

20482

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JUN 26 2013

APPEAL FROM BEAUFORT COUNTY
General Sessions Court

SC Court of Appeals

The Honorable William Henry Seals, Jr., Circuit Court Judge

Indictment Number 2009-GS-07-1279, 1293, & 1296
Appellate Case Number 2012-208487

The State,.....Respondent

v

Jaquwn Brewer,.....Appellant

RECORD ON APPEAL

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WITNESSES

Fraser - BCSO

DOCKET NO. 2009GS0701279

The State of South Carolina

County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

June Term 2009

Hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

J347620

THE STATE

vs.

Jaquwn Dominique Brewer

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: 6/25/09

VERDICT

Indictment for

Assault and battery with Intent to Kill
(ABWIK)

SC Code: 16-03-0620
CDR Code:0014

Defendant

Witness:

Foreperson of Petit Jury
Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

FILED

INDICTMENT
2009GS0701279

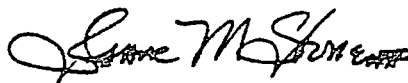
At a Court of General Sessions, convened on June 25, 2009, the Grand Jurors of Beaufort County present upon their oath:

FILED

Assault and battery with Intent to Kill (ABWIK)

That in Beaufort County, South Carolina, on or about May 24, 2009, the Defendant, Jaquawn Brewer, with malice aforethought, did commit an unlawful act of a violent nature upon the victim, Donald Parker, to wit: the Defendant did shoot the victim with a gun; all in violation of the Common Law of South Carolina and Section 16-03-620 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.



Solicitor

STATE OF SOUTH CAROLINA

0-20 yrs

COUNTY OF
STATE

Beaufort

VS.

Jaquawn Brewer

AKA:

Race: B Sex: M Age: 24

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Assault / Assault and battery with Intent to Kill (ABWIK)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS0701279

A/W#: J347626

Date of Offense: 5/23/2009

S.C. Code § 16-03-0620

CDR Code #: 0014

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0620 of the S.C. Code of Laws, bearing CDR Code # 0014

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Bannon, Meredith

77415
SC Bar#

Defendant

Attorney for Defendant

72930
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.70
TOTAL		\$ 133.70

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

8-26-2011

WITNESSES

Fraser - BCSO

ARREST WARRANT NUMBER

M055427

ACTION OF GRAND JURY

True Bill

Angela Courtney
Foreperson of Grand Jury

Date: 6/25/07

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2009GS0701293

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

June Term 2009

THE STATE

vs.

Jaquawn Dominique Brewer

Indictment for

Murder

SC Code: 16-03-0010; 16-03-0020
CDR Code:0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

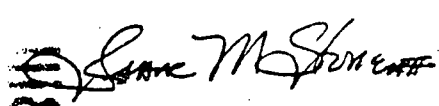
INDICTMENT
2009GS0701293

At a Court of General Sessions, convened on June 25, 2009, the Grand Jurors of Beaufort County present upon their oath:

Murder

That in Beaufort County, SC on or about May 24, 2009, with malice aforethought, Jaquwn Dominique Brewer did kill and murder Henry Jones by means of shooting the victim with a gun, and that Henry Jones did die in Beaufort County as a proximate result thereof on May 25, 2009; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Solicitor

FILED

STATE OF SOUTH CAROLINA

30 yrs to life

COUNTY OF

Beaufort

STATE

VS.

Jaquawn Brewer

AKA:

Race:

B

Sex: M

Age:

24

DOB:

SS#

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS0701293

A/W#: M055427

Date of Offense: 5/24/2009

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST

Bannon, Meredith

77415
SC Bar#

Defendant

Attorney for Defendant

12930
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling: ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

WITNESSES

Fraser - BCSO

ARREST WARRANT NUMBER

M055428

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: 6/25/09

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2009GS0701296

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

June Term 2009

THE STATE

vs.

Jaquwn Dominique Brewer

Indictment for

**Possession of weapon during commission of
violent crime**

SC Code: 16-23-0490
CDR Code:0549

After being fully advised as to my legal
rights, I hereby waive presentment to the
Grand Jury.

Defendant

I
Hereby appear in my own proper person
and plead guilty to the within indictment or
to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

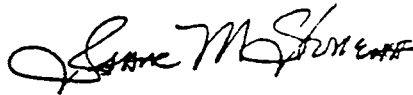
INDICTMENT
2009GS0701296

At a Court of General Sessions, convened on June 25, 2009, the Grand Jurors of Beaufort County present upon their oath:

Possession of weapon during commission of violent crime

That in Beaufort County, South Carolina, on or about May 24, 2009, the Defendant, Jaquawn Dominique Brewer, did possess a weapon, or did visibly display what appeared to be a weapon during the commission, or attempted commission, of murder, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

JUNE 25 2009

STATE OF SOUTH CAROLINA

additional 5 yrs if not sent. to life

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Beaufort

STATE

VS.

Jaquawn Brewer

AKA:

Race: B

Sex: M

Age: 24

DOB:

SS#

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life with

in violation of § 16-23-0490

of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTORNEY

Bannon, Meredith

77415

SC Bar#

Defendant

Attorney for Defendant

12930

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of 5 days/months/years or

☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2157

8-26-2011

1 right to remain silent which he has an absolute
2 right to do. That is as to the issue of ending --
3 ending the statement at that point because it
4 should come down like a steel curtain.

5 Now, they can say the defendant reinitiated
6 contact by talking, but as I said, the transition
7 is to bring the mother in and coming back in, it's
8 just we start all over again.

9 Once he says, no, you've got to break that
10 exchange. There was no reason at that point when
11 they put the cuffs on him just to march him
12 straight over here to the county jail rather than
13 leaving him in there. The investigator told you
14 they're trained to keep people engaged and that's
15 exactly what they did. Under Rhode Island versus
16 Innis, that's the functional equivalent of still
17 interrogating a defendant after he has asserted
18 his Fifth Amendment right.

19 The second part that I have problems with,
20 obviously, are the conversation with the -- with
21 the mother.

22 The third problem -- there is a third and
23 fourth problem now that I've listened to it again.
24 The detective -- or the investigator puts so
25 much hearsay in there. They're calling your name,

1 they say you did this, I have witnesses that said
2 they saw you shooting. Those are all hearsay
3 statements that were this investigator in this
4 courtroom, he would not be allowed to testify to,
5 but they put it in the guise of an interrogation.
6 Those statements from the investigator, I think
7 you've got a twin problem. Not only the
8 statements of the defendant, but the statements of
9 the investigator are two-fold, that numerous in
10 there who uses hearsay. We have a witness that
11 says this. They say that you were doing that.
12 They called your name out. A bunch of people
13 called your name out.

14 If the investigator were in court, he would
15 not be allowed to say that. I don't think they
16 should be able to get those hearsay statements in
17 under the guise of an interrogation. Those should
18 be, if nothing else, redacted or deleted from that
19 recording.

20 And then infected throughout the interview
21 is an -- for the jury to hear that you can prove
22 yourself innocent. Get us this gun, it'll prove
23 you innocent. You can prove yourself innocent.
24 Help me prove you innocent. I believe the
25 Court -- it's contrary to the Court's charge

1 initially when you charge the jury and finally
2 you're going to tell them, I believe, in the
3 general charge that the defendant is under no
4 burden to prove himself innocent at any time.
5 It's up to the State and the State solely to amass
6 and collect evidence and present it to show guilt.
7 Infected throughout the entire interrogation, that
8 burden under Sandstrom versus Montana has shifted
9 to the defendant.

10 The jury's going to hear that and question
11 themselves. Well, if he was innocent, why didn't
12 he come forward with the evidence to prove himself
13 innocent. He does not have to do that and you
14 can't un-ring that bell out of the jury's mind.
15 It's wholly infected throughout that audio. Those
16 are the four problems I have, Your Honor. Thank
17 you.

18 THE COURT: Thank you.

19 I'll be glad to hear from you, Mr. Bannon.

20 MR. BANNON: Your Honor, it's the State's
21 position with regards to the interrogation, is
22 that -- first of all, it's not being contested
23 that he was read his Miranda warnings. It's clear
24 that he understood them. And that then they
25 commence the questioning. It's our position with

1 regards to his invocation of his right to remain
2 silent that when -- when the officer stopped
3 questioning and placed him under arrest that
4 that's when he had clearly articulated his wish to
5 remain silent. I believe the ones that Mr. Newman
6 mentioned that came previously weren't a clear
7 invocation of his right to remain silent. And
8 that's mentioned in my -- in my memo, Your Honor.

9 Moving on to, I guess Mr. Newman's problem
10 with Mr. Brewer's mother being brought into the
11 room. Essentially, the defendant had requested
12 earlier to speak with his mother and that request
13 was initially denied. When he clearly invoked his
14 right to remain silent, all questioning ceased.
15 Now, in listening to the tape, it's clear that the
16 next statements that are heard come from the
17 defendant inquiring about a couple of different
18 things.

19 First, he inquires about what charges he's
20 facing, and then there's a pause and then there's
21 a pause; and then second, he inquires about the
22 possibility of taking a lie detector test and
23 those other things. Your Honor, it -- the case
24 law tells us that essentially, what needs to be
25 adhered to is that the defendant needs to be the

1 captain of his own ship in this particular
2 interrogation. As soon as he starts talking
3 about, you know, making other statements or taking
4 lie detector tests, to me that shows his
5 willingness to offer further statements.

6 Then the officers merely comply with his
7 request to have his mother -- for the ability to
8 speak with his mother. She is brought into the
9 room. It's quite clear that the detectives are in
10 the room also and that Mr. Brewer then willingly
11 engages them in conversation along with his
12 mother. This -- this is just a situation where,
13 you know, he wanted to speak with her, he shows
14 the willingness before he's given the opportunity
15 to speak with his mother to make further
16 statements and then he willingly chooses to engage
17 in conversation with the detectives as well as his
18 mother.

19 I don't see that there's anything the
20 matter with that particular portion of the
21 interrogation. As to Mr. Newman's distaste for
22 the tactics used by the investigators.
23 Essentially, what they're asking the defendant for
24 is for the gun. Because what they're telling him
25 is is that, we have these bullets, if you give us

1 the gun, we can do a comparison on these -- on
2 these items. It's clear from the tape that
3 Investigator Fraser says that you can -- you can
4 prove yourself innocent, and I don't dispute that
5 fact, Your Honor; however, essentially what
6 Investigator Fraser is going after is -- is to try
7 to put pressure on the defendant to show him the
8 importance of why this gun is required.

9 And, Your Honor, those are essentially the
10 State's positions. I don't know if I -- if I left
11 out one of Mr. Newman's arguments.

12 THE COURT: How about in regards to the
13 hearsay arguments?

14 MR. BANNON: Oh the hearsay arguments.
15 Well, Your Honor, as I stated up at the bench, it
16 would be the State's position that the statements
17 that the mother make we're not offering for the
18 truth of the matter asserted and that therefore
19 they aren't hearsay. They're obviously
20 out-of-court statements, but we just -- we're
21 offering they're not of the truth of the matter
22 asserted, and clearly we think they're extremely
23 reliable as there's a, you know, word-for-word
24 recording of it and so we're just relying on the
25 fact that we're not offering them for the truth of

1 the matter asserted, which would make them not
2 hearsay.

3 THE COURT: How about the other hearsay
4 statements. Such as, so and so said he saw him
5 shoot or whatever.

6 MR. BANNON: Well, Your Honor, I think
7 that -- that's very similar to, you know, the
8 police officers are permitted to use tactics even
9 if they aren't true. I mean, it would be --
10 Investigator Fraser would have been within his
11 rights to say to the defendant, we have the gun
12 and we found a print on it, even though that was
13 not true. I mean, the mere fact that there were a
14 number of witnesses who saw the defendant and that
15 these people did -- you know, identify Mr. Brewer
16 as the shooter, that doesn't in and of itself make
17 Mr. -- or the investigator's tactics inadmissible.
18 He could've used completely false statements to
19 try to get Mr. Brewer to admit to his involvement
20 and I don't see what would preclude him from using
21 things that are true and that will be testified in
22 the trial during the course of this interrogation.

23 MR. NEWMAN: And I would just briefly
24 respond to that, Your Honor. The tactics and all
25 that is fine. I mean, I -- I was a police

1 | detective for a number of years, okay. I
2 | understand all that, but when -- the problem with
3 | it is, that would go to the issue of coercion or
4 | voluntariness of the statement. The problem of it
5 | is that the detective through a audio recording is
6 | allowed to testify to so and so said they saw
7 | you -- statements that he clearly could not
8 | testify to in this courtroom and they're coming
9 | out just the same. That's the problem that I have
10 | with it, not the voluntariness issue as to that
11 | aspect. Of course, I think the State admitted
12 | that the detective was trying to pressure him into
13 | making a statement, but be that as it may.

14 | THE COURT: What's your response to that?

15 | MR. BANNON: To the fact that he was trying
16 | to pressure him into making a statement?

17 | THE COURT: That he was making -- trying to
18 | get these statements in through the backdoor
19 | through this interview.

20 | MR. BANNON: Well -- well, Your Honor, I
21 | don't believe that that was Investigator Fraser's
22 | intent to try to backdoor the statements in. What
23 | I believe is the case is Investigator Fraser was
24 | trying to plainly state the facts as he knew them
25 | to the defendant in order to try to get him to

1 | come around to actually admit to his involvement
2 | is that there were a club full of people, a lot of
3 | whom knew the defendant, saw him with a gun.
4 | There was a picture of him with a gun and that
5 | then he produced it and began firing into a
6 | crowded room. I think that those were just
7 | Investigator Fraser confronting him with the
8 | evidence, not making an attempt to sort of
9 | backdoor in hearsay evidence.

10 | THE COURT: All right.

11 | MR. BANNON: And -- and a number of these
12 | witnesses are going to be testifying, Your Honor.
13 | I can see Mr. Newman's point more if individual
14 | people were named and, you know, I don't know if
15 | it was, you know, Joseph Smith saw you with a gun
16 | and he told me that this day. You know, and if
17 | for whatever reason we weren't able to produce Mr.
18 | Smith --

19 | THE COURT: Were any of those particular
20 | people named? Did he give specific names? Or did
21 | he just say witnesses?

22 | MR. NEWMAN: Well, and that's the further
23 | problem I have with it, Your Honor. The
24 | declarants aren't even identified. There's going
25 | to be people coming here, sure they're going to

1 | testify that, I know this guy, I saw him with a
2 | gun. I understand that. But the -- the -- the
3 | problem is when they say, they, we've got a lot of
4 | people and all that -- and I'm not questioning the
5 | detectives motives for an interrogation, that's
6 | not what I'm talking about. That -- that's
7 | perfectly fine, I don't have problems with that.
8 | It's when it comes in here, the jury's going to
9 | hear, oh they got all these witnesses and they're
10 | not specifically named. They might put up
11 | witnesses, but that also leaves in the jury's
12 | mind, there may be dozens of witnesses out there
13 | that they didn't call. It --

14 | THE COURT: That's where you would be a
15 | good defense lawyer and bring that up. Challenge
16 | it. Question it.

17 | MR. NEWMAN: I shouldn't have to.

18 | THE COURT: Dig into it.

19 | MR. NEWMAN: That's just -- if he attempted
20 | to testify to what he was telling Mr. Brewer, I
21 | have a witness, ladies and gentlemen, that said
22 | they saw him with the gun and did this, if I made
23 | an objection, I believe the Court would overrule
24 | that -- would sustain that objection. And
25 | that's --

1 THE COURT: What's your response to that?

2 MR. BANNON: Well, Your Honor, it's the
3 fact that it's not testimony. It's -- it's being
4 offered to the defendant, you know, in order to --
5 I mean, it essentially was a tactic to try to get
6 the defendant to admit his guilt. It's not what's
7 being offered into evidence through testimony.
8 And I suppose to the defendant's credit, you know,
9 these tactics were unsuccessful.

10 THE COURT: All right.

11 MR. BANNON: That -- you know, as to
12 whether or not they will convince a jury of twelve
13 people of his guilt or innocence, but, you know,
14 that's for the jury to decide. But, you know,
15 that's not evidence which is being admitted this
16 is, you know, information which is being used to
17 confront the defendant.

18 THE COURT: Based on the preponderance of
19 the evidence, I'm going to find that the
20 defendant was properly Mirandized and that the
21 defendant's statements were given freely and
22 voluntarily. I will allow the statement.

23 What other issues do we have?

24 MR. NEWMAN: In -- Your -- as to the
25 statement, I'm not arguing with you, Your Honor, I

1 understand you've ruled and we, obviously, take
2 exception for the record; however, that can be
3 really on parts of it, other than the invocation,
4 I believe -- I would move to suppress the audio
5 portion of that and have the detective testify as
6 to what the defendant told him under your ruling.
7 Still continuing on our objection on that. All of
8 that techniques and garbage that's on that audio,
9 I don't think these should be played for the jury.
10 He can orally testify, I questioned him, I asked
11 him where the gun is, he refused to tell me. All
12 he kept saying is he, he didn't shoot anybody.
13 But all of the other blabber that's in there does
14 not need to go to the jury. The detective --
15 detective -- investigator can testify to that
16 without that audio recording.

17 THE COURT: What's your response?

18 MR. BANNON: Well, Your Honor, we think
19 that -- that essentially that that's the evidence
20 the documents -- the defendant and his situation.
21 I mean, particularly, I think it's relevant in the
22 fact that on a number of occasions when he's
23 confronted with exactly where this pistol is,
24 there are incredibly long pauses in which the
25 defendant essentially has no answer before he

1 | retreats to, I didn't shoot anyone. And I think
2 | that that's the information which is very
3 | informative to the jury. You know, that -- that
4 | can't fully be brought out during, you know,
5 | simply examining the police officer to say, well,
6 | did you ask him if he shot anyone, well no, he
7 | told me no. I just don't believe that that --

8 | THE COURT: I will allow the statement as
9 | it is.

10 | All right. What else do you have, Mr.
11 | Newman?

12 | **PRETRIAL MOTIONS**

13 | MR. NEWMAN: The last thing I have, Judge,
14 | is to have the witnesses sequestered. I
15 | understand Investigator Fraser is the lead
16 | investigator on this. I do not have a problem --

17 | THE COURT: I don't have any problem with
18 | that. Do you solicitor?

19 | MR. BANNON: No, Your Honor, we don't have
20 | any objection to that. The one thing is that we
21 | do have the victim's widow who's been in the
22 | courtroom the entire day today. We would just
23 | ask -- and -- and the other victim. We just ask
24 | that they be allowed to remain present because I
25 | believe it's their right.

1 and that's that, as is Mr. Parker; I don't think
2 he had anything to do with anything.

3 However, the question in this case is, not
4 is Mr. Brewer a bad guy or whatever because he
5 took his gun. That's not the question. That's
6 not the question. You can pass on that. The
7 question is whether the State of South Carolina,
8 because it is their burden completely -- no burden
9 rests on Mr. Brewer, although the detectives think
10 it does when you hear the statement. They
11 challenge Mr. Brewer to prove his innocence, and
12 that's not how it works because our system of
13 justice says that you are presumed innocent --
14 innocent. You don't have to do anything else.
15 You can rest and stand on that presumption of
16 innocence. It's up to the State of South Carolina
17 to clearly and completely prove to you that Mr.
18 Brewer fired the fatal shot.

19 And we can see, there's no doubt about it.
20 You might hear testimony from a pathologist to get
21 into gory details and all that. Unfortunately,
22 Mr. Jones is dead. He died of a single gunshot
23 wound to the head. The State can put up witnesses
24 for hours to say that, to tell you that. That's
25 not at issue. The issue is that they have to

1 | prove that Mr. Brewer ends up firing that fatal
2 | shot from that gun. They have to prove in the
3 | other case for Mr. Parker that Mr. Brewer fired
4 | that shot that struck Mr. Parker.

5 | They won't have a witness that will
6 | actually tell you this. They have a witness that
7 | said he was inside that club shooting it up.
8 | Listen to the evidence, to the physical evidence.
9 | The reason physical evidence is important and
10 | detectives and investigators are trained to do
11 | that, is witnesses' memories go bad. Witnesses
12 | under the heat and passion of excitement get
13 | things wrong, get things mixed up, timing
14 | sequences. It would be if a witness told a
15 | detective, Well, I saw blood running up the wall.
16 | Well, maybe that's what the witness thought she
17 | saw, but we all know the laws of physics. Gravity
18 | doesn't force blood to run up a wall; it's going
19 | to go down the wall. That's why the forensics are
20 | critical in law enforcement.

21 | This isn't the old days in Texas when you
22 | just round up a couple of witnesses, say somebody
23 | did it, and go to a lynching. This is a
24 | deliberative, rational process and we're going to
25 | take you through it and I just ask that you listen

Jason Wilson - Direct Examination by Mr. Bannon

1 Q Well, including the academy.

2 A You start off at some in-house training.
3 Go to the police academy and learn your basic law
4 enforcement. After that, you go to other
5 continual training, whether it be investigation,
6 firearms, driving, things of that nature.

7 Q Do you receive training and instruction on
8 what to do if you're dispatched to the scene of a
9 shooting?

10 A You do receive some training for that and
11 then also on-the-job training for a lot of that.

12 Q Typically, if you're dispatched to the
13 scene of a shooting, what are your priorities as a
14 member of law enforcement?

15 A The first thing you want to do is secure
16 that area. Try to secure it as much as possible.
17 Get to the victim as quickly as possible. Make
18 sure that area is secure so that you can get
19 medical attention to them.

20 Q Did you do anything before you were a
21 police officer?

22 A Yes.

23 Q What did you do?

24 A Starting out of high school, I went into
25 the service, I joined the navy. Shortly after

Jason Wilson - Direct Examination by Mr. Bannon

1 that, when I got out of the -- of the navy, I
2 became a fireman. Did the ambulance thing as a
3 EMT and then eventually law enforcement.

4 Q And were you working on May the 24th of
5 2009?

6 A Yes, sir.

7 Q And on May the 24th, did you have an
8 opportunity to go to 279 Broad River Road in
9 Beaufort?

10 A Yes, sir.

11 Q And is that located in Beaufort County?

12 A Yes, sir.

13 Q And could you tell me where exactly that
14 is?

15 A On Broad River Boulevard. It's most
16 commonly referred to as the Semper Fi Club. It's
17 right next to the Pepsi Distribution Plant, pretty
18 close to the high school.

19 Q Okay. And why did you go to that location
20 anyway?

21 A At that time, we were dispatched to a
22 shooting.

23 Q Did you know anything about the scene when
24 you were headed there?

25 A We knew that they were having a function

Jason Wilson - Direct Examination by Mr. Bannon

1 | there from just earlier patrols throughout the
2 | night. I knew it was a large function, they had
3 | cars parked on the sides of the roads and so we we
4 | went frequent through there to make sure things
5 | were as safe as possible.

6 | Q Okay. But did you receive any preliminary
7 | reports about what kind of a -- what kind of a
8 | scene you were going to arrive on?

9 | A From dispatch?

10 | Q Yeah.

11 | A Pretty much that there -- we had at least
12 | one person shot. There was somebody shooting --
13 | that somebody had been shooting inside the club
14 | and then also we knew that there was shooting
15 | outside of the club.

16 | Q And once you arrived, what did you see?

17 | A For lack of better terms, total chaos. The
18 | parking lot was full of people in cars that were
19 | trying to get out. All the doors to the club were
20 | open with people streaming out as quickly as
21 | possible. I mean it was -- everybody trying to
22 | find cover and safety is what it looked like for
23 | us.

24 | Q So what steps did you take to sort of deal
25 | with all of this chaos?

Jason Wilson - Direct Examination by Mr. Bannon

1 A Initially as I started pulling in there, it
2 was all these people leaving, one of the things
3 that we know from the investigation side, keep as
4 many people there as possible. So at that time I
5 ordered the -- the road shut down so we could keep
6 people there. The -- blocking the side of the
7 building, it was just stuff strung about, tables
8 turned over, shoes laying all over the place, it
9 was -- like I said, it was just total chaos.

10 Q When you arrived, did you think that the
11 shooter was still on the scene?

12 A We -- in the beginning, we had the
13 potential of it. There was a report of someone
14 shooting in the parking lot.

15 Q Okay.

16 A So we weren't sure if somebody was there or
17 not.

18 Q So based on the information that there
19 could have been a shooter at the scene, what did
20 you do?

21 A Secured that -- secured that area.

22 Q And did you find the shooter on the scene?

23 A No. After walking into the building to try
24 continue to secure that area, we started getting
25 preliminary reports from people screaming and

Jason Wilson - Direct Examination by Mr. Bannon

1 things of that nature that the shooter has already
2 left -- left that area.

3 Q Okay. Now you're talking about the
4 building. Could you just briefly sort of describe
5 to us the rough layout of this building?

6 A Yeah. It's -- when you walk into it --
7 you're going through a metal door. It's got a
8 large -- like a -- like a meeting place -- like a
9 dance hall type situation. Straight back off of
10 that is some bathrooms and off to the right-hand
11 side is like a kitchen and another meeting area.
12 It's -- it's a pretty good size. I mean, you
13 could put a lot of people in there.

14 Q Okay. Was there anyone inside of the club
15 when you went in there?

16 A Oh, there was several people in the club.
17 A rough estimation when I walked through the door
18 was fifty to sixty people at least.

19 Q Okay. And what was the mood inside the
20 club?

21 A Panic.

22 Q Were you ever able to identify or find a
23 victim?

24 A Yes. I found the victim rather quickly.

25 Q What -- what seemed to be his condition

Jason Wilson - Direct Examination by Mr. Bannon

1 | when you arrived?

2 | A He had -- it was very apparent that he had
3 | a gunshot wound to the head.

4 | Q Okay. Was he conscious?

5 | A No, he wasn't -- not to speak or anything
6 | of that nature. He was definitely still alive but
7 | not very well.

8 | Q Okay. Was he standing or how was he
9 | positioned?

10 | A No. He was -- he was laying face down.
11 | Obviously, there was blood around him.

12 | Q Were there any other members of the
13 | sheriff's department on the scene?

14 | A Officers were -- I was the first officer on
15 | the scene. As I was pulling in, other officers
16 | were starting to come in behind me too.

17 | Q Were you ever able to identify the person
18 | who had been shot in the head?

19 | A I was after we got the scene secured and
20 | had the EMS come in. When they started their
21 | treatment, I was able to retrieve the wallet from
22 | his pocket and I identified him off of his South
23 | Carolina ID.

24 | Q Okay. What was -- who was -- who did you
25 | identify him as?

Jason Wilson - Direct Examination by Mr. Bannon

1 A The victim was a Henry Jones.

2 Q Do you have protocols? Because you said
3 that EMS responded to the scene. Do you have
4 protocols to try to help them treat a patient?

5 A Our -- our first priority is to secure that
6 scene and to get medical treatment there. With
7 that many people and the chaos and still not sure
8 exactly what's going on. As soon as we deem it
9 safe enough for EMS, we're going to still
10 maintain a vigilant for them and protect them at
11 the same time. So...

12 Q Did -- was there any documentation of what
13 the scene looked like that evening?

14 A From my police report.

15 Q Well, and -- did anyone take any
16 photographs?

17 A Oh. Yes, sir.

18 Q Did you take photographs?

19 A I did not. I had an officer take those
20 photographs.

21 Q Okay. And did you learn anything about how
22 any of this occurred?

23 A Oh, yes, sir.

24 Q Okay. And how did you find that out?

25 A Just quickly talking to several people just

Jason Wilson - Direct Examination by Mr. Bannon

1 to -- to get an idea of what was going on. We
2 were advised that there was a single shooter that
3 had been standing down in the main part of the
4 building and had shot up towards the door where --
5 the door to the kitchen where we found the victim.

6 Q Okay. At that point in time, how many
7 victims did you believe that you had?

8 A The one at the time.

9 Q Okay. Did you have any information as to
10 who the shooter might be?

11 A We started getting the nickname of who the
12 shooter may be.

13 Q And what was that nickname?

14 MR. NEWMAN: Your Honor, I object to
15 hearsay.

16 THE COURT: Any response?

17 MR. BANNON: Your Honor, I would just say
18 that I'm offering this for effect on the listener
19 and not for the truth of the matter asserted.

20 THE COURT: I'm going to sustain the
21 objection.

22 By Mr. Bannon:

23 Q Was there -- was there a person taking
24 photographs at the party that evening?

25 A Yes, sir.

Jason Wilson - Direct Examination by Mr. Bannon

1 Q Okay. And were you able to determine who
2 that was?

3 A Yes. He was -- he'd been there to -- he
4 was hired to take photographs so people could have
5 individuals taken, group pictures taken, things of
6 that nature.

7 Q And was this person -- was he there when
8 you arrived on the scene?

9 A Yes, yes.

10 Q Did you speak with him?

11 A Yes, I did.

12 Q Did you find out what his name was?

13 A I don't think I found that information out.
14 I definitely kept him to one side so that the
15 detectives would be able to talk to him.

16 Q Did you ever obtain any photographs from
17 the photographer for that evening?

18 A I viewed the photographs that he had on
19 his -- on the digital camera and then I also
20 obtained the memory card from that camera.

21 MR. BANNON: Your Honor, may we approach
22 for a moment?

23 (WHEREUPON there was a bench conference out
24 of the hearing of the jury and the court
25 reporter.)

Jason Wilson - Direct Examination by Mr. Bannon

1 MR. BANNON: Okay. I'm sorry.

2 By Mr. Bannon:

3 Q I'm sorry, Staff Sergeant. Where were we?

4 A The -- the pictures.

5 Q Okay. So, you spoke with the photographer
6 at the scene?

7 A Yes, sir.

8 Q Okay. And what was he able to show you?
9 Do you recall?

10 A He showed me several pictures of group
11 photos that he had been taking.

12 Q Okay. I'd like to show you what has been
13 marked as 5A, 5B, and 5C. Do you recognize those?

14 A Yes, sir.

15 Q And what are they?

16 A They're group photos of anywhere from three
17 to five individuals.

18 Q And are these the photos that you were
19 shown that evening?

20 A Yes, sir.

21 Q Okay. Are they -- do they appear to be
22 altered in anyway from the ones that you saw that
23 night?

24 A No, sir.

25 Q Okay. And did you collect anything else

Jason Wilson - Direct Examination by Mr. Bannon

1 from the photographer that evening?

2 A The memory card.

3 Q I'd like to approach and show you what has
4 been marked as State's Exhibit 5E. If you could
5 take a look in there. And do you recognize it?

6 A Yes, sir.

7 Q And what is it?

8 A It's the memory card from -- the
9 photographer would have had in his camera.

10 Q Okay. When you collected these items, what
11 did you do with them?

12 A As soon as I collected them, I would have
13 done the proper procedure with the photographer so
14 he had for his records and I placed it in this
15 bag.

16 Q Okay. Did you give this to anyone?

17 A Investigators.

18 Q Okay.

19 MR. BANNON: Your Honor, at this point in
20 time, the State would move to admit State's
21 Exhibit 5A, 5B, 5C, and 5E into evidence?

22 THE COURT: Any objection?

23 MR. NEWMAN: Without objection.

24 THE COURT: All right. 5A, 5B, 5C, 5E into
25 evidence without objection.

Jason Wilson - Direct Examination by Mr. Bannon

1 (WHEREUPON State's Exhibits 5A, 5B, 5C, and
2 5E were entered into evidence.)

3 By Mr. Bannon:

4 Q And now, you were speaking a little bit
5 earlier that you were able to identify Mr. Jones
6 by looking at his wallet, right?

7 A Yes, sir.

8 Q Okay. Deputy, I'd like to show you what's
9 been marked as State's Exhibit No. 3. If you
10 could open that up for me. What is it?

11 A A wallet.

12 Q And could you take a look at it? Does it
13 appear to be -- who's wallet does it appear to be?

14 A Henry Jones' wallet, sir.

15 Q Okay. And is it in the same or
16 substantially the same condition as it was the
17 night that you found it?

18 A Yes, sir.

19 MR. BANNON: Your Honor, I suppose I would
20 like to have the wallet marked as State's Exhibit
21 3A admitted into evidence?

22 THE COURT: Any objection?

23 MR. NEWMAN: No objection.

24 THE COURT: Exhibit 3A is into evidence
25 without objection.

Gary Bright - Direct Examination by Mr. Bannon

1 putting on the party or -- how does -- how does
2 all that work?

3 A Well, I sell pictures. I set up a back
4 drop and set up a printer. And, you know, each
5 person comes up, if they want a picture, I'll take
6 it and print it out.

7 Q Okay. So it's not so much that you're paid
8 by the person throwing the party as you collect
9 money from the people who are having their
10 pictures taken?

11 A Right.

12 Q Okay. And how long have you been taking
13 photographs like this?

14 A Since 2003.

15 Q And were you -- does Hotspot, you know,
16 Photography, was that going on back in May of
17 2009?

18 A Yes.

19 Q And did you go -- did you ever go to the
20 Semper Fi Club, which is on Broad River Road back
21 in May of 2009 to take pictures for a party?

22 A Yes.

23 Q Okay. Do you remember that evening?

24 A Yes.

25 Q Okay. Could you sort of tell me a little

Gary Bright - Direct Examination by Mr. Bannon

1 bit about what happened?

2 A Well, I came in and set up, you know, to
3 take pictures as usual and, you know, the club
4 was -- pretty much people started taking pictures
5 and then there was -- one of the people who were
6 taking pictures, you know, pulled out a -- a gun.

7 Q Okay.

8 A And then one of the guys that was standing
9 behind me to take pictures, he went and got the
10 security guard.

11 Q Okay. Do -- do you know who that person
12 was?

13 A I don't know him personally.

14 Q Uh-huh.

15 A You know, you want me to say his name or
16 point him out?

17 Q Well first, are we talking about the person
18 with the gun or are we talking about the person
19 who went to tell that he had seen the gun.

20 A Well, the person with the gun --

21 Q Uh-huh.

22 A Okay. Yeah. I know him. I don't know him
23 like that, but you know. I know him when I see
24 him.

25 Q Okay. Had you seen him before that

Gary Bright - Direct Examination by Mr. Bannon

1 evening?

2 A Yeah, I mean, you know, in passing. We
3 seen each other in clubs.

4 Q Okay. And the person who had a gun, do you
5 see him in the courtroom here today?

6 A Yeah.

7 Q And could you point him out for us?

8 A (Witness pointed.)

9 Q And what color shirt is he wearing?

10 A He's wearing a white shirt.

11 Q Okay.

12 MR. BANNON: Your Honor, let the record
13 reflect that the witness has identified the
14 defendant.

15 By Mr. Bannon:

16 Q And now -- I'd like to back up just a
17 little bit. Who -- do you remember who told you
18 about the party and to come on over to the party
19 that, you know, that was taking place that
20 evening?

21 A Deon Stevenson.

22 Q Okay. And who is Deon Stevenson?

23 A He's a promoter for me.

24 Q And have you worked with Deon before?

25 A Yeah. I did a couple of parties for him.

Gary Bright - Direct Examination by Mr. Bannon

1 Q Okay. And when did you arrive at the
2 Semper Fi Club that evening?

3 A Just as the party was getting started.
4 Maybe I was like the first -- not the first in
5 there, but, you know, everybody who was there, you
6 know, was throwing the party, some girls and some
7 guys; people were just coming in.

8 Q Okay. Was it late at night or --

9 A I don't remember the exact time, but it
10 wasn't too late. It was probably around -- come
11 into the party say around nine, between nine and
12 ten.

13 Q Okay. And we've heard a little bit about
14 what the layout of the Semper Fi Club is, and now
15 I'd like to ask you -- you know, we've heard that
16 there was a main door that you walk in. And so if
17 I'm standing at the main door, where were you set
18 up to take pictures?

19 A The far left corner.

20 Q Okay. So -- like, over here? This room?

21 A I would have been in that corner.

22 Q Okay. All the way in the corner?

23 A Uh-huh.

24 Q And I know that you said that you bring
25 like a backdrop with you?

Gary Bright - Direct Examination by Mr. Bannon

1 A Right.

2 Q Okay. So that's not just like up, you
3 know, it's -- it's you know, something that you
4 put up?

5 A It's something that I set up.

6 Q Okay. So I'd like to talk to you for just
7 a second. So you saw this man over here show a
8 gun.

9 Well, what happened next?

10 A Okay. It was like maybe about four, four
11 people taking pictures. I don't know exactly, but
12 a couple people taking pictures with them and he
13 pulled out a gun and then he started, you know,
14 taking pictures with it.

15 Q Uh-huh.

16 A The guy behind me was like, Hey man, that
17 dude got a gun.. And he went and got security.

18 Q Okay.

19 A So security walked back over with -- with
20 Deon.

21 Q Uh-huh.

22 A And he was like telling me now, you know,
23 you can't have a gun in the club. So I was like,
24 I don't have a gun.

25 Q Uh-huh.

Gary Bright - Direct Examination by Mr. Bannon

- 1 A And --
- 2 Q And -- and so -- so who was talking to you
- 3 at this point?
- 4 A This was the security guard.
- 5 Q Okay.
- 6 A And then at that point, he turned over and
- 7 he looked at, I guess the defendant, and he walked
- 8 over to him and he was like, you can't be in here,
- 9 you know, with a gun.
- 10 Q Okay.
- 11 A And from that point, the defendant, he put
- 12 the gun on the security guard's head.
- 13 Q Okay.
- 14 A And started walking him backwards toward,
- 15 you know, the camera. At that point, you know,
- 16 people started kind of backing up. And then he
- 17 just like pushed him off with the gun and then he
- 18 put it back on Deon's head.
- 19 Q Okay.
- 20 A And at that point, when he put the gun on
- 21 Deon's head, I just like turned away.
- 22 Q Why did you turn away?
- 23 A I just didn't want to see nothing like
- 24 that.
- 25 Q And did Deon have a gun?

Gary Bright - Direct Examination by Mr. Bannon

- 1 A No, Deon didn't have a gun.
- 2 Q Okay. Did the security guard have a gun?
- 3 A No, the security guard didn't have a gun.
- 4 Q Did you see anybody threaten the defendant?
- 5 A No, I didn't see anybody threaten him.
- 6 Q And now, when you turned your head, what
- 7 happened next?
- 8 A Well, I turned away and then I started
- 9 hearing gun fire.
- 10 Q All right.
- 11 A And then it was just like everybody was
- 12 running for the door. People trying to get out of
- 13 the way.
- 14 Q And what did you do?
- 15 A The same thing. I walked -- I walked
- 16 like -- I went toward the wall -- everything was
- 17 going that way, so I went this way. I didn't want
- 18 to go into the direction of anything that was
- 19 going on.
- 20 Q Okay. And do you remember how many
- 21 gunshots you heard?
- 22 A Maybe about four or five. Maybe three or
- 23 four or five -- something -- something like that.
- 24 Q Okay. Was it more than one.
- 25 A Yeah. It was more than one.

Gary Bright - Direct Examination by Mr. Bannon

1 Q That night, had you seen anyone else with a
2 gun inside the club?

3 A No, I hadn't. I didn't see anybody else
4 with it.

5 Q And now, the defendant, do you know
6 approximately how tall he is?

7 A I'd say between -- a little bigger than
8 five, maybe.

9 Q A little -- about five feet?

10 A (Witness nodded head.)

11 Q And now, you just need to answer yes or no,
12 you can't just shake your head. So was he a
13 little bit taller than five feet?

14 A Yeah.

15 Q Were you able to make it out of the club
16 that evening?

17 A No, because like -- I was trying to get,
18 you know, my equipment and everything together
19 after, you know, everybody ran out and by that
20 time, you know, the police came in and they took,
21 you know, my cameras and --

22 Q Okay.

23 A -- and they said, you can't leave, and I
24 had to make a statement. And they took my memory
25 cards and my -- most of my equipment and stuff

Gary Bright - Direct Examination by Mr. Bannon

1 | like that.

2 | Q I got you.

3 | So when you went back to try and get your
4 | stuff, was the defendant still in the club?

5 | A No.

6 | Q Okay.

7 | A I -- I never left the club.

8 | Q Well -- yes. Well, that's -- but did you
9 | see him in the club when you were doing that --
10 | when you were -- when you were getting your stuff?

11 | A No.

12 | Q Okay. Do you know where he went?

13 | A No.

14 | Q Okay. Did you ever hear gunshots from
15 | outside of the club?

16 | A Yeah.

17 | Q Do you remember about how many of those you
18 | heard?

19 | A A lot.

20 | Q Once the gunfire stopped, what happened?

21 | A Well, the people, you know, that the
22 | police, you know, everybody that they caught in
23 | the club, you know, they closed the doors and I
24 | guess they -- what they call secured the scene.
25 | And they started getting statements.

Gary Bright - Direct Examination by Mr. Bannon

1 Q Okay. Well, did you ever see that someone
2 had been hit?

3 A Yeah. I saw that. I heard -- first I
4 heard the girls screaming.

5 Q Uh-huh.

6 A And then when I turned over and looked, I
7 saw the man, Mr. Henry, laying in the door.

8 Q Okay. Had -- had you ever seen him before?

9 A Yeah. I'd seen him because, you know, I
10 went up there and got a drink.

11 Q Okay.

12 A He was the bartender.

13 Q Okay. And so you hear the girls screaming
14 and you go up there and you see Mr. Jones; is that
15 before or after the police arrive?

16 A That was just -- it was almost like they
17 were coming in the door, like -- you know, it was
18 real close.

19 MR. BANNON: I beg the Court's indulgence,
20 Your Honor.

21 (WHEREUPON State's Exhibits 38-54 were
22 marked for evidence.)

23 THE COURT REPORTER: Your Honor, this is 38
24 through 54.

25 THE COURT: Okay.

Gary Bright - Direct Examination by Mr. Bannon

1 MR. BANNON: Permission to approach, Your
2 Honor?

3 THE COURT: Sure.

4 MR. NEWMAN: I think it's 34 through 50
5 that -- type of photos I don't have any objection
6 to.

7 MR. BANNON: Yeah. Just for the record,
8 it's 38 through 54.

9 MR. NEWMAN: Thirty-eight through
10 fifty-four.

11 MR. NEWMAN: Thirty-eight through
12 fifty-four.

13 THE COURT: Thirty-eight through
14 fifty-four into evidence without objection?

15 MR. NEWMAN: If they move them, I don't
16 object.

17 MR. BANNON: Yes, Your Honor, I would move
18 them into evidence.

19 THE COURT: All right. State's 38 through
20 54 are into evidence without objection.

21 (WHEREUPON State's Exhibits 38 through 54
22 were entered into evidence.)

23 By Mr. Bannon:

24 Q Mr. Bright, if I could, I'd just like you
25 to come down off the witness stand for just a

Gary Bright - Direct Examination by Mr. Bannon

1 second and have you take a look at some of the
2 photos that you took that night.

3 THE COURT: Mr. Bright, if you would, make
4 sure that you speak up. This lady right here is
5 having a hard time hearing you and she has to
6 write down everything that you say. So if you
7 would, raise your volume.

8 By Mr. Bannon:

9 Q Now, Mr. Bright, was -- was your photo
10 booth busy that evening?

11 A It was getting busy.

12 THE COURT: Speak up.

13 THE WITNESS: It was -- it was getting
14 busy.

15 By Mr. Bannon:

16 Q And did you take a -- do you know about how
17 many photos you took?

18 A I -- I don't know. I don't remember.

19 Q And is -- I'd just like to talk about -- a
20 little bit about the photos that you took that
21 night.

22 A Okay.

23 Q Does this look like one of the photographs
24 you took that evening?

25 A No.

Gary Bright - Direct Examination by Mr. Bannon

1 Q Okay. Well, is this your backdrop?

2 A Yeah. That's my backdrop.

3 Q Okay.

4 A That was from another club.

5 Q So it was -- was this photograph taken that
6 evening?

7 A No.

8 THE COURT: Speak up.

9 THE WITNESS: No.

10 By Mr. Bannon:

11 Q Okay. So the ones where the woman in
12 orange appears, that wasn't the night of the
13 shooting?

14 A No.

15 Q Okay. What about the woman in pink? Is
16 that the night of the shooting?

17 A No.

18 Q Okay. What about these folks?

19 A I don't think so. I don't think so.

20 Q Not that night?

21 A No.

22 Q Then that was still -- wasn't the same
23 evening of pictures of the same people?

24 A No.

25 Q Okay. What about these guys?

Gary Bright - Direct Examination by Mr. Bannon

1 A I don't think so, but I'm not absolutely
2 sure.

3 Q Okay. So these guys could've been at the
4 party that evening?

5 A See I use that -- I used that backdrop like
6 on the card that you have -- I might have used
7 that backdrop at another club.

8 Q Okay.

9 A You know, those particular girls, I
10 didn't -- I know -- I knew where they were from --

11 Q Uh-huh.

12 A -- so that's how I knew it wasn't that
13 night.

14 Q Okay.

15 A But everybody that takes a picture, I might
16 not know them.

17 Q Got you. And so. It's possible that you
18 used the same backdrop in different clubs?

19 A Right.

20 Q Okay. These are the same guys that we were
21 talking about?

22 A Yeah. They're the same guys.

23 Q Same guys?

24 A Same guys.

25 Q Different pose?

Gary Bright - Direct Examination by Mr. Bannon

1 A Different pose.

2 Q Okay. And now is this sort of thing -- is
3 this sort of like a typical picture that you would
4 take?

5 A Yeah.

6 Q Okay. And now do people sort of pay you
7 per picture or how does that work?

8 A They pay per picture.

9 Q What about these folks?

10 A I don't know.

11 Q Okay.

12 A They could be and they might not be.

13 Q Could be from the night of the shooting?

14 A Yeah.

15 Q Okay.

16 THE COURT: I need for you to speak up.

17 THE WITNESS: Okay.

18 By Mr. Bannon:

19 Q Same folks as before?

20 A Same folks.

21 Q Do you recognize these folks?

22 A Yeah.

23 Q Okay. Was this from the night of the
24 shooting?

25 A That's from the night of the shooting.

Gary Bright - Direct Examination by Mr. Bannon

1 Q Okay. Do you know any of the people in the
2 photograph?

3 A I think that's Deon's brother.

4 Q Okay.

5 THE COURT: Speak up now. Both of you.

6 MR. BANNON: Yes, Your Honor.

7 By Mr. Bannon:

8 Q And was this from the night of the
9 shooting?

10 A I'm not sure.

11 Q Okay. Okay. Was this from the night of
12 the shooting?

13 A Yeah. That's from the night of the
14 shooting.

15 THE COURT: Mr. Bright, they can't hear
16 you. You're not --

17 THE WITNESS: Yes, sir.

18 THE COURT: -- doing me any good, you're
19 not doing the jury any good, the court reporter
20 any good. Speak up.

21 THE WITNESS: Yes, that's from the night of
22 the shooting.

23 THE COURT: A little bit louder than that.

24 By Mr. Bannon:

25 Q Okay. Now, who is this person in black

Gary Bright - Direct Examination by Mr. Bannon

1 here?

2 A That's the defendant.

3 THE COURT: Louder.

4 THE WITNESS: That's the defendant.

5 By Mr. Bannon:

6 Q Okay. And is this the same group of
7 people?

8 A That's the same group of people.

9 THE COURT: A little bit louder.

10 THE WITNESS: That's the same group of
11 people.

12 THE COURT: Thank you.

13 By Mr. Bannon:

14 Q Okay. And do you notice anything unusual
15 or different about this picture than you did the
16 last one?

17 A Yeah -- Yes.

18 Q What's that?

19 A There's a gun.

20 THE COURT: A little bit louder.

21 THE WITNESS: There's a gun in this
22 picture.

23 By Mr. Bannon:

24 Q And now, is -- is that how -- because when
25 you were telling -- when you were telling us about

Gary Bright - Direct Examination by Mr. Bannon

1 | what happened earlier, you said that you saw the
2 | defendant take pictures with the gun because you
3 | were taking them? Remember you've answered that?

4 | A Yes.

5 | Q Now is -- is this the gun that you saw?

6 | A Yes, that's the gun that I saw.

7 | Q And who's the person in black again?

8 | A That's the defendant.

9 | THE COURT: Louder.

10 | THE WITNESS: That's the defendant.

11 | By Mr. Bannon:

12 | Q Okay. Same guy?

13 | A Same guy.

14 | Q And that's back to the beginning?

15 | A That's back to the beginning.

16 | THE COURT: A little bit louder.

17 | THE WITNESS: That's back to the beginning.

18 | THE COURT: These people that you have --
19 | that you have your back to them, they can't hear
20 | you.

21 | MR. BANNON: Okay. You can go back up on
22 | the witness stand.

23 | THE COURT: Ms. Bailiff, Could you put that
24 | microphone right in front of him, please.

25 | THE BAILIFF: Yes, Your Honor.

Gary Bright - Direct Examination by Mr. Bannon

1 THE COURT: Okay.

2 By Mr. Bannon:

3 Q Now, you said that the police officers came
4 and they were asking you about, you know, taking
5 some of the photographs that you had taken?

6 A Well, they talked to Deon first.

7 Q Okay.

8 A So Deon brought the -- the police over to
9 me and was like, Well, he got pictures of the guy
10 who had the gun.

11 Q Okay. And did you turn -- what did you
12 turn over to them?

13 A They took the memory cards out the camera.

14 Q Okay.

15 A And I just remember they took all the
16 memory cards.

17 Q I got you. Okay.

18 I just have a couple more questions for
19 you, sir.

20 I think there might have been some
21 confusion. Was this the fellow, the guy that you
22 pointed out to the Court earlier?

23 A Yes.

24 Q Okay. And now -- I think you said when we
25 were talking earlier that you had seen him before

Gary Bright - Direct Examination by Mr. Bannon

1 | at other clubs?

2 | A Yeah.

3 | Q Okay. To your knowledge does he have a
4 | nickname? Or do you know if he does?

5 | A I don't really know him like that.

6 | Q Okay. So you just know him by sight. You
7 | don't really know him by name?

8 | A I don't really know him by name only faces.
9 | I mean --

10 | Q Okay. Now, some of the pictures that we
11 | looked at -- I want to try to figure out a
12 | timeline. So there was a -- a couple of different
13 | pictures that we looked at of the defendant, okay.
14 | What I want to sort of try to figure out is when
15 | the security and Deon came over to y'all at the
16 | picture booth, okay. Do you remember, was the
17 | picture with the gun the last picture that you
18 | took?

19 | A Yeah.

20 | Q Okay. Because as memory serves, there was
21 | a photo of Mr. Brewer and two other people, and
22 | then another photo and Mr. Brewer and I think
23 | three other people. And then there was the photo
24 | with those same three people where he was showing
25 | the gun?

Gary Bright - Direct Examination by Mr. Bannon

1 A Well --

2 Q And if you want, we can take a look through
3 them again. Would that help?

4 A I remember when the gun came out, that was
5 really about the end of the show.

6 Q Okay. And so when the gun came out,
7 that's -- that's when security came over?

8 A Maybe about a minute after that because
9 there was a guy standing behind me. He went and
10 got security.

11 Q Okay. And the whole time that you were
12 there, did you see anyone else with a gun besides
13 Mr. Brewer?

14 A No.

15 MR. BANNON: No further questions, Your
16 Honor.

17 THE COURT: All right. Jurors, we've been
18 going about two hours. Let's take a fifteen
19 minute break and we'll come back and resume. Do
20 not talk about this case at all. Anything else is
21 perfectly fine.

22 Mr. Bright, if you would stay on the
23 witness stand and do not talk to anybody, okay?

24 We'll be back at quarter till.

25 (WHEREUPON the jury left the courtroom at

Gary Bright - Direct Examination by Mr. Bannon

1 11:28 a.m.)

2 THE BAILIFF: The jury is clear, Your
3 Honor.

4 (WHEREUPON, a recess was observed.)

5 THE COURT: All right. Everybody be
6 seated.

7 All right. Go get and bring in the jury.

8 MR. BANNON: Your Honor, before we bring
9 the jury back in, the witness that is going to go
10 immediately after Mr. Bright is the victim's widow
11 and I don't know if Mr. Newman has any objections
12 to her testifying. I just want to take care of
13 that before we brought the jury back in.

14 MR. NEWMAN: I just -- I don't understand
15 the relevancy. If it's any type of impact
16 testimony, I think that would be proper at
17 sentencing, certainly, but I don't know what
18 relevance it would be here at this trial.

19 MS. BANNON: Your Honor, Mr. Newman has
20 couched Mr. Jones as a bartender. Mrs. Jones will
21 actually provide the reason why he was at the
22 party, which, in fact was a family reunion and he
23 was asked to be there by his nieces and --

24 MR. NEWMAN: I'll stipulate to that and
25 they can bring that in through the nieces who were

Gary Bright - Cross-Examination by Mr. Newman

1 at the party.

2 MS. BANNON: Your Honor, it's how the State
3 wants this case to --

4 THE COURT: Go ahead and bring her on in
5 and just ask those questions and establish what
6 you need and we'll move on out quickly.

7 MS. BANNON: In front of the jury, Your
8 Honor?

9 THE COURT: Yes.

10 MS. BANNON: Okay.

11 THE COURT: In front of the jury.

12 MS. BANNON: Okay. All right.

13 THE BAILIFF: The jurors are ready to
14 enter.

15 (WHEREUPON the jury entered the courtroom
16 at 11:48 a.m.)

17 THE COURT: Mr. Newman, go ahead.

18 MR. NEWMAN: Thank you, sir.

19 THE COURT: Continue with your
20 cross-examination.

21 **CROSS-EXAMINATION**

22 By Mr. Newman:

23 Q How are you?

24 A I'm okay, and yourself?

25 Q I'm doing all right. Thank you.

Gary Bright - Cross-Examination by Mr. Newman

1 Where are you from, sir?

2 A I'm from Ridgeland.

3 Q From Ridgeland?

4 A Yes, sir.

5 Q Okay. Let me show you a -- a floor plan of

6 the Semper Fi Club and see if this is consistent

7 with your memory. This would be like the big door

8 up front?

9 A Yes.

10 Q And then there's a kind of ramp that goes

11 up maybe a foot, two foot?

12 A Yes.

13 Q And this is like a bar area with a kitchen

14 back here?

15 A Yes.

16 Q Okay. And there's chairs and a carpet and

17 stuff over here?

18 A Yes.

19 Q And a bar here. I think the bathrooms are

20 in the back?

21 A Yes.

22 Q So if you -- if you would -- I want the

23 jury to see this, I don't know exactly the best

24 way to do this. Point out to me where you were

25 you were set up?

Gary Bright - Cross-Examination by Mr. Newman

1 THE COURT: Why don't you go ahead and step
2 down where the jury can see you.

3 MR. NEWMAN: Thank you, yes, sir.

4 THE COURT: Just speak up, Mr. Bright.

5 MR. NEWMAN: Can we use that right there?

6 THE BAILIFF: You sure can.

7 (WHEREUPON they were setting up the diagram
8 on the easel.)

9 MR. NEWMAN: Oh, great. That'd be great,
10 thank you.

11 By Mr. Newman:

12 Q All right, Mr. Bright. What we were
13 doing --

14 MR. NEWMAN: (To the jury:) We're just
15 standing over here so all of y'all can see this.

16 By Mr. Newman:

17 Q -- On the floor plan area, this is the
18 front door to the club?

19 A Yes.

20 Q Okay. And this door right here on the
21 floor plan, this is the door?

22 A Yes.

23 Q Okay. You were set up in this back corner?

24 A Yes.

25 Q Okay. Where was your -- was your backdrop?

Gary Bright - Cross-Examination by Mr. Newman

1 Was it on the wall or was it angled?

2 A It was on this wall.

3 Q It was on this wall right here.

4 MR. NEWMAN: (To the jury:) Can y'all see
5 that?

6 By Mr. Newman:

7 Q All right. And your camera would have
8 been -- did you have your camera on a tripod?

9 A No.

10 Q Okay. You just take -- stand?

11 A Right.

12 Q And people pay you -- what do you charge,
13 \$5 a picture?

14 A Yeah, five -- five and ten.

15 Q Five and ten depending on if they want a
16 couple pictures --

17 A Depends on the size.

18 Q Okay. I understand. Okay. So you
19 would've been -- when you're taking pictures --
20 facing the wall?

21 A Yeah. I would've been facing the wall.

22 Q And you would have been -- other than the
23 people taking the pictures there would've been
24 nobody else because there's a wall right there,
25 correct?

Gary Bright - Cross-Examination by Mr. Newman

1 A Right.

2 Q Okay. And you never left the club,
3 correct?

4 A No, I never left the club.

5 Q Okay. That's -- that's good. Thank you.
6 Please return to the stand.

7 You stated you had a -- you saw Mr. Jones
8 because you had a -- a drink on that evening?

9 A Yeah.

10 THE COURT: Go ahead and slide a little bit
11 closer to the microphone.

12 THE WITNESS: Yeah.

13 By Mr. Newman:

14 Q Okay. Is that the only drink you had?

15 A Yeah.

16 Q Because you were working, correct? I mean,
17 it's part of how you make your living,
18 supplementing your income is taking photos,
19 correct?

20 A Right.

21 Q Okay. So you would have had clear
22 memories; is that correct?

23 A Yeah.

24 Q Okay. And it's your testimony that you
25 heard three, four, or five shots, correct?

Gary Bright - Cross-Examination by Mr. Newman

1 A Yes.

2 Q All from inside the club?

3 A From inside the club.

4 Q Okay. And you did not see anybody get hit

5 with those shots; is that correct?

6 A That's correct.

7 Q Okay. And you did not see who fired those

8 shots; is that correct?

9 A That's correct.

10 Q Okay. When the one, two -- when the two,

11 three, four, or five shots, there were no more

12 shots inside; isn't that correct?

13 A That's correct.

14 Q You heard some shots from the outside, a

15 good number of them?

16 A That's correct.

17 Q Nobody came back in the building and shot

18 again; isn't that correct?

19 A I didn't see anybody come in during the

20 shooting.

21 Q Okay. And you didn't hear any shots?

22 A I didn't hear anymore shots in the

23 building; that's correct.

24 Q In fact, pretty close to after you heard

25 the shots inside the building and outside is about

Gary Bright - Redirect Examination by Mr. Bannon

1 when the police arrived?

2 A It was a short time between.

3 Q A very short time?

4 A Yes.

5 Q Okay.

6 MR. NEWMAN: Just one minute, Judge. I
7 don't think I have anything further.

8 THE COURT: All right.

9 Solicitor?

10 MR. NEWMAN: I don't have anything further.

11 MR. BANNON: Thank you, Your Honor.

12 **REDIRECT EXAMINATION**

13 By Mr. Bannon:

14 Q Mr. Bright, based on that diagram that Mr.
15 Newman showed you, the main entrance, is that how
16 people were getting in and out of the club?

17 A Yes.

18 Q Okay. To your knowledge, were people
19 getting in any other way?

20 A Not to my knowledge.

21 Q Okay. And now, Mr. Newman asked you if you
22 saw the shooter, right?

23 A The shooter?

24 Q Yeah. And -- inside the club. And as
25 memory serves, you told me that you didn't see the

Gary Bright - Recross-Examination by Mr. Newman

1 person fire the shots, right?

2 A Right.

3 Q Okay. Why -- why didn't you see who fired
4 the shots?

5 A Because I turned away.

6 Q And why did you turn away?

7 A Because I didn't want to see anybody get
8 shot.

9 Q And who did you see with a gun right before
10 you turned away?

11 A The defendant.

12 Q And who did he have it pointed at?

13 A Deon.

14 MR. BANNON: No further questions.

15 THE COURT: Anything further, Mr. Newman?

16 **RECROSS-EXAMINATION**

17 By Mr. Newman:

18 Q Just to be very clear that when you heard
19 the three, four, or five shots, nobody came back
20 in that building and shot again, correct?

21 A Not to my knowledge, no.

22 Q You didn't hear anything, you didn't see
23 anything?

24 A I didn't hear any more shots in the
25 building.

Debra Jones - Direct Examination by Ms. Bannon

1 Q I'm sorry?

2 A I didn't hear anymore shots inside the
3 building.

4 Q All right thank you.

5 MR. NEWMAN: Nothing further. Thank you,
6 Judge.

7 THE COURT: Solicitor, you can call your
8 next witness.

9 You may step down.

10 MS. BANNON: The State calls Debra Jones.

11 MR. BANNON: And Your Honor, may Mr. Bright
12 be excused?

13 THE COURT: Any objections?

14 MR. NEWMAN: I have no objection.

15 THE COURT: He's excused.

16 THEREUPON,

17 DEBRA JONES,
18 after being duly sworn, testified as follows:

19 THE CLERK: Please be seated. State your
20 name and spell it for the Court please.

21 THE WITNESS: Debra Jones.

22 **DIRECT EXAMINATION**

23 By Ms. Bannon:

24 Q And how do you spell that?

25 A J-o-n-e-s.

Debra Jones - Direct Examination by Ms. Bannon

1 MS. BANNON: At this point, the State would
2 move State's Exhibit 55 into evidence?

3 THE COURT: Any objections?

4 MR. NEWMAN: At this juncture as to
5 relevancy.

6 THE COURT: And your response?

7 MS. BANNON: Your Honor, it's a photo of
8 the victim just prior to him being shot.

9 THE COURT: How is that relevant?

10 MS. BANNON: Showing that he's living,
11 breathing, functioning.

12 THE COURT: All right. I'll overrule the
13 objection.

14 MS. BANNON: All right.

15 THE COURT: State's Exhibit 55 is into
16 evidence.

17 (WHEREUPON State's Exhibit 55 was entered
18 into evidence.)

19 MS. BANNON: Thank you, Your Honor.

20 By Ms. Bannon:

21 Q Now, after you had this banquet and you had
22 this photo taken, did Mr. Jones go home with you?

23 A No.

24 Q Why not?

25 A He went to a party -- his nieces had a

Debra Jones - Direct Examination by Ms. Bannon

1 birthday party after the banquet -- family reunion
2 banquet.

3 Q And was it a party for the entire family or
4 the younger part of the family? What was this
5 party for?

6 A It was mostly -- the way everyone put it --
7 mostly all the younger ones went --

8 Q So --

9 A --from the family reunion.

10 Q So why did Mr. Jones go to the party?

11 A Because he was the bartender. They asked
12 him be bartender.

13 Q And when did you see Mr. Jones next?

14 A At the hospital.

15 MS. BANNON: At this time, the State would
16 ask to publish the photo?

17 THE COURT: Okay. You may.

18 (WHEREUPON the photo was shown to the
19 jury.)

20 By Ms. Bannon:

21 Q Ms. Jones, if you wouldn't mind stepping
22 down.

23 All right. Is this the photo you were
24 talking about?

25 A Yes.

Houston Chaneyfield - Direct Examination by Ms. Bannon

- 1 Q And do you recall going to a party thrown
2 by Deon Stevenson on May 23rd, 2009?
- 3 A Yes, ma'am.
- 4 Q Were you at that party?
- 5 A Yes, ma'am.
- 6 Q Why were you at that party?
- 7 A He invited me out there.
- 8 Q And did you go with anyone to that party?
- 9 A Yes, ma'am.
- 10 Q Who'd you go with?
- 11 A Lawanda Ferguson, my little cousin named
12 Man (phonetic).
- 13 Q And Ms. Ferguson, was she your girlfriend?
- 14 A Yes, ma'am.
- 15 Q And were you excited to be at this party?
- 16 A Yes, ma'am.
- 17 Q Okay. Do you know a Jaquawn Brewer?
- 18 A Not personally, ma'am.
- 19 Q Okay. Do you know someone named Queezy?
- 20 A Yes, ma'am.
- 21 Q All right. And how do you know him?
- 22 A I heard of him before; I don't really know
23 him like that.
- 24 Q Okay. And did you see him at that party
25 that night?

Houston Chaneyfield - Direct Examination by Ms. Bannon

- 1 A Yes, ma'am.
- 2 Q All right. What did you see him doing?
- 3 A Well -- when I saw him, as far as I know,
- 4 he looked like he had something, you know what I'm
- 5 saying. So I told Deon about it and I guess they
- 6 went to go to him, I was on my way out. After I
- 7 told Deon, but I was on my way out the club.
- 8 Right after that, I just heard something that went
- 9 off and I ain't know what happen after that.
- 10 Q Okay. Well, let's slow it down a little
- 11 bit, okay? So you said you knew that he had
- 12 something?
- 13 A Yeah.
- 14 Q What something?
- 15 A It looked like he had something bulging out
- 16 of his pants.
- 17 Q Okay. So what'd you think it was?
- 18 A Assumed it'd be a gun.
- 19 Q Okay. They guy that you saw with the bulge
- 20 in his pants that you think is a gun, do you see
- 21 him hear in this courtroom?
- 22 A Yes, ma'am.
- 23 Q All right. Can you point him out to us?
- 24 A Right there sitting with the blue shirt on.
- 25 Q All right.

Houston Chaneyfield - Direct Examination by Ms. Bannon

1 MS. BANNON: May the record reflect he's
2 identified the defendant.

3 By Ms. Bannon:

4 Q All right. Where were you in the club when
5 you saw Mr. Brewer with the bulge in his pants?

6 A All the way in the back in the right far
7 corner.

8 Q So you were like across from where the
9 photographer was?

10 A Yes, ma'am.

11 Q Where was Mr. Brewer?

12 A Mr. Brewer, you're talking about that guy
13 right there?

14 Q Uh-huh.

15 A All right. He had come through the club
16 and stand almost like in the front of us.

17 Q Okay. And so how'd you happen to see the
18 gun?

19 A When I stand up and look and I seen all
20 that -- I seen all that, I started going toward
21 the backside, let Deon know as I was going out the
22 door.

23 Q Okay. So you decided to leave at that
24 point once you saw the gun?

25 A Yes, ma'am.

Houston Chaneyfield - Direct Examination by Ms. Bannon

1 Q Did you have a gun on you?

2 A No, ma'am.

3 Q Did Deon have a gun on him?

4 A No, ma'am.

5 Q Okay. So you stopped on the way out the
6 door to tell Deon about the gun?

7 A Yes, ma'am.

8 Q And then after you told Deon, what'd you
9 do?

10 A I went out the door.

11 Q Okay. Were you there when the shooting
12 started?

13 A No, I was -- I went outside and heard it in
14 the parking lot.

15 Q Did you see any shooting outside in the
16 parking lot?

17 A No, ma'am.

18 Q So -- but you could hear the shots being
19 fired inside?

20 A Yes, ma'am.

21 Q And were you there when Deon went up to Mr.
22 Brewer?

23 A No, ma'am.

24 Q All right. Do you remember how many
25 gunshots you heard when you were leaving?

Houston Chaneyfield - Cross-Examination by Mr. Newman

1 A About seven or eight.

2 Q So a lot?

3 A Yes, ma'am.

4 Q All right. That's all I have. You can
5 answer any questions Mr. Newman has for you. I
6 appreciate it.

7 THE COURT: Cross.

8 MR. NEWMAN: Beg the Court's indulgence for
9 one minute; I'm looking for a document.

10 CROSS-EXAMINATION

11 By Mr. Newman:

12 Q Hey, Mr. Chaineyfield. How you doing?

13 A All right.

14 Q All right. You're currently in prison for
15 possession of cocaine base?

16 A Yes, sir.

17 Q Okay. Which is crack cocaine, right?

18 A No. Cocaine.

19 Q You pled to cocaine?

20 A Yes, sir.

21 Q Okay. You were charged with crack cocaine?

22 A Yes, sir.

23 THE COURT: Make sure to speak up.

24 THE WITNESS: Yes, sir.

25 THE COURT: Lean into that microphone.

Brian Chapman - Direct Examination by Mr. Bannon

1 Q When you arrive on a crime scene to begin
2 your investigation, what are the sorts of things
3 that you do?

4 A Usually, the first thing I do is find
5 whoever the initial responding officer was and
6 receive a brief of exactly what was the nature of
7 the call, what they had done up to that point,
8 what they had seen, who they had talked to; that
9 sort of thing.

10 Q Okay. And who was the initial officer on
11 the scene in this particular case?

12 A The person I spoke to was Sergeant Wilson.

13 Q Okay. And was he able to bring you up to
14 speed with sort of what was the general happenings
15 that night?

16 A Yes, sir, he was.

17 Q Okay. And based off the -- this
18 conversation with -- with Mr. Wilson, excuse me,
19 Deputy Wilson, what did you do next?

20 A He showed me where a couple things were and
21 I began documenting the scene with pictures.

22 Q Okay. When you say a couple of things,
23 what do you mean?

24 A There were some shell casings that had been
25 found prior to my arrival.

Brian Chapman - Direct Examination by Mr. Bannon

1 Q Okay. Let's just talk about in general.
2 Were there shell casings located inside the club?
3 A There was.
4 Q Okay. And were there shell casings located
5 outside the club?
6 A Yes, sir, there was.
7 Q Okay. Did you collect these items?
8 A I documented them first and put placards on
9 them to mark where they were and then went back
10 and collected them.
11 Q Okay. Did you collect -- well, let me ask
12 you this first; was Mr. Jones still on the scene
13 when you arrived?
14 A I don't -- I don't believe so. I believe
15 he had been transported already.
16 Q Okay. Were you able to view the area where
17 he had fallen?
18 A Yes, sir.
19 Q Okay. Did you collect any evidence in that
20 area?
21 A I believe Mr. Jones' wallet and
22 identification and maybe some other personal items
23 were in that general area where he was located.
24 Q Okay. Was there a cell phone in the area?
25 A Yes, sir, I believe there was.

Brian Chapman - Direct Examination by Mr. Bannon

1 that the phone was opened.

2 Do you recall whether the phone was on or
3 operating at the time?

4 A I believe it was on, but I'm -- I'm not
5 sure.

6 Q Okay. And you testified earlier that you
7 found some shell casings that were in the area?

8 A Yes, sir.

9 Q Okay. Do you recall -- how many shell
10 casings did you find inside of the club that
11 night?

12 A I believe there was one in the middle of
13 the floor.

14 MR. BANNON: And Your Honor, I -- I would
15 like to show the -- the witness what's been
16 labeled as State's Exhibit No. 9. I'm going to
17 repackage it in a separate plastic bag.

18 THE COURT: Any objections to State's No. 9
19 being admitted?

20 MR. NEWMAN: No, Your Honor.

21 THE COURT: State's No. 9 is into evidence
22 without objection.

23 MR. BANNON: We'll just label the new No. 9
24 as No. 9 as well.

25 THE COURT: Correct.

Brian Chapman - Direct Examination by Mr. Bannon

1 (WHEREUPON State's Exhibit 9 was entered
2 into evidence.)

3 By Mr. Bannon:

4 Q And I'd like for you to take a look at
5 the -- the shell casing, and just based off of
6 what's printed on there, can you tell what kind of
7 gun it goes to?

8 A Yes, sir. This is from a .45 caliber
9 handgun.

10 Q Okay. And were there shell casings located
11 outside of the Semper Fi Club?

12 A Yes, sir, there were.

13 Q Okay. The shell casings that were located
14 outside of the Semper Fi Club, were they located
15 all together in a pile or were some in different
16 places? How, sort of, were they found?

17 A I believe there was one right outside the
18 entranceway to the Semper Fi Club.

19 Q Okay.

20 A I believe there was another one toward the
21 top of the road where the driveway meets Broad
22 River Boulevard.

23 Q Uh-huh.

24 A And I believe on the left side of the
25 parking lot, there was a -- a large grouping of

Brian Chapman - Direct Examination by Mr. Bannon

1 shell casings.

2 Q Okay. I'd like to talk about the large
3 grouping of shell casings first.

4 A Okay.

5 MR. NEWMAN: No Objection.

6 THE COURT: What number is that?

7 MR. BANNON: This is State's Exhibit No. 6,
8 Your Honor.

9 THE COURT: State's No. 6 entered into
10 evidence without objection.

11 MR. NEWMAN: Without objection after being
12 repacked, yes.

13 (WHEREUPON State's Exhibit No. 6 was
14 entered into evidence.)

15 By Mr. Bannon:

16 Q Okay. I'd like to show you what's already
17 been admitted into evidence and is marked as
18 State's Exhibit No. 6. How many shell casings
19 are -- are in that bag?

20 A Eight.

21 Q Okay. And was that the same number of
22 shell casings that you collected, I believe that
23 you said, were off to the left of the Semper Fi
24 Club?

25 A Yes, sir.

Brian Chapman - Direct Examination by Mr. Bannon

1 Q Okay. And now, I kind of want to try to
2 get an idea of where these things are -- are
3 located. So let's start with the eight shell
4 casings which you hold in your hand right now.

5 So let's say that I'm standing in the main
6 entranceway of the Semper Fi Club. Relative to
7 me, sort of where did you find this pile of shell
8 casings?

9 A That would be off to the left.

10 Q Okay.

11 A Well, to my left. It would be to your
12 right. If you're standing in the entranceway to
13 the Semper Fi Club --

14 Q Uh-huh.

15 A It would be off to the parking lot -- the
16 main parking area would be off to your right in
17 this area over here.

18 Q Okay. So if -- okay. So if I pull in.
19 The shell casings were kind of over here?

20 A If you -- If you're standing in the doorway
21 of the Semper Fi Club --

22 Q I'm -- I'm trying to orient myself. I'm
23 looking in -- I'm standing outside looking into
24 the main entryway.

25 A Okay. From the road?

Brian Chapman - Direct Examination by Mr. Bannon

- 1 Q Yes.
- 2 A Okay. They would be on -- that would be
- 3 over here.
- 4 Q Okay. And sort of, you know, were they
- 5 located in front of you know -- the structure that
- 6 faces the road, were they located in front of that
- 7 wall or where -- relatively, where were they
- 8 located?
- 9 A They were -- I believe they were off to the
- 10 section nearest the wood line that separates the
- 11 parking lot of the Semper Fi Club and I believe it
- 12 was a taxi cab company or -- or residences on the
- 13 other side of the brush of the woods.
- 14 Q Okay. Approximately how far to the left
- 15 were they from that front entrance?
- 16 A I would say forty yards maybe.
- 17 Q Forty yards?
- 18 A Thirty, forty yards, somewhere around
- 19 there.
- 20 Q Okay. Were they roughly parallel with the
- 21 front of the building or were they behind the
- 22 building or in front of the building?
- 23 A They were -- they would be in the front.
- 24 Q Okay. So they're kind of like over here?
- 25 A Correct. They would be in between the

Brian Chapman - Direct Examination by Mr. Bannon

1 roadway and the building on the -- on the side.

2 Q Okay. Were they located past the end of
3 the Semper Fi Club?

4 A I don't believe so, but they were all
5 before the end of the Semper Fi Club.

6 Q Okay. Did you find anything else near
7 those eight shell casings?

8 A Yes, sir. It was a -- like a red laser dot
9 that would go on a -- a handgun.

10 Q Like a laser sight?

11 A Yes, sir.

12 MR. BANNON: Your Honor, we have repackaged
13 State's Exhibit No. 10 and move for it to be
14 admitted into evidence.

15 THE COURT: Any objections?

16 MR. NEWMAN: No, Your Honor.

17 THE COURT: State's No. 10 is into
18 evidence.

19 (WHEREUPON State's Exhibit No. 10 was
20 entered into evidence.)

21 By Mr. Bannon:

22 Q Is that the laser sight that you collected
23 that evening?

24 A Yes, sir.

25 Q Okay. And, I guess sort of, how was it

Brian Chapman - Direct Examination by Mr. Bannon

1 relative to the eight shell casings that you
2 collected?

3 A I don't remember the precise location, but
4 it was in the same general vicinity of the -- of
5 the shell casings.

6 Q Okay. It was within five feet?

7 A Five to ten feet.

8 Q Okay.

9 A Yes, sir. I'll make sure. Yes.

10 Q Okay. Now, I believe that you said that
11 there was -- correct me if I'm wrong -- there was
12 one other shell casing located near, like the
13 entrance to the actual club itself?

14 A Yes, sir.

15 Q And then there was another one located in
16 the driveway of the Semper Fi Club?

17 A Yes, sir.

18 Q Okay.

19 (WHEREUPON the attorneys were conferring.)

20 MR. BANNON: Your Honor, the State would
21 move State's Exhibit 8 and 11 into evidence?

22 THE COURT: Any objections?

23 MR. NEWMAN: No objection. The only thing
24 I was asking the solicitor, and I think he agrees
25 with me is, so that we don't get confused, there

Brian Chapman - Direct Examination by Mr. Bannon

1 return to your seat.

2 We've seen some photographs which have been
3 admitted into evidence. Were you able to review
4 the photographs that were collected from the
5 photographer?

6 A Yes.

7 Q I'd like to show you what has been marked
8 as State's Exhibit No. 54. Were you able to
9 review that photograph?

10 A Yes, sir.

11 Q Okay. And the person wearing the black
12 t-shirt, can you see a weapon on him?

13 A Yes, sir, I can.

14 Q Okay. And what does that weapon appear to
15 be?

16 A It appears to be a variant of a 1911 .45
17 caliber handgun.

18 Q Okay. And where is that handgun located?

19 A It's located in his front waistband on his
20 right-hand side.

21 Q Okay.

22 (WHEREUPON the attorneys were conferring.)

23 Your Honor, the State would move State's
24 Exhibit 5-D into evidence.

25 THE COURT: Any objections?

Brian Chapman - Direct Examination by Mr. Bannon

1 MR. NEWMAN: I -- I do. I'm a little lost.
2 We have the photographs that are in 5-D are
3 already in evidence.

4 MR. BANNON: Your Honor, there were just --
5 these are the complete record of photographs which
6 were taken by Mr. Bright and Investigator Chapman
7 ultimately collected. The photographs are in
8 evidence, but we just want to complete sort of the
9 record as it were.

10 THE COURT: You just want to duplicate it?

11 MR. BANNON: What's that?

12 THE COURT: You just want to duplicate
13 photographs?

14 MR. BANNON: Yes, Your Honor, I -- this is
15 just an item that was collected and then
16 ultimately those pictures were printed, I just
17 want to move them into the record for
18 completeness's sake.

19 THE COURT: I'll allow it.

20 (WHEREUPON State's Exhibit 5-D was entered
21 into evidence.)

22 By Mr. Bannon:

23 Q I would just like to show you what's been
24 admitted as State's Exhibit 5-D. Did you take
25 possession of that that night?

Brian Chapman - Redirect Examination by Mr. Bannon

1 A Absolutely.

2 Q Okay. Is it possible that could've, you
3 know, gotten stuck in someway and just been
4 carried away from the scene all together like in
5 the bottom of someone's shoe or boot?

6 A Yes, sir.

7 Q Have you ever seen that happen before?

8 A Yes, sir.

9 Q And now, Mr. Newman asked you a little bit
10 about fingerprinting the shell casings that were
11 found. Did you fingerprint the shell casings?

12 A I did not, no, sir.

13 Q Okay. And why didn't you fingerprint the
14 shell casings?

15 A I don't remember.

16 Q Well, let me ask you this. Based off of
17 your -- based off of your experience, how many
18 fingerprints have you found on shell casings?

19 A Zero.

20 Q Okay. And based off of the reports that
21 you got and the number of shots fired inside the
22 club, was it surprising to not find more shell
23 casings inside the club?

24 A I try not to speculate when I get there, I
25 just go with what I got on the scene.

Brian Chapman - Recross-Examination by Mr. Newman

- 1 | would be a ridiculous proposition; would it not?
- 2 | A No, sir.
- 3 | Q It would not be a ridiculous proposition?
- 4 | A No, sir.
- 5 | Q Because all these people left their
6 | personal belongings but took shell casings
7 | outside?
- 8 | A It's possible, yes, sir.
- 9 | Q It's possible. If the shell casings were
10 | inside, shouldn't other people have been hit?
11 | Shouldn't there be ricochet marks on the walls?
12 | Shouldn't there be slugs somewhere?
- 13 | A I wasn't there, sir, I don't know how many
14 | shots were fired, I don't know who it was aimed
15 | at, you know what I'm saying. I wasn't there. I
16 | just collected what was there, sir.
- 17 | Q And what you collected is one shell casing
18 | inside the club?
- 19 | A Yes, sir.
- 20 | Q And you think it's probable that these
21 | shell casings were inside the club and came out in
22 | people's cuffs and people moving them out there?
- 23 | A It's possible that shell casings could've
24 | left the inside of the club.
- 25 | Q Okay. And there's no evidence of the

Brian Chapman - Recross-Examination by Mr. Newman

1 | bullets being fired inside the club?

2 | A I didn't find any. All I have is what is
3 | in evidence.

4 | Q Thank you.

5 | THE COURT: Anything further, Solicitor?

6 | MR. BANNON: Not for this witness, Your
7 | Honor.

8 | THE COURT: You may step down.

9 | THE WITNESS: Thank you, sir.

10 | THE COURT: Members of the jury, let's take
11 | an hour lunch break. If you would, be back at
12 | 2:15 and like I instructed you yesterday, don't
13 | talk about the case among yourselves or with
14 | anybody.

15 | (WHEREUPON the jury left the courtroom at
16 | 1:14 p.m.)

17 | THE COURT: All right. We'll be in recess
18 | until 2:15.

19 | THE BAILIFF: The jury is clear, Your
20 | Honor.

21 | (WHEREUPON a recess was observed for
22 | lunch.)

23 | THE BAILIFF: Are we ready for the jury,
24 | Your Honor?

25 | THE COURT: We are.

Scott Strohmeier - Direct Examination by Mr. Bannon

1 in the field of orthopedic medicine and surgery?

2 THE COURT: Any objections?

3 MR. NEWMAN: So stipulated, Your Honor.

4 THE COURT: Very good.

5 By Mr. Bannon:

6 Q Dr. Strohmeier, did you ever -- were you
7 called into the emergency room on May the 24th of
8 2009?

9 A I assume so, yes, sir.

10 Q And are you familiar with a young man named
11 Donald Parker?

12 A Yes, sir.

13 Q How -- how do you know Mr. Parker?

14 A I met him in the ER.

15 Q Okay. And what was -- the night of the
16 24th, what was Mr. Parker's condition when you
17 first saw him?

18 A He had an isolated gunshot wound to his
19 right lower tibia.

20 Q Okay. And when you say tibia, what does
21 that mean?

22 A It was below -- right below the knee.

23 Q Okay. So it's sort of back here?

24 A Yes, sir.

25 Q And what was the condition of his tibia?

Scott Strohmeyer - Direct Examination by Mr. Bannon

1 A Multiple pieces. He had a shattered
2 proximal torn tibia.

3 Q And in your opinion, what does that mean
4 for his leg?

5 A Well, potentially, he could lose it.
6 He's -- Mr. Parker's a very lucky man. There's a
7 few structures that you hit the neurovascular
8 bundle, you'd probably lose your leg.

9 Q Is -- what about the muscle in the back of
10 his leg? What was the condition of the muscle in
11 the back of the leg?

12 A Well, the entrance wound was in the calf
13 muscle.

14 Q Uh-huh.

15 A And it shredded it, basically.

16 Q And what was your treatment of Mr. Parker?

17 A We had to go to the operating room.
18 Initially, I evaluated in the ER, and like I said,
19 he was a very lucky man. He didn't hit the
20 neurovascular bundle so his foot was still viable.
21 The nerve was still intact. So he went to the
22 emergent -- emergent to the -- he had to go to the
23 operating room where I debrided the wound,
24 debrided all the dead muscle, and actually removed
25 part of the bullet fragment because it had lodged

Scott Strohmeier - Direct Examination by Mr. Bannon

1 | inside the canal of the bone. And then I did an
2 | inch of nailing which is where you basically put a
3 | big nail, titanium rod between -- in the canal of
4 | the bone to hook the two ends together that broke.

5 | Q And let me ask you this. Were the injuries
6 | that Donald Parker had sustained were -- are those
7 | what you would consider life threatening injuries?

8 | A Could've been. They weren't in this case
9 | but could've been.

10 | Q Okay. Well, did Mr. Parker survive the
11 | procedure?

12 | A Yes, he did. Yes, he did.

13 | Q Okay. Without -- without medical
14 | intervention, what's -- what's your opinion about
15 | his odds of surviving?

16 | A Well, it probably would have gotten
17 | infected and -- and potentially lost his life
18 | without medical treatment.

19 | Q And during the surgery, were you able to
20 | remove the bullet from Mr. Parker's leg?

21 | A I did, yes, sir.

22 | Q Okay.

23 | (WHEREUPON the attorneys were looking at
24 | some pieces of evidence.)

25 | MR. NEWMAN: No objection.

Scott Strohmeier - Direct Examination by Mr. Bannon

1 MR. BANNON: Your Honor, as we've done for
2 the other items that have been admitted into
3 evidence, I'm removing the contents from one of
4 the bags from what's already been labeled as
5 State's Exhibit 14 and transferring it to an
6 unmarked bag per the Court's instruction and I
7 will be labeling that as State's Exhibit 14-A.

8 THE COURT: State's 14-A into evidence
9 without objection; is that correct, Mr. Newman?

10 MR. NEWMAN: Yes, sir.

11 (WHEREUPON State's Exhibit 14-A was entered
12 into evidence.)

13 THE COURT: And, Solicitor, you've got your
14 help over there to mark things, let's keep
15 trucking along.

16 MR. BANNON: Yes, Your Honor.

17 And Your Honor, just for identification
18 purposes, I'm just going to write, Donald Parker
19 on the bag.

20 THE COURT: Any objections, Mr. Newman?

21 MR. NEWMAN: I apologize, Your Honor?

22 THE COURT: He's going to write, Donald
23 Parker on the bag --

24 MR. NEWMAN: Oh no, not at all.

25 THE COURT: All right.

Scott Strohmeyer - Direct Examination by Mr. Bannon

1 By Mr. Bannon:

2 Q Doctor, I'd like to have you to take a look
3 at what has been admitted into evidence as State's
4 Exhibit 14-A.

5 A Yes, sir.

6 Q Do you recognize it?

7 A It looks like the bullet I took out of his
8 leg.

9 Q Okay. And does it seem to be essentially
10 in the same condition that it was the day that you
11 found it?

12 A Yes, sir.

13 Q Okay. And if you take a look at it, it's,
14 you know, what -- what -- what is the -- what's
15 the condition of the bullet sort of, if you can
16 tell us?

17 A It's basically exploded into -- there's
18 multiple pieces still in his leg.

19 Q Oh, okay. So -- so is this the entire
20 bullet?

21 A No, sir.

22 Q Okay.

23 A I just -- we normally don't take them out.
24 In this case, I had to take it out because it was
25 lodged in the canal of the bone where I had to put

Scott Strohmeier - Direct Examination by Mr. Bannon

1 the nail. But normally we -- unless they're --
2 obviously, we just leave them in.

3 Q Was it -- was it all sort of smushed and
4 peeled back like it is now when you took it out of
5 his leg?

6 A Yes, sir.

7 Q Okay. And in your medical opinion, what
8 would have caused it to sort of smush like that?

9 A Well, I'm sure it hit the bone.

10 Q Oh okay. So it just -- it impacted the
11 bone --

12 A It impacted the bone and just shattered.

13 Q Okay.

14 A And like I said, there -- he probably has
15 twenty or thirty more pieces in his leg still.

16 Q All right. So this is just sort of the --

17 A That's the biggest --

18 Q -- the majority?

19 A That's the majority of it, yes, sir.

20 Q Okay. And the other item that's in the
21 bag, is that just -- what is that?

22 A It's probably smaller fragments that I took
23 out.

24 Q Okay.

25 A That were -- you know, when I washed,

Scott Strohmeier - Direct Examination by Mr. Bannon

1 | debride the wounds in the muscle --

2 | Q Uh-huh.

3 | A Part of that.

4 | Q Okay.

5 | MR. BANNON: Your Honor, the State has no
6 | further questions for Dr. Strohmeier.

7 | THE COURT: Mr. Newman?

8 | MR. NEWMAN: No questions for Mr.
9 | Strohmeier. See you later.

10 | THE COURT: Thank you. You're excused
11 | unless somebody objects.

12 | MR. NEWMAN: Without objection.

13 | THE COURT: Have a good day.

14 | Your next witness.

15 | MR. BANNON: Your Honor, the State calls
16 | Dr. Duff.

17 | MR. NEWMAN: And again, Your Honor, for the
18 | record, we stipulate that the -- Mr. Jones died as
19 | a result of a single gunshot wound to the head.

20 | THE COURT: All right. Thank you.

21 | MR. BANNON: Thank you, Your Honor.

22 | THEREUPON,

23 | THOMAS DUFF,

24 | after being duly sworn, testified as follows:

25 | THE CLERK: Please be seated. State your

Thomas Duff - Direct Examination by Mr. Bannon

1 just ask that Dr. Duff be qualified as an expert
2 in the field of emergency medicine.

3 THE COURT: Any objections?

4 MR. NEWMAN: So stipulated.

5 THE COURT: All right.

6 By Mr. Bannon:

7 Q Dr. Duff, were you working in the Beaufort
8 Memorial Hospital ER on, you know, the early
9 morning hours of May the 24th of 2009?

10 A Yes.

11 Q And did you happen to treat a Henry Jones?

12 A Yes.

13 Q Could you please tell us about, sort of,
14 your treatment of him?

15 A He was brought in by EMS after a gunshot
16 wound to the head. They were unable to get an
17 airway secured so the first issue was to get him
18 hooked up to the ventilator and start primary
19 resuscitation measures, run some tests, and just
20 evaluate the situation.

21 Q Okay. And in -- in your opinion, what
22 condition was Mr. Jones in when he -- when he
23 entered the ER?

24 A Critical.

25 Q Okay. What does that mean?

Thomas Duff - Direct Examination by Mr. Bannon

1 brain dead at the time?

2 A Now, that would have to be proven by a
3 neurologist, but for our intents and purposes, it
4 was a nonsurvivable wound.

5 Q Okay. Now, I -- I think you said when you
6 were testifying earlier that the bullet
7 transversed both hemispheres of the brain?

8 A Yes.

9 Q And what does that mean?

10 A One side of the brain -- the left side of
11 the brain for example governs part of the body,
12 the right side governs part of the body as well.
13 If you go through both then you damaged any --
14 basically in a wound such as this, if you go
15 through both hemispheres of the brain, it's
16 considered nonsurvivable.

17 Q Okay. So what would you -- when you were
18 working with Mr. Jones or working on him, in your
19 opinion, what were the odds that he was going to
20 survive this injury that he sustained?

21 A Zero.

22 Q And are you aware of how Henry Jones
23 ultimately passed away?

24 A After he got transferred to Charleston, no.
25 The family did not wish him to be considered for

Thomas Duff - Cross-Examination by Mr. Newman

1 | By Mr. Bannon:

2 | Q Dr. Duff, I'm sorry, I forgot one thing.

3 | If -- if there was an entrance wound and no exit
4 | wound, why didn't you attempt to remove the bullet
5 | from Mr. Jones' brain?

6 | A I'm not a neurosurgeon for one and
7 | considering the damage that it had done, it
8 | wouldn't have made any difference either way.

9 | Q Okay. So it -- in your opinion, would it
10 | have been -- would it have been helpful to try and
11 | remove the bullet?

12 | A I'm not a neurosurgeon, but I don't think
13 | it would have changed the course.

14 | Q All right.

15 | MR. BANNON: Thank you, Your Honor. No
16 | further questions.

17 | THE COURT: Mr. Newman?

18 | **CROSS-EXAMINATION**

19 | By Mr. Newman:

20 | Q Thank you, Dr. Duff. If I -- I'm trying to
21 | speed this along a little bit. If I had told you
22 | the pathologist said that Mr. Jones died as a
23 | result of a single gunshot wound to the head,
24 | would you agree with that assessment?

25 | A Yes.

Ivori Polite - Direct Examination by Ms. Bannon

- 1 A Yes, ma'am.
- 2 Q How did you get the word out to the
3 community that this was happening?
- 4 A They had flyers and, I guess, word of
5 mouth.
- 6 Q And was your Uncle Henry invited?
- 7 A Yes, of course.
- 8 Q Why was he invited?
- 9 A Because he was family too.
- 10 Q And now did he have a special role at this
11 party or was he just there to hang out?
- 12 A He was the bartender.
- 13 Q And is that something he did a lot for
14 y'all or...
- 15 A You know, sometimes.
- 16 Q Was he well suited for it?
- 17 A Yeah, I mean, mixed drinks and just mostly
18 drinks.
- 19 Q And what all kind of things did y'all have
20 at this party?
- 21 A Food and drinks, that's it. A
22 photographer.
- 23 Q I'm sorry?
- 24 A And a photographer.
- 25 Q Okay. Did y'all have security?

Ivori Polite - Direct Examination by Ms. Bannon

- 1 A Yes, ma'am.
- 2 Q Do you know who was running security?
- 3 A No, ma'am.
- 4 Q How would people get into the party?
- 5 A How did they get in?
- 6 Q Uh-huh.
- 7 A Through the one entrance.
- 8 Q So there are a couple doors at the Semper
- 9 Fi Club, right?
- 10 A Uh-huh.
- 11 Q How many were open to let people in?
- 12 A One.
- 13 Q And was that where security was?
- 14 A Yes, ma'am.
- 15 Q And were y'all charging a cover?
- 16 A Yes, ma'am.
- 17 Q What about music? What were y'all doing
- 18 for music?
- 19 A They had a DJ.
- 20 Q And now when people came in, what would
- 21 security do with them?
- 22 A He would search some people, wave them, put
- 23 they arms out and they searched them.
- 24 Q And do you remember around what time you
- 25 got to the club?

Ivori Polite - Direct Examination by Ms. Bannon

1 A Maybe about 11:30. Maybe ten-something. I
2 don't remember.

3 Q Sometime in the evening?

4 A Uh-huh. Late that night.

5 Q How crowded was it when you got there?

6 A It wasn't crowded at all; we got there
7 early.

8 Q And did it get crowded at some point?

9 A Yes.

10 Q How many people would you estimate were
11 there?

12 A Well, it was packed. I don't know

13 Q And where were most of the people in the
14 club?

15 A On the dance floor.

16 Q All right. Would you mind stepping down
17 off the stand for me for a little bit.

18 All right. Do you recognize this as a
19 layout of the floor plan of the club? This looks
20 to be the entrance. This is the club and that's
21 the front?

22 A This is the entrance.

23 Q That looks just to be like the door?

24 A Oh, okay.

25 Q But is this consistent with -- if this is

Ivori Polite - Direct Examination by Ms. Bannon

1 the front door --

2 THE COURT: Solicitor, why don't you have
3 her stand to the side; there's people behind her.

4 MS. BANNON: Yeah.

5 By Ms. Bannon:

6 Q If you wouldn't mind, just stand to the
7 side. If this is the door right here --

8 A The entrance door.

9 Q Uh-huh.

10 A Uh-huh.

11 Q Where would the dance floor be?

12 A All this is the dance floor.

13 Q Okay. And where was the DJ?

14 A The DJ was set up, I think, somewhere over
15 here. I'm really not sure.

16 Q And now, this looks to be a door. Was that
17 opened or shut?

18 A It was shut.

19 Q And where was the photographer?

20 A Over on this side.

21 Q So right across from the DJ?

22 A Yes, ma'am.

23 Q But far from the door?

24 A Yes.

25 Q And do you know what this would be?

Ivori Polite - Direct Examination by Ms. Bannon

- 1 A At the bathroom area.
- 2 Q Okay. How about over here, what's over
- 3 here?
- 4 A This is the ramp, and over here was like
- 5 the bar basically. And over here were like tables
- 6 and chairs for people to sit at.
- 7 Q From the top of the ramp, can you see into
- 8 the club?
- 9 A From the top of the ramp?
- 10 Q Uh-huh.
- 11 A Uh-huh.
- 12 Q And from the club can you see up to the bar
- 13 and the top of the ramp?
- 14 A From the ramp can you see where?
- 15 Q If I'm here on the dance floor, could I see
- 16 up into there?
- 17 A Yeah. I mean, you couldn't see all the way
- 18 in there, but you probably could see the beginning
- 19 of the ramp.
- 20 Q You could see a corner?
- 21 A Yeah.
- 22 Q Like over here?
- 23 A Uh-huh.
- 24 Q Okay. If you wouldn't mind taking your
- 25 seat again.

Ivori Polite - Direct Examination by Ms. Bannon

1 What was the general mood that night?

2 A It was cool; we were happy.

3 Q It was -- I'm sorry?

4 A I said, we were happy, you know. All our
5 family came in, we was ready to go, you know, and
6 have fun.

7 Q To your knowledge was anyone having like
8 any big fights or anything that night?

9 A No, ma'am.

10 Q So there wasn't any neighborhood beef or
11 anything going on?

12 A I'm not sure. You know, it's something
13 always going on in Beaufort. So, I mean, I'm not
14 sure.

15 Q But it wasn't a situation where you knew
16 trouble was a brewing?

17 A No, ma'am.

18 Q At some point, was there a scuffle at the
19 club?

20 A Not that I remember at all, no.

21 Q Well then, did something happen to break up
22 the party?

23 A Yeah. I mean, there was a shooting and we
24 don't even know where it came from.

25 Q All right. Do you know Jaquawn Brewer?

Ivori Polite - Direct Examination by Ms. Bannon

1 A Yes, ma'am.

2 Q How do you know him?

3 A From school.

4 Q And do you know if he goes by any other
5 names?

6 A Quan or Queezy.

7 Q Queezy?

8 A Uh-huh.

9 Q It's like a nickname?

10 A Yes, ma'am.

11 Q And do you see Jaquwn Brewer here in the
12 courtroom today?

13 A Yes, ma'am.

14 Q Where do you see him?

15 A Over there.

16 Q What color shirt is he wearing?

17 A I think it's a light blue; I can't see that
18 far.

19 MS. BANNON: Let the record reflect she's
20 identified Mr. Brewer.

21 By Ms. Bannon:

22 Q Did you see Mr. Brewer at the Semper Fi
23 Club that night?

24 A Yes, ma'am.

25 Q Do you recall what he was wearing?

Ivori Polite - Direct Examination by Ms. Bannon

- 1 A No, not --
- 2 Q Do you recall where you saw him?
- 3 A Yeah. At one point, he was standing right
- 4 behind us on the dance floor.
- 5 Q And so you said, at some point, someone
- 6 started shooting?
- 7 A Uh-huh.
- 8 Q Do you know where the shooting started
- 9 from?
- 10 A I know it was coming from like where the
- 11 picture booth area was because that's the area we
- 12 were headed to.
- 13 Q Where were you going from, that you were
- 14 walking towards the picture area?
- 15 A A little bit like in front of the bathroom;
- 16 we was going towards the picture booth.
- 17 Q All right. And who were you walking with?
- 18 A It was me, Shawnee, a couple of cousins
- 19 Kanitra, Dominique.
- 20 Q And why were y'all headed over to the
- 21 picture area?
- 22 A Because we wanted to take a picture.
- 23 Q And did you get to the picture area?
- 24 A No, ma'am, we didn't really get there.
- 25 Q Why?

Ivori Polite - Direct Examination by Ms. Bannon

1 A Because we heard the shooting and they
2 started shooting.

3 Q And so how many shots did you hear?

4 A How many shots? I can't recall. I just
5 heard a bunch of gunshots.

6 Q So a bunch of them?

7 A Yeah.

8 Q So when you hear these gunshots, what do
9 you do?

10 A We turned around and ran -- run to the
11 bathroom.

12 Q Okay. You previously showed us that
13 bathroom. So you went to that room?

14 A Uh-huh.

15 Q So you're in the bathroom; do you ever come
16 out of the bathroom?

17 A Yes, after a while. After like we heard
18 the gunshots stop inside the club --

19 Q Uh-huh.

20 A -- my cousin Shawnee came out first and
21 then I came out right behind her.

22 Q And could you still hear gunshots outside
23 the club?

24 A I could -- I could hear them, but very like
25 it sounded like it was like far away, but then a

Ivori Polite - Direct Examination by Ms. Bannon

1 | young lady started yelling again saying that they
2 | coming back or they still shooting and I could
3 | hear them louder --

4 | Q Okay.

5 | A -- coming back closer.

6 | Q And when you hear that, where are you?

7 | A I'm inside, like right -- like the opening
8 | in front of the bathroom, I'm still standing right
9 | there.

10 | Q And who else do you see in the club when
11 | you're in that opening?

12 | A In the opening, Shawnee right there at the
13 | ramp, my Uncle Henry, and my cousin Kenny.

14 | Q Okay. When you say that Shawny's on the
15 | ramp --

16 | A Uh-huh.

17 | Q -- what do you mean?

18 | A She was like right in front of Uncle Henry.
19 | She was on the ramp too, standing on the ramp.

20 | Q And where was Uncle Henry?

21 | A He was like right in the corner of the door
22 | where the opening is, where the bar is at, that's
23 | where he was.

24 | Q And could you see your uncle?

25 | A Uh-huh.

Ivori Polite - Direct Examination by Ms. Bannon

1 Q Do you know what he and Shawnee were doing?

2 A Yeah. Shawnee told him to call the police,
3 call 9-1-1 and he was, you know -- he started to
4 call the police on his phone.

5 Q Do you know if he was ever able to make
6 that phone call?

7 A I know that after the shooting happened, I
8 saw that 9-1-1 was on the phone, you know, still
9 on the phone, so I don't think it actually went
10 through, but I know he was trying to.

11 Q Why wasn't he able to complete that call?

12 A Because after -- the last two shots, the
13 last one hit him and he fell down.

14 Q Did you see the person who shot him?

15 A No, ma'am.

16 Q If you wouldn't mind stepping down again, I
17 want to show you some pictures and just go through
18 this diagram a little bit.

19 Okay. You said that you ran to the -- here
20 if you just want to stand to the side so that
21 everyone can see you -- that you were heading
22 towards the pictures which were over here,
23 correct?

24 A Uh-huh.

25 Q And you heard the shots?

Ivori Polite - Direct Examination by Ms. Bannon

- 1 A Yes, ma'am.
- 2 Q And so where did you go?
- 3 A Turned around and ran through there to the
- 4 bathroom, the ladies bathroom.
- 5 Q Okay. And then you said you came out
- 6 beside the bathroom?
- 7 A Yeah. I came outside after the shots
- 8 stopped -- well, the shooting stopped.
- 9 Q The first set inside the club?
- 10 A Uh-huh.
- 11 Q So where were you standing when you came
- 12 out?
- 13 A I was standing right here in the door
- 14 because I was still kind of hesitant and making
- 15 sure that they stopped shooting.
- 16 Q And where was Shawnee?
- 17 A Shawnee was on the ramp.
- 18 Q She was on the ramp?
- 19 A Uh-huh.
- 20 Q Where was your Uncle Henry?
- 21 A Right here.
- 22 Q Okay. And were you able to tell what
- 23 direction the bullet that struck your uncle came
- 24 from?
- 25 A No, I couldn't tell, but I mean, it had to

Ivori Polite - Direct Examination by Ms. Bannon

- 1 | come through the door.
- 2 | Q Why?
- 3 | A Well, it sort of a brick building.
- 4 | Q Did you have a gun?
- 5 | A No, ma'am.
- 6 | Q Did your cousins have a gun?
- 7 | A No, ma'am.
- 8 | Q Did your Uncle Henry have a gun?
- 9 | A No, ma'am.
- 10 | Q So after the shooting first stopped and
- 11 | y'all come out, was it mostly partygoers or mostly
- 12 | family or did you know?
- 13 | A When we came out?
- 14 | Q Uh-huh.
- 15 | A The club was empty. It was just the people
- 16 | that were in the back that were in there with us.
- 17 | Q And did you know them?
- 18 | A Some of the people, yeah.
- 19 | Q And did you know them to have guns?
- 20 | A No.
- 21 | Q Okay. If you wouldn't mind, I'm going to
- 22 | direct your attention to the big screen, Jim's
- 23 | going to pull it over. I just want to go through
- 24 | some photos with you?
- 25 | Do you know this girl?

Ivori Polite - Direct Examination by Ms. Bannon

1 A No.

2 Q Here, if you just want to stand on the side
3 right next to Ms. Radford, she'll hold that for
4 you so everyone can hear and see. Okay?

5 A Okay.

6 Q So you've never seen this girl in your
7 life?

8 A No, ma'am.

9 Q Okay. How about these girls?

10 A No.

11 Q Okay. Same girls, don't know them?

12 A Uh-huh.

13 Q Do you know that girl?

14 A (The witness shook her head.)

15 THE COURT: Make sure you speak up.

16 THE WITNESS: Oh, okay.

17 By Ms. Bannon:

18 Q Do you know that girl in the pink?

19 A No, it's a picture of --

20 Q Okay. How about these people?

21 A My cousin Ron and his friend Donald.

22 Q Okay. And so they were at the party that
23 night?

24 A Uh-huh.

25 Q This is just another shot of them?

Ivori Polite - Direct Examination by Ms. Bannon

1 A Uh-huh.

2 Q Them mugging for the camera again?

3 A Uh-huh.

4 Q Ivori, did y'all stick together?

5 A No, ma'am.

6 THE COURT: Speak up.

7 THE WITNESS: No, ma'am.

8 By Ms. Bannon:

9 Q All right. Do you know these guys?

10 A No, ma'am.

11 Q Are these pretty typical of the pictures
12 people were taking that night?

13 A Uh-huh.

14 Q Do you know these people?

15 A No, ma'am.

16 Q Would you be surprised if they were at your
17 party?

18 A No.

19 Q Is this typical? You take a couple of
20 shots with the photographer?

21 A Uh-huh. Yes, ma'am.

22 Q And pick out whichever one you like the
23 best?

24 A Yes.

25 Q These people were at your party?

Ivori Polite - Direct Examination by Ms. Bannon

1 A Yes.

2 Q Do you know them?

3 A I just know the young lady with the shorts

4 on.

5 Q Okay. Who is she?

6 A My friend Kia from Hilton Head.

7 Q Okay. Just take another shot of Kia?

8 A Uh-huh.

9 Q All right. How about this picture? Is

10 that from that night?

11 A Yes, sir -- yes, ma'am.

12 Q Do you know the people in this photo?

13 A Yes.

14 Q Okay. If you wouldn't mind getting that

15 pointer from Ms. Radford. Going from left to

16 right, would you mind telling us who these people

17 are?

18 A This is Bull Rod, I don't know him by his

19 name.

20 Q Okay, that's a nickname Bull Rod. Okay.

21 A Quan and Brian and T.K.

22 Q Okay. Now, when you say Quan --

23 A Uh-huh.

24 Q -- who do you mean?

25 A Queezy.

Ivori Polite - Direct Examination by Ms. Bannon

1 Q Okay. So the defendant that you previously
2 pointed out?

3 A Yes.

4 Q Do you know Brian's last name?

5 A I don't.

6 Q Does he have a nickname?

7 A Chocolate.

8 Q Okay. And the last guy on the right, who's
9 that?

10 A T.K. That's a nickname too.

11 Q Okay. And so do you recognize what they're
12 doing? I think the one that Mr. -- that Bull
13 Rod's doing; we all recognize what that means,
14 right?

15 A Yeah.

16 Q Do you understand what this hand symbol
17 means that Mr. Brewer is showing?

18 A I want to say hill posse. I think that's
19 what it means.

20 Q What does that mean to you?

21 A The area that he came from; the area he
22 live in.

23 Q And what area is that?

24 A Poppy Hill.

25 Q The Poppy Hill area?

Ivori Polite - Direct Examination by Ms. Bannon

1 A Yeah.

2 Q So that could symbolize the Poppy Hill?

3 A Uh-huh.

4 Q Okay. So what about the hand signal Mr.

5 Brian or Chocolate's making?

6 A He looks like he has the same thing.

7 Q Okay. How about T.K.? Do you know what

8 that means?

9 A No, ma'am.

10 Q Okay. It looks like -- how about this

11 photo? It looks like the same four people?

12 A Yes.

13 Q And do you recognize this guy?

14 A Yes, but I don't know his name.

15 Q Okay. And do you recognize what hand

16 gesture Mr. Bull Rod is making?

17 A Looks like he's making the same one as T.K.

18 Q The one that you don't know what it means?

19 A Uh-uh.

20 Q How about Mr. Brewer?

21 A The same thing.

22 Q As --

23 A Hill Posse.

24 Q So he's making the same --

25 A Uh-huh.

Ivori Polite - Direct Examination by Ms. Bannon

- 1 Q I'm sorry, the same gesture as Brewer in
2 this picture?
- 3 A Yes, ma'am.
- 4 Q The Hill posse sign?
- 5 A Yes, ma'am.
- 6 Q And how about Chocolate?
- 7 A The same thing, the hill posse.
- 8 Q The hill posse?
- 9 A Uh-huh.
- 10 Q You didn't see this picture when it was
11 taken, did you?
- 12 A No, ma'am.
- 13 Q And did you talk to any of these guys that
14 night?
- 15 A No. I probably said, you know, What's up,
16 and that was it.
- 17 Q But you know most of these guys from
18 growing up?
- 19 A Yes, from the area.
- 20 Q All right. How about this picture? Who is
21 this in the black shirt?
- 22 A Quan.
- 23 Q The defendant?
- 24 A Yes.
- 25 Q All right. And what hand gesture is he

Ivori Polite - Direct Examination by Ms. Bannon

1 making in that one?

2 A The same gesture from the last one.

3 Q So the Hill Posse?

4 A Uh-huh.

5 Q And who's in the middle?

6 A Brian.

7 Q Chocolate?

8 A Chocolate.

9 Q And what's he doing?

10 A I can't tell you that right now. I don't

11 know.

12 Q Okay. And how about the third guy?

13 A He's standing there.

14 Q Okay. And is that Bull Rod?

15 A Yes, ma'am.

16 Q Okay. All right. If you wouldn't mind

17 grabbing a seat.

18 Now, you said that y'all made up flyers for

19 this party?

20 A Yes, ma'am.

21 Q How'd y'all distribute those, do you know?

22 A Pass them out to different stores, you

23 know.

24 MS. BANNON: This will be 19-A.

25 THE COURT: 19-A into evidence without

Ivori Polite - Cross-Examination by Mr. Newman

- 1 Q So you went to school in Hampton County?
- 2 A No, I went to school down here.
- 3 Q Oh, okay.
- 4 A Uh-huh.
- 5 Q What -- what school was Mr. Brewer in?
- 6 A Well, I believe it was middle school,
- 7 Robert Smalls.
- 8 Q All right. Now, it's been testified to
- 9 that there were probably fifty or sixty people at
- 10 this party. Would that be consistent with your
- 11 recollection or you think there's more?
- 12 A That there was fifty or sixty people at the
- 13 party?
- 14 Q Yes.
- 15 A No, there was more.
- 16 Q A hundred?
- 17 A A little more than a hundred.
- 18 Q More than a hundred?
- 19 A Yeah.
- 20 Q Okay.
- 21 A It was pretty packed.
- 22 Q And this -- this was the pre-Memorial Day
- 23 jump off?
- 24 A Yes, sir.
- 25 Q Hosted by Rochelle, Shawnee, Sheena,

Ivori Polite - Cross-Examination by Mr. Newman

1 Keshia, Money, and Deon?
2 A Yes.
3 Q And Deon would be Deon Stevenson?
4 A I believe that's his last name. I don't
5 know.
6 Q The fellow from Ridgeland?
7 A Yes, he's from Ridgeland.
8 Q Okay. It had a \$10 admission price?
9 A Yes.
10 Q Who is DJ Dat Daddy?
11 A This guy named Gary from Stewart Point.
12 Q From Stewart Point?
13 A Uh-huh.
14 Q How about DJ Vous?
15 A He's from Ridgeland.
16 Q He's from Ridgeland?
17 A Uh-huh. Hardeeville. Hardeeville.
18 Q Hardeeville?
19 A Uh-huh.
20 Q Jasper County?
21 A Yes.
22 Q Okay. Now, it's true that according to
23 your statement and your testimony that you never
24 saw Mr. Brewer shoot?
25 A No, sir.

Donald Parker - Direct Examination by Mr. Bannon

1 All right. No further questions.

2 THE COURT: You may step down.

3 Call your next witness.

4 MR. BANNON: The State calls Donald Parker.

5 MS. BANNON: Your Honor, just to clarify,

6 may Ms. Polite be excused and remain if she so

7 desires for the remainder of the trial?

8 THE COURT: Any objections, Mr. Newman?

9 MR. NEWMAN: Just as long as she not be

10 called.

11 THE COURT: All right.

12 THEREUPON,

13 DONALD PARKER,

14 after being duly sworn, testified as follows:

15 THE CLERK: Please be seated. State your

16 name and spell it for the Court, please.

17 THE WITNESS: Donald Parker. D-o-n-a-l-d

18 P-a-r-k-e-r.

19 **DIRECT EXAMINATION**

20 By Mr. Bannon:

21 Q How you doing this afternoon, Donald?

22 A I'm doing all right.

23 Q Where do you live?

24 A On Seaside Road.

25 Q How long have you lived in Beaufort County?

Donald Parker - Direct Examination by Mr. Bannon

1 A I've lived here forever.

2 Q Okay. Where do you work?

3 A Well, I work -- now, I work with my dad

4 doing -- it's a moving company.

5 Q All right. And what were you doing back in

6 May of 2009?

7 A Working wise?

8 Q Yeah.

9 A I was working at Beaufort Memorial

10 Hospital.

11 Q All right. And were you going to school at

12 all?

13 A No, sir.

14 Q I want you to think back to May the 24th of

15 2009. Did you go to a party that evening?

16 A Yes, sir.

17 Q Did you go by yourself?

18 A No, sir.

19 Q Who all went with you?

20 A Me and a couple of friends.

21 Q Okay. Do you remember who they were?

22 A Yes.

23 Q Who were they?

24 A Myself, my brother Ronald, my friend John,

25 and my other friend Sam.

Donald Parker - Direct Examination by Mr. Bannon

1 Q Do John and Sam have last names?

2 A Yes. It's John Doctor and Sam Pope.

3 Q Okay. And I guess your brother, Ronald --
4 are you guys identical twins?

5 A Yes, sir.

6 Q Okay. Did all you guys go together in the
7 same car or did you take separate cars?

8 A Oh, we went in the same car. It was like
9 two cars and we followed right behind each other.

10 Q Okay. And whose care were you in?

11 A I was in the car with my brother.

12 Q Okay. Was it just the two of you guys in
13 the car?

14 A It was three of us. Me and my other friend
15 Sam Pope.

16 Q Okay. And what time did you arrive at the
17 party?

18 A Maybe like around noon -- I mean, around
19 midnight.

20 Q Okay. It was -- it was dark outside. It
21 was late at night?

22 A Yeah.

23 Q When you arrived, what was the -- what was
24 the atmosphere like inside the club?

25 A Inside the club it was just a bunch of

Donald Parker - Direct Examination by Mr. Bannon

1 | people just standing around. Music was playing.

2 | Some people were dancing, some people were just
3 | having drinks, so that's where we was at.

4 | Q Were you guys excited to be there?

5 | A Yes, we was. And we went there to actually
6 | promote -- we had a party -- we were supposed to
7 | have one the next night so we wanted to promote
8 | ours too. Like to get the word out.

9 | Q Oh, okay. Why were you guys having a
10 | party?

11 | A Well, just like basically like a fund
12 | raiser.

13 | Q Oh, okay. What were you raising funds for?

14 | A Just for -- just for us because we was --
15 | my friends was in school at the time so just some
16 | extra funds for us for school.

17 | Q Okay. Well, which friend are you talking
18 | about?

19 | A My brother was in school, my other friend
20 | John was in school, and my other friend, Sam Pope
21 | was in school, too.

22 | Q Okay. Are you talking about high school or
23 | what level of school were you --

24 | A College.

25 | Q What's that?

Donald Parker - Direct Examination by Mr. Bannon

1 A College.

2 Q College. Now, when you first arrived at
3 the club, what was the mood like inside the room?

4 A It was a good mood. Everybody was just
5 vibing, you know what I'm saying. Talking.

6 Q Did -- now, I'm talking about before the
7 shooting started, did you see any fights or any
8 sort of trouble that evening?

9 A No, sir.

10 Q Was there shooting that evening?

11 A That night?

12 Q Yes, sir.

13 A Yes, sir.

14 Q Okay. I'd like to talk to you a little bit
15 about that. Where were you standing just before
16 the shooting started?

17 A Just before the shooting started, I was
18 standing like -- like in between -- in between the
19 door and like in between like where the -- where
20 the ramp was at to go to the bar. Like sort of --
21 sort of like in the middle.

22 Q Okay. This might help. If you step down
23 off the stand for just a second, I'll just show
24 you something. Just stand off to the side.

25 And does this look like the -- sort of the

Donald Parker - Direct Examination by Mr. Bannon

1 top view of the Semper Fi Club there?

2 A Yes, sir.

3 Q And so which room were you in?

4 A I was in -- I was in this room right here.

5 Q Okay.

6 A And this the room where they were serving

7 drinks at.

8 Q All right. And if you could just point

9 to -- where about were you when the shooting

10 started?

11 A When the shooting started I was about like

12 right here.

13 Q Okay. Just kind of in the middle of the

14 room?

15 A Yeah. Just kind of in the middle.

16 Q All right.

17 A Off to the side though.

18 Q Okay. You can go back up to the witness

19 stand.

20 Okay. Could you tell us -- well, let me

21 ask you this. Were you -- were you shot that

22 evening?

23 A Yes, sir.

24 Q Okay. Where were you hit?

25 A In the -- in the right calf.

Donald Parker - Direct Examination by Mr. Bannon

1 Q Okay.

2 A In the back.

3 Q Could you tell me a little bit about what

4 happened just before you got shot?

5 A Well, just before I got shot, me and a

6 couple of friends were just standing around

7 socializing and then I just heard a bunch of

8 commotion going on and as soon as I turned my head

9 and looked back -- as soon as I turned my head and

10 looked back, that's when I saw fire came from the

11 gun, first shot, hit me in the back of the leg.

12 Q Okay. So -- okay. So you're standing

13 there and you hear something from behind you?

14 A Yes.

15 Q Do you -- do you remember which -- and you

16 said you turned and looked, right?

17 A Yes, sir.

18 Q Okay. Do you remember which way you

19 turned?

20 A Left.

21 Q Okay.

22 A I looked left over my --

23 Q So you turned to your left --

24 A I looked left over my shoulder.

25 Q Okay. So you turned around to see what's

Donald Parker - Direct Examination by Mr. Bannon

1 going on, what do you see?

2 A All I saw was a black pistol and fire came
3 from it.

4 Q Okay. Did you see who was holding it?

5 A No, sir.

6 Q Okay. Do you remember talking to
7 Investigator Fraser after you made it to the
8 hospital?

9 A Yes, sir.

10 Q Okay. And did he ask you questions about,
11 you know, sort of what had happened that evening
12 and what you saw?

13 A Yes, sir.

14 Q Do you remember telling Investigator
15 Fraser --

16 MR. NEWMAN: Your Honor, I going to object
17 to that line of questioning. I object to it.

18 (WHEREUPON there was a bench conference out
19 of the hearing of the jury and the court
20 reporter.)

21 MR. BANNON: Okay.

22 By Mr. Bannon:

23 Q So you remember speaking with Investigator
24 Fraser?

25 A Yes, sir.

Donald Parker - Direct Examination by Mr. Bannon

1 Q Do you remember what you told Investigator
2 Fraser?

3 A Well, I don't remember everything I told
4 him.

5 Q Okay.

6 A I just remember what I wrote in my
7 statement.

8 Q Okay. Well, can you tell us what you
9 remember telling to Investigator Fraser?

10 A What I just -- I was standing in the club,
11 heard a bunch of commotion so when I turned around
12 all I saw was fire came from a pistol and hit me
13 in the leg.

14 Q Okay. Do you remember telling Investigator
15 Fraser what color shirt the person was wearing?

16 A No, sir.

17 Q Do you remember telling Investigator Fraser
18 how tall the person was?

19 A No, sir.

20 Q Do you remember telling Investigator Fraser
21 about the --

22 MR. NEWMAN: Your Honor, again, I have the
23 same objection.

24 THE COURT: Sustained. Rephrase the
25 questions.

Donald Parker - Direct Examination by Mr. Bannon

1 By Mr. Bannon:

2 Q Did you make any statements about the
3 person's hair?

4 MR. NEWMAN: Your Honor, the same
5 objection.

6 (WHEREUPON there was a bench conference out
7 of the hearing of the jury and the court
8 reporter.)

9 THE COURT: Do you need to use it?

10 MR. BANNON: I can dig out the other one or
11 we can just use that one.

12 THE COURT: Sure. Save time.

13 MR. BANNON: Mark this as .

14 MR. NEWMAN: I object to it coming into
15 evidence, I thought he was going to let the
16 defendant -- I'm sorry, the witness --

17 MR. BANNON: Well -- and -- and I'm not --
18 I'm not offering it as evidence Your Honor. It's
19 just my understanding that if I'm going to show
20 the witness I'm going to need to mark it as an
21 exhibit --

22 THE COURT: All right.

23 MR. BANNON: -- for identification.

24 MR. NEWMAN: Just for ID, then.

25 THE COURT REPORTER: It'd be 62 for ID.

Donald Parker - Direct Examination by Mr. Bannon

1 MR. BANNON: Uh-huh.

2 MR. BANNON: Madame Court Reporter, will I
3 be able to get a copy of that at a break?

4 THE COURT REPORTER: Sure.

5 MR. BANNON: Okay. Because that's the only
6 copy I have.

7 (WHEREUPON State's Exhibit No. 62 was
8 marked for identification.)

9 By Mr. Bannon:

10 Q Donald, I'd like to show you what has been
11 marked as -- as -- well as State's Exhibit No. 62.

12 A All right.

13 Q Would you take a look at that for me? Now,
14 is -- is that -- is that your statement?

15 A Yes, sir.

16 Q Okay. Did you sign it?

17 A Yes, sir.

18 Q Okay. And does it have sort of a brief
19 recitation of what you wrote down and gave to
20 Investigator Fraser?

21 A You said -- do it have a brief --

22 Q You just sort of wrote down what happened
23 for Investigator Fraser?

24 A Yes.

25 Q Okay. All right. Does that sort of help

Donald Parker - Direct Examination by Mr. Bannon

1 | you remember a little bit about what happened?

2 | A Yeah.

3 | Q Okay. Can I see that back?

4 | Okay. Do you remember whether the shooter
5 | was a man or a woman?

6 | A I didn't see no face; all I saw was a
7 | pistol.

8 | Q Okay. But --

9 | A It was -- it was quick. Like soon as I
10 | turned my head, it happened like that so I ain't
11 | get a chance to identify or nothing.

12 | Q Okay. So you saw the pistol?

13 | A Yeah.

14 | Q Okay. But what you wrote in your statement
15 | is that your pistol --

16 | MR. NEWMAN: Your Honor, Your Honor I
17 | object --

18 | THE COURT: Sustained.

19 | By Mr. Bannon:

20 | Q Could you take a look at your statement?

21 | And I'd like to ask you, do you have written down
22 | in there anywhere whether or not --

23 | MR. NEWMAN: Your Honor --

24 | MR. BANNON: -- he --

25 | THE COURT: Sustained.

Donald Parker - Direct Examination by Mr. Bannon

1 MR. BANNON: Your Honor, may we approach
2 for a second?

3 THE COURT: Sure.

4 (WHEREUPON there was a bench conference out
5 of the hearing of the jury and the court
6 reporter.)

7 By Mr. Bannon:

8 Q Now, in this statement, you wrote down
9 that, he had a gun, right?

10 A Yes, sir.

11 Q Okay. So does that help you to remember as
12 to whether or not it was a man or a woman?

13 A No, sir. I ain't see no face.

14 Q Okay. So you saw the gun in what you say
15 was his hand, but you don't know if it was a man
16 or a woman. Do you remember what color the
17 person's hand was? Was it a black person, a white
18 person?

19 A I ain't see the hand, no, sir. It was too
20 dark in there, it was pitch black. All I saw was
21 fire from the gun.

22 Q Once you were -- once you were hit, what
23 happened next?

24 A Once I was hit, I buckled, my leg buckled,
25 and I dropped to the ground and everybody was

Donald Parker - Direct Examination by Mr. Bannon

1 | trying to get out, so I tried to get out too. But
2 | I hold on -- I grabbed on to someone's shirt and
3 | they pulled me by the door and right by the door
4 | where I tried to get up on my own.

5 | Q Okay.

6 | A And right outside the club --

7 | Q Now --

8 | A -- To where my friend was standing.

9 | Q Oh, I'm sorry.

10 | Now, when you say the door, do you mean
11 | like the front door, the way that everybody was
12 | coming in and out?

13 | A Yes.

14 | Q And was the club crowded when the shooting
15 | started?

16 | A Yes, sir, very packed.

17 | Q After the first shot, did you hear anymore
18 | gunshots?

19 | A Yes, sir.

20 | Q While you were inside the club?

21 | A Yes, sir.

22 | Q Okay. How many do you remember hearing?

23 | A Like -- maybe like three or four -- three
24 | or four.

25 | Q Okay. And once you make it through the

Donald Parker - Direct Examination by Mr. Bannon

1 back door, what do you see out there?

2 A Well, once I made it to the outside, my
3 buddy came and put me on his shoulder and he
4 was -- as they was taking me to the truck, all I
5 still heard was gunshots going on.

6 Q Okay. And when you say your buddy, who do
7 you mean?

8 A John Doctor.

9 Q Okay. And so where did you guys go?

10 A Well, he put -- he put me in the vehicle.
11 From there, we was on the way to the hospital --

12 Q Uh-huh.

13 A -- and we got stopped by -- by cops on the
14 way to the hospital.

15 Q Okay. Did they pull you over or how did
16 that happen?

17 A Well, they were -- they were following us
18 for a minute because I was telling them -- I was
19 telling my driver, don't stop til we get to the
20 hospital because I was just afraid of losing my
21 leg.

22 Q Uh-huh.

23 A And then they finally came to a stop when
24 they -- when they got like three or four cars --
25 like three cop cars behind us, we finally came to

Donald Parker - Direct Examination by Mr. Bannon

1 a stop.

2 Q Were you afraid you were going to die?

3 A Yes, sir.

4 Q How is your leg doing now?

5 A It's doing a hundred percent now.

6 Q Okay. And now, just before the gunshots

7 started, did you hear any -- was there any sort of

8 like fight or commotion?

9 A No, sir. All of a sudden before I heard

10 the gunshot, it just got loud.

11 Q Okay.

12 A It got kind of louder and then as soon as I

13 turn my head and look over my shoulder, that's

14 when I saw the fire and everything just started.

15 Q Afterwards, did the police officers come

16 talk to you about what happened a couple days

17 later?

18 A Well one of them came that night in the ER.

19 Q Uh-huh.

20 A In the emergency room, came to talk to me.

21 Q And did any of the investigators follow up

22 with you afterwards?

23 A Yes. A couple days later on, I got out and

24 they came to the house.

25 Q Okay. Did they ever show you any photo

Donald Parker - Direct Examination by Mr. Bannon

1 lineups?

2 A Yes, sir.

3 Q Were you ever able to pick anyone out of
4 those photo lineups?

5 A No, sir.

6 Q Okay. Okay. So you don't know who shot
7 you?

8 A I was -- I got hit from the back, I wasn't
9 really paying attention.

10 Q Do you recognize the fellow who's sitting
11 at the table or wearing the light blue shirt?

12 A Do I recognize him? I don't know him.
13 If -- if I was to see him outside, I wouldn't know
14 him.

15 Q Okay. So you -- you have no -- you have
16 never seen him before?

17 A I saw him one time before. A long time
18 ago.

19 Q Okay.

20 A Other than that, I could see him and walk
21 right by.

22 Q Did you see him in the -- at the Semper Fi
23 Club that evening?

24 A No, sir. I didn't know what he looked
25 like.

Donald Parker - Direct Examination by Mr. Bannon

1 Q When you -- you said that that night, one
2 of the investigators came and spoke with you at
3 the hospital?

4 A Yes, sir.

5 Q Okay. Do you remember what you told him
6 that night right after it happened?

7 A No, sir.

8 Q You were conscious when you made it to the
9 hospital, right?

10 A Yes, sir.

11 Q And you remember speaking with the
12 investigator?

13 A Yes, sir. I remember him coming up there.
14 I do not remember what -- what was exactly said.

15 Q Okay. Well, do you remember -- do you
16 remember any talk about who the shooter might have
17 been?

18 A No, sir. He didn't talk to me about who
19 the shooter was, no.

20 Q Did he ever ask you for a description of
21 the shooter?

22 A No, sir. I don't recall.

23 MR. BANNON: Your Honor, may we approach
24 again?

25 THE COURT: Sure.

Donald Parker - Direct Examination by Mr. Bannon

1 (WHEREUPON there was a bench conference out
2 of the hearing of the jury and the court
3 reporter.)

4 MR. BANNON: I have no further questions
5 for Mr. Parker.

6 THE COURT: All right. Mr. Newman?

7 MR. NEWMAN: No questions.

8 THE COURT: All right. You may step down.
9 You can call your next witness.

10 MR. BANNON: Your Honor, at this point, we
11 would like to call Jeremiah Fraser, but I think we
12 might just need a five minute recess before we do.

13 THE COURT: All right.

14 Members of the jury, if you'll take a ten
15 minute break. Do not discuss the case.

16 (WHEREUPON the jury left the courtroom at
17 3:26 p.m.)

18 THE BAILIFF: The jury is clear, Your
19 Honor.

20 THE COURT: All right. Thank you.

21 MR. BANNON: Your Honor, not for the
22 record, but I just wanted to make sure that the
23 statement we were going to use with Investigator
24 Fraser was -- you know, that we have the proper
25 times to stop it before we put him on the stand

Donald Parker - Direct Examination by Mr. Bannon

1 to -- so the -- so the statement about the lie
2 detector didn't come into evidence.

3 (WHEREUPON a recess was observed while the
4 attorneys made sure the CD was properly cued.)

5 THE COURT: And if the bailiff would go
6 ahead and bring out the jury.

7 THE BAILIFF: All right.

8 MS. BANNON: Briefly, Your Honor, the next
9 witness, Investigator Fraser, you had earlier
10 stated that you wanted us to edit out that certain
11 part of the interview.

12 THE COURT: Right.

13 MS. BANNON: And we believe it is during
14 that quiet time where they stop the interview and
15 when the defendant's mom comes back in, so we just
16 won't play that quiet time if that's okay with Mr.
17 Newman.

18 THE COURT: That's fine.

19 MR. NEWMAN: I don't remember where --

20 THE BAILIFF: The jury's ready to enter.

21 THE COURT: Thank you.

22 (WHEREUPON the jury entered the courtroom
23 at 3:39 p.m.)

24 THE BAILIFF: The jury is present.

25 THE COURT: Thank you.

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 All right, Solicitor, we're ready when you
2 are.

3 MS. BANNON: Thank you, Your Honor, the
4 State calls Investigator Fraser.

5 THEREUPON,

6 JEREMIAH FRASER,
7 after being duly sworn, testified as follows:

8 THE CLERK: Please be seated. State your
9 name and spell it for the Court, please.

10 THE WITNESS: Jeremiah Fraser,
11 J-e-r-e-m-i-a-h F-r-a-s-e-r.

12 DIRECT EXAMINATION

13 By Ms. Bannon:

14 Q Investigator Fraser, where do you work?

15 A Beaufort County Sheriff's Office.

16 Q What do you do there?

17 A I'm a criminal investigator.

18 Q And how long have you worked at Beaufort
19 County Sheriff's Office?

20 A Nine and half years.

21 Q And prior to working for the sheriff's
22 office, what did you do?

23 A I was in the Marine Corp.

24 Q And how long have you been an investigator?

25 A Coming up on five years.

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Q And now were you working -- so five years,
2 does that mean that you were working as an
3 investigator on May 24th, 2009?

4 A I was.

5 Q Okay. And were you on duty that night?

6 A I was.

7 Q And did you get any call outs?

8 A I did.

9 Q Where'd you get called out to?

10 A I got called out to the Semper Fi Club on
11 Broad River Boulevard regarding a shooting.

12 Q And did you respond to the Semper Fi Club?

13 A No, I responded to the ER. When I received
14 the call from the patrol staff -- staff sergeant,
15 who requested my presence, he requested additional
16 people as well because of the large scale of the
17 scene. I've worked several cases like this and I
18 knew that the best way to proceed with this was to
19 get multiple investigators involved and working
20 from different angles.

21 Q Did you get a chance to talk with Sergeant
22 Chapman?

23 A I did. I called and requested that he and
24 Sergeant Cox respond to the Semper Fi Club and I
25 responded to the hospital.

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Q So you pulled them out of bed to help you?

2 A I did.

3 Q Now, are you familiar with the Semper Fi
4 Club?

5 A I am.

6 Q What is it?

7 A It's a private building owned by some local
8 residents. They rent the building out for various
9 types of functions.

10 Q So it's not like a dance club?

11 A No, it's not like a dance club.

12 Q You know what it's made out of?

13 A Cinder block.

14 Q And it's over there kind of behind the
15 Walmart?

16 A Yes, on Broad River Boulevard. It's right
17 beside the Pepsi Cola Plant on Broad River
18 Boulevard. Like Burton Wells area where the
19 baseball fields are. Over by the Battery Creek
20 High School back entrance.

21 Q And now, you went to the hospital, you
22 said?

23 A I did.

24 Q And what did you do once you got to the
25 hospital?

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A That's when I initiated the real part of my
2 investigation in this. I knew that the victims
3 were being transported to the hospital and I knew
4 that there was going to be a bunch of witnesses at
5 the hospital. I responded to the hospital with
6 the intention of talking to the victims. I was
7 aware that one had been shot in the head and I was
8 also aware that another had been shot in the leg.

9 My first priority was to try to talk to the
10 witnesses before they went -- I'm sorry, the
11 victims before they went into any kind of surgery
12 so I could get an idea of where I needed to
13 proceed. And then to follow that up with the
14 victims.

15 Q Why would it be important to talk to the
16 victims so quickly?

17 A A lot of times in a traumatic incident like
18 this, when the victim comes into the hospital with
19 a gunshot wound especially, they'll be medicated
20 prior to any like operation or anything like that.
21 Pain medication, things like that. I wanted to
22 get there as quick as I could to get a -- get out
23 ahead of this, if you will, and talk to the
24 victims before they were ever medicated.

25 Q And were you able to identify who the

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | victims were?

2 | A I was.

3 | Q You said that one had been shot in the
4 | head?

5 | A That's correct.

6 | Q And who was that?

7 | A That was Henry Jones.

8 | Q And did you get a chance to talk to him
9 | before he went to surgery?

10 | A No, no, I did not.

11 | Q Why not?

12 | A Henry Jones was unresponsive. He was
13 | comatose. It was apparent to me that he had
14 | suffered a terrible head injury from what appeared
15 | to me to be a gunshot wound.

16 | Q Did you do anything with Mr. Jones?

17 | A Yes. I photographed him. What we
18 | typically do is we photograph as soon as we can as
19 | well to give an exact picture of what was going on
20 | at the time and that's what -- that's what we do.

21 | Q How about the guy that got shot in the leg?
22 | Were you able to identify him?

23 | A I was. Donald Parker.

24 | Q And you were sitting in here when he
25 | testified?

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A I was.

2 Q Was that Donald Parker?

3 A It was.

4 Q Does he seem to be in the same condition
5 today as he was when you talked to him?

6 A No, no, ma'am.

7 Q What was different?

8 A When I got to the ER, Donald was conscious,
9 he was alert. As far as I know, he hadn't been
10 medicated yet. He was in a lot of pain; he was in
11 a great deal of pain. He was actually the very
12 first person, aside from the doctors and the
13 nurses telling me where people were, he was the
14 very first person that I spoke to.

15 Q Okay. And were you able to -- well, I
16 guess, if he's the very first person you talked
17 to, what'd he tell you?

18 A He gave me a very brief description of what
19 was going on, what the party was. I asked him how
20 he got shot. He said that he was standing near
21 the photo booth with his friends. He said that
22 there was some kind of commotion behind him. He
23 turned and saw the gunshots, but he also told me a
24 brief description of the person he saw with the
25 gun, the person that he saw shoot.

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Q Well, if he was shot from behind, how --
2 did he explain to you how he was able to see the
3 person who shot him?

4 A He said he had turned when he had -- when
5 he had heard the commotion.

6 Q Was he able to tell you -- how soon after
7 him being shot would you say that you talked to
8 him?

9 A I got there very quickly. It was -- it was
10 very quickly. They were still evaluating him when
11 I arrived and you know if anybody's ever been to
12 the ER, you know they move pretty quick once you
13 get in there with a serious situation. And they
14 were still evaluating him when I got there.

15 Q Was he able to tell you the gender of the
16 person who shot him?

17 A He was.

18 Q And what was that?

19 A It was a male.

20 Q It was a male. How about the race of the
21 person who shot him?

22 A Yes, he told me it was a black male.

23 Q All right. So that night he tells you that
24 a black man shot him. Was he able to give you
25 any -- any other description of the shooter that

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | night?

2 | A He was. Essentially, he said that he was
3 | the smallest guy at the club. He was a five foot
4 | tall guy. He said he black shirt and
5 | close-cropped hair -- or his hair -- his hair
6 | style was close cropped.

7 | Q Did he tell you anything else?

8 | A He said that he knew the guy before and he
9 | had seen him before. He didn't really get into
10 | where he'd seen him before but he told me that he
11 | had seen the -- the gentleman in the past.

12 | Q And now, with close-cropped hair, what does
13 | that mean?

14 | A As opposed to -- similar to mine. Close to
15 | the scalp.

16 | Q Okay. So not wearing braids or like --

17 | A That's right.

18 | Q Okay.

19 | A That's right.

20 | Q So after you talked with Mr. Parker, did
21 | you take any photos of Mr. Parker?

22 | A I did.

23 | Q Okay. What was that?

24 | A I photographed the entry wound to his leg.
25 | I photographed -- I believe I photographed him

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | himself in the condition that he was in and I took
2 | a couple of different photographs from different
3 | angles of the wound, I believe.

4 | Q Now, talking to him, did he seem pretty
5 | forthcoming?

6 | A Yes.

7 | Q Was he more or less talkative than he was
8 | today?

9 | A He was much more talkative than he was
10 | today.

11 | Q So after you got done talking with Mr.
12 | Parker, what did you do?

13 | A I identified witnesses that were at the
14 | hospital and I started separating witnesses,
15 | bringing them back -- Beaufort Memorial ER is a
16 | secure ER, meaning that they've got to buzz you
17 | in, you can't just roam in and out of the ER,
18 | which makes it nice for me, believe it or not,
19 | because I can interview one person at a time. At
20 | night at the ER, there's a lot of open space in
21 | the back. I'm able to get one person, bring them
22 | in the back and conduct an interview, take them
23 | back out, get another one, conduct a brief
24 | interview, so on and so forth until I get through
25 | everybody that's at the ER.

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Q And roughly how many people were you able
2 to interview that night at the ER?

3 A Several.

4 Q And were you able to get a feel on who
5 these people were?

6 A I was, yes, ma'am.

7 Q Who were they?

8 A I had the -- Donald, his brother, John
9 Doctor who was Donald's friend, Sam Pope, I had a
10 large number of Mr. Jones' family there.

11 Q So not necessarily everyone you talked to
12 was at the club?

13 A Not necessarily, no, ma'am. A lot of
14 people came in and that's part of the process, is
15 when an incident like this happens, phone calls
16 are made to other family members and everybody
17 comes running. So I have to separate out the
18 people, if you will. Find out who's involved in
19 the incident, who was a witness to the incident,
20 who was there, and who wasn't even there. That's
21 a lengthy process.

22 Q And that -- you said you talked to Donald
23 Parker's brother. Who's that?

24 A Ronald Parker.

25 Q Is that the same Ronald Parker that just

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 got drafted by the Seahawks out in Illinois?

2 A Yes, ma'am.

3 Q Okay. So after you're done at the
4 hospital, what'd you do?

5 A We all met up at the investigations office.
6 We reviewed all the evidence that had been
7 collected at the Semper Fi Club, the witness
8 statements that we had, one of the other things
9 that I did is, in talking to the witnesses, I
10 gained more information on other people that were
11 there who weren't at the hospital. The idea is to
12 get as many -- is to talk to as many people as you
13 can. If you can talk to everybody that was there,
14 that's what I want to do is talk to every single
15 person that was there.

16 I went through all the names. We started
17 getting an idea of who we needed to talk to, in
18 what order. Some people may have been closer to
19 the shooting, some people may have been out in the
20 parking lot, some people may have been up at the
21 bar. We were trying to determine what order we
22 needed to start proceeding to determine what --
23 and also reviewed the evidence that had been
24 collected and we started reviewing statements and
25 comparing statements from the people that were

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 still at the club to the people that I spoke to at
2 the ER.

3 Q And now, not just that day, but throughout
4 your whole investigation, do you have a rough
5 estimate of the number of people you talked to?

6 A I'd say somewhere in the neighborhood of
7 forty to fifty.

8 Q And now, were they all forthcoming?

9 A No, no, they were not all forthcoming.

10 Q And those who were, were they always
11 helpful to your investigation?

12 A No, they were not.

13 Q So after you have this pow wow at your
14 office, you were meeting with other investigators,
15 other officers?

16 A Yes, ma'am.

17 Q Had you gotten home, taken a nap or
18 anything at this point?

19 A No.

20 Q Were you able to figure out a suspect from
21 this information?

22 A We were. We were able to quickly identify
23 a Queezy or a Jaquwn Brewer as the person who had
24 done the shooting. We were able to do that
25 through various -- quite a few eyewitnesses. At

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1 | that point --

2 | MR. NEWMAN: Based on that, I'm going to
3 | have an objection to this line of testimony.

4 | THE COURT: You want to come on up?

5 | (WHEREUPON there was a bench conference out
6 | of the hearing of the jury and the court
7 | reporter.)

8 | By Ms. Bannon:

9 | Q Did you go to a residence looking for
10 | Jaquwn Brewer?

11 | A I did. Several.

12 | Q Was one in Poppy Hill?

13 | A Yes, it was.

14 | Q Did you find Mr. Brewer there?

15 | A No.

16 | Q Did you find anything indicating that he
17 | lived there?

18 | A In one of the residences we searched, I
19 | found a summary court summons with Jaquwn Brewer's
20 | name on it, yes, ma'am.

21 | Q And whose house was that?

22 | A Robbie Drayton's house.

23 | Q And where is that house located?

24 | A Sandhill Estates.

25 | Q Is that near the Poppy Hill area?

1 A Yes, ma'am, it is.

2 Q Were you able to make contact with Mr.
3 Brewer eventually?

4 A I was. I was provided his phone number by
5 Robbie and I made contact. I called him on his
6 cell phone.

7 Q And were you able to arrange a meeting?

8 A I was, for later in that day.

9 Q All right. Where was that meeting?

10 A We requested Jaquwn Brewer come into the
11 investigations office, which is located in the
12 sheriff's office here in Beaufort County.

13 Q And did he come in?

14 A He did.

15 Q Did he bring anyone with him?

16 A He brought his mother and I believe a
17 girlfriend.

18 Q And were all of them present when you
19 started talking to him?

20 A In the beginning, no. In the beginning, we
21 brought Jaquwn back into my office where we went
22 through Miranda and we started the process of
23 interviewing him. At a later point in the
24 interview, I did -- he asked for his mother. I
25 went ahead and got his mother for him. Brought

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 him in -- brought her in.

2 Q So then the three of y'all started talking?

3 A Yes, ma'am. And my partner, Sergeant
4 Chapman.

5 Q Did you show Mr. Brewer the -- did you have
6 that photo that we've been showing from Mr.
7 Bright?

8 A Yes, I did. I had that photo.

9 Q And did you show that to Mr. Brewer?

10 A I did.

11 Q And did he have anything to say about that?

12 A Before or after?

13 Q What do you mean before or after?

14 A Are you asking what his statement to me was
15 before I showed him or after I showed him the
16 photo.

17 Q Well, why did you show him the photo?

18 A During my interview with him, Jaquawn
19 Brewer, the only thing he would tell me was, he
20 didn't have a gun. I showed him the picture of
21 him with the gun and then it changed from, I
22 didn't have a gun to, I didn't shoot nobody. And
23 that was his response almost all the way through
24 the whole thing was, I didn't shoot nobody.

25 Q So when did you show him the photo?

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1 A It was -- it was almost right away. It was
2 right at the beginning of the interview process.

3 Q And why do you care about this gun? What's
4 the focus of the gun?

5 A The focus of the gun, simply put, is we can
6 send that gun to SLED and we recovered two
7 projectiles as you guys have already heard. One
8 projectile we recovered from Donald Parkers' leg
9 and the second projectile was recovered at autopsy
10 from Mr. Jones. We could have taken that gun and
11 most likely matched it not only to the projectiles
12 but also to the shell casings.

13 Q So do you need the gun to do that kind of
14 match?

15 A Yes, I do.

16 Q Did y'all ever collect a gun in this
17 investigation?

18 A No, ma'am. He never would tell us where he
19 took the gun.

20 Q Did you notice anything about Mr. Brewer's
21 appearance?

22 A Yes, ma'am. He was wearing the same shorts
23 that he had on the night before.

24 Q How do you know that?

25 A The shorts are pretty distinctive. As you

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 saw in that picture, the shorts are dark in color.
2 The front of them faded and around the front
3 pockets are -- it's very colorful. There's --
4 there's like woven colorful patches around the
5 edge of the pocket. It makes them easy -- fairly
6 easy to identify.

7 Q How about his shirt? Was he wearing the
8 same shirt?

9 A No, he was not. He had on a different
10 shirt.

11 Q And when you realized he was in the same
12 pants, what did you do?

13 A After the interview, we did collect those
14 pants as evidence for forensic testing for gunshot
15 residue.

16 Q And where is forensic testing done?

17 A The State Law Enforcement Division does the
18 forensic testing for gunshot residue at SLED in
19 Columbia. As far as I know that's where they do
20 it.

21 Q So you didn't do it?

22 A No, I sent it to SLED for that testing.

23 Q And were you able through your talking with
24 Mr. Brewer and arresting him, did you determine
25 how tall he is?

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1 A Yes, ma'am. He's approximately five feet
2 tall, he's very short.

3 Q Were you able to figure out where he lives?

4 A Yes, ma'am. He lives at an address in
5 Yemassee. I believe a Bing Street address in
6 Yemassee. But what we gathered during our search
7 for him --

8 MR. NEWMAN: Your Honor, I would object to
9 that.

10 THE COURT: On what grounds?

11 MR. NEWMAN: Speculation from what they
12 gathered and relevancy.

13 THE COURT: Your response to that?

14 MS. BANNON: It's a part of his
15 investigation, Your Honor.

16 THE COURT: I'm overruling it. Go ahead.

17 THE WITNESS: Yes, sir.

18 From what we gathered during our
19 investigation, I found a summary court summons at
20 Robbie Drayton's residence and I believe that's
21 where he had been staying as well.

22 Q So this is the house over at Sandhill
23 Estates in the Poppy Hill area?

24 A Yes, ma'am.

25 Q Okay. So let's go back to Mr. Jones. At

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | some point were you informed of his status --
2 | medical status?

3 | A When he passed away, yes, ma'am, I was.

4 | Q Do you know when he died?

5 | A I believe it was the next day at MUSC.

6 | Q And so after he died up at MUSC, was
7 | anything ordered for his body for further
8 | investigation?

9 | A Yes, ma'am. I scheduled an autopsy for Mr.
10 | Jones; and also I scheduled an investigator to go
11 | up there to attend the autopsy.

12 | Q Why would you do that?

13 | A Just for evidence gathering. For the
14 | projection -- to recover the projectile, bring it
15 | back, and any physical evidence that MUSC takes in
16 | as they're doing their autopsy.

17 | Q Okay. And so after you get this
18 | information, is your investigation over or do you
19 | continue?

20 | A No, the investigation is really just
21 | beginning at that point. Like I said earlier, we
22 | had identified so many witnesses. We had -- the
23 | interviews were just starting. We had -- we had
24 | only scratched the surface.

25 | Q Did you at some point go back and talk to

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Donald Parker?

2 A I did.

3 Q And is that when he gave the written
4 statement?

5 A Yes, ma'am, yes, ma'am. He was laid up in
6 his bedroom, leg elevated when I met him. It was,
7 I believe, the day after he had been released
8 from the hospital.

9 Q And now did that statement differ from what
10 he had told you right after he got shot?

11 A He -- yes, it did. In that statement, the
12 only thing that he had put down was that he
13 remembered seeing the gunshot -- or, yeah -- the
14 gunshot and the gun and that was all he remembered
15 at that time laying in the bed.

16 Q All right. You talked about a whole lot of
17 evidence you collected. I just want to go back
18 through those if that's okay with you.

19 A Yes, ma'am.

20 Q All right. You were talking about those
21 hospital photos, right?

22 A Yes, ma'am.

23 Q I'm showing you what's been labeled for
24 identification as State's Exhibit 56. Do you
25 recognize that?

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1 A Yes, ma'am.

2 Q Is that a fair and accurate depiction of
3 Mr. Parker's leg?

4 A Yes, ma'am, it is.

5 Q The State would move State's Exhibit 56
6 into evidence?

7 THE COURT: Any objections?

8 MR. NEWMAN: Not as to that. Not as to
9 that, no.

10 THE COURT: State's 56 into evidence
11 without objection.

12 (WHEREUPON State's Exhibit 56 was entered
13 into evidence.)

14 By Ms. Bannon:

15 Q I'm showing you what's been identified as
16 State's Exhibit 57. Do you recognize that?

17 A I do.

18 Q Is that a fair and accurate depiction of
19 Mr. Jones the night you went to the hospital?

20 A Yes, it is.

21 MS. BANNON: The State would move State's
22 Exhibit 57 into evidence.

23 THE COURT: Any objections?

24 MR. NEWMAN: I object under 401 and 403 as
25 to relevancy.

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 THE COURT: I will overrule that.

2 Fifty-seven is in evidence.

3 (WHEREUPON State's Exhibit 57 was entered
4 into evidence.)

5 By Ms. Bannon:

6 Q Showing you for identification is what's
7 been labeled as State's -- State's Exhibit 58; do
8 you recognize that?

9 A Yes, ma'am, I do.

10 Q Is that a fair and accurate depiction of
11 Mr. Jones the night you went to the hospital?

12 A Yes, ma'am it is.

13 MS. BANNON: The State would move State's
14 Exhibit 58 into evidence.

15 THE COURT: Any objections? Fifty-eight?

16 MR. NEWMAN: That's the same as the other
17 picture?

18 MS. BANNON: No, it's a different picture.

19 MR. NEWMAN: Make sure I'm not getting
20 mixed up.

21 (WHEREUPON Mr. Newman was looking at the
22 phonto.)

23 MR. NEWMAN: Yes. I object under 403 --

24 THE COURT: I'll overrule it.

25 MR. NEWMAN: And it is not relevant.

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1 THE COURT: Fifty-eight's in evidence.

2 (WHEREUPON State's Exhibit 58 was entered
3 into evidence.)

4 MS. BANNON: All right. And -- Mr.
5 Bannon, could you help me with the thing?

6 (WHEREUPON the attorneys were setting up
7 exhibits.)

8 By Ms. Bannon:

9 Q Did you take anything off of Mr. Parker
10 when you were at the hospital?

11 A I seized -- or -- yes, ma'am. I took the
12 clothes. I took his clothing, yes, ma'am.

13 Q Why would you take his clothes?

14 A The clothes -- I can't see the jury.

15 A lot of times the clothing gives you an
16 idea of what happened. Sometimes it'll even give
17 you a -- an idea of where the guy was shot if you
18 don't know for sure. In this case, I did know for
19 sure but there may also be other evidence that's
20 attached to that clothing such as blood, if -- if
21 the bullet penetrated the clothing, it would show
22 where the bullet penetrated the clothing, where it
23 would have struck the body at in relation to the
24 pants or shirt whatever the case may be.

25 Q All right. I'm showing you what's been

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | labeled as State's Exhibit 20. Do you recognize
2 | that?

3 | A Yes, ma'am.

4 | Q And is that those pants you were just
5 | talking about?

6 | A Yes, ma'am. They appear to be.

7 | Q Do they look to be in the same -- same
8 | condition? Now, are they inside a baggy?

9 | A Yes, ma'am. They're inside a bio-hazard
10 | bag because of the amount of blood on them.

11 | Q Okay. And did you put them in that bag?

12 | A Yes, ma'am. Yes, ma'am.

13 | Q They're the same -- substantially the same
14 | condition?

15 | A Yes, ma'am.

16 | Q At this time, the State would move the
17 | bio-hazard bag containing the pants as State's
18 | Exhibit 20-A into evidence?

19 | THE COURT: Any objections?

20 | MR. NEWMAN: Relevancy.

21 | THE COURT: Overruled. 20-A is into
22 | evidence.

23 | (WHEREUPON State's Exhibit 20-A was entered
24 | into evidence.)

25 | ///

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 By Ms. Bannon:

2 Q All right. Before you tie it up, could you
3 take them out?

4 A The pants?

5 Q Yeah. Show the jury.

6 A You want me to come down?

7 Q Please do just so everyone can see it.

8 (WHEREUPON the witness stepped down to show
9 the exhibit to the jury.)

10 By Ms. Bannon:

11 Q And now the marks that you found on those
12 pants, were they consistent with Mr. Parkers'
13 story?

14 A I'm sorry. With his account of being shot?

15 Q Uh-huh.

16 A Yes, ma'am.

17 Q Okay. And the placement of the blood,
18 consistent?

19 A Yes, ma'am.

20 Q All right. Thank you.

21 A Can I...

22 Q Uh-huh. Just put them back in that red bag
23 so we don't --

24 Now, did you send those pants off for
25 further analysis?

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A Donald Parkers' pants? No, ma'am.

2 Q Why not?

3 A No.

4 Q Please just tie up the red bag, we'll put
5 the identification sticker and I'll take this bag
6 back. I'll give you the 20-A sticker.

7 Okay. So why didn't you send those off for
8 testing?

9 A I'm sorry, ma'am.

10 We didn't -- we didn't send them off for
11 testing. Donald was not identified as someone who
12 shot a gun. He was not identified as having any
13 role whatsoever in the shooting other than being
14 the victim of the shooting. We knew the blood on
15 the pants was his, so there really wasn't a reason
16 to send them off.

17 Q How about Mr. Brewer's pants?

18 A Yes, ma'am, we did send those off.

19 Q Okay. I'm showing you what's been labeled
20 for identification as State's Exhibit 21, do you
21 recognize it?

22 A I believe these are the pants inside the
23 box.

24 Q Okay. If you wouldn't mind opening the box
25 and without showing the jury, just look in it and

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 tell me if those are the pants?

2 A The evidence bags contained inside of it,
3 can I pull them out and remove that.

4 Q Yes, but please do so out of the sight of
5 the jury.

6 A Yes, ma'am.

7 Q All right. And do they look the same or in
8 substantially the same condition as when you
9 seized them?

10 A They appear to be, yes, ma'am.

11 Q All right. At this time, State would move
12 what's -- would move State's Exhibit 21-A, the
13 pants taken from Mr. Brewer, into evidence?

14 THE COURT: Any objections?

15 MR. NEWMAN: No, sir.

16 THE COURT: All right. Twenty-one A into
17 evidence without objection.

18 (WHEREUPON State's Exhibit 21-A was entered
19 into evidence.)

20 By Ms. Bannon:

21 Q All right. If you wouldn't mind taking
22 those out for us Investigator Fraser.

23 If you wouldn't mind stepping down just so
24 everyone can see and you're not blocked.

25 And now, earlier you said that they had

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | remarkable stitching on them. Could you just
2 | point to the jury...

3 | A Yes, ma'am. As you can see, the red and
4 | green stitching around the pockets and on the belt
5 | loops. It's very distinctive.

6 | Q Okay. I'm just going to go ahead and
7 | staple to it so the identification number doesn't
8 | fall off, okay? If you wouldn't mind putting
9 | those -- if you wouldn't mind putting them right
10 | here, Investigator Fraser, I'd appreciate it.
11 | Just right there.

12 | And, Investigator Fraser, I know we talked
13 | about it a little bit before, I just want to get
14 | back to it. You said that you interviewed the
15 | defendant, right?

16 | A I did.

17 | Q And you were here when Investigator Chapman
18 | testified, right?

19 | A Yes, ma'am.

20 | Q And he mentioned something about the
21 | Miranda form?

22 | A Yes, ma'am.

23 | Q I'm showing you what's been previously
24 | admitted as State's Exhibit 1; do you recognize
25 | that?

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A I do, ma'am. This is the Miranda form we
2 used.

3 Q Okay. And so when -- you know, we always
4 see on TV and stuff, Oh, he was Mirandized. What
5 does that mean? Like, what's the process of that?

6 A Miranda involves -- a Miranda advisement is
7 advising someone of their rights of counsel before
8 any questions.

9 Q Do you have a standard way of doing it?

10 A We do. We typically try -- especially in
11 the investigations office, we go off one of these
12 forms which, whoever it is that we're reading the
13 Miranda rights to, in this case, Mr. Jaquwn
14 Brewer, what we typically try to do is as we read
15 each and every one of these bullets, we have them
16 initial. We'll ask them, do you understand, and
17 we'll have them initial. And then we'll go
18 through the waiver of rights. We usually have
19 them read the waiver of rights to make sure that,
20 number one, they can read; and number two that the
21 statement's given voluntarily.

22 Q And did y'all do that here with Mr. Brewer?

23 A Yes, we did.

24 Q And did he seem to understand you?

25 A He did.

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Q And did he seem to get what y'all were
2 telling him?

3 A Yes, yes, he did.

4 Q And did he sign that form?

5 A Yes, he did.

6 Q And --

7 MR. NEWMAN: Your Honor, if to save time,
8 I've already stipulated the first guy. He read
9 Miranda, he was complied with under the law and he
10 voluntarily waived his rights and spoke to the
11 cops.

12 MS. BANNON: I'm getting there, Your Honor.

13 By Ms. Bannon:

14 Q Did he agree to talk to you after signed
15 that form?

16 A Yes, he did.

17 Q All right. And did y'all record that
18 interview?

19 A Yes, ma'am.

20 Q I'm now showing you what's been labeled
21 State's Exhibit 2. Do you recognize this?

22 A Yes, ma'am. This is a recorded interview
23 that we conducted with Jaquwn Brewer.

24 Q And have you had an opportunity to review
25 that interview?

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A Yes, ma'am, I have.

2 Q Okay. And is that a fair and accurate copy
3 of the interview --

4 A Yes.

5 Q -- depiction of the interview?

6 Okay. I just realized I asked Mr. Bannon
7 to pull that out for me and I never actually did
8 anything with it. If you wouldn't mind stepping
9 down.

10 I'm jumping around a little bit and I
11 apologize, Investigator Fraser. It just slipped
12 my mind.

13 You were talking about these pictures that
14 we already admitted that you took at the hospital,
15 right?

16 A Yes, ma'am.

17 Q Okay. Can everybody see?

18 All right. What are -- what are we looking
19 at here?

20 A This is Donald Parker's leg. This is the
21 entrance wound on the back of the leg.

22 Q Okay. Could you just point to where --
23 where you're talking about?

24 A This right here is the entrance wound.

25 Q Okay. And that's Donald Parker who just

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 testified?

2 A Yes, ma'am.

3 Q Okay. How about this? What are we looking
4 at?

5 A This is Henry Jones as -- at the time I
6 arrived, this is the condition that Henry was in.

7 Q And how about this?

8 A That is the protrusion out of the side of
9 Mr. Jones' head. It appeared to be swelling, I
10 believe.

11 Q Okay. And you took these all right when you
12 got to the hospital?

13 A Yes, ma'am. That is one of the first
14 things that I did.

15 Q All right. Great. Thank you.

16 If you wouldn't mind going back to the
17 stand.

18 MS. BANNON: At this time, Your Honor, the
19 State would move to publish to the jury -- the
20 State would move to enter State's Exhibit 2, Mr.
21 Brewer's recorded interview.

22 THE COURT: Any objections?

23 MR. NEWMAN: Subject to my afore specific
24 objection that has been made and heard by this
25 Court. I renew those at this time Your Honor.

1 THE COURT: Okay.

2 (WHEREUPON State's Exhibit No. 2 was
3 entered into evidence.)

4 MS. BANNON: Your Honor, it's about an
5 hour, I hope that that's okay for me to publish it
6 at this point.

7 THE COURT: Anybody have any problem with
8 going until 5:15 at least?

9 (WHEREUPON there was no response.)

10 THE COURT: Nobody objects.

11 MS. BANNON: Thank you, Your Honor.

12 (WHEREUPON, a recording was played for the
13 jury.)

14 MR. NEWMAN: May it please the Court, if we
15 could pause that for a minute.

16 (WHEREUPON the recording was stopped.)

17 MR. BANNON: Sure.

18 MR. NEWMAN: And I don't know if you want
19 me to make the objection now or approach.

20 THE COURT: Come on up.

21 (WHEREUPON there was a bench conference out
22 of the hearing of the jury and the court
23 reporter.)

24 MR. NEWMAN: I know we had a bench
25 conference, but for the record, that objection was

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | sustained?

2 | THE COURT: It was.

3 | MR. NEWMAN: Thank you.

4 | THE COURT: For the record, we're going to
5 | skip over those parts of the interview.

6 | MR. BANNON: And Your Honor, just for the
7 | record, we're currently at five minutes and
8 | thirty-six seconds into the examination or the
9 | interview with Mr. Brewer. I'm going to skip to
10 | six minutes and nine seconds and resume playing
11 | the interview.

12 | THE COURT: Okay.

13 | (WHEREUPON a recording was played for the
14 | jury.)

15 | MR. BANNON: Your Honor, as we discussed
16 | previously, I'm stopping the recording at eighteen
17 | minutes and forty-five seconds and I'm going to
18 | forward it to 27 minutes. And before I get to it,
19 | the exact time is 27 minutes and 3 seconds is
20 | where we'll resume the interview.

21 | (WHEREUPON a recording was played for the
22 | jury.)

23 | MR. BANNON: Your Honor, at this point in
24 | time, I've stopped the tape at 38 minutes and 23
25 | seconds and I'll move it ahead to 39 minutes even.

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1 (WHEREUPON a recording was played for the
2 jury.)

3 MR. BANNON: Your Honor, at this point I'm
4 stopping it at 59 minutes and 7 seconds and I'll
5 advance it to one hour and 52 seconds.

6 (WHEREUPON a recording was played for the
7 jury.)

8 MR. BANNON: And Your Honor, at this point
9 I'm stopping the tape at one hour, 2 minutes, and
10 45 seconds.

11 THE COURT: Is that the end of it?

12 MR. BANNON: There appears to be a very
13 small portion of it left.

14 THE COURT: So you're done?

15 MR. BANNON: Yeah, we're done.

16 By Ms. Bannon:

17 Q Investigator Fraser, are all your
18 interviews that long?

19 A No, no, they're not.

20 Q Okay. The Jaquwn and the Quan that we hear
21 on the tape, do you see that person here in the
22 courtroom today?

23 A I do.

24 Q Where is he?

25 A He's the defendant in the light blue shirt

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1 THE BAILIFF: The jury is clear, the door
2 is closed, Your Honor.

3 MR. NEWMAN: If it pleases the Court, Your
4 Honor, in a bench conference that we had prior
5 to -- at the point I'd object to audio recording,
6 I had requested of the Court because of the
7 problems that I raised in my earlier motion that
8 we did in pretrial on the same grounds. I'd have
9 to request that the audio in fact be transcribed
10 so that it could be properly redacted and my
11 motion on that in the bench conference was denied.

12 Did I state that correctly?

13 THE COURT: You did. And then we just
14 skipped over it so hopefully we solved the
15 problem.

16 MR. NEWMAN: That's what I needed to put on
17 the record, right?

18 THE COURT: Yeah.

19 MS. BANNON: As far as scheduling, Judge,
20 today has gone really quickly. We never really
21 planned on Wednesday. If -- we have a bunch
22 out-of-state witnesses coming Thursday.

23 THE COURT: Okay.

24 MS. BANNON: So should we call them in the
25 hopes of maybe going --

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1 THE COURT: All right. Let's knock him out
2 and come back Thursday.

3 MS. BANNON: Okay. If -- if that would
4 work.

5 MR. BANNON: Yeah, that'd be fine with us.

6 THE COURT: That way you don't have to
7 worry about it. Mr. Newman can take all the time
8 he needs.

9 MS. BANNON: Because we anticipate wrapping
10 up Thursday with argument and charge.

11 MR. BANNON: Yeah. It certainly looks like
12 it -- that we'll be done by Thursday.

13 MR. NEWMAN: I -- in the interim, I did
14 kind of want to get out of here to get to Columbia
15 as I understand. In the interim, I just want to
16 let the Court know that I'm going to prepare a
17 motion for a mistrial on this case based on
18 everything that came out, you know, the 99 percent
19 of the talking by the detective because I -- it is
20 in evidence and I can't see -- if it's in evidence
21 how the solicitor is going to be able to argue
22 that Mr. Brewer could have proven his innocence
23 which is an absolute fundamental thing that cannot
24 be said in a closing argument.

25 THE COURT: I'm going to instruct the jury

Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | who has the burden of proof in this case; and that
2 | Mr. Brewer does not have any burden of proof.
3 | I'll be clear on that.

4 | MR.-NEWMAN: And what about any references
5 | in the solicitor's closing argument?

6 | THE COURT: We don't need to argue that.
7 | He has no burden of proof.

8 | MS. BANNON: Of course not.

9 | THE COURT: It's not true, it's not
10 | allowed.

11 | MR. NEWMAN: I don't know --

12 | THE COURT: And I will read that part of my
13 | closing -- my charge, very slowly and carefully to
14 | make sure I get that clear.

15 | MS. BANNON: One more thing, Your Honor, we
16 | have a witness, Paul Chisolm --

17 | THE COURT: Uh-huh.

18 | MS. BANNON: He came up in the obstruction
19 | case, but he also made statements about the
20 | defendant admitting being in the club, shooting,
21 | thinking it was joke, and saying he was high that
22 | night. The State completely agrees that we cannot
23 | get into the obstruction pursuant to the Court's
24 | ruling, we would like to call Mr. Chisolm to
25 | testify about the defendant's statements made to

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Best you can. And you try to prepare them
2 truthfully?

3 A Yes, sir.

4 Q All right. Now, you heard -- you've been
5 in trial and you've heard Ms. Polite testify that
6 there were approximately a hundred people in this,
7 what'd they call it -- the pre-Memorial Day jump
8 off for ten dollars a pop.

9 A Yes, sir.

10 Q All right. And obviously, you weren't able
11 to locate those witnesses -- all of those
12 witnesses?

13 A Not all of them, no, sir.

14 Q And when your investigator got on the
15 scene -- or when Sergeant Wilson got on the scene
16 and you discussed this case -- I would think, with
17 Sergeant Wilson and Investigator Chapman, right?

18 A At the time, yes, sir.

19 Q Yeah. He related to you what he testified
20 to you in court between fifty and sixty people
21 were still there upon the sheriff's office
22 arrival?

23 A I believe so, yes, sir.

24 Q All right. And out of all those people,
25 y'all were only able to identify a handful; is

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 | that correct?

2 | A Out of -- I'm sorry, sir?

3 | Q Out of those fifty to sixty people, y'all
4 | were only able to identify and get statements from
5 | about a dozen; isn't that correct?

6 | A That were on scene when Sergeant Wilson
7 | arrived?

8 | Q Yes.

9 | A That doesn't -- that doesn't sound quite
10 | right because a lot of them had come to the ER,
11 | sir.

12 | Q Okay. Do you know how many witnesses you
13 | interviewed?

14 | A May I refer to my notes?

15 | Q You may.

16 | A Would you like for me to read off their
17 | names, sir?

18 | Q Can I see?

19 | A Yes, sir, absolutely.

20 | Q Okay. You're talking about the police
21 | reports, correct?

22 | A Yes, sir.

23 | Q Okay. I -- I want to make sure because I
24 | have the police reports.

25 | A Okay.

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q I wanted to make sure that when you said
2 notes that you didn't have a separate document
3 of -- like the old days when they had the
4 hand-written notes?

5 A No, sir. This is what I have.

6 Q Okay. Yeah. If you'll refer to your
7 report please?

8 A Yes, sir. Donald Parker, Charles Cox,
9 Ronald Parker, Natalia Simmons, and that was at
10 the ER initially. I was able to identify Octavia
11 Jones, Sasha Johnson, Kenneth Jenkins, Shachar
12 Smalls, Trameka Smalls, Calay Grant, Marcus Wren,
13 from the Semper Fi Club; Beaufort Memorial along
14 with Ronald Parker, Sam Pope, Charles Cox, Warren
15 Lucas, Justin Parker, and Natalia Simmons, Latasha
16 Goldman.

17 People that were in the vehicle with Donald
18 Parker, we also received statements from Anastasia
19 Simmons, Damario Jones, Kendall Hayward, Rasheem
20 Jones, Joshua Rivers. I made contact with Kevin
21 Moultry; I conducted a lengthy interview with him,
22 Mr. Brewer.

23 I went out and interviewed Donald again, as
24 well as his brother Ronald, John Doctor, Natalia
25 Simmons, Ivori Polite, Sheena Gardner, Deon

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Stevenson.

2 After meeting with Deon Stevenson, he
3 informed us -- informed us of other witnesses. In
4 Jasper County, Calvin Stevenson, Shaun Stevenson.
5 I also attempted to make contact again with
6 Octavia Jones, Sasha Johnson, Kevin -- Kenneth
7 Jenkins, Shakara Smalls, Tramika Smalls, Marcus
8 Wren, Takeshia Chaplain, Natalia Simmons,
9 Anastasia Simmons, Kendall Hayward, Gary Bright,
10 again, Octavia Jones; and I continued to attempt
11 to make contact with Sasha Johnson, Dominique
12 Wilson, Kenneth Jenkins, Shakara Smalls, Jamika
13 Smalls, Calay Grant, Marcus Wren, Takeshia
14 Chaplan, Sam Pope again, Anastasia Simmons and
15 Kendall Hayward.

16 Q All right. And were you able to make
17 contact with those folks?

18 A No.

19 Q All right. So you --

20 A I did make initial contact with Sam Pope.
21 Some of them I was trying to recontact again to do
22 another followup interview with them again. I
23 believe Sam Pope was one that I met at the
24 hospital. I'm sorry, that's wrong, Charles Cox is
25 the one at the hospital; Sam Pope is another

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 person.

2 Q Well, no, I think you're right, you said
3 Beaufort Memorial Hospital, Sam Pope?

4 A Yes, sir.

5 Q Okay. All right.

6 A Thank you.

7 Q And you never spoke with Shakara Smalls?

8 A I'm sorry, may I look back at that?

9 Q Sure.

10 A I don't believe I did.

11 Q Okay. Now, Ivori Polite identified that
12 they were two security guards at this location?

13 A That was what she said, yes, sir.

14 Q Okay. And that they were wearing shirts
15 that identified them as security?

16 A I believe that's what she said, yes, sir.

17 Q All right.

18 A No where in your investigation or
19 investigator knowledge including Brian Chapman's
20 testimony, was anybody ever identified as security
21 wearing a shirt.

22 A We knew there was security, we just didn't
23 know about the shirts -- the security shirts.

24 Q Okay. And who did you interview from the
25 security staff, sir?

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A To be honest, sir, I don't know who the
2 security was, and we interviewed Deon who was the
3 one that set up the party; he informed us that
4 there was security, I believe.

5 Q All right. And you didn't try and find out
6 who the security was so that you could interview
7 them?

8 A At the time, sir, it didn't dawn on me.

9 Q Okay. In fact, whoever security was, were
10 never interviewed, were they?

11 A They may have been, sir. They may have
12 been one of the people I interviewed. I just
13 didn't ask them if they were security. Sometimes
14 we don't ask people to --

15 Q Well, do you think if they were security
16 they'd say, Hey, man, I was security there, here's
17 what happened?

18 A I don't know. A lot of times in clubs like
19 this, security is just a friend who they give a
20 security shirt to. They're not actually a trained
21 security guard, sir.

22 Q All right. So when you spoke with Ms.
23 Polite, it never dawned on you to ask about her
24 identifying security?

25 A No, sir. She -- she -- no, it didn't, no,

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 | sir.

2 | Q And in fact, in her statement to you, she
3 | never mentions about security or anybody wearing a
4 | security shirt; isn't that correct?

5 | A May I review that section, sir?

6 | Q Sure.

7 | A Do you have it open, sir? There's a lot in
8 | here.

9 | Q Yes, there is. That's why I keep flipping
10 | through papers back and forth.

11 | A Yes, sir. I found it, sir, on a report
12 | dated 6/9/2009, bullet 9; is that what you're
13 | referring to?

14 | Q I don't have that. I have the 5/26 one up
15 | here with the interview with Kevin Moultry.

16 | A Yes, sir, it's a report dated 6/9/2009,
17 | page 4 of 11, bullet 9, Interview with Ivori
18 | Polite.

19 | Q All right. In 9 and 10 does she ever
20 | mention anything about security?

21 | A In 9 and 10, sir?

22 | Q I think 10 is a continuation, but I'm not
23 | sure -- nope, I'm sorry, that's Sheena Gardner.

24 | In 9, yes?

25 | A No, sir. She does not mention security.

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Club?

2 A That night I did not, sir.

3 Q Okay.

4 A My focus was on collecting all of the
5 statements from the people there. Once we
6 identified the suspect in the case it shifted to
7 finding him. And that's when we proceeded out to
8 look for Jaquwn Brewer, sir.

9 Q Right. He called you?

10 A No, sir.

11 Q Or you called him?

12 A He came in while we were searching for him,
13 yes, sir. I was able to obtain a phone number.

14 Q Okay. And he came in?

15 A He did, yes, sir.

16 Q He didn't have to do that?

17 A No, sir.

18 Q Okay. Now, I asked you if you'd ever gone
19 out to the Semper Fi Club and your response was
20 not that night and my question was, have you ever
21 gone out in reference to this case to the Semper
22 Fi Club?

23 A No, sir.

24 Q Okay. And you're the lead investigator on
25 this case?

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A Yes, sir.

2 Q All right. So you never, as the lead
3 investigator, went to the scene of the crime?

4 A Sir, I trust the investigators that were
5 there implicitly.

6 Q All right. And in that implicit trust, did
7 anybody on your investigative team find any bullet
8 holes inside or outside of the club?

9 A I don't believe they did.

10 Q All right. Did they find any lead paint
11 marks or ricochet marks?

12 A I don't believe they did, sir.

13 Q All right. And they would have been
14 trained to look for those, correct?

15 A Yes, sir.

16 Q All right. And your understanding through
17 your investigative team is that there was one
18 shell found inside the Semper Fi Club.

19 A As far as shell casings go, yes, sir.

20 Q I'm sorry. Let me use the specific term, a
21 shell casing.

22 A Yes, sir.

23 Q And that would be in what's marked as
24 State's Exhibit 9?

25 A What is State's Exhibit 9.

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 that a major case?

2 A Yes, sir.

3 Q Okay.

4 A Absolutely.

5 Q In major cases, y'all have sent items off
6 to be tested for fingerprinting analysis?

7 A Yes, sir, we have.

8 Q All right. And SLED has a number of
9 techniques in fingerprint analysis; isn't that
10 correct?

11 A Yes, it is.

12 Q All right. And the shell casings in this
13 case were not sent off for analysis?

14 A No, sir.

15 Q All right. And they could've been sent off
16 for analysis?

17 A They could have been, yes, sir.

18 Q And when you load a magazine to a
19 semi-automatic pistol, normally jam them in don't
20 you? Make sure they're seated in good and pressed
21 one on top of the other?

22 A Yes, sir.

23 Q So shell casings weren't sent off?

24 A No, sir.

25 Q All right. Now, in firearms, SLED has an

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 correct?

2 A Yes, sir.

3 Q Okay. And so far, we've had two eye
4 witnesses or three witnesses that have given
5 varying accounts of what happened, correct?

6 A They vary slightly, yes, sir.

7 Q Okay.

8 A But that's to be expected from where they
9 were at and different angles.

10 Q Okay. And is that to be expected because
11 the club was dark, very dark?

12 A That can -- that can influence it too, yes,
13 sir.

14 Q Okay. And that there were approximately a
15 hundred people moving about?

16 A Yes, sir, absolutely.

17 Q All right. So with your investigation, you
18 don't know which version to accept, do you?

19 A Sir, I believe all the statements were
20 pretty consistent with one another. There's
21 slight variations in them, but they are all fairly
22 consistent.

23 Q All right. Well, let's talk about one of
24 the slight variations that Mr. Bright testified,
25 who has nothing to do apparently with any of the

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 people at the party, he's just making -- getting
2 some pocket change taking pictures. He said,
3 quite clearly, that the shots were fired, three to
4 five; and the shooter left the building and didn't
5 return.

6 A That's correct.

7 Q Okay. So your slight variation would be
8 Ms. Polite's version that the -- Mr. Jones was
9 alive when the shooter left and another shooter
10 came in -- or another -- the person or person came
11 in and shot Mr. Jones --

12 A Came back to the doorway.

13 Q Yeah.

14 A Yes, sir. If Mr. Bright was along that
15 wall, he probably wouldn't have seen him.

16 Q Okay. But what did he also say?

17 A I'm sorry?

18 Q What did he also say? What did Mr. Bright
19 also say, that you say he might not have seen
20 that? What did he also say?

21 A I --

22 MS. BANNON: Objection, Your Honor. He's
23 basically asking Investigator Fraser to recap
24 testimony that we all heard in this courtroom.

25 THE COURT: I'm going to overrule that;

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 | it's cross-examination, he may.

2 | THE WITNESS: I'm sorry, I don't know.

3 | By Mr. Newman:

4 | Q Mr. Bright, you're postulating, although
5 | Mr. Bright testified that he did not see the
6 | shooter return.

7 | A Right.

8 | Q All right. You're speculating that he
9 | might not have seen that?

10 | A He said he didn't come back in the door.

11 | Q He didn't come back -- I thought his
12 | testimony was that the shooter left?

13 | A Right.

14 | Q All right. And you're speculating that he
15 | might not have seen the shooter come back?

16 | A Right.

17 | Q What did he also say? Didn't he say, I
18 | didn't even -- I didn't hear another gunshot?

19 | A I guess so, I don't recall that far.

20 | Q Were you listening when Mr. Bright
21 | testified?

22 | A I was.

23 | Q Okay. On a .45 pistol, semi-automatic,
24 | what's the average range where a shell is thrown?

25 | A I couldn't tell you.

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Shell casing?

2 A Are you asking me from personal experience

3 or --

4 Q Sure, we'll take it from --

5 A I've never -- I've never measured one.

6 Q Okay. We'll take it from personal

7 experience.

8 A I would say somewhere between eight and ten

9 feet.

10 Q Okay. Depending on different variations,

11 wind conditions?

12 A Sure.

13 Q Different things?

14 A You can say that.

15 Q Right. Now, you have interviewed -- you

16 interviewed Ms. Polite?

17 A Yes, sir.

18 Q And bear with me one moment, please. Okay.

19 You have interviewed Sheena Gardner?

20 A Yes, sir.

21 Q Is that correct?

22 And do you know whether or not she intends

23 to testify in this trial?

24 A I -- I don't know, sir.

25 Q Now, you -- it would be much better in this

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 case to have ballistic information; would it not?

2 A Yes, sir, absolutely.

3 Q Okay. Because that cannot only convict
4 someone in a case, it can clear someone in the
5 case?

6 A Yes, sir.

7 Q All right. Now, the bullets were actually
8 sent to SLED for examination; is that correct?

9 A Yes, they were.

10 Q All right. And they were not sufficient to
11 enter into a system called IBIS.

12 MS. BANNON: Objection, again outside the
13 scope of this witness' knowledge.

14 THE COURT: Any response to that?

15 MR. NEWMAN: I believe the witness does
16 have knowledge of that, it's in his report.

17 THE COURT: Okay. Overruled.

18 By Mr. Newman:

19 Q And they were not identifiable enough to be
20 entered into the IBIS system?

21 A I believe the one removed from Donald's leg
22 was mangled beyond what they could do. Yes, sir.

23 Q Okay. And the other one from Mr. Jones was
24 not sent to SLED?

25 A It was.

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Okay. And what was the report on that?
2 Was it able to be entered into IBIS?
3 A Which report is the -- may I look at the --
4 Q Sure, look at the -- I want you to, yes,
5 please.
6 A I don't know that I have a copy of SLED's
7 return attached to this. This is what I
8 completed.
9 Q Okay.
10 A I don't know that I have a copy of SLED's
11 report.
12 Q Do you know if the SLED guy's coming?
13 A I believe so.
14 Q The firearms guy?
15 A I believe so.
16 Q Okay. We'll just ask him. You either
17 interviewed or attempted to interview a number of
18 other suspects in this case; is this not correct?
19 A We didn't identify any other suspects.
20 Q You didn't identify Kevin Moultry?
21 A We did.
22 Q Okay. You interviewed Travis Polite?
23 A Yes, sir.
24 Q You interviewed --
25 A Travis Polite? I'm sorry.

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Travis Polite?

2 A I don't know if we interviewed him
3 regarding this case.

4 Q Okay.

5 A I don't know that he was at that club.

6 Q Okay. And you interviewed, in response to
7 witnesses providing information, a fellow named
8 Dominique?

9 A Dominique Middleton?

10 Q Yeah?

11 A We were never able to track Dominique
12 Middleton down.

13 Q Okay. But through your investigation, he
14 was developed as a suspect?

15 A He was identified as the person shooting on
16 the other end of the parking lot.

17 Q Okay.

18 A With a laser sight.

19 Q And did you try to make contact with Mr.
20 Middleton?

21 A We did.

22 Q All right. And you did not make contact
23 with Mr. Middleton?

24 A No, sir.

25 Q Do you know where he is?

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A I don't.

2 Q Do you have an arrest warrant for him?

3 A I don't. We had no information that he was
4 inside the club shooting where both people were
5 shot.

6 Q Well, is -- I'm kind of getting your
7 testimony, that when I asked you about the shell
8 casings outside and whether the -- the shooter
9 came back into the club -- correct me if I'm
10 wrong, but you're putting it out that the shooter
11 could have possibly been standing by the front
12 door or by the Juicy Fruit van or the SUV?

13 A Right.

14 Q Okay. Well, if Dominique Middleton was
15 shooting outside, then you -- he could have well
16 been the one that shot with the shell casing by
17 the Juicy Fruit?

18 A Keep in mind that he was identified as the
19 one that had the laser sight on the gun.

20 Q I understand that.

21 A Investigator Chapman said that they found
22 the laser sight off the gun over by the pile of
23 eight rounds further out in the parking lot.

24 Q Which would be directly lined up on the
25 front door?

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A I believe it was off to the side of it.

2 Q You believe --

3 A And further away.

4 Q You believe, but you don't know?

5 A I couldn't see where he pointed them out.
6 They were on the ramp.

7 Q Okay. So you wouldn't be interested in
8 talking to Dominique?

9 A Yes, sir, we tried.

10 Q Okay. And since then, you've just given
11 up?

12 A Sir, everybody that we identified as
13 witnesses to the club party identified Jaquwn
14 Brewer, not Dominique. The only -- the only
15 person identified Dominique was that he had a
16 laser sight, he was further out in the parking
17 lot, and he was shooting. Nobody said any -- and
18 that was it. Everything else was Jaquwn Brewer.

19 Q All right. Well, how do you know that
20 Dominique wasn't the one that shot?

21 A He did shoot in the parking lot.

22 Q Okay. How do you know that he wasn't the
23 one that shot Mr. Jones?

24 A Because he was further out in the parking
25 lot and from what I gather from Sergeant Chapman,

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 | it -- where he was shooting was too far away.

2 | Q But you don't have any fingerprints on the
3 | shell casing?

4 | A No, sir.

5 | Q You have nothing other than some witness --
6 | I guess what I'm asking is, you can't prove that
7 | Dominique wasn't the one that shot the shell
8 | casing near the Juicy Fruit car, can you?

9 | A Sir, I don't know, no.

10 | Q The answer is you can't --

11 | A No.

12 | Q -- can't rule that out?

13 | A Right.

14 | Q Okay. Now, through your investigation, you
15 | had received information that Mr. Jones was shot
16 | while the shooter was in the club from witnesses;
17 | isn't that correct?

18 | A I believe initial reports were either as he
19 | was in the club or as he was exiting out of the
20 | club.

21 | Q So you had that information?

22 | A Yeah, but I don't know where -- I think I
23 | got that from patrol officers on the scene.

24 | Q Who interviewed witnesses?

25 | A I believe so.

Jeremiah Fraser - Cross-Examination by Mr. Newman

- 1 Q Okay. That were on the scene?
- 2 A And that was -- yeah. And that was initial
- 3 information that wasn't developed throughout the
- 4 investigation.
- 5 Q I understand. So we have no ballistics
- 6 evidence?
- 7 A With regards?
- 8 Q With regards to, let's say the shell
- 9 casings?
- 10 A Can I match it with the gun he had in his
- 11 picture? No.
- 12 Q Right?
- 13 A No.
- 14 Q Or Kevin Middleton's gun?
- 15 A No.
- 16 Q You don't have Kevin Middleton's gun?
- 17 A No.
- 18 Q You have a laser sighting in which --
- 19 A It was on Kevin Middleton's gun by the pile
- 20 of eight shells in the parking lot.
- 21 Q Assuming that was even Kevin Middleton?
- 22 A Or, I'm sorry --
- 23 Q Dominique?
- 24 A Not Kevin Middleton, Dominique.
- 25 Q Assuming it was him and not Kevin Moultry

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 or Travis Polite?

2 A No, sir, it wasn't them.

3 Q All right. You said in this case you were
4 asked about investigative techniques about lying
5 to suspects?

6 A Yes, sir.

7 Q Okay. And that's done. That's done for
8 the various reasons that you said. And I believe
9 you said in this case that you did not lie to Mr.
10 Brewer?

11 A I believe I didn't.

12 Q Okay. So when you told Mr. Brewer you
13 believed that he didn't mean to shoot anybody and
14 that he didn't do it on purpose, that was your
15 honest belief?

16 A No, no, I do believe he shot him.

17 Q Okay. So you did lie?

18 A Yes, sir. Trying to build a rapport.

19 Q Okay.

20 A That's correct.

21 Q So you were incorrect when you said that
22 you didn't lie to him?

23 A Yes, sir.

24 Q Okay. And through your investigation, it
25 was developed that at some point, Deon Stevenson

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 pushed Mr. Brewer?

2 A One witness said that he did. The rest
3 didn't.

4 Q And, of course, Deon denies that as well in
5 his statement?

6 A Right. When he confronted him about taking
7 the gun out in the parking lot right before he
8 pulled it --

9 Q Right.

10 A -- and shooting inside, yeah.

11 Q Okay. You asked Mr. Parker to provide you
12 a written statement and Mr. Parker did that; is
13 that correct?

14 A Yes, sir, he did.

15 Q The statement was made -- did you leave the
16 form with Mr. Parker or did you wait with him
17 while he wrote it out?

18 A No, I sat there.

19 Q Okay. You stayed there and you accepted
20 the statement, State's 62 as he gave it?

21 A Right. Right.

22 Q All right. At that time, you believed he
23 was lucid?

24 A Yes, sir.

25 Q Was not in pain?

Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A No, he was in pain.

2 Q Okay. Was he on pain medications?

3 A I don't -- I don't know.

4 Q Did he appear to be under the influence of
5 anything when you took this thing?

6 A I don't believe so.

7 Q All right. In fact, wouldn't it be true
8 that if he had been loopy or had been given
9 morphine or something like that, you would not
10 have attempted to get a written statement from him
11 at that time?

12 A That's right.

13 Q So you were satisfied when you had him
14 write the statement that he was clear of mind and
15 thought when he gave that statement?

16 A That's right.

17 Q Okay. And that's State's 62. Is it
18 State's 62?

19 A I believe so.

20 Q Okay. I just wanted you to look at it.

21 A Yes, sir.

22 Q Okay.

23 MR. NEWMAN: I believe I'm about done. Let
24 me just check, Your Honor. If you'll bear with me
25 one moment.

John Doctor - Direct Examination by Mr. Bannon

1 A In the NFL.

2 Q Okay. And do you know what Donald Parker's
3 up to now?

4 A Right now, he's currently working and stuff
5 like that.

6 Q Okay. And the night of May the 23rd of
7 2009, were you with Donald and Ronald?

8 A Yes.

9 Q Okay. Could you tell us about that night?

10 A Yeah. We showed up to a little spot, you
11 know what I'm saying, about 11:30, and you know,
12 everything was closed, we was chilling at the time
13 or whatever. Long story short, we were just
14 standing up by like the photo booth part and there
15 was a party going on and then, you know what I'm
16 saying, my partner whispered to me, like, Well,
17 he got a gun? And I was like, Well, you know what
18 I'm saying, that place -- he got a gun and we
19 going to get out of here in a few seconds, this
20 that and the third.

21 So when he told me, you know what I'm
22 saying, that he had a gun on him or whatever, I
23 looked back and it was like some cat's taking a
24 picture. You know what I'm saying. I saw him
25 taking a picture or whatever, but I ain't really

John Doctor - Direct Examination by Mr. Bannon

1 paid him no attention. And then the fact that he
2 had a gun, I was like, well, see, every party,
3 that's just what it is, you know what I'm saying,
4 so it wasn't nothing like -- it just make it
5 bigger or something, you know.

6 We just turned around and start partying
7 and was chilling, paying no attention. Shoot,
8 about five minutes later, you heard a female voice
9 screaming like, he got a gun. You know, all you
10 just heard was like gunshots and everybody just
11 scattered. And so I just dipped to the left and
12 all my partners, they just left and so I was in
13 the female bathroom or whatever, until I went out
14 to try to leave, unlocked the door.

15 I unlocked the door, you know what I'm
16 saying, there was a red light was in my face. It
17 was like a beam from another firearm. So when I
18 exit the door or whatever and, I saw my partner,
19 Donald, shot and on the ground. So when I saw him
20 I just, you know, I carried him and picked him up,
21 put him on my shoulders, and ran him to the
22 nearest vehicle and just threw him in there and
23 got him to the hospital as fast as we could with
24 some friends of mine.

25 Q Now, I just want to go back through a

John Doctor - Direct Examination by Mr. Bannon

1 | little bit about what you just told us, okay?

2 | A All right.

3 | Q Who did you go to the party with?

4 | A I went to the party with a couple of my

5 | partners; it was like eight of us.

6 | Q Okay.

7 | A Yeah.

8 | Q Do you remember -- do you remember who

9 | exactly?

10 | A Yeah, it was my partners, Ronald, Donald,

11 | Ryan, another partner Jerry, and Gerald.

12 | Q Okay.

13 | A Yeah.

14 | Q And do you remember what time you got

15 | there?

16 | A About 11:30.

17 | Q Okay. And was -- was it crowded at that

18 | point?

19 | A Yeah. It was a nice size party or

20 | whatever.

21 | Q Okay. Was it a good party? Was it a fun

22 | party?

23 | A Yeah, it was all right.

24 | Q Up until the point that you were talking

25 | about at the picture booth, did you see anyone

John Doctor - Direct Examination by Mr. Bannon

1 | else there with a gun?

2 | A No, I didn't.

3 | Q Was there any -- before the shooting
4 | started, was there any, sort of trouble or fights
5 | in the club?

6 | A Yeah, it was crazy because everything was
7 | copacetic like. It was real cordial, whatever.
8 | Everything was cool, calm, collected up until that
9 | one incident; you know what I'm saying.

10 | Q Okay. Did you have a gun with you?

11 | A No, I ain't have no gun with me.

12 | Q Okay. Did any of the people that you came
13 | with have guns?

14 | A No, not on them.

15 | Q Okay. Did Donald have a gun?

16 | A No.

17 | Q Now, when you first arrive at the club, is
18 | it -- was it free to get in or did you have to pay
19 | a cover?

20 | A Yeah. You had to pay.

21 | Q Okay.

22 | A You know what I'm saying, you go through
23 | the little security or whatever. Now, they had
24 | official security with the little wands or
25 | whatever, mask and uniform. So they pat you down

John Doctor - Direct Examination by Mr. Bannon

1 and whatever, paid your money --

2 Q Okay.

3 A -- and you just went in.

4 Q Okay. So you -- did you pay your money

5 first or were you wanded first?

6 A You were wanded first.

7 Q Okay. And was it kind of like the thing

8 that's down stairs where you put your arms out?

9 A No. Yeah, yeah it is, the little wand,

10 yeah.

11 Q Yeah.

12 A Not the walkthrough part.

13 Q Yeah, not the walkthrough part.

14 A The wands --

15 Q Okay.

16 A -- yeah.

17 Q Okay. And do you know about what time it

18 was when you first found out about the gun?

19 A It was about 1:30, I believe. Or one, two.

20 It was like -- it was late like, 1:15 or 1:30,

21 something like that -- I don't remember; that was

22 two years ago.

23 Q Okay. So it wasn't -- it wasn't right

24 after you arrived?

25 A No, it was a little minute.

John Doctor - Direct Examination by Mr. Bannon

1 Q And did you see the person who had the gun?

2 A Well, kind of, sort of, man. Because like,
3 when my partner he told me, you know what I'm
4 saying, he saw the dude with the pistol first.

5 MR. NEWMAN: Your Honor.

6 THE COURT: Sustained.

7 MR. NEWMAN: Thank you.

8 THE COURT: Don't say what other people
9 say.

10 THE WITNESS: Oh, word.

11 By Mr. Bannon:

12 Q Okay. So when the shooting started, did
13 you see the person who was shooting?

14 A No.

15 Q Okay. Did police officers ever ask you to
16 write a written statement?

17 A Correct.

18 Q Okay. And did you write one for them?

19 A Correct.

20 Q Okay.

21 MR. BANNON: Your Honor, I suppose I'd like
22 to have this marked for identification purposes.

23 THE COURT: Sure.

24 By Mr. Bannon:

25 Q Mr. Doctor, I'd like to have you take a

John Doctor - Direct Examination by Mr. Bannon

1 | look at what has been marked as State's Exhibit
2 | No. 74.
3 | A Uh-huh.
4 | Q Well, is -- is -- did you write that?
5 | A Correct.
6 | Q Do you remember when you wrote it?
7 | A Uh-huh.
8 | Q When was that?
9 | A After I wrote my statement.
10 | Q Okay. And is that your signature at the
11 | bottom?
12 | A Yes.
13 | Q Okay. And now could you just take a second
14 | to read through it for me?
15 | A The whole statement?
16 | Q Yeah, just go ahead and read through it for
17 | me.
18 | A We arrived at the club --
19 | Q Well, no, just to yourself.
20 | A Okay. Okay.
21 | Q Okay. And so based off of that, did you
22 | see the person with the gun?
23 | A Yes.
24 | Q Okay. Did you ever see the person who was
25 | shooting the gun?

John Doctor - Direct Examination by Mr. Bannon

1 A No.

2 Q Okay. Were you ever shown photo lineups of
3 some of the people who were at the party?

4 A Yes.

5 Q Okay.

6 MR. BANNON: Permission to approach, Your
7 Honor?

8 THE COURT: Sure.

9 By Mr. Bannon:

10 Q I'd like to have you take a look at what
11 has been marked as State's Exhibit No. 17. Do you
12 recognize that?

13 A Yes.

14 Q Okay. And what is it?

15 A It's a photo of -- of gentlemen.

16 Q Okay. And did -- were you ever shown that
17 lineup?

18 A Yes.

19 Q Okay. And were you asked to pick out who
20 was in the lineup?

21 A Yes.

22 Q Okay. And were you able to pick someone
23 out of the lineup?

24 A Yes.

25 Q Okay. And how did you do that on the

John Doctor - Direct Examination by Mr. Bannon

1 sheet?

2 A How do you mean?

3 Q Well, like how did you indicate that you
4 recognized one of the people on the sheet?

5 A Because I remember taking the picture.

6 Q Okay. And did you make any marks on the
7 sheet?

8 A Yeah.

9 Q Okay. And did you initial them?

10 A Uh-huh.

11 Q Okay. And who do you -- well, who is the
12 person who you selected in that photo lineup?

13 A Number 3.

14 Q And was that person at the club?

15 A Yes.

16 Q Did that person have a gun?

17 A Yeah.

18 Q Okay. Do you see that person in the
19 courtroom here today?

20 A Yes.

21 Q Okay. Could you please point him out to
22 us?

23 A (Witness makes a pointing gesture.)

24 MR. BANNON: Your Honor, let the record
25 reflect that the witness has identified the

John Doctor - Direct Examination by Mr. Bannon

1 defendant.

2 THE COURT: Sure.

3 By Mr. Bannon:

4 Q And was -- when the defendant -- when you
5 saw the defendant with the gun, was he with any
6 other people?

7 A Yes.

8 Q Okay. And were you shown any other photo
9 lineups?

10 A Yes.

11 Q I'd like to show you what's been marked for
12 identification as State's Exhibit No. 18.

13 Okay. Were you ever shown that?

14 A Yes.

15 Q And what is it?

16 A A photo.

17 Q Okay. Is it a -- well, how many photos are
18 there?

19 A Six.

20 Q All right. And did you recognize one of
21 the people in the photos?

22 A Yes.

23 Q And who was the person that you recognized?

24 A You got the photo.

25 (WHEREUPON the sheet was shown to the

John Doctor - Direct Examination by Mr. Bannon

1 witness.)

2 THE WITNESS: Number 2.

3 By Mr. Bannon:

4 Q Number 2? Okay.

5 And did you see him the night of the
6 shooting?

7 A Yeah.

8 Q Okay. And where did you see him?

9 A Taking pictures.

10 Q Okay. Was he with the defendant?

11 A Yes.

12 Q Okay. And did you ever see that person
13 with a gun?

14 A No.

15 Q Okay.

16 MR. BANNON: Beg the Court's indulgence,
17 I'm going to ask the witness to step down off the
18 stand for just a moment.

19 THE COURT: Go ahead, sir.

20 By Mr. Bannon:

21 Q Mr. Doctor, first I'd like to show you what
22 has been marked as State's Exhibit No. 54. If you
23 could take a look at that for me.

24 A Yeah.

25 Q Do you recognize any of the people in that

John Doctor - Direct Examination by Mr. Bannon

1 | photograph?

2 | A Yeah.

3 | Q All right. Now, I'd like to show you a
4 | slightly bigger version of that photograph. Okay.
5 | Just stand right there. And so is this the -- is
6 | this the same photograph as the one that I just
7 | showed you?

8 | A Yeah.

9 | Q All right. And first, what I'd like you to
10 | do is, I'd like for you to point out the person
11 | who you saw that night with the gun?

12 | A The dude in the picture with the gun.

13 | Q Okay. What color shirt is he wearing?

14 | A Black.

15 | Q Okay. And is that the -- is that the
16 | person who you identified earlier as the
17 | defendant?

18 | A Yes.

19 | Q Okay. And is the other person who you
20 | picked out of the photo lineup in this picture?

21 | A Yeah.

22 | Q Okay. Could you point him out for us?

23 | A (Witness points).

24 | Q Okay. And when you saw the defendant that
25 | night, was -- is he -- how tall is he?

John Doctor - Direct Examination by Mr. Bannon

1 A He's pretty short. I don't know but --
2 so -- but he looked pretty short.

3 Q Okay. You can go back on the stand,
4 please. Okay. Once the shooting started, what
5 did you do?

6 A I ran.

7 Q Okay. After -- and when -- when the
8 shooting first started, did you hear it from
9 coming from inside the club or outside?

10 A All I heard was shooting. I can't tell you
11 where it was at, But there was shooting. It was
12 obviously inside the club; the doors were closed,
13 but you know, it was shooting.

14 Q Okay.

15 A Yeah.

16 Q And after the shooting started, did you
17 ever see the defendant with a gun?

18 A No, I ain't -- I don't -- that's the only
19 time I saw him when they -- when they was taking
20 the picture.

21 Q Okay.

22 A You know what I'm saying. I didn't see
23 them, you know what I'm saying, after that.

24 Q Okay. Next you said you ran into the
25 women's restroom?

John Doctor - Direct Examination by Mr. Bannon

- 1 A Yeah.
- 2 Q Okay. Were you the only one in there?
- 3 A No. There was a bunch of people in there.
- 4 Q Okay. And what did you do in there?
- 5 A I was just trying to wait for the gunshots
- 6 to stop so I could go.
- 7 Q Okay. Did they ever stop?
- 8 A Eventually.
- 9 Q Okay.
- 10 A In the inside.
- 11 Q All right. And so when you heard the --
- 12 the gunshots from the inside stop, what did you
- 13 do?
- 14 A Tried to leave.
- 15 Q Okay. And where did you go?
- 16 A Outside.
- 17 Q When -- did you make it outside?
- 18 A Yeah.
- 19 Q Okay. What did you see when you were out
- 20 there?
- 21 A A popping of a gunshot.
- 22 Q Okay. Was there any shooting going on
- 23 outside when you got there?
- 24 A Yeah.
- 25 Q Okay. And now I think earlier you said

John Doctor - Direct Examination by Mr. Bannon

1 something about like a red light?

2 A Yeah.

3 Q Okay. Could you tell us a little about
4 that?

5 A It's just basically like -- you know what
6 I'm saying, most guns got red beams on them so,
7 you know, when I tried to exit, you know what I'm
8 saying, I guess the shooter beam landed on me. So
9 the beam landed on me so I just ditched, I dove,
10 you know what I'm saying, so I wouldn't get shot.
11 And I went and saw my partner and picked him up
12 and had to get him out of there.

13 Q Okay. And the person you picked up was
14 Donald Parker?

15 A Right.

16 Q Once you got Donald into the car, what did
17 you do next?

18 A Speed to the hospital. Because see I put
19 him in the opposite car of mine but my car was
20 blocked in, so I put him in the first thing
21 smoking, the closest thing to get him to the
22 hospital so he won't be bleeding, so he wouldn't
23 bleed to death or nothing. And so once I put him
24 in the car of a fellow that I -- that I knew from
25 around here and we ain't from that side of town,

John Doctor - Direct Examination by Mr. Bannon

1 | you know, so I knew a few people over there. So
2 | once I put him in the car there, I just hopped in
3 | my car and speed to the hospital.
4 | Q Okay. So the party wasn't -- wasn't in St.
5 | Helena?
6 | A No.
7 | Q Okay.
8 | A It was in Burton.
9 | Q Okay. And do you remember the name of the
10 | place?
11 | A They call it the Pepsi Cola Plant, Cola
12 | Cola Plant. It was -- that was called -- I don't
13 | know the exact name of it, but we called it the
14 | Pepsi Cola Plant.
15 | Q Okay. How many guns did you see inside the
16 | club that night?
17 | A I only saw one gun.
18 | Q Okay. And who had that gun?
19 | A The gentleman in the photo.
20 | Q And do you see that person in the room here
21 | today?
22 | A Yeah.
23 | Q Could you point him out to us again?
24 | A (Witness points.)
25 | MR. BANNON: No further questions, Your

John Doctor - Cross-Examination by Mr. Newman

1 Honor.

2 THE COURT: Mr. Newman.

3 MR. NEWMAN: Thank you, Judge.

4 CROSS-EXAMINATION

5 By Mr. Newman:

6 Q Hey, Mr. Doctor, how are you?

7 A What's happening, man?

8 Q I don't know if we've met. My name is
9 Jared Newman.

10 A No, we've never met.

11 Q Okay. You said there were people shooting
12 outside?

13 A There was a lot of shooting outside.

14 Q Okay. And I was curious, when you come
15 into the club through the door, there was -- was
16 there a table there where you -- like with a cash
17 box where you pay your \$10 and you come in?

18 A It was somebody that collected money.

19 Q Somebody --

20 A Like I said, it's been two years, so --

21 Q I know it's been two years?

22 A -- details, you know what I'm saying.

23 There was somebody that collected the bread, the
24 money.

25 Q Okay. And if I have your statement right,

Deon Stevenson - Direct Examination by Ms. Bannon

1 Q What were you doing?

2 A Well, earlier that day, we was preparing
3 the party and I was talking to Mr. Jones, we was
4 under the tree while the girls were out and we
5 prepared for the party.

6 Q Okay. Hold on a second. So you were down
7 here in Beaufort; were you here for a family
8 reunion?

9 A Yes, ma'am.

10 Q Was it your family?

11 A No, ma'am.

12 Q Who's family was it?

13 A Sheena family.

14 Q Who's Sheena?

15 A She's my girlfriend.

16 Q And how long y'all been together?

17 A We've been together for four years.

18 Q And do y'all have any kids together?

19 A Yes, ma'am.

20 Q And how old's your kid?

21 A He'll be two in October.

22 Q And so during this weekend, 2009, was
23 Sheena pregnant?

24 A Yes, ma'am.

25 Q How far along was she?

Deon Stevenson - Direct Examination by Ms. Bannon

1 A I think she was like in between four and
2 five.

3 Q Okay. And so -- have you ever worked as a
4 party promoter?

5 A No, ma'am.

6 Q You said that the girls were getting the
7 party ready; what party are you talking about?

8 A We was going to a Memorial Day party after
9 the family and they wanted something to do, so we
10 decided we were going to have a party.

11 Q Did you say a Memorial Day party?

12 A Yes, ma'am.

13 Q So that was a Memorial Day Weekend?

14 A Yes, ma'am.

15 Q And so who was in charge of planning the
16 party?

17 A Basically the girls.

18 Q And when you say the girls, who do you
19 mean?

20 A Sheena, Octavia, Money, Keasha.

21 Q Do you know Octavia by another name?

22 A Ma'am?

23 Q Do you call Octavia something else, like by
24 a nickname?

25 A Yes, ma'am.

Deon Stevenson - Direct Examination by Ms. Bannon

- 1 Q What's that?
- 2 A Octavia, Shawnee.
- 3 Q So Octavia is Shawnee?
- 4 A Yes, ma'am.
- 5 Q Okay. Do you remember what time you got to
- 6 the party?
- 7 A Probably around 10:30 or 11:00.
- 8 Q And do you remember who arranged for the
- 9 DJ?
- 10 A No, ma'am.
- 11 Q Did you do it?
- 12 A No.
- 13 Q How about for security?
- 14 A We all did it.
- 15 Q Do you remember who was security?
- 16 A Yes, ma'am.
- 17 Q Who was that?
- 18 A I remember, I think it was like three of
- 19 them, but I only remember like two of them.
- 20 Q Okay. And were y'all paying them to do
- 21 that?
- 22 A No, ma'am.
- 23 Q And how was the party going?
- 24 A It was going good.
- 25 Q Were there a lot of people there?

Deon Stevenson - Direct Examination by Ms. Bannon

1 A Yes, ma'am.

2 Q And to your knowledge, why did you have
3 security there?

4 A Well, just to -- you know, make things more
5 safe.

6 Q Okay. Were they searching people?

7 A Yes, ma'am.

8 Q And were y'all allowing guns into the
9 party?

10 A No, ma'am.

11 Q At some point, did it come to your
12 attention that someone had gotten a gun into the
13 party?

14 A Yes, ma'am.

15 Q How'd that happen?

16 A Well, actually, I didn't know how it
17 happened, but to my knowledge, they were just
18 saying it.

19 Q Once you found out there was someone with a
20 gun at the party, what did you do?

21 A I went and approached the person, and you
22 know, tell them, you know, take the gun outside.

23 Q Do you remember where in the club, the guy
24 that you approached was?

25 A Yes, ma'am.

Deon Stevenson - Direct Examination by Ms. Bannon

1 Q Where was he?

2 A Standing at -- right by the picture booth.

3 Q And when you said you approached him, where
4 were you coming from?

5 A I actually was coming out of the kitchen
6 and Houston Chaineyfield approached me and, you
7 know, informed me that, you know, the guy, you
8 know, Jaquwn Brewer had a gun in the club. So
9 that's when, you know, I went and approached him,
10 you know, I asked him to take it out.

11 Q Prior to this night, did you know Jaquwn
12 Brewer?

13 A No, ma'am.

14 Q Okay. So you went over to the guy by the
15 photographer?

16 A Yes, ma'am.

17 Q And you talked to him?

18 A Who? Mr. Brewer.

19 Q Uh-huh.

20 A Yes, ma'am, I just asked him nicely to take
21 the gun out of the club.

22 Q Now, did you get in his face about it?

23 A No, ma'am.

24 Q Were you aggressive about it?

25 A No, ma'am.

Deon Stevenson - Direct Examination by Ms. Bannon

1 Q Did you push him?

2 A No, ma'am.

3 Q Now, you've been saying it was Mr. Brewer.

4 Do you see that person that you talked to about
5 having the gun here in the courtroom today?

6 A Yes, ma'am.

7 Q All right. Could you please tell us where
8 he is?

9 A Right there on the left side of the room.

10 Q Okay. And what color shirt is he wearing?

11 A A white shirt.

12 MS. BANNON: Let the record please reflect
13 that the witness has identified Mr. Brewer.

14 By Ms. Bannon:

15 Q All right. So when you go up to him,
16 what'd you tell him to do with the gun?

17 A I told him to take it outside.

18 Q So you weren't kicking him out of the party
19 permanently?

20 A No.

21 Q You just didn't want the gun in the club?

22 A Right.

23 Q What was his reaction to that?

24 A Well, I told him to take the gun out the
25 club. Tell him I don't want no problems. He

Deon Stevenson - Direct Examination by Ms. Bannon

1 tell me it's none of my f'ing business. He pulled
2 it out, cocked it, pointed at me. So I pushed it
3 out the way and then I hit it --

4 Q Okay. Hold up a second. So you tell him,
5 take your gun out of the club and he says, mind
6 your own f'ing business?

7 A Yes, ma'am.

8 Q Okay. And then what does he do with the
9 gun after he says that?

10 A Pulled it out, cocked it, put it in my
11 face. I slightly hit it away and he started
12 firing.

13 Q And I'm sorry?

14 A He started firing.

15 Q I -- I don't understand.

16 A He started shooting.

17 Q He started shooting, okay.

18 Okay. So did you have a gun?

19 A No, ma'am.

20 Q Okay. Where were you when the guns started
21 going off?

22 A When they started going off, I just start
23 running back.

24 Q All right. Prior to it going off, had
25 people in the club noticed what's going on?

Deon Stevenson - Direct Examination by Ms. Bannon

1 A Yes, ma'am, because they see -- I was like
2 running back.

3 Q Uh-huh.

4 A And they started running.

5 Q And when we were talking about security,
6 how many doors were people coming in?

7 A One door.

8 Q Okay. At some point, did other doors get
9 open?

10 A Yeah. Other doors got open when everybody
11 started exiting because everybody couldn't go out
12 one door.

13 Q All right. So once someone tried to leave
14 the club, the other doors got kicked open or
15 pushed open?

16 A Yes, ma'am.

17 Q Okay. Did you see Mr. Brewer firing that
18 gun?

19 A Yes, ma'am.

20 Q Inside the club?

21 A Yes, ma'am.

22 Q How many other people did you see shooting
23 inside the club?

24 A Nobody.

25 Q Once he started -- Mr. Brewer started

Deon Stevenson - Direct Examination by Ms. Bannon

1 firing in the club, what did you do?

2 A I pulled back from that and started running
3 for the exit and trying to find Sheena because she
4 was pregnant.

5 Q And where was Sheena when you went up to
6 Mr. Brewer to tell him to put the gun away?

7 A I don't know exactly where she was located.

8 Q But y'all somehow got separated because of
9 the crowd?

10 A Yes, ma'am.

11 Q And were you able to get out of the club?

12 A Yes, ma'am.

13 Q Were you able to find Sheena?

14 A Yes, ma'am.

15 Q Where was she?

16 A She was over -- over -- I can't explain the
17 area where she was at, but she was like hiding
18 down by a car.

19 Q So you found her outside?

20 A Yes, ma'am.

21 Q Were you upset when this all happened?

22 A Very.

23 Q And so you knew Mr. Jones?

24 A Yeah.

25 Q Prior to this?

Deon Stevenson - Direct Examination by Ms. Bannon

- 1 A Yes, ma'am.
- 2 Q How did you know Mr. Jones?
- 3 A Through Sheena.
- 4 Q And how does Sheena know Mr. Jones?
- 5 A He's her uncle.
- 6 Q Her uncle?
- 7 A Yes, ma'am.
- 8 Q And did you know Donald Parker prior to
- 9 this night?
- 10 A No, ma'am.
- 11 Q Did you see anyone shooting outside the
- 12 club?
- 13 A No, ma'am.
- 14 Q Were you focused on just trying to find
- 15 Sheena?
- 16 A Yes, ma'am.
- 17 MS. BANNON: Beg the Court's indulgence.
- 18 By Ms. Bannon:
- 19 Q You said that Mr. Brewer began firing
- 20 inside the club. Do you remember -- I know it's
- 21 been two years -- but do you remember how many
- 22 shots were fired inside the club?
- 23 A Yes, ma'am.
- 24 Q How many?
- 25 A Five.

Deon Stevenson - Direct Examination by Ms. Bannon

1 Q Five?

2 A Yes, ma'am.

3 Q How did you come to that number?

4 A Because I know it was a lot of shots.

5 Q And it was coming from the same gun that
6 had just been pointed in your face?

7 A Yes, ma'am.

8 Q Okay. Would you mind stepping down from
9 the bench for me and just go right by that monitor
10 for me.

11 All right. Mr. Stevenson, if you wouldn't
12 mind just standing over here with me so everyone
13 on the jury can see and taking this little pointer
14 for; me and would you point out if you recognize
15 from that picture, the guy who pointed the gun in
16 your face?

17 A (Witness points).

18 Q And the guy who opened fire in the club?

19 A (Witness points).

20 Q Thank you. I'll take the pointer now, you
21 can go to your seat.

22 So can you think of anything you did to set
23 Mr. Brewer off?

24 A No, ma'am. It's nothing like that.

25 Q It's not like that?

Deon Stevenson - Cross-Examination by Mr. Newman

1 A I said, it's nothing like that, no, ma'am.

2 Q Mr. Stevenson, I don't have anymore
3 questions for you, but if you wouldn't mind
4 answering any Mr. Newman might have, I'd
5 appreciate it.

6 A Okay.

CROSS-EXAMINATION

7
8 By Mr. Newman:

9 Q Hey, Deon, how you doing?

10 A How you doing, sir?

11 Q How's everything over in Ridgeland?

12 A Quite sure it's perfect over there.

13 Q All right. Now, your partner, Houston
14 Chaineyfield, he's currently in prison right now;
15 isn't that right?

16 A Yes, sir, that's my cousin.

17 Q Okay. Now, you say when Mr. Brewer pointed
18 the gun at you and put it in your face, there was
19 no laser beam on that gun, was there?

20 A No, sir.

21 Q Okay. Because you would have seen that
22 because it was right in your face; you're
23 absolutely positive there's no laser beam on it?

24 A Yes, sir.

25 Q Okay. And once the shooting inside the

Deon Stevenson - Cross-Examination by Mr. Newman

1 | club stopped, you didn't see Mr. Brewer anymore,
2 | did you?

3 | A No.

4 | Q Okay. Now, who were the security guards
5 | that had the wands?

6 | Q I think it was a guy named Troy and Harry?

7 | Q Troy and who?

8 | A Harry.

9 | Q Harry. You know their last names?

10 | A No, sir.

11 | Q Now, you've been convicted of felonies
12 | before, haven't you?

13 | A Yes, sir.

14 | Q For possession of crack cocaine?

15 | A Yes, sir.

16 | Q And for forgery?

17 | A Yes, sir.

18 | Q And possession with intent to distribute
19 | schedule two drugs?

20 | A Yes, sir.

21 | Q And for unlawfully carrying a pistol?

22 | A Yes, sir.

23 | Q Okay. Thank you, Mr. Stevenson.

24 | THE COURT: Anything further, solicitor?

25 | ///

REDIRECT EXAMINATION

1

2 By Ms. Bannon:

3 Q When did you get those convictions?

4 A Back in '01 and I think it was 2000 that I
5 got the -- the crack charge.

6 Q All right. So when you were younger?

7 A Yes, ma'am.

8 Q And that night when you went to the party,
9 were you planning on being a witness to a shooting
10 and a murder?

11 A No, ma'am.

12 Q All right. Thank you.

13 MS. BANNON: No further questions.

14 MR. NEWMAN: I'd like to follow up on that.

15 **RECROSS-EXAMINATION**16 By Mr. Newman:17 Q You got that crack charge in 2001, but you
18 were also convicted on the -- with intent to
19 distribute in 2010; isn't that correct?

20 A Yes, sir.

21 Q Okay. And you were convicted on the
22 unlawful carrying of a pistol in, it looks like
23 October of 2010?

24 A Yes, sir.

25 Q Okay. Thank you.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 THE COURT: You may step down.

2 You can call your next witness.

3 MS. BANNON: The State calls Sheena Parker
4 Gardner.

5 THEREUPON,

6 SHEENA PARKER GARDNER,
7 after being duly sworn, testified as follows:

8 THE CLERK: Please be seated. State your
9 name and spell it for the Court, please. Thank
10 you.

11 THE WITNESS: Sheena Gardner. S-h-e-e-n-a.
12 Gardner, G-a-r-d-n-e-r.

13 DIRECT EXAMINATION

14 By Ms. Bannon:

15 Q Ms. Gardner, where do you live?

16 A Columbia.

17 Q And what do you do up in Columbia?

18 A I work at Bose.

19 Q And what's Bose?

20 A A factory that makes radios and speakers.

21 Q And how long have you lived in Columbia?

22 A Four years.

23 Q And where are you from originally?

24 A Beaufort.

25 Q And how do you -- do you know a Deon

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Stevenson?

2 A Yes, ma'am.

3 Q How?

4 A That's my boyfriend.

5 Q And how long y'all been together?

6 A Four years.

7 Q And do y'all have any kids?

8 A Yes.

9 Q How many?

10 A One.

11 Q And how old is he?

12 A One.

13 Q And so during the weekend of May 23rd and

14 24th, 2009, were you pregnant?

15 A Yes, ma'am.

16 Q And that weekend, did you spend it up in

17 Columbia or down here?

18 A In Beaufort.

19 Q And why were you spending the weekend down

20 here?

21 A It was my family reunion.

22 Q On whose side?

23 A My mom's.

24 Q Do y'all have a big family?

25 A Yes, ma'am.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 Q Okay. And what kind of events did y'all
2 have planned?
- 3 A We had a banquet, a cookout, and then we
4 had a party.
- 5 Q And this party, where was that?
- 6 A At the Shriner's Club in Burton.
- 7 Q And who put that together?
- 8 A Me and my cousin.
- 9 Q And who was invited to this party?
- 10 A Mutual friends.
- 11 Q So did you know most of the people at the
12 party?
- 13 A Yes, ma'am.
- 14 Q Were you related to a lot of them?
- 15 A Yes, ma'am.
- 16 Q And the people you did know at the party,
17 how long would you say that you had known them?
- 18 A Some months, some years.
- 19 Q Was it a lot of people from the
20 neighborhood?
- 21 A Yes, ma'am.
- 22 Q Do you know Henry Jones?
- 23 A Yes, ma'am.
- 24 Q How do you know Mr. Jones?
- 25 A That's my uncle.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 Q And was he invited to the party?
- 2 A Yes, ma'am.
- 3 Q Why?
- 4 A To be the bartender.
- 5 Q Why was he bartending?
- 6 A Because we asked him to.
- 7 Q Now, did he work as a bartender for his
- 8 job?
- 9 A No, ma'am.
- 10 Q What'd he do for a job?
- 11 A I think he worked at Sea Pines.
- 12 Q And so if he didn't work as a bartender,
- 13 why did you ask him to bar tend?
- 14 A Just because.
- 15 Q Okay. And do you remember what time you
- 16 got to the party?
- 17 A Maybe about ten.
- 18 Q And do you know a Jaquwn Brewer?
- 19 A Yes, ma'am.
- 20 Q Do you know him by any other name?
- 21 A Yes.
- 22 Q What's that?
- 23 A Queezy.
- 24 Q How long you known Queezy?
- 25 A I don't know him personally.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Q Okay. But you knew him on him on sight?

2 A Yes.

3 Q And do you see Jaquawn Brewer here in the
4 courtroom today?

5 A Yes, ma'am.

6 Q Where is he?

7 A Right there.

8 Q And could you state for the record what
9 color shirt he's wearing?

10 A White.

11 MS. BANNON: May the record reflect the
12 witness has identified Mr. Brewer.

13 By Ms. Bannon:

14 Q Did you see him that night at the club?

15 A Yes, ma'am.

16 Q Are you familiar with Travis Polite?

17 A Yes, ma'am.

18 Q How do you know Travis Polite? (??)

19 A He lives in my neighborhood.

20 Q All right. And was he at the club that
21 night?

22 A No, ma'am, not that I know of.

23 Q All right. So you didn't see him that
24 night?

25 A No, ma'am.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Q Did y'all have security at the club?

2 A Yes, ma'am.

3 Q And how many doors were y'all letting

4 people in?

5 A One.

6 Q And after you got -- went through security,

7 did you get anything?

8 A Did I get anything, as in --

9 Q Like if -- let's say I was going to the

10 party, I walk in the door and I was searched by

11 security?

12 A Yes, ma'am.

13 Q And then do I pay a cover?

14 A Yes.

15 Q Do they give me anything?

16 A Yes.

17 Q To show --

18 A A wristband.

19 Q Okay. And so how would you say the party

20 was going?

21 A It was going fine.

22 Q Did a lot of people show up?

23 A Yes, ma'am.

24 Q Did something happen to kind of end the

25 party at some point?

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 A Yes.
- 2 Q All right. What was that?
- 3 A A shooting.
- 4 Q Okay. Prior to that shooting, could you
- 5 feel any animosity in the club?
- 6 A No, ma'am.
- 7 Q So it wasn't tense?
- 8 A No, ma'am.
- 9 Q Did you see anyone else with a gun in the
- 10 club?
- 11 A No, ma'am.
- 12 Q Did you have a gun with you that night?
- 13 A No, ma'am.
- 14 Q Did Deon have a gun?
- 15 A No, ma'am.
- 16 Q Did Uncle Henry have a gun?
- 17 A No, ma'am.
- 18 Q So at some point, did your attention get
- 19 over by the photographers?
- 20 A Yes, ma'am.
- 21 Q Why?
- 22 A Because someone came and told us that -- we
- 23 was going to take a picture but someone came and
- 24 told us that Jaquwn had a gun.
- 25 Q Someone told you the defendant had a gun?

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 A Yes.
- 2 Q So what'd you do with that information?
- 3 A We walked over there to take the gun out of
- 4 the club.
- 5 Q Who's we?
- 6 A Me and Deon.
- 7 Q And was he with anybody when you went up to
- 8 talk to him?
- 9 A Yes.
- 10 Q Who was he with?
- 11 A Dominique and Brian.
- 12 Q All right. And Dominique, who -- do you
- 13 know him by another name?
- 14 A Yes.
- 15 Q What's that?
- 16 A Dizzy.
- 17 Q Dizzy?
- 18 A Yeah.
- 19 Q Do you know Dominique's last name?
- 20 A I think it's Middleton.
- 21 Q Okay. So if I asked you a question about
- 22 Dominique Middleton and you respond with Dizzy --
- 23 A Yes.
- 24 Q -- are we talking about the same person?
- 25 A Yes.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Q Okay. You said he was also with Brian?

2 A Yes.

3 Q Does -- do you know Brian by another name?

4 A Yes.

5 Q What's that?

6 A Chocolate.

7 Q Okay. What were they doing?

8 A Taking a picture.

9 Q And so y'all go up to them and what do you

10 do?

11 A Deon asked him -- told him that he had to

12 leave with the gun in the club.

13 Q All right. Was -- what was Deon's demeanor

14 doing this? Was he angry? Was he calm? Was he

15 in Jaquwn Brewer's face?

16 A He wasn't angry, no, ma'am.

17 Q Was he really close to Jaquwn, kind of

18 threatening him?

19 A Not threatening him, but close because the

20 music was kind of loud.

21 Q Did he seem angry?

22 A No, ma'am.

23 Q So what was Jaquwn, Queezy's, response when

24 Deon asked him to take the gun out of the club?

25 A Mind your business.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Q Did he use a little stronger language than
2 that?

3 A Yes, ma'am.

4 Q Okay. So after he said that, what
5 happened?

6 A That's when he pulled the gun out of his
7 shirt and pointed it at Deon.

8 Q When you say he, who do you mean?

9 A Jaquwn.

10 Q Okay. Where did he point it at Deon?

11 A In his face.

12 Q Where'd he pull the gun out from?

13 A Under his shirt or his belt.

14 Q And do you recall the color of the gun?

15 A Yes.

16 Q What was that?

17 A Black.

18 Q So when you say he pointed it at Deon's
19 face, could you show the jury how he did it? Was
20 it to the side, to the front, up, down?

21 A (Hand gesture).

22 Q So he pointed it straight on?

23 A Yeah.

24 Q What did Deon do when Mr. Brewer stuck the
25 gun in his face?

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 A Moved it out his face.
- 2 Q What do you mean?
- 3 A (Hand gestures) .
- 4 Q So he took his hand and kind of got the gun
- 5 out of his face?
- 6 A Yes.
- 7 Q What were the other people at the club
- 8 doing while this was going on?
- 9 A They really didn't know what was going on
- 10 at the time.
- 11 Q And this was happening at the back corner
- 12 where the pictures were going on?
- 13 A Yes, ma'am.
- 14 Q After Deon kind of swatted away the gun,
- 15 what happened?
- 16 A He started shooting.
- 17 Q Who started shooting?
- 18 A Jaquwn.
- 19 Q All right. Were you able to see where he
- 20 was aiming his gun?
- 21 A He was just aiming it at the ground.
- 22 Q Okay. Was he aiming it up at the ceiling?
- 23 A No, ma'am.
- 24 Q Was he aiming it at the wall?
- 25 A He just fired shots in the ground.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Q Would you say he was aiming it at people?

2 A Yes.

3 Q Do you remember how many shots were fired
4 in that club?

5 A I think it was like one or two.

6 Q Okay. Did you see anyone else with a gun
7 inside the club.

8 A No, ma'am.

9 Q Did you see anyone else shoot inside the
10 club?

11 A No, ma'am.

12 Q Did you see Jaquawn Brewer shooting inside
13 the club?

14 A Yes, ma'am.

15 Q So after he starts firing into the crowd,
16 what do you do?

17 A Run.

18 Q Where do you run to?

19 A Outside.

20 Q Now, there are three doors on this club,
21 right?

22 A Yes, ma'am.

23 Q At some point, did the other two get open?

24 A Yes, ma'am.

25 Q Do you know how they got open?

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 A The people.
- 2 Q They just -- in their efforts to get out?
- 3 A Uh-huh.
- 4 Q So which door did you get out of?
- 5 A The main entrance.
- 6 Q So the front entrance?
- 7 A Yes.
- 8 Q And once you were outside, what did you do?
- 9 A I just was standing up. My best friend
- 10 Carla parked in the front and I was just standing
- 11 behind her car.
- 12 Q Okay. And what was going on outside?
- 13 A People was running and there was more
- 14 shooting.
- 15 Q How many people did you see shooting
- 16 outside?
- 17 A Two.
- 18 Q We talked a little bit about Dominique,
- 19 Dizzy, Middleton?
- 20 A Yes.
- 21 Q How do you know him? Did you know him
- 22 before that night?
- 23 A I don't personally know him but had seen
- 24 him, yes.
- 25 Q So you recognized him?

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 A Yes.
- 2 Q Y'all aren't best friends but you know
- 3 him -- you know him?
- 4 A Uh-huh.
- 5 Q Did you see him outside in front of that
- 6 club?
- 7 A Yes, ma'am.
- 8 Q And what was he doing?
- 9 A Shooting.
- 10 Q All right. Did you see where Mr. Brewer
- 11 had gone off to?
- 12 A Huh? Can you repeat that? I mean, I don't
- 13 understand you.
- 14 Q So you last saw Mr. Brewer shooting inside
- 15 the club. You get outside the club. Did you see
- 16 Mr. Brewer again?
- 17 A Yes, he was outside too.
- 18 Q Okay. And what was Mr. Brewer doing
- 19 outside the club?
- 20 A Shooting.
- 21 Q Okay. Were he and Dominique Middleton next
- 22 to each other shooting?
- 23 A One was further back than -- Dominique was
- 24 further back and Jaquwn was up close.
- 25 Q Up close to what?

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 A The building.
- 2 Q Okay. How could you tell who was who?
- 3 A One light skinned and one dark skinned.
- 4 Q Okay. Anything about their guns stand out
- 5 to you?
- 6 A Yes.
- 7 Q What?
- 8 A The gun that Dominique had had a laser on
- 9 it.
- 10 Q And Dominique, was he closer or farther
- 11 away from you?
- 12 A Farther away.
- 13 Q And was he closer or farther away from the
- 14 club?
- 15 A Farther away.
- 16 Q When you say that Jaquwn was close to the
- 17 club, like, what do you mean? Like in the parking
- 18 lot back or next to the building or --
- 19 A Next to the building.
- 20 Q Okay. Were you able to see -- I'm sorry, I
- 21 think we might have already covered this, I just
- 22 forgot, so give me a little room. Was there
- 23 something remarkable about Dominique Middleton's
- 24 gun versus Jaquwn's gun?
- 25 A Yes.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 Q What?
- 2 A He had a laser.
- 3 Q Okay. From that, were you able to tell
- 4 where Dominique was shooting?
- 5 A Yes.
- 6 Q Where was that?
- 7 A He was shooting up in the air.
- 8 Q Okay. And how about Jaquwn? Were you able
- 9 to see where Jaquwn was shooting?
- 10 A He was shooting towards the building.
- 11 Q When you say towards the building, what do
- 12 you mean?
- 13 A Like, it was -- it's another door at the
- 14 end, he was shooting towards that door.
- 15 Q And he was shooting into the building from
- 16 that doorway?
- 17 A Yes.
- 18 Q Did you ever see Dominique Middleton
- 19 pointing his gun into the building?
- 20 A No, ma'am.
- 21 Q How about Mr. Brewer?
- 22 A Yes, ma'am.
- 23 Q Well, outside you said that Mr. Brewer was
- 24 shooting into the building; was he also shooting
- 25 at people?

Sheena Parker Gardner - Direct Examination by Ms. Bannon

- 1 A Yeah.
- 2 Q And you saw Mr. Brewer pointing the gun
- 3 towards the door of the building?
- 4 A Yes, ma'am.
- 5 Q Did you see how Dominique Middleton got
- 6 away?
- 7 A Yes.
- 8 Q How's that?
- 9 A In a brown Cadillac.
- 10 Q Do you know who the brown Cadillac belonged
- 11 to?
- 12 A Yes.
- 13 Q Who?
- 14 A Kevin Moultry.
- 15 Q Okay. Did you see how Mr. Brewer got away?
- 16 A No.
- 17 Q Did he get into that brown Cadillac with
- 18 Dominique Middleton?
- 19 A I'm not sure.
- 20 Q At some point, did the shooting stop?
- 21 A Yes.
- 22 Q And once it stopped, what'd you do?
- 23 A Went back in the building.
- 24 Q And why'd you go back in the building?
- 25 A To see what was going on.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Q And did anything happen once you were back
2 inside the building?

3 A No, ma'am.

4 Q So how many people did you see shoot at the
5 building?

6 A Two. No, I only saw one person shooting at
7 the building.

8 Q Okay. When you answered two, what were you
9 thinking?

10 A I wasn't thinking it was something -- I
11 don't know.

12 Q How many people did you see shooting
13 outside the building?

14 A Two.

15 Q How many people did you see shooting into
16 the building?

17 A One.

18 Q And who was that one person shooting into
19 the building?

20 A Jaquwn.

21 Q How do you know Henry Jones?

22 A That's my uncle.

23 Q Did you get to talk to him after the
24 shooting?

25 A No, ma'am.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Q Why not?

2 A He was shot -- he wasn't -- I ain't get to
3 talk to him.

4 Q So he never regained consciousness again?

5 A No.

6 Q Prior to the shooting, were you able to
7 talk to him?

8 A Before the shooting?

9 Q Uh-huh.

10 A Yes.

11 Q Did he seem to be in a good mood?

12 A Yes, ma'am.

13 Q All right. Would you mind stepping off the
14 stand for me?

15 I just have a couple things I want to --
16 actually, you know what, stay right there?

17 MS. BANNON: I've previously shown these to
18 the defense counsel, Your Honor.

19 THE COURT: Okay.

20 MS. BANNON: They have been made through
21 State's Exhibit 12. They are merely print-offs.

22 By Ms. Bannon:

23 Q Ms. Gardner, I'm showing you what's been
24 labeled as State's Exhibit 66 through 73. Would
25 you mind looking at these? Do those look to be a

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 A Yes.

2 Q And in this photo, where was Dominique
3 Middleton shooting from?

4 A About right over here.

5 Q Okay. So back over here?

6 A Yes.

7 Q Where was Jaquwn Brewer shooting from?

8 A About right there to the grass area right
9 there.

10 Q Okay. Right here?

11 A Yes.

12 Q And you said there was a -- a second door
13 that had been opened, right? Do you see it in
14 this photo?

15 A Yes, that's the second door right there.

16 Q All right. So Mr. Brewer was shooting from
17 like right in front of that?

18 A Yes.

19 Q Okay. And so when you saw Mr. Brewer
20 shooting back into the club, what area was he
21 shooting at?

22 A Just like right here. Through that like --
23 through that door.

24 Q Okay. And Mr. Middleton was out over here?

25 A Yes.

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 Q Did you ever see a red laser sight going
2 back into the club?

3 A No.

4 Q Did you ever see Mr. Middleton run up to
5 Mr. Brewer and start shooting into the club?

6 A No.

7 Q All right. Do you recognize this?

8 A Yes.

9 Q What is it?

10 A The laser.

11 Q All right. And do you see the laser still
12 on?

13 A Yes.

14 Q Would you mind just pointing it out to us?

15 A (Witness points.)

16 Q And again, is that the same thing?

17 A Yes, ma'am.

18 Q Now, I'd like to show you something.
19 Okay. So is this the way out of the club,
20 right here? This is the front and that's the
21 inside?

22 A Uh-huh.

23 Q Does that look about right?

24 A Yes, ma'am.

25 Q Here, I'll do it so you can turn and face

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 the jury.

2 So where were the pictures being made?

3 A This is the -- this is the inside.

4 Q This is the entrance right here, the front
5 door?

6 MR. NEWMAN: I can't quite see either. It
7 may be easier if they put it on the easel.

8 MS. BANNON: I -- I think we're fine. I
9 think everyone on the jury can see it.

10 MR. NEWMAN: I can't see it.

11 THE COURT: You can step a little closer if
12 you need to.

13 By Ms. Bannon:

14 Q And if this is the front door --

15 A Uh-huh.

16 Q -- where were the pictures being made?

17 A Over here.

18 Q Okay. And where are the bathrooms?

19 A Through there.

20 Q Okay. And when you and Deon went to tell
21 Mr. Brewer he can't have the gun in the club --

22 A Yes, ma'am.

23 Q -- where was he?

24 A Right over there at the picture booth.

25 Q Okay. And where was your Uncle Henry

Sheena Parker Gardner - Direct Examination by Ms. Bannon

1 tending bar?

2 A Back -- back here.

3 Q Okay. So this bar right here?

4 A Yes.

5 Q So when you got out -- this is the outside
6 of the club, where was your friend's car parked?

7 A Right here.

8 Q Okay. It's on the other side of Deon's
9 car?

10 A Uh-huh.

11 Q And was there room to walk between the cars
12 and the building?.

13 A Yes, right there in that -- right in this
14 area.

15 Q Okay. And now you said that Mr. Brewer was
16 standing in front of the club?

17 A Uh-huh.

18 Q Where was he standing?

19 A Right here.

20 Q And when you said that he was shooting into
21 the club, where was he shooting, aiming at?

22 A Through that door.

23 Q Through this door?

24 A Uh-huh.

25 Q Right here?

Sheena Parker Gardner - Cross-Examination by Mr. Newman

1 A Uh-huh.

2 Q And where would Mr. Middleton be?

3 A Back here.

4 Q Like back kind of off the diagram?

5 A Uh-huh.

6 Q Okay. Okay. If you wouldn't -- and this

7 door -- do you remember how open it was?

8 A Wide open.

9 Q Just wide -- completely open?

10 A Uh-huh.

11 Q Okay. If you wouldn't mind taking the

12 stand again?

13 MS. BANNON: Beg the Court's indulgence.

14 THE COURT: Sure.

15 By Ms. Bannon:

16 Q All right, Ms. Gardner. That's all the
17 questions I got for you. If you wouldn't mind
18 answering anything Mr. Newman asks, I'd appreciate
19 it.

20 A Okay.

21 **CROSS-EXAMINATION**

22 By Mr. Newman:

23 Q You never told the investigators that Mr.
24 Brewer was standing by that secondary door; isn't
25 that correct?

Sheena Parker Gardner - Cross-Examination by Mr. Newman

1 A No.

2 Q You told them that Mr. Brewer actually went
3 back inside the club and that you witnessed him
4 shoot your uncle; isn't that what you told the
5 investigators?

6 A I don't remember.

7 Q You wrote a written statement in this case,
8 didn't you?

9 A Yes, I did, yes, sir. But when I wrote
10 that statement, I didn't say that I personally saw
11 him went up to him and shot him.

12 Q I'm sorry, you're going -- you're going a
13 little fast; I wasn't able to understand you?

14 A I said when I was writing the statement, I
15 didn't say that I went up to -- that he went up to
16 him personally and shot him, but I wrote that he
17 was the one that was shooting in the club.

18 Q Well, in your statement, you said that, I
19 saw -- that's what Doctor said.

20 You said, He came back in and that's
21 when -- he came back inside and that's when he
22 shot my uncle.

23 A Well, he was on the outside shooting.

24 Q He was on the outside.

25 Now, that door would be on on the back wall

Sheena Parker Gardner - Cross-Examination by Mr. Newman

1 looking at where the photographer would have been?

2 A Excuse me?

3 Q That door that you said -- this door here.

4 A Yeah.

5 Q That would -- the photographer was back
6 over here, correct?

7 A Uh-huh.

8 Q All right. And the police said when they
9 got there, or other witnesses testified there was
10 still forty to fifty people inside that club when
11 the police got there. So Mr. Brewer was shooting
12 through those people.

13 A So when the police got there, people must
14 have went back in because he already had left.

15 Q Okay. Okay. You're saying there were no
16 people inside the club except for your uncle?

17 A When?

18 Q When Mr. -- you say Mr. Brewer was shooting
19 into the club from the outside?

20 A There was other people in there when he was
21 shooting.

22 Q Okay. Ivori Polite was still in there?

23 A Uh-huh.

24 Q Okay. Octavia was still in there?

25 A Uh-huh.

Sheena Parker Gardner - Cross-Examination by Mr. Newman

- 1 Q In fact, Octavia was standing on the ramp?
- 2 A Yes.
- 3 Q Okay. Now, this door -- you recognize this
- 4 photograph? This is the club, right?
- 5 A Uh-huh.
- 6 Q And this secondary door here is off the
- 7 ground, isn't it?
- 8 A Uh-huh.
- 9 Q And there's no step inside or outside?
- 10 A Huh-uh.
- 11 Q Okay. You agree with that?
- 12 A Yes.
- 13 Q Okay. So we can take out of your
- 14 statement, you did not actually see Mr. Brewer
- 15 shoot your uncle?
- 16 A No.
- 17 Q Okay. I think they had you look at State's
- 18 Exhibit 54 which I think is on that board.
- 19 A Yes, sir.
- 20 Q And you identified Jaquwn Brewer, correct?
- 21 A Uh-huh.
- 22 Q And Mr. Revere?
- 23 A Uh-huh.
- 24 Q Okay. Who's this dapper gentleman over
- 25 here?

Sheena Parker Gardner - Cross-Examination by Mr. Newman

- 1 A I'm not sure.
- 2 Q Okay. Who's this fellow?
- 3 A I'm not sure.
- 4 Q Who's this fellow?
- 5 A I'm not sure.
- 6 Q Okay. And you know Dominique Middleton?
- 7 A Yes.
- 8 Q Okay. Dominique Middleton's not in this
- 9 photograph?
- 10 A No.
- 11 Q Okay. And when did you speak to the
- 12 solicitors about your testimony today?
- 13 A Maybe about two months ago.
- 14 Q Okay. And that's the last time. You
- 15 didn't talk with them this morning or yesterday?
- 16 A No, I didn't speak to her.
- 17 Q Did you speak to anybody?
- 18 A No. I mean, I speak to her this morning
- 19 when we came in.
- 20 Q Okay. And do you know Gary Bright?
- 21 A I don't think so -- who is he?
- 22 Q The photographer?
- 23 A No, not personally.
- 24 Q Okay. Who were the security guards?
- 25 A I don't remember their names.

Sheena Parker Gardner - Cross-Examination by Mr. Newman

- 1 Q Well, who hired them?
- 2 A I don't remember who hired them.
- 3 Q Well, you were taking money at the door,
- 4 right?
- 5 A No.
- 6 Q Who was taking money at the door?
- 7 A My sister.
- 8 Q Which one?
- 9 A She's not here.
- 10 Q What's her name?
- 11 A Keesha.
- 12 Q Keesha. And who was going to get the money
- 13 from the proceeds?
- 14 A Who was going to get the money from the
- 15 party?
- 16 Q Yeah, yeah, I'm sorry.
- 17 A The people that was having it.
- 18 Q And who was having it?
- 19 A Me and my cousins.
- 20 Q Okay. So you and your cousins was going to
- 21 get the money from the party?
- 22 A Yes.
- 23 Q All right. You saw Dominique with the gun
- 24 with the red light?
- 25 A Yes.

1 Q All right. All right. Yeah. If you'll
2 read that for me right there where it starts at,
3 He went -- Jaquwn Brewer --

4 A Okay. He asked Jaquwn -- oh. He and
5 Jaquwn Brewer went outside, started shooting
6 outside, came back in and started shooting again
7 and that's when he shot my uncle.

8 Q Okay. I'm sorry. And you made that
9 statement on -- well, it'd be that night on May
10 24th, 2009?

11 A Yeah.

12 Q Okay. Thank you.

13 THE COURT: Anything further?

14 MS. BANNON: Briefly.

15 **REDIRECT EXAMINATION**

16 By Ms. Bannon:

17 Q Ms. Gardner, did you write that statement?

18 A No, ma'am.

19 Q Who wrote it?

20 A Ivori.

21 Q Why?

22 A I was nervous.

23 Q All right. So you were really upset?

24 A Yes.

25 Q And -- so this -- how long is that

Sheena Parker Gardner - Recross-Examination by Mr. Newman

1 statement? How many lines? Do you know?

2 A Maybe five.

3 Q All right. So in those five lines, were
4 you able to encapsulate everything that you
5 witnessed that night?

6 A No, ma'am.

7 Q And how soon after seeing your uncle dead
8 on the floor did you give this statement?

9 A Right after.

10 Q All right.

11 MS. BANNON: No further questions.

12 THE COURT: Anything further, Mr. Newman?

13 MR. NEWMAN: Yes, sir, I do.

14 **RECROSS-EXAMINATION**

15 By Mr. Newman:

16 Q You spoke with the detectives in this case,
17 correct?

18 A Yeah.

19 Q Okay. And you did sign this statement,
20 correct?

21 A Yes, sir.

22 Q Even though Ivori wrote it out?

23 A Yes, sir.

24 Q You told her what to write and then you
25 signed it?

Sheena Parker Gardner - Recross-Examination by Mr. Newman

- 1 A Yes, sir.
- 2 Q Okay. And when you signed it, you knew it
- 3 was a statement, correct?
- 4 A Yes, sir.
- 5 Q And you knew you had to be truthful in a
- 6 statement?
- 7 A Yes.
- 8 Q Okay. Now, when you spoke with the
- 9 investigators, you told them Dominique's gun had a
- 10 red light on it, correct?
- 11 A Yes.
- 12 Q Dominique was shooting outside the club?
- 13 A Yes.
- 14 Q And Sheena stated her immediate reaction
- 15 was to run outside, so you ran outside?
- 16 A Uh-huh.
- 17 Q Okay. That's correct. You notice
- 18 Dominique was shooting?
- 19 A Yes.
- 20 Q Okay. Dominique's gun had a red light on
- 21 it?
- 22 A Yes.
- 23 Q Sheena stated shortly after she got
- 24 outside, she observed Jaquawn Brewer come out the
- 25 door, correct?

Sheena Parker Gardner - Recross-Examination by Mr. Newman

1 A Yes.

2 Q Okay. He began shooting outside?

3 A Yes.

4 Q Sheena stated she ran back into the party?

5 A Yes.

6 Q And just after making it inside the door,

7 Jaquwn came back into the building and began to

8 shoot again. Sheena stated this is when she

9 saw -- when she -- when Jaquwn shot her uncle in

10 the head?

11 A I said that -- like I said, I did not see

12 him actually shoot him in the head personally, but

13 he was the only one shooting in and outside.

14 Q Well, didn't you tell the detective that

15 you ran back inside?

16 A Well, I mean, I was upset that night.

17 Q The very night when you perceived this

18 and -- how about on June 9th of 2009? Were you

19 upset then as well when you talked to the

20 detectives?

21 A Uh-huh.

22 Q Okay. And you don't deny telling the

23 detectives that you went back into the club, do

24 you?

25 A Well, I didn't went back in there while he

Sheena Parker Gardner - Recross-Examination by Mr. Newman

1 | was shooting, I went back in there after
2 | everything was done.

3 | Q Okay. It says, Sheena stated she ran back
4 | into the party. Just after making it inside the
5 | door, Jaquwn Brewer came back into the building
6 | and began to shoot again?

7 | A Well, he was shooting outside the building.

8 | Q Okay. So this wasn't correct when you told
9 | the detectives that statement?

10 | A I mean, not everything. I really -- it's
11 | basically what I --

12 | Q I mean, you wouldn't lie to the detectives?

13 | A No.

14 | Q No. Just after making it inside the door,
15 | Jaquwn came back into the building and shot again.
16 | That's what you told the detectives in June of
17 | 2009; isn't that true?

18 | A Well, that was a minute after the shooting,
19 | but I know that he wasn't shooting. He was
20 | shooting outside the building. That's --

21 | Q Well, it said you ran back into the party.

22 | A Well, it wasn't no party going on. It was
23 | shooting.

24 | Q Okay. Well, you ran back into the
25 | building; just after making it inside the door,

Sheena Parker Gardner - Recross-Examination by Mr. Newman

1 Jaquwn came back into the building. Now, there's
2 a problem with those statements because that
3 couldn't have happened. And have you changed your
4 testimony from what you told the detectives to fit
5 what possible physical evidence there is?

6 A No.

7 Q Okay. So you did not see Jaquwn shoot your
8 uncle. Jaquwn did not come back into the building
9 and shoot again. And you did not run back into
10 the building and shoot again as you told the
11 detectives in June of 2009?

12 A I didn't run back in and shoot in the
13 building.

14 Q Let's take it one at a time. You did not
15 run back inside the building?

16 A After the shooting was over, yes I did --

17 Q No, I meant -- Sheena stated shortly after
18 she got outside, she observed Jaquwn Brewer come
19 out the door. He began shooting outside. Sheena
20 stated she ran back into the party, into the
21 building. That didn't happen?

22 A I didn't ran back in the building while he
23 was shooting, I ran back in the building after the
24 shooting was over.

25 Q Just after making it inside the door,

Sheena Parker Gardner - Recross-Examination by Mr. Newman

1 Jaquwn came back into the building and began to
2 shoot again?

3 A Well, he didn't come back in the building,
4 he was standing by the door shooting.

5 Q Okay. So when you told the detectives this
6 back in June, that wasn't correct?

7 A I guess, I mean, it was days or months
8 later.

9 Q Well, 24th to the 9th, two weeks later.
10 And on the same day when you were upset on May
11 24th, you said Jaquwn Brewer went outside and
12 started shooting outside and came back in and
13 started shooting again. That's when he shot my
14 uncle. And that's what you said on May 24th,
15 2009.

16 A Well, as in come back in, he was standing
17 right there by the door, I mean...

18 Q Well, why didn't you say standing by the
19 door?

20 A I did say that he was standing by the door.

21 Q No, you said that here. Why didn't you say
22 that then?

23 A (There was no answer.)

24 MR. NEWMAN: Thank you, Your Honor.

25 THE COURT: All right.

1 Anything further, solicitor?

2 **REDIRECT EXAMINATION**

3 By Ms. Bannon:

4 Q In your statement given May 24th, the night
5 of the shooting, who -- how many people did you ID
6 as shooting into the building?

7 A How many people did I ID as shooting into
8 the building.

9 Q Uh-huh.

10 A One.

11 Q And who was that person?

12 A Jaquwn.

13 Q Jaquwn Brewer, the defendant?

14 A Yes.

15 Q All right. How about the statement that
16 you gave a couple weeks later? How many people
17 did you ID as shooting in the building?

18 A One.

19 Q And who is that person?

20 A Jaquwn.

21 Q Okay. And then today, how many people did
22 you ID shooting into the building?

23 A One.

24 Q And who was that person?

25 A Jaquwn.

Octavia Jones - Direct Examination by Ms. Bannon

1 MS. BANNON: That's all I've got.

2 THE COURT: All right. Anything further?

3 MR. NEWMAN: I don't think so.

4 THE COURT: All right. You may step down.

5 Call your next witness.

6 MS. BANNON: The State calls Octavia

7 Shawnee Jones.

8 THEREUPON,

9 OCTAVIA JONES,

10 after being duly sworn, testified as follows:

11 THE CLERK: Please be seated. State your
12 name and spell it for the Court, please.

13 THE WITNESS: Octavia Jones. O-c-t-a-v-i-a
14 J-o-n-e-s.

15 **DIRECT EXAMINATION**

16 By Ms. Bannon:

17 Q Ms. Jones, do you go by Octavia?

18 A Yes.

19 Q Do you go by any other names?

20 A Shawnee.

21 Q So if other witnesses have referred to
22 Shawnee, would they be referring to you?

23 A Yes.

24 Q Where do you work?

25 A Presbyterian in Charlotte.

Octavia Jones - Direct Examination by Ms. Bannon

- 1 Q Okay. Do you live in Charlotte?
- 2 A Yes.
- 3 Q How long have you lived in Charlotte?
- 4 A Eight years.
- 5 Q Where are you from originally?
- 6 A Beaufort.
- 7 Q Where in Beaufort?
- 8 A Stewart Point.
- 9 Q And so do you come back home on an
- 10 occasion?
- 11 A Yes.
- 12 Q And were you back home on the weekend of
- 13 May 23rd and 24th of 2009?
- 14 A Yes.
- 15 Q What were you back home for?
- 16 A I was having a family reunion.
- 17 Q And what kind of events did y'all have for
- 18 that family reunion?
- 19 A Like Friday we had a seafood night,
- 20 Saturday a banquet, Sunday a picnic. And Saturday
- 21 night we had a party.
- 22 Q Where was the party held?
- 23 A At the Shriner's Lodge, I think.
- 24 Q Is that also known as the Semper Fi Club?
- 25 A Yes.

Octavia Jones - Direct Examination by Ms. Bannon

- 1 Q How big's your family?
- 2 A Really big.
- 3 Q Okay. So there were a lot of people in
- 4 town for all these events?
- 5 A Yes.
- 6 Q And are you related to Henry Jones?
- 7 A Yes.
- 8 Q How are you related to him?
- 9 A He's my uncle.
- 10 Q And were y'all close?
- 11 A Yes.
- 12 Q And you said that there was a party after
- 13 the banquet, what was this party for?
- 14 A It was just something to do and have fun.
- 15 Q And who was invited to this party?
- 16 A Anybody who wanted to come.
- 17 Q And did you know a lot of people at the
- 18 party?
- 19 A Not -- I mean, yeah. Yeah, I did. Yeah.
- 20 Q And was your uncle at the party?
- 21 A Yes.
- 22 Q Do you remember what time you got to the
- 23 party?
- 24 A I think it was like 10:30, maybe 11:00.
- 25 Q And were you responsible for any of the

Octavia Jones - Direct Examination by Ms. Bannon

1 planning of the party?

2 A Some of it.

3 Q All right. Do you remember what you were
4 responsible for?

5 A Just basically helping with the cost of it.

6 Q And if you were a partygoer, how did you
7 get into the party?

8 A You had to pay \$10 to get in.

9 Q Okay. And did you go through security?

10 A Yes.

11 Q Did you arrange for security?

12 A No.

13 Q Do you remember who arranged for security?

14 A Not really.

15 Q And how was the party? Was it crowded,
16 empty?

17 A It was very crowded.

18 Q Do you remember when it got crowded?

19 A Like maybe started about 12:30 people was
20 already coming in.

21 Q And what kind of things did y'all have at
22 the party?

23 A We had a picture man, DJ booth, alcohol,
24 and basic normal stuff.

25 Q And did something happen to end the party?

Octavia Jones - Direct Examination by Ms. Bannon

- 1 A Yeah. They started shooting.
- 2 Q Okay. Did you see who was shooting?
- 3 A No.
- 4 Q Where were you when the shooting started?
- 5 A We was like in front of the ladies'
- 6 restroom.
- 7 Q Okay. And why were you in front of the
- 8 ladies' room?
- 9 A We were just -- we were about to go take a
- 10 picture and then we started hearing gunshots.
- 11 Q Do you remember what direction the gunshots
- 12 came from?
- 13 A It just came from the front of the club
- 14 like by the picture booth or like in the front.
- 15 Q So it came by the picture booth, not from
- 16 the bar area?
- 17 A No.
- 18 Q Did you have a gun on you that night?
- 19 A Huh?
- 20 Q Did you have a gun on you that night?
- 21 A No.
- 22 Q Okay. Did your Uncle Henry have a gun?
- 23 A No.
- 24 Q Anyone you saw that night, did they have a
- 25 gun?

Octavia Jones - Direct Examination by Ms. Bannon

- 1 A No.
- 2 Q Were there like local neighborhood tensions
3 going on that night?
- 4 A No.
- 5 Q Until the shooting started, were you aware
6 of any stress or anything like that at the party?
- 7 A No. Nope.
- 8 Q So the -- you hear shooting, what do you
9 do?
- 10 A Ran in the bathroom.
- 11 Q Okay. And when you were in the bathroom,
12 was anyone else with you?
- 13 A It was a whole bunch of girls and a couple
14 of guys.
- 15 Q Okay. Was Ivori with you?
- 16 A Yes.
- 17 Q How do you know Ivori?
- 18 A She's my cousin.
- 19 Q How do you know Sheena?
- 20 A She's my cousin.
- 21 Q And do you know Deon Stevenson?
- 22 A Yeah.
- 23 Q How do you know her -- him?
- 24 A Sheena's boyfriend.
- 25 Q Okay. Once you were in the bathroom, could

Octavia Jones - Direct Examination by Ms. Bannon

1 | you hear anything?

2 | A A lot of screaming and yelling.

3 | Q Could you hear gunshots?

4 | A Yes.

5 | Q Did they sound like they were still inside
6 | the building or outside the building, could you
7 | tell where they were?

8 | A Well, when we first ran, we could hear them
9 | in the building. Then like maybe two minutes
10 | later, I could hear them outside.

11 | Q Okay. At some point, did you leave the
12 | bathroom?

13 | A Yes.

14 | Q When?

15 | A Like maybe five minutes. It was like five
16 | or six minutes after the shooting inside.

17 | Q Was the shooting still going on inside?

18 | A No, it was clear.

19 | Q And when you came out of the bathroom, what
20 | did you do?

21 | A I just -- I just peeked out to see who was
22 | in there. The whole area was empty so I just
23 | walked up the ramp and I saw my Uncle Henry came
24 | from around the bar and I told him he needed to
25 | call the police because somebody's shooting.

Octavia Jones - Direct Examination by Ms. Bannon

1 Q Okay. And so where were you when you were
2 talking to him?

3 A I was standing like on the ramp a little
4 bit, walking -- right in front of the doorway on
5 that ramp.

6 Q And where was your uncle standing?

7 A He was standing right a little bit in front
8 of me like still inside the kitchen area.

9 Q And so when you told him to call 9-1-1,
10 what'd he do?

11 A He grabbed his phone.

12 Q Okay. And what'd he do?

13 A He started -- I think he dialed 9-1-1, but
14 I'm not sure he actually hit send.

15 Q Okay. Did something interrupt that?

16 A Yeah. I just -- I just remember -- I
17 remember Rochelle coming in screaming and then we
18 heard like the last couple of gunshots and then
19 that's when I saw my uncle hit the floor.

20 Q Okay. So how close to your uncle were you
21 when you saw him hit the floor?

22 A Like side by side basically.

23 Q Like one in front of each other?

24 A Just like he -- I'm right here and he was
25 like right here.

Octavia Jones - Direct Examination by Ms. Bannon

1 Q Okay. And what'd you see when he fell to
2 the floor?

3 A Brains and blood.

4 Q Did you ever see the shooter come back
5 inside the building?

6 A No.

7 Q So you -- so did -- when you said you heard
8 a couple of shots and he fell to the floor, was
9 the person -- did he step back inside the building
10 to let those out?

11 A No.

12 Q Were you able to tell from the sounds where
13 the shots were coming from?

14 A It came from outside. It was a door that
15 was opened by the DJ booth.

16 Q Okay. So like not the door where everyone
17 was entering, but the other door?

18 A Uh-huh.

19 Q And did you realize what had happened to
20 your uncle?

21 A Yes.

22 Q And so what'd you do?

23 A Started screaming.

24 Q Okay. And to your knowledge, was there any
25 reason for the shooting to happen?

Octavia Jones - Direct Examination by Ms. Bannon

1 A It -- it was no reason for it, but I guess
2 it's only because they told him to put his gun up
3 and he didn't want to.

4 Q Did you ever see the man who was shooting
5 at the club?

6 A No.

7 Q Okay. Would you mind stepping down off the
8 stand real quick?

9 A All right. Would mind standing right here
10 just so Ms. Radford can hold the mike and
11 everyone can hear what you say, okay.

12 All right. I am showing you -- this is a
13 picture that Mr. Newman's been using. When you
14 say that the shooting was coming from the second
15 door, do you see that door here on this photo.

16 THE COURT: Solicitor, make sure that the
17 gentleman on the far end can see as well.

18 By Ms. Bannon:

19 Q This -- here, Ms. Radford has a pointer for
20 you.

21 Would you mind just pointing out which
22 door?

23 A This door right here.

24 Q Okay. So that was the door from which
25 those last bullets were coming from?

Octavia Jones - Direct Examination by Ms. Bannon

1 A Yeah. Because this door was open and I --
2 and I saw a lot of commotion like out here, like
3 people running; and this door was open and I heard
4 like gunshots.

5 Q Did you ever see a red laser sight come
6 back into the club?

7 A No.

8 Q Did you ever see a red laser sight in the
9 club?

10 A No.

11 Q Okay. I'm showing you this; it's a floor
12 plan of the club, okay? So that door that we just
13 saw in the picture, do you see it on this?

14 A Right there.

15 Q Okay. And what was the main door where
16 people were coming in?

17 A This door.

18 Q Now, was this door open prior to the
19 shooting?

20 A No.

21 Q You -- where was your Uncle Henry tending
22 bar?

23 A Tending bar?

24 Q Uh-huh.

25 A He was behind the bar right here.

Octavia Jones - Direct Examination by Ms. Bannon

1 Q Okay. And where were you in the bathroom?

2 A Like right over here. This is the ladies
3 room and this is the men's room.

4 Q So when you came out and said you were on
5 the ramp, where were you?

6 A I was like right here, standing like right
7 there.

8 Q Okay. And where was your uncle?

9 A He was like right here.

10 Q Okay. So you were here and he was like
11 here?

12 A Uh-huh.

13 Q Okay. And --

14 MS. BANNON: Beg the Court's indulgence
15 real quick.

16 THE COURT: Sure.

17 By Ms. Bannon:

18 Q I'm showing you what has previously been
19 made into evidence. Is that how your uncle looked
20 after he was shot in the head?

21 A Exactly.

22 Q And you said he had been on his cell phone.
23 Can you see that in this picture?

24 A Yes.

25 Q Can you point it out to us?

Octavia Jones - Cross-Examination by Mr. Newman

1 A (Witness points.)

2 Q All right. Thank you.

3 If you wouldn't mind taking a seat again.

4 MS. BANNON: Beg the Court's indulgence.

5 THE COURT: Sure.

6 MS. BANNON: I don't have any further
7 questions for you. Thank you.

8 THE COURT: Mr. Newman?

9 MR. NEWMAN: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 By Mr. Newman:

12 Q When did you get ready for your testimony
13 today?

14 A Excuse me?

15 Q I said -- I said, when did you get ready
16 for your testimony today? Did somebody ask you
17 what they were going to be -- the questions they
18 were going to be asking you?

19 A No.

20 Q Not at all? You didn't speak to any
21 investigators or anybody from the prosecutor's
22 office?

23 A Just Meredith.

24 Q Just Ms. Bannon?

25 A Uh-huh.

Octavia Jones - Cross-Examination by Mr. Newman

1 Q And you all went over your testimony?

2 A Not like over everything, but just like
3 little stuff. She said -- she was like -- she
4 asked me about my name because they was confused
5 about it. That was the only -- the only thing.

6 Q Okay. Now, it's true when you spoke to
7 detectives, you didn't mention anything about this
8 rear door, did you?

9 A The rear door being open?

10 Q Yes.

11 A No.

12 Q And you didn't mention anything about
13 hearing gunshots from back there when you were
14 being interviewed by the detectives.

15 A No.

16 Q All right. You were interviewed on June
17 the 23rd of 2009 and stated, when the shooting
18 started, you ran into the kitchen to get away from
19 the gun fire?

20 A I ran into the bathroom.

21 Q Okay. You didn't initially run into the
22 kitchen?

23 A No.

24 Q Okay. And Octavia was with Ivori who ran
25 into the bathroom?

Octavia Jones - Cross-Examination by Mr. Newman

- 1 A I am Octavia.
- 2 Q Well, that's what I was -- I'm just saying
3 what the statement says. You and Ivori ran into
4 the bathroom?
- 5 A Yes, sir.
- 6 Q Okay. You stated you did not see the
7 person shooting?
- 8 A No.
- 9 Q Okay. You yelled to your uncle to dial
10 9-1-1 or call the cops?
- 11 A Exactly.
- 12 Q You never mentioned to the detectives that
13 you heard these shots?
- 14 A Who wouldn't hear shots. I mean, of course
15 you're going to hear shots.
- 16 Q Well, what I'm saying is, you never did
17 mention that to the detectives, did you?
- 18 A I mean, he didn't ask me that.
- 19 Q Okay. And you said when the guy shooting
20 went out, people began running back into the
21 building; is that correct?
- 22 A When the shooting happened, people ran
23 through the side door, the front door, and through
24 the kitchen because they broke the kitchen door
25 down --

Octavia Jones - Cross-Examination by Mr. Newman

1 Q Right.

2 A -- to get out.

3 Q Right. So my question is, when the
4 shooting went out, people began running back into
5 the building?

6 A When the shooting started happening
7 outside, that's when people came back inside.

8 Q Okay. Do you know how many people?

9 A No.

10 Q If a witness testified that there was forty
11 to fifty people in there, would you agree with
12 that?

13 A No.

14 Q Okay. And when the first shot or shots was
15 fired into the building, your uncle was fine,
16 correct?

17 A Correct.

18 Q Things calmed down, you told him -- asked
19 him to call the cops, 9-1-1?

20 A Yes.

21 Q Okay. And you were standing -- you were
22 never shown the diagram by the police, were you?

23 A No.

24 Q And you were never asked to identify any
25 points on this diagram, were you?

Octavia Jones - Cross-Examination by Mr. Newman

- 1 A No.
- 2 Q All right. So if I got it right, you
- 3 pointed you were standing here -- about here on
- 4 the ramp?
- 5 A Yeah, like right in front.
- 6 Q And your uncle was standing about right
- 7 here?
- 8 A Yeah.
- 9 Q Okay. And this door that goes to the back
- 10 of this building, have you been in and out of that
- 11 door?
- 12 A What? By the kitchen?
- 13 Q No, no, no, the --
- 14 A By the DJ booth?
- 15 Q The kitchen door would be out this way,
- 16 right?
- 17 A Yeah.
- 18 Q Okay. That would be the main door where
- 19 people were coming. This door here, the one that
- 20 doesn't have a step on it --
- 21 A Yeah.
- 22 Q Okay. You've been in and out of that door?
- 23 A Huh-uh.
- 24 Q Okay. And where that door is -- do you
- 25 know Mr. Bright?

Octavia Jones - Cross-Examination by Mr. Newman

1 A No.

2 Q You knew there was a photographer there?

3 A Yes.

4 Q A fellow that makes some extra money by

5 taking pictures and has a backdrop thing?

6 A Yeah.

7 Q Okay. He was back in this area, correct?

8 Toward the -- on the back wall? Well, I'm calling

9 this the back wall.

10 A Okay. Yeah.

11 Q Okay. And that door is right there in

12 relation to that back wall?

13 A Yeah.

14 Q All right. You never saw who shot Mr.

15 Jones?

16 A No.

17 Q All right. Thank you, Octavia.

18 THE COURT: Anything further, solicitor?

19 MS. BANNON: No, Your Honor.

20 THE COURT: All right. You may step down.

21 Call your next witness.

22 MS. BANNON: Your Honor, if we could have a

23 brief break.

24 THE COURT: Sure. All right. Why don't we

25 take a fifteen minute break. Do not talk about

Octavia Jones - Cross-Examination by Mr. Newman

1 the case.

2 (WHEREUPON the jury left the courtroom at
3 11:07 a.m.)

4 (WHEREUPON a recess was observed.)

5 THE COURT: Go ahead and bring out the
6 jury.

7 THE BAILIFF: All right.

8 (WHEREUPON the jury entered the courtroom
9 at 11:07 a.m.)

10 THE COURT: Is the State ready to proceed?

11 MR. BANNON: Yes, Your Honor.

12 THE COURT: Defense?

13 MR. NEWMAN: Yes, sir.

14 (WHEREUPON the jury entered the courtroom
15 at 11:36 a.m.)

16 THE BAILIFF: The jury is ready to enter,
17 Your Honor.

18 THE COURT: Bring them in.

19 THE BAILIFF: The jury is present, Your
20 Honor.

21 THE COURT: Okay. You can call your next
22 witness.

23 MS. BANNON: May it please the Court.

24 THE COURT: Sure.

25 MS. BANNON: The State calls Charles Cox.

Charles Cox - Direct Examination by Ms. Bannon

1 THEREUPON,

2 CHARLES COX,

3 after being duly sworn, testified as follows:

4 THE CLERK: Please be seated. State your
5 name and spell it for the Court, please.

6 THE WITNESS: My name is Charles Cox. You
7 said spell it?

8 THE COURT: Yes, sir.

9 THE WITNESS: C-h-a-r-l-e-s C-o-x.

10 DIRECT EXAMINATION

11 By Ms. Bannon:

12 Q Mr. Cox, did I pull you out from the gym
13 today?

14 A Yes, ma'am.

15 Q Okay. So did you plan on wearing this to
16 court today?

17 A No, ma'am.

18 Q Okay. How old are you, Mr. Cox?

19 A Twenty-one.

20 Q Okay. And so in May of 2009, how old were
21 you?

22 A Eighteen.

23 Q And what were you doing at that time?

24 A I was at the party.

25 Q Okay. Had you just graduated high school?

Charles Cox - Direct Examination by Ms. Bannon

- 1 A Yes, ma'am.
- 2 Q Do you work now?
- 3 A Yes, ma'am.
- 4 Q What do you do?
- 5 A I work food and beverage at Fripp Island.
- 6 Q Okay. You said that you were at a party?
- 7 A Uh-huh.
- 8 Q Do you remember where the party was?
- 9 A At the Pepsi Cola Plant.
- 10 Q And did you go alone or -- who did you go
- 11 with?
- 12 A I was with some friends.
- 13 Q And do you remember what time you got
- 14 there?
- 15 A Roughly like around twelve.
- 16 Q And was your plan always to go to that
- 17 party that night?
- 18 A No. It just came up.
- 19 Q Okay.
- 20 A We had just graduated so we wanted to have
- 21 a good time.
- 22 Q All right. Did you know Henry Jones?
- 23 A No.
- 24 Q Where do you live at?
- 25 A St. Helena Island.

Charles Cox - Direct Examination by Ms. Bannon

- 1 Q Okay. So you're -- so you're from St.
2 Helena?
- 3 A Yes, ma'am.
- 4 Q Do you go into Burton often?
- 5 A Not much.
- 6 Q Do you know Jaquwn Brewer?
- 7 A Huh-uh.
- 8 Q How about Donald Parker?
- 9 A Yes, ma'am.
- 10 Q How do you know Donald?
- 11 A He's kind of like my cousin. We grew up.
- 12 Q Okay. And did Donald also date your
13 sister?
- 14 A Yes, ma'am.
- 15 Q Okay. But y'all aren't actually cousins?
- 16 A No.
- 17 Q Okay. So when you got to the party, what
18 was the party like?
- 19 A It was -- it was packed, crowded.
- 20 Q People dancing?
- 21 A Yeah.
- 22 Q Drinking?
- 23 A Yeah.
- 24 Q Were the pretty girls there?
- 25 A A lot of them.

Charles Cox - Direct Examination by Ms. Bannon

- 1 Q It was a good party?
- 2 A It was a good party.
- 3 Q Okay. When you went in, did you have to go
- 4 through any security or anything like that?
- 5 A Yeah. They patted us down.
- 6 Q Okay. Patted you down?
- 7 A Uh-huh.
- 8 Q Did you have a gun on you that night?
- 9 A Oh, no.
- 10 Q Did you see anyone with a gun that night?
- 11 A When I did see it, it was right before it
- 12 went off.
- 13 Q All right. So where were you standing?
- 14 A I was like left from the DJ and where they
- 15 had the beer and stuff, alcohol. I was not far
- 16 from that, so -- I want to say right maybe where
- 17 that picture was, that's the bar and maybe a
- 18 little further past that, where the DJ is.
- 19 Q Okay. Okay. So you saw it from across the
- 20 club?
- 21 A The gun?
- 22 Q Yeah.
- 23 A No. I seen it from my left, like right by
- 24 my left shoulder.
- 25 Q Okay. How did you see it?

Charles Cox - Direct Examination by Ms. Bannon

1 A First, I was dancing and then a girl came
2 moving in a hurry like she was worried, bumped me,
3 and I looked back like, why she bump me? And then
4 I seen the gun and I was about to tell my friends
5 so we could leave and the gun went off, so we
6 started running.

7 Q Okay. Did you see who was holding the gun?

8 A I seen a glimpse of him. He was a dark
9 skinned, shorter fellow.

10 Q A dark-skinned-short fellow?

11 A Yeah.

12 Q Do you remember what color shirt he was
13 wearing?

14 A No.

15 Q Do you remember anything about his hair
16 cut?

17 A Little hair cut -- short, excuse me.

18 Q All right. So he wasn't wearing braids or
19 anything?

20 A No.

21 Q Okay. So you see this guy with the gun and
22 you see the -- and the girl bumped you. So what
23 happened next?

24 A I was about to leave and then when the gun
25 went off, that's when I ran. We was out the door,

Charles Cox - Direct Examination by Ms. Bannon

1 the gun went off again and by then we was already
2 outside.

3 Q Okay. So you heard it go off a couple of
4 times inside the club?

5 A Yes, ma'am.

6 Q The short guy with the close crop had the
7 gun?

8 A When I turned back after we was almost out,
9 he was like aiming. I guess you would say so.

10 Q Where was he aiming it?

11 A He was just aiming it like left to right, I
12 guess looking. I don't know if he was looking for
13 somebody, I didn't want to stick around to find
14 out.

15 Q So was he aiming it straight ahead? Up,
16 down, to the side?

17 A Like side, back and front, left, right.

18 Q Like -- like arm level, like I'm doing
19 right now?

20 A Yeah.

21 Q Did it seem to you like he was aiming at
22 people?

23 A People were dancing, I mean, yeah. I
24 didn't want to be one of the people so...

25 Q Okay. Did you see anyone else with a gun?

Charles Cox - Direct Examination by Ms. Bannon

- 1 A No. I heard other guns, but I didn't see
2 any.
- 3 Q Okay. Did you hear them inside the club?
4 A Just the two shots that I heard.
- 5 Q And once you got outside the club, what'd
6 you do?
- 7 A Ran. Oh, went to the car.
- 8 Q Okay. And after you got to the car, what'd
9 you do?
- 10 A Cranked up and leave.
- 11 Q Where'd you go?
12 A To the hospital because by then, somebody
13 came and told me that Donald got shot.
- 14 Q Okay. Were you hit?
15 A Huh-uh.
- 16 Q Okay. So you went to the hospital to check
17 on Don?
- 18 A Uh-huh.
- 19 Q And that's Donald Parker?
20 A Uh-huh.
- 21 Q Okay. Prior to the shooting starting, did
22 you feel any gang tension or anything like that?
23 A No, not really.
- 24 Q Was it a tense night or anything like that?
25 A I was having fun before that.

Charles Cox - Cross-Examination by Mr. Newman

1 Q Okay.

2 MS. BANNON: Beg the Court's indulgence.

3 THE COURT: Sure.

4 MS. BANNON: All right. Please answer any
5 questions Mr. Newman might have.

6 THE WITNESS: All right.

7 **CROSS-EXAMINATION**

8 By Mr. Newman:

9 Q Hey, Mr. Cox. How you doing?

10 A I'm all right. How you doing?

11 Q Where'd you grow up at?

12 A I grew up on St. Helena Island.

13 Q On St. Helena Island?

14 A Yes, sir.

15 Q All right. Did you go to Beaufort High
16 School?

17 A Graduated from, yes.

18 Q Okay. When'd you graduate from Beaufort
19 High School?

20 A 2009.

21 Q Okay. Do -- you were interviewed by the
22 sheriff's office investigators, weren't you?

23 A Uh-huh.

24 Q Okay. You gave them your name, told them
25 who you were --

Charles Cox - Cross-Examination by Mr. Newman

- 1 A Yes, sir.
- 2 Q -- phone number. All right. And just
- 3 prior -- you stated to the investigators that just
- 4 prior to the shooting, you were at the bar getting
- 5 a drink near where the victim was located?
- 6 A Yes.
- 7 Q Okay. And did they check your ID coming
- 8 in?
- 9 A It wasn't alcoholic, it was just water.
- 10 Q Okay. Did you tell the detective that?
- 11 A No.
- 12 Q Okay. And you -- it'd be fair to say that
- 13 once the -- somebody yelled, Gun, or whatever it
- 14 was and people started moving about and then shots
- 15 fired that it was just total chaos in there?
- 16 A Yeah. I stepped on somebody --
- 17 Q Okay.
- 18 A -- myself.
- 19 Q People stepping on each other trying to get
- 20 out of the door?
- 21 A Yeah.
- 22 Q Okay. Now, the security that patted you
- 23 down, were they wearing any type of uniforms?
- 24 A No, sir.
- 25 Q Wearing any shirts that said security?

Cynthia Schandl - Direct Examination by Ms. Bannon

1 A No.

2 Q Okay. Did they have one of those wands?

3 A No, just hands.

4 Q Just hand patting then?

5 A Yeah.

6 Q Okay. Thank you, Mr. Cox.

7 A No problem.

8 THE COURT: Anything further, Solicitor?

9 MS. BANNON: No, Your Honor.

10 THE COURT: All right. You may step down.

11 Call your next witness.

12 MR. BANNON: Thank you. Your Honor, the

13 State Calls Dr. Cynthia -- Cynthia Schandl.

14 THEREUPON,

15 CYNTHIA SCHANDLL,

16 after being duly sworn, testified as follows:

17 THE CLERK: Please be seated. State your

18 name and spell it for the Court please.

19 THE WITNESS: Cynthia Ana Schandl.

20 S-c-h-a-n-d-l.

21 **DIRECT EXAMINATION**

22 By Mr. Bannon:

23 Q Good morning, Doctor?

24 A Good morning.

25 Q Where do you work?

Cynthia Schandl - Direct Examination by Ms. Bannon

1 A I work at the Medical University of South
2 Carolina in Charleston, South Carolina in the
3 Department of Pathology and Laboratory Medicine
4 and in the Medical and Forensic Autopsy Section.

5 Q Okay. What do you do there?

6 A I am a forensic pathologist, which is a
7 medical doctor who has had further training in
8 pathology and then sub-specialized in forensic
9 pathology.

10 Q And how long have you been a forensic
11 pathologist?

12 A I have been board certified in the field of
13 forensic pathology since 2005.

14 Q And prior to that, did you have any
15 training or education to help you --

16 A Yes, in order to become a forensic
17 pathologist, one must complete college. I did my
18 college studies at the California State University
19 System.

20 Then one must complete medical school; I
21 did my medical school training at the Medical
22 University of South Carolina in Charleston.

23 After medical school, one must then do what
24 is called a residency in the field of one's
25 choice; my choice was pathology and laboratory

Cynthia Schandl - Direct Examination by Ms. Bannon

1 medicine. That training is an additional four
2 years. And after completion of the residency
3 program, one may chose to sub-specialize as I did,
4 and I did an additional year of what's called a
5 fellowship in the field of forensic pathology.

6 MR. BANNON: Your Honor, at this time I
7 would ask that Dr. Schandl be qualified as an
8 expert in the field of forensic pathology.

9 THE COURT: Any objections?

10 MR. NEWMAN: Without objection.

11 THE COURT: Granted.

12 By Mr. Bannon:

13 Q And Dr. Schandl, could you just tell us
14 briefly sort of, what is -- what is it that you do
15 when you're performing a forensic autopsy?

16 A So part of my job is to perform autopsies.
17 Forensic autopsies are those on individuals who
18 have died, obviously -- who may have died under
19 unusual circumstances or those who do not have a
20 known illness for which they're expected to die
21 from. So the autopsy procedure itself has several
22 different components. The cases are referred to
23 our office at MUSC through the county coroners.

24 So the county coroner or his designee would
25 call our office to let us know that they have a

Cynthia Schandl - Direct Examination by Ms. Bannon

1 case for us and they will transport that
2 individual physically to the Medical University of
3 South Carolina.

4 At the time of the autopsy, the individual
5 is brought up to the autopsy suite and the first
6 thing that we will do is photograph the individual
7 as we receive them, fully clothed or unclothed.
8 Whether they have medical interventions such as
9 EKG pads or however they are when they come to us.
10 We document both, again, by photography and then
11 also in a diagram. Those things that can assist
12 us with the identification of the person, such as
13 their height and weight, eye color, that sort of
14 thing, as well as some medical intervention.

15 And also during that portion of the
16 examination, we may look at the clothing before we
17 remove it, look at it again after we remove it.

18 The external examination continues then
19 with a closer look of the body with the clothing
20 and the medical apparatus, whether there are
21 endotracheal tubes or EKG pads, all those things
22 off. And again, we do photography to document and
23 diagrams to document. Again, things for
24 identification such as scars and tattoos and also
25 any evidence of injury that we might see on the

Cynthia Schandl - Direct Examination by Ms. Bannon

1 skin's surface.

2 So upon completion of the external
3 examination, we go to what is commonly considered
4 the autopsy, which is the internal examination
5 where the Y incision is made and we're looking
6 actually at the internal organs for any disease
7 processes, any injury or other things that we may
8 see. So those are some of the components of the
9 autopsy. Additionally, blood, if available, may
10 be taken, other body fluids may be taken for
11 testing. We take sections of the organs to look
12 closer for any evidence of injury or -- or disease
13 processes in order to look at them under the
14 microscope; that's another part of the autopsy
15 examination.

16 So each of these then becomes a cohesive
17 whole in our report that we generate and provide
18 to the coroner.

19 Q Okay. When you're conducting an autopsy,
20 sort of at it's very basic level, what are you
21 looking to determine?

22 A In a forensic autopsy, our main goal is to
23 determine -- is to determine, if possible, the
24 cause of death; and again, if possible, the manner
25 of death. So what those terms mean -- so cause of

Cynthia Schandl - Direct Examination by Ms. Bannon

1 death is what killed the person. So was it that
2 he wasn't getting any blood to his heart so he had
3 a heart attack. Was it that he had a motor
4 vehicle crash and that caused injury to his head.
5 So that's the cause of death.

6 The manner of death is something different;
7 it's an assignment and we have five choices. And
8 we can consider manner of death to be either a
9 natural, accidental, suicide, homicide, or
10 undetermined; those are our five choices.

11 So through the course of the autopsy with
12 all those steps that I described, we try to give
13 it -- give the individual a cause of death and to
14 also give them a manner of death.

15 Q And in May of 2009, did you have an
16 opportunity to conduct a -- an autopsy on Henry
17 Jones?

18 A Yes.

19 Q And the findings of your autopsy, did you
20 memorialize them in report number FA0900282?

21 A Yes, sir. And I do have a copy of that
22 report which I will refer to.

23 Q And I'd like to show you what has been
24 marked as State's Exhibit No. 65. Could you take
25 a look at that for me?

Cynthia Schandl - Direct Examination by Ms. Bannon

1 A Yes, sir.

2 Q And what is that?

3 A This is a photocopy of the autopsy report
4 that I generated at the conclusion of the autopsy
5 on Mr. Henry Jones.

6 Q Okay. And is it a fair and accurate
7 depiction of your findings -- your recording of
8 your findings in Mr. Jones' autopsy?

9 A Yes, sir.

10 MR. BANNON: Your Honor, at this point the
11 State would move State's Exhibit 65 into evidence?

12 THE COURT: Any objections?

13 MR. NEWMAN: Yes, sir, as to the report. I
14 have no objection to her testimony and her
15 testifying from the report, but the report itself,
16 yes.

17 THE COURT: On what grounds?

18 MR. NEWMAN: On the grounds that there are
19 opinions and conclusions in the report; however, I
20 believe the proper method is the testimony. I
21 have no objection to her opinions and conclusions
22 being testified to but as to entry of the report,
23 the autopsy reports, there are a lot of medical
24 language that's used in it, there's various things
25 in the report that are difficult -- if you and I

Cynthia Schandl - Direct Examination by Ms. Bannon

1 as laymen read it, to decipher.

2 THE COURT: I'm overruling it. State's No.
3 65 is into evidence.

4 MR. BANNON: Thank you, Your Honor.

5 (WHEREUPON State's Exhibit 65 was entered
6 into evidence.)

7 By Mr. Bannon:

8 Q And I believe you said that you have a copy
9 of it up there with you as well?

10 A Yes, sir, I do.

11 Q Would it be more helpful to refer to this
12 one or the one that you have?

13 A Either one is fine by me.

14 Q Okay. I'll show you the one that has been
15 admitted into evidence. So if you could tell us a
16 little bit about what you did when Mr. Jones
17 arrived?

18 A So again, the procedure is to follow
19 certain steps that I already outlined and it was
20 much the same with the particular autopsy on Mr.
21 Jones. Differences included the fact that he had
22 been in the hospital so he came down from an
23 Intensive Care Unit rather than from out in the
24 field somewhere.

25 So again, he came to our facility and

Cynthia Schandl - Direct Examination by Ms. Bannon

1 | photographs are taken, diagrams are made, did the
2 | external examination and continued on to the
3 | internal examination. Take those specimens for
4 | further testing, and then finally generate a
5 | report.

6 | Q And when you conducted the external
7 | examination of Mr. Jones, what did you find?

8 | A The external examination of Mr. Jones
9 | showed me that he had an injury to the forehead.
10 | It had been sutured, meaning stitched up by a
11 | surgeon or another medical practitioner. And
12 | because of the history of the case, which included
13 | an apparent gunshot wound, we also did X-ray
14 | examination to see if there was a bullet to be
15 | recovered.

16 | So that's another thing that we do prior to
17 | getting a case if we're suspicious or informed
18 | that a -- that a gunshot wound is involved.

19 | So in this case, we did get X-rays of Mr.
20 | Jones' head and saw that there was a bullet still
21 | in his head for us to recover.

22 | Following that, we removed the sutures
23 | from the injury on his forehead to get a better
24 | look at the entrance wound itself. This turned
25 | out to be the entrance wound here on the -- on the

Cynthia Schandl - Direct Examination by Ms. Bannon

1 left side of the forehead. So then we took
2 measurements of that and -- and look at its
3 characteristics and so forth to see if it's
4 consistent with an entrance wound and so forth and
5 it is.

6 Q Doctor --

7 A Yes, sir?

8 Q And so, did you take pictures of what you
9 observed?

10 A Yes, sir. In my practice, I like to take
11 photographs as I go through the autopsy at each
12 stage in order to document our findings.

13 Q Dr. Schandl, I'd like to show you what's
14 been marked as State's Exhibits 59 and 60; if you
15 can take a look at those for me.

16 Do you recognize them?

17 A I do recognize the photographs.

18 Q Okay. What are they?

19 A One of them -- well, they are close-up
20 photographs of the injury to Mr. Jones' head.

21 Q Okay. And are they different or are they
22 the same?

23 A They differ, one from the other.

24 Q How do they differ?

25 A One of them demonstrates the injury as it

Cynthia Schandl - Direct Examination by Ms. Bannon

1 appeared when I first saw Mr. Jones, so stitched
2 closed with sutures. And then the other one is
3 after I removed that suture.

4 Q Okay.

5 MR. BANNON: Your Honor, at this time, the
6 State would move to admit State's Exhibits 59 and
7 60.

8 THE COURT: Any objections?

9 MR. NEWMAN: Just subject to our prior
10 objection.

11 THE COURT: All right. Overruled.
12 Fifty-nine and sixty are in evidence.

13 (WHEREUPON State's Exhibits 59 and 60 were
14 entered into evidence.)

15 By Mr. Bannon:

16 Q And if you could step down off the stand
17 for just a second.

18 MR. BANNON: I'd like to publish these
19 photos to the jury, Your Honor.

20 THE COURT: Okay.

21 By Mr. Bannon:

22 Q Okay. So can you tell us what we're
23 looking at here?

24 A Yes. So this is very similar to one of
25 the -- one of the pictures that he showed me just

Cynthia Schandl - Direct Examination by Ms. Bannon

1 a second ago. He showed me two pictures, this is
2 one very similar to the one -- it may be the same
3 one, I can't verify that, but here we're looking
4 at a close up of Mr. Jones' head. You can see,
5 here is his left ear.

6 Q Okay.

7 A And here you can see what looks like thread
8 which is the suture closing some sort of an injury
9 to his head. So this is -- this is the sutured
10 wound.

11 Q Okay. And did you suture it up?

12 A No, sir, that -- he came to me looking like
13 this. So he had been in the hospital for a couple
14 of days after he was shot and so one of the things
15 that they did was -- was close the wound with a
16 suture.

17 Q And what did you do when you saw the
18 sutures or did you do anything to them?

19 A Yes. So looking at the wound like this
20 doesn't give me very much information as far as
21 what kind of a wound it is, whether I can tell
22 anything about distance and so forth. So after
23 looking at it sutured and taking a picture how it
24 came, I then removed the sutures in order to get a
25 better look at the entrance wound.

Cynthia Schandl - Direct Examination by Ms. Bannon

1 Q Okay. And what are we looking at now?

2 A So this is the same -- the same wound.

3 After I've removed the sutures or stitches that
4 were closing the wound right here. And you can
5 see that there are some -- you can see some
6 residual evidence that there have been -- have
7 been stitched, little holes, and these sorts of
8 things and then you can see the approximate size
9 of the wound and when you're very close up, you
10 can see these are hairs.

11 So the size of the wound might look very
12 big because we have a very big screen here, but
13 when I'm looking at it, here's our inch ruler, I
14 measure it and I look at the characteristics of
15 the wound and determine where it is on the body,
16 make those measurements and how far from the top
17 of the head, how far to the left of the midline
18 and so forth. And so that's what we're looking at
19 here is the entrance wound.

20 Q Okay. And is there anything from the
21 external examinations of the entrance point
22 that -- you know, you sort of learned about this
23 injury just by examining it?

24 A Well, there -- when we're looking at
25 entrance wounds and we're trying to determine the

Cynthia Schandl - Direct Examination by Ms. Bannon

1 range of fire which is how far to the end of the
2 gun or the muzzle from the target, in this case,
3 Mr. Jones' head, we look for two things. We look
4 for either soot around the wound or we look for
5 stippling around the wound. Soot suggests that
6 the muzzle on the end of the gun was right up
7 against the target; stippling, which is actual
8 scraping of the skin from particulates that come
9 out of the end of the gun cannot come off and it
10 scrapes to the skin and that suggests a close
11 range or within about three feet, depending upon
12 the weapon and the ammunition.

13 So we're looking for those things when
14 we're looking at our entrance wound. And I did
15 not find either soot or stippling so there are two
16 things that that could mean. One is that, in
17 fact, it is a distant gunshot wound, meaning
18 outside of about three feet depending again upon
19 the -- the bullet and the weapon used, the
20 specific weapon used.

21 The other thing it can mean is that since
22 he's been in hospital, the wound may have been
23 washed and again, soot will wash off, so it's
24 possible that soot has washed off. So from my
25 point of view, those findings that I do not find

Cynthia Schandl - Direct Examination by Ms. Bannon

1 | soot and I do not find stippling make me conclude
2 | that it is an indeterminate range of fire. It may
3 | well be distant meaning more than about three
4 | feet, but there are other explanations for those
5 | lack of findings.

6 | Q Okay. Thank you. You can go back up to
7 | the stand.

8 | And when you were conducting -- when you're
9 | still conducting your external examinations, did
10 | you notice anything else that was unusual about
11 | Mr. Jones' conditions?

12 | A Well, since Mr. Jones had been on life
13 | support and there had been an opportunity to
14 | request organ donation, his family did permit
15 | that. So he also had a sutured incision on his
16 | front side that was suggested that he had donated
17 | organs for transplant.

18 | Q And so what you observed was consistent
19 | with his donating organs?

20 | A Yes, sir.

21 | Q Did you consider those to be injuries to
22 | him?

23 | A No, sir.

24 | Q And did you ever conduct an internal
25 | investigation into Mr. Jones?

Cynthia Schandl - Direct Examination by Ms. Bannon

1 A Yes. So after the external and after
2 documenting the entrance wound, we then go to the
3 internal portion of the examination of the autopsy
4 and again, we're looking at all the body cavities.
5 In this case, he did have several organs absent,
6 but then one of the organs, of course, is the
7 brain, and so looking at the brain, it was evident
8 that the bullet had gone through the skull,
9 through the -- both frontal lobes and through the
10 right parietal lobe, so all the way through the
11 brain somewhat of this orientation.

12 And we did recover the bullet; it was -- it
13 had gone through the skull on this side, but it
14 was still underneath the skin. So it was -- it
15 didn't go all the way through and through, so it
16 wasn't a perforated entry wound, it's what we call
17 a penetrating gunshot wound.

18 So it went in and it didn't quite come out,
19 but it did go all the way through the bone on both
20 sides and all the way through the brain. And
21 there were certain associated injuries including
22 hemorrhage into the regions around the brain,
23 destruction of the brain along where the bullet
24 went, Hemorrhage into the brain along where the
25 bullet went. All the things that you would

Cynthia Schandl - Direct Examination by Ms. Bannon

1 expect.

2 Q Dr. Schandl, were you able to take -- I
3 noticed that you had your -- sort of your hands up
4 to your head to sort of mark what you observed as
5 the trajectory of the bullet through Mr. Jones'
6 head; is that correct?

7 A Yes, sir.

8 Q Okay. I'd like to show you what we have
9 here. And I'd like to let you take a look at it.
10 It -- I mean, I'll just tell you sort of what it
11 is, it's a styrofoam head. And what I would like
12 for you to do, if you could is if you could sort
13 of make a mark on the head where you observed the
14 entry wound based off the measurements and the
15 examination that you conducted.

16 A Yes. So using this head, again, the
17 entrance wound was -- was to the forehead. Right
18 near, the hair line, so if we could imagine a hair
19 line perhaps right in this area here. And then as
20 the bullet traveled through the head, it didn't go
21 very much up or down, it went -- it went fairly
22 much straight across, but it went back. So it's
23 coming to the right and back.

24 So where we found the bullet, this is a
25 little misleading, it suggests that it went

Cynthia Schandl - Direct Examination by Ms. Bannon

1 through, whereas we found it underneath the skin.

2 So if you could imagine underneath the skin and

3 about here, so basically in the forehead on the

4 left side -- this isn't as easy as it looks -- and

5 then recover, in about this region underneath the

6 skin so there's still a bullet that suggests that

7 it went all the way through which it -- it's a

8 little bit misleading. And it should be more

9 straight then that.

10 Q Okay. Could you --

11 A Uh-huh.

12 Q Could you do me a favor and just mark just

13 by writing, sort of, entrance and exit so we

14 know --

15 A Yes.

16 Q -- for the record what you're talking

17 about?

18 A I'll put, ENT, next to where it went in on

19 the forehead and -- and also I'm going to put

20 bullet here because this is actually where we

21 retrieved the bullet. It's not -- not really an

22 exit wound.

23 Q Okay. And is this, in your opinion, a fair

24 and accurate depiction of sort of the path that

25 the bullet took through Ms. Jones' brain?

Cynthia Schandl - Direct Examination by Ms. Bannon

1 A It's very close.

2 Q Okay.

3 MR. BANNON: Your Honor, at this time the
4 State would move to have this marked and admitted.

5 THE COURT: Any objections?

6 MR. NEWMAN: No, sir.

7 THE COURT: No objections. What number?

8 MR. BANNON: It's --

9 THE COURT REPORTER: Seventy-five.

10 MR. BANNON: Seventy-five, yeah.

11 (WHEREUPON State's Exhibit 75 was marked
12 and entered into evidence.)

13 By Mr. Bannon:

14 Q And when you were conducting your internal
15 examination, were you ever able to find the
16 bullet?

17 A Yes, sir. The bullet was between the skull
18 and the scalp or skin in about this area of his
19 head; and so we did retrieve the bullet and take
20 photographs of the bullet and make measurements of
21 the bullet, uh-huh.

22 Q First, I'd like to have you take a look at
23 what's been marked as State's Exhibit No. 61. And
24 do you recognize it?

25 A Yes. This is a photograph with the bullet

Cynthia Schandl - Direct Examination by Ms. Bannon

1 that I retrieved from Mr. Jones.

2 Q Okay. And is it a fair and accurate
3 depiction of the bullet that you retrieved from
4 Mr. Jones' head?

5 A Yes.

6 MR. BANNON: Your Honor, the State would
7 move State's Exhibit 61, I believe -- 61 into
8 evidence?

9 THE COURT: Any objections?

10 MR. NEWMAN: No, sir.

11 THE COURT: Sixty-one into evidence without
12 objection.

13 (WHEREUPON State's Exhibit 61 was entered
14 into evidence.)

15 By Mr. Bannon:

16 Q Now, I'd like to show you what's been
17 marked as State's Exhibit 14-B, if you could take
18 a look at that for me.

19 A This is the container that I put the bullet
20 in and the bullet is here free in the bag. I
21 would have had it in the container when I -- when
22 I provided it to law enforcement as evidence. It
23 has our case label on it, my handwriting on it,
24 and then an additional notation on it that I did
25 not make.

Cynthia Schandl - Direct Examination by Ms. Bannon

1 Q Okay. Is that the bullet that you removed
2 from Mr. Jones' head?

3 A Yes, sir.

4 Q And is it in the same or substantially the
5 same condition as it was when you found it?

6 A Yes, sir.

7 MR. BANNON: Your Honor, the State would
8 move State's Exhibit 14-B into evidence.

9 THE COURT: Any objections?

10 MR. NEWMAN: No, sir, Your Honor.

11 THE COURT: Okay. 14-B is into evidence
12 without objection.

13 (WHEREUPON State's Exhibit 14-B was entered
14 into evidence.)

15 By Mr. Bannon:

16 Q And if you could just step down again very
17 briefly.

18 MR. BANNON: Can everybody see?

19 By Mr. Bannon:

20 Q Is that -- is that the photograph of the
21 bullet that we just talked about, was admitted?

22 A Yes, it is. That is the photograph of the
23 bullet and again, you can use this, this is one
24 inch, to get your bearings on its size.

25 Q Okay. And basically, that's the same

Cynthia Schandl - Direct Examination by Ms. Bannon

1 | bullet that has been admitted into evidence?

2 | A That's the same bullet.

3 | Q Okay. And is the -- is the size of that
4 | bullet sort of consistent with the injuries that
5 | you saw in Mr. Jones?

6 | A Yes, sir.

7 | Q Okay. Thank you, you can go back up.

8 | Did you ever -- you had mentioned that
9 | sometimes you draw blood from individuals that you
10 | perform autopsies on; is that correct?

11 | A Yes, sir.

12 | Q And what's the purpose for drawing blood
13 | from these people?

14 | A There -- there's several purposes -- are
15 | what we -- what we normally do for all of our
16 | forensic cases is we will draw blood for
17 | toxicology, as well as to keep a standard for
18 | potential DNA or other molecular studies, so those
19 | are the two main things that we draw blood for,
20 | toxicology and DNA.

21 | Q Okay. What were the results of your
22 | toxicology examination?

23 | A Well, in this case, keep in mind that Mr.
24 | Jones had been in the hospital for a couple of
25 | days before -- before he died and before the

Cynthia Schandl - Direct Examination by Ms. Bannon

1 autopsy, and so in this case, rather than running
2 toxicology analysis blood that we took at autopsy,
3 we were able to obtain blood much closer to his
4 admission time to the hospital to get closer to
5 those substances that may have been present in his
6 body closer to the time of the shooting rather
7 than two days later.

8 So those are the specimens that we sent
9 were what we call admission blood specimens. So
10 those are the specimens that we sent in this case;
11 we didn't send post-mortem specimens or autopsy
12 specimens.

13 Q Okay. And what were the results of that
14 analysis?

15 A The results -- the blood contains caffeine.
16 We also sent urine which contains caffeine,
17 theophylline and theobromine. Theophylline is
18 something you might find in a cold medicine;
19 theobromine is something you might get from eating
20 chocolate or other things like that; and we know
21 what caffeine is.

22 Q Was there any alcohol in his system?

23 A No, sir.

24 Q Okay. Were there any illegal drugs in his
25 system?

Cynthia Schandl - Direct Examination by Ms. Bannon

1 A No, sir.

2 Q Based on your examination in total, were
3 you able to determine like you said earlier a
4 manner of death and a cause of death?

5 A Yes, sir.

6 Q And could you tell us what those
7 determinations were and just a little bit about
8 how you reached them?

9 A Sure. The cause of death in this case is
10 cerebral maceration due to a gunshot wound to the
11 head. So cerebral maceration -- cerebral refers
12 to the cerebrum which is the brain; maceration
13 simply means it was mashed up basically as the
14 blood passed through. So cerebral maceration is
15 the cause of death; that is due to a gunshot wound
16 to the head.

17 The manner of death in this case is
18 homicide and simply put that means that one
19 person's life ended at the hands of another
20 whether it's by an action or inaction.

21 Q Okay. And how were you able to determine
22 that it was homicide?

23 A This is in concert with the investigation,
24 so we also tried to incorporate any information
25 that we were given from investigators, from the

Cynthia Schandl - Direct Examination by Ms. Bannon

1 coroner, and other individuals to determine that
2 manner of death.

3 Q So cause of death is maceration of the
4 brain -- cause of death is maceration of the
5 brain; manner of death is homicide?

6 A That's correct.

7 Q Okay. And at any point did you have to
8 make any alterations to your report?

9 A Alterations to my report?

10 Q Yeah.

11 A Yes -- yes, sir. I have a note here on my
12 report that I amended it on November the 3rd,
13 2009, as we had the name incorrect and we changed
14 it to the correct name of Henry Jones.

15 Q And in your opinion, but for -- well, let
16 me ask you -- let me ask one question, first. Is
17 -- aside from the wound to the head, did it
18 appear, based on your examination that Mr. Jones
19 was in good health?

20 A Yes. The clear determination -- I mean, I
21 didn't look at all the organs because many of them
22 were absent from transplantation. However, that
23 being said, they don't take organs for
24 transplantation that are not healthy. So one can
25 presume that those organs that were taken were

Cynthia Schandl - Cross-Examination by Mr. Newman

1 healthy. Those organs that were left -- we have
2 the lungs and he did have a bad infection of the
3 lungs, but this is extremely common in somebody
4 who is on their back in a hospital room.
5 Basically, it's an aspiration pneumonia; some
6 gastric contents at the time of the shooting or
7 soon thereafter are basically breathed into the
8 lungs and set up a bad infection. So that's very
9 common in this sort of a case. So he does have an
10 aspiration pneumonia, bad infection of his lungs.

11 Q But in your opinion, but for the gunshot
12 wound to Mr. Jones' brain, would he be alive
13 today?

14 A Well, I can't speak about today, but he
15 wouldn't have died at that time without a gunshot
16 wound to his head.

17 MR. BANNON: I beg the Court's indulgence.
18 No further questions, Your Honor.

19 THE COURT: Mr. Newman?

20 CROSS-EXAMINATION

21 By Mr. Newman:

22 Q Hey Doctor, how are you?

23 A Good, thanks.

24 Q Good. Let's -- without the medical terms,
25 the long and short of it is, would it be correct

Tracey Thrower - Direct Examination by Mr. Bannon

1 MR. BANNON: No, Your Honor.

2 THE COURT: All right. You may step down.

3 Call your next witness.

4 MR. BANNON: And may Dr. Schandl be
5 excused, Your Honor?

6 THE COURT: Any objections?

7 MR. NEWMAN: No objections.

8 MR. BANNON: Your Honor, the State calls
9 Tracey Thrower.

10 THEREUPON,

11 TRACEY THROWER,
12 after being duly sworn, testified as follows:

13 THE CLERK: Please have a seat.

14 **DIRECT EXAMINATION**

15 By Mr. Bannon:

16 Q Good morning, Mr. Thrower?

17 A Good morning.

18 Q Would you please tell us where you work?

19 A I am employed by the South Carolina Law
20 Enforcement Division, also known as SLED in
21 Columbia.

22 Q What do you do there at SLED?

23 A I am a forensic firearm and tool mark
24 examiner.

25 Q And could you tell us a little bit about

Tracey Thrower - Direct Examination by Mr. Bannon

1 | what a forensic firearm examiner does?

2 | A I examine firearms or guns and firearm
3 | related evidence. I examine tools and tool mark
4 | related evidence. I perform general rifling
5 | characteristic examinations. I do serial number
6 | restorations, muzzle-to-target distance
7 | determination or physical pellet patterns; weapons
8 | destruction for different law enforcement agencies
9 | throughout the State of South Carolina; that sort
10 | of thing.

11 | Q Okay. And do you need any specialized
12 | training in order to conduct these sorts of
13 | comparisons?

14 | A Yes, sir.

15 | Q And could you tell us a little bit about
16 | the training that you've had?

17 | A I completed the course of instruction which
18 | was taught at SLED in firearm and tool-mark
19 | identification. This was approximately about a
20 | three, three and a half year mentor type program
21 | in which I had to assist examiners, court
22 | qualified firearm examiners, in preparing their
23 | cases.

24 | In the meantime, I had to perform extensive
25 | reading and studying on the subject of firearms

Tracey Thrower - Direct Examination by Mr. Bannon

1 and fire identification. I was given written
2 tests, practical tests, oral tests, practical
3 problems I had to solve.

4 After I completed that course instruction,
5 I was held to work cases of my own. Since then, I
6 have been through the course Specialized
7 Techniques and Firearm Identification, which is
8 taught by the Federal Bureau of Investigation.
9 I've also completed a course on serial number
10 restoration which was taught by the Bureau of
11 Alcohol, Tobacco, and Firearms. I have completed
12 the course on Scientifically Defensible Criteria,
13 the identification of tool marks which was taught
14 by Murdock and Moran, among numerous other armory
15 style courses and the like.

16 Q And how long have you been working in this
17 field?

18 A Approximately thirteen years now, I
19 believe.

20 MR. BANNON: Your Honor, at this time, the
21 State would move for Mr. Thrower to be deemed an
22 expert witness in the field of firearms and
23 ballistic forensics?

24 MR. NEWMAN: Without objection.

25 THE COURT: Granted.

Tracey Thrower - Direct Examination by Mr. Bannon

1 MR. BANNON: Thank you, Your Honor.

2 By Mr. Bannon:

3 Q Mr. Thrower, are you familiar with SLED Lab
4 No. L0907640?

5 A Yes, sir.

6 Q And do you know what investigation that
7 pertains to?

8 A Not off the top of my head, no.

9 Q Okay.

10 (WHEREUPON there was a discussion among the
11 attorneys.)

12 MR. NEWMAN: Can we approach, Your Honor?

13 THE COURT: Sure.

14 (WHEREUPON a bench conference was heard out
15 of the hearing of the jury and the court
16 reporter.)

17 MR. NEWMAN: If the solicitor moves to
18 enter that, there will be no objection, Your
19 Honor.

20 THE COURT: Any objection, Mr. Newman?

21 MR. NEWMAN: No, sir.

22 THE COURT: Okay. What number is that,
23 Solicitor?

24 MR. BANNON: I would move to admit State's
25 Exhibit 63, Your Honor.

Tracey Thrower - Direct Examination by Mr. Bannon

1 THE COURT: Sixty-three into evidence
2 without objection.

3 (WHEREUPON State's Exhibit 63 was entered
4 into evidence.)

5 By Mr. Bannon:

6 Q I'd like to show you what's been admitted
7 as State's Exhibit 63. Are you familiar with that
8 report?

9 A Yes, sir, I am.

10 Q And in that report, did you compare, to
11 your knowledge, bullets recovered from a Mr. Henry
12 Jones and from a Mr. Donald -- Donald Parker?

13 A Yes, sir.

14 Q Okay. And I'd like to show you what has
15 been marked as State's Exhibits 14-A and 14-B.
16 Take a look at those for me.

17 A Yes, sir.

18 Q And did -- are those the items that you
19 examined?

20 A Yes, sir.

21 Q One came from Mr. Henry Jones; one came
22 from Mr. Donald Parker?

23 A That's what was indicated on the packaging,
24 yes, sir.

25 Q Okay. I'd like to talk to you, I suppose,

Tracey Thrower - Direct Examination by Mr. Bannon

1 first about the one from Mr. Henry Jones. Can you
2 tell us what examination you were able to do of
3 the bullet that was taken from Mr. Jones?

4 A Essentially, State's Exhibit 14-B is a
5 fired bullet.

6 Q All right.

7 A My typical examination would have been to
8 document the bullet as received using departmental
9 worksheets looking for any sorts of markings that
10 are one it, measuring the overall diameter,
11 weighing the bullet to see how much it weighs,
12 looking at overall physical characteristics,
13 seeing if canalores (phonetic) are present or not.

14 Count -- looking for what type of rifling
15 impressions are on the bullet, rifling being the
16 spiraling grooves that are placed inside of a
17 barrel of a firearm by the manufacturer.
18 Different manufacturers can place different
19 numbers with these lands and grooves, known as
20 rifling. They can also vary the width of the
21 lands and grooves, so I would have measured how
22 wide each land and how wide each groove was. I
23 would have taken notice to these lands and
24 grooves; do they have a clockwise twist or a
25 counterclockwise twist? A left or right twist.

Tracey Thrower - Direct Examination by Mr. Bannon

1 I would have made note with this rifling if
2 it's conventional rifling which typically has
3 sharp ninety-degree style edges. Or is it what
4 they call polygonal rifling which is more of a
5 continuous wave shape; there's no defined edges to
6 these lands and grooves. I would have taken all
7 of this information, placed it into a computer
8 program to determine if -- it's a program called
9 general rifling characteristic program which is
10 provided to us by the Federal Bureau of
11 Investigation.

12 What this program does is based on all
13 these measurements and characteristics that
14 I've -- that I've taken not of, it basically takes
15 a list of every gun ever manufactured and it
16 divides them into groups. So based on these
17 characteristics, it gives me a much smaller list
18 of what guns may have fired the bullet. This list
19 is what I provide to investigators on the street
20 so that when they're going out looking for a
21 potential firearm, they can more narrowly search
22 out and figure out which one they need versus
23 bringing every firearm that they come in contact
24 with.

25 Q Okay. And so in this particular case,

Tracey Thrower - Direct Examination by Mr. Bannon

1 | based on your examinations of the bullet that was
2 | taken from Mr. Jones' head, were you able to
3 | determine what kind of firearm fired this bullet?

4 | A I did come up with a list of potential
5 | manufacturers that could have fired it, yes, sir.

6 | Q Okay. And were you able to determine what
7 | caliber of a bullet it was?

8 | A My findings were that it was most
9 | consistent with being from a .45 auto caliber.

10 | Q And when you say auto caliber, what does
11 | that mean?

12 | A It's -- the -- this particular cartridge
13 | was designed to be fired in a semi-automatic or
14 | fully automatic firearms. So the auto comes from
15 | the auto portion of that name as opposed to
16 | something that's more of a lever action style or
17 | revolver style. And the .45 just means that the
18 | caliber, what the diameter of the base is.

19 | Q Okay. So your findings was that the bullet
20 | was most consistent of being a .45 caliber
21 | automatic bullet?

22 | A Correct.

23 | Q Okay. And so could it have been fired from
24 | .45 semi-automatic handgun in your opinion?

25 | A Absolutely.

Tracey Thrower - Direct Examination by Mr. Bannon

1 Q And now, were you ever provided with a gun
2 in order to sort of compare a bullet from that gun
3 to this bullet?

4 A No, sir, I was not.

5 Q Okay. So were you able to make a
6 comparison between a known bullet, so to speak,
7 and the bullet recovered from Mr. Jones' head?

8 A No, sir.

9 Q Let's talk a little bit for a second about
10 the bullet that was removed from Donald Parker's
11 leg. What were your findings when you examined
12 that bullet?

13 A As this one came in, as you can see it's in
14 two parts. It's actually the lead core which is
15 the center of the -- of the jacket and bullet,
16 it's the majority of it. And then there's this
17 copper colored piece, which is called jacket,
18 which simply just covers the outside with just a
19 thin layer of copper. The core and the jacket
20 total weight combined were consistent also with
21 being a .45 caliber. The dimensions that were on
22 the jacket, once again, the diameter of the base,
23 the overall weight of these two items combined, if
24 you can consider them combined, the rifling
25 impressions, once again, everything came back with

Tracey Thrower - Direct Examination by Mr. Bannon

1 | being -- most consistent with being fired out of a
2 | .45 auto.

3 | Q Okay. Now, I'll ask you the same question
4 | that I asked about the first bullet. Were you
5 | ever given a firearm to have sort of a known
6 | standard or a known bullet to compare to the
7 | bullet that was taken from Donald Parker's leg?

8 | A No, sir.

9 | Q Now, were you ever able to compare the
10 | bullet from Henry Jones' head to the bullet that
11 | was taken from Donald Parker's leg?

12 | A Yes, sir, I was.

13 | Q And what were your findings based on that
14 | examination?

15 | A My findings were inconclusive, which
16 | essentially means I could not tell if they were
17 | fired by the same firearms or two different
18 | firearms that just have similar, general rifling
19 | characteristics. The individual characteristics
20 | that I needed to be able to actually say they were
21 | fired by the same firearm were simply either too
22 | damaged or this fire -- this particular firearm
23 | did not mark well or consistently. So I was not
24 | able to determine if it was one gun or two guns.

25 | Q Okay. And in your opinion, is the --

Tracey Thrower - Direct Examination by Mr. Bannon

1 | what's the sort of relative value of the condition
2 | of the bullets? Are they in good condition, are
3 | they in bad condition?

4 | A They were -- according to -- from my notes
5 | here, they were fairly not in real good condition.
6 | They were -- in my notes -- or in my report, I
7 | said, They may or may not be suitable for
8 | identification, which tells me that even if I had
9 | the gun, I may not be able to make an
10 | identification with either one. There's a
11 | possibility, but not a good one.

12 | Q And you mentioned that there's a computer
13 | program that you can sort of plug in, you know,
14 | your findings and striations from these bullets
15 | into in order to try to identify them; is that
16 | correct?

17 | A The general rifling characteristic
18 | program --

19 | Q Yes.

20 | A -- or the IBIS program?

21 | Q Well, let's talk about both.

22 | A Okay.

23 | Q Which one would you like to talk about
24 | first?

25 | A Well, I've already kind of described the

Tracey Thrower - Direct Examination by Mr. Bannon

1 general rifling characteristics program and the
2 fact that both of these bullets had all of the
3 same dimensions including land width and groove
4 width. Where the same -- just the individual
5 markings were not there to actually make the
6 identification. That's why I say they could have
7 been fired by the same gun or two different guns;
8 I could not tell.

9 The Integrated Ballistic Identification
10 System, also known as IBIS is a federally owned
11 machine that is owned by the Bureau of Alcohol,
12 Tobacco, and Firearms essentially is a database of
13 pictures or images of certain areas of fired
14 bullets and fired cartridge cases, you know,
15 ammunition components from using a gun.

16 In this case, neither of these bullets were
17 entered into IBIS because I did not believe their
18 condition was good enough to be suitable for
19 entry.

20 Q So sort of at the -- at the end of the day,
21 you were able to take a look at both bullets and
22 they could have came from the same gun or they
23 could've came from different guns?

24 A Yes, sir.

25 Q Okay. Would -- would it have helped you to

Tracey Thrower - Cross-Examination by Mr. Newman

1 have had a firearm to which to compare these
2 bullets?

3 A It certainly could have. If I had a
4 firearm and I could test fire it with different
5 types of ammunition, there's a possibility that I
6 could have matched one or both of these bullets to
7 that gun. At the same time, depending if the core
8 markings on these bullets were due to a gun that
9 was not marking consistently, it may not have. I
10 simply don't know without having that gun to
11 compare to.

12 Q Thank you.

13 MR. BANNON: No further questions, Judge.

14 THE COURT: Mr. Newman?

15 **CROSS-EXAMINATION**

16 By Mr. Newman:

17 Q Hey.

18 A How you doing?

19 Q Good morning. In SLED and firearms and
20 tool markings, how many of your guys work up
21 there? How many examiners do you have that do
22 like what you do?

23 A I believe we have seven court qualified
24 examiners right now.

25 Q Okay. And at SLED, not only do they have

John Roberts - Direct Examination by Mr. Bannon

1 MR. BANNON: No, Your Honor.

2 THE COURT: How many more witnesses do you
3 have, Solicitor?

4 MR. BANNON: Just one, Your Honor.

5 THE COURT: All right. Go ahead and call
6 your next witness.

7 MR. BANNON: The State calls John Roberts.

8 THEREUPON,

9 JOHN ROBERTS,

10 after being duly sworn, testified as follows:

11 THE CLERK: Please be seated. State your
12 name and spell it for the Court please.

13 THE WITNESS: John Roberts. R-o-b-e-r-t-s.

14 **DIRECT EXAMINATION**

15 By Mr. Bannon:

16 Q How are you doing this afternoon, Mr.
17 Roberts?

18 A Doing well.

19 Q Where do you work, sir?

20 A I work for the South Carolina Law
21 Enforcement Division, more commonly called SLED in
22 the --

23 Q What --

24 A -- trace evidence department, forensics
25 services unit.

John Roberts - Direct Examination by Mr. Bannon

1 Q Thank you. And what do you do in the trace
2 evidence department?

3 A Trace evidence, in our department, we do
4 gunshot residue, bullet hole analysis, which is
5 missile-to-target distance determination. We do
6 paint, fiberglass, explosives, bank dye packs, and
7 duct tape.

8 Q Okay. And what is gunshot residue?

9 A Gunshot residue is the term that we give to
10 the particles that are ejected from a firearm when
11 it is fired. What we look for gunshot residue is
12 three elements, lead barium and antimony, which are
13 contained in the primer of a cartridge case.

14 Q And how long have you been looking for
15 gunshot residue for SLED?

16 A Since 2006.

17 Q And did you need any specialized training
18 or education in order to, you know, work in trace
19 evidence for SLED?

20 A Yes, sir. I've got a Bachelor's in Science
21 degree in Chemistry from Texas A&M Corpus,
22 Christi. After I got the job at SLED in 2005, I
23 went -- underwent the inhouse training program for
24 gunshot residue, which consisted of me helping my
25 lieutenant with case work. And we get a lot of

John Roberts - Direct Examination by Mr. Bannon

1 | gunshot residue in, so I got a lot of practice
2 | following him around, helping him work cases,
3 | learn how to run the instrumentation, how to pull
4 | the data off the instrumentation right before it's
5 | made conclusions and after about six months I was
6 | given a case of my own to work and then I was
7 | tested and cross-examined by the other four
8 | qualifying examiners in my department and after
9 | that I was given my own GSR cases to run which
10 | I've been doing since 2006.

11 | MR. BANNON: Your Honor, at this time, we
12 | would ask that Mr. Roberts be deemed an expert in
13 | the field of trace evidence examinations,
14 | particularly with gunshot residue.

15 | THE COURT: Any objections? Any
16 | objections, Mr. Newman?

17 | MR. NEWMAN: No, sir.

18 | THE COURT: All right. Go ahead.
19 | By Mr. Bannon:

20 | Q And I'd like to show you what's been marked
21 | as State's Exhibit No. 64. If you could take a
22 | look at that for me please?

23 | A Yes, sir.

24 | Q Do you recognize it?

25 | A Yes, sir, I do.

1 Q What is it?

2 A This is a copy of my report that I issued
3 in this case.

4 Q Okay. And could you tell me what -- what
5 did you examine in order to help you generate this
6 report?

7 A I received a pair of black pants.

8 Q Okay.

9 A When I got the pants, the request was to
10 analyze it for gunshot residue, for particles,
11 which are sticky tabs with carbon tape on them and
12 analyze those tabs for the gunshot residue.

13 Q Okay.

14 A And what sort of tests did -- well, when
15 you -- if you're able to lift particles off of a
16 piece of clothing, let's say, how do you test to
17 determine whether or not for gunshot residue.

18 A Well, in this case, with clothing, what
19 we're looking for are the actual particles that
20 are ejected from the firearm when it's fired.
21 They consist -- are unique particles of -- gunshot
22 residue consist of lead bearing antimonium, all
23 together in a round spherical particle. We also
24 look for particles that are round and just contain
25 lead. In addition to those other ones, we look

John Roberts - Direct Examination by Mr. Bannon

1 for particles that are not round, but contain lead
2 barium antimonium. In this case, I found gunshot
3 residue particles on the pants.

4 Q Okay. I'd just like to have you take a
5 look at what's been marked as State's Exhibit --
6 let's see -- State's Exhibit No. 21-A, if you
7 would?

8 A I'm going to stand up because it's easier
9 to --

10 Q Sure.

11 A -- to just stand up.

12 Q Did you examine those pants?

13 A Yes, sir, I did.

14 Q Okay. And what case were they in regards
15 to?

16 A This one. My Lab No. L0907640.

17 Q Okay. And that's the case that pertains to
18 Mr. Jaquwn Brewer?

19 A Yes, sir.

20 Q All right. Now, what do you do, say, when
21 you get a pair of pants to analyze them and see if
22 gunshot residue is present?

23 A What I do is I take particulates as I
24 described earlier and I -- what happens is you dab
25 them like a BINGO dotter on the pants, and in this

John Roberts - Direct Examination by Mr. Bannon

1 case what I did is I did the right front pocket
2 area, the left front pocket area, the right back
3 pocket area, and the left back pocket area and
4 after I dabbed the pants, I run them on a really
5 powerful microscope that identifies the gunshot
6 residue particles.

7 Q Okay. And in this particular case, did you
8 find gunshot residue?

9 A Yes, sir, I did.

10 Q And did you find it in only one place or in
11 different places?

12 A I found -- I've got a little piece of paper
13 here that tells me what exactly I found and where.
14 I found a gunshot residue particle on the left
15 back pocket area. I found two round lead
16 particles on the right back pocket area, three
17 non-round, lead bearing antimonium containing
18 particles on the left front pocket area, and two
19 non-round lead bearing antimonium particles on the
20 right front pocket area. So something from every
21 single area but gunshot residue particles -- a
22 unique gunshot residue particle on the back left
23 pocket.

24 Q Okay. And essentially, when you find
25 gunshot residue, what exactly does that tell you?

John Roberts - Direct Examination by Mr. Bannon

1 A It tells me that the -- in this case, the
2 garment was near a firearm when it went off.

3 Q Okay. I'd like to have you take a look at
4 what has been marked as State's Exhibit No. 22.
5 Could you take a look at that for me?

6 A Yes, sir.

7 Q And do you recognize it?

8 A I do.

9 Q And what is it?

10 A These are the particle lifts that I took
11 from the pants.

12 Q And from the pants that we mentioned
13 earlier?

14 A Yes, sir.

15 Q And so when you say particles -- are those
16 actually the particles that you found on these
17 pants?

18 A These are the lifts that have the particles
19 that I found on those pants.

20 Q Okay. And are they in the same or
21 substantially the same condition as it was when
22 you lifted the particles from those pants?

23 A It appears to be. When I run them, they go
24 on a tray that slides underneath the microscope;
25 when they're done, I pull them out and put them

John Roberts - Direct Examination by Mr. Bannon

1 back in their container, put the container in a
2 sealed envelope like this, which is still sealed
3 with my initials on it, the date that I sealed it.
4 So there is -- the way they are when I sealed them
5 up.

6 Q Okay.

7 MR. BANNON: Your Honor, at this time, the
8 State would move State's Exhibit 22 into evidence.

9 THE COURT: Any objections?

10 MR. NEWMAN: I reckon not. His opinions
11 are already in, Your Honor.

12 THE COURT: State's No. 22 is in evidence
13 without objection.

14 (WHEREUPON State's Exhibit 22 was entered
15 into evidence.)

16 MR. BANNON: Your Honor, at this time the
17 State would move State's Exhibit 64 into evidence.

18 THE COURT: Any objections?

19 MR. NEWMAN: That's the report?

20 MR. BANNON: That's the report, yes, sir.

21 MR. NEWMAN: That was just testified to?

22 MR. BANNON: Yes, sir.

23 MR. NEWMAN: No objections.

24 THE COURT: State's 64 is no in evidence
25 without objections.

John Roberts - Direct Examination by Mr. Bannon

1 (WHEREUPON State's Exhibit 64 was entered
2 into evidence.)

3 By Mr. Bannon:

4 Q I'd like to show you the pants again and if
5 you would, if you could step down here. And what
6 I'd like for you to do is, if you could please
7 just sort of hold up the pants or if it'd be
8 easier then I could hold them up and you could
9 sort of show the jury where we're talking about
10 here?

11 A The front pocket area is exactly as I
12 described it. It's basically -- it's easier to
13 show it with one pocket. It's from the waistband
14 to about here, so about the mid thigh and making
15 sure to cover as much area as I can with the
16 particle lifter.

17 And the same for this side as well. The
18 back pocket area is exactly as it sounds. It's
19 from about here to about here.

20 Q Okay. So those are the areas that you
21 examined?

22 A Yes, sir.

23 Q Okay. And where -- where again did you
24 find GSR particles?

25 A Left, back pocket area.

John Roberts - Direct Examination by Mr. Bannon

1 Q And was there any other place where you
2 found GSR particles?

3 A Not the unique particles, no.

4 Q Okay. And now when you collect this
5 evidence, is it -- is it a quantitative test, like
6 are you looking for how much gunshot residue is on
7 there?

8 A Sort of. If I had just found the one
9 particle, I would have sent it back inconclusive.

10 Q Okay.

11 A I have to have something -- I have to have
12 more than one. So it is a quantitative and a
13 presence of test. I can't just say that it was
14 there, just because I have one. I have to have
15 supportive evidence along with it.

16 Q Okay. And in this case, did you have
17 supportive evidence?

18 A I did. I had the -- the other seven
19 particles.

20 Q Okay. All right.

21 MR. BANNON: No further questions, Your
22 Honor.

23 THE COURT: Cross?

24 ///

25 ///

1 that, Your Honor, but --

2 THE COURT: Whatever suits you.

3 MR. NEWMAN: Well, what I was going to say
4 to shorten it up, since I have now rested, I now
5 move to renew all of my motions and also renew all
6 of my trial motions as to the evidence of the --
7 the statement of Mr. -- not necessarily the
8 statement of Mr. Brewer, but the actual playing of
9 the recording of the interview of Mr. Brewer. I
10 move for a directed verdict based on those.

11 THE COURT: All right. Those motions are
12 denied.

13 MR. NEWMAN: All right, sir. And if you
14 want, when they come in, I can just say I rest
15 because I think I've covered it and I would ask,
16 too, while we've got the jury out that the State
17 sounded like from a question from the SLED agent
18 that the State be precluded from inferring in any
19 way whatsoever that Mr. Brewer had a duty to bring
20 a pistol in or could have shown as evidence or
21 even to the police in showing this evidence by
22 bringing the pistol to the police department.

23 THE COURT: All right.

24 MS. BANNON: Your Honor, we've discussed
25 this previously; the State does not intend to do

1 that. The State would also move, having seen Mr.
2 Newman in trial before, we would ask that he not
3 reference to any members of the defendant's family
4 who might have been seen at the bar who have not
5 been called as witnesses in front of the jury.

6 THE COURT: Sure. Any further?

7 MR. NEWMAN: I don't -- I don't know why I
8 would do that. I don't know why it'd be
9 prejudicial to say the defendant's here with his
10 family.

11 THE COURT: All right. I think you can say
12 he's here with his family and that's about it.

13 MR. NEWMAN: That -- that's --

14 THE COURT: An no witnesses --

15 MR. NEWMAN: I said that; that's all I
16 intend to say.

17 THE COURT: All right. Anything further?

18 MS. BANNON: Not by the State, Your Honor.

19 THE COURT: Anything further?

20 MR. NEWMAN: No, sir.

21 THE COURT: Bring the jury out, rest on the
22 record. Then you want to go right into closings?
23 Or do you want me send them back out and you make
24 your motions again?

25 MR. NEWMAN: I think what I was trying to

1 Honor, the defense rests.

2 THE COURT: Okay. Thank you very much.

3 Members of the jury, at this time, we're
4 going to proceed with the closing arguments. The
5 State is going to give their closing argument
6 followed by the defense.

7 I recognize the State for their closing
8 argument.

9 **CLOSING ARGUMENTS**

10 MS. BANNON: Thank you, Your Honor.

11 What we talked about in the beginning
12 remains the same now at the end. All that
13 happened on that night, on May 23rd or early
14 morning of the 24th, 2009, drastically changed the
15 lives of everyone you heard from, all the people
16 you've referenced; all set into motion by one man,
17 Jaquwn Brewer, all because he wanted to feel big.

18 Now, the Judge is going to talk to y'all a
19 lot about burden, the law, and reasonable doubt.
20 What he says, goes; he is the expert on the law.
21 Please make no mistake, at no time during this
22 trial or my closing argument will that burden
23 shift to anyone. It remains with the State. It
24 is the way our legal system is designed and that
25 is a job that the State is held to.

1 Mr. Newman is going to tell you a lot more
2 about that, about the whole reasonable doubt,
3 burden thing; and the reason he's going to do that
4 is because he's a good lawyer and that's what good
5 defense attorneys do.

6 We're lucky. We live down here by the
7 beach. I like to take my dog to the beach, let
8 him run around. We always go at low tide because
9 I'm worried that they're not quite bright enough
10 to avoid drowning themselves. So we go at low
11 tide and they go frolicking off and there's always
12 tidal waves. And usually as we're walking along,
13 we look down, and there's a sand dollar or an
14 interesting crab, something left by the tide.
15 It's nice because you can see down into it. The
16 water's clear. You can see the sand at the
17 bottom. You can see that pretty sand dollar.
18 Occasionally, one of the puppies will run through
19 that tide pool, stirring up the sand again and the
20 silt. After they run off, you look down again and
21 you can still tell it's the bottom. That water
22 has gone clear again. They can kick up as much
23 sand as they want, but they cannot hide or move
24 that sand dollar as long as it stays in that
25 puddle.

1 Think about the points that the defense has
2 made and what they're going to make, and ask
3 yourself are they legitimate or is that a good
4 attorney just stirring up that puddle? Think
5 about everything that we talked about, the
6 questioning of the nicknames, who's Shawnee, who's
7 Octavia? Same person. Three or four people told
8 us that. We have nicknames for family members, we
9 all know people by different names. Is that real
10 confusion or is that some stirring up the tide
11 pool?

12 What about saying having to call all fifty
13 or sixty people that were potential witnesses? Is
14 that legitimate or are there legitimate reasons
15 for it such as Investigator Fraser told us?
16 People are unavailable, unwilling to talk, didn't
17 offer anything that helped you. Would hearing
18 from sixty people greatly help you in deciding
19 this case, versus the twenty that we've heard over
20 the course of the last three days? Or would it
21 add to the confusion and lead to more stirring of
22 that pool?

23 You're going to hear about reasonable
24 doubt. Last week, the multi-state jackpot lotto
25 was really big, it was like \$200 million dollars,

1 right? If I had gone and bought a ticket, would
2 it have been possible for me to win that big
3 lotto? Sure. If I bought a ticket. Was it
4 reasonable for me to think that I was going to
5 win? No.

6 A lot of the way that the justice system
7 works is a guessing game. One thing that we're
8 afforded is hindsight. We know which evidence --
9 which evidence there is, which evidence was
10 collected, which witnesses are willing to come
11 forward, which ones don't want to cooperate so
12 much. We know what was found that night, what
13 statements were given. Don't fall into the
14 would-have, could-have, should-have trap. That's
15 not what this case is about. This case is about
16 what we have, the witnesses we have, the physical
17 evidence, not what we're missing. It is not a
18 case of absences, it is a case of fact and
19 physical evidence.

20 Investigator Chapman and Fraser are put in
21 the unfortunate position of being called out to a
22 situation they don't know, locations they don't
23 know, talking to people who are probably
24 experiencing some of the worst days of their
25 lives. They're not afforded that hindsight that

1 we have. They don't know what evidence they're
2 ultimately going to collect. They don't know what
3 statements people are ultimately going to give.
4 They arrive on the scene and they follow the
5 evidence where it takes them. And in this case,
6 every piece of evidence took them to Jaquwn
7 Brewer. That's what they did. They followed that
8 evidence.

9 Think about what we heard from the
10 witnesses, the people who were there that night,
11 firsthand witnesses.

12 Now, did a lot of people know each other?
13 Yeah. Ivori, Sheena, Octavia, and Deon. Were
14 they related to Henry Jones? Yeah. Why? Because
15 it was a family reunion. They were all having a
16 party that they opened up to other people in the
17 community. Just kind of like the saying, you
18 can't choose your family. You're going to have
19 some people who are really good, upstanding people
20 and some people who might not be. Keep one thing
21 in mind. They got to choose who they invited to
22 this party, but one person, one single person
23 chose who the witnesses were, what his actions
24 were, what the evidence was. And that one single
25 person was Jaquwn Brewer.

1 The Judge is going to explain
2 circumstantial and direct evidence. I really
3 enjoy law shows and if you've seen like Law and
4 Order, they always reference circumstantial versus
5 direct evidence, it distinguishes them. The Judge
6 will tell you, under the law, there's no
7 distinction there between direct and
8 circumstantial evidence. Direct evidence is
9 pretty straight forward. The witness says, I saw
10 Jaquwn with a gun; I saw Jacquwn shoot at people; I
11 saw Jacquwn shoot back at the building; this is
12 direct evidence. Gunshot residue, direct physical
13 evidence; photos, direct physical evidence.
14 Sometimes where people get confused is the
15 circumstantial evidence and it's not because you
16 don't know what it is, it's just a different
17 label.

18 We use circumstantial evidence every day of
19 our lives. It's basically things that we see put
20 together conclusions. Y'all might have noticed
21 that Mr. Bannon and I share the same last name.
22 Well, I think that either we're related somehow or
23 it's just weird coincidence. You might have also
24 noticed that he carries my files, sometimes he
25 does something I don't like and I cut my eyes at

1 him. We might just have a good relationship or
2 work well together, or we might have a connection
3 somewhere.

4 You might have noticed that we both have
5 wedding rings. From all this, you put together
6 these little facts and you've figured out we're
7 married. You're firmly convinced that we're
8 married; which is the same way.

9 You look at my stomach; you see I've been
10 jumping. You see how I've been walking and
11 standing. No one's told you I'm pregnant; are any
12 of you not firmly convinced that I'm pregnant?
13 This is all circumstantial evidence. Y'all didn't
14 need anyone to come out and say that, but you knew
15 it because that's what we do with our daily lives
16 and that's why we have this jury system. You
17 bring in all your different life experiences, all
18 your different backgrounds, things that you use to
19 evaluate decisions and people every single day and
20 you apply that to the inference.

21 Now, this is our last chance to talk to
22 y'all, Mr. Newman gets to talk to y'all last.
23 While he's talking though, I just ask that y'all
24 ask and question yourselves. Does this take away
25 from the physical evidence the State has proven or

1 is this mere tidal pool stirring. Just ask
2 yourself that.

3 Now, there is no real "ah-ha" moment here
4 in this case. Rather, we have a bunch of small
5 things. We have a lot of witnesses who put a gun
6 in Mr. Brewer's hand. We have a lot of witnesses
7 who tell us that they were shooting. We have
8 physical evidence to corroborate the fact that
9 there was shooting. We have a picture showing
10 that Mr. Brewer had a gun. We have GSR. You've
11 got to take each of these little things, add them
12 together, become firmly convinced.

13 Think about it. What about this bullet
14 that struck Mr. Jones directly in the head? We
15 know a couple of things. It's a disturbing
16 picture, I'll grant you that; it's a disturbing
17 thing that happened and I ask that you look at
18 this photo, not the shock value but to what it
19 tells us.

20 We know that he was standing right here
21 with his niece Shawnee, Octavia, Shawnee, if you
22 will. Standing right here. They thought they saw
23 the shooters outside the club, thought the coast
24 was clear. Shawnee goes up to her uncle, Uncle
25 Henry, Uncle Henry, call 9-1-1, call 9-1-1. Why?

1 Why call 9-1-1? Because that's what good people
2 do. They call 9-1-1.

3 What do we have here substantiating what
4 Shawnee said? We have a phone; it's lying open.
5 Now, with cell phones, couldn't see the cell
6 phone. When you open them or turn them on, they
7 light up. We know the club is dark, don't we? If
8 your phone lights up in a dark room, what's that
9 do? Creates something someone can see, doesn't
10 it?

11 So Jaquwn is standing outside that club
12 firing back into that club and he sees this little
13 light. Shawnee told us that she was standing mere
14 inches from her uncle when that bullet came in and
15 knocked him down. Why him, not her? He was being
16 a good man. He was calling 9-1-1 to get some help
17 to stop the shooter.

18 Something else we know about the lights and
19 the darkness is a lot's been made about Dominique
20 Middleton. Right? One identifying factor is that
21 he had this red laser sight.

22 Now, when I first started this case, I was
23 like, there's no way someone has a laser sight,
24 but wouldn't you know it, sure enough, what did
25 Investigator Fraser find -- I'm sorry,

1 Investigator Chapman find at the scene? A laser
2 sight. I didn't even know people still used
3 these. How is it helpful in this case though?
4 Well, it was found next to bullets about forty
5 yards from that club. What else does it tell us?
6 Well, Ivori, Shawnee, Sheena, no one reported
7 seeing a red dot inside the club. No one reported
8 seeing a red dot focused directly on Henry Jones'
9 temple. There was absolutely zero testimony about
10 that.

11 Think about what else we know. Who
12 couldn't give a statement, right? It's not a
13 confession, it's just a statement. What can we
14 get out of the statement? Look at what he said
15 versus what we know; compare it. Is it the truth
16 or a lie? First he says, I don't know what you're
17 talking about, I didn't have a gun. Sorry, I put
18 down my pointer. He says, I don't know what
19 you're talking about, I didn't have a gun. Is
20 that the truth or a lie? It's a lie. Not only
21 are we resting on this gun photo, what else do we
22 know to know that's a lie? Think about Charles
23 Cox's description. Short man, close-cropped hair,
24 black shirt, with a gun, in the club. What did
25 Sheena say? I saw Queezy with a gun and he

1 started shooting. What did Deon say? He pulled
2 the gun out, he shoved it in my face, said, Mind
3 your own business and started firing. These
4 things match up.

5 Think about Donald Parker too. He didn't
6 want to be here; it was clear he didn't really
7 want to talk to us, right? But his statement that
8 he gave to Investigator Fraser at the hospital
9 mere minutes after being shot gave a description;
10 what was it? Short guy, close-cropped hair, black
11 shirt with a gun. He's at the hospital.

12 Remember what Investigator Fraser said. I
13 went to the hospital. He didn't have this photo;
14 he wasn't showing this photo to Donald Parker.
15 Donald Parker on his on his own volition, from his
16 own memory perfectly described Jaquawn Brewer as
17 the man who shot him.

18 What else do we know? Well, Mr. Brewer
19 says, Well, all right, you do have this photo, I
20 had a gun, but I didn't shoot anybody, that's not
21 what I did, I didn't shoot anybody. Well, we know
22 that's a lie. Why? Charles Cox, Sheena Parker,
23 Deon Stevenson, and the gunshot residue. Four
24 things showing that's a lie.

25 What about Jaquawn Brewer saying in his

1 statement to Investigator Fraser, I was at the
2 Budget Inn with this girl named Sherri. You know
3 that's a lie. Why? Because Investigator Fraser
4 was following the evidence and there was none. We
5 went to the hotel and nothing. No record, no
6 Sherri, nothing.

7 Listen to the tape with Mr. Brewer's mom.
8 The point when you can hear her being like, I
9 don't believe you, basically. If your own mama
10 doesn't believe certain things that you're saying,
11 you're probably doing something wrong, because if
12 there's one person that's going to believe you,
13 it's going to be your mom.

14 Mr. Brewer made a point in his
15 confession -- I'm sorry, his statement that, If I
16 had killed these people, why would I come in? Ask
17 yourself something, he's trying to get out in
18 front of it like he was trying to do with the, I
19 didn't have a gun, I didn't shoot anybody, I was
20 somewhere else; or just give them a little bit
21 until confronted with the truth; or it's actually
22 a true statement.

23 Another thing that struck me about this
24 case is stupidity is not defense. Every day,
25 people do things that are against their own self

1 interest. Why -- why would someone go to a club
2 with a gun? I don't know. Why would someone go
3 to a club where everyone knows them because
4 they've lived together, gone to school together,
5 and start throwing up gang signs and flashing
6 guns? I don't know. Why would someone then open
7 fire in a crowded club with people who can easily
8 identify him? I don't know. But just because it
9 doesn't make sense in your own self interest and
10 it's not the smartest thing to do doesn't mean it
11 didn't happen.

12 I -- you know, I was looking at some of
13 these photos, I'm not trying to belabor the point
14 about the photos, I think y'all can get their
15 significance, but look at this photo. Think of
16 the testimony of Sheena, Investigators Fraser and
17 Chapman. Out here is where Dominique Middleton
18 was standing. Does it make sense? For we know
19 that Jaquawn Brewer was standing right up against
20 that building.

21 Think about a cookie jar. Come home, your
22 child has crumbs all down the front of his pants,
23 chocolate smeared on his face. Look in the cookie
24 jar, three cookies missing. Are you going to be
25 calling in for other evidence or are you going to

1 follow the crumbs and based on your experience and
2 figure out, well he was the closest to the cookie
3 jar, my other children were out of the house at
4 the time, they were playing outside, he was the
5 only one inside the house.

6 So looking at the photos, we know from Gary
7 Bright's testimony that the first few photos
8 weren't from that night, it was from another club.
9 And at first, I don't know if y'all noticed, but
10 Gary Bright was looking down here on the photos.
11 I couldn't figure it out. Mr. Newman was asking
12 him questions and he'd stop, look, look somewhere
13 around here and then say whether or not it was
14 from that night. So I was like, let's look at
15 these photos again, right? Look, there's a blue
16 line right here. This is not from that night.
17 This is not from that night. Why? Blue photo --
18 blue line, that's what Mr. Bright told us, right?
19 Same people, blue line, not that night. Blue
20 line, not that night. Blue line, not that night.
21 What's this photo? No blue line. Wood, from that
22 night.

23 If you remember, Ivori was able to tell us
24 mostly who these people were. Remember this is
25 cousin and that was his girlfriend who are no

1 | longer together. Why did she know these people?
2 | It was a family party; it was a community party.
3 | This isn't some big conspiracy. So after doing
4 | that and noticing that, I was like, what else do
5 | these photos tell us? Right? Look. He's wearing
6 | a green wristband, right? Let's look at what's --
7 | the other photos I have. That's the same couple,
8 | he's wearing a green wristband, it looks like the
9 | wristband goes on that arm. This couple, the same
10 | couple, he has a wristband. These fellows, green
11 | wristband, green wristband. They do a couple more
12 | poses for us. You can still see the green
13 | wristband, green wristband. Green wristband,
14 | green wristband, green wristband. There and
15 | there, it's kind of sweet how they're holding
16 | hands like that but you can see the green
17 | wristbands. Green wristbands, see them poking out
18 | there and there.

19 | How about this group shot. Green
20 | wristband. This guy's wearing a watch, but if you
21 | look close, there's green behind it so we know he
22 | has another green wristband. Green wristband,
23 | green wristband. We get to this photo, green
24 | wristband, green wristband. No wristband. That's
25 | kind of weird. You can't really see this guy's

1 arm yet, but let's look at the next photo. Green
2 wristband, green wristband, no green wristband.
3 Green wristband, green wristband, no wristband.
4 What else do you notice about the photo? No gun,
5 no gun, no gun, no gun, gun.

6 Now, all these photos, the only person with
7 a gun is the same one who's not showing that green
8 wristband. Ah-hah moment? No. Something you can
9 put together with everything else you heard?
10 Certainly.

11 Now, think about what we know, okay? We
12 know that Mr. Brewer was planning on something
13 that night. How do we know that? Well, he was
14 getting ready for a party, putting on his shirt
15 and his pants, shoes, gets his hair done, puts a
16 gun in his pants, right? That doesn't magically
17 appear there. That's not what he said in his
18 interview of, I don't know how it got there. I
19 don't know about y'all, but usually things I have
20 in my pants, they get there because I put them
21 there.

22 He gets there, by all accounts, the party's
23 pretty good. There are young pretty girls, people
24 are dancing, having a good time. And we heard
25 from Deon and Sheena that, Yeah, we heard this guy

1 | had a gun, but we weren't really going to let it
2 | stop a good time. We were just going to go tell
3 | him to go put it outside. We weren't even kicking
4 | him out of the party, we just wanted the gun out.
5 | We didn't want that there at the party.

6 | That's normal, right? You're at someone
7 | else's party, they're like, Hey, maybe we don't
8 | need to do this right now. The normal reaction
9 | would be like, I got you, I'm going to go put this
10 | in the car. That is not what Jaquwn did, because
11 | he came prepared; he had that gun in his pants
12 | already. He felt threatened, his masculinity, and
13 | someone stepping up to him in front of his boys
14 | after he's been throwing up these signs and acting
15 | all big.

16 | So what he does instead is pull that gun
17 | out of his pants and points it directly at Deon's
18 | face. And what does he say then? Mind your own
19 | f'ing business. Does that sound like someone who
20 | knows what they're doing? Yeah. Because you have
21 | a gun, you're feeling pretty big, and you're
22 | threatening somebody.

23 | Then Deon does what pretty much anyone else
24 | would do, swats the gun away. Then we heard from
25 | multiple people, think about this, Sheena, Deon,

1 Charles. Where was this guy aiming? What was he
2 pointing at? The crowd, the people, think about
3 that. Mr. Newman was like, Oh, well, y'all didn't
4 find any bullet holes in the ceiling or the walls.
5 Yeah, because he was aiming at people. That is
6 why you don't have bullet holes in the ceiling.
7 That is why you don't have bullet holes in the
8 wall, because if you're aiming at a group of
9 people, you're going to be firing into the group
10 of people. You know what you're doing and you're
11 recklessly disregarding everyone's life when
12 you're doing that in a crowded club.

13 We know that once the shooting started it's
14 chaos; look at this. The chairs are tumbled
15 everywhere. Everything's been pushed aside, shoes
16 have been left. If you look at this one, some
17 poor lady is missing a high heel because she lost
18 it in the rush to get out of there. Chairs are
19 toppled over. I think there's a flip flop missing
20 in this one. Drinks are all over the floor.
21 People are running to hide. People go to the
22 bathroom to hide. We heard John Doctor say that
23 he ran into the women's room with the women. We
24 know that Henry Jones took cover behind the bar
25 and what else do we know? We know that Ronald

1 (sic) Parker got shot, back of his leg while he
2 was running from that club, don't we? A lot has
3 been made up -- made about these casings. Look at
4 the casings. Not a single one was ever identified
5 as, this is the casing and it came from the bullet
6 that killed Henry Jones. Not a single one is
7 labeled as the bullet that struck Donald Parker in
8 the leg. What do they tell us? They tell us that
9 there are witnesses telling the truth, that there
10 was a shooting in that club, that there were
11 multiple shots in that club. That there was a lot
12 of chaos going on in that club. There's no
13 smoking gun, but there are things that build upon
14 each other that lend credibility and support to
15 other people, pieces of evidence.

16 Now, we have all of these casings in
17 zip-lock baggies. Why do we have them in these
18 baggies? Because they roll around, they're
19 slippery, right? They're small. They can be
20 easily kicked and moved. Would anyone feel
21 comfortable with me opening these, pouring them
22 out on the floor right now? No. Why? Because
23 they would roll all over. They could easily move
24 and we know exactly how many are right here, don't
25 we? So imagine the chaos of that club. People

1 running everywhere, people trying and scurrying to
2 get out, losing big things like their shoes,
3 toppling over chairs. Y'all saw the pile of
4 chairs. Does that look like an orderly exit from
5 a club?

6 Think about Mr. Newman's questioning of
7 Investigator Chapman. The defense absolutely
8 refuses to accept the fact that there were shell
9 casings that were -- just were never found. If
10 chairs can be tossed like kindling like that,
11 don't you think tiny little shell casings like
12 that can be scattered to the four winds and they
13 were just never found?

14 Think about the questioning. Think about
15 the photo and the measurement that y'all never got
16 to see. Think about all of the hoopla about the
17 casings. Ask yourself, does that take away from
18 the actual evidence that we have, the multiple
19 witnesses that saw Mr. Brewer with the gun,
20 pointing the gun, firing back at the building or
21 is it more bolstering.

22 I also ask that when you go back into
23 deliberation, rely upon your own recollection of
24 everything. Don't rely upon my version of how I'm
25 telling you the facts, that's just how I remember

1 | it -- we all remember things differently -- how
2 | Mr. Newman remembers the facts. How a witness
3 | recounted another witness' testimony when we were
4 | all here and we can all perfectly remember what
5 | they actually said. And that's the thing.
6 | Memories are funny. Think about the statements
7 | that we have heard. Some changed, yeah. How many
8 | times do you tell a joke or a story the exact same
9 | way? Or do you add different details? You tell
10 | it slightly differently just because that's how we
11 | work.

12 | Think about other stories that changed.
13 | Donald Parker's: His didn't change. There is no
14 | great conspiracy going on there. It doesn't mean
15 | they contradict each other. Think about that.
16 | Think exactly what was strung out.

17 | Sheena Parker, her statement. He was
18 | inside the club, shot back into it or he was
19 | outside the club, shot back into it. It became
20 | clear as we were talking about a matter of about a
21 | foot; was he inside or outside; this is not a
22 | children's game. Does it matter? We have an eye
23 | witness saying it was one person who shot back
24 | into the club and it was one bullet that killed
25 | Uncle Henry. Do you really care if he was inside

1 | or outside? There's that puddle stirrer.

2 | Is Sheena Gardner changing her testimony to
3 | match the evidence that was collected two years
4 | ago? Is she that much of a mastermind? Don't you
5 | think she'd do a better job if she was? Or is she
6 | a witness relying on how she remembered it and
7 | what she saw? That is the best we can ask of
8 | people to do.

9 | Think also of people's prior convictions
10 | that we heard from. There was a party going on;
11 | they weren't asking to be called and questioned
12 | and grilled and have this shown to everybody.
13 | Why? Why were they here? Because Jaquwn Brewer
14 | picked them as witnesses when he opened fire,
15 | deciding to shoot Donald Parker and killed Henry
16 | Jones.

17 | Once you get back in that jury room, go to
18 | the evidence, look at the pictures. Feel what you
19 | have to feel. And I know y'all take this job very
20 | seriously. After you've done that, be calm. Let
21 | the silt settle. Once you have taken in
22 | everything and allowed it to settle, that sand
23 | dollar's going to come and be clear again.

24 | That water's going to be clear and you will
25 | know. You will know that it was Jaquwn Brewer at

1 the club that night. You will know that it was
2 Jaquwn Brewer with the gun that night at the club.
3 You will know it was Jaquwn Brewer who opened fire
4 in that club that night. You will know it was
5 Jaquwn Brewer who caused the chaos in the club
6 that night. You will also know that it was Jaquwn
7 Brewer who was closest to the club and Jaquwn
8 Brewer fired back into the club and it was Jaquwn
9 Brewer who shot and killed a good man.

10 Thank you for your time.

11 THE COURT: Mr. Newman?

12 MR. NEWMAN: Give me one second to set up.

13 Mr. Foreman, ladies and gentlemen of the
14 jury, we've been through the case, fortunately,
15 it's not as long as others are going to be. The
16 judge did a good job managing our time. We got a
17 lot of witnesses in and heard from a lot of
18 witnesses in a very short amount of time. It does
19 not mean that this is not a very important case to
20 the State, the Jones family, and to Mr. Brewer,
21 all parties involved.

22 I do want to talk about the fact that there
23 are two separate charges. Assault and battery
24 with an intent to kill charge that the judge is
25 going to tell you that if you examine the evidence

1 THE BAILIFF: The jury is clear, Your
2 Honor.

3 THE COURT: All right. I'd be glad to
4 entertain any motions from the defense.

5 **POST-TRIAL MOTIONS**

6 MR. NEWMAN: Thank you. The defendant
7 would move for a new trial on all of the charges
8 and renew the motions made during trial,
9 particularly the motions of -- with regard to the
10 playing of the audio tape statement. We believe
11 that that so effected this process in this case,
12 that the defendant did not receive a fair trial
13 based on that.

14 We would ask the Court to reconsider that
15 ruling and to grant Mr. Brewer a new trial based
16 on what we believe is the prejudicial effect of
17 the burden shifting and the other issues that we
18 raised would claim the statement of Mr. Brewer and
19 the statements and hearsay statements introduced
20 through the detective -- or through the
21 Investigator Fraser and Chapman on those -- on
22 that audio tape. And that is our motion, Your
23 Honor.

24 THE COURT: All right. Would you like to
25 respond to that, Solicitor?

1 MR. BANNON: Your Honor, only that we
2 believe that the Court's original rulings were
3 correct and that we would oppose Mr. Newman's
4 motion for a new trial.

5 THE COURT: Okay. Thank you.
6 Those motions are denied.

7 **SENTENCING**

8 THE COURT: Do you have the sentencing
9 sheets prepared.

10 MS. BANNON: We do, Your Honor, and we have
11 given them to Mr. Newman for review.

12 THE COURT: Okay. And are you prepared and
13 ready to go forward with sentencing?

14 MS. BANNON: The State is, yes, Your Honor.

15 THE COURT: All right, Solicitor. Are
16 there any victims that would like to speak for...

17 MS. BANNON: Your Honor, it does not appear
18 so. I would like it known that they have been
19 present every hearing and every step of the way.
20 And they feel that considerable amount of time we
21 were talking with Ms. Jones, the widow, in
22 preparation of this trial, I explained to her the
23 challenges we face with the evidence and the risk
24 you always take when you present evidence to a
25 jury, and I asked her her goals and she said she

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APPEAL FROM BEAUFORT COUNTY
General Sessions Court

The Honorable William Henry Seals, Jr., Circuit Court Judge

Indictment Numbers 2009-GS-07-1279, 1293, & 1296
Appellate Case Number 2012-208487

The State,.....Respondent

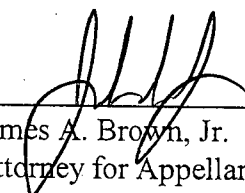
v

Jaquwn Brewer,.....Appellant

CERTIFICATE OF COUNSEL

The undersigned counsel certifies that the Appendix complies with SCACR Rule 243 F.

June 19, 2013


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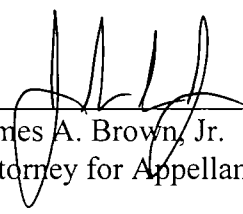
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PROOF OF SERVICE

Counsel for Jaquwn Brewer hereby certifies that he has prepared and served two copies of a Record on Appeal and Final Brief of Appellant on this 24th day of June, 2013, upon the State, by depositing two copies, postage pre-paid, in the United States Mail, addressed to Donald J. Zelenka, South Carolina Office of the Attorney General, PO Box 11549, Columbia, South Carolina, 29211.

June 24, 2013



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