

ORIGINAL

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

OCT 15 2013

The Honorable Daniel F. Pieper, Trial Court Judge **S.C. Supreme Court**
The Honorable Kristi Lea Harrington, Post-Conviction Relief Judge

Appellate Case No. 2012-212824

Anthony Mann,..... Petitioner,

v.

State of South Carolina,..... Respondent.

SUPPLEMENTAL APPENDIX

JOSHUA SNOW KENDRICK
Counsel for the Petitioner

ALAN WILSON
Attorney General

ASHLEIGH R. WILSON
Assistant Attorney General
SC Bar # 100269

Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3737

Counsel for Respondent

1 A Probably two urinals, one toilet, one sink. It was
2 small.

3 Q How many people were in the bathroom with you all?

4 A I think it was just four of us.

5 Q Did you know the other guys in the bathroom?

6 A No.

7 Q Were you talking with them?

8 A No.

9 Q Did you have a conversation with Anthony Mann about
10 Brownie?

11 A Yes.

12 Q And what did you ask Anthony Mann about it?

13 A I asked him if he had seen her.

14 Q And what did he tell you?

15 A He motioned across his throat like this, pointed to
16 his chest and held his finger up across his mouth.

17 Q If you could demonstrate to the jury what he did
18 without saying it.

19 A (Witness indicating.)

20 Q After he made that gesture to you, what did you tell
21 him?

22 A I told him to keep it to himself, wasn't none of my
23 business.

24 Q Did he keep it to himself?

25 A No.

1 Q What did he do?

2 A He told me he was doing a deal with dude and he had
3 to do him so he dealt with her and put her in the woods.

4 Q Now, he was doing a deal with which dude?

5 A I was supposing was Brownie's roommate.

6 Q Then what happened?

7 A That he dealt with her and put her in the woods.

8 Q What happened with the deal with the dude?

9 A Went bad.

10 Q And what did he tell you he did with Brownie?

11 A Dealt with her.

12 Q And where was she now?

13 A In the woods.

14 Q At that time did you know where Brownie was yourself?

15 A No. All I knew was him and her were missing. He was
16 bad.

17 Q While the two of you were in the bathroom, did you
18 hear anything that was going on outside the bathroom?

19 A Yeah, some people were beating on the door.

20 Q What happened when those people started beating on
21 door? What did you and Anthony Mann do?

22 A We walked out the room, the bathroom, and he got into
23 a fight with them.

24 Q How many people ended up in this fight?

25 A Almost the entire club.

1 Q About how many people would that have been in this
2 fight?

3 A Thirty.

4 Q And did anybody get hurt badly?

5 A No, not that I know of.

6 Q It's a bar brawl?

7 A Yeah.

8 Q All right. Did the fight initially get broken up?

9 A Yes.

10 Q And after it was broken up, did Anthony Mann say
11 anything?

12 A Yes.

13 Q What did he say?

14 A He said, I'm wanted for two murders now and I'll kill
15 you, too.

16 Q When he said that, did he say it loud enough for
17 people to hear?

18 A Yeah, he yelled it.

19 Q He yelled it?

20 A Yes.

21 Q Do you remember who it was that you left with that
22 night?

23 A Merv.

24 Q And is that Maria Jacques?

25 A Yes.

1 Q And when you left with Merv, did you tell her
2 anything?

3 MR. BUTLER: Objection. Can we approach?

4 (A bench conference was held with the judge and
5 attorneys in the presence of the jury but out of the
6 hearing of the jury.)

7 MS. WILSON: He's the person who said it. It
8 does matter.

9 MR. BUTLER: It's a prior consistent statement.
10 If he's getting ready to say, I'm telling her, it's a
11 prior consistent statement with his testimony.

12 MS. WILSON: He's telling -- he's talking about
13 a new event.

14 THE COURT: He told her what?

15 MS. WILSON: He told her to stay away from
16 Anthony Mann because Anthony Mann had just told him he's
17 done some murders. That is not a prior consistent
18 statement. He is telling what he did next, his next
19 activity.

20 MR. BUTLER: I don't have any problem with the
21 first part because that's offered because that occurred,
22 but if he says he just told me and so forth, it's
23 inconsistent with his testimony and it's also just
24 bolstering, improper bolstering to say that I must be
25 telling the truth because I told other people the same