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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Laurens County

Honorable J. Cordell Maddox, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARCUS TYRONE GRANT,

APPELLANT

APPELLATE CASE NO 2024-000370

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2023-GS-30-01173
COUNTY OF LAURENS	)	2023-GS-30-01174
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
MARCUS T. GRANT,	)	
DEFENDANT.	)	
	)	

March 4th, 5th and 6th, 2024
Laurens, South Carolina

B E F O R E:

THE HONORABLE J. CORDELL MADDOX, JR., JUDGE, and
a jury.

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

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HUNTER CHRISTOPHER BLOUIN, ESQ.
Attorney for the Defendant

Transcribed by:
CHERYL A. SMITH
Circuit Court Reporter
from DCRP, Digital
Courtroom Recorder
Project

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P R O C E E D I N G SMonday, March 4, 2024

(WHEREUPON, proceedings commenced at 12:31 PM.)

JURY VOIR DIRE

THE COURT: Ladies and gentlemen, I've got some questions that are -- not many, but specific to this case. The first thing I am going to do, though, is I'm going to ask the solicitor's office to stand up, introduce themselves. They'll be prosecuting this case. This is a General Sessions or a criminal case. Then I'm going to ask the defense lawyer to stand up, introduce himself and his client. Then I'm going to ask you if you have any -- if you're friends, or you have any acquaintance with any of the lawyers or the parties, or if you're related by blood or marriage to any of those parties, or if you've ever been represented by the lawyer. So just take a look at them real carefully.

Yes, sir, with the solicitor first.

MR. STUMBO: Thank you, Judge. If it pleases the Court, the State's first case for trial is *State vs. Marcus Tyrone Grant*. Indictment is 2023-GS-30-1173 and 1174. That's an indictment for assault and battery by a mob second degree. And 1174 is an indictment for kidnapping, Judge. These indictments were true billed and we're ready for trial. And then I can introduce myself.

1 When you come back, I'll have -- I'll swear you in
2 and then I'll give you about a ten-minute overview about
3 the court system. But let me just tell you this. Nobody
4 should bother you. Nobody should try to talk to you.
5 Keep your buttons on. If anybody does bother you or
6 accost you in any way about your jury service, you let a
7 bailiff know and I will take care of it, and it won't be
8 nice. You're not going to be bothered by this. There's
9 nothing going on here that's dangerous or anything.

10 So have a good lunch but don't talk about this case
11 and don't do any Internet research on this case. We spent
12 all morning trying to pick 14 people we trust to listen to
13 us and do it this way, and I appreciate it.

14 See you at 3:00.

15 Yes, sir?

16 UNIDENTIFIED JUROR: We wear these buttons out?

17 THE COURT: Yep.

18 UNIDENTIFIED JUROR: Take them off?

19 THE COURT: Yep. I'd wear them out. And if you have
20 a lawyer friend that knows you and he sees that button, he
21 might not talk to you, which, you know, may be a good
22 thing for you.

23 All right. Y'all have a good one.

24 (WHEREUPON, the jury exits the courtroom at 1:11 PM.)

25 THE COURT: All right. If y'all -- the defense has

1 any questions, I'll be here. If you want to run something
2 by me, I'll be here. I'm listening as long as y'all want
3 to talk.

4 All right. See y'all at 3:00.

5 (WHEREUPON, a recess is taken at 1:12 PM.)

6 THE COURT: We've got a *Jackson v. Denno*; is that
7 right?

8 MR. THOMAS: We do have a Denno hearing. I've got
9 witnesses here for that.

10 MR. BLOUIN: And then, you know, we had some motions.
11 The motions regarding the hearsay evidence, obviously, we
12 can take that up at the time that those want to testify.

13 THE COURT: Okay. Yeah. That's easier.

14 MR. BLOUIN: We did have a motion regarding, you
15 know, information evidence involving the death of Jarius
16 Byrd, basically that, you know, under 403 it's incredibly
17 prejudicial to mention that he was shot and killed some
18 40 minutes later. He was not charged with that incident.
19 He was not there for that incident. And so, you know,
20 Your Honor, our position would be that it would be
21 prejudicial that the jury could absolutely confuse the
22 issue and kind of lump my client in with the people that
23 were accused of shooting and killing him.

24 THE COURT: So you don't want to mention the fact
25 that in a separate -- and it was separate, right?

1 MR. BLOUIN: 40 minutes happened between the two
2 instances.

3 THE COURT: What's y'all's position on that?

4 MR. STUMBO: Judge, the problem is this. The jury, I
5 think we're entitled to give the jury a reason why they
6 don't have the victim here testifying as to what happened
7 to him in that room and who did it to him. I think, you
8 know, the evidence of the murder shortly thereafter would
9 come in through the officer, the lead investigator who
10 investigated both the incident that he's been charged with
11 and ultimately the death is Detective Sellers who's here.

12 Essentially, Judge, we're not going to go into every
13 last detail of the murder. Not going to call SLED agents.
14 Not going to call everybody. I just -- I believe the jury
15 needs to hear from Detective Sellers as to the fact that
16 they investigated his murder shortly thereafter. I think
17 it's extremely important and probative. Goes to the res
18 gestae of the case ultimately, Judge. This all happened
19 in a very short period of time.

20 Also ---

21 THE COURT: But what are you going to do if he asks
22 the question isn't it your position and the investigator's
23 position that my client had nothing to do with that, it
24 was a separate act?

25 MR. STUMBO: Well, and I think he would say there's

1 no evidence that this defendant had a -- involved with the
2 murder. But Judge Houston -- here's the other connection
3 to this. One of his codefendants in the assault is Antone
4 Blakely. Antone Blakely was convicted in this courtroom
5 11 months ago not only of the murder, but he was convicted
6 also of being involved with the prior meeting with
7 Mr. Grant. Mr. Grant testified for the defense in that
8 case.

9 So again, Judge, I think the fact that he testified
10 in the prior case, that defendant was ultimately convicted
11 of murdering Mr. Byrd, was involved and in the room
12 allegedly according to the victim. So ---

13 THE COURT: Well, there's where you start to mash it.
14 I mean, look, the better way to do it is to say that
15 subsequent to this act, and I don't even mind if you say,
16 you know, within a day, another person killed him. I just
17 don't think there's any way we can try to let that pour
18 over into his glass, you know what I mean? I mean, and
19 then when he's called, we'll just deal with those
20 objections. But I think it opens up a door that he could
21 talk an awful lot about how this guy didn't have anything
22 to do with it and wasn't charged. I mean, I don't know
23 anything about this case so I know ---

24 MR. STUMBO: Right.

25 THE COURT: --- less. But in the opening I wouldn't

1 talk about the proximity in time of the crime just because
2 at this point I'm not sure what he's going to say. But
3 you can say subsequent to this action, he was killed in a
4 separate incident.

5 MR. STUMBO: Right. The one thing, Judge, I think --
6 and this, again, goes back to this (indiscernible) of res
7 gestae. I don't know if we're going to be able to really
8 fully develop for this jury why there was beef between
9 this defendant and the victim and the ones that ultimately
10 were there in the murder. I think there's -- well, it's
11 just hard to separate those things out I guess is the ---

12 THE COURT: Well, I guess your investigator can say
13 he was there, but then I would allow him to then say but
14 he didn't shoot him. I mean, in other words we've got to
15 keep his death -- I mean, they're all mixed up, but we've
16 got to keep his death separate from whatever happened
17 here.

18 So just in opening, I would stay away from too much
19 about it. You can say he's dead and then under ---

20 MR. STUMBO: Can we say he was murdered later, not by
21 anybody charged in this particular case?

22 THE COURT: Absolutely. I think that's fine, yeah.

23 MR. THOMAS: Yeah. And that was my intent to just
24 say he's -- Mr. Grant, I'm going to make it very clear to
25 them that he's not charged with homicide. He's charged

1 with the kidnapping.

2 THE COURT: Yeah.

3 MR. BLOUIN: The other motion, Your Honor, we turned
4 in just -- and we can, like I said, get into this more
5 when the State tries to go into Mr. Grant's prior bad
6 acts. I mean, basically, obviously, they're going to want
7 to present the fact -- the fact that Mr. Byrd snitched on
8 him in the past was the reason he beat him up, you know.
9 In this case Mr. Grant's interview is going to be played
10 and, you know, he admits to beating him up. It's
11 obviously just the mob and the kidnapping aspect. So we
12 don't know why there would need to be any motive evidence
13 if he's admitting to the assault, and the motive really
14 doesn't tie into whether there was a mob or whether there
15 was a kidnapping.

16 MR. STUMBO: Judge, I just -- we absolutely can't
17 tell this jury why this happened without the prior
18 conviction and which witness essentially put this man in
19 prison. He even said himself in his interview, and he
20 said in prior sworn testimony in this court that's why we
21 beat him up, because he snitched on me -- he snitched on
22 me and I got a long prison sentence, had to do prison
23 time.

24 THE COURT: And he says that in his interview?

25 MR. BLOUIN: He does say that in the interview, Your

1 Honor.

2 MR. STUMBO: And he says it in his prior testimony
3 last year in the case against Mr. Blakely.

4 THE COURT: I mean, if he was convicted, I think
5 that's okay. But no other bad acts. I mean, that's a ---

6 MR. STUMBO: Right. We were going to stay away from
7 any other ---

8 THE COURT: That goes to motive only.

9 MR. STUMBO: He's got a lot of other convictions,
10 Judge, that we're not going to go into, you know. Unless
11 he takes the stand, that may be. But in our case in
12 chief, the only conviction -- prior conviction we're going
13 to talk about is the one that precipitated this assault
14 years later.

15 THE COURT: Okay.

16 MR. BLOUIN: And let's see. My last motion, like I
17 said ---

18 THE COURT: And by the way, I'm making that ruling
19 assuming that you are disagreeing and subject to your
20 objection.

21 MR. BLOUIN: Correct, Your Honor.

22 THE COURT: Okay.

23 MR. BLOUIN: The last, I guess, motion that I
24 submitted was basically an issue preclusion kind of
25 argument.

1 Your Honor, when the codefendant was tried last --
2 11 months, I wasn't there, the jury came back on the
3 lesser included assault and battery by mob third degree.
4 Now, given the elements, the only way they could have come
5 back on the lesser included is if it had to do with the
6 amount of injury that was caused, because obviously, if
7 they found that there was no mob, it would have been a not
8 guilty. You know, obviously, there's not a lot of issue
9 preclusion in South Carolina law as far as criminal law.

10 THE COURT: No.

11 MR. BLOUIN: We had stated, I guess, what, *State v.*
12 -- hold on -- *State v. Hewins* that -- you know, that that
13 sort of issue is possible if it was actually liquidated --
14 or litigated in the prior action, directly determined in
15 the prior action and necessary to support the prior
16 judgment, that while traditional use of collateral
17 estoppel required mutual parties for relitigation, modern
18 courts recognize that mutual requirement is not necessary
19 for the application where the party against whom estoppel
20 is asserted had a full and fair opportunity to previously
21 litigate the issue. We would just argue that it was
22 already before a confident trier of fact who already
23 determined that the level of injury did not rise to the
24 level of assault and battery by a mob second degree.

25 THE COURT: What's y'all's position?

1 MR. THOMAS: Judge, I -- there is a -- there's not a
2 lot of case law on that.

3 THE COURT: No, there isn't.

4 MR. THOMAS: What we do have, though, we do have
5 there is a pretty good body of federal case law. And what
6 they basically say is -- and I think we acknowledged this
7 in our case law -- is that the whole collateral estoppel
8 in the criminal context is born out of the Fifth Amendment
9 -- or the prohibition against double jeopardy.

10 THE COURT: Right.

11 MR. THOMAS: So what you're looking at in that
12 *Hewin's* case he cites, that's not -- that's an instance of
13 the State attempting to use a prior conviction to preclude
14 an issue. What we have here is the opposite of that.
15 This is the defense trying to use a prior acquittal to
16 preclude a prosecution. I liken that to sort of the
17 inconsistent verdicts that we used to have where -- and
18 there are some cases on point. I know I looked up *State*
19 *vs. Rush*, 129 S.C. 43. Three guys are all there at a
20 moonshine still. They convict two of them, acquit the
21 third one. The Court said, listen, I mean, there's -- a
22 jury can acquit for any reason or no reason at all. Just
23 because the facts are the same and the jury acquits one
24 and convicts the other doesn't mean that that's an
25 inconsistent verdict.

1 If you look at some of the federal case law, *U.S. vs.*
2 *Mollier*, 853 F.2d 1169, *U.S. vs. Montes*, 976 F.2d 235,
3 basically, they say that the mutuality requirement doesn't
4 exist in the criminal context.

5 So what he's getting at is because we litigated that
6 in the prior one, we should be withheld. But the criminal
7 context of collateral estoppel ---

8 THE COURT: But you had different parties.

9 MR. THOMAS: --- requires both parties. So
10 basically, all the case law and the federal context is you
11 can't try him a second time.

12 But as far as this goes, again, a jury could have
13 acquitted Mr. Blakely for any reason or no reason at all.

14 MR. BLOUIN: I guess a response to that would be if
15 they had tried them together on just the first incident,
16 he would have enjoyed the potential verdict that he not --
17 he would not potentially enjoy now. And that is ---

18 THE COURT: I understand.

19 MR. BLOUIN: Yeah.

20 THE COURT: And I understand your motion. I'm going
21 to deny it for now. If something gets opened up ---

22 MR. BLOUIN: Sure.

23 THE COURT: --- a door is opened, then you can run
24 through it.

25 MR. BLOUIN: Your Honor, the last just quick three

1 things. I know some of the individuals and codefendants
2 are allegedly involved in gang activity. I don't believe
3 that involves my client from what I've talked to, so we
4 just ask that that all be excluded.

5 We'd ask that witnesses be sequestered at the
6 appropriate time.

7 And then we can talk about this tomorrow. There's a
8 witness on the State's list, Walter Bentley. It is my
9 understanding that he is going to come and testify. He
10 was with the Laurens Police Department ten years ago or
11 12 years ago when the whole snitching incident happened.
12 We would just say that that would be, you know, not
13 relevant to this case and also cumulative, you know.
14 They're going to play his statement which, like I said, he
15 admits to beating -- beating up the snitch.

16 THE COURT: Okay. Well, I'm going to hear the
17 statement.

18 But now let me make sure I've got this right. So
19 there's this incident where your defendant's alleged and
20 another person have alleged to have beat this fellow up.
21 You've tried one person.

22 MR. BLOUIN: Correct. But he was charged with both
23 murder and the beating. So he was there the whole time.

24 THE COURT: Okay. And on the beating, they found
25 that the injuries were insufficient?

1 MR. BLOUIN: Because it came back as a ---

2 THE COURT: But guilty of murder.

3 MR. BLOUIN: Guilty of murder, yes.

4 MR. THOMAS: And that's -- I mean, just to give you
5 some context, the beating happens, and then the murder
6 happens later.

7 THE COURT: Right.

8 MR. THOMAS: The victim leaves, comes back.

9 MR. STUMBO: It happens within an hour.

10 MR. THOMAS: And I could give you some factual
11 reasons why.

12 THE COURT: But the beating, if they both were part
13 of, one jury's already determined that the injuries
14 weren't sufficient to arise to the charge, right?

15 MR. THOMAS: I can't tell you why they found him not
16 guilty of the (indiscernible), Your Honor. But they did
17 find him guilty of the kidnapping.

18 THE COURT: Anything else?

19 MR. BLOUIN: Just the *Jackson v. Denno*.

20 THE COURT: Okay. Give me two seconds and we'll
21 bring him out here.

22 (Pause in proceedings.)

23 THE COURT: Okay. I'll -- let's do the *Jackson v.*
24 *Denno* and then we'll bring them in. I'll do about a
25 ten-minute overview and we'll get started.

1 MR. THOMAS: The State would call Brian Cheek to the
2 stand.

3 WHEREUPON,

4 BRIAN CHEEK

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you. You may have a seat.

7 THE COURT: If you would, just give us your name for
8 the record.

9 THE WITNESS: Brian Cheek.

10 DIRECT EXAMINATION

11 BY MR. THOMAS:

12 Q And Officer Cheek, where do you work?

13 A I currently work for the Clinton City Police
14 Department.

15 Q And back in January of 2021, where did you work?

16 A Laurens City Police Department.

17 Q And what was your job at the city police department?

18 A I was captain over Uniform Patrol.

19 Q And what -- I guess what did that involve? What was
20 part of your duties as it relates to this case, I guess?

21 A Overseeing not only Uniform Patrol, but having some
22 involvement with the Investigation Division as well and
23 answering calls whenever we got called out on a violent
24 crime or . . .

25 Q Small department. You've kind of got to wear a lot

1 of hats?

2 A Yes, sir.

3 Q Were you involved in the case we're here about today?

4 A Yes, sir.

5 Q You got involved with it the night everything
6 happened.

7 A Yes, sir.

8 Q Got called out to the scene. Were part of that
9 initial investigation.

10 A Yes, sir.

11 Q During the course of that investigation, you
12 developed Mr. Grant as a suspect.

13 A Yes, sir.

14 Q Did y'all interview him at some point?

15 A Yes, sir.

16 Q Did you interview him immediately after it happened
17 or was it like sometime later?

18 A It was sometime later.

19 Q How did that -- how did you come about interviewing
20 him? How did he get to you to interview?

21 A We were running down leads and information with
22 various witnesses, and his name came up. And someone
23 shared with him that we were looking for him and wanting
24 to talk with him, and he came to see us.

25 Q So basically, got word out that you were interested

1 in talking to him?

2 A Yes, sir.

3 Q And you said he came to see you. You didn't have to
4 go pick him up or arrest him or anything?

5 A No, sir.

6 Q He came to you voluntarily?

7 A Yes, sir.

8 Q Where did he meet you at?

9 A He came to the Laurens City Police Department.

10 Q And I'm going to go ahead and hand you this
11 (indiscernible). Do you remember what day that was?

12 A January 28th.

13 Q 2021?

14 A 2021.

15 Q About what time of day?

16 A About 3:00.

17 Q And when he came to the police department, did y'all
18 put him in handcuffs or take him into custody or anything
19 like that?

20 A No, sir.

21 Q What happened when he got there?

22 A We went around to the interview room and we started
23 talking to him. Before we talked to him, we read him his
24 Miranda, advised him of his rights and we wanted to ask
25 him some questions about the case.

1 Q The interview room, that's recorded?

2 A Yes, sir.

3 Q How big would you say it is?

4 A I'm not sure. It's not that big. Maybe -- I'm
5 really not sure.

6 Q But like big enough for multiple people to fit in?

7 A Yes.

8 Q And, in fact, present with you that day were
9 Detective Sellers and Detective Gallo?

10 A Yes, sir.

11 Q Where did Marcus sit in the interview?

12 A I'm not sure. We were around a table, but I'm really
13 not sure exactly.

14 Q Y'all sat around a table.

15 A Yes, sir.

16 Q He wasn't in handcuffs ---

17 A No, sir.

18 Q --- or backed into a corner or anything like that?

19 A No, sir.

20 Q At that time was he free to leave if he wanted to
21 terminate the interview?

22 A Yes.

23 Q You said you read him his Miranda rights. Do you
24 read those from memory or do you do it off a form?

25 A No. We read them off a form this time.

1 Q And I've handed you what's been premarked as
2 State's Exhibit Number 1. Does that look familiar to
3 you?

4 A Yes, sir.

5 Q And what is that?

6 A This is Laurens City Police Department Miranda form.
7 It has his name on it. We read him his rights. He
8 initialed it and signed it.

9 Q So that form basically has what we refer to as his
10 Miranda rights on it?

11 A Yes, sir.

12 Q You went through that with him?

13 A Yes, sir.

14 Q Did he seem to understand it when you were going over
15 it with him?

16 A Yes, sir.

17 Q Did he seem to understand that he had a right to a
18 lawyer, right to terminate the questioning, all that
19 information?

20 A Yes, sir.

21 Q He understood?

22 A Yes, sir.

23 Q Did he initial the form next to the boxes with those
24 relevant points?

25 A Yes, sir.

1 Q Did he sign the form indicating he understood it?

2 A Yes, sir.

3 Q You witnessed him do all that?

4 A Yes, sir.

5 Q Did you sign it as well (indiscernible) witness?

6 A Yes, sir. As a witness I did.

7 Q Did anyone else sign it? Actually, I don't know the
8 answer to that question. I'll remember it.

9 Is it just you?

10 A It's just me as a witness. I'm not sure. There's
11 other signatures. There might be Billy Sellers up on
12 there, I think.

13 Q But one of the other officers who was there?

14 A Yes.

15 Q And then after that y'all proceeded to have a
16 conversation with him?

17 A Yes, sir.

18 Q And during the course of that conversation or leading
19 up to it, did you threaten him in any way or make him any
20 sort of promises in regards to him talking to you?

21 A No, sir.

22 Q So he came up there on his own accord.

23 A Yes, sir.

24 Q And you explained to him his Miranda rights to him.

25 A Yes, sir.

1 Q And then he proceeded to talk with y'all for about an
2 hour and a half, give or take?

3 A Yes, sir. I'm not sure the length of time. But yes,
4 sir.

5 Q We sat down and watched the video the other day,
6 right?

7 A Yes, sir.

8 Q I don't remember the exact timing of this.

9 After the interview was over, did y'all place him
10 under arrest?

11 A No, sir.

12 Q Where did he go after the interview was over?

13 A He was free to go. He left.

14 Q He left the police department?

15 A Yes, sir.

16 Q That's all the questions I have for you. Well, let
17 me just -- while I've got you, this State's Number 2,
18 you've had a chance to review what's on that disk?

19 A Yes, sir.

20 Q What's on that disk?

21 A This is a recorded interview of Laurens City Police
22 Department and Mr. Grant.

23 Q That's the interview y'all did with him that day.

24 A Yes, sir.

25 Q And does that show -- obviously, the interview room,

1 the camera is only in the interview room. But aside from
2 just brief interactions when he was coming in, does that
3 show pretty much the entirety of y'all's interaction with
4 him that day?

5 A Yes, sir.

6 Q And you initialed that, and that's a true and
7 accurate copy?

8 A Yes, sir.

9 Q And then that Miranda form, that's a true and
10 accurate copy of the form y'all filled out?

11 A Yes, sir.

12 MR. THOMAS: At this time, I guess, for the purposes
13 of this hearing, Your Honor, I'd move those two things
14 into evidence.

15 THE COURT: Any objection?

16 MR. BLOUIN: No objection for the purpose of the
17 hearing.

18 THE COURT: Without objection.

19 (WHEREUPON, State's Exhibit Numbers 1 and 2 were admitted
20 into evidence for purposes of the pretrial hearing only.)

21 MR. THOMAS: Thank you. That's all the questions I
22 have. Answer any (indiscernible).

23 CROSS EXAMINATION

24 BY MR. BLOUIN:

25 Q Just briefly. Officer Cheeks -- is it Cheeks or

1 Cheek?

2 A Cheek.

3 Q Cheek. No S.

4 A No S.

5 Q Did you let other people -- you let other people know
6 that y'all were looking to talk to Marcus?

7 A I'm really not sure how that came about because it
8 was a lot of conversation going on in the community. But
9 he did get the word and he -- we made contact with one
10 another. He said he would come down and talk with us.

11 Q Okay. And no promises, threats or any other things
12 were made to get him to come in?

13 A No, sir.

14 Q All right. And at no time during his interview did
15 he ever ask to speak to an attorney or anything like that?

16 A No, sir.

17 MR. BLOUIN: No further questions.

18 THE COURT: Okay.

19 MR. THOMAS: Nothing.

20 THE COURT: You can sit down. Thank you.

21 MR. THOMAS: We call Detective Sellers briefly.

22 WHEREUPON,

23 BILLY SELLERS

24 After having been duly sworn, testified as follows:

25 THE CLERK: Thank you. You may have a seat.

DIRECT EXAMINATION

BY MR. THOMAS:

Q Detective Sellers, I'll be as brief as I can. Where do you work?

A I work for the Laurens City Police Department.

Q And you were working there in January of 2021?

A Yes, sir.

Q And you were involved in this case involving Marcus Grant?

A Yes, sir.

Q And did you have an opportunity to interview him?

A Yes, sir, we did.

Q How did that come about?

A He voluntarily came to the police department. He was escorted to the interview room. An interview took place after his Miranda warnings were issued to him. And then he -- he left of his own accord.

Q And so he came to you?

A Yes.

Q Involved in that interview were you, Detective Cheek and Detective Gallo?

A Yes.

Q And did any of y'all, did you witness -- did you personally threaten him, make him any promises, do anything to try and coerce a statement out of him?

1 A No, sir.

2 Q Did you witness anyone else do that?

3 A No, sir.

4 Q And you were there -- were you there when he signed

5 the Miranda form?

6 A Yes, sir, I was.

7 Q Is this your signature as a witness, I think?

8 A Yes, sir, it is.

9 Q And that's State's Exhibit Number 2 -- or 1.

10 And then you've seen State's Exhibit Number 2?

11 A Yes, sir, I have.

12 Q And that's a true and accurate copy of y'all's

13 conversations in that day?

14 A Yes, sir, it is.

15 Q Before the video turns on, nobody threatened him,

16 nobody coerced him, nobody took him into custody?

17 A No, sir.

18 Q And he left when it was over with?

19 A Yes, sir.

20 MR. THOMAS: No further questions. Thank you.

21 THE COURT: Anything?

22 MR. BLOUIN: Nothing, Your Honor.

23 THE COURT: Okay. You can step down. Appreciate it.

24 THE WITNESS: Thank you, sir.

25 MR. THOMAS: Officer Gallo.

1 WHEREUPON,

2 BENJAMIN GALLO

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Have a seat.

5 DIRECT EXAMINATION

6 BY MR. THOMAS:

7 Q Officer Gallo, briefly, you work for the Laurens City
8 Police Department?

9 A Yes, sir.

10 Q And you were involved in this investigation back in
11 2021?

12 A Yes, sir.

13 Q And you were part of an interview with Mr. Grant.

14 A Yes, sir.

15 Q Is that correct?

16 A Yes, sir.

17 Q Did you -- I think you came in a little late; is that
18 right?

19 A Yes.

20 Q While you were in there, did anyone threaten him,
21 coerce him, do anything to get a statement out of him?

22 A No, sir.

23 Q Did it appear he was there on his own volition,
24 understood what he was doing there?

25 A Yes, sir.

1 Q And when he left, he left on his own free will? He
2 was not in custody?

3 A He was not in custody. He left on his own free will,
4 yes, sir.

5 MR. THOMAS: No further questions.

6 THE COURT: Any questions?

7 MR. BLOUIN: Nothing, Your Honor.

8 THE COURT: All right. You can step down.

9 MR. THOMAS: Your Honor, the State's position is,
10 based on that testimony, based on that Miranda waiver,
11 that this interview, he was not in custody so it was not
12 custodial. It was given freely, voluntarily, of his own
13 accord, and it's admissible.

14 THE COURT: Okay. Yes, sir?

15 MR. BLOUIN: Your Honor, we don't really have a
16 position as far as that.

17 THE COURT: You're protected for the record.

18 MR. BLOUIN: Correct.

19 THE COURT: Okay. Are y'all ready?

20 MR. BLOUIN: I was just going to put one thing on the
21 record real quick. We had talked about -- and I left it
22 at my office, but I did want to say that, you know, the
23 State did make an offer to Mr. Grant before we go forward.
24 I conveyed that offer to Mr. Grant. He denied that offer.
25 I did explain to him what he was charged with, the ranges

1 that he could or could not receive at that time and did
2 sign a form that, you know, I talked to him. They had no
3 objection of me making it a court's exhibit when I bring
4 it tomorrow just to kind of -- that he had been explained
5 all of his rights and everything and the pros and cons of
6 going forward at trial.

7 THE COURT: All right. And again, this is a little
8 unusual, but I want to make sure I understand. At one
9 point there was a discussion about him pleading and not --
10 that not being included in an attempt to send him to life
11 without parole. Was that ever on the table?

12 MR. THOMAS: So, Judge, he's -- he's got another set
13 of pending charges ---

14 THE COURT: Right.

15 MR. THOMAS: --- which includes another kidnapping,
16 ABHAN. The offer we made a long time ago when he had a
17 prior attorney was whatever it was. I think it was a
18 negotiated number. But if he didn't plea to that, we
19 would try this case. If he's convicted, we will then --
20 basically, what we'll do, we'll bring him back, we'll
21 offer him concurrent time and then maybe LWOP notice him
22 if he doesn't want to do that. But today what we talked
23 about earlier and I think what he went and discussed with
24 Mr. Grant was if he would plead to everything and wrap it
25 up today, there would be no need to LWOP him. So ---

1 MR. BLOUIN: And I explained everything and how LWOP
2 works with him weeks ago and how that whole thing works.
3 And he signed this paper saying he understood.

4 THE COURT: I understand. And, you know, it seems
5 like he understands what's going on. I just want to --
6 I'm going to give you two or three minutes to ask your
7 lawyer any questions on any of that, okay? Because it's
8 important. We're getting ready to start. And if there's
9 something that you misunderstand or that you want him to
10 explain, I'm going to let him do it now, okay?

11 (Pause in proceedings.)

12 MR. BLOUIN: I've gone over everything with
13 Mr. Grant. He says he fully understands ---

14 THE COURT: Okay.

15 MR. BLOUIN: --- and doesn't have any questions.

16 THE COURT: Okay. All right then.

17 Okay. Are you ready? Bring them back in and we'll
18 swear them. And I'll do my little thing here, and we'll
19 get going.

20 (WHEREUPON, the jury entered the courtroom at 3:41 PM.)

21 THE COURT: Ladies and gentlemen, thank you for your
22 patience. We had a couple of motions we had to handle
23 outside of your presence.

24 We are going to swear you in now. But I'm going to
25 give you sort of a ten-minute max overview of the system

1 and then we'll start this case. Okay.

2 THE CLERK: Thank you, Your Honor.

3 Will you please stand and raise your right hand.

4 (WHEREUPON, the jury is duly sworn.)

5 THE CLERK: Thank you. You can have a seat.

6 JURY INSTRUCTIONS

7 THE COURT: All right. Mr. Foreman and ladies and
8 gentlemen of the jury, I want to tell you a little bit
9 about how the case is going to proceed and about some of
10 the peculiarities of trying cases. But I want to hit two
11 things again for the fourth time and one for the first.

12 Again, these indictments, you'll have them in the
13 jury room with you. The reason I'm continuing to hit on
14 the fact that these indictments shouldn't be considered by
15 you as evidence of guilt is that you shouldn't even
16 mention the fact this person has been indicted. It will
17 happen. It describes the allegation. But it's just two
18 pieces of paper to start the process as, again, this
19 defendant has pled not guilty, he is encapsulated in a
20 robe of innocence or not guilt, and he will remain that
21 way throughout this trial until you've listened to the
22 evidence, you've listened to the lawyers, you've heard me
23 read you the law, which is going to be pretty brutal on
24 you, quite frankly. And then at that point if you believe
25 the State has met their burden of proof, at that point you

1 remove the innocence from it. But up until that point, he
2 is not guilty under the law in South Carolina.

3 And I also want to say that in criminal cases, this
4 is a General Sessions or criminal case, the burden is on
5 the State to prove guilt and each element of these crimes
6 by beyond a reasonable doubt. That is a higher standard
7 than in the civil case. I'm going to define that for you
8 later. But the best sentence I ever heard to describe in
9 one sentence proof beyond a reasonable doubt is proof that
10 leaves you firmly convinced of the defendant's guilt.
11 That would be proof beyond a reasonable doubt. Anything
12 else, again, we'll talk about that, but might not raise to
13 that level.

14 Let me just tell you a little bit about court and
15 what's going to happen here. Judges have -- I've been on
16 the bench almost 23 years this March. And judges have
17 become concerned about the influence of television and the
18 Internet on juries. And we've been concerned for the last
19 five or six years. My mother passed away in 2018. But
20 she thought I had the most exciting job in the world. And
21 she, every Friday night when I would call my mother and
22 father, my mother would say, "Tell me about this week."
23 And she just thought everything was like television, that
24 after an hour, somebody was going to break and there was
25 going to be some piece of evidence that will pop in, and

1 it would be all exciting, and we'd all go to some bar and
2 have a beer and go home. She did finally come and sit
3 through a trial and realize that it wasn't what she
4 thought.

5 Trials are built to go slow. They are built to find
6 out what happened. And so as a result, there are rules
7 set forth that will slow them down. And sometimes it will
8 slow them down to a point that you might get frustrated.
9 And so I apologize ahead of time.

10 But to be honest with you, next to my church, this
11 courtroom is a place of honor that I hold very deeply. I
12 think the lawyers feel the same way. We believe in this
13 system. This system is built to bring 12 people and two
14 alternates from the community in and listen to the
15 evidence and make a determination, the jury of your peers.
16 And there's no other country in the world that does it the
17 way we do it. And so for that reason, this place is a
18 place of honor.

19 You and I during the course of this trial will have
20 very different roles. You're the judges of the facts.
21 You'll listen to the witnesses who will testify here.
22 You'll take any evidence that's been admitted and you'll
23 have that with you when you begin your deliberations. And
24 you have to determine what the facts are in this case.

25 Now, I'm the judge of the law, so there'll be times

1 during the course of this trial, and maybe a lot, when
2 I'll have to send you out of the courtroom and make a
3 decision on a legal matter only. It's not a factual
4 matter.

5 If at any point I give you the impression that I
6 believe that a fact is true or that a witness is telling
7 the truth or lying, if you see some redness or facial
8 expression, disregard it. What I believe about the facts
9 in this case, I mean, that is your decision.

10 Now, again, we're going to take your decision on the
11 facts, and that will be the facts as you determine them to
12 be.

13 Likewise, you have to take the law as I give it to
14 you and apply it to the facts as you find them to be and
15 then reach your verdict. So our roles never cross during
16 the course of this trial.

17 I will tell you that when there's an objection and I
18 have to send you out, one of the -- experience has taught
19 me that every ten-minute -- every time I tell you it's
20 going to be ten minutes that you're out there, it's going
21 to be 15 because things take longer.

22 Now, one of the other roles that I have in addition
23 to being the judge of the facts is I'm in charge of
24 maintaining the pace of this. So if you sit back there
25 after a couple of objections and you're getting frustrated

1 because you're sitting too long, don't get mad at the
2 lawyers. Their job is to object. Their job is to protect
3 their clients or the State. And so if you sit back there
4 and I'm taking too long to make a decision, get mad at me.
5 Don't get mad at them. That is their job.

6 One of the biggest things you're going to have to do
7 is determine credibility of the witnesses. You're going
8 to watch these witnesses testify. Credibility under South
9 Carolina law simply means believability. You've got to
10 watch these witnesses and decide whether or not you
11 believe them. And that's one of the things that you'll
12 have to do on your own and as a group once you begin your
13 deliberations.

14 Now, I'll tell you that the opening statements by the
15 lawyers is not evidence. It's just an opportunity for the
16 lawyers to tell you a little bit about their case. Once
17 we finish the opening statements, we'll start right in the
18 testimony and videos or whatever evidence they have.
19 We'll go until 5:30 or so today until there's a good
20 breaking point. And then tomorrow, somebody had a child's
21 thing at 6:00?

22 MR. BLOVIN: Yes, Your Honor.

23 THE COURT: You'll be there. So we may leave early
24 tomorrow so he won't get killed by his wife for missing a
25 ballet thing at Furman. So he's got much respect from me.

1 But we'll leave tomorrow a little early. But we'll
2 go today until about 5:30. And we're going to have to
3 really push because we really only got three and a half
4 days to finish this trial because of my schedule on
5 Thursday.

6 But like I was beginning to say, the opening
7 statement by the lawyers is not evidence. The only
8 evidence you will hear will come from this witness stand
9 and anything introduced.

10 And then after the witnesses have testified, the
11 lawyers will give you their closing arguments. A closing
12 argument, again, it's not evidence, but it's an
13 opportunity for the lawyer to argue their case and to try
14 to sway your position.

15 And then after all of that, I will have to read to
16 you the law. And it is required that I read it to you
17 verbatim. It will be about 30 or 32 pages worth of law.
18 I apologize from now. I'll apologize then for having to
19 read it to you. But I'll tell you what law applies in
20 this state, and then you'll take that law, go back in your
21 deliberations, determine what the facts are, apply the law
22 to those facts and then that's how you reach a verdict.

23 Now, from this point forward, there shouldn't be any
24 discussion between you and anybody in this world. And I
25 know your family's going to want to know what this case is

1 about. If you can give me three days with not telling
2 them, it will help because you never know what somebody's
3 going to say to you that might not be in evidence and
4 might conflict in your head. And it happens all the time.
5 So just tell your family and friends that you can't talk
6 about it until Thursday or Friday, and then you can talk
7 about it all you want.

8 Please don't do any Internet searches. That, as I
9 said earlier, has become a huge issue. I'm asking you not
10 to do that and I'm also ordering you not to do it. I'm
11 asking because I think you all seem like nice people and
12 we spent a lot of time whittling you down. I'm ordering
13 you, though, not to do it, because if we determine that
14 you have done an Internet search or any outside search,
15 then I have to hold you in contempt. And that's potential
16 jail time. I don't want to scare you. Please don't put
17 me in that position.

18 So don't look on the Internet, don't look on
19 television, don't ask people. I can promise you this, by
20 the end of this trial, you will know more about this case
21 than anybody in the world. So there's nothing you can
22 find out out there that's going to help you.

23 I don't think there will be any publicity here about
24 this case. But if there is, I'm asking that you not read
25 it, listen to it or watch it. And don't even discuss the

1 case itself until you've heard both sides. Don't do any
2 deliberations at all until both sides have had a chance to
3 show you their evidence. And then at that point I'll tell
4 you you can begin your deliberations.

5 Last thing, from this point forward, there won't be
6 any communication with you and the rest of the court
7 except for you, Mr. Foreman. If you have a problem back
8 there, any problem with another member or with the
9 temperature being incorrect or you need better crackers,
10 whatever, Mr. Foreman, write it out on a piece of paper,
11 sign your name, put the date and time and knock on the
12 door and the bailiff will hand it to me and I'll help you
13 any way I can.

14 So my voice is sort of going. I apologize for that.
15 I'm going to do something about that tonight. But you
16 won't be hearing much from me.

17 Give these lawyers the attention they deserve as they
18 tell you about their case. And thank you so much for your
19 patience.

20 OPENING STATEMENTS

21 MR. THOMAS: On January 22nd of 2021, Jarvis Byrd was
22 hanging out in his apartment over here on Spring Street,
23 this little apartment complex that's right here behind the
24 courthouse. Hanging out, getting ready to go to work that
25 night. Sort of living his life. I'm not going to sit

1 here and try to tell you Jarvis Byrd was a saint. He was
2 far from it. You're going to hear that Jarvis Byrd had
3 done a little bit of time in prison. He had a little bit
4 of history with law enforcement. Part of that history
5 with law enforcement involved him back over a decade ago
6 being a confidential informant for them.

7 Jarvis Byrd was an informant for law enforcement on a
8 case, a case involving Marcus Grant. Informed on him, got
9 involved in that. Marcus Grant knows about it. He found
10 out about it. Their paths, for whatever reason, didn't
11 cross again until Jarvis got out of prison. Marcus was
12 around. And you're going to learn that Marcus isn't the
13 type of person to let something like that go. He's the
14 type of guy that's going to hold a grudge about it.

15 And I'll be completely honest with you, if Marcus had
16 exacted his revenge by himself, he probably wouldn't be
17 here today. Jarvis would have taken his beating like a
18 man. Maybe not taking a beating. I don't know. They
19 would have settled it amongst themselves, it would have
20 been over, we wouldn't be involved.

21 Unfortunately, tragically, Marcus Grant, like cowards
22 do, took others with him when he went to exact his
23 revenge. Marcus Grant and a group of his buddies barged
24 into Jarvis's apartment on Spring Street. They hold him
25 there while Marcus beats him up, beats him pretty good.

1 Kidnapping and assault and battery by a mob.

2 Tragically, Jarvis isn't going to be here to testify
3 to tell you about it. Jarvis was later murdered.

4 Now, I want to be very clear. Mr. Grant's not
5 charged with that murder. He's not charged with that.
6 He's charged in this case with kidnapping and with assault
7 and battery by a mob.

8 Kidnapping, not what you would think of normally.
9 What the law says it is is not what you think of when you
10 think of, you know, somebody's being held hostage, you've
11 got to pay a ransom to get them back. That's a
12 kidnapping. But under the law, under South Carolina law,
13 kidnapping is something -- it could be something less than
14 that. All it is is when you restrict somebody, when you
15 unlawfully and criminally restrict somebody's movement and
16 you don't let them get away. It can be for a long time or
17 it can be for just however long it takes for you to get
18 your revenge. That's a kidnapping.

19 Assault and battery by a mob, that's what you think
20 it is. That is when more than one person goes and
21 assaults somebody, beats them up. It's not one-on-one.
22 It's two or three or four on one. It's not a fair fight.
23 It's not fair.

24 Those are the charges that Marcus Grant faces today.
25 That's what you're going to hear about over the next

1 couple of days.

2 Now, everybody in this courtroom has a job. The
3 judge's job, like he just told you, is to sort of call
4 balls and strikes, rule on objections, things like that.
5 Mr. Blouin's job is to defend his client, represent him
6 zealously. Solicitor Stumbo and I, our job is to give you
7 the tools to go back into that jury room and render a
8 verdict. We have a burden. The burden of proof in this
9 case rests on us. You're going to hear about that. It's
10 a burden we welcome, especially in a case like this.

11 And our burden isn't to prove this case to you beyond
12 every single doubt, beyond every shadow of a doubt, beyond
13 every possible doubt. It's simply to prove it beyond a
14 reasonable doubt. And all that means is at the end of
15 this trial when you've got all the evidence and you've got
16 -- you've heard all the testimony, are you firmly
17 convinced that Marcus Grant is guilty.

18 So we're going to do that for you. We're going to
19 put witnesses up. You're going to get to hear from them.
20 You're going to get to judge their credibility.

21 You're going to get to hear Mr. Grant's statement
22 that he gave to law enforcement. You're going to get to
23 see what he told them happened that night. You're going
24 to get to judge the credibility of that statement.

25 A man who takes his buddies over, beats somebody up

1 for something that happened a decade ago, that's not fair.
2 It's not a fair fight. What is fair is what you're going
3 to do the next couple days. Okay. We selected you, the
4 State, the defense. We picked the 12, 14 of you because
5 of your ability to be fair and impartial and also because
6 you bring something to this trial that is very important,
7 and that is your common sense, your life experience. So
8 you're going to get to take back in the jury room, and
9 you're going to take back the witness testimony, you're
10 going to take back the evidence. You're going to get to
11 take your experiences and your common sense back there.
12 You're going to get to judge this case. You're going to
13 get to reach a verdict.

14 And something they teach us in law school, they make
15 us learn Latin phrases which I don't -- I'm not very good
16 at it. But they teach us that "verdict" comes from the
17 Latin phrase veredictum. And that means to speak the
18 truth.

19 So what you're going to get to do when this case is
20 over is you're going to get to go back into that jury
21 room, you're going to get to deliberate, you're going to
22 get to think about everything you've seen, everything
23 you've heard, and you're going to get to render a verdict.
24 I submit to you when you've heard everything in this case,
25 the only verdict that's going to speak the truth in this

1 courtroom is that Marcus Grant is guilty. He's guilty of
2 kidnapping, and he's guilty of assault and battery by a
3 mob.

4 Thank you for your time. We appreciate you being
5 here. We look forward to presenting this case to you.

6 THE COURT: Yes, sir.

7 MR. BLOUIN: May it please the Court.

8 THE COURT: Yes, sir.

9 MR. BLOUIN: Solicitor. My name is Hunter Blouin. I
10 introduced myself earlier. And I am the attorney for
11 Marcus Grant.

12 Now, you've heard from the judge and you've heard
13 from the State regarding different kind of procedural
14 things that we will go through. You know, the first is
15 that it is the State's burden to prove that my client,
16 Marcus Grant, committed two offenses, assault and battery
17 by a mob second degree and kidnapping, beyond a reasonable
18 doubt.

19 Now, I will tell you that when you hear from me as
20 you're hearing from me now and when you hear from me at
21 the close of the case as well as from the solicitor, that
22 is not evidence. The evidence that will be presented to
23 you comes from that box right there. It's what people
24 say. It's documents that come in. And that is the
25 evidence, either circumstantial or direct, and the judge

1 will give you all the fun definitions that you need --
2 that you have to use to determine whether the State proved
3 their case beyond a reasonable doubt.

4 Now, there are a lot of things that the State and I
5 disagree with regarding this case, but there are a few
6 things we do actually agree with. And that is that my
7 client did assault the victim in this case. And you're
8 going to hear from my client that he assaulted the victim
9 in this case and, you know, the circumstances surrounding
10 that.

11 But we're not here about just the assault. We're
12 here because he has been charged with assault and battery
13 by a mob second degree which requires you to find a group
14 of more than two -- two or more people, and that it be an
15 elevated level of injury. You will get the exact verbiage
16 from the judge. And kidnapping. And what I'm going to
17 ask is that you use your common sense, that you take the
18 evidence as it's presented to you, and you in your
19 deliberations determine whether it's the State that proved
20 the facts and elements that the judge will give you the
21 exact elements beyond that reasonable doubt because that's
22 very important.

23 So I look forward to trying this case, to speaking
24 with, you know, different witnesses and to you in the
25 future. And when you look at everything, the actual

1 evidence in this case, I want you to deliberate, and I
2 believe that you will come back with a verdict of not
3 guilty against Mr. Grant.

4 Thank you.

5 THE COURT: Thank you.

6 All right. You can call your first witness.

7 MR. STUMBO: Thank you, Judge. The State calls David
8 Little to the stand.

9 Can we approach just briefly?

10 THE COURT: Come around over here so it's easier to
11 talk louder.

12 (WHEREUPON, a bench conference was held off the record.)

13 THE COURT: Ladies and gentlemen, before he has a
14 seat, I'm going to need to send you out. We have to have
15 a small discussion here real quick. And again, like I
16 say, this is going to happen a lot. I apologize.

17 Don't talk about this case.

18 (WHEREUPON, the jury exits the courtroom at 4:04 PM;
19 State's Exhibit Number 3 was marked for identification.)

20 THE COURT: All right. Okay. Yes, sir? We're going
21 to proffer some evidence that may -- I've got to decide
22 whether or not it's hearsay.

23 MR. STUMBO: Thank you, Judge.

24 Have you been sworn in? Did you swear him?

25 THE CLERK: I have not.

1 MR. STUMBO: Okay.

2 WHEREUPON,

3 DAVID LITTLE

4 After having been duly sworn, testified as follows:

5 THE CLERK: Thank you. You can have a seat.

6 DIRECT EXAMINATION

7 BY MR. STUMBO:

8 Q Good afternoon, Mr. Little.

9 A How are you doing?

10 Q You live here in Laurens, correct?

11 A Yes.

12 Q And your relationship to the victim in this case,
13 Jarius Byrd?

14 A My nephew.

15 Q Okay. So you're his uncle?

16 A Yes.

17 Q On his mother's side?

18 A Yes.

19 Q Okay. And known Jarvis all his life?

20 A All his life.

21 Q Okay. And his name was spelled actually J-A-R-I-U-S,
22 but y'all called him Jarvis?

23 A Jarvis.

24 Q Okay. Now, I'm going to just go straight to the
25 night that he died, January 22, 2021. Did you hear from

1 Jarvis that night?

2 A Yes. He gave me a call that night and told me there
3 had been an incident. He called me that night and told me
4 had been an incident. Some guys had jumped him. So, you
5 know, I'm his uncle, so I asked him what was going on.
6 And he told me that it was three to four guys had jumped
7 him and held him hostage in a room.

8 So I guess after the incident, he had got out of
9 there, and he called me and told me, because I'm his
10 uncle, to bring him something so he could protect himself.
11 And so I come over there. And he told me who the people
12 was that jumped him.

13 Q Okay. Now, let me back up just a second just to get
14 a little more detail here.

15 He called you?

16 A Yes.

17 Q And told you this ---

18 A Yes.

19 Q --- that three or four guys had jumped him?

20 A Yes.

21 Q And was -- what was his -- when he called you, what
22 was his demeanor?

23 A Oh, he was upset, man. You know, he -- he was shook
24 up, you know. Because, you know, he had just took a
25 beating.

1 Q Okay. And from what you gathered from him, this had
2 just happened?

3 A Yes.

4 Q He was still really upset about something that had
5 just happened?

6 A Yeah. Because you could hear it in his voice, you
7 know, the jerkiness you get in your voice when you're
8 nervous and you're upset. You can hear it, you know.

9 Q And tell me, he identified for you when he called you
10 at least some of the people that had assaulted him?

11 A Yes.

12 Q Okay. Who did he say assaulted him?

13 A He said Mark Grant, Mark Grant's son.

14 Q Antone Blakely, did he identify him?

15 A Yes, yes. He said Mr. Blakely. It was four of them.

16 Q Okay. Now, you had a conversation with him after
17 that, too, right?

18 A Yes.

19 Q How long did it take you? What did you do after this
20 phone call?

21 A I came and checked on my nephew.

22 Q Okay. Anybody go with you?

23 A Yes. My wife. Me and Debra.

24 Q Okay. Debra your wife ---

25 A Yes.

- 1 Q --- also was with you?
- 2 A Yes.
- 3 Q How far do you live from ---
- 4 A About ten minutes.
- 5 Q Okay. And this was at Spring Street Apartments where
- 6 he was staying at the time, right?
- 7 A Yes, sir.
- 8 Q Who was he staying with?
- 9 A The little girl. I don't even know her name.
- 10 Q Shameia Workman, does that sound familiar?
- 11 A That's her, yeah.
- 12 Q So he was living with Shameia Workman, and he was, I
- 13 guess, going out with her ---
- 14 A Yes. He was getting ready to go to work.
- 15 Q Okay. Where was he working?
- 16 A He was working at McDonald's.
- 17 Q All right. Now, Spring Street, just in relation to
- 18 here for the judge's edification, is if you can turn right
- 19 out of the courthouse and you take the first right down at
- 20 the bottom of the hill?
- 21 A Yes.
- 22 Q That takes you up to these apartments.
- 23 A Straight up to the apartments on Spring Street.
- 24 Q So as the crow flies, they're just right back here.
- 25 A Yes.

1 Q McDonald's is take a left out of courthouse. It's
2 about ---

3 A Yes.

4 Q --- a half mile down the street, right?

5 A Uh-huh.

6 Q Now, did Jarvis have a car at the time?

7 A No, he didn't. He will call me, you know, from time
8 to time to take him, either, you know, to pick him up when
9 he had to work. So I would come sometime and pick him up.

10 Q Okay. Did you pick him up every time for work?

11 A No. He didn't need me every time. Just when he
12 didn't have a ride he will call me, say, if the weather
13 were bad or something, that he will call me. Most time he
14 will walk.

15 Q He would walk to work sometimes?

16 A Yes, uh-huh.

17 Q And the night he called you, about what time did you
18 get that call?

19 A It was between 8:00 and 8:30. Somewhere around that
20 time.

21 Q Okay. And did -- at the time you got this call,
22 about how long did it take you to get in the car and get
23 over there?

24 A It was about ten to 15 minutes.

25 Q Okay. Ten to 15 minutes before you left?

1 A No. Before I got to where he was at.

2 Q Okay.

3 A Because I don't live nowhere but right up the street
4 here.

5 Q Okay. So you live pretty close?

6 A Yes.

7 Q And about -- tell us about when you got there. Did
8 you pull up and talk to him outside? Where did you talk
9 to him?

10 A Well, when I pulled up, he come -- he ran to my car.
11 And he was still, you know, kind of hyped up because he
12 was sweating. And I asked him, you know, just give me --
13 tell me what's going on, man.

14 He said, "These guys just jumped me." He said, "You
15 see my face," and stuff.

16 So I'm looking at him, you know. He was bruised up
17 pretty good, you know, like somebody had done stomped him
18 in the face or something or other. And yeah. He was
19 highly upset.

20 Q Okay. You could tell he had been -- something
21 happened to his face?

22 A Yes, yes. Somebody stuck -- it was a boot print
23 right here on his face.

24 Q All right. And did he tell you that somebody had
25 stomped his face?

1 A Yes. He told me Mark Grant stomped him in the face.

2 Q Okay. And did he tell you at that point, again, who
3 else was in the room?

4 A Yes.

5 Q Was there anybody else in the room when it happened?

6 A Yes, yes. He said that Antone Blakely was there in
7 that room.

8 Q Antone Blakely's nickname is Cheese?

9 A Cheese, Cheese.

10 So he was in the room. Mark's son, Grant -- Shykorie
11 Grant. And this little Bertha I got was in the room with
12 him.

13 Q Okay.

14 A I don't -- I don't know them all by their -- you
15 know, their names. It's just I know some of the last
16 name.

17 Q Swann Woodruff, did that name come up at all?

18 A Swann name? Yes. Swann name did come up. Swann
19 Woodruff name came up. Said he was the one holding the
20 door.

21 Q Okay. Now, in the course of him telling you about
22 this, what did you -- what were you trying to get him to
23 do about it?

24 A I was trying to get him to leave. I told him, you
25 know, you're going to get in trouble. Let's just leave.

1 But him being a young man, he said he's not leaving. He's
2 not running from them because he wasn't scared of them.

3 Q Okay. And he -- he didn't want to appear that it ---

4 A He didn't want to look like no -- can I say it?

5 Q Yeah.

6 A Like a little bitch. He didn't want to look like
7 that in front of nobody. So he want to stand his ground.

8 Q Okay. And so instead of him leaving, what did he ask
9 you for?

10 A He asked me to bring him something so he could
11 protect himself.

12 Q Okay. And did you bring him something?

13 A Yes, I did.

14 Q Did he have a machete or something before?

15 A They took the machete from him.

16 Q Okay. So did he tell you about that?

17 A He said ---

18 Q And did he just say that he had had a machete
19 before?

20 A He say he had a machete and they took it from him.

21 Q Okay. And so he didn't have his machete anymore when
22 you got there.

23 A No. One of them had took it.

24 Q Okay. And you did give him a firearm?

25 A Yes, I did.

1 Q Okay. What did you give him?

2 A .22.

3 Q Okay. What kind of .22?

4 A It was a revolver. It was a six-shot revolver.

5 Q All right. And did you have any other guns that you
6 offered him?

7 A Yes.

8 Q What did you offer him?

9 A I offered him an AK.

10 Q Okay. And what did he say about that?

11 A He laughed. He said it was too big.

12 Q Okay. Based on -- he said he didn't want to go home,
13 he didn't want to leave -- or I say go home. He was
14 staying there at the time.

15 A Yes. He was living with her.

16 Q And he didn't want to go with you.

17 A Nope.

18 Q Was he still planning to go to work that night?

19 A Yeah. He was getting ready to go to work.

20 Q Okay.

21 A He was getting ready to go to work then.

22 Q He was working the night shift?

23 A Yes.

24 Q This McDonald's stays open late?

25 A Yes. 24/7.

1 Q Okay. About how long were you there -- were you and
2 Debra there with Jarvis?

3 A We stayed, you know, talking to him for about
4 anywhere from I'll say 20 to about 30 minutes.

5 Q Okay. Is it fair to say less than 30 minutes ---

6 A Yes.

7 Q --- you were there with him?

8 A Yes. Because it was all kind of people kept coming
9 up to us, you know, trying to talk to us, trying to tell
10 her what was going on.

11 Q Okay.

12 A But the people that was trying to tell her what was
13 going on would lie because they was part of the problem.

14 Q All right. Did you see any of the guys there that he
15 had said had assaulted him?

16 A Yeah.

17 Q All right. Did you see Marcus Grant there?

18 A No. I didn't see him.

19 Q Okay. You know Marcus from -- from past.

20 A Yeah. I've been knowing him all my life.

21 Q Okay. He wasn't there ---

22 A No. He wasn't there.

23 Q --- at that point.

24 Cheese, was he there?

25 A Yes.

1 Q All right. What was Cheese doing?

2 A Standing on the porch. Can I show what ---

3 Q Yeah.

4 A He was standing on the porch, you know. He had his
5 -- his, you know, piece, you know, standing on the
6 porch, you know, just like I -- yeah, I did that
7 (gesturing).

8 Q Okay. So he had -- you could see a gun in his
9 waistband?

10 A Yeah. You could see it.

11 Q And he was -- he was kind of ---

12 A Boasting, you know, like I did that, you know.

13 Q Got you.

14 THE COURT: Are you saying that the defendant did ---

15 MR. STUMBO: No. No, sir. Just to be clear, that
16 was Antone Blakely.

17 THE WITNESS: Yeah. Cheese. Yeah. Mr. Cheese,
18 yeah.

19 BY MR. STUMBO:

20 Q You didn't see -- at that point he wasn't there.

21 A No. He -- he had already left.

22 Q But was Jarvis clear that Ma Grant, Marcus Grant ---

23 A Yes. Yeah. He was clear. He had already told me he
24 had left.

25 Q Okay. And that's the man in the courtroom here by

1 the wall?

2 A Right there, yes.

3 Q And after you and Debra left, tell me what happened.

4 A We left. We got down to the bottom of Spring Street.
5 We got right here in front of the courthouse. And it was
6 two police cars coming, you know, through the light. I
7 mean, they were (indiscernible).

8 So my wife said, "Turn around." She said, "Something
9 ain't right. I believe they done did something to
10 Jarvis."

11 So we turned around, and Jarvis was laying in the
12 road.

13 Q Okay. So when you get back up there, the next time
14 you see Jarvis ---

15 A He laying in the road. And an Officer Shipton was
16 standing there with him, you know ---

17 Q Okay.

18 A --- trying to talk to him, but he never would open
19 his eyes. He was still alive, but he wouldn't open his
20 eyes. He would -- just kept grunting.

21 Q Okay. And he had been -- he was bleeding?

22 A Yes. He was bleeding.

23 MR. STUMBO: Judge, just for purposes of this
24 hearing, that's our proffer.

25 THE COURT: Okay. Yes, sir.

CROSS EXAMINATION

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BY MR. BLOUIN:

Q Mr. Little ---

A Yes.

Q --- so it's your testimony that your nephew called you after the incident.

A Yes.

Q And you testified today that that occurred between 8:00 and 8:30.

A Give and take, yes.

Q Okay. Do you remember testifying about this previously about a year ago?

A It's been a while.

Q Would you be surprised to hear that at that time you said the phone call happened between 6:00 and 8:00?

A Could have been.

Q If I approach you and let you read the transcript, would it refresh your recollection?

A I mean, it might have been that time. I don't know. I might have did say that. But it was -- it was around -- it was dark. I know that.

Q Okay. Do you remember giving an interview the night that everything happened with Detective Billy Sellers? Do you remember?

A Yeah.

1 Q Okay. And that occurred at 1:28 a.m. on the 23rd?

2 A That was after I got the call from the -- it was -- I
3 got the call from the coroner's office.

4 Q Right. But this was at the police station. Do you
5 remember that?

6 A Was it the next night? I don't know. I can't --
7 it's been a while, man. I don't know. I can't remember.

8 Q So you have no recollection of interviewing with
9 police the night of the incident at the police station.

10 A I did a lot of interviews. I just can't remember
11 which ones I did, man. I did a couple of them.

12 Q So if I said that during that statement at the police
13 station, you told police that some boy done jumped him.

14 A I didn't say -- I didn't say no some boy. I -- I
15 said some boys.

16 Q Huh?

17 A Some -- some boys. I knew who they were. I didn't
18 say no some boy.

19 Q And that you later told Investigator Sellers that you
20 didn't find out about the details of the incident until
21 you arrived on scene.

22 A No. I got the phone call. I got the phone call
23 first. That's how I know to go over there.

24 MR. BLOUIN: Your Honor, at this time we would
25 probably ask to play this original -- or at least the

1 first part of his original statement back.

2 THE COURT: Okay.

3 MR. STUMBO: Judge, I would just -- I think one thing
4 I would ask is we keep -- I mean, the proffer is for
5 purposes of the ---

6 THE COURT: Right.

7 MR. STUMBO: --- the admissibility under the excited
8 utterance. I mean, credibility issues, Mr. Blouin
9 obviously will have a full ability to cross on those
10 issues, Judge. I don't know if the excited utterance ---

11 MR. BLOUIN: This is to the heart of the excited
12 utterance. It's the State's position that the excited
13 utterance happened on the phone, and that it was such a
14 close period of time that he was still in that excited
15 state. This would show a different story that he told law
16 enforcement.

17 THE COURT: Yeah. I understand. For that limited
18 purposes, I'll -- if you can get to it. And if the
19 timing's off, then it's off.

20 (Pause in proceedings.)

21 MR. BLOUIN: 134.

22 (Pause in proceedings; a video was played in open court.)

23 BY MR. BLOUIN:

24 Q Mr. Little, after hearing your testimony, you stated
25 to law enforcement -- and I'm sorry. Let's see. That he

1 got in a scuffle with somebody.

2 A Uh-huh.

3 Q You then said that you waited for your wife to get
4 out of the tub and then went to the apartment at which
5 point -- is that correct?

6 A Yeah.

7 Q And at which point he -- you know, he was in some
8 other girl's apartment.

9 A Nikki.

10 Q Right. Which is a little different than what you
11 said just previously that he came running to the car.

12 A Well, I mean, he still came outside.

13 Q And then once you got there, that's when he told you
14 that he got jumped by three people.

15 A Yeah. Three, four, the people he just told me he got
16 jumped. And he called their names.

17 Either way, it happened. He ain't here.

18 MR. BLOUIN: No further questions, Your Honor, for
19 the proffer.

20 THE COURT: So you don't think there's any -- you
21 think it's hearsay without any -- because of the time lag,
22 that there's no excited utterance or other manner of
23 making it not hearsay.

24 MR. BLOUIN: Correct, Your Honor. Because the State
25 obviously is operating under the fact that he told this

1 stuff on the phone directly after it happened. You know,
2 our position is, in his first interview, he clearly states
3 he told he got jumped but didn't hear about the details
4 until ten or so minutes later which he testified it took
5 him to arrive.

6 By that point, I think the testimony would show that
7 Mr. Byrd had gone into another apartment, his cousin's
8 apartment. He had made a couple other attempted phone
9 calls to his roommate Shameia.

10 And, you know, it fails Step 2 of the excited
11 utterance framework that the statement must have been made
12 while the declarant was under the stress of excitement and
13 that the rationale underlying the excited utterance
14 exception is that the startling events suspends the
15 declarant's process for reflective thought reducing
16 likelihood for fabrication.

17 You know, he doesn't get there until he said ten to
18 15 minutes after the phone call is made. The victim left
19 the scene where he was purportedly assaulted. Obviously,
20 gets his cell phone. He talks to Mr. Little, obviously
21 tells him he got assaulted per his first statement and
22 then informs Little of his desire to leave at which point
23 ten more minutes pass, he goes into another apartment
24 where other conversations and other phone calls are
25 attempted to take place. And so he reflects the process

1 of rational reflective thought at that point and therefore
2 should not fall under the excited utterance exception.

3 THE COURT: Okay. Yes, sir?

4 MR. STUMBO: Thank you, Judge. Just to point out
5 some of the statements Mr. Little made in his proffer. He
6 said, "I could hear it in his voice. He was highly upset,
7 sweating, nervous." He said still shook at the time he
8 was talking to him on the phone, he could hear it in his
9 voice. And when he gets there, he sees him sweating and
10 still shook at that time.

11 Judge, he said as far as the time frame, it only took
12 him about ten, 15 minutes to get over there after the
13 phone call.

14 You know, so, Judge, I think case law is pretty
15 firmly on our side on this. If you look at *State v.*
16 *Hendricks*, that's a Court of Appeals case from 2014 -- 408
17 S.C. 525, is the cite on that. Judge, in that case there
18 was a mother of a young lady. The victim in that case got
19 assaulted -- physically assaulted and sexually assaulted,
20 and the mother got her -- you know, at some point later.
21 And I believe the time frame in that case was she got a
22 phone call from her sometime later, minutes after the
23 incident. I believe that case is right on point here,
24 Judge, the *Hendricks* case.

25 There's also *State v. Ladner*, L-A-D-N-E-R, and *State*

1 v. Whisonant, W-H-I-S-O-N-A-N-T.

2 And, Judge, we litigated this issue, identical issue
3 with Judge Hocker in the Antone Blakely trial. And he
4 found that the statements made by our victim to his uncle,
5 David Little, on the phone and when he got there were
6 admissible under the excited utterance rule and under ---

7 THE COURT: By the victim.

8 MR. STUMBO: --- these cases.

9 Correct.

10 THE COURT: By the victim.

11 MR. STUMBO: By the victim to -- that those were
12 admissible for Mr. Little to testify to under the excited
13 utterance rule.

14 Judge, I think he's clearly still -- the description
15 here satisfies the elements that the victim was still
16 under -- clearly under the stress of this severe beating
17 that he took in the bedroom that he was staying in when he
18 made these statements, and we believe that it satisfies
19 the 803 excited utterance exception.

20 THE COURT: And you have -- don't you have another
21 piece of evidence where he describes what happened?

22 MR. STUMBO: Yes, sir. But, you know, we do have the
23 transcript.

24 And just to point out, Judge, I believe Mr. Blouin,
25 he may have inadvertently done this, asked Mr. Little what

1 he testified to before he cited the transcript
2 incorrectly. Mr. Little said between 6:00 and 9:00 is
3 when he got the call. During the last trial, I believe he
4 said 6:00 and 8:00.

5 MR. BLOUIN: Oh, I'm sorry.

6 MR. STUMBO: But it's page 101 of the transcript,
7 Lines 16 and 20 of the prior case. So just to clarify
8 that, Judge.

9 MR. BLOUIN: Your Honor, to kind of clarify further,
10 in Mr. Blakely's trial, the phone call was the issue that
11 they went forward on. Now, I can't speak for
12 Mr. Blakely's attorney at that time. There is no evidence
13 that they ever brought up this inconsistency statement.
14 Everything was revolved around this phone call and how he
15 was reacting on the phone when this information was given.
16 You know, this is a different situation. This is a longer
17 period of time.

18 You know, the hearsay exception is supposed to be
19 used, obviously, because of its truthfulness, and yet now
20 we have Statement 3 of -- or at least 2 of what Mr. Little
21 says happened. So, you know ---

22 THE COURT: And my question is, there's going to be
23 other evidence stated to this jury what happened. There
24 will be other evidence in there.

25 MR. STUMBO: Yes, sir. There's Ms. Debra Little is

1 going to testify in the second -- she'll be the second
2 witness to testify to corroborate what Jarvis said there
3 when they get -- okay. He was on the phone with the
4 victim, and then he and his wife both show up at the scene
5 and talk to the victim. So she's going to testify to
6 that.

7 There's also statements. Obviously, I think maybe he
8 can be confronted on prior inconsistent statements, but I
9 don't think they're admissible beyond just the prior
10 inconsistent nature of them.

11 MR. BLOUIN: And obviously, we would have the same
12 objection in regards to the wife being that she showed up,
13 she didn't know about the phone call except for -- but for
14 what Mr. Little said and then showed up and learned what
15 happened at the same.

16 THE COURT: Yeah. The wife is a more -- she's a
17 bigger issue to me.

18 What I'm going to do is I'm going to rule that this
19 was an excited utterance. It was in at least -- it was
20 close enough to the time of the act. Now, that doesn't
21 mean I'm going to let the wife testify because that
22 worries me a little bit. But you can go ahead with this.

23 Let me call them back in.

24 And I hate to telegraph the punch, but I'm just not
25 sure she can testify about what he said somebody told him.

1 MR. BLOUIN: And I'll just do, if that's all right
2 with you, Judge, is one blanket objection when they first
3 start to go down the road.

4 THE COURT: Yes.

5 MR. STUMBO: Judge, just to clarify, I would not -- I
6 would not have Ms. Little testify to what David, her
7 husband, told her. She is going to testify to what the
8 victim told her at the same time he was still under the
9 stress of the event. So that -- you know, basically, gets
10 the call, gets over there within ten to 15 minutes and
11 then he's describing to David and Debra what happened.

12 THE COURT: All right. We'll deal with that. But
13 I'll let him testify.

14 MR. STUMBO: Okay.

15 THE COURT: Okay. So is everything off that needs be
16 off before we bring them in?

17 MR. THOMAS: Yes, sir.

18 THE COURT: Okay. You can bring them in.

19 (WHEREUPON, the jury entered the courtroom at 4:40 PM.)

20 THE COURT: Ladies and gentlemen, the first few
21 objections -- you can have a seat -- where we're having to
22 sort of start at the beginning are going to make you stay
23 back there longer. I'm sorry. It will get better. Don't
24 hold me to that.

25 All right. You can continue on.

1 MR. STUMBO: Thank you.

2 DIRECT EXAMINATION

3 BY MR. STUMBO:

4 Q Mr. Little, you live in Laurens?

5 A Yes.

6 Q How long have you lived in Laurens?

7 A All my life. 58 years. 58 years.

8 Q Okay. You're 58?

9 A Yeah.

10 Q And Jarvis Byrd, the case we're here today about, who
11 was he? Who was Jarvis to you?

12 A I'm his uncle.

13 Q Okay. And on which side? The mother's side?

14 A My mother's. My mother and his mama.

15 Q How long have you known Jarvis?

16 A All his life.

17 Q And he's no longer with us, is he?

18 A Deceased.

19 Q I'm going to show you what's been premarked
20 State's 3. Do you recognize that young man in that
21 picture?

22 A That's my nephew.

23 Q Okay. That is -- who is that?

24 A Jarvis Byrd.

25 Q Okay. The incident that we're here about today, he

1 was killed later on that evening, correct?

2 A Yes.

3 MR. STUMBO: Now, let me back up a little bit on
4 this.

5 And Judge, if we could put State's 3 into evidence at
6 this time.

7 THE COURT: Any objection?

8 MR. BLOUIN: No, Your Honor.

9 THE COURT: All right. Without objection.

10 (WHEREUPON, State's Exhibit Number 3 was admitted into
11 evidence.)

12 BY MR. STUMBO:

13 Q January 22nd of 2021, was that the last day of
14 Jarvis's life?

15 A Yes.

16 Q And I'm going to ask you, just make sure you speak up
17 so they can hear.

18 A Yes.

19 Q Did you have interaction with Jarvis that night?

20 A Yes, I did.

21 Q Okay. And how did you hear from him?

22 A Phone call.

23 Q Okay. And so when he called you, what time of day
24 was this?

25 A Well, like I say, it was -- it was dark. So it was

1 between 8:00 and 9:00, somewhere around -- somewhere
2 around that time.

3 Q And what did he tell you?

4 MR. BLOUIN: Your Honor, we would object to hearsay
5 under what we previously talked about.

6 THE COURT: Okay. And overruled pursuant to previous
7 objection.

8 BY MR. STUMBO:

9 Q Okay. Well, let me back up a little bit. What was
10 Jarvis's demeanor like when he called you?

11 A Jarvis called me. He was, you know, really upset,
12 you know, like something had done happened to him. And,
13 you know, he was, you know, stuttering, you know, fumbling
14 through his word. I could tell something was wrong.

15 Q You could hear it in his voice?

16 A Yes, I could.

17 Q What did he tell you had happened to him?

18 A He told me he had been jumped by some guy.

19 Q Okay. Some guys or by a guy?

20 A Well, some guy. Well, he said the other -- he said
21 he got jumped by a guy. He said the other guys held the
22 room -- held -- held the door in the room that they was
23 in.

24 Q Okay. And where did he get jumped?

25 A Well, it was on Spring Street.

1 Q Okay. Spring Street.

2 A It's the old project.

3 Q Okay. That's the -- just for the jury here who may
4 not know, that's over here behind the courthouse?

5 A Yes. The apartments.

6 Q Okay. If you turn right out of here and then take
7 the first right, it goes up to the apartment?

8 A It goes up to -- yes.

9 Q And was Jarvis staying there at the time?

10 A Yes. He was living with this young lady.

11 Q Okay. You remember her name?

12 A Like I said, I didn't -- I didn't know her that good.
13 I just -- I don't even remember.

14 Q Okay. Was it Shameia Workman? Will that sound ---

15 A I know she was Workman.

16 Q Okay. And he was staying at her apartment over at
17 Spring Street?

18 A They was a couple.

19 Q Okay. They were dating at the time.

20 A Yes.

21 Q Was Jarvis working at the time?

22 A Yes, he was. He was working at McDonald's.

23 Q Okay. Just a little bit of background for the jury,
24 Jarvis before, had he been in trouble with the law?

25 A Yes. He had got in some trouble.

1 And Jarvis, he -- he was -- he was a troubled young
2 man. He had got in some trouble. He had been -- you
3 know, put himself in a pocket that he had no business
4 putting in a pocket. And he got in some trouble. I think
5 he had to get probation or something or other and had to,
6 you know, be an informer. And something happened between
7 him and one of the guys.

8 Q Okay. So tell me this. He did some time for drug
9 cases, right?

10 A Yes, he did. Yes. Uh-huh.

11 Q But he also did some work as a result of that ---

12 A Yes.

13 Q --- for the Laurens Police Department?

14 A Yes, he did.

15 Q Okay. He worked as an informant some years ago?

16 A Yes.

17 Q Okay. Had he done that since he got out of jail
18 recently?

19 A No, no. He hadn't done that. Well, not that I know
20 of. I don't think he was doing that. The only thing I
21 know he was doing was working.

22 Q Okay. How was he doing around the time he was
23 killed?

24 A Yeah, man. He was doing great. I was proud of him
25 because, you know, he had came home and had changed his

1 life, had started working. He was doing something the
2 rest of them was scared to do: work.

3 Q Okay. What kind of work do you do?

4 A I'm a barber.

5 Q Okay. You've got a barbershop here in Laurens?

6 A Yes.

7 Q And you were -- how did Jarvis get to work? Was he
8 driving at the time?

9 A Well, you know, he was staying over on Spring Street,
10 so when the weather was nice he would walk to work. And
11 like if it rained or something or the weather were bad, he
12 would call me and I would pick him up, you know, take him
13 there and from.

14 Q Okay. And that was to this McDonald's ---

15 A Yes.

16 Q --- that's right down the street here?

17 A Yes.

18 Q Okay. And the night that he was killed, was he
19 planning to work that night?

20 A Yeah. He was getting ready to go to work then.

21 Q Okay. And this McDonald's stay opens all night.

22 A 24/7.

23 Q So you get this phone call and he describes -- does
24 he describe -- you said he was jumped by some guys or beat
25 up by somebody. Some other guys held the door?

1 A Yes.

2 Q Did he identify who those guys were?

3 A Yes, he did.

4 Q All right. Who did he say did this to him?

5 A The first name he called was Ma Grant.

6 Q Okay. Let's stop there. Ma Grant. You know who Ma
7 Grant is?

8 A The young man right there (indicating).

9 Q Okay. He's in the courtroom?

10 A Yes.

11 MR. STUMBO: For the record, Judge, the witness
12 pointed out the defendant.

13 THE COURT: Okay.

14 BY MR. STUMBO:

15 Q What's his full name?

16 A Marcus Grant.

17 Q Okay. So Marcus Grant, people call him Ma Grant?

18 A Ma Grant. People call him "Forty."

19 Q All right. "Forty" is another nickname?

20 A Yeah.

21 Q Now, have you known Marcus Grant, the defendant, for
22 a long time?

23 A All his life.

24 Q And so when Jarvis told you that he had been beaten
25 by Marcus Grant, you knew who that was? Or Ma Grant?

1 A Yes, I did.

2 Q Okay. And who else did he -- did he talk about an

3 Antone Blakely?

4 A He talked about Antone Blakely.

5 Q And what's his -- what's Antone Blakely's nickname?

6 A Cheese.

7 Q Okay. And you know who that is?

8 A Yes.

9 Q All right. And he identified -- he said there were

10 others in the room, too?

11 A Yes.

12 Q And what were they doing?

13 A Well, some of them were holding him while some were

14 holding the door. And he told me one of the Grant guys

15 took his machete from him while the rest of them hold the

16 door and while Ma Grant was stomping him in his face.

17 Q Okay. And he said he had a machete at the time ---

18 A Yes.

19 Q --- that he used for protection?

20 A Yes.

21 Q Okay. And he said that they took the machete from

22 him?

23 A Yes.

24 Q And who did he identify as stomping his face?

25 A Ma Grant.

1 Q You got the phone call. How long did it take you to
2 get over to Spring Street?

3 A About ten, 15 minutes.

4 Q Okay. Anybody go with you?

5 A My wife.

6 Q Okay. She was with you for the whole ride?

7 A Yes.

8 Q Was she there when you were talking to ---

9 A Yes, yes. She was talking to him and one of my
10 cousins.

11 Q And what did Jarvis tell you at this point? Did he
12 go into any more detail about what had happened to him?

13 A Well, no. He didn't go into no more detail. But,
14 you know, he -- he was really upset about it, you know,
15 because he said he needed something to protect himself.
16 And . . .

17 Q He believed that he might be under threat of getting
18 attacked again?

19 A Yeah. Because they was -- they was -- they was still
20 in the same house where he was living at. The girl did
21 not make the old guy leave that was -- that was jumping
22 him.

23 Q Okay. Now, when you were there -- you've known
24 Marcus Grant your whole life. Was he still there when you
25 got there?

1 A No, he wasn't.

2 Q Okay. Did you see anybody else there that Jarvis
3 said had assaulted him?

4 A Yes. I saw the Blakely guy, Cheese, and I saw Nakia
5 -- Jakia [phonetic] Grant and the little Burnside guy. I
6 seen them.

7 Q Okay. And did anything of note stick out to you
8 about Antone Blakely or Cheese?

9 A Yeah. Cheese -- Cheese, he came out on the porch
10 and, you know, he had his full posture. I'm going to show
11 you. (Demonstrating) He -- his little posture, he -- he's
12 standing like this, you know, with his gun hanging up by
13 his crotch, you know, like, yeah, you know, I did that,
14 you know. Just kept looking at us, you know, watching.
15 And Jarvis was watching him.

16 Q How far away were you and Jarvis and Debra at that
17 point?

18 A Okay. Let me see. On the street about from here to
19 that young lady sitting right here. He was up on the
20 steps, and we were down kind of low.

21 Q And you're down by the car?

22 A Yes.

23 Q Your car.

24 A Yes. My car.

25 Q And at that point when you saw Cheese with the gun in

1 his waistband, did you have some concerns ---

2 A Yes.

3 Q --- about Jarvis's safety?

4 A Yes. Because he said he needed something to protect
5 himself. And I told him okay. So I gave him something
6 and went -- this is what happened. He asked for
7 something, and what I was going to try to give him, he
8 didn't want that. I said, "Man, you see that big old gun
9 that boy got?" Because, you know, he was just standing
10 there boasting with it, you know, rocking back and forth.
11 He said he didn't want it. He said he wanted something
12 small.

13 Q Okay. So did you give him a gun?

14 A Yes.

15 Q What did you give him?

16 A A .22. A silver .22. It was a -- with a pearl
17 handle.

18 Q Okay. Revolver?

19 A Yeah. It's a revolver.

20 Q Did you ever see that .22 pistol again after that
21 night?

22 A Nope.

23 Q Almost done here, Mr. Little.

24 After you -- about how long were you there with him,
25 first?

1 A I definitely -- anywhere from I'd say 15 to about
2 30 minutes.

3 Q Okay. And Debra, your wife, was with you the whole
4 time?

5 A Yeah. She was with me the whole time.

6 Q Okay. And so she heard everything that Jarvis was
7 saying as well?

8 A Well, don't -- once they was standing off to
9 theirselves talking one time, you know. And when -- the
10 other little guys kept walking up to me trying to tell me
11 what happened, but they was lying because they was the
12 ones in the house with them jumping on him.

13 Q And just without what they said, these other guys ---

14 A Okay. Yeah.

15 Q --- Jarvis and Debra did have a conversation?

16 A Yes.

17 Q Okay. Now, you said about 15 to 30 minutes you're
18 there. And you and Debra left?

19 A Yes. We left.

20 Q Did you try to get Jarvis to go with you?

21 A Yeah. We tried to get him to go. Several times we
22 tried to get him to leave. He said, "No. I ain't no --
23 no lunk [phonetic]. And I ain't going. I ain't running
24 from you guys because I ain't scared of them."

25 Q What is exactly what he said?

1 A He said, "I ain't no god damn punk." He said, "I
2 ain't running from them." He said, "I ain't scared of
3 them."

4 Q All right. Tell the jury what happened after you
5 drove away From Spring Street Apartments.

6 A Okay. I drove away from the apartments, and we came
7 down to the bottom of the hill.

8 MR. BLOUIN: Your Honor, we may object at this point
9 going forward. I think we've kind of gotten into that
10 gray area we talked about pretrial.

11 MR. STUMBO: Judge, I can truncate this.

12 THE COURT: Yeah. If you can. I think that will
13 help. Sustained.

14 MR. STUMBO: Yes.

15 BY MR. STUMBO:

16 Q Did you see -- after you left, did you ever see
17 Jarvis again alive?

18 A Nope.

19 Q Okay. When you saw him again that night, where was
20 he?

21 A He was laying on the ground in the middle of the
22 road.

23 Q Okay. And he had been shot?

24 A Yes.

25 Q And he ultimately passed away from a gunshot wound?

1 A Yes. About an hour later he passed.

2 MR. STUMBO: Beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 MR. STUMBO: Thank you, Mr. Little. Please answer
5 any questions Mr. Blouin has for you.

6 THE WITNESS: All right.

7 CROSS EXAMINATION

8 BY MR. BLOUIN:

9 Q All right. Mr. Little ---

10 A Yes.

11 Q --- so you occasionally take Jarvis to McDonald's and
12 give him other rides.

13 A Yes. If the weather were bad.

14 Q Did y'all talk a lot?

15 A Yeah. I'm his uncle.

16 Q Okay. And do you remember an interview you gave with
17 police the night of the incident?

18 A It's been a while.

19 Q All right. It occurred on January 23rd at 1:28 a.m.
20 with Detective Billy Sellers?

21 A Okay. It's been a while.

22 Q Okay. Do you remember telling Billy Sellers that you
23 had -- that Jarvis had called you ---

24 A Yes.

25 Q --- and told you that, let's see, gotten in a scuffle

1 with somebody?

2 A I don't think I said it like that. I said some
3 peoples had jumped him.

4 Q Okay. And do you remember telling the investigator
5 that you didn't find out about what happened to Jarvis
6 until after you got to the ---

7 A No. I knew he had got into a scuffle because when he
8 called me, he told me that. But I didn't find out what
9 had really happened until I got there. I found out
10 everything that happened.

11 Q Okay.

12 A The people that jumped him.

13 Q Just to clarify your testimony ---

14 A All right.

15 Q --- and, you know, just to make sure everybody's got
16 everything straight ---

17 A Okay.

18 Q --- on the phone you heard he got in a scuffle with
19 somebody.

20 A Yes.

21 Q And you didn't find out any details about what
22 happened until you got there.

23 A Yeah. Basically.

24 Q Okay. And you received that phone call around --
25 about 8:30?

1 A Somewhere between ---

2 Q 8:00?

3 A --- 8:00 somewhere. Like I say, it was dark.

4 Q Okay.

5 A Yes.

6 Q Let's talk about that. So how well-lit are the
7 projects?

8 A It's not.

9 Q Okay. So it's pretty dark out there in general at
10 all times.

11 A Unless it's -- unless it's daytime.

12 Q Unless it's daytime. But we're talking about
13 nighttime.

14 A Okay. Yeah. Okay.

15 Q So you drive a Corvette.

16 A Yes.

17 Q A coupe or a four-seater?

18 A Huh?

19 Q Was it a two-seater or four-seater?

20 A Two.

21 Q Two-seater.

22 All right. And you came down there with your wife.

23 A Yes.

24 Q And when you got there, there were a lot of people
25 out there, weren't there?

1 A Yes.

2 Q I mean, how many people do you think there were just
3 outside the apartment when you got there?

4 A I -- I don't know. I -- I didn't count them, you
5 know. It was just a good little bit of people standing
6 around.

7 Q More than ten?

8 A Oh, yeah.

9 Q More than 20?

10 A Yeah.

11 Q Okay. And help me explain the projects because it's
12 kind of hard to visualize. You're driving down Spring
13 Street, and the projects are kind of lined up as you're
14 going down the hill; is that right? Or is that
15 Independence?

16 A No. That's -- that's not the projects there. The
17 projects -- well, yes, it is. On the right-hand -- on the
18 right-hand side ---

19 Q Right.

20 A --- going up the hill, yeah.

21 Q And they're duplexes, kind of small, kind of a small
22 yard would you say? Maybe about the size of ---

23 A Yeah.

24 Q --- a well here?

25 A Yeah. They ain't no bigger than that little area

1 there.

2 Q Okay.

3 A Yes.

4 Q And when you pulled up, the place that Jarvis was
5 staying at, that's where the action was, where there was a
6 bunch of people parked.

7 A Well, yeah. Because there was cars lined all the way
8 up -- you know, down the -- where I parked at, the time --
9 the time you turn into the project, it was an open spot
10 right there.

11 Q All right.

12 A So even it was other cars, I parked right there in
13 that open spot.

14 Q How long had you known Cheese?

15 A All his life.

16 Q Okay. Did you cut his hair?

17 A I have.

18 Q All right. And you said Shy Grant boy, did you know
19 him as well?

20 A Yes. Cut his hair, too. Well, all -- all the guys,
21 I cut all of them hair.

22 Q All right. Let me ask you this. If you -- you went
23 there, you said, to go pick him up and try to take him
24 away.

25 A Yes.

1 Q And you're driving a Corvette.

2 A He was going to get in the hatchback.

3 Q He was going to get in the hatchback?

4 A That's right.

5 Q Now, do you remember saying to law enforcement that
6 someone apparently had a Chopper?

7 A Yeah.

8 Q Okay. And a Chopper is an AK?

9 A Well, AK, AR.

10 Q Explain a Chopper. What is a Chopper?

11 A The only thing I know is it shoot bullets about ten
12 times. That's all I can tell you.

13 Q Say that again?

14 A It shoot more than ten times. That's all I can tell
15 you.

16 Q Okay. But it's a big gun? little gun?

17 A Big gun.

18 Q Like a rifle.

19 A Yeah.

20 Q Okay. Did you see when you got out there anyone
21 carrying a Chopper around?

22 A I didn't see no Chopper, but I saw like a .40.

23 Q Okay.

24 A And I'm from -- I'm from the hood. I can tell what a
25 gun is.

1 Q Okay. Not the question.
2 And Mr. Grant wasn't there?
3 A No, he wasn't.
4 Q Now, you said you gave your nephew a .22 caliber
5 pistol. A pearl handled revolver?
6 A Yes.
7 Q All right. Now, you're supposed to have that gun?
8 A Do they supposed to have theirs?
9 Q Are you supposed to have that gun?
10 A Do they supposed to have theirs?
11 Q Please answer the question.
12 A Ain't nobody supposed to have a gun. Not nobody out
13 there supposed to have a gun.
14 Q Are you supposed to be in possession of guns?
15 A No.
16 Q Okay. And was that the only gun you brought?
17 A I -- I know where to get a gun from if I need one.
18 Q Well, is that the only gun you brought that night?
19 A (No verbal answer.)
20 Q What else you bring?
21 A That was it. I brought him two.
22 Q Two?
23 A Yeah. Them two.
24 Q You didn't bring him a .357 also?
25 A I ain't have no .357 of my own. Yeah, I did. Yes, I

1 did.

2 Q So you brought him ---

3 A Yes, I did. Yes, I did. I have a .357, too.

4 Q And you ended up giving him the .22.

5 A That's what he wanted.

6 Q Okay. And the other one was a Chopper?

7 A Yes.

8 Q The AK.

9 A Yes.

10 Q And the other one was a .357.

11 A Yes.

12 MR. BLOUIN: And you -- beg the Court's indulgence
13 one moment.

14 BY MR. BLOUIN:

15 Q Now, you love your nephew?

16 A Yes.

17 Q Helped him out?

18 A Yes. Always have, yeah. He came -- when he came
19 home from prison, I bought him clothes. He needed -- he
20 needed my help because his mama had passed so he didn't
21 have nobody.

22 Q And some of the things, I think that first day that
23 you had said that you were -- when you initially got to
24 the projects, you were (indiscernible) a few people up,
25 talking to people?

1 A Yes. The same ones that were lying to me say they
2 wasn't in there. But they was the ones in the -- in the
3 room with him. That's how they knew all that information.
4 I was trying to figure out how they knew everything.

5 Q And like you said, there's over 20 people sitting in
6 the yard, right?

7 A Yeah. But these people's names he started calling.

8 Q And who was that?

9 A Shykorie Grant.

10 Q Oh, no, no, no. Who were you talking to?

11 A What you mean?

12 Q When you said you were talking to other people, who
13 all were you talking to?

14 A The Grant guy and the Burnside guy, the ones that was
15 in the room which I find out they was in the room.

16 Q Did you see anybody else out there that you knew?

17 A I knew everybody out there. I was born and raised
18 here. As long as I cut everybody hair.

19 Q Where was Jarvis when you were talking to Shykorie
20 Grant and Burnside?

21 A I was standing at the back of my car. Jarvis was at
22 the front of the car. Him, my wife and -- it was Nikki, a
23 girl named Nikki.

24 Q Okay. So six, seven feet away from each other?

25 A Yeah. I'm at the back of the car, he at the front of

1 the car.

2 Q All right. Were they arguing with each other?

3 A Who?

4 Q Jarvis and Burnside and Shykorie.

5 A No, no. They -- they were acting like didn't nothing
6 happen.

7 Q And Jarvis wasn't arguing and doing anything with
8 them?

9 A He was talking to my wife.

10 MR. BLOUIN: No further questions.

11 THE COURT: Anything on redirect?

12 MR. STUMBO: Briefly, Judge.

13 REDIRECT EXAMINATION

14 BY MR. STUMBO:

15 Q Mr. Little, since the defense attorney did ask you
16 about you did give a statement to law enforcement the
17 night of the incident, right?

18 A Yes.

19 Q And you wrote down a statement for them?

20 A Yes.

21 Q All right. I'm going to hand you this to see if you
22 recognize that document.

23 A Okay.

24 Q Okay. What is in the document I just handed you?

25 A You're talking about the gun?

1 Q No. I'm just saying what is this thing that you're
2 looking at here? What is that?

3 A This is what happened that night.

4 Q Is it your writing?

5 A Yes.

6 Q Okay. So this is your handwriting to the police of
7 what happened?

8 A Yes. What happened that night.

9 MR. STUMBO: And Judge, we would offer it at this
10 time based on cross-examination as a prior consistent
11 statement under the rules, rehabilitate. We would offer
12 it into evidence.

13 BY MR. STUMBO:

14 Q Is this a fair and accurate copy of the statement you
15 gave that night?

16 A Basically, yeah. From what I, you know, can
17 remember.

18 MR. BLOUIN: And Your Honor, he just said he didn't
19 remember if it was a fair and accurate statement he gave
20 that night.

21 THE WITNESS: No. That ain't what I just ---

22 THE COURT: I'll deny that for now and see if you
23 can ---

24 BY MR. STUMBO:

25 Q Okay. Well, I'll ask another question. Is this your

1 handwriting in this statement?

2 A Yes, it is. Yeah.

3 Q Okay. That's what you told law enforcement.

4 A Yes.

5 Q Correct?

6 A Yes.

7 Q Okay. And to your recollection, what you told them
8 is what you remember happening that night?

9 A Basically, yes. Yeah.

10 Q Okay. And you signed that statement?

11 A Yes.

12 MR. STUMBO: Judge, we would offer it into evidence
13 as a prior consistent statement. I think the cross
14 essentially ---

15 THE COURT: A prior consistent statement?

16 MR. STUMBO: --- yes -- attempted to point out
17 inconsistencies when he talked to law enforcement the
18 night of the incident. And we would offer that and
19 redirect to rehabilitate.

20 THE COURT: You want to actually do that statement.
21 That's what you're talking about.

22 MR. STUMBO: Yes.

23 THE COURT: Any objection to just the statement?

24 MR. BLOUIN: I mean, we would object to the statement
25 being let into evidence. He gave both stories.

1 THE COURT: Yeah. The statement can come in.

2 MR. STUMBO: It can?

3 THE COURT: Yeah.

4 MR. STUMBO: Judge, we would offer that as State's 4,
5 I think, which is the number we're up to.

6 THE COURT: Okay. I mean, I suspect that we'll see
7 that again and you can argue it. Okay.

8 (WHEREUPON, State's Exhibit Number 4 was admitted into
9 evidence.)

10 BY MR. STUMBO:

11 Q Mr. Grant [sic], just a couple more here. You said
12 you had known Antone Blakely or Cheese his whole life,
13 too, right?

14 A Yes.

15 Q Okay. And you had cut his hair before.

16 A Yeah. All the guys. Everybody over there I cut
17 their hair.

18 Q Okay. And there was no doubt he was up on that
19 porch.

20 A Yes.

21 Q He was the guy ---

22 MR. BLOUIN: Your Honor, we'd object to leading.

23 BY MR. STUMBO:

24 Q --- who was up on the porch with the ---

25 A Antone Blakely was on the porch with the gun hanging

1 up by his crotch.

2 Q And just to be clear to the jury, Jarvis told you
3 that Blakely was in the room when ---

4 A Yeah.

5 Q --- Marcus Grant was stomping his face, right?

6 A Yes.

7 MR. STUMBO: Okay. Sorry for your loss, Mr. Little.
8 And no further questions at this time.

9 THE WITNESS: All right. Thank you.

10 THE COURT: Y'all approach for a minute. Let me ask
11 you something.

12 (WHEREUPON, a bench conference was held off the record.)

13 THE COURT: All right. Ladies and gentlemen, we're
14 going to let you go today. I know you've had a long day.
15 We'll start tomorrow at 10:00. We'll go through probably
16 as late as he can go without getting in trouble. This is
17 a child's thing. So we'll see you tomorrow.

18 Please don't talk about this case. If anybody
19 contacts you at all, and I don't think that will happen,
20 let the bailiff know tomorrow and I'll take care of it.
21 But have a great night. Thanks for your patience today.
22 This will be the most choppy day you'll have. It will be
23 a lot better. Be safe.

24 (WHEREUPON, the jury exits the courtroom at 5:10 PM.)

25 THE COURT: Okay. I'll see you all tomorrow a little

1 before 10:00. If anything changes, let me know. You've
2 got my cell number. Okay.

3 MR. STUMBO: Yes, sir. And Mr. Little, even though I
4 know he can be excused as a witness, he's here as a
5 representative of the victim, so they'll be here in the
6 gallery (indiscernible).

7 MR. BLOUIN: Still a witness for a little bit.

8 MR. STUMBO: Okay. You've got recross?

9 MR. BLOUIN: Just a little bit.

10 MR. STUMBO: Okay.

11 THE COURT: All right. Sir, you can't talk to
12 anybody about your testimony here, okay?

13 I should have asked that. That was my bad.

14 MR. BLOUIN: That's all right.

15 THE COURT: All right. I'll see y'all tomorrow
16 morning.

17 (WHEREUPON, proceedings recessed at 5:42 PM.)
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1 Tuesday, March 5, 2024

2 (WHEREUPON, proceedings commenced at 10:22 AM.)

3 MR. THOMAS: --- plead the Fifth. His attorney is in
4 the holding cell talking to somebody. She said she's
5 coming right out.

6 THE COURT: Okay. It's in this case?

7 MR. THOMAS: It is, yeah.

8 THE COURT: Who is he?

9 MR. THOMAS: Shykorie Grant.

10 THE COURT: And what's he got to do with this case?

11 MR. THOMAS: He's the guy that said a bunch of things
12 to people about what happened in the room. So he's going
13 to plead the Fifth and then we'll argue about his
14 statements against interest. He'll be unavailable once he
15 pleads the Fifth.

16 MR. BLOUIN: Your Honor, I was going to enter in
17 what's marked as Court's Exhibit 1. That was that signed
18 letter we talked about yesterday.

19 THE COURT: Okay. Yeah.

20 So this is a codefendant.

21 MR. THOMAS: Yes, sir.

22 (Pause in proceedings.)

23 THE COURT: All right. Are you ready?

24 MR. THOMAS: Judge, just for the -- obviously, we've
25 still got to finish the examination of Mr. Little, but we

1 have Shykorie Grant here. The State would call him as a
2 witness. It's my understanding he's going to plead the
3 Fifth. We just need to do that outside the presence of
4 the jury ---

5 THE COURT: Sure.

6 MR. THOMAS: --- and get him out of here.

7 So at this time, the State would call Shykorie Grant.

8 THE COURT: Okay.

9 MR. THOMAS: And I don't even know if he needs to
10 come all the way up to the witness stand. He can probably
11 just get sworn in and stand right here.

12 THE COURT: Yeah. I'll tell you. Come on up,
13 because I'm having a hard time.

14 WHEREUPON,

15 SHYKORIE GRANT

16 After having been duly sworn, testified as follows:

17 THE CLERK: Thank you.

18 THE COURT: All right. You Can stand right there. I
19 just need to ask you some questions. I need to make sure
20 you and I understand each other.

21 My understanding is you're going to be called to
22 testify?

23 MR. GRANT: Yeah.

24 THE COURT: Okay. And do you intend to testify or do
25 you intend to claim your protection under the Fifth

1 Amendment of the Constitution?

2 MR. GRANT: Plead the Fifth.

3 THE COURT: Okay. And you understand that if you
4 plead the Fifth, nothing can be used against you and that
5 there cannot be any questions that you are required to
6 answer. Do you understand that?

7 MR. GRANT: Yes, sir.

8 THE COURT: Do you understand you don't have to plead
9 the Fifth, but if you do, that the State could go into any
10 past actions or past criminal proceedings that might be
11 filed against you and cross-examine you on those? Do you
12 understand that.

13 MR. GRANT: (No audible answer.)

14 THE COURT: Do you have a lawyer?

15 MR. GRANT: Yes, sir.

16 THE COURT: And have you talked to him about whether
17 or not you're going to plead?

18 MR. GRANT: Yes.

19 THE COURT: Is this decision your decision or your
20 lawyer's decision?

21 MR. GRANT: My decision.

22 THE COURT: And is your decision not to testify
23 freely, voluntarily and intelligently made and you've had
24 plenty of time to talk about it? think about it?

25 MR. GRANT: Yes, sir.

1 THE COURT: Do you have any questions for me about
2 it?

3 MR. GRANT: No, sir.

4 THE COURT: Okay. All right.

5 MR. THOMAS: Thank you, Your Honor.

6 THE COURT: Thank you.

7 Thank you, man. Be safe.

8 Okay. Are you all ready?

9 MR. THOMAS: Yes.

10 MR. BLOUIN: Yes, Your Honor.

11 THE COURT: Who's up?

12 MR. BLOUIN: We have to ---

13 MR. THOMAS: We can get Mr. Little back on the stand,
14 I guess.

15 MR. BLOUIN: --- recross Mr. Little about -- this
16 shouldn't take terribly long.

17 THE COURT: Mr. Little, come on back up.

18 MR. THOMAS: And I guess once he's on the stand,
19 we'll go ahead and get the jury.

20 THE COURT: Yeah, yeah. I get that.

21 Yeah. You're still under oath.

22 All right. You can bring them in.

23 What was his name that just ---

24 MR. STUMBO: Shykorie Grant S-H-Y-K-O-R-I-E.

25 (WHEREUPON, the jury entered the courtroom at 10:36 AM.)

1 THE COURT: Ladies and gentlemen, thanks for your
2 patience.

3 One thing I meant to tell you yesterday is what when
4 this case is all over with and you've rendered your
5 verdict, I'm going to come back there and just talk to you
6 privately and casually, so some of these mysterious
7 reasons that you have to leave the courtroom I can explain
8 to you then. We had to do a motion this morning while you
9 were outside. I apologize for having you wait, but we're
10 ready to go. And we're continuing testimony.

11 MR. BLOUIN: Starting recross.

12 THE COURT: Starting. All right.

13 WHEREUPON,

14 DAVID LITTLE

15 After having previously been duly sworn, testified as
16 follows:

17 RE CROSS EXAMINATION

18 BY MR. BLOUIN:

19 Q All right. Mr. Little, remember talking yesterday?
20 You stated that you filled out what has been presented as
21 Plaintiff's Exhibit 4 into evidence, this voluntary
22 statement.

23 A Yes.

24 Q Can you speak up a little bit. It's hard even to
25 hear you from here.

1 A Yes, yes.

2 Q I'm sorry.

3 And you didn't actually fill out that statement at
4 the police station that night, did you?

5 A No.

6 Q Actually, Detective Sellers gave you the statement at
7 the end of the evening and told you to fill it out.

8 A Yes.

9 Q And you brought that statement back to Detective
10 Sellers, I guess, when you talked to him again.

11 A Yes, I did.

12 Q Okay. So let me just get this straight. In this
13 statement that you wrote -- I'm assuming you wrote it at
14 your house?

15 A Yes.

16 Q You said that there were three guys.

17 A Yes.

18 Q And that you did not know who the third guy was.

19 A Well, at first I didn't know who they was. I -- I
20 couldn't member all of them. But it was more than three
21 guys, because after I had thought about it, he had told me
22 who -- it was four guys.

23 Q Okay. So your voluntary statement, like I said ---

24 A Yes.

25 Q --- that you returned to Detective Sellers at a later

1 date ---

2 A Yes.

3 Q --- probably a couple weeks later?

4 A It might have been the next day. I -- I don't know.

5 The next couple days.

6 Q Okay.

7 A Yeah.

8 Q It states there are three guys, and you can't
9 identify who the third one is. That's what's in your
10 statement.

11 A Yes.

12 Q All right. And you don't mention any sort of anyone
13 carrying a big rifle or Chopper in this statement.

14 A No.

15 Q All right. You don't even mention ---

16 A I -- I never did state that, that anybody was
17 carrying a big Chopper.

18 Q And you don't -- you didn't even state in here that
19 you brought a gun to Jarvis.

20 A No, I didn't.

21 Q All right. And do you remember testifying last year
22 previously?

23 A Somewhat.

24 Q Okay. And when asked about this, did you state, and
25 I'm going to quote you here, "Okay. He called Marcus

1 Grant. He called Cheese. He said Marcus Grant's son, and
2 it was a fourth person, and he didn't call the fourth
3 person's name. He said it was four of them. One of them
4 had took his machete, and I know who the fourth person was
5 who took machete"?

6 A Yes.

7 Q Okay. So in this testimony there's four people. You
8 don't know the identity of the fourth person who took the
9 machete.

10 A Yes. Well, after I had -- you know, during the heat
11 of the moment I couldn't remember, you know, all the
12 people's names. Well, once I sat down and I got thinking
13 about it, I remembered who it was.

14 Q Okay.

15 A Yeah.

16 Q Who was the fourth person?

17 A Shykorie Grant. Mr. Grant was the one that took the
18 machete.

19 Q Okay. So you put Mr. Grant's son there is what ---

20 A Yes.

21 Q All right. And that's not Shykorie Grant?

22 A I guess. I thought it was his son. I didn't know
23 Mr. Grant. Yeah.

24 Q You thought it was his son.

25 A Yes.

1 Q But you stated that -- you've already mentioned that
2 Mark Grant's son was there because there was a fourth
3 person.

4 A I thought that was his son, Shykorie Grant. Because
5 both of them have the same name, I thought it was his son.

6 Q But you testified previously that it was the fourth
7 person that took the machete who you didn't know.

8 A Yeah. I thought it was Shykorie Grant was the one
9 that took the machete.

10 Q So just make sure we clean everything up. When you
11 first met with detectives ---

12 A Uh-huh.

13 Q --- you stated that your son said that he'd gotten
14 jumped on, that you ---

15 A He's not -- he's not my son.

16 Q Or, I'm sorry. That Jarvis got jumped on.

17 A Yes.

18 Q And that you would go over there after your wife got
19 out of the tub.

20 A Yes.

21 Q That you went down there, and that's when you found
22 out about everything that happened.

23 A Yes.

24 Q And that there were a whole bunch of people out
25 there.

1 A Yes.

2 Q And that you knew everybody.

3 A Yes.

4 Q Because you cut everybody's hair.

5 A Yes.

6 Q All right. In the statement that you filled out
7 later, you said there was three individuals, but you
8 didn't know who the third guy was, right?

9 A Yeah.

10 Q And then in your testimony, prior testimony, you said
11 there were four individuals: Mr. Grant's son who you
12 thought was Shykorie Grant; is that correct?

13 A Yes, yes.

14 Q And a fourth individual you did not know who took the
15 machete. And we still don't know who that fourth person
16 is -- or you don't know who that fourth person is?

17 A I know who the four people was in that room.

18 Q But you didn't know when you testified a year ago who
19 that fourth person was.

20 A I maybe left it out, but I know who those four
21 peoples are.

22 MR. BLOUIN: No further questions.

23 THE COURT: Okay. You can step down.

24 Can he be relieved from subpoena?

25 MR. STUMBO: Yeah. From our perspective, Judge.

1 MR. BLOUIN: Yes, Your Honor.

2 THE COURT: All right. You're released from the
3 subpoena.

4 MR. STUMBO: I believe he will be here the rest of
5 the trial ---

6 THE COURT: Oh, okay.

7 MR. STUMBO: --- because he's a representative for
8 our victim here.

9 THE COURT: Thanks for your patience this morning.

10 MR. STUMBO: Judge, the next witness is coming in the
11 courtroom.

12 Your Honor, the State would call Debra Little to the
13 stand.

14 WHEREUPON,

15 DEBRA LITTLE

16 After having been duly sworn, testified as follows:

17 THE CLERK: Thank you. You may have a seat.

18 DIRECT EXAMINATION

19 BY MR. STUMBO:

20 Q Good morning, Ms. Little.

21 A Good morning.

22 Q Thank you for being here.

23 Just to give the jury some context about you, you
24 live in Laurens?

25 A Yes.

1 Q How long have you lived in Laurens?

2 A About 13, 14 years.

3 Q You are the wife of David Little?

4 A Yes.

5 Q Okay. And I'm going to hand you State's 3 that's
6 already in evidence as State's 3. Who was that in
7 State's 3?

8 A Jarvis Byrd, his nephew.

9 MR. STUMBO: Okay. If I could just publish to the
10 jury while she's testifying (indiscernible).

11 BY MR. STUMBO:

12 Q Ms. Little, we're going to cut right to the chase
13 here. The night that Jarvis, your nephew by marriage ---

14 A Uh-huh.

15 Q --- was killed, that's January 22nd?

16 A Yes.

17 Q Yes. And make sure to answer so the court
18 reporter ---

19 A Yes.

20 Q --- can hear what you say. Okay. Thank you.

21 What's the first thing you remember about that
22 evening in relation to Jarvis?

23 A Well, me and my husband was at home, and his phone
24 rung. And Jarvis called to say that he got jumped on by a
25 couple boys in Laurens.

1 MR. BLOUIN: And Your Honor, we just object under
2 hearsay.

3 THE COURT: Hold on, ma'am.

4 MR. BLOUIN: We just object under hearsay grounds on
5 the same grounds as to Mr. Little.

6 THE COURT: Okay. And same objection. That's
7 incorporated. You're on the record and the ruling is the
8 same.

9 MR. BLOUIN: Thank you, Your Honor.

10 BY MR. STUMBO:

11 Q Okay. Just so David gets a call from Jarvis. And
12 what happens after that?

13 A We get in the car and we go down there to the
14 apartments where Jarvis was to go pick him up, but he
15 didn't want to leave. But as soon as we get down there,
16 Jarvis didn't want to leave and we didn't see him outside.
17 So he finally come out the apartment. And we come out the
18 apartment, and he tells me the names of a couple guys who
19 jumped on him and who assaulted him. And they took his
20 weapon, which was a machete.

21 Q Okay. He said he had a machete and they took it from
22 him?

23 A They took it from him so he wanted to defend himself
24 while he was being jumped on by Marcus Grant, his son
25 Shykorie, Swann, and a boy named Cheese, by the nickname

1 of Cheese.

2 Q Okay. So he described four people that jumped him.

3 Marcus Grant ---

4 A Uh-huh.

5 Q --- do you know Marcus Grant?

6 A Not personally.

7 Q Okay. Shykorie Grant, did he mention him by name?

8 A Yes. When we pulled up, Shykorie is right there on
9 the scene because he said, "Hey, aunt." He comes up -- up
10 to my hood and says, "Hey, aunt." And I (indiscernible).

11 Q And Cheese, who was Antone Blakely?

12 A Antone Blakely.

13 Q Okay. And Swann Woodruff?

14 A Yes.

15 Q Okay. And can you describe for the jury, what was
16 Jarvis's demeanor like? I mean, how was he acting?

17 A Well, he was kind of shaken [sic] and scared. He
18 like -- he tattled [phonetic] them, jumping on him for
19 calling him a snitch and everything. And he said,
20 "Auntie, I am really tired of it. I'm trying to get ready
21 to go to work."

22 And so I like, "Well, before you get ready to go to
23 work, do you want to leave with us? Or we can take you to
24 work."

25 And he goes like, "No." He's going to stay in here

1 when his cousin moves, which he did.

2 So we beg him and plead him to leave with us. And he
3 said by being a man, he ain't going to let nobody scare
4 him also. Y'all know what men's doing. You ain't going
5 to let nobody punk you down. So he felt like being a man,
6 he's going to stand his ground.

7 And he did walk over to the house, came back out and
8 we came back out. He said, "I'm going to stay." So --
9 and me and my husband can't make him do so. He stayed.

10 Q Okay. And the apartment that he said he got
11 assaulted in, is that the apartment he was staying in?

12 A The apartment he was staying in. He couldn't go in
13 the house and get none of his clothes because all of them
14 was still in there. And I seen some of them, about 13, 15
15 more was in the house. About 20 more was outside. I'm
16 like, "Why are all these people out here for."

17 He said, "Half of them out here jumped on me with
18 Marcus Grant."

19 And I said, "Huh?" And I asked him personal where
20 Marcus was.

21 He said, "He in the apartment."

22 I said, "Oh, they still here?"

23 And he said, "Yes. They still here."

24 So they was talking to somebody else on the other
25 side which is Shykorie, his son, I guess, trying to

1 through Dave all like, you know, there was a -- I don't
2 know what (indiscernible) said with Shykorie and David,
3 but as me looking at him, he looking at Jarvis and Jarvis
4 telling me he the one that took his machete, which is his
5 son. So ---

6 Q So he said Shykorie took the machete?

7 A The machete.

8 Q Did you see any ---

9 A Bruises? Yes. He had bruises all along his face.
10 He had a (indiscernible), a little black eye like up on
11 his eye. And he had a little (indiscernible) he was
12 showing me on the side of his cheek from where they thump
13 him. I guess they were kicking him in his face when he
14 was down on the bed or whatever.

15 Q You and David left after some time?

16 A Yeah. We left. When we left, we ain't really get
17 past McDonald's. I looked at Dave. I said, "I seen a
18 police car coming up the road," (indiscernible). I said,
19 "Turn around. Something going to happen."

20 So we turn around. We get there. Jarvis laying on
21 the side of the road bleeding out the mouth, out the body
22 parts. We know he's going to die. I looked at Dave. I
23 said, "He ain't going to make it."

24 He had several bullet wounds on him for there's a
25 fight. They called him a snitch. There's a lot of

1 snitches in the world. Some still here, but not Jarvis.

2 Q Did Jarvis say the same thing to y'all when he's
3 laying on the road?

4 A He couldn't say nothing. He was in pain. He was
5 moaning and groaning. He was in so much pain.

6 MR. BLOUIN: Your Honor, we object to this line of
7 questioning based on prior rulings.

8 THE COURT: Okay.

9 MR. STUMBO: I'm about done.

10 THE COURT: Yeah. Okay. Stay within the -- yeah.

11 BY MR. STUMBO:

12 Q After that point, did you ever talk to Jarvis again?

13 A No. When we left and came back, he -- we didn't get
14 to talk to him. Like I said, he was on the ground.
15 Couldn't respond.

16 Q And he passed away?

17 A He passed away.

18 MR. STUMBO: Beg the Court's indulgence.

19 THE COURT: Okay.

20 MR. STUMBO: Thank you, Debra. Please answer any
21 questions Mr. Blouin has for you.

22 CROSS EXAMINATION

23 BY MR. BLOUIN:

24 Q So the night originally your husband got a phone
25 call, said that -- he said -- do you remember doing an

1 interview on the early morning hours of the night that
2 this happened with law enforcement?

3 A Yeah.

4 Q All right. And during that interview do you remember
5 telling them that once your husband received the phone
6 call, that you'd gone to check on Jarvis, that some boy
7 done jumped him?

8 A Yeah.

9 Q All right. At that point you also -- that is when
10 y'all drove, I guess, to the apartment, to Spring Street,
11 that area.

12 A Yes. When we got the call.

13 Q During your statement you never mentioned the fact
14 that your husband had given Jarvis a gun at all?

15 A No.

16 Q All right. Did you know -- you didn't know any of
17 the individuals at the apartment? I think you stated in
18 your statement that you didn't know anybody.

19 A I didn't know nobody, not even about the one that
20 Jarvis did give me. They're the ones I knew.

21 Q Okay. And you said there were about 20 people
22 outside?

23 A Yeah. There was a whole bunch of them.

24 Q And about 15 or so people in the apartment?

25 A Oh, I'm looking with my bare eyes. I seen ---

1 Q So about 35 people just all milling around?

2 A Yeah. Uh-huh.

3 Q All right. So Jarvis came out of Nikki's apartment
4 eventually.

5 A Yes.

6 Q So how long were y'all sitting there before Jarvis
7 came out?

8 A Probably about ten, 15 minutes, less.

9 Q Were you calling him at the time?

10 A No.

11 Q Just sitting there waiting?

12 A He just came out the apartment.

13 Q Okay. And just walked straight up to the car and
14 started talking, I guess, to you?

15 A Telling -- telling me what happened.

16 Q All right. And he was clear and cognizant about how
17 -- about everything that happened?

18 A Yes.

19 Q Okay. And that time, you know, you had to tell your
20 husband, I guess, to quit dapping up on people and talking
21 to other people, go talk to Jarvis ---

22 A Yes.

23 Q --- because he was talking to people all around that
24 were hanging out?

25 A Yeah. Because everybody was trying to tell this and

1 tell that.

2 Q All right. You then said that half the boys in the
3 apartment were jumping on him, or that Jarvis said half of
4 them ---

5 A He said half of the boys inside the apartment, still
6 inside in the apartment, they all jumped on him.

7 Q Okay. So anywhere from six to ---

8 A He said about seven or eight of them jumped on him.
9 He said the only thing he know, he's going to be about to
10 sleep and they came in his room and rush him.

11 Q Okay. And the ones that you identify, I guess, in
12 your statement were my client and then Cheese?

13 A Uh-huh.

14 Q And didn't know any of the other people?

15 A And Shykorie, the other guy, which is his son.

16 Q But you didn't mention Shykorie in your statement.

17 A But I didn't mention in my statement, but I -- it was
18 him. I remember he came up to David and said this and
19 that, hey aunt, this and that, like he wasn't involved.
20 But Jarvis said he the one that took his machete.

21 Q Okay. And did you mention that he's the one that
22 took the machete in your statement?

23 A He's the -- his son took the machete.

24 Q Okay. Are you aware that Shykorie Grant's not my
25 client's ---

1 A I don't care whose son he is. But all I know, I was
2 told it was his son. That's what they would call him.

3 Q But let me ask you, you didn't mention this in your
4 initial interview with law enforcement or in your
5 statement about the machete.

6 A No.

7 Q Okay. Like -- you know, when you finished your
8 interview, you were given a piece of paper by
9 investigators. You then fill out your statement at a
10 later time?

11 A Somewhat like that, yeah.

12 Q Okay. But none of that was mentioned in that
13 statement or in the statement you made directly after the
14 incident.

15 A No. I know what -- I know what Jarvis said. They
16 took his machete. Shykorie took his machete while they
17 were jumping on him.

18 Q You also said that he told you that he caught him in
19 the face with a boot?

20 A He got kicked in the face, stomped in the face.

21 Q With a boot?

22 A Whatever shoe he had on.

23 Q But I believe you actually said, "Boy caught him in
24 the face with a boot."

25 A Boy caught him in the face with a boot. No. He said

1 a boy stomped him in the face.

2 Q And I guess what I'm getting at is with the boot.

3 A I don't know what his shoes at. I just know he said
4 he got stomped in the face. They was stomping and kicking
5 him all in the face and punching on him and beating on
6 him.

7 MR. BLOUIN: Beg the Court's indulgence for one
8 moment.

9 THE COURT: Sure.

10 BY MR. BLOUIN:

11 Q Now, you stated -- just a couple more questions. You
12 stated that Marcus Grant was still there when you got
13 there?

14 A It was a whole lot of guys in the apartment. I seen
15 a couple guys standing in the kitchen like while I was
16 standing outside looking in the apartment. They had the
17 front room light up which you can see people in and out
18 the back door, coming in from the back door, coming into
19 the -- out the front door.

20 Q Okay.

21 A But as directly seeing him, I did not directly see
22 him. Jarvis said he was still in there.

23 Q Okay. And you know Marcus?

24 A Well, I just told you the first time. I don't know
25 him personally.

1 Q Okay. Don't know him personally. Okay.

2 And so -- all right. So you didn't see Marcus?

3 A Jarvis said he was still in there.

4 MR. BLOUIN: All right. No further questions.

5 THE COURT: Anything on redirect?

6 MR. STUMBO: Just a couple, Judge.

7 REDIRECT EXAMINATION

8 BY MR. STUMBO:

9 Q Debra, the defense attorney asked you if Jarvis was
10 clearheaded. I think you said yes. Just to clarify what
11 you mean by that, earlier you said he was really shook up
12 when he talked to you?

13 A He was shook up. He was standing on the sidewalk
14 shooked [sic] up and he said, "Auntie, I'm scared. They
15 all jumped me." And ---

16 Q Okay. And so by clearheaded, he was able to
17 communicate.

18 A Yes. He was communicating, but he was scared.

19 Q I believe Mr. Blouin asked about your statement. You
20 did talk about Jarvis talking about being stomped.

21 A Uh-huh, yes. He had bruises on his face. I seen it.
22 I ain't had my cell phone with me. I wish I had took
23 pictures. But him calling David saying he got jumped, we
24 just rushed out the house, left our cell phones at home.
25 So if I had my cell phone, I would have record everything.

1 But I didn't.

2 Q So he said "stomped in the face by a boy." So that
3 could have been any of them in that room, right ---

4 A Yeah.

5 Q --- is what he meant by that?

6 A Yeah. He said he got stomped in the face by them,
7 Marcus Grant and other people that jumped on him.

8 MR. STUMBO: Okay. No further questions.

9 THE COURT: Okay. You can step down.

10 Can she be released subject -- she here in this ---

11 MR. STUMBO: She'll probably be here with David.

12 THE COURT: Okay.

13 MR. THOMAS: Your Honor, our next witness is going to
14 be Jaquetrice Putman.

15 THE COURT: Okay.

16 MR. THOMAS: And I don't know if ---

17 THE COURT: Is he here?

18 MR. THOMAS: She's here. She's right outside the
19 door out there.

20 THE COURT: You think we might need to go through ---

21 MR. THOMAS: I think Mr. -- I think we probably need
22 to go through that.

23 MR. BLOUIN: Just briefly.

24 THE COURT: All right. Ladies and gentlemen, I need
25 to send you out for a few minutes.

1 By the way, I didn't ask because I used to smoke.
2 Any of y'all smoke and are going crazy stuck back in that
3 room? If anybody looks like they've got fear --
4 Mr. Foreman, if anybody looks like they're dangerous, just
5 let me know and we'll let them smoke. We're going to do
6 the same thing.

7 Is that what you want?

8 MR. BLOUIN: Yeah. Just briefly.

9 MR. THOMAS: He does.

10 (WHEREUPON, the jury exits the courtroom at 11:00 AM;
11 pause in proceedings.)

12 MR. BLOUIN: Judge, what we'll do is -- talked to
13 Mr. Thomas. We'll just do the two quick proffers like
14 back to back. That way we don't have to keep sending them
15 in and out.

16 THE COURT: Okay.

17 MR. THOMAS: The State calls Jaquetrice Putman.

18 THE COURT: How are you, ma'am?

19 THE WITNESS: Fine.

20 THE CLERK: Please raise your right hand.

21 WHEREUPON,

22 JAQUETRICE PUTMAN

23 After having been duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 THE COURT: Would you give us your full name for the

1 record and spell your last name?

2 THE WITNESS: Jaquetrice Putman, and my last --
3 P-U-T-M-A-N.

4 MR. THOMAS: I'll be brief real quick.

5 DIRECT EXAMINATION

6 BY MR. THOMAS:

7 Q You were Jarvis's girlfriend at the time?

8 A Yes.

9 Q Y'all had been dating for a little while?

10 A Yes.

11 Q For the purposes of this, I know you've testified
12 before and we're going to go into a little bit more detail
13 later when the jury's here, but just for this, I just want
14 to cut straight to when you went to the apartment a couple
15 days after Jarvis was killed. Do you remember going over
16 there?

17 A Yes.

18 Q Was there anybody else there while you were there?

19 A Yes.

20 Q Who was that?

21 A Shykorie.

22 Q That's Shykorie Grant?

23 A Yes.

24 Q While he was there, did he tell you what had happened
25 to Marcus -- or to Jarvis?

1 A He said a little something, but he didn't go all into
2 it.

3 MR. BLOUIN: Can you speak up a little bit? I can't
4 hear you. I'm sorry.

5 THE COURT: Yeah. Me either.

6 MR. STUMBO: She can pull it a little bit closer.

7 MR. THOMAS: I don't -- the microphones don't work.
8 It's an IT thing.

9 THE COURT: The microphone's not working?

10 MR. STUMBO: (Indiscernible.)

11 MR. THOMAS: The court reporter is getting it all,
12 but these -- this crap.

13 THE COURT: If you could, speak up. It's really hard
14 to hear. It doesn't have --

15 THE WITNESS: Oh, okay. Okay. I understand.

16 BY MR. THOMAS:

17 Q What did Shykorie tell you happened to Jarvis?

18 A The only thing he said was that he had got jumped.

19 Q Did he tell you that he was part of that jumping?

20 A No.

21 Q Shykorie didn't tell you that?

22 A No.

23 Q Okay. Well, let me ask you this. Did Shykorie tell
24 you he was in the room when the jumping happened?

25 A I was aware. I'm assuming he was because he said

1 when Jarvis tried to reach for his machete, but they had
2 pulled a gun out on him.

3 Q Okay.

4 THE COURT: Did you say that you assume he was there?

5 THE WITNESS: Yeah. Because that's what he had told
6 me.

7 BY MR. THOMAS:

8 Q So what I'm asking you is Shykorie -- let me -- let
9 me start back over. Let me back up a second. Did
10 Shykorie give you anything while you were there that day?

11 A Well, no. One guy he -- yes. He gave me the
12 machete.

13 Q Okay. Shykorie gave you ---

14 A The machete.

15 Q --- Jarvis's machete?

16 A Yes.

17 Q And you recognize it. It's somewhere in the
18 courtroom. If I showed it to you again, you'll recognize
19 it.

20 A Yes, yes.

21 Q Okay. How did Shykorie tell you he got the machete?

22 A He didn't never say.

23 Q Okay. He never said how he got the machete?

24 A No.

25 Q Okay. So Shykorie -- your testimony today is

1 Shykorie didn't tell you that he took the machete from
2 Jarvis when they were beating him up?

3 A I just said that. Yes.

4 THE COURT: I'm sorry. What did she say?

5 MR. THOMAS: I'm not ---

6 BY MR. THOMAS:

7 Q Repeat that answer. I'm sorry.

8 A I just said yes.

9 Q That was probably a bad question on my part.

10 Did Shykorie tell you -- I'm not trying to trip you
11 up. I'm sorry. I know we talked earlier.

12 MR. BLOUIN: Your Honor, I just ask him not to ask
13 leading questions here.

14 MR. THOMAS: It's a preliminary question of fact.

15 THE COURT: I'll allow you to lead a little bit.
16 Y'all just -- yeah. It's hard to hear.

17 BY MR. THOMAS:

18 Q So did Shykorie tell you that he took the machete
19 from Jarvis while they were beating him up?

20 A Yes.

21 Q Okay. That was my question.

22 And then he gave you the machete.

23 A Yes.

24 MR. THOMAS: I think that's all I've got for the
25 proffer, Your Honor.

1 THE COURT: Okay. Anything from defense?

2 MR. BLOUIN: Just quickly.

3 CROSS EXAMINATION

4 BY MR. BLOUIN:

5 Q This -- Ms. Putman, this -- this interaction happened
6 in Shameia's apartment.

7 A Yes.

8 Q All right. And you got there -- when you got to the
9 apartment to collect the clothes, Shykorie was already
10 there.

11 A Yes. He got me in.

12 Q All right. Do you remember testifying about this
13 previously about a year ago?

14 A No.

15 Q You don't remember back in April in a big court
16 hearing and having to testify about all this stuff?

17 A How could I remember?

18 Q Okay.

19 THE COURT: Is that no?

20 THE WITNESS: No.

21 THE COURT: You do remember?

22 THE WITNESS: Hold on. A year ago?

23 THE COURT: Pardon?

24 THE WITNESS: Oh, yes. On the -- when I came here
25 for the Blakely case.

1 BY MR. BLOUIN:

2 Q And do you remember testifying -- I'm going to read
3 back what you said back then, okay? You were asked were
4 you familiar with Mr. Byrd's machete, which you said yes.

5 A Uh-huh.

6 Q And Mr. Grant gave you the machete.

7 Yes. Because I didn't know what it was.

8 Question: You asked him for it and he gave it to
9 you?

10 Yes.

11 Shykorie -- question: Shykorie Grant gave you the
12 machete?

13 Yes.

14 Question: And did he tell you how he came to possess
15 the machete?

16 And you answered: No. I didn't ask.

17 A No. I don't remember saying (indiscernible).

18 Q Speak up. I'm sorry. I can't hear.

19 A I don't remember saying anything like that.

20 Q Okay. But if I told you that's what you testified to
21 previously ---

22 A But I don't remember saying nothing like that.

23 Q And you testified just a second ago that you said
24 that Shykorie wasn't involved with the other stuff, with
25 the -- with the beating up of Mr. Byrd when you first

1 started testifying.

2 A I just said I don't know if he was all in on the
3 beating. Obviously, he had to be in the room for to tell
4 me how it went down.

5 Q Okay. So he just told you how it went down, but he
6 didn't put himself as one of the beaters.

7 A No.

8 Q Okay. So he never said "I did this"?

9 A No.

10 THE COURT: This is Shykorie, right?

11 MR. BLOUIN: This is Shykorie.

12 No further questions.

13 THE COURT: Okay.

14 REDIRECT EXAMINATION

15 BY MR. THOMAS:

16 Q He didn't say specifically that he was there, but he
17 did -- I just want to be clear. I'm not trying to trip
18 you up. He did say that he took the machete from Jarvis.

19 A Yes.

20 Q And you're clear about that?

21 A Yes. Very.

22 MR. THOMAS: No questions after that, Your Honor.

23 THE COURT: All right. And I assume there's going to
24 be an objection.

25 MR. BLOUIN: There's going to be a hearsay objection.

1 I know they're trying to get this witness in under a
2 statement against interest. She testified that he didn't
3 tell her specifically he was involved, so I don't believe
4 a statement against interest exists. And there would be a
5 confrontation clause problem as well as a hearsay problem.

6 MR. THOMAS: I think, based on that redirect, he did
7 tell her he took the machete from him. That is a
8 statement against interest, that I took something from
9 someone making the context of the rest of it if it
10 qualifies.

11 THE COURT: So you wouldn't want to just ask her -- I
12 mean, I don't think anything else comes in, to be honest
13 with you.

14 MR. THOMAS: And I think at the very least the fact
15 that he gave her the machete comes in. That's not
16 hearsay, the fact that he hands the machete over to her.

17 THE COURT: So you would call her and ask her?
18 Because she is basically -- everything else is hearsay.
19 In fact, she's assuming that he's there only because he
20 knew what happened there. So you would ask her what? I
21 just want to make sure.

22 MR. THOMAS: I'm going to show her the machete. The
23 machete's over here. The clerk has it since it was an
24 exhibit in the prior trial. I'm going to have her ID the
25 machete, enter that into evidence, ask her where she got

1 that machete, which her answer would be I got it from
2 Shykorie Grant. That's not hearsay because it's just an
3 action. And then I would ask her did he tell you how he
4 got it? And based on what I just asked her, I think her
5 answer would be he said he took it from Mark -- from
6 Jarvis.

7 THE COURT: Is that what he said? Did he say "I took
8 it from Jarvis"?

9 THE WITNESS: Yes.

10 MR. THOMAS: I think that's all I've got. I think
11 the rest of it is hearsay.

12 THE COURT: I'm going to allow those two questions.

13 MR. BLOUIN: Absolutely.

14 THE COURT: I understand -- but those are the only
15 two. Everything else because -- everything else is based
16 on her assumption based on the conversation. So ---

17 MR. THOMAS: Yeah. And just -- Your Honor, her
18 testimony has been kind of all over the place four times.

19 THE COURT: I understand. No. I ---

20 MR. THOMAS: We've narrowed it down to that specific
21 thing I think we've got.

22 THE COURT: Well, we'll see.

23 Okay. All right. Will she be the next witness?

24 MR. THOMAS: Yes. So she can go sit back out front.

25 THE COURT: You can go sit out front and we'll call

1 you in.

2 Does anybody need to use the restroom or anything
3 right now? Because I'm going to try to push till 1:00.
4 Okay. I do. I'll be right back.

5 (WHEREUPON, a recess is taken at 11:11 AM.)

6 THE COURT: All right. I've signed the order
7 transferring custody of the machete. It just needs to
8 know what exhibit. I don't know what ---

9 MR. THOMAS: We'll have to get Madame Court Reporter
10 during the -- before I put Ms. Putman up, I'll get it
11 marked.

12 THE COURT: No sweat.

13 MR. THOMAS: I think we're good on -- we're ready for
14 the next proffer.

15 THE COURT: Yeah. Oh, yeah.

16 MR. THOMAS: The State calls Markeem Brown.

17 THE COURT: If you would stand there. She's going to
18 put you under oath.

19 THE CLERK: Please raise your right hand.

20 (WHEREUPON, MARKEEM BROWN is duly sworn.)

21 THE CLERK: Thank you.

22 THE COURT: If you would, when you get down there,
23 really speak up. You've seen how hard it is to hear.

24 MR. BLOUIN: I'm going to move that over to the side.

25 THE COURT: Yeah. That's fine.

1 MR. THOMAS: Maybe put it right over in front there
2 or something.

3 MR. BLOUIN: Absolutely.

4 THE COURT: We have a juror who just realized that
5 she's friends with somebody in the victim's advocate's
6 office, Joy. Is Joy here?

7 MR. STUMBO: She is.

8 THE COURT: Her name is Courtney Suber. Does that
9 ring a bell to you?

10 MR. STUMBO: Yeah. We did mention during
11 qualifications, Joy. I don't think she was in the
12 courtroom when we did voir dire, but I said Joy Lindsay,
13 and I guess she just wasn't listening.

14 THE COURT: Are you all okay if I go back and speak
15 to her off the record and then I'll -- I mean, I don't
16 mind bringing her in here. I just hate to embarrass her.

17 MR. THOMAS: That's fine. I think so. Just relate
18 to us ---

19 THE COURT: I'll just ask her if she's got -- I'll
20 ask her the same question, can she -- I wish I can do it
21 on the record, but ---

22 MR. STUMBO: Well, Judge, I think we trust your
23 judgment if you go back and ask her if she can be fair and
24 impartial, whatever she says.

25 THE COURT: I'll ask her the same question I would

1 ask her before.

2 MR. STUMBO: Right. Yes.

3 THE COURT: Okay. I'll be right back.

4 (Pause in proceedings.)

5 THE COURT: Okay. I asked her. She's a very nice
6 lady and she did recognize the name. I asked her if her
7 relationship would create an issue for her. She thinks
8 that it might. She said (indiscernible), but I don't
9 think anybody in the jury knows it so I told her I was
10 going to release her.

11 And who would be next?

12 THE CLERK: Juror Number 125 was the first alternate.

13 THE COURT: Okay. Ms. Suber's a very attractive
14 African-American. I'm going to let her go. Okay.

15 MR. THOMAS: Is she the taller one?

16 THE COURT: Pretty tall.

17 MR. BLOUIN: The one that sits in the back.

18 THE COURT: Very nice lady. We figured it out that
19 (indiscernible).

20 I'm going to make that a court's exhibit.

21 And I appreciate y'all trusting me to do that. I
22 don't know how else we would do it. I guess after
23 22 years, if I was just going to start wholesale lie, it
24 would be on something better than that. Notice I said
25 "wholesale lie."

1 So I'm sorry. What was the name of the next
2 person?

3 MR. THOMAS: This is Mr. Brown, Markeem Brown.

4 THE COURT: Markeem Brown?

5 MR. THOMAS: Yes, sir, Your Honor. And I think --
6 did we swear him in? He's sworn in?

7 THE COURT: He's sworn in.

8 WHEREUPON,

9 MARKEEM BROWN

10 After having been previously duly sworn, testified as
11 follows:

12 DIRECT EXAMINATION

13 BY MR. THOMAS:

14 Q All right. Mr. Brown, I know you don't want to be
15 here, so I'll cut straight to it. Skipping to what we're
16 here for for this, I know this is like the third time
17 you've been up here. Bear with me.

18 You lived across the street from Jarvis.

19 A I don't know.

20 Q You don't know. You don't know where you lived?

21 A I don't.

22 THE COURT: You've got to really speak up.

23 THE WITNESS: I don't know where he lived or I don't
24 know nothing, man. I've just -- I've got to go to work.
25 I don't even know this dude.

1 BY MR. THOMAS:

2 Q Okay.

3 A Y'all just came to my house for no reason. I don't
4 know this dude.

5 Q Do you know Jarvis Byrd? Did you know him?

6 A Yes. I knew him. Everybody knew him. A lot of
7 people knew him.

8 Q He was your cousin?

9 A Of course.

10 Q Okay. And on the night he was killed, earlier that
11 night Shykorie Grant came to your apartment.

12 A I don't know. I don't know.

13 Q You don't know if Shykorie Grant came to your
14 apartment?

15 A Nope.

16 Q Do you remember testifying in this case previously or
17 in a previous case?

18 A Yeah. Y'all kept harassing me.

19 Q We kept harassing you. Okay. Did we harass you and
20 tell you to lie?

21 A No. You harassed me to be here so I won't go to
22 jail.

23 Q Okay. Fair enough. We subpoenaed you to be here,
24 threatened you with a bench warrant if you didn't come.

25 A Yes, you did.

1 Q That was last time.

2 A And this time, too.

3 Q This time, too.

4 A Yeah. I have the message.

5 Q But you testified in that previous trial. You
6 remember testifying?

7 A I don't know. I smoke a lot of weed. I don't know.
8 I really don't, just to be honest.

9 Q So if I told you you testified you spoke to Shykorie
10 Grant the night this whole thing happened, do you remember
11 that?

12 A I don't recall.

13 Q Do you recall I asked, "What did he tell you?" and
14 you said that Jarvis got jumped? Do you recall that?

15 A This is years ago, bro. I don't know. I don't even
16 know what I did four years ago for my birthday.

17 Q And I asked you, "Did he tell you he was involved in
18 the jumping?" and you answered, "He said he locked the
19 door." Do you remember that?

20 A I don't, bro. I don't. I don't.

21 I've got 30 minutes to get to work.

22 Q And Shykorie told you that they beat up Jarvis, and
23 you said "uh-huh," indicating yes. Do you remember making
24 that statement at trial?

25 A I don't.

1 Whatever you pull up, I don't recall. It don't
2 matter.

3 Q I've got to go through it with you. You can give me
4 the same answer every time, but I've just got to walk
5 through every one of them with you.

6 A That's what we're going to do.

7 Q Shykorie Grant came to your apartment. I asked,
8 "What did Shykorie Grant say when he got to your
9 apartment?" You answered that your cousin got jumped. Do
10 you remember that?

11 A I don't.

12 Q Okay. And I asked you, "Did he name who
13 participated?"

14 You said, "Yes."

15 A I don't.

16 Q And I said, "Including himself."

17 And you said, "Yes, sir." Do you remember that?

18 A Hu-uh. I don't.

19 Q Okay.

20 A Don't recall whole nothing you're asking me, bro.

21 Q I told you I've got to go through it. I've got to go
22 through the motions.

23 All right. One last question. You gave a statement
24 to law enforcement in this case. Do you remember talking
25 to them back in 2021 in February?

1 A I talked to the law all the time. What else are you
2 supposed to do?

3 Q All right. And you told them at that time that
4 Shykorie Grant told you he locked the door while Swann and
5 Cheese had guns to Jarvis's head.

6 A I don't.

7 Q You don't recall.

8 A I don't recall none of this.

9 Q I have no more question.

10 Let me ask you this. Do you deny making those
11 statements?

12 A I don't know none of this, bro. It's like two,
13 three, four, five years ago. It's 11:27. I've got to go
14 to work. Making me miss my money.

15 MR. THOMAS: That's all I -- I have no more
16 questions.

17 THE COURT: All right. Any questions from the
18 defense?

19 MR. BLOUIN: Just be quick.

20 CROSS EXAMINATION

21 BY MR. BLOUIN:

22 Q Mr. Brown, so what you're saying is you tell
23 people ---

24 A I don't even know the dude, all right? That's what
25 I'm saying. I don't know ---

1 THE COURT: Wait a minute. Let him answer the
2 question.

3 MR. BLOUIN: And that's fine.

4 THE COURT: Hold on, hold on. Let him ask the
5 question and then you can answer.

6 BY MR. BLOUIN:

7 Q You don't know Mr. Grant?

8 A I don't know that dude.

9 Q And when you talk to law enforcement and stuff, do
10 you tell them what you want them to hear to get things
11 done quick?

12 A What you mean? Tell them what? I didn't tell them
13 shit. I mean, excuse my language. Sorry about that. But
14 I didn't tell them -- I don't know.

15 Do you know me, bro?

16 Q He can't -- he can't answer.

17 A All right, dude. That's the answer.

18 Q Do you know Shykorie?

19 A Anybody know them. I stayed in the project. It's
20 the ghetto.

21 Q Okay. Were you friends with him?

22 A No.

23 Q All right.

24 A Played basketball.

25 MR. BLOUIN: No further questions, Your Honor.

1 THE COURT: All right.

2 MR. THOMAS: We'll let him get out. We'll argue it.
3 We'll let him sit out front.

4 THE COURT: Yep. Still got a subpoena?

5 MR. THOMAS: He's still under subpoena.

6 THE COURT: Okay.

7 MR. THOMAS: We may recall him in a minute. We'll
8 see.

9 THE COURT: On our break remind me to tell y'all
10 something just attendant to that.

11 Okay.

12 MR. BLOUIN: You know, Your Honor, we have both a
13 confrontation and a hearsay exception to a statement
14 against interest. He clearly is not testifying. I know
15 he was read back what was allegedly his prior statements,
16 but, you know, he says he doesn't remember anything. And,
17 you know, he says he didn't know -- you know, he knows who
18 Shykorie is, but they're not friends. Under the
19 confrontation clause, we think that that would be kind of
20 testimonial since he is related, and therefore he is
21 telling him allegedly what happened with prior testimony
22 in order for him, I guess, to do something about it since
23 he just testified they weren't friends.

24 THE COURT: Are y'all going to call him? I mean --

25 MR. THOMAS: Well, I mean, it depends kind of what

1 you're about to say after you hear me. I think I know. I
2 think I am going to call him just to ---

3 MR. BLOUIN: And we think ---

4 MR. THOMAS: He's got some background information,
5 you know. It's his cousin.

6 THE COURT: Not much. He says he doesn't know
7 anything, doesn't remember anything.

8 MR. THOMAS: So I can impeach him on that stuff
9 without the hearsay stuff coming in. I can put that up
10 and impeach him.

11 THE COURT: What are you going to ask him? I mean,
12 that's -- so we can cut to the chase.

13 MR. THOMAS: Probably would ask him, you know, if he
14 knew Jarvis, if he lived across the street from Jarvis.

15 THE COURT: He ain't going to be the happiest
16 witness, so ---

17 MR. THOMAS: Might ask him if he knows Mr. Grant.

18 THE COURT: I expect I know the answer. I'll let him
19 testify to those two questions.

20 MR. BLOUIN: That's fine, Your Honor.

21 THE COURT: Nothing -- I mean, you know.

22 MR. THOMAS: We can put Ms. Putman up and make a
23 game-time decision with Mr. Brown.

24 THE COURT: Okay. All right. Who do you want to
25 call next?

1 MR. THOMAS: I think that's all we need for proffer.

2 MR. BLOUIN: Those are all my proffers today.

3 THE COURT: All right. Good deal.

4 So who do you want to bring in for the next witness?

5 You've got somebody that can take us till 1:00?

6 MR. THOMAS: We can put Ms. Putman up would be our

7 next witness. And then ---

8 THE COURT: Okay.

9 MR. THOMAS: I don't know how long that will take,
10 but we can get Walter Bentley up probably.

11 THE COURT: All right.

12 MR. BLOUIN: And we'd argue Walter Bentley at the
13 time. But that's fine.

14 THE COURT: All right. Let's bring them in. They're
15 getting antsy, so you can bring them and we'll see them
16 and get as far as we can.

17 THE BAILIFF: You're ready for the jury?

18 THE COURT: Yep. We're ready for the jury.

19 MR. THOMAS: Well, Judge, can we ---

20 THE COURT: I'm sorry. What?

21 MR. THOMAS: One more point on that. I think I
22 didn't get it. I think -- so technically, we've got the
23 hearsay within hearsay issue, but he does have prior sworn
24 testimony. So that's -- if he denies making that
25 statement, that can come in as a prior inconsistent

1 statement under 801(d)(1) because that's not hearsay.
2 It's a prior inconsistent statement.

3 And then theoretically, under Rule 613(b), that would
4 be admissible as extrinsic evidence if he admits -- if he
5 refuses to admit he made the statement, which I think in
6 that he did refuse to make it -- he refused to admit it.

7 MR. BLOUIN: He didn't refuse. He said he didn't
8 remember.

9 MR. THOMAS: I think that's the same thing. That's
10 the same thing in case law.

11 THE COURT: Well, if he says "I don't remember,"
12 that's different than "I didn't." I think you have to see
13 what he says.

14 MR. THOMAS: But I think the prior inconsistent --
15 even if -- even if I don't enter the transcript as an
16 extrinsic exhibit, I think I can still question him didn't
17 you say in a prior sworn testimony, and we don't have to
18 say what trial or anything, but prior sworn testimony.

19 THE COURT: And if he says "I don't remember" ---

20 MR. THOMAS: I mean, I just impeached him with it. I
21 mean, it doesn't -- it's not substantive evidence, I
22 guess. I guess it is. It is. Because it's under ---

23 THE COURT: Yeah.

24 MR. THOMAS: Under 801 it is. Under 801 it is
25 substantive.

1 THE COURT: It's probably better not to go there.

2 That's -- that's the kind of error that ---

3 MR. THOMAS: If that's your ruling, I'll abide by it.

4 THE COURT: Uh-oh. Another . . .

5 (Pause in proceedings.)

6 THE COURT: The jury says they can't hear anything,
7 that they can't hear anything being said here.

8 There's no speaker system here at all?

9 THE CLERK: (Indiscernible.)

10 THE COURT: The foreman, tell him we're working on
11 it. I'm sorry. I mean -- so we'll -- let's get the sound
12 issue. I understand what -- I'm just trying to keep it as
13 clean as possible.

14 MR. THOMAS: Yeah, yeah. I mean, if -- are we off
15 the record?

16 THE COURT: Yeah.

17 (Pause in proceedings.)

18 MR. THOMAS: And we're back on the record.

19 Your Honor, our next witness, just for convenience
20 sake, would be Investigator Walter Bentley. He worked at
21 the Laurens Police Department back in 2009 or '10 when
22 Mr. Byrd was a confidential informant against Mr. Grant.
23 I provided Your Honor previously a copy of his transcript
24 from the last trial. Very brief, just background
25 information as to the fact that Byrd was a CI and Grant

1 was the target and Byrd was a participant and was coming
2 to court to testify against him.

3 MR. BLOUIN: Your Honor, we just think under 403 it's
4 needless presentation of cumulative evidence. They're
5 going to put in Mr. Grant's statement in which he is going
6 to admit for a prior ruling that he was a snitch. There's
7 no reason that, you know, Walter could come in. He wasn't
8 the lead case agent on that time, even though I guess he
9 was head of that division.

10 The jury's already going to hear that he beat up a
11 snitch from my client's own mouth anyway. So, you know,
12 ultimately, we think this is, A, not relevant and
13 needlessly cumulative.

14 THE COURT: Okay. And I think those are good
15 arguments. I'll overrule them so we can go ahead and just
16 get this going. I don't think it's going to be ---

17 MR. THOMAS: And our position, obviously, would be
18 it's short enough that ---

19 THE COURT: Sure.

20 MR. THOMAS: And obviously, we're going to argue that
21 most of what Mr. Brown -- Mr. Grant says in his statement
22 is not truthful. So just adding a little credibility.

23 THE COURT: Okay. Yeah. I'll -- I'll allow it.

24 We've got to get it moving, otherwise, we're going to
25 -- what time do you need to leave today? No joke.

1 MR. BLOUIN: No joke, probably 4:45, 4:30.

2 THE COURT: Is it ballet?

3 MR. BLOUIN: It's strings and third grade
4 presentation.

5 THE COURT: Yeah. It's just bringing back horrible
6 memories because as a child my father was an All-American
7 football player, and if I wanted to play football and box,
8 which I did, my mother made me take ballet for 12 years.
9 So if it was going to be ballet and it was your son, I
10 would just tell you that I'm still suffering under
11 12 years of ballet. Although, I was the only boy in the
12 class which, you know, as I got older, it got better.

13 Okay. You can call them on in.

14 MR. STUMBO: My mom gave me the choice between ballet
15 or piano.

16 THE COURT: Oh, I understand piano.

17 MR. STUMBO: I chose piano and I'm glad because it
18 helped me with guitar and music later anyway. Glad I
19 didn't have to ---

20 THE COURT: Well, at the end I liked it, but I made
21 the all-star team. This is off the record, I hope.

22 (Pause in proceedings; the jury entered the courtroom at
23 11:42 AM.)

24 THE COURT: Mr. Foreman, you did that exactly right.
25 Before you sit down, I'll tell you, we are going to take a

1 witness out of turn. During lunch they're going to come
2 work on these -- y'all can't see -- work on these
3 microphones. The microphones don't work. There's a
4 reason for it. I'll explain that. But I couldn't hear
5 either. So we're going to call another witness. But
6 thank you. And that's exactly the way you communicate
7 with me.

8 All right. You can call your next witness.

9 MR. THOMAS: Your Honor, the State calls Walter
10 Bentley.

11 WHEREUPON,

12 WALTER BENTLEY

13 After having been duly sworn, testified as follows:

14 THE CLERK: Thank you. You may have a seat.

15 DIRECT EXAMINATION

16 BY MR. THOMAS:

17 Q Investigator Bailey, where do you work?

18 A I currently work for the Eighth Circuit Public
19 Defender's Office.

20 Q And before that where did you work?

21 A I worked for the solicitor's office from 2010 to --
22 I'm sorry. From -- I worked there until 2013, and prior
23 to that I worked for the Laurens Police Department from
24 2000 to 2013.

25 Q So back in 2009, 2010, you worked for the Laurens

1 Police Department?

2 A That's correct.

3 Q And what was your job there?

4 A I was an investigator for the Laurens Police
5 Department.

6 Q And did you sort of work your way up to a supervisory
7 role?

8 A Yes, sir.

9 Q Were you involved back in 2009, 2010 with a case
10 involving Jarvis Byrd?

11 A I was.

12 Q What was Mr. Byrd's -- what did he do for you?

13 A He was a confidential informant for the Laurens
14 Police Department which basically meant he purchased
15 narcotics in a controlled atmosphere for the department.

16 Q Did he act as an informant for a case against Marcus
17 Grant?

18 A He did.

19 Q And you're familiar with Mr. Grant.

20 A Yes, sir.

21 Q He's in this courtroom?

22 A Yes, sir.

23 Q And was Mr. Grant prosecuted for those confidential
24 informant buys that Mr. Byrd did?

25 A He was.

1 Q And was Mr. Byrd cooperative in that prosecution?

2 A He was cooperative.

3 Q Was he planning on coming to court to testify?

4 A He was, yes.

5 Q And he had actually, I think, signed -- we talked
6 about this last time. He had signed like the cooperation
7 agreement that ended up getting turned over to defense.
8 That was part of discovery in that case?

9 A That's correct.

10 MR. THOMAS: No further questions. Thank you,
11 Mr. Bentley.

12 THE COURT: Anything further?

13 MR. BLOUIN: Just quickly, Your Honor.

14 CROSS EXAMINATION

15 BY MR. BLOUIN:

16 Q Were you the lead agent dealing with that whole
17 issue?

18 A Detective Lynch was the lead agent. I was helping
19 out with that case.

20 Q You have no direct knowledge about anything to do
21 with this case?

22 A With this current case, no.

23 Q Okay. And you said Mr. Byrd was working. Was he
24 working off charges? Was he getting paid?

25 A It's my recollection that he was working off some

1 charges in this case.

2 Basically, CIs come to you in two different ways.
3 The majority are working off criminal charges or help on
4 criminal charges, and some very, very rare, but every now
5 and then you get one that wants to make a little money for
6 buying drugs for an agency. But in this case it was
7 unrelated charges he was working off.

8 MR. BLOUIN: All right. No further questions.

9 REDIRECT EXAMINATION

10 BY MR. THOMAS:

11 Q And just to clarify one of those last points, you say
12 you had no involvement in this case. But you worked for
13 our office when this case happened, and so you did a
14 little preliminary work on this one.

15 A Yeah. Just very, very preliminary work just
16 gathering some discovery and stuff like that, but nothing
17 -- nothing too substantive. Nothing with any substance.

18 Q Right. But nothing involved with the investigation
19 or anything.

20 A No.

21 MR. THOMAS: Okay. Thank you.

22 THE COURT: All right. You can step down and be
23 released from any subpoena.

24 Okay. That's it before we can work on the mics. I'm
25 sorry, ladies and gentlemen. The mics, they're going to

1 come over here and reattach them. They're detached
2 because we've gone to a new court recording system. But I
3 couldn't hear either.

4 So we're going to send you to an early lunch, an hour
5 early. So if you'll be back at 1:30, it will probably
6 help us this afternoon because we have to stop at 4:00.
7 Okay. So I'll see you back at 1:30 -- 1:15 if you can.

8 Okay. Don't talk about the case. See you in a
9 little bit. Thanks for your patience this morning.

10 Oh, oh. Before you go, we've replaced -- who's the
11 juror that's now ---

12 THE CLERK: 125, last name Montes.

13 THE COURT: You are now a member of the jury
14 replacing the -- you're the alternate who is replacing.

15 Y'all have a great lunch.

16 (WHEREUPON, the jury exits the courtroom at 11:48 AM.)

17 THE COURT: All right. I'll see y'all about 1:15.

18 (WHEREUPON, a recess is taken at 11:48 AM.)

19 THE COURT: Anything to take up before we bring them
20 back in? And I'll let him get back.

21 (Pause in proceedings.)

22 MR. THOMAS: --- and that is Mr. Blouin has
23 objections to some of the content of Mr. Grant's recorded
24 statement. Now, that's going to come in in a couple of
25 witnesses through Detective Sellers. I've marked a

1 Court's Exhibit. We consented to some of those and I have
2 marked which ones we have redacted and I can -- I think
3 you've already got a copy of it. I guess he can put his
4 objections to the rest of it, make his objections and we
5 can argue that real quick.

6 THE COURT: Okay.

7 MR. BLOUIN: And, you know, our objection -- our
8 objection is just that some of the contents of the video
9 go in more detail of the Byrd murder as opposed to, you
10 know, the assault and battery.

11 THE COURT: But nothing that incriminates your
12 client.

13 MR. BLOUIN: No. My client was never charged, never
14 was even there.

15 THE COURT: Okay.

16 MR. BLOUIN: They didn't say that.

17 MR. THOMAS: And he maintains that and they're pretty
18 -- I mean, the investigators were pretty (indiscernible)
19 about we don't think you were there. They got some video
20 that (indiscernible) they were good with that.

21 THE COURT: All right. Subject to the objection with
22 those redacted voluntarily by the prosecutor, I'll let
23 that in.

24 It's about an hour and a half long, you say?

25 MR. THOMAS: Yes, sir.

1 I think we can -- I think in sort of talking to
2 Mr. Blouin, planning purposes, we can get Ms. Putman up,
3 then probably do Detective Sellers. We can probably get
4 through direct today and we just come back in the morning
5 and do cross. We'll see how it goes.

6 MR. BLOUIN: And then, you know, the only two things
7 with Putman, there was, what, the two questions? And then
8 with -- same with Mr. Brown?

9 MR. THOMAS: Correct.

10 MR. BLOUIN: Assuming he's called.

11 MR. THOMAS: Yeah. We've already proffered him so we
12 should be able to roll.

13 THE COURT: Well, and let me tell you, as the father
14 of three grown children and soon to be five grandchildren,
15 three now, you need to -- whenever you need to go, go.
16 Just let me know. You don't need to miss ---

17 MR. STUMBO: I don't have a problem with that at all,
18 Judge.

19 THE COURT: --- anything with the kid.

20 MR. BLOUIN: It may -- wife's already blown me up, so
21 it may be closer to 4:30 than 4:45. But I'll let the
22 Court know.

23 THE COURT: Just let me know, and we'll stop right
24 then.

25 Okay. You can bring them in.

1 (WHEREUPON, the jury entered the courtroom at 1:44 PM.)

2 THE COURT: Thanks for your patience. We're going to
3 blow through this afternoon, and then when we get to the
4 stopping point, it will be a little bit early, we'll stop.

5 Again, if you need a break at any time and you don't
6 -- it doesn't look like I'm getting ready to take a break,
7 get my attention, get his attention and we'll take a
8 break, no questions asked. Okay.

9 All right. You can call your next witness.

10 MR. THOMAS: Your Honor, the State calls Jaquetrice
11 Putman.

12 WHEREUPON,

13 JAQUETRICE PUTMAN

14 After having been duly sworn, testified as follows:

15 THE CLERK: Thank you. You may have a seat.

16 DIRECT EXAMINATION

17 BY MR. THOMAS:

18 Q Ms. Putman, we got you a microphone this time. So if
19 you ---

20 THE BAILIFF: Speak into it. If you need to move it
21 or adjust it ---

22 BY MR. THOMAS:

23 Q Ms. Putman, where do you live? Are you from Laurens?

24 A Laurens. Yes.

25 Q Did you know Jarvis Byrd?

1 A Yes.

2 Q Lean into that microphone. Pull it a little closer
3 to you.

4 A Yes.

5 Q How did you know Mr. Byrd?

6 A I was the girlfriend.

7 Q Where did Mr. Byrd live?

8 A In a home, [REDACTED] Spring Street, apartment. He lived
9 with Shameia Workman. He was there with Shameia Workman.

10 Q So he stayed in what people call the housing projects
11 over there?

12 A Yes.

13 Q The night of January 22, 2021, did you have a chance
14 to talk to Mr. Byrd earlier in the evening?

15 A Yes.

16 Q And what was he doing?

17 A He told me he was going to lay down and get ready for
18 work.

19 Q So he had to work that night?

20 A Yes.

21 Q Do you know where he worked?

22 A McDonald's.

23 Q Did you talk to him a little bit later in the evening
24 that night? Did you talk to him later?

25 A I had got a call back after we had (indiscernible).

1 Q Okay. And when he called you back, was his behavior
2 different?

3 A Yes.

4 Q Was he scared? upset?

5 A He's just saying he was upset about something.

6 Q Okay. Did you ever see -- he didn't tell you what he
7 was upset about.

8 A No.

9 Q Did you ever see Mr. Byrd again?

10 A No.

11 Q A couple days after the incident with Jarvis, did you
12 go back to his apartment over here?

13 A Yes.

14 Q Why did you go back over there?

15 A To get his belongings.

16 Q And was there anybody else there when you got
17 there?

18 A Yes.

19 Q Who was there?

20 A Shykorie Grant.

21 Q Shykorie Grant. Okay. Did you have a conversation
22 with Mr. Grant while y'all were there?

23 A I had asked him about the machete.

24 Q Okay. Let me ask you that. Did he -- did he give
25 you something?

1 A Yes. He gave me the machete.

2 Q The machete. All right.

3 I'm going to show you what's been marked -- you've
4 seen this before, but I'm going to show you what's been
5 marked for this case as Exhibit Number 26.

6 A Yes.

7 Q Do you want to take a look down in there and see if
8 you recognize that?

9 A Yes.

10 Q Okay. What's in this exhibit?

11 A Machete.

12 Q This is Jarvis's machete?

13 A Yes.

14 Q Okay. Your Honor -- and this is the machete you got
15 from ---

16 A Shykorie.

17 Q So who gave you this?

18 A Shykorie.

19 Q And then what did you do with it after you got it?

20 A I just took it with me. And Busman [phonetic] had
21 come to pick it up, Mr. -- Reverend Cheeks.

22 Q So you took this to law enforcement?

23 A Yes.

24 MR. THOMAS: At this time, Your Honor, the State
25 would move Exhibit 26 into evidence.

1 THE COURT: Any objection?

2 MR. BLOUIN: No objection, Your Honor.

3 THE COURT: Without objection.

4 (WHEREUPON, State's Exhibit Number 26 was admitted into
5 evidence.)

6 BY MR. THOMAS:

7 Q What did Shykorie tell you about how he came to be in
8 possession of that machete?

9 MR. BLOUIN: Your Honor, we'd object based on prior
10 ruling to hearsay.

11 THE COURT: Subject -- subject to that -- okay.
12 Subject to that previous ruling, overruled.

13 BY MR. THOMAS:

14 Q All right. Just -- and very limited, what did
15 Shykorie tell you about how he got that machete?

16 A He just said he had took it from Jarvis.

17 MR. THOMAS: Thank you, Ms. Putman. I'll let you
18 answer any questions Mr. Blouin has.

19 CROSS EXAMINATION

20 BY MR. BLOUIN:

21 Q So Ms. Putman, let me just make sure that we are
22 straight that you are in the home when you saw Shykorie
23 Grant that Jarvis was staying at.

24 A Yes.

25 Q And that was Shameia Workman's house.

1 A Yes.

2 Q And when you arrived at the home, Shykorie Grant was
3 already there.

4 A Yes. He let me in.

5 Q Okay. Now, Ms. Putman, do you remember testifying
6 previously in this case?

7 A Yes.

8 Q About a year ago?

9 A Yes.

10 Q And do you remember saying to the question, "And when
11 Mr. Grant gave you that, did he tell you how he got to be
12 in possession of it?" and you answered, "No"?

13 A No. I don't recall that.

14 Q Okay. Do you remember another time during that time
15 period when you testified when you were asked, "Shykorie
16 Grant gave you the machete," you answered, "Yes," and then
17 you [sic] said, "And did he tell you how he came into
18 possession of the machete," and you answered, "No. I
19 didn't ask"?

20 A No. I don't recall that either.

21 THE COURT: I'm sorry. You say you don't recall
22 that?

23 THE WITNESS: Uh-huh.

24 MR. BLOUIN: No more questions, Your Honor.

25 THE COURT: Anything on redirect?

1 MR. THOMAS: I think on redirect ---

2 REDIRECT EXAMINATION

3 BY MR. THOMAS:

4 Q In that same -- in that same prior testimony that you
5 gave, you remember testifying that ---

6 MR. BLOUIN: Your Honor, we'd object to this based on
7 the fact that it sounds like the State is acting as a
8 witness.

9 THE COURT: Yeah. It needs to be in redirect.

10 MR. THOMAS: Well, I mean, I think it's in response
11 to that last question he asked her. He asked her
12 about ---

13 THE COURT: Come over here.

14 (WHEREUPON, a bench conference was held off the record.)

15 THE COURT: Just a couple more questions.

16 BY MR. THOMAS:

17 Q So just one question to clarify that last statement
18 you made. You testified here today and it's your
19 testimony today under oath that Shykorie Grant told you
20 that he took the machete from Jarvis.

21 A Yes.

22 MR. THOMAS: Okay. Thank you.

23 THE COURT: You can step down.

24 What about any subpoena holding her?

25 MR. STUMBO: We don't need her anymore, Judge.

1 MR. BLOUIN: And we have no problem releasing her.

2 THE COURT: You're released from any subpoena.

3 WHEREUPON,

4 MARKEEM BROWN

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you. You may have a seat.

7 DIRECT EXAMINATION

8 BY MR. THOMAS:

9 Q Mr. Brown, do you want to be here today?

10 A I want to go home. I've got to go to work.

11 Q Okay. And you've pretty much told us that you ---

12 A Don't know nothing.

13 Q --- have no interest in coming here and testifying.

14 A No.

15 Q Let me ask you, Mr. Byrd was your cousin?

16 A Yeah. I guess.

17 Q Pull the microphone a little closer to you.

18 A Yeah. I guess.

19 Q You guess. Do you know or do you guess?

20 A I know.

21 Q Okay. He was your cousin.

22 Did you see him the night that he ended up getting
23 killed?

24 A No.

25 Q Did you talk to anyone -- do you remember anything

1 from the night that this incident happened?

2 A No.

3 Q And so it's your position today that you don't know
4 anything about anything?

5 A Nope.

6 Q Do you know David Little?

7 A Yeah.

8 Q Did you see him that night?

9 A No.

10 Q Do you know Marcus Grant?

11 A No.

12 Q Did you see him that night?

13 A No.

14 Q Do you know Shykorie Grant?

15 A Everybody knows Shykorie.

16 Q Did you see Shykorie Grant that night?

17 A I see him every day. But I didn't see him that
18 night, no.

19 Q All right. So you're saying you didn't see him that
20 night.

21 You've testified previously in matters related to ---

22 A What, two or three years ago. I don't remember that.
23 I told you I was on drugs. He say, she say.

24 Q Let me ask the question. We'll start -- we'll back
25 up to two years ago. You gave a statement to law

1 enforcement. Did you give a statement to law
2 enforcement?

3 A I don't recall.

4 Q Did you testify in a previous proceeding involving
5 Mr. Byrd's death?

6 A I don't recall.

7 Q So your testimony here today is you don't remember
8 anything.

9 A I don't.

10 I've got to go get my daughter.

11 MR. THOMAS: No further questions.

12 THE WITNESS: All right.

13 THE COURT: I understand ---

14 THE WITNESS: I'm free to go?

15 MR. BLOUIN: Nothing, Your Honor.

16 THE WITNESS: I'm free to go?

17 THE COURT: We'll see.

18 MR. THOMAS: We have no use for him, Your Honor. He
19 can go.

20 THE COURT: All right. What about the defense? Hold
21 on a minute.

22 MR. BLOUIN: He's fine. We're good.

23 THE COURT: All right. You're excused.

24 MR. STUMBO: Judge, the State calls Detective Billy
25 Sellers to the stand.

1 THE COURT: All right.

2 WHEREUPON,

3 BILLY SELLERS

4 After having been duly sworn, testified as follows:

5 THE CLERK: Thank you. You may have a seat.

6 DIRECT EXAMINATION

7 BY MR. STUMBO:

8 Q Good afternoon, Detective Sellers.

9 A Good afternoon.

10 Q (Indiscernible) you work at Laurens Police
11 Department?

12 A Yes, sir, I do.

13 Q Tell the jury about your history in law enforcement,
14 your experience.

15 A Yes, sir. I began my career in law enforcement in
16 2006 with the South Carolina Department of Corrections.
17 In 2014 I was hired by the Laurens Police Department.
18 After that I obtained my Class 1 certification through the
19 South Carolina Criminal Justice Academy. Since then I've
20 gained hundreds of hours of advanced training in
21 interviewing, interrogation, body language, crime scene
22 investigation, narcotics investigation. And the list goes
23 on.

24 Q So when did you come work at Laurens PD?

25 A In 2014.

1 Q 2014.

2 A Yes, sir.

3 Q Did you work the road for a little while?

4 A Yes, sir, I did. I started out as a patrolman. I
5 worked my way up to a sergeant over road patrol. I had a
6 shift assigned to me.

7 From there I was promoted to a detective. And since
8 then I've been promoted to the lead detective over the
9 entire Investigative Unit.

10 Q So what's your rank?

11 A I'm a sergeant.

12 Q You're a sergeant.

13 A Yes, sir.

14 Q Over investigations.

15 A Yes, sir.

16 Q As part of your work in the detective bureau at
17 Laurens PD, did you have occasion to work the case that
18 we're here today about?

19 A Yes, sir. Extensively.

20 Q And tell the jury about how you initially got
21 involved. What was the initial call about?

22 A Yes, sir. I was the detective on call the night that
23 Mr. Byrd was murdered. I was called to the scene.

24 MR. BLOUIN: And Your Honor, we would just object to
25 this part based on ---

1 MR. STUMBO: Judge, I don't think there's any way for
2 him to testify about his investigation without ---

3 THE COURT: Yeah. So you can hit on the high points
4 of what he was doing that night.

5 MR. BLOUIN: Okay.

6 THE COURT: I understand your objection. Overrule.
7 But if it gets too far . . .

8 MR. STUMBO: Yes. Understood.

9 BY MR. STUMBO:

10 Q So tell the jury about initially when you came out
11 there what you observed, what you saw.

12 A Yes, sir. I was called to the scene by the road
13 sergeant at that time. Detectives are routinely called to
14 scenes of violent crimes and anything that goes beyond the
15 level of expertise or the capabilities of typical road
16 patrol.

17 So I was called to the scene to investigate this
18 homicide, the homicide of Mr. Byrd. And when I arrived on
19 scene, Mr. Byrd had already been removed. But I was
20 briefed by the shift sergeant and I began my
21 investigation.

22 I contacted SLED. SLED came and assisted with
23 processing that crime scene.

24 The investigation continued for weeks after that
25 diving into the full extent of everything that happened to

1 Mr. Byrd that night.

2 Q Okay. Initially, were you able to locate where his
3 body was when he was removed by the EMTs?

4 A Yes, sir. His body was located in the main roadway
5 of Spring Street right across from the housing apartments.

6 Q Okay.

7 A Through further investigation, we later found out
8 that an assault had occurred prior to his death,
9 approximately 30 to 45 minutes prior to his death.

10 Q Let me back up just a little bit there.

11 A Yes, sir.

12 Q I'm sorry to interrupt you. But Spring Street runs
13 kind of up the hill back behind the courthouse here. If
14 you're coming from the main road here, come up Spring
15 Street, the apartments we're talking about are on your
16 right?

17 A Yes, sir. That's correct.

18 Q On Spring Street was where Mr. Byrd fell?

19 A Yes, sir. Right across from the bus stop where the
20 children catch the bus.

21 Q Okay. And that's where -- your initial investigation
22 started there where his body was.

23 A Yes, sir. That's correct.

24 Q Did he ultimately pass away that night?

25 A Yes, sir, he did.

1 Q Okay. From gunshot wounds?

2 A Yes, sir, that's correct.

3 Q Is that area -- and I know this sounds like a dumb
4 question, but for purposes of getting the record clear,
5 that's in Laurens County and the City of Laurens?

6 A Yes, sir. It's within the city limits of Laurens and
7 in Laurens County.

8 Q Okay. You said -- essentially, at that point what is
9 your crime scene at that point? Where did y'all -- do
10 y'all tape off an area when you determine what the crime
11 scene is?

12 A Yes, sir. The -- the initial crime scene was the
13 roadway which I described a while ago, the roadway which
14 is directly across from the physical buildings themselves
15 right at the bus stop. And there's a dumpster area. That
16 was taped off as well as the front of the apartment,
17 Apartment ■ and ■ were taped off as well as the rear all
18 the way back around to Spring Street. It's hard to
19 describe to you without a map.

20 MR. STUMBO: Thank you. You're doing a good job
21 describing it.

22 I'm going to hand you -- Judge, if I may approach the
23 witness.

24 THE COURT: Absolutely.

25 BY MR. STUMBO:

1 Q I'm going to hand you what's been marked as State's 5
2 through 18.

3 A Yes, sir.

4 Q Just briefly look through those.

5 A (Reviews exhibits) Yes, sir. I'm familiar. I
6 believe I took the majority of these pictures.

7 Q Okay. And what -- does State's 5 through 18 fairly
8 and accurately depict the scene on the outside of the
9 apartments as you remember it that night?

10 A Yes, sir, it does.

11 Q Okay. And there were more pictures taken then just
12 these 13 or 14, right?

13 A Yes, sir. There was upwards of 600 pictures taken.

14 Q Okay. But these you just looked at were part of the
15 pictures that were taken in the investigation?

16 A Yes, sir.

17 MR. STUMBO: Judge, I'd offer 5 through 18.

18 MR. BLOUIN: Your Honor, we may have objections on a
19 couple of them.

20 THE COURT: Sure.

21 MR. BLOUIN: We would -- State [sic] would object to
22 5 under 403, 6 under 403, 7 under 403, 8 under 403. We
23 are okay with 9, 10, 11, 12 and 13, 14 and 15, 16, 17 and
24 18. So just ---

25 THE COURT: Let me look at them while you're doing

1 that. I haven't seen these before.

2 (Pause in proceedings.)

3 THE COURT: And if you want to ---

4 MR. STUMBO: Just we can keep them as court's
5 exhibits.

6 THE COURT: --- put them in -- absolutely, for the
7 record.

8 All right. So I've ruled on those. We'll make those
9 court's exhibits. Those are excluded. And then ---

10 BY MR. STUMBO:

11 Q So the scene as you found it that night, were there
12 people out there?

13 A Yes, sir.

14 Q Okay. Were people real excited to come up and tell
15 you what happened?

16 A Absolutely not.

17 Q Ultimately, you were able to talk to some witnesses
18 in this case, right?

19 A Yes, sir. I was able to speak with quite a few
20 witnesses after the fact, witnesses who were not willing
21 to speak with us on scene for obvious fears from what
22 happened to the victim.

23 Q Okay. So nobody wanted to talk to you out in the --
24 at the apartment complex.

25 A No, sir. They did not. I spoke with several who

1 said that they would speak to me at a later time but they
2 couldn't be seen speaking to me out there.

3 Q Okay. What were you able to develop as -- through
4 your further investigation here as to kind of what
5 happened out there?

6 A Yes, sir. Through many interviews, extensive
7 investigation, we were able to ascertain that the night
8 that Mr. Byrd was assaulted and subsequently murdered, he
9 was, in fact, in his bedroom in Apartment ■ laying down
10 getting ready to go to work that evening. He was
11 bum-rushed by a group of men who came into his bedroom and
12 viciously assaulted him. He attempted to defend himself
13 by grabbing a machete that he kept by his bed. That was
14 taken away from him. He was then held at gunpoint while
15 Mr. Grant viciously assaulted him.

16 Q Now, did you -- you said you called SLED. Did they
17 come in to work the crime scene that night?

18 A Yes, sir, they did. The crime scene that we were
19 aware of at the time.

20 Q All right. And they assisted -- did they assist
21 Laurens PD with the crime scene?

22 A Yes, sir.

23 Q Did y'all find -- and I know this goes to what
24 ultimately killed Mr. Byrd. Were you all able to find a
25 gun that night?

1 A No, sir. Well, not from -- not from the victim.

2 Q Right.

3 A We were able to find two firearms that night that
4 were discarded.

5 MR. BLOUIN: Your Honor, we'd object to this part of
6 it. I mean, this has nothing to do under relevance to
7 what my defendant is charged with.

8 MR. STUMBO: Judge, I think he has the right to show
9 that he did a thorough investigation. I think it's
10 relevant to the overall investigation. I think -- I don't
11 know how to separate out ---

12 THE COURT: Well, briefly, and then I'll let you -- I
13 know what your question is going to be, about what he
14 found and whether it was involved in your case.

15 MR. STUMBO: Right.

16 THE COURT: I'll let you do that.

17 MR. STUMBO: Certainly, Judge. We're not alleging
18 that the gun was tied to this party.

19 THE COURT: Right. No, I know.

20 MR. STUMBO: To his client.

21 THE COURT: I just want to make sure that they're
22 clear.

23 BY MR. STUMBO:

24 Q So there was a gun recovered by LPD that night.

25 A Yes, sir. There were multiple firearms recovered.

1 And just to make it clear for the defense, none of
2 those guns were assumed to belong to Mr. Grant. DNA was
3 later found on those firearms, and one individual whose
4 trial I've testified in previous to this was convicted for
5 the murder, kidnapping ---

6 MR. BLOUIN: Your Honor, we would object to this as
7 well. I mean, he's going into a prior, you know, case.

8 MR. STUMBO: I can -- I can tailor this a little bit.

9 THE COURT: Yeah. If you can, please.

10 BY MR. STUMBO:

11 Q So you did find a firearm that ultimately you
12 connected to the murder of Mr. Byrd, right?

13 A Yes, sir.

14 Q But it wasn't -- the gun was not connected to
15 Mr. Grant.

16 A That's correct. That gun was connected to Anton
17 Blakely, street name Cheese.

18 Q Okay. Right. And he's already been tried in this
19 courtroom by a different jury, different time, right?

20 A Yes, sir. He was convicted.

21 Q Thank you.

22 Ultimately, as part of your -- let's see --
23 investigation, you said SLED came out. Did they do --
24 where did they conduct their crime scene investigation?

25 A So at that time we had no knowledge of the events

1 that happened inside of the apartment because we didn't
2 have anyone cooperating with us on scene. So at that time
3 we only knew the crime scene to involve the exterior of
4 the apartment complex, the roadways.

5 So SLED processed the outside of the apartment
6 complex and the general area where Mr. Byrd's body was
7 located. We later found out about the assault that
8 occurred in Apartment [REDACTED].

9 Q Okay. That was -- when you later found out about
10 that, was SLED still on scene doing their work?

11 A No, sir.

12 Q Okay. Did the investigative team ultimately go
13 investigate inside the apartment?

14 A Yes, sir. My unit -- I believe it was a day,
15 possibly two days later when we discovered the events that
16 happened inside of the apartment. My team went and
17 processed that scene, photographed the inside of the
18 apartment and looked for any items of evidence.

19 Q Okay. Photographs 9 through 18 which you've already
20 looked at ---

21 A Yes, sir.

22 Q --- and those are in evidence, those are some of
23 those photographs?

24 A Yes, sir.

25 Q Okay. I'm going to show you State's 19, that's been

1 marked for ID as State's 19.

2 A Yes, sir.

3 Q Do you recognize that?

4 A Yes, sir. I compiled this.

5 Q Okay. And this is your -- you created this as part
6 of your investigation?

7 A Yes, sir. This is a scale of the apartment -- or
8 excuse me -- a sketch of the apartment. It's not to
9 scale.

10 Q Okay. The apartment where the victim lived and where
11 he was assaulted.

12 A Yes, sir. Where Mr. Byrd lived and where the assault
13 took place, Apartment Number [REDACTED].

14 MR. STUMBO: Judge, I would offer State's 19 into
15 evidence at this time and publish to the jury.

16 MR. BLOUIN: We would have a slight objection to
17 this, Your Honor, under, like I said, 403 regarding some
18 of the things that are on said document.

19 MR. STUMBO: I can show it to you, Judge.

20 (Pause in proceedings.)

21 MR. STUMBO: I'll have Josh work on that.

22 (Indiscernible).

23 THE COURT: All right. Okay.

24 MR. THOMAS: We can -- we can clarify that
25 (indiscernible).

1 MR. STUMBO: Thank you, Judge.

2 BY MR. STUMBO:

3 Q All right. Let's go ahead and pull up 9 through 19
4 -- or 9 through 18.

5 MR. THOMAS: Judge, can we sidebar real quick while
6 he's getting that ready?

7 THE COURT: Yeah.

8 (WHEREUPON, a bench conference was held off the record.)

9 MR. STUMBO: Investigator Hunnicutt, pull up 9
10 through 18. I'd appreciate it.

11 (Pause in proceedings.)

12 MR. STUMBO: Judge, can we take a short break?

13 THE COURT: Yep. Take a break. We're doing the best
14 with our technical difficulties.

15 Don't talk about this case.

16 (WHEREUPON, the jury exits the courtroom at 2:16 PM.)

17 THE COURT: You need ten minutes?

18 MR. STUMBO: Ten is fine. Thank you.

19 THE COURT: I'll be right back.

20 (WHEREUPON, a recess is taken at 2:16 PM.)

21 THE COURT: Okay. You've got it set?

22 MR. STUMBO: Yes, sir.

23 THE COURT: Okay. You can bring them in at your
24 leisure.

25 (WHEREUPON, the jury entered the courtroom at 2:30 PM.)

1 THE COURT: Thanks, ladies and gentlemen. I think
2 we've got it working.

3 All right. Yes, sir.

4 MR. STUMBO: Thank you, Judge.

5 BY MR. STUMBO:

6 Q I'm going to show you 19 again just for the record.
7 That's amended from what you looked at before. But you
8 recognize that document?

9 A Yes, sir. It's -- yes, sir.

10 Q Okay. That's a fair and accurate representation of
11 what you created but for the ---

12 A Yes, sir. Just a redacted copy.

13 MR. STUMBO: Judge, we'd offer 19 into evidence.

14 MR. BLOUIN: No objection, Your Honor.

15 THE COURT: Without objection.

16 (WHEREUPON, State's Exhibit Number 19 was admitted into
17 evidence.)

18 BY MR. STUMBO:

19 Q We're going to pull it up on the screen here for the
20 jury.

21 Okay. You created this from a computer drawing?

22 A Yes, sir.

23 Q Okay. Now, where's the front door?

24 A The front door is located in the bottom left corner
25 of this drawing.

1 Q Okay. And that would come into the kind of living
2 room area?

3 A Yes, sir.

4 Q Straight through the back is what?

5 A If you continue straight through the living room,
6 that is the kitchen, a little pantry area to the side, and
7 then the back door to the apartment.

8 Q Okay. And on the right side of the screen, what are
9 we looking at here?

10 A Yes, sir. If you come through the living room and
11 then turn into the short hallway to your right,
12 immediately ahead of you is the master bedroom. Then if
13 you go to the left, this rear bedroom is where the victim,
14 Mr. Byrd, was residing, and also a bathroom.

15 Q Okay. And so the bedroom where Mr. Byrd was living
16 is this one on the back -- back right?

17 A Yes, sir.

18 Q Okay. Walking in the apartment.

19 And there is a bathroom. For one bath -- that's the
20 only bathroom in the apartment?

21 A Yes, sir.

22 Q Okay. And that's right beside that back bedroom
23 where Jarvis was staying?

24 A Yes, sir. That's correct.

25 Q All right. We are going to look at 9 through 18 now

1 which were entered. Okay. We'll go in reverse order
2 here. Make sure I've got the right one for the record.

3 A Yes, sir.

4 Q Okay. Yeah. We're going to look at 9 first. Is
5 that what's on the screen there?

6 A Yes, sir, it is.

7 Q Okay. And what is this?

8 A This is the front of the apartment building, and
9 Number ■ is the apartment that we're speaking of.

10 Q Okay. And that would be the door leading right into
11 that living room here?

12 A Yes, sir. To -- to our right with ■ above the --
13 above the door.

14 Q Okay. And go to 10. Go back to that one. Okay.
15 What is 10?

16 A This is kind of a close-up showing where the -- where
17 the -- excuse me -- where the kitchen is located and the
18 short hallway that I was just speaking about over here to
19 the -- to the right. So I'm actually standing in the
20 living room when I'm taking this picture.

21 Q Okay. Scroll over to the next one.

22 All right. That would be State's Number 11?

23 A Yes, sir.

24 Q If you could, describe that for the jury.

25 A Yes, sir. That's also in the living room. That was

1 an angled shot down the -- down the hallway. And at the
2 end of this picture where you see the mattress, that's
3 where Mr. Byrd was laying down that night.

4 Q Okay. So you're standing in that little short
5 hallway?

6 A Just before it. I'm technically still in the living
7 room, but yes, sir.

8 Q Okay. State's 12, if you could describe that for the
9 jury.

10 A Yes, sir. That is the master bedroom which is right
11 off of the living room.

12 Q Okay. The victim's bedroom would have been down the
13 hall to the left if you're looking this way?

14 A Yes, sir. If you're looking at this door to the
15 left, and the door would be on the right to his room.

16 Q State's 13?

17 A That's another image of the master bedroom.

18 Q Okay. And this is not the bedroom where the victim
19 was staying?

20 A No, sir.

21 Q State's 14? Same, the master bedroom?

22 A Yes, sir. Master bedroom.

23 Q Go to State's -- that's 15 there, another angle of
24 the master bedroom?

25 A Yes, sir.

1 Q State's 16?

2 A This is the room where Mr. Byrd was laying down the
3 night of the assault.

4 Q Okay. 17?

5 A That's, again, another image of the same room
6 where Mr. Byrd was laying down.

7 Q Okay. State's 18?

8 A And again, the same room belonging to Mr. Byrd.

9 Q Okay. And you were able to develop through the
10 course of your investigation this is the bedroom that
11 Jarvis stayed in and where he was assaulted?

12 A Yes, sir. Several -- a couple days later after the
13 initial investigation, we did discover that this was the
14 bedroom where Mr. Byrd was residing. And if I may also
15 add that this was also after the lessee had already
16 cleaned the apartment prior to us coming and serving the
17 search warrant.

18 Q Okay. It appeared as if it had been cleaned a little
19 bit before y'all got there?

20 A Yes, sir. It was confirmed that she had cleaned it.

21 Q Ultimately, you were able to develop the defendant,
22 Marcus Grant, as a suspect in this case?

23 A Yes, sir, I was.

24 Q Okay. Did you ever have occasion to -- well, let's
25 back up from there. Before you talked to Grant, did you

1 go to the autopsy that night?

2 A Yes, sir, I did.

3 Q Okay. Where was he taken first? Where was
4 Mr. Byrd's body taken first?

5 A He was initially taken to the Laurens hospital to be
6 stabilized and prepared for flight to Greenville. Once he
7 circame [sic] to his injuries, he was later transported by
8 vehicle to the Greenville morgue, which is where the
9 autopsy took place.

10 Q Okay. So he was -- he passed away at Laurens
11 hospital, correct?

12 A Yes, sir.

13 Q Okay. And were you able to observe his body at the
14 hospital?

15 A Yes, sir. I did see him at the Laurens hospital.

16 Q Okay. Did you later attend the autopsy of Mr. Byrd?

17 A Yes, sir, I did.

18 Q Okay. I'm going to show you State's 20 through 25,
19 see if you recognize the contents of those.

20 A (Reviews exhibits) Yes, sir. These are heavily
21 redacted images of Mr. Byrd's body and the wounds
22 inflicted to him from the assault.

23 MR. BLOUIN: Your Honor, we object to speculation of
24 where he received those injuries.

25 THE COURT: Sustained.

1 MR. STUMBO: Judge, I've got the pathologist coming
2 tomorrow. But yes, we will back up and withdraw that last
3 question.

4 THE COURT: Okay.

5 BY MR. STUMBO:

6 Q But you did have a chance to personally observe
7 injuries on Mr. Byrd?

8 A Yes, sir. I looked at his body extensively.

9 Q Okay. Judge, we -- think these are fair and accurate
10 representation of the injuries you observed at the
11 hospital and the autopsy?

12 A Yes, sir, they are.

13 MR. STUMBO: Okay. We'd offer 20 through 25 into
14 evidence.

15 THE COURT: Any objection?

16 MR. BLOUIN: Yes, sir. We would object to those
17 under 402 and 403.

18 THE COURT: Let me look at them (reviews exhibits).

19 Ladies and gentlemen, I need to send you out for five
20 minutes so I can put something on the record. Sorry.
21 I'll give you your exercise today. We'll call you right
22 back in. Don't discuss this case.

23 (WHEREUPON, the jury exits the courtroom at 2:42 PM.)

24 THE COURT: Okay. The question was whether or not
25 some pictures that were postmortem pictures after the

1 victim had been shot to be put into evidence. The
2 objection was, I guess, that they were irrelevant, among
3 other things. My problem is they're after he's shot. And
4 I -- I don't know if he can say that they're bullet wounds
5 or not.

6 MR. STUMBO: Judge, I think what he can say is he
7 observed this on his body. I don't think he can say based
8 on medical opinion on what they are. I agree.

9 THE COURT: I mean, the only one I think is even
10 close is the head picture. And you can say ---

11 MR. STUMBO: Well, this one, Judge, is the primary
12 injury. Number 25 could get (indiscernible) in the eye.
13 And again, I don't know how to prove that to this jury
14 about him being shot in the eye.

15 THE COURT: Except the pathologist who will be here,
16 right?

17 MR. STUMBO: Correct. But at the end of the day, the
18 pathologist, Judge, can't say any more than he can say
19 about whether he observed this.

20 THE COURT: Didn't the pathologist do an autopsy?

21 MR. STUMBO: Yes. But what I'm saying is that he
22 observed everything ---

23 THE COURT: Right.

24 MR. STUMBO: --- in these pictures and he's already
25 testified, yes, this was -- this was what I observed.

1 THE COURT: Who took those pictures?

2 MR. STUMBO: --- and they're fair and accurate
3 representations. So it's a conditional admissibility as
4 to what the pathologist is going to testify as to her
5 report and what these injuries mean.

6 One of the problems that we said at sidebar, Judge,
7 we heavily redacted some of these ---

8 THE COURT: Oh, sure.

9 MR. STUMBO: --- to take out the blood and guts of
10 the shooting.

11 THE COURT: Well, I mean, you've got the -- the
12 problem is, y'all got a crime, and then some period of
13 delay, one minute or two hours, and then a murder. And
14 I'm trying to keep -- if I get a mix, this case is coming
15 back.

16 I don't have a problem. You want -- you'll -- you'll
17 confirm that those are his pictures when the pathologist,
18 if she waffles, right?

19 MR. BLOUIN: I will.

20 MR. STUMBO: And I don't have her here right now,
21 Judge. I can ask her if she (indiscernible). And I guess
22 I can recall Detective Sellers ---

23 THE COURT: Yeah, you could.

24 MR. STUMBO: --- to lay the same foundation that he
25 just laid.

1 THE COURT: Well, he's laid a good foundation. I
2 just -- I think those pictures were -- they're after the
3 murder. How many hours later was that?

4 MR. BLOUIN: 40 minutes, approximately.

5 THE COURT: We're getting real close to muddying the
6 water pretty badly. And I know they don't to y'all
7 because y'all are living this case. But ---

8 MR. STUMBO: At the end of the day, Judge, I don't
9 know how you prove -- I mean, of course I can get the
10 pathologist to say ---

11 THE COURT: Yeah.

12 MR. STUMBO: --- here's the injuries I observed.
13 They look like blunt-force type injuries, not gunshot
14 shooting.

15 THE COURT: Right.

16 MR. STUMBO: The scene was that, but, I mean,
17 essentially, the injuries, I mean, I think a layperson
18 could look at that injury and say something hit him hard.
19 And I'm not getting him to interpret it. I'm just saying
20 is this how he looked.

21 THE COURT: At this point without showing the jury,
22 you can ask him if he took those pictures. Let's preserve
23 them.

24 MR. STUMBO: Okay.

25 THE COURT: And then were those observations. And

1 then if the pathologist backs up on you, then you can
2 recall him.

3 MR. STUMBO: Okay. Thank you, Judge.

4 THE COURT: I know what you're trying to do and I'm
5 just trying to keep the shooting and the ---

6 MR. STUMBO: Right. And Judge, I would say this, and
7 I know this is sometimes part of kind of mucking up our
8 progress here. I mean, the defense has seen these
9 pictures ---

10 MR. BLOUIN: I did inform --

11 MR. STUMBO: --- this morning, and we didn't have any
12 indication that there was going to be -- what the
13 objection would be. I would have been glad to kind of
14 take that up to not have to send the jury out.

15 MR. BLOUIN: I mean, I informed him last week -- or
16 informed Solicitor Thomas last week that I was going to
17 object to the pictures.

18 THE COURT: Okay. All right. Well, let's bring them
19 back in and let him identify them and then we'll let the
20 -- see what the pathologist -- I mean, the pathologist is
21 going to give a cause of not death but of the injuries,
22 right?

23 MR. STUMBO: She can say here's the injuries I
24 observed and they're not gunshot wounds. They're
25 blunt-force wounds that someone ---

1 THE COURT: Some witnesses you have -- yeah. I
2 understand.

3 All right. Well, let's get him to identify them so
4 they're in the record.

5 You don't object to that?

6 MR. BLOUIN: No, Your Honor.

7 THE COURT: Can we just then -- so that he doesn't
8 have to ask, can we stipulate that those pictures were
9 taken by this detective at the scene of that man's murder?

10 MR. BLOUIN: Or, yeah, at the autopsy.

11 THE COURT: At autopsy. And those pictures
12 accurately present -- represent what he saw.

13 MR. BLOUIN: Yes, sir. Yes, sir.

14 THE COURT: All right. We'll stipulate that.

15 (WHEREUPON, the jury entered the courtroom at 2:48 PM.)

16 THE COURT: Okay. Y'all can have a seat. Thank you
17 very much.

18 Okay. You can continue.

19 MR. STUMBO: Thank you, Judge.

20 BY MR. STUMBO:

21 Q And just from where we left off, Pictures 20 to 25,
22 you were present and observed those, and those were
23 accurate representations of what you were there for and
24 observed.

25 A Yes, sir, they were.

1 Q Okay. And those were as to the conditions of
2 Mr. Byrd's body.

3 A Yes, sir.

4 Q Ultimately, who was the doctor that conducted the
5 autopsy?

6 A Dr. Dukes conducted the autopsy.

7 Q Okay. She is on the witness list and will be
8 presented later in the trial?

9 A Yes, sir, that's correct.

10 Q Okay. Thank you.

11 All right. And your understanding through your
12 investigation, your presence at the autopsy, is that he
13 died from gunshot wounds, correct?

14 A Yes, sir. He died from the gunshot wounds.

15 Q And ultimately, the pathologist determined that was
16 the cause of death, not the other injuries from the
17 assault.

18 A Yes, sir. That's correct.

19 Q Did you have an opportunity -- I know I asked you
20 this before -- to talk to Marcus Grant, the defendant?

21 A Yes, sir. We did speak.

22 Q Okay. And where did you speak?

23 A Marcus came to the police department after he had
24 received word that we had intentions of talking to him in
25 connection to the assault. He came to the Laurens Police

1 Department. He was escorted to our interview room where
2 he was issued his Miranda warning, and then an interview
3 was conducted with Mr. Grant.

4 Q Okay. You read him his Miranda rights?

5 A Captain Cheek at the time read his rights to him. I
6 witnessed.

7 Q Okay. You were in the room for it?

8 A Yes, sir.

9 Q I'm going to show you State's 1. Do you recognize
10 that document?

11 A Yes, sir, I do.

12 Q Okay. And I don't believe it's in evidence at this
13 point, but what is in State's 1?

14 A Yes, sir. This is a Miranda rights waiver. This is
15 a form that we commonly go over with persons of interest
16 in an investigation to make sure that they're informed of
17 their rights, that they completely understand them. And
18 if they do, they initial beside each right. They initial
19 whether or not they are willing to speak with us and
20 whether or not they want an attorney present at that time.
21 They then sign and date the document, and it is signed by
22 an officer and witnessed by another.

23 Q Okay. And is this a fair and accurate copy of the
24 Miranda form that you and Captain Cheek executed with the
25 defendant that night?

1 A Yes, sir, it is.

2 MR. STUMBO: Okay. Judge, we'd offer State's 1 into
3 evidence.

4 MR. BLOUIN: No objection.

5 THE COURT: Without objection.

6 (WHEREUPON, State's Exhibit Number 1 was admitted into
7 evidence.)

8 BY MR. STUMBO:

9 Q And ultimately, in going over his rights with him, is
10 that recorded on a video/audio recording?

11 A Yes, sir. It was both audio and video recorded.

12 Q Okay. Did you do that in the beginning of the
13 interview?

14 A Yes, sir.

15 Q All right. And the interview with Mr. Grant, who all
16 was in the room other than you and Captain -- Captain
17 (indiscernible)?

18 A It was myself, Captain Cheek and then one other
19 detective which is Detective Gallo.

20 Q Okay. And so you had Mr. Grant. How big is this
21 room?

22 A Just a rough estimate, maybe 15' x 15'.

23 Q Okay. And there was plenty of room for Mr. Grant in
24 that room?

25 A Yes, sir. We were spread out pretty far. It was

1 during the height of COVID so we were all kind of sitting
2 at a pretty good distance from each other.

3 Q You were wearing masks?

4 A I wore masks throughout the -- throughout the
5 interview. I believe a couple others did.

6 Q And about how long did the interview last?

7 A It was in the neighborhood of an hour, hour and a
8 half. During that time Mr. Grant sat closest to the door
9 and was advised he could leave at any time. He was not
10 under arrest.

11 Q I'm going to show you what's marked as State's 2.

12 A Yes, sir.

13 Q Have you been able to review the contents of that
14 DVD?

15 A Yes, sir, I have.

16 Q Okay. What's on there?

17 A This is the recorded interview of Mr. Marcus Grant on
18 January 28, 2021.

19 Q Okay. And is it a fair and accurate copy as redacted
20 of your interview that night?

21 A Yes, sir.

22 MR. STUMBO: Judge, we'd offer State's 2 into
23 evidence.

24 MR. BLOUIN: No objection, Your Honor.

25 THE COURT: Without objection.

1 (WHEREUPON, State's Exhibit Number 2 was admitted into
2 evidence.)

3 MR. STUMBO: And permission to publish to the jury.

4 THE COURT: Absolutely.

5 It's going to take about an hour and a half?

6 MR. STUMBO: I think it's less than that, Judge. An
7 hour ---

8 MR. BLOUIN: It's about an hour and 26 minutes. We
9 should have plenty of time.

10 THE COURT: And that works okay with you?

11 MR. BLOUIN: Yes, Your Honor.

12 THE COURT: Does anybody need to go to the restroom
13 real quick before we watch an hour and ten minute video?
14 Would y'all mind if I do for just a second and everybody
15 stay seated? Everybody stay seated. I'll be right back.
16 Thank you.

17 Y'all can set it up and I'll be right back.

18 MR. STUMBO: Yes, sir.

19 (Pause in proceedings.)

20 THE COURT: I was hoping at least one of you would
21 nod your head. But no. That's okay.

22 MR. BLOUIN: My client went to the restroom real
23 quick and will be right back.

24 THE COURT: Well, I mean. That's okay.

25 (Pause in proceedings.)

1 MR. STUMBO: We're ready, Judge.

2 THE COURT: Okay. You can present it. If any of you
3 start to nod off, raise your hand. We'll all stretch. We
4 need you to watch this. Okay.

5 (WHEREUPON, State's Exhibit Number 2, a video, was played
6 in open court.)

7 MR. STUMBO: And, Judge, just for the Court's
8 edification and the record, it's playing through, but was
9 previously agreed to on a redaction.

10 THE COURT: Okay. Sure.

11 MR. STUMBO: The audio's not playing.

12 THE COURT: No problem.

13 MR. STUMBO: It will cut back on at the appropriate
14 time.

15 THE COURT: Okey-doke.

16 (WHEREUPON, State's Exhibit Number 2, a video, continued
17 to play in open court.)

18 THE COURT: How much longer is this? I'm just
19 curious.

20 MR. THOMAS: When the sound comes back on, Your Honor
21 he will ---

22 THE COURT: Ten minutes? 15?

23 MR. STUMBO: Oh, how much is left? About ten to 15.

24 (WHEREUPON, State's Exhibit Number 2, a video, continued
25 to play in open court.)

1 THE COURT: Y'all come here while they're watching
2 this.

3 (WHEREUPON, State's Exhibit Number 2, a video, continued
4 to play in open court.)

5 MR. STUMBO: Judge, this is a little bit longer
6 break. And when it's done, cuts backs on in just a couple
7 minutes, we'll be ready to break.

8 THE COURT: No. That'll be good.

9 MR. STUMBO: Yes, sir.

10 THE COURT: I'm just worried about his marriage.

11 MR. STUMBO: We'll get Mr. Blouin out of here, Judge.
12 (WHEREUPON, State's Exhibit Number 2, a video, continued
13 to play in open court.)

14 MR. STUMBO: Judge, we'll have a couple wrap-up
15 questions in the morning, but we can go ahead and break.

16 THE COURT: Okay. All right. Ladies and gentlemen,
17 as I said, he's got something scheduled (indiscernible) to
18 go to, so we will break for the day. We'll start at
19 10:00. You don't need to be here till about 10:30
20 tomorrow because we've got a couple things to do before we
21 start.

22 Also, the plea that I was going to have to take a
23 break for Thursday is no longer happening, so we'll be
24 able to have a little more time on this.

25 So be in your seats by 10:30 at the very latest.

1 Okay. Have a good night, and don't talk about this case,
2 and I'll see you tomorrow.

3 (WHEREUPON, the jury exits the courtroom at 4:24 PM.)

4 THE COURT: All right. I'll see y'all 10:15, 10:20.

5 MR. STUMBO: That will be fine, Judge.

6 THE COURT: Have a fun night.

7 MR. STUMBO: (Indiscernible) ready to roll.

8 THE COURT: Okay.

9 (WHEREUPON, proceedings recessed at 4:25 PM.)

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1 Wednesday, March 6, 2024

2 (WHEREUPON, proceedings reconvened at 11:18 AM.)

3 THE COURT: Did y'all get everything printed?

4 MR. STUMBO: Yes. We should be good on that. I do
5 think Hunter has a couple issues.

6 THE COURT: Oh, okay.

7 MR. BLOUIN: The only two issues, Your Honor, is that
8 it's come to our attention that, since this morning, a
9 local radio station has been putting out that Marcus
10 Grant, codefendant in the shooting death of Jarius Byrd,
11 is up for trial, and it's playing on their hourly kind of
12 news cycle. And so we would have some concerns that not
13 only is, you know, the media giving some attention to
14 this, but they're kind of mischaracterizing what we're
15 actually here doing.

16 THE COURT: Sure.

17 MR. BLOUIN: So, you know, I don't know if we need to
18 instruct the jury again to make sure that if they hear
19 anything regarding the media and what they may say is
20 going on, that basically they only need to listen to you
21 and what you say is going on.

22 THE COURT: Okay. Yeah. I'll do that.

23 MR. STUMBO: I think that's fine, Judge. Probably
24 the best way to handle it, instead of drawing attention
25 specifically to the radio, just remind them you've heard

1 there may be some media coverage on this, and not --
2 instruct them, again, not to pay attention.

3 THE COURT: Okay.

4 MR. BLOUIN: And just, you know, the other issue, we
5 can handle it either after I finish the cross with
6 Detective Sellers, you know, regarding the photographs of
7 the autopsy coming in. You know, obviously, we still have
8 our 403 objection. I also think there's potentially some
9 causation issues. So we don't know if we need to maybe
10 quickly proffer Ms. Dukes to what she can and cannot
11 testify as to those injuries before moving forward. But
12 that shouldn't take very long. That's three or four
13 questions from me, at least.

14 THE COURT: Okay. Is she the first witness?

15 MR. BLOUIN: Well, we've got to finish Detective
16 Sellers first.

17 MR. STUMBO: No, sir. And I think -- I mean, I would
18 -- I don't think that's necessary. I mean, at the end of
19 the day I think, my understanding, Josh met with her this
20 morning. She's going to be able to lay, again, additional
21 foundation for the pictures that we have.

22 MR. THOMAS: Right. What she's -- from my
23 conversation with her, because we stipulated yesterday
24 that Detective Sellers, I took these photographs, these
25 are photographs of the deceased.

1 THE COURT: Right.

2 MR. THOMAS: She can look at the photographs and say
3 these are consistent with the injuries I observed on him.
4 Now, she can't say why they were caused or anything like
5 that, but she can say these are consistent with the
6 injuries I observed on the deceased that I noted in my
7 report.

8 THE COURT: Yeah. And then you can make it clear on
9 cross that the bullet wounds weren't. So . . .

10 MR. BLOUIN: Right.

11 THE COURT: Yeah. I mean, I think -- I hope this
12 jury gets that.

13 MR. STUMBO: That would be my argument, Judge. I
14 think -- I think Mr. Blouin's argument's really going to
15 weigh out of admissibility. Admissibility would be this
16 foundation which ---

17 THE COURT: Yeah.

18 MR. STUMBO: --- I believe we can more than lay.
19 But ---

20 THE COURT: Yeah. I do, too. And they've been
21 paying pretty close attention, real close attention.

22 All right. Let's get them in here.

23 (WHEREUPON, the jury entered the courtroom at 11:22 AM.)

24 THE COURT: Mr. Foreman, ladies and gentlemen of the
25 jury, you're missing a beautiful day outside, so don't

1 worry about it. Thanks for your patience.

2 Again, if you need a break at any time, get my
3 attention and we'll take it, no questions asked.

4 Okay. Let's continue on with the -- and you're
5 still, of course, under oath.

6 THE WITNESS: Yes, sir.

7 WHEREUPON,

8 BILLY SELLERS

9 After having previously been duly sworn, testified as
10 follows:

11 DIRECT EXAMINATION (Continued)

12 BY MR. STUMBO:

13 Q Good morning, Detective Sellers.

14 A Good morning, sir.

15 Q Where we broke off yesterday was the end of the
16 video-recorded statement that you and Detective Cheek and
17 Detective Gallo took with the defendant?

18 A Yes, sir.

19 Q Okay. And that ultimately was not the only time this
20 defendant has essentially on the record admitted to the
21 assault of the victim, Mr. Byrd, correct?

22 A Yes, sir. That's correct. He testified extensively
23 to it in the trial of Mr. Antone Blakely.

24 Q Okay. And you were here for the entirety of that
25 trial, correct?

1 A Yes, sir, I was.

2 Q And you've been able to review -- I'm going to show
3 you what's been marked as State's 27. You've been able to
4 review that document. And you can briefly look at it to
5 make sure it's what you reviewed before.

6 A Yes, sir. It's very lengthy. But yes, sir, it is.

7 Q Okay. You've reviewed the defendant's testimony in
8 that trial and the transcript thereof?

9 A Yes, sir.

10 Q Okay. That fairly and accurately depicts what his
11 testimony was that you observed in court that day.

12 A Yes, sir.

13 MR. STUMBO: Judge, as the redacted -- and I want, by
14 agreement with defense, 27 to come into evidence. We
15 would offer it into evidence at this time.

16 MR. BLOUIN: No objection, Your Honor.

17 THE COURT: All right. Without objection.

18 (WHEREUPON, State's Exhibit Number 27 was admitted into
19 evidence.)

20 BY MR. STUMBO:

21 Q I'm going to hand it back to you.

22 A Thank you, sir.

23 Q Refer you to a couple places in here. We're not
24 going to obviously read the whole thing, exhaust the jury
25 with that. But could you go to, let's see, page 579 of

1 the document? Just let me know when you're there.

2 A Yes, sir. I'm -- I'm there.

3 Q Okay. And I'll refer you to lines -- lines 19 -- 19
4 through 4 on page 580, so just a few lines there. Line 19
5 on page 579, he was asked about the threatening Mr. Byrd
6 at Walmart. Do you see where I am?

7 A Yes, sir, I do.

8 Q Okay. And what was his answer to that? This would
9 be lines 19 through the end of the page and then just the
10 first four lines of the next page.

11 A Yes, sir. It looks like his response to that
12 beginning on line 25, he states, I never seen him at
13 Walmart. I can't recall that.

14 He was then asked, So you deny telling Detective
15 Sellers that there was one incident at McDonald's? And he
16 will get to that. You saw him at Walmart and he ran away
17 from you, question.

18 Mr. Grant's response was, Well, I can't remember
19 that.

20 Q Okay. And you were in here on the witness stand
21 watching your videotaped interview with him yesterday.
22 And is that different than what he talked about there
23 being an incident at Walmart in that interview?

24 A Yes, sir. It's very different.

25 Q Okay. Just one last reference in here. Go to

1 page 569, Detective. All right. And lines 10 through 15,
2 Mr. Grant's answer and the question there, could you read
3 that for the jury on 569, 10 through 15?

4 A Yes, sir. This is a response from Mr. Grant after
5 questioning. His response is: I entered the room. He
6 was laying on the bed facing the wall. So by that time I
7 got up on him. He turned over and I said, You ain't going
8 to tell on nobody else because you ain't working. And I
9 hit him. He fell back on the bed. He fell back on the
10 bed, and I started stomping on him, punching him in the
11 stomach. That was it.

12 Q Okay. And then page 570, the next page, lines 20
13 through 23, if you could read that for the jury.

14 A Yes, sir. This is, again, a response from Mr. Grant.
15 He says -- it reads: When I hit him the first time, he
16 kind of like kind of dazed him, kind of knocked him out or
17 whatever. I just started stomping on him. He didn't have
18 an opportunity to fight back or defend himself or
19 whatsoever.

20 Q Okay. Thank you. You can set that up.

21 So as far as your investigation, you obviously
22 conducted this interview and you talked a whole lot to
23 other people who were willing to talk, right?

24 A Yes, sir. That's correct. They were willing to talk
25 later.

1 Q Okay. And Markeem Brown who came in the courtroom
2 yesterday, he was one of those guys that ---

3 A He was one of the people who did give me statements
4 and made it very clear that he was scared of ---

5 MR. BLOUIN: Objection, Your Honor.

6 BY MR. STUMBO:

7 Q Yeah. Not what he said, but that you talked to him,
8 correct?

9 A Yes.

10 Q Okay. And he told you what happened that night.

11 A Yes.

12 Q All right. That's all I need.

13 A Okay.

14 Q Let me just quickly -- we've just got a couple of
15 more questions. We looked at some pictures yesterday that
16 were State's 20 through 25 and identified those.

17 A Yes, sir.

18 Q I'm going to hand you four more. This is what's been
19 marked for ID as State's 28, 29, 30, 31. You can just
20 review those briefly.

21 A Yes, sir. I'm familiar.

22 Q Okay. You recognize what's in those pictures?

23 A Yes, sir, I do.

24 Q Okay. And are these additional pictures of injuries
25 to the victim?

1 A Yes, sir. These are photographs that I took of
2 Mr. Byrd both at the hospital the night that he was
3 pronounced deceased and at the autopsy.

4 Q Okay. These fairly and accurately represent his
5 body and the condition of it as you observed it that
6 night.

7 A Yes, sir, it does.

8 MR. STUMBO: Okay. Thank you.

9 One last thing. State's Exhibit 26, if you could put
10 these gloves on, I just wanted you to -- Judge, permission
11 to publish 26 to the jury.

12 THE COURT: Is this the machete?

13 MR. STUMBO: It is.

14 THE COURT: I assume no objection.

15 MR. BLOUIN: No objection.

16 THE COURT: Okay.

17 MR. STUMBO: I believe it's already in evidence but
18 we have not published it yet.

19 THE COURT: Yeah. It's -- I think it is. If it
20 isn't, it is now.

21 MR. STUMBO: All right. If you could just remove the
22 -- what's in that bag. And you can stand up if you need
23 to just to show to the jury.

24 Judge, can he walk over to the jury?

25 THE COURT: Uh-huh. Absolutely.

1 BY MR. STUMBO:

2 Q Okay. And you can take it out of the sheath, too,
3 and then put it back on when you're ready.

4 Okay. Now, that particular item of evidence was
5 brought to Laurens Police Department?

6 A Yes, sir.

7 Q Okay. And who brought that?

8 A Ms. Putman.

9 Q Okay. She's the one who testified in here yesterday?

10 A Yes, sir.

11 Q Okay. And you can put it back in the bag, Detective.

12 Okay. Ultimately, the conclusion of your
13 investigation as far as the assault of Mr. Byrd, you
14 determined to charge Mr. Grant in this case?

15 A Yes, sir, I did.

16 Q Okay. And also, you charged Mr. Blakely and other
17 individuals?

18 A Yes, sir. There were several charged.

19 Q And essentially, the theory or motive for this was
20 that Mr. Byrd was a snitch, right? That's why he was
21 attacked?

22 A He was a confidential informant.

23 MR. STUMBO: Okay. Nothing further at this time.
24 Please answer any questions Mr. Blouin may have for you.

25 THE WITNESS: Yes, sir.

CROSS EXAMINATION

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BY MR. BLOUIN:

Q Detective Sellers ---

A Yes, sir.

Q --- so you investigated -- I guess you initially came upon the scene investigating the murder of Mr. Byrd.

A Yes, sir. That's correct.

Q All right. And you testified earlier that there were issues with the original scene being different than the apartment and that's why SLED and everybody kind of didn't concentrate on the apartment at that time.

A Yes. There was no knowledge of a crime taking place inside that apartment at that time.

Q Later you realized that the apartment had more of an integral role into everything.

A Yes, sir. That's correct.

Q And so, you know, where Mr. Byrd ultimately ended up is different than where everything initially started.

A Yes. He was located in the roadway.

Q All right. So when you arrived on scene which was -- I don't -- how many minutes? Or you can estimate after you initially received the call (indiscernible)?

A It was within ten to 20 minutes.

Q Okay. When you arrived on scene, how many people did you see in and around the apartments that were not law

1 enforcement?

2 A There were quite a few. I would estimate 15 to 20,
3 maybe.

4 Q All right. And, you know, through interviews and
5 other things, during the fight there was anywhere between,
6 you know, 20 to 35 people around that apartment.

7 A That's what I was told, yes.

8 Q Okay. And that included people going in and out of
9 that apartment.

10 A That's what I was told, yes.

11 Q How many people did you interview just regarding the
12 fight aspect of this?

13 A I'd have to refer back to -- get a correct account
14 for you.

15 Q That's fine.

16 A (Reviews document) Roughly 11, possibly more.

17 Q Okay. So you say at least 11.

18 A Yes, sir.

19 Q All right. And, you know, how many people that you
20 did not interview were identified?

21 A I'm sorry?

22 Q Identified as people. You know, you've got 25 to 30
23 people out here. You said you interviewed 11 regarding
24 this. Were you able to identify the ten to 25 other
25 people?

1 A Not to my recollection, no. There wasn't many people
2 willing to cooperate with me.

3 Q Well, I'm not asking about cooperation. Just
4 identify.

5 A Okay.

6 Q So were you able to identify more individuals?

7 A There were a couple more that we were able to
8 identify from surveillance video. Yes, sir.

9 Q Okay. But you didn't interview those individuals.

10 A Not that I recall. No, sir.

11 Q Okay. And let's get to the cameras. So there are
12 cameras located on and in and around Spring Street in
13 those apartment complexes.

14 A Yes, sir.

15 Q All right. And one of them, if I'm correct and I may
16 not be, is located fairly close to the apartment where
17 everything took place.

18 A Yes, sir. Right on the -- on the corner of where the
19 apartment is located and the main road of Spring Street.

20 Q And when you interviewed individuals regarding this
21 assault, a lot of discussion takes place about how there
22 are things on camera and, you know, you better be right
23 with me because we're going -- we're going through the
24 cameras. We know a lot of things.

25 A Yes, sir.

1 Q All right. Was camera footage regarding the incident
2 around this assault ever collected?

3 A Are you saying 30 minutes prior -- 30 to 40 minutes
4 prior from ---

5 Q I'm saying from when you determined that the assault
6 took place, which I think there's been some testimony that
7 it's anywhere between 30 and 40 minutes prior to ---

8 A Okay.

9 Q --- the homicide investigation, was camera footage
10 taken or reviewed around that period of time?

11 A I understand what you're saying now.

12 Q Yes.

13 A No, sir. The initial camera footage was taken to
14 encompass the homicide itself which we were aware of at
15 the time. We were unable to get footage later on because
16 of the retention time on the Housing Authority's camera
17 system.

18 Q Okay. But we're not talking like weeks later. We're
19 talking a day, two days later, max?

20 A Several days later, yes, sir.

21 Q Okay. Well, you served a search warrant like three
22 days later, so obviously -- and, you know, you discovered
23 that this assault had taken place fairly quickly. I mean,
24 not immediately, but fairly quickly, you know, after your
25 murder investigation started.

1 A Yes, sir. We discovered the assault within a few
2 days and were still gathering details on what else to look
3 for.

4 Q All right. So there's no camera footage of the
5 individuals around the assault.

6 A No, sir.

7 Q And in interviews you tell interviewees that there is
8 camera footage.

9 A It's a common interview tactic. Yes, sir.

10 Q So it's an interview tactic to say certain things
11 that may not be true in order to elicit responses.

12 A It's deemed acceptable by the U.S. Supreme Court.
13 Yes, sir.

14 Q I'm not questioning whether it was legal or not. I'm
15 just kind of building that out.

16 Did you collect any video footage regarding the
17 events I think Ms. Putman -- you were in here testifying
18 to regarding Shykorie and Ms. Putman and the handing over
19 of this machete?

20 A No, sir. That happened inside of a residence where
21 there is no camera footage.

22 Q Right. But there's camera footage outside of the
23 residence.

24 A Yes, sir. No, sir. That footage was not obtained.

25 Q Now, you would agree that if there was camera footage

1 of that, it would be more easy to verify the different
2 stories that people were telling and to see who was
3 involved, who was not involved and the amount -- you know,
4 and what their involvement was.

5 A Yes, sir. I would have loved to have had more camera
6 footage.

7 Q Now, we have a large age difference between my client
8 and the other individuals that were charged with him; is
9 that correct?

10 A Yes, sir.

11 Q And did you ever perform, you know, a phone dump or
12 what I call -- or cell phone extraction of my client's
13 phone?

14 A No, sir. Not that I recall.

15 Q What about any of his codefendants' phones?

16 A Yes, sir. There were several phone extractions.

17 Q How many phone extractions?

18 A I can't answer that right off, but I know there were
19 several in connection to the homicide.

20 Q Okay. But were any of the codefendants of the
21 assault -- was there a phone extraction done of
22 Mr. Blakely?

23 A No, sir.

24 Q Okay. Was there a phone extraction of Mr. Swann?

25 A I honestly can't remember whether or not we had

1 Swann's phone or not. Several of the defendants were not
2 in possession of their devices at the time of their
3 arrest.

4 Q All right. What about Mr. Grant? Shykorie Grant,
5 I'm sorry, since there's two Mr. Grants.

6 A No, sir. I don't believe so.

7 Q Given the age discrepancy which you said is, what,
8 15, 20 years between my client and the other
9 individuals ---

10 A I'd say that's fairly accurate.

11 Q --- wouldn't that have been helpful for you in order
12 to determine whether they were in communication with each
13 other prior or subsequent to this assault taking place?

14 A Yes. If I would have had access to those devices, it
15 would have absolutely been helpful.

16 Q Now, you interviewed my client. We saw that on the
17 screen yesterday.

18 A Yes, sir.

19 Q He had his phone with him at the time that he
20 interviewed with you, did he not?

21 A Yes, sir.

22 Q And there's actually one point on the video where he
23 is actually taking his phone and him and investigator --
24 or Reverend Cheek are comparing messages about how he got
25 notified to come down here and talk to you.

1 A Yes, sir.

2 Q His phone wasn't asked to be gone through at that
3 time?

4 A No, sir, it wasn't.

5 Q And -- but you -- well, but he was at the time that
6 he did interview, you know, a suspect in this kind of
7 whole web of stories going on.

8 A Yes, sir. I believe the tactic you're referring to
9 is creating ripples.

10 Q I've never heard that one, but I'll let you have it.
11 So let me get it straight. So Mr. Blakely, no dump,
12 Mr. Shykorie Grant, no phone dump. We're not sure about
13 Mr. Woodruff?

14 A Yeah. That's -- that's to the best of my
15 recollection. Yes, sir.

16 Q What about Toby [phonetic] Jackson? Was his phone
17 ever dumped?

18 A No, sir. I don't believe so.

19 Q And Mikel Burnside, was his phone ever dumped?

20 A Not that I believe. These were all Facebook search
21 warrants, sir.

22 Q And an individual named Ballout [phonetic], was his
23 phone ever dumped?

24 A No. He was captured over a year later not in
25 possession of that device.

1 Q All right. So you ultimately got a search warrant
2 for Apartment ■.

3 A Yes, sir.

4 Q And I believe you got the search warrant on
5 January 25th.

6 A I'll trust your ---

7 Q So, you know, you would agree that investigating
8 crime scenes is important to secure a scene as quickly as
9 possible in order to not have that scene become
10 contaminated.

11 A Absolutely.

12 Q And, you know, as you kind of testified, you know,
13 Apartment ■ was not initially secured.

14 A That's correct.

15 Q So between the, I guess, 23rd of January until the
16 search warrant was served on the 25th, there were numerous
17 people possibly going in and out.

18 A It's possible.

19 Q And we can at least identify three individuals per
20 testimony who said they went -- or that were placed in
21 that apartment between that time.

22 A I recall two. But if you say there's three, yes,
23 sir.

24 Q Well, the third being you said the lessee cleaned the
25 apartment.

1 A That's Ms. Workman.

2 Q Right. So that's one.

3 And then you have Ms. Putman who says that ---

4 A And Shykorie Grant. Got you, sir. Yes, sir.

5 Q Shykorie. So we've got at least three people that
6 were in that residence before that scene had been secured.

7 A Yes, sir.

8 Q And would it be fair to say that Apartment ■ was
9 known as a bit of a party house?

10 A That whole block is known as a party block. Yes,
11 sir.

12 Q And so people, you can't say that the apartment
13 looked the same or contained the same things as it would
14 have if it had been initially secure on the 22nd, 23rd?

15 A No, sir. I cannot say that.

16 Q Now, pursuant to that search warrant, I'm assuming
17 that y'all did search the room that Mr. Byrd was staying
18 in?

19 A Yes, sir, we did.

20 Q And give a rough estimation. Sometimes pictures can
21 be misleading. Anyone who has ever, you know, bought a
22 house or seen a Realtor, sometimes pictures make things
23 look larger. How big are we talking about these
24 apartments?

25 A It is not big at all. It is a very small apartment.

1 Q And Mr. Byrd's room as far as bedrooms was the
2 smallest of bedrooms.

3 A Yes, sir.

4 Q And so not a very big space.

5 A No, sir. Larger than our interview room.

6 Q Right. But, you know, not exactly -- you know, I'm
7 not going to ask you to estimate, but a small bedroom.

8 A Yes, sir.

9 Q Were you able -- and you did not find any blood
10 evidence, DNA evidence, fingerprint evidence in Jarvis's
11 bedroom?

12 A No, sir.

13 Q Now, when you -- let's kind of go back because you
14 mentioned an interview room. So when you conduct
15 interviews, is it fair to say that it's important to kind
16 of keep those as self-contained as possible?

17 A Yes, sir.

18 Q And not the only reason, but one of the reasons that
19 you need those contained is because you want whoever
20 you're interviewing to tell them what they know
21 truthfully, assuming truthfully, not without any sort of
22 outside influences.

23 A Yes, sir. I'd say that's fair to say.

24 Q Which is why when you interview individuals, you
25 don't interview two or three people in the room at the

1 same time.

2 A Yes.

3 Q So let me ask you then, you gave multiple
4 interviewees, including, I believe, Mr. Little and his
5 wife, statement forms to bring home with them after they
6 had completed their initial interview on camera; is that
7 correct?

8 A Yes, sir, I did.

9 Q And given how we want statements to be, you know,
10 what are in people's memory, I guess, is that standard for
11 you to do or is it more standard for you to have them
12 memorialize what they have interviewed to in writing while
13 they're still in that controlled environment?

14 A Fair question. Yes, sir. That is a common practice
15 not only by myself, but others, especially in the event of
16 a traumatic experience like they have went through when --
17 where they're at 1:00 or 2:00 in the morning, they've been
18 up all day and just dealt with the death of a family
19 member. I would absolutely not expect them to sit there
20 and fill out paperwork when the statements were
21 memorialized through video.

22 Q But there is an inherent danger in that if they are
23 filling out paperwork in a noncontrolled environment,
24 those statements can become influenced and contaminated by
25 outside influences not in your control.

1 A They are outside of my control. Yes, sir.

2 Q And when you say part of that is also to minimize,
3 like I said, what I would call memory contamination by,
4 you know, hearing stuff on the streets, or, you know,
5 talking with other individuals before they -- before, you
6 know, they actually write it.

7 A I think I would have to speculate on that, but I
8 would say it's no different than trying to recall events
9 after a traumatic experience which is very difficult to do
10 and has been proven you need at least two sleep cycles to
11 start recalling those events.

12 Q Now, you interviewed, like I said, Mr. Little, I
13 believe, multiple times; is that correct?

14 A Twice, I believe.

15 Q Okay. And he provided the voluntary statement later
16 somewhere in between.

17 A Yes. Voluntary statement came to me either later in
18 the day on the same day of the first interview or the very
19 next date.

20 Q And in the voluntary statement and in the initial
21 interview both for him and his wife, neither of them
22 mentioned giving any sort of guns to Jarvis.

23 A No. Not until the second interview.

24 Q All right. And with -- you know, you were here.
25 Mr. Little's not supposed to have any guns.

1 A No, sir, he's not.

2 Q And he ultimately spoke to you about having three --
3 three guns, I guess, in the trunk of his car?

4 A Yes, sir. He finally told me about that. He was
5 scared to tell me initially. Yes, sir.

6 Q The .22 caliber revolver, the silver one.

7 A Yes, sir.

8 Q A .357?

9 A I believe so.

10 Q And .357 is not a small gun, is it?

11 A No. It's a large caliber.

12 Q Okay. And an AK style (indiscernible)?

13 A I assume an AK. It was referred to as a Chopper.

14 Q And he wasn't arrested or investigated for possessing
15 those firearms?

16 A No, sir. He was not arrested. It was the position
17 of the Laurens Police Department collectively that the
18 family had suffered enough through the homicide of their
19 nephew.

20 Q Now, you had the ability to interview Shykorie Grant
21 during this.

22 A Yes, sir.

23 Q And during that interview, he stated he wasn't in the
24 apartment at the time that the assault happened.

25 A My notes, it says he was in the apartment before the

1 assault.

2 Q Oh, we'll get to that. We'll get to that. But
3 initially, he said he wasn't in the apartment when the
4 assault happened.

5 A Okay.

6 Q And that he was outside as usual. You see that on
7 the camera. He asked y'all to see that on the camera.

8 A Okay.

9 Q That he was in the apartment before the assault and
10 had just gone into the apartment to use the bathroom.

11 A Yes. I believe that's correct.

12 Q He also stated he didn't know where Jarvis was. I
13 believe he stated that he thought he was going to a girl's
14 house down, you know, somewhere else, I guess, in the
15 projects?

16 A If he said that, I would have to trust you on it
17 because it's not in my notes.

18 Q Okay. And that after he used the bathroom, he went
19 out the front door and then took the hill down the
20 alleyway.

21 A Yes, sir. That sounds familiar.

22 MR. BLOUIN: Beg the Court's indulgence for a
23 minute.

24 THE COURT: All right.

25 MR. BLOUIN: Just two more questions, Your Honor.

1 BY MR. BLOUIN:

2 Q The voluntary statement that you received from David
3 Little after this, after the initial interview ---

4 A Yes, sir.

5 Q --- it was not consistent with what he told you
6 during the interview process.

7 A There may have been slight differences. I would have
8 to refer both to the video and that statement to compare.

9 Q And lastly, y'all arrested eight people, I guess, in
10 regards to the assault?

11 A In regards to just the assault or ---

12 Q Just the assault.

13 A There were a lot of defendants. I'm sorry. I'm sure
14 you have my booking reports, so if you're saying eight,
15 then I'll -- I believe I can trust you.

16 Q If I say it's eight, will you agree with ---

17 A I'll agree with you if you say it's eight based off
18 of my booking reports.

19 Q And if it's not, I'm sure I'll be corrected quite
20 quickly.

21 A All right. I believe there are a total of ten-plus
22 defendants here.

23 Q So one last question. So, you know, because there
24 were no cameras available or weren't taken at the time,
25 because no -- you know, there were -- there were no phone

1 dumps done, because pursuant to the search warrant there's
2 no physical evidence regarding this assault collected, you
3 know, there is no forensic evidence in regards to the
4 assault and my client's involvement in that assault.

5 A There's no digital evidence to suggest that your
6 client was involved other than the recorded statement he
7 gave us.

8 MR. BLOUIN: Right. Okay. No further questions.

9 THE COURT: Anything?

10 MR. STUMBO: Just a few on redirect.

11 REDIRECT EXAMINATION

12 BY MR. STUMBO:

13 Q Now, the defense attorney just asked you who was
14 charged with regards to the assault. That's part of the
15 element of by a mob, right?

16 A Yes, sir.

17 Q On these charts?

18 A Yes, sir.

19 Q So the assault and battery by a mob second degree,
20 you charged -- correct me if I'm wrong, but you charged
21 Antone Blakely or Cheese, right?

22 A Yes, sir.

23 Q Shykorie Grant?

24 A Yes, sir.

25 Q Swann Woodruff?

1 A Yes, sir.

2 Q Okay. I think Kion Ligon was charged with
3 conspiracy.

4 A He was charged with conspiracy. Yes, sir.

5 Q Okay. So you did charge others that were part of
6 this preplanning or mob, right?

7 A Yes, sir, I did.

8 Q Okay. And, in fact -- well, let me back up from
9 that. He asked you about records that you collected from
10 all the phones. I mean, who showed up with a phone of all
11 these defendants?

12 A At the time of arrest, none. Few, if any.

13 Q Okay. And Mr. Grant came in to give y'all that
14 statement how many days later after the incident?

15 A The incident occurred on the 22nd and he came for his
16 interview on the 28th, so six days.

17 Q Right. State's 1 would reflect January 28th,
18 correct?

19 A Yes, sir.

20 Q Based on your training and experience, would you
21 expect someone in the position of Marcus Grant to show up
22 with a phone that has evidence on it?

23 A Absolutely not.

24 MR. BLOUIN: Your Honor, we just object to
25 speculation.

1 THE COURT: Yeah. Sustained.

2 BY MR. STUMBO:

3 Q Okay. How about these other guys? Did any of them
4 come in with a phone when they turned themselves in or you
5 went to arrest them?

6 A No one came to me willing to give me their electronic
7 devices to be analyzed.

8 Q Did you get a search warrant for any other digital
9 evidence regarding those defendants?

10 A Yes, sir. We did search warrants for their social
11 media where it was found that the majority of
12 conversations were taking place on Facebook messenger.

13 Q Okay. And so you did collect those records from
14 Facebook, right?

15 A Yes, sir, I did.

16 Q Did Marcus Grant have a Facebook account you could
17 ascertain?

18 A I don't believe that we were able to get Marcus
19 Grant's Facebook account.

20 Q Did you get Antone Blakely's or Cheese, his Facebook?

21 A Yes, sir. Yes, sir.

22 Q Okay. And, in fact, you did collect that evidence,
23 and it was presented in court in Mr. Blakely's trial,
24 right?

25 A Yes, sir. Extensively.

1 Q Did those records say anything about snitches?

2 A Absolutely.

3 MR. BLOUIN: Your Honor, we object to the records of
4 a codefendant that we don't really have a foundation for.
5 It's outside the scope of cross or outside recross.

6 MR. STUMBO: I think the door's been opened with
7 questions about what the detective collected as part of
8 his investigation. I think the jury needs to ---

9 THE COURT: Well, the question is going to be -- come
10 here.

11 (WHEREUPON, a bench conference was held off the record.)

12 THE COURT: Okay. You can continue.

13 BY MR. STUMBO:

14 Q Part of these Facebook records, just to make clear,
15 they're not the defendant's Facebook records, right?

16 A That's correct.

17 Q Okay. Did you find any association with relatives of
18 the defendant and Mr. Blakely ---

19 A Yes.

20 Q --- in the Facebook records?

21 A Yes, sir.

22 Q Okay. What were they in the form of?

23 A They were in the form of talking about snitching.

24 Q But just the pictures of people together.

25 A Yes.

1 Q I mean, did you find those on ---

2 A Yes. There were photographs that contained
3 Mr. Grant's son and several other codefendants.

4 Q And his son would be Kion?

5 A Kion Ligon.

6 Q Okay. There were pictures of him and Mr. Grant on
7 there, correct?

8 A Yes.

9 Q And I believe State's 27 is in evidence. Some of
10 those pictures were asked about in State's 27 which is
11 already in evidence, right?

12 A Yes, sir.

13 Q And the court testimony of Mr. Grant last time.

14 A Yes, sir.

15 Q This last thing and I'll be done. I'll sit down and
16 shut up. The defense attorney asked you about all these
17 people out there and whether they -- whether they would
18 talk to you or not, right?

19 A Yes, sir.

20 Q Okay. How many people out there that night were
21 coming up to you wanting to give you a statement?

22 A None on scene.

23 Q All right. And that night or in the following days,
24 was there anybody there that night that came to you and
25 said I saw Marcus Grant that night acting alone going in

1 that apartment and assaulting Mr. Byrd?

2 A Not one person.

3 Q Okay. But there were others that said there were
4 other people involved, right?

5 A Absolutely.

6 Q Okay. But not one witness came and said he was
7 acting alone that night.

8 A None.

9 Q Other than Mr. Grant himself.

10 A He's the only one, sir.

11 MR. STUMBO: No further questions.

12 THE COURT: Anything you feel like you need to clear
13 up? I'll give you a little leeway.

14 RECROSS EXAMINATION

15 BY MR. BLOUIN:

16 Q Just as far as the Facebook posts and the pictures,
17 those Facebook posts are fairly old, aren't they?

18 A They were from the time of the homicide and the
19 assault, sir.

20 Q But the ones that the solicitor was referring to,
21 pictures are older Facebook posts.

22 A The pictures of Mr. Kion Ligon and this other group
23 of people?

24 Q Right.

25 A They were within a couple years of the incident.

1 Yes, sir.

2 Q A couple years. Okay.

3 And there's no connection between -- on the Facebook
4 posts or anything between my client and those Facebook
5 posts.

6 A No, sir.

7 Q And just to be clear, those other individuals,
8 Mr. Ligon, Mr. Cheese, they are all in their early 20s or
9 would have been at the time?

10 A Yeah. Mid-20s approaching 30, somewhere in there.

11 Q And when you said that people came to you and spoke
12 to you regarding other people that were involved with
13 Mr. Grant, I guess you'd be referring to Mr. Little and
14 his wife.

15 A And additional -- additional others.

16 Q I'm just saying you said from that night. You said
17 that interviewed that night.

18 A Interviewed that night, the Littles were the first
19 people who brought that to my attention.

20 MR. BLOUIN: All right. Thank you.

21 THE COURT: Anything else for this witness?

22 MR. STUMBO: No, sir. I think just permission -- I
23 know we talked about this issue. I don't think we'll need
24 to recall him on the injury pictures, but just in case.

25 THE COURT: Okay. You're going to be around.

1 THE WITNESS: Yes, sir.

2 MR. STUMBO: He'll be here.

3 THE COURT: And theoretically, your subpoena is still
4 active.

5 THE WITNESS: Yes, sir.

6 THE COURT: Sorry.

7 MR. STUMBO: As the lead investigator, Judge, I think
8 he'll be here with us for the duration. Yes, sir.

9 THE COURT: I suspect he will.

10 You don't mind if we take a two minute break and
11 stretch? I need to, to be honest with you. Then we'll
12 come right back in.

13 Please don't discuss the case. This will not be
14 another two minute one that turns into 15. I promise. It
15 will be two that turns into five. So trust me on that.
16 Okay.

17 MR. STUMBO: Judge, this is Dr. Dukes. If we could
18 just -- you say you need to stand up for two minutes?

19 THE COURT: Yeah. I'm going to let them go out, and
20 then y'all come in and get set up.

21 I'm sorry about that, ma'am. That was my fault.

22 MR. STUMBO: Dr. Dukes, you can stay in here.

23 THE COURT: Yeah.

24 Y'all go ahead back, stretch for two or three
25 minutes.

1 I'm so sorry, Doctor.

2 (WHEREUPON, the jury exits the courtroom at 12:06 PM and a
3 recess is taken.)

4 THE COURT: All right. Are y'all ready?

5 MR. STUMBO: Yes, sir.

6 MR. THOMAS: And just, I think, for the record so it
7 reflects, State's 23 we're not going to put into evidence
8 just from talking to the doctor.

9 THE COURT: Okay.

10 MR. THOMAS: Give it back to the court reporter.

11 THE COURT: All right.

12 You can bring them in.

13 So we're going to do this witness before lunch and
14 then ---

15 MR. BLOUIN: Take care of the matters maybe and
16 then ---

17 THE COURT: All right.

18 MR. BLOUIN: --- tweak my closing and then close and
19 argue and charge after lunch.

20 (WHEREUPON, the jury entered the courtroom at 12:16 PM.)

21 THE COURT: Okay. Ladies and gentlemen, you have one
22 more witness to hear and then we'll break. While you're
23 gone, we're going to be working toward bringing this thing
24 to culmination either this afternoon or at the very latest
25 tomorrow morning. So I'll let you know.

1 Okay. Yes, sir. .

2 MR. THOMAS: Your Honor, the State calls Dr. Grace
3 Dukes.

4 WHEREUPON,

5 GRACE DUKES

6 After having been duly sworn, testified as follows:

7 THE CLERK: Thank you. You may have a seat.

8 DIRECT EXAMINATION

9 BY MR. THOMAS:

10 Q Dr. Dukes, how are you doing this morning?

11 A Good. How are you?

12 Q Good.

13 Where do you work?

14 A I work for Pathology Associates in Greenville, South
15 Carolina.

16 Q And what's your roll there?

17 A I'm a forensic pathologist.

18 Q And so that's a medical doctor?

19 A It is.

20 Q What kind of education do you have to have to be a
21 pathologist?

22 A I completed four years of medical school, a four-year
23 residency in clinical and anatomic pathology at University
24 of Kentucky. I then did a one-year specialty training in
25 forensic pathology at the Cook County Medical Examiner's

1 Office in Chicago.

2 Q So undergrad, med school and then residency, that
3 sort of thing.

4 A Yes.

5 Q And how long have you been a pathologist?

6 A I've been practicing forensic path. for about six
7 years.

8 Q I forgot. Did you start off with pathology or did
9 you ---

10 A I did, I did. I mean, fully trained and practicing
11 for six years.

12 Q And what is -- what are we talking about when we talk
13 about a pathologist? What does a pathologist do?

14 A A forensic pathologist or a ---

15 Q A forensic pathologist.

16 A As a forensic pathologist, I do autopsies on deceased
17 people to determine cause and manner of death.

18 Q And how many autopsies do you think you've performed
19 over the course of your career?

20 A Around 2,200 now.

21 Q And you've been qualified in court as an expert in
22 forensic pathology how many times?

23 A Yes. Maybe a dozen, 12 to 15.

24 Q Definitely in this courtroom before, though, right?

25 A Yes.

1 MR. THOMAS: Your Honor, at this time the State would
2 present Dr. Dukes as an expert in forensic pathology.

3 MR. BLOUIN: No objection, Your Honor.

4 THE COURT: No objection.

5 BY MR. THOMAS:

6 Q Dr. Dukes, did you have an opportunity to conduct an
7 autopsy on Jarius Mickale Byrd?

8 A I did.

9 Q And you did that on January 23, 2021?

10 A Yes.

11 Q And just what is an autopsy? Just generally broad
12 strokes, like what is that?

13 A Sure. An autopsy is the examination of a deceased
14 body. Externally, we review everything characterizing the
15 decedent, you know, hair color, eye color, clothing,
16 things like that, and then injuries on the body. Then we
17 will cut into the body and dissect the organs in a
18 systematic way and document any disease or injury that we
19 find and ultimately come to a conclusion about cause and
20 manner of death.

21 Q And that's what you did for Mr. Byrd?

22 A It is.

23 Q And ultimately, without going into the details, what
24 was his ultimate cause of death?

25 A His cause of death was multiple gunshot wounds.

1 Q And as part of your examination, obviously, you
2 documented, you examined all of those gunshot wounds and
3 the bullet path and all that good stuff, right?

4 A Yes.

5 Q Did you also document some other injuries on him?

6 A I did.

7 Q Okay. And I know we talked about this earlier, your
8 documentation of gunshot wounds, very detailed in your
9 report; is that right?

10 A Yes.

11 Q A little less detail in the documentation of the
12 additional injuries in your report; is that right?

13 A Yes.

14 Q And why was that?

15 A Just because his main cause of death and his main
16 significant injury were the gunshot wounds. But he did
17 have additional injuries which I documented.

18 Q And let's walk through those first. What was the
19 first additional injury you noted?

20 A He had contusions of his left temple and left cheek.

21 Q What was the second additional injury?

22 A On the back sort of top of his scalp he had an
23 L-shaped partial thickness scalp laceration.

24 Q And what was your third injury you noticed?

25 A On his posterior forearms, he had multiple linear and

1 irregular superficial abrasions.

2 Q And fourth additional injury?

3 A On the back of his left hand at the base of the thumb
4 there was a small abrasion.

5 Q And fifth injury?

6 A On his right knee he had multiple superficial
7 abrasions.

8 Q And the sixth injury you noted?

9 A Yes. On the side of his right hip, he had about a
10 2x2 inch abraded contusion.

11 Q So I'm going to show you some photographs. These
12 have already been identified by Detective Sellers as
13 photographs that were taken by him at either the hospital
14 or at the autopsy. And I just want to show you a couple
15 of these and see if you can identify them. And some of
16 them you're not going to be able to -- you've already
17 looked at most of these, right?

18 A I believe so.

19 Q And I showed you the unredacted copies of them?

20 A Yes.

21 Q Okay. And some of them obviously don't include
22 identifying information about the decedent?

23 A Correct. A lot of them don't include the autopsy
24 number.

25 Q But let me just show them to you. Let's walk through

25 Q Let me show you State's 30. What are we looking at

1 there?

2 A This appears to be a photo of the scalp laceration on
3 the decedent's scalp.

4 Q And that's consistent with your findings of, I guess,
5 about a half-inch by quarter-inch L-shaped laceration to
6 his top of his scalp?

7 A Scalp. Yes, it is.

8 Q So there's some hair that's been removed in that
9 picture, that photograph?

10 A Yes.

11 Q Is that something you do as part of your analysis,
12 clean it up a little bit?

13 A Yes. If I identify an injury that I'd like to
14 photograph better, I'll shave the hair around it.

15 Q Let me show you State's Exhibit Number 20. Does that
16 appear consistent with, I guess, before you clean it off
17 and clean it out?

18 A It is. It's consistent with an acute injury of the
19 back of the head.

20 MR. THOMAS: At this time, Your Honor, the State
21 would move 20 and 30 into evidence.

22 MR. BLOUIN: Just subject to prior objection.

23 THE COURT: Subject to prior objections and they're
24 overruled. Okay.

25 ///

25 MR. BLOUIN: Just to clarify, everything's just

1 subject so I don't have to keep standing.

2 THE COURT: Absolutely, yeah.

3 BY MR. THOMAS:

4 Q State's 28, is that consistent with the fourth injury
5 you noted, the abrasion at the base of the thumb?

6 A It is.

7 MR. THOMAS: The State would move 28 into evidence,
8 subject to the same objections.

9 THE COURT: Yeah. It's subject to and admitted.

10 (WHEREUPON, State's Exhibit Number 28 was admitted into
11 evidence.)

12 BY MR. THOMAS:

13 Q And State's 22, does that appear consistent with the
14 -- you noted the abrasions of the right knee?

15 A It does.

16 Q And 24, is that consistent with any contusions you
17 (indiscernible) right lateral hip about 2x2 inches?

18 A Yes.

19 MR. THOMAS: The State would move 22 and 24 into
20 evidence.

21 THE COURT: Subject to the same objections, and
22 they're overruled.

23 (WHEREUPON, State's Exhibit Numbers 22 and 24 were
24 admitted into evidence.)

25 MR. THOMAS: And then I would just publish these very

1 quickly.

2 THE COURT: Okay. Make sure you watch, make sure
3 nothing slipped by you because there were a couple -- I
4 thought I saw one I didn't see yesterday. But I'll let
5 you know.

6 MR. THOMAS: Stop me if I go too far.

7 THE COURT: I will.

8 BY MR. THOMAS:

9 Q Let's take a look at State's Exhibit -- let's just
10 work backwards. Let's look at State's Exhibit 24.

11 And Investigator Hunnicutt, if you could just zoom in
12 on the actual injury.

13 What are we looking at in this photograph? Again, if
14 you need to get up and ---

15 A Is that okay?

16 Q Yes. Please.

17 A The decedent's lying on his back. And this is the
18 side of his hip with the abraded contusion that I
19 described.

20 Q And when you say "contusion," that's just a deep
21 bruise?

22 A A bruise.

23 Q Let's go to 22. Scroll down and zoom in a little.
24 Just shows what we're looking at regarding that right
25 knee.

1 A This is also the decedent lying on his back. Not
2 pictured. And this is the top of his right knee, and he
3 has a couple superficial abrasions there.

4 Q And then we'll go to State's 28. If you can zoom in
5 on that top portion. And then, again, what are we looking
6 at on him, that right hand -- or that left hand?

7 A This is the small abrasion at the base of the thumb
8 right there.

9 Q So that is -- that is an abrasion. That's not like a
10 wart or a mole or anything. That's an actual injury.

11 A That's an abrasion.

12 Q Okay. Let's look at State's -- let's do 31. Again,
13 this would be his, I believe, right arm?

14 A Yes.

15 So in this photo the decedent is lying face down, and
16 this is the back of his right arm. This is not injury.
17 These are the abrasions on the back of his right arm.

18 Q Okay. So basically, that entire forearm has abrasion
19 injuries to it?

20 A Yes.

21 Q And then 21. And then this, I believe, is his left
22 forearm?

23 A It is.

24 So the decedent is also lying facedown in this photo,
25 and then the arm is lying behind him. So this is sort of

1 -- his arm is partially turned, but this is the posterior
2 portion of his left forearm.

3 Q And then those are obviously abrasion injuries.

4 A With abrasions here and here.

5 Q And then State's Exhibit 20. And then this is the --
6 what did we call this? The apical scalp, like the apex of
7 the scalp?

8 A Apical scalp, yes. So this is consistent with an
9 acute injury of this portion of the scalp.

10 Q But that's not a gunshot wound or anything.

11 A With dried blood on top of it.

12 It's -- it will be cleaned up in the subsequent
13 photo, I believe.

14 Q Yep. Exhibit 30. And that's just a -- scroll down
15 -- close-up, cleaned-up version?

16 A Yes. So this is what the underlying injury looked
17 like. It's a little bit more cleaned up.

18 Q And then finally, we'll do State's Exhibit 29. What
19 are we looking at on 29?

20 A This is the left side of the decedent's face with
21 contusions along his temple and onto his cheek.

22 Q So that's basically his left-hand side of his face?
23 That would be the multiple, discontinuous, partially
24 linear contusions?

25 A Yes.

1 Q I think that's all the photographs.

2 Obviously, none of these are fatal in this case.

3 A Correct.

4 Q But let me ask you this. This constellation of
5 injuries, all these injuries he got, could he have
6 received those -- he didn't receive those from gunshot
7 wounds, right?

8 A Right.

9 Q Would those be consistent with someone being
10 assaulted?

11 A They could be. They're blunt-force injuries that
12 could be consistent with an assault.

13 MR. THOMAS: Beg the Court's indulgence.

14 THE COURT: Absolutely.

15 BY MR. THOMAS:

16 Q And just so we're clear, all the assault injuries,
17 none of that is the cause of death. What was the cause of
18 death again?

19 A Correct. The cause of death was multiple gunshot
20 wounds.

21 Q And obviously, those were documented also. It's just
22 none of that has been presented today.

23 A Yes. They're in the report.

24 MR. THOMAS: Thank you very much.

25 THE COURT: Okay. So you're through?

1 MR. THOMAS: Yes, sir, Your Honor. I turned it over
2 to ---

3 CROSS EXAMINATION

4 BY MR. BLOUIN:

5 Q Dr. Duke, let me ask you, the last question that the
6 solicitor proposed was he said assault injuries. You
7 don't know whether those were the result of an assault or
8 anything else, do you?

9 A Correct. They're blunt-force injuries.

10 Q And when you say "blunt-force injuries," that means
11 basically that something, whether it be someone, a wall, a
12 piece of pavement hit and caused that injury. Blunt is
13 force, not (indiscernible)?

14 A Yes. The decedent was struck by blunt objects
15 resulting in those injuries.

16 Q Or the decedent could have struck ---

17 A Or the decedent came in contact with a blunt object
18 resulting in those injuries.

19 Q So, you know, you have no idea what caused those
20 injuries.

21 A That's right.

22 Q And you don't know how they were caused.

23 A That's right.

24 Q And you don't know when they were caused.

25 A No.

1 Q And it's my understanding that as long as someone's
2 heart is still beating, that an individual has the ability
3 to bruise.

4 A Correct.

5 Q All right. And those types of injuries, assuming,
6 you know, would not require any sort of medical treatment
7 I believe you testified to previously.

8 A Potentially, some sort of treatment of the scalp
9 laceration, depending on probably the preference of the
10 injured person.

11 Q But they would not have been fatal.

12 A No.

13 Q And the skull was not damaged?

14 A It was not.

15 Q And more specifically, Mr. Byrd's jaw was not
16 broken.

17 A No.

18 Q Now, we used a lot of kind of medical terms,
19 contusions and abrasions. A contusion means a bruise,
20 doesn't it?

21 A That's right.

22 Q And an abrasion means like a scratch or kind of a
23 rub, you know, an irritation of some sort.

24 A Disruption of the skin caused by a scraping.

25 MR. BLOUIN: Beg the Court's indulgence one moment.

1 BY MR. BLOUIN:

2 Q Could an individual, like I said, falling on a hard
3 object cause those contusions?

4 A Potentially.

5 Q And like I said, you don't know what caused those
6 contusions or abrasions.

7 A That's right.

8 Q And there are things, like I said, even in this
9 courtroom that could cause similar contusions or abrasions
10 depending on the circumstances.

11 A Any blunt object consistent with the patterns, yes.

12 MR. BLOUIN: No further questions.

13 THE COURT: Anything on redirect?

14 REDIRECT EXAMINATION

15 BY MR. THOMAS:

16 Q Just to be very clear, that question about the heart
17 was still beating, the heart still beats when you bruise,
18 so the fact that he's got all these contusions and
19 everything, that means he was alive when those injuries
20 were inflicted on him?

21 A Yes.

22 Q And just to be clear also, blunt-force trauma to the
23 head, do you ever have homicides or even other types of
24 deaths that were caused by blunt-force trauma to the head?

25 A Yes.

1 Q So that can be fatal?

2 A It can be, yes.

3 MR. THOMAS: Thank you very much, Doctor.

4 THE COURT: All right. Doctor, you can step down.

5 Can she be released?

6 MR. STUMBO: Yes, sir.

7 THE COURT: You're released from your subpoena.

8 THE WITNESS: Thank you.

9 THE COURT: Have a great day.

10 Y'all want to come over here and figure out where we
11 are?

12 MR. STUMBO: Yes, sir.

13 (WHEREUPON, a bench conference was held off the record.)

14 THE COURT: Okay. Ladies and gentlemen, we're going
15 to break now. The plan as it stands now, we moved
16 further. Sort of tragically, the hearing that I have
17 tomorrow is now no longer needed. So take -- if you can
18 be back at 2:00 after lunch, be back in there. There's a
19 possibility that we can get this case to you today. It's
20 a possibility. It just depends on how things flow.

21 While you're gone, we're going to be putting together
22 my jury charge and we have other things that we have to do
23 outside your presence. So we're going to be here another
24 35, 40 minutes working, and it just depends on how far we
25 get after that.

1 But y'all are excused till 2:00. And don't discuss
2 the case. I'll see you back here at 2:00.

3 MR. STUMBO: Judge, can I just briefly for the record
4 say the State does rest at this time?

5 THE COURT: All right. The State rests.

6 MR. STUMBO: That's our case. Yes, sir.

7 THE COURT: All right. So you've heard the testimony
8 you're going to hear from the State. We'll make a
9 decision at lunch about what you'll hear from the defense.
10 So have a great lunch.

11 (WHEREUPON, the jury exits the courtroom at 12:39 PM.)

12 THE COURT: Everybody take about five minutes and
13 we'll come back in here and do that, okay?

14 (WHEREUPON, a recess is taken at 12:39 PM.)

15 THE COURT: Okay. Anything we need to do before we
16 go to lunch from the defense?

17 MR. BLOUIN: Yes, Your Honor. We would make a motion
18 for a directed verdict. As to the kidnapping charge, we
19 do not believe that there is any evidence that the victim
20 was unlawfully seized, confined, inveigled, decoyed,
21 kidnapped, abducted or carried away by any other person by
22 means whatsoever without the authority of law. The only
23 potential evidence obviously we objected to is
24 inadmissible hearsay regarding any potential kidnapping
25 that may or may not have existed.

1 As to the assault and battery by a mob second degree,
2 Your Honor, the essential element of assault and battery
3 by a mob second degree is results in serious bodily injury
4 to the person. Obviously, serious bodily injury is not
5 well-defined in the code of laws. But if we go to
6 essentially 16-3-600, which is the assault and battery
7 statute, "great bodily injury" means bodily injury which
8 causes a substantial risk of death or which causes
9 serious, permanent disfigurement or protracted loss or
10 impairment of the function of a bodily member or organ.
11 And even if you go below that to moderate bodily injury,
12 it says physical injury that involves prolonged loss of
13 consciousness or that causes temporary or moderate
14 disfigurement or temporary loss of function of a bodily
15 member or organ, or injury that requires medical treatment
16 when the treatment requires the use of regional or general
17 anesthesia, or the injury results in a fracture or
18 dislocation. Moderate bodily injury does not include
19 one-time treatment and subsequent observation of
20 scratches, cuts, abrasions, bruises, burns, splinters or
21 any other minor injuries that do not ordinarily require
22 extensive medical care.

23 Your Honor, the medical examiner testified that those
24 injuries would not have caused the death. Any medical
25 care would have been at the victim's discretion. She had

1 testified to scratches, cuts -- basically, scratches,
2 abrasions and bruises. And so we don't believe that rises
3 to the level of serious bodily injury even using the
4 assault -- moderate bodily injury definition in the
5 assault statute which is one section over.

6 THE COURT: Okay. Yes, sir.

7 MR. THOMAS: Judge, I think just on the kidnapping,
8 obviously, that testimony was admitted that Mr. Byrd was
9 held by several people at gunpoint while Mr. Grant
10 assaulted him. I think even taking Mr. Grant's own
11 admissions, because the definition of kidnapping is so
12 broad, by his own confession, he held Mr. Byrd against his
13 will while he was assaulting him. So we would submit
14 there's certainly enough evidence in the record to support
15 that going to the jury.

16 The assault and battery by a mob, obviously, he was
17 assaulted by a mob based on that -- based on that
18 testimony that came in.

19 I think what Dr. Dukes said in her testimony, the
20 constellation of injuries, he had several injuries to the
21 back of his head, to the top of his head -- or I'm sorry
22 -- to the front of his face, both of his arms, a contusion
23 on his hip, a contusion on the back of his hand. That
24 obviously could have happened from this assault.

25 That definition of serious bodily injury is from a

1 code section related to firearms. That *Gholston* case,
2 which I think is where Mr. Blouin is going with that,
3 that's a DV case where the bodily injury in that case
4 involved basically an assault. She did suffer probably
5 more serious injuries, but it was from an assault where
6 she had contusions to her face, bruising to her face, that
7 sort of thing. I think ultimately, and then obviously,
8 Dr. Dukes's testimony that blunt-force trauma to the head
9 can be fatal, I think all of that in combination, Your
10 Honor, makes that a jury question. There's certainly
11 enough testimony presented here and enough evidence to
12 send that to the jury. So I think really, he's arguing --
13 that's an argument for a lesser included. They could find
14 that, but they certainly have enough evidence in this case
15 to find that serious bodily injury was inflicted.

16 THE COURT: Do you have any problem with charging a
17 lesser included?

18 MR. BLOUIN: I don't if it comes to that, Your Honor.

19 Just one more thing. You know, the assault and
20 battery by a mob statute requires injury which results in
21 the serious bodily injury. There's not a could have
22 caused, may have caused. It actually says "does result."
23 And that, I guess, is my major issue. If they're not --
24 you know, great. It could have potentially caused that,
25 and that fits in with assault and battery third, second

1 and first. But that's not what the mob statute says. It
2 actually goes with the injury. That injury must result.

3 MR. THOMAS: And that constellation of injuries, our
4 position is, especially the bruising to the face which had
5 he lived probably would have been more -- lasted longer
6 than it did in this case, obviously, some of those
7 contusions looked very bad. Just I think it's a jury
8 question for whether that constellation together is
9 serious bodily injury.

10 To answer your question, I don't have any objection.
11 I don't have any argument against a lesser-included
12 offense being charged to the jury.

13 THE COURT: Okay. And which one do you want
14 included?

15 MR. BLOUIN: Well, for lesser includeds, just, you
16 know, depending on the DV motion, assault and battery by a
17 mob third degree and just assault and battery, I guess,
18 second degree.

19 THE COURT: Okay. Well, I'm going to deny the
20 directed verdict based on what I have in front of me. But
21 you're protected for the record on that. And so you might
22 want to sit down just for a minute before you leave and
23 make sure we're right on what exactly he wants. There
24 will be a lot of reasons for him that I'd like to avoid if
25 I can.

1 All right. So you're going to rest when you come
2 back, right?

3 MR. BLOUIN: Correct.

4 THE COURT: Are you comfortable now doing his Fifth
5 Amendment rights or do you want some time?

6 MR. BLOUIN: Yeah. Yes, Your Honor. And like I
7 said, the only thing, when we come back, I know we talked
8 about it before we started, just giving some sort of
9 statement to the jury regarding the media stuff that's
10 been played.

11 THE COURT: Yeah. I will. I will. I meant to do
12 that.

13 Sir, if you could just y'all -- both of you come
14 stand right here. And we're going to put you under oath.
15 and I've got some questions to ask you that I'm sure your
16 lawyer's explained.

17 THE CLERK: Please raise your right hand.
18 WHEREUPON,

19 MARCUS GRANT

20 After having been duly sworn, testified as follows:

21 THE COURT: Okay. Sir, now we've reached the point
22 in the trial where you have to make a decision about
23 whether or not you're going to testify. You understand
24 that?

25 DEFENDANT GRANT: Yes, sir.

1 THE COURT: And do you understand that in this
2 country, nobody can be compelled under the Fifth Amendment
3 or by virtue of the Fifth Amendment right you're granted
4 in the Constitution, you can't be compelled to testify?
5 Do you understand that?

6 DEFENDANT GRANT: Yes, sir.

7 THE COURT: You have a right to testify if you want
8 to, but the decision on whether you do is solely yours to
9 make. Do you understand that?

10 DEFENDANT GRANT: Yes, sir.

11 THE COURT: And do you understand that if you
12 testify, you can be cross-examined on certain prior bad
13 acts and prior actions in the past. You understand that?

14 DEFENDANT GRANT: Yes, sir.

15 THE COURT: And if you don't testify, you can stand
16 on the protections of the Fifth Amendment. I'll actually
17 tell this jury that your taking the Fifth cannot be
18 discussed at all when they begin their discussion about
19 guilt or innocence. Do you understand that?

20 DEFENDANT GRANT: Yes, sir.

21 THE COURT: All right. If you're going to -- are you
22 going to testify?

23 DEFENDANT GRANT: No, sir.

24 THE COURT: Okay. And is the decision to claim your
25 Fifth Amendment right your decision and are you freely and

1 voluntarily making it?

2 DEFENDANT GRANT: Yes, sir.

3 THE COURT: All right. And have you talked to your
4 lawyer about it and asked him all the questions that you
5 might have?

6 DEFENDANT GRANT: Yes, sir.

7 THE COURT: All right. Do you have any questions for
8 me at all?

9 DEFENDANT GRANT: No, sir.

10 THE COURT: Okay. All right. Good deal.

11 So is there any desire not telling -- do you have a
12 surprise coming this afternoon or are you going to have
13 any witnesses?

14 MR. BLOUIN: We plan on resting.

15 THE COURT: Okay. All right. Well, that will really
16 tick this bunch off. So why don't y'all go eat. She'll
17 work on the -- why don't y'all go eat and talk about these
18 and we'll be back here in 45 minutes or so.

19 MR. STUMBO: We can, Judge.

20 Just one thing as we're working on that. I thought
21 about hand of one, hand of all, I know the by a mob
22 description kind of incorporates some of that concept. I
23 don't know that I need it. Normally ---

24 THE COURT: I don't think so.

25 MR. BLOUIN: It's an element of the crime, so I don't

1 think there's ---

2 MR. STUMBO: Normally, on the murder part of this, I
3 probably would ask for it, but since he's not charged with
4 murder and we have the by a mob part of this, I think it's
5 probably superfluous. Just throwing that out there.

6 THE COURT: Yeah. I mean, you know, the oddity of
7 this one is that who knows what would have happened if she
8 [sic] hadn't gotten shot. Probably would have recovered
9 and we wouldn't be here. But ---

10 MR. STUMBO: Yeah. Yes, sir. Agreed.

11 THE COURT: Okay. You'll look them over and let me
12 know.

13 (WHEREUPON, a recess is taken at 1:11 PM.)

14 THE COURT: I'm not even going to let them sit down
15 because they always look at you like you're completely
16 insane. Have a seat. Thank you. You can now retire
17 back. We'll delay you 15 more minutes.

18 Y'all have done a good job of trying this in the time
19 allowed. I appreciate it.

20 MR. STUMBO: Thank you, judge.

21 (WHEREUPON, the jury entered the courtroom at 2:31 PM.)

22 THE COURT: As you come in, don't even get ready to
23 sit down yet and I'll explain. Unless you want to
24 exercise. Believe it or not, we're doing this for y'all.
25 Okay. Thank you. If y'all would just stay standing.

1 All right. The State's rested. It's now time for
2 the defense to put up a case.

3 MR. BLOUIN: Your Honor, we just renew all of our
4 motions previously made and then the State [sic] is going
5 to rest.

6 THE COURT: Okay. All right. Anything in rebuttal?

7 MR. STUMBO: Nothing in rebuttal.

8 THE COURT: All right. Basically, that means that
9 you've heard all the testimony that you're going to hear
10 and we've reached the point that I need to send you back
11 out for about five minutes, reorganize. We'll bring you
12 back in. You're going to hear the closing arguments and
13 then about 30 pages of reading from me. And I apologize
14 for that. And then we'll get this case to you today. We
15 moved quicker than we thought and the lawyers did a good
16 job getting this ready.

17 So just don't talk about the case yet.

18 The other thing, apparently, there has been a local
19 radio station covering this. I don't know anything about
20 it. It's been reported to us. It's also been reported
21 that somehow the reporting might be in error. I don't
22 know anything about that other than I hope none of you
23 have heard that. And if you haven't, once you reach your
24 verdict, you can listen to it all you want. But don't do
25 that yet.

1 So go back. Give us five or ten minutes and we'll
2 bring you back in, get this case to you.

3 (WHEREUPON, the jury exits the courtroom at 2:33 PM.)

4 THE COURT: As much as it drives people crazy, is
5 there any -- still no hope of a plea to something that
6 makes everybody happy?

7 MR. BLOUIN: I don't believe so, Your Honor. I've
8 talked to my client. And just, you know, we can go ahead
9 even though I just did it since we rested, renew all my
10 previous objections and motion for a directed verdict.

11 THE COURT: Yeah. And I wanted you to do that
12 outside -- they're denied.

13 MR. BLOUIN: Okay.

14 THE COURT: And y'all in two minutes ready to do
15 your ---

16 MR. STUMBO: We're ready to roll, Judge.

17 THE COURT: All right.

18 (WHEREUPON, a recess is taken at 2:34 PM.)

19 THE COURT: Okay. Bring them in.

20 How are you going to go about it? I heard you say
21 you wanted to argue last; is that right?

22 MR. BLOUIN: Always.

23 THE COURT: Figures.

24 MR. STUMBO: Without him putting a case up, I don't
25 think I get a rebuttal ---

1 THE COURT: No.

2 MR. STUMBO: --- per the (indiscernible) case we
3 tried in this courtroom ---

4 THE COURT: Yeah.

5 MR. STUMBO: --- that decided that, Judge.

6 THE COURT: You can go first, and he goes last and
7 that's it.

8 (WHEREUPON, the jury entered the courtroom at 2:43 PM.)

9 THE COURT: Ladies and gentlemen, sit down. As I
10 said, you've been really great. I appreciate your
11 patience because I understand it's been a little bit
12 choppy.

13 We have now finished this case. You've heard all the
14 testimony that you're going to hear. And we've reached
15 the point in the trial where the lawyers are going to give
16 you their closing arguments. I want to remind you again
17 that it's not evidence, but it is an opportunity for them
18 to try to sway you to their position.

19 And then after that, we'll -- it's just been my habit
20 for 23 years, I know you think we take too many short
21 breaks in here, but before I start reading this, once I
22 start, we have to finish it, I'll give you a two or three
23 minute break to stretch because this is about 30 pages of
24 the law in the state that I am obligated to charge to.
25 Okay. So sorry if that bottles you up. Some people like

1 getting up, others just want to get home.

2 But y'all have been very attentive. I appreciate it.
3 If you'll give these lawyers the opportunity to do their
4 closing arguments, I would sure appreciate it.

5 Yes, sir.

6 CLOSING ARGUMENTS

7 MR. STUMBO: Thank you, judge. If it please the
8 Court.

9 THE COURT: Yes, sir.

10 MR. STUMBO: The type of community that Marcus Grant
11 wants Laurens to be is the one where you're punished for
12 doing the right thing. The greatest sin you can commit in
13 Marcus Grant's eyes is to help law enforcement, the same
14 law enforcement officers that help keep this community
15 safe. The greatest sin you can commit. That was the sin,
16 ladies and gentlemen, that Jarvis Byrd committed, this man
17 right here. He wasn't here this week to tell you what
18 happened to him at Marcus Grant's hands. Marcus Grant
19 made sure that Jarvis Byrd was punished for doing the
20 right thing.

21 I want to thank you all for your patience this week.
22 I know it's been a super long trial as trials go. We try
23 cases in this courtroom. Sometimes it lasts weeks.
24 Sometimes they last a day. Sometimes like this one they
25 last about three. But y'all have been very attentive.

1 And the one great thing about our jury system in this
2 country is this. You look around you, the one thing y'all
3 all have in common is you live in Laurens, but you're from
4 all different walks of life, different backgrounds,
5 different seasons of life, age, ages. But one common
6 thing you all have that you brought to this courtroom --
7 well, two things: one, that you live in Laurens County;
8 secondly, you brought common sense and everyday life
9 experience. And that's one thing that every juror can
10 bring into this courtroom and use to filter the facts that
11 you hear to try to determine what happened in this case.
12 Okay.

13 Mr. Thomas told you at the beginning the burden of
14 proof in this case rests squarely on our shoulders as the
15 prosecutors. That's the way our Constitution works. It's
16 a great reconstitution. It's a great system we have. It
17 gets criticized a lot. Is it perfect? No. There's no
18 perfect system. No question about that. But it certainly
19 is not like a lot of other places in the world today where
20 you don't get due process, you don't get this courtroom,
21 you don't get a jury of your peers.

22 So our system is designed, and as he told you at the
23 beginning, verdict, which you're going to deliberate to
24 try to get in this case, "verdict" simply means to speak
25 the truth. And so this whole court process that we have

1 through our criminal justice system is to try to filter
2 through, I guess, the BS, so to speak, if you don't mind
3 me saying that, to get to what happened. Okay. And
4 that's what you use your common sense and your everyday
5 life experience to do. I paid attention to y'all during
6 this case just at how much y'all paid attention to us and
7 the presentation of the evidence, so I want to thank y'all
8 for that.

9 What is that burden of proof? It is beyond a
10 reasonable doubt under our Constitution. And that beyond
11 a reasonable doubt burden, y'all, is something that as the
12 State, as prosecutors, as law enforcement, we gladly bear
13 that burden in these cases, and we gladly bear it in this
14 case. And we believe that that burden has been satisfied
15 in this case.

16 But what is that burden? What does it mean? And the
17 judge mentioned this at the beginning. I remember he said
18 to y'all and he'll read it to you again in his charge that
19 the most basic definition of what beyond a reasonable
20 doubt means is this firmly convinced. Okay. It's not a
21 scientific formula, it's not a mathematical equation, it's
22 not something you can put to those sorts of things. It's
23 at the end of the evidence, are you firmly convinced that
24 what he's charged with is what happened? Okay. That's as
25 simple as I can make it for you. Are you firmly convinced

1 that the evidence in this case demonstrates his guilt.

2 So don't make that more complicated than it is. I
3 can understand where some of the legal jargon can get kind
4 of what does that mean, beyond a reasonable doubt?
5 Remember that term, firmly convinced. You'll hear it in
6 the judge's charge several times and take that back to the
7 jury room with you because the evidence in this case is
8 the witnesses, is the evidence that you've seen, does it
9 firmly convince you that he did what he's accused of
10 doing? It's as simple as that.

11 Let's talk about the elements of the law. I like
12 using this, y'all. I know the judge had mentioned this
13 before. Sometimes I know the Court doesn't like having to
14 just read the law to you. A lot of what I'm going to put
15 on this screen is stuff you'll hear from the judge in a
16 few minutes. Just something visually. I think a lot of
17 us are visual learners now.

18 Assault by mob, battery by a mob second degree, what
19 is that under the law? It's any act of violence inflicted
20 by a mob -- and we'll talk -- unpack that term in a second
21 -- upon the body of another person which results in
22 serious bodily injury to that person.

23 So mob, the law says, is defined as this: the
24 assemblage of two or more persons without the color of law
25 for the premeditated purpose and with the premeditated

1 intent of committing an act of violence upon another
2 person. So there has to be some sort of agreement or
3 planning to this for it to be a mob type of assault. And
4 the judge is going to instruct you on all of this and also
5 instruct you on other aspects of the law including serious
6 bodily injury. And it's been defined in the law before as
7 a substantial risk of death, personal disfigurement,
8 protracted loss of impairment.

9 Essentially -- and folks, we'll talk a little bit
10 more about this in a second, but what you heard from Dr.
11 Dukes this morning, that blunt-force trauma to the head
12 which was inflicted in this case can result, and in her
13 experience having done 2,200 autopsies in her time as a
14 doctor, can result in a fatal injury. Okay. And so that
15 sort of thing. And obviously, scarring, this sort of
16 thing is what the law talks about the serious bodily
17 injury.

18 There's other types of injury in the law that aren't
19 defined here for these terms. Great bodily injury is
20 another term in the law that's a higher degree. But for
21 purposes of this case, could blunt-force trauma to the
22 head result in a substantial risk of death or long-term
23 disfigurement. And again, scarring would be one of those
24 things that could apply there.

25 Kidnapping is -- this is another thing that

1 Mr. Thomas talked about in the beginning. Sometimes it's
2 surprising I think probably as jurors to see this type of
3 charge in a case like this because you think in your
4 experience, kidnapping is when a child is taken from
5 somebody or removed or even an adult, a hostage situation
6 that's protracted and lasts a long period of time.
7 Kidnapping under South Carolina law is much more broad
8 than that. Essentially, it's if -- and we'll define it
9 here and unpack these terms a little bit. Whoever shall
10 unlawfully seize, confine, inveigle, decoy, kidnap, abduct
11 or carry away another person by any means whatsoever
12 without authority of law. And "confine" is the word that
13 I think you need to zero in on here.

14 And the judge will tell you that you don't have to
15 have all of these elements. They're just different ways
16 that a kidnapping can occur. So if somebody's backed into
17 a corner and held without being able to leave, be it
18 physically held, held at gunpoint as is alleged in this
19 case by the victim himself, all of those things for any
20 length of time, and so for as long as this -- and I
21 remember Mr. Thomas in opening said, well, how long does
22 it take? And the law doesn't give a specific time. But
23 here in this case it was as long as Marcus Grant needed to
24 exact his revenge, which he did. So confine here without
25 the authority of law is the focus here.

1 And again, this is through David Little's testimony,
2 through Debra Little's testimony about the nature of this
3 assault from the victim's own mouth. You couldn't hear
4 from the victim himself because he was shot and killed
5 just a few minutes later that night by one of the men that
6 was in the room with Mr. Grant, Anton Blakely, Cheese. So
7 if he can't tell you exactly and describe what happened,
8 his aunt and uncle who heard from him very upset, they say
9 he shook right afterwards, he describes these elements in
10 great detail, folks. And much of the evidence is going to
11 come back to the victim's own description.

12 So we're going to talk a little bit about direct
13 evidence versus circumstantial. The victim himself, which
14 you've heard his testimony through his aunt and uncle
15 here, is direct evidence. As the victim who this crime
16 was inflicted upon, he gives direct evidence of what
17 happened.

18 Circumstantial evidence is essentially other evidence
19 that like we have in this case, this machete, other
20 evidence of where that machete went, other people that
21 talked -- the pictures, the way the room was set up, those
22 things that prove circumstantial evidence is a proof --
23 something that proves a fact, too. It just it points to
24 the fact rather than be an eyewitness to the fact itself.

25 The best way to describe this is I can't take credit

1 for this analogy but I've heard it said many times and I
2 think it's probably the best way to describe direct versus
3 circumstantial. Say you wake up tomorrow morning and
4 there's a coating of white all over the ground, on the
5 trees. You walk outside and you feel, you see what's
6 there and you realize, okay, well, it must have snowed
7 last night. Now, the snow was coming down out of the sky
8 while you were asleep, and that would have been direct
9 evidence if you had woke up during the middle of the night
10 and seen the snow falling from the sky. But if you woke
11 up in the morning and it was no longer snowing but it was
12 on the ground, all of it, the sight, the touch of the snow
13 would be circumstantial evidence that it snowed last night
14 even though you didn't see it.

15 So what the judge will tell you in his instructions
16 is circumstantial evidence, there's no difference in the
17 value of direct versus circumstantial because it all is
18 evidence of proof of a fact. But here in this case I'd
19 submit, ladies and gentlemen, we have both direct and
20 circumstantial evidence. But that's the best way to
21 describe that. You'll hear the judge tell you a little
22 more about that later.

23 So let's talk a little bit about that direct evidence
24 and that circumstantial evidence that we have that proves
25 this case beyond a reasonable doubt. David Little took

1 the stand. There's a reason why we put him first. He was
2 the first one to get the call from his nephew. And he
3 also gave us a little bit of a background as to Jarvis.

4 Jarvis had worked as a confidential informant. He
5 had actually done some time as a result of his drug
6 activity. David told you about that. We're not hiding
7 that from anybody. And as Mr. Thomas told you in opening,
8 he's certainly not a saint, and he had had his issues in
9 the past. But that's the motive for why this happened,
10 folks.

11 He told you a little bit about the work he did that
12 sent Marcus Grant to prison. And again, Marcus Grant
13 validates that later. He tells you that's why he
14 assaulted this man.

15 Said he was very shook up. Tells his Uncle David
16 that he was jumped, had just been jumped and stomped and
17 assaulted by -- in the head and the face by Marcus Grant
18 and others. He names Cheese, Anton Blakely, a guy named
19 Swann, Shykorie Grant, and, according to David, a Burnside
20 in this case who's another one of the charged defendants.
21 They held him at gunpoint, took his machete that he used
22 for protection. We'll talk a little bit more about that
23 in a second as well.

24 David said that he tried to get Jarvis to leave, but
25 he insisted on staying. And instead of taking the AK-47,

1 which I think would have shown a mindset in Jarvis that he
2 was going to war with these guys, he had the opportunity
3 to get a big gun and go in and do some damage, but instead
4 he took the small .22 revolver just to try to protect
5 himself going to get his stuff and to carry on the rest of
6 his evening. Unfortunately, the rest of his evening never
7 came. And he returned a few minutes later to find Jarvis
8 lying shot in the road.

9 And again, I'll stop here to talk a little bit about
10 that. And we referred to this today. You heard Detective
11 Sellers talk about the fact that he did a lot of
12 investigating in this case. Now, a lot of that
13 investigation, the evidence thereof is related to the
14 murder and who shot and who killed Jarvis. And we've
15 already had a trial on that. There's many defendants
16 charged in this case as Mr. Blouin pointed out, and all of
17 them will have their day in court or they've already had
18 their day in court to answer for their part in this.

19 Ultimately, what we tried to do in this case is
20 whittle down the evidence to what is needed for the
21 incident that this man's charged with, which is the
22 assault before the murder. And so hopefully, we've done
23 an efficient job with that as the judge mentioned before.

24 Debra was the second witness, his aunt. Debra talked
25 to him and she talked about the conversation she had with

1 him, said he was -- again, described him as shook up,
2 still very upset from the assault. She saw his injuries.
3 He described in great detail to her, that's what she told
4 you here yesterday, who attacked him, who was in the room,
5 who was carrying it out, those individuals.

6 We mentioned before, particularly as it applies to
7 this case, Marcus Grant was the primary attacker.
8 Shykorie Grant, also one of the other guys in the room,
9 came up, tried to talk with him. Jarvis said to her he's
10 one of the ones that was holding me at gunpoint there, so
11 verified to her that this was not just a one-man operation
12 as Marcus Grant's trying to get y'all and everybody else
13 in the world to think that's what happened when he came to
14 talk to law enforcement.

15 That's Shykorie Grant coming up and Jarvis verifying
16 to Debra that he's one of the ones that was holding me
17 hostage and took my machete. And again, that's something
18 we'll talk about more in a second on how Grant's version
19 of the events doesn't take that into account.

20 How about Markeem Brown. He's the guy that came up
21 here yesterday and made it clear to Mr. Thomas that he was
22 not going to tell what happened in this case and what he
23 knew. So why is that important here, folks? I will leave
24 it to your common sense and your everyday experience as to
25 why he wasn't going to sit on this witness stand and tell

1 you what he knew about this case. And you don't have to
2 look any further than what this case is about to know why.

3 This case is about a young man who assisted law
4 enforcement and told them what they knew. So Markeem
5 Brown, as Detective Sellers told you, did come in, give
6 him an account. But obviously, he is not going to tell
7 y'all what happened this week and he's going to try to
8 hide that. And again, I'll leave it up to y'all as to why
9 he didn't want to tell y'all what happened this week.

10 Ms. Putman, just to bring this up, too, we put her on
11 the stand and she corroborated, and I didn't put her on
12 the screen here, but Ms. Putman corroborated what Debra
13 said about Shykorie Grant taking this machete from Jarvis.
14 And Shykorie is the one that gave it to her and said,
15 yeah, I took it from him. And so that's, again, other
16 evidence that corroborates what we already knew from what
17 Jarvis told them or his aunt.

18 The defendant himself -- and again, we put his video
19 recorded statement in. You watched that yesterday. I
20 hope you were able to understand a lot of it. You'll have
21 it in evidence if you need to go back and listen to some
22 of that, that interview with him. And also his testimony.
23 Mr. Grant came in this courtroom when Cheese was tried
24 last year for murder and gave testimony in that case. And
25 that transcript is in the record as well.

1 But why I say partial admissions, and we'll talk a
2 little bit more in a second about what the motivation
3 would be for him to come in five days later and talk to
4 law enforcement. But what are some of the things he did
5 say? And again, this is some direct evidence. The judge
6 will tell you when he instructs you in a few minutes that
7 you can believe all of a witness's testimony, you can
8 believe none of a witness's testimony or statement if it
9 comes into evidence, or you can believe parts of it, the
10 parts of it that may corroborate with the actual evidence.

11 And so let's talk a little bit about what he admitted
12 to in his partial account to law enforcement as to what
13 happened. He indicated that he severely assaulted,
14 including stomping on Jarvis's face and head with his
15 shoe. And Jarvis's injuries, you'll have the pictures
16 back there in the jury room to his face and other parts of
17 his body, corroborate this attack.

18 He said -- at one point he said that's my code. I
19 don't deal in snitches. And he talked about this a lot,
20 but that was a specific thing I wrote down out of it. You
21 can go back and listen to his statement. That's part of
22 what he's about. He's about people that cooperate with
23 law enforcement are going to get punished for it.

24 He described in great detail the event later in the
25 interview where he talks about this man's head bouncing

1 off a metal outlet on the wall. And I don't know if y'all
2 caught that yesterday, but you can listen to that again.
3 And in great detail he remembers Jarvis's head. And there
4 again, great kind of sensory detail to me is important.
5 And I think that is something that did happen that he
6 admitted to.

7 But he talked about Jarvis being slow and having
8 mental problems. So essentially, according to him -- and
9 there's no other independent evidence that Jarvis had
10 mental health issues or was slow, but he obviously thinks
11 he does. And he took a man that he describes as slow,
12 mental health issues, is beating him and stomping his head
13 against the wall. I think that's important evidence for
14 y'all's consideration.

15 He said he knew Cheese very well. Saw him at the
16 club later. He said that in his video statement to y'all.
17 You have his transcript in evidence. And I -- towards the
18 end of his testimony, and you'll have this in the jury
19 room, he essentially tries to distance himself from
20 Cheese. And obviously, in that trial Cheese was on trial
21 for murder. He basically said he and I, yeah, I know who
22 Antone Blakely, Cheese, is, but I hadn't seen him since he
23 was a kid. And you also see later in the transcript if
24 you want to read this, you'll have it in the jury room,
25 Detective Sellers described it a little bit on the stand

1 today how when he was confronted with pictures of his son
2 and Cheese, that he really backed off of that and admitted
3 he did know him. But he said from the beginning to law
4 enforcement, which contradicted his testimony in this
5 courtroom, that he knew Cheese very well and he just saw
6 him at the club later.

7 And that's another aspect of this, folks, that I want
8 you to think about. The celebration of what happened
9 earlier in that evening culminated at the club with Cheese
10 or with Cheese and this defendant. So that was described,
11 again, by the defendant himself. He said he was at the
12 club later and he saw Cheese there with him. That's in
13 his recorded statement.

14 He also contradicted, and if you see this in the
15 transcript and his video, he tried to say that, well, I
16 just showed up at the projects to take care of business
17 that night and couldn't really give him a reason. Well,
18 why was this the day, he was asked by the investigator.
19 He said -- he didn't really give him an answer. He just
20 said I decided that's when I was going to take care of my
21 business. And he tries to distance himself from these
22 other guys, one including his son.

23 Later on, and you can, again, see this in the video
24 that you watched and heard yesterday, he said that his son
25 called him in the course of this night. And, folks, I

1 think that's very important. He went back on this idea of
2 I just showed up. I didn't have any reason. Nobody
3 called me and said he was there. He was there because
4 people there at the projects said, hey, Jarvis Byrd's
5 here. He's ready for you.

6 And that's another thing. He walked right into the
7 house, right into the room where he stayed. That's an
8 important thing for you to remember. Somebody had to tell
9 him he was there when that happened or there again it
10 doesn't have any credibility.

11 Why do we have other motives here? I will say this.
12 I think it's interesting. And really, folks, this case
13 comes down to Jarvis telling you the story through his
14 aunt and uncle as to what happened versus this man's
15 account of what happened.

16 What are some of the things that are interesting
17 about his statement? I think it's interesting that he
18 seems to be really eager to come up and talk to law
19 enforcement, especially for a man whose code is about not
20 snitching and not telling law enforcement anything. Well,
21 do you think he was going to come up to law enforcement
22 and tell them the whole truth about what happened, or do
23 you think he's going to come and tell them a story that
24 makes him look better? I would submit to you, ladies and
25 gentlemen, that not only did he go tell a story to law

1 enforcement, he told them, yeah, I beat him, but, yeah, I
2 was a man about it. I did it myself. Well, then the
3 question I have is why didn't he do it when he saw him at
4 McDonald's? Why didn't he do it when he saw him at
5 Walmart? Again, you'll see as we pointed out today, we
6 came and testified in court he didn't tell -- he said,
7 well, I don't remember running into him at Walmart. You
8 watch the video with the investigators. He was clear he
9 had an encounter with Jarvis Byrd at Walmart. So he had
10 another contradiction in his statements.

11 But why didn't he take care of business there? And I
12 submit to you, ladies and gentlemen, because he didn't
13 want to do it in public. He didn't want to face this man
14 and have a fight with him one-on-one in public. He wanted
15 to catch him unawares while he's lying in bed, backed into
16 a corner on a mattress with all of his guys with him, to
17 hold him at gunpoint and make sure he didn't leave and to
18 make sure he got a good beating in. So he's going to tell
19 you a version through his statement to law enforcement,
20 folks, that makes him look better, that makes him look
21 like I'm a man, I can take care of my business. That's
22 not what happened here.

23 The one thing that he absolutely -- well, another
24 thing that I found interesting is he said that he knocked
25 on the door. So you're going to go walk straight into a

1 house where you know a man is that you want to beat
2 severely, and you take the time to twice knock on the
3 door? It makes no sense, folks. If he's there to go in
4 and whip the guy's tail, why does he knock first? And
5 again, that's another ridiculous part of his story that
6 you should question.

7 The biggest thing is a question mark is a hole in his
8 story that he just doesn't account for, though, ladies and
9 gentlemen. There's a piece of evidence that you'll have
10 back in the jury room, it's State's 26, and it's this
11 machete that Detective Sellers pulled out and showed y'all
12 this morning in this bag.

13 The bottom line, ladies and gentlemen, is he says the
14 machete just gets pushed to the side and sitting on the
15 floor while he's beating this -- beating Jarvis. But he
16 says he does it by himself. If that's the case, how does
17 that machete get into Shykorie Grant's hands to give to
18 Putman to give to law enforcement?

19 Again, him saying that he acted alone is to minimize
20 his responsibility in this case and to give you a version
21 of the story that makes him look like the hero. That's
22 not true.

23 He takes the machete. He says he pushed it, he kicks
24 it to the side while he's beating him. But somehow a man
25 that wasn't even in the room, Shykorie Grant, who Jarvis,

1 by the way, tells his aunt and uncle is one of the ones
2 that held me there and took my machete, somehow he ends up
3 giving this to Ms. Putman. And that's something that, in
4 Grant's account to law enforcement, he cannot really
5 account for that. And I think that's very important
6 circumstantial evidence in this case, ladies and
7 gentlemen, of why you have credibility in some of the
8 testimony you've heard and you don't have credibility in
9 some of the other accounts of what happened that night.
10 The machete is a very important piece of evidence.

11 What was his state of mind? And I'm almost done,
12 folks, here. I want y'all to know he kind of gives you a
13 little window. Marcus Grant gives you a window into his
14 mindset that night.

15 (WHEREUPON, a video was played in open court.)

16 MR. STUMBO: I don't care about him being dead. So?
17 The man sent me to prison. Didn't care if he lived or if
18 he died. The stomping his head into the wall, into this
19 outlet, didn't care if that killed him or not. Gets
20 together with his guys later on in the night and have a
21 party. That's this man's mindset.

22 As I said before, y'all have all this life
23 experience, and one thing you have in common is that
24 you're citizens and you live in this county of Laurens,
25 what we call home. What kind of community do we want to

1 live in?

2 As Mr. Thomas told you, "verdict" is simply two Latin
3 words. It comes from veredictum is what the word
4 "verdict" means. It means to speak the truth. And you
5 have the opportunity to go back in that jury room,
6 consider the evidence that you've heard and make a
7 decision about what the truth is. And is the truth that
8 guys like Jarvis Byrd that help and assist with law
9 enforcement in these cases, are they going to be exposed?
10 Is that the truth that we have in Laurens or not? That's
11 a question I leave you with.

12 I thank you for your attention in this case and
13 appreciate your hard work and thank you for your verdict.

14 MR. BLOUIN: May it please the Court, Your Honor.

15 THE COURT: Yes, sir.

16 MR. BLOUIN: Ladies and gentlemen of the jury, once
17 again, my name is Hunter Blouin. You heard from me at the
18 beginning of this trial process.

19 And, you know, I will know we disagree on a lot of
20 things at times. I won't go through. I do agree with the
21 solicitor about the appreciation for the process and the
22 system and your participation in this system, because
23 without your participation, you know, it is just -- you
24 know, due process is just as important to my client as it
25 is to anybody in the State of South Carolina. And you

1 have heard all of the evidence in this case and how it
2 relates to the State's case against my client, which you
3 will, you know, be told by the judge has to be proven
4 beyond a reasonable doubt.

5 And, you know, I'm more than happy to admit that my
6 client, Marcus Grant, held a grudge against the victim in
7 this case, Mr. Byrd, because Mr. Byrd, you know, was a
8 confidential informant against my client more than ten
9 years ago. And what did my client do during -- you know,
10 in response to that grudge? Well, my client claims he
11 went, he settled the beef. Beat him up. That was it.
12 And, you know, from my client's perspective at that point,
13 any sort of friction between himself and Mr. Byrd at that
14 point was over.

15 And I think this is important to say that my client,
16 it is tragic what happened to Mr. Byrd later that night.
17 No one, I don't believe, my client certainly couldn't
18 perceive the events that would take place 25, 35,
19 40 minutes later that ended up in the death of Mr. Byrd.
20 And the reason we know that my client did not foresee
21 those circumstances is because he wasn't there anymore.
22 He's not charged with the death of Mr. Byrd. And, you
23 know, that is extremely important.

24 Now, let's talk about the different witnesses that
25 have been involved in this case and, you know, basing the

1 credibility of certain witnesses. You know, you heard
2 first from Mr. Little. Mr. Little was not present at the
3 assault. That's a fact. He was not there.

4 He arrived some ten to 15 minutes after a phone call,
5 a phone call which on direct he just said he got jumped by
6 a guy, drove to the projects and then stories kind of get
7 out of control. He stated "jumped by a guy." Then when
8 he interviewed later that same night, and I want you to
9 keep that in mind, that he interviewed 1:45 in the morning
10 that next early morning, so like within a couple of hours,
11 that turns into three guys. And then he's given a
12 statement form to go fill out at his own time. We don't
13 know necessarily when he returned it. It's in evidence.
14 He actually doesn't date it. He puts his birth date on
15 it, so I have no way of knowing when he actually filled it
16 out. Then the story changes again. I think they add
17 another guy.

18 And, you know, through all of this, in those first
19 statements, he never mentions the fact that after he
20 arrived, he then gave his nephew the choice of an arsenal
21 of weapons. I believe he testified to a .22 caliber
22 silver revolver, so not a heavy firearm by any means; a
23 .357, much larger caliber firearm; and then some sort of
24 AK-type rifle which he referred to as a Chopper.

25 I would say that a lot of the evidence that has been

1 presented in this case, it's like the child's game of
2 telephone. You have kind of what initially happens, and
3 then people hear about it, and then other people hear
4 about it, and by the time you kind of get over here, the
5 story's completely different than it started over there.

6 Now, Mr. Little also testified that going in between
7 the house there was 25 to 30 different individuals. And,
8 you know, you can look at the pictures of the apartment
9 complex, and I believe the investigator testified this
10 isn't a big place. There's a whole lot of people
11 rummaging around, and that this whole street is kind of
12 known as the party street. And so you've got all these
13 individuals milling around, and that, according to
14 Mr. Little, he knows all of them and he cut their hair. I
15 think he actually said -- or testimony came out at one
16 point that, you know, his wife had to call him over to
17 talk to Jarvis because he was "dapping" everybody up and
18 saying "hey" to everybody and just kind of being -- come
19 over here, come over here, David, you've got to talk to
20 your nephew.

21 Then we heard from Mr. Little's wife, Ms. Little.
22 Once again, multiple accounts of what happened. Also
23 doesn't mention bringing a gun. And why is that all
24 important? You know, from the jump, the story that
25 they're telling isn't a true story either. They keep

1 adding things, subtracting things. Oh, yeah, yeah. I
2 brought him a firearm. You know, their account of what's
3 happening to law enforcement is not truthful from the
4 jump.

5 Also, this is their nephew. And I understand they've
6 gone through a tragic event. Their nephew was killed.
7 But the constant flow of information and how it changes
8 over time is important when you're determining credibility
9 of certain witnesses.

10 Mr. Brown, well, he said he didn't remember anything.
11 Doesn't know nothing. Doesn't remember.

12 Ms. Putman, and this is important, said that
13 Mr. Grant, Shykorie Grant, I don't want to get it
14 confused, who is not related to my client, gave her a
15 machete. Now, what's important about that and what I
16 think was glossed over earlier is that they were in the
17 home that Jarius Byrd, Jarvis Byrd, was living in when
18 this transaction took place a couple days later, and that
19 Mr. Grant was already in the home when she came up. And
20 I'm going to get a little bit more into why that's
21 important. But this whole idea of, well, where did he get
22 it, where did he bring it, ladies and gentlemen, we don't
23 know. There's no evidence that that machete ever left the
24 premises because she received the machete in Jarvis Byrd's
25 house.

1 You heard from Investigator Sellers. Once again, he
2 was not present. He showed up 20 to 30 minutes, I believe
3 he said, after the homicide of Mr. Byrd took place. So he
4 was not a witness to any of the assaults or what's
5 happened.

6 Now, when under examination I asked him about the
7 cameras because cameras can be important not only to see
8 what went on, to help identify people to question. Like I
9 said, the 20 to 35 -- or 20 to 35 people out there, and
10 there are cameras everywhere. His response was that they
11 didn't know about the assault until a couple of days
12 later. Ladies and gentlemen, he knew about the assault
13 the night of the incident because he talked to Mr. Little.
14 This whole we waited too long, the tapes, you know,
15 erased, he was aware of what he believed to be an assault
16 five hours, six hours, after the time that the assault
17 allegedly took place. It wasn't days. It's hours.

18 And why did he not get that video? I don't know. I
19 can't answer that question. But, you know, police
20 investigation has to be held accountable to doing their
21 job as well. And to say, well, we didn't know about the
22 assault or the cameras and the assault until two days
23 later, ladies and gentlemen, that's just wrong. That
24 night, and they chose not to get them. And that could
25 have helped this investigation further.

1 Also, they testified, Investigator Sellers testified
2 that they did not secure Apartment ■. They didn't know
3 it was part of the original crime scene. Once again,
4 there's clear evidence that that night they knew that a
5 potential assault had happened in that room. And the
6 issue is they didn't preserve the crime scene and allowed
7 people to go in and out. He couldn't testify to whether
8 when he -- when law enforcement served the search warrant,
9 whether they even knew if everything was in the right
10 place. It's days, days later. And yet they knew hours
11 later that something had gone on.

12 Didn't -- let's see. I think he said that they
13 interviewed 11 people of the 25 -- or 20 to 35 but could
14 not identify the remaining ten to 25, approximately.
15 Well, once again, David Little in his testimony said he
16 knew everybody. He'd given everybody haircuts.

17 He talked to them that night. That night. And not
18 out on the street because, you know, he said people didn't
19 want to talk to me out on the street. That occurred at
20 the police station in a controlled environment. And when
21 kind of pushed, so you just decided not to interview?
22 Well, people don't want to talk. Well, you know, my mom
23 had always said -- told me that the worst thing someone
24 can tell you if you ask him to do something is no, but if
25 you want something done, you've got to at least put forth

1 the effort. And it doesn't look like the effort was put
2 forward there.

3 Now I want to talk about my client, Marcus Grant.
4 Lifelong resident of Laurens County. Like I said before,
5 he had a grudge against Mr. Byrd. He did. Because
6 Mr. Byrd sent him down the road. And my client, when
7 contacted -- like I said, that's part of this video as
8 well -- by his mother that law enforcement was looking for
9 him, didn't run, he didn't hunker down and hide. He
10 actually got in contact with Investigator Cheek and
11 Investigator Sellers and came in and gave an interview
12 freely and voluntarily. And actually, at one point you
13 see him, like, see, this is the text message, this is how
14 you texted my cousin to come down here and here I am.

15 And, you know, he admits to what he did. He said
16 this guy's a snitch. I don't like him. Ran into him in
17 front of the McDonald's. He came up to me. Basically,
18 said what's up, cuz? I knew who he was. I didn't like
19 the fact that he'd sent me to prison and snitched on me
20 and he's just coming up acting like nothing happened.
21 Yeah. I was mad.

22 He also states that he heard about his location prior
23 and I think actually saw him in the projects earlier that
24 day, and that's how he knew he was there.

25 The other codefendants in this case, the other people

1 charged with assault and battery by a mob, are also all
2 the younger generation. He's 15, 20 years older than all
3 of the other people charged in this case. And that's
4 important, too. Because when I asked Investigator
5 Sellers, well, did you do what's called a phone dump? Did
6 you extract the information of his phone, see if there's
7 any connections between these people?

8 Well, no, we didn't.

9 Well, he was already a suspect. He goes in there
10 voluntarily and is admitting to assaulting the man. He's
11 got his phone sitting right out here. Information that
12 could connect people to other people is right there. They
13 never -- they never got -- they never asked for it. Like
14 I said, it's sitting on the table. And they absolutely
15 should have asked for that information which could provide
16 more evidence.

17 Mr. Grant also testified in the codefendant's trial
18 about a year ago, you know. Sat up there, was direct
19 examined, cross-examined about the incidents of that
20 night. His story, I would say, as you'll get to read
21 this, basically the same as his story was when he
22 originally made his statement.

23 The State wanted to point out something about
24 Walmart, but if you look at it, they ask him whether he
25 threatened Mr. Byrd at Walmart. That's not what he said

1 on the video. He said he saw Mr. Byrd at Walmart and
2 Mr. Byrd took off. There's no evidence they even talked
3 to each other at the Walmart, much less threatened him.
4 He just took off running.

5 You heard from Dr. Dukes. She testified that the
6 injuries that Mr. Byrd received or had on him, and I want
7 to clarify that, had on him were basically bruises,
8 scratches and lacerations. Said, well, are these types of
9 injuries the type that you would receive medical attention
10 for? I mean, maybe the cut on the head. It depends on,
11 you know, the individual. But none of the injuries were
12 classified as serious. There were no broken bones. There
13 were no, you know, heavy bleeding incidences. I know they
14 mentioned in the video, Mr. Grant, well, do you think he
15 broke his jaw? He didn't have no broken jaw. All he had
16 were bruises and some scratches, basically, and a little
17 tiny cut on the top of his head.

18 But Dr. Dukes goes further. She couldn't testify to
19 when they happened, where they happened, and who inflicted
20 those. And she also went further and basically explained
21 that blunt-force trauma isn't necessarily like an assault
22 on someone. It is hitting a hard object. Whether I fall
23 down and bust my knee, that's blunt-force trauma, or
24 whether someone takes a baseball bat and hits me in the
25 head, also blunt-force trauma.

1 Investigator Sellers couldn't point out where those
2 injuries occurred, who inflicted any injuries or how --
3 what caused those injuries. And that's important.

4 The State wants to say, well, these were caused by
5 this assault. There is no evidence in the record that
6 says what caused any of these other injuries on Mr. Byrd
7 at the time he died. It could have happened before. It
8 could have happened after the incident. It could have
9 happened, you know, when Investigator Sellers said, well,
10 we didn't know the homicide started up here and he ended
11 up over here. Any time during that period of time could
12 he have gotten those abrasions and contusions.

13 Also, I want to point out, as far as Mr. Byrd's state
14 of mind after the assault, that he was walking around.
15 And he was upset. I mean, anybody that gets beat up is
16 going to be upset. He was walking around allegedly
17 talking to people. I believe there was some testimony
18 that he wanted to stay to help his cousin move or continue
19 to move. I assume lifting things and put them in a car.
20 So, you know, the level of this injury I do not believe
21 and I do not believe has been proven has risen to any sort
22 of level of serious bodily injury. Not in this case.

23 Like I said, y'all are the judge of the evidence and
24 the finders of fact in this entire case. And what do we
25 have? What is the actual evidence we have here? We have

1 a machete that was found and given to -- or that belonged
2 to Mr. Byrd and was handed over in the apartment that
3 Mr. Byrd lived in. And if the State wants to say that
4 people brought it back or people did stuff with it, the
5 police didn't even go into the apartment until the next
6 day. It was there.

7 What other evidence? You have the victim's aunt and
8 uncle who arrived later and stated that their nephew told
9 them certain things, though that changes. And you have
10 basically Mr. Grant's statement about what happened that
11 he gave freely and voluntarily.

12 Now, who we haven't heard from are any of the 20 to
13 35 people that were allegedly there when the incident took
14 place, 20 to 35 people milling around, most of which were
15 never even identified by law enforcement. So to say how
16 do we prove this beyond a reasonable doubt, I would say
17 that's reasonable doubt right there. We have no one that
18 was there other than my client who could say who was there
19 who was willing to (indiscernible).

20 Now, I'm going to get into a little bit to the facts
21 of the elements of the crimes. Kidnapping, I would say
22 that the State in this case is trying to basically turn an
23 assault into something much more serious, a kidnapping.
24 If you wish to punish Mr. Grant for assaulting Mr. Byrd as
25 he told law enforcement he did, you will have the

1 opportunity to do so. But what's important is all of
2 these upper charges of the by a mob and the kidnapping.
3 There is really no evidence other than some hearsay
4 evidence and what Mr. Grant tells you about what went on.

5 I would also tell you to be careful with the assault
6 and battery by a mob statute. I know Solicitor Stumbo
7 said, well, it could have caused this and, you know, the
8 doctor said, well, this could have caused that. That
9 statute is very clear. That statute says injuries which
10 result. Not could, not maybe. They have to result in
11 serious bodily injury which we would say does not exist.

12 Now, one good thing during your deliberations, you're
13 able to review all of the evidence. You could hear prior
14 testimony. You could watch the video of Marcus Grant
15 again. You can go through the transcript. And I would
16 encourage you to do so if there are questions. Because
17 you have the absolute right to see the evidence that the
18 State is providing to prove Mr. Grant guilty beyond a
19 reasonable doubt.

20 And like I said, it's like a pyramid. You have
21 different levels of doubt. Beyond a reasonable doubt,
22 which is why we're here today, is the top of the pyramid.
23 This is very important. This is very serious. And I
24 would ask you, once you review the evidence of the
25 incident that occurred, notwithstanding what happened in

1 the past and not what happened 40 minutes in the future
2 that my client was not involved with, you need to come
3 back with the verdicts of not guilty.

4 Thank you.

5 THE COURT: Okay. Ladies and gentlemen, that's all
6 you're going to hear. We're going to take a five minute
7 break and we'll bring you back in. And then I will start
8 reading this to you and we'll get this to you. This will
9 take me about 45 minutes to read to you. Sorry. But
10 stretch so you don't completely fall asleep and embarrass
11 me.

12 We'll call you in in a few minutes. Don't discuss
13 the case yet.

14 (WHEREUPON, the jury exits the courtroom at 3:38 PM.)

15 THE COURT: She's going to show you a verdict form.
16 Look at that. I'll be right back.

17 (WHEREUPON, a recess is taken at 3:39 PM; the jury entered
18 the courtroom at 3:53 PM.)

19 CHARGE ON THE LAW

20 THE COURT: All right. Ladies and gentlemen, thank
21 you very much for your patience and putting up with some
22 of the switching around we had to do. And also, I want to
23 apologize a little bit for my voice as it's been leaving
24 me slowly this week. My wife's a doctor. She predicted I
25 wouldn't have a voice by today, so I can't wait to get

1 home and tell her how wrong she is. And then I'll have to
2 sweep the floor or something.

3 It's now my obligation under the law to charge you on
4 the law that applies to this case. And you may have
5 noticed that my law clerk and I have been emailing things
6 back and forth. We're basically putting this together.
7 After listening to the testimony, we have put together
8 what law applies in this case. And I'm going to read this
9 to you verbatim and then ask that you apply this law as I
10 give it to you to the facts as you determine them to be
11 and then reach your verdict that way. You can't wish the
12 law is different or hope the law is different or think
13 that the law is different. I'm going to tell you what law
14 to apply and how it applies and then you have to apply
15 that to it.

16 Now, first, again, and for the last time, I want to
17 point out that you'll have these indictments with you in
18 the jury room. The indictment merely is the charging
19 document that begins the process that ends up here. I
20 want to remind you that the defendant doesn't have to put
21 up any testimony. He has no obligation. He has no
22 requirement to prove himself not guilty or not -- yeah.
23 Not guilty. That is on the State. The State must prove
24 each and every element of the crime in order to strip him
25 of his constitutionally provided innocence. He sits there

1 innocent now and will be innocent until you begin your
2 deliberations and remove that robe of innocence or robe of
3 righteousness from him.

4 I want to remind you that the defendant in this case
5 has pled not guilty, and that plea puts the burden on the
6 State to prove the defendant guilty. A person charged
7 with committing a criminal act in South Carolina is never
8 required to prove himself innocent. I charge you that
9 it's an important rule of law that the defendant in a
10 criminal trial, no matter what the seriousness of the
11 charge may be, will always be presumed to be innocent of
12 the crime for which the indictment was issued unless guilt
13 has been proven by evidence satisfying you of that guilt
14 beyond a reasonable doubt.

15 This presumption of innocence does not end when you
16 begin your deliberations, but it accompanies the defendant
17 throughout the trial until you reach a verdict of guilt
18 based on evidence satisfying you of that guilt beyond a
19 reasonable doubt.

20 Presumption of innocence, and I'm going to skip over
21 four or five pages, but a presumption of innocence and
22 then the old way of describing it was literally described
23 as a robe of innocence about him. And I think that's a
24 good way to think about it. It sits about his shoulders
25 now.

1 The presumption of innocence is not a mere legal
2 theory. It's not just a legal phrase. It's a substantial
3 right to which every defendant is entitled to unless you
4 the jury are satisfied from the evidence of the
5 defendant's guilt beyond a reasonable doubt.

6 Now, what is reasonable doubt? A reasonable doubt is
7 the kind of doubt that would cause a reasonable person to
8 hesitate to act.

9 The State has the burden of proving the defendant
10 guilty beyond a reasonable doubt. Some of you may have
11 served as jurors or seen television shows in which jurors
12 were deliberating in a civil case, and in those cases you
13 only have to prove that it's more likely than not that a
14 person is responsible.

15 In a criminal case, the burden is much higher. It is
16 beyond a reasonable doubt. The proof must be more
17 powerful than a preponderance. It must be beyond a
18 reasonable doubt.

19 Proof beyond a reasonable doubt is proof that leaves
20 you firmly convinced of the defendant's guilt. There are
21 very few things in this world that we know with absolute
22 certainty, and in criminal cases, the law does not require
23 proof that overcomes every doubt. If, based on your
24 consideration of the evidence, you are firmly convinced
25 that the defendant is guilty of the crime charged, you

1 must find the defendant guilty. If, on the other hand,
2 you think there's a real possibility that the defendant is
3 not guilty, you must give the defendant the benefit of the
4 doubt and find him not guilty.

5 Now, I want to take just a minute to go back over,
6 you know, I'm required to talk about our different roles.
7 If I've given you any impression during the course of this
8 trial that I believed a witness or disbelieved a witness
9 or I thought a fact was true or untrue, disregard any face
10 or if I turned red. I do have somewhat of a temper, but I
11 don't think I lost it this week. You are the only
12 people and one alternate who can determine what the
13 facts are. So my opinion about the facts don't matter at
14 all. You are the only people that can make those
15 determinations.

16 And again, I'm the judge of the law, so I put this
17 together and I've done my job and I'm reading it to you
18 now. And then you'll do your job by determining what the
19 facts are.

20 You should consider only testimony which has been
21 presented from the witness stand, any exhibits which have
22 been made a part of the record in this case, and you'll
23 have those with you if they have been a part of the
24 record, and any stipulations of counsel.

25 All right. Ladies and gentlemen, I want to charge

1 you that there are two types of evidence which are
2 generally presented during a trial. There's direct
3 evidence and circumstantial evidence. Direct evidence is
4 the testimony of a person who claims to have actual
5 knowledge of the facts such as an eyewitness. It is
6 evidence which immediately establishes the main fact to be
7 proved. Mere suspicion of evidence is not enough.

8 Circumstantial evidence is proof of a chain of facts
9 and circumstances indicating the existence of a fact. It
10 is evidence which immediately establishes collateral facts
11 from which the main fact may be inferred. Circumstantial
12 evidence is based on inference and not on personal
13 knowledge or observation.

14 The law makes absolutely no distinction between the
15 weight or value to be given to either direct or
16 circumstantial evidence, nor is a greater degree of
17 certainty required of circumstantial evidence than of
18 direct evidence. You should weigh all of the evidence in
19 this case, and after weighing all the evidence, if you are
20 not convinced of the guilt of the defendant beyond a
21 reasonable doubt, you must find the defendant not guilty.

22 Now, necessarily, one of the greatest jobs you have
23 as a juror is determining credibility of witnesses.
24 You've watched people testify. You've had the luxury of
25 being pretty close to them and listening to the way they

1 testify and listen to the way they held themselves out
2 when they testified. That helps you to determine
3 credibility. And that is one of the things -- most
4 important things you have to do, who is telling the truth.

5 And simply, in South Carolina credibility means
6 believability. Who do you believe? Now, you can believe
7 everything that a witness said from this witness stand or
8 you can believe nothing they said. You can take a portion
9 of their testimony and believe it and disregard the
10 remainder. It is up to you, and I can't tell you how to
11 do it. But one of the most important things you have to
12 do to begin your deliberations is determine which
13 witnesses you believe, what portion of their testimony you
14 believe if any and what portion you disbelieve if any.

15 Now, ladies and gentlemen, I charge you that in order
16 to establish criminal liability, criminal intent is
17 required. For example, the mental state required to be
18 proven by the State for a particular crime might be
19 purpose, intent, knowledge, recklessness or criminal
20 negligence.

21 Criminal intent must be proven by the State beyond a
22 reasonable doubt. Criminal intent is always a matter that
23 must be determined by you the jury from the facts and
24 circumstances surrounding the situation.

25 There's absolutely, again, no mathematical way to

1 prove certainty with intent. There's no way medical
2 science can dissect a person's brain and determine what
3 they had in mind. So the law says that criminal intent
4 may be inferred from the circumstances shown to have
5 existed at the time of the alleged bad act. And that is
6 how you determine whether or not the element requiring
7 intent is present.

8 It is not necessary to establish intent by direct or
9 positive evidence, but intent may be established by
10 inference in the same way as any other fact by taking into
11 consideration the acts of the parties and all of the facts
12 and circumstances of the case. Criminal intent is a
13 mental state, a consciousness of wrongdoing. It's up to
14 you the jury to determine what the defendant intended to
15 do based on the circumstances shown to have existed.

16 Criminal intent can arise from action or a failure to
17 act. It may arise from negligence, recklessness or an
18 indifference to duty or to consequences that are
19 considered by the law to be the equivalent of criminal
20 intent.

21 Now, ladies and gentlemen, I instructed you a little
22 bit about this earlier, but I want to just read this
23 direct. I instruct and order and I want to emphasize that
24 the fact that the defendant did not testify in this case
25 is not a factor to be considered by you in any way in your

1 deliberations or in your consideration of the question of
2 the guilt or the innocence of the defendant. It must
3 never be considered by you in any manner whatsoever. It
4 shouldn't even be brought up.

5 A defendant has the constitutional right to remain
6 silent, and the assertion of this right must not be
7 considered by you in your deliberations. I repeat, under
8 your oath, you are not to draw any conclusions whatsoever
9 from the fact the defendant in this case did not testify.
10 The fact that this defendant did not testify should not
11 even be discussed by you in the jury room. The burden of
12 proof, as I have said and the State has told you, is on
13 the State. The defendant is not required to prove their
14 innocence. The burden of proof remains on the State to
15 prove guilt beyond a reasonable doubt.

16 All right. Now I'm going to go through and just list
17 the particular crimes that have been set forth and give
18 you a little bit of a description about those crimes and
19 definitions.

20 One, the defendant in this case is charged with one
21 count of assault and battery by a mob in the second degree
22 and one count of kidnapping. Assault and battery by a mob
23 is covered by South Carolina Code Section 16-3-210 et seq.

24 In order to prove assault and battery by a mob in the
25 second degree, the State must first prove beyond a

1 reasonable doubt that an act of violence was committed by
2 a mob on the person -- on the body of a person which
3 results in serious bodily injury to the person. A mob is
4 a gathering of two or more persons without color or
5 authority of law for the premeditated purpose and with the
6 premeditated intent of committing an act of violence on
7 another person.

8 Kidnapping in South Carolina is covered by 16-3-910.
9 The defendant is charged with one count of kidnapping.
10 The State must prove beyond a reasonable doubt that the
11 defendant knowingly and unlawfully seized, confined,
12 inveigled, decoyed, kidnapped, abducted or carried away
13 another person without authority of law. To do a thing
14 unlawfully is to do it willfully against the law.

15 "Knowingly" means with knowledge, consciously and not
16 accidentally.

17 "Seize," under this statute, means to take hold of
18 something suddenly and forcibly.

19 "Confinement" means to limit, restrict or enclose
20 within bounds, imprison or shut or keep in.

21 "Inveigled" is a word used in that statute. And
22 inveigled is an old word that has been in that statute for
23 a long time. It basically means to lure, entice or lead
24 astray by false representation, promises or other
25 deceitful means.

1 "Decoy" means to lure by or as if by decoy. A decoy
2 is something to entice a person into a trap.

3 "Kidnap" is to remove a person against his will by
4 unlawful force or by fraud.

5 "Abduct" means to carry off secretly or by force for
6 an illegal purpose.

7 "Carry away" simply means under that statute to
8 remove.

9 The State does not have to prove that the defendant
10 did all of these things. Instead, if you find beyond a
11 reasonable doubt that the defendant did any of these
12 things, you may find the defendant guilty of kidnapping.

13 I charge you that something done without law, you've
14 heard that statute -- or that phrase a couple times,
15 something done without authority of the law is something
16 which the law does not sanction, permit, allow, condone or
17 provide jurisdiction for.

18 A kidnapping alleged in this case does not have to be
19 for any personal or monetary gain or for any illegal
20 purpose, but it must be for any reason whatsoever.

21 Kidnapping is a continuous offense that commences when one
22 is wrongfully deprived of freedom and continues until
23 freedom is restored, and such confinement may merely be
24 incidental to the commission of another crime.

25 Now, ladies and gentlemen, you as jurors have -- if

1 you as jurors have a reasonable doubt as to whether or not
2 the State has met its burden of proof and shown all the
3 elements of the crime of assault and battery by a mob in
4 the second degree, then you would then consider the lesser
5 included offenses of assault and battery by a mob in the
6 third degree. Under the South Carolina law, we have a
7 principle known as lesser-included offenses. Some crimes
8 that are a lesser degree are included in crimes which are
9 of a greater degree.

10 In this particular case, there are two
11 lesser-included offenses which you may consider if you
12 decide to for -- as a part of this indictment. You may
13 consider the charge of assault and battery by a mob in the
14 third-degree or assault and battery by law -- assault and
15 battery in the second degree. So you have the third and
16 second degree that you could consider.

17 In order to prove assault and battery by a mob in the
18 third degree, and this is a lesser included offense, the
19 State must prove beyond a reasonable doubt that an act of
20 violence was committed by a mob on the body of a person
21 which results in bodily injury to the person.

22 A mob is a gathering of two or more persons without
23 color or authority of law for the premeditated purpose and
24 with the premeditated intent of committing an act of
25 violence on another.

1 And finally, if you have reasonable doubt as to
2 whether the State has met its burden of proving and
3 showing all the elements of the crime of assault and
4 battery by a mob in the second degree, you would then
5 consider the lesser-included offense of assault and
6 battery in the third degree.

7 A person commits the offense of assault and battery
8 in the second degree if the person unlawfully injures
9 another person or offers to attempt to injure another
10 person with the present ability to do so. Moderate bodily
11 injury to another person results, or moderate bodily
12 injury to another person could have resulted, or the act
13 involves the consensual touching of parties.

14 "Moderate bodily injury" means physical injury
15 requiring treatment to an organ system of the body other
16 than the skin, muscles, and connective tissue of the body
17 except when there is penetration of the skin, muscles and
18 connective tissue that require surgical repair of a
19 complex nature or when treatment of the injuries requires
20 the use of regional or general anesthesia.

21 If you have reasonable doubt as to whether the State
22 has met its burden of proof and shown any and all elements
23 of this crime, then you, again, must find for the
24 defendant.

25 Now, under the Constitution of this state your

1 verdict has to be unanimous. In other words, you all have
2 to agree on it.

3 There was an error in one of these pages on assault
4 and battery second degree and third. I've got to correct
5 that. I'm going to send you out now and ask that you not
6 begin talking about this case. I've got about two more
7 minutes with you and then we're going to let you have this
8 case. But I want to run what I'm going to do by the
9 attorneys before I do it. So if you would, just step out.
10 Don't talk about the case and come back in.

11 (WHEREUPON, the jury exits the courtroom at 4:14 PM.)

12 THE COURT: The error was on the bodily force needed
13 on assault and battery by a mob second and third. So for
14 first you need great bodily harm, right?

15 MR. BLOUIN: Are you talking about for the assault
16 and battery?

17 THE COURT: Yes. On the first charge.

18 MR. STUMBO: Well, yeah. On assault and battery
19 second ---

20 THE COURT: Yeah. But I'm talking about on the
21 indictment. So what -- the first one you've got is
22 assault second degree. So what does that require?

23 MR. STUMBO: Serious bodily injury.

24 THE COURT: Serious.

25 MR. STUMBO: Yes. First degree by a mob would be

1 death.

2 THE COURT: All right.

3 MR. STUMBO: So that's what's different about ---

4 THE COURT: And then the third degree is just
5 moderate harm.

6 MR. STUMBO: Yeah. Well, third degree would just be
7 bodily injury.

8 MR. BLOUIN: Bodily injury on the mob and then
9 moderate injury on just assault and battery.

10 MR. STUMBO: Moderate only on assault and battery
11 second because it's that new -- you know, that new statute
12 that added moderate bodily injury as a definition. So
13 that didn't apply to those old lynching charges.

14 THE COURT: Right. So serious on the first, moderate
15 on the second, and third is just a touching.

16 MR. BLOUIN: No.

17 MR. STUMBO: Yeah. No. First degree is not charged,
18 Judge, because it would be death if it was a first degree.

19 THE COURT: I keep saying that. I'm sorry. I'm
20 talking about second.

21 MR. STUMBO: Yes. So it's second degree by a mob is
22 serious bodily injury. Third degree by a mob is just
23 bodily injury.

24 THE COURT: Okay.

25 MR. STUMBO: Assault and battery second is moderate

1 bodily injury. I know that's confusing, Judge. That's
2 where we are.

3 THE COURT: I'm going to explain it to them that they
4 differ in how much injury was done to the person.

5 MR. BLOUIN: Just because it was part of the same
6 section, Your Honor, when you got to the end about
7 reasonable doubt, you said you must find the defendant and
8 then just forgot to say "not guilty."

9 THE COURT: Yeah. I thought I said "not guilty." I
10 thought -- I will.

11 MR. BLOUIN: Okay.

12 THE COURT: Any other changes or differences? This
13 is a hard one to read, but I'll do it.

14 MR. STUMBO: I know, Judge. I think it probably all
15 needs to be cleaned up by the Legislature at some point.
16 Good luck with that.

17 THE COURT: I've been asked to do it when I retire,
18 and I would rather shave my head with a dull rock than
19 look at that.

20 Okay. You can bring them back in.

21 (WHEREUPON, the jury entered the courtroom at 4:18 PM.)

22 THE COURT: My law clerk who is really good, this is
23 her first charge that she's put together with me and I
24 take the blame for this because I missed it. I want to
25 make sure you understand the difference in the three types

1 of kidnapping or assault.

2 Obviously, he's been charged with -- he's been
3 charged with assault and battery by a mob second degree.
4 That requires -- this is the difference in those three
5 lesser-included charges that he's indicted for. The
6 assault and battery by a mob second degree, that requires
7 severe bodily injury. If you find that they failed to
8 prove that case, then you can then move to assault and
9 battery by a mob third degree which just requires bodily
10 injury. That's a lesser injury. And assault and battery
11 just requires physical touching or no real injury. So the
12 three lesser includeds really have to do with how badly
13 the person's hurt. I want to make sure you got that.

14 The other thing is I think I may have, when I was
15 trying to read that in my head not being completely clear
16 for the last time that if you believe that the State has
17 failed to reach and meet their burden, you must find for
18 the defense not guilty on any of these.

19 Now, Mr. Foreman, here's where I think it's either
20 going to get real easy or real simple. But this is our
21 jury charge. And what you should do is it's done by me so
22 that it's sequential. You have each charge and you will
23 start with the assault and battery by a mob in the second
24 degree. Something has to go first, and believe it or not
25 I have to tell you this, I put "not guilty" first and

1 "guilty" second. That's just because I had to put one
2 first. It doesn't mean I think anything about the guilt
3 or nonguilt of this party.

4 But if you find not guilty, then you keep going.
5 Once you find guilty of the assault and battery of a mob
6 in the second degree, then you don't have to deal with the
7 other assault and batteries and the mob. Then you'll move
8 down to the charge of kidnapping which is the last one.
9 So I hope that makes sense. You have the first one, then
10 the lesser includeds, and then you've got the charge
11 kidnapping that you'll have to address separately. But
12 you need to address each of these separately.

13 And obviously, if you have a question or a problem,
14 write out the issue. If you need me to reread that whole
15 thing to you, I can. That's the reason they force us to
16 read it so I can consistently hopefully read it back to
17 you. If you have any issues that you need a question
18 answered, write it out, knock on the door and we'll be
19 waiting on you.

20 If I can answer a question, I'll answer it. If the
21 law prevents me from answering your question, I'll bring
22 you out after you sit down like this and tell you, sorry,
23 I can't answer and then send you back. But if I can help
24 you in any way, I will.

25 So we're going to gather up the evidence. I'm going

1 to ask him to take you back one last time, leave the
2 alternate -- who's the last remaining alternate? You can
3 just wait for me in the hall. I'll come talk to you in a
4 minute. We'll have the verdict form, the indictments and
5 anything that has been introduced into evidence delivered
6 to you, and at that point you could begin your
7 deliberations. Okay? Everything good? So if you've got
8 a problem, contact me through the foreman.

9 (WHEREUPON, the jury exits the courtroom at 4:23 PM.)

10 MR. BLOUIN: --- basically said assault and battery
11 second degree is no real injury, but that requires
12 moderate bodily. So assault and battery second, no mob,
13 moderate injury.

14 THE COURT: Right.

15 MR. BLOUIN: Kind of said it doesn't require injury.

16 THE COURT: I thought that was just assault and
17 battery.

18 MR. BLOUIN: It does -- but assault and battery does
19 require injury. It requires moderate bodily injury.

20 MR. STUMBO: We just -- we had charged assault and
21 battery third, Judge. I don't think we really needed to
22 here.

23 THE COURT: No.

24 MR. STUMBO: Neither of us asked. But I think what I
25 would ---

1 THE COURT: All right. So assault and battery, you
2 want me to tell them that assault and battery requires
3 some injury.

4 MR. BLOUIN: No mob, moderate bodily injury.

5 THE COURT: Yeah. I thought I did that.

6 MR. STUMBO: Second.

7 You did read the definition for moderate bodily
8 injury before we sent them out ---

9 THE COURT: Right. It will be ---

10 MR. STUMBO: --- just to clarify.

11 And Judge, you may want to read them that last
12 section in your conclusion. I don't think you got through
13 all that.

14 THE COURT: No. I -- usually, I -- I think I've hit
15 most of it. Is there something I did miss?

16 MR. STUMBO: Just to make sure that they know that
17 it's got to be unanimous and they don't ask a question
18 later about ---

19 THE COURT: Okay.

20 MR. STUMBO: --- can it just be a majority vote. I
21 don't think you read that.

22 THE COURT: I -- I usually skip that, but I'll bring
23 them back in.

24 MR. THOMAS: And also, just if you could maybe ask
25 them if they send you any notes, not to put their

1 numerical division on it. I know that happens from time
2 to time.

3 THE COURT: Yeah. If they do, I'm going to let y'all
4 know that. All right. So ---

5 MR. STUMBO: Just so they know, Judge, A&B second is
6 a moderate bodily injury element.

7 THE COURT: Okay. That's what I'm going to tell
8 them. Then I'm going to be sure that they ---

9 MR. STUMBO: Yes.

10 THE COURT: --- are unanimous.

11 Bring them back in.

12 But y'all have looked at this sentence?

13 MR. STUMBO: Verdict form?

14 THE COURT: Yeah.

15 MR. BLOUIN: Yeah. Verdict form's great.

16 THE COURT: And you've got all your evidence.

17 THE BAILIFF: (Indiscernible.)

18 THE COURT: No. Just the 12.

19 Once we send them out, I'll tell you what happened to
20 me on letting an alternate go in a murder case not too
21 long ago. I think you're going to see that rule change.

22 MR. THOMAS: And Judge, just if you want to tell them
23 that the State's exhibit and the video has the redacted
24 and the unredacted version.

25 THE COURT: Okay.

1 MR. THOMAS: We only played the redacted one,
2 obviously. If they need to watch it again, we don't have
3 stuff for them back there. They have to come out.

4 (WHEREUPON, the jury entered the courtroom at 4:26 PM.)

5 THE COURT: I promise you 30 seconds. Everything is
6 taken down in here. I want to make sure I said it right.

7 On the assault, the lesser-included offense of
8 assault and battery requires moderate bodily injury. I
9 may not have said that.

10 And then finally, I want to tell you that, again, it
11 has to be a unanimous verdict. You have to continue to
12 talk and work.

13 If you have -- if you want to watch any of the videos
14 that were up here, there's redacted versions and
15 unredacted. Unfortunately, you can't watch them back
16 there. I'll clear the courtroom and bring you in and let
17 you watch it in here if you want to watch something that's
18 on that disk that's been introduced into evidence.

19 I'm also sending back the machete in its bag. Don't
20 open the evidence bag. I promise it's the same machete.
21 You can't imagine what has happened in this state in the
22 past. So don't mess with it, okay?

23 That's it. All this will be delivered to you in just
24 a minute. Okay.

25 (WHEREUPON, the jury exited the courtroom at 4:28 PM.)

1 THE COURT: Y'all got all the evidence up here?
2 Better go through it.

3 (WHEREUPON, a recess is taken at 4:28 PM; the jury begins
4 deliberations.)

5 JURY QUESTIONS

6 THE COURT: --- question, and it's going to -- not
7 really a question. It just says, dash, all testimony, and
8 then, dash, statements, Debra and Putman. Who are Debra
9 and Putman?

10 MR. THOMAS: They were people that testified.

11 I don't know what they mean by statements.

12 THE COURT: I mean, how do you ---

13 MR. THOMAS: Do you want to maybe bring the foreman
14 out, ask for some clarification? I mean, if they ---

15 THE COURT: Not yet. I want to know -- first, I want
16 to know how we would play if -- how do you do that if we
17 have to replay testimony? You can do it?

18 How long was Debra and Putman's ---

19 MR. STUMBO: Pretty short.

20 MR. THOMAS: I think they were both pretty short.

21 MR. STUMBO: They were both very short. Probably ---

22 THE COURT: What I'm going to do is bring them out
23 and assume that they mean all testimony of Debra and
24 Putman. And you can do that.

25 MR. STUMBO: And if they're asking for their written

1 statements, Judge, obviously, we couldn't really put those
2 in under the rules.

3 THE COURT: No. I'll just tell them all they have is
4 testimony, that there aren't any written statements.

5 MR. STUMBO: Well, I would ask if you don't tell them
6 there aren't any written statements, just that the rules
7 of evidence are such that ---

8 THE COURT: Yeah. I'll take ---

9 MR. THOMAS: What you have before you is their sworn
10 testimony.

11 MR. STUMBO: The best testimony is from the witness
12 stand.

13 THE COURT: Bring them in.

14 (WHEREUPON, the jury entered the courtroom at 5:28 PM.)

15 THE COURT: Mr. Foreman, let me ask you, the question
16 says, first, "all testimony" and then underneath it says
17 "statements from Debra and Putman." Are you wanting the
18 testimony from Debra and Putman?

19 JURY FOREPERSON: Right.

20 THE COURT: Not all the testimony.

21 JURY FOREPERSON: (Indiscernible.)

22 THE COURT: Huh?

23 JURY FOREPERSON: Just what (indiscernible).

24 THE COURT: Just Debra and Putman.

25 JURY FOREPERSON: Correct.

1 THE COURT: So we can replay that. That would be
2 good enough for you.

3 JURY FOREPERSON: That would be good.

4 THE COURT: All right. How long will that take you
5 to do?

6 We have a new system that is computer oriented.

7 COURT MONITOR: I need to go off the record and get
8 the time. (Indiscernible.)

9 THE COURT: Okay. We'll have them queued up. Go
10 back and relax. Go to the restroom. We'll bring you back
11 in five or ten minutes as soon as we can get it queued up.

12 So you want Debra and Putman, their whole testimony.

13 JURY FOREPERSON: Right. Just the statements, like
14 if they have a written statement.

15 THE COURT: The only thing that's introduced into
16 evidence is their testimony. There aren't any statements
17 introduced, so you can't have that. I would love to. But
18 I can play their testimony again. Do you need their
19 testimony?

20 JURY FOREPERSON: We don't need it.

21 THE COURT: Okay.

22 MR. STUMBO: Judge, just to clarify, you know, the
23 written statements exist.

24 THE COURT: Sure. But they're not in evidence.

25 MR. STUMBO: But under the rules of evidence, we have

1 to put live testimony in.

2 THE COURT: Yeah. So I'm sorry. I mean, I can only
3 put in things that have been introduced.

4 All right. So I'll assume that since there is no
5 written statements into evidence that you can look at, you
6 don't need this. Okay. Thank you. You did it right.

7 (WHEREUPON, the jury exits the courtroom at 5:30 PM; the
8 jury entered the courtroom at 5:40 PM.)

9 THE COURT: Yeah. Y'all can just stand. You're not
10 going to get to sit, unfortunately.

11 Mr. Foreman, I appreciate it. And also, appreciate
12 the fact that y'all would let me come back there and
13 explain this to you. I would if I could. The law won't
14 let me.

15 The question is, is there an option for assault and
16 battery in the first degree? And what is the difference
17 between second and first? That's the question?

18 JURY FOREPERSON: That's the question.

19 THE COURT: Unfortunately, I can't answer it. You
20 only have the options that are set forth on the verdict
21 form. Those are the only available potential allegations
22 that you can deal with. Okay. Sorry.

23 JURY FOREPERSON: Judge, another question.

24 THE COURT: Yeah.

25 JURY FOREPERSON: (Indiscernible.)

1 THE COURT: I can read -- I can redescribe kidnapping
2 to you.

3 JURY FOREPERSON: Okay.

4 THE COURT: Sure. Have a seat and let me get my
5 notes. My charge is in the trash so let me find it. What
6 I'll do is I'll basically charge the two pages of
7 kidnapping. It will be similar to what I read. And after
8 hearing it once, it might click.

9 Kidnapping is set forth in South Carolina
10 Code 16-3-910. The defendant is charged with one count of
11 kidnapping. The State must prove beyond a reasonable
12 doubt that the defendant knowingly and unlawfully seized,
13 confined, inveigled, decoyed, kidnapped, abducted or
14 carried away another person without authority of law. To
15 do a thing unlawfully is to do it willfully against the
16 law.

17 "Knowingly" means with knowledge, consciously and not
18 accidentally.

19 "Seize" means to hold someone forcibly.

20 "Confine" means to limit, restrict or enclose them
21 within bounds, imprison or shut or keep them in.

22 "Inveigle" was the old word that means allure, entice
23 or lead astray by false representations, promises or other
24 deceitful means.

25 "Decoy" means to lure by or as if by decoy. A decoy

1 is something to entice a person into a trap.

2 "Kidnap" is to remove a person against his will by
3 unlawful force or by fraud.

4 "Abduct" means to carry off secretly or by force for
5 an illegal purpose.

6 "Carry away" means to remove.

7 And this is also what I told you. The State does not
8 have to prove that the defendant did all of these things.
9 Instead, if you find beyond a reasonable doubt the
10 defendant did any of these things, you may find the
11 defendant guilty of kidnapping.

12 I also told you that kidnapping doesn't have to be
13 for any personal or monetary gain or for any illegal
14 purpose, but may be for any reason whatsoever, and that
15 something done without authority of law is something which
16 the law does not sanction, permit, allow, condone, or
17 provide justification for. That's kidnapping.

18 And I'm happy to do that with anything else you need.

19 MR. STUMBO: Judge, can you read the last paragraph
20 of that? I think that's (indiscernible).

21 THE COURT: I'm sorry?

22 MR. STUMBO: The one that starts "kidnapping is a
23 continuous offense." That's the last paragraph of your
24 charge.

25 THE COURT: Kidnapping is a continuous offense that

1 commences when one is wrongfully deprived of freedom and
2 continues until freedom is restored and such confinement
3 may be merely incidental to the commission of another
4 crime.

5 MR. STUMBO: Thank you, Judge.

6 THE COURT: Okay. If you need me to do that again
7 with any other term, I'll be happy to do it.

8 Okay. All right. Thanks.

9 (WHEREUPON, the jury exits the courtroom at 5:44 PM and a
10 recess is taken.)

11 THE COURT: Just for the record, they needed another
12 verdict form, so we just copied the exact same thing. I'm
13 just putting everything on it except an error.

14 Okay. You can bring them in.

15 (WHEREUPON, the jury entered the courtroom at 6:38 PM.)

16 THE COURT: Okay. Thank you, sir.

17 Mr. Foreman, this assault and battery in the second
18 degree, you've got -- it looks like you checked "guilty"
19 and then wrote over it. Is that just ---

20 JURY FOREPERSON: Correct. Just scratch that out.

21 THE COURT: Scratch that out. Okay.

22 You can publish it.

23 VERDICT

24 THE CLERK: Your Honor, this is the case of the State
25 of South Carolina vs. Marcus Tyrone Grant. For the charge

1 assault and battery by a mob in the second degree, we the
2 jury unanimously find the defendant is not guilty.

3 For the charge of assault and battery by a mob in the
4 third degree, we the jury unanimously find the defendant
5 guilty.

6 For the charge of kidnapping, we the jury unanimously
7 find the defendant guilty.

8 Signed the foreman.

9 THE COURT: All right. Ladies and gentlemen, if that
10 was your verdict, if you would raise your right hand. And
11 everyone raised their hand.

12 Okay. I've got to send you back one last time. I'll
13 be back to talk to you privately in just a few minutes.
14 Thank you for your work.

15 (WHEREUPON, the jury exits the courtroom at 6:40 PM.)

16 THE COURT: Okay. I'm going to go back and talk to
17 them like I usually do. Do y'all want to do the
18 sentencing sheets?

19 MR. THOMAS: Yeah. I'll have them ready for you.

20 MR. STUMBO: We'll have them ready when you get back.

21 THE COURT: All right. I'll be back. And if they
22 tell me anything that I think will help either one of you,
23 I'll let you know.

24 MR. STUMBO: Yes, sir.

25 MR. THOMAS: I'm assuming no polling.

1 MR. BLOUIN: He kind of polled them.

2 THE COURT: Yeah.

3 (WHEREUPON, a recess is taken at 6:41 PM.)

4 THE COURT: --- automatic post-trial?

5 MR. BLOUIN: Just, Your Honor, obviously, again,
6 renew any of my prior objections.

7 THE COURT: Yeah.

8 MR. BLOUIN: Motion for a directed verdict and then a
9 motion for a new trial based off of what we believed to
10 have been inadmissible hearsay.

11 THE COURT: Okay. All right. And again, those are
12 denied. But you're protected for the record.

13 If you all give me a second.

14 MR. STUMBO: Judge, we've just got a little bit in
15 sentencing, prior record.

16 THE COURT: Okay.

17 MR. STUMBO: And maybe just a little bit from
18 Mr. Little about his nephew.

19 THE COURT: All right. Let me ---

20 MR. STUMBO: Are you ready for it, Judge?

21 THE COURT: Let me fill these in first and then I
22 will for sure.

23 (Pause in proceedings.)

24 THE COURT: Okay. I'll be happy to hear anything
25 from the State on sentencing.

1 MR. STUMBO: Thank you, Judge. Fairly extensive
2 prior record. I know I've referenced that before the
3 trial to Your Honor in chambers, but it is as follows:
4 1997, disorderly conduct; 1998, possession of crack, two
5 counts; '98, intimidation of jurors or witness; '99,
6 assault and battery, high and aggravated nature. That was
7 the old common law ABHAN.

8 THE COURT: Right.

9 MR. STUMBO: 2000, breaking and entering into an
10 automobile; 2000, possession of crack; 2002, PWID crack,
11 two counts; 2002, another common law ABHAN; 2005, an
12 involuntary manslaughter which he did some time on that;
13 2011, distribution of crack and distribution within
14 proximity of a school, two counts. That was the one that
15 we referenced in this trial extensively ---

16 THE COURT: Right.

17 MR. STUMBO: --- with the involvement of Mr. Byrd
18 being a CI.

19 He was violated on his probation in 2016. Went back.
20 I think that was referenced in the case, too. And then
21 2020, he did have a domestic violence third degree
22 conviction in 2020, Judge, not long before this happened
23 in January of '21.

24 THE COURT: Okay.

25 MR. STUMBO: And as we indicated to Your Honor, we do

1 have a pending kidnapping and ABHAN case still active
2 right now. We'll try to resolve that, be it plea or
3 trial, soon, Judge.

4 THE COURT: Okay. And how many days credit does he
5 get?

6 MR. BLOUIN: I have 517.

7 MR. STUMBO: That sounds accurate, Judge. I trust
8 Mr. Blouin's calculations on that.

9 Judge, just briefly, I know David Little, you did
10 hear from him on the witness stand, but I didn't know if
11 there was anything that he wanted to tell Your Honor just
12 about his nephew.

13 THE COURT: Anything, sir?

14 MR. LITTLE: He got -- he got his life together and I
15 was kind of proud of him because he had came home and did
16 real good. He was doing a lot of stuff that a lot of
17 other people don't do when they come home. He started
18 working and started doing real good and I was proud of
19 him.

20 THE COURT: How old was he?

21 MR. LITTLE: Jarvis was ---

22 THE COURT: 30s or 40s?

23 MR. LITTLE: 32 -- 34 -- 33.

24 MR. STUMBO: 33.

25 MR. LITTLE: Yeah. He had done got his life

1 together, man. I was proud of him.

2 THE COURT: Okay. I'm sorry for your loss. I really
3 am.

4 MR. LITTLE: And I'd like to thank y'all for your
5 hard work.

6 THE COURT: Yeah. Everybody worked hard on this one.
7 And, I mean, the defense was good too.

8 Be happy to hear anything from you.

9 MR. BLOUIN: Your Honor, Mr. Grant's 46 years old, a
10 graduate of Laurens High School. Obviously, Your Honor,
11 you heard his record. But, you know, before he got
12 involved in this incident, he was helping kids there with
13 us in the area of schoolwork, help taking care of his
14 grandkids, took care of his great-nephew, help raise his
15 girlfriend's kids and would attend all their functions,
16 would pass out cookies every Christmas at nursing homes in
17 Abbeville and Greenwood counties and helped single parents
18 prepare for kids for upcoming school year.

19 You know, Your Honor, while Mr. Grant disagrees with
20 the jury's verdict, obviously, he had always maintained
21 that this was a solo job. Obviously, we respect the
22 decision, and we just ask that you be as merciful as
23 possible.

24 THE COURT: What started this whole thing? What
25 started the fight?

1 DEFENDANT GRANT: Sir?

2 THE COURT: What started all this? I'm just going
3 to ---

4 DEFENDANT GRANT: It initially started back in 2010
5 when he had set me up for drugs. And I hadn't seen him
6 since then, since like hadn't seen him in probably like
7 nine years because I had moved off of Laurens County.

8 THE COURT: Right.

9 DEFENDANT GRANT: And what really ticked me off, that
10 real made me urge it back up, he looked me in my face and
11 told me he didn't give a fuck about me, Judge. He ain't
12 worried about me. He looked me dead in my face when I
13 told him don't -- don't speak to me and talk. And that if
14 you can come from where I'm coming from, that's just like
15 somebody's seeing your child, doing something to your
16 child and go through time and come back and tell you they
17 can care less about what happened. And he can care -- he
18 cared less about what happened.

19 I had a family, too. I stayed ten to 15 miles from
20 him. He was doing his dirt on one side of town and he
21 came from one side of town all the way to my side of town.
22 I wasn't bothering him about it. I was going to come from
23 my own home. He came into my house. He violated my
24 house.

25 THE COURT: Okay. So -- and I know that this doesn't

1 matter, technically, but it matters. There's another
2 charge. What's the other charge that he's got to deal
3 with now?

4 MR. BLOUIN: It's an ABHAN and a kidnapping charge.

5 MR. STUMBO: Statutory ABHAN.

6 Judge, in that case, one of his buddies, they were
7 attacking this other guy just to give him grief. And this
8 is what we'll allege at trial.

9 THE COURT: And I've already written my sentence so
10 don't worry about it. I just wanted to know. But go
11 ahead.

12 MR. STUMBO: His friend, he and another guy attacked
13 this cook (indiscernible) on 2/21. And his buddy ends up
14 getting stabbed with a kitchen knife by the cook they were
15 attacking and got killed. They were attacking him with
16 full (indiscernible) brass knuckles, Judge. So it's an
17 ABHAN -- statutory ABHAN.

18 THE COURT: Okay. All right. Well, Mr. Grant, I
19 mean, you know, under different circumstances, it seems
20 like you can be a nice guy. You just can't -- and I don't
21 -- I understand the beef. I've got a temper. I grew up
22 sort of rough. But, you know, you just can't do this.
23 This can't be the response.

24 SENTENCING

25 THE COURT: So what I'm going to do, the assault and

1 battery is not more than one year. I'm going to do one
2 year, give you credit for time served, run it concurrent
3 with the kidnapping which is 30 years suspended to 18
4 years and then five years probation, credit for 517 days
5 and run that concurrent.

6 My hope is that you can resolve all of them somewhere
7 in that range and get them out of the way.

8 MR. BLOUIN: Your Honor, can you mark on the
9 kidnapping sheet, because this didn't involve any sort of
10 sexual offense, that he's not on the registry? Because I
11 know sometimes that causes some problems.

12 MR. STUMBO: Judge, we'll concur with that.

13 THE COURT: I'll put "no sex registry" because that's
14 -- all right, man. Good luck. Be safe.

15 (WHEREUPON, proceedings concluded at 7:08 PM.)
16
17
18
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21
22
23
24
25

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF LAURENS)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record, to the best of
11 my ability based on the audio and notes provided, of the
12 digitally recorded proceedings had from the DCRP, Digital
13 Courtroom Recorder Project, and evidence introduced in the
14 trial of the captioned case, relative to appeal, in the
15 Court of General Sessions for Laurens County, South
16 Carolina, on the 4th, 5th and 6th day of March, 2024.

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

19
20 June 25, 2024

21
22
23 Cheryl A. Smith

24 Cheryl A. Smith, CVR-M

25 Court Reporter

LAURENS POLICE DEPARTMENT

MIRANDA

CASE NUMBER: 2021-0166PLACE: Laurens CityNAME: Marcus Tyrone GrantDATE: 1/28/2021ADDRESS: [REDACTED] S Harper Street ExtINTERVIEWER: Chocky Cella, SollerLaurens SC 29360TIME: 3:00 pmS.S.N. [REDACTED]HEIGHT: 6'5WEIGHT: 225DATE OF BIRTH: [REDACTED] 1/977GRADE LEVEL IN SCHOOL: 12

YOUR RIGHTS

BEFORE ASKED ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

YOU HAVE THE RIGHT TO REMAIN SILENT, AND NOT MAKE ANY STATEMENT.

ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN COURT.

YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS, AND TO HAVE HIM/HER WITH YOU DURING QUESTIONING.

IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BY THE COURT BEFORE ANY QUESTIONS, IF YOU WISH.

IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

1. DO YOU UNDERSTAND THESE RIGHTS AS I HAVE READ THEM TO YOU?

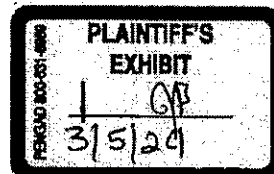
YES: [Signature]NO: ☐

2. ARE YOU WILLING TO TALK TO ME NOW WITHOUT A LAWYER?

YES: [Signature]NO: ☐

WAIVER OF RIGHTS

I have read or had read to me this statement of my rights. I understand what my rights are. I am willing to make a statement and answer any questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made against me by anyone.

SIGNATURE: [Signature]DATE: 1/28/2021WITNESS: [Signature]

LAURENS CITY POLICE DEPARTMENT

VOLUNTARY STATEMENT FORM

Officer Name Det. B. Scuras Case # 2021-01166
 Nature of Incident HOMICIDE

Name Daniel Litch Date and Time (today) 11-15-65
 Address [REDACTED] Newman St Phone [REDACTED]
 Physical Description (sex) M (hair) Black (eyes) Brown (height) 6'4" (weight) 205
 Date of Birth [REDACTED] 65 Date Occurred _____

My Name is Daniel Litch and age he was my
 nephew and he call me the night of the incident he say
 3 Guys come in the house and attacked him he called
 to call my mama (Maele Green) and there was a another
 guy beat him he say there hold a gun to his head while the
 other guys beat him and drag him out the back and he
 called me so come and get him but when we got there he didn't
 want to have with me him he said he was going to help my
 cuz finish running that night so i left and got to the
 bottom of the hill on Spring Street and away police was
 passing by us at a high rate of speed and we turned around
 and come back and I saw my nephew on the ground it look
 like all of them guys so kill him that was in that house please
 help me find his killer.

Signature:

Daniel Litch

Witness:

[Signature]

1 Q How are you today, Mr. Grant?

2 A Alright, how are you doing, sir?

3 Q I am pretty good. I want to clear up one thing real

4 quick. Are you related to Shykorie Grant?

5 A No, sir. That is a different set of Grants.

6 Q Different set of Grants?

7 A Yes, sir.

8 Q You are not related. Where you are from, Mr. Grant?

9 A Laurens.

10 Q Born and raised?

11 A Yes, sir.

12 Q Alright. Where do you live now?

13 A I live on [REDACTED] Johnson Lane.

14 Q Did you know Jarvis Byrd?

15 A Yes, sir.

16 Q How did you first come to know Mr. Byrd?

17 A Well, I have been knowing Mr. Byrd all of his life.

18 When we were kids and everything and I knew his mother, of

19 course she passed away. Our families being entwined.

20 Q At some point did Mr. Byrd work with law enforcement

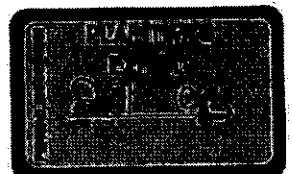
21 to get you into some trouble?

22 A Yes, sir.

23 Q Tell me about that.

24 A Mr. Byrd had broken some shades, (phonetic), some

25 storage buildings. And he agreed to the police to bust me



1 on a drug sale, a narcotic sales. So he set me up and I
2 caught him, I caught him cameraing my house on his chest,
3 when he came to buy, make a buy from me. So that is when,
4 when I caught the charges.

5 Q That would have been gone to with you getting
6 narcotic charges?

7 A Yes, sir.

8 Q What happened with those charges?

9 A I was sentenced, the first time I was sentenced to
10 ten years suspended to six and five years probation. They
11 returned my case due to some paperwork.

12 Q Let me stop you there for a second. You were
13 sentenced to ten years suspended to six years and five
14 probation. That means the sentence, what you would
15 actually do would be six years active time at the
16 Department of Corrections. Is that correct?

17 A Yes, sir.

18 Q Followed by probation. Is that correct?

19 A Yes, sir.

20 Q And then if you violated your probation you get the
21 rest of the ten years. Is that right?

22 A Yes sir, five, five.

23 Q I just wanted to make sure we were clear for someone
24 that doesn't interpret criminal offense. And so you said
25 that was overturned. Tell me about that?

- 1 A Yes, sir. They returned my case due to, I don't know
2 whether the chain-of-custody, I was never informed. One
3 guy wasn't able to make the trial or whatever. So they
4 came back and overturned my case. And when they
5 overturned my case they gave me three years, well, ten
6 years suspended to three years, five years of probation.
- 7 Q So did you go up the road for these narcotic charges?
- 8 A Excuse me, sir?
- 9 Q Did you go to SCDC for these narcotic charges?
- 10 A Yes, sir. Yes, sir.
- 11 Q And I am going to try to make it where we don't talk
12 on top of each other. The Court Reporter over there has
13 to write down everything you and I say so I will try to be
14 quiet and try not to talk over the top of me, alright?
- 15 A Yes, sir.
- 16 Q How long have you been in prison because of this?
- 17 A 18 months.
- 18 Q And did you also spend some time on probation?
- 19 A Yes, sir.
- 20 Q How long were you on probation?
- 21 A I was on probation exactly four years and three
22 months. They terminated my probation, they violated me
23 and sent me back down the road for six months and
24 terminated when I came back.
- 25 Q So I won't ask you to do all of that math for me.

1 Tell me when you were done with your --

2 A 2016.

3 Q 2016 you are done with all of it. You come back to
4 Laurens after you got out of SCDC?

5 A For a short period.

6 Q Where did you go after that?

7 A I moved to Greenville.

8 Q And eventually you ended back up in Laurens?

9 A Came back to Laurens in 2018, the end of '18 I moved
10 back to Laurens.

11 Q Alright. And did you ever see Mr. Byrd around town?

12 A No, sir.

13 Q Alright. What were your feelings toward Mr. Byrd at
14 that point?

15 A I really didn't have no business towards him. He
16 sent me to jail so, you know wasn't really no feelings, I
17 didn't --

18 THE COURT: What was your last answer, sir?

19 A I didn't like him.

20 Q You didn't like him. Tell me about the first time
21 you saw around town after you --

22 A The first time I seen him was at McDonald's, he was
23 working at McDonald's on third shift. And I had came into
24 McDonald's to get me something to eat and he was standing
25 outside. We got into an argument at McDonald's. Walked

1 in, he spoke to me, he called me Cuz. He said, what's up,
2 Cuz. I told him, I am not your cousin. But I did say, I
3 cursed, I am not your F'g cousin. We got into an
4 argument. He looked me in my face and told me, F you, I
5 am not worried about you. And I told him then I was going
6 to beat him up and when I catch him I am going to beat him
7 up.

8 Q So you told him when you saw him at McDonald's that
9 was going to happen?

10 A Yes, sir.

11 Q And we are obviously going to talk about the events
12 that happened January 20, 2021. But you are aware that he
13 is now deceased, correct?

14 A Yes, sir.

15 Q Okay. Going back to the time he passed, about how
16 long before that was the incident at McDonald's?

17 A That would be in November.

18 Q November, roughly three months before he passed?

19 A Yes, sir.

20 Q Between then and the night that he ended up passing
21 away, did you see any, November, December, the beginning
22 of January?

23 A No, sir.

24 Q Alright. Were you aware of where he was living?

25 A Yes, sir.

- 1 Q Where was that?
- 2 A He was staying at the projects.
- 3 Q Okay. Do you stay over there?
- 4 A No, sir.
- 5 Q Okay. Is that an area you go to often?
- 6 A No, sir. I never visit the projects. It is not, I
- 7 stay across town.
- 8 Q Let's now go to the day of January when he passed of
- 9 2021. What were you doing that day prior to going over to
- 10 the projects, what were you doing that day?
- 11 A I was at home all that day.
- 12 Q Was that somebody's birthday?
- 13 A Yes, sir.
- 14 Q Tell me about that?
- 15 A That is my God Brother, Goochie, that was his
- 16 birthday weekend. So that is where we were going for the
- 17 weekend for his birthday.
- 18 Q So you had been at home and you had been drinking?
- 19 A No, sir. I hadn't started, I was going to that night
- 20 but I hadn't started yet.
- 21 Q Okay. At some point you obviously decided to go the
- 22 projects?
- 23 A Yes, sir.
- 24 Q Tell me how you made that decision?
- 25 A I just, I said I wanted to get it over with him. I

1 was just tired of him, rumors running around in the
2 streets and everything. And so I am going to go by the
3 projects and I go up there.

4 Q What made that day the day?

5 A Just one of those days. I said I was going to get
6 him.

7 Q Okay. When you decided to go over there did you tell
8 anybody you were doing it?

9 A No, sir.

10 Q Okay. Did you have anybody to come with you?

11 A No, sir.

12 Q Did you make any kind of any plan with any other
13 person to go over there?

14 A No, sir.

15 Q Did you go alone?

16 A No, sir. I went with my brother and my cousin in the
17 car, my brother was driving the car. Them two was in the
18 car but they didn't know what I was going to do.

19 Q Okay. What are their names?

20 A Warren Grant and Travis Evans.

21 Q Warren Grant and Travis Evans?

22 A Yes, sir.

23 Q To your knowledge they are not charged with anything
24 related to this?

25 A No, sir.

1 Q They, why did they think y'all were going to the
2 projects?

3 A I just told them I had something to do in the
4 projects right quick. Stop in the projects. When we were
5 leaving my mother's house, before we go up the road we
6 will stop at the projects, I have got to take care of
7 something.

8 Q Okay. Do you recall roughly what time it was that
9 you went to the projects?

10 A No, sir.

11 Q Was it daylight or dark?

12 A It was dark.

13 Q So after sunset?

14 A Yes, sir.

15 Q What were you planning to do after you left the
16 projects?

17 A Go to the club.

18 Q So it was time to go out?

19 A Yes, sir.

20 Q Were you aware of which apartment Jarvis lived in?

21 A Yes, sir.

22 Q How were you aware of that?

23 A This girl, last name is West, I can't quite remember
24 her first name but her last name is West. She came to my
25 neighborhood and she was under the influence, she had been

1 drinking and she told me everything about and she told me
2 everything about it. Where he worked at, everything.

3 Q Did she live in the project?

4 A I don't know whether she stayed up there but that is
5 where she hang out. I don't know whether she stayed
6 there, that is where she hang out at.

7 Q And her last name was West?

8 A West, yes sir.

9 Q Do you know if she is related to Jarvis?

10 A She called him her cousin. That is how she knew what
11 it was.

12 Q So she knew the history between you and Jarvis?

13 A Yes, sir.

14 Q And so she tells you where he lives. When, between
15 the incident at McDonald's and then in January we are
16 talking about, when did you talk to Ms. West, roughly?

17 A Probably like, she came to my neighborhood like a
18 week, like every day she came and got drunk for about a
19 week. So it was probably maybe like a week before that
20 she was over there, she gave me all the information about
21 it. She didn't know exactly who I was but she had heard
22 stories or whatever. So when I first encountered her, I
23 pulled up her boyfriend who is a guy named Donald --

24 COURT REPORTER: Judge, I didn't get that name.

25 THE COURT: Slow down just a little bit and speak up

1 a little bit louder. You need to slow down a little bit,
2 okay.

3 COURT REPORTER: The name that you just said?

4 A Donald Redfield, that was his name, Donald Redfield.
5 He was calling my name when I got out of the car. So when
6 I got out the car she asked me like, oh, you are Marcus
7 Grant, the guy, the conversation was my cousin. That is
8 how she had, she had been drinking and she talked to and
9 everything about his whereabouts, his job schedule, things
10 like that. I was also asked about it and she was telling
11 me.

12 Q And why were you asking those kind of details?

13 A Because I am going to jump on him, fight him for what
14 he did.

15 Q And that was, you said, roughly about a week before
16 you actually went over there?

17 A Yes, sir.

18 Q Okay. Let's go back to kind of, you go over there
19 and you said, you talk over there with family members,
20 where did they park. Let's start there, where did the car
21 stop and you get out. I will put this in a little
22 perspective for you. This is Spring Street coming up from
23 here and these are that first set right here.

24 A There in the bend, right here, that first building to
25 your left. That is not, the one across right there. Go

1 up to that first sidewalk right there, the long sidewalk.
2 Go up, go over, come back on the other side of the road
3 and park right up in there.

4 Q Right up in here?

5 A Yes, sir.

6 Q So, and so this is what looks like a white car and a
7 blue car?

8 A Yes, sir.

9 Q I couldn't see that from there. He said the white
10 car and the blue car on this side of the road. So they
11 parked here. You get out?

12 A Yes, sir.

13 Q Anybody get out with you?

14 A No, sir.

15 Q Okay. Where do you go when you get out, where do you
16 go?

17 A I walked straight to the apartment.

18 Q And you knew which apartment he was in?

19 A Yes, sir.

20 Q Is anybody else around, do you see anybody outside of
21 the apartment?

22 A Yeah, there was a whole bunch of people hanging out
23 on both sides of the road, people on the other side in the
24 first area of the apartment. People were hanging out at
25 the apartment.

1 Q Do you recall who any of those people were?

2 A No, sir. I didn't look in any of the faces, I walked
3 straight in. I didn't even knock on the door. Somebody
4 pushed the door open and I walked through.

5 Q And so, let me stop you there. You ever see Ms. West
6 out there?

7 A No, sir.

8 Q So you get to the door of the apartment and you said
9 you walked straight in, tell me about that?

10 A I walked stright. She had already told me what room
11 he sleep in and the time he goes in, he works first shift
12 in the morning. So I knew exactly what room he was in, I
13 went straight to that room. I tapped on the door and I
14 tapped again on the door. And then, so I went in.

15 Q Let me stop you there. I want to break it down.
16 When you walked into the apartment, were there people in
17 the apartment?

18 A Yeah, there were people in the kitchen.

19 Q Do you recall who any of those people were?

20 A No, sir. I never paid them any attention. I just
21 went straight to that door and I didn't have no reason to
22 talk to nobody.

23 Q So you went straight to the door and you said you
24 knocked twice?

25 A Yes, sir. Not really like a knock, a tap on the

1 door. So it wasn't no hard knock.

2 Q Okay. Did you use your finger to do that?

3 A Yes, sir. Two fingers and tapped.

4 Q Two fingers and tapped on the door? Did anyone, did
5 you hear anything from inside of that room?

6 A Didn't nobody give me no response. He didn't say
7 anything or whatever.

8 Q And you said, I am going to let you keep going with
9 your story. What did you do next?

10 A I entered the room, he was laying on the bed, facing
11 the wall. So by the time I got up on him he turned over
12 and I said, you ain't going to tell on nobody else because
13 you ain't working. And I hit him. He fell back on the
14 bed, he fell back on the bed and I started stomping on
15 him, punching him in the stomach. That was it.

16 Q Do you recall what shoes you were wearing that night?

17 A Yes, sir.

18 Q What was that?

19 A I had a size 13 all black Nike Foam shoes.

20 Q Size 13, all black, Nike Foam shoes?

21 A Yes, sir. I still have the shoes at my house.

22 Q Okay. Do you recall how many times, how long were
23 you in there?

24 A Just, I can't tell you how long.

25 Q Did he fight back at all?

- 1 A He didn't have an opportunity.
- 2 Q Do you recall there being a machete?
- 3 A Yes, sir. There was a machete laying on the floor.
- 4 Q When you walked in the room where was the machete?
- 5 A Laying on the floor right there.
- 6 Q Did you ever touch it?
- 7 A No, sir.
- 8 Q When you attacked him was he still on the bed?
- 9 A Yes, sir.
- 10 Q Did he fall off the bed, stay on the bed?
- 11 A He stayed on the bed the entire time.
- 12 Q While you are in the room, let's start when you walk
- 13 in. Does anybody walk in with you?
- 14 A No, sir.
- 15 Q You attacked him. Does anybody walk in while you are
- 16 beating him up?
- 17 A No, sir.
- 18 Q Okay. How did it end. Did he fight back or you just
- 19 stopped, how did it end?
- 20 A When I hit him the first time he kind of like, kind
- 21 of dazed him, kind of knocked him out or whatever. I just
- 22 started stomping on him, he didn't have an opportunity to
- 23 fight back or defend himself or whatsoever.
- 24 Q Alright. And then did you just walk out?
- 25 A I walked straight out the door. I didn't, nobody,

1 went straight out, didn't look back, just straight to the
2 car. My cousin met me, coming to the car. He asked me
3 what happened. I told him I got my man, we got in the car
4 and we left.

5 Q Did you talk to anybody on the way out?

6 A No, sir.

7 Q And I am going to ask, do you recall, were there
8 people in the apartment when you were walking out?

9 A Yes, sir.

10 Q Do you recall who any of those people were?

11 A No, sir. I wasn't looking, looked on any face.

12 Q And you left and where did you go from there?

13 A I got in the car and we proceeded to the club, club
14 on West Main in Mauldin, Main Street in Mauldin.

15 Q What is the name of it?

16 A Club Epic.

17 Q Can you spell it, I just can't?

18 A E-P-I-C, Epic.

19 Q Oh, Epic, okay. I am with you. I think the
20 microphones, Club Epic. And that was up in Mauldin?

21 A Yes, sir.

22 Q Got on 385 and headed up?

23 A Yes, sir.

24 Q And do you remember what time you got to the club
25 after that?

1 A No, sir.

2 Q After you left did you tell the guys you were riding
3 with what had just happened?

4 A Yes sir, I told them I had got my man. My cousin
5 asked me what happened when I met him, he was walking
6 towards me when I was going to the car. And he asked me,
7 cuz, what happened. I was like I got my man. And he had
8 stated that why do you want to tell me, you know what I am
9 saying, what's going on. I told him, it is not his
10 problem. He didn't have anything to do with it. The guy
11 didn't send him to jail, he sent me to jail. That was the
12 last we talked about it.

13 Q Were you worried that you needed any help?

14 A Sir?

15 Q Were you worried you might need help to beat up
16 Jarvis?

17 A No, sir.

18 Q Why not?

19 A I am 6'3", 270 something pounds, sir.

20 Q Alright. You thought you could handle him?

21 A Yes sir, without a doubt.

22 Q Okay. So you leave with your cousin. Did you ever
23 have any conversation with anyone that night about anyone
24 else tackling Jarvis?

25 A No, sir.

1 Q Did you ever have any conversation with anybody about
2 planning an attack on him or killing him?

3 A No, sir.

4 Q When did you find out that Jarvis had passed?

5 A When we was in the club, my son, he was like, Dad,
6 there was a shooting in the project. He said, the guy
7 might be dead, he didn't say he had passed away. I told
8 him, I ain't got nothing to do with that.

9 Q Who is your son?

10 A Kion Ligon.

11 Q Kion Ligon?

12 A Yes, sir.

13 Q Had you talked with Kion, had you talked to Kion
14 before you went to the projects to beat him up?

15 A No, sir.

16 Q Did you talk to Kion after you beat him about what
17 you had done?

18 A Yes, sir. He called me when I was leaving the
19 projects and asked me, he was like, Dad, what you done did
20 in the projects. He called my phone. I said I went and
21 got my man. He was like, I was on my way down there when
22 I turned around and I am not going into the projects. He
23 turned around and when I seen him the next time he was at
24 the club. He got to the club before I did.

25 Q Was your son, I think, I am going to confirm, was

1 your son in the house when you went in there?

2 A No, sir.

3 Q And I think you just said your son eventually went to
4 the club to meet you?

5 A Yes, sir.

6 Q Alright. And you said your son said, he might had
7 passed?

8 A Yes, sir. He said that he, to dead, he is saying
9 dead, the guy dead. I told him it didn't matter, because
10 I don't have anything to do with that, that wasn't me. He
11 was living when I left there. And I told him I ain't
12 going to hear no more about it.

13 Q And you actually, (inaudible, person coughing).

14 A No, sir.

15 Q To kill him or hurt him anymore?

16 A No, sir.

17 Q After you beat him up did you consider that done?

18 A Yes, sir.

19 Q You didn't, at that point y'all were even?

20 A Yes, sir.

21 Q Okay. I have another question. Do you know Antone
22 Blakely?

23 A Yes, sir.

24 Q How long have you known Antone?

25 A I have known him probably my whole life.

1 Q At any point before going to the apartment did you
2 ever talk to Antone Blakely about Jarvis?

3 A No, sir. To be honest with you, I haven't seen him
4 since, probably like he was a kid the last I seen him.

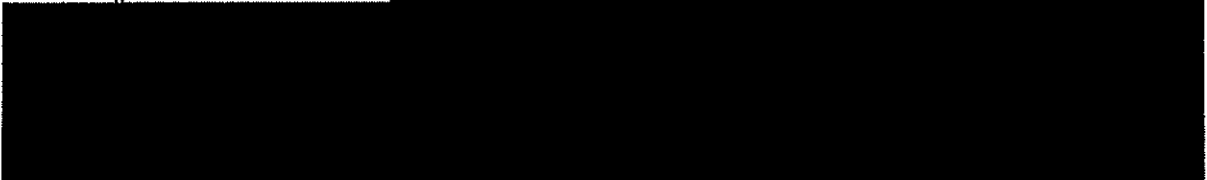
5 Q Antone?

6 A Yes, sir.

7 Q Y'all aren't friends?

8 A I mean --

9 Q Well, let me rephrase that. You don't regularly see
10 each other?

11 A No, sir. 


15 Q How old are you?

16 A 45.

17 Q And I am not going to ask you how old Antone is, I
18 know that but is he younger than you?

19 A Yes, sir.

20 Q Roughly how much younger than you?

21 A 15, 16 years, 17 years, something.

22 Q So y'all aren't from the same generation?

23 A No, sir.

24 Q Didn't go to school together?

25 A No, sir.

1 Q Okay. Was Antone in the apartment that night when
2 you went in to beat up Jarvis?

3 A No, sir.

4 Q When you were leaving did you see Antone on the
5 street or anything like that?

6 A No, sir.

7 Q Okay. Didn't you end up seeing Antone later that
8 night?

9 A Yes, sir.

10 Q Where did you see him?

11 A In the club.

12 Q And you talk to him at all about what had happened?

13 A No, sir.

14 Q Alright. Did you have any indication that he was at
15 the projects that night?

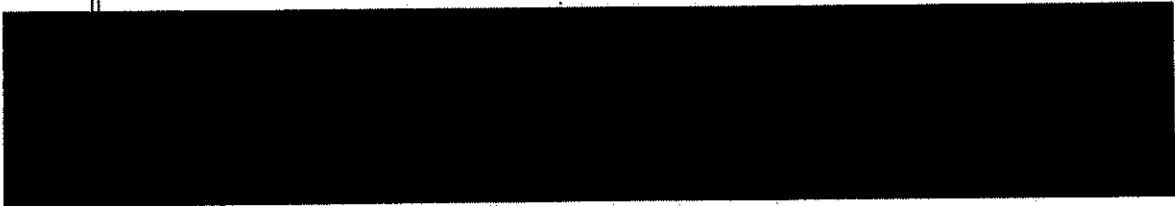
16 A No, sir.

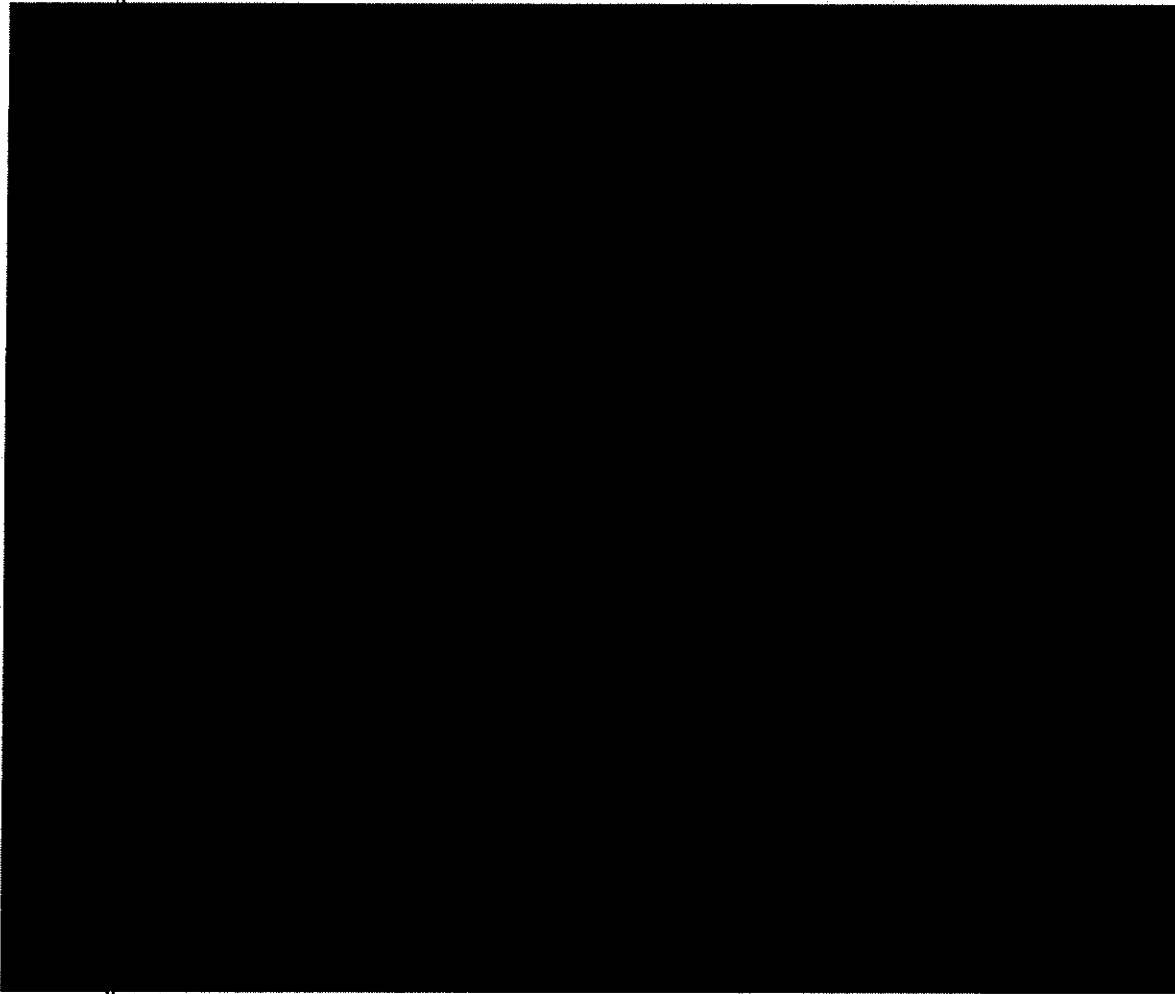
17 MR. OZMENT: No further questions of this witness,
18 Your Honor.

19 THE COURT: Thank you, Mr. Ozment. Solicitor, do you
20 have any cross-examination?

21 MR. STUMBO: Yes, sir.

22 CROSS-EXAMINATION





17 Q And when you talked about with Jarvis, a confidential
18 information, that is in 2011, right?

19 A Yes, sir.

20 Q And you said a second ago. You said they gave me,
21 when you came back to court, they gave me, what was the
22 second time after you came back to court on those charges.
23 What did they give you?

24 A They gave me six years suspended to three years.

25 Q Okay. They gave you?

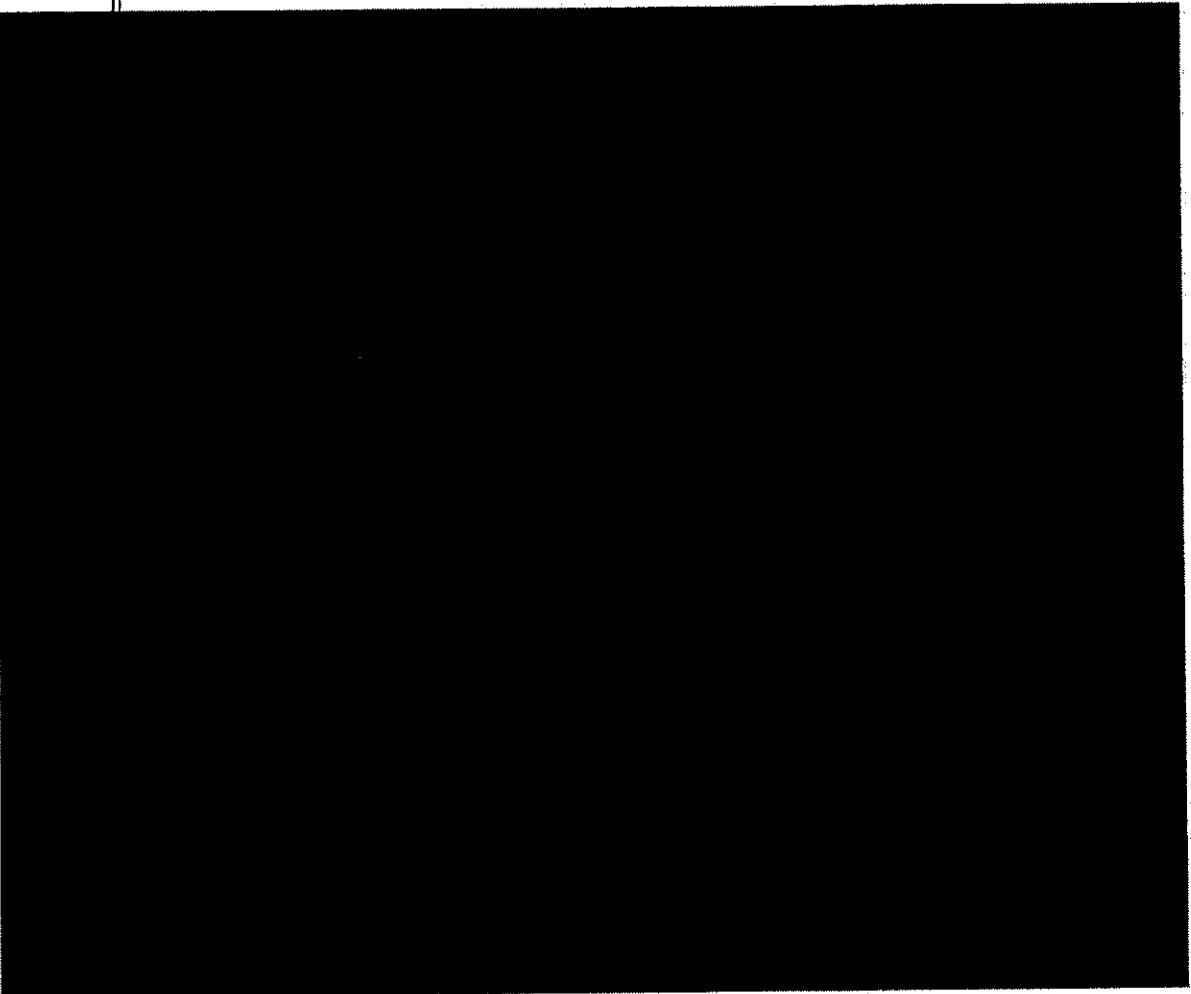
1 A The Court system gave me six years suspended to three
2 years.

3 Q So it was the court's system's fault that you were
4 selling drugs and went to prison?

5 A I didn't say that to, they wanted to sentence me. I
6 didn't say they --

7 Q -- okay, fair enough. 2016 you violated your
8 probation, right?

9 A Yes, sir.



2 Q Okay. Well, clearly your beef with Mr. Jarvis Byrd
3 was about him cooperating with police, right?

4 A Yes, sir.

5 Q Okay. You hadn't run from that, that is the reason
6 you went to beat him up, right?

7 A Yes, sir.

8 Q Okay. He is 5'7", you are 6'3", right?

9 A Yes, sir.

10 Q That is not a very fair fight, is it?

11 A It wasn't a fair man that set me up either, sir. I
12 wasn't bothering him. It ain't his job, that wasn't his
13 job to work for the police.

14 Q But anybody that works for the police though is a
15 snitch, is about the worse thing they could do in your
16 mind, right?

17 A That ain't their job, it ain't the worse thing in my
18 mind. But it ain't their job is how I look at it.

19 Q Alright. Let's talk about your confrontations with
20 him. You get back to Laurens. You threatened him at
21 Walmart, right?

22 A Walmart?

23 Q Didn't you tell law enforcement that you had and
24 encounter with him at Walmart and he ran from you?

25 A I never seen him at Walmart, I can't recall that.

1 Q So you deny telling Detective Sellers that, there was
2 one incident at McDonald's and we will get to that. You
3 saw him at Walmart and he ran away from you?

4 A Well, I can't recall that.

5 Q Let's talk about McDonald's. You threatened him at
6 McDonald's while he is at work based on stuff that
7 happened years ago, right?

8 A Yes, sir.

9 Q Upper ten years if my math is correct. And when you
10 are talking about a conviction from --

11 A -- yes, sir.

12 Q Okay. You are settling scores from that long ago
13 with this man at his work place. You threantend him right
14 at the middle of McDonald's, told him you were going to
15 get him, right?

16 A Yes, sir. That is after he told me, F me, he is not
17 worried about me, he don't care. Yes sir, I did.

18 Q He doesn't care, he is not worried about you, why
19 didn't you just leave him alone?

20 A Because he sent me to jail, he snitched on me.

21 Q He wasn't threatening you, was he, Mr. Grant?

22 A He blamed me, he said F me. So he is basically
23 saying that he don't give a F about me or what he did to
24 me. So he didn't care about way then so why should I care
25 about his.

1 Q Right. So over ten years ago he had put it behind
2 him, he was trying to work at McDonald's and move on with
3 his life. You were ready to settle old schools, right?

4 A Yes, sir.

5 Q Okay, why. Why does it matter that once to you, tell
6 us.

7 A The matter that, I wasn't involved with him, I was on
8 the whole other side of town. I didn't tell him to break
9 into no shed and commit a crime that he committed. And he
10 committed a crime. He should have took his own time, he
11 shouldn't involve me for something that he did. I was at
12 home, in the comfort of my own home. So he brought the
13 police to my house.

14 Q You did your time, it is time to move on. Right,
15 Marcus?

16 A Yeah, I had a grudge.

17 Q Kion is your son, right?

18 A Yes, sir.

19 Q He and Cheeze are good buddies, they hang out?

20 A Yes sir, they know each other, they hang out yes sir.

21 Q You hadn't seen him since he was a kid, is that what
22 you are telling this jury?

23 A I hadn't seen Cheeze since he was kid. I have seen
24 my son, I have seen my son a lot. When I came home I seen
25 him a lot even when I was in Greenville I seen him. So I

1 hadn't seen Mr. Cheeze because I don't go to the place he
2 be at. And my son don't come around together, never came
3 around together. So, yeah, I never seen Mr. Cheeze.

4 Q He was around you together with your son the night
5 this happened up at Club Epic, wasn't he?

6 A That was after the incident.

7 Q We will get back to that later, about Club Epic. But
8 so you are telling me you had not seen Antone Blakely
9 since he was a child until that night at Club Epic with
10 Kion. Is that what you are telling these people on the
11 jury?

12 A Yes, sir.

13 Q I am going to show you a couple of pictures. And
14 while we are pulling these up, you saw your son all the
15 time, right?

16 A Yes, sir.

17 Q You knew who he hung out with, who his friends were?

18 A Some of them but I don't know all of them.

19 Q Okay. This is a picture of Kion right behind the
20 Defendant, Mr. Blakely.

21 MR. OZMENT: Your Honor, we would object. This
22 picture isn't in evidence and is being published to the
23 jury.

24 THE COURT: Well, can you take it off the screen. Do
25 you have a photograph you can show him first and then just

1 see if he can identify it.

2 MR. STUMBO: We have it digitally, Judge.

3 THE COURT: Take it off. So I will sustain the
4 objection to the extent of allowing you to show, that the
5 jury can't see before it comes into evidence, if it does.

6 MR. STUMBO: If I may approach the witness.

7 THE COURT: Sure.

8 Q Let me show you two pictures here. Do you recognize
9 anybody in that picture?

10 A Yes, sir.

11 Q Picture number one, do you recognize anybody in that
12 picture?

13 A Yes, sir.

14 Q That is, your son is in that picture?

15 A Yes, sir.

16 Q Kion?

17 A Yes, sir.

18 Q And Antone Blakely is in that picture?

19 A Yes, sir.

20 Q What about this one?

21 A Yes, sir.

22 Q Who is in that picture?

23 A Kion and Cheeze.

24 MR. STUMBO: Judge, we would ask to publish to the
25 jurors. This is a demonstrative exhibit.

1 THE COURT: He has recognized those two pictures, do
2 you have any objection to those two pictures coming in?

3 MR. OZMENT: No, Your Honor.

4 THE COURT: Without objection these two pictures are
5 in evidence. 152 and 153, two pictures into evidence for
6 the State.

7 (Whereupon, State's Exhibits 152 and 153 were
8 admitted into evidence.)

9 Q We will pull up, this will be 152. Who is this in
10 the middle here?

11 A That is Cheeze.

12 Q In the striped shirt?

13 A Yes, sir.

14 Q Who is right behind him in the blue shirt?

15 A Blue shirt?

16 Q Who is right behind him, the big guy?

17 A That is my son.

18 Q Okay. That is Kion, right?

19 A Yes, sir.

20 Q And he is charged in this incident too?

21 A Yes, sir.

22 Q 153. Who is in this picture, who is in the far left
23 in the white tshirt?

24 A It is Cheeze.

25 Q Who is in the middle?

- 1 A That is my son, Kion.
- 2 Q Okay. Right. This looks like an older picture here.
- 3 Of course, they were younger, young men here?
- 4 A Yes, sir.
- 5 Q That is before Mr. Blakely had the tattoos all over
- 6 his neck, right?
- 7 A Yes, sir.
- 8 Q But that is him?
- 9 A Yes, sir.
- 10 Q Okay. These guys looked up to you, didn't they,
- 11 Marcus?
- 12 A I know my son looked up to me but I don't know if
- 13 Cheeze looked up to me.
- 14 Q Shykorie Grant, you said you are not related to him
- 15 but you know Shykorie, don't you?
- 16 A No, sir. I can't say that I know him. I don't know,
- 17 I wasn't around when he was born or nothing.
- 18 Q He was at Club Epic with y'all?
- 19 A I can't recall seeing him there.
- 20 Q Swann Woodruff?
- 21 A No, sir. I can't recall seeing him.
- 22 Q Let's get to the, you are telling this jury today
- 23 that you completely acted alone, nobody else with you
- 24 going into that room, right?
- 25 A Yes, sir.

1 Q Didn't talk to anybody, going to jump him, right.

2 That was your intent?

3 A Yes sir, I was going to fight him.

4 Q You knock on the door twice. That is pretty polite
5 of you to knock on the door before you go in and stomp his
6 face. So you are telling this jury that you knocked on
7 the door before you went in?

8 A Yes, sir.

9 Q Why?

10 A Because I tapped on the door to see if I could get a
11 response.

12 Q Your attempt was to go in there and whip his tail,
13 right?

14 A Yes, sir.

15 Q Why did you care if he wanted to answer the door or
16 not?

17 A I just tapped on the door, it was just something I
18 did.

19 Q Okay. Pretty polite of you. You said he stayed on
20 the bed the whole time. How high is the bed?

21 A It was a mattress on the floor, it wasn't really a
22 full bed. It was a mattress on the floor, laid out on the
23 floor.

24 Q Okay, just a mattress?

25 A Yes, sir.

1 Q So you go in and he is laying on the mattress and go
2 over and hit him, start beating on him, he didn't fight
3 back at all?

4 A No, sir.

5 Q How many times did you stomp his face?

6 A I don't recall, sir.

7 Q It is already in evidence as State's 127.

8 MR. STUMBO: I am going to show the witness, Your
9 Honor.

10 Q The mark above his eye looks about right where you
11 stomped his face?

12 A I didn't do that, I didn't know he had a mark on his
13 eye.

14 Q Did you care whether, I mean you are stomping his
15 head. What happened if he died, did you care if he lived
16 or died?

17 A At the time, the anger I had, I mean, if he died, it
18 was a possibility that he could have died but I can't say
19 whether I cared or not. It wasn't no emotion there, I
20 just wanted to beat him.

21 Q No feelings at all?

22 A No, sir.

23 Q So the reason you went over there, you knew exactly
24 where he was staying. Let me get this straight. Nikki
25 West had come over and got drunk with you and said, hey,

1 by the way, Jarvis Byrd lives in apartment ■ on Spring
2 Street. That is what got you there?

3 A No. It ain't how she said it, that is not how she
4 said it.

5 Q Well, tell us how she said it.

6 A When I got out the car she said, you have got Marcus
7 Grant, that is my cousin, been into it with him at
8 McDonald's. I said, yeah. She was like, isn't it true
9 that he snitched on you. And I said yeah, I caught him
10 with the camera on. And she was like, yeah, everybody in
11 the project is talking about. And she kept drinking and I
12 offered her more and she kept telling me about the
13 incident, that he was home that night. And from there on
14 she gave me information about everything that I asked her
15 about, she told me. She told me. Because at first I
16 thought he lived across the street. He didn't stay in
17 that apartment. He stayed in the apartment across the
18 street from where everybody else was at.

19 Q So you get showing up that night had nothing to do
20 with Kion telling you, hey, the one that got you nine
21 years is here?

22 A No, sir.

23 Q It was all Nikki West?

24 A She told me where he stayed in. So nobody called and
25 told me nothing like that. My son had been around him, in

1 the project.

2 Q And you and your son never had a conversation about
3 this guy that had put you in prison and taken you away
4 from him in all of those years. Y'all never talked about
5 that?

6 A When it first happened.

7 Q Never talked about it when he moved into apartment
8 ■, and Kion knew where he was staying too?

9 A No, sir.

10 Q You never talked to him about it but you talked to
11 Nikki West?

12 A She brought it up. She talked to me about it after
13 the McDonald's incident.

14 Q So your testimony to this jury, you never talked to
15 Kion, your son, who you are very close with about where
16 this man was staying over in the projects where he hung
17 out all the time?

18 A No, sir.

19 Q Club Epic, you were going there that night because
20 you were the VIP, right?

21 A Yes, sir.

22 Q Okay. What does it mean to be a VIP at the Club
23 Epic?

24 A There is no treatment, you just got that VIP, it
25 ain't nothing speciality.

1 Q What VIP stands for is very important person, right?

2 A Yes, sir.

3 Q So you were a very important person at the club that
4 night, right?

5 A It was my God Brother's birthday.

6 Q Okay. All of your boys show up, Cheeze comes, your
7 son comes, your guys, your cousins are with you. Y'all
8 are having a big time, right?

9 A Cheeze, my son.

10 Q Aquavius Parks, you know him?

11 A I don't know him, never seen him a day in a life,
12 until this day I still don't.

13 Q Marcus Dillard, you know him?

14 A No.

15 Q You say you don't even know Shykorie Grant at all?

16 A I know of Shykorie, I have seen him with my son but I
17 don't know him, know him from talking and stuff.

18 Q Some how they all end up at the club the night you
19 beat down Jarvis Byrd and then he gets shot and killed and
20 bleeding in the street. Some how they all end up at your
21 party where you are the very VIP, right?

22 A First of all, it wasn't my party and it is a club.

23 Q Well, that is quite a coincidence that all these guys
24 you don't know end up at the club with you where you are a
25 very important person the night that you settled all the

1 scores and beat Jarvis Byrd and then he gets shot a few
2 minutes later. That is quite a coincidence?

3 A They wasn't with me, they wasn't never with me at
4 that incident. Those guys came on their own behalf. I am
5 45, they was never with me, my son wasn't even with me.
6 We were in two different cars. I was with my brother and
7 my cousin, Travis Evans. Those were the only guys that
8 were with me. My God Brother, birthday weekend. We were
9 partying then, so those guys were never with me. Had
10 nothing to do with nothing I had going on.

11 Q They want to do what you to though. They came to
12 that party with you?

13 A I can't control what somebody else wants to do. That
14 is not my problem. I mean you do what you want to do but
15 I can't do it.

16 Q And they saw how you felt about people that talked to
17 the police, they saw how you treated Jarvis Byrd for that,
18 right?

19 A Excuse me.

20 Q They saw how you treated him and what you wanted to
21 do. You were going to get him, you were going to get your
22 man, right?

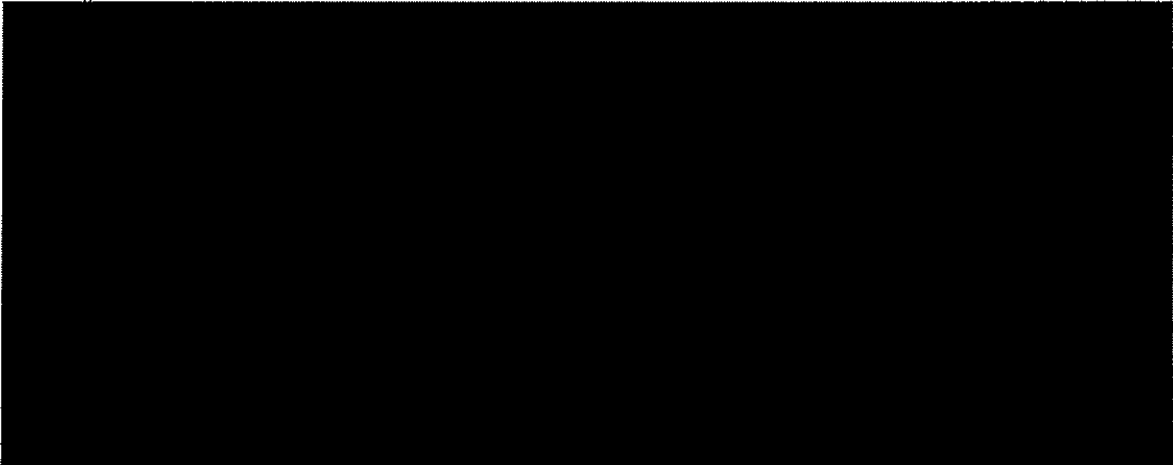
23 A Yes, sir.

24 Q Okay. You are 45 years old, all of these guys are
25 younger than you including your son?

1 A Yes, sir.

2 Q They are going to do what you do, right?

3 A No, sir. That is not, that is not true. Why would
4 they do what I do, they got a mind of their own. I am not
5 influencing some guys.



14 MR. STUMBO: No further questions, Your Honor.

15 THE COURT: Anything in redirect?

16 MR. OZMENT: Yes, Your Honor.

17 REDIRECT EXAMINATION

18 By Mr. Ozment:



[REDACTED]

6 Q And you are charged in this case, right?

7 A Yes, sir.

8 Q What you say from this stand, can it be used against

9 you in your own case?

10 A Yes, sir. That is what I have been informed and that

11 is what I know of, yes sir.

12 Q So why are you here today talking if this can be used

13 against you?

14 A Because those kids, they didn't have nothing to do

15 with what I was doing. And I told the police that when

16 they first called me for an interview. I voluntarily went

17 on my own to Mr. Sellers and Mr. Gallo.

18 Q So after this happened you were on your own and went

19 and told the police what you are telling this jury about?

20 A Yes, sir.

21 Q The police didn't arrest you to do that?

22 A No, sir. They told me to say the story. They didn't

23 believe my story ever.

24 Q But you told your story?

25 A Yes, sir.

1 Q The same story you told today?

2 A Yes, sir.



6 Q No further questions, Your Honor.

7 THE COURT: Anything in recross?

8 MR. STUMBO: Briefly, Judge.

9 RECCROSS-EXAMINATION

10 By Mr. Stumbo:

11 Q You said those kids, Antone Blakely is about 30 years
12 old. How old is Kion?

13 A Kion will be 27 May the 2nd.

14 Q They are not kids?

15 A They are kids to me.

16 Q You are not worried about the consequences, what is
17 going on, you are not worried, taking responsibility for
18 everything, right?

19 A For what I did, sir, yes sir.

20 Q And responsibility would include making sure you
21 cover for these guys, right?

22 A What is right is right, what is wrong is wrong.

23 Q No further questions.

24 THE COURT: You can step down, Mr. Grant.

25 MR. OZMENT: Your Honor, we would ask that he be

WITNESSES

Eric M. Center
Laurens Police Department

WARRANT NUMBER

2021A3020400073

True Bill

Abbigale Hoss
Foreman of the Grand Jury

Date: 07/07/23

VERDICT

Guilty

Don Hill

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

July Term, 2023

Indictment # 2023GS30-1173

THE STATE

vs.

MARCUS TYRONE GRANT

INDICTMENT FOR

Assault & Battery By A Mob, ^{Third} Second Degree

SC Code: § 16-03-0210(C)

CDR: 3432

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF LAURENS

Assault & Battery By A Mob, Second Degree
§16-03-0210(C)

At a Court of General Sessions, convened on the 7th day of July, 2023, the Grand Jurors of Laurens County present upon their oath:

That Marcus Tyrone Grant did in Laurens County, South Carolina, on or about on or about January 22, 2021, willfully and unlawfully participate as part of a mob that inflicted an act of violence resulting in serious bodily injury upon Jairus M. Byrd, all in violation of Section 16-3-210(C) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



David M. Stumbo
Solicitor

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

July Term, 2023

Indictment # 2023GS30-1174

THE STATE

vs.

MARCUS TYRONE GRANT

INDICTMENT FOR

Kidnapping

SC Code: § 16-03-0910

CDR: 0095

WITNESSES

Eric M. Center
Laurens Police Department

WARRANT NUMBER

2021A3020400074

True Bill

Abdysse Mond
Foreman of the Grand Jury

Date: 07/07/23

VERDICT

Guilty

Mark Miller
Foreman

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF LAURENS

Kidnapping
§16-03-0910

At a Court of General Sessions, convened on the 7th day of July, 2023, the Grand Jurors of Laurens County present upon their oath:

That Marcus Tyrone Grant did in Laurens County, South Carolina, on or about January 22, 2021, unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away Jairos M. Byrd, by any means whatsoever, without the authority of law, all in violation of Section 16-03-0910 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



for David M. Stumbo
Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

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Mar 31 2025

SC Court of Appeals



Wanda H. Carter
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 31st day of March, 2025.

RECEIVED

Mar 31 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County

Honorable J. Cordell Maddox, Circuit Court Judge

THE STATE,

RESPONDENT,

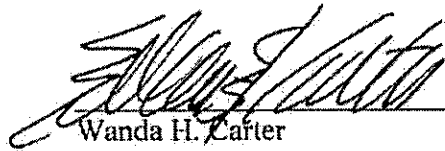
V.

MARCUS TYRONE GRANT,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Andrew D. Powell, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS) this 31st day of March, 2025.



Wanda H. Carter

Deputy Chief Appellate Defender