

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Alison Renee Lee, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CORNELIUS JEROME STAGGERS,

APPELLANT

APPELLATE CASE NO. 2013-000829

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA)

2 COUNTY OF SPARTANBURG)

COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,)

5 PLAINTIFF,)

6 VS.)

7 CORNELIUS JEROME STAGGERS, JR.,)

8 DEFENDANT.)

TRANSCRIPT

OF

RECORD

2011-GS-42-6652 - 6657

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10
11 April 8th and 9th, 2013
12 Spartanburg, South Carolina
13

14 B E F O R E :

15 THE HONORABLE ALISON RENEE LEE, Judge, and a jury.

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

17 ABEL GRAY and PRINA TAILOR
18 ASSISTANT SOLICITORS
19 Attorneys for the State

20 ROGER POOLE
21 Assistant Public Defender
22 Attorney for the Defendant
23

24 PAMELA E. GREEN
25 Circuit Court Reporter
Seventh Judicial Circuit

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

2
3 (WHEREUPON, the following takes place within the
4 presence of the entire jury panel.)

5 THE COURT: Are we ready to proceed, counsel?

6 SOLICITOR GRAY: Yes, Your Honor.

7 MR. POOLE: Yes, Your Honor.

8 THE COURT: Ladies and gentlemen, we are about to begin
9 the trial of the case of The State of South Carolina versus
10 Cornelius Jerome Staggers, Junior. This case comes to us by
11 way of an indictment from the Spartanburg County Grand
12 Jurors, and I will read those indictments to you. There are
13 several charges.

14 The first indictment reads that at the Court of General
15 Sessions convened on November 22nd of 2011, the Grand
16 Jurors of Spartanburg County present, upon their oath, that
17 Cornelius Jerome Staggers, Junior did, in Spartanburg
18 County, on or about September 28th, 2011, with malice
19 aforethought, intend and attempt to kill the victim,
20 Kendrick Cannon, by shooting the victim with a firearm in
21 violation of Section 16-3-29 of the Code of Laws of South
22 Carolina, against the peace and dignity of the State and
23 contrary to the statute in such case made and provided.

24 Ladies and gentlemen, this is an indictment against
25 Mr. Staggers for attempted murder of Kendrick Cannon.

1 The second indictment is the Court of General Sessions
2 convened on November 22nd, 2011, the Grand Jurors of
3 Spartanburg County present, upon their oath, that Cornelius
4 Jerome Staggers, Junior did, in Spartanburg County, on or
5 about September 28th, 2011, with malice aforethought,
6 intend and attempt to kill the victim, Quita Gentry, by
7 shooting at the victim with a firearm in violation of
8 16-3-29 of the Code of Laws of South Carolina, against the
9 peace and dignity of the State and contrary to the statute
10 in such case made and provided.

11 Ladies and gentlemen, this is an indictment against
12 Mr. Staggers for attempted murder of Quita Gentry.

13 The third indictment before the Spartanburg County
14 Grand Jurors on November 22nd, 2011, present, upon their
15 oath, Cornelius Jerome Staggers, Junior did, in Spartanburg
16 County, on or about September the 28th of 2011, while
17 armed with a pistol or other deadly weapon or while
18 alleging, either by words or actions, that he was armed
19 while using a representation of a deadly weapon or any
20 object which a person present during the commission of the
21 robbery reasonably believed to be a deadly weapon felonious
22 attempt to take, by means of force, violence, and/or
23 intimidation, goods or monies of the victim, Kendrick
24 Cannon, in violation of Section 16-11-330 of the Code of
25 Laws of South Carolina, as amended, against the peace and

1 dignity of the State and contrary to the statute in such
2 case made and provided.

3 Ladies and gentlemen, this is an indictment for
4 attempted armed robbery by Mr. Staggers, and the victim in
5 the case is Kendrick Cannon.

6 The third indictment also by the Spartanburg County
7 Grand Jurors on November the 22nd of 2011, they present,
8 upon their oath, that Cornelius Jerome Staggers, Junior did,
9 in Spartanburg County, on or about September the 28th of
10 2011, whiled armed with a pistol or other deadly weapon or
11 while alleging, by words or actions, that he was armed while
12 using the representation of a deadly weapon, or any object
13 which a person present during the commission of the robbery
14 reasonably believed to be a deadly weapon did feloniously
15 attempt to take, by means of violence and/or intimidation,
16 goods or money of the victim, Quita Gentry, in violation of
17 16-11-330 of the Code of Laws against the peace and dignity
18 of the State and contrary to the statute in such case made
19 and provided.

20 Ladies and gentlemen, this is an indictment for
21 attempted armed robbery by Mr. Staggers against Quita
22 Gentry, the victim.

23 And, finally, ladies and gentlemen, there's an
24 indictment at the Court of General Sessions convened on
25 November the 22nd, 2011, the Grand Jurors of Spartanburg

1 County present, upon their oath, that Cornelius Jerome
2 Staggers, Junior did, in Spartanburg County, on or about
3 September the 28th of 2011, possess or visibly display a
4 firearm during the commission or attempted commission of a
5 violent crime, the crime being attempted murder, all in
6 violation of Section 16-23-490 of the Code of Laws of South
7 Carolina against the peace and dignity of the State and
8 contrary to the statute in such case made and provided.

9 Ladies and gentlemen, this is an indictment for
10 possession of a firearm during the commission of a violent
11 crime that was brought against Mr. Staggers in this case.

12 Now, ladies and gentlemen, to all of these indictments
13 Mr. Staggers has pleaded not guilty, and that plea casts the
14 burden on the State to prove that Mr. Staggers is guilty of
15 these offenses and the burden is on the State to present
16 evidence to a jury to establish his guilt beyond a
17 reasonable doubt.

18 Is there any member of the jury panel who has any
19 knowledge of any of the facts or any of the issues that are
20 to be tried in this case arising out of these indictments,
21 if so, please stand.

22 (No response.)

23 THE COURT: The defendant in this case is Cornelius
24 Jerome Staggers, Junior.

25 Mr. Staggers, if you would stand and face the jury

1 panel please?

2 (Defendant complies.)

3 THE COURT: Is there any member of the jury panel who's
4 related by blood or marriage or a close personal friend of
5 Cornelius Jerome Staggers, Junior, if so, please stand.

6 (No response.)

7 THE COURT: Thank you, Mr. Staggers.

8 DEFENDANT: Yes, ma'am.

9 THE COURT: The State in this case is represented by
10 Abel Gray.

11 If you would stand and face the panel please?

12 (Solicitor Gray complies.)

13 THE COURT: And Prina Tailor.

14 (Solicitor Tailor stands.)

15 THE COURT: These are attorneys that are employed by
16 the Seventh Circuit Solicitor's Office.

17 Is there any member of the jury panel who is related by
18 blood or marriage or close personal friend of either of
19 these two attorneys, if so, please stand.

20 (No response.)

21 THE COURT: Thank you.

22 Is there any member of the jury panel or a member of
23 your immediate family who is ever been employed with or you
24 have friends in the Solicitor's Office in the Seventh
25 Circuit here in Spartanburg County, if so, please stand.

1 (Juror responds.)

2 THE COURT: Yes, ma'am, your name please?

3 THE JUROR: Karen Tewkesbury. My husband is a former
4 solicitor. He's in private practice now.

5 THE COURT: And, Mrs. Tewkesbury, can you tell me how
6 long ago he was employed by the Solicitor's Office?

7 THE JUROR: It's been 20 years and or so.

8 THE COURT: Thank you.

9 And the fact that he was employed in that capacity,
10 would that prevent you from being able to listen to the
11 evidence in this particular case?

12 THE JUROR: No.

13 THE COURT: would you be able to make a decision that
14 would be based strictly upon the evidence to be presented
15 here?

16 THE JUROR: Yes.

17 THE COURT: And would you be able to give both the
18 state as well as the defendant a fair and impartial trial?

19 THE JUROR: Yes.

20 THE COURT: Thank you, ma'am. You may have a seat.

21 I've introduced to you Mr. Staggers. Mr. Staggers is
22 represented by Roger Poole who's with the Seventh Circuit
23 Public Defender's Office. Is there any -- he's an attorney
24 working in that office.

25 (Mr. Poole stands.)

1 THE COURT: Is there any member of the jury panel who
2 is related by blood or marriage or close personal friends of
3 Mr. Poole, if so, please stand.

4 (No response.)

5 THE COURT: Thank you, sir.

6 Is there any member of the jury panel or member of your
7 immediate family who is ever been employed or has any
8 business dealings or contacts, let me, business dealings or
9 ever been represented by the Public Defender's Office or you
10 have friends who are employed or have been employed with the
11 Public Defender's Office, if so, please stand.

12 (No response.)

13 THE COURT: Is there any member of the jury panel or a
14 member of your immediate family who is been a victim or
15 charged with attempted murder or attempted armed robbery or
16 possession of a firearm during the commission of a violent
17 offense or any similar crime against a person or property,
18 if so, please stand.

19 (Jurors respond.)

20 THE COURT: Yes, ma'am, your name please?

21 THE JUROR: Jane Swofford.

22 THE COURT: Swofford?

23 THE JUROR: Yes.

24 THE COURT: Mrs. Swofford, can you tell me, without
25 going into details, can you tell me how you come to stand at

1 this point?

2 THE JUROR: My brother-in-law has -- what I'm---

3 THE COURT: A victim of or, or been charged with?

4 THE JUROR: He's in prison for --.

5 THE COURT: And the fact that that has occurred, would
6 that prevent you from being able to listen to the evidence
7 in this case?

8 THE JUROR: No, ma'am.

9 THE COURT: would you be able to make a decision that
10 would be based strictly upon the evidence to be presented
11 here?

12 THE JUROR: Yes, ma'am.

13 THE COURT: would you be able to give the State as well
14 as the defendant a fair and impartial trial?

15 THE JUROR: Yes, ma'am.

16 THE COURT: Thank you, ma'am. You may have a seat.
17 Yes, ma'am, your name please?

18 THE JUROR: Andrea Bruton. Andrea Bruton.

19 THE COURT: Bruton?

20 THE JUROR: Uh-huh. (Affirmative).

21 THE COURT: Yes, Mrs. Bruton.

22 Are you or a family member been a victim or been
23 charged with an offense?

24 THE JUROR: Yeah, my son.

25 THE COURT: And is -- he's a victim?

1 THE JUROR: He was a victim.

2 THE COURT: And the fact that that occurred, would that
3 prevent you from being able to listen to the evidence in
4 this particular case?

5 THE JUROR: No.

6 THE COURT: would you be able to make a decision that
7 will be based strictly upon the evidence to be presented
8 here?

9 THE JUROR: Yes, ma'am.

10 THE COURT: would you be able to give both the State as
11 well as the defendant a fair and impartial trial?

12 THE JUROR: Yes, ma'am.

13 THE COURT: Thank you, ma'am. You may have a seat.

14 Is there any member of the jury panel who is a member
15 of or a contributor to an organization that has as its
16 primary focus victim's rights or law enforcement protection?

17 Those organizations would include, but are not limited
18 to, MADD, SADD, CAVE, CADRY, the Sheriff's Law Enforcement
19 Officers Association, or any such organization, if so,
20 please stand.

21 (No response.)

22 THE COURT: Is there any member of the jury panel who
23 is a member of or a contributor to an organization that has
24 as its primary focus the interaction or the protection of
25 prisoner rights?

1 Those -- any such organization would include any type
2 of prison ministries or other such organizations, if so,
3 please stand.

4 (No response.)

5 THE COURT: Ladies and gentlemen, there may be the
6 following witnesses who may be called to testify in this
7 matter. I will call out the list. If you recognize a name
8 that, that applies to you, if you will please stand at that
9 time. The question I'm asking is there, if there's any
10 member of the jury panel who is related by blood or marriage
11 or close personal friend of any of the following
12 individuals.

13 Kendrick Cannon.

14 (No response.)

15 THE COURT: Quita Gentry.

16 (No response.)

17 THE COURT: Travorius Gentry.

18 (No response.)

19 THE COURT: Rodneitra Williams also known as Polly, is
20 that correct?

21 Nickname is Polly.

22 (No response.)

23 THE COURT: Jerrel worthy.

24 (No response.)

25 THE COURT: Officer Paul Weatherman with the

1 Spartanburg City Police Department.

2 (No response.)

3 THE COURT: officer Courtney Westfall also with the
4 City Police Department.

5 (Juror responds.)

6 THE COURT: Officer Ronnie Forrester.

7 I'm sorry. Yes, ma'am, your name please?

8 THE JUROR: I know Courtney Westfall.

9 THE COURT: Tell me your name.

10 THE JUROR: Anne McGill.

11 THE COURT: And, Ms. McGill, the fact that you know
12 officer Westfall, are you related by blood or marriage?

13 THE JUROR: No.

14 THE COURT: The -- and the fact that he, that you know
15 him, would that prevent you from being able to listen to the
16 evidence in this case?

17 THE JUROR: No, ma'am.

18 THE COURT: would you be able to make a decision that
19 would be based specifically upon the evidence here?

20 THE JUROR: Yes.

21 THE COURT: would you be able to give both the State as
22 well as the defendant a fair and impartial trial?

23 THE JUROR: Yes, ma'am.

24 THE COURT: Thank you, ma'am. You may have a seat.

25 Officer Ronnie Forrester with the City Police

1 Department.

2 (Juror responds.)

3 THE COURT: Yes, ma'am, your name please?

4 THE JUROR: I work with Spartanburg Housing.

5 THE COURT: Tell me your name please.

6 THE JUROR: Nadine West.

7 THE COURT: WISS?

8 THE JUROR: West.

9 THE COURT: West. I'm sorry.

10 And the fact that you work with Officer Forrester,
11 would that prevent you from being able to listen to the
12 evidence in this case?

13 THE JUROR: No.

14 THE COURT: would you, would you be able to make a
15 decision that would be based strictly upon the evidence in
16 this case?

17 THE JUROR: Yes.

18 THE COURT: would you be able to give both the State as
19 well as the defendant a fair and impartial trial?

20 THE JUROR: Yes.

21 THE COURT: Thank you, ma'am. You may have a seat.
22 Officer Louis Nelson with the City.

23 (No response.)

24 THE COURT: Officer David Reeves also with the City.

25 (No response.)

1 THE COURT: Officer Russell Porter who's also with the
2 city.

3 (Juror responds.)

4 THE JUROR: I work with Russell Porter.

5 THE COURT: And, again, your name is Mrs. West?

6 THE JUROR: Nadine West.

7 THE COURT: And the fact that you've worked with them,
8 would that prevent you from being able to listen to the
9 evidence in this case?

10 THE JUROR: No.

11 THE COURT: Again, would you be able to make a decision
12 based strictly upon the evidence to be presented here?

13 THE JUROR: Yes.

14 THE COURT: And, again, would you be able to give both
15 the State as well as the defendant a fair and impartial
16 trial?

17 THE JUROR: Yes.

18 THE COURT: Thank you, ma'am. You may be seated.
19 Yes, sir, your name please?

20 THE JUROR: Del Delosier.

21 THE COURT: And, Mr. Delosier, what is your connection
22 with Officer Porter?

23 THE JUROR: We're neighbors.

24 THE COURT: And the fact that he's your neighbor, would
25 that prevent you from being able to listen to the evidence

1 in this matter?

2 THE JUROR: Absolutely.

3 THE COURT: Would you be able to make a decision that
4 would be based strictly upon the evidence to be presented
5 here?

6 THE JUROR: Absolutely.

7 THE COURT: Would you be able to give both the State as
8 well as the defendant a fair and impartial trial?

9 THE JUROR: I would.

10 THE COURT: Thank you. Have a seat.

11 Henrietta Staggers.

12 (No response.)

13 THE COURT: Ronnie Legett.

14 (No response.)

15 THE COURT: Cornelius Staggers, Senior.

16 (No response.)

17 THE COURT: Was there any member of the jury -- is
18 there any member of the jury panel who is a member of the
19 Grand Jury that brought the indictment in this particular,
20 the indictments in this particular case, if so, please
21 stand.

22 (No response.)

23 THE COURT: Is there any member of the jury panel that
24 has formed or expressed an opinion about any of the issues
25 that are to be tried in this particular case, if so, please

1 stand.

2 (No response.)

3 THE COURT: Is there any member of the jury panel
4 that's aware of any bias or prejudice towards either the
5 state or the defendant, Mr. Staggers, in this case, if so,
6 please stand.

7 (No response.)

8 THE COURT: Is there any member of the jury panel or a
9 member of your immediate family who is ever been employed or
10 has close personal friends employed with the Spartanburg
11 City Police Department or the Spartanburg County Sheriff's
12 Department or any of the police agencies involved in this
13 particular matter, if so, please stand.

14 (Jurors respond.)

15 THE COURT: Mrs. McGill, is that correct?

16 THE JUROR: Yes, ma'am.

17 THE COURT: And you have family members employed?

18 THE JUROR: My daughter is a Spartanburg City Police
19 officer. My son-in-law is a deputy with the County.

20 THE COURT: And the fact that they are employed in
21 that, those capacities, would that prevent you from being
22 able to listen to the evidence in this case?

23 THE JUROR: No.

24 THE COURT: would you be able to make a decision that
25 would be based strictly upon the evidence here?

1 THE JUROR: Yes, ma'am.

2 THE COURT: Again, would you be able to give both the
3 State as well as the defendant a fair and impartial trial?

4 THE JUROR: Yes, ma'am.

5 THE COURT: Thank you, ma'am. You may have a seat.
6 Yes, ma'am, your name please?

7 THE JUROR: Jessie Johnston.

8 THE COURT: What was the last name?

9 THE JUROR: Johnston.

10 THE COURT: Yes, ma'am.

11 THE JUROR: My brother-in-law works for the City Police
12 Department, and my sister worked in records for the City.

13 THE COURT: And the fact that they are employed there,
14 would that prevent you from being able to listen to the
15 evidence in this particular case?

16 THE JUROR: No, ma'am.

17 THE COURT: Would you be able to make a decision that
18 would be based strictly upon the evidence here?

19 THE JUROR: Yes, ma'am.

20 THE COURT: Would you be able to give both the State as
21 well as the defendant a fair and impartial trial?

22 THE JUROR: Yes, ma'am.

23 THE COURT: Thank you, ma'am. You may have a seat.

24 Is there any member of the jury panel who is formed or
25 expressed an opinion as to the guilt or innocence, innocence

1 of the defendant, Mr., Mr. Staggers, in this case, if so,
2 please stand.

3 (No response.)

4 THE COURT: Is there any member of the jury panel that
5 knows of any reason why you could not serve as a fair and
6 impartial juror in the trial of this particular case, if so,
7 please stand.

8 (No response.)

9 THE COURT: Is there anything further from the State?

10 SOLICITOR GRAY: No, Your Honor.

11 THE COURT: Anything further from the defense?

12 MR. POOLE: No, Your Honor.

13 THE COURT: I believe they're five strikes for the
14 state, and they're five strikes for the defense.

15 Ladies and gentlemen, as your names are called, if you
16 will, please come down to the center of the courtroom here,
17 face the attorneys, and, again, state your name.

18 (WHEREUPON, a jury panel was selected at this time.)

19 THE COURT: This is for the alternate.

20 The State has one strike. The defense has two strikes.

21 (WHEREUPON, an alternate juror was selected at this
22 time.)

23 THE COURT: Do the parties wish to have another
24 alternate or just one?

25 SOLICITOR GRAY: One.

1 THE COURT: Are there any motions with respect to the
2 selection of the jury?

3 MR. POOLE: Nothing from the defense, Your Honor.

4 SOLICITOR GRAY: Not from the State, Your Honor.

5 THE COURT: Well, I find the jury qualified pursuant to
6 Batson versus Kentucky and Jebb versus Alabama.

7 Ladies and gentlemen, if you please stand and raise
8 your right-hand for the administration of the oath.

9 (WHEREUPON, the jury was placed under oath at this
10 time.)

11 MR. POOLE: Judge Lee, may we approach briefly?

12 THE COURT: Yes.

13 (WHEREUPON, a bench conference was held out of the
14 hearing of the jury at this time.)

15 THE COURT: Good afternoon, ladies and gentlemen.

16 You have now been sworn as jurors in this case, and, as
17 jurors, you will be sworn to determine the facts based upon
18 the evidence and your job here, ladies and gentlemen, is to
19 determine whether or not the State would be able to meet its
20 burden of proving that Cornelius Jerome Staggers, Junior is
21 guilty of the charges that have been brought against him,
22 and the State has to produce enough evidence that will be
23 able to convince you that he is guilty beyond a reasonable
24 doubt before you could return a verdict of guilty in this
25 matter.

1 what I'd like to do at this particular time, ladies and
2 gentlemen, is to give you some basic instructions that I'm
3 going to ask that you follow throughout the course of this
4 trial. I'm then going to excuse you for a lunch break. And
5 then, when we come back together, I'm hoping that, at that
6 time, that we will be ready to be able to begin the trial,
7 and I'll give you some, some preliminary instructions about
8 how the trial will proceed and the procedure that we'll
9 follow.

10 Now, ladies and gentlemen, as I've indicated, you-all
11 have been sworn as jurors to determine the facts of this
12 case. In connection with that, I ask that you follow these
13 instructions.

14 First of all, ladies and gentlemen, I ask that you not
15 allow anyone to approach you to discuss this matter with
16 you. It is inappropriate for anyone to come up to a juror,
17 while that juror is seated in a case, and talk to that
18 person about, about the case.

19 And, so, if someone approaches you and wants to discuss
20 this case with you, please tell them that you are a juror
21 and you can not discuss it, and I ask that you report it to
22 us as soon as possible. We would like to have the
23 opportunity to investigate to make sure that no one's
24 attempted to influence you in anyway, and the only way we
25 can do that is if you report it to us.

1 You can report it to the bailiffs in the case. You
2 can, can report it to the Clerk's Office. You can report it
3 to me. But we certainly ask that if anyone has that contact
4 with you that you do report it as soon as possible.

5 Also, ladies and gentlemen, as you come and go from the
6 courthouse during this lunch break and throughout the course
7 of the day and when we take breaks, I ask that you not
8 listen to conversations that you may overhear in the
9 hallways. Often times the attorneys may be discussing
10 things with each other or with their clients or with
11 witnesses, and the facts that you have to determine must be
12 based upon the evidence that will be presented here in this
13 courtroom, and it should not be discussed upon conversations
14 that you may overhear as you come and go. So, I simply ask
15 that you not listen to any of those discussions.

16 Also, ladies and gentlemen, I ask that you not begin to
17 have any conversations among yourselves until it's time for
18 you-all to begin your deliberations. The evidence is not
19 always come in the chronological order, but until you've
20 heard all of the evidence that has to be presented you are
21 not in a position to be able to determine the facts. So,
22 I -- and I don't want you to be influenced by having
23 conversations before you've heard all of the facts in this
24 case.

25 So, I ask that you not engage in any discussions or

1 deliberations about what you've heard or seen throughout the
2 course of this trial until it's time for you-all to begin
3 your deliberations in this matter.

4 Also, ladies and gentlemen, I ask that you not keep any
5 reading materials with you. I don't screen your reading
6 materials. I don't want to screen them. But I never know
7 when there's something that you have that you're reading
8 that could have an impact upon some fact or some issue
9 that's to be determined in this case, and just to make sure
10 that you, neither your fellow jurors, are influence by that
11 material, we ask that you not keep it in the jury room with
12 you.

13 So, if you brought any reading materials with you, if
14 you leave them in your car or leave them at home. I'll make
15 sure that I do my job to make sure that you spend most of
16 your time here in the courtroom listening to the evidence
17 that has to be presented and you're not sitting in the jury
18 room twiddling your thumbs and wishing you had something to
19 read.

20 Also, ladies and gentlemen, I ask that you turn off any
21 telephones or beepers. I will, will ask the bailiffs to
22 collect them from you before you go into the jury room. If,
23 for some reason, you need to be connected to your home or
24 office and you do not wish to turn off your phones, if you
25 will turn them on silent, then if they go off, then we can

1 take a break for you to address any emergency. But we ask
2 that you not keep your phones with you in the jury room just
3 so that you're not using the outside materials or have,
4 engaging in private conversations while you're seated as a
5 juror in this particular case.

6 Now, Mrs. Conner, as the alternate, your role is
7 extremely important. If one of your fellow jurors is unable
8 to complete service, then you would step into that person's
9 shoes. When you come into the jury room, whenever we come
10 in, whenever the jury comes in, if you will always take the
11 seat where you are right now. That way we can keep up with
12 your whereabouts.

13 When we come back from lunch I will assign the
14 foreperson, and I'll give the foreperson a special seat that
15 the foreperson should take whenever we come into the
16 courtroom. But I'll take care of that after lunch.

17 Ladies and gentlemen, we do have some legal issues that
18 we do need to take up outside of your presence today.

19 Could counsel approach one more time please?

20 (WHEREUPON, a bench conference was held out of the
21 hearing of the jury at this time.)

22 THE COURT: Ladies and gentlemen, I'm gonna ask that
23 you report back at three o'clock. When you leave here this,
24 this afternoon, if you will follow the bailiffs out. They
25 will show you a room where, a jury room where you should

1 report after lunch. In other words, when you come back into
2 the courthouse, don't go down to the jury assembly room and
3 stay there. Come to the jury room where they will show you
4 and report there, and when all 13 of you have gathered back
5 together, then we'll be ready to continue on with this
6 particular matter.

7 I hope that you have a pleasant lunch and we'll see you
8 back at three o'clock.

9 Thank you.

10 (WHEREUPON, the following takes place outside the
11 presence of the jury.)

12 THE COURT: I understand that we have a couple of
13 issues that we need to take up. Let's see if we can take up
14 a couple short ones and then, after lunch, we can, we can
15 come back a little early and take up the Denno hearing.

16 SOLICITOR GRAY: That's fine, Your Honor.

17 THE COURT: Yes, sir.

18 SOLICITOR GRAY: I've spoken to Mr. Poole about this.
19 Juror Number 54, after she was picked for the jury, did not
20 appear that she was paying attention to the Court in this
21 matter. As a matter of fact she paid an unusual amount of
22 attention to the State's table staring at us the majority of
23 the time. I don't know if there's some prejudice there or
24 whatever.

25 My only concern will be either she has a prejudice

1 towards us or potentially disrespect for the Court. This is
2 not the usual situation where the State sees people who
3 really don't want to serve and they're a little disgruntled.
4 In this situation it was really evident that she was staring
5 at us after paying attention to the Court.

6 We do have an alternate in this situation. I don't
7 know if the, the defense's position on this matter. We will
8 proceed however the Court wishes to proceed. We wanted to
9 bring that to the Court's attention however, Your Honor.

10 THE COURT: Thank you.

11 Mr. Poole, anything from you on that particular issue?

12 MR. POOLE: Well, Your Honor, I did not see any of
13 that. So, I can not comment on any of the observations or
14 conclusions that could be drawn from them. So, I really
15 don't have a position.

16 THE COURT: What I would say is let's watch it this
17 afternoon. I did notice that when I was giving instructions
18 to the jury we -- she and I did not make eye contact. But I
19 don't ascribe anything to that at this particular point.
20 Let's see how it goes and we'll keep an eye out, and if
21 there appears to be something that would require further
22 inquiry, then I'll be happy to do that at the appropriate
23 time.

24 SOLICITOR GRAY: Thank you, Your Honor.

25 THE COURT: Mr. Poole.

1 MR. POOLE: Yes, Your Honor.

2 During the course of the jury selection, Mr. Staggers
3 gave to me a document that has been filed with the Clerk of
4 Court's office on April 1, 11:30AM. It's a copy of a
5 document. I think I've seen this document before. He wants
6 to relieve me as counsel.

7 I have talked to him since then at the detention
8 facility where he has been held since the, the date of this
9 incident. We had conversations. Last week we talked about
10 the case. As late as this morning we talked about the case,
11 the procedure, the process by which a jury would be selected
12 and all that. I thought everything was okay between us, but
13 apparently, at this point in time, he wishes to have me
14 relieved as his attorney.

15 THE COURT: Mr. Staggers, could you provide a little
16 bit more information as to why, as to why you wish to
17 relieve your attorney?

18 DEFENDANT: I don't feel like I'm getting the
19 representation that I deserve in, in the trial.

20 THE COURT: And -- and on what do you base that?

21 DEFENDANT: I been in the County 20 months. He ain't
22 did nothing for me in 20 months. I been -- I ain't been
23 over for no bond. I ain't been up for nothing. I ain't no
24 flight risk. I do deserve a bond after 20, after 20 months.
25 I don't feel he gonna fight for me.

1 THE COURT: And you understand, at this particular
2 time, we are here ready for the trial. He's prepared to go
3 forward with the trial. He's got witnesses who he
4 anticipates he would call in your behalf, and he's prepared
5 to cross-examine the State's witnesses.

6 You understand all that?

7 DEFENDANT: Yes, ma'am, I understand that. But he
8 ain't -- it ain't nothing new to Mr. Poole. I wrote to him
9 over at the Public Defender's Office, Mr. Clay Allen. I got
10 a letter from him saying I told him why I wanted to relieve
11 Mr. Poole. He wrote me back and saying Mr. Poole is an
12 excellent attorney. I never say he wasn't an excellent
13 attorney. I just feel he's not gonna fight for me in this
14 case.

15 THE COURT: And, and that's because, in your view, he's
16 not been aggressively seeking a bond for your release?

17 DEFENDANT: I mean, I ain't get my discovery until 16
18 months later. I ain't, I ain't know what was going on as
19 far as the angle to a preliminary. He waive a preliminary
20 without talking to me, which I didn't want it to be waived.
21 He, he brought my discovery 16 months later. I ain't even
22 know till just January what the State had against me.

23 THE COURT: And have -- and without going into any
24 details, since we're here in front of the State, have you
25 discussed with him the basis for any defense?

1 DEFENDANT: I mean yes, ma'am. But he -- every time I
2 bring up what the discovery state I don't get no reaction.

3 THE COURT: And, so, you have discussed the discovery
4 with him?

5 DEFENDANT: He ain't really went over it with me as far
6 as what he read in it. I don't even feel like he went over
7 my discovery.

8 THE COURT: How many conversations have you had with
9 him since you've received the discovery?

10 DEFENDANT: Maybe two. One with him and Mr. James
11 Cheek came to try to make me take a guilty plea which the
12 state offered, and then another one when he came and said
13 I'm going to trial, and then just Friday he came and said he
14 talked to my cousin, my cousin with him, and he, he willing
15 to testify on my behalf and my auntie would testify on my
16 behalf. That's all. Probably four times out of the 20
17 months I been here it seems like.

18 THE COURT: And he's discussed the charges with you?
19 So, you understand fully what you're charged with and
20 what you're facing?

21 DEFENDANT: No, I understand the charges. But I don't
22 understand why so many charges.

23 THE COURT: Well, you understand that they're two,
24 they're two -- as I understand it, they're two victims and
25 they're two charges on each victim.

1 DEFENDANT: I don't, I don't know. I'm just going by
2 what the discovery stated.

3 THE COURT: But you understand that you're charged with
4 armed, attempted armed robbery and attempted murder as to
5 even victim?

6 DEFENDANT: Yes, ma'am.

7 THE COURT: And then one charge of possessing a firearm
8 during the commission of the crime?

9 DEFENDANT: Yes, ma'am.

10 THE COURT: And he's discussed all that with you?

11 DEFENDANT: Not really. I knew that from the day I get
12 the warrant I mean.

13 THE COURT: Mr. Staggers, is this the first time you've
14 filed a motion to relieve Mr. Poole as your, as your
15 attorney?

16 DEFENDANT: I mean yes, ma'am. As far as filing it pro
17 se counsel. But like pro se -- filing it myself, yes,
18 ma'am. But I done filed plenty of motions. I done
19 talked -- I wrote the Clerk of Court about the situation.
20 They wrote me back and said they can't give me no legal
21 advice, why they can't.

22 THE COURT: No, they can't and then when you have an
23 attorney that's appointed for you, they -- you can't file
24 motions separate and apart from your attorney. So --.

25 DEFENDANT: I know.

1 THE COURT: If you've asked, if you've asked Mr. Poole
2 to, to file a motion previously, have, have you done that?

3 DEFENDANT: No, ma'am.

4 THE COURT: All right. So, today -- well, April 1st
5 was the first time that you, that you filed anything with
6 the Court indicating that you wanted to have a different
7 attorney?

8 DEFENDANT: I mean as far as a motion. But as far as
9 writing him a letter and telling him about the situation, I
10 did that on two occasions.

11 THE COURT: Okay. And you, and you wrote directly to
12 Mr. Poole?

13 DEFENDANT: No, I wrote to Clay Allen and the Clerk of
14 Court.

15 THE COURT: Okay. And did you discuss those letters
16 with Mr. Poole?

17 DEFENDANT: He ain't come to see me. I mean---

18 THE COURT: Did you discuss them with Mr. Poole?

19 DEFENDANT: Not -- no, ma'am.

20 THE COURT: Did you, at any time, tell him that you
21 didn't want him to represent you before the---

22 DEFENDANT: Yes, sir.

23 THE COURT: ---before April 1st?

24 DEFENDANT: Yes, ma'am.

25 THE COURT: When was that?

1 DEFENDANT: I told him when him and James Cheek was
2 trying to make me take ten I didn't want him to represent
3 me.

4 THE COURT: Okay. And you under, and you understand --
5 and I don't know any of the facts of the case. I don't know
6 anything about this case other than what I read this
7 morning. But you are, you are informed that you're looking
8 at, that you could be facing up to 30 years on each, on each
9 victim --

10 DEFENDANT: Yes, ma'am.

11 THE COURT: -- if the guilty, if the jury were to find
12 you guilty?

13 DEFENDANT: Yes, ma'am.

14 THE COURT: And that was discussed with you?

15 DEFENDANT: Yes, ma'am.

16 THE COURT: Okay. And when did you have a conversation
17 about the offer that was made by the State?

18 DEFENDANT: January.

19 THE COURT: And, so, it was in January when you told
20 him that you didn't want him to represent you?

21 DEFENDANT: Yes, ma'am.

22 THE COURT: After January, after January, you received
23 your discovery and you discussed that with him?

24 DEFENDANT: I ain't discussed my discovery with him,
25 but I told him I didn't want him to represent me cause he, I

1 didn't feel like he was gonna fight for me.

2 THE COURT: And you understand that, at this time, the
3 jury's selected.

4 I mean had, had you even said something this morning
5 before you came into Court before we got started with jury
6 selection---

7 DEFENDANT: I mean before y'all got started I asked Mr.
8 Thompson could he put that out there. He said I had to go
9 through my attorney.

10 THE COURT: Yes, you do. You had to go through him.
11 If you had told him, if you had told him---

12 DEFENDANT: I gave, I gave it to him. That's why I
13 gave it---

14 THE COURT: Okay. When did you talk to him this
15 morning before you came into Court?

16 DEFENDANT: When I first came in.

17 THE COURT: So, you -- so, you hadn't talked to him
18 before that time, this morning?

19 DEFENDANT: This morning?

20 THE COURT: Yes.

21 DEFENDANT: I talked to him when he came in the room
22 and talked to me.

23 THE COURT: Okay. And you didn't tell him then you
24 didn't want---

25 DEFENDANT: I mean he already knew. That's why I said

1 this ain't nothing new.

2 THE COURT: Well, when you say he already knew, he
3 obviously didn't know that you wanted him to be relieved as
4 counsel cause he would of said something. He would, he
5 would of said something to the Court before you handed him a
6 piece of paper.

7 DEFENDANT: That's what I'm saying. I asked the Clerk
8 of Court to send him a copy of that.

9 THE COURT: Okay. So, when you talked to him this
10 morning you didn't tell him that you didn't want him to
11 represent you?

12 DEFENDANT: No, cause he should of already knew. I
13 mean it ain't -- I wrote plenty of letters to the Public
14 Defender's Office, Mr. Clay Allen, since he's the head over
15 the Public Defender's Office --

16 THE COURT: Okay.

17 DEFENDANT: -- and I got the motion relieving counsel
18 right there. That's why I brought it with me today.

19 THE COURT: Do you have those -- do you have the
20 letters?

21 DEFENDANT: I got one of the letters from Mr. Clay
22 Allen right here.

23 THE COURT: If you'd pass those to Mr. Poole and --.

24 DEFENDANT: And I got the letter from the Clerk of
25 Court, what they wrote me.

1 MR. POOLE: I'm familiar, I'm familiar with the letter
2 from Clay Allen, Your Honor.

3 May I approach?

4 THE COURT: Yes, sir.

5 MR. POOLE: You want to see it?

6 THE COURT: As long as you're not waiving
7 attorney/client privilege.

8 MR. POOLE: That is the letter from Mr. Allen. This is
9 the letter he received from the Clerk's Office.

10 THE COURT: Mr. Poole, I'm gonna return these to you.
11 Thank you, Mr. Staggers.

12 Mr. Poole, is there anything that you wish to say at
13 this time?

14 MR. POOLE: I can't add anything to it, Your Honor,
15 other than the discovery was -- Mr. Cheek is in our office.
16 He's an attorney with 30 plus years experience. He talks to
17 everybody that's in the jail and he was aware of the
18 contents of the discovery, and he talked with Mr. Staggers
19 about the nature of the case against him, and he was the one
20 that took the offer that the State had made to him.

21 I met with Mr. Cheek and Mr. Staggers. We went over
22 the discovery then together, told him about the offer that
23 the State had made. He rejected that offer, and I can't add
24 anything other than what is already been said and what has
25 been presented by, to the Court in the form of the letter to

1 Mr. Clay Allen.

2 I was aware that he had filed this motion. Of course,
3 I was aware that Mr. Allen had replied to Mr. Staggars
4 letter. I'm -- I thought everything was all right up until
5 he handed me these, the document that I referred to the
6 court about me being relieved.

7 THE COURT: Mr. Staggars, you've indicated that you
8 don't believe that your attorney would, would fight for you.

9 What, what else do you think that he should be doing in
10 this particular matter?

11 DEFENDANT: I mean it's -- for one, my right for a
12 bond. That's for one. I been here 20 months.

13 I -- don't I deserve a bond?

14 Ain't that my right, my right to go for a bond, right?

15 Then you bring me a discovery, which you don't even go
16 over with me. You don't say well, look, Mr. Staggars, this
17 what I see in discovery that might be a defense. He tell
18 you look over the discovery and we'll get back with you.
19 we'll get the solicitor. The solicitor gonna get with the
20 victim and we'll see what we can work out.

21 I mean you ain't even say look, Mr. Staggars, this what
22 the State got and all this. I thought a preliminary suppose
23 to, a preliminary hearing was suppose to show me the
24 evidence that the State had against me, which I didn't go
25 to, waived it, didn't talk to me about it. I had no

1 knowledge of it.

2 So, I mean I just feel like he not gonna fight for me
3 cause he ain't been fighting for me. He ain't been in no
4 motion for me to go for a bond, which I could of did myself,
5 but---

6 THE COURT: When did you first learn that the Public
7 Defender's Office was gonna be representing you and when did
8 you first go through the process of talking to them?

9 DEFENDANT: Back in October 2011.

10 THE COURT: And you, you understand that a preliminary
11 hearing has got to be requested within I think it's ten days
12 of the initial appearance in the Magistrate's Court?

13 DEFENDANT: Yes, ma'am, I requested it. I requested
14 it. That's the first thing I did.

15 THE COURT: You requested it in writing?

16 DEFENDANT: Not in writing, but when it come through
17 the jail they --.

18 THE COURT: So, that -- so, there -- on, on the
19 paperwork that you said there was one requested?

20 DEFENDANT: Yes, ma'am.

21 THE COURT: Are you familiar with that, Mr. Poole?

22 MR. POOLE: Your Honor, we typically file for
23 preliminary hearings on all cases, and -- but what happens
24 so often is that we have Court every other week in this
25 circuit, and we can not be in the Magistrate's Court when

1 the preliminary hearing is held.

2 Now, I don't recall when it was scheduled. I don't
3 know if it was scheduled, but the most typical reason for us
4 not being able to attend the preliminary hearing is that we
5 are in General Sessions Court practically every other week.
6 So, you know, it could of very well been scheduled, and it
7 could of been eventually indicted you know without---

8 THE COURT: well, it was indicted. It was indicted in
9 November. And, so, once the indictment comes in, there's,
10 there's, there's no longer the opportunity for the
11 preliminary hearing.

12 MR. POOLE: Why certainly and that's -- you know, it
13 could of been rescheduled. In the mean time it could of
14 been indicted. You know, I don't know. But we requested
15 one, and he didn't, obviously didn't get one.

16 THE COURT: And when did you first have contact with
17 this particular file and, and with Mr. Staggers?

18 MR. POOLE: Shortly after it came into our office,
19 which would of been shortly after his arrest. I can't
20 recall exactly when the first time I met him. I don't, I
21 don't -- I have not kept notes.

22 DEFENDANT: In January, 16 months later.

23 THE COURT: You know, Mr. Staggers, I have a hard time
24 believing you that you had no contact with your attorney for
25 16 months.

1 DEFENDANT: I didn't. For 16 months I didn't.

2 THE COURT: And, so, you -- did you know who your
3 attorney was?

4 DEFENDANT: I knew his name, name, but I ain't know his
5 face.

6 THE COURT: okay. Did you ever, did you ever send a
7 letter to him saying come see me at the jail?

8 DEFENDANT: I mean if you my attorney you know to come
9 see me that's, to talk about the case. If you my attorney
10 you appointed to me to help me to represent me.

11 THE COURT: And, so -- and, so, you dispute that
12 Mr. Cheeks and, Mr. Cheek and Mr. Poole discussed the
13 discovery with you?

14 DEFENDANT: They ain't discussed no discovery with me.
15 They discussed ten years with me as far as you take these
16 ten or you can get 165, a hundred this, and a hundred that.
17 Even call my family and got my family to try to make me take
18 ten.

19 THE COURT: And, and you received a copy of the
20 discovery?

21 DEFENDANT: Yes, ma'am.

22 THE COURT: And you reviewed it?

23 DEFENDANT: Yes, ma'am.

24 THE COURT: And you're saying that you did not have any
25 conversations with Mr. Poole about the discovery?

1 DEFENDANT: When I brought it up, what the discovery
2 stated. When I read it I, I seen cracks and holes and I
3 seen things that didn't make any sense, and I tried to bring
4 it up. But every time I bring up what the discovery state,
5 don't nobody want to talk about what the discovery state.
6 Always you looking at this time and that time, and I got to
7 take these ten.

8 I mean what, what attorney does that?

9 THE COURT: Mr. Staggars, this is, this is, this is my,
10 my view of it. I think, while you may have been upset about
11 the way things were going, that -- I, I get to hear an awful
12 lot about people who are not satisfied with their attorneys,
13 and I get to hear about it in, in a lot of different ways.
14 But my experience with those people who don't, who have
15 questions about how their cases are being handled, they
16 spend a lot more time writing letters and making contact and
17 asking their attorneys to come and see them and so that
18 there's usually a wealth of information to show that I
19 requested, I made a request here, I wrote him this letter, I
20 asked him to come and talk to me about it, and I just don't
21 see that in this particular case.

22 What I see is, no, no disrespect to you, but what I see
23 is someone who there was a -- you received your discovery.
24 There was, there was an offer on the table. You didn't --
25 your choice and your decision whether or not to plead. Only

1 you know what went on at this particular point.

2 So, only you know whether or not it makes sense to do
3 that, and, and you are -- you're innocent until you're
4 proven guilty. The State has to prove that you're guilty
5 beyond a reasonable doubt, and you have chosen not to accept
6 a plea, and now that we're here for trial, you know, a week
7 before the trial's scheduled to begin, you file, you file a
8 motion in the Clerk's Office asking to relieve your
9 attorney.

10 Well, if you really didn't want your attorney, and you
11 didn't think he was fighting for you, you would of filed a
12 motion during those 16 months when, when you didn't see him.
13 That would of been the first thing you did is I don't want
14 you to represent me, I want a new attorney, and you would of
15 been writing the Court a long time ago.

16 And, so, I don't find, at, at this particular point,
17 that it's, that it's credible to believe that Mr., Mr. Poole
18 is not prepared to go forward with this case or that he's
19 not here to represent your interest, and I'm gonna deny your
20 request for a new counsel. I think it's too late and he's
21 here, he's prepared, he's ready to go, and the jury's here,
22 the jury's been sworn, the jury's ready to go. So, we're
23 gonna go forward with the trial of your case.

24 Let's take a lunch break. We'll come back at two
25 o'clock, and continue on with any pretrial.

Ronnie Forrester - Direct examination
by Solicitor Gray

1 THE COURT: Is there anything else we need to take up
2 at this point?

3 SOLICITOR GRAY: No, ma'am, Your Honor.

4 THE COURT: If there's nothing we'll see you back at
5 two o'clock.

6 SOLICITOR GRAY: Yes, ma'am.

7 (WHEREUPON, Court was in recess for the lunch hour.)

8 THE COURT: We have pretrial motions we need to take
9 up.

10 SOLICITOR GRAY: Yes, ma'am, Your Honor. The
11 statements made by the defendant during arrest at some
12 times. We need to hear on -- we have one witness to address
13 this matter, Your Honor.

14 THE COURT: I'm sorry.

15 SOLICITOR GRAY: We have one witness --

16 THE COURT: Okay.

17 SOLICITOR GRAY: -- that we'd like to call.

18 THE COURT: You may call the witness.

19 SOLICITOR GRAY: Thank you.

20 Officer Ronnie Forrester.

21 RONNIE FORRESTER, being first duly
22 sworn, testified as follows:

23 THE COURT: Please state your name for the record.

24 WITNESS: It's Sergeant Ronnie Forrester.

25 SOLICITOR GRAY: Thank you.

Ronnie Forrester - Direct examination
by Solicitor Gray

1 DIRECT EXAMINATION

2 BY SOLICITOR GRAY:

3 Q I want to show you what's been marked just for purposes
4 of this hearing --

5 A Okay.

6 Q -- as a supplemental.

7 Do you recognize that, sir?

8 A Yes, sir, I do.

9 Q And what is that a supplemental report of?

10 A Supplemental of the, the actions I took on the day of,
11 in reference to Case Number 981311 --

12 Q Is that the case involving---

13 A -- on nine, 9/29/2011. I'm sorry.

14 Q Is that the case involving Mr. Staggers?

15 A Yes, it is.

16 Q Was Mr. Staggers the suspect in a shooting?

17 A Yes, sir.

18 Q And where did that shooting take place?

19 A At Crescent Hill Apartments.

20 Q Who were the victims in that?

21 A I'd have to refer to the, the actual report, sir. I'm
22 sorry.

23 Q Okay. Was one of those victims Mr. Kendrick Cannon?

24 A I would have to refer to the report. I'm not sure.

25 Q I understand that. Give me one second.

Ronnie Forrester - Direct examination
by Solicitor Gray

1 A Okay.

2 (Pause.)

3 Q Do you have a copy of this in your hand?

4 A Yes, I do.

5 SOLICITOR GRAY: I want to pass this up to the Court,
6 Your Honor. This is what our officer will be using to
7 testify to as far as the statements from the defendant.

8 Q Now, could you please tell the Court who the victims in
9 this shooting were?

10 A Kendrick Jamar Cannon.

11 Q And do you have another victim in this matter?

12 A It has Quita Gentry listed as a second victim.

13 Q Okay. Now, you went there to Crescent Hill Apartments
14 on what date?

15 A On the 29th. 9/29/2011.

16 Q This is the day after the shooting occurred?

17 A That is correct, yes, sir.

18 Q And what was your job on that day?

19 what were you trying to do?

20 A I was -- I'm the liaison or was the liaison for the
21 Housing Authority and the police department at the time, and
22 my job was to patrol the area. We got information that the,
23 a possible suspect in the shooting that occurred the day
24 before was at Crescent Hills that day.

25 Q And who was that suspect?

Ronnie Forrester - Direct examination
by Solicitor Gray

1 A That suspect was the Cornelius Staggers. Mr. Staggers
2 seated at the defense table.

3 Q Was it Mr. Staggers, Senior or Junior or --?

4 A That I am not sure. Based on the report that I have
5 read, the same one that I'm reading here, it did not list a
6 Junior or Senior. Just a Cornelius Jerome Staggers.

7 Q But, as you just said, it's the one sitting at the
8 defense table?

9 A That's correct.

10 SOLICITOR GRAY: Okay. I'd like to stipulate to in the
11 record, Your Honor, that the officer was looking for the
12 defense, defendant that's seated next to Roger, Mr. Poole,
13 Your Honor.

14 THE COURT: It's noted for the record.

15 SOLICITOR GRAY: Thank you.

16 Q Now, on September 29th, when you're looking for Mr.
17 Staggers, what did you do that day in looking for Mr.
18 Staggers?

19 A We were or got information that he may be at a, a
20 possible girlfriend's residence at Crescent Hill
21 Apartments.

22 Q Is Crescent Hills Apartment in the city limits---

23 A It is.

24 Q ---of Spartanburg?

25 A It is in the city limits, correct.

Ronnie Forrester - Direct examination
by Solicitor Gray

1 Q Okay. Did you go to that apartment?

2 A We went to that area looking in that area. There were
3 several officers that were involved. We were looking for
4 Mr. Stagers, looking for a possible weapon that was
5 possibly used. So, we were in, in the general area. I went
6 to the apartment to knock on the door since I was the
7 liaison with the Housing Authority. You know, that's --
8 that was one of the first places I went was to the door.

9 Q To the door of ?

10 A , that's correct.

11 Q Who -- did you knock on that door?

12 A I did.

13 Q Who opened the door?

14 A Mr. Stagers, Cornelius.

15 Q When Mr. Stagers opened the door, what happened next?

16 A When he opened the door we -- I pretty much, at that
17 time, as soon as he opened the door -- it took, took a few
18 minutes, several minutes actually, for the door to open.
19 When the door opened, Mr. Stagers was standing there. At
20 that time I went ahead and placed Mr. Stagers in, in
21 detention. I told him he was just being detained in
22 reference to incidents that had occurred prior to.

23 I was talking to him, went ahead and placed the cuffs
24 on him, and he made the statement at that time y'all ain't
25 gonna find nothing.

Ronnie Forrester - Direct examination
by Solicitor Gray

1 Q Now, had you made any threats toward Mr. Staggers at
2 this time?

3 A No, sir, and---

4 Q Any promises toward Mr. Staggers at this time?

5 A No, sir, that was soon as we turned around, put the
6 cuffs on him, he made that statement, the, the first
7 statement, y'all ain't gonna find nothing.

8 Q And this is in reference to the prior shootings from
9 the day before?

10 A At that time I didn't know what he was speaking of.

11 Q Okay.

12 A Later --.

13 Q Later you did?

14 A Right.

15 Q Okay. What else did Mr. Staggers say?

16 A After that statement officers asked him his name, asked
17 him who he was. He stated, at that time, I don't know
18 immediately followed by you ain't gonna find nothing, and
19 shortly after that he made the statement that he would beat
20 it even if we did find something.

21 Q And, again, your role at that time was liaison officer
22 and officer for the City?

23 A That's correct.

24 Q And you were looking for Mr. Staggers as a suspect as a
25 shooting, into the shooting from September 28th. --

Ronnie Forrester - Direct examination
by Solicitor Gray

- 1 A That's correct.
- 2 Q -- 2011 at Crescent Hills Apartment?
- 3 A At Crescent Hills, yes, sir.
- 4 Q And he stated, again, for the Court, that he would beat
- 5 it?
- 6 A Is what I have wrote down. He also stated that he
- 7 would beat it even if we did find something and ended the
- 8 quotation marks at that time.
- 9 Q Now, what's your normal procedure when you arrest a
- 10 suspect of any kind, any type?
- 11 A Arresting -- if, if we're not questioning, we're not --
- 12 there's -- we're not questioning him. There's -- we arrest
- 13 the subject based on reports or based on a warrant, you
- 14 know, the information that we have. That subject is
- 15 transported to City Hall. One of the investigators speaks
- 16 with him, you know, at that time.
- 17 Q And you weren't interrogating Mr. Staggers?
- 18 A The only question he was asked at that time was his
- 19 name.
- 20 Q Saying I don't know?
- 21 A That's correct. And I didn't ask him any other
- 22 questions. Didn't ask him a question about any incident
- 23 that had taken place at that time.
- 24 Q Did you say anything else per your report to
- 25 Mr. Staggers?

Ronnie Forrester - Direct examination
by Solicitor Gray

1 A I did.

2 Q What else did you say?

3 A When he made those statements I stated to Mr. Staggers,
4 advised the subject he had a warrant. At that time I told
5 Mr. Staggers that he had the right to remain silent and that
6 I suggested that he exercise that right.

7 Q Did he do so?

8 A At -- I heard, I heard nothing else from him. He may
9 of said other things, but did not make a statement at, past
10 that point.

11 Q And, again, he was not being questioned when he made
12 these other statements?

13 A Right, and that was -- the main reason for not reading
14 the entire Miranda warnings was, was I was not asking him
15 any questions. I just advised him he had the right to
16 remain silent, he probably needed to do so.

17 Q And all these statements were made voluntarily to you?

18 A That is correct.

19 Q And, again, no threats, no warnings?

20 A No, sir.

21 Q No interrogation?

22 A No, sir.

23 Q No promises of any kind --

24 A No, sir.

25 Q -- regarding leniency or punishment?

Ronnie Forrester - Direct examination
by Solicitor Gray

1 A That is correct. No, nothing.

2 Q These statements just came out, I guess, spur of the
3 moment so to speak?

4 A That is correct.

5 Q And your report -- you put these statement in your
6 report for what reason, sir?

7 A To indicate such, that he was not asked any questions
8 other than his name. I never solicited any information from
9 him about any case. He made those statements, I would say,
10 voluntarily utterance. Just made those statements. At that
11 time I advised him he probably got a right to remain silent,
12 you need to do that, and that was, that was it.

13 Q Thank you, sir. No further questions at this time.
14 Please answer any questions that Mr. Poole may have.

15 A Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. POOLE:

18 Q Officer Forrester, you were aware of the pending
19 investigation in this case, weren't you?

20 A Yes, sir.

21 Q And you were aware that there were two victims and that
22 the charges were attempted murder and armed robbery?

23 A Actually I did not. I knew that, that there was a
24 shooting the night before. The name Mr. Staggers, Cornelius
25 Staggers, was brought up at that time. The extent of the

Ronnie Forrester - Cross-examination
by Mr. Poole

1 charges, who all was involved, at that time, at that date, I
2 did not know.

3 Q All right. who asked you to go there?

4 A The investigators.

5 Q And---

6 A Investigator Nelson, Porter, Lieutenant Suber.

7 Q And to go there for what purpose?

8 A To look for Mr. Staggers, who was involved in a
9 shooting the prior day.

10 Q Okay. And, so, you went -- you obviously went there
11 and you were looking for him specifically?

12 A Yes, sir.

13 Q And you knew that he was going to be questioned, didn't
14 you?

15 A Did I know he would be questioned, yes.

16 Q You knew that he was going to be interrogated after he
17 was being, after he was taken into custody, didn't you?

18 A That is normal procedures, yes.

19 Q Okay. And so that you knew that he was going to be
20 taken into custody and interrogated about this specific
21 incident?

22 A Yes, sir.

23 Q Okay. And at -- the way it reads in your statement is
24 you have a description of what he was wearing, and that
25 while you were placing him in handcuffs, he made the first

Ronnie Forrester - Cross-examination
by Mr. Poole

1 statement?

2 A Yes, sir.

3 Q So, he was within your grasp?

4 A Yes, sir.

5 Q Is that right?

6 Is that a fair statement---

7 A Yes, sir.

8 Q ---sentence that he was within your grasp---

9 A Yes, sir.

10 Q ---when he said y'all ain't gonna find nothing?

11 A Yes, sir.

12 Q And you continued to place his hands, your handcuffs on
13 him as he made the following three statements, which was I
14 don't know when he was asked his name, you ain't gonna find
15 nothing -- no, excuse me. Yeah, he said that again.

16 He said that twice?

17 A Yes, sir.

18 Q And he also stated that he can beat it even if we did
19 find something, and in the context of him making all those
20 four statements, he was within your grasp and custody, was
21 he not?

22 A Yes, sir.

23 Q Okay. And you knew further that he was going to be
24 questioned more extensively by someone involved in this
25 investigation?

Ronnie Forrester - Cross-examination
by Mr. Poole

- 1 A That's normal procedure, yes, sir.
- 2 Q Okay. So, you knew that that was going to happen?
- 3 A I would assume that.
- 4 Q Right.
- 5 okay. And then you did the right thing by telling him
- 6 that you would advise him to remain silent?
- 7 A I did tell him that.
- 8 Q And which is a part of the standard Miranda warnings?
- 9 A That's correct.
- 10 Q Okay. And why did you not give him the further---
- 11 A I was not interrogating him.
- 12 Q Okay.
- 13 A Had, had no reason to interrogate him. That would be
- 14 done at a later time. I was not asking any further
- 15 questions of him other than his name.
- 16 Q Uh-huh. (Affirmative).
- 17 okay. When -- did you know what he meant by the
- 18 statement y'all ain't gonna find nothing when he said it the
- 19 first time or the second time?
- 20 A I, I would have no way to, to know what he meant.
- 21 Q So you did not?
- 22 A No, sir.
- 23 Q You didn't know what he was talking about?
- 24 A (Witness nods negatively.)
- 25 Q Okay. Thank you very much.

Ronnie Forrester - Redirect examination
by Solicitor Gray

1 A Yes, sir.

2 THE COURT: Any redirect?

3 SOLICITOR GRAY: Yes, ma'am.

4 REDIRECT EXAMINATION

5 BY SOLICITOR GRAY:

6 Q At that particular time you didn't know what he meant,
7 correct?

8 A That's correct.

9 Q Further investigation, in talking to other officers in
10 this case, did you have any context to place that statement
11 in at a later time?

12 A I did.

13 Q And what was that?

14 What were those communications and that context?

15 A It was -- later was found that there was a, a weapon
16 that was involved in the shooting the day prior was found
17 close to that apartment. So, my assumption was that that's
18 what he meant, we wasn't gonna find, and we found.

19 Q And that's part of the reason why you put that in a
20 supplemental report just to leave it out there for -- well,
21 why did you go ahead and do that supplemental report?

22 A To put those statements in. You know, again, they were
23 not asked, they were not solicited. The statements that he
24 made, just to put it into context. I been on-the-job for,
25 for a little while, and, you know, trying -- not, not all

Ronnie Forrester - Redirect examination
by Solicitor Gray

1 statements are, you know, small utterances, that kind of
2 thing, gets in there, of course. But I put that information
3 in there, as much as I can in a report, to, to, to close any
4 loopholes or, you know, just to get that information on the
5 report.

6 Q And how long have you been doing this, sir?

7 A I've been on -- October of this year will be 25 years.

8 Q Thank you, sir.

9 A Yes, sir.

10 SOLICITOR GRAY: No further questions, Your Honor.

11 MR. POOLE: No recross.

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

13 WITNESS: Thank you.

14 SOLICITOR GRAY: State has no further witnesses, Your
15 Honor.

16 THE COURT: Any witnesses by the defense?

17 MR. POOLE: No, Your Honor. Just simply an argument.

18 THE COURT: Okay. Yes, sir, Mr. Gray, you want to make
19 your arguments first?

20 SOLICITOR GRAY: Yes, ma'am. Yes, ma'am, Your Honor.

21 There was no coercion in this situation. There was
22 no -- there were no promises made. There were no -- there
23 was no threats made against the defendant in this situation.
24 All the statements were made off-the-cuff, sua sponta
25 basically telling the police you're not gonna find anything.

1 Even if you do, I'm gonna not beat this.

2 You heard from the officer that he knew, and he put in
3 context that the defendant knew that they were seeking a
4 suspect from the shooting of the prior evening on
5 September 28th, 2011. Once he was placed in cuffs, there
6 were no questions asked of him other than his name after he
7 made the statements again you won't find anything. Even if
8 you do, I'm gonna beat it. What's your name, I don't know.
9 He kept on going like this.

10 The officer, out of an abundance of caution, says you
11 have the right to remain silent. I suggest you use it.

12 He was not being interrogated at that time. The
13 officer still said this particular warning to the defendant.
14 He was not being questioned. He was not in formal custody
15 at the station. He was in detention at that point. I don't
16 believe, even if Miranda warnings, warnings were warranted
17 at that time, the officer, the defendant, put it upon
18 himself to say these things to the officer in, in the course
19 of the officer's detention of him and his subsequent arrest,
20 and the officer put these statements down on paper to give
21 them the proper context. Not to trap the defendant. Not to
22 give him some type of undue leverage in the situation. Just
23 merely to record the statements that this defendant made
24 without being under duress, without being threatened.

25 It's purely voluntary on his part, and it further gives

1 the context to the, his own thought process at the time.

2 This was not an accident, he telling the police right
3 out no matter what you do I'm gonna beat this, this. This
4 was in reference to the shootings from September 28th, 2011,
5 Your Honor.

6 THE COURT: Mr. Poole.

7 MR. POOLE: Thank you, Your Honor.

8 Basically I try to -- I would like to make three
9 points.

10 First of all, these four statements made by the
11 defendant under these circumstances is, number one, not
12 relevant under the rules. I can not cite the reason for
13 that any better than what's contained in the rule itself.

14 Admission of evidence would not tend to make the
15 existence of any act that of consequence to the
16 determination of the action more probable than less probable
17 than it would without the evidence. So, first of all, I
18 submit it's irrelevant.

19 Secondly, if the court finds that relevant under 403,
20 the probative value is substantially outweighed by the
21 danger of unfair prejudice or confusion or any of the other
22 words and verbiage in Rule 403.

23 And, finally, the two triggering words that I hear from
24 the testimony is that Officer Forrester said that
25 Mr. Staggers was, in fact, detained. He wrote that in the

1 statement. He testified to that in, from the witness stand,
2 and he said also that he was within his grasp and,
3 therefore, in custody. That's obvious from the contents of,
4 of the supplemental report that he made, and in the
5 testimony that he gave.

6 So, I -- it's -- Miranda should of been stated to
7 Mr. Staggars right off the bat if we're going to allow this
8 type of evidence into play here.

9 So, based on those three points, I would ask the Court,
10 respectfully ask the Court to exclude these remarks that
11 were made by the defendant.

12 THE COURT: Any response from the State?

13 SOLICITOR GRAY: Your Honor, I think rather than
14 Mr. Staggars speaking, giving, muddying the water so to
15 speak, it gives a clear context as to what he was thinking
16 and what was going on in this time.

17 Your Honor, I believe the statements are highly
18 relevant and give a clear context to what he meant in this
19 situation, that he was gonna beat this. You can't find
20 anything, and even if you do, there's no way you're gonna
21 get me for this.

22 THE COURT: So, Mr. Gray, you're saying that the
23 statements are relevant for what reason?

24 SOLICITOR GRAY: Your Honor, for intent in this matter
25 and knowledge in this matter, Your Honor. The officer was

1 there for a, investigating a shooting that occurred on
2 9/28/2011. He was there on September 29th, 2011. It
3 is -- they developed a suspect being Mr. Stagers in this
4 case.

5 They are relevant to Mr. Stagers knowing, knowledge of
6 the incident and his intentions before, during, and
7 particularly after the incident. You're not gonna get
8 anything from -- what's your name. I don't know. You ain't
9 gonna find nothing. Even if you do find something I can
10 beat it. I would say those are all extremely adverse
11 statements against his interest.

12 THE COURT: And, Mr. Poole, how does the prejudice
13 outweigh the probative value?

14 MR. POOLE: The statements like y'all ain't, y'all
15 ain't gonna find nothing is prejudicial in that it applies
16 that he knew about something. Nothing -- we don't know what
17 he's referring to. But the jury could infer that he, he is
18 talking about the gun and from the, what we have before us
19 on the record at this point, we don't know what he was
20 referring to.

21 It could be the whole case. It could be everything
22 about this case. It could be about one little thing.
23 Therefore, it would be prejudicial in that it could be
24 construed as being speculative, and, again, the probative
25 value of -- I really frankly don't see the probative value

1 of these statements at, at all.

2 THE COURT: I'm, I'm inclined to allow the statements.
3 I think that they are relevant.

4 The question is whether any prejudice would out,
5 outweigh the relevance, and I think that depends on the
6 context in which the evidence is presented. But I think
7 that generally they are, they would be admissible because
8 they appear to be utterances that were made contemporaneous
9 with the investigative detention. When he was detained and
10 placed, and handcuffs placed on him, that he made the
11 statements contemporaneous with that before the officer had
12 the opportunity to, to fully advise him of his rights, and
13 it appears that once he was at least told of his right to
14 remain silent and he was advised by the officer that he
15 should probably exercise that right he did intend, he did
16 indeed do that.

17 You know, as to whether or not there ultimately
18 completely free and voluntary or whether or not they should
19 be believed or what weight to give to them ultimately rests
20 with the jury. But as a threshold matter, I think that
21 they're, they're admissible because they're voluntary
22 statements.

23 I would, however, before the statements are actually
24 testified to by the officer, I need to -- I don't know what
25 order the evidence will come in, what presentation, but I

1 think that -- I'd need to hear the, the context in, as to
2 how it relates up because I think there's a possibility it
3 could be too, it could be too speculative. And, so, that
4 really depends on how the State presents its case.

5 SOLICITOR GRAY: Yes, ma'am.

6 MR. POOLE: Thank you, Your Honor. I would ask the
7 record reflect my exception to the Court's ruling.

8 THE COURT: It's noted, and remember that the, the --
9 because it's just a preliminary ruling, it needs to be
10 raised again contemporaneous with the, the testimony.

11 MR. POOLE: Yes, ma'am.

12 THE COURT: Is there anything else that we need to take
13 up?

14 SOLICITOR GRAY: You want to deal with the record?

15 MR. POOLE: I think we can agree on that.

16 THE COURT: And also, for the witnesses, just so -- I
17 understand that there's several -- the witnesses who may
18 have records we need to take up as well.

19 SOLICITOR GRAY: Primarily, I believe, in this
20 situation, one of them -- the -- one of the victims in this
21 case, Mr. Cannon, Mr. Poole and I talked about his, his
22 record and references to that. I believe we have reached an
23 agreement on what was relevant and what is admissible under
24 the rules, and he can go through that if he would like to
25 now or later. But the State will have no objection, once he

1 raises these criminal convictions during Mr. Cannon's
2 testimony.

3 THE COURT: And what are those?

4 MR. POOLE: Well, Your Honor, on -- and correct me if
5 I'm wrong.

6 SOLICITOR GRAY: On November 14th, 2012, he had a
7 conviction for a manufacturing/possession of cocaine base
8 first. Also on that day was a possession or distribution of
9 PWID cocaine base near a school.

10 In November 14th, 2012, also another conviction for
11 PWID near a school cocaine base, and possession of cocaine
12 base first also.

13 So, basically four convictions. Two different types of
14 cocaine base related offenses on November 14th, 2012.
15 Subsequent---

16 THE COURT: So -- I'm sorry. So, is it, is it
17 possession or is it manufacturing?

18 Which is it, possession of cocaine base, possession
19 with intent to distribute in proximity?

20 SOLICITOR GRAY: It's look likes possession with intent
21 to distribute. On the proximity, two charges, two
22 convictions for those, and it looks like -- I believe that,
23 that was, would be -- that's what I said, near a school,
24 PWID near a school, and then PWID, two charges of that,
25 2012. All of those were the same date. November 14th,

1 2012, would be the conviction dates.

2 And then on -- he had a probation violation that arose
3 March 26th of this year, 2013, for -- that would be the
4 same charges, Your Honor, with the probation and parole went
5 forward on two charges, one being the PWID cocaine, cocaine
6 base first and the other one being the PWID cocaine base
7 near a school, the proximity charge, going forward on two of
8 the charges as a violation of probation on March 26th of
9 2013.

10 THE COURT: well now the probation violations don't
11 come in, do they?

12 I mean that -- not that I'm aware of.

13 MR. POOLE: I don't think they do. In essence, Your
14 Honor, there were four felonies --

15 THE COURT: Yes, sir.

16 MR. POOLE: -- that occurred, he pled guilty to on
17 November 14th, '12, involving PWID of cocaine base two.
18 Both within a half mile or near a school two.

19 THE COURT: okay.

20 MR. POOLE: Is that right --

21 SOLICITOR GRAY: Yes.

22 MR. POOLE: -- Mr. Gray?

23 SOLICITOR GRAY: Yes.

24 THE COURT: Anything else on any other witnesses?

25 SOLICITOR GRAY: Not as far as their records, no,

1 ma'am, of any witnesses.

2 THE COURT: Any other issues at this time?

3 MR. POOLE: None that I see, Your Honor.

4 SOLICITOR GRAY: Okay. We have an issue. We have some
5 items we'd like to pre-mark. Mr. Poole and I and Ms. Taylor
6 had talked last week about some items that we agreed would
7 go into, into evidence without objection. We'd like to go
8 ahead and pre-mark those items, Your Honor.

9 THE COURT: I don't have any problem with that.

10 Any -- and I believe that you said there were no ID
11 issues, and no issues with any statements that would have
12 been made while he was in custody?

13 MR. POOLE: That's correct, Your Honor.

14 THE COURT: And they're any issues with the chain of
15 custody?

16 MR. POOLE: No, sir. No, ma'am.

17 THE COURT: Okay.

18 SOLICITOR GRAY: And no issues with the lineups as far
19 as ID either.

20 THE COURT: That was my understanding.

21 SOLICITOR GRAY: Yes, ma'am.

22 THE COURT: Anything else?

23 SOLICITOR GRAY: No, ma'am.

24 THE COURT: With that then we can take a recess until
25 the jury's all assembled, and you can pre-mark any of your

1 exhibits.

2 SOLICITOR GRAY: Thank you, Your Honor.

3 (WHEREUPON, an email was marked as State's Exhibit No.
4 1. A gun was marked as State's Exhibit No. 2. A handbag
5 was marked as State's Exhibit No. 3. A pair of boxers was
6 marked as State's Exhibit No. 4. Three photographic lineups
7 were marked as State's Exhibit Nos. 5 through 7. Another
8 lineup was marked as Defendant's Exhibit No. 1. All of the
9 above exhibits were marked for identification purposes only
10 at this time.)

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

12 THE COURT: And, so, we're ready to proceed?

13 SOLICITOR GRAY: Yes, ma'am.

14 MR. POOLE: Yes, ma'am.

15 THE COURT: You may ask the jury to come in please.

16 (WHEREUPON, the following takes place within the
17 presence of the jury.)

18 THE COURT: You-all can be seated. Thank you.

19 Mrs. Cantrell?

20 JUROR: Yes, ma'am.

21 THE COURT: Would you switch places with the young lady
22 down at the very end please. No, no, no. Yeah. Yes.

23 Mrs. Cantrell, I'm going to ask that you serve as the
24 foreperson for this jury. Your duty and responsibility
25 would be to make, to inform me if there's anything that the

1 jury needs. For example, if there's anyone that has any
2 health issues I need to be aware of for purposes of taking a
3 break or lunch hour, you should write me a note about that.
4 If there's anything else that you-all need throughout the
5 course of the trial, you should write me a note about that.
6 If there's anyone who has any health care or day care issues
7 or any other appointments, in the event that we have to go
8 past 5:00PM, you should write me a note about that.

9 But more importantly, when this case is submitted to
10 you as a jury to begin your deliberations, it will be your
11 responsibility to make sure that everyone has the
12 opportunity to express his or her views about the evidence
13 and then it's your job to coordinate those discussions.
14 Ultimately, when you-all have reached a verdict, then it
15 will be your responsibility to record the verdict on the
16 appropriate form. I thank you very much for serving in that
17 capacity.

18 Now, ladies and gentlemen, what I'd like to do at this
19 point is just to provide you a brief introduction about the
20 trial and how it will proceed.

21 As I indicated to you earlier today, ladies and
22 gentlemen, before you were selected as jurors, I read to you
23 the indictments that were brought by the Spartanburg County
24 Grand Jury.

25 Now, these indictments are simply the allegations.

1 They're the charges that have been brought against
2 Mr. Staggers, and they, in no way, constitute evidence in
3 this case. This is -- these are simply the documents by
4 which we're able to come into Court and have a trial in this
5 particular matter.

6 Now, as I stated to you earlier, to these indictments
7 Mr. Staggers has pled not guilty. That means that he is
8 innocent of those charges, and he remains innocent unless
9 and until the State is able to convince you that he is
10 guilty of these charges. In order for the jury to be able
11 to convince you of that, the State has to produce enough
12 evidence that would be able to convince each and every one
13 of you that he is guilty beyond a reasonable doubt, and, at
14 the end of the trial, I'll explain to you a little bit more
15 about what reasonable doubt means, but the burden is on the
16 State in order to do that, and the purpose of our trial is
17 to determine whether or not the State will be able to meet
18 that burden.

19 In conjunction with that then, ladies and gentlemen,
20 you have the duty and the responsibility to listen to the
21 evidence and to make a decision that's based upon the
22 evidence in this case. In listening to the evidence -- you
23 are the finders of the facts. That's your job here. And as
24 I instructed you earlier, you have been sworn as jurors to
25 determine the facts based upon the evidence.

1 In determining the facts, you listen to the evidence
2 and the evidence may take many forms. It may be in the form
3 of witnesses testimony from the witness stand. It may be in
4 the form of documents or other physical pieces of evidence
5 that you'll be able to take with you into the jury room.

6 Now, during the course of the trial, as we progress,
7 the first thing that you will hear will be the opening
8 statements of the attorneys. Now, it's -- the opening
9 statements are purely optional. They are not required to
10 give opening statements. If they choose to give one, they
11 may tell you a little bit more about what they think this
12 case is about, and what they hope that you'll be able to
13 hear in the, in the form of the evidence throughout the
14 course of this trial.

15 Once they've made those opening statements, then I
16 will, in fact -- then you will, in fact, hear the evidence.
17 As I stated, the evidence may come in many forms. But in
18 connection with that evidence, from time to time you may
19 hear the attorneys objecting about certain evidence. They
20 are simply doing their job, and that's their role here, and
21 that's their job here is to make sure that the evidence that
22 is presented is evidence that will help you in being able to
23 determine the facts.

24 Now, under our rules of evidence, they're certain rules
25 that govern how trials are conducted and what evidence can

1 be admitted. Whether or not evidence is allowed in is a
2 legal question. So, you may hear the attorneys objecting
3 about certain evidence that's being presented.

4 If I sustain the objection, then that means that the
5 evidence will not be allowed in. I ask that you not
6 speculate as to what the evidence might of been or the
7 reasons for the objection. I assure you that we're not
8 trying to hide or keep anything from you, but what we're
9 trying to do is to make sure that the evidence that you
10 hear, the evidence that you see, the evidence that you have
11 a chance to, to look at and, and review during the course of
12 your deliberations will be evidence that will help you in
13 being able to determine the facts of what occurred. On the
14 other hand, if I overrule the objection, then that means
15 that the evidence will be allowed in and you will be able to
16 hear it.

17 Now, from time to time we may need to take up some
18 legal issues outside of your presence. To the extent that
19 we can do that quickly here in court, the attorneys will
20 come up and we'll talk about them at the bench.

21 On other occasions, like we did at lunchtime, we may
22 need to spend a little bit more time talking about those
23 legal issues, and I may need to ask that you retire to the
24 jury room so that we can do that. If we can do that
25 quickly, hopefully it won't take very long, but I'll ask

1 that you not speculate as to what we're discussing or the
2 reasons for the discussion. Again, we're just trying to
3 make sure that everyone's legal rights are protected, and
4 the only way that we can do that is if we ask that you
5 retire to the jury room so that we can discuss them more
6 fully here in court.

7 Now, once you've heard all of the evidence, ladies and
8 gentlemen, then you'll hear again from the attorneys in the
9 form of a closing argument, and just as their opening
10 statements are not evidence, their closing arguments are not
11 evidence either. But what they will do is that they will
12 argue to you portions of the evidence that you've heard all
13 in an effort to try to sway you to find the facts in
14 accordance with their view of what is happened. So, I ask
15 that you listen carefully to those closing arguments. Once
16 they finish those closing arguments, then I will instruct
17 you on the law that's to be applied and you may begin your
18 deliberations at that particular time.

19 Now, obviously, ladies and gentlemen, from the list of
20 witnesses that I've, that I read to you, the potential
21 witnesses, we will not conclude this case today. I'm sure
22 we'll go into tomorrow, and whether or not we finish
23 tomorrow we'll just have to kind of wait and see. But I ask
24 that you listen very carefully to the attorneys and to the
25 witnesses and the evidence that is being presented.

1 I ask that you not take notes. I find often times that
2 when people are busy writing information, they're, they
3 could be missing something that's being presented. And, so,
4 I ask that you, you pay attention closely to that and not,
5 you know, take notes.

6 But having said that, I do understand that sometimes
7 people need to take notes to help them remember information,
8 and if you need to take notes to help you keep up with the
9 information, please let me know so that I can accommodate
10 you. I think it will be relatively straightforward, and,
11 so, you should be able to keep up with what's going on. But
12 if you feel that you need assistance and you'd like to take
13 notes, then please let me know so that I can accommodate you
14 at some future point.

15 Now, ladies and gentlemen, as I stated earlier, you-all
16 are the judges of the facts. That means, once you determine
17 the facts, no one can change those. That, that is -- that
18 is your role here and your job. No one else can make that
19 decision for you.

20 And just as you are the judges of the facts, I'm the
21 judge of the law that applies in this case. And, so, you
22 will be required to accept the law as I charge it to you and
23 as I instruct it to you. And we'll talk about that a little
24 bit more as, as, at the end of the trial when I give you my
25 final, the final instructions and I instruct you on the law

1 that's to be applied in this particular case.

2 So, ladies and gentlemen, I ask that you listen
3 carefully to, to what, all the information as it is
4 presented, and that you give your attention fully to the
5 witnesses and to the evidence and to the attorneys
6 throughout the course of this trial, and I believe, at this
7 time, we are now ready to hear the opening statements if the
8 parties would like to give one.

9 Mr. Gray, Ms. Tailor.

10 SOLICITOR TAILOR: Yes, Your Honor.

11 THE COURT: Yes, ma'am.

12 SOLICITOR TAILOR: May it please the Court?

13 THE COURT: Yes.

14 SOLICITOR TAILOR: Good afternoon, ladies and
15 gentlemen.

16 As the judge has already stated to you, I'd like to
17 take a minute and again thank you for serving on this jury
18 today. I know that probably when you received the jury
19 summons you were not overly enthusiastic or excited about
20 the thought of having to come to Court and serve on a jury.

21 But I'd like to tell you it is a very important role.
22 It is a very important part of our criminal justice system
23 because the reason we have a jury is that you bring with you
24 something that is very important to our system. You bring
25 with you your knowledge, your life experience, your common

1 sense because, as the judge stated, you are the ones who
2 will decide are the finders of the facts in this case.

3 As attorneys, as the State and the defense, all we can
4 present to you is the evidence, but you will use your
5 knowledge to make determinations based upon those evidence.

6 Now, the judge also explained to you that the burden in
7 this case or in any criminal case is that of one of beyond a
8 reasonable doubt, and that burden lays upon the State. And
9 the judge will explain to you exactly what that is, but I'm
10 just gonna give you a little bit of a layout so you know
11 what you're looking for.

12 Beyond a reasonable doubt means beyond a doubt that's
13 reasonable. Not beyond any and every single doubt that
14 could exist. It's a reasonable doubt.

15 In the case you're going to hear today are two charges
16 of what's called attempted murder and two charges of armed
17 robbery. We have two victims. We have Mr. Kendrick Cannon
18 and Ms. Quita Gentry who's sitting right here, and an
19 attempted murder is just what you may think it is. It's
20 when a person acts with malice in an attempt to kill
21 someone, and an armed robbery is a robbery that occurs when
22 someone attempts to take something by means of force, and it
23 can be anything. It doesn't have to necessarily be money.
24 It's when you attempt to take someone's goods or monies with
25 force.

1 Now, the exact meanings of those laws the judge will
2 give you before you go back to deliberate. But those are
3 the crimes that are charged. Those are the crimes that
4 Mr. Stagers is charged with.

5 Now, back to the idea of the reasonable doubt. Just to
6 give you an example is reasonable doubt is not beyond any
7 and every doubt. So, say you go home tonight and you park
8 your car in your parking lot and you go inside. You have
9 your evening. Tomorrow morning you wake up ready to come
10 into jury duty again, and you see that your car is wet and
11 everything outside is wet.

12 Now, using your common sense and your knowledge and how
13 things work, you know that, beyond a reasonable doubt, it
14 rained last night.

15 Now, is it possible that a car washer could of come by
16 and washed your car?

17 Possible.

18 That's -- is it possible that all of a sudden someone
19 installed street cleaners and that sprayed water on your
20 car?

21 Possible.

22 But you know, beyond reasonable doubt, what happened is
23 that it rained.

24 Now, ladies and gentlemen, I ask you to please listen
25 to all the evidence that is presented to you today because

1 you are the ones that get to determine who you believe and
2 who you don't and you can also consider why a person is
3 testifying. You can consider all those things because you
4 get to decide what the facts are based upon the evidence
5 that is gonna be presented.

6 Thank you.

7 THE COURT: Mr. Poole.

8 MR. POOLE: May it please the Court?

9 THE COURT: Yes, sir.

10 MR. POOLE: Madam Forelady, ladies and gentlemen, I'm
11 Roger Poole. I represent Mr. Staggers. We're over there by
12 ourselves today. That's obvious and that will be the way it
13 will be through the remainder of this case.

14 My job is to defend him. My job is to ensure that he
15 receives all of the due process rights that he's entitled to
16 under the United States Constitution and South Carolina
17 Constitution.

18 My job also is to function as a component in finding
19 justice and finding out the truth. Justice is the realm of
20 law. Truth is the realm of facts. Judge Lee deals in the
21 realm of the law. You will be dealing in the realm of
22 facts. You will be listening to the testimony. You will be
23 seeing the witnesses. You will be using all of your common
24 sense and your group experiences and all of your knowledge
25 to determine whether or not the State has, in fact, proved

1 that Cornelius Staggars, Junior indeed committed these
2 crimes on the date of November 28th, 2011.

3 There's going to be testimony about a gathering of
4 people at an apartment complex. There's gonna be testimony
5 that Mr. Staggars was there. There's gonna be the testimony
6 that Mr. Staggars had a gun at one point in time, and
7 there's gonna be testimony that Mr. Staggars was near or at
8 another place at about the same time that this crime
9 occurred.

10 These crimes -- these main -- these crimes are mainly
11 four. There's one about possession of a firearm during the
12 commission of a crime, but the main ones are the ones that
13 Ms. Tailor referred to, and that's two attempted murders and
14 two attempted armed robberies, and she told you a little
15 about what the elements are regarding those offenses and the
16 judge will tell you exactly what those elements are such as
17 malice aforethought in attempted murder for instance.

18 She will tell you that, that the State has to prove
19 their case beyond a reasonable doubt. You'll hear that a
20 lot, and that's important because the State has the burden
21 of proving that this man right here was the man, was the
22 person, was the individual who shot and attempted to rob
23 these two victims. That is Ms. Gentry and Mr. Cannon.

24 Mr. Staggars doesn't do, have to do anything. He
25 doesn't have to take the witness stand if he doesn't want to

1 because the burden is not on him to prove his innocence.

2 We -- there's a lot of this you already heard. There's
3 lot of this you already know. But when it comes to the
4 point where, on a Monday afternoon, we begin a trial and
5 somebody's freedom is at stake, then it becomes serious, and
6 these are about as serious as you get. These charges are
7 about as serious as you can come up with, and I appreciate
8 you being here, and I appreciate the attention that you're
9 already showing, and I know you're gonna get tired of seeing
10 me sitting where you are, waiting, and you may not want to
11 be here, but you're not alone by that.

12 So, thank you. Keep an open mind throughout the whole
13 case. Don't let the film start developing until you've
14 heard the whole thing. Listen to both sides of the case,
15 and that's all I can ask, and that's about as fair as it can
16 be, and I know you'll do your job because when you were
17 selected we already knew a little bit about you, and we knew
18 that you were gonna be fair to the defendant and the State,
19 and there's nothing that could be asked that's going to
20 change that.

21 Thank you very much.

22 THE COURT: You may call your first witness.

23 SOLICITOR TAILOR: Thank you, Your Honor.

24 The State calls Paul Weatherman.

25 PAUL WEATHERMAN, being first duly

Paul Weatherman - Direct examination
by Solicitor Tailor

1 sworn, testified as follows:

2 THE COURT: State your full name please for the record.

3 WITNESS: Paul Weatherman.

4 THE COURT: Yes, ma'am.

5 DIRECT EXAMINATION

6 BY SOLICITOR TAILOR:

7 Q Officer Weatherman, please tell the jury how long
8 you've been working with the City.

9 A I've been with Spartanburg City Police Department for a
10 little over six years now.

11 Q And back in 2011 what were, what were your duties?

12 A The same as they are now. I work under a federal grant
13 for, from HUD, and my partner and I, we handle all the
14 subsidized properties in the City, whether they be owned by
15 the Housing Authority or whether they're receiving Section 8
16 benefits, and we work out of the Housing Authority offices.

17 Q Back on the 28th, did you respond to a call?

18 A I did.

19 Q Can you please describe what that call was in reference
20 to?

21 A I believe the initial, the initial call description
22 given out by dispatch was a, a shooting victim at Crescent
23 Hill Apartments.

24 Q When you got there, did you locate that victim?

25 A I did.

paul weatherman - Direct examination
by Solicitor Tailor

1 Q And what did you discover?

2 A Once I arrived on scene I went to the area that
3 dispatch had given in reference to the building where the,
4 where the victim should be. There was some people on scene.
5 They let me into one of the apartments. I went up the
6 stairs, and in the bathroom I observed a black male on the
7 floor holding a towel on his buttock and it appeared to be
8 bleeding.

9 Q And did medical assistance arrive on scene?

10 A They did.

11 Q And did the victim leave with them?

12 A Yes, ma'am.

13 Q Okay. Did you later find out what his name was?

14 A Yes, ma'am.

15 Q Do you remember what that was?

16 A I believe it was a Mr. Cannon. I would have to review
17 my initial report for the exact name.

18 SOLICITOR TAILOR: May I approach the witness, Your
19 Honor?

20 THE COURT: Yes, ma'am.

21 Q I hand you a copy of your report.

22 Is that what you're referring to?

23 A Yes, ma'am.

24 Q So, what was the victim's name?

25 A The victim was a Kendrick Cannon.

Paul Weatherman - Direct examination
by Solicitor Tailor

1 Q Could you identify any other victims at that time?

2 A Not that I recall, no, ma'am.

3 Q Once Mr. Cannon was transported to the hospital, what
4 did you do?

5 A I spoke with him briefly in the bathroom. There was
6 probably some radio communication with dispatch to make sure
7 other units and medics were coming to the area. At that
8 time, once we made sure that where, at least for the most
9 part, that he was all right at the, at the time, I went back
10 outside, orchestrated with other officers.

11 He had, he had, he had told me that the incident had
12 occurred somewhere around the 111 building. Went back
13 outside, got with other officers that were on scene. We
14 went to the 111 building trying to see if we could locate a
15 crime scene. We were unable to do so.

16 Q You can refer to your notes, but was there a second
17 victim on scene?

18 A Not, not that I spoke with at least in any detail.
19 They -- a Quita, I believe it's pronounced Quita, Gentry,
20 was also, was also mentioned that I did list in the initial
21 report. But I don't believe I had much of any contact on
22 that end.

23 Q Okay. You yourself did not speak with her?

24 A No, ma'am.

25 Q Can you please tell the jury the exact date that this

Paul Weatherman - Direct examination
by Solicitor Tailor

1 event occurred?

2 A This was on 9/28/2011.

3 Q And you said that was in an apartment complex.

4 Is that here in Spartanburg County?

5 A Yes, ma'am, it's within the City of Spartanburg, South
6 Carolina. It's on the south side of the City.

7 Q Do you remember approximately what time of day?

8 Was it morning or afternoon or evening?

9 A It was in the, it was in the afternoon, evening hours.
10 About 5:45PM is about the time dispatch gave me the call.

11 Q And when you arrived, was it still daylight outside?

12 A Yes. Yeah. Yes, ma'am, at that time it was. I
13 apologize. We were, we were out there for kind of a while
14 and I believe it went back. So, it was night and day. But
15 initially it was the day.

16 Q Please answer any questions Mr. Poole may have for you.

17 THE COURT: Any cross?

18 CROSS-EXAMINATION

19 BY MR. POOLE:

20 Q Officer Weatherman, so, it was on September 28th,
21 2011, and you got there about 5:45 in the afternoon?

22 A Yes, sir.

23 Q Is that right?

24 A Yes, sir, approximately.

25 Q And it was still daylight?

Paul Weatherman - Cross-examination
By Mr. Poole

1 A Yes, sir.

2 Q You talked to Mr. Cannon?

3 A Briefly, yes, sir.

4 Q And then you checked the area outside of the 111
5 building?

6 A Yes, sir, I believe it was verified. Yes, sir, it
7 was -- I did check around, with other officers, the area of
8 the 111 building.

9 Q And you didn't see any evidence of any shell casings or
10 any other evidence of, of a crime?

11 A No, sir, nothing that we could use to establish a
12 scene, no, sir.

13 Q Okay. And Mr. Cannon was the one that gave you
14 information about the 111 building, is that right?

15 A Yes, sir, I believe he advised that's, that's the area
16 that the incident did occur in, in the area of the 111
17 building.

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

19 THE COURT: Any redirect?

20 SOLICITOR TAILOR: No, Your Honor.

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

22 WITNESS: Thank you.

23 THE COURT: You may call your next witness.

24 SOLICITOR GRAY: Thank you.

25 State calls Kendrick Cannon.

Kendrick Cannon - Direct examination
by Solicitor Gray

1 KENDRICK CANNON, being first duly sworn,
2 testified as follows:

3 THE COURT: Please state your full name for the record.

4 WITNESS: Kendrick Cannon.

5 THE COURT: Please spell your first name.

6 WITNESS: How do I spell it?

7 THE COURT: Yes, please.

8 WITNESS: K-E-N-D-R-I-C-K.

9 THE COURT: Thank you.

10 Yes, sir.

11 SOLICITOR GRAY: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY SOLICITOR GRAY:

14 Q Please slide forward a little bit and sit up.

15 Mr. Cannon, how old are you?

16 A Twenty-one.

17 Q And when this incident occurred in September of 2011,
18 how old were you then?

19 A Nineteen.

20 Q Did you live in is it Crescent Hills Apartments?

21 A No.

22 Q You didn't, you didn't live there at that time?

23 A No, I didn't live there. I never, I never lived there.
24 I was staying at East North -- in the Camp Croft area off of
25 Southport Road.

Kendrick Cannon - Direct examination
by Solicitor Gray

- 1 Q All right. Still daylight when this incident occurred?
- 2 A Yes, sir.
- 3 Q What were you doing over there in Crescent Hills?
- 4 A Just hanging out.
- 5 Q Just hanging out.
- 6 Did you have family members over there?
- 7 A No.
- 8 Q All right. By hanging out, were you smoking or
- 9 drinking or doing anything of that nature?
- 10 A No, I was just talking.
- 11 Q Who were you talking with?
- 12 A My friends that you see over there.
- 13 Q And what are their names?
- 14 A Quita and Travorius.
- 15 Q Ms. Quita Gentry?
- 16 A Yes.
- 17 Q And Travorius Gentry?
- 18 A Yes.
- 19 Q All right. And those are friends of yours and you were
- 20 just hanging out with them?
- 21 A Yes.
- 22 Q With Mr. Gentry and Ms. Gentry hanging out, did you
- 23 hang out -- did you see anyone else that day that you
- 24 recognized in this courtroom?
- 25 A That I didn't recognize?

Kendrick Cannon - Direct examination
by Solicitor Gray

1 Q That you do recognize in this courtroom.

2 A Yes.

3 Q who's that, sir?

4 A Him over there.

5 Q And who is him over there?

6 A what is his name, Cornelius?

7 Q Cornelius.

8 Did you know the defendant at all before that day?

9 A Never seen him a day in my life.

10 Q And now you know that's Mr. Cornelius Staggers?

11 A Yes, now I do.

12 Q Okay. That day, when you first saw Mr. Staggers, what
13 happened?

14 A We were on the side of the building just talking, you
15 know, laughing like, like friends do, getting along, and I
16 seen him walking around one time. And first I notice him
17 looking towards us. And, you know, he -- I didn't say
18 nothing at first, but he kept on, so he kept on moving.
19 Then next thing I know he comes from the, behind a building
20 telling, you know, with a gun in his hand. I'm thinking
21 it's a toy gun, and he's like, you know, give it up or
22 something like that.

23 Q Okay. Mr. Staggers, the person you never met before --

24 A Yes.

25 Q -- you say he's walking around the building.

Kendrick Cannon - Direct examination
by Solicitor Gray

1 Do you know what number building this was?

2 A No, I don't.

3 Q Okay. But he was walking around the building you say
4 looking at you and your friends.

5 who was there in that group?

6 A Of my friends?

7 Q Yes, sir.

8 A Like the same people I told, I told you who I was with.

9 Q Travorius Gentry and Quita Gentry?

10 A Yes.

11 Q And they were there with Mr. Staggers walking around?

12 A They wasn't with Mr. Staggers, but we -- they were with
13 me.

14 Q Okay. All right. Thank you for explaining that to me.

15 Now -- may I approach the witness, Your Honor?

16 THE COURT: Yes, sir.

17 Q I want to show you something that's been marked as
18 State's Exhibit No. 2. You say that Mr. Staggers said
19 something to you.

20 what did he say to you?

21 A Give it up, bring your package, just stuff, stuff like
22 that. Give it up.

23 Q Give it up or run your pockets?

24 A Yeah.

25 Q What did you take that to mean?

Kendrick Cannon - Direct examination
by Solicitor Gray

- 1 A Basically he wants something out my pockets.
2 Q What?
3 A Regardless of what it is, he want it out my pocket.
4 He's wanting me to give it to him.
5 Q Did you take that to mean money?
6 A Yeah.
7 Q Or whatever?
8 A Whatever.
9 Q Now, who's standing with you when you said, when he
10 said that?
11 A Quita Gentry and Travorius Gentry.
12 Q So, he said that to you and to her?
13 A Yeah, basically speaking to everyone that was out there
14 basically. That's how I take it. I don't know how he said
15 it. But that's how I take it.
16 Q Now you say also something about a toy gun.
17 Come over here and check this for me real quick?
18 OFFICER: It should have a lock on it.
19 THE COURT: All right.
20 Q Again, I'm gonna show you what's marked as State's
21 Exhibit No. 2.
22 Does this resemble what you call the toy gun?
23 A Yes.
24 Q Did he point this gun at you?
25 A Yes.

Kendrick Cannon - Direct examination
by Solicitor Gray.

- 1 Q Did he point it at Ms. Gentry?
- 2 A He pointed it towards where we were standing.
- 3 Q Where you were standing?
- 4 A Yeah, he pointed that way.
- 5 Q Now, you said that -- did he say what he said first?
- 6 A No. Yeah, he said what he said first. Then he
- 7 started, you know, shooting or whatever, pointing.
- 8 Q So, did it happen at the same time or did he point
- 9 first or what?
- 10 A No, he was holding the gun down when he said it. Then
- 11 I guess when he realized we weren't gonna give him nothing
- 12 he started pointing and shooting.
- 13 Q Okay. And this was the gun you thought was a toy gun?
- 14 A Uh-huh. (Affirmative).
- 15 Q He shot the gun how many times, sir?
- 16 A I'm gonna say before I, before I notice I was shot I
- 17 want to say -- I know two times before I started running,
- 18 and I maybe say maybe two or three more times. I'm not
- 19 sure.
- 20 Q You're not sure?
- 21 A Yes, sir.
- 22 Q All right. Did he shoot at the direction of you and
- 23 Ms. Gentry?
- 24 A Yes.
- 25 Q The first time?

Kendrick Cannon - Direct examination
by Solicitor Gray

- 1 A No, the first time he shot it was in the air.
- 2 Q In the air?
- 3 A Yeah, the second time he started shooting towards us.
- 4 Q Towards you.
- 5 what did you do during the second shot?
- 6 A I started running.
- 7 Q You started running.
- 8 Do you know when you got shot exactly?
- 9 A No, I don't know when I got shot. I just noticed, when
- 10 I came, when I came into the apartment building that the
- 11 police officer found me at, I -- Quita told me to check
- 12 myself to see if I got shot, and when I looked I had blood
- 13 inside my pants. That's when I realized I was shot.
- 14 Q All right. And Quita, again, is Ms. Quita Gentry --
- 15 A Yes.
- 16 Q -- who was present when he said run your pockets or
- 17 give me all your stuff or whatever?
- 18 A Yes.
- 19 Q Pointed the gun at you and her?
- 20 A Yes.
- 21 Q And then discharged the weapon?
- 22 A Yes.
- 23 Q All right. And you're sure that this is the gun?
- 24 A Yeah.
- 25 Q How are you so sure that this is the gun?

Kendrick Cannon - Direct examination
by Solicitor Gray

1 A Cause I remember cause the police officer asked me do I
2 know what the gun looked like and I told him what color it
3 was.

4 Q And what color did you describe it as?

5 A Like a turquoise, turquoise bluish color or something
6 like that.

7 Q And no doubt in your mind that's the gun that
8 Mr. Staggers was holding when he pointed it at you and tried
9 to rob you and shot?

10 A I had perfect -- I had perfect vision. I know what I
11 seen.

12 Q All right. Now, you say you got shot when Ms. Gentry
13 told you to check yourself and when you realized you were
14 injured.

15 where were you injured exactly?

16 A Below my waist at my buttock.

17 Q Below your waist and your buttock.

18 How many times were you shot?

19 A Just once.

20 Q Just once.

21 What did you do after you were, you realized you were
22 shot?

23 A I ran to the bathroom and, you know, I placed a towel
24 on it, where I was shot at, and applied pressure to it. I
25 didn't know what was, what was going on.

Kendrick Cannon - Direct examination
by Solicitor Gray

1 Q All right. I show you what's been marked State's
2 Exhibit No. 5 and ask you if you recognize this.

3 A That's my signature.

4 Q That's your signature?

5 A All this is my handwriting.

6 Q And that's your handwriting.

7 what, what is this item here if you remember?

8 what does that say?

9 A Right here?

10 Q Yes, sir.

11 A It says case 09081311.

12 Q Is that basically what you used to tell the officers
13 the identity of the individual in a lineup, a photo lineup?

14 A Yes, sir.

15 Q Okay. This is Exhibit No. 5 then.

16 You signed it?

17 A Uh-huh. (Affirmative).

18 Q And you dated it on September 29th, 2011, correct?

19 A Yes.

20 Q And also I see something here about eye witness use.

21 Can you read that?

22 A Right here?

23 Q Yes, sir.

24 A I am 75 percent sure this is the person that I saw with
25 the gun and tried to rob me and shot me.

Kendrick Cannon - Direct examination
by Solicitor Gray

1 Q Okay. I see these six pictures here.

2 A Uh-huh. (Affirmative).

3 Q Did the officer lay all these out for you or did he
4 show them to you or, if you remember, how did the lineup go?

5 A He laid them out.

6 Q Okay. Turn around that way please and show them.

7 A (Witness complies.)

8 Q And what did you do while that was going on?

9 A He let me pick between who I thought it was, and then I
10 pulled out like three people, and then I noticed who the
11 person was, and I picked out who -- I picked out one of the
12 pictures.

13 Q Okay. Did you do anything to that picture?

14 A As you can see, my signature's on, on it again. I done
15 signed my name, the time, the date, and put 75 percent sure.

16 Q And the officer never told you who to pick?

17 A (Witness nods negatively.)

18 Q And that's the individual who tried to rob you and Ms.
19 Gentry on September 28th, 2011?

20 A Yes, sir.

21 Q And do you know now who that individual is?

22 A Now I do.

23 Q Who is that individual?

24 A Cornelius Staggers.

25 Q Is that the individual you picked out---

Kendrick Cannon - Direct examination
by Solicitor Gray

1 A Right here.

2 Q ---from the lineup?

3 A Right here.

4 Q Thank you.

5 At this time, Your Honor, State would like to move

6 State's Exhibit No. 5 into evidence.

7 THE COURT: Any objection?

8 MR. POOLE: No objection.

9 THE COURT: Without objection it's admitted.

10 SOLICITOR GRAY: Thank you.

11 (WHEREUPON, State's Exhibit No. 5 was received into
12 evidence at this time.)

13 Q Now, did you sign any other lineups or any other things
14 that night --

15 A No.

16 Q -- that day?

17 A After he did the lineup he showed me a picture of the
18 gun and I said that was it and we left.

19 Q The picture of this gun?

20 A Yeah, of that gun right there.

21 SOLICITOR GRAY: Okay. At this time, Your Honor, I'd
22 like to move State's No. 2 into evidence please.

23 THE COURT: Any objection?

24 MR. POOLE: No objection.

25 THE COURT: It's admitted.

Kendrick Cannon - Direct examination
by Solicitor Gray

1 SOLICITOR GRAY: Thank you.

2 (WHEREUPON, State's Exhibit No. 2 was received into
3 evidence at this time.)

4 Q And this is the gun you were shot with?

5 A Yes.

6 Q Did you ever give any money or anything to Mr. Staggers
7 on that night?

8 A No.

9 Q All right. Let's see what else we got here.
10 One moment, Your Honor.

11 (Pause.)

12 Q Now, I've heard you describe the scene outside was you,
13 Ms. Gentry, and Mr. Gentry.

14 Was there anyone else outside, outside when
15 Mr. Staggers approached you?

16 A I mean there were a lot of people outside.

17 Q A lot of people outside?

18 A Yeah, people like guys, women, and children.

19 Q Children?

20 A Yeah.

21 Q There were children around you when this happened?

22 A (Witness nods affirmatively.)

23 Q Can you -- how many children were there?

24 A That I can remember, I want to say maybe two or three.

25 Q All right. You know ages or sizes they were?

Kendrick Cannon - Direct examination
by Solicitor Gray

1 A They were like two.

2 MR. POOLE: I object to the relevance of this line of
3 questioning, Your Honor.

4 THE COURT: I sustain the objection.

5 SOLICITOR GRAY: Thank you.

6 Q There were multiple people out there?

7 Not just you?

8 A Yes.

9 Q Was Mr. Staggers speaking to any of the other people?

10 A I don't think so.

11 Q He spoke directly to you and Ms. Gentry --

12 A Yes.

13 Q -- when he asked you to -- what was that phrase again?

14 A Run your pockets.

15 Q Run your pockets.

16 while you, you -- did you get treated for your
17 injuries?

18 A Yes.

19 Q Where did you get treated, sir?

20 A Spartanburg Regional.

21 Q Hospital here in town?

22 A Yes.

23 Q Did -- what were you wearing that day?

24 A A tank top, some black shorts, some Rebox shoes, and

25 a---

Kendrick Cannon - Direct examination
by Solicitor Gray

1 Q All right. I'm not trying to embarrass you or
2 anything, but how, how were the pants and the underwear
3 arranged?

4 You know what I'm asking?

5 A I was sagging. Yeah, I was sagging.

6 Q You were sagging?

7 A Yeah.

8 Q what does that mean exactly, sir?

9 A Like my pants were below my waist.

10 Q Pants were below your waist?

11 A Yeah.

12 Q And were your pants, your pants, your jeans---

13 A Yes.

14 Q ---above your underwear or below your underwear?

15 A Below my underwear.

16 Q Below your underwear..

17 Show you what's been marked as State's Exhibit No. 4.

18 See if you recognize these.

19 A Yeah.

20 Q what are those, sir?

21 A My underwear.

22 Q Could you un -- open those and unfold them please.

23 A (Witness complies.)

24 Q Are those the underwear you were wearing the day you
25 got shot?

Kendrick Cannon - Direct examination
by Solicitor Gray

1 A Yeah.

2 Q Did anything unusual about those underwear?

3 A Right there. They got a bullet hole right, right here
4 where I got a scar, a bullet scar at.

5 Q And that's when you got shot actually in the right
6 buttock?

7 A Yes.

8 Q And those are your underwear you were wearing?

9 A Right.

10 Q There's no hole in your, the jeans you were wearing
11 that day?

12 A No, because I was sagging. This the only thing that
13 was really, you know, from able to hit that area.

14 Q So, if somebody was looking at you that day from
15 behind, they'd see those underwear first, then your, your
16 jeans?

17 A Probably because my shirt didn't hang that low, but
18 yeah, I say that.

19 Q All right. Did anyone else get shot as far as you
20 know?

21 A No.

22 Q You were the only one that got shot that day?

23 A Yes, sir.

24 Q What did Ms. Gentry do after the shooting?

25 A Act like -- after we noticed I was shot?

Kendrick Cannon - Direct examination
by Solicitor Gray

1 Q Yes, sir.

2 A She -- I told somebody to call the police. I guess she
3 called the ambulance or whatever.

4 Q And when did you relinquish those underwear?

5 A In Spartanburg Regional.

6 Q At the hospital?

7 A Yes.

8 Q To some police officer?

9 A Yes.

10 Q Do you remember who?

11 A I know it was a female.

12 Q All right. Thank you. No further questions at this
13 time. Please answer any questions Mr. Poole may have.

14 CROSS-EXAMINATION

15 BY MR. POOLE:

16 Q Mr. Cannon, you gave a statement in this case, did you
17 not, sir?

18 A Yes, sir.

19 Q And you mentioned your address at
20 Avenue, Spartanburg?

21 A Yes, at that time.

22 Q And where, where is that exactly?

23 A Off two -- off, off Southport Road.

24 Q Okay. How far is that from Crescent Hill?

25 A It's on the other side of town.

Kendrick Cannon - Cross-examination
by Mr. Poole

1 Q Okay. And do you have a lot of friends at Crescent
2 Hill?

3 A No, just the, just the people that I was with that day.

4 Q Just those two people?

5 A Uh-huh. (Affirmative).

6 Q And they're in the courtroom today?

7 A Yes..

8 Q And y'all are friends?

9 A Yes.

10 Q And you were just there hanging out?

11 A Yes.

12 Q And what do you mean by hanging out?

13 A Like I said, just sitting there laughing, you know,
14 doing this, and talking about stuff. You know, stuff like
15 that.

16 Q All right. And was, was anybody else involved in this
17 shooting?

18 A well, did anybody else shoot at me?

19 Q Was anybody else with Mr. Staggers?

20 A No.

21 Q Did you give a statement to the police?

22 A What?

23 Did I tell them who was with her or did I tell him he
24 was by himself or what?

25 I mean I don't, I don't understand what you're asking.

Kendrick Cannon - Cross-examination
by Mr. Poole

1 Q Did you give -- did you state that you noticed two men?

2 A No, this is what I stated, that the first time I
3 noticed him he was walking past me with a guy. Then when he
4 was shooting at me, when he had the gun, he was by himself.

5 Q Okay. All right. So, you didn't see this other -- was
6 this other person with him or not or do you know?

7 A Not during the shooting. Not when he was shooting.

8 Q But you're saying there was somebody with him?

9 A When he was -- when I seen him the first time he was
10 walking past us, yes.

11 Q Okay. There was.

12 And was this person looking at you also?

13 A No.

14 Q Could you identify him?

15 A Yes.

16 Q Okay. But he's with Mr. Staggers?

17 A At -- yeah, at first.

18 Q Okay. But you didn't see him anymore?

19 A No.

20 Q And then you gave -- you stated that in your statement,
21 didn't you?

22 A Yes.

23 Q And you give a, gave a statement that -- bear with me.

24 You stated the light skin dude came around the corner
25 and stated is y'all good, you got something, run your

Kendrick Cannon - Cross-examination
by Mr. Poole

1 pockets, give me what you got?

2 Is that what you said?

3 A Yes.

4 Q And what did you take that to mean?

5 A That he wanted money from me.

6 Q Wanted money?

7 A Yeah.

8 Q Or whatever?

9 A Or whatever it was, yeah.

10 Q What do you mean by that?

11 A Or whatever, or whatever he wanted.

12 Q What about drugs?

13 A No, I don't know what he talking about. He wasn't---

14 Q All right.

15 A I mean I understand that y'all know, y'all spoke about
16 my charges. I understand y'all know this stuff. But he
17 don't know me. I don't know him. He wouldn't know what I
18 would have on me. So, I mean he wouldn't know.

19 Q So, you're saying you didn't have drugs in your pocket?

20 A No, I mean the police came and the police checked my
21 pockets and stuff, you know, to check if I had the gun, had
22 a gun, and, you know, when I got to the hospital they
23 checked my clothes. So, I didn't have any drugs then.

24 Q Right.

25 Okay. But you were in your apartment when they first

Kendrick Cannon - Cross-examination
by Mr. Poole

1 got there, right?

2 A Yeah.

3 Q Okay. And, of course, you'd been shot. I understand
4 that.

5 And how long were you in the hospital?

6 A Just that night.

7 Q Okay. And, so, they extracted the bullet?

8 A No, it's still in me till today.

9 Q Okay. Now, how far away was he from you when he made
10 this remark?

11 A As far as he is now.

12 Q Okay. All right. So, there was no way that he could
13 possibly come up to you and touch you, is that right?

14 A Yeah.

15 Q I mean if you decided to run --

16 A Yeah.

17 Q -- and he was this far -- how far would you say that
18 is?

19 A Like maybe 13, 12 feet at the most.

20 Q Don't you think it's more like 20 feet?

21 A Yeah, I don't think---

22 Q Perhaps---

23 A I mean I don't know exactly. I just give you a
24 guesstimate.

25 Q Okay. Well, it's at least as wide as that area that's

Kendrick Cannon - Cross-examination
by Mr. Poole

1 in front of the jury box that holds 12 people, isn't it?

2 As long as that jury box that holds 12 people, right?

3 A It might be a little bit shorter, but, yeah, just
4 about---

5 Q About that length?

6 A About -- just about.

7 Q So, he has a gun and he's over here?

8 A Yeah.

9 Q He shoots in the area. He says give it up, which
10 means, to you, money or whatever in his pocket?

11 A Uh-huh. (Affirmative).

12 Q And then you don't do anything.

13 A Hu huh. (Negative).

14 Q Right?

15 A Uh-huh. (Affirmative).

16 Q He shoots up in the air, and then he pulls the gun
17 down.

18 Is that what you---

19 A (Witness nods affirmatively.)

20 Q I'm not trying to put words in your mouth. I'm just
21 trying to find out what you saw.

22 He pulls the gun down?

23 A (Witness nods affirmatively.)

24 THE COURT: You -- I'm sorry. You need to answer out
25 loud verbally so we can record your answer---

Kendrick Cannon - Cross-examination
by Mr. Poole

1 WITNESS: Yes, ma'am.

2 THE COURT: ---please.

3 A That's what happened.

4 Q And then you started running?

5 A Yes.

6 Q Okay. And you got hit on the second shot, is that
7 right?

8 A I don't know which shot I got hit cause I didn't
9 know -- I didn't even feel the bullet hit me. I mean I
10 didn't even notice I was shot till someone was, told, told
11 me to check to make sure you got shot.

12 Q Uh-huh. (Affirmative).

13 Okay. How many times did he shoot altogether?

14 What's your testimony?

15 A I want to say maybe five or six -- between five and
16 six.

17 Q Okay. And, and it's your testimony you never saw him
18 before in your life?

19 A Never.

20 Q And it's your further testimony that you viewed a
21 lineup and said that you were 75 percent sure that that was
22 him in that lineup?

23 A Yes.

24 Q Okay. And you, you showed interest in another
25 photograph, didn't you?

Kendrick Cannon - Cross-examination
by Mr. Poole

1 A I -- now -- all right. I picked between, because they
2 look alike, but at the same time I know who that was.

3 Q But you didn't know the name?

4 A No, I didn't know the name.

5 Q And who was with you that administered the lineup?

6 A They gave---

7 Q Do you know the individual's name, law enforcement?

8 A I don't know their name exactly.

9 Q Okay. And, so, you were looking at another photograph
10 before you picked out Mr. Stagers, is that right?

11 A Yes.

12 Q Okay. And, again, he was no closer to you than 20 to
13 25 feet?

14 A I'd say so.

15 Q Thirty.

16 Feet -- anywhere between 20 and 30 feet?

17 A I'd say so.

18 Q Okay. I need to ask you this, Mr. Cannon.

19 A Yes, sir.

20 Q Did you not plead guilty on November 14th, 2012, to
21 possession of cocaine, crack cocaine with intent to
22 distribute?

23 A Yes.

24 Q Did you not plead on the same day---

25 A Yes.

Kendrick Cannon - Cross-examination
by Mr. Poole

1 Q ---to another charge---

2 A Yes.

3 Q ---of the same nature, possession of crack cocaine?

4 A Yes.

5 Q Did you not, on the same date, plead to two charges of
6 possessing crack cocaine---

7 A Yes.

8 Q ---near a school?

9 A Yes.

10 (Pause.)

11 Q Do you remember the description that you gave to law
12 enforcement regarding Mr. Staggers?

13 A That he was light skinned wearing a black shirt, blue
14 jean shorts, and I think some slides.

15 MR. POOLE: That's all the questions I have, Your
16 Honor.

17 THE COURT: Any redirect?

18 SOLICITOR GRAY: Yes, ma'am, briefly.

19 REDIRECT EXAMINATION

20 BY SOLICITOR GRAY:

21 Q That night, September, that evening, September 28th,
22 2011, Mr. Staggers pointed a gun at you?

23 A Yes.

24 Q Did he point a gun at you and shoot?

25 A Yes.

Kendrick Cannon - Redirect examination
by Solicitor Gray

- 1 Q Did he point it in the air first?
- 2 A Yes.
- 3 Q Did he make the statement by give it up or run your
- 4 pockets first or did he shoot the gun in the air first?
- 5 A He said first.
- 6 Q which?
- 7 A He said -- he made the statement first.
- 8 Q All right. Then he shot in the air?
- 9 A Yes.
- 10 Q Is that when you ran?
- 11 A Yes.
- 12 Q After you heard the gunshot?
- 13 A Yes.
- 14 Q From what you thought was a toy gun?
- 15 A Yes.
- 16 Q All right. And this was in September 2011, and you
- 17 don't know how many shots were fired?
- 18 A Not exactly. But from what I, you know, I heard, you
- 19 know, about maybe five or six.
- 20 Q But one of them hit you --
- 21 A Yes.
- 22 Q -- after he threatened or attempted to rob you and Ms.
- 23 Gentry?
- 24 A Yes.
- 25 Q Also, about these drug charges, you've never seen him

Kendrick Cannon - Redirect examination
by Solicitor Gray

1 before?

2 A Yes.

3 Q This occurred in September 2011?

4 A Yes.

5 Q Your convictions were in April of 2012?

6 A Yes.

7 Q About six to eight months after he shot you?

8 A Yes.

9 Q In your mind, what he was asking for?

10 A Money.

11 Q Money. He was trying to rob you.

12 Did everybody run when the gun went, went off in the
13 air?

14 A Yes.

15 Q Thank you. Nothing further.

16 THE COURT: Anything further?

17 MR. POOLE: No, Your Honor.

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

19 WITNESS: Oh, I may step down?

20 THE COURT: Yes, sir.

21 You may call your next witness.

22 SOLICITOR GRAY: State calls officer Courtney westfall.

23 COURTNEY BURGESS, being first duly
24 sworn, testified as follows:

25 THE COURT: State your full name please.

Courtney Burgess - Direct examination
by Solicitor Gray

1 WITNESS: It's Courtney Westfall Burgess.

2 THE COURT: Would you spell your first name?

3 WITNESS: Courtney. C-O-U-R-T-N-E-Y.

4 SOLICITOR GRAY: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY SOLICITOR GRAY:

7 Q I apologize. It's Westfall-Burgess now?

8 A It's Burgess. But since you said Westfall I figured
9 I'd come up.

10 Q I apologize.

11 A That's okay.

12 Q You have the nice jacket on that says forensics.
13 what do you do?

14 A I'm a forensic technician for the City Police
15 Department in Spartanburg.

16 Q what does that mean?

17 A We respond to crime scenes of this nature. We're
18 responsible for locating and collecting any evidence as well
19 as preserving that evidence.

20 Q September 28th, 2011, did you respond to a crime
21 scene involving the shooting?

22 A I did. At about 6:10 in the evening I responded to
23 Apartment at Crescent Hills Apartments. Once I got
24 there I was directed to an upstairs bedroom or bathroom, I'm
25 sorry, by Investigator Nelson. I went up to the bathroom.

Courtney Burgess - Direct examination
by Solicitor Gray

1 There was a small white washcloth laying there in the floor
2 that had what appeared to be a little bit of blood on it.

3 Another person in the apartment, I believe it was the
4 lady who lived there, I don't recall her name, directed me
5 to a couch in the living room. There was a small spot of
6 what appeared to be blood on the couch cushion. It was
7 probably about the size of a nickel. I was advised that the
8 victim had come in and sat on the couch and then had gone
9 upstairs to get the rag to put on his, on his wound.

10 Q All right. Did -- was that the only place you
11 collected and secured evidence from?

12 A Actually I didn't collect anything from the apartment.
13 I photographed the rag and photographed the couch cushion.
14 With it being the victim's blood, there really wasn't any
15 reason to take it. He was -- he had already been
16 transported, transported to the hospital at that time. So,
17 I photographed the area.

18 I also responded to the area -- I believe it was the
19 area around the 111 building, which is a couple doors down
20 from where I responded. There's a large grassy area
21 between the -- they're several apartment buildings there,
22 and there's a large grassy area there. I did a search of
23 that area looking for any projectiles or shell casings.
24 Nothing was located.

25 Q No shell casings?

Courtney Burgess - Direct examination
by Solicitor Gray

1 A No.

2 Q Did you determine anything from that?

3 A At the time we either believed maybe a revolver was
4 used or maybe the incident didn't occur right in that area.
5 Normally when a revolver -- a revolver doesn't kick shell
6 casings out. So, that could of been a good assumption at
7 the time.

8 SOLICITOR GRAY: May I approach the witness, Your
9 Honor?

10 THE COURT: Yes.

11 Q So, this gun, State's Exhibit No. 2 --

12 A Yes.

13 Q -- this is commonly known as a revolver?

14 A Yes, it is.

15 Q And you said it wouldn't kick shell casings out?

16 A Right. A semiautomatic firearm, when a bullet is
17 fired, the shell casing is automatically ejected from the
18 gun. In a revolver, the shell casing stays in the gun until
19 someone physically takes the shell casing out.

20 Q This is been stapled in here.

21 Please describe that.

22 A Okay. This is two spent shell casings.

23 Q All right. So, if somebody fires a gun from a revolver
24 like that one, a shell casing will remain in the gun?

25 A Right until they're physically removed by someone

Courtney Burgess - Direct examination
by Solicitor Gray

1 handling the gun.

2 Q And like a -- well, what type of gun is it called, put
3 the clip in and it kicks, what type of gun is that?

4 A A semiautomatic.

5 Q Semiautomatic?

6 A Yes, they have a mechanism in, in them that, as the
7 bullet is fired, the shell casings from that bullet is
8 automatically kicked out so that another bullet can be
9 chambered.

10 Q Which wouldn't happen in this situation?

11 A Correct.

12 Q Okay. If you would look to, directly to your right
13 there, State's Exhibit No. 4, a man's underwear.

14 A Yes.

15 Q Tell me about that.

16 A After finishing up at the scene I went with Officer
17 Weatherman up to the Spartanburg Regional to the ER. I
18 think it was Room Number 56. The victim, Mr. Cannon, was
19 there. I photographed his injury. He had a, what appeared
20 to be a bullet wound on his right buttock. I also -- his
21 clothing was there in the room in one of those plastic
22 hospital bags you get when you go to the hospital.

23 I began looking through the clothing there, and at
24 first I picked up his shorts that he had been wearing and
25 noticed that there wasn't a bullet hole in the shorts, and

Courtney Burgess - Direct examination
by Solicitor Gray

1 at that time is when he advised that he had been, he had
2 been sagging in his pants so there should be a bullet hole
3 in his underwear, and that's when I picked the underwear up
4 and noticed the hole.

5 Q Are those---

6 A So they're collected.

7 Q Are those the underwear?

8 A Yes, these are and there's a, there's a hole in the
9 right backside.

10 Q Is that consistent with where Mr. Cannon was shot?

11 A Yes.

12 Q And appears to be relatively small --

13 A Yes.

14 Q -- injury?

15 what caliber bullet was used?

16 A I believe it's a .22 or .25. But without looking at
17 the gun---

18 Q Oh, sure.

19 A Sometime it's -- it's a .22.

20 Q .22 caliber?

21 A .22 caliber. Small caliber.

22 Q Causes this small --

23 A Yes, it's a pretty small---

24 Q -- hole?

25 A It's a pretty small hole.

Courtney Burgess - Direct examination
by Solicitor Gray

1 SOLICITOR GRAY: Okay. At this time, Your Honor, I'd
2 like to introduce State's Exhibit No. 4 into evidence.

3 THE COURT: Any objection?

4 MR. POOLE: No objection.

5 SOLICITOR GRAY: Your Honor, State has no further
6 questions of this witness, Your Honor.

7 Please answer any questions Mr. Poole may have.

8 MR. POOLE: May I approach the witness, Your Honor?

9 THE COURT: Yes, sir.

10 Exhibit 4 is admitted.

11 (WHEREUPON, State's Exhibit No. 4 was received into
12 evidence at this time.)

13 CROSS-EXAMINATION

14 BY MR. POOLE:

15 Q Did you take these two spent casings out of this gun?

16 A No, I did not.

17 Q Okay.

18 A That's -- this is actually the first time I've seen the
19 shell casings.

20 Q Okay. Thank you.

21 A Uh-huh. (Affirmative).

22 THE COURT: Anything further?

23 SOLICITOR GRAY: No, ma'am.

24 THE COURT: You may step down.

25 You may call your next witness.

Shequila Gentry - Direct examination
by Solicitor Tailor

1 SOLICITOR TAILOR: Thank you, Your Honor.

2 State calls Quita Gentry.

3 SHEQUILA GENTRY, being first duly
4 sworn, testified as follows:

5 THE COURT: Would you state your full name and spell
6 your first name please?

7 WITNESS: Shequila Gentry. S-H-E-Q-U-I-L-A.

8 THE COURT: Thank you.

9 DIRECT EXAMINATION

10 BY SOLICITOR TAILOR:

11 Q You said---

12 THE COURT: Yes, ma'am.

13 SOLICITOR TAILOR: I'm sorry, Your Honor.

14 THE COURT: I'm sorry. Yes, ma'am.

15 Q You said your name was Shequila.

16 Did -- does everyone know you by Quita?

17 A Yes, ma'am.

18 Q Back in November of 2011 were you also at the Crescent
19 Hill Apartments?

20 A Yes, ma'am, my grandmother stays over there. My
21 grandmother and my aunt.

22 THE COURT: I'm sorry. If you'll pull that microphone
23 just a little bit closer to you and speak a little bit
24 louder please.

25 A My grandmother and my aunt stays over there.

Shequilla Gentry - Direct examination
by Solicitor Tailor

1 Q So, you were visiting with them that day?

2 A Yes, ma'am.

3 Q Who else was there?

4 A My cousin, Tavorius, and Kendrick and my nieces and
5 nephews that's random family members.

6 Q Your nieces and nephews are also adults?

7 A No, ma'am, they kids.

8 SOLICITOR TAILOR: Approach the witness, Your Honor?

9 THE COURT: Yes.

10 Q Do you recognize this?

11 A Yes, ma'am.

12 Q Where do you recognize that from?

13 A When Cornelius Staggers pointed it at me and Kendrick
14 Cannon.

15 Q Now, did you know Mr. Staggers prior to that day?

16 A No, ma'am.

17 Q So, when's the first time you saw him?

18 A That was the first time I ever saw him was that day.

19 Q Describe what, when you first saw him.

20 A I stepped outside my grandmother's house to get ready
21 to smoke a cigarette. Me and my aunt was out there having a
22 conversation, and when I noticed him standing to the left of
23 me. He was standing under the young man.

24 Q Now, is that when Kendrick and Tavorius were outside as
25 well?

Shequila Gentry - Direct examination
by Solicitor Tailor

1 A No, ma'am, everyone was in the house. It was just me
2 and my aunt outside.

3 Q So, did you come back outside later that day?

4 A Yes, ma'am.

5 Q When you came back outside, did you see Mr. Staggers
6 again?

7 A He was still standing in that area. When me and
8 Mr. Tavorius and Kendrick walked around to the side he
9 walked as well.

10 Q And did he say anything to you?

11 A No, ma'am.

12 Q So, how did you notice Mr. Staggers being there?

13 A When he came back around with the gun.

14 Q And what happened then?

15 A He had it pointed and he was run your pockets or give
16 me what you got or it was something like that.

17 Q What did you take that to mean?

18 A He wanted what was in our pockets.

19 Q Did you give him anything?

20 A No, I didn't have nothing to give him.

21 Q And but did you see the gun?

22 A Yes, ma'am.

23 Q What was he doing with it?

24 A He was holding it pointing it in our possession (sic)?

25 Q And then did he fire it?

Shequilla Gentry - Direct examination
by Solicitor Tailor

1 A Yes, ma'am.

2 Q How did he do that?

3 A As he noticed wasn't nobody giving him anything he
4 fired the first shot in the air and everybody took off.

5 Q You said you saw the gun earlier. He said, made some
6 comments to you about emptying your pockets.

7 A Uh-huh. (Affirmative).

8 Q Why didn't you run then?

9 A I didn't know what my chances was.

10 Q Did you recognize him?

11 A I never seen him.

12 Q So then he asked you to give him what you had.

13 Is that what you took it to mean, what he had in his
14 pockets?

15 A Uh-huh. (Affirmative).

16 Q And then he fired the gun in the air?

17 A Uh-huh. (Affirmative).

18 Q And then what did you do?

19 A I took off running right across the street. A green
20 car was coming right in front of me, and I just dodged it
21 and ran around it, and ran to the office building. That's
22 when me and Kendrick met up.

23 Q Were you injured?

24 A No, ma'am.

25 Q When did you realize that Kendrick was shot?

Shequila Gentry - Direct examination
by Solicitor Tailor

1 A When we got behind the building and he kept saying
2 that, kept saying something was hurting and it was burning,
3 and I told him we should go to my aunt house to check him
4 check hisself to see if he was hit. When he sat down on the
5 couch we noticed it was a little drop of blood. I told him
6 to go upstairs, take his clothes off, and see if he was hit.
7 That's when we noticed the gunshot wound. I got him a rag
8 and told him to put pressure on it.

9 Q Now, did you talk to law enforcement after this
10 happened?

11 A Yes, sir. Yes, ma'am. Excuse me.

12 Q And when you did -- do you remember filling out some
13 paperwork?

14 Do you recognize that?

15 A Yes, ma'am.

16 Q Is that your signature?

17 A Yes, ma'am.

18 Q Do you remember filling out that form and looking at
19 some photos?

20 A Yes, ma'am.

21 Q I'm showing you what's been premarked as State's
22 Exhibit No. 7.

23 Do you remember seeing these pictures?

24 A Yes, ma'am.

25 Q And now did an officer show you all these pictures?

Shequilla Gentry - Direct examination
by Solicitor Tailor

1 A Yes, ma'am.

2 Q And when you looked at them, did you identify the
3 person that tried to rob you that day and then fired a gun
4 at you?

5 A Yes, ma'am, but the picture they showed us, it was
6 nothing like what I saw. It was like he had a nice look
7 shaved haircut with a little beard. Stuff was off his face
8 like he was a clean cutted dude like.

9 Q So, you're saying in the pictures he was clean cut?

10 A No, when I seen him that day his, he clean cutted, but
11 the picture they showed me had hair all over his face. So,
12 I really couldn't recognize him.

13 Q But did you identify someone through those pictures?

14 A Yes, ma'am.

15 Q And then what did you do when you identified that
16 person?

17 A They made me flip it over and write my name on it.

18 Q Now, did they tell you which picture to write on?

19 A The picture that I picked out of the lineup.

20 Q So, you picked that out by yourself?

21 A Yes, ma'am.

22 Q And is this it?

23 A Yes, ma'am.

24 Q So, this is the person you identified?

25 A Yes, ma'am.

Shequilla Gentry - Direct examination
by Solicitor Tailor

1 Q And you've never seen Mr. Staggers before that day?

2 A I never seen him.

3 SOLICITOR TAILOR: Your Honor, I'd like to move State's
4 Exhibit No. 7 into evidence.

5 THE COURT: Any objection?

6 MR. POOLE: No objection.

7 (WHEREUPON, State's Exhibit No. 7 was received into
8 evidence at this time.)

9 Q So, the person you identified, you signed it --

10 A Yes, ma'am.

11 Q -- dated it --

12 A (Witness nods affirmatively.)

13 Q -- and put a time on it?

14 A Yes, ma'am.

15 Q And what percent of sure are you?

16 A It doesn't say. Oh, 90 percent sure.

17 Q You can take that.

18 Okay. And you're sure that that's the person that
19 pointed the weapon at you?

20 A Yes, ma'am.

21 Q And wanted you to empty your pockets?

22 A Yes, ma'am.

23 Q And then fired at you?

24 Is that the person?

25 A Yes, ma'am.

Shequilla Gentry - Direct examination
by Solicitor Tailor

1 Q Do you see that person here today?

2 A Yes, ma'am.

3 Q Where are they?

4 A He is sitting to my left right here, Cornelius
5 staggers.

6 Q And you know his name now?

7 A Yes, ma'am.

8 Q But you didn't know his name before?

9 A No, ma'am.

10 Q And, again, where did you run to?

11 A To my mother -- aunt's house.

12 Q And why did you run?

13 A Scared. The adrenaline was rushing.

14 Q You're scared of the gun?

15 A Yes, ma'am.

16 Q You were scared that you might of been injured?

17 A I'm just scared period. Scared for my safety, my life.

18 I ain't know who was around. I was just scared.

19 Q Please answer any questions Mr. Poole may have for you.

20 THE COURT: Cross.

21 CROSS-EXAMINATION

22 BY MR. POOLE:

23 Q Ms., Ms. Gentry, you said -- was there another, another
24 photo lineup that you looked at?

25 A No, it's just that one.

Shequila Gentry - Cross-examination.
by Mr. Poole

- 1 Q You said something about there was a photo with hair
2 all over his face?
- 3 A Yeah, the photo they showed me.
- 4 Q Who?
- 5 A The police.
- 6 Q When?
- 7 A When they came to my grandmother house.
- 8 Q Who did they show?
- 9 A They showed different people that was on the pictures.
- 10 Q So, they showed you different---
- 11 A Different photos.
- 12 Q ---photos?
- 13 Okay. And do you know when this was?
- 14 A This was like a week after or a couple days if I'm not
15 mistaken, a couple days.
- 16 Q All right. This was on September 28th when this
17 occurred?
- 18 A It was a couple days after that.
- 19 Q Let's say the 30th or so?
- 20 A Yes, sir.
- 21 Q And the photo lineup in which you picked him out, that
22 was on the 5th, is that right, of October?
- 23 A If that's what it say that's what it says.
- 24 MR. POOLE: well, let me -- may I approach the witness?
- 25 THE COURT: Yes, sir.

Shequila Gentry - Cross-examination
by Mr. Poole

- 1 Q This is the exhibit that was just admitted.
- 2 A Uh-huh. (Affirmative).
- 3 Q Is that your signature?
- 4 A Yes, sir.
- 5 Q And what is the date right there?
- 6 A 10/5/11.
- 7 Q Okay. But before you identified it in this lineup you
- 8 were shown some pictures.
- 9 A Uh-huh. (Affirmative).
- 10 Q But you say around about two days after this happened,
- 11 is that right?
- 12 A Yeah.
- 13 Q How many were you shown?
- 14 A The same amount. The cops came to me about four or
- 15 five.
- 16 Q Okay. This all happened very suddenly, did it not?
- 17 A Yes, sir.
- 18 Q And you'd never seen Mr. Staggers before, had you?
- 19 A Never.
- 20 Q And there were two shots fired, is that right?
- 21 A Yes, sir.
- 22 Q Pardon me?
- 23 A Yes, sir.
- 24 Q And you were in the courtroom when you heard Mr. Cannon
- 25 state that the distance between Mr. Staggers and him was

Shequila Gentry - Cross-examination
by Mr. Poole

1 about the same distance as it is right now?

2 A Yes, sir.

3 Q You're aware from 20 to 30 feet?

4 A Yes, sir.

5 Q would you agree with that?

6 A Yes, sir.

7 Q So, there is no way he could of touched you?

8 A No, he was still walking up with the gun while he was
9 talking.

10 Q Thank you, Ms. Gentry.

11 THE COURT: Any redirect?

12 REDIRECT EXAMINATION

13 BY SOLICITOR TAILOR:

14 Q Ms. Gentry, just to clarify.

15 The -- when the officer showed you the six pictures,
16 that happened one time, is that correct?

17 A Yes, ma'am.

18 Q And it was some time after --

19 A Yes, ma'am.

20 Q -- the shooting occurred?

21 A Yes, ma'am.

22 SOLICITOR TAILOR: Okay. No further questions.

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

24 You may call your next witness.

25 SOLICITOR TAILOR: State calls Rodnetra Williams.

Rodnetra Williams - Direct examination
by Solicitor Tailor

1 RODNETRA WILLIAMS, being first duly
2 sworn, testified as follows:

3 THE COURT: Would you state your full and spell your
4 first name?

5 WITNESS: Rodnetra Williams. R-O-D-N-E-T-R-A.

6 THE COURT: Yes, ma'am.

7 DIRECT EXAMINATION

8 BY SOLICITOR TAILOR:

9 Q Mrs. Williams, do you know Mr. Cannon and Ms. Gentry
10 and Mr. Gentry?

11 A No, ma'am.

12 Q Back in 2011, where you at the Crescent Hills
13 Apartments as well?

14 A Yes, ma'am, I was at the bottom at my house.

15 Q Now, do you live there?

16 A Not anymore, but I did at the time.

17 Q And do you know the defendant?

18 A I only seen him like twice at my friend house.

19 Q And what name do you know him by?

20 A That -- everybody was calling him Low.

21 Q You said you know him through a friend.

22 Who's your friend?

23 A This girl named Gigi that stayed two doors down from my
24 mother.

25 Q Do you remember what apartment number she stayed in?

Rodnetra Williams - Direct examination
by Solicitor Tailor

1 A

2 Q Back on the 28th, were you at your friend Gigi's
3 house?

4 A Yes, ma'am.

5 Q And what do you remember from that day?

6 A I remember I had walked from my friend Kiki house and
7 walked over to Gigi house to use the phone, and he ran in
8 through the back-door and he put the gun under the couch.

9 Q Who is he?

10 A Cornelius Springer or whatever from.

11 Q You know him by a different name though, right?

12 A Yes, ma'am.

13 Q What name is that?

14 A Low.

15 Q Is that -- Low is the person sitting in the courtroom?

16 A Yes, ma'am.

17 Q Okay. You can use the name Low if that's what you know
18 him by.

19 A Okay. But after that I had ran to my friend Kiki house
20 and told Gigi that he had hid the gun under her, under her
21 cushion, and she ran over there and she had called him and
22 asked him why, why did he hide the gun under her couch,
23 and---

24 SOLICITOR TAILOR: Approach the witness, Your Honor?

25 THE COURT: Yes.

Rodnetra Williams - Direct examination
by Solicitor Tailor

- 1 Q So, you said Low came in Gigi's house with a gun?
- 2 A Yes, ma'am.
- 3 Q Do you remember what it looked like?
- 4 A Yes, ma'am.
- 5 Q Does this look like the gun he had?
- 6 A Yes, ma'am.
- 7 Q And do you remember that because you saw him with it?
- 8 A Yes, ma'am.
- 9 Q So, this gun right here?
- 10 A Yes, ma'am.
- 11 Q Now, you said he came in and put it under the couch?
- 12 A He put it under the cushion on the couch.
- 13 Q And you saw this?
- 14 A Yes, ma'am, cause I was sitting on the couch right
- 15 beside it.
- 16 Q And then did you find out what had gone on that day?
- 17 A I just heard that somebody had got shot up the street,
- 18 and I was just hearing a whole bunch of little different
- 19 stories. But I didn't really know for sure, but I know he
- 20 had done do it cause I seen him with the gun.
- 21 Q And this was the same day that you heard that there was
- 22 a shooting?
- 23 A Yes, ma'am.
- 24 Q Now, did you go back to Gigi's house again?
- 25 A I went back to her house the next morning.

Rodnetra Williams - Direct examination
by Solicitor Tailor

1 Q And did Low come over again?

2 A He was already there when I went.

3 Q And what happened that day?

4 A She just told me to mop her floor or whatever cause her
5 floors was dirty while she go get her son from school cause
6 he was sick, and I was sitting there with her for a long
7 time, and next thing you know I seen a whole bunch of cops
8 outside. It was like he wasn't going out or whatever, and I
9 was like just go out because I was scared, and he was
10 like -- finally he was like well, I'm gonna go out because
11 they ain't got nothing on me and they ain't gonna find
12 nothing. So, that's when he went out the door and they got
13 him, but then they came upstairs and seen me laying in the
14 bed.

15 Q And when you're talking about him, who is that?

16 A Cornelius.

17 Q And what did he say to you about --?

18 A I told him just to go out cause I was scared, and he
19 was like -- at first he was like no, he wasn't going, and
20 then he was just like bump it because they wasn't gonna get
21 nothing, they wasn't gonna find nothing on him.

22 Q What happened after that?

23 A They -- after he went out there, they came up there and
24 seen me in there and then they brung me downstairs and they
25 was talking to me.

Rodnetra Williams - Direct examination
by Solicitor Tailor

- 1 Q Who is they?
- 2 A Him right there. I forget, I forget his name.
- 3 Q Were they officers?
- 4 A Yes, ma'am.
- 5 Q What did you tell the officers?
- 6 A I just told them the reason why I was over there and
- 7 what happened and what I seen.
- 8 Q Did you tell them about the gun?
- 9 A Yes, ma'am.
- 10 Q Did they find the gun under the couch cushion?
- 11 A No, ma'am, it was in the woods.
- 12 Q How did it end up in the woods?
- 13 A Gigi had took it back there cause she didn't want it in
- 14 her house. He told her to put it in the toilet, but she
- 15 didn't want to put it in there. So, she took it and put it
- 16 in the woods.
- 17 Q Did you put a -- did she put just the gun in the woods
- 18 or was it in something?
- 19 A It was in -- it was wrapped up in a shirt and then a
- 20 pocketbook.
- 21 Q And out in the woods?
- 22 A Yes, ma'am.
- 23 Q And you told the officers where it was?
- 24 A Yes, ma'am.
- 25 SOLICITOR TAILOR: May I approach the witness, Your

Rodnetra Williams - Direct examination
by Solicitor Tailor

- 1 Honor?
- 2 THE COURT: Yes, ma'am.
- 3 Q Do you recognize this?
- 4 A Yes, ma'am.
- 5 Q What is it?
- 6 A It's the towel.
- 7 Q You recognize this?
- 8 A And that's the pocketbook.
- 9 Q The pocketbook?
- 10 A Yes, ma'am. The bag.
- 11 Q Is this the pocketbook that the gun was put in?
- 12 A Yes, ma'am.
- 13 Q So, it was---
- 14 A It was a towel in the bag.
- 15 Q What was this used for?
- 16 A To put the gun -- she put the gun in it --
- 17 Q And then---
- 18 A -- and then she set it inside the pocketbook.
- 19 Q And this was the gun?
- 20 A Yes, ma'am.
- 21 Q And that was the same gun that Mr. Stagers brought to
- 22 Gigi's apartment?
- 23 A Yes, ma'am.
- 24 Q And is that the same gun that was put in the woods?
- 25 A Yes, ma'am.

Rodnetra Williams - Direct examination
by Solicitor Tailor

1 Q Please answer any questions Mr. Poole may have for you.

2 CROSS-EXAMINATION.

3 BY MR. POOLE:

4 Q Miss Williams, how old were you back in 2011?

5 A I'm 18 now. So, I was 16 then.

6 Q Okay. This was on September right---

7 A Yes, ma'am.

8 Q ---or ?

9 Why weren't you in school?

10 A I was suspended for two days.

11 Q Okay. And why were you there at Gigi's house?

12 A Cause I didn't want to tell my mother that I was
13 suspended.

14 Q Okay. And you stated that you were laying in bed when
15 the police came?

16 A Yes, sir.

17 Q Were you---

18 A I was scared. So, I just ran and got in the bed and
19 got under the cover..

20 Q You were hiding?

21 A (Witness nods affirmatively.)

22 Q Okay. Thank you.

23 THE COURT: Anything further?

24 SOLICITOR TAILOR: No, Your Honor.

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

Ronnie Forrester - Direct examination
by Solicitor Gray

1 You may call your next witness.

2 SOLICITOR GRAY: State calls Officer Ronnie Forrester.

3 RONNIE FORRESTER, being first duly
4 sworn, testified as follows:

5 THE COURT: Please state your full name please.

6 WITNESS: Sergeant Ronnie Forrester.

7 THE COURT: Yes.

8 SOLICITOR GRAY: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY SOLICITOR GRAY:

11 Q Sergeant Forrester, how long have you been in law
12 enforcement?

13 A October of this year will be 25 years.

14 Q Have you always worked for the City of Spartanburg?

15 A Yes, I have.

16 Q September of 2011, what were your primary duties and
17 responsibilities?

18 A I was a liaison officer between the Housing Authority
19 and Spartanburg City Police. Worked for the police
20 department assigned at the Housing Authority. So, I checked
21 on properties that were Section 8 and Housing Authority
22 properties, gathered reports, that kind of thing for them.

23 Q And did you also investigate crimes?

24 A Yes, sir.

25 Q So, in September you kind of had a dual role, September

Ronnie Forrester - Direct examination
by Solicitor Gray

1 of 2011?

2 A Yes.

3 Q Did you get any involvement with this shooting that
4 occurred on September 2011 at Crescent Hills?

5 A I did. It was, it was actually the, the day after.
6 Not -- I was not involved in the actual call. I was
7 involved with the activities that occurred the next day on
8 the 29th.

9 Q All right. Describe those please.

10 A On, on the 29th we gathered information or got
11 information in reference to a possible subject that was
12 involved in the shooting the prior night at Crescent Hill.
13 I responded to Crescent Hill down to an apartment. That
14 apartment being was where we had the information that
15 the possible subject was to be located at.

16 Q And did you have a name for that subject?

17 A I found out later, prior to going to the door, that it
18 was a Cornelius Staggers.

19 Q Did you have a description?

20 A The description that I was given, and I'm just looking
21 at my statement.

22 Q Yes, sir.

23 A It's a white T-shirt, long blue jean shorts with a
24 goldish design on the back pockets. Had, had some type of
25 design on the back pockets.

Ronnie Forrester - Direct examination
by Solicitor Gray

1 Q Now, that's the individual you were looking for on the
2 29th?

3 A That is correct.

4 Q Now, were you the only one looking for him in Crescent
5 Hills?

6 A No, sir, after getting the information I notified the
7 lieutenant of investigations who then in turn notified other
8 investigators and, and other officers went down there. It
9 was -- I can't tell you how many, but there was more than
10 four or five.

11 Q All right. And did you find this individual?

12 A Went to the door of , knocked on the door. It
13 took several minutes. There were a couple other officers,
14 Sergeant Sutton, a couple other officers with me when I
15 knocked on the door. It took several minutes for anybody to
16 come to the door.

17 When the door finally opened, a black male answered the
18 door, and it was Mr. Staggers that's seated over here. At
19 this point, when he opened the door, I took hold of his
20 hands, I asked him who he was, what his name was, and began
21 putting cuffs on him.

22 Q All right. And was there anyone else in this
23 apartment?

24 A There was anybody that I could see in the apartment.
25 We were right at the, right at the front door of the

Ronnie Forrester - Direct examination
by Solicitor Gray

1 apartment.

2 Q All right. Did you discover later if anyone else was
3 there when, when Mr. Staggars was approached by you?

4 A There was, there was found to be another person inside
5 the apartment. That is the young female that just
6 testified.

7 Q Okay. Mrs. Rodnetra Williams, correct?

8 A I believe so.

9 Q Yes, sir.

10 So, at that point is when you approached Mr. Staggars?

11 A Uh-huh. (Affirmative).

12 Q You say he did something at that point.

13 What did you do?

14 A I did. Matching the description that, that we had of
15 the individual, went ahead and took hold of his hands and
16 started putting the cuffs on him. As I started putting the
17 handcuffs on him, advised him at that point he was, he was
18 being detained while, while we were investigating, and he
19 made a statement at that point.

20 Q What did he say?

21 MR. POOLE: At this point, Your Honor, I would renew my
22 previous motion to exclude.

23 THE COURT: And having heard additional information, I
24 overruled your objection, and I believe that, based upon the
25 pretrial motion and the legal arguments made, that the --

Ronnie Forrester - Direct examination
by Solicitor Gray

1 I'll allow the statement to be provided, provided.

2 SOLICITOR GRAY: Thank you, Your Honor.

3 Q Officer, what did he say to you?

4 A He stated that, at that time, y'all ain't gonna find
5 nothing.

6 Q What did you do?

7 A Other officers asked him at that time his name.

8 Q What was his response?

9 A His response was I don't know, and at the same time of
10 saying that he said you ain't gonna find nothing again.

11 Q Did he stop then?

12 A No, he, he made a, a last statement at that point. He
13 also stated that he would beat it even if we found
14 something.

15 Q What did you say at that point?

16 A At that point I advised Mr. Staggars that he had a
17 right to remain silent and that it would probably be in his
18 best interest if he used that right.

19 Q Did you continue -- well, excuse me.

20 Did other officers and yourself continue to look for
21 the potential weapon in this case?

22 A We did continue to look for the weapon, that's correct.

23 Q And where was this weapon found?

24 A The weapon was found in the woods in a bag like a
25 carry, a purse type bag.

Ronnie Forrester - Direct examination
by Solicitor Gray

1 Q Was it one that's State's Exhibit No. 3, No. 3?

2 A That is correct. The one that I just saw a few minutes
3 ago.

4 Q And that's where the weapon was found?

5 A That's correct.

6 Q The green gun --

7 A Right.

8 Q -- so to speak?

9 Thank you. Please answer any questions Mr. Poole may
10 have.

11 A Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. POOLE:

14 Q Officer Forrester, you said that, that you had a, a
15 description of the suspect that you were looking for?

16 A Yes.

17 Q In your report you stated that before, while you were
18 placing him in handcuffs, he was wearing a white t-shirt,
19 long blue jean shorts with goldish design.

20 That was your description of him as he was found right
21 then and there, right?

22 A That is correct, yes, sir.

23 Q But there's no where else in your report that you were
24 looking for somebody wearing that type of apparel, is that
25 correct?

Ronnie Forrester - Cross-examination
by Mr. Poole

1 A That, that is correct.

2 Q So, were you mistaken about that point?

3 A Yes, I was mistaken. Reading the report, that is not
4 the description we were looking for, but what he actually
5 had on at the time that we found him. That is correct.

6 Q Okay. And he made these statements that you just
7 mentioned while he was being detained?

8 A That is correct.

9 Q Taken into custody, right?

10 A Again, I explained to him, as I was putting the cuffs
11 on him, he was being detained at that point.

12 Q Okay. And how long have you been doing this?

13 A For -- October will be 25 years.

14 Q And nobody likes getting arrested, do they?

15 SOLICITOR GRAY: Objection, Your Honor. That calls for
16 speculation.

17 MR. POOLE: Based on his experience, Your Honor.

18 THE COURT: Rephrase the question.

19 Q Did he appear to -- did he want to be arrested?

20 A No.

21 Q Based on your experience, is it not often that subjects
22 do not want to be arrested and taken away?

23 Doesn't that happen often, often?

24 SOLICITOR GRAY: Objection again, Your Honor.

25 THE COURT: Overruled.

Ronnie Forrester - Cross-examination
by Mr. Poole

1 A Please rephrase. I'm sorry. I --.

2 Q Doesn't it happen often that people, when people get
3 arrested they don't like it?

4 A That is correct.

5 Q Okay. All right. And isn't it true that they say all
6 kind of things when they get arrested?

7 A Do they make statements when they get arrested, yes,
8 they do. People do make statements when they get arrested.

9 Q Okay. Thank you.

10 SOLICITOR GRAY: No further -- nothing further, Your
11 Honor.

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

13 WITNESS: Thank you.

14 SOLICITOR GRAY: May we approach, Your Honor?

15 THE COURT: Yes, sir.

16 (WHEREUPON, a bench conference was held out of the
17 hearing of the jury at this time.)

18 THE COURT: Ladies and gentlemen, I've been informed
19 that we've got -- the next witness will last for a little
20 while, and, so, this will be a good time to take a break for
21 the day.

22 I'm going to remind you of the instructions that I've
23 given to you previously. That is that you should not begin
24 to discuss this matter among yourselves as you still have
25 not heard all of the evidence that has been presented. As

1 you come and go from the courthouse, both this evening and
2 tomorrow morning, I ask that you not listen to conversations
3 that you may overhear as you come and go for the reasons
4 that you have to make the decisions based upon the evidence
5 that's presented here in this courtroom, and not based upon
6 any additional conversations that you may overhear.

7 Please remember also the instructions that I've given
8 to you about conducting any independent investigation. That
9 is not appropriate to do so. To the extent that you may be
10 familiar with the scene or you may have persons or other
11 sources of information to, to ask questions about, please
12 remember that I've asked you not to engage in any
13 independent investigation. Do not go past the scene unless
14 that's your normal drive on the way home from, from this
15 location.

16 Please do not use the Internet or call any individuals
17 or do any other investigation or research, whether it's in
18 the library or otherwise.

19 Additionally, ladies and gentlemen, I know that your
20 family and friends that evening will want to know what
21 you're doing on jury duty, and certainly you can tell them
22 that you have been selected as a juror in the case. But
23 please tell them that the judge has asked you not to discuss
24 the testimony with them.

25 The reason I say that is because when you talk about

1 what you've heard or you've seen they may make comments to
2 you. They may ask you questions. That all has the
3 potential to influence your decision making process, and
4 even though they're family and friends, it's the same as
5 allowing a stranger to come up to you and talk to you about
6 this case.

7 So, please tell them that I've told you not to discuss
8 it with them. When you-all have finished this case and
9 rendered a verdict, then, at that time, you'll be free to
10 discuss it with them. But until that time I ask that you
11 not do that.

12 Ladies and gentlemen, I'm gonna ask that you report
13 back to the same jury room where you reported after lunch at
14 9:30 tomorrow morning, and when you have reported at 9:30,
15 then we'll be ready to continue on with the trial of this
16 case.

17 One last instruction. I don't think that they'll be
18 any media reports, but to the extent that there may be
19 something written on television or radio, I ask that you not
20 read or watch or listen to any of those reports. That's
21 someone else's recitation of what they heard and what they
22 saw. And, again, you have to be guided by what you see and
23 what you hear and, and what you observe throughout the
24 course of this trial. So, you should not be influenced by
25 what someone else thinks or what someone else sees and hears

1 and observes other than your fellow jurors when it's time
2 for you-all to begin your deliberations.

3 So, I ask that you just, just not listen to or watch or
4 read any media reports if there are any.

5 Have a good evening and we'll see you back tomorrow
6 morning at 9:30.

7 Thank you.

8 (WHEREUPON, the following takes place outside the
9 presence of the jury.)

10 THE COURT: Is there anything we need to take up this
11 evening before we take a break?

12 SOLICITOR GRAY: Briefly, Your Honor.

13 I earlier stated concerns about one of the jurors. As
14 trial is been progressed now, I noticed she had paid
15 attention and I talked it over with cocounsel. I don't
16 really think we have a problem with her paying attention at
17 this time, Your Honor. So, I wanted to tell the Court any
18 fear we had in that manner have been alleayed, Your Honor.

19 THE COURT: And any comments by Mr. Poole on that
20 matter?

21 MR. POOLE: No, ma'am.

22 THE COURT: Okay. And I did notice that when she came
23 in this afternoon she was paying attention and seemed to be
24 attentive to what was going on, and her demeanor appeared to
25 be a little more neutral.

1 If there's nothing else that -- I have received
2 approximately, several requests from the State for jury
3 charges. I don't know that the defense -- you may have
4 provided some to me. If you have, Mr. Poole---

5 MR. POOLE: Your Honor, I just spoke with your clerk
6 Friday afternoon, and I mentioned -- I have no objection,
7 first of all, with the State's request to charge, and I had
8 mentioned to Kate ABHAN. I think that's on the State's.

9 THE COURT: Yes, sir, I see that listed.

10 All right. Okay. To the extent that there may be any
11 additional request, you know, I would ask that you submit
12 them as soon as, as soon as you're aware of them, and we'll
13 go from there.

14 SOLICITOR GRAY: There's only one I discussed briefly,
15 Your Honor, and that a gun is a deadly weapon. We, we did
16 not request that. We probably should of requested that.

17 THE COURT: Are you referring to that, that malice may
18 be inferred by use of a deadly weapon?

19 Is that what you're referring to?

20 SOLICITOR GRAY: Yes, ma'am, and that a pistol or a
21 gun, in this case, is a deadly weapon, yes, ma'am.

22 MR. POOLE: That's the instruction that malice is
23 inferred by the use of a deadly weapon?

24 SOLICITOR GRAY: Yes.

25 MR. POOLE: Are you asking for that instruction?

1 SOLICITOR GRAY: Yes, sir.

2 MR. POOLE: Has not the law changed in that regard?

3 THE COURT: I know that there have been some
4 development in that area, which I intended to do a little
5 research myself this evening. But I know that, that in the
6 standard instructions that have been provided to the Court
7 it's there. But I believe that there may be some change in
8 the law since this.

9 So, I'm gonna look at it. I'm just asking that
10 question. I haven't said I'm gonna charge it. I'm just
11 asking the question.

12 SOLICITOR GRAY: I wasn't trying to -- I was asking for
13 today.

14 MR. POOLE: Thank you, judge. I understand.

15 THE COURT: Yeah, I'm just asking the question so I
16 understand so I can make sure I do my due diligence before I
17 come up with any final instructions. But I'm just asking
18 it, if that's a request and we can go forward, and I can, I
19 can review those things.

20 MR. POOLE: Thank you, Judge Lee.

21 SOLICITOR GRAY: Thank you, Your Honor.

22 THE COURT: If there's nothing else, then we'll see
23 you-all at 9:30 tomorrow morning.

24 SOLICITOR GRAY: Thank you, Your Honor.

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(WHEREUPON, Court was in recess for the evening.)

1 Tuesday, April 9th, 2013

2
3 THE COURT: I understand that there have been some
4 potential changes in what we've got going on.

5 SOLICITOR GRAY: Yes, ma'am.

6 May I, may I approach?

7 THE COURT: Yes.

8 SOLICITOR GRAY: These are case law dealing with
9 charges. But before that, Mr. Poole and I spoke this
10 morning, and he can elaborate and I'll fill in.

11 THE COURT: Okay. Yes, sir, Mr. Poole.

12 MR. POOLE: May it please the Court, Your Honor.

13 Having spoken with my client and the witnesses that we
14 were going to call, our decision that we will not be calling
15 any witnesses including the defendant. The defense has
16 entered no evidence. One item was premarked. There's no
17 evidence been introduced or shown to the jury, and I think
18 that leaves the State one witness.

19 SOLICITOR GRAY: And, Your Honor, we agree with Mr.
20 Poole's assessment of the evidence at this point. Based
21 upon that, we will call one witness instead of the four we
22 had prepared, and then we will rest our case at that point.
23 I don't know if you wanted to discuss the request for charge
24 now or at a later time.

25 THE COURT: We can discuss them at a later time.

1 SOLICITOR GRAY: Yes, ma'am.

2 THE COURT: I---

3 SOLICITOR GRAY: And then once we've concluded our
4 case, I believe Mr. Poole will probably have a motion and
5 then other issues to discuss at that, at the appropriate
6 time.

7 THE COURT: And I -- and that's, that's when I would
8 discuss any charges once we've taken care of any motions or
9 anything else.

10 SOLICITOR GRAY: Yes, ma'am.

11 THE COURT: And who's the State's witness?

12 SOLICITOR GRAY: The State witness is gonna be
13 Mr. James Sutton formerly of the Spartanburg City Police
14 Department.

15 THE COURT: Okay. Anything else we need to take up?

16 MR. POOLE: No, ma'am.

17 THE COURT: I believe all the jurors are here, and if
18 there's nothing else we need to take up we can ask the jury
19 to come in.

20 You ready for the jury?

21 SOLICITOR GRAY: State's ready, Your Honor.

22 MR. POOLE: Yes, ma'am.

23 THE COURT: Yes, sir.

24 (WHEREUPON, the following takes place within the
25 presence of the jury.)

1 THE COURT: Be seated.

2 Good morning. Good morning, ladies and gentlemen. At
3 this time we're ready to continue on with the trial of this
4 matter.

5 Mr. Gray, you may call your next witness.

6 SOLICITOR GRAY: Thank you, Your Honor.

7 THE COURT: Ms. Tailor.

8 SOLICITOR TAILOR: State calls James Sutton.

9 JAMES SUTTON, being first duly
10 sworn, testified as follows:

11 THE COURT: would you please state your full name for
12 the record?

13 WITNESS: James Howard Sutton.

14 THE COURT: Yes, ma'am.

15 DIRECT EXAMINATION

16 BY SOLICITOR TAILOR:

17 Q Officer Sutton, where do you work currently?

18 A I'm currently employed at Spartanburg Regional Hospital
19 as a security officer.

20 Q And back in 2011 where did you work?

21 A Spartanburg City Police Department.

22 Q And how long were you with the City Police Department?

23 A Twenty-seven years.

24 Q And you're no longer there because?

25 A I retired.

James Sutton - Direct examination
by Solicitor Tailor

1 Q Back in 2011 were you involved in the investigation of
2 the case against Mr. Staggers?

3 A Yes, I was.

4 Q And what did you do?

5 A Basically I was sitting at City Hall when I don't know
6 if it was a tip or something came in in reference to a
7 suspect being at Crescent Hill Apartments. So, I think it
8 was Lieutenant Bruton came out and said he needed some extra
9 people to go to Crescent Hills Apartments. So I said I'd go
10 with him.

11 When we arrived at Crescent Hills, went down to ,
12 which was where Mr. Staggers was found. I actually was at
13 the back-door at that time making sure nobody came out the
14 back-door. After that we got another tip in reference to
15 clothes and a gun being out in the woods. So, we started
16 searching the wooded area. I came across I think it was
17 some blue jean shorts, black t-shirt, and a belt laying
18 across a log in the woods, let investigators know about
19 that, and they recovered those.

20 Also, a short time later, the gun that y'all already
21 have seen was recovered in, inside a purse and it was
22 located right off the trail in a bushy area and that's
23 pretty much my involvement.

24 SOLICITOR TAILOR: Permission to approach the witness,
25 Your Honor?

James Sutton - Direct examination
by Solicitor Tailor

1 THE COURT: Yes.

2 Q I'm gonna show you what's been premarked as State's
3 Exhibit No. 3.

4 Is this the pocketbook that was found in the woods?

5 A That's the pocketbook that was found in the woods.

6 Q And this was inside of it?

7 A That's correct.

8 Q And then this gun was inside of that?

9 A Yes, it was. You can't hardly miss that gun.

10 SOLICITOR TAILOR: Your Honor, at this time the State
11 would like to move State's Exhibit No. 3 into evidence.

12 THE COURT: Any objection?

13 MR. POOLE: No objection, Your Honor.

14 THE COURT: It's admitted.

15 (WHEREUPON, State's Exhibit No. 3 was received into
16 evidence at this time.)

17 Q The Crescent Hills Apartment complex, is that here in
18 Spartanburg?

19 A Yes, that's located in the city limits of Spartanburg.
20 Also Spartanburg County.

21 Q And the time and date was?

22 A It was September 29th of '11. I think I was,
23 originally went out there around 10:45 in the morning.

24 Q And this was the day after the shooting?

25 A That's correct. That was the day after the shooting.

James Sutton - Direct examination
by Solicitor Tailor

1 Q Please answer any questions Mr. Poole may have for you.

2 MR. POOLE: I have no questions of this witness.

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

4 WITNESS: Thank you.

5 SOLICITOR GRAY: Your Honor, may this witness be

6 excused?

7 THE COURT: Any objection?

8 MR. POOLE: No objection.

9 THE COURT: You may be excused. Thank you very much.

10 WITNESS: Thank you.

11 SOLICITOR GRAY: At this time, Your Honor, the State
12 rests.

13 THE COURT: Ladies and gentlemen, we have some legal
14 issues which we need to take up outside your presence, and
15 I'm going to ask that you retire to the jury room but that
16 you not engage in any discussions or deliberations. It's
17 premature for you to do that at this particular point. And
18 as soon as we take up those legal issues we'll bring you
19 back to the Court.

20 Thank you.

21 (WHEREUPON, the following takes place outside the
22 presence of the jury panel.)

23 THE COURT: Are there any motions at this time?

24 MR. POOLE: Yes, Your Honor.

25 The defense would move for a directed verdict of not

1 guilty on -- let me begin with the charges of attempted
2 murder in Indictment 6653, and attempted armed robbery with
3 6655. This involves the victim, Quita Gentry.

4 This motion is based upon the fact that the testimony
5 and the evidence presented certainly points to the fact that
6 a -- two shots were fired from a small caliber handgun, a
7 .22. One was fired in the air. One round was fired in the
8 air. The second ended up in the lower back of the other
9 victim, Mr. Cannon.

10 The testimony further states that there were -- after
11 the first was fired, then right around the second people
12 started running, then Mr. Cannon was hit, and that somebody
13 had made the remark y'all got to give it up, turn out your
14 pockets, something to that effect.

15 With regard to Ms. Gentry, we'd ask the Court to
16 dismiss these charges because there was no shot fired after
17 the second one, which was the one that hit Mr. Cannon.
18 Therefore, there's no attempted murder and no attempted
19 armed robbery against Mr., Ms. Gentry.

20 The gun, the .22, is a revolver style. It's nine
21 chambered, and there -- in evidence there are seven unspent
22 charges and two spent shell casings. So, all the evidence
23 points to the fact that there were only two shots fired, and
24 no attempted murder or armed robbery made against Ms.
25 Gentry.

1 THE COURT: Let me hear from the State as it relates to
2 the attempted murder. I would say, as to the attempted
3 armed robbery, I think that there is evidence from which, in
4 the light most favorable to the State, that they've
5 established that there was an attempted armed robbery. I
6 think both the testimony was that the comments about empty
7 our pockets or, you know, give me what you got or whatever
8 the statements were, the precise statements were, were
9 directed at, at everyone who was standing there. Those two
10 people were standing there, and, and that he was armed with
11 a gun at the time.

12 And, so, while the robbery may not have been completed,
13 it certainly was an attempted armed robbery and I think
14 there's evidence to support the attempted armed robbery.

15 But I'll hear from the State as it relates to the
16 attempted murder.

17 SOLICITOR GRAY: Thank you, Your Honor.

18 while there is evidence to support Mr. Poole's theory
19 regarding the number of shots fired, that is a question for
20 the jury. That -- I believe because this is from a
21 subjective point of view as far as the victims in this case.

22 You heard from Mr. Cannon who thought that there were
23 five or six shots fired. He didn't know. He was busy
24 running for his life.

25 Again, also, from the other victim, Ms. Gentry, she

1 heard gunfire. She ran for her life. She thought the
2 gunfire was directed at her because the attempted robbery
3 comment she thought were directed to her also in this
4 situation, Your Honor.

5 I don't think, in this situation, that Mr. Staggers
6 gets the benefit of essentially Ms. Gentry having quicker
7 reflexes than Mr. Cannon. We don't know where that bullet
8 could of gone. It was the attempt in this situation. He
9 discharged at least two, two bullets in this situation or
10 maybe more. We don't know. This gun was recovered a day
11 later. The -- what he did with it in that time span, and,
12 again, in this situation, she was scared for her life.

13 He was using a deadly weapon to fire at both of these
14 individuals as they thought, evidence that they thought he
15 was firing at them is that Mr. Staggers was actually injured
16 in this situation. And the statute doesn't require any
17 intent to cause an injury with malice in this case, the
18 deadly weapon being a firearm.

19 So, I think, from Ms. Gentry's testimony and from Mr.
20 Cannon's testimony, they both thought he was shooting at
21 them. That's why they both ran for their lives as they
22 stated, Your Honor.

23 THE COURT: So, in other words, it's the State's
24 position that the attempt is the fact that he fired in their
25 direction and fired at, at both of them even though perhaps

1 only one of them was struck?

2 SOLICITOR GRAY: That is correct, Your Honor.

3 THE COURT: Okay. Mr. Poole.

4 MR. POOLE: It's our position, Your Honor, that there's
5 no evidence that shows that Mr. Staggers directly tried to
6 hit or aim at Ms. Gentry, and, in fact, again, it was
7 Mr. Cannon that was, that was hit.

8 THE COURT: Mr. Poole, I'm gonna respectfully deny
9 your, your motion. I, I think that that is a jury issue.
10 Certainly the argument can be made that he fired at both of
11 them, and in just -- and only because he fired one you can,
12 you can certainly make that argument. But I think that the,
13 that the inference that can be drawn is that he fired at
14 both of them and just one person happened to be struck, and
15 the fact that he only fired once does not negate the fact
16 that it could be attempted murder as to both of them. And,
17 so, I'll, I'll let that go to the jury, and I think there's
18 been a prima facie case established by the State.

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

20 THE COURT: Yes, sir.

21 MR. POOLE: With regard to the defendant, Kendrick
22 Cannon, we make a motion for a dismissal of the attempted
23 murder charge against him based upon the fact that although
24 a firearm was used in this case, that the wound was -- he
25 suffered a wound, and it was either a great bodily injury or

1 it was a moderate bodily injury.

2 We think that the proper charge, if there is any, and I
3 know I'm starting to get into the area of jury charges, but
4 it's not attempted murder given the entire, entire facts and
5 circumstances of this case, and if it's anything, it should
6 be assault and battery of a high and aggravated nature, and
7 I will ask the Court to dismiss the attempted murder charge
8 against Mr. Staggers as it stands in relation to the Victim
9 Cannon.

10 THE COURT: Mr. Gray.

11 SOLICITOR GRAY: Thank you, Your Honor.

12 The statute requires that intent to kill, attempt to
13 kill with malice aforethought express or implied. In this
14 situation he used a deadly weapon, a firearm, to shoot at
15 and actually shoot Mr. Staggers in this situation. While
16 Mr. Staggers was fleeing away he was shot in the backside.
17 Excuse me. Mr. Cannon shot him in the backside, in the rear
18 butt cheek.

19 As far as the severity of the injury, whether or not it
20 would cause death or anything in that nature, I believe
21 that's a jury question because of the malice that can be
22 inferred from the use of the deadly weapon.

23 Again, I understand Mr. Poole's argument. But my
24 argument is that he should not get the benefit of the doubt
25 of Mr. Cannon being a little quicker and him being a bad

1 shot. If he had shot him in another location, this might be
2 a murder case. This is an attempted murder because of the
3 circumstances were that Mr. Cannon, I'm reluctant to use
4 these words, was fortunate enough to only be shot in his
5 butt cheek does not give him a automatic lesser standing in
6 this situation.

7 He shot. He warned. I'm here to rob you. People
8 didn't move fast enough. He started firing. That is malice
9 in this situation, totality of the circumstances, and
10 obviously there's an intent to kill because he's shooting in
11 their direction and actually shot Mr. Cannon in this
12 situation.

13 As far as the severity of the injury, I potentially
14 believe that's a jury question. But whether or not there
15 was an attempt to kill and whether or not there was malice,
16 I don't think there's any question in this matter was the
17 use of a firearm, multiple shots. He was trying to rob
18 people in this situation, and either he was a bad shot or
19 they were just a little too quick for him.

20 I think that's the question the jury should decide,
21 whether or not he was trying to kill them with the totality
22 of the circumstances. Not because -- and Mr. Poole makes a
23 compelling argument. But not because either he was a bad
24 shot or they were a little too quick.

25 THE COURT: I don't believe, in my review of -- well,

1 let me, let me say, Mr. Poole, is there any rebuttable
2 before I say anything?

3 MR. POOLE: No, ma'am.

4 THE COURT: What the, what the statute requires is that
5 there has to be the intent and malice aforethought, and
6 certainly while the severity of the, of the injury may
7 support other charges, what is required by the statute is
8 there has to be some evidence of the intent to kill and the
9 malice aforethought, and I think that, under the
10 circumstances concerning the evidence, in the light most
11 favorable to the State, which I'm required to do, I think
12 that there is evidence of both the malice and the intent.

13 To support that, there's the use of the weapon and he
14 goes from shooting in the air to shooting at someone. If it
15 had just been an armed robbery or that the, he was trying to
16 demonstrate that he was serious about robbing him, shooting
17 in the air I guess would of been the warning shot. But when
18 he then shoots at the individuals, I think that gives the,
19 the, provides some evidence of the intent to do bodily harm
20 and the use of the gun, the gun, which is an instrument that
21 can be used to inflict deadly harm would support the State's
22 charge of attempted murder, and the, the malice also is
23 established by the use of the deadly weapon as well, and in
24 the circumstances surrounding the entire transaction or the
25 interaction between, between the parties.

1 So, considering that evidence, I think there's enough
2 to at least send it to the jury to have them determine what
3 weight to provide and ultimately make the decision. So,
4 I'll deny your request.

5 MR. POOLE: I understand.

6 Finally, Your Honor, I would like to renew my objection
7 to the Court's ruling on my pretrial motions. Well, motion
8 to exclude the defendant's statement at the time of his
9 arrest.

10 THE COURT: I think I ruled at that particular time,
11 that because there was, it was contemporaneous with, it was
12 not the opportunity to fully provide all of his rights at
13 the, before he made the statements, that they were, if for
14 nothing else, cited other instances or even though he wasn't
15 in custody, he wasn't in detention, I think once he was
16 advised of his rights he then exercised those rights. I
17 think -- and given the circumstances, I think I had some
18 hesitancy about what all occurred. But after hearing the
19 testimony of the witnesses before the State testified about
20 the statement, I think it put into context the testimony
21 from Miss Williams I believe it was, and clearly provided
22 information that would of been supported by the statements
23 by the officers, and I think that additionally shows that
24 they were excited utterances, that they were not -- there
25 was not an interrogation at the time that he made those

1 statements.

2 So, while he was in custody, he was not being
3 interrogated other than the answers made, and I think, under
4 Jackson v. Denno, it's required to be not only a custodial
5 detention, but there also has to be an interrogation. And
6 because there was not an interrogation at the time he made
7 those statements, there was not a requirement that the, that
8 the Miranda be given, and then once he was advised to remain
9 silent, he did remain silent and he did not make any further
10 statements.

11 So, I think it will be up to the jury to determine
12 ultimately whether it's a voluntary statement.

13 MR. POOLE: I understand.

14 THE COURT: Is there anything further?

15 MR. POOLE: No, ma'am.

16 THE COURT: At this time I need, I need to advise
17 Mr. Staggers of his rights as it relates to putting up a
18 defense.

19 Mr. Staggers, if you'd please stand at this time.

20 (Defendant complies.)

21 THE COURT: Would you raise your right-hand?

22 (WHEREUPON, the defendant was placed under oath at this
23 time.)

24 THE COURT: All right. Thank you.

25 Mr. Staggers, we have now reached that point in the

1 trial where you may decide to put up a defense, and I know
2 I've heard from your attorney this morning that your
3 intentions were not to put up a defense, but let me explain
4 to you that you have the right to be able to put up a
5 defense.

6 In conjunction, that means that you can present
7 evidence, whether it's in the form of exhibits or testimony
8 from witnesses. And, of course -- and you also have the
9 right to testify as well.

10 If you decide that you wish to testify, if you have a
11 criminal record which carries a possible, a term of
12 imprisonment of more than one year or it's a crime that
13 involves dishonesty, that crime can be used to impeach you.
14 That is to call into question your credibility as, as a
15 witness.

16 You have the right to be able to testify. If you
17 decide that you do not wish to testify, the jury would be
18 instructed that the fact that you did not take the witness
19 stand to testify in your behalf could not be considered by
20 them in any manner whatsoever in determining your guilt or
21 your innocence on these charges. But you have the
22 Constitutional right to remain silent, and the fact that you
23 exercised that right should not even be discussed by the
24 jurors when they are in the jury room making a decision as
25 to your guilt or innocence.

1 In determining whether or not you wish to put up a
2 defense or you wish to testify, you can certainly talk to
3 your family members. You can talk to your attorney. But
4 ultimately the decision is yours. It's your final decision
5 as to whether or not you wish to put up a defense or whether
6 or not you wish to testify.

7 Do you understand what I've explained to you thus far?

8 DEFENDANT: Yes, ma'am.

9 THE COURT: I'm going to give you the opportunity to
10 talk with your attorneys again before you make a final
11 decision, and then, when we come back from a brief break,
12 I'll ask you whether or not you wish to put up, put up a
13 defense or whether or not you wish to testify.

14 Do you understand?

15 DEFENDANT: Yes, ma'am.

16 THE COURT: All right. Let's take a brief break so
17 that you can have that conversation and then we'll come back
18 and continue on as warranted.

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

20 THE COURT: Did you consult with your attorney or do
21 you need further time or did I give you enough chance to---

22 MR. POOLE: We talked about this before, and we just
23 reviewed it now.

24 THE COURT: Okay. So, Mr. Staggars, Mr. Poole tells me
25 that you've had enough time to discuss whether or not you

1 wish to put up a defense, is that correct?

2 DEFENDANT: Yes, ma'am.

3 THE COURT: And you've also, in connection with that,
4 you've also discussed your right to testify in your behalf?

5 DEFENDANT: Yes, ma'am.

6 THE COURT: And he informs me that you will, you have
7 made a decision, in consultation with him, that you do not
8 wish to put up any type of defense and you do not wish to
9 testify, is that correct?

10 DEFENDANT: Yes, ma'am.

11 THE COURT: So, just to ask you a different way so I
12 can hear it in your own words, can you tell me what you wish
13 to do with respect to your defense and your right to
14 testify?

15 DEFENDANT: I don't wish to put up a defense.

16 THE COURT: Do you wish to testify in this matter?

17 DEFENDANT: No, ma'am.

18 THE COURT: Then, Mr. Staggars, I will inform the jury
19 that the fact that you have not, will not testify or have
20 not testified in this trial should not be considered by them
21 in any manner whatsoever in making your decisions as to your
22 guilt or your innocence on these charges, and that it should
23 not be discussed even, in the jury room during your
24 deliberations, that you do have the Constitutional right to
25 remain silent, and the fact that you do, did not testify is

1 not a sign of guilt or innocence in this matter. You're
2 simply exercising your, your right to remain silent that the
3 Constitution gives you.

4 Thank you.

5 DEFENDANT: Yes, ma'am.

6 THE COURT: At this time can we -- let's talk about the
7 charges. Let me tell you, first of all, what I will charge
8 and then we can discuss some additional matters.

9 Let me ask first are there any additional charges that
10 are, that are being requested that I did not already have
11 notice of?

12 SOLICITOR TAILOR: Well, Your Honor, just yesterday
13 when we had asked about the possession, the gun as a deadly
14 weapon charge.

15 THE COURT: I'll get all to that.

16 SOLICITOR TAILOR: Okay.

17 THE COURT: I just want to make sure that there was
18 nothing else that was, that was requested.

19 SOLICITOR TAILOR: Okay.

20 THE COURT: This is what I -- this is, at this point,
21 what I will charge and I'll leave some room open to discuss
22 some issue. First I will discuss the fact that the jury has
23 to determine the facts based upon the evidence. In
24 conjunction with that they have to determine the credibility
25 of the witnesses.

1 I will tell them that a person who has a past criminal
2 record is competent to testify, that a past record does not
3 effect the ability of the person to testify. It is only to
4 be considered by them, if at all, in determining the
5 believability of that witness. And because they are the
6 sole judges of the credibility of the witnesses, they may
7 consider that factor.

8 I will also tell them that, that a statement has been
9 made by the defendant and has been admitted into evidence,
10 and while I have determined that the statement is
11 admissible, they are the ultimate -- they make the ultimate
12 decision as to whether or not the defendant made the
13 statement, and if the defendant did make the statement, then
14 they have to determine whether he made that voluntarily and
15 of his own free will. That means that the statement was not
16 caused by pressure, force, fear, threats, coercion, or
17 intimidation, or by hope, or promise, or promise of leniency
18 or reward of any kind.

19 In determining whether the statement was voluntary,
20 they should consider some characteristics of the defendant
21 and the details of the questioning. Some of those factors
22 would include the age of the defendant, the defendant's
23 education or lack of education, his mental ability or
24 capacity, his IQ or intelligence, that, the defendant's
25 background and environment, the place and length of

1 detention, the nature of the questioning, and the advice or
2 lack thereof of his Constitutional rights including, but not
3 limited to the right to remain silent, and any statement
4 could be used against him in Court, the right to have a
5 lawyer present, that if he could not afford a lawyer that a
6 lawyer would be appointed to represent him without any cost,
7 and that he could stop making statements at any time.

8 The jury must carefully consider all of the surrounding
9 circumstances before you, they give any weight to the
10 statement, that the State has the burden of proving, beyond
11 a reasonable doubt, that the statement was voluntary. That
12 if you determine that it was, and you may give the statement
13 any further consideration that's proper. You must decide
14 what weight, if any, to give to the alleged statement. If
15 you determine that the statement was not the free and
16 voluntary statement of the defendant, then the statement
17 should not be considered at all.

18 I will charge them that the fact that the defendant was
19 arrested, charged, and indicted is not evidence and can not
20 be considered as evidence in the case nor does it create any
21 presumption or inference of guilt. It's simply the charging
22 documents by which we're able to come here and, and to have
23 a trial.

24 I instruct them also the fact that the defendant did
25 not testify is not a factor to be considered by you in

1 anyway during the deliberations in considering the question
2 of guilt or innocence, and the defendant has the
3 Constitutional right to remain silent, and the assertion of
4 this right must not be considered by you in your
5 deliberations, that they are to draw no fact whatsoever from
6 the fact, no conclusion whatsoever from the fact that the
7 defendant did not testify.

8 The fact that the defendant did not testify should not
9 even be discussed in the jury room. The burden of proof is
10 on the State and that the defendant is not required to prove
11 that he is innocent. The proof -- the burden of proof
12 remains on the State and must be beyond a reasonable doubt.

13 I will also instruct them on the presumption of
14 innocence. That is that the defendant has pleaded not
15 guilty to the indictment, and that casts the plea on -- that
16 plea casts the burden upon the State to prove that the
17 defendant is guilty. A person who's charged with committing
18 a criminal offense is never required to prove that they're
19 innocent, and that it's the presumption of innocence is not
20 a legal theory. It's not, not just a legal theory. It's a
21 substantial right to which every defendant is entitled
22 unless evidence is presented that establishes that he's
23 guilty beyond a reasonable doubt.

24 I give the victor versus Nebraska reasonable doubt
25 proof. That is proof beyond a reasonable doubt is proof

1 that leaves you firmly convinced of the defendant's guilt,
2 that they're very few things that we know with absolute
3 certainty, and the law does not require proof that overcomes
4 every possible doubt. But if, based upon the consideration
5 of the evidence, you are firmly convinced of the defendant's
6 guilt, then you must find him guilty. If, on the other
7 hand, you think that there's a real possibility that he's
8 not guilty, then you must give him the benefit of the doubt
9 and find him not guilty.

10 As to the charges, the attempted murder, the
11 defendant's charged with attempted murder. In order to
12 prove the crime, the State has to prove that the defendant
13 attempted to kill another person with malice aforethought
14 either expressed or implied. Malice is hatred, ill will, or
15 hostility towards another person. It is the intentional
16 doing of a wrongful act without just cause or excuse, and
17 with the intent to inflict an injury or under, or under
18 circumstances that the law will infer an evil intent.

19 Malice aforethought does not require that malice exist
20 for any particular time before the act is committed. But
21 malice must exist in the mind of the defendant just before
22 and at the time the acts, the act is committed. Therefore,
23 there has to be a combination of the evil intent and the
24 act.

25 Malice aforethought may be express or implied. It

1 doesn't mean that they're different types, but merely the
2 manner in which the malice is shown. The -- that is either
3 by direct evidence or by inference from the facts and
4 circumstances which are proved.

5 Express malice is when a person speaks words that
6 express hatred or ill will or when the person prepared
7 beforehand to do an act which was later accomplished.
8 Malice may be inferred from conduct showing a total
9 disregard for human life. Inferred malice may also arise
10 when the deed is done with a deadly weapon.

11 A deadly weapon is any article, instrument, or
12 substance which is likely to cause death or great bodily
13 harm. Whether an example -- whether an instrument is been
14 used as a deadly weapon depends on the facts and
15 circumstances of each case.

16 The following are examples of instruments which may be
17 deadly weapons. A pistol, a shotgun, a rifle, a dirk, a
18 dagger, a knife, a slingshot, metal knuckles, a razor,
19 gasoline, Molotov cocktail, and lighter fluid. A gun may be
20 a deadly weapon even if it is not operating. If facts are
21 proven, beyond a reasonable doubt, sufficient to raise an
22 inference of malice to your satisfaction, this inference
23 will simply be an evidentiary fact to be considered by you
24 along with other evidence and you may give it the weight
25 that you, that you decide it should receive, and I, I stand

1 corrected from my earlier ruling on the directed verdict
2 motion. The charges and specific intent to kill is not an
3 element of attempted murder, but there must be a general
4 intent to commit serious bodily injury.

5 Intent means intending the result which actually
6 occurs. Not accidentally or involuntarily. Intent may be
7 shown by acts and conducts of the defendant and other
8 circumstances from which you may naturally and reasonably
9 infer intent. Evidence of the character of the act, the
10 character of the instrument used, the manner in which it was
11 used, and the purpose to be accomplished, and the resulting
12 wounds or injuries may be considered in determining the
13 intent with which the act was committed.

14 Intent may also be inferred when it is demonstrated
15 that the defendant voluntarily and willfully commits an act,
16 the natural tendency of which is to destroy another's life.
17 And based upon the correction of the law, I still believe,
18 under the circumstances, that the State has proven -- the
19 State has presented evidence from which a jury could make
20 the, the determination that there was an attempted murder as
21 it relates to both Mr. Cannon and Ms. Gentry. So, I stand
22 corrected on my earlier ruling, ruling.

23 I will not address the, the lesser included at this
24 time. I'll -- in order for us to have a discussion. I will
25 then charge as to the armed, attempted armed robbery. The

1 defendant is charged with attempted armed robbery. An
2 attempt is an effort to accomplish a crime which does not
3 succeed, and the intent includes a specific act to do a
4 particular criminal act along with an act falling short of
5 the act attended, intended. The State must show more than
6 mere preparation and intent. There must be some overt act
7 committed in the effort to, to commit the crime.

8 Intent means intending the result which actually
9 occurs. Not actually -- not accidentally or involuntarily.
10 Intent may be shown by acts and conduct of the defendant and
11 other circumstances from which you may naturally and
12 reasonably infer intent.

13 Armed robbery, the State must prove, beyond a
14 reasonable doubt -- the State must prove, beyond a
15 reasonable doubt, that the defendant, that the defendant
16 took personal property from the person or presence of
17 another person. Property is in the presence of a person if
18 it's within the person's reach, inspection, observation, or
19 control so that the person is, if not overcome with violence
20 or prevented by fear, keep possession of the property.

21 The State must also prove, beyond a reasonable doubt,
22 that the defendant carried the property away intending to
23 permanently deprive the owner of the property, and to keep
24 the property for the defendant's own use. The slightest
25 removal of the property or the complete possession of the

1 property, even for an instant by the defendant, is
2 sufficient to show taking and carrying away of the property.
3 The taking and carrying away of the property must have been
4 done with violence or by putting the owner of the property
5 in fear of violence.

6 For only the State must prove, beyond a reasonable
7 doubt, that the defendant was armed with a deadly weapon
8 during the robbery. A deadly weapon is any article,
9 instrument, or substance which is likely to cause death or
10 great bodily harm. Whether an instrument has been used as a
11 deadly weapon depends on the facts and circumstances of each
12 case. Again, the examples of deadly weapons includes a
13 pistol, a shotgun, a rifle, a dirk, a dagger, a knife, a
14 slingshot, metal knuckles, razor, gasoline, Molotov
15 cocktail, and lighter fluids, and I'll move the attempt to
16 the end of that charge instead of at the beginning.

17 So, again, the intent is the effort to accomplish the
18 armed robbery. It includes the specific intent to do the
19 particular act which, in this case, is stay the same as the
20 same armed robbery and falling short of the act intended.

21 Finally, the defendant has been charged with the
22 possession of a firearm during the commission of a violent
23 crime or the attempt to commit a violent crime. The State
24 must prove, beyond a reasonable doubt, that the defendant
25 was in possession of a firearm or visibly displayed what

1 appeared to be a firearm during the commission of a violent
2 crime.

3 A firearm means any machine gun, automatic rifle,
4 revolver, pistol, or any weapon which will, is designed to
5 or may be readily converted to expel a projectile.

6 In order to find the defendant guilty of possession of
7 a weapon during the commission of a violent crime, you must
8 first find the defendant guilty of either committing a
9 violent crime or attempting to commit a violent crime.
10 Attempted murder and attempted armed robbery are, are
11 considered, are, are violent crimes. The State must prove,
12 beyond a reasonable doubt, that the weapon further advanced
13 or helped in the commission of the crime.

14 I charge them that they have -- their verdict has to be
15 unanimous, that they're at least as to the attempted armed
16 robbery, the two attempted armed robbery charges, there are
17 two possible verdicts. One is guilty. One is not guilty.
18 There's no significance to which way I state them. I have
19 to put one first. I have to put one second.

20 As to the possession of a weapon, a weapon during the
21 violent crime, that the two possible verdicts, again, are
22 guilty or not guilty.

23 As it relates to the attempted armed, attempted murder,
24 let's talk about the lesser included or whether there's
25 evidence to support those before I get into those verdicts.

1 Let me explain why, in fact, I did include in the
2 attempted murder that the possession of a deadly weapon may
3 be considered by them in determining malice. I have read
4 State versus Belcher, and -- which was a Supreme Court
5 decision in 2009, and I've read a few cases that have cited
6 Belcher since then.

7 In reading Belcher, specifically in that case discussed
8 whether instructing the jury as, that malice may be inferred
9 from the use of a deadly weapon would still be good law when
10 there's evidence presented that would reduce, mitigate, or
11 excuse, or justify a homicide, and the Court went through
12 the historical analysis of the cases going all the way back
13 to the 1800's and coming forward, and basically came to the
14 conclusion that we hold that the use of a deadly weapon
15 implied malice instruction has no place in a murder. It
16 says or assault and battery with intent to kill prosecution
17 where evidence is presented that would reduce, mitigate,
18 excuse, or justify the killing or the alleged assault and
19 battery.

20 In this particular case, there does not -- there is no
21 evidence that would tend -- from which the jury could make
22 any determination that what occurred in this case would,
23 would, would reduce, or mitigate, or excuse, or justify the
24 conduct either relating to the attempted murder or to the
25 attempted armed robbery. And since the charges on the

1 attempted, in the attempted murder, that is specifically why
2 I believe that including that language was appropriate.

3 The Court goes on to say, however, that the use of
4 the --- that it must -- it is not a presumption or a
5 mandatory, a mandatory inference, that it is a permissive
6 inference. And, so, the language of any charge needs to, in
7 fact, demonstrate that it is a permissive inference and not
8 a mandatory inference, and the language that they suggested
9 in Footnote Number 9 in the Belcher case includes the
10 language which I've, that I've used in the attempted murder
11 charge, and that is, if facts are proved beyond a reasonable
12 doubt sufficient to raise an inference of malice to your
13 satisfaction, this inference would simply be an evidentiary
14 fact to be taken into consideration by you, the jury, along
15 with other evidence in the case, and you may give it such
16 weight as you determine it should be, it should receive.

17 And, so, based upon that, that's why I included that
18 permissive inference of the use of a deadly weapon gives a
19 permissive inference of malice in the attempted murder
20 charge.

21 Any additional charges with the exception of the lesser
22 included offenses at this point?

23 SOLICITOR TAILOR: None from the State, Your Honor.

24 MR. POOLE: None from the defense.

25 THE COURT: Now let's talk about the lesser included

1 offenses and I assume that that relates to specifically the
2 attempted murder charges, and I assume that it relates, as
3 it relates to both victims in the case.

4 whoever wants to go first.

5 MR. POOLE: May it please the Court, Your Honor.

6 I would ask the Court to instruct assault and battery
7 of a high and aggravated nature. That is a lesser included
8 offense of attempted murder. And if the jury so chose to
9 not infer malice under the totality of the circumstances,
10 and in the context of this entire case, then they should be
11 instructed that assault and battery of a high and aggravated
12 nature is a lesser included offense, and which they could
13 find the defendant guilty of.

14 I would ask the Court to consider assault and battery
15 in the first degree and assault and battery in the second
16 degree. That those were requests to charge that were
17 submitted by the State on Friday, and we talked about it
18 yesterday morning. I think that, given all the facts of
19 this case, that the jury could find anything within the
20 ranges of the definitions and the nature of the injury
21 incurred in this case.

22 So, I think all of those could apply. The jury could
23 find, if I may continue, that there's either great bodily
24 injury or moderate bodily injury.

25 THE COURT: And that's the difference between the

1 assault and battery second degree and the assault and
2 battery first degree?

3 MR. POOLE: Yes, ma'am. And as conjunctive there or,
4 or discharged rather, or occurred during the commission of a
5 robbery, burglary, kidnapping, or theft.

6 THE COURT: I see. That's under first degree.

7 MR. POOLE: Yes, ma'am.

8 THE COURT: Anything further, Mr. Poole, on those?

9 MR. POOLE: No. No, ma'am, I'm just asking for the
10 full spectrum of assault---

11 THE COURT: Yes, sir.

12 MR. POOLE: ---with the exception of third degree.

13 THE COURT: Yes, sir.

14 THE COURT: Mr. Gray, Ms. Tailor.

15 SOLICITOR TAILOR: Your Honor, in regards to the lesser
16 included, I believe the State is also asking for those. We
17 would agree that the termination, that the absence of malice
18 brings us to assault and battery of a high and aggravated
19 nature.

20 Assault and battery of a high and aggravated nature,
21 they also include not just whether the great bodily injury
22 occurred. It's that the act is accomplished by means likely
23 to produce death or great bodily injury. Each of these
24 lesser included, the assault and battery of a high and
25 aggravated nature, the assault and battery in the first

1 degree and second degree, are distinguished by the injury
2 that resulted or could have resulted from it. Each of these
3 statutes -- each of these offenses do include the, the
4 attempt portion of that as well.

5 So, they are not distinguished just by whether or not
6 great bodily injury, as defined by the statute, or moderate
7 bodily injury by the statute occurred. They are also
8 distinguished by whether or not that act could have caused
9 those type of injuries.

10 So, we would just ask that that language be included as
11 well, Your Honor.

12 THE COURT: Does the, does the assault and battery of a
13 high and aggravated nature apply as it relates to the Victim
14 Gentry?

15 I see that the, the assault and battery first degree
16 does because the statute specifically provides that a person
17 may also commit the assault, the offense, the offense of
18 assault and battery in the first degree if the person
19 unlawfully offers or attempts to injure another person with
20 the presentability to do so. And, so, that certainly would
21 be applicable as it relates to Ms. Gentry.

22 I'm concerned about the assault and battery of a high
23 and aggravated nature because it implies that the battery
24 has to result in the touching, but by definition. And I --
25 and, likewise, the assault and battery second degree also

1 provides for the attempt. So, the only, the only question I
2 have is as it relates to -- I have no problem charging the
3 lesser included, assault and battery first degree and
4 assault and battery second degree. The only question I have
5 is about the ABHAN because the common law definition of
6 ABHAN requires the battery, which is the touching.

7 SOLICITOR TAILOR: And that's correct, Your Honor. The
8 statute also requires that the person unlawfully injures
9 another person and the injury results or the act is the
10 conduct of the defendant.

11 THE COURT: I'm sorry. Let me, let me look at the
12 statute.

13 SOLICITOR TAILOR: Yes, Your Honor.

14 THE COURT: They've changed all the statutes. So --.

15 SOLICITOR TAILOR: Looking at 16-3-600(b)(1).

16 (Pause.)

17 THE COURT: As I read 16-3-600(b)(1), a person commits
18 the offense of assault and battery of a high and aggravated
19 nature if the person unlawfully injures another person and
20 then the great bodily injury to the other person results or
21 the act is accomplished by means likely to produce death or
22 great bodily injury.

23 So, the State's position is what?

24 SOLICITOR TAILOR: Your Honor, that this, this charge
25 would apply to the victim Kendrick Cannon.

1 THE COURT: I'm not talking about Cannon.

2 SOLICITOR TAILOR: But it---

3 THE COURT: I'm talking about Ms. Gentry.

4 SOLICITOR TAILOR: Right, Your Honor. It would not
5 apply to Ms. Gentry.

6 THE COURT: Mr. Poole.

7 MR. POOLE: I would agree. I think that what we're
8 doing is looking -- it's funny how these things turn out
9 when you start looking at the language of the statute and
10 you have to pull back and forth. It looks like the term
11 another person is under attempted murder. Another person is
12 referred to in the first degree and second degree. I think
13 the other person, another person refers to the victim and
14 not a third individual, and I think, therefore, that the
15 Court's initial impression is correct.

16 THE COURT: So, despite the fact that the statute says
17 that assault and battery of a high and aggravated nature is
18 a lesser included offense of attempted murder, it would
19 still have to apply to the, to the circumstances and because
20 the assault and battery of a high and aggravated nature
21 requires an actual injury to another person, meaning -- I
22 take that to mean "victim" and there was no injury to Ms.
23 Gentry, that the assault and battery of a high and
24 aggravated nature would not apply as to Ms. Gentry.

25 MR. POOLE: I agree, Your Honor.

1 THE COURT: Okay. So, just to review, as it relates to
2 Mr. Cannon, there would be a charge on attempted murder,
3 assault and battery of a high and aggravated nature, assault
4 and battery first degree, and assault and battery second
5 degree, and then as to Ms. Gentry, there would be attempted
6 murder, and then assault and battery first degree, and
7 assault and battery second degree.

8 SOLICITOR TAILOR: That's correct, Your Honor.

9 THE COURT: Okay. Is there any objection -- for
10 example, assault and battery first degree has two parts.
11 One part is, is (c)(1)(a), which is that the person is
12 injured and the act involves either nonconsensual touching
13 or it occurred during the commission of a robbery, burglary,
14 kidnapping, or theft, and just charged that as it relates to
15 Mr. Cannon, and then use Part B, which is offers or attempts
16 to injure another person with the presentability to do so,
17 and the act is accomplished by means likely to produce death
18 or great bodily injury or it occurred during the commission
19 of a robbery, burglary, kidnapping instead of charging the
20 whole statute twice.

21 SOLICITOR TAILOR: We would agree with that, Your
22 Honor.

23 MR. POOLE: No objection.

24 THE COURT: And then the same would be done with the
25 second, second degree?

1 SOLICITOR TAILOR: That, that will be fine, Your Honor.
2 No objection.

3 THE COURT: And, and with second degree, what I would
4 leave out is the act involves a nonconsensual touching of
5 the private parts of a person either under or above
6 clothing. So, I will just leave out that language.

7 MR. POOLE: That's fine with the defense.

8 SOLICITOR TAILOR: Fine with the State, Your Honor.

9 THE COURT: Okay. Then under the charge of assault and
10 battery first degree, then the jury would also be charged
11 that great bodily injury means bodily injury which causes a
12 substantial risk of death or which causes serious permanent
13 disfigurement or protracted loss of it or impairment of the
14 function of the bodily member or organ. And then on assault
15 and battery second degree, moderate bodily injury means
16 physical injury requiring treatment to an organ system of
17 the body, other than the skin, muscles, and connective
18 tissues, except when there's penetration of the skin,
19 muscles, and connective tissue that require surgical repair
20 of a complex nature or when treatment of the injuries
21 requires the use of regional or general anesthesia.

22 SOLICITOR GRAY: Excuse me, Your Honor.

23 In reference to 6657, I believe we stated at the
24 beginning of the trial we would not go forward on that. We
25 will dismiss that charge regardless of the outcome. So, we

1 can do that now or later, but we don't want to confuse the
2 Court or the jurors that we are going forward on that.

3 THE COURT: And that's fine. And 6657 is the
4 possession of the weapon by person convicted of a --.

5 SOLICITOR GRAY: Violent crime.

6 THE COURT: -- violent crime?

7 SOLICITOR GRAY: That's correct.

8 THE COURT: That's being dismissed?

9 SOLICITOR GRAY: Yes, ma'am.

10 THE COURT: Let's take a break and then I'll give you
11 the verdict form that we have.

12 SOLICITOR GRAY: Yes, ma'am.

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

14 THE COURT: Counsel, I'm returning the arrest warrants
15 to you. Just take a look at the indictments and make sure
16 that they're all okay since they will go back to the jury.

17 SOLICITOR GRAY: We went through the evidence already
18 also, Your Honor.

19 THE COURT: Okay.

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

21 THE COURT: Counsel, I'll give you three separate
22 verdict forms. One has indictments relating to victim
23 Kendrick Cannon, one indictment relating to victim Quita
24 Gentry, and one is the possession of a firearm during the
25 commission of a violent crime.

1 As it relates to the indictments on Kendrick Cannon,
2 there's one for attempted murder. The lesser included would
3 be assault and battery of a high and aggravated nature,
4 assault and battery first degree, assault and battery second
5 degree, or not guilty.

6 On the indictments for attempted armed robbery, it's
7 either guilty or not guilty.

8 On the indictments relating to Quita Gentry, for the
9 attempted murder, it would be attempted murder, lesser
10 included first degree, assault and battery second degree, or
11 not guilty.

12 Then on the attempted armed robbery, be guilty, not
13 guilty.

14 Then the possession of a firearm during the commission
15 of a violent crime, the verdict would be guilty or not
16 guilty.

17 Are there any changes that I needed to make to
18 anything?

19 Additionally, of course, what I do is then I will
20 explain the verdict forms to them. Explain to them why I
21 put them the way I have, and that it's part of the charge.
22 I indicate to them if the State fails to prove, beyond a
23 reasonable doubt, the attempted murder, that's as to Mr.
24 Cannon, then they may consider the attempted, the assault
25 and battery of a high and aggravated nature, explain that to

1 them. If the State fails to prove that, beyond a reasonable
2 doubt, then they may consider et cetera, et cetera down the
3 line.

4 Anything we need to add or change or correct?

5 MR. POOLE: Not from the defense, Your Honor.

6 SOLICITOR GRAY: Not from the State, Your Honor.

7 THE COURT: And as I understand it, while there was a
8 defendant exhibit that was premarked, it was never discussed
9 before the jury and it was never introduced. So, that would
10 not be going to the jury, and I believe there was one --
11 well, there were two defense, two State's Exhibits, one
12 related to the pretrial, which I believe was the officer's
13 additional report.

14 SOLICITOR GRAY: Yes, ma'am.

15 THE COURT: And then there was another lineup, as I
16 understand it, that was never discussed before---

17 SOLICITOR GRAY: That's correct.

18 THE COURT: ---the jury. And, so, it was never
19 introduced and it would not be going to the jury.

20 SOLICITOR GRAY: Yes, Your Honor.

21 THE COURT: Is there anything else we need take up at
22 this time?

23 MR. POOLE: Not from the defense.

24 SOLICITOR GRAY: It's a minor thing, Your Honor. The
25 gun and the bullets, I don't know if you want them going

1 back there together or not. It's evidence to support
2 really---

3 THE COURT: Well, as I understand it, from seeing the,
4 the gun here in the courtroom, that there is a lock on it.

5 SOLICITOR GRAY: Yes, ma'am.

6 THE COURT: And it's a key lock, isn't it, or is it a
7 combination?

8 OFFICER: It's a key lock.

9 THE COURT: Key lock.

10 OFFICER: Key lock.

11 THE COURT: So, they can't get the lock off without a
12 key?

13 OFFICER: I don't think so.

14 THE COURT: Well, I tell you what.

15 OFFICER: I'm just saying it's a possibility that
16 somebody may have a key or not. But I say I don't think so.

17 SOLICITOR GRAY: And I understand that the bullets and
18 the shell casings are part of the evidence, but it's just---

19 THE COURT: I don't have -- I don't necessarily have a
20 problem with the shell casings going back since there's,
21 there's, you know, they're spent.

22 SOLICITOR GRAY: Right.

23 THE COURT: But just in case, I, I don't, I don't have
24 a problem not sending the bullets back.

25 SOLICITOR GRAY: Right.

1 THE COURT: I mean other people -- if they, if they
2 want to see it, they want to pass the bullets around to them
3 now or at some point, that's fine or if they tell me they
4 wish, they want to see them, then I'll send them back. But
5 I'll just say for their own safety I just---

6 SOLICITOR GRAY: That, in no way, limits Mr. Poole's
7 ability to use or discuss them or anything?

8 THE COURT: Oh, sure. No -- yeah, and I won't get to
9 that until the end.

10 SOLICITOR GRAY: Yes, ma'am.

11 THE COURT: I'll just tell them that the exhibits will
12 be sent back to them with the exception of the, of the, the
13 five, the unspent -- I won't even number them, the unspent
14 projectiles---

15 SOLICITOR GRAY: The unspent---

16 THE COURT: -- that they will not be sent back to them
17 for safety reasons, but the other ones will, and I'll just
18 leave it at that.

19 MR. POOLE: Okay.

20 SOLICITOR GRAY: Yes, ma'am.

21 THE COURT: I think we're ready to bring the jury in.

22 (WHEREUPON, the following takes place within the
23 presence of the jury.)

24 THE COURT: Ladies and gentlemen, I apologize for the
25 delay in keeping you in the jury room as long as I did. We

1 were able to take up some legal issues, and at this
2 particular point we are now ready to hear the closing
3 arguments of the attorneys.

4 Before I do that, Mr. Poole, would you like to rest on
5 the record officially?

6 MR. POOLE: That's correct, Your Honor. The defense
7 rests.

8 THE COURT: Okay. Thank you.

9 In, in connection with that then, I will explain to you
10 that we're about to hear the closing arguments of the
11 attorneys.

12 As I indicated to you at the beginning of this trial,
13 the closing arguments are not evidence, but what the
14 attorneys will do is they will argue to you portions of the
15 evidence that you have heard in an effort to try to sway you
16 to find the facts in accordance with their view of what
17 occurred. I ask that you listen very carefully to those
18 closing arguments.

19 Again, their closing arguments are options. They do
20 not have to give a closing argument if they do not choose to
21 do so. But there -- but I ask that you listen carefully to
22 the arguments that are made. Once -- sometimes those
23 arguments may cause you to think about the evidence in a
24 different light or they may raise questions that you'll want
25 to discuss among yourselves when it's time for you-all to

1 begin your deliberations.

2 Once they have made those closing amounts, then I will
3 instruct you on the law that's to be applied, and then you
4 may begin your deliberations at that particular point.

5 Ms. Taylor, Ms. Gray. Ms. Taylor -- Mr. Gray.

6 SOLICITOR GRAY: Thank you.

7 Thank you, Your Honor, Mr. Poole.

8 Ladies and gentlemen of the jury, thank you for your
9 attention. Right now I'm just gonna give you a brief
10 summation of what we believe the evidence, beyond a
11 reasonable doubt, that Mr. Staggers committed these crimes.

12 Two important issues in this situation. He's, he's
13 charged with attempted crimes, attempted armed robbery,
14 attempted murder, and possession of a weapon during a
15 violent crimes. Attempted armed robbery and attempted
16 murder are violent crimes. Plain and simple.

17 But here's the thing. He's charged with attempted.
18 We're not alleging that he actually robbed somebody. He
19 tried to. We're not alleging that he murdered somebody.
20 But he had the requisite malice in his heart to do so at
21 that time. Malice because of the weapon. A gun.

22 He approaches these people. Ms. Taylor -- Quita and
23 Kendrick. They're out at the apartment complex here in
24 Spartanburg City, Crescent Hills, hanging out. Mr. Staggers
25 sees Mr. Cannon, and Mr. Cannon tells you he's never seen

1 Mr. Staggers before. He walks around the building. Quita
2 tells you she's never seen him before, and she sees him
3 coming around. It's almost like he's stalking these two
4 people.

5 Now, I understand things have been brought up about
6 Mr. Cannon from April of 2012 about his drug convictions. I
7 don't know what his situation was six months before this
8 when this happened. But if Mr. Staggers thought Mr. Cannon
9 did these type of things, well, that's the perfect revenge.
10 He stalks him. He sees him. Nobody's gonna care if
11 Mr. Cannon gets robbed.

12 He pulls out this gun and nobody takes it seriously.
13 Run your pockets, give me all your money, whatever. They
14 knew what he meant. Give me your stuff. Give me your
15 money. Whatever you got in your pockets.

16 They didn't move. They didn't take a turquoise
17 semi-rusted out and white handle pistol seriously. So, he
18 shot in the air. And to prove he was more serious, they
19 didn't move, he aimed at them and started shooting and they
20 ran. Feared for their live. They don't know that this is a
21 .38, a .44, whatever. This is a pistol being fired at them
22 and they ran.

23 He doesn't get credit because it was a small caliber
24 pistol. They didn't know what caliber it was. They knew it
25 was a gun that fired real bullets. So they ran. Feared for

1 my life. Feared for my life.

2 He doesn't get credit cause she was faster than
3 Mr. Cannon. She didn't get hit. She didn't fire -- he's
4 shooting at me to the point where I believe she said she ran
5 across the street, almost got hit by a car. That's fear for
6 your life.

7 He wasn't as quick. He gets shot. Where he gets shot,
8 doesn't matter cause this is a weapon capable of causing
9 death.

10 You're gonna hear some other discussions from Mr. Poole
11 about the type of injury and the nature of the injury and
12 that's fine because we're not alleging the nature and type
13 of injury. We're alleging the attempt to commit murder. He
14 doesn't get credit because he didn't hit him in the head.
15 He doesn't get credit because he shot him in the buttock.
16 He doesn't get credit because his pants were sagging and he
17 got shot in the underwear instead of the jeans.

18 He shot at these people and he tried to rob them.
19 Plain and simple. Thank God, thank whoever, he's a bad shot
20 and they're very very fast. He saw a target. He stalked
21 them. He saw an opportunity, run your pockets, give me all
22 your money, fired in the air, and nobody moved.

23 Bang. Gone.

24 why?

25 For some simple reason? One simple reason.

1 I thought he wanted my money, stuff in my pockets, and
2 I thought he was gonna kill me. I wasn't gonna stand there
3 to find out.

4 what was in his heart?

5 well, we know what was in his heart. Malice.

6 Give me your stuff. Nobody move. Fires in the air.
7 Nobody moved. He aims at them to get their attention. He
8 fires in the air to get their attention. Nobody moves. He
9 aims at them. Everybody runs cause they know now this is a
10 real gun and he's not playing around anymore.

11 It's turquoise. I mean honestly. They described this
12 gun to the police and they said that the defendant aimed a
13 green turquoise blue gun at them and fired. They could of
14 said no, the gun was this big, it was black, and it
15 whatever. Both of them described it exactly. I'm sure they
16 thought it was a joke until it went off, until it was
17 directed at them, after he had fired the gun, and the
18 attempt to rob them and the attempt to kill them.

19 Now, furthermore, besides just the use of the gun in
20 this situation, have lineups from the victims, and they both
21 picked him out of the lineup. You'll see percentages on the
22 back of some of the pictures. The evidence will go back
23 there with you. But plain and simple. The two victims in
24 this case picked out Mr. Stagers as the man who shot at
25 them with this weapon.

1 You're gonna see the purse and the towel that was
2 discovered in the woods in this situation that covered up
3 the gun, and also the underwear that was shot that
4 Mr. Cannon was wearing. But to put this in a full context,
5 you heard testimony from Officer Forrester who says, when he
6 got to the door of Crescent Hills Apartments, knocked
7 on the door looking for Mr. Staggers.

8 Y'all ain't gonna find nothing.

9 What's your name?

10 I don't know.

11 You ain't gonna find nothing. He also stated if you
12 find something, I'm gonna beat it.

13 Fine. I can understand most people being a little
14 skeptical of that situation. But we had Miss Williams from
15 the same day. She gave a statement to the officer saying
16 the day before the defendant came to Gigi's house when she
17 was there. She had been suspended from school. She didn't
18 want to tell her mom. He came to carrying the little
19 green handgun telling people what to do with this gun. Hide
20 it in the toilet. They didn't want to do that. She and
21 Gigi went and hid the gun outside in the black purse wrapped
22 up in the woods.

23 Now, again, Mr. Cannon, excuse me, Mr. Staggers wasn't
24 talking to the police. He's talking to Miss Williams. Hide
25 the gun. They decide to hide a gun in the woods. wrap it

1 up. She told him to give himself up. I'm not gonna get
2 caught, and they ain't gonna find the gun.

3 No police around. No handcuffs. No nothing. Him
4 talking to Miss Williams.

5 She told the police about the gun. The day before he
6 tells her it doesn't matter. They ain't gonna find nothing.
7 I can beat it. Officers show up knocking on the door.
8 Before the officer said boo, y'all ain't gonna find nothing.
9 I can beat it. Even if you do, I can beat it.

10 That's what this is about, ladies and gentlemen. He
11 shot that man cause he wanted some money. He put the gun to
12 these people because he wanted some money. He's so
13 arrogant, such malice in his heart, he thought so what. I
14 shot at, possibly shot Mr. Cannon. I can beat it. I don't
15 care if y'all find the gun. I don't care if these people ID
16 me. I don't care what evidence you got of a green gun. I
17 can beat it.

18 Ladies and gentlemen, September 28th of 2011, that
19 man pulled out a gun after stopping these two individuals,
20 give me all your money. They didn't move. Shot in the air.
21 They ran. He shot at them. Malice in his heart before by
22 stalking them, trying to corner them. Malice in his heart
23 after. I can beat it in his terms, the defendant.

24 As a matter of fact, the officer said once they
25 arrested him, he made all these statements, and once the

1 officer told him you have the right to remain silent, you
2 should use it, then he used it. Only then after he's
3 caught. Up to that point basically I don't care. Y'all
4 ain't got nothing on me. I can beat it.

5 Ladies and gentlemen, we're not alleging that he robbed
6 these two people. He tried to rob these two people.
7 Attempted. He used a violent weapon during the, during
8 the -- he used a weapon during this attempt. When things
9 didn't go his way he started blasting.

10 He doesn't get credit cause they're fast. He doesn't
11 get credit cause he's a bad shot. He had malice in his
12 heart before, during, and definitely after.

13 Ladies and gentlemen, he can't beat it and he shouldn't
14 beat it. He should be found guilty of attempted murder on
15 both of these individuals, definitely attempted robbery on
16 both of these individuals, and possession of a weapon during
17 the commission of a violent crime.

18 Can he beat it?

19 THE COURT: Mr. Poole.

20 MR. POOLE: May it please the Court, Mr. Gray.

21 Madam Foreperson, ladies and gentlemen, good morning.
22 Good afternoon. Five after 12:00.

23 Thank you for your attention in this case. It's been a
24 fast case that was short, and you know it's so serious for
25 both the State and the defendant. I appreciate you being

1 here. Appreciate the fact that you paid close attention to
2 everything, and the work in this case is really just
3 starting for you because y'all have a job cut out to do, and
4 that is to determine whether or not the State has proved,
5 beyond a reasonable doubt, that Cornelius Staggers is guilty
6 of attempted murder against Quita Gentry, and whether or not
7 he's guilty of alleged robbery against the same individual,
8 attempted robbery, and whether or not he's guilty of
9 attempted murder against Mr. Cannon, and attempted armed
10 robbery in that case. This case is not about -- this case
11 does not match up to those charges.

12 Okay. You'll be told what the definition of these
13 crimes are, are in great detail by Judge Lee, and this is
14 not an attempted murder and this is not an attempted armed
15 robbery case.

16 Mr. Staggers is guilty -- is not guilty. He is
17 innocent right now until he is found guilty by y'all after
18 you've considered all of the evidence taken into
19 consideration, and after you hear the law as given to you by
20 Judge Lee.

21 Now, my friend, Mr. Gray, has talked to you about, you
22 know he should not be given credit for this, that, and the
23 other. This is not a place where credit is given. I mean
24 this is not any financial institution nor is he any merchant
25 of any sort where he's asking for credit.

1 He's asking for justice to be done. That is,
2 Mr. Staggers. He's asking that y'all do the right thing
3 when you apply the facts of this case to the law that will
4 be given to you, and I submit to you, once again, and I
5 can't say it strongly enough, this is not an attempted
6 murder, and it is not an attempted armed robbery case
7 against anybody.

8 Now, what we have is a case where something happened
9 very quickly when there was a lot of chaos when it happened,
10 just like that, and we have individuals gathered around in a
11 group, we don't know how big it is, but it is daylight, and
12 we have individuals that are at this place, and there's an
13 allegation, allegations that Mr. Staggers came with this gun
14 and stands about 30 feet from this group of people, 20 to
15 30 feet, now that's clearly established, and, number one,
16 shoots a round into the air. Okay. And number two, then
17 levels it, says give me what, run your pockets, give me
18 what's in your pockets, whatever, and, and then everybody
19 scatters and Mr. Cannon gets shot.

20 All right. All right. Let's talk about the case as it
21 exists against Mr. Staggers in relation to Ms. Gentry.

22 Okay. Now, what we have here is a model .22 pistol.
23 The .22 is the smallest caliber gun, as far as I know, that
24 is manufactured. What we also have here are seven live
25 rounds. Okay. Also we have two spent shell casings.

1 These nine rounds or casings were found in the revolver
2 section of this gun. They're nine holes. So, there was a
3 shot fired upward and a shot fired level or near level,
4 whatever, ever, however it was fired. But unfortunately it
5 ended up in Mr. Cannon.

6 Ms. Gentry was not involved in any of this. She was
7 not shot at. Two shots. One in the air. One hit
8 Mr. Gentry. So, therefore -- excuse me. Mr. Cannon. Ms.
9 Gentry was not shot at nor was anything tried to be taken
10 from her. Nothing was taken from her. Nothing was taken
11 from anybody. Once again, the distance between the person
12 that shot and this group of people is 20 to 30 feet.

13 Mr. Gray talks about stalking. There's no evidence
14 whatsoever of stalking. There's no evidence of any running
15 any closer or any separation of distance. In fact, the
16 distance between the, the perpetrator in this crime and the
17 distance between the crowd just increased from 20 to 30 feet
18 to more.

19 Okay. So, it's not a -- there's no way a robbery could
20 be effected against anybody. I'm talking about Ms. Gentry
21 or Mr. Cannon.

22 So, we're not asking for credit. Mr. Staggars is not
23 asking for credit. He's asking for justice and for the
24 right determination of this case, and we hear about the
25 lineup and the identification and all that. This is, once

1 again, something that happens so quickly that I don't know
2 if y'all can remember when you're in times of stress or not,
3 whether you can remember details and recall exactly, exactly
4 how everything goes down or the features of a person that
5 allegedly committed a crime are in times of stress.

6 Also, much is made about the fact that Miss Williams
7 said that Mr. Staggers had this gun and he was talking to
8 Gigi or whoever.

9 Now, where is Gigi?

10 Now, she's the one that really could tie this thing
11 together.

12 Where is she?

13 Miss Williams just happened to be, happened to be
14 there. But this lady who owned this apartment was the one
15 who apparently was suppose to have received instructions
16 from Mr. Staggers as to how to get this gun.

17 And, furthermore, whether -- where are the
18 fingerprints?

19 Where are any fingerprints in this case?

20 You can, can consider lack of evidence as much as you
21 can evidence. You can consider anything, and the judge will
22 instruct you just because Mr. Staggers has not taken the
23 witness stand, that doesn't mean a thing because the burden
24 is on the State to prove their case.

25 Now, the work is going to start when you go back there

1 to the jury room to decide what, if anything -- first of
2 all, Mr. Staggers is not guilty of these charges. But
3 you'll be given a series of choices, a, a spectrum, so to
4 speak, of different crimes that are called lesser included
5 offenses.

6 In 2010, the Legislature changed. We had a
7 conglomeration of laws where there was what was called
8 common law, and there is what is called a statutory law.
9 And the 2010, the Legislature of South Carolina tried to
10 codify all these common law charges, and one think you're
11 gonna hear a lot about is malice aforethought in connection
12 with attempted murder, and that it's permitted to infer
13 malice aforethought in attempted murder with -- because
14 there's use of a deadly weapon.

15 well, that is a permissive -- that's something you can
16 draw, you know. You're not required to. You may infer
17 that. But that is not a requirement.

18 Mr. Gray talks again about malice. But you don't have
19 to draw that conclusion.

20 You'll be instructed on such crimes and the elements of
21 them, of assault and battery of a high and aggravated
22 nature, assault and battery in the first degree, assault and
23 battery in the second degree, and, of course, not guilty and
24 then attempted murder.

25 Now, these ranges of assaults are defined by actions

1 committed by a defendant and the resultant injuries that
2 incurred to the victim, and you, you're gonna have to
3 listen -- if I were to stand here and try to tell you what
4 the difference between great bodily injury is and moderate
5 bodily injury is, and all these other stuff that fits in
6 with what I'm just talking about, we're gonna really be here
7 a long time. That's why the judge is going to instruct you
8 on all of these things.

9 Now, it's important to pay attention. Now, it is
10 unfortunate that Mr. Cannon ended up with a wound, but it
11 was not life threatening. Ms. Gentry ended up with no
12 wound. Again, two shots fired.

13 All I'm asking you to do today is to come back with a
14 verdict that speaks the truth, a verdict that properly
15 addresses these issues. I submit to you that Mr. Staggers
16 is not guilty, but you have a choice, and your choice has to
17 be unanimous, and I submit to you that if he's guilty of
18 anything, if he's guilty of anything, it's assault and
19 battery in the second degree and not armed robbery or
20 attempted armed robbery cause it doesn't -- just wasn't
21 gonna happen. A robbery was not gonna happen.

22 So, as I wind down, thank you again for listening to
23 me, paying attention, and you got some work to do. Thank
24 you very much. And all Mr. Staggers is asking is the
25 benefit of the doubt.

1 Thank you very much.

2 THE COURT: During this trial, ladies and gentlemen,
3 you and I have certain duties to perform. As the trial
4 judge it's my responsibility to preside over the trial of
5 this case and to rule upon or pass upon the admissibility of
6 evidence that's been presented throughout the course of this
7 trial, and you are to accept only the competent evidence
8 which is before you. To any evidence to which there was an
9 objection sustained, you must not speculate what the
10 evidence might of been or the reasons for the objection.
11 You should consider only the, the testimony that was
12 presented along with any of the exhibits that have been made
13 a part of record in this case.

14 You also must never insinuate to be true any suggestion
15 that's made of a question that's asked of a witness. The
16 question is not evidence, but you can consider that question
17 only to the extent that it supplies meaning to the answer
18 that was provided. Again, you should consider any and all
19 the evidence that's been presented in the form of the
20 testimony of the witnesses along with the exhibits in this
21 case.

22 Now, I have the additional duty and responsibility to
23 instruct you on the law that, that applies in this case,
24 and, as the trial judge, I'm the sole judge of the law that
25 applies. If you have any preconceived ideas as to what the

1 law is or your interpretation of the law or what you think
2 the law is, I ask that you set all that aside. Under your
3 oath as jurors, you are sworn to accept the law as I charge
4 it to you.

5 Now, if, by chance, I make some error in the charge,
6 then there's another Court at another time that can correct
7 those errors of law. But for purposes of this trial, right
8 now this moment, you must accept the law as I charge it to
9 you as being the correct statement of the law.

10 Now, in every case tried before a jury, you, the
11 jurors, become the sole and exclusive judges of the facts in
12 this case. No one can tell you what the facts of this case
13 are, and if I've done anything throughout the course of this
14 trial that's given you impression that I'm commenting on the
15 facts, that I'm telling you what facts to find, that I'm
16 giving you any suggestion about the facts, I ask that you
17 set that aside as well. I assure you I don't have any, any
18 thoughts about the facts of this case. I don't have any
19 opinions about the facts of this case. That's not my job
20 here. That's your job, your duty, your role as jurors in
21 this particular case, to determine those facts.

22 Now, in order to do that you have to analyze and
23 evaluate the evidence and determine what evidence convinces
24 you of its truth. In order to do that you have to determine
25 the credibility or believability of the witnesses who've

1 testified in this matter, and in judging the credibility or
2 believability of witnesses, you may consider the following
3 factors: what was the manner and appearance of the witness
4 who testified, was he or she hesitant or straightforward in
5 answering the questions, was the witness consistent or
6 inconsistent, how did the witness come to know the facts
7 that he or she testified to, what was his or her ability to
8 know these facts, is there some reason that a witness would
9 want to give testimony that would help or hurt one side or
10 the other, and was the testimony of a witness strengthened
11 or weakened by other testimony or other evidence.

12 Now, ladies and gentlemen, in judging the credibility
13 of the witnesses, you may believe one witness against
14 several witnesses or you believe several witnesses against
15 one witness. You can believe a portion of a witnesses
16 testimony and disregard other portions of that same
17 witnesses testimony. And if you have a good and sufficient
18 reason for doing so, you can accept the witnesses testimony
19 in its entirety or you can reject it in its entirety.

20 You may also consider whether or not a witnesses
21 testimony has been challenged or impeached, and to help you
22 with that, the person, a person who has a past criminal
23 record is competent to testify during a trial. The past
24 record does not effect the, that person's ability to be able
25 to testify. That past record, criminal record may only be

1 considered by you in determining the credibility or
2 believability of the witness who's testified.

3 Remember, ladies and gentlemen, you are the sole judges
4 of the facts in this case, and you get to determine the
5 credibility and believability of the witnesses who've
6 testified. These factors you should not exercise
7 arbitrarily, but if, in your good judgment, there's reason
8 for you to consider these things, then you should do so.
9 Your object, ladies and gentlemen, is to seek the truth.
10 whether or not it comes from a witness or witnesses from the
11 state or a witness or witnesses for the defendant, you don't
12 determine the truthfulness of the testimony by counting the
13 number of witnesses who've testified from one side or the
14 other. The truth isn't determined by counting witnesses.

15 what the law simply requires is that when you exercise
16 your mental processes in coming up with what you consider to
17 be true, you should use your good common sense. Use your
18 sense of logic and reasoning. Use your experiences in life.
19 You then apply those attributes to the evidence and then
20 you'll be able to determine the truthfulness or the -- and
21 it's in the truthful statements that you determine.

22 You then apply the law as I will charge it to you, and
23 then you will be able to arrive at your verdict. Your
24 verdict should not be based upon sympathy, passion, or
25 prejudice, and by your verdict, you have no friends to

1 reward and you have no enemies to punish. Your verdict
2 should simply speak the truth.

3 Now, in addition to the other evidence that's been
4 presented in this case, there was a statement that was
5 alleged to have been made by the defendant that was admitted
6 into evidence. And while I determined and the Court
7 determined that the statement was admissible, I instruct you
8 that you have, you make the ultimate decision as to whether
9 or not the statement was made by the defendant. If the
10 defendant did make the statement, then you must determine
11 whether or not the defendant made that statement voluntarily
12 and of his own free will. That means that the statement was
13 not caused by pressure or intimidation or force or fear or
14 threats or coercion, and it wasn't made by any hope or
15 promise of any leniency or any type of reward.

16 In determining whether or not the statement was
17 voluntary, you should consider both the characteristics of
18 the defendant and the details of the questioning. Some of
19 the factors that you must consider are the age of the
20 defendant, the defendant's education, or lack of education,
21 the defendant's mental ability or capacity, the defendant's
22 IQ or intelligence, the defendant's background and
23 environment, the place and length of detention, the nature
24 of the questioning, and the advice or lack thereof to the
25 defendant of his constitutional rights which would include,

1 but are not limited to, the right to remain silent. That
2 any statement could be used against him in a Court of law.
3 The right to have a lawyer present. That if he could not
4 afford a lawyer, a lawyer would be appointed to represent
5 him without any costs, and that he could stop making a
6 statement at anytime. You must carefully consider all of
7 the surrounding circumstances before you give any weight to
8 the, to the statement.

9 The State has the burden of proving, beyond a
10 reasonable doubt, that the alleged statement was voluntary.
11 If you determine that it was, then you may give it the
12 weight that you think that it deserves. You must further
13 decide what weight, if any, should be given to the
14 statement. If you determine that the statement was not free
15 and voluntary, that it was not a free and voluntary
16 statement of the defendant, then you must not consider the
17 statement at all.

18 Now, ladies and gentlemen, again, I'm going to instruct
19 you, as I did earlier, the fact that the defendant was
20 charged, arrested, charged, and indicted in this case is not
21 evidence and can not be considered by you as evidence of
22 guilt in this case nor does it create any inference or
23 presumption of guilt. These documents, which are the
24 indictments, are simply the formal written documents by
25 which the charges are made, and they just contain the

1 allegations as to those charges, and it serves as the, the
2 manner in which we're able to come into Court and have a
3 trial on this matter.

4 Now, again, to these indictments, the defendant has
5 pleaded not guilty, and that plea casts the burden upon the
6 state to prove that the defendant is guilty of these
7 charges. A person who is charged with committing a criminal
8 offense is never required to prove that they are innocent.

9 Ladies and gentlemen, I charge you that it's a cardinal
10 and important rule of law that the defendant, in a criminal
11 trial, no matter how serious the charges against him may be,
12 is always presumed innocent and remains innocent unless and
13 until the state satisfies you, by evidence, that shows the,
14 the defendant's guilt and that shows you guilt beyond a
15 reasonable doubt.

16 Now, the presumption of innocence doesn't end when you
17 go into the jury room. It -- it's with the defendant from
18 the time that he comes into Court until you return a
19 verdict, a verdict of guilty that's based upon evidence that
20 satisfies you of that guilt beyond a reasonable doubt.

21 Now, our Supreme Court has said that the presumption of
22 innocence is like a robe that's placed about the, the
23 defendant, and it remains with him and assigns him to that
24 class, that class being the innocent, unless and until that
25 robe is stripped from him by evidence that, that satisfies

1 you of that guilt beyond a reasonable doubt.

2 Now, ladies and gentlemen, I can not emphasize enough
3 that the presumption of innocence is not just some nice
4 legal theory. It's not nice words that we say. It is a
5 very important and cardinal rule of our state and of our
6 country that the defendant is innocent until he is proven
7 guilty by evidence that, that satisfies you of that guilt
8 beyond a reasonable doubt.

9 Now, ladies and gentlemen, I again also instruct you
10 and emphasize to you that the fact that the defendant did
11 not testify in this matter may not be considered by you in
12 any manner whatsoever, and it is not any information and you
13 can not draw any inference as to his guilt or innocence
14 because the defendant did not testify in this matter. The
15 defendant has a constitutional right to remain silent, and
16 the fact that he exercises that right does not, in anyway,
17 cast any shadow on him in, in terms of whether he is guilty
18 or innocence. Again, he remains innocent and he is, is
19 innocent until the State convinces you, with evidence, that
20 he is guilty beyond a reasonable doubt.

21 The fact that he did not take the witness stand and did
22 not testify in this matter again should not be considered by
23 you in any manner whatsoever. It should not even be
24 discussed by you during the course of your deliberations.
25 The burden of proof remains upon the State to prove that the

1 defendant is guilty beyond a reasonable doubt.

2 So, what is beyond a reasonable doubt?

3 The government has the burden of proving each and every
4 element of the crimes that are charged here beyond a
5 reasonable doubt. Some of you may have served as jurors
6 where you were only told that it was, in civil cases, in
7 which you were only told that it was necessary to prove that
8 a fact was more likely true than not true.

9 Well, in criminal cases, the government has a more
10 powerful burden. It is proof beyond a reasonable doubt.
11 Proof beyond a reasonable doubt is proof that leaves you
12 firmly convinced of the defendant's guilt.

13 There are very few things in this world that we know
14 with absolute certainty, and the law does not require proof
15 that overcomes every possible doubt. But if, based upon
16 your consideration of all of the evidence that has been
17 presented in this case, you are firmly convinced that the
18 defendant is guilty of the crime that's been charged, then
19 you must find him guilty. If, on the other hand, you think
20 that there is a real possibility that he is not guilty, then
21 you must give him the benefit of that doubt and find him not
22 guilty.

23 In this particular case, ladies and gentlemen, there
24 are five separate indictments and what I've tried to do
25 is -- they relate to two separate victims. One victim is

1 Kendrick Cannon and the other victim is Quita Gentry. And,
2 so, I'll explain -- I'll try to explain them to you in a, in
3 a group.

4 They -- Mr. Staggers has been charged with attempted
5 murder as to both victims. The defendant is charged with
6 attempted murder. In order to prove this crime, the State
7 has to prove, beyond a reasonable doubt, that the defendant
8 attempted to kill another person with malice aforethought
9 and that malice either has to be expressed or implied.

10 Malice is hatred, ill will, or hostility towards
11 another person. It is the intentional doing of a wrongful
12 act without just cause or excuse and with an intent to
13 inflict an injury or under circumstances that the law will
14 infer an evil intent, intent.

15 Malice aforethought does not require that malice exist
16 for any particular time before the act is committed, but
17 malice must exist in the mind of the defendant just before
18 and at the time that the act is committed. Therefore, there
19 has to be a combination of both the previous evil intent and
20 the act.

21 Malice aforethought can be expressed or inferred. Now,
22 these terms express or inferred do not, do not refer to
23 different types of malice. They just refer to the manner in
24 which the malice is demonstrated or how it's shown to exist.
25 That is either by direct evidence or by inference from facts

1 and circumstances which are proved.

2 Express malice is shown when a person speaks words that
3 express hatred or ill will towards another person or when
4 the person, the defendant has prepared to do an act which
5 was later accomplished. For example, any acts of
6 preparation going to, to show that the deed was within the
7 defendant's mind would be express malice.

8 Malice may also be inferred from conduct showing a
9 total disregard for human life. Malice may also arise when
10 the deed is done with a deadly weapon under circumstances
11 that indicate the absence of justification, excuse, or
12 mitigation.

13 A deadly weapon is any article or instrument or
14 substance that's likely to cause death or serious bodily
15 harm, harm. When an instrument is used as a deadly weapon,
16 whether it's used as a deadly weapon depends on the
17 circumstances surrounding the use and based upon the facts
18 and circumstances of each case.

19 The following are examples of deadly weapons: A
20 pistol, a shotgun, a rifle, a dirk, a dagger, knife, a
21 slingshot, metal knuckles, razors, gasoline, a Molotov
22 cocktail, and lighter fluid. A gun may be a deadly weapon
23 even if it's not operating.

24 If facts are proved, beyond a reasonable doubt,
25 sufficient to raise an inference of malice to your

1 satisfaction, then this inference would simply be an
2 evidentiary fact to be considered by you, the jury, along
3 with the other evidence in this case, and you may give it
4 the weight that you decide it should receive.

5 A specific intent to kill is not an element of
6 attempted murder, but there may be a general intent to
7 commit serious bodily injury.

8 Intent means intending the result which actually
9 occurs. Not accidentally or involuntarily. Intent may be
10 shown by acts and conduct of the defendant and other
11 circumstances from which you may naturally and reasonably
12 infer intent. Evidence of the character of the act, the
13 character of the instrument used, the manner in which it was
14 used, the purpose to be accomplished, and resulting wounds
15 or injuries may be considered in determining the intent with
16 which the act was committed. Intent may also be inferred
17 when it is demonstrated that the defendant voluntarily and
18 willfully commits an act, the natural tendency of which is
19 to destroy another's life.

20 Now, once you have considered this particular charge of
21 attempted murder, if you determine that the State has proven
22 beyond a reasonable doubt the elements of attempted murder,
23 then you would find for the; the defendant guilty of that
24 charge. If, however, you find that the State has failed to
25 prove, beyond a reasonable doubt, that the defendant is

1 guilty of the charge of attempted murder, then you may
2 consider lesser included offenses, and I'll go over those
3 with you. I will tell you that, as to Kendrick Cannon, you
4 can consider the charge of assault and battery of a high and
5 aggravated nature.

6 A person commits the offense of assault and battery of
7 a high and aggravated nature if the person unlawfully
8 injures another person and great bodily injury to the other
9 person results or the act is accomplished by means likely to
10 produce death or great bodily injury, and great bodily
11 injury is defined to mean bodily injury which causes a
12 substantial risk of death or which causes serious permanent
13 disfigurement or protracted loss or, or in function, I'm
14 sorry, protracted loss or impairment of the function of a
15 bodily member or organ. The lesser included offense of
16 assault and battery of a high and aggravated nature only
17 applies to the charges as it relates to Kendrick Cannon.

18 If you find that the State has proven assault and
19 battery of a high and aggravated nature, then you would,
20 beyond a reasonable doubt, then you would find the defendant
21 guilty of assault and battery of a high and aggravated
22 nature. If you find that the State has not proven assault
23 and battery, has not proven either assault, attempted murder
24 and has not proven assault and battery of a high and
25 aggravated nature, then you may consider these other lesser

1 included offenses. All of these remaining lesser included
2 offenses apply both to the charges on Kendrick Cannon and to
3 Quita Gentry.

4 One is assault and battery first degree. A person
5 commits the offense of assault and battery in the first
6 degree if that person unlawfully injures another, and the
7 act occurred during the commission of a robbery, burglary,
8 kidnapping, or theft, or, as to Quita Gentry, assault and
9 battery of a first of, assault and battery in the first
10 degree, if the State proves that a person commits the
11 offense by injuring another person -- I'm sorry.

12 As to, as to the charges related to Quita Gentry, a
13 person commits the offense of assault and battery in the
14 first degree if the person unlawfully offers or attempts to
15 injure another person with the presentability to do so, and
16 the act is accomplished by means likely to produce death or
17 great bodily injury or occurred during the commission of a
18 robbery, burglary, kidnapping, or theft, and the -- and
19 great bodily injury means bodily injury which causes a
20 substantial risk of death or which causes serious permanent
21 disfigurement or protracted loss or impairment of the
22 function of a bodily member or organ.

23 If you find that the State has proven, beyond a
24 reasonable doubt, that the defendant is guilty of the
25 offense of assault and battery first degree as I've

1 described that for you, then you would find him guilty of
2 that particular offense. If you find that the State has
3 failed to prove, beyond a reasonable doubt, that the
4 defendant committed the crime of assault and battery first
5 degree, then you may consider the lesser included offense of
6 assault and battery second degree.

7 A person commits the offense of assault and battery
8 second degree if the person unlawfully injures another
9 person or offers or attempts to injure another person with
10 the presentability to do so and moderate bodily injury to
11 another person results or moderate bodily injury to another
12 person could have resulted. Moderate bodily injury means
13 physical injury requiring treatment to an organ system of
14 the body other than the skin, muscles, and connective
15 tissues of the body except where there's penetration of the
16 skin, muscles, and connective tissues that require surgical
17 repair of a complex nature or when treatment of the injuries
18 requires the use of regional or general anesthesia.

19 If you find that the State has proven that the
20 defendant, Mr. Staggers, has committed the offense of
21 assault and battery second degree, beyond a reasonable
22 doubt, then you must find the defendant guilty of that
23 offense. If you find that the State has failed to prove
24 that the defendant was guilty of assault and battery second
25 degree, then you would find the defendant not guilty of the

1 charges.

2 The defendant has also been charged, as to both
3 Kendrick Cannon and Quita Gentry, with attempted armed
4 robbery. In order to, to define these elements for you, I
5 will first describe for you the crime of armed robbery.

6 In order to prove this offense, the State must prove,
7 beyond a reasonable doubt, that the defendant took personal
8 property from another person. The State must also prove,
9 beyond a reasonable doubt, that the defendant carried the
10 property away intending to permanently deprive the owner of
11 the property and to keep the property for the defendant's
12 own use.

13 The slightest removal of the property or the complete
14 possession of the property, even for just an instant, is, by
15 the defendant, is sufficient to show a taking and carrying
16 away of the property. The taking and carrying away of the
17 property must have been done with violence or by putting the
18 owner of the property in fear of violence.

19 Finally, the State must prove, beyond a reasonable
20 doubt, that the defendant was armed with a deadly weapon
21 during the robbery. A deadly weapon is any article,
22 instrument, or substance which is likely to cause death or
23 great bodily harm, and whether an instrument has been used
24 as a deadly weapon depends on the facts and circumstances of
25 case.

1 I have previously given you examples of what a deadly
2 weapon is, and, again, that would include a pistol, a
3 shotgun, a rifle, a dirk, dagger, a knife, a slingshot,
4 metal knuckles, a razor, gasoline, Molotov cocktail, and
5 lighter fluid. But remember, ladies and gentlemen, that the
6 defendant is charged with attempt, attempted armed robbery.

7 So, an attempt is an effort to accomplish a crime which
8 does not succeed. An attempt includes specific intent to do
9 the particular criminal act along with falling short of the
10 act intended. The State must show more than mere
11 preparation and intent. There must be some overt act that
12 is committed in an effort to, to commit the crime.

13 Intent means intending the result which actually
14 occurs. It's not accidentally or involuntarily. Intent may
15 be shown by acts and conduct of the defendant and other
16 circumstances from which you may naturally and reasonably
17 infer intent.

18 And, finally, ladies and gentlemen, the defendant has
19 also been charged with possession of a weapon during the
20 commission of or attempt to commit a violent crime. The
21 State must prove, beyond a reasonable doubt, that the
22 defendant was in possession of a firearm or visibly
23 displayed what appeared to be a firearm during the
24 commission of a violent crime.

25 A firearm means any machine gun, automatic rifle,

1 revolver, pistol, or any weapon which will, is designed to
2 or may be readily converted to expel a projectile.

3 In order to find the defendant guilty of possession of
4 a weapon during the commission of a violent crime, you must
5 first find that the defendant is guilty of either committing
6 a violent crime or attempting to commit a violent crime.
7 Attempted murder and attempted armed robbery are considered
8 to be violent crimes. The State must prove, beyond a
9 reasonable doubt, that the weapon further advanced or helped
10 in the commission of the crime.

11 Now, ladies and gentlemen, when you have considered all
12 the evidence in this case, you've determined the facts, and
13 you've applied the law as I've charged it to you, then you
14 will be able to arrive at your verdict and at that time your
15 foreperson will be responsible for preparing the verdict
16 form. So, I'm going to go over these verdict forms with you
17 and, and kind of give you a recap.

18 They're three separate forms, and there's no particular
19 order in which I'm picking them up. I'm just -- I have to
20 pick one up first.

21 The first form says indictments relating to Victim
22 Kendrick Cannon, and when -- and you'll have the indictments
23 with you. So, you can read those indictments. They're two
24 indictments that relate to, directly to Kendrick Cannon
25 being named in the indictment.

1 It says we, the jury, unanimously find the defendant,
2 on the indictment for attempted murder, guilty, attempted,
3 murder, guilty, assault and battery of a high and aggravated
4 nature, guilty, assault and battery first degree, guilty,
5 assault and battery second degree, not guilty. Then it goes
6 on to say on the indictment for attempted armed robbery,
7 guilty or not guilty.

8 So, your thought process is this, ladies and gentlemen.
9 On the indictment for attempted murder that names Kendrick
10 Cannon as a victim, did the State prove, beyond a reasonable
11 doubt, that the defendant was guilty of attempted murder.
12 If you find that the State proved that, then you would check
13 guilty of attempted murder and skip all the rest of them,
14 and then you'll go on and I'll come to that one in a moment.

15 If, however, you find the State failed to prove, beyond
16 a reasonable doubt, that the defendant was, is guilty of the
17 crime of attempted murder as it relates to Kendrick Cannon,
18 then you would consider the lesser included offense of
19 assault and battery of a high and aggravated nature as I
20 define that for you. If you find that the State proved that
21 charge beyond a reasonable doubt, then you would check
22 guilty, assault and battery of a high and aggravated nature,
23 and not check anything else.

24 If, however, you find that the State failed to prove
25 that the defendant was guilty of assault and battery of a

1 high and aggravated nature as it related to Kendrick Cannon,
2 then you would go on to consider assault and battery of the
3 first degree.

4 Did the State prove, beyond a reasonable doubt, that
5 the defendant was guilty of assault and battery first, first
6 degree as it relates to Kendrick Cannon?

7 If you find that the State proved that, then you would
8 check that box and not answer, and not check any other
9 boxes. If you find that the State failed to prove, beyond a
10 reasonable doubt, the assault and battery first degree, as
11 it relates to Kendrick Cannon, then you would consider
12 assault and battery second degree.

13 Did the State prove, beyond a reasonable doubt, that
14 the defendant committed the crime of assault and battery
15 second degree against Kendrick Cannon?

16 If you find that the State proved that, then you would
17 check that box and not check any others. If, however, you
18 find that the State has failed to prove attempted murder,
19 assault and battery of a high and aggravated nature, assault
20 and battery first degree, or assault and battery, or assault
21 and battery second degree, beyond a reasonable doubt, then
22 your verdict would be not guilty and you would check the box
23 not guilty.

24 Now there's no -- again, there's no significance to how
25 I put these things on the paper. I'm just trying to put

1 them in chronological order for you to be able to consider
2 these matters. Once you've considered the attempted murder,
3 then you would go on to consider the indictment for
4 attempted armed robbery.

5 Did the State prove, beyond a reasonable doubt, that
6 the defendant, Mr. Staggars, was guilty of attempted armed
7 robbery?

8 If you find that the State met that burden, then you
9 would check guilty. If you find that the State failed to
10 prove, beyond a reasonable doubt, that he's guilty of
11 attempted armed robbery, then you would check not guilty.

12 Once you've completed the form, Madam Foreperson, you
13 would sign your name and place today's date.

14 Moving on to the second page, they're indictments
15 related to victim, Quita Gentry. It says we, the jury,
16 unanimously find the defendant, on the indictment for
17 attempted murder, guilty, attempted murder, guilty, assault
18 and battery first degree, guilty, assault and battery second
19 degree, not guilty.

20 On the indictment for attempted armed robbery, guilty,
21 not guilty. Your thought process will be the same.

22 Did the State prove, beyond a reasonable doubt, that
23 the defendant is committed the offense of attempted murder
24 against Quita Gentry?

25 If you find that the State met that burden, you check

1 that box and not check any others. If you find that the
2 State failed to prove, then you would -- you're not
3 considering assault and battery of a high and aggravated
4 nature in this one. But you would go to consider whether
5 the State has proven, beyond a reasonable doubt, the offense
6 of assault and battery first degree.

7 Do you find that the State proved that?

8 Then you would check guilty of assault and battery
9 first degree.

10 If you find that the State failed to prove, beyond a
11 reasonable doubt, that the defendant, Mr. Staggars, is
12 guilty of assault and battery first, first degree against
13 Quita Gentry, then you would consider assault and battery
14 second degree. If you find that the State met that burden
15 beyond a reasonable doubt, you check guilty of assault and
16 battery second degree. If you find the State failed to meet
17 that burden of proving that the defendant was, is guilty of
18 attempted murder or assault and battery first degree or
19 assault and battery second degree, then you would check not
20 guilty, and then move on to the attempted armed robbery.

21 Again, your choices will be did the State prove, beyond
22 a reasonable doubt, that the defendant was guilty of
23 attempted armed robbery?

24 If you find that it did, you check that, and then you
25 sign. If you find that it's not -- that the State failed of

1 proving that he was guilty of attempted armed robbery, you
2 would check not guilty, and, again, you would complete the
3 form.

4 The final verdict form, ladies and gentlemen, relates
5 strictly to the charge of possession of a firearm during the
6 commission of a violent crime. Based upon the law that I
7 have charged you, you -- it says, we jury, unanimously find
8 the defendant guilty or not guilty.

9 Did the State prove that the defendant was guilty of
10 the possession of a firearm during the commission of a
11 violent crime?

12 Remember that you have to find first that he is guilty
13 of a violent crime, of the commission of a violent crime,
14 and the violent crime will be attempted murder or attempted
15 armed robbery, and that the, and that the weapon was used as
16 part and parcel of the commission of either one of those
17 crimes. If you find that the State has failed to establish
18 that, then your verdict would be not guilty.

19 And no matter what your verdict is, when you've
20 completed the form, Madam Foreperson, you need to sign your
21 name and the date.

22 Now, ladies and gentlemen, your verdict must be
23 unanimous as to all of the charges. You have been sworn as
24 fair and impartial jurors to determine the facts of this
25 case based upon the evidence that's been presented

1 throughout the course of the trial, and once you have done
2 that, then you will be able to arrive at your verdict, you
3 complete the verdict form, and no one can complain about the
4 verdict that you reached, and would have fully discharged
5 your duty and your responsibility as jurors in this
6 particular matter.

7 Ladies and gentlemen, I remind you that your verdict
8 should not be based upon sympathy, passion, or prejudice.
9 Your verdict should simply speak the truth.

10 Now, ladies and gentlemen, I'm gonna ask that you
11 retire to the jury room. Before you go in -- before you
12 begin any deliberations I'm going to tell you that the law
13 requires that I consult the attorneys to make sure that I
14 have not omitted anything from my, my charge. If, if I have
15 not omitted anything, then the indictments, as well as the
16 verdict forms, as well as the exhibits, will be brought into
17 you, to, for your deliberations.

18 Madam Foreperson, if, during the course of your
19 deliberations, they're any questions that come up that you
20 would like for us to try to answer, write them on a sheet of
21 paper, sign your name, knock on the door, and give it to the
22 bailiff and we'll try to answer it. And I can tell you,
23 while I have notes, notes that I have prepared that I, I
24 referred to and read from in some instances, I do not have a
25 charge that I can send to you in the jury room. So, if you

1 need to hear additional instructions, I will be happy to
2 recharge you. But I can not -- the question I get
3 frequently. I can not send what I have into the jury room
4 with you.

5 If you have no questions, then when you completed your
6 verdict form, if you knock on the door at that time and tell
7 them that you have a verdict, and we'll be happy to receive
8 the verdict, receive you back into the Court to receive the
9 verdict.

10 I will tell you, ladies and gentlemen, that for your
11 own safety and for my piece of mind, while the exhibit
12 containing the gun will be sent to you, only the spent
13 projectiles will be send back to you. The unspent
14 projectiles will not be sent back into the jury room with
15 you for your own safety.

16 Also, you're aware that we've ordered lunch for you. I
17 don't, I don't know whether it's here yet. But when it does
18 arrive, they'll knock on the door. They'll tell you to stop
19 deliberating, that lunch has arrived. They'll bring your
20 lunch in. When you-all have gotten comfortable, and make
21 sure you have everything, then they'll leave the room and
22 you can resume your deliberations at that particular point.

23 Now, Mrs. Conner, as the alternate, your role has also
24 been extremely important. If one of your fellow jurors had
25 been unable to complete service, then you would of stepped

1 into that person's shoes. I ask that you not go into the
2 jury room with them. But if you just wait outside and
3 collect your lunch, and then I'll come excuse you in a few
4 moments.

5 So, ladies and gentlemen, at this time I ask that you
6 retire to the jury room and await further instructions.

7 (WHEREUPON, the following takes place outside the
8 presence of the jury.)

9 THE COURT: Are there any exceptions to the charge by
10 the State?

11 SOLICITOR GRAY: No, ma'am.

12 THE COURT: By the defense?

13 MR. POOLE: No, ma'am.

14 THE COURT: If you will come again and look. I know
15 that you've looked at the indictments, but take a look at
16 them again. Take a look at the verdict forms again, and
17 also I know that you have reviewed the exhibits. But let's
18 make sure that those that are not introduced and will not go
19 back.

20 (Pause.)

21 THE COURT: They're all acceptable?

22 SOLICITOR TAILOR: Yes, ma'am.

23 MR. POOLE: Yes, ma'am.

24 THE COURT: You may take them back into the jury room.
25 The evidence is ready to go back to the jury room, and you

1 may tell them they may begin their deliberations.

2 BAILIFF: Yes, ma'am.

3 THE COURT: Thank you.

4 And we will stand in recess until we hear from the jury
5 further. If you need to leave or you're going to go grab a
6 bite to eat, you just leave cell numbers in case they're any
7 questions. I would suggest waiting a few moments before you
8 depart just to make sure that we, we don't have any
9 questions. The first thing they'll ask is for the charge.

10 SOLICITOR GRAY: Yes, ma'am.

11 THE COURT: That's why, that's why I told them I didn't
12 have the form to give it to them.

13 (WHEREUPON, the jury began deliberations at 1:02 and
14 returned with a question at 1:45.)

15 THE COURT: The jury sent a note, but we had to get the
16 foreperson to sign it. She didn't sign it. It's about
17 hearing additional charges.

18 Mr. Poole, the jurors sent a note. I'm getting the
19 forelady to sign it. It's about hearing additional charges.

20 MR. POOLE: The defendant is being brought around, Your
21 Honor.

22 THE COURT: Okay.

23 (WHEREUPON, the Defendant comes into the courtroom at
24 this time.)

25 THE COURT: Counsel, I've received a note from the

1 jury. It says get the law guilty assault and battery first
2 degree and second degree, and then define assault and
3 battery high and aggravated nature, and it is signed by the
4 foreperson.

5 So, what I would intend to do is to charge them on
6 those three separate charges, and I'll again tell them that
7 the assault and battery of a high and aggravated nature only
8 applies as to Kendrick Cannon.

9 Is there anything else before I bring the jury in?

10 MR. POOLE: Not that I can think of.

11 SOLICITOR GRAY: No, ma'am.

12 THE COURT: You may ask the jury to come in please.

13 (WHEREUPON, the following takes place within the
14 presence of the jury.)

15 THE COURT: I received a note that says define the law
16 guilty assault and battery first degree and second degree.
17 Define assault and battery of a high and aggravated nature.

18 Is that the note you sent to me?

19 FORELADY: Yes, ma'am.

20 THE COURT: Now, ladies and gentlemen, as, as you will
21 recall, I indicated to you that if the State, if the State
22 fails to prove the attempted murder, beyond a reasonable
23 doubt, then you may consider the lesser included offenses.
24 As it relates strictly to Kendrick Cannon and only Kendrick
25 Cannon, you may consider the charge of assault and battery

1 of a high and aggravated nature.

2 A person commits the offense of assault and battery of
3 a high and aggravated nature if the, the person unlawfully
4 injures another person and great bodily injury to another
5 person results or the act is accomplished by means likely to
6 produce death or great bodily injury. Great bodily injury
7 is defined to mean bodily injury which causes a substantial
8 risk of death or which causes serious permanent
9 disfigurement or protracted loss or impairment of the
10 function of a bodily member or organ.

11 If you find that the State is proven by, beyond a
12 reasonable doubt, that the defendant committed the crime of
13 assault and battery of a high and aggravated nature against
14 Mr. Kendrick, then you would go no further. If, however,
15 you find that the State has failed to meet that burden, then
16 you may consider the lesser included offenses of assault and
17 battery first degree.

18 Assault and battery first degree is defined as the
19 person commits the offense of assault and battery in the
20 first degree if the person unlawfully injures another person
21 and the act occurred during the commission of a robbery,
22 burglary, kidnapping, or theft, and that would apply again
23 only to Mr. Cannon as the victim.

24 You may consider the assault and battery first degree
25 as it relates to Ms. Gentry to mean that the person commits

1 the offense of assault and battery in the first degree if
2 the person unlawfully offers or attempts to injure another
3 person with the presentability to do so, and the act is
4 accomplished by means likely to produce death or great
5 bodily injury or occurred during the commission of a
6 robbery, burglary, kidnapping, or theft. Great bodily
7 injury I previously defined for you, but, again, it means
8 bodily injury which causes a substantial risk of death or
9 which causes serious permanent disfigurement or protracted
10 loss or impairment of the function of a bodily member or
11 organ.

12 If you find that the State has failed to prove, beyond
13 a reasonable doubt, the assault and battery of the first
14 degree, then you may consider assault and battery second
15 degree, and this applies as to both victims in this case.

16 Assault and battery -- a person commits the offense of
17 assault and battery in the second degree if the person
18 unlawfully injures another person or offers or attempts to,
19 to injure another person with the presentability to do so
20 and moderate bodily injury to another person results or
21 moderate bodily injury to another person could have
22 resulted.

23 Moderate bodily injury means physical injury requiring
24 treatment to an organ system of the body, other than the
25 skin, muscles, and connective tissues of the body, except

1 when there is penetration of the skin, muscles, and
2 connective tissues that require surgical repair of a complex
3 nature or when treatment of the injuries requires the use of
4 regional or general anesthesia.

5 Ladies and gentlemen, this concludes the charges to
6 those particular offenses. If you find that the State has
7 proven, beyond a reasonable doubt, the assault and battery
8 of the second degree, second degree, then you must find the
9 defendant guilty of that particular offense. If you find
10 that the State has failed to prove the assault and battery
11 of a high and aggravated nature or assault and battery first
12 degree or assault and battery first degree -- second degree
13 as it relates to Kendrick Cannon, then you must find the
14 defendant not guilty. If you find that the State has failed
15 to prove, beyond a reasonable doubt, the charge of assault
16 and battery first degree or assault and battery second
17 degree as to Ms. Gentry, then you would find the defendant
18 not guilty. And that is, of course, if, if the State has
19 failed -- if you are considering the lesser included
20 offenses, then that would mean that the State did not prove,
21 beyond a reasonable doubt, the attempted murder charge. So,
22 only if you find that the State failed to prove, beyond a
23 reasonable doubt, the attempted murder, then you may
24 consider these lesser included offenses.

25 I will ask that you return to the jury room and

1 continue your deliberations, and hopefully lunch will arrive
2 shortly. It is kind of late and they've got it ordered.
3 But if you have additional questions, please send another
4 note.

5 Thank you.

6 (WHEREUPON, the following takes place outside the
7 presence of the jury.)

8 THE COURT: Is there anything further at this time?

9 MR. POOLE: Not from the defense, Your Honor.

10 SOLICITOR GRAY: Not from the State, Your Honor.

11 THE COURT: Then we'll just stand in recess until we
12 hear from them further.

13 Thank you.

14 And the note has been marked as a Court's Exhibit.

15 (WHEREUPON, the note from the jury was marked as
16 Court's Exhibit No. 1 for identification purposes only at
17 this time.)

18 (WHEREUPON, the jury began deliberations again at 1:51
19 and returned with a verdict at 2:57.)

20 THE COURT: I understand that the jury has reached a
21 verdict.

22 Is there anything we need to take up before we bring
23 them in?

24 MR. POOLE: No, ma'am.

25 SOLICITOR GRAY: No, ma'am.

1 THE COURT: And I will warning everyone in the
2 courtroom. There should be no outbursts at all, and
3 deputies are standing by. In the event there is an
4 outburst, you will be removed from the courtroom.

5 You may ask the jury to come in please.

6 (Whereupon, the following takes place within the
7 presence of the jury.)

8 THE COURT: I understand, Madam Forelady, you have
9 reached a verdict, is that correct?

10 FORELAY: Yes, ma'am.

11 THE COURT: If you would please pass it to the bailiff.
12 Thank you.

13 (Forelady complies.)

14 THE COURT: Madam Clerk, please publish the verdicts.

15 CLERK: In the General Sessions, Court Cases No.
16 2011-GS-42-6652, 2011-6653, 2011-6654, 2011-6655, and
17 2011-6656, the State of South Carolina versus Cornelius
18 Jerome Staggers.

19 In the indictment relating to victim Kendrick Cannon,
20 we, the jury, unanimously find the defendant guilty of
21 assault and battery second degree.

22 On the indictment for attempted armed robbery, it's
23 guilty. This is signed by the foreperson and dated today's
24 date.

25 On the indictment relating to the victim Quita Gentry,

1 we, the jury, unanimously find the defendant guilty of
2 assault and battery second degree.

3 On the indictment for attempted armed robbery is
4 guilty.

5 The verdict is signed by the foreperson and dated
6 today's date.

7 On the indictment of possession of firearm during
8 commission of a violent crime, we, the jury, unanimously
9 find the defendant guilty. This is also signed by the
10 foreperson and dated today's date.

11 Ladies and gentlemen, if these are your verdicts and
12 still your verdicts, please raise your right-hand.

13 (WHEREUPON, all jurors raise their hands at this time.)

14 CLERK: So say you-all.

15 THE COURT: Do the parties wish to poll the jurors for
16 --?

17 MR. POOLE: No, ma'am.

18 SOLICITOR GRAY: No, ma'am.

19 (WHEREUPON, the jury was dismissed at this time.)

20 THE COURT: Are there any post-trial motions at this
21 time?

22 MR. POOLE: Yes, ma'am.

23 At this time I would like to renew my previous
24 objection and raise my pretrial motion to exclude the
25 defendant's statement at the time of the arrest, and I would

1 ask for a new trial, and that is based on my motion for a
2 directed verdict which I discussed during the close of the
3 state's case.

4 THE COURT: Mr. Poole, based upon your motions, your
5 post-trial motions, I'm going to deny the motions especially
6 with respect to the statement. Of course, I instructed the
7 jury that they had to determine whether the statement was
8 made and then determine whether or not it was voluntary.
9 There was also other evidence that would tend to corroborate
10 the, some of the matters that were within the statement.

11 As relates to the new trial, certainly you, you made
12 your arguments relating to the, the attempted murder as well
13 as the attempted armed robbery, and you made your arguments
14 to the jury. Certainly the jury viewed the evidence more
15 in, in light with the arguments that you made during the
16 course of the closing arguments. I think that there's
17 certainly evidence that would support those verdicts as it
18 relates to the assault and battery second degree, and, and
19 there's evidence to support the attempted armed robbery as I
20 stated to you previously, sir.

21 So, I will respectfully deny your request for a new
22 trial.

23 At this time are we ready for sentencing?

24 MR. POOLE: Yes, ma'am.

25 THE COURT: Just as a preliminary matter, Mr. Stagers,

1 how old are you?

2 DEFENDANT: Twenty-one.

3 THE COURT: And how far did you go in school?

4 DEFENDANT: Eleventh grade.

5 THE COURT: Before you were arrested, were you
6 employed?

7 DEFENDANT: No, ma'am.

8 THE COURT: And are you currently under the influence
9 of any drugs or alcohol or prescription medicines?

10 DEFENDANT: No, ma'am.

11 THE COURT: Do you have any physical or mental
12 conditions that would prevent you from being able to
13 understand what's going on here?

14 DEFENDANT: No, ma'am.

15 THE COURT: And, Mr. Stagers, you understand that
16 originally you were charged with two separate charges for
17 attempted murder. The -- there was a trial here this, this,
18 these last two days and the jury returned a verdict on each
19 one of those attempted murders to assault and battery second
20 degree, which carries a maximum term of imprisonment -- each
21 one carries a maximum term of imprisonment of three years?

22 DEFENDANT: Yes, ma'am.

23 THE COURT: You understand that?

24 DEFENDANT: Yes, sir.

25 THE COURT: The attempted armed robbery, there were two

1 charges of attempted armed robbery. Each one of those
2 carries a maximum term of imprisonment of 20 years, and you
3 understand that the jury brought back a verdict of guilty on
4 the attempted armed robbery?

5 DEFENDANT: Yes, ma'am.

6 THE COURT: And, finally, the possession of a weapon
7 during the commission of a violent crime, that carries a
8 mandatory five years unless there's another charge that
9 carries more time. In this particular case, the attempted
10 armed robbery carries more than the five years. So, it's
11 not required that I, that I sentence you to a mandatory five
12 years.

13 Now you understand that?

14 DEFENDANT: Yes, ma'am.

15 THE COURT: And you've had an opportunity to talk with
16 your attorney about the charges and all that took place
17 during the course of the trial, is that correct?

18 DEFENDANT: Yes, ma'am.

19 THE COURT: Mr. Gray, anything further from the State?

20 SOLICITOR GRAY: Yes, ma'am, Your Honor.

21 In this situation, the State, during closing arguments,
22 Mr. Staggers saw somebody he thought would be an easy
23 target, pulled out his gun, shot into a crowd, injured
24 Mr. Staggers. The jury found him guilty of attempt --
25 assault and battery second against Ms. Gentry and

1 Mr. Cannon:

2 Also the two counts of attempted armed robbery showed
3 his complete lack of any compunction in this matter of
4 trying to rob these people in broad daylight with numerous
5 witnesses all around, and stated, during testimony, he
6 thought he could get away with it by hiding things, and he
7 does have a prior record, Your Honor.

8 2007, as a juvenile, shoplifting, disturbing schools,
9 and a burglary third first offense.

10 2010, unlawful carrying of a pistol, and burglary
11 second violent two offenses.

12 THE COURT: I'm sorry. Burglary second violent did you
13 say?

14 SOLICITOR GRAY: Yes, ma'am, two offenses in 2010.

15 THE COURT: 2010?

16 SOLICITOR GRAY: Yes, ma'am.

17 THE COURT: When -- the juvenile record was when?

18 SOLICITOR GRAY: 2007.

19 THE COURT: Shoplifting?

20 SOLICITOR GRAY: That was in 2007.

21 THE COURT: And what else?

22 SOLICITOR GRAY: Disturbing schools in 2007, and
23 burglary third first offense was in 2007.

24 Additionally, we passed up an order I believe for
25 restitution to State Office of Victims Assistance for care

1 given to Mr. Cannon. I believe that was in the amount of
2 \$4,000. I believe the defendant has signed that. His --
3 unfortunately, Your Honor, this is a young man who likes
4 guns and he likes to steal.

5 THE COURT: Anything further?

6 SOLICITOR GRAY: No, ma'am, the victims are present,
7 but they don't wish to address the Court.

8 THE COURT: And they both testified at the trial?

9 SOLICITOR GRAY: Yes, ma'am.

10 THE COURT: Yes, sir, Mr. Poole.

11 MR. POOLE: Thank you, Your Honor.

12 Mr. Staggers, at 21 years of age, is still, still very
13 young and there's -- there's a chance that plenty, there
14 will be plenty of chances for him to turn things around,
15 rehabilitate himself, and try to make a life for himself
16 before he becomes an old man or a much older man.

17 He hasn't had much of a chance. He dropped out of
18 school in the 11th grade. He's lived with his father. He
19 lives with his aunt, and both of whom have been in or around
20 the courtroom during the course of this trial. His father
21 is here today, and I don't think he wants to address, wishes
22 to address the Court, but any consideration that you could
23 give him given his youth, and he has been in jail for 558
24 days.

25 THE COURT: Since, since September 29th of 2011?

1 MR. POOLE: That is correct.

2 THE COURT: Mr. Staggers, is there anything that you'd
3 like to say?

4 That's optional.

5 DEFENDANT: No, ma'am.

6 THE COURT: Mr. Staggers, I heard the testimony as was
7 presented throughout the course of this trial, and I will
8 sentence you on the assault and battery third degree, I'm
9 sorry, assault and battery second degree to three years on
10 each to run concurrent.

11 On the possession of a firearm during the commission of
12 a violent crime, I indicated that it was a mandatory five
13 years. It is a mandatory five years, but the service of the
14 five years sentence is not mandatory unless -- I'm sorry.
15 The service is mandatory unless there, there's a mandatory,
16 a longer mandatory minimum as provided by law. That
17 sentence does effect ability to be able to be eligible for
18 parole or work release, work release, and you can not
19 receive good time credits during the five years. You can
20 not be released because of good time credits because, during
21 those five years.

22 And, so, I will sentence you to the Department of
23 Corrections on that offense for five years.

24 On the attempted murder charge, the maximum under the
25 statute is 20 years. In, in light of the evidence that I've

1 heard, I will sentence you to a sentence of ten years on
2 each charge to run concurrently, all of the charges to run
3 concurrently, and based in part upon the fact of your age,
4 that you're 21. while you do have a, a criminal history,
5 and they have been violent offenses in the past, I am still
6 not of the opinion that you can not lead a productive life.

7 And, so, at some particular point you will be eligible
8 for release from the Department of Corrections. Only the
9 Parole Board can make that ultimate decision. It is
10 considered to be a violent offense which will effect your
11 eligibility for parole, and it will also effect where you
12 are indeed housed within the Department of Corrections.

13 I don't impose any other special conditions during the
14 course of your incarceration. I hope that you will take
15 advantage of the opportunity to earn any educational
16 opportunities and to complete your GED, and perhaps to try
17 to obtain some skills that may be beneficial to you when --
18 so that when you are released you will still be young enough
19 to be able to, to have a, to be able to support yourselves
20 and to lead a productive life. I wish you the very best.
21 Good luck to you.

22 Thank you.

23 SOLICITOR GRAY: Your Honor, restitution?

24 THE COURT: Yes, sir, and I'm sorry.

25 Mr., Mr. Stagers, I will impose the restitution amount

1 of \$4,447.53. So, I will impose that.

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* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 8th and 9th day of April, 2013.

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

June 24th, 2013



PAMELA E. GREEN, Court Reporter

WITNESSES

Spartanburg City Police Department

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 2 2 2011

VERDICT

guilty assault and
battery second degree

Kelly M. Cantrell

Foreperson of Petit Jury
Date:

4/9/13

DOCKET NO.

11-GS-42-6652

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 28 2011

TERM

THE STATE
vs.

Cornellus Jerome Staggers, Jr.

Indictment for
ATTEMPTED MURDERSC Code: 16-3-0029
CDR Code: 3410
Class FEL-AFILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 DEC -5 PM 4:59
M. HOPE BLACKLEY

CO

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

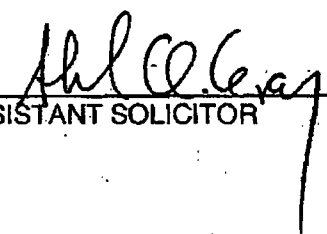
NOV 22 2011

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED MURDER

That Cornelius Jerome Staggars, Jr., did in Spartanburg County on or about September 28, 2011, with malice aforethought, intend and attempt to kill the victim, Kendrick Jamar Cannon, by shooting the victim with a firearm, in violation of §16-03-0029, of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

WITNESSES

Spartanburg City Police Department

REPORT NO.

DATE

FILED

INDEXED

CHECKED WARRANTS

CHECK SIGNATURE

APPROVED AND

ARREST WARRANT NUMBER

DATE TO BE FILED

M128739

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **11-GS-42-6653**

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 28 2011

TERM

THE STATE
vs.

Cornelius Jerome Stagers, Jr.

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-0029
CDR Code: 3410
Class FEL-A

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 DEC -5 PM 4:59
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 22 2011

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED MURDER

That Cornelius Jerome Staggers, Jr., did in Spartanburg County on or about September 28, 2011, with malice aforethought, intend and attempt to, kill the victim, Quita Gentry, by shooting at the victim with a firearm, in violation of §16-03-0029, of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

WITNESSES

Spartanburg City Police Department

CARD FILED

INDEXED

CHECKED WARRANTS

CHECKED SIGNATURE

ASSIGNED AND

FILE CARD MADE

ARREST WARRANT NUMBER

M128741

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Guilty assault and battery
Second degreeForeperson of Petit Jury
Date:

4/9/13

DOCKET NO.

11-GS-42-6654

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

NOV 28 2011

TERM

THE STATE
vs.

Cornellus Jerome Staggers, Jr.

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-330 (B)
CDR Code: 26
Class FEL/CFILED
CLERK OF COURT
SPARTANBURG COUNTY

2011 DEC -5 PM 4:59

M. HOPE BLACKLEY

ad

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

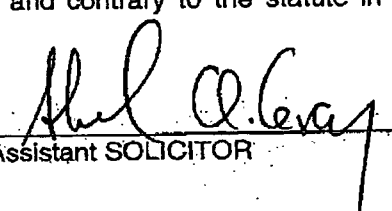
At a Court of General Sessions, convened on NOV 27 2011, the

Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Cornelius Jerome Staggers, Jr. did, in Spartanburg County on or about September 28, 2011, while armed with a pistol, or other deadly weapon, or while alleging, either by actions or words, he was armed while using representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously attempt to take by means of force, violence and/or intimidation goods or monies of victim Kendrick Jamar Cannon, in violation of §16-11-330 (B), *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Assistant SOLICITOR

WITNESSES

Spartanburg City Police Department

TRAFFIC STOP

AND FILED

NOTED

CHECKED WARRANTS

CHECKED SIGNATURE

ASSIGNED AND

FILE CARD MADE

ARREST WARRANT NUMBER

M128742

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 22 2011

VERDICT

guilty assault and battery
second degreeForeperson of Petit Jury
Date:

4/9/13

DOCKET NO

11-GS-42-6655

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 28 2011

TERM

THE STATE
vs.

Cornelius Jerome Staggers, Jr.

Indictment for
ATTEMPTED ARMED ROBBERYSC Code: 16-11-330 (B)
CDR Code: 26
Class FEL/CFILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 DEC -5 PM 4:59
M. HOPE BLACKLEY

60

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 22 2011 the
Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Cornelius Jerome Staggers, Jr. did, in Spartanburg County on or about September 28, 2011, while armed with a pistol, or other deadly weapon, or while alleging, either by actions or words, he was armed while using representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously attempt to take by means of force, violence and/or intimidation goods or monies of victim Quita Gentry, in violation of §16-11-330 (B), *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Assistant SOLICITOR

WITNESSES

Spartanburg City Police Department

REPORTED BY

FILED NUMBER

INDEXED

CHECKED WARRANTS

CHECKED SIGNATURE

ASSIGNED AND

FILED DATE

ARREST WARRANT NUMBER

DIRECT INDICTMENT
(M128743)

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury NOV 22 2011
Date:

VERDICT

guilty

Kellie M. Cantrell
Foreperson of Petit Jury
Date: 4/9/13

11-GS-42-6656

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 28 2011

TERM

THE STATE
vs.

Cornelius Jerome Staggers, Jr.

Indictment for
POSSESSION OF FIREARM DURING
COMMISSION OF A VIOLENT CRIMESC Code: 16-23-490(A)
CDR Code: 549
Class FEL/FFILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 DEC -5 PM 4:58
M. HOPE BLACKLEY

DO

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 22 2011

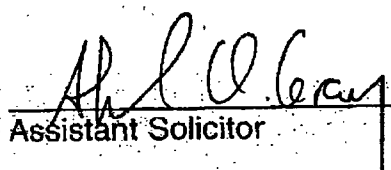
At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

POSSESSION OF FIREARM DURING COMMISSION
OF A VIOLENT CRIME

That Cornelius Jerome Staggers, Jr., did in Spartanburg County on or about September 28, 2011, possess or visibly display a firearm during the commission or attempted commission of a violent crime the crime being attempted murder, all in violation of Code §16-23-490(A), *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

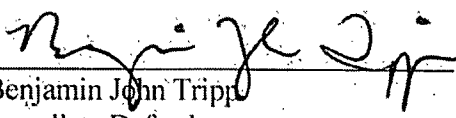
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Assistant 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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 3, 2014


Benjamin John Tripp
Appellate Defender

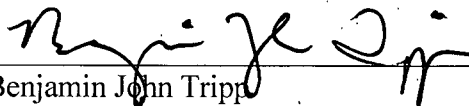
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 3, 2014


Benjamin John Tripp
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Spartanburg County
Alison Renee Lee, Circuit Court Judge

RECEIVED

FEB 03 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CORNELIUS JEROME STAGGERS,

APPELLANT

APPELLATE CASE NO. 2013-000829

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, AND Mr. Cornelius Staggers, # 342367, at Tyger River Correctional Institution, 200 Prison Road, Enoree, SC 29355, this 3rd day of February, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 3rd day of February, 2014



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.