

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Kershaw County
James R. Barber, III, Circuit Court Judge

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MAR 21 2014

S.C. Supreme Court

HENRY R. WOODS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001679

SUPPLEMENTAL APPENDIX

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INDEX

INDEX.....	i
SECOND AMENDED PCR APPLICATION (MAY 1, 2013).....	1
PLAINTIFF'S EXHIBIT NO. 1 (TRANSCRIPT DATED JULY 19, 2010).....	4
PLAINTIFF'S EXHIBIT NO. 2 (TRANSCRIPT DATED JULY 27, 2010).....	141
PLAINTIFF'S EXHIBIT NO. 4 (GUNSHOT RESIDUE REPORT).....	164
PLAINTIFF'S EXHIBIT NO. 5 (DEFENSE WITNESS LIST)	166

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF KERSHAW)	2012-CP-28-901
)	
HENRY WOODS)	
SCDC # 314307,)	
Applicant,)	
)	
)	
)	
)	
)	
)	
STATE OF SOUTH CAROLINA,)	<u>SECOND AMENDED APPLICATION</u>
Defendant.)	FOR POST CONVICTION RELIEF

Based upon further investigation and research, the Post-Conviction Relief Application filed on behalf of the above named Applicant is hereby Amended as follows:

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

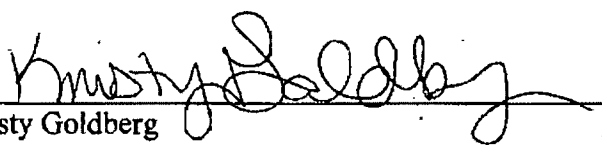
(a) Ineffective assistance of trial counsel – failure to adequately prepare Applicant for trial and failure to provide Applicant with information regarding exculpatory evidence including but not limited to the existence of gunshot residue on the victim;

(b) Ineffective assistance of trial counsel – failure to adequately prepare Applicant for trial including but not limited to discussing available defenses;

(c) Ineffective assistance of trial counsel – failed to properly investigate witness Vincent Bracey and failure to subpoena Bracey as a witness for trial;

(c) Ineffective assistance of counsel – failure to adequately advise Applicant about his rights during trial regarding his right to testify;

- (d) Ineffective assistance of counsel –Applicant was coerced into pleading guilty.



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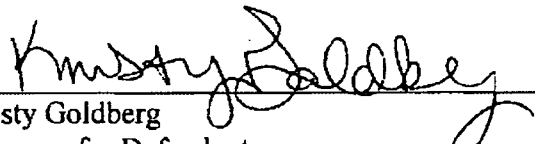
This 1st day of May, 2013

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)
)
HENRY WOODS)
SCDC # 314307,)
Applicant,)
)
vs.)
)
STATE OF SOUTH CAROLINA,)
Defendant.)

IN THE COURT OF COMMON PLEAS
2012-CP-28-901

CERTIFICATE OF SERVICE

I certify that on this date I served the Second Amended Application for Post-Conviction Relief in this case on The State of South Carolina by delivering a copy of this application to the Office of the Attorney General via U.S. mail at Post Office Box 11549, Columbia, South Carolina 29211-1549.



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This 1st day of May, 2013

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF KERSHAW) COURT OF GENERAL SESSIONS

3
 4 State of South Carolina,)
 5 Plaintiff,)
 6 vs.) TRANSCRIPT OF RECORD
 7 Chad Burris) 09-GS-28-367; 06-GS-28-536
 8 Maurice Haile) 09-GS-28-9362; 07-GS-28-530
 9 James Drakeford) 09-GS-28-361; 08-GS-28-534
 10 Coray Haile) 09-GS-28-364; 07-GS-28-533
 11 Jerry Haile) 09-GS-28-365; 07-GS-28-531
 Frances Dale Drakeford) 09-GS-28-363
 Jeanette Haile,) 09-GS-28-366; 07-GS-28-543
 Defendants.)

July 19, 2010
 Camden, South Carolina

13 B E F O R E:

14 THE HONORABLE J. ERNEST KINARD, JR., JUDGE.

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

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 Official Court Reporter



1	INDEX OF WITNESSES	
2	CHAD BURRIS	
3	Direct By Mr. Moak	8
4	MAURICE HAILE	
5	Direct By Mr. Moak	33
6	JAMES DRAKEFORD	
7	Direct By Mr. Moak	50
8	CORAY HAILE	
9	Direct By Mr. Moak	62
10	JERRY HAILE	
11	Direct By Mr. Moak	76
12	FRANCES DALE DRAKEFORD	
13	Direct By Mr. Moak	100
14	JEANETTE HAILE	
15	Direct By Mr. Moak	115
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

JULY 19, 2010

MR. MOAK: Okay, Your Honor, we've got the major trial that we were intending to try this week, State v. Henry Woods, which is 2009-GS-28-358 and 2006-GS-28-421.

Your Honor, due to the scheduling issues of this week and the air -- the physical condition of the courtroom with the air conditioning, and the fact that we have another jury coming in next Monday, I think what we're doing is we are going to continue that case until next Monday, let the Trane man fix the air conditioning and get all that straightened out, but in the meantime we have seven Co-Defendants that are all pleading guilty. They have been extended a plea offer, they have accepted it. The condition is that they allocute today and give a true allocution and cooperate and testify truthfully during the trial of Mr. Woods next week, Your Honor. And should they not follow through with their side of the agreement, we are -- our side would be looking at pursuing a perjury charge or other charges or may possibly be asking Your Honor to withdraw the plea due to them not holding their side of the bargain up, Your Honor.

THE COURT: All right.

1 MR. MOAK: Which carries serious consequences
2 if that happens.

3 THE COURT: Okay.

4 MR. MOAK: And, first of all, we have Chad
5 Burris. He has got two indictments. One of them
6 is 2006-GS-28-536. It was originally true-billed
7 for lynching first degree. The second indictment
8 is 2009-GS-28-367, which is true-billed for
9 lynching second degree.

10 The victim on the first indictment is Chad
11 Hough, who is deceased. The victim in the second
12 indictment is Isaac Damont Hough, who is -- who
13 survived, Your Honor.

14 The plea offer is two counts of the new
15 statute of assault and battery by a mob third
16 degree, Your Honor. And that is what we're
17 allowing him to plead guilty to. And once you --
18 and if they cooperate, I believe we would ask for
19 it to run concurrent, Your Honor.

20 THE COURT: Okay.

21 MR. MOAK: And we would ask for him to be
22 sworn in and give his testimony today.

23 THE COURT: All right.

24 MR. MOAK: Your Honor, again the issue is,
25 we're trying to make sure that all our witnesses

1 don't get their stories together, Your Honor. And,
2 again, I will address the security issue, and I
3 have some grave concerns of -- the major
4 Co-Defendant is here present during this. I mean,
5 he has a right to cross-examine him and confront
6 them, but I believe that would attach during the
7 actual trial. So I have some concerns.

8 Some of our cooperating witnesses have
9 exhibited the effect of possible intimidation from
10 family members and it might be maybe the Defendant
11 himself, and I have some major concerns with him
12 being present during this.

13 THE COURT: Are you talking about Mr. Woods?

14 MR. MOAK: Mr. Woods. I don't see where he
15 has a right to be here to witness either.

16 THE COURT: No, he is not a victim. He
17 doesn't have a right to be here. But he is
18 entitled to have a transcript of the proceedings.

19 MR. MOAK: Yes. But I would like for him to
20 get a transcript after the proceedings is done
21 with.

22 THE COURT: All right.

23 (Mr. Woods exits courtroom.)

24 MR. RILEY: He has left the courtroom, Judge.

25 THE COURT: He left the courtroom.

1 MR. MOAK: All right.

2 THE CLERK: Mr. Burris, would you raise your
3 right hand?

4 (Defendant complies.)

5 THE CLERK: Do you swear or affirm to tell the
6 truth, whole truth, and nothing but the truth, so
7 help you God?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay. You are Chad Godfrey
10 Burris?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Age 29?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Give or take. You are represented
15 by Mr. Johnson?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: How far in school did you go?

18 THE DEFENDANT: Eleventh grade. Then I went
19 back for my GED.

20 THE COURT: All right. You went over the
21 advisement of rights form with Mr. Johnson?

22 THE DEFENDANT: Yes, sir, I did.

23 THE COURT: All your answers are correct?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You understand there were serious

1 charges against you. Lynching carries a lot of
2 time.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: The State says in exchange for
5 your agreeing to cooperate they are going to drop
6 the charge to a new charge of lynching third
7 degree, which just carries like up to a year, but
8 you've got two separate charges. Do you understand
9 that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you could get a jury trial on
12 each charge. Do you understand that?

13 THE DEFENDANT: Yes, sir, I do.

14 THE COURT: In a trial you could exercise all
15 the rights listed on this advisement of rights
16 form. You would be presumed innocent. The State
17 would have the burden of proof. You could question
18 everybody and put up a defense if you wanted to.
19 It takes a unanimous decision of 12 jurors to find
20 you guilty beyond a reasonable doubt. The State
21 has the burden of proof. You don't have to prove
22 anything. Mr. Johnson has explained all that to
23 you?

24 THE DEFENDANT: I guess. Yes, sir, he did.

25 THE COURT: Do you have any questions about

1 anything?

2 THE DEFENDANT: No, sir.

3 THE COURT: Okay. Now, you do understand if I
4 accept your plea I am going to defer sentencing
5 based upon the cooperation as I understood Mr. Moak
6 to represent. So, Mr. Moak, do you want to ask him
7 anything?

8 MR. MOAK: Yes, Your Honor. Is he sworn?

9 THE COURT: He is already sworn.

10 CHAD BURRIS,

11 after being duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. MOAK:

14 Q Mr. Burris, what is your relationship to Henry
15 Woods?

16 A No relation to him.

17 THE COURT REPORTER: I'm sorry?

18 A No relation.

19 Q Were you an associate of his?

20 A Yes, sir.

21 Q Do you know Jeanette Haile?

22 A Jeanette Haile?

23 Q Yes?

24 A Yes, sir.

25 Q Do you know Jerry Haile?

- 1 A Yes, sir.
- 2 Q Do you know James Drakeford?
- 3 A Yes, sir.
- 4 Q Do you know Frances Dale Drakeford?
- 5 A Yes, sir.
- 6 Q Do you know Jerry Haile?
- 7 A Yes, sir.
- 8 Q Do you know Maurice Haile?
- 9 A Yes, sir.
- 10 Q And you know Coray Haile?
- 11 A Yes, sir.
- 12 Q Do you know Khlies Boykin?
- 13 A Yes, sir.
- 14 Q Do you know Latoya Goodwin?
- 15 A Yes, sir.
- 16 Q And you know Dewon Hunter or Dewona -- what is
- 17 Ms. Hunter's first name?
- 18 A Oh, yes, sir, I do.
- 19 Q What is her first name?
- 20 A Dewon.
- 21 Q Dewon Hunter?
- 22 A Yes, sir.
- 23 Q Were you an associate of all of those people at one
- 24 point?
- 25 A Associates? I know them.. I wouldn't say

1 associates for all of them.

2 Q All right. You hung out with them in the past?

3 A No, sir.

4 Q You know them?

5 A Yes, sir.

6 Q Okay. The night of March 7th of 2006, did you have
7 an occasion to drive from Camden to Bethune?

8 A Yes, sir.

9 Q You were the driver?

10 A Yes, sir.

11 Q On March 6th, 2006, who asked you to drive to
12 Bethune?

13 A Henry.

14 Q Where did he ask you to do that at?

15 A Where was I when he asked me?

16 Q Yes?

17 A I was at a store, at a BP station.

18 Q The BP across from the old Bi-Lo parking lot?

19 A Yes, sir.

20 Q Okay. Was he crying or upset?

21 A No, sir, not at the time.

22 Q Was he at some point during this night crying or
23 upset?

24 A I think so, but I'm not sure. At the point
25 whenever he was, it is not that I am aware.

1 Q Okay. What was the issue that caused the trip to
2 Bethune?
3 A He wanted to see his son at one point.
4 Q Was there a problem with him seeing his son?
5 A Not that I know of.
6 Q You knew nothing about a problem with them?
7 A No, sir. I never heard -- not at the time, not at
8 the point at that particular time.
9 Q Okay. And after you picked -- he was at the BP
10 station as well, was he not?
11 A Who was?
12 Q Henry?
13 A Yes, sir.
14 Q So you are at the BP station, he is at the BP
15 station, and he asks for you to drive him up there?
16 A Yes, sir.
17 Q Was anybody else with him at that point?
18 A I think Jeanette was with him, but she was across
19 the street at the time.
20 Q Okay. Did you drive Henry across the street to
21 pick her up?
22 A No, I think she came over there herself.
23 Q Okay. Did you leave the BP station driving the
24 truck?
25 A Yes, sir, I did.

1 Q Who was in the truck with you?

2 A Jeanette and Henry.

3 Q Okay. Where did you go?

4 A I left and went to -- we went -- I think we went to
5 another store. From there we went to the trailer
6 park.

7 Q Okay. And did anybody else get in the truck at the
8 trailer park?

9 A No, sir.

10 Q And where did you go after the trailer park?

11 A To the track.

12 Q To the track?

13 A Yes, sir.

14 Q Did anybody else get in the truck at that point?

15 A Yes, sir, I think James and -- I think James and
16 Maurice.

17 Q Okay. Did at one point you go to the Parkview
18 Motel?

19 A No, sir, not that I recall.

20 Q Okay. Do you remember picking up Dale Drakeford?

21 A Yes, sir, I think she was over there on the -- in
22 the track also.

23 Q Okay.

24 THE COURT REPORTER: In the track what, I'm
25 sorry?

- 1 A She was in the track as well.
- 2 Q And where is the track?
- 3 A Straight down Campbell. I mean, that is the
- 4 closest information I know.
- 5 Q Where the railroad tracks cross Campbell Street?
- 6 A Yes, sir.
- 7 Q Okay. How about Jerry Haile? Was he in the truck?
- 8 A Yes, sir. When we left the track he was.
- 9 Q How about Coray Haile?
- 10 A Yes, sir.
- 11 Q So all the people got picked up at the tracks?
- 12 A Yes, sir.
- 13 Q And James and Maurice you have already said you
- 14 picked up there?
- 15 A Yes, sir.
- 16 Q You, Jeanette, Dale, Jerry, James, Maurice and
- 17 Coray, and you met Henry at the BP station?
- 18 A Yes, sir.
- 19 Q Okay. At some point did Khlies Boykin get in the
- 20 truck?
- 21 A Yes, sir.
- 22 Q Where did he get in the truck at?
- 23 A He was in the track also.
- 24 Q He wasn't with Jeanette?
- 25 A No, sir, not at this time.

1 Q Okay. How about Latoya Goodwin?

2 A I'm not sure. I'm not sure. I don't remember --

3 quite remember. I think she was also at the track.

4 Q Okay. And how about Dewon Hunter?

5 A Yes, sir, she was at the track.

6 Q She was at the track?

7 A Yes, sir.

8 Q Okay. So you picked up Henry and Jeanette

9 essentially at the BP station, you went to the

10 tracks and picked up the other people?

11 A Yes, sir.

12 Q And where did you go from there?

13 A We went to the Hot Spot.

14 Q Okay. And what did you do at the Hot Spot?

15 A We went and got gas.

16 Q Okay. And how did you get to Bethune?

17 A Through Cassatt. Took -- yes, we went through

18 Cassatt.

19 Q Did you go up Number 1? Highway 1?

20 A I'm not sure. I can't remember right now.

21 Q Do you know where Dekalb Street is, like right over

22 here?

23 A Yes, sir.

24 Q That road?

25 A Yes, sir.

- 1 Q Is it the same road?
- 2 A No, I think we turned off.
- 3 Q When you went from Camden up to the Bethune area,
- 4 did you go up the same road as the Hot Spot?
- 5 A Yes, we went straight up to Bethune.
- 6 Q Now, when you got to the Bethune area, did you go
- 7 all the way into Bethune?
- 8 A Yes, sir.
- 9 Q And then you took a left?
- 10 A Yes, sir.
- 11 Q And then you take another right?
- 12 A Yes, sir.
- 13 Q And you've been up there before, have you not?
- 14 A Yes, sir.
- 15 Q So you knew where Ebony lived?
- 16 A No, sir.
- 17 Q You didn't know where Ebony lived?
- 18 A No, sir. I was given directions at the time.
- 19 Q Okay. Who was giving you directions?
- 20 A I think Henry.
- 21 Q Henry?
- 22 A Yes, sir.
- 23 Q Was he in the cab of the truck with you?
- 24 A Yes, sir, at this time he was.
- 25 Q So he rode up in the front of the truck with you

1 the entire time?

2 A Yes, sir. No, I think -- as a matter of fact, I
3 stopped and he got on the back. I made a stop and
4 he got in the back. Somebody was saying they were
5 cold or something, so after he got -- after he
6 left -- after he got on the back, or whatever,
7 somebody I think exchanged places, or whatever.

8 Q Somebody said they were cold?

9 A Yes, sir, in the back.

10 Q Now, do you remember where that stop was at?

11 A Not exactly. I think I was coming to -- I was
12 approaching a railroad track.

13 Q Uh-huh.

14 A And it was a peanut stand or something there on the
15 right-hand side.

16 Q Okay. So was this already in Bethune?

17 A It was close to it.

18 Q Okay. When you got up to Rochelle Lane -- do you
19 know where Rochelle Lane is at?

20 A Now I do, yes, sir.

21 Q Okay. When you got on that dirt road, did you
22 drive all the way up to Ebony's house?

23 A No, sir.

24 Q Where did you stop the truck at?

25 A It was like on the dirt road just a little bit.

- 1 Like around the corner, around the curve.
- 2 Q Was it near another building or something?
- 3 A Yes, sir.
- 4 Q What building? Can you describe that building?
- 5 A It was an old club or something, I think.
- 6 Q An old club?
- 7 A Yes, sir.
- 8 Q Okay. But it wasn't too close to Ebony's house,
- 9 was it?
- 10 A It wasn't all that close, but it was in walking
- 11 range.
- 12 Q Okay. Once you stopped there, did everybody get
- 13 out of the truck?
- 14 A Yes, sir.
- 15 Q And which direction did everybody walk?
- 16 A Toward Ebony's house.
- 17 Q Okay. Did you make it all the way to Ebony's
- 18 house?
- 19 A I made it as far as to the side where there were
- 20 some trees, or whatever, and I stopped beside the
- 21 trees.
- 22 Q Now, I show you a picture. Okay. This picture is
- 23 taken in front of Ebony's house looking towards the
- 24 direction y'all are coming from?
- 25 A Yes, sir.

1 Q Do you see the area where you were at in this
2 picture?

3 A Yes, sir. It looks like a second driveway right
4 there.

5 Q Like right there?

6 A Yes, sir.

7 Q So that is where you made it to?

8 A Yes, sir.

9 Q Were you ahead or behind everybody else?

10 A Everybody -- I was behind everybody else.

11 Q Okay. Did you hear any yelling or commotion?

12 A At this time, yes, sir, I did.

13 Q And what happened when you heard the commotion?

14 A I looked over, or whatever. And it was just like
15 everybody was moving around. They were fighting,
16 or whatever.

17 Q Uh-huh.

18 A And then -- and me and Maurice was -- as a matter
19 of fact, me and Maurice was beside each other.
20 Maurice -- like Maurice came, or whatever, like we
21 ran like towards -- back towards the truck, or
22 whatever, and after we heard all the commotion, or
23 whatever, and that is when I got -- I guess I heard
24 the gun fire, or whatever.

25 Q So when the commotion went down, y'all actually ran

1 away from it?

2 A Yes, sir.

3 Q And you heard gunfire?

4 A Yes, sir. No, like before the -- exactly -- around
5 the time -- before the gunfire started, that is
6 when Maurice came by and we like ran back towards
7 the truck.

8 Q Okay. So he was running away before the gunfire
9 started?

10 A Yes, sir. Yes, sir.

11 Q Okay. And did you end up in the truck?

12 A Yes, sir. Not at -- not at the first -- not at the
13 particular moment. It was the second time whenever
14 I went back to the truck, or whatever, and that is
15 when Khlies was in the truck.

16 Q Well, when you ran back -- when you got back in the
17 truck, Khlies was in it?

18 A Yes.

19 Q Was he driving it?

20 A Yes, he was driving it.

21 Q Did y'all leave the keys in it?

22 A Yes.

23 Q Okay. Did you drive the truck back from Bethune?

24 A I drove -- I drove half the way. Whenever
25 Khlies -- me and Khlies had to switch places,

1 whatever. Khlies switched, and I drove the rest of
2 the way.

3 Q Okay. When you got in the truck and Khlies was
4 driving, were you in the front or the back?

5 A I was in the front.

6 Q Okay. Did everybody else get back in the truck?

7 A I'm not -- there was a bunch of people jumping on
8 the truck, whatever, but I'm not particularly sure
9 who exactly was on the truck.

10 Q Did some people jump on the truck as it was moving
11 down the dirt road?

12 A Yes, sir.

13 Q Did some people jump out of the truck on the way
14 back to Bethune?

15 A Yes, sir.

16 Q Do you know who jumped out of the truck?

17 A No, sir, not at the particular time.

18 Q Where did y'all go -- where did y'all stop at after
19 you left Bethune?

20 A The first stop was at a dirt road where I left and
21 there was somebody come off at, I guess a couple of
22 people jumped off, whatever, and then we went to
23 Mr. Wright's house.

24 Q Okay. And when you got to Mr. Wright's house, did
25 you notice anybody was missing?

1 A Yes, sir.

2 Q Who was missing?

3 A I think it was Maurice -- I'm not sure. I can't
4 quite remember. I think it was -- I know it was
5 Maurice was missing, and I think Jerry.

6 Q And Jerry?

7 A Yes, sir.

8 Q Was Henry Woods still with you?

9 A Yes, sir, I think he was --

10 THE COURT REPORTER: I'm sorry, I couldn't
11 hear you.

12 A Yes, ma'am.

13 Q Was James Drakeford still with you?

14 A No, sir. He must have jumped off too.

15 Q So you think it might have been three people that
16 weren't with you?

17 A Maybe three.

18 Q Now, on the way back, were y'all -- were you in the
19 front or the back of the truck on the way back?

20 A I was in the front.

21 Q Were y'all talking?

22 A No, sir. I was in shock. No, nobody really was
23 saying nothing.

24 Q Okay. Do you remember the police coming and trying
25 to talk to you after that?

1 A No, sir. They came and got me from my house the
2 next morning.

3 Q Uh-huh. Did they try to talk to you?

4 A No, sir.

5 Q Okay. Did you talk to them?

6 A No, sir.

7 Q Okay. Have you seen or spoken to Smurf or -- Henry
8 Woods goes by the name of Smurf, right?

9 A Yes, sir.

10 Q Have you seen or spoken to Mr. Woods since this
11 happened?

12 A Yes, sir.

13 Q Did Mr. Woods ever tell you anything about
14 taking -- he was saying he would take the rap for
15 this thing?

16 A No, sir, but I'm sure, like if he -- if it ever
17 came down to it, he would be the one to take it,
18 you know --

19 Q Now, do you remember what you told me this morning?

20 A Yes, sir.

21 Q What is the truth? Did he tell you that or --

22 A Yes, sir.

23 Q He told you that he was going to take the rap for
24 it?

25 A He said if he have to, he would.

1 Q So he told you that he was going to take the rap
2 for this?

3 A Yes, sir.

4 Q Okay. Did he ever tell you specifically that he
5 shot anybody?

6 A No, sir.

7 Q Now, what was the purpose of going up to this house
8 on Rochelle Lane?

9 A Well, the first thing he was going to do is he was
10 going to see his son, or whatever. Then since it
11 was such a long time, or whatever, like since they
12 seen him, or whatever -- as a matter of fact, I
13 haven't seen him, it had been a minute since I had
14 seen him, or whatever. So he wanted to go see his
15 son, so I just took him to go see his son.

16 Q Okay. With 11 people?

17 A They were like relatives. All those were
18 relatives.

19 Q And you said at the Hot Spot somebody was cold
20 enough they had to switch out because it was too
21 cold to ride in the back?

22 A Yes, sir, but not at the Hot Spot. We were riding,
23 or whatever --

24 Q Y'all stopped somewhere else for that?

25 A Yes, sir, at a stop sign, I think.

1 Q And do you remember anybody with a bat?

2 A No, sir. I seen a stick, but I never seen a bat.

3 Q Do you remember talking this morning about who you
4 saw with a bat?

5 A I never seen a bat. There was a stick.

6 Q Are you saying this was not in the truck?

7 A It could have been, but not -- I don't remember.

8 Q Where was the truck parked at at the end of this
9 night?

10 A It was at my house.

11 Q Okay. Did you look at the back of the truck that
12 next day?

13 A No, sir.

14 Q Do you look into it after this happened?

15 A No, sir.

16 MR. JOHNSON: Ron, I want him to clarify who
17 he saw with the stick.

18 A Yes, sir, it was a stick.

19 THE COURT REPORTER: I'm sorry, I can't hear
20 you.

21 A It was a stick. I never saw a bat. It was a stick
22 that I saw.

23 MR. JOHNSON: Clarify who had it.

24 Q Well, who had the stick?

25 A It was Dale.

1 THE COURT REPORTER: I'm sorry?
2 A Dale Drakeford.
3 THE COURT REPORTER: Dale?
4 A Yes.
5 Q Do you remember what the stick looked like?
6 A Almost like a broom stick. It looked like a broom
7 stick.
8 Q Did it look like this?
9 A No, sir.
10 Q And this was the truck you were driving?
11 A Yes, sir, it is.
12 Q And are you saying this was on the back of the
13 truck?
14 A That was --
15 THE COURT REPORTER: Y'all are going to have
16 to speak up. I'm sorry, I couldn't hear either one
17 of you.
18 A I said if it was on the back of my truck it was
19 not -- didn't nobody had it that night at the time,
20 or whatever, they didn't use it at the time.
21 Q You are just saying you didn't see it?
22 A No, sir, I didn't.
23 Q And can you honestly say that nobody had it?
24 A Yes, sir, I can. I didn't see it. If they did, I
25 didn't see it.

1 Q That's what I'm saying. They could have done it
2 and you may not --

3 A They could have, but I didn't see it.

4 Q Okay. And that is your truck?

5 A Yes, sir.

6 Q So you knew nothing about some kind of dispute
7 Smurf may have had with Ebony's boyfriend?

8 A No, sir.

9 Q Okay. When we first started I asked you if Smurf
10 was upset or crying. And you said not at that
11 point in time.

12 A Yes, sir.

13 Q Was Henry Woods upset or crying at any point this
14 night?

15 A Yes, sir, after the case.

16 Q After the shooting?

17 A Yes, sir.

18 Q He was upset and crying?

19 A Yes, sir.

20 Q Okay. Is there anything that you know about this
21 that I haven't asked you about?

22 A No, sir.

23 Q There is nothing else?

24 A No, sir.

25 Q Did you see anybody with a gun?

1 A No, sir, I never saw a gun.
2 Q And you didn't have a gun?
3 A Me?
4 Q Yes?
5 A No, sir, I didn't.
6 Q You didn't shoot anybody?
7 A No, sir, I didn't.
8 Q And you got that far on foot?
9 A Did I get -- yes, sir. That was it.
10 Q And on the way up, do you remember walking by like
11 a brick house?
12 A Yes, sir.
13 Q Would that be the brick house right there, like in
14 the upper right-hand?
15 A I'm not sure.
16 Q Not sure?
17 A No, sir.
18 Q Have you seen this house during the daytime?
19 A No, sir.
20 Q Okay.
21 MR. MOAK: I think that is it, Your Honor.
22 THE COURT: All right, Mr. Johnson, you have
23 discussed the case with Mr. Burris?
24 MR. JOHNSON: Yes, I have, Your Honor.
25 THE COURT: He understands what he is doing, I

1 take it?

2 MR. JOHNSON: He does, Your Honor.

3 THE COURT: And you explained to him we are
4 going to defer sentencing based on his cooperation?

5 MR. JOHNSON: That's correct, Your Honor.

6 THE COURT: So I will accept his plea, it
7 looks like he knows what is going on, and defer
8 sentencing.

9 You can tell me what I need to know at the
10 time that he is sentenced.

11 MR. JOHNSON: That's fine, Your Honor.

12 THE COURT: Of course, I don't have to be the
13 one who sentences you, but chances are I will be,
14 but I don't know.

15 MR. JOHNSON: I understand, Your Honor. I
16 just need some clarification as to when they want
17 my client to come back since I guess --

18 THE COURT: Well, after the Woods case is
19 over.

20 MR. MOAK: I think next Tuesday morning is
21 probably the time he will probably be called as a
22 witness.

23 THE COURT: Next Tuesday morning.

24 MR. JOHNSON: I'll have my client here, Your
25 Honor.

1 THE COURT: Okay.

2 MR. JOHNSON: Thank you, Your Honor.

3 *****

4 MR. MOAK: The State would next call Maurice
5 Haile.

6 Your Honor, I believe Maurice Haile is
7 2009-GS-28-9632, and I believe the other indictment
8 is -- let me look at it -- 2007-GS-28-530, Your
9 Honor -- actually, it is 2009-GS-28-362. My sheet
10 had a different number on it. Again, one was a
11 lynching first charge originally, the other was a
12 lynching second. He is pleading guilty to assault
13 by a mob third. He is pleading guilty. He is
14 supposed to allocute truthfully. He is supposed to
15 testify truthfully next week and cooperate. And
16 should he fail to follow his end, we will possibly
17 pursue a perjury or other charge or may be asking
18 Your Honor to try to withdraw the plea and go
19 forward against him appropriately.

20 THE COURT: Okay.

21 MR. MOAK: Apparently 9632 was the correct
22 number, Your Honor.

23 THE CLERK: Mr. Haile, would you raise your
24 right hand, please?

25 (Defendant complies.)

1 THE CLERK: Do you swear or affirm to tell the
2 truth, the whole truth, and nothing but the truth,
3 so help you God?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: Okay, Mr. Haile, are you doing all
6 right?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Little hot, though?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You were charged, as I understand
11 it, with lynching, which is a pretty serious
12 offense. Ms. Singletary has explained all that to
13 you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Moak represents that you
16 intend to plead guilty to lynching -- not lynching,
17 but -- what are you going to call it?

18 MR. MOAK: Assault by a mob third degree.

19 THE COURT: Which just carries up to a year.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: But you have got two counts of
22 that. And to get the benefit of that negotiation
23 you have to agree to testify in the trial, and the
24 sentencing would be deferred. And they might even
25 withdraw this plea, I mean, ask that it be

1 withdrawn if you don't cooperate. Do you
2 understand all that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: As far as these two charges are
5 concerned, you went over this advisement of rights
6 form with Ms. Singletary?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are all your answers correct?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: How far in school did you go?

11 THE DEFENDANT: I went up to the eleventh
12 grade.

13 THE COURT: All right. Do you work anywhere?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Where is that?

16 THE DEFENDANT: Brown's Construction.

17 THE COURT: Do you understand everything on
18 the advisement of rights form?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: In a trial you could exercise all
21 the rights listed here. You know, you are presumed
22 innocent. The State has the burden of proof beyond
23 a reasonable doubt. You have the right to question
24 everybody, to make various motions to exclude the
25 evidence and testimony. You can put up a defense

1 if you want to. They can't make you testify, but
2 they can't keep you from testifying. Do you
3 understand all that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now, you were charged with six or
6 seven other individuals. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: The State indicated they were
9 going to attempt to try everything at one time, but
10 you could move to have separate trials and be tried
11 individually. It may not have been granted, but
12 you could have made that motion. Do you understand
13 that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: If you plead guilty, you waive all
16 your trial rights afforded you by the state and
17 federal constitution. Do you have any questions
18 about anything?

19 THE DEFENDANT: No, sir.

20 THE COURT: Okay, Mr. Moak, it looks like he
21 understands what is going on. You can ask him to
22 allocute.

23 MR. MOAK: Your Honor, is he sworn?

24 THE COURT: Yes, sir. Ms. McDonald, you did
25 swear him in, right?

1 MR. MOAK: She did?

2 THE CLERK: Yes, sir, I have.

3 MAURICE HAILE,
4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MOAK:

7 Q Maurice Haile, is your brother Coray Haile?

8 A Yes, sir.

9 Q And is -- are Jerry Haile and Jeanette Haile your
10 cousins?

11 A Yes, sir.

12 Q Are they first cousins?

13 A Yes, sir.

14 Q Are James Drakeford, Dale Drakeford and Henry Woods
15 also your first cousins?

16 A Yes, sir.

17 Q And are you related to Chad Burris?

18 A No.

19 Q And do you know what Chad Burris' nickname is?

20 A Bright.

21 Q Bright? Okay. And what is Henry Woods' nickname?

22 A Smurf.

23 Q Okay. The night of March 7th, 2006, where were you
24 when you heard about this trip to Bethune?

25 A Home.

- 1 Q And where was home?
- 2 A [REDACTED].
- 3 Q And is that your grandmother's house?
- 4 A Yes, sir.
- 5 Q Who else was there with you?
- 6 A Me, my brother and --
- 7 Q Which brother?
- 8 A Coray.
- 9 Q Coray? Okay.
- 10 A And James had just walked up not too long before
- 11 that, and my mother and my sister and my
- 12 grandmother.
- 13 Q And who is your sister?
- 14 A Paulette.
- 15 Q Paulette?
- 16 A (Nods affirmatively.)
- 17 Q Okay. So you and Coray were there and James walked
- 18 up?
- 19 A Yes, sir.
- 20 Q Okay. Did somebody pull up in a pick-up truck?
- 21 A Yes, sir.
- 22 Q Who was in the pick-up truck?
- 23 A Bright and --
- 24 THE COURT REPORTER: I'm sorry?
- 25 A Bright and everyone else.

1 Q Okay. Was Bright driving?
2 A Yes, sir.
3 Q That is Chad Burris?
4 A Uh-huh.
5 Q Was Henry Woods in there?
6 A Yes, sir.
7 Q Was Jeanette Haile in there?
8 A (Nods affirmatively.)
9 Q Dale Drakeford, was she in there?
10 A Yes, sir.
11 Q Was Jerry Haile in there?
12 A Yes, sir.
13 Q And so James Drakeford was with you, you are there,
14 and Coray was there. Who else was in the truck?
15 A Us. All us.
16 Q Was Khlies there?
17 A Yes, they was in the truck.
18 Q Khlies Boykin?
19 A Latoya.
20 Q Was Latoya Goodwin there?
21 A Yes, sir.
22 Q How about Dewon Hunter?
23 A She was there too.
24 Q Okay. What did they tell you about why they wanted
25 to go to Bethune?

1 A They were supposed to be going down there to talk
2 to --

3 THE COURT REPORTER: I'm sorry, you need to
4 speak up.

5 A They were supposed to be going down there to talk
6 to Ebony and them about seeing Smurf's son.

7 THE COURT: Ms. Singletary, it might be better
8 if you disconnect that microphone and let him hold
9 it in his hand. Every time he steps away from it
10 the court reporter can't hear. Hold it. Just
11 testify in there. Don't start singing like a rock
12 star.

13 Q So you have 11 people piled up in a pick-up truck?

14 A Yes, sir.

15 Q And was it cold?

16 A Yes, sir.

17 Q Okay. And when we talked earlier you mentioned
18 that you thought there might be some trouble up
19 there. Do you remember saying that?

20 A Yes, sir.

21 Q Can you tell the judge what you were talking about?

22 A Well, they said -- they was arguing at first, and
23 then they said -- well, they got back on the phone
24 and said he was talking to the guy saying they were
25 supposed to come and meet and talk about seeing his

- 1 son.
- 2 Q And did you think y'all were coming up there to
3 make sure there was no trouble?
- 4 A Could be, yes, but that is not why I came up there
5 for because I didn't know, you know --
- 6 Q But if there was trouble, what -- were y'all going
7 to be ready for it?
- 8 A I guess.
- 9 Q Okay. You remember talking to me this morning,
10 right?
- 11 A Yes, sir.
- 12 Q Where were you at in the truck?
- 13 A In the back.
- 14 Q Okay. Who was in the back?
- 15 A I'm not sure. Everybody -- I want to say most
16 everybody was in the back.
- 17 Q Most everybody was in the back?
- 18 A Yes, sir.
- 19 Q Do you remember who was in the front?
- 20 A I remember my brother ran and jumped in the front,
21 you know what I'm saying, when he came to the
22 house.
- 23 Q Was Coray in the front?
- 24 A Yes, sir.
- 25 Q Bright is driving?

- 1 A (Nods affirmatively.) Yes, sir.
- 2 Q Is anybody else in the front?
- 3 A I can't remember.
- 4 Q Do you remember stopping for gas up there?
- 5 A Yes, sir.
- 6 Q Where did y'all stop for gas at?
- 7 A At the Hot Spot.
- 8 Q Okay. Do you remember what road y'all took to go
- 9 up to Bethune?
- 10 A Straight down Number 1.
- 11 Q Okay. Did y'all go all the way down into Bethune
- 12 and take a left or did y'all turn before that?
- 13 A We turned before that.
- 14 Q Okay. When y'all got on the dirt road, did y'all
- 15 go all the way to the house?
- 16 A No, we didn't go to the house.
- 17 Q Okay. Do you remember where y'all parked at?
- 18 A Yes, sir.
- 19 Q Where did you park at?
- 20 A Down by a little old store or something.
- 21 Q Okay. Can you -- this picture here is taken from
- 22 the porch looking back. Is that the way y'all
- 23 came?
- 24 A Uh-huh.
- 25 Q Can you see the area you are talking about?

- 1 A It was like right before the curve, right down
2 there in the curve.
- 3 Q Behind the trees right there?
- 4 A Yes, sir.
- 5 Q So where the road curves behind the trees back in
6 there?
- 7 A Right -- come over some.
- 8 Q Okay. Now, did you walk the direction toward the
9 house?
- 10 A Yes, sir, I did.
- 11 Q Did everybody else walk in the direction toward the
12 house?
- 13 A Yes, sir, everybody left before we did.
- 14 Q Were you and James sharing a cigarette?
- 15 A Yes, sir.
- 16 Q Were y'all ahead or behind everybody else?
- 17 A We was behind everybody.
- 18 Q Did you see where Bright was at?
- 19 A No, sir.
- 20 Q Okay. Do you know if he was ahead or behind you?
- 21 A I don't -- I can't recall.
- 22 Q Okay. When you were -- so y'all parked back in
23 there and y'all are walking up this dirt road?
- 24 A Uh-huh.
- 25 Q Did you hear a commotion?

- 1 A Yes. We heard the arguing and everything. They
2 were fighting, you know what I'm saying, and we
3 started running.
- 4 Q And y'all started running toward this way?
- 5 A Yes, sir.
- 6 Q To catch up?
- 7 A (Nods affirmatively.)
- 8 Q Okay. Did y'all make it all the way up to the
9 fight?
- 10 A No, sir.
- 11 Q What happened to keep you from making it up to the
12 fight?
- 13 A We heard a gunshot.
- 14 Q And what did you do when you heard gunshots?
- 15 A Ducked down and ran back the opposite direction.
- 16 Q Did you run to the truck or did you run past the
17 truck?
- 18 A I run past the truck.
- 19 Q Okay. And where did -- so when you ran back, you
20 ran past the truck?
- 21 A Uh-huh.
- 22 Q Now, did you ever make it in this yard?
- 23 A No, sir.
- 24 Q Did you see who was in the yard?
- 25 A No, sir.

- 1 Q Did you ever get close enough to see who was in the
2 yard?
- 3 A No, sir.
- 4 Q But you and James were behind everybody else?
- 5 A Yes, sir.
- 6 Q Do you remember anybody having a bat?
- 7 A Yes, sir, it was on the back of the truck.
- 8 Q Was this the bat?
- 9 A Yes, sir.
- 10 Q Okay. Who had the bat?
- 11 A It was one of the girls.
- 12 Q One of the girls had it?
- 13 A Yes, sir.
- 14 Q Okay. Do you remember seeing a gun?
- 15 A No, sir.
- 16 Q Okay. Do you remember seeing a gun in anybody's
17 hand that night?
- 18 A No, sir.
- 19 Q Do you remember seeing anybody shoot anybody with a
20 gun?
- 21 A No, sir.
- 22 Q You just heard the gunshots?
- 23 A Yes, sir.
- 24 Q When you ran back that way, I think you said you
25 ran past the truck?

1 A Uh-huh.

2 Q Can you explain to us what happened then?

3 A We ran past the truck and we take off through the
4 woods and --

5 Q You said we. Who is running with you?

6 A Me and James.

7 Q Okay.

8 A And the truck came --

9 THE COURT REPORTER: I'm sorry, you need to
10 speak in that microphone.

11 A When we seen the truck coming, we ran out of the
12 woods and we jumped on the truck and run down the
13 road. It was another car coming up behind us real
14 fast, so me and James, we jumped off the truck
15 again.

16 Q And was that close to where that road came out on
17 Highway 1?

18 A Yes, right at the stop sign.

19 Q Okay. So you didn't make it to wherever the truck
20 eventually hit?

21 A No, sir.

22 Q And how did you get back to Camden?

23 A My aunt came and picked us up.

24 Q You called her for a ride?

25 A Yes, sir.

1 Q Okay. Who is your aunt?
2 A Carolyn Wright.
3 Q Okay. Now, have you talked to Henry Woods since
4 this happened?
5 A Yes, sir.
6 Q Has he ever told you about whether or not he wanted
7 you to take the hit for this or take --
8 A No, sir.
9 Q -- the rap or the fall for it?
10 A No, sir.
11 Q Has he ever talked to you about what happened that
12 night?
13 A Yes, sir.
14 Q What has he told you happened that night?
15 A He said he didn't do it.
16 Q He said he didn't do it?
17 A Uh-huh.
18 Q Okay. Does he say who he thought did it?
19 A Not really.
20 Q Okay. Was Henry Woods the reason y'all went up
21 there that night?
22 A Yes, sir.
23 Q If Henry Woods had not have asked -- had not wanted
24 to see his child, would y'all have gone up there
25 that night?

- 1 A No, sir.
- 2 Q And you knew about some sort of a dispute involving
3 the child?
- 4 A Yes, sir.
- 5 Q And Henry was the one in that dispute?
- 6 A Yes, sir.
- 7 Q It wasn't you?
- 8 A No, sir.
- 9 Q You didn't argue with anybody about seeing a child?
- 10 A No, sir.
- 11 Q James Drakeford didn't argue with anybody about
12 seeing a child?
- 13 A Not to my knowledge.
- 14 Q Chad Burris didn't do it?
- 15 A Not to my knowledge.
- 16 Q Jerry Haile didn't do it?
- 17 A Not to my knowledge.
- 18 Q Coray Haile didn't do it?
- 19 A Not to my knowledge.
- 20 Q Jeanette Haile didn't do it?
- 21 A Not to my knowledge.
- 22 Q Dale Drakeford didn't do it?
- 23 A Not to my knowledge.
- 24 Q All right. Khlies Boykin didn't do it?
- 25 A Not to my knowledge.

1 Q Latoya Goodwin didn't argue about it?

2 A Not to my knowledge.

3 Q And Dewon Hunter didn't argue about it?

4 A Not to my knowledge.

5 Q The only person that argued with people at that
6 house about the child was Henry Woods?

7 A Yes, sir.

8 Q And he is the reason y'all went up there?

9 A Yes, sir.

10 MR. MOAK: I think that is it, Your Honor.

11 THE COURT: Ms. Singletary, you discussed it
12 with Mr. Haile, I take it? You discussed it in
13 detail with Mr. Haile?

14 MS. SINGLETARY: Yes, Your Honor, I have.

15 THE COURT: And you think he understands the
16 offer and how the sentence is being deferred and
17 all the trials rights he is giving up by entering
18 the plea?

19 MS. SINGLETARY: Yes, Your Honor. We went
20 over his constitutional rights several times and we
21 went over strategy and defense late last week.

22 THE COURT: Well, I really don't need to know
23 anything about sentencing at this point since I'm
24 only finding that he has knowingly entered this
25 plea and sentencing is deferred.

1 Mr. Moak, when do you need him back?

2 MR. MOAK: I would probably think he would be
3 next Tuesday morning too, Your Honor.

4 THE COURT: Next Tuesday morning.

5 MS. SINGLETARY: Thank you, Your Honor.

6 THE COURT: All right.

7 *****

8 MR. MOAK: Your Honor, next we would call
9 James Drakeford.

10 Your Honor, James Drakeford is here on
11 2009-GS-28-361 and 2008-GS-28-534. Again, he was
12 charged on these true-billed indictments, lynching
13 first and lynching second degree. He is pleading
14 guilty to assault by a mob third degree, Your
15 Honor. He is agreeing to allocute truthfully today
16 and testify truthfully next week in the trial of
17 Mr. Henry Woods or whenever that trial is held
18 against Mr. Woods.

19 If for some reason he chooses to violate the
20 terms of this, we will pursue other charges,
21 including possibly perjury and may actually ask for
22 Your Honor to withdraw the plea and go forward
23 against him appropriately, depending on what
24 happens.

25 THE CLERK: Mr. Drakeford, would you raise

1 your right hand, please?

2 (Defendant complies.)

3 THE CLERK: Do you swear or affirm to tell the
4 truth, the whole truth, and nothing but the truth,
5 so help you God?

6 THE DEFENDANT: I do..

7 THE CLERK: Thank you.

8 (Pause.)

9 THE CLERK: Can you use copies until we get
10 the originals?

11 THE COURT: Sure.

12 All right, you are James Thomas Drakeford?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And how far in school did you go,
15 Mr. Drakeford?

16 THE DEFENDANT: Well, I made it to my last
17 year until this occurred.

18 THE COURT: All right. You are represented by
19 Robert Butcher?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: As I understand it, you were
22 charged with lynching, which is a pretty serious
23 offense. You understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you now are going to plead

1 guilty to assault and battery by a mob third
2 degree, two counts. That just carries up to a year
3 on each count. Of course, you don't have to plead
4 guilty to anything. You can get jury trials on
5 both charges if you want them or plead guilty to
6 one charge and not guilty to the other, and so
7 forth. But in any trial you could exercise all the
8 rights listed on this advisement of rights form
9 that you went over in detail with Mr. Butcher. Do
10 you understand everything?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: In a trial you are presumed
13 innocent. You don't have any burden to prove you
14 not guilty. The State has to convince 12 jurors
15 unanimously beyond a reasonable doubt that you are
16 guilty. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Certainly you can make various
19 motions. You can move to exclude evidence and move
20 to exclude testimony. You can move for separate
21 trials because many of y'all were charged for
22 participating in this activity. You might not
23 prevail in your motion to have a separate trial,
24 but you can at least make the motion. Do you
25 understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Of course they can't make you
3 testify, but if you wanted to testify, you have the
4 right to testify during a trial. Do you understand
5 that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Of course, when you plead guilty,
8 you can't, for instance, take the fifth. You have
9 to answer the questions. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Now, you waive all the
12 trial rights listed on this advisement of rights
13 form by pleading guilty. You understand if you
14 plead guilty and I accept your plea today, I'm not
15 going to sentence you today, sentencing will be
16 deferred depending upon your continued cooperation
17 with law enforcement and testifying truthfully
18 during the trial?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Against someone named Woods. Do
21 you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And that trial is scheduled for
24 next week. It should go next week. If it doesn't,
25 you would still have to agree to testify when they

1 call it for trial. Do you have any questions about
2 anything?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you have any questions about
5 what I have gone over?

6 THE DEFENDANT: No, sir.

7 THE COURT: You understand it?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. He has already been
10 sworn.

11 JAMES DRAKEFORD,
12 after being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MOAK:

15 Q Mr. Drakeford, Henry Woods is your brother, is he
16 not?

17 A Yes, sir.

18 Q And Dale Drakeford is your older sister, is she
19 not?

20 A Yes, sir.

21 Q Jerry Haile, Jeanette Haile, Maurice Haile and
22 Coray Haile are your cousins, are they not?

23 A Yes, sir.

24 Q And Chad Burris is not related to you at all, is
25 he?

- 1 A No, sir.
- 2 Q The night of March the 7th, 2006, were you at [REDACTED]
- 3 [REDACTED]?
- 4 A Yes, sir.
- 5 Q Is that your grandmother's house?
- 6 A Yes, sir.
- 7 Q All right. Who was there with you?
- 8 A Me, Maurice and Coray Haile.
- 9 Q Did they show up in the pick-up truck?
- 10 A Yes, sir.
- 11 Q And who is they?
- 12 A Chad, Henry, Dale, Jeanette. And I think that was
- 13 it.
- 14 Q Jerry?
- 15 A Jerry.
- 16 Q And were Khlies Boykin, Latoya Goodwin, or Dewon
- 17 Hunter there too?
- 18 A Well, I didn't see Dewon, but Khlies and Latoya.
- 19 Q Khlies Boykin and Latoya Goodwin were there as
- 20 well?
- 21 A Yes, sir.
- 22 Q Were they in the truck?
- 23 A On the back.
- 24 Q On the back?
- 25 A Yes.

1 Q Okay. Did they tell you that Ebony wouldn't let
2 Smurf see his son?

3 A Yes, sir.

4 Q Smurf is Henry Woods?

5 A Yes, sir.

6 Q And do you remember telling us yesterday that
7 everybody went out there to talk to Ebony and
8 everyone else also wanted to go there to make sure
9 nothing got out of hand?

10 A Yes, sir.

11 Q So y'all were there just to make sure no trouble
12 took place?

13 A Yes, sir.

14 Q And do you remember telling us you don't remember a
15 bat?

16 A Yes, sir.

17 Q Okay. And y'all rode to Bethune on Number 1?

18 A Yes, sir.

19 Q Do you remember if y'all took the left in the curve
20 or went into Bethune and took a left?

21 A I think it was a left at the curve.

22 Q Okay. Now, do you remember me showing you this
23 picture yesterday?

24 A Yes, sir.

25 Q And do you remember telling me where you said the

1 truck was at?

2 A Yes, sir.

3 Q About right there?

4 A Yes, sir.

5 Q Okay. And do you remember why y'all stopped the
6 truck there instead of pulling all the way up?

7 A Not quite why we stopped there, it is just where we
8 stopped it.

9 Q Just where it stopped at?

10 A Yes, sir.

11 Q Once the truck stopped, did everybody get out of
12 the truck?

13 A Yes, sir.

14 Q And did everybody start heading down the dirt road
15 towards the house?

16 A Yes, sir.

17 Q Now, did you and Maurice smoke a cigarette?

18 A Yes, sir.

19 Q So you are saying y'all are kind of lagging behind
20 a little bit?

21 A Yes, sir.

22 Q Okay. Do you remember hearing a commotion ahead of
23 you?

24 A Yes, sir.

25 Q Did y'all start heading towards that way or away?

- 1 A Well, when the commotion was going on, we were
2 still coming up the road.
- 3 Q Did y'all speed up?
- 4 A Not really, but when the commotion was going on, we
5 were still heading up the road.
- 6 Q Y'all kept coming?
- 7 A Yes, sir.
- 8 Q Do you remember hearing gunshots?
- 9 A Yes, sir.
- 10 Q What did you -- or what did you do when you heard
11 gunshots?
- 12 A Well, my first intention was to grab my cousin, and
13 we turned around.
- 14 Q So y'all headed back the other way?
- 15 A Yes, sir.
- 16 Q Were y'all running?
- 17 A Yes, sir.
- 18 Q Did y'all run to the truck or did y'all run
19 somewhere else?
- 20 A Well, we ran in the woods.
- 21 Q Okay. Now, do you know about how far you made it
22 up towards the house? Is that on the picture too?
- 23 A Yes. It was before the fence, down --
- 24 Q Right in here?
- 25 A No, maybe right by the pole.

- 1 Q About right there?
- 2 A Yes, sir.
- 3 Q Okay. So that is how far you came this way?
- 4 A Yes, sir.
- 5 Q You did not go back to the truck?
- 6 A No, sir.
- 7 Q Okay. Did you see the truck head out of the
- 8 neighborhood?
- 9 A No, sir. We really didn't look back.
- 10 Q So you didn't jump in the truck while it was
- 11 moving?
- 12 A No, sir.
- 13 Q So the last time you were in that truck is when you
- 14 got out with everybody else?
- 15 A Yes, sir.
- 16 Q Okay. And have you talked to Henry Woods since
- 17 this happened?
- 18 A Yes, sir.
- 19 Q And has he made any statements to you about him
- 20 taking the rap for this?
- 21 A No, sir.
- 22 Q He hasn't?
- 23 A No, sir.
- 24 Q Did you see a gun that night?
- 25 A No, sir.

- 1 Q Did you have a gun that night?
- 2 A No, sir.
- 3 Q Did you shoot anybody that night?
- 4 A No, sir.
- 5 Q Did you see anybody else shoot anybody that night?
- 6 A No, sir.
- 7 Q Okay. And how did you get back to Camden?
- 8 A Well, we made it almost to Cassatt walking.
- 9 Q Okay.
- 10 A And my cousin came and picked us up.
- 11 Q And which cousin was that?
- 12 A They stay in Cassatt.
- 13 Q Was it the Wrights?
- 14 A The Wrights?
- 15 Q One of -- like Lewis Wright or --
- 16 A Yes, sir.
- 17 Q Is that who it was?
- 18 A Yes, sir.
- 19 Q Call him Peanut?
- 20 A No, sir.
- 21 Q Was it Peanut's father?
- 22 A It was his sister.
- 23 Q Oh, his sister?
- 24 A Yes, sir.
- 25 Q Okay. So you are saying that you never got close

1 to see who was fighting, who shot, or anything?

2 A No, sir.

3 Q But you went up with everybody else to make sure
4 nothing happened?

5 A Yes, sir.

6 Q But something did happen, didn't it?

7 A Yes, sir.

8 MR. MOAK: No further questions, Your Honor.

9 THE COURT: All right, Mr. Butcher, you have
10 been representing Mr. Drakeford. Have you
11 explained everything to him?

12 MR. BUTCHER: Yes, sir.

13 THE COURT: Are you satisfied he understands
14 everything?

15 MR. BUTCHER: Yes, sir.

16 THE COURT: And he understands he's got to
17 cooperate in the trial of Henry Woods?

18 MR. BUTCHER: Yes, sir.

19 THE COURT: And testify like he did today?

20 MR. BUTCHER: Yes, sir.

21 THE COURT: And he needs to be back, Mr. Moak,
22 when?

23 MR. MOAK: I would believe next Tuesday
24 morning.

25 THE COURT: Tuesday morning. Next Tuesday.

1 MR. BUTCHER: Yes, sir.

2 THE COURT: And, Mr. Drakeford, I'm just
3 deferring sentencing, you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay.

6 MR. BUTCHER: Thank you, Your Honor.

7 *****

8 JULY 19, 2010

9 MR. MOAK: Next, Your Honor, we have Coray
10 Haile.

11 Your Honor, these are Indictments
12 2007-GS-28-533 for lynching first, and
13 2009-GS-28-364 for lynching second. Both of these,
14 like the others, are being taken as assault and
15 battery by a mob third degree, Your Honor. We're
16 asking him to allocute his testimony in the record
17 truthfully and to cooperate in the prosecution
18 against the non-pleading Co-Defendant, Henry Woods,
19 in his prosecution and to testify truthfully in
20 that. And if he fails to follow up on his side, we
21 are going to, one, look at perjury; two, other
22 charges; and, three, request that this plea be
23 withdrawn and we proceed accordingly.

24 THE COURT: Okay.

25 THE CLERK: Mr. Haile, would you raise your

1 right hand, please?

2 (Defendant complies.)

3 THE CLERK: Do you swear or affirm to tell the
4 truth, the whole truth, and nothing but the truth,
5 so help you God?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: The indictments handed up to me
8 are still lynching indictments. Do you have the
9 other ones?

10 MR. MOAK: It should be just like everybody
11 else. We are pleading them as assault by a mob
12 third. The paperwork on every one of them is the
13 same way.

14 THE COURT: Okay.

15 Okay, Mr. Haile, you were charged, of course,
16 with lynching. You are pleading to assault and
17 battery by a mob third degree, which just carries
18 up to a year, which are two counts. Is that your
19 understanding?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you are 23, 24, 25?

22 THE DEFENDANT: 24, sir.

23 THE COURT: What do you do these days?

24 THE DEFENDANT: I work at Zaxby's.

25 THE COURT: All right. Do you have an

1 attorney?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You probably can't pronounce his
4 name, can you?

5 THE DEFENDANT: Jason Kirincich.

6 THE COURT: Oh, that's right. You understand.
7 He's been over this advisement of rights form with
8 you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You understand if I accept your
11 plea sentencing is going to be deferred based upon
12 your continued cooperation with law enforcement and
13 truthfully allocuting today. Do you understand
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, on your advisement of rights
17 form, you indicated that while you hadn't confessed
18 or anything, you did make a statement to law
19 enforcement?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: I don't know, of course, what your
22 statement says, but in a trial the State can't just
23 automatically put whatever statement you said in,
24 you'd be entitled to a hearing outside the presence
25 of the jury as to whether you were given Miranda

1 rights or Miranda warnings before you made a
2 statement. And then the jury would have to find
3 that all your constitutional safeguards were
4 complied with before they could consider any
5 out-of-court statements you made, if you elected
6 not to testify. Of course, if you testify, they
7 can question you about whatever you said in any
8 event. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You waive all your trial rights if
11 you plead guilty. You are presumed innocent in a
12 trial. It is all spelled out on the advisement of
13 rights form. How far in school did you go?

14 THE DEFENDANT: How far in school?

15 THE COURT: Yes, sir?

16 THE DEFENDANT: Eleventh grade, sir.

17 THE COURT: You can read and write pretty
18 good, I guess?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Anything you don't understand on
21 the advisement of rights?

22 THE DEFENDANT: No, sir.

23 THE COURT: You waive the presumption or
24 innocence, the burden of proof is on the State, the
25 right to testify or not, your right to put up a

1 Defense, all that is gone. Of course, the jury has
2 to find you guilty beyond a reasonable doubt during
3 a trial and you can make various motions during a
4 trial. But if you plead guilty, you just admit you
5 are guilty and you can't exercise any of your trial
6 rights. Have you got any questions about anything?

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay, Mr. Moak.

9 CORAY HAILE,

10 after being duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MOAK:

13 Q Mr. Haile, Maurice Haile is your brother?

14 A Yes, sir.

15 Q Jerry Haile, Jeanette Haile and James Drakeford,
16 Dale Drakeford, Henry Woods are all your first
17 cousins?

18 A Yes, sir.

19 Q Do you remember the night of March 7th, 2006?

20 A Yes, sir.

21 Q Do you remember where you were at when the pick-up
22 truck pulled up?

23 A Yes, sir.

24 Q Where were you at?

25 A At my grandmother's house.

1 Q [REDACTED] ?
2 A Yes, sir.
3 Q In Camden?
4 A Yes, sir.
5 Q Who was with you?
6 A Me, Maurice Haile, and James Drakeford.
7 Q Okay. Do you remember who was in the pick-up
8 truck?
9 A Yes, sir.
10 Q Who was that?
11 A Chad Burris, Henry Woods, Jeanette Haile, Dale
12 Drakeford, and --
13 Q Was Maurice with you?
14 A And Maurice -- Maurice was at the house with me.
15 Q Okay. Was Latoya Goodwin there?
16 A Not to my knowledge, sir.
17 Q Okay. Do you remember seeing Khlies Boykin?
18 A Not to my knowledge, sir.
19 Q And how about Dewon Hunter?
20 A Not to my knowledge, sir.
21 Q Okay. Do you remember telling us yesterday that
22 Smurf had talked to Ebony and was told that someone
23 was up there and expected trouble? Do you remember
24 telling us that yesterday?
25 A Yes, sir..

1 Q Was that true?

2 A Yes, sir.

3 Q Okay. You remember saying -- telling us that Smurf
4 wanted people up -- wanted y'all to come with him
5 because he didn't want them to jump on him?

6 A Yes, sir.

7 Q Okay. Do you remember telling us yesterday that
8 you, Maurice, and James Drakeford were the last
9 people to get picked up on the truck?

10 A Yes, sir.

11 Q Do you remember telling us that y'all didn't really
12 talk on the way up there?

13 A Yes, sir.

14 Q Do you remember telling us that y'all stopped by
15 the Hot Spot?

16 A Yes, sir.

17 Q And you are sure Latoya was not -- you don't
18 remember Latoya being there?

19 A Not to my knowledge.

20 Q Okay. Was Jerry riding in the back?

21 A Yes, sir.

22 Q Was it cold that night?

23 A Yes, sir.

24 Q Is this your jacket or coat?

25 A Yes, sir.

1 Q You let Jerry wear it?

2 A Yes, sir.

3 Q Is this your ID tag from Wendy's?

4 A Yes, sir.

5 Q Was this in the coat?

6 A Yes, sir.

7 Q Had you been working at Wendy's before this

8 happened?

9 A Yes, sir.

10 Q So you hadn't really gotten rid of -- took off all

11 your stuff from work, had you?

12 A No, sir.

13 Q Okay. And were you in the front of the truck?

14 A Yes, sir.

15 Q And Jerry was in the back?

16 A Yes, sir.

17 Q That is how he ended up with your coat?

18 A Yes, sir.

19 Q Do you remember who else was sitting in the front

20 with you?

21 A No, sir. It was a female and me and Chad.

22 Q Okay. Was Chad driving?

23 A Yes, sir.

24 Q Okay. Do you remember going up Number 1 to

25 Bethune?

- 1 A Yes, sir.
- 2 Q Do you remember if y'all went all the way into
3 Bethune or did y'all take that left off the curve?
- 4 A We -- to my knowledge, we took a left.
- 5 Q You are not sure where the left was at?
- 6 A No, sir.
- 7 Q Okay. Now, do you remember me showing you this
8 picture yesterday?
- 9 A Yes, sir.
- 10 Q Do you remember being on here where y'all backed
11 the truck in at?
- 12 A We turned the truck around.
- 13 Q Yes. Was it over here or was it here or further
14 out?
- 15 A It was all the way back past the brick house.
- 16 Q Like straight?
- 17 A It is a road right there beside the brick house.
- 18 Q It is like a driveway off of that road or is it the
19 same road you turned around?
- 20 A That road right there go all the way down into like
21 another turn. After you see the brick house, there
22 is another turn after that.
- 23 Q Okay. That is where the truck was at?
- 24 A Yes, sir.
- 25 Q Okay. Do you have any idea why y'all didn't pull

1 all the way up in the yard?

2 A No, sir.

3 Q Now, once y'all got out of the truck, were y'all

4 walking up the dirt road?

5 A Not up the dirt road. We was like -- like we were

6 right there. And some come up through -- some

7 people walked through that way, some people walked

8 down the dirt road.

9 Q So y'all weren't walking in like a single file

10 line, y'all are kind of spread out?

11 A Yes, sir.

12 Q Okay. Was Smurf ahead of y'all, with y'all, or

13 behind y'all?

14 A Ahead of us.

15 Q He was walking faster?

16 A Yes, sir.

17 Q Okay.

18 A We was -- we was just standing away when he was --

19 when he was going to talk to her.

20 Q Now -- and, again, I showed you some more pictures

21 yesterday. Okay, on this picture, is that the

22 trailer y'all ended up at?

23 A Yes, sir.

24 Q Okay. And do you remember telling me yesterday

25 that you ended up on this end near where this other

1 like dirt driveway runs into?

2 A Yes, sir, but I was over this way.

3 Q Okay. Do you remember telling us --

4 MR. KIRINCICH: Ron, can he move closer? Your
5 Honor, he has 20/70 vision. He is having a hard
6 time seeing.

7 THE COURT: Okay.

8 MR. KIRINCICH: I ask you to speak up.

9 Q Do you remember where you were at in this thing?

10 A I was --

11 THE COURT REPORTER: I'm sorry, I can't hear
12 you.

13 A I was around up in this area right over here.

14 Q Okay. Do you remember telling us everybody -- that
15 everybody had run up like in one big pile?

16 A No, sir.

17 Q Do you remember telling us that yesterday?

18 A No, sir. I said like people are fighting right
19 there.

20 Q Okay.

21 A People are fighting right there, people over there,
22 and all around up in there.

23 Q Okay. Do you remember telling us that you didn't
24 hit anybody?

25 A Yes, sir.

- 1 Q Do you remember telling us that you were kind of in
2 there trying to like pull people off?
- 3 A Yes, sir.
- 4 Q So you were actually kind of in a pile, you just
5 weren't hitting anybody?
- 6 A Yes, sir. I wasn't hitting nobody.
- 7 Q Okay. And do you remember telling us you heard the
8 gunshot go off?
- 9 A Yes, sir.
- 10 Q Do you remember telling us how many shots you heard
11 go off?
- 12 A One or two.
- 13 Q Okay. And what happened once the shots went off?
- 14 A Everybody ran.
- 15 Q Now, do you remember there being a baseball bat in
16 the truck?
- 17 A Before they came -- when they came and picked us
18 up?
- 19 Q Yes, sir?
- 20 A Yes, sir.
- 21 Q Do you remember seeing the bat in the back of the
22 truck?
- 23 A It was on the bed of the truck, yes, sir, just
24 laying there, it wasn't in nobody's hand.
- 25 Q Is this the bat? Or most of it?

- 1 A I assume so.
- 2 Q Does it look like it?
- 3 A Yes, sir.
- 4 Q Okay. So that was before you got in the truck in
5 Camden?
- 6 A Yes, sir.
- 7 Q Did you see a gun?
- 8 A No, sir.
- 9 Q Did you see anybody have a gun?
- 10 A Not to my knowledge.
- 11 Q You didn't see a gun?
- 12 A No, sir.
- 13 Q Okay. Did you shoot anybody?
- 14 A No, sir.
- 15 Q Did you see James shoot anybody?
- 16 A No, sir.
- 17 Q Did you see Jerry shoot anybody?
- 18 A No, sir.
- 19 Q Did you see Maurice shoot anybody?
- 20 A No, sir.
- 21 Q Did you see Jeanette shoot anybody?
- 22 A No, sir.
- 23 Q Did you see Dale shoot anybody?
- 24 A No, sir.
- 25 Q And, obviously, since you just said you didn't see

- 1 anybody shoot anybody, you are also saying you
2 didn't see Henry shoot anybody, right?
- 3 A No, sir.
- 4 Q But you heard the shots go off?
- 5 A Yes, sir.
- 6 Q And were you looking in the direction where the
7 shots came from?
- 8 A No, sir.
- 9 Q So you weren't even looking where they were coming
10 from?
- 11 A No, sir.
- 12 Q Do you have any idea who was over there?
- 13 A No, sir.
- 14 Q You started running?
- 15 A Yes, sir.
- 16 Q Did you end up back on the pick-up truck?
- 17 A Not on the back, sir.
- 18 Q In the front of the pick-up truck?
- 19 A Yes, sir.
- 20 Q Do you remember when y'all got to the Wright house
21 in Cassatt, did y'all have the same number of
22 people with you as you came with?
- 23 A No, sir.
- 24 Q Who were y'all missing?
- 25 A We was missing James and Maurice.

1 Q Okay. Now, is there anything else I haven't asked
2 you that you remember that I have left out?

3 A No, sir.

4 Q You didn't get the coat back that night, did you?

5 A No, sir.

6 Q You didn't get your ID badge back that night
7 either?

8 A No, sir.

9 Q That is your stuff, right?

10 A Yes, sir.

11 Q Okay.

12 MR. MOAK: No further questions.

13 THE COURT: All right, Mr. Kirincich, you have
14 discussed it with Mr. Haile, I take it?

15 MR. KIRINCICH: Yes, Your Honor, I have.

16 THE COURT: And you have actually prepared to
17 go forward with a trial if necessary?

18 MR. KIRINCICH: Yes, Your Honor.

19 THE COURT: And he understands that I am
20 deferring sentencing based upon his continued
21 corporation?

22 MR. KIRINCICH: Yes, Your Honor, he does.

23 THE COURT: He needs to be back, I think he
24 told the rest of them next Tuesday.

25 MR. MOAK: Yes, Your Honor.

1 THE COURT: In the morning, 9:30?

2 MR. KIRINCICH: Your Honor, if Mr. Moak
3 intends to ask the subpoena to carry over until
4 next week, he will be back next Tuesday morning.

5 THE COURT: Okay.

6 MR. KIRINCICH: You are free to go.

7 *****

8 MR. MOAK: Jerry Haile.

9 Your Honor, Jerry Haile, is 2007-GS-28-531,
10 which is lynching first degree, true-billed, also
11 2009-GS-28-365, true-billed for lynching second
12 degree, Your Honor. His attorney is John Wells.

13 As with the previous Co-Defendants, he is
14 pleading guilty to two counts of assault by a mob
15 third degree. We are agreeing to allocute
16 truthfully today and to cooperate in the further
17 prosecution in this case and to testify truthfully
18 in that proceeding. And if he fails to do that, we
19 are going to look at other charges that might
20 include perjury, and also we will be looking at
21 asking you to revoke this plea and withdraw this
22 plea and go forward against him with the original
23 charges.

24 THE COURT: All right.

25 THE CLERK: Mr. Haile, would you raise your

1 right hand, please?

2 (Defendant complies.)

3 THE CLERK: Do you swear or affirm to tell the
4 truth, the whole truth, and nothing but the truth,
5 so help you God?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Okay, you are Jerry Haile?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And you are represented by
10 Mr. Wells, is that right?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You have talked it over with him,
13 I guess, a couple of times?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You went over the advisement of
16 rights with him?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are all your answers correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You understand everything?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: What is your educational
23 background?

24 THE DEFENDANT: I completed like the tenth
25 grade. That is my last grade.

1 THE COURT: Do you work anywhere?

2 THE DEFENDANT: No, sir.

3 THE COURT: Have you ever worked anywhere?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Doing what?

6 THE DEFENDANT: McDonalds on 521.

7 THE COURT: You understand if you enter a plea
8 of guilty you can get sentenced to one year on each
9 of these two counts?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: If you plead not guilty you get a
12 trial on any counts you pled not guilty to, any
13 charge, you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: In a trial you don't have to prove
16 you are not guilty, the State has the burden of
17 convincing 12 jurors unanimously beyond a
18 reasonable doubt that you are guilty. You can
19 testify or not, put up a defense or not. Certainly
20 if you are present in the courtroom you can look at
21 what everybody says, listen to what they are saying
22 and question them in detail. Do you understand
23 that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You can put up a defense. A

1 defense can simply be, I was not even in Kershaw
2 County when this thing just happened. But, if you
3 plead guilty, you waive your right to put up a
4 defense. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Wells has represented you for
7 a while. Is there anything you don't understand?

8 THE DEFENDANT: No, sir.

9 THE COURT: You understand, now, that I'm
10 deferring sentencing based on your continued
11 cooperation?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right, Mr. Moak.

16 JERRY HAILE,
17 after being duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. MOAK:

20 Q Jerry Haile, is Jeanette Haile your sister?

21 A Yes, sir.

22 Q Are Coray Haile and Maurice Haile your cousins?

23 A Yes, sir.

24 Q Henry Woods is your cousin?

25 A Yes, sir.

- 1 Q And James and Dale Drakeford are your cousins?
- 2 A Yes, sir.
- 3 Q Is Chad Burris related to you?
- 4 A No, sir.
- 5 Q Do you remember the night of March 7th, 2006?
- 6 A Yes, sir.
- 7 Q Do you remember going up to Bethune?
- 8 A Yes, sir, I do.
- 9 Q Do you remember how -- what vehicle y'all went up
10 there in?
- 11 A It was a truck. I don't know what kind.
- 12 Q Were you in the front or back of the truck?
- 13 A The back.
- 14 Q Were you cold?
- 15 A Yes, sir.
- 16 Q You borrowed Coray's coat?
- 17 A Yes, sir.
- 18 Q Do you remember seeing this stuff?
- 19 A Yes, sir.
- 20 Q Is this the stuff you had in it?
- 21 A Yes, sir.
- 22 Q Do you remember why y'all went to Bethune?
- 23 A Yes, sir.
- 24 Q Why did y'all go to Bethune?
- 25 A Well, early that day me and Henry were together at

1 my Auntie Dale house in Cassatt. So he had called
2 Latoya Goodwin to come pick us up to go back down
3 to the room at I think Parkview.

4 Q Okay.

5 A So we were down there for a little while. So he --
6 I think he called Ebony. And he asked could he see
7 his son. So he was like -- he told me, he was
8 like, she told him that he had to ask her
9 boyfriend.

10 Q Okay.

11 A He was like, he had asked her boyfriend, and he
12 told him no, he had to go -- I think he said he had
13 to go over to see him at the grandmother house, or
14 something like that, his grandfather house, I
15 think.

16 So, well -- so after a while he started crying
17 and, you know, like going on like, you know what
18 I'm saying, he was like crying and real sad, or
19 whatever. Latoya and her mother were trying to
20 calm him down, or whatever.

21 So after that, he sat there for a while. So I
22 guess he called her back, you know what I'm saying.
23 And I guess he said he wanted to talk, or whatever.

24 So we had left Parkview, then we had went down
25 to my grandmother's house where Coray and James --

1 Q [REDACTED] ?

2 A Yes, sir. So we went down there. So when we got

3 down there, you know what I'm saying, everybody had

4 got in the truck, and we was on our way going up

5 there. We stopped by the Hot Spot and got some

6 gas, I think it was some cigarettes too, and then

7 we had -- we went to Bethune.

8 Q Uh-huh. Okay. Do you remember if y'all went all

9 the way into Bethune and took a left or y'all

10 turned before y'all got up there?

11 A We turned right there at State Road.

12 Q Okay. You know what the roads are called there?

13 A Yes, sir.

14 Q Okay. When y'all got up there and you got to the

15 dirt road, is that -- do you know where Rochelle

16 Lane is?

17 A I think -- I don't know the name of it, but I know

18 the little road you make a left.

19 Q Okay. Did y'all drive all the way up to Ebony's

20 house?

21 A No, we passed by it, like going on down the road

22 right there, you know. And we had stopped. It was

23 like a building right there. We passed that brick

24 house, like a white building. I think it is like

25 back there.

1 THE COURT REPORTER: I'm sorry, you need to
2 speak up.

3 A I said it is like back there, like back a little
4 farther right there, either right there, by the
5 little white building.

6 Q So that is where y'all stopped at?

7 A Yes, sir.

8 Q Okay. Once y'all stopped, did everybody get out of
9 the truck?

10 A Yeah, everybody got out of the truck and off the
11 back.

12 Q And did y'all start heading kind of like by that
13 dirt road?

14 A Yes, we were coming all the way around, coming down
15 something like -- Moe and James was at the back.

16 Q Okay.

17 A And there was a couple of people in front of me. I
18 was like between Moe and James. Moe and James were
19 at the back.

20 Q Now, did you make it all the way in the yard?

21 A Yes, sir. I came right up, right in there. There
22 was like somebody fighting right there.

23 Q Fighting here?

24 A Yeah, they was fighting right there. And somebody
25 was on top of somebody right there.

1 Q Okay.

2 A And then it was like a crowd on the other side like
3 back towards where the light is at.

4 Q There is a light that way or a light this way?

5 A I think the light us on this side.

6 THE COURT REPORTER: I didn't hear the last
7 thing you said.

8 A The light is like on this side, right there.

9 Q Does that show it?

10 A Yes, it is back here, back on that side right
11 there.

12 Q You say a light. There is a porch light up there?

13 A Yeah, back on the side over there.

14 Q Over here?

15 A Yes, over in that area.

16 Q They were fighting there?

17 A They was over there. They were standing right
18 there. There was like a couple of people standing
19 around like right over here too. Latoya and them
20 was like over there, but there was a lot of people
21 standing around. And then when I came in the yard
22 I had took the coat off. I think one of the guys
23 was on -- I forgot which one it was -- was on top,
24 I think it was Chad, Chad Burris. And when I get
25 ready to take my coat off to pull him off him, that

1 is when the gun shot, and everybody ran.

2 Q So Chad Burris was on you?

3 A No, somebody was on him. Somebody was on top of
4 him. And then the rest of them was over there
5 like, you know like in school, school fights, you
6 know how you fight in school and people be gathered
7 around, it was like that. It was like somebody was
8 in the middle. I don't know who it was. And then
9 that is when the gun shot, and everybody just took
10 off in different directions.

11 Q You are saying Chad was in the middle?

12 A No, Chad was like over here.

13 MR. WELLS: Okay, we have got to specify which
14 Chad. Chad Hough?

15 A I don't know if he was over there or not. I never
16 seen him before.

17 Q What about Chad Burris?

18 A Chad Burris is right on this side over here.

19 Q Over there?

20 A Like over here.

21 Q Did you see where Smurf was at?

22 A I don't know what side he was on. He been -- I
23 think he was the first one in the yard.

24 Q The first --

25 THE COURT REPORTER: I'm sorry, he was what?

- 1 A I think he was the first person in the yard.
- 2 Q Now, was there any point that you saw where Smurf
- 3 was arguing with somebody?
- 4 A No. About the time I had done made it, you know
- 5 what I'm saying, people had done started fighting.
- 6 So it was hard to tell. The only person I seen was
- 7 Chad Burris, somebody was on top of him.
- 8 Q So you never did fight with anybody?
- 9 A No, I never -- I ain't -- I never put my hands on
- 10 nobody, no, sir.
- 11 Q Do you know who Shanasia Danzy is?
- 12 A Yes, sir.
- 13 Q Who is she to you?
- 14 A She says that I'm her baby father.
- 15 Q Are you paying child support or ordered to pay
- 16 child support for the baby?
- 17 A Yes, sir. I always pay child support, yes, sir.
- 18 Q So you know her?
- 19 A Yes, sir.
- 20 Q Do you know Ebony Danzy?
- 21 A Yes, sir.
- 22 Q Did you see them?
- 23 A No, not to my knowledge. I think somebody was
- 24 standing on the porch. I don't know who it was.
- 25 Q Okay. Were you -- did you end up in this area over

1 here?

2 A Yes, like right up in the front right here. Like

3 Chad is right up here. Chad Burris was like was on

4 the side. The porch is right up on this side.

5 Q Chad is closer to the porch, Chad Burris?

6 A Over somewhere right over here.

7 Q Right in there?

8 A No, like left. Like right over here.

9 Q Chad Burris is over there?

10 A Yes. Somebody was on top of him. I don't know who

11 it was. When it first started somebody was like

12 dived on him.

13 Q Chad Burris was on that side of the porch?

14 A This side over here.

15 Q And you are on that side?

16 A I was coming up the middle, coming from the road,

17 coming up right here.

18 Q Yes.

19 A Yes.

20 Q Did you ever make it over in this area?

21 A I seen too many people. He was over there.

22 Somebody was on top of him. That is as far as I

23 made it right here to where he was. That is when

24 the gun shot.

25 Q You are saying that you dropped the coat. Was the

1 ID badge in it before you got into it?

2 A Yes, sir.

3 Q So you are saying you dropped the coat in this

4 area?

5 A Like somewhere like coming up in the yard just like

6 right in that area, I think.

7 Q And you heard gunshots?

8 A Yes, sir.

9 Q Did you see who fired the shots?

10 A No, sir. There were too many people like gathered

11 around.

12 Q Did you see any of your people with a gun?

13 A No, sir.

14 Q Did you see any of your people with a gun after

15 this happened?

16 A No, sir.

17 Q What happened after you heard the gunshots?

18 A Everybody ran, like everybody was going in

19 different directions, even other people -- the

20 people on the other side, everybody just scattered

21 out.

22 Q So they ran too?

23 A Yeah, everybody did, yes, sir.

24 Q Okay. So did they appear to be surprised there was

25 a gun going off?

- 1 A I guess so, yes, sir.
- 2 Q Okay. And what direction did you run?
- 3 A Like back down toward the yard. Khlies Boykin was
4 pulling up in the truck.
- 5 Q Khlies was pulling up in the truck?
- 6 A Yes, sir. I guess he run back, he went back and
7 got the truck. And that is when everybody jumped
8 on. Some jumped on and some people were still
9 running around.
- 10 Q So he pulled the truck back up toward the yard?
- 11 A Yes. It was close-by, but not exactly right in
12 front.
- 13 Q Okay. So you got back in the truck?
- 14 A Yeah, I got on back -- I got on the back of the
15 truck.
- 16 Q And did the truck end up going that way or back the
17 way it came?
- 18 A It went back like the opposite direction than we
19 came.
- 20 Q Okay. So it didn't go turn around?
- 21 A No, it went all the way the same way.
- 22 Q Okay. Now, where did y'all go after you left
23 Bethune?
- 24 A To my Auntie Dale house.
- 25 Q Did y'all have the same people on the truck when

- 1 you got there as you went to Bethune with?
- 2 A No, sir.
- 3 Q Who was missing?
- 4 A James and Maurice.
- 5 Q Okay. Now, you are saying you didn't see any of
- 6 the people with you shoot anybody?
- 7 A Not to my knowledge, I didn't.
- 8 Q With your own eyes?
- 9 A Yes, sir, with my own eyes, I didn't.
- 10 Q Have you talked to any of people that were with you
- 11 since this happened?
- 12 A Yes, sir, I talked to pretty much all of them.
- 13 Q Has any of them told you they shot anyone?
- 14 A No, sir.
- 15 Q Okay. Have you talked to Smurf since this
- 16 happened?
- 17 A Yes, sir.
- 18 Q Smurf is Henry Woods?
- 19 A Yes, sir.
- 20 Q Has he told you he shot anybody?
- 21 A Not to my knowledge.
- 22 Q Has he told you he would take the rap for this?
- 23 A No, sir.
- 24 Q Okay. So y'all discussed the upcoming trial?
- 25 A No, sir.

1 Q You haven't discussed it at all?

2 A No, sir.

3 Q Okay. Do you remember the next day, March 8, 2006,
4 the sheriff deputies coming and talking to you?

5 A Yes, sir.

6 Q Or you coming and talking to them?

7 A Well, yeah, I came over there.

8 Q Do you remember this man right here, Phil Crawford?

9 A Yes, sir.

10 Q Do you remember Danny Catoe? He is not here today.

11 A Short?

12 Q Shorter.

13 A Yes, sir.

14 Q Do you remember writing a statement?

15 A Yes, sir.

16 Q Can you read that?

17 A "We was at Dale house." That was early in the day,
18 earlier that day.

19 "Me and Smurf had went back downtown at the
20 room." That was the Parkview.

21 Q Uh-huh.

22 A "And he call his baby mama house and he was talking
23 to her about his son. And she said he had to talk
24 to her boyfriend. And they had some words. And he
25 was crying. And it had got dark outside. We went

1 up there to her house and I think Chad parked the
2 truck. And they had left before me. And..."

3 Q Is that Khlies?

4 A Yes, sir. "...Khlies and me and him was walking up
5 there. We was getting up in the yard, and that is
6 when they start, somebody start to shoot the gun."
7 Like on that side right there.

8 Q Now, you are telling us today that when you got up
9 there you are pulling the coat off and you are
10 getting ready to get involved?

11 A Yes, sir, to pull the man off Chad Burris.

12 Q Okay. And you are telling us today that there was
13 actually fighting going on when you got up to the
14 yard?

15 A Yes, like on that side and right there by the
16 porch.

17 Q But on March 8th you had the gunshots going off
18 when y'all were going into the yard?

19 A Yes, sir, when we got up there like right up there
20 in front of the porch.

21 Q But what you are telling us today is the truth?

22 A Yes, sir. Yes, sir.

23 Q Now, you are saying that Chad Burris was fighting a
24 guy at the porch?

25 A Yes, sir. I went to grab -- to get the guy off the

1 top of Chad Burris.

2 Q Did you see James Drakeford fighting?

3 A No, sir, I didn't see James.

4 Q Did you see Coray fighting?

5 A If he was, he was like on the other side, if he
6 was. Like I say, James and Maurice was at -- they
7 were -- they stayed back. They didn't come all the
8 way to the yard.

9 Q Okay. Did you see Dale Drakeford and Latoya and
10 Jeanette Haile fighting anybody?

11 A If they was, like they was on the other side, on
12 the side right there. The only person I know
13 that -- the only person I know of that didn't come
14 in the yard was Maurice and James.

15 Q Okay. And did you see a bat?

16 A Yes, sir.

17 Q Who had the bat?

18 A One of the females had the bat. I'm not quite sure
19 which one had it.

20 Q So basically -- and you have been sitting back
21 there a little while, haven't you?

22 A Yes, sir.

23 Q Okay. James and Maurice don't go in the yard?

24 A No, sir.

25 Q You are not fighting anybody?

- 1 A I mean, I was pulling him off.
- 2 Q Coray says he is not fighting anybody.
- 3 A If he was, he was on the other side.
- 4 Q Who was fighting if none of y'all were fighting?
- 5 A Somebody was fighting. But it was like, like I
- 6 said, it was piled over there. The only person I
- 7 didn't see come in the yard was James and Maurice.
- 8 Q And Shanasia knows what you look like?
- 9 A Pretty much all of us.
- 10 Q And you are saying that if she had you fighting
- 11 someone, she would be wrong?
- 12 A I mean, she -- yes, sir, because from what my
- 13 lawyer tell me, like she said I was on other side,
- 14 but I never went over there.
- 15 Q So then if none of y'all people were -- how many --
- 16 have you been sitting back here this whole time?
- 17 A Until Coray, the last one.
- 18 Q Were you here when James was up here?
- 19 A Yes, sir.
- 20 Q Were you up here when Maurice was in here?
- 21 A Yes, sir.
- 22 Q How about Chad Burris?
- 23 A Yes, sir.
- 24 Q None of y'all are admitting to fighting anybody?
- 25 A Chad was, he was fighting somebody. The dude was

1 on top of him. They was fighting. They was
2 fighting. Like I said, the rest of them was on the
3 other side over there, you know what I'm saying.
4 Like they had to have been fighting because it was
5 a lot of commotion going on over there.

6 Q Well, you realize all we've got left is the two
7 girls?

8 A Yes, sir.

9 Q And you are saying you were not fighting anyone?

10 A I ain't say I wasn't fighting anyone. I said I
11 pulled him off, off of Chad. I don't know what
12 y'all call that, that is like putting my hand on
13 him. I don't know what y'all call that, but --

14 Q And you are over here at this -- at that corner of
15 the --

16 A Yes, sir. I think it was -- it wasn't -- it wasn't
17 Chad -- it wasn't Chad Hough that was on top of --

18 Q Chad Burris?

19 A Yeah, it was Chad Burris, but it wasn't -- his
20 brother -- it was Isaac's brother that Bright was
21 fighting. It was him.

22 Q Who was Chad fighting?

23 A It was Isaac.

24 Q Chad was fighting Isaac?

25 A Yes, sir.

1 Q So you tried to pull Chad off of Isaac or Isaac off
2 of Chad?

3 A Isaac off of Chad, because the other guy, I guess
4 he was over there, him and Vinny. I'm pretty sure
5 that is who it was.

6 Q Who was fighting Vinny?

7 A I don't know, they was over there in the corner
8 right there. I didn't see the guy on top of
9 Bright. The rest of them was over there in the
10 corner.

11 Q Now, do you think Vinny was fighting Jeanette or
12 Dale?

13 A Could be possible.

14 Q How would that turn out?

15 A I have no idea. He probably -- well, I don't know.

16 Q I mean, you think they would have some bad injuries
17 if that happened?

18 A Could be possible, yes, sir.

19 Q Who do you think was fighting Vinny?

20 A I can't possibly say. I wasn't like on that side.
21 But I know that those were the ones over there.
22 Besides Maurice and James, the rest of them that
23 was there. Dewon and Latoya, they was over there
24 too, because they was walking up there, and Smurf
25 was the first one in the yard, they all was in that

1 little dirt over there.

2 Q The only ones you can say were fighting were Isaac
3 Hough and Chad Burris?

4 A And I guess the rest of them that was over there in
5 that corner. When I came over there to pull Isaac
6 off Chad.

7 Q You saw Vinny over there?

8 A Yes, they all was on that side right there. Like
9 it was a lot of them.

10 Q But you didn't see who was fighting, you couldn't
11 tell who was fighting?

12 A Nobody couldn't see who was fighting nobody. You
13 could see it was commotion going on over there like
14 they was fighting, but you couldn't tell who
15 exactly it was.

16 Q You couldn't tell it was Vinny?

17 A No, I knew Vinny, you know what I'm saying. I went
18 to school with Vinny, yes, sir.

19 Q You can tell it was Vinny, but you couldn't tell
20 the people he was --

21 A No, I knew who was over there because everybody was
22 over there. I guess Chad and Vinny and the rest of
23 them was over there, because me and Chad Burris was
24 over here in that corner right there. So everybody
25 else had to be over there.

1 Q Okay. Did you see where Henry was at?

2 A No, sir, not to my knowledge. He had to been on
3 that side too.

4 Q Did you see him involved in any of the fights
5 occurring?

6 A I have no idea, because I couldn't -- you couldn't
7 really see. But they was over there. You could
8 see it was a big pile over there fighting.

9 MR. MOAK: No further questions.

10 THE COURT: All right, Mr. Wells, you
11 discussed it, of course, with Mr. Haile in detail,
12 is that right?

13 MR. WELLS: That's correct.

14 THE COURT: He understands what is going on, I
15 take it?

16 MR. WELLS: That's correct.

17 THE COURT: He understands all the rights he
18 is giving up?

19 MR. WELLS: Yes, sir.

20 THE COURT: Okay, I'll accept your plea. But
21 you do understand that sentencing is deferred
22 depending upon your continued corporation. And
23 Mr. Moak has advised your Co-Defendants all to be
24 bag next Tuesday at 10:00, and I'm assuming you
25 need to be back at that time also?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Is that right?

3 MR. MOAK: Yes, Your Honor.

4 THE COURT: Okay.

5 *****

6 MR. MOAK: Your Honor, before you is Frances
7 Dale Drakeford. She is here on 2009-GS-28-363,
8 which is an indictment for lynching second degree,
9 and 2007-GS-28-535, which is for lynching first
10 degree. She is pleading to two counts of assault
11 and battery by a mob third degree, Your Honor. She
12 is agreeing to allocute truthfully today, Your
13 Honor, and cooperate and testify in the further
14 prosecution of any other non-pleading Co-Defendant
15 in this case and testify truthfully in that. And
16 if she does not fulfill her obligations, we will be
17 looking at possibly other charges, including
18 possible perjury, and also will be asking Your
19 Honor to withdraw this plea and prosecute her for
20 the original offense.

21 THE CLERK: Raise your right hand, please.

22 (Defendant complies.)

23 THE CLERK: Do you swear or affirm to tell the
24 truth, the whole truth, and nothing but the truth,
25 so help you God?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Okay, Ms. Drakeford, are you doing
3 all right?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You are 24?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You are represented by Mr. Cook?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You were charged with two counts
10 of lynching, one first degree and one second
11 degree. And Mr. Cook explained to you those are
12 really serious charges?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: The State has indicated they would
15 accept pleas to assault and battery by a mob, which
16 carries up to a year -- you have got two counts of
17 that -- in exchange for your truthful testimony.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And your participation in the
20 trial of someone named Woods that is supposed to
21 take place next week, or whenever it takes place.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You understand that. So if I
24 accept your plea today, you won't be sentenced
25 today, sentencing will be deferred.

1 THE CLERK: Yes, sir.

2 THE COURT: And Mr. Cook explained all that to
3 you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: How far in school did you go?

6 THE DEFENDANT: Eleventh.

7 THE COURT: Do you work anywhere?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Where is that?

10 THE DEFENDANT: Wendy's.

11 THE COURT: All right. You went over the
12 advisement of rights form with Mr. Cook?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Are all your answers correct on
15 there?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Is there anything you did not
18 understand?

19 THE DEFENDANT: I understand everything.

20 THE COURT: If you plead guilty, you waive all
21 your constitutional rights surrounding a trial
22 supported by the federal and state constitution.
23 They are all listed here.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Of course your presumption of

1 innocence is gone, your right to participate in a
2 trial, your right to testify or not, burden of
3 proof on the State, right to call witnesses to
4 testify for you, right to cross-examine people, to
5 make motions, all that is waived if you plead
6 guilty.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Of course, you know, you can plead
9 guilty to one charge and not guilty to the other
10 and you get a trial on the one you pled not guilty
11 to.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Among the motions you could make,
14 you could move for a separate trial. And the State
15 indicated they were going to try them all together.
16 The motion might not be granted, but if you plead
17 guilty you can't make any motion, you just get
18 sentenced. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you have any questions about
21 anything?

22 THE DEFENDANT: No, sir.

23 THE COURT: All right, Mr. Moak.

24 FRANCES DALE DRAKEFORD,
25 after being duly sworn, testified as follows:

DIRECT EXAMINATION

1
2 BY MR. MOAK:

3 Q Ms. Drakeford, Henry Woods is your brother, is he
4 not?

5 A Yes, sir.

6 Q James Drakeford is also your brother, is he not?

7 A Yes, sir.

8 Q Jeanette Haile, Jerry Haile, Coray Haile, Maurice
9 Haile, are they your cousins?

10 A Yes, sir.

11 Q And is Chad Burris related to you?

12 A No, sir.

13 Q Do you remember on March 7th, 2006, being at Latoya
14 Goodwin's room at the Parkview Motel?

15 A Yes, sir.

16 Q Do you remember Henry Woods being there and also
17 Deborah Missouri being there?

18 A Yes, sir.

19 Q Do you remember Henry Woods calling Ebony and
20 telling her that he gave -- he had just given her
21 money so he wanted to see his son?

22 A Yes, sir.

23 Q Do you remember Smurf calling back and something
24 about him having to get permission to go see his
25 son?

- 1 A Yes, sir.
- 2 Q Do remember Smurf crying?
- 3 A Yes, sir.
- 4 Q Do you remember Smurf saying something about being
5 worried that they were trying to trick him to get
6 him up there?
- 7 A Yes, sir.
- 8 Q Do you remember going and picking some other people
9 up to go up there?
- 10 A Yes, sir.
- 11 Q Do you remember who all was in the pick-up truck?
- 12 A Yes, sir.
- 13 Q Who was in the pick-up truck?
- 14 A Dale, James, Maurice, Coray, Chad, Jerry --
- 15 THE COURT REPORTER: I'm sorry, what was the
16 last one?
- 17 A Jerry? Latoya Goodwin, Dewon Hunter, Khlies.
- 18 Q Okay. And do you remember everybody wanting to
19 have Henry's back?
- 20 A Yes, sir.
- 21 Q Okay. Do you remember stopping at the Hot Spot?
- 22 A Yes, sir.
- 23 Q Do you remember getting in the front of the truck?
- 24 A Yes, sir.
- 25 Q You were in the front of the truck?

- 1 A Yes, sir.
- 2 Q Do you remember if y'all rode in the truck all the
3 way into Ebony's yard?
- 4 A Repeat that again?
- 5 Q Do you remember if the truck went all the way into
6 Ebony's yard?
- 7 A No, it didn't.
- 8 Q Have you been to Ebony's house before?
- 9 A Yes, sir.
- 10 Q Okay. Is that it? Is that Ebony's house?
- 11 A Yes, sir.
- 12 Q Can you see on that picture where y'all stopped the
13 truck at?
- 14 A Yes, sir.
- 15 Q Can you point out where you saw the truck at?
- 16 A Right in here.
- 17 Q That is where y'all stopped the truck at?
- 18 A Yes, sir. Yes, sir.
- 19 Q Once you got out of the truck, did y'all start
20 heading towards Ebony's trailer?
- 21 A Yes, sir.
- 22 Q Did everybody head that way?
- 23 A Except for James and Maurice.
- 24 Q Okay. They hung back?
- 25 A They hung back for a while.

- 1 Q Okay. Do you remember anybody from the trailer
2 coming out?
- 3 A No, sir. Yeah, they was -- yeah, they was -- they
4 was coming out already.
- 5 Q Okay. Did your group and their group kind of like
6 get in each other's face?
- 7 A Yes, sir.
- 8 Q Is where that happened, the area where that
9 happened, is that in the picture?
- 10 A Yes, sir. Middle of the yard.
- 11 Q Okay. And were y'all like essentially bowed up on
12 each other talking back and forth?
- 13 A And then started fighting.
- 14 Q Like yelling?
- 15 A Uh-huh.
- 16 Q Were y'all in that kind of situation for a couple
17 of minutes or very long, or how long?
- 18 A No less than five minutes.
- 19 Q Okay. And was Henry Woods in that group?
- 20 A Yes, sir.
- 21 Q Were you in that group?
- 22 A Yes, sir.
- 23 Q Did you have a bat?
- 24 A Yes, sir.
- 25 Q Is this the bat?

- 1 A Yes, sir.
- 2 Q Okay. Who else in your group was up there yelling
- 3 at the people at the trailer? That you remember?
- 4 A Everybody except for Maurice and James. I couldn't
- 5 see them.
- 6 Q Everybody except Maurice and James?
- 7 A (Nods affirmatively.)
- 8 Q And at some point a fight broke out?
- 9 A Yes, sir.
- 10 Q Was it one big fight or was it two or three small
- 11 fights?
- 12 A It was breaking off like groups.
- 13 Q Can you point out where they were at?
- 14 A It was dark. I couldn't see. The only thing I
- 15 know everybody went and piled up on everybody.
- 16 Q Where were you at?
- 17 A Probably somewhere over in here.
- 18 Q Over there?
- 19 A Yes, sir.
- 20 Q Okay. And you had the bat?
- 21 A Yes, sir.
- 22 Q Now, did you end up hitting somebody with the bat?
- 23 A Yes, sir.
- 24 Q Did they take the bat from you?
- 25 A Yes, sir. Well, he was shoving on the bat and then

1 when I heard somebody scream, get the gun, I just
2 took it and pushed it. I didn't know who had it.
3 I just ran.

4 Q When you heard somebody yell, get the gun, what did
5 you do?

6 A I was running back to the truck.

7 Q Back to the truck?

8 A Yes, sir.

9 Q Did you hear gunshots?

10 A Yes, sir, they were going off.

11 Q How many gunshots did you hear?

12 A Probably three or four, maybe a little more.

13 Q Okay. Now, did you see anybody in your group with
14 a gun?

15 A No, sir.

16 Q Did you see anybody in your group shoot anyone?

17 A No, sir.

18 Q Did you -- do you know Ebony Danzy and Shanasia
19 Danzy?

20 A Yes, sir.

21 Q Did you see them that night?

22 A Ebony was out there, but I couldn't say if Shanasia
23 was out there.

24 Q Did you see Ebony or you heard somebody call her
25 name?

- 1 A Yes, sir.
- 2 Q You saw her?
- 3 A No, I heard somebody scream her name.
- 4 Q Okay. Now, when you got back in the truck, did you
5 get back in the front or the back?
- 6 A Front.
- 7 Q And when y'all are pulling out, did anybody hop on
8 the truck as it was moving? To your knowledge?
- 9 A Not that I know of.
- 10 Q Okay. When you get -- you went from Bethune to
11 Cassatt in the truck?
- 12 A Yes, sir.
- 13 Q And did y'all have the same people in the truck
14 then as y'all went up there with?
- 15 A No, sir. James and Maurice was not on the truck.
- 16 Q Okay. And James is your baby brother?
- 17 A Yes, sir.
- 18 Q And were you worried about him at all?
- 19 A Yes, sir.
- 20 Q Did you know if he was shot or who could have been
21 shot?
- 22 A No, sir. No, sir.
- 23 Q You just know he wasn't with you?
- 24 A Yes, sir.
- 25 Q And you are saying that James -- that James and

1 Maurice kind of held back?

2 A Yes, sir.

3 Q So you didn't see them in the fight?

4 A They was in the yard, but they wasn't like --

5 Q So they were up in the yard too?

6 A But they wasn't like -- they were standing around,

7 like wasn't fighting, like hitting nobody.

8 Q Okay. And you heard somebody yell, get the gun?

9 A Yes, sir.

10 Q Do you know if that was people in your group or

11 their group?

12 A I can't say.

13 Q You just started running?

14 A Uh-huh.

15 Q Now, do you remember if anybody was drinking or

16 not?

17 A I was.

18 Q You were?

19 A Yes, sir.

20 Q Was anybody not drinking?

21 A Not to my knowledge. I was. I was.

22 Q Was everybody drinking?

23 A Probably earlier that day.

24 Q Okay. Now, have you talked to Smurf -- do you

25 remember telling us that Smurf had told you that he

1 didn't want you to go down like that and he would
2 take the rap?
3 A Yes, sir.
4 Q He told you that?
5 A Yes, sir.
6 Q That is what he told you?
7 A Yes, sir.
8 Q Okay. Do you remember seeing Jerry on the ground,
9 Jerry Haile on the ground of the trailer?
10 A Yes, sir.
11 Q And was he fighting with somebody?
12 A Yes, sir.
13 Q Do you remember where? Can you kind of point out
14 which area you saw him on the ground at?
15 A It is right over there.
16 Q That area?
17 A Yes, sir.
18 Q Okay. The only people that were there that didn't
19 come with you that you knew were Ebony and
20 Shanasia?
21 A Yes, sir.
22 Q Did you know Mont and Chad Hough?
23 A No, sir, I had never seen them before.
24 Q Do you know who took the bat from you?
25 A No, sir.

- 1 Q Do you have any idea how this ended up back in the
2 truck?
- 3 A No, sir.
- 4 Q You are saying you didn't put it back in the truck?
- 5 A It could have been, yeah, when I was -- could have.
6 I remember shoving the bat. When I heard somebody
7 yell, get the gun, I just started shoving it.
- 8 Q Do you remember hitting them with the bat?
- 9 A No, because we was like struggling over the bat, so
10 when I heard somebody -- that was somebody hitting
11 me, so I still didn't let the bat go because I knew
12 if I let it go I was going to get beat with it. So
13 when somebody said, get the gun, I just sort of
14 shoved it and ran.
- 15 Q Could you have actually kept the bat?
- 16 A It could have been, yes, sir.
- 17 Q You just do not have a specific memory of that?
- 18 A Yes, sir.
- 19 Q And you remember talking to Danny Catoe on
20 March 9th, 2006?
- 21 A Yes, sir.
- 22 Q And do you remember writing a statement?
- 23 A Yes, sir.
- 24 Q Can you read that?
- 25 A It says: "On the way going up there I was

1 telling..."

2 THE COURT REPORTER: I'm sorry, you need to
3 speak up louder.

4 A "On the way going up there I was telling them not
5 to pull in the yard. I was on the back of the
6 truck when I heard yelling. So I got off. On my
7 way coming up I had the bat in my hand when my
8 cousin was on the ground with three or four people
9 on him. A man hit me in the forehead and I hit him
10 with the bat after that. I did hit him with the
11 bat only once. I was on my way back to the truck
12 when I heard two gunshots and I got on the truck
13 and we left."

14 Q Okay. The cousin you saw on the ground was Jerry?

15 A Yes, sir.

16 Q Okay. And you admit hitting somebody with a bat?

17 A Yes, sir.

18 Q And do you remember why he told somebody not to
19 pull the truck up in the yard?

20 A Like I said, unless -- you can hear them all
21 together yelling, don't pull up in the yard. There
22 was no reason.

23 MR. MOAK: No further questions.

24 THE COURT: Okay, Mr. Cook, you discussed this
25 with Ms. Drakeford, right?

1 MR. COOK: I have, Your Honor.

2 THE COURT: And you were prepared to go to
3 trial if necessary, I take it?

4 MR. COOK: Yes, Your Honor.

5 THE COURT: She understands that I'm not
6 sentencing today if I accept her plea --

7 MR. COOK: She understands.

8 THE COURT: -- and consequently would not
9 testify?

10 MR. COOK: She understands, Your Honor.

11 THE COURT: All right. Well, then she needs
12 to be back, Mr. Moak told the rest of them next
13 Tuesday about 9:30.

14 MR. COOK: Yes, sir.

15 THE COURT: She has to testify when Mr. Woods
16 case is called. If it doesn't go next week, it
17 might be next term.

18 MR. COOK: Yes, Your Honor.

19 THE COURT: Okay. I'll accept the plea and
20 defer sentencing.

21 MR. COOK: Thank you, Your Honor.

22 MR. MOAK: Thank you, Your Honor.

23 *****

24 MR. MOAK: And the last one is Jeanette Haile,
25 Your Honor.

1 Your Honor, Jeanette Haile is here on
2 2007-GS-28-532 for lynching first degree, and
3 2009-GS-28-366 for lynching second degree. She is
4 pleading guilty to two counts of assault by a mob
5 third degree. She is agreeing to allocute
6 truthfully and cooperate in the further prosecution
7 of this incident against the, I guess the sole
8 remaining non-pleading Co-Defendant, Henry Woods,
9 and testify truthfully in that.

10 And should she not fulfill her side of the
11 bargain, we will be looking at maybe charging her
12 with perjury, any other appropriate charges, and
13 also possibly be moving to ask Your Honor to
14 withdraw this guilty plea and prosecute her for the
15 original offense, original charge, Your Honor.

16 THE CLERK: Ms. Haile, would you raise your
17 right hand, please?

18 (Defendant complies.)

19 THE CLERK: Do you swear or affirm to tell the
20 truth, the whole truth, and nothing but the truth;
21 so help you God?

22 THE DEFENDANT: I do.

23 THE COURT: Okay, you are Jeanette Haile?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: How far in school did you go?

1 THE DEFENDANT: Tenth grade.

2 THE COURT REPORTER: I'm sorry?

3 THE DEFENDANT: Tenth grade.

4 THE COURT: Do you work anywhere?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Where?

7 THE DEFENDANT: Blackmon's Little Midget.

8 THE COURT: You can read and write pretty
9 good?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You are represented by
12 Mr. Atkinson?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You went over this advisement of
15 rights form with him?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Are all your answers correct?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Is there anything you did not
20 understand?

21 THE DEFENDANT: No, sir.

22 THE COURT: You recognize you were charged
23 with lynching first degree and lynching second
24 degree, which were serious offenses that carried
25 lots of time. The State has indicated they will

1 accept a plea to assault by a mob, two counts of
2 that. That just carries up to a year on each
3 count. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: To make that concession, the State
6 indicates you said that you would cooperate in the
7 trial of Henry Woods when it is called, is that
8 right?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And you will truthfully answer any
11 questions they ask today concerning your knowledge
12 of whatever transpired in Bethune that resulted in
13 the death of a gentleman a couple of years ago
14 named Hough?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: In a trial you can make various
17 motions. You can move to suppress evidence, you
18 can move to exclude evidence. I don't know whether
19 you made any statements to law enforcement. If you
20 don't testify you are entitled to a hearing of
21 whether the statement can come in. If you testify,
22 it is your choice, if you made prior statements to
23 law enforcement they can question you about it.
24 You are presumed innocent in a trial. You don't
25 have to prove you are not guilty. The State has to

1 convince 12 jurors beyond a reasonable doubt that
2 you are guilty. Your attorney could move to have a
3 separate trial because a good many people are
4 charged in this incident. The motion to have a
5 separate trial might not be granted, but you could
6 make that motion.

7 If you plead guilty, though, you can't later
8 put up a defense. A defense would simply be, I was
9 not even in Kershaw County when this incident in
10 Bethune occurred.

11 You can call witnesses to testify for you
12 during a trial and you can fully participate in a
13 trial, all of which is outlined in the advisement
14 of rights form that you say you understand.

15 Do you have any further questions?

16 THE DEFENDANT: No, sir.

17 THE COURT: You do understand if I accept your
18 plea your sentence will be deferred based upon your
19 cooperation, as Mr. Moak indicated?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay, Mr. Moak.

22 JEANETTE HAILE,
23 after being duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. MOAK:

- 1 Q Jeanette Haile, do you remember going to Bethune
2 the night of March the 7th, 2006?
- 3 A Yes, sir.
- 4 Q Do you remember the incident happening there?
- 5 A Yes, sir.
- 6 Q You know that is why you are here today?
- 7 A Yes, sir.
- 8 Q Do you remember on March the 8th, 2006, talking to
9 this man right here, Phil Crawford?
- 10 A Yes, sir.
- 11 Q Do you remember writing a statement?
- 12 A Yes, sir.
- 13 Q Is this your statement?
- 14 A Yes, sir.
- 15 Q Can you read it?
- 16 A Read it out loud?
- 17 Q Can you read it?
- 18 A Yes, sir. "Last night me and Dale, Smurf, James,
19 Maurice, Coray, Bright, Latoya, Dewon, Jerry went
20 to Bethune to fight Ebony's boyfriend. So when we
21 got to Bethune last night, Smurf, James, Maurice,
22 Coray, Bright, Jerry got out the truck to fight
23 Ebony's boyfriend. So Smurf was fighting Ebony's
24 boyfriend. Bright and the rest were fighting the
25 other boys that was there with Ebony and them.

1 Anyhow, when they seen that they had a bat, that is
2 when the other boy told his friend or whomever it
3 was to go get the burner, or whatever. And that is
4 when I heard gunshots, about four of them. Shots
5 went off. Everybody was running back to the truck,
6 but when we had got down the road everybody was
7 saying, man, we should have not went down here.
8 Some was on the back of the truck and some was
9 inside the truck. Bright finger looked like it was
10 broke because that is where somebody had bit him on
11 his finger on his right hand. When we was driving
12 back to Camden Bright was dropping everybody off at
13 home or whatever. He was like he was going in for
14 the night. But Smurf was fighting Ebony's
15 boyfriend over his son because Ebony told him to
16 ask her boyfriend could he come see his son, or
17 whatever. And that is when they were saying words
18 back to back on the phone because Smurf was telling
19 everybody to stay when we all got in the truck
20 because the woman who we was riding with at first,
21 she had said that her car was not going to make it
22 because she ain't had no gas. So that is when she
23 took us to Dale house and that is when we went and
24 got in the truck and the woman went home I guess.
25 Because she could not have made it to Bethune

1 because she had no gas. Anyhow, so that is when we
2 all got in the truck and went to Bethune. And that
3 is when Maurice, them and Smurf got out and off the
4 truck to go fight. And yeah when we was on our way
5 back Ebony called Dale's cell phone, or whatever,
6 but Dale could not hear her because she was on the
7 back of the truck. But Smurf did have a gun too
8 and when everybody got on the truck Smurf was still
9 shooting at them and they were shooting at Smurf
10 too. So therefore both of them had guns. Smurf
11 and Ebony's boyfriend or another boy that was there
12 with Ebony's boyfriend. When we was leaving, Smurf
13 was still shooting back at them and they were
14 shooting too. The gun were small. It had a black
15 handle on the bottom of it and it was silver look
16 the gun besides the bottom part of it."

17 Q That is the statement you wrote?

18 A Yes, sir.

19 Q Is that true?

20 A Yes, sir.

21 Q That is what you remember happening?

22 A Yes, sir.

23 Q I show you these two pictures. Is that your belt?

24 A No, sir.

25 Q That wasn't -- was that Dale's belt?

- 1 A I don't know.
- 2 Q Okay. Do you remember riding up to Bethune?
- 3 A Yes, sir.
- 4 Q Do you remember the issue -- part of the issue of
- 5 Smurf having to get permission to see his child?
- 6 A Yes, sir.
- 7 Q Do you remember Smurf crying?
- 8 A Yes, sir.
- 9 Q And was Khlies Boykin with y'all too?
- 10 A Yes, sir.
- 11 Q And was he your boyfriend?
- 12 A At the time.
- 13 Q At the time? He is not your boyfriend anymore?
- 14 A No, sir.
- 15 Q Now, were you the last one they picked up or one of
- 16 the first ones they picked up?
- 17 A I guess the last.
- 18 Q You say you are the last one they picked up?
- 19 A Yes, sir.
- 20 Q Now, were you riding in the back of the truck or
- 21 the front of the truck?
- 22 A At first I was riding in the back, then I got in
- 23 the front.
- 24 Q And where did you get in the front of the truck at?
- 25 A At the Hot Spot.

- 1 Q Were y'all talking on the way up there about what
2 was going to happen?
- 3 A No, sir.
- 4 Q Were y'all talking on the way back about what
5 happened?
- 6 A No, sir.
- 7 Q Okay. Do you remember seeing Vinny Bracey there?
- 8 A Yes, sir.
- 9 Q How do you know Vinny Bracey?
- 10 A I went to school with him.
- 11 Q When y'all came up on the dirt road, do you
12 remember where y'all parked the truck at? Point
13 out where you parked the truck at.
- 14 A Right over there.
- 15 Q Right up in there?
- 16 A Yes, sir.
- 17 Q Did everybody get out of the truck?
- 18 A Everybody got out the truck.
- 19 Q Everybody get out of the truck?
- 20 A Yes, sir.
- 21 Q Did everybody go in the yard?
- 22 A Yes, sir. Yes, I guess. I don't know.
- 23 Q Now, was there a time in the yard where everybody
24 was kind of in each other's face and yelling at
25 each other?

- 1 A Sir?
- 2 Q Was there a time in the yard where everybody in the
- 3 yard was yelling at each other?
- 4 A Yes, sir.
- 5 Q Before the fight started?
- 6 A Yes, sir.
- 7 Q And how long was that time?
- 8 A Not that long.
- 9 Q Then the fight broke out?
- 10 A Yes, sir.
- 11 Q And was it one big fight or was it like two or
- 12 three smaller fights?
- 13 A Like two.
- 14 Q Two?
- 15 A Yes, sir.
- 16 Q Do you remember where you were at?
- 17 A By that tree right there.
- 18 Q Right there?
- 19 A Uh-huh.
- 20 Q And you never came forward from that tree?
- 21 A No, sir.
- 22 Q Do you remember seeing Jerry fighting?
- 23 A I guess. I don't remember.
- 24 Q Do you remember seeing Vinny fighting?
- 25 A Yes, sir. I guess.

- 1 Q Did you see who Vinny was fighting?
- 2 A No, sir.
- 3 Q Do you remember seeing Chad Burris fighting?
- 4 A Yes, sir.
- 5 Q Do you remember seeing where Chad was fighting?
- 6 A No. No, sir.
- 7 Q Do you remember seeing Maurice Haile fighting?
- 8 A No, sir.
- 9 Q Do you remember seeing Coray Haile fighting?
- 10 A No, sir.
- 11 Q Do you remember seeing James Drakeford fighting?
- 12 A No, sir.
- 13 Q Do you remember seeing Khlies fighting?
- 14 A No, sir.
- 15 Q Do you remember seeing Dale Drakeford fighting?
- 16 A No, sir.
- 17 Q Do you remember seeing Latoya Goodwin fighting?
- 18 A No, sir.
- 19 Q Do you remember seeing Dewon Hunter fighting?
- 20 A No, sir.
- 21 Q Do you remember seeing anyone other than Smurf with
- 22 a gun?
- 23 A Yes, they had a gun too.
- 24 Q Who had the gun?
- 25 A I don't know.

1 Q Do you remember where he was at?

2 A No, sir.

3 Q Do you remember what he looked like?

4 A No, sir.

5 Q Was he tall, short, fat, skinny?

6 A No, sir.

7 Q Do you remember - you are standing right there?

8 A Yes, sir.

9 Q Was there a light?

10 A No, sir.

11 Q Okay. Do you remember where any lights were at?

12 A No, sir.

13 Q Did you see very well?

14 A When, that night?

15 Q Yes?

16 A No, sir.

17 Q Okay. Well, how close to the guy with the gun that

18 you saw where you couldn't see very well? I mean,

19 is there another picture, another angle that would

20 be better?

21 A Yes, sir.

22 Q Is this angle better?

23 A Yes, sir. It was like up by that tree.

24 Q Would it be by this tree or this tree?

25 A Go over. Come over.

1 Q I am talking about the guy with the gun.

2 A Right up in there.

3 Q By that tree?

4 MR. ATKINSON: Right in there. That one.

5 Q Where?

6 MR. ATKINSON: Right there.

7 A Right up in there.

8 Q Right in there? Where there is no light?

9 A No. No, sir.

10 Q Do you know how far that was away from you?

11 (Pause.)

12 Q Do you know how far that was away from you?

13 A About 50 yards.

14 Q Is there a reason why when you were interviewed
15 yesterday you didn't mention anything about seeing
16 another guy with a gun over there? I mean --

17 MR. ATKINSON: Was she asked about it?

18 Q You said, I don't know, yesterday?

19 MR. ATKINSON: She knows today.

20 Q Is there a reason you didn't know yesterday and you
21 know today?

22 A I don't remember you asking me that.

23 MR. MOAK: No further questions.

24 MR. ATKINSON: One thing I want to say, I'm
25 not sure that question was asked yesterday.

1 MR. MOAK: It was asked yesterday.

2 MR. ATKINSON: Mr. Derieg, did you hear it
3 asked yesterday?

4 MR. DERIEG: Yes, sir.

5 MR. MOAK: In going through her statement
6 yesterday I asked her where that guy was, and she
7 said she didn't know.

8 MR. ATKINSON: Okay.

9 MR. MOAK: So.

10 THE COURT: All right. Mr. Atkinson, you think
11 you explained it in detail to Ms. Haile?

12 MR. ATKINSON: I do, Your Honor.

13 THE COURT: You think she understands the
14 rights she is giving up?

15 MR. ATKINSON: She does.

16 THE COURT: She has to continue cooperating
17 before sentencing is imposed.

18 MR. ATKINSON: Yes, sir.

19 THE COURT: And Mr. Moak has told the rest of
20 the Co-Defendants that they need to be back Tuesday
21 about 9:30. Do you understand that?

22 MR. ATKINSON: Yes, sir.

23 THE COURT: Anything else, Mr. Moak?

24 MR. MOAK: Not from me, Your Honor.

25 THE COURT: Okay.

1 MR. ATKINSON: Thank you, Your Honor.

2 THE COURT: Sentence is deferred.

3 Okay, we don't need anybody in here talking to
4 anybody about what they are going to testify to,
5 intimidating anybody.

6 All right.

7 (WHEREUPON, the proceedings were concluded.)

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(END OF REQUESTED TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Kershaw County, South Carolina, on the 19th day of July, 2010.

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

February 18, 2013

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

.	532 [1] 112/2	another [11] 3/9 12/5 15/11 17/2 42/13
...Khlies [1] 89/4	533 [2] 1/8 58/12	66/21 66/22 118/11 123/19 123/19
0	534 [2] 1/8 46/11	124/16
06-GS-28-536 [1] 1/7	535 [1] 96/9	answer [2] 49/9 114/10
07-GS-28-530 [1] 1/7	536 [2] 1/7 4/6	answers [5] 6/23 31/8 74/18 98/14
07-GS-28-531 [1] 1/9	543 [1] 1/10	113/17
07-GS-28-533 [1] 1/8	6	anybody [45] 11/17 12/7 12/14 20/25
07-GS-28-543 [1] 1/10	6th [1] 10/11	23/5 24/1 26/25 27/6 38/2 41/6 41/19
08-GS-28-534 [1] 1/8	7	41/19 44/9 44/11 56/3 56/5 56/5 68/24
09-GS-28-361 [1] 1/8	70 [1] 68/5	69/5 70/9 70/13 70/15 70/17 70/19
09-GS-28-363 [1] 1/9	707 [4] 34/2 51/2 63/1 79/1	70/21 70/23 71/1 71/1 71/2 83/8 87/6
09-GS-28-364 [1] 1/8	7th [7] 10/6 33/23 51/2 62/19 77/5	87/20 90/10 90/25 91/2 91/24 103/1
09-GS-28-365 [1] 1/9	100/13 116/2	105/13 105/16 106/7 107/15 107/20
09-GS-28-366 [1] 1/10	8	126/3 126/4 126/5
09-GS-28-367 [1] 1/7	8th [2] 89/17 116/8	anybody's [1] 41/16
09-GS-28-9362 [1] 1/7	9	Anyhow [2] 117/1 118/1
1	9362 [1] 1/7	anymore [1] 119/13
10:00 [1] 95/24	9632 [2] 29/7 29/21	anyone [5] 87/13 92/9 92/10 105/16
11 [2] 23/16 36/13	9:30 [3] 73/1 111/13 125/21	122/21
12 [4] 7/19 48/14 75/17 115/1	9th [1] 109/20	anywhere [5] 31/13 75/1 75/3 98/7 113/4
18 [1] 127/19	A	Apparently [1] 29/21
19 [3] 1/11 3/1 58/8	accept [11] 8/4 28/6 49/14 60/10 95/20	appeal [1] 127/13
19th [1] 127/15	97/15 97/24 111/6 111/19 114/1 115/17	appear [1] 85/24
2	accepted [1] 3/15	approaching [1] 16/12
20/70 [1] 68/5	accordingly [1] 58/23	appropriate [1] 112/12
2006 [11] 10/6 10/11 33/23 51/2 62/19	accurate [1] 127/11	appropriately [2] 29/19 46/23
77/5 88/3 100/13 109/20 116/2 116/8	across [3] 10/18 11/18 11/20	area [13] 15/3 15/6 18/1 38/25 68/13
2006-GS-28-421 [1] 3/5	activity [1] 48/22	81/15 83/25 84/20 85/4 85/6 103/8
2006-GS-28-536 [1] 4/6	actual [1] 5/7	108/14 108/16
2007-GS-28-530 [1] 29/8	actually [7] 18/25 29/9 46/21 69/4 72/16	argue [4] 44/9 44/11 45/1 45/3
2007-GS-28-531 [1] 73/9	89/13 109/15	argued [1] 45/5
2007-GS-28-532 [1] 112/2	address [1] 5/2	arguing [3] 36/22 40/1 83/3
2007-GS-28-533 [1] 58/12	admit [2] 62/4 110/16	around [17] 17/1 17/1 18/15 19/4 54/13
2007-GS-28-535 [1] 96/9	admitting [1] 91/24	66/12 66/19 68/13 68/22 80/14 81/19
2008-GS-28-534 [1] 46/11	advised [1] 95/23	81/21 82/7 85/11 86/9 86/20 107/6
2009-GS-28-358 [1] 3/4	advisement [14] 6/21 7/15 31/5 31/18	ask [13] 4/18 4/21 8/6 10/14 30/25
2009-GS-28-361 [1] 46/11	48/8 49/12 60/7 60/16 61/12 61/21	32/21 46/21 68/8 73/3 78/8 112/13
2009-GS-28-362 [1] 29/9	74/15 98/12 113/14 115/13	114/11 117/16
2009-GS-28-363 [1] 96/7	affirm [7] 6/5 30/1 47/3 59/3 74/3 96/23	asked [13] 10/11 10/15 26/9 26/21
2009-GS-28-364 [1] 58/13	112/19	43/23 72/1 78/6 78/11 124/17 124/25
2009-GS-28-365 [1] 73/11	affirmatively [5] 34/16 35/8 38/1 40/7	125/1 125/3 125/6
2009-GS-28-366 [1] 112/3	104/7	asking [6] 3/22 29/17 58/16 73/21 96/18
2009-GS-28-367 [1] 4/8	afforded [1] 32/16	124/22
2009-GS-28-9632 [1] 29/7	again [7] 4/24 5/2 29/10 42/15 46/11	asks [1] 11/15
2010 [4] 1/11 3/1 58/8 127/15	67/20 102/4	assault [13] 4/15 29/12 30/18 46/14 48/1
2013 [1] 127/19	against [8] 7/1 29/19 46/18 46/23 49/20	58/14 59/11 59/16 73/14 96/10 97/15
23 [1] 59/21	58/18 73/22 112/7	112/4 114/1
24 [3] 59/21 59/22 97/5	Age [1] 6/12	ASSISTANT [2] 1/16 1/20
25 [1] 59/21	ago [1] 114/13	associate [2] 8/19 9/23
29 [1] 6/12	agree [2] 30/23 49/25	associates [2] 9/25 10/1
3	agreeing [5] 7/5 46/15 73/15 96/12	assume [1] 70/1
358 [1] 3/4	112/5	assuming [1] 95/24
361 [2] 1/8 46/11	agreement [1] 3/20	at [140]
362 [1] 29/9	ahead [6] 18/9 39/16 39/20 53/22 67/12	ATKINSON [3] 1/23 113/12 125/10
363 [2] 1/9 96/7	67/14	attach [1] 5/6
364 [2] 1/8 58/13	ain't [3] 83/9 92/10 117/22	attempt [1] 32/9
365 [2] 1/9 73/11	air [3] 3/7 3/8 3/12	attorney [11] 1/16 1/18 1/19 1/20 1/21
366 [2] 1/10 112/3	allocute [8] 3/16 29/14 32/22 46/15	1/22 1/23 1/24 60/1 73/12 115/2
367 [2] 1/7 4/8	58/16 73/15 96/12 112/5	aunt [2] 42/23 43/1
4	allocuting [1] 60/13	Auntie [2] 78/1 86/24
421 [1] 3/5	allocation [1] 3/17	automatically [1] 60/23
5	allowing [1] 4/17	aware [1] 10/25
50 [1] 124/13	almost [2] 25/6 56/8	away [7] 19/1 19/8 36/9 53/25 67/18
521 [1] 75/6	already [5] 8/9 13/13 16/16 50/9 103/4	124/10 124/12
530 [2] 1/7 29/8	always [1] 83/17	B
531 [2] 1/9 73/9	am [5] 8/4 10/25 72/19 124/1 127/16	baby [4] 83/14 83/16 88/22 106/16
	Among [1] 99/13	backed [1] 66/10
	angle [2] 123/19 123/22	background [1] 74/23
		bad [1] 93/16
		badge [2] 72/6 85/1
		bag [1] 95/24

B bargain [2] 3/24 112/11 baseball [1] 69/15 based [6] 8/5 28/4 60/11 72/20 76/10 115/18 basically [1] 90/20 bat [32] 24/1 24/2 24/4 24/5 24/21 41/6 41/8 41/10 52/15 69/15 69/21 69/25 90/15 90/17 90/18 103/23 103/25 104/20 104/22 104/24 104/25 108/24 109/6 109/8 109/9 109/11 109/15 110/7 110/10 110/11 110/16 117/1 battery [6] 4/15 48/1 58/15 59/17 96/11 97/15 beat [1] 109/12 bed [1] 69/23 behind [11] 18/9 18/10 39/3 39/5 39/16 39/17 39/20 41/4 42/13 53/19 67/13 belt [2] 118/23 118/25 benefit [1] 30/22 beside [3] 17/20 18/19 66/17 besides [2] 93/22 118/16 Bethune [36] 10/7 10/12 11/2 14/16 15/3 15/5 15/6 15/7 16/16 19/23 20/14 20/19 33/24 35/25 38/9 38/11 52/17 52/20 65/25 66/3 77/7 77/22 77/24 79/7 79/9 86/23 87/1 106/10 114/12 115/10 116/1 116/20 116/21 117/25 118/2 119/2 better [3] 36/7 123/20 123/22 between [1] 80/18 beyond [6] 7/20 31/22 48/15 62/2 75/17 115/1 Bi [1] 10/18 Bi-Lo [1] 10/18 big [4] 68/15 95/8 104/10 121/11 billed [5] 4/6 4/8 46/12 73/10 73/11 bit [3] 16/25 53/20 117/10 black [1] 118/14 Blackmon's [1] 113/7 BOB [1] 1/22 borrowed [1] 77/16 both [3] 48/5 58/13 118/10 bottom [2] 118/15 118/16 bowed [1] 103/11 boy [2] 117/2 118/11 boyfriend [13] 26/7 78/9 78/11 88/24 116/20 116/23 116/24 117/15 117/16 118/11 118/12 119/11 119/13 Boykin [9] 9/12 13/19 35/18 44/24 51/16 51/19 63/17 86/3 119/9 boys [1] 116/25 BP [8] 10/17 10/18 11/9 11/14 11/14 11/23 13/17 14/9 Bracey [2] 120/7 120/9 breaking [1] 104/12 brick [6] 27/11 27/13 66/15 66/17 66/21 79/23 Bright [14] 33/20 33/21 34/23 34/25 35/1 37/25 39/18 92/20 93/9 116/19 116/22 116/24 117/9 117/12 broke [3] 104/8 117/10 121/9 broom [2] 25/6 25/6 brother [11] 33/7 34/6 34/7 37/20 50/15 62/13 92/20 92/20 100/3 100/6 106/16 Brown's [1] 31/16 building [6] 17/2 17/4 17/4 79/23 79/24 80/5 bunch [1] 20/7 burden [7] 7/17 7/21 31/22 48/13 61/24 75/16 99/2 burner [1] 117/3	Burris [33] 1/7 1/18 4/5 6/2 6/10 8/10 8/14 27/23 33/17 35/3 44/14 50/24 63/11 77/3 81/24 82/2 82/17 82/18 83/7 84/3 84/5 84/9 84/13 89/11 89/23 90/1 91/22 92/18 92/19 94/3 94/23 100/11 122/3 Burris' [1] 33/19 BUTCHER [4] 1/19 47/19 48/9 57/9 C cab [1] 15/23 called [9] 28/21 42/24 78/1 78/6 78/22 79/12 111/16 114/7 118/5 calling [2] 100/19 100/23 calm [1] 78/20 Camden [8] 1/12 10/7 15/3 42/22 56/7 63/3 70/5 117/12 came [25] 11/22 18/20 19/6 22/1 22/17 37/4 37/21 38/23 42/8 42/16 42/23 55/3 56/10 69/17 69/17 71/7 71/22 80/21 81/21 86/17 86/19 88/7 94/5 120/11 121/20 Campbell [2] 13/3 13/5 can [46] 17/4 25/23 25/24 28/9 31/25 32/21 36/21 38/21 38/25 42/2 47/9 48/4 48/18 48/19 48/20 48/24 60/4 61/7 61/17 62/3 68/4 75/8 75/18 75/20 75/25 76/1 88/16 94/2 94/19 99/8 102/12 102/15 104/13 108/13 109/24 110/20 113/8 114/16 114/17 114/18 114/21 114/23 115/11 115/12 116/15 116/17 can't [18] 14/20 21/3 24/19 32/1 32/2 36/10 38/3 39/21 49/2 49/8 60/3 60/22 62/5 68/11 93/20 99/17 107/12 115/7 captioned [1] 127/13 car [2] 42/13 117/21 CAROLINA [6] 1/1 1/4 1/12 127/4 127/10 127/14 Carolyn [1] 43/2 carried [1] 113/24 carries [8] 4/1 7/1 7/7 30/19 48/2 59/17 97/16 114/2 carry [1] 73/3 Cassatt [7] 14/17 14/18 56/8 56/12 71/21 78/1 106/11 catch [1] 40/6 Catoe [2] 88/10 109/19 caused [1] 11/1 cell [1] 118/5 Certainly [2] 48/18 75/19 CERTIFICATE [1] 127/1 certify [2] 127/10 127/16 Chad [57] 1/7 1/18 4/4 4/10 6/9 8/10 33/17 33/19 35/3 44/14 50/24 51/12 63/11 65/21 65/22 77/3 81/24 81/24 82/2 82/11 82/12 82/14 82/14 82/17 82/18 83/7 84/3 84/3 84/5 84/5 84/9 84/13 89/1 89/11 89/23 90/1 91/22 91/25 92/11 92/17 92/17 92/18 92/19 92/22 92/24 93/1 93/2 93/3 94/3 94/6 94/22 94/23 100/11 101/14 108/22 122/3 122/5 chances [1] 28/13 charge [10] 3/21 7/6 7/6 7/12 29/11 29/17 48/6 75/13 99/9 112/15 charged [9] 30/10 32/5 46/12 47/22 48/21 59/15 97/9 113/22 115/4 charges [12] 3/22 7/1 7/8 31/4 46/20 48/5 58/22 73/19 73/23 96/17 97/12 112/12 charging [1] 112/11 CHARLIE [1] 1/17	child [9] 43/24 44/3 44/9 44/12 45/6 83/15 83/16 83/17 119/5 choice [1] 114/22 chooses [1] 46/19 cigarette [2] 39/14 53/17 cigarettes [1] 79/6 Circuit [2] 127/9 127/23 clarification [1] 28/16 clarify [2] 24/16 24/23 client [2] 28/17 28/24 close [8] 16/17 17/8 17/10 41/1 42/16 56/25 86/11 123/17 close-by [1] 86/11 closer [2] 68/4 84/5 closest [1] 13/4 club [2] 17/5 17/6 Co [8] 3/14 5/4 58/18 73/13 95/23 96/14 112/8 125/20 Co-Defendant [4] 5/4 58/18 96/14 112/8 Co-Defendants [4] 3/14 73/13 95/23 125/20 coat [10] 64/24 65/5 65/17 72/4 77/16 81/22 81/25 84/25 85/3 89/9 cold [7] 16/5 16/8 23/19 23/21 36/15 64/22 77/14 come [14] 20/21 28/17 36/25 39/7 64/4 67/6 78/2 90/7 90/13 91/7 108/19 114/21 117/16 123/25 coming [21] 3/9 16/11 17/24 21/24 37/2 42/11 42/13 54/2 54/8 71/9 80/14 80/14 84/16 84/16 84/17 85/5 88/4 88/6 103/2 103/4 110/7 commotion [10] 18/11 18/13 18/22 18/25 39/25 53/22 54/1 54/4 92/5 94/13 complete [1] 127/11 completed [1] 74/24 compiled [1] 61/4 complies [7] 6/4 29/25 47/2 59/2 74/2 96/22 112/18 concerned [1] 31/5 concerning [1] 114/11 concerns [3] 5/3 5/7 5/11 concession [1] 114/5 concluded [1] 126/7 concurrent [1] 4/19 condition [2] 3/7 3/16 conditioning [2] 3/8 3/12 confessed [1] 60/17 confront [1] 5/5 consequences [1] 4/1 consequently [1] 111/8 consider [1] 61/4 constitution [2] 32/17 98/22 constitutional [3] 45/20 61/3 98/21 Construction [1] 31/16 continue [2] 3/11 125/16 continued [5] 49/16 60/12 72/20 76/10 95/22 convince [2] 48/14 115/1 convincing [1] 75/17 COOK [6] 1/22 97/7 97/11 98/2 98/12 110/24 cooperate [11] 3/17 4/18 7/5 29/15 31/1 57/17 58/17 73/18 96/13 112/6 114/6 cooperating [2] 5/8 125/16 cooperation [5] 8/5 28/4 49/16 76/11 115/19 copies [1] 47/9 Coray [26] 1/8 1/21 9/10 13/9 13/17 33/7 34/8 34/9 34/17 35/14 37/23 44/18 50/22 51/8 58/9 62/9 76/22 78/25 90/4 91/2 91/17 100/8 101/14 116/19 116/22
--	---	--

C Coray... [1] 122/9 Coray's [1] 77/16 corner [6] 17/1 92/14 93/7 93/10 94/5 94/24 corporation [3] 60/12 72/21 95/22 correct [9] 6/23 28/5 29/21 31/8 74/18 95/13 95/16 98/14 113/17 couldn't [13] 21/10 25/16 94/10 94/12 94/14 94/16 94/19 95/6 95/6 104/4 104/14 105/22 123/18 counsel [1] 127/17 count [2] 48/3 114/3 counts [12] 4/14 30/21 48/2 59/18 73/14 75/9 75/12 96/10 97/9 97/16 112/4 114/1 COUNTY [5] 1/2 76/2 115/9 127/5 127/14 couple [6] 20/21 74/13 80/17 81/18 103/16 114/13 course [11] 28/12 48/3 49/2 49/7 59/15 60/21 61/6 62/1 95/11 98/25 99/8 courtroom [5] 3/8 5/23 5/24 5/25 75/20 cousin [6] 54/12 56/10 56/11 76/24 110/8 110/14 cousins [8] 33/10 33/12 33/15 50/22 62/17 76/22 77/1 100/9 Crawford [2] 88/8 116/9 cross [3] 5/5 13/5 99/4 cross-examine [2] 5/5 99/4 crowd [1] 81/2 crying [10] 10/20 10/22 26/10 26/13 26/18 78/16 78/18 88/25 101/2 119/7 curve [6] 17/1 39/1 39/2 52/19 52/21 66/3 curves [1] 39/5	Dekalb [1] 14/21 depending [3] 46/23 49/16 95/22 deputies [1] 88/4 Derieg [1] 125/2 describe [1] 17/4 detail [5] 45/13 48/9 75/22 95/11 125/11 Dewon [13] 9/16 9/20 9/21 14/4 35/22 45/3 51/16 51/18 63/19 93/23 101/17 116/19 122/19 Dewona [1] 9/16 did [165] different [3] 29/10 82/10 85/19 Direct [14] 2/3 2/5 2/7 2/9 2/11 2/13 2/15 8/12 33/5 50/13 62/11 76/18 100/1 115/24 direction [8] 17/15 17/24 39/8 39/11 40/15 71/6 86/2 86/18 directions [4] 15/18 15/19 82/10 85/19 dirt [15] 16/21 16/25 20/11 20/20 38/14 39/23 53/14 67/4 67/5 67/8 68/1 79/15 80/13 94/1 120/11 disconnect [1] 36/8 discussed [8] 27/23 45/11 45/12 72/14 87/24 88/1 95/11 110/24 dispute [3] 26/6 44/2 44/5 dived [1] 84/12 does [7] 28/2 43/18 70/2 72/22 81/9 96/16 125/15 doesn't [3] 5/17 49/24 111/16 doing [5] 3/10 27/25 30/5 75/5 97/2 done [4] 5/20 26/1 83/4 83/5 doubt [6] 7/20 31/23 48/15 62/2 75/18 115/1 down [28] 13/3 18/25 20/11 22/17 36/1 36/5 38/10 38/11 38/20 39/1 40/15 42/12 53/14 54/23 66/20 67/8 78/2 78/5 78/20 78/24 79/2 79/3 79/21 80/14 86/3 108/1 117/6 117/7 downtown [1] 88/19 Drakeford [41] 1/8 1/9 1/20 1/23 9/2 9/4 12/20 21/13 25/2 33/14 33/14 35/9 35/13 44/11 44/22 46/9 46/10 46/25 47/12 47/15 50/11 50/15 50/18 57/10 58/2 62/15 62/16 63/6 63/12 64/8 77/1 90/2 90/9 96/7 97/2 99/24 100/3 100/6 110/25 122/11 122/15 drinking [3] 107/15 107/20 107/22 drive [7] 10/7 10/11 11/15 11/20 16/22 19/23 79/19 driver [1] 10/9 driveway [3] 18/3 66/18 68/1 driving [9] 11/23 19/19 19/20 20/4 25/10 35/1 37/25 65/22 117/11 drop [1] 7/5 dropped [2] 84/25 85/3 dropping [1] 117/12 drove [3] 19/24 19/24 20/1 Ducked [1] 40/15 dude [1] 91/25 due [2] 3/6 3/23 duly [7] 8/11 33/4 50/12 62/10 76/17 99/25 115/23 during [11] 3/18 5/4 5/6 5/12 10/22 27/18 49/4 49/18 62/2 62/3 115/12	105/24 108/19 116/25 117/15 118/5 Ebony's [18] 16/22 17/8 17/16 17/17 17/23 26/7 79/19 102/3 102/6 102/8 102/10 102/20 116/20 116/23 116/23 117/14 118/11 118/12 educational [1] 74/22 effect [1] 5/9 either [4] 5/15 25/16 72/7 80/4 elected [1] 61/5 eleventh [4] 6/18 31/11 61/16 98/6 else [26] 11/17 12/7 12/14 18/9 18/10 20/6 23/24 26/23 34/5 34/25 35/14 38/2 39/11 39/16 41/4 52/8 54/19 55/14 56/5 57/3 59/11 65/19 72/1 94/25 104/2 125/23 end [9] 19/11 24/8 29/16 67/25 71/16 83/25 86/16 104/22 126/24 ended [4] 65/17 67/22 67/25 109/1 enforcement [5] 49/17 60/12 60/19 114/19 114/23 enough [2] 23/20 41/1 enter [1] 75/7 entered [1] 45/24 entering [1] 45/17 entire [1] 16/1 entitled [3] 5/18 60/24 114/20 ERNEST [1] 1/14 ESQ [6] 1/17 1/18 1/19 1/21 1/22 1/23 essentially [2] 14/9 103/11 even [5] 30/24 71/9 76/1 85/19 115/9 event [1] 61/8 eventually [1] 42/20 ever [9] 22/13 22/16 23/4 40/22 41/1 43/6 43/11 75/3 84/20 every [2] 36/9 59/12 everybody [57] 7/18 17/12 17/15 18/9 18/10 18/10 18/15 20/6 31/24 37/15 37/16 37/17 39/11 39/13 39/16 39/17 41/4 52/7 53/11 53/14 55/14 57/3 59/10 68/14 68/15 69/14 75/21 79/3 80/8 80/10 82/1 82/9 85/18 85/18 85/20 85/23 86/7 94/21 94/24 101/18 102/22 104/4 104/6 104/15 104/15 107/22 117/5 117/6 117/12 117/19 118/8 120/17 120/18 120/19 120/21 120/23 121/2 everyone [2] 34/25 52/8 everything [8] 31/17 32/9 40/1 48/10 57/11 57/14 74/20 98/19 exactly [5] 16/11 19/4 20/9 86/11 94/15 EXAMINATION [7] 8/12 33/5 50/13 62/11 76/18 100/1 115/24 examine [2] 5/5 99/4 except [3] 102/23 104/4 104/6 exchange [2] 7/4 97/17 exchanged [1] 16/7 exclude [4] 31/24 48/19 48/20 114/18 exercise [4] 7/14 31/20 48/7 62/5 exhibited [1] 5/9 exits [1] 5/23 expected [1] 63/23 explain [1] 42/2 explained [7] 7/22 28/3 30/12 57/11 97/11 98/2 125/11 extended [1] 3/15 eyes [2] 87/8 87/9
D Dale [29] 1/9 1/23 9/4 12/20 13/16 24/25 25/2 25/3 33/14 35/9 44/22 50/18 51/12 62/16 63/11 70/23 77/1 78/1 86/24 88/17 90/9 93/12 96/7 99/24 101/14 116/18 117/23 118/6 122/15 Dale's [2] 118/5 118/25 Damont [1] 4/12 Danny [2] 88/10 109/19 Danzy [4] 83/11 83/20 105/18 105/19 dark [2] 88/25 104/14 days [1] 59/23 daytime [1] 27/18 death [1] 114/13 DEBORAH [4] 1/25 100/17 127/8 127/23 deceased [1] 4/11 decision [1] 7/19 Defendant [19] 1/18 1/19 1/20 1/21 1/22 1/23 1/24 5/4 5/10 6/4 29/25 47/2 58/18 59/2 74/2 96/14 96/22 112/8 112/18 Defendants [5] 1/11 3/14 73/13 95/23 125/20 Defender [1] 1/20 defense [10] 7/18 31/25 45/21 62/1 75/19 75/25 76/1 76/4 115/8 115/8 defer [4] 8/4 28/4 28/7 111/20 deferred [9] 30/24 45/16 45/25 49/16 60/11 95/21 97/25 115/18 126/2 deferring [3] 58/3 72/20 76/10 degree [23] 4/7 4/9 4/16 7/7 30/18 46/13 46/14 48/2 58/15 59/17 73/10 73/12 73/15 96/8 96/10 96/11 97/10 97/11 112/2 112/3 112/5 113/23 113/24	E each [10] 7/12 18/19 48/3 75/8 103/6 103/12 114/2 120/24 120/25 121/3 earlier [3] 36/17 88/18 107/23 early [2] 77/25 88/17 Ebony [16] 15/15 15/17 36/6 52/1 52/7 63/22 78/6 83/20 100/19 105/18 105/22	F face [2] 103/6 120/24 fact [4] 3/9 16/2 18/19 23/12 fail [1] 29/16 fails [2] 58/20 73/18

F Fair [4] 34/2 51/3 63/1 79/1 fall [1] 43/9 family [1] 5/10 far [15] 6/17 17/19 27/8 31/4 31/10 47/14 54/21 55/3 61/13 61/14 84/22 98/5 112/25 124/10 124/12 farther [1] 80/4 fast [1] 42/14 faster [1] 67/15 fat [1] 123/5 father [2] 56/21 83/14 February [1] 127/19 federal [2] 32/17 98/22 female [1] 65/21 females [1] 90/18 fence [1] 54/23 fifth [3] 49/8 127/9 127/23 fight [13] 40/9 40/12 82/6 83/8 104/8 104/10 107/3 116/20 116/22 118/4 121/5 121/9 121/11 fighting [58] 18/15 40/2 57/1 68/18 68/21 80/22 80/23 80/24 81/16 83/5 89/13 89/23 90/2 90/4 90/10 90/25 91/2 91/4 91/4 91/5 91/10 91/24 91/25 92/1 92/2 92/4 92/9 92/10 92/21 92/22 92/24 93/6 93/11 93/19 94/2 94/10 94/11 94/12 94/14 95/8 103/13 107/7 108/11 116/23 116/24 117/14 121/22 121/24 122/1 122/3 122/5 122/7 122/9 122/11 122/13 122/15 122/17 122/19 fights [4] 82/5 95/4 104/11 121/12 file [1] 67/9 find [3] 7/19 61/2 62/2 finding [1] 45/24 fine [1] 28/11 finger [2] 117/9 117/11 fire [1] 18/24 fired [1] 85/9 five [1] 103/18 fix [1] 3/12 follow [3] 3/19 29/16 58/20 follows [7] 8/11 33/4 50/12 62/10 76/17 99/25 115/23 foot [1] 27/8 foregoing [1] 127/10 forehead [1] 110/9 forgot [1] 81/23 form [12] 6/21 7/16 31/6 31/18 48/8 49/13 60/7 60/17 61/13 98/12 113/15 115/14 forth [2] 48/7 103/12 forward [5] 29/19 46/22 72/17 73/22 121/20 four [3] 105/12 110/8 117/4 Frances [5] 1/9 1/23 9/4 96/6 99/24 free [1] 73/6 friend [1] 117/2 front [25] 15/25 17/23 20/4 20/5 21/19 21/20 37/19 37/20 37/23 38/2 65/13 65/19 71/18 77/12 80/17 84/2 86/12 89/20 101/23 101/25 106/5 106/6 119/21 119/23 119/24 fulfill [2] 96/16 112/10 fully [1] 115/12 further [11] 57/8 66/13 72/12 73/16 95/9 96/13 110/23 112/6 115/15 124/23 127/16 G gas [6] 14/15 38/4 38/6 79/6 117/22	118/1 gathered [2] 82/6 85/10 gave [1] 100/20 GED [1] 6/19 GENERAL [2] 1/1 127/14 gentleman [1] 114/13 getting [3] 89/5 89/10 101/23 girls [3] 41/11 41/12 92/7 give [3] 3/17 4/22 6/14 given [3] 15/18 60/25 100/20 giving [4] 15/19 45/17 95/18 125/14 God [7] 6/7 30/3 47/5 59/5 74/5 96/25 112/21 Godfrey [1] 6/9 goes [1] 22/8 gone [4] 43/24 50/5 62/1 99/1 good [3] 61/18 113/9 115/3 Goodwin [10] 9/14 14/1 35/20 45/1 51/16 51/19 63/15 78/2 101/17 122/17 Goodwin's [1] 100/14 gotten [1] 65/10 grab [2] 54/12 89/25 grade [7] 6/18 31/12 61/16 74/25 74/25 113/1 113/3 grandfather [1] 78/14 grandmother [2] 34/12 78/13 grandmother's [4] 34/3 51/5 62/25 78/25 granted [3] 32/11 99/16 115/5 grave [1] 5/3 ground [5] 108/8 108/9 108/14 110/8 110/14 group [9] 103/5 103/5 103/19 103/21 104/2 105/13 105/16 107/10 107/11 groups [1] 104/12 GS [30] 1/7 1/7 1/7 1/8 1/8 1/8 1/8 1/9 1/9 1/9 1/10 1/10 3/4 3/5 4/6 4/8 29/7 29/8 29/9 46/11 46/11 58/12 58/13 73/9 73/11 96/7 96/9 112/2 112/3 guess [20] 7/24 18/23 20/21 28/17 37/8 61/18 74/13 78/22 78/23 86/1 86/6 93/3 94/4 94/22 112/7 117/24 119/17 120/22 121/23 121/25 guilty [39] 3/14 4/17 7/20 29/12 29/13 30/16 32/15 46/14 48/1 48/4 48/5 48/6 48/14 48/16 49/7 49/13 49/14 61/11 62/2 62/4 62/5 73/14 75/8 75/11 75/12 75/16 75/18 76/3 98/20 99/6 99/9 99/9 99/10 99/17 112/4 112/14 114/25 115/2 115/7 gun [34] 18/24 26/25 27/1 27/2 41/14 41/16 41/20 55/24 56/1 70/7 70/9 70/11 82/1 82/9 84/24 85/12 85/14 85/25 89/6 105/1 105/4 105/14 107/8 109/7 109/13 118/7 118/14 118/16 122/22 122/23 122/24 123/17 124/1 124/16 gunfire [3] 19/3 19/5 19/8 guns [1] 118/10 gunshot [2] 40/13 69/8 gunshots [11] 40/14 41/22 54/8 54/11 85/7 85/17 89/17 105/9 105/11 110/12 117/4 guy [9] 36/24 89/24 89/25 93/3 93/8 123/17 124/1 124/16 125/6 guys [11] 81/22 H hadn't [2] 60/17 65/10 Haile [73] 1/7 1/8 1/9 1/10 1/19 1/21 1/22 1/24 8/21 8/22 8/25 9/6 9/8 9/10 13/7 13/9 29/5 29/6 29/23 30/5 33/3 33/7 33/7 33/9 33/9 35/7 35/11 44/16 44/18 44/20 45/12 45/13 50/21 50/21	50/21 50/22 51/8 58/10 58/25 59/15 62/9 62/13 62/13 62/15 62/15 63/6 63/11 72/14 73/8 73/9 73/25 74/7 76/16 76/20 76/20 76/22 76/22 90/10 95/11 100/8 100/8 100/8 100/9 108/9 111/24 112/1 112/16 112/23 115/22 116/1 122/7 122/9 125/11 half [1] 19/24 hand [16] 6/3 16/15 27/14 29/24 36/9 41/17 47/1 52/9 59/1 69/24 74/1 92/12 96/21 110/7 112/17 117/11 handed [1] 59/7 handle [1] 118/15 hands [1] 83/9 happen [2] 57/6 120/2 happened [21] 18/13 22/11 24/14 40/11 42/2 43/4 43/11 43/14 55/17 57/4 65/8 69/13 76/2 85/15 85/17 87/11 87/16 93/17 103/8 103/9 120/5 happening [2] 116/4 118/21 happens [2] 4/2 46/24 hard [2] 68/5 83/6 hasn't [1] 55/22 have [107] 3/9 3/13 3/15 3/15 4/4 5/3 5/7 5/8 5/11 5/17 5/18 7/17 7/21 7/25 10/6 13/13 15/13 21/14 21/15 22/7 22/10 22/25 24/7 25/15 26/1 26/3 26/7 27/2 27/18 27/22 27/24 28/12 28/24 30/21 30/23 31/23 32/10 32/11 32/12 32/17 33/2 36/13 43/3 43/23 43/24 45/14 48/3 48/13 48/23 49/3 49/8 49/25 50/1 50/4 50/5 55/16 56/1 57/9 57/10 58/9 59/8 59/25 61/2 62/6 66/25 70/9 71/12 71/21 72/2 72/13 72/15 72/16 74/12 75/3 75/15 82/13 86/25 87/10 87/15 90/20 91/16 92/4 93/15 93/16 95/6 97/16 99/20 101/19 102/8 103/23 106/13 106/20 107/24 109/1 109/5 109/5 109/15 109/16 109/17 111/1 114/25 115/2 115/4 115/15 117/7 117/25 118/7 haven't [5] 23/13 26/21 72/1 88/1 90/21 having [4] 41/6 68/5 100/24 119/5 he [196] he's [2] 57/16 60/7 head [2] 55/7 102/22 headed [1] 54/14 heading [5] 53/14 53/25 54/5 80/12 102/20 hear [13] 18/11 21/11 24/19 25/16 36/10 39/25 68/11 81/6 105/9 105/11 110/20 118/6 125/2 heard [26] 11/7 18/13 18/22 18/23 19/3 33/24 40/1 40/13 40/14 41/22 54/10 69/7 69/10 71/4 85/7 85/17 105/1 105/4 105/24 106/3 107/8 109/6 109/10 110/6 110/12 117/4 hearing [4] 53/22 54/8 60/24 114/20 held [2] 46/17 107/1 help [7] 6/7 30/3 47/5 59/5 74/5 96/25 112/21 Henry [41] 3/4 8/14 10/13 11/12 11/20 12/2 13/17 14/8 15/20 15/21 21/8 22/7 26/13 33/14 33/21 35/5 43/3 43/20 43/23 44/5 45/6 46/17 50/15 51/12 52/4 55/16 57/17 58/18 62/16 63/11 71/2 76/24 77/25 87/18 95/1 100/3 100/16 100/19 103/19 112/8 114/7 Henry's [1] 101/19 her [29] 9/19 11/21 42/24 67/19 78/8 78/11 78/19 78/22 83/14 83/18 88/23 88/24 89/1 96/16 96/19 100/20 100/20
---	--	--

H her... [12] 105/24 106/2 106/3 111/6 112/10 112/11 112/14 117/16 117/21 118/6 125/5 125/6 hereby [1] 127/10 hereto [1] 127/17 herself [1] 11/22 Highway [2] 14/19 42/17 himself [1] 5/11 hit [6] 42/20 43/7 68/24 110/9 110/9 110/10 hitting [7] 69/5 69/6 104/22 107/7 109/8 109/10 110/16 hold [2] 36/8 36/10 holding [1] 3/23 home [4] 33/25 34/1 117/13 117/24 honestly [1] 25/23 HONORABLE [1] 1/14 hop [1] 106/7 hot [11] 14/13 14/14 15/4 23/19 23/22 30/8 38/7 64/15 79/5 101/21 119/25 Hough [7] 4/11 4/12 82/14 92/17 94/3 108/22 114/14 house [42] 16/22 17/8 17/16 17/18 17/23 20/23 20/24 22/1 23/7 24/10 27/11 27/13 27/18 34/3 37/22 38/15 38/16 39/9 39/12 45/6 51/5 53/15 54/22 62/25 63/14 66/15 66/17 66/21 71/20 78/1 78/13 78/14 78/25 79/20 79/24 86/24 88/17 88/22 89/1 102/8 102/10 117/23 hung [3] 10/2 102/24 102/25 Hunter [9] 9/16 9/21 14/4 35/22 45/3 51/17 63/19 101/17 122/19 Hunter's [1] 9/17	intention [1] 54/12 interest [1] 127/17 interviewed [1] 124/14 intimidating [1] 126/5 intimidation [1] 5/9 into [12] 15/7 24/14 38/11 52/20 66/2 66/20 68/1 79/9 85/1 89/18 102/3 102/5 introduced [1] 127/12 involved [2] 89/10 95/4 involving [1] 44/2 is [223] Isaac [8] 4/12 92/23 92/24 93/1 93/1 93/3 94/2 94/5 Isaac's [1] 92/20 issue [5] 4/24 5/2 11/1 119/4 119/4 issues [1] 3/6 it [244]	knowledge [22] 44/13 44/15 44/17 44/19 44/21 44/23 44/25 45/2 45/4 63/16 63/18 63/20 64/19 66/4 70/10 83/23 87/7 87/21 95/2 106/8 107/21 114/11 knows [3] 28/7 91/8 124/19
I I'll [3] 28/24 95/20 111/19 I'm [44] 8/17 10/24 12/24 14/2 14/2 14/20 20/7 20/8 21/3 21/10 22/16 24/19 25/1 25/16 26/1 27/15 34/24 36/3 37/15 37/21 40/2 42/9 45/23 49/14 58/2 68/11 76/9 78/18 78/22 79/3 80/1 82/25 83/5 83/14 90/18 92/3 93/4 94/17 95/24 101/15 110/2 111/5 113/2 124/24 ID [3] 65/3 72/6 85/1 idea [5] 66/25 71/12 93/15 95/6 109/1 imposed [1] 125/17 incident [4] 112/7 115/4 115/9 116/4 include [1] 73/20 including [2] 46/21 96/17 INDEX [1] 2/1 indicated [6] 32/8 60/17 97/14 99/15 113/25 115/19 indicates [1] 114/6 indictment [5] 4/7 4/10 4/12 29/7 96/8 indictments [5] 4/5 46/12 58/11 59/7 59/8 individually [1] 32/11 individuals [1] 32/6 information [1] 13/4 injuries [1] 93/16 innocence [2] 61/24 99/1 innocent [5] 7/16 31/22 48/13 61/11 114/24 inside [1] 117/9 instance [1] 49/8 instead [1] 53/6 intend [1] 30/16 intending [1] 3/3 intends [1] 73/3	J jacket [1] 64/24 James [52] 1/8 1/20 9/2 12/15 12/15 13/13 13/16 21/13 33/14 34/10 34/17 35/13 39/14 41/4 42/6 42/14 44/11 46/9 46/10 47/12 50/11 62/15 63/6 64/8 70/15 71/25 77/1 78/25 80/15 80/18 80/18 87/4 90/2 90/3 90/6 90/14 90/23 91/7 91/18 93/22 100/6 101/14 102/23 104/4 104/6 106/15 106/16 106/25 106/25 116/18 116/21 122/11 JASON [2] 1/20 60/5 Jeanette [26] 1/10 1/24 8/21 8/22 11/18 12/2 13/16 13/24 14/8 33/9 35/7 44/20 50/21 51/12 62/15 63/11 70/21 76/20 90/10 93/11 100/8 111/24 112/1 112/23 115/22 116/1 Jerry [33] 1/9 1/22 8/25 9/6 13/7 13/16 21/5 21/6 33/9 35/11 44/16 50/21 51/14 51/15 62/15 64/20 65/1 65/15 70/17 73/8 73/9 74/7 76/16 76/20 100/8 101/14 101/17 108/8 108/9 110/14 116/19 116/22 121/22 JOHN [2] 1/21 73/12 JOHNSON [5] 1/17 6/15 6/21 7/22 27/22 JR [2] 1/14 1/17 judge [3] 1/14 5/24 36/21 Judicial [1] 127/9 July [4] 1/11 3/1 58/8 127/15 jump [4] 20/10 20/13 55/10 64/5 jumped [8] 20/16 20/22 21/14 37/20 42/12 42/14 86/7 86/8 jumping [1] 20/7 jurors [4] 7/19 48/14 75/17 115/1	L lagging [1] 53/19 Lane [4] 16/18 16/19 23/8 79/16 last [14] 45/21 47/16 55/13 64/8 74/25 81/6 91/17 101/16 111/24 116/18 116/21 119/15 119/17 119/18 late [1] 45/21 later [1] 115/7 Latoya [20] 9/14 14/1 35/19 35/20 45/1 51/16 51/18 51/19 63/15 64/17 64/18 78/2 78/19 81/19 90/9 93/23 100/13 101/17 116/19 122/17 law [5] 49/17 60/12 60/18 114/19 114/23 lawyer [1] 91/13 laying [1] 69/24 least [1] 48/24 leave [2] 11/23 19/21 leaving [1] 118/12 left [25] 5/24 5/25 12/4 13/8 15/9 16/6 20/19 20/20 38/12 39/13 52/19 52/20 52/21 66/3 66/4 66/5 72/2 78/24 79/9 79/18 84/8 86/22 89/2 92/6 110/13 less [1] 103/18 let [7] 3/11 29/8 36/8 52/1 65/1 109/11 109/12 Lewis [1] 56/15 light [9] 81/3 81/4 81/4 81/5 81/8 81/12 81/12 123/9 124/8 lights [1] 123/11 line [1] 67/10 listed [5] 7/15 31/21 48/8 49/12 98/23 listen [1] 75/21 little [12] 16/25 30/8 38/20 53/20 78/5 79/18 80/3 80/5 90/21 94/1 105/12 113/7 lived [2] 15/15 15/17 Lo [1] 10/18 long [6] 23/11 34/10 103/17 103/17 121/7 121/8 look [11] 24/11 24/14 25/8 29/8 55/9 58/21 70/2 73/19 75/20 91/8 118/15 looked [5] 18/14 25/5 25/6 117/9 123/3 looking [8] 3/21 17/23 38/22 71/6 71/9 73/20 96/17 112/11 looks [3] 18/3 28/7 32/20 lot [5] 7/1 10/18 81/20 92/5 94/9 lots [1] 113/25 loud [1] 116/16 louder [1] 110/3 lynching [25] 4/7 4/9 7/1 7/6 29/11 29/12 30/11 30/16 30/16 46/12 46/13 47/22 58/12 58/13 59/8 59/16 73/10 73/11 96/8 96/9 97/10 112/2 112/3 113/23 113/23
	K keep [2] 32/2 40/11 kept [2] 54/6 109/15 KERSHAW [5] 1/2 76/1 115/9 127/5 127/14 keys [1] 19/21 Khiles [21] 9/12 13/19 19/15 19/17 19/25 19/25 20/1 20/3 35/16 35/18 44/24 51/16 51/18 51/19 63/17 86/3 86/5 89/3 101/17 119/9 122/13 kin [1] 127/16 KINARD [1] 1/14 kind [12] 26/6 53/19 67/10 69/1 69/4 77/11 80/12 103/5 103/16 107/1 108/13 120/24 KIRINCICH [3] 1/20 60/5 72/13 knew [8] 11/6 15/15 26/6 44/2 94/17 94/21 108/19 109/11 knowingly [1] 45/24	M major [3] 3/3 5/3 5/11 making [1] 40/11 mama [1] 88/22 man [6] 3/12 88/8 89/11 110/9 116/9 117/7 many [7] 48/21 69/10 84/21 85/10 91/15 105/11 115/3 March [12] 10/6 10/11 33/23 51/2 62/19 77/5 88/3 89/17 100/13 109/20 116/2 116/8

M March 7th [5] 10/6 33/23 62/19 77/5 100/13 March 8 [1] 88/3 March 9th [1] 109/20 March the [3] 51/2 116/2 116/8 matter [3] 16/2 18/18 23/12 Maurice [47] 1/7 1/19 9/8 12/16 13/13 13/16 18/18 18/19 18/20 18/20 19/6 21/3 21/5 29/4 29/6 33/3 33/7 50/21 51/8 53/17 62/13 63/6 63/13 63/14 63/14 64/8 70/19 71/25 76/22 87/4 90/6 90/14 90/23 91/7 91/20 93/22 100/8 101/14 102/23 104/4 104/6 106/15 107/1 116/19 116/21 118/3 122/7 maybe [5] 5/10 21/17 54/25 105/12 112/11 McCURDY [3] 1/25 127/8 127/23 McDonald [1] 32/24 McDonalds [1] 75/6 mean [8] 5/4 13/3 30/25 91/1 91/12 93/16 123/18 124/16 meantime [1] 3/13 meet [1] 36/25 members [1] 5/10 memory [1] 109/17 mention [1] 124/15 mentioned [1] 36/17 met [1] 13/17 microphone [2] 36/8 42/10 middle [4] 82/8 82/11 84/16 103/10 Midget [1] 113/7 might [10] 5/10 21/15 30/24 36/7 36/18 48/22 73/19 99/16 111/17 115/5 minute [1] 23/13 minutes [2] 103/17 103/18 Miranda [2] 60/25 61/1 missing [6] 20/25 21/2 21/5 71/24 71/25 87/3 Missouri [1] 100/17 MOAK [24] 1/16 2/3 2/5 2/7 2/9 2/11 2/13 2/15 8/5 8/6 30/15 32/20 46/1 57/21 62/8 73/2 76/15 95/23 99/23 111/12 115/19 115/21 125/19 125/23 mob [13] 4/15 29/13 30/18 46/14 48/1 58/15 59/11 59/17 73/14 96/11 97/15 112/4 114/1 Moe [3] 80/15 80/18 80/18 moment [1] 19/13 Monday [2] 3/10 3/11 money [1] 100/21 Mont [1] 108/22 morning [12] 22/2 22/19 24/3 28/20 28/23 37/9 46/3 46/4 57/24 57/25 73/1 73/4 most [3] 37/15 37/17 69/25 Motel [2] 12/18 100/14 mother [2] 34/11 78/19 motion [7] 32/12 48/23 48/24 99/16 99/17 115/4 115/6 motions [6] 31/24 48/19 62/3 99/5 99/13 114/17 move [9] 32/10 48/19 48/19 48/20 68/4 99/14 114/17 114/18 115/2 moving [5] 18/15 20/10 55/11 106/8 112/13 Mr [23] 2/3 2/5 2/7 2/9 2/11 2/13 2/15 5/23 20/23 20/24 22/10 22/13 29/23 46/25 58/25 62/8 73/25 76/15 95/10 97/11 115/21 125/2 125/23 Mr. [47] 3/18 5/13 5/14 6/2 6/15 6/21	7/22 8/5 8/6 8/14 27/22 27/23 30/5 30/15 32/20 45/12 45/13 46/1 46/17 46/18 47/15 48/9 50/15 57/9 57/10 57/21 58/2 59/15 62/13 72/13 72/14 73/2 74/10 76/6 95/11 95/23 97/7 98/2 98/12 99/23 110/24 111/12 111/15 113/12 115/19 125/10 125/19 Mr. Atkinson [2] 113/12 125/10 Mr. Burris [3] 6/2 8/14 27/23 Mr. Butcher [2] 48/9 57/9 Mr. Cook [4] 97/7 98/2 98/12 110/24 Mr. Drakeford [4] 47/15 50/15 57/10 58/2 Mr. Haile [7] 30/5 45/12 45/13 59/15 62/13 72/14 95/11 Mr. Henry [1] 46/17 Mr. Johnson [4] 6/15 6/21 7/22 27/22 Mr. Kirincich [1] 72/13 Mr. Moak [12] 8/5 8/6 30/15 32/20 46/1 57/21 73/2 95/23 99/23 111/12 115/19 125/19 Mr. Wells [2] 74/10 76/6 Mr. Woods [5] 3/18 5/13 5/14 46/18 111/15 Ms [3] 32/24 36/7 112/16 Ms. [8] 9/17 30/12 31/6 45/11 97/2 100/3 110/25 125/11 Ms. Drakeford [3] 97/2 100/3 110/25 Ms. Haile [1] 125/11 Ms. Hunter's [1] 9/17 Ms. Singletary [3] 30/12 31/6 45/11 much [2] 87/12 91/9 must [1] 21/14 N name [7] 9/17 9/19 22/8 60/4 79/17 105/25 106/3 named [3] 49/20 97/20 114/14 near [2] 17/2 67/25 necessary [2] 72/17 111/3 need [11] 28/9 28/16 36/3 42/9 45/22 46/1 80/1 95/25 110/2 125/20 126/3 needs [3] 57/21 72/23 111/11 negotiation [1] 30/22 neighborhood [1] 55/8 neither [1] 127/16 never [13] 11/7 24/2 24/5 24/21 27/1 56/25 82/15 83/8 83/9 83/9 91/14 108/23 121/20 new [2] 4/14 7/6 next [27] 3/9 3/11 3/18 22/2 24/12 28/20 28/23 29/4 29/15 46/3 46/4 46/8 46/16 49/24 49/24 57/23 57/25 58/9 72/24 73/4 73/4 88/3 95/24 97/21 111/12 111/16 111/17 nickname [2] 33/19 33/21 NICOLE [1] 1/18 night [27] 10/6 10/22 24/9 25/19 26/14 33/23 41/17 43/12 43/14 43/21 43/25 51/2 55/24 56/1 56/3 56/5 62/19 64/22 72/4 72/6 77/5 105/21 116/2 116/18 116/21 117/14 123/14 nobody [8] 21/22 25/19 25/23 69/6 83/10 94/12 94/12 107/7 nobody's [1] 69/24 Nods [5] 34/16 35/8 38/1 40/7 104/7 non [3] 58/18 96/14 112/8 non-pleading [3] 58/18 96/14 112/8 none [3] 91/4 91/15 91/24 nor [1] 127/17 nothing [13] 6/6 11/6 21/23 26/6 26/23 30/2 47/4 52/9 57/4 59/4 74/4 96/24	112/20 notice [1] 20/25 now [40] 8/3 14/20 15/6 16/10 16/20 17/22 21/18 22/19 23/7 32/5 39/8 40/22 43/3 47/25 49/11 52/22 53/17 54/21 60/16 66/7 67/3 67/20 69/15 72/1 76/9 80/20 83/2 86/22 87/5 89/8 89/23 93/11 104/22 105/13 106/4 107/15 107/24 119/15 119/20 120/23 O obligations [1] 96/16 obviously [1] 70/25 occasion [1] 10/7 occurred [2] 47/17 115/10 occurring [1] 95/5 off [37] 15/2 20/21 20/22 21/14 42/3 42/14 65/10 66/3 66/18 69/2 69/8 69/11 69/13 71/4 80/10 81/22 81/25 81/25 82/10 85/25 89/9 89/11 89/17 89/25 91/1 92/11 92/11 93/1 93/1 93/3 94/6 104/12 105/10 110/6 117/5 117/12 118/3 offense [4] 30/12 47/23 96/20 112/15 offenses [1] 113/24 offer [3] 3/15 4/14 45/16 Official [2] 1/25 127/8 Oh [3] 9/18 56/23 60/6 old [4] 10/18 17/5 17/6 38/20 older [1] 50/18 on [154] once [8] 4/17 17/12 53/11 67/3 69/13 80/8 102/19 110/11 ones [4] 59/9 93/21 94/2 119/16 only [10] 45/5 45/24 83/6 90/12 90/13 91/6 94/2 104/14 108/18 110/11 opposite [2] 40/15 86/18 ordered [1] 83/15 original [4] 73/22 96/20 112/15 112/15 originally [2] 4/6 29/11 originals [1] 47/10 other's [2] 103/6 120/24 others [1] 58/14 our [5] 3/20 4/25 5/8 79/4 118/4 out-of-court [1] 61/5 outlined [1] 115/13 outside [2] 60/24 88/25 own [2] 87/8 87/9 P paperwork [1] 59/12 park [4] 12/6 12/8 12/10 38/19 parked [6] 24/8 38/17 39/22 89/1 120/12 120/13 parking [1] 10/18 Parkview [5] 12/17 78/3 78/24 88/20 100/14 part [2] 118/16 119/4 participate [2] 99/1 115/12 participating [1] 48/22 participation [1] 97/19 particular [3] 11/8 19/13 20/17 particularly [1] 20/8 party [1] 127/17 passed [2] 79/21 79/23 past [7] 10/2 40/16 40/18 40/20 41/25 42/3 66/15 Paulette [2] 34/14 34/15 Pause [2] 47/8 124/11 pay [2] 83/15 83/17 paying [1] 83/15 peanut [2] 16/14 56/19
---	---	--

P Peanut's [1] 56/21 people [45] 9/23 13/11 14/10 20/7 20/10 20/13 20/22 21/15 23/16 36/13 45/5 64/4 64/9 67/7 67/7 68/18 68/21 68/21 69/2 71/22 80/17 81/18 81/20 82/6 83/5 84/21 85/10 85/12 85/14 85/19 85/20 86/8 86/25 87/6 87/10 91/15 94/20 99/4 101/8 104/3 106/13 107/10 108/18 110/8 115/3 perjury [7] 3/21 29/17 46/21 58/21 73/20 96/18 112/12 permission [2] 100/24 119/5 person [6] 45/5 83/1 83/6 90/12 90/13 91/6 Phil [2] 88/8 116/9 physical [1] 3/7 pick [12] 11/21 34/20 34/22 36/13 51/9 62/21 63/7 71/16 71/18 78/2 101/11 101/13 pick-up [10] 34/20 34/22 36/13 51/9 62/21 63/7 71/16 71/18 101/11 101/13 picked [12] 11/9 13/11 13/14 14/8 14/10 42/23 56/10 64/9 69/17 119/15 119/16 119/18 picking [2] 12/20 101/8 picture [11] 17/22 17/22 18/2 38/21 52/23 54/22 66/8 67/21 102/12 103/9 123/19 pictures [2] 67/20 118/23 pile [3] 68/15 69/4 95/8 piled [3] 36/13 91/6 104/15 place [3] 52/12 97/21 97/21 places [2] 16/7 19/25 Plaintiff [2] 1/5 1/16 plea [24] 3/15 3/23 4/14 8/4 28/6 29/18 30/25 45/18 45/25 46/22 49/14 58/22 60/11 73/21 73/22 75/7 95/20 96/19 97/24 111/6 111/19 112/14 114/1 115/18 plead [17] 4/17 30/16 32/15 47/25 48/3 48/5 49/7 49/14 61/11 62/4 75/11 76/3 98/20 99/5 99/8 99/16 115/7 pleading [13] 3/14 29/12 29/13 46/13 49/13 58/18 59/11 59/16 73/14 96/10 96/14 112/4 112/8 pleas [1] 97/15 pled [2] 75/12 99/10 point [18] 9/24 10/22 10/24 11/3 11/8 11/17 12/14 12/17 13/19 26/11 26/13 45/23 83/2 102/15 104/8 104/13 108/13 120/12 pole [1] 54/25 police [1] 21/24 porch [9] 38/22 81/12 83/24 84/4 84/5 84/13 89/16 89/20 89/24 possible [4] 5/9 93/13 93/18 96/18 possibly [6] 3/22 29/16 46/21 93/20 96/17 112/13 prepared [2] 72/16 111/2 presence [1] 60/24 present [3] 5/4 5/12 75/20 presumed [5] 7/16 31/21 48/12 61/11 114/24 presumption [2] 61/23 98/25 pretty [7] 30/11 47/22 61/17 87/12 91/9 93/4 113/8 prevail [1] 48/23 previous [1] 73/13 prior [1] 114/22 probably [8] 28/21 28/21 46/2 60/3	93/15 104/17 105/12 107/23 problem [2] 11/4 11/6 proceed [1] 58/23 proceeding [1] 73/18 proceedings [4] 5/18 5/20 126/7 127/12 pronounce [1] 60/3 proof [5] 7/17 7/21 31/22 61/24 99/3 prosecute [2] 96/19 112/14 prosecution [5] 58/17 58/19 73/17 96/14 112/6 prove [4] 7/21 48/13 75/15 114/25 Public [1] 1/20 pull [10] 34/20 66/25 69/2 81/25 89/11 93/1 94/5 110/5 110/19 110/21 pulled [3] 62/22 86/10 92/11 pulling [6] 53/6 86/4 86/5 89/9 91/1 106/7 purpose [1] 23/7 pursue [2] 29/17 46/20 pursuing [1] 3/21 pushed [1] 105/2 put [10] 7/18 31/25 60/23 61/25 75/19 75/25 76/3 83/9 109/4 115/8 putting [1] 92/12 Q question [6] 7/17 31/23 61/7 75/22 114/23 124/25 questions [14] 7/25 32/17 49/9 50/1 50/4 57/8 62/6 72/12 95/9 99/20 110/23 114/11 115/15 124/23 quite [4] 14/3 21/4 53/7 90/18 R railroad [2] 13/5 16/12 raise [7] 6/2 29/23 46/25 58/25 73/25 96/21 112/16 ran [19] 18/21 18/25 19/6 19/16 37/20 40/15 40/19 40/20 41/24 41/25 42/3 42/11 54/20 69/14 82/1 85/18 85/22 105/3 109/14 range [1] 17/11 rap [7] 22/14 22/23 23/1 43/9 55/20 87/22 108/2 read [7] 61/17 88/16 109/24 113/8 116/15 116/16 116/17 ready [3] 37/7 81/25 89/10 real [2] 42/13 78/18 realize [1] 92/6 really [9] 21/22 43/19 45/22 54/4 55/9 64/11 65/10 95/7 97/12 reason [6] 43/20 45/8 46/19 110/22 124/14 124/20 reasonable [6] 7/20 31/23 48/15 62/2 75/18 115/1 recall [2] 12/19 39/21 recognize [1] 113/22 record [3] 1/6 58/16 127/11 related [4] 33/17 50/24 77/3 100/11 relation [2] 8/16 8/18 relationship [1] 8/14 relative [1] 127/13 relatives [2] 23/17 23/18 remaining [1] 112/8 remember [126] 12/20 14/2 14/3 14/20 16/10 21/4 21/24 22/19 24/1 24/3 24/7 25/5 27/10 36/19 37/9 37/19 37/20 38/3 38/4 38/8 38/17 41/6 41/14 41/16 41/19 52/6 52/14 52/14 52/19 52/22 52/25 53/5 53/22 54/8 62/19 62/21 63/7 63/17 63/21 63/23 64/3 64/7 64/11 64/14 64/18 65/19 65/24 66/2 66/7 66/10	67/24 68/3 68/9 68/14 68/17 68/23 69/1 69/7 69/10 69/15 69/21 71/20 72/2 77/5 77/7 77/9 77/18 77/22 79/8 88/3 88/8 88/10 88/14 100/13 100/16 100/19 100/23 101/2 101/4 101/8 101/11 101/18 101/21 101/23 102/2 102/5 103/1 104/3 107/15 107/25 108/8 108/13 109/6 109/8 109/19 109/22 110/18 116/1 116/4 116/8 116/11 118/21 119/2 119/4 119/7 120/7 120/12 121/16 121/22 121/23 121/24 122/3 122/5 122/7 122/9 122/11 122/13 122/15 122/17 122/19 122/21 123/1 123/3 123/7 123/11 124/22 Repeat [1] 102/4 reporter [6] 1/25 36/10 113/2 127/1 127/8 127/23 represent [1] 8/6 represented [6] 6/14 47/18 74/9 76/6 97/7 113/11 representing [1] 57/10 represents [1] 30/15 request [1] 58/22 REQUESTED [1] 126/24 rest [11] 20/1 72/24 82/4 92/2 93/9 93/22 94/4 94/22 111/12 116/24 125/19 resulted [1] 114/12 revoke [1] 73/21 rid [1] 65/10 ride [2] 23/21 42/24 riding [6] 23/22 64/20 117/20 119/2 119/20 119/22 right-hand [2] 16/15 27/14 rights [27] 6/21 7/15 7/15 31/5 31/18 31/21 32/16 45/17 45/20 48/8 48/8 49/12 49/12 60/7 60/16 61/1 61/10 61/13 61/21 62/6 74/16 95/17 98/12 98/21 113/15 115/14 125/14 road [31] 14/24 15/1 15/4 16/21 16/25 20/11 20/20 38/8 38/14 39/5 39/23 42/13 42/16 53/14 54/2 54/5 66/17 66/18 66/19 66/20 67/4 67/5 67/8 79/11 79/15 79/18 79/21 80/13 84/16 117/6 120/11 roads [1] 79/12 ROBERT [2] 1/19 47/19 Rochelle [4] 16/18 16/19 23/8 79/15 rock [1] 36/11 rode [3] 15/25 52/17 102/2 Ron [2] 24/16 68/4 RONALD [1] 1/16 room [3] 78/3 88/20 100/14 RPR [2] 1/25 127/23 run [10] 4/19 40/16 40/16 40/18 42/12 54/18 54/18 68/15 86/2 86/6 running [10] 19/8 40/3 40/4 42/5 54/16 71/14 86/9 105/6 107/13 117/5 runs [1] 68/1 S sad [1] 78/18 safeguards [1] 61/3 said [33] 13/13 16/8 22/25 23/19 25/18 26/10 36/22 36/23 36/24 41/24 42/5 43/15 43/16 52/25 60/23 61/7 68/18 70/25 78/12 78/23 80/3 81/7 88/23 91/6 91/13 92/2 92/10 109/13 110/20 114/6 117/21 124/18 125/7 same [8] 15/1 15/4 59/13 66/19 71/21 86/21 86/25 106/13 sat [1] 78/21 satisfied [1] 57/13
--	--	--

S saw [12] 24/4 24/17 24/21 24/22 27/1 83/2 94/7 102/15 106/2 108/14 110/14 123/18 say [14] 9/25 25/23 37/15 43/18 81/12 90/6 92/10 93/20 94/2 105/22 107/12 115/14 119/18 124/24 saying [34] 16/4 21/23 22/14 24/6 25/12 25/21 26/1 36/19 36/24 37/21 40/2 53/19 56/25 64/3 71/1 75/21 78/18 78/22 79/3 82/11 83/5 84/25 85/3 87/5 89/23 91/10 92/3 92/9 94/17 101/4 106/25 109/4 117/7 117/17 scattered [1] 85/20 scheduled [1] 49/23 scheduling [1] 3/6 school [12] 6/17 31/10 47/14 61/13 61/14 82/5 82/5 82/6 94/18 98/5 112/25 120/10 scream [2] 105/1 106/3 second [13] 4/7 4/9 4/11 18/3 19/13 29/12 46/13 58/13 73/11 96/8 97/10 112/3 113/23 security [1] 5/2 seeing [27] 11/4 36/6 36/25 41/14 41/16 41/19 44/9 44/12 63/17 68/6 69/21 77/18 108/8 120/7 121/22 121/24 122/3 122/5 122/7 122/9 122/11 122/13 122/15 122/17 122/19 122/21 124/15 seen [15] 22/7 22/10 23/12 23/13 23/14 24/2 24/2 24/5 27/18 42/11 82/16 83/6 84/21 108/23 117/1 sentence [4] 45/16 49/15 115/18 126/2 sentenced [4] 28/10 75/8 97/24 99/18 sentences [1] 28/13 sentencing [16] 8/4 28/4 28/8 30/24 45/23 45/25 49/15 58/3 60/11 72/20 76/10 95/21 97/25 111/6 111/20 125/17 separate [7] 7/8 32/10 48/20 48/23 99/14 115/3 115/5 serious [6] 4/1 6/25 30/11 47/22 97/12 113/24 SESSIONS [2] 1/1 127/14 seven [2] 3/13 32/6 several [1] 45/20 Shanasia [5] 83/11 91/8 105/18 105/22 108/20 sharing [1] 39/14 she [45] 11/18 11/22 12/21 13/1 14/3 14/5 14/6 33/1 35/9 35/23 50/18 78/8 83/13 83/14 88/23 91/10 91/11 91/12 91/13 96/7 96/10 96/11 96/16 111/5 111/7 111/10 111/11 111/15 112/3 112/5 112/10 117/21 117/22 117/22 117/25 118/1 118/6 124/17 124/19 125/6 125/7 125/13 125/14 125/15 125/16 sheet [1] 29/9 sheriff [1] 88/4 shock [1] 21/22 shoot [15] 27/6 41/19 56/3 56/5 70/13 70/15 70/17 70/19 70/21 70/23 71/1 71/2 87/6 89/6 105/16 shooting [5] 26/16 118/9 118/9 118/13 118/14 short [2] 88/11 123/5 Shorter [1] 88/12 shot [9] 23/5 57/1 82/1 82/9 84/24 87/13 87/20 106/20 106/21 shots [6] 69/10 69/13 71/4 71/7 85/9 117/4	should [6] 3/19 29/16 49/24 59/10 112/10 117/7 shoved [1] 109/14 showing [3] 104/25 109/6 109/7 show [4] 17/22 51/9 81/9 118/23 showed [1] 67/20 showing [2] 52/22 66/7 side [31] 3/20 3/21 3/24 16/15 17/19 58/20 81/2 81/5 81/8 81/10 81/13 82/18 82/22 84/4 84/4 84/13 84/14 84/15 85/20 89/7 89/15 90/5 90/11 90/12 91/3 91/13 92/3 93/20 94/8 95/3 112/10 sign [2] 23/25 42/18 silver [1] 118/15 simply [2] 76/1 115/8 since [11] 22/10 23/10 23/11 23/13 28/17 43/3 45/23 55/16 70/25 87/11 87/15 singing [1] 36/11 single [1] 67/9 SINGLETTY [5] 1/18 30/12 31/6 36/7 45/11 sister [6] 34/11 34/13 50/18 56/22 56/23 76/20 sitting [3] 65/19 90/20 91/16 situation [1] 103/16 six [1] 32/5 skinny [1] 123/5 small [2] 104/10 118/14 smaller [1] 121/12 smoke [1] 53/17 Smurf [35] 22/7 22/8 26/7 26/9 33/22 52/2 52/4 63/22 64/3 67/12 82/21 83/2 87/15 87/18 88/19 93/24 100/23 101/2 101/4 107/24 107/25 116/18 116/21 116/23 117/14 117/18 118/3 118/7 118/8 118/9 118/10 118/12 119/5 119/7 122/21 Smurf's [1] 36/6 sole [1] 112/7 SOLICITOR [1] 1/16 somebody [35] 16/4 16/7 16/8 20/21 23/19 34/20 80/22 80/24 80/25 82/3 82/3 82/7 83/3 83/7 83/23 84/10 84/11 84/22 89/6 91/5 91/25 104/22 105/1 105/4 105/24 106/3 107/8 108/11 109/6 109/10 109/10 109/13 110/16 110/18 117/10 someone [4] 49/20 63/22 91/11 97/20 something [10] 16/5 16/14 17/2 17/5 38/20 57/6 78/14 80/15 100/23 101/4 somewhere [5] 23/24 54/19 84/6 85/5 104/17 son [14] 11/3 11/4 23/10 23/15 23/15 36/6 37/1 52/2 78/7 88/23 100/21 100/25 117/15 117/16 sorry [15] 8/17 12/25 21/10 24/19 25/1 25/16 34/24 36/3 42/9 68/11 80/1 82/25 101/15 110/2 113/2 sort [2] 44/2 109/13 SOUTH [6] 1/1 1/4 1/12 127/4 127/9 127/14 speak [6] 25/16 36/4 42/10 68/8 80/2 110/3 specific [1] 109/17 specifically [1] 23/4 specify [1] 82/13 speed [1] 54/3 spelled [1] 61/12 spoken [2] 22/7 22/10 Spot [10] 14/13 14/14 15/4 23/19 23/22 38/7 64/15 79/5 101/21 119/25	spread [1] 67/10 stand [1] 16/14 standing [7] 67/18 81/17 81/18 81/21 83/24 107/6 123/7 star [1] 36/12 start [7] 36/11 53/14 53/25 80/12 89/6 89/6 102/19 started [13] 19/5 19/9 26/9 40/3 40/4 71/14 78/16 83/5 84/11 103/13 107/13 109/7 121/5 statement [11] 60/18 60/22 60/23 61/2 88/14 109/22 114/21 116/11 116/13 118/17 125/5 statements [4] 55/19 61/5 114/19 114/22 station [7] 10/17 11/10 11/14 11/15 11/23 13/17 14/9 statute [1] 4/15 stay [2] 56/12 117/19 stayed [1] 90/7 steps [1] 36/9 stick [10] 24/2 24/5 24/17 24/18 24/21 24/21 24/24 25/5 25/6 25/7 stop [8] 16/3 16/10 16/24 20/18 20/20 23/25 38/6 42/18 stopped [16] 16/3 17/12 17/20 23/24 53/5 53/7 53/8 53/9 53/11 64/14 79/5 79/22 80/6 80/8 102/12 102/17 stopping [2] 38/4 101/21 store [3] 10/17 12/5 38/20 stories [1] 5/1 straight [4] 13/3 15/5 38/10 66/16 straightened [1] 3/13 strategy [1] 45/21 street [8] 11/19 11/20 13/5 14/21 34/2 51/3 63/1 79/1 struggling [1] 109/9 stuff [4] 65/11 72/9 77/18 77/20 subpoena [1] 73/3 such [1] 23/11 support [3] 83/15 83/16 83/17 supported [1] 98/22 supposed [6] 29/14 29/14 36/1 36/5 36/25 97/20 suppress [1] 114/17 sure [21] 4/25 10/24 14/2 14/2 14/20 20/8 21/3 22/16 27/15 27/16 37/3 37/15 47/11 52/8 52/11 57/3 64/17 66/5 90/18 93/4 124/25 surprised [1] 85/24 surrounding [1] 98/21 survived [1] 4/13 swear [8] 6/5 30/1 32/25 47/3 59/3 74/3 96/23 112/19 switch [2] 19/25 23/20 switched [1] 20/1 sworn [12] 4/22 8/8 8/9 8/11 32/23 33/4 50/10 50/12 62/10 76/17 99/25 115/23
		T tag [1] 65/3 taken [3] 17/23 38/21 58/14 takes [2] 7/19 97/21 taking [2] 22/14 55/20 talk [11] 21/25 22/3 22/5 36/1 36/5 36/25 52/7 64/12 67/19 78/23 88/23 talked [10] 36/17 43/3 43/11 55/16 63/22 74/12 87/10 87/12 87/15 107/24 talking [17] 5/13 21/21 24/3 36/21 36/24 37/9 38/25 88/4 88/6 88/22 103/12 109/19 116/8 120/1 120/4 124/1 126/3 tall [1] 123/5

T telling [25] 52/6 52/14 52/25 63/21 63/24 64/3 64/7 64/11 64/14 67/24 68/3 68/14 68/17 68/23 69/1 69/7 69/10 89/8 89/12 89/21 100/20 107/25 110/1 110/4 117/18 tenth [3] 74/24 113/1 113/3 term [1] 111/17 terms [1] 46/20 testified [7] 8/11 33/4 50/12 62/10 76/17 99/25 115/23 testify [28] 3/17 29/15 30/23 32/1 36/11 46/16 49/3 49/3 49/4 49/25 57/19 58/19 61/6 61/6 61/25 73/17 75/19 96/13 96/15 99/2 99/4 111/9 111/15 112/9 114/20 114/21 115/11 126/4 testifying [2] 32/2 49/17 testimony [5] 4/22 31/25 48/20 58/16 97/17 Thank [7] 29/2 46/5 47/7 58/6 111/21 111/22 126/1 that [318] that's [6] 26/1 28/5 28/11 60/6 95/13 95/16 their [5] 3/20 3/24 5/1 103/5 107/11 there [196] therefore [1] 118/10 they [107] 3/14 3/15 3/16 3/19 4/18 7/5 16/4 16/8 18/15 22/1 22/3 23/11 23/17 23/20 25/20 25/24 26/1 26/3 28/16 30/24 32/1 32/2 32/8 33/12 35/17 35/24 35/24 36/1 36/5 36/22 36/22 36/23 36/23 36/24 40/1 49/2 49/25 50/22 51/9 51/11 51/22 52/1 56/12 61/4 61/6 69/17 69/17 71/9 75/21 80/24 81/16 81/17 81/17 85/22 85/24 87/13 88/24 89/2 89/6 90/6 90/7 90/7 90/11 90/11 92/1 92/1 92/4 93/7 93/16 93/23 93/24 93/25 94/8 94/14 95/7 97/14 98/23 99/15 100/9 101/5 102/24 102/25 103/3 103/3 103/3 104/13 104/24 105/10 107/4 107/4 107/5 107/6 107/6 113/25 114/11 114/23 117/1 117/1 117/17 118/9 118/13 119/15 119/16 119/18 122/23 125/20 126/4 thing [7] 22/15 23/9 68/9 76/2 81/7 104/14 124/24 think [52] 3/10 10/24 11/18 11/22 12/4 12/15 12/15 12/21 14/3 15/2 15/20 16/2 16/7 16/11 17/5 21/3 21/4 21/5 21/9 21/15 23/25 27/21 28/20 37/2 41/24 45/10 45/15 46/2 51/12 52/21 72/23 78/3 78/6 78/12 78/15 79/6 79/17 79/24 81/5 81/22 81/24 82/23 83/1 83/23 85/6 89/1 92/16 93/11 93/16 93/19 125/10 125/13 third [12] 4/15 7/6 29/13 30/18 46/14 48/1 58/15 59/12 59/17 73/15 96/11 112/5 this [100] 3/3 3/7 5/4 5/12 7/15 10/22 13/25 15/24 16/16 17/22 18/1 18/12 22/10 22/15 22/19 23/2 23/7 24/3 24/6 24/8 24/14 25/8 25/10 25/12 26/13 26/20 27/18 30/25 31/5 33/24 37/9 38/21 39/23 40/4 40/22 41/8 43/4 43/7 45/23 45/24 46/20 47/17 48/8 48/22 49/12 52/22 55/3 55/17 55/20 58/22 60/7 64/24 65/3 65/5 65/7 66/7 67/21 67/25 67/25 68/2 68/9 68/13 69/25 73/17 73/21 73/21 76/2 77/18 77/20 81/4 81/5 81/8 82/18 83/25 84/4 84/14	84/20 85/3 85/15 87/11 87/15 87/22 88/8 91/16 92/14 96/15 96/19 103/25 109/1 110/24 112/7 112/14 113/14 115/4 115/9 116/9 116/13 123/22 123/24 123/24 Thomas [1] 47/12 though [2] 30/8 115/7 thought [2] 36/18 43/18 three [7] 21/15 21/17 58/22 104/10 105/12 110/8 121/12 through [7] 3/19 14/17 14/17 42/3 67/6 67/7 125/5 times [2] 45/20 74/13 today [20] 3/16 4/22 46/15 49/14 49/15 57/19 60/13 73/16 88/10 89/8 89/12 89/21 96/12 97/24 97/25 111/6 114/11 116/6 124/19 124/21 together [4] 5/1 77/25 99/15 110/21 told [21] 22/19 22/23 23/1 43/6 43/14 63/22 72/24 78/7 78/8 78/12 87/13 87/20 87/22 107/25 108/4 108/6 110/18 111/12 117/2 117/15 125/19 too [21] 17/8 21/14 23/20 34/10 35/23 46/3 51/17 54/22 79/6 81/19 84/21 85/10 85/22 93/24 95/3 107/5 118/7 118/10 118/14 119/9 122/23 took [15] 14/17 15/9 23/15 38/8 52/12 52/19 52/20 65/10 66/4 79/9 81/22 82/9 105/2 108/24 117/23 top [10] 80/25 81/23 82/3 83/7 84/10 84/22 90/1 92/1 92/17 93/8 toward [6] 17/16 39/8 39/11 40/4 86/3 86/10 towards [9] 17/23 18/21 18/21 19/6 53/15 53/25 54/22 81/3 102/20 track [12] 12/11 12/12 12/22 12/24 13/1 13/2 13/8 13/23 14/3 14/5 14/6 16/12 tracks [3] 13/5 13/11 14/10 trailer [8] 12/5 12/8 12/10 67/22 102/20 103/1 104/3 108/9 Trane [1] 3/11 transcript [5] 1/6 5/18 5/20 126/24 127/11 transpired [1] 114/12 tree [6] 121/17 121/20 123/23 123/24 123/24 124/3 trees [4] 17/20 17/21 39/3 39/5 trial [43] 3/3 3/18 5/7 7/11 7/14 30/23 31/20 32/16 46/16 46/17 48/7 48/12 48/23 49/4 49/12 49/18 49/23 50/1 57/17 60/22 61/10 61/12 62/3 62/4 62/5 72/17 75/12 75/15 87/24 97/20 98/21 99/2 99/10 99/14 111/3 114/7 114/16 114/24 115/3 115/5 115/12 115/13 127/12 trials [4] 32/10 45/17 48/4 48/21 trick [1] 101/5 tried [2] 32/10 93/1 trip [2] 11/1 33/24 trouble [5] 36/18 37/3 37/6 52/11 63/23 truck [131] true [9] 3/17 4/6 4/8 46/12 64/1 73/10 73/11 118/19 127/11 true-billed [5] 4/6 4/8 46/12 73/10 73/11 truth [23] 6/6 6/6 6/6 22/21 30/2 30/2 30/2 47/4 47/4 47/4 59/4 59/4 59/4 74/4 74/4 89/21 96/24 96/24 96/24 112/20 112/20 112/20 truthful [1] 97/17 truthfully [16] 3/18 29/14 29/15 46/15 46/16 49/17 58/17 58/19 60/13 73/16 73/17 96/12 96/15 112/6 112/9 114/10	try [5] 3/3 22/3 29/18 32/9 99/15 trying [5] 4/25 21/24 69/2 78/19 101/5 Tuesday [12] 28/20 28/23 46/3 46/4 57/23 57/25 57/25 72/24 73/4 95/24 111/13 125/20 turn [5] 38/12 66/21 66/22 86/20 93/14 turned [7] 15/2 38/13 54/13 66/12 66/19 79/10 79/11 U unanimous [1] 7/19 unanimously [2] 48/15 75/17 understand [45] 6/25 7/8 7/12 8/3 28/15 30/10 31/2 31/17 32/3 32/6 32/12 47/21 47/23 48/10 48/16 48/25 49/4 49/9 49/13 49/21 50/7 58/3 60/6 60/10 60/13 61/8 61/20 74/20 75/7 75/13 75/22 76/4 76/7 76/9 76/13 95/21 97/23 98/18 98/19 99/18 113/20 114/3 115/14 115/17 125/21 understanding [1] 59/19 understands [12] 27/25 32/21 45/15 57/13 57/16 72/19 95/14 95/17 111/5 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1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF KERSHAW) COURT OF GENERAL SESSIONS

3
 4 State of South Carolina,)
 5 Plaintiff,)

6 vs.)

TRANSCRIPT OF RECORD

7 Chad Burris) 09-GS-28-367; 06-GS-28-536
 8 Maurice Haile) 09-GS-28-9362; 07-GS-28-530
 9 Coray Haile) 09-GS-28-364; 07-GS-28-533
 10 Jerry Haile) 09-GS-28-365; 07-GS-28-531
 11 Frances Dale Drakeford) 09-GS-28-363
 12 Jeanette Haile,) 09-GS-28-366; 07-GS-28-543
 13 Defendants.)

14 July 29, 2010
 15 Camden, South Carolina

16 B E F O R E:

17 THE HONORABLE J. ERNEST KINARD, JR., JUDGE.

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

19 RONALD W. MOAK, ASSISTANT SOLICITOR
 20 Attorney for the Plaintiff

21 CHARLIE J. JOHNSON, JR., ESQ.

22 Attorney for Defendant Chad Burris

23 NICOLE L. SINGLETARY, ESQ.

24 Attorney for Defendant Maurice Haile

25 JASON D. KIRINCICH, Assistant Public Defender

Attorney for Defendant Coray Haile

JOHN W. WELLS, ESQ.

Attorney for Defendant Jerry Haile

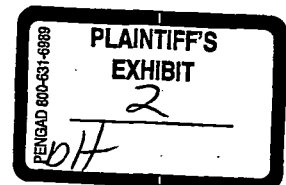
BOB M. COOK, ESQ.

Attorney for Defendant Frances Dale Drakeford

ZACK O. ATKINSON, ESQ.

Attorney for Defendant Jeanette Haile

DEBORAH M. McCURDY, RPR
 Official Court Reporter



1 I N D E X O F W I T N E S S E S

2

3

4 (WHEREUPON, no witnesses were called

5 during these proceedings.)

6

7

8

9

10 E X H I B I T S.

11

12

13 (WHEREUPON, no exhibits were introduced

14 during these proceedings.)

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1 JULY 27, 2010

2 MR. MOAK: Your Honor, we are here today for
3 the sentencing of Coray Haile, Maurice Haile,
4 Jeanette Haile, Jerry Haile, Dale Drakeford, Chad
5 Burris. And we were here for the sentence for
6 James Drakeford, but apparently Mr. Butcher has
7 manufactured a conflict.

8 THE COURT: All right.

9 MR. MOAK: So we can do them all at the same
10 time, it is the same set of facts, or we can do
11 them separately, as Your Honor would like to do it.

12 THE COURT: No, no, we do them one at a time.

13 MR. MOAK: Okay.

14 THE COURT: They all have different --

15 MR. MOAK: Your Honor, for every one of these
16 we had a lot of the facts on the record last
17 Monday, and we actually have a transcript where all
18 these individuals allocuted on the record last
19 Monday. We incorporate that hearing and also the
20 hearing yesterday on the major Co-Defendant, Henry
21 Woods. By incorporating those, I think we can
22 dispense with the facts and go straight to the
23 sentencing.

24 THE COURT: Okay. All I am going to need to
25 know is their prior record and if you had a

1 recommendation. And I will need to listen to the
2 attorneys and the Defendants if they want to say
3 anything.

4 MR. MOAK: Okay. Your Honor, first I want to
5 start off with Chad Burris.

6 THE COURT: All right.

7 MR. MOAK: His attorney is Charlie Johnson.

8 Your Honor, he has got a prior record of 1998,
9 it looks like petit larceny; 2000, driving under
10 suspension, failure to stop for blue light,
11 resisting arrest. And that appears to be it, Your
12 Honor.

13 I believe he was in the Kershaw County
14 Detention Center for --

15 MR. JOHNSON: Four months.

16 MR. MOAK: -- four months on pretrial
17 detention, Your Honor. The maximum he is looking
18 at is two years. He did cooperate or did give a
19 statement. I'm not sure how truthful it was, but
20 he did attempt to cooperate, Your Honor.

21 And I think we put on the record we are
22 agreeing to concurrent on the original sentencing
23 on the original plea, so he has already done four
24 months on a one year sentence.

25 THE COURT: Okay.

1 MR. JOHNSON: Your Honor, my client, as you
2 already know from last week, he is 29 years old,
3 Your Honor. He lives here in the Camden area. He
4 is married. He works at Burger King.

5 Since he's been arrested on these charges when
6 it originally happened, he has not been involved
7 with the police since that time. He has a family.
8 His prior record is minimal. His participation in
9 this event, Your Honor, he was the driver of the
10 truck. There is no one that said he had any
11 physical contact or fought anyone in this act that
12 he was involved in. He came forward, cooperated
13 with the police.

14 And we ask that because of the amount of time,
15 he has been in four months, we ask you to consider
16 a time served sentence.

17 THE COURT: All right, Mr. Burris, do you want
18 to say anything?

19 DEFENDANT BURRIS: No, sir.

20 THE COURT: Well, if they had worked out one
21 year concurrent and he has served four months, if I
22 just sentence him to a year, they would let him out
23 in what, ten days probably?

24 MR. JOHNSON: I'm not sure, Your Honor.

25 MR. MOAK: Probably about a couple of months.

1 MR. JOHNSON: It is my understanding, Your
2 Honor, that they would have to transfer him down to
3 the Department of Corrections.

4 THE COURT: They would. And then they would
5 turn him around and let him go. It is just not
6 worth it. He's been in four months.

7 MR. JOHNSON: That's correct, Your Honor.

8 THE COURT: All right. One year concurrent on
9 each one, suspended on time served of four months.

10 MR. JOHNSON: Thank you, Your Honor.

11 *****

12 MR. MOAK: Your Honor, next we have Jerry
13 Haile.

14 THE COURT: Okay.

15 MR. MOAK: Your Honor, Mr. Jerry Haile --

16 THE COURT: Oh, no, Mr. Haile is still locked
17 up.

18 MR. MOAK: Mr. Jerry Haile, we did not agree
19 to concurrent with Mr. Jerry Haile, Your Honor. He
20 had a prior record of possession with intent to
21 distribute cocaine from 2005. It looks like he
22 got --

23 THE COURT: Hold it one second. I need the
24 plea sheet affidavit, Ms. McDonald.

25 (Complies.)

1 THE COURT: All right. Okay.

2 MR. MOAK: He got a Youthful Offender Act
3 sentence in 2005 for possession with intent to
4 distribute cocaine. It looks like that has been
5 revoked at least three times, Your Honor. And he
6 also had a simple possession of marijuana
7 conviction in 2007, Your Honor. I'm not sure how
8 much time he actually spent pretrial. He has been
9 in for a while during this thing, so --

10 MR. WELLS: Judge, Jerry Haile is 23 years
11 old. He is in jail right now because of a DUS. He
12 went to City Court the week before the trial was
13 supposed to start on this case and was given 30
14 days or a \$650 fine, and he didn't have \$650, so he
15 is doing the 30 days.

16 He has worked in landscaping and construction
17 throughout his life.

18 He spent five months, 162 days in the
19 Detention Center on this charge before he was
20 released.

21 THE COURT: Now, he's got to serve a couple
22 more days on that thing?

23 MR. WELLS: Yes, sir. He is supposed to get
24 out Friday.

25 THE COURT: Jerry Haile, do you want to say

1 anything?

2 DEFENDANT JERRY HAILE: No, sir.

3 THE COURT: He spent over five months, right?

4 MR. WELLS: Yes, Your Honor, five months.

5 THE COURT: I sentence him to one year on each
6 count. They are consecutive. But I suspend them
7 on time served of five months because he is still
8 in there. Otherwise, they take him to Columbia and
9 they turn him around and they send him back after
10 he has finished 30 days, and so forth.

11 MR. WELLS: Thank you, Your Honor.

12 THE COURT: Plus, he is easy to catch if he
13 does something else.

14 *****

15 MR. MOAK: Next we call Maurice Haile.

16 Maurice Haile has a 2001 trespassing
17 conviction; a 2003 criminal domestic violence first
18 offense conviction; a 2004 driving without a
19 license; and in 2005 he got probation for
20 possession with intent to distribute cocaine. I
21 believe he was Mr. Jerry Haile's Co-Defendant on
22 that case, Your Honor. It does not show on his rap
23 sheet that he was ever revoked for that.

24 THE COURT: All right. You still need to
25 swear them in.

1 You already wrote on here his sentence is to
2 run concurrent.

3 Okay, what about it?

4 MS. SINGLETARY: Thank you, Your Honor. If it
5 pleases the Court? Mr. Haile is 27 years of age,
6 Your Honor. He does have a minimal record.

7 Your Honor, if you remember from his
8 allocution and from the allocution of the other
9 Co-Defendants, my client was never in the yard at
10 all from all indications when the actual
11 altercation started. So he was actually far back
12 at the truck. Did not see anything, Your Honor.

13 He spent six months in jail. We are
14 respectfully asking for a time served sentence,
15 Your Honor, because he is one of the least culpable
16 in this matter.

17 THE COURT: Well, if he spent six months, they
18 would turn him around if I gave him any more time.

19 MS. SINGLETARY: Yes, Your Honor.

20 THE COURT: That is all they make them serve.
21 Do you want to add anything, Maurice Haile?

22 DEFENDANT MAURICE HAILE: No, sir.

23 THE COURT: All right, one year on each count,
24 concurrent, suspended on six months you were locked
25 up.

1 MS. SINGLETARY: Thank you, Your Honor.

2 *****

3 MR. MOAK: Your Honor, next we have Coray
4 Haile.

5 THE CLERK: Mr. Haile, would you raise your
6 right hand, please?

7 (Defendant complies.)

8 THE CLERK: Do you swear or affirm to tell the
9 truth, the whole truth, and nothing but the truth,
10 so help you God?

11 DEFENDANT CORAY HAILE: Yes, ma'am.

12 MR. MOAK: Your Honor, Mr. Coray Haile's only
13 prior conviction is a 2005 possession of cocaine,
14 which I believe arose from the same case that the
15 other two Hailes are Co-Defendants in, Your Honor.

16 THE COURT: Okay.

17 MR. KIRINCICH: Your Honor, Mr. Haile is 24.
18 He was 20 at the time of this incident. He has one
19 child who is just over a year old. The child's
20 mother, I don't know if she is here today, I
21 thought I saw her outside, they have been together
22 for five years. He works at Zaxby's here in
23 Camden. He has worked there since shortly after
24 the incident. He has had steady employment. He
25 was in the jail for 35 days.

1 And, Your Honor, if you remember from last
2 week, Mr. Haile was one of the last people picked
3 up. He sat in the front of the truck. He was not
4 part of the discussion on the way up there. He was
5 not part of the discussion on the way back. And I
6 think he -- what everybody says, he was one of the
7 first people dropped off as well. So he did not
8 have any involvement with what was going on in the
9 back of the truck.

10 Your Honor, he did not spend as much time in
11 jail as some of the other people that have been
12 before you, but he had been on probation from that
13 2005 charge. His agent was just in the courtroom
14 and I had spoken with his agent before and they
15 said Coray did well while he was on probation, he
16 was never revoked.

17 Your Honor, I would ask for a time served
18 sentence, but if you are inclined to give him
19 probation, I think he would do well on probation.

20 THE COURT: All right, Mr. Haile, what would
21 you like to say?

22 MR. CORAY HAILE: First, I was working before
23 the incident and I didn't have any -- I wasn't down
24 there fighting in the incident. And that is pretty
25 much all I wanted to say.

1 MR. MOAK: Your Honor, every one of these
2 basically, they are telling you about what they
3 allocuted to.

4 THE COURT: Right.

5 MR. MOAK: I think they are ignoring the fact
6 that we had four eyewitnesses that had all these
7 people involved in the fight.

8 MR. KIRINCICH: Your Honor, for that matter,
9 one of the witnesses on the other side was going to
10 say that they threw the first punch.

11 THE COURT: Well, all right. Mr. Haile, I'll
12 give you a couple of choices. You can just go to
13 jail for 90 more days or I will just put you on
14 probation for nine months and you have got to do
15 ten more days public service.

16 DEFENDANT CORAY HAILE: I'll take the
17 probation, sir.

18 THE COURT: All right, but if you get
19 probation, you have got to pay \$500 to the PD fund.
20 It doesn't go to your lawyer, now, it is just what
21 the statute says.

22 One year on each count, suspended on time
23 served to nine months probation, ten days public
24 service, and you have got to pay \$500 to the PD
25 fund.

1 MR. KIRINCICH: Thank you, Your Honor.

2 DEFENDANT CORAY HAILE: Thank you.

3 *****

4 MR. MOAK: Your Honor, next we call Jeanette
5 Haile.

6 THE CLERK: Ms Haile, would you raise your
7 right hand, please?

8 (Defendant complies.)

9 THE CLERK: Do you swear or affirm to tell the
10 truth, the whole truth, and nothing but the truth,
11 so help you God?

12 DEFENDANT JEANETTE HAILE: Yes, ma'am.

13 THE CLERK: Thank you.

14 MR. MOAK: Ms. Haile had no prior record, Your
15 Honor.

16 THE COURT: All right.

17 MR. ATKINSON: Judge, Jeanette is 21 years
18 old. She was 17 years old at the time of this
19 incident. Unfortunately, because of this incident,
20 she was expelled from school, so she only was able
21 to get through the tenth grade. She is here today
22 with her mama, her step-daddy, and her sister.

23 I'll be very candid with the Court, it is not
24 often when I get appointed to someone that I like a
25 whole lot. I like my client in this case a whole

1 lot, Judge. Here is why. She has been employed at
2 the Little Midget in Camden for over five years.
3 She works for \$8 an hour as a cook. Every day in
4 the morning she goes to work from [REDACTED]
5 [REDACTED] down to Market Street. That is 1.46 miles.
6 She walks there, she walks back, Monday through
7 Saturday.

8 When this happened, she was walking through
9 the parking lot. There was a truck. There was
10 something to do. Whatever night it was she got in
11 the truck, she went up there.

12 She is the only one out of all these people
13 that would testify in this trial that puts a gun in
14 the shooter's hand. Nobody else seemed to have
15 anything to do with this, but she is the one that
16 says, I can testify that he was the one that shot
17 somebody. He continued to shoot somebody.

18 I had thought originally because she got a PR
19 bond that she did not spend any time in jail.
20 Well, she hasn't had a bond set by a Circuit Court
21 judge on the lynching first. I had Officer
22 Blackmon with the jail just confirm she spent 37
23 days in jail.

24 I would respectfully ask the Court to consider
25 a time served sentence, Judge. If the Court can't

1 do that, I would respectfully ask the Court to
2 allow her a probationary sentence. I think she
3 would do well on probation.

4 THE COURT: All right, Ms. Haile, do you want
5 to add anything?

6 DEFENDANT JEANETTE HAILE: No, sir.

7 THE COURT: You were the one that put the gun
8 in the hand, so I sentence you to one year
9 concurrent, suspended to six months probation.
10 But, on the time that you served, unfortunately you
11 have got to pay \$500 to the PD fund. It doesn't go
12 to your lawyer, it just goes to the general fund.
13 Do you understand that?

14 DEFENDANT JEANETTE HAILE: Yes, sir.

15 MR. ATKINSON: Thank you, Your Honor.

16 *****

17 MR. MOAK: And last we have Dale Drakeford,
18 Your Honor.

19 THE CLERK: Ms. Drakeford, would you raise
20 your right hand, please.

21 (Defendant complies.)

22 THE CLERK: Do you swear or affirm to tell the
23 truth, the whole truth, and nothing but the truth,
24 so help you God?

25 DEFENDANT DRAKEFORD: Yes, ma'am.

1 MR. MOAK: Your Honor, Ms. Drakeford has no
2 prior record. However, she, in her allocution she
3 admitted to hitting someone with a bat, the bat was
4 broken. She admitted that was the bat. And the
5 autopsy photo of the deceased victim shows where he
6 was hit with a bat.

7 THE COURT: All right.

8 MR. MOAK: Even though we're not sure if she
9 is the one that hit him with the bat, that is --

10 THE COURT: Yes, sir.

11 MR. COOK: Thank you, Your Honor. May it
12 please the Court?

13 Ms. Drakeford is 24 years old. She has one
14 child, a five-year-old girl named Deltrasia. She
15 went through the eleventh grade. I believe she was
16 expelled from school when this happened, so she has
17 not completed her high school diploma.

18 She currently works for Wendy's. She has been
19 there for about a month. Prior to that she worked
20 for the Springdale Nursing Home for approximately
21 two years. She is hoping if this plea goes
22 favorable she can get her job back at Springdale.

23 If our calculations are correct, she did 37
24 days in jail before she received a PR bond on these
25 charges, Your Honor. She turned herself in to

1 authorities. She gave a statement. She has
2 cooperated with law enforcement in this matter.

3 I have been involved in this case for about
4 two to three months now and have been involved
5 through numerous plea negotiations with all the
6 Defendants. But Dale, Your Honor, was the only one
7 who has admitted any responsibility in this fight.
8 I think it shows a level of maturity on Dale's part
9 in coming forward and admitting that. She has no
10 record. This happened over four years ago. She
11 has never been in trouble before this happened.
12 She hasn't been in trouble since this happened.

13 I would ask, Your Honor, that she be given a
14 time served sentence based on the 37 days that she
15 has been in jail. If not, Your Honor, I would ask
16 the Court for a probationary sentence based on the
17 fact that she has a good paying job, that she works
18 at Wendy's, and also her five-year-old child at
19 home, Your Honor.

20 THE COURT: All right, Frances Drakeford,
21 would you like to add anything?

22 DEFENDANT DALE DRAKEFORD: No, sir.

23 THE COURT: All right. One year on each
24 count. They are concurrent. I suspend them on
25 time served, put you on probation for nine months.

1 Since you get probation, you have got to pay \$500
2 to the PD fund.

3 DEFENDANT DALE DRAKEFORD: Thank you, Your
4 Honor.

5 THE COURT: All right.

6 MR. COOK: Thank you, Your Honor.

7 *****

8 MR. MOAK: I think that is all six of them,
9 Your Honor.

10 THE COURT: Okay.

11 (WHEREUPON, the proceedings were concluded.)
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24 (END OF TRANSCRIPT)
25

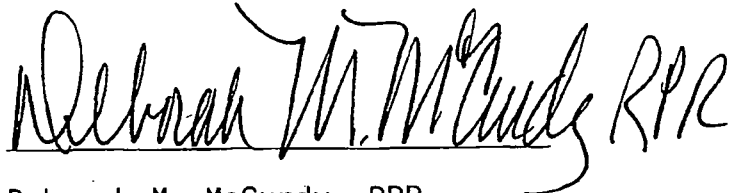
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Kershaw County, South Carolina, on the 27TH day of July, 2010.

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

February 18, 2013

A handwritten signature in black ink, reading "Deborah M. McCurdy RPR". The signature is written in a cursive, flowing style. The "RPR" is written in a slightly different, more upright script at the end of the signature.

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

\$	admitted [3] 16/3 16/4 17/7 admitting [1] 17/9 affidavit [1] 6/24 affirm [3] 10/8 13/9 15/22 age [1] 9/5 agent [2] 11/13 11/14 ago [1] 17/10 agree [1] 6/18 agreeing [1] 4/22 allocuted [2] 3/18 12/3 allocation [3] 9/8 9/8 16/2 allow [1] 15/2 already [3] 4/23 5/2 9/1 altercation [1] 9/11 am [2] 3/24 19/16 amount [1] 5/14 anyone [1] 5/11 apparently [1] 3/6 appeal [1] 19/13 appears [1] 4/11 appointed [1] 13/24 approximately [1] 16/20 area [1] 5/3 arose [1] 10/14 around [3] 6/5 8/9 9/18 arrest [1] 4/11 arrested [1] 5/5	charges [2] 5/5 16/25 CHARLIE [2] 1/18 4/7 child [3] 10/19 16/14 17/18 child's [1] 10/19 choices [1] 12/12 Circuit [3] 14/20 19/9 19/23 City [1] 7/12 CLERK [1] 13/6 client [3] 5/1 9/9 13/25 Co [4] 3/20 8/21 9/9 10/15 Co-Defendant [2] 3/20 8/21 Co-Defendants [2] 9/9 10/15 cocaine [4] 6/21 7/4 8/20 10/13 Columbia [1] 8/8 coming [1] 17/9 complete [1] 19/11 completed [1] 16/17 complies [4] 6/25 10/7 13/8 15/21 concluded [1] 18/11 concurrent [8] 4/22 5/21 6/8 6/19 9/2 9/24 15/9 17/24 confirm [1] 14/22 conflict [1] 3/7 consecutive [1] 8/6 consider [2] 5/15 14/24 construction [1] 7/16 contact [1] 5/11 continued [1] 14/17 conviction [4] 7/7 8/17 8/18 10/13 cook [2] 1/22 14/3 cooperate [2] 4/18 4/20 cooperated [2] 5/12 17/2 Coray [10] 1/8 1/21 3/3 10/3 10/11 10/12 11/15 11/22 12/16 13/2 correct [2] 6/7 16/23 Corrections [1] 6/3 counsel [1] 19/17 count [4] 8/6 9/23 12/22 17/24 COUNTY [4] 1/2 4/13 19/5 19/14 couple [3] 5/25 7/21 12/12 courtroom [1] 11/13 criminal [1] 8/17 culpable [1] 9/15 currently [1] 16/18
0	ask [7] 5/14 5/15 11/17 14/24 15/1 17/13 17/15 asking [1] 9/14 ASSISTANT [2] 1/17 1/20 at [14] 3/9 3/12 4/18 5/4 7/5 9/9 9/12 10/18 10/22 13/18 14/1 16/22 17/18 17/18 ATKINSON [1] 1/23 attempt [1] 4/20 attorney [8] 1/17 1/19 1/20 1/21 1/22 1/23 1/24 4/7 attorneys [1] 4/2 authorities [1] 17/1 autopsv [1] 16/5	D
1	based [2] 17/14 17/16 basically [1] 12/2 bat [5] 16/3 16/3 16/4 16/6 16/9 Blackmon [1] 14/22 blue [1] 4/10 BOB [1] 1/22 bond [3] 14/19 14/20 16/24 broken [1] 16/4 Burger [1] 5/4 Burris [6] 1/7 1/19 3/5 4/5 5/17 5/19 Butcher [1] 3/6	daddy [1] 13/22 Dale [7] 1/9 1/23 3/4 15/17 17/6 17/22 18/3 Dale's [1] 17/8 days [13] 5/23 7/14 7/15 7/18 7/22 8/10 10/25 12/13 12/15 12/23 14/23 16/24 17/14 DEBORAH [3] 1/25 19/8 19/23 deceased [1] 16/5 Defendant [23] Defendants [5] 1/10 4/2 9/9 10/15 17/6 Defender [1] 1/20 Deltrasia [1] 16/14 Department [1] 6/3 detention [3] 4/14 4/17 7/19 did [10] 4/18 4/18 4/20 6/18 9/12 11/7 11/10 11/15 14/19 16/23 different [1] 3/14 diploma [1] 16/17 discussion [2] 1/14 11/5 dispense [1] 3/22 distribute [3] 6/21 7/4 8/20 does [3] 8/13 8/22 9/6 doesn't [2] 12/20 15/11 doing [1] 7/15 domestic [1] 8/17
2	B	
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E	each [5] 6/9 8/5 9/23 12/22 17/23 easy [1] 8/12 eleventh [1] 16/15 else [2] 8/13 14/14 employed [1] 14/1 employment [1] 10/24 END [1] 18/24 enforcement [1] 17/2 ERNEST [1] 1/14 ESQ [5] 1/18 1/19 1/21 1/22 1/23 Even [1] 16/8 event [1] 5/9 ever [1] 8/23 every [3] 3/15 12/1 14/3 everybody [1] 11/6 exhibits [1] 2/13 expelled [2] 13/20 16/16 eyewitnesses [1] 12/6	H Haile [42] Haile's [2] 8/21 10/12 Hailes [1] 10/15 hand [5] 10/6 13/7 14/14 15/8 15/20 happened [6] 5/6 14/8 16/16 17/10 17/11 17/12 hasn't [2] 14/20 17/12 have [20] he [65] he's [3] 5/5 6/6 7/21 hearing [2] 3/19 3/20 help [3] 10/10 13/11 15/24 Henry [1] 3/20 her [9] 10/21 13/22 13/22 13/22 15/2 16/2 16/17 16/22 17/18 hereby [1] 19/10 hereto [1] 19/17 herself [1] 16/25 high [1] 16/17 hit [2] 16/6 16/9 hitting [1] 16/3 Hold [1] 6/23 home [2] 16/20 17/19 HONORABLE [1] 1/14 hoping [1] 16/21 hour [1] 14/3 However [1] 16/2	L landscaping [1] 7/16 larceny [1] 4/9 last [6] 3/16 3/18 5/2 11/1 11/2 15/17 law [1] 17/2 lawyer [2] 12/20 15/12 least [2] 7/5 9/15 let [2] 5/22 6/5 level [1] 17/8 license [1] 8/19 life [1] 7/17 light [1] 4/10 listen [1] 4/1 Little [1] 14/2 lives [1] 5/3 locked [2] 6/16 9/24 looking [1] 4/17 looks [3] 4/9 6/21 7/4 lot [4] 3/16 13/25 14/1 14/9 lynching [1] 14/21
F	fact [2] 12/5 17/17 facts [3] 3/10 3/16 3/22 failure [1] 4/10 family [1] 5/7 far [1] 9/11 favorable [1] 16/22 February [1] 19/19 Fifth [2] 19/9 19/23 fight [2] 12/7 17/7 fighting [1] 11/24 fine [1] 7/14 finished [1] 8/10 five [8] 7/18 8/3 8/4 8/7 10/22 14/2 16/14 17/18 five-year-old [2] 16/14 17/18 foregoing [1] 19/10 forth [1] 8/10 forward [2] 5/12 17/9 fought [1] 5/11 four [9] 4/15 4/16 4/23 5/15 5/21 6/6 6/9 12/6 17/10 Frances [3] 1/9 1/23 17/20 Friday [1] 7/24 front [1] 11/3 fund [5] 12/19 12/25 15/11 15/12 18/2 further [1] 19/16	I I'll [3] 12/11 12/16 13/23 I'm [3] 4/19 5/24 7/7 ignoring [1] 12/5 incident [6] 10/18 10/24 11/23 11/24 13/19 13/19 inclined [1] 11/18 incorporate [1] 3/19 incorporating [1] 3/21 indications [1] 9/10 individuals [1] 3/18 intent [3] 6/20 7/3 8/20 interest [1] 19/17 introduced [2] 2/13 19/12 involved [5] 5/6 5/12 12/7 17/3 17/4 involvement [1] 11/8 is [41] it [23]	M major [1] 3/20 mama [1] 13/22 manufactured [1] 3/7 marijuana [1] 7/6 Market [1] 14/5 married [1] 5/4 matter [3] 9/16 12/8 17/2 maturity [1] 17/8 Maurice [7] 1/7 1/20 3/3 8/15 8/16 9/21 9/22 maximum [1] 4/17 McCURDY [3] 1/25 19/8 19/23 McDonald [1] 6/24 Midget [1] 14/2 miles [1] 14/5 minimal [2] 5/8 9/6 MOAK [1] 1/17 Monday [3] 3/17 3/19 14/6 month [1] 16/19 months [20] morning [1] 14/4 mother [1] 10/20 Mr [2] 10/5 11/22 Mr. [13] 3/6 5/17 6/15 6/16 6/18 6/19 8/21 9/5 10/12 10/17 11/2 11/20 12/11 Mr. Burris [1] 5/17 Mr. Butcher [1] 3/6 Mr. Coray [1] 10/12 Mr. Haile [6] 6/16 9/5 10/17 11/2 11/20 12/11 Mr. Jerry [4] 6/15 6/18 6/19 8/21 Ms [2] 13/6 15/19 Ms. [5] 6/24 13/14 15/4 16/1 16/13 Ms. Drakeford [2] 16/1 16/13 Ms. Haile [2] 13/14 15/4 Ms. McDonald [1] 6/24 much [3] 7/8 11/10 11/25
G	gave [2] 9/18 17/1 general [3] 1/1 15/12 19/14 girl [1] 16/14 give [3] 4/18 11/18 12/12 given [2] 7/13 17/13 God [3] 10/10 13/11 15/24 goes [3] 14/4 15/12 16/21 good [1] 17/17 Gordon [1] 14/4 grade [2] 13/21 16/15	J jail [10] 7/11 9/13 10/25 11/11 12/13 14/19 14/22 14/23 16/24 17/15 James [1] 3/6 JASON [1] 1/20 Jeanette [8] 1/9 1/24 3/4 13/4 13/12 13/17 15/6 15/14 Jerry [11] 1/8 1/22 3/4 6/12 6/15 6/18 6/19 7/10 7/25 8/2 8/21 job [2] 16/22 17/17 JOHN [1] 1/21 JOHNSON [2] 1/18 4/7 JR [2] 1/14 1/18 judge [6] 1/14 7/10 13/17 14/1 14/21 14/25 Judicial [1] 19/9 July [3] 1/11 3/1 19/15	N named [1] 16/14 need [4] 3/24 4/1 6/23 8/24 negotiations [1] 17/5 neither [1] 19/16 never [3] 9/9 11/16 17/11 next [4] 6/12 8/15 10/3 13/4
	K KERSHAW [4] 1/2 4/13 19/5 19/14		

N	relative [1] 19/13 released [1] 7/20 remember [2] 9/7 11/1 Reporter [4] 1/25 19/1 19/8 19/23 resisting [1] 4/11 respectfully [3] 9/14 14/24 15/1 responsibility [1] 17/7 revoked [3] 7/5 8/23 11/16 RONALD [1] 1/17 RPR [2] 1/25 19/23 run [1] 9/2	swear [4] 8/25 10/8 13/9 15/22
NICOLE [1] 1/19 night [1] 14/10 nine [3] 12/14 12/23 17/25 Nobody [1] 14/14 nor [1] 19/17 nothing [3] 10/9 13/10 15/23 now [4] 7/11 7/21 12/20 17/4 numerous [1] 17/5 Nursing [1] 16/20	T telling [1] 12/2 ten [3] 5/23 12/15 12/23 tenth [1] 13/21 testify [2] 14/13 14/16 Thank [11] 6/10 8/11 9/4 10/1 13/1 13/2 13/13 15/15 16/11 18/3 18/6 that [45] That's [1] 6/7 their [1] 3/25 there [10] 5/10 8/8 10/23 11/4 11/24 14/6 14/9 14/9 14/11 16/19 they [20] thing [2] 7/9 7/22 think [8] 3/21 4/21 11/6 11/19 12/5 15/2 17/8 18/8 this [21] though [1] 16/8 thought [2] 10/21 14/18 three [2] 7/5 17/4 threw [1] 12/10 through [5] 13/21 14/6 14/8 16/15 17/5 throughout [1] 7/17 times [1] 7/5 today [3] 3/2 10/20 13/21 together [1] 10/21 transcript [4] 1/6 3/17 18/24 19/11 transfer [1] 6/2 trespassing [1] 8/16 trial [3] 7/12 14/13 19/12 trouble [2] 17/11 17/12 truck [6] 5/10 9/12 11/3 11/9 14/9 14/11 true [1] 19/11 truth [9] 10/9 10/9 10/9 13/10 13/10 13/10 15/23 15/23 15/23 truthful [1] 4/19 turn [3] 6/5 8/9 9/18 turned [1] 16/25	
O	S said [2] 5/10 11/15 same [3] 3/9 3/10 10/14 sat [1] 11/3 Saturday [1] 14/7 saw [1] 10/21 say [6] 4/2 5/18 7/25 11/21 11/25 12/10 school [3] 13/20 16/16 16/17 second [1] 6/23 seemed [1] 14/14 send [1] 8/9 sentence [14] 3/5 4/24 5/16 5/22 7/3 8/5 9/1 9/14 11/18 14/25 15/2 15/8 17/14 17/16 sentencing [3] 3/3 3/23 4/22 separately [1] 3/11 serve [2] 7/21 9/20 served [11] 5/16 5/21 6/9 8/7 9/14 11/17 12/23 14/25 15/10 17/14 17/25 service [2] 12/15 12/24 SESSIONS [2] 1/1 19/14 set [2] 3/10 14/20 she [45] sheet [2] 6/24 8/23 shoot [1] 14/17 shooter's [1] 14/14 shortly [1] 10/23 shot [1] 14/16 show [1] 8/22 shows [2] 16/5 17/8 side [1] 12/9 simple [1] 7/6 since [5] 5/5 5/7 10/23 17/12 18/1 SINGLETARY [1] 1/19 sister [1] 13/22 six [5] 9/13 9/17 9/24 15/9 18/8 SOLICITOR [1] 1/17 somebody [2] 14/17 14/17 someone [2] 13/24 16/3 something [2] 8/13 14/10 SOUTH [6] 1/1 1/4 1/12 19/4 19/9 19/14 spend [2] 11/10 14/19 spent [6] 7/8 7/18 8/3 9/13 9/17 14/22 spoken [1] 11/14 Springdale [2] 16/20 16/22 start [2] 4/5 7/13 started [1] 9/11 statement [2] 4/19 17/1 statute [1] 12/21 steady [1] 10/24 step [1] 13/22 step-daddy [1] 13/22 stop [1] 4/10 straight [1] 3/22 Street [2] 14/5 14/5 supposed [2] 7/13 7/23 sure [4] 4/19 5/24 7/7 16/8 suspend [2] 8/6 17/24 suspended [4] 6/9 9/24 12/22 15/9 suspension [1] 4/10	U under [1] 4/9 understand [1] 15/13 understanding [1] 6/1 unfortunately [2] 13/19 15/10
P	parking [1] 14/9 part [3] 11/4 11/5 17/8 participation [1] 5/8 party [1] 19/17 pay [4] 12/19 12/24 15/11 18/1 paying [1] 17/17 PD [4] 12/19 12/24 15/11 18/2 people [5] 11/2 11/7 11/11 12/7 14/12 petit [1] 4/9 photo [1] 16/5 physical [1] 5/11 picked [1] 11/2 Plaintiff [2] 1/5 1/17 plea [4] 4/23 6/24 16/21 17/5 pleases [1] 9/5 Plus [1] 8/12 police [2] 5/7 5/13 possession [5] 6/20 7/3 7/6 8/20 10/13 PR [2] 14/18 16/24 pretrial [2] 4/16 7/8 pretty [1] 11/24 prior [8] 3/25 4/8 5/8 6/20 10/13 13/14 16/2 16/19 probably [2] 5/23 5/25 probation [13] 8/19 11/12 11/15 11/19 11/19 12/14 12/17 12/19 12/23 15/3 15/9 17/25 18/1 probationary [2] 15/2 17/16 proceedings [4] 2/5 2/14 18/11 19/12 public [3] 1/20 12/15 12/23 punch [1] 12/10 put [4] 4/21 12/13 15/7 17/25 puts [1] 14/13	V very [1] 13/23 violence [1] 8/17
R	W walking [1] 14/8 walks [2] 14/6 14/6 wanted [1] 11/25 was [36] wasn't [1] 11/23 way [2] 11/4 11/5 we [21] we're [1] 16/8 week [3] 5/2 7/12 11/2 WELLS [1] 1/21 Wendy's [2] 16/18 17/18 what [7] 5/23 9/3 11/6 11/8 11/20 12/2 12/20 Whatever [1] 14/10 WHEREUPON [3] 2/4 2/13 18/11 while [2] 7/9 11/15 whole [5] 10/9 13/10 13/25 13/25 15/23 why [1] 14/1 will [2] 4/1 12/13 without [1] 8/18	
raise [3] 10/5 13/6 15/19 rap [1] 8/22 received [1] 16/24 recommendation [1] 4/1 record [13] 1/6 3/16 3/18 3/25 4/8 4/21 5/8 6/20 9/6 13/14 16/2 17/10 19/11		

W
witnesses [2] 2/4 12/9 Woods [1] 3/21 work [1] 14/4 worked [4] 5/20 7/16 10/23 16/19 working [1] 11/22 works [5] 5/4 10/22 14/3 16/18 17/17 worth [1] 6/6 wrote [1] 9/1
Y
yard [1] 9/9 year [12] 4/24 5/21 5/22 6/8 8/5 9/23 10/19 12/22 15/8 16/14 17/18 17/23 years [11] 4/18 5/2 7/10 9/5 10/22 13/17 13/18 14/2 16/13 16/21 17/10 yesterday [1] 3/20 you [52] Youthful [1] 7/2
Z
ZACK [1] 1/23 Zaxby's [1] 10/22

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



ROBERT M. STEWART
Chief

Philip R. Crawford
Kershaw County Sheriff's Office
609 Lafayette Ave.
Camden, SC 29020

TRACE EVIDENCE

January 25, 2007
SLED LAB: L06-03429
Your Case No: 2006-854/FA06-165
Incident Date: 03/07/2006
[V] Chad Hough
[S] Henry Woods

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Item: 10 One GSR kit from Chad Hough

Item: 10.1 Right palm

RESULTS:

Round lead particles were found. Round lead particles are one of the components of gunshot residue.

Item: 10.2 Right back

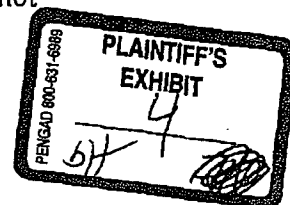
RESULTS:

The quantities of metals detected did not indicate the presence of gunshot residue.

Item: 10.3 Left palm

RESULTS:

The quantities of metals detected did not indicate the presence of gunshot residue.



SLED LAB No. L06-03429
January 25, 2007

Page 2 of 2

Item: 10.4 Left back

RESULTS:

The quantities of metals detected did not indicate the presence of gunshot residue.

Item: 11 One GSR kit from Henry Bernard Woods

Item: 11.1 Right palm

RESULTS:

No gunshot residue was found.

Item: 11.2 Right back

RESULTS:

The results are inconclusive.

Item: 11.3 Left palm

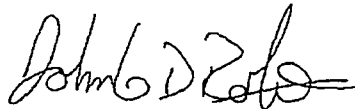
RESULTS:

No gunshot residue was found.

Item: 11.4 Left back

RESULTS:

No gunshot residue was found.



John G. D. Roberts
Forensic Scientist



STATE V. HENRY WOODS

POTENTIAL DEFENSE WITNESSES

Henry Woods, Defendant

John G.D. Roberts, SLED

Maurice T. Chisholm

