

VOLUME TWO OF TWO

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Fairfield County

William Jeffrey Young, Circuit Court Judge

RECEIVED

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S.C. Supreme Court

WILLIE J. ADAMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-002165

A P P E N D I X

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1 Q Okay. When you bought from Lawhorn, first of all, do
2 you know where Lawhorn -- did Lawhorn keep dope on
3 the premises?

4 A I can't answer that question, sir. I mean, imagine
5 so, because --

6 Q Well, let me ask you another question. I understand
7 you might not be able to answer that question. When
8 you went to Lawhorn's to buy dope --

9 A Yes, sir.

10 Q -- who would you deal with? Who would you talk to?

11 A Bryan.

12 Q And what would you say to Bryan Lawhorn?

13 A I need a dove or a 40.

14 Q What's a dove?

15 A A \$20 rock.

16 Q What's a 40?

17 A A 40 dollar rock.

18 Q I assume that's a little bit bigger rock?

19 A Yes, sir.

20 Q And would Bryan say back to you? Would he say
21 anything or would he just do something?

22 A He would just give me the dope. I'd be on by way.

23 Q Where did Bryan Lawhorn produce the dope from?

24 A I don't know, sir. He got out of my sight.

25 Q All right. Tell me about that. Where would Bryan

1 go?

2 A He would go out the door to the left.

3 Q What's to the left when you go out the door?

4 A The barn and the field.

5 Q Did you ever follow him when he left out the house

6 when you were there to buy dope?

7 A No, sir.

8 Q Did you ever see where had he went?

9 A No, sir.

10 Q Other than what you've described?

11 A No, sir.

12 Q Would he come back in the house?

13 A Yes, sir.

14 Q When he came back in the house what would he do?

15 A He would hand me my dope.

16 Q And what would you do?

17 A I would leave.

18 Q All right. Saturday, April 5th, 2008, did you get up

19 with Reggie Gibson and Kim Lawson and Alpha Lee

20 Miller?

21 A Yes, sir. First I got up with Ms. Lawson and

22 Mr. Reggie.

23 Q And where did you go? And I don't need all the

24 details, but just -- we're going to hop real quick

25 from one place to the other. Where did you go?

1 **A** I called Ms. Lawson to come pick me up from Columbia
2 at a friend of ours house and she came and picked me
3 up from Columbia, her and Reggie.

4 **Q** Where did y'all go?

5 **A** We went back to Ridgeway. I had some money. And we
6 actually went to EI (ph). And then that's when all
7 the commotion went on about Amp Lee.

8 **Q** You had some money to do what with?

9 **A** I paid Reggie gas and bought some crack.

10 **Q** All right. The crack you just talked about buying
11 didn't have nothing to do with Bryan Lawhorn's house?

12 **A** No, sir.

13 **Q** Did y'all end up at somebody's place?

14 **A** Yes, sir.

15 **Q** A nickname?

16 **A** Terrible Tee.

17 **Q** And who is Moon Pie?

18 **A** That's Mr. Murphy.

19 **Q** They brothers?

20 **A** Yes, sir.

21 **Q** They live together?

22 **A** Yes, sir.

23 **Q** Did you see Alpha Lee Miller somewhere that morning?

24 **A** Yes, sir, I did.

25 **Q** Where was he?

- 1 **A** He was in the kitchen.
- 2 **Q** At whose house?
- 3 **A** At Mr. Murphy's.
- 4 **Q** And what was Alpha Lee doing?
- 5 **A** Cooking up powder.
- 6 **Q** Powder is what?
- 7 **A** Cocaine.
- 8 **Q** And when you cook powder cocaine, what do you end up
9 with?
- 10 **A** I really don't know, sir. I tried to get a piece
11 from him but he was -- you know, me and him -- you
12 know, how people do when they argue. We kind of
13 didn't --
- 14 **Q** Y'all didn't gee-haw?
- 15 **A** Yeah. We were friends but, you know ...
- 16 **Q** All right. But my question is this. And if you
17 know, and if you don't, tell me. But if you know, if
18 you cook powder cocaine, why do people cook powder
19 cocaine?
- 20 **A** To smoke it.
- 21 **Q** And what is it that they smoke when it's cooked? Is
22 it something different?
- 23 **A** I really don't know. I mean, I just -- I don't do
24 the powder. So couldn't tell you.
- 25 **Q** All right.

1 **THE COURT:** The Court will take judicial notice
2 of the fact that when powder is cooked it becomes
3 crack.

4 **MR. BARFIELD:** Thank you.

5 **THE WITNESS:** Yes, sir.

6 **Q** About -- and I know this is embarrassing to you.
7 We're going to charge through it. About what time
8 was it when Amp was cooking powder at Moon Pie's and
9 Terrible Tee's?

10 **A** Probably about 10, 10:30, 11 in the morning.

11 **Q** All right. Did you all go somewhere from there?

12 **A** Yes, we did.

13 **Q** Who is y'all?

14 **A** Me, Ms. Lawson, Mr. Reggie and Athlete.

15 **Q** Where did you go?

16 **A** We went to Flint Hill.

17 **Q** Who lives at Flint Hill?

18 **A** Bryan.

19 **Q** Did you know -- did you see who was there when you
20 got there?

21 **A** Not --

22 **Q** Tell me -- well, let me ask you this. We're just
23 going to kind of cut through the chase. Before it's
24 all over with, other than the four of y'all in
25 Reggie's car, who all was at Bryan Lawhorn's house

1 while these events were occurring? Tell me who else
2 was there?
3 **A** There was a white girl there. I don't know her name.
4 And the guy they called Boo and.
5 **Q** Boo? You said Boo?
6 **A** Boo. A guy they called Boo. And Mr. Adams and
7 Bryan.
8 **Q** The white girl, red headed girl?
9 **A** I really wasn't paying attention, sir.
10 **Q** That's fine. What did Amp do?
11 **A** I just know he got out of the car, handed me his
12 stuff. He said he would be right back.
13 **Q** Hold on. Handed you his stuff. What kind of stuff?
14 **A** His stem, sir.
15 **Q** Stem? Crack pipe?
16 **A** Yes, sir.
17 **Q** Go ahead.
18 **A** So he went in the house. A few minutes later he came
19 running out.
20 **Q** Stop. Running?
21 **A** Yes, sir.
22 **Q** Where did he run to?
23 **A** He went to the left down to the building behind the
24 building on a trail.
25 **Q** Did he go out of your sight?

1 A Yes, sir.

2 Q Anybody out the house behind him?

3 A Yes, sir.

4 Q Who?

5 A Mr. Bud Adams.

6 Q Anybody else out the house behind him then or later?

7 A Not at that moment.

8 Q Where did Bud go?

9 A Bud went to confront Mr. Athlete.

10 Q Did Alpha Lee come back in your sight?

11 A Yes, sir, he did.

12 Q Where did he come from?

13 A He come from the woods. And --

14 Q Could you tell if he had anything with him when he

15 came out of the woods?

16 A No, sir. He didn't have a -- no, sir. He didn't

17 have anything.

18 Q Did Bud and Alpha Lee meet up?

19 A Yes, sir.

20 Q Where?

21 A Between the house and the building.

22 Q Were you outside?

23 A I was on the front porch.

24 Q Could you see what was going on?

25 A Yes, sir.

1 Q Could you hear what was going on?

2 A Yes, sir.

3 Q Was there conversation between the two of them?

4 A Yes, sir.

5 Q Who said what?

6 A Mr. Adams told --

7 MR. FRICK: Just please note my objection.

8 THE COURT: Noted. Keep in mind from the

9 objection standpoint this is the defendant speaking

10 as I understand it.

11 MR. BARFIELD: Yes, sir.

12 THE COURT: Okay.

13 Q Bud said what?

14 A Bud said, you stole my f'g dope.

15 Q What did Alpha Lee say?

16 A He was just say, no, man, no man, and just -- all I

17 know is I seen him run.

18 Q Alpha Lee ran?

19 A Yes, sir.

20 Q Where did he run?

21 A He run back in the back of the house through the

22 trail.

23 Q All right. Stop. Did he run to the woods between

24 the barn and the house?

25 A Yes, sir.

- 1 Q That side of the house?
- 2 A Yes, sir.
- 3 Q Did you see a pistol?
- 4 A Yes, sir, I did.
- 5 Q Who had the pistol?
- 6 A Mr. Adams.
- 7 Q When did you first see the pistol?
- 8 A Whenever he got down, Athlete was coming from the
- 9 trail to inbetween the houses, and I seen it when he
- 10 pulled it out.
- 11 Q Who pulled it out?
- 12 A Mr. Adams.
- 13 Q And I don't want all the detail now, but what did he
- 14 do with the pistol?
- 15 A He shot a fire.
- 16 Q Where was Alpha Lee when Bud Adams fired the pistol?
- 17 A He was standing in front of him but he took off
- 18 running.
- 19 Q And did Bud Adams fire the pistol at any time while
- 20 Alpha Lee was running?
- 21 A Yes, sir.
- 22 Q In what direction generally speaking was he pointing
- 23 the pistol when he fired it and Alpha Lee was
- 24 running?
- 25 A Towards Alpha Lee.

1 Q Was there any other conversation between the two of
2 them about the MF'ing dope?

3 A No, sir. I didn't hear anything else from that
4 point. I didn't see anything else from that point.
5 I never seen Alpha Lee after he went behind the
6 house.

7 Q Did you hear any other shots later?

8 A Yes, sir, I did.

9 Q Thank you, ma'am. Answer anything Mr. Frick has.

10 THE COURT: Cross examination, Mr. Frick.

11 MR. FRICK: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. FRICK

14 Q How late had you been up on Friday night, Saturday
15 morning?

16 A I had been up.

17 Q From when to when? I mean, obviously you had to go
18 to bed sometime?

19 A I had been up probably since Friday morning.

20 Q So approximately how many hours?

21 A Probably about 20.

22 Q And when did you start smoking that day?

23 A That morning? Well, that night. Well, that morning,
24 probably about 3:00.

25 Q So were you high most of the day?

- 1 A Yeah. I mean, yeah.
- 2 Q Did you drink when you were high as well?
- 3 A Yes, sir, I did.
- 4 Q Okay. How much did you drink during the day?
- 5 A Plenty. A lot.
- 6 Q A lot?
- 7 A Yes, sir.
- 8 Q Can you give me some idea?
- 9 A Probably about a pint and a half, two pints.
- 10 Q Okay. Of what?
- 11 A Moonshine.
- 12 Q Moonshine?
- 13 A Yes, sir.
- 14 Q Go all the way, don't you? Good Lord. Okay. All
- 15 day?
- 16 A No, sir. Only --
- 17 Q Just sipping throughout the day?
- 18 A Yes, sir.
- 19 Q Did you feel that it had an influence on you?
- 20 A No, sir.
- 21 Q But the crack did?
- 22 A Yes, sir.
- 23 Q Okay. Before all the stuff happens at Bryan's house
- 24 on that Saturday morning, when had you last smoked?
- 25 A Before they picked me -- well, after they picked me

- 1 up when we first got back to Ridgeway.
- 2 Q And about how long was that from when you got to the
- 3 house, to Bryan's house?
- 4 A Probably about -- I'd say about an hour and a half to
- 5 two hours maybe.
- 6 Q Okay. Now, you recall giving a statement to law
- 7 enforcement about this situation?
- 8 A Mm-hmm (affirmative).
- 9 Q Okay. And in that I believe they have you quoted as
- 10 saying, Bud saying, mother-fucker, you took my dope?
- 11 A Yes, he did.
- 12 Q Is that exactly what he said?
- 13 A Yes, it is.
- 14 Q How are you so certain?
- 15 A Because I heard him when he said it. I was on the
- 16 front porch.
- 17 Q You were on the front porch?
- 18 A Mm-hmm (affirmative).
- 19 Q Could you see them?
- 20 A Yes, I could.
- 21 Q You could?
- 22 A Mm-hmm (affirmative).
- 23 Q Was anybody else on the front porch with you?
- 24 A Yes, they was [sic].
- 25 Q Who?

- 1 **A** Reggie, Kimberly.
- 2 **Q** Okay.
- 3 **A** And the white girl --
- 4 **Q** Okay.
- 5 **A** -- that was there.
- 6 **Q** The white girl, that's the white girl with the red
- 7 hair?
- 8 **A** I don't know, sir. I wasn't paying attention.
- 9 **Q** Okay. You weren't paying attention to that but you
- 10 were paying attention to what he was saying?
- 11 **A** Yeah. Yeah.
- 12 **Q** Okay. All right. But to clarify it, this is Bryan
- 13 Lawhorn's house?
- 14 **A** Yes, sir.
- 15 **Q** When you went over there to purchase anything, you
- 16 purchased from Bud -- I mean, from Alpha Lee or from
- 17 Bryan?
- 18 **A** Yes, sir.
- 19 **Q** Never purchased from Bud?
- 20 **A** Like I said, sir, I didn't really know Bud that well.
- 21 **Q** Okay. Well, my question is, did you ever buy any
- 22 crack from him?
- 23 **A** No, sir.
- 24 **Q** And you don't do powder?
- 25 **A** No, sir.

1 Q Okay. Did you have any idea what, if anything, Alpha
2 Lee had done Friday night to Saturday morning?

3 A No, sir. I have no idea. I was nowhere around in
4 Ridgeway at that time. I was in Columbia.

5 Q And, in fact, every time you had gone over to Bryan's
6 house, you have no idea where the crack came from?

7 A No, sir. I never paid attention to where they --

8 Q They just handed it to you?

9 A Well, I waited a few minutes. Then they brought it
10 back to me. I mean, I wasn't going to stand there
11 and watch them where they went.

12 Q I understand. Thank you, Ms. Smith.

13 A You're welcome.

14 THE COURT: Mr. Barfield.

15 MR. BARFIELD: Nothing further of this witness.

16 THE COURT: Okay. Thank you, ma'am. You may
17 step down.

18 MR. MAXWELL: Your Honor, the State calls
19 Christel Chambers.

20 THE COURT: All right. Come around, please.

21 THE CLERK: Raise your right hand. Put your
22 left hand on the Bible.

23 CHRISTEL CHAMBERS, after being duly sworn,
24 testifies as follows:

25 THE CLERK: She wants you to state your name and

1 spell your first name.

2 **THE WITNESS:** Christel Chambers,
3 C-H-R-I-S-T-E-L.

4 DIRECT EXAMINATION

5 **BY MR. MAXWELL**

6 **Q** Ms. Chambers, are you currently --

7 **THE COURT:** Slide up to the microphone a little
8 bit, because it is active, but you've got to talk
9 fairly close to it.

10 **THE WITNESS:** Okay.

11 **Q** Are you currently in the Department of Corrections?

12 **A** Yes, sir.

13 **Q** What were you convicted of to put you in the
14 Department of Corrections?

15 **A** Distribution, possession and violation of probation.

16 **Q** Of what kind of drugs?

17 **A** Crack.

18 **Q** Now, the convictions you're in on, do they have
19 anything to do with what happened out on Flint Hill
20 Road?

21 **A** No, sir.

22 **Q** Or anything that happened at Bryan Lawhorn's house?

23 **A** No, sir.

24 **Q** Are you from Fairfield County?

25 **A** Yes, sir.

- 1 Q Do you know Bryan Lawhorn?
- 2 A Yes, sir.
- 3 Q How do you know Bryan Lawhorn?
- 4 A Through a mutual friend.
- 5 Q Have you known him some time?
- 6 A A couple of years.
- 7 Q Do you know Bud Adams?
- 8 A Yes, sir.
- 9 Q How do you know Mr. Adams?
- 10 A Also through a mutual friend.
- 11 Q Have you known him for a while?
- 12 A Yes, sir.
- 13 Q Do you know Boo or Levarn Boo Jackson?
- 14 A Yes, sir.
- 15 Q How do you know Boo Jackson?
- 16 A Through a mutual friend.
- 17 Q Had you all hung out together at Bryan Lawhorn's
- 18 house?
- 19 A Probably once before.
- 20 Q Okay. Do you know Alpha Lee Miller?
- 21 A Yes.
- 22 Q How do you know Mr. Miller?
- 23 A Just by being at Bryan's house.
- 24 Q Okay. You were present during all the shooting stuff
- 25 that happened on Flint Hill Road, correct?

1 A Yes, sir.

2 Q Mr. Lawhorn's house? Where were you on Friday night?

3 A I was in Winnsboro.

4 Q Did at some point you talk to Bud Adams or Boo

5 Jackson?

6 A Bud. Yes, sir.

7 Q You talked with Bud? What did -- did you and Bud

8 make plans to get together?

9 A I'm not exactly -- I don't remember. I know later on

10 that night he called and he came to pick me up.

11 Q Okay. Did he come pick you up from Winnsboro?

12 A Yes, sir.

13 Q Roughly what time was that?

14 A Probably about 5, 5:30.

15 Q In the morning?

16 A Yes.

17 Q Saturday morning? Was anybody with him when he came

18 and picked you up?

19 A Boo Man, Boo-Mo, Boo Man with was him.

20 Q Is that Mr. Jackson?

21 A Yes.

22 Q Was it just the two of them?

23 A Yes.

24 Q Did you get in the car with them and leave from

25 wherever you were in Winnsboro?

- 1 **A** Yes, sir.
- 2 **Q** Where were y'all going?
- 3 **A** To Ridgeway.
- 4 **Q** Do you know where in Ridgeway?
- 5 **A** Bryan's house.
- 6 **Q** To Bryan Lawhorn's house?
- 7 **A** Mm-hmm (affirmative).
- 8 **Q** On the ride there did Bud say anything? What did Bud
- 9 say on ride back to Ridgeway?
- 10 **A** Mainly they was just talking about the club, and then
- 11 the statement was made that he thought Alpha Lee
- 12 stole some stuff.
- 13 **Q** Did he say what kind of stuff?
- 14 **A** No.
- 15 **Q** Do you know what kind of stuff?
- 16 **A** No.
- 17 **Q** Did y'all end up at Bryan's house?
- 18 **A** Yes.
- 19 **Q** When you all first arrive at Bryan's house, what did
- 20 Bud do?
- 21 **A** We went directly to an outside barn like.
- 22 **Q** A barn further up into the yard on the right side of
- 23 the house if you're facing the house?
- 24 **A** Yes.
- 25 **Q** Did you all drive the car back to the barn or walk

1 back there?

2 A I can't remember.

3 Q What were they doing when Mr. -- did Boo go with him?

4 A Yes.

5 Q What were they doing when they went to the barn? Did
6 you go to the barn with them?

7 A No.

8 Q Did they come out of the barn?

9 A Yes.

10 Q What did they say when they came out? What did Bud
11 say when they came out the barn?

12 A That he took it.

13 Q I'm sorry?

14 A That he took it.

15 Q Did he say Amp's name?

16 A I can't remember.

17 Q Was he referring to Amp? Did you take it that he was
18 referring to Amp?

19 A Yeah.

20 COURT REPORTER: Excuse me. I need the witness
21 to speak up, please.

22 THE COURT: All right. I do, too. Speak up a
23 little louder, please.

24 A Yes, sir.

25 Q Again, what did Bud say when he came out of the barn?

1 **A** That he took it.

2 **Q** Do you know what he was referring to?

3 **A** No. I can only assume.

4 **THE COURT:** Speak up, please, ma'am. This lady
5 has got to take down every word you say. You're
6 going to have to be very careful to speak slowly and
7 loudly.

8 **Q** Did Bud or Boo ever go into the woods behind the barn
9 or just to the barn? Or do you remember?

10 **A** I think just in the barn.

11 **Q** Was it daylight yet?

12 **A** No.

13 **Q** It was still dark outside?

14 **A** Mm-hmm (affirmative).

15 **Q** Did Bud do anything after he came out of the barn?

16 Did he do anything? Or what did he do?

17 **A** No. I think we went in the house.

18 **Q** Did he check -- did he look into the car for
19 anything?

20 **A** Yes. I think he looked into a broke down car.

21 **Q** Where was the car at?

22 **A** In front of the house.

23 **Q** Did just Bud look in the car?

24 **A** Yes.

25 **Q** When he got out of the car, what did Bud say?

1 **A** It's gone.

2 **Q** Do you know what he was referring to there?

3 **A** I can only assume.

4 **Q** What do you assume?

5 **A** The gun.

6 **Q** The gun?

7 **A** Yes.

8 **Q** Did y'all go inside at that point?

9 **A** Yes.

10 **Q** What did y'all do inside?

11 **A** We just sat there and then he made a few phone calls.

12 **Q** Was Bud doing any drugs that morning?

13 **A** When we first got together we all were. And then --

14 **Q** You had started?

15 **A** Yes.

16 **Q** What were you all doing?

17 **A** Cocaine.

18 **Q** Powder cocaine?

19 **A** Yes.

20 **Q** At Bryan's house were y'all doing any cocaine?

21 **A** No.

22 **Q** Did y'all hang out? Sleep? Talk? What were y'all

23 doing at Bryan's house?

24 **A** We stayed up for a little while. Then we all just

25 dozed off.

- 1 Q Did Bryan show up at some point?
- 2 A Yes. Later on.
- 3 Q Was Bryan by himself at that point --
- 4 A Yes.
- 5 Q -- when he came? Did Bud say anything to Bryan when
- 6 he came in the door?
- 7 A I think he explained to him what was missing. I'm
- 8 not exactly sure.
- 9 Q You don't remember what he said was missing?
- 10 A No.
- 11 Q Did at some point Reggie Gibson come back to the
- 12 house?
- 13 A Yes.
- 14 Q Do you know Reggie?
- 15 A No. Just by looking at him I know him. I don't
- 16 really know him.
- 17 Q Do you know Kimberly Lawson?
- 18 A Yes.
- 19 Q Do you know -- and you knew Alpha Lee Miller?
- 20 A Yes.
- 21 Q Did you know Vickie Smith?
- 22 A No, not really.
- 23 Q Did they all come together?
- 24 A The second time they did.
- 25 Q Okay. What do you mean, what are you referring to

1 when you say the second time? Was there a first
2 time?

3 **A** Well, the first time Reggie came by himself.

4 **Q** What went on when Reggie came in the house?

5 **A** He just explained to them that he kept bringing Alpha
6 Lee to the house all during the night, different
7 times during the night.

8 **Q** Didn't say -- did he explain further other than that
9 Reggie brought Alpha Lee back to the house that
10 Friday night?

11 **A** No.

12 **Q** The second time they came and Alpha Lee was with
13 them, what did Mr. Miller do?

14 **A** He came in the house and he didn't even come all the
15 way in the house. He just came into the door and
16 then Bud and Mr. Jackson confronted him.

17 **Q** What did Bud say at that point?

18 **A** He was asking where was it at.

19 **Q** Was he just saying it?

20 **A** Mm-hmm (affirmative).

21 **Q** What did Mr. Miller do then?

22 **A** They all went outside.

23 **Q** Who went first?

24 **A** I think Alpha Lee went first.

25 **Q** Was Bud right behind him?

- 1 **A** One of them. But they both followed behind him.
- 2 **Q** Where did Mr. Miller go?
- 3 **A** I'm not exactly sure.
- 4 **Q** Did he --
- 5 **A** I assume they tried to go show him but I don't know.
- 6 **Q** Where did he go on the property? Did he go towards
- 7 the barn? Behind the house? To the right?
- 8 **A** I can't really say. I was in the house.
- 9 **Q** Okay. Did you come back outside the house?
- 10 **A** At one point in time, yes.
- 11 **Q** What's the next thing you saw when you were outside
- 12 of the house? Did you see Bud and Amp, Alpha Lee
- 13 and --
- 14 **A** I seen them in the yard. I was on the porch. And
- 15 Bud was just like shooting at his feet.
- 16 **Q** Where were they at in the yard in regards to the
- 17 house and the barn and the woods?
- 18 **A** Probably like right on the corner of the house in the
- 19 driveway.
- 20 **Q** On the barn side?
- 21 **A** Yes.
- 22 **Q** What was Bud doing?
- 23 **A** He was just stand standing there asking where was it
- 24 at. He was shooting around his feet.
- 25 **Q** Did you ever see Amp, Alpha Lee, with a gun?

1 **A** No.

2 **Q** Did you see where Bud got the gun from?

3 **A** No.

4 **Q** The first time you saw the gun was in Bud's hand?

5 **A** Mm-hmm (affirmative).

6 **Q** Did Bud say where is it at repeatedly or just one

7 time?

8 **A** Probably a couple of times.

9 **Q** What was Amp doing?

10 **A** Just --

11 **Q** How was he responding?

12 **A** Just kind of mumbling and throwing his hands up.

13 **Q** Did Bud ever tell you that Alpha Lee took \$2,300

14 worth of crack cocaine?

15 **A** He made an estimation, but I can't remember.

16 **Q** Where were y'all at? In your car, at the house,

17 outside when he made the estimation?

18 **A** I want to say we was at the house.

19 **Q** You don't remember? What did he say exactly, the

20 best you can remember?

21 **A** I really can't remember. He made the estimation.

22 Then he said it was in a can or something. That's --

23 **Q** Did he say drugs or it, package? How did he describe

24 what was missing, what was in the can?

25 **A** I think he just said stuff.

1 Q Did he say \$2,300?

2 A Yeah. The estimated amount. I'm not exactly sure
3 how much.

4 Q What do you know -- what knowledge do you have about
5 the gun prior to seeing it in Bud's hands?

6 A Nothing.

7 Q You testified a little bit earlier about Bud going in
8 the car and he said it's gone, you said that he was
9 referring to the gun; how do you know that? How do
10 you know he was referring to the gun?

11 A I really don't know.

12 Q You're not sure?

13 A I'm not sure.

14 MR. MAXWELL: No further questions, Your Honor.

15 THE COURT: Mr. Frick.

16 CROSS EXAMINATION

17 BY MR. FRICK

18 Q Ms. Chambers, you said you had been over to Lawhorn's
19 house one time prior to this incident, or was this
20 the one time you had been over there?

21 A No. I visited there on many occasions.

22 Q Oh, okay. I thought when the solicitor asked you had
23 you been there before, you said some time before?

24 A No.

25 Q So how many times have you been there?

- 1 **A** On numerous occasions.
- 2 **Q** Okay.
- 3 **A** I mean, just that night, that was the first time that
- 4 night.
- 5 **Q** Oh, okay. All right. I must have misunderstood the
- 6 question. Do you have any firsthand knowledge of
- 7 what Alpha Lee may or may not have done on Friday and
- 8 Saturday nights?
- 9 **A** No.
- 10 **Q** Okay. When the whole argument between Alpha Lee and
- 11 Bud occurs, where are you?
- 12 **A** At the beginning I was in the house.
- 13 **Q** Okay?
- 14 **A** And then when I heard a couple of shots I went
- 15 outside on the porch.
- 16 **Q** Okay. And what you heard was, where is it at?
- 17 **A** Yes.
- 18 **Q** I understand you're assuming, but do you know what
- 19 "it" is?
- 20 **A** I mean, I can assume what it was.
- 21 **Q** But --
- 22 **A** Dealing with.
- 23 **Q** -- do you know specifically of your own knowledge
- 24 what it was?
- 25 **A** No.

- 1 Q Now, clear one thing up for me. You, Bud and who
2 else arrived there?
- 3 A Mr. Jackson.
- 4 Q Okay. So Boo, Bud and you show up at Bryan's place
5 before Alpha Lee gets there?
- 6 A Yes.
- 7 Q You went down to the barn with Bud and them or how
8 did that happen? That's where I'm getting lost.
9 What happened there?
- 10 A I didn't go all the way. I went halfway with them.
- 11 Q Okay.
- 12 A Because it was real dark down in there. And they
13 went in and came back out.
- 14 Q And who --
- 15 A And then we walked to the house.
- 16 Q And that is Bud and --
- 17 A Mr. Jackson.
- 18 Q Okay. They went into the barn?
- 19 A Yes.
- 20 Q You are certain they went into the barn?
- 21 A It's a door right there. They opened the door and
22 they looked and then they came right back out.
- 23 Q Didn't go around the barn?
- 24 A No.
- 25 Q Not in the woods but they went in the barn?

- 1 A Yes. In the barn.
- 2 Q That's fine. All right. Now, you said something
- 3 about a car?
- 4 A Yes.
- 5 Q A broke down car? Where is it located?
- 6 A It was located on the -- okay. It was located in
- 7 front of the house, like diagonal from the house.
- 8 Q Okay. Like in that little driveway area right there
- 9 in front of the house or ...?
- 10 A Not really in the driveway, but --
- 11 Q If I'm standing on that front porch, where is the
- 12 car?
- 13 A This way. Kind of diagonal.
- 14 Q Back to the right?
- 15 A Yes. To the left.
- 16 Q Oh, to the left. Towards the barn?
- 17 A Yes.
- 18 Q And you say that Bud looked in the car?
- 19 A Yes. He just opened the door and he looked in.
- 20 Q And he said something is missing?
- 21 A He said, it's gone.
- 22 Q It's gone?
- 23 A Yes.
- 24 Q Again, do you know what "it" is?
- 25 A I can only assume.

1 Q Now, is that the one you're assuming is the gun?

2 A Yes.

3 Q Any idea whose gun it is?

4 A No.

5 Q The solicitor asked you about a statement and you
6 said something about an estimation of \$2300 worth of
7 stuff?

8 A Yes.

9 Q When was that statement made? And I don't need time.
10 I know you weren't looking at your watch. I'm just
11 talking in relation to the shooting and all, what --

12 A Yeah. I'm just trying to remember it. I'm not
13 exactly sure if it was on the ride back to Flint Hill
14 or if it was in the house.

15 Q Okay. But he specifically said stuff?

16 A Yes.

17 Q I understand you can assume, but you don't know what
18 "stuff" is?

19 A No.

20 Q And you said something about it was in a can?

21 A Yes.

22 Q Do you know anything about the --

23 A I don't know nothing about that.

24 Q I understand. And of course all this, the barn and
25 the house, the land to your knowledge belongs to

1 Bryan Lawhorn?

2 **A** To my knowledge.

3 **Q** Or do you really know?

4 **A** I don't know.

5 **Q** That's fine. Thank you, ma'am?

6 **A** Mm-hmm (affirmative).

7 **THE COURT:** Redirect?

8 **MR. MAXWELL:** Nothing further, Your Honor.

9 **THE COURT:** All right. Thank you. You may step
10 down. You may be escorted back to the holding cell.

11 **MR. BARFIELD:** Mr. Jackson. Mr. Jackson.

12 LEVARN M. JACKSON, JR., after being duly sworn,
13 testifies as follows:

14 **THE CLERK:** Have a seat.

15 **THE COURT:** All right. Again, Mr. Lifsey, let's
16 put on the record, I know you represent Mr. Jackson
17 and he has already pled guilty before me and I have
18 accepted the plea conditioned upon his truthful
19 testimony. And in that connection he is waiving his
20 Fifth Amendment rights.

21 **MR. MICHAEL LIFSEY:** That's correct. And, Your
22 Honor, I would also add that Mr. Barfield has told me
23 any testimony that he gives in regards to drug use
24 today would not be held against him, would not be
25 used against him.

1 **MR. BARFIELD:** That's correct. And that's
2 applied to everybody we've asked about dope today.
3 We ain't looking to sign warrants on people. We just
4 want to get the truth in this case.

5 **THE COURT:** All right.

6 **MR. MICHAEL LIFSEY:** Thank you.

7 **THE COURT:** Okay. Thank you. All right,
8 proceed, Mr. Barfield.

9 DIRECT EXAMINATION

10 **BY MR. BARFIELD**

11 **Q** All right, Mr. Jackson. I'm going to ask you a bunch
12 of questions. I'm going to tell you this. You get
13 right up there on that microphone. You talk quietly.
14 You need to be loud today. You talk fast. You need
15 to slow down today. Got me?

16 **A** Okay.

17 **Q** What's your name?

18 **A** Levarn Jackson.

19 **Q** I'm going to give you a list of names and I'm going
20 to ask you if you know these people. Reggie Gibson?

21 **A** Yes, sir.

22 **Q** Bryan Lawhorn?

23 **A** Yes, sir.

24 **Q** Kim Lawson?

25 **A** Yes, sir.

1 Q Vickie Cooper or Vickie Smith?

2 A Yes, sir.

3 Q Bud Adams?

4 A Yes, sir.

5 Q How did you know these people, generally speaking?

6 How did you know these folks?

7 A Well, me and Bryan cousins.

8 THE COURT: I can't understand him and I know
9 she can't either.

10 A Me and Bryan are known as cousins.

11 Q How did you know the rest of them?

12 A Just by hanging out with them.

13 Q Did hanging out with all of these people involve
14 using drugs?

15 A Yes, sir.

16 Q Did you use powder cocaine?

17 A Yes, sir. One time.

18 Q One time?

19 A Yes, sir.

20 Q Did you ever use crack cocaine?

21 A No, sir.

22 Q Did you smoke marijuana?

23 A Yes, sir.

24 Q A bunch of marijuana regularly?

25 A Yes, sir.

- 1 Q Generally speaking, when this crowd of people got
2 together, did they ever get together at Bryan
3 Lawhorn's house?
- 4 A Sometimes.
- 5 Q And would drugs be used at Bryan Lawhorn's house?
- 6 A Sometimes.
- 7 Q Did Reggie Gibson ever come there to buy dope from
8 Bryan Lawhorn?
- 9 A Sometimes.
- 10 Q Do you know Ms. Smith, Vickie Cooper? Did she ever
11 come there to buy dope from Lawhorn?
- 12 A No.
- 13 Q Did you ever see her there? Was she ever there when
14 you were there?
- 15 A No, sir.
- 16 Q Okay. Sometime were you present when Alpha Lee
17 Miller got shot?
- 18 A Yes, sir.
- 19 Q About what time was that that all of that happened?
20 On the Saturday, April 5th of 2008 when Alpha Lee got
21 shot, was that morning, afternoon? When was it?
- 22 A I assume it was the afternoon.
- 23 Q Early that morning were you at Lawhorn's house?
- 24 A Yes, sir.
- 25 Q How early were you at Lawhorn's house that morning?

- 1 **A** Saturday.
- 2 **Q** Pardon?
- 3 **A** Saturday.
- 4 **Q** Saturday morning, early morning before the shooting
- 5 happened --
- 6 **A** I was down there on Saturday morning.
- 7 **Q** When did you go there I guess?
- 8 **A** I went there on Friday.
- 9 **Q** When Friday did you go?
- 10 **A** 5:30.
- 11 **Q** In the morning?
- 12 **A** Yes, sir.
- 13 **Q** All right. Now, let me ask you this. Was it -- and
- 14 I just want you to clarify for me. Was it 5:30
- 15 Friday morning, then you had all day Friday and then
- 16 Friday night and then the Saturday, or was it 5:30
- 17 Saturday morning?
- 18 **A** 5:30 Saturday morning.
- 19 **Q** Saturday morning. Who was there at Bryan Lawhorn's
- 20 house at 5:30 Saturday morning?
- 21 **A** Me, Bud Adams and Christel Cooper or Christel
- 22 Chambers.
- 23 **Q** The red-headed white girl?
- 24 **A** Yes, sir.
- 25 **Q** What did Bud do when you all were there at 5:30

1 Saturday morning?

2 **A** Well, he went -- he went out into the bushes.

3 **Q** Do you know why he went into the bushes?

4 **A** No, sir.

5 **Q** Do you know where he went?

6 **A** No, sir.

7 **Q** When you say bushes, where are the bushes at
8 Lawhorn's house?

9 **A** It was behind the barn.

10 **Q** Did Adams come back from the bushes?

11 **A** Yes, sir.

12 **Q** Did he say anything when he came back from the
13 bushes?

14 **A** Yes, sir.

15 **Q** What did he say?

16 **A** He said, it's gone.

17 **Q** Did you ask him what he was talking about?

18 **A** Yes, sir.

19 **THE COURT:** I didn't understand him. He said
20 what?

21 **Q** What did he say when he came back from the bushes?

22 **A** He said, it's gone.

23 **Q** It's gone. Did you ask him what?

24 **A** Yes, sir.

25 **Q** Did he say what?

- 1 **A** No, sir.
- 2 **Q** Did Bud Adams talk about Alpha Lee Miller after he
- 3 had apparently found out something was gone?
- 4 **A** Yes, sir.
- 5 **Q** What did he say about Alpha Lee Miller?
- 6 **A** He said Alpha Lee Miller had took his package.
- 7 **Q** Did you ask him what the package was?
- 8 **A** No, sir.
- 9 **Q** Did he say -- how was he acting about Alpha Lee
- 10 having taken his package?
- 11 **A** Well, he wasn't calm.
- 12 **Q** He was not calm?
- 13 **A** Yes, sir.
- 14 **Q** That's what you say, he was not calm?
- 15 **A** No, sir.
- 16 **Q** Did he say what he intended for Alpha Lee?
- 17 **A** No, sir. He just like, he just say [sic] that Alpha
- 18 Lee done took my package.
- 19 **Q** Did he make any threats to Alpha Lee?
- 20 **A** Yes, sir.
- 21 **Q** What did he say?
- 22 **A** He said he going to kill him.
- 23 **Q** Did you see Reggie Gibson later on Saturday morning?
- 24 **A** Yes.
- 25 **Q** Before Amp got shot?

- 1 **A** Yes, sir.
- 2 **Q** Where did you see him?
- 3 **A** At Bryan Lawhorn's house.
- 4 **Q** Did Reggie have a conversation with Bud in your
5 presence?
- 6 **A** Yes, sir.
- 7 **Q** What did Reggie tell Bud?
- 8 **A** Reggie told Bud that he had brought Alpha Lee there
9 several times that night.
- 10 **THE COURT:** All right. Did you hear that?
- 11 **COURT REPORTER:** No.
- 12 **Q** Say it again. Break it down.
- 13 **A** He say [sic] he brought Alpha Lee several times there
14 that night.
- 15 **Q** He said he brought Alpha Lee several times that
16 night?
- 17 **A** Right.
- 18 **Q** When Reggie told Bud that, what did Bud say?
- 19 **A** Bud asked him did he know where Alpha Lee was.
- 20 **Q** Bud asked who if he knew where Alpha Lee was?
- 21 **A** Reggie Gibson.
- 22 **Q** Did Reggie say that he knew where Alpha Lee was?
- 23 **A** Yes, sir.
- 24 **Q** Did he tell Bud where Alpha Lee was?
- 25 **A** Yes, sir.

- 1 Q Do you remember where it was that Alpha Lee was then?
- 2 A He say [sic] that he left Lee off at the side of the
- 3 house at the Lodge.
- 4 Q The Lodge?
- 5 A Yes, sir.
- 6 Q Is that in Ridgeway?
- 7 A Yes, sir.
- 8 Q Did Adams use the telephone?
- 9 A Yes, sir.
- 10 Q Who did he call?
- 11 A He called Kim.
- 12 Q Kim Lawson?
- 13 A Yes, sir.
- 14 Q Don't quote Kim, but could you hear what Bud was
- 15 saying to Kim?
- 16 A I just heard a quote. He said, get Alpha Lee over
- 17 here.
- 18 Q Did Bud call anybody else?
- 19 A Yes, sir.
- 20 Q Who did he call?
- 21 A Bryan Lawhorn.
- 22 Q Did you hear Bud's part of the conversation with
- 23 Bryan?
- 24 A Yes, sir.
- 25 Q What did Bud say to Bryan?

- 1 **A** Bryan, Alpha Lee Miller has took a package from him.
- 2 **Q** Did he say anything else about a package?
- 3 **A** No, he didn't.
- 4 **Q** Bryan wasn't there when that phone call occurred I
- 5 presume?
- 6 **A** No, sir.
- 7 **Q** Did Bryan come back later?
- 8 **A** Yes, sir.
- 9 **Q** To his own house?
- 10 **A** Yes, sir.
- 11 **Q** Did you see Alpha Lee Miller that afternoon?
- 12 **A** Yes, sir.
- 13 **Q** Who was he with?
- 14 **A** Reggie Gibson.
- 15 **Q** And who else?
- 16 **A** Kim Lawhorn [sic]. Kim Lawson and Vickie Cooper.
- 17 **Q** Did Alpha Lee come in the house?
- 18 **A** No.
- 19 **Q** Did he come to the door?
- 20 **A** No, sir.
- 21 **Q** Did he come to the porch?
- 22 **A** No, sir.
- 23 **Q** Where was he?
- 24 **A** He had -- when he got out the car he went directly to
- 25 the barn.

- 1 Q To the barn?
- 2 A Yes, sir.
- 3 Q Did he go in the barn or do you know?
- 4 A I don't know. I was inside the house.
- 5 Q Okay. When he went toward the barn, did anybody
- 6 leave out of the house?
- 7 A Yes, sir.
- 8 Q Who?
- 9 A Me and Adams.
- 10 Q Who left out first?
- 11 A Adams.
- 12 Q Was there any conversation in the -- when Amp showed
- 13 up, when Alpha Lee showed up at the house, did
- 14 anybody in the house talk about the fact that Amp was
- 15 there?
- 16 A No, sir.
- 17 Q Before you and Adams went out of the house, was there
- 18 any conversation?
- 19 A No, sir.
- 20 Q Why did you go out of the house?
- 21 A I followed.
- 22 Q Followed who?
- 23 A Adams.
- 24 Q Did Adams say why he was going out of the house?
- 25 A No, sir.

- 1 Q Where did you and Adams go?
- 2 A Adams went behind -- Adams went behind the barn and I
- 3 was standing behind Adams.
- 4 Q Adams went behind the barn?
- 5 A Yes, sir.
- 6 Q Was Alpha Lee in sight when y'all went toward the
- 7 barn?
- 8 A No, sir.
- 9 Q Did Alpha Lee come back into sight?
- 10 A Yes, sir.
- 11 Q Yes?
- 12 A Yes, sir.
- 13 Q Did the three of y'all get together somewhere?
- 14 A Yes, sir. Beside the barn.
- 15 Q On the side of the barn closest to the house or the
- 16 side of the barn away from the house?
- 17 A The side of the barn away from the house.
- 18 Q Close to the barn?
- 19 A Yes, sir.
- 20 Q Was there a pistol out there somewhere?
- 21 A Yes, sir.
- 22 Q Who had the pistol first?
- 23 A Alpha Lee had the pistol first.
- 24 Q What did he do with the pistol? What was Alpha Lee
- 25 doing with the pistol?

- 1 **A** He went and retrieved the pistol from the woods.
- 2 **Q** How do you know that?
- 3 **A** Because that's where he went and got the pistol from.
- 4 **Q** How did you know there was a pistol in the woods?
- 5 **A** Because Alpha Lee came out the woods with the pistol.
- 6 **Q** Okay. You don't know whether he had it when he went
- 7 in the woods?
- 8 **A** No, sir.
- 9 **Q** All right. When Alpha Lee had the pistol, what was
- 10 Alpha Lee doing with the pistol?
- 11 **A** Nothing.
- 12 **Q** What happened with the pistol next?
- 13 **A** Willie Adams snatched it from Alpha Lee.
- 14 **Q** Adams --
- 15 **A** Willie Adams snatched it from Mr. Miller.
- 16 **Q** Snatched it from him?
- 17 **A** Yes, sir.
- 18 **Q** Then what happened?
- 19 **A** And Mr. Adams cocked the pistol and started shooting
- 20 by his feet and up in his upper body part.
- 21 **Q** Now, did Willie Adams shoot Alpha Lee Miller then?
- 22 **A** No, sir.
- 23 **Q** Now, I ain't worried about the shooting any more
- 24 right now?
- 25 **A** Okay.

- 1 Q But was there a conversation between Bud Adams and
2 Alpha Lee Miller when all of this nonsense was going
3 on with this pistol?
- 4 A Yes, sir.
- 5 Q Who was saying what?
- 6 A Adams was asking Alpha Lee where was his package.
- 7 Q Stop for me just a minute. Let me catch my notes
8 here. All right. Did he ask him anything else?
- 9 A No, sir.
- 10 Q Did he ask it once? Did he ask it several times?
- 11 A Once.
- 12 Q Did Alpha Lee answer him?
- 13 A No, sir.
- 14 Q What happened next?
- 15 A Then we walked up to the house and then Christel told
16 Bryan he was out there bothering Alpha Lee.
- 17 Q Did Bryan come out?
- 18 A Yes, sir.
- 19 Q Was there any more conversation between Bud Adams and
20 Alpha Lee Miller --
- 21 A No, sir.
- 22 Q -- after that?
- 23 A No, sir.
- 24 Q Thank you. Answer anything Mr. Frick has?
- 25 **THE COURT:** Cross examination, Mr. Frick.

1 **MR. FRICK:** Thank you, Your Honor.

2 CROSS EXAMINATION

3 **BY MR. FRICK**

4 **Q** You said that Bud went down into the woods at some
5 point?

6 **A** Yes, sir.

7 **Q** When was that? The first time?

8 **A** Yes, sir. When we first got back to the house.

9 **Q** All right. Did you see him go into the woods?

10 **A** Yes, sir.

11 **Q** You did?

12 **A** Yes, sir.

13 **Q** Where were you?

14 **A** I was behind him.

15 **Q** You walked down into the woods with him?

16 **A** Yeah. Towards -- I was -- when he was in the bushes,
17 I was at the barn, at the corner of the barn.

18 **Q** All right. So you walked down to the edge?

19 **A** Yes, sir.

20 **Q** And saw him walk into the woods?

21 **A** Yes, sir.

22 **Q** When he came back out, did he tell you or did he go
23 into the house and say something?

24 **A** He did not go in the house.

25 **Q** Well, where did he go?

- 1 A He was right there by the barn in front of me now.
- 2 Q Okay. And it was just you and him?
- 3 A Me and him, Alpha Lee.
- 4 Q No. I'm talking about before Alpha Lee gets there.
- 5 A It was just me and him.
- 6 Q I'm talking about earlier in the day you said he went
- 7 down into the woods at some point?
- 8 A Yeah.
- 9 Q Now, correct me if I'm wrong. What I'm getting at is
- 10 you said he goes in the woods, comes back and he
- 11 says --
- 12 A It's gone.
- 13 Q It's gone?
- 14 A Yes, sir.
- 15 Q When was that?
- 16 A That was that Friday, well, that Friday going into
- 17 Saturday.
- 18 Q Sometime during Friday night?
- 19 A Yes, sir.
- 20 Q Maybe early morning?
- 21 A Yes, sir.
- 22 Q Did you go with him then?
- 23 A No, sir.
- 24 Q Where were you then?
- 25 A I was in the house.

- 1 Q You were in the house then?
- 2 A Yes, sir.
- 3 Q Did anybody go into the woods with him then?
- 4 A No, sir. He was the only one.
- 5 Q Okay. When he comes back into the house who did he
- 6 talk to?
- 7 A He talked to me and Christel.
- 8 Q He talked to you and Christel?
- 9 A Yes, sir.
- 10 Q Was Bryan or anybody else there?
- 11 A No, sir.
- 12 Q Okay. And that's when he said, it's gone?
- 13 A Yes, sir.
- 14 Q Okay. But he didn't say what?
- 15 A No, sir.
- 16 Q And you didn't ask him what?
- 17 A No, sir. I didn't ask him.
- 18 Q When Reggie Gibson comes up and says that he's been
- 19 taking Alpha Lee down there during the night, did he
- 20 see what Alpha Lee was doing?
- 21 A No, sir.
- 22 Q So do you have any idea what Alpha Lee was doing?
- 23 A No, sir.
- 24 Q When Alpha Lee gets there, there is apparently some
- 25 kind of conversation between Alpha Lee and Bud?

- 1 **A** Yes, sir.
- 2 **Q** The three of y'all head out towards the barn?
- 3 **A** Yes, sir.
- 4 **Q** Amp goes into the woods?
- 5 **A** Yes, sir.
- 6 **Q** Did Bud go with him?
- 7 **A** Yes, sir.
- 8 **Q** You're still at the edge of the barn. Is that right?
- 9 **A** Yes, sir.
- 10 **Q** Amp brings back out a gun?
- 11 **A** Yes, sir.
- 12 **Q** Did Bud ask him anything?
- 13 **A** No, sir.
- 14 **Q** Before Amp went into the woods did Bud ask him
- 15 anything?
- 16 **A** Bud asked him where is the package before he went
- 17 into the bushes.
- 18 **Q** He asked him, where is the package?
- 19 **A** Yes, sir.
- 20 **Q** And Amp comes out with a gun?
- 21 **A** Yes, sir.
- 22 **Q** That's all I've got. Thank you?
- 23 **A** Yes, sir.
- 24 **THE COURT:** Mr. Barfield, any further questions
- 25 of this witness at this time?

1 **MR. BARFIELD:** Nothing.

2 **THE COURT:** All right. Thank you. You may step
3 down. Counsel, step up just a minute.

4 (Whereupon, a bench conference is had)

5 **THE COURT:** All right. Mr. Barfield, is there
6 anything else that the State wishes to proffer with
7 regard to the issue of drugs, drug use or to the drug
8 testimony and evidence in this case?

9 **MR. BARFIELD:** There is not, but I reserve the
10 right after the break if some brainstorm comes to me
11 to take it back. But, no, sir. I don't intend to.

12 **THE COURT:** All right. Let's take about ten
13 minutes, counsel, and then I'll hear from you by way
14 of argument. And we'll be ready to make a ruling a
15 little bit later. I have to do a little research.
16 Thank you.

17 (Whereupon, a break is taken)

18 **MR. BARFIELD:** Your Honor, my understanding and
19 Mr. Maxwell will correct me, 71 I believe is the
20 Ms. Landrum's report for the substance taken off Mr.
21 Miller, the victim's, person at the scene. And 72 I
22 believe is the actual drug that was taken off Mr.
23 Miller, the victim, at the scene. So 71 and 72.

24 **THE COURT:** Mr. Frick, do you object to that?

25 **MR. FRICK:** Your Honor, I don't think I really

1 have a leg to stand on on that. That was taken off
2 the victim.

3 **THE COURT:** That's an easy question, Mr. Frick.
4 Yes or no? Do you object to it or not.

5 **MR. FRICK:** Well, you know a lawyer is not going
6 to do that. I have to explain what I'm doing. No.
7 I would not have an objection. But if I may state, I
8 think the likelihood of my successfully arguing that
9 would be very slim.

10 **THE COURT:** All right. 71 and 72, we can go
11 around those. Now, the other two that he objects to,
12 Mr. Barfield, are 73 and 74 which I believe is the
13 300 and something grams of crack cocaine out of
14 Ms. Landrum's report regarding those. And I'll hear
15 from you first on those with regard to relevance
16 because what is tying this defendant to those drugs?

17 **MR. BARFIELD:** Let me say this, Your Honor.
18 Without agreeing, number one, that we've messed up,
19 because I don't, or number two, that it is
20 irrelevant, the State would agree to withdraw our
21 motion to introduce those two exhibits into evidence.
22 Now, again, by doing that, I'm not saying that we
23 screwed up.

24 **THE COURT:** I understand.

25 **MR. BARFIELD:** And I'm not saying that it's not

1 relevant. I'm just saying we don't care if it
2 doesn't go to the jury.

3 **THE COURT:** All right. Then you withdraw your
4 motion to admit those two into evidence. That ends
5 the matter.

6 **MR. BARFIELD:** Thank you.

7 (WHEREUPON, State's Exhibit No. 73 was withdrawn
8 from evidence.)

9 (WHEREUPON, State's Exhibit No. 74 was withdrawn
10 from evidence.)

11 **THE COURT:** All right. Now, let's talk, Mr.
12 Frick, with regard to yesterday's testimony from
13 various witnesses. Some of them were SLED agents.
14 Some of them were CSI people. Some of them were
15 experts with regard to drug testimony that came in
16 yesterday. What's your position on that and what do
17 you think is improper and should be done?

18 **MR. FRICK:** Well, Your Honor, we have now heard
19 from -- I didn't keep up -- but at least four or five
20 people. We've got other items in evidence already
21 that deal with the seizure of the drugs that the
22 State admits they cannot tie to my client.

23 **MR. BARFIELD:** I'm not admitting that.

24 **THE COURT:** He is not admitting. He's just
25 withdrawing his motion to admit those.

1 **MR. FRICK:** Well, I would say that behind that
2 motion is the reason that they cannot get it into
3 evidence. The report has already been read into the
4 record. These people have heard about a lot of drug
5 activity that is not relevant for a presentation of
6 this case.

7 **THE COURT:** Well, specifically what I want to
8 know is what you want done and what your proposed
9 solution would be.

10 **MR. FRICK:** Your Honor, I know it's
11 extraordinary but I would ask for a mistrial. And
12 the reason why is they have heard so much evidence of
13 this amount of drugs which they're not going to
14 consider which I submit is not relevant to the case.
15 I know the State is not agreeing with me on that.
16 But clearly they tie it to Mr. Lawhorn and not my
17 client.

18 The testimony, much of the testimony we heard
19 all day yesterday aside from the pathologist and Mr.
20 DeFreese was testimony about the seizure of these
21 drugs and analysis of these drugs.

22 **THE COURT:** Well, only really one witness went
23 into depth with regard to those drugs, and that was
24 SLED Agent Landrum. The rest of the witnesses were
25 some fact witnesses who referred to they saw

1 something in the container. I think the other SLED
2 agent that came in earlier, Ms. Dinh, testified that
3 she saw something in there that appeared to be drugs
4 but she did not give any opinion as to weight or what
5 they actually were. That was what Ms. Dinh testified
6 to.

7 And maybe there were one or two fact witnesses,
8 I don't recall that there were any fact witnesses
9 that referred to any particular drugs. But if you
10 really want to get down to it, the depth of the
11 testimony with regard to the volume of this crack
12 cocaine came from Ms. Landrum.

13 **MR. FRICK:** Well, I would somewhat disagree with
14 that. It's very clear that we found a container, we
15 opened it up, this container was full of something.
16 It's very easy to see that this is smaller than in
17 the six grams that we do have into evidence. We just
18 have a bunch of testimony about these drugs.

19 Now, you're exactly right. The only person that
20 testified to weight, I can't remember if Travis
21 Peterson said anything about any estimates on it or
22 not. I know he had it in his report, but I can't
23 recall.

24 **THE COURT:** I don't recall either.

25 **MR. FRICK:** But the only one who said weight was

1 this. But, Your Honor, this is a substantial amount
2 of weight. This is not a dime bag. This is not a 20
3 or a --

4 **THE COURT:** Well, the thing about it, it's just
5 the verbal testimony because the -- that's fine.
6 That's been withdrawn as far as the actual report
7 going to the jury.

8 So your motion for a mistrial is based upon the
9 fact that you think there is evidence in the record,
10 too much evidence in the record of the presence of
11 drugs, that the prejudicial effect substantially
12 outweighs the probative value in this case.

13 **MR. FRICK:** Yes, sir. And what I'm looking at,
14 and I'll hand you the case up in just a second here,
15 but specifically what I'm looking at is obviously
16 when you look at 403 you've got to determine whether
17 there is prejudicial versus probative. And I
18 certainly understand everything the State tries to
19 introduce is going to be prejudicial towards my
20 client. But when you reach a point of unfair
21 prejudice, that's when we have the issue.

22 And what Sweatt says is: Unfair prejudice is an
23 undue tendency to suggest a decision on an improper
24 basis commonly, though not necessarily, on an
25 emotional one. Judge, they heard about 300 grams

1 yesterday.

2 **THE COURT:** I understand.

3 **MR. FRICK:** That's a lot.

4 **THE COURT:** I understand.

5 **MR. FRICK:** I understand I haven't been
6 practicing as long as most people in this room, but I
7 have tried a few cases. This is the most I've ever
8 seen.

9 **THE COURT:** I understand.

10 **MR. FRICK:** That's the most they've ever seen.
11 I assure you that's going to have an emotional effect
12 on them.

13 **THE COURT:** So I understand what you're saying.
14 Let me ask you the next question. And that's to be
15 this. Why can't that be cured by a curative
16 instruction?

17 **MR. FRICK:** As Your Honor correctly stated
18 yesterday, sometimes the bell has been rung and you
19 can't un-ring the bell. And I think the bell has
20 been rung by the 300 grams here.

21 **THE COURT:** Well, I was talking about the bell
22 having been rung by the actual introduction of that
23 evidence. That's what I was first thinking about. I
24 understand what your argument is. So I guess my
25 question is, you do not think, or is it a correct

1 statement to say that you do not think that an
2 instruction to disregard that testimony with the
3 further instruction that you are to not consider that
4 regarding the character or propensity of this
5 defendant to commit those offenses, striking the
6 testimony first, and secondly, that that type of
7 instruction would solve the problem?

8 **MR. FRICK:** No, sir. In fact, I think it may
9 enhance it because it will bring it again to their
10 attention.

11 **THE COURT:** Well, that's what I was going to ask
12 you. If I overrule you, I'm going to come back to it
13 in a minute, if I overrule your motion for a
14 mistrial, may ask you whether you do or do not wish
15 for a curative instruction. We'll come back to that.
16 Let me hear from Mr. Barfield.

17 **MR. BARFIELD:** I was going to suggest that the
18 Court give a curative instruction. I still think the
19 evidence of the drugs that has been testified about
20 is relevant. So I don't ask you to give a curative
21 instruction striking -- or I don't ask you to strike
22 the testimony. But if you're going to, you will.
23 And we'll move on.

24 I do believe a curative instruction that
25 evidence of the drugs should not be taken by the jury

1 to reach any conclusion that the defendant committed
2 the murder in this case, I'm fine with that and was
3 going to ask you to do that.

4 I've got to talk about prejudice for minute.

5 **THE COURT:** All right.

6 **MR. BARFIELD:** Prejudice from what we heard
7 yesterday first and then prejudice as it will be or
8 will not be after the jury hearsay what we've heard
9 in camera to today.

10 Yesterday the testimony was -- first I'm going
11 to tell you that our position is all of that dope
12 really isn't prejudicial to Adams much at all because
13 yesterday the testimony was that it was Lawhorn's
14 house, that it was Lawhorn's premises, that the
15 search warrant was for Lawhorn's property. Nobody
16 yesterday said it was Adams's dope.

17 Today you heard testimony from several witnesses
18 who again say Lawhorn's house, Lawhorn's premises,
19 LawhornLawhorn is the one they went there to buy dope
20 from. LawhornLawhorn would either go outside when
21 they came to buy dope or send one of his workers
22 outside who would come back in and produce the dope.

23 I don't think it's prejudicial to him. And if
24 it is, it's not very prejudicial to Mr. Adams because
25 the big amounts of dope point at Lawhorn.

1 **THE COURT:** Which is why I say that it's
2 probably not relevant.

3 **MR. BARFIELD:** There is a connection.

4 **THE COURT:** Is there a connection?

5 **MR. BARFIELD:** There is a connection between
6 Adams and Lawhorn. We contend the evidence shows
7 that they clearly had some common interest in drugs
8 that drugs were probably stored on that property from
9 time to time. But it's just not prejudicial to Adams
10 because I don't think the jury can conclude that all
11 of that dope was Adams's dope because everybody has
12 talked about LawhornLawhorn yesterday and will do so
13 when we get back here at 2:00.

14 So I think a curative instruction just simply
15 saying, number one, don't put the report in, don't
16 put the dope in, tell the jury they can't use the
17 evidence of the dope to convict him of murder, and
18 let's move on.

19 **THE COURT:** All right. Mr. Frick.

20 **MR. FRICK:** Your Honor, I think Your Honor is
21 absolutely correct. If it is not prejudicial to him,
22 it's not relevant at all. The problem is we had
23 several people talking about it yesterday. We had
24 Travis Petersen talk about it. We had Michael Greene
25 talk about it on Monday. We had Jeremy Ashford talk

1 about it. We had -- I know there were chain people.
2 But you had SLED chain people talk about how we take
3 care of this stuff when it comes up here. Then you
4 had Angil Butler [sic] get up there and read the
5 report.

6 **THE COURT:** Landrum.

7 **MR. FRICK:** I agree. I agree. I didn't call
8 her by her married name. I apologize every time I do
9 it. But Your Honor sees what I'm saying. We've had
10 so much evidence talk about stuff that I believe we,
11 at least I submit, is completely irrelevant that
12 there's no way you can cure that by simply saying,
13 just ignore all that, Your Honor.

14 These people have heard for two days about these
15 drugs. Now, the report is not in evidence. That is
16 absolutely correct. The weight itself is not
17 evidence. But the statement is. As we always
18 instruct the jury, evidence is the physical stuff and
19 the stuff they hear. They've heard what is exactly
20 in the report.

21 **THE COURT:** All right. Let me ask you then, Mr.
22 Frick, one other question and then I'm going to take
23 a recess and go back and think about this matter
24 before ruling. I'm going to rule before lunch. But,
25 yeah. Go ahead.

1 **MR. BARFIELD:** I would like to say one more
2 thing.

3 **THE COURT:** One more thing. Go ahead.

4 **MR. BARFIELD:** As to prejudice, it's not like we
5 are trying Adams for murder and trying to introduce
6 evidence that at some other time he shot somebody.
7 Those would be closely akin offenses which could
8 easily cause the jury to say he's a violent person;
9 therefore, he killed Alpha Lee Miller. This is dope.
10 And I think it's a big leap for the jury to say,
11 well, he's in the dope business, that means that he
12 killed Alpha Lee Miller. That's all.

13 **THE COURT:** Well, the example that you gave is
14 probably more akin to the exception under 404(b) for
15 a chain of circumstances --

16 **MR. BARFIELD:** Yes, sir.

17 **THE COURT:** -- than this one is. And that's
18 why I backed off of that yesterday when I ruled that.
19 But I do understand what you're saying there.

20 Let me ask you this. I am curious about this.
21 In chambers both of you mentioned, and this was
22 earlier this morning, or at least Mr. Barfield
23 referred to the matter of res gestae. I believe it
24 was referred to in the hearing in camera.

25 And of course there is a distinction now in our

1 law between res gestae under the evidence law which
2 has been abolished under the rules of evidence and is
3 now considered excited utterance and the res gestae
4 as referred to as the circumstances surrounding a
5 crime.

6 And I specifically am aware of a recent case as
7 late as of June of this year, State v. Wilde, a case
8 by Judge Keesley whereby a defendant is an escapee,
9 failed to stop for a blue light. And the Supreme
10 Court ruled that evidence of his escape status and
11 escape from an institution was admissible in his
12 trial for failure to stop for a blue light and
13 assault and battery with intent to kill. What's the
14 difference? In the Wilde case to show motive and
15 intent, that's what the Supreme Court ruling was.
16 They said it was admissible under 404(b) to show
17 motive and intent. Why isn't that the same thing
18 with regard to the drugs here?

19 **MR. FRICK:** Judge, really my motion is not that
20 it's not admissible. My problem is.

21 **THE COURT:** 403?

22 **MR. FRICK:** Yes, sir. It is 403. And these
23 have been a problem since yesterday. I mean, you
24 recall we had our little, whatever it may have been
25 of a Wilde hearing, and Your Honor ruled that he was

1 going to let it in under common scheme or plan. But
2 we later determined that it wasn't.

3 **THE COURT:** But it's admissible for -- you know,
4 it's no harm, no error; no harm, no foul if I admit
5 it under one rule and then later rule that it is
6 admissible under another rule.

7 **MR. FRICK:** I understand. But, Judge, if we'd
8 have started out on Monday talking about drugs and
9 then not started talking about weights and where we
10 found stuff that's not going to be in evidence and
11 trying to link that to my client, I think we'd be in
12 a different posture.

13 My problem is, they can talk about drugs in the
14 case and there's probably nothing I can do about
15 that. I can object and Your Honor is going to rule
16 that it goes to motive because that's the steps
17 here --

18 **THE COURT:** Well, maybe or maybe not. And that
19 becomes another question as to whether it was
20 properly preserved as we went through it. But that's
21 not an issue for me. That would be an issue for
22 another court at another time.

23 **MR. FRICK:** Well, but I would suggest that you
24 did rule on my motion. So --

25 **THE COURT:** I did. And the question, is that a

1 preliminary ruling, or is that a ruling that would
2 still require some objections?

3 **MR. FRICK:** And I understand.

4 **THE COURT:** That's a question that would not be
5 before this Court. All right. I think I understand
6 the situation, counsel. Give me about ten minutes
7 and I will make a ruling before lunch.

8 **MR. BARFIELD:** Your Honor, just for the record,
9 I do contend that the evidence is admissible under
10 the res gestae theory also.

11 **THE COURT:** Okay.

12 **MR. BARFIELD:** I haven't abandoned that.

13 **THE COURT:** Thank you. Do you have any other
14 cases other than the Wilde case?

15 **MR. BARFIELD:** No. I have an older case, but
16 it's --

17 **THE COURT:** The Wilde case is the most recent.
18 (Whereupon, a break is taken)

19 **THE COURT:** All right, counsel. The Court is
20 prepared to rule on the matters that it has taken up
21 today and yesterday with regard to evidentiary
22 matters.

23 First of all, let me address the testimony of
24 the witnesses that were presented in the in camera
25 hearing this morning as proffered by the State

1 regarding drugs at the scene and tied to various
2 participants, including the defendant.

3 First of all, under 401, it appears to me that
4 the evidence is relevant because it does go as to the
5 location of where this crime took place and the
6 relationship of the parties, including the victim and
7 the defendant.

8 But then we must look at Rule 404 which regards
9 the inadmissibility of other crimes or conduct to
10 prove the character of the person in order to show
11 that the actions were in conformity therewith.
12 However, as 404(b) clearly states, it may, however,
13 be admissible to show motive, the existence of a
14 common scheme or plan, the absence of mistake or
15 accident, or the intent.

16 In this case I think it is relevant and would be
17 admissible to show two of those five factors, motive
18 and intent. The motive being that the motive for
19 this crime was the theft of the drugs and the
20 retaliation and would also show the -- could show the
21 intent of the parties or the intent of the defendant.
22 So those are the factors that I think are shown by
23 the admission of the reference to the fact that there
24 were drugs at the scene and various drugs throughout
25 the entire transaction.

1 But even he admissible under 404(b), as I think
2 that it is, the Court must go further under 403 to
3 determine whether the probative value is
4 substantially outweighed by the prejudicial effect.
5 In my view it is not. That is, the probative value
6 is not substantially outweighed by the prejudicial
7 effect because, first of all, it shows the
8 relationship of the parties, it shows the setting or
9 atmosphere in which this homicide took place, and it
10 also shows the chain of circumstances leading up to
11 the victim's murder.

12 Also I feel that it is admissible under res
13 gestae in the Wilde case which I referred to earlier.
14 I've already put the citation for that on the record
15 and it's not necessary to do that.

16 So having said that, the Court's view would be
17 that as to the drug evidence that was offered in
18 camera this morning, the Court would rule that that
19 testimony is admissible for the reasons set forth.

20 The next matter we would go to would be the
21 question with regard to the exhibits 71, 72, 73 and
22 74. That has been basically resolved. 71 and 72
23 being the drugs that were taken from the victim and
24 the defendant has withdrawn any objection to those
25 being admitted in evidence and they will be admitted

1 into evidence. As soon as we finish here I would ask
2 the court reporter to take the ID numbers off of 71
3 and 72 since those objections have been withdrawn.

4 Certainly with regard to 73 and 74, they would
5 be kept only as ID numbers and the State has
6 withdrawn its motion to admit those into evidence.
7 So that question is resolved.

8 Now with regard to yesterday's testimony, very
9 much like my ruling this morning with regard to the
10 testimony of the fact witnesses, it's my view that
11 the testimony of the witnesses concerning drugs on
12 the premises is admissible for the same reasons
13 stated a little earlier; that is, that it is relevant
14 to show the location and relationship of the parties,
15 that the probative value is not substantially
16 outweighed by the prejudicial effect because it shows
17 the relationship of the parties, the setting or
18 atmosphere under which this homicide took place, also
19 the chain of circumstances leading up to this murder.
20 It does show motive and intent. It's also admissible
21 under the res gestae rules set forth in State v.
22 Wilde.

23 However, we've got to go that step further with
24 regard to the testimony of Angil Landrum,
25 specifically her testimony with regard to exhibits 73

1 and 74 which are not being admitted, but she
2 testified as to the weight of those drugs. And it is
3 my view that that testimony, the probative value is
4 outweighed by the danger of unfair prejudice, ask
5 that testimony is going to be stricken and the jury
6 would be so instructed and told to disregard that
7 testimony.

8 However, the motion for a mistrial is denied.
9 In my view this can be cured by an appropriate
10 curative instruction, and I plan to formulate and ask
11 or tell the jury or give to the jury a curative
12 instruction after I tell them to disregard that
13 testimony.

14 And over the lunch recess what I would ask is
15 that both sides prepare a proposed curative
16 instruction and hand it up to me before we reconvene.
17 And I will also prepare one and we'll compare notes
18 as to what the appropriate curative instruction would
19 be.

20 Those are the Court's rulings. Are there any
21 questions on behalf of the the State?

22 **MR. BARFIELD:** None.

23 **THE COURT:** On behalf of the defense?

24 **MR. FRICK:** Your Honor, just please note my
25 objection on the rulings.

1 **THE COURT:** It's not necessary under the rules,
2 but it's noted.

3 **MR. FRICK:** I understand. Your Honor, I would
4 ask just for clarification purposes, I think you
5 still have to make a determination whether you found
6 the evidence presented today or whatever else you're
7 going to admit to be clear and convincing of course.
8 And I just ask you to put that on the record.

9 **THE COURT:** I would find that the evidence is
10 clear and convincing. And that is of course one of
11 the requirements under State v. Smith. The
12 requirement is that in a criminal case evidence of
13 other crimes or bad acts must be clear and convincing
14 if the act are not subject to a conviction. And the
15 Court would find by clear and convincing evidence
16 that the criminal acts referred to in this case; that
17 is, the presence of drugs; clear and convincing.
18 Okay.

19 All right. Let's take a recess. And, counsel,
20 if you'll meet me back here about ten minutes 'til
21 and let's look at the proposed curative instructions
22 and we'll be ready to go with the jury at 2:00.

23 **MR. BARFIELD:** Some guidance about the schedule.
24 We've heard -- basically you've heard from everybody
25 this morning I think that the State intends to call

1 with the exception of one brief witness, that the
2 State intends to call through the remainder of our
3 case in chief. Obviously there will be some
4 additional things these witnesses will testify about.
5 Your feeling about -- and of course we don't know if
6 there will be a defense or not. But assume we run
7 'til 4 or 4:30 or maybe later this afternoon, is this
8 going to be an argument and charge case today?

9 **THE COURT:** No.

10 **MR. BARFIELD:** Okay. Thank you.

11 **THE COURT:** If we ran to 4 or 4:30, we would not
12 argue and charge today regardless of what the State
13 does. What we will do would be to finish the
14 testimony today, Mr. Frick, and what I would propose
15 would be of course to hear from you with regard to
16 motions. I would also advise the defendant of his
17 Fifth Amendment rights and allow to you advise him of
18 his Fifth Amendment rights without requiring an
19 answer today and then get the answer in the morning
20 as the whether you wish to present any testimony.

21 If you do, of course you would have the right to
22 do so, and then we would be ready to argue and charge
23 tomorrow if I feel it is appropriate. But what I
24 would propose to do today is to finish the State's
25 case. Okay.

1 **MR. BARFIELD:** Thank you, Judge.

2 **THE COURT:** All right. We'll be in recess until
3 about ten minutes 'til then. If y'all will meet with
4 me in chambers at that time so we can go over the
5 curative instruction.

6 (Whereupon, a lunch break is taken).

7 **THE COURT:** All right. Back on the record with
8 regard to the matter of The State vs. Willie James
9 Adams, Jr. Mr. Adams is present with his counsel,
10 Mr. Frick. The State is present, represented by the
11 solicitor.

12 The rulings were made before lunch and I've been
13 advised that the jury is all here now and ready to go
14 forward with them. I asked counsel to submit a
15 proposed curative instruction and I have one that the
16 State is prepared and I believe it's been reviewed by
17 the defense and the defense has no objection to
18 curative instruction. Is that right, Mr. Frick?

19 **MR. FRICK:** That's correct, Your Honor.

20 **THE COURT:** All right. Anything then before we
21 bring the jury in?

22 **MR. BARFIELD:** Nothing from the State.

23 **THE COURT:** Mr. Frick.

24 **MR. FRICK:** Nothing from the defense.

25 **THE COURT:** All right. Bring the jury in,

1 please.

2 (Jury in at 1:59 p.m.)

3 **THE COURT:** All right, ladies and gentlemen.
4 Thank you very much for your promptness in being back
5 here. And again, I apologize for having to take a
6 recess and ask you to leave for a little while. We
7 worked all morning on some legal issues and have
8 gotten those resolved. And we are now ready to go
9 forward.

10 Before we do so I do want to give you some
11 instructions, and in that connection I would instruct
12 you to disregard the testimony of Angil Landrum of
13 the South Carolina Law Enforcement Division as to the
14 drugs found on the property at [REDACTED]
15 during the search warrant. I have determined that
16 this is not proper evidence and you should not
17 consider it for any purpose during your
18 deliberations.

19 Ladies and gentlemen of the jury, you have also
20 heard evidence of other crimes, wrongs or acts
21 allegedly committed by this defendant. Specifically,
22 you have heard evidence that illegal drugs were found
23 at the incident location. This evidence is not
24 admissible to prove the character of the defendant in
25 order to show that he acted in conformity therewith

1 with respect to the charge of murder. And you may
2 not consider it for that purpose during your
3 deliberations.

4 Having given you those instructions, we are now
5 ready to go forward with additional testimony. Mr.
6 Barfield.

7 **MR. MAXWELL:** Your Honor, the State calls Alicia
8 Gibson.

9 **THE CLERK:** Raise your right hand. Put your
10 left hand on the Bible.

11 ALICIA L. GIBSON, after being duly sworn,
12 testifies as follows:

13 DIRECT EXAMINATION

14 **BY MR. MAXWELL**

15 **Q** State your name, ma'am?

16 **A** Alicia Gibson.

17 **Q** Ms. Gibson, are you from Fairfield County?

18 **A** Yes, sir.

19 **Q** What community within the county are you from?

20 **A** Ridgeway.

21 **Q** Do you know Bryan Lawhorn?

22 **A** Yes, sir.

23 **Q** How do you know Bryan Lawhorn?

24 **A** I have kids with him.

25 **Q** Y'all have kids in common?

- 1 **A** Mm-hmm (affirmative).
- 2 **Q** Were y'all in a relationship at some point?
- 3 **A** Uh-huh (affirmative).
- 4 **Q** Were you in a relationship in the early part of 2008?
- 5 **A** Mm-hmm (affirmative).
- 6 **THE COURT:** Please, she has to know, please, and
- 7 it's hard for her to pick up uh-huh (affirmative) and
- 8 Huh-uh (negative).
- 9 **Q** Do you know that he has a residence on Flint Hill
- 10 Road?
- 11 **A** Yes.
- 12 **Q** And specifically at [REDACTED]
- 13 **A** Yes.
- 14 **Q** Have you been to that residence?
- 15 **A** Yes.
- 16 **Q** During your relationship did you stay there at times?
- 17 **A** Yes.
- 18 **Q** At some point in the early part of 2008 did you
- 19 purchase a gun?
- 20 **A** Yes.
- 21 **Q** Where did you purchase the gun from?
- 22 **A** The pawn shop on Broad River.
- 23 **Q** About when did you purchase the gun?
- 24 **A** On March 5th.
- 25 **Q** Do you have the receipt?

- 1 **A** March 4th.
- 2 **Q** Of 2008?
- 3 **A** Mm-hmm (affirmative).
- 4 **THE COURT:** Yes.
- 5 **A** Yes.
- 6 **Q** Yes, ma'am. Is that during the time when you and
- 7 Bryan were in a relationship together?
- 8 **A** Yes.
- 9 **Q** Did you ever take the gun over to Bryan's residence
- 10 on Flint Hill Road?
- 11 **A** Yes.
- 12 **Q** Did you leave it there?
- 13 **A** Yes.
- 14 **Q** Did at some -- I've already asked you that. I'm
- 15 going to show you State's Exhibit 56. Have you seen
- 16 that before?
- 17 **A** Yes.
- 18 **Q** What is that? A little closer? What is that? What
- 19 is in this bag?
- 20 **A** A gun, a 9, a gun.
- 21 **Q** Is this the gun you purchased from the pawn shop?
- 22 **A** Yes.
- 23 **Q** Is this the gun you took over to Bryan Lawhorn's
- 24 house?
- 25 **A** Yes.

1 Q Now, in some point in 2008 did y'all end y'all's
2 relationship?

3 A Yes.

4 Q Did you move all your stuff or both of your stuff out
5 of Flint Hill Road residence?

6 A Yes.

7 Q Did the gun go with you or did the gun stay there?

8 A Stayed there.

9 Q Do you know about a shooting incident occurring on
10 April 5th of 2008 at the Flint Hill residence?

11 A I heard of it.

12 Q You weren't there, were you?

13 A No, sir.

14 Q Do you remember the Friday night before, April 4th,
15 2008?

16 A Yes, sir.

17 Q Tell me what you did that -- well, let me ask you
18 this. Did you make an attempt to get the gun back?

19 A Yes, sir.

20 Q Did you go to that residence with the Sheriff's
21 Deputy --

22 A Yes, sir.

23 Q -- in order to get the gun back?

24 A Yes.

25 Q When you got there did you talk to anybody?

- 1 **A** No.
- 2 **Q** Did you go inside?
- 3 **A** No.
- 4 **Q** Did see anybody in the yard?
- 5 **A** No.
- 6 **Q** Did you see anybody that you knew there?
- 7 **A** No.
- 8 **Q** Did the deputy talk to anybody?
- 9 **A** Yes.
- 10 **Q** What did the deputy do?
- 11 **A** He talked to Reggie.
- 12 **Q** Was Reggie in the yard or Reggie in the house?
- 13 **A** Down the hill.
- 14 **Q** Let's go back a second. Who is Reggie?
- 15 **A** Reggie Gibson.
- 16 **Q** Reggie Gibson?
- 17 **A** Mm-hmm (affirmative).
- 18 **Q** Did you ever see Bryan Lawhorn?
- 19 **A** No.
- 20 **Q** Were you able to get the gun back that night?
- 21 **A** No.
- 22 **Q** Did you leave at that point?
- 23 **A** Yes.
- 24 **Q** To the best of your knowledge, when you left, was the
- 25 gun on that property or in that house somewhere?

1 **A** Don't know.

2 **Q** You don't know? Thank you, ma'am. Answer anything
3 Mr. Frick would have for you. Thank you, Your Honor?

4 **THE COURT:** Cross examination, Mr. Frick.

5 **MR. FRICK:** I don't believe I have any questions
6 for this individual, Your Honor.

7 **THE COURT:** All right. Thank you, ma'am. You
8 may step down.

9 **MR. MAXWELL:** Your Honor, I'd ask that she be
10 excused.

11 **THE COURT:** Any objection?

12 **MR. FRICK:** No, Your Honor.

13 **THE COURT:** All right. You are excused. Thank
14 you for coming, Ms. Gibson.

15 **MR. MAXWELL:** Thank you, ma'am.

16 **THE COURT:** All right. Mr. Barfield, you may
17 call your next witness.

18 **MR. BARFIELD:** Mary Ann Talbert.

19 MARY ANN P. TALBERT, after being duly sworn,
20 testifies as follows:

21 DIRECT EXAMINATION

22 **BY MR. BARFIELD**

23 **Q** Your name again, please, ma'am?

24 **A** Mary Ann Phillips Talbert.

25 **Q** Ms. Talbert, currently by whom are you employed?

- 1 **A** G4S Wackenhut at V. C. Summer Nuclear Station.
- 2 **Q** And what do you do at the V. C. Summer Nuclear
- 3 Station?
- 4 **A** Armed security guard.
- 5 **Q** Prior -- well, were you at a time and for a time
- 6 employed by the Fairfield County Sheriff's Office?
- 7 **A** Yes, sir.
- 8 **Q** From when to when approximately were you employed by
- 9 the Sheriff's Office?
- 10 **A** From June of 1998 to July of 2008.
- 11 **Q** In April of 2008 what was your job with the Fairfield
- 12 County Sheriff's Office?
- 13 **A** Lieutenant of investigations.
- 14 **Q** You were the supervisor of the investigations unit at
- 15 the Sheriff's Office?
- 16 **A** Yes, sir.
- 17 **Q** Were you working or scheduled to work on Saturday,
- 18 April 5th, 2008?
- 19 **A** No, sir.
- 20 **Q** Did you end up working Saturday, April 5th, 2008?
- 21 **A** Yes, sir.
- 22 **Q** How did that happen?
- 23 **A** I received a phone call from Investigator Boney. He
- 24 told me he was probably going to need some help. He
- 25 had a call of a death investigation. So I was sick

1 and I got back up and I headed to Ridgeway.

2 Q All right. Did you get an address of [REDACTED]
3 [REDACTED] Ridgeway as the scene of this shooting
4 incident?

5 A Yes, sir.

6 Q Did you go to the scene?

7 A Yes, sir.

8 Q Was the scene the first place you went in connection
9 with your work on this case?

10 A Yes, sir.

11 Q Is that scene, [REDACTED] in Fairfield
12 County?

13 A Yes, sir.

14 Q And urban area or a rural area?

15 A Rural.

16 Q About what time of day was it when you got there?

17 A Sometime after 3 in the afternoon.

18 Q Was the scene secured by law enforcement when you got
19 there?

20 A Yes, sir.

21 Q Did that include roadways being blocked?

22 A It didn't include the roadway. It included the
23 property at 3252. It started like right at the
24 driveway.

25 Q Now, over the course of the next hours and two or

1 three days, was it an ongoing investigation?

2 A Yes, sir.

3 Q At some point during the early stages of the
4 investigation did names come up that were either
5 witnesses present when the incident happened or
6 suspects who were believed to have been involved in
7 the commission of the incident?

8 A Yes, sir.

9 Q Was Willie James Adams, Jr. one of those suspects?

10 A Yes, sir.

11 Q How soon in the investigation was Willie James Adams,
12 Jr. a suspect?

13 A At least by before we went home that evening.

14 Q The same date?

15 A The same day.

16 Q Were there other suspects?

17 A Yes, sir.

18 Q Were their names out there?

19 A Yes, sir.

20 Q Was an effort made beginning April 5th of 2008 to
21 locate Willie James Adams, Jr.?

22 A Yes, sir.

23 Q Was an arrest warrant for the offense of murder
24 obtained against Willie James Adams, Jr.?

25 A It was.

1 Q Do you know if it was done that day or the following
2 day?

3 A I'm not sure. It probably was done the following
4 morning.

5 Q Were there murder warrants obtained eventually for
6 two other people?

7 A Yes, sir.

8 Q Who were they?

9 A Bryan Lawhorn and Levarn Jackson.

10 Q Did you participate -- well, was Willie James -- did
11 you know Willie James Adams, Jr. by a nickname?

12 A Bud.

13 Q Prior to your beginning work on this case, did you
14 know who Willie James Adams was?

15 A Yes, sir.

16 Q How did you know Bud Adams?

17 A We went to school during the same time period. I
18 knew him from different cases.

19 Q All right. That's all right. Did you -- do you see
20 Bud Adams in the courtroom today?

21 A Yes, sir.

22 Q Where is Bud Adams?

23 A Sitting next to Mr. Frick.

24 Q In the plaid shirt?

25 A Yes, sir.

- 1 Q Any question about that?
- 2 A No, sir.
- 3 Q Did you participate in the arrest of Bud Adams?
- 4 A Yes, sir.
- 5 Q What date was Bud Adams arrested?
- 6 A I believe on the 8th.
- 7 Q Of April.
- 8 A April.
- 9 Q Where was he arrested?
- 10 A At his sister's residence I believe on Calhoun
- 11 Street.
- 12 Q Is that in Winnsboro or that down in Ridgeway?
- 13 A It's in Winnsboro.
- 14 Q Were there other Fairfield County Sheriff's deputies
- 15 with you when Bud Adams was taken into custody?
- 16 A Yes, sir.
- 17 Q All right. When he was taken into custody, first of
- 18 all, was he -- where was he taken?
- 19 A One deputy went in the back door.
- 20 Q I don't mean that. I mean, was he taken from the
- 21 location that he was arrested at to some other
- 22 location?
- 23 A Oh. Yes, sir. He went to the Sheriff's Office.
- 24 Q Did you transport him to the Sheriff's Office?
- 25 A I think Lisa Highler transported him. But it was

1 either her or I. I'm not sure.

2 **COURT REPORTER:** Excuse me, Your Honor. I need
3 the witness to speak up because that noise is getting
4 really loud.

5 **THE COURT:** What is that?

6 **THE BAILIFF:** I believe it's the flag pole.

7 **THE COURT:** See if you can do something about
8 it, if you would. If you would speak up a little
9 bit, please, to overcompensate for the noise.

10 **THE WITNESS:** Yes, sir.

11 **Q** Was there any problem with taking Bud into custody,
12 meaning was it a peaceful arrest? Was there any
13 struggle or fighting or injury that occurred to
14 anybody during the arrest of Bud Adams?

15 **A** No, sir.

16 **Q** At the Sheriff's Office is there an interview room?

17 **A** Yes, sir.

18 **Q** What's in the interview room?

19 **A** A table, usually three chairs, a telephone and a
20 window where you can see inside the room from the
21 outside.

22 **Q** From the outside? Can you see into the room --

23 **A** From the investigations office.

24 **Q** You can see in the room?

25 **A** Yes, sir.

- 1 Q If you're in the room, can you see outside the room?
- 2 A Only if they are up right up against the glass.
- 3 Q I guess a one-way window or something?
- 4 A Supposed one-way.
- 5 Q All right. Where did you take Bud Adams at the
- 6 Sheriff's Office?
- 7 A Into the investigations/interview room.
- 8 Q Did anybody else go into the -- I'm going to ask you
- 9 some questions about a series of events that occurred
- 10 over the next hour or so?
- 11 A Yes, sir.
- 12 Q During the next hour or so, was anybody in the
- 13 interview room with you and Bud Adams?
- 14 A No, sir.
- 15 Q All right. Now, I'm going to hand you what's been
- 16 marked for identification State's Exhibit No. 41. Do
- 17 you recognize the two pages that are stapled together
- 18 as State's No. 41 for identification?
- 19 A Yes, sir.
- 20 Q Generally speaking, don't tell me what it says, but
- 21 generally speaking, what are those two pieces of
- 22 paper?
- 23 A One is a waiver of rights form and the other is a
- 24 suspect statement form.
- 25 Q Do they relate to Bud Adams and this case?

1 **A** Yes, sir.

2 **Q** When you got Bud Adams into the interview room, did
3 you read him his Constitutional rights which we
4 normally call his Miranda warnings?

5 **A** Yes, sir.

6 **Q** Did you do that from some printed document?

7 **A** From this waiver of rights form.

8 **Q** Does it have the rights actually printed on it?

9 **A** Yes, sir.

10 **Q** A couple of general questions about the form. Does
11 it have blanks on it that you filled out to indicate
12 what the case is, who the interviewer is, who the
13 interviewee is?

14 **A** Yes, sir.

15 **Q** Date, all that kind of stuff?

16 **A** Yes, sir.

17 **Q** Did you fill out that piece of paper? I'm going to
18 ask you how in a minute, but did this eventually get
19 filled out?

20 **A** Yes, sir, I did.

21 **Q** Was there also a place on that piece of paper for the
22 interviewee to sign his name?

23 **A** Yes, sir.

24 **Q** Now, full, please, ma'am, read for the jury -- let me
25 ask you this first. When you gave Mr. Adams his

1 rights, did you do it verbatim by reading that form
2 to him?

3 **A** I read each line out loud.

4 **Q** All right.

5 **A** If he understood, I told him to initial. If he
6 didn't, I would explain it to him.

7 **Q** How many different lines for specific rights are
8 there on that form?

9 **A** Six.

10 **Q** Is there some blank beside -- are they numbered?

11 **A** They're numbered 1 through 6.

12 **Q** Is there some blank beside each of the numbered items
13 for the interviewee to write his name or initials to
14 indicate that that part has been done?

15 **A** Yes, sir.

16 **Q** Read the entire form for the jury, if you would,
17 please, ma'am.

18 **A** I, Willie James Adams, Jr., 32 years old, my address
19 is 151 Chaplain Park Lane Newberry. I finished the
20 eleventh grade in school and can or cannot read. I
21 have been told --

22 **Q** Stop. Stop right there. Did you circle one, the can
23 or cannot read?

24 **A** You're supposed to circle it, and for some reason I
25 didn't.

1 Q All right. That's fine. I'm going to -- before you
2 continue, let's jump way ahead. Eventually were
3 there things that Bud Adams was called upon to
4 read --
5 A Yes.
6 Q -- during this interview process?
7 A Yes, sir.
8 Q And did he appear to be reading the things that he
9 was called upon to read?
10 A Yes, sir.
11 Q At any point during this process did you learn -- did
12 he tell you that he couldn't read or did he say or do
13 anything to indicate that to you that he could not
14 read?
15 A No, sir.
16 Q Did he actually read in your presence?
17 A Yeah. He sure did.
18 Q All right. Go ahead. Read the form.
19 A I have been told by M. A. Phillips who I understand
20 is a law enforcement officer that he or she would
21 like to question me concerning the crime of murder.
22 Q Stop right there now. I want to interrupt you a lot.
23 You've got M. A. Phillips. What's the deal with
24 that?
25 A Mary Ann. It takes too long to write.

1 Q What's Phillips?

2 A Phillips. I got married in February.

3 Q Go ahead.

4 A This was in April of the year before.

5 Q Thank you.

6 A This officer has also explained to me, and I
7 understand, that, one, I have the right to remain
8 silent. That means I do not have to say anything or
9 answer any questions. Initialed by W. A.

10 Two, anything I say can be used against me in a
11 court of law. Initiated by W. A.

12 Three, I have the right to talk to a lawyer and
13 to have a lawyer here with me now to advise and help
14 me before and during questioning. Initialed W. A.

15 Four, if I want to have a lawyer with me before
16 and during questioning but cannot afford to pay a
17 lawyer, one will be provided to me at no cost before
18 and while I am questioned. Initialed W. A.

19 Five, if I decide to answer questions now
20 without a lawyer here, I still have the right to stop
21 answering questions whenever I want to. Initialed W.
22 A.

23 Six, I also have the right to stop answering
24 questions until I have talked to a lawyer. Initialed
25 W. A.

1 Q Stop. Did each one of those six numbered items, did
2 you ask Bud Adams if he understand what you had just
3 read to him?

4 A Yes, sir.

5 Q As to each of them he, did he indicate that he did
6 understand them?

7 A Yes, sir.

8 Q And in response to his answer that he did understand,
9 did he put his initials in each of those blanks?

10 A Yes, sir. . .

11 Q Each of those six numbered items? Continue.

12 A I understand my rights as explained to me by Officer
13 M. A. Phillips. I now state that I do wish to answer
14 questions at this time and I do not wish to have a
15 lawyer here before or during questioning. My
16 decision to answer questions now without a lawyer is
17 made freely and is my own choice. No one has
18 threatened or coerced me in any way or promised me
19 special treatment. To show my decision, I am signing
20 my name in a space below. Signed Willie Adams,
21 date: 4-8 of '08 at 7:26 p.m., witnessed by M. A.
22 Phillips.

23 Q Did Willie James Adams, Jr. also known as Bud sign
24 his name? Where it says Willie Adams on that form,
25 is that his signature?

1 **A** That's his signature.

2 **Q** Did you complete that form in its entirety?

3 **A** Yes, sir.

4 **Q** Now, after having read and gone through that document
5 with Mr. Adams -- well, let me back up. Did you
6 question him about the events that had occurred on
7 Flint Hill Road on April 5th, 2008?

8 **A** Yes, sir.

9 **Q** Now, at the time that these things were being done,
10 did Willie Adams understand the Miranda warnings, the
11 Constitutional rights that you had told him about?

12 **A** Yes, sir.

13 **Q** Did he have any problems -- did you have any
14 problems -- back up. How long did this process last
15 approximately?

16 **A** Around an hour.

17 **Q** During the hour or so this process was undertaken,
18 did you and Willie Adams converse back and forth, you
19 speaking and him speaking back?

20 **A** We did.

21 **Q** Vice versa. Did you have any difficulty
22 understanding words and phrases Bud Adams was using
23 to express thoughts to you?

24 **A** No, sir.

25 **Q** Did he appear to have any difficulty understanding

1 words and phrases you were using to express thoughts
2 to him?

3 A No, sir.

4 Q Did he ask any questions about his Constitutional or
5 Miranda rights?

6 A No, sir.

7 Q Did he say or do anything to indicate to you that he
8 did not understand his Constitutional and Miranda
9 rights?

10 A No, sir.

11 Q What do you -- I'm not asking you specifically what
12 you were wearing. But generally, how were you
13 dressed that day?

14 A I had gone home. Well, I was on my way home from
15 work. We had been out trying to find him during most
16 of the day. I can't recall exactly what I had on but
17 I had on plain clothes, had on a badge, firearm.
18 Typically when I interview murder suspects I don't go
19 into a room with my firearm. I usually leave it
20 locked in my filing cabinet inside the investigations
21 room.

22 Q So you're telling us you might or might not have had
23 a side arm on you?

24 A Exactly. I would have when I made the arrest, but I
25 probably wouldn't have in that interview room.

- 1 Q Would there have been any weapon present in that
2 interview room other than your side arm if you had
3 had your side arm on?
- 4 A No, sir.
- 5 Q Was Willie Adams dressed in street clothes?
- 6 A Yes, sir.
- 7 Q He was at the Sheriff's Office before he ever ended
8 up in the Detention Center?
- 9 A Yes, sir.
- 10 Q Was he restrained in any manner?
- 11 A Handcuffed.
- 12 Q Handcuffs. In front of him or behind him?
- 13 A He was handcuffed to the back for a while and then we
14 moved them back to the front.
- 15 Q Was he restrained in any other fashion?
- 16 A No, sir.
- 17 Q Were his ankles shackled together?
- 18 A No, sir.
- 19 Q Were his hands shackled to his ankles?
- 20 A No, sir.
- 21 Q Were his handcuffs chained to a table or a chair?
- 22 A No, sir.
- 23 Q Did he appear to have any physical injuries,
24 illnesses or discomfort?
- 25 A No, sir.

1 Q Did he ever ask you for anything during the interview
2 like, I want a Coca-Cola, I need to pee, I'd like to
3 smoke, can I call my mama, I want to call a lawyer?
4 Did he ever make any requests of you during this
5 process?

6 A I don't remember him asking for any like creature
7 comforts. Towards the end of the interview he asked
8 could he call his sister, and I told him as soon as
9 we got through he could call his sister. And he did.

10 Q At any point during this process, did you or anybody
11 else promise Bud Adams anything to get him to talk to
12 you about the homicide on Flint Hill Road from
13 April 5th?

14 A No, sir.

15 Q At any time did you or anybody in your presence make
16 any threats, use any coercion, threaten any physical
17 force or violence, show any physical force or
18 violence to Willie James Adams, Jr. to get him to
19 talk to you about this case?

20 A No, sir.

21 Q Did he talk you to about this case?

22 A Yes, sir.

23 Q Did he give you what we generally call a written
24 statement at some point?

25 A Yes, sir.

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1 **Q** Again, I think a minute ago you identified State's
2 Exhibit 41 for identification as the waiver of rights
3 form and a statement. Is that correct?

4 **A** Yes, sir.

5 **MR. BARFIELD:** Your Honor, at this time I'd
6 offer the statement as State's Exhibit 41.

7 **THE COURT:** All right. Subject to the previous
8 matters that have been on the record, Mr. Frick, that
9 will be admitted.

10 **MR. FRICK:** Yes, sir. That will be fine. Thank
11 you.

12 **THE COURT:** All right. It will be admitted into
13 evidence as State's No. 41.

14 (WHEREUPON, State's Exhibit No. 41 is admitted
15 into evidence.)

16 (WHEREUPON, Court's Exhibit No. 1 was withdrawn
17 from evidence.)

18 **THE COURT:** Ladies and gentlemen of the jury,
19 there has been admitted into the record of this case
20 a statement alleged to have been made by the
21 defendant.

22 Before you may consider the statement as
23 evidence for any purpose you must make four
24 determinations or determine four questions. First,
25 did the defendant make the statement? Second, was

1 the defendant warned of his Constitutional rights?
2 Third, did the defendant knowingly and intelligently
3 waive his constitutional rights and fourth, was the
4 statement given voluntarily?

5 The fact that the Court has admitted the
6 statement into evidence should not be considered by
7 you as any evidence whatsoever that the defendant
8 made such a statement or that the required
9 Constitutional safeguards were in fact provided and
10 waived by the defendant or that the statement was
11 voluntarily given, because these issues are for you,
12 the jury, to determine.

13 The State must prove beyond a reasonable doubt
14 each of the four requirements that I have just stated
15 to you before you may consider the statement as
16 evidence for any purpose.

17 Now, as to the first requirement, did the
18 defendant make the statement, if you conclude the
19 defendant did not make the statement, you must then
20 completely and totally disregard the statement. If
21 you conclude that the defendant did not make the
22 statement, you cannot and you must not consider the
23 statement as evidence in any manner whatsoever, and
24 you should completely disregard the statement in its
25 entirety and every part of it.

1 If you find the defendant did make the
2 statement, you must then next consider the second
3 requirement: Was the defendant warned of his
4 Constitutional rights? When an individual is taken
5 into custody or otherwise deprived of his freedom in
6 any significant way by a police officer or a law
7 enforcement officer, he must be warned of his
8 Constitutional rights prior to and before any
9 custodial interrogation or any custodial questioning.

10 These rights are: That he has the right to
11 remain silent, that any statement that he does make
12 can and will be used against him in a court of law,
13 that he has the right to select a lawyer of his
14 choice, but if he does not have the money or
15 resources to employ a lawyer, the Court will appoint
16 and provide a lawyer to represent him without cost or
17 expense to him if he so desires, that he has the
18 right to consult a lawyer before answering any
19 question or making any statements, and finally, that
20 he has the right to have his lawyer present with him
21 at all times during all interviews and all
22 interrogations.

23 If you determine that these Constitutional
24 warnings were not given to the defendant prior to the
25 interrogation and the taking of the statement, or

1 that the defendant was not afforded an opportunity to
2 exercise these rights, you must completely disregard
3 the statement, and in that event you cannot consider
4 the statement as evidence in any manner whatsoever.

5 If you find the defendant did make the statement
6 and if you conclude that these statements or if you
7 conclude that these warnings were in fact given to
8 the defendant and that the defendant was afforded an
9 opportunity to exercise these Constitutional rights,
10 you must next consider the third requirement: Did
11 the defendant knowingly and intelligently waive his
12 Constitutional rights?

13 Before you can consider the statement as
14 evidence in this case the State must prove beyond a
15 reasonable doubt that the defendant after having been
16 given his Constitutional warnings knowingly and
17 intelligently waived his Constitutional rights and
18 agreed to answer questions and make the statements.

19 Once you have made that determination you would
20 go to the fourth requirement: Was the statement
21 voluntarily given? The word voluntarily means that
22 the statement was the expression of the defendant's
23 own free will and was not induced by pressure, force
24 or fear or the influence of hope or promise or some
25 benefit or reward or extracted by threats, coercion

1 or intimidation.

2 A statement is not voluntary and may not be used
3 against a defendant unless it is the product of an
4 essentially free and unconstrained choice by its
5 maker.

6 If the statement is voluntary, if the defendant
7 has willed to make a statement, it may be used
8 against him. If the statement is not voluntary, it
9 cannot be used against him. The true test to be
10 applied is whether a statement is freely, voluntarily
11 and understandingly made without compulsion or
12 inducement.

13 So the ultimate question to be resolved by you
14 with respect to the alleged statement of the
15 defendant in addition to the questions of whether or
16 not the defendant in fact made the statement and
17 whether or not his Constitutional rights were
18 observed and knowingly and intelligently waived by
19 him is: Was the statement the expression of the
20 defendant's own free will made without compulsion or
21 inducement but representing an essentially free and
22 unconstrained choice by the defendant, or was it the
23 product of the overborne will of the defendant?

24 With regard to the alleged statement of the
25 defendant, the State must prove by evidence each and

1 every requirement which I have instructed you beyond
2 a reasonable doubt before you may consider the
3 alleged statement as evidence in this case.

4 All right, Mr. Barfield.

5 Q Ms. Talbert, I'm going to hand you State's Exhibit
6 No. 41 back and then I'm going to ask you a few more
7 questions about it.

8 A Yes, sir.

9 Q Is that a one-page statement?

10 A Yes, sir.

11 Q The text or the narrative of the statement is
12 handwritten. Is that correct?

13 A Yes, sir.

14 Q Whose handwriting is it?

15 A Mine.

16 Q Was there discussion with Mr. Adams prior to you
17 writing out what's on that statement?

18 A Yes, sir.

19 Q Just explain to the jury -- well, let me ask you
20 this. Was this process with Mr. Adams typical of the
21 way you take statements from suspects?

22 A Yes, sir.

23 Q And explain to the jury generally speaking how the
24 process developed with Mr. Adams?

25 A I read him his rights. He signed a waiver form. I

1 asked him to tell me what happened.

2 **Q** Did he tell you what happened at that point?

3 **A** He did.

4 **Q** And while she is telling you what happened at that
5 point, are you writing it down?

6 **A** Some of the things I was writing down, bits and
7 pieces.

8 **Q** Notes?

9 **A** Notes, yeah.

10 **Q** All right. Did you go through everything you and
11 he -- you felt like you and he needed to talk about
12 during that interview?

13 **A** Yes, sir.

14 **Q** At the conclusion of you -- before writing anything,
15 going through that with him, what did you do then?

16 **A** He told me what happened. I told him, let's go ahead
17 and write this down. And he read back to me. Not
18 read back to me.

19 **Q** All right. Hold on a second. Say that again. You
20 wrote it down?

21 **A** I don't write down what comes out of my head that
22 we've talked about. I let him tell me again what to
23 put in the statement. If there's something that I
24 feel like I need to ask him afterwards that he didn't
25 clarify in the statement, then that would be added on

1 question and answer-wise.

2 Q Now, did you go through that process with Bud Adams?

3 A I did.

4 Q And did he tell you what he wanted to tell you about
5 what happened on Flint Hill Road on April 5th?

6 A Yes, sir.

7 Q Did you then ask him to --

8 A Tell me again.

9 Q -- tell it to you so you could write it down?

10 A And I said, tell it to me slowly. I've had surgery
11 on both my wrists. I write real slow, so it's going
12 to take us a while.

13 Q And did he tell you and did you write it down
14 line-by-line?

15 A I did.

16 Q When you got through writing it down, was there in
17 fact -- don't tell me what the question was -- but
18 was there a question that you wanted to ask him to
19 add on?

20 A Yes, sir.

21 Q And did you write down the question that you asked
22 him?

23 A At the end I did.

24 Q And did he give you an answer to that question?

25 A He did.

- 1 Q Did he initial the question and the answer?
- 2 A Yes, sir.
- 3 Q Now, what were you -- not the question. But
- 4 generally speaking, what were you trying to find out
- 5 from Bud Adams?
- 6 A I had already talked to the other defendants,
- 7 co-defendants.
- 8 Q Don't tell me what anybody else said.
- 9 A I'm not.
- 10 Q But just tell me what you were trying to get Mr.
- 11 Adams to talk to you about.
- 12 A I wanted to find out exactly what happened.
- 13 Q What happened when first of all? Tell me when you're
- 14 talking about?
- 15 A Saturday and even back 'til Friday.
- 16 Q All right.
- 17 A Because I wanted to corroborate other people's
- 18 testimony.
- 19 Q And you were asking him what happened Friday and into
- 20 Saturday, April 4th and 5th of 2008?
- 21 A Yes, sir.
- 22 Q And you were asking him about what happened Friday,
- 23 April 4th, and Saturday, April 5th of 2008 where?
- 24 A As far as the house on Flint Hill Road.
- 25 Q Okay. Now, did you eventually in one way or another

1 ask him who shot and killed Alpha Lee Miller?

2 A Yes, sir.

3 Q Did he tell you who he says shot and killed Alpha Lee
4 Miller?

5 A Yes, sir.

6 Q Tell me who he says shot and killed Alpha Lee Miller?

7 A Boo or Boo-Mo.

8 Q Who is Boo?

9 A Jackson. Levarn Marcellus Jackson.

10 Q Right. Now, if you will for me now -- well, let me
11 back up. After you reduced the statement to writing
12 including the last question and Jackson's [sic]
13 answer, was there some opportunity for Jackson [sic]
14 to review what was on the paper?

15 A Adams?

16 Q Adams. Excuse me.

17 A Yes, sir. He --

18 Q How did that happen?

19 A Once I finished writing everything down, I give it
20 back to him, read the statement. They typically read
21 it partially out loud or actually to theirselves [sic].
22 It just depends on who it is. He read kind of parts
23 of it out loud, so I'm not -- then I told him if
24 something is not right we'll change it. I made some
25 type of error on paper. We put one line through it.

1 He initialed that that was, you know, of his will,
2 not mine.

3 Q Okay.

4 A And then I asked him to initial at the beginning and
5 at the end.

6 Q Did he read his statement?

7 A He did.

8 Q Did he ask you to change, correct, add, delete
9 anything that was on the paper?

10 A I had like extra words or something in there, and we
11 changed that. That's the only thing that we changed.

12 Q On the statement?

13 A On the statement.

14 Q There were a couple of strike-through's on the rights
15 form?

16 A That's it.

17 Q But other than that, did he ask you to add anything
18 to the statement?

19 A No, sir.

20 Q Did he ask you to take anything out of the statement?

21 A No, sir.

22 Q Did he tell you anything in the statement was not his
23 statement, was incorrect?

24 A No, sir.

25 Q Did he initial it at the beginning?

1 **A** Yes, sir.

2 **Q** Did he initial at the end?

3 **A** Yes.

4 **Q** Did he sign his name?

5 **A** He did.

6 **Q** Read the statement, please, ma'am.

7 **A** Do you need me to read the rights at the top, too?

8 **Q** No, no. I just need you to read the narrative
9 portion of the statement, the factual part of the
10 statement?

11 **A** "We got back from the club about daylight. Boo went
12 to the store. Reggie came by and told Bryan that Amp
13 had been taking dope all night. He came back later
14 with Kim, Amp and a white girl. Bryan told Amp to go
15 get his shit. Amp went in the bushes. Amp came back
16 up the hill with the gun.

17 I told him to give it to me. I was trying to
18 get the bullets out and it went off twice. Amp said,
19 you trying to shoot me in the foot. Some bullets
20 came out. I got the gun back and laid it on the
21 ground. Bryan hit him with the red stick. I picked
22 up a two-by-four and then Boo-Mo picked the gun up
23 and shot two times. When he hit him he flipped and
24 he hollered. He fell.

25 Boo-Mo checked his pockets and kicked him.

1 Bryan got in a car with Reggie and them and left.
2 Boo-Mo used my phone to call Alicia's sister,
3 Kay-Kay. He went one way and I went another. We met
4 at L. J.'s. Alicia came over there with Kay-Kay. I
5 told them then that Boo-Mo did it. Today I called my
6 sister and I went to take a shower and the police
7 were there before I could turn myself in."

8 "Q What happened to the gun?

9 The answer was: "Boo-Mo said he put it in the
10 bushes in a bucket."

11 Q Now, I'm going to ask you some questions about the
12 names that are given in the statement in relation to
13 your knowledge pursuant to the investigation of this
14 homicide. When he said Reggie came by, do you know
15 who the Reggie is that he's talking about?

16 A Reggie Gibson.

17 Q When he said Bryan told Amp that he had been taking
18 dope all night, do you know who Bryan is that he's
19 talking about?

20 A Bryan Lawhorn.

21 Q When he said that Bryan told Amp that he had been
22 taking -- no. When he said Bryan told -- let me back
23 up. When he said Reggie told Bryan that Amp has been
24 taking dope all night, do you know who Amp is that
25 he's talking about?

- 1 **A** Alpha Lee Miller.
- 2 **Q** The victim in the case?
- 3 **A** Yes, sir.
- 4 **Q** When he says he came back later with Kim, who is he
- 5 talking about when he's saying he? The third line
- 6 the right-hand side.
- 7 **A** Oh. Reggie.
- 8 **Q** Reggie Gibson again?
- 9 **A** Yes, sir.
- 10 **Q** When he said he, meaning Reggie Gibson, came back
- 11 later with Kim, who is Kim?
- 12 **A** Kim is Kim Lawson.
- 13 **Q** Do you now know who the white girl is that he
- 14 referred to; Reggie, Kim, Amp and the white girl
- 15 came?
- 16 **A** She's a Cooper, Smith. I can't remember right now.
- 17 **Q** Vickie?
- 18 **A** Vickie Smith. Yeah.
- 19 **Q** Yeah. Tell me again who goes by the nickname Boo in
- 20 this case?
- 21 **A** Levarn Jackson.
- 22 **Q** Who goes by the nickname of Boo-Mo in this case?
- 23 **A** Levarn Jackson.
- 24 **Q** Different people call him different versions of the
- 25 same name?

1 **A** Yes, sir.

2 **Q** Thank you, ma'am. Answer anything Mr. Frick has.

3 CROSS EXAMINATION

4 **BY MR. FRICK**

5 **Q** I hate that I've called you Mary Ann because I didn't
6 know your last name was Talbert. Ms. Talbert, I know
7 we went into great detail on how this statement comes
8 about. But, in essence, this is not a verbatim,
9 word-for-word of the conversation that y'all had the
10 whole time, correct?

11 **A** No, sir.

12 **Q** Y'all talk about stuff for a while. You talk
13 about --

14 **A** Reduce it to writing.

15 **Q** You talk about it a little bit more. Based on your
16 notes and the conversation you continue to have, a
17 statement is formed?

18 **A** Yes, sir.

19 **Q** So this is not an hour or an hour and a half worth of
20 conversation?

21 **A** No, sir.

22 **Q** And y'all at least in this circumstance did not video
23 or audiotape this conversation?

24 **A** Correct.

25 **Q** So this is in essence a summation of what y'all

1 talked about?

2 **A** Essentially.

3 **Q** Okay. And basically what Mr. Adams tells you is at
4 some point he did have a gun?

5 **A** Correct.

6 **Q** At some point he did point and shoot at Mr. Miller?

7 **A** Correct.

8 **Q** But he shot at his feet or something like that,
9 correct?

10 **A** That's what he told me.

11 **Q** Okay. He also tells you that he set the gun down?

12 **A** Correct.

13 **Q** And that Boo or Mr. Jackson is the one who picked up
14 the gun?

15 **A** Correct.

16 **Q** Clarify one more thing on that. I think it's the
17 third line. Well, let's start with the second line.
18 Reggie came by and told Bryan -- that's Bryan
19 Lawhorn, right?

20 **A** Correct.

21 **Q** Okay. Told Bryan that Amp, Mr. Miller, had been
22 taking dope?

23 **A** That's what he told me.

24 **Q** Okay. He came back later. That's --

25 **A** That's Reggie.

- 1 Q -- Reggie again. Okay. All right. At some point he
2 goes: Bryan told Amp to go get his shit. Right?
- 3 A That's what he told me.
- 4 Q In your estimation meaning that Bryan Lawhorn told
5 Alpha Lee to go get something?
- 6 A Yes, sir.
- 7 Q All right. And this statement actually indicates
8 that after whatever occurred between the house and
9 the barn something happened on the other side of the
10 house?
- 11 A Behind it.
- 12 Q Behind the house. And three people were there. Is
13 that correct?
- 14 A It actually --
- 15 Q Well, I mean, the three co-defendants were there?
- 16 A Were on the side of the house.
- 17 Q Right.
- 18 A And this statement says that -- in his statement he
19 says that just one went behind the house.
- 20 Q Okay.
- 21 A That would be Boo-Mo after he picked up the gun.
- 22 Q Okay. So Boo-Mo picks up the gun. They're behind
23 the house. Various people have a -- I guess we'd
24 call it I guess a red stick, something else, and then
25 that's when the fatal shot is fired?

1 **A** Correct.

2 **Q** According to this statement?

3 **A** Right.

4 **Q** Okay. Thank you. That's all I have.

5 **A** Thank you.

6 **THE COURT:** Redirect, Mr. Barfield?

7 **MR. BARFIELD:** Just one more.

8 REDIRECT EXAMINATION

9 **BY MR. BARFIELD**

10 **Q** Was there operable video or audio taping equipment at
11 the Sheriff's Office when you took this statement?

12 **A** We were having trouble with the video actually
13 recording. You could hear it and you could see it,
14 but it was -- for some reason it wasn't recording
15 right.

16 **Q** That's all. Thank you, ma'am?

17 **MR. FRICK:** Judge, just one more. I apologize.

18 **THE COURT:** That's all right.

19 RECROSS EXAMINATION

20 **BY MR. FRICK**

21 **Q** One quick question. You got the address from Mr.
22 Adams on here, correct? This is the address that he
23 gave you?

24 **A** That is the address that he -- yes, sir.

25 **Q** That is his residence?

1 **A** Right.

2 **Q** And that would be --

3 **A** His sister's address.

4 **Q** -- 151 Chaplain Park Lane, Newberry?

5 **A** Newberry.

6 **Q** Okay. Thank you.

7 **THE COURT:** All right. Thank you, ma'am. You
8 may step down.

9 **MR. BARFIELD:** I call Reggie Gibson.

10 **THE COURT:** Mr. Gibson, come around, please.

11 **THE CLERK:** Raise your right hand. Put your
12 left hand on the Bible.

13 REGINALD GIBSON, after being duly sworn,
14 testifies as follows:

15 **MR. BARFIELD:** May Ms. Talbert be excused?

16 **THE COURT:** Any objection?

17 **MR. FRICK:** No, sir.

18 **THE COURT:** All right. Yes, Ms. Talbert. You
19 may be excused. Thank you for coming. Pull up close
20 to the microphone, Mr. Gibson.

21 **THE WITNESS:** Yes, sir.

22 DIRECT EXAMINATION

23 **BY MR. BARFIELD**

24 **Q** That's good. You hollered. State your name.

25 **A** Reggie Gibson.

- 1 Q Mr. Gibson, where do you live?
- 2 A 76 Outback Drive.
- 3 Q What area -- is that in Fairfield County?
- 4 A Yes, sir.
- 5 Q What area of the county? Which community?
- 6 A Longtown. Ridgeway.
- 7 Q Ridgeway?
- 8 A Ridgeway.
- 9 Q How long have you lived there?
- 10 A About 20 years.
- 11 Q Whose house is it? Who do you live with?
- 12 A I was living with my dad.
- 13 Q Do you know Bryan Lawhorn?
- 14 A Yes, sir.
- 15 Q Do you know Bud Adams?
- 16 A Yes, sir.
- 17 Q Do you see Bud Adams in the courtroom?
- 18 A Yes, sir.
- 19 Q Where is he sitting? What's he wearing?
- 20 A He's at the defendant's table.
- 21 Q What's he got on? Look at him and tell me.
- 22 A A plaid shirt.
- 23 Q Do you know Boo Jackson?
- 24 A Yes, sir.
- 25 Q Do you know Kim Lawson?

1 **A** Yes, sir.

2 **Q** Do you know Vickie Smith, also known as Vickie

3 Cooper?

4 **A** Yes, sir.

5 **Q** Do you know Alpha Lee Miller?

6 **A** Yes, sir.

7 **Q** What do you call Alpha Lee?

8 **A** Amp.

9 **Q** Amp. Do you know Ms. Chambers, the red headed girl?

10 **A** No, sir.

11 **Q** Do you know where Bryan Lawhorn lives, [REDACTED]

12 [REDACTED]

13 **A** Yes, sir.

14 **Q** How close is that to where you lived in your daddy's

15 house?

16 **A** Several miles.

17 **Q** The same community?

18 **A** Yes, sir.

19 **Q** How do you know Bryan Lawhorn?

20 **A** Through my cousins.

21 **Q** How do you know Amp?

22 **A** Through my cousins.

23 **Q** Did you know of any connection between Bryan Lawhorn

24 and Amp Miller? Were they buddies or connected up

25 anyhow?

- 1 **A** Not that I knew of.
- 2 **Q** Well, did they hang around together?
- 3 **A** Not that I know of.
- 4 **Q** Did Amp stay at his house?
- 5 **A** Occasionally.
- 6 **Q** Did Amp do anything for Bryan Lawhorn?
- 7 **A** Yes, sir.
- 8 **Q** What kind of stuff did Amp do for Bryan?
- 9 **A** I considered it like a day laborer or a handyman.
- 10 **Q** Odd jobs?
- 11 **A** Yes, sir.
- 12 **Q** How do you know Bud Adams?
- 13 **A** Through my cousins.
- 14 **Q** Prior to April 5th of 2008 did you from time to time
- 15 use illegal drugs?
- 16 **A** Yes, sir.
- 17 **Q** What kind of drugs?
- 18 **A** Ready rock.
- 19 **Q** What is ready rock?
- 20 **A** Crack cocaine.
- 21 **Q** Did you ever get ready rock from Bryan Lawhorn at his
- 22 house?
- 23 **A** Yes, sir.
- 24 **Q** Do you know how long Bryan had lived at that house?
- 25 **A** No idea.

- 1 Q Some period of time, a long time before April 5th?
- 2 A I have no idea.
- 3 Q Well, that's fine. When you would go to Bryan
- 4 Lawhorn's to get ready rock, would Bryan be there?
- 5 A Sometimes.
- 6 Q Who else was ever there when you went to get ready
- 7 rock?
- 8 A Amp Lee.
- 9 Q When you went there and Bryan was there, how would
- 10 you let him know that you wanted ready rock? What
- 11 would you say to him?
- 12 A Does he have anything.
- 13 Q And would he say yes or no, or what would he do?
- 14 A Sometimes he would say no. Sometimes he would say,
- 15 let me see.
- 16 Q Did you pay him money for the ready rock?
- 17 A Yes, sir.
- 18 Q Little bits of money or a lot of money at a time?
- 19 A Little bits.
- 20 Q How much ready rock would you get from Bryan?
- 21 A Only a dime, unemployed.
- 22 Q Only a dime, you're unemployed?
- 23 A Yes, sir.
- 24 Q What you mean when you say a dime? Ten dollars
- 25 worth?

- 1 **A** Yes, sir.
- 2 **Q** Is that a little tiny bit that you put in your palm?
- 3 **A** Yes, sir.
- 4 **Q** When you went to Bryan to get ready rock if he had
- 5 it, did he go somewhere to get it?
- 6 **A** I believe so.
- 7 **Q** Where did he go?
- 8 **A** Outside.
- 9 **Q** Did you know exactly where outside he went to get it?
- 10 **A** Not really.
- 11 **Q** When he went out, would he come back in?
- 12 **A** Yes, sir.
- 13 **Q** When he'd come back in, would he give it to you, the
- 14 ready rock?
- 15 **A** Yes, sir.
- 16 **Q** I want to talk to you for a little bit about Friday,
- 17 April 4th, of 2008. Did you go to Bryan's house
- 18 sometime Friday afternoon, April 4th of 2008?
- 19 **A** Yes, sir.
- 20 **Q** Did you have a car that you had access to to drive
- 21 around?
- 22 **A** Yes, sir.
- 23 **Q** The same car you're driving today?
- 24 **A** Yes, sir.
- 25 **Q** What's a plumbing snake?

- 1 **A** A plumbing snake is a tool that you use to clean out
2 drain pipes.
- 3 **Q** At some point that Friday did the issue of a plumbing
4 snake come up?
- 5 **A** Yes, sir.
- 6 **Q** Who brought the issue up?
- 7 **A** Mr. Amp Lee.
- 8 **Q** Where were you and where was he when he started
9 talking to you about a plumbing snake?
- 10 **A** He had called me.
- 11 **Q** Did he come to your house or did he just call?
- 12 **A** He called and he came by.
- 13 **Q** And when he came by did you and he get a plumbing
14 snake?
- 15 **A** I had to look for it.
- 16 **Q** Did you find it?
- 17 **A** Yes, sir.
- 18 **Q** And why did Amp need a plumbing snake?
- 19 **A** He wanted to do some work at Bryan's.
- 20 **Q** Did you and Amp go to Bryan's house?
- 21 **A** Yes, sir.
- 22 **Q** Did anybody else go with you and Amp to Bryan's house
23 at that time?
- 24 **A** No, sir.
- 25 **Q** About what time of day was it Friday when y'all went?

- 1 **A** It had to be somewhere between 3 and 4.
- 2 **Q** Was it daylight?
- 3 **A** Still daylight.
- 4 **Q** Did y'all go there and work on the plumbing?
- 5 **A** Yes, sir.
- 6 **Q** When you got there who was there?
- 7 **A** I believe it was Bud.
- 8 **Q** Bud Adams?
- 9 **A** Bud Adams. And Bryan Lawhorn.
- 10 **Q** Was Boo Jackson there at all Friday night when you
- 11 were there Friday night?
- 12 **A** No, sir.
- 13 **Q** Did you finish the plumbing job?
- 14 **A** No.
- 15 **Q** Were you still there when it got dark?
- 16 **A** Yes.
- 17 **Q** Do you know who Alicia Gibson is, the young lady who
- 18 got on the stand a little bit ago and was talking
- 19 about the pistol?
- 20 **A** I know of her.
- 21 **Q** Okay. Who was she? Did you know who she was in
- 22 relation to everybody involved in this case?
- 23 **A** I believe that she was associated with Bryan.
- 24 **Q** Did you see Alicia Gibson sometime Friday night at
- 25 Bryan's house while you and Amp were there?

- 1 **A** Not really.
- 2 **Q** Did a deputy come?
- 3 **A** Yes. A deputy came.
- 4 **Q** Was anybody with the deputy?
- 5 **A** A young lady was.
- 6 **Q** Do you know who the young lady was?
- 7 **A** No, I didn't. I was just assuming.
- 8 **Q** Who did you assume it was?
- 9 **A** Alicia.
- 10 **Q** Had you ever meet Alicia?
- 11 **A** I have seen her before.
- 12 **Q** Okay. Did you talk to Alicia?
- 13 **A** No, I didn't.
- 14 **Q** Did the deputy go to the house?
- 15 **A** I have no idea.
- 16 **Q** When the deputy got there, where was Bud and where
- 17 was Amp? Where were they when the deputy got there?
- 18 Where were you when the deputy got there? Let me ask
- 19 that first.
- 20 **A** I was toward the barn.
- 21 **Q** Outside?
- 22 **A** Yes, sir.
- 23 **Q** Do you know where Bud and Amp were when the deputy
- 24 got there?
- 25 **A** I believe Amp Lee was probably doing something on the

1 side of the barn, and Bud was either inside the barn
2 or in the house.

3 Q All right. To your knowledge, did the deputy come
4 face-to-face with either Bud or Amp when he came?

5 A No one but me.

6 Q Okay. When the deputy was there, for a little while
7 after the deputy and the young lady came, did you see
8 Bud or Amp?

9 A Yes, sir.

10 Q Where were they when the deputy was there?

11 A Hidden. Hidden.

12 Q Hidden?

13 A Yes, sir.

14 Q Okay. Did they come out as soon as the deputy left?

15 A The only person I saw was Amp.

16 Q Did you see Bud any more Friday night? Bud?

17 A Later.

18 Q Somewhere else or at that spot?

19 A Somewhere else.

20 Q When you saw Amp after the deputy left, where was he
21 when you saw him?

22 A Coming out from behind the barn.

23 Q Now, at some point did you move your car down toward
24 the barn?

25 A Yes, sir.

- 1 Q Why did you move your car down toward the barn?
- 2 A Amp Lee had some things he needed to take care of.
- 3 Q Did you have a flashlight with you?
- 4 A Yes, sir.
- 5 Q Do you always have a flashlight with you?
- 6 A I always keep one.
- 7 Q Did your flashlight get produced?
- 8 A Yes, sir.
- 9 Q Why did your flashlight get produced?
- 10 A Amp Lee needed it to see whatever he was doing in the
- 11 dark.
- 12 Q Was it dark by then?
- 13 A Oh, yes.
- 14 Q Did you give Amp your flashlight?
- 15 A Yes, sir.
- 16 Q Where did Amp go with your flashlight?
- 17 A Somewhere at the barn and the tall grass.
- 18 Q The tall grass where in relation to the barn?
- 19 A Behind the barn.
- 20 Q Did he come back from the tall grass?
- 21 A Yes, sir.
- 22 Q Did he have anything with him when he came back?
- 23 A Yes, sir.
- 24 Q What did he have with him? Just describe whatever it
- 25 was that you noticed.

1 **A** He had a container.

2 **Q** What did the container look like?

3 **A** Similar in size of a soda can.

4 **Q** Did you ask him, what's in that can?

5 **A** No, sir.

6 **Q** Did he tell you what was in that can?

7 **A** No, sir.

8 **Q** Did he go anywhere else after the deputy left other
9 than around the barn and down in the weeds? Did he
10 go in the house? Did he go back in the house, go
11 into anything else out there that you saw?

12 **A** He was busy.

13 **Q** Well, tell us what that means.

14 **A** I don't know where he went exactly since I didn't see
15 too good, night or day, but he was busy.

16 **Q** Well, did he go in the house that you know?

17 **A** He might have went in the house.

18 **Q** Did he go in the barn that you know?

19 **A** I have no idea.

20 **Q** What did he do with -- did he have anything other
21 than that can-looking thing?

22 **A** He had a bag that he threw in the back, in the back
23 behind the driver's seat on the floor.

24 **Q** Did he put the bag in the car?

25 **A** Yes, sir.

- 1 Q Do you know what was in the bag?
- 2 A No, sir.
- 3 Q Did he put the can in the car?
- 4 A Yes, sir.
- 5 Q Do you know what was in the can?
- 6 A No, sir..
- 7 Q Did you get your flashlight back?
- 8 A I can't find it.
- 9 Q Okay. Did y'all leave? Did you and Amp leave in the
10 car?
- 11 A Yes, sir.
- 12 Q In the car?
- 13 A Yes, sir.
- 14 Q When you left was Bud anywhere around?
- 15 A No, sir.
- 16 Q When you left was Bryan Lawhorn anywhere around?
- 17 A No, sir.
- 18 Q Where did you and Amp go after you left Bryan's house
19 Friday night? Let me ask you this question. Let me
20 ask you a different question. Did you take Amp
21 somewhere when y'all left Bryan's house Friday night?
- 22 A Alpha Lee drove out of there.
- 23 Q Did Alpha Lee drive himself somewhere else and get
24 out of your car Friday night?
- 25 A Yes.

- 1 Q Where did he let himself out Friday night?
- 2 A The last place that he got out at?
- 3 Q Yes.
- 4 A Okay. The last place was in town, Ridgeway.
- 5 Q Where in town?
- 6 A What do you call it? The -- the VFW.
- 7 Q Is that what you referred to in conversation with me
- 8 earlier as the Lodge?
- 9 A Yes, sir. Yes, sir. The Lodge, yeah.
- 10 Q That's the last time you saw Amp Friday night?
- 11 A Yes, sir.
- 12 Q All right. Now, Saturday, going to Saturday now?
- 13 A Mm-hmm (affirmative).
- 14 Q Sometime Saturday, we'll jump ahead, were you at
- 15 Bryan Lawhorn's house when Alpha Lee Miller got shot
- 16 Saturday afternoon? Were you there?
- 17 A I was there, but I don't know if he had gotten shot
- 18 by that time.
- 19 Q Well, let me ask you a different question. Were you
- 20 at Bryan Lawhorn's house Saturday afternoon when
- 21 gunshots were fired?
- 22 A Yes, sir.
- 23 Q All right. I'm backing up now. Earlier Saturday,
- 24 earlier Saturday, were you at Bryan Lawhorn's house?
- 25 A Yes, sir.

- 1 Q How did you get there that time?
- 2 A It was daylight, so I could see a little bit better.
- 3 Q Okay. How did you get there?
- 4 A I drove.
- 5 Q And who -- did you go by yourself?
- 6 A Yes, sir.
- 7 Q Who was there when you got there?
- 8 A Boo-Mo and Bud Adams.
- 9 Q Boo-Mo meaning Jackson?
- 10 A Yes, sir.
- 11 Q Did you have a conversation with Bud Adams when you
- 12 went there Saturday in daylight?
- 13 A Yes, sir.
- 14 Q What did you tell Bud Adams?
- 15 A I told them that Amp did whatever he had to do and
- 16 cleaned up stuff, took stuff, put up stuff or
- 17 whatever he did with it.
- 18 Q Did Bud say anything to you or did Bud Adams say
- 19 anything to you or ask you anything after you told
- 20 him that Amp had been cleaning up and taking stuff
- 21 Friday night?
- 22 A Not that I really can account of, except for, where
- 23 is he?
- 24 Q And did you tell Bud that at that moment you knew
- 25 where Amp was?

- 1 **A** Yes.
- 2 **Q** And did you know where Amp was at that moment?
- 3 **A** Not at that moment, but I knew where I dropped him
- 4 off that night --
- 5 **Q** Did you tell Bud --
- 6 **A** -- last night.
- 7 **Q** Did you tell Bud where you had dropped Amp off Friday
- 8 night?
- 9 **A** Yes, sir.
- 10 **Q** The same thing you told the jury just a minute ago?
- 11 **A** Yes, sir.
- 12 **Q** The Lodge?
- 13 **A** Mm-hmm (affirmative).
- 14 **Q** Did you leave Bryan Lawhorn's house Saturday after
- 15 having that conversation? Was Bryan Lawhorn there
- 16 when Bud and Boo were there and you told them that
- 17 Amp had been cleaning out and taking stuff Friday
- 18 night?
- 19 **A** Not to my knowledge.
- 20 **Q** All right. Did you leave after that visit to Bryan's
- 21 house?
- 22 **A** Yes, sir.
- 23 **Q** Did you go back to Bryan's house Saturday afternoon?
- 24 **A** Yes, sir.
- 25 **Q** And I don't want you to tell us all of this, but

1 between when you left the first time and when you
2 went back to second time, had you been to lots of
3 different places that afternoon?

4 A Most likely, yes.

5 Q That's fine. When you went back to Bryan's house
6 Saturday afternoon were you in the same car you had
7 been driving the whole time?

8 A Yes, sir.

9 Q Did you have any company with you in the car? Was
10 anybody with you?

11 A Yes, sir.

12 Q Who?

13 A Kimberly Lawson, Vickie and --

14 Q Vickie Cooper or Vickie Smith?

15 A Smith, yes.

16 Q And who else?

17 A And Amp Lee when we finally went to pick him up.

18 Q Now, I'm going to ask you a few specific questions.
19 And I don't want a lot of detail but you tell me what
20 you need to tell me. Who did you get up with first?
21 Who got in your car first? When you started moving
22 around again before you went to Bryan Lawhorn
23 Lawhorn's Saturday night, who did you get up with
24 first? Of the three of them, Kim, Vickie and Amp,
25 who got with you first?

- 1 **A** Kimberly.
- 2 **Q** Who got with you next?
- 3 **A** Vickie.
- 4 **Q** How did you know that Amp would end up being in your
5 car?
- 6 **A** I didn't know.
- 7 **Q** Well, was there any phone calling back and forth
8 while you were in your car?
- 9 **A** Yes, sir.
- 10 **Q** I don't want you to tell me who was talking and
11 saying stuff.
- 12 **A** Yes, sir.
- 13 **Q** But who was talking on the telephone?
- 14 **A** Yes, sir.
- 15 **Q** After those phone calls, did you go somewhere to pick
16 up Amp?
- 17 **A** Eventually, yes.
- 18 **Q** And where did you pick up Amp?
- 19 **A** Down Longtown going towards The Windmill. I don't
20 know the address.
- 21 **Q** That's fine. Windmill is a restaurant down yonder?
- 22 **A** Yes, sir. Going in that direction.
- 23 **Q** You picked him up, picked up Amp somewhere?
- 24 **A** Yes, sir.
- 25 **Q** At somebody's house?

- 1 **A** Yes, sir.
- 2 **Q** Did Amp need to go somewhere?
- 3 **A** He wanted to go home.
- 4 **Q** And what did he call home?
- 5 **A** I had asked him what is home?
- 6 **Q** And what did he say?
- 7 **A** He said Bryan's house.
- 8 **Q** Bryan Lawhorn Lawhorn's?
- 9 **A** Yes, sir.
- 10 **Q** Did you and Kim and Vickie and Amp go to Bryan
11 Lawhorn's house?
- 12 **A** Yes, sir.
- 13 **Q** Pull up in the yard?
- 14 **A** Yes, sir.
- 15 **Q** Anybody get out?
- 16 **A** Everyone got out.
- 17 **Q** Tell me where Amp went first? Tell me about Amp.
18 We'll talk about everybody else in a minute. Where
19 did Amp do?
- 20 **A** Amp went into the -- went to the porch, went into the
21 house, came back out the house.
- 22 **Q** Stop. When he came back out the house, were you in
23 the house at that point?
- 24 **A** No.
- 25 **Q** You don't know anything that happened in the house?

- 1 **A** No, sir.
- 2 **Q** You don't know anything that was said in the house?
- 3 **A** No, sir.
- 4 **Q** When Amp came out, how was he coming out? Stupid
- 5 question, but give me an answer. How was he coming
- 6 out? Walking?
- 7 **A** He was walking fast.
- 8 **Q** Walking forward, backing up? Do you remember?
- 9 **A** No. He was walking straight out and fast.
- 10 **Q** Fast. Did you see where Amp went?
- 11 **A** Went to the tall grass behind the barn.
- 12 **Q** Did he go to the barn to get to the grass, or did he
- 13 go between the house and the barn? Tell us how he
- 14 went.
- 15 **A** He went between the house and the barn, around to the
- 16 back through the tall grass.
- 17 **Q** Did he get out of your sight?
- 18 **A** Yes, sir.
- 19 **Q** Did he return to your sight?
- 20 **A** Yes, sir.
- 21 **Q** Now, after Amp came out the house, did anybody else
- 22 come out the house?
- 23 **A** Yes, sir.
- 24 **Q** Who came out next?
- 25 **A** Bud Adams.

- 1 Q Did anybody else come out the house?
- 2 A Yes, sir.
- 3 Q Who came out next?
- 4 A Boo.
- 5 Q Jackson?
- 6 A Yes, sir.
- 7 Q Did Bud and Boo come out about the same time or was
- 8 there a gap?
- 9 A There was a gap.
- 10 Q A close gap, a long gap?
- 11 A I would say about 215 feet apart.
- 12 Q Okay. When they came out was Amp still insight?
- 13 A No.
- 14 Q When they came out, Bud and Boo, where did Bud and
- 15 Boo go?
- 16 A Bud went down to the back side of the barn.
- 17 Q Where did Boo go?
- 18 A Boo was still up front next to the house.
- 19 Q Did Amp come back into sight?
- 20 A Amp came back into sight.
- 21 Q Where did he go?
- 22 A He came around the opposite side of the barn.
- 23 Q The far side of the barn from the house?
- 24 A The far side, yes.
- 25 Q Where did Bud -- where was Bud when Boo came around

1 the far side of the barn? Where were Bud and Boo
2 when Amp came back up to the barn?
3 **A** Bud and Amp was down on the far side of the barn.
4 **Q** Near the barn?
5 **A** Yes, sir.
6 **Q** The front corner on the far side?
7 **A** The far side.
8 **Q** Where was Boo?
9 **A** Boo was still up there by the house.
10 **Q** What occurred between Amp and Bud over yonder at the
11 barn?
12 **A** Yes, sir.
13 **Q** What happened? What did you see?
14 **A** I seen Alpha Lee pull out the pistol.
15 **Q** Is that the first time you had seen the pistol?
16 **A** Yes, sir.
17 **Q** Who had it first?
18 **A** Alpha Lee.
19 **Q** What did Alpha Lee do with the pistol?
20 **A** Alpha Lee was trying to discharge the rounds.
21 **Q** What do you mean discharge them?
22 **A** By pulling the chamber back and forth, back and
23 forth, trying to kick them out.
24 **Q** Unload it?
25 **A** Yes, sir.

- 1 Q Was Amp trying to shoot the pistol?
- 2 A No, sir.
- 3 Q What happened with the pistol?
- 4 A Some kind of way he passed it over to Bud.
- 5 Q Stop right there just one second. Bud got the
- 6 pistol?
- 7 A Yes, sir.
- 8 Q Were they that close?
- 9 A Yes, sir.
- 10 Q At that point were they talking with each other?
- 11 A I'm assuming they were. I couldn't hear for it that
- 12 distance that I was at.
- 13 Q At some point did they move -- well, what did Bud do
- 14 with the pistol when he got the pistol from Amp?
- 15 A I guess he examined it and then he started I guess
- 16 waving it or whatever.
- 17 Q Then what?
- 18 A Until they started back up toward the house.
- 19 Q All right. How was Amp moving toward the house? Was
- 20 he walking facing the house or was he backing up
- 21 toward the house? Was he walking or running? I've
- 22 asked you a lot of questions. Tell me how he moved?
- 23 A Alpha Lee was walking backwards.
- 24 Q Backwards?
- 25 A Yes, sir.

1 Q What was he doing with his hands?

2 A Alpha Lee was in the defensive mode of I guess
3 protecting himself.

4 Q What do you mean?

5 A Walking backwards, bobbing and weaving like he was
6 boxing, had his hands up in the air, left and right
7 hands up in the air bobbing and weaving and walking
8 backwards.

9 Q What was Bud doing when Amp was backing up bobbing
10 and weaving?

11 A Bud was asking him whatever questions that he was
12 asking him.

13 Q Tell us anything you heard Bud asking Amp?

14 A Where it might be, my package.

15 MR. FRICK: Your Honor, I'm going to object to
16 hearsay.

17 THE COURT: All right. Ask the question again.

18 Q What was the defendant, Bud Adams, asking Amp that
19 you heard?

20 THE COURT: All right. Tell me why you think
21 that's inadmissible, Mr. Frick.

22 MR. FRICK: Well, I think it's clearly hearsay.
23 Now, you may rule it to be an exception to hearsay,
24 but I think it's hearsay.

25 THE COURT: Well, it's not hearsay if it's an

1 admission of a party opponent. Statements which are
2 not hearsay under 801(2) are admissions of party
3 opponent. That's not hearsay. The objection is
4 overruled.

5 Q What was Bud asking Amp?

6 A Where might be his package.

7 Q Did he ask it once or more than once?

8 A I only heard it once. It might have been more than
9 once.

10 Q Did he refer to it as package?

11 A As far as I can recall.

12 Q Was there any conversation between the two of them
13 about what the package was?

14 A Not that I know of.

15 Q Did Amp respond when Bud asked him where the package
16 was?

17 A Not that I know of.

18 Q What happened with the gun while this was going on?
19 Amp is backing up, bobbing and dodging. Bud has got
20 the gun. Bud is asking where the package is. What
21 happened with the gun?

22 A I believe Bud was trying to intimidate him by having
23 the pistol and moving it from his head to his feet.

24 Q Did the pistol discharge?

25 A Inbetween the -- inbetween him backing up and bobbing

1 and weaving, Alpha Lee, Bud would squeeze off a round
2 either in the air or into the ground.

3 Q How many times did you hear the gun discharge when
4 you were watching this part of it?

5 A At least four rounds.

6 Q Where did Amp go? Well, let me back up. During the
7 firing of those four rounds, did Amp go to the
8 ground? Did he appear to be shot?

9 A No, sir.

10 Q Where did Amp go?

11 A From what I had seen, they had ended up somewhere
12 around behind the house.

13 Q All right. Stop right there. How did they get
14 behind the house? The barn -- the house is --
15 standing in front of the house. The house is here.
16 The barn is over here. You said that they started
17 out up at the barn.

18 A Yes, sir.

19 Q How did they get behind the house?

20 A Walking.

21 Q Between the barn and the house on the barn side of
22 the house?

23 A On the -- yeah.

24 Q Where was -- did the two of them go out of your sight
25 behind the house?

- 1 **A** Yes, sir.
- 2 **Q** Did you see -- where was Boo when they got out of
3 your sight? When Bud and Amp got out of your sight
4 behind the house, where is Boo?
- 5 **A** Boo went trailing.
- 6 **Q** Did all three of them get out of your sight?
- 7 **A** Yes, sir.
- 8 **Q** Now, I'm going ask you this question. And I might
9 ask it again in a little bit. Is that the last time
10 you saw the pistol that Saturday?
- 11 **A** Yes, sir.
- 12 **Q** Who had the pistol the last time you saw the pistol?
- 13 **A** Bud Adams.
- 14 **Q** Where did you go when the three of them went around
15 behind the house? What did you do?
- 16 **A** Time for me to go home.
- 17 **Q** What did you do to try go home?
- 18 **A** Got in my car, tried to turn it around so I can leave
19 out and see if the people that came with me was ready
20 to go.
- 21 **Q** And the people that came with you at that point would
22 be Kim and Vickie?
- 23 **A** Yes, sir.
- 24 **Q** Did they end up getting in your car?
- 25 **A** Not right away.

- 1 Q Eventually did they?
- 2 A Yes, sir.
- 3 Q Where was Bryan Lawhorn during all the stuff you've
- 4 been telling me? Did you see Bryan Lawhorn outside
- 5 when all of this mess was going on?
- 6 A I had no idea if I saw Bryan or not.
- 7 Q Did you ever see Bryan? When you were getting ready
- 8 to leave, when you're leaving, when it's over, at any
- 9 time did you see Bryan Lawhorn?
- 10 A When I was on my way to Blythewood.
- 11 Q Let me ask you this question. Before you left
- 12 Bryan's house --
- 13 A Yes, sir.
- 14 Q -- did you see Bryan?
- 15 A I didn't see Bryan. I saw someone but I don't know
- 16 who it was. I didn't see their face.
- 17 Q You don't know if it was Bryan or not?
- 18 A No, sir.
- 19 Q This someone that you didn't see the face of, where
- 20 was that person?
- 21 A Standing behind Boo. Before they went around behind
- 22 the house.
- 23 Q Before they went around behind the house?
- 24 A Yes, sir.
- 25 Q Where did this no-faced person go when Bud and Boo

1 and Amp went around behind the house?

2 A I have no idea.

3 Q All right. Did you see that no-faced person again
4 before you left?

5 A No, sir.

6 Q Did you see Bud again before you left?

7 A Yes, sir.

8 Q Where did you see Bud again before you left?

9 A I seen all three persons going into the grass on the
10 open opposite side of the house.

11 Q All right. Let me stop you. At some point you're in
12 front of the house watching that's going on in front
13 of the barn. Is that correct?

14 A Yes, sir.

15 Q At some point were you in front of the house in a
16 position to be able to see what's going on on the
17 left-hand side of the house, other side of the house
18 from the barn?

19 A Yes, sir.

20 Q Did the people who disappeared around behind the
21 house come into your view on the left-hand side of
22 the house at some point before you left?

23 A Yes, sir.

24 Q And was Bud one of them?

25 A Yes, sir.

1 Q Was Boo one of them?

2 A Yes, sir.

3 Q Was Amp one of them?

4 A Yes, sir.

5 Q Was this no-faced person one of them?

6 A I didn't see that.

7 Q You didn't see him?

8 A Hmm-mm (negative).

9 Q You're talking about three men?

10 A Yes, sir.

11 Q Where did those three go when they were on the

12 left-hand side of the house? Where did they go?

13 A Into the tall grass on the left.

14 Q Now, how did they go? Were they walking? Were they

15 holding hands? Were they skipping? Were they

16 running? How did they go?

17 A Walking.

18 Q Do you remember what order they were walking in?

19 A As I had stated to you previously, by my eyesight, I

20 had to go on color code of what the parties were

21 wearing.

22 Q Let me ask you this. What was Amp wearing that day

23 when he was riding in your car to Bryan's house and

24 when y'all got the Bryan's house? What color did he

25 have on?

- 1 **A** I don't know. I have no idea.
- 2 **Q** Okay. What colors do you remember?
- 3 **A** I remember that Alpha Lee had on khaki pants and a
4 gold or yellow top.
- 5 **Q** All right. Thank you. All right. Who went in the
6 weeds first on the left-hand side of the house?
- 7 **A** Alpha Lee.
- 8 **Q** Who went next? Between Bud or Boo, who went next?
9 Or do you know?
- 10 **A** I'm not sure.
- 11 **Q** Did they both go, Bud and Boo both?
- 12 **A** Yeah. Them both, other two colored shirts went in.
- 13 **Q** Now, did you hear any more gunshots? Other than the
14 ones you said you heard when Bud had the gun and they
15 were on the barn side of the house, did you ever hear
16 any more gunshots?
- 17 **A** No, sir.
- 18 **Q** Where were you? Were you in your car at some point?
- 19 **A** I was in the car.
- 20 **Q** Did you see Bud Adams again before you drove out of
21 that yard?
- 22 **A** Only going in that grass.
- 23 **Q** Did you see him come out of the grass?
- 24 **A** No, sir.
- 25 **Q** Did you Boo Jackson again before you drove out of

1 that yard?

2 **A** No, sir.

3 **Q** Did you see Alpha Lee Miller again that day before
4 you drove out of that yard?

5 **A** No, sir.

6 **Q** Did you leave the house? Did you drive away?

7 **A** Yes, sir.

8 **Q** Were Kim and Vickie and Bryan Lawhorn with you?

9 **A** Kim and Vickie was.

10 **Q** Did Bryan end up in your car at some point that
11 afternoon?

12 **A** Some kind of way, he must have been in there.

13 **Q** All right. Beg the Court's indulgence. Answer
14 anything Mr. Frick has, Mr. Gibson. Thank you.

15 **THE COURT:** Cross examination, Mr. Frick.

16 **MR. FRICK:** Thank you, Your Honor.

17 CROSS EXAMINATION

18 **BY MR. FRICK**

19 **Q** Mr. Gibson, you said you have some difficulty seeing?

20 **A** Yes, sir.

21 **Q** Can you tell us about your eyesight?

22 **A** I was diagnosed with retinitis-pigmentosa by a
23 physician from out of Camden in 2002 or 3.

24 **Q** What does that do for you? I mean, is it difficult
25 to see far away or close up?

- 1 **A** It is difficult to see, period.
- 2 **Q** Period. Okay. Do you have contacts or eye glasses?
- 3 **A** No glasses. Eye glasses won't do anything for it.
- 4 There is no surgery, no cure.
- 5 **Q** Okay. How with your poor eyesight are you elected to
- 6 be the driver for all these people?
- 7 (Laughter)
- 8 **Q** Are you the one that has a car?
- 9 **A** Yeah. It was my dad's at the time.
- 10 **Q** You're the one that had access to a car?
- 11 **A** Yes, sir.
- 12 **Q** All right. So you got drafted that way?
- 13 **A** Yes, sir.
- 14 **Q** Okay. Now, let's kind of cut to the chase. That
- 15 Saturday afternoon, what we're here all about, Alpha
- 16 Lee Miller was in the car with you and a bunch of
- 17 other people?
- 18 **A** Yes, sir.
- 19 **Q** Gets out the car, goes to the door?
- 20 **A** Yes, sir.
- 21 **Q** Had been asked to be taken there, correct?
- 22 **A** Yes, sir.
- 23 **Q** No equivocation. That's where he wanted to go?
- 24 **A** Yes, sir.
- 25 **Q** When he gets out and all the other people get out and

1 go to the house --

2 A Mm-hmm (affirmative).

3 Q -- where were you?

4 A I was trying to get out of the car.

5 Q Okay. So you're still getting out of the vehicle --

6 A Yes, sir.

7 Q -- when Mr. Miller is in the house?

8 A Right, sir. He's already in.

9 Q I know you didn't put a stopwatch on it, but
10 guesstimate for me, how long was he in the house
11 before he came back out?

12 A Not long.

13 Q Not long? You indicated you didn't hear anything.
14 Was there, could you tell, any conversation going on?

15 A No, sir.

16 Q There wasn't anything loud?

17 A No, sir.

18 Q How far away from the door are you parked?

19 A Probably about seven yards.

20 Q Seven yards?

21 A Yeah.

22 Q So in your estimation, if there was yelling going on,
23 could you have heard it?

24 A Oh, yes.

25 Q Okay. Didn't hear anything?

- 1 **A** No, sir.
- 2 **Q** Okay. Alpha Lee comes out the house. Do you still
3 hear any yelling?
- 4 **A** No, sir.
- 5 **Q** Okay. And this is the point he's kind of walking
6 fast?
- 7 **A** Yes, sir.
- 8 **Q** Okay. And then Boo and Bud come out behind him?
- 9 **A** Yes, sir.
- 10 **Q** You had mentioned a third person somewhere when the
11 solicitor was talking. Where did they come in? I'm
12 a little confused on that one.
- 13 **A** I have no idea.
- 14 **Q** Okay. He said something about a no-faced person?
- 15 **A** Yeah. Yeah.
- 16 **Q** Was that when people were coming back out or ...?
- 17 **A** I believe when they were coming back out. Yeah.
- 18 **Q** So you don't know who this person is, where they came
19 from?
- 20 **A** No. No.
- 21 **Q** All right. As Alpha Lee, Bud and Boo are heading out
22 towards the barn is there any conversation going on,
23 yelling, anything?
- 24 **A** No.
- 25 **Q** Okay. Did you hear anybody say anything whatsoever

1 to each other at that point between those three?

2 A Not that I know of.

3 Q All right. And what you're telling us now is that
4 you didn't see Bryan, Bryan wasn't around, you don't
5 even know if he was there?

6 A I have no idea.

7 Q The whole time? I mean, like the whole time when all
8 this stuff goes on, you don't know whether Bryan is
9 there?

10 A I don't know if he's in there or not.

11 Q That's fine. Okay. Alpha Lee comes out the woods.
12 Does he walk up and meet Bud? Does Bud walk down and
13 meet him?

14 A I believe Bud walks down and meets him.

15 Q Okay. They standing face-to-face?

16 A Somewhat.

17 Q Okay.

18 A Because Amp Lee is on the edge of the grass line.
19 Bud is walking down towards the edge of the grass
20 line.

21 Q Now, you can still see who is who?

22 A Yes. Still daylight.

23 Q Okay. And no disrespect to your eyesight. It
24 happens to all of us. But you said your eyesight is
25 kind of poor. But you could still tell who was who?

- 1 **A** Yes.
- 2 **Q** And I think you said you indicated that by the colors
- 3 people were wearing?
- 4 **A** Yes, sir.
- 5 **Q** Let me ask you this. If you can't tell who is who by
- 6 face, how do you know who was wearing what?
- 7 **A** From when they came out walking past me when I was
- 8 still at the car.
- 9 **Q** Okay. So you see everybody coming out walk right
- 10 past you?
- 11 **A** Mm-hmm (affirmative).
- 12 **Q** You're still at the car?
- 13 **A** Yes, sir.
- 14 **Q** Which is in the front of the house, right?
- 15 **A** Yes, sir.
- 16 **Q** You were parked somewhere where this dirt is right
- 17 here?
- 18 **A** Yes, sir.
- 19 **Q** So this is where you're standing when Mr. Miller goes
- 20 in, comes back, everything?
- 21 **A** Yes. On the opposite side of the car.
- 22 **Q** Okay. Did you move from here?
- 23 **A** What? The car itself?
- 24 **Q** No, no, no. Yourself. Did you walk down here
- 25 towards the barn at any point? I mean, did you move

1 from this location?

2 **A** Couldn't do it. I mean, I was very sick at the time
3 which I did not know.

4 **Q** So you're just kind of standing there leaning against
5 the car?

6 **A** Yes, sir.

7 **Q** Beg the Court's indulgence one moment.

8 **THE COURT:** Yes, sir.

9 **Q** All right. I'm going to show you State's No. 3.
10 What is that?

11 **A** That's the barn.

12 **Q** Okay. Is this -- I know it ain't exactly, but is
13 that kind of your view?

14 **A** Yes, sir.

15 **Q** Okay. So you're up somewhere up here?

16 **A** Right.

17 **Q** This is what you see?

18 **A** Yes, sir.

19 **Q** Can you kind of point to me where you see Alpha Lee
20 and where you see Bud and Boo?

21 **A** Okay. Over here where your finger at.

22 **Q** Right over here?

23 **A** Yes, sir.

24 **Q** Okay. Is that where Alpha Lee went in the woods?

25 **A** Yes, sir.

- 1 Q Bud and Boo are waiting right here?
- 2 A Yeah.
- 3 Q Okay?
- 4 A Yeah. They're still up by the house.
- 5 Q When they're standing face-to-face conversing,
- 6 whatever they're doing, were they still here?
- 7 A Bud and Boo.
- 8 Q Yeah.
- 9 A Yes, sir.
- 10 Q Okay. You at some point said Alpha Lee had -- help
- 11 me out now. You said he kind of was in a defensive
- 12 posture. He was doing a little bob and weave?
- 13 A Yeah.
- 14 Q You mean literally he is doing this?
- 15 A Yes, sir.
- 16 Q Was anybody trying to throw a punch at him?
- 17 A No punches being threw [sic].
- 18 Q You got any idea why he's --
- 19 A I guess if somebody is firing off a round you hope
- 20 that it miss you or catches your hand.
- 21 Q Well, had the shots been fired by that point?
- 22 A Oh, yes.
- 23 Q Okay. All right. So he doesn't do this until you
- 24 hear a gunshot?
- 25 A Yes.

- 1 Q Okay. Now, briefly on the gun, Alpha Lee has a gun?
- 2 A Yes, sir.
- 3 Q Initially?
- 4 A Mm-hmm (affirmative).
- 5 Q Do you have any idea where he goes?
- 6 A No idea.
- 7 Q Did he have one when he was in your car?
- 8 A I have no idea.
- 9 Q That's fine.
- 10 A I don't know if it came from out behind the barn or
- 11 from when he was with me.
- 12 Q But when he comes back from that area he has got a
- 13 gun?
- 14 A Yes, sir.
- 15 Q And I believe you said he gives it to Bud? You said
- 16 something particularly. He --
- 17 A Before he hands the gun over, he is trying to eject
- 18 all of the rounds out.
- 19 Q So he's over there trying to get this, but it --
- 20 A Instead of taking the whole clip out.
- 21 Q Now, how long have you known Alpha Lee?
- 22 A Probably about -- let me see -- probably about 15
- 23 years.
- 24 Q 15 years?
- 25 A Yes, sir.

1 Q In the 15 years you've known him, have you known him
2 to handle firearms?
3 A I've never seen him with one.
4 Q You've never seen him with one?
5 A Hmm-mm (negative).
6 Q Okay. He hands the gun to Bud, or does Bud just grab
7 it out of his hand?
8 A I didn't actually see it.
9 Q Okay.
10 A I know they was right next to each other. So I'm
11 picking that he either handed it to him, or he could
12 have took it from him. But I'm figuring it he handed
13 it to him.
14 Q Okay. Do you hear anything that sounds like a
15 scuffle in this --
16 A No.
17 Q -- transfer of the gun?
18 A No.
19 Q No. Okay. At that point where is Boo? After the
20 gun is given over to Bud, where is Boo?
21 A Boo is still up at the house.
22 Q He's still up at the house?
23 A Yes, sir.
24 Q Wait a minute now. I thought you said he was down
25 here with them.

1 **A** No. When they were on the outside, that was --

2 **Q** Show me on here. Hold on. Let's get it straight?

3 **A** See, if I'm back this way where this tire track is

4 at, or a tree, shed was at, back this way toward the

5 house, because that's the barn and the house was back

6 this way.

7 **Q** Okay. Right.

8 **A** And that's where Boo was at, up here.

9 **Q** He is up here standing by you?

10 **A** No. He's standing next to the house. I'm on the

11 other side of the car.

12 **Q** On the edge of the house?

13 **A** Yes, sir.

14 **Q** Okay. All right. The other two are down here?

15 **A** Yes, sir.

16 **Q** Okay. All right. You said you couldn't hear any

17 conversation between the two down there?

18 **A** No, sir.

19 **Q** You also said you didn't believe that Bud was trying

20 to shoot Alpha Lee?

21 **A** No, sir.

22 **Q** You don't believe that? You don't believe he was

23 just trying to aim at him?

24 **A** No. I know he wasn't trying to shoot him right then

25 and there.

1 Q So you don't believe at that point he was trying to
2 kill him?
3 A Hmm-mm (negative).
4 Q Okay. That's a no?
5 A Yes, sir.
6 Q Okay. Did he ever point the gun directly at Alpha
7 Lee?
8 A No, sir.
9 Q You're saying it was down or up or --
10 A Just swinging it like you're doing there.
11 Q Something like this?
12 A Yes, sir.
13 Q Okay?
14 A Discharged a round either up or down.
15 Q Now, I've got to ask you. You said, you testified
16 here today you heard four gunshots?
17 A Mm-hmm (affirmative).
18 Q Do you recall giving a statement -- or it ended up
19 being a written statement -- law enforcement says
20 that you heard two gunshots at that point? Which is
21 it? Was it four or is it two?
22 A No. I'm figuring from that distance and you're
23 steady swinging it and squeezing off rounds, by the
24 time you got up there, it could have been more than
25 two.

1 Q Okay. Well, here is my question. You gave this
2 statement on April 5th of last year, correct?

3 A Yes, sir.

4 Q And on April 5th of last year law enforcement says
5 that you told them two shots. Today in December of
6 2009 you are saying it was more than two shots.

7 A I believe it was more than -- more than two.

8 Q Is it fair to say you're not exactly sure how many
9 shots were fired?

10 A Oh, yeah. I'm really sure of that. Because like I
11 have been stating since the incident occurred I was
12 very sick, very ill. I could not stand up, couldn't
13 walk. I had to let other people drive the car
14 because I could not function.

15 Q All right. So that could have affected --

16 A Mm-hmm (affirmative).

17 Q -- what you saw, what you heard?

18 A What I heard, what I saw.

19 Q Okay. I'm going to ask you a little bit more. In
20 this same statement -- and you don't dispute that you
21 gave a statement, correct?

22 A Yes, sir.

23 Q Okay. Law enforcement asked you what is Bud Adams
24 real name. Now, today you've testified that his name
25 is Willie James Adams, correct?

- 1 **A** Only from here. You all have repeated it.
- 2 **Q** Okay. I just want to get that --
- 3 **A** Other than that, I had no idea.
- 4 **Q** Before this whole thing started you didn't know what
5 his name was, besides Bud, did you?
- 6 **A** Amen.
- 7 **Q** Okay. How about Boo?
- 8 **A** Yes, sir.
- 9 **Q** The same thing?
- 10 **A** The same thing.
- 11 **Q** You didn't know his real name until people started
12 asking you about the case?
- 13 **A** Yes, sir.
- 14 **Q** All right. And when did people start asking you
15 about the case? About last week?
- 16 **A** Yes, sir.
- 17 **Q** Okay. As everybody leaves from this location, they
18 head back behind the house?
- 19 **A** You talking about the three gentlemen?
- 20 **Q** Yes, sir. Yes, sir.
- 21 **A** Yes, sir.
- 22 **Q** Okay. You could not see what was back behind the
23 house?
- 24 **A** No, sir.
- 25 **Q** You have no idea what happened down on the other side

1 of the house?

2 **A** Couldn't move.

3 **Q** Okay. You don't know who had the gun at that point?

4 **A** No, sir.

5 **Q** Okay. I'm going to ask you one other question, Mr.
6 Gibson. Then I'll let you go. Were you charged in
7 this event?

8 **A** Yes, sir.

9 **Q** What did you get charged with?

10 **A** Accessory after.

11 **Q** Has the State promised you anything for testifying
12 today?

13 **A** No, sir.

14 **Q** You sure?

15 **A** Not that I know of.

16 **Q** Okay. Thank you. That's all I've got.

17 **THE COURT:** Redirect, Mr. Barfield?

18 **MR. BARFIELD:** No, sir.

19 **THE COURT:** All right. Thank you, Mr. Gibson.
20 You may step down.

21 **THE WITNESS:** Thank you.

22 **MR. BARFIELD:** May he be excused but not
23 released from the subpoena, meaning leave but if we
24 need him we can get him back?

25 **THE COURT:** All right. You are still under

1 subpoena but you do not have to stay in the
2 courthouse but you're subject to be recalled by the
3 solicitor.

4 **THE WITNESS:** All right. Thank you.

5 **THE COURT:** All right. Ladies and gentlemen,
6 we've in been in here for about an hour and a half
7 now. And I know it's warm and everybody is probably
8 nodding off and getting a little sleepy. So we'll
9 take a little break at this time and allow you to go
10 to your jury room for about ten or fifteen minutes
11 and relax. And we'll be ready to start back shortly.
12 Do not discuss the case among yourselves. We'll be
13 with you very shortly.

14 (Jury out at 3:29 p.m.)

15 **THE COURT:** Counsel, let me see you just a
16 minute.

17 **MR. BARFIELD:** Can I have just one second with
18 these folks?

19 **THE COURT:** Yes, sir.

20 **MR. BARFIELD:** And I'll be right there.

21 (Whereupon, a bench conference is had)

22 (Whereupon, a break is taken)

23 **THE COURT:** Please be seated. All right. We're
24 back on the record with regard to the matter of The
25 State vs. Willie James Adams, Jr. Mr. Adams is

1 present with his counsel, Mr. Frick. The State is
2 present and represented by the solicitor and the
3 assistant solicitor. Anything before we bring the
4 jury in, Mr. Barfield?

5 **MR. BARFIELD:** No, sir.

6 **THE COURT:** Mr. Frick.

7 **MR. FRICK:** Nothing from the defense, Your
8 Honor.

9 **THE COURT:** All right. Bring the jury back,
10 please.

11 (Jury in at 3:45 p.m.)

12 **THE COURT:** All right. Thank you, ladies and
13 gentlemen. And we are now ready to proceed.
14 Mr. Solicitor, you may call your next witness.

15 **MR. MAXWELL:** Your Honor, the State calls
16 Kimberly Lawson.

17 **THE COURT:** Okay, Ms. Lawson. Come around,
18 please.

19 **THE CLERK:** Raise your right hand.

20 KIMBERLY LAWSON, after being duly sworn,
21 testifies as follows:

22 DIRECT EXAMINATION

23 **BY MR. MAXWELL**

24 **Q** State your name, ma'am?

25 **A** Kimberly Lawson.

- 1 Q And, Ms. Lawson, are you from Fairfield County?
- 2 A Yes.
- 3 Q Where are you from in Fairfield?
- 4 A I stay in Greenbriar now, but I was staying in
- 5 Ridgeway.
- 6 Q Living in Ridgeway in April of 2008?
- 7 A Yes.
- 8 Q Do you know Bryan Lawhorn?
- 9 A Yes.
- 10 Q How do you know Bryan Lawhorn?
- 11 A He is my first cousin.
- 12 Q Do you know Bud Adams?
- 13 A Yes.
- 14 Q Or Willie Adams?
- 15 A Yes.
- 16 Q How do you know him?
- 17 A I was engaged to Willie.
- 18 Q How long ago were y'all together?
- 19 A It's been about maybe about four years ago.
- 20 Q You have not been engaged since four years ago?
- 21 A No, sir.
- 22 Q How long have you known him?
- 23 A About ten years.
- 24 Q Do you see Mr. Adams in the courtroom today?
- 25 A Yes.

1 Q Do you see him over there sitting at that table?

2 A Yes.

3 Q Is he wearing a plaid shirt?

4 A Yes.

5 Q Do you know Levarn Marcellus Jackson?

6 A Yes.

7 Q Do you know him by Levarn or a nickname?

8 A I know him by a nickname.

9 Q What's his nickname?

10 A Boo-Mo.

11 Q Boo-Mo?

12 A Uh-huh (affirmative).

13 Q Do some people call him Boo?

14 A Boo. I call him Boo.

15 Q Do you know Alpha Lee Miller?

16 A Yes, sir.

17 Q How do you know Mr. Miller?

18 A He used to live with us.

19 Q Who is us? Your family?

20 A My family. Uh-huh (affirmative).

21 Q What do you call Mr. Miller?

22 A Alpha Lee.

23 Q Alpha Lee? Do you know Reggie Gibson?

24 A Yes, sir.

25 Q How do you know Mr. Gibson?

1 A We're related.

2 Q So you've known him for a while?

3 A Yes.

4 Q Do you know Vickie Smith or Vickie Cooper?

5 A Yes.

6 Q Have you known her for a while?

7 A A few years, yes.

8 Q I'm going to start off with -- I'm going to back up?

9 A Mm-hmm (affirmative).

10 Q Were you present on April 5th, 2008 at Bryan
11 Lawhorn's house on Flint Hill Road when there was a
12 shooting going on?

13 A Yes.

14 Q All right. What day of the week was that? Do you
15 remember?

16 A No.

17 Q Do you remember it was that morning?

18 A Yes.

19 Q Where did you begin your morning on that day?

20 A I was at home and Reggie came to the house.

21 Q Your home in Ridgeway?

22 A Yes.

23 Q And Reggie came by?

24 A Yes. Well, Reggie lived right next door to me.

25 So --

1 Q Did you leave with Reggie?

2 A Yes.

3 Q Did you all live in a bunch of different places?

4 A Yes.

5 Q Did at some point y'all pick up Vickie Smith?

6 A Yes.

7 Q Did at some point y'all pick up Alpha Lee Miller?

8 A Yes.

9 Q Where did you pick up Mr. Miller from? Do you

10 remember?

11 A At Mr. Murphy's house down Long Pine Road.

12 Q That's Ridgeway?

13 A Yes.

14 Q When you picked up Mr. Miller, did y'all know where

15 y'all were going after that?

16 A Yes. We asked Mr. Miller where he wanted to go.

17 Q And where did he want to go?

18 A Flint Hill.

19 Q Was that Bryan Lawhorn's house?

20 A Yes.

21 Q Did he say why he wanted to go there?

22 A No. He just said he wanted to go home.

23 Q Did y'all go to Flint Hill?

24 A Yes.

25 Q Again, who is in the car with y'all?

- 1 **A** Reggie, myself, Alpha Lee and Vickie.
- 2 **Q** When you get to Bryan Lawhorn's house on Flint
- 3 Hill -- had you been there before? Had you been on
- 4 Flint Hill Road to Bryan's house before, before that
- 5 day?
- 6 **A** Yes.
- 7 **Q** I'm not talking about this incident.
- 8 **A** Yes. Yes.
- 9 **Q** You weren't there on Friday night?
- 10 **A** No.
- 11 **Q** You weren't there early in the morning?
- 12 **A** No.
- 13 **Q** You'd been there in the past?
- 14 **A** Right. Yes.
- 15 **Q** When y'all drove up in the driveway, what did y'all
- 16 do?
- 17 **A** We pulled up and Alpha Lee got out the car.
- 18 **Q** What did he do after he got out the car?
- 19 **A** He went in the house.
- 20 **Q** Did at some point he come back out of the house?
- 21 **A** Yes.
- 22 **Q** How long before he came back out after he went in?
- 23 How long was he in the house?
- 24 **A** I'd say a few seconds. He went in. Like, he came
- 25 right back out.

- 1 Q Where did he go when he came back out?
- 2 A He went towards the barn down in the woods.
- 3 Q Now, where is the barn in relation -- if you're
- 4 facing the house, where is the barn in relation to
- 5 the house?
- 6 A To the right.
- 7 Q What is between the barn and the house? Is it just
- 8 grass?
- 9 A Grass.
- 10 Q A grass yard?
- 11 A Mm-hmm (affirmative).
- 12 Q How was Alpha Lee walking out of the house going
- 13 towards the barn?
- 14 A His normal walk.
- 15 Q Did anybody come out after him?
- 16 A Yes.
- 17 Q Who came out after him?
- 18 A After he like got about halfway down by the barn,
- 19 that's when Bud and Boo-Mo come out the house.
- 20 Q Were they together? Who came out first out of those
- 21 two?
- 22 A Bud walked out and Boo-Mo was right behind him.
- 23 Q Where did they walk to?
- 24 A They walk in the same direction Alpha Lee did.
- 25 Q Where did Alpha Lee go?

- 1 **A** He went in the woods.
- 2 **Q** Near the barn?
- 3 **A** Yes. In front of the barn but past the barn in the
- 4 woods.
- 5 **Q** Was he on the left side of the barn?
- 6 **A** Yes.
- 7 **Q** He went into the woods?
- 8 **A** Mm-hmm (affirmative).
- 9 **Q** Did he go out of your sight?
- 10 **A** Yes.
- 11 **Q** Did he come back into your sight at some point?
- 12 **A** Yes.
- 13 **Q** Did he come back out of the woods?
- 14 **A** Yes.
- 15 **Q** When he came back out of the woods, where were Bud
- 16 Adams and Boo Jackson?
- 17 **A** Right by the barn.
- 18 **Q** Did he come out of the woods right by the barn?
- 19 **A** Yes.
- 20 **Q** Did they meet --
- 21 **A** Yes.
- 22 **Q** -- right at the barn? Did you see if Amp, Alpha Lee,
- 23 had anything in his hand when he came out of the
- 24 woods?
- 25 **A** Yes.

- 1 Q What did he have in his hands?
- 2 A A gun.
- 3 Q What was he doing with the gun?
- 4 A I seen him hand it to Bud.
- 5 Q He handed it to Bud Adams?
- 6 A Yes.
- 7 Q Now, prior to Bud getting the gun from Alpha Lee, did
- 8 you hear Bud say anything to Alpha Lee?
- 9 A He was asking him where his shit at.
- 10 Q Did he say it one time or said it repeatedly?
- 11 A Repeatedly.
- 12 Q After Bud got the gun from Alpha Lee, did you hear
- 13 him say anything? Did he keep repeating that?
- 14 A Yes.
- 15 Q What did Bud do with the gun at that point?
- 16 A Alpha Lee was like with his dukes up like and swung
- 17 at him. So Bud set the gun down.
- 18 Q All right. Before Bud set the gun down, did you hear
- 19 any gunshots?
- 20 A Yes. They was -- as they was working their way back
- 21 up to the house --
- 22 Q Start back over. Were Alpha Lee, Bud and Boo near
- 23 the barn?
- 24 A Yes.
- 25 Q Did Bud have the gun at that point?

- 1 **A** Yes.
- 2 **Q** Where do they move to? Did they move anywhere?
- 3 **A** Started back up towards the house.
- 4 **Q** From the barn back towards the house?
- 5 **A** Mm-hmm (affirmative).
- 6 **Q** Is Bud still asking Alpha Lee that question --
- 7 **A** Yes.
- 8 **Q** -- what you said a second ago at what point does
- 9 Bud -- at what point does the gun go off?
- 10 **A** As Bud is asking him, Alpha Lee is backing up, Bud is
- 11 shooting in the ground asking him where the shit at.
- 12 **Q** How is Bud backing up?
- 13 **A** Alpha Lee was backing up.
- 14 **Q** Excuse me. How was Alpha Lee backing up?
- 15 **A** He was just backing up.
- 16 **Q** Did he have his hands up?
- 17 **A** He was like motioning like he wanted to fight.
- 18 **Q** How many times did you hear the gun go off?
- 19 **A** I'm not sure. Guessing, I'd say maybe three.
- 20 **Q** More than one time?
- 21 **A** Yes.
- 22 **Q** Did you see where Bud was pointing the gun when those
- 23 gunshots fired?
- 24 **A** In the ground.
- 25 **Q** Where were you standing at?

1 **A** On the porch.

2 **Q** The front porch?

3 **A** Yes. The front porch.

4 **Q** Where was Boo at when those gun shots were fired?

5 **A** He was standing right there with Bud and Alpha Lee.

6 **Q** Did you see Bryan outside any more, Bryan Lawhorn?

7 **A** No, sir.

8 **Q** Did at some point -- well, what did Bud do with the

9 gun after the first couple of shots?

10 **A** He sat it on the ground.

11 **Q** You saw him put it on the ground?

12 **A** Yes, sir.

13 **Q** What did Bud do after he put the gun on the ground?

14 **A** He motioned up like he was going to fight Alpha Lee.

15 Alpha Lee swung at him, so he swung back at Alpha

16 Lee.

17 **Q** Did he hit Alpha Lee?

18 **A** I think so.

19 **Q** Did at some point they go out of your sight?

20 **A** Yes.

21 **Q** How did they get out of your sight?

22 **A** Just as them moving around or whatever, Alpha Miller

23 backing up or whatever, they worked their way around

24 the house and Boo-Mo picked the gun up and he walked

25 on around the house with it.

- 1 Q Is that the back side of the house?
- 2 A Right.
- 3 Q And you saw Boo pick up the gun?
- 4 A Yes, sir.
- 5 Q Did you see Bryan anywhere at this point?
- 6 A No, sir.
- 7 Q When they were behind the house, did you ever see
- 8 them again?
- 9 A Who?
- 10 Q Bud, Boo or Alpha Lee.
- 11 A I saw Bud and Boo.
- 12 Q All right. Did you ever see Alpha Lee on the left
- 13 side of the house anywhere?
- 14 A No, sir.
- 15 Q Did you ever hear any more gunshots?
- 16 A Yes, sir. When they was behind the house I heard two
- 17 gunshots.
- 18 Q Before you heard those two gunshots but after you
- 19 lost sight of them, could you see Bud, Boo or Alpha
- 20 Lee?
- 21 A No, sir.
- 22 Q Was the next time -- after you heard the two
- 23 gunshots, what was the next thing that happened after
- 24 you heard the two gunshots?
- 25 A A little bit after that Bud and them walked on the

1 porch and said Alpha Lee had run through the woods.

2 Q Bud and who?

3 A Bud and Boo-Mo.

4 Q Did you see the gun at that point?

5 A No, sir.

6 Q Who said that Alpha Lee had run in the woods?

7 A I think Bud said that.

8 Q What was the next thing you did after they came back

9 around the house?

10 A After they come around the house they went in the

11 house and I went to the door and I asked Bryan was he

12 ready to go. Because he wanted us to, you know, drop

13 him off at Blythewood to meet his girlfriend. So I

14 asked him was he ready to go.

15 Q Did you get in the car and leave?

16 A Yes, sir.

17 Q Who did you leave with?

18 A Reggie, Vickie, Bryan and me.

19 Q Was Reggie driving?

20 A Yes.

21 Q Was that the same car y'all rode there with?

22 A Yes.

23 Q Rode there in?

24 A Yes.

25 Q At that point did you know anything about Alpha Lee

1 being shot?

2 **A** No, sir.

3 **MR. MAXWELL:** Beg the Court's indulgence, Your
4 Honor.

5 **THE COURT:** Yes, sir.

6 **Q** How long after you heard the last two gunshots did
7 you leave from the residence?

8 **A** Probably about -- probably about I would say about
9 ten, about ten minutes, might have been minutes.

10 **Q** A short period after you heard the gunshots?

11 **A** Yeah. It wasn't long after. But, you know, it
12 wasn't right afterwards.

13 **Q** Who else -- besides the people you rode in the car
14 with and Bud and Boo, who else was at the house?

15 **A** Christel was there.

16 **Q** Along with Bryan?

17 **A** Right.

18 **MR. MAXWELL:** No further questions, Your Honor.

19 **THE COURT:** Cross examination, Mr. Frick.

20 **MR. FRICK:** Thank you, Your Honor.

21 CROSS EXAMINATION

22 **BY MR. FRICK**

23 **Q** Ms. Lawson.

24 **A** Mm-hmm (affirmative).

25 **Q** You got there with Reggie?

- 1 **A** That's right.
- 2 **Q** Alpha Lee gets out of the car. Is he the first one
3 out of the car?
- 4 **A** Yes, sir.
- 5 **Q** Goes directly in the house?
- 6 **A** Yes, sir.
- 7 **Q** Where were you?
- 8 **A** Still in the car.
- 9 **Q** You were still -- did you get out of the car?
- 10 **A** Yes, sir.
- 11 **Q** When did you get out of the car?
- 12 **A** I got out the car after Alpha Lee walked back out the
13 house.
- 14 **Q** Okay. All right. I want to ask you the same thing I
15 asked Mr. Gibson.
- 16 **A** Okay.
- 17 **Q** This is State's No. 1. This is the front of the
18 house, correct?
- 19 **A** Correct.
- 20 **Q** Y'all parked somewhere along here?
- 21 **A** That's correct.
- 22 **Q** Okay. When Alpha Lee goes into the house, do you
23 hear any conversation?
- 24 **A** No, sir.
- 25 **Q** Do you think sitting right here if there'd have been

- 1 yelling you'd have heard it?
- 2 A I would have heard it.
- 3 Q Where were you -- when you got out of the car, where
- 4 was everybody else at?
- 5 A Can you bring the picture closer?
- 6 Q Yeah. Absolutely.
- 7 A Okay. We all was like on the porch.
- 8 Q Mm-hmm (affirmative)?
- 9 A I'm here in this corner right here.
- 10 Q Okay. So you're standing on the porch?
- 11 A Yeah. I'm on the porch. Christel is somewhere right
- 12 here with me. I think Vickie is in here somewhere.
- 13 Q Okay. Let me stop you one quick second. We've got
- 14 Vickie on the porch?
- 15 A Mm-hmm (affirmative).
- 16 Q Chris [sic] was on the porch?
- 17 A Uh-huh (affirmative).
- 18 Q You on the porch?
- 19 A Right.
- 20 Q Anybody else on the porch?
- 21 A No. I don't think so. I think Reggie was still at
- 22 the car at the time.
- 23 Q Okay. Go on. Where was Alpha Lee?
- 24 A Further on at the barn.
- 25 Q He had already walked out?

- 1 **A** Yeah. He already walked out.
- 2 **Q** And when he walked past you, did you hear him say
- 3 anything?
- 4 **A** See, when Alpha Lee went in the house and walked back
- 5 out the house, we was [sic] in the car.
- 6 **Q** Got you. Okay. When you were on the porch --
- 7 **A** Mm-hmm (affirmative).
- 8 **Q** -- had everybody already come out of the house?
- 9 **A** Yes. Bud and Boo-Mo had come out the house. Yes.
- 10 **Q** When they were coming out of the house where were
- 11 you?
- 12 **A** When they were coming out the house I am getting out
- 13 the car at this time.
- 14 **Q** Did you hear anything as you were getting out of the
- 15 car? Did anybody say anything?
- 16 **A** No.
- 17 **Q** No yelling, screaming, fussing?
- 18 **A** No.
- 19 **Q** No gunshots?
- 20 **A** No, sir. Not at that time.
- 21 **Q** All right. You stood -- well, you were on the porch.
- 22 I don't know. You don't have the porch, do you?
- 23 From the porch could you see the barn?
- 24 **A** Yes.
- 25 **Q** Is this fairly accurate as to what you were looking

- 1 at?
- 2 A Yes.
- 3 Q And this is State's No. 3, a picture of the barn.
- 4 Okay. What did you see basically? Just kind of
- 5 point and tell me.
- 6 A Alpha Lee went here.
- 7 Q He went on this side of the barn?
- 8 A Yes.
- 9 Q On the right side of the barn?
- 10 A Yes. Here. Okay. And Bud and Boo-Mo is walking
- 11 down. So by the time Alpha Lee come here out the
- 12 woods, Bud and Boo-Mo was right there to meet him.
- 13 Q Okay. Had you heard any conversating [sic] at all?
- 14 A No.
- 15 Q Okay. Then what happens?
- 16 A Then Alpha Lee hands Bud the gun about right here in
- 17 front of the barn.
- 18 Q Hands him the gun?
- 19 A Handed him the gun.
- 20 Q You're in the car with Alpha Lee. Did he have a gun
- 21 with him when he got there?
- 22 A I didn't see it.
- 23 Q That's fine. You didn't know?
- 24 A I didn't know.
- 25 Q But you didn't see one?

- 1 **A** Right.
- 2 **Q** When he comes out of the house, do you know whether
- 3 he's got one?
- 4 **A** I don't know.
- 5 **Q** When Bud comes out of the house, do you see him with
- 6 a gun?
- 7 **A** No.
- 8 **Q** Boo with a gun?
- 9 **A** No.
- 10 **Q** Do you see anybody with a gun?
- 11 **A** No.
- 12 **Q** Until Alpha Lee comes out the woods?
- 13 **A** That's right.
- 14 **Q** Now, you got any eyesight trouble?
- 15 **A** Yeah. But I can see.
- 16 **Q** Okay. You can see from the porch to what was going
- 17 on down here?
- 18 **A** Right. I just can't see good at night.
- 19 **Q** I understand. And it was bright enough that you
- 20 could see?
- 21 **A** Right.
- 22 **Q** And what you clearly saw was Alpha Lee handing the
- 23 gun over?
- 24 **A** Yes.
- 25 **Q** Was there any arguing, conversating, anything going

- 1 on during that conversation?
- 2 A Not when he handed him the gun, no.
- 3 Q He just handed it straight up?
- 4 A Just handed it to him.
- 5 Q Okay. Now, you said that you hear Bud say, where is
- 6 the shit?
- 7 A Yeah.
- 8 Q Something like that. Is that what he said?
- 9 A Yeah.
- 10 Q Is that exactly what he said?
- 11 A I'm thinking, yes. I mean, he saying, where the shit
- 12 at? Where the shit at? I heard that.
- 13 Q That's what he said?
- 14 A Yes.
- 15 Q Did you know what he was talking about?
- 16 A No.
- 17 Q Was that before or after he handed him the gun?
- 18 A That was after.
- 19 Q Now, you say that Bud did point the gun at Alpha Lee?
- 20 A At the ground.
- 21 Q At the ground?
- 22 A Yes.
- 23 Q Did you ever see him aim it at him?
- 24 A No. I never saw him aim it at him.
- 25 Q So you see him point the gun at the ground?

- 1 **A** Right.
- 2 **Q** Did you think that he was trying to shoot Alpha Lee?
- 3 **A** No.
- 4 **Q** What do you think he was trying to do?
- 5 **A** Just trying to scare him and get him to tell him
6 where it was.
- 7 **Q** How many shots do you say you hear?
- 8 **A** I'm guessing probably about three.
- 9 **Q** About three? Okay. Now, correct me if I'm wrong.
10 But you said after Bud shoots the gun Alpha Lee puts
11 his dukes up?
- 12 **A** That's correct.
- 13 **Q** So someone is shooting at him and he is ready to
14 fight a bullet?
- 15 **A** That's correct.
- 16 **Q** In fact, you said that Alpha Lee was -- was he
17 backing up?
- 18 **A** Yes, he was backing up.
- 19 **Q** Did he turn his back at all?
- 20 **A** To Bud?
- 21 **Q** Yeah.
- 22 **A** No.
- 23 **Q** When Bud had the gun, did Alpha Lee ever have his
24 back to him?
- 25 **A** No.

- 1 Q Bud puts the gun down?
- 2 A Right.
- 3 Q At what point does he do this?
- 4 A Alpha Lee swung at him.
- 5 Q Alpha Lee takes a swing?
- 6 A Takes a swing at Bud.
- 7 Q Had Bud had enough and was just going to fight the
- 8 man?
- 9 A Yes.
- 10 Q Did he set the gun down -- in relation to the two of
- 11 them, where did he set the gun? By his feet?
- 12 Somewhere else? Do you know?
- 13 A He just set it down on the ground.
- 14 Q Just set it down?
- 15 A Yeah. Alpha Lee was still backing up at the time.
- 16 Q Okay. All right. Who did you last see with the gun?
- 17 A Boo-Mo.
- 18 Q How did Boo get the gun?
- 19 A He picked it up off the ground.
- 20 Q When did he pick it up?
- 21 A As Bud and Alpha Lee had worked their way on around
- 22 the house.
- 23 Q They were already headed around the house.
- 24 A Alpha Lee was still backing up toward behind the
- 25 house and Boo-Mo picked the gun up.

1 Q They were still going at it?

2 A Yeah.

3 Q Okay.

4 A And Boo-Mo picks the gun up and he goes around the

5 house.

6 Q Is that the last thing that you really see?

7 A Yes.

8 Q You say you hear a couple more gunshots?

9 A That's right.

10 Q But you have no idea what happened over there?

11 A That's right.

12 Q But the last person who had the gun was Boo?

13 A Boo-Mo.

14 Q Going around the house?

15 A That's right.

16 Q Bud and Alpha Lee are already headed around the

17 house?

18 A That's right.

19 Q Did you ever see this? This is -- we're calling it

20 No. 61. Did you ever see a red stick?

21 A No.

22 Q Did you leave when Reggie was leaving?

23 A Yes. I left with Reggie.

24 Q Okay. When they came back from around the house, you

25 said it was Bud that said Alpha Lee ran in the woods?

- 1 **A** Yes. He said he ran in the woods.
- 2 **Q** Did anybody say Alpha Lee got shot or somebody shot
- 3 Alpha Lee?
- 4 **A** Nobody said he got shot.
- 5 **Q** And at this point is Bryan outside anywhere?
- 6 **A** I never saw Bryan outside.
- 7 **Q** The whole time you were there?
- 8 **A** The whole time I was down there I never saw Bryan
- 9 outside.
- 10 **Q** Was he in the house?
- 11 **A** Yes. He was in the house.
- 12 **Q** When Alpha Lee got in the car he told y'all he wanted
- 13 to go home?
- 14 **A** Yes.
- 15 **Q** Is that correct?
- 16 **A** Yes.
- 17 **Q** And home was where?
- 18 **A** We asked him where was home. He said Flint Hill.
- 19 **Q** This house?
- 20 **A** Yes.
- 21 **Q** You'd been here before?
- 22 **A** Yes.
- 23 **Q** You knew this was Bryan's place?
- 24 **A** Yes.
- 25 **Q** Did you know Alpha Lee stayed there?

1 A Well, I knew he was staying there, staying nights
2 there, doing, you know, odds and ends jobs for Bryan,
3 fixing up the house and stuff.

4 Q So he did stuff for Bryan?

5 | **A** Right.

6 Q That's all the questions I have. Thank you,
7 Ms. Lawson.

8 | A Thank you.

9 THE COURT: Redirect?

10 **MR. MAXWELL:** Nothing further, Your Honor.

11 **THE COURT:** All right. Thank you, ma'am. You
12 may step down. You may call your next witness.

13 **MR. MAXWELL:** Your Honor, we ask Ms. Lawson be
14 excused but not released from her subpoena yet.

15 **THE COURT:** All right. You can be excused today
16 but you're still subject to call of the solicitor.
17 You have not been released from your subpoena.

18 **THE WITNESS:** All right.

19 **THE COURT:** All right, Solicitor. Call your
20 witness.

21 **MR. BARFIELD:** Vickie Smith.

22 **THE CLERK:** Raise your right hand.

23 VICKIE SMITH, after being duly sworn, testifies
24 as follows:

25 DIRECT EXAMINATION

1 **BY MR. BARFIELD**

2 **Q** Real loud, real slow; your name?

3 **A** Vickie Smith.

4 **Q** Where do you live now?

5 **A** With my mother.

6 **Q** And in this county or some other county?

7 **A** It's another county, sir.

8 **Q** Did you used to stay here in Fairfield County?

9 **A** Yes, sir, I did.

10 **Q** Are you a native of Fairfield County?

11 **A** Actually Great Falls.

12 **Q** Chester county?

13 **A** Yes, sir.

14 **Q** Were you living in Fairfield County back in April of
15 2008?

16 **A** Yes, sir.

17 **Q** I'm going to rattle off a bunch of names with
18 associated nicknames and just ask you one at a time
19 do you know them. Bud Adams?

20 **A** Yes, sir.

21 **Q** Do you see him in the courtroom today?

22 **A** Yes, sir, I do.

23 **Q** Where is he sitting? What's he wearing?

24 **A** A plaid shirt.

25 **Q** At the table over there?

1 A Yes, sir.

2 Q Bryan Lawhorn. Know him?

3 A Yes, sir.

4 Q Do you know where he lived, lives now and lived back
5 on April 5th, 2008?

6 A I know where he lived on April 5th, but I haven't
7 seen or heard of him since.

8 Q All right. Reggie Gibson. Know him?

9 A Yes, sir.

10 Q Kimberly Lawson. Know her?

11 A Yes, sir.

12 Q Christel Chambers. Did you know her?

13 A No, sir. I never met her.

14 Q Did you see her on April 5th, 2008?

15 A Yes, sir.

16 Q I'm going to ask you some real personal questions.
17 Back in 2008, specifically around April of 2008, did
18 you have a drug problem?

19 A Yes, sir.

20 Q What was your drug of choice?

21 A Crack cocaine.

22 Q Do you currently have a drug problem?

23 A No, sir. I have been recovered for ten months.

24 Q How did you get to the status that you're at now with
25 your drug problem? How did you get straightened out?

- 1 **A** I went through Bryan's Mental Institution, went
2 through Morris Village, and then I went through WCR
3 which is Women's Community Residence in Columbia.
- 4 **Q** Is that a residential treatment center for substance
5 abuse?
- 6 **A** For women, yes.
- 7 **Q** Are you doing okay now?
- 8 **A** Yes, sir I am.
- 9 **Q** Are you clean now?
- 10 **A** I sure am.
- 11 **Q** Who are you living with?
- 12 **A** My mother.
- 13 **Q** You got a job?
- 14 **A** Yes, sir, I do.
- 15 **Q** Have you been hanging out in Fairfield County the
16 last 18 months or so?
- 17 **A** No, sir. I think I've been there one time since this
18 happened.
- 19 **Q** Until now?
- 20 **A** Until now.
- 21 **Q** Of the people that I just gave you the names of, was
22 there one of them that was your first associate or
23 closest associate?
- 24 **A** I -- well, me and Kim had been hanging out an awful
25 lot. Me and Reggie hung out an awful lot. But as

1 far as Bryan's house, no, I never really went there.

2 I never really hung out there.

3 Q All right.

4 A Just on occasions.

5 Q Now, generally speaking, when you hung out with these
6 people back when you had this problem, what were
7 y'all doing?

8 A Messing our life up.

9 Q With what?

10 A Drugs.

11 Q All right. Did you know Alpha Lee Miller?

12 A I sure did.

13 Q Now, let me ask you about -- did you call Reggie
14 Gibson Reggie?

15 A Yes.

16 Q Did you call Kim Lawson Kim?

17 A Yes.

18 Q Did you call Adams -- what did you call Adams?

19 A Bud.

20 Q Did you know -- I didn't ask you about Jackson. Did
21 you know Levarn Marcellus Jackson?

22 A No, sir.

23 Q Did you see him or meet him some day?

24 A I have seen him around, but as far as knowing him,
25 I've never known him.

1 Q Did you know him by a nickname?

2 A Just from what other people called him.

3 Q What did you know other people to call Jackson?

4 A Boo.

5 Q It's late in the day and I hope I didn't just ask you
6 this.. But did you know Alpha Lee Miller by a
7 nickname?

8 A Amp.

9 Q All right. Prior to April 5th of 2008 had you ever
10 been to Bryan Lawhorn's house on Flint Hill Road down
11 in Ridgeway?

12 A Could you repeat the question?

13 Q Certainly. Prior to -- well, I'm going to ask you
14 this and then we'll come back. Were you at Bryan
15 Lawhorn's house on April 5th, 2008 when a shooting
16 happened and Amp died?

17 A Yes, sir, I was.

18 Q Prior to that date had you ever been to Bryan
19 Lawhorn's house?

20 A Yes, sir, I have.

21 Q And for what purpose had you been to Bryan Lawhorn's
22 house prior to that day?

23 A Sometimes to score drugs and sometimes just to visit.

24 Q Was Bud Adams ever at Lawhorn's house when you were
25 there prior to the shooting?

1 **A** Yes, sir. On occasions.

2 **Q** When you went there to score drugs, tell the jury how
3 that would happen. You'd go there and you'd talk to
4 somebody and you'd say something. And just tell the
5 jury how did you buy drugs at Bryan Lawhorn's house?

6 **A** Well, pull up in the yard, and normally either Amp or
7 one of the runners would come out and ask what we
8 wanted. I'd tell them and they would go get it,
9 bring it back.

10 **Q** Did you ever deal directly with Bryan Lawhorn?

11 **A** Just only a couple of times.

12 **Q** What price or quantity would a typical transaction
13 for you be?

14 **A** No less than 20.

15 **Q** \$20?

16 **A** Yes, sir.

17 **Q** You'd get a pretty decent sized rock for \$20, maybe
18 even a couple of little ones sometimes?

19 **A** Yes, sir.

20 **Q** Sometimes more than that?

21 **A** Scoring kind of varied.

22 **Q** Well, sometimes more than \$20 worth that you were
23 buying?

24 **A** Yes, sir.

25 **Q** Depending on what? Your economics? How much money

1 you had?

2 **A** How much money I had or who I was with, how much they
3 had.

4 **Q** Now, when you'd go there to buy dope from Bryan
5 Lawhorn's house and either deal with Bryan or what
6 you referred to as some of his runners or Amp, did
7 you hand over money?

8 **A** Yes, I did.

9 **Q** Did somebody give you -- I think I asked you this --
10 what was your drug of choice? Crack?

11 **A** Crack cocaine, sir.

12 **Q** Did somebody give you crack?

13 **A** Some occasions. Some occasions I didn't get any.

14 **Q** But, I mean, when you went there to buy and actually
15 bought, did somebody hand you the drugs?

16 **A** Yes, sir.

17 **Q** Did you see where the drugs came from?

18 **A** No, sir.

19 **Q** Did you see where anybody went after you placed your
20 order?

21 **A** Just towards the building, the barn.

22 **Q** The barn. Okay. Did you ever buy drugs there that
23 somebody had in the house?

24 **A** No, sir.

25 **Q** Never had drugs in the house that were turned over to

1 you?

2 **A** No, sir.

3 **Q** Let's talk about April 5th, 2008. That day did you
4 get up -- did you see Reggie Gibson that day?

5 **A** Yes, sir, I did.

6 **Q** Did you see Kim Lawson that day?

7 **A** Yes, sir, I did.

8 **Q** Where were you when you saw them first?

9 **A** I was in Columbia on Hard Scrabble. I called Kim and
10 Reggie and asked them will they come and pick me up.

11 **Q** Did they?

12 **A** Some --

13 **Q** Did Kim and Reggie come get you?

14 **A** Yes, sir, they did.

15 **Q** Were they together when they came to get you?

16 **A** Yes, sir, they was [sic].

17 **Q** Were they in the car Reggie drove all the time?

18 **A** Yes, sir.

19 **Q** I don't need to know all the runnings and goings and
20 comings; but did y'all come back to Fairfield County?

21 **A** Yes, sir, we did.

22 **Q** Where did you go when you got to Fairfield County?

23 **A** We rode around. I heard Kim and Lee on the phone.

24 **Q** All right. Don't quote Kim. Was Kimberly on the
25 telephone?

- 1 **A** Yes, sir, she was.
- 2 **Q** Did you hear who she was talking to? Answer the
3 questions carefully. That's a yes or no.
- 4 **A** Yes.
- 5 **Q** Did you hear the voice of the person she was talking
6 to?
- 7 **A** I -- I really can't say whether it was Bryan or
8 whether it was Bud.
- 9 **Q** That's fine. That's fine. And I don't want you to
10 say anything you can say. Was Kim talking to
11 somebody on the phone?
- 12 **A** Yes, she was.
- 13 **Q** And were there any other phone calls while y'all were
14 in the car?
- 15 **A** She was on the phone back and forth. The radio was
16 on. I mean, we were riding down the road. I really
17 wasn't paying attention because at this time I had no
18 idea about what was going on.
- 19 **Q** All right. That's fine. And don't volunteer
20 anything I ain't asking you at this point. Okay?
- 21 **A** Okay.
- 22 **Q** Stay with me. Where did you and Kim and Reggie go
23 when you got to Fairfield County? Not riding around,
24 but did you end up somewhere where Amp was?
- 25 **A** Yes, sir, we did.

- 1 Q Now, was it a house, a trailer, a store, down in the
2 woods? What was it?
- 3 A A doublewide trailer.
- 4 Q Do you know the people that lived at that trailer at
5 least by nickname?
- 6 A Yes, sir.
- 7 Q Give me the nicknames of the people that lived at
8 that trailer.
- 9 A Moon Pie and Terrible Tee's.
- 10 Q All right. Did you and Reggie and Kim go in?
- 11 A Athlete went in first.
- 12 Q Who did?
- 13 A Athlete went in first.
- 14 Q Well, let me back up. Where did y'all get up with
15 Alpha Lee?
- 16 A At Terrible Tee's. Well, Mr. Murphy's house.
- 17 Q All right. Did you all pick up Amp somewhere? I'm
18 going to call him Amp. Is it okay for me to call him
19 Amp?
- 20 A Yes, sir.
- 21 Q Did y'all pick up Amp somewhere in Fairfield County?
- 22 A Yes, sir, we did.
- 23 Q Where did you all pick up Amp?
- 24 A Mr. Murphy's house.
- 25 Q After you picked up Amp at Murphy's house, did the

- 1 now four of y'all go somewhere?
- 2 **A** Yes, sir.
- 3 **Q** Where did you all go?
- 4 **A** We went to Flint Hill.
- 5 **Q** All right. We're completely skipping over Moon Pie
6 and Terrible Tee. Get me back on track here. Where
7 did you first see Amp that morning?
- 8 **A** At Mr. Murphy's house.
- 9 **Q** All right. Who is Moon Pie and Terrible Tee? Where
10 is their house?
- 11 **A** That's Mr. Murphy's house.
- 12 **Q** Okay. I'm good now. Thank you. Thank you. When
13 you got to Mr. Murphy's house, did you go inside?
- 14 **A** Yes, I did.
- 15 **Q** Was Amp inside?
- 16 **A** Yes, he was.
- 17 **Q** What was Amp doing inside the house?
- 18 **A** He was in the kitchen cooking up powder cocaine.
- 19 **Q** What is the product of cooking up powder cocaine?
- 20 **A** I don't know. All I know is you cook it up and it
21 makes it hard and you smoke it.
- 22 **Q** The product that you use, the cooked up hard product
23 that you smoke?
- 24 **A** Yes, sir.
- 25 **Q** Did you and Amp talk? Don't tell me what he said;

- 1 but did you and Amp talk?
- 2 **A** Yes, sir.
- 3 **Q** Did you at any time prior -- you told us earlier that
- 4 you went to Flint Hill where this happened. When
- 5 this happened, any time to being at Flint Hill had
- 6 you talked to Bud Adams on the telephone or otherwise
- 7 that day?
- 8 **A** No, sir.
- 9 **Q** Did y'all leave Mr. Murphy's and go somewhere?
- 10 **A** Yes, sir, we did.
- 11 **Q** Who left?
- 12 **A** Me, Reggie, Kim and Athlete.
- 13 **Q** And in the same car y'all came in?
- 14 **A** Yes, sir.
- 15 **Q** Did you know where you were going?
- 16 **A** Yes, sir. I did.
- 17 **Q** Where were y'all headed?
- 18 **A** Amp wanted to go home.
- 19 **Q** Where was home?
- 20 **A** Flint Hill.
- 21 **Q** And where on Flint Hill? Whose house on Flint Hill?
- 22 **A** Bryan's.
- 23 **Q** Did y'all go there?
- 24 **A** Yes, we did.
- 25 **Q** When you got there what did Amp do?

- 1 **A** He handed me some things and told me to hold them,
2 that he would be right back.
- 3 **Q** Well, what did Amp hand you?
- 4 **A** A crack stem and a beer can.
- 5 **Q** And a beer?
- 6 **A** Yes, sir.
- 7 **Q** A crack stem is something you smoke crack out of?
- 8 **A** Smoke out of, yes, sir.
- 9 **Q** And a beer can?
- 10 **A** Yes, sir.
- 11 **Q** Had he been drinking a beer?
- 12 **A** Yes, sir.
- 13 **Q** Did Amp get out of the car?
- 14 **A** Yes, he did.
- 15 **Q** Where did Amp go?
- 16 **A** He went inside on the porch to the front door, walked
17 in. He was probably in there two seconds and run
18 back out the door.
- 19 **Q** He came out running you say?
- 20 **A** Yes, sir, he did.
- 21 **Q** Were you inside when he stuck his head in the door?
- 22 **A** No, sir. I was sitting in the car.
- 23 **Q** You don't know what happened inside?
- 24 **A** No, sir.
- 25 **Q** Where did Amp go when he ran out the door?

1 **A** He went to his left down to the barn. Around the
2 back side of the barn there's a trail. He went
3 inside the trail.
4 **Q** Did he go out of your sight?
5 **A** Yes, he did.
6 **Q** The trail goes to where?
7 **A** I don't know, sir.
8 **Q** Is it woods?
9 **A** It's woods. Yes, sir.
10 **Q** Did he disappear?
11 **A** For just barely a second.
12 **Q** Did anybody come out of the house after Amp?
13 **A** Yes, sir.
14 **Q** Who came out next?
15 **A** Mr. Adams.
16 **Q** How soon after? Was Amp out of sight before Bud came
17 out?
18 **A** He was halfway down to the building by the time Bud
19 came out.
20 **Q** Did anybody else come out?
21 **A** A few. Yeah. A little while later.
22 **Q** All right. Bud is the first man out?
23 **A** Bud was the first man out.
24 **Q** Did you see Amp again?
25 **A** Yes, sir. I saw Amp when he came back out of the

- 1 woods.
- 2 Q Where was Bud when Amp came out of the woods?
- 3 A Coming around the front side of the barn. Amp was
- 4 coming around the back side of the barn.
- 5 Q When Bud came out, did Bud go the same way Amp went?
- 6 A Bud went towards Amp. Yes, sir.
- 7 Q When Amp came out and went towards the barn, did he
- 8 go around the front of the barn to go to the woods?
- 9 A No, sir, he didn't.
- 10 Q He went around the back of the barn to the woods?
- 11 A He went around the back of the barn. There's a
- 12 little trail he went through.
- 13 Q When Bud came out, did he go all the way to the barn?
- 14 A Yes, sir, he did.
- 15 Q Did he go around the barn and out of your sight?
- 16 A At one time, yes, sir.
- 17 Q Did he go around the front of the barn or the back of
- 18 the barn?
- 19 A I'm not really sure, sir.
- 20 Q That's fine. That's fine. Did the two of them come
- 21 back into your sight?
- 22 A Yes, sir, they did.
- 23 Q Were they close together when they came back around?
- 24 A No, sir. They wasn't very close together.
- 25 Q Who was where?

1 **A** Bud was in front of Amp. Amp was like backing up,
2 was like, hold, man, hold man. And I seen Bud pull
3 the gun out.

4 **Q** Stop. Were they near the barn? Where did you
5 first -- who did you see first? When they both went
6 out of your sight, who did you see first come back in
7 sight first?

8 **A** Athlete.

9 **Q** Where was he when you saw him?

10 **A** He was coming out of the trail, coming, going behind
11 the house until he ran into Mr. Bud.

12 **Q** Was he coming around behind the barn or behind the
13 house?

14 **A** He was coming out from behind the barn.

15 **Q** Okay. Did they meet up somewhere out there between
16 the house and the barn?

17 **A** Yes, sir, they did.

18 **Q** Did they get some fairly close distance to each
19 other?

20 **A** Fairly close. I mean, it wasn't --

21 **Q** As close as you and I?

22 **A** About as far as, say, me and the lady in the black.

23 **Q** Okay. Did you see Amp with anything when he came out
24 of the woods?

25 **A** No, sir.

1 Q At this point had anybody else come out of the house?

2 A At this point Boo-Mo did.

3 Q Had anybody else come out of the house at this point?

4 A A little while later.

5 Q Who came out later? We'll get to that in a minute.

6 A Who came out later.

7 Q Later.

8 A Mr. Lawhorn.

9 Q All right. Now, when Amp came out of the woods, what

10 did Bud do?

11 A He --

12 Q Not what he said. What did he do?

13 A He pulled out a gun.

14 Q What did he do -- well, we'll get back to the gun.

15 Did Bud say anything to Amp?

16 A Yes, he did. He said you f'g stole my dope.

17 Q I don't want you to say the word if you don't want

18 to. But if you feel comfortable saying it, say it.

19 A I'd rather not say it, sir.

20 Q That would be fine. F'g -- the F word?

21 A You fucking stole my dope.

22 Q Who was he talking to?

23 A He was talking to Athlete.

24 Q Did Amp respond to that?

25 A He was like: Nah, man; nah, man; nah, man.

1 Q You held your hands up. Did Amp have his hands up?
2 A Yes, sir.
3 Q Were they facing each other? Maybe not face-to-face,
4 but were they looking toward each other?
5 A They were looking toward each other. And Athlete was
6 like backing up fixing to run.
7 Q What did Bud do?
8 A He shot the gun at Athlete. And from what I saw,
9 Athlete ran. I didn't see Athlete any more.
10 Q Stop. Bud shot the gun at Amp?
11 A Mm-hmm (affirmative).
12 Q Do you recall how many shots you heard?
13 A I heard four altogether. But during this time it was
14 only one shot.
15 Q One shot. Was Amp still backing up when Bud shot the
16 first time, or had Amp --
17 A He had took off running, yes, sir.
18 Q And where was Amp running toward?
19 A Behind the house in the woods.
20 Q The same way he had come out of the woods?
21 A No, sir.
22 Q Behind the house?
23 A Behind the house.
24 Q He ran behind the house?
25 A Yes, sir.

- 1 Q One shot?
- 2 A At that time.
- 3 Q Did Amp go down when that shot got fired?
- 4 A I don't know, sir. I wasn't back there. I was on
- 5 the front porch.
- 6 Q Well, did you see -- were you looking at Amp when the
- 7 first shot got fired?
- 8 A Yes, sir. But I hit the porch.
- 9 Q Okay. I'll ask you this. And if you don't know,
- 10 that's fine. But did you ever see Amp fall to the
- 11 ground after you had heard a gunshot?
- 12 A No, sir.
- 13 Q What did Bud do -- was Bud standing still when he
- 14 fired the shot at Amp who was running?
- 15 A Yes, sir, he was.
- 16 Q Did Bud move after he fired that first shot?
- 17 A Yes, sir, he did.
- 18 Q How did he move and where did he move?
- 19 A Amp turned around and started running and he went
- 20 behind him.
- 21 Q Behind whom?
- 22 A Athlete.
- 23 Q Running?
- 24 A Yes, sir.
- 25 Q Now, let's go back and talk about Boo for a minute.

1 You told us a minute ago that Boo had come outside?

2 A Yes, sir.

3 Q That was sometime after Bud?

4 A Yes, sir.

5 Q Where did Boo put himself when all of this was going

6 on that you've just told us about?

7 A I don't know, sir. I didn't really even pay

8 attention to Boo.

9 Q Did you see -- did Amp run out of your sight?

10 A Yes, sir, he did.

11 Q Did Bud run out of your sight?

12 A Yes, sir, he did.

13 Q Did you see Boo moving anywhere?

14 A No, sir, I didn't.

15 Q At some point did you see Bryan come out of that

16 house?

17 A Yes, sir, I did.

18 Q When did Bryan come out of the house?

19 A After they had went behind the house.

20 Q Where did Bryan go?

21 A He went behind the house.

22 Q And all of them went behind the house from between

23 the house and the barn? Is that what you're saying?

24 A Yes, sir. They went behind the house, not inbetween

25 that area. They all went behind the house.

- 1 Q Okay. But when they went behind the house, did they
2 go behind the house by going between the house and
3 the barn?
- 4 A Yes, sir.
- 5 Q Where was everybody else?
- 6 A On the porch.
- 7 Q Where was Reggie? Did Reggie move at some point?
8 Where was Reggie?
- 9 A Reggie was on the porch with us, and he -- we were
10 all really scared. And he was ready to get in his
11 car. And at a point in time he did go get in his car
12 and he was ready to go.
- 13 Q By himself did he get in the car?
- 14 A Yes, sir.
- 15 Q Did he move the car in some way before he left?
- 16 A I -- I'm really not sure. I think maybe he turned it
17 around but I'm not sure.
- 18 Q Did Reggie do anything to try to get your and Kim's
19 butt in the car with him?
- 20 A Yes, he did. He told us if we was [sic] going we
21 needed to come on.
- 22 Q And did y'all go get in the car?
- 23 A Yes, we did.
- 24 Q At some point? At some point?
- 25 A Yes, we did.

1 Q Okay. Amp is gone. Bud is gone. Boo is gone. Is
2 that correct?

3 A I seen Bud and Boo walk back around the opposite side
4 of the house.

5 Q All right. Well, we ain't got there yet. At some
6 point when you're on the porch Amp is out of sight.
7 Is that correct?

8 A Yes, sir.

9 Q Is Bud out of sight?

10 A Yes, sir.

11 Q Is Boo out of sight?

12 A Yes, sir.

13 Q Is Bryan Lawhorn out of sight?

14 A He hasn't come out the house yet.

15 Q Did Bryan come out and go outside?

16 A Yes, he did.

17 Q Now, all four of them are not visible to you at some
18 point?

19 A No, sir.

20 Q You're on the porch. Did you see any of those -- let
21 me ask you two questions. From when Amp ran to the
22 woods behind the house, had you seen Amp from that
23 second to today? Did you ever see him again?

24 A No, sir, I didn't.

25 Q When you last saw the pistol -- was it a pistol,

- 1 first of all? A handgun?
- 2 A Yes, sir.
- 3 Q Who had the pistol the last time you saw the pistol?
- 4 A Mr. Adams.
- 5 Q Did you see Bud Adams again while you were at the
- 6 house that day?
- 7 A Yes, I did.
- 8 Q Where did you see him?
- 9 A He came back around the opposite side of the house.
- 10 Q All right. Stop right there. State's 1 and State's
- 11 2, State's 1 and State's 3, that the front of the
- 12 house?
- 13 A Yes, it is.
- 14 Q Is that the barn you've been talking about?
- 15 A Yes, sir.
- 16 Q State's 1 is the house. State's 3 is the barn?
- 17 A Yes, sir.
- 18 Q If you're standing in the road looking at the house,
- 19 is the barn over here on this side of the house?
- 20 A Yes, sir, it is.
- 21 Q Now, you just said you saw Bud come back out of
- 22 the -- back into view on the other side of the house?
- 23 A I said side.
- 24 Q Over here where my elbow is?
- 25 A Yes, sir.

- 1 Q Well, where did Bud go?
- 2 A He -- he just -- he walked around. And I asked him
- 3 where was he? Did they find him? And his exact
- 4 words was, the mother-fucker got away.
- 5 Q Did you see Boo again?
- 6 A Yes, sir. He was with him.
- 7 Q They were pretty much together when they came back?
- 8 A Yes, sir.
- 9 Q Did you see anything down around that side of the
- 10 house toward the woods?
- 11 A When I walk off the porch I went straight to the car.
- 12 Q Did you see Bryan Lawhorn again?
- 13 A Yes, sir, I did.
- 14 Q Where was he when you next saw him?
- 15 A You mean after they came back? I never seen him come
- 16 back around.
- 17 Q You didn't see Bryan -- well, did Bryan appear again?
- 18 A Yes, he did.
- 19 Q Where was he when you next saw him?
- 20 A Inside the house.
- 21 Q You don't know how he got inside the house?
- 22 A No, sir.
- 23 Q Did Reggie get in the car?
- 24 A Yes, he did.
- 25 Q Did Kim get in the car at some point?

- 1 **A** Not exact -- me or her neither one did at that exact
2 moment.
- 3 **Q** At some point?
- 4 **A** At some point, yes, we did.
- 5 **Q** Did Ms. Vickie get in the car at some point?
- 6 **A** Yes, sir.
- 7 **Q** Did Bryan Lawhorn get in the car at some point?
- 8 **A** Yes, sir.
- 9 **Q** Did all four of y'all truck out of there together in
10 that car?
- 11 **A** Yes, sir.
- 12 **Q** Did you see the pistol -- I asked you about seeing
13 Amp. You said you didn't see Amp after he ran to the
14 other side. Did you see that pistol after you saw it
15 in Bud's hand when he fired the shot?
- 16 **A** No, sir.
- 17 **Q** Did hear any shot or shots after that first shot that
18 you saw Bud fire?
- 19 **A** Yes, I did.
- 20 **Q** Were any of the four of these guys, Amp, Bud, Boo or
21 Bryan, in your sight when you heard more shots?
- 22 **A** No, sir.
- 23 **Q** How many more shots did you hear?
- 24 **A** I would say three.
- 25 **Q** From what direction did you hear -- could you tell

1 from which direction the shots were coming?

2 A Say that's the back of the house back there, I heard

3 the shot going towards the back of the house.

4 Q Shots from the back of the house?

5 A Yes.

6 Q The sound from the back of the house?

7 A Yes, sir.

8 Q Did you all take -- did people get -- after y'all

9 left, four people in the car, did people get dropped

10 off at various places?

11 A Yes, sir, I did.

12 Q Who got dropped off first?

13 A Bryan.

14 Q Where did Bryan get dropped off?

15 A I think it was with his girlfriend.

16 Q Who got dropped off next?

17 A Me.

18 Q And where did you get dropped off?

19 A Carolina Drive.

20 Q And down in Ridgeway?

21 A Blythewood, Ridgeway, inbetween.

22 Q That's fine. Did you see any of these people that

23 we've been talking about any other time Saturday?

24 A No, sir.

25 Q Did you at some point find out that Amp was dead?

1 **A** Yes, sir.

2 **Q** The same day?

3 **A** The same day, sir.

4 **Q** Did you have contact with the police about that?

5 **A** The same day.

6 **Q** Did they come to you or did you go to them?

7 **A** They came to me.

8 **Q** Did you get locked up? Never mind. Did you get
9 locked up related to this case?

10 **A** No, sir, I didn't.

11 **Q** You did not get charged with anything for this case?

12 **A** No, sir.

13 **Q** Thank you, ma'am. Answer anything Mr. Frick has?

14 **THE COURT:** Cross examination, Mr. Frick.

15 **MR. FRICK:** Thank you, Your Honor.

16 CROSS EXAMINATION

17 **BY MR. FRICK**

18 **Q** You were in the car when Alpha Lee came over? Is
19 that how you got there or how did you get there?

20 **A** I was in the car with Reggie, Kim and me and Athlete.

21 **Q** Okay. All right. And this is the car everybody is
22 riding around in and Alpha Lee said, I want to go
23 home, and home is Flint Hill and all that stuff,
24 right?

25 **A** Yes, sir.

1 Q He gets out of the car first?

2 A Yes, sir.

3 Q You're still in the car?

4 A Yes, sir.

5 Q When did you get out of the car?

6 A After he come out of the house.

7 Q Okay. Where did you go?

8 A On the front porch.

9 Q On the front porch. All right. They keep hiding my
10 pictures. All right. Okay. This is the front porch
11 we've talked about. I'm showing you State's I
12 believe No. 1. This is the front porch?

13 A Mm-hmm (affirmative).

14 Q And you've got to answer yes or no.

15 A All right.

16 Q Somebody is going to yell at me if you don't. You
17 were standing on this front porch?

18 A Yes, sir. I was standing over here right around in
19 this corner here, right here.

20 Q Near where the opening to the front porch is?

21 A Yeah. Right in front of the front door, as a matter
22 of fact.

23 Q Were you there when -- you weren't there when Alpha
24 Lee comes out?

25 A Yes, I was, sir.

- 1 Q You were?
- 2 A I was in the car. The car was parked right in front
3 of the porch.
- 4 Q You said he kind of --
- 5 A Took off real fast.
- 6 Q -- took off out of the house. Okay. Bud was next
7 out of the house?
- 8 A Yes, sir, he was.
- 9 Q Boo followed him?
- 10 A Not right after.
- 11 Q In fact, you didn't really know who it was?
- 12 A I didn't know him at the time.
- 13 Q This is the spot you were standing when all the stuff
14 happens down at the barn?
- 15 A Yes, sir.
- 16 Q Did you move from this location?
- 17 A No, sir.
- 18 Q Who was on the porch with you?
- 19 A Kim, Reggie, me and Christel.
- 20 Q Is it true that earlier you testified you didn't know
21 who Christel was?
- 22 A That's right, sir.
- 23 Q Now, you became aware of who Christel is today,
24 didn't you?
- 25 A That's because I heard her name in here today, sir.

- 1 Q Okay. Well, before today --
- 2 A I never knew her, never met her, never seen her.
- 3 Q And your view is down towards the barn, essentially
- 4 what we're showing in No. 3 here, right?
- 5 A Yes, sir.
- 6 Q Okay. I'll skip around who went where. But --
- 7 A Alpha Lee went behind her.
- 8 Q He went over on this side of the barn?
- 9 A On this side behind it.
- 10 Q You're in the car with him. Does he have a gun or
- 11 anything on him?
- 12 A No, sir.
- 13 Q Did you see him coming out of the house with a gun?
- 14 A No, sir.
- 15 Q Did you see anybody coming out of the house with a
- 16 gun?
- 17 A No, sir.
- 18 Q So the gun conceivably came from the woods?
- 19 A It either come [sic] from the woods or Bud had it on
- 20 him.
- 21 Q But you didn't see it on him, did you?
- 22 A No. I'm just saying it either come out of the woods
- 23 or either he had the gun and pulled it out.
- 24 Q Or it could have been Boo, couldn't it?
- 25 A No, it couldn't have, because I know the difference

1 between Boo and Bo [sic].

2 Q Thought you said you didn't know who Boo was?

3 A I know what he looks like. I know what Mr. Adams
4 looks like and I know he is the one that had the gun.

5 Q All right. But it is your belief the gun came out of
6 the woods?

7 A No, sir. It's not.

8 Q Okay. When was the first time you see the gun?

9 A Mr. Adams pulled it out.

10 Q So this whole transaction of the gun between the two,
11 you didn't see that?

12 A No. I didn't see anything of Athlete picking up no
13 gun, laying it on the ground. I seen none of that.
14 I wasn't aware of any of that.

15 Q You weren't aware of a whole lot, were you?

16 A Well, I think --

17 Q How much did you smoke that day? When did you start?

18 A I really didn't smoke a lot that day.

19 Q Right. Because this was Saturday, right?

20 A Yes, sir.

21 Q How much did you smoke the day before?

22 A Not a whole lot.

23 Q When did you start?

24 A Probably Friday morning.

25 Q Friday morning. Okay. And you kept smoking through

1 the day?

2 A I have to be rich to be able to afford to smoke all
3 through the day and night.

4 Q Did you not testify earlier today that you smoked all
5 day?

6 A I smoked, but I didn't continuously smoke hour after
7 hour after hour after hour.

8 Q You didn't chain smoke. But you were smoking
9 crack --

10 A I was smoking, yes.

11 Q -- throughout the day?

12 A Yes, I was.

13 Q Were you drinking as well?

14 A I sure was.

15 Q What were you drinking?

16 A Moonshine.

17 Q How long had you been drinking?

18 A Probably -- altogether, probably about 19, 20 hours.

19 Q Now, the shooting that occurs happens on that
20 Saturday afternoon, right?

21 A Yes.

22 Q How long had you been up?

23 A A good while. That doesn't affect my eyesight.

24 THE COURT: Just answer the questions, please,
25 ma'am.

1 Q In fact, you'd been up since sometime on Friday
2 morning, hadn't you?

3 A Yes, sir.

4 Q So really over 24 hours you're awake, right?

5 A Pretty much so.

6 Q Would you not agree that that would affect -- I'm not
7 saying your eyesight. Your eyesight is probably
8 perfectly fine. What I'm saying, it would affect
9 your perception?

10 A No.

11 Q Smoking crack affects your perception?

12 A What do you mean by perception?

13 Q Well, you tell me. What's your perception?

14 THE COURT: She says she doesn't understand the
15 question.

16 THE WITNESS: I don't understand the question,
17 Your Honor.

18 THE COURT: All right. Rephrase the question.

19 MR. FRICK: I'll withdraw the question, Your
20 Honor.

21 THE WITNESS: Thank you.

22 Q All right. So the first time you see the gun it's in
23 Bud's hand?

24 A Yes, sir.

25 Q You don't have any idea where it came from?

1 **A** I think it come out of the jogging pants he had on.

2 **Q** I'm not asking you because you said you didn't see
3 that.

4 **MR. BARFIELD:** Your Honor, he asked her the
5 question. She tries to answer it.

6 **THE WITNESS:** I'm trying to answer the question.

7 **THE COURT:** Whoa, whoa, whoa. Wait.

8 **THE WITNESS:** I'm sorry.

9 **THE COURT:** You have the right to ask her the
10 question. She has the right to give her explanation.

11 **MR. FRICK:** Yes, sir.

12 **Q** Go ahead.

13 **THE COURT:** Go ahead. Answer the question.

14 **A** From my understanding, he pulled it out from his
15 jogging pants which was a gray pair of jogging pants
16 he had on.

17 **Q** Your understanding. Where does your understanding
18 come from?

19 **THE COURT:** You can't say it on the basis of
20 what somebody told you. You have to say what you
21 believe.

22 **A** That's what I believe. That's what I seen and that's
23 what I believe.

24 **Q** Is that what you believe or what somebody told you?

25 **A** Ain't nobody told me nothing, sir. I saw it. I was

1 there.

2 Q Okay. And you said on that side of the house there
3 was one shot fired?

4 A In my eyesight, yes.

5 Q You saw one shot fired?

6 A Yes, sir, I did.

7 Q And then what happened?

8 A Athlete turned around, went running, and Bud went
9 behind him.

10 Q Did you not just tell the solicitor as soon the shot
11 was fired you fell to the floor?

12 A But does that matter? I know they went running --

13 **THE COURT:** No. Don't ask questions. Just
14 answer his questions.

15 A I know they went running behind the house. I mean --

16 Q You could see through the floor?

17 A No.

18 **THE COURT:** Ask a question, Mr. Frick.

19 Q Could you see through the floor?

20 A No, I couldn't, sir.

21 Q So you don't know who did what?

22 A If you say so.

23 **THE COURT:** No. No. You answer the question,
24 please.

25 A I do know that he pulled the gun out and I do know

1 that he shot and I do know that Athlete ran. So --

2 Q Because someone told you?

3 A Someone didn't tell me, sir. I was there. When he
4 fired that first shot, I hit the floor. I seen him
5 fire the shot.

6 Q Okay. This is the barn. This is the view you had,
7 right? Essentially?

8 A Essentially. Yes, sir.

9 Q All right. This is State's No. 3. Where was the
10 shot fired?

11 A Inbetween here. Inbetween the building and the
12 house.

13 Q Okay. Not where these little markers are?

14 A Sir, I don't know exactly. I wasn't there when
15 everyone done it. I wasn't there when the yellow
16 markers were there. I don't know exactly what area
17 they were in.

18 Q Hold on. Hold on. Hold on. You're answering a
19 question I'm not asking. I'm asking, these markers
20 are here. Let's don't worry about how they got
21 there. My question is, is this where the shot was
22 fired?

23 A Pretty much, yes.

24 Q Well, you said over here just a second ago.

25 A Well, you know what, sir? I don't know what area it

1 was, but I know the shot was fired and I know he shot
2 him.

3 Q You don't know what area it was. Okay?

4 A I know it was inbetween the house and the barn.
5 There is a lot of grassy area right there. And I
6 don't know exactly what spot it was.

7 Q That's because you were standing on the edge and you
8 couldn't see. Isn't that right?

9 A I seen, sir.

10 Q Okay. You said you had been to the house before?

11 A Yes, I have.

12 Q And I don't mean this to disparage you, but it is
13 part of the case. You would go there and use crack
14 cocaine with other people, wouldn't you?

15 A I never went there and used, sir. I went there and
16 bought. I never used there.

17 Q Okay. Very well. You purchased from there?

18 A Yes, sir.

19 Q Who would you purchase from?

20 A Athlete.

21 Q Uh-huh (affirmative).

22 A Mr. Longhorn [sic] on a couple of occasions.

23 Q Uh-huh (affirmative).

24 A And a couple of other fellas. I can't remember their
25 names now.

1 Q Did you ever purchase from Mr. Adams?

2 A No, I haven't.

3 Q Thank you. That's all the questions I have.

4 THE COURT: Redirect?

5 MR. BARFIELD: None.

6 THE COURT: All right. Thank you, ma'am.

7 THE WITNESS: You're welcome.

8 THE COURT: You may step down.

9 MR. BARFIELD: May she be excused but not
10 released from the subpoena.

11 THE COURT: All right. You are excused but not
12 released from your subpoena. So you are subject to
13 being recalled.

14 MR. BARFIELD: You can go home. And if we need
15 you, we'll let you know.

16 THE COURT: All right. Mr. Maxwell, call your
17 next witness.

18 MR. MAXWELL: Your Honor, the State calls
19 Christel Chambers.

20 THE COURT: All right. Get Ms. Chambers,
21 please.

22 (Pause)

23 THE COURT: All right, counsel. Come up again,
24 please.

25 (Whereupon, a bench conference is had)

1 **THE CLERK:** Raise your right hand, Christel.

2 CHRISTEL CHAMBERS, after being duly sworn,
3 testifies as follows:

4 **THE COURT:** All right, sir.

5 DIRECT EXAMINATION

6 **BY MR. MAXWELL**

7 **Q** State your name, ma'am?

8 **A** Christel Chambers.

9 **Q** And, Ms. Chambers, are you from Fairfield County?

10 **A** Yes, sir.

11 **Q** What part of the county are you from?

12 **A** Winnsboro.

13 **Q** Have you lived in Winnsboro for most of your life?

14 **A** All my life.

15 **Q** Did you ever spend any time in Ridgeway or know
16 anybody from Ridgeway?

17 **A** Yes, sir.

18 **Q** And before I get too much into that, where are you
19 currently residing?

20 **A** SC --

21 **Q** Where are you housed?

22 **A** SCDC.

23 **Q** Is that the Department of Corrections?

24 **A** Yes.

25 **Q** And what kind of -- what are you in the Department of

1 Corrections for?

2 **A** Distribution, possession and violation of probation.

3 **Q** Distribution and possession of what?

4 **A** Crack.

5 **Q** Cocaine?

6 **A** Yes.

7 **Q** Now, the convictions you're serving time on, do they

8 have anything to do with what happened on April 5th,

9 2008?

10 **A** No, sir.

11 **Q** Do they have anything to do with Bryan Lawhorn or Bud

12 Adams?

13 **A** No, sir.

14 **Q** Totally separate instances, right?

15 **A** Yes, sir.

16 **Q** When did you go to prison? Do you remember which

17 month or when about you went to prison?

18 **A** December of last year.

19 **Q** So you were out of prison in April of 2008?

20 **A** Yes. I was still in the county.

21 **Q** You were still living around here?

22 **A** (Nods head affirmatively).

23 **Q** Do you know or did you know Bryan Lawhorn?

24 **A** Yes.

25 **Q** Did you know where his house was?

- 1 A Yes.
- 2 Q Had you been to his house?
- 3 A Yes.
- 4 Q And where was his house about? I know the address.
- 5 But what area of the county was it in?
- 6 A In Ridgeway.
- 7 Q Was it on Flint Hill Road out in the country?
- 8 A Yes.
- 9 Q Did you know Bud Adams?
- 10 A Yes.
- 11 Q Or Willie Adams. What name did you know him by?
- 12 A Bud.
- 13 Q How did you know Mr. Adams?
- 14 A Through a mutual friend.
- 15 Q And how long have you known Mr. Adams?
- 16 A A couple of years.
- 17 Q Do you see Mr. Adams in the courtroom?
- 18 A Yes.
- 19 Q Is he sitting at the other table over here with the
- 20 plaid shirt on?
- 21 A Yes.
- 22 Q Do you know Levarn Jackson?
- 23 A Yes.
- 24 Q Do you know him through a nickname or by a nickname?
- 25 A Boo Man, Boo-Mo, something like that.

1 **THE COURT:** Say that again. She didn't get it
2 and I didn't get it.
3 **Q** Just repeat that. What's your nickname for him?
4 **A** Boo Man or Boo-Mo.
5 **Q** Do some people call him Boo?
6 **A** Yes.
7 **Q** Did you know Alpha Lee Miller?
8 **A** Yes.
9 **Q** How did you know Mr. Miller?
10 **A** Just through being out in the area.
11 **Q** In the Ridgeway area?
12 **A** Yes.
13 **Q** Did you know Reggie Gibson?
14 **A** Not really.
15 **Q** Did you know Kimberly Lawson?
16 **A** Yes.
17 **Q** Did you know Vickie Smith or Vickie Cooper?
18 **A** No.
19 **Q** Were you present at Bryan Lawhorn's house on Flint
20 Hill Road on April 5th, 2008 during a shooting
21 incident?
22 **A** Yes.
23 **Q** Let's go back to the night before, the Friday night.
24 What were you doing or where were you at on Friday
25 night? Were you down in --

- 1 A I was in Winnsboro.
- 2 Q At some point on Friday night or Saturday morning,
- 3 did you communicate with Bud Adams?
- 4 A Yes.
- 5 Q Was there a phone call exchanged?
- 6 A Yes, sir.
- 7 Q And what happened from the phone call that caused
- 8 y'all to meet up? Did you all meet up at some point?
- 9 A He came to pick me up.
- 10 Q From Winnsboro?
- 11 A Yes.
- 12 Q Do you recall what time it was?
- 13 A Approximately 5, 5:30.
- 14 Q Is that Saturday morning?
- 15 A Yes.
- 16 Q It was still dark outside?
- 17 A Yes.
- 18 Q The sun hasn't come up yet?
- 19 A Hmm-mm (negative).
- 20 Q Who was he with when he comes and picks you up?
- 21 A Mr. Jackson.
- 22 Q Boo?
- 23 A Yes.
- 24 Q Where are y'all going after he -- where did y'all go
- 25 after he picked y'all up?

- 1 **A** Ridgeway.
- 2 **Q** That would be Bryan Lawhorn's house?
- 3 **A** Yes.
- 4 **Q** Now, on the ride back to Bryan Lawhorn's house, did
- 5 Bud Adams say anything?
- 6 **A** He just said he had a feeling that Alpha Lee stole
- 7 some stuff.
- 8 **Q** Do you know what kind of stuff he was talking about?
- 9 **A** No.
- 10 **Q** Did know anything about Alpha Lee taking some stuff?
- 11 **A** No.
- 12 **Q** Did you end up back at Bryan Lawhorn's house on Flint
- 13 Hill Road?
- 14 **A** Repeat?
- 15 **Q** Did you end up back at Bryan Lawhorn's house on Flint
- 16 Hill Road?
- 17 **A** Yes.
- 18 **Q** Where did y'all park the car? Do you recall?
- 19 **A** Not necessarily.
- 20 **Q** Did you pull into the driveway?
- 21 **A** Yes.
- 22 **Q** Parked near the house?
- 23 **A** Yes. Somewhere around in there.
- 24 **Q** When y'all got out of the car on Flint Hill Road,
- 25 what did Bud do?

- 1 **A** We all walked -- well, him and Boo walked to the
2 barn. I walked halfway to the barn with them.
- 3 **Q** Now, as you're facing the house, is the barn off to
4 your right?
- 5 **A** Yes.
- 6 **Q** Still dark outside?
- 7 **A** Yes.
- 8 **Q** What did Bud do? What did you see him doing as they
9 walked towards the barn?
- 10 **A** They just went in and came right back out.
- 11 **Q** How long were they in the barn?
- 12 **A** Not long.
- 13 **Q** Did both of them go in the barn?
- 14 **A** I can't remember.
- 15 **Q** How far -- where were you standing when you thought
16 you saw them go into the barn?
- 17 **A** Probably inbetween the house and the barn.
- 18 **Q** What did Bud say when he came of the barn?
- 19 **A** It's gone.
- 20 **Q** He said, it's gone?
- 21 **A** Yes.
- 22 **Q** Did you know when he was referring to?
- 23 **A** No.
- 24 **Q** Where did Bud go next?
- 25 **A** He went to a broke down car.

1 Q Where was the car parked at?

2 A Like across the house, across from the house in a

3 little grassy area.

4 Q Did he go inside the car?

5 A He opened the car door.

6 Q He didn't drive it anywhere, did he?

7 A No.

8 Q Did he get back out?

9 A Yes. .

10 Q Did he say anything?

11 A He just said, it's gone.

12 Q Did you know what he was referring to then?

13 A No, sir.

14 Q What did y'all do next?

15 A We went in the house.

16 Q Is anybody else there besides you, Bud and Boo?

17 A No.

18 Q What did y'all do in the next couple of hours?

19 A We just sat around, dozed off, and that's it.

20 Q Did Bud ever bring up what was missing from him

21 again?

22 A No.

23 Q Did Reggie Gibson -- you said you know Reggie Gibson,

24 correct?

25 A Yes. By his face. Not really.

- 1 Q Do you recall him coming by the house sometime
2 Saturday morning?
- 3 A Yes.
- 4 Q Did Bud say anything to Reggie that you remember?
- 5 A I think he asked where I believed he was at.
- 6 Q Did Reggie end up leaving in his car?
- 7 A Yes.
- 8 Q Was Reggie by himself or was anybody else with Reggie
9 at that time?
- 10 A No. He was by hisself [sic].
- 11 Q Did Bryan come back to the house at some point?
- 12 A Yes. Later on.
- 13 Q After or before Reggie came the first time?
- 14 A After.
- 15 Q When Bryan got there, did Bud say anything or ask
16 anything to Bryan?
- 17 A I think he told Bryan that some stuff was gone.
- 18 Q Do you know what kind of stuff he was talking about?
- 19 A No.
- 20 Q Did Reggie come back a second time?
- 21 A Yes.
- 22 Q Do you know who was with Reggie when he came back to
23 second time?
- 24 A Yes.
- 25 Q Who was with Reggie the second time?

1 **A** Kim and Vickie.

2 **Q** Was Alpha Lee with them?

3 **A** Yes. And Alpha Lee.

4 **Q** But you didn't know Vickie then. You said Vickie.

5 Do you know Vickie or --

6 **A** Just by her looks. I don't know her.

7 **Q** Did you see the car pull up?

8 **A** Yes.

9 **Q** Did you see Alpha Lee get out of the car?

10 **A** No.

11 **Q** Did he come to the door?

12 **A** Yes.

13 **Q** What happened when he came -- when Alpha Lee came to

14 the door?

15 **A** Bud just confronted him about where some stuff was

16 at.

17 **Q** What did Bud say to him that you heard?

18 **A** He just said, where is it at.

19 **Q** What did Alpha Lee do?

20 **A** He said it was out there and then they left.

21 **Q** Alpha Lee go out first?

22 **A** Yes.

23 **Q** And could you see where Alpha Lee walked to when he

24 walked out of the house?

25 **A** No.

1 Q Did he walk to the left or to the right or could you
2 tell?

3 A I don't know. I did not go outside the house.

4 Q And you're still inside at this point?

5 A Yes.

6 Q Did Bud follow him?

7 A I assume so.

8 Q Did Bud go out the house?

9 A Yes.

10 COURT REPORTER: Excuse me, Your Honor. I'm
11 having difficulty hearing her again, please.

12 THE COURT: Okay. You'll have to speak up and
13 speak into the microphone so she can be sure and hear
14 you. We'll have to stop you every time you can't
15 hear you. Go ahead, Mr. Maxwell.

16 Q When Alpha Lee left the house, did Bud go out the
17 house around the same time?

18 A Yes.

19 Q Or shortly thereafter?

20 A Yes.

21 Q Did Boo go outside the house?

22 A Yes.

23 Q Now, at some point did you walk out on the porch?

24 A Yes.

25 Q Who was on the porch with you when you got on the

- 1 porch?
- 2 A Me and Kim.
- 3 Q What are you seeing from the porch? What do you see
- 4 from the porch, the first thing you see when you
- 5 walked out on the porch?
- 6 A I just seen Bud with the gun shooting around Alpha
- 7 Lee's feet.
- 8 Q Did you see Alpha Lee in the woods or go into the
- 9 woods?
- 10 A No.
- 11 Q Did you ever see Alpha Lee with a gun?
- 12 A No.
- 13 Q Did Bud already have the gun out when you walked out
- 14 on the porch?
- 15 A Yes.
- 16 Q And where were they at in relation to the house?
- 17 A On the --
- 18 Q Where were Bud and Alpha Lee at?
- 19 A In front of the house on the corner.
- 20 Q Were they near the barn or near the house?
- 21 A Near the house.
- 22 Q Was Bud saying anything at that point?
- 23 A He just kept repeating, where is it at?
- 24 Q He said it several times?
- 25 A Yes. Probably about two or three.

- 1 Q How many shots did you hear during that instance?
- 2 A Probably like three or four.
- 3 Q Where was -- what was Alpha Lee doing when the gun --
- 4 shots were going off?
- 5 A He just kept mumbling and throwing his hands up.
- 6 Q Was he facing Bud?
- 7 A Yes.
- 8 Q Could you tell how far apart they were from each
- 9 other?
- 10 A They wasn't too much.
- 11 Q Was Alpha Lee moving?
- 12 A Yes.
- 13 Q How was he moving?
- 14 A He was just like dancing around to keep from the
- 15 bullets hitting his feet I guess.
- 16 Q Where was Bud pointing the gun?
- 17 A Toward the ground.
- 18 Q Did he point it anywhere else that you saw?
- 19 A No, not that I saw.
- 20 Q Where was Boo when Bud was firing the shots?
- 21 A I'm not really sure because I was looking at them.
- 22 So I wasn't really looking around.
- 23 Q After those first couple of shots, did they get out
- 24 of your sight? Whenever I say they, Bud and Alpha
- 25 Lee? At some point do they go out of your sight?

- 1 **A** Yes.
- 2 **Q** Where did they go?
- 3 **A** Around the back of the house.
- 4 **Q** Do they go between the barn -- did they ever cross to
- 5 the other side of the house to go around the back, or
- 6 do they go to the same side of the barn or do they go
- 7 back behind the house that way?
- 8 **A** Yes. Yes.
- 9 **Q** Did you see Boo go anywhere?
- 10 **A** Behind the house.
- 11 **Q** Did he follow them or did Boo go behind the house?
- 12 **A** He went behind them. All of them went together.
- 13 **Q** Who was first going behind the house? Do you know?
- 14 **A** I don't know.
- 15 **Q** And when they disappeared from your sight, did Bud
- 16 still have the gun?
- 17 **A** I don't remember.
- 18 **Q** Did you see Bud do anything with the gun after he
- 19 fired the shots?
- 20 **A** No.
- 21 **Q** You didn't see him put it down or anything?
- 22 **A** No.
- 23 **Q** Didn't see him give it to Boo?
- 24 **A** No.
- 25 **Q** When they were behind the house, did you hear

- 1 anything else?
- 2 A Not for a while.
- 3 Q Explain further what you mean by that. What did you
- 4 end up hearing?
- 5 A It was a few minutes. Then I heard some more shots.
- 6 Q How many more shots did you hear?
- 7 A Probably three or four.
- 8 Q Where was Bryan Lawhorn at outside? Do you know?
- 9 A I think he went behind the house also.
- 10 Q When did he come outside?
- 11 A I think right before they went behind the house.
- 12 Q Did he follow them behind the house?
- 13 A Yes.
- 14 Q Did you see Alpha Lee again after he went behind the
- 15 house?
- 16 A I seen him one time. I was standing on the corner of
- 17 the porch and I looked down in the woods and I seen
- 18 him running away from the house.
- 19 Q Which side of the house are you looking at now if
- 20 you're facing the house?
- 21 A The left side.
- 22 Q The left of the barn, the opposite side of the barn?
- 23 A Yes.
- 24 Q Do they go behind on one side and they come out the
- 25 other side?

1 **A** Yes.

2 **Q** And what was Alpha Lee doing again?

3 **A** He was running in the woods away from the house.

4 **Q** Did you see anybody behind him?

5 **A** No.

6 **Q** Did you see what happened after Alpha Lee was

7 running?

8 **A** No.

9 **Q** Did you hear the shots after you saw Alpha Lee

10 running?

11 **A** No.

12 **Q** You heard the shots before you saw Alpha Lee running?

13 **A** Yes.

14 **Q** Did you see Bud again?

15 **A** Yes.

16 **Q** Where did you see Bud next?

17 **A** When he came back from around the house.

18 **Q** What side did he come back on? The barn side or the

19 other side?

20 **A** The other side.

21 **Q** Did he say anything?

22 **A** No.

23 **Q** Did you see the gun again?

24 **A** No.

25 **Q** Did you see Boo again?

- 1 **A** Yes.
- 2 **Q** Where did he come from?
- 3 **A** The same side.
- 4 **Q** As Bud?
- 5 **A** Yes.
- 6 **Q** Did he have a gun?
- 7 **A** No.
- 8 **Q** Did you see Bryan?
- 9 **A** Yes.
- 10 **Q** And where did Bryan come from?
- 11 **A** Came back from the same side as they did.
- 12 **Q** Did you hear him say anything?
- 13 **A** No.
- 14 **Q** Did him and Vickie get in the car with Reggie and
- 15 leave?
- 16 **A** Yes.
- 17 **Q** Did Bryan get in the car with them?
- 18 **A** Yes, sir.
- 19 **Q** So they left?
- 20 **A** Yes.
- 21 **Q** In Reggie's car, the same car they came up in?
- 22 **A** Yes.
- 23 **Q** What did you see Bud and Boo do? What did you see
- 24 Bud do first?
- 25 **A** They left.

- 1 Q Together?
- 2 A Yes.
- 3 Q Where did they go? Did they have a car there?
- 4 A No.
- 5 Q Where did they -- they left walking?
- 6 A Yes.
- 7 Q Do you know where they went?
- 8 A No.
- 9 Q What did you do?
- 10 A I stayed there.
- 11 Q Did you stay inside?
- 12 A Yes.
- 13 Q Were you there when the Sheriff's Office arrived?
- 14 A Yes.
- 15 Q And at that point in time did you talk with them?
- 16 A Well, they came and they left and then they came
- 17 back.
- 18 Q Did you go outside to meet them?
- 19 A Yes.
- 20 Q Or they had to come inside? Is that the last time
- 21 you have been there?
- 22 A Yes.
- 23 MR. MAXWELL: Beg the Court's indulgence, Your
- 24 Honor.
- 25 THE COURT: Yes, sir.

1 (Pause)

2 Q Ms. Chambers, when Bryan came to the house, when
3 Bryan first arrived that early part of Saturday, what
4 did Bud tell Bryan?

5 A I am not exactly sure.

6 Q What do you remember?

7 A I think they went into a different part of the house.

8 Q You said a second ago that something was missing?

9 A Yes.

10 Q Did you hear Bud tell Bryan that?

11 A At one point in time, yes. But they didn't specify
12 what it was.

13 Q Did he say anything -- did they say the name Alpha
14 Lee? Did they involve him in it as being -- did they
15 relate Alpha Lee into what was missing?

16 A At one point in time.

17 Q Did Bud ever put a dollar amount or say what the
18 stuff was in that Alpha Lee took?

19 MR. FRICK: Your Honor, I'm going to object to
20 leading on that one. She said that she.

21 THE COURT: No. That's not leading. The
22 objection is over leading. Did he do so-and-so. All
23 right. She can say yes or no. Just because it's yes
24 or no doesn't make it leading.

25 Q Did Bud say anything about a can?

1 **A** Yes.

2 **Q** What did he say about the can?

3 **A** He just said that's what the stuff was in.

4 **Q** That Alpha Lee took?

5 **A** Yes.

6 **Q** Did he ever put a dollar value on anything?

7 **A** I think he did, but I don't want to say for sure.

8 **MR. MAXWELL:** Beg the Court's indulgence again,
9 Your Honor.

10 (Pause)

11 **Q** After you, Bud and Bryan -- excuse me -- Bud and Boo
12 arrived back at the house early Saturday morning and
13 you went inside, did Bud make any phone calls?

14 **A** Yes.

15 **Q** Do you know who he was calling?

16 **A** I think he called a couple of people and then he
17 called Kim.

18 **Q** What was he saying to the -- what was he saying on
19 these phone calls? Bud? What was Bud saying?

20 **A** He just kept asking if they seen Alpha Lee.

21 **Q** Did he say anything about stuff?

22 **A** No.

23 **MR. MAXWELL:** No further questions, Your Honor.

24 **THE COURT:** Cross examination, Mr. Frick.

25 CROSS EXAMINATION

1 BY MR. FRICK

2 Q Ma'am, talking about the last conversation, was it
3 Bud on the phone or Kim on the phone? Who did you
4 see on phone?

5 A I seen Bud on the phone.

6 Q Bud was on the phone?

7 A Yes.

8 Q Okay. So you could tell who he was talking to?

9 A I mean, I assume he called Kim.

10 Q Okay. All right. Now, I'll ask you basically the
11 same thing I asked everybody else about. Were you in
12 the car with Alpha Lee going over to the place that
13 night, that Saturday afternoon?

14 A No.

15 Q How did you get there again?

16 A Bud and Boo come picked me up.

17 Q Okay. And you left at some point and come back or --

18 A No.

19 Q Okay. So --

20 A I was there 'til the police came.

21 Q What time did you get there?

22 A About 5:30, 6:00 that morning.

23 Q Okay. Stayed there for the duration?

24 A Yep.

25 Q Okay. When the great event occurs, where are you?

1 A I am in the house.

2 Q In the house?

3 A Yes.

4 Q Were you in the house when Alpha Lee came in?

5 A Yes.

6 Q Was there any conversation going on?

7 A No. Soon as he walked in, Bud said, where is it at,
8 and they all walked outside.

9 Q Okay. All right. Did you see anyone in the house
10 with a gun?

11 A No.

12 Q When they come out onto the -- well, when they come
13 out of the house, where did you go?

14 A When who came --

15 Q Whoever is in the house. Who comes out of the house?
16 Alpha Lee, Bud and Bo?

17 A Yes.

18 Q Bryan stays in the house or not there or --

19 A He wasn't there at that time I don't think.

20 Q That's fine. When those three come out of the house,
21 where did you go?

22 A I stayed in the house.

23 Q You stayed in the house?

24 A Yes.

25 Q At some point you came out of the house though,

1 right?

2 A Yes.

3 Q When did you come out?

4 A When I heard the first shot in the front of the

5 house.

6 Q Okay. The first shot in the front of the house?

7 A Yes.

8 Q Now, are you talking about immediately in front of

9 the house or --

10 A Not immediately in front of the house.

11 Q I'm going to show you picture State's No. 1. This is

12 the front porch, right?

13 A Mm-hmm (affirmative).

14 Q You're not talking about --

15 A No.

16 Q -- right here?

17 A Over in that area.

18 Q Back down towards the barn, right? Or what we're

19 calling the barn or whatever?

20 A No. Not close to the barn.

21 Q Okay. That's fine. State's No. 3, where are you

22 talking?

23 A Probably up in this area.

24 Q Somewhere around maybe where these markers are?

25 A Yes.

- 1 Q Okay. You hear a shot and then you come outside?
- 2 A Yes.
- 3 Q So as far as who went down in the woods, if anybody
- 4 did --
- 5 A I don't know.
- 6 Q -- you don't have a clue?
- 7 A Hmm-mm (negative).
- 8 Q Okay. But when you come out Bud's got a gun?
- 9 A Yes.
- 10 Q Is he pointing it at Alpha Lee?
- 11 A No.
- 12 Q Where is he pointing it?
- 13 A At -- on the ground.
- 14 Q On the ground?
- 15 A Yes.
- 16 Q You're sure?
- 17 A Yes.
- 18 Q And you're on the porch? Whereabouts on the porch
- 19 are you?
- 20 A I am probably right in this area right here.
- 21 Q Somewhere right here?
- 22 A Mm-hmm (affirmative).
- 23 Q Who was on the porch with you? Do you know?
- 24 A Me and Kim.
- 25 Q Kim?

- 1 A Mm-hmm (affirmative).
- 2 Q Was anybody else out there?
- 3 A I want to say Vickie was on the porch with us.
- 4 Q Do you remember where Vickie was?
- 5 A No.
- 6 Q Did you know Vickie before all this stuff?
- 7 A I've seen her one time before.
- 8 Q Okay. All right. You see one shot? How many shots
- 9 do you hear at this point? At this point.
- 10 A Probably like three or four.
- 11 Q Okay. Right around this little spot here?
- 12 A Yes.
- 13 Q Okay. Did you see three or four shots?
- 14 A No. I was here.
- 15 Q And I'm not trying to be as confusing as it may
- 16 sound. You hear a shot, come outside, then there are
- 17 more shots?
- 18 A Yes.
- 19 Q In that same area?
- 20 A Yes.
- 21 Q And I think you said it looked like Bud was trying to
- 22 make Alpha Lee dance?
- 23 A Yes.
- 24 Q Like one of those old westerns where they shoot at
- 25 people to make them dance?

1 A Yes.

2 Q At any point did he ever point the gun up at Alpha
3 Lee?

4 A No.

5 Q At any point while you see Bud with the gun, does
6 Alpha Lee have his back to Bud?

7 A No.

8 Q And you say you don't know whether he put down the
9 gun or what happened with the gun?

10 A No, sir.

11 Q All you know is everybody goes around the house?

12 A Yes, sir.

13 Q Okay. You have no idea what happens around the
14 house?

15 A No, sir.

16 Q No idea who has got the gun on the other side of the
17 house?

18 A No, sir.

19 Q But you know who is around the house?

20 A Yes, sir.

21 Q Who was around the house?

22 A Alpha Lee, Bud, Boo and Bryan.

23 Q Bryan had come out of the house by this time?

24 A Yes.

25 Q Had he gone around the house towards the barn that

- 1 way or did he come around --
- 2 A I can't remember.
- 3 Q That's fine. It probably doesn't make any difference
- 4 anyhow. All right. You hear a couple more shots
- 5 behind the house?
- 6 A Yes.
- 7 Q Not down towards the woods but right behind the house
- 8 there?
- 9 A Yes. I take it they went behind the house.
- 10 Q That's fine. All right. And the last thing you see
- 11 Alpha Lee running into the woods?
- 12 A Yes.
- 13 Q Nobody chasing him?
- 14 A No.
- 15 Q Got no idea who fired that last shot?
- 16 A No.
- 17 Q Do bud, Boo and Bryan come from around the house?
- 18 A Yes.
- 19 Q All three of them?
- 20 A Yes.
- 21 Q Together?
- 22 A I don't know if they actually came altogether but
- 23 they came from the same side.
- 24 Q Reasonably close in time together?
- 25 A Yeah.

- 1 Q So it wasn't like 15 minutes later?
- 2 A Oh, no.
- 3 Q So one comes around, the other comes around. All
- 4 right. Beg the Court's indulgence one moment, sir.
- 5 I ask you, at some point earlier in that day you said
- 6 you were over there and somebody was looking for some
- 7 stuff. They looked in a car?
- 8 A Yes.
- 9 Q Where is this car parked?
- 10 A Across from the house, diagonally from the house.
- 11 Q Tell me, this is the direct front of the house,
- 12 correct?
- 13 A Yes. It's more over here.
- 14 Q Over here?
- 15 A Yeah.
- 16 Q Would you be able to see it in No. 3 here if it were
- 17 there?
- 18 A I think right up in here.
- 19 Q Up in here somewhere?
- 20 A Yes.
- 21 Q Did anybody during the day move the car?
- 22 A Not that I know of.
- 23 Q Could it be moved?
- 24 A I'm not sure if it was running or not.
- 25 Q Okay. And it's your testimony that what you hear Bud

1 say is, where is it at?

2 A Yes.

3 Q Any clue what he's talking about?

4 A No. I can only assume.

5 Q That's fine. But that's what he said?

6 A Yes.

7 Q No doubt in your mind?

8 A As far as I remember, that's what he said.

9 Q He didn't use the F word or anything like that?

10 A I don't know.

11 Q But to the best of your recollection, where is it at?

12 A Yes.

13 Q That's all the questions I have. Thank you, ma'am?

14 **THE COURT:** Redirect, Mr. Maxwell?

15 **MR. MAXWELL:** Nothing further, Your Honor.

16 **THE COURT:** All right. Thank you. You may step
17 down. Counsel, approach.

18 (Whereupon, a bench conference is had)

19 **THE COURT:** All right, ladies and gentlemen. I
20 was just talking with the lawyers about scheduling.
21 And it is 5:15. Of course at this time of this year
22 it gets dark earlier, plus the fact that it is the
23 holiday season. So I think that it is appropriate to
24 stop and break at this time.

25 I have told many jurors this over the years,

1 that I don't mind making the lawyers work late, but I
2 know that jurors have lives outside of this courtroom
3 and so I know that you have things that you need to
4 attend to. So we are going to recess for the evening
5 and be ready to resume tomorrow morning at 9:30.

6 Over the evening recess do not discuss the case
7 with anyone. Do not allow anyone to discuss it with
8 you and do not begin any deliberations about this
9 matter when you are assembling in the jury room. You
10 still have not heard everything that you will hear in
11 this case. And be prepared to come back tomorrow
12 morning rested and ready to go at 9:30. I'll see you
13 at that time. Have a pleasant evening.

14 (Jury out at 5:14 p.m.)

15 **THE COURT:** All right. Mr. Frick, would you and
16 your client stand for just a moment, please. Mr.
17 Adams, you may be called as a witness to testify in
18 your own behalf. I now advise you that you have the
19 right to invoke the protections given to you by the
20 Fifth amendment to the Constitution of the United
21 States and a similar counterpart provision of the
22 Constitution of the state of South Carolina.

23 The Fifth amendment to the Constitution of the
24 United States provides in part that no person shall
25 be compelled in any criminal case to be a witness

1 against himself. This provision of Constitutional
2 law means that you cannot be compelled or required to
3 testify in this case. This is a right and a
4 privilege which the law extends to you. It is a
5 personal privilege, and no one can waive this right
6 except you.

7 You have the right not to testify, but you also
8 have the right to testify. The Court will grant you
9 the right to consult with your lawyer before you make
10 a decision. If you elect not to testify, your
11 failure to testify cannot be used by the State as an
12 inference of your guilt, and your failure to testify
13 could not be considered by the jury in its
14 deliberations.

15 If you elect to testify and waive the privilege
16 given to you by the Constitution, I advise you now
17 that you would then assume the roll of a witness in
18 this case and you would waive or give up your
19 Constitutional privilege against self-incrimination.

20 This means that if you voluntarily take the
21 witness stand and testify, you will then subject
22 yourself to the same rules that govern other
23 witnesses and you may be examined or cross examined
24 on any relevant issue in this case and you may be
25 impeached to the same extent as any other witness,

1 all of which is subject to the rules of law.

2 I would further advise you that if you elect to
3 take the witness stand and testify, this decision on
4 your part must be made freely and voluntarily,
5 voluntarily, intelligently and with knowledge of the
6 protections given to you by the Constitution and with
7 knowledge of the consequences of your election to
8 testify.

9 Now, I'm not going to require or ask you to give
10 me an answer now and I'm going to give you an
11 opportunity to talk with your lawyer about your Fifth
12 Amendment rights over the evening recess. But my
13 only question to you now would be, have you
14 understood what I have explained to you about your
15 Fifth Amendment rights?

16 **MR. ADAMS:** Yes, sir.

17 **THE COURT:** Do you have any questions that you
18 want to ask me about your Fifth Amendment rights?

19 **MR. ADAMS:** No, sir.

20 **THE COURT:** All right. With that then, we will
21 allow you to consult with your lawyer and to make
22 that decision regarding your Fifth Amendment rights,
23 I mean, your decision as to whether you do or do not
24 wish to testify at a later time.

25 **MR. FRICK:** Judge, I would ask if we could go

1 ahead because it may have bearing on our
2 discussions --

3 **THE COURT:** I'll continue that and move forward.

4 **MR. FRICK:** Thank you, Your Honor.

5 **THE COURT:** All right. You may be seated. It's
6 always been my experience that one of the issues that
7 involves a defendant's right or a defendant's
8 decision as to whether to testify or not, Mr.
9 Barfield, concerns his criminal record. What items
10 do you have on his criminal record that you consider
11 impeachable offenses?

12 **MR. BARFIELD:** 2003 burglary second degree and
13 grand larceny. That's it as far as I can tell.

14 **THE COURT:** All right. Do you disagree with
15 that, plaintiff --

16 **MR. FRICK:** No, Your Honor.

17 **THE COURT:** All right. So the 2003 burglary and
18 grand larceny are the only things that the State
19 would consider to be impeachable offenses. All
20 right. All right, counsel. Anything before we
21 adjourn for the evening?

22 **MR. BARFIELD:** No, sir.

23 **THE COURT:** Mr. Frick?

24 **MR. FRICK:** No, Your Honor.

25 **THE COURT:** All right. Court personnel, we've

1 got some things we've got to do at 9:00 in the
2 morning, a couple of probation violations and maybe a
3 bond hearing. But we'll be ready to start with this
4 case at 9:30. Thank you.

5 (Whereupon, the proceedings are concluded for
6 the day, to be reconvened tomorrow morning)

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1 Thursday, December 10, 2009

2 **THE COURT:** All right. We're back on the record
3 with regard to the matter of The State vs. Willie
4 James Adams, Jr. Mr. Adams is present and with his
5 counsel, Mr. Frick. The State is present with Mr.
6 Barfield and Mr. Maxwell. Anything before we bring
7 the jury in, Mr. Barfield?

8 **MR. BARFIELD:** Nothing from State.

9 **THE COURT:** Anything from the defense, Mr.
10 Frick?

11 **MR. FRICK:** Nothing from defense.

12 **THE COURT:** All right. Thank you. Bring the
13 jury in, please.

14 (Jury in at 9:38 a.m.).

15 **THE COURT:** All right. Good morning, ladies and
16 gentlemen. And thank you for your promptness in
17 being back here. And we are now ready to proceed. I
18 do need to ask you if anyone has tried to talk with
19 you or speak with you about this case in any manner
20 whatsoever over the evening recess, I would need to
21 know about it now. Negative response. And that's
22 good.

23 The other thing I would need to ask you is if
24 anyone has read any news stories or heard any TV or
25 radio broadcasts, media reports regarding this case,

1 I would also need to know about that now. Again,
2 negative response. And that's good.

3 All right. We are still in the process of
4 hearing the case from the State and they will have
5 the right to proceed at this time. Mr. Barfield.

6 **MR. BARFIELD:** I call Levarn Marcellus Jackson,
7 Jr.

8 **THE COURT:** All right.

9 **MR. BARFIELD:** He'll be here just in a moment.

10 **THE COURT:** All right.

11 (Pause)

12 **THE CLERK:** Raise your right hand. Put your
13 left hand on the Bible.

14 **LEVARN M. JACKSON, JR.,** after being duly sworn,
15 testifies as follows:

16 **THE CLERK:** Have a seat.

17 **THE COURT:** All right, Mr. Jackson. You need to
18 speak up loud and clear. You need to speak into that
19 microphone.

20 **THE WITNESS:** Yes, sir.

21 DIRECT EXAMINATION

22 **BY MR. BARFIELD**

23 **Q** And talk real slow.

24 **A** Okay.

25 **Q** Give us your name, please?

Levarn M. Jackson, Jr. - Direct by Mr. Barfield

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- 1 **A** Levarn Marcellus Jackson, Jr.
- 2 **Q** Mr. Jackson, do you go by a nickname?
- 3 **A** Boo.
- 4 **Q** How old are you?
- 5 **A** Twenty-two.
- 6 **Q** Do you live in Fairfield County?
- 7 **A** Yes, sir.
- 8 **Q** What community in Fairfield County do you live in?
- 9 **A** Ridgeway, South Carolina.
- 10 **Q** Are you currently in the Fairfield County Detention
11 Center?
- 12 **A** Yes, sir.
- 13 **Q** Were you charged in a warrant and subsequently in an
14 indictment with murder involving the death of Alpha
15 Lee Miller?
- 16 **A** Yes, sir.
- 17 **Q** Were you before this court Monday morning on that
18 charge?
- 19 **A** Yes, sir.
- 20 **Q** Did you plead guilty to the offense of voluntary
21 manslaughter?
- 22 **A** Yes, sir.
- 23 **Q** Have you been sentenced yet?
- 24 **A** Monday.
- 25 **Q** Have you been sentenced yet?

1 **A** No, sir. No, sir.

2 **Q** Has there been an agreement -- first of all, did you
3 agree to testify truthfully in this case?

4 **A** Yes, sir.

5 **Q** Has there been an agreement between you and your
6 lawyer and my office about your sentence assuming you
7 carry out your end of the bargain?

8 **A** No, sir.

9 **Q** Well, what are you looking at on your plea?

10 **A** My plea was 20 years.

11 **Q** Dependent upon your truthful testimony?

12 **A** Yes, sir.

13 **Q** All right. Anything else promised to you about this
14 case, your charge or for your testimony?

15 **A** No, sir.

16 **Q** I'm going to ask you some questions.

17 **A** Yes, sir.

18 **Q** I'm going to tell you a bunch of names one at a time
19 and ask you if you know certain people and how you
20 know them.

21 **A** Yes, sir.

22 **Q** Do you know Bryan Lawhorn?

23 **A** Yes, sir.

24 **Q** How do you know Bryan Lawhorn?

25 **A** That's my cousin.

- 1 Q Do you know somebody known by the nickname of Bud
2 Adams?
- 3 A Yes, sir.
- 4 Q How do you know Bud Adams?
- 5 A He used to go over to Kim's a lot, Kim Lawson's.
- 6 Q All right. I'll ask you about Kim in a moment. Do
7 you see Bud Adams in the courtroom today?
- 8 A Yes, sir.
- 9 Q Where is Bud sitting, and what's Bud wearing?
- 10 A Sitting to my right.
- 11 Q At that table over there?
- 12 A Yes, sir.
- 13 Q What kind of shirt has he got on?
- 14 A A brown shirt.
- 15 Q All right. Do you know Reggie Gibson?
- 16 A Yes, sir.
- 17 Q How do you know Reggie Gibson?
- 18 A He used to come over to my place.
- 19 Q Before you ended up at the detention center, where
20 did you stay and with whom?
- 21 A I used to stay with Sharon Boyd.
- 22 Q Is she your aunt?
- 23 A Yes, sir.
- 24 Q Did she raise you?
- 25 A Yes, sir.

- 1 Q All right. You told me about Kim. Do you know
2 Vickie Smith or Vickie Cooper?
- 3 A Not that good.
- 4 Q Had you ever seen her -- well, let me stop you right
5 there just for a minute. On April 5th of 2008 were
6 you at Bryan Lawhorn Lawhorn's when Alpha Lee Miller
7 died?
- 8 A Yes, sir.
- 9 Q Had you seen Vickie Smith? Regardless of how well
10 you knew her, did you know who she was prior to that
11 day?
- 12 A Yes, sir.
- 13 Q And how did you know her? Who did she hang with?
- 14 A Kim.
- 15 Q And did you know Alpha Lee Miller?
- 16 A Yes, sir.
- 17 Q Did you know him by a nickname?
- 18 A No, sir. Just Miller. Just Amp.
- 19 Q Amp?
- 20 A Yes, sir.
- 21 Q Did you know where Bryan Lawhorn lived?
- 22 A Yes, sir.
- 23 Q Was that [REDACTED] in Ridgeway?
- 24 A Yes, sir.
- 25 Q From time to time were you at Bryan Lawhorn's house?

- 1 **A** Yes, sir.
- 2 **Q** These other people that I just talked about a minute
3 ago, that we just talked about, were they from time
4 to time at Bryan Lawhorn's house?
- 5 **A** Yes, sir.
- 6 **Q** I'm not asking you about Mr. Adams. I'm asking you
7 about other people right now.
- 8 **A** Okay.
- 9 **Q** When those other people; namely, Reggie, Kim, Vickie,
10 Amp, when any of those people gathered up at
11 Lawhorn's house, did these people ever use drugs down
12 there?
- 13 **A** Yes, sir.
- 14 **Q** Let me ask you about you and drugs for a minute.
15 Number one, have you ever used powder cocaine?
- 16 **A** One time.
- 17 **Q** One time?
- 18 **A** Yes, sir.
- 19 **Q** Have you ever used crack cocaine?
- 20 **A** No, sir.
- 21 **Q** Did you smoke marijuana on a regular basis?
- 22 **A** Yes, sir.
- 23 **Q** Prior to -- let me back up again. This case occurred
24 on Saturday, April 5th, 2008. When did you get
25 arrested for it?

- 1 **A** Sunday, the 6th.
- 2 **Q** Okay. Have you been in jail since Sunday, April 6th
- 3 of 2008?
- 4 **A** Yes, sir.
- 5 **Q** Prior to your getting arrested, during all the time
- 6 this incident was going on, the days and weeks and
- 7 months leading up to it even, did you ever keep dope
- 8 stored around Bryan Lawhorn's house?
- 9 **A** No, sir. I never sold dope.
- 10 **Q** As friends go, between Bryan Lawhorn and Bud Adams,
- 11 who were you closer to?
- 12 **A** Bryan Lawhorn.
- 13 **Q** Where were you Friday night before anything happened
- 14 in this case?
- 15 **A** At Toby Gibson's.
- 16 **Q** Who is Toby Gibson?
- 17 **A** Red Man.
- 18 **Q** Red Man?
- 19 **A** Yes, sir.
- 20 **Q** And is he a friend or relative or what?
- 21 **A** My cousin.
- 22 **Q** Your cousin. Where does he live? What community?
- 23 **A** Ridgeway, South Carolina.
- 24 **Q** Did you see Bryan Lawhorn and Bud Adams that Friday
- 25 night?

- 1 **A** Yes, sir.
- 2 **Q** Where did you see them?
- 3 **A** At Toby's house.
- 4 **Q** How did they end up at Toby's house?
- 5 **A** They drove there.
- 6 **Q** Did you talk to Bud when Bryan and Bud showed up at
- 7 Toby's house?
- 8 **A** No, sir.
- 9 **Q** Let me ask you a question again. Was there any
- 10 conversation between and among the three of y'all
- 11 when they got to Toby's house?
- 12 **A** Yes, sir.
- 13 **Q** Did Bud participate in that conversation?
- 14 **A** Yes, sir.
- 15 **Q** What did Bud say?
- 16 **A** He said the police had been down there.
- 17 **Q** And "down there" meaning where?
- 18 **A** Down at Bryan's home.
- 19 **Q** Did he tell you what that was about?
- 20 **A** No, sir.
- 21 **Q** Did he tell you whether it had been that night?
- 22 **A** Yes, sir.
- 23 **Q** Did he tell you what he, meaning Bud and Bryan, did
- 24 when the police showed up?
- 25 **A** They ran.

- 1 Q Did he tell you where they ran to?
- 2 A No, sir.
- 3 Q Now, did you and Bud and Bryan Lawhorn go anywhere,
- 4 leave Toby's house and go anywhere Friday night?
- 5 A Yes, sir.
- 6 Q Where did you go?
- 7 A To the club.
- 8 Q What's the club?
- 9 A Sir?
- 10 Q What's the name of the club?
- 11 A Rockaway's.
- 12 Q Rockaway's?
- 13 A Rockaway's.
- 14 Q All right. Did anybody else go with y'all? Did
- 15 y'all get up with anybody else that night?
- 16 A No, sir.
- 17 Q Did anybody have a girlfriend with him that night?
- 18 A Yes, sir.
- 19 Q Who had a girlfriend with him?
- 20 A Bryan.
- 21 Q Who was Bryan's girlfriend?
- 22 A Eva.
- 23 Q Do you know her last name?
- 24 A Glasskey (ph).
- 25 Q Glasgow?

- 1 **A** Glasgow.
- 2 **Q** That's fine. Where did y'all go after you had left
- 3 the club?
- 4 **A** I went to another club.
- 5 **Q** All right. After you went to that club where did you
- 6 go?
- 7 **A** Back to Bryan Lawhorn's house.
- 8 **Q** Who is driving?
- 9 **A** Bryan.
- 10 **Q** What was he driving?
- 11 **A** A Tahoe.
- 12 **Q** Was it his car?
- 13 **A** His girlfriend's.
- 14 **Q** His girlfriend's. Now, when you all went back to
- 15 Bryan's, first of all, is Bryan driving the Tahoe?
- 16 **A** Yes, sir.
- 17 **Q** Is Eva still with you when you got back to Bryan's?
- 18 **A** Yes, sir.
- 19 **Q** So how many of you is in the Tahoe? Four?
- 20 **A** Yes, sir.
- 21 **Q** Bryan and Eva, you and Bud?
- 22 **A** Yes, sir.
- 23 **Q** Did anybody get out at Bryan's?
- 24 **A** Me and Bud.
- 25 **Q** Did Bryan get out at Bud's?

- 1 A No, sir.
- 2 Q Did Eva get out at Bryan's?
- 3 A No, sir.
- 4 Q What did Bryan and Eva do?
- 5 A They left.
- 6 Q Did they come back any time that night? Or during
- 7 the dark hours did Bryan ever show back up before it
- 8 got daylight?
- 9 A No, sir.
- 10 Q When you all got back, when Bryan let y'all out at
- 11 his house -- well, let me just ask you this. Was the
- 12 house locked?
- 13 A Yes, sir.
- 14 Q Y'all had a way to get in?
- 15 A Yeah. Bryan gave us a key.
- 16 Q All right. When y'all got back, did you immediately
- 17 go in the house?
- 18 A No, sir.
- 19 Q What did Bud do when Bryan let y'all out?
- 20 A Went up and he went in the bushes.
- 21 Q Was it dark when y'all got back?
- 22 A Yes, sir.
- 23 Q Bushes where?
- 24 A Behind the barn.
- 25 Q Did he tell you why he was going into the bushes

- 1 behind the barn?
- 2 A No, sir.
- 3 Q Did he come back from the bushes?
- 4 A Yes, sir.
- 5 Q Did Bud say anything to you when he came back?
- 6 A Yes, sir.
- 7 Q What did he say?
- 8 A He said, it's gone.
- 9 Q It's gone?
- 10 A Yes, sir.
- 11 Q Did you ask him what he was talking about?
- 12 A No, sir.
- 13 Q Did he tell you what he was talking about?
- 14 A No, sir.
- 15 Q Did y'all go in the house after that?
- 16 A No, sir.
- 17 Q Did you go in the house -- okay. You didn't go in
- 18 the house at all before you left and went somewhere
- 19 else?
- 20 A No, sir.
- 21 Q All right. Did y'all go somewhere else?
- 22 A Yes, sir.
- 23 Q Where did you go?
- 24 A Winnsboro.
- 25 Q And what did you go to Winnsboro for?

- 1 **A** To pick up Christel.
- 2 **Q** Christel Chambers?
- 3 **A** Yes, sir.
- 4 **Q** The red headed girl?
- 5 **A** Yes, sir.
- 6 **Q** The white girl with red hair?
- 7 **A** Yes, sir.
- 8 **Q** On the way to pick up Christel in Winnsboro, did you
- 9 and Bud talk?
- 10 **A** Yes, sir.
- 11 **Q** What did Bud say?
- 12 **A** He said he going to get Amp, Alpha Miller.
- 13 **Q** He said he was going to do what?
- 14 **A** He was going to get him.
- 15 **Q** Get him?
- 16 **A** Yes, sir.
- 17 **Q** Is that what he said?
- 18 **A** Yes, sir.
- 19 **Q** Did he tell you what?
- 20 **A** No, sir.
- 21 **Q** Did you ask him why?
- 22 **A** No, sir.
- 23 **Q** Did he tell you anything that was making him mad
- 24 about Amp?
- 25 **A** No, sir.

- 1 Q When Bud said he was going to get Amp, what was
2 his -- how was he acting?
- 3 A Angry.
- 4 Q Did you or Bud have any conversation about drugs or
5 guns while y'all were riding in the car?
- 6 A No, sir.
- 7 Q Did Bud tell you anything about guns or drugs?
- 8 A No, sir.
- 9 Q Did he tell you anything about drugs or guns in
10 relation to Amp?
- 11 A Yes, sir.
- 12 Q What did he say?
- 13 A He had said that Amp had took his package.
- 14 Q Did he say what the package was?
- 15 A No, sir.
- 16 Q Did you -- okay. He never mentioned drugs or didn't
17 ever mention guns?
- 18 A No, sir.
- 19 Q Did y'all pick up Christel?
- 20 A Yes, sir.
- 21 Q When you got Christel, was it just the three of you
22 then?
- 23 A Yes, sir.
- 24 Q Where did y'all go?
- 25 A Back to Bryan's house.

- 1 Q Was anybody at Bryan's house when you all got there?
- 2 A No, sir.
- 3 Q Was it daylight by now?
- 4 A Yes, sir.
- 5 Q Did anybody come sometime Saturday morning to Bryan's
- 6 house when the three of y'all, when you and Bud and
- 7 Christel were there?
- 8 A Yes, sir.
- 9 Q Who came?
- 10 A Reggie Gibson.
- 11 Q Did Bud and Reggie have a conversation?
- 12 A Yes, sir.
- 13 Q What did Bud say?
- 14 A Bud had asked Reggie where Alpha Lee was.
- 15 Q And did Bud -- don't tell me what Reggie said. But
- 16 did Bud get an answer when he asked Reggie Gibson
- 17 where Alpha Lee was?
- 18 A Yes, sir.
- 19 Q Did Reggie stay or did Reggie leave?
- 20 A He left.
- 21 Q After Reggie left, what did Bud do?
- 22 A Bud called Bryan.
- 23 Q Could you hear the conversation?
- 24 A Yes, sir.
- 25 Q Was he calling on the cellphone or a house phone?

- 1 **A** On a cellphone.
- 2 **Q** Was it on speaker or was it not?
- 3 **A** On speaker.
- 4 **Q** Now, don't tell me what Bryan said, but did you hear
- 5 what Bud said to Bryan Lawhorn when he called him on
- 6 cellphone?
- 7 **A** Yes, sir.
- 8 **Q** What did Bud say?
- 9 **A** Bud told him Bryan Alpha Lee had his package.
- 10 **Q** Did Bud call Kim or anybody else?
- 11 **A** No, sir.
- 12 **Q** No other calls other than to Bryan?
- 13 **A** No, sir.
- 14 **Q** Did Bryan show up?
- 15 **A** Yes, sir.
- 16 **Q** How long after Bud called him on the phone did Bryan
- 17 show up?
- 18 **A** A little later.
- 19 **Q** Hours or minutes?
- 20 **A** I don't know if it was hours or minutes. I just know
- 21 it was a little later.
- 22 **Q** That's fine. Now, Bryan is there. You're there.
- 23 Bud's there. Is Christel still there?
- 24 **A** Yes, sir.
- 25 **Q** Does any other company come?

- 1 **A** No, sir.
- 2 **Q** Did you see Reggie any time again Saturday?
- 3 **A** Yes, sir. He came back.
- 4 **Q** When Reggie is moving around, what's he moving around
- 5 in? Does he drive?
- 6 **A** Yes, sir.
- 7 **Q** What's he drive?
- 8 **A** A gray Oldsmobile.
- 9 **Q** When Reggie came was anybody with him?
- 10 **A** Yes, sir.
- 11 **Q** Who?
- 12 **A** It was him, Vickie, Kim and Alpha Lee.
- 13 **Q** Vickie Smith?
- 14 **A** Yes, sir.
- 15 **Q** Kim Lawson and Alpha Lee Miller?
- 16 **A** Yes, sir.
- 17 **Q** Did anybody get out when Reggie drove up?
- 18 **A** Yes, sir.
- 19 **Q** Who got out first?
- 20 **A** Kim and Vickie.
- 21 **Q** Did anybody else get out?
- 22 **A** Alpha Lee.
- 23 **Q** What did Alpha Lee do when he got out?
- 24 **A** Went towards the barn.
- 25 **Q** Did he disappear, or did you see him the whole time?

- 1 **A** I ain't see him when he got out the car, but he went
2 towards the barn.
- 3 **Q** Did you see him coming back toward the house at some
4 point?
- 5 **A** Yes, sir.
- 6 **Q** Did you see where Amp or Alpha Lee went when he went
7 toward the barn?
- 8 **A** Into the bushes.
- 9 **Q** When Alpha Lee went into the bushes, did anybody come
10 out of the house?
- 11 **A** Yes, sir.
- 12 **Q** Who?
- 13 **A** Bud and I did.
- 14 **Q** Were you and Bud coming out about the same time?
- 15 **A** No. He left first and I went behind him.
- 16 **Q** Okay. Where did Bud -- how was Bud moving? Was he
17 walking? Was he running? What was he doing?
- 18 **A** Walking.
- 19 **Q** Where did he go?
- 20 **A** You talking about Bud?
- 21 **Q** Where did he go in relation to where Alpha Lee had
22 gone?
- 23 **A** Into the bushes.
- 24 **Q** Did you see Alpha Lee again?
- 25 **A** Yes, sir.

- 1 Q Where was Alpha Lee when you next saw him?
- 2 A Coming out the bushes.
- 3 Q Did he have anything with him that you could see?
- 4 Alpha Lee?
- 5 A Yes, sir.
- 6 Q What?
- 7 A A gun.
- 8 Q And had you ever seen that gun before?
- 9 A No, sir.
- 10 Q What was Alpha Lee doing with the gun when you first
- 11 saw him?
- 12 A Nothing.
- 13 Q Did he ever point the gun at anybody?
- 14 A No, sir.
- 15 Q Did Alpha Lee ever fire the gun?
- 16 A No, sir.
- 17 Q Did he ever swing it or try to pistol whip anybody
- 18 with the gun?
- 19 A No, sir.
- 20 Q Did Alpha Lee ever try to fight anybody?
- 21 A No, sir.
- 22 Q That day? That morning? That day?
- 23 A No, sir.
- 24 Q Or that afternoon I guess by now. When Alpha Lee
- 25 came out, was it a handgun?

- 1 **A** Yes, sir.
- 2 **Q** When Alpha Lee came out with the gun, where was Bud?
- 3 **A** In front of him.
- 4 **Q** In front of you?
- 5 **A** Yes, sir.
- 6 **Q** And how close were you and Bud to where Alpha Lee
- 7 was?
- 8 **A** I was behind Bud. Bud was in front close to Alpha
- 9 Lee.
- 10 **Q** As close as me and Investigator Boney?
- 11 **A** Yes, sir.
- 12 **Q** And where were the three of y'all out there on the
- 13 property?
- 14 **A** Beside the barn.
- 15 **Q** I'm showing you State's Exhibit No. 3. Look at it.
- 16 And I don't know if you've ever seen that. But do
- 17 you know what that's a picture of?
- 18 **A** Yes, sir.
- 19 **Q** What is that a picture of?
- 20 **A** Bud.
- 21 **Q** Is that a picture of the barn as if you were standing
- 22 in front of house looking down towards the barn?
- 23 **A** Yes, sir.
- 24 **Q** And I'm going to hold it up. Put your finger where
- 25 around the barn the three of y'all were when Alpha

1 Lee first came out?

2 (Witness points)

3 Q That corner of the barn away from the house?

4 A Yes, sir.

5 Q What happened when Bud and Alpha Lee were

6 face-to-face on corner of the barn?

7 A Bud snatched the pistol from Alpha Lee.

8 Q Did Bud ask anything of Alpha Lee?

9 A No. Not then.

10 Q What happened next?

11 A Bud cocked the pistol and started shooting down

12 around his feet and past his upper body.

13 Q Did Bud -- at that time did Alpha Lee fall down like

14 he had been shot?

15 A No, sir.

16 Q Did Bud ask Alpha Lee anything during this time?

17 A Yes, sir.

18 Q What did he ask him?

19 A Where my stuff at?

20 Q What did Alpha Lee do when Bud started firing the

21 gun?

22 A Froze.

23 Q Did y'all move from that side or corner of the barn

24 to somewhere else?

25 A Yes, sir.

- 1 Q Where to?
- 2 A We were walking up the hill.
- 3 Q Let me go ahead and ask you this. Did you ever have
- 4 that gun in your hands?
- 5 A No, sir.
- 6 Q Did you ever fire that gun?
- 7 A No, sir.
- 8 Q Did you shoot Alpha Lee Miller?
- 9 A No, sir.
- 10 Q Where did y'all move to?
- 11 A To the front of the house, to the upper front part of
- 12 the house.
- 13 Q Was anybody else -- had anybody else come down to
- 14 where y'all were when you were out there at the barn?
- 15 A No, sir.
- 16 Q Was Bryan Lawhorn outside when you all were down at
- 17 the barn?
- 18 A No, sir.
- 19 Q Do you know where Bryan Lawhorn was when you were
- 20 down at the barn?
- 21 A In the house.
- 22 Q Did Bryan Lawhorn come out of the house?
- 23 A Yes, sir.
- 24 Q Where were y'all when Bryan came out of the house?
- 25 A At the front.

1 Q What did Bryan do when he came out of the house?

2 A He hit Mr. Miller.

3 Q He hit him?

4 A Yes, sir.

5 Q He hit Alpha Lee Miller?

6 A Yes, sir.

7 Q What did he hit him with?

8 A A red pipe.

9 Q I'm going to show you State's Exhibit No. 62. Is

10 that familiar?

11 A Yes, sir. Yes, sir.

12 Q Is that the red pipe you're talking about?

13 A Yes, sir.

14 Q What happened after Bryan swung the pipe at Alpha Lee

15 Miller?

16 A He hit him.

17 Q All right. And after he hit him, what happened?

18 A He moved to the left side of the -- the right side of

19 the house.

20 Q I'm showing you State's Exhibit No. 1. Is that the

21 front of the house?

22 A Yes, sir.

23 Q Right and left? No. I'm sorry. I'm backwards.

24 Right and left?

25 A Yes, sir.

- 1 Q Is the barn down there on the right side of the
2 house?
- 3 A Yes, sir.
- 4 Q When y'all moved around the front of the house, what
5 side of the house are you on now?
- 6 A We're in front right here.
- 7 Q And then you moved from there to where?
- 8 A On that side.
- 9 Q To the left side?
- 10 A Yes, sir.
- 11 Q Do you know who Margaret LawhornLawhorn is?
- 12 A Yes, sir.
- 13 Q Is that Bryan's aunt?
- 14 A Yes, sir.
- 15 Q Do you know where her house is?
- 16 A Yes, sir.
- 17 Q When you say y'all moved around to the left side of
18 the house, is that between Bryan's house and his
19 aunt's house?
- 20 A Yes, sir.
- 21 Q All right. When y'all were on the left side of the
22 house, where was the pistol?
- 23 A In Bud's hand.
- 24 Q What did Amp do when y'all were on the left side of
25 the house?

1 **A** Nothing.

2 **Q** What happened next?

3 **A** After that Amp had edged, had moved out towards the
4 edge of the bushes.

5 **Q** From the same side of the house towards the bushes?

6 **A** Yes, sir.

7 **Q** What do you mean he -- how did he move down there?

8 **A** He had -- he walked down there.

9 **Q** All right and then what happened?

10 **A** And after that two shots was fired.

11 **Q** Who had the pistol when the shots were fired?

12 **A** Adams.

13 **Q** Did you see Adams shoot the pistol?

14 **A** Yes, sir.

15 **Q** When Adams shot the pistol, first of all, where was
16 Adams?

17 **A** In front of me and --

18 **Q** Try it again.

19 **A** In front of me and -- me and Lawhorn.

20 **Q** What direction did Bud Adams shoot the pistol?

21 **A** Frontwards, forward.

22 **Q** Towards where?

23 **A** Alpha Lee.

24 **Q** What happened -- did you see Alpha Lee when Bud shot
25 the pistol?

- 1 **A** Yes, sir.
- 2 **Q** What did Alpha Lee do when Bud shot the pistol?
- 3 **A** He just fell.
- 4 **Q** Did he say anything? Alpha Lee?
- 5 **A** He just hollered and fell.
- 6 **Q** Hollered and fell?
- 7 **A** Yes, sir.
- 8 **Q** What did Bud do after Alpha Lee hollered and fell?
- 9 **A** Came back to the front saying, mother-fucker got
10 away. Excuse me.
- 11 **Q** That's fine. He didn't say the "excuse me". That's
12 you saying that?
- 13 **A** Yeah.
- 14 **Q** Where were Reggie and Kim and Vickie?
- 15 **A** On the front porch.
- 16 **Q** Who was Bud talking to when he said that he got away?
- 17 **A** It must have been Reggie there on the front porch.
- 18 **Q** What did you do?
- 19 **A** I didn't do nothing.
- 20 **Q** Could you see Alpha Lee from where you were?
- 21 **A** Yes, sir.
- 22 **Q** Do you remember what he had on?
- 23 **A** Yes, sir.
- 24 **Q** What did he have on?
- 25 **A** A yellow shirt.

1 Q I'm going to show you State's Exhibit No. 7. Take a
2 minute and look at it. All you need. What are you
3 just pointing at?

4 A A yellow shirt.

5 Q And is somebody wearing that shirt?

6 A Yes, sir.

7 Q Who is that?

8 A Alpha Lee.

9 Q Is that where you saw him fall?

10 A Yes, sir.

11 Q Did you ever go back there to where Alpha Lee was?

12 A Yes, sir.

13 Q Did you have a gun when you went back there?

14 A No, sir.

15 Q Why did you -- was he on the ground when you went
16 back there?

17 A Yes, sir.

18 Q Why did you go back?

19 A I went back there to check on him.

20 Q Did you put your hands on him?

21 A No, sir.

22 Q Did you turn him over?

23 A No, sir.

24 Q Did you go in his pockets or anything?

25 A No, sir.

- 1 Q Could you tell anything about him when you went back
2 there?
- 3 A No, sir.
- 4 Q Was he talking?
- 5 A No, sir.
- 6 Q Did he appear to be breathing?
- 7 A No, sir.
- 8 Q Was he moving?
- 9 A No, sir.
- 10 Q Did you kick on him or anything?
- 11 A No, sir.
- 12 Q Did you poke at him with a stick?
- 13 A No, sir.
- 14 Q What happened after you saw him in a condition? What
15 did you do?
- 16 A I didn't do nothing. I didn't know what to do.
- 17 Q So what did you do?
- 18 A I just went back in front.
- 19 Q After you went back in front, what's happening in
20 front, when you go back in front? In front of the
21 house? Is that what you're talking about?
- 22 A Yes, sir.
- 23 Q What happened next?
- 24 A Everybody left.
- 25 Q All right. Did Reggie leave?

- 1 **A** Yes, sir.
- 2 **Q** Did Kim leave?
- 3 **A** Yes, sir.
- 4 **Q** Did Vickie leave?
- 5 **A** Yes, sir.
- 6 **Q** Did Bryan leave?
- 7 **A** Yes, sir.
- 8 **Q** Did they leave together or separately?
- 9 **A** Altogether.
- 10 **Q** And how did they leave?
- 11 **A** They headed out in Reggie's Oldsmobile.
- 12 **Q** Who left first? Them or somebody else?
- 13 **A** They did.
- 14 **Q** Who left next?
- 15 **A** I did.
- 16 **Q** Where did you leave? Where did you go to?
- 17 **A** Down to L. J.'s. Down to L. J.'s.
- 18 **Q** Where you would have been earlier?
- 19 **A** Yes, sir.
- 20 **Q** The day before?
- 21 **A** Yes, sir.
- 22 **Q** The night before?
- 23 **A** Nah. I went down to L. J's. That's my cousin.
- 24 **Q** And how did you get down there?
- 25 **A** I walked.

- 1 Q Was Bud still there when you walked off?
- 2 A Yes, sir.
- 3 Q Do you know where Christel went?
- 4 A In the house.
- 5 Q Did you ever see her leave?
- 6 A No, sir.
- 7 Q Where was Bud when you started walking off?
- 8 A On the porch.
- 9 Q Did you see Bud again Saturday?
- 10 A Yes, sir.
- 11 Q Where?
- 12 A Down at L. J.'s.
- 13 Q About how long after you got to L. J.'s did you see
- 14 Bud at L. J.'s?
- 15 A About 45 -- about 40 to 50 minutes later.
- 16 Q Do you know how Bud got there?
- 17 A He walked.
- 18 Q Did he say anything about what had happened up at
- 19 Bryan's?
- 20 A No, sir.
- 21 Q How was he acting?
- 22 A Strange.
- 23 Q What do you mean strange?
- 24 A He looked like he ain't know what's going on.
- 25 Q What do you mean by that?

1 **A** He ain't know what was going on. I mean by that he
2 was like confused.

3 **Q** Confused?

4 **A** Yes, sir.

5 **Q** Did Bud stay there at L. J.'s where you were?

6 **A** He stayed there I'd say about a little over an hour,
7 maybe an hour.

8 **Q** How did he leave?

9 **A** He walked.

10 **Q** Did you know where he went?

11 **A** No, I do not.

12 **Q** Did you see him any more that day?

13 **A** No, sir.

14 **Q** Did you leave there and go somewhere?

15 **A** Yes, sir.

16 **Q** Where did you go?

17 **A** I went to my residence, to my house, to my aunt's
18 house.

19 **MR. BARFIELD:** Beg the Court's indulgence.

20 **THE COURT:** Yes, sir.

21 **MR. BARFIELD:** Thank you. Answer anything Mr.
22 Frick has.

23 **THE COURT:** Cross examination, Mr. Frick.

24 **MR. FRICK:** Thank you, Your Honor.

25 CROSS EXAMINATION

1 **BY MR. FRICK**

2 **Q** Mr. Jackson, how old are you?

3 **A** Twenty-two.

4 **Q** Twenty-two? All right. And you were what?

5 Twenty-one when this happened?

6 **A** Yes, sir.

7 **Q** And you said that you -- I don't know if friend is
8 the right word. But did you hang out with Bryan
9 Lawhorn?

10 **A** Yes, sir.

11 **Q** Y'all pretty close or --

12 **A** Yes, sir.

13 **Q** How long had y'all been close?

14 **A** We've been close ever since we first knowed [sic]
15 each other.

16 **Q** And about how long would that be?

17 **A** Ever since -- since now.

18 **Q** Okay. It's been a while?

19 **A** It's been a while.

20 **Q** All right. You said something about on the Friday
21 before all this stuff you were hanging out with Toby
22 Gibson?

23 **A** Yes, sir.

24 **Q** You call him Red Man?

25 **A** Yes, sir.

- 1 Q How long have you known Toby?
- 2 A I've known Toby all my life.
- 3 Q You've known Toby all your life?
- 4 A Yes, sir.
- 5 Q Y'all close?
- 6 A Yes, sir.
- 7 Q Okay. Are you aware of your own knowledge whether
- 8 Mr. Gibson has been in trouble?
- 9 A Yes, sir.
- 10 Q From drugs?
- 11 A Yes, sir.
- 12 Q Okay. Now, it's your testimony here today that Bud
- 13 said, I'm going to get Amp?
- 14 A Yes, sir.
- 15 Q When did he say that?
- 16 A In van going to pick up Christel.
- 17 Q In the van going to pick up Christel?
- 18 A Yes, sir.
- 19 Q And you were in the van?
- 20 A Yes, sir.
- 21 Q And who else was in the van?
- 22 A Nobody but me and him.
- 23 Q Just you and him?
- 24 A Yes, sir.
- 25 Q Okay. How long is that before all this happened?

- 1 **A** How long?
- 2 **Q** Yeah. Any idea?
- 3 **A** No, sir.
- 4 **Q** I mean, was it a couple of hours or can you even
- 5 guess?
- 6 **A** I can't. I can't even guess.
- 7 **Q** But it was a pretty good while before this happened?
- 8 **A** Yes, sir.
- 9 **Q** He kept saying, he took my package?
- 10 **A** Yes, sir.
- 11 **Q** Or it's gone, something like that?
- 12 **A** Yes, sir.
- 13 **Q** But you have no idea what he is talking about?
- 14 **A** Yes, sir.
- 15 **Q** And he didn't tell you what the package was?
- 16 **A** He didn't tell me.
- 17 **Q** You didn't ask?
- 18 **A** Didn't ask.
- 19 **Q** You didn't know?
- 20 **A** Didn't know.
- 21 **Q** Okay. And you're saying that this phone call that
- 22 Bud makes is to Bryan?
- 23 **A** Yes, sir.
- 24 **Q** Were you with Bud when he made the phone call?
- 25 **A** Yes, sir.

- 1 Q When does this phone call take place?
- 2 A When Reggie told him that Alpha Lee had took
3 something.
- 4 Q Was Christel there?
- 5 A Yes, sir.
- 6 Q She was there? In the same room with y'all?
- 7 A Yes, sir.
- 8 Q After this phone call Bryan comes over?
- 9 A Yes, sir.
- 10 Q Why would Bud have called Bryan about it?
- 11 A I don't know.
- 12 Q The car shows up with everybody in it, with Amp in
13 it?
- 14 A Yes, sir.
- 15 Q Now, are you -- correct me if I'm wrong, but I
16 thought you said that Amp gets out of the car and
17 goes straight to the barn?
- 18 A Yes, sir.
- 19 Q He didn't come in the house?
- 20 A No, sir.
- 21 Q Didn't come up the steps?
- 22 A No, sir.
- 23 Q Were you in the house?
- 24 A Yes, sir.
- 25 Q Who was in the house with you?

- 1 **A** Me, Adams and Christel.
- 2 **Q** Christel?
- 3 **A** Yes, sir.
- 4 **Q** And that's when all the other people show up?
- 5 **A** Yes, sir.
- 6 **Q** Okay. At any point does Amp set foot in the door?
- 7 **A** No, sir.
- 8 **Q** Straight to the barn?
- 9 **A** Yes, sir.
- 10 **Q** Then Bud comes out the house?
- 11 **A** Yes, sir.
- 12 **Q** How did he know to come out of the house? Do you
- 13 know?
- 14 **A** No, sir.
- 15 **Q** Did he hear a car pull up? I mean, I'm?
- 16 **A** He seen the car pull up.
- 17 **Q** All right. Through the door? Or show me. Y'all are
- 18 sitting in the house, right?
- 19 **A** All right. That's the front door right there.
- 20 **Q** Okay. All right. So he can see through the front
- 21 door?
- 22 **A** Yes, sir.
- 23 **Q** Is that like a storm door?
- 24 **A** Yeah. A storm door.
- 25 **Q** Now, do you recall sometime shortly after you got

1 picked up on this that you talked to law enforcement?

2 A Yes, sir.

3 Q They did a written statement?

4 A Yes, sir.

5 Q Do you recall telling them that Bud ran out of the
6 house?

7 A Yes, sir. He walked fast out the house.

8 Q Walked fast out the house?

9 A Yes, sir.

10 Q Okay. Now, I need your help, Mr. Jackson, because
11 I've heard three different things here now. You tell
12 law enforcement right after the incident he shot out
13 of the door?

14 A Yes, sir.

15 Q You told the solicitor he walked out of the door.
16 Now you're telling me he walked fast out of the door.
17 Which is it?

18 A He ran fast out the door.

19 Q Now he ran fast out the door. Okay. You went after
20 him?

21 A Yes, sir.

22 Q Why?

23 A I didn't know.

24 Q Okay. I mean, did you hope to accomplish something
25 here?

- 1 **A** No, sir.
- 2 **Q** Okay. And you said that you had never seen State's
- 3 No. 56 before?
- 4 **A** No, sir.
- 5 **Q** Never seen that before?
- 6 **A** No, sir.
- 7 **Q** Okay. Had you been at Bryan's house before?
- 8 **A** Yes, sir.
- 9 **Q** Many times?
- 10 **A** Yes, sir.
- 11 **Q** Not once seen that gun?
- 12 **A** No, sir.
- 13 **Q** Okay. I know Alpha Lee didn't come in the house, but
- 14 did he typically carry a gun?
- 15 **A** No, sir.
- 16 **Q** Do you think he had a gun when he got there?
- 17 **A** No, sir.
- 18 **Q** But you saw him go to the woods and get something
- 19 out?
- 20 **A** Yes, sir.
- 21 **Q** And that something was a gun?
- 22 **A** Yes, sir.
- 23 **Q** Show me -- I've asked everybody else. Maybe I'll ask
- 24 you. State's No. 3, this is the barn we keep talking
- 25 about, right?

- 1 **A** Yes, sir.
- 2 **Q** This is kind of the view from the porch?
- 3 **A** Yeah. That's right.
- 4 **Q** Whereabouts did Alpha Lee go down to the woods?
- 5 **A** On this side over here.
- 6 **Q** On this side of the barn?
- 7 **A** Yes, sir.
- 8 **Q** And you could see what he was doing over there?
- 9 **A** No, sir.
- 10 **Q** But when he turned around you could see his hands?
- 11 **A** Yes, sir.
- 12 **Q** And you're saying he wasn't doing anything with the
- 13 gun?
- 14 **A** No, sir.
- 15 **Q** Coming back towards the house with it?
- 16 **A** No. He was coming back towards the barn where me and
- 17 Adams were standing at.
- 18 **Q** Where were y'all standing at that point?
- 19 **A** We were standing -- you really can't see where we
- 20 were standing on the other -- on the far side.
- 21 **Q** So, on the other side --
- 22 **A** Yes, sir.
- 23 **Q** -- but down there?
- 24 **A** Yes, sir.
- 25 **Q** Okay. Is this where he snatches the gun away?

- 1 **A** Yes, sir.
- 2 **Q** Is it?
- 3 **A** Yes, sir.
- 4 **Q** If you're standing on the porch, can you see that
- 5 side?
- 6 **A** No, sir.
- 7 **Q** And he just grabbed it out of his hand?
- 8 **A** Yes, sir.
- 9 **Q** How was Alpha Lee holding the gun?
- 10 **A** He was just -- had the gun in his hand like this.
- 11 **Q** I mean, I ain't going to hand it to you. But like
- 12 this?
- 13 **A** No.
- 14 **Q** Or something like that?
- 15 **A** Yes, sir.
- 16 **Q** Just holding the gun like this in his hand?
- 17 **A** Yes, sir.
- 18 **Q** Bud grabs it out of his hand?
- 19 **A** Yes, sir.
- 20 **Q** The next step, what happened?
- 21 **A** The next step Mr. Adams cocked the gun and started
- 22 shooting it at him.
- 23 **Q** Still down on the other side of the barn?
- 24 **A** Yes, sir.
- 25 **Q** Down over here, not -- you see where these little

1 yellow markers are?

2 **A** Yes, sir.

3 **Q** Not up here?

4 **A** No, sir.

5 **Q** Down here?

6 **A** Yes, sir.

7 **Q** Okay. Did he ever point the gun directly at him?

8 **A** Yes, sir.

9 **Q** He did?

10 **A** Yes, sir.

11 **Q** Did he fire directly at him?

12 **A** No, sir.

13 **Q** When he fired, where is he firing?

14 **A** Upper body part.

15 **Q** Upper body?

16 **A** Yes, sir.

17 **Q** I thought you said something about his feet?

18 **A** Nah. He shot him first off -- the first time he shot

19 at the ground. Then he shot upwards.

20 **Q** Is he doing his hands some kind of motion like this?

21 **A** Yes, sir.

22 **Q** He's firing while he's doing this?

23 **A** Yes, sir.

24 **Q** Is Amp still facing him?

25 **A** Yes, sir.

- 1 Q How close? I'm going to walk towards you. You tell
2 me when to stop.
- 3 A About there.
- 4 Q About this far away?
- 5 A Yes, sir.
- 6 Q Is Bud's arm extended?
- 7 A Yes, sir.
- 8 Q Not down like this?
- 9 A No, sir.
- 10 Q Out like this?
- 11 A Yes, sir.
- 12 Q So they would be about three or so feet away?
- 13 A Yes, sir.
- 14 Q Did Amp get shot while Bud is doing this?
- 15 A No, sir. Not that I seen.
- 16 Q Nothing that you saw indicated that Amp had gotten
17 shot?
- 18 A No, sir.
- 19 Q At any point did Amp have his back turned to him
20 while he was doing this?
- 21 A No, sir.
- 22 Q What was Amp doing?
- 23 A Nothing.
- 24 Q Standing there?
- 25 A Just froze.

- 1 Q Just froze like this?
- 2 A No, sir.
- 3 Q Didn't put his hands up?
- 4 A No, sir.
- 5 Q He didn't start backing away?
- 6 A No, sir.
- 7 Q Didn't turn and run?
- 8 A No, sir.
- 9 Q Just stood there?
- 10 A Yes, sir.
- 11 Q Did Amp say anything?
- 12 A No, sir.
- 13 Q Nothing?
- 14 A No, sir.
- 15 Q At this point y'all were still on other side of the
- 16 barn?
- 17 A Yes, sir.
- 18 Q When did y'all come out from around that side of the
- 19 barn?
- 20 A A little later, afterwards.
- 21 Q Now, how long have you known Bud?
- 22 A About four years.
- 23 Q Four years?
- 24 A Three years. Three or four years.
- 25 Q Were y'all close, kind of tight, getting tight?

- 1 What?
- 2 **A** Not really.
- 3 **Q** You were just kind of acquaintances?
- 4 **A** Yeah.
- 5 **Q** Hung out?
- 6 **A** Yes, sir.
- 7 **Q** How about you and Alpha Lee? Did y'all know each
8 other for a while?
- 9 **A** Yes, sir.
- 10 **Q** How long?
- 11 **A** For the longest.
- 12 **Q** For the longest?
- 13 **A** Yes, sir.
- 14 **Q** Were y'all kind of tight?
- 15 **A** Yeah.
- 16 **Q** A man you've known for four years is pointing a gun
17 and shooting at a person you've known your whole
18 life?
- 19 **A** Yes, sir.
- 20 **Q** Did you do anything?
- 21 **A** No, sir.
- 22 **Q** Did you say anything?
- 23 **A** No, sir.
- 24 **Q** Did you go back up to the house to get any help?
- 25 **A** No, sir.

1 Q How do you all come out from behind the barn? What
2 happens?

3 A We walked up the hill.

4 Q Just walked up the hill?

5 A Yes, sir.

6 Q All right now, Mr. Davis [sic]. I need your help.

7 We've had walking, running, walking, running fast.

8 Are we really walking this time?

9 A We're walking up the hill.

10 Q I mean, like ain't nobody shot at nobody down over
11 here?

12 A No, sir.

13 Q Okay. Explain to me how this happens. What? Bud
14 just stops shooting?

15 A Yes, sir.

16 Q And y'all just start walking up the hill?

17 A Yes, sir.

18 Q Then y'all are over here in the side yard?

19 A Nah. We're in the front yard.

20 Q I do need your help on this one. This is State's No.

21 1. This is the front porch.

22 A Okay.

23 Q Y'all weren't standing right in front of the porch?

24 A We were standing -- right. This is the porch.

25 Q Right?

- 1 **A** All right. The driveway comes right here in front of
2 the porch. We were standing in the driveway.
- 3 **Q** In the driveway?
- 4 **A** Yes, sir.
- 5 **Q** Where Reggie had his car parked?
- 6 **A** Reggie's car was parked this way.
- 7 **Q** Right?
- 8 **A** Just right along in.
- 9 **Q** So y'all were standing right in front of the front
10 porch?
- 11 **A** Yes, sir.
- 12 **Q** People on the front porch?
- 13 **A** Yes, sir.
- 14 **Q** So people are standing on the front porch. They see
15 y'all standing there?
- 16 **A** Yes, sir.
- 17 **Q** Were y'all talking? What's going on?
- 18 **A** Nothing.
- 19 **Q** Not nothing?
- 20 **A** Nothing at all.
- 21 **Q** Bud still got the gun in his hand?
- 22 **A** Yes, sir.
- 23 **Q** Was he shooting at anybody?
- 24 **A** No, sir.
- 25 **Q** Amp saying anything?

- 1 **A** No, sir.
- 2 **Q** You saying anything?
- 3 **A** I didn't say nothing.
- 4 **Q** Okay. And then y'all walk around this way?
- 5 **A** Yes, sir.
- 6 **Q** Standing on --
- 7 **A** Yes, sir.
- 8 **Q** -- this side of the house?
- 9 **A** Yes, sir.
- 10 **Q** And this is where it starts happening again?
- 11 **A** Yes, sir.
- 12 **Q** What caused stuff to start happening again?
- 13 **A** Well, I don't know, to be honest.
- 14 **Q** You don't know?
- 15 **A** No, sir.
- 16 **Q** At some point you say Bryan comes out. Did he have
- 17 this in his hands?
- 18 **A** Yes, sir.
- 19 **Q** Did he pick it up from outside or --
- 20 **A** No, sir.
- 21 **Q** When you saw him he had it in his hands?
- 22 **A** Yes, sir.
- 23 **Q** What was he doing with it?
- 24 **A** He was swinging it.
- 25 **Q** Like what?

- 1 **A** With force.
- 2 **Q** Who was he trying to hit?
- 3 **A** Alpha Lee.
- 4 **Q** He was trying to hit Alpha Lee? Did he hit him?
- 5 **A** Yes, sir.
- 6 **Q** Where did he hit him?
- 7 **A** Really I couldn't -- I don't know. I just know he
- 8 hit him.
- 9 **Q** But you knew he hit him?
- 10 **A** Yes, sir.
- 11 **Q** Why is he swinging at him?
- 12 **A** I don't know.
- 13 **Q** Okay. Well, what's Bud doing?
- 14 **A** Swinging, swinging, hit him with a board.
- 15 **Q** He's got a board?
- 16 **A** Yes, sir.
- 17 **Q** Like a two-by-four?
- 18 **A** Yes, sir.
- 19 **Q** How big? Are we talking feet?
- 20 **A** I really don't know.
- 21 **Q** I mean, it wasn't an eight foot long piece?
- 22 **A** No.
- 23 **Q** A piece of two-by-four?
- 24 **A** Yes, sir.
- 25 **Q** Any idea where he got that from?

- 1 **A** No, sir.
- 2 **Q** What's Amp doing at this point?
- 3 **A** Nothing.
- 4 **Q** Is he getting hit with this stuff?
- 5 **A** Yes, sir.
- 6 **Q** What are you doing?
- 7 **A** I'm just sitting there watching.
- 8 **Q** Okay. Is anybody -- now, are y'all still over here
- 9 on the side of the house?
- 10 **A** In front.
- 11 **Q** You all are still in the front of the house --
- 12 **A** Yes.
- 13 **Q** -- while this is going on?
- 14 **A** Yes, sir.
- 15 **Q** All these people are on the porch watching this?
- 16 **A** Yes, sir.
- 17 **Q** Anybody saying, stop, don't do that or --
- 18 **A** I did not hear anybody say that. No, sir.
- 19 **Q** At some point y'all matriculate from this side of the
- 20 house to over near the woods?
- 21 **A** Yes, sir.
- 22 **Q** How do y'all get there?
- 23 **A** We walked over there --
- 24 **Q** Just --
- 25 **A** -- to where Amp went to.

- 1 Q So Amp is getting the devil beat out of him. Y'all
2 take a break and just walk down to the woods?
- 3 A No. Amp had run there.
- 4 Q So he ran down that way?
- 5 A Mm-hmm (affirmative).
- 6 Q Okay. Bud follows him?
- 7 A Yes, sir.
- 8 Q Bryan followed him?
- 9 A Yes, sir.
- 10 Q You follow him?
- 11 A Yes, sir.
- 12 Q Bryan has still got this in his hand?
- 13 A I can't -- maybe so. I can't remember.
- 14 Q Okay. That's fine. Bud has still got the gun in his
15 hand?
- 16 A Yes, sir.
- 17 Q Okay. At some point he sets this down?
- 18 A No, sir.
- 19 Q Does he still have the board in his hand?
- 20 A Yes, sir.
- 21 Q Do you remember which he had in which hand?
- 22 A No, sir.
- 23 Q And you just kind of walking along behind them?
- 24 A Yes, sir.
- 25 Q And at no point are you saying, hey, what's going on?

- 1 **A** No, sir.
- 2 **Q** This don't make any kind of sense?
- 3 **A** No, sir.
- 4 **Q** Okay. Why are you still following along?
- 5 **A** Watching.
- 6 **Q** Okay. At no point in this whole process do you pick
7 up a stick? Anything? Gun? Rock?
- 8 **A** No.
- 9 **Q** No nothing?
- 10 **A** No.
- 11 **Q** Say nothing?
- 12 **A** Nothing.
- 13 **Q** Do nothing towards Alpha Lee?
- 14 **A** Nothing.
- 15 **Q** Didn't shoot at him?
- 16 **A** Nothing.
- 17 **Q** Didn't hit him?
- 18 **A** No.
- 19 **Q** Didn't take a swing at him?
- 20 **A** Nothing.
- 21 **Q** Originally you got charged with what in this case?
- 22 **A** Murder.
- 23 **Q** Now you have pled to voluntary manslaughter?
- 24 **A** Yes, sir.
- 25 **Q** That's a lesser charge, correct?

- 1 **A** Yes, sir.
- 2 **Q** It's your understanding -- and I know you haven't
3 received a sentence -- your understanding that you
4 received a reduced sentence, correct?
- 5 **A** Yes, sir.
- 6 **Q** Are you aware of what murder carries in the state of
7 South Carolina?
- 8 **A** Yes, sir.
- 9 **Q** What is that?
- 10 **A** Thirty to life.
- 11 **Q** Okay. So in exchange for your testifying here today
12 you get a reduced charge?
- 13 **A** Yes, sir.
- 14 **Q** And you pled to voluntary manslaughter?
- 15 **A** Yes, sir.
- 16 **Q** And you didn't do nothing?
- 17 **A** No, sir.
- 18 **Q** Okay. I think I've got one more question and I'll
19 let you go. The final fatal shot that killed Amp
20 happens over in the woods?
- 21 **A** Yes, sir.
- 22 **Q** You are standing there watching the whole thing
23 happen. It could not have happened anywhere except
24 down in the woods?
- 25 **A** Yes, sir.

1 Q And you see Bud with the gun?

2 A Yes, sir.

3 Q Any idea what happened with the gun?

4 A No, sir.

5 Q Beg the Court's indulgence one moment.

6 THE COURT: Yes, sir.

7 Q Thank you, Mr. Jackson. I believe that's all I have.

8 THE COURT: Redirect, Mr. Barfield?

9 MR. BARFIELD: Yes. Just very briefly, I do.

10 REDIRECT EXAMINATION

11 BY MR. BARFIELD

12 Q Mr. Jackson.

13 A Yes, sir.

14 Q You said you were watching all of this?

15 A Yes, sir.

16 Q Before it happened did you think Bud was really going
17 to shoot?

18 A No, sir.

19 Q Sir?

20 A No, sir.

21 Q Thank you. That's all.

22 THE COURT: Recross?

23 MR. FRICK: No, sir.

24 THE COURT: All right. Thank you, Mr. Jackson.

25 You may step down.

Levarn M. Jackson, Jr. - Redirect by Mr. Barfield

815...

1 **MR. BARFIELD:** We call Greg Boney briefly.

2 **THE COURT:** All right, Mr. Boney. Come up,
3 please. You are still under oath, Mr. Boney.

4 GREG BONEY, after being recalled and reminded he
5 is still sworn, testifies as follows:

6 DIRECT EXAMINATION

7 **BY MR. BARFIELD**

8 **Q** Two quick questions.

9 **A** Yes, sir.

10 **Q** Willie James Adams, Jr., Bud Adams's, date of birth?

11 **A** Mr. Adams's date of birth is 8-1 of 1975.

12 **Q** Which makes him how old today?

13 **A** Thirty-four I believe.

14 **Q** Thank you. Answer anything Mr. Frick has.

15 **THE COURT:** Anything, Mr. Frick?

16 **MR. FRICK:** I don't believe I have anything.

17 Thank you, Your Honor.

18 **THE COURT:** Thank you, sir. You may step down.

19 **MR. BARFIELD:** Your Honor, I'm at a point where
20 I need to consult with several people involved in the
21 case to determine if I'm done or not. I don't
22 necessarily think that we need a recess, but I need
23 to step out with some folks in the back.

24 **THE COURT:** All right. Just a minute. Go
25 ahead. Talk with them.

1 (Pause)

2 **THE COURT:** All right, Mr. Barfield?

3 **MR. BARFIELD:** Your Honor, that's the case for
4 the State of South Carolina.

5 **THE COURT:** All right. The State rests. All
6 right, ladies and gentlemen. You have heard Mr.
7 Barfield, the solicitor, announce that the State has
8 rested their case at this time. There are certain
9 matters of law which I need to take up with the
10 attorneys that are involved in this case. I have to
11 do that on the record and outside of your presence.

12 So I am going to ask you to go to your jury
13 room. Please do not discuss the case among
14 yourselves. It is still premature for to you begin
15 any deliberations. But we do have to take up these
16 matters of law, and as soon as I have concluded them,
17 then I will send for you.

18 So, if you would, go to your jury room. Relax,
19 please, and do not discuss the case among yourselves.
20 Thank you. You may go with the bailiffs.

21 (Jury out at 10:29 a.m.)

22 **THE COURT:** All right. Mr. Frick, motions on
23 behalf of the defendant?

24 **MR. FRICK:** Yes, sir, Your Honor. At this time,
25 viewing the evidence in a light most favorable to the

1 State, the defense would ask for a directed verdict.
2 I certainly understand that the Court is interested
3 in whether there is enough evidence for a case to go
4 to the Grand Jury [sic], circumstantial and
5 sufficient, as long as it's more than just mere
6 speculation.

7 Your Honor, I will concede that there are at
8 least two witnesses who said my client had a gun and
9 fired a gun, potentially inducing the fatal shot. My
10 argument, I believe the Court would correctly rule,
11 would be more of a jury argument, but I'm still going
12 to make it at this time, about the credibility of
13 those witnesses.

14 The other witnesses cannot say with any
15 definitiveness who had the gun that fired the fatal
16 shot. That makes my client merely present, and I
17 would say that that is not sufficient to go to the
18 jury.

19 **THE COURT:** All right. Under Rule 19 of the
20 Rules of Civil Procedure, the Court shall direct a
21 verdict in favor of the defendant on motion of the
22 defendant or its own motion if there is a failure of
23 competent evidence tending to prove the charge in the
24 indictment.

25 However, the rule goes on to say that in ruling

1 on the motion the judge shall consider only the
2 existence or nonexistence of the evidence and not its
3 weight. It's always been my view that the use of the
4 word competent in Rule 19 is a bad choice of words,
5 and in the proposed new criminal Rules of Criminal
6 Procedure that language has changed.

7 But the bottom line is that I cannot weigh the
8 testimony of the parties in this case. That is a
9 jury issue. And there is both direct and
10 circumstantial evidence that the defendant in this
11 case fired the fatal shots [sic]. And I believe it
12 is a jury question and I would, therefore,
13 respectfully deny the motion.

14 All right. Mr. Frick, is your client in a
15 position to advise the Court regarding his decision
16 with regard to the Fifth Amendment rights?

17 **MR. FRICK:** Judge, we did discuss that. I think
18 we have an answer, but I need to confer with a
19 potential witness. If you could give me just a
20 couple of minutes. It is someone the State had, and
21 up until yesterday afternoon it was my intention --
22 well, the indication I had was that the State was
23 going to call this witness. I now have him here
24 under my subpoena but have not had an opportunity to
25 ask him --

1 **THE COURT:** All right. Let's take a ten-minute
2 recess. When we come back there are two things that
3 I will need to know. I will need to make sure that
4 the defendant understands his Fifth Amendment rights
5 and whether he can himself make a decision as to
6 whether he wishes to testify or to exercise his
7 rights under the Fifth Amendment. That would be the
8 first issue that I need to know. And, secondly, of
9 course would be whether the defense intends to offer
10 any other testimony.

11 **MR. FRICK:** Yes, sir.

12 **THE COURT:** Let's take a ten-minute recess.

13 **MR. FRICK:** Thank you, Judge.

14 **THE COURT:** All right.

15 (Whereupon, a break is taken)

16 **THE COURT:** All right. We're back on the record
17 with regard to the matter of The State vs. Willie
18 James Adams, Jr. Mr. Adams is present with his
19 counsel, Mr. Frick, and the State is present with Mr.
20 Barfield and Mr. Maxwell. Anything before we bring
21 the jury in?

22 **MR. BARFIELD:** Nothing from the State.

23 **THE COURT:** Mr. Frick?

24 **MR. FRICK:** Your Honor had inquired before we
25 took the break that when we came back you wanted to

1 know about my client and whether or not he was going
2 to testify and what the defense plans to do.

3 I have spoken to my client about his rights and
4 what the State may be able to impeach him with were
5 he to take the stand. We discussed that yesterday
6 evening and a little bit more this morning. It is my
7 understanding my client does not wish to testify.
8 The defense would have one additional other witness
9 we would call, and then I anticipate we would rest.

10 **THE COURT:** All right. Mr. Adams, let me ask
11 you to stand for just a moment, please. You will
12 recall that yesterday I advised you about your Fifth
13 Amendment rights and your right to remain silent and
14 advised you and requested that you talk with your
15 lawyer about those rights. Have you had an
16 opportunity to do that?

17 **MR. ADAMS:** Yes, sir.

18 **THE COURT:** Do you understand your rights under
19 the Fifth Amendment to the Constitution as explained
20 to you by both your lawyer and by me?

21 **MR. ADAMS:** Yes, sir.

22 **THE COURT:** And do you have any questions about
23 your Fifth Amendment rights?

24 **MR. ADAMS:** No, sir.

25 **THE COURT:** Have you made a decision as to

1 whether you do or do not wish to testify in this
2 case?

3 **MR. ADAMS:** Yes, sir.

4 **THE COURT:** And what is that decision?

5 **MR. ADAMS:** I don't want to testify.

6 **THE COURT:** Do not wish to testify. Is that
7 decision on your part made freely and voluntarily?

8 **MR. ADAMS:** Sir?

9 **THE COURT:** Is that decision on your part made
10 freely and voluntarily?

11 **MR. ADAMS:** Yes, sir.

12 **THE COURT:** All right. The Court will find then
13 that the defendant after having been advised by his
14 counsel and by the Court of his rights under the
15 Fifth Amendment to the Constitution of the United
16 States and the similar counterpart provision of the
17 Constitution of the State of South Carolina has made
18 a free, intelligent, voluntary and knowing decision
19 to exercise that right and not testify in this
20 matter. Thank you. You may be seated. All right.
21 Bring the jury in, please.

22 (Jury in at 10:50 a.m.)

23 **THE CLERK:** Raise your right hand, please.

24 BRYAN LAWHORN, after being duly sworn, testifies
25 as follows:

1 **THE CLERK:** Have a seat.

2 DIRECT EXAMINATION

3 **BY MR. FRICK**

4 **Q** Mr. Lawhorn, I ask you to do one favor for me.

5 **A** Yes, sir.

6 **Q** Can you take that out so it doesn't pick up and we
7 don't both get in trouble on that. I'll take it if
8 you want me to. All right. I think you've been here
9 all week. Make sure you speak clearly into the
10 microphone. Okay?

11 **A** Yes, sir.

12 **Q** You are Bryan Lawhorn, correct?

13 **A** Yes, sir.

14 **Q** Now, there's been a whole lot of talk all week about
15 a house on Flint Hill Road. This house?

16 **A** Yes, sir.

17 **Q** State's Exhibit No. 1?

18 **A** Yes, sir.

19 **Q** Is this your house?

20 **A** It's the family house.

21 **Q** The family house?

22 **A** Yes, sir.

23 **Q** Is this where you live?

24 **A** Yes.

25 **THE COURT:** Speak up. The court reporter is

1 trying to hear you. So am I.

2 **A** Okay.

3 **Q** So when you lay your head down at night to sleep,
4 this is your home?

5 **A** Yes, sir. From time to time.

6 **Q** Okay. All right. Were you present on the night
7 Alpha Lee Miller got shot?

8 **A** Yes, sir.

9 **Q** Can you tell us what happened on that Friday evening
10 before?

11 **A** The Friday evening before, me and Mr. Adams had --

12 **THE COURT:** We can't hear you. We can't hear
13 you. You need to speak up.

14 **A** All right. Can you hear me now?

15 **THE COURT:** Go ahead.

16 **A** Me and Mr. Adams went to the club. And Boo and my
17 girlfriend --

18 **Q** Now, Boo, that's who again?

19 **A** Levarn Jackson.

20 **Q** Okay.

21 **A** And we came back from the club. I dropped them off
22 at home. And I left. Then I came back like the next
23 morning. I arrived about 11:30, like 11:30, 12:00,
24 noon, the next day.

25 **Q** Okay.

1 **A** Because Boo had called me, said he had broke down on
2 the side of the road, come pick him up.

3 **Q** Okay.

4 **A** So I come and picked him up.

5 **Q** Speak up.

6 **THE COURT:** Yeah. We've just got a little
7 feedback there.

8 **A** All right. And --

9 **THE COURT:** Speak up.

10 **A** You still can't hear me?

11 **Q** 11:30 or 12:00 you come over to the house?

12 **A** Yes, sir.

13 **Q** And Boo calls you?

14 **A** Yes, sir.

15 **Q** Where was he?

16 **A** He was walking because Mr. Adams's van had broke
17 down. He was driving him and they had broke down on
18 the side of the road. So he called me to pick him
19 up.

20 **Q** Okay.

21 **A** So I picked him up and take him to the house. And I
22 had left, went to the Waffle House, came back. And
23 that's when Mr. Adams said Amp Lee took everything he
24 had.

25 **Q** Okay.

1 **A** And some kind of way him, Amp Lee, Kim, Reggie and
2 Vickie came to the house.
3 **Q** Now, were you there when they all showed up?
4 **A** Yes, sir.
5 **Q** How long had you been in the house before they showed
6 up?
7 **A** About 15, 5 minutes.
8 **Q** Okay.
9 **A** Give or take.
10 **Q** All right. You'd just gotten back and all these
11 people show up?
12 **A** Yes, sir.
13 **Q** Was Bud there with you?
14 **A** Yes, sir.
15 **Q** Okay. Was Boo there with you?
16 **A** Yes, sir.
17 **Q** Was anybody else there?
18 **A** Christel.
19 **Q** Christel was there?
20 **A** Yes, sir.
21 **Q** Y'all were all in the house?
22 **A** Yes, sir.
23 **Q** Okay. The car pulls up. Do y'all see the car pull
24 up?
25 **A** I was in my room.

1 Q Okay. Where is it in the house? In the --
2 A In the front living area.
3 Q Is there a window where you could see out or --
4 A Yes, sir.
5 Q Okay. The car pulls up. Whose car is it?
6 A Reggie's car.
7 Q Okay. Then what happens?
8 A Then I hear them leave out the house. Then I hear
9 two shots, pop-pop. Christel runs in the house.
10 Q Hold on. Hold on. Lean forward a little bit. What
11 happens?
12 A I hear like they leave out the house. Bud and Boo
13 leave out the house.
14 Q Bud and Boo left out of the house?
15 A Yes, sir.
16 Q Where was Mr. Lee, Mr. -- you?
17 A I was in my room at the time.
18 Q Okay. Did you know whether he set foot in your door
19 or not?
20 A I heard his voice, so ...
21 Q You heard him in the house?
22 A Yes. I heard his voice.
23 Q Okay. So you believe he came in?
24 A Yes, sir.
25 Q All right. Continue. Bud and Boo head out the

1 house?

2 **A** Yes, sir. And I hear two shots. And Christel run
3 back in the house. Come get them. They're messing
4 with Alpha Lee.

5 **THE COURT:** You've got to speak up and speak
6 more slowly.

7 **A** All right. So --

8 **Q** Just get up on that microphone. Okay? Okay?

9 **A** So like I was saying, Kim and Christel came in the
10 house, said that they had been messing with Alpha
11 Lee.

12 **Q** Now, when those shots are fired, you're in the house?

13 **A** Yes, sir.

14 **Q** In your room?

15 **A** Yes, sir.

16 **Q** Are you looking out a window?

17 **A** No, sir. I can't see nothing.

18 **Q** Any idea where the shots came from?

19 **A** No, sir.

20 **Q** Who fired them?

21 **A** I couldn't tell you that.

22 **Q** No idea?

23 **A** No idea. But when I come outside, I grabbed a pipe,
24 a red pipe. It wasn't that pipe there. It wasn't
25 that one.

1 Q It's not this one?

2 A No.

3 Q Did it look like this one?

4 A It's different from that one.

5 Q Okay.

6 A Okay. So as soon as I step out on the front porch I
7 see Bud lay the pistol down on the ground. And
8 Mr. Jackson picked it up and put it in his back
9 pocket.

10 Q Okay. Let me stop you there. Okay. You said a
11 different red pipe. I'm going to show you State's
12 No. 1 again.

13 A Yes, sir.

14 Q There seems to be something --

15 A It's that pipe right there.

16 Q Okay.

17 A I see that pipe right there.

18 **THE COURT:** That's not working. It's not
19 working for me. It's not working for me. You've got
20 to wait until he finishes the question. Then you've
21 got to answer the question and you've got to answer
22 it loud and clearly. Start over.

23 Q All right. On State's No. 1 --

24 A Yes, sir.

25 Q -- there appears to be something on this porch?

1 **A** Yes, sir.

2 **Q** What is that?

3 **A** That's the pipe right there.

4 **Q** That's the pipe you picked up?

5 **A** Yes, sir.

6 **Q** Okay. After everything is over with, do you put it

7 back there?

8 **A** Yes, sir.

9 **Q** Okay. To your knowledge, did anybody ever pick it

10 up?

11 **A** No, sir. When I got out of jail it was still on the

12 porch.

13 **Q** Okay. And this ain't it?

14 **A** No, sir.

15 **Q** Now, you pick up the pipe, start heading down -- I'm

16 going to show you State's No. 3.

17 **A** Yes, sir.

18 **Q** This is the barn we've been talking about?

19 **A** Yes, sir.

20 **Q** This is the way you're heading?

21 **A** Yes, sir.

22 **Q** Who is where and what's going on? And remember talk

23 slowly and clearly for us.

24 **A** Mr. Adams, he is like right here. Alpha Lee, he is

25 like right here.

1 **THE COURT:** All right.

2 **MR. BARFIELD:** Excuse me just one second. Let
3 me step around where I can see him.

4 **THE COURT:** All right. It's not working,
5 Mr. Frick. You're going to have to back up because
6 otherwise he is not going to talk loud enough. He is
7 going to talk like he's talking in a conversation
8 with you.

9 **MR. FRICK:** Yes, sir.

10 **THE COURT:** And let him keep his language up.

11 **Q** Well, let me do this. On this, you see where these
12 little markers are?

13 **A** Yes, sir.

14 **Q** Where were they standing in relation to where those
15 little markers are?

16 **A** Mr. Adams, he was like right here. And Mr. Miller,
17 he was like right here.

18 **Q** So you're saying inbetween where the markers are and
19 the barn?

20 **A** Yes, sir.

21 **Q** Okay. All right. Well, what's going on?

22 **A** A little commotion.

23 **Q** Commotion. Tell me what a commotion is?

24 **A** It's like just Bud asked Alpha Lee, where my shit at.

25 **Q** Okay.

1 **A** And Mr. Miller was like, I don't know what you're
2 talking about. I said, Alpha Lee took my pistol.
3 Y'all fixing to go to jail because --

4 **THE COURT:** I didn't get that. Slow down.
5 Louder.

6 **A** All right. All right. And then I asked, I said,
7 Alpha Lee took my pistol. Y'all are fixing to go to
8 jail for some bullshit.

9 **THE COURT:** She can't hear it either.

10 **Q** You asked or Bud asked?

11 **A** I asked where my pistol at.

12 **Q** You asked. State's No. 56?

13 **A** Yes, sir.

14 **Q** This is your pistol?

15 **A** My kid's mother, she signed the -- the police come to
16 the house the night prior to that.

17 **Q** Okay. Okay. You normally kept it at the house?

18 **A** Yes, sir.

19 **Q** Okay. All right. So you go down there and you ask
20 Mr. Miller, where my gun at?

21 **A** Yes, sir.

22 **Q** Okay. what's Bud doing?

23 **A** He ain't doing nothing. Just arguing. That's it.

24 **Q** Arguing?

25 **A** Yes, sir.

1 Q What's Alpha Lee doing?

2 A Well, Alpha Lee is talking about, I don't know what

3 you're talking about.

4 Q Did he have anything in his hands?

5 A No. Not at that time.

6 Q At that time did anybody have a gun in their hand?

7 A No. When I came outside, like I said, Mr. Adams laid

8 the gun down on the ground.

9 Q Slow down. Slow down. All right. Did you see him

10 lay the gun down?

11 A I seen him.

12 Q Okay. Did you see anybody pick the gun up?

13 A Yes.

14 Q When?

15 A Like when I was walking out the door I seen Boo pick

16 it up.

17 Q Boo picked it up?

18 A Mr. Jackson.

19 Q As you're walking out the door?

20 A Yes, sir.

21 Q I mean, you see him?

22 A Yes, sir.

23 Q Okay. All right. When you get down and y'all are

24 having this conversation, you got not this pipe but

25 the pipe in your hand?

1 **A** This pipe. Yes, sir.

2 **Q** Boo has got a gun in his hand. Bud is standing

3 there. Alpha see is saying, I don't know what's

4 going on?

5 **A** Mm-hmm (affirmative).

6 **Q** What happens next?

7 **A** What happened next, I seen Boo put the gun in his

8 back pocket.

9 **Q** Okay.

10 **A** And that's when I had said, Alpha Lee, why you took

11 the gun? You're fixing to go to jail.

12 **Q** Slow down. All right.

13 **A** I don't know why you took the gun and you're fixing

14 to go to jail for stealing.

15 **Q** Okay. You said that to Alpha Lee?

16 **A** Yes, sir.

17 **Q** Did he say anything back?

18 **A** He said, I ain't -- I ain't mean nothing by it, you

19 know.

20 **Q** Okay. Did y'all start moving from that location?

21 **A** Yes, sir.

22 **Q** Where did y'all go?

23 **A** Me and Mr. Adams went around the front of the house.

24 There was like a four-by-four on the ground. And

25 some kind of way him and Boo were like walking around

1 the house. And by the time I put the pipe on the
2 porch, they was like in the corner right there. And
3 Mr. Adams was --

4 Q Who was in the corner?

5 A Like Boo and Mr. Alphray (ph). They were like in the
6 corner. There's like a cedar tree --

7 Q I want to clarify now. We've got names going all
8 over the place.

9 A Mr. Miller --

10 Q Mr. Miller?

11 A -- and Boo.

12 Q Alpha Lee, Amp, whatever we're calling him?

13 A Yeah.

14 Q Boo, Mr. Jackson. They're down on the corner?

15 A Yes, sir.

16 Q Down near the woods?

17 A Yes, sir. There's like a cedar tree near the woods.

18 Q Yes, sir.

19 A And so they got in a little argument. I don't know
20 what they were saying too much. But I see when Alpha
21 Lee took off running, and Bud had like a
22 four-by-four. So he throwed [sic] it. And then Boo
23 ran behind him. I see Mr. Adams clear as day. And I
24 hear two shots, pow-pow.

25 Q Okay.

- 1 A I didn't think nothing of it.
- 2 Q Okay. Who fired the two shots?
- 3 A Boo was the last one with the gun.
- 4 Q So you don't know who fired the shots?
- 5 A The last one with the gun. One plus one equals two.
- 6 Q Well, that's my question now. The last person with
- 7 the gun was --
- 8 A Jackson.
- 9 Q Okay. After he sets the gun down before y'all go all
- 10 around the house, did you ever see Bud, did you ever
- 11 see Willie Adams with that gun again?
- 12 A No, sir.
- 13 Q He was standing with you?
- 14 A He was like a little ways in front of me, about as
- 15 far as Mr. Barfield is in front of me.
- 16 Q Okay. Was he ever out of your eyesight though?
- 17 A No, sir.
- 18 Q Okay. All this conversation where people say that --
- 19 Bud comes back up and says, MF'er got away and stuff
- 20 like that, did Willie Adams say any of that?
- 21 A Yes, sir.
- 22 Q He did say that?
- 23 A Yes, sir.
- 24 Q But he had a board?
- 25 A He threw the board.

1 Q He threw the board?

2 A It was about this long.

3 Q When all this is going on, how close are y'all to
4 where Amp and Boo are?

5 A By that time they was like about that woman right
6 there, a good little ways away from us.

7 Q Okay. All right. But you were able to see
8 everything that happens?

9 A Yes, sir.

10 Q Okay. Thank you, Mr. Lawhorn. That's all I have.

11 **THE COURT:** Cross examination, Mr. Barfield.

12 CROSS EXAMINATION

13 **BY MR. BARFIELD**

14 Q What you going to call your reality TV show,
15 Mr. Lawhorn? You starting a reality TV show at your
16 house on Flint Hill Road?

17 A No, sir.

18 Q You got cameras up there just for the heck of it or
19 what?

20 A No, sir.

21 Q What you got them [sic] cameras there for?

22 A They're just there.

23 Q Just there. State's Exhibit No. 4, video camera and
24 a bird box looking thing?

25 A Yes, sir.

- 1 Q And it's just there?
- 2 A Yes, sir.
- 3 Q Meaning you don't know how it got there?
- 4 A Yes. I put it up there.
- 5 Q All right. Why did you put it up there?
- 6 A Because a lot of people's houses been broken into.
- 7 Q Well, Mr. Jackson -- Mr. Lawhorn, you got valuables
- 8 you keep in your house?
- 9 A No, sir.
- 10 Q So you ain't got nothing in your house to worry about
- 11 somebody stealing. Is that what you're telling us?
- 12 A TV's, some of my stuff, clothes.
- 13 Q I'm not throwing off on your house, Mr. Lawhorn, but
- 14 it ain't exactly the Taj Mahal, is it?
- 15 A No, sir.
- 16 Q So these video cameras are put there by you to
- 17 protect the property shown in State's Exhibit Nos. 1
- 18 and 2?
- 19 A To protect what's in the house.
- 20 Q What's in the house? Well, what's in the house,
- 21 Mr. Lawhorn?
- 22 A Like TV's, clothes.
- 23 Q Dope?
- 24 A No dope in the house.
- 25 Q Pistol?

1 **A** No pistols.

2 **Q** So you hid the dope and the pistols somewhere else.

3 Is that what you're telling us?

4 **A** I ain't hid no dope or no pistol nowhere else.

5 **Q** Well, where did you hide the pistol then?

6 **A** I ain't hide no pistols nowhere.

7 **Q** Where did it get stolen from?

8 **A** I guess out the house. That's where it was in, the

9 house. Well, --

10 **Q** I thought you said you didn't keep it in the house.

11 **A** It wasn't in the house.

12 **THE COURT:** Wait.

13 **A** It wasn't in --

14 **THE COURT:** Wait. Wait.

15 **A** All right.

16 **THE COURT:** Ask the question. Wait on him to

17 answer, Mr. Barfield.

18 **MR. BARFIELD:** Yes, sir.

19 **THE COURT:** And you wait on him to finish the

20 question.

21 **Q** Where did you store this pistol at your property?

22 **A** At my house above the refrigerator.

23 **Q** Your house above the refrigerator?

24 **A** Yes, sir. In the cabinet.

25 **Q** And it's your belief that Alpha Lee Miller took this

1 pistol from somewhere inside your house. Is that
2 correct?

3 A Yes, sir.

4 Q And it's your belief that Alpha Lee Miller stole dope
5 that was hidden somewhere on the property. Is that
6 correct?

7 A Yes, sir.

8 Q So who is hiding dope on your property?

9 A I couldn't tell you that. I plead the Fifth on that.
10 But I was indicted with drug charges.

11 Q I understand that. And I wasn't even going to ask
12 you about that. Let's use a little common sense,
13 Mr. Lawhorn.

14 A Okay.

15 Q Your girlfriend's pistol and you're fixing to get in
16 trouble because it gets gone, right?

17 A Yes, sir.

18 Q And you go outside when Alpha Lee is being confronted
19 by Bud who has your pistol in his hand, and you ask
20 Alpha Lee, where is my pistol?

21 A Yes, sir.

22 Q Is that what you said a minute ago?

23 A Yes, sir.

24 Q Well, didn't you see that Bud had your pistol in his
25 hand?

1 A Yes, sir.

2 Q Then why did you ask Alpha Lee, where is my pistol?

3 A Because I know he had it.

4 Q Now, Alpha Lee stole somebody's dope, right?

5 A Yes, sir. Supposed to have.

6 Q Who first told you that Alpha Lee had stolen
7 somebody's dope?

8 A Mr. Adams.

9 Q So was it Mr. Adams's dope?

10 A I couldn't say that.

11 Q Well, tell me what Mr. Adams told you about dope
12 being stolen from your property, word-for-word?

13 A The only thing Mr. Adams said, Alpha Lee took my
14 shit. That's it.

15 Q So it's Adams' dope. Is that what you're telling us?

16 A Not what I was indicted with.

17 Q No, sir.

18 A I guess you're trying to say it was mine.

19 **THE COURT:** No, sir. Listen to the question and
20 answer the question.

21 Q Did Bud Adams say it was his shit?

22 A He said it was his shit.

23 Q When he said that, did you believe that the dope he
24 was complaining of Alpha Lee Miller stealing was his
25 dope?

1 **A** Yes, sir.

2 **Q** Did you know he had dope on your property?

3 **A** No, sir.

4 **Q** Whose dope was in this? Because it apparently didn't
5 get stolen.

6 **A** I haven't the slightest idea.

7 **Q** Back then it was behind your house, is where it was.
8 Is that right?

9 **A** I haven't the slightest idea.

10 **Q** Because you weren't there when it got found, were
11 you?

12 **A** No, sir.

13 **Q** Because you took off, didn't you?

14 **A** I got indicted with it, so --

15 **Q** No, sir.

16 **A** Y'all were trying to say it was mine.

17 **THE COURT:** No, sir. Answer the question,
18 please.

19 **A** I don't understand the question.

20 **Q** All right. I ain't asking you nothing about you
21 being indicted or pending charges. I'm asking you
22 about your house, your property, pistols and dope.

23 **A** Okay.

24 **Q** Forget about indictments. When the police came, you
25 weren't there, were you?

1 **A** No, sir.

2 **Q** You took off, didn't you?

3 **A** Yes, sir.

4 **Q** When did you get arrested?

5 **A** Like that Monday. On a Saturday.

6 **Q** I'm sorry?

7 **A** On a Saturday.

8 **Q** So two days after Alpha Lee Miller got shot through
9 the heart in your backyard?

10 **A** Yes, sir.

11 **Q** When did you find out -- let me back up. April 5th
12 of 2008 Alpha Lee Miller, did you see his dead body
13 in a yellow shirt in the woods behind your house?

14 **A** No, sir.

15 **Q** Before you left?

16 **A** No, sir.

17 **Q** You never saw him down?

18 **A** No, sir.

19 **Q** Sometime -- and what time was that that day? About
20 what time that afternoon did the last two shots get
21 fired that you heard?

22 **A** Give or take, it was inbetween 2 to 2:45, 2 3,
23 something like that.

24 **Q** Mid-afternoon?

25 **A** Mid-afternoon. Yes, sir.

- 1 Q And you left your house where you sleep --
- 2 A Yes, sir.
- 3 Q -- with Reggie Gibson and Kim Lawson and Vickie
- 4 Cooper right after those -- a few minutes after those
- 5 last two shots?
- 6 A Yes, sir.
- 7 Q And when did you next lay your head down in your
- 8 house on Flint Hill Road to go to sleep at night?
- 9 A When I got out of jail.
- 10 Q Months later?
- 11 A Yes, sir.
- 12 Q Where did you intend to sleep Saturday night?
- 13 A Motel where I was staying.
- 14 Q Where did you intend to sleep Sunday night?
- 15 A Motel.
- 16 Q When did you find out that Alpha Lee Miller was dead?
- 17 A That same day.
- 18 Q The same day?
- 19 A Yes, sir.
- 20 Q And when did you call the Sheriff's Office to say,
- 21 look, I can tell you who did all this?
- 22 A Actually after it happened I came and talked to the
- 23 Sheriff's Department.
- 24 Q That day?
- 25 A Yes, sir.

- 1 Q Okay. How old are you?
- 2 A Twenty-five.
- 3 Q And you might have answered this a little bit ago.
- 4 But you how do you know Bud Adams?
- 5 A A good friend of mine's [sic].
- 6 Q How long has he been a good friend of yours?
- 7 A About six, seven years.
- 8 Q How do you know -- he's older than you?
- 9 A Yes, sir.
- 10 Q How do you know Boo Jackson?
- 11 A A good friend.
- 12 Q How long has he been your friend?
- 13 A As long as I can remember.
- 14 Q Mr. Frick was showing you these pictures a little bit
- 15 ago and I couldn't see from where I was.
- 16 A Right.
- 17 Q So I'm going to ask you about them. State's Exhibit
- 18 No. 13, is that a picture looking toward the side of
- 19 your house as if you were standing at the barn?
- 20 A Yes, sir.
- 21 Q And you see them [sic] little yellow numbered markers
- 22 on the ground?
- 23 A Yes, sir.
- 24 Q State's Exhibit No. 22, is that a picture of the far
- 25 side of the front corner of what I'm calling the barn

- 1 looking --
- 2 **A** Yes.
- 3 **Q** -- back towards the same side of the house?
- 4 **A** Yes, sir.
- 5 **Q** And you see them [sic] little yellow markers numbered
- 6 6 and 7?
- 7 **A** Yes, sir.
- 8 **Q** Now, tell me where you told Mr. Frick that the people
- 9 were standing when Bud Adams had this gun. Where
- 10 were people?
- 11 **A** They was like right here.
- 12 **Q** Around where all them [sic] markers are?
- 13 **A** Yes, sir.
- 14 **Q** And that's where Bud Adams was when Bud had the gun
- 15 and he was standing in the presence of Alpha Lee
- 16 Miller?
- 17 **A** Yes, sir.
- 18 **Q** Okay. And is it your testimony that the -- you said
- 19 you were inside when you heard two shots?
- 20 **A** Yes, sir.
- 21 **Q** You didn't see anybody with a gun or shooting a gun
- 22 when you heard the first two shots. Is that right?
- 23 **A** Yes, sir.
- 24 **Q** So you don't know where that happened?
- 25 **A** Yes, sir.

1 Q And tell me again when -- tell me where you say
2 Bud -- no. Tell me where you say Boo Jackson and
3 Alpha Lee Miller -- well, let me stop. Let me get
4 back on track here. State's Exhibit No. 13 again.
5 The markers looking at the side of your house from
6 the barn.

7 A Yes.

8 Q You told me a minute ago that Bud and Alpha Lee were
9 where those markers are kind of?

10 A Yes, sir.

11 Q Where was Boo?

12 A He was like right here somewhere.

13 Q But they were all out there in that same general
14 area?

15 A Yes, sir.

16 Q When you first saw them?

17 A Yes, sir.

18 Q Now, where are you telling the jury that you and Bud
19 Adams went when somebody moved? Where did y'all go?

20 A Around the front.

21 Q Moved from those markers to around the front of the
22 house where to it looks like police are standing out
23 there on the front?

24 A Yes, sir.

25 Q That's basically where y'all went?

- 1 **A** Yes, sir.
- 2 **Q** And where are you telling this jury that Boo Jackson
- 3 and Alpha Lee Miller went when they moved?
- 4 **A** Around the back.
- 5 **Q** Did y'all all -- they went around the back of the
- 6 house?
- 7 **A** Yes, sir.
- 8 **Q** Did y'all all end up on the far side of your house?
- 9 **A** Yes, sir.
- 10 **Q** The side of your house we can't see in this picture?
- 11 **A** Yes, sir.
- 12 **Q** Everybody is over there eventually?
- 13 **A** Yes, sir.
- 14 **Q** On the far side of the house, where were you?
- 15 **A** I was like right here. There's like a -- at the side
- 16 of the house there's like a -- I don't know what kind
- 17 of tree it is in my yard.
- 18 **Q** How close to the side of the house were you? I guess
- 19 that's my question.
- 20 **A** If I can see a picture I'll show you.
- 21 **Q** Let me see if I can find a picture that shows that
- 22 side of the house. I'm going to show you State's
- 23 Exhibit No. 10. Look at it first before we start
- 24 talking about it. Tell me, pick it up and look at it
- 25 and tell me if you know what that's a picture of?

1 **A** This is like --

2 **Q** Don't answer yet. When you're ready to answer, talk
3 loud into the microphone.

4 **A** All right. A picture of the woods on the side of --

5 **THE COURT:** Speak up.

6 **A** A picture of the woods, out of the woods at the side
7 of my house.

8 **Q** All right. If I am in the woods on -- Margaret
9 Lawhorn is your aunt?

10 **A** Yes, sir.

11 **Q** Her house is next to yours?

12 **A** Yes, sir.

13 **Q** On this side?

14 **A** On this side.

15 **Q** If I am in the woods on the side of your house that's
16 closest to your aunt's --

17 **A** Mm-hmm (affirmative).

18 **Q** -- with a camera and taking a picture up at your
19 house, is that what the picture is going to look
20 like?

21 **A** Yes, sir.

22 **Q** All right. On this picture, tell me where you ended
23 up, where you and Bud ended up when you came around
24 the front of your house?

25 **A** I was like right here. Bud, he was similar,

- 1 somewhere over here somewhere.
- 2 **Q** Wait a minute. Wait a minute?
- 3 **A** In the grass.
- 4 **Q** Were y'all next to the house?
- 5 **A** Yes, sir.
- 6 **Q** And where was Boo?
- 7 **A** They was like -- there is like a cedar tree on this
- 8 side of the house, then my house, the pump house and
- 9 my house. They was like over here somewhere.
- 10 **Q** Let me ask you this question. Does this picture show
- 11 where you were when y'all ended up on the side of the
- 12 house?
- 13 **A** Yes, sir.
- 14 **Q** Put your finger where you were?
- 15 **A** Like right up here somewhere.
- 16 **Q** Well, you're pointing to the sky. And I don't --
- 17 **A** Just like right here. The corner, the corner of the
- 18 house, right here.
- 19 **Q** In the dirt?
- 20 **A** Yes, sir.
- 21 **Q** Standing on the ground?
- 22 **A** Yes, sir.
- 23 **Q** Where was Bud?
- 24 **A** He was like in the grassy area right here.
- 25 **Q** Farther away from your house than you were?

- 1 **A** Yes, sir.
- 2 **Q** Where was Boo?
- 3 **A** Like between my house there's a cedar tree and a pump
4 house. They was like right beside the cedar tree,
5 like right here.
- 6 **Q** Even farther away from your house --
- 7 **A** Yes.
- 8 **Q** -- than you and Bud? And where was Alpha Lee Miller?
- 9 **A** Right there with Boo.
- 10 **Q** You said that when Bud -- no. Excuse me. When Boo
11 and Alpha Lee were over there on that side of your
12 house they had an argument?
- 13 **A** Mm-hmm (affirmative).
- 14 **Q** You didn't tell the police they had an argument when
15 you gave your statement, did you?
- 16 **A** I ain't heard what they were saying. So --
- 17 **Q** Pardon?
- 18 **A** I ain't heard what they were saying.
- 19 **Q** Take a look at those two pages, that page and the
20 next one. Tell me if you know what that is?
- 21 **A** The pink one?
- 22 **Q** Not the pink one. Just forget about the pink one.
- 23 **A** Okay.
- 24 **Q** Tell me if you know what those two pages are.
- 25 **A** Read the whole page?

1 Q I just want to know if you know what it is first, not
2 what it says.

3 A Oh. They're statements.

4 Q Your statement?

5 A Yes, sir.

6 Q Keep it in your hand. I'm going to ask you a couple
7 of questions about it. Do you need to read it before
8 I ask you any questions?

9 A No, sir.

10 Q Do you want to read it?

11 A No, sir.

12 Q You don't anywhere in that statement say anything
13 about Boo Jackson and Alpha Lee Miller having an
14 argument, do you?

15 A No, sir. I told Ms. Phillips that they was having a
16 little commotion. And she like -- she ain't write it
17 down. So I guess it didn't mean nothing.

18 Q You didn't tell law enforcement in your statement
19 that Boo Jackson and Alpha Lee Miller had an
20 argument, did you?

21 A I told her they had a little commotion.

22 Q It's not in your statement, is it?

23 A I guess it didn't mean too much. She didn't write it
24 down.

25 Q All right. You read the statement before you signed

1 it, didn't you?

2 **A** Yes, sir.

3 **Q** When did you first find out that Bud Adams was
4 claiming that Alpha Lee Miller took something?

5 **A** That morning.

6 **Q** Daylight that morning or -- was it daylight?

7 **A** Back when I got to Ridgeway.

8 **Q** Were you there when you found out, or did you find
9 out from a phone call?

10 **A** I was there.

11 **Q** And what did Bud tell you?

12 **A** He was like, Alpha Lee took everything I had.

13 **Q** And how did you know that your pistol was gone?

14 **A** Because I looked in the cabinet.

15 **Q** How did you know that Alpha Lee took it?

16 **A** He was the last one with it.

17 **Q** Wait a minute. When was he with it?

18 **A** He had it about two days, three days.

19 **Q** You loaned him your pistol?

20 **A** No.

21 **Q** Then how did you know he had it two or three days
22 before that?

23 **A** I seen him with it two or three days before that.

24 **Q** But it wasn't a problem for you two or three days
25 before that?

- 1 **A** Nah.
- 2 **Q** Is that right?
- 3 **A** You're right about that.
- 4 **Q** So you knew he had your pistol?
- 5 **A** Yes, sir.
- 6 **Q** So he didn't steal your pistol?
- 7 **A** I'm saying two or three days I know he would usually
8 have it.
- 9 **Q** Used it or had it?
- 10 **A** I would say used it.
- 11 **Q** What did he use it for?
- 12 **A** I'm saying he might have just walked in the woods or
13 something, go hunting or something.
- 14 **Q** Mr. Lawhorn, two or three days before Alpha Lee
15 Miller got shot through the heart you knew he had
16 your pistol. Is that what you're telling the jury?
- 17 **A** Yes, sir.
- 18 **Q** You didn't want it back then. Is that what you're
19 telling the jury?
- 20 **A** During that time it was just in my house and he
21 walked in --
- 22 **Q** It wasn't in your house if he had it though, was it?
- 23 **A** I'm saying during that time it was in my house now.
24 Alpha Lee, he may get it, say, I'll be back, may walk
25 through the woods or go do something. I don't know.

1 Q On Saturday, April 5th, 2008, do you believe that
2 Alpha Lee Miller had Alicia's pistol?

3 A Yes, sir.

4 Q Did that make you mad?

5 A Yes, sir.

6 Q And you confronted Alpha Lee Miller about it, right?

7 A Yes, sir. That's right.

8 Q You knew that he had your pistol or thought that he
9 had your pistol before he ever came there. Isn't
10 that true?

11 A Yes, sir.

12 Q And Saturday morning, April 5th of 2008, you knew
13 that Bud Adams claimed that Alpha Lee Miller had his
14 dope. Is that true?

15 A Yes, sir.

16 Q And you found that out before Alpha Lee Miller showed
17 up at your house Saturday afternoon?

18 A Yes, sir.

19 Q Is that true?

20 A Yes, sir.

21 Q And who did you get on the phone and call about all
22 of this before Alpha Lee showed up?

23 A No one.

24 Q You didn't talk to anybody?

25 A No one.

- 1 Q You didn't call anybody in the world and ask them
2 where Alpha Lee Miller was?
- 3 A No, sir.
- 4 Q Who did you hear Bud Adams call to ask about where
5 Alpha Lee Miller was?
- 6 A I think I heard him talking to Kim.
- 7 Q He called Kim Lawson, Bud Adams called Kim Lawson and
8 said, where is Alpha Lee at, didn't he?
- 9 A Yes, sir.
- 10 Q And that was after Bud Adams knew that Alpha Lee
11 Miller had stolen his dope, right?
- 12 A Yes, sir.
- 13 Q Bud Adams wasn't happy that Alpha Lee Miller had
14 stolen his dope, was he?
- 15 A He wasn't mad. He was -- he was calm. It wasn't
16 like there was no armed robbery or something.
- 17 Q Then why did he say anything about it at all do you
18 think?
- 19 A I don't know.
- 20 Q Did Alpha Lee Miller steal anything that belonged to
21 Levarn Marcellus Boo Jackson, Jr.?
- 22 A Not that I know of.
- 23 Q Did he steal a gun that Boo Jackson had?
- 24 A No, sir.
- 25 Q Did he steal dope that Boo Jackson had?

- 1 **A** No, sir.
- 2 **Q** Did Boo Jackson have any property at your house?
- 3 **A** No, sir.
- 4 **Q** Did Boo Jackson hide dope in the woods at your house?
- 5 **A** No, sir.
- 6 **Q** Did Boo Jackson have any beef with Alpha Lee Miller
- 7 on April 5th of 2008?
- 8 **A** I don't know.
- 9 **Q** You don't know that he did?
- 10 **A** I don't know.
- 11 **Q** But you had a beef --
- 12 **A** I can't tell what he's feeling inside. But I know
- 13 the person.
- 14 **Q** You know how you felt though, and you were mad at
- 15 Alpha Lee Miller, right?
- 16 **A** Yes, sir.
- 17 **Q** And you knew how Bud Adams felt. And he was mad at
- 18 Alpha Lee Miller, right?
- 19 **A** Yes, sir.
- 20 **Q** And Bud Adams got on the phone and called Kim Lawson
- 21 and said, where is Alpha Lee? Isn't that right?
- 22 **A** Yes, sir.
- 23 **Q** And, lo and behold, within hours, Alpha Lee Miller
- 24 shows up at your front door, right?
- 25 **A** Yes, sir.

1 Q And within 30 minutes he was shot dead through the
2 heart. Is that right?

3 A Yes, sir.

4 Q Thank you, sir. That's all.

5 THE COURT: Redirect.

6 MR. FRICK: Thank you, Your Honor. Briefly.

7 REDIRECT EXAMINATION

8 BY MR. FRICK

9 Q It normally wasn't a problem when Alpha Lee had your
10 gun, was it?

11 A No, sir. No, sir.

12 Q But in this situation, the police had come up to your
13 house looking for it, hadn't they?

14 A Yes, sir.

15 Q You didn't know where it was?

16 A Yes, sir.

17 Q You couldn't find it?

18 A Couldn't find it.

19 Q Alpha Lee wasn't telling. You've got to answer yes
20 or no?

21 A Yes, sir.

22 Q Okay. It became a problem then?

23 A Yes, sir.

24 Q Okay. And I think there's some confusion as to what
25 happened when you go down there and you got the stick

1 and all that. The solicitor said that you're asking
2 Alpha Lee, where is my gun at?

3 **A** Yes, sir.

4 **Q** Were you asking him that, or are you asking him, why
5 did you take it?

6 **A** I'm asking him, why did you take it?

7 **Q** Okay.

8 **A** That's all in my statement.

9 **Q** Okay. So it wasn't, where is it at?

10 **A** Yes.

11 **Q** Why you got it?

12 **A** Why did you take it from me?

13 **Q** Okay. But even if you're mad at him, let's say Bud
14 is mad at him, let's say Boo ain't mad at him;
15 apparently whatever Bud has done is over with when
16 Boo and Amp Lee go down to the woods?

17 **A** Yes, sir.

18 **Q** Okay. Bud does not go down to the woods with Alpha
19 Lee?

20 **A** No, sir.

21 **Q** Thank you, Mr. Lawhorn?

22 **A** Are you finished?

23 **THE COURT:** Mr. Barfield.

24 **MR. BARFIELD:** Real quick.

25 RE CROSS EXAMINATION

1 BY MR. BARFIELD

2 Q Where do you work?

3 A I'm unemployed.

4 Q Where were you working back then?

5 A I was unemployed at the time.

6 Q Okay. Did Amp do things for you?

7 A Yes. He helped out around the house from time to
8 time.

9 Q You paid him money?

10 A Yes, ma'am. Yes, sir.

11 Q You weren't working. He was working for you?

12 A Yes, sir.

13 Q You still got that statement in front of you?

14 A Yes, sir. I'll give it back to you.

15 Q No. Don't give it back to me. I want you to look at
16 it again real quick. Where you see -- you see you've
17 got in the middle of your statement where it says, I
18 grabbed the red pipe. This is your statement, right?

19 A Yes, sir.

20 Q The next sentence, it says, Bud kept saying. Do you
21 see that? Look in the statement. Where it says Bud
22 kept saying?

23 A Mm-hmm (affirmative).

24 Q You see that?

25 A Yes, sir.

1 Q I want you to read that sentence and the next
2 sentence. Read the next two sentences?

3 THE COURT: Very slowly and loudly.

4 A Okay.

5 Q Starting with, I didn't. No. Starting with Bud
6 kept. I'll show you?

7 A Bud kept saying --

8 Q Read it loud. Get up to the microphone and read it
9 loud?

10 A Bud kept saying, I ain't going to shoot you.

11 Q Read the next one.

12 A All right. After a couple of shots --

13 THE COURT: I can't hear you.

14 Q You can read it to yourself to get familiar with it
15 and then read it out loud.

16 A After a couple of shots -- hold on. Hold on. Hold
17 on.

18 Q Let me do this. Let me mark it for you real clear so
19 you'll know exactly what I'm talking about. I'm
20 going to take a red pen and I'm going to put a slash
21 where I want you to start and I'm going to put a
22 slash where I want you to stop. Read the part that
23 I'm marking for you. Do you see where I start the
24 red slash and where I end it? Read everything
25 inbetween.

1 **A** Bud said, I ain't going to shoot you. After a couple
2 of shots I saw Bud put the gun down and Boo pick it
3 up.

4 **Q** All right.

5 **A** I never saw who shot the next two times.

6 **Q** All right. Do that again?

7 **THE COURT:** I don't know that anybody understood
8 that.

9 **Q** Read that again.

10 **THE COURT:** Wait just a minute. Mr. Barfield,
11 read it to him and ask him if that's what it says.

12 **MR. BARFIELD:** I will.

13 **A** Bud kept saying --

14 **THE COURT:** Wait just a minute.

15 **A** All right.

16 **THE COURT:** When I tell you to stop talking,
17 stop talking.

18 **A** All right.

19 **THE COURT:** Read it to him and ask him if that's
20 what it says, Mr. Barfield.

21 **Q** Mr. Lawhorn, I'm going to read something out of this
22 statement. I want you to tell me if that's what your
23 statement says.

24 **A** Okay. Bud kept saying, I ain't going to shoot him.
25 After a couple of shots I saw Bud put the gun down

1 and Boo pick it up.

2 Q That's in your statement?

3 A Yes. It's in my statement.

4 Q Talk loud to the microphone.

5 A Yes. It's in my statement.

6 Q And did you say that?

7 A I don't think I said it like that.

8 Q Should we just discard your statement and start over?

9 A You can.

10 Q Should we?

11 A You can, because I don't think she wrote this down
12 right.

13 Q Well, you read it and signed it, didn't you?

14 A She read it back to me.

15 Q Mr. Lawhorn, you saw Bud Adams shoot the gun --

16 A I ain't never seen him shoot no gun.

17 Q So your statement is a lie?

18 A Yes, sir.

19 Q That's all. That will be fine. Thank you?

20 THE COURT: All right. Thank you, sir. You may
21 step down.

22 THE WITNESS: All right.

23 THE COURT: All right, Mr. Frick.

24 MR. FRICK: The defense rests, Your Honor.

25 THE COURT: All right. Anything in reply?

1 **MR. BARFIELD:** No, sir.

2 **THE COURT:** All right, ladies and gentlemen.

3 You have now heard all of the testimony in this case
4 and there are only two things that remain to be done.
5 Those are the arguments of counsel and the
6 instructions on the law by the Court. However, there
7 are matters of law that I need to take up, and I'm
8 going to take these up right now outside of your
9 presence and on the record. But it will take us just
10 a very few minutes.

11 But I do have to ask you to go to your jury
12 room, and then I will have you come back in and we
13 will go back on the record and complete the arguments
14 and charge in this matter. So go to your jury room
15 but do not discuss the case among yourselves. It's
16 still premature before you to begin any discussions.

17 (Jury out at 11:30 a.m.)

18 **THE COURT:** Motions on behalf of the defendant.

19 **MR. FRICK:** Your Honor, the defense would renew
20 its motion for a directed verdict.

21 **THE COURT:** All right. Again, under Rule 19 the
22 test is whether there is evidence in the record, is
23 the existence of evidence and not the weight that is
24 to be given to that evidence. There is evidence in
25 the record of the charge in connection with this

1 matter, and it is a jury question. Therefore, the
2 Court would respectfully deny the motion for directed
3 verdict.

4 All right, counsel. I have prepared -- well,
5 let me ask you, Mr. Frick. What is your view as to
6 what the appropriate verdict in this case would be?

7 **MR. FRICK:** I believe it would be guilty or not
8 guilty as to murder, Your Honor. I do not see lesser
9 includes on this one.

10 **THE COURT:** All right. Do you agree with that?

11 **MR. BARFIELD:** I think he said murder and
12 nothing else. Is that what he said? Yes, sir, I do.

13 **THE COURT:** That's the way I have prepared the
14 verdict form, to be either -- on the charge of
15 murder, it's either guilty or nothing. All right.
16 Requests to charge on behalf of the State.

17 **MR. BARFIELD:** Your Honor, I don't have anything
18 written to hand up. I obviously want you to charge
19 your usual charge on a murder case. But also clearly
20 and convincing.

21 **THE COURT:** Let me tell you what I am charging
22 and then y'all tell me what else.

23 **MR. BARFIELD:** Yes, sir.

24 **THE COURT:** My general charge on felony
25 including presumption of innocence, burden of proof,

1 reasonable doubt, credibility. Then of course the
2 charge on murder. And I do think that the charge on
3 murder in this case includes the inference of malice
4 and the use of a deadly weapon, unlike the recent
5 case that Judge Keesley had where he had a reasonable
6 doubt, I think where he had a self-defense in there,
7 and the presumption is not appropriate in that kind
8 of a case.

9 But there is no issue -- Mr. Frick, you would
10 agree there's no issue of self-defense in this case,
11 wouldn't you?

12 **MR. FRICK:** No. I don't disagree with that. I
13 do disagree with the charge. I will be glad to be
14 heard on that at the appropriate time.

15 **THE COURT:** All right. The murder charge, and
16 then of course I'm going to charge mere presence,
17 accomplice liability both from Anderson and probably
18 with Judge Ervin's charge. I will also charge the
19 defendant not testifying, and I'll also make a
20 statement regarding the rejection of stricken
21 evidence from Anderson in Section 1.23. Those are
22 the things that I will charge.

23 Now, sir, Mr. Barfield, in addition to those,
24 are there any other requests?

25 **MR. BARFIELD:** Circumstantial evidence.

1 **THE COURT:** All right. I agree with that.
2 Okay. Anything else?

3 **MR. BARFIELD:** Nothing else from the State at
4 this time I can think of.

5 **THE COURT:** Let me ask you, Mr. Frick, any
6 objection to those charges and my charge on murder?
7 I propose to charge the charge from Judge Anderson's
8 charge, Section 2.1.

9 **MR. FRICK:** Yes, sir. And I understand. And I
10 don't -- I'm not asking for this to be a lengthy
11 discussion on this. I just want to note my objection
12 for the record.

13 **THE COURT:** All right.

14 **MR. FRICK:** I have read and reviewed the Belcher
15 case which is the one Your Honor referred to.
16 Further clarifying the inference of malice in the
17 state of South Carolina in such cases, I know we have
18 now made it where the inference of malice is probably
19 not to be charged where there is a self-defense issue
20 or some other mitigation. I am not saying we have
21 that in this case.

22 My concern is with the charge inference of
23 malice as a whole in the state of South Carolina. I
24 think there has been an evolving law on this, and the
25 United States Supreme Court for some time has taken

1 issue with when the state of South Carolina deals
2 with charging malice.

3 I contend that the current charge is still not
4 appropriate according to the Sandstrom case that said
5 that you couldn't say the presumption and all that
6 good stuff. Anyway, I certainly understand it is a
7 permissive inference. I know Judge Anderson's charge
8 says that, and I believe it also includes the
9 explanation of what a permissive inference is.

10 **THE COURT:** Under the present law as it exists
11 in South Carolina, Judge Keesley's case does not go
12 that far? Does it not? I mean --

13 **MR. FRICK:** That's correct. That's correct.

14 **THE COURT:** All right.

15 **MR. FRICK:** And I'm not disputing that. What I
16 am asking you is to rule over and above what the
17 present law is, and I certainly understand that and
18 quite frankly don't expect you to do that, but I do
19 want to note my objection for any future reference as
20 may be necessary.

21 **THE COURT:** All right. So noted. But I feel
22 like that I have to follow the law of South Carolina
23 as it presently exists. As it presently exists, the
24 inference of malice is still there, except as in the
25 circumstances noted in that recent case. And so, but

1 your objection is protected.

2 **MR. FRICK:** Your Honor, just one other issue so
3 I can clarify what my position on that is, then I'll
4 hush.

5 **THE COURT:** Sure.

6 **MR. FRICK:** Obviously the law used to be
7 presumption of malice. That has been determined to
8 be a burden shifting charge. We have now made it
9 under the Elmore case a permissive inference. My
10 concern is truly from a practical, listening from the
11 jury box, man-on-the-street standpoint, there is no
12 difference between a presumption and an inference. I
13 know there is a legal technical definition, but these
14 are not lawyers in the box. These are people off the
15 street. So that's why I take issue with the charge.

16 **THE COURT:** So noted. I will use the word
17 inference and not presumption because I do think that
18 that is a burden shifting. But the law as I
19 understand it now under the current status of law in
20 South Carolina is that it can be inferred. And
21 that's what I will charge. But your objection is
22 noted.

23 **MR. FRICK:** Thank you, Your Honor.

24 **THE COURT:** All right.

25 **MR. FRICK:** Your Honor, the only other thing, on

1 the hand of one is the hand of all, does your
2 charge -- is it the -- I guess what I'm looking at,
3 I'm looking at Anderson's Section 2-70. Is that the
4 one you're using?

5 **THE COURT:** No, sir. I use 2-31.

6 **MR. FRICK:** Okay.

7 **THE COURT:** 2-70 is -- let's see what that is.
8 Actually I was -- yeah. That does say Header 1. I
9 was going to use 2-31 which encompasses mere
10 presence, accomplice liability and aiding and
11 abetting, with the addition of the insert from Judge
12 Anderson's [sic] book at Section 4 -- I mean Judge
13 Ervin's book, 4-4 which is hand of one is the hand of
14 all. And I do not usually use 2-70 because I think
15 you need to work in mere presence with the hand of
16 one is the hand of all.

17 **MR. FRICK:** Well, Your Honor, I would agree and
18 have no objection whatsoever.

19 **THE COURT:** So I'll use 2-31 from Anderson as
20 shown on page 150 and Section 4-4 from Ervin as shown
21 on page 420 out of Judge Ervin's book. Okay?
22 Anything else?

23 **MR. BARFIELD:** I intend to waive opening. I
24 don't intend to open.

25 **THE COURT:** All right. And I was going to ask

1 you that. And I think we previously discussed,
2 counsel, that everybody would need about 30 minutes.
3 And that would have us completing arguments about 20
4 minutes 'til 1. And it will take me about 30 minutes
5 to argue. And I will tell you that lunch for the
6 jury has been ordered for 1:00. So we'll each
7 take -- you take about 30 minutes, you take about 30
8 minute, and I'll take about 30 minutes and we ought
9 to have lunch here and we'll let them work right
10 straight through without breaking for lunch.

11 **MR. BARFIELD:** Are you going to give us a few
12 minutes right now before we start?

13 **THE COURT:** How much you need?

14 **MR. BARFIELD:** Well, I just kind of need to
15 organize my --

16 **THE COURT:** Five minutes.

17 **MR. BARFIELD:** Okay.

18 **THE COURT:** We'll start back at quarter 'til.

19 (Whereupon, a break is taken)

20 **THE COURT:** Thank you. Please be seated. All
21 right. Back on the record with regard to the matter
22 of the State v. Mr. Adams. Mr. Adams is present with
23 his counsel, Mr. Frick; and the State is present and
24 represented by Mr. Barfield and by Mr. Maxwell.

25 Anything before we bring the jury in, Mr.

1 Barfield or Mr. Maxwell?

2 *MR. BARFIELD:* No, sir.

3 *THE COURT:* Mr. Frick?

4 *MR. FRICK:* Nothing from defense.

5 *THE COURT:* All right. Bring the jury in,
6 please.

7 (Jury in at 11:50 a.m.)

8 *THE COURT:* All right, Madam Forelady and ladies
9 and gentlemen of the jury. You have now heard all
10 the testimony in connection with this matter and
11 there are only two things that remain to be done.
12 Those are the arguments of the counsel and the
13 instructions on the law by the Court.

14 I will tell you now as I did at the first of
15 this case that the arguments of the lawyers are not
16 evidence in this case. They are simply the Lawyers'
17 views of what they think the evidence shows.

18 You will decide this case based upon the
19 evidence that you have heard from this witness stand
20 and from any exhibits that have been introduced into
21 evidence. But the lawyers do have the right, not
22 only the right, but the duty on behalf of their
23 clients to address you now and to give you their
24 views of what they think the evidence shows.

25 After they have concluded that I will then

1 instruct you or charge you on law of South Carolina
2 as it applies to the facts of this case as you may
3 find those facts to be, and once I have concluded my
4 instructions to you, you will be allowed to go to
5 your jury room to arrive at a verdict in this case.
6 You will hear first from Mr. Frick on behalf of the
7 defendant, and then from Mr. Barfield on behalf of
8 the State. Mr. Frick.

9 **MR. FRICK:** Thank you, Your Honor. Mr.
10 Barfield, Mr. Maxwell, ladies and gentlemen of the
11 jury, Monday -- I can't remember whether it was
12 morning or afternoon at this point -- Monday you
13 recall I came up and told you there's an old saying.
14 A guilty man asks for mercy but an innocent man asks
15 for justice. And I told you Willie Adams wasn't
16 looking for your mercy. Well, we still ain't looking
17 for your mercy. We're seeking justice here today,
18 ladies and gentlemen, because Willie Adams is an
19 innocent man.

20 Now, in a few minutes the solicitor is going to
21 come up here and tell you everything that I just told
22 you is wrong. I fully expect that. That's the way
23 it works. You've heard all the testimony. You have
24 heard the story about a car pulling up, Alpha Lee
25 getting out of the car, walking into the door,

1 walking out the door, going to the barn so many
2 times, you know it as well as all of us do.

3 You've seen the same facts that we have seen.
4 You have seen the entire story. You've seen what
5 happened. And now it's your duty, it's a difficult
6 job out of all of us here, it's your job to go back
7 in that jury room and determine what happened. And
8 that's your sole province. No one can take that away
9 from you.

10 The judge can only tell you what the law is, and
11 you are to apply what he says. In a second I'm going
12 to talk about my interpretation of the law, and the
13 solicitor is probably going to do the same thing. If
14 either one of us differs from what the judge says,
15 you need to listen to what the judge tells you.

16 And I'm not asking you to ignore the law, as the
17 solicitor may tell you. I'm not asking you to ignore
18 the law, I'm asking you to apply the law. But listen
19 carefully what the law says. We'll get into that in
20 a second.

21 Your duty again is to listen to what you have
22 seen this week. It has been a long week, but it's a
23 very serious matter. And I have watched y'all
24 through some very not interesting testimony pay
25 attention. Usually somebody dozes off on us. I

1 didn't see a single one of y'all doze off in the jury
2 box. So I thank you for the attention you have given
3 us and the seriousness that you have given your duty.
4 I know you will continue that in the jury box.

5 Now, you again get to weigh the evidence. You
6 get to weigh it. You get to determine whether you
7 believe what you heard from the stand. You're going
8 to get to determine whether you want to believe all
9 of it, some of it or none of it at all. You can do
10 that. You can do that. That's your job. And by
11 doing that, you determine whether the State has
12 proven its burden.

13 Now, you will note Mr. Adams did not take the
14 stand. He does not have to. The judge is going to
15 remind you of that again. And we've all grown up
16 watching TV shows. We understand our Constitutional
17 rights. One of those Constitutional rights is you do
18 not have to testify on your own behalf? Why?
19 Because you do not have to prove that you didn't do
20 anything wrong. The State over here has to show that
21 you did something wrong. So our system of justice,
22 you do not have to prove your innocence. They must
23 prove you guilty.

24 In this case, Your Honor -- ladies and
25 gentlemen; I apologize -- in this case, ladies and

1 gentlemen, the State has not met their burden, the
2 burden beyond a reasonable doubt. I told you the
3 Super Bowl analogy. As Steve McNair is running for
4 that end zone, diving, about three feet short between
5 having a ring on his finger and not. Well, that's
6 exactly what the State has done, ladies and
7 gentlemen. They have driven hard.

8 You may even think there is a possibility that
9 Mr. Adams is guilty. They did not cross the goal
10 line, ladies and gentlemen. You don't get points for
11 getting close. This ain't horseshoes. You don't get
12 points for a leaner. You've got to cross the goal
13 line. They did not cross the goal line. They did
14 not score. They have not carried their burden.

15 Now, the evidence is very clear that Mr. Miller,
16 Alpha Lee Miller, Amp got shot. The evidence shows
17 you that he died. You heard the pathologist. He
18 died from a single penetrating, meaning going all the
19 way through; distant, meaning not close, further than
20 three or four feet as you heard the pathologist say;
21 gunshot to the back, traveling through and out,
22 penetrating his heart and lungs. He bled out, ladies
23 and gentlemen, from one single gunshot wound. Of
24 course it's a small caliber pistol.

25 He was not, ladies and gentlemen, shot

1 face-to-face. And you've heard the testimony of the
2 people who tell you that he was not shot
3 face-to-face. So whoever killed Mr. Miller shot him
4 in the back, conceivably as he is running away.

5 Nowhere around him. There has been plenty of
6 testimony my client had a gun. It may even have been
7 this gun, ladies and gentlemen. This is the one
8 we've got. It goes with these shell casings that
9 were found on the ground at the scene. This is the
10 gun. This is the gun that killed Alpha Lee Miller,
11 right here, Ladies and Gentlemen.

12 And there has been plenty of testimony that at
13 some point during that afternoon it was in Mr.
14 Adams's hands. Nowhere around him. I'd be a fool if
15 I tried to tell otherwise. It was in hands. He
16 fired at Alpha Lee Miller. You have got his
17 statement. You can read it for yourself. He told
18 you that. I had the gun. I shot at him. I shot at
19 his feet.

20 A couple of people say he's pointing the gun
21 around. I'm not going to wave it around at y'all,
22 but y'all can get the image. He's waving the gun
23 around, shooting the gun. To a person, to a person
24 every one of them said he did not aim directly at
25 Alpha Lee Miller when he fired.

1 The State contends that Willie Adams intended to
2 kill Alpha Lee Miller. Now, ladies and gentlemen, if
3 he ain't mad enough to kill somebody standing three
4 feet away -- oh, by the way, there is no stippling,
5 powder marks, anything like that. So it's clear he
6 was not shot while they were standing there and
7 whatever was going on was going, the shooting right
8 there. That's not what killed him, ladies and
9 gentlemen. That's not what killed him.

10 He fired the gun while they were standing
11 face-to-face. If he wanted to kill Alpha Lee, if he
12 was so mad as the State is trying to tell you, why
13 didn't he shoot him there face-to-face? Why would he
14 have to put the gun down, go chase him down, go in
15 the back of the woods and then shoot him in the back?
16 Why would he do that? That doesn't make any sense.
17 He is face-to-face. He's mad. Of course, you know,
18 I mean, he is a drug kingpin.

19 By the way, it is a murder case we're talking
20 about here. The case is murder. We've heard three
21 days of testimony of drugs. The State is going to
22 argue, well, that was motive, that's the motive
23 behind it. Well, the State doesn't have to prove
24 motive, ladies and gentlemen. The only reason they
25 want to introduce the drugs is to make you think Mr.

1 Adams is a bad guy. If they scare you with drugs,
2 then you'll think he did it.

3 So I submit to you whether he had drugs or not,
4 whether they were his drugs or not is completely
5 irrelevant, ladies and gentlemen. Take the State's
6 point of view. Take it. I ask you to take it.
7 Willie Adams is mad. Alpha Lee Miller done stole all
8 his drugs. He is so mad at him that when he's
9 standing face-to-face with him with a gun, he shoots
10 at his feet.

11 Now, you've heard several witnesses. Mr. Reggie
12 Gibson said Mr. Adams put the gun down. Ms. Kim
13 Lawson said Mr. Adams put the gun down. Levarn
14 Jackson and Christel -- yeah. Vickie Cooper are the
15 two people the State is laying their hand on, the
16 only two people who are saying that Willie Adams had
17 the gun the whole time.

18 Now, ladies and gentlemen, remember, I told you
19 you can decide whether you want to believe what
20 anybody said. Now, Mr. Jackson, charged the same as
21 Mr. Adams, has already cut his deal in exchange for
22 his truthful testimony. Ms. Cooper -- and don't get
23 me wrong. She is trying to straighten out her life.
24 A wonderful thing. I didn't beat up on her because
25 she had a problem. Hope she does well. I really do.

1 This is a terrible lifestyle to get into. And she is
2 choosing to get out of it. That's great.

3 The problem is her testimony was about what was
4 going on the day she was still in this lifestyle, the
5 day that she had been up for over 24 hours smoking
6 crack, drinking moonshine, but her perception was not
7 there.

8 Ladies and gentlemen, Ms. Cooper had no idea, no
9 idea what happened that day. If she did see
10 anything, it is so warped to be unreliable. She also
11 told you as soon as the first gunshot happened, I hit
12 the ground. She doesn't have a clue what happened,
13 ladies and gentlemen. So I would ask you to ignore
14 her entirely.

15 Drug kingpin over here, Mr. Willie Adams,
16 sitting beside the public defender as his attorney,
17 gets so mad he is going to shoot Alpha Lee Miller.
18 An employee of Mr. Lawhorn, Mr. Miller was. You
19 heard that over and over. Kingpin over here with his
20 drugs, Bryan Lawhorn's property. Everything happens
21 on Bryan Lawhorn's property. Bryan was out there at
22 some point.

23 Boo, Mr. Jackson, and Bryan were tight. When
24 Mr. Jackson went over there that day with Mr. Gibson
25 who has his own trouble. Mr. Jackson, a young man

1 who is trying to come up in this world, in this world
2 that he's trying to get involved with, decides he
3 wants to impress somebody.

4 He shot Alpha Lee Miller, ladies and gentlemen.
5 The testimony is clear. The ones who didn't say, and
6 the only two that don't say that Willie James Adams
7 put the gun down say who picked it up? The last man
8 with the gun is Jackson who has done nothing but pled
9 guilty. The last man with the gun was Mr. Jackson.

10 Now, you heard Mr. Lawhorn's testimony. He was
11 the other person there. There were four people
12 there. Four people. Four people have a pretty good
13 idea of what happened. Mr. Miller, and I submit to
14 you he probably -- if there was some way we could
15 elicit testimony from Mr. Miller, he could probably
16 not tell you who fired that fatal shot.

17 Mr. Jackson whose story does not line up with
18 anybody else's in this entire trial. At least in all
19 the other statements they line up to some degree.
20 Mr. Jackson doesn't line up with anyone. And he says
21 he's there watching the whole thing.

22 You have heard Mr. Lawhorn's testimony who was
23 there who says Bud, Willie Adams, put the gun down.
24 Now, they went down and followed them. But it was
25 Jackson and Miller in the woods where he was shot at.

1 You've even got Mr. Adams's statement as to what
2 happened. You've got it in there, ladies and
3 gentlemen.

4 All of them say the same thing. The gun is put
5 down. Bud is done with it. He wanted to scare Alpha
6 Lee. He wanted to scare Alpha Lee. Didn't want to
7 kill him. Had plenty of opportunities if he was
8 going to do it to do it. Did he do it?

9 Now, of course that's got absolutely nothing to
10 do with why we're here. The only reason we're here,
11 and the State will probably concede when they get up
12 here, is that Mr. Adams may not have fired the gun.
13 Beautiful. Beautiful, ladies and gentlemen. Because
14 in the state of South Carolina we have what's called
15 the hand of one is the hand of all. That means if
16 you conspire with someone, aid and abet someone, even
17 if you don't do it, you are as guilty as the person
18 who fired the gun.

19 Well, that's great if that's all it is. It's
20 not quite that simple, ladies and gentlemen. It's
21 not quite that simple. You still have to
22 participate. There had to have been an original
23 illegal purpose involved. So this whole conspiracy
24 theory of we summoned Alpha Lee over so we could
25 shoot him is what the State is going to tell you

1 about.

2 Now, who forced Alpha Lee to get in the car? To
3 a person, everybody said he got in the car and said,
4 take me to Flint Hill. That's home. Everybody said
5 he stayed there. No one forces him there. No one is
6 summoning him to come forth.

7 Now, did he know he was in trouble for
8 something? Probably so. Because it sure seemed like
9 that he is showing up like the five-year-old who got
10 in trouble at school but no one wanted daddy to find
11 out but knows he's got to face something.

12 He comes in. By the way, no one hears any
13 fussing or arguing. Most of the time, most of the
14 time, I mean, because it's not clear because
15 sometimes he starts walking and he starts running and
16 he starts walking again. I don't know. But most of
17 the time everybody walks calmly out of the house down
18 to the barn. Alpha Lee, Alpha Lee hands the gun to
19 Bud.

20 Where is the original crime that is planned
21 here? They haven't met that burden yet. But say
22 they have. Say the solicitor comes up here and is
23 saying he convinces you, yes, yes, they had an
24 original plan. They were going to harass, point a
25 gun at, shoot at, injure Alpha Lee in some way, and

1 that's illegal and that's the illegal combination
2 that starts this whole thing. Okay. Fine. Find
3 that. Fine. Accept that. I'm not saying that's
4 true. But let's say you want to believe that.

5 You still have to meet the rest of the burden.
6 Now, ladies and gentlemen, the judge is going to
7 charge you on the law, but I'm telling you now, you
8 can't just simply be there. To be guilty of a crime
9 a person must personally commit the crime, be present
10 at the scene of the crime and intentionally or
11 through a common design aid, abet, assist in the
12 commission of that crime through some overt act.
13 What does that mean? You've got to do something.

14 What did he do? He walked over there? He walks
15 over there. Mr. Jackson who is the one sole person
16 who can try to link this whole thing together says
17 that Willie Adams shot at Alpha Lee's feet and they
18 just kind of strolled back up to the house, come back
19 up to the house and the fight breaks out again.

20 It kind of reminds me of a cartoon with the
21 coyote and the sheepdog. And they clock in together
22 and they fight like the devil all day and then they
23 clock out and go home and have a beer together or
24 something. I guess that's what's going on. I don't
25 really understand it. It doesn't make any sense.

1 What overt act? Even if you believe, even if
2 you believe; and I'm not suggesting that you should,
3 even if you believe that Willie Adams was part of
4 some vast conspiracy to bring Alpha Lee over to do
5 him harm or commit some crime against him, what overt
6 act did he commit in furtherance of this murder?

7 Because the solicitor cannot tell you it was
8 Willie Adams. He told you on Monday, probably going
9 to tell you again, I don't know who fired the shot
10 and it doesn't matter. Yes, it does. Yes, it does.
11 Because you still have the burden of proof. You've
12 got to prove an overt act. There is no overt act.

13 Mere presence at the scene of a crime is not
14 enough, meaning you can be standing beside the guy
15 who is firing the gun, you ain't got to stop him.
16 You don't have to do anything. If you're just
17 standing there, you are not guilty. What did Willie
18 Adams do in furtherance of this crime? Nothing.
19 That's what he did. That's what he did. The reason
20 why he's sitting at defense table right now is
21 because he was there. Nothing more, ladies and
22 gentlemen.

23 Now, his actions prior to getting the gun, no
24 one is asking you to justify that or say that that's
25 okay in any way. But that's not what it's about,

1 ladies and gentlemen. That's not when the crime
2 happened. That's not the crime we're talking about.
3 Alpha Lee Miller did not die from that shot. There
4 is not a shred of evidence, there was not a shred of
5 testimony that can link that together. So it had to
6 be down in the woods. It had to be while he was
7 running away.

8 No one even said that when Willie was shooting
9 at him that Alpha Lee was running from him, except
10 Ms. Cooper.

11 Now, you've got a whole lot of evidence to look
12 at, ladies and gentlemen. You've got shell casings.
13 You've got a whole lot of bullets. You've got
14 reports, statements, a ton of pictures. Cameras,
15 make sure you look at the cameras. Make sure and
16 look at the cameras there, because, you know, you've
17 got cameras, you're running a drug conspiracy.

18 All right. Oh, yeah. You've got this, this red
19 stick. It was used to -- well, Mr. Lawhorn said he
20 didn't use it. But, you know, that doesn't really
21 matter. Oh, yeah. And if you recall, the SLED agent
22 had collected that. I pointed it to her. And you've
23 got the pictures. Take a look at it as long as you
24 want. Number one, on the report, do you see this
25 little red thing here? She said, yeah, it looks like

1 the pipe. What did you do with it? Well, we left
2 it.

3 We don't even have the right evidence, ladies
4 and gentlemen. I mean, if for nothing else, we don't
5 even have the right evidence. But you've got all
6 this stuff that you can go back and look at. Not a
7 single bit of it is tied in any way to Willie Adams.
8 This is all a grand attempt to throw a whole bunch of
9 stuff at you so you'll just simply go, wow, he must
10 have done it because they've got bullets, a whole bag
11 of them. So he did it.

12 The State is trying to confuse you into
13 believing that a drug trial equals a murder trial. I
14 know you were paying enough attention. You've got
15 enough common sense not to fall into that trap,
16 ladies and gentlemen, not to fall into that trap.

17 Hand of one, hand of all does not simply mean
18 because you were there you are guilty. It does not
19 mean that. And that's what the State is suggesting.
20 They won't admit to it, but that's what they're
21 suggesting.

22 Got to do something in furtherance of the act.
23 You've got to assist. You've got to assist. You've
24 got to assist. One bit of assistance. Okay. He's
25 got a board or a stick or something like that and

1 he's down there beating him with it. He's beating
2 Alpha Lee. He's beating Alpha Lee. So that's how he
3 assisted? Right? Right?

4 Well, he's assisting so much that Dr. Sexton
5 told you, no, the only injury he had was the gunshot
6 wound. I mean, there were -- were there any bruises?
7 No, there weren't any bruises. We even looked
8 beneath to see whether there was any bruising under
9 the skin that might not have been present. No
10 bruising. No abrasions. No scratches. The only
11 thing he's got here, old scars. Old scars. That's
12 it.

13 So Mr. Adams is there wailing away with a
14 two-by-four or a pipe, not this of course, but a
15 pipe; he had no marks. It doesn't make any sense,
16 ladies and gentlemen. It doesn't make any sense. It
17 doesn't add up. They have not carried their burden.
18 And I know you will find that. I know you will
19 believe that.

20 So, ladies and gentlemen, that's essentially it.
21 You've heard all the testimony. It all lines up to a
22 point. We know exactly what happens until behind the
23 house. And you heard from the people who can tell
24 you what happened behind the house. Who do you
25 believe? Who do you believe? Being there is not

1 enough. That is not enough. You have to participate
2 for you to be convicted of hand of one, hand of all.

3 Ladies and gentlemen, Mr. Adams is not asking
4 for your mercy. He is asking for your justice. And
5 I know you will give it. Thank you very much.

6 **THE COURT:** Mr. Barfield.

7 **MR. BARFIELD:** May it please the Court? Ladies
8 and gentlemen. Thank you. Mr. Frick, Your Honor.
9 It's been a long week. I told you when we started
10 Monday it would be a long week. I told you we were
11 going to throw a bunch of stuff at you. I told you
12 some of it would probably be kind of tedious, and I'm
13 sure that it was. But you paid attention. We
14 appreciate it. Thank you. We're almost done but not
15 quite. We've got some important work to do before
16 this matter is finished.

17 When I get through the judge is going to talk
18 for a few minutes and then he is going to send you to
19 the jury room and eventually send this evidence to
20 the jury room a few minutes later and y'all are going
21 to start talking about this case. And you've got to
22 decide what your verdict is. And you're going to
23 have two choices. The charge is murder, and it's
24 either guilty or not guilty. It's that simple. But
25 it's not simple at all obviously.

1 I want to talk to you about a few general
2 things, a few legal principles before I talk to you
3 too much about the facts of the case. One thing that
4 I want you to remember, when you came in here Monday
5 you were people of good common sense. As you've sat
6 here all week long you've been people of good common
7 sense. When you go to the jury room after a while
8 you are still people of good common sense. And use
9 it. Use your common sense when you evaluate this
10 case, the evidence and deliberate your verdict.

11 Next, you have heard testimony that -- I think
12 you've actually heard testimony that four different
13 people got charged with crimes arising out of this
14 incident. I'll tell you there actually is a fifth.
15 Ms. Lawson, I don't know if anybody said it, but
16 Ms. Lawson got charged as an accessory, just like Mr.
17 Gibson got charged as an accessory. But there are
18 three people who are charged with murder in this
19 case: Bud Adams, Boo Jackson and Bryan Lawhorn.

20 This is important, ladies and gentlemen. And I
21 ask you to consider it very carefully. Today,
22 Monday, Tuesday, Wednesday, Thursday, today for
23 however long it takes this case to get over with,
24 your role is to determine whether Bud Adams is guilty
25 of murder. Today and all week, starting Monday, was

1 Bud Adams' day in court.

2 We've all heard that phrase before. Everybody
3 gets his day in court. This has been Bud Adams' week
4 in court. This is not Boo Jackson's day in court.
5 This is not Brian Lawhorne's day in court. This is
6 not Reggie Gibson's day in court. This is not
7 Kimberly Lawson's day in court. They'll be in court
8 on another day. You don't concern yourself with what
9 happens with their cases. You're only to be
10 concerned today with what happens with Bud Adams'
11 case.

12 Mr. Frick said something that was legally
13 incorrect in his opening statement four days ago. He
14 basically told you that I, the State, has to prove
15 that Bud Adams fired the shot that killed Alpha Lee
16 Miller. And, ladies and gentlemen, that is
17 absolutely, absolutely not the truth. The judge is
18 going to give you some instructions in a few minutes.
19 I tell you now listen carefully to his instructions,
20 but the State absolutely does not have to prove that
21 Bud Adams fired the shot that killed Amp Miller.

22 And I said this Monday and I'm going to say it
23 again. I don't have to prove to you who fired the
24 shot that killed Alpha Lee Miller. And I'll even say
25 this which you might find very strange. When you

1 leave here today, assuming you reach a verdict today,
2 and this case is over, when you leave here today you
3 will not by that time even then have to have decided
4 who fired the shot that killed Alpha Lee Miller. The
5 law does not require it. Don't -- that is not a
6 proper burden for the State to have to bear in a case
7 under this legal theory. Remember that. It's very
8 important. If you -- just remember that.

9 The judge is going to charge you about
10 accomplice liability and he's going to read you some
11 legal principles about accomplice liability. You're
12 going to hear the phrase, mere presence. You're
13 going hear the phrase, the hand of one is the hand of
14 all. You're going to hear the phrase, the act of one
15 is the act of all.

16 Mr. Frick and Mr. Adams -- assume this is a
17 20-chapter book. Mr. Frick and Mr. Adams would have
18 you believe that the story that you should start
19 reading the book on the 20th chapter when you
20 deliberate your verdict on Mr. Adams.

21 Mr. Frick and Mr. Adams want you to start
22 thinking about this case at the point at which some
23 evidence says that Adams doesn't have the pistol any
24 more. That's where they want you to start. And they
25 want you to completely ignore everything that

1 transpired before that which started not five minutes
2 before Amp Miller died, not 30 minutes before Amp
3 Miller died, not six hours before Amp Miller died,
4 but the night before Amp Miller died, hours and hours
5 and hours is when all of this got cranked up.

6 And who cranked it up, ladies and gentlemen?
7 Who started this whole thing that brought us here and
8 that left Amp Miller dead in the woods? Bud Adams at
9 that table in the plaid shirt started the whole mess.
10 Mr. Frick and Mr. Adams want you to say, start at the
11 end of the story when they're all on the left side of
12 the house and those last shots get fired. That
13 doesn't wash.

14 What's the law say? It says first of all this.
15 If a crime is committed and you are merely present,
16 not doing anything else, but you are merely present,
17 you cannot be found guilty of committing that crime.
18 What we call them, folks in that situation is
19 witness. Let me tell you some of those mere presence
20 people are in this case. Christel Chambers is one.
21 Vickie Cooper is one. They're witnesses. They were
22 present. They didn't do anything though. They're
23 not chargeable, and they're nothing. Mere presence
24 doesn't make you guilty.

25 Ladies and gentlemen, common sense. I'll say it

1 100 times before I'm done. Let's look over here at
2 this man. Was he merely present sitting on the porch
3 watching all these other people do stuff to Alpha Lee
4 Miller? No, ma'am. No, sir. He started it. And he
5 participated in it from the start to the finish. He
6 is not merely present. He is present but not merely
7 present.

8 The law says that if you are present and you're
9 acting with one or more other people, there are two
10 or more present acting together and you are aiding
11 and abetting in the commission of a crime and there
12 is some common purpose and some common intent and
13 some common plan, then the hand of one is the hand of
14 all; the act of one is the act of all.

15 Even in a homicide case like this one, one gun,
16 one shot, one bullet, one dead person; two people
17 can't pull the trigger, but the law says if you are
18 present aiding, abetting, acting together with
19 somebody else who fires that fatal shot, you are just
20 as guilty as he is.

21 He might have fired the fatal shot. He might be
22 the principal, not the aider and abettor. But in any
23 case he is clearly present acting together, aiding
24 and abetting and participating in this common plan
25 and this criminal act.

1 Let me give you some analogies. If we go out
2 here on the bypass at lunchtime to Wal-Mart, if
3 Mr. Maxwell and I go to Wal-Mart at lunch and we
4 decide that he needs a new digital camera and we go
5 in the Wal-Mart and he is going to steal the camera
6 but while he is going to steal the camera I am going
7 to get the clerk in electronics to show me some other
8 stuff so that she ain't watching him; he steals the
9 camera, we leave, I haven't touched the camera, but I
10 am going to get charged with shoplifting. And I am
11 guilty of shoplifting. Okay. That's what that's all
12 about. That's the principle.

13 Another example. Two guys, Mr. Maxwell and I go
14 into a Circle K somewhere. We're going to rob it.
15 Or we go to the Circle K and we're going to rob the
16 Circle K. He's going to take the gun in and he is
17 going to confront the clerk with the gun and he is
18 going to collect the money and I'm going to sit
19 outside in my pick-up truck as the get-away driver.
20 I haven't touched the gun. I haven't touched the
21 money. I haven't seen the clerk, couldn't recognize
22 her if she walked by me. If we get caught, I am the
23 lookout guy, I am just as guilty as he is of the
24 armed robbery.

25 Let's carry it one step further. We go into the

1 Circle K. He goes in with a gun. He confronts the
2 clerk. I am driving the truck outside. Things go
3 haywire. He gets nuts and shoots the clerk and she
4 dies; I have not touched the gun, I have not fired
5 the gun, I have not seen the clerk, I have not killed
6 anybody, but I am guilty of murder just like he is.
7 That's what it's all about.

8 Mr. Frick asked you a minute ago about Mr.
9 Adams. The question was, what did he do? What did
10 he do? Again, that's where he wants you to start at
11 chapter 20 and forget about chapters 1 through 19.
12 Mary Ann Phillips took a statement from Mr. Adams. I
13 submit to you, ladies and gentlemen, I don't ask you
14 to stop at the statement; but I submit to you if you
15 take this statement which is a numbered State's
16 exhibit here somewhere, and you read this statement
17 and you should stop right there if you want to and
18 conclude that Bud is guilty of murder.

19 What's he tell you he did? Reggie came by and
20 told Bryan Lawhorn that Amp Miller had been taking
21 dope all night. There goes the initial problem and
22 there comes the motive for what happened to Amp
23 Miller.

24 He came back, meaning Amp came back. No.
25 Reggie came back later with Kim Lawson, Amp Miller

1 and a white girl, who we now know as Vickie Cooper or
2 Vickie Smith. Bryan told Amp to go get his shit.
3 They know the dope has been taken by Amp and they
4 want it back. They're mad. Amp went in the bushes
5 and came back up the hill with the gun. I told him
6 to give the gun to me. Well, that's kind of odd.
7 But he got the gun. And he says, I was trying to get
8 the bullets out and it went off twice.

9 What's the significance of this so far? Bud
10 Adams had the gun in his hand. Witnesses, multiple
11 witnesses told you he fired that gun at Alpha Lee
12 Miller. He wants to tell you, I accidentally
13 discharged the gun when I'm trying to get the bullets
14 out.

15 Mr. DeFreese from SLED told you, what did he
16 tell you? He said for this -- he said this gun fires
17 two ways, double action or single action. And he
18 talks about trigger pull and poundage, how much
19 weight it takes to fire this gun. I think he said
20 eight to thirteen pounds, depending on which action
21 your using. How much is eight to thirteen pounds?
22 Well, it's two or three five-pound bags of sugar
23 hanging from the trigger of that gun.

24 He also told you this gun doesn't fire unless
25 you pull the trigger. You don't accidentally shoot

1 this gun which takes eight to thirteen pounds to make
2 that trigger pull. It wasn't any accident.

3 He is shooting the gun at Alpha Lee Miller.
4 Maybe at that point he didn't intend to shoot him in
5 the yard right there. But he is intentionally firing
6 that gun. It's not an accident.

7 What else does he tell you he's doing? Of
8 course he made Amp think he was trying to shoot him.
9 Because what did Amp say? Amp said, you're trying to
10 shoot me in the foot. Bryan came out and hit him --
11 I can't half read -- with the red stick. We might
12 have the wrong red stick. I apologize we didn't
13 bring the right red stick in here. There is no
14 dispute about Bryan Lawhorn hitting Alpha Lee Miller
15 with a stick. Now we've got two guys on one.

16 What did Bud Adams say? I picked up a
17 two-by-four. He doesn't ever admit hitting him with
18 it. But I picked up a two-by-four. Bryan Lawhorn
19 told you today that Bud Adams threw the two-by-four
20 at him. Of course then he says that Jackson shot and
21 killed Alpha Lee Miller.

22 Now, that is, just that one page which is an
23 exhibit that you're going to have back there goes way
24 beyond mere presence. Otherwise, Bud Adams would be
25 a witness in this case and not the defendant.

1 What's murder? The judge is going to tell you
2 what murder is in a little bit, and he's going to
3 tell you that malice is required for a finding of
4 guilt of the offense of murder. He is going to
5 define malice and he's going to use a lot of legal
6 terms, but he's going to tell you that malice can
7 exist from lots of different ways.

8 What evidence is there of malice in this case?
9 We know that Bud Adams was angry at Alpha Lee Miller.
10 Jackson told you that. And common sense again,
11 everybody who talked about Bud Adams missing his dope
12 and wanting to know where Alpha Lee was, all of that
13 testimony tells you with your common sense that Bud
14 Adams is pretty hacked off. Bryan Lawhorn is pretty
15 hacked off because the pistol is gone. He told you
16 that.

17 So you have two people mad at Alpha Lee Miller.
18 What's interesting about that? Who is not mad at
19 Alpha Lee Miller? Boo Jackson. He has got no beef
20 with Alpha Lee Miller. He didn't have a gun stolen.
21 He didn't keep any dope around the house and didn't
22 have any dope stolen from Lawhorn's house. He didn't
23 have any reason at all to be upset with Alpha Lee
24 Miller.

25 And he's the younger of all of these guys. Boo

1 Jackson is just a big old kid who is trying to be a
2 big shot hanging around with these guys out there at
3 Lawhorn's house and he is just out there kind of
4 gawking and seeing what fun is fixing to happen.
5 He's not even involved in this from the get-go, has
6 no interest in it whatsoever. He is just hanging
7 around with the big man over there.

8 What else, what other evidence is there of
9 malice? Bud told Jackson, I'm going get Amp. I'm
10 going to get him. Bud Adams starts making phone
11 calls asking people where Amp is. Again, common
12 sense, read between the lines. The word is being put
13 out there. I'm looking for Amp because he stole my
14 stuff.

15 What else tells us malice? The judge is going
16 to talk to you about malice and he's going to talk to
17 you about the use of a deadly weapon and what you can
18 use that for in determining whether there's malice.

19 Ladies and gentlemen, Alpha Lee Miller is shot
20 with this 9-millimeter pistol and it's a deadly
21 weapon and it was deadly in this case. And you may
22 infer the presence of malice in this case from the
23 use of this pistol.

24 What else tells us malice exists in this case?
25 We eventually end up with three guys on one. We've

1 got Adams. We've got Jackson. We've got Lawhorn and
2 we've got Amp as being the victim being assaulted by
3 three guys around that house and around that barn.
4 We've got them using a pipe. We've got them using a
5 board. We've got them using the pistol. We've got
6 them chasing him. We've got him backing up. We've
7 got Amp backing up with his hands up. We've got him
8 eventually turning and running, and we've got him
9 being chased. That's malice, ladies and gentlemen,
10 clearly.

11 Credibility. The judge is going to talk to you
12 about credibility. He is going to tell you that you
13 have to decide what you believe. You can believe
14 witnesses, everything they say or nothing they say or
15 part of what they say and don't believe other parts
16 of what they say.

17 I tell you, ladies and gentlemen, I'd be a fool,
18 too, to get up here and tell you this is, everything
19 just kind of fit all completely together. Because it
20 doesn't. Why doesn't it? Because we've got a bunch
21 of crackheads out there who are smoking dope,
22 drinking moonshine, hanging around at a drug house,
23 staying up all night. They aren't the most reliable
24 people. And I wouldn't expect them all to come in
25 here and lockstep and all tell us the same thing from

1 start to finish. And I don't apologize for that.
2 We've got what we've got.

3 But think about sort of the culmination of what
4 all of them tell you if you boil it down. There is a
5 lot of consistency and a lot of evidence that is not
6 disputed at all, and that is namely that Alpha Lee
7 Miller shows up there and gets confronted by all
8 three of these guys and the pistol gets pulled out
9 and Bud Adams has the pistol and the pistol gets
10 fired while Bud has it in his hands and Alpha Lee
11 Miller gets chased by these guys and more shots are
12 fired and nobody can tell you who fired those last
13 shots but Alpha Lee Miller who is dead in the woods.

14 There is great consistency about that. There is
15 problems with the details. Surely. But there's no
16 real dispute about that general scenario. And Bud
17 doesn't really dispute that general scenario in his
18 own statement. So you don't need to worry so much
19 about some of those minor details.

20 We've got forensics in this case but nothing
21 really tells us a whole lot. The SLED crime scene
22 came up. They collected a bunch of stuff. They took
23 it to Columbia. They worked on stuff in the lab.
24 And they really just couldn't tell us a whole lot.

25 The point is, ladies and gentlemen, they

1 collected all they could collect, they tested all
2 they could test, and we've got what we've got. We
3 know that Alpha Lee Miller was shot one time with a
4 medium caliber bullet through the back. He's shot in
5 the back, ladies and gentlemen, which is certainly
6 consistent with him being chased.

7 And that bullet busts wide open his heart and he
8 bleeds two quarts of blood out into his chest. And
9 he dies from having a half a gallon of blood spilled
10 out into his body cavity.

11 We tried fingerprinting everything. We couldn't
12 lift any fingerprints. And you know from Agent Dinh
13 that there are reasons why people don't always leave
14 prints. I might touch this camera right now and they
15 might take it to the lab and they might not find my
16 print on it. We don't have any prints. We don't
17 need to worry too -- we don't have any DNA that we
18 could get off the handle or the trigger of the
19 pistol. But we really don't need all of that again,
20 because Bud Adams tells you, I got this pistol and
21 this pistol discharged when it was in my hand. We
22 don't really need that.

23 We do know that Alpha Lee Miller didn't shoot
24 that gun because we've got gunshot residue swabs off
25 his hands and there wasn't any gunshot residue on his

1 hands. So he's not firing at anybody and the pistol
2 gets taken away from him and they shoot him. He is
3 defenseless when this pistol is no longer in his
4 possession.

5 What have we got, ladies and gentlemen? We've
6 got a drug house. We've got video cameras. You can
7 guess all day long why there are video cameras in the
8 bird house in the tree outside that shack. But I
9 tell you there are video cameras so somebody can sit
10 in that house and watch on the TV and see when the
11 police come up so they cannot get busted for selling
12 dope or smoking dope or doing whatever they're doing
13 with dope in that house.

14 We've got testimony that people went to that
15 house to buy dope. Reggie and his crowd, Vickie
16 Cooper, Vickie Smith and her crowd, they bought dope
17 there. We've got evidence that dope was stored
18 outside that house. When they'd go there to buy
19 dope, Lawhorn or Amp or the workers or the runners
20 would leave the house and come back with the dope.
21 Dope is kept outside somewhere. We've got a dope
22 house.

23 We've got the theft of dope by Alpha Lee Miller
24 and the left of the gun by Alpha Lee Miller. There
25 should be no question in your mind about whether he

1 did that. I don't even need to talk about that too
2 much more.

3 But there is witness after witness who said
4 Adams said, he took my stuff, he took my dope, he
5 took my package. The package looked like a can. A
6 couple of people described what Alpha Lee Miller had
7 as something that looked like a drink can. I think
8 Jackson -- I can't remember who it was, but Jackson
9 did I think, and Ms. Chambers said, described it: I
10 think it was a can. Maybe Reggie said it looked like
11 a can.

12 He took dope from that. And they found out
13 about it. How did they find out about it? Number
14 one, when they come home at 5:30 or so Saturday
15 morning, Bud Adams, the first thing he does, he goes
16 out there and looks. And he comes in and says, my
17 stuff's gone. 5:30 in the morning he is getting
18 skewed because Alpha Lee Miller had taken his stuff.

19 Reggie comes over later in the morning by
20 himself and says, Alpha Lee has been back and forth
21 over here all night. Reggie told you he drove down
22 towards the barn, gave Alpha Lee his flashlight,
23 Alpha Lee put stuff in the car.

24 Then the calls go out. They're looking for him.
25 They set a trap for whatever purpose. I submit to

1 you it was an illegal purpose. They wanted to get
2 Alpha Lee Miller back up there. A trap, an ambush,
3 whatever you want to call it; but he has ripped them
4 off and there is a plan, there is a plan, ladies and
5 gentlemen, to get Alpha Lee Miller back to that
6 house.

7 Common sense. Read between the lines. Make
8 whatever inferences you need to make. But phone
9 calls get made, inquiries get put out about where
10 Alpha Lee is, and, my gosh, Alpha Lee all of a sudden
11 gets sacrificed back up on Flint Hill Road and driven
12 up there and gets out of that car.

13 Now, he knew he had stolen stuff, but maybe he
14 figured he could patch it up, take care of it.
15 Apparently he had hidden the gun down in the woods.
16 But he doesn't even get inside that house before they
17 are climbing all over him about their stuff, the
18 pistol and the dope. And it's on from that point on.

19 I'm about out of time. There's not a whole lot
20 else to say. I could stand up here and talk about
21 what every witness said one-by-one and you don't want
22 to hear that because you've already heard it.

23 Remember the two or three initial things I said.
24 Don't worry about what's going to happen to the other
25 defendants in this case. This is not their day in

1 court. It's his day in court.

2 Don't worry about whether you can decide who
3 fired the fatal shot. I don't have to prove to you
4 that Bud Adams fired the fatal shot. It's undisputed
5 that a fatal shot got fired and that Alpha Lee Miller
6 got shot and killed.

7 The hand of one is the hand of all, the act of
8 one is the act of all. If Bud -- if you find, and I
9 submit that you can't help but find -- that Bud Adams
10 had the motive, set the plan in motion by making the
11 calls, confronted Alpha Lee Miller with a gun, with a
12 stick, participated with Jackson, participated with
13 Lawhorn and the result of all of that is that Alpha
14 Lee Miller during this short series of events that
15 started the minute he walked through the front door
16 and culminated in his death; if you conclude that Bud
17 Adams was present and participating during those
18 events, ladies and gentlemen, you've got to find him
19 guilty of murder.

20 And I submit there is no way that you can
21 conclude otherwise. There is just no way that you
22 can't find that Bud Adams was the instigator and in
23 the middle of it from start to finish. Whether he
24 pulled that trigger and fired that bullet through
25 Alpha Lee Miller's heart or not, it simply doesn't

1 matter.

2 Thank you for your attention. Weigh these
3 things carefully. We know it's not easy. But I ask
4 you to find him guilty of murder. Thank you.

5 **THE COURT:** All right, Madam forelady and ladies
6 and gentlemen of the jury, please give me your
7 attention. You have followed very patiently and
8 listened very attentively to the presentation of the
9 evidence in this case and also to the able arguments
10 made by the solicitor, Mr. Barfield, on behalf of the
11 State and Mr. Frick on behalf of the defendant. And
12 I thank you for that.

13 It now becomes the duty of the trial judge under
14 the Constitution of this state to charge and instruct
15 you in the law applicable to this case, and it is
16 your duty as jurors to accept and apply the law which
17 the Court will now state to you. And as jurors it is
18 your exclusive duty to decide all of the issues of
19 fact in this case and for that purpose to determine
20 the effect, the value, the weight and the truth of
21 the evidence.

22 Both the State and the defendant have the right
23 to expect that you will conscientiously consider and
24 evaluate the evidence and apply the law of the case
25 thereto to the end that both the State of South

1 Carolina and this defendant will receive and obtain a
2 fair and impartial trial.

3 Now, when I use the word defendant, I refer of
4 course to Mr. Willie James Adams, Jr. The State of
5 South Carolina by the bill of indictment in this case
6 charges the defendant with the offense known in the
7 law as murder.

8 I will read to you in part from the indictment,
9 but the indictment charges that Willie James Adams,
10 Jr. did in Fairfield County on or about April the 5th
11 of 2008 feloniously, willfully and with malice
12 aforethought kill and murder Alphara Miller by a
13 gunshot wound and the victim did die as a proximate
14 cause thereof, in violation of South Carolina law.

15 To this charge and to this indictment the
16 defendant has entered a plea of not guilty. This
17 plea of not guilty by the defendant places the burden
18 of proof on the State to prove by evidence the guilt
19 of the defendant beyond a reasonable doubt before you
20 can find the defendant guilty.

21 The defendant, Mr. Adams, is presumed in the law
22 innocent of the charge contained in the indictment.
23 It is a cardinal and fundamental rule of the law of
24 evidence that a defendant, irrespective of the
25 enormity of the charge against him, will always be

1 presumed innocent of the crime for which he is
2 entitled unless and until the guilt of the defendant
3 has been proven by evidence which satisfies you, the
4 jury, of the guilt of the defendant beyond a
5 reasonable doubt.

6 The presumption of innocence is not a mere legal
7 theory. It is not just a legal phrase. The
8 presumption of innocence is a substantial right to
9 which every accused is entitled. Our Supreme Court
10 has declared that the presumption of innocence is
11 like a robe of righteousness placed about the
12 shoulders of a defendant, and it remains and assigns
13 to him that class, the innocent, until that
14 presumptive robe of righteousness has been stripped
15 from his person by evidence satisfying you, the jury,
16 of his guilt beyond a reasonable doubt.

17 The presumption of innocence accompanies the
18 defendant from the time of his arraignment and
19 appearance in this court and continues with the
20 defendant after you retire to the jury room to
21 deliberate your verdict. The presumption of
22 innocence continues in existence to the benefit of
23 the defendant until you, the jury, reach the
24 conclusion that the State has proven the guilt of the
25 defendant beyond a reasonable doubt.

1 Now, what is a reasonable doubt? It is not an
2 imaginary or fanciful doubt or a weak doubt. It is a
3 substantial doubt. It is a doubt which the words
4 imply, a doubt for which you can give or assign a
5 reason based upon the testimony and evidence in this
6 case.

7 A reasonable doubt is not any sort of a doubt.
8 You and I know from everyday life experiences that
9 you may have a sort of a doubt about any matter that
10 arises no matter how trivial it may be or how serious
11 it may be.

12 A reasonable doubt is a doubt which makes an
13 honest, sincere, conscientious juror in search of the
14 truth hesitate to act. Proof beyond a reasonable
15 doubt is proof which leaves you firmly convinced of
16 the defendant's guilt. If you have a doubt for which
17 you can give or assign a reason as to the guilt of
18 the defendant, then he is entitled to a verdict of
19 not guilty.

20 Reasonable doubt may arise from the evidence in
21 the case or it may arise from the lack of evidence in
22 the case. You, the jury, must make the determination
23 of whether or not reasonable doubt exists as to the
24 guilt of this defendant.

25 The very fact, however that the jury engages in

1 a full and free discussion of the issues of guilt or
2 non-guilt in this case with the normal conversational
3 ebb and flow on these issues does not automatically
4 mean that reasonable doubt exists in this case or in
5 any other case.

6 The State is not required to prove the guilt of
7 a defendant beyond all doubt or beyond every doubt
8 but beyond a reasonable doubt. I charge you that the
9 defendant is entitled to every reasonable doubt
10 arising in the whole case or arising in any defenses
11 which have been raised in this case.

12 If upon any fact or any issue of fact essential
13 to conviction and a verdict of guilty you have a
14 reasonable doubt as to how that issue should be
15 resolved, it would be your duty to resolve it in
16 favor of the defendant.

17 A defendant, ladies and gentlemen, is not
18 required to prove his innocence. But the State is
19 required by the law to prove every essential element
20 of the offense charged against the defendant by
21 evidence which satisfies you, the jury, of the guilt
22 of the defendant beyond a reasonable doubt before you
23 can convict the defendant and find him guilty.

24 If then upon the whole case you have a
25 reasonable doubt as to the guilt or innocence of the

1 defendant, he is entitled to that reasonable doubt
2 and would be entitled to an acquittal and a verdict
3 of not guilty.

4 But on the other hand, if upon the whole case
5 you find the State has proven by evidence which
6 satisfies you, the jury, of the guilt of the
7 defendant beyond a reasonable doubt, then in such
8 circumstances it would equally be your duty to
9 convict the defendant and find him guilty.

10 Now, I instruct you that the indictment in this
11 case which I have in my hand is not evidence and
12 cannot be considered by the jury as evidence in this
13 case. The indictment is simply the formal written
14 instrument which contains the charge against the
15 defendant, and it serves as the formal document by
16 which this case is brought to trial.

17 Now, during this trial each of us, you and I,
18 have certain duties to perform. As the trial judge,
19 it is my responsibility to preside over the trial of
20 this case, and I also have the duty to rule upon or
21 pass upon the admissibility of evidence offered
22 during the progress of the trial.

23 You are to consider only the competent evidence
24 before you, and you are to disregard and disabuse
25 from your mind any testimony ordered stricken from

1 the record of this case during the progress of the
2 trial, if there be any, and you are to consider only
3 the testimony which has been presented from the
4 witness stand together with any exhibits admitted
5 into the record of this case and any stipulations of
6 counsel, if there be any.

7 I have the additional duty to charge you the
8 applicable law in this case. As the presiding judge,
9 I am the sole judge of the law in this case. And it
10 is your duty to accept and apply the law as I now
11 state it to you. If you have a preconceived idea as
12 to what the law is or what the law ought to be and it
13 does not agree with what I tell you the law is, you
14 are obligated under your oath to abandon this
15 preconception on your part because you are sworn to
16 accept the law precisely as I state it to you.

17 In every case tried in this court before a jury
18 the jury becomes the sole and exclusive judge of the
19 facts. You, the jury, are the judge of the facts in
20 this case. The Court is the judge of the law. The
21 Constitution of this state has declared that the
22 trial judge shall not intimate, state or make any
23 comment about the facts in the case.

24 Since you are the sole judge of the facts, you
25 are not to infer from anything that I have said

1 during the progress of this trial in ruling upon the
2 admissibility of evidence or otherwise or anything
3 that. I say to you now during the course of these
4 instructions to you that I have any opinion about the
5 facts of the case. I do not. The law does not
6 permit me to have an opinion about the facts in the
7 case. That is a matter solely for you the, the jury,
8 to determine.

9 As jurors then, it is your duty to determine, as
10 I have stated to you, the effect, the value, the
11 weight and the truth of the evidence presented during
12 the course of this trial.

13 Necessarily then you must assess the credibility
14 of the witnesses who have testified in this case.
15 Credible is simply a legalistic term meaning
16 believability. It becomes your duty then to analyze
17 and evaluate the evidence and to determine that
18 evidence which convinces you of its truth.

19 I charge you that in determining the question of
20 credibility or believability of the witnesses, you
21 may believe one witness as against several witnesses
22 or several witnesses as against one witness. You may
23 reject -- or you may believe a part of the testimony
24 of a witness and reject the remaining part of the
25 testimony of the same witness. You may believe the

1 testimony of a witness in its entirety or reject the
2 testimony of a witness in its entirety.

3 You may consider whether any witness has
4 exhibited any interest, any bias or any prejudice in
5 the case. And you may consider the demeanor of the
6 witness; that; the appearance of a witness from the
7 witness stand. And you may consider the opportunity
8 for knowledge concerning those things about which a
9 witness testified.

10 These considerations you do not exercise
11 arbitrarily, but if in your judgment, in your good
12 judgment, there is sound reason in the record for so
13 doing. Because your objective, ladies and gentlemen,
14 is to find the truth, whether it comes from a witness
15 or witnesses for the state of South Carolina or a
16 witness or witnesses for the defendant.

17 And in doing so, in exercising your mental
18 processes and in determining what you consider to be
19 true, the law simply requires that you use your good
20 judgment, your common sense, your sense of logic and
21 reason and your experiences in life.

22 You then take and apply these attributes that
23 are relative to the evidence and determine what you
24 consider to be the truthful evidence; and to these
25 true state of fact as determined by you, the jury,

1 you take and apply the law as I now state it to you
2 and thus arrive at a verdict in this case.

3 Now, the defendant in this case is charged with
4 the offense of murder, and I will now define that
5 offense for you. Murder is defined as the willful
6 felonious killing of a human being by another human
7 being with malice aforethought, that malice being
8 either express or implied malice. Section 16-3-10 of
9 the common laws of South Carolina provides: Murder
10 is the killing of any person with malice
11 aforethought, either express or implied.

12 The State must prove beyond a reasonable doubt
13 that the defendant killed another person with malice
14 aforethought. The presence of malice is a required
15 element of murder. Malice is defined as being hatred
16 or ill will. Malice in its legal sense does not
17 necessarily import ill will toward the individual
18 injured but signifies rather a general malignant
19 recklessness of the lives and safety of others or a
20 condition of the mind which shows a heart regardless
21 of a social duty and fatally bent on mischief.

22 Malice is the wrongful intent to injure another
23 person. It intends that a wicked or depraved spirit
24 intended on doing wrong. Malice is a legal term
25 implying wickedness and excluding a just cause or

1 excuse. It is the doing of a wrongful act
2 intentionally and without just cause or excuse.

3 The term malice indicates a formed purpose and
4 design to do a wrongful act under the circumstances
5 that exclude any legal right to do it. Malice may be
6 either express or implied. The words express or
7 implied add nothing to the meaning of the word
8 malice. They do not imply different kind of malice
9 but merely show the manner in which the only kind of
10 malice known in the law may be shown to exist; that
11 is, either by positive evidence or by inference.

12 Expressed malice is where there is a deliberate
13 intention to unlawfully take the life of another.
14 Implied malice is where circumstances demonstrate a
15 wanton or reckless disregard for human life or a
16 reasonably prudent man would have known that
17 according to common experiences that such a plain and
18 strong likelihood that death would follow the
19 contemplated act.

20 The law says if one intentionally kills another
21 with a deadly weapon, the implication of malice may
22 arise. If facts are proven beyond a reasonable doubt
23 sufficient to raise an inference of malice to your
24 satisfaction, this inference would be simply an
25 evidentiary fact to be taken into consideration by

1 you, the jury, along with other evidence in this case
2 and you may give it such weight as you determine it
3 should receive.

4 A deadly weapon is any article, instrument or
5 substance which is likely to cause death or great
6 bodily harm. Whether an instrument or object has
7 been used as a deadly weapon depends on the facts and
8 circumstances of each case.

9 Now, although malice must be aforethought, there
10 is no requirement it must exist for any appreciable
11 length of time before the Commission of the act. It
12 may be conceived at the very moment the act occurred.
13 There must be a combination of the evil intent and
14 the act producing the result.

15 Now, ladies and gentlemen, when a person does an
16 act in the presence of and with the assistance of
17 another, the act is done by both. When two or more
18 acting with a common plan or intent are present at
19 the commission of a crime, it does not matter who
20 actually commits the crime. All are guilty. The
21 hand of one is the hand of all.

22 Present means to be sufficiently near to aid and
23 abet and assist in the commission of the crime.

24 Intent is also a necessary element, for there must
25 have been a common design or intent to commit the

1 crime. And the crime must have been committed
2 pursuant to that plan and the person aiding and
3 abetting by some overt act.

4 So if a crime is committed by two or more
5 persons who are acting together in the commission of
6 that offense, the act of one is the act of all. This
7 is true if there are two people or more than two
8 involved in the act. Two or more than two persons
9 can be guilty of killing another when only one of the
10 persons fired the shot or committed the act that
11 caused death.

12 If two or more persons are together, acting
13 together, assisting each other in the commission of
14 an offense, the law says that under these
15 circumstances the act of one is the act of all; the
16 hand of one is the hand of all.

17 But I will tell you that to be guilty as an
18 aider or abettor, the participant must have knowledge
19 of the principal's criminal conduct. Mere presence
20 at the scene is not sufficient to establish the guilt
21 as an aider or abettor.

22 The mere presence of the defendant where a crime
23 has occurred or the mere association by a defendant
24 with persons who have committed, with people who have
25 committed a crime is insufficient proof that the

1 defendant has committed a crime. Evidence that an
2 individual is present at the time a crime is
3 committed is not in and of itself sufficient proof
4 that the individual committed the crime. The mere
5 knowledge that another person is going to commit a
6 crime, even if the defendant is present when the
7 crime is committed, is not sufficient to convict the
8 principal as a defendant.

9 The State must prove beyond a reasonable doubt
10 by competent evidence the theory of the hand of one
11 is the hand of all. To be guilty of the crime, a
12 person must personally commit the crime or be present
13 at the scene of the crime and intentionally or
14 through a common design aid, abet or assist in the
15 commission of the crime through some overt act.

16 A principal in a crime is one who either
17 actually commits a crime or who is present, aiding,
18 abetting or assisting in the commission of the crime.
19 Presence at the scene of the crime by prearrangement
20 to aid, encourage or abet in the preparation of the
21 crime constitutes guilt as a principal.

22 The burden is on the State, the burden of proof
23 is on the State to prove every element of the crime
24 charged. If you find after reviewing all of the
25 evidence that the State has proved the defendant was

1 not only present at the crime and that the State has
2 not proved beyond a reasonable doubt any
3 participation in the crime, then you would find the
4 defendant not guilty.

5 On the other hand, if you find that the State
6 has proven that the defendant was present at the
7 crime and has proven the defendant participated in
8 the crime, it would be your duty to find the
9 defendant guilty.

10 Now, ladies and gentlemen, there are generally
11 two types of evidence which are presented in any
12 case, direct and circumstantial evidence. Direct
13 evidence is testimony of a person who asserts or
14 claims to have actual knowledge of a fact, such as an
15 eye witness. Circumstantial evidence is proof of a
16 chain of circumstances indicating the existence of a
17 fact.

18 And let me just give you an example of direct
19 versus circumstantial evidence. If I go to bed
20 tonight and when I go to bed it is not snowing and
21 there is no snow on the ground and I wake up the next
22 morning and the ground is covered by snow, that is
23 circumstantial evidence that it snowed last night.
24 On the other hand, if during the course of the night
25 that I happen to wake up and I look out the window

1 and I see that it's knowing, then that is direct
2 evidence that it snowed last night.

3 The law makes absolutely no distinction between
4 the weight or value to be given to either direct or
5 circumstantial evidence, nor is a greater degree of
6 certainty required of circumstantial evidence than of
7 direct evidence.

8 You should weigh all of the evidence in this
9 case; and after weighing all of the evidence, if you
10 are not convinced of the guilt of the defendant
11 beyond a reasonable doubt, you would find the
12 defendant not guilty. Again, on the other hand, if
13 you weigh all of the evidence and you are convinced
14 that the State has proven the guilt of the defendant
15 beyond a reasonable doubt, it would be your duty to
16 find the defendant guilty.

17 Now, I will tell you that you must not consider
18 for any purpose any offer of evidence that was
19 rejected or any evidence that was stricken by the
20 Court. Such matter is to be treated as though you
21 never heard it. You are to consider only the
22 competent evidence before you. If there was any
23 testimony ordered stricken from the record of this
24 case, you must disregard that testimony. You are to
25 consider only the testimony presented from the

1 witness stand along with any exhibits which have been
2 made a part of the record and any stipulations of
3 counsel.

4 I would also tell you that in regard to the
5 evidence of an alleged bad act on other occasions,
6 this evidence is limited to consideration by you as
7 it relates to the motive for the offense charged in
8 this case and intent in regard to the commission of
9 the offense charged in this case.

10 This evidence is not admissible to prove the
11 character of the defendant in order to show that he
12 acted in conformity therewith with respect to the
13 charge of murder, and you may not consider it for
14 that purpose during your deliberations.

15 Now, you have also heard some testimony in this
16 case from what we lawyers refer to as expert
17 witnesses. Although lay witnesses are limited to
18 testifying about the facts within their knowledge and
19 are not allowed to give opinions, certain witnesses
20 who by their training, education or experience are
21 considered experts in a particular field may give
22 their opinions in that field based upon the facts of
23 the matter and their conclusion.

24 These opinions constitute evidence to be
25 considered by you in connection with all the other

1 testimony and evidence in this case. It is for you,
2 the jury, to determine what weight should be given to
3 that expert's testimony, and you would weigh the
4 evidence and accept or reject it in the same manner
5 that you treat all the other evidence in this case.

6 Now, ladies and gentlemen, I will tell you now,
7 and I want to emphasize to you the fact that the
8 defendant in this case has not testified and this is
9 his Constitutional right. It is not a circumstance
10 that you can take into consideration or even allow to
11 enter your discussions in the jury room.

12 Under the Constitution of South Carolina and the
13 United States Constitution, it is the defendant's
14 Constitutional right not to testify. The burden of
15 proof is on the State of South Carolina to establish
16 the guilt by competent evidence beyond a reasonable
17 doubt.

18 The fact that the defendant did not take the
19 witness stand and testify in his own behalf does not
20 create any inference against him, and you must not
21 permit that fact to weigh in the slightest degree
22 against this defendant, nor should this fact even
23 enter into your discussions or deliberations in the
24 jury room.

25 Now, ladies and gentlemen, I have about finished

1 my instructions to you, and I would tell you that you
2 are not partisans or advocates for the State of South
3 Carolina or for this defendant. You do not serve on
4 the jury to reward your friends or punish your
5 enemies. Obviously such perverted system of justice
6 would be intolerable.

7 You have been selected by both the State of
8 South Carolina and this defendant as fair and
9 impartial jurors. It is your duty then by your joint
10 deliberations to determine the truth in this case,
11 giving to the defendant the benefit of each and every
12 reasonable doubt on each and every issue.

13 And then to the facts which you determine to be
14 truth, you then take and apply the law which has been
15 given to you by the court and thus arrive at a
16 verdict which does speak the truth, for the word
17 verdict, ladies and gentlemen, has a Latin
18 derivative. It comes from the Latin word veredicto
19 meaning to speak the truth or truth Sayer. And when
20 you have accomplished these responsibilities you will
21 have satisfied your oath as jurors and you will have
22 discharged your duty to this court.

23 Now I am going to instruct you on the forms of
24 verdict in this case. If the State has failed to
25 prove the guilt of the defendant beyond a reasonable

1 doubt, your verdict would be two words: Not guilty.
2 If the State has proven the guilt of the defendant
3 beyond a reasonable doubt, your verdict would be one
4 word: Guilty.

5 The verdict that you render in this case must be
6 the verdict of each and every juror. It must be your
7 unanimous verdict. All 12 jurors must agree on the
8 verdict which you authorize the forelady to write.

9 Now, Madam Forelady, I have prepared a verdict
10 form for your use on this piece of paper, and I will
11 tell you that order in which I have put the possible
12 verdicts on this sheet of paper has no significance
13 whatsoever. And you should not infer from the order
14 in which I have put the possible verdicts on this
15 sheet of paper that I have any opinion as to what
16 your verdict should be. I do not. The law does not
17 allow me to have an opinion. But obviously in
18 putting something down on paper, I had to put
19 something down first and something second.

20 But across the top we have here simply: The
21 State of South Carolina, the County of Fairfield, the
22 court in the Sixth Judicial Circuit and the name of
23 the parties, The State of South Carolina vs. Willie
24 James Adams, Jr., defendant, and on the right:
25 Verdict.

1 And the verdict is: We, the jury, by unanimous
2 agreement find the defendant, Willie James Adams,
3 Jr., on the charge of murder either guilty or not
4 guilty. You would put an X or a check, whichever is
5 your verdict, sign your name here, date it, and
6 notify us that you have reached a verdict, and we
7 will return you to the courtroom as soon as possible.

8 Now, I'm going to ask you to go to your jury
9 room. I'm going to ask that you not begin your
10 deliberations just yet. If it is necessary for me to
11 bring you back for additional instructions, then I
12 will do so. If it is not necessary for me to bring
13 you back for additional instructions, the bailiff
14 will bring you the verdict form. They will also
15 bring you the exhibits.

16 Let me mention one thing to you about the
17 exhibits. The exhibits, I told you have the right to
18 have the exhibits in the jury room with you to
19 consider any of exhibits, and you do. And we will
20 have one exhibit that -- I'm not sure of numbers, but
21 you will recall that there was a weapon introduced.
22 That weapon has been verified by law enforcement as
23 being safe and I will allow that weapon to go to the
24 jury room with you.

25 I will not permit the bullets or any live

1 ammunition to go to the jury room with you. If for
2 any reason you should desire to look at those, then
3 you'll return the weapon back out here and we'll send
4 the bullets back. But I'm not going to have both in
5 the same place at the same time. But you have a
6 right to examine either or both at your choosing.
7 And we'll send the weapon back, but we won't send the
8 weapon and the bullets back.

9 Now, I'm going to ask you to go to your jury
10 room; and, as I say, don't begin your deliberations
11 just yet. The bailiff will bring you the verdict
12 form, will bring you the exhibits and tell you to
13 begin your deliberations.

14 One other thing. For the jury, I'm going to ask
15 the two alternates to stay with me. They don't go
16 back to the jury room. I'll ask the two alternates
17 to stay with me.

18 I would also tell you that we have ordered lunch
19 for you. And I don't know whether it's here yet but
20 it will be here. And you are entitled to either
21 stop, Ma'am Forelady, and eat your lunch and then
22 begin your deliberations or keep having a working
23 lunch and eat your lunch while you deliberate this
24 matter, but that will be up to you.

25 But if you would, go to your jury room, please.

1 And I'll ask the alternate to get up so he can let
2 them out. But the rest of our two alternates will
3 stay here, please.

4 (Jury out 1:16 p.m.)

5 **THE COURT:** Any additions or exceptions on
6 behalf of the State, Mr. Barfield?

7 **MR. BARFIELD:** None from the State.

8 **THE COURT:** On behalf of the defense, Mr. Frick.

9 **MR. FRICK:** None from the defense.

10 **THE COURT:** All right. Gentlemen, if you'll
11 check the exhibits, pulling out the live shells and
12 not sending those back, and make sure the rest of
13 them, then the bailiff can take those back while I'm
14 talking with the two alternates.

15 (Pause)

16 **THE COURT:** Gentlemen, have you looked at the
17 exhibits?

18 **MR. BARFIELD:** Yes, sir.

19 **MR. FRICK:** Yes, sir.

20 **THE COURT:** You agree.

21 **MR. FRICK:** Yes, sir.

22 **THE COURT:** All right. Mr. Bailiff, you may
23 take the exhibits and the verdict form to the jury
24 room and tell the jury to continue their
25 deliberations.

1 (Jury begins deliberations at 1:21 p.m.)

2 **THE COURT:** And, counsel, what we'll do as far
3 as lunch for court personnel is concerned, I think
4 we'll be safe for 45 minutes or an hour. What I
5 would ask that you do is go ahead and get your lunch,
6 plan to be back here at 2:15 if that's appropriate.

7 If there's anything before, we'll just make
8 everyone wait. But also it means if you would leave
9 a cell number with the clerk in case we have a
10 question that we need to address, we might need to do
11 that. But if you'll leave a number where you can be
12 reached.

13 But otherwise I will protect all court personnel
14 between -- for the most part, hopefully, we won't
15 have a question until 2:15. I would ask that the
16 reporter be back at that time. I think we've got
17 some probation violations.

18 Mr. Barfield, when do you want to do the
19 sentencing on Mr. Jackson? This afternoon?

20 **MR. BARFIELD:** Is Mr. Lifsey still down there?
21 We can do it any time.

22 **THE COURT:** He was going to make arrangements to
23 be here this afternoon.

24 **MR. BARFIELD:** We can do it then.

25 **THE COURT:** We'll do it this afternoon. All

1 right. Let's take a recess at this time and see if
2 we'll let the jury work a little bit and we'll see
3 where we go from there. Thank you very much.

4 **MR. BARFIELD:** Your Honor, I want to tell the
5 victim's family and other people here who are
6 interested in the case what the judge said is
7 basically we've got until 2:15 to get something to
8 eat. Just be back about 2:15.

9 **THE COURT:** Nothing will happen until 2:15.
10 (Whereupon, a lunch break is taken)

11 **THE COURT:** We're back on the record with regard
12 to the matter of The State vs. Willie James Adams,
13 Jr. Mr. Adams is present with his counsel, Mr.
14 Frick. The State is present with the assistant
15 solicitor and the solicitor.

16 I have been advised that the jury has reached a
17 verdict, and I'm going to bring the jury in in just a
18 minute and we're going to accept the verdict of the
19 jury at that time.

20 I do want to address all the members of the
21 audience that are here. I know that this is a matter
22 that is important to all folks here in the courtroom,
23 the defendant, the defendant's family and friends who
24 have been here throughout the trial, to the victim's
25 family who have also been here throughout the trial

1 and the other witnesses that have been here.

2 But I want to make this statement, that this is
3 a court of law and the Court is going to require that
4 order and decorum be maintained in the courtroom when
5 the verdict is read. I obviously do not know what
6 the verdict is, and right now nobody in this room
7 knows what the verdict is, but I am going to require
8 that when verdict is published that there be no
9 clapping, no shouting, no celebrations, no shows of
10 emotion of any kind whatsoever when the verdict is
11 read.

12 If there is anybody in the courtroom who thinks
13 or feels that they cannot sit quietly and accept the
14 verdict when it is read, I would ask that you leave
15 now. And I tell you that if there are any outbursts,
16 the Court will be inclined to hold that individual in
17 contempt of court. All right. With that
18 understanding then, bring me the jury.

19 (Jury in at 3:22 p.m.)

20 **THE COURT:** All right, Madam Forelady. I've
21 been advised that you've reached a verdict. Is that
22 correct?

23 **FORELADY:** Yes, sir.

24 **THE COURT:** Would you hand it up to the bailiff,
25 please.

1 (Forelady complies).

2 **THE COURT:** All right. From the standpoint, the
3 form of the verdict appears to be correct. Mr.
4 Frick, would you and your client stand. And, Madam
5 Clerk, if you would publish the verdict, please,
6 ma'am.

7 **THE CLERK:** Case number 2008-GS-20-245, State of
8 South Carolina vs. Willie James Adams, Jr.; we, the
9 jury, by unanimous agreement find the defendant,
10 Willie James Adams, Jr., on the charge of murder
11 guilty; signed December 10th, 2009 by Foreperson
12 Susan Strausbaugh.

13 **THE COURT:** Thank you, Mr. Frick. You may be
14 seated. I started to say ladies and gentlemen of the
15 jury, but in this particular case it appears to be
16 all ladies of the jury. If this be your verdict, so
17 say all 12 of you, would you signify by raising your
18 right hand. All right. Thank you. Anything before
19 the jury is excused?

20 **MR. FRICK:** Your Honor, you would ask for
21 additional polling.

22 **THE COURT:** All right. Madam Clerk, if you will
23 poll the jury.

24 **THE CLERK:** Sylvia Norton.

25 **JUROR:** Yes.

1 **THE CLERK:** Was this your verdict?

2 **JUROR:** Yes.

3 **THE CLERK:** And is this your verdict?

4 **JUROR:** Yes.

5 **THE COURT:** All right. What she is going to do
6 is ask two questions. If you'll answer each of those
7 two questions. And she's already done you. All
8 right.

9 **THE CLERK:** Priscilla Wadsworth, was this your
10 verdict?

11 **JUROR:** Yes.

12 **THE CLERK:** Is it still your verdict?

13 **JUROR:** Yes.

14 **THE CLERK:** Margaret Robinson, was this your
15 verdict?

16 **JUROR:** Yes.

17 **THE CLERK:** Is it still your verdict?

18 **JUROR:** Yes.

19 **THE CLERK:** Shirley Evans, was this your
20 verdict?

21 **JUROR:** Yes.

22 **THE CLERK:** And is it still your verdict?

23 **JUROR:** Yes.

24 **THE CLERK:** Alicia Young, was this your verdict?

25 **JUROR:** Yes.

1 **THE CLERK:** Is it still your verdict?

2 **JUROR:** Yes.

3 **THE CLERK:** Mattie English, was this your
4 verdict?

5 **JUROR:** Yes.

6 **THE CLERK:** Is it still your verdict?

7 **JUROR:** Yes.

8 **THE CLERK:** Cheri Cammon, was this your verdict?

9 **JUROR:** Yes.

10 **THE CLERK:** Is it still your verdict?

11 **JUROR:** Yes.

12 **THE CLERK:** Stephanie Roseborough, was this your
13 verdict?

14 **JUROR:** Yes.

15 **THE CLERK:** Is it still your verdict?

16 **JUROR:** Yes.

17 **THE CLERK:** Nalani Chamberlain, was this your
18 verdict?

19 **JUROR:** Yes.

20 **THE CLERK:** Is it still your verdict?

21 **JUROR:** Yes.

22 **THE CLERK:** Beverly Henderson, was this your
23 verdict?

24 **JUROR:** Yes.

25 **THE CLERK:** Is it still your verdict?

1 **JUROR:** Yes.

2 **THE CLERK:** Chassidy Cail, was this your
3 verdict?

4 **JUROR:** Yes.

5 **THE CLERK:** Is it still your verdict?

6 **JUROR:** Yes.

7 **THE CLERK:** Susan Strausbaugh, was this your
8 verdict?

9 **JUROR:** Yes.

10 **THE CLERK:** Is it still your verdict?

11 **JUROR:** Yes.

12 **THE COURT:** All right. The jury has been polled
13 and the verdict stands. Anything before the jury is
14 excused, Mr. Frick?

15 **MR. FRICK:** No, Your Honor.

16 **THE COURT:** All right. Just a moment.

17 (Pause)

18 **THE COURT:** All right. Ladies and gentlemen of
19 the jury, this will conclude your services in
20 connection with this case and I am going to discharge
21 you from any further service in connection with this
22 matter.

23 I want to tell you that in my view the jury's
24 role in the fact finding process is so important that
25 the trial judge should not comment on the verdict of

1 a jury even after a jury reaches a verdict or a
2 decision in the case. And I make it a practice and a
3 policy never to comment on the verdict of a jury. I
4 will tell you that there was evidence in the record
5 by which you could have reached the decision that you
6 did.

7 Now, in just a few minutes I am going to excuse
8 you from any further service in this case and I will
9 tell you that there is only one thing that remains to
10 be done, and that is the sentencing phase of this
11 case. And we will go into the sentencing phase
12 immediately after I conclude my remarks to you.

13 I will tell you that when I do excuse you, you
14 will have the right to leave if you want to, but I
15 will also tell you that I know sometimes jurors like
16 to know what the ultimate result of the case is. And
17 if you would like to stay for the sentencing phase
18 you are certainly welcome to do so, and you can stay
19 right here in the jury box if you would like to, or
20 you can leave if you would like that. But I will
21 leave that up to you. That will be a matter that
22 will be completely up to you.

23 But I will also tell you that if you would like
24 to stay for the sentencing phase, before I adjourn
25 court and before I allow anyone else to leave the

1 courthouse that I will excuse you. And even those
2 that stay for the sentencing phase, I will excuse you
3 and allow you to clear the courthouse grounds and get
4 to your cars and everything before we adjourn court
5 or before anyone else is allowed to leave the
6 courtroom.

7 So if you want to stay, you'd certainly be
8 welcome to do so; but you certainly don't have to.
9 When I tell you you're excused, you can leave if you
10 would like to or you can stay. But that's your call.
11 That will be certainly up to you.

12 Now, this will conclude your services in
13 connection with this matter. And I will tell you
14 that once you have been excused as a juror, there is
15 nothing illegal about your talking with anybody about
16 your service on this case. You can talk to anybody
17 you want to. There is nothing illegal about anyone
18 talking to you about your service.

19 It is a practice of which I strongly disapprove
20 and I strongly discourage, but it is not illegal.
21 You have the right to talk to anyone, but you also
22 have the right not to talk with anyone. And if
23 anyone wants to talk with you about your service on
24 this case and you don't want to talk to them and they
25 continue to harass you or bother you about it, you

1 let the court personnel know and we will deal with
2 them. But it's your call. You can talk with them or
3 not talk with them, and you certainly can talk to any
4 of your family or any of your friends or anybody else
5 about your service on this case once you have been
6 discharged by me.

7 This is the last, the only and last case that
8 we're going to use the jury for this week. The
9 members of your panel have already been excused for
10 the week, and it will not be necessary that you call
11 back or come back in tomorrow. This will conclude
12 your services.

13 I will tell you that by serving on the jury this
14 week you have met your citizenship responsibilities
15 for jury service in the Circuit Court; that is, up
16 here in this courtroom either the Court of General
17 Sessions where you have been this week, this is the
18 criminal side of this court, or the Court of Common
19 Pleas, the civil side, for the next three years.

20 If you were to get a summons from the clerk in
21 the next year, we couldn't take you even if you
22 wanted to serve. You are actually disqualified from
23 service. In the second and third years you have an
24 exception which means that you could not be required
25 to serve but you could serve if you wanted to. But

1 you can't be required to serve as a juror in the
2 Circuit Court more than once every three years.

3 I can't help you with Family Court. I know with
4 Magistrate's Court or Federal Court, if you were to
5 get a summons for those juries you would just have to
6 take those matters up with the judge.

7 I hope that as a result of having served on the
8 jury this week that you have a better appreciation of
9 your criminal justice system. I know that what you
10 have observed probably is a great deal different than
11 what you have seen on television, but I do hope that
12 you have a better appreciation of our criminal
13 justice system as a result of having served this
14 week.

15 As I say, I know it is never convenient to serve
16 on the jury but it is important that we have had
17 citizens who come forward and serve. And it is
18 because of this citizen participation in the judicial
19 process that makes our system the best in the world.
20 It's not without its flaws, but it is definitely the
21 best that has ever been invented in the mind of man,
22 and I do appreciate your services.

23 Next week you will receive a small check from
24 the clerk's office. It will in no way compensate you
25 for the time that you have spent up here this week,

1 but it is a small token of appreciation on behalf of
2 the county and the state for your services this week.

3 With those words then, I am going to excuse you
4 now. If you would like to go, you may certainly do
5 so, or you may stay if you would like to stay, and I
6 will excuse you at a later time. Jurors only, if you
7 would like to be excused, you may do so, or you may
8 remain seated.

9 All right, Mr. Frick. Motions on behalf of the
10 defendant.

11 **MR. FRICK:** Yes, sir. We make a motion for a
12 new trial based on the admission of the evidence of
13 which we had an extensive hearing yesterday regarding
14 the drugs that were mentioned by Angil Landrum. Your
15 Honor, I think that that was clearly a factor in this
16 case. I would renew my motion for a mistrial based
17 on that. That would be the mentioning of that. I
18 know the physical evidence was not put in, but I
19 think the mentioning and all the discussion about
20 that --

21 **THE COURT:** All right. I appreciate that and I
22 would respectfully deny that motion. I believe that
23 I did instruct the jury to disregard that in my jury
24 instruction, and then again in my final instructions
25 to the jury I told them that they were not to

1 consider any testimony that was ordered stricken from
2 the record, and I held that evidence was stricken
3 from the record.

4 And I further told them that any evidence of
5 drugs in this case, whether it be the testimony of
6 Ms. Landrum or any other witnesses, could not be used
7 against the defendant as showing his propensity to
8 commit this crime or as an attack on his character
9 but could only be used for the purposes of motive or
10 intent. And I do believe that that is a correct
11 statement of the law, so I would respectfully deny
12 your motions.

13 **MR. FRICK:** Your Honor, again, just as to one
14 additional matter, just because of my objection to
15 the charging of the jury in regard to inference of
16 malice, I think I was fairly thorough in what my
17 objection was earlier; I won't restate it at this
18 time, but I would renew that objection, and I ask for
19 a new trial based on that.

20 **THE COURT:** All right. I would respectfully
21 deny that motion as well. I believe that under the
22 current law that is the correct statement of the law.
23 It is still an inference of malice in the use of a
24 deadly weapon except in those situations where
25 self-defense is asserted under the recent case of the

1 State Supreme Court. But, otherwise, I think the
2 inference of malice in the use of a deadly -- the
3 presence or use of a deadly weapon is still a part of
4 our law. I believe that your objection is well
5 preserved.

6 **MR. FRICK:** Thank you, Your Honor.

7 **THE COURT:** All right.

8 **MR. FRICK:** The only additional motion I would
9 have would be for a motion notwithstanding the
10 verdict or the 13 curative doctrine, whichever the
11 Court may prefer. But that's my motion.

12 **THE COURT:** All right. I have would
13 respectfully deny that motion. That would be a
14 motion for making in a directed verdict. And I would
15 respectfully deny that motion. I believe that if I
16 were to grant that motion I would be imposing my view
17 of the facts for the view of the facts as determined
18 by the jury, and I think that that's their view. And
19 so I would respectfully deny that motion as well.

20 **MR. FRICK:** Thank you, Your Honor. That's all
21 the motions from the defense.

22 **THE COURT:** Thank you, sir. Sentencing sheet,
23 Mr. Barfield?

24 **MR. BARFIELD:** Yes. And I will have his record
25 for you. I will have brief comments from me; and

1 then again, the Miller family members are here, and
2 one or more of them might like to speak at the
3 appropriate time.

4 **THE COURT:** All right. That's fine. Mr.
5 Barfield, go ahead and tell me about his criminal
6 record.

7 **MR. BARFIELD:** Your Honor, you heard the rest of
8 it when we were talking yesterday about whether he
9 was going to testify, but I'll give you all of it.
10 '94, simple assault and malicious injury to property;
11 '94, carrying a concealed weapon; '98, driving
12 without a license and open container; '98, simple
13 possession of marijuana; '99, simple assault and
14 battery, two times in '99; 2005, criminal domestic
15 violence; 2003, burglary second degree and grand
16 larceny; 2006, loitering to engage in drug activity.

17 **THE COURT:** Let me stop you there just a moment,
18 Mr. Barfield. What was the sentence on the burglary
19 and grand larceny?

20 **MR. BARFIELD:** Yes, sir. Your Honor, he got an
21 eight-year sentence suspended to 90 days followed by
22 two years probation.

23 **THE COURT:** All right. Go ahead.

24 **MR. BARFIELD:** That's all.

25 **THE COURT:** Okay. Mr. Frick, as far as you

1 know, is that a correct recitation of the defendant's
2 criminal record?

3 **MR. FRICK:** Yes, sir, it is.

4 **THE COURT:** All right. All right. Let me
5 address the Miller family for just a moment. You
6 have been here throughout the week and you've heard
7 some of the other matters that have come before the
8 court, including other victims that have appeared.

9 Well, under the Victim's Rights amendment to the
10 Constitution that was passed a number of years ago,
11 along with the implementing legislation, you have the
12 right to be present. You have the right to be kept
13 advised of everything that's going on. You have the
14 right to be present during court proceedings, and you
15 also have the right to address the Court.

16 So if there are members of the victim's family
17 who would like to address me at this time, I will be
18 glad to hear from them. Just come forward and give
19 me your name and I'll be glad to hear from you. All
20 right. Yes, ma'am. First give me your name.

21 **MS. COOK:** My name is Jerlene Cook, and Alpha
22 Lee was my brother.

23 **THE COURT:** Okay. Go right ahead.

24 **MS. COOK:** I can't say I'm glad about the
25 situation or whatever. I am just sad of course that

1 another young person's life is destroyed, not just my
2 brother, but him as well. His family is suffering.
3 And it's a suffering situation for everybody.
4 Everybody loses. And it's not a win-win situation.

5 And it's my prayer that you seek God in all of
6 this because He is going to be the one to give you
7 solitude in the morning; he's going to give you peace
8 at night. Beyond that, there is nothing no man can
9 do.

10 The solicitor, he has a job to do, as well as
11 the judge, everybody in here, you know. But God is
12 the only one who knows the actual truth; who pulled
13 the trigger, who did not pull it. And in that,
14 that's the final justice of all of this. God is
15 going to be the final say-so.

16 I pray that you seek Him in whatever you do.
17 Seek him, because He is going to give you freedom in
18 this life to live whatever there might be. And I
19 will always pray for you regardless of the situation.
20 And it's my prayer that God leads you and he guides
21 you in whatever you do throughout your life.

22 **THE COURT:** All right, ma'am. Thank you. Yes,
23 sir.

24 **MR. MILLER:** Yes. I'm Mark --

25 **THE COURT:** And please address the Court. Thank

1 you.

2 **MR. MILLER:** I'm Mark Miller. I'm Alpha Lee's
3 brother. And once again, this is a sad occasion, you
4 know. This is another life that's lost, not only my
5 brother's life, but Mr. Jackson's life, Mr. Adams's
6 life. I mean, it's got to stop somewhere. We all
7 have to draw the line in what we do in our own lives
8 and take and be held accountable for it.

9 And, you know, I can't be happy about this. I
10 really can't be, you know. Just the only thing I can
11 say is just take it one day at a time and do the best
12 you can and you do what you've got to do to make it.
13 And I appreciate the State and the Court's time.

14 **THE COURT:** Thank you, sir. Mr. Barfield.

15 **MR. BARFIELD:** Your Honor, just a very brief
16 comment. There is no sentence that makes this right.
17 There is never a sentence in a homicide case that
18 makes anything right. But what strikes me about this
19 case is that it's just like almost all the other
20 cases that we're getting now. It's young folks,
21 relatively young folks. It's drugs and it's guns.
22 It's guns.

23 They're killing their own, essentially. These
24 guys who are running together are getting into
25 disputes with each other. It very often involves

1 drugs, they have guns, and somebody ends up dying.

2 I don't know -- I don't want to do anything to
3 step over the line into what your job is in this
4 situation, but certainly there is an interest that
5 the State has in sending a message in this case that
6 it's serious and that you go to jail for a long, long
7 time.

8 I ask you to impose a sentence that will perhaps
9 send that message, create some deterrent effect in
10 this county and perhaps in this circuit. These guys
11 need to know that they can't just shoot somebody and
12 go to jail for five or ten, twenty years and be done
13 with it.

14 And I ask you to just take those things into
15 consideration, that the community and the other
16 people out there who are perhaps going to find
17 themselves in similar circumstances later on need to
18 realize it will be bad if I do something like this.
19 Thank you.

20 **THE COURT:** Okay. Thank you. All right, Mr.
21 Cook.

22 **MR. FRICK:** Thank you, Your Honor. Your Honor,
23 I only suggest that whatever you impose, because it's
24 a mandatory minimum, it will be bad and it will send
25 a message. And I always have problems with the State

1 saying they want to send a message, because, you
2 know, we've been sending people to prison for
3 centuries for murder, and that ain't stopped it. So
4 I would ask you not to make this is a message case
5 but simply rule on this case based on the facts that
6 you have heard and what little more I'm going to tell
7 you about Mr. Adams.

8 As you've heard, Mr. Adams has two prior
9 offenses that are General Sessions offenses on his
10 record from I believe 2003. He did receive I think
11 90 days and probation. So the time that he has been
12 in jail since April of last year is the longest
13 amount of time he has ever been in jail.

14 This is not someone who has a violent past,
15 violent record. Now, it was a burglary, it was a
16 grand larceny, but to my knowledge, there was no true
17 violence involved in that. And I think the sentence
18 that he received was indicative of that.

19 **THE COURT:** Let me ask you about that. Did he
20 complete that probation?

21 **MR. FRICK:** Your Honor, that's my understanding.
22 I see nothing -- he indicates he has -- I saw nothing
23 that indicates that he had any revocation subsequent
24 to that. And, Your Honor, I certainly understand
25 that Mr. Adams and I are probably the youngest people

1 standing up here at the bar, but Mr. Adams is not the
2 young man that the solicitor is talking about. He is
3 34 years old.

4 Typically these cases, I know what he's speaking
5 of; we've got a rash of them in Lancaster right
6 now -- this is Fairfield, not Lancaster -- of cases
7 where young, young people; and I am talking 17 and 18
8 up to 21, are running around shooting each other.

9 Now, certainly Mr. Adams does not deny, never
10 has denied when I talked to him that he was in the
11 wrong in this situation, and he denies that he is the
12 man that fired the fatal shot.

13 We discussed that many, many times in the times
14 that I've represented him about how the State was
15 going to proceed. We always understood the State
16 would proceed as the hand of one, hand of all case.
17 We talked about the likelihood of success at trial.
18 I think it's very possible that this lived up to our
19 expectations of what was going to happen.

20 Up until two weeks ago Mr. Adams was going to be
21 in the situation of Mr. Jackson. However, his
22 attorney spoke to him and they agreed to take the
23 offer. They both had the same offer on the table.
24 In speaking with Mr. Adams, he just was not willing
25 to take the offer.

1 Not denying any culpability in whatever actions
2 or whatever under hand of one, hand of all, but we're
3 in the situation where we felt as if we had to go to
4 trial. We just didn't feel we could take the offer.
5 And that's why we went to trial. It's not Mr. Adams
6 saying that he feels entirely innocent in this
7 matter. He understands at least maybe in his mind
8 that he's not guilty of killing Mr. Miller, but he's
9 certainly not innocent in this situation.

10 I would say briefly to the family, I know they
11 alluded a lot to him turning to the Lord. I am not a
12 very religious person and I don't like bringing it up
13 a whole lot, but I would point out that in his front
14 left pocket that has been with him the whole time he
15 has a Bible. Every morning that I've seen him back
16 there in the holding cell he has been reading it when
17 I talk to him.

18 So, he's an intelligent young man, although
19 older, that I think the State gives him credit, a
20 1992 graduate of Fairfield Central High School, a
21 lifelong resident of Fairfield County. He was
22 working in landscaping. He does have a family. Out
23 in the audience, I believe it's the second, the third
24 row from the back there, that's his family, Your
25 Honor. They have been in constant contact with me

1 since his arrest. They love him. They miss him very
2 much.

3 Mr. Adams I know is sorry for his role in this
4 situation. He knew Alpha Lee. They had known each
5 other for a while. They were really friends. And
6 it's tragic. As we've already said, it was a tragic
7 situation. I ask you to limit the compounding of the
8 tragedy as much as you can.

9 **THE COURT:** Okay. Thank you, Mr. Frick. And
10 I'll be glad to hear from your client, but you may
11 want to speak to him because you may not want him to
12 say anything that would jeopardize any appeal. And I
13 certainly will not hold that against him. But if
14 there is anything he would like to tell me.

15 **MR. FRICK:** Let me speak with him, if you don't
16 mind.

17 **THE COURT:** Yes, sir.

18 (Pause)

19 **MR. FRICK:** Your Honor, he would respectfully
20 ask not to speak.

21 **THE COURT:** All right.

22 (Pause)

23 **THE COURT:** Those of you that have appeared
24 before me have heard me say that over 14 years ago
25 when I got this job I was told by my colleagues that

1 the most difficult thing that we judges would have to
2 do is be in the position of criminal sentencing.
3 Over the last 14 years nothing has changed my mind;
4 it is the most difficult thing that we have to do.

5 In fact, former Chief Justice Bruce Littlejohn
6 said that perhaps the most solemn chore assigned to a
7 trial judge is that of passing sentence in criminal
8 cases. There is no work more exasperating than
9 sitting in judgment of one's fellow man after his
10 conviction and determining where he will spend the
11 most important thing he has in this world, his time.
12 I used to shudder at the thought that a few words I
13 would utter would determine something so important to
14 another human being.

15 That's a direct quote from Justice Littlejohn's
16 book, *Half Century at the Bench and the Bar*,
17 published by Justice Littlejohn several years ago.

18 As it was said in *State v. Brouwer*, 346 SC 375,
19 the goal of sentencing, goals of sentencing are to
20 reflect the seriousness of the offense, promote
21 respect for the law, provide appropriate punishment,
22 to deter criminal conduct, protect the public from
23 the defendant's conduct, and provide the defendant
24 with needed care or treatment.

25 It is the responsibility -- again from *State v.*

1 Brouwer, it is the responsibility of the trial judge,
2 to determine the priority and relationship of
3 sentencing objectives in any particular case. The
4 primary criteria in sentencing is the good order and
5 protection of the public and society, and all other
6 factors must be subservient to that end.

7 I in one respect -- in a number of respects, but
8 in a particular respect agree with what the solicitor
9 said with regard to drugs and guns. I have said for
10 many years that if we could do away with the problem
11 of drugs in our community, and I include alcohol in
12 that, that we could do away with 85 percent of the
13 business that comes before the Court of General
14 Sessions.

15 Also a real troubling aspect to me has been the
16 proliferation of guns, some of which have -- most of
17 which I refer to as street guns that have become a
18 part of our society. These street guns are out there.
19 Very often people get hurt or killed as a result of a
20 street gun in what would otherwise be an argument
21 simply because somebody has got a gun. I wish there
22 was some way of limiting it or to solving the problem
23 of drugs and guns because drugs are a large part of
24 our criminal problem, and guns, both legal and
25 illegal.

1 Having said that, I have considered what I think
2 is the appropriate sentence in this case. I don't
3 think it is a maximum sentence case, but neither do I
4 think that it is a minimum sentence case. So the
5 sentence of the Court is that the defendant is
6 committed to the State Department of Corrections for
7 a determinate term of 40 years, given credit for the
8 time that he has already served. All right. The
9 hearing is adjourned.

10 **MR. BARFIELD:** Thank you, Judge.

11 **THE COURT:** All right.

12 (Whereupon, the proceedings are concluded)
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25

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

I, Jenny H. Williams, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, having transcribed this trial through the use of cassette tapes and court reporter log notes from Elizabeth Harris, Official Court Reporter, 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 Sumter County, South Carolina, on the 7th, 8th, 9th and 10th days of December, 2009.

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

April 6, 2010

Jenny H. Williams

Jenny H. Williams, Court Reporter

WITNESSES

7 Boney-FCSO # 08-2554

55
07/21/11

DOCKET NO. 2008-GS-20-245

The State of South Carolina

County of Fairfield

2008 JUN 17 A 11:40

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

COURT OF GENERAL SESSIONS

JUNE TERM 2008

ARREST WARRANT NUMBER/DOA

H775998 (DOA-04-08-08)

THE STATE

VS.

Willie James Adams, JR.

ACTION OF GRAND JURY

TRUE BILL 6-17 20 28

Richard J. Adams
Foreperson of Grand Jury
Date:

VERDICT

Indictment for

Murder

Foreperson of Petit Jury
Date:

SC Code: §16-3-10
CDR Code: 0116
• Class: Felony, EXM

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FAIRFIELD)

INDICTMENT

At a Court of General Sessions, convened on June 17, 2008, the Grand Jurors of Fairfield County present upon their oath:

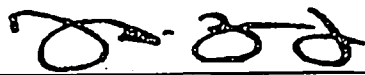
MURDER

That Willie James Adams^{Sr.} did in Fairfield County on or about April 5, 2008, feloniously, willfully and of his malice aforethought kill and murder Alphara Miller by a gunshot wound and the victim did die as a proximate cause then and there, in violation of the common law of South Carolina and §16-3-10, Code of Laws of South Carolina.

AMENDED ON THE RECORD WITH CONSENT TO REFLECT
 THE DEFENDANT'S CORRECT NAME.

Howard P. King
 Presiding Judge
 Dec 7, 2009

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


 Douglas A. Barfield, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD
STATE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008 -GS- 20 - 245VS.
Willie James Adams, Jr.A/W#: H 115 998AKA:
Race: B Sex: M Age: 34Date of Offense: 4/5/08DOB: [REDACTED] SS#: [REDACTED]S.C. Code §: 16-3-10Address: [REDACTED]CDR Code #: 116City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

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

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

☒ CONVICTED OF or ☐ PLEADSTO: MURDERIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar # 514

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCOPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

§47.12 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$100 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

§90.7(SCCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ 3.90TOTAL \$ 133.90Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

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

Clerk of Court/Deputy Clerk

Court Reporter: Elizabeth HarrisPresiding Judge Howard P. KingJudge Code: 7107Sentence Date Aug 10, 2009

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF FairfieldWillie James Adams, Jr. #338357

Full name and prison number (if any) of Applicant

v.

State of South Carolina

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM2012-CP-20-413
IN THE COURT OF COMMON PLEASAPPLICATION FOR
POST-CONVICTION RELIEFINSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Correctional 990 Wiscachy Highway
2. Name and location of Court which imposed sentence Fairfield County Court of General Session
3. Name(s) of co-defendant(s) (if any) Levarn M. Jackson, J.R.
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2008-65-20-245 (Murder)
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) December 10, 2009 (40 years)
 - (b) _____

DA: 2010257/52-X/-

ATTORNEY GENERAL'S OFFICE

OCT 17 2012

RECEIVED

ATTORNEY GENERAL'S OFFICE
RECEIVED
OCT 17 2012
DA: 2010257/52-X/-

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Conviction Affirmed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. Submitted December 1, 2011 - Filed January 4, 2012
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished Opinion No. 2012-UP-046
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) ↓
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Ineffective Assistance of Trial Counsel
- (b) Ineffective Assistance of ^{Appeal} ~~Appellate~~ Counsel
- (c) _____

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

- (a) Applicant requires the assistance of Counsel to help raise all grounds for
- (b) relief available to him. He request leave to allow Counsel to get on board so all
- (c) grounds for relief will be adequately raised. Without Counsel Applicant is sure to
overlook issues available to him, and will inadequately raise the claims he wants
reviewed.

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. N/A
- ii. |
- iii. |
- iv. |

(b) the name and location of the Court in which each was filed:

- i. N/A
- ii. |
- iii. |
- iv. |

(c) the disposition thereof:

- i. N/A
- ii. |
- iii. |

- iv. _____
- (d) the date of each such disposition:
- i. N/A
- ii. ↓
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. ↓
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. ↓
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. ↓
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Ineffective Assistance of Counsel claims can not be raised on Direct
- (b) Appeal. Post Conviction Relief is the appropriate stage to raise all
- (c) Ineffective Assistance of Counsel claims

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? N/A
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you: Public Defender
- i. William A. Frick Winnsboro SC 29180
- ii. Katherine H. Hudgins / Division Appellate Defense, P.O. Box 11589, Columbia S.C. 29911
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. William A. Frick / Trial
- ii. Katherine Hudgins / Direct Appeal
- iii. _____
19. State clearly the relief you seek in filing this application:
Vacate Conviction and Remand for a New Trial
20. Are you now under sentence from any other court that you have not challenged?
No.

STATE OF SOUTH CAROLINA)

County of)

VERIFICATION)

I, Willie Adams, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Willie Adams

SWORN to and subscribed before me this 11
day of Oct, 2012.

Debra Sines (L.S.)
Notary Public

My Commission Expires: 11-4-2015

2012 OCT 15 A 11:12
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Willie Adams

Applicant

SWORN or affirmed to and subscribed before me this
11 day of Oct, 2012.

Debra Sue

Notary Public

My Commission Expires: 11-4-2015

2012 OCT 15 A 11:12
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTH JUDICIAL CIRCUIT
COUNTY OF FAIRFIELD	)	
	)	
	)	2012-CP-20-0413
Willie James Adams, Jr., #338357,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

The Respondent, making its Return to the Application for Post-Conviction Relief filed October 15, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Fairfield County. Applicant was indicted for murder (2008-GS-20-245). He was represented by William P. Frick, Esquire. On December 7-10, 2009, the Applicant proceeded to a jury trial, and he was found guilty of murder. He was sentenced by the Honorable Howard P. King to confinement for a period of forty (40) years.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence. State v. Adams, Op. No. 2012-UP-006 (Ct. App. January 4, 2012). The remittitur was sent on January 24, 2012.

Attached herewith and incorporated herein by reference are the records of the Fairfield County Clerk of Court regarding the subject conviction, the Applicant's records from the Department of Corrections, the trial transcript, and the appellate records.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel;
2. Ineffective assistance of appellate counsel.

Applicant has failed to set forth with specificity the grounds upon which the application is based and facts in support thereof. S.C. Code §17-27-50. Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

III.

Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in his application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The allegation that appellate counsel was ineffective is without merit. Respondent contends that the Applicant's appellate counsel rendered adequate assistance and provided representation within the range of competence required by appellate attorneys. A defendant is constitutionally entitled to the effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830 (1985). Where ineffective assistance of appellate counsel is alleged, the

Applicant must show that appellate counsel's performance was (1) deficient; and (2) that there was prejudice from the appellate counsel's deficiency. Southerland v. State, 337 S.C. 610, 524 S.E.2d 833 (1999). To be effective, appellate counsel must give assistance of such quality as to make appellate proceedings fair. Id. Appellate counsel must provide effective assistance but need not raise every non-frivolous issue presented by the record. Id. Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745, 103 S.Ct. 3308 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

When a claim of ineffective assistance of appellate counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland v. Washington test with regard to the ineffectiveness claims against appellate counsel. However, the allegation of ineffective assistance of appellate counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN RATIGAN
Assistant Deputy Attorney General

MARY S. WILLIAMS
Assistant Attorney General

By: Mary Williams
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

December 11, 2013

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

) IN THE COURT OF COMMON PLEAS
) SIXTH JUDICIAL CIRCUIT

Willie James Adams, Jr.,

2012-CP-20-0413

Applicant,

v.

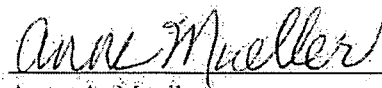
CERTIFICATE OF SERVICE BY MAIL

State of South Carolina,

Respondent.

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Respondent's Return in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Debra A. Matthews, Esquire
P.O. Box 447
Winnsboro, South Carolina 29180



Anne A. Mueller
Legal Assistant for the Respondent

DATED this 11th day of December, 2013.

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF FAIRFIELD) IN THE COMMON PLEAS COURT
3
4 Willie James Adams,)
5 Applicant,) TRANSCRIPT OF RECORD
6 -vs-) 2012-CP-20-0413
7 The State.) July 29, 2014
8) Lancaster, South Carolina
9

10 B E F O R E :

11 HONORABLE W. JEFFREY YOUNG, JUDGE
12
13
14

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

16 ERNEST M. SPONG, III, ESQUIRE
17 Attorney for the Applicant

18 CROOM HUNTER, ESQUIRE
19 Attorney for the State
20
21

22 Linda D. Moffitt
23 Circuit Court Reporter
24
25

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No exhibits entered into evidence.

William P. Frick
Direct examination by Mr. Spong

1 THE COURT: This is the case of Willie James Adams,
2 Jr. vs. the State of South Carolina. This is from the
3 County of Fairfield under docket No. 2012-CP-20-0413.

4 Present and appearing is the plaintiff with his
5 attorney, Mr. Ernest M. Spong, III. The state is present
6 and represented by Mr. Croom Hunter.

7 The parties ready to proceed?

8 MR. HUNTER: Yes, Your Honor.

9 THE COURT: All right. Mr. Spong, you may call your
10 first witness.

11 MR. SPONG: Thank you, Your Honor. The plaintiff
12 calls Mr. Frick.

13 WILLIAM P. FRICK, having been
14 first duly sworn, testified as follows:

15 MR. SPONG: May it please the Court.

16 THE COURT: Yes, sir.

17 DIRECT EXAMINATION BY MR. SPONG

18 Q Mr. Frick, you are Mr. Adams' trial attorney in this
19 murder trial, is that correct?

20 A Yes, sir. I was.

21 Q And do you recall about how long ago this was?

22 A I think the -- I think the charge was from '08, maybe
23 '07. I think the trial was '09.

24 Q Okay.

25 A I think. I don't remember.

William P. Frick
Direct examination by Mr. Spong

1 Q I think my real question is do you have a fairly good
2 recollection of the trial.

3 A Yes, yes, I do.

4 Q Just kind of for the Court's information can you -- in
5 general what was this trial about?

6 A The allegation was there was -- that the victim in the
7 matter was shot by someone over at a house, not Mr. Adams'
8 house, over in the Flint Hill area near Ridgeway in
9 Fairfield.

10 The allegation was -- it was kind of a -- it was a
11 drug dealer's house, was the allegation. The victim in the
12 matter had taken some drugs, stolen them. And then there
13 was an alleged dispute between the victim, initially,
14 Mr. Adams, and then another codefendant.

15 There was an argument between the victim initially
16 with Mr. Adams. At some point Mr. Adams had a firearm, I
17 believe fired at the victim but in the ground and then
18 placed the firearm on the ground.

19 The codefendant picks up the gun, chases after the
20 victim and shoots him dead. That's my recollection of
21 the -- the basic facts of the case.

22 Q In this case.

23 A Yes.

24 Q Okay. Now, you and I have had some prior discussions
25 about this case, so you have an idea of what our complaint

William P. Frick
Direct examination by Mr. Spong

1 is about in this P.C.R., correct?

2 A Yes, sir, yes, sir.

3 Q And it centers primarily, almost exclusively, around
4 the admission into evidence of certain drug-related
5 matters.

6 A Yes, sir.

7 Q Okay. What I would like to do is sort of kind of go
8 through that aspect of this trial as that issue developed
9 throughout the trial.

10 A All right.

11 Q Now, my recollection of the transcript is that the
12 question of whether or not -- well, let's back up and you
13 may -- I may get you to help on this.

14 There was a large quantity of drugs found in the woods
15 and some other places, is that correct?

16 A I recall one specific place, and that's the specific
17 place that we had the issue with, and I think is -- the
18 biggest issue in the case.

19 There was a red coleman water cooler, maybe a -- maybe
20 a gallon. It wasn't one, a huge container, but it was a
21 cooler that was found in the woods. And in that cooler was
22 a large quantity of either cocaine base or powder. I can't
23 remember which.

24 Q Okay.

25 A I'm thinking it was a couple of hundred grams. I

William P. Frick
Direct examination by Mr. Spong

1 can't remember.

2 Q 300 grams sound about right?

3 A That may be right. I know it was -- it was well over
4 ten grams, and it was over a hundred.

5 It was found somewhere near the location but not at
6 the location, the incident location. It was I think close
7 to a property line.

8 If I recall correctly as testimony came out, whoever
9 picked up the cooler was not exactly sure whether they were
10 still on that property or not. And so it became more of an
11 issue as we went along in the case.

12 I initially objected to it because the state was
13 obviously bringing it in under 404(b). I objected to it.

14 Q Just so we can clarify for the Court where we are in
15 the trial at this point, this was an issue from you from
16 the very beginning, correct?

17 A Yes, sir.

18 Q You knew you didn't want a bunch of drugs put in that
19 weren't connected to the case --

20 A Yes.

21 Q -- and weren't connected to your client and just
22 brought in and put in front of the jury and basically with
23 the inference that he's a big drug dealer. And that's what
24 -- I assume that's what you were concerned about.

25 A Well, let me clarify. I don't think they're going to

William P. Frick
Direct examination by Mr. Spong

1 say that Bud was -- I mean, Mr. Adams was a drug dealer. I
2 thought -- my concern was I got a couple of hundred grams
3 of cocaine, he's near the scene, that that would just be
4 bad-act evidence and it would just taint the trial for him.

5 Q So you were concerned about that initially. And I
6 think from the transcript you brought it up on the front
7 end of the trial.

8 A That's correct. If I recall correctly -- and one of
9 the great things about dealing with Solicitor Barfield is
10 he will give you a great outline of this is where he's
11 going in the case.

12 we talked about it. He -- I asked him was he going to
13 introduce that stuff about the drugs. He said yes. So I
14 knew that I was going to have to deal with that.

15 And of course since it's a Lyle hearing he's got to --
16 he's got to do what he's got to do on that matter. But I
17 knew I had to make my objection to that evidence coming in.
18 So we did have a pretrial hearing, I think. I can't
19 remember if it -- it was probably right after jury
20 selection, but I don't recall. It was early.

21 Q A result of that was that the judge basically ruled
22 that it could come in.

23 A The judge granted the motion for the solicitor to have
24 that evidence come in under 404(b). I can't remember
25 whether it was motive or what -- whatever prong of that.

William P. Frick
Direct examination by Mr. Spong

1 But he -- he granted it and said the solicitor could talk
2 about the drugs.

3 Q But you had objected, and he overruled your objection.
4 And y'all began the trial with the understanding that that
5 evidence was going to come in.

6 A Yes, sir.

7 Q Okay. And, in fact, it does begin to come in in the
8 form of some SLED agent testimony. And to be clear, at
9 this point we're not -- this testimony is not related to
10 the state's theory of this being the motive. They're
11 just -- they're -- they're not just saying there were drugs
12 involved. They're quantifying, qualifying, giving amounts
13 and all of that stuff too.

14 A Yeah.

15 Q And that's testified to.

16 A Well, to be clear, that the shooting occurs because
17 the victim was stealing drugs. The state did not allege
18 that the drugs he was stealing were these drugs. And that
19 was part and parcel of what my objection was. I mean, they
20 have something that's out in the woods. And I objected to
21 it related to the case that we were talking about
22 specifically.

23 Q Okay. Now, as the trial progressed and after it has
24 begun is it a fair characterization, safe to say, that the
25 court became concerned that possibly this evidence should

William P. Frick
Direct examination by Mr. Spong

1 not be coming in?

2 A Yes. At some point -- I think it was the next day --
3 I had mulled it around in my head, and I became concerned
4 about the way the evidence was developing.

5 So even though the judge had ruled on the evidence, I
6 decided I needed to ask him to revisit that which was --
7 it's not a whole lot of fun to ask a judge to reconsider
8 something he's already ruled on, but I did. And -- and the
9 judge began to understand -- my recollection, the judge
10 began to understand what my concern was.

11 I don't know if he specifically said anything about it
12 shouldn't have come in or shouldn't have come in the way it
13 did, but he did not change his ruling. He continued to let
14 the drugs come in and continued to let the solicitor talk
15 about the amount of drugs.

16 Q And I just want -- sorry. Just read a brief excerpt
17 from the transcript.

18 THE COURT: what page?

19 Q I think this is kind of the period that you're talking
20 about.

21 This is the Court on page 454 at line nine. The Court
22 speaks.

23 THE COURT: With regard to this
24 evidence of the drugs, I earlier ruled
25 that it would go to prove motive. My

William P. Frick
Direct examination by Mr. Spong

1 concern is that in weighing process of
2 403, probative value versus prejudicial
3 effect, I came down on the side of
4 probative value. We've gotten awfully
5 close, if not crossed the line, of where
6 it exceeds the probative value, where you
7 are trying to introduce a quantity of
8 drugs and the drug reports, and that is
9 more than just saying that drugs were
10 involved in the case, and that's what I
11 thought the testimony was going to be, or
12 that's what the state's purpose of getting
13 into the matter regarding drugs. We're
14 almost now getting to the point now we're
15 in a drug case to show the amount of
16 drugs, the weight of the drugs and
17 introduce the drugs themselves, and I'm
18 having some second thoughts about the
19 prejudicial effect in view of that. The
20 defense" -- and I guess referring to
21 yourself -- "could have very easily been
22 lured into not objecting to that, to the
23 testimony regarding that, by my previous
24 ruling to the effect that I would allow
25 testimony with regard to drugs."

William P. Frick
Direct examination by Mr. Spong

1 Q And that's essentially what you're talking about.

2 A And I believe that was subsequent to my continued
3 objection the next day. If I'm recalling correctly, we
4 start to talk or the state starts talking about this cooler
5 that's found out there that's got some drugs in it.

6 The testimony that comes into the trial starts talking
7 about an amount of drugs, which I don't think is what we
8 talked about initially. I think we just talked about a
9 quantity but not the number amount. And then we began to
10 start talking about these hundreds of grams that were
11 coming in. I think that is, what you just read is, after I
12 had asked the Court to look at it one more time.

13 Q That's correct. It was taken up I believe that
14 morning.

15 So after -- I guess this is a fair characterization.
16 After the Court starts to have some, maybe some, second
17 thoughts about this drug evidence coming in, I think there
18 was then conducted a hearing outside of the presence of
19 the -- a proffer hearing. Do you recall that?

20 A I don't recall the proffer hearing, but if it's
21 reflected in the transcript, I don't dispute that.

22 Q And it's my understanding from the transcript that
23 after that proffer hearing -- and of course the Court has a
24 transcript. Is that -- that's correct.

25 THE COURT: I do.

William P. Frick
Direct examination by Mr. Spong

1 Q Again, there was discussion on the record basically
2 the result of which was that Mr. -- the solicitor withdrew
3 his motion to introduce that evidence, at which point there
4 was a discussion between yourself and the Court and the
5 solicitor as to what should be done to fix the matter. And
6 I believe at that point you made a motion for a mistrial.
7 And there was a discussion about that, and that's what I
8 would ask you at this point to discuss your motion --

9 MR. HUNTER: Your Honor, I just want to object. I
10 know there's -- in P.C.R. there's a fair amount of leeway
11 given, but I just object to some leading here.

12 THE COURT: I'm going to give for the sake of -- since
13 it's just me -- it's not a jury that could be misled -- I'm
14 going to let him lead him a little bit.

15 MR. SPONG: I appreciate it. I am kind of rambling in
16 my question.

17 Q But I have reached my question finally, which is do
18 you recall your motion for the mistrial and could you
19 express to the Court what your concern at that point was
20 and why you thought a mistrial would have been appropriate.

21 A I don't recall specifically what I said, but my
22 concern in the case from the very beginning and up until
23 that point -- and of course the solicitor has now said that
24 he doesn't want to talk about the drugs any more --
25 unfortunately, it's been talked about and a jury has heard

William P. Frick
Direct examination by Mr. Spong

1 about these. So I didn't know what other recourse that we
2 had other than to ask the judge to declare a mistrial
3 because the jury had been tainted with this discussion of
4 drugs.

5 Q And in your view as Mr. Adams' trial attorney was
6 there a potential for a taint?

7 A Yes.

8 Q And could you elaborate on that?

9 A Well, again, my objection to it was -- I mean, it's
10 404 evidence, and it's 404 evidence for a reason. 404 is
11 prior-bad-act stuff, and it's -- it's used to show
12 association in some instances.

13 I'm not saying that's what the solicitor was trying to
14 do here, but my concern was I've got 12 people who are
15 hearing about a murder over drugs. My client who is
16 asserting an argument -- I mean, he was at the scene. So
17 we're arguing mere presence during a hand of one, hand of
18 all, because they were not -- they were not going to be
19 able to prove that Mr. Adams was the one who pulled the
20 trigger. They could allege and perhaps prove that at one
21 point he had a firearm in his hand, but they could not
22 prove that he fired the fatal shot.

23 So the solicitor's arguing hand of one, hand of all,
24 which if you're going to allege that he's involved with
25 these folks who have a cooler full of hundreds of grams of

William P. Frick
Direct examination by Mr. Spong

1 cocaine, that causes me grave concern that a jury may
2 associate some bad stuff to Mr. Adams that he doesn't
3 necessarily be associated with.

4 So I didn't think I had any other recourse other than
5 to ask for a mistrial.

6 You know, the other thing you can do is ask for a
7 curative instruction. My concern is, one, I don't know
8 what that gets him. I don't know if -- I'm unclear based
9 on the case law that I have read as to whether I have given
10 up some potential appeal issues for him if I do that; and,
11 two, if the judge is not going to grant my motion for the
12 mistrial but give the curative instruction, then maybe they
13 didn't remember hearing about the 200 grams. And I don't
14 want to remind them of it.

15 So I felt strategically the only thing I could do was
16 ask for the mistrial and go from there.

17 Q All right. And underneath all of that is -- I'm
18 putting words in your mouth -- I'll ask you to confirm them
19 now -- is that you felt like your client had been unfairly
20 prejudiced by the introduction of that evidence.

21 A Well, yes. I mean, it was 404 evidence, and I thought
22 it was more prejudicial than probative, yes.

23 Q And at the end the trial judge denies your motion for
24 a mistrial but did give a curative instruction. Do you
25 recall that curative instruction?

William P. Frick
Direct examination by Mr. Spong

1 A No, I don't.

2 Q It's in the transcript but it's --

3 A I don't. And I know I said I didn't ask for it. I
4 hope it doesn't say in the transcript that I did but --

5 Q No. I think they adopted the solicitor's argument.

6 A My general stance was to not have any opinion on a
7 curative instruction and let the judge rule however he is
8 going to rule.

9 Q Right.

10 A I know that's not what a judge wants to hear, but,
11 again, I -- as a defense attorney I'm completely unclear as
12 to what I'm supposed to do to preserve a client's rights in
13 that situation.

14 Q Right. So, in any case, it goes to the jury, and they
15 come back and find him guilty.

16 A Yes.

17 MR. SPONG: I may need a little leeway here as well,
18 Your Honor.

19 Q In a P.C.R. normally your defendant is attacking your
20 performance of your job during his trial. You would agree
21 with me that throughout this trial you repeatedly objected
22 to the introduction of that evidence.

23 A Yes, sir.

24 Q And you were repeatedly ruled against.

25 A Yes, sir.

William P. Frick
Direct examination by Mr. Spong

1 Q And I think there's even several points in here where
2 the judge was concerned, expressed a concern, that you were
3 protected on the record for your objection.

4 A That's what the record reflects, yes, sir.

5 MR. SPONG: Could I have just a second, Your Honor?

6 THE COURT: Yes, sir.

7 (Pause.)

8 MR. SPONG: Does the Court have a -- already have a
9 copy of the appeal, denying the appeal? It's probably not
10 essential that you have it for this --

11 THE COURT: I've got it.

12 MR. SPONG: Can I hand --

13 THE COURT: You may.

14 Q Now, Mr. Frick, it's not my intention to -- I'm not
15 trying to embarrass you or anything. But could you read
16 basically the relevant part of that appeals court decision
17 on reviewing these matters?

18 A Essentially, what they said was that I did not
19 contemporaneously object when the drugs were introduced and
20 what I attempted to do was bootstrap it to -- to my
21 mistrial motion. And they said that that was not correct
22 because I did not preserve the objection to the drugs.

23 Q Right. And my point basically is that as a result of
24 that decision --

25 A Yeah.

William P. Frick
Direct examination by Mr. Spong

1 Q -- with the appeals court saying that they could not
2 review all of this that happened about the drug evidence
3 coming -- drug evidence coming in Mr. Adams has not -- has
4 not been able to get any kind of review of the
5 appropriateness or appeal court review of that matter. And
6 of course they blame it on you. I'm sitting here seeing
7 all of your objections in the record. I don't know. Can't
8 explain it. But I know that this P.C.R. --

9 MR. SPONG: I need to get to a question, don't I?

10 THE COURT: You do. Are you going to do a closing
11 argument now?

12 MR. SPONG: Right. Well, I won't have to do a closing
13 argument.

14 Q So the review of this matter has been denied by the
15 appeals court.

16 A Right. They said that I erred because I did not
17 preserve the objection.

18 Q So I guess the law of the case is that you erred on
19 protecting or setting the record up for being reviewed.

20 A That's what this panel of the Court of Appeals said.

21 Q Okay.

22 MR. SPONG: Your Honor, did the Court determine if it
23 had -- do I need to introduce this?

24 THE COURT: I've got it.

25 MR. SPONG: Okay.

William P. Frick
Cross-examination by Mr. Hunter

1 Q And, again, one last time for emphasis.

2 You had asked for a mistrial because you were concerned
3 about whether or not your client got a fair trial.

4 A Yes, sir. Absolutely.

5 MR. SPONG: Okay. That's all the questions I have.

6 THE COURT: Thank you.

7 Mr. Hunter.

8 CROSS-EXAMINATION

9 BY MR. HUNTER

10 Q Mr. Frick, how many -- how long have you been
11 practicing law?

12 A Over a dozen years. At this time it was -- I don't
13 know -- around ten, a little bit less than ten, years. But
14 all criminal.

15 Q Okay. So you had -- you had done plenty of trials at
16 that point.

17 A Yes. And -- and other murder trials.

18 Q Okay. Now, Mr. Spong covered the fact that you did
19 move for a mistrial. And I believe you said that it kind
20 of came down to your strategy. You felt like you should
21 either move for a mistrial -- or let me start over.

22 A What -- what I did was I -- in that situation, as I
23 understand it, you've got a couple of things you can do.
24 You can ask for the mistrial or you can ask for a curative
25 instruction. If you're not going to give me the mistrial,

William P. Frick
Cross-examination by Mr. Hunter

1 I don't want the curative instruction, because I don't want
2 to remind the jury of the evidence that I didn't want them
3 to hear. So I asked for the mistrial, but I think the
4 judge still gave the curative instruction.

5 Q Okay. Prior to going to trial did you explain the
6 charges Mr. Adams was facing to him?

7 A Absolutely, absolutely. We talked about that. I
8 believe we did have a plea offer for him to plead to the
9 lesser included offense of voluntary manslaughter.

10 I can't specifically remember if -- if we had a
11 number, if the solicitor had given us a number, on that or
12 not. But I do recall it was not anything that Mr. Adams
13 was interested in.

14 I know that we talked. I mean, we -- we're kind of
15 close in age, and I remember sitting there and talking to
16 him and going, you know, if you're looking at 20 or 30
17 years and you're our age, that's getting close to a life
18 sentence anyway.

19 So we weighed it. And Mr. Adams and I talked about --
20 in many instances talked about hand of one, hand of all,
21 which is a difficult concept. And we decided to go forward
22 with the trial.

23 Q That was actually going to be my next question. So
24 you did go over the hand of one, hand of all, and explained
25 to Mr. Adams that that's how the state would be seeking

William P. Frick
Cross-examination by Mr. Hunter

1 to find him --

2 A Yes.

3 Q -- guilty.

4 A Yes. I believe I told him, in fact, the solicitor was
5 very likely going to -- because he'd done this to me before
6 in almost every murder trial I had where hand of one, hand
7 of all -- the solicitor would say I don't whether he shot
8 the gun or not, and I don't have to prove it.

9 Q Did you feel like you adequately preserved your
10 objections to the drug evidence?

11 A I have no clue what the Court of Appeals wants me to
12 do to preserve the objection if that does not preserve the
13 objection.

14 Q Because, I mean, you did object to it when the state
15 initially sought to bring it in. And then you objected to
16 it later and revisited it the next day, is that correct?

17 A Yes, that's correct.

18 Q And --

19 A With -- with some peril. I did get yelled at
20 initially but --

21 Q And I believe you did -- did you move for a
22 directed-verdict motion in this case?

23 A I'm certain I did.

24 Q Okay. Do you recall on the second day of the trial
25 when you brought your objection back up?

William P. Frick
Cross-examination by Mr. Hunter

1 MR. HUNTER: And for y'all, this is on page 235 -- the
2 Court.

3 Q Do you recall the judge saying that he thought both of
4 y'all got your positions on the record?

5 A Yes. I do recall him after we revisited the issue,
6 him saying that we were -- we had both covered our issues
7 on the record. Yes, I do recall that.

8 Q And so at that point you felt like you were covered
9 adequately.

10 A I -- honestly, even sitting here today, I don't know
11 what else I should have done.

12 Q Okay.

13 MR. HUNTER: Beg the Court's indulgence just a moment.

14 THE COURT: Yes, sir.

15 (Pause.)

16 Q And then the judge in this case -- I believe it was
17 Judge King.

18 A That's correct.

19 Q Okay. He did finally admit the drugs in under -- as
20 admissible to show motive, is that correct? That's --

21 A That's what I recall. I can't remember. I think the
22 solicitor rattled off three of the four ways that you can
23 get stuff in under -- under Lyle and 404. And I think the
24 judge did say motive.

25 Q Okay. And was there a fair amount of testimony in the

William P. Frick
Cross-examination by Mr. Hunter

1 trial from multiple witnesses who said that Mr. Adams had
2 told them that the victim in this case had taken his stuff?

3 A Well, he hadn't taken Mr. Adams' stuff. It was
4 another person's stuff that had gotten taken.

5 Q Okay.

6 A Mr. Adams was not the -- the person whose drugs these
7 were.

8 Q Right. But would you agree that if -- if there's
9 testimony in the record to show that -- that Mr. Adams --
10 that witnesses did say that Mr. Adams himself said that
11 some stuff was taken from him that then --

12 A Well, the testimony was the stuff was taken, and I'm
13 sure Mr. Adams said that Alpha Miller took some stuff, but
14 just to be clear. I don't know whether somebody said that,
15 but that wasn't the case. It wasn't Mr. Adams' stuff.

16 Q Okay.

17 A And that was part of my issue. I mean, you know,
18 if -- if we could say that Bud Anderson was the one that
19 was selling dope out of Flint Hill, then okay. That's one
20 thing. But that's not what they were alleging. That's not
21 what they were attempting to allege. And that was part and
22 parcel of my objection.

23 Q Okay.

24 MR. HUNTER: Beg the Court's indulgence for just a
25 moment.

1 (Pause.)

2 MR. HUNTER: I think that's all I have, Your Honor.
3 Thank you.

4 THE COURT: I do have a question that you had
5 referenced.

6 where in the record does the -- is it located that the
7 drugs were first brought up that Mr. Frick objected? Do
8 you know?

9 MR. SPONG: The first reference I think is at 110.

10 THE COURT: 110.

11 MR. SPONG: That's not -- that's not the main
12 reference.

13 THE COURT: Right. I saw.

14 MR. HUNTER: Page 100 of the record, Your Honor.

15 THE COURT: I saw there was a big colloquy.

16 MR. SPONG: I'm not sure that's where the objection
17 was.

18 MR. HUNTER: On page 100 Mr. Frick is arguing that --
19 his 40(b) -- 404(b) and Lyle positions as regards to the
20 drug evidence.

21 THE COURT: Was that a pretrial argument or is that
22 during the -- that was testimony.

23 MR. HUNTER: That was -- that was pretrial. That was
24 prior to the jury being sworn.

25 THE COURT: Okay. So there was a suppression hearing

1 basically, was there, on the drugs coming in?

2 MR. HUNTER: Essentially, yes, sir.

3 THE COURT: Well, not a suppression hearing but a --
4 more of a motion in limine.

5 MR. SPONG: Well, just to be --

6 THE COURT: Yeah.

7 MR. SPONG: -- frank with the Court, what the
8 transcript said actually, the judge basically was -- said
9 y'all should have done this motion to suppress rather than
10 in the middle of the trial. So that was the judge's
11 comment.

12 THE COURT: But there's no question it was objected
13 to, even though the Court of Appeals said that he should
14 have objected. Was it contemporaneously objected to? When
15 they mentioned drugs did he object?

16 MR. SPONG: My impression of reading the transcript,
17 Your Honor, is that they had initial discussions about
18 whether it was going to be admitted.

19 Mr. Frick was basically -- said he was told it's
20 coming in. So when it came in, he didn't object any more
21 because he'd already -- that's my impression, he'd already
22 objected. And then it kind of kept -- kept being an issue.
23 And eventually it was raised again.

24 THE COURT: And even Judge King said, "Gentlemen,
25 you're both protected on the record," is that right?

William P. Frick
Redirect examination by Mr. Spong

1 MR. SPONG: I don't think anybody had any idea that it
2 was beyond review for failing to object.

3 MR. HUNTER: Yes, sir. Your Honor, on page 235 Judge
4 King does say that.

5 THE COURT: Right. I'm looking at it. I saw that.
6 Looks he says, "Thank you. I think you're both protected
7 on the record," or something to that effect. Okay. Thank
8 you.

9 MR. HUNTER: I don't have any further questions.

10 THE COURT: Any redirect?

11 MR. SPONG: Just real quick.

12 REDIRECT EXAMINATION

13 BY MR. SPONG

14 Q Mr. Frick, do you -- do you recall the sentence of my
15 client?

16 A The sentence?

17 Q Yeah. Forty years.

18 A I think it was 40, yes, sir.

19 Q Do you recall the sentencing of his codefendant?

20 A No, I don't recall the sentence of the co -- I mean, I
21 know he was a cooperating witness, so I would imagine he
22 got a deal.

23 Q If I told you it was 20 years would you disagree with
24 that?

25 A I don't disagree with that.

William P. Frick
Recross-examination by Mr. Hunter

1 Q Apologize if I'm being repetitious here, but just
2 briefly. This was a hands of one, hands of all case.

3 A Yes, sir.

4 Q And there was no direct evidence of who shot anybody,
5 or it was contradictory evidence as to who pulled the
6 trigger.

7 A Right.

8 Q And what I guess want to ask you, in effect, what the
9 state did metaphorically was put a cooler of large quantity
10 of drugs next to Mr. Adams without linking it to him,
11 without saying that it had anything to do with it. And it
12 just sat there in front of the jury, and that that's --
13 that's the brush he got brushed with.

14 A That -- that's -- that was my concern, and that's why
15 I objected to it as it being 404 evidence.

16 Q Thank you.

17 MR. HUNTER: I do have one briefly.

18 THE COURT: Yes, sir.

19 RECROSS-EXAMINATION

20 BY MR. HUNTER

21 Q Do you -- Mr. Frick, do you feel like with the amount
22 of evidence in this case, of all of the witnesses and
23 everyone saying that Mr. Adams was there and had been in
24 possession of the gun and was firing at the ground in front
25 of the victim, do you feel like the -- the drug evidence

William P. Frick
Recross-examination by Mr. Hunter

1 really, you know --

2 A I don't know.

3 Q -- made a difference?

4 A I mean, I don't know. It could have affected the
5 jury. The Court of Appeals could have simply said, yeah,
6 it shouldn't have come in but it's harmless error. They
7 didn't go that route. They chose to say that I did not
8 preserve the objection.

9 But as to what the jury finally reached a conclusion
10 on, I don't know. But, yes, I think it's entirely possible
11 that the jury could have reached that conclusion just
12 disregarding the drugs too.

13 I mean, there was evidence. There were witnesses that
14 said Mr. Adams was there. There were witnesses that said
15 he had the firearm. There were witnesses that said they
16 saw him shoot near the victim.

17 No one said that he shot Alphra Miller. In fact, I --
18 I thought there were witnesses who said the other guy shot.
19 I could be -- that just could be defense-attorney memory
20 right now, but I think it is possible that the jury could
21 have reached the conclusion if the drugs had not come in,
22 which, of course, is what I objected to. And the state
23 didn't need the evidence.

24 MR. HUNTER: That's all I have.

25 THE COURT: All right. Thank you.

1 You may step down.

2 THE WITNESS: Thank you, Judge.

3 MR. SPONG: Your Honor, we will rest on Mr. Frick's
4 testimony.

5 THE COURT: Okay. Do you have any other witnesses for
6 the state -- the defense?

7 MR. HUNTER: No, Your Honor. The state has no
8 witnesses.

9 THE COURT: All right. I'm going to take this under
10 advisement. I'm going to read through this transcript of
11 those specific parts.

12 And, you know, this is -- it's an odd situation where
13 the trial judge gets up, and they've got affirmed for a
14 different reason, and yet the trial judge tells the defense
15 attorney that he's done everything he can to protect his
16 record.

17 So let me read through it, and I'll give you my ruling
18 when I make it.

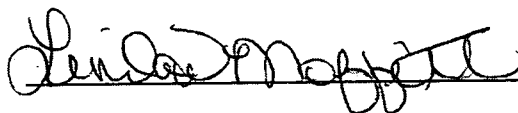
19 END OF REQUESTED TRANSCRIPT OF RECORD
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Fairfield County, South Carolina, on the 29th day of July 2014.

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

October 23, 2014

A handwritten signature in cursive script, appearing to read "Linda D. Moffitt", written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

Willie J. Adams, #338357

Case No. 2012-CP-20-0413

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on October 15, 2012. Respondent made its return on December 11, 2013. An evidentiary hearing into the matter was convened on July 29, 2014, at the Lancaster County Courthouse. Applicant was present at the hearing and was represented by Ernest M. Spong, III, Esquire. Respondent was represented by Assistant Attorney General J. Croom Hunter of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Fairfield County. Applicant was indicted for murder (2008-GS-20-245). He was represented by William P. Frick, Esquire. On December 7-10, 2009, the Applicant proceeded to a jury trial, and he was found guilty of murder. He was sentenced by the Honorable Howard P. King to confinement for a period of forty (40) years.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence. State v.

Adams, Op. No. 2012-UP-006 (Ct. App. January 4, 2012). The remittitur was sent on January 24, 2012.

ALLEGATIONS

~~At the post-conviction relief hearing, Applicant proceeded to argue his confinement is~~
unlawful based upon the following grounds:

1. Ineffective assistance of trial counsel for failure to properly preserve objections for appellate review.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant did not testify. Applicant presented testimony from trial counsel, William P. Frick, Esquire (Counsel). This Court also had before it a copy of the trial transcript, the Lancaster County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, the appellate records, and the return.

William P. Frick, Esquire (Counsel) testified that at the time of Applicant's trial, he had been practicing for around ten years. Counsel testified he had a good recollection of Applicant's trial. Counsel testified Applicant's co-defendant pled guilty and received a twenty year sentence. Counsel testified Applicant was offered a plea deal but chose to proceed to trial. Counsel testified the victim in Applicant's case was shot at a drug house near Ridgeway, South Carolina. Counsel testified Applicant's story was there was an argument between the victim and Applicant, and Applicant fired a pistol into the ground at Applicant's feet, after which Applicant put the gun down. Counsel testified Applicant's co-defendant then picked up the weapon and killed the victim. Counsel testified he did not believe Applicant was the shooter. Counsel testified that a large quantity of cocaine was found at the location of the shooting and admitted at trial, but the solicitor never connected the drugs to Applicant. Counsel testified the cocaine was found in a

cooler near the property line. Counsel testified he initially objected to the drugs under State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923) and Rule 404(b) because he was concerned about a large quantity of drugs coming into evidence that was not connected to Applicant. Counsel testified he was concerned the drugs were overly prejudicial. Counsel testified he discussed the issue with the solicitor and conducted a pretrial hearing to determine whether the drugs were admissible. Counsel testified the trial judge allowed the drugs in under Rule 404(b) SCRCP. Counsel testified the drugs then came in through the testimony of a SLED agent. Counsel testified he believed the trial judge became concerned over the admission of the drugs, as it became less clear if the drugs were connected to Applicant. Counsel testified he raised his objection to the drugs again and asked the trial judge to reconsider his ruling. Counsel testified the trial judge allowed the drugs to remain in evidence over his continued objection. Counsel testified he moved for a mistrial, which the trial judge denied. Counsel testified he thought he had sufficiently preserved the issue. Counsel further testified he believed the trial judge thought the issue was sufficiently preserved. Counsel testified he still believes the drugs were overly prejudicial and should not have been admitted. Counsel testified the issue was appealed to the South Carolina Court of Appeals. Counsel testified the Court of Appeals denied Applicant's appeal because the issue was not preserved for review. Counsel testified he believed he objected properly, and the issue was sufficiently preserved for review.

INEFFECTIVE ASSISTANCE OF COUNSEL

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process

that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation ~~within the range of competence required in criminal cases. The courts presume that counsel~~ rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

This Court finds Applicant failed to demonstrate that Counsel's performance was deficient. This Court further finds that Applicant not presented sufficient evidence to show any prejudice resulting from Counsel's representation. Additionally, this Court finds Counsel's testimony credible.

This Court finds that Counsel thoroughly prepared Applicant's case for trial. This Court finds further that Counsel strenuously objected, throughout the course of the trial, to the

admission of the contested drug evidence. This Court finds Counsel attempted to stop the admission of the drug evidence through a pretrial hearing and through contemporaneous objections to the evidence throughout the trial. This Court also notes Counsel moved for a ~~mistrial. This Court finds Counsel's belief that the issue was properly preserved for appellate~~ review was reasonable, especially considering the trial court's comment to counsel, "Okay. All right. I think both of you got your positions on the record." (Trial Transcript p.235, lines 7-8). This Court further notes that Counsel objected to the admission of the drugs multiple times throughout the course of the trial, even after the trial judge commented that he believed Counsel's objection was protected on the record. This Court notes that the trial court finally decided to admit the drugs only after an extended proffer by the State and further argument from both sides on the issue. (Trial Transcript pp.464-576). This Court further notes the trial judge conducted a Rule 403 analysis and decided the probative value of the drugs was not outweighed by any prejudicial effect they may have had. Accordingly, this Court finds Counsel's performance with regard to the admission of the drugs was reasonable under professional norms. As such, this Court is unable to find any deficiency in Counsel's performance.

Furthermore, this Court has reviewed the transcript in its entirety and finds that Applicant has failed to show that but for counsel's performance, there is a reasonable probability the outcome of the trial would have been different. This Court finds an overwhelming amount of evidence in the record, independent of the contested drugs, pointing to Applicant's guilt in this case. This Court notes that multiple witnesses testified to observing Applicant firing a handgun at the victim and accusing the victim of stealing his drugs. This Court notes the jury had the opportunity to weigh the testimony of Applicant's co-defendant Levarn M. Jackson, Jr., who stated he watched Applicant shoot the victim twice. This Court further finds that under the theory

of accomplice liability, whether or not Applicant is the one who ultimately fired the shot that killed the victim is immaterial to a finding of Applicant's guilt under the law. The evidence in this case clearly proves Applicant fired multiple shots toward the victim at close range, and the Applicant's decision to fire the weapon at the victim set in motion a chain of events that quickly led to the victim's death. Accordingly, this Court finds that the overwhelming evidence against Applicant in this case precludes a finding that there is a reasonable probability the outcome of Applicant's trial would have been different but for Counsel's alleged deficiencies. See Foye v. State, 335 S.C. 586, 518 S.E.2d 265 (1999) (holding PCR was properly denied where the applicant did not prove he was prejudiced by trial counsel's deficient performance in failing to preserve an issue at trial).

Accordingly, this Court finds Applicant did not demonstrate any deficiencies in Counsel's representation. This Court finds that because Counsel's representation was well within the range of competence required in criminal cases, Applicant has further failed to make any showing that but for Counsel's alleged deficiencies, the result of Applicant's case would have been any different.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present sufficient evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application.

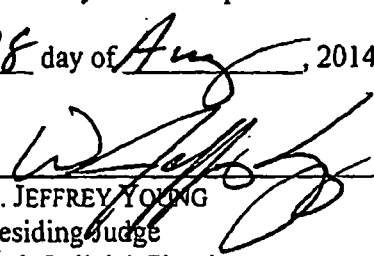
Plea counsel rendered effective assistance in regard to the claims raised by Applicant. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days ~~from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate~~ appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 28 day of Aug, 2014.


W. JEFFREY YOUNG
Presiding Judge
Sixth Judicial Circuit

Sumter, South Carolina