

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Marlboro County

R. Ferrell Cothran, Jr., Circuit Court Judge

VOL. I of II

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S.C. Supreme Court

KENWOOD BRIGHT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-001846

APPENDIX

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	)	
COUNTY OF MARLBORO	)	
	)	
THE STATE OF SOUTH CAROLINA	)	
	)	MARCH 8-11 2010
PLAINTIFF,	)	
	)	
VERSUS	)	
	)	
KENWOOD BRIGHT	)	2009-GS-34-00820
	)	
	)	
DEFENDANT.	)	

BEFORE

THE HONORABLE WILLIAM H. SEALS, JR.

APPEARANCES

Elizabeth R. Munnerlyn, Esquire
Attorneys for The State

Emily Crayton, Esquire
Miesha Brown, Esquire
J. Richard Jones, Esquire
Attorneys for the Defendant

Pamela Ozment-Cartee
Circuit Court Reporter

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VOIR DIRECase No.: 2008-GS-34-820Date: March 8, 2010Plaintiff: The StateAttorney Elizabeth R. MunnerlynDefendant: Kenwood BrightAttorney Miesha BrownPresiding Judge: William H. Seals, Jr.Reporter: Pamela Ozment-Cartee

*****		***** STRIKES *****				
Juror #	Juror Name	Race	Sex	Court	State	Defd
069	Anita H. Herndon	W	F		✓	✓
045	Tammy S. Ellerbe	B	F		✓	x
105	Calvin C. Moore, Jr.	B	M		x	---
120	William E. Quick	W	M		✓	x
057	Alice J. Grant	B	F		✓	✓
155	Melissa A. Turner	W	F		✓	✓
032	James A. Costner	W	M		✓	✓
110	Timothy Oliver	B	M		✓	✓
061	William Grooms	W	M		✓	x
082	Heather B. Langley	W	F		✓	x
015	Travis S. Bridges	B	M		x	---
114	Beatrice L. Platt	B	F		✓	x
060	Jacqueline S. Green	B	F		✓	✓
080	Calvin T. King	B	M		✓	✓
054	David P. Gowdy, II	W	M		✓	✓
077	Randy B. Johnson	W	M		✓	x
053	Tammy L. Goings	W	F		✓	✓
154	Ricco M. Moore	B	M		x	---
075	Latrice D. Jackson	B	F		✓	✓
132	Theresa J. Sheets	W	F		✓	x
153	Cedric K. Jones	W	M		x	---
104	Annie M. Moore	B	F		✓	✓
	ALTERNATE					
033	Julia M. Covington	B	F		✓	✓

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1 **THE COURT:** Thank you, everybody be seated. Thank
2 you.

3 All right. Members of the jury panel, we are getting
4 ready to draw a jury for a particular case. In order to do
5 that our goal is to make sure that we get a fair and
6 impartial jury. To do that I have to ask you more questions,
7 and remember you are under oath. If any of these questions
8 apply to you, I ask that you please stand and respond to
9 them.

10 The first question is as follows. The State has alleged
11 that a Kenwood Bright, in the County of Marlboro, on or about
12 July 22, 2008, did willfully and with malice aforethought
13 kill one Christopher Antonio Deas. This incident occurred on
14 Hudson Street in Bennettsville, South Carolina.

15 In this regard have any of you seen, heard, read, or
16 have any knowledge from any source about this case including
17 but not limited to the newspaper, internet, or television; if
18 so, please stand. Let the record reflect that no one has
19 stood.

20 **BAILIFF:** Tammy Ellerby.

21 **THE COURT:** Your name?

22 **JUROR:** Tammy Ellerby. I work with the Mama, and I
23 have heard people talk about this all the time about what
24 happened here. I don't feel comfortable. I have heard --

25 **COURT REPORTER:** I can't hear her.

THE STATE V KENWOOD BRIGHT

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1 JUROR: I work with Kathy Deas, and I don't feel
2 comfortable.

3 THE COURT: Taking that into account, I ask you, if
4 you are chosen to be a juror in this case can you give both
5 The State and the Defense a fair trial?

6 JUROR: I can be fair, but I would feel comfortable.

7 THE COURT: Would you be fair and impartial to both
8 sides, if you were chosen?

9 JUROR: Yes.

10 THE COURT: Would you be fair and impartial to both
11 sides if you were chosen in this case?

12 JUROR: Yeah.

13 THE COURT: All right. Good. Thank you.

14 The victim in this case is a Christopher Antonio Deas.
15 Are any of you related by blood, or marriage, or have a close
16 personal or social relationship with the victim in this case?
17 If so, please stand. Let the record reflect that no one
18 stood.

19 If you would have the Defendant Kenwood Bright please
20 stand, and face the jury panel. All right. Thank you. You
21 may be seated.

22 Are any of you related by blood, or marriage, or have a
23 close personal or social relationship with the Defendant
24 Kenwood Bright in this case; if so, please stand. Let the
25 record reflect that no one stood.

THE STATE V KENWOOD BRIGHT

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1 Solicitor, if you would please stand and introduce
2 yourself and members of your staff.

3 MS. MUNNERLYN: Thank you, Your Honor. My name is
4 Elizabeth Munnerlyn, and I am here on a contractual basis for
5 the Solicitor's Office as a prosecutor in this case. I also
6 have a private law office around on Main Street, and I am a
7 sole practitioner there.

8 THE COURT: Thank you. Are any of you related by
9 blood or marriage, or have a close personal, or social
10 relationship with the Solicitor in this case, or have been
11 represented by the Solicitor at any point in the past, or any
12 member of her staff; if so, please stand. Let the record
13 reflect that no one stood.

14 Ms. Brown, if you please stand and introduce the members
15 of your staff.

16 MS. BROWN: Thank you, Your Honor. Good morning, my
17 name is Miesha Brown. I am an employee of the Fourth Circuit
18 Public Defender's Office. Along with me is Ms. Emily
19 Crayton, she will be representing Mr. Bright today as well,
20 as well as Mr. Rick Jones, he will also be assisting in this
21 case. Also, Mr. Jason Turnblad, we are all members,
22 employed with the Fourth Circuit Public Defender's Office.

23 THE COURT: Thank you. Are any of you related by
24 blood, or marriage, or have a close personal, or social
25 relationship with Ms. Brown or any member of her staff, or

THE STATE V. KENWOOD BRIGHT

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1 have been represented by her or any member of the Public
2 Defender's Office in the past; if this applies to you, please
3 stand.

4 Your name and number?

5 **JUROR:** I am Juror Number 132, and my name is Theresa
6 Sheets, and I am friends with Jason Turnblad.

7 **THE COURT:** All right. Taking that into account, if
8 you were chosen to serve as a juror in this case, could you
9 be fair and impartial to not only The State but also to the
10 Defendant in this case?

11 **JUROR:** I think so.

12 **THE COURT:** I need to know if you can or cannot?

13 **JUROR:** Yes.

14 **THE COURT:** All right. If you were chosen to serve as
15 a juror in this case, would you be fair and impartial to both
16 sides in this case?

17 **JUROR:** Yes.

18 **THE COURT:** Thank you. Anybody else? The witnesses
19 in this case are as follows, and there are twenty-nine of
20 them, so bear with me. Aretha Poe, Bennettsville Police
21 Department. Teddy Brigman, with the Bennettsville Police
22 Department. Walter Covington, Bennettsville Police
23 Department. Sammy Crostland, with the Bennettsville Police
24 Department. A victoria Knight, a Doctor Erin Presnell,
25 Michelle Knight, Larry Turner with the Bennettsville Police

THE STATE V KENWOOD BRIGHT

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1 Department, Larry Bowman with the Bennettsville Police
2 Department, Mary Dease, Jacobie Kenta Samuels, Chief Larry
3 McNiel with the Bennettsville Police Department, John B.
4 Hepburn, with the Bennettsville Police Department, Albert
5 Garner, Edward Garner, John Boston, with the Bennettsville
6 Police Department, Ira Dease, with the Bennettsville Police
7 Department, Kell Hall with the Bennettsville Police
8 Department, Dwayne Bright, Renee Strickland with SLED,
9 Kathleen Woodward with SLED, Ira Parnell with SLED, Shawn
10 Lucas, with the Bennettsville Police Department, Jake
11 Robinson, Tammy Dease Parker, Jasper Humbert, with SLED,
12 Nikki Perry, with SLED, Patrick McLaurin, and Eureka
13 Zimmerman. Are any of you related by blood or marriage, or
14 have a close personal, or social relationship with any of the
15 witnesses in this case; if so, please stand. Let the record
16 reflect that no one stood.

17 Are any of you aware of, or conscious of any bias or
18 prejudice for or against The State in this case; if so,
19 please stand. Let the record reflect that no one stood.

20 Has any member of the jury panel formed an opinion as to
21 the guilt or innocence of the Defendant Mr. Kenwood Bright in
22 this case; if so, please stand. Let the record reflect that
23 no one stood.

24 Is there any member of the jury panel who is a member
25 of, or a contributor to, any group which has as its primary

THE STATE V KENWOOD BRIGHT

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1 concern for the promotion of law enforcement, or victims'
2 rights? These groups would include, but certainly not be
3 limited to, MADD, SADD, OR CAVE, Citizens Against Violent
4 Crimes. If so, please stand. Let the record reflect that no
5 one stood.

6 Have you or any member of your immediate family been
7 involved in a crime of personal violence? A crime of
8 personal violence could be criminal sexual conduct; assault
9 and batter of a high and aggravated nature, assault and
10 battery with intent to kill, murder, manslaughter, kidnaping,
11 armed robbery, etcetera. Those are just a few examples, but
12 with that I think you get the idea. Now, if you or any
13 members of your immediate family have been a victim or a
14 defendant in a crime such as these just mentioned, please
15 stand. Let the record reflect that no one stood.

16 Is there any member of the jury panel who knows of any
17 reason whatsoever why they could not give the parties in this
18 case a fair and impartial trial; if so, please stand. Let
19 the record reflect that no one stood.

20 Is there any member of the jury panel who has any
21 religious or philosophical objections to rendering judgment
22 against their fellow man; if so, please stand. Let the
23 record reflect that no one stood.

24 Has any member or any member of their family ever
25 been prosecuted by this Solicitor, or any member of the

THE STATE V KENWOOD BRIGHT

15

1 Solicitor's staff, regardless of whether the case was
2 dismissed or not; if so, please stand.

3 And your name and number.

4 JUROR: I don't know my number, Cedric Jones.

5 THE COURT: All right. If you would come on up,
6 Mr. Jones.

7 How does that apply to you?

8 JUROR: My case was dismissed, and you was my
9 prosecutor.

10 THE COURT: They prosecuted you but it was
11 dismissed.

12 JUROR: That is what you said, if it has been
13 dismissed.

14 THE COURT: Let me ask you this. Taking that
15 into account, if you were chosen to serve on a jury in
16 this case, and heard all of the evidence, and all the
17 testimony, could you be fair and impartial to not only
18 the Solicitor's Office who prosecuted you, but to the
19 defendant?

20 JUROR: Yes, sir.

21 THE COURT: And would you be fair and impartial
22 to both sides?

23 JUROR: Yes, sir. I have no problem with that,
24 because you said --

25 THE COURT: Perfect, have a seat.

THE STATE V KENWOOD BRIGHT

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1 BAILIFF: Amie Newton, 108.

2 THE COURT: Yes, ma'am.

3 JUROR: Melissa was my whatever you call it to my
4 child.

5 THE COURT: Guardian ad litem?

6 JUROR: The custody.

7 THE COURT: Melissa who?

8 CLERK OF COURT: She means Elizabeth.

9 THE COURT: Okay. Taking that into account if
10 you were chosen to serve as a juror in this case, could
11 you be fair and impartial not only to the Solicitor, but
12 also to Ms. Brown?

13 JUROR: Yes, sir.

14 THE COURT: Would you be fair and impartial to
15 both sides if you were chosen to serve?

16 JUROR: Yes, sir.

17 THE COURT: Thank you very much. I appreciate
18 it.

19 Have you, a member of your family, or a close
20 personal friend ever been employed in law enforcement;
21 if so, what agency? If this applies to you, please
22 stand.

23 All right. And your name and number.

24 JUROR: James Manning, 93.

25 THE COURT: All right. And how does that apply

THE STATE V KENWOOD BRIGHT

17

1 to you?

2 JUROR: Sir?

3 THE COURT: All right, come on up.

4 BAILIFF: Number 93, James Manning.

5 THE COURT: How does that apply to you?

6 JUROR: Anyone dealing with law enforcement,
7 right?

8 THE COURT: Right, you, a member of your family,
9 a close personal friend. Do you have anyone employed in
10 law enforcement?

11 JUROR: My daughter.

12 THE COURT: Your daughter?

13 JUROR: Uh'huh.

14 THE COURT: Who does she work for?

15 JUROR: She was working with the Sheriff's
16 Office.

17 THE COURT: If you got chosen to serve as a juror
18 in this case, could you be fair and impartial to both
19 The State and the Defendant?

20 JUROR: Yes. I don't think so.

21 THE COURT: You don't think so. I need to know
22 though.

23 JUROR: No.

24 THE COURT: Well, you are excused from this case.
25 Thank you.

THE STATE V KENWOOD BRIGHT

18

1 BAILIFF: Ollie Brawley, Number 14.

2 THE COURT: How does that apply to you?

3 JUROR: My husband was a special agent with The
4 Department of Justice.

5 THE COURT: Taking that into account, if you were
6 chosen to serve as a juror in this case, could you be
7 fair and impartial to both The State and the Defendant?

8 JUROR: Yes, sir.

9 THE COURT: Would you be fair and impartial?

10 JUROR: Yes, sir.

11 THE COURT: Thank you very much.

12 JUROR: My older brother is with the Sheriff's
13 Department.

14 THE COURT: Your older brother is?

15 JUROR: Yes, sir.

16 THE COURT: Taking that into account, if you were
17 chosen to serve as a juror in this case, could you be
18 fair and impartial to both The State and the Defendant?

19 JUROR: Yes, sir.

20 THE COURT: Would you be fair and impartial?

21 JUROR: Yes, sir.

22 THE COURT: Thank you very much.

23 BAILIFF: Randy Johnson, Number 77.

24 THE COURT: If you were chosen to serve as a
25 juror in this case, could you be fair and impartial to

THE STATE V KENWOOD BRIGHT

19

1 both The State and the Defendant?

2 JUROR: Oh, yes, sir.

3 THE COURT: Would you be fair and impartial to
4 both sides if you were chosen to serve?

5 JUROR: Yes, sir.

6 THE COURT: Thank you very much. You are good.
7 I appreciate you coming forward.

8 BAILIFF: Joyce Wastler, Number 142. 142.

9 JUROR: My husband is a reserve police officer
10 for the Town of Cleo.

11 THE COURT: Taking that into account, if you were
12 chosen to serve as a juror, could you be fair to The
13 State and the Defendant?

14 JUROR: Yes, sir.

15 THE COURT: Would you be fair and impartial to
16 both sides if you were chosen?

17 JUROR: Yes, sir.

18 THE COURT: Very good. Thank you.

19 BAILIFF: Ronnie Bethea, 151.

20 JUROR: How are you doing? I'm on the Fire
21 Department, and the gentleman was a police officer up
22 here for the City of Marlboro County.

23 THE COURT: Who was that?

24 JUROR: Steve Higgins. He is on the Fire
25 Department with us. It doesn't have anything to do with

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20

1 this, but I don't hang out with him or anything.

2 THE COURT: Let me just as you, if you were chosen
3 to serve as a juror in this case, could you be fair and
4 impartial to both The State and the Defendant?

5 JUROR: Yes, sir.

6 THE COURT: Would you be fair and impartial to
7 both sides?

8 JUROR: Yes, sir.

9 THE COURT: Thank you, have a seat.

10 BAILIFF: Heather Langley, 82. Number 82.

11 JUROR: My Daddy is police.

12 THE COURT: Your Daddy is a policeman?

13 JUROR: Uh'huh.

14 THE COURT: Where is he a policeman?

15 JUROR: In McColl. He's right over there.

16 THE COURT: Taking that into account, if you were
17 chosen to serve as a juror in this case, could you be
18 fair and impartial to both The State and the Defendant?

19 JUROR: Uh'huh.

20 THE COURT: You have to say yes or no.

21 JUROR: Yes.

22 THE COURT: Would you be fair and impartial to
23 both sides?

24 JUROR: Yes.

25 THE COURT: Thank you very much. I appreciate

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21

1 you coming forward. Just have a seat.

2 **BAILIFF:** Beatrice Platt, 114.

3 **THE COURT:** How does that apply to you?

4 **JUROR:** I have nephew, LaShane Wheeler, with the
5 police force.

6 **THE COURT:** And he is your nephew?

7 **JUROR:** Uh'huh.

8 **THE COURT:** Taking that into account, if you were
9 chosen to serve as a juror in this case, could you be
10 fair and impartial to both The State and the Defendant?

11 **JUROR:** Oh, yeah, sure.

12 **THE COURT:** Would you be fair and impartial to
13 both sides?

14 **JUROR:** Yes, sir.

15 **THE COURT:** You are good to go. Thank you.

16 **(PAUSE.)**

17 **THE COURT:** Have you, or a member of your family,
18 or a close family friend ever worked for the Solicitor's
19 Office; if so, please stand. Let the record reflect
20 that no one stood.

21 Have you, a member of your, a close family friend,
22 ever worked on the political campaign of the Solicitor,
23 or ever donated money to the Solicitor's campaign; if
24 so, please stand. Let the record reflect that no one
25 stood.

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1 Do you have any personal knowledge of any gang
2 activity in Marlboro County, if so, please stand? Let
3 the record reflect that no one stood. Let the record
4 reflect that no one stood.

5 Furthermore, your duty if selected as jurors is to
6 judge guilt or innocence based on the evidence
7 presented. It is my duty to determine the punishment if
8 you find guilt. In this regard is there any member of
9 the jury panel that would vote not guilty no matter what
10 the evidence indicates, merely because this crime may
11 result in a prison sentence; if so, please stand. Let
12 the record reflect that no one stood.

13 Is there anything further from The State?

14 **MS. MUNNERLYN:** Not from The State, Your Honor.

15 **THE COURT:** Anything from the defense?

16 **MS. BROWN:** No, Your Honor.

17 **THE COURT:** All right. For the record I find the
18 jury panel is qualified. We will now select a jury, and
19 one alternate. The strikes are ten and five, two and
20 one.

JURY SELECTION

21
22 **CLERK OF COURT:** Okay, ladies when I call your
23 name, be sure to bring your coats and pocketbooks with
24 you. Watch your step on the side, please.

25 Juror Number 69, Anita Herndon. What says The

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23

1 State?

2 MS. MUNNERLYN: Please present the juror.

3 CLERK OF COURT: What says the defendant?

4 MS. BROWN: Please sit this juror.

5 CLERK OF COURT: Have a seat to my right in the
6 jury box, please ma'am.

7 Juror Number 45, Tammy S. Ellerbe. What says The
8 State?

9 MS. MUNNERLYN: Please present the juror.

10 CLERK OF COURT: What says the defendant?

11 MS. BROWN: Please excuse this juror from the
12 trial of this case.

13 CLERK OF COURT: Return to your seat, please,
14 ma'am.

15 Juror Number 105, Kayla E. Bryant. What says The
16 State?

17 MS. MUNNERLYN: Please present the juror.

18 CLERK OF COURT: What says the defendant?

19 MS. BROWN: Please seat this juror.

20 CLERK OF COURT: Have a seat in the jury box,
21 please, ma'am, to my right.

22 105, Calvin C. Moore, Jr. What says The State?

23 MS. MUNNERLYN: Please excuse this juror from
24 service on this trial.

25 CLERK OF COURT: Return to your seat please.

THE STATE V KENWOOD BRIGHT

24

1 120, William E. Quick. What says The State?

2 MS. MUNNERLYN: Please present the juror.

3 CLERK OF COURT: What says the Defendant?

4 MS. BROWN: Please excuse the juror for the trial
5 of this case.

6 CLERK OF COURT: Return to your seat, please.

7 57, Alice J. Grant. What says The State?

8 MS. MUNNERLYN: Please present the juror.

9 CLERK OF COURT: What says the Defendant?

10 MS. BROWN: Please seat the juror.

11 CLERK OF COURT: Please have a seat in the jury
12 box, please, ma'am.

13 155, Melissa A. Turner. What says The State?

14 MS. MUNNERLYN: Please present the juror.

15 CLERK OF COURT: What says the Defendant?

16 MS. BROWN: Please seat the juror.

17 CLERK OF COURT: Please have a seat in the jury
18 box, please, ma'am.

19 32, James M. Costner. What says The State?

20 MS. MUNNERLYN: Please present the juror.

21 CLERK OF COURT: What says the Defendant?

22 MS. BROWN: Please seat the juror.

23 CLERK OF COURT: Please have a seat in the jury
24 box, please, sir.

25 110, Timothy Oliver. What says The State?

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1 MS. MUNNERLYN: Please sit the juror.

2 CLERK OF COURT: What says the Defendant?

3 MS. BROWN: Please sit the juror.

4 CLERK OF COURT: Have a seat in the jury box for
5 me, please.

6 61, William Grooms. What says The State?

7 MS. MUNNERLYN: Please seat the juror.

8 CLERK OF COURT: What says the Defendant?

9 MS. BROWN: Please excuse the juror from the
10 trial of this case.

11 CLERK OF COURT: Return to your seat, please.

12 82, Heather B. Langley. What says The State?

13 MS. MUNNERLYN: Please present the juror.

14 CLERK OF COURT: What says the Defendant?

15 MS. BROWN: Please excuse the juror from the
16 trial of this case.

17 CLERK OF COURT: Return to your seat, please.

18 15, Travis S. Bridges. What says The State?

19 MS. MUNNERLYN: Please excuse the juror from the
20 trial of this case.

21 CLERK OF COURT: Return to your seat please.

22 114 Beatrice L. Platt. What says The State?

23 MS. MUNNERLYN: Please present the juror.

24 THE COURT: What says the Defendant?

25 MS. BROWN: Your Honor, may we approach just a

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1 second?

2 THE COURT: Sure.

3 (Whereupon, a bench conference was held.)

4 MS. BROWN: Please excuse the juror from the
5 trial of this case.

6 CLERK OF COURT: Return to your seat, please
7 ma'am.

8 Number 60, Jacqueline S. Green. What says The
9 State?

10 MS. MUNNERLYN: Please present the juror.

11 CLERK OF COURT: What says the Defendant?

12 MS. BROWN: Please present the juror.

13 CLERK OF COURT: Have a seat in the jury box
14 please, ma'am.

15 Number 80, Calvin J. King. What says The State?

16 MS. MUNNERLYN: Please seat the juror.

17 CLERK OF COURT: What says the Defendant?

18 MS. BROWN: Please seat the juror.

19 CLERK OF COURT: Have a seat in the jury box
20 please, sir.

21 Number 54, David P. Gowdy, II. What says The
22 State?

23 MS. MUNNERLYN: Please present the juror.

24 CLERK OF COURT: What says the Defendant?

25 MS. BROWN: Please seat this juror.

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1 **CLERK OF COURT:** Have a seat in the jury box,
2 please, sir.

3 Number 77, Randy B. Johnson. What says The State?

4 **MS. MUNNERLYN:** Please seat the juror.

5 **CLERK OF COURT:** What says the Defendant?

6 **MS. BROWN:** Please excuse the juror from the
7 trial of this case.

8 **CLERK OF COURT:** Return to your seat, please.

9 Number 53, Tammy L. Goings. What says The State?

10 **MS. MUNNERLYN:** Please seat the juror.

11 **CLERK OF COURT:** What says the Defendant?

12 **MS. BROWN:** Please seat the juror.

13 **CLERK OF COURT:** Have a seat in the jury box,
14 please, ma'am.

15 Number 154, Ricco M. Moore. What says The State?

16 **MS. MUNNERLYN:** Please excuse the juror from the
17 trial of this case.

18 **CLERK OF COURT:** Return to your seat, please, sir.

19 Number 75, Latrice D. Jackson. What says The State?

20 **MS. MUNNERLYN:** Please present the juror.

21 **CLERK OF COURT:** What says the Defendant?

22 **MS. BROWN:** Please seat the juror.

23 **CLERK OF COURT:** Have a seat in the jury box,
24 please, ma'am.

25 Number 132, Theresa J. Sheets. What says The

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1 State?

2 MS. MUNNERLYN: Please present the juror.

3 CLERK OF COURT: What says the Defendant?

4 MS. BROWN: Please excuse this juror from the
5 trial of this case.

6 CLERK OF COURT: Return to your seat, please,
7 ma'am.

8 Number 153, Cedric K. Jones. What says The State?

9 MS. MUNNERLYN: Please excuse the juror from the
10 trial of this case.

11 THE COURT: All right. Everybody hold it down.

12 CLERK OF COURT: Return to your seat, please.
13 104, Annie M. Moore.

14 MS. MUNNERLYN: Please present the juror.

15 CLERK OF COURT: What says the Defendant?

16 MS. BROWN: Please present the juror.

17 CLERK OF COURT: Have a seat in the jury box
18 please, ma'am.

19 Number 33, Julia M. Covington. This is for the
20 alternate. What says The State?

21 MS. MUNNERLYN: Please present the juror.

22 CLERK OF COURT: What says the Defendant?

23 MS. BROWN: Please seat the juror.

24 CLERK OF COURT: Have a seat in the jury box,
25 please.

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1 **THE COURT:** All right. Are there any objections
2 to the jury, or the process by which they were chosen?
3 What says The State?

4 **MS. MUNNERLYN:** Court's indulgence for just one
5 moment, please.

6 **(PAUSE.)**

7 **MS. MUNNERLYN:** No objections from The State,
8 Your Honor.

9 **THE COURT:** All right. What says the defense?

10 **MS. BROWN:** One second, Your Honor.

11 **(PAUSE.)**

12 **MS. BROWN:** Your Honor, we do have a Motion we
13 would like to place on the record.

14 We do have an objection to the way the jury was
15 selected based on Batson versus Kentucky. It is our
16 position that --

17 **THE COURT:** -- Hold on one second. Do y'all want
18 a break?

19 (Whereupon, the jury exits the courtroom at 11:50
20 a.m..)

21 **THE COURT:** All right. Jurors and members of
22 the jury panel, we need to take up some matters of law
23 at this time, so I would ask that all of you please go
24 outside. Take a break. Don't talk about anything you
25 have heard in here today. And be back in here at

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1 quarter after twelve.

2 (Whereupon, the jury panel exits the courtroom
3 11:51 a.m..)

4 **THE COURT:** Ms. Brown, Solicitor, this lady has a
5 dentist appointment. Is it okay to let her go?

6 **MS. BROWN:** I have no objections, Your Honor.

7 **THE COURT:** I think we are going to need for you
8 to reschedule your appointment. Can you make it an hour
9 later than what it is?

10 **JUROR:** No, sir. They just called me while we
11 were on break to remind me about it.

12 **THE COURT:** Better make a call and see if you can
13 do it for later. Just tell them that you have court.

14 (PAUSE.)

15 **THE COURT:** All right. Have all of the jurors
16 exited the courthouse, as far as the clerk knows?

17 **CLERK OF COURT:** Yes, sir.

18 **THE COURT:** All right, Ms. Brown, I will be glad
19 to hear from you.

20 **MOTION**

21 **BATSON V KENTUCKY**

22 **MS. BROWN:** Your Honor, we ask that --- This
23 Motion is based on Batson V Kentucky, Your Honor. We
24 ask that the Solicitor offer reasonable reasons for
25 striking those black young jurors in which they in fact

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1 struck. Based on our notes, Your Honor, there were four
2 individuals that were struck by The State and they were
3 all black males.

4 **THE COURT:** All right. Let me ask you this. Can
5 you isolate which ones, or are you challenging all four
6 of them?

7 **MS. BROWN:** Your Honor, we would like to
8 challenge all four.

9 **THE COURT:** All right. I will be glad to hear
10 from you, Solicitor.

11 **MS. MUNNERLYN:** Your Honor, I did seat two black
12 males on the jury, and I would like for the record to
13 reflect that.

14 Juror Number 105, (Calvin Moore) the family, in
15 particular the father of the victim has had prior
16 difficulties with, so we felt it would not be
17 appropriate to place that particular juror on the jury.
18 There is some prior knowledge between that juror and the
19 victim's father, who is also a potential witness.

20 **THE COURT:** I see.

21 **MS. MUNNERLYN:** Number 15, that is --

22 **THE COURT:** Mr. Travis Bridges.

23 **MS. MUNNERLYN:** Travis Bridges, he had a prior
24 arrest for a gun charge, and I think he even approached
25 and indicated that he had been in the Pre-Trial

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1 Intervention Program on the charge. I don't know if it
2 was that one or another, his NCIC showed three prior
3 arrests, but they were for crimes that would not exclude
4 him from service on the jury. So, on the basis of that
5 prior arrest, and our prior involvement with him, I
6 struck him.

7 Number 154, (Ricco Moore) Your Honor, he was the
8 --- my primary investigating officer sitting at the
9 table with me, Larry Turner, recognized him, and has had
10 prior dealings with him, so that gave me some
11 hesitation. In addition, the family has also been ---
12 there has been some difficulty between the victim's
13 family and this individual as well. So, for those two
14 reasons I struck him.

15 **THE COURT:** All right.

16 **MS. MUNNERLYN:** And finally number 153 was Cedric
17 Jones. Of course he approached, we have prosecuted him
18 on the past on more than one occasions, and those
19 charges some of which have been dismissed, and I have
20 been involved in that, and I did not feel based on my
21 prior involvement with him that it would be appropriate
22 for me to place him on the jury.

23 **THE COURT:** All right. Thank you. Ms. Brown, I
24 will be glad to hear from you in response.

25 **MS. BROWN:** Your Honor, I have nothing further to

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1 say.

2 THE COURT: All right. Your Motion is denied.

3 MS. BROWN: Thank you, Your Honor.

4 THE COURT: Tell you what let's do. When they
5 come back in at 12:15, Mr. Funderburk, let's go ahead
6 and swear them so I don't forget. I will go ahead and
7 appoint a foreperson, and then when we excuse them we
8 will excuse them until 9:30 in the morning.

9 Anything further, Ms. Brown?

10 MS. BROWN: Nothing, Your Honor.

11 THE COURT: All right. We will be at ease until
12 12:15.

13 (Whereupon, a recess was taken from 11:58 a.m.
14 until 12:15 p.m..)

15 THE COURT: All right. Bring in the jury,
16 please.

17 (Whereupon, the jury enters the courtroom at
18 12:15 p.m..)

19 THE COURT: All right. Solicitor, is there
20 anything that you would like to put on the record before
21 we swear the jury?

22 MS. MUNNERLYN: Yes, Your Honor. There was some
23 indication that one juror, Jacqueline Green, who may
24 have a connection with the defendant's family, and we
25 want to investigate that further. Our information was

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1 that her boyfriend is the step-son of the defendant's
2 uncle, and that she is in and out of --- she is in and
3 out of the uncle's home quite frequently.

4 **THE COURT:** All right. And that would be which
5 juror?

6 **MS. MUNNERLYN:** Jacqueline Green.

7 **THE COURT:** Which one is Ms. Green? If you would
8 stand up.

9 Ms. Green, is that true what the Solicitor just
10 said?

11 **MS. GREEN:** Well, I'm not aware of it. I don't
12 know --- I don't know him at all. So this is news to
13 me. So if that is the case, I will be willing to step
14 down, but I wasn't aware of that.

15 **THE COURT:** You don't know the defendant at all?

16 **MS. GREEN:** No. I don't know him.

17 **THE COURT:** You have never met him?

18 **MS. GREEN:** No, sir.

19 **THE COURT:** You have talked to him?

20 **MS. GREEN:** No, sir.

21 **THE COURT:** At any point in time have you gone
22 over to the house?

23 **MS. GREEN:** I have never seen him.

24 **THE COURT:** Has anybody talked about this case at
25 all?

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1 MS. GREEN: No, sir.

2 THE COURT: Has anybody approached you about this
3 case in any way with any information?

4 MS. GREEN: No, sir.

5 THE COURT: Now that we have brought that to your
6 attention, could you be fair and impartial to both The
7 State as well as the Defendant in this case?

8 MS. GREEN: Yes, sir.

9 THE COURT: Would you listen to all of the
10 testimony, and review all the evidence, and make a
11 decision based on what is fair and what is right?

12 MS. GREEN: Yes, sir.

13 THE COURT: All right. Thank you very much.
14 Anything further from the Solicitor?

15 MS. MUNNERLYN: No, Your Honor.

16 THE COURT: Anything further from the defendant?

17 MS. BROWN: No, Your Honor.

18 THE COURT: All right. Mr. Funderburk, if you
19 would go ahead and swear them, and I am going to appoint
20 Mr. Timothy Oliver as the foreperson.

21 CLERK OF COURT: All right. If y'all would stand
22 and raise your right hand please.

23 (Whereupon, the jury was sworn at 12:22 p.m..)

24 THE COURT: Jurors, at this time I am going to
25 dismiss you until 9:30 in the morning. We are going to

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1 begin the case sharp at 9:30. So if you would come back
2 to the courthouse, and report to your jury room, and be
3 there by 9:20, so we can bring you out at 9:30 to get
4 started.

5 I want to tell you something else. You have heard
6 a little about this case just from the questions we have
7 asked you. I want you to understand that that is all
8 you know. You haven't heard all the witnesses testify,
9 you haven't reviewed all the evidence, you have not
10 heard the law from me. So at this point in time you
11 simply don't have enough information to begin your
12 deliberation process. So, I am going to ask, and I am
13 going to order that you not talk among yourselves about
14 this case. I am also going to ask and order that you do
15 not talk to anybody else about this case in any manner
16 whatsoever. If anybody ask you what you are doing; what
17 is the case about, simply tell them that you are under a
18 court order and you can't talk about it. Does everyone
19 understand that? All right. Thank you very much, and
20 you are excused until 9:30 in the morning. Be back a
21 little bit before then. Everybody else remain seated
22 until they leave.

23 (Whereupon, the jury exits the courtroom and is
24 dismissed at 12:24 p.m..)

25 THE COURT: Also, the remainder of the jury panel

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1 is excused, but if you would call in every evening after
2 6:00 o'clock for further instructions. Thank you, and
3 you are excused. Everyone else remain seated.

4 (Whereupon, the jury panel is released at 12:26
5 p.m..)

6 THE COURT: All right. I will be glad to hear
7 Motions from the defense.

MOTIONS

8
9 MS. BROWN: May it please The Court, Your Honor?

10 THE COURT: Sure.

11 MS. BROWN: I would first like to state that we
12 filed several Motions in this action. The first will be
13 a Change of Venue. However, at this time we would like
14 to withdraw that Motion in light of the responses we
15 have received from the jury pool. We believe that a
16 fair and impartial jury in can be sought. So, we would
17 like to withdraw that Motion.

18 THE COURT: Thank you.

19 MS. BROWN: The second Motion that we in fact
20 provided to The State was a Jackson v Denno Motion, and
21 Your Honor, after discussing it further, we have decided
22 to withdraw that Motion as well.

23 THE COURT: All right. Thank you.

24 MS. BROWN: There was a Motion to reveal any
25 discovery information, as it relates to this case, and

1 after talking to the Solicitor, that information has
2 been provided to us, so we would like to withdraw that
3 Motion as well, Your Honor.

4 THE COURT: Thank you.

5 MS. BROWN: There was also a Motion to Disclose,
6 pursuant to Rule 404(b), State versus Lyle, Your Honor,
7 and I believe that that Motion too has been discussed,
8 and it is my understanding that The State does not
9 intend to introduce any prior bad acts as it relates to
10 the defendant, and as such we would like to withdraw
11 that Motion as well.

12 THE COURT: Thank you.

13 MS. BROWN: There is also a Motion Your Honor to
14 exclude photographs in this particular case. After
15 talking with the Solicitor's Office my understanding is
16 that we have stipulated to those photos that we in fact
17 felt were prejudicial. Since we have stipulated to
18 that, Your Honor, that Motion too would be withdrawn.

19 THE COURT: Good, you are on a roll, keep going.

20 MS. BROWN: However, Your Honor, we do have a
21 Motion that we would like to be heard on, and it is a
22 Motion to Exclude a handgun that was in fact found in
23 North Carolina. It was found at a Victoria Knight's
24 home. It is our position, Your Honor, in order for any
25 evidence to be admitted into any trial that it must be

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1 relevant. South Carolina Rule 405, defines what
2 relevant is, and relevant evidence, Your Honor, is
3 evidence having any tendency to make the existence of
4 any fact that is of consequence, of the determination of
5 the action more probable, or less probable, that would
6 be without the evidence.

7 In this case, Your Honor, it is our position that,
8 the gun, of course, would be relevant as it relates
9 because this is a shooting. However, not any gun. The
10 gun used in the shooting of the death of Mr. Deas, is
11 certainly relevant. Your Honor, however, but, we don't
12 have that gun here. We have a gun, Your Honor, that may
13 have been used, or may not have been used. It is the
14 defense position that no one will testify that the gun
15 that was found in North Carolina, July 24th, was, in
16 fact, the gun that was used or connected to this
17 particular crime. As of today, that gun that was
18 located in North Carolina has not been connected to any
19 acts. In fact, we believe that the forensic scientist,
20 based on the SLED report that we have been provided Your
21 Honor will state that the bullet that was removed from
22 Mr. Deas, was inconclusive with the handgun that The
23 State would like to introduce into evidence. Mr.
24 Parnell will testify that a range of similarly situated
25 firearms could have been used in this particular case.

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1 The handgun that The State would like to introduce into
2 evidence is one of thousands of guns, Your Honor, that
3 could have been used.

4 How do you connect the gun to the murder? They
5 can't. And no one will testify that it is, in fact,
6 connected. The only thing that this gun is connected
7 to, Your Honor, based on a forensic scientist, is Mr.
8 Bright. Which is, that he, at some point along with two
9 others, may have had this gun in his possession at some
10 point. They don't know when he had the gun in
11 his possession, but his DNA profile is in with a gun.

12 However, Your Honor, we believe that --- in that
13 case, Your Honor, we believe that the gun itself is
14 relevant --- not relevant. However, if you deem that it
15 is, in fact, relevant, we believe that the handgun
16 should be excluded because, its probative value is
17 substantially outweighed by the danger of high
18 prejudice. And, of course, Your Honor, we are referring
19 to the South Carolina Rule 403. It is the defense
20 position that the admission of a gun, although not
21 connected in this particular crime, will leave the
22 impression to the jury that this is the gun. The only
23 probative value, if anything, if you admit the gun, Your
24 Honor, is stating that Mr. Bright had a gun in his
25 possession. And it is our possession that that would be

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1 highly prejudicial.

2 Once again, Your Honor, of course, a gun is
3 relevant in this case. But it is possession that not
4 just any gun is relevant. The gun that could have ---
5 the gun that was, in fact, involved in this crime.
6 There will not be any testimony at all, based on what
7 The State has provided to us that this gun has been, in
8 fact, connected. It has been conclusive, Your Honor.
9 And based on that, we would ask that the gun be excluded
10 from being admitted in this case.

11 **THE COURT:** I'll be glad to hear from you,
12 Solicitor.

13 **MS. MUNNERLYN:** Your Honor, the evidence is not
14 as if there is nothing connecting this gun. The
15 incident happened on July 22. The testimony from the
16 witness will be that the defendant shot the victim with
17 a firearm, and there was one shot fired. They left the
18 scene here in Bennettsville on Hudson Street. Proceeded
19 to that witness' home in Hamlet, North Carolina, which
20 is not twenty miles or so from here. They went to stay
21 there at the home for a period of time. And he left the
22 gun there. That is where he deposited the gun. They
23 left there and went to High Point, North Carolina. He
24 was apprehended sometime later. She was apprehended the
25 following day. The gun was, of course, found by the

1 witness' mother. She gave consent to search her house
2 the following day after the incident and the gun was
3 found in that witness' --- the defendant's girlfriend -
4 -- was the defendant's girlfriend in her bedroom. It
5 was, of course, seized at that time. It was sent to
6 SLED. The results of the SLED analysis, and the bullet
7 that was removed from the body of the victim, was
8 compared to that gun, and it did indicate that ---
9 fortunately, and this often happens, there were not any
10 characteristics in that particular barrel, which would
11 leave a specific mark by which you could compare it to
12 that gun. But what they did say was that the bullet,
13 which killed the victim, could have been fired by the
14 upper barrel of this particular gun, or by another
15 similar firearm with similar rifle characteristics.
16 This is not something that is out of the ordinary in
17 this type of case. And, of course, we have a second
18 witness who says he had a gun. In fact, he was the only
19 one at the scene who had a gun, fired it. I have a
20 third witness who can say the defendant owned a gun just
21 like this one. And, of course, DNA puts the defendant's
22 --- the DNA Report puts the defendant's DNA on the
23 trigger of this particular gun. So with all of that it
24 is certainly relevant. And it is for the jury to
25 determine whether or not that is the particular gun that

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1 was used. And certainly it is relevant under the
2 circumstances.

3 THE COURT: Anything further? Just briefly.

4 MS. BROWN: Your Honor, I would just like to say
5 once again, that The State has made a very good point
6 that the gun is connected to Mr. Bright. We can see
7 that point, Your Honor. But the gun, once again, has
8 not been connected to this particular crime.

9 THE COURT: At this time, I deny the Motion. I
10 find that it is relevant. I find that the probative
11 value outweighs the prejudicial effect.

12 MS. BROWN: Thank you, Your Honor.

13 THE COURT: And it is certainly a question for
14 the jury. Anything further?

15 MS. BROWN: No, Your Honor, there is nothing
16 further.

17 THE COURT: Anything further from the Solicitor?

18 MS. MUNNERLYN: No, Your Honor.

19 THE COURT: All right. We will reconvene at
20 9:30 in the morning.

21 (Whereupon, The Court stands down at 1:21
22 p.m., until 9:30 a.m. on Tuesday, March 9, 2010.)

23 -- END OF DAY ONE OF TRIAL --

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1 (Whereupon, Court comes to order at 9:50 a.m. on
2 Tuesday, March 9, 2010.)

3 -- DAY TWO OF TRIAL --

4 THE COURT: Thank you, everybody be seated. Is
5 The State ready to proceed?

6 MS. MUNNERLYN: Yes, Your Honor. The State is
7 ready.

8 THE COURT: Is the defense ready?

9 MS. CRAYTON: Yes, Your Honor.

10 THE COURT: Are there any Motions before we bring
11 the jury out?

12 MS. CRAYTON: Yes, Your Honor.

13 THE COURT: All right.

14 MS. CRAYTON: We have a Motion to exclude a
15 witness. I passed it up for your review, Your Honor.
16 We received a written statement from Eureka Zimmerman at
17 12:15. She was put on the witness list yesterday
18 morning. As you know, Rule 5 requires the rule to
19 produce material that is --- documents and things that
20 are material to the case of the defense. So we feel
21 that the necessary material, the statement, not only
22 discusses the actual day of the incident this happened,
23 the day before when there was a car that came by, and a
24 shooting the day before against Mr. Deas. We feel this
25 is very material to the argument that is in our case,

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1 and we are not able to discuss or investigate this
2 issue. And, we would ask that this witness be excluded
3 from testifying. The Solicitor did give us evidence of
4 other witnesses and video statement, which is common
5 practice to always provide witnesses' statements as to
6 not delay, and to have the defense prepared of material
7 evidence. We just ask that you prohibit this witness
8 from testifying.

9 THE COURT: All right. I'll be glad to hear from
10 you.

11 MS. MUNNERLYN: Your Honor, of course, this is
12 not an effort to hide anything from him. I did not know
13 about this witness until yesterday. The statement that
14 they are referring to is not a signed statement. It is
15 a writing, but it is not signed by her. I did not learn
16 about it until yesterday. And, if you will notice on my
17 witness list, she was actually handwritten, added and
18 handwritten on. I did not speak with her until
19 yesterday. And when she was here, of course, I notified
20 them that she was here. I asked them if they would like
21 to speak with her. They did have an opportunity outside
22 of my presence to speak with her. I provided to them as
23 soon as it was provided to me. And, of course, I have
24 provided all of the Rule 5 that I had previously. And I
25 don't know if there was any other way that I could have

1 handled it, because I simply was not aware if she
2 existed or knew anything until yesterday. And as soon
3 as I was aware of her I did, of course, add her. And
4 then I notified them when she arrived that she was here
5 if they wanted to speak with her. Of course, that is
6 the first time I had a chance to speak with her. And
7 moments later is when they got a chance to speak with
8 her. I mean, I am being completely honest with The
9 Court. I did not know about this. The officer is here,
10 and he will tell you that he --- that it was an
11 oversight, it was not in the case files, he located it
12 in his vehicle, I believe, and he can tell you if that
13 is how all of that happened. Over the weekend, and, of
14 course, yesterday morning when we got here, we probably
15 even failed to provide them --- He gave it to me, and I
16 told him, well I need to talk to her if she is
17 somewhere. They attempted to locate her. They did
18 locate her and brought her here yesterday morning. And,
19 of course, that is when I got a chance to speak with
20 her, and offered her to the defense to question.

21 **THE COURT:** What is the writing, the written
22 part; is that a written statement that she wrote, that
23 particular witness wrote?

24 **MS. MUNNERLYN:** I believe she did write it, Your
25 Honor. It is not signed by her. I will hand up ---

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1 this is actually the original the officer handed to me,
2 that I am handing up.

3 THE COURT: And this is not being offered into
4 evidence; is that correct?

5 MS. MUNNERLYN: No, it is not, no, sir.

6 THE COURT: All right. When did law enforcement
7 first learn that Eureka Zimmerman would be a witness?
8 Have they known about it for months, weeks? I know you
9 just found out, and I know defense just found out.

10 MS. MUNNERLYN: Well, I mean they spoke with her
11 initially back at the time the incident occurred. And,
12 of course, you can see what that particular statement
13 says. But, I don't think they have had any contact with
14 her since that time until they located her for me
15 yesterday.

16 THE COURT: When does she plan to testify, today,
17 tomorrow?

18 MS. MUNNERLYN: Today or tomorrow. I mean, if
19 they need more time to speak to her, or to follow up on
20 something that she said --- Of course, her testimony is
21 consistent with the testimony of the other two witnesses
22 that were there. So, I don't think there is really
23 anything different other than there is an indication on
24 there about something that happened the prior night.
25 And, if I need to delay and call her tomorrow, then I

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1 can certainly do that.

2 **THE COURT:** Why don't we delay and call of this
3 witness until tomorrow. I will make sure that the
4 defense has as much time as you need to talk to her, and
5 to examine her, and to question her, and to prepare your
6 case.

7 **MS. MUNNERLYN:** Your Honor, she is present here
8 this morning.

9 **THE COURT:** Then you can question her anytime you
10 like today, this afternoon, or at lunch.

11 **(PAUSE.)**

12 **THE COURT:** All right. I am going to stick with
13 my ruling. Of course, that is not coming in. And we
14 are not going to call her today.

15 **MS. MUNNERLYN:** Yes, sir, Your Honor.

16 **THE COURT:** And the defense will be given the
17 opportunity to talk with her at length, and prepare your
18 case, and your cross examination of her tomorrow.

19 I think we are one juror short.

20 **MS. BROWN:** Yes, Your Honor.

21 **THE COURT:** We will also recess court today at
22 4:00 so that you can have an hour to talk with this
23 witness to do that. Because, if you are like me, I know
24 you don't want to go home and work tonight either.

25 **MS. BROWN:** Yes, Your Honor, that will be fine if

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1 we can do that.

2 MS. MUNNERLYN: Your Honor, that witness had
3 surgery over the weekend. She is in quite a bit of
4 pain. So, I don't want to make her stay here all day,
5 or if we can let her go home and come back.

6 THE COURT: Do y'all want to talk to her right
7 now? We are missing a juror anyway. Can we just have
8 some down time, and it will give you more time to talk
9 with her?

10 MS. BROWN: Yes, Your Honor, if you will allow
11 her to speak with us now, that would be fine.

12 THE COURT: Sure. Go ahead. And do you --- Have
13 you got a copy of the statement?

14 MS. BROWN: Yes, Your Honor, we do.

15 (Whereupon, a recess was taken from 10:02 a.m.
16 until 10:25 a.m..)

17 THE COURT: Please bring in the jury. Good
18 morning. Folks, we are getting ready to begin this
19 trial. But, before we actually start the trial, there
20 are a few things that I want to go over with you ahead
21 of time, just so you will have a little bit of working
22 knowledge before the trial begins. And you can think
23 about it as the trial progresses.

24 The first thing I want to tell you is that The
25 State has the burden of proof. The State, in this case,

1 has to prove the defendant guilty beyond a reasonable
2 doubt.

3 Secondly, I want to tell you that your role is that
4 you are the judges of the facts. What does that mean?
5 That means that you determine what the facts of this
6 case are. And, how do you do that? There are two ways
7 that you get it. One, is from this chair right here.
8 That means the witnesses that come out here and testify.
9 You listen to them, not me, not The Court, not the
10 people in the audience, nobody else. You listen to them
11 and decide if they are telling the truth or not. And I
12 want you to understand that you can believe everything a
13 witness says, part of what a witness says, or none of
14 what a witness says. You can believe a whole lot of
15 witnesses against one, or you can believe one against
16 many. That is your job and nobody else's. Your job is
17 to determine the facts. Not only will you hear from the
18 witnesses, who testify right here from this stand, but
19 you get it from the exhibits that go back with you in
20 the jury room at the end of this trial. There from
21 there you make the finding of facts. Well, you may ask
22 yourself what do I know?

23 As the judge I am the instructor of the law. At
24 the end of this case I will instruct you on the law. I
25 will tell you what the law is. And I want you to

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1 understand that you have to accept the law as I give it
2 to you. If you have any preconceived ideas as to what
3 you think the law is, or what the law ought to be, you
4 must ignore it, and you must accept the law as I give it
5 to you. At the very end of the case, when I
6 specifically tell you to begin your deliberations, at
7 that time you will then take your findings of fact, you
8 will couple it with the law as I instruct it to you, and
9 make a decision therefrom. All right. That
10 distinguishes what you do, and that distinguishes what I
11 do.

12 Another thing that I want you to understand is that
13 what the lawyers tell you, what the lawyers say is not
14 evidence. The lawyers are spokespersons and advocates
15 for their clients. What you need to be concerned with
16 are the exhibits that are introduced into evidence, and
17 what comes from this witness stand right here.

18 Another thing that I want to explain to you is
19 that, like I said earlier, I don't want you to begin
20 discussing this case at all. I don't want you to begin
21 deliberating this case at all until I specifically tell
22 you to. In other words, if we take a break throughout
23 this trial, we send you back to the jury room so we can
24 take up matters of law out here. Or if you go to lunch,
25 or if you go home tonight and anybody comes up to you

1 and ask you about this case, just tell them you are
2 under a court order. You can't talk about it. You
3 can't say anything about it to anybody including among
4 yourselves. The only reason I tell you that is because
5 you don't have everything in front of you. In other
6 words, you are not going to start baking a cake when you
7 just have milk, or milk and sugar. You have got to have
8 it all. You have got to have the flour, the sugar, the
9 flavoring, you have got to have everything before you
10 actually start baking the cake. So, I don't want you to
11 even think about talking about this case until you have
12 heard it all, you have heard all the law from me, and I
13 specifically tell you to begin your deliberations.

14 Also, at any time during this trial if we take a
15 break, or we leave this courtroom, or even in this
16 courtroom, I don't want you going outside of this
17 courtroom and taking up any type of independent
18 investigation about this case. Everything you need to
19 make a decision about this case will come from this
20 courtroom, and this courtroom alone. So whatever you do
21 don't get on your cell phones back there in the jury
22 room ---

23 In fact, do they have their cell phones, or have
24 you taken them up?

25 **CLERK OF COURT:** They have been told, Your Honor,

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1 not to bring them.

2 THE COURT: Do any of the jurors or the
3 alternates have their cell phones with them? So none of
4 the jurors have their cell phones. All right. Let the
5 record reflect that. Because, I don't want you back
6 there texting someone, or start asking questions and so
7 forth, because that is not proper. We just want you to
8 get it from here, and get it like you are supposed to.

9 So at this point in time I want you to relax, soak
10 it all in. Solicitor, are you ready for your opening
11 statement?

12 MS. MUNNERLYN: I am. May it please The Court,
13 Your Honor?

14 THE COURT: Yes, ma'am.

15 OPENING STATEMENT BY MS. MUNNERLYN

16 MS. MUNNERLYN: Ladies and gentlemen of the jury,
17 good morning.

18 JURY: Good morning.

19 MS. MUNNERLYN: I am Elizabeth Munnerlyn. I have
20 already introduced myself once. But I am here on behalf
21 of the Solicitor's Office, I am what is called the
22 prosecutor in this case. I know everybody has seen on
23 tv, and all the shows, and CSI, and all of that stuff.
24 Well, this is the real thing. You are here for the real
25 thing today. And it is a very important case for the

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1 Dease family, Chris Dease, who is the victim in this
2 case. This is a very important case for this county and
3 this state. And I am here on behalf of The State, and
4 of course, the victim's family. And it is my burden to
5 prove this case to you. And the judge is going to tell
6 you a little bit about the law. But I am just going to
7 touch on it for just a minute. And then I'm going to
8 tell you basically what this case is about so you can
9 begin to fit the pieces of the puzzle together as I call
10 my witnesses.

11 But The State always has the burden of proof. I
12 know you all have heard the term beyond a reasonable
13 doubt. It is our burden to prove this case to you
14 beyond a reasonable doubt. Okay, that is not any doubt,
15 that is a reasonable doubt. I have to convince you,
16 firmly convince you, that the defendant in this case is
17 guilty. Okay. And if you are firmly convinced, and you
18 don't have a reason for which you can assign a specific
19 reason that you don't think he is guilty, then you must
20 find him guilty. Okay. So I have the burden of proving
21 it beyond a reasonable doubt. Okay. And that is a
22 pretty high burden. But I will tell you that I have
23 much evidence to present to you today, and tomorrow, and
24 throughout the week as this trial proceeds.

25 You are going to hear from a number of witnesses.

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1 You are going to have physical evidence come in that you
2 will be able to see, and touch, and feel, and use to put
3 this all together. And there are twelve of you that
4 will collectively make this decision. And you all will
5 be listening throughout the trial, and some of you may
6 hear some things and some others. And I will just tell
7 you that there is going to be probably twenty or twenty-
8 five witnesses. So it is going to be quite lengthy.
9 But I will try to keep it as short as I can. And I hope
10 that y'all can stay focused and I can put it all
11 together.

12 But I will tell you what this is about. This is
13 about an incident that occurred on July 22, 2008. This
14 summer will be two years. So, it is not this past
15 summer, but the summer before. It occurred right here
16 in this City, our City, in the Town of Bennettsville,
17 down on Hudson Street. Of course, that is a street
18 right here in downtown Bennettsville in a residential
19 area. And in front of the home was Mary Dease. And I
20 have already told you that the victim is Chris Dease.
21 He was there on that day, July 22nd, late that afternoon.
22 He was there, and it was, of course, a July afternoon
23 here in Bennettsville, and it was hot, as you can
24 imagine.

25 He was out with his dog. He had a dog, and he had

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1 him on a leash. I actually think it was a female dog.
2 And he was out walking near his Aunt's house, which is
3 there on Hudson Street. He met up with his cousin
4 Jacobie Kenta Samuels. They were sort of hanging out
5 there in front of his Aunt's house. And now he --- he
6 knew Kenwood Bright, the defendant, Kenwood Bright as
7 you know. He knew him, but they didn't really have a
8 history, or have a whole lot of together that they
9 shared. But, one thing, and this is one thing that
10 brought them together that night was that Kenwood Bright
11 some months before had been shot, not by Chris Deas, but
12 by someone else. One of Chris Dease's family members,
13 his uncle actually. And this incident actually occurred
14 four months to the day before this incident. Chris
15 Dease was not involved in that. And was not present
16 when all of that happened. But we submit to you, that
17 that was the motive for what happened on this particular
18 day.

19 The Defendant, Kenwood Bright, was not happy with
20 what had happened. And he still has a bullet in his
21 spine, in his body, as a result of that shooting. And
22 he was out for revenge. Unfortunately, Chris Dease is
23 who he came across. He knew that Chris was calling the
24 shooter's nephew, and he was hot. He had been mad since
25 it had happened. And this particular night he saw his

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1 opportunity and he took it. And you know what? It only
2 took one shot. Kenwood was in his girlfriend's car,
3 which is a burgundy and gray Bonneville. He and his
4 girlfriend were --- he was actually driving ---were
5 riding down Jennings Street in that area that evening.
6 He came down Jennings, went by Eddie Junior's, took a
7 left on Hudson, and there is Chris Dease, right there in
8 the street. Kenta is there as well. Kenwood knew
9 Kenta. He stopped, Chris is on the passenger side, and
10 remember Kenwood is driving Chris is on the passenger's
11 side, and Kenta is on the driver's side. And when he
12 stops, there is some conversation between he and Chris,
13 and also between he and Kenta. Then all it took was one
14 shot. You will be surprised at the size of this gun. A
15 .22 caliber. One shot, the witnesses who were there,
16 Kenta Samuels, and Eureka Zimmerman who was just down
17 the street on Jennings Street, but could see, will tell
18 you that they heard one shot, and it came through the
19 passenger's window and struck Chris right in the chest.
20 A .22 caliber. He fell, and they took off, immediately,
21 and they were gone. Chris fell, he was able to get back
22 up, and he staggered towards his Aunt's house trying to
23 get to safety. Made it to the edge of the yard and fell
24 again. His dog meanwhile came --- the leash came from
25 around his arm and began to run around. Remember this

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1 is a pit bull. The family members were not real fond of
2 the dog because it wasn't very friendly. And that dog
3 protected him until his father could arrive to get him.
4 In fact, the dog bit several people. He would not let
5 anyone approach Chris' body. Of course there was mass
6 confusion with what had happened. People had come from
7 all over the street. Law enforcement arrived relatively
8 quickly. He was taken very quickly to the hospital by
9 the rescue squad. But, of course, he died as a result
10 of the single gunshot wound to the chest.

11 And where did Kenwood Bright go? He left
12 immediately, not before he went to his house, but he
13 left Marlboro County, proceeded to Hamlet, North
14 Carolina where his girlfriend lived. Left the gun
15 there. He hid it in her bedroom. They changed, got
16 what they needed, left The State of South Carolina, and
17 went to High Point. As soon as law enforcement was able
18 to determine who the suspects were, they began to track
19 them.

20 They ultimately found her through her father and
21 her mother, and she was apprehended in High Point. He
22 however continued to flee. And he went further North to
23 Virginia. And he was not apprehended until sometime
24 later. And he was brought back and was charged, of
25 course, with murder, which is the case you have before

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1 you today.

2 We are going to present to you all of the witnesses
3 that we have that were there that night; that had some
4 contact with Kenwood Bright that day, or in the days
5 after. You will hear from his girlfriend who was with
6 him when this occurred, who fled with him after it
7 occurred.

8 And, you will also see the physical evidence. You
9 will see the gun. You will hear from expert witnesses
10 who analyzed all the fingerprints that could be
11 recovered. Who analyzed the firearm and the bullet that
12 was removed from Chris Dease's body. And who analyzed
13 the DNA on the gun. And I think once you have heard all
14 of that, you will be firmly convinced that this
15 Defendant, Kenwood Bright, is guilty of murder.

16 I thank you for your attention. I will try to be
17 as brief and to the point as I can be. And I will talk
18 to you again at the end of the case.

19 Thank you.

20 **THE COURT:** Thank you. Ms. Brown you are
21 recognized for your opening statement.

22 **MS. BROWN:** Thank you, Your Honor. May it please
23 The Court?

24 **THE COURT:** Sure.

25 **OPENING STATEMENT BY MS. BROWN**

OPENING STATEMENT BY THE DEFENSE

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1 **MS. BROWN:** Solicitor, good morning. First of
2 all, let me introduce myself. My name is Miesha Brown.
3 I'm with the Public Defender's Office, the Fourth
4 Circuit Public Defender's Office. I, along with Ms.
5 Emily Crayton and Mr. Rick Jones represent Mr. Kenwood
6 Bright in this case.

7 Before we begin, on behalf of the entire defense
8 team, we would like to thank you all for serving as a
9 juror. Serving as a juror is one of the highest honors
10 you can offer your country, next to serving in the
11 military, of course. And we understand that serving as
12 a juror can be inconvenient at times. Most of you can
13 be at home, you can be with your family, be at work, or
14 do your leisure activities. We also know that the pay
15 could be better. But we thank you because your role is
16 critical in this process.

17 As the Solicitor indicated, this is a very
18 important day for the Dease family. It is also an
19 important day for Mr. Bright. And your presence makes
20 this criminal justice system work for everyone.

21 Now, on July 22, 2008, there were two families
22 lives that changed forever. Mr. Dease lost his life,
23 and Mr. Bright was charged with a crime. Both families
24 are here today asking that justice be served. Mr.
25 Dease's family deserves for someone to be held

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1 accountable for his death. However, they don't deserve
2 anyone to be held accountable. This is why we have the
3 system that we do. The Criminal Justice System that
4 protects all people, and Mr. Bright is seeking that
5 protection today. His presence in this courtroom today
6 highlights the essence of our criminal system. A system
7 in which we would not want to trade for any other
8 country.

9 In this case, Mr. Bright's presence says to you,
10 and the entire world, that he pledges that he is not
11 guilty to the charge in which The State has accused him
12 of. The law requires that anyone accused of a crime to
13 have a right to be tried by their peers, also to
14 confront his accusers. Now, this week Mr. Bright is
15 asking you that each of you listen to the testimony from
16 this stand. And then decide whether or not at the
17 conclusion of this case whether The State of South
18 Carolina has proved to you beyond a reasonable doubt
19 that Mr. Dease --- I'm sorry, I apologize, Mr. Bright
20 be held accountable for the crime.

21 Now, do we believe that --- Of course, Mr. Dease's
22 family deserves someone to be held accountable because
23 they do. But, whether that person is Mr. Bright is what
24 you are here to decide today. The Criminal Justice
25 System not only allows Mr. Bright his day in court, and

OPENING STATEMENT BY THE DEFENSE

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1 the right to confront his accusers, but it requires that
2 The State of South Carolina prove to you, beyond a
3 reasonable doubt, that he, in fact, is guilty --- Mr.
4 Bright, for the crime in which he is charged. Now,
5 understand that that burden is always on The State of
6 South Carolina.

7 Now, what is reasonable doubt, which The State of
8 South Carolina must carry in order for anyone to be
9 found guilty of a crime. The burden is essential to our
10 system. Our Criminal Justice System makes the word
11 justice work. And reasonable doubt is the kind of
12 doubt that would cause anyone to hesitate to act in a
13 very and important field.

14 Now, as the trial continues I want you to keep
15 something in mind. There is a Biblical scripture, and I
16 believe it is found in Job 2:4. And I believe it goes:
17 skin for skin, ye all that a man hath he would give for
18 his life. But put forth their hand down and touch his
19 bone and flesh and he will curse thee to thy face. And
20 what does that mean? It means that most people will say
21 anything to protect their own skin. Sometimes testimony
22 is false. And the question that we all should want to
23 know is how much did it cost. Testimony should always
24 be suspect. So, Mr. Bright is here today because the
25 constitution affords him the right to confront his

OPENING STATEMENT BY THE DEFENSE

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1 accusers.

2 Sometimes circumstances are so overwhelming that
3 you can't prove that you didn't prove anything. But the
4 good thing about the American Law is that you are not
5 required to prove your innocence. In fact, Mr. Bright
6 as he is sitting here today, he is presumed innocent in
7 the eyes of the law. He is presumed innocent this very
8 moment, and throughout the entire process of this trial.
9 It is the burden of The State of South Carolina to prove
10 him guilty. After listening to all the evidence in this
11 case, and the evidence comes from the witnesses that
12 take the oath to tell you guys the truth, not me, and
13 not the Solicitor. If you are not firmly convinced at
14 the conclusion of this case, beyond a reasonable doubt,
15 that Mr. Bright is guilty of the crime in which he is
16 charged you should return a verdict of not guilty. And
17 why should you do that? Because the law requires that
18 you do so. We believe that you will not be satisfied
19 beyond a reasonable doubt. And at the end of this trial
20 we believe that one question will continue to remain.
21 What really did happen on July 27, 2008?

22 We thank you again for you serving as jurors. And
23 I look forward to talking with you.

24 **THE COURT:** Solicitor, please call your first
25 witness.

... TEDDIE BRIGMAN - DIRECT EXAMINATION

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1 **MS. MUNNERLYN:** Yes, Your Honor. I call Teddie
2 Brigman.

3 **WHEREUPON, TEDDIE BRIGMAN**

4 **FIRST BEING DULY SWORN TESTIFIES AS FOLLOWS**

5 **MR. BRIGMAN:** I do.

6 **CLERK OF COURT:** Please state your name for the
7 record.

8 **MR. BRIGMAN:** It is Teddie Clay Brigman.

9 **DIRECT EXAMINATION BY MS. MUNNERLYN**

10 **Q.** Officer Brigman, good morning. Where are you
11 employed?

12 **A.** With the City of Bennettsville Police Department.

13 **Q.** Okay. And how long have you been employed with the
14 City of Bennettsville?

15 **A.** Twelve years.

16 **Q.** Okay. And were you working back on the evening of
17 July 22, 2008?

18 **A.** Yes, ma'am.

19 **Q.** And in what capacity were you working with the City
20 at that time?

21 **A.** I was a Corporal on patrol.

22 **Q.** A Corporal on patrol. Okay. So, did you receive a
23 call that evening around 8:40 regarding a shooting?

24 **A.** Yes, ma'am. We got a call --- all officers got
25 the call to respond to Hudson Street in reference

TEDDIE BRIGMAN - DIRECT EXAMINATION

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1 to a shooting incident.

2 Q. Okay. And in fact you were one of the first to
3 arrive, were you not?

4 A. Yes, ma'am.

5 Q. Okay. And when you arrived tell us basically what
6 you found.

7 A. Upon my arrival we did see one subject on the
8 ground, on the left side of the roadway. I believe
9 it was Hudson Street, which is a small trailer
10 with a fence around it. He was outside of the
11 fence by the roadway. There was a dog. We assumed
12 it was his dog. It wouldn't let us get close to
13 the subject at the time to render any aid
14 immediately, so the squad was called. I think a
15 family member came and got the dog. So, we were
16 able to get close to the subject, and find out what
17 kind of injuries he had, and we waited until the
18 squad got there.

19 Q. Okay. So when you arrived the dog was still
20 running freely around the body?

21 A. Yes, ma'am.

22 Q. Okay. And no one was really able to approach the
23 suspect, or the subject who was lying on the
24 ground. Were you ultimately able to identify who
25 the individual was?

TEDDIE BRIGMAN - DIRECT EXAMINATION

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1 A. I didn't know who he was at the time. I think some
2 of the bystanders told us who he was.

3 Q. Okay. Okay. And it was, in fact, Chris Dease who
4 was shot, correct?

5 A. Yes, ma'am.

6 Q. And there were a number of people around at the
7 time you arrived?

8 A. There were a few around, yes, ma'am.

9 Q. Okay. And you said the rescue squad arrived
10 shortly after you did?

11 A. Yes, ma'am.

12 Q. But the family member arrived and got the dog?

13 A. Approximately about the same time the squad pulled
14 up.

15 Q. Okay. All right. Now, at the time that the dog
16 was gotten under control, the squad members then
17 approached the body?

18 A. Yes, ma'am.

19 Q. And they began to render aid at that point?

20 A. Yes, ma'am.

21 Q. So no one else was able to approach him until then?

22 A. Not that I can recall, no.

23 Q. Simply because the dog was running freely?

24 A. Yes, ma'am.

25 Q. In fact, had the dog bitten some individuals who

TEDDIE BRIGMAN - DIRECT EXAMINATION

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1 were there?

2 A. I think at one point someone did say that the dog
3 had bitten someone.

4 MS. BROWN: Objection, Your Honor. Hearsay.

5 THE COURT: And your response?

6 MS. MUNNERLYN: That's fine, Your Honor.

7 THE COURT: Sustained.

8 Q. To your knowledge, the dog was just running freely
9 around the body, as if to protect the body?

10 A. Yes, ma'am.

11 Q. Okay. All right. The body --- It was a hot night,
12 was it not?

13 A. Yes, it was July, so, yes.

14 Q. It was not quite dark on a July evening here in
15 Bennettsville.

16 A. Right.

17 Q. And were there any weapons retrieved from the body
18 of the victim?

19 A. No.

20 Q. Okay. Any other evidence of weapons around him on
21 the ground?

22 A. No.

23 Q. Okay. All right. And upon your arrival, and
24 seeing that this was a dyer situation, were
25 investigators then called out?

TEDDIE BRIGMAN - DIRECT EXAMINATION

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1 A. Yes, ma'am, as soon as we got to the scene and saw
2 what we had.

3 Q. Okay. And the scene was secured at that point?

4 A. Yes, ma'am.

5 Q. And the victim was removed and taken to the
6 hospital?

7 A. Yes, ma'am.

8 Q. And then the scene was turned over to the
9 investigators?

10 A. Yes, as soon as they arrived on the scene it was
11 turned over to them.

12 Q. Okay. All right. And this was you said on Hudson
13 Street?

14 A. Yes, ma'am. On the short part of Hudson.

15 Q. Okay. If you can, just for the jury, tell us where
16 --- you said the short part of Hudson, if you are
17 coming from Main Street from downtown?

18 A. If you come from Main and go down Jennings, take
19 the left onto Hudson Street.

20 Q. Okay. So if you are coming onto Main and you go
21 left on Jennings, you are going to go all the way
22 down to Hudson on Jennings, and you are going to
23 take a left?

24 A. Yes, ma'am.

25 Q. Okay. And it is right there not far down on

TEDDIE BRIGMAN - CROSS EXAMINATION

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1 Hudson?

2 A. Yes, ma'am. Maybe fifty feet or so, somewhere in
3 there.

4 Q. And you said the body of the victim was lying on
5 the ground, just on the edge of the roadway?

6 A. Yes, ma'am. On the left side.

7 Q. On the left side in front of Hudson Street?

8 A. Yes, ma'am.

9 MS. MUNNERLYN: I don't have any further
10 questions. If you would answer any questions that Ms.
11 Brown or any of the other attorneys from the defense
12 table would have.

13 THE COURT: Ms. Brown.

14 MS. BROWN: Thank you.

15 CROSS EXAMINATION BY MS. BROWN

16 Q. Good morning, Officer Brigman?

17 A. Good morning.

18 Q. You testified that you were one of the first
19 officers to arrive on the scene. Is that correct?

20 A. Yes, ma'am.

21 Q. Were you --- Did you arrive by yourself?

22 A. Actually I had a reserve officer with me at the
23 time.

24 Q. What is the name of that officer?

25 A. Shane Sigh.

TEDDIE BRIGMAN - CROSS EXAMINATION

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- 1 Q. And what time do you recall arriving at Hudson
2 Street, or on Hudson Street that evening?
- 3 A. It was right before dark. I'm not sure of the
4 exact time.
- 5 Q. You indicated that you received a call at 8:40
6 p.m.?
- 7 A. Somewhere in there, yes, ma'am.
- 8 Q. And do you know if it took you five minutes, or ten
9 minutes, or how long you arrived after you received
10 the call?
- 11 A. It was very shortly, I would say within three to
12 four minutes.
- 13 Q. Now, at the time you indicated that there were some
14 people around. Did you interview anyone?
- 15 A. Not immediately afterward. I did speak to a Ms.
16 Mary Dease from the residence.
- 17 Q. And did you interview Ms. Dease that evening?
- 18 A. Shortly after I spoke with her --- I didn't
19 actually interview her, I just asked her some basic
20 questions, did she see anything, that type of
21 thing.
- 22 Q. Okay. But that took place that evening?
- 23 A. Yes, ma'am.
- 24 Q. Okay. Did you, in fact, speak to anyone else that
25 was out there?

TEDDIE BRIGMAN - CROSS EXAMINATION

71

- 1 A. Speak to them as far as interview them or ask
2 questions, no. I was, you know, just casual
3 conversation. I didn't get any names or anything.
- 4 Q. So you didn't receive any information that would
5 have aided you or assisted you in the investigation
6 of this case that night?
- 7 A. Not that I can recall, no, ma'am.
- 8 Q. Do you remember having --- Do you remember how many
9 people were there that evening?
- 10 A. Not a specific number, no, ma'am.
- 11 Q. One, two --
- 12 A. More than one, less than ten.
- 13 Q. Now you indicated that you did not see a gun, or
14 anything at that location?
- 15 A. Right.
- 16 Q. What about any bullet or shell casings?
- 17 A. I waited until the investigators got there. I
18 secured the scene.
- 19 Q. You didn't see any of that? So you didn't collect
20 any evidence at all? And you did not prepare this
21 report, is that correct --- this specific report?
- 22 A. Correct, I did not.
- 23 Q. Now you indicated that there was a dog that was
24 present that evening?
- 25 A. Yes, ma'am.

TEDDIE BRIGMAN - CROSS EXAMINATION

72

1 Q. Do you remember what kind of dog it was?

2 A. I think it was a Pit, a Pit Bull.

3 Q. A Pit. A fairly big dog?

4 A. A fairly good size.

5 Q. A fairly good size.

6 MS. BROWN: Beg The Court's indulgence, Your
7 Honor.

8 THE COURT: Sure.

9 (PAUSE.)

10 Q. So that particular evening --- I just want to make
11 sure I'm correct, you didn't collect any evidence?

12 A. No, ma'am.

13 Q. You didn't interview anyone?

14 A. No, ma'am.

15 Q. You didn't search to see if there was any type of
16 evidence available? Did you do any search?

17 A. No, I didn't do any search.

18 Q. You didn't do anything at all?

19 A. We secured the scene, and let the investigators
20 handle it.

21 Q. And explain to us what secure the scene means?
22 What exactly did you do?

23 A. Well, we make sure that anybody that wasn't there
24 at the time didn't come onto the scene unless they
25 were medical personnel or law enforcement.

TEDDIE BRIGMAN - CROSS EXAMINATION

73

1 Q. And did you do that --- Is that when you would use
2 the yellow taping?

3 A. Yes, ma'am.

4 Q. And did you, in fact, do that?

5 A. Yes, ma'am.

6 Q. Would you have used markers that evening?

7 A. No, ma'am.

8 Q. If it was necessary?

9 A. Oh, if it was necessary, but that was left to the
10 investigators.

11 Q. You do not do that?

12 A. We just use the crime scene tape.

13 Q. And I would imagine that --- You didn't see any
14 vehicles that evening?

15 A. No, ma'am.

16 MS. BROWN: Thank you, Your Honor. We have
17 nothing further.

18 THE COURT: All right. Any redirect?

19 MS. MUNNERLYN: No redirect, Your Honor. That is
20 all we have for this witness.

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

22 MS. MUNNERLYN: And we would ask that he be
23 excused at this time.

24 THE COURT: Any objection?

25 MS. BROWN: We have no objection, Your Honor.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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1 **THE COURT:** No objection. Thank you. You can
2 call your next witness.

3 **MS. MUNNERLYN:** Jacobie Kenta Samuels.

4 **WHEREUPON, JACOBIE KENTA SAMUELS**

5 **FIRST BEING DULY SWORN TESTIFIES AS FOLLOWS**

6 **MR. SAMUELS:** Yes, ma'am.

7 **CLERK OF COURT:** State your name for the record.

8 **MR. SAMUELS:** Jacobie Samuels.

9 **DIRECT EXAMINATION BY MS. MUNNERLYN**

10 **Q.** State your full name for the record.

11 **A.** Jacobie Kenta Samuels.

12 **Q.** Do you go by Jacobie or Kenta?

13 **A.** Jacobie.

14 **Q.** How old are you Jacobie?

15 **A.** Thirty-one.

16 **Q.** All right. Are you related to Chris Dease?

17 **A.** Yes, that is my first cousin.

18 **Q.** All right. And you live here in Marlboro County?

19 **A.** Yes, thirty-one years.

20 **Q.** Let's go --- Well, let me ask you first, before we
21 start talking about the date in question. Do you
22 know Kenwood Bright?

23 **A.** Yes.

24 **Q.** How long have you known him?

25 **A.** Around ten, fifteen-years.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

75

1 Q. And how do you know him?

2 A. We was an associate, we see each other on the
3 streets, associates.

4 Q. Associates, friends, acquaintances, you see each
5 other out and about?

6 A. Yes.

7 Q. Never had any problems with him, have you?

8 A. No.

9 Q. So your relationship with him was relatively
10 friendly, was it not?

11 A. Yes.

12 Q. Okay. Now, you said Chris Dease was your first
13 cousin?

14 A. Yes.

15 Q. Okay. Do you know anything about Chris Dease and
16 Kenwood Bright?

17 A. Well, yes.

18 Q. They didn't have any specific problems between them
19 at the time, did they?

20 A. No, they did not.

21 MS. BROWN: Objection.

22 THE COURT: Sustained.

23 Q. Okay. What problems, if any, at that time did the
24 victim Chris Dease and Kenwood Bright have between
25 them that you were aware of?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

76

1 A. Well, I wasn't aware of any problems.

2 Q. Okay.

3 A. Until after the killing.

4 Q. Okay. All right. So, let's go to July 22, 2008,
5 when this incident occurred. That evening, do you
6 remember where you were late that afternoon?

7 A. Yes.

8 Q. Okay. Did you see Chris Dease?

9 A. Yes.

10 Q. Where did you meet up with Chris Dease?

11 A. At Hudson Street, at my house.

12 Q. Now, who lives at Hudson Street?

13 A. My Aunt Mary Dease.

14 Q. Mary Dease. And she is your Aunt?

15 A. Yes.

16 Q. Okay. And is she also Chris Dease's Aunt then?

17 A. Yes.

18 Q. Okay. So y'all met there. And did you go into the
19 house, or were you outside, or where were you?

20 A. We were standing outside.

21 Q. Okay. Now she lives on Hudson Street?

22 A. Yes, ma'am.

23 Q. Okay. So, if you are coming off of Jennings
24 Street, you turn left from town, you pass Eddie
25 Junior's, you are coming down Jennings, you turn

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

77

- 1 left?
- 2 A. Yes, you turn left.
- 3 Q. Okay. And her house on Hudson is on the left or on
- 4 the right?
- 5 A. On the left.
- 6 Q. On the left. Okay. And it is a mobile home there?
- 7 A. Yes, with a fence around it.
- 8 Q. Okay. A chainlink fence?
- 9 A. Yes, ma'am.
- 10 Q. Okay. But it sits relatively close to Hudson
- 11 Street, doesn't it?
- 12 A. Yes.
- 13 Q. Okay. So you and Chris were there, do you remember
- 14 about what time you and he met up there at your
- 15 Aunt's house?
- 16 A. Maybe about 4:00, 4:30.
- 17 Q. Okay. All right. And what were you and he doing?
- 18 A. We were just standing out there talking stuff.
- 19 Q. Just sort of hanging out?
- 20 A. Yes.
- 21 Q. Okay. And this was in July. How was the weather?
- 22 A. It was hot.
- 23 Q. Okay. And do you recall how Chris was dressed?
- 24 A. Yes.
- 25 Q. What did he have on?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

78

- 1 A. A tank top, some basketball -- some sneakers.
- 2 Q. Okay. Was anybody with him?
- 3 A. He was walking his dog.
- 4 Q. Now what kind of dog was this?
- 5 A. A Pit Bull.
- 6 Q. Okay. And was it a friendly dog?
- 7 A. No, ma'am.
- 8 Q. Did you like the dog?
- 9 A. No.
- 10 Q. Okay. Was it a puppy or was it a full-grown dog?
- 11 A. It was maybe eighteen months, so it was almost
- 12 grown.
- 13 Q. It was about eighteen months?
- 14 A. Yes.
- 15 Q. So, it was pretty good size?
- 16 A. Yes.
- 17 Q. Okay. How --- I mean, how tall do you think it
- 18 would have been?
- 19 A. Probably about a foot and a half, two feet tall.
- 20 Q. Okay. And did he have the dog on a leash, or how
- 21 did he have the dog?
- 22 A. He had the dog on a leash.
- 23 Q. A female dog?
- 24 A. Yes.
- 25 Q. Okay. And did he have anything else with him, a

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

79

1 cell phone, or anything like that?

2 A. Yes, he had his phone.

3 Q. He had his phone. So y'all are just hanging out
4 there on the street in front of your Aunt's house?

5 A. Yes, I was in my yard. He stayed across the street
6 where the dog was. I didn't want the dog close to
7 me.

8 Q. You didn't want the dog close to you?

9 A. No, ma'am.

10 Q. So he was standing across the street?

11 A. Yes.

12 Q. At that time what was across the street from her
13 house?

14 A. It was an abandoned house across the street.

15 Q. An abandoned house?

16 A. Yes. It was all grown up.

17 Q. It was all grown up?

18 A. Yes.

19 Q. Okay. I am going to show you what has been marked
20 as State's Exhibit 2. See if you recognize what is
21 in that picture?

22 A. My Aunt's trailer?

23 Q. That is your Aunt's trailer. Okay. That is the
24 front of it. And that is actually the side that
25 faces the street?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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1 A. Yes.

2 Q. Okay. That is State's Exhibit 2. Okay. And I am
3 going to show you State's Exhibit 3, and see if you
4 recognize what is in that photo.

5 A. That is the abandoned house across the street.

6 Q. Okay. This is the abandoned house that is directly
7 across the street from your Aunt's house?

8 A. Yes.

9 Q. Okay. So it would face your Aunt's house?

10 A. Yes.

11 Q. Okay. Now, is that abandoned house still there?

12 A. No.

13 Q. Okay. It has been demolished?

14 A. Yes.

15 Q. Okay. But it was --- this picture accurately
16 depicts how it was on that day?

17 A. Yes.

18 Q. Okay. What did you and Chris do? Was it just the
19 two of you out there that evening?

20 A. Well, we had some of my cousins out there earlier
21 during --- before that.

22 Q. Okay. So there were some more people coming and
23 going?

24 A. Yes.

25 Q. Okay. And did you and he go anywhere at any point?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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- 1 A. Yes. We walked to the store.
- 2 Q. Okay. Now, did you have a vehicle?
- 3 A. No.
- 4 Q. Did he have a vehicle?
- 5 A. No.
- 6 Q. Okay. So you were both walking?
- 7 A. Yes.
- 8 Q. All right. And you said that you went to the
- 9 store?
- 10 A. Yes.
- 11 Q. What store is that?
- 12 A. Eddie Jones.
- 13 Q. Eddie Jones. Where is Eddie Jones' store located?
- 14 A. On Jennings Street.
- 15 Q. On Jennings Street. Now how far of a walk --- If
- 16 you were going to walk there from your Aunt's house
- 17 on Hudson Street, how would you get there?
- 18 A. Walk.
- 19 Q. Okay. But if you were walking along the Street,
- 20 would you go through people's yards?
- 21 A. No, just on the side of the road and take the
- 22 sidewalk.
- 23 Q. Okay. On the side of the road.
- 24 A. Yes.
- 25 Q. What road would you take to get there?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

82

- 1 A. Make a right on Hudson and you would be on
2 Jennings.
- 3 Q. So you would come up Hudson and you would make a
4 right on Jennings?
- 5 A. Yes.
- 6 Q. Okay. And Eddie Jones is how far down Jennings?
- 7 A. Maybe twenty seconds.
- 8 Q. Okay. Just a short little walk.
- 9 A. Yes. Yes.
- 10 Q. And it is on the right?
- 11 A. Yes.
- 12 Q. Okay. And he still had the dog?
- 13 A. Yes.
- 14 Q. He had the dog the whole time didn't he?
- 15 A. Yes.
- 16 Q. Okay. So y'all walked to Eddie Jones'?
- 17 A. Yes.
- 18 Q. Up the route that you just described?
- 19 A. Yes, ma'am.
- 20 Q. And he still had the dog?
- 21 A. Yes.
- 22 Q. Were you walking closely, or how?
- 23 A. No, I told him to get in front of me with the dog.
24 I would walk behind him.
- 25 Q. Okay. You didn't want to get too close to the dog?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

83

- 1 A. No.
- 2 Q. Okay. All right. So you walked up to Eddie Jones,
3 and what did you do at Eddie Jones?
- 4 A. Oh, I walked in the store and got me a beer.
- 5 Q. You got a beer?
- 6 A. Yes, ma'am.
- 7 Q. Okay. What about Chris?
- 8 A. He stayed on the outside.
- 9 Q. He stayed on the outside?
- 10 A. Yes.
- 11 Q. With the dog?
- 12 A. Yes.
- 13 Q. He never went in?
- 14 A. No.
- 15 Q. Okay. But you went in and got you a beer?
- 16 A. Yes.
- 17 Q. Okay. And about how long were you in there?
- 18 A. Not a full minute.
- 19 Q. Not a full minute?
- 20 A. No.
- 21 Q. Just went in and came back out?
- 22 A. Yes.
- 23 Q. Okay. Did y'all see anybody that went down to
24 Eddie Jones? I mean, anybody in particular?
- 25 A. No, nobody in particular, no.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

84

- 1 Q. Was Chris drinking anything?
- 2 A. No.
- 3 Q. But you bought one beer?
- 4 A. Yes.
- 5 Q. Did you just have that one?
- 6 A. No, that was my second one.
- 7 Q. That was your second one?
- 8 A. Yes.
- 9 Q. All right. And you came back out, where did you go
- 10 when you came back out?
- 11 A. Same place we was, to my Aunt's house.
- 12 Q. You went back to your Aunt's house.
- 13 A. Yes.
- 14 Q. The same way, the same path?
- 15 A. Yes, the same exact way.
- 16 Q. Along the Street, the roadway?
- 17 A. Yes.
- 18 Q. Okay. And when you got back to the house, what did
- 19 you do when you got back there?
- 20 A. Well, we just went back where we was --- what we
- 21 was doing before.
- 22 Q. Just sort of hanging out right there?
- 23 A. Yes.
- 24 Q. Were you in the fenced-in yard? Were you in the
- 25 roadway? Where exactly were you?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

85

1 A. No, I was right outside the fence. I was leaning
2 on the fence. He was --- went back across the
3 Street.

4 Q. Okay. He went back across the street, why?

5 A. Because of the dog.

6 Q. Because of the dog. Okay. The only reason he did
7 that was because of the dog?

8 A. Yes. He didn't want Mercedes over at his house.

9 MS. BROWN: Objection.

10 THE COURT: Hold on one second. What was your
11 objection?

12 MS. BROWN: Leading, Your Honor.

13 THE COURT: Rephrase.

14 MS. MUNNERLYN: I'll rephrase the question.

15 Q. Why did he go back across the street again?

16 A. Because of the dog.

17 Q. Okay. Now, the street is not very wide, is it?

18 A. No.

19 Q. Okay. And it was just the two of you out there at
20 that time?

21 A. Yes.

22 Q. Okay. And were there other people around in the
23 neighborhood?

24 A. Well, my cousin, she was back and forth behind the
25 house.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

86

- 1 Q. What cousin is this?
- 2 A. Tammy Dease.
- 3 Q. Tammy Dease.
- 4 A. Yes.
- 5 Q. She lives with your Aunt Mary Dease?
- 6 A. Yes.
- 7 Q. At Hudson Street?
- 8 A. Yes.
- 9 Q. Okay. And she was back and forth out of the house?
- 10 A. Yes.
- 11 Q. Okay. At any point did anybody drive up?
- 12 A. No.
- 13 Q. Okay. So about how long were you out there?
- 14 A. About four hours, three or four hours, because the
- 15 sun had gone down.
- 16 Q. A good period of time?
- 17 A. Yes.
- 18 Q. And people would kind of come and go, and talk, and
- 19 then leave?
- 20 A. Yes.
- 21 Q. Okay. Did you see Kenwood Bright that night?
- 22 A. Yes.
- 23 Q. Okay. When did you see him?
- 24 A. When he pulled up beside Chris.
- 25 Q. Okay. So he was in a car?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

87

1 A. Yes.

2 Q. What kind of car?

3 A. A burgundy Buick.

4 Q. Okay. Was he driving, a passenger, or what?

5 A. He was driving.

6 Q. He was driving. Was anybody else in the car with
7 him?

8 A. Yes, a female.

9 Q. Okay. Now you know Kenwood, is Kenwood in the
10 courtroom today?

11 A. Yes.

12 Q. Where is he?

13 A. Right there.

14 MS. MUNNERLYN: Your Honor, let the record
15 reflect that he is pointing out the defendant in this
16 case.

17 THE COURT: Let the record so reflect.

18 Q. Okay. And you said that he came up driving in this
19 burgundy --

20 A. -- Buick --

21 Q. -- Car.

22 A. Yes.

23 Q. I am going to show you what has been marked as
24 State's Exhibit 14, and see if you recognize what
25 is in that photo.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

88

- 1 A. That is the car he was driving.
- 2 Q. That is the car he was driving?
- 3 A. Yes.
- 4 Q. Okay. So that is a Bonneville, sort of a two-tone?
- 5 A. Yes.
- 6 Q. Burgundy on top, gray on the bottom?
- 7 A. Yes.
- 8 Q. No question that is the vehicle he was driving that
- 9 night?
- 10 A. Yes, no doubt that is what he was driving.
- 11 Q. Did he have any passengers?
- 12 A. Yes.
- 13 Q. Who was that?
- 14 A. A female in the passenger side.
- 15 Q. A female in the passenger side?
- 16 A. Yes.
- 17 Q. Did you know her?
- 18 A. No.
- 19 Q. Ever seen her before?
- 20 A. I seen her with him one or two times prior.
- 21 Q. So you have seen her with him?
- 22 A. Yes.
- 23 Q. Had you seen him driving this car before?
- 24 A. Yes.
- 25 Q. Okay. Did you know who owned that car?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

89

- 1 A. No.
- 2 Q. Okay. When you saw that car did you generally see
- 3 him driving it?
- 4 A. Yes.
- 5 Q. Okay. All right. So, he is driving, and she is
- 6 where in the car?
- 7 A. On the passenger side up front.
- 8 Q. Front passenger side.
- 9 A. Yes.
- 10 Q. Okay. And when he --- when you saw him driving the
- 11 car, where did he go, where did he come from?
- 12 A. Well, we just --- During what time?
- 13 Q. When you saw him when the shooting incident
- 14 occurred?
- 15 A. Oh, when I seen him, he pulled up in front of my
- 16 Aunt house where me and Chris was standing.
- 17 Q. Okay.. Specifically where were you standing when he
- 18 pulled up?
- 19 A. By the fence.
- 20 Q. By the fence.
- 21 A. Yes.
- 22 Q. Was there any reason why you were standing just
- 23 right there by the fence?
- 24 A. Yes, because I was just drinking my beer, and I
- 25 didn't want-to-be, you know, in the road there with

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

90

1 my beer.

2 Q. You were trying to stay in the yard?

3 A. Yes.

4 Q. Because you were drinking a beer?

5 A. Yes.

6 Q. Okay. And --- So you were standing --- How close
7 to the roadway were you then?

8 A. I was inside of my Aunt's fence --- I was probably
9 --- maybe six feet from the road. Maybe five or
10 six from the road.

11 Q. Five or six feet from the road?

12 A. Yes.

13 Q. Okay. And where was Chris?

14 A. Across the Street?

15 Q. Still across the Street?

16 A. Yes.

17 Q. So how far would he have been from you?

18 A. Chris --

19 Q. As far as from me to you or further?

20 A. Maybe a little further, a little further --- a
21 little further than that. Go a little further than
22 that. Down the stairs there.

23 Q. About right here?

24 A. All the way to the back of the rail.

25 Q. Right here?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

91

- 1 A. Yes, right there.
- 2 Q. Okay. So, completely on the other side of the
- 3 Street?
- 4 A. Yes. Yes.
- 5 Q. Okay. So a good fifteen feet or so, maybe twenty?
- 6 A. Yes.
- 7 Q. Okay. And, when Kenwood pulled up, what did he do?
- 8 A. He spoke. He spoke to me, and then him and Chris,
- 9 I thought they were talking or whatever for maybe
- 10 five seconds.
- 11 Q. Okay. Let's go slowly here. Now, he pulls up, and
- 12 he comes to a complete stop.
- 13 A. Yes.
- 14 Q. Okay. And he is, of course, in the driver's seat?
- 15 A. Yes.
- 16 Q. And she is in the passenger's seat?
- 17 A. Yes.
- 18 Q. Did Chris do anything when he drove up?
- 19 A. No.
- 20 Q. Okay. He is just still standing there?
- 21 A. Yes.
- 22 Q. And where is the dog?
- 23 A. He is still holding the dog.
- 24 Q. Chris is still holding the dog?
- 25 A. Yes, ma'am.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

92

1 Q. And you said there was some conversation between
2 Kenwood and Chris?

3 A. Yes.

4 Q. Do you recall what?

5 A. No, because I wasn't really paying no attention.

6 Q. Okay. Was it pleasant? Was it argumentative? Can
7 you tell me?

8 A. I couldn't really hear. I just thought they were
9 just, you know, talking, catching up, you know,
10 just seeing each up, because I didn't know about
11 any prior problems that they had.

12 Q. Okay. Just seemed like an ordinary conversation?

13 A. Yes. Yes.

14 Q. Okay. And, did you have any conversation with
15 Kenwood?

16 A. No, we spoke, you know, what's up, man? You know,
17 him pulling up, what's going on, that's it. That's
18 about it.

19 Q. Okay. Just kind of acknowledged each other, and
20 asked how things were going?

21 A. Yes. Yes.

22 Q. Okay. And did the female, the girl who was in the
23 car, did she say anything?

24 A. No.

25 Q. She never said ---

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

93

- 1 A. No.
- 2 Q. To you or to Chris?
- 3 A. No.
- 4 Q. Never anything?
- 5 A. Not that I can recall.
- 6 Q. Okay. So what happened then?
- 7 A. Then I just see Kenwood pull the gun and shoot. One
- 8 shot fired. One shot pulled off.
- 9 Q. Okay. Where did he pull the gun from?
- 10 A. I don't know exactly, like I says, he was just
- 11 shooting.
- 12 Q. Okay. Where exactly was he shooting?
- 13 A. Excuse me?
- 14 Q. Where was he shooting?
- 15 A. Off the driver's side.
- 16 Q. He was sitting in the driver's side?
- 17 A. Yes.
- 18 Q. Did he get out of the car?
- 19 A. No.
- 20 Q. Okay. He never got out of the car?
- 21 A. No.
- 22 Q. Okay. Did he shoot through a window?
- 23 A. Yes. He reached over the girl in the passenger
- 24 seat and shoot out the window.
- 25 Q. Shout out which side of the window then?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

94

- 1 A. The passenger side.
- 2 Q. The passenger side window?
- 3 A. Yes.
- 4 Q. He reached over the girl?
- 5 A. Yes.
- 6 Q. And shot through the window?
- 7 A. Yes.
- 8 Q. Okay. And you said it was one shot?
- 9 A. Yes.
- 10 Q. And once you heard that shot what happened?
- 11 A. He pulled off.
- 12 Q. How?
- 13 A. Fast.
- 14 Q. Fast?
- 15 A. Yes.
- 16 Q. Okay. Was anything else said at that point?
- 17 A. No, ma'am. He shot and that was it. He pulled
- 18 off.
- 19 Q. He didn't say anything when he was shooting or
- 20 anything like that?
- 21 A. No.
- 22 Q. Just pulled off?
- 23 A. Yes.
- 24 Q. Where did he go when he pulled off?
- 25 A. Up Hudson Street and made a left on Spencer.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

95

- 1 Q. Up Hudson and made a left on Spencer?
- 2 A. Yes.
- 3 Q. It kind of ends there and you have to turn, don't
- 4 you?
- 5 A. Yes.
- 6 Q. It is kind of a sharp curve and you turn there on
- 7 Spencer. Do you know where he went after that?
- 8 A. No, ma'am.
- 9 Q. Did you see him again that night?
- 10 A. No, ma'am.
- 11 Q. Okay. Okay. So the car takes off, and what
- 12 happened with Chris?
- 13 A. He fell.
- 14 Q. Okay.
- 15 A. Then he got up and tried to walk up the street.
- 16 Q. Okay. Wait. Where did he fall initially?
- 17 A. Exactly where he was shot at.
- 18 Q. Where he was shot?
- 19 A. Yes.
- 20 Q. Which was where?
- 21 A. Across the Street.
- 22 Q. In the roadway, or on the side of the road?
- 23 A. On the side of the road.
- 24 Q. On the side of the road?
- 25 A. Yes.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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- 1 Q. He was not in the roadway?
- 2 A. No.
- 3 Q. Okay. He fell right there?
- 4 A. Yes.
- 5 Q. Did he stay down?
- 6 A. No, he got up.
- 7 Q. Did he say anything?
- 8 A. No.
- 9 Q. He fell down. Did he fall on his back, or do you
- 10 recall how he fell?
- 11 A. He kind of fell on his side.
- 12 Q. He kind of fell on his side?
- 13 A. Yes.
- 14 Q. Okay. And you said that he got up?
- 15 A. He got up and tried to make it across the street to
- 16 my house.
- 17 Q. All the way up walking?
- 18 A. Yes, all the way up walking.
- 19 Q. Okay. He tried to make it across the street?
- 20 A. Yes, to my house.
- 21 Q. And how far did he make it?
- 22 A. All the way to the fence. All the way across the
- 23 street to the fence.
- 24 Q. All the way across the street to the fence?
- 25 A. Yes.

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- 1 Q. And what happened then?
- 2 A. He fell again.
- 3 Q. He fell again?
- 4 A. Yes.
- 5 Q. Okay. And did he say anything?
- 6 A. No, he wasn't, no.
- 7 Q. He wasn't talking?
- 8 A. No. I said, you know, be quiet, you know.
- 9 Q. When he fell, do you recall how he fell?
- 10 A. On his back.
- 11 Q. On his back?
- 12 A. Yes.
- 13 Q. So he was lying on his back?
- 14 A. Yes.
- 15 Q. Okay. And where was the dog?
- 16 A. Running loose.
- 17 Q. The dog got loose?
- 18 A. Yes.
- 19 Q. And was running around?
- 20 A. Yes, trying to bite everybody, trying to protect
- 21 Chris.
- 22 Q. Trying to protect Chris?
- 23 A. Yes.
- 24 Q. Okay. Did she try to bite you?
- 25 A. She did.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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- 1 Q. She did bite you?
- 2 A. Yes.
- 3 Q. Where did she bite you?
- 4 A. In my left thigh.
- 5 Q. On your left?
- 6 A. Thigh.
- 7 Q. Thigh?
- 8 A. Yes.
- 9 Q. Okay. So, on your leg?
- 10 A. Yes.
- 11 Q. Now, did anyone else come up after the shot, and
- 12 after he fell?
- 13 A. Yes.
- 14 Q. Who else came up?
- 15 A. My cousin, Tammy Dease?
- 16 Q. Tammy Dease? Now, where was she when he was shot?
- 17 A. She was across the street at the neighbor house.
- 18 Q. Across Hudson Street at a neighbor's house?
- 19 A. Yes.
- 20 Q. So not at the abandoned house ---
- 21 A. ---No ---
- 22 Q. --- that you identified?
- 23 A. No.
- 24 Q. But at another house?
- 25 A. Yes. On the right of the abandoned house.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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- 1 Q. Beside this, at the right of the abandoned house?
- 2 A. Yes.
- 3 Q. Okay. So, if you are facing the abandoned house,
- 4 the house where she was, it is to the right?
- 5 A. Yes.
- 6 Q. Was she inside or outside?
- 7 A. Inside.
- 8 Q. Okay. And what was she doing over there?
- 9 A. Using the phone.
- 10 Q. And after the shot she came back?
- 11 A. After she heard the shot, I guess, that is when she
- 12 ran out of the house.
- 13 Q. Okay. Did she attempt to approach Chris?
- 14 A. Yes.
- 15 Q. And what happened?
- 16 A. The dog jumped on her.
- 17 Q. The dog jumped on her too?
- 18 A. Yes.
- 19 Q. Did anyone else attempt to approach Chris?
- 20 A. Yes.
- 21 Q. And what happened?
- 22 A. The dog jumped on them.
- 23 Q. Was anyone able to actually get to Chris?
- 24 A. His father.
- 25 Q. His father. Okay. And when did his father arrive?

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION 100

1 A. Right during the time when the police came out, he
2 collapsed the last time.

3 Q. Okay. So as the police were arriving he was
4 arriving also?

5 A. Yes.

6 Q. Okay. And at that time what did he do?

7 A. His father grabbed the dog.

8 Q. He grabbed the dog?

9 A. Yes.

10 Q. Okay. And then once he grabbed the dog, were
11 people able to approach Chris at that point?

12 A. Yes. The police officers and everybody.

13 Q. The police and everybody?

14 A. Yes.

15 Q. Okay. So until that time no one had been able to
16 approach Chris' body?

17 A. No, ma'am.

18 Q. Okay. Did you say anything to him at that point,
19 or was there any conversation?

20 A. No, I was just saying, it'll be alright, it'll be
21 alright.

22 Q. Was he saying or doing anything?

23 A. No, he was squeezing my hand.

24 Q. So, he was squeezing your hand?

25 A. Yeah.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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- 1 Q. So he was still alive at that point?
- 2 A. Yes.
- 3 Q. Okay. Do you know --- Do you recall what happened
- 4 with the dog, or where the dog went?
- 5 A. His father has the dog now.
- 6 Q. His father got the dog?
- 7 A. Yes.
- 8 Q. Okay. Did the Rescue Squad then arrive pretty
- 9 quickly then?
- 10 A. Yes.
- 11 Q. At the same time as law enforcement or shortly
- 12 thereafter?
- 13 A. Shortly --- I can't recall exactly the time, but it
- 14 was almost together. I can't recall exactly.
- 15 Q. Almost exactly. Okay. So they immediately began to
- 16 attend to Chris?
- 17 A. Yes.
- 18 Q. Now, I want to ask you. You have already testified
- 19 that Chris had on some basketball shorts, a tank,
- 20 and some tennis shoes?
- 21 A. Yes.
- 22 Q. Did he have anything on him?
- 23 A. A phone.
- 24 Q. A phone. Anything besides the phone?
- 25 A. No. The dog.

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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1 Q. The dog.

2 A. Yes.

3 Q. Did you ever see any sort of weapon on him, or
4 anything of that nature?

5 A. No. No, ma'am.

6 Q. Okay. And nothing --- you never saw anybody remove
7 anything from the body did you?

8 A. No.

9 Q. Okay. Did you see the gun that Kenwood Bright
10 fired?

11 A. Yes.

12 Q. Do you know what it looked like?

13 A. Yes.

14 Q. What did it look like? Was it a long gun or a
15 handgun?

16 A. A little, small gun.

17 Q. A small gun?

18 A. Yes.

19 Q. Had you ever seen it before?

20 A. No, not before that.

21 Q. I am going to show you what has been marked --

22 MS. BROWN: Your Honor, I am going to object to
23 this photo being introduced?

24 THE COURT: On what grounds?

25 MS. BROWN: The Motion that we had?

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1 **THE COURT:** I don't think that it is being
2 introduced at this time?

3 **MS. MUNNERLYN:** Not yet.

4 **THE COURT:** Overruled.

5 **Q.** I am going to show you what has been marked as
6 State's Exhibit 7.

7 **A.** That's it. That's the gun. That's it. That's the
8 gun.

9 **Q.** That is the color of it?

10 **A.** Yes. Yes.

11 **Q.** And you said that you had never seen that gun
12 before?

13 **A.** No, ma'am.

14 **Q.** Do you know who called 911?

15 **A.** Not exactly, no.

16 **Q.** But you did not call 911?

17 **A.** No.

18 **Q.** Okay. But someone did?

19 **A.** Yes. During that time there was a lot of people on
20 the street.

21 **Q.** So, shortly after the shooting there were a lot of
22 people who came out --

23 **A.** -- I think like some people walking down the
24 street.

25 **Q.** Okay. Now, do you know what happened to Chris'

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1 cell phone?

2 A. My cousin Tammy ended up with it.

3 Q. She ended up with it?

4 A. Yes.

5 Q. Do you know whether or not she used the cell phone
6 or somebody else's house phone to call 911?

7 A. I can't recall. I don't know.

8 Q. Were you aware that Kenwood Bright had been shot?

9 A. Yes.

10 Q. And did you know who had shot Kenwood Bright?

11 A. Yes.

12 Q. And who is that?

13 A. Chris' uncle.

14 Q. Chris' uncle?

15 A. Yes.

16 Q. It was not Chris Dease, was it?

17 A. No, ma'am.

18 Q. In fact, was he there when Kenwood was shot?

19 A. No, ma'am.

20 Q. He wasn't even there, present?

21 A. No, ma'am.

22 Q. But, was it well known on the street who shot
23 Kenwood Bright?

24 A. Yes.

25 Q. Okay. And that was clearly Chris' Uncle?

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1 A. Yes.

2 Q. And his name is Shyheim Pauling?

3 A. Yes.

4 Q. Had he been in and around the area since the
5 shooting had occurred?

6 A. No.

7 Q. Since Kenwood had been shot?

8 A. No.

9 Q. Okay. So he was not around Bennettsville then?

10 A. No, not that I know of.

11 Q. In fact, it had only been a few months since
12 Kenwood had been shot; isn't that right?

13 A. Yes.

14 MS. MUNNERLYN: Court's indulgence for just one
15 moment?

16 THE COURT: Sure.

17 (PAUSE.)

18 MS. MUNNERLYN: Your Honor, may we approach?

19 THE COURT: Sure.

20 (Whereupon, a bench conference was held in the
21 presence of the jury, but out of the hearing of the
22 jury.)

23 THE COURT: All right. Members of the Jury, we
24 are going to take a ten minute break to take up some
25 matters of law. If you would, step back in your jury

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1 room. But, like I told you in the very beginning, do
2 not discuss the case at all. Talk about sports,
3 weather, whatever. If you need any drinks or anything
4 like that the bailiffs will be happy to take care of
5 that.

6 (Whereupon, the jury exits the courtroom at
7 11:27 a.m.)

8 THE COURT: All right. We will be at ease until
9 twenty till.

10 MS. BROWN: Thank you, Your Honor.

11 THE COURT: You can go ahead and bring the Jury
12 out.

13 MS. MUNNERLYN: Before she brings them out I
14 guess we probably need to discuss -

15 THE COURT: That'll be fine, if there's any
16 problems. What have we got?

17 MS. MUNNERLYN: He does have a failure to stop
18 for blue light from back in '98, which would be outside
19 of the ten years, but he did get three years on that.
20 So that would put him outside the ten years. But, of
21 course, my argument is failure to stop for a blue light.
22 It's not a crime of moral turpitude if you use the
23 weight as far as probative value versus prejudicial
24 effect. I don't know if that contributes in particular
25 as to credibility, which is the only purpose of which

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION 107

1 this is being offered. And he does have the two drug
2 convictions. One in '98, which would not be getting
3 into the ten years, but he got a six-year sentence. And
4 then he has a drug conviction in 2005. My argument on
5 that will be the same, Your Honor, just that is not a
6 crime of moral turpitude. It's not involving
7 dishonesty, specifically on those crimes. So when you
8 do the weighing test, I would argue that the prejudicial
9 effect --- even in regards to credibility far out weighs
10 the probative value.

11 **THE COURT:** Anything from defense?

12 **MS. BROWN:** We would just argue that it is, in
13 fact, in this court --- and we should have the right to
14 cross examine him on the record. It is within the ten-
15 year statute. And we ask that the Jury be given
16 information.

17 **THE COURT:** All right. I'll grant it. And allow
18 those three in, failure to stop, and the two drug
19 charges.

20 **MS. MUNNERLYN:** Your Honor, if I could just
21 question him about those briefly. And I would just ask
22 you know that the questions be limited to just. Are you
23 convicted of? Not sentencing, or anything of that
24 nature.

25 **THE COURT:** I agree. Is that understood?

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1 MS. BROWN: One second, Your Honor.

2 (PAUSE.)

3 MS. BROWN: Your Honor, may we approach?

4 THE COURT: Sure.

5 (Whereupon, a bench conference was held
6 outside the presence of the jury.)

7 THE COURT: Make sure the Jury gets what they need.
8 We will be another fifteen minutes.

9 (PAUSE.)

10 THE COURT: You can go ahead and bring out the
11 Jury.

12 (Whereupon, the Jury enters the courtroom at
13 12:30 p.m.)

14 THE COURT: Members of the Jury, we are going to
15 take a lunch break until 2:00 o'clock. You are free to
16 go wherever you want. Just don't talk about this case
17 with anybody. And be back just a little bit before 2:00
18 and we will start at 2:00 o'clock promptly. You are
19 hereby dismissed, and we will see you back a little bit
20 before 2:00. Just come right on in and go to the jury
21 room. Do not talk about the case.

22 Mr. Funderburk, I want you to take this witness
23 right here, and just put him in a room, and bring him
24 lunch. I don't any side talking to him, and I don't
25 want him being excused until we are through with him.

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1 (Whereupon, The Court is in recess from 12:32 p.m.
2 and resumes its sitting at 2:00 p.m.)

3 **THE COURT:** Is everybody here? Why don't we start
4 over again and go back to all the fun we were having
5 before lunch. Let's me just ramble on a little bit and
6 discuss where we were.

7 It appears the witness that's going to come take
8 the stand, who is Jacobie Samuels, has a failure to stop
9 for a blue light within the ten-year parameter.
10 Correct?

11 **MS. BROWN:** Yes, Your Honor.

12 **THE COURT:** He has a 1998 drug offense within the
13 ten-year parameter. And a 2005 drug offense within the
14 ten-year parameter. Up under Rule 609, I'm going to
15 allow those matters in as we discussed, as the Rule
16 applies.

17 Okay. Now, it is my understanding that, Ms.
18 Brown, you want to go a little further with that. And
19 if you would like to put that on the record, now is the
20 time to do it.

21 **MS. BROWN:** Your Honor, according to Rule 608,
22 which is evidence of character, conduct, and bias of
23 witness. My understanding is that subsection B
24 discusses specific incidents of conduct, which can be
25 used to attack the credibility of a witness that takes

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1 the stand. And also discusses whether or not it can
2 offer information of truthfulness or untruthfulness as
3 relates to that person's testimony.

4 And upon cross examination my understanding of that
5 particular Rule is, that the cross examiner is allowed
6 to ask questions about specific conduct as it relates to
7 particular acts that may have occurred. However, we
8 cannot offer any extrinsic evidence, and we fully
9 understand. But we can at least inquire into the matter
10 and we would like to do that.

11 As it relates to a 2005 incident, he was, in fact,
12 based on his criminal history, Mr. Samuels was charged
13 with an ABWIK as well as distribution of crack cocaine.
14 That charge, based on his record, does not result in a
15 conviction, Your Honor, but he was, in fact, charged.
16 And our position would fall under specific incidents of
17 conduct as relates to his truthfulness or giving
18 testimony today, or whether or not he would have a bias
19 as he testified today, Your Honor.

20 **THE COURT:** Solicitor, be glad to hear from you.

21 **MS. MUNNERLYN:** Your Honor, of course, I would
22 object to that. Sounds like to me that she's saying
23 that she just wants to bring up the fact that he was
24 arrested for the assault and battery with intent to
25 kill. And I don't know how much further she's --- When

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1 we were at the Bench it was going much further than
2 that.

3 **THE COURT:** Why don't we go ahead? Ms. Brown,
4 how do you want to go with it?

5 **MS. BROWN:** Your Honor, I would like to ask him
6 whether or not he was charged specifically --- the
7 statement I gave earlier, whether he was charged with
8 assault and battery with intent to kill. But also would
9 like to ask whether or not Mr. Dease was a co-defendant
10 as relates to that particular charge. And that's it.

11 **THE COURT:** All right. You can finish,
12 Solicitor, now that we know what it is.

13 **MS. MUNNERLYN:** Your Honor, I did not know
14 anything about this until at the moment we were at the
15 Bench. I have investigated this further. Of course, I
16 have not talked with the witness. He has been back in
17 the back on Your Honor's side of the courtroom. But we
18 did go and pull the records.

19 And what she was arguing at the Bench was that she
20 was trying to show some motive on behalf of the witness,
21 Jacobie Samuels, to harm the victim Chris Dease. And
22 the reason and the basis for that was an incident in
23 2005, in which they were both charged with assault and
24 battery with intent to kill, she based on something her
25 client had told her, indicated that she thought, her

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1 information was that the Defendant was upset with the
2 victim, Chris Dease, because he felt like he had given
3 information to the police against him on that particular
4 incident. And, therefore, had a reason to want to harm
5 him.

6 I have looked and pulled the record in regards to
7 the assault and battery with intent to kill, which
8 occurred on August 27th, of 2004, Chris Dease and Jacobie
9 Samuels were both charged. Chris Dease was convicted
10 and received a sentence of three years. Jacobie
11 Samuels' charges were dismissed. I do not see any way
12 she can use that and be allowed to go into that on the
13 basis that she was raising earlier, because the victim,
14 Chris Dease, actually was convicted and went to prison.
15 Jacobie Samuels' charges were dismissed.

16 **THE COURT:** It sounds like it's the other way
17 around. This witness got the better deal.

18 **MS. BROWN:** Your Honor, based on the record we
19 are talking --- I will agree with the Solicitor that
20 that charge was, in fact, nolle prossed. There was not
21 a disposition of it.

22 However, he did, in fact, was convicted as relates
23 to August 27th, the same incident date for a separate
24 offense where he received seven years. And we all
25 understand that --

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1 THE COURT: -- And he is the witness?

2

3 MS. BROWN: He is the witness, yes.

4 THE COURT: And, What did the co-defendant
5 receive in that?

6 MS. BROWN: Three years.

7 MS. MUNNERLYN: She has incorrect information,
8 Your Honor. She's looking at the NCIC and it shows the
9 same offense date on the drug charges. It is not the
10 same offense date. I have the sentencing sheets for
11 Jacobie Samuels right here. He pled to drug charges,
12 which were not related to the shooting incident, and
13 Chris Dease was not a co-defendant in the drug cases.
14 He pled on two different sets of charges and received --

15 THE COURT: -- And he, you're referring to
16 Samuels?

17 MS. MUNNERLYN: Yes. He received a seven-year
18 sentence on one of those. And that was on possession
19 with intent to distribute crack cocaine for an incident
20 date of 10-15-04. I have my copy of the sentencing
21 sheet right here. At the same time he pled to
22 possession with intent to distribute marijuana, incident
23 date was 4-24-02. He also received a seven-year
24 sentence on possession with intent to distribute crack
25 cocaine within one-half mile of a school, incident date

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1 10-15-04.

2 And on Indictment 05-34-51 pled to possession with
3 intent to distribute marijuana, received a five-year
4 sentence dated 10-15-04. Those were the drug charges he
5 pled to. None of them are on the same date.

6 Now, I will say on the NCIC it is incorrect. It
7 shows an offense date of 08-27-04, but he did not have
8 drug charges for offense date 8-27-04. That was the
9 incident relating to the shooting, which all charges
10 against him were dismissed.

11 **THE COURT:** I see. That changes things. Any
12 response, Ms. Brown?

13 **MS. BROWN:** Your Honor, I can say that based on
14 receiving --

15 **THE COURT:** -- Before you respond, why don't you
16 examine what she has? Make sure she is right. And, why
17 don't we go ahead and mark that as a Court's Exhibit for
18 the record. If you would bring it on up here and let
19 her mark it real quick. That way we will know what we
20 are referring to.

21 **WHEREUPON, COURT'S EXHIBIT**

22 **NUMBER 1 MARKED FOR THE**

23 **RECORD**

24 **MS. MUNNERLYN:** Judge, I also have the actual
25 copies of the disposition sheet showing the dismissal on

JACOBIE KENTA SAMUELS - DIRECT EXAMINATION

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1 there as well.

2 **THE COURT:** All right. Take your time and review
3 it. We are not ---

4 **(PAUSE.)**

5 **THE COURT:** Would the assault and battery with
6 intent to kill come in under 609, of the witness?

7 **MS. MUNNERLYN:** He was not convicted, Your Honor.
8 It was dismissed.

9 **MS. BROWN:** So, Your Honor, I don't think it
10 requires that it be a convict or not. The fact that
11 there was an incident, a specific incident of conduct,
12 as relates to 609. And that is what I would like to
13 bring that ABWIK charge into evidence, or, at least,
14 question him about it. I understand that he offers it
15 into evidence and I won't like the answer's that will
16 end of the questioning.

17 **THE COURT:** All right. I'll tell you what I'm
18 going to do, and hopefully this will resolve everybody's
19 problems. I have studied 608, as you have, as well as
20 all the other Rules, and I have called by dear friend,
21 Judge Ralph King Anderson, and I spoke with him at
22 detail at lunch. And this is my ruling. I'm not going
23 to allow anything, any specific criminal charge to come
24 in.

25 In other words, no mention of you were charged with

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1 assault and battery with intent to kill, you were
2 charged with possession of cocaine, distribution of
3 cocaine. Anything of that nature. You can, however,
4 inquire as to weren't you and so and so, did y'all have
5 some criminal charges. Refer to them only as criminal
6 charges, not specifically what they are.

7 Then if you want to go a little further and go as
8 to the truthfulness of the witness with it you can up
9 under Rule 608-C, and State verses Jones, 541 S.E.2d
10 813, 2001.

11 However, I'm not going to let you just take off and
12 just fish all day long with him. You're going to have
13 to take his answers as he gives them to you. And we're
14 just not going to go so far as we confuse the issues, or
15 that we're just going to take it down a road where
16 everybody is totally confused. So you can refer to
17 criminal charges only, not specific charges.

18 MS. MUNNERLYN: Your Honor, if you will note my
19 objection for the record.

20 THE COURT: I do. And if he says, no ---

21 MS. MUNNERLYN: Your Honor, are you then saying
22 that she can't ask were you and the victim --- did you
23 and the victim have criminal charges, or are you saying
24 did he have criminal charges?

25 THE COURT: Well, I think she needs to be able to

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1 go to did the witness and the victim have criminal
2 charges, so she can get to his motive to lie if all of
3 that is true. Now, apparently there's nothing that's
4 going to come in on the record, nothing physical that
5 you can show. And we're not going to refer to specific
6 charges at all.

7 And we're not going to argue with him and keep
8 arguing with him until you have him so confused he
9 doesn't know what he's saying, and the jury doesn't know
10 what's going on. But I'm going to give you some room to
11 wiggle with it if you think it will be effective and
12 strategic to your case after seeing Court's Exhibit
13 Number 1.

14 MS. BROWN: Your Honor, do I understand we
15 certainly can inquire about the three convictions; is
16 that correct?

17 THE COURT: Failure to stop, '98 drug offense, and
18 2005 drug offense.

19 MS. BROWN: Your Honor, according to his record
20 there was also a gun charge in 1998.

21 MS. MUNNERLYN: That is beyond the ten-years.

22 THE COURT: It's not coming in.

23 MS. BROWN: One second, Your Honor.

24 THE COURT: Sure.

25 (PAUSE.)

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1 MS. BROWN: We understand and we appreciate it.

2 THE COURT: Can you comply with the ruling?

3 MS. BROWN: Absolutely.

4 THE COURT: That is very very important, and I
5 will be listening and watching. If somebody will bring
6 out the witness and the jury. Let the record reflect
7 that the witness has been held at The Court House. He
8 has not talked to anybody. In fact, the Clerk fed him
9 lunch by himself.

10 (Whereupon, the jury is returned to the
11 courtroom at 2:14 p.m.)

12 (Whereupon, the witness, Jacobie Samuels is
13 returned to the courtroom at 2:14 p.m.)

14 MS. BROWN: May we approach, Your Honor?

15 (Whereupon, a bench conference was held as the
16 jury enters the courtroom, but out of the hearing of the
17 jury.)

18 THE COURT: All right, Solicitor, if you would
19 like to finish your questioning of this witness you may.

20 MS. MUNNERLYN: Thank you, Your Honor.

21 Q. Okay, Jacobie. I just want to ask you a couple of
22 final questions before cross examination begins.
23 You have testified about the events of July 22nd,
24 2008. But I want to ask you, you have, in fact,
25 yourself been convicted of a crime, have you not?

JACOBIE KENTA SAMUELS - CROSS EXAMINATION

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1 A. Yes, ma'am.

2 Q. Okay. And you've been convicted of failure to stop
3 for a blue light?

4 A. Un-huh.

5 Q. Okay. And that was back in ---

6 **THE COURT:** You have to answer yes or no, please.

7 We can't take an uh-huh.

8 A. Yes. I was whispering.

9 Q. That was back in 1998?

10 A. Yes.

11 Q. Okay. And then you were convicted of distribution
12 of crack in '98, and then also in 2005; is that
13 correct?

14 A. Yes.

15 Q. I don't have any further questions. Please answer
16 any questions that The State --- or Ms. Brown has.

17 **THE COURT:** Ms. Brown.

18 **MS. BROWN:** Thank you, Your Honor.

19 **CROSS EXAMINATION BY MS. BROWN**

20 Q. Mr. Samuels, you've been convicted of failure to
21 stop for a blue light; is that correct?

22 A. Yes.

23 Q. And you were also convicted of distribution of
24 crack cocaine?

25 A. Yes.

JACOBIE KENTA SAMUELS - CROSS EXAMINATION

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1 Q. In 1998?

2 A. Yes.

3 Q. And also convicted of distribution of crack cocaine
4 in 2005?

5 A. Yes.

6 Q. Were you employed in July of 2008?

7 A. No.

8 Q. Is it true that Hudson Street is known as a drug
9 area?

10 MS. MUNNERLYN: Objection, Your Honor.

11 THE COURT: Sustained.

12 Q. Isn't it true that the testimony that you offer
13 today that you, in fact, did not give that
14 testimony to law enforcement on July 22nd, 2008?

15 A. I didn't talk to law enforcement.

16 Q. Okay. Are you presently still selling drugs, Mr.
17 Samuels?

18 MS. MUNNERLYN: Objection, Your Honor.

19 A. I ---

20 THE COURT: Do not answer until I rule on the
21 objection. Okay? All right. Grounds?

22 MS. MUNNERLYN: Not relevant.

23 THE COURT: Sustained.

24 Q. Isn't it true that you carry a gun pretty often,
25 Mr. Samuels?

JACOBIE KENTA SAMUELS - CROSS EXAMINATION

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1 MS. MUNNERLYN: Objection, Your Honor.

2 THE COURT: Sustained.

3 Q. Mr. Samuels, did you have a gun on your person the
4 night that Mr. Dease was shot?

5 MS. MUNNERLYN: Objection, Your Honor.

6 THE COURT: On what grounds?

7 MS. MUNNERLYN: On relevance and no evidence of
8 such.

9 THE COURT: I am going to overrule that one. Go
10 ahead and answer.

11 MS. BROWN: Thank you, Your Honor.

12 A. No, but Kenwood did.

13 Q. Did law enforcement conduct a gunshot residue on
14 your hands on July 28th, 2008?

15 A. No.

16 Q. So if the gunshot residue was not conducted you
17 won't have any information whether or not you had a
18 gun -- you fired a gun that night; is that correct?

19 A. Kenwood fired a gun.

20 Q. Do you remember whether or not you had your cell
21 phone that day during the shooting?

22 A. No.

23 Q. No, you don't remember, or you did not have your
24 cell phone?

25 A. I didn't have a phone.

JACOBIE KENTA SAMUELS - CROSS EXAMINATION

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1 Q. And you weren't the person that contacted law
2 enforcement; is that correct?

3 A. No.

4 Q. Now, you haven't identified the gun in which the
5 Solicitor showed you and the gun that killed Mr.
6 Dease; is that correct?

7 A. Yes.

8 Q. Isn't it also true that you are a member of an
9 organization known as The Crips?

10 MS. MUNNERLYN: Objection, Your Honor. It is not
11 relevant. There's no basis.

12 MS. BROWN: This is about his credibility, Your
13 Honor. He has taken the stand and he ---

14 THE COURT: I'll let you respond and then I'll let
15 you respond. Go ahead, Solicitor.

16 MS. MUNNERLYN: It's not relevant. It has nothing
17 to do with the case. There is no evidence involving
18 gang activity. There's nothing in regards to gang
19 activity in this particular incident.

20 THE COURT: I'll allow you to respond, Ms. Brown.

21 MS. BROWN: Your Honor, we just --- He is a
22 witness. His credibility --- he's offering testimony
23 that deals with credibility. I just want to know
24 whether or not he, in fact, was involved in a gang.

25 THE COURT: Ms. Brown, how is that relevant?

JACOBIE KENTA SAMUELS - CROSS EXAMINATION

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1 MS. BROWN: Well, Your Honor, our position is that
2 he is, in fact, testifying today that ---

3 THE COURT: Approach real quick.

4 (Whereupon, a bench conference was held in the
5 presence of the jury, but out of the hearing of the
6 jury.)

7 THE COURT: All right. I'm going to overrule the
8 objection. Go ahead, Ms. Brown.

9 MS. BROWN: Thank you, Your Honor.

10 Q. Ms. Samuels, were you --- isn't it true that you
11 are known to be a member of the Crips gang?

12 A. No.

13 THE COURT: I can't hear you. When you get that
14 close to that microphone I don't hear a thing you say.
15 You can get a little closer, but not right in it.

16 Q. No, was your answer?

17 A. Yes.

18 Q. Weren't you and Mr. Dease both involved in criminal
19 charges?

20 A. No, never been co-defendants.

21 Q. You two have never been co-defendants before?

22 A. No.

23 Q. Isn't it also true that you had a conversation with
24 Mr. Bright, where you expressed anger towards Mr.
25 Dease?

JACOBIE KENTA SAMUELS - CROSS EXAMINATION

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1 A. No.

2 Q. That conversation never took place?

3 A. No.

4 Q. Isn't it also true that you believed that Mr. Dease
5 was snitching?

6 A. No.

7 Q. Do you have any tattoos, Mr. Samules?

8 A. Yes.

9 MS. MUNNERLYN: Objection, Your Honor. I don't see
10 how in the world a witness' tattoos can have anything to
11 do with what happened on July 22nd.

12 THE COURT: Ms. Brown, how is that relevant?

13 MS. BROWN: Your Honor, I withdraw that question.

14 THE COURT: Thank you.

15 Q. There is a slogan, Mr. Samuels, that says, death
16 before dishonor. Have you ever seen that slogan
17 before?

18 MS. MUNNERLYN: Again, I object, Your Honor. I
19 mean, I don't know where she's going with this, or if it
20 relates to other questions that she's trying to get into
21 that. I think it is completely irrelevant.

22 THE COURT: How is that relevant, Ms. Brown?

23 MS. BROWN: Your Honor, there is a slogan that was
24 actually on the victim's body, which, in fact, ---

25 (Whereupon, a bench conference was held in the

JACOBIE KENTA SAMUELS - CROSS EXAMINATION

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1 presence of the jury, but out of the hearing of the
2 jury.)

3 **MS. BROWN:** Your Honor, I withdraw the last
4 question that I asked.

5 **THE COURT:** Thank you.

6 Q. Mr. Samuels, are you aware -- do you have any
7 personal knowledge, of any shooting that took place
8 the night before Mr. Dease was, in fact, shot?

9 A. No.

10 Q. You mentioned that a female passenger was in the
11 car. Do you what she was doing?

12 A. Just sitting in the seat, sitting in the passenger
13 seat.

14 **MS. BROWN:** Those are all the questions I have,
15 Your Honor.

16 **THE COURT:** Any redirect?

17 **MS. MUNNERLYN:** No, Your Honor, I don't have any
18 further questions of this witness.

19 **THE COURT:** All right. You may step down. Thank
20 you. Call your next witness.

21 **MS. MUNNERLYN:** Tammy Dease Parker.

22 **WHEREUPON, TAMMY DEASE PARKER**

23 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

24 **CLERK OF COURT:** Have a seat and state your name,
25 please.

TAMMY DEASE PARKER - DIRECT EXAMINATION 126

1 MR. PARKER: Tammy Parker.

2 DIRECT EXAMINATION BY MS. MUNNERLYN

3 Q. Tammy, how are you related to Mary Dease?

4 A. She's my aunt.

5 Q. And she lives at Hudson Street?

6 A. Yes, ma'am.

7 Q. How old are you, Tammy?

8 A. Thirty-five.

9 Q. Now, she was living at Hudson back on July 22nd,
10 2008, wasn't she?

11 A. Yes, ma'am.

12 Q. Where were you living then?

13 A. I was living on Pendleton.

14 Q. So you weren't living there at her house.

15 A. No, ma'am.

16 Q. But would you go by there frequently?

17 A. Yes, ma'am, every day.

18 Q. So if Mary Dease is your mother --- You're related
19 to Chris Dease then?

20 A. He's my first cousin.

21 Q. And Jacobie Kenta Samuels ---

22 A. He's my first cousin.

23 Q. Okay. You're first cousins with both of them. Did
24 you see them - were you at your aunt's --- excuse
25 me, at your mother's house, Mary Dease's house, on

TAMMY DEASE PARKER - DIRECT EXAMINATION 127

- 1 the afternoon and evening of July 22nd of 2008?
- 2 A. Yes, ma'am.
- 3 Q. And what were you doing late that afternoon?
- 4 A. Stopping by.
- 5 Q. Just stopping by?
- 6 A. Yes, ma'am.
- 7 Q. And while you were there, did you happen to see
- 8 Chris Dease and Jacobie Samuels?
- 9 A. Yes, ma'am, they was out in the road.
- 10 Q. And this was a July afternoon in Bennettsville,
- 11 right?
- 12 A. Yes, ma'am.
- 13 Q. And what was the weather like?
- 14 A. Hot.
- 15 Q. Okay. So y'all were just hanging out outside?
- 16 A. Yes, ma'am.
- 17 Q. And how long were you there?
- 18 A. All day and all night.
- 19 Q. All right. And did you go --- were you out with
- 20 them the whole time, or did you go to neighbors, or
- 21 what did you do?
- 22 A. When the accident took place --- before the
- 23 accident took place we were standing in the road,
- 24 me, Kenta and Chris Dease.
- 25 Q. Kenta is Jacobie, right?

TAMMY DEASE PARKER - DIRECT EXAMINATION 128

1 A. Yes, ma'am.

2 Q. Okay.

3 A. And Mr. Bade McColl had called me from out of the
4 road and told me ---

5 MS. BROWN: Objection, Your Honor.

6 THE COURT: Hold on.

7 Q. Don't tell us what he said. So he called for you?
8 Now, where did he --- does he live close by?

9 A. He live across the street in front of my mother's
10 house.

11 Q. He lives across the street. I'm going to show you
12 what's marked as State's Exhibit 3. Do you
13 recognize that?

14 A. Yes.

15 Q. Where do you recognize that from?

16 A. That's my grandmother's house across the street.

17 Q. Across the street from your mother?

18 A. Uh-huh, yes.

19 Q. But it's not there any longer now, is it?

20 A. It's abandoned.

21 Q. What does that show, State's Exhibit 2?

22 A. That's my mother's house.

23 Q. And you said Mr. Babe?

24 A. Mr. McColl, call him Babe --- he goes by.

25 Q. Now, he lives across the street?

TAMMY DEASE PARKER - DIRECT EXAMINATION 129

- 1 A. Yes, ma'am.
- 2 Q. Across Hudson Street?
- 3 A. Right in front of my mother. Babe McColl, he stay
4 right here. My grandmother's old house, she stayed
5 right there.
- 6 Q. Okay. Which was abandoned.
- 7 A. Yes, ma'am.
- 8 Q. Had vegetation growing up on the sides and that
9 sort of thing?
- 10 A. Trees and bushes, yes, ma'am.
- 11 Q. All right. But nobody was living in that house.
- 12 A. No, ma'am, it was abandoned.
- 13 Q. But Mr. McColl lived to the right of that if you're
14 standing at your mother's house.
- 15 A. Yes, ma'am.
- 16 Q. And you went over to his house?
- 17 A. Yes, ma'am, just out of the road.
- 18 Q. Because you got a phone call there?
- 19 A. Yes, ma'am.
- 20 Q. So you went into his house?
- 21 A. Yes, ma'am.
- 22 Q. Okay. And tell us what happened next.
- 23 A. When I went inside my sister was on his telephone,
24 and me and my sister we just talked. Then all of a
25 sudden we hear a gunshot. I still had Mr. Babe

TAMMY DEASE PARKER -- DIRECT EXAMINATION 130

1 McColl's phone in my hand. And I look out the door
2 and I realized Chris -- he was coming from my
3 grandmother's yard, because he didn't want to die
4 there. And some kind of way he got some strength
5 and got up, and he staggered over into my mother's
6 yard, and that's where he fell at. He fell
7 himself. And that's when I called 911 off of Mr.
8 Babe McColl's telephone.

9 Q. Did you call 911 then before you went outside?

10 A. Yes, ma'am, before I went outside I called 911
11 after I heard gunshot, somebody had been shot. But
12 when I realized that my cousin he had got shot ---

13 Q. How far is it from where you were looking out of
14 his door to where Chris was? You can say like if
15 you were there standing at Mr. McColl's doorway,
16 how far away would Chris have been?

17 A. I'd say --- No, it wasn't that far because Babe's
18 house and my grandmother's house is right there
19 together. So, I'd say right there.

20 Q. So real close?

21 A. Real close.

22 Q. When you looked out he was right there?

23 A. Yes, he was staggering out my grandmother's yard
24 toward my mama's house, because he did not want to
25 die. And he did not want to die in my

TAMMY DEASE PARKER - DIRECT EXAMINATION 131

1 grandmother's yard. And he got strength enough to
2 get up out of the bushes and crawl over there. And
3 he staggered into my mama's yard and fell on the
4 outside of her fence. And when he fell, that's
5 when his phone fell out of his hand. But I had
6 done called 911.

7 Q. And there is a fence ---

8 A. My mama got a fence.

9 Q. Your mama's house is pretty close to the street
10 also, isn't it?

11 A. Yes, ma'am.

12 Q. There's not a lot of yard between the house and the
13 street?

14 A. No, ma'am.

15 Q. But there is a fence there too?

16 A. Yes, he was on the outside of that fence.

17 Q. He didn't get in the fence. He just ---

18 A. No, ma'am, he never made it that far. He was on
19 the outside --- on the outside.

20 Q. Did he make it across the street?

21 A. He fell in front of my mama's gate.

22 Q. Right there at the edge of the roadway, but in the
23 yard?

24 A. Yes, ma'am, yes, ma'am.

25 Q. When you looked out, did you see any vehicles, or

TAMMY DEASE PARKER - DIRECT EXAMINATION 132

1 anybody out there?

2 A. No, ma'am, just his dog. And that's how I got bit
3 on my leg, because I picked up his cell phone --- I
4 guess he know that he loved his dog that good ---
5 Chris that good, and he was frightened or something
6 because Chris was hurt. So what he did when I
7 reached out and picked up Chris' cell phone the dog
8 bit me on my right leg, and I tried to run him off
9 my mama's house then.

10 Q. Okay. The dog was loose around Chris?

11 A. Yes, he had done got loose from Chris. Because
12 when we was standing in the street Chris had his
13 dog on a chain. He was holding him by the chain.
14 But when he got shot the dog got loose, and that's
15 how I got bit.

16 Q. You approached Chris' body.

17 A. Yes, ma'am.

18 Q. And at that point the dog bit you?

19 A. That's when the dog bit me.

20 Q. Where did the dog bite you?

21 A. On my right leg. He tore my whole pants leg. He
22 tore it up and ripped it up.

23 Q. But you were able to pick the cell phone up?

24 A. Yes, ma'am, I grabbed it, and that's when he bit
25 me.

TAMMY DEASE PARKER - DIRECT EXAMINATION 133

1 Q. Who else was out there when you went to see about
2 Chris?

3 A. Me and Jacobie.

4 Q. You and Jacobie Kenta?

5 A. Yes, ma'am.

6 Q. Did anybody else come up at that point?

7 A. The ambulance came and his daddy.

8 Q. They all arrived about the same time?

9 A. Yes, ma'am.

10 Q. And what happened with the dog?

11 A. Well, his daddy got the dog. He had got the dog.

12 Q. His daddy got the dog?

13 A. Yes, ma'am.

14 Q. And took him so that people could get to Chris?

15 A. Yes, ma'am.

16 Q. Was anybody able to approach Chris until his daddy
17 was able to get the dog?

18 A. Nobody around but me and Kenta. We was talking to
19 Chris, don't go to sleep, don't go to sleep. About
20 that time his father came and maintained the dog.
21 And then the ambulance come, and police after I had
22 told them several times, because it was taking them
23 forever. Seemed like they didn't know where
24 Hudson Street was. So by that time his daddy had
25 come and maintained the dog. The ambulance also

TAMMY DEASE PARKER - DIRECT EXAMINATION 134

1 came. So it was me, the ambulance people, Kenta,
2 and the daddy.

3 Q. Okay. And police officers?

4 A. Yes, ma'am.

5 Q. And could you tell where Kenta --- excuse me, could
6 you tell where Chris had been shot?

7 A. No, ma'am, because he wasn't bleeding. He wasn't
8 showing no blood.

9 Q. You didn't see any blood?

10 A. No, he wasn't bleeding at all, no, ma'am.

11 Q. When you came out and the dog was all around him,
12 how was he when he fell, or when he went down on
13 the ground, how did he fall?

14 A. He fell this way, and he was stretched out where he
15 fell by my mama's fence. He was like stretched
16 out.

17 Q. On his back?

18 A. On his back, yes, ma'am.

19 Q. Okay. You already said you picked up his cell
20 phone. Did he have anything else on him?

21 A. No, ma'am, all that I had seen was the cell phone,
22 and he had the dog, but the dog was already loose,
23 had run loose by then.

24 Q. Okay. So the ambulance came and they took Chris to
25 the hospital?

TAMMY DEASE PARKER - DIRECT EXAMINATION 135

- 1 A. Yes, ma'am, they was looking at him and telling
2 everybody to back up and get from around him and
3 stuff. Because a lot of people in the neighborhood
4 was running up to him trying to be nosey and
5 everything. And so the ambulance was telling
6 everybody to back up, back up from him so they
7 could check him out because he was not bleeding on
8 the outside.
- 9 Q. Couldn't tell by looking at him what was wrong?
- 10 A. No, ma'am.
- 11 Q. But you had heard the shot?
- 12 A. Yes, ma'am, I know he had been shot, yes, ma'am.
13 The way he staggered from across out of my
14 grandmama's yard I know he was shot, because when I
15 looked at him he was not standing like that. He
16 was not walking like that.
- 17 Q. Okay. How long were you with him before you went
18 to take the phone call at Mr. McColl's house?
- 19 A. I was over there with him.
- 20 Q. I know. But how long were you over there with them
21 before you went over to take the phone call?
- 22 A. Well, about --- about thirty minutes.
- 23 Q. Y'all had been talking?
- 24 A. We had been talking and just, you know, hanging
25 out.

TAMMY DEASE PARKER - DIRECT EXAMINATION 136

1 Q. Hanging out. Okay. When the ambulance left what
2 did you do?

3 A. My mother was not home. And I told her when she
4 did finally come home I say, you wasn't home, and I
5 wasn't even able to take Chris to the hospital.
6 She told me that I could not move anyone.

7 MS. BROWN: Objection, Your Honor.

8 THE COURT: Hold on, hold on. And your objection
9 is?

10 MS. BROWN: Hearsay, Your Honor.

11 THE COURT: Don't say what anybody else said. You
12 can continue.

13 A. I told my mother when she came home --- she finally
14 arrived --- I told her that if she would have been
15 home I would have been able to save Chris. I would
16 have took him to the hospital. Because when he was
17 with me and Kenta he was still alive. He was still
18 breathing.

19 Q. Okay. So when he was in the yard, was he able to
20 talk at all?

21 A. No, ma'am, he couldn't say nothing, no, ma'am. He
22 couldn't say a word.

23 Q. But you could tell he was still breathing?

24 A. Yes, ma'am.

25 Q. But you didn't have a vehicle, right?

TAMMY DEASE PARKER - DIRECT EXAMINATION 137

- 1 A. No, ma'am, not at the time.
- 2 Q. And did Jacobie have a vehicle?
- 3 A. No, ma'am.
- 4 Q. And Chris didn't have a vehicle there?
- 5 A. No, ma'am.
- 6 Q. So there wasn't anyone there in the neighborhood
- 7 that was right around that had a vehicle?
- 8 A. No, ma'am.
- 9 Q. And your mother, Mary Dease, was not at home at the
- 10 time?
- 11 A. No, ma'am.
- 12 Q. Did you talk to law enforcement?
- 13 A. Yes, ma'am. Yes, I did, me and Kenta.
- 14 Q. All right. And y'all told them what you had seen?
- 15 A. Yes, ma'am.
- 16 Q. But you didn't actually give a written statement.
- 17 You just talked to them?
- 18 A. Yes, ma'am. I just told them about I hear gunshot,
- 19 and what took place with Chris coming out of my
- 20 grandmama's yard, staggering one sided to my mama's
- 21 yard. That's all I know.
- 22 Q. All right. I don't have any further questions. If
- 23 you'll answer any questions that Ms. Brown might
- 24 have for you.
- 25 **THE COURT:** Ms. Brown.

TAMMY DEASE PARKER - CROSS EXAMINATION

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CROSS EXAMINATION BY MS. BROWN

Q. Ms. Parker.

A. Yes, ma'am.

Q. You testified that on several occasions you heard gunshots. How many shots did you hear?

A. It was real quick. I don't know, two, one or two.

Q. And at the time that you heard the gunshots you were in someone else's home; is that correct?

A. Yes, ma'am.

Q. And you also indicated you did not see the vehicle.

A. No, ma'am, I didn't see none of that. I heard the shot.

Q. You at one point stated that you did not see any vehicles, nor did you see anyone out there.

A. No, ma'am, I didn't.

Q. Was Mr. Samuels out there?

A. Who?

Q. Mr. Samuels, was he out there?

A. No, he was not out there either.

Q. Thank you, no further questions.

THE COURT: Any redirect?

REDIRECT EXAMINATION BY MS. MUNNERLYN

Q. No question you were out there when the shot was fired.

A. Exactly.

ALBERT GARNER, SR. -- DIRECT EXAMINATION

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1 Q. And you were inside the house?

2 A. Yes, ma'am.

3 Q. You don't know who shot?

4 A. No, ma'am.

5 Q. But when you went inside Jacobie and Chris were
6 still there?

7 A. No, Kenta had went inside my mother's house.

8 Q. Okay. All right. I don't have any further
9 questions.

10 **THE COURT:** Anything further, Ms. Brown?

11 **MS. BROWN:** Nothing, Your Honor.

12 **THE COURT:** You may step down. Thank you. Call
13 your next witness.

14 **MS. MUNNERLYN:** Albert Garner.

15 **WHEREUPON, ALBERT GARNER, SR.**

16 **FIRST BEING DULY SWORN TESTIFIES AS FOLLOWS**

17 **CLERK OF COURT:** You may have a seat and state your
18 full name, please.

19 **MR. GARNER:** Albert Garner, Sr.

20 **DIRECT EXAMINATION BY MS. MUNNERLYN**

21 Q. Mr. Garner, where do you live?

22 A. Sawyer Street, Bennettsville, South Carolina.

23 Q. Okay. Where is Sawyer Street in relation to Hudson
24 Street?

25 A. Sawyer Street --- Marshall Street, you come down

ALBERT GARNER, SR. -- DIRECT EXAMINATION

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1 Marshall Street, you turn right on Railroad Avenue,
2 and you go to Sawyer. You can come down Marshall
3 Street and turn left and up.

4 Q. It's just a few blocks from your house. You can
5 get on Hudson within just a short period of time if
6 you leave your house?

7 A. Yes.

8 Q. Were you familiar with the short end of Hudson
9 close to the gin?

10 A. Yes.

11 Q. How far is that end of Hudson from your home?

12 A. How far it is?

13 Q. How far is it?

14 A. It's not far. I'd say probably four or five tenths
15 of a mile.

16 Q. All right. Now, who lives with you in your home at
17 Sawyer Street?

18 A. Just me and my wife now.

19 Q. Back in July of 2008, was anybody else living with
20 you?

21 A. Me and my wife and my son, one of my sons was
22 there.

23 Q. Okay. All right. Now, do you recall --- First of
24 all, do you know the Defendant, Kenwood Bright, or
25 do you know who the Defendant is?

ALBERT GARNER, SR. -- DIRECT EXAMINATION

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- 1 A. No.
- 2 Q. You don't personally know him?
- 3 A. No.
- 4 Q. But is he an acquaintance of your son?
- 5 A. Yes, my son know him.
- 6 Q. And were you at home on the evening of July 22nd of
- 7 2008?
- 8 A. Yes.
- 9 Q. Okay. Were you inside, or were you outside, do you
- 10 recall what you were doing?
- 11 A. I was sitting on my porch.
- 12 Q. Did anybody come up that evening?
- 13 A. Yes, a burgundy car pulled up behind my Expedition
- 14 and I didn't know the people. I asked my son who
- 15 was that. After they left he told me ---
- 16 **MS. BROWN:** Objection, hearsay.
- 17 **THE COURT:** Sustained.
- 18 Q. Don't tell us what your son said. He will testify
- 19 in a minute.
- 20 A. Okay.
- 21 Q. Let me show you what has been marked as State's
- 22 Exhibit 14, and see if you recognize that vehicle.
- 23 A. Yes.
- 24 Q. From where do you recognize that vehicle?
- 25 A. It pulled up in my yard.

ALBERT GARNER, SR. -- DIRECT EXAMINATION

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- 1 Q. It pulled up in your yard the night of the 22nd of
2 July in 2008?
- 3 A. Yes.
- 4 Q. Did you see who was in the car?
- 5 A. No, I couldn't see who was in the car. The car
6 pulled up behind my Expedition.
- 7 Q. Okay. Did anybody get out?
- 8 A. A gentleman got out.
- 9 Q. Okay. And what did the gentleman do?
- 10 A. Stood out there with my son in the yard and talked
11 with him.
- 12 Q. Okay. And did you recognize this person?
- 13 A. No.
- 14 Q. You didn't know him?
- 15 A. No, I didn't know him.
- 16 Q. Okay. Do you see him in the courtroom today?
- 17 A. Well, I can't say positive, yes, because I didn't
18 know him.
- 19 Q. Okay. Okay. But the vehicle you just identified,
20 the burgundy vehicle in the photo, is the vehicle
21 that pulled up in your driveway?
- 22 A. Yes.
- 23 Q. Okay. And a male got out?
- 24 A. Yes.
- 25 Q. Was the male who got out driving or was he a

ALBERT GARNER, SR. -- DIRECT EXAMINATION

143

1 passenger?

2 A. Driving.

3 Q. He was driving. You couldn't see in the car to see
4 if there were any passengers?

5 A. Well, when they back out and going down the road I
6 thought it was somebody else in there. Who is was,
7 I don't know.

8 Q. Okay. Did the man who got out, did he get back in
9 and drive, or did he get somewhere else in the car?

10 A. He got back under the steering wheel.

11 Q. Okay. All right. And you indicated that he spoke
12 with your son?

13 A. Yes.

14 Q. What's your son's name?

15 A. Edward.

16 Q. Edward. Okay. And your son was just standing in
17 the yard?

18 A. Yes.

19 Q. Okay. And you said that you were sitting on the
20 porch?

21 A. Yes.

22 Q. All right. And how long did the man driving the
23 burgundy vehicle stay at your house?

24 A. Two or three minutes. It wasn't long.

25 Q. All right. And you were still sitting on the

ALBERT GARNER, SR. -- DIRECT EXAMINATION

144

1 porch. Do you remember about what time it was?

2 A. No.

3 Q. Do you know whether or not you had had supper, was
4 it after supper, or before supper?

5 A. Well, it was over in the evening time. I mean ---

6 Q. It was in the evening time.

7 A. Yes, ma'am.

8 Q. Was it dark yet or was it still light?

9 A. It was still light.

10 Q. All right. And after the car left, what did you
11 do, did you stay on the porch, did you go inside,
12 what did you do?

13 A. I stayed on the porch for a little while and then I
14 went in.

15 Q. And when you went in, did anything in particular
16 happen which caused your attention?

17 A. Yes, I have a scanner. And I heard over the
18 scanner that driving the car had a shooting.

19 Q. And they were describing what car?

20 A. The burgundy Pontiac, burgundy and gray. And there
21 was a shooting on Hudson Street.

22 Q. Okay. And they were describing the burgundy ---
23 You're talking about the vehicle that had just been
24 to your house?

25 A. Well, that's the first thing that came to me.

ALBERT GARNER, SR. -- DIRECT EXAMINATION

145

1 Q. Okay. And when that came to your mind, what did
2 you do, if anything?

3 A. I said --- mentioned to my son.

4 Q. All right. You mentioned it to him. And did you
5 thereafter talk with anybody in law enforcement
6 about that?

7 A. Well, I talked to Chief McGill.

8 Q. Okay.

9 A. I told him the car had stopped by my house that
10 afternoon. And that's all I said, and Kenwood
11 Bright was driving the car. That's what my son
12 told me.

13 **MS. BROWN:** Objection, Your Honor, hearsay.

14 **THE COURT:** Sustained.

15 Q. Don't tell us what your son told you. He can
16 testify.

17 A. Okay.

18 Q. Do you know about how long it was between the time
19 the car left and the time you heard the call come
20 over the scanner about the shooting?

21 A. I'm not certain. It wasn't a very long time.
22 Probably, I guess, less than thirty minutes.

23 Q. Okay. Less than thirty minutes. But you didn't
24 have any conversation with the individual driving
25 the car?

ALBERT GARNER, SR. -- CROSS EXAMINATION

146

1 A. No, ma'am.

2 Q. And you didn't know him?

3 A. No, ma'am.

4 Q. How long did your son talk with him?

5 A. About two or three minutes.

6 Q. Okay. All right. Did you see that car or that man
7 again?

8 A. No, ma'am.

9 Q. Okay. I don't have any further questions. If you
10 would answer any questions that Ms. Brown might
11 have for you.

12 **THE COURT:** Ms. Brown.

13 **MS. BROWN:** Thank you, Your Honor.

14 **CROSS EXAMINATION BY MS. BROWN**

15 Q. Mr. Garner.

16 A. Yes, ma'am.

17 Q. Is it your testimony that you don't know Mr.
18 Bright; is that correct?

19 A. No, ma'am.

20 Q. And you had never seen before today; is that
21 correct?

22 A. No.

23 Q. You have not seen him before today; isn't that
24 correct?

25 A. I drove a school bus. Now, if I seen him I don't

ALBERT GARNER, SR. -- CROSS EXAMINATION

147

1 recall.

2 Q. But you can't sit here today and say that you have
3 seen Mr. Bright before today; isn't that correct?

4 A. Not that I can remember.

5 Q. You indicated that a burgundy Pontiac came to your
6 home. Was it in the evening time?

7 A. Yes, ma'am.

8 Q. Now, the Solicitor showed you a picture of a
9 vehicle. Is it your testimony that this is the
10 vehicle that came to your home?

11 A. Yes, it is.

12 Q. Or a vehicle similar that came to your house?

13 A. That's the vehicle.

14 Q. How would you be absolutely certain this is the
15 vehicle?

16 A. Because it's a Pontiac Bonneville, something like
17 that.

18 Q. I understand. But there are a lot of Pontiac
19 Bonneville's even this color, isn't it?

20 A. Yes.

21 Q. So are you certain that this is the vehicle in this
22 picture that came to your house on July 22nd?

23 A. The car that came to my house was that same color
24 exactly.

25 Q. So one similar to this; is that correct?

ALBERT GARNER, SR. - REDIRECT EXAMINATION

148

1 A. It was the same color that that one were.

2 Q. Now, when the shooting took place on Hudson Street
3 you weren't on Hudson Street; is that correct?
4 Where were you?

5 A. I was home.

6 Q. So you didn't see a shooting?

7 A. No.

8 Q. You didn't hear any guns, firing of gun?

9 A. I hear a gun. But you hear that all the time.

10 Q. I understand. Do you remember how many gunshots
11 you heard that particular day?

12 A. No, ma'am.

13 Q. And when the person that came to your house in the
14 burgundy car, Pontiac, do you know whether or not
15 it was a passenger? Do you know if that passenger
16 was a male or female?

17 A. No, ma'am.

18 Q. You don't know?

19 A. No, ma'am.

20 Q. I have no further questions.

21 THE COURT: Any redirect?

22 MS. MUNNERLYN: Just one, Your Honor.

23 REDIRECT EXAMINATION BY MS. MUNNERLYN

24 Q. Mr. Garner, the individual who was driving the
25 burgundy Pontiac Bonneville that night, you did not

EDWARD M. GARNER - DIRECT EXAMINATION

149

1 know that person, correct?

2 A. No, ma'am.

3 Q. But your son knew him?

4 A. Yes, ma'am.

5 Q. Okay. And you just can't positively identify that
6 person here today?

7 A. No, ma'am.

8 Q. But your son knows him?

9 A. Yes, ma'am.

10 Q. All right. I don't have any further questions.

11 **THE COURT:** Re-cross?

12 **MS. BROWN:** No, Your Honor.

13 **THE COURT:** You may step down. Thank you.

14 **MS. MUNNERLYN:** Your Honor, can this witness be
15 excused?

16 **THE COURT:** Any objections from the Defense?

17 **MS. BROWN:** No, Your Honor.

18 **THE COURT:** Sure. Call your next witness.

19 **WHEREUPON, EDWARD MARCUS GARNER**

20 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

21 **DIRECT EXAMINATION BY MS. MUNNERLYN**

22 Q. State your full name for the record.

23 A. Edward Marcus Garner.

24 Q. How old are you, Edward?

25 A. Thirty-one.

1 Q. How are you related to Albert Garner?

2 A. He's my father.

3 Q. And where do you live?

4 A. Sawyer.

5 Q. And that's here in Bennettsville?

6 A. Yes.

7 Q. And were you living there back on July 22nd, 2008?

8 A. Yes.

9 Q. And that's with your father?

10 A. Yes.

11 Q. Okay. And were you home that particular evening?

12 A. Yes.

13 Q. Let me ask you, do you know the Defendant, Kenwood
14 Bright?

15 A. Yes, ma'am.

16 Q. How long have you known him?

17 A. Maybe three or four years. I've been know the
18 person roughly three or four years, off and on.

19 Q. You've been knowing, but roughly three or four
20 years?

21 A. Yes.

22 Q. So you've known him for some period of time?

23 A. Yes.

24 Q. Okay. And do you recall what you were doing that
25 evening?

EDWARD M. GARNER - DIRECT EXAMINATION

151

- 1 A. Just standing around in the yard.
- 2 Q. Was anybody standing around with you?
- 3 A. Yes, ma'am, Fred Pratt.
- 4 Q. Fred Pratt?
- 5 A. Yes.
- 6 Q. Okay. And was your father at home?
- 7 A. Yes.
- 8 Q. Where was he?
- 9 A. He was sitting on the porch.
- 10 Q. But you were in the yard?
- 11 A. Yes.
- 12 Q. All right. What were you and Fred doing?
- 13 A. Just standing out there talking.
- 14 Q. Okay. And at any point, did you see the Defendant,
- 15 Kenwood Bright?
- 16 A. Yes, ma'am.
- 17 Q. Where did you see him?
- 18 A. He came to the house.
- 19 Q. He came to the house?
- 20 A. Yes.
- 21 Q. All right. And how did he get there?
- 22 A. He drove a maroon looking and silver car.
- 23 Q. Maroon and silver?
- 24 A. Yes.
- 25 Q. I'm going to show you what has been marked as

EDWARD M. GARNER - DIRECT EXAMINATION

152

- 1 State's Exhibit 14, and see if you recognize that
2 vehicle.
- 3 A. Yes.
- 4 Q. Okay. And where do you recognize that vehicle
5 from?
- 6 A. It was the vehicle that he was driving.
- 7 Q. That the Defendant, Kenwood Bright, was driving?
- 8 A. Yes, ma'am.
- 9 Q. And you said he was driving it?
- 10 A. Yes.
- 11 Q. Okay. Was anyone in the vehicle with him?
- 12 A. It was like --- well, to me it looked like it was a
13 female, had her hair up on her head. I'd say it
14 was a female.
- 15 Q. Okay. Did the other person get out of the vehicle?
- 16 A. No.
- 17 Q. Where were they sitting in the car?
- 18 A. In the passenger.
- 19 Q. Front?
- 20 A. Front, yes.
- 21 Q. Front seat, passenger side?
- 22 A. Yes.
- 23 Q. Okay. Was anybody else in the car?
- 24 A. Not that I know of.
- 25 Q. Not that you could see?

EDWARD M. GARNER - DIRECT EXAMINATION

153

1 A. Yes.

2 Q. And so when the Defendant drove up in his car, what
3 did he do?

4 A. He got out and spoke and stayed around maybe about
5 five or ten minutes, and he was gone.

6 Q. Okay. Do you recall what you talked about?

7 A. Not much of nothing, just checking on everybody,
8 seeing how people was doing. He asked Fred how his
9 mother was doing, and after that he just left.

10 Q. Okay. Now, when he left, did he leave in the same
11 vehicle?

12 A. Yes.

13 Q. Who was driving when he left?

14 A. He was driving.

15 Q. Now, are you familiar with the short end of Hudson
16 Street toward the gin?

17 A. Yes, ma'am.

18 Q. Okay. And about how far would it take for you to
19 drive, from where you were staying there with your
20 dad on Sawyer Street, to the short end of Hudson
21 Street?

22 A. Probably about maybe three minutes, if that long.

23 Q. Okay. All right. And after he left, what did you
24 do, anything?

25 A. No.

EDWARD M. GARNER - DIRECT EXAMINATION

154

1 Q. Did you stay in the yard?

2 A. Yes.

3 Q. And did anything happen after that?

4 A. Are you talking about ---

5 Q. Did your dad call your attention to anything
6 suspicious after that?

7 A. He had went in the house and he came back out.
8 When he came back out he was saying something about
9 a name came across the scanner that somebody had
10 got shot. He had went in the house, and he got a
11 scanner, and he heard something came across the
12 scanner, came back out and told that somebody got
13 shot. And that was it.

14 Q. And did the vehicle match the one that Kenwood was
15 driving?

16 A. Yes, the description that they gave.

17 Q. About how long was that in between the time that he
18 left and time you had this conversation with your
19 dad about the call over the scanner?

20 A. Right around maybe about --- I'd say probably about
21 maybe five or ten minutes or so, something like
22 that.

23 Q. Okay. Was Kenwood looking for anyone in particular
24 when he came by your house?

25 A. No.

EDWARD M. GARNER - CROSS EXAMINATION

155

1 Q. Okay. But no question he was the one driving the
2 vehicle in the photo you've already identified?

3 A. Yes.

4 Q. Did you hear any gunshots before that scanner had
5 that call?

6 A. No, ma'am.

7 Q. But you were still just hanging out in the yard
8 with Fred Pratt?

9 A. Yes.

10 Q. Okay. I don't have any further questions. If you
11 would answer any questions that Ms. Brown might
12 have.

13 THE COURT: Cross?

14 MS. BROWN: May we approach?

15 THE COURT: Sure.

16 (Whereupon a bench conference was held in the
17 presence of the Jury, but outside the hearing of the
18 Jury.)

19 THE COURT: Members of the Jury, if you will just
20 sit there and relax for a minute. We are waiting on one
21 piece of paper and then we will proceed. Just relax.

22 CROSS EXAMINATION BY MS. BROWN

23 Q. Mr. Garner, isn't it true that in 2002, you were
24 convicted of forgery?

25 A. Yes.

EDWARD M. GARNER - CROSS EXAMINATION

156

1 Q. Is it also true that in 2006, you were convicted of
2 selling drugs?

3 A. Yes.

4 Q. And in July of 2008, were you employed?

5 A. In 2008?

6 Q. July of 2008, when you saw Mr. ---

7 A. No.

8 Q. You were not employed?

9 A. No.

10 Q. Were you selling drugs at that time?

11 A. No.

12 **MS. MUNNERLYN:** Objection, Your Honor.

13 **THE COURT:** Sustained.

14 Q. Isn't it common to hear gunshots in that
15 neighborhood?

16 A. No, well, it is, but not at that part where I'm at.

17 Q. Not on Sawyer Street?

18 A. Yes.

19 Q. Not on Sawyer Street.

20 A. Yes.

21 Q. What about Hudson Street?

22 A. Yes.

23 Q. Gunshots all the time?

24 A. No, I ain't going to say all the time. Doesn't
25 happen all the time.

EDWARD M. GARNER - CROSS EXAMINATION

157

1 Q. Most of the time?

2 A. I ain't going to say it like that either.

3 Q. So is it common to hear gunshots on Hudson Street?

4 A. Yes.

5 Q. Thank you. Now, you did not see the person that
6 shot Mr. Dease; is that correct?

7 A. Correct.

8 Q. According to your testimony, you didn't even hear
9 the gunshots; is that correct?

10 A. Yes, correct.

11 Q. Now, did Mr. Bright stop at your house based on
12 your request?

13 A. No, ma'am.

14 Q. You had not spoke to him prior to him getting
15 there?

16 A. No.

17 Q. And you only had an exchange of words and then he
18 left; is that correct?

19 A. That's it.

20 MS. BROWN: One second, Your Honor.

21 (PAUSE.)

22 MS. BROWN: Your Honor, I have no further
23 questions.

24 THE COURT: Any redirect?

25 MS. MUNNERYLYN: Just one, Your Honor.

REDIRECT EXAMINATION BY MS. MUNNERLYN

Q. In fact, there are other areas in the City where it is not uncommon to hear gunshots. Would you agree it is not limited to the Hudson Street area, is it?

A. No.

Q. No, ma'am.

MS. MUNNERLYN: I don't have any further questions.

THE COURT: Thank you. You may step down.

MS. MUNNERLYN: Your Honor, can this witness please be excused?

THE COURT: Any objections from the Defense?

MS. BROWN: None.

THE COURT: Sure.

WHEREUPON, JACOB ROBINSONFIRST BEING DULY SWORN TESTIFIES AS FOLLOWS

CLERK OF COURT: Have a seat please and state your full name.

MR. ROBINSON: Jacob Robinson.

DIRECT EXAMINATION BY MS. MUNNERLYN

Q. You are Jake Robinson?

A. Yes, ma'am, Jacob Robinson.

Q. I'm going to get you to scoot your chair up a little bit, but not too close.

A. Yes, ma'am.

Q. Mr. Robinson, where do you live?

JACOB ROBINSON - DIRECT EXAMINATION

159

- 1 A. Shady Rest Park.
- 2 Q. Shady Rest Park. How long have you lived there?
- 3 A. About forty-five years.
- 4 Q. How old are you now?
- 5 A. Ma'am?
- 6 Q. How old are you now?
- 7 A. Seventy-one.
- 8 Q. Okay. Do you know the Defendant, Kenwood Bright?
- 9 A. Yeah, I seen him.
- 10 Q. You've seen him?
- 11 A. Yes.
- 12 Q. How often ---
- 13 A. He live not too far from me. He live across the
- 14 bridge there from me.
- 15 Q. Oh, okay. He lives not too far from where you
- 16 live?
- 17 A. About as far as from here over there to Mr. Bo
- 18 Berry.
- 19 Q. From here over to Mr. Bo Berry, about half of a
- 20 block?
- 21 A. Yes.
- 22 Q. Okay, so about a half a block?
- 23 A. Something like that.
- 24 Q. Okay. So you've known him for quite sometime, have
- 25 you not?

JACOB ROBINSON - DIRECT EXAMINATION

160

1 A. Yes, Lord, been knowing him for a pretty good
2 while.

3 Q. For several years actually; isn't that right?

4 A. Probably longer than that.

5 Q. Longer than that?

6 A. Yes.

7 Q. Now, tell me did you have an occasion to see
8 Kenwood on July 22nd of 2008.

9 A. To tell the truth, I just can't remember was it in
10 July or not. I can't think that fast.

11 Q. Okay. All right. Well, the day of the shooting
12 incident, do you recall him coming by your house
13 that day?

14 A. Yes, he came by there. Came on the porch.

15 Q. Came on your porch?

16 A. Yes, and I seen through the screen door.

17 Q. How did he get there, was he walking, driving,
18 riding a bike?

19 A. He was --- a car was in my yard, but I didn't look
20 out to see who was driving the car.

21 Q. But he came there in a car?

22 A. Yes, he come in a car.

23 Q. Do you recall what the car looked like?

24 A. The car was kind of reddish looking. What do you
25 call it? Maroon color, red, or some color.

JACOB ROBINSON - DIRECT EXAMINATION

161

- 1 Q. Okay. I'm going to show you what's been marked as
2 State's Exhibit 14, and see if you recognize what's
3 in that photo.
- 4 A. It was a car just like that. It might have been
5 the same car now.
- 6 Q. Okay.
- 7 A. Because I didn't pay it that much attention..
- 8 Q. I got you. A car just like that.
- 9 A. Just like that one, yeah.
- 10 Q. It could have been that car?
- 11 A. It could have been that car, could have been that
12 car.
- 13 Q. He came in that car, but you don't know whether he
14 was driving?
- 15 A. I couldn't exactly tell you if he was driving.
- 16 Q. Okay. Now, what were you doing when he came by?
- 17 A. Fixing my supper.
- 18 Q. So you're in your kitchen fixing supper? You were
19 in your kitchen cooking?
- 20 A. Yes.
- 21 Q. And you said earlier that he came onto your porch?
- 22 A. He come as far as the porch.
- 23 Q. He didn't come in the house?
- 24 A. No, ma'am.
- 25 Q. Did you go out on the porch?

JACOB ROBINSON - DIRECT EXAMINATION

162

1 A. No. If I had went on the porch, then I could have
2 seen what kind of car, and whoever was in the car.

3 But I didn't see nobody in the car.

4 Q. You didn't see anybody in there?

5 A. No.

6 Q. You weren't really paying attention to who was
7 coming and going?

8 A. No, I wasn't paying that much attention.

9 Q. All you know is that car was in the yard when he
10 got there?

11 A. Yeah.

12 Q. And it left when he left?

13 A. When he left, the car left.

14 Q. What now?

15 A. When he left, the car left. So he must have come
16 in the car.

17 Q. Okay. He left in the car, right?

18 A. Yeah, he do.

19 Q. Okay, okay. What did he come by your house for?

20 A. Well, he come by there to question a few things.
21 But the deal that he told that I sold him some
22 liquor, and I didn't sell him no liquor.

23 Q. You sometimes sell people some liquor?

24 A. Ma'am?

25 Q. You sometimes sell people or provide people with

JACOB ROBINSON - DIRECT EXAMINATION

163

1 some liquor?

2 A. No, I don't sell it.

3 Q. You don't sell it?

4 A. No, I don't sell it. I drink too much to sell it.

5 You can't sell liquor and drink liquor too. You

6 would go in a hole.

7 Q. Sometimes you give people some liquor?

8 A. Yes.

9 Q. Okay. Okay. How long was he at your house?

10 A. He wasn't there too long, because I couldn't

11 understand --- somebody called him.

12 Q. He had a cell phone?

13 A. He had to have one for somebody to call him. They

14 told him something, and then he got in a rush and

15 took off.

16 Q. Okay.

17 A. So I didn't question him about nothing.

18 Q. All right. He got the phone call while he was on

19 your porch?

20 A. Yes, ma'am, just come off the step and got on the

21 porch.

22 Q. Okay. And what was his reaction to the phone call?

23 A. He acted like it was --- something --- I don't know

24 what the somebody want. He acted like ---

25 Q. He acted like it was ---

JACOB ROBINSON - DIRECT EXAMINATION

164

- 1 A. He acted like he started getting nervous.
- 2 Q. Okay. Started getting nervous?
- 3 A. Yes.
- 4 Q. Started getting nervous?
- 5 A. Yes, but I don't know what was behind that now.
- 6 Q. Okay. And then he was gone?
- 7 A. He was gone. Him and the car both.
- 8 Q. Him and the car. He was in it?
- 9 A. He had to be in it. He couldn't leave it in the
- 10 yard.
- 11 Q. Do you know whether he was driving?
- 12 A. I couldn't tell you whether he was driving or not.
- 13 Q. Okay. But he and the car left your yard?
- 14 A. When he left, the car left, unless they had it tied
- 15 to a pulley.
- 16 Q. Okay. All right. And you don't know who the phone
- 17 call came from or anything?
- 18 A. No, ma'am, I sure really don't.
- 19 Q. Okay. Now, let me ask you about one other thing.
- 20 Three to four weeks before this happened --- Now,
- 21 you're familiar with the fact that Kenwood had been
- 22 shot, aren't you?
- 23 A. Ma'am.
- 24 Q. You're familiar with the fact that Kenwood had been
- 25 shot?

JACOB ROBINSON - DIRECT EXAMINATION

165

1 A. Yes.

2 Q. Okay. And you had had some conversation with --

3 A. -- We was talking and he tell me ---

4 MS. BROWN: Objection, Your Honor.

5 THE COURT: Hold on one second. What grounds?

6 MS. BROWN: Hearsay.

7 MS. MUNNERLYN: This is the defendant, Your
8 Honor. He is a party opponent.

9 THE COURT: Any response to that?

10 MS. BROWN: Your Honor, I'll just say it was
11 hearsay.

12 THE COURT: Overruled. Continue.

13 A. So he tell me, say --- I must be ---

14 Q. Okay. I need for you to talk real clear so the
15 Court Reporter can understand you. He said what
16 now?

17 A. He's tired of toting lead in him.

18 Q. Tired of toting lead in him?

19 A. Yes.

20 Q. A bullet?

21 A. Yes.

22 Q. Okay. The bullet is still in his body?

23 A. Yeah.

24 Q. And what did he say about that?

25 A. He was going to put that lead in somebody else

JACOB ROBINSON - DIRECT EXAMINATION

166

1 instead of him.

2 Q. He was going to put lead in somebody else?

3 A. Yeah, but he didn't tell me who the somebody was
4 now.

5 Q. Didn't say who it was?

6 A. No.

7 Q. Okay. And your understanding of that statement was
8 that he was going to shoot somebody?

9 A. Well, that's the only way to get lead in them.

10 Q. Okay.

11 MS. BROWN: Objection, Your Honor.

12 THE COURT: I'll sustain that objection.

13 Q. What was your understanding, what did that mean
14 when he said that?

15 A. What, put the lead in them?

16 Q. Right.

17 A. It mean going to shoot somebody.

18 Q. Okay. And he told you this at your house?

19 A. Yes, ma'am.

20 Q. When he came by your house sometime before this
21 shooting?

22 A. Yes, about three weeks before this happened.

23 Q. Okay. But he didn't say ---

24 A. He didn't say who it was going to be now.

25 Q. He didn't say what?

JACOB ROBINSON - DIRECT EXAMINATION

167

1 A. He didn't say who it was going to be.

2 Q. Okay. I don't have any more questions for you, Mr.
3 Robinson.

4 A. Ma'am?

5 Q. I don't have any more questions.

6 A. Okay.

7 Q. You've got to answer any questions Ms. Brown might
8 have. Okay?

9 A. Okay.

10 (Whereupon, a bench conference was held in the
11 presence of the Jury, but out of the hearing of the
12 Jury.)

13 THE COURT: Do, y'all, need a break, or are,
14 y'all, okay? If anybody needs a break, raise your hand,
15 how about that? Why don't y'all go back there and take
16 a ten minute break.

17 Again, do not talk about the case, don't discuss
18 the case. We will be at ease for ten minutes.

19 (Whereupon, the Jury exits the courtroom at
20 3:20 p.m.)

21 (Whereupon, a brief recess was taken from 3:20
22 p.m. until 3:30 p.m.)

23 (Whereupon, the Jury is returned to the
24 courtroom at 3:31 p.m.)

25 THE COURT: All right, Ms. Brown.

JACOB ROBINSON - CROSS EXAMINATION

168

1 MR. JONES: Your Honor, I think I'm going to ask
2 the questions of this witness.

3 THE COURT: All right.

4 CROSS EXAMINATION BY MR. JONES

5 Q. Hello, Mr. Robinson, my name is Rick Jones. I want
6 to ask you a couple of questions please, sir. Tell
7 me where is Shady Rest Park.

8 A. You want to know where it's at?

9 Q. I do.

10 A. Do you know where the old hospital used to be, the
11 old one here?

12 Q. I'm afraid I don't. About how far away is it from
13 the courthouse?

14 A. It would be about a mile. Might be just about a
15 mile and quarter.

16 Q. Do you know where Hudson Street is?

17 A. Yeah.

18 Q. How far away is it from Hudson Street?

19 A. It's a good ways from Hudson Street, because Hudson
20 is this way, and Shady Rest is this way.

21 Q. Okay. And you've lived there for forty something
22 years.

23 A. More than forty some years, right.

24 Q. Now, Mr. Robinson, as I understood it, you give
25 liquor away at your house; is that right?

JACOB ROBINSON - CROSS EXAMINATION

169

- 1 A. A few times.
- 2 Q. Okay. Is it homemade or store bought?
- 3 A. No, store bought. I ain't got no boot-leg liquor.
- 4 Q. And you know Mr. Bright?
- 5 A. He lives out the back of me.
- 6 Q. And he's been to your house?
- 7 A. Yes.
- 8 Q. Once, twice?
- 9 A. About four or five times.
- 10 Q. All right. Has he gotten some of this free liquor
- 11 every time he comes to your house to visit?
- 12 A. No, sir.
- 13 Q. He comes to visit sometimes?
- 14 A. Yeah.
- 15 Q. The day you were speaking about earlier, what day
- 16 was it?
- 17 A. I just can't remember.
- 18 Q. What month was it?
- 19 A. I can't remember none of it.
- 20 Q. What year was it?
- 21 A. I believe it was in 2008, something like that.
- 22 Q. Winter, summer, spring, fall?
- 23 A. It was in the summertime.
- 24 Q. So back in the summer of 2008, he came to your
- 25 house one time. Was that the only time he had been

JACOB ROBINSON - CROSS EXAMINATION

170

1 there?

2 A. No, he's been there two or three times in 2008.

3 Q. Were they all during the summer?

4 A. Huh?

5 Q. Every time he came to your house in 2008, was it
6 during the summer?

7 A. Yes, sir.

8 Q. The day that you spoke of earlier when you saw a
9 reddish car, had you seen that car before?

10 A. Yes, seen it a few times.

11 Q. Had you ever seen anybody driving that car?

12 A. A few times, but I don't exactly know who was
13 driving it.

14 Q. Had that car ever been at your house before?

15 A. I wouldn't say, yeah, --- I know the last time, and
16 I ain't seen it no more. I think he did that time.

17 Q. The last time you saw Mr. Bright you saw that car;
18 is that what you're saying?

19 A. Well, I seen Mr. Bright, but I really don't know he
20 was driving that car. He could have been driving
21 it.

22 Q. Was that the only time that car came to your house?

23 A. No, sir, I don't think so. I believe it's been
24 there two or three more times.

25 Q. Has anybody else ever got out of that car?

JACOB ROBINSON - CROSS EXAMINATION

171

1 A. No, sir.

2 Q. Did you ever see Mr. Bright driving that car?

3 A. Yeah, I seen him driving a few times.

4 Q. Where?

5 A. Coming through going home.

6 Q. Coming through where?

7 A. From up there by where he live at, down the hill.

8 Q. When was that?

9 A. That was --- I believe the same year 2008.

10 Q. Summertime, spring time, do you remember?

11 A. Yeah, I remember.

12 Q. I may not have asked the question correctly. Did
13 you see it during the spring of 2008, or the summer
14 of 2008?

15 A. It was hot, in the summertime.

16 Q. And you saw him in that car more than once?

17 A. Yeah.

18 Q. All right. Now, let me ask you again, this day
19 that we're talking about that Ms. Munnerlyn was
20 asking you about ---

21 A. Yes, sir.

22 Q. You don't know what month it was or what day it
23 was?

24 A. I can't remember what month it was or day, because
25 I wasn't keeping up, you know, with months and

JACOB ROBINSON - CROSS EXAMINATION

172

1 dates.

2 Q. That day that we're talking about, whenever it was,
3 did Mr. Bright get some of your free liquor?

4 A. No, sir.

5 Q. He did not?

6 A. No.

7 Q. I think you said there was a telephone call and he
8 left?

9 A. The telephone call, and he got like nervous, and
10 took off.

11 Q. Do you know what time of day it was?

12 A. Like first night. Sometime back in the summertime.
13 It be about eight or nine o'clock before it get
14 night. Not like in the wintertime. I'd say about
15 seven or eight o'clock.

16 Q. Did you see him after that?

17 A. No, I didn't see him after.

18 Q. Now, the free liquor that is on our porch, can
19 anybody come and get it?

20 A. There ain't no free liquor on my porch.

21 Q. I'm sorry. I thought you said you give away liquor
22 on your porch?

23 A. No, man, I don't give it.

24 Q. Did I misunderstand that?

25 A. Sealed liquor, not creek.

JACOB ROBINSON - CROSS EXAMINATION

173

1 Q. It was sealed liquor, it wasn't creek liquor; is
2 that what you said?

3 A. It was sealed whiskey from out of the liquor store.

4 Q. I misunderstood you. I thought people came and got
5 it off the porch.

6 A. No, no, no.

7 Q. You don't know what Mr. Bright was doing at your
8 house that day, do you?

9 A. Not exactly.

10 Q. You didn't get a chance to talk to him?

11 A. No.

12 Q. He could have been coming for some liquor?

13 A. Could have been.

14 Q. All right. Did you drink much of that liquor?

15 A. Yeah, I drink every once in awhile.

16 Q. Every night?

17 A. No, sir.

18 Q. Every other night?

19 A. Sometimes I drink a little bit on the weekend or
20 what.

21 Q. How about during the summertime when it's hot?

22 A. Well, I get out cutting grass and different things
23 working.

24 Q. How about that evening we're talking about right
25 now, had you been drinking any then?

MICHELLE KNIGHT - DIRECT EXAMINATION

174

1 A. No, no, no.

2 Q. Hadn't had a touch?

3 A. I have to cut the grass in the yard.

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

5 THE COURT: Redirect?

6 MS. MUNNERLYN: I don't have any further questions
7 of Mr. Robinson, Your Honor. May he be excused?

8 THE COURT: Any objections?

9 MR. JONES: None from the defense,
10 Your Honor.

11 THE COURT: You're free to go.

12 MR. ROBINSON: Thank you, sir.

13 THE COURT: Call your next witness.

14 MS. MUNNERLYN: Michelle Knight.

15 WHEREUPON, MICHELLE KNIGHT

16 FIRST BEING DULY SWORN TESTIFIES AS FOLLOWS

17 CLERK OF COURT: Take a seat please and state your
18 name for the record.

19 MR. KNIGHT: Michelle Knight.

20 DIRECT EXAMINATION BY MS. MUNNERLYN

21 Q. You are Michelle Knight?

22 A. Yes, I am.

23 Q. Okay. Where do you live, Ms. Knight?

24 A. I'm so crazy --- my mind just left me. Buttercup
25 Drive in Hamlet.

MICHELLE KNIGHT - DIRECT EXAMINATION

175

- 1 Q. Where were you living in July of 2008?
- 2 A. Lackey.
- 3 Q. Lackey Street in Hamlet, North Carolina?
- 4 A. Right.
- 5 Q. And you're still living in Hamlet, North Carolina?
- 6 A. Yes.
- 7 Q. Okay. And now, you know the Defendant, Kenwood
- 8 Bright, don't you?
- 9 A. Yes.
- 10 Q. Okay. And how do you know him?
- 11 A. I met him through my daughter.
- 12 Q. And who is your daughter?
- 13 A. Victoria.
- 14 Q. Victoria Knight?
- 15 A. Yes.
- 16 Q. Okay. And what was her relationship with Kenwood
- 17 Bright?
- 18 A. They were dating.
- 19 Q. They were dating. And when was this? Do you
- 20 recall when they started dating?
- 21 A. March of '08, I believe.
- 22 Q. March of '08. And they dated until around July of
- 23 '08?
- 24 A. Yes.
- 25 Q. Okay. How often did you see him during that time

MICHELLE KNIGHT - DIRECT EXAMINATION

176

- 1 frame between March and July of 2008?
- 2 A. About five times, I think.
- 3 Q. And at that time was Victoria living with you?
- 4 A. Yes.
- 5 Q. At your home there on Lackey Street in Hamlet?
- 6 A. Yes.
- 7 Q. And how old is Victoria?
- 8 A. She's 23.
- 9 Q. 23. So at that time she was 21?
- 10 A. Yes, she just had a birthday so, yes.
- 11 Q. You said Kenwood --- Did he come to your house when
- 12 you saw him those four or five times?
- 13 A. Yes.
- 14 Q. So every time you saw him was generally when he was
- 15 at your house?
- 16 A. Yes.
- 17 Q. With Victoria?
- 18 A. Yes.
- 19 Q. How did he normally get to your house?
- 20 A. Victoria.
- 21 Q. Victoria would bring him?
- 22 A. Yes.
- 23 Q. Now, Victoria had a car.
- 24 A. Yes.
- 25 Q. And it was in her name, right?

MICHELLE KNIGHT - DIRECT EXAMINATION

177

1 A. Yes.

2 Q. Okay. I'm going to show you what has been marked
3 as State's Exhibit 14, and see if you recognize
4 that vehicle.

5 A. That's it.

6 Q. That's the car?

7 A. Yes, ma'am.

8 Q. And who owned that vehicle?

9 A. Victoria.

10 Q. Your daughter, Victoria, is the owner of this
11 maroon Pontiac Bonneville?

12 A. Burgundy.

13 Q. Okay. And she had that car from March of '08,
14 through July of '08, while she was seeing Kenwood
15 Bright?

16 A. Yes.

17 Q. And I also want to show you State's Exhibit Number
18 20 and 21, and see if you recognize those.

19 A. Yes, that's where I live.

20 Q. Those pictures are of where you were living at that
21 time?

22 A. Yes, ma'am.

23 Q. And do they accurately reflect that home at that
24 time?

25 A. Yes.

MICHELLE KNIGHT - DIRECT EXAMINATION

178

1 Q. Okay.

2 MS. MUNNERLYN: Your Honor, I would move to admit
3 State's Exhibits 20 and 21 at this time.

4 THE COURT: Any objections?

5 MS. BROWN: No objection.

6 THE COURT: All right. 20 and 21 are in evidence.

7 WHEREUPON, STATE'S
8 EXHIBITS NUMBER 20 AND 21
9 ARE MARKED AND ADMITTED
10 INTO EVIDENCE WITHOUT
11 OBJECTION.

12 Q. Now, let's --- Victoria was living with you. Was
13 she working?

14 A. Yes.

15 Q. Where was she working?

16 A. KFC.

17 Q. Was she doing anything else, school, or anything
18 like that?

19 A. She was going to school and work.

20 Q. She had already graduated from high school and was
21 going to a technical college, or something?

22 A. RCC.

23 Q. RCC, Richmond Community College?

24 A. Yes.

25 Q. Okay. And so she was supporting herself?

MICHELLE KNIGHT - DIRECT EXAMINATION

179

1 A. Yes.

2 Q. She had the vehicle you've already testified to?

3 A. Yes.

4 Q. And then she began seeing Kenwood Bright?

5 A. Yes.

6 Q. Do you recall the evening of July 22nd of 2008, when
7 Victoria came to your house that night?

8 A. Vaguely.

9 Q. Okay. When she came to your house that night, who
10 was with her?

11 A. Kenwood.

12 Q. Kenwood?

13 A. Yes.

14 Q. Okay. The Defendant, Kenwood Bright?

15 A. Yes.

16 Q. Okay. And were they in her vehicle, traveling in
17 her vehicle?

18 A. Yes.

19 Q. Do you know who was driving when they got to your
20 house?

21 A. No.

22 Q. Did she always drive, or did you ever see him drive
23 her car?

24 A. She always drove.

25 Q. Okay. So far as you saw she always drove the car?

MICHELLE KNIGHT - DIRECT EXAMINATION

180

- 1 A. I think I seen him drive a couple of times.
- 2 Q. You saw him drive a couple of times?
- 3 A. Yes.
- 4 Q. And so when they came to your house that night, was
- 5 it just the two of them?
- 6 A. Yes.
- 7 Q. Okay. There wasn't anybody else with them?
- 8 A. No.
- 9 Q. And when they came in, what did they do?
- 10 A. The first time or the second time? They came
- 11 twice.
- 12 Q. Okay. Tell us about the first time.
- 13 A. They come in, changed clothes, and left back out.
- 14 Q. Okay.
- 15 A. They talked a little bit. Changed clothes and then
- 16 they left.
- 17 Q. Okay. And about what time was that?
- 18 A. I can't remember. It was the early part of the
- 19 day.
- 20 Q. Okay. Early?
- 21 A. Early.
- 22 Q. Morning time?
- 23 A. I can't remember.
- 24 Q. They changed clothes and they left?
- 25 A. Yes.

MICHELLE KNIGHT - DIRECT EXAMINATION

181

1 Q. And they were gone for a period of time?

2 A. Yes.

3 Q. And was your daughter working at that time?

4 A. She was on vacation.

5 Q. She was on vacation from her job?

6 A. Yes.

7 Q. And then left and were gone for a period of time.

8 And you say they came back a second time the same
9 day?

10 A. Yes, later on in the evening.

11 Q. And when they came the second time, what did they
12 do?

13 A. I was in the bedroom. I just heard them in there.
14 I really don't know what they did then.

15 Q. But you knew they were there?

16 A. Yes, she come and spoke to me.

17 Q. Okay. Did anyone shower, or change clothes, or
18 anything like that, that you know of?

19 A. Not that I know of at that time.

20 Q. Okay. But the two of them were together once
21 again?

22 A. Yes.

23 Q. And she had a --- at that time she had a bedroom
24 that was hers in your house?

25 A. Yes.

MICHELLE KNIGHT - DIRECT EXAMINATION

182

- 1 Q. Okay. Did anyone else share the bedroom with her?
- 2 A. No.
- 3 Q. It was purely her bedroom?
- 4 A. Yes.
- 5 Q. With her stuff in there?
- 6 A. Yes.
- 7 Q. Were you aware that he also had some clothing
- 8 there?
- 9 A. No.
- 10 Q. You did not know. If it was there it was in her
- 11 room?
- 12 A. Right.
- 13 Q. All right. And did they go in her room that night?
- 14 A. I don't remember.
- 15 Q. You were in your bedroom.
- 16 A. Right.
- 17 Q. Do you remember how long they were there?
- 18 A. No.
- 19 Q. Was it a short period of time, were they there all
- 20 night?
- 21 A. They wasn't there all night, because I had got up
- 22 about twelve and they were gone.
- 23 Q. About twelve midnight and they were gone?
- 24 A. Yes.
- 25 Q. Do you know where they went?

MICHELLE KNIGHT - DIRECT EXAMINATION

183

- 1 A. Not at that time, no.
- 2 Q. But you found out later they went somewhere else?
- 3 A. Right.
- 4 Q. Okay. And this was on the evening of July 22nd.
- 5 Did you talk with your daughter again in the next
- 6 day or so?
- 7 A. Yes.
- 8 Q. How did that happen?
- 9 A. Detective come by the house the night of the ---
- 10 Q. A detective from here, from Bennettsville?
- 11 A. Yes.
- 12 Q. Came to your home?
- 13 A. Yes.
- 14 Q. And spoke with you about the shooting incident?
- 15 A. Right.
- 16 Q. And your daughter, did she have a cell phone at the
- 17 time?
- 18 A. Yes.
- 19 Q. And did you attempt to contact her?
- 20 A. Yes.
- 21 Q. And did you learn where they were?
- 22 A. Yes, after calling a few times when she finally
- 23 picked up.
- 24 Q. Okay. So you called and initially she would not
- 25 answer her phone?

MICHELLE KNIGHT -- DIRECT EXAMINATION

184

1 A. Right.

2 Q. Okay. But then she finally picked up and you
3 learned where they were?

4 A. Yes.

5 Q. Where were they?

6 A. High Point.

7 Q. High Point. Do you know why they were in High
8 Point, or who they went to see in High Point?

9 A. A friend of hers.

10 Q. She has a friend who lives in High Point. Okay.
11 And when you spoke with her, were they at the
12 friend's house, or do you know?

13 A. Yes.

14 Q. They were.

15 A. Yes.

16 Q. All right. And did you advise her that law
17 enforcement was asking about her and wanted to talk
18 to her?

19 A. Yes.

20 Q. Okay. And what was the conversation with her?

21 A. I just told her what was going on and that she
22 needed to come home as soon as she could.

23 Q. Okay. And she didn't indicate anything to you at
24 that time, did she?

25 A. She just said that she was coming.

MICHELLE KNIGHT - DIRECT EXAMINATION

185

1 **MS. BROWN:** Objection, Your Honor, hearsay.

2 **THE COURT:** Sustained.

3 **Q.** Don't testify to what she said. She'll testify
4 shortly. Did you also cooperate with law
5 enforcement as far as the search of your home?

6 **A.** Yes.

7 **Q.** I'm going to show you what's marked as State's
8 Exhibit 24, and see if you recognize that document.

9 **A.** Yes.

10 **Q.** Is that your signature?

11 **A.** Yes, it is.

12 **Q.** And this is, in fact, the consent to search that
13 you signed for law enforcement to search your home?

14 **A.** Yes.

15 **Q.** And you signed that on July 23rd of 2008?

16 **A.** Yes.

17 **Q.** Isn't that the date that's on it right here?

18 **A.** Yes, it is.

19 **MS. MUNNERLYN:** Your Honor, I would move to admit
20 State's Exhibit 24 in evidence.

21 **THE COURT:** Any objection?

22 **MS. BROWN:** No, Your Honor.

23 **THE COURT:** Number 24 is in evidence.

24 **WHEREUPON, STATE'S EXHIBIT**

25 **NUMBER 24 ARE MARKED AND**

1 ADMITTED INTO THE EVIDENCE

2 WITHOUT OBJECTION.

3 Q. Once you had signed this consent to search, law
4 enforcement began to search your home; correct?

5 A. Yes.

6 Q. Okay. Your daughter had not indicated anything,
7 you didn't know anything about this incident, did
8 you, the shooting?

9 A. No. The law enforcement had told me the situation.

10 Q. Other than what law enforcement had advised you of,
11 you weren't aware of the situation?

12 A. No.

13 Q. All right. And a search was conducted of your
14 home?

15 A. Yes.

16 Q. And there was an item found within your home;
17 correct?

18 A. Yes.

19 Q. Okay. And, in fact, it was a gun?

20 A. Yes.

21 (PAUSE.)

22 Q. I'm going to show you what has been marked as
23 State's Exhibit 23. Do you recognize that?

24 A. Yes.

25 Q. From where do you recognize that?

MICHELLE KNIGHT - DIRECT EXAMINATION

187

- 1 A. It was found in my house.
- 2 Q. That is, in fact, a gun?
- 3 A. Yes.
- 4 Q. And you said it was found at your house?
- 5 A. Yes.
- 6 Q. Was that your gun?
- 7 A. Oh, no.
- 8 Q. Did anyone in your house own this gun?
- 9 A. No.
- 10 Q. Were you aware that it was in your house?
- 11 A. No.
- 12 Q. So when did you learn that that gun was in your
- 13 house?
- 14 A. When the detective found it.
- 15 Q. Okay. And so far as you know it did not belong to
- 16 anyone who lived at your home?
- 17 A. Oh, no.
- 18 Q. You've had this conversation with Victoria and she
- 19 indicated she was coming home; correct?
- 20 A. Yes.
- 21 Q. And that was sometime on the 23rd?
- 22 A. Yes.
- 23 Q. Okay. Do you know where Kenwood was at that time?
- 24 A. No, I don't.
- 25 Q. You just had a conversation with her?

MICHELLE KNIGHT - DIRECT EXAMINATION

188

1 A. Yes.

2 Q. Now, you and her father are separated; correct?

3 A. Divorced.

4 Q. But he also lives in the Hamlet area?

5 A. Yes, he does.

6 Q. Okay. And he also was attempting to contact her?

7 A. Yes.

8 Q. And ultimately she was picked up and arrested in
9 High Point; correct?

10 A. Yes.

11 MS. MUNNERLYN: Court's indulgence just one moment.

12 (PAUSE.)

13 Q. I don't have anymore questions for you, Ms.

14 Knight. If you would answer any questions that Ms.
15 Crayton has for you.

16 A. All right.

17 THE COURT: Ms. Brown.

18 CROSS EXAMINATION BY MS. CRAYTON

19 Q. Ms. Knight, I think you testified that Mr. Bright
20 had been in your home, you had seen him in your
21 home five times. Four or five times; is that what
22 you said?

23 A. In a week's time.

24 Q. Oh, per week?

25 A. Yes.

MICHELLE KNIGHT - DIRECT EXAMINATION

189

- 1 Q. So you saw him about five times per week?
- 2 A. Yes.
- 3 Q. Let's see, you said they had been dating since
- 4 March to July. How many times do you think you saw
- 5 him in your home?
- 6 A. About five times a week.
- 7 Q. Okay. That's a lot.
- 8 A. Yeah, he was there a lot.
- 9 Q. Okay. He was there a lot. So over thirty ---
- 10 probably over fifty times, you think?
- 11 A. Yes.
- 12 Q. Okay.
- 13 A. A lot.
- 14 Q. So he spent a lot of time at your house?
- 15 A. Yes.
- 16 Q. And he was always there with Victoria?
- 17 A. Yes.
- 18 Q. Okay. And you don't know when this gun was put in
- 19 Victoria's room?
- 20 A. No, I don't.
- 21 Q. And she never told you when he put it in the room
- 22 or anything like that?
- 23 A. No.
- 24 Q. And he visited your home very often?
- 25 A. Yes.

MICHELLE KNIGHT - DIRECT EXAMINATION

190

1 Q. And do you think you've seen Mr. Bright, over the
2 course of their relationship, more than a hundred
3 times?

4 A. I just say more than fifty. It was a lot.

5 Q. It was a lot.

6 A. Yes.

7 Q. But you don't have any personal knowledge of when
8 this gun was placed in your home, you had no idea
9 it was there?

10 A. No.

11 Q. Okay. And you don't have any knowledge of the
12 death of Mr. Dease?

13 A. No.

14 Q. No.

15 MS. CRAYTON: Court's indulgence, Your Honor.

16 (PAUSE.)

17 Q. Ms. Knight, do you think it is possible that the
18 gun could have been placed in your home in say
19 March?

20 MS. MUNNERLYN: Objection, calls for speculation.

21 THE COURT: Sustained.

22 MS. CRAYTON: No further questions.

23 THE COURT: Redirect?

24 MS. MUNNERLYN: No questions, Your Honor.

25 THE COURT: You may step down. Any objections to

THE STATE V KENWOOD BRIGHT

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1 this witness being excused?

2 MS. BROWN: No, Your Honor. May we approach, Your
3 Honor, before we begin?

4 THE COURT: Sure.

5 (Whereupon, a bench conference was held in the
6 presence of the Jury, but out of the hearing of the
7 Jury.)

8 THE COURT: All right. Members of the Jury, we
9 are going early today because we have a bunch of
10 witnesses to be here at 9:30 in the morning. And we're
11 going to try to knock them out and move through
12 tomorrow. So you are excused.

13 Again, do not talk about the case at all among
14 yourselves. The first thing people are going to ask you
15 when you get home is what happened, tell me about it.
16 Tell them you are under a Court Order and that you
17 cannot talk about it until it's over. Then you can do
18 whatever you want. But until then do not talk about the
19 case. All right. The Jury is excused.

20 (Whereupon, the Jury is excused for the day at
21 4:18 p.m.)

22 THE COURT: All right. We will be in recess until
23 9:30 in the morning.

24 (Whereupon, day two of trial ends at 4:20 p.m.
25 on Tuesday, March 9, 2010.)

THE STATE V KENWOOD BRIGHT

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1

--- END OF DAY TWO OF THE TRIAL ---

EUREKA ZIMMERMAN - DIRECT EXAMINATION

193

1 (Whereupon, Court comes to order at 9:40 a.m.
2 on Wednesday, March 10, 2010.)

3 -- DAY THREE OF TRIAL --

4 **THE COURT:** Ms. Munnerlyn, are you ready?

5 **MS. MUNNERLYN:** Yes, Your Honor.

6 **THE COURT:** Ms. Brown, are you ready?

7 **MS. BROWN:** Yes, Your Honor.

8 **THE COURT:** Please bring out the Jury.

9 (Whereupon, the Jury enters the courtroom at
10 9:44 a.m.)

11 **THE COURT:** Call your next witness.

12 **MS. MUNNERLYN:** Thank you, Your Honor. I'll call
13 Eureka Zimmerman to the stand.

14 **WHEREUPON, EUREKA ZIMMERMAN**

15 **FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS**

16 **MS. MUNNERLYN:** This witness has had surgery
17 recently, and indicates she is going to have difficulty
18 sitting. If she could stand?

19 **THE COURT:** Sure. Good morning.

20 **MS. ZIMMERMAN:** Good morning.

21 **DIRECT EXAMINATION BY MS. MUNNERLYN**

22 Q. State your full name for the record.

23 A. Eureka Renee Zimmerman.

24 Q. I'm going to need you to speak up real loud so the
25 Court Reporter can take it down, and so everybody

EUREKA ZIMMERMAN - DIRECT EXAMINATION

194

- 1 can hear.
- 2 A. Eureka Renee Zimmerman.
- 3 Q. Okay. Eureka, do you live here in Marlboro County?
- 4 A. Yes, ma'am.
- 5 Q. Okay. Where do you live?
- 6 A. I live on Aires Street, Bennettsville, South
- 7 Carolina.
- 8 Q. ---
- 9 A. Aires.
- 10 Q. Aires Street here in Bennettsville?
- 11 A. Un-huh.
- 12 Q. You need to answer yes or no, okay, for The Court
- 13 Reporter, because she can't take down an uh-huh or
- 14 huh-huh.
- 15 A. Okay.
- 16 Q. Okay. Do you know the victim in this case, Chris
- 17 Dease?
- 18 A. Yes, ma'am.
- 19 Q. Okay. How do you know him?
- 20 A. From the same neighborhood. I went to school with
- 21 him. We grew up in the same neighborhood and I
- 22 went to school with him.
- 23 Q. Okay. Are y'all close to the same age?
- 24 A. Should be. I'm 25. He should be either 24 or 25.
- 25 Q. Okay. All right. Now, do you also know Kenwood

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1 Bright?

2 A. I don't know him. I know of him.

3 Q. Okay. You know of him. But you're not
4 acquaintances, or friends, or anything with him?

5 A. No, ma'am.

6 Q. Okay. All right. And how long have you known him,
7 or known of him?

8 A. Oh, I just seen him around here and there. I
9 believe about five or six years maybe.

10 Q. Okay. But you've known Chris Dease most of your
11 life?

12 A. Yes, ma'am.

13 Q. Is there any relation, blood relation, between you
14 and Chris Dease?

15 A. We're not close kin, but it somewhere down the
16 line.

17 Q. Okay. Like cousins?

18 A. Yes.

19 Q. Okay. All right. And are you familiar with Mary
20 Dease and where she lives on Hudson Street?

21 A. Yes, ma'am.

22 Q. Okay. And you're familiar with the fact that she's
23 Chris' aunt?

24 A. Yes, ma'am.

25 Q. Okay. And does your sister or some family member

1 of yours live close to her?

2 A. No, my sister live on Jennings.

3 Q. Okay. But it's just around the corner from where
4 Ms. Dease lives on Hudson?

5 A. Yes, ma'am.

6 Q. All right. Do you sometimes go over to where ---

7 MS. BROWN: Objection, Your Honor. The Solicitor
8 is testifying for her. My objection is that is a
9 leading question.

10 MS. MUNNERLYN: I'll rephrase the question.

11 THE COURT: Thank you.

12 Q. Now, where does your sister live?

13 A. My sister live on Jennings, Jennings Street.

14 Q. Okay. And where specifically is it in relation to
15 Mary Dease's home?

16 A. It's probably across the street. I'd say across
17 the street.

18 Q. But her house is on which street?

19 A. Hudson.

20 Q. Mary Dease's house is on Hudson. But your sister's
21 house is on Jennings?

22 A. On Jennings. It's an intersection. Jennings is
23 here and Hudson you go across and back up.

24 Q. Jennings crosses Hudson?

25 A. Yes, all like an intersection.

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1 Q. Okay. And where is your sister's house in relation
2 to that intersection?

3 A. My sister's house is here, Mary's house is here.

4 Q. Okay. All right. So is it on the corner, or is it
5 down the street?

6 A. It's on the corner.

7 Q. On the corner of Jennings and Hudson?

8 A. Yes, ma'am.

9 Q. So how many doors down would you say, if you were
10 going to say, there were two, or three, or five
11 houses?

12 A. Two. There's a house right there at the corner.
13 Hers is right behind it.

14 Q. So there's two houses in between the two?

15 A. Yes, ma'am.

16 Q. Okay. All right. And were you down there at your
17 sister's house the night before this particular
18 shooting?

19 A. Yes, ma'am, I was there both days.

20 Q. You were there on July 21st of 2008, and July 22nd?

21 A. Yes, ma'am.

22 Q. Okay. Did anything in particular happen on July
23 21st of 2008?

24 A. I remember the car coming and they was shooting ---
25 I don't know what it was about. All I know is I

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1 heard some shots. One of the shots hit a fence
2 right beside my sister's house. And there was
3 certain person told --- the person that was doing
4 the shooting why ---

5 MS. BROWN: Objection, Your Honor.

6 THE COURT: Hold on one second.

7 Q. You can't tell us what somebody else has said.

8 A. I heard a voice say ---

9 Q. You can't tell us what the statement was.

10 A. Anyway, it was a shooting, and they was like, you
11 know.

12 MS. BROWN: Objection, Your Honor.

13 THE COURT: Sustained.

14 A. Can I say what I want to say and leave?

15 Q. You can but ---

16 A. The bottom line is ---

17 THE COURT: Hold on one second.

18 MS. BROWN: Objection.

19 THE COURT: Sustained. What you have got to do is
20 just answer her questions. Just relax and take your
21 time and answer her questions.

22 Q. You're fine. Just take a deep breath. Okay. Can
23 you tell me what the car looked like?

24 A. It was a burgundy and gray looking car. It was
25 mostly burgundy, but it had like a little bit of

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1 gray on it. I thought it was a Sun-Fire but come
2 to find out it was a Buick. So I put Sun-Fire and
3 Buick on my statement.

4 Q. Okay. So this vehicle that you were describing was
5 there on the night of July 21st?

6 A. Yes, ma'am.

7 Q. And did you know who was driving the vehicle?

8 A. Not at first I didn't, until the shooting behind
9 the house. When I saw the person, it was him
10 shooting behind the house.

11 Q. Who is him?

12 A. Kenwood Bright. And the night of --- when Chris
13 got killed, the person that was shooting out of
14 that car was Kenwood Bright. And there was a girl
15 on the passenger side, which she's back there in
16 the same room that I just left. Bottom line, he
17 did what he did and he know it.

18 **MS. BROWN:** Objection, Your Honor.

19 **THE COURT:** Sustained.

20 Q. Let's slow down and I'll ask you a few questions.
21 Okay. All right. So the vehicle that was there
22 that did the shooting along the path on July 21st
23 that you've already described, is that the same or
24 a different vehicle?

25 A. Same car.

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1 Q. The same car as the one that came the following
2 night?

3 A. Yes.

4 Q. I'm going to show you what's been marked now as
5 State's Exhibit 14, and see if you recognize what's
6 in that photo.

7 A. That's the car.

8 Q. That's the car?

9 A. Yes.

10 Q. From where?

11 A. From the night before and the night of the
12 shooting.

13 Q. Okay. All right. And let's move then to --- you
14 said the night of the --- the first night when
15 there was some shooting down the path ---

16 A. Yes, behind my sister's house it's a path behind
17 her house, and there was some shooting. I don't
18 know what it was about and I really don't care,
19 because I'm hurting and I want to go home. But it
20 was a shooting. The person that was shooting that
21 night was Kenwood Bright.

22 Q. All right. And where were you when the shooting
23 along the path ---

24 A. In my sister's yard on Jennings Street.

25 Q. Okay. And how far from where you were in your

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- 1 sister's yard was the path?
- 2 A. From here to the Jury.
- 3 Q. From there to --- Just ten to fifteen feet?
- 4 A. Walk-way there and there is a path, you know.
- 5 Q. All right. Was anyone hit that night?
- 6 A. No, just the fence. It hit some kind of fence. I
- 7 heard it bounce.
- 8 Q. Okay. So the following night then, were you there
- 9 again at your sister's house?
- 10 A. Yes, ma'am.
- 11 Q. And this was on July 22nd of 2008?
- 12 A. Yes, ma'am.
- 13 Q. Okay. Did you see Chris Dease that night?
- 14 A. Yes, ma'am.
- 15 Q. Okay. And where did you see him?
- 16 A. He was walking from Eddie Jones.
- 17 Q. He was walking from Eddie Jones?
- 18 A. Yes, the store.
- 19 Q. The store. Where is the store located?
- 20 A. On Jennings Street.
- 21 Q. On Jennings Street.
- 22 A. Yes, ma'am.
- 23 Q. About how far from your sister's house is Eddie
- 24 Jones on Jennings Street?
- 25 A. Probably about ten or fifteen feet.

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1 Q. Not far at all?

2 A. No.

3 Q. Okay. All right. Was anybody with Chris?

4 A. Yes, ma'am.

5 Q. Who was with him?

6 A. Kenta.

7 Q. Kenta Samuels?

8 A. Yes, ma'am.

9 Q. Okay. And what were they doing?

10 A. Just walking. They had just went to the store and
11 they was walking back from the store. We were
12 across the street from where they was walking, and,
13 you know, we spoke to each other, and they kept it
14 moving.

15 Q. And they kept going?

16 A. Yes, ma'am.

17 Q. Okay. All right. Where did they go?

18 A. They went on Hudson Street to their aunt's house.

19 Q. Around to Hudson to where their aunt's house was?

20 A. Yes, ma'am.

21 Q. And that would be Mary Dease's home?

22 A. Yes.

23 Q. Okay. Could you still see where they were from
24 where you were?

25 A. Yes, when they turned the corner I could still see

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1 Chris. I thought maybe Kenta went in the house or
2 something. He was, you know, further back.

3 MS. BROWN: Objection, Your Honor, speculating.

4 Q. Okay. You couldn't really see Jacobie from where
5 you were?

6 A. I could see Chris the whole time, but after they
7 turned the corner I couldn't see Kenta no more.

8 Q. Okay.

9 A. But I could see Chris.

10 Q. Okay. So from your sister's yard --- If you're
11 standing where your sister's yard, what can you see
12 down Hudson Street?

13 A. I can't see all the way down, but I can see from
14 the beginning of Hudson to maybe Mary's trailer.

15 Q. But do you have a full view of Mary's trailer?

16 A. No, hers is like back some. I could see the end of
17 the trailer, but I can't see the whole thing
18 because it's like it's cut. Chris was standing in
19 the middle of the road the whole time holding his
20 dog.

21 Q. Okay. He had his dog with him?

22 A. Yes, ma'am.

23 Q. And the dog, was it running free or was it ---

24 A. No, it was on a chain.

25 Q. Okay. All right. But you could see him then the

1 entire time?

2 A. Yes, I could see him.

3 Q. Okay. You weren't sure exactly where Kenta was?

4 A. No.

5 Q. But they had both walked together back around
6 there?

7 A. Yes, ma'am.

8 Q. Okay. All right. And as you were standing there,
9 did anything in particular happen?

10 A. Yeah, probably like ten or fifteen minutes this
11 burgundy and gray car pulled up. It was coming
12 down Jennings, and it turns on Hudson. He's on the
13 driver's side and this girl is on the passenger.

14 Q. Who is he?

15 A. Kenwood Bright.

16 Q. Okay.

17 A. They pulls up on Hudson and they stopped in front
18 of Mary's house where Chris is at. He's still
19 standing in the middle of the road. The car stops.
20 He walks up to the car but not all the way, you
21 know.

22 Q. When you're saying, he, you're referring to ---

23 A. Chris, Chris walks up kind of like two or three
24 steps and he --- I remember seeing him bending down
25 like, you know, you talked to somebody on the

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1 passenger side. But in a couple of seconds I heard
2 one shot. And when I heard the shot he fell back.
3 When he fell back he gets up. You know, he's on
4 the opposite side of the street where his aunt
5 lives at. He gets up and was holding his chest
6 right here. And he was walking. He had done let
7 the dog loose because he got shot. So he was
8 walking like this kind of. He was trying to make
9 it to his aunt's yard, you know, which is probably
10 like six or seven steps maybe. He did finally made
11 it half way to the yard and he fell again. And I
12 think that's when he died.

13 Q. Okay. All right. And where was the dog at that
14 point?

15 A. It was by --- it was there by him. He was chasing
16 people away. It wouldn't let nobody get to him.
17 My cousin tried to help him and it bit my cousin
18 right here. His name is Johnny Douglas. He got
19 bit right here because he was trying to help Chris.
20 But the dog wouldn't let nobody. Only time the dog
21 got calm is when Tony come, Chris' daddy.

22 Q. When Chris' daddy arrived he was able to catch the
23 dog?

24 A. He got the dog and that's when the ambulance and
25 everybody was able to help, you know.

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1 Q. Now, what happened to the car that Kenwood was in?

2 A. Oh, they took off.

3 Q. Okay. When did they take off?

4 A. After he made that shot. Whenever he shot him, he
5 took off.

6 Q. How many shots did you hear?

7 A. One.

8 Q. Okay. And in what direction did they take off?

9 A. They continued to go down Hudson and turned on
10 Spencer, you know. Then you can either go straight
11 on the dirt road or right on another little dirt
12 road. He turned on Spencer.

13 Q. When the car pulled up, and you said Chris was sort
14 of bending down toward the car, was there
15 conversation between them?

16 A. Like I told y'all, I ain't hear no arguing. I
17 ain't hear no fussing. I mean, I didn't know what
18 was going on. I thought it was a firecracker until
19 I saw him when he fell. Because it wasn't a real,
20 real loud like shot, but it was loud enough to
21 hear. I didn't hear no arguing. I didn't hear no
22 fussing. Only thing I heard was the shot and he
23 fell. And how I knew he was shot was when he got
24 up, you know, he was holding his chest with hand,
25 and holding his leg with the other one, and he was

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1 walking. When he got in his aunt's yard he fell
2 again.

3 Q. And this was in July. Do you recall what the
4 weather was like?

5 A. It was hot, summertime.

6 Q. Do you remember if it was still light outside?

7 A. It was beginning to get dark. It was like in
8 between around six o'clock. When he got shot it --
9 When the ambulance arrived it had got darker. It
10 was beginning to get dark.

11 Q. Beginning to get dark?

12 A. Yes.

13 Q. Okay. Were you aware --- Did you know about
14 anything about Kenwood getting shot three or four
15 months before this?

16 A. Yeah, at Little Carmel's house he had a shootout
17 with a guy named Shahan.

18 MS. BROWN: Objection, Your Honor.

19 THE COURT: Excuse me?

20 MS. BROWN: Personal knowledge. I think that's
21 speculation. She can ask foundation questions about how
22 she knows about this incident.

23 THE COURT: Any response?

24 Q. How do you know about it?

25 A. Because I usually go to Jarmel's every Thursday.

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1 Thank God, I didn't go that night. I forgot the
2 reason why I didn't go that night. But I was told
3 on the phone that ---

4 MS. BROWN: Objection, Your Honor.

5 THE COURT: Sustained.

6 Q. You can't tell us what somebody else told you.

7 A. Well, it's true. It happened.

8 MS. BROWN: Your Honor, she's testifying to this
9 because she doesn't have any personal knowledge. She
10 said she wasn't there that evening, no personal
11 knowledge. She can't testify to that because she wasn't
12 there.

13 THE COURT: So your objection is?

14 MS. BROWN: That she doesn't have personal
15 knowledge, speculation.

16 THE COURT: Any response, Solicitor?

17 MS. MUNNERLYN: Your Honor, I realize she wasn't
18 there. I'll ask another question.

19 THE COURT: All right. Sustained.

20 Q. What did you do after all this happened, that the
21 shooting had occurred and Chris had fallen?

22 A. We were going --- My sister was screaming and
23 everybody was hollering and screaming, and my
24 cousin went running up the street. He was like,
25 Chris just got shot, Chris just got shot.

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1 MS. BROWN: Objection, Your Honor, hearsay.

2 A. It's not hearsay. I was there.

3 THE COURT: Hold on one second. Any response,
4 Solicitor?

5 MS. MUNNERLYN: No, Your Honor.

6 Q. You can't tell us what anybody else said. Okay.

7 A. Well, my personal --- to make a long story short, I
8 was the first to dial 911 to make a long story
9 short.

10 Q. And did you go up to Chris?

11 A. Yeah.

12 Q. And were you able to actually get up to him?

13 A. No, I didn't want to touch him. I was standing,
14 you know, he was laying there and I was standing
15 right here looking. The bullet hole was right
16 here, and he was bleeding everywhere, and people
17 was hollering and screaming. If you picture it, it
18 is a sad sight.

19 Q. Okay. And when you saw him bending over before the
20 shot, did you see anything on him?

21 A. No, he had nothing. The only thing he had was his
22 dog. That's it.

23 Q. And where was the dog when he was leaning over?

24 A. He still had him in his hand. He wasn't all the
25 way bent over. He was just, you know, like when

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1 you talk to somebody. He was holding the dog and
2 he got shot. That's when he let go of the dog.

3 Q. Okay. So did you see any sort of weapon or
4 anything of that nature?

5 A. No, he didn't have nothing.

6 Q. Did you see the gun that was fired?

7 A. No. I seen a picture, but I can't tell you that's
8 the one. I don't know.

9 Q. About how far were you from where the car and Chris
10 were when the shot was fired?

11 A. I told you I was on the corner.

12 Q. If you're standing where you were that night, how
13 far in this courtroom away would the car and Chris
14 be?

15 A. Probably like the fourth row.

16 Q. Down the middle aisle from you the fourth row?

17 A. Yes.

18 Q. So a little further than half way down this
19 courtroom?

20 A. Yeah.

21 Q. And was there anything in between you and the
22 corner and Chris? Did you have a clear view, or
23 was there anything obstructing it?

24 A. No, it's like this house on the corner, but, you
25 know, you still can see because they was in the

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1 middle of the road. If they was over to the left a
2 little bit I probably couldn't have.

3 Q. But you could clearly see them where they were?

4 A. I'm not the only one. But like she said, they are
5 not here to testify, but, yeah, I seen it.

6 Q. Okay. Any question in your mind who was driving
7 that car that night?

8 A. Ma'am?

9 Q. Any question in your mind about who was driving
10 that car?

11 A. What do you mean?

12 Q. This car. Who was driving this car?

13 A. Kenwood Bright.

14 Q. And who was driving the car the night before?

15 A. Kenwood Bright. If that's his last name.

16 Q. Okay, Eureka, I don't have any more questions for
17 you. If you would answer any questions from
18 whomever at the Defense table has for you.

19 A. They need to make it quick. I'm hurting.

20 **CROSS EXAMINATION BY MS. BROWN**

21 Q. Good morning, Ms. Zimmerman.

22 A. Good morning.

23 Q. First, I want to start with the incident that took
24 place on the 21st of July, which would be the night
25 before Mr. Dease was shot. Okay. That particular

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1 incident --- Where were you again? You were at
2 your sister's house; is that correct?

3 A. Yes, ma'am.

4 Q. And how long were you at your sister's house before
5 you heard the shots?

6 A. In the summertime we stay there day and night, all
7 day and all night.

8 Q. You were there all day?

9 A. All day. And it was just beginning to get dark.
10 In the summertime it gets dark like 6:00 or 6:30.

11 Q. This particular day you were there all day. Do you
12 remember hearing any other gunshots that day?

13 A. No, ma'am.

14 Q. You stated that were you inside the house or
15 outside the house when you heard the gunshots on
16 the 21st?

17 A. Outside. If I was inside I wouldn't be able to
18 hear.

19 Q. Okay. You were outside?

20 A. Yes.

21 Q. Can you tell me if there was anyone outside with
22 you?

23 A. Yeah, but like you said, they are not here so ---

24 Q. Can you speak to me the names of those persons that
25 were outside with you on the 21st of July?

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1 A. It was a lot. It was me, my sister, my cousin, and
2 I've got three kids, and it was them three, and
3 she's got four, her four kids, my cousin's little
4 boy, my brother, and it was a bunch of people just
5 walking the strip back and forth.

6 Q. So at 10:30 p.m. all of you guys were outside?

7 A. Yeah, it's summertime and we're black.

8 Q. Okay. And you were outside on the 21st and there
9 was a car according to your statement --- let me
10 show you your statement.

11 **MS. BROWN:** May I approach the witness, Your Honor?

12 **THE COURT:** Sure.

13 A. I know what the statement say.

14 Q. Did you write this statement?

15 A. Yeah.

16 Q. Do you remember when you wrote this statement?

17 A. It has been two years ago. I don't remember the
18 exact date. Is there a date on it?

19 Q. It is dated for the 22nd of July.

20 A. Okay.

21 Q. Is that the date you wrote the statement?

22 A. Yes.

23 Q. And when you wrote this statement, it would have
24 been close to the time this incident occurred; is
25 that correct?

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1 A. It was the same night.

2 Q. The same night. So your memory would have been
3 better then than it is today; is that correct?

4 A. No, ain't nothing wrong with me. Nothing but my
5 butt hurts. That's it. Nothing wrong with my
6 brain.

7 Q. I am talking about your memory. Would it have been
8 better the day after the incident, or would it be
9 better today?

10 A. Either the day after or today, it don't matter.

11 Q. That's fine. As it relates to the day after the
12 incident you wrote this statement. And according
13 to you in this statement you say last night, which
14 was 7-21-08, around 10:30 p.m. Chris Dease walk
15 through the path behind Stubbs Funeral Home when a
16 burgundy Sun-Fire arrived. And then there was two
17 gunshots. One bullet hit the fence of the yard. I
18 was standing and then that's when the car left and
19 never came back. Is there any reason you didn't
20 indicate in this statement who fired those shots?

21 A. No, because they told me really not to put --- just
22 to wait to this day come.

23 Q. So it was not important enough to put the person
24 who fired the shots in this particular statement?

25 A. It could have been but ---

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1 Q. Is there any reason you didn't include the person's
2 name in your statement?

3 A. No, no reason. Maybe I thought --- They said don't
4 do it because people go through people's files.

5 Q. I understand. So let me continue with your
6 statement. It goes on: tonight, which is 7-22-08,
7 I was standing on the corner of Hudson Street when
8 Chris Dease and his cousin, Kenta, walked past.

9 A. I was standing on the corner of Jennings and
10 Hudson.

11 Q. I am reading the statement. That is not what the
12 statement says.

13 A. Are you sure?

14 MS. MUNNERLYN: Objection. If she wants to ask her
15 a question, not just read the statement.

16 A. Right. You don't need to read that. I wrote it.

17 THE COURT: If you'll just let Ms. Brown ask you a
18 question and then answer it. Do not interrupt her.

19 A. That's what I'm here for questions.

20 THE COURT: Continue.

21 MS. BROWN: Thank you, Your Honor.

22 Q. The statement indicates, tonight, which is 7-22-08,
23 I was standing on the corner of Hudson Street when
24 Chris Dease and his cousin, Kenta, walked past
25 leaving Jennings to go on Hudson. As Chris got to

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1 his destination a burgundy and gray Oldsmobile
2 arrived. They was talking about something.
3 Conversation must have got out of hand when I heard
4 a shot. I thought it was a firecracker. But as I
5 saw Chris Dease fall to the ground I noticed that
6 he had been shot. That's when the car took off
7 real fast. I don't know who was in the car.
8 That's when I ran for help. It either had to be
9 someone from the firepost or someone from up east.

10 A. He's from up east.

11 Q. Your statement that night, the day of the incident
12 you didn't have a clue who, in fact, fired that
13 shot. Isn't that correct?

14 A. I just put --- They told me don't put names.

15 Q. You wrote this.

16 A. They told me don't put names on my statement.

17 Q. But you wrote this statement. Isn't it true that
18 you wrote this statement?

19 A. I know what I saw and I know who shot the bullet.

20 THE COURT: When you ask a question, let her
21 answer it.

22 THE WITNESS: Exactly.

23 THE COURT: And when you finish answering it, then
24 you can ask another question. The Court Reporter can't
25 get everybody talking on top of each other.

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1 Q. Is there any reason why if you saw Mr. Bright ---

2 A. I told the police officers that ---

3 MS. BROWN: Your Honor, I have not finished asking
4 my question.

5 THE COURT: Go ahead and ask your question.

6 Q. Is there any reason if you saw Mr. Bright
7 definitely that day, that you didn't include it in
8 your statement?

9 A. I told the officers that came to pick me that it
10 was Kenwood Bright. They told me don't put none of
11 that on my paper, because people like y'all go
12 through it.

13 Q. I have another question. Is there any reason that
14 you indicate in this statement that you didn't know
15 who it was if you knew specifically who it?

16 A. I told them that night who it was. They asked me
17 and I said it was Kenwood Bright. They said, are
18 you sure, and I said yes. I don't know the girl
19 name. I just know the face.

20 MS. BROWN: Your Honor, ---

21 Q. Ms. Zimmerman, are you telling that this statement
22 is not true?

23 A. Yeah, the statement true. But the reason why I put
24 I didn't know is, because that at the time they
25 told me don't put names on the paper.

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1 Q. So the statement is not true, is what you're saying
2 today?

3 A. The statement is true. That's what you're saying.

4 Q. If the statement is true, if this statement is
5 true, that means that you don't know who did the
6 shooting. According to your statement you say, I
7 don't know who shot Mr. Dease.

8 A. That's what I put on the paper and ---

9 Q. Thank you. So you don't know who shot Mr. Dease?

10 THE COURT: All right, both of you are talking
11 over each other now. Ask a question, and you give an
12 answer.

13 A. Yes, I do know. On the statement that night
14 officers told me don't put no names. They asked me
15 did I know, and I told the officers I'm thinking
16 it's Kenwood Bright, which it was Kenwood Bright.
17 I told them it was another passenger but I didn't
18 who she was. And I don't know who she was.

19 Q. Ms. Zimmerman, you stated that you were at , I
20 believe, Jennings Street?

21 A.

22 Q Based on a map-quest and I'll just tell what
23 we came up with ---

24 MS. MUNNERLYN: Your Honor, I object. If she's
25 going to offer testimony and she's referring to map-

EUREKA ZIMMERMAN - CROSS EXAMINATION

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1 quest search, she can just ask the question.

2 A. Yes, I ain't got time for all that. My leg hurts.

3 THE COURT: Sustained. Hold on. Go ahead and ask
4 your question.

5 Q. If you were walking distance away from Jennings

6 ---

7 A. No. I was at Jennings.

8 MS. BROWN: Your Honor, I have not asked the
9 question.

10 A. But you keep saying the wrong thing. Don't put no
11 words in my mouth.

12 THE COURT: How about this? When I tap that rail
13 you answer the question. All right. Go ahead and ask
14 your question.

15 Q. Ms. Zimmerman, if you were to walk from
16 Jennings Street to Hudson Street, how long
17 would it take walking distance?

18 A. Seconds.

19 Q. Seconds. The night on the 21st of July, did you
20 contact law enforcement about that shooting?

21 A. No.

22 Q. Is it pretty common for gunshots to be on Hudson
23 Street?

24 A. Not really, unless someone from somebody else's
25 hood comes to our hood and tries to act a fool. So

EUREKA ZIMMERMAN - CROSS EXAMINATION

220

1 not from our hood basically.

2 Q. On Hudson Street there's not normally gunshots on
3 Hudson Street; is that correct?

4 A. Unless somebody else from another, you know ---

5 Q. Well, how often does someone from another ---

6 THE COURT: Let her finish answering the question.
7 Go ahead.

8 A. Unless somebody else from another, you know,
9 community or neighborhood comes shooting, yes. But
10 just the people who live on Hudson, no.

11 Q. Okay. How often do people from other neighborhoods
12 come to Hudson Street and shoot?

13 A. Not that often. It depends on, you know, what the
14 situation is about. I probably heard it probably
15 once since I been down there like six or seven
16 years. He's maybe the second.

17 Q. In six or seven years you've only heard gunshots
18 twice the entire time you've been down there?

19 A. Yes, on Hudson.

20 Q. Isn't it true that Hudson Street is known to be a
21 drug area?

22 A. I don't know, is it true?

23 MS. MUNNERLYN: Objection, Your Honor.

24 THE COURT: You don't need to answer. Sustained.

25 A. I don't know.

EUREKA ZIMMERMAN - CROSS EXAMINATION

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1 **THE COURT:** I said, don't answer it.

2 A. Oh, okay.

3 **THE COURT:** Ask your next question or rephrase it.

4 Q. Ms. Zimmerman, before today, how many times have
5 you seen Mr. Bright?

6 A. Like I said before, I seen various times, but I
7 don't know him. I know of him.

8 Q. Know of him.

9 A. I don't know nothing about that man. And I won't
10 be up here trying to give that man time for
11 nothing. That man know what he did. I don't know
12 why he ---

13 **MS. MUNNERLYN:** Objection.

14 **THE COURT:** Just answer her questions.

15 Q. Ms. Zimmerman, how many times have --- Have you
16 ever had a conversation with Mr. Bright?

17 A. No.

18 Q. Do you remember having a conversation with me on
19 Monday?

20 A. Yeah.

21 Q. Do you remember making a statement, and I think it
22 was, you didn't know Mr. Bright from Adam or Eve?

23 A. I don't know him know him from Adam or Eve. I know
24 of him. Like I don't know you from Adam or Eve.
25 But I just know who you are because I've been here.

EUREKA ZIMMERMAN -- CROSS EXAMINATION

222

1 Q. Do you remember making a statement to the effect,
2 before I let him walk, I'll make sure he goes to
3 jail?

4 A. No. I wish my sister was here. She was standing
5 right there when you said --- you put that in my
6 mouth. I say, no, I did not say that. You said,
7 so you're telling me you're going to make sure I --
8 - No, I did not say that. I said ---

9 Q. You ---

10 THE COURT: Hold on one second and let her answer
11 the question.

12 Q. Your Honor, she said no.

13 A. No, you put that in my mouth. And my sister, I
14 wish she was here now, because when we got home she
15 was like, why that lady put words in your mouth.
16 When we was walking down the hallway you said, so
17 you're telling me you're going to make sure. I
18 said, no, ma'am, I did not say I'm going to make
19 sure. I said he needs to go down the road. But I
20 can't make sure. It's up to the Judge. But that
21 man know what he did, and I don't know why he just
22 won't plead guilty and say, well, yeah, I did it,
23 because he did it.

24 MS. BROWN: Your Honor, I ---

25 THE COURT: That's enough. Go ahead and ask your

EUREKA ZIMMERMAN - CROSS EXAMINATION

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1 next question, if you would.

2 MS. BROWN: She had already answered the question
3 initially ---

4 THE WITNESS: That day --- words in my mouth.

5 THE COURT: Hold on, hold on, stop.

6 MS. MUNNERLYN: Your Honor, that was perfectly
7 responsive to what she asked. She asked about the
8 statement she made yesterday and she was making clear
9 what she had said.

10 THE WITNESS: Yeah, she put it in my mouth.

11 THE COURT: Hold on one second. I'll tell you
12 what we're going to do from here on out. I'm going to
13 point to you and you ask your question. When you're
14 through, I'm going to point to you. And then I'm going
15 to go back to you. I don't want anybody talking on top
16 of each other, or we're going to sit both of you down.
17 This is confusing and just arguing with each other and
18 we're not getting anywhere.

19 THE WITNESS: Well, she can't put words in my
20 mouth.

21 THE COURT: I understand. I'll let you answer it.
22 When it is time to stop, I'll let you know. All right.
23 Go ahead, Ms. Brown.

24 Q. I just have one other question. Ms. Zimmerman, you
25 initially in your statement on the 22nd, the day of

EUREKA ZIMMERMAN - CROSS EXAMINATION

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1 the incident, stated that on the 21st the car that
2 fired the shot at Mr. Dease was a burgundy Sun-Fire
3 and ---

4 A. That's what I was thinking.

5 **THE COURT:** Hold on one second. She hadn't
6 finished asking the question yet. Continue.

7 Q. But then later you specifically described the car
8 on the 21st that shot at Mr. Dease as a burgundy
9 Sun-Fire. You wrote this. And then later in your
10 statement on the 22nd you said, the car that was
11 involved was burgundy and gray Oldsmobile.

12 A. Because I was thinking ---

13 **THE COURT:** Hold on. Finish your question.

14 Q. My question is, is there any reason you described
15 the car differently?

16 A. Because I was --- Like I said, it was around 6:30
17 that day, and I remember seeing a burgundy and gray
18 car. I mean, you can't --- I can't actually see
19 what it say on the car, so that's why I said, well,
20 it could have been a Sun-Fire, or it could have
21 been an Oldsmobile. But come to find out it was
22 neither one. But the point is, the car was
23 burgundy and gray. That's what kind of car they
24 found, right? Burgundy and gray. That's the
25 bottom line.

EUREKA ZIMMERMAN - REDIRECT EXAMINATION

225

1 **THE COURT:** Any further questions?

2 **MS. BROWN:** One moment.

3 **THE COURT:** Sure.

4 **(PAUSE.)**

5 **MS. BROWN:** One other question, Your Honor.

6 **THE COURT:** All right.

7 Q. Ms. Zimmerman, if you're standing --- You were
8 standing at Hudson Street, which is about here,
9 and Hudson Street is about here, do you
10 remember which direction the car was faced?

11 A. Yeah, it was facing your way.

12 Q. This car is traveling in this direction?

13 A. We're on this side of the road though. Okay, say
14 this is Hudson where you're at. It's facing your
15 way, the way you turning.

16 Q. Thank you. So the car is traveling in the opposite
17 direction from where you were standing?

18 A. Yeah.

19 Q. Thank you. No further questions.

20 **THE COURT:** Any redirect?

21 **REDIRECT EXAMINATION BY MS. MUNNERLYN**

22 Q. But the car passed you before it went to Hudson?

23 A. Yeah. It had to pass me. I was on Jennings, it
24 passed me. I heard it --- I didn't think nothing
25 of it. Who's going to be looking, staring at a car

EUREKA ZIMMERMAN - REDIRECT EXAMINATION

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1 that's coming by. We didn't think nothing of it
2 until we heard the shot. That's what I'm saying.
3 Why should I be standing at the end of the road and
4 looking at every car like this, trying to see what
5 model, what the tag, and all. I mean, we didn't
6 know this was going to happen. Ain't nobody know
7 this was going to happen. I mean, I probably would
8 have had a picture camera or something, video tape,
9 or something.

10 Q. All right. She has questioned you about the
11 statement you gave. You didn't actually sign that
12 statement, did you?

13 A. No, ma'am.

14 Q. And that was given the night of the actual
15 shooting?

16 A. Yes.

17 Q. What was your emotional state?

18 A. I was scared and nervous. Can you imagine seeing
19 somebody getting shot? I mean, right in your face,
20 and he's laying there and blood, and asking for
21 help, and can't nobody help him? It's hard.

22 Q. So was this statement complete and have everything
23 in it?

24 A. Ma'am?

25 Q. So this statement ---

EUREKA ZIMMERMAN - RE-CROSS EXAMINATION

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1 A. Not really, I wanted to write more, but they told
2 me just don't worry about it. I was nervous and I
3 wanted to get home to my babies.

4 Q. So that's why you didn't finish it and why you
5 didn't sign it?

6 A. Yeah.

7 Q. I don't have any further questions.

8 **RE-CROSS EXAMINATION BY MS. BROWN**

9 Q. I do have a question, Ms. Zimmerman. Is it your
10 testimony that on the 21st at 10:30 p.m., a burgundy
11 car fired shot, and it's the same burgundy car that
12 came back on the 22nd?

13 A. Yes, because Chris ---

14 Q. You were not concerned --- but you were not
15 concerned at all.

16 **THE COURT:** Is that a question?

17 A. Concerned about what?

18 **THE COURT:** Hold on, hold on, hold on.

19 Q. You were not concerned that something may have
20 occurred that particular day, the 22nd?

21 A. Something may have happened earlier that day. I
22 don't know. I wasn't around for whatever happened
23 earlier. I was around when I heard that gunshot
24 and when it hit the fence.

25 Q. I guess my question is, if you saw that particular

EUREKA ZIMMERMAN - RE-CROSS EXAMINATION

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1 car at 10:30 p.m. the night before, and you heard a
2 gunshot that came from that car, and you saw that
3 car drive again the next day, why wouldn't you be
4 concerned?

5 A. Because --- I mean, who would have thought that he
6 was coming to kill somebody. I mean, we don't know
7 and ---

8 Q. But you ---

9 **THE COURT:** Ms. Brown, let her answer the
10 question.

11 A. I mean, I didn't know. Ain't nobody know what was
12 going on. Nobody. The only thing I remember is --
13 - he walked through the path. The car was
14 somewhere else. He got out and walked through the
15 path and started shooting or whatever. But the car
16 was on Jennings. I saw that same car the night
17 before and that same car when Chris died. That's
18 the bottom line.

19 **MS. BROWN:** Nothing further, Your Honor.

20 **THE WITNESS:** Thank you. I'm ready to go.

21 **THE COURT:** Anything further?

22 **MS. MUNNERLYN:** Nothing further, Your Honor. May
23 the witness please be excused?

24 **MS. BROWN:** No objection, Your Honor.

25 **THE COURT:** All right. You're excused. Thank

VICTORIA KNIGHT - DIRECT EXAMINATION

229

1 you.

2 **MS. MUNNERLYN:** Victoria Knight.

3 **WHEREUPON, VICTORIA KNIGHT**

4 **FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS**

5 **THE COURT:** Ms. Brown, and Solicitor, if y'all
6 would come up here real quick.

7 (Whereupon, a bench conference was held in the
8 presence of the Jury, but out of the hearing of the
9 Jury.)

10 **CLERK OF COURT:** Please have a seat in the witness
11 stand.

12 **DIRECT EXAMINATION BY MS. MUNNERLYN**

13 Q. State your full name for the record.

14 A. Victoria Knight.

15 Q. Okay. Victoria, I'm going to need you to speak up
16 real loud into the microphone so that The Court
17 Reporter can take down what you say, and so that
18 everybody in the courtroom can hear you. Okay?

19 A. Okay.

20 Q. And you have to answer either yes or no. You can't
21 do a uh-huh or huh-huh, or anything like that. The
22 Court Reporter can't take that down. Okay?

23 A. Okay.

24 Q. All right. Victoria, where do you live?

25 A. In Hamlet.

VICTORIA KNIGHT - DIRECT EXAMINATION

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- 1 Q. Okay. And were you living there back in 2008?
- 2 A. Yes, ma'am.
- 3 Q. Okay. And how old are you?
- 4 A. Twenty-three.
- 5 Q. Twenty-three. All right. And how did you come to
- 6 meet the Defendant, Kenwood Bright?
- 7 A. Through my best friend.
- 8 Q. Through your best friend. Where does your best
- 9 friend live?
- 10 A. She stays in Bennettsville.
- 11 Q. She stays here in Bennettsville?
- 12 A. Yes, ma'am.
- 13 Q. Okay. And when did you and he meet?
- 14 A. Two days after my birthday in March of '08.
- 15 Q. March of 2008?
- 16 A. Yes, ma'am.
- 17 Q. And did you and he develop a relationship?
- 18 A. Yes, ma'am.
- 19 Q. Okay. What sort of a relationship?
- 20 A. We was dating.
- 21 Q. You were dating?
- 22 A. Yes, ma'am.
- 23 Q. Okay. And when did you start dating?
- 24 A. Probably two weeks after my birthday.
- 25 Q. Two weeks after your birthday in March of 2008?

VICTORIA KNIGHT - DIRECT EXAMINATION

231

1 A. Yes.

2 Q. Okay. And you were living with who in Hamlet?

3 A. My mother.

4 Q. Your mother?

5 A. Yes, ma'am.

6 Q. Who's your mother?

7 A. Michelle Knight.

8 Q. She testified yesterday here in Court?

9 A. Yes, ma'am.

10 Q. Okay. And where in July of 2008, was your mother
11 living?

12 A. In Hamlet.

13 Q. On Lackey Street?

14 A. Yes, ma'am.

15 Q. Okay. And you were living there with her?

16 A. Yes, ma'am.

17 Q. And there were some other people living there in
18 your home with you and your mother?

19 A. Yes, ma'am.

20 Q. And you had your own bedroom in your mother's
21 house?

22 A. Yes, ma'am.

23 Q. Okay. And were you working?

24 A. Yes, ma'am.

25 Q. Where were you working?

VICTORIA KNIGHT - DIRECT EXAMINATION

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- 1 A. At KFC.
- 2 Q. Kentucky Fried Chicken?
- 3 A. Yes, ma'am.
- 4 Q. In Hamlet?
- 5 A. Rockingham.
- 6 Q. And were you in school or anything like that?
- 7 A. I had enrolled but the semester hadn't started.
- 8 Q. Okay. At RCC?
- 9 A. Yes, ma'am.
- 10 Q. All right. So you and Kenwood started dating a
- 11 couple of weeks after your birthday in March?
- 12 A. Yes, ma'am.
- 13 Q. How long did you and he date?
- 14 A. Probably about five months. It wasn't that long.
- 15 Q. All right. And he lived down here in Bennettsville
- 16 and you lived up there in Hamlet?
- 17 A. Yes, ma'am.
- 18 Q. How often would you see each other?
- 19 A. Almost every day.
- 20 Q. Just about every day. Tell me, did you have a
- 21 vehicle at that time?
- 22 A. Yes, ma'am.
- 23 Q. Okay. I'm going to show you what's been marked as
- 24 State's Exhibit 14. Do you recognize that vehicle?
- 25 A. Yes, ma'am.

VICTORIA KNIGHT - DIRECT EXAMINATION

233

1 Q. Where do you recognize that vehicle from?

2 A. It's my car.

3 Q. That's your car?

4 A. Yes, ma'am.

5 Q. And that a burgundy and gray Bonneville?

6 A. Yes, ma'am.

7 Q. Now, did you always drive when you and he were
8 together?

9 A. Sometimes he would drive.

10 Q. Sometimes he would drive?

11 A. Yes, ma'am.

12 Q. Okay. Well, did he come and stay with you at your
13 house some, or did you stay down here, or did y'all
14 ever ---

15 A. He would stay with me sometimes.

16 Q. He would?

17 A. Yes, ma'am.

18 Q. Did he have clothes at your house or anything like
19 that?

20 A. Yes, ma'am.

21 Q. He did?

22 A. Yes.

23 Q. Were you aware about Kenwood's injuries in regards
24 to a shooting where he was shot?

25 A. He had told me that he had got shot.

VICTORIA KNIGHT - DIRECT EXAMINATION

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- 1 Q. Okay. Did you know who shot him?
- 2 A. No, ma'am.
- 3 Q. Okay. You and he weren't together at that time?
- 4 A. No, ma'am.
- 5 Q. And the bullet was actually still causing him quite
- 6 a bit of trouble, was it not?
- 7 A. He told me it was.
- 8 Q. He told you it was?
- 9 A. Yes, ma'am.
- 10 Q. Okay. I need you to still speak up a little bit
- 11 louder. Okay? And when y'all came to
- 12 Bennettsville, were you familiar with
- 13 Bennettsville?
- 14 A. No, ma'am.
- 15 Q. Okay. When you came to Bennettsville, did he
- 16 generally drive?
- 17 A. Yes, ma'am.
- 18 Q. How often did you come down here?
- 19 A. Probably like every other day when I didn't have to
- 20 work.
- 21 Q. Okay. And where was he staying?
- 22 A. With his grandmother.
- 23 Q. With his grandmother?
- 24 A. Yes, ma'am.
- 25 Q. And where did she live?

VICTORIA KNIGHT - DIRECT EXAMINATION

235

1 A. Down the hill from the store. I don't know the
2 street name.

3 Q. Was it close to Shady Rest Park? The store that
4 you're referring to, is that East Side Grocery?

5 A. Yes, ma'am.

6 Q. He lived down the hill from East Side Grocery?

7 A. Yes, ma'am.

8 Q. And did you ever go with him to his grandmother's
9 house?

10 A. We might have stopped by there once or twice.

11 Q. I know you're soft spoken, but we need you to talk
12 up real loud, because everybody needs to hear what
13 you have to say. Okay? Well, let's talk about the
14 events of July 22nd, 2008. Do you remember when you
15 and he got together that day?

16 A. Yes, ma'am.

17 Q. Okay. When did you first see him?

18 A. It was early that morning.

19 Q. Early that morning. Where did you see him?

20 A. His house. I had came to pick him up.

21 **THE COURT:** Speak up.

22 A. I had came to pick him up from his house.

23 Q. You came here to pick him up from his grandmother's
24 house?

25 A. Uh-huh.

1 Q. You have to say yes or no.

2 A. Yes, ma'am.

3 Q. Okay. All right. And so were you driving the
4 vehicle you've already described as yours?

5 A. Yes, ma'am.

6 Q. Okay. When you picked him up, were you still
7 driving, or was he driving?

8 A. I was driving.

9 Q. You were driving. Where did y'all go, what did you
10 do?

11 A. We went back to my mother's house in Hamlet.

12 Q. Back to your mother's house?

13 A. In Hamlet.

14 Q. Yes, ma'am.

15 Q. That's the house on Lackey Street, right?

16 A. Yes, ma'am.

17 Q. I want to show you what is already in evidence as
18 State's Exhibits 20 and 21. See if you recognize
19 those two.

20 A. Yes, ma'am.

21 Q. And what do you recognize in those photos?

22 A. My house where ---

23 **THE COURT:** You've got to speak up a little bit.

24 A. This is my house, and we stayed on this side of the
25 house.

VICTORIA KNIGHT - DIRECT EXAMINATION

237

1 Q. This was the house where you were living with your
2 mother?

3 A. Yes, ma'am.

4 Q. Okay. All right. You have to talk so somebody
5 sitting on the back row could hear you.

6 **THE COURT:** If any of you jurors can't hear, just
7 raise your hand, if you would.

8 Q. So you went back to your mother's house in Hamlet.

9 A. Yes, ma'am.

10 Q What did y'all do then?

11 A. Nothing. We just sat there for a little while. My
12 mama was having a cookout that day. She was having
13 a cookout that day.

14 Q. Your mother was having a cookout?

15 A. Yes, ma'am.

16 Q. So you stayed there for a while. Was it still
17 morning time, or was it lunch time, or ---

18 A. It was getting around lunch time.

19 Q. It was getting around lunch time. Did you eat
20 then?

21 A. I ate a little bit.

22 Q. Did he eat?

23 A. Yes, ma'am.

24 Q. Okay. So after you ate you sat around for awhile.
25 What did you decide to do?

VICTORIA KNIGHT - DIRECT EXAMINATION

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- 1 A. On my father's side of the family, they was having
2 a family fun day. And we had went there too after
3 we had ate at my mama's house.
- 4 Q. Your father's side was having a family fun day?
- 5 A. Yes, ma'am.
- 6 Q. Where was that?
- 7 A. In Bennettsville.
- 8 Q. Here in Bennettsville?
- 9 A. Yes, ma'am.
- 10 Q. Okay. And did y'all come back for that?
- 11 A. Yes, ma'am.
- 12 Q. Where was it, do you know where?
- 13 A. It was on 38, not getting all the way into
14 Bennettsville. It's after you pass the crossroad
15 and we were on 38 getting to Bennettsville.
- 16 Q. Was it somebody's house?
- 17 A. Yes, ma'am.
- 18 Q. Okay. So you went to the family fun day?
- 19 A. Yes, ma'am.
- 20 Q. How long did you stay there?
- 21 A. Right about two or three hours.
- 22 Q. Two or three hours?
- 23 A. Yes, ma'am.
- 24 Q. Okay. What did y'all do there?
- 25 A. Just sit outside. They had a DJ out there, and

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 food, and stuff, and that was it.

2 **THE COURT:** Speak up a little bit.

3 Q. Okay. All right. And when you left there --- and
4 that was mostly your family members?

5 A. Yes, ma'am.

6 Q. On your father's side?

7 A. Father's side.

8 Q. Okay. And so when you left there, where did you
9 and he go?

10 A. We went back to my mama's house for a little while.

11 Q. Went back to Hamlet?

12 A. Yes.

13 Q. And now, was it just the two of you still?

14 A. Yes, ma'am.

15 Q. In your car?

16 A. Yes, ma'am.

17 Q. All right. What did y'all do when you went back to
18 Hamlet?

19 A. Nothing, just sit at the house for a little while.

20 **THE COURT:** Speak up.

21 Q. Just sat at the house for a while. Well, let me
22 ask you this. Were you working during that time?

23 A. I was off that day.

24 Q. You were off that day?

25 A. Yes, ma'am.

- 1 Q. For any particular reason?
- 2 A. It was for the family fun day.
- 3 Q. For the family fun day.
- 4 A. Yes, ma'am.
- 5 Q. Okay. Had you just taken that day off or did you
- 6 have a number of days off?
- 7 A. My vacation was starting.
- 8 Q. Your vacation was starting.
- 9 A. That Monday.
- 10 Q. That Monday. Okay. So how many days were you
- 11 scheduled to have off?
- 12 A. It's a whole week, seven days.
- 13 Q. Seven days, a full week?
- 14 A. Yes, ma'am.
- 15 **THE COURT:** Speak up.
- 16 Q. All right. So you go back to your mother's house,
- 17 y'all sit around there for awhile. What did y'all
- 18 decide to do then?
- 19 A. Then he had got a phone call and we had to come
- 20 back to Bennettsville.
- 21 Q. So he had a cell phone?
- 22 A. Yes, ma'am.
- 23 Q. Okay. And he is who?
- 24 A. Kenwood, Kenwood Bright.
- 25 Q. You're referring to Kenwood. He got a phone call

VICTORIA KNIGHT - DIRECT EXAMINATION

241

1 and you had to come back to Bennettsville.

2 A. Yes, ma'am.

3 Q. Okay. And so when you came back to Bennettsville
4 what did you do, or where did you go?

5 A. That's when we --- Well, as soon as we got into
6 Bennettsville ---

7 **THE COURT:** Speak up.

8 A. That's when we had went down west, I guess, the
9 area they call it. And we was going down the road,
10 and then that's when we saw a guy standing outside,
11 and we turned down the street.

12 Q. Okay. Do you know who the phone call he had gotten
13 was from?

14 A. No, ma'am.

15 Q. And what did he say after he got the phone call?

16 A. He just said we needed to go to Bennettsville.

17 Q. Okay. So when you came to Bennettsville, you went
18 directly down west?

19 A. Yes, ma'am.

20 Q. Now, when you say down west, do you know where
21 exactly you're referring to?

22 A. Yes, ma'am, it's ---

23 **THE COURT:** Speak up.

24 A. Like when you're coming up by this road right here
25 and you make a right, and then make a left and turn

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 by a church.

2 Q. Do you know any of the street names?

3 A. No, ma'am.

4 Q. Okay. Now, is it up East Main or is it up West
5 Main?

6 A. It's West Main.

7 MS. BROWN: Objection, Your Honor.

8 THE COURT: Reasoning?

9 MS. BROWN: Speculation. She already said she
10 could not give street names.

11 THE COURT: Overruled.

12 MS. MUNNERLYN: Thank you, Your Honor.

13 THE COURT: Go ahead and ask your question.

14 Q. Okay. So you indicated you went up and turned
15 right and you turned by a church?

16 A. Yes, ma'am.

17 Q. Okay. Did y'all normally go up to this area that
18 you refer to as down west?

19 A. No, ma'am.

20 Q. You didn't normally when you came into town?

21 A. No, ma'am.

22 Q. Did you know anybody who lived down west?

23 A. No, ma'am.

24 Q. Okay. So this was the first time you had been down
25 west with him?

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1 A. Yes, ma'am.

2 Q. Okay. Did he say why you were going down west?

3 A. No, ma'am.

4 Q. Was there any conversation between you and him at
5 that point?

6 A. No, ma'am.

7 Q. What were y'all doing?

8 A. I was on the phone at the time.

9 Q. You had your own cell phone?

10 A. Yes, ma'am.

11 Q. And you were on your cell phone?

12 A. Yes, ma'am.

13 Q. Was that the entire way drive from Hamlet to
14 Bennettsville?

15 A. No, ma'am.

16 Q. When did you get on the phone?

17 A. When we got half way to Bennettsville.

18 Q. Okay. And who were you talking to?

19 A. My best friend.

20 Q. And where does she live?

21 A. She stay here in Bennettsville.

22 Q. That's the best friend that lives here in
23 Bennettsville?

24 A. Yes, ma'am.

25 Q. Where does she live?

VICTORIA KNIGHT - DIRECT EXAMINATION

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- 1 A. Ma'am?
- 2 Q. Where does she live?
- 3 A. She stays up east by that grocery store going back
- 4 in the other direction.
- 5 Q. By East Side Grocery?
- 6 A. Yes, ma'am.
- 7 Q. Oh, okay. And what's her name?
- 8 A. Shekina McDonald.
- 9 Q. So you're going down west. You're on your cell
- 10 phone. Is he on his cell phone?
- 11 A. No, ma'am.
- 12 Q. What's he doing?
- 13 A. He was driving at the time.
- 14 Q. Did you have any music on in the car or anything
- 15 like that?
- 16 A. It was on, but it wasn't like too loud.
- 17 **THE COURT:** Speak up.
- 18 A. Yes, it was on. It was not too loud.
- 19 Q. It was on but it wasn't ---
- 20 A. It's wasn't too loud.
- 21 Q. Okay. Was it the radio or ---
- 22 A. Yes, ma'am.
- 23 Q. All right. And so did you stop at some point?
- 24 A. Yes, ma'am.
- 25 Q. Where did you stop?

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 A. On the street where the fellow was standing and ---

2 THE COURT: Speak up. I can't hear you.

3 A. It was on the street where the guy was standing
4 outside.

5 Q. Did you know the guy?

6 A. No, ma'am.

7 Q. Okay. And where was he standing outside?

8 A. On the right side of the road near a trailer, near
9 a white trailer.

10 Q. Okay. And was anybody with him?

11 A. Yes, ma'am, it was another fellow out there and he
12 had his dog.

13 Q. Okay. All right. He just stopped in the roadway,
14 or did he go to a house, stop at a yard?

15 A. We was in the middle of the road.

16 Q. And you're sitting where in the car?

17 A. On the passenger side.

18 Q. On the passenger side in the front seat or the back
19 seat?

20 A. In the front seat.

21 Q. Front seat. And Kenwood was still driving?

22 A. Yes, ma'am.

23 Q. Okay. And so you stop in the middle of the
24 roadway?

25 A. Yes, ma'am.

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1 Q. And were there any other cars around?

2 A. No, ma'am.

3 Q. No other cars coming up or down the street?

4 A. No, ma'am.

5 Q. Okay. Were you still on your cell phone?

6 A. No, ma'am. By this time I was off my cell phone,
7 and my cell phone had slid on the floor.

8 THE COURT: Speak up.

9 A. By this time I was off my cell phone, and it had
10 slid on the floor.

11 THE COURT: Take your time.

12 Q. Slid on the floor in the car?

13 A. Yes, ma'am.

14 Q. Okay.

15 A. When he turned the corner.

16 Q. When he turned the corner?

17 A. Yes, ma'am.

18 Q. Okay.

19 A. When he turned the corner, it had slid on the
20 floor.

21 Q. Okay. All right. So he came to a stop in the
22 roadway and what happened?

23 A. That's when him and guy on his side of the door was
24 having a conversation. And then the guy that was
25 standing outside playing with his dog --- Chris

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 Dease.

2 THE COURT: Speak up.

3 Q. Okay. Now, which one had the dog?

4 A. Chris Dease.

5 Q. Okay. And on which side of the car was Chris
6 Dease?

7 A. On the passenger side, my side.

8 Q. On your side?

9 A. Yes, ma'am.

10 Q. Okay. And how close to the car was he?

11 A. He wasn't that close. He was still standing on the
12 grass. He wasn't like in the road.

13 Q. And you said he had his dog. Was he playing with
14 his dog?

15 A. Yes, ma'am.

16 Q. Was the dog running free, or on a lease, or tied
17 up, or what?

18 A. It was just running loose.

19 Q. Okay. And you said Kenwood had a conversation with
20 the other guy?

21 A. Yes, ma'am.

22 Q. Did you know who the other guy was?

23 A. No, ma'am.

24 Q. But he was standing where?

25 A. On the driver's side.

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- 1 Q. On the driver's side of the car?
- 2 A. Yes, ma'am.
- 3 Q. About how far from the car was he?
- 4 A. Not that far, probably the same length. He wasn't
- 5 standing in the road. He was on the grass.
- 6 Q. He was standing in the grass?
- 7 A. Yes, ma'am.
- 8 Q. If this is the car, if you're sitting in the car
- 9 right here, how far away would he have been?
- 10 A. Probably right there.
- 11 Q. Right here where I'm standing?
- 12 A. Yes, ma'am.
- 13 Q. So just three or four feet from the car?
- 14 A. Yes, ma'am.
- 15 Q. Okay. And you said Kenwood had a conversation with
- 16 him?
- 17 A. Yes, ma'am.
- 18 Q. Do you recall what they talked about?
- 19 A. No, ma'am.
- 20 Q. Okay. But you didn't know this person?
- 21 A. No, ma'am.
- 22 Q. Did you know either one of them?
- 23 A. No, ma'am.
- 24 Q. Okay. Was the conversation friendly, was it
- 25 argumentative, what was the tone?

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1 A. It was friendly with the guy on the driver's side,
2 but not on the passenger side.

3 Q. Okay. Who did he talk to first?

4 A. On the driver's side.

5 Q. On the driver's side?

6 A. Yes, ma'am.

7 Q. And how long did he talk to him?

8 A. Not that long, probably like two minutes.

9 **THE COURT:** Speak up, ma'am.

10 Q. Two minutes to the guy on the driver's side?

11 A. Yes, ma'am.

12 Q. All right. And then did the guy on the other side,
13 did he say anything at any point?

14 A. Yes, ma'am.

15 Q. Well, tell us what occurred.

16 A. He had leaned over and saw that it was Kenwood.

17 Q. I can't hear you.

18 A. And then he was like, yeah, balls to be on this
19 street, and that's when they started ---

20 **THE COURT:** Hold on one second. Your objection?

21 **MS. BROWN:** Hearsay.

22 **THE COURT:** Any response?

23 **MS. MUNNERLYN:** Your Honor, this is a statement
24 made by the victim. I mean, we can just move on, and
25 she can respond as to what occurred after that.

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1 **THE COURT:** All right. I'm going to sustain the
2 statement of the victim.

3 Q. What conversation did the Defendant have with the
4 victim?

5 A. They was arguing back and forth.

6 Q. Okay. What were they arguing about?

7 A. I guess something had happened to him, to Kenwood
8 before, and that's what the whole conversation was
9 about.

10 Q. Did you know what that was about?

11 A. No, ma'am.

12 Q. All right. How long did that conversation go on?

13 A. Not long, probably less than a minute.

14 Q. Okay. One minute. And when they were having a
15 conversation, where was the guy who was standing on
16 the driver's side?

17 A. He was still standing there.

18 Q. He was still standing there.

19 A. Yes, ma'am.

20 Q. Okay. Was he doing or saying anything?

21 A. No, ma'am.

22 Q. Well, what happened?

23 A. After they was arguing that's when Kenwood had
24 reached behind his back and shot.

25 **THE COURT:** Speak up.

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- 1 Q. That's when Kenwood did what?
- 2 A. He had reached behind his back.
- 3 Q. Reached behind his back?
- 4 A. Yes, ma'am.
- 5 Q. Show us how he ---
- 6 A. He reached like this behind his right side.
- 7 Q. Reached with his right hand behind his back?
- 8 A. Yes, ma'am.
- 9 Q. Did you know what he was doing?
- 10 A. No, ma'am, because I was bent over trying to pick
- 11 up my cell phone. And then by this time ---
- 12 Q. You're sitting beside him in the passenger seat?
- 13 A. Yes, ma'am.
- 14 Q. And you're bent over trying to get your cell phone?
- 15 A. Yes, ma'am.
- 16 Q. Where in the floor was it, do you recall?
- 17 A. Yes, ma'am, it was near my pocketbook.
- 18 Q. And where was your pocketbook?
- 19 A. Sitting on the floor.
- 20 Q. In the middle, at the side?
- 21 A. It was sitting between my feet.
- 22 Q. Between your feet.
- 23 A. Yes, ma'am.
- 24 Q. Okay. But it wasn't in your pocketbook, it was on
- 25 the floor?

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1 A. It was on the floor.

2 Q. Now, you were bent forward, and you saw him reach
3 back like you just motioned?

4 A. Yes, ma'am.

5 Q. And what happened?

6 A. That's when I heard the gunshot.

7 Q. Okay. And where was the gunshot?

8 A. It came from inside the car.

9 Q. Came from inside the car. Who else was in the car
10 with you?

11 A. It was just me and Kenwood.

12 Q. Okay. In what direction was the gun fired?

13 A. From across my back.

14 Q. Across your back?

15 A. Yes, ma'am.

16 Q. So you're leaning forward and the gun was fired
17 across your back here?

18 A. Yes, ma'am.

19 Q. Well, let me ask you this. It's July, right?

20 A. Yes, ma'am.

21 Q. Did you have the windows up or down?

22 A. They was down.

23 Q. Did Kenwood ever get out of the car?

24 A. No, ma'am.

25 Q. Did you ever get out of the car?

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 A. No, ma'am.

2 Q. Okay. So you leaned down, and you saw him motion,
3 then you heard the gunshot?

4 A. Yes, ma'am.

5 Q. Okay. And you said it was in the car.

6 A. Yes, ma'am.

7 Q. Which window did it go --- I'm assuming it went out
8 a window. Did it go out of a window, or did it go
9 through the car?

10 A. Well, the window was already down. And it just
11 went through the window.

12 THE COURT: Speak up.

13 Q. Went out the window, the gunshot?

14 A. Yes.

15 Q. And which window would that be?

16 A. On the passenger's side.

17 Q. Okay. The one beside you then?

18 A. Yes, ma'am.

19 Q. Okay. That would have been just above your head?

20 A. Yes, ma'am.

21 Q. Okay. And so how many shots did you hear?

22 A. Just one.

23 Q. Just one?

24 A. Yes, ma'am.

25 Q. And what happened then?

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- 1 A. That's when he took off down the road.
- 2 Q. Okay. And did you know what was going on?
- 3 A. No, ma'am, not at that time.
- 4 Q. Okay. What happened to the two guys, the guy on
- 5 the driver's side and the guy on the passenger side
- 6 with the dog?
- 7 A. As I looked back, the guy that had the dog, he was
- 8 laying on the ground. And the guy that was on the
- 9 driver's side, he was walking over to him.
- 10 Q. Okay. Okay. And y'all took off slowly, quickly,
- 11 how?
- 12 A. It was fast.
- 13 Q. Fast?
- 14 A. Yes, ma'am.
- 15 Q. And Kenwood was still driving?
- 16 A. Yes, ma'am.
- 17 Q. And where did you go? Did you go straight, turn,
- 18 or what did you do?
- 19 A. We had made a left turn and went like around the
- 20 corner from his grandmama's house.
- 21 Q. Okay. So you left that area?
- 22 A. Yes, ma'am.
- 23 Q. And you went around the corner from his
- 24 grandmother's house?
- 25 A. Yes, ma'am.

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- 1 Q. So you came back up east?
- 2 A. Yes, ma'am.
- 3 Q. Okay. And where did you go?
- 4 A. It was a white house we had stopped at, and he had
- 5 went in and got something, and then he came back
- 6 out.
- 7 Q. Who, Kenwood?
- 8 A. Kenwood went into the house.
- 9 Q. Kenwood went in?
- 10 A. Yes, ma'am.
- 11 Q. Okay. Had you been to this house before?
- 12 A. No, ma'am.
- 13 Q. You had not been to this house before?
- 14 A. No, ma'am.
- 15 Q. Did you know who lived there?
- 16 A. No, ma'am.
- 17 Q. Okay. Did you get out of the car?
- 18 A. No, ma'am.
- 19 Q. How far was this from his grandmother's house?
- 20 A. Just right over that little bridge right there.
- 21 Q. Just right across the bridge?
- 22 A. Yes, ma'am.
- 23 Q. So Kenwood got out. Did he go in the house or what
- 24 did he do?
- 25 A. No, he was standing outside the door.

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- 1 Q. Just standing outside the door.
- 2 A. Yes, ma'am.
- 3 Q. Did he talk to anybody that you could see?
- 4 A. No, ma'am, it was just quick.
- 5 Q. It was quick?
- 6 A. Yes, ma'am.
- 7 Q. Okay. So he went up to the house and then he came
- 8 back?
- 9 A. Yes, ma'am.
- 10 Q. All right. Did you go anywhere from there?
- 11 A. Yes, ma'am.
- 12 Q. Did he get anything at the house that you recall?
- 13 A. Yes, ma'am.
- 14 Q. What did he get?
- 15 A. It was a bottle of Gin.
- 16 Q. So he got a bottle of Gin.
- 17 **THE COURT:** Speak up.
- 18 Q. So he got a bottle of Gin.
- 19 A. Yes, ma'am.
- 20 Q. And what did he do with the Gin?
- 21 A. He started drinking it.
- 22 Q. Okay. He started drinking it. Was he still
- 23 driving?
- 24 A. No, ma'am.
- 25 Q. Who was driving?

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1 A. I was.

2 Q. So when did you start driving?

3 A. When we had stopped at the house he told me that I
4 had to drive.

5 Q. When you stopped at the white house where he got
6 the Gin?

7 A. Yes, ma'am.

8 Q. So you got out, or did you just slide over?

9 A. I just slid over.

10 Q. You slid over. You never got out of the car?

11 A. No, ma'am.

12 Q. Did you have any conversation with him about what
13 had just happened?

14 A. No, ma'am, he wasn't saying anything.

15 Q. What were you saying?

16 A. I was still in shock and confused. I was scared.
17 I didn't know what was going on.

18 Q. Okay. And so you went to this --- Did he offer any
19 explanation?

20 A. No, ma'am.

21 Q. Okay. You went to this house, he went in and got a
22 bottle of Gin, and you slid over. He gets in
23 where?

24 A. On the passenger side.

25 Q. On the passenger side?

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- 1 A. Yes, ma'am.
- 2 Q. And then y'all go where?
- 3 A. To Hamlet, back to my mother's house.
- 4 Q. Do you recall about what time it was now?
- 5 A. No, ma'am, it had to be --- I want to say it was
- 6 probably after seven.
- 7 Q. It was late in the evening?
- 8 A. Yes, ma'am.
- 9 Q. Okay. Do you recall if it was still light outside,
- 10 or if it was getting dark?
- 11 A. It was getting dark.
- 12 Q. It was getting dark when you were going back to
- 13 your mother's?
- 14 A. Yes, ma'am.
- 15 Q. Okay. And you drove the entire way back there?
- 16 A. Yes, ma'am.
- 17 Q. And he was drinking the bottle of Gin?
- 18 A. Yes, ma'am.
- 19 Q. How was he drinking it?
- 20 A. Just straight out of the bottle.
- 21 Q. Straight out the bottle?
- 22 A. Yes, ma'am.
- 23 Q. Were you drinking any of it?
- 24 A. No, ma'am.
- 25 Q. Do you drink?

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1 A. No, ma'am.

2 Q. Okay. All right. You go back to your mother's
3 house and what did you do? Did you tell anybody
4 about what had just happened?

5 A. No, ma'am. It was still a lot of people at my
6 mother's house when we got there. And that was it.

7 Q. Why did you not tell anybody?

8 A. Well, I really couldn't find my mother at the time.

9 Q. Was there a reason why you were looking for your
10 mother, or why you didn't tell her?

11 A. I was looking for her because I wanted to tell her
12 what happened. But then, too, I was scared because
13 I didn't know what he was going to try to do, or
14 anything.

15 Q. Okay. Did he say anything to you about it?

16 A. No, just don't worry about it.

17 Q. Just don't worry about it?

18 A. Yes, ma'am.

19 Q. That's all he would say?

20 A. Yes, ma'am.

21 Q. Okay. What did you do?

22 A. When we got there and I couldn't find my mother I
23 had took a shower. When I got back in the room is
24 when he said that we had to go to High Point.

25 Q. He told you that you had to go to High Point?

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1 A. Yes, ma'am.

2 Q. Why was he saying y'all had to go to High Point?

3 A. I guess he was trying to get away, because he had -

4 --

5 THE COURT: Speak up.

6 MS. BROWN: Objection, Your Honor, speculation.

7 THE COURT: Sustained.

8 Q. Did he specifically tell you why you were going to
9 High Point?

10 A. No, ma'am.

11 Q. He just said you needed to go to High Point?

12 A. Yes, ma'am.

13 Q. And did you know somebody in High Point?

14 A. Yes, ma'am.

15 Q. Okay. And who was that?

16 A. My best friend, Shekieta McDonald, her mother
17 stayed up there in High Point.

18 Q. Had you been to High Point before with him to see
19 her?

20 A. Yes, ma'am.

21 Q. Okay. So you took a shower. What was he doing
22 while you were taking a shower?

23 A. He was in my bedroom.

24 Q. Okay. And do you know what he was doing in there
25 while you were taking a shower?

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- 1 A. No, ma'am.
- 2 Q. After you took a shower, what did y'all do?
- 3 A. We left after that, after I had took my shower.
- 4 Q. Okay. Did he have clothes there? Did he get any
- 5 clothes, or change clothes, or take a shower?
- 6 A. No, ma'am. He had clothes there.
- 7 Q. He had clothes in the car?
- 8 A. No, they was at my house.
- 9 Q. Okay. So did he get some and take with him?
- 10 A. Yes, ma'am.
- 11 Q. Okay. All right. How long were you at your
- 12 mother's house then while you were showering and
- 13 all this was going on?
- 14 A. Maybe about five or ten minutes. It wasn't that
- 15 long.
- 16 Q. Just a very short period?
- 17 A. Yes, ma'am.
- 18 Q. And when did he tell you y'all needed to go to High
- 19 Point?
- 20 A. After I came in the room from taking my shower.
- 21 Q. After you took the shower?
- 22 A. Yes, ma'am.
- 23 Q. Okay. He still had his cell phone?
- 24 A. Yes, ma'am.
- 25 Q. Do you know whether or not he had talked to

1 anybody?

2 A. I don't know if he talked on it or not. I was in
3 the shower.

4 Q. Okay. All right. Did y'all proceed then to go to
5 High Point?

6 A. Yes, ma'am.

7 Q. And you got there that evening then?

8 A. Yes, ma'am.

9 Q. Where did you stay?

10 A. At a hotel.

11 Q. At a hotel?

12 A. Yes, ma'am.

13 Q. Before we go any further let me ask you this. Did
14 you know that Kenwood had a gun?

15 A. Yes, ma'am, he had told me he had one.

16 Q. I'm going to show you what has been marked as
17 State's Exhibit 7, and see if you recognize that.

18 A. Yes, ma'am.

19 Q. And where do you recognize that from?

20 A. That's the one that he had shot with.

21 Q. That's the gun that he had showed you?

22 **THE COURT:** Speak up.

23 A. Yes, ma'am.

24 Q. So you had seen that in his possession?

25 A. Yes, ma'am.

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1 Q. Did he indicate that it was his gun?

2 A. Yes, ma'am.

3 Q. Did you see him with that gun that night?

4 A. No, ma'am.

5 Q. Okay. Did you see a gun that night?

6 A. No, ma'am.

7 Q. You just heard the gun?

8 A. Yes, ma'am.

9 Q. Okay. After the one gunshot you didn't see the gun
10 again?

11 A. No, ma'am.

12 Q. Did you try at any point to find it?

13 A. Yes, ma'am.

14 Q. Okay. When was that?

15 A. When we had stopped at the house and I had slid
16 over. That's when I was trying to find it then.

17 Q. Were you able to find it?

18 A. No, ma'am.

19 Q. You weren't able to find it?

20 A. No, ma'am.

21 Q. Okay. But did you know whether or not he had it on
22 him?

23 A. I couldn't find it in the car. I just thought that
24 he had it on him.

25 Q. Okay. So y'all left that night after you went to

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1 your mother's house, and you went to High Point,
2 and you stayed where?

3 A. At a hotel.

4 Q. At a hotel. Who paid for the room?

5 A. I did.

6 Q. All right. And did you have a conversation with
7 your best friend about going over to her house?

8 A. No, ma'am.

9 Q. When did you talk to her?

10 A. That next morning.

11 Q. The next morning. Did you talk to anybody that
12 night?

13 A. No, ma'am.

14 Q. Okay. Did you have any further conversation with
15 Kenwood about what had happened?

16 A. No, ma'am, he was on his cell phone half that time.

17 Q. Half of the time he was on his cell phone?

18 A. Yes, ma'am.

19 Q. What was he talking about?

20 A. He just kept getting phone calls, and Mr. Turner
21 had called him also.

22 **THE COURT:** Speak up.

23 Q. Detective Turner?

24 A. Yes, ma'am.

25 Q. Detective Turner had called him. Do you know when

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1 he called him?

2 A. Yes, ma'am, it was half way when we was almost in
3 High Point.

4 Q. Almost in High Point?

5 A. Yes, ma'am.

6 Q. Did he know why he was calling?

7 A. Yes, ma'am.

8 Q. Okay. And what did he do when Detective Turner
9 called?

10 A. He just hung up on him. He didn't stay on the
11 phone with him at all.

12 **THE COURT:** You have got to speak up a little bit
13 more. I cannot hear.

14 A. He hung up on him.

15 Q. Okay. And when did you have some contact from
16 someone that law enforcement was looking for you?

17 A. It was the next morning.

18 Q. Okay. Tell us what happened.

19 A. They had went to my mother's house looking for me.
20 And then when they left there they went to my
21 father's house. And that's when they contacted me.
22 They called me.

23 Q. Okay. Who called you?

24 A. Mr. Turner.

25 Q. Detective Turner?

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- 1 A. Yes, ma'am.
- 2 Q. And who?
- 3 A. Well, my daddy was on the phone too.
- 4 Q. And your father?
- 5 A. Yes, ma'am.
- 6 Q. Okay. And had you tried to call them before they
- 7 made contact with you?
- 8 A. No, ma'am.
- 9 Q. Why had you not tried to call them?
- 10 A. Because on the half way coming to High Point he was
- 11 also using my cell phone too.
- 12 Q. Would he allow you to call him, your father?
- 13 A. I guess, but I was just scared. He was like still
- 14 right there beside me.
- 15 Q. Why were you scared?
- 16 A. Because I didn't know if he still had the gun on
- 17 him or not, and I didn't know if he would try and
- 18 shoot me too.
- 19 Q. Okay. So the next morning you get up. Were you
- 20 still at the hotel when you talked to Detective
- 21 Turner and your father?
- 22 A. No, ma'am.
- 23 Q. Okay. Where had you gone?
- 24 A. We was at my best friend's mother's house in High
- 25 Point.

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 Q. About what time did you leave the hotel and arrive
2 to your best friend's mother's house?

3 A. About ten.

4 Q. Ten in the morning?

5 A. Yes, ma'am.

6 Q. Was she there?

7 A. No, ma'am, she was at work.

8 Q. So what did you do when you got there?

9 A. I just sat there and I was waiting for her.

10 Q. Did you know when she was going to get there?

11 A. Yes, ma'am.

12 Q. When was that?

13 A. At twelve.

14 Q. Did you stay there until she arrived?

15 A. No, ma'am.

16 Q. Tell us what happened.

17 A. I had got another phone call from Detective Turner,
18 and I was telling him I was trying to make my way
19 back home.

20 **THE COURT:** Speak up.

21 Q. Did Kenwood know that you had this phone
22 conversation?

23 A. No, ma'am.

24 Q. Okay. Did he know you were trying to go back home?

25 A. No, ma'am.

VICTORIA KNIGHT - DIRECT EXAMINATION

268

- 1 Q. Did you talk to him about going back home?
- 2 A. No, ma'am.
- 3 Q. Okay. Did he indicate in any way that he would be
- 4 willing to go back?
- 5 A. No, ma'am.
- 6 Q. So what did you do?
- 7 A. After I got the phone call with Mr. Turner that's
- 8 when I told him I was trying to come home.
- 9 Q. You told who?
- 10 A. Detective Turner.
- 11 Q. Okay.
- 12 A. And that I was trying to make my way home. And
- 13 that's when I got stopped at a corner store by the
- 14 High Point Police Department.
- 15 Q. Okay. When you got off the phone with Detective
- 16 Turner, where was Kenwood?
- 17 A. He was standing outside.
- 18 Q. He was standing outside of your best friend's
- 19 mother's house?
- 20 A. Yes, ma'am.
- 21 Q. Were other people there?
- 22 A. Yes, ma'am.
- 23 Q. Did you ever tell any of them what had happened?
- 24 A. No, ma'am.
- 25 Q. Okay. And why did you not tell anybody there?

VICTORIA KNIGHT - DIRECT EXAMINATION

269

- 1 A. They was having a conversation with Kenwood.
- 2 Q. Okay. They were talking to him.
- 3 A. Yes, ma'am.
- 4 Q. Okay. So he was outside when you hung up with
- 5 Detective Turner?
- 6 A. Yes, ma'am.
- 7 Q. At what point did you decide you were going to
- 8 leave?
- 9 A. After I talked with Detective Turner.
- 10 Q. So what did you do?
- 11 A. I had went outside, and I didn't see him out there,
- 12 and that's when I got in the car and I began --- I
- 13 started leaving.
- 14 Q. So you were just going to leave him there?
- 15 A. Yes, ma'am.
- 16 Q. Did he know those people?
- 17 A. Yes, ma'am.
- 18 Q. Okay. Did he have any vehicle or any way to
- 19 travel?
- 20 A. No, ma'am.
- 21 Q. So if you left he was just stranded there?
- 22 A. Yes, ma'am.
- 23 Q. But you didn't go to him and tell him you were
- 24 leaving?
- 25 A. No, ma'am.

VICTORIA KNIGHT - DIRECT EXAMINATION

270

1 Q. You just got in your car and you left?

2 A. Yes, ma'am.

3 Q. Did you tell the people at the house where you were
4 going?

5 A. No, ma'am.

6 Q. You just left?

7 A. Yes, ma'am.

8 Q. And where did you go?

9 A. I had to stop at the corner store. And by the time
10 I stopped at the corner store that's when the High
11 Point Police Department was there.

12 Q. Okay. So you just went to a corner store close to
13 the house?

14 A. Yes, ma'am.

15 Q. Why did you go there?

16 A. I was stopping to get gas.

17 Q. Okay. And you got out to go in, or were you
18 pumping gas, how did all that happen?

19 A. I didn't have a chance to get out of the car
20 because the police they was surrounding my car by
21 then.

22 **THE COURT:** Speak up.

23 A. The High Point Police were surrounding my car by
24 then. I didn't have a chance to get out.

25 Q. Okay. And you knew why they were surrounding the

VICTORIA KNIGHT - DIRECT EXAMINATION

271

1 car?

2 A. Yes, ma'am.

3 Q. And you gave up and went with them?

4 A. Yes, ma'am.

5 Q. Okay. All right. You stayed in High Point for
6 awhile then, didn't you?

7 A. Yes, ma'am.

8 Q. And then at some point you did speak with Detective
9 Turner.

10 A. Yes, ma'am.

11 Q. In High Point?

12 A. Yes, ma'am.

13 Q. Okay. And did you tell him what all you knew about
14 what had happened?

15 A. We didn't talk in High Point. We had talked when
16 we got to Bennettsville.

17 **THE COURT:** You keep fading out.

18 A. We talked in Bennettsville.

19 Q. You didn't actually give a full statement until you
20 got to Bennettsville?

21 A. Yes, ma'am.

22 Q. But you indicated you were willing to come back?

23 A. Yes, ma'am.

24 Q. Now, what about your car?

25 A. They had impounded it.

VICTORIA KNIGHT - DIRECT EXAMINATION

272

- 1 Q. They impounded your car.
- 2 A. Yes, ma'am.
- 3 Q. And did you consent to them searching it?
- 4 A. They didn't ask me anything about it at the time.
- 5 Q. All right. But you were cooperating with police at
- 6 that point?
- 7 A. Yes, ma'am.
- 8 Q. Okay. And you wanted to work with them?
- 9 A. Yes, ma'am.
- 10 Q. And you indicated you wanted to talk about it.
- 11 A. Yes, ma'am.
- 12 Q. Okay. But you did not talk about it in North
- 13 Carolina?
- 14 A. No, ma'am.
- 15 Q. When did you come back to South Carolina?
- 16 A. After Detective Turner had came and picked me up
- 17 from High Point Police Department.
- 18 Q. Okay. But it was all the same day, right?
- 19 A. Yes, ma'am.
- 20 Q. This was still on July 23rd?
- 21 A. Yes, ma'am.
- 22 Q. Which was the day after the shooting?
- 23 A. Day after the shooting, yes, ma'am.
- 24 Q. Who brought you back to Bennettsville?
- 25 A. It was Detective Turner and I'm not sure of the

VICTORIA KNIGHT - DIRECT EXAMINATION

273

1 other guy's name.

2 Q. Another officer?

3 A. Yes, ma'am.

4 Q. Okay. So two officers transported you back here?

5 A. Yes, ma'am.

6 Q. Okay. And when you got back here, where did you
7 go?

8 A. Went to Bennettsville Police Station.

9 Q. The police station?

10 A. Yes, ma'am.

11 Q. And when you got there what happened?

12 A. We went in the room and then we just started
13 talking about everything that happened.

14 Q. Okay. And you were actually video taped when you
15 were giving that statement, were you not?

16 A. Yes, ma'am.

17 Q. Okay. And you told them what all had happened?

18 A. Yes, ma'am.

19 Q. You told them basically what you have testified to
20 today?

21 A. Yes, ma'am.

22 Q. Since that day, have you had any further contact
23 with the Defendant, Kenwood Bright?

24 A. No, ma'am. When he was locked up he had tried to
25 call my cell phone.

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 Q. He tried to call your cell phone?

2 A. Yes, ma'am.

3 Q. When was that?

4 A. I would say like two weeks after they had caught
5 him.

6 Q. All right. Let me ask you this now. You were
7 apprehended that same day in High Point, you came
8 back to Bennettsville.

9 A. Yes, ma'am.

10 Q. Kenwood was not with you?

11 A. No, ma'am.

12 Q. Did you know where Kenwood was at that point?

13 A. No, ma'am.

14 Q. Okay. So you were not able to provide any further
15 information about where he might be?

16 A. No, ma'am. I just told them that he probably would
17 still be in High Point.

18 Q. Okay. Did you give them the information about your
19 best friend's mother's house?

20 A. Yes, ma'am.

21 Q. Okay. And, in fact, they didn't apprehend him for
22 sometime later; isn't that right?

23 A. Yes, ma'am.

24 Q. Okay. So he called your cell phone about two weeks
25 after that?

VICTORIA KNIGHT - DIRECT EXAMINATION

275

1 A. Yes, ma'am.

2 Q. Had he been apprehended at that point? You said he
3 was in jail.

4 A. Yes, ma'am.

5 Q. Okay. Did you talk to him?

6 A. No, ma'am.

7 Q. Okay. You just didn't answer it, or you hung up,
8 or what?

9 A. I answered it because I couldn't remember the
10 number, and that's when I heard his voice.

11 Q. Okay. You heard his voice. What did he say, if
12 anything?

13 A. He asked me what I had told the police and I just
14 didn't say anything. I just hung up on him.

15 Q. Okay. Did he make any other statement to you?

16 A. No, ma'am.

17 Q. Just asked you what you had told the police?

18 A. Yes, ma'am.

19 Q. Okay. Since that telephone call, have you had any
20 other contact with the Defendant?

21 A. No, ma'am.

22 **MS. MUNNERLYN:** Court's indulgence just one moment.

23 **(PAUSE.)**

24 Q. When you were brought back here to Bennettsville by
25 Detective Turner and the other law enforcement

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 agent, you were actually arrested?

2 A. Yes, ma'am.

3 Q. And charged in this particular incident, correct?

4 A. Yes, ma'am.

5 Q. And you still have charges pending against you,
6 isn't that right?

7 A. Yes, ma'am.

8 Q. But you were not actually arrested until after you
9 gave your statement, isn't that right?

10 A. Yes, ma'am.

11 Q. And you gave a full video tape statement?

12 A. Yes, ma'am.

13 Q. Okay. And you have had the opportunity to view
14 that, have you not?

15 A. Yes, ma'am.

16 Q. Okay. And that statement was actually quite
17 lengthy, wasn't it?

18 A. Yes, ma'am.

19 Q. Now, has The State agreed with you in regards to
20 your testimony here today and your charges about
21 anything?

22 A. They had promised me that they would recommend
23 probation.

24 Q. Okay. So you are going to --- You have been
25 offered probation on your charges, correct?

VICTORIA KNIGHT - DIRECT EXAMINATION

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1 A. Yes, ma'am.

2 Q. Okay. I don't have any further questions.

3 **THE COURT:** Mr. Foreman, do you and your Jury need
4 a break, or do you want to go ahead and forward with
5 cross examination?

6 **THE FOREMAN:** A short break.

7 **THE COURT:** Why don't you go take a fifteen minute
8 break. Stretch your legs and move around a bit. Don't
9 discuss the case at all. Don't let anybody discuss the
10 case. Everyone else keep your seat.

11 (Whereupon the Jury exits the courtroom at
12 11:00 a.m.)

13 **THE COURT:** For the record, I want to clear up a
14 couple of things real quick. Ms. Knight, you're very
15 soft spoken. And I understand that, and I understand
16 that you're nervous. But you're going to have to answer
17 some questions, I assume, Ms. Brown is about to ask.

18 **MS. BROWN:** We haven't decided, Your Honor, if it
19 will be myself or Ms. Crayton.

20 **THE COURT:** Whoever asks you questions from the
21 Defense when they get through with their question, I
22 want you to just pause for a second, and make sure they
23 are through with their question, and that you understand
24 it.

25 **THE WITNESS:** Okay.

1 **THE COURT:** After you pause and there's a brief
2 reprieve in there, then answer the question. In turn, I
3 would ask the Defense to please let her answer the whole
4 question, you pause, and then ask your question.

5 And for the record, I want The Court Reporter to
6 understand that I understand that this is a very, very,
7 very difficult record. People have talked on top of
8 themselves all day long. Hopefully, we are going to
9 prevent that from hereafter.

10 Also, if at any point and time during this cross
11 examination you, Ms. Court Reporter, have any problems
12 whatsoever please raise your hand. I will stop and
13 immediately correct it.

14 I don't want to prevent the Defense from asking
15 your questions. I want you to have as long as you want,
16 and ask as many questions as you want, as long as they
17 are relevant.

18 I want you to pause and answer. Let her answer and
19 then ask your next question. Because the record is here
20 technically to protect the Defense. So you want to
21 protect the record too. It is in your best interest to
22 protect the record. So let's see if we can't get it
23 right and run smooth.

24 All right. Let's take a fifteen minute break and
25 be back at twenty-five after eleven.

VICTORIA KNIGHT - CROSS EXAMINATION

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1 (Whereupon, The Court takes a break from 11:10 a.m.
2 and resumes it sitting at 11:30 a.m.)

3 **THE COURT:** Is The State ready to call their next
4 witness. That's right, we are still in the middle of
5 one. All right. You can go ahead and bring out the
6 Jury.

7 (Whereupon, the Jury enters the courtroom at
8 11:31 a.m.)

9 **THE COURT:** All right. Cross examination.

10 **CROSS EXAMINATION BY MS. CRAYTON**

11 Q. Good morning, Ms. Knight.

12 A. Good morning.

13 Q. You've got to speak up real loud so The Court
14 Reporter can get everything down.

15 A. Okay.

16 Q. I just want to understand your testimony. I'm just
17 going to ask you a few questions. Okay. You
18 stated that you were bent down in the car picking
19 up your phone when you heard a shot fired; is that
20 correct?

21 A. Yes, ma'am.

22 Q. So you never saw Kenwood with a gun in his hand?

23 A. I seen him reach back for something.

24 Q. But you have no idea what that was?

25 A. No, ma'am.

VICTORIA KNIGHT - CROSS EXAMINATION

280

1 Q. And you were looking down to pick up your phone?

2 A. Yes, ma'am.

3 Q. Okay. Did you see Kenwood with a gun before this
4 happened?

5 A. No, ma'am.

6 Q. Did you see him with a gun after this happened?

7 A. No, ma'am.

8 Q. Okay. So you never saw Kenwood with a gun that
9 day?

10 A. No, ma'am.

11 Q. Okay. Did you see anyone else with a gun that day?

12 A. No, ma'am.

13 Q. You didn't see anybody outside the car with a gun?

14 A. No, ma'am.

15 Q. Okay. And to make it clear for the Jury, what were
16 you promised by the prosecution for your testimony
17 today?

18 A. That they would recommend probation.

19 Q. Probation?

20 A. Yes, ma'am.

21 Q. Okay. Thank you. That's all, Your Honor.

22 THE COURT: Thank you. Any redirect?

23 MS. MUNNERLYN: Just a couple questions, Your
24 Honor.

25 REDIRECT EXAMINATION BY MS. MUNNERLYN

VICTORIA KNIGHT - REDIRECT EXAMINATION

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1 Q. But before you were ever offered that probation,
2 you gave a full and complete statement, which was
3 consistent with what you testified to back on July
4 23rd of 2008?

5 A. Yes, ma'am.

6 Q. That was before you were even charged; is that
7 right?

8 A. Yes, ma'am.

9 Q. And the Defense has asked you whether or not you
10 saw the gun actually in Kenwood's hand that day.
11 You have already testified the shot came from
12 inside the car.

13 A. Yes, ma'am.

14 Q. Was anybody else in the car besides Kenwood?

15 A. No, ma'am.

16 Q. And you have testified that you did not see anyone
17 else with a gun.

18 A. No, ma'am.

19 Q. The guy on the driver's side, did you at any point
20 see him with a gun?

21 A. No, ma'am.

22 Q. The guy with the dog, did you at any point see him
23 with a gun?

24 A. No, ma'am.

25 Q. Was there anyone else around the car?

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION

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1 A. No, ma'am.

2 Q. You didn't see anybody else around when the shot
3 was fired?

4 A. No, ma'am.

5 Q. No question it came from inside the car?

6 A. Yes, ma'am.

7 Q. Immediately after you saw Kenwood reach back?

8 A. Yes, ma'am.

9 Q. I don't have any further question.

10 **THE COURT:** Recross?

11 **MS. CRAYTON:** No, Your Honor.

12 **THE COURT:** Thank you. You may step down. Any
13 objections to this witness being excused?

14 **MS. CRAYTON:** No, Your Honor.

15 **MS. MUNNERLYN:** Larry Bowman.

16 **WHEREUPON, LARRY DALE BOWMAN, JR.**

17 **FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS**

18 **CLERK OF COURT:** Have a seat and state your name.

19 **MR. BOWMAN:** My name is Larry Dale Bowman, Junior.

20 **DIRECT EXAMINATION BY MS. MUNNERLYN**

21 Q. Where are you employed?

22 A. Bennettsville Police Department.

23 Q. And how long have you been employed with the
24 Bennettsville Police Department?

25 A. Approximately ten years.

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION 283

1 Q. Ten years?

2 A. Ten years.

3 Q. Okay. And in what capacity are you employed with
4 the police department?

5 A. I'm currently a criminal investigator.

6 Q. And were you a criminal investigator back on July
7 22nd of 2008?

8 A. That's correct.

9 Q. Okay. And were you, in fact, working or on call as
10 an investigator that evening?

11 A. That's correct.

12 Q. Okay. Did you receive a call to respond to
13 Hudson Street in regards to a shooting?

14 A. Yes, ma'am.

15 Q. Okay. Did you, in fact, respond?

16 A. Yes, ma'am, I did.

17 Q. Were other investigators responding as well?

18 A. Yes, ma'am.

19 Q. When you arrived, do you recall what you found?

20 A. I was called to the Hudson Street area in the
21 vicinity of Hudson Street where they had it
22 taped off where a shooting had occurred. And I was
23 to photograph that area.

24 Q. So when you arrived, was the victim still present
25 at the scene?

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION

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1 A. No, ma'am.

2 Q. He had already been removed by the rescue squad?

3 A. Yes, ma'am.

4 Q. So, upon your arrival you began to take some
5 photographs?

6 A. Yes, ma'am.

7 Q. I'm going to show you what's been marked as State's
8 Exhibits 1, 2, 3, and 4. See if you recognize
9 those.

10 A. Yes, ma'am, I do.

11 Q. Okay. From where do you

12 A. These are the pictures I took of the area of Hudson
13 Street where the shooting occurred.

14 Q. Okay. Was there much evidence to speak of at the
15 actual scene of the shooting?

16 A. No, ma'am.

17 Q. Okay. When you arrived you said the victim's body
18 had already been removed. Were there people still
19 around?

20 A. The only people I recall being there were patrol
21 officers that were still monitoring the scene.

22 Q. Okay. The scene was secure when you arrived?

23 A. Yes, ma'am.

24 Q. Okay. All right. So these four photos accurately
25 reflect what you found when you arrived that night?

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION 285

1 A. Yes, ma'am.

2 Q. Okay.

3 **MS. MUNNERLYN:** Before we talk about those, Your
4 Honor, I want to admit these four photos, which are
5 State's Exhibits 1, 2, 3, 4.

6 **THE COURT:** Any objection?

7 **MS. BROWN:** No objection, Your Honor.

8 **THE COURT:** All right. 1, 2, 3, and 4 are in
9 evidence.

10 **WHEREUPON, STATE'S EXHIBIT**
11 **1, 2, 3, AND 4 ARE MARKED**
12 **AND ADMITTED INTO EVIDENCE**
13 **WITHOUT OBJECTION.**

14 Q. Okay. The first photo, can you describe what it
15 shown in that particular photo?

16 A. The first photo is just a general shot of the
17 Hudson Street area where the incident occurred.
18 Basically me standing in front of my vehicle
19 looking down Hudson Street towards Jennings Street.

20 Q. Okay. If you can, there has been a lot of
21 discussion about how and where things are. Can you
22 generally describe if you're coming from town ---

23 A. Actually, let me correct myself. I said looking
24 towards Jennings Street. I'm actually looking
25 towards where the O'Toole's, where the cotton gin

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION

286

1 used to be back towards, I believe, it's Spencer
2 Street.

3 Q. All right. Okay. So if you're coming from town
4 from Main Street on Jennings, how would you turn to
5 get to this scene that's shown on this photo?

6 A. You would make a left on Hudson Street.

7 Q. Okay. And this is what you would see?

8 A. Yes, ma'am.

9 Q. Now, this is what they call the short end of
10 Hudson?

11 A. That's correct.

12 Q. Okay. And it actually ends, I believe, where it
13 turns to Spencer?

14 A. Yes, you can keep going straight but it turns into
15 a dirt road. It goes from a paved road to a dirt
16 road, which goes behind the cotton gin.

17 Q. And where is Mary Dease's home? When you turn off
18 of Jennings onto Hudson, where is her home?

19 A. Her home would be to the left.

20 Q. All right. Then let's move on to State's --- that
21 was State's Exhibit 1, let's move on to State's
22 Exhibit 2. What is shown there?

23 A. This is a picture of the front of the residence of
24 Hudson Street, which is where Mary Dease
25 resides.

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION 287

1 Q. Okay. And her home is --- Now, is there a fence or
2 anything around her home?

3 A. Yes, there's a chain-link fence.

4 Q. Okay. And I think the corner of that fence is
5 actually shown here on the left in State's Exhibit
6 1.

7 A. Yes, ma'am.

8 Q. Okay. So the distance between her home and the
9 street is how much, estimating?

10 A. Approximately ten to twenty feet.

11 Q. Okay. So it's relatively close to the street then?

12 A. Yes, ma'am.

13 Q. Okay. And State's Exhibit 3, if you can tell us
14 where that is.

15 A. This is an abandoned house that's located, or that
16 was located directly across the street from Mary
17 Dease's house, or Hudson Street. It has since
18 been torn down. But this was the house that was
19 there at that time when the incident occurred.

20 Q. Okay. And it was abandoned at that time?

21 A. Yes, ma'am.

22 Q. And it's overgrown and has got vegetation all over
23 it.

24 A. Yes, ma'am.

25 Q. And then the final picture, State's Exhibit 4, if

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION 288

1 you can tell us where that is.

2 A. This is the area located near the side of the road,
3 actually in front of that abandoned house area.

4 Q. This would be on the right side of the road
5 opposite Mary Dease's house?

6 A. That's correct.

7 Q. Okay. And what is shown in that photo?

8 A. It appears to be a beer bottle, an empty cigarette
9 pack, and a tissue here that appears to have some
10 type of bodily fluid on it, possibly blood.

11 Q. All right. Other than the pictures that were taken
12 here, was there any evidence actually recovered
13 from the scene that night?

14 A. No, ma'am.

15 **MS. MUNNERLYN:** Your Honor, I would move to publish
16 these four photos to the Jury at this time.

17 **THE COURT:** Any objection?

18 **MS. BROWN:** No objection, Your Honor.

19 **THE COURT:** Sure.

20 (Whereupon, State's Exhibits 1, 2, 3, and 4
21 were publish to the Jury)

22 Q. So once you processed that scene, did you --- were
23 you the primary investigator on this case?

24 A. No, ma'am.

25 Q. Who's the primary assigned investigator?

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION

289

1 A. Sergeant Turner.

2 Q. Okay. And you were just assisting him in whatever
3 way he needed to be assisted?

4 A. That's correct. Basically my role was to process
5 the crime scene.

6 Q. After you processed the crime scene, were you asked
7 to do anything in regards to the victim?

8 A. Yes. I had to report to ER, emergency room, at
9 Walterboro Hospital and photograph, and complete a
10 GSR Kit, or a gunshot residue kit on the victim.

11 Q. Okay. I'm going to show you what's been marked as
12 State's Exhibits 5 and 6. See if you recognize
13 what's in those photos.

14 A. Yes, ma'am.

15 Q. Okay. And what is shown in those photos?

16 A. In these photos here is a photograph of the
17 victim's chest area where the bullet had entered
18 the chest area of the victim.

19 Q. Okay. And you took these photos?

20 A. Yes, ma'am.

21 Q. And they were taken at the hospital?

22 A. Yes, ma'am.

23 Q. Okay. And this was after he was pronounced dead?

24 A. Yes, ma'am.

25 Q. All right. And they accurately reflect the wound

LARRY DALE BOWMAN, JR. - DIRECT EXAMINATION

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1 as you found it that night?

2 A. Yes, ma'am.

3 Q. Okay.

4 **MS. MUNNERLYN:** Your Honor, I would move to admit
5 into evidence State's Exhibits 5 and 6.

6 **THE COURT:** Any objections?

7 **MS. BROWN:** No objection, Your Honor.

8 **THE COURT:** 5 and 6 into evidence.

9 **WHEREUPON, STATE'S**

10 **EXHIBITS NUMBERS 5 AND 6**

11 **ARE ADMITTED INTO EVIDENCE**

12 **WITHOUT OBJECTION.**

13 Q. And you indicated in addition to photographing the
14 victim, who was pronounced dead, that you conducted
15 a GSR Test?

16 A. Yes, ma'am.

17 Q. Okay. Tell us what that is.

18 A. It's a gunshot residue kit.

19 Q. What does it tell you? Why do you do that?

20 A. Basically anytime there's a shooting incident, if
21 we have a suspect or a victim, each person has to
22 complete a GSR, we complete a DSR Kit on that
23 person, just for investigative purposes.

24 Q. What does that test tell you?

25 A. It's sent off to SLED and they analyze it through

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1 their trace lab. And it tells them if they are
2 able to detect whether or not anything, any type of
3 particles, or anything like that that are related
4 to a gun being fired, or gun powder is present on
5 that individual's hands.

6 Q. All right. I'm going to show you then State's
7 Exhibit 40. And you can open up that, if you need
8 to. See if you recognize that.

9 A. Yes, ma'am, I do.

10 Q. And from where do you recognize it?

11 A. This is the gunshot residue kit that I used to
12 collect the sample from the victim.

13 Q. You did this on the same night, the night of the
14 shooting, July 22nd?

15 A. Yes, ma'am.

16 Q. Okay. And this was conducted at the hospital?

17 A. Yes, ma'am.

18 Q. Okay. And tell the Jury exactly how you collect
19 this GSR Kit.

20 A. The GSR Kit contains two different types of
21 collection materials. You have vials, sealed
22 vials. The whole kit itself is sealed. You open
23 it up and it gives you instructions basically how
24 to use it. It has separate vials for --- it has
25 like little sticky-pads on it, and you pull the lid

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1 off it, and you tap the backside of the hand, and
2 then you close that vial. And then you tap the
3 palm of the hand with a different vial. And you do
4 that for each hand.

5 Once you do that, you also collect a
6 swab, which there's a sterile solution in here
7 that you wet the swab with, and you swab the
8 backside of the left hand, and you use a
9 different swab to swab the palm of the left
10 hand. Each of those items go into a different
11 sealed vial itself.

12 And you also take a control swab. And
13 that control swab comes from somewhere on the
14 body that would not have been exposed to
15 either a gun being fired, or particles fired
16 from a gun could possibly land on it, which is
17 normally taken near the ankle, or you lift the
18 pant's leg up for somewhere that would not be
19 exposed to gun particles flying through the
20 air.

21 Q. Okay. And so you completed and collected this kit
22 from the body of the victim that night?

23 A. Yes, ma'am, I did.

24 Q. Okay. And what did you do with that kit?

25 A. Once I collected it, I sealed it. I filled out the

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1 form with all the pertinent information as to what
2 had happened with the incident, what type of
3 incident it was, the victim's information, sealed
4 it, put it in evidence where it was later
5 transferred to SLED.

6 Q. But you did not transfer it to SLED?

7 A. No, ma'am, actually ---

8 Q. Officer Turner ---

9 A. Sergeant Turner.

10 Q. But once you collected it, you sealed it with your
11 initials?

12 A. Yes, ma'am.

13 Q. Okay. Where you thereafter --- The following day
14 you continued to be involved in this investigation,
15 and actually, I believe, accompanied Lieutenant
16 Turner to High Point; is that correct?

17 A. Yes, ma'am.

18 Q. Okay. And while you were there, y'all processed
19 the vehicle, the alleged vehicle, which was used in
20 this particular incident; is that correct?

21 A. Yes, ma'am.

22 Q. Okay. And did you take some photos of that
23 particular vehicle?

24 A. Yes, ma'am, I did.

25 Q. Okay. I'm going to show you what's marked as

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1 State's Exhibits 13 through 18, and see if you
2 recognize those photos.

3 A. Yes, ma'am, I do.

4 Q. Okay. And from where do you recognize those
5 photos?

6 A. This is the vehicle that we went to High Point to
7 process that was alleged to be the vehicle that was
8 used in the crime.

9 Q. Okay. And do those photos accurately reflect the
10 vehicle as you found it the day after the shooting
11 in High Point?

12 A. Yes, ma'am.

13 Q. Okay. And you took those photos.

14 A. Yes, ma'am.

15 MS. MUNNERLYN: Your Honor, I would move to admit
16 into evidence now State's Exhibits 13 through 18.

17 THE COURT: Any objections?

18 MS. BROWN: No, Your Honor.

19 THE COURT: All right. State's Exhibits 13, 14,
20 15, 16, 17, and 18 are in evidence.

21 WHEREUPON, STATE'S

22 EXHIBITS 13, 14, 15, 16,

23 17, AND 18 ARE MARKED AND

24 ADMITTED INTO EVIDENCE

25 WITHOUT OBJECTION.

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1 Q. Let me ask you one more. State's Exhibit 19, do
2 you recognize that photo?

3 A. Yes, ma'am, it's a picture of the keys to the
4 vehicle on the driver's side seat.

5 Q. That just an additional photo of the vehicle?

6 A. Yes, ma'am.

7 Q. And it was also taken by you the following day in
8 High Point?

9 A. Yes, ma'am.

10 Q. Okay.

11 **MS. MUNNERLYN:** Your Honor, I'm sorry. I would
12 also like to admit State's Exhibit 19.

13 **THE COURT:** Any objection?

14 **MS. BROWN:** No, Your Honor.

15 **THE COURT:** All right. State's Number 19 is
16 admitted into evidence.

17 **WHEREUPON, STATE'S EXHIBIT**
18 **NUMBER 19 ARE MARKED AND**
19 **ADMITTED INTO EVIDENCE**
20 **WITHOUT OBJECTION.**

21 Q. You did not accompany the investigators to North
22 Carolina for a search of the home, did you?

23 A. No, ma'am.

24 Q. But as a result of that search, there was an item
25 which was collected that you were asked to

1 photograph, correct?

2 A. Yes, ma'am.

3 Q. And what was that item?

4 A. It was a handgun.

5 Q. Okay. And do you recall where you photographed
6 that?

7 A. It was at the police department.

8 Q. Okay. I'm going to show you State's Exhibits 7
9 through 12, and see if you recognize those photos.

10 A. Yes, ma'am.

11 Q. And from where do you recognize those photos?

12 A. These are the photos that I took of the handgun
13 that I was asked to photograph.

14 Q. And the photos were taken by you?

15 A. Yes, ma'am.

16 Q. At the police department?

17 A. Yes, ma'am.

18 Q. Okay. And you were not involved in the search or
19 the recovery of the weapon?

20 A. No, ma'am.

21 Q. But they were taken the same day it was recovered,
22 correct?

23 A. I believe so.

24 Q. Okay. And now, those photos also indicate the gun
25 while it was closed as well as while it is open,

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1 correct?

2 A. Yes, ma'am.

3 Q. And it indicates the bullets or cartridges that
4 were inside the gun?

5 A. Yes, ma'am.

6 Q. Okay. And the photos --- When you were taking the
7 photos, how did you exhibit how the bullets, or the
8 cartridges came out of the gun?

9 A. I first started by taking photos of the outside of
10 the gun. And as I opened the gun up, I
11 photographed the chambers, or where the bullets, or
12 cartridges were located in the gun. Then I pulled
13 each bullet or cartridge out of the gun, and laid
14 it pretty much as I pulled it out laid it, pretty
15 much as I pulled it out laid it right there near
16 the chamber of the gun and photographed that.

17 Q. So you sit it directly so that it would be
18 associated to the barrel from which it was removed?

19 A. That's correct.

20 Q. Okay. So if the cartridge or the bullet was
21 sitting in front of one particular barrel, what
22 does that indicate?

23 A. That's where that bullet or cartridge was removed
24 from.

25 Q. Okay. And these photos, which are State's Exhibits

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1 7 through 12 accurately reflect the gun and the
2 bullets as you found them when you photographed
3 them that day immediately after the shooting when
4 it was recovered?

5 A. Yes, after it was recovered and given to me to
6 photograph.

7 Q. Okay. I'm also going to show you State's Exhibit
8 36, and see if you recognize that.

9 A. Yes, ma'am, this is the handgun as depicted in the
10 pictures that I photographed.

11 Q. Okay. All right. And when you were photographing
12 the handgun you also processed it for swabs for
13 DNA, did you not?

14 A. Yes, ma'am.

15 Q. And explain to us how you do that.

16 A. What I do is I pick a section on the gun that I'm
17 going to swab, either like the trigger, or the left
18 side of the gun where the grip is, or the right
19 side of the gun where the grip is, and I will
20 collect an individual swab from each area.

21 And it goes into a labeled envelope where
22 I collected that swab from. And how I collect
23 that swab is, I take a sterile saline
24 solution, I wet a sterile swab, I swab the
25 area and I let it dry. And I place it in the

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1 envelope and seal it.

2 Q. Okay. And those were all sealed by you?

3 A. Yes, ma'am.

4 Q. And who were they turned over to?

5 A. Sergeant Turner.

6 Q. They were turned over to him sealed and ready to go
7 to SLED?

8 A. Yes, ma'am.

9 Q. Now, you also thereafter returned -- picked up some
10 of the items from SLED and returned them here to
11 the Bennettsville Police Department, did you not?

12 A. Yes, ma'am.

13 Q. And I'm going to show you State's Exhibit 30, and
14 let you look at that, and ask you questions. Do
15 you recognize what State's Exhibit 30 is?

16 A. It's a chain of custody report from SLED.

17 Q. Okay. And, in fact, you picked up SLED item number
18 6, as well as 7, 8, and 9, which were the gun, the
19 cartridge, a fired bullet, and a bullet from the
20 victim. You picked up those four, and those are
21 using SLED item numbers on that chain of custody,
22 and returned those to the Bennettsville Police
23 Department evidence room, did you not?

24 A. Yes, ma'am.

25 Q. Okay. And that chain of custody accurately shows.

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1 your participation in that chain?

2 A. Yes, ma'am.

3 Q. Did you handle any other items of evidence?

4 A. Not to my knowledge, no, ma'am.

5 Q. And when you were processing the gun that you've
6 already testified to, in regards to the swabs for
7 DNA, who was present during that swabbing?

8 A. Sergeant Turner.

9 Q. Okay. And upon your completion of that you
10 immediately turned those swabs and the kit over to
11 him?

12 A. Yes, ma'am.

13 Q. Okay. I don't have any further questions. If you
14 would answer any questions that defense counsel
15 might have.

16 **THE COURT:** Ms. Brown.

17 **MS. BROWN:** Yes, Your Honor. Thank you.

18 **CROSS EXAMINATION BY MS. BROWN**

19 Q. Officer Bowman, prior to July 22nd, how many crime
20 scenes had you processed before?

21 A. I'm not sure. I've processed several since I've
22 been in investigations. I went into investigations
23 in '05, 2005.

24 Q. Since 2005?

25 A. Yes, ma'am.

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1 Q. And do you have any specialized training or
2 education for collecting or handling evidence?

3 A. Yes, ma'am, I do. I've actually completed a three
4 week internship at SLED.

5 Q. A three week internship at SLED?

6 A. Yes, ma'am.

7 Q. Based on your investigation, were you able to
8 determine where Mr. Dease was shot?

9 A. Based on the photo, it appeared that he was shot on
10 --- if you're facing --- as you turn off Jennings
11 Street onto Hudson Street, make that left on Hudson
12 Street, you have Hudson on your left-hand side,
13 and the abandoned house on your right-hand side.
14 It appeared that the incident occurred on the
15 right-hand side of the road. And at some point and
16 time, it looked like the victim may have moved, or
17 traveled to the left-hand side of the road.

18 Q. So in your determination he, in fact, was, he, in
19 fact, was shot at one location and maybe moved to
20 another location?

21 A. Maybe stumbled or something like that.

22 Q. When you arrived at the scene, you indicated that
23 it had already been taped off.

24 A. Yes, ma'am.

25 Q. And were there anyone at all that you interviewed

1 that evening?

2 A. No, ma'am.

3 Q. At anytime during this investigation did you
4 interview anyone?

5 A. Not that I can recall, no, ma'am.

6 Q. Do you know the name of Ms. Eureka Zimmerman?

7 A. It doesn't ring a bell at this particular time.

8 Q. Prior to July 28th, how many times have you reported
9 to Hudson Street in response to gunshots, do you
10 know?

11 **MS. MUNNERLYN:** Objection, Your Honor.

12 **THE COURT:** Sustained. Ask your next question.

13 Q. As it relates to --- I'm going to move on to the
14 GSR Kit that you indicated that you had completed.
15 Did you complete a GSR Kit on anyone other than Mr.
16 Dease?

17 A. No, ma'am.

18 Q. The vehicle that was --- You processed the vehicle
19 as well; is that correct?

20 A. Yes, ma'am.

21 Q. Is it possible, I don't know, if the seats of that
22 car are cloth, was it possible for you to collect
23 any particular evidence at all to determine whether
24 or not a gun had been fired in that vehicle?

25 A. The GSR Kit can only be collected within a six-hour

LARRY DALE BOWMAN, JR. - CROSS EXAMINATION 303

1 time period of when the incident occurs. So after
2 that --- by the time we found the vehicle it was
3 passed that time frame.

4 Q. If a GSR Kit could not have been completed, was
5 there any other method that could have been
6 completed at all, to determine whether or not a gun
7 had been fired from in that vehicle?

8 A. Not to my knowledge that I have been trained on.

9 Q. What about outside of that vehicle? Like for
10 instance, trace evidence or latent prints, were you
11 able to determine if outside of the vehicle or not
12 there was any particles at all that you could have
13 collected to determine that a gunshot was fired?

14 A. Not like I said --- As far as it relates to gunshot
15 residue, or to a gun being fired in or outside that
16 vehicle there's nothing, to my knowledge, or that
17 I've been trained on that I know how to collect
18 that particular type of evidence. Now, you refer
19 to latent prints, I did process the vehicle for
20 latent prints. And I recall some partial latents
21 were collected from that vehicle.

22 Q. Now, you mentioned that you believe, I believe, in
23 one of those photos --- In one of the photos I
24 believe you referenced what you believed was a
25 blood stain.

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1 A. It appears to be. It might have been. Like I
2 said, bodily fluid, possibly blood on a napkin.

3 Q. Which photo do you believe it may have been?

4 A. This photo right here there a piece of tissue.

5 THE COURT: If you would, look on the back of that
6 photo and tell us the number.

7 THE WITNESS: State Exhibit 4.

8 THE COURT: Thank you.

9 Q. So on State Exhibit 4, there may have been blood
10 stains. Were you able to do any type of testing to
11 determine, to confirm whether or not that was a
12 blood spot, such as a hemo stick, or anything like
13 that?

14 A. No.

15 Q. You mentioned there was hardly little to no
16 evidence collected at the scene itself, no bullet
17 casings?

18 A. No, ma'am.

19 Q. What methods did you use in order to determine
20 whether or not any particular evidence may have
21 been collected? Was it just through visual
22 observation, or did you use any other method?

23 A. My visual observation looking over the scene. It
24 was actually, it was actually a pretty, I guess, in
25 reference to a shooting incident, there were no

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1 casings left behind. And there were no actual
2 projectiles or bullets located at that particular
3 time.

4 Q. And what time did you respond to the location,
5 incident location?

6 A. I'm not sure. I can't really off the top of my
7 head recall what time it was.

8 Q. But when you arrived Mr. Dease was no longer there;
9 is that correct?

10 A. Yes, ma'am.

11 Q. You mentioned that you collected prints off the
12 vehicle.

13 A. Yes, ma'am.

14 Q. Can you tell me what places did you collect those
15 prints?

16 A. I would have to refer to my cards that I use to
17 collect the prints, which depicts where that print
18 was collected from, as well as has a rough drawing
19 of where I collected that print from.

20 Q. You don't have those cards present with you today?

21 A. No, ma'am.

22 MS. BROWN: One second, Your Honor.

23 THE COURT: Sure.

24 (PAUSE.)

25 Q. My understanding that the cards that you're

1 referring are inside that package.

2 A. It's sealed. Is it safe to open it up?

3 THE COURT: Any objections from the Solicitor?

4 MS. MUNNERLYN: No, Your Honor, that's fine. I
5 think that's a State's Exhibit.

6 THE WITNESS: State's Exhibit 41, I believe.

7 (PAUSE.)

8 Q. Can you tell us the places which you lifted those
9 prints from?

10 A. The first part I'm looking at is the bottom left
11 corner of the driver's side window, on the outside
12 with the driver's window being half way down.

13 Q. The bottom left corner of the driver's window,
14 driver's side window?

15 A. Driver's side window.

16 Q. The next location?

17 A. The next one was located on the inside bottom
18 corner of the driver's window, on the inside of the
19 window with that window being half way down.

20 Q. And the next location?

21 A. Next one I collected the driver's side rear
22 passenger door, middle of the small window on the
23 outside.

24 Q. And the last location?

25 A. Last one is the right top edge of the driver's door

LARRY DALE BOWMAN, JR. - CROSS EXAMINATION

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1 above the door handle on the outside.

2 **MS. BROWN:** Beg The Court's indulgence.

3 **THE COURT:** Sure.

4 **(PAUSE.)**

5 Q. One other thing about the vehicle itself. When you
6 had the vehicle, when you photographed the vehicle,
7 did you, by chance, at all observe any blood or
8 stains on the body of the vehicle, or inside the
9 vehicle?

10 A. No, ma'am, none that I could see with the naked
11 eye.

12 Q. Did you test for blood splatters on the outside of
13 the vehicle, detective?

14 A. No, ma'am, I wasn't equipped to do so.

15 Q. I understand that you took prints from outside of
16 the vehicle.

17 A. I believe there is one also from the inside of the
18 vehicle.

19 Q. Oh, okay, inside as well. At any point in your
20 investigation, did you consider anyone other than
21 Mr. Bright?

22 A. My sole purpose was to process items for any type
23 of evidence.

24 Q. I have no further questions.

25 **THE COURT:** Redirect?

LARRY DALE BOWMAN, JR. - REDIRECT EXAMINATION 308

1 MS. MUNNERLYN: Thank you, Your Honor.

2 REDIRECT EXAMINATION BY MS. MUNNERLYN

3 Q. In regards to blood splatter, the victim himself
4 had how many gunshots?

5 A. One.

6 Q. And, in fact, it was a very small wound; correct?

7 A. Yes, ma'am.

8 Q. And at the scene of the shooting itself, how much
9 blood was there?

10 A. None besides what possibly might have been on that,
11 on that napkin. Which, of course, was
12 undetermined.

13 Q. You don't even know whether that was related to the
14 shooting itself.

15 A. Yes, ma'am.

16 Q. Was there any evidence of any blood splatter?

17 A. No, ma'am.

18 Q. And in your view of the vehicle, was there any
19 evidence of any blood splatter?

20 A.. No, ma'am.

21 Q. And the latent prints, which were collected when
22 you processed the vehicle, that was done along with
23 Sergeant Turner?

24 A. Yes, ma'am.

25 Q. And that was all in High Point?

LARRY DALE BOWMAN, JR. - REDIRECT EXAMINATION 309

1 A. Yes, ma'am.

2 Q. And these cards that you've just referenced are a
3 part of State's Exhibit 41?

4 A. Yes, ma'am.

5 Q. Okay. They actually indicate on them the SLED lab
6 number there; isn't that correct, item 2-C, item 2-
7 D, item 2-B?

8 A. Yes, ma'am.

9 Q. And those were all submitted by Sergeant Turner to
10 SLED?

11 A. Yes, ma'am.

12 Q. And are reflected on SLED's report?

13 A. Yes, ma'am.

14 Q. And those were fingerprints which were available
15 that you could discern?

16 A. Yes, ma'am, they had, or appeared to have some type
17 of detail, which may be able to be used to identify
18 an individual if their prints are on file.

19 Q. I don't have any further questions.

20 **THE COURT:** Recross?

21 **MS. BROWN:** No, Your Honor.

22 **THE COURT:** All right. You may step down. Any
23 objections to this witness being excused from the
24 Defense?

25 **MS. BROWN:** No, Your Honor.

MARSHA RENEE STRICKLAND - VOIR DIRE EXAMINATION 310

1 **MS. MUNNERLYN:** Your Honor, if I could beg the
2 Court's indulgence?

3 **THE COURT:** Sure.

4 **(PAUSE.)**

5 **MS. MUNNERLYN:** Your Honor, my next witness will be
6 Renee Strickland from SLED. Come on around.

7 **WHEREUPON, MARSHA RENEE STRICKLAND**

8 **FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS**

9 **CLERK OF COURT:** Have a seat and state your full
10 name.

11 **THE WITNESS:** My full name is Marsha Renee
12 Strickland.

13 **DIRECT EXAMINATION BY MS. MUNNERLYN**

14 **Q.** Where are you employed?

15 **A.** Lexington County Sheriff's Department.

16 **Q.** Okay. And back in 2008, where were you employed?

17 **A.** The South Carolina Law Enforcement Division,
18 commonly known as SLED.

19 **Q.** And did you have an occasion to receive some
20 evidence, in regards to an incident that occurred
21 here in Bennettsville on July 22nd, 2008, from the
22 Bennettsville Police Department?

23 **A.** I did.

24 **Q.** Okay. And I'm going to show you what's been marked
25 as State's Exhibit 41, and see if you recognize

MARSHA RENEE STRICKLAND - VOIR DIRE EXAMINATION 311

1 what is in that Exhibit.

2 A. Yes, ma'am, I do recognize it.

3 Q. From where do you recognize that, those items in
4 that Exhibit?

5 A. These items were submitted to the latent print
6 department at SLED for analysis. I received these
7 from latent incoming to compare for latent
8 analysis.

9 Q. I'm going to also --- You can hang onto that for
10 just a minute. I show you State's Exhibit 30, and
11 let you review that in regards to the items that
12 you processed.

13 A. (Reviewing documents.)

14 Q. Do you recognize that?

15 A. Yes, ma'am.

16 Q. What is that?

17 A. This is a chain of custody sheet that's printed out
18 by the computer system that we use there, bar coded
19 evidence system.

20 Q. Okay. And it reflects the chain of custody for
21 particular pieces of evidence which are submitted
22 to SLED?

23 A. Yes, ma'am.

24 Q. Okay. Before we go into what analysis you did, let
25 me ask you first of all, what's your education and

MARSHA RENEE STRICKLAND - VOIR DIRE EXAMINATION 312

1 experience?

2 A. I have a bachelor's degree in criminal justice from
3 the University of South Carolina. I also have an
4 associate's degree from Midlands Technical College
5 in criminal justice technology.

6 As far as employment, I began my career
7 in law enforcement in 2004. I became a
8 certified police officer in 2005, where I
9 worked for the Cayce Department of Public
10 Safety as an investigator and also victim
11 advocate. From there I went to SLED in
12 2007. And worked there until April of 2009.
13 And I'm currently with the Lexington County
14 Sheriff's Department as an investigator in the
15 crime scene unit there.

16 Q. Okay. And what education do you have in regards
17 specifically to latent prints, and the analysis of
18 latent prints?

19 A. I completed the in-house training program at SLED,
20 It's a very structured two year long training
21 program. I'm certified competent in latent print
22 analysis. And I've looked at hundreds of latent
23 prints.

24 And I also have over three hundred hours
25 of outside instruction as far as seminars, and

MARSHA RENEE STRICKLAND - DIRECT EXAMINATION 313

1 workshops, and courses in crime scene and
2 latent print related topics.

3 Q. And have you been qualified as an expert witness
4 before?

5 A. I have.

6 Q. And how many times have you actually been qualified
7 and testified?

8 A. Once.

9 **MS. MUNNERLYN:** Your Honor, I would move to have
10 this particular witness qualified as an expert in
11 analysis.

12 **THE COURT:** Any objections from the Defense?

13 **MS. BROWN:** Your Honor, I do have one question as
14 to whether or not she has ever been not qualified. And
15 that would be the only question I have.

16 **THE WITNESS:** No, ma'am.

17 **MS. BROWN:** No objection, Your Honor.

18 **THE COURT:** All right. She's an expert. Go
19 ahead.

20 **MS. MUNNERLYN:** Thank you, Your Honor.

21 **DIRECT EXAMINATION BY MS. MUNNERLYN**

22 Q. All right. So you did receive some evidence in
23 regards to this. Is all of that evidence included
24 in the first Exhibit that I handed you, which is
25 State's Exhibit 41?

MARSHA RENEE STRICKLAND - DIRECT EXAMINATION 314

1 A. Yes, ma'am.

2 Q. And tell us from the chain of custody, can you tell
3 us who submitted those items to SLED?

4 A. Larry Turner of the Bennettsville Police
5 Department.

6 Q. Okay. And once they are submitted to SLED, how are
7 they processed?

8 A. Once they are submitted to SLED they go to what is
9 called latent intake. The people in intake package
10 them, and they go to what is called latent
11 incoming.

12 They are then routed to us and turned
13 over to our custody. We have an
14 administrative assistant that would go down
15 and pick up things to be processed for latent,
16 or things to be analyzed for latent prints.
17 They then bring them to us, and we would scan
18 them into our custody.

19 Q. And those people who handle --- those
20 administrative people, who handle these pieces of
21 evidence between intake and you receiving them, are
22 they specifically shown on that chain of custody,
23 which I believe is State's Exhibit 30?

24 A. Yes, ma'am, they are.

25 Q. Now, those individuals in regards to these items of

MARSHA RENEE STRICKLAND - DIRECT EXAMINATION 315

1 evidence that you received in State's Exhibit 41,
2 were they processed, or done anything with these
3 items of evidence before they got to you?

4 A. No, ma'am.

5 Q. Okay. What would they have done with them?

6 A. Placed in an evidence locker.

7 Q. Okay. So there would not have been any --- Is
8 there any availability for tampering with these
9 pieces of evidence before they get to you?

10 A. No, ma'am.

11 Q. So long as they are in SLED, until they get to you,
12 nothing is done with those pieces?

13 A. That's right.

14 Q. Okay. Well, tell us then what you did receive in
15 regards to analysis in this particular case.

16 A. I received some latent prints that had already been
17 lifted from on-scene. Items on-scene had been
18 processed, and latent prints were lifted, and then
19 they were submitted to me for comparison with a
20 named subject.

21 So, I received four cards that have
22 latent prints on them. And I made a request
23 to SLED AFIS, which is automated fingerprint
24 identification, and got the known card and
25 compared the latent prints with that known

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1 card. And evaluated the latent prints as far
2 as if they were suitable for comparison.

3 Q. Okay. All right. So tell us --- The fingerprints
4 that you received, can you tell us from where they
5 were lifted?

6 A. On the back of the card, let's see, item 3, was
7 lifted from the right top edge of driver's door
8 above door handle. And there is a sketch on the
9 back that shows the exact location.

10 Item 2, was lifted from the driver's side
11 rear passenger door, middle of the small
12 window outside. It also has a sketch.

13 Item 5, bottom left corner of driver's
14 side window outside. It indicates that the
15 drive's window was half way down.

16 And then item 4, is inside bottom corner
17 of driver's window inside, window half way
18 down.

19 Q. So all of the latent prints, which were submitted
20 to you for analysis, were lifted from a vehicle?

21 A. They were, yes, ma'am.

22 Q. As you're already described. And you were
23 comparing --- The request was that you compare
24 those to a known fingerprint. And whose known
25 fingerprint did you compare them to?

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1 A. Kenwood Bright.

2 Q. Okay. And tell us about what you do in order to
3 analyze these and determine if there is a match.

4 A. Well, basically once I get the known print we
5 compare to every finger. First, I would look at
6 the print and evaluate if it has enough detail,
7 enough ridge detail in order to render
8 identification.

9 Meaning, that sometimes latent prints do
10 not have enough detail to match them to
11 somebody. And then we conclude that they are
12 no value. Once I determine that a print is of
13 value, I then go through and compare to each
14 finger to see if --- There are certain details
15 in a fingerprint and we evaluate those, or I
16 evaluate those details and compare them to the
17 known print.

18 And if certain details match up, then you
19 also compare them to their relative location
20 with the rest of the details in the print, and
21 render identification from that.

22 Q. Okay. All right. And tell us what you actually
23 found in regards to your analysis of these
24 fingerprint cards.

25 A. Okay. Item 2, there was a two point one (2.1) and

MARSHA RENEE STRICKLAND - DIRECT EXAMINATION 318

1 a two point two (2.2) match. Meaning that there
2 are two latent prints on one card, or one item.

3 Two point one (2.1) was no conclusion.

4 Which means that the print itself was not ---
5 the area that we were seeing was either not
6 represented, or it was not in good enough
7 condition to make an identification.

8 Two point two (2.2) was not identified.

9 Which means that we did not, I did not see any
10 details that matched up with the known print.

11 Q. But there was sufficient ridge detail to make a
12 comparison?

13 A. Right, yes, ma'am.

14 Q. Okay. Let me ask you, before you go any further,
15 just briefly. These were lifted from windows,
16 correct?

17 A. Right.

18 Q. Whenever you touch something, do you always leave a
19 fingerprint?

20 A. No, ma'am, it depends on all sorts of conditions.
21 Conditions of the environment. Conditions of the
22 surface that's being touched. The condition of the
23 person's hands. What the weather is like, whether
24 it is wet or not. There are many factors that play
25 into whether or not you would leave a latent print.

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1 Q. So, just because a fingerprint is not found, is
2 that indicative that no one touched it, or does it
3 mean anything?

4 A. No, ma'am, not necessarily. If you are wearing
5 gloves, of course, you're not going to leave a
6 fingerprint. Some people, their occupation --- if
7 they have very rough skin on their palmer surfaces,
8 their fingertips, they may not leave a print. It
9 just depends on the person, and the surface being
10 touch, and the conditions at the time it is
11 touched.

12 Q. So a lot of different factors play into whether or
13 not a fingerprint is actually left when you touch a
14 surface?

15 A. Yes, ma'am.

16 Q. You know, I might leave a fingerprint there, but I
17 might touch another surface and it might not leave
18 a fingerprint.

19 A. Right. It depends on all those factors coming
20 together, yes, ma'am.

21 Q. Okay. And even if you sometimes find a print, it
22 has to be complete enough for you to be able to
23 make comparison, correct?

24 A. That's correct, yes.

25 Q. Okay. All right. So go on --- You were talking

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1 about two point two (2.2), and you can proceed now.

2 A. Yes, ma'am, two point two (2.2) was not identified.

3 Meaning again, that there was sufficient ridge

4 detail, but it did not match the known print.

5 Same with item 3, it was not identified.

6 Meaning, that it did not match the known

7 print. And then items 4 and 5 were no value.

8 Meaning, that they did not have sufficient

9 ridge detail for me to render a conclusion.

10 Once I determine either that they're not

11 identified, or there is no conclusion, or no

12 value, I submitted to SLED AFIS to run through

13 the automated system.

14 Item two point one (2.1), which was the

15 no conclusion, it was not suitable for an AFIS

16 search. Meaning, that it did not have enough

17 detail for the AFIS search.

18 Two point two (2.2) and item 3, they were

19 both AFIS suitable, and they were searched

20 through AFIS. I do not do that search, but

21 they came back with no match.

22 Q. Okay. So even though there were fingerprints

23 submitted here, you were not able to determine any

24 match in regards to this particular Defendant,

25 Kenwood Bright.

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1 A. Yes, ma'am, that's correct.

2 Q. Okay. And you did, in fact, prepare a report,
3 which includes your findings; is that right?

4 A. Yes, ma'am.

5 Q. Okay. I'm going to show you State's Exhibit 32.
6 See if you recognize that.

7 A. I do, yes, ma'am.

8 Q. And what is that?

9 A. This is the report that's generated by the latent
10 print analysis, that's generated by the computer
11 system, that shows my results.

12 Q. Okay. All right. And that is your signature on
13 the last page?

14 A. It is, yes, ma'am.

15 Q. And your results are included in that report?

16 A. It is, yes, ma'am.

17 **MS. MUNNERLYN:** Your Honor, I would move to admit
18 State's Exhibit 32.

19 **THE COURT:** Any objection?

20 **MS. BROWN:** No objection, Your Honor.

21 **THE COURT:** All right. State's Exhibit Number 32
22 into evidence.

23 **WHEREUPON, STATE'S EXHIBIT**

24 **NUMBER 32 ARE MARKED AND**

25 **ADMITTED INTO EVIDENCE**

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1 **WITHOUT OBJECTION.**

2 **(PAUSE.)**

3 **MS. MUNNERLYN:** Your Honor, also move at this time
4 State's Exhibit 41.

5 **THE COURT:** Any objections?

6 **MS. BROWN:** No, Your Honor.

7 **THE COURT:** State's 41 into evidence.

8 **WHEREUPON, STATE'S EXHIBIT**

9 **NUMBER 41 ARE MARKED AND**

10 **ADMITTED INTO EVIDENCE**

11 **WITHOUT OBJECTION.**

12 Q. That's all the questions I will have. If you will
13 answer any questions defense counsel may have.

14 **THE COURT:** Cross examination?

15 **MS. BROWN:** Thank you, Your Honor.

16 **CROSS EXAMINATION BY MS. BROWN**

17 Q. Ms. Strickland, I just want to make sure that we
18 understand fully that there was no match to Mr.
19 Bright, based on your report; is that correct?

20 A. That's correct, yes, ma'am.

21 Q. And did you, in fact, receive a fingerprint card
22 bearing the name of anyone else other than Mr.
23 Bright?

24 A. No, ma'am.

25 **MS. BROWN:** No further questions, Your Honor.

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1 **THE COURT:** Anything further, Solicitor?

2 **MS. MUNNERLYN:** No, Your Honor.

3 **THE COURT:** Any objections to this witness being
4 excused?

5 **MS. BROWN:** No, Your Honor.

6 **THE COURT:** All right. You may be excused.

7 **MS. MUNNERLYN:** Kathleen, Kathy Woodward.

8 **WHEREUPON, KATHLEEN WOODWARD**

9 **FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS**

10 **CLERK OF COURT:** You may have a seat and state your
11 full name.

12 **THE WITNESS:** My name is Kathleen Woodward.

13 **VOIR DIRE EXAMINATION BY MS. MUNNERLYN**

14 **Q.** Where are you employed?

15 **A.** With the South Carolina Law Enforcement Division in
16 the trace laboratory.

17 **Q.** And how long have you been employed at South
18 Carolina Law Enforcement Division?

19 **A.** About three and a half years.

20 **Q.** And tell us what your education and experience is.

21 **A.** I have a bachelor of science in chemistry from
22 Converse College. And I have worked for SLED for
23 three and a half years. And during that time I
24 have completed in-house training programs, in which
25 we train for approximately six months, maybe a

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1 little longer. And then after that we take cases
2 in that discipline for approximately six months or
3 a year.

4 Q. And you have law enforcement experience all total,
5 what is that?

6 A. Three and a half years.

7 Q. And all of that has been with SLED?

8 A. Yes, ma'am.

9 Q. Okay. All right. And have you been qualified as
10 an expert in the evaluation of trace evidence?

11 A. Yes, ma'am.

12 Q. Okay. And how many times?

13 A. Approximately twelve.

14 Q. And have you actually testified on those twelve
15 occasions?

16 A. Yes, ma'am.

17 Q. Okay.

18 MS. MUNNERLYN: Your Honor, I would move then to
19 have this witness qualified as an expert in the analysis
20 of trace evidence.

21 THE COURT: Any objections?

22 MS. BROWN: No, Your Honor.

23 THE COURT: All right. Granted.

24 MS. MUNNERLYN: Thank you, Your Honor.

25 DIRECT EXAMINATION BY MS. MUNNERLYN

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- 1 Q. Okay. You have indicated that your name is
2 Kathleen Woodward. But, you did have a different
3 name on your report; is that right?
- 4 A. Yes, ma'am, I have legally changed my name in
5 January.
- 6 Q. Okay. And so you were then known at the time of
7 the report as Kathleen Amick; is that correct?
- 8 A. Yes, ma'am.
- 9 Q. Okay. You are one and the same person?
- 10 A. Yes.
- 11 Q. Okay. All right. I want to ask, did you have the
12 occasion to receive any evidence, from Larry Turner
13 of the Bennettsville Police Department, to analyze
14 in regards to an incident that occurred on July 22nd
15 of 2008?
- 16 A. Yes, I have.
- 17 Q. Okay. I'm going to show you what's been marked as
18 State's Exhibit 40, and see if you recognize that.
- 19 A. Yes, I do.
- 20 Q. Okay. And from where do you recognize that?
- 21 A. My initials are on the front here and also along
22 the seal of the envelope.
- 23 Q. Okay. And what is in that?
- 24 A. It should be --- Can I open it up?
- 25 Q. Yes.

1 A. It is a gunshot residue collection kit.

2 Q. All right. I'm going to also show you State's
3 Exhibit --- And that GSR Kit is what you received
4 for analysis.

5 A. Yes, ma'am.

6 Q. Okay. And I'm going to show you State's Exhibit
7 30, and see if you recognize what that document is.

8 A. It's a chain of custody.

9 Q. Okay. Does that document accurately reflect the
10 item that you receive and analyzed, in this
11 particular case, and the chain of that particular
12 item?

13 A. Yes, ma'am, it does.

14 Q. Okay. And does it include the names of all
15 individuals who are in the chain of this GSR Kit?

16 A. Yes, it does.

17 Q. Okay. And it does indicate that, in fact, Larry
18 Turner is the officer who submitted it to SLED for
19 analysis?

20 A. Yes, it does.

21 Q. And that item was then ultimately returned to the
22 Bennettsville Police Department through Ira Dease;
23 is that correct?

24 A. Yes, that is correct.

25 Q. All of the other individuals listed on that chain

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1 of custody once it's submitted at SLED, is anything
2 done to the GSR Kit prior to it coming into your
3 hands?

4 A. No, ma'am.

5 Q. Okay. So, when you receive it, it is in the same
6 condition as when it was initially submitted to
7 SLED?

8 A. Yes.

9 Q. Okay. So, those individuals, who administratively
10 received it, are shown on this chain of custody do
11 not actually open it and handle that evidence?

12 A. No, ma'am.

13 Q. Okay. And so tell us exactly what you did receive
14 for analysis in this case.

15 A. Well, I received this GSR Kit. It is an Evidence
16 Collection Kit specifically for gunshot residue.
17 And in this kit is contained four particle lifts.
18 And those four particle lifts are used on the four
19 areas of the hand. The right palm and the right
20 back. The left palm and the left back.

21 And then there are also swabs in this
22 kit, which are consumed during analysis. So
23 they are not present in the kit right now.
24 But those are used by the collecting officer
25 to swab the hands. A small drop, very dilute

1 nitrate acid is placed on those swabs. And
2 they are also rubbed over the four areas of
3 the hands that I just described, the right
4 palm, the right back, the left palm, and the
5 left back of the hand.

6 And there also is a control sample taken with
7 a swab from an area that is believed to not
8 have been exposed to GSR. So that we have a
9 control sample that way as well.

10 Q. Okay. I want to ask you if you can briefly explain
11 what the purpose of a GSR Kit is, and what it
12 determines.

13 A. A gunshot residue kit is collected from a person,
14 who is believe to be involved in a shooting
15 incident, where a gun may have been fired.

16 And what we are looking for when we
17 analyze a gunshot residue kit are three
18 chemicals. And those three chemicals are
19 lead, barium, and antimony. Those chemicals
20 are contained within the primer cap of a
21 cartridge.

22 And those chemicals are expelled when the
23 hammer of a weapon comes in contact with that
24 primer cap when the gun is fired. And when
25 that happens, when that hammer comes in

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1 contact with that primer cap, there's a small
2 spark which leads to a small explosion between
3 the lead, barium, and antimony.

4 And that explosion propels the actual
5 bullet out of the barrel of the gun. And with
6 that comes smoke from the explosion, and from
7 the pressure that's built up in. And that
8 smoke contains gunshot residue particles.

9 And those particles will come to rest on
10 anything in the vicinity of the weapon when it
11 is fired. And since you fire a weapon
12 typically with your hand, that is the first,
13 you know, place it may come to rest. But it
14 may also come to rest on clothing, or anything
15 else that might be in the vicinity of the
16 weapon when it is fired.

17 Q. Okay. And if you have gunshot residue on your
18 hands, how long does it normally stay on your
19 hands.

20 A. Our protocol states, that a kit that was collected
21 on a living person, after six hours we will not
22 analyze that. It's pretty standard practice. So,
23 no longer than six hours is what we believe that
24 gunshot residue will remain on the hand after a
25 weapon is fired.

1 Q. So, the collection itself has to take place within
2 the six hours for really there to be anything to be
3 analyzed.

4 A. That's correct, on a living person.

5 Q. On a living person?

6 A. Right.

7 Q. Okay. How is that affected from someone who is
8 deceased?

9 A. If the person is deceased the activities, routine
10 activity has stopped. And gunshot residue is very
11 delicate evidence. So what that means is, that it
12 is easily removed from the hands in just routine
13 activity, putting your hands in and out of your
14 pocket, washing your hands.

15 It also absorbs into the skin over time.
16 Sweating can remove it. That kind of thing.
17 So someone who is living and active, moving
18 around, that kind of stuff, it can be removed
19 from their hands. But someone who is
20 deceased, obviously, is not doing any of those
21 things, and their bodily functions have
22 stopped, so they are not sweating, or anything
23 like that. So on a deceased person we will
24 accept a kit passed that six hour time frame.

25 Q. Okay. All right. You have indicated that there

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1 are things that an individual can do to remove the
2 particles from their hands or parts of their body.

3 A. Yes, ma'am.

4 Q. Even before the six hours?

5 A. That's correct.

6 Q. And that includes --- Would washing your hands do
7 that?

8 A. Yes, ma'am.

9 Q. Or simply wiping them on another surface, a towel,
10 or your clothing?

11 A. That's correct.

12 Q. All of that would remove those particles?

13 A. Yes, ma'am.

14 Q. All right. And the GSR Kit that you received, who
15 was it taken from?

16 A. It was taken from Christopher Dease.

17 Q. Okay. And tell us what you analyzed, and what your
18 results were.

19 A. I analyzed the swabs and two particle lifts from
20 this kit. And the results on the right palm were
21 that --- the results were inconclusive.

22 On the right back, the metals that I
23 found did not indicate the presence of gunshot
24 residue.

25 On the left palm no gunshot residue was

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1 found. And on the left back, the metals that
2 I found did not indicate the presence of
3 gunshot residue.

4 Q. Okay. So in these, you did not find any gunshot
5 residue. And in regards to the right palm, where
6 you indicated the results were inconclusive, can
7 you explain that?

8 A. Yes, ma'am. The swabs in the kit are analyzed
9 first. And from there I get a quantity of the
10 metals that are present on the swab. I found that
11 those were slightly high. And there was also a
12 high control sample in this case.

13 So in order to make a more definitive
14 determination, I analyzed the particle lift,
15 that was submitted with the kit, through a
16 microscope so I could actually see the
17 particles visually.

18 And when I looked at that, I did find one
19 round red particle. It did not contain all
20 three components. It just contained lead.
21 And based on those results our protocol ---
22 over time we have established a protocol, that
23 based on the combination of information
24 whether we can draw a real determinate answer
25 from that. And based on this data, I was not

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1 able to draw a real definite conclusion. So
2 it was reported as inconclusive.

3 Q. Okay. So you generally in order to find a
4 conclusive gunshot --- conclusively find that there
5 is gunshot residue, you need to find all three of
6 those particles?

7 A. In order to report gunshot residue found, I would
8 have to find a particle that contained all three
9 components, the lead, barium, and antimony.

10 Q. And in this particular case you found one that just
11 contained lead.

12 A. Right. And I only found one particle. Had I found
13 multiple particles, I could have made a more
14 determinate conclusion that round lead was found.
15 But there was not enough present to make that
16 definite determination. So I made the decision
17 that it was inconclusive.

18 Q. Is it unusual to find gunshot residue on a gunshot
19 victim?

20 A. No, it's not uncommon.

21 Q. Okay. In fact, you don't have to actually fire a
22 gun to get gunshot residue on you. You can be on
23 the other side, or in the proximity of gun being
24 fired to have gunshot residue on you; isn't that
25 correct?

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1 A. That's correct.

2 Q. Okay. I'm going to show you what's marked as
3 State's Exhibit 31, and see if you recognize that.

4 A. Yes, I do.

5 Q. Okay. And what is that?

6 A. This is my report on the GSR Kit from Christopher
7 Dease.

8 Q. Okay. And it accurately reflects the results and
9 your conclusion?

10 A. Yes, ma'am, it does.

11 MS. MUNNERLYN: Your Honor, I would move to admit at
12 this time State's Exhibit 31.

13 THE COURT: Any objections?

14 MS. BROWN: No objection, Your Honor.

15 THE COURT: State's 31 into evidence.

16 WHEREUPON, STATE'S EXHIBIT

17 NUMBER 31 ARE MARKED AND

18 ADMITTED INTO EVIDENCE

19 WITHOUT OBJECTION.

20 MS. MUNNERLYN: And I also would like to move to
21 admit at this time State's Exhibit 40 into evidence.

22 THE COURT: Any objection?

23 MS. BROWN: No objection, Your Honor.

24 THE COURT: State's Exhibit 40 into evidence.

25 WHEREUPON, STATE'S EXHIBIT

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1 NUMBER 40 ARE MARKED AND
2 ADMITTED INTO EVIDENCE
3 WITHOUT OBJECTION.

4 Q. I don't have any further questions. If you would
5 answer any questions that defense counsel may have.

6 THE COURT: Cross examination?

7 MS. CRAYTON: Yes, Your Honor. Court's indulgence?

8 THE COURT: Sure.

9 (PAUSE.)

10 CROSS EXAMINATION BY MS. CRAYTON

11 Q. Ms. Woodward.

12 A. Yes.

13 Q. I just have a couple of questions for you. Do you
14 know if it is possible to collect gunshot residue
15 from objects such like car seats?

16 A. It is possible, yes.

17 Q. But you didn't receive any samples from anything
18 but the victim's hands; is that correct?

19 A. That's correct.

20 Q. And you didn't receive anything from like the
21 outside panel of the car, or inside the car, no
22 gunshot residue kits from anything else?

23 A. No, ma'am.

24 Q. That's all.

25 THE COURT: Thank you. Any redirect?

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1 **MS. MUNNERLYN:** No questions, Your Honor.

2 **THE COURT:** You may step down. Any objections to
3 this witness being excused?

4 **MS. CRAYTON:** No, Your Honor.

5 **THE COURT:** All right. Sounds good. Why don't we
6 take a lunch break. All right. Folks, we are going to
7 take a lunch break until 2:30. You are dismissed until
8 2:30. But again, don't talk about this case among
9 yourselves, or with anybody at this point and time.

10 Thank you. Will see you back at 2:30.

11 (Whereupon, the Jury exits the courtroom at
12 12:49 p.m.)

13 **THE COURT:** All right. We will be at ease until
14 2:30.

15 (Whereupon, The Court takes its lunch recess
16 from 12:50 p.m. and resumes it sitting at 2:34 p.m.)

17 **THE COURT:** All right. You can bring out the
18 Jury.

19 (Whereupon, the Jury enters the courtroom at
20 2:34 p.m.)

21 **THE COURT:** I hope you-all had a good lunch and
22 ready to go this afternoon. Call your next witness.

23 **MS. MUNNERLYN:** Thank you, Your Honor. The State
24 would call Erin Presnell.

25 **WHEREUPON, SUSAN ERIN PRESNELL**

SUSAN ERIN PRESNELL, M.D. - VOIR DIRE EXAMINATION 337

FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS

CLERK OF COURT: Please have a seat and state your full name.

MS. PRESNELL: My name is Susan Erin Presnell, P-r-e-s-n-e-l-l.

VOIR DIRE EXAMINATION BY MS. MUNNERLYN

Q. Doctor Presnell, where are you employed?

A. I am a forensic pathologist, way down South in Charleston, at the Medical University of South Carolina.

Q. Okay. And tell us a little bit about your education and your qualifications and experience.

A. Well, I'm a forensic pathologist. To become a forensic pathologist, and everyone is getting more familiar with what forensic pathologist do, because of all the tv shows and all.

But just kind of the educational process, you go to college and get a four year degree with a minor biology major. And then you go to medical school, which is four years. And after medical school you graduate and get your MD.

At that point you decide which field you want to go into. Like pediatrics, or surgery, or family medicine. I chose pathology, which

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1 is a five-year training program at that time
2 which is general pathology. And then I did
3 another year after that in a sub-speciality in
4 forensic pathology.

5 Through the whole process you take all
6 the Boards, and become Board Certified in
7 General Pathology and Forensic Pathology.

8 Q. Okay. And how long have you been board certified?

9 A. Well, in General Pathology it was 1998, and
10 Forensic it was 1999.

11 Q. Okay. And have you been qualified as an expert
12 witness before?

13 A. Yes.

14 Q. Do you know how many times?

15 A. Estimate of maybe about eighty.

16 Q. Okay. And all eighty of those you testified, you
17 qualified and you did testify in court?

18 A. I guess they qualified me on the stand. So, yes,
19 that would be when I was testifying.

20 Q. Okay. And have you ever not been qualified as an
21 expert?

22 A. No.

23 Q. Okay.

24 **MS. MUNNERLYN:** I would offer at this time, Your
25 Honor, this witness as an expert, and ask The Court to

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1 qualify her as such in the field of Forensic Pathology.

2 **THE COURT:** Any objections?

3 **MS. CRAYTON:** No objection, Your Honor.

4 **THE COURT:** Motion granted.

5 **MS. MUNNERLYN:** Thank you, Your Honor.

6 **DIRECT EXAMINATION BY MS. MUNNERLYN**

7 Q. Doctor Presnell, did you have an opportunity to
8 conduct an autopsy upon the body of the victim in
9 this particular case, one Christopher Dease?

10 A. Yes, we did an autopsy in July 2008.

11 Q. Okay. Do you recall the exact date of that
12 autopsy?

13 A. July 24th.

14 Q. And the identification of the individual again was
15 who?

16 A. Christopher Dease.

17 Q. Okay. Do you know what his age was at the time?

18 A. At the time our information was obtained through
19 the coroner and he was twenty-two.

20 Q. Okay. And did anyone --- Did law enforcement
21 arrive, and were they present during the autopsy?

22 A. Yes, they were.

23 Q. Do you recall who that was?

24 A. From my autopsy report it's documented as Officer
25 Larry Turner.

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1 Q. Okay. And so the autopsy was actually conducted on
2 July 24th, and this was conducted at MUSC in
3 Charleston?

4 A. Yes. We don't have a pathologist everywhere so the
5 coroner will arrange transportation to MUSC where
6 we do the autopsy.

7 Q. Okay. Tell us what the victim --- Can you give us
8 height and weight for the victim?

9 A. He weighed about one hundred ninety-two pounds
10 (192), and he was seventy point five (70.5) inches,
11 which is five foot ten and a half inches,
12 (5'10&1/2").

13 Q. Okay. And when he arrived, what was The State of
14 his body? Did he arrive with any clothing on him?

15 A. He had been through --- There had been medical
16 intervention where they tried to resuscitate him.
17 During that process frequently clothes are cut off.
18 He did arrive with some boxer underwear, although
19 they were kind of just laying with him, because
20 they had been cut off.

21 Q. Okay. And did you --- upon first viewing the body,
22 was anything evident in regards to an injury?

23 A. Well, yes, he had one very minor injury and one
24 very major injury. The minor injury was an
25 abrasion or scratch on the knee, the right knee,

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1 which was pretty nonspecific.

2 The other injury was a single gunshot
3 wound to the middle of his chest. And that
4 ultimately was his cause of death.

5 The gunshot wound entered right --- well,
6 actually it was just a smidgen to the right of
7 midline, a little bit to the right. It
8 cleared the chest wall, and went through two
9 parts of the heart, and through the esophagus,
10 which is right behind the whole heart area
11 where you swallow, where your food goes down,
12 and the bullet right after the esophagus in
13 the soft tissue in that area. A little bit to
14 the left of midline. So going from his right
15 back to his left.

16 Again, he had some medical intervention.
17 But despite that, he still had one point four
18 (1.4) liters of blood that had come from his
19 heart and collected in the left chest cavity.
20 Because, you know, of course, the heart would
21 be responsible for pumping the blood around
22 the body. And when it has a hole in it, then
23 all the blood leaks out.

24 Ultimately, that was his cause of death,
25 was the cardiac, or heart perforation, due to

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1 the single gunshot wound to the chest.

2 Q. Okay. And you have already stated then that the
3 bullet traveled from his right to the left?

4 A. Right. It's going slightly, it's not a huge angle.
5 So if my finger is the bullet, or bullet pathway,
6 it's going right. Again, in the middle of the
7 chest and going slightly to his left. So from the
8 front right to the back left. But not at a huge
9 angle. And it's going basically straight back, not
10 really up, and not really down.

11 Q. So as far as the angle, it was flat?

12 A. It's approximately flat. You know, things change
13 after death, organs settle. For example, the air
14 in the lungs. The lungs usually still have air in
15 it. If they collapse, you are going get a change
16 of the orientation of your organs in some way. But
17 it was pretty much straight back, and going from
18 right to left.

19 Q. Okay. So if I were him, and he were standing at
20 the time he was shot, if you could maybe stand up
21 and tell us the direction the bullet had to come
22 from, depending on how he was standing.

23 A. And you're the victim?

24 Q. Or either you can do it as you being the victim.
25 I'll do it.

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1 A. If you're the victim, the bullet is going right in
2 the middle of the chest, from his right to his
3 left, from about approximately this angle
4 direction.

5 Q. So would it have come from directly --- well, in
6 front of him, depending upon how he's angled?

7 A. Right. And this brings up a good point. When
8 we're determining the projectory, or the angle of
9 the bullet, that is what we are doing is at the
10 time of autopsy. And we're doing the bullet path
11 through his body.

12 Now, at the time of autopsy, he's laying
13 on his back on the autopsy table, and that's
14 what we have to deal with. Now, when somebody
15 is shot what our estimate of the bullet angle,
16 when we do that again it shoves through the
17 body. It doesn't actually reapproximate his
18 position at the time he was shot.

19 If he was standing straight, straight up
20 and down, not angled at all, then the bullet
21 is going to come from directly over that way.
22 But frequently, even when people are talking
23 they don't stand like that. They may be
24 angled shortly. They may have bent down.

25 So if you can keep that idea of the

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1 bullet pathway through the body in mind,
2 whatever his position is, is where the bullet
3 will come from. So if he's turning to move
4 away, and he's bent his body down, then our
5 angle is now coming from more of a downward
6 direction.

7 However, if he say is leaned back for
8 some reason, then the bullet is coming from a
9 more upward direction. If he's standing
10 straight, then it's coming from a straight
11 direction. Does that make sense? If he's
12 moving, then again it's going change from the
13 bullet actually came. The autopsy itself
14 isn't going to tell you his position at the
15 time he was shot. Again, it will just tell
16 you the path through the body as the body
17 stands straight up.

18 Q. Okay. Can you tell us from the injury, and the
19 wound that he had on his chest, the distance from
20 which the gunshot was fired?

21 A. There's actually three types of distances, as a
22 forensic pathologist, we try to judge. And they
23 are very general actually. Two --- one is
24 relatively specific.

25 The three ranges of fire that we would

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1 interpret a gunshot as, would be a contact
2 gunshot wound, where the gun, the muzzle of
3 the gun, is up against somebody's skin.

4 A close range gunshot wound, is where the
5 bullet is not up against the skin, but
6 relatively close. And a distance gunshot
7 wound. The way we tell the differences
8 between the three of those is, if you can
9 imagine the gun and the bullet comes out
10 that's not the only thing that comes out the
11 end of the barrel. There's also some sooty
12 particles, or sooty substance.

13 So, if you actually have the gun against
14 the skin, you're going to leave a rim of the
15 sooty material on the --- will be deposited on
16 the skin. As you pull the gun back, the
17 bullet, of course, still comes out. The sooty
18 stuff also comes out. But you also get little
19 gun powder particles. And gun powder
20 particles are coming from the attached bullet.
21 That's what is ignited when you --- when the
22 trigger hits the --- the hammer hits the
23 bullet it ignites. The gun powder particles
24 expand and force the bullet down the chamber.
25 But not all those particles are burned up.

1 Some of them come out with the bullet.

2 Now, those bullet --- excuse me. The
3 bullet can strike the person, of course. But
4 those little particles can strike the skin
5 around that entrance wound too, and actually
6 cause scratches.

7 So you have little dots all around the
8 entrance wound to define a close range gunshot
9 wound. You can't wash them off. They are
10 actually little abrasions. If somebody had
11 lived they would actually heal. So that's
12 what we would see in a close range gunshot
13 wound.

14 Now, once you get back to about a yard,
15 maybe a yard and six inches, about a yard,
16 pretty much all handguns, and to narrow the
17 range we have to test fire the actual weapon.
18 But to kind of lump all of the handguns
19 together, once you get back to about a yard,
20 that sooty material is not going to reach the
21 skin. And those gun powder particles are too
22 light to reach the skin as well. And you just
23 have a single hole. You don't have anything.
24 The soot is definitely around it.

25 On Mr. Dease, he had a hole that didn't

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1 have anything around it. It didn't have soot,
2 meaning contact. He didn't have specifically,
3 meaning a close range. So within a yard to a
4 yard and six inches.

5 Now, that being said, if there's
6 something between the victim and the gun, then
7 whatever is in between that intermediate
8 target, is what we call it, can absorb that
9 material. Can absorb the soot, or the gun
10 powder particles.

11 Clothing is a type of intermediate
12 target. In this case, we actually had a
13 chance to look at a shirt that he had been
14 wearing. And we see the hole. But the
15 shirt's black and it's bloody. So it's hard
16 to really see if there is any sooty material
17 on it. And not only that, but it had little
18 pieces of grass stuck all over it, and a bunch
19 of little sandy particles stuck all over it.
20 It kind of stuck on the bloody area.

21 And those little particles are very
22 similar in appearance to the gun powder
23 particles. So we couldn't analyze that yet
24 either. So putting that altogether we
25 actually it --- we call it, undetermined range

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1 of fire. We couldn't say for sure whether it
2 was a contact close or distant.

3 However, the appearance on his skin does
4 appear to be a distant gunshot wound beyond,
5 somewhere beyond a yard to a yard and six
6 inches.

7 Q. Okay. So his particular wound does appear to be
8 consistent with having been shot from a distance
9 of, at least, a yard, or a yard to six inches?

10 A. It's consistent with that, yes.

11 Q. Okay. In performing the autopsy --- You've already
12 testified to the trajectory and how the bullet
13 traveled within the body. In recovering the
14 bullet, was there anything in particular about
15 where you found it that you can explain as far as -
16 --- I know in the autopsy report you indicate where
17 it is. If you can explain to the Jury where the
18 bullet ultimately was found.

19 A. When we do autopsies with gunshot wounds victims
20 will be x-rayed. Because what we are trying to do
21 is find where the bullet is; because the body is a
22 big place, and sometimes it can be hard to find the
23 bullet, especially a smaller one.

24 So in this instance when we did the x-
25 rays on Mr. Dease, it showed the bullet a

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1 little bit to the left, exactly where the
2 bloody wound track was. When we went looking
3 for the bullet it wasn't at the end of that
4 track. It was actually moved over a little
5 bit towards the right, a little bit towards to
6 the right in that soft tissue there. And what
7 --

8 There is a lot of movement of the body
9 during the course of the autopsy when we're x-
10 raying. And we have to hold the body up to
11 get the x-rays under due to a number of kind
12 of movement manipulations.

13 Not only that, but he had had a lot of
14 medical intervention, including what is called
15 a doracotomy. Which is where the chest is
16 opened up and a chest tube on the right. The
17 tissues weren't kind of solid, I guess, is the
18 best way to explain it, inside the chest
19 cavity; and moving around probably moved the
20 bullet a little bit to the right.

21 Q. Okay. So when you --- You clearly could see the
22 path the bullet took when it entered his body, but
23 it moved. Your explanation of where it was was
24 that it had moved pursuant to being manipulated
25 around?

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1 A. Yes, yes.

2 Q. After his death?

3 A. Yes.

4 Q. Okay. And at the autopsy, you did actually remove
5 certain items from the body, and provide them to
6 Larry Turner of the Bennettsville Police
7 Department; is that correct?

8 A. Yes.

9 Q. Okay. I'm going to show you what is marked State's
10 Exhibit 27, and see if you recognize that sheet.

11 A. This is an evidence transfer sheet that we fill out
12 when we're giving evidence that we recover from an
13 autopsy to law enforcement, or to anybody really.
14 It has my name transferring it to Officer Turner.

15 Q. Okay. And what items are included on that?

16 A. The boxer underwear, fingernail clippings, and a
17 sample of scalp hair, two tubes of blood, and the
18 projectile, the bullet.

19 Q. Again, tell the Jury where the bullet was found.

20 A. The pathway is --- We're talking about a very small
21 distance here. But the pathway is in the right
22 just to the right of midline, just a little bit to
23 the right, and it's going a little bit to the left.

24 The path goes through the heart, through
25 the esophagus, and in that soft tissue right

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1 around the esophagus in that area. Think of
2 it as right around the heart. The bullet
3 actually adjusted a little bit over to some
4 soft tissue towards the right.

5 When I say, it's following the bullet
6 pathway, what we look for is hemorrhage. So
7 when the person is living, and the heart is
8 pumping, they actually bleed in response to an
9 injury, a traumatic injury like that.

10 If an injury like say, the incision that
11 we do on the autopsy, the Y incision, those
12 injuries are not going to bleed. Cutting into
13 the skin and the underlying fat and all is
14 yellow. It's not bloody.

15 So as far as where the bullet is
16 recovered, it's recovered in the soft tissue a
17 little bit to the right. It's not bloody.
18 It's not part of the wound track. And this is
19 why we think that it moved during manipulation
20 sometime after his death.

21 Q. Okay.

22 MS. MUNNERLYN: Your Honor, I move to admit State's
23 Exhibit 27.

24 THE COURT: Any objection?

25 MS. BROWN: No objection, Your Honor.

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1 THE COURT: State's Number 27 into evidence.

2 WHEREUPON, STATE'S EXHIBIT

3 NUMBER 27 ARE MARKED AND

4 ADMITTED INTO EVIDENCE

5 WITHOUT OBJECTION.

6 Q. Okay. And, Doctor Presnell, you did prepare a
7 report, which includes all of your findings in
8 regards to the autopsy; correct?

9 A. Yes.

10 Q. Okay. And did you make a determination, at the
11 conclusion of the autopsy, to a reasonable degree
12 of medical certainty, as to his cause of death?

13 A. Yes, the cause of death was the heart perforations,
14 due to the gunshot wound to his chest.

15 Q. And I'm going to show you what has been marked
16 State's Exhibit 35, and see if you recognize that.

17 A. This is a copy of the autopsy report.

18 Q. And that includes your findings you've just
19 testified to?

20 A. Yes.

21 MS. MUNNERLYN: Your Honor, I will move to admit
22 State's Exhibit 35.

23 THE COURT: Any objection?

24 MS. BROWN: No, Your Honor.

25 THE COURT: State's Exhibit 35 into evidence.

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1 WHEREUPON, STATE'S EXHIBIT

2 NUMBER 35 ARE MARKED AND

3 ADMITTED INTO EVIDENCE

4 WITHOUT OBJECTION.

5 Q. I don't have any further questions, Doctor
6 Presnell. If you would, answer any questions that
7 defense counsel may have.

8 THE COURT: Cross.

9 CROSS EXAMINATION BY MS. CRAYTON

10 Q. Good afternoon, Doctor Presnell. Okay. I just
11 have a couple of questions for you about your
12 report that you prepared. You do talk about that
13 there are several marks on the body. Can you just
14 explain to The Court what kind of marks were on the
15 body?

16 A. What part are you referring to?

17 Q. Let's see. On the second page you talk about
18 several markings that he had, it's near the bottom.

19 A. He had a lot of marks, a lot of tattoos. Let's
20 see. Are you referring to the tattoos?

21 Q. Yes. Can you describe them for The Court?

22 A. Oh, okay. Let's see, he had a six and a half inch
23 tattoo of three skulls on his back. A five inch
24 tattoo of a dog under the word Hoovers. And some
25 text that we cannot read on his right upper arm.

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1 He had a four point six inch L-shaped tattoo with
2 the words Kathy and Chris on the mid-right upper
3 arm.

4 An eight and a half inch tattoo of
5 praying hands under the name Kathy and over
6 the name Toby on the front of the right
7 forearm. A two inch tattoo of the name Manny
8 and then the date 1-4-26; and another date 2-
9 29-96, on the back of the right forearm.

10 A three point three inch tattoo of the
11 letters R I P. And there was some kind of
12 divine that we cannot really describe well on
13 the back of the right hand.

14 A seven point three inch tattoo of the
15 words death before, and then it was over a
16 cross and dishonor on the bottom on the left
17 upper arm. A minus tattoo of Dabotts, and it
18 was over like a burst, and over B O S on the
19 back of the left forearm.

20 One point nine inch tattoo of the letters
21 C W B on the front of the left forearm. And
22 the last one, a five inch tattoo of cherish on
23 the side of the right lower leg. That was all
24 the tattoos that we found.

25 Q. Did y'all do a toxicology analysis?

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1 A. Yes, that's part of the whole forensic for drugs
2 and alcohol. And in Mr. Dease's case we had, he
3 had some marijuana, and some marijuana metabolite
4 in his blood. Blood alcohol was negative.

5 Q. All right. And did you remove the bullet from his
6 body?

7 A. Yes. We photographed, and then removed it. We
8 photographed what we found, removed it,
9 photographed it again, and transferred it over to
10 law enforcement.

11 Q. And was that bullet, was it like in tact, in good
12 condition, would you say?

13 A. It was relatively in tact. However, as far as
14 ballistics examination that's outside my area. So
15 I can't say how easily it should be able to be
16 analyzed.

17 Q. Okay.

18 **MS. CRAYTON:** Court's indulgence, Your Honor.

19 **(PAUSE.)**

20 **MS. CRAYTON:** Thank you, Doctor Presnell. That's
21 all.

22 **THE COURT:** Redirect?

23 **MS. MUNNERLYN:** No questions, Your Honor.

24 **THE COURT:** Any objections to this witness being
25 excused?

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1 MS. CRAYTON: No, Your Honor.

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

3 MS. MUNNERLYN: Ira Parnell.

4 WHEREUPON, IRA BYRD PARNELL, JR.

5 FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS

6 CLERK OF COURT: Have a seat and state your full
7 name.

8 MR. PARNELL: My name is Ira Byrd Parnell, Junior,
9 P-a-r-n-e-l-l.

10 VOIR DIRE EXAMINATION BY MS. MUNNERLYN

11 Q. Agent Parnell, where are you employed?

12 A. I'm employed by the South Carolina Law Enforcement
13 Division, also known as SLED.

14 Q. Okay. And in what capacity are you employed with
15 them?

16 A. I'm a forensic examiner assigned to the firearms
17 and tool marks laboratory at headquarters.

18 Q. Okay. And tell us a little bit about your
19 education and experience.

20 A. I received my undergraduate degree from the
21 University of South Carolina. And underwent a
22 three year comprehensive internship program in
23 firearms examiners while completing my college
24 degree.

25 I'm a graduate of the FBI National

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1 Academy and our State Academy, and numerous
2 other seminars and schools that have been
3 offered in firearms identification.

4 I'm a member of the Association of
5 Firearms and Tool Mark Examiners, also known
6 as AFTI, which meets once a year, where we
7 discuss the latest developments in firearm and
8 tool mark identification.

9 I've been accepted as an expert witness
10 in Federal Courts in Virginia, and almost all
11 the counties in South Carolina. I've
12 testified approximately five hundred ninety
13 times as an expert in firearms identification.

14 Q. And how many years, all total, experience do you
15 have in this field of firearms?

16 A. Thirty-seven.

17 Q. How many?

18 A. Thirty-seven.

19 Q. Thirty-seven.

20 **MS. MUNNERLYN:** Your Honor, I would move to have
21 this witness qualified as an expert in the field of
22 firearms.

23 **THE COURT:** Any objections.

24 **MS. BROWN:** No objection, Your Honor.

25 **THE COURT:** Motion granted.

MS. MUNNERLYN: Thank you, Your Honor.

DIRECT EXAMINATION BY MS. MUNNERLYN

Q. Agent Parnell, did you have the occasion to receive some evidence in this particular case, related to the incident that occurred on July 22, 2008?

A. Yes, ma'am, I did.

Q. Okay. I'm going to show you first of all what's been marked now as State's Exhibit 36. See if you recognize that particular item.

A. Yes, ma'am, I do. State's Exhibit 36 bears my case number, specimen number, and initials underneath the barrel here. I have examined this item.

Q. Okay. All right. Then I'm going to show you also State's Exhibits 37, 38, and 39. If you can tell us if you recognize what those three items are.

A. Each of these items, State's Exhibits 37, 38, and 39, all bear my exterior markings with the case number, specimen number, and initials. I'm going to open each one, and examine the contents, and be sure my initials are on each one.

Yes, ma'am, State's Exhibit 37 is a fired .22 caliber cartridge case. It bears my case number, specimen number, and initials. And I have examined this item.

State's Exhibit 38 is an unfired .22 long

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1 rifle caliber cartridge, that also bears my
2 case number, specimen number, and initials.
3 And I have examined it.

4 State's Exhibit 39 is a sealed evidence,
5 taped sealed, plastic screw type jar, which
6 bears my case number, specimen number, and
7 initials. It contains a fired lead .22
8 caliber bullet, which also bears my initials
9 and my specimen number. My case number is too
10 big. I have examined this item also.

11 Q. You have examined all four of those items then?

12 A. Yes, ma'am, I have.

13 Q. And I'm going to show you State's Exhibit 30, and
14 see if you recognize what that is.

15 A. State's Exhibit 30 is the printed chain of custody,
16 in regards to this particular case, as produced by
17 our labatory.

18 Q. Okay. Can you tell me in regards to these four
19 items that you received and examined, if they
20 accurately reflects the chain of custody for these
21 four items, which are State's Exhibits 36, 37, 38,
22 and 39, the fired cartridge, the bullet and the
23 fired bullet?

24 A. I'm referring now to my bench notes for dates to
25 compare them to the chain. Yes, ma'am, the dates

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1 reflect that State's Exhibit 30, the chain of
2 custody, produced by our laboratory, accurately
3 reflects the times which State's Exhibit 36 through
4 39 were in my custody, and I was doing my
5 examination.

6 Q. Okay.

7 A. Yes, ma'am, it does.

8 Q. Okay. It lists each individual?

9 A. Each individual person that has custody of an item
10 of evidence. In specific, this firearm, and these
11 fired components, and unfired cartridge, they must
12 present a badge that has a bar code number on it
13 each time the evidence changes custody. And that's
14 reflected in this chain of custody here, State's
15 Exhibit 30.

16 Q. Okay. And those individuals that are listed, that
17 did have custody of these four particular items
18 which came to you, were these items, did anyone
19 else in the chain, do anything as far examining
20 these items, or anything with these four items of
21 evidence?

22 A. No, ma'am, those names that are reflected in
23 State's Exhibit 30, the chain of custody, once they
24 took custody of State's Exhibit 36, 37, 38, and 39,
25 the gun and the components with it, nobody examined

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1 those items but me.

2 When I received these items they were in
3 a sealed contained, sealed by the officer who
4 brought it in, taken custody of by the
5 evidence technician who merely transported it
6 from there to a locker or shelf.

7 I retried it in a sealed condition from
8 them. I did my examination. I resealed up
9 the evidence and gave it back to the evidence
10 technician. They merely filed it until it was
11 picked up by a representative of Bennettsville
12 P.D.

13 Q. Can you tell me this box in which those four items
14 are sitting, do you recognize if that is what they
15 were sealed in?

16 A. It was. It's the very same box. They were not
17 repackaged. Merely resealed. I received it
18 sealed. I broke the seal and did an inventory, did
19 my comparisons, resealed it back up, and initialed
20 across the tape as indicated here. Gave it back to
21 our log-in personnel who handled the evidence, and
22 they returned it in a sealed condition.

23 Q. Okay. Well, tell us then about the analysis you
24 performed on these four items which were presented
25 to you.

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1 A. State's Exhibit 36 is what we call an over and
2 under Derringer type of firearm. It's got one
3 barrel on top of the other with one trigger. And
4 when the hammer is cocked, the barrels are fired
5 one behind the other. Not at the same time, but
6 each bullet triggers after the hammer is cocked.
7 It fires either the upper or the lower barrel in
8 rotation, whichever one hasn't been fired yet.

9 In examining State's Exhibit 36, I found
10 that the upper barrel was the only one that
11 would fire. The lower barrel would not fire
12 during my testing of it. The interior of the
13 upper barrel was heavily leaded. That means,
14 it was lead residue from its having been fired
15 numerous times in the past. I can't tell you
16 how long ago that was. But it was fired a
17 good bit at some time prior to my examination.

18
19 I further examined the other items that
20 were brought in with State's Exhibit 36, the
21 fired bullet, the fired cartridge case. I
22 test fired State's Exhibit 36 with similar
23 ammunition, and microscopically compared the
24 markings left on these test bullets and test
25 cartridge cases by State's Exhibit 36,

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1 compared them with each other. I found that
2 they were inconsistently marked.

3 In other words, they were not marked in
4 the same way each time, due to mainly the lead
5 that's inside the barrel. When a bullet is
6 fired through a barrel, the inside of the gun
7 barrel puts marks on the outside of that
8 bullet. Each and every bullet that goes
9 through that barrel gets marked by the inside
10 of the barrel.

11 I shoot the gun, or I shot the gun rather
12 into a tank of water. I recovered the
13 bullets. The water does not add to or take
14 away from the marks that are left on these
15 test bullets by this gun. When I compared the
16 test that I fired through State's Exhibit 36,
17 the lead that was in that upper barrel moved
18 around between each shot. Every time I would
19 shoot it the lead would shift a little bit.

20 I saw similarities that made me think
21 that they could have been fired in the same
22 gun. I knew they were fired in the same gun
23 because I fired it. But microscopically
24 speaking, and scientifically speaking, I could
25 not determine that by looking at them with

1 each other.

2 Consequently, when I compared the test
3 that I fired from State's Exhibit 36 from
4 State's Exhibit 39, this fired bullet here, I
5 saw the same type behavioral markings, the
6 same shifting lead patterns on this bullet as
7 was on my test.

8 State's Exhibit 39 could certainly have
9 been fired in State's Exhibit 36. But based
10 on my conclusions and my tests I could not
11 state that, beyond any shadow of a doubt. The
12 fired cartridge case that was submitted ---

13 Q. Before you go on to that. I don't mean --- I'm
14 going to stop you while you're talking about
15 State's Exhibit 39 there. Can you tell me, State's
16 Exhibit 39, where did that fired bullet come from?

17 A. It's marked as having come from the autopsy of
18 Christopher Dease.

19 Q. Okay. So that is the fired bullet which was
20 removed from the body of the victim?

21 A. According to the writing, yes, ma'am. Forensic
22 autopsy 08497 are the numbers that's on it.

23 Q. Okay. And you have indicated that the markings on
24 it were similar in nature to the test fire bullets
25 you fired.

IRA BYRD PARNELL, JR. - DIRECT EXAMINATION 365

1 A. Yes, ma'am. Each firearm, such as State's Exhibit
2 36, has within its barrel, or what we call the bore
3 in firearms identification, the inside of the
4 barrel is called the bore, it is engraved with
5 rifling.

6 Now, without going into a great deal of
7 detail, the rifling serves to grip the bullet
8 as it is fired through the barrel. It spins
9 the bullet much like a quarterback throwing a
10 football, and causes it to spiral. This
11 spiraling stabilizes the bullet and causes it
12 to go straight. If you threw a football
13 sideways it would float and not go toward
14 where you wanted it to go. Whereas, if you
15 spiral it, it goes longer, further, and
16 straighter, toward where you want the football
17 to go.

18 Inside the gun barrel spirals the bullet.
19 And in this particular firearm, there are six
20 lands and grooves inside the gun barrel.
21 These lands and grooves are put there by the
22 manufacturer. There are a lot of different
23 firearms that has six lands and grooves. So,
24 in doing the test firing of State's Exhibit
25 36, I found that my test also had six lands

IRA BYRD PARNELL, JR. - DIRECT EXAMINATION

366

1 and grooves and a right directional spiral, or
2 right directional twist.

3 The approximate size of the lands and
4 grooving impressions were the same as those I
5 observed on State's Exhibit 39, this bullet.
6 But because of the reasons that I discussed
7 earlier, the leading of the bore, I even went
8 so far as to clean the barrel after I had test
9 fired it initially. The cleaning didn't do
10 any good. I test fired it again, got the same
11 results, the sloughing of the lead. But the
12 same land and groove impressions were visible,
13 the same size and same number. So, State's
14 Exhibit 39 could have been fired out of
15 State's Exhibit 36. But I can't conclusively
16 tell you that.

17 Q. Okay. What would you have to see in order to
18 conclusively say that that bullet was fired from
19 that gun?

20 A. Much cleaner and clearer land and groove markings
21 on an evidence bullet. There's nothing to say that
22 State's Exhibit 39 could not have been fired out of
23 State's Exhibit 36. As I said, it's the correct
24 caliber, the correct style of bullet that was
25 received with State's Exhibit 36. The number of

IRA BYRD PARNELL, JR. - DIRECT EXAMINATION 367

1 lands and grooves are the same. The direction of
2 twist is the same. But the individual markings,
3 those things that make this gun unique, were not
4 present on State's Exhibit 39, because of the
5 leading inside the barrel.

6 Q. Okay. So what you're saying is, essentially there
7 just wasn't anything unique about the barrel of
8 this particular gun, which marked the bullets which
9 were fired from it, which could specifically relate
10 them back to that gun.

11 A. Exactly.

12 Q. Okay. And so this bullet, you can say, could have
13 been fired out of that gun very well.

14 A. Yes, ma'am.

15 Q. Now, let's talk the two other bullets and the
16 cartridge that you analyzed.

17 A. State's Exhibit 37, which was also examined by me,
18 is a fired cartridge case. It is the empty that is
19 left behind after a cartridge is fired. State's
20 Exhibit 36, does not eject or remove the fired
21 cartridge cases without them being manually removed
22 by somebody.

23 State's Exhibit 37, this fired cartridge
24 case, is the correct caliber to be fired in
25 State's Exhibit 36, this firearm, or others

IRA BYRD PARNELL, JR. - DIRECT EXAMINATION

368

1 like it. The firing pen impression, where the
2 firing pen strikes the rim of the cartridge,
3 was the same shape as the test that I fired in
4 State's Exhibit 36. There was nothing
5 individual or unique there.

6 Again, just like the bullet, State's
7 Exhibit 37, this fired cartridge case could
8 have been fired in State's Exhibit 36, this
9 particular pistol, or in another one like it
10 with a similar shape of firing pen.

11 Q. Okay.

12 A. State's Exhibit 38, is an unfired cartridge of the
13 same caliber as the bullet reflected by State's
14 Exhibit 39. In other words, the lead part of
15 State's Exhibit 38 is the same as State's Exhibit
16 39, this fired .22 long rifle caliber cartridge.
17 And the brand is the same as State's Exhibit 37,
18 this fired cartridge case. And it's capable of
19 being fired in State's Exhibit 36, or other
20 firearms capable of firing .22 long rifle
21 ammunition.

22 Q. So this bullet, which was removed from the victim's
23 body, State's Exhibit 39, could have come out of
24 the casing, which is State's Exhibit 37?

25 A. It could have, yes, ma'am.

IRA BYRD PARNELL, JR. - DIRECT EXAMINATION

369

1 Q. Okay. All right. And this one you're now
2 referring to, State's Exhibit 38, matches those
3 two, as far as lead content, and make, and all of
4 that?

5 A. It matches them as far as being consistent with
6 them in brand, caliber, and type. It's a .22 long
7 rifle. It's a plain lead bullet. And it is
8 manufactured, I believe, by Federal.

9 Q. Okay. Now, I do want to ask you a question in
10 regards to --- You just testified that this
11 particular gun does not eject the cartridge.

12 A. That's correct. You have to do it manually.

13 Q. So if you fired this in the courtroom, no cartridge
14 would come out of the gun?

15 A. No, ma'am.

16 Q. You would have to manually open it and eject it
17 yourself?

18 A. That's correct. The locking lever is this little
19 silver lever right here by the trigger. And if it
20 were to be able to be closed, and this locking
21 lever swivled around, it would be locked in place,
22 cock the hammer, pull the trigger, and if it fired,
23 then you eject it right here. It's a manual
24 ejector. You have to push it up with fingers to
25 unload it.

IRA BYRD PARNELL, JR. - DIRECT EXAMINATION 370

1 Q. All right. And did you prepare a report that
2 includes the results of your analysis, which you
3 testified to today?

4 A. I did.

5 Q. I'm going to show you what has been marked as
6 State's Exhibit 33, and see if you recognize that.

7 A. Yes, ma'am, State's Exhibit 33 is the report that I
8 generated.

9 Q. Okay.

10 **MS. MUNNERLYN:** Your Honor, I would move to admit
11 at this time State's Exhibit 33.

12 **THE COURT:** Any objection.

13 **MS. BROWN:** One second, Your Honor.

14 **(PAUSE.)**

15 **MS. BROWN:** No objection, Your Honor.

16 **THE COURT:** State's Number 33 into evidence.

17 **WHEREUPON, STATE'S EXHIBIT**

18 **NUMBER 33 ARE MARKED AND**

19 **ADMITTED INTO EVIDENCE**

20 **WITHOUT OBJECTION.**

21 Q. I don't have any further questions for you, Agent
22 Parnell. If you would answer any questions defense
23 counsel may have.

24 **THE COURT:** Ms. Brown.

25 **MS. BROWN:** Thank you, Your Honor.

IRA BYRD PARNELL, JR. - CROSS EXAMINATION

371

CROSS EXAMINATION BY MS. BROWN

1

2

Q. Good afternoon, Agent Parnell.

3

A. Good afternoon.

4

5

6

Q. Just a couple of questions to make sure I have a full understanding of your testimony. Were you provided any other firearms for testing?

7

A. No, ma'am.

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Q. Now, your testimony is that the items, the bullet that was removed from Mr. Dease could, in fact, have been fired from the handgun which you test fired. But it could have been fired from a similar --- let me see exactly the word you used, similar firearm with similar fire rifling characteristics; is that correct?

15

A. Yes, ma'am.

16

17

18

Q. And how many different firearms could have, in fact, fired that bullet that was removed from Mr. Dease?

19

20

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A. I don't honestly know. There could be many hundreds. The six-land and groove with right twist rifling pattern is quite common in .22s. And the dimensions of the rifling impressions are not that unusual. They are almost equal with each other. So there could be quite a few possibilities.

Q. So it's your testimony that the .22 long rifle runs

IRA BYRD PARNELL, JR. - CROSS EXAMINATION 372

1 by a cartridge. Isn't it, in fact, far one of the
2 most common?

3 A. It is very common.

4 Q. Very common.

5 A. Very common.

6 Q. So you cannot today identify the gun, which you
7 actually had to test fire, as the weapon that
8 caused the death of Mr. Dease, can you?

9 A. That's correct, I cannot.

10 Q. Now, also in your opinion, based on the condition
11 of the gun when you, in fact, received it and
12 inspected it, do you have an opinion about when
13 that gun was last fired?

14 A. I don't. The lower barrel of State's Exhibit 36,
15 the little Derringer here had dust and trash in the
16 bottom barrel. That was the one that I couldn't
17 get to fire. Which was indicative to me, that a
18 bullet had not gone down that particular barrel in
19 a good while. I don't know exactly how long, but
20 long enough to get that trash and dust in the
21 barrel. The condition of the upper barrel, which I
22 couldn't get to fire, I had in my notes, had
23 residue present, which is indicative of being fired
24 at some time prior to my examination.

25 Q. But you don't have a ---

IRA BYRD PARNELL, JR. - CROSS EXAMINATION 373

1 A. I can't give tell you if it was an hour or a week.

2 Q. But one of the barrels you're absolutely convinced
3 was not fired for quite sometime.

4 A. In my opinion, it was not, yes.

5 **MS. BROWN:** Beg The Court's indulgence, Your Honor.

6 **THE COURT:** Sure.

7 **(PAUSE.)**

8 Q. During the course of your profession, have you ever
9 concluded that a particular bullet, in fact, was
10 fired from a particular firearm?

11 A. Many times.

12 Q. Many times. You certainly can't do that today; is
13 that correct?

14 A. I can't say if it was or it wasn't, based on the
15 condition of the barrel, and the condition of the
16 bullet. It certainly could have been fired out of
17 that gun, but it also could have been fired from
18 another gun with similar rifling just like it.

19 Q. And, in fact, as you stated, there are many
20 hundreds of other guns that could have, in fact,
21 fired that particular bullet?

22 A. Yes, ma'am. The only caveat to that would be, that
23 the bores of those different firearms would have
24 had to have been leaded similarly to the one that
25 fired State's Exhibit 39. I did find certain

IRA BYRD PARNELL, JR. - REDIRECT EXAMINATION

374

1 similarities between test bullets from State's
2 Exhibit 36 and State's Exhibit 39, but they were
3 insufficient for an identification.

4 **MS. BROWN:** Nothing further, Your Honor.

5 **THE COURT:** Redirect?

6 **REDIRECT EXAMINATION BY MS. MUNNERLYN**

7 Q. So you're saying this certainly could have been the
8 murder weapon. You just cannot say conclusively
9 that this is the only weapon that fired that
10 bullet?

11 A. That's correct, yes, ma'am.

12 **MS. MUNNERLYN:** I don't have any further questions.

13 **THE COURT:** Any recross?

14 **MS. BROWN:** No, Your Honor.

15 **THE COURT:** You may step down. Thank you.

16 **MS. MUNNERLYN:** Your Honor, I ask that this
17 witness be excused.

18 **THE COURT:** Any objections?

19 **MS. BROWN:** No, Your Honor.

20 **THE WITNESS:** Thank you, sir.

21 **THE COURT:** Call your next witness.

22 **MS. MUNNERLYN:** Jasper Humbert.

23 **WHEREUPON, JASPER HUMBERT**

24 **FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS**

25 **CLERK OF COURT:** Have a seat and state your full

JASPER HUMBERT - VOIR DIRE EXAMINATION

375

1 name.

2 **THE WITNESS:** My name is Jasper Humbert, H-U-M-B-E-
3 R-T.

4 **VOIR DIRE EXAMINATION BY MS. MUNNERLYN**

5 Q. Where are you employed, Agent Huumbr?

6 A. I'm employed at the South Carolina Law Enforcement
7 Division, also known as SLED.

8 Q. And how long have you been employed with SLED?

9 A. Almost four years.

10 Q. Okay. Tell us about your education and experience.

11 A. I have a bachelor's of science degree from
12 Armstrong Atlantic State University in Savannah,
13 Georgia in biology. I have a master's degree from
14 the University of Iowa in biological sciences. I
15 have further three years of graduate education from
16 Penn State Medical College in Hershey,
17 Pennsylvania.

18 Q. Okay. And how long have you been in law
19 enforcement?

20 A. I've worked for SLED approximately four years.

21 Q. Okay. So all of your law enforcement experience
22 has been with SLED?

23 A. Yes.

24 Q. Okay. And have you been qualified as an expert in
25 DNA analysis?

JASPER HUMBERT - DIRECT EXAMINATION

376

1 A. Yes, I have.

2 Q. How many times?

3 A. Approximately seven times before today.

4 Q. Okay.

5 MS. MUNNERLYN: Your Honor, I would then move to
6 qualify this particular witness as an expert in the
7 field of analysis of DNA.

8 THE COURT: Any objections?

9 MS. BROWN: No, Your Honor.

10 THE COURT: Motion granted.

11 MS. MUNNERLYN: Thank you, Your Honor.

12 **DIRECT EXAMINATION BY MS. MUNNERLYN**

13 Q. Agent Humbert, tell me did you receive any evidence
14 for analysis, in regards to DNA, in relation to
15 this particular case, an incident that occurred on
16 July 22nd, 2008, in which the Defendant, Kenwood
17 Bright, was charged?

18 A. Yes, I did.

19 Q. Okay. And tell me who did you receive that from?
20 Let me ask you this. Who submitted those items to
21 SLED? And I'm going to show you State's Exhibit
22 30, first of all, and see if you recognize what
23 that is.

24 A. This is the chain of custody for this case.

25 Q. SLED's chain of custody for this particular case?

JASPER HUMBERT - DIRECT EXAMINATION

377

1 A. Yes, ma'am.

2 Q. And does it accurately reflect the people who were
3 involved in that chain of custody for all items
4 which you received?

5 A. To the best of my knowledge, yes.

6 Q. And all items which you analyzed in regards to this
7 were actually submitted to SLED by Detective Larry
8 Turner with the Bennettsville Police Department; is
9 that correct?

10 A. Yes, according to my paperwork.

11 Q. And the people that are listed on this chain, in
12 between the initial admission to SLED, and your
13 receiving the actual items, did they analyze, or do
14 anything with these items before you received them?

15 A. No, they didn't that I can tell.

16 Q. Okay. I'm going to show you then what's been
17 marked as State's Exhibit 42, 43, 44, and 45. And
18 ask you if you can identify those items.

19 A. Forty-two is according to my paperwork, and I did
20 this case fairly recently as well, should be swabs
21 from a gun, handgun. Inside of the pouch I have
22 signed my name as well and put the SLED case
23 number.

24 Q. Okay. Let me ask you, how did these items come to
25 you, that specific item there, which is State's

JASPER HUMBERT - DIRECT EXAMINATION

378

1 Exhibit 42, I believe.

2 A. It was in a storage room in our department. And I
3 went and picked them up and put them into my
4 custody.

5 Q. How were they packaged?

6 A. In a heat sealed pouch like this.

7 Q. Okay. And describe to the Jury the purpose of, or
8 tell the Jury the purpose of using a heat sealed
9 pouch.

10 A. The purpose of having it in this pouch, and have it
11 heat sealed, is to make sure that the evidence has
12 not been tampered with. So when a person goes into
13 it or seals it they have to initial it. And I make
14 sure when I get it that no one has basically
15 tampered with this bag.

16 Q. So that bag, that that piece of evidence is in, is
17 a heat sealed pouch?

18 A. Yes, it is.

19 Q. And it came to you sealed within that bag?

20 A. Yes.

21 Q. Can you tell from that bag who sealed the evidence
22 within that bag?

23 A. Originally the initials L.T. Without looking at my
24 chain I won't be able to remember exactly who that
25 was initially.

JASPER HUMBERT - DIRECT EXAMINATION

379

1 Q. That would normally be the officer submitting the
2 evidence?

3 A. Usually, yes. It says 7-24-08.

4 Q. As when it was submitted?

5 A. Yes. It has the sealed date on it. I can look at
6 the chain and tell you.

7 Q. If you could look at the chain and tell me who that
8 would be then. I'll show you State's Exhibit 30 if
9 you want to use that.

10 A. It appears to be Sergeant Larry Turner. On the
11 pouch it says 7-24-08, and on our paperwork it say
12 7-24-08.

13 Q. Okay. All right. So Sergeant Larry Turner would
14 have sealed that particular item in State's Exhibit
15 42 in that pouch?

16 A. Yes.

17 Q. And when you received it, was it, in fact, still
18 sealed?

19 A. Yes, it was.

20 Q. Okay. And what did you do when you received it?

21 A. When I received it, I basically inventoried it, and
22 did testing on it.

23 Q. And the remaining items, how did you receive these
24 other three State's Exhibits?

25 A. I received them in the same condition in a heat

JASPER HUMBERT - DIRECT EXAMINATION

380

1 sealed pouch.

2 Q. And they are all in their original heat sealed
3 pouch; correct?

4 A. Yes, they were.

5 Q. And you have resealed these?

6 A. Yes, I have.

7 Q. And they all indicate the original sealing officer?

8 A. Yes, they do.

9 Q. As Larry Turner?

10 A. Yes.

11 Q. Okay. And all these were submitted on 7-24?

12 A. Some of them were submitted later.

13 Q. Okay.

14 A. I believe the standards came later in a different
15 submission. I could look up the date on those.
16 It's also dated on the pouch itself.

17 Q. That's State's Exhibit 44?

18 A. It says Larry Turner and the initials are L.T.

19 Q. And what specifically was that?

20 A. Item 16 was a blood standard from Kenwood Bright.

21 Q. That was submitted on what date?

22 A. On 11-24-08, according to my paperwork.

23 Q. Okay. And that is also what is reflected on the
24 original heat sealed pouch; correct?

25 A. Yes.

JASPER HUMBERT - DIRECT EXAMINATION

381

1 Q. All right. And then State's Exhibit 45.

2 A. That also has a date of 11-24-08, and that's
3 written on this pouch as well.

4 Q. Okay. And that was also submitted by Larry Turner?

5 A. Yes, it was.

6 Q. And what was that?

7 A. That is a blood standard described as Victoria
8 Knight.

9 Q. All right. And so you received these items. Tell
10 us what you did as far as analysis of these, what
11 tests were asked to be performed on these items.

12 A. Basically I did developed DNA profiles from these
13 items. I developed DNA profiles from the evidence,
14 and compared them to the standard that were also
15 submitted.

16 Q. Okay. You received those in addition to swabs;
17 correct?

18 A. Yes, I did.

19 Q. And I believe those are in one of the packets;
20 correct?

21 A. Yes.

22 Q. State's Exhibit ---

23 A. This would be State's Exhibit 42, I believe
24 according to this.

25 Q. Okay. And those swabs were taken from what kind of

JASPER HUMBERT - DIRECT EXAMINATION

382

1 gun, do your records reflect?

2 A. According to my records, it was taken from a .22
3 caliber Flake 42 handgun.

4 Q. Serial number 6338?

5 A. Yes, according to my paperwork.

6 Q. Okay. And were those swabs taken from various
7 parts of that gun?

8 A. Yes, they were.

9 Q. Okay. All right. If you can tell us what analysis
10 you did on these.

11 A. Basically I did DNA analysis on the four swabs that
12 I received from this gun. The items were swabbed
13 from the hammer, swabbed from left side of handle,
14 swabbed from the trigger, and swabbed from the
15 right side of handle.

16 Q. Okay. And did you also from the standards which
17 were submitted to you for the victim, as well as
18 Victoria Knight and Kenwood Bright, did you come up
19 with a DNA profile for those?

20 A. Yes, I did.

21 Q. Okay. And once you had that established, did you
22 make a comparison?

23 A. Yes, I did, I compared them to DNA profiles from
24 those items to the DNA standards.

25 Q. All right. And tell us what you found.

JASPER HUMBERT - DIRECT EXAMINATION

383

1 A. Okay. Paraphrasing from my report, the DNA
2 obtained from item ten point three (10.3), which
3 was a swab from the trigger, is a mixture of, at
4 least, two individuals. The DNA profile developed
5 from the major contributor of this mixture matches
6 the DNA profile of Kenwood Bright.

7 The probability of random selecting an
8 unrelated individual having a DNA profile
9 matching this profile, is approximately one
10 and two point one trillion.

11 Okay. And I go on to make a statement
12 about the minor contributor. No conclusive
13 statement can be made regarding the
14 conclusion, or exclusion, of Victoria Knight
15 as a possible contributor to this mixture.
16 And then Christopher Dease is excluded as a
17 possible contributor to this mixture.

18 Q. Okay.

19 A. I'll continue on with the remaining analysis.

20 Q. Go ahead.

21 A. The partial DNA profile developed in item 10.2, and
22 item 10.2, according to my paperwork, is left side
23 of handle. The DNA profile developed from item
24 10.2 is a mixture of, at least, two individuals.
25 Kenwood Bright cannot be excluded as a possible

JASPER HUMBERT - DIRECT EXAMINATION

384

1 contributor to this mixture. No conclusive
2 statement can be made regarding the inclusion, or
3 exclusion, of Christopher Dease and Victoria Knight
4 as possible contributors to this mixture.

5 Okay. Going on to 10.4, which is a swab
6 from the right side of handle. The DNA
7 obtained from item 10.4 is a mixture of, at
8 least, three individuals. No conclusive
9 standard can be made regarding the inclusion,
10 or the exclusion, of Christopher Dease,
11 Kenwood Bright, and Victoria Knight as
12 possible contributors to this mixture.

13 DNA is present in this mixture that
14 cannot be attributed to Christopher Dease,
15 Kenwood Bright, and Victoria Knight. And the
16 last items I tested were items 13 and 14 in
17 10.1. Items 13 and 14 are --- 13 is the
18 fingernail clippings from Christopher Dease.
19 Item 14 is fingernail clippings from his other
20 hand. No DNA profile foreign to Christopher
21 Dease was developed from items 13 and 14.

22 Okay. And no human DNA was obtained from
23 item 10.1, which was a swab from the hammer of
24 the gun. And those were all of my results.

25 Q. Okay. Well, if you can --- And I'm going to first

JASPER HUMBERT - DIRECT EXAMINATION

385

1 of all show you what's been marked as State's
2 Exhibit 34, and see if you recognize that report.

3 A. Yes, this is my DNA report.

4 Q. Okay. And it includes the results to which you
5 just testified?

6 A. Yes, it does.

7 **MS. MUNNERLYN:** Your Honor, I would move to admit
8 State's Exhibit 34 into evidence at this time.

9 **THE COURT:** Any objection?

10 **MS. BROWN:** No objection, Your Honor.

11 **THE COURT:** State's Exhibit 34 is in evidence.

12 **WHEREUPON, STATE'S EXHIBIT**
13 **NUMBER 34 ARE MARKED AND**
14 **ADMITTED INTO EVIDENCE**
15 **WITHOUT OBJECTION.**

16 Q. Can you, just briefly, explain to the Jury how DNA
17 works, and how you come up to those results that
18 you just testified to?

19 A. Sure. Basically, DNA basically makes up who we
20 are. And we get half of it from our mother and our
21 father. Basically what I do is, I test the DNA to
22 come up with what is called a DNA profile.

23 And a DNA profile basically is a series
24 of numbers that I get back from testing these
25 locations on the DNA. And we get half of our

JASPER HUMBERT - DIRECT EXAMINATION

386

1 DNA from our mother and half from our father.

2 So when we test a DNA profile, we will
3 end up with typically two numbers. And you
4 get one number from your mother and one from
5 your father. And if you have one number, that
6 means that you've got the same number from
7 each of them. So that's basically what a DNA
8 profile is. Okay. And when I test an item, I
9 basically test those items --- those locations
10 on the DNA to get a DNA profile.

11 Q. There's actually a table attached to your report,
12 and that shows the profile?

13 A. Yes, that shows the DNA profiles that I obtained
14 from testing the evidence items and the DNA
15 standards that were submitted.

16 Q. Okay. And it's actually a pretty long --- I mean,
17 there are a number of numbers included in each of
18 those profiles.

19 A. Yes.

20 Q. They are actually pretty lengthy.

21 A. Yes. I basically test fifteen locations on the
22 DNA, and basically the amelogenin, which tells us
23 the sex of an individual. And I test those fifteen
24 locations and I can compare that to a standard in
25 evidence.

JASPER HUMBERT - DIRECT EXAMINATION

387

1 Q. But you come up with those for everything you have,
2 for each individual you have to compare to, as well
3 as the swabs and the items that were submitted.

4 A. That is correct.

5 Q. And then you compare them. How do you make a
6 determination that there is a match?

7 A. Okay. If I look at a standard, and I determine
8 that the numbers from an evidence item are the same
9 as in the standard I'll call it a match.

10 Q. Okay. So you have to have a match in certain
11 number of locations on the DNA profile in order to
12 call it a match?

13 A. Yes, I do.

14 Q. Okay. Is DNA unique to every individual?

15 A. It's unique essentially to every individual. The
16 only exception would be, identical twins that have
17 the same DNA.

18 Q. Okay.

19 MS. MUNNERLYN: Your Honor, I would also move to
20 admit at this time after his testimony State's Exhibit
21 42, 43, 44, and 45.

22 THE COURT: Any objection?

23 MS. BROWN: 42 is the handgun?

24 MS. MUNNERLYN: The swab.

25 MS. BROWN: No objection.

JASPER HUMBERT - DIRECT EXAMINATION

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1 THE COURT: State's Exhibits 42, 43, 44, and 45
2 are in evidence.

3 WHEREUPON, STATE'S EXHIBIT
4 NUMBERS 42, 43, 44, AND
5 45 ARE MARKED ADMITTED
6 INTO EVIDENCE WITHOUT
7 OBJECTION.

8 Q. So the short answer to all of your analysis is,
9 that there was on the trigger of this particular
10 gun, DNA which matched the Defendant's DNA?

11 A. That's correct.

12 Q. Okay.

13 MS. MUNNERLYN: Court's indulgence just one
14 moment.

15 THE COURT: Sure.

16 (PAUSE.)

17 Q. I'm going to show you State's Exhibit 36. Can you
18 tell me whether or not that is the gun from which
19 the swabs you analyzed were taken?

20 A. I would have no idea. I only get swabs. I don't
21 actually ---

22 Q. You don't actually examine serial numbers or
23 anything of that nature?

24 A. No, I do not.

25 Q. But your report does indicate the serial number to

JASPER HUMBERT - CROSS EXAMINATION

389

1 the gun?

2 A. Yes, it does.

3 Q. What is the serial number?

4 A. Where is the serial number found on a gun?

5 Q. If you can't, that's fine. But you do report the
6 serial number.

7 A. Yes. There is a number on the side of this gun
8 that says 6338. And there on my paperwork says the
9 number 6338.

10 Q. Okay. So the serial number reflected on your
11 paperwork that you received, the swab does match
12 the serial number reflected on the gun, which is
13 State's Exhibit 36?

14 A. It appears to be, yes.

15 Q. Okay. I don't have any further questions. If you
16 will answer any questions that defense counsel
17 might have.

18 **THE COURT:** Cross?

19 **MS. BROWN:** Yes, Your Honor.

20 **CROSS EXAMINATION BY MS. BROWN**

21 Q. Ms. Humbert, how long can one's DNA profile remain
22 on a item on the surface after they touch it?

23 A. I have no idea. But if it's not out in the
24 weather, I guess it would probably be a fairly long
25 time.

JASPER HUMBERT - CROSS EXAMINATION

390

1 Q. Very long time. So you can't give us any
2 information today as to when Mr. Bright's DNA would
3 have gotten on the handgun, can you?

4 A. I have no clue when it would have gotten on there.
5 All I know is that when I tested it I got that DNA
6 profile.

7 Q. I understand. And based on the report that you
8 provided you, you cannot exclude Ms. Knight?

9 A. As the minor contributor?

10 Q. As a contributor at all, exactly.

11 A. That's correct.

12 Q. She cannot be excluded?

13 A. As a contributor on there as well. Because I said
14 a major --- I was able to pull out his profile and
15 match to that. But her profile --- the other
16 profile, the minor contributor, I cannot exclude
17 her from the gun.

18 Q. Thank you. And today is the first time you've
19 actually seen that gun; is that correct?

20 A. That is correct.

21 Q. And you can't link that gun to the bullet that
22 caused the death of Mr. Dease, can you?

23 A. No, I haven't seen the bullet or the gun.

24 Q. Thank you.

25 THE COURT: Redirect?

WILLIAM HALL - DIRECT EXAMINATION

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REDIRECT EXAMINATION BY MS. MUNNERLYN

Q. You just conducted the DNA analysis in this case; correct?

A. That is correct.

Q. Okay.

MS. MUNNERLYN: I don't have any further questions.

THE COURT: You may step down. Any objections to him being excused?

MS. BROWN: No, Your Honor.

MS. MUNNERLYN: No, Your Honor.

THE COURT: You are excused. Thank you.

MS. MUNNERLYN: Kell Hall.

WHEREUPON, WILLIAM HALL

FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS

CLERK OF COURT: Have a seat and state your full name.

MR. HALL: William Hall.

DIRECT EXAMINATION BY: MS. MUNNERLYN

Q. Where are you employed, Officer Hall?

A. Bennett Police Department.

Q. And how long have you been employed with the Bennettsville Police Department?

A. Five years.

Q. Okay. And you are the evidence custodian; correct?

A. Correct.

WILLIAM HALL - DIRECT EXAMINATION

392

1 Q. All right. And you received into evidence from Ira
2 Dease, two blood standards. One from Victoria
3 Knight, and one from Kenwood Bright; is that
4 correct?

5 A. Yes, ma'am.

6 Q. And they were held in evidence at the Bennettsville
7 Police Department for a period of time before they
8 were turned over to Sergeant Turner?

9 A. Yes, ma'am.

10 Q. And those items that are in evidence, once that
11 blood is placed in the refrigerator in the evidence
12 area, does anyone else have access to those items?

13 A. For the refrigerator?

14 Q. Yes.

15 A. No, ma'am, except for Sergeant Turner, who has the
16 only other key.

17 Q. Okay. You and Sergeant Turner?

18 A. Yes, ma'am.

19 Q. Okay. And from the time that you received those
20 items from Officer Dease, and the time that they
21 were turned over to Sergeant Turner for transport
22 to SLED, were they tampered with in any way, shape,
23 or form?

24 A. No, ma'am.

25 Q. Okay. Then you also received certain items back

WILLIAM HALL - DIRECT EXAMINATION

393

1 from SLED once they had been analyzed, and brought
2 those items here today. And that includes State's
3 Exhibit 36, 37, 38, and 39; is that correct?

4 A. Yes, ma'am.

5 Q. And you brought these items to Court this week?

6 A. Yes, ma'am.

7 Q. Okay. And during the period of time they were in
8 your custody at the Bennettsville Police Department
9 evidence room, were they available to anyone else
10 to tamper with, or to do anything with?

11 A. No, ma'am.

12 Q. Okay. Have they, in fact, been tampered with while
13 they were in evidence?

14 A. No, ma'am.

15 Q. You also received from Ira Dease who returned the
16 GSR Kit.

17 A. This particular item, yes, ma'am.

18 Q. As well as the latent prints?

19 A. Yes, ma'am.

20 Q. Those are State's Exhibits 40 and 41. You brought
21 those items to Court this week as well?

22 A. Yes, ma'am.

23 Q. And they were not available to anyone else during
24 the time they were in your custody?

25 A. No, ma'am.

WILLIAM HALL - DIRECT EXAMINATION

394

1 Q. Officer Hall, other than being the evidence
2 custodian, you did have some further involvement in
3 this case, didn't you?

4 A. Yes, ma'am.

5 Q. You did, in fact, travel with two other officers to
6 The State of Virginia to pick up the Defendant?

7 A. I did.

8 Q. Were you present in that vehicle with the Defendant
9 when you were returning from The State of Virginia
10 the entire time?

11 A. Yes, ma'am.

12 Q. While you were traveling back here to The State of
13 South Carolina, did the Defendant at any time make
14 any statements about this particular incident?

15 A. Just one.

16 Q. Okay. And was this statement made as a result of
17 any questioning by any of the officers in the
18 vehicle?

19 A. No, ma'am.

20 Q. Okay. What was the statement that the Defendant
21 made?

22 A. He said that he was still alive when I left.

23 Q. And who was he referring to?

24 A. Mr. Dease.

25 Q. The victim in this case?

WILLIAM HALL - DIRECT EXAMINATION

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1 A. Yes, ma'am.

2 Q. His statement was that he was still alive when I
3 left?

4 A. Yes, ma'am.

5 Q. Was there any further statement made after he made
6 this statement?

7 A. No, ma'am.

8 Q. Was he questioned at all by any of the officers in
9 the vehicle once he made this statement?

10 A. No, ma'am.

11 Q. Okay.

12 MS. MUNNERLYN: Court's indulgence just one
13 moment.

14 THE COURT: Sure.

15 (PAUSE.)

16 Q. I don't have any further questions. If you would
17 answer any questions that defense counsel may have.

18 THE COURT: Cross.

19 MS. BROWN: We have no questions, Your Honor.

20 THE COURT: All right. You may step down if
21 there's no objection from the defense.

22 MS. BROWN: No, Your Honor.

23 THE COURT: Why don't we take a ten minute break
24 and then we'll come back. Don't talk about the case.
25 We will be back in ten minutes.

IRA DEASE, III - DIRECT EXAMINATION

396

1 (Whereupon, the Jury exits the courtroom at
2 3:56 p.m.)

3 **THE COURT:** Everybody remain seated while the Jury
4 departs.

5 **THE COURT:** All right. We will be at ease until
6 4:10 p.m.

7 (Whereupon, a recess is taken from 3:57 p.m. and
8 court resumes its sitting at 4:30 p.m.)

9 **THE COURT:** All right, is defense ready?

10 **MS. BROWN:** Yes, Your Honor.

11 **THE COURT:** Is The State ready?

12 **MS. MUNNERLYN:** Yes, Your Honor.

13 **THE COURT:** Go ahead.

14 (Whereupon, the Jury enters the courtroom at 4:31
15 p.m.)

16 **THE COURT:** Call your next witness.

17 **MS. MUNNERLYN:** Thank you, Your Honor. The State
18 calls Ira Dease to the stand.

19 **WHEREUPON, IRA DEASE, III**

20 **FIRST HAVING BEEN DULY AFFIRMED, TESTIFIES AS FOLLOWS**

21 **CLERK OF COURT:** Have a seat and state your full
22 name.

23 **MR. DEASE:** Ira Dease.

24 **DIRECT EXAMINATION BY MS. MUNNERLYN**

25 **Q.** You are Ira Dease?

IRA DEASE, III - DIRECT EXAMINATION

397

1 A. Ira Dease, the third.

2 Q. Ira Dease, the third. And where do you work?

3 A. Bennettsville Police Department.

4 Q. How long have you worked there?

5 A. Thirteen years.

6 Q. And what do you do at the Bennettsville Police
7 Department?

8 A. Narcotics Investigator.

9 Q. Okay. And were you involved in this particular
10 case, in the investigation of this case, in regards
11 to some evidence and transportation of the
12 Defendant?

13 A. Yes.

14 Q. Okay. Did you accompany Officer Turner and Officer
15 Kell, William Hall to Virginia to pick up the
16 Defendant, Kenwood Bright?

17 A. Yes.

18 Q. And the three of you rode in that vehicle with the
19 Defendant back to South Carolina?

20 A. That's correct.

21 Q. Okay. And do you recall, did he make any
22 statements in regards to what happened on this
23 particular night, on July 22nd, 2008?

24 A. Yes.

25 Q. Okay. Tell me what he said.....

IRA DEASE, III - DIRECT EXAMINATION

398

1 A. He was wanting to know what he was being charged
2 with, and Sergeant Turner explained it to him what
3 he was being charged with. Then he made the
4 statement that the guy was dead --- alive when I
5 left.

6 Q. He said what now?

7 A. The guy was still living when he drove off.

8 Q. The guy was still living when he drove off. And
9 who was he referring to?

10 A. Chris Dease.

11 Q. Chris Dease?

12 A. Yes.

13 Q. Okay. Did he make any further statement after
14 saying that?

15 A. Not regarding the case.

16 Q. Okay. And was he questioned any further by any law
17 enforcement at that time?

18 A. Not at all.

19 Q. In fact, he did not give any kind of statement
20 after that point.

21 A. That's correct.

22 Q. Okay. All right. And you received some items of
23 evidence from SLED and returned them to the
24 evidence room to Officer Hall here at the
25 Bennettsville Police Department, did you not?

IRA DEASE, III - DIRECT EXAMINATION

399

1 A. That's correct.

2 Q. Okay. I'm going to show you State's Exhibit 30,
3 and see if you recognize what that is?

4 A. Evidence sheet --- custody.

5 Q. That's the chain of custody from SLED?

6 A. Chain of custody, right.

7 Q. You are actually indicated as relates to Item 1,
8 SLED Item 1. Is that your signature?

9 A. Yes, it is.

10 Q. And your signature is actually here on a number of
11 items as having received certain evidence from SLED
12 on this particular date indicated and returning it
13 here to Bennettsville Police Department?

14 A. That's correct.

15 Q. Okay. Those items, do they, in fact, include the
16 GSR Kit, which is State's Exhibit 40?

17 A. Yes.

18 Q. Okay. And it also includes the latent prints which
19 were included within State's Exhibit 41; is that
20 correct?

21 A. That's correct.

22 Q. Okay. And all of these items you retrieved from
23 SLED and they were in your custody until you
24 arrived back here in Bennettsville?

25 A. That's correct.

IRA DEASE, III - DIRECT EXAMINATION

400

1 Q. Were they altered or tampered with in any way
2 between the time you picked them up and the time
3 you turned them over to Officer Hall?

4 A. Not at all.

5 Q. They were in the same or similar condition as when
6 you picked them up?

7 A. That's correct.

8 Q. Okay. And did you, in fact, receive the two vials
9 of blood, which were at the hospital here at
10 Marlboro Park Hospital that were drawn from the
11 Defendant, Kenwood Bright, and Victoria Knight?

12 A. That's correct.

13 Q. Okay. And you transported those items to the
14 evidence room and turned them over to Officer Hall
15 here at the police station?

16 A. That's correct.

17 Q. Okay. And in the time they were in your custody
18 were they properly cared for or tampered with in
19 any way?

20 A. No, they were not tampered with at all.

21 Q. Okay. To your knowledge, did you handle any other
22 items of evidence related to this case?

23 A. No.

24 Q. I don't have any further questions. If you would
25 answer any questions that defense counsel has.

IRA DEASE, III - DIRECT EXAMINATION

401

1 THE COURT: Cross

2 CROSS EXAMINATION BY MS. BROWN

3 Q. Officer Dease, I do have one question. During the
4 investigation did you, in fact, interview anyone at
5 all as relates to this case?

6 A. Yes, I did.

7 Q. Do you recall having a conversation with Ms.
8 Zimmerman, Eureka Zimmerman?

9 A. I don't recall.

10 Q. So you didn't have a conversation with Ms.
11 Zimmerman at all?

12 A. I don't recall.

13 Q. Well, let me be a little more specific. Do you
14 recall having a conversation with Ms. Zimmerman
15 and advised her not to state the identity of the
16 person that may have ---

17 MS. MUNNERLYN: Your Honor, I object ---

18 THE COURT: Sustained. He has already said he
19 does not remember having a conversation with Ms.
20 Zimmerman.

21 MS. BROWN: I have no further questions, Your Honor.

22 THE COURT: Any redirect?

23 MS. MUNNERLYN: No, Your Honor.

24 THE COURT: Okay. You may step down.

25 All right... Members of the Jury, we are going to

IRA DEASE, III - DIRECT EXAMINATION

402

1 quit for the day. We are going to come back at 9:30
2 o'clock in the morning and try to finish this case
3 tomorrow.

4 Thank you very much for your attention and your
5 efforts. And again, as I told you before many, many
6 times, do not discuss the case with anybody including
7 among yourselves.

8 Thank you. You are dismissed until 9:30 in the
9 morning.

10 (Whereupon, the Jury exits the courtroom at 4:37
11 p.m.)

12 (Whereupon, day three of trial ends at 4:38
13 p.m. on Wednesday, March 10, 2010.)

14 --- END OF DAY THREE OF TRIAL ---
15

LARRY TURNER - DIRECT EXAMINATION

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1 (Whereupon, Court comes to order at 9:42 a.m. on
2 Thursday, March 11, 2010.)

-- DAY FOUR OF TRIAL --

3
4 **THE COURT:** Thank you, everybody be seated. Go
5 ahead and bring the Jury out.

6 (Whereupon, the Jury enters the courtroom at 9:43
7 a.m.)

8 **THE COURT:** Good morning. Solicitor, call your next
9 witness.

10 **MS. MUNNERLYN:** Thank you, Your Honor. State calls
11 Larry Turner.

WHEREUPON, LARRY TURNER**FIRST HAVING BEEN DULY SWORN, TESTIFIES AS FOLLOWS**

13
14 **CLERK OF COURT:** Have a seat and state your full
15 name.

16 **MR. TURNER:** Larry Turner.

DIRECT EXAMINATION BY MS. MUNNERLYN

17
18 Q. You are Larry Turner?

19 A. Yes, I am.

20 Q. Where are you employed?

21 A. Bennettsville Police Department.

22 Q. And how long have you been employed at the
23 Bennettsville Police Department?

24 A. This October will be fourteen years.

25 Q. All right. And in what capacity are you currently

LARRY TURNER - DIRECT EXAMINATION

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1 employed with them?

2 A. I'm assigned to the Investigator's Division.

3 Q. Investigator's Division?

4 A. Yes, ma'am.

5 Q. And how long have you been assigned to the
6 investigator's division?

7 A. For the past ten years. The last four as a
8 sergeant.

9 Q. And were you working or on call on the evening of
10 July 22 of 2008?

11 A. Yes, ma'am, I was.

12 Q. And did you receive a call to respond in regards to
13 a shooting at Hudson Street here in
14 Bennettsville?

15 A. Yes, ma'am.

16 Q. Okay. Now, were you actually on duty, or were you
17 called out from home?

18 A. I was actually off duty and I was called out.

19 Q. All right. Do you know about when you arrived?

20 A. I arrived shortly after EMS arrived. I don't
21 remember the exact time of my arrival.

22 Q. Okay. And when you arrived how did you find the
23 scene?

24 A. The scene had been secured by the patrol officers
25 with yellow, crime scene tape. They were not

LARRY TURNER - DIRECT EXAMINATION

405

1 letting anyone into the scene. When I got there
2 EMS was in. They already had the victim loaded
3 into the back of the ambulance.

4 Q. Okay. Did you actually do anything at the scene at
5 that particular point?

6 A. No, ma'am. Actually I stayed and helped them
7 secure the scene. There were several different
8 witnesses at the scene. I was trying to get the
9 officers to get names so we could do the interview
10 process. And actually gather my thoughts on what
11 to have the investigators do once they arrived
12 initially.

13 Q. Okay. And were you able to develop a suspect as to
14 who had shot the victim, Chris Dease?

15 A. Yes, ma'am, we were.

16 Q. Okay. And tell us how you came to that?

17 A. From the witnesses there at the scene at the time
18 of the incident. They were able to give us a
19 description of the vehicle and a possible suspect.

20 Q. And who was that person?

21 A. The Defendant, Kenwood Bright.

22 Q. Okay. And how many people were actually at the
23 scene that night when you got there?

24 A. There were several people at the scene that night.

25 Q. Okay. Were all of them there when the incident

LARRY TURNER - DIRECT EXAMINATION

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1 actually happened?

2 A. No, ma'am.

3 Q. Okay. And did you receive any information --- You
4 developed the Defendant, Kenwood Bright, as a
5 possible suspect. Did you receive any other
6 information about anybody that may have been in the
7 vehicle with him?

8 A. Yes, we were also advised about a female that was
9 in the vehicle also.

10 Q. Did you know the identification of the female?

11 A. At initials --- No, we did not.

12 Q. How did your investigation develop from that point?

13 A. Through talking to the witnesses who have testified
14 today, or during this week, we were able to get a
15 name of the possible female in the vehicle. At
16 that time once I got the name it was determined
17 that she was possibly from North Carolina. So I
18 had her ran through North Carolina DMV and we were
19 able to get an address of her in North Carolina.
20 Was also able to obtain information where she was
21 employed at from Rockingham at KFC.

22 Q. I'm going to show you what's been marked State's
23 Exhibit 25, and see if you can identify that.

24 A. Yes, ma'am, this is the DMV record of the --- of
25 Miss Victoria Knight's vehicle, the actual license

LARRY TURNER - DIRECT EXAMINATION

407

1 information.

2 Q. Okay. This is the print out regarding the
3 registration of the vehicle?

4 A. That's correct.

5 Q. That she owned?

6 A. Yes, ma'am.

7 Q. And can you tell us what the make and model and the
8 license tag number is on that vehicle?

9 A. It's a 1991 Pontiac Bonneville LE.

10 Q. Okay. And who was it registered to?

11 A. Victoria Channel Knight.

12 Q. Okay. And can you tell me what the license plate
13 number is?

14 A.

15 Q. I'm going to show you what is already in evidence
16 as State's Exhibit 13, and see if you recognize
17 that.

18 A. Yes, ma'am, I do.

19 Q. And what is that?

20 A. This is the vehicle belonging to Miss Knight.

21 Q. And where was that picture taken?

22 A. In High Point, North Carolina.

23 Q. Okay. Does it show the license plate on that
24 particular vehicle?

25 A. Yes, ma'am,

LARRY TURNER - DIRECT EXAMINATION

408

1 Q. And, of course, it matched the registration you had
2 already obtained?

3 A. That's correct.

4 MS. MUNNERLYN: Your Honor, I move at this time to
5 admit State's Exhibit 25.

6 THE COURT: Any objection?

7 MS. BROWN: No, Your Honor.

8 THE COURT: All right. State's 25, in evidence.

9 WHEREUPON, STATE'S EXHIBIT

10 NUMBER 25 ARE MARKED AND

11 ADMITTED INTO EVIDENCE

12 WITHOUT OBJECTION.

13 Q. Once you had received the information where she was

14 A. The following day myself along with investigator
15 John Bostic went to North Carolina, actually to
16 Hamlet P D. Was able to give them the name of the
17 person we were looking for. One of the officers
18 that worked at Hamlet P D was familiar with the
19 father of Miss Knight. At which time he took us to
20 the father's residence.

21 Q. Okay. And once you talked with the father, did you
22 gather more information about where she might be?

23 A. Yes, ma'am, we did. We were able to make contact
24 by phone with Miss Knight.

25 Q. Okay. And did you determine where she was?

LARRY TURNER - DIRECT EXAMINATION

409

1 A. She was in High Point, North Carolina.

2 Q. Okay. And this was all taking place on the
3 following day after the shooting?

4 A. Yes, ma'am, that's correct.

5 Q. So it would have been on July 23rd?

6 A. Yes, ma'am.

7 Q. Of 2008.

8 A. Yes, ma'am.

9 Q. Okay. And after you talked with her father, did
10 you discover where she was living and whether or
11 not she had been to that area with the Defendant?

12 A. Yes, ma'am, he actually had witnessed the Defendant
13 with her several times. He was also able to
14 provide us with an address of the mother's
15 residence where Miss Knight was staying.

16 Q. Okay. So then did you proceed to that residence?

17 A. Yes, we did. We went to the residence on --- I
18 think it's Lackey Street in Hamlet, along with
19 Hamlet P D. We talked to the mother, who, you
20 know, advised us that she had seen the Defendant
21 several times with her daughter. And that they had
22 been to the residence the day prior.

23 Q. And so what did you proceed to do once you were
24 gave the information that they had been there the
25 prior day?

LARRY TURNER - DIRECT EXAMINATION

410

- 1 A. I had advised her what had happened and asked
2 consent to search her residence. Being that we
3 were in North Carolina Hamlet obtained the consent
4 to search for the residence. At which time we
5 searched the residence of Michelle Knight.
- 6 Q. Victoria Knight's mother did actually consent to
7 that search.
- 8 A. Yes, ma'am, that's correct.
- 9 Q. She actually executed a written consent; is that
10 correct?
- 11 A. Yes, ma'am, that's correct.
- 12 Q. I'm going to show you what's already admitted into
13 evidence as State's Exhibit 24, and see if you
14 recognize that.
- 15 A. Yes, ma'am, this is the consent that was obtained
16 by Hamlet P D to search Ms. Knight's residence.
- 17 Q. Okay. And her residence is where?
- 18 A. It is Lackey Street, Hamlet, North Carolina.
- 19 Q. Okay. And once you obtained this, did you proceed
20 to search the residence?
- 21 A. Yes, we did. We searched the residence and located
22 a weapon inside of the residence.
- 23 Q. Okay. And do you recall where the weapon was
24 located?
- 25 A. It was located in Victoria's bedroom underneath a

LARRY TURNER - DIRECT EXAMINATION

411

1 dresser in the bedroom in the right corner of the
2 bedroom.

3 Q. Okay. And how did you locate Victoria's bedroom?

4 A. By her mother. She told us which room was
5 Victoria's.

6 Q. All right. I'm going to show you State's Exhibit
7 22 and 23, and see if you recognize those.

8 A. Yes, ma'am, this is the gun that we recovered.

9 Q. Okay. And what do those pictures depict?

10 A. The gun actually lying on the floor. It was
11 underneath the dresser.

12 Q. Okay. Is the dresser shown in that picture?

13 A. No, ma'am. We actually had to move the dresser
14 because of the type camera the Hamlet P D was
15 using. We were not able to obtain a photo of the
16 gun under it because of the darkness.

17 Q. So it was just on the floor up under the dresser?

18 A. Yes, ma'am.

19 Q. So you actually lifted or slid the dresser over?

20 A. That's correct.

21 Q. And was the gun touched at all before you took
22 those pictures?

23 A. No, ma'am.

24 Q. And they accurately reflect how you found it on
25 July 23rd of 2008?

LARRY TURNER - DIRECT EXAMINATION

412

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. MUNNERLYN: Your Honor, I move to admit
4 State's Exhibit 22 and 23.

5 THE COURT: Any objection?

6 MS. BROWN: Your Honor, we just renew our
7 objection from the Motion that we had.

8 THE COURT: Overruled. State's 22 and 23 are in
9 evidence.

10 WHEREUPON, STATE'S EXHIBIT
11 NUMBERS 22 AND 23 ARE
12 MARKED AND ADMITTED INTO
13 EVIDENCE OVER THE
14 OBJECTION OF DEFENSE.

15 Q. Did you then take the gun into your custody?

16 A. Yes, ma'am, I did.

17 Q. I'm going to show you what is marked as State's
18 Exhibit 36 and see if you recognize that.

19 A. Yes, ma'am, this is the gun that we located at the
20 residence.

21 Q. Okay. And so you ceased it then during that search
22 on July 23rd of 2008?

23 A. Yes, ma'am.

24 Q. What did you do with it from that point?

25 A. It was transported back to the Bennettsville Police

LARRY TURNER - DIRECT EXAMINATION

413

1 Department and placed in evidence to be examined by
2 investigator Larry Bowman.

3 Q. Okay. And was it, in fact, examined by him?

4 A. Yes, ma'am, it was.

5 Q. And that was in your presence?

6 A. Yes, ma'am, it was.

7 Q. And what exactly did he do with that particular
8 gun?

9 A. He actually took swabs for DNA samples.

10 Q. Took swabs?

11 A. Yes, ma'am.

12 Q. Where are the swabs normally taken from?

13 A. Actually the trigger, the handle of the gun, places
14 that we were know that, you know, the hand would
15 possibly be at.

16 Q. Now, this particular gun it doesn't have any grips
17 on it, does it? Is that exactly how you found it?

18 A. Yes, ma'am.

19 Q. Okay. It is the same exact condition as when you
20 found it?

21 A. Yes, ma'am, it is.

22 Q. When you found it did it have any ammunition in the
23 barrel?

24 A. Yes, ma'am, it had one spent round and one unspent
25 round.

LARRY TURNER - DIRECT EXAMINATION

414

1 Q. Okay. I'm going to show you what's marked as
2 State's Exhibit 37 and 38, and see if you recognize
3 those.

4 A. State's Exhibit 38 is the unspent round that was
5 recovered from the weapon.

6 Q. So that is a complete bullet that has not yet been
7 shot?

8 A. Yes, ma'am, that's correct.

9 Q. And it was actually inside this gun when you
10 recovered it?

11 A. Correct.

12 Q. Okay.

13 A. State's Exhibit 37 is a spent round that was
14 recovered from the weapon.

15 Q. That is actually an empty cartridge that had
16 already been fired from this weapon?

17 A. Yes, ma'am, that's correct.

18 Q. And it was still inside this gun when you recovered
19 it?

20 A. Yes, ma'am.

21 Q. Okay. And once you recovered it and it was
22 processed by Officer Bowman, you actually
23 transported these three items to SLED, did you not?

24 A. Yes, ma'am, that's correct.

25 Q. And you submitted them there for further testing?

LARRY TURNER - DIRECT EXAMINATION

415

1 A. Yes.

2 Q. Was any of these three things, were they tampered
3 with in any way during that time up until the time
4 you submitted them to SLED?

5 A. No, ma'am.

6 Q. Other than the swabs that were taken from the gun.

7 A. Yes, ma'am.

8 Q. Okay.

9 MS. MUNNERLYN: Your Honor, I would move then to
10 admit at this time State's Exhibit 36, 37, and 38.

11 THE COURT: Any objections?

12 MS. BROWN: Yes, Your Honor, same objection.

13 THE COURT: All right. Overruled.

14 36, 37, and 38 are in evidence.

15 WHEREUPON, STATE'S EXHIBIT

16 NUMBERS 36, 37, AND 38 ARE

17 MARKED AND ADMITTED INTO

18 EVIDENCE OVER THE

19 OBJECTION OF DEFENSE.

20 Q. Okay. Now, I'm going to show you State's Exhibit 7
21 through 12, and see if you recognize those.

22 A. Yes, I do. These are the actual photos that
23 investigator Bowman took when he was processing the
24 weapon.

25 Q. Okay. And they accurately reflect the same gun,

LARRY TURNER - DIRECT EXAMINATION

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1 which is State's Exhibit 36?

2 A. Yes.

3 Q. Okay. And do they accurately reflect where the two
4 --- bullet and the cartridge, 37 and 38 were in the
5 two barrels?

6 A. Yes, it does.

7 **MS. MUNNERLYN:** Your Honor, I would move to admit
8 at this time State's Exhibits 7 through 12.

9 **THE COURT:** Any objections?

10 **MS. BROWN:** Objection, Your Honor, same one noted as
11 before.

12 **THE COURT:** Overruled. State's 7 through 12 are
13 in evidence.

14 **WHEREUPON, STATE'S**
15 **EXHIBITS NUMBERS 7, 8, 9,**
16 **10, 11, AND 12 ARE MARKED**
17 **AND ADMITTED INTO EVIDENCE**
18 **OVER THE OBJECTION OF**
19 **DEFENSE COUNSEL.**

20 Q. Okay. I want to ask you a few questions about this
21 gun. First of all, it didn't have this on it.

22 A. No, we placed that inside the weapon so it would be
23 secure.

24 Q. That was placed on it when you came to Court
25 yesterday, correct?

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1 A. Yes.

2 Q. Okay. Without that on it does it close like that?

3 A. Yes, it does.

4 Q. And it would snap in place?

5 A. Yes, ma'am.

6 Q. So if you could exhibit to The Court how that
7 works, how you would unload it, or load it.

8 A. The gun actually folds open. Once you open it you
9 load your two rounds into the chambers. Then the
10 gun closes back and it locks. Once the handle is
11 cocked back it is ready to fire.

12 Q. Okay. And do the two barrels, are they fired at
13 the same time, or one after the other, or how did
14 that work?

15 A. One barrel is fired at a time.

16 Q. Okay. All right. And I want to direct you then to
17 the photos, specifically State's Exhibit 12.
18 State's Exhibit 12 shows the two bullets laying out
19 in front of the barrel as it is opened; is that
20 right?

21 A. Yes, that's correct.

22 Q. Does it accurately reflect the barrel by the
23 positioning there that they were removed from?

24 A. Yes, actually each round that was removed is held
25 the barrel in which the gun was fired.

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1 Q. Okay. So the cartridge which had been shot was
2 removed from the barrel --- Well, show me.

3 A. Once the gun was actually closed, this would be
4 considered the top barrel. This is the one that
5 the actual fired round was in, was the top barrel.

6 Q. The top barrel, even though in this photo, it looks
7 like it was the bottom barrel is because ---

8 A. Because of the way the gun opens.

9 Q. Okay. Actually the cartridge that the bullet had
10 been shot bullet, the cartridge that had remained
11 in the gun from the shot bullet is in the upper
12 barrel.

13 A. Yes, that's correct.

14 Q. Okay. The round which had not yet been fired was
15 in the lower barrel, which is here when you flip it
16 over is on the bottom.

17 A. Correct.

18 Q. Okay. And again looking at State's Exhibit 11,
19 this is showing the gun with the barrel open.

20 A. Yes.

21 Q. And the cartridge which had already been shot is
22 the one with the impression on it is the one in
23 this barrel, is it not?

24 A. Correct.

25 Q. Okay. But that is actually when you flip it over.

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1 A. When you actually flip it over it is going to be
2 this barrel, which would be the upper barrel.

3 Q. Upper barrel.

4 A. Yes.

5 Q. You can see the markings on the tail of the
6 cartridge there.

7 A. Correct.

8 Q. Okay. All right. Now, subsequent to you obtaining
9 the weapon and this bullet and shot cartridge from
10 the fired bullet, you did --- actually you obtained
11 this the following day; is that correct?

12 A. Yes, ma'am.

13 Q. Additional actual fired bullet. I'm going to show
14 you State's Exhibit 39. Do you recall that?

15 A. Yes, this is the item that I was given from MUSC
16 the day of the autopsy.

17 Q. Okay. And who did you receive that from?

18 A. Doctor Presnell.

19 Q. Okay. You actually attended the autopsy performed
20 on Christopher Dease.

21 A. Yes.

22 Q. Okay. And you retrieved that particular bullet
23 which was removed from his body on the day of the
24 autopsy, which was July 24th?

25 A. Yes.

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1 Q. Okay. Once you received that from Doctor Presnell,
2 where did you deliver it?

3 A. To The State Law Enforcement Division, commonly
4 known as SLED.

5 Q. Okay. And was anything done to this fired bullet
6 or tampered with in any way during the time it was
7 in your possession?

8 A. No, ma'am. It was removed from the victim, placed
9 inside of that in my presence, and sealed with
10 evidence tape.

11 Q. So you never actually held it or anything like
12 that?

13 A. No, ma'am.

14 Q. You had it within this bottle until you turned it
15 into SLED, and you turned it into SLED just like
16 that?

17 A. Yes, ma'am.

18 **MS. MUNNERLYN:** Your Honor, I move to admit
19 State's Exhibit 39.

20 **THE COURT:** Any objection?

21 **MS. BROWN:** No, Your Honor.

22 **THE COURT:** 39 into evidence.

23 **WHEREUPON, STATE'S EXHIBIT**

24 **NUMBER 39 ARE MARKED AND**

25 **ADMITTED INTO EVIDENCE**

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WITHOUT OBJECTION.

1

2 Q. I'm going to also show you State's Exhibit 28 and
3 29, and see if you recognize those.

4 A. Yes, ma'am, this is the SLED's laboratory forensic
5 service request. This is the sheet that we
6 actually log our evidence on that we're taking to
7 SLED to be processed.

8 Q. Okay. So that is the paperwork that you fill out
9 when you actually transfer evidence to SLED?

10 A. Yes, ma'am.

11 Q. And State's Exhibit 28 is actually for the gunshot
12 residue kit, the latent lifts, the gun, the
13 cartridge casing, as well as the swabs from the
14 gun.

15 A. Yes, ma'am, that is correct.

16 Q. And the blood standard. All the evidence from the
17 victim himself, his blood standard and his
18 fingernail clippings.

19 A. Yes.

20 Q. Okay. All those are reflected on this request form
21 that you delivered to SLED on July 24th of 2008?

22 A. Yes, ma'am.

23 Q. Okay. And were any of those items tampered with in
24 any way, shape, or form while they were in your
25 care and custody?

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1 A. No, other than we obtained the DNA swabs.

2 Q. From the gun?

3 A. Yes, ma'am.

4 Q. But that did not alter the gun in any way, shape,
5 or form, did it?

6 A. No, ma'am, it did not.

7 Q. Okay. And you turned them in in the same condition
8 that you received them in, or that you recovered
9 them from the scene, or wherever you recovered
10 them?

11 A. Yes.

12 Q. That was all on July 24th?

13 A. Yes.

14 Q. Okay. And then on State's Exhibit 29, this is the
15 form for the blood standards from the Defendant,
16 Kenwood Bright, and victoria Knight, correct?

17 A. Yes.

18 Q. And you actually deposited these with SLED on
19 November 24th of 2008?

20 A. Yes, ma'am, that's correct.

21 Q. Okay. And you received those from evidence from
22 Officer Hall?

23 A. Yes, ma'am.

24 Q. Okay. And were they tampered with in any way,
25 shape, or form during the time they were in your

LARRY TURNER - DIRECT EXAMINATION

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1 care and custody?

2 A. No, ma'am.

3 Q. You delivered them to SLED in the same form and in
4 the same two sealed tubes when they were taken?

5 A. Yes.

6 Q. Okay.

7 MS. MUNNERLYN: Your Honor, I would move to admit
8 State's Exhibits 28 and 29.

9 THE COURT: Any objection?

10 MS. BROWN: No, Your Honor.

11 THE COURT: State's 28 and 29 in evidence.

12 WHEREUPON, STATE'S EXHIBIT

13 NUMBERS 28 AND 29 ARE

14 MARKED AND ADMITTED IN

15 EVIDENCE WITHOUT

16 OBJECTION.

17 Q. I'm also going to show you State's Exhibit 30, and
18 see if you recognize that.

19 A. Yes, ma'am, this is the return sheets for the chain
20 of custody for evidence coming back to the
21 Bennettsville Police Department, and also I think
22 the log-in.

23 Q. It shows a complete chain of custody while these
24 items are at SLED; is that correct?

25 A. Yes, ma'am.

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1 Q. Okay. And does it accurately reflect those items
2 which you submitted to SLED?

3 A. Yes, ma'am.

4 Q. Okay.

5 MS. MUNNERLYN: Your Honor, I would move to admit
6 State's Exhibit 30 at this time.

7 THE COURT: Any objection?

8 MS. BROWN: No, Your Honor.

9 THE COURT: State's 30 into evidence.

10 WHEREUPON, STATE'S EXHIBIT

11 NUMBER 30 ARE MARKED AND

12 ADMITTED INTO EVIDENCE

13 WITHOUT OBJECTION.

14 Q. Before we move on, I do want to ask you one thing
15 so everybody understands. These items of evidence
16 have been given specific numbers today, such as the
17 gun as State's Exhibit 36, correct?

18 A. Correct.

19 Q. But this particular chain of custody, and State's
20 30, and State's Exhibits 28 and 29 refer to those
21 items as evidence with a different number; isn't
22 that right?

23 A. Yes, ma'am, that's correct.

24 Q. Okay. Can you explain the difference there, can
25 you explain the numbers that are assigned on these

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1 SLED sheets?

2 A. The Court has one way of assigning numbers to it.
3 Once you get to SLED, SLED has their own system of
4 how they would actually log the evidence in. They
5 assign their own numbers for their tracking
6 purposes while it's at SLED in their custody.

7 Q. Okay. So for instance, the gun which is now known
8 to the Jury and everybody in Court as State's
9 Exhibit 36, on the SLED paperwork has a different
10 item number; isn't that right?

11 A. Yes, ma'am.

12 Q. In fact, that item number is 6; is that correct?

13 A. Yes, that's correct.

14 Q. So on any of the SLED paperwork, the SLED reports,
15 anything dealing with the gun would label it as
16 item 6.

17 A. Yes, correct.

18 Q. And those SLED item numbers would be the same for
19 all other items of evidence which were submitted to
20 SLED.

21 A. Yes, that's correct.

22 Q. They would have one number on the SLED paperwork
23 and another number as far as The Court's Exhibit
24 Numbers.

25 A. Yes.

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1 Q. Okay. So let's go back then. You had retrieved
2 some items in evidence, you retrieved a gun, you
3 searched Victoria Knight's home. When did you
4 locate Victoria Knight?

5 A. She was located that afternoon by High Point P.D.
6 We were able to obtain information through our
7 investigation that they were possibly in High
8 Point. We contacted High Point P.D., along with
9 the US Marshall's office, and High Point P.D. was
10 actually able to get a location where Ms. Knight
11 was, and was able to stop her at a traffic stop.

12 Q. Okay. Now, were you present when she was actually
13 stopped?

14 A. No, ma'am, I was not.

15 Q. Okay. When were you contacted that they had her in
16 their custody?

17 A. Shortly after the traffic stop they called and let
18 me know they had her in custody in High Point.

19 Q. Okay. And what did you do once you were contacted
20 and given that information?

21 A. Myself, along with Investigator Bowman actually
22 drove to High Point to where Ms. Knight was.

23 Q. Okay. And did you talk with her there?

24 A. We briefly spoke to her at the High Point Police
25 Department, told her what we were there for, and

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1 that we would like to talk to her, and asked would
2 she come back to South Carolina to the
3 Bennettsville Police Department and talk with us.
4 And which she said, yes.

5 Q. And were you aware that her vehicle had been ceased
6 at the time she was taken into custody?

7 A. Yes, it was. And it was also processed by
8 Investigator Bowman while we were in High Point.

9 Q. Okay. And did you have any conversations with
10 Victoria Knight about the processing of that
11 vehicle?

12 A. Yes. While we were actually speaking to her in
13 there, we told her we would need to process her car
14 because of the incident that happened. And asked
15 her if it would be okay if we processed it, and she
16 said yes.

17 Q. Okay. Was she cooperating completely at that time?

18 A. Yes, ma'am, she cooperated fully.

19 Q. All right. And you --- Officer Bowman processed
20 the car, but you were present as well.

21 A. Yes, ma'am, that's correct.

22 Q. And there are a number of photos and latent prints
23 that were taken from the vehicle in High Point; is
24 that correct?

25 A. Yes, ma'am, that's correct.

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1 Q. And that includes which are State's Exhibit in
2 evidence, State's Exhibits 13 through 19; is that
3 correct?

4 A. That's correct.

5 Q. Okay. And there were a number of latent lifts
6 taken from the vehicle by Officer Bowman.

7 A. Yes.

8 Q. And they were --- Were they transferred to you
9 immediately then?

10 A. Yes, I actually took them there on the scene while
11 he was processing the vehicle.

12 Q. And those are the items which are included in
13 State's Exhibit 41?

14 A. Yes.

15 Q. All of the items except for the fingerprint card.

16 A. Yes, the fingerprint card was not there.

17 Q. The lifts were actually made on a separate
18 individual cards.

19 A. Yes.

20 Q. Okay. And you took those into your custody and
21 they remained in your custody until you transferred
22 them.

23 A. To SLED.

24 Q. Okay. Those are all listed on State's Exhibit 30
25 when you submitted those.

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1 A. Yes.

2 Q. And were they tampered with in any way, shape, or
3 form while they were in your care?

4 A. No.

5 Q. Okay. You also transported the GSR Kit that was
6 obtained by Officer Bowman; is that correct?

7 A. Yes.

8 Q. Okay. And that's State's Exhibit 40. Who did you
9 receive that from?

10 A. It was collected by Investigator Bowman and turned
11 over to me.

12 Q. Okay. And you were the one who submitted it to
13 SLED?

14 A. Yes.

15 Q. Is it also reflected on State's Exhibit 30?

16 A. Yes.

17 Q. Okay. You said that you briefly talked with
18 Victoria Knight in High Point, North Carolina, but
19 you did not take a statement from her there.

20 A. No, we did not.

21 Q. When did you take a statement from her?

22 A. Once we arrived back at Bennettsville P.D. we did
23 an interview with Miss Knight, which was audio and
24 video recorded at the Bennettsville Police
25 Department.

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- 1 Q. Okay. Who transported her back to Bennettsville?
- 2 A. Myself along with Investigator Larry Bowman.
- 3 Q. Okay. I'm going to show you what's marked as
- 4 State's Exhibit 26, and see if you recognize that.
- 5 A. Yes, this is the Miranda Warning that was advised
- 6 to Miss Knight.
- 7 Q. Okay. And it shows her signature.
- 8 A. Yes, it does.
- 9 Q. And it shows your signature as well.
- 10 A. Yes, it does.
- 11 Q. You witnessed that form?
- 12 A. Yes, ma'am.
- 13 Q. Did you fully advise her of her rights?
- 14 A. Yes, ma'am.
- 15 Q. And she indicated at that time that she wished to
- 16 talk to you.
- 17 A. Yes, ma'am.
- 18 Q. Did she understand that she was going to be charged
- 19 in this incident as well?
- 20 A. We actually talked to her in the beginning. And
- 21 once we finished interviewing that's when she was
- 22 actually charged.
- 23 Q. Okay. Did she understand that she was a potential
- 24 suspect?
- 25 A. Yes, she did.

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1 Q. Okay.

2 MS. MUNNERLYN: Your Honor, I would move to admit
3 State's Exhibit 26.

4 THE COURT: Any objection?

5 MS. BROWN: No, Your Honor.

6 THE COURT: State's 26 into evidence.

7 WHEREUPON, STATE'S EXHIBIT

8 NUMBER 26 ARE MARKED AND

9 ADMITTED INTO EVIDENCE

10 WITHOUT OBJECTION.

11 Q. Okay. So she was transported back here by you and
12 Officer Bowman. And where did you take her to talk
13 with her?

14 A. To the Bennettsville Police Department.

15 Q. Okay. And where in the Bennettsville Police
16 Department did you question her?

17 A. We have an interview room that's set up with a
18 video and audio recording device inside of the
19 department.

20 Q. I can hear you, but I'm not sure the Jury can.

21 A. We have an interview room set up inside the police
22 department that has a video and an audio recorder.
23 And that's where she was actually taken to be
24 interviewed.

25 Q. Okay. And who actually interviewed her?

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- 1 A. Myself along with Investigator Bowman.
- 2 Q. All right. And as you have stated, she was fully
- 3 advised of her rights.
- 4 A. Yes.
- 5 Q. She indicated at that time that she wanted to tell
- 6 you what happened?
- 7 A. Yes, she did.
- 8 Q. Okay. Was there any hesitation on her part?
- 9 A. No.
- 10 Q. Okay. And you were present in the courtroom today
- 11 or yesterday when she testified?
- 12 A. Yes.
- 13 Q. Okay. And the video tape statement that you took,
- 14 how long was that statement, about how long did it
- 15 take?
- 16 A. It was a lengthy statement.
- 17 Q. Okay. And was she completely forthcoming?
- 18 A. Yes, ma'am, she was.
- 19 Q. Okay. And did she tell you what she testified to
- 20 yesterday?
- 21 A. Yes, ma'am, pretty much the same identical story
- 22 she told us the day that we interviewed her.
- 23 Q. Okay. And you actually interviewed her on July
- 24 23rd?
- 25 A. That's correct.

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1 Q. Okay. Which was the day after the shooting had
2 occurred?

3 A. Correct.

4 Q. Did you know at that time where Kenwood Bright was?

5 A. No, ma'am, we did not.

6 Q. Did she know where he was?

7 A. No, ma'am, she did not.

8 Q. Were you aware of her relationship with him?

9 A. Yes.

10 Q. What emotional state was she in at that time?

11 A. She was very upset. She was still scared from the
12 whole ordeal that had happened.

13 Q. Did she provide any explanation for the events that
14 had occurred?

15 A. She basically told us what had happened on the 22nd
16 right up to why she did not call because she was in
17 fear.

18 Q. Okay. Did she cooperate fully from that point
19 forward with you?

20 A. Yes, she did.

21 Q. And you have already stated she was actually
22 arrested until after that statement was given?

23 A. Correct.

24 Q. But she was arrested immediately thereafter?

25 A. Correct.

LARRY TURNER - DIRECT EXAMINATION

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1 Q. Okay. And she, of course, is still charged today?

2 A. Correct.

3 Q. And you understand that we have --- The State has
4 made her an offer in regards to her charges.

5 A. Yes, I am.

6 Q. And you are fully aware that we have offered her
7 probation on her charges?

8 A. Yes, I am.

9 Q. Okay. In your investigation, was there any
10 indication from the witnesses that you interviewed,
11 or the evidence that you recovered, that Victoria
12 Knight was aware of the events before, the shooting
13 before it actually occurred?

14 A. No.

15 Q. Okay. Was there any information that she was
16 actually the shooter?

17 A. No.

18 Q. Any witnesses that gave you any information to
19 that?

20 A. No.

21 Q. Okay. Did you ever in your investigation believe
22 that she might have actually fired the shot?

23 A. No.

24 Q. Okay. Were there any other suspects, potential
25 suspects, which were developed other than Kenwood

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1 Bright and Victoria Knight?

2 A. No, there were not.

3 Q. Okay. And did you question everyone who would come
4 forward?

5 A. Yes, we did.

6 Q. What was The State of the scene and the people who
7 were there the night when you got there?

8 A. Complete chaos.

9 Q. Okay. And did you see Eureka Zimmerman that night?

10 A. Yes, ma'am, I did.

11 Q. Okay. And did you speak with her?

12 A. Yes, I did several times.

13 Q. At the scene?

14 A. Yes.

15 Q. At the police department?

16 A. Yes.

17 Q. Okay. You were here when she testified earlier
18 this week?

19 A. Yes.

20 Q. Okay. You were aware that there was a statement
21 that was initially written by her?

22 A. Yes, I actually obtained the statement from her.

23 Q. She did not sign that statement?

24 A. No, she did not.

25 Q. Did she actually complete it?

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1 A. No.

2 Q. What was her state of mind that night?

3 A. She was very hesitant when we talked to her. She
4 was very scared. She was nervous. She wanted to
5 do the right thing, but at the same time she was
6 scared. She actually did a --- We sat down over a
7 period of time of lengthy conversation between me
8 and her where she actually told me, you know, the
9 events that happened that night. And after that I
10 took the statement from her.

11 Q. Did she identify the shooter at that time?

12 A. During the time we talked she did.

13 Q. Okay. She verbally told you who it was?

14 A. Yes, ma'am.

15 Q. And who did she identify him as?

16 A. Defendant, Kenwood Bright.

17 Q. Okay. But she did not actually write that on her
18 statement?

19 A. No, ma'am.

20 Q. Do you know why she didn't?

21 A. She basically, she told me that she could come to
22 court and talk for her own self. That she did not
23 want to put anything on paper. I told her that I
24 needed her to be truthful to, you know, put
25 whatever she could put on the paper for me that

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1 would help us solve the shooting of Chris Dease.
2 She basically wrote the statement out. I talked to
3 her about what was in the statement. And she
4 advised me once again that she could come to court
5 and talk for herself.

6 Q. Okay. Were you aware of any problems specifically
7 between Kenwood Bright and this victim, Christopher
8 Dease?

9 A. No, ma'am.

10 Q. Were you aware that the Defendant, Kenwood Bright,
11 had been shot four months to the day before this
12 incident?

13 A. Yes, ma'am.

14 Q. You were aware that on March 22nd of 2008, that
15 Kenwood Bright was shot by someone.

16 A. Yes, ma'am.

17 Q. And did you know who that someone was?

18 A. I remember who the gentleman was, but at the time I
19 couldn't remember his name.

20 Q. Okay. Do you know who it is --- You know who it is
21 now?

22 A. Yes, ma'am.

23 Q. Okay. And who is that?

24 A. I've heard his name in here, but I still don't
25 recall what his actual name is.

LARRY TURNER - DIRECT EXAMINATION

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1 Q. Okay. Was it Chris Dease?

2 A. No, ma'am, it was not.

3 Q. Was it a relative of Chris Dease?

4 A. Yes, ma'am, it was.

5 Q. Okay. In the investigation regarding that shooting
6 was there any evidence which puts Chris Dease in or
7 around that shooting?

8 A. Not to my knowledge, no.

9 Q. But clearly it was one of his family members who
10 did the shooting?

11 A. Yes, correct.

12 Q. And, in fact, he was charged with that.

13 A. Yes, correct.

14 Q. Okay. Once Victoria gave her statement and she was
15 charged, what did you do to attempt to locate the
16 Defendant, Kenwood Bright?

17 A. I contacted the US Marshall's office out of
18 Florence, did a fugitive apprehension sheet on him.
19 I actually contacted Stewart Cottingham, who is
20 over the fugitive unit with the Marshall's office.
21 And they actually handled the investigation from
22 there as far as locating him for us.

23 Q. Tell me, had you talked with Kenwood Bright?

24 A. Yes, ma'am, I actually talked to him the night of
25 the shooting by phone.

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439

- 1 Q. You had his cell phone number?
- 2 A. Yes, ma'am.
- 3 Q. Okay. And you called his cell phone?
- 4 A. Yes, ma'am.
- 5 Q. And what occurred?
- 6 A. Basically I told him that I needed to talk to him
- 7 about the incident on Hudson Street, and he hung
- 8 the phone up on me.
- 9 Q. And he just hung the phone up?
- 10 A. Correct.
- 11 Q. He didn't make any statement to you at that time?
- 12 A. No.
- 13 Q. Okay. All right. So he was aware the night of the
- 14 shooting that you were looking for him?
- 15 A. Yes.
- 16 Q. Okay. And do you know whether or not he was in
- 17 High Point the day you were there with Victoria?
- 18 A. I have no clue to where he was actually at during
- 19 the phone conversation.
- 20 Q. Okay. All right. Did you attempt to call him
- 21 again after that initial phone conversation?
- 22 A. Several times.
- 23 Q. And were you able to get him?
- 24 A. No.
- 25 Q. Okay. Did Victoria convey whether or not he was

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1 aware that law enforcement was looking for him?

2 A. Yes, she did.

3 Q. Okay. And was he?

4 A. Yes.

5 Q. Okay. And he was traveling with her, correct?

6 A. Yes, he was.

7 Q. And you had ceased her vehicle.

8 A. Correct.

9 Q. So far as you knew did he have any way to travel?

10 A. No.

11 Q. Okay. So you get a fugitive warrant and you
12 requested the assistance of the US Marshall's
13 service in locating him?

14 A. Yes, correct.

15 Q. And did you ultimately locate him?

16 A. Yes, in Virginia.

17 Q. In The State of Virginia?

18 A. Yes, correct.

19 Q. Okay. And do you remember about when that was?

20 A. No, ma'am.

21 Q. It was not the same day, was it?

22 A. It was several weeks later.

23 Q. Several weeks later. And who actually arrested
24 him?

25 A. Myself actually once we got him back to South

LARRY TURNER - DIRECT EXAMINATION

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1 Carolina arrested him.

2 Q. Who initially took him into custody?

3 A. The Marshall's office in Virginia.

4 Q. And you were advised when that had occurred?

5 A. Yes, I was.

6 Q. Okay. And he was, of course, charged with murder?

7 A. Yes, he was.

8 Q. And once you were advised that he had been taken
9 into custody in Virginia, what did you do?

10 A. We drove to Virginia to bring him back, to
11 extradite him back.

12 Q. And he was extradited back here?

13 A. Yes.

14 Q. And who accompanied you to pick Kenwood Bright up
15 and return him to The State of South Carolina?

16 A. Myself along with Investigator Ira Dease and
17 Officer William Hall.

18 Q. And when you went to pick him up he obviously was
19 arrested at that point and charged with the murder.

20 A. Yes.

21 Q. Did you question him then?

22 A. No.

23 Q. Okay. Did he make any statement at all in your
24 presence while you were traveling back to South
25 Carolina?

LARRY TURNER - CROSS EXAMINATION

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1 A. Once we got him back to the vehicle, got him in the
2 vehicle, he asked me what he was being charged
3 with. I told him murder. And his statement was,
4 he was alive when I left. At which time I told him
5 that we didn't need to talk anything about the
6 case, that we would do that once we arrived back in
7 South Carolina in Marlboro County.

8 Q. Okay. Did he give any further statements once he
9 was returned here?

10 A. No, ma'am.

11 Q. Okay. Now, the incident that occurred on
12 Hudson Street, the shooting of Chris Dease, that
13 location, is it located in Marlboro County?

14 A. Yes, it is.

15 Q. Okay. I don't have any further questions. If you
16 would answer any questions that Ms. Brown may have
17 for you.

18 **THE COURT:** Ms. Brown.

19 **MS. BROWN:** Thank, Your Honor.

CROSS EXAMINATION BY MS. BROWN

20
21 Q. Good morning, Officer.

22 A. Good morning.

23 Q. Were you the lead investigator officer for this
24 particular case?

25 A. Yes, ma'am.

LARRY TURNER - CROSS EXAMINATION

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1 Q. So you made most, if not all, decisions as related
2 to this case?

3 A. Yes, ma'am.

4 Q. During your investigation when you arrived to
5 Hudson Street, did you observe any tire markings or
6 evidence from a vehicle leaving, speeding off from
7 the scene?

8 A. No, ma'am.

9 Q. There was a picture that showed maybe a stain on
10 the street. Were you able to identify conclusively
11 whether or not that was a blood stain?

12 A. No, ma'am.

13 Q. What about bullet cases? I know we've heard, or
14 we've talked about with other officers. Did you,
15 in fact, observe any bullet cases at the scene?

16 A. No, ma'am, I did not.

17 Q. What method was used to determine whether any
18 bullet cases was, in fact, in the surrounding area,
19 or at any point around the location?

20 A. I think Investigator Bowman testified that just by
21 visual.

22 Q. What about him, did you ---

23 A. I didn't do anything with the crime scene.

24 Q. You didn't do anything with the crime scene.

25 A. No, ma'am.

LARRY TURNER - CROSS EXAMINATION

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1 Q. You indicated that you spoke with Ms. Eureka
2 Zimmerman the night of the incident, correct?

3 A. Yes, ma'am, that's correct.

4 Q. Did you at any point instruct her not to identify
5 the shooter?

6 A. No, ma'am. I told her that I needed her to put
7 everything that she could in the statement for me.
8 And she actually identified the shooter during our
9 conversation before she did the statement.

10 Q. And where did this conversation take place?

11 A. That conversation took place at the Bennettsville
12 Police Department.

13 Q. Okay. And was it recorded?

14 A. No, ma'am, it was a statement. They were actually
15 interviewing somebody else in the interview room at
16 the time, so I had to use another room to actually
17 interview her.

18 Q. So the room in which you interviewed Ms. Zimmerman
19 did not have any cameras or anything surveillance
20 at all?

21 A. No, ma'am. We only have one room that's set up
22 like that.

23 Q. Okay. You told Ms. Zimmerman that she needed to
24 give a complete statement; however, you knew that
25 that statement wasn't complete when you took and

LARRY TURNER - CROSS EXAMINATION

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1 signed the document?

2 A. Correct.

3 Q. Is it customary for you to receive incomplete
4 statements?

5 A. She wrote as much as she could on it, so I signed
6 what she had wrote. That's all she was going to
7 put on paper.

8 Q. She also referred to a July 21st shooting that took
9 place at 10:30 p.m. Did you guys discuss that
10 incident at all?

11 A. Yes, ma'am.

12 Q. And based on the information that she gave you in
13 the statement she identified two separate vehicles
14 make as well as color. Did you investigate that
15 shooting at all, the 21st shooting?

16 A. No, ma'am.

17 Q. So there was no investigation as relates to who
18 potentially fired the shot on July 21st?

19 A. No, ma'am.

20 Q. When you went to the scene, were you able to
21 determine whether there were any guns at all that
22 were left at the scene, any guns at all that you
23 discovered?

24 A. Not that I saw.

25 Q. Now, your statement or your interview of Miss

LARRY TURNER - CROSS EXAMINATION

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1 Victoria Knight, you indicated that that statement;
2 she gave on, I think, July 24th was identical to the
3 testimony she gave yesterday. Is that true?

4 A. Yes, pretty much what she testified to yesterday
5 was similar to the testimony that she gave.

6 Q. Do you remember that testimony from yesterday?

7 A. Yes, ma'am, I do.

8 Q. Okay. At some point I believe Miss Knight
9 testified that she was aware that you contact Mr.
10 Wood. Do you remember her making that statement?

11 A. That I contacted ---

12 Q. Mr. Bright, I mean.

13 A. Yes, ma'am.

14 Q. Do you remember that statement?

15 A. Yes, ma'am.

16 Q. Now, the video itself --- Let me see exactly what
17 she said. During the video do you remember asking
18 her whether or not Mr. Bright received a phone
19 call?

20 A. I think I did.

21 Q. Do you remember her response to that?

22 A. No, ma'am.

23 Q. You don't remember that she said, no, she didn't
24 know that you called Mr. Bright?

25 A. No, ma'am, I don't.

LARRY TURNER - CROSS EXAMINATION

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1 Q. Do you remember in the interview that she indicated
2 to you that she was not afraid of Mr. Bright?

3 A. No, ma'am, I don't.

4 Q. Do you remember in her statement she indicated that
5 she went to the store, she was looking for Mr.
6 Bright before she left to go to the store; do you
7 recall that statement?

8 A. I remember she said that she didn't see him when
9 she left. I don't remember her saying that she was
10 actually looking for him.

11 Q. You don't recall that statement?

12 A. No, ma'am.

13 Q. Now, as relates to collecting evidence at the
14 vehicle, you made most of the decisions about the
15 course of the investigation. Is there any reason
16 why you didn't collect any, or determine whether or
17 not there was gun powder in the vehicle maybe on
18 the carpet or the car seat?

19 A. That was a decision I left up to Investigator
20 Bowman, because he was the one that was actually
21 processing the crime scene. He's also the one that
22 had attended the classes for the processing of
23 crime scenes.

24 Q. But you knew that those methods were not used?

25 A. Correct.

LARRY TURNER - CROSS EXAMINATION

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1 Q. And what about any collecting evidence outside of
2 the vehicle, you also knew that method was not
3 used, or nothing was done to determine if gun
4 powder shot residue existed on the panel of the
5 vehicle?

6 A. Correct.

7 MS. BROWN: Beg The Court's indulgence.

8 THE COURT: Sure.

9 (PAUSE.)

10 Q. Now the gun which you identified earlier, that is
11 the same gun that Mr., I believe Mr. Humbert
12 testified had, at least, two or three individuals
13 DNA present; is that correct?

14 A. He testified yes there was other DNA on the gun.

15 Q. And based on your investigation were you able to
16 determine when that gun was placed in Victoria's
17 room?

18 A. No, ma'am.

19 Q. So you don't know if that gun was placed there one
20 month or even one day prior to this incident; is
21 that correct?

22 A. No, ma'am.

23 MS. BROWN: Beg The Court's indulgence.

24 THE COURT: Sure.

25 (PAUSE.)

LARRY TURNER - CROSS EXAMINATION

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1 Q. You heard the testimony from Mr. Parnell that that
2 gun cannot conclusively or at least he cannot
3 testify that that gun conclusively fired this
4 bullet that caused Mr. Dease's death. You heard
5 that testimony?

6 A. Correct.

7 Q. So you did not find any other guns?

8 A. No, ma'am, I did not.

9 Q. One other question, Investigator. Sergeant Turner,
10 this is the statement ---

11 MS. BROWN: May I approach, Your Honor?

12 THE COURT: Sure.

13 Q. This is the statement that Ms. Zimmerman gave; is
14 that correct?

15 A. Yes, ma'am, that's correct.

16 Q. And is your signature listed at the bottom of that
17 page?

18 A. Yes, ma'am, that's correct.

19 Q. And prior to your signature I think immediately
20 above it is a verbiage there. Can you read that
21 verbiage out to The Court?

22 A. I have read each page of this statement, is that
23 what you're referring to?

24 Q. Yes.

25 A. Consisting of one page. Each which bears my

LARRY TURNER - REDIRECT EXAMINATION

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1 signature and corrections, if any, bear my
2 initials, and I certify that the facts contained
3 here are true and correct.

4 Q. And can you tell me the date?

5 A. July 22nd, 2008.

6 Q. And you signed it?

7 A. Correct.

8 Q. But you knew that the statement wasn't true or
9 complete according to you.

10 A. Correct.

11 Q. But you signed it any how?

12 A. Correct.

13 Q. Thank you. I have no further questions.

14 **THE COURT:** Redirect.

15 **MS. MUNNERLYN:** Thank you, Your Honor.

16 **REDIRECT EXAMINATION BY MS. MUNNERLYN**

17 Q. Officer Turner, you were not signing it as your
18 statement, were you?

19 A. No, ma'am, I was not.

20 Q. In fact, that phrase that just read referred to the
21 person that was giving the statement.

22 A. Correct.

23 Q. And it was not signed by Eureka Zimmerman, was it?

24 A. Correct.

25 Q. She never signed that?

LARRY TURNER - REDIRECT EXAMINATION

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- 1 A. Correct.
- 2 Q. Your signature was there only that you were present
- 3 at that time?
- 4 A. Correct.
- 5 Q. I want to ask you too --- She was questioning you
- 6 about whether or not you found any cartridges at
- 7 the, or casings at the scene. This gun here, which
- 8 is State's Exhibit 36, when it is fired, does it
- 9 eject?
- 10 A. No, ma'am, it does not.
- 11 Q. Okay. In fact, you have to open it and actually
- 12 eject it yourself?
- 13 A. Correct.
- 14 Q. Whoever has the gun in their possession would have
- 15 to eject it?
- 16 A. Correct.
- 17 Q. Okay. It wouldn't when you fire automatically just
- 18 kick out?
- 19 A. No, ma'am, it would not.
- 20 Q. So there would not have been a casing to be found
- 21 at the scene, would there?
- 22 A. No, ma'am.
- 23 Q. In fact, the evidence was that only one shot was
- 24 fired.
- 25 A. Correct.

LARRY TURNER - REDIRECT EXAMINATION

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1 Q. So there would have been only one casing. But in
2 this particular case this gun does not eject?

3 A. Correct.

4 Q. Okay. And she did question you about testimony of
5 Mr. Parnell.

6 A. Correct.

7 Q. And about this particular gun. The cartridge,
8 State's Exhibit 37 and 38, which was the casing
9 from the fired bullet and the unfired bullet, which
10 were removed from this gun when it was found, they
11 were, in fact, the same, had the same lead content
12 and the same make and model as the bullet which was
13 removed from the victim's body, State's Exhibit 39.

14 MS. BROWN: Objection, Your Honor. It is beyond
15 the scope of cross.

16 MS. MUNNERLYN: She asked about, she questioned
17 him specifically about what he testified to.

18 THE COURT: Overruled.

19 MS. MUNNERLYN: Thank you, Your Honor.

20 Q. Did he, in fact, testify that they are the same as
21 these two?

22 A. Yes, he did.

23 Q. Which were actually removed from this gun.

24 A. Yes, he did.

25 MS. MUNNERLYN: I don't have any further

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1 questions, Your Honor.

2 THE COURT: Recross?

3 MS. BROWN: No, Your Honor.

4 THE COURT: All right. Thank you. You may step
5 down. Any more witnesses?

6 MS. MUNNERLYN: No, Your Honor, The State would
7 rest.

8 THE COURT: Members of the Jury, at this time, we
9 have to take up some matters of law. I would ask that
10 you go back into your Jury room, and not discuss the
11 case.

12 We will be back with you in a few minutes. Thank
13 you.

14 (Whereupon, the Jury exits the courtroom at
15 10:41 a.m.)

16 MOTIONS

17 THE COURT: Any motions from the defense?

18 MS. BROWN: Well, Your Honor, at this time we
19 would for the record, make a motion for a Directed
20 Verdict. It is our opinion, that The State has not
21 offered sufficient evidence to link Mr. Bright to this
22 crime.

23 THE COURT: Any response, Solicitor?

24 MS. MUNNERLYN: Your Honor, briefly. Of course,
25 we have presented, at least, two eye witnesses who said

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1 the Defendant was there. He was driving the vehicle,
2 and that the shot came from within the car. And that
3 the conclusion from their testimony is, he fired the
4 shot which killed Chris Dease. Of course, Jacobie
5 Samuels specifically identified him. Victoria Knight
6 indicated in her testimony that he was the only other
7 person in the car. And that the shot was fired from
8 inside the car. And that he did reach back behind him
9 immediately before she heard the shot.

10 And, of course, the gun was recovered in her room
11 where they went immediately after the shooting. And it
12 was recovered the following day. You have heard the
13 testimony of the SLED annalist who examined the bullet
14 which was removed from the victim's body, and compared
15 it to the gun. And it is consistent that shot could
16 have been shot by that gun.

17 So I think there's certainly sufficient evidence to
18 pursue at this point, Your Honor.

19 **THE COURT:** All right. Thank you. The motion is
20 denied.

21 **MS. MUNNERLYN:** Thank you, Your Honor.

22 **THE COURT:** Ms. Brown, have you questioned the
23 Defendant, Kenwood Bright, about his right regarding
24 testifying?

25 **MS. BROWN:** Yes, Your Honor.

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1 **THE COURT:** Does he wish to testify?

2 **MS. BROWN:** Based on our conversation, no, Your
3 Honor, he does not.

4 **THE COURT:** Why don't we bring him on up, swear
5 him in, and let me read him his rights.

6 **WHEREUPON, KENWOOD BRIGHT**

7 **FIRST HAVING BEEN DULY SWORN**

8 **WAS QUESTIONED BY THE COURT AS FOLLOWS**

9 **THE COURT:** Good morning. Mr. Kenwood Bright, at
10 this time I'm going to explain to you certain rights
11 that you have.

12 **MR. BRIGHT:** Yes, sir.

13 **THE COURT:** If you do not understand anything I
14 say, please let me know.

15 **MR. BRIGHT:** Yes, sir.

16 **THE COURT:** If you want me to explain anything in
17 more detail, please let me know. Do you understand?

18 **MR. BRIGHT:** Yes, sir.

19 **THE COURT:** In this regard, you have the right to
20 claim the protections given to you by the Fifth
21 Amendment of the Constitution of the United States.

22 **MR. BRIGHT:** Yes, Your Honor.

23 **THE COURT:** This Amendment states in part, quote.
24 "No person shall be compelled case to be a witness
25 against himself." End quote.

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1 This means that you cannot be required to testify
2 in this case. You have the right to testify on your own
3 behalf. However, no one can make you testify.

4 MR. BRIGHT: Yes, Your Honor.

5 THE COURT: This is a personal right and no one
6 can waive this right except you.

7 MR. BRIGHT: Yes, Your Honor.

8 THE COURT: If you decide to testify you will be
9 subject to the same rules that govern other witnesses.
10 And you may be examined and cross examined on any
11 relevant issue in the case.

12 MR. BRIGHT: Yes, Your Honor.

13 THE COURT: In addition, if you have any
14 convictions involving dishonesty, or false statements,
15 or for crimes punishable by imprisonment for more than
16 one-year, and The Court determines that the probative
17 value of admitting this evidence outweighs its
18 prejudicial effect to you, the Solicitor will be able to
19 introduce your record to attack your credibility. Do
20 you understand that?

21 MR. BRIGHT: Yes, sir.

22 THE COURT: If you decide to testify, this
23 decision on your part must be freely, voluntary, and
24 intelligently made with knowledge of the protections
25 given to you by the Fifth Amendment, and the

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1 consequences of your decision to testify.

2 MR. BRIGHT: Yes, Your Honor.

3 THE COURT: If you decide not to testify, I will
4 instruct the Jurors that they cannot give this fact that
5 you did not testify any consideration whatsoever. And
6 that there is to be absolutely no prejudice to you
7 because you did not testify.

8 It is left entirely up to you whether or not you
9 testify. You may talk with your attorney, your family,
10 your friends, or anyone else. But the final decision
11 will be left entirely up to you. Do you understand what
12 I have explained to you?

13 MR. BRIGHT: Yes, Your Honor.

14 THE COURT: Do you have any questions about what I
15 have explained to you?

16 MR. BRIGHT: No, Your Honor.

17 THE COURT: Have you discussed this with your
18 lawyer and anybody else that you would like to discuss
19 it with?

20 MR. BRIGHT: Yes, Your Honor.

21 THE COURT: And what is your decision regarding
22 testifying?

23 MR. BRIGHT: No, I'm not.

24 THE COURT: All right. Thank you. You may step
25 down.

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CHARGE CONFERENCE

1
2 THE COURT: All right. At this time, I'm going
3 to have my law clerk hand the Solicitor and the Defense
4 attorney my charges. And I would ask that you briefly
5 look at them, and let me know if there are any
6 objections.

7 All right. Has the Solicitor reviewed it?

8 MS. MUNNERLYN: Yes, Your Honor.

9 THE COURT: Any objections?

10 MS. MUNNERLYN: No, Your Honor.

11 THE COURT: How about the Defense?

12 MR. JONES: Your Honor, we would ask that the
13 Court consider removing the statement concerning the
14 inference of malice from the use of a deadly weapon.
15 Giving consideration to the Belcher case, which has
16 recently been decided, we feel that there is some
17 evidence presented which could allow the Jury to infer
18 that any actions by Mr. Bright, or anyone else would
19 have been in self-defense with the presence of the dog
20 that the victim had, which has been shown to be a fairly
21 vicious dog, after having bit three people.

22 We feel that that would be some evidence that the
23 Jury could use to infer that any action in defense was,
24 in fact, self-defense. For that reason, we would ask
25 that the inference of malice by use of a deadly weapon

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1 phrase be removed from the charge.

2 THE COURT: Go ahead, Solicitor.

3 MS. MUNNERLYN: Your Honor, of course, the
4 evidence that the dog became vicious was presented after
5 its owner had been shot, ultimately fatally shot. And
6 the dog was reacting in defense of its owner.

7 There was no testimony in the record which
8 indicated that at the time the Defendant and Victoria
9 Knight were there speaking with Chris Dease and Jacobie
10 Samuels that the dog was doing anything ferocious, or
11 that would have caused them to be fearful in any way,
12 shape, or form in any of the witnesses that we
13 presented. Of course, nothing has been presented by the
14 Defense. Thank you

15 THE COURT: All right. I agree.

16 MR. JONES: Your Honor, the only thing in response
17 is I do think there was some evidence, as I recall from
18 one or two of the witnesses who were in the neighborhood
19 said that they were, in fact, afraid of that dog. And
20 that as long as he had it on the chain that they felt
21 more comfortable.

22 THE COURT: There was testimony that several of
23 the people would not have approached the dog, or petted
24 the dog. But not because he was acting out. They just
25 knew that about the dog.

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1 Seems to me, that testimony we've heard is that
2 everything was going normal until after the victim was
3 shot. Then after he was shot I think the dog reacted in
4 trying to protect his injured master is the way it came
5 across to me. I didn't hear any testimony other than
6 that.

7 My law clerk and I have studied the Belcher case,
8 as well as other cases in great detail in the past two
9 days, and talked about it very, very carefully. And I
10 have actually consulted other judges on the matter and
11 given them the facts in the case. And I think it is
12 appropriate in this case to leave that language in
13 there.

14 MR. JONES: Thank you, Your Honor.

15 THE COURT: Does the Defense intend on requesting
16 a lesser included offense? And if so, I will be glad to
17 hear from you.

18 MS. BROWN: No, Your Honor.

19 THE COURT: All right. And just for the record,
20 even though you have not requested a lesser included
21 offense, I personally have considered a lesser included
22 offense, and I do not find it applicable to the facts of
23 this case.

24 MS. BROWN: Yes, Your Honor.

25 THE COURT: Has the Solicitor and the Defense

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1 looked at the Verdict Form?

2 MS. BROWN: Yes, Your Honor, we have. We have no
3 objection to it, Your Honor.

4 MS. MUNNERLYN: I have no objection to the Verdict
5 Form, Your Honor. But, something else just comes to
6 mind, which I would like to raise.

7 There is evidence now in the record that the
8 Defendant fled. He initially fled to The State of North
9 Carolina. And then when his co-defendant was picked up
10 he fled further to The State of Virginia, and was not
11 picked up for some period of time.

12 And I think that flight is a consideration for the
13 Jury in determining guilt.

14 THE COURT: Are you talking about the charge of
15 flight?

16 MS. MUNNERLYN: Yes, Your Honor.

17 THE COURT: The charge of flight is not an
18 applicable charge anymore.

19 MS. MUNNERLYN: Okay.

20 THE COURT: I have crossed that bridge. I have
21 studied it. I have analyzed it. And it's perfectly
22 clear that it is not an appropriate charge in any case
23 anymore.

24 MS. MUNNERLYN: Okay. I will tell The Court that
25 I would intend to argue that. If the Defense has any

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1 objection to it I just want them to be aware.

2 MS. BROWN: Your Honor, of course, it is our
3 position that since we cannot --- there will not be a
4 Jury charge as relates to evidence of flight, we believe
5 that it should not be argued in closing.

6 THE COURT: All right. Give me one second and let
7 me look at it just a little bit further.

8 MS. BROWN: Thank you.

9 THE COURT: And then I thought what we would do,
10 while my clerk's getting my books, is we will bring the
11 Jury back out and you can rest. I will send them back
12 out and take whatever motions we need to take. And then
13 we will take a little break and let you prepare for your
14 closings. Then we'll come back.

15 MS. BROWN: Thank you, Your Honor.

16 THE COURT: All right. I am referring to State
17 versus Grant, 272 S.E.2d 169; 1980. It is improper for
18 the trial judge to instruct the Jury on the law of
19 flight. While an instruction on flight has been
20 acceptable law for sometime in most jurisdictions, we
21 are inclined to think that henceforth it is more
22 appropriate for the judge to decline any charge
23 whatsoever on this issue.

24 The charge on flight often-times has the potential
25 for creating more problems than solutions. While we no

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1 longer sanction this charge by the judge, we recognize
2 that evidence of flight remains proper.

3 We also recognize that it is often-times
4 appropriate for counsel to argue to the jury the
5 inferences growing out of flight. However, we believe
6 that the law of flight in a judge's charge places undue
7 emphases upon that part of circumstantial evidence, and
8 should not be charged thereafter.

9 So, I'm not going to charge it. But you can argue
10 it. I overrule your objection, Defense.

11 **MS. MUNNERLYN:** Thank you, Your Honor.

12 **THE COURT:** Anything further?

13 **MS. BROWN:** No, Your Honor.

14 **THE COURT:** All right. Why don't we go ahead and
15 pull the Jury out for about fifteen seconds and send
16 them back in.

17 (Whereupon, the Jury enters the courtroom at
18 10:55 a.m.)

19 **THE COURT:** All right, Ms. Brown, call your first
20 witness.

21 **MS. BROWN:** Your Honor, at this time the Defense
22 rests.

23 **THE COURT:** All right. Jurors, we are going to
24 make sure you get your exercise today. I'm going to ask
25 you to stand up one more time and go back into the jury

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1 room, because at this point and time we have to take up
2 more matters of law. But also, we are going to take a
3 little break.

4 So at this time, if you would like to take about a
5 fifteen minute break. How long do y'all need to prepare
6 your closing?

7 MS. MUNNERLYN: Fifteen minutes, Your Honor.

8 MS. BROWN: About fifteen minutes, Your Honor.

9 THE COURT: You can eat a pack of Nabs and have a
10 Coke, or a drink, or anything like that. Stretch your
11 legs and just relax. We're going to come back one more
12 time and complete this case. Thank you very much.
13 Again, do not, Mr. Foreman, let anybody talk about this
14 case whatsoever. Enjoy your break. We'll be back with
15 you in just a few minutes.

16 (Whereupon, the Jury exits the courtroom at
17 10:56 a.m.)

18 THE COURT: How long does The State need to close,
19 just guessing?

20 MS. MUNNERLYN: Certainly no longer than thirty
21 minutes. Probably twenty to thirty.

22 THE COURT: And the Defense?

23 MS. BROWN: Your Honor, about fifteen or twenty
24 minutes.

25 THE COURT: All right. We will be at ease until a

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1 quarter after.

2 (Whereupon, a recess is taken from 10:58 a.m.
3 and resumes its sitting at 11:23 a.m.)

4 MS. MUNNERLYN: Your Honor, before you bring the
5 Jury out, I just want to make sure on the credibility
6 charge, the credibility of the witnesses, that you have
7 included a sentence about prior record only being used
8 for that purpose.

9 THE COURT: All right. Furthermore, a person who
10 has a past criminal record is competent to testify at
11 their own trial. Past record does not affect the
12 ability of that witness to testify. Past record may
13 only be considered by you, if at all, in deciding the
14 witnesses credibility. Remember, you are the sole judges
15 of the facts.

16 MS. MUNNERLYN: Okay.

17 THE COURT: Anything else from anybody?

18 MS. BROWN: Your Honor, just one second.

19 THE COURT: Sure.

20 (PAUSE.)

21 MS. BROWN: Wanted to make sure that was
22 appropriate.

23 THE COURT: Are you ready?

24 MS. BROWN: Yes, Your Honor.

25 THE COURT: Bring out the Jury.

CLOSING STATEMENT BY MS. MUNNERLYN

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(Whereupon, the Jury enters the courtroom at
11:25 a.m.)

THE COURT: Is The State ready to proceed?

MS. MUNNERLYN: Yes, Your Honor.

THE COURT: You will be recognized for your
closing statement.

MS. MUNNERLYN: Thank you, Your Honor. May it
please The Court?

THE COURT: Sure.

CLOSING STATEMENT BY MS. MUNNERLYN

MS. MUNNERLYN: Ladies and gentlemen of the Jury,
good morning.

THE JURORS: Good morning.

MS. MUNNERLYN: We have finally come to the end of
this case. And it will soon be in your hands. And I
have done the best I can to present to you all the
evidence we have.

You have heard from witnesses, and you have a
number of items of physical evidence here that you can
consider in making your determination.

And momentarily you will go back to the jury room
and this case will be yours to decide what happened on
July 22nd of 2008.

But I will remind you, I am here for The State of
South Carolina, and more specifically for the family

CLOSING STATEMENT BY MS. MUNNERLYN

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1 that sits in the courtroom today of Christopher Dease.
2 Because Christopher Dease is not here today to tell you
3 what happened that night.

4 And it is as The State's attorney, as a prosecutor,
5 it is my burden to prove to you that this occurred. And
6 to convince you that it occurred beyond a reasonable
7 doubt.

8 Now, the Judge is going to charge you in just a
9 little bit when we conclude about what the law is. And
10 will include the law for murder, and everything you
11 consider how you take that and turn it into your
12 verdict.

13 But I just want to touch on a few things before you
14 go back. And remind you that although it is my burden,
15 and it is a heavy burden, it is not unreachable. And I
16 don't have to answer every question in your mind.

17 I need only to convince you beyond a reasonable
18 doubt. I need to firmly convince you that the Defendant
19 in this case is, in fact, guilty.

20 And if, after you have considered everything, all
21 of the witnesses that we have presented, all of the
22 physical evidence, all of the reports, if you have
23 considered that and you are then firmly convinced that
24 the Defendant, Kenwood Bright, fired that fatal shot
25 then you must find guilty of murder.

CLOSING STATEMENT BY MS. MUNNERLYN

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1 Let's talk about murder. Murder is quite simply
2 the unlawful killing of another with malice
3 aforethought. Okay. We have the unlawful killing and
4 we have killing of Christopher Dease by another.

5 The allegations are that Kenwood Bright did, with
6 malice aforethought, a legal term, it's one of those
7 things that's a little hard to understand. But we have
8 all heard it.

9 What is malice aforethought? Malice is ill will,
10 an evil intent, a hatred. It can be expressed. It can
11 be by action. It can be from something the Defendant
12 actually says. I want to put a bullet in somebody. It
13 can be inferred or implied by circumstances by the way
14 things happen, by the actions of a person, and by the
15 use of a deadly weapon.

16 Can't close all the way just for safety. A deadly
17 weapon. It only takes one tiny little shot
18 strategetically placed. And that malice, whatever it
19 is, has to be aforethought. Okay. What does that mean?
20 That just means that it has to be present at the time of
21 the act of killing. It can have happened --- have come
22 about just like that moment. It could have been there
23 for some period of time. But that malice must exist
24 aforethought at the time that it happened, immediately
25 thereto.

CLOSING STATEMENT BY MS. MUNNERLYN

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1 Okay. So those are your elements for murder. The
2 unlawful killing of another with malice aforethought.

3 If I have proven those elements to you with the
4 evidence this week, and left you firmly convinced, then
5 you must find guilty.

6 Well, let's talk about what happened. On July 22nd
7 --- Well, before we even go there let's talk about what
8 happened back on March 22nd of 2008. On March 22nd of
9 2008, all of this started, and the wheels started
10 rolling when Kenwood Bright was shot by someone else.
11 Not Chris Dease. Chris Dease wasn't there and didn't
12 have anything to do with this. But it was a member of
13 his family. And the anger began to build. The hatred
14 began to build.

15 What did he tell Jake Robinson three weeks or so?
16 Mr. Robinson, he's a character, he sat right here in
17 this chair and he was very forthright with you. He
18 gives people liquor out of his house. He knows Kenwood
19 Bright. He drinks liquor for a long time and he just
20 lives over the bridge down in Shady Grove Park, just
21 over the bridge from Kenwood. Known Kenwood a long
22 time. Sees him frequently. Three weeks before this
23 happened, three weeks or so, what did he say Kenwood
24 told him? Said he was tired of having that lead in him,
25 and he was going to put the lead in somebody else.

CLOSING STATEMENT BY MS. MUNNERLYN

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1 He is expressing his anger. Expressing his malice.
2 It did not come to fruition yet. It is still building.
3 On July 21st of 2008, Eureka Zimmerman, you heard from
4 her, she had to stand to testify because she was in
5 pain. She wasn't real happy about being here. She let
6 you know it. She let them know it. She let everybody
7 know it. But she told you what she saw happen.

8 And she said --- Her sister lives, her sister, and
9 nieces and nephews live right there in that neighborhood
10 just yards away from where this happened. And she told
11 you she was there, she had been there all day. This is
12 her neighborhood. She had been there all day. What
13 happened? Kenwood Bright comes up in the same car,
14 burgundy and gray Bonneville, and shoots up the path
15 behind her sister's house. Luckily he didn't shoot
16 anybody that day. Hit the fence. She heard it hit the
17 fence close to her.

18 Chris Dease wasn't there that night. Nobody was
19 there to take that bullet. But that not to be the case
20 on July 22nd. Chris Dease was there just hanging out.
21 He had on basketball shorts, tank top, tennis shoes.
22 This was July. We all know how hot July is in South
23 Carolina here in Bennettsville.

24 And he had his dog with him. And he had with him
25 his gun. Jacobie Kenta Samuels sat right here and told

CLOSING STATEMENT BY MS. MUNNERLYN

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1 you what he saw happen. They were there on Hudson
2 Street out in front of their aunt's house, Mary Dease's
3 house, most of the evening. Late afternoon they got
4 there, 4:30 or 5:00 o'clock, somewhere around in there.
5 They had been up to Eddie Junior's, Eddie Jones' store
6 right around the corner on Jennings Street. Chris didn't
7 get anything to drink. He had the dog. But Jacobie
8 went in and got a beer, came back out, and walked out.
9 No problem, just hanging out.

10 In fact, there were other people that had been back
11 and forth talking to them as well. It's just a hot,
12 summer evening just hanging out. There weren't any
13 problems with anybody.

14 And what happens? Chris is there and he's got his
15 dog. It's a pit bull. Got him on a chain. He's
16 standing across the street from his aunt's house. His
17 aunt's house is on Hudson Street. The trailer is on the
18 left. It has a chain-link fence around it. See it at
19 the bottom of that picture. You can see the corner of
20 it here in this photo. It's on the left side closest to
21 the street.

22 He's standing in front of the abandoned house, that
23 was across the street. And Jacobie is over here. He's
24 got a beer with him. He don't want to be standing
25 knowing the police could come and get him for public

CLOSING STATEMENT BY MS. MUNNERLYN

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1 drunk, or maybe drinking in public, or, you know, in a
2 public roadway. So he's standing over by the fence,
3 which is not very far off the road as you can see.

4 And who comes up? Same car. And who's driving?
5 Kenwood Bright is driving that car. And in it with him
6 is his current girlfriend, Victoria Knight. Come up,
7 they stop to speak. Jacobie on the driver's side.
8 Chris Dease on the passenger side. Not there but a
9 couple of minutes. Speaks to Chris, speaks to Jacobie,
10 then one gun shot. One gun shot.

11 What came out of this gun? One bullet, one fired,
12 one cartridge where the bullet had been fired. Both
13 still in it. One shot. That's all it took. One shot.
14 Chris Dease fell. Car took off and they are gone. They
15 are gone, long gone. Chris Dease falls. He needs to
16 get to his aunt's house. He is able to stand and
17 stagger towards his aunt's house. But he falls again
18 right on the other side of the roadway. And the dog is
19 everywhere. Somebody had harmed his master and she will
20 not let anyone close to him. And he lays there.

21 Jacobie is bitten. Tammy Dease is bitten. Eureka
22 is bitten. Anybody who comes anywhere near to try to
23 assist Chris is bitten.

24 So his father arrives and removes the dog. And law
25 enforcement and ambulance arrive all at the same time,

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1 and they are able to retrieve Chris and take him to the
2 hospital.

3 Where did Kenwood Bright go? He didn't stick
4 around here. He had just shot somebody. Where does
5 somebody go when they have just shot somebody. Can't
6 stay around home. They get out of Dodge, right?

7 You can consider that. When you're trying to
8 decide whether or not he did this, think about it. He
9 left town that night, immediately, went to Hamlet, North
10 Carolina. His girlfriend showered, got some clothes and
11 they hit the road to High Point.

12 When he realized that law enforcement was on him,
13 picked her up. She knew. She was cooperating. She had
14 left the house, left him there, didn't even take him
15 with her. She realized what kind of mess she was
16 getting herself into. I'm going to go home to my Daddy
17 and we're going to take care of this, tell what
18 happened.

19 High Point picks her up and she's in the car. She
20 stops at the store, just her, not Kenwood. Where's
21 Kenwood? He didn't stay in High Point. He goes further
22 North. All the way to Virginia before they find him.
23 He knows they are looking for him. Did he come back?
24 No. He flees.

25 The police find out about Victoria. Of course, she

CLOSING STATEMENT BY MS. MUNNERLYN

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1 tells them everything. They go and they search her
2 house. They find this gun. She identified it, yeah, he
3 had a gun like that. That's the gun. That's the gun he
4 showed me before. That's it. This is my mama's house.

5 Guess where the gun was found? In her room, her
6 bedroom underneath a dresser there in the corner. Maybe
7 an alligator left it on the floor in her bedroom. It
8 didn't want it in his possession.

9 But guess what? Do you know what's on this
10 trigger? What did Jasper Humbert tell you? You don't
11 have to remember because it's right here in this report.
12 You're going to have it with you back there in that jury
13 room.

14 He talked about DNA. They took swabs from this gun
15 why they recovered it at Victoria's house. Swabs from
16 the hammer. Swabs from the handle. Swabs from the
17 trigger. Swabs from the trigger is Item 10.3. The
18 results, what did he tell you? Item 10.3 is a mixture.
19 DNA is left. My DNA is on it now. DNA is left by
20 individuals when they touch things. Item 10.3, the
21 swabs from the trigger, mixture of two individuals. Who
22 was the major contributor? Whose DNA is most on there?
23 The major contributor is who? Kenwood Bright. Kenwood
24 Bright.

25 Yeah, Victoria's is on there too. What did she

CLOSING STATEMENT BY MS. MUNNERLYN

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1 say? She knew he had it. She had seen it. I'm sure it
2 was there so she's touched it. But does she shoot? Is
3 that what the Defense is going to tell you? No. The
4 witnesses on the stand have told you who shot that
5 night. It's not in Victoria Knight's hands. It was
6 Kenwood Bright. She had no reason. She doesn't even
7 know Chris Dease, why would she want to shoot him?

8 You know, I don't know what they're going to tell
9 you. They might say Jacobie Samuels shot him. They
10 were the only other two people there. Jacobie Samuels
11 was first cousin, hanging out with him. He's his buddy.
12 No reason for that. Think about it. Because I will
13 tell you, I don't get another chance to talk to you.
14 When I sit down Ms. Brown is going to stand up. She's
15 going to argue to you. I don't know what she's going to
16 argue. You have only witnesses before you. I will not
17 have an opportunity to respond to what she says.

18 All I can tell you is this is the evidence, and
19 don't let her sway you from the evidence. The evidence
20 is the testimony of The State's witnesses who sat in
21 this chair. The evidence is the physical evidence. The
22 photos, the reports. You must take all that into
23 consideration. Uncontradicted. Is there any
24 explanation for what took place? Yes. Kenwood Bright
25 had a vendetta. He wanted revenge. He wanted to put

CLOSING STATEMENT BY MS. MUNNERLYN

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1 lead in somebody else, because a member of Chris Dease's
2 family had put lead in him. Didn't matter that Chris
3 Dease had nothing to do with it. He just was venting
4 his rage, his malice when he took that shot that night.

5 What did he say? Do you remember what the officer
6 said? They went to pick him up sometime later in the
7 State of Virginia. What did he say? When I left he was
8 still alive. Remember what happened. Chris fell, but
9 he got back up.

10 It makes sense. He was still alive at that time.
11 But not for long.

12 This is a puzzle, ladies and gentlemen, and you
13 have to put it together. And I have tried to give you
14 all of the pieces that are available to me. There are
15 going to be questions that the Defense raises. But you
16 need only to look at the evidence to find your answers.

17 Was this the gun? What did Ira Parnell tell you?
18 He told you there are no unique characteristics about this
19 gun. So I can't fire a bullet out of it now and tell
20 you specifically even though I fired it, that it was
21 fired out of that gun just by looking at the bullet.
22 Can't do it? Science does not allow him to do it under
23 these circumstances, because this gun does not have any
24 specific identifying characteristics to its barrel. It's
25 like many others.

CLOSING STATEMENT BY MS. MUNNERLYN

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1 But what did he tell you? He said the fired bullet
2 could have been fired by this gun, or a similar gun with
3 similar rifling characteristics. Didn't say it was fired.
4 He said it could have been fired by this or one of
5 similar --- The only reason why he couldn't make a
6 conclusive statement is because there's not any unique
7 characteristics to this barrel.

8 What else did he tell you? The bullet removed from
9 the victim contains the same lead components and matches
10 the unfired bullet and the cartridge which are in this
11 gun. They are the same.

12 Think about it. How do answer this question. The
13 Defendant says weeks before this happens, I'm going to
14 put lead in somebody else. As soon as it happens he
15 flees The State. Not just one state over. When his
16 girlfriend is apprehended he continues on.

17 You also heard from the doctor. You got a report,
18 an autopsy report, which talks about the projectory of
19 the bullet, evidence of the entry. She told you that
20 Christopher Dease died as a result of a single gunshot
21 wound to the chest, which perforated his heart. And
22 that caused his death. Perhaps not immediate, but
23 certainly caused his death. And that that bullet
24 entered his chest, running --- it was even flat running
25 slightly --- just like that. Depending on how he's

CLOSING STATEMENT BY MS. MUNNERLYN

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1 standing. Now, think about this. Kenwood Bright is in
2 the car, and what did the witnesses say Chris did when
3 he pulled up? The car, he leaned over just like this,
4 the projectory of the bullet right here slightly down.

5 Think about it. These are the pieces of the
6 puzzle. They are all here. You just have to fit them
7 together.

8 I have tried to answer every question I could
9 possibly answer for you. And I think if you go back and
10 you consider every piece of evidence, every word that
11 was spoken from the stand, and think about why those
12 witnesses are saying what they're saying. Is there any
13 reason for them to say it? Are they benefitting in any
14 way? Do you think some of these people weren't scared
15 to come sit up here and testify about what happened?
16 They still live here. They have reason to lie when they
17 are coming up here frightened and telling you the truth.
18 Think about it. That's all I ask. That's all I can
19 ask. And once you do that you will have done your job.

20 And I want to thank you on behalf of The State.
21 And I want to thank you on behalf of Chris Dease's
22 family. I know once you have thoroughly considered
23 everything that you will make the right decision. Thank
24 you.

25 THE COURT: Ms. Brown.

CLOSING STATEMENT BY MS. BROWN

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1 **MS. BROWN:** May it please The Court?

2 **THE COURT:** Sure.

3 **CLOSING STATEMENT BY MS. BROWN**

4 **MS. BROWN:** Good morning. Before I begin, I want
5 to thank you-all again for your time and the attention
6 that you guys have displayed during the course of this
7 trial. There are times that I glanced over and saw that
8 all of you were looking at either the person that was
9 asking a question, or the person that was responding.
10 So we certainly appreciate that. It was a privilege to
11 defend this case in the presence of all of you.

12 Now, this is the time that we try to put all the
13 pieces of the case or the testimony you've heard
14 together. I will not sit here and try to recap each
15 person's testimony. I will not do that to you. But I
16 will try and summarize what I believe is important or
17 will assist you in reaching a verdict in this particular
18 case.

19 When I first spoke to you on Tuesday, I believe, I
20 told you that that was a very important day for the
21 Dease family, as well as a very important day for Mr.
22 Bright. But today is the most important day of all.

23 So after hearing all of the testimony, let's see,
24 the story just seems incomplete. It just doesn't add
25 up. And why do I say that? Because if you believe the

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1 State theory, which is Mr. Bright was upset because he
2 was shot, and this was his time for revenge. Well, the
3 question is why Mr. Dease? According to the testimony,
4 the person that shot Mr. Bright is not the victim in
5 this case. We don't even know the relationship between
6 Mr. Dease and the person that allegedly shot Mr. Bright.
7 We don't know if they are close relatives or if they had
8 not spoken to each other in years. We just have no
9 clue. So why Mr. Dease?

10 Well, there's no evidence of bad blood, or that
11 there was any dispute that was presented in testimony
12 during the course of this trial between Mr. Dease and
13 Mr. Bright. And I believe that Mr. Samuels said that he
14 wasn't aware that they had any problems at all. So why
15 Mr. Dease? If Mr. Bright was simply on a shooting spree
16 for retaliation, why didn't harm Mr. Samuels? Mr.
17 Samuels too was a relative of the person that allegedly
18 shot Mr. Bright.

19 In fact, Mr. Samuels was standing right next to the
20 door that Mr. Bright was in, was driving. So why Mr.
21 Dease? We are missing some information. The story is
22 incomplete. If you were to believe Mr. Samuels' story,
23 okay, that is that he and Mr. Dease were standing in a
24 known drug area at 4:30 p.m. That they stood outside
25 for hours while I believe he said according to him

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1 people were coming and going. And all of a sudden Mr.
2 Bright drives up and he fires a single shot in the
3 direction of someone he had no problems with.

4 Ms. Samuels claimed that he cradled Mr. Dease,
5 although he made it clear during his testimony he was
6 afraid of that dog, so he was not going to go near it.
7 In fact, I believe he said that while they were all
8 standing together that he was on the other side of the
9 street because he was afraid of that dog. And after the
10 shooting, a number of people said the dog was running
11 wild and running and would not let anyone come close to
12 Mr. Dease. Not to mention he was out there and he
13 didn't call law enforcement.

14 Why not place a phone call or was he really there?
15 This is the same person that told you that he ran from
16 the police when the pled guilty for failing to stop for
17 blue lights, and that he sold drugs for a living. Was
18 he there?

19 **MS. MUNNERLYN:** Objection, Your Honor.

20 **MS. BROWN:** Well, if you --

21 **THE COURT:** -- Hold on one second. Members of the
22 Jury, I would ask that you please step back into your
23 jury room for just one moment, and I'll call you back.

24 (Whereupon, the Jury exits the courtroom at
25 11:59 a.m.)

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1 MS. BROWN: Your Honor, may we approach?

2 THE COURT: Why don't we go ahead and just put it
3 on the record now?

4 MS. MUNNERLYN: Your Honor, I apologize for
5 interrupting. I do not like to do that. But, Ms.
6 Brown is going further than I believe she should go. I
7 don't recall Mr. Samuels ever testifying that he sold
8 drugs for a living. He did admit that he had a
9 conviction for drugs. That does not mean that he sells
10 drugs for a living. I think she's going above and
11 beyond --- And she goes oh he fails to stop for blue
12 lights, and he's failed to stop for the police report.
13 I think that's going above and beyond what she can argue
14 regarding prior criminal history for witnesses.

15 I think she's just going over the line here. And I
16 don't want it to go any further. And I feel like I
17 needed to put that on the record.

18 THE COURT: I'll be glad to hear from you.

19 MS. BROWN: Your Honor, I would like to say, as
20 far as that particular portion -- I said he did
21 concluded -- I basically, according to the Solicitor,
22 she indicated that they can consider the prior
23 conviction of individuals, anyone that takes that stand
24 as it relates to credibility. And that's all I asked
25 the questions which is, can you believe this person.

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1 He, in fact, said he pled guilty to these things.

2 THE COURT: I don't think you can call him a drug
3 dealer, or insinuate that he's selling drugs now and all
4 of that stuff. He certainly has those two items on his
5 record. And the Jury can consider that as to whether or
6 not they believed him or not. And that's as far as it
7 should go. In fact, I have a Jury instruction on that.
8 So if you would just stick to that it would be good. Do
9 you want a curative instruction, Solicitor, or would it
10 be better just to go forward as is?

11 MS. MUNNERLYN: Judge, I would like to just maybe
12 just one sentence or two just so they understand. It's
13 --- There are now, and I don't think there was any
14 testimony in that regard that he was indeed selling
15 drugs for a living now, or even at that time. He had
16 these two convictions. I want to clear that up.

17 THE COURT: So in other words, you do want a
18 curative instruction of some sort?

19 MS. MUNNERLYN: If you could.

20 THE COURT: And that would be the statement where
21 she said that Jacobie who?

22 MS. MUNNERLYN: Samuels, sells drugs for a living.

23 MS. BROWN: I said sold.

24 MS. MUNNERLYN: My recollection is that she said
25 he sells drugs for a living.

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1 **THE COURT:** Court Reporter, can you confirm what
2 she said.

3 **THE COURT REPORTER:** If you will give me a minute.

4 **THE COURT:** Sure.

5 (Whereupon, a conference takes place off the
6 record.)

7 **MS. MUNNERLYN:** The way it came out certainly
8 sounded as if she was building him as a drug dealer
9 present. And I would object to that. If she wants to
10 refer to his convictions --- You can consider that in
11 determining whether to believe him then I think that's
12 perfectly fine.

13 **THE COURT:** I agree.

14 **MS. MUNNERLYN:** And I will tell you she initially
15 said, when she started talking about his testimony, she
16 was talking about him cradling the Defendant. I don't
17 recall any testimony about him cradling him. I think he
18 said he held his hand and he squeezed his hand. I just
19 -- I didn't stand up and I didn't say anything about
20 that. I just want Defense counsel to stay within the
21 evidence, and not to argue anything that is going to be
22 prejudicial to our case.

23 **THE COURT:** And now we are at that point and time
24 when you have to decide if the curative instruction does
25 you more harm than more good. I mean, I'll give it if

CLOSING STATEMENT BY MS. BROWN

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1 y'all want me to. Or would you rather just have the
2 Jury come out and continue from this point forward.

3 (PAUSE.)

4 MS. MUNNERLYN: Your Honor, I would just ask so
5 they understand that we are doing something in relation
6 to this just for a brief sentence that a witness' prior
7 criminal history can only be considered by you in
8 determining credibility of a witness. And, you know,
9 whether or not --- I don't know how far you want to go
10 into what she said. As long as you just say that ---
11 And I know it's in your final charge. But I want them
12 to understand it specifically relates to what she just
13 said.

14 THE COURT: Why don't we bring out the Jury and
15 I'll just read --- it's only like a three sentence
16 charge. Just read them the charge just so they will
17 understand that point and then just continue. Is that
18 okay with the Solicitor?

19 MS. MUNNERLYN: Yes, Your Honor.

20 THE COURT: Is that okay with you, Ms. Brown?

21 MS. BROWN: Yes, Your Honor.

22 THE COURT: All right. Let's bring them back out.

23 (Whereupon, the Jury enters the courtroom at
24 12:07 p.m.)

25 THE COURT: All right. Members of the Jury, I

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1 want to instruct you on the law of regarding prior
2 records of witnesses. I want you to understand that a
3 person who has a past criminal record is competent to
4 testify during the trial.

5 A past record does not affect the ability of that
6 witness to testify. The past record may only be
7 considered by you if at all in deciding the witness'
8 believability.

9 Remember, you are the sole judges of the facts in
10 the case and the believability of any and all witnesses.

11 With that said, Ms. Brown you may continue.

12 **MS. BROWN:** Thank you, Your Honor. After Mr.
13 Samuels testified there was Ms. Dease. If I remember
14 correctly Ms. Tammy Dease indicated she heard two
15 gunshots. That she left her house and she's the one
16 that contacted law enforcement.

17 And then we had the Garners. And I believe they
18 were father and son. We had Albert Garner and Elwood
19 Garner. Now, these gentlemen's testimony will not
20 necessarily help you decide whether or not Mr. Bright is
21 guilty of this crime. But they both tell you something
22 interesting. That is that shots were fired in the
23 Hudson Street area all the time.

24 In fact, it was common to hear gunshots in that
25 area. And we do know that shots were fired as recent as

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1 the night before Mr. Dease was, in fact, shot. And if I
2 remember correctly I believe Ms. Zimmerman said he was
3 the target of that gunshot.

4 After the Garners you heard from Mr. Jake Robinson.
5 According to Mr. Robinson he was conveniently told by
6 Mr. Bright that he was going to place lead in someone.
7 Now, why decide to share an unlawful act of Mr.
8 Robinson, especially since Mr. Robinson said that Mr.
9 Bright had only been there a few times. But, you know,
10 this story sounds as convincing as Mr. Robinson
11 indicated that he gave charitable donations of liquor to
12 many people, as he said.

13 Now, then you heard Ms. Eureka Zimmerman. And if
14 you don't remember her, as the Solicitor told you she
15 was the standing because of her recent surgery. And her
16 version of what happened or what she observed is
17 troubling. Now, let's think about it. The day before
18 Mr. Dease was, in fact, shot someone fired two shots at
19 him. According to Ms. Zimmerman, and I think I have
20 her statement here, these shots were fired at 10:30
21 p.m., and that it was from a burgundy Sun-Fire.

22 And in that very statement Ms. Zimmerman wrote,
23 she wrote this out, that the next day Mr. Dease was
24 shot. And the gunfire came from a burgundy and gray
25 Oldsmobile. She didn't know who was in that car. She

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1 described these cars different in color as well as
2 model. One was simply burgundy. The other one was
3 burgundy and gray.

4 But yesterday she said that those shots were fired
5 July 21st and 22nd from the same car. And she was
6 convinced that it had to be Mr. Bright. Now, she even
7 told us that she did not know Mr. Bright from Adam or
8 Eve. That she had not had a single conversation with
9 him. That she had only knew him based on what she was
10 told.

11 Well, if that's the case, my position is I guess
12 someone forgot to give her information as relate to that
13 Miss Victoria Knight was the owner of that car, the gray
14 and burgundy car. She told you pick up Mr. Bright the
15 day of July 22nd. So, she had access to that same car on
16 July 21st. If it was the same car, was he driving that
17 night before.

18 But according to her, it's the same car, same
19 person. And she made it very clear that she was
20 convinced.

21 Now, she also said that she lived in this
22 neighborhood and she had been there for five or six
23 years. And she only heard shots two times. Everyone
24 else said it was common.

25 The Judge will talk to you about credibility. I

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1 think he will indicate that you can believe some of what
2 a person says, or you can believe all, or you can
3 believe none.

4 So now we are at Victoria Knight's testimony. And,
5 you know, I told you skin for skin. She understands that
6 she's getting probation, and she is stuck in joint in
7 this particular situation. She didn't see Mr. Bright
8 with a gun before the shooting, nor did she see him with
9 a gun after the shooting.

10 She didn't even see a gun at all according to her.
11 But somehow she's convinced that the shot came from
12 inside that car. Why? According to her, her head was
13 down, she was looking at the floor. But she also could
14 see to her right where Mr. Dease would have been
15 standing, as well as to her left where Mr. Bright would
16 have been sitting.

17 How can you do all of that at the same time. I
18 don't know. It doesn't seem probable, but maybe you can
19 try doing it during deliberations and see if it makes
20 any sense.

21 She also indicated that she was afraid of Mr.
22 Bright. Well, she went to her mom's house after, her
23 mom's house. She spoke with her Mom and then she left
24 with him. She never said she left by gun point.
25 According to her, she never saw a gun. Was she really

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1 afraid? She was driving her car. It was her vehicle.

2 Remember that verse, skin for skin.

3 The remaining witnesses were qualified by The Court
4 as experts. And what did you learn about those
5 testimony? They told us that --- we know that Mr. Dease
6 was, in fact, shot. And I believe the pathologist said
7 that the range may have been three types. Close,
8 contact, and distance. And she determined it was if she
9 had to say, she would say distant range.

10 The bullet was mostly intact. It was tested by the
11 firearms department. But at this very moment we do not
12 know whether the bullet that was taken from Mr. Dease
13 came out of that gun. And they have had it since July
14 22nd of 2008. I'm sorry, July 24th of 2008. And as of
15 today we still don't know.

16 We do know though that that gun had not been fired
17 in quite sometime. We also know there are thousands of
18 firearms that could have fired that bullet. We also
19 know that the ammunition is one of the most common in
20 the world.

21 And Mr. Parnell stated that in his many years of
22 experience that he has concluded many times whether or
23 not a bullet could be fired from a particular gun. But
24 he could not do that in this case.

25 Finally, Mr. Humbert stated Mr. Bright's

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1 fingerprints were, in fact, on that gun. Well, all of
2 us have touch it --- most of us actually haven't touched
3 the gun. Most of us have touched the gun. There's
4 nothing illegal about that. Just because his
5 fingerprints are on a gun doesn't mean that he did this
6 crime. It doesn't mean that the bullet that was in Mr.
7 Dease came from that gun.

8 So what is more interesting about Mr. Humbert's
9 testimony? He can't even exclude Victoria. Her
10 fingerprints are on the gun as well maybe.

11 So what do we have here? An incomplete story. The
12 story is incomplete. We are missing information. And
13 why is the story incomplete? Because often times when
14 we are looking in one direction we simply overlook the
15 obvious.

16 At all times law enforcement focus their attention
17 on Mr. Bright, so they failed to do GSR test on any
18 others. Law enforcement failed to determine whether gun
19 powder was in the car or on the panel of the car. How
20 simple would that have been? That would have helped you
21 make your decision today.

22 What about investigating the two shots that took
23 place the night before? No investigation. What about
24 the fact there was two shots instead of one the day of?
25 What about fingerprint cards of someone else other than

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1 Mr. Bright.

2 Sometimes when we make a case our focus are on one
3 track. But the danger in doing it is that we have an
4 incomplete story.

5 Now, is it possible there were two shots on July
6 22nd, 2008, and Victoria only heard one shot, because Mr.
7 Bright drove off in the knick of time. Think about it.
8 How often times after hearing a gunshot do you stick
9 around? That doesn't normally happen. You get out of
10 Dodge.

11 That's exactly what happened in this case. After
12 one shot Mr. Bright left. As you have heard over and
13 over again he had already been a victim of a crime. Why
14 would he not leave after hearing a gunshot? And his
15 story was told by law enforcement, which is when I left
16 Mr. Dease was, in fact, alive.

17 So we're at the end of this case. And we are left
18 with too many unanswered questions. When The State of
19 South Carolina asked you to make a very important
20 decision that's going to affect two families, The State
21 should give you a complete story.

22 If after listening to all the evidence and you
23 determine that The State has moved that ball from zero
24 to fifty percent, you cannot find Mr. Bright guilty.

25 If you determine that The State has moved that ball

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1 from zero to sixty percent, you cannot find Mr. Bright
2 guilty. If you determine that The State has moved that
3 ball from zero to seventy percent, you cannot find Mr.
4 Bright guilty. And why? Because under all of those
5 scenarios there's at least thirty percent of doubt.

6 If there is twenty-five percent or fifteen percent
7 of doubt, that is too much. The State has a burden, and
8 that is a high burden. Why is that? Because our
9 founding father's wanted to make sure that when you make
10 a very important decision that you have all the
11 information. That you have a complete story. That
12 you're not missing anything, because a lot of people
13 depend on you to get it right.

14 Now, it is my opinion that this story is
15 incomplete. It does not add up. A guy is just driving
16 down the road, sees someone, pulls out a gun and shoots
17 at him. Nothing to say he's crazy, nothing to say he's
18 got a beef with this guy at all. But clearly there were
19 other people that had a beef with him because according
20 to the testimony he was shot at the night before.

21 You were told by Ms. Tammy Dease that two shots
22 were fired before she rushed to Mr. Dease's aid. Miss
23 Knight tells you that the fire came from inside the car,
24 but she can't tell you anymore than that. Actually she
25 did, she told you she didn't see a gun at any time. She

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1 never saw a gun before or after. She has answered that
2 question for you.

3 We are missing information in this case. This
4 story is incomplete. Therefore, The State under the law
5 has failed to meet its burden today.

6 I thank you all so very much.

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8 **THE COURT:** Thank you, Ms. Brown. Thank you,
9 Solicitor. Members of the Jury, it is now my duty to
10 instruct you on the law applicable to this case. And it
11 is your duty as Jurors to access and apply the law as I
12 now state it to you.

13 Furthermore, it is your exclusive duty to decide on
14 to decide on the issues of the facts in this case. And
15 to determine the effect, value, weight, and truth of the
16 evidence.

17 Both The State and the Defendant have a right to
18 expect that you will carefully consider and evaluate the
19 evidence, and apply the law of this case to it. So that
20 in the end both The State of South Carolina and this
21 Defendant will receive a fair and impartial trial.

22 I want you to further understand that when I use
23 the word, Defendant, I refer to Mr. Kenwood Bright.

24 Furthermore, it is important to understand that the
25 State charges the Defendant, Kenwood Bright, with the

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1 offense known as murder. To this charge, the Defendant
2 has entered a plea of not guilty. This plea of not
3 guilty places the burden of proof on The State to prove
4 the guilt of the Defendant to you beyond a reasonable
5 doubt.

6 It is vital to understand that the Defendant is
7 presumed under the law to be innocent these charges.
8 It is a fundamental rule of our law that a Defendant
9 irrespective of the seriousness of the charges against
10 him is always presumed innocent of the crimes of which
11 he is charged, unless and until his guilt has been
12 proved by evidence that satisfies you beyond a
13 reasonable doubt.

14 The presumption of innocence is not a mere legal
15 theory or a legal phrase. The presumption of innocence
16 is very important. And you need to understand that this
17 presumption accompanies the Defendant from the time of
18 his arrest and appearance in this Court, and continues
19 with the Defendant even after you retire to the jury
20 room to deliberate.

21 In other words, the Defendant receives the benefit
22 of the presumption of innocence until the very end of
23 this trial when you, the Jury, will deliberate upon the
24 evidence and decide whether The State has proved his
25 guilt beyond a reasonable doubt.

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1 Proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the Defendant's guilt.
3 There are very few things in this world that we know
4 with absolute certainty. So even in criminal cases the
5 law does not require proof that overcomes every possible
6 doubt.

7 However, if based on your consideration of the
8 evidence you are firmly convinced that that the
9 Defendant is guilty of the crimes charged, you must find
10 him guilty.

11 However, if on the other hand you think there is a
12 reasonable doubt that he is not guilty, you must give
13 him the benefit of the doubt and find him not guilty.

14 Please understand that reasonable doubt may arise
15 from the evidence which has been presented in this case,
16 or from the lack of evidence in the case.

17 It is your responsibility to determine whether or
18 not reasonable doubt exists as to the guilt of this
19 Defendant.

20 I charge you that the Defendant is entitled to
21 every reasonable doubt arising in the whole case. If
22 upon any issues of fact essential to conviction and a
23 verdict of guilty you have a reasonable doubt as to how
24 that issue should be resolved, it would be your duty to
25 resolve that reasonable doubt in favor of the Defendant.

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1 Thus in summary, it is important to understand a
2 Defendant is not required to prove his innocence.
3 Instead, The State is required by law to prove every
4 essential element of the offense charged against the
5 Defendant by evidence which satisfies you of his guilt
6 beyond a reasonable doubt. Only then can you convict
7 the Defendant and find him guilty.

8 Members of the Jury, there are two types of
9 evidence which are generally presented during a trial.
10 Direct evidence and circumstantial evidence.

11 Direct evidence is the testimony of a person who
12 claims to have actual knowledge of a fact, such as an
13 eye-witness. It is evidence which immediately
14 establishes the facts to be proved.

15 Circumstantial evidence is proof of a chain of
16 facts and circumstances indicating the existence of a
17 fact. It is evidence which establishes collateral facts
18 from which the main facts may be inferred.

19 Circumstantial evidence is based on inference and not on
20 personal knowledge or observation.

21 The law makes absolutely distinction between the
22 weight or value to be given to either direct or
23 circumstantial evidence. Nor is a greater degree of
24 certainty required of circumstantial evidence.

25 You should weigh all of the evidence in the case.

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1 After weighing all of the evidence, if you are not
2 convinced of the guilt of the Defendant beyond a
3 reasonable doubt, you must find the Defendant not
4 guilty.

5 I further instruct you that the fact that the
6 Defendant in this trial did not testify on his own
7 behalf is not a factor to be considered by you in any
8 way in your deliberations, and in your consideration on
9 the question of guilt or innocence.

10 In this regard, the Defendant has the
11 constitutional right to remain silent. Any exercise of
12 this right not be considered by you in your
13 deliberations. The fact that the Defendant did not
14 testify should not even be discussed in the jury room.

15 The burden of proof, as I have stated to you, is on
16 The State. The Defendant has no obligation to prove his
17 innocence. The burden of proof remains with The State
18 to prove the Defendant's guilt beyond a reasonable
19 doubt. And the fact that a Defendant did not testify
20 is not a factor to be considered by you in deciding the
21 guilt or the innocence of a Defendant.

22 When you consider the whole case if you have a
23 reasonable doubt as to the guilt or innocence of the
24 Defendant, then he is entitled to that reasonable doubt,
25 and would be entitled to a verdict of not guilty.

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1 However, if upon considering the whole case that
2 The State has proved by evidence, which satisfies you,
3 of the guilt of the Defendant beyond a reasonable doubt,
4 then in such circumstances it would equally be your duty
5 to convict the Defendant and find him guilty.

6 During this trial, you and I have separate duties
7 to perform. As the trial judge it is my responsibility
8 to preside over this trial. And I also have the duty to
9 rule upon the admissibility of the evidence offered
10 during the process of this trial.

11 In that regard, you are to consider only the
12 competent evidence before you. And you are to disregard
13 from your mind any testimony ordered stricken from the
14 record of this case during the progress of this trial,
15 if there be any. And you are to consider only the
16 testimony which has been presented from the witness
17 stand, together with any exhibits admitted into the
18 record of this case.

19 Furthermore, I have the additional duty to charge
20 you on applicable law of this case. In that regard, it
21 is your duty to accept and apply the law as I now state
22 it to you. If you have any preconceived ideas as to
23 what the law is, or what the law ought to be, and it
24 does not agree with what I tell you the law is, you are
25 obligated under your oath to abandon this preconception

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1 because you are sworn to accept the law precisely as I
2 now state it to you.

3 In this trial, you are the sole and exclusive
4 judges of the facts. Therefore, I ask that you not
5 infer that I have any opinion about the facts in this
6 case from anything I have said during the course of this
7 trial.

8 In this regard, the law simply does not permit me
9 to have an opinion about the facts. As Jurors, it is
10 your duty alone to determine the affect, value, weight,
11 and truth of the evidence presented during the course of
12 the trial.

13 In determining what the facts in this case are, you
14 must judge the credibility. Which simply means the
15 believability of the witnesses, and the value of weight
16 to be given to their testimony.

17 In making this decision, there are many things you
18 may and should take into consideration. Such as, the
19 appearance and manner of the witness on the stand, and
20 charactertics, often referred to as the demeanor of a
21 witness.

22 Was the witness forthright or hesitant? Was the
23 witness' testimony consistent, or did it contain
24 discrepancies? What was the ability of the witness to
25 know the facts about which he or she testified? Did