

ORIGINAL

STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM FLORENCE COUNTY

William H. Seals, Jr., Circuit Court Judge

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SEP 27 2013
SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

TAVARIO DORMELL BRUNSON,

APPELLANT

APPELLATE CASE NO. 2012-211593

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

(803) 734-3727

Attorneys for Respondent

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE) TWELFTH JUDICIAL CIRCUIT
CASE NO. 2011-GS-21-1197

THE STATE OF SOUTH CAROLINA,

Plaintiff,

-vs-

TAVARIO D. BRUNSON,

Defendant.

TRANSCRIPT OF RECORD
(VOLUME ONE OF THREE)

April 9-11, 2012
Florence, South Carolina

B E F O R E:

THE HONORABLE WILLIAM H. SEALS, Judge; AND A JURY

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

E.L. CLEMENTS, III, Solicitor
TODD TUCKER, Assistant Solicitor
Attorney for the Plaintiff

SCOTT FLOYD, Esquire
WILLIAM VICKERY MEETZE, Esquire
Attorneys for the Defendant

KRYSTAL J. SMITH
Official Court Reporter

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

DIRECT EXAMINATION

1
2 BY MR. CLEMENTS:

3 Q: Ms. Robinson, you haven't had to testify in a court
4 before, have you?

5 A: No, sir.

6 Q: Are you nervous?

7 A: A little.

8 Q: It's going to be all right. I'm going to ask you, if you
9 will, kind of scoot up close to that microphone so the court
10 reporter can get every word you say and so that these jurors
11 can hear you. Okay? I'm going to stand back over here. Can
12 you hear me all right?

13 A: Yes.

14 Q: I can hear you, so keep your voice up and if you don't
15 understand any questions we ask, if you ask us, we'll be happy
16 to repeat them or to rephrase them. Okay?

17 A: Yes.

18 Q: All right. Now one of the things I'm going to tell you
19 and you are saying yes, but a lot of times witnesses are up
20 there and they're kind of nervous and they'll nod their hand
21 yes or shake their head no and the court reporter can't take
22 that down. So I'm going to ask you to say yes and no. Okay?

23 A: Yes, sir.

24 Q: All right, thank you. Now, Ms. Robinson, in April of
25 2011, where were you working?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 A: At Rick's Pawn Shop.

2 Q: And how many Rick's Pawn Shop locations are there?

3 A: There are five total.

4 Q: And did you work at all five of them or just one in
5 particular mostly?

6 A: I worked at two in particular. There is actually one in
7 particular. I'm filling in at the one in Florence part-time.
8 We had lost an employee.

9 Q: All right. Did you work -- Let me ask you this. On
10 April the 12th, 2011, were you working that day?

11 A: I was.

12 Q: And which location were you working at that day?

13 A: On Lucas Street.

14 Q: Okay and who was working with you?

15 A: Chris Deaver.

16 Q: All right. Was anybody else working there with you?

17 A: No, sir.

18 Q: What was the time that you closed?

19 A: We closed at six o'clock.

20 Q: And can you tell this jury, do y'all have a certain
21 procedure or certain series of tasks that y'all do when y'all
22 are closing down for the night?

23 A: Yes. Around 5:30, because it usually takes 20 to 30
24 minutes, we lock up all of our gold and jewelry and the money
25 and everything for the day and straighten up the store,

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 prepare it for the next day.

2 Q: Okay and that evening were y'all doing that?

3 A: Yes, we were.

4 Q: Okay. Were you -- Do you recall someone coming in with
5 their head covered?

6 A: Yes, sir.

7 Q: Can you please tell this jury exactly what happened in
8 your words and what you observed, what you heard and what
9 happened to you?

10 A: I was standing at one end of the counter talking with
11 Chris and he was headed to the front door. It was the very
12 end of the day, just a few moments before six. So we were
13 going to go ahead and lock everything up and I said something
14 teasing and he turned to look at me and someone ran into the
15 front door with a gun.

16 Q: How could you tell they had a gun?

17 A: They were yelling and pointing the gun at Chris to get
18 down.

19 Q: Do you know what hand they had it in? Do you recall?

20 A: No, sir.

21 Q: Okay. Do you recall anything else about their hands?

22 A: That they were wearing blue gloves.

23 Q: Okay. How was that person dressed?

24 A: All in black.

25 Q: Okay. How about their head?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 A: It was covered in something, maybe a stocking or a
2 toboggan and a stocking pulled down over their face.
- 3 Q: Okay and you said they walk -- ran in yelling and had a
4 gun pointed?
- 5 A: And shot.
- 6 Q: And shot?
- 7 A: Chris.
- 8 Q: About how quick was it when they came in the door that
9 they shot?
- 10 A: Instantaneously. It's -- Before Chris could get to the
11 -- could get to his knees, he was shot.
- 12 Q: Do you recall or did you see where he was shot?
- 13 A: Upper body.
- 14 Q: You don't know where exactly?
- 15 A: Not exactly. I believe the chest.
- 16 Q: Okay. Now when -- when he was shot, where exactly were
17 you?
- 18 A: Standing probably seven to eight feet away behind the
19 counter.
- 20 Q: At the front of the store or at the back of the store?
- 21 A: I was at the back of the store.
- 22 Q: What happened after he was shot? What happened next?
- 23 A: I tried to duck behind the counter and run to a back bay
24 area room that we have in our store.
- 25 Q: Did you get there?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 A: No, sir, I did not.
- 2 Q: What happened?
- 3 A: The man came around the corner of the counter and told me
- 4 to get up and pointed a gun at me.
- 5 Q: Could you describe him as far as was he fat, skinny,
- 6 tall, short?
- 7 A: Average build, a little short, average height, not very
- 8 tall.
- 9 Q: Okay.
- 10 A: Just wearing all black.
- 11 Q: What did you do?
- 12 A: I got up and did what he told me to do.
- 13 Q: What else did he have in his hand, if anything, other
- 14 than a gun?
- 15 A: He handed me a trash bag.
- 16 Q: What kind of trash bag?
- 17 A: A white trash bag.
- 18 Q: Okay and what did he tell you to do?
- 19 A: He told me to show him where the gold was.
- 20 Q: What did you do?
- 21 A: I proceeded around the back of the counter to show him
- 22 where the gold was.
- 23 Q: And what happened next?
- 24 A: Chris' body was laying on the floor where we had to pass.
- 25 Q: What did ---

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 A: And as we passed over Chris' body, he stopped and shot
2 Chris in the head.

3 Q: Close range? Far range?

4 A: Very close range. He put the gun on his head and shot
5 him.

6 Q: What did you do then?

7 A: I kind of sort of ran forward, but I wasn't sure what to
8 do and he turned right back on me with the gun and told me to
9 stop.

10 Q: Now what, if any, noises or movements or anything Chris
11 was doing when y'all started to cross over his body?

12 A: He was making noise like he was dying from the first
13 shot. It seemed to make him mad, so he cussed at him.

14 Q: It seemed to make who mad?

15 A: The guy with the gun. He cussed at him to shut up and
16 put the gun to his head and shot him.

17 Q: Did Chris have any weapon that you saw?

18 A: No.

19 Q: All right. You say he turned immediately -- immediately
20 to you after he shot Chris the second time. What happened
21 then?

22 A: I started getting the gold out of the cabinet for him and
23 putting it in the trash bag.

24 Q: Now how was the gold in the cabinets?

25 A: We had just put it in there because we lock them in --

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 We call them safes. They're old attorney file cabinets made
2 of steel with locks and they lock just like a safe. So we had
3 just put them in there.

4 Q: And that's what you were getting them out of?

5 A: Yes, I was.

6 Q: If I may, I'm going to show you some exhibits that have
7 been marked for identification purposes and what I'm going to
8 do is I'm going to refer to them by number and I want you to
9 tell me if you can identify them, yes or no. Can you identify
10 State's Exhibit 7?

11 A: That's the store, outside of the store.

12 Q: All right. You need to just tell me yes or no. State's
13 Exhibit 8?

14 A: Yes.

15 Q: State's Exhibit 9?

16 A: Yes.

17 Q: State's Exhibit 10?

18 A: Yes.

19 Q: State's Exhibit 11?

20 A: Yes.

21 Q: State's Exhibit 12?

22 A: Yes.

23 Q: State's Exhibit 13?

24 A: Yes.

25 Q: State's Exhibit 14?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 A: Yes.
- 2 Q: State's Exhibit 15?
- 3 A: Yes.
- 4 Q: State's Exhibit 16?
- 5 A: Yes.
- 6 Q: State's Exhibit 18?
- 7 A: Yes.
- 8 Q: State's Exhibit 19?
- 9 A: Yes.
- 10 Q: State's Exhibit 20?
- 11 A: Yes.
- 12 Q: State's Exhibit 21?
- 13 A: Yes.
- 14 Q: State's Exhibit 22?
- 15 A: Yes.
- 16 Q: State's Exhibit 23?
- 17 A: Yes.
- 18 Q: State's Exhibit 24?
- 19 A: Yes.
- 20 Q: 25?
- 21 A: Yes.
- 22 Q: 26?
- 23 A: Yes.
- 24 Q: And 28?
- 25 A: Yes.

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 Q: As a whole, what are these pictures of?

2 A: Our store and pictures of items and places where we were
3 shot at, the things that we used, the phone, the blood, just
4 general pictures of the entire store.

5 Q: Okay.

6 MR. CLEMENTS: Your Honor, at this time we would seek to
7 introduce State's Exhibits 7 and 8 through 16 and State's
8 Exhibit 18 through 26 and State's Exhibit 28 into evidence at
9 this time.

10 THE COURT: Any objections from the defense?

11 MR. MEETZE: No, Your Honor.

12 THE COURT: All right. State's Number 7, 8 through 16,
13 18 through 26 and 28 are into evidence without objection.

14 (Whereupon, State's Exhibits as noted, all color
15 photographs, are admitted into evidence.)

16 MR. CLEMENTS: All right, Your Honor, if I may ask
17 permission to set up ---

18 THE COURT: Sure.

19 MR. CLEMENTS: --- this technology and I'm going to ask
20 Ms. Robinson if she -- if with the Court's permission she can
21 step down so she can see this screen.

22 THE COURT: Sure.

23 Q: And so that the jury can see this screen. Ms. Robinson,
24 would you be okay if you come and step down here? And I'm
25 going to ask you if you would if you'll stand right here so

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 that your voice will carry back to the court reporter. Okay?

2 A: Okay.

3 Q: And we're going to show photographs on this screen and
4 then I'm going to ask you one by one if you can tell the
5 jurors exactly what they depict. Okay?

6 A: Okay.

7 Q: You might use this to point with and you might not need
8 it, but I'll have it here just in case. Okay?

9 (Whereupon, there is a pause in the proceedings as a
10 large video screen is set up facing the jury for viewing
11 the photographs in evidence. A smaller monitor is also
12 set up for the view of the judge and court reporter.)

13 Q: All right, I'm going to show you State's Exhibit Number
14 7. What is that, Ms. Robinson?

15 A: That's the front of our store that I was working at.

16 Q: All right, State's Exhibit 8?

17 A: That's the door that we go in and out of, the front door.

18 Q: Okay. Was this the door that your attacker came in?

19 A: Yes.

20 Q: State's Exhibit 9. Can you explain to us where y'all
21 were in proximity to this picture and -- and how you see this
22 when you come in the store?

23 A: That -- When you come in the door, that's what you see
24 and there's a counter that goes behind those movies.

25 Q: All right. Now what direction were y'all in of this

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 picture? To the left of this picture or back towards the
2 right?

3 A: Chris was to the left of the picture in the back and I
4 was straight down the middle.

5 Q: Okay.

6 A: In the back.

7 Q: All right, in this direction or in that direction?

8 A: Chris was in that direction behind the counter.

9 Q: Okay.

10 A: And I was behind the counter. I was way in the back.

11 Q: Okay. All right, I'm going to show you State's Exhibit
12 Number 11. All right, now can you orient us there as to the
13 place and what -- what that shows?

14 A: Chris was by the guitars, which is here.

15 Q: Okay.

16 A: Behind the counter.

17 Q: All right. Do you have that pointer? So right here by
18 the guitars, that's where Chris was? And where were you?
19 Which direction?

20 A: I was to the -- to the right of him. There's a counter
21 there.

22 Q: Back there? Okay, State's Exhibit 11. All right, what
23 direction is that looking towards, the front of the store or
24 the back of the store?

25 A: That's looking towards the back of the store and I was

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 right behind that very back counter.
- 2 Q: Right here?
- 3 A: Mm-hmm.
- 4 Q: And who is that right there?
- 5 A: That's Chris.
- 6 Q: That's Chris? Okay. What direction did the gunman come
- 7 from?
- 8 A: He came from -- This is the front counter. You can't
- 9 see, but the door is this way.
- 10 Q: Okay. Which way did he run when he came towards you?
- 11 A: He came down this aisle.
- 12 Q: This aisle?
- 13 A: Mm-hmm.
- 14 Q: Okay, State's Exhibit 12 and that's a empty case. What
- 15 was in that case prior to y'all closing up?
- 16 A: Gold and silver, silver coins and gold rings.
- 17 Q: Okay and where would y'all put that when y'all stored it
- 18 for the night?
- 19 A: There's a cabinet. You can't see it in this picture.
- 20 It's right directly behind.
- 21 Q: Behind here?
- 22 A: Mm-hmm.
- 23 Q: All right. What are these drawers and stuff here?
- 24 A: We keep -- Actually, we keep our tickets that we have to
- 25 write and also a firearm.

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 Q: Okay and now is that where Chris was where he was shot?
- 2 A: Yes. The picture is hard to tell ---
- 3 Q: Okay.
- 4 A: --- the depth, how far away, but he was midway in-between
- 5 the counters.
- 6 Q: Okay. Now does that counter run a pretty long way
- 7 towards the back?
- 8 A: Yes.
- 9 Q: State's Exhibit 13. Is that ---
- 10 A: Yes.
- 11 Q: --- the same counter in Exhibit 8?
- 12 A: Yes, sir, that's the counter.
- 13 Q: All right, State's Exhibit 14. All right and is there a
- 14 way to get in-between these two counters where those guitars
- 15 are?
- 16 A: Right there, that goes through the counters.
- 17 Q: Okay and where was Chris?
- 18 A: Chris was here.
- 19 Q: Behind this counter?
- 20 A: Behind this side of the counter.
- 21 Q: Okay, State's Exhibit 15. Now is that looking in the
- 22 same direction or the opposite direction?
- 23 A: That's the opposite direction.
- 24 Q: Okay. So the front of the store was which way?
- 25 A: It's straight that way.

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 Q: Out this way?
- 2 A: Mm-hmm.
- 3 Q: And was the door to the left or out front?
- 4 A: To the left.
- 5 Q: To the left? So from where you were standing, could you
- 6 have seen the man when he first came in the door?
- 7 A: No, sir, I didn't see him come in the door.
- 8 Q: So he came in and had to turn to his right to come back
- 9 towards you down this way?
- 10 A: Yes, sir.
- 11 Q: State's Exhibit 16. Is that -- What is that view? Is
- 12 that behind the counter or in front of it?
- 13 A: That's behind the counter.
- 14 Q: All right. Can you tell the jurors what are these?
- 15 A: The envelopes?
- 16 Q: The -- The frame looking material there?
- 17 A: The -- This?
- 18 Q: Right here.
- 19 A: These are just papers and stuff from -- accounting stuff
- 20 for accounting to do the books with.
- 21 Q: All right and next to that with the wood frames?
- 22 A: Those are jewelry trays that we had the jewelry on.
- 23 Q: Okay. Was the jewelry in those trays when the assailant
- 24 came in?
- 25 A: Yes, it was on the trays. The whole tray goes into the

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 storage. The -- It fits down into it.

2 Q: How did those trays end up on the floor empty of jewelry?

3 A: When I was putting the jewelry into the bag, he got upset
4 with me and said I was being slow and started helping me
5 because I told him I was afraid, he had a gun at me and so he
6 started helping me and throwing the cases.

7 Q: Okay.

8 A: He would empty them in the bag and throw them behind him.

9 Q: State's Exhibit 18. Does that show where those cases
10 were?

11 (Whereupon, State's Exhibit Number 17, which is not in
12 evidence, is shown on the screen instead of State's
13 Exhibit Number 18.)

14 MR. MEETZE: Objection, Your Honor.

15 THE COURT: All right. You want to approach or send the
16 jury out?

17 MR. MEETZE: We'll approach.

18 MR. CLEMENTS: Approach.

19 THE COURT: All right.

20 (Whereupon, a bench conference is held off the record in
21 the presence of the jury, but out of the hearing of the
22 jury. During the bench conference, the photograph on the
23 screen is changed to State's Exhibit Number 18.)

24 Q: Now what -- What are these items back here on the floor,
25 Donna?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 A: Other boxes and cases I believe. I can't see very well.
- 2 Q: Okay, all right. Go to State's Exhibit 19 and what is
- 3 that?
- 4 A: Those are the jewelry cases that they just lay on top of
- 5 them as they go inside of them.
- 6 Q: All right, State's Exhibit 20. What -- What area is
- 7 that?
- 8 A: That's where I crawled to to get the phone. There's a
- 9 phone that was on that -- on here.
- 10 Q: Okay. Up -- Up here?
- 11 A: Yes.
- 12 Q: Okay.
- 13 A: And that's just -- that's where the jewelry was in the
- 14 thing with the handles on it.
- 15 Q: Okay, that metal file cabinet -- filing cabinet?
- 16 A: Yes, sir.
- 17 Q: Okay and that's what you were emptying into his bag?
- 18 A: Yes, sir.
- 19 Q: Whose flip-flops are those?
- 20 A: Those are mine.
- 21 Q: Okay. All right, State's Exhibit 21. Where -- What area
- 22 is that?
- 23 A: It's in-between the jewelry case and the table that the
- 24 phone is on.
- 25 Q: Okay and what -- Were you ever at that position?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 A: Yes, sir.
- 2 Q: How did you get there?
- 3 A: I crawled there.
- 4 Q: Okay, after or before you'd been shot?
- 5 A: After I was shot.
- 6 Q: State's Exhibit 22. What area is that?
- 7 A: That's the cabinet right beside the register. There's a
- 8 gun in that drawer.
- 9 Q: Okay and what is all this on -- on here?
- 10 A: Me trying to open the drawer.
- 11 Q: Okay. So is that your blood?
- 12 A: Yes, sir.
- 13 Q: Okay and why were you trying to open that drawer?
- 14 A: Because I thought he was going to come back and shoot me
- 15 like he did Chris.
- 16 Q: Okay and so this was after he had left?
- 17 A: Yes, sir.
- 18 Q: Okay, State's Exhibit 23. What -- What are these items
- 19 on the floor here?
- 20 A: My glasses and my flip-flops.
- 21 Q: Okay, State's Exhibit 24. Do you know what that is or
- 22 not?
- 23 A: I can't see.
- 24 Q: Okay, all right. What area is that? Is that outside or
- 25 inside the cabinet?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 A: That's on the rug inside.
- 2 Q: Okay, State's Exhibit 25.
- 3 A: That's the telephone.
- 4 Q: All right and did you use that telephone that day?
- 5 A: Yes, I did.
- 6 Q: And what did you use that telephone to do?
- 7 A: To call 9-1-1.
- 8 Q: Okay. Were you still on the phone with 9-1-1 when the
- 9 police got there?
- 10 A: I was.
- 11 Q: Okay. All right, State's Exhibit 26. I mean what is
- 12 that general area?
- 13 A: That's right beside where -- where Chris was shot.
- 14 Q: Chris was behind this counter here?
- 15 A: Actually, he was behind the counter before it because
- 16 this is the very back counter. He was behind the counter
- 17 right before it to the left.
- 18 Q: So is this right here ---
- 19 A: That's the doorway into the counter and he was on the
- 20 left side of the counter.
- 21 Q: Okay, State's Exhibit 28. Do you know what those are?
- 22 A: My glasses.
- 23 Q: Okay. All right, thank you. Donna, would you mind
- 24 sitting back down? Thank you.
- 25 (Whereupon, the witness returns to the stand and the

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 screen is removed from in front of the jury.)

2 Q: Thank you, Donna. Now we know how the layout is of the
3 pawn shop. While you were there with the trash bag, what, if
4 anything, was Mr. Brunson or your assailant doing?

5 A: He was just pointing the gun at me, yelling at me to
6 hurry up, saying that I was trying to be slow and I was going
7 to get him caught.

8 Q: Where you being slow?

9 A: No, sir. I was doing it as fast as I could. I wanted
10 him gone.

11 Q: Yes. Now did you load anything else other than jewelry
12 into that bag?

13 A: I gave him the money out of the register.

14 Q: Okay and anything else?

15 A: No, sir, not that I remember.

16 Q: After you finished giving him all the jewelry that was
17 there at the front and giving him the money in the cash
18 register, what happened to you next?

19 A: He told me to lay down on the floor and put my face down
20 and he put the gun to my head and I tried to ask him not to do
21 it because I knew he was fixing to shoot me. I told him I
22 just wanted to go home, that nothing there belonged to me,
23 that he could have it. He got mad at me, I guess for
24 stalling, and he started cursing at me to get on to the floor.

25 Q: And why would you hesitate to get on the floor?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 A: Because I knew if I put my head down he was going to
2 shoot me.

3 Q: What happened?

4 A: I put my head down and he shot me.

5 Q: Where did he shoot you, Donna?

6 A: He shot me here above my eye. He had the gun on the back
7 of my head as I laid down and I kept trying to change his mind
8 and I raised up and the bullet came in here and took my eye.

9 (Whereupon, the witness indicates an area near her right
10 eye.)

11 Q: It took your eye?

12 A: It came down my face and I couldn't open my mouth. My
13 jaw was closed.

14 Q: So he shot you how many times?

15 A: I felt one shot.

16 Q: After you were shot, what did you do?

17 A: I held my breath and pretended I was dead so he wouldn't
18 shoot me again.

19 Q: What did you hear?

20 A: I heard him moving around, shuffling his feet and then I
21 heard the door ring -- the bell ring on the door and I knew he
22 was gone.

23 Q: When you heard the bell ring on the door -- Let me ask
24 you this. Were you in a lot of pain?

25 A: No, sir, at the moment I wasn't.

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

- 1 Q: Could you feel anything?
- 2 A: No, sir. I could feel myself bleeding and I was dizzy.
- 3 I couldn't stand up. I could only crawl, so I crawled.
- 4 Q: Where did you crawl, Donna?
- 5 A: To get the phone and my gun.
- 6 Q: Were you able to get both of those items?
- 7 A: I was.
- 8 Q: And I think you told us what you did with the phone.
- 9 What did you do with the phone?
- 10 A: I called 9-1-1 and I laid on the floor and I held onto my
- 11 gun in case he came back.
- 12 Q: How long did you talk to the people at 9-1-1?
- 13 A: Until the fire department came in, the police came in.
- 14 Q: What did you tell the people at 9-1-1?
- 15 A: That we had been robbed, told them where we were and who
- 16 I was and that we had been robbed and that we were shot.
- 17 Q: When they found you, what did they do?
- 18 A: They made me give up my gun and then they helped me.
- 19 Q: What did they do to help you?
- 20 A: They started putting me in braces, neck braces, and put
- 21 me in the ambulance.
- 22 Q: Did they take you to the hospital?
- 23 A: Yes, sir.
- 24 Q: After you got to the hospital, do you know what happened?
- 25 Did you ever lose consciousness?

DIRECT EXAMINATION OF DONNA ROBINSON BY MR. CLEMENTS

1 A: Not while I was at the hospital, not -- I didn't actually
2 lose consciousness. I was trying so hard to communicate with
3 everyone that they had to -- I had a blood clot that was
4 growing and they had to make me stop moving and talking, so
5 they had to induce me in a coma.

6 Q: Did you undergo surgeries?

7 A: Yes, sir.

8 Q: What have you lost as a result of that gunshot?

9 A: I've lost an eye. I have a prosthetic eye in my right
10 eye and I cannot see very well anymore.

11 Q: You said they induced a coma and you underwent surgeries.
12 Is that correct?

13 A: Yes, sir.

14 Q: How long were you in a coma?

15 A: Over a week.

16 Q: Have you fully recovered or will you ever fully recover
17 from this?

18 A: Well, I'll never have my sight back, but otherwise. My
19 jaw had to go through eight months of physical therapy because
20 I couldn't open my mouth enough to get food in it. I had to
21 be fed by a stomach tube and I had to have a trach in my
22 throat and other than my sight, everything is okay now.

23 MR. CLEMENTS: I beg the Court's indulgence a moment.

24 Donna, thank you. I know this is hard, but -- but please
25 answer any questions that Mr. Meetze or Mr. Floyd may have.

DIRECT EXAMINATION OF CORPORAL CLARK BY MR. CLEMENTS

1 Okay?

2 THE COURT: You're recognized.

3 MR. MEETZE: Your Honor, we don't have any questions of
4 this witness.

5 THE COURT: All right, thank you. You may step down.

6 (Whereupon, the witness leaves the stand at 4:26 p.m.)

7 MR. CLEMENTS: Your Honor, we ask that Ms. Robinson be
8 released from her subpoena.

9 THE COURT: Any objections?

10 MR. MEETZE: No, Your Honor.

11 THE COURT: All right, thank you.

12 MR. CLEMENTS: Your Honor, we'd call Corporal George
13 Clark.

14 THE CLERK: If you will, sir, place your left hand on the
15 Bible and raise your right hand. Do you swear to tell the
16 truth, the whole truth and nothing but the truth, so help you
17 God?

18 WITNESS: I do.

19 THE CLERK: Please be seated and state your full name for
20 the record.

21 WITNESS: George Millard Clark, Jr.

22 CORPORAL GEORGE CLARK, being first
23 duly sworn, testifies as follows:

24 DIRECT EXAMINATION

25 BY MR. CLEMENTS:

DIRECT EXAMINATION OF OFFICER STARLING BY MR. CLEMENTS

1 time to suppress any admission of any evidence of any blue
2 gloves or anything found on Mr. Brunson's person at the scene
3 of -- of his apprehension and we would make that motion based
4 on that -- those items being found pursuant to an unlawful
5 search and therefore in violation of his Fourth Amendment
6 rights as it pertains to search and seizure.

7 THE COURT: All right. Solicitor?

8 MR. CLEMENTS: Your Honor, may I question the officer?

9 THE COURT: Sure.

10 OFFICER STEVE STARLING, being first
11 duly sworn, testifies as follows:

12 DIRECT EXAMINATION

13 BY MR. CLEMENTS:

14 Q: Officer Starling, I'm not going to get into all of your
15 testimony, but suffice it to say that you left Rick's Pawn
16 Shop to respond to what you heard over the radio. Is that
17 correct?

18 A: Yes, sir.

19 Q: Did you see someone running or leaving from a wood line
20 or come across anyone while you were out searching?

21 A: Yes, sir.

22 Q: Can you tell the Court what you saw, who you saw and what
23 you did?

24 A: Myself and other officers in the area set up a perimeter
25 kind of in the basic general area of where we believed the

DIRECT EXAMINATION OF OFFICER STARLING BY MR. CLEMENTS

1 subject to be and where people were calling in seeing the
2 subject run from the area. I came up to -- to I believe it
3 was Mullins and Stackley Street and as I looked to my right, I
4 saw a subject exiting from the wood line that had the physical
5 description as well as clothing description that was given out
6 several times over the radio and as the subject turned and saw
7 me, he turned the other way and briskly, very quickly walked
8 away, turned his eyes from me very quickly when he saw me.

9 At that point, I believed it to be the subject from his
10 actions and description, so myself and Officer Ussery, who was
11 also right there with me and saw him, we quickly got to him
12 and as soon as I could exit the vehicle, we got him on the
13 ground to detain him.

14 Q: What did you say to him, if anything, while you were in
15 your vehicle or exiting your vehicle before you made physical
16 contact with him?

17 A: As I was exiting the vehicle, I immediately drew my
18 weapon being the circumstance that -- that we possibly had. I
19 pointed at the subject and advised him to get on the ground,
20 show me his hands and get on the ground. At that time,
21 Officer Ussery was already, you know, was on scene. He got
22 out of his car and as I just kept the subject controlled and
23 got him on the ground, Officer Ussery got to him and
24 handcuffed him. We immediately got him up off the ground and
25 without being anything said to him, he said, you know, "What

DIRECT EXAMINATION OF OFFICER STARLING BY MR. CLEMENTS

1 did I do? What did I do? I've just been cutting grass at my
2 grandma's."

3 And again, because of the circumstance of the situation,
4 we had reason to believe there was a weapon involved. We
5 immediately just patted him down, just his pockets, patted him
6 down to make sure there were no weapons or anything on him
7 that would possibly hurt us as a safety concern.

8 Q: Did you question him or ask him if he had any weapons or
9 anything?

10 A: You know, I mean obviously as we patted him down, we
11 said, you know, we're just patting you down to make sure you
12 don't have any weapons. Are there any weapons on you? Do we
13 need to be worried about anything? Which he said no and he
14 said go ahead, you know, and gave us consent basically like
15 that, go ahead and search. We patted him down.

16 Q: All right and which side did you pat down and search?

17 A: I was on his left side, Officer Ussery was on his right
18 side and I just got his front right, rear right pockets, his
19 leg, just patted him down on his -- on his -- on his ankle and
20 what areas I would normally, you know, people hide weapons in
21 their beltline and that area.

22 Q: All right. Were you on his right side or his left side
23 or do you remember?

24 A: I believe I was on his left side. If I recall correctly,
25 we stood him up and I was on his -- his left, Officer Ussery

DIRECT EXAMINATION OF OFFICER STARLING BY MR. CLEMENTS

1 on his right.

2 Q: Okay. What, if anything, did you find in his pockets?

3 A: The only things he had on him on my side I believe were a
4 cigarette lighter, maybe a condom I believe, little
5 miscellaneous things, but there was a rosary beads and a
6 silver bracelet.

7 Q: Okay.

8 A: Nothing really uncommon.

9 Q: Okay and could you observe anything sticking out of his
10 pockets on his left side?

11 A: No, sir.

12 Q: Okay. Did you look on his right side?

13 A: As I was checking and finished, I held the subject to
14 detain him while Officer Ussery did his and while he patted
15 him down, I observed what he was, you know, getting from the
16 pocket which was a blue latex glove.

17 Q: Okay. Was it sticking out of the pocket at all or ---

18 A: I really don't recall. I just recall as I grabbed him
19 and he went to pat him down as he pulled it out. I'm not
20 sure. I couldn't see clearly around him. I was more
21 interested in, you know, trying to detain him and hold him
22 still to make sure he wasn't going to go anywhere.

23 Q: When you said "he" pulled it out ---

24 A: Officer Ussery.

25 Q: Officer Ussery, okay, Officer Ussery. Now what suspicion

DIRECT EXAMINATION OF OFFICER STARLING BY MR. CLEMENTS

1 did you have or what caused you to think that this was a
2 person you needed to stop and frisk or that you needed to
3 search or you needed to -- to detain?

4 A: Originally when we were leaving the pawn shop and as
5 Corporal Clark had mentioned, you know, he was getting
6 everyone out, as we were walking out the door, we had dispatch
7 advise that someone close by on the street had seen and heard
8 the action I believe and had seen somebody run from that area,
9 running that general direction north -- north kind of east
10 area and gave us a good description as -- as black pants and a
11 black shirt.

12 As we exited and started setting up our perimeter, we
13 received more and more calls of people calling in seeing this
14 subject running through the area and the last one that we
15 received was that he had removed his shirt and was now wearing
16 a -- a gray tank top, wearing black pants and his physical
17 description, his height, basic maybe six foot, five -- five
18 eight, somewhere in that area. They gave a basic description
19 and then his clothing description.

20 As I said, I came to Mullins and looked to my right. The
21 subject immediately upon seeing me as he walked out of this
22 wood line quickly turned, not even giving a second glance to
23 me, you know, and -- and briskly walked away towards the
24 intersection trying to get out of my sight again and it
25 appeared that the subject was sweating, you know, maybe on his

CROSS EXAMINATION OF OFFICER STARLING BY MR. MEETZE

1 tank top was a darker -- little bit darker. It looked like he
2 had been sweating profusely and again, as I got up with him he
3 was sweating quite heavily and just very suspicious activity
4 as he looked at me and then just turned to walk away so fast.

5 Q: What kind of clothes did he have on?

6 A: It was black I believe pants or maybe long shorts and he
7 had a gray tank top at that time.

8 Q: Okay, all right. Please answer any questions Mr. Meetze
9 or Mr. Floyd have.

10 CROSS EXAMINATION

11 BY MR. MEETZE:

12 Q: Officer Starling, you indicated that you were setting up
13 a perimeter -- participating in setting up a perimeter with --
14 along with other officers?

15 A: Yes, sir.

16 Q: Police Department and you saw an individual fitting a
17 description coming from the wood line you indicated?

18 A: Yes. As I came to the intersection of Stackley and
19 Mullins Street, I checked left first and as soon as I checked
20 right, I observed the suspect just walking, just out of this
21 little very faintly wooded area, I mean a few trees there.

22 Q: And you approached him gun drawn?

23 A: As I came -- I came to the intersection of Boyd and
24 Mullins, which was the corner he had just turned, I
25 immediately exited my vehicle and then at that point I drew my

CROSS EXAMINATION OF OFFICER STARLING BY MR. MEETZE

1 weapon and commanded him to the ground, to let me see his
2 hands and get on the ground. Because of the circumstance of
3 the situation, I felt it was a safety issue and I needed that.

4 Q: And Officer Ussery was also there or he got ---

5 A: When I came to Mullins and Stackley at the intersection
6 when I looked left to check, that's where Officer Ussery was.
7 He was actually on Mullins I believe coming my direction and
8 then when I looked back and saw him, I advised dispatch I
9 believed I had the subject here. I took a right and Officer
10 Ussery was right behind me at that point.

11 Q: So I mean if you were to -- to say one or the other of
12 you got there first, which one would you say or was it a dead
13 heat so to speak?

14 A: It basically was. As soon as I pulled my car over on
15 Mullins Street at Boyd and as soon as I got out, he passed me
16 and turned on to Boyd in case the subject fled I assume and as
17 I said, I commanded him down and at that point Officer Ussery
18 was already exiting his vehicle right there with us as well.
19 So we -- we were basically on scene at the same time.

20 Q: And do you recall whether or not Officer Ussery had his
21 gun drawn?

22 A: I don't. I don't. I had my attention only focused on --
23 on the subject.

24 Q: But you had your gun drawn?

25 A: I did.

CROSS EXAMINATION OF OFFICER STARLING BY MR. MEETZE

- 1 Q: And commanded Mr. Brunson to the ground?
- 2 A: Yes, sir.
- 3 Q: And again, if I get some of your testimony wrong, I
- 4 apologize. You can correct me, but you indicated I believe
- 5 that Officer Ussery put cuffs on him?
- 6 A: Yes, sir. I believe while I was, you know, just covering
- 7 him to make sure we weren't going to have any movement,
- 8 nothing to worry about, that's when Officer Ussery I believe
- 9 approached him and placed the cuffs on him.
- 10 Q: And then after that -- He was still on the ground during
- 11 that process, correct?
- 12 A: After he was cuffed, we stood him up off the ground.
- 13 Q: Right. Once he was cuffed, you stood him up off the
- 14 ground.
- 15 A: Yes, sir.
- 16 Q: And was it you or was it Officer Ussery that asked him
- 17 with regards to weapons or anything like that?
- 18 A: As I basically went to pat him down for it, I said I'm
- 19 just going to pat you down for weapons to make sure you don't
- 20 have anything on you, nothing we need to worry about. I don't
- 21 know if Officer Ussery was speaking to him at the same time on
- 22 the other side of him. Like I said, I just ---
- 23 Q: Right.
- 24 A: --- basically focused on him only.
- 25 Q: And so -- And he didn't tell you not to pat him down?

CROSS EXAMINATION OF OFFICER STARLING BY MR. MEETZE

1 A: No. He didn't say stop, get off me or don't do that or
2 nothing. He basically just said yeah, go ahead. He gave us
3 consent to do that.

4 Q: Did you ever say to him or ask him, "May I have consent
5 to search you?"

6 A: No, sir.

7 Q: You did not?

8 A: No, sir.

9 Q: You just told him what you were doing?

10 A: I told him I was going to pat him down.

11 Q: Right.

12 A: A general pat down for it to make sure I didn't feel
13 anything. Again, given the circumstance, I had a reason to
14 believe that there would be a weapon involved or on his
15 person.

16 Q: And that is something that you do for officer safety?

17 A: Yes, sir.

18 Q: All right and if you have reason to believe that someone
19 may be armed and dangerous, you can pat down that individual
20 for weapons?

21 A: Yes, sir.

22 Q: Okay and you did that with regards to Mr. Brunson?

23 A: Yes, sir.

24 Q: You patted him down and you go to the academy -- police
25 academy for training and things like that?

CROSS EXAMINATION OF OFFICER STARLING BY MR. MEETZE

- 1 A: I did, yes, sir.
- 2 Q: And you're trained on how to do a pat down ---
- 3 A: Yes, sir.
- 4 Q: --- for weapons and that kind of thing?
- 5 A: Yes, sir.
- 6 Q: And you followed that procedure when you patted Mr.
- 7 Brunson down?
- 8 A: Yes, sir.
- 9 Q: You did not feel any weapons when you patted him down?
- 10 A: No, sir.
- 11 Q: Okay and you're also trained to determine shapes and
- 12 things like that and what may or may not be a weapon when --
- 13 when you pat somebody down?
- 14 A: It comes at my discretion. If I believe it may be a
- 15 weapon in the pocket ---
- 16 Q: Sure
- 17 A: --- then I can, you know, justify that.
- 18 Q: But you didn't feel anything?
- 19 A: Not on my side, no, sir.
- 20 Q: You did feel something?
- 21 A: Yes, sir.
- 22 Q: And you -- And that was in the pocket on the side of him
- 23 that you were standing?
- 24 A: Yes, sir.
- 25 Q: And you went into that pocket and took those items out?

CROSS EXAMINATION OF OFFICER STARLING BY MR. MEETZE

1 A: After patting him down and he said, yeah, go ahead and do
2 that, yeah. Basically, you know, he's stating, you know, go
3 ahead, there's nothing on me, you know, giving us consent to
4 search him. It's just how it was viewed on that time.

5 Q: But you never asked for consent?

6 A: I didn't basic -- particularly ask him, no, could I go in
7 your pocket and see what this is. No, sir.

8 Q: All right and you never told him that he didn't have to
9 give consent?

10 A: No, sir.

11 Q: Okay. You never gave him any Miranda warning or anything
12 like that?

13 A: No, sir.

14 Q: And you know that at least you had your weapon drawn when
15 you got out of your vehicle?

16 A: Yes, sir.

17 MR. MEETZE: Okay, I don't have anything further.

18 THE COURT: Anything further, Solicitor?

19 MR. CLEMENTS: No, Your Honor. We believe that the
20 search was reasonable under the circumstances.

21 THE COURT: All right. Mr. Meetze?

22 MR. MEETZE: Your Honor, we would just say that in this
23 instance that for a general pat down for officer safety and
24 for weapons, I think the law indicates that an officer can pat
25 down the outer of the clothing, arms, armpits, waistline,

1 crotch, genital area and down the legs to the feet and
2 anything beyond that would be exceeding the scope of -- of a
3 pat down search for officer safety and we would submit that in
4 this case and in this instance with regards to the items that
5 Officer Starling recovered that the search that went into his
6 pocket exceeded the scope of the officer safety pat down and
7 would therefore be inadmissible.

8 He -- He didn't indicate that there was explicit consent
9 given, just sort of an assumption made. He never asked for
10 consent, but in any event consent had to be voluntary. You
11 know, consent wasn't asked for and said yes, I consent, then I
12 would submit that there wouldn't be any voluntary consent in
13 this case.

14 Also, when determining whether or not any kind of consent
15 is voluntary, the Court takes into consideration the totality
16 of the circumstances, the situation, not any necessarily one
17 thing that would make consent involuntary. However, any kind
18 of show of authority or force can be taken into consideration,
19 such as an officer with his weapon drawn, not having been read
20 Miranda warnings, not having knowledge that someone can refuse
21 consent. It is also something that -- to take into
22 consideration the fact that he was out in the public, he
23 wasn't at the police station, but certainly with weapons drawn
24 and ordered to the ground, he was in custody at that time.

25 All of those are things to be taken into consideration.

1 So if the Court feels like he gave consent, we would indicate
2 that that consent was not voluntary based on a totality of the
3 circumstances and ask to suppress the evidence on that basis
4 as well.

5 THE COURT: All right. Solicitor, any response to that?

6 MR. CLEMENTS: Your Honor, we do believe that he gave
7 consent when he said, "Go ahead, search me. I don't have
8 anything." Also, Your Honor, a police officer may stop and
9 briefly detain and question a person for investigative
10 purposes when the officer has a reasonable suspicion supported
11 by articulable facts short of probable cause for arrest that
12 the person is involved in criminal activity.

13 There was plenty of -- of radio traffic where people were
14 calling in saying an individual matching the description was
15 running, had reports of possibly a gun. There was also items
16 from a jewelry store found in -- during that process. Stuff
17 came in over the -- Information came in over the radio to them
18 on dispatch that -- that a person had items there, that he had
19 taken off a shirt and met the description of someone leaving a
20 scene he was just at where he knew a pawn shop was -- was
21 robbed, the jewelry was cleaned out and two people were shot.

22 So I certainly think that he had every reason to stop and
23 detain and to frisk for officer safety and he had articulable
24 suspicion to think he was involved in some criminal activity.
25 As a matter of fact, what felt like jewelry and what was

1 jewelry was in his pocket. So I feel like that under that --
2 those circumstances and with Mr. Brunson saying, yeah, go
3 ahead and search me, I don't have any weapons, that he was
4 well within his rights and did not trample on Mr. Brunson's
5 Fourth Amendment rights simply by checking in his pockets.

6 THE COURT: All right.

7 MR. CLEMENTS: One other thing, Your Honor, and I don't
8 know that we have a -- a stated inevitable discovery rule, but
9 I think that there's plenty of case law that -- that would
10 kind of infer that. He was being arrested. He was being
11 detained. If he's taken to Effingham, all of that stuff was
12 going to be found when they inventoried his clothing and
13 inventoried what was in his pockets. So he was detained at
14 that time, they stopped him and put the handcuffs on him. So
15 I'd also argue that it was inevitable to discover the gloves
16 and what was in his other pocket.

17 THE COURT: Right, all right. Why don't we take about a
18 five minute break and let me -- let me dwell on it just a
19 second and we'll go from there.

20 (Whereupon, there is a break in the proceedings from 4:52
21 p.m. until 5:02 p.m. When the proceedings resume, the
22 jury is not yet present.)

23 THE COURT: All right, based on everything I've heard
24 thus far, I'm going to deny the motion. All right, go ahead
25 and bring the jury out.

1 BAILIFF: Yes, sir.

2 THE COURT: Anything further?

3 MR. CLEMENTS: Let me be sure I understood.

4 THE COURT: The motion is denied.

5 MR. CLEMENTS: Denied ---

6 THE COURT: Denied, motion to suppress is denied.

7 MR. CLEMENTS: Your Honor, Officer Ussery is going to
8 have similar testimony.

9 THE COURT: Mm-hmm.

10 MR. CLEMENTS: And I don't know, I defer to Mr. Meetze
11 and Mr. Floyd, if they're going to have the same objection
12 with him, if we need to take that up now, too, outside the
13 presence of the jury.

14 THE COURT: You can just make the objection at the
15 appropriate time and we'll go from there.

16 MR. MEETZE: And just to put ---

17 MR. CLEMENTS: Okay.

18 MR. MEETZE: --- on the record.

19 THE COURT: All right.

20 MR. MEETZE: The Court is just denying our motion with
21 regards to the items found in Mr. Brunson's pockets at the
22 time he was apprehended. That would include the blue latex
23 gloves, as well as the necklaces, the condom and any -- and
24 whatever else?

25 THE COURT: Correct.

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 MR. MEETZE: Okay and -- and we would obviously renew our
2 objections ---

3 THE COURT: Sure,

4 MR. MEETZE: --- at the appropriate time.

5 THE COURT: That'll be fine.

6 MR. CLEMENTS: Thank you, Your Honor.

7 THE COURT: All right, go ahead and bring out the jury.

8 BAILIFF: Yes, sir.

9 (Whereupon, the jury enters the courtroom at 5:04 p.m.)

10 THE COURT: All right, Solicitor, if you would, continue.

11 MR. CLEMENTS: Thank you, Your Honor.

12 OFFICER STEVE STARLING, being
13 first duly sworn, testifies as follows:

14 DIRECT EXAMINATION

15 BY MR. CLEMENTS:

16 Q: Officer, can you please state your name for the record
17 and tell this jury who you work for and what your particular
18 job entails?

19 A: I work for the City of Florence. My name is Steve
20 Starling and I'm a patrol officer in the north region. I've
21 been working there for a little over three years.

22 Q: And, Officer Starling, do you work with Corporal Clark?

23 A: No, sir. I work on a separate shift. We work the same
24 days, but he works nights when I work days and vice versa.

25 Q: And the time period for this particular occurrence

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 happened when?

2 A: I was on day shift about to leave for home, so this was
3 right between shift change when our shifts would kind of be
4 colliding in the middle.

5 Q: Okay. Now can you please tell this jury what kind of
6 call you received and how you responded and what you did?

7 A: It was approximately 5:55 I believe and I went downstairs
8 to the basement here at the Complex, downloaded my reports
9 from the day, anything I had done just to catch up all my
10 paperwork or anything, when I heard on the radio they had a --
11 an armed robbery in progress with some shots fired and
12 possible victims at the pawn shop, Rick's Pawn Shop there on
13 Lucas.

14 Myself with other officers that were in the basement at
15 the time heard the call and obviously went to our cars in the
16 parking lot and responded immediately to the pawn shop within
17 a few minutes. It's not too far from here. When we arrived
18 on scene, there were other officers already there. Corporal
19 Clark and his crew had arrived first and were surrounding the
20 building, getting ready to make an entry. Myself and Officer
21 Ussery went around and made entry with them as well.

22 As Corporal Clark said, he went left to clear the
23 building. We entered just behind him and myself and Officer
24 Ussery and I believe another officer, I'm not sure, had went
25 to the right and checked the rest of the building. We cleared

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 behind the counter, as well as the back bay room that you
2 heard about, anywhere else in the back room that there could
3 have been a -- anyone could have been. We checked that area
4 and obviously no one was found in there. As we passed by, we
5 -- we observed behind the counter both victims, one who
6 appeared deceased and Ms. Robinson, who obviously had been
7 wounded very seriously.

8 At that time, we were going to exit the building.
9 Corporal Clark was clearing us out to start up his crime scene
10 list and that's when we had received a call of a possible
11 subject seen in the area.

12 MR. MEETZE: Objection, Your Honor, hearsay.

13 THE COURT: Sustained.

14 Q: Okay. All right, let me ask you this. You received a
15 call over dispatch?

16 A: It was advised on our dis -- police radio that ---

17 Q: Don't tell me what it said. Just did you get a call over
18 dispatch?

19 A: Yes, sir.

20 Q: Now as a result of that call, what did you do?

21 A: We immediately went back to our patrol cars, myself and
22 other officers that were there. We began to enter that area
23 where it was given, the north region area near ---

24 MR. MEETZE: Objection, Your Honor.

25 THE COURT: What grounds?

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 MR. MEETZE: Hearsay.

2 THE COURT: Hearsay, sustained. Go ahead and continue.

3 Q: I'm sorry. Don't tell me what anybody said or told you.

4 Just tell us what you did.

5 A: I went to Marlboro Street, where I believed according to
6 radio conversation ---

7 MR. MEETZE: Objection, Your Honor.

8 THE COURT: Sustained.

9 A: I went to Marlboro Street to set up a perimeter.

10 Q: Okay, there you go. That's good, all right. Now when
11 you went on to Marlboro Street to set up a perimeter, what
12 were you looking for?

13 A: I was looking for anyone that I believed was involved in
14 this crime, possible suspects, based on descriptions, you know
15 ---

16 MR. MEETZE: Objection.

17 THE COURT: Sustained.

18 MR. CLEMENTS: Okay.

19 A: I was looking for a suspect for this incident.

20 Q: Okay, all right and how long did you stay there at
21 Marlboro Street?

22 A: Not long. As I was coming up Marlboro Street, again I
23 ---

24 Q: You received another call?

25 A: I received another call.

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 Q: And as a result of that call, what did you do?

2 A: As a result of that, I went -- Instead of Dargan Street
3 where I was originally going to go to set up a perimeter,
4 according to the new call, I had to widen my perimeter, so I
5 went down to Stackley Street instead and as I proceeded north
6 I believe up to Stackley Street towards Mullins, I looked
7 left, saw an officer there, didn't see a suspect, looked to
8 the right. As soon as I looked to my right, I saw a black
9 male exiting the wood line immediately to my right. The
10 subject looked at me, was matching the description according
11 to calls that I ---

12 MR. MEETZE: Objection, Your Honor.

13 THE COURT: Sustained.

14 Q: Okay. Don't tell us ---

15 A: I saw a subject wearing a black -- a gray tank top, black
16 shorts. He looked at me and then looked directly away from
17 me. He didn't want to make eye contact at all, just looked at
18 me and then looked directly away and briskly, very quickly
19 walked towards the next intersection, which is Mullins and
20 Boyd Street. That subject obviously just didn't want to be in
21 my area, didn't want to be seen there.

22 MR. MEETZE: Objection.

23 THE COURT: Sustained.

24 A: It appeared to me ---

25 THE COURT: Don't ---

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 Q: All right, don't -- don't speculate on -- on anything. I
2 understand, but just testify to what you know, what you saw,
3 what you heard, okay?

4 A: I saw the subject look at me. He looked away very
5 quickly. He began to walk to walk away very quickly and he
6 appeared to have been sweating. I went to the intersection
7 where he was at where he had turned the corner very quickly to
8 get around the corner. I went to the intersection, as well as
9 the officer that was behind me, which was Officer Ussery. As
10 soon as I got to that intersection, I got out of my vehicle, I
11 drew my weapon on that subject who I believed to be involved
12 in the crime, and commanded him to show me their hands, get to
13 the ground. By that time, the other officer, Officer Ussery,
14 was on scene with me. He got out of his vehicle and we
15 detained the subject. My weapon was put up, we helped the
16 subject up, and then we proceeded from there.

17 Q: Okay. Can you tell me, do you see that suspect anywhere
18 in the courtroom?

19 A: Yes, sir.

20 Q: Can you please point him out for this jury?

21 A: It's Mr. Brunson, Tavarío Brunson.

22 Q: What does he have on?

23 A: He's wearing that gray shirt with the green and blue tie.

24 MR. CLEMENTS: Your Honor, may the record reflect he has
25 identified the defendant?

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 THE COURT: It will reflect it.

2 Q: Officer Starling, after you got -- You said you got Mr.
3 Brunson up. What did you do then?

4 A: I advised him that he looked like the subject I was
5 looking for in the area and that I was going to pat him down
6 for weapons to make sure he didn't have anything on him.
7 Prior to speaking to him, I should say he -- he asked what he
8 done. He said, "I haven't done anything. I just came from my
9 grandmother's. I was cutting grass. You know, what's going
10 on?" And then I advised him, "Well, you look like a subject
11 in the area that we've been looking for. I'm going to pat you
12 down to make sure you don't have any weapons or anything on
13 you. Is there anything on you that I should be aware of?" He
14 said, "No, go ahead. You know, pat me down, search me,
15 whatever."

16 At that point, I patted him down on his left side of this
17 body, his left pocket, front and back. I checked his
18 waistline, anywhere a weapon might be and just made sure there
19 was nothing on him that I needed to be worried about.

20 Q: Why didn't you check his right side?

21 A: Officer Ussery, who was also there like I said and helped
22 me detain the subject, was on his right side and after -- He
23 was holding him, basically just holding his arm to make sure
24 he wasn't going to go anywhere while I checked the left and
25 then when I was done, I held him while he checked the right

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 side.

2 Q: Okay, all right. What, if anything, did you find?

3 A: In his left front pocket, I found Chapstick -- excuse me,
4 a match -- lighter -- a cigarette lighter, a condom, some
5 rosary beads and a silver bracelet. I believe that's all that
6 was in the front pocket.

7 MR. MEETZE: Your Honor, we would renew our objection.

8 THE COURT: Overruled.

9 Q: All right and after that, what, if anything, did you do
10 with Mr. Brunson?

11 A: As I said, I held him again. I just, you know, I held
12 his arm so he wasn't going to go anywhere while Officer Ussery
13 checked the right. I observed that Officer Ussery had
14 retrieved a blue latex glove from his right pocket in the
15 front I believe. At that point, Investigator -- Sergeant
16 Drayton had been advised of this -- of the incident and was in
17 the area and he met us at the scene and advised us to place
18 him in my patrol car.

19 Nothing was said or mentioned to us or to Mr. Brunson.
20 On my part, I did not say anything. I just placed him in my
21 patrol car and then Investigator Drayton asked me to take him
22 to the Complex here to wait for an investigator to meet with
23 me.

24 Q: Did you do that?

25 A: Yes, sir.

DIRECT EXAMINATION OF OFFICER STEVE STARLING BY MR. CLEMENTS

1 Q: How long did you have to wait for an investigator?

2 A: I wouldn't imagine it was more than ten minutes. It was
3 not long at all.

4 Q: Okay and do you recall what investigators met you at the
5 Complex?

6 A: The first one to meet me here when I first arrived here
7 -- I don't have access to get upstairs by myself, so I waited
8 in the basement inside behind a closed door, not in view of
9 the public, in one of our offices. Investigator Robinson,
10 Michael Robinson, met me here first and I went upstairs with
11 her to relieve custody to her and I believe Sergeant --
12 Sergeant Davis came up shortly after I -- I relieved custody
13 to them.

14 Q: And after that, did that -- did you participate anymore
15 in the investigation of this case?

16 A: No, sir. I left from here and I went to the hospital
17 where the victim, Ms. Robinson, was just to stand by until
18 Crime Scene or somebody else had came by to check on her.

19 Q: Okay.

20 A: And after that I left and went home.

21 Q: All right.

22 MR. CLEMENTS: I beg the Court's indulgence. Please
23 answer any questions Mr. Metz or Mr. Floyd may have. Thank
24 you.

25 THE COURT: Cross?

CROSS EXAMINATION OF OFFICER STEVE STARLING BY MR. MEETZE

1 MR. MEETZE: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. MEETZE:

4 Q: You testified that you viewed someone in the area of I
5 think Stackley Street and Mullins?

6 A: That I knew someone?

7 Q: Just viewed somebody, saw somebody.

8 A: Yes, sir, I did.

9 Q: All right and you pursued that individual and ended up
10 stopping your car and approaching that individual with your
11 gun drawn?

12 A: Yes, sir.

13 Q: And that was at Boyd and Mullins?

14 A: It was at the intersection of Boyd and Mullins, yes, sir.

15 Q: Okay. You ordered him to the ground?

16 A: Yes, sir.

17 Q: He was cooperative?

18 A: Yes, sir.

19 Q: And he was cooperative with you the whole time you were
20 there?

21 A: Yes, sir.

22 Q: And eventually Sergeant Drayton approached?

23 A: Yes, sir.

24 Q: And asked that you place the subject in your patrol
25 vehicle, which you did?

CROSS EXAMINATION OF OFFICER STEVE STARLING BY MR. MEETZE

1 A: Yes, sir.

2 Q: And took him back to the City County Complex to wait on
3 investigators?

4 A: Yes, sir.

5 Q: And I think you testified to this, but that's -- that was
6 your involvement?

7 A: Yes, sir.

8 Q: Other than the search ---

9 A: Yes, sir.

10 Q: --- that -- that you conducted as well?

11 A: Yes, sir.

12 Q: And the items that you located there?

13 A: Yes, sir.

14 Q: You weren't involved in any kind of taking or giving of
15 statements or anything like that?

16 A: No, sir.

17 Q: And then after you relinquished custody of Mr. Brunson,
18 you went by the hospital and then you went home?

19 A: Yes, sir.

20 Q: And that is the extent of your involvement in this
21 matter?

22 A: Yes, sir.

23 MR. MEETZE: I don't have any questions.

24 THE COURT: All right. Any redirect?

25 MR. CLEMENTS: No, Your Honor. We ask that Officer

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 Starling be released from his subpoena.

2 THE COURT: Any objections?

3 MR. MEETZE: No, Your Honor.

4 THE COURT: All right, you may step down. Thank you. Go
5 ahead and call your next witness.

6 (Whereupon, the witness leaves the stand at 5:16 p.m.)

7 MR. CLEMENTS: Yes, Your Honor, we are. We'd like to
8 call Officer Alex Ussery.

9 THE CLERK: If you will, sir, place your left hand on the
10 Bible and raise your right hand. Do you swear to tell the
11 truth, the whole truth and nothing but the truth, so help you
12 God?

13 WITNESS: I do.

14 THE CLERK: Please be seated and state your full name for
15 the record.

16 WITNESS: Alex Christopher Ussery.

17 OFFICER ALEX USSERY, being first duly
18 sworn, testifies as follows:

19 DIRECT EXAMINATION

20 BY MR. CLEMENTS:

21 Q: Now, Officer Ussery, for the court reporter's benefit,
22 would you mind spelling your last name for her?

23 A: All right, U-S-S-E-R-Y.

24 Q: Thank you. Officer Ussery, tell the jury where you work
25 and what you do and what particular team you're on?

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 A: I work with the City of Florence Police Department and
2 I'm on the Community Action Team, as well as the SWAT team.

3 Q: Okay and can you please explain to the jury what the
4 purpose is of the Community Action Team and what y'all
5 specifically do?

6 A: The Community Action Team, we deal with specific problems
7 in the communities. We deal directly with all the community
8 leaders. We handle all the Crime Watch meetings. They give
9 us information on what's going on in the areas that we
10 actually go out and tackle those specific problems. They are
11 our direct line -- We are the direct line between the police
12 department and the citizens of Florence.

13 Q: Okay. Now were you working on the late afternoon of
14 April 12th, 2011?

15 A: Yes, sir.

16 Q: Did you have the opportunity to call -- respond to a call
17 to Lucas Street that evening?

18 A: Yes, sir.

19 Q: Can you please tell this jury what kind of call you
20 received and what you did?

21 A: I was here at the City County Complex. It was right at
22 shift change, probably about three minutes till six, which was
23 the shift change time. We received a dispatch call that there
24 was a robbery at Rick's Pawn Shop on Lucas and shots had been
25 fired and that there were possibly two victims.

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 Q: You -- You responded to the scene?

2 A: Yes, sir, I did.

3 Q: Any other officers with you?

4 A: Yes, sir. There were several officers.

5 Q: Do you recall some of their names?

6 A: Yes, sir, Officer Starling, Corporal Clark, Corporal
7 Jackson, Officer James, Officer Davis. That's all I can
8 remember.

9 Q: Okay. When you got there to the scene at Rick's Pawn
10 Shop, can you tell the jury particularly what you did?

11 A: I was one of the first of several officers to arrive at
12 the scene. We pulled up tactfully to the building at a good
13 distance just to make sure there was no one around the
14 corners. We all approached the vehicle at one -- approached
15 the -- parked our vehicles away, approached from our vehicles
16 in a single file line up to the building, and all entered the
17 door at the same time to clear the building for any suspects.

18 Q: Did you see anybody of a suspicious nature that day?

19 A: No, sir.

20 Q: Okay. After clearing the building and securing that
21 scene -- First, let me ask you this. Did you go in the
22 building yourself?

23 A: Yes, sir, I did.

24 Q: Okay and then after leaving the building, what did you do
25 next?

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 A: I responded to an area of Jefferson Street to further
2 assist other officers in looking for a possible suspect.

3 Q: Okay, all right. I'm going to show you what's been
4 marked State's Exhibit 6 for identification. Can you tell us
5 what this is? Does that look familiar at all to you?

6 A: It is a map of the north Florence area of the City of
7 Florence.

8 Q: Okay.

9 A: It's at the intersection of -- It starts at the
10 intersection of Lucas and Irby all the way to Roughfork
11 Street.

12 Q: Okay. Does this accurately reflect the area in question
13 when you were out that evening?

14 A: Yes, sir, it does.

15 Q: Okay.

16 MR. CLEMENTS: Your Honor, at this time we move State's
17 Exhibit 6 into evidence.

18 THE COURT: Any objections?

19 MR. FLOYD: No objections, Your Honor.

20 THE COURT: All right, State's Number 6 into evidence
21 without objection.

22 (Whereupon, State's Exhibit Number 6, a large blow-up tax
23 map of part of the City of Florence, is admitted into
24 evidence.)

25 MR. CLEMENTS: Your Honor, it is on our screen, if we

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 have permission to use that?

2 THE COURT: Sure.

3 (Whereupon, there is a pause in the proceedings as the
4 large screen is placed in front of the jury and an image
5 of State's Exhibit Number 6 is shown on the screen.)

6 Q: Officer Ussery, we've got this high tech equipment here.
7 I'm going to ask if you would take this low tech pointer and
8 come over here. Stand over here on this side where the court
9 reporter can hear you well, and if you could, please, kind of
10 point out to the jury what area we're talking about and where
11 you were that evening and what you did.

12 A: Okay. This is Lucas Street here. This is the Rick's
13 Pawn Shop.

14 Q: Okay. What is the building right next to it there on the
15 corner?

16 A: Tiger Express Gas Station.

17 Q: Okay, all right and is that where you first responded?

18 A: Yes, sir. That's where we stopped right here along with
19 some of our other officers who had surrounded the building and
20 we all come up to this corner of the building and approached
21 the door getting ready to make entrance.

22 Q: Okay. Now when you came back out of the building, what
23 calls did you receive, if any?

24 A: We received a dispatch call.

25 Q: Okay. Now after you received that dispatch call, what

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 did you do next?

2 A: I responded to the area. I exited there, I got in my
3 vehicle along with several other officers and responded to
4 this area here. I turned onto Jefferson Street and was
5 stopped halfway down by some subjects.

6 Q: Okay and can you tell me what it means to set up a
7 perimeter? How does that work? What -- What is that exactly?

8 A: To set up a perimeter, if we have a general direction
9 that a subject goes in, officers will immediately come to the
10 outer perimeter areas in several strategic locations. That way
11 they're able to see all the roadways and any type of escape
12 routes. A lot of the officers -- Most of the officers that
13 responded are familiar with this area and know a lot of the
14 paths, all the streets. They know where to go. I myself, I
15 went to Jefferson Street and began my search there. There was
16 other officers who had cordoned off the area to make sure the
17 subject didn't escape.

18 Q: Okay, all right. After you were there on Jefferson
19 Street, how long were you there?

20 A: Thirty seconds.

21 Q: Okay and what happened then?

22 A: About right in here, it was where these houses are, I was
23 stopped by several subjects that were waving their hands up
24 and jumping up and down screaming for me to stop.

25 Q: All right. After you stopped there, did you talk with

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 those people?

2 A: Yes, I did.

3 Q: After talking with those people, what did you do next?

4 A: I advised officers in the area to redirect their search,
5 that the subject may be running towards Commander Street.

6 Q: How did you advise the other officers?

7 A: Over the radio.

8 Q: Okay, all right and you -- you sent the other officers
9 where?

10 A: Towards Commander Street and ---

11 Q: Can you tell us where Commander Street is?

12 A: This is Commander Street here.

13 Q: All right, this long street here?

14 A: Yes, sir, this long street here.

15 Q: Okay.

16 A: It's adjacent to Jefferson Street.

17 Q: Okay, all right and what did you do after that, after you
18 directed the other officers?

19 A: I went to Booker Street, which is at the end of Jefferson
20 Street, made a right. I went another street down because I
21 already knew via the radio that there was other officers
22 already on Commander Street.

23 Q: What was the next street down?

24 A: The next street down is Dargan Street.

25 Q: Okay.

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 A: North Dargan Street.

2 Q: Okay.

3 A: I turned on to North Dargan Street off of Booker Street
4 and made my way to Mullins Street. There is a direct path
5 that comes from Jefferson Street across Commander and it goes
6 to Dargan.

7 Q: A foot -- foot path?

8 A: Yes, sir.

9 Q: Okay, all right and then what happened next?

10 A: I turned onto Mullins Street and I observed Officer
11 Starling turning off of Stackley Street onto Mullins Street.
12 As we both turned and got to almost this intersection here,
13 whenever he turned I come in right behind him. I could see a
14 subject wearing a tank top, a tan tank top -- gray tank top
15 and a black pair of pants that was sweating profusely come out
16 of this wood line here where these stack of trees are and he
17 was walking. He pretty much stopped and looked back at us in
18 a concerned matter, sweating profusely, slowly looked back
19 towards this intersection and briskly walked around this
20 corner.

21 Officer Starling, who was in front of me, stopped his car
22 here. I came around him in case the subject tried to go up
23 this way. There is a path right here, which I was going to
24 try to cut him off in case he tried to get to it. That was
25 the nearest path. The subject did stop, so when I exited my

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 vehicle, I observed Officer Starling with his gun already
2 drawn.

3 I exited my vehicle, drew my weapon, and the subject was
4 already turned around facing this fence, which is right here.
5 I advised him to have his hands up and we told him to get on
6 the ground. Once the subject got on the ground, I holstered
7 my weapon and Starling -- Officer Starling covered me for
8 officer safety as I approached the vehicle -- the subject and
9 placed him in handcuffs.

10 Q: Okay. Anything else you need on this?

11 A: No, sir.

12 Q: Okay, all right. Officer Ussery, if you would, step back
13 up to the witness stand. Thank you.

14 (Whereupon, the witness complies and the large screen is
15 removed from in front of the jury.)

16 Q: Officer Ussery, after you put handcuffs on the individual
17 -- First, let me ask you this. Do you see the individual you
18 put handcuffs on in the courtroom?

19 A: Yes, sir, I do.

20 Q: Can you please identify him for us?

21 A: This gentleman right here, Mr. Brunson.

22 Q: Okay and what does he have on?

23 A: A gray shirt with a multi-colored tie, green and blue
24 stripes.

25 Q: All right.

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS.

1 MR. CLEMENTS: Your Honor, may the record reflect the
2 witness has identified the defendant?

3 THE COURT: The record will reflect it.

4 Q: Officer Ussery, you put handcuffs on him, had him on the
5 ground. What did you do next? What did you say next?

6 A: After -- Once he was placed in handcuffs, Officer
7 Starling holstered his weapon. I grabbed his right arm,
8 Officer Starling grabbed his left arm, we both lifted him up
9 in a manner that way he did not hurt himself or injure himself
10 in any way, stood him straight up, had him spread his feet
11 apart and asked him if he had any weapons on him, and I
12 advised him that we were stopping him because he matched the
13 description of a subject that was involved ---

14 MR. FLOYD: Objection, Your Honor.

15 THE COURT: Sustained.

16 Q: Okay, all right and what did you do next?

17 A: I ---

18 Q: Or what did you say next?

19 A: I asked the subject if he had any weapons and he stated
20 no, go ahead and check if you want to. I asked him, "Do you
21 mind if I search your person? Do you mind if I check your
22 pockets? Do you have anything that will stick me or harm me
23 in any way?" Which is a normal procedure that I ask when I go
24 to search a person. Do you have anything in your pockets
25 that'll stick me or harm me in any way, anything you're not

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 supposed to have? Do you mind if I check your pockets? And
2 at that time, he did state that I could check his pockets.

3 Q: Okay and did you check his pockets?

4 A: Yes, sir, I did.

5 Q: What did you find?

6 A: As I was searching the right side of his body, as Officer
7 Starling had already checked the left side, I observed --
8 First off, I did observe a piece of a what appeared to be blue
9 -- I didn't know what it was at the time, but it ended up
10 being a blue latex glove.

11 MR. FLOYD: Your Honor, I object.

12 THE COURT: Same objection?

13 MR. FLOYD: Renew my objection.

14 THE COURT: Denied, continue.

15 A: It ended up being blue latex gloves that were in his
16 right front pants pocket. I didn't -- Upon observing these, I
17 retrieved my latex gloves that are in my utility pouch on my
18 back and I retrieved the gloves out of his pocket and placed
19 them on the hood of Officer Starling's vehicle.

20 Q: Why did you retrieve gloves of your own?

21 A: To preserve any possible evidence that may be on the
22 gloves.

23 Q: Okay, all right and what color were your gloves? Were
24 they blue as well?

25 A: No, sir. They were black.

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 Q: Okay.

2 MR. CLEMENTS: I beg the Court's indulgence for one
3 moment.

4 Q: I want to show you what's been marked as State's Exhibit
5 47 and tell -- please tell me yes or no whether you can
6 identify this?

7 A: Yes, sir, I can.

8 Q: These items?

9 A: Yes, sir.

10 Q: Okay and where were these items found?

11 A: The blue latex gloves were located in his right front
12 pants pocket and the other items were located in his left
13 pocket by Officer Starling.

14 Q: Okay.

15 MR. CLEMENTS: Your Honor, at this time we'd move State's
16 Exhibit 47 into evidence.

17 THE COURT: Any objections?

18 MR. FLOYD: Your Honor, we just renew our prior
19 objection.

20 THE COURT: All right, overruled.

21 MR. FLOYD: Okay.

22 THE COURT: State's Number 47 into evidence.

23 (Whereupon, State's Exhibit Number 47, a color
24 photograph, is admitted into evidence.)

25 MR. CLEMENTS: Your Honor, permission to publish this to

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 the jury?

2 THE COURT: Sure.

3 Q: These are the items in his right and left pocket, Officer
4 Ussery?

5 A: Yes, sir.

6 Q: And please tell us again what did you do with these
7 items?

8 A: I placed them on the hood of Officer Starling's vehicle
9 at the time. They were eventually placed in his right front
10 passenger seat of his vehicle.

11 Q: Okay and then what was done with them from there?

12 A: Officer Starling had possession of those and I believe
13 they were turned over to Investigator Robinson.

14 Q: Okay. I'm going to show you what's marked State's
15 Exhibit 46. Does that look familiar?

16 A: Yes, sir.

17 Q: And is there any difference between State's Exhibit 46
18 and State's Exhibit 47?

19 A: No, sir.

20 Q: Okay.

21 MR. CLEMENTS: Your Honor, at this time we'd move State's
22 Exhibit 46 into evidence. It's just a closer view.

23 THE COURT: Any objections to the picture?

24 MR. FLOYD: Renew our prior objection, Your Honor.

25 THE COURT: All right, overruled. State's Number 46 into

DIRECT EXAMINATION OF OFFICER ALEX USSERY BY MR. CLEMENTS

1 evidence.

2 (Whereupon, State's Exhibit Number 46, a color photo, is
3 admitted into evidence.)

4 MR. CLEMENTS: Permission to publish this?

5 THE COURT: Sure.

6 Q: Officer Ussery, after y'all retrieved these items from
7 Mr. Brunson, what did you do with Mr. Brunson, if anything?

8 A: He was placed into the rear of Officer Starling's
9 vehicle.

10 Q: Now after that, what did you do next?

11 A: I stayed at that intersection of Boyd and Mullins and
12 established a perimeter along with several other officers.

13 Q: Okay and what was the purpose for establishing a
14 perimeter there?

15 A: To search for a possible weapon or any other evidence
16 that may pertain to the incident at the -- that had occurred.

17 Q: Okay, all right and what, if anything, did you find in
18 that area yourself?

19 A: Nothing, sir.

20 Q: Okay, all right and about how long did you stay out there
21 after this?

22 A: Several hours.

23 Q: Okay. How did you search or how did you look?

24 A: It was several officers that would line up, you know,
25 we'd line up in a staggered straight line. We'd walk into the

CROSS EXAMINATION OF OFFICER ALEX USSERY BY MR. FLOYD

1 brushy area, walk the paths that we knew, walking behind
2 houses, look under houses. You name it where we looked at,
3 that's where we went. We checked every single nook and cranny
4 that we could find to possibly find one type of evidence and
5 search it thoroughly.

6 Q: What specifically were you looking for, if anything?

7 A: The weapon.

8 Q: Okay and nothing was ever found?

9 A: No, sir.

10 Q: Okay.

11 MR. CLEMENTS: I beg the Court's indulgence.

12 THE COURT: Mm-hmm.

13 MR. CLEMENTS: Officer Ussery, thank you very much.

14 Please answer any questions Mr. Meetze or Mr. Floyd may have.

15 THE COURT: Mr. Floyd?

16 MR. FLOYD: May it please the Court.

17 THE COURT: Sure.

18 CROSS EXAMINATION

19 BY MR. FLOYD:

20 Q: Officer Ussery, you were one of the first officers into
21 the pawn shop after you received a report. Is that right?

22 A: Yes, sir.

23 Q: Okay. How long did you stay there?

24 A: It wasn't very long, maybe a minute or two.

25 Q: Just a couple of minutes?

CROSS EXAMINATION OF OFFICER ALEX USSERY BY MR. FLOYD

- 1 A: Yes, sir, very quick.
- 2 Q: Okay. You just helped make sure there was no one inside?
- 3 A: Yes, sir. We wanted to make sure that there was no other
- 4 people inside, any -- any possible victims or any other
- 5 suspects.
- 6 Q: Right. So once the building was cleared, you responded
- 7 to another call. Is that correct?
- 8 A: Yes, sir.
- 9 Q: Okay. Now you said you encountered Mr. Brunson
- 10 somewhere. Was it on Mullins Street?
- 11 A: Yes, sir, near Boyd.
- 12 Q: Near Boyd, okay. Now how many blocks away is that from
- 13 the pawn shop?
- 14 A: Several blocks.
- 15 Q: Four or five?
- 16 A: Maybe five.
- 17 Q: Five blocks?
- 18 A: Five, six maybe.
- 19 Q: Okay, maybe six blocks? All right and do we -- Do you
- 20 know what distance that is roughly?
- 21 A: Maybe 150 yards, 200 yards. It's maybe less.
- 22 Q: All right. Now when you encountered Mr. Brunson, you
- 23 said that Officer Starling had already approached him and had
- 24 a gun drawn. Is that correct?
- 25 A: Well, at the -- at the time he had already -- he had

CROSS EXAMINATION OF OFFICER ALEX USSERY BY MR. FLOYD

1 stopped his vehicle and I went around him and exited out of
2 the vehicle. He had only exited his vehicle momentarily
3 before I did.

4 Q: Okay.

5 A: Yes, sir.

6 Q: Both of you basically came towards him at roughly the
7 same time?

8 A: Yes, sir.

9 Q: Okay. You each had a gun drawn initially?

10 A: Yes, sir.

11 Q: Okay and you said you holstered yours when you actually
12 got to him. Is that correct?

13 A: Yes, sir.

14 Q: Okay and Officer Starling kept his on him?

15 A: Yes, sir, for officer safety.

16 Q: All right and when you ordered him to comply, he
17 complied?

18 A: Yes, sir.

19 Q: Okay. Then he got down on the ground?

20 A: Yes, sir, he did.

21 Q: And you put cuffs on him?

22 A: Yes, sir.

23 Q: Is that correct? You 'didn't take the cuffs off there,
24 did you?

25 A: No, sir.

CROSS EXAMINATION OF OFFICER ALEX USSERY BY MR. FLOYD

1 Q: Okay and so when you said you asked him to -- if you
2 could search his -- his pockets, he was cuffed. Was he still
3 down on the ground then or ---
4 A: No, sir.
5 Q: --- you had pulled him up?
6 A: He was standing up.
7 Q: Okay. So he had an officer on each side and guns had --
8 at least one gun was pointing at him. Is that correct?
9 A: No, sir. He had already -- As I stated, he had --
10 Officer Starling had already holstered his weapon once we took
11 him.
12 Q: Okay. He had just had guns pointed at him ---
13 A: Yes, sir.
14 Q: --- within a minute before?
15 A: Yes, sir.
16 Q: Is that correct? Okay. Do you use a DVR recorder?
17 A: What's that, sir?
18 Q: A digital voice recorder.
19 A: Yes, sir.
20 Q: Do y'all ---
21 A: Every officer is issued one.
22 Q: Okay. Did you use yours at that time?
23 A: No, sir, I didn't at the time and the circumstance with
24 the subject being possibly being armed, I did not retrieve my
25 voice recorder from my pocket and turn it on.

CROSS EXAMINATION OF OFFICER ALEX USSERY BY MR. FLOYD

1 Q: Okay. It's not on the outside of your uniform. It's
2 inside? You keep it inside of your pocket?

3 A: I have a pocket on my pants that I keep it in.

4 Q: Okay, but you didn't turn it on?

5 A: No, sir. There was no time for it to be done.

6 Q: Okay, all right.

7 A: Not safely.

8 Q: How long does that take?

9 A: To take it out, maybe three seconds.

10 Q: Okay. Do you know if Officer Starling had his on?

11 A: I'm not sure, sir.

12 Q: All right. All right, that's all I have, thank you.

13 A: All right.

14 THE COURT: Any redirect?

15 MR. CLEMENTS: No, Your Honor. We ask that Officer
16 Ussery be released from his subpoena and, Your Honor, we have
17 one more real short witness that we'd like to proceed.

18 THE COURT: All right. Any objections to him being
19 released?

20 MR. FLOYD: I don't have any objections, Your Honor.

21 THE COURT: All right, you may step down. Thank you. Go
22 ahead and call your next witness.

23 (Whereupon, the witness leaves the stand at 5:38 p.m.)

24 MR. CLEMENTS: Your Honor, we'd call Officer Van Jackson.
25 He's a -- He's a corporal, Your Honor.

DIRECT EXAMINATION OF CORPORAL VAN JACKSON BY MR. CLEMENTS

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

3 WITNESS: I do.

4 THE CLERK: Please be seated and state your full name for
5 the record.

6 WITNESS: Corporal Van Jackson.

7 CORPORAL VAN JACKSON, being first
8 duly sworn, testifies as follows:

9 DIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q: Corporal Jackson, speak up please so the court reporter
12 and the jury ---

13 A: Yes, sir.

14 Q: Can you please tell these jurors what you do?

15 A: I am the corporal of the Community Action Team and
16 basically what we do is set up crime watches, go, you know,
17 throughout the city and we deter any crime in that area. We
18 also serve warrants through -- throughout the city also.

19 Q: And how long have you been in law enforcement?

20 A: Twelve years.

21 Q: How long have you been with the Community Action Team?

22 A: Four years.

23 Q: Okay. Can you please tell this jury what you were doing
24 late afternoon April 12th, 2011?

25 A: I was sitting here in the City Complex downstairs in the

DIRECT EXAMINATION OF CORPORAL VAN JACKSON BY MR. CLEMENTS

1 basement and we got a call about a possible armed robbery at a
2 pawn shop on Lucas Street. Myself, Officer Ussery and Officer
3 James ran up to the parking lot, got in our vehicles, and cut
4 our blue lights on and arrived at the pawn shop. Upon arrival
5 at the pawn shop, Corporal Clark and his crew, his guys, were
6 there. After that, we entered the pawn shop with our guns
7 drawn and cleared the building.

8 Q: After you cleared the building, where did you go?

9 A: After we cleared the building, we left the building and
10 went outside and then we got dispatched.

11 Q: And after you got dispatched, what did you do next?

12 A: I left the area and went over to the north Florence area.

13 Q: Okay. Where specifically did you go?

14 A: I went on toward Mullins Street.

15 Q: Okay and when you got to Mullins Street, what did you
16 find on Mullins Street?

17 A: At that time when I arrived on Mullins Street, Officer
18 Ussery and Starling had already detained the subject and while
19 I was on Mullins Street, I was flagged down.

20 Q: Okay and who flagged you down?

21 A: I had a female subject flag me down.

22 Q: Okay and after you got flagged down, what did you do or
23 where did you go next?

24 A: As a result of being flagged down, I first talked to
25 Sergeant Drayton about being flagged down and then I was

DIRECT EXAMINATION OF CORPORAL VAN JACKSON BY MR. CLEMENTS

1 advised to go back to [REDACTED]

2 Q: Okay. When you went back to Jefferson Street, what did
3 you find there?

4 A: On the -- At the rear of the apartment, I observed a blue
5 like plastic container with a -- a white trash bag with red
6 hand ties in it with a white t-shirt, a bandanna and a skull
7 cap, with jewelry and stuff in a bag.

8 Q: All right. Bear with me just a moment.

9 MR. CLEMENTS: (To court reporter) Excuse me. I'm
10 looking through the wrong stack. I had the right stack the
11 first time.

12 Q: I'm going to show you what's been marked as State's
13 Exhibit 42. Can you identify that for us?

14 A: Yes. That's [REDACTED].

15 Q: That's [REDACTED]?

16 A: (Nods.)

17 Q: I'm going to show you what's been marked State's Exhibit
18 32. Can you identify that for me, yes or no?

19 A: Yes.

20 Q: State's Exhibit 33. Can you identify that, yes or no?

21 A: Yes.

22 Q: State's Exhibit 34, yes or no?

23 A: Yes.

24 Q: State's Exhibit 35. Can you identify that?

25 A: Yes.

DIRECT EXAMINATION OF CORPORAL VAN JACKSON BY MR. CLEMENTS

1 Q: Can you identify 36?

2 A: Yes.

3 Q: Can you identify 37?

4 A: Yes.

5 Q: Can you identify 38?

6 A: Yes.

7 Q: And can you identify 39?

8 A: Yes.

9 MR. CLEMENTS: Your Honor, at this time we'd move into
10 evidence State's Exhibit 32, 33, 34, 35, 36, 37, 38, 39 and
11 42, Your Honor.

12 THE COURT: Any objections?

13 MR. FLOYD: No objections, Your Honor.

14 THE COURT: All right, State's 32, 33, 34, 35, 36, 37,
15 38, 39 and 42 are into evidence without objection.

16 (Whereupon, State's Exhibit Numbers as listed, all color
17 photographs, are admitted into evidence.)

18 MR. CLEMENTS: All right.

19 Q: I'm not going to attempt to run that thing, Corporal, so
20 instead I'm going to ask, if you can, step down here, please.
21 I might blow it up. Stand over here where the court reporter
22 can hear your voice.

23 A: Okay.

24 Q: State's Exhibit 42, what is this?

25 A: That is the rear end of the apartment where the items

DIRECT EXAMINATION OF CORPORAL VAN JACKSON BY MR. CLEMENTS

1 were thrown, [REDACTED]

2 Q: The rear of [REDACTED]

3 THE COURT: All right, Solicitor, he needs to speak up.

4 The court reporter cannot hear him.

5 Q: Say that again for me one more time louder?

6 A: That's the rear of [REDACTED] ---

7 THE COURT: Good job.

8 A: --- where the items was recovered.

9 Q: All right and those items were the items you found and

10 recovered?

11 A: Yes.

12 Q: Okay. Is that exactly how they were found?

13 A: Yes.

14 Q: What is that on top?

15 A: That is a white trash bag with red ties with some jewelry

16 was in it.

17 Q: Okay, any clothing on top of there or not?

18 A: Yes, a white t-shirt also.

19 Q: Okay. All right, State's Exhibit 33, what is that?

20 A: That is also at the end of [REDACTED], [REDACTED] where

21 the jewelry and stuff was also located inside of the blue

22 plastic container.

23 Q: Is this after the t-shirt had been removed?

24 A: Yes, after the t-shirt was removed.

25 Q: State's Exhibit 34?

DIRECT EXAMINATION OF CORPORAL VAN JACKSON BY MR. CLEMENTS

1 A: Same thing, the jewelry, the stuff we recovered at [REDACTED] A
2 Jefferson after some of the stuff was -- after the trash bag
3 was removed off of it.

4 Q: State's Exhibit 35?

5 A: Same situation, stuff recovered, jewelry and everything,
6 after items was taken off the top.

7 Q: Okay and State's Exhibit 36?

8 A: This is how it is with the bandanna was on before you
9 could see the jewelry.

10 Q: Okay and State's Exhibit 37?

11 A: This is a skull cap recovered at the same location over
12 top of the jewelry.

13 Q: State's Exhibit 38?

14 A: Jewelry found inside of the plastic blue container.

15 Q: Okay, State's Exhibit 39?

16 A: Some of the items found inside of the white trash bag,
17 jewelry and stuff, inside of the blue container at the end of
18 [REDACTED] Jefferson Street.

19 Q: So all these items were stuffed down in that blue
20 container?

21 A: Yes, sir.

22 Q: State's Exhibit 42?

23 A: Basically what this is, this is across the street, but
24 this is Jefferson Street and this is the apartment right here
25 and the items was located right here at the edge of it over

DIRECT EXAMINATION OF CORPORAL VAN JACKSON BY MR. CLEMENTS

1. here.
- 2 Q: Okay. Is that ---
- 3 A: Yeah, that's it right there. You can see the little
- 4 white -- As a matter of fact, I'm standing right beside it and
- 5 that's the little white bag on top of the blue container right
- 6 there.
- 7 Q: All right, have a seat.
- 8 (Whereupon, the witness complies.)
- 9 Q: Corporal Johnson, did you take those photographs?
- 10 A: No, sir.
- 11 Q: Who took those photographs?
- 12 A: Crime Scene.
- 13 Q: Crime Scene?
- 14 A: Yes.
- 15 Q: Okay, all right. That's not particularly part of what
- 16 you do on your particular job, is it?
- 17 A: No, sir.
- 18 Q: Okay. After these items were recovered and documented,
- 19 what did you do next?
- 20 A: I was advised by investigators that we should ---
- 21 Q: Don't tell me what somebody told you.
- 22 A: Okay, all right.
- 23 Q: You had a conversation with the investigators?
- 24 A: Yes.
- 25 Q: What did you do next?

1 APRIL 10, 2012

2 (Whereupon, the proceedings resume at 9:48 a.m. on
3 Tuesday, April 10, 2012, with the defendant and all
4 counsel present. The jury is not yet present in the
5 courtroom.)

6 THE COURT: Please be seated. All right, is the State
7 ready to proceed?

8 MR. CLEMENTS: Your Honor, we are. First, we have a ---

9 THE COURT: All right.

10 MR. CLEMENTS: --- matter we need to take up. At this
11 time, Your Honor, the indictment, count 5, is listed as
12 burglary first degree.

13 THE COURT: Mm-hmm.

14 MR. CLEMENTS: And it states in the pertinent part, "That
15 Tavario Dormell Brunson did in Florence County on or about
16 April 12th, 2011, enter Rick's Pawn Shop at closing located at
17 225 West Lucas Street, Florence, South Carolina, without
18 consent with the intent to commit a crime therein and/or said
19 defendant entered or remained in said dwelling in the
20 nighttime or while in the dwelling or immediate flight
21 therefrom he was armed with a deadly weapon."

22 Your Honor, we would seek to amend this count to the
23 lesser included offense of burglary second violent because
24 this is not a dwelling, which is a residence. This is a
25 building, a business.

1 THE COURT: All right.

2 MR. CLEMENTS: And, Your Honor, we would do that pursuant
3 to South Carolina -- South Carolina Code Section 17-19-100,
4 which I think states that the State may move to amend an
5 indictment once the case is called for trial as long as the
6 amendment does not change the nature of the offense charge and
7 there's other case law that says the State can amend if it's a
8 lesser included offense or as long as it does not increase
9 punishment and this issue before the Court on this particular
10 charge, this would not be to the defendant's detriment as far
11 as what he'd be exposed to and the term of years would
12 actually be less for this particular charge and it is a -- a
13 business, not a residence or a dwelling.

14 THE COURT: All right.

15 MR. CLEMENTS: Your Honor, I believe that we're within
16 our rights to amend once the case is called. I know that I
17 discussed it with the defense counsel and they don't feel like
18 they can consent to it, which I agree. I don't think they can
19 either or are in a position to do so and I'm not sure what, if
20 any, difference it makes that the jury is sworn or not sworn.
21 That I'm unclear about, but -- but other than that ---

22 THE COURT: How does the defense feel about that?

23 MR. CLEMENTS: --- I think we're within our rights to do
24 so.

25 THE COURT: All right.

1 MR. MEETZE: Judge, I think -- And, you know, I tried to
2 look. This was called to my attention just shortly before we
3 came out here, so I didn't have much time to look at a whole
4 lot as far as case law goes. I did see some case law with
5 regards to amending an indictment and all of those -- And that
6 case -- I shouldn't say all of those cases, but that case was
7 a situation where the -- the Court did allow an amendment at,
8 you know, basically at the time the case was called to trial,
9 but before the jury was sworn.

10 I don't know if that makes any difference or not. It
11 would seem to me that it very well could make a difference in
12 amending an indictment once the jury is sworn and has been
13 told what the allegations contained in the indictment are and
14 also, Your Honor, you know, certainly the State's moving to
15 essentially change the indictment from a more serious charge
16 to a lesser offense, but it would also include having to
17 change the language of the indictment from a dwelling to a
18 building, building being a key element of -- of burglary in
19 the second degree under the violent section and us consenting
20 to that would be basically consenting to an element of the
21 offense, which certainly we aren't able to do that.

22 We would oppose amending the indictment at this point due
23 to the jury having already been sworn and the case has been
24 called and the trial is underway and the jury has been sworn
25 and I'll be honest with the Court, I haven't had a chance to

1 look up to see if that is indeed dispositive of the issue, the
2 fact that the jury has been sworn. It certainly seems to me
3 that it could be and -- and if the Court wants to basically
4 postpone or -- or hold in abeyance a ruling on that until we
5 can get that issue cleared up, but -- but we would oppose
6 amending the indictment.

7 THE COURT: That's what we'll do. I'll take a look at it
8 and rule on it a little bit later and that'll give you time to
9 take a look at it and flesh it out yourself. You do that for
10 me, all right?

11 MR. CLEMENTS: Your Honor, thank you.

12 THE COURT: Sure.

13 MR. CLEMENTS: I just wanted to go ahead and put that on
14 the record now.

15 THE COURT: That's fine.

16 MR. CLEMENTS: And also, Your Honor, if my recollection
17 is correct, when you talked to them about the indictment, all
18 you said was burglary. You didn't say first, second. You
19 didn't go into any of those elements. You just said burglary.

20 THE COURT: I believe that's right.

21 MR. CLEMENTS: If my recollection is correct.

22 THE COURT: I believe that's right. All right, thanks.
23 Is everybody ready to proceed otherwise?

24 MR. CLEMENTS: The State is ready, Your Honor.

25 THE COURT: Defense?

DIRECT EXAMINATION OF SGT. LARRY DRAYTON BY MR. CLEMENTS

1 is here. The corner right here is where we're
2 talking about where the items was located at.

3 Q: Okay, all right. Did you or did you not go and look in
4 that container?

5 A: I looked on top of the container and saw what I think was
6 a white t-shirt of some sort draped over top of it and that's
7 when I advised Corporal Jackson just to stand by.

8 Q: So who was that standing right there?

9 A: I'm sorry?

10 Q: Who is that standing right there?

11 A: Corporal Jackson.

12 Q: Corporal Jackson? Okay.

13 A: Corporal Jackson is standing there waiting for Crime
14 Scene to arrive.

15 Q: Okay. All right, I'm going to show you State's Exhibit
16 32. Do you recognize that?

17 A: Yes. That is the container.

18 Q: Okay, all right. All right, Sergeant Drayton, I need you
19 to step back up here, please.

20 (Whereupon, the witness complies and the large screen is
21 removed from in front of the jury.)

22 Q: Were you the assigned investigator on this, Sergeant
23 Drayton?

24 A: No, sir, I was not.

25 Q: Okay. Do you know who the assigned investigator was?

DIRECT EXAMINATION OF SGT. LARRY DRAYTON BY MR. CLEMENTS

1 A: Investigator Michael Robinson was the lead and she was
2 assisted by Sergeant Lee Davis.

3 Q: Okay. What, if any, other duties did you have in regards
4 to this investigation?

5 A: After Crime Scene arrived, I stayed out for another -- at
6 least another hour or so ---

7 Q: All right.

8 A: --- just continuous looking for any other evidence that
9 may have came from the scene. I came back and stood by at the
10 Complex for maybe about thirty minutes or so and then I left.

11 Q: Did you look -- participate in looking for a gun at all?

12 A: Yes, I did.

13 Q: Did you have any positive results there?

14 A: We did not locate a weapon.

15 Q: Okay, all right.

16 MR. CLEMENTS: I beg the Court's indulgence a moment.

17 THE COURT: Sure.

18 MR. CLEMENTS: Sergeant Drayton, thank you. Please
19 answer any questions that Mr. Meetze or Mr. Floyd have.

20 THE COURT: The defense?

21 MR. FLOYD: We don't have any questions for this witness.
22 Thank you.

23 THE COURT: All right. Any objections to this witness
24 being excused?

25 MR. FLOYD: None, Your Honor.

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 THE COURT: All right, thank you.

2 MR. CLEMENTS: Thank you.

3 (Whereupon, the witness leaves the stand at 10:09 a.m.)

4 THE COURT: All right, call your next witness.

5 MR. CLEMENTS: Thank you, Your Honor. Your Honor, we'd
6 call forensic officer Shannon Hill.

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

9 WITNESS: I do.

10 THE CLERK: Please be seated and state your full name for
11 the record.

12 WITNESS: My name is Shannon Hill.

13 INVESTIGATOR SHANNON HILL, being
14 first duly sworn, testifies as follows:

15 DIRECT EXAMINATION

16 BY MR. CLEMENTS:

17 Q: Can you please tell these jurors what you do for a living
18 and kind of describe your job for them?

19 A: I've been employed with the City of Florence Police
20 Department for about nineteen and a half years now. I am
21 currently assigned to the Criminal Investigations Division as
22 a crime scene technician.

23 Q: What exactly does that mean to be a crime scene
24 technician and how -- how accurate is the portrayal of your
25 job on television?

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 A: Well, it's not like you see on TV. If it was, I think
2 everybody would want to be one. Basically, it's our job when
3 we're called to a scene to first make sure that scene is
4 secured and then what we are going to do is photograph the
5 scene and then we'll go look for any evidence that we feel
6 that might be pertinent to the case, whether it be physical
7 evidence or whether it be any kind of biological evidence,
8 such as DNA or -- or any type of evidence of that sort. We
9 will photograph it, document it, collect it, and then log it
10 into evidence, and then if it needs to be analyzed any
11 further, we send it to the South Carolina Law Enforcement
12 Division known as SLED in Columbia, South Carolina. That is
13 where the state lab is located at.

14 Q: Did you have an occasion to be called out to help assist
15 in the investigation of something that happened on the 12th of
16 April, 2011?

17 A: Yes, sir, I was.

18 Q: Can you tell this jury what was the nature of the call
19 and where did you go?

20 A: Actually, I was off duty and I was working a part-time
21 job in town when I heard the call come out shots fired at the
22 pawn shop on Lucas Street. Immediately, we started proceeding
23 to the area and while I was still listening to the radio
24 finishing up my part-time job, I heard through dispatch
25 relaying ---

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 MR. MEETZE: Objection, Your Honor.

2 THE COURT: Sustained.

3 MR. CLEMENTS: Okay.

4 Q: Don't tell us what you heard, just you heard something
5 through the dispatch?

6 A: That's correct.

7 Q: As a result of what you heard through dispatch, how did
8 you react? How did you respond? Where did you go? What did
9 you do?

10 A: I started proceeding -- With the information that I
11 received, I started proceeding to the area of Jefferson
12 Street.

13 Q: Okay.

14 A: Because I knew that there would probably be a need for my
15 assistance over there for possibly another scene and around
16 there I was contacted by telephone from Sergeant Drayton
17 asking me to respond.

18 Q: As a result -- As a result of that telephone call, where
19 did you go?

20 A: Jefferson and Fraser Street area.

21 Q: Okay and when you got to the Jefferson and Fraser Street
22 area, what did you do and what did you find?

23 A: On the southeast -- On the southeast corner of [REDACTED]
24 , I was informed of a blue --
25 bluish purple recycle container that had some possible

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 evidence items on top of it or in it and then I was also
2 advised of a black shirt that was hanging in a tree on Fraser
3 Street, which is the next street over.

4 Q: All right. What did you do as a result of that
5 information?

6 A: I went to the area where the black shirt was in the tree
7 first. I photographed it and then I collected it immediately
8 and placed it in a brown paper bag as evidence.

9 Q: Why did you place it in a brown paper bag?

10 A: To make sure that it wouldn't get contaminated from any
11 other -- any other source and to make sure it would be secured
12 in one area.

13 Q: Why didn't you put it in a plastic bag?

14 A: Well, a brown paper bag is a -- is -- If you have a
15 possibility of having any kind of biological evidence such as
16 DNA or anything like that, you want to keep it in a brown
17 paper bag because it preserves the evidence longer and more
18 safely than it would in a plastic bag. If you seal things up
19 in a plastic bag, you have a tendency to -- to collect
20 condensation or anything like that that might have a
21 possibility of destroying the evidence.

22 Q: Okay, on clothing and those type of items?

23 A: That's correct.

24 Q: Okay. How did you collect the shirt?

25 A: I had gloves on my hands, latex gloves, which is standard

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 procedure that we use any time we are on a scene and I picked
2 the shirt up off the -- off the tree limb and placed it
3 immediately right into the brown paper bag.

4 Q: All right. Now we just introduced State's Exhibit 29, 30
5 and 31 into evidence and Sergeant Drayton just showed those to
6 the jury over there on the screen. Who took these photos?

7 A: Those photos were taken by me at the scene.

8 Q: Okay and do you normally take a lot of photos?

9 A: We try to take as many photos as we can because we feel
10 like you can never have enough photos.

11 Q: All right. Now after you collected the t-shirt and
12 photographed it and documented where it was, what did you do
13 next?

14 A: I went straight over to the apartment on Jefferson Street
15 to the container that was pointed out to me earlier.

16 Q: And what did you do with your camera there?

17 A: Photographed that item as well.

18 Q: All right, how many photographs of it?

19 A: Probably 10 or 20 just maybe of that particular item.

20 Q: Did you go into that item?

21 A: I did. I first observed a white t-shirt or some sort of
22 shirt draped across the top of it and then I took a picture of
23 that and I removed that layer to see what was under that. I
24 took a picture of that, which I noticed was a black bandanna
25 and a black or blue knit cap, as well as some jewelry boxes.

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 I removed those items and then found more jewelry items, as
2 well as a white trash -- white plastic trash bag with red
3 pulls located at the bottom and inside that bag was more
4 jewelry, some wooden ring boxes like you put jewelry in like
5 in a display, as well as some loose currency.

6 Q: All right. I want to show you several items here. I'm
7 going to name all the numbers and then tell me, yes or no,
8 whether you took these pictures or not or whether you can
9 identify them, yes or no. State's Exhibit 39?

10 A: Yes.

11 Q: 38?

12 A: Yes, sir.

13 Q: 37?

14 A: Yes, sir.

15 Q: 36?

16 A: Yes, sir.

17 Q: 35?

18 A: Yes, sir.

19 Q: 34?

20 A: Yes, sir.

21 Q: 33?

22 A: Yes, sir.

23 Q: I got my numbers discombobulated here. 40?

24 A: Yes, sir.

25 Q: 41?

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 A: Yes, sir.

2 Q: 32?

3 A: Yes, sir.

4 Q: You took all those pictures?

5 A: Yes, sir, I did.

6 Q: All right.

7 MR. CLEMENTS: Your Honor, I ask permission for Mr. Hill
8 to step down?

9 THE COURT: Sure. Are 40 and 41 into evidence yet?

10 MR. CLEMENTS: 40 and 41 are not.

11 THE COURT: All right.

12 MR. CLEMENTS: I'm getting ready to do that. Your Honor,
13 at this time, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 I ask
14 to move into evidence at this time.

15 THE COURT: I think all of them are into evidence except
16 for 40 and 41.

17 MR. CLEMENTS: Yes, sir.

18 THE COURT: Any objections from the defense?

19 MR. FLOYD: No objections.

20 THE COURT: All right, 40 and 41 are also into evidence
21 without objection.

22 (Whereupon, State's Exhibit Number 40 and State's Exhibit
23 Number 41, both color photographs, are admitted into
24 evidence. The witness steps down from the stand as
25 requested and the large screen is placed in front of the

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 jury to show the photographs.)

2 Q: Now, Officer Hill, if you will -- I'll hand you this
3 pointer here. If you will, keep your voice up so that the
4 court reporter can hear you and if you'll go through these
5 pictures with us and tell us why you took these pictures and
6 what they represent starting with State's Exhibit 32.

7 A: Okay. This is the southeast corner of Apartment [REDACTED] on
8 Jefferson Street. That is a blue container that I mentioned
9 earlier and that is the white shirt that's draped across it --
10 across the top of it and that's how it was when we first or I
11 first made contact with it.

12 Q: All right, State's Exhibit 33?

13 A: Once I removed -- This is the same container and once I
14 removed the white shirt on top, this is what I saw: the wooden
15 jewelry boxes that contained rings, some loose jewelry here, a
16 black knit hat, part of a black bandanna, as well as some sort
17 of white plastic case.

18 Q: And you hadn't been to the pawn shop at this time, had
19 you?

20 A: That's correct. I had not been there at all.

21 Q: Okay, State's Exhibit 34?

22 A: This is the same photo of the same item. What I did here
23 in this photo is just opened up the top of the black -- or the
24 white plastic box to see what was inside and then I took a
25 picture of the contents.

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 Q: What are all those like notes and things?

2 A: These are like item numbers. I don't know what you'd
3 exactly call them or receipt numbers on each item and they are
4 little jewelry boxes. The one here would carry like a
5 necklace of some sort.

6 Q: Okay, State's Exhibit 35?

7 A: Same -- same -- same picture, same item. I removed the
8 white plastic box and then what you could see from there is
9 more of the wooden jewelry containers, as well as a black
10 bandanna and a black knit hat.

11 Q: Okay, State's Exhibit 36?

12 A: This is the black bandanna and what I did in this photo
13 here was just kind of open it up to get a better view and to
14 check and see if there -- if there may have been anything
15 inside the bandanna wrapped up.

16 Q: Did you have your gloves on at this time?

17 A: I did.

18 Q: Okay, State's Exhibit 37?

19 A: Removed the black bandanna, which revealed the black knit
20 cap.

21 Q: Okay, state's Exhibit 38?

22 A: Same photo of the same item, just another photo with the
23 black hat removed, kind of going -- taking photos as I go down
24 through each layer of loose items.

25 Q: Okay, State's Exhibit 39?

DIRECT EXAMINATION OF INVESTIGATOR SHANNON HILL BY MR. CLEMENTS

1 A: Now once I removed the top of -- Several of those jewelry
2 boxes that you saw on top, this is what was underneath. I
3 noticed a white plastic trash bag and you may see in another
4 photo that it has red pulls on it like you would pull to cinch
5 it up.

6 Q: Now was it -- Was the bag intact or not intact?

7 A: This is exactly how I found it and you can see from the
8 photo it appears to be torn around the edges.

9 Q: Okay, all right. Is the bottom busted out of it or ---

10 A: Yes. That appears to be what happened and you can see in
11 the bag or just as it was there, more loose jewelry and some
12 jewelry boxes with the receipt numbers on them, as well as
13 some loose currency.

14 Q: State's Exhibit 40?

15 A: And that's just a closer photo of the same item, of the
16 jewelry and the loose -- and the loose currency and money.

17 Q: Okay, State's Exhibit 41?

18 A: This is what it looked like after I took every item that
19 was in that container out and put them into brown paper bags.
20 There was so much stuff that I actually had to put it in two
21 separate plastic bags. That's a photo of all the items in one
22 bag here and the second bag there.

23 Q: All right. What did you do with the container?

24 A: The container is a recycle container or that was my
25 understanding of it and I was told that it belonged to the

DIRECT EXAMINATION OF CORPORAL LARRY DRAYTON BY MR. CLEMENTS

1 Crime Scene lab.

2 Q: All right and you take a lot of pictures?

3 A: We do.

4 Q: Okay. I'm going to ask you about these pictures in a
5 moment, but I'm not going to make you get up quite yet.

6 THE COURT: Solicitor, is it going to be much longer? I
7 think one of the jurors needs a break.

8 MR. CLEMENTS: Your Honor, this would probably be a good
9 time to let the jurors have a break.

10 THE COURT: All right. Let's take about a 20 minute
11 break. As I told you yesterday, do not discuss the case at
12 all, but stretch your legs and move around and get something
13 to drink and get yourself refreshed, but don't let them talk
14 about the case. (To witness) If you would, just stay right
15 where you are.

16 WITNESS: Okay.

17 THE COURT: You can't talk to anybody.

18 WITNESS: All right.

19 THE COURT: Just relax.

20 WITNESS: Okay, good enough. Thank you.

21 THE COURT: All right.

22 (Whereupon, there is a break in the proceedings from
23 11:07 a.m. until 11:37 a.m.)

24 THE COURT: All right, everybody take your seat. All
25 right, Mr. Meetze, before we bring in the jury, have you had a

DIRECT EXAMINATION OF CORPORAL LARRY DRAYTON BY MR. CLEMENTS

1 moment to investigate whether or not you think the indictment
2 can be amended to a lesser included offense of burglary
3 second?

4 MR. MEETZE: Judge, I've had a little bit of time to look
5 into that and again, we would stand by our previous motion
6 asking that it not be amended based on the fact that the jury
7 has been sworn in this matter and the proper notice for that
8 charge has not been given. It would be a completely different
9 set of evidence that would be testified to as far as the
10 indictment and what's being presented with the difference
11 between dwelling and building and based on that, we'd ask the
12 Court to deny the State's motion to amend the indictment.

13 THE COURT: From a burglary first to a burglary second,
14 the nature of the offense basically is the same thing and it
15 is a lesser included offense and I believe the Solicitor can
16 amend the indictment and I'm going to grant the amendment. So
17 the indictment is amended. If you'll go ahead and bring in
18 the jury.

19 MR. CLEMENTS: Your Honor?

20 THE COURT: Yes, sir?

21 MR. CLEMENTS: Just so I don't plow the same road ---

22 THE COURT: Right.

23 MR. CLEMENTS: If the court reporter can tell me what our
24 last question was and I'm trying to save a little time.

25 COURT REPORTER: I'd have to play it.

DIRECT EXAMINATION OF CORPORAL LARRY DRAYTON BY MR. CLEMENTS

1 THE COURT: State's 52 through 69 are into evidence
2 without objection.

3 (Whereupon, State's Exhibits Number 52 through 69, all
4 color photographs, are admitted into evidence.)

5 Q: State's Exhibit 52 I think is self-explanatory, but you
6 took that picture?

7 A: I took the picture. Investigator Hill, that's his
8 writing on that -- on that package that I collected the
9 package out of our secure Crime Scene safe.

10 Q: State's Exhibit 53?

11 A: Those were items in that -- in that box from the label on
12 the top.

13 Q: On Jefferson Street?

14 A: I believe it was from [REDACTED], [REDACTED]

15 Q: And what -- what, if anything, similar to that did you
16 find at Rick's Pawn Shop?

17 A: These boxes, the jewelry boxes, they're pasteboard boxes
18 consistent with storing or selling, packaging jewelry in.
19 Some are more for necklaces, bracelets, some were smaller.
20 They were consistent with the ones that I'd seen under the
21 cabinet at the -- at the pawn shop.

22 Q: What about the labeling on the boxes at the pawn shop and
23 these boxes?

24 A: The labeling here, some of the boxes at the pawn shop had
25 this similar label. I understood it to be a labeling system

DIRECT EXAMINATION OF CORPORAL LARRY DRAYTON BY MR. CLEMENTS

1 for property that belonged to someone who was -- who's pawning
2 an item.

3 Q: Okay, State's Exhibit 54?

4 A: That's a -- a closer up photo -- photograph of the items
5 in the box.

6 Q: 55?

7 A: Those are wooden jewelry display cases that were in the
8 -- in the package that I received from the Crime Scene safe
9 collected by Investigator Hill and they were also -- We saw
10 some similar to that at the pawn shop as well.

11 Q: All right, 56?

12 A: This plastic box had the smaller items inside of it.
13 They were in with the items taken from Jefferson Street by
14 Investigator Hill.

15 Q: 57?

16 A: This white trash bag was also inside of that box.

17 Q: 58?

18 A: This is an up close photograph of the contents of the
19 bag.

20 Q: 59?

21 A: Again, a -- just another photograph with the cash removed
22 and the -- the jewelry and coins remaining in the bag.

23 Q: 60?

24 A: Another picture in sequence the same.

25 Q: With the coins removed?

DIRECT EXAMINATION OF CORPORAL LARRY DRAYTON BY MR. CLEMENTS

- 1 A: With some of the coins -- I believe the coins are removed
2 and stacked over here.
- 3 Q: All right, 61?
- 4 A: This -- This photo pretty much depicts the jewelry left
5 in the bag.
- 6 Q: 62?
- 7 A: While inspecting the jewelry inside of the torn white
8 trash bag, I located a -- Earlier, I'd indicated this to be a
9 live round or the complete bullet. That was inside mixed with
10 the jewelry.
- 11 Q: And what caliber was that?
- 12 A: That's a .380 consistent with the -- the spent casing
13 that I located at the scene.
- 14 Q: At Rick's Pawn Shop?
- 15 A: At Rick's Pawn Shop.
- 16 Q: State's Exhibit 63?
- 17 A: In the same bag was a spent casing or the fired casing,
18 also a .380 that was also consistent with what was located at
19 the pawn shop.
- 20 Q: All right, State's Exhibit 64 is just ---
- 21 A: A closer picture.
- 22 Q: Okay, State's Exhibit 65?
- 23 A: That's a photo of the head stamp of the -- I can't tell
24 from this angle whether that was the -- That's going to be the
25 live round because it's -- it's -- The primer has not been hit

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1 truth and nothing but the truth, so help you God?

2 WITNESS: I do.

3 THE CLERK: Please be seated and state your full name for
4 the record.

5 WITNESS: My name is Lee Davis.

6 SERGEANT LEE DAVIS, being first duly
7 sworn, testifies as follows:

8 DIRECT EXAMINATION

9 BY MR. CLEMENTS:

10 Q: Can you please tell this jury what you do, where you
11 work, what your rank is?

12 A: I am a -- a police officer with the Florence Police
13 Department. I'm a sergeant. I'm assigned to the Criminal
14 Investigations Unit. I've been with the Criminal
15 Investigations Unit for approximately seven years. Prior to
16 that, I was a Narcotics Investigator for five years.
17 Basically, what I do I supervise three or four other
18 investigators in the Criminal Investigations Unit. We are
19 assigned cases, we respond to cases, incidents where there's
20 major crimes. We go and talk to people and we investigate
21 crimes and find the persons responsible to the crime that
22 we're investigating.

23 Q: Were you called out to be part of an investigation that
24 involved the robbery of the Rick's Pawn Shop on Lucas Street
25 on the 12th of April, 2011?

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 A: Yes, I was.

2 Q: Can you please tell this jury where you were when you got
3 called out and what you did to respond?

4 A: Okay. I -- Our day typically goes from 8:30 in the
5 morning until 4:30 in the evening. I'd already left for the
6 day. I got a call from my supervisor advising me that there
7 had been an incident at Rick's Pawn Shop where there had been
8 a shooting and there were two people that were injured. And I
9 was at home, responded to Rick's Pawn Shop. I only stayed
10 there briefly and then I was told that there was someone that
11 was in custody at the Police Department and I -- and to bring
12 him to the Police Department and I was going to come up and
13 help assist Corporal Robinson investigate, investigate that
14 person.

15 Q: And when you got to the Complex, who did you find there
16 with Corporal Robinson?

17 A: Mr. Tavario Brunson, the gentleman who is sitting at the
18 defense table with the purple shirt on.

19 Q: Okay, all right and when you got there, what was your
20 purpose for being there?

21 A: Well, what we do is just typically -- Typically, two
22 investigators are assigned when it's a major crime because
23 sometimes we kind of bounce ideas off each other and sometimes
24 one person builds a better rapport with a person as far as
25 talking to them and getting a rapport built with them. So I

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1 came in to assist Corporal Robinson with the investigation.

2 Q: So what was the first thing that you did when you talked
3 to Mr. Brunson?

4 A: The first thing we did was we have what's called a Waiver
5 of Rights form. What we do is we read that verbatim. We
6 explain to them what their rights are. We read it to them and
7 at the end of it, we have them sign it saying they understand
8 their rights and once they say they understand their rights,
9 then we sign it, an investigator will sign it and witness it
10 and then we'll have someone else also and that day I signed it
11 and Corporal Robinson also signed the Waiver of Rights form
12 that Mr. Brunson had signed.

13 Q: And what are these rights commonly referred to?

14 A: They're usually called Miranda rights and basically
15 that's just saying that a person who is accused has a right to
16 have an attorney present and he doesn't have to incriminate
17 himself, that he doesn't have to talk to us if he chooses not
18 to. He has the right to remain silent if he wants to at that
19 point and so what we do is we put it in writing. There's a
20 form, a standard form we use. It's put in writing and we give
21 that to them and read that to them because some people may --
22 may say they can read, but they can't, so we read it to them
23 verbatim and then we have them sign off on it saying they
24 understand those -- those rights.

25 Q: Okay. I want to show you what's been marked as State's

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 Exhibit 1. Do you recognize that, yes or no?

2 A: Yes.

3 MR. CLEMENTS: If it please the Court, Your Honor, we'd
4 enter State's Exhibit 1 into evidence at this time.

5 THE COURT: Sure. Any objections?

6 MR. MEETZE: No, Your Honor.

7 THE COURT: All right, State's Number 1 into evidence
8 without objection.

9 (Whereupon, State's Exhibit Number 1, the Waiver of
10 Rights form, is admitted into evidence.)

11 MR. CLEMENTS: And, Your Honor, may I request permission
12 for the witness to step down ---

13 THE COURT: Sure.

14 MR. CLEMENTS: --- in front of the jury box?

15 (Whereupon, the witness complies.)

16 Q: Sergeant, if you'll stand right here where the court
17 reporter can hear you and speak up. This way everybody --
18 everybody can see and hear. I want you, if you will, to
19 explain State's Exhibit 1 to the jury. Tell them exactly what
20 you did, who signed it, and -- and what transpired while you
21 were executing this form.

22 Q: As you'll see, this is called -- On top of the sheet, it
23 says, "Florence Police Department Waiver of Rights Form." And
24 basically, this is the standard form that we use when we sit
25 down and talk to someone who has been the subject of an

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1 investigation and as you'll see on it, it says a case number
2 has been assigned. That's the case number. The date is on
3 it, the date that we sit and talk with them.

4 Q: What date was that?

5 A: The date was 4/12/2011. The name on it, we write the
6 person's name in. It says, "Tavario Dormell Brunson." And
7 the location where we were at, it says, "the 2nd floor
8 conference room" right here at the top and then it says -- We
9 asked him his date of birth. His date of birth is of
10 ' . His age at the time was 17 and here at the beginning is
11 something that is real important is that it says, "Time
12 began." This means the time we sit and start talking to them.
13 That's indicated on this Waiver of Rights form. It indicates
14 1935, for civilian time that's actually 7:35 in the evening
15 and it ended at 2245, which would be 10:45 at night.

16 Q: All right. So it started at what time?

17 A: It started at 19 -- Well, 7:35 in the evening.

18 Q: And what time approximately did the robbery take place at
19 Rick's Pawn Shop?

20 A: I think it was around like 1800 or six o'clock, somewhere
21 in that neighborhood.

22 Q: Okay.

23 A: And I'm going to read you what it says. It says, "Before
24 we ask you any questions, you must understand your rights."

25 Okay? And then it says, "You have the right to remain silent."

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1 Anything you say can and will be used against you in any court
2 of law. You have the right to talk to a lawyer and have him
3 present with you while you're being questioned. If you cannot
4 afford to hire a lawyer, one will be appointed to represent
5 you before any questioning if you wish. You can decide at any
6 time to exercise these rights and not answer any questions or
7 make any statements."

8 And then it's stated at the bottom, "I", and his name
9 here is Tavarion Brunson, "voluntarily without threats, duress,
10 force, promises of immunity or reward, agree to be questioned
11 by the Florence Police Department." And down here it says,
12 "Important Notice" and it's in bold at the bottom of the
13 sheet. It says, "Important Notice: If you don't understand
14 any part of this form, do not sign until you do."

15 At that point, I asked Mr. Brunson if he understands his
16 rights and he said yes. He signed. That's his signature
17 right here where he signed it. He dated it 4/12/2011. That's
18 my signature, Lee R. Davis, and that's Corporal Robinson's
19 signature at the bottom of the page.

20 Q: And did you read to him everything you just read to this
21 jury?

22 A: I read to him verbatim, each line I read to him verbatim.

23 Q: Okay, please have a seat.

24 (Whereupon, the witness complies.)

25 Q: Tell us about the room you were in when y'all were

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1 sitting there talking. How comfortable is it? How cramped or
2 how large is it? Explain to us so we can picture where y'all
3 were and what y'all were doing?

4 A: Okay. Our conference room is on the 2nd floor in this
5 building. As a matter of fact, it is where we go in the
6 mornings for our investigative briefings. It's a large
7 conference table. There's about 14, 16 large chairs where we
8 sit at the table in the morning. The table is very large.
9 One of the reasons we go in there is because there's enough
10 room for people to be comfortable sitting there. We're not
11 like cramped up on top of someone. They don't feel pressured,
12 you know, in being there.

13 Then also there is a -- On the 2nd floor, there is also a
14 bathroom. There's sodas. There's drink machines. We try to
15 make them feel comfortable. If they want something to drink,
16 we offer them a drink. If they want something to eat, if they
17 haven't eaten in a while, we offer them a snack or something
18 like that just to make them feel comfortable while we're
19 talking to them.

20 Q: Okay. Now is there -- Was there any doubt or any
21 suspicion or misgiving on your part or were you confident that
22 Mr. Brunson understood what y'all were talking about,
23 understood his rights, and was discussing things intelligently
24 with you?

25 A: I do, very -- very much so.

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1 Q: Okay. So he -- he understood what he -- what he was
2 doing?

3 A: Yes, he did.

4 Q: Okay. Now I noticed and you explained to the jury that
5 y'all were there for, you know, more than a couple of hours?

6 A: Three hours and about ten, fifteen minutes, something
7 like that.

8 Q: Okay. That's quite a long time to talk to somebody,
9 isn't it?

10 A: It is, but it could be longer. But, you know, that's --
11 that's not -- that's average.

12 Q: Well, explain to the jury why it is that y'all take, you
13 know, your time when you're talking to people?

14 A: Well, one of the things we try and do is when we're
15 talking to someone is first of all try and make them feel
16 comfortable and so what we do is called trying to build a
17 rapport with that person so you can talk to them and they feel
18 comfortable talking to you. Especially when someone has been
19 involved in a major incident, it's kind of hard for them to
20 sit and just trust you right away. So you have to build some
21 kind of rapport with them, kind of talk to them about small
22 things, where they live at, you know, where they may have went
23 to school, just things that try to make them feel comfortable
24 and get an idea of who they are and then you kind of gauge who
25 they are and if they understand what you're saying and -- and

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1 that's how we slowly start building a rapport until they start
2 talking to us and feel more comfortable. That's why they're
3 there.

4 Q: Sergeant, tell me how common is it for somebody just
5 right from the get go to tell you the truth?

6 A: I've been doing this for seven years and I've never had
7 someone come right off the bat and just admit to it right
8 away, never.

9 Q: Okay. Approximately how many interviews have you done
10 with individuals?

11 A: Probably hundreds.

12 Q: Hundreds?

13 A: Yes.

14 Q: All right. Now during the time period that you're
15 talking with him, what do you do to document what's going on?

16 A: Well, as I said, initially what we do is we talk to them,
17 try to get them to feel comfortable, find out where they're
18 going, if they're comfortable talking to us, and once that
19 happens, if it's reached a point where they can actually
20 cooperate with us and the information that we have
21 corroborates the information that we have in our
22 investigation, then at that point we do what's called taking a
23 taped statement from them.

24 Q: Okay. Explain to me what you mean by the information
25 they're giving you is corroborated by the other information

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1 you have. What do you mean by that?

2 A: Well, for instance, that evening there were other
3 investigators and officers that were at the scene who were
4 still going through and looking for evidence, looking for
5 particular items, and as they got the information, they would
6 convey it to us. So as we got the information and we're
7 talking to Mr. Brunson, we were trying to corroborate and see
8 if he was actually going to tell the truth about the stuff we
9 found that tied him to that particular incident. And so what
10 we do is at that point we -- we kind of see if he's going to
11 actually come out and say that, yeah, he was there or he
12 wasn't there or he had something on him that can tie him to it
13 and see if he confesses up, to see if he's honest about his
14 involvement in it.

15 Q: Did y'all -- And when I say y'all I mean you and Corporal
16 Robinson. Did y'all take a taped statement from Mr. Brunson?

17 A: Yes, we did. We took a taped statement. Initially, when
18 we got there, we talked with Mr. Brunson. He first said that
19 he wasn't there, that he was at his grandmother's house
20 cutting the lawn, that he'd been with his girlfriend. He
21 denied any -- ever being at Rick's Pawn Shop. He didn't know
22 anything about it.

23 And one of the things we look for when we talk to people
24 is we look -- We talk about body language and body mechanics
25 and one of the things that Mr. Brunson kept doing was when I

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1 asked him a question, he would kind of hold his head down,
2 kind of look away a lot. That's kind of indicative of someone
3 who is being deceptive when you're talking to them when you're
4 investigating somebody.

5 MR. MEETZE: Objection, Your Honor.

6 THE COURT: Sustained.

7 MR. CLEMENTS: Okay.

8 Q: All right, you're not an expert in that field, you know,
9 just tell us what you did.

10 A: As we're talking to him, he just didn't -- He didn't want
11 -- He was not being truthful about it. At some point when he
12 started becoming emotional as we got through the interview, at
13 that point I thought he was ready to tell the truth and I told
14 him that, you know, he could tell us whatever had happened. I
15 asked him to walk me through what had happened at the pawn
16 shop and at that point after he cried for maybe ten minutes or
17 so, he said that he went to the pawn shop and one of the ways
18 he described it when he went in the pawn shop, he said, "I
19 walked in," and he said, "I bust and I bust," which is slang
20 for shooting a gun. Then he said he had a lady, who was a
21 female in there, to help him bag up the items that was in the
22 store that he was taking and then as he was leaving, he
23 attempted to shoot her, but his gun jammed. But then he still
24 ended up getting a round off and he ended up shooting her and
25 then at that point he grabbed the items and ran out of the

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1 store.

2 Q: Okay. At that point in time, did y'all take a recorded
3 statement?

4 A: Yes, we did.

5 Q: Did you Mirandize him again or ---

6 A: Yes. Whenever we do the -- the final taped statement,
7 the same Waiver of Rights form I read to you earlier, I read
8 it to them again on the taped statement and I ask him if
9 that's his signature on the Waiver of Rights form and -- and
10 then he agrees to it and then based upon that, we do another
11 taped -- we do the taped statement.

12 Q: What, if anything, did he ever tell you about wanting a
13 lawyer?

14 A: He never mentioned that. He never said anything about
15 wanting a lawyer. If he'd have said he wanted a lawyer, we
16 would have stopped it right there and that would have been the
17 end of it, but he never said anything about that.

18 Q: What, if anything, did he ever say anything about he
19 didn't understand what you were talking about or couldn't
20 communicate with you?

21 A: He never indicated that on any level.

22 Q: What, if anything, did he ever say about I don't want to
23 talk to you, I want to stop?

24 A: He did not. He never said that.

25 Q: Okay. Was -- Was your -- What was your impression about

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1 whether he was speaking to you voluntarily and freely?

2 A: I felt that because he talked. Once we started speaking
3 with him, I think we built a rapport and he thought he could
4 trust me and he started talking to me. He talked about, you
5 know, a little bit about his family background and things of
6 that nature and I felt like he felt comfortable talking with
7 me and I felt he wasn't as hesitant at all about talking to
8 me. He had no apprehension about talking to me.

9 Q: After you took the taped statement, what did you do with
10 Mr. Brunson?

11 A: Actually, after we took the taped statement, Mr. Brunson
12 -- We talked to him about the fact that there was a weapon
13 still out there on the street and that we needed to get that
14 weapon off the street before it got into the wrong hands or
15 some child or somebody got hurt and we wanted him to take us
16 back to the area where he said he threw the weapon to try and
17 collect the weapon.

18 Q: Did you do that?

19 A: Yes, we did.

20 Q: What kind of success did you have in trying to find the
21 weapon?

22 A: We didn't have any. It was dark. It was already late at
23 night when we went back over there, so we didn't find the
24 weapon. The next day, we went back and searched the area when
25 it was daylight and we still were not able to find the weapon.

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1 MR. CLEMENTS: I beg the Court's indulgence a moment.

2 THE COURT: Sure.

3 Q: Sergeant Davis ---

4 MR. CLEMENT: At this time, I'm going to ask permission
5 to play what's been marked as State's Exhibit 70, Your Honor.

6 THE COURT: All right, any objections?

7 MR. CLEMENTS: And I believe it is in evidence, Your
8 Honor.

9 THE COURT: All right, go ahead. Solicitor, if you
10 would, come on up here. Counsel?

11 (Whereupon, a bench conference is held off the record in
12 the presence of the jury, but out of the hearing of the
13 jury.)

14 MR. CLEMENTS: So, Your Honor, then we had a hearing
15 prior to, but I have not moved this into evidence in front of
16 this jury, so I'd move Exhibit 70 into evidence at this time,
17 Your Honor.

18 THE COURT: Any objections?

19 MR. FLOYD: No objection, Your Honor.

20 THE COURT: All right, State's Number 70 into evidence
21 without objection.

22 (Whereupon, State's Exhibit Number 70, a disk containing
23 the audiotaped statement of the defendant, is admitted
24 into evidence. The audiotape is then played in the
25 courtroom. The following is the part of the statement

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 played for the jury after parts have been redacted from
2 the earlier version played in the courtroom when the jury
3 was not present.)

4 BY SERGEANT DAVIS:

5 Q: Today is February [sic.] 12th, 2011, and this is in
6 reference to Case Number 2011-003330 and we're here today with
7 Tavario Brunson, along with Sergeant Lee Davis, myself, and
8 Corporal Robinson of the Florence Police Department
9 Investigations Unit. We're in a conference room on the 2nd
10 floor.

11 This is your Waiver of Rights form, Tavario, that we read
12 you earlier tonight and I'm going to read it to you again. It
13 says your name is Tavario Dormell Brunson. Your date of birth
14 is of ' . You are 17 years of age. This interview
15 began at 1935 hours. It is now 2235 hours.

16 "Before we ask you any questions, you must understand
17 your rights. You have the right to remain silent. Anything
18 you say can and will be used against you in any court of law.
19 You have the right to talk to a lawyer and have him present
20 with you while you're being questioned. If you cannot afford
21 to hire a lawyer, one will be appointed to represent you
22 before any questioning if you wish. You can decide at any
23 time to exercise these rights and not answer any questions or
24 make any statements.

25 I, Tavario Brunson, voluntarily without threats, duress,

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 force, promises of immunity or reward, agree to be questioned
2 by the Florence Police Department. Important notice: If you
3 do not understand any part of this form, do not sign until you
4 do."

5 Tavario, is that your signature on the bottom of this
6 form?

7 A: Yes, sir.

8 Q: Okay. It says today's date 4/12/11 and you dated it?

9 A: Yes, sir.

10 Q: And you understand your rights that I read to you off
11 that Waiver of Rights form?

12 A: Yes, sir.

13 Q: Okay and having those rights in mind, you agree to talk
14 to us about an incident that occurred today at Rick's Pawn
15 Shop, correct?

16 A: Yes, sir.

17 Q: Okay. I want you to tell me now in your own words what
18 happened today when you went to the Rick's Pawn Shop.

19 A: I walked in the store and I told everybody to get on the
20 ground. He got on the ground and I thought he was going to
21 reach for something, so I shot him, bang, bang. He dropped to
22 the ground. Went over to the lady. She got up and I told her
23 to put everything in the bag. She put everything in the bag.
24 Told her to get down on the ground. She got on the ground and
25 I thought she was reaching for something, so I shot, bang,

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 bang. I was scared. I didn't know what would happen when I
2 walked out the door, so I shot them.

3 Q: How many times did you shoot while you were inside the
4 store?

5 A: Four to five times.

6 Q: Four to five times?

7 A: Yes, sir.

8 Q: When you went in originally, you shot the male, correct?

9 A: Yes, sir.

10 Q: And you shot him because you said he wasn't getting down
11 or you shot him why?

12 A: I thought he was reaching for something.

13 Q: Okay and then after you shot him, you turned to the
14 female, correct?

15 A: Yes, sir.

16 Q: And what did she do?

17 A: She got up off the ground and went and started putting
18 stuff in the bag.

19 Q: When you say stuff, what kind of stuff are you talking
20 about?

21 A: Jewelry.

22 Q: Okay and then what happened?

23 A: I told her to get down on the ground and as she was
24 getting down on the ground, she was hesitating and she kept
25 moving, so I shot her.

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

- 1 Q: And how many times did you shoot her?
- 2 A: Two times I think, two or one.
- 3 Q: Okay and then you put items in what? What were the items
- 4 in?
- 5 A: A trash bag.
- 6 Q: Okay and where did that trash bag come from?
- 7 A: My grandma's house.
- 8 Q: Okay. When you left outside of the store, where did you
- 9 go?
- 10 A: I walked straight across the street.
- 11 Q: And what happened then?
- 12 A: I was caught.
- 13 Q: Before you were caught, what happened with your clothing
- 14 items that you had on?
- 15 A: I took off my shirt and threw it.
- 16 Q: Where did you throw it to?
- 17 A: I think it went in the trees and caught on a branch.
- 18 Q: Okay and then what happened?
- 19 A: That's when the cops came and put me in the -- put me in
- 20 handcuffs and put me in the back of the car.
- 21 Q: Okay.
- 22 BY CORPORAL ROBINSON:
- 23 Q: Were you carrying anything?
- 24 A: No, ma'am.
- 25 Q: You didn't have anything that you were taking whenever

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

- 1 you took your shirt off?
- 2 A: No and I had threw the bag.
- 3 Q: You threw the bag?
- 4 A: Yes.
- 5 Q: Where did you throw the bag?
- 6 A: In the woods. It had bust.
- 7 Q: And the bag busted, so you threw it in the woods? Were
- 8 you carrying a bucket?
- 9 A: Yeah, I had got a bucket from the people house.
- 10 Q: What people's house?
- 11 A: I don't know.
- 12 Q: So you stopped at somebody's house and asked for a bucket
- 13 or you just grabbed one where you were running?
- 14 A: I wasn't running. I was walking and I asked them for a
- 15 bag and they said they didn't have one and they told me to get
- 16 the bucket.
- 17 Q: Where was the gun?
- 18 A: I threw it.
- 19 Q: At what point did you throw the gun?
- 20 A: I really don't remember. I don't know if I threw it
- 21 before or after I took off my shirt, but I just know I threw
- 22 it because I was scared.
- 23 Q: How many shirts did you take off?
- 24 A: Two.
- 25 Q: What color was the first one?

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 A: Black.

2 Q: What color was the second one?

3 A: White.

4 BY SERGEANT DAVIS:

5 Q: One other thing, when you were inside the pawn shop, what
6 did you have on your hands?

7 A: Gloves.

8 Q: What color?

9 A: Blue.

10 Q: And where did they come from?

11 A: My grandma's house.

12 Q: That bag right there that Corporal Robinson's holding,
13 those blue gloves, are those the gloves you had on?

14 A: Yes, sir.

15 Q: Okay.

16 BY CORPORAL ROBINSON:

17 Q: And these are the same gloves that you had on?

18 A: Yes, sir. Yes, ma'am.

19 BY SERGEANT DAVIS:

20 Q: I'm going to ask you for clarity one more time because
21 when you left out of the store, you shot the lady right before
22 you left the store, correct?

23 A: Yes, sir.

24 Q: Where was the gun in your hand? Which hand did you fire
25 it from? Are you right handed or left handed?

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

- 1 A: I'm right handed.
- 2 Q: So you shot her with your right hand, correct?
- 3 A: Yes, sir.
- 4 Q: Where was the bag when you shot her?
- 5 A: I think I had it on the floor.
- 6 Q: Okay. So you ran out of the store. Did you have the gun
- 7 in your hand when you ran out of the store?
- 8 A: I think so.
- 9 Q: So as you were walking down the street, you're not
- 10 walking down the street with a gun in your hand, are you?
- 11 A: No, no, sir. I think I put it in my pocket then. It
- 12 wasn't in my hand.
- 13 Q: Okay. So you had the gun in your pocket. When you --
- 14 When the bag burst, is the gun still in your pocket?
- 15 A: I don't really remember. I was just panicking because
- 16 everything fell out. The bag burst right after I took off my
- 17 first shirt.
- 18 BY CORPORAL ROBINSON:
- 19 Q: The bag busted after you took off your first black shirt?
- 20 A: Yes, ma'am.
- 21 Q: So do you remember where they gave you a bucket?
- 22 A: I think it was in their back yard.
- 23 Q: In the back yard? Those people in that back yard gave
- 24 you a bucket to put your stuff in?
- 25 A: Yes, ma'am.

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 Q: Did you leave the bucket or did you take it with you?

2 A: I tried to. I threw it. I threw it in the woods. I had
3 to.

4 Q: Do you remember having the gun there?

5 A: No, ma'am.

6 BY SERGEANT DAVIS:

7 Q: Describe the handgun again?

8 A: It was black and brown.

9 Q: The handle was what color?

10 A: Brown.

11 Q: So what was the black part of the gun?

12 A: The actual gun. The handle was brown.

13 Q: So the barrel was black and the handle was brown?

14 A: Yes, sir.

15 Q: And you said it was an automatic with a clip?

16 A: Yes, sir.

17 Q: And where did you get the gun from?

18 A: I found it.

19 Q: How long have you had the gun?

20 A: I don't really remember.

21 Q: Okay.

22 BY CORPORAL ROBINSON:

23 Q: Where did you get the bullets for it?

24 A: It was already in there.

25 Q: Okay.

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 BY SERGEANT DAVIS:

2 Q: Tavario, when we originally started talking tonight and I
3 asked you why you went to that store today, I want you to tell
4 me what you told us when we asked you why you were in that
5 store today.

6 A: I was just trying to help my family.

7 Q: Okay and why? What was going on with your family that
8 you felt they needed help?

9 A: They were struggling.

10 BY CORPORAL ROBINSON:

11 Q: How?

12 A: I mean money was short.

13 BY SERGEANT DAVIS:

14 Q: And when you went in that store, were your intentions to
15 shoot anyone or kill anybody?

16 A: No, sir.

17 Q: So why did you shoot him?

18 A: I was just scared.

19 BY CORPORAL ROBINSON:

20 Q: When you left the store, did you know that the guy was
21 dead?

22 A: I didn't pay attention. I just -- I shot twice and he
23 dropped. I ain't wanted to see it.

24 BY SERGEANT DAVIS:

25 Q: You didn't want to see him?

DIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 A: No.

2 BY CORPORAL ROBINSON:

3 Q: Was anybody with you?

4 A: No.

5 Q: I didn't hear you.

6 A: No, ma'am.

7 Q: Did anybody know you were going over there to do this?

8 A: No, ma'am.

9 BY SERGEANT DAVIS:

10 Q: I understand that someone else might have taken the gun
11 and I know you understand that as well. Do you have anything
12 that you want to say on your statement tonight about what
13 happened today and about your feelings about what happened
14 today?

15 A: It was bad and I just wish I could take it all back. I
16 didn't mean for nobody to get hurt. I was scared. I didn't
17 know what else to do.

18 Q: So you panicked?

19 A: Yes, sir.

20 Q: Okay. The time is 2247 and that concludes this
21 statement.

22 (Whereupon, the playing of the recording ends and direct
23 examination of the witness continues.)

24 Q: At the time you took this recorded statement, Sergeant
25 Davis, what knowledge did you have, if any, about there being

CROSS EXAMINATION OF SERGEANT LEE DAVIS BY MR. MEETZE

1 a surveillance video at the pawn shop?

2 A: I think I knew that there was one. I hadn't seen it
3 though. I didn't see it until the following day.

4 Q: You hadn't seen it? Had -- What knowledge did you have
5 of what was on that video?

6 A: I don't know. I didn't know what was on there.

7 Q: Have you seen it since then?

8 A: Yes.

9 MR. CLEMENTS: Please answer any questions Mr. Meetze or
10 Mr. Floyd have.

11 CROSS EXAMINATION

12 BY MR. MEETZE:

13 Q: Sergeant Davis, you've been in law enforcement for how
14 many years?

15 A: This July will be fourteen.

16 Q: Fourteen, is that all here in Florence or ---

17 A: Pretty much.

18 Q: Pretty much? All right, so a lot of experience, right?

19 A lot of that period of time you've been an investigator?

20 A: Seven in criminal investigation and five in narcotics
21 investigation.

22 Q: And the job of a police officer is not different than a
23 lot of jobs. You have training for your job?

24 A: Yes, sir.

25 Q: And that training continues throughout your career?

CROSS EXAMINATION OF SERGEANT LEE DAVIS BY MR. MEETZE

- 1 A: That's correct.
- 2 Q: You go to the Police Academy?
- 3 A: Yes.
- 4 Q: And the police officer's job is also a job where you
- 5 learn just by doing it?
- 6 A: Yes, sir.
- 7 Q: Sort of on-the-job training as well?
- 8 A: That's true.
- 9 Q: Part of the training that you go through is training in
- 10 questioning or interrogating witnesses or suspects in ---
- 11 A: That's correct.
- 12 Q: --- certain cases and there are techniques that you are
- 13 taught and use as a part of your job?
- 14 A: That's correct.
- 15 Q: And in this case, you and Corporal Robinson spoke with
- 16 Mr. Brunson for over three hours?
- 17 A: Yes, sir.
- 18 Q: Now the portion of that that was recorded was roughly ten
- 19 minutes that we heard just -- just now?
- 20 A: That's correct.
- 21 Q: Okay and you testified -- You know, I didn't put a watch
- 22 on it, but you testified prior to hearing the tape and the
- 23 majority of your testimony centered around that interrogation?
- 24 A: That's correct.
- 25 Q: Where you were, the atmosphere, and some of the things

CROSS EXAMINATION OF SERGEANT LEE DAVIS BY MR. MEETZE

1 that was talked about?

2 A: Right.

3 Q: And you testified not very long. It might not have been
4 much more than ten minutes, fifteen minutes, in and of itself,
5 correct?

6 A: That's correct.

7 Q: So in the three hour period that y'all spoke with Mr.
8 Brunson, there's a lot more that was said other than what you
9 testified to?

10 A: Yeah, there was. He said initially that he wasn't there,
11 so that's part of it. The first part of it was that he wasn't
12 the one who knew about it.

13 Q: Right and you -- you hinted at that during your
14 testimony, but what I'm saying is in a fifteen minute
15 testimony, it's not going to be possible to say what all was
16 said and talked about and discussed in a three hour and ten
17 minute interrogation.

18 A: That's correct.

19 Q: You -- At some point in that, as you indicated, initially
20 he denied involvement in this incident?

21 A: That's correct.

22 Q: That's not on tape or recorded in any fashion?

23 A: No, it's not.

24 Q: At some point in time, you indicated to him that if he
25 cooperated, you would pass that along to the prosecutor?

CROSS EXAMINATION OF SERGEANT LEE DAVIS BY MR. MEETZE

- 1 A: Yes.
- 2 Q: All right and that's an interrogation technique, correct?
- 3 A: No, it's not.
- 4 Q: It's not?
- 5 A: That's simply -- That's simply saying that based upon if
- 6 he tells the truth and he cooperates in our investigation,
- 7 we'd give that information to the Solicitor's Office and they
- 8 make whatever judgment they choose -- they choose to make with
- 9 it.
- 10 Q: I'm not indicating that you promised him anything. I'm
- 11 not indicating that you were untruthful to him at all and I
- 12 didn't mean to ---
- 13 A: Right.
- 14 Q: --- to imply that in the least.
- 15 A: Right.
- 16 Q: All right, but there's some design towards that
- 17 statement?
- 18 A: It's just -- It's cooperation. That's all we ask for is
- 19 their cooperation.
- 20 Q: I understand and as I said, he was in there for over
- 21 three hours ---
- 22 A: Yes.
- 23 Q: --- with y'all and initially denied any involvement or
- 24 any knowledge?
- 25 A: That's correct.

REDIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS.

1 Q: And the last ten to twelve minutes or so was recorded?

2 A: Yes..

3 Q: Nothing else that was said or done or anything like that
4 was recorded prior to that last ten minutes?

5 A: That's correct.

6 Q: Of course, all of it is potential evidence?

7 A: Anything he says can be, yes.

8 Q: Right, but the only part that's recorded is the ---

9 A: It's the part that we could corroborate that he was
10 telling the truth about. That's the part that we recorded and
11 we told him that we was going to actually record it and that's
12 -- He agreed to do a taped statement.

13 MR. MEETZE: I don't have any further questions.

14 THE COURT: All right. Anything further, Solicitor?

15 MR. CLEMENTS: Very briefly.

16 THE COURT: All right.

17 REDIRECT EXAMINATION

18 BY MR. CLEMENTS:

19 Q: While the tape recorder was on, what, if anything,
20 prevented Mr. Brunson from saying anything he wanted to say?

21 A: Nothing. I actually gave him an opportunity to say that
22 if he had anything else that he wanted to say or anything he
23 wanted to add to the statement.

24 Q: Mr. Meetze asked you about the design. What was the
25 design other than to get him to tell you the truth about what

REDIRECT EXAMINATION OF SERGEANT LEE DAVIS BY MR. CLEMENTS

1 happened?

2 A: I was only seeking the truth to find out what happened
3 and his part in it.

4 Q: What, if anything, did y'all do to try to fool him?

5 A: Nothing at all.

6 Q: Okay, all right.

7 MR. CLEMENTS: No further questions.

8 THE COURT: All right, Mr. Meetze, anything further?

9 MR. MEETZE: No, Your Honor.

10 THE COURT: All right, thank you.

11 MR. CLEMENTS: Your Honor, this is all we have for ---

12 THE COURT: All right.

13 MR. CLEMENTS: --- Sergeant Davis.

14 THE COURT: Any objections to this witness being excused?

15 MR. MEETZE: No, Your Honor.

16 THE COURT: All right, thank you, Sergeant Davis.

17 (Whereupon, the witness leaves the stand at 3:39 p.m.)

18 MR. CLEMENTS: Your Honor, we've got one more witness.

19 THE COURT: Sure.

20 MR. CLEMENTS: I just wanted to check something real
21 quick.

22 THE COURT: All right.

23 MR. CLEMENTS: Your Honor, we'd call Corporal Michael
24 Robinson to the stand.

25 THE CLERK: Do you swear to tell the truth, the whole

1 don't want anybody crying. I don't want anybody yelling. I
2 want absolutely total and complete silence. All right?

3 If I hear anybody do anything in that courtroom that I
4 can hear, I'm going to hold you in contempt of court and I'm
5 going to put you in jail. I want everybody to understand that
6 clearly and if you cannot abide by that ruling, right now you
7 need to get up and walk out of the courtroom. So I'm going to
8 give you a second to think about it and if you have any doubt
9 whatsoever or any questions for me about what I request, you
10 need to speak up now or leave.

11 Everybody okay with that? Everybody want to stay? All
12 right, we're going to have complete and total silence. All
13 right, if you'll go ahead and bring in the jury.

14 BAILIFF: Yes, sir.

15 (Whereupon, the jury enters the courtroom at 1:47 p.m.)

16 THE COURT: All right, Mr. Foreman, have y'all reached a
17 verdict?

18 FOREMAN: Yes.

19 THE COURT: If you would, please hand it to the bailiff.

20 (Whereupon, the foreman complies and the verdict form is
21 delivered to the Court.)

22 THE COURT: All right, I find the verdict form in order.
23 Miss Clerk, if you would, publish it.

24 VERDICT OF THE JURY

25 THE CLERK: The State of South Carolina versus Tavario

1 Brunson, Indictment 2011-GS-21-1197.

2 As to the charge of murder, we, the jury, unanimously
3 find the defendant guilty.

4 As to the charge of attempted murder, we, the jury,
5 unanimously find the defendant guilty.

6 As to the charge of armed robbery, we, the jury,
7 unanimously find the defendant guilty.

8 As to the charge of burglary second, we, the jury,
9 unanimously find the defendant guilty.

10 As to the charge of possession of a weapon during the
11 commission of or attempt to commit a violent crime, we, the
12 jury, unanimously find the defendant guilty.

13 Dated April 11th, 2012. Signed, Javlin Dubose,
14 Foreperson.

15 Members of the jury, if this is your verdict, please
16 raise your right hand.

17 (Whereupon, all members of the jury raise their right
18 hands.)

19 THE CLERK: That's everyone, Judge.

20 THE COURT: Thank you. Is there a need for further
21 polling from the defense?

22 MR. MEETZE: No, Your Honor.

23 THE COURT: Solicitor, need for further polling?

24 MR. CLEMENTS: No, Your Honor.

25 THE COURT: All right, thank you very much. Members of

1 several deputies.)

2 SENTENCING

3 MR. CLEMENTS: Your Honor, we have the sentencing sheets
4 ready right now. Your Honor, here are the sentencing sheets.
5 Also, Your Honor ---

6 THE COURT: Thank you.

7 MR. CLEMENTS: I have a document for sentencing that I
8 wish to hand up that I gave a copy of to Mr. Floyd that has
9 some information I think would be relevant for Your Honor for
10 sentencing purposes that we found in his juvenile file, Your
11 Honor.

12 THE COURT: Thank you very much..

13 MR. CLEMENTS: And I'll discuss that at the appropriate
14 time.

15 THE COURT: Right.

16 MR. CLEMENTS: Also, Your Honor, we have some family
17 members that would wish to address the Court ---

18 THE COURT: Sure.

19 MR. CLEMENTS: --- at the appropriate time and, Your
20 Honor, I'd ask if they could come up, those that wish to
21 address the Court, if they would come up and sit in the jury
22 box.

23 THE COURT: That'd be good. Do it right now, if you
24 would.

25 (Whereupon, six people relocate from the audience to the

1 jury box.)

2 THE COURT: Any time.

3 MR. CLEMENTS: Your Honor, first may you hear from the --
4 the ---

5 THE COURT: Sure, that'd be perfectly fine.

6 MR. CLEMENTS: Your Honor, first, Your Honor, I'd call on
7 Donna Robinson and then I'd ask each of the others to at the
8 time they stand and give their name for the court reporter and
9 their relationship to the victims, but Donna Robinson is a
10 victim. She's the victim of the attempted murder, Your Honor,
11 and you heard her testimony and she'd like to address the
12 Court.

13 DONNA ROBINSON: My name is Donna Robinson.

14 THE COURT: Yes, ma'am?

15 DONNA ROBINSON: Is it okay if I address the judge or ---

16 MR. CLEMENTS: Speak to the Court.

17 THE COURT: If you would.

18 DONNA ROBINSON: Okay. When I heard Tavarrio on the taped
19 confession, I heard him say that his family had hard times.
20 Do you really think that they're better off now after what
21 you've done? I also heard him say that he didn't mean to hurt
22 anyone, but what other reason would there be for bringing a
23 gun? He said he shot Chris because he saw him reaching for
24 something. What about the next time he shot him? The time
25 when he was laying almost lifeless on the floor and he shot

1 him a second time, he posed no threat then.

2 By that time, a lot of truths had come to -- come to me.
3 You would have us believe that -- He would have us believe
4 that he was afraid and nervous, but even after I pled for my
5 life, he looked me in my face and shot me. Again, he tried to
6 shoot me. I'm pretty sure there's no way to excuse -- no way
7 or excuse out of that.

8 Maybe he just didn't remember that I was there. I
9 remember everything. I'm not sure why he chose to deny all
10 that he did, but I remember the cursing and the anger and
11 being ordered around at the point of a gun. But today that's
12 okay because I stand here by a miracle of God and I was saved
13 and by my testimony in this courtroom and standing before you
14 now, I would hold him accountable for his actions and I pray
15 that there is comfort for Chris' family and for my family and
16 for all of this community that he was apprehended and that he
17 will pay for the crimes that he committed, not only here on
18 Earth, but that God would ultimately judge him with all the
19 vengeance and justice that a father should when one of his
20 children is murdered.

21 But know that those of us who are hurt will carry on. We
22 will walk in God's grace and mercy and claim the healing power
23 of the blood of Christ. So now that this has come to an end,
24 we reclaim all that you tried to take and since I believe that
25 he's had more of our time than he deserved, that's all I have

1 to say.

2 THE COURT: All right, thank you very much. All right,
3 next one.

4 MR. CLEMENTS: Your Honor, Gale Deaver -- I mean it's
5 Gale's sister, the aunt of Chris.

6 DALE GINN: I'm Chris' aunt ---

7 MR. CLEMENTS: Yes.

8 DALE GINN: Dale Ginn.

9 THE COURT: Thank you.

10 DALE GINN: It's a shame that a person has the power to
11 end another person's life and for no reason that's what you
12 did. You shot my nephew, Chris, without any thought of him or
13 his family. You killed Chris and killed part of his mother,
14 too. She will never be the same.

15 I'm her twin sister and I still can't imagine what she's
16 going through. She can't sleep at night without medication.
17 She cries every day. You did this. Chris' mom has a hole in
18 her heart that will never heal. No one knows a mother's love
19 more than another mother. The pain never dies, never goes
20 away.

21 Chris's father loved him. This is his son. When you
22 look in his eyes, you can see and feel his pain.

23 Chris' daughter misses her daddy so very, very much. She
24 is always talking about the things that she and her daddy did
25 together. Morgan told her mommy the other day that her daddy

1 was in a better place. I guess this is what a family member
2 has said to her trying to bring her some comfort.

3 One of Chris' cousins has had to go to counseling to deal
4 with the pain and the loss. One of Chris' cousins will be
5 getting married soon. Chris will be there in spirit, but he
6 can't be there to be his best man. Chris has many childhood
7 friends. They grew up together. They played Legos. They
8 played Star Wars, went to each other's birthdays, worked
9 together, jammed together with the guitar, went to each
10 other's weddings, and had group cookouts. They miss him, too.

11 Chris is not here to play with his daughter, was not here
12 for her first day of kindergarten, and won't be here to walk
13 his daughter down the aisle when she gets married or hold his
14 first grandchild. Sorry, I'm nervous.

15 Your actions have caused so much pain and change in all
16 of this family and his friends' lives. I know that what I am
17 saying won't make any difference to you, but I just wanted to
18 tell you how I felt as Chris' aunt. Chris was my only nephew.
19 I loved him very much and I miss him all the time.

20 I have stayed up nights thinking of what I would say if I
21 had a chance. This is my chance. I don't want to stay up
22 nights later thinking about what I could or should have said.
23 It still doesn't feel real.

24 THE COURT: Thank you.

25 KEVIN DEAVER: Kevin Deaver, Your Honor.

1 THE COURT: Sure.

2 KEVIN DEAVER: Chris was my cousin. Our dads are twin
3 brothers. You're going to hear from the family, so I don't
4 want to talk a lot about what our family has lost. I want to
5 talk about our community and you can get -- you can Google his
6 name and look on his Myspace and you can see his gang signs
7 and his pictures of all the jewelry he has and all this stuff
8 and it has -- The whole background is a big Folk Nation
9 emblem.

10 Punishment is not just for his crime. It's also to be a
11 deterrent. Maybe if he is punished to the full extent, maybe
12 some of those young people who are walking the fence deciding
13 whether or not they want to go into this lifestyle, maybe they
14 can say wait a second, this isn't worth it. And I work with
15 those kids and I see them all the time and I think you have a
16 chance here to say, hey, we're not putting up with this in
17 this community anymore because it's happening all over the Pee
18 Dee. I just think you have a chance right now to say this is
19 your choice, you go this way or you go the right way, but this
20 is what will happen when you take this route.

21 THE COURT: Thank you.

22 AMANDA DEAVER: I'm Amanda Deaver. Chris is my stepson
23 for 22 years and I just have to say I want to speak about the
24 kind of person that -- that Chris was and Chris was very
25 special to me and he came into our -- into my life when he was

1 twelve years old and he has a brother and a sister that are
2 soon to be 17 and until last year at this time, it was like
3 our life was fairly normal, you know, so to speak. But after,
4 since this has happened, it has just removed a part of our
5 family that will never be given back. I've never seen so much
6 hurt in my husband's eyes or his mother, his cousins, his
7 daughter, Cammie. It's just the hurt goes beyond what -- what
8 words can -- can -- can say.

9 And I thought a lot, you know, about what I wanted to say
10 and the one thing I do want to say is God's -- God's peace has
11 sustained us. We have Him in our hearts. Chris had God in
12 his heart and we know we're going to see him again and the
13 judgment -- the worst judgment that you can receive on this
14 Earth is nothing compared to what you will see in eternity.
15 Thank you.

16 THE COURT: Thank you.

17 STEPHEN DEAYER: Your Honor, I'm Stephen Deaver. Chris
18 is my son. First of all, I'd like to thank God for, as Mandy
19 just said, sustaining my family over this past twelve months.
20 It's been a tough twelve months and I think God for sparing
21 Donna's life so she would be an eyewitness and tell everybody
22 about what happened.

23 I looked in my stuff the other day and I found a Father's
24 Day card that Chris sent to me in 2010. I won't get any more
25 Father's Day cards from Chris. It says, "Thinking of you

1 today. A special father first must be a special man. You are
2 both." It says, "Happy Father's Day. Dear Dad, I wanted to
3 get you a fryer, but I didn't have a card to go to Sam's. So
4 I've got -- I hope this will do. So I just want to thank you
5 for everything you've done for me and everything you will do
6 for me. So I appreciate you so much. Happy Father's Day.
7 Love, Chris."

8 Now Chris was more than just my son. He was my friend.
9 We had a lot of plans. I was -- That day for some reason on
10 the 12th I stopped by the pawn shop to speak to him and, you
11 know, we talked and we were discussing what all was going on
12 and we made plans for what things we needed to do and before
13 we left, I -- I was getting ready to leave and he come from
14 around the counter and he gave me a hug and his friends can
15 attest to his bear hugs. He gave me a hug and he said -- he
16 said, "Dad, I love you." And I said, "I love you, Chris."
17 And then I didn't know that seven hours later I would be
18 getting a phone call that said your son was shot and he's dead
19 and nothing ever just occurs to God. He knew and so God gave
20 me that gift that my last words with my son was "I love you."

21 And I would encourage the Court that these other -- Make
22 restitution with your family if you don't have your family.
23 Never leave your family when -- when they're -- when you don't
24 say that you love them. You never know what's going to happen
25 seven hours later.

1 Now I have been angry and I told people that, you know,
2 anger is not a sin. Anger is an emotion. It's what you do
3 with the anger that escalates to something more, you know.
4 This past weekend, we celebrated the resurrection of our
5 Savior. That gives us hope that -- that one day -- I know
6 that Chris accepted Christ and one day that we will see him
7 again. This is just a dot on the time line. Everyone who is
8 in courtroom, we've all sinned, I've sinned, can have that
9 eternal security, but there's also things that -- that we're
10 responsible for.

11 We have consequences for our actions and going back to
12 this weekend, Christ was crucified between two thieves. One
13 thief denied him and he was -- he was taken care of. The
14 other thief accepted him and he said this day you'll be with
15 me in paradise. Although Christ had the power to have him
16 brought down from the cross, he still had to -- to face the
17 consequences of his actions here on Earth. He had to face the
18 justice of the things he had done wrong.

19 And I would submit to you the same thing has to happen.
20 He has -- He has a chance for his -- His eternal security is
21 between him and God. His justice has to be done on this Earth
22 and I would like to thank the Florence Police Department.
23 They've done a fantastic job. I commend our Solicitor and I'd
24 like to thank Your Honor for conducting the court with proper
25 decorum and -- and everything has been fair and that's all I

1 have and I would like for him to face the maximum penalty.

2 THE COURT: Thank you.

3 STEPHEN DEAVER: Thank you.

4 THE COURT: All right.

5 CAMMIE CARROLL: Hi, my name is Cammie Carroll. I am the
6 mother of -- Chris and I have a daughter, Morgan, together.
7 She's five years old and I really -- I just had a little book
8 that I wanted you to look at some pictures that I actually had
9 to make after all this occurred for Morgan and her memories of
10 us and I just -- I just want you to know that Chris was -- He
11 is the type of man that you want in this world.

12 There -- He -- I mean he loved life. He wanted to be in
13 this world and he should still be here. He -- He loved Morgan
14 with all his heart and she loves him so much, too, and until
15 you've walked in our shoes, you can't even understand what --
16 really what we go through.

17 It's hell, it is pure hell and I just -- To even think
18 that this man could ever walk out of jail one day just -- I
19 mean I can't. It's not fair. He's evil and he deserves to
20 get life and he deserves to never see -- I just -- It's just
21 that we shouldn't be here right now. I think we shouldn't be
22 here and that's all. I'm sorry.

23 THE COURT: Thank you. Anything further?

24 MR. CLEMENTS: Yes, Judge. Give me a second. Judge, as
25 you know, I have a tough, tough job, but you may have a

1 tougher job. I've got two sons. I don't -- I do not know
2 what I would do if something like this happened to one of
3 them. I know you have a son as well. I know you saw the
4 video, you saw what happened. You saw complete, cold blooded
5 disregard for human life, all for a few dollars. It was an
6 execution of Chris. It would have been an execution of Donna,
7 but for the grace of God that bullet took a path that the only
8 thing she lost was her eye.

9 Your Honor, as far as Mr. Brunson's criminal history, he
10 was 17 years old when this happened. He's got a juvenile
11 record for bringing a weapon on the school property and a
12 resisting arrest that occurred at the same time. As a result
13 of that, he was put on DJJ probation and I think he had -- The
14 DJJ probation was violated and he had a suspended commitment
15 to DJJ.

16 And as a result of that, Your Honor, he had an assessment
17 at Pee Dee Mental Health and that's what I passed up to the
18 Court and there's nothing there that says he has any mental
19 health issues whatsoever, but what is here, Your Honor, and I
20 want to point out to the Court is on page 3 of this, Your
21 Honor, where the comments are that Tavario Brunson thought
22 about taking other's life. He refused to divulge the persons
23 who he has thought to take their life, but did not have a
24 plan. The other comment was that he likes to kill things,
25 animals, frogs, insects. And then towards the back, Your

1 Honor, I think the last page or the next to the last page,
2 talks about how he often loses his temper, argues with adults,
3 very defiant against rules, blames others for his anger, and
4 very angry and resentful. It goes on in a summary there. It
5 talks about how he was angry with his mother and would not
6 forgive her, refused to forgive his mom for beatings he
7 received from ages eight to nine.

8 Your Honor, I think the only appropriate sentence -- And
9 I know that's the hardest job you have to do is sentencing. I
10 think the only appropriate sentence in this case based on
11 these facts, based on the demeanor and attitude of the
12 defendant, is life in prison and for the State of South
13 Carolina, Your Honor, and for the Florence Police Department,
14 I believe they agree with me, and I also want to commend them
15 here in open court what an excellent job they did. The patrol
16 officers, the investigators, and the forensic officers all did
17 an outstanding job and they did it very quickly and I know
18 that was some comfort to the family that the investigation did
19 not linger.

20 But on behalf of them, on behalf of the family and the
21 Solicitor's Office, we ask, Your Honor, that you give Tavarrio
22 Brunson the maximum sentence allowed by law. If he was not 17
23 years old at the time of this offense, my office would have
24 sought the death penalty, but since that is not allowable by
25 the United States Supreme Court, we did not.

1 I ask, Your Honor, that you give him life, you give him
2 the maximum on the other charges and, Your Honor, I ask that
3 you consider making them consecutive. If life ever gets
4 changed by our legislature so that it's no longer a natural
5 life, I would ask that you consider consecutive sentences.

6 THE COURT: All right, thank you.

7 MR. CLEMENTS: And that's all I have to say for the
8 State.

9 THE COURT: Sure. I'll be glad to hear from the lawyers.

10 MR. MEETZE: Thank you, Your Honor, may it please the
11 Court.

12 THE COURT: Sure.

13 MR. MEETZE: Your Honor, obviously, as of today Mr.
14 Brunson has been incarcerated for 366 days. The Court has
15 obviously sat through the trial and is familiar with the case
16 and the facts and all of that and is familiar with the
17 punishments for these charges. Murder by itself carries a
18 minimum of 30 years and up to a life sentence. The -- So
19 either way you slice that, it's a long time.

20 It's my understanding and I don't know anything
21 specifically about it, but it is my understanding that there
22 is currently a case pending in the Supreme Court along the
23 lines of the case that Mr. Clements referenced as it pertains
24 to the 17-year-olds and the death penalty. I think there's a
25 case currently on appeal in the U.S. Supreme Court with

1 regards to a 17-year-old as it pertains to a life sentence as
2 well with the same issues involved, whether that would be
3 considered cruel and unusual punishment. Nothing has been
4 decided in that regard, so there is no law in that regard
5 right now, but at -- at some point in time there very well may
6 be.

7 Your Honor, we also understand that the sentencing
8 function of judges is the most difficult job that a judge has.
9 I can tell you that I've only met and spoken with his mother
10 and -- and family members on that side of the family, but I
11 can tell you that from talking to her and getting to know her
12 a little bit and hearing her talk about some of her other
13 children, Tavario's siblings, he wouldn't come from a
14 background where this would be something that you would expect
15 and it's, you know -- I mean this case is -- is a very
16 difficult case from all aspects and we would just ask the
17 Court to consider some kind of mercy on his behalf,
18 understanding that your job is indeed a difficult one.

19 THE COURT: All right, anything further?

20 MR. FLOYD: Nothing further, Your Honor.

21 SENTENCE OF THE COURT

22 THE COURT: All right. Under these circumstances in
23 reference to the murder, the sentence of the Court is that the
24 defendant is committed to the State Department of Corrections
25 for life.

1 In reference to the attempted murder, the sentence of the
2 Court is that he is committed to the State Department of
3 Corrections for a term of 30 years.

4 In reference to the armed robbery, the sentence of the
5 Court is again 30 years.

6 In reference to the burglary second degree, the sentence
7 of the Court is 15 years.

8 And in reference to the possession of a weapon, the
9 sentence of the Court is 5 years and I am going to run all of
10 those consecutive. Thank you very much.

11 MR. CLEMENTS: Your Honor, I think that by statute, the
12 commission -- possession of a weapon during the commission of
13 a violent crime is 5 years, but it is subsumed if sentenced
14 for life.

15 THE COURT: Okay, good enough.

16 MR. CLEMENTS: Thank you, Your Honor.

17 THE COURT: All right, that concludes this trial.

18 MR. CLEMENTS: Thank you.

19 THE COURT: Thank you.

20 (Whereupon, the trial ended at 2:17 p.m. on April 11,
21 2012.)

22 --- END REQUESTED TRANSCRIPT ---

23

24

25

WITNESSES

DOCKET NO. 2011-GS-21-1197

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JULY TERM 2011

THE STATE

vs.

TAVARIO DORMELL BRUNSON

FILED

2011 JUL 21 AM 11:49

CORRE REC'D-SHEARIN
FLORENCE COUNTY, SC

E. L. CLEMENTS, III

ARREST WARRANT NUMBER

M377825 M377826 M377827

M377828 M377829

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

7-21-11

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

MURDER,
ATTEMPTED MURDER,
ARMED ROBBERY,
POSSESSION OF WEAPON DURING
COMMISSION OF VIOLENT CRIME,
AND BURGLARY FIRST DEGREE

146

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF FLORENCE)

MURDER, ATTEMPTED MURDER,
ARMED ROBBERY, POSSESSION OF WEAPON
DURING COMMISSION OF VIOLENT CRIME,
AND BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on JULY 21, 2011 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

CDR: 0116 16-03-0010,0020, 16-01-0060

That TAVARIO DORMELL BRUNSON did in Florence County on or about April 12, 2011, feloniously, willfully and with malice aforethought kill one Stephen Christopher Deaver, by means of shooting him with a handgun at Rick's Pawn Shop, 225 W. Lucas Street, Florence, SC, and that the said Stephen Christopher Deaver did die as a proximate result thereof; in violation of Sections 16-03-0010, 0020, and 16-01-0060, S.C. Code of Laws, 1976, as amended.

COUNT TWO- ATTEMPTED MURDER

CDR: 3410 16-03-0029

That TAVARIO DORMELL BRUNSON did in Florence County, on or about April 12, 2011, with malice aforethought attempt to murder one, Donna M. Robinson, by shooting her in the face with a handgun at Rick's Pawn Shop, 225 W. Lucas Street, Florence, SC, causing great bodily injury and substantial risk of death; in violation of Section 16-03-0029, S.C. Code of Laws, 1976, as amended.

COUNT THREE - ARMED ROBBERY

CDR: 0139 16-11-0330(A), 16-01-0060

That TAVARIO DORMELL BRUNSON did in Florence County, on or about April 12, 2011, while armed with a deadly weapon, or while alleging, either by actions or words, that they were armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: a handgun, did feloniously rob Rick's Pawn Shop, 225 W. Lucas Street, Florence, SC, by means of force or intimidation, goods or monies of the said Rick's Pawn Shop; in violation of Sections 16-11-0330(A) and 16-01-0060, S.C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR MURDER, ATTEMPTED MURDER, ARMED ROBBERY, POSSESSION OF WEAPON DURING THE COMMISSION OF VIOLENT CRIME, AND BURGLARY FIRST DEGREE, WITH THE AFORESAID NAMES(S) OF TAVARIO DORMELL BRUNSON SHOWN THEREON:

COUNT FOUR- POSSESSION OF WEAPON DURING COMMISSION OF VIOLENT CRIME

CDR: 0549

16-23-0490

That TAVARIO DORMELL BRUNSON did in Florence County on or about April 12, 2011, was in possession of a firearm, or did visibly display what appeared to be a firearm, or visibly displayed a knife, to wit: a handgun, during the commission of a violent crime, to wit: Murder, Attempted Murder, Armed Robbery and/or Burglary First Degree; in violation of Section 16-23-0490, S.C Code of Laws, 1976, as amended.

COUNT FIVE- BURGLARY FIRST DEGREE

CDR: 0079

16-11-311, 16-1-80, 16-1-60

That TAVARIO DORMELL BRUNSON did in Florence County, on or about April 12, 2011, enter Rick's Pawn Shop at closing, located at 225 W. Lucas Street, Florence, SC, without consent and with the intent to commit a crime therein; and/or said defendant entered or remained in said dwelling in the nighttime; and/or when effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime were armed with a deadly weapon or explosive; and/or caused physical injury to a person who is not a participant in the crime; and/or used or threatened the use of a dangerous instrument; and/or displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; and/or the said TAVARIO DORMELL BRUNSON has two or more prior convictions for Burglary or Housebreaking or a combination of both; in violation of Sections 16-11-0311 and 16-01-0060, S.C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

COUNTY OF Florence
STATE VS.
Tavario Dormell Brunson

AKA:
Race: B Sex: M Age: 18
DOB: [REDACTED]

City, State, Zip: Florence, SC 29501
DL#: [REDACTED] SID#: [REDACTED]

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

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder 30 yrs - Life

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY: [Signature] 15195
Clements, III, E. L. SC Bar# [REDACTED] Defendant

Attorney for Defendant SC Bar# [REDACTED]

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: today
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 366 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ <u> </u>
§ 56-5-2995 (DUI Assessment)	\$12	\$ <u> </u>
§ 56-1-286 (DUI Breath Test)	\$25	\$ <u> </u>
Proviso 47.9 (Public Def/Prob)	\$500	\$ <u> </u>
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u> </u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u> </u>
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$ <u> </u>
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ <u> </u>
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u> </u>
TOTAL	\$	\$ <u>1050</u>

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

INDICTMENT/CASE#: 2011-GS-21-1197
A/W#: M377825
Date of Offense: 4/12/2011
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ paid to Public Defender Fund

Other:

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

Presiding Judge [Signature]
Judge Code: 2157
Sentence Date: 4-11-2012

COUNTY OF Florence
 STATE VS.
Tavario Dormell Brunson
 AKA:
 Race: B Sex: M Age: 18
 DOB: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Florence, SC 29501
 DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2011-GS-21-1197
 A/W#: M377826
 Date of Offense: 4/12/2011
 S.C. Code §: 16-03-0029
 CDR Code #: 3410

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Attempted Murder 0-30 yrs

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 15295
Clements, III, E. L. SC Bar# [REDACTED] Defendant Attorney for Defendant SC Bar# [REDACTED]

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: today
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 36 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
 Total: \$ plus 20% fee: \$
 Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine: \$
 § 14-1-206 (Assessments 107.5 %) \$
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$
 § 56-5-2995 (DUI Assessment) \$12 \$
 § 56-1-286 (DUI Breath Test) \$25 \$
 Proviso 47.9 (Public Def/Prob) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$
 § 14-1-213 (Drug Court Surcharge) \$150 \$
 § 50-21-114 (BUI Breath Test Fee) \$50 \$
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
 3% to County (if paid in installments) \$
 TOTAL \$ 108.00

 days/hours Public Service Employment

Obtain GED ☐
 Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning
 Substance Abuse Counseling ☐
 Random Drug/Alcohol testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ beginning
 \$ paid to Public Defender Fund
 Other:

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

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (03/2011)

Presiding Judge [Signature]

Judge Code: 2157

Sentence Date: 4-11-2012

COUNTY OF Florence
STATE VS.
Tavario Dormell Brunson
AKA: _____
Race: B Sex: M Age: 18
DOB: _____
Address: _____
City, State, Zip: Florence, SC 29501
DL#: _____ SID#: _____

INDICTMENT/CASE#: 2011-GS-21-1197
A/W#: M377827
Date of Offense: 4/12/2011
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon 10-30 yrs

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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

ATTEST: [Signature] 15295
Clements, III, E. L. SC Bar# _____ Defendant _____ Attorney for Defendant _____ SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: today
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 366 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____
*Fine: _____
§ 14-1-206 (Assessments 107.5 %)
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$
TOTAL \$ 105.00

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
prmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

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

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2153
Sentence Date: 4-11-2012

COUNTY OF Florence
 STATE VS.
Tavario Dormell Brunson
 AKA: _____
 Race: B Sex: M Age: 18
 DOB: _____
 Address: _____
 City, State, Zip: Florence, SC 29501
 DL#: _____ SID#: _____

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

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

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death 5 yrs

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Clements, III, E. L.

15195
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: today

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 366 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	<u>5.00</u>
3% to County (if paid in installments)		\$	
TOTAL		\$	<u>1052.00</u>

Clerk of Court/ Deputy Clerk

Court Reporter: R. Smith

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2011-GS-21-1197

A/W#: M377828

Date of Offense: 4/12/2011

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

5 yrs

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

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: today

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 366 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	<u>5.00</u>
3% to County (if paid in installments)		\$	
TOTAL		\$	<u>1052.00</u>

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

Presiding Judge

Judge Code: 2157

Sentence Date: 4-11-2012

COUNTY OF Florence
STATE VS.
Tavario Dormell Brunson

AKA: _____
Race: B Sex: M Age: 18
DOB: [REDACTED]
Address: [REDACTED]
City, State, Zip: Florence, SC 29501
DL#: _____ SID#: _____

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

In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

INDICTMENT/CASE#: 2011-GS-21-1197
A/W#: M377829
Date of Offense: 4/12/2011
S.C. Code §: 16-11-0312(B)
CDR Code #: 0086

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 12575
Clements, III, E. L. SC Bar# _____ Defendant _____ Attorney for Defendant _____ SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: Indefinite
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 366 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$ <u>105.00</u>

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk _____

Court Reporter: [Signature]

SCCA/217 (03/2011)

Presiding Judge: [Signature]

Judge Code: 2157

Sentence Date: 4-11-2012

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 27th, 2013

Susan B. Hackett

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT