: Leading, objection.

11 THE COURT: ~~Overruled.~~

12 A ~~No, sir.~~

13 Q He did not?

14 A No, sir.

15 Q Now, Miss Brown, you are represented by a
16 lawyer on criminal charges that you have against
17 you arising out of this incident, is that correct?

18 A Yes, sir.

19 Q What's his name?

20 A ~~Mr. McCallum.~~

21 Q Is he here today?

22 A No, sir.

23 Q Okay. And, so, you're testifying basically
24 after he arranged with the State of South Carolina
25 through your Solicitor's office for you to plead

ROSALIND BROWN - DIRECT

1 guilty to your part in this, and that is a
2 conspiracy to attempt to possess crack cocaine. Is
3 that correct?

4 A Yes, sir.

5 Q And you are going to plead guilty to that, is
6 that correct?

7 A Yes, sir.

8 Q And receive a two year jail sentence where
9 you go to jail, is that correct?

10 A Yes, sir.

11 Q And in exchange you are to testify under
12 oath, waiving any rights to Fifth Amendment
13 privilege or protection and testify truthfully as
14 to the facts and matters surrounding the murder of
15 Adarryl McCoppin. Is that correct?

16 A Yes, sir.

17 Q I will hand you State's Exhibit Number 2 and
18 ask you if anything depicted in that photograph
19 looks familiar to you?

20 A It looks like his vehicle.

21 Q It looks like who's vehicle?

22 A Mr. Shondra Martin's.

23 Q Does it look like the one that you drove over
24 to Lamoncyon Sutton's house in the afternoon and
25 early evenings hours of July 28th, 2001?

ROSALIND BROWN - DIRECT

- 1 A Yes, sir.
- 2 Q Now, you say who was driving this Excursion
- 3 when you went over to Lamencyon Sutton's house?
- 4 A Mr. Shondra Martin.
- 5 Q And who drove you back to your cousin's house
- 6 when they dropped you off?
- 7 A Mr. Martin.
- 8 Q And when they dropped you off who was in the
- 9 vehicle, the Excursion that you had been riding in,
- 10 and who left together after they dropped you off?
- 11 A Mr. Martin and Mr. Landrum.
- 12 Q Shondra Martin, this defendant?
- 13 A Yes, sir.
- 14 Q And Chris Landrum?
- 15 A Yes, sir.
- 16 Q And about what time, again, was that?
- 17 A Almost dusk dark, 8:30.
- 18 Q Did you have an understanding from them as to
- 19 where they were going after they dropped you off?
- 20 MR. McLAIN: Your Honor, I'm going to have to
- 21 object to that as speculative, what her
- 22 understanding was. He can ask a question did they
- 23 tell you.
- 24 Q Did either one of them tell you where they
- 25 were going and what they were going to do?

ROSALIND BROWN - DIRECT

1 A To rob Mr. Sutton.

2 MR. JONES: Answer any questions defense
3 counsel has for you.

4 THE COURT: Cross-examination.

5 MR. McLAIN: May it please the Court, Your
6 Honor.

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ROSALIND BROWN - CROSS

CROSS EXAMINATION

QUESTIONS BY MR. McLAIN:

Q You said they told you they were going to rob Mr. Sutton. Is that correct?

A Yes, sir.

Q Who is they? Was that Mr. Landrum?

A ~~Mr. Landrum~~ and Mr. Martin.

Q They both said that?

A They were both conversating.

Q Ma'am?

A They were both conversating, yes, sir.

Q They were conversing about it?

A Yes, sir.

Q Okay. And let me ask you about this. These look like Mr. Landrum's eyeglasses, don't they?

A Look like them.

Q Yes. In fact, that's the kind of eyeglasses he wears?

A I'm not sure.

Q You're not sure?

A No.

Q Okay. You're not sure, but you received a letter, while you were in jail, from Mr. Chris Landrum, didn't you?

A Excuse me?

ROSALIND BROWN - CROSS

1 Q Did you receive a letter from Mr. Landrum
2 while you were in jail?

3 A Yes, sir.

4 Q Okay. And that was after you all were all
5 arrested and charged with the same thing, wasn't
6 it?

7 A Yes, sir.

8 Q And is that the envelope it came in? Is that
9 a copy of the envelope?

10 A It looks like it.

11 MR. McLAIN: Let's make that a Defendant's
12 Exhibit 3.

13 THE COURT: Any objection? Any objection
14 about the envelope, a copy of the envelope becoming
15 a part of the evidence?

16 MR. JONES: No, sir.

17 THE COURT: Moved in as part of the evidence
18 in the case.

19 (Defendant's Exhibit Number 3 was
20 marked and received in evidence).

21 BY MR. McLAIN:

22 Q Miss Brown, can you tell me -- how come, is
23 that how you spell your name, Rosalind?

24 A No.

25 Q Okay.

ROSALIND BROWN - CROSS

1 A It's missing an A.

2 Q It's missing an A but no doubt that is a copy
3 of it?

4 A Yes, sir.

5 Q No doubt Mr. Christopher Landrum sent you
6 that, right?

7 A He sent it to me.

8 Q Okay. Can you tell me why that i is dotted
9 with a heart?

10 A No, sir.

11 MR. McLAIN: I would like to publish that to
12 the jury, please, sir.

13 THE COURT: You may.

14 Q What was your connection with Mr. Landrum?

15 A None. Just with Mr. Martin.

16 Q Why would he be sending you a letter dotted
17 with a heart?

18 A I don't know, sir.

19 Q There was no romantic connection between the
20 two of you?

21 A No, sir.

22 Q Okay. Are you related to Heavy D?

23 A No, sir.

24 Q But you started selling cocaine for him in
25 about '93 or '94, didn't you?

ROSALIND BROWN - CROSS

1 A Yes, sir.

2 Q Crack cocaine, right?

3 A Yes, sir.

4 Q Distributing marijuana for him, too, right?

5 A Yes, sir.

6 Q And you were charged with the same thing
7 everybody else was until you rolled, right?

8 A Yes, sir.

9 Q Okay. Now, you also gave a prior statement,
10 didn't you?

11 A Yes, sir.

12 Q And you were also interviewed, is that
13 correct?

14 A Yes, sir.

15 Q Okay. And did you tell Officer and Agent
16 Alford and Gambrell that, that you knew where Heavy
17 D lived?

18 MR. JONES: Your Honor, I would again ask him
19 if he's going to ask her about a written statement
20 she signed and gave, he give her a copy of it, give
21 her the page and line he's referring to.

22 MR. McLAIN: Okay.

23 BY MR. McLAIN:

24 Q There is the interview sheet.

25 MR. JONES: Interview sheet?

ROSALIND BROWN - CROSS

1 Q Did you put in there, did you tell
2 Detective/Agent Alford that you were going to get a
3 cut of the proceeds?

4 MR. JONES: Your Honor, I would like to know
5 what document that is.

6 A I'm not understanding what you're talking
7 about.

8 THE COURT: Wait a minute.

9 MR. McLAIN: That was provided by you all in
10 discovery.

11 MR. JONES: Your Honor, this isn't a
12 statement she gave or made. These are notes from
13 this person about a statement that she gave a
14 separate person. If he wants to ask her about the
15 statement that she gave --

16 MR. McLAIN: Which one?

17 MR. JONES: She gave two statements. These
18 are notes by an officer, this is not an interview
19 or a statement that she gave that he's asking
20 about. He's asking her about notes that an officer
21 made, this officer made, notes that he made about a
22 statement that he reviewed, that was given by her
23 to a separate officer.

24 MR. McLAIN: It says --

25 THE COURT: All right, now, let's, she's on.

ROSALIND BROWN - CROSS

1 cross-examination, which you have wide latitude,
2 you may ask her if she's ever made those
3 statements.

4 MR. McLAIN: All right.

5 BY MR. McLAIN:

6 Q Have you ever made those statements?

7 A Yes, sir.

8 Q Now, the Solicitor referred to a statement
9 you gave on Halloween, I believe, October 31st, is
10 that correct?

11 A Yes, sir.

12 Q You gave a prior statement, too, didn't you,
13 as well as that interview? You gave a prior
14 written statement, did you not?

15 A Yes, sir.

16 Q And you gave that on the 2nd of October,
17 2001, didn't you?

18 A Yes, sir.

19 Q Okay. And is that a true and correct copy of
20 your statement right there?

21 A Yes, sir.

22 Q Okay. And in this statement you said that
23 the incident at Antreville on the
24 Abbeville/Anderson County line, that you were
25 involved in it, right?

ROSALIND BROWN - CROSS

- 1 A Yes, sir.
- 2 Q And that your cousin Wanda Grove lived there
3 with Heavy D, legally known as Lamoncyon Sutton,
4 right?
- 5 A Yes, sir.
- 6 Q Okay. And in that statement you said that my
7 client and Mr. Chris Landrum approached you about
8 Heavy D, right?
- 9 A Yes, sir.
- 10 Q And you said that you knew then that they
11 wanted to rob him, right?
- 12 A Yes, sir.
- 13 Q And that they were going to hook you up after
14 they robbed him. Is that what that says right
15 there?
- 16 A Yes, sir.
- 17 Q Okay. And it says that you showed them the
18 house and the next day or so you read in the
19 newspaper that Heavy D's cousin, some relative, in
20 parenthesis, was killed, right?
- 21 A Yes, sir.
- 22 Q And that you asked Shondra about it and he
23 said he didn't know what you were talking about.
24 Correct?
- 25 A Yes, sir.

ROSALIND BROWN - CROSS

1 Q And that they had a black carry bag of some
2 sort with them but you never saw what was in it?

3 A Yes, sir.

4 Q And then on October 31st you gave another
5 statement. Right?

6 A Yes, sir.

7 Q And it says you're having Detective Alford
8 write this one for you, right?

9 A Yes, sir.

10 Q Okay.

11 A And you said your previous statement didn't
12 have everything in it. Correct?

13 A Yes, sir.

14 Q Okay. And in this statement you say that
15 Shondra and Chris came over to your house on Orr
16 Street and you all talked for a few minutes and
17 they said they wanted to buy some dope from Heavy D
18 and asked if you knew where he lived and you told
19 them you did. Right?

20 A Yes, sir.

21 Q Okay. And that you showed them, rode down
22 and showed them exactly where he lived on Flat Rock
23 Road, right, but then you all came back through
24 Antreville and on the Abbeville Highway, right?

25 A Yes, sir.

ROSALIND BROWN - CROSS

1 Q Okay. And you went to Tabatha Brown's house?

2 A Yes, sir.

3 Q And there you heard her talking about some
4 people on the south side he wanted to rob?

5 A Yes, sir.

6 Q You heard something, okay. Then you all went
7 back to Antreville, right, and it was dark, right?

8 A No, sir, I didn't go back to Antreville.

9 Q Okay, but where did you go then?

10 A I went to my cousin's house.

11 Q Where?

12 A She lived on Southwood.

13 Q Is that in Anderson?

14 A Yes, sir.

15 Q Okay. And it was just starting to get dark
16 then, right?

17 A Yes, sir.

18 Q And you said Chris and Shondra left about 30
19 minutes later, right?

20 A Yes, sir.

21 Q Okay. And then a couple days later you read
22 an article in the paper about Adarryl's getting
23 killed, right?

24 A Yes, sir.

25 Q And you just happened to notice that was down

ROSALIND BROWN - CROSS

1 where Heavy D lived?

2 A Yes, sir.

3 Q And it says, "I called Shondra a couple days,
4 I kept calling Shondra for a couple, I kept
5 calling, kept calling him, Shondra, for a couple
6 days. When I finally got in touch with him I asked
7 him if he saw the article and he asked me what I
8 was talking about. He didn't want to talk about it
9 so I just forgot about it and never said anything
10 else to him about it. I have talked to --"

11 A Ulysess.

12 Q Ulysess?

13 A Yes.

14 Q "Two or three times since this happened but
15 never about the murder and I never called from
16 Shondra's house and there was a black duffle bag in
17 the back seat but I never saw what was in it."
18 Right?

19 A Yes, sir.

20 Q Who is Ulysess?

21 A His cousin.

22 Q Whose cousin?

23 A Mr. McCoppin.

24 Q Which Mr. McCoppin?

25 A Adarryl.

ROSALIND BROWN - CROSS

- 1 Q How do you know Mr. Ulysess?
- 2 A I have known him, I been knowing him.
- 3 Q How long have you known him?
- 4 A A couple years.
- 5 Q In what capacity have you known him, how have
- 6 you known him?
- 7 A We used to fool around.
- 8 Q ~~Well, is he a drug pusher, too?~~
- 9 A ~~I don't know nothing about that.~~
- 10 Q When you say you used to fool around, did
- 11 that mean you were romantically inclined?
- 12 A If that's what you want to call it.
- 13 Q Okay. Well, sexually inclined with him?
- 14 A Yes, sir.
- 15 Q Okay. And how about Mr. Landrum?
- 16 A No, sir.
- 17 Q Okay. He just happens to dot his i's with a
- 18 heart?
- 19 A I guess so.
- 20 Q Okay. You all were in the jail for the same
- 21 thing when you got that letter, right?
- 22 A Yes, sir.
- 23 Q But suddenly now your charges are reduced to
- 24 a two year sentence?
- 25 A Yes, sir.

ROSALIND BROWN - CROSS

1 Q Now, you started distributing crack cocaine
2 for Heavy D in 1993 and '94, didn't you?

3 A Yes, sir.

4 Q Did you do that all the way up to 2000, 2001,
5 or until you got arrested, or when did you quit, or
6 did you ever quit?

7 A No sir, off and on.

8 Q Off and on?

9 A Yes, sir.

10 Q Can you explain yourself a little better
11 about off and on, what that means?

12 A Stop and start back, stop, start back.

13 Q Well, how often?

14 A I can't recall.

15 Q Well, did you do it on a regular basis from
16 1993 through 2001, 2002, 2003?

17 A 1993, 1994, 2000, 2001.

18 Q You had a gap in there, right?

19 A Uh-huh.

20 Q Why was that?

21 A I don't know, sir.

22 Q Did you find another source?

23 A No, sir.

24 Q Okay. Have you ever been convicted of any
25 drug charges?

ROSALIND BROWN - CROSS

- 1 A Yes, sir.
- 2 Q What are they?
- 3 A 1993 and '94.
- 4 Q And what drug charges, of what drug charges
- 5 were you convicted, ma'am?
- 6 A Crack cocaine.
- 7 Q Distributing it?
- 8 A Yes, sir.
- 9 Q In fact you were distributing it, you were
- 10 arrested with Heavy D at the time, weren't you?
- 11 A Yes, sir.
- 12 Q Let me ask you something. Referring to
- 13 State's Exhibit Number 15, does that look like a
- 14 black duffle bag to you?
- 15 A No, sir.
- 16 Q In fact you have a rather extensive criminal
- 17 record, don't you?
- 18 A Yes, sir.
- 19 Q And I never ask a lady her age. What's your
- 20 birth date?
- 21 A .
- 22 Q Okay. You were born in 1969?
- 23 A Yes, sir.
- 24 Q And when did you become a criminal? Excuse
- 25 me.

ROSALIND BROWN - CROSS

1 A I can't recall right off.

2 Q Well, you started out young, didn't you?

3 A Yes, sir.

4 Q And if you don't testify the way you've
5 testified for the Solicitor today the deal with you
6 is off, isn't it?

7 A Just to tell the truth, sir.

8 Q Just to tell the truth?

9 A Yes, sir.

10 Q Okay. Well, can you tell me which time you
11 were telling the truth in these two statements from
12 the interview?

13 A It was a misunderstanding in one.

14 Q Uh-huh.

15 MR. McLAIN: Beg the Court's indulgence, Your
16 Honor.

17 THE COURT: Take your time.

18 Q It was all just a big misunderstanding?

19 A Sir?

20 Q So, all this was just a big misunderstanding?

21 A No.

22 Q Your statement, two different statements, an
23 interview, all that is a misunderstanding?

24 A No, sir.

25 Q Well, if there is inconsistencies in those,

ROSALIND BROWN - CROSS

1 how do you explain those?

2 A In one statement it was said that I knew.

3 No, I didn't, I did not know beforehand. I knew
4 afterward.

5 Q And in the other statement you said you knew
6 beforehand. Right?

7 A Uh-huh.

8 Q So, which time were you lying?

9 A ~~I wasn't lying. I did not know beforehand.~~

10 Q Well, you gave one statement and you said one
11 thing in one statement --

12 MR. JONES: Your Honor, if he is going to ask
13 about the statements, again I would like him to
14 refer, if he wants to ask her about the particular
15 statement, then he needs to show her the statement
16 and ask her what issue in the statement he is
17 concerned about.

18 MR. McLAIN: Judge, I thought I just did
19 that.

20 THE COURT: ~~The objection is sustained but~~
21 get the paper, let her look at it.

22 MR. McLAIN: One second, Your Honor.

23 THE COURT: Take your time.

24 MR. McLAIN: Thank you, sir.

25 BY MR. McLAIN:

ROSALIND BROWN - CROSS

1 Q Okay, take a look at this statement dated
2 October 31st, 2001. Right?

3 A Yes, sir.

4 Q Okay. In this statement it says, "On the way
5 back home Chris asked me to go with them, that they
6 were going to rob Heavy D." Right?

7 A Yes, sir.

8 Q "I told them no, I didn't want to be
9 included." Right?

10 A Yes, sir.

11 Q Okay.

12 MR. McLAIN: Excuse me, judge.

13 THE COURT: Take your time, counsel.

14 MR. McLAIN: I have these out of order here.

15 MR. JONES: October 2nd statement?

16 MR. McLAIN: Yes.

17 MR. JONES: We have a copy right here.

18 MR. McLAIN: Thank you. Thank you,
19 Solicitor.

20 BY MR. McLAIN:

21 Q And right here it says, "The incident at
22 Antreville on the Abbeville/Anderson County line, I
23 was involved. My cousin Wanda Groves lives there
24 with Heavy D, Lamoncyon Sutton, and Shondra Martin
25 and Chris Landrum approached me about Heavy D."

ROSALIND BROWN - CROSS

1 Right?

2 A Yes, sir.

3 Q "They wanted to rob him out of money and
4 drugs. They asked me to show them where Heavy D
5 lived and they said that they would hook me up
6 after they robbed him." Right?

7 "I rode with Chris and Shondra in Shondra's
8 Excursion and I showed them the house."

9 That was before the fact, or the alleged
10 fact, correct?

11 A That was after.

12 Q Well, this says that you brought them, they
13 brought you home and left. You said that you were
14 supposed to get hooked up after.

15 A I didn't rob anybody.

16 Q Well, that's your statement saying that you
17 were supposed to get hooked up, isn't it?

18 A Yes, sir.

19 Q Okay. And you say -- do you see right here
20 on State's Exhibit 1 right here, right here?

21 A Yes.

22 Q Okay. You're saying that you and Mr. Martin
23 and Mr. Landrum drove up this road, right?

24 A Yes, sir.

25 Q And what time was that?

ROSALIND BROWN - CROSS

- 1 A 4:30, 5:00, somewhere in that area.
- 2 Q It was light, it was daytime, wasn't it?
- 3 A Yes, sir.
- 4 Q Okay. And do you know at what time this
- 5 alleged shooting occurred, or this shooting
- 6 occurred?
- 7 A No, sir.
- 8 Q Okay. The Solicitor referred you to State's
- 9 Exhibit 2, right?
- 10 A Yes, sir.
- 11 Q Would you be surprised if I told you that's
- 12 just a random photograph right there of a random
- 13 Excursion, that that is not Mr. Martin's
- 14 automobile?
- 15 A It looks like it.
- 16 Q Okay. Would you be surprised to know that
- 17 Mr. Martin has never owned an Excursion, or do you
- 18 know?
- 19 A He was driving it.
- 20 Q He was driving it? Do you know who owned it?
- 21 A No, sir.
- 22 Q You don't know anything about who shot Mr.
- 23 Adarryl McCoppin, do you?
- 24 A No, sir, I don't.
- 25 MR. McLAIN: That's all I have.

ROSALIND BROWN - CROSS

1 THE COURT: Redirect?

2 MR. JONES: Briefly, Your Honor.

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ROSALIND BROWN - REDIRECT

REDIRECT EXAMINATION

QUESTIONS BY MR. JONES:

Q Do you know whether or not Shondra Martin has children?

A Yes, sir, he does.

Q Do you know the names of any of his children?

A One of them's named Neandree,
N-e-a-n-d-r-e-e.

Q I want to show you the inside of this bag and ask you if you can read what's written on the tag there beneath Old Navy. Can you read that?

MR. McLAIN: Your Honor, first of all, I have to object unless she can identify that bag.

MR. JONES: It's in evidence, Your Honor.

MR. McLAIN: But can she identify that bag?

THE COURT: The objection is overruled.

QUESTIONS BY MR. JONES:

Q I want to ask you if you can read or identify any of the lettering in yellow beneath, on the tag beneath the Old Navy insignia there?

A Neaundre.

Q Neaundre what?

A I don't see anything on the bag.

Q Let me ask you to vocalize, spell out the letters that you, that are legible, that you can

ROSALIND BROWN - REDIRECT

1 read there, please.

2 A N-e-a-u-n-d-r-e.

3 Q What's that letter?

4 A It looks like a D.

5 Q All right.

6 MR. JONES: Your Honor, I would like to
7 publish what she just testified to to the jury.

8 MR. McLAIN: That will be fine.

9 THE COURT: All right.

10 MR. JONES: No further questions.

11 MR. McLAIN: May it please the Court, Your
12 Honor.

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ROSALIND BROWN - RECROSS

RECROSS EXAMINATION

QUESTIONS BY MR. McLAIN:

- 1 Q Do you know where this was found, allegedly?
- 2 A It was told to me at the scene.
- 3 Q Huh?
- 4 A It was told to me at the scene.
- 5 Q Okay. And you have seen this before?
- 6 A No, sir.
- 7 Q It was told to you at the scene but you
- 8 haven't seen it before?
- 9 A No, sir.
- 10 Q Is that right?
- 11 A Yes, sir.
- 12 Q What else was told to you today about your
- 13 testimony, that you haven't seen, if anything?
- 14 A What? I couldn't hear you.
- 15 Q What else have you not seen?
- 16 A ~~A black dufflebag.~~
- 17 Q That's all you saw, a black dufflebag?
- 18 A Yes, in the back seat.
- 19 Q And you didn't see my client shoot anybody,
- 20 did you?
- 21 A No, sir.
- 22 Q You didn't see any of that, did you?
- 23 A No, sir.
- 24
- 25

ROSALIND BROWN - RECROSS

1 Q And you really know nothing about that, do
2 you?

3 A No, sir.

4 Q But you do know that --

5 MR. JONES: Your Honor, all this recross is
6 not responsive to my redirect. My redirect was
7 exclusively confined to the identification of a
8 name on that bag. I didn't go into any other
9 questions on redirect about any of the issues that
10 he's attempting to recross on now. My
11 understanding of the rules are that he's limited on
12 recross to issues that I raised on redirect. So, I
13 object to this line of questioning.

14 MR. McLAIN: I'm finished, anyway, Your
15 Honor.

16 THE COURT: Very well. Anything further?

17 MR. JONES: Nothing from the State, Your
18 Honor.

19 THE COURT: Thank you. Come down, please.
20 (Witness excused).

21 THE COURT: Will counsel approach, please?
22 (Unrecorded bench conference).

23 THE COURT: Madam Forelady and ladies and
24 gentlemen of the jury, we will recess for lunch at
25 this time until 2:30. Please do not discuss this

1 case at all with anyone under any circumstances,
2 not even by, between and among yourselves. If
3 anyone approaches you and mentions the case to you
4 it's your responsibility to tell that person or
5 persons that you are a juror and you are not
6 permitted to discuss the case with them. If anyone
7 persists in attempting to discuss the case after
8 you alert them that you are a juror that would be
9 highly improper, wrong and illegal and you should
10 use every reasonable means to obtain the identity
11 of such person or persons and report it to the
12 bailiff at the door or to the Court Clerk without
13 sharing that information with anyone else at all
14 and the Court will investigate that and deal with
15 it immediately and with effectiveness.

16 If there were to be any media coverage such
17 as newspaper, television or radio of this trial, as
18 soon as you realize what you're seeing, hearing or
19 reading concerns this matter you will immediately
20 disabuse yourself of it completely, disregard it
21 absolutely because what you are to determine the
22 fact in this case upon is exclusively the evidence
23 that's presented during the course of the trial and
24 upon nothing else whatsoever.

25 Please have a pleasant luncheon and be back

1 in the jury room at 2:30. Everyone else remain
2 seated. The jury is excused.

3 (The jury was excused from the
4 courtroom at 1:18 p.m.).

5 THE COURT: Is there anything for the record
6 from the State?

7 MR. JONES: No, sir.

8 THE COURT: From the defense?

9 MR. McLAIN: No, sir.

10 THE COURT: The Court stands in recess until
11 2:30.

12 (Recessed at 1:19 p.m.).

13 (Reconvened at 2:55 p.m.).

14 THE COURT: The record is open, please. The
15 matter of the State of South Carolina versus
16 Shondra Lamont Martin. This is indictment
17 2002-192. Is there anything from the State before
18 the jurors come in?

19 MR. JONES: Well, Judge, we intend to call
20 Dr. Foster, he's here, he's been here since 2:00
21 o'clock and we're going to call him. I don't know
22 how long he will be on the stand. Is it your
23 intention, once his testimony, direct and cross has
24 concluded, that we would then either dismiss the
25 jury or address the Jackson v. Deno hearing at that

1 point in time?

2 THE COURT: Yes, sir, if that suits you, your
3 schedule, we would just dismiss the jury and get
4 into the Jackson v. Deno hearing.

5 MR. JONES: Dismiss them for the rest of the
6 day?

7 THE COURT: Yes, sir.

8 MR. JONES: To start back what time tomorrow,
9 Judge.

10 THE COURT: 9:30?

11 MR. JONES: Yes, sir, fine.

12 MR. McLAIN: Judge, I would just ask for a
13 brief recess in between to talk to my client.

14 THE COURT: In between?

15 MR. McLAIN: In between the doctor and the
16 Jackson v. Deno hearing.

17 THE COURT: Of course. Yes, sir?

18 MR. JONES: Well, along those lines, and I'm
19 sitting here and I apologize, Judge, if I could,
20 I'm thinking. I have a witness from SLED who was
21 here yesterday and we sent him back and he's back
22 today, Baker, Brett Baker. He attempted to perform
23 fingerprint analysis on the two knives and some
24 other evidence, he determined that he couldn't get
25 prints off the shells. His testimony from my

1 perspective4 is about ten minutes, I don't know how
2 much cross-examination they have for him, but if we
3 could try to work the doctor and him in before we
4 dismiss the jury, before we went to the Jackson v.
5 Deno.

6 THE COURT: Yes, sir.

7 MR. McLAIN: Absolutely no objection.

8 THE COURT: I can't see that there would be
9 any objection.

10 MR. McLAIN: None.

11 MR. JONES: Okay, thank you, Judge.

12 THE COURT: All right. Mr. McLain, do you
13 have anything you wish to place on the record
14 before the jurors are shown in the courtroom?

15 MR. McLAIN: No, sir. I would just like to
16 get my wife here.

17 THE COURT: All right, sir.

18 MR. McLAIN: If I may.

19 THE COURT: Madam Clerk is running an errand
20 very quickly to release the rest of the venire for
21 the balance of the week, and Madam Clerk, if you
22 will just come on back, we'll wait until you
23 return.

24 THE CLERK: Okay.

25 THE COURT: Show the jury in, please, Mr.

1 Busby.

2 (The jury returned at 3:00 o'clock p.m.).

3 THE COURT: The record will show that all
4 jurors are present, with the forelady and the
5 alternate properly seated. The matter lies with
6 the State. Call your next witness.

7 MR. JONES: If it please the Court, Your
8 Honor, Dr. James Foster, please.

9 THE COURT: Come around, please, sir.

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JAMES G. FOSTER - DIRECT

1 JAMES G. FOSTER, III.,
2 after being first duly sworn testified as follows:

3 THE COURT: This witness is with you,
4 Solicitor.

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. JONES:

7 Q State your name for the record.

8 A James G. Foster, III.

9 Q Where do you work?

10 A Anderson, South Carolina.

11 Q And in what capacity?

12 A I'm a general surgeon and serve as medical
13 director for trauma at the Anderson Area Medical
14 Center.

15 Q Were you employed there on July 29th, 2001?

16 A Yes.

17 Q Were you working on that date?

18 A Yes.

19 Q Do you recall approximately what hours you
20 worked that day?

21 A When we take trauma call we take 24 hour
22 shifts, so I worked a 24 hour shift.

23 Q Beginning at what time and ending at what
24 time?

25 A We start at 8:00 in the morning and end at

JAMES G. FOSTER - DIRECT

1 8:00 in the morning.

2 Q Would you tell the jury what education and
3 training you have received to become a surgeon?

4 A After completing undergraduate education I
5 then went to medical school for four years. After
6 completion of medical school I did a five year
7 surgical residency.

8 Q Where was that done?

9 A The University of South Florida in Tampa,
10 Florida.

11 Q And how long was that before 2001?

12 A I graduated from my residency in 1993.

13 Q Do you recall whether or not you had occasion
14 sometime during the early morning hours of July
15 29th, 2001, to perform surgery on Adarryl McCoppin?

16 A I do recall that night.

17 Q Would you please tell the jury the condition
18 that you received Adarryl in and what procedures
19 you performed during the time that he was under
20 your care?

21 A When I first encountered the patient he was
22 unresponsive, in florid shock. We were unable to
23 obtain a blood pressure. At that point in time he
24 had to be intubated, meaning a breathing tube had
25 to be put in, and the only, he did not have a

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1 palpable pulse where you feel for a pulse but we
2 could detect a signal when we listened with our
3 ultrasound machine. ~~We call that a Doppler.~~

4 We were able to improve his overall condition
5 by administering blood and intravenous fluids to
6 the point where we had a blood pressure that we
7 could obtain measuring with a cuff that most people
8 are familiar with. At that point he began to show
9 evidence of bleeding through his thigh, quite
10 significant bleeding, and we held pressure and took
11 him straight to the operating room where I operated
12 on him to repair a vascular injury to the artery in
13 the leg.

14 Q What artery would that be?

15 A The femoral artery.

16 Q Now, you mentioned when you received Adarryl,
17 your patient, he was in what kind of shock?

18 A I said florid. It's a descriptive term,
19 severe, severe shock.

20 Q Do you have an opinion as to the cause of
21 that severe shock?

22 A It was due to massive blood loss.

23 Q Would that blood loss, as you saw it, be
24 tantamount to sanguination?

25 A Yes, essentially it was more exsanguination,

JAMES G. FOSTER - DIRECT

1 if you will.

2 Q Does that mean complete blood loss?

3 A Correct.

4 Q Essentially?

5 A Yes.

6 Q His heart had pumped all the blood out of his
7 body through the injury to his artery?

8 A That's somewhat descriptive, in that you
9 can't physiologically completely exsanguinate the
10 body. However, you bleed to a point where you have
11 vascular collapse. Your heart needs a certain
12 amount of blood to be able to pump to keep pumping,
13 and he had reached the point where he, where he had
14 no detectable blood pressure or palpable pulse.

15 Q And in shock?

16 A Correct, in shock.

17 Q And the shock was caused by the fact that the
18 heart didn't have blood to be able to pump and
19 couldn't maintain its viability?

20 A The shock, correct, the shock was due to the
21 loss of the circulating blood volume.

22 Q So, you were attempting to repair the artery,
23 and what did you do during the course of that
24 effort?

25 A We transported him to the operating room

JAMES G. FOSTER - DIRECT

1 holding direct pressure, and the first thing I did
2 was I made an incision in the groin and isolated
3 the artery upstream from the point of bleeding and
4 put a clamp on it and that stopped the bleeding
5 immediately or at least slowed it down to where it
6 was very manageable. I then essentially connected
7 that incision to the bullet wound and exposed the
8 injury and then was able to get complete control of
9 the bleeding. So, we very quickly, once we got to
10 the operating room, had the bleeding controlled.
11 At that point I proceeded with repair of the
12 injury, which involved putting in a piece of vein
13 to serve as a substitute for that short segment of
14 the artery that was not suitable, so there was
15 like -- I had to bridge the gap.

16 Q And at some point in time did you become
17 aware that your efforts to not only repair the
18 artery, but to support your patient's life had
19 failed?

20 A I was actually putting the last stitch in my
21 repair when the anesthesiologist reported to me
22 that the patient's EKG tracing, which monitors the
23 heart, was changing suddenly, and very quickly we
24 lost blood pressure because the heart went into
25 arrhythmia, meaning it quit beating normally and

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1 started beating abnormally, and at that point we
2 started what's called a code, where we started
3 essentially like what people call CPR, chest
4 compressions. We were already, already had a
5 mechanical breathing machine, we used drugs and
6 tried to use external pacemakers to get the heart
7 back in a rhythm, and we continued those efforts
8 for approximately an hour before it was just, it
9 was helpless.

10 Q And you pronounced him dead?

11 A Yes.

12 Q Do you recall approximately what time that
13 was?

14 A Approximately 5:00, I believe it was 5:49 in
15 the morning. It was in the early morning.

16 Q And do you know whether or not Adarryl, who
17 as you say came in in severe shock, was ever not in
18 severe shock between the time he entered the
19 hospital and the time you pronounced him dead?

20 A I'm sorry, could you restate that? I didn't
21 quite understand the question.

22 Q Did he remain in severe shock, was he in
23 severe shock from the time you received him in the
24 hospital, until the time you pronounced him dead?

25 A That's correct, I would say that he was never

JAMES G. FOSTER - DIRECT

1 out of shock.

2 Q And those of you in surgery and in the
3 emergency room work, as you are, do you have a term
4 that you refer to called ~~the golden hour?~~

5 A That's a term that's been used in the field
6 of trauma to describe that window of opportunity we
7 have to try to get a patient and correct a
8 reversible problem before it becomes irreversible.

9 Q And explain to me what basically you are
10 saying when you refer to that golden hour in
11 emergency room work.

12 A Well, in trauma, traumatic injuries, there is
13 injuries that if you could just fix them or
14 temporary fix them you can buy yourself some time.
15 For instance, a ruptured spleen that's bleeding, if
16 you can just get there and take it out and stop the
17 bleeding soon before full fledged shock sets in you
18 can save that patient.

19 Q Always?

20 A Oh, no, not always, not always.

21 Q So --

22 A But the sooner you can institute therapy, the
23 better your chances of survival.

24 Q Certainly. But there is no certainty --

25 A That is correct.

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1 Q -- to the golden hour?

2 A That is correct.

3 Q You can't say that if you get somebody within
4 an hour you can save them?

5 A That is absolutely correct.

6 MR. JONES: Answer any questions this lawyer
7 has for you, please.

8 MR. McLAIN: May it please the Court.

9 THE COURT: Cross-examination, Mr. McLain.

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JAMES G. FOSTER - CROSS

1 CROSS-EXAMINATION

2 QUESTIONS BY MR. McLAIN:

3 Q Dr. Foster, I'm Ben McLain, we talked
4 earlier, and I think that the Solicitor to a
5 certain point anticipated one of my questions, and
6 that was about the golden hour. Okay?

7 MR. JONES: Your Honor, is that a question?
8 I would ask that the lawyer confine his remarks to
9 questions of the witness, please.

10 THE COURT: Follow the rules, counsel.

11 MR. McLAIN: Yes, sir.

12 BY MR. McLAIN:

13 Q The golden hour refers to a window generally
14 in which one has an hour to save someone bleeding
15 like the victim. Is that a correct statement?

16 A It's a descriptive term that describes how
17 early intervention is good for trauma care.

18 Q Okay. I have some notes on these but that's
19 just for my index purposes. Could you look these
20 over, these notes?

21 A You would like me to review them now?

22 Q Just briefly. I think you prepared them.

23 A Okay. Is there a particular thing you want
24 me to look at?

25 Q I'm going to get to that.

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1 A Okay.

2 Q Thank you. Are these generally notes that
3 were prepared in reference to this victim at AnMed
4 Health Resources?

5 A Yes.

6 Q These are largely your notes?

7 A Not all of them. There is three pieces or
8 documents, if you will, that were generated by me,
9 and that was the history and physical, the
10 operative note and the death summary, discharge
11 summary.

12 Q And this right here is just an admission
13 form?

14 A That's what we call a face sheet. Every
15 patient in the hospital has one of these on their
16 chart.

17 Q It has the admission date and time?

18 A That's the time the admitting office
19 officially admitted them to the hospital but it
20 really, in a trauma situation, doesn't have a lot
21 of bearing on when treatment started.

22 Q Okay. It has the time of death at 5:49, as
23 you testified?

24 A That is correct.

25 Q And it has a date 7/29/01?

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- 1 A That is correct.
- 2 Q And it has the time at 2:32, is that correct?
- 3 A That is correct.
- 4 Q Okay. Now let me refer you over here to,
- 5 excuse me, the Court's indulgence, Your Honor,
- 6 adult trauma flow chart.
- 7 A Uh-huh.
- 8 Q What does that tell us?
- 9 A This is a sheet that is, when a patient comes
- 10 in there is a nurse that records basically what
- 11 goes on, and it sort of gives you a running summary
- 12 of kind of the events as they happen.
- 13 Q Is that prepared as soon as the patient gets
- 14 to the hospital?
- 15 A Typically this recording nurse is in the
- 16 corner of the room jotting down as people shout out
- 17 things.
- 18 Q In the ER?
- 19 A Right. This is almost like a real time
- 20 record, if you will.
- 21 Q And up there it's got trauma alert, is that
- 22 correct?
- 23 A That's correct.
- 24 Q It has your name as the doctor?
- 25 A Uh-huh, that is correct.

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1 Q And has the emergency department physician is
2 Dr. --

3 A Nall, N-a-l-l. And Dr. Tillerson is the
4 other emergency room physician listed.

5 Q Would Dr. Nall or Dr. Tillerson or both have
6 seen this patient before you did?

7 A Correct. They were the physicians who first
8 encountered the patient.

9 Q In the ER?

10 A In the emergency room, correct.

11 Q And would that tell you what time he arrived?

12 A There is a place somewhere.

13 Q There?

14 A No, that's not -- there is, there should be
15 an entry that tells the exact time the patient
16 arrived. If I can flip it over?

17 Q Sure.

18 A Here we go.

19 Q And to what document are you referring?

20 A This is the same document, just different
21 page.

22 Q Okay.

23 A Here it lists 1:25 EMS arrives, so the
24 patient arrives at 1:25.

25 Q Okay. To the hospital?

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1 A Correct, to the emergency room.

2 Q Okay. And when did you first see the
3 patient? Would that be recorded on here?

4 A I arrived, I was in the department, according
5 to their records, by 1:45.

6 Q Okay.

7 A At least that's when that particular
8 recording nurse made note of it.

9 Q Okay. Now let me ask you about, let me go
10 over here again and ask you about another document
11 or two, okay?

12 A Okay.

13 Q In this document right here it says emergency
14 department priority, correct, is that correct?

15 A Correct.

16 Q Okay. And it says, first it says patient was
17 bleeding from his left leg. He was shot twice,
18 wasn't he?

19 A Correct.

20 Q In the thigh and where?

21 A Down towards the ankle.

22 Q Okay. And it says that his uncle was rushing
23 him to the hospital and the Anderson Police
24 apparently detained him for 20 to 30 minutes?

25 A That's what this says. This was generated by

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1 another physician.

2 Q Okay. Is that Dr. Nall?

3 A Can you turn the page and see?

4 Q Sure.

5 A It should have, probably one more, it
6 probably should have where he would sign it. Maybe
7 one more. Well, maybe another one.

8 Q Maybe another one. Okay?

9 A Yes, that's Dr. Nall's.

10 Q Is it pronounced Nall?

11 A Yes.

12 Q Even though it's spelled N-a-l-l?

13 A It's pronounced Nall.

14 Q This right here, these are your notes, aren't
15 they?

16 A Those are mine.

17 Q Okay. And this says history and physical,
18 correct?

19 A Correct.

20 Q And it says chief complaint, gunshot wound to
21 the left leg and shock?

22 A Correct.

23 Q Correct?

24 A Yes.

25 Q Would you publish this to the jury, just this

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1 sentence right here and explain what that means?

2 A Would you like me to read it first?

3 Q Yes, sir, then explain what it means to us.

4 A Okay. "What was striking was this gentleman
5 arrived in florid shock, was unresponsive, yet he
6 did not have any external bleeding. It was
7 certainly felt that he could have bled himself to
8 this degree of hypotension in the field but he had
9 no ongoing bleeding upon arrival initially.
10 However, after his blood pressure had been restored
11 he began to bleed briskly from the entrance wound
12 in the medial aspect of his left thigh."

13 Q Okay, what was striking about that?

14 A This patient arrived -- when I encountered
15 the patient he was in shock, we couldn't detect a
16 blood pressure, he was not responsive and we had to
17 put in a breathing tube to breathe for him, and we
18 did know that he had bullet wounds but yet there
19 was no ongoing bleeding. So, as a physician you
20 start to say okay, why is this patient in shock?
21 We don't have ongoing bleeding at this point in
22 time, are there other injuries? You start to look
23 for other bullet wounds, you roll the patient back
24 and forth to see if there could be possibly
25 evidence for trauma that might be bleeding inside

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1 the belly or inside the chest, and so we basically
2 had a patient who was not showing signs of bleeding
3 but yet was in shock. However, once we got some
4 resuscitation we had some blood and i.v. fluids.

5 Q Transfusion?

6 A Transfusion, and got his blood pressure up,
7 the blood started to spurt, you know, squirt out of
8 the thigh wound and it became quite obvious at that
9 point why this patient was in this condition, that
10 there obviously had to have been extensive bleeding
11 previously and now that we had restored some blood
12 pressure it became evident.

13 Q Okay. And would that have anything to do
14 with how long it took to get him to the hospital?

15 A I don't quite understand when you say it.

16 Q We talked about the golden hour.

17 A Okay.

18 Q If this gentleman were detained in getting to
19 the hospital for this particular wound, would that
20 not play into the cause of his death?

21 A I guess I'm kind of unsure. You're asking me
22 if he was detained, would it cause his death. I'm
23 not sure. I'm not sure, because I just drove from
24 Anderson, that's a long way.

25 Q Right.

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1 A This amount of bleeding that we saw once his
2 blood pressure came up was very impressive and I
3 was holding pressure with a big towel, direct
4 pressure while we were wheeling him up to the
5 operating room, so how long it would take that
6 injury to bleed to the point of exsanguination, if
7 that's what you're trying to get at, but I would
8 say it would be quickly, that amount of bleeding
9 can't go on for an hour unchecked.

10 Q If he were detained on the side of the road
11 by the Highway Patrol for some time while he was
12 bleeding like that would that not be a cause of
13 death?

14 A If nothing was done to help slow it down,
15 certainly. If someone was just allowed to continue
16 to bleed without external pressure I could
17 certainly see how that would, could not be good for
18 the patient's condition, if that's what you're
19 asking me.

20 Q That's what I'm asking. Okay, and then let
21 me refer you to your assessment right here, Doctor,
22 right before your signature line, the part I have
23 underlined right there.

24 A Would you like me to read that?

25 Q Would you publish that to the jury?

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1 A Uh-huh. This is under my assessment.

2 "Gunshot wound to the left leg. It appears that
3 the patient did have significant blood loss in the
4 field to the point of hypotension and shock."

5 Q Okay. And would you continue, you left out,
6 I'm sorry --

7 A Would you like me to read the rest?

8 Q Yes.

9 A "It was confusing on first arrival since he
10 had no external bleeding but now that his blood
11 pressure has been restored it is obvious that he
12 has sustained an injury that could have easily led
13 to an exsanguination hemorrhage. The patient is
14 being taken to the operating room immediately. He
15 is continuing to be given blood products as needed
16 and I have spoken to Dr. Austin," he's the
17 anesthesiologist," he's preparing the operating
18 suite."

19 Can I make one comment?

20 Q Sure.

21 A All these documents that I generated aren't
22 generated real time. If you can imagine trying to
23 dictate all this in the middle of holding pressure
24 and taking care of the patient. After all this was
25 over I sat down in the recovery room and then

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1 dictated my history and physical, my operative
2 note, my discharge summary. So, even though it
3 sounds like it's kind of real time, I'm just, it's
4 all after the fact because in a situation like
5 that, you know, you can't stop taking care of the
6 patient.

7 Q Obviously you can't do surgery, perform
8 surgery and dictate at the same time. Correct?

9 A That's correct.

10 Q But you found that striking, that he arrived
11 as he did?

12 A I did. I would have -- correct.

13 Q Are you familiar with the Abbeville Hospital?

14 A I have never been to the Abbeville Hospital.

15 Q Do you know where it is?

16 A I have driven by it.

17 Q Okay.

18 A But I --

19 Q Are you familiar with , where
20 that is?

21 A No.

22 Q Okay. Had the patient been taken straight to
23 Anderson or to Abbeville, what's the first thing
24 you would have done?

25 A Hold external pressure.

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1 Q What could have saved this man's life, a
2 clamp?

3 A A clamp in the operating room, but short of
4 the operating room, external pressure.

5 Q External pressure?

6 A External pressure with a big bulky dressing,
7 towel, shirt, pants, just something with very firm
8 pressure.

9 Q And then once you got him to the OR, a clamp?

10 A Right.

11 MR. McLAIN: The Court's indulgence, Your
12 Honor.

13 THE COURT: Take your time, counsel.

14 MR. McLAIN: Thank you, sir.

15 Q These are some more of Mr. McCoppin's
16 hospital records.

17 A Uh-huh.

18 Q That says ventilator patient record.
19 Correct?

20 A Correct.

21 Q What is that?

22 A That would be generated by the respiratory
23 therapist. Once a patient has been put on a
24 breathing machine or ventilator, they then do their
25 own charting.

JAMES G. FOSTER - CROSS

1 Q Okay. That says -- what does that say?

2 A Good color changes in the ET -- oh, the ET
3 CO'2 detector.

4 Q Which means?

5 A That is one way to prevent an inadvertent
6 misplacement of the tube, meaning instead of it
7 going in the trachea, it goes into the esophagus,
8 which is the food pipe.

9 Q Yes.

10 A They put a detector on that measures the
11 amount of CO-2 in the exhaled air. If it is in the
12 airway, the trachea, it will then change a certain
13 color and that indicates that you are in the right
14 spot. We listen to the lungs with our stethoscopes
15 for breath sounds and some other things, but this
16 tells you that by measuring CO'2, if it changes
17 colors, you are in the right spot, and it just
18 tells us your intubation is where it needs to be.
19 If you are not and it's in the esophagus and it
20 doesn't change color, then you need to immediately
21 pull the tube out and replace it. And, so, that is
22 what that indicated, that the tube was in good
23 position.

24 Q Doctor, did this gentleman, deceased
25 gentleman, miss the golden hour?

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1 A Yes.

2 MR. McLAIN: Thank you.

3 THE COURT: Redirect?

4 MR. JONES: None, Your Honor.

5 THE COURT: Thank you, Doctor. Come down,
6 please.

7 (Witness excused).

8 THE COURT: Any objection to this witness
9 being excused?

10 MR. JONES: We would ask he be allowed to be
11 excused, Your Honor.

12 MR. McLAIN: Likewise, Your Honor.

13 THE COURT: Thank you, Doctor.

14 MR. McLAIN: Thank you, Doctor.

15 THE COURT: You are welcome to remain with us
16 but you may do as you wish.

17 THE WITNESS: Thank you.

18 THE COURT: Call your next witness, please,
19 Solicitor.

20 MR. JONES: The State would call Brett Baker.
21
22
23
24
25

BRETT BAKER - DIRECT

1 DONALD BRETT BAKER,
2 after being first duly sworn testified as follows:

3 THE COURT: Yes, sir, Solicitor.

4 DIRECT EXAMINATION

5 QUESTIONS BY MR. JONES:

6 Q Please state your name for the record.

7 A Donald Brett Baker.

8 Q Where do you work?

9 A I work at the South Carolina Law Enforcement
10 Division, commonly known by the acronym SLED.

11 Q In what capacity?

12 A At the time of this incident I worked in the
13 latent crime scene department at SLED.

14 Q Latent print?

15 A Crime scene.

16 Q Crime scene?

17 A Yes, sir.

18 Q Which was July of '01?

19 A Correct, July 29th of '01.

20 Q How long prior to that date had you been in
21 law enforcement?

22 A Goodness. Seven or eight years, roughly.

23 Q Tell us, if you would, a little bit about
24 your educational background and your training for
25 law enforcement work.

BRETT BAKER - DIRECT

1 A Yes, sir. Well, first of all, you know, I'm
2 a graduate of Lexington High School here in South
3 Carolina. I went on to Western Carolina University
4 located in Cullowhee, North Carolina, where I have
5 a Bachelor of Science Degree. After completing my
6 degree at Western I was employed by the South
7 Carolina Law Enforcement Division, where I have
8 been -- well, this was '91, so ten years, 2001.

9 I did electronics work there for them, then I
10 went into the latent crime scene department, where
11 I worked eleven years. Again, that department is
12 the department that will assist state, local and
13 federal law enforcement agencies with crime scene
14 processing or crime scene reconstructions.

15 Q When you enter into that department are you
16 required to complete roughly a two and a half to
17 three year what I call an apprenticeship?

18 A You work under other senior court qualified
19 examiners on a daily basis. You would conduct
20 fingerprint examinations as well as conduct
21 extensive crime scene reconstructions. In other
22 words, go in the field, whether it be homicides or
23 burglaries, auto break-ins, those sort of things,
24 you would assist the local agencies, you know, if
25 requested.

BRETT BAKER - DIRECT

1 Again, they have, currently I've got over
2 2000 hours of formalized training, conducted
3 probably close to 300 death investigations in the
4 state. Again, you know, I can get into these, I
5 have went to the academy, where I received my basic
6 law enforcement training, as well as I received my
7 advanced training from the FBI, fingerprint
8 techniques and, you know, have been to blood
9 splatter courses.

10 Q Agent Baker, let me ask you this. Have you
11 been qualified in the Circuit Courts of this state
12 as an expert in the area of fingerprint examination
13 and analysis prior to today?

14 A Yes, sir, I have, in state, federal as well
15 as here in Abbeville County.

16 Q Approximately how many times?

17 A Probably 25 times, roughly.

18 Q Now, have you also been qualified as an
19 expert in the area of crime scene examination prior
20 to today?

21 A Yes, sir, I have.

22 MR. JONES: Your Honor, we offer this witness
23 as an expert in the area of fingerprint examination
24 and crime scene investigations.

25 THE COURT: Questions on his voir dire, Mr.

BRETT BAKER - DIRECT

1 McLain?

2 MR. McLAIN: I'll stipulate.

3 THE COURT: Ladies and gentlemen, this
4 witness is an expert in the field of fingerprint
5 examination and crime scene investigation.

6 Continue direct examination.

7 MR. JONES: Yes, sir.

8 BY MR. JONES:

9 Q Agent Baker, on July 29th, 2001, did you come
10 to Abbeville County to assist the Abbeville County
11 Sheriff's Department in the investigation of a
12 homicide?

13 A Yes, sir, I did.

14 Q About what time did you get here?

15 A I received the call roughly 8:00 o'clock from
16 Sheriff Goodwin here in Abbeville County and I
17 arrived on scene at roughly 9:15 a.m. the same
18 morning.

19 Q All right. What did you go about doing upon
20 your arrival?

21 A Again, a standard procedure when I arrive at
22 a crime scene is to be briefed by the local
23 investigators as well as the Sheriff in this case
24 when he was on scene. That means they give me what
25 events they know has taken place. And then after

BRETT BAKER - DIRECT

1 that I do a general walk-through looking for any
2 forensic evidence, which could be, you know,
3 anything from bullets, to casings, blood, any other
4 fluids that may be of interest to the crime scene
5 and latent print person.

6 Q All right, sir. I would like for you to take
7 a look at State's Exhibits 3, 4, 5, 6, 7, 8, 9, 10,
8 and tell me if you took those photographs?

9 A Yes, sir, I did.

10 Q On the 29th of July, 2001?

11 A That's correct. The early morning of the
12 29th of July, 2001.

13 Q And did you assist and authorize the
14 preparation of this diagram, State's Exhibit Number
15 1?

16 A Yes, sir, I did. I basically compiled, made
17 this chart here.

18 Q So, you made it?

19 A Yes, sir.

20 Q All right. Now, what is depicted in State's
21 Exhibit Number 3?

22 A State's Exhibit Number 3 is looking as you
23 would enter from the lower portion down here, where
24 it has tire marks. This is showing what I have
25 depicted here in the chart as tire marks, and again

BRETT BAKER - DIRECT

1 they were showing the direction of the spin-out.
2 It looked like someone had been parked off the side
3 of the road and at some point accelerated, rolling
4 dirt and grass up. Again you can see it off the
5 right-hand side of the road on this photograph.

6 Q All right. That is what that photograph
7 depicts?

8 A Yes, sir, it depicts what you would see here
9 on the enlargement.

10 Q And that's in what area, again?

11 A Right here where it's initiated tire marks,
12 it was going going in that area away from

13

14 Q That's State's Exhibit Number 3. What is
15 depicted in State's Exhibit Number 4, for your
16 purposes?

17 A For my purposes, when I got to the scene,
18 again, we placed out, they are depicting the areas
19 of interest, and in particular this was a blood
20 trail that led basically from the right side of the
21 road, across the left side of the road, and as you
22 can see here, I have it listed as 3, 1, 2, 4, and
23 again the numbers may not be in perfect order
24 because as I find blood and it goes across the
25 road, crosses the road and goes approximately 40

BRETT BAKER - DIRECT

1 yards up the drive before it comes to an end, and
2 in several locations the blood actually stopped and
3 pooled, meaning the person that was injured come to
4 rest at some point, he lost some volume of blood,
5 and then the trail started back up as if they moved
6 again. But it started here just prior to A-Frame
7 Road, roughly about where the tire marks are, you
8 can see in the photograph roughly 15 yards prior to
9 the drive.

10 Q And comes in this direction and then you
11 follow it back up here?

12 A Yes. It looks like there had been a scuffle
13 or a fight and off to the left side of the road,
14 into the ditch, then again back across the road and
15 up the drive.

16 Q And State's Exhibit 5?

17 A Again, that shows a piece of weed, for lack
18 of a better word, that was on the left-hand side of
19 the road, it had blood on it, but you can see where
20 it was pulled out from the ditch area and I guess
21 as the person was struggling to get out of the
22 ditch, had the weeds with them, they pulled
23 themselves up out of the ditch grabbing on to the
24 vegetation and then I guess let go of it as they
25 were crossing the road.

BRETT BAKER - DIRECT

1 Q Where was it in the road, on this diagram?

2 A It would be roughly where, it's between 18
3 and 19.

4 Q State's Exhibit Number 6, what is that a
5 picture of?

6 A State's Exhibit 6 is trying to depict several
7 things. One, the distance of the home from the
8 road, which is approximately 150 yards or so, as
9 well as the yellow cones showing the blood trail
10 going up the left side of the drive.

11 Q 150 yards, 450 feet?

12 A Yes, sir.

13 Q State's Exhibit 7?

14 A Again this is showing approximately from the
15 top of the blood trail, again you can see the pool
16 of blood where the person had come to rest or at
17 the end of their travel, and again showing back
18 towards the road and of the, say, 150 yards
19 distance, they maybe made a quarter of it, about a
20 quarter of the way up the road, towards --

21 Q What is depicted in State's Exhibit 8?

22 A This is the front side of the home, as you
23 would see from the dead-end side of A-Frame Road.
24 If you drive up the drive, it's a shorter piece up
25 that drive to the home, then it's a long drive out

BRETT BAKER - DIRECT

1 the back side of the home.

2 Q And State's Exhibit 9?

3 A This is just depicting a vehicle that was on
4 the premises when we arrived, as well as some
5 chairs and other items sitting outside, indicating
6 that there had been a party of some sort there.

7 Q And State's Exhibit Number 10?

8 A In this depiction, the motorcycle that was
9 described to me as being at the end of A-Frame
10 Road, or at the end of the drive, the back side on
11 A-Frame Road, approximately in the area of the
12 start of the blood.

13 Q Did you receive some items of evidence from
14 Chief Deputy Marion Johnson that had been collected
15 at the scene prior to your arrival?

16 A Yes, sir, I did receive some items from the
17 Chief Deputy.

18 Q I hand you State's Exhibits 11 and 12 and ask
19 you -- well, let me hand you 11 first and ask you
20 if you recognize it?

21 A Yes, sir, I do. ~~This is a silver knife.~~
22 Again it bears our item number, case number as well
23 as my initials on the end of the blade from at the
24 time I conducted the examination.

25 Q And what type of examination did you conduct

BRETT BAKER - DIRECT

1 on that knife once you received it?

2 A It was generally anything that has not been
3 contaminated to the point that there is no use in
4 conducting an examination, that may yield
5 fingerprints. Again, I was a fingerprint, or am a
6 fingerprint expert. I would try to lift
7 fingerprints and I would also check these items for
8 blood, which in this case there were no usable
9 fingerprints, which means contrary to popular
10 belief every time you touch something you don't
11 leave a fingerprint. Fingerprints are transferred
12 by moisture and it's by chance. In the winter the
13 more your hands are in your pocket the dryer your
14 fingers are. It's like touching a mirror. After
15 you wipe your forehead you will see the greases.
16 Fingerprints are transferred that way much like a
17 rubber ink stamp.

18 So, I'm checking for fingerprints, and again
19 ~~there were no usable prints.~~ That means there
20 wasn't enough of a print that I could conclusively
21 say it's anybody's print. It could be your print,
22 my print, it wasn't enough I could identify with
23 100 percent certainty or scientific certainty
24 saying whose it was.

25 As well as I checked, because of the amount

BRETT BAKER - DIRECT

1 of blood at the scene, to see if these knives could
2 have been used as a weapon at the scene, and again
3 there was no blood found on these knives either.

4 Q When somebody leaves a fingerprint what do
5 they leave on the object they leave the print on,
6 what is it that they leave there?

7 A They are leaving moisture or contaminants,
8 which would be the sweat, which would be, it is
9 basically proteins and water, but 99 percent
10 moisture.

11 Q And it is a print of what?

12 A It's a print of chance, meaning that it may
13 transfer, it may not transfer, it depends on the
14 amount of pressure, the way you hold it. If you
15 hold something and you move your fingers, if you
16 touch it you can smear a print. Prints are very
17 fragile, so you may leave a print and you may not
18 leave a print.

19 Q Isn't it a print of the ridge detail on your
20 fingers --

21 A Yes, it is.

22 Q -- and your thumb, the ridge detail that
23 exists on everybody's individual end of their
24 fingers and thumbs?

25 A That's correct. When we refer to fingerprint

BRETT BAKER - DIRECT

1 we're referring to commonly, it's the end portion
2 of the end digits of your fingers. Again,
3 fingerprints are unique to each and every
4 individual, so we look for those to try to help
5 identify, so we can conclusively say who touched
6 it. But that's what's transferred, it is basically
7 a mirror image, just like if you would take an ink
8 stamp and put it in ink and put it over here and
9 it's your name or your social security number, you
10 could leave your identifying marks behind.

11 Q So, a fingerprint is oils and moisture that
12 you leave on a surface of some object that reflects
13 a mirror image of the individual ridge detail of
14 the digits on the ends of your fingers and thumb?

15 A Correct.

16 Q All right. And, so, if I'm touching this
17 knife with this portion of my thumb would I leave
18 enough ridge detail for you to develop a
19 fingerprint there?

20 A Again, Solicitor, it's very -- first of all,
21 again, it's left by chance. You may or may not.
22 The chance is the smaller the surface is, the more
23 corrugated the surface, that means the rougher the
24 surface, the less likely you are to leave a good
25 identifiable print. So, to answer your question,

BRETT BAKER - DIRECT

1 to touch that thin edge of the blade, depending on
2 how much contaminants are on your finger, you may
3 leave one or you may not but the chances are
4 slimmer because it's a smaller surface.

5 Q Well, if I did leave a fingerprint on this
6 knife --

7 A Yes, sir.

8 Q -- and you wanted to see if it was mine how
9 would you go about doing that?

10 A Again, I would have to have known standards
11 from you. In other words, I would have to have a
12 fingerprint card of yours and then compare it to
13 the fingers or the fingerprints developed on the
14 item.

15 Q So, would you have to get me to put my
16 fingers in ink and roll them on a piece of paper so
17 you would know what my print looked liked?

18 A Correct.

19 Q And would you do that in a supervised
20 fashion?

21 A Yes, sir.

22 Q To make sure that you got an inked impression
23 of my known thumb and fingerprints?

24 A That is correct.

25 Q And once you had those inked impressions you

BRETT BAKER - DIRECT

1 would look at those under a microscope to see if
2 whatever portion of a print you were able to
3 retrieve from this knife that I left, whether it
4 would be as much of my thumb as I can get on there,
5 or as much of my thumb print as you get if I left
6 it in that fashion, correct?

7 A That is correct.

8 Q You don't get my whole thumb print if I'm
9 only pumping it like that, do you?

10 A No, very rarely do you ever see a complete
11 print on an item you are examining. Most of the
12 time it's fragmented. Again, you hold this knife
13 with intention, or drinking from a glass intended
14 to be used for that purpose, not trying to leave a
15 print. A print you find in the field is a random
16 chance occurrence. The fingerprint you compare it
17 to is a controlled intentional print left behind.

18 Q Well, when you attempt to determine if a
19 print left on this knife was mine by looking at my
20 known print, the known print that you got from me,
21 wouldn't you have to have certain points of
22 identification on the print that you lifted from
23 the knife when you were comparing it to the known
24 print?

25 A Yes. We would look for what we refer to as

BRETT BAKER - DIRECT

1 details or certain identifying characteristics in a
2 left behind latent print or print from a crime
3 scene. We would look to see how unique those are
4 and if they represented any known print. If we
5 find them, we may could call that an identification
6 at some point, but we would have to have, yes, sir,
7 we are looking for certain ridges and endings.

8 Q All right. Did you in your examination of
9 State's Exhibit Number 11, the knife that you have,
10 did you, did you identify any ridge detail on that
11 knife?

12 A No, sir, there was no ridge detail identified
13 to anyone, there was not enough that I could
14 conclusively link it to anyone.

15 Q No prints?

16 A That's correct.

17 Q All right. Did you attempt to lift prints
18 and identify prints from State's Exhibit 12?

19 A Yes, sir, I did.

20 Q Did you get any prints?

21 A No, sir, nothing that was identifiable.

22 Q I want to hand you State's Exhibit 13 and ask
23 you if you recognize what's in there and if you
24 examined those items for prints as well?

25 A No, sir. I received these items and they

BRETT BAKER - DIRECT

1 were not used or actually tested for fingerprints.
2 The reason being it was conveyed to me they were
3 picked up as a precaution to keep from losing them
4 on the scene. In other words, being such a small
5 item, we have lost cartridge cases due to tires
6 running over them, being picked up by the tread or
7 a person's shoes, being stuck up in the crevices of
8 their shoes. My understanding, these were picked
9 up and due to the size of the surface and the
10 manner that was conveyed to me they were picked up,
11 I didn't feel it was useful to do prints on them,
12 therefore I identified them or picked them up and
13 then I carried them back to SLED and turned them
14 over to our firearms department.

15 Q Have you attempted to get fingerprints off of
16 shell casings that size before?

17 A Yes, sir.

18 Q Approximately how many times have you
19 attempted to get fingerprints from shell casings
20 that size before July 29th, 2001?

21 A Probably hundreds of times.

22 Q How many times have you gotten fingerprints
23 off shell casings that size?

24 A I have never, I have never developed an
25 identifiable print off of a nine millimeter Luger

BRETT BAKER - DIRECT

1 cartridge casing.

2 Q Never?

3 A Never.

4 Q State's Exhibit 14. Would you examine those
5 eyeglasses?

6 A Yes, sir. Again, they bear my initials and
7 case number.

8 Q And what were the results of your examination
9 on those eyeglasses?

10 A There was no identifiable prints developed on
11 these also.

12 Q State's Exhibit 15, do you recognize that,
13 did you conduct any tests on that?

14 A Yes, sir. I looked at this bag, checked it
15 for blood as well as any areas that may be feasible
16 for prints. Again, this is a bag that was hand
17 delivered to me by Chief Deputy Marion Johnson.
18 Again, it's a green Old Navy book bag that has
19 Neaundra, I believe, Martin written on the back tag
20 of it.

21 Q Did you get any prints from that bag?

22 A No, sir. Again, I checked these items for
23 blood, and there was nothing visible or prints
24 developed on this bag.

25 MR. JONES: Please answer any questions this

BRETT BAKER - DIRECT

1 lawyer has.

2 MR. McLAIN: May it please the Court, Your
3 Honor.

4 THE COURT: Mr. McClain.
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BRETT BAKER - CROSS

CROSS EXAMINATION

QUESTIONS BY MR. McLAIN:

Q Sir, in discovery the Solicitor provided me with a copy of these photographs. Did you take all these photographs?

A Yes, sir, I took most, if not all of those photographs.

Q I'm just going to ask you to go through and identify a few of the photographs, okay?

A Certainly.

Q Okay. These are all of vehicles. Can you tell us what these are? Did you take these?

A Yes, sir. They have the SLED case number stamped on them.

Q Yes, sir.

A As well as to indicate, 01 being the year 2001, and I believe it's 8846, which would be the case number that was assigned to this particular task.

Q And what is that a photograph of?

A It's a blue like El Camino vehicle.

Q Okay. Why did you take that photograph?

A Again, when I go to a scene my first and foremost purpose of being at the scene is to try to help identify any forensic evidence or any evidence

BRETT BAKER - CROSS

1 that may be of value, as well as document the scene
2 as it is when I get there. So, any vehicle outside
3 or around the scene where this assault occurred I
4 would just photograph as a routine purpose of
5 photographing.

6 Q Okay.

7 A In other words, if that car is there it is
8 going to be shown in the photographs as there.

9 Q Okay. Let's look at the next photograph.
10 What is that?

11 A Again it's the same vehicle at another angle.

12 Q Okay. And the next photograph?

13 A That's the same vehicle, again depicting some
14 of the tag number.

15 Q Okay. The same blue El Camino, right?

16 A That's correct.

17 Q So is this next one?

18 A That's correct.

19 Q And what is that?

20 A That appears to be the same vehicle.

21 Q Okay. That's a blue El Camino, right?

22 A Yes, sir, it appears to be.

23 Q Okay. It appears in that likewise?

24 A Yes.

25 Q All of those are pictures of the same blue El

BRETT BAKER - CROSS

1 Camino, correct?

2 A That's correct.

3 Q Okay. And can you tell me what vehicle this
4 is?

5 A Yes, sir. This is a Honda Accord that was
6 conveyed to me as the victim being, I believe,
7 transported in the day of the incident. It was at
8 another location I was carried to, and again I
9 photographed this vehicle just depicting what
10 vehicle, in case it came to be questioned later,
11 what vehicle transported someone, as well as the
12 blood, the condition of it.

13 Q Right. And that's what color?

14 A This is, appears to be a blue Honda Accord,
15 it's a blue Honda Accord, yes.

16 Q Okay. What kind of vehicle is that?

17 A It's a Kamasaki motorcycle.

18 Q Okay. And what color is it?

19 A It's a blue and white and silver.

20 Q Okay. That is primarily blue, is it not?

21 A Yes, sir, it's got more blue than silver,
22 correct.

23 Q Okay. And the motorcycle is blue, right?

24 A Yes, sir.

25 Q The Honda Accord in which the victim was

BRETT BAKER - CROSS

1 transported is very similar to the same color blue,
2 correct?

3 A Yes, sir, they are both blue.

4 Q Right. And the El Camino is blue, right?

5 A Correct.

6 Q Okay. Did you film any vehicle there that
7 was not blue?

8 A The best of my recollection, sir, I don't
9 remember all the colors of the vehicles. I would
10 have to look through every photograph I had taken.
11 There were numerous, I don't remember if there was
12 any other color vehicles there.

13 Q But all those were blue, pretty much the same
14 color blue?

15 A I don't -- they are blue. Other than saying
16 they are blue, they all appear to be the same shade
17 of blue, yes, sir.

18 Q Okay. Now, you took these photographs, too,
19 didn't you?

20 A That is correct.

21 Q Okay. Tell us what these are.

22 A Again, this is a photograph leading up to
23 what you would see in these photographs. In other
24 words, we do an orientation photograph. If I'm
25 going to photograph the Bible here --

BRETT BAKER - CROSS

1 Q Uh-huh.

2 A -- I'm going to give you an orientation
3 photograph showing you the direction that the Bible
4 is at in relation to the table over here, and then
5 I'm going to do a mid-range shot, then a close-up
6 of the Bible so we could try to put it back if need
7 be, like today, where it was the day of the
8 incident, when I arrived, and that's the key. I
9 photograph things as it was when I arrive.

10 Q Okay.

11 A So, again I'm showing and depicting in these
12 photographs the blood trail that was off the left
13 side of the road, again indicated here on the
14 chart.

15 Q Uh-huh.

16 A That went across the road and then came back
17 over across and went up the drive.

18 Q Okay. And you made these, didn't you?

19 A Yes, sir, I photographed these.

20 MR. McLAIN: I would like to mark these as
21 defendant's exhibits, these four photographs.

22 MR. JONES: ~~No objection, Your Honor.~~

23 THE COURT: Without objection they will be
24 marked as defendants exhibits number next.

25 (Defendant's Exhibits 4, 5, 6 and 7 were

BRETT BAKER - CROSS

1 marked and received in evidence).

2 BY MR. McLAIN:

3 Q Could you show me where these were in
4 relation to Defendant's Exhibit 1?

5 A Certainly. I will do my best. They would be
6 located in the area where it says 4, 20, 2 and 1.
7 It would be located in that general area of the
8 ditch prior to the driveway, on the left-hand side
9 of the ditch, prior to crossing the road. I
10 believe they are going to be all around area 20.
11 Again, you're talking in an area there that could
12 be from here to the desk.

13 Q Okay, that's fine. Would you describe that
14 as a wooded area?

15 A No, sir, I wouldn't say wooded. I would
16 describe that as a ditch area with heavy
17 vegetation, not woods.

18 Q Is there an embankment there?

19 A The road is level and then it dips off maybe
20 a foot and a half to two foot for the ditch, I
21 guess handling the runoff.

22 Q And did I hear you say something about, on
23 direct examination, about an altercation?

24 A That's correct.

25 Q Did you determine that there had been an

BRETT BAKER - CROSS

1 altercation?

2 A Absolutely. I determined there was blood,
3 blood letting that occurred, due to the amounts of
4 blood, the trail that led from where I determined
5 it starting, and you have blood trailing off to the
6 left, through the ditch, across the road,
7 approximately a quarter way up the road, two spots
8 of heavy pooling. That means, again, a person
9 looks like, when you are cut it comes to the
10 surface, starts to form and drops off. As you
11 would walk it would drop. The more blood that you
12 have, typically it indicates the severity of the
13 wound, it will bleed more if you have a deeper cut,
14 and again, as a person would stop and stand over a
15 spot or fall into a spot and sit there for a
16 moment, you will have a pool of blood. And again
17 it picked back up and it had another pool of blood
18 where it ended. So, yes, sir, I determined that
19 there had been some type of altercation or injury.

20 Q Do you know whether or not there were any
21 cuts on the victim's hands?

22 A No, sir. In this particular case the victim
23 had already been removed from the site. As well as
24 he was moved, my understanding, he died and he had
25 a pathologist look at him, so there is no need for

BRETT BAKER - CROSS

1 me to look at him.

2 Q So, you don't know if he had any cuts or
3 anything?

4 A No, sir..

5 Q Okay. Did you check to see if there was any
6 blood on the knife?

7 A Yes, sir. It was negative for blood.

8 Q No blood at all?

9 A That's correct.

10 Q Okay. And when did you arrive on the scene,
11 by the way, when did you come in?

12 A I was called at 8:00 a.m. and arrived on the
13 scene about 9:15 a.m. the same morning, the 29th of
14 July, 2001.

15 Q Okay. That's because the victim, you would
16 have been there sooner, because the victim was not
17 expected to die, am I correct?

18 A I was not given any indication of what the
19 condition of the victim was. When I was called we
20 had a deceased individual. So, prior to me being
21 called, his condition, I was not apprised of. All
22 I knew, the victim, the altercation appeared to
23 have occurred, I get there, I can confirm that
24 based on my visual observations. At some point he
25 died, so that's all I know.

BRETT BAKER - CROSS

1 Q Okay. And when did you, when and how did you
2 become in possession of these particular exhibits,
3 meaning the glasses, the gun casings, the two
4 knives and the book bag?

5 A Chief Deputy Marion Johnson turned those over
6 to me.

7 Q Okay. Do you know where they were found?

8 A I was told roughly where they were found, if
9 you would like me to just tell you what I was told.

10 Q Who told you that, the Chief?

11 A Correct. I was briefed by the Chief, Chief
12 Johnson, as to where they were located.

13 Q Okay.

14 A I can give you a rough idea where they were
15 located.

16 Q Give me a rough idea where they were
17 located.

18 A Again, they would have been located right
19 here on the chart, right around the area of three,
20 the start of the skid marks and at the end of the
21 drive. So, you have an area, you know, from me to
22 the rail there, you know, I don't know, ten yards,
23 or five yards squared area.

24 Q So, you were told that all those items were
25 together around number three?

BRETT BAKER - CROSS

1 A They were in that close proximity, yes, sir,
2 where the blood trail started.

3 Q All right. Now, take a look at this right
4 here.

5 A Yes, sir.

6 Q Okay. You prepared this, didn't you?

7 A This is part of my notes, part of my
8 examination.

9 Q Okay. And in fact you prepared this sketch
10 that was used to make this schematic drawing right
11 there?

12 A Correct. That's a rough sketch I conducted
13 on the scene that day and, again, I go back and
14 clean it up if need be for court and put it on an
15 enlargement, something that can be a little more, I
16 guess, legible.

17 Q I got you. Okay. And you collected certain
18 items or certain items were collected for you to
19 apply your expertise?

20 A There were certain items that were collected
21 and turned over to me and there were certain items
22 I collected.

23 Q Okay. Well, let's go down this page right
24 here. It says examination worksheet?

25 A Yes, sir.

BRETT BAKER - CROSS

1 Q And tell me what items were collected and
2 which ones you collected.

3 A Well, again there were five rolls of film
4 from crime scene, there was four sets of blood
5 swabs from areas marked on sketches, 1, 8, 17 and
6 18. Clothing from victim Adarryl McCoppin, there
7 was a shirt of Lamoncyon Sutton, clothing of Johnny
8 McCoppin, there were three nine millimeter or
9 Winchester nine millimeter Luger cartridge casings,
10 there is a green in color Old Navy book bag, two
11 knives, and a gold color rim glasses.

12 All these items would have been collected by
13 me except, again, the knives.

14 Q Uh-huh.

15 A The three cartridge casings, the sunglasses
16 and the book bag were turned over to me. So,
17 everything else, I would have collected.

18 Q What happened to the shirt of Mr. Sutton?

19 A The shirt of Lamont Sutton?

20 Q Yes, sir.

21 A I would have carried that back to SLED, or
22 did carry that back to SLED. I would have turned
23 it in to evidence, where it would have went to our
24 evidence processing area where it would have been
25 held for a time and if it would have been deemed

BRETT BAKER - CROSS

1 necessary to conduct any forensic examination on
2 that shirt. Again, that would have been the first
3 stage of it. But after I turned it in, I couldn't
4 tell you what happened to it. I couldn't even tell
5 you if there was an examination conducted.

6 I collected, again, my chores as a forensic
7 crime scene examiner is to collect as much evidence
8 that may be needed. There may be things of no
9 value on the scene when I arrive. If possible, I'm
10 going to try to collect anything that may be
11 associated. It's the local investigator's
12 responsibility to determine what examinations need
13 to be conducted because he's the one out there on
14 the street doing follow-ups. I do the forensics
15 side, I have no involvement on the street side
16 investigation, so they are totally separate. I'm
17 an assisting agency in that respect.

18 Q But nonetheless there are some items listed
19 hear you collected, that are not made exhibits.
20 Correct?

21 A I don't know what has been made exhibits, not
22 by you or by the Solicitor in the short period of
23 time I have been in here the last five minutes, no,
24 sir, but there are some items that hadn't been, but
25 I don't know what else has been put into evidence.

BRETT BAKER - CROSS

1 Q Okay. Well, you thought it necessary to pick
2 up Mr. Sutton's shirt, right?

3 A We picked up Mr. Sutton's shirt and any other
4 clothing that could have been of evidentiary value
5 later. Rather than let it go with someone, you
6 would take it, yes, sir.

7 Q Okay. Where was Mr. Sutton's shirt?

8 A If I can refer to my other notes here --

9 Q Sure.

10 A -- I may be able to tell you, because there
11 were some items that were given to me by family
12 members, I believe. That's Lamont Sutton?

13 Q Uh-huh.

14 A Lamont Sutton himself give it to me. A
15 Platinum FUB4 shirt, five X, of Lamont Sutton that
16 was turned over to me.

17 Q Why?

18 A Why?

19 Q Yes.

20 A Because it had blood on it.

21 Q Did you collect, do you know whether or not
22 SLED collected anything under the victim's
23 fingernails or anything like that?

24 A No, sir, I did not collect anything, and as a
25 general rule I would not. I would defer that to

BRETT BAKER - CROSS

1 whoever the forensic pathologist is. At the time
2 of autopsy, if he deemed necessary, he would do
3 that. I try not to mess with the body in a
4 physical sense as much as possible.

5 Q Do you know if any items were indeed taken
6 from under the victim's fingernails?

7 A And again, no, sir, I do not. I did not see
8 the victim that night, he was not at the scene, or
9 that morning that I was called, he wasn't at the
10 scene.

11 MR. McLAIN: Beg the Court's indulgence,
12 sorry.

13 Q If SLED does collect items like blood from a
14 shirt, anything like that, do they normally try to
15 match it up with somebody?

16 A It depends on what the local investigator
17 sees as probative in the investigation. So, not
18 every time. It depends on the crime and it also
19 depends on whether or not we have evidence of two
20 bleeders. In this particular case the blood trail
21 I followed appeared to be one blood trail, one
22 bleeder.

23 Q Nobody asked you, if there was an
24 altercation, to check for different types of blood?
25 Do you know whether or not SLED was ever asked?

BRETT BAKER - CROSS

1 A I have no clue whether SLED was ever asked.
2 That would fall in another department.

3 Q That would be another division altogether?

4 A I work out of the forensic services
5 laboratory, so all of them would be forensic
6 services laboratory records. There would be
7 different departments within that agency, within
8 the forensics services, so that is like an umbrella
9 and there is other departments within that. Okay?

10 Q Can you tell me what this is, if you know?
11 Ignore my sticky right there.

12 A If I may hold it?

13 Q Sure.

14 A It appears this is Department of Forensic DNA
15 analysis, so this would have come from our DNA
16 department.

17 Q Okay. So, there was DNA. Does that mean
18 there was DNA analysis performed?

19 A Sir, I can't testify to what's on this
20 report. I have no idea. I'm not a DNA analyst and
21 would not even attempt. That would be outside my
22 venue of expertise.

23 Q Okay. Can you tell me what the form itself
24 represents, what these items are, I mean what the
25 topics are?

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