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STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

The State,)
-vs-) TRANSCRIPT OF RECORD
Prince Deven Snipes,) 2012-GS-11-608
Defendant.) August 21, 2012
Spartanburg, South Carolina

RECEIVED

B E F O R E: JUL 28 2015
HONORABLE J. DERHAM COLE, JUDGE SC Court of Appeals

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1 (Proceedings August 21, 2012)

2 THE COURT: All right. We are here in the matter of
3 the State vs. Prince Deven Snipes.

4 Mr. Snipes has been indicted in case No.
5 2012-GS-11-608, an indictment for murder and possession of
6 a firearm during the commission of a violent crime.

7 These are Cherokee County -- is a Cherokee County
8 indictment.

9 Mr. Campbell, you represent the defendant?

10 MR. CAMPBELL: That's correct, Your Honor.

11 THE COURT: Solicitor Barnette is here on behalf of
12 the state.

13 The purpose of this hearing today is for the taking
14 and preservation of testimony of two persons the state
15 contends are eye witnesses to the event in question, and
16 the purpose of the videotaping and preservation of the
17 testimony is to preserve it in the event that one or both
18 of those witnesses is unavailable to testify in person at
19 the time that the case is called for trial.

20 Mr. Campbell, you and your client are in agreement
21 with the videotaping of this testimony?

22 MR. CAMPBELL: Yes, Your Honor. We consented to this
23 by via consent order, Your Honor.

24 THE COURT: That's true, Mr. Snipes?

25 THE DEFENDANT: Yes, sir.

Dorothy Boyd
Direct examination by Mr. Barnette

1 THE COURT: And this is actually a Cherokee County
2 case. Y'all are also in agreement for the testimony to be
3 taken here in Spartanburg County?

4 MR. CAMPBELL: That's correct, Your Honor.

5 THE COURT: And you discussed that with Mr. Snipes?

6 MR. CAMPBELL: I have. We felt that it was in the
7 best interest of all parties, and due to judicial
8 efficiency, Your Honor.

9 THE COURT: All right. Thank you, sir.

10 All right. Solicitor.

11 MR. BARNETTE: Thank you, Your Honor.

12 Just to put on the record, Your Honor, Ms. Boyd and
13 Mr. Houey both had health problems. We appreciate the
14 Court doing this for us, as well as the defense.

15 As a matter of fact, Ms. Boyd had just came off open
16 heart surgery from there, and she is present. She just got
17 out of the hospital just recently about that.

18 Your Honor, I'd like to call Dorothy Boyd first, Your
19 Honor, to testify, Your Honor.

20 DOROTHY BOYD, having been
21 first duly sworn, testified as follows:

22 THE COURT: If you will, you can pull that chair up
23 closer to that microphone. And please use that microphone
24 for the purpose of providing your answers to the questions.

25

Dorothy Boyd
Direct examination by Mr. Barnette

- 1 DIRECT EXAMINATION BY MR. BARNETTE
- 2 Q Ms. Boyd, if you would, look this way. And if you
3 can't hear me, please let me know. Okay.
- 4 Could you give me your full name for the record,
5 please?
- 6 A Dorothy R. Boyd.
- 7 Q And where do you live at, Ms. Boyd?
- 8 A 106 Concord Heights, Gaffney.
- 9 Q Okay. And back on December the 16th of 2010 was you
10 in that area that day, ma'am?
- 11 A Which area you talking about?
- 12 Q Was you in the -- let me go back. Can you tell us
13 what happened that day?
- 14 A Well, Ms. Houey had called me the day before and asked
15 me to come and move her stove from her mama's house to her
16 house. Then they was going to a sister's house to pick up
17 a table and some chairs. And she got her grandson up out
18 of the bed to help her move them. So Rody -- we call him
19 Rody. That was Breezy's mama. They was gone to get a key
20 from this boyfriend of her granddaughter. And so when he
21 come -- when she got back this tall guy, he come out of the
22 front of that trailer.
- 23 Q Let me slow you down a little bit.
24 Who is Breezy if you can tell us?
- 25 A Rose's son.

Dorothy Boyd
Direct examination by Mr. Barnette

- 1 Q And who is Rose?
- 2 A Breezy's mother.
- 3 Q Okay. And how do you know them, ma'am?
- 4 A I been knowing them all my life.
- 5 Q Okay. And they were helping move furniture that day?
- 6 A Yeah.
- 7 Q And who were they moving furniture for that day?
- 8 A Tasha.
- 9 Q And where does Tasha live?
- 10 A In that trailer park down there.
- 11 Q Okay. Where is the trailer park located, ma'am?
- 12 A It's right off of 150.
- 13 Q Okay. Is that in Cherokee County?
- 14 A Uh-huh.
- 15 Q Okay. And Ms. Houey. Do you know Ms. Houey for
- 16 years?
- 17 A Yeah.
- 18 Q And her son Breezy, do you know what his real name is?
- 19 A I ain't never knowed his real name. They always
- 20 called him Breezy.
- 21 Q So you've always known him as Breezy. But it's her
- 22 son.
- 23 A Uh-huh.
- 24 Q Okay. Going back to that day, tell us what happened.
- 25 A Well, when she picked up the table and the chairs to

Dorothy Boyd
Direct examination by Mr. Barnette

1 carry down to Tasha's house, and Breezy, he had stacked the
2 chairs real nice and neat on the side of the porch where
3 they can get the table in there first.

4 And it was a tall guy come out from up there where
5 Prince was living at, and so he say, "Hey, Breezy, come
6 here." And it was foggy and rainy that morning. And he
7 walked up there, and he went about middle ways of the
8 trailer and had his hand on the side of the trailer.

9 Well, he hit something. He jumped and looked around
10 like that. And Breezy -- I mean not Breezy -- Prince. He
11 was coming out the back door with that, that semiautomatic
12 rifle.

13 And when he got to the middle of that road it just pop,
14 pop, pop, pop, pop, pop. And I jumped. I told her --
15 Martha Jean -- I told her. I said, "Martha Jean, looky
16 there." And she jumped and looked around. And I jumped
17 outta the truck. And I told her, I said, "You ain't got to
18 shoot that boy like that." And he didn't say a word to me.
19 He just kept on walking and shooting him in the back.

20 And when Martha Jean got out and said something to him,
21 he says, "He brought the mess to me. I didn't bring it to
22 him."

23 MR. CAMPBELL: Objection, Your Honor. Hearsay.

24 THE COURT: Overruled.

25 Q Go ahead and say what -- and when you're talking about

Dorothy Boyd
Direct examination by Mr. Barnette

- 1 Prince, you talking about the defendant in this case?
- 2 A The one that shot, done the shooting.
- 3 Q And do you see him in the courtroom here today, ma'am?
- 4 A No, I don't see him.
- 5 Q You don't see him?
- 6 A Because he -- he was bigger -- he's bigger than that
- 7 guy right there was, because I -- my first -- when I always
- 8 see'd him he'd be in the car riding. But as far as him
- 9 being on the ground walking, that was my first time seeing
- 10 him on the ground walking.
- 11 Q Okay. But do you know who Prince Snipes is?
- 12 A Not really, not really.
- 13 Q Do you know him by name?
- 14 A No.
- 15 Q Okay. Do you see Prince Snipes, the man that shot
- 16 Breezy, in this courtroom here today, ma'am?
- 17 A Don't look like him to me because he was bigger.
- 18 Q Well, you realize this happened back December 16th of
- 19 2010.
- 20 Okay. So you saw a man shoot him that day?
- 21 A Yeah, I saw him shoot him.
- 22 Q And how did he shoot that man, shoot the man?
- 23 A How did he shoot Breezy?
- 24 Q Yes.
- 25 A He was walking behind him, and Breezy was running, and

Dorothy Boyd

Direct examination by Mr. Barnette

1 he was shooting him in the back. And then he run until he
2 couldn't run no more, and he just stopped and turned around
3 and looked at him. And then he just fell over backwards.
4 And he walked about as far as from here to where you
5 standing at and aimed that gun at his head and shot his
6 eyeballs out.

7 Q So he went back and shot him after he shot him?

8 A Uh-huh, yeah. He never did stop. He just kept
9 walking.

10 Q And was Breezy laying on the ground when he shot him?

11 A Yeah.

12 Q What happened after that, ma'am?

13 A He turned around and went on back up there and got in
14 his car and left.

15 Q And what did you do after that?

16 A I went back and got in the truck, because it was kind
17 of foggy and rainy.

18 Q Did anybody call 9-1-1?

19 A I did. I was so upset another guy, he took the phone
20 from me and dialed it, because I was -- I was kinda
21 hollering. And they might've couldn't understand what I
22 was saying.

23 Q Yes, ma'am.

24 MR. BARNETTE: Let me mark as Court's Exhibit No. 1.

25 (Photograph marked Court's Exhibit No. 1.)

Dorothy Boyd
Direct examination by Mr. Barnette

1 Q Let me show you this picture, ma'am, Court's Exhibit
2 No. 1. Was this the location where Breezy fell on the
3 ground?

4 A Yeah. His foots is that way, and that's his head
5 right there.

6 Q Okay.

7 A And I would be right below on this side of this field
8 right there, because that don't look like my truck.

9 Q Right. I think the vehicle's been moved out of this
10 picture.

11 A Oh, it has?

12 Q Yes, ma'am.

13 A Then that'd been Tasha's trailer. And they'd've been
14 another trailer and that'd been where -- I ain't saying
15 that was the trailer he -- Prince was in. But this would
16 have been his trailer right here. And he come out that
17 back door. And Breezy was right -- about right along
18 middle ways of that trailer right there. He looked around
19 when he saw that boy with that gun, and he took off running
20 down the road right there. He got that far, and he turned
21 around and looked at him.

22 THE COURT: Be careful of the microphone.

23 A About a split second, then he just fell over
24 backwards.

25 Q And what -- what -- how long was the gun that Prince

Dorothy Boyd
Direct examination by Mr. Barnette

- 1 Snipes had that day?
- 2 A Looked like it might've been about that long.
- 3 Q Okay. And how many times did he shoot it, ma'am?
- 4 A I really don't know because it was just pop, pop, pop,
- 5 pop. I would say about eight times.
- 6 Q Okay. And after he shot him initially did he go back
- 7 and shoot him again?
- 8 A He never did turn around. He just kept walking. And
- 9 after Breezy fell he went and walked on up there pretty
- 10 close to him and aimed the gun at his head and shot his
- 11 eyeballs out.
- 12 Q Did Prince -- did Breezy ever have a gun or anything?
- 13 A No. Breezy didn't have nothing -- nothing but a
- 14 cigarette in his hand.
- 15 Q So he had a cigarette in his hands?
- 16 A Uh-huh.
- 17 Q That's the only thing he had in his hands.
- 18 A That's the only thing he had in his hand.
- 19 Q Did he ever threaten Prince Snipes or anything like
- 20 that?
- 21 A No. This -- this other guy, the one that called
- 22 Breezy up there. Breezy was leaned up against my truck,
- 23 and he said, "Hey, Breezy, come here." And so he just
- 24 walked on up there and was standing there with his hand up
- 25 against the trailer. And this man Breezy -- I mean, Prince

Dorothy Boyd
Direct examination by Mr. Barnette

1 come out the back door; and he jumped, looked around like
2 this. And he see'd that gun and he took off to running.

3 Q So he didn't threaten Prince Snipes in any way.

4 A Uh-uh.

5 MR. CAMPBELL: Objection, Your Honor. Speculation.

6 THE COURT: Overruled.

7 Q So did -- did Prince Snipes have any reason that you
8 could see to shoot Breezy?

9 A Well --

10 MR. CAMPBELL: Objection, Your Honor. She stated
11 earlier that she couldn't identify who the shooter was, and
12 Mr. Barnette's putting words in her mouth as to who.

13 THE COURT: Sustained.

14 Q But Breezy never threatened the shooter in any way.

15 A No. They called him up there.

16 Q Did you see a lineup later afterwards or anything?

17 A Say that again.

18 Q Did you see a lineup by the sheriff's department or
19 anything of anybody in this case?

20 A Uh-uh.

21 Q So you told them that day who shoot Breezy.

22 A Yeah. When the police come down there.

23 Q And so you told him that day.

24 A He got in his car and left.

25 Q Uh-huh.

Dorothy Boyd
Direct examination by Mr. Barnette

1 A They didn't see him. He got in his car and left. He
2 went on back up there, and he shoot that boy's brains out
3 and -- not his brains. His eyeball out. He went on back
4 up there and got in his car and took off.

5 Q And did you ever see him after that?

6 A Uh-uh. I still ain't see'd him up until today.

7 Q Okay. When you say he looked bigger or whatever, do
8 you see anybody that resembles the person that shoot Breezy
9 in this courtroom here today?

10 MR. CAMPBELL: Objection, Your Honor. He's asked her
11 this two times already, and she's already denied that.
12 This is cumulative.

13 THE COURT: Overruled.

14 A It was so much emotion going on, and you take about
15 just a quick look at a person, and then this girlfriend of
16 his'n, she was jumping up and down. Do you want me to use
17 the words she was using?

18 Q No, ma'am. That's okay. We don't need to go into the
19 girlfriend. Did she -- did she identify him, who he was?

20 A Uh-uh.

21 Q Okay.

22 A She was just using some words. And Breezy -- I mean
23 not Breezy -- Prince had went up there and got in his car
24 and I guess took off to North Carolina.

25 Q I understand. If you would, ma'am, please answer any

Dorothy Boyd
Cross-examination by Mr. Campbell

1 questions Mr. Campbell might have for you, ma'am. Thank
2 you.

3 CROSS-EXAMINATION

4 BY MR. CAMPBELL

5 Q Ms. Boyd, I appreciate you coming here today. I
6 know -- I think you just got out of the hospital a few days
7 ago, didn't you?

8 A Sunday.

9 Q That's what I thought. I appreciate you coming here
10 today. If at any point you feel uncomfortable or you need
11 to take a break, you let me or Judge Cole know. Okay? And
12 also sometimes I can be a little wordy. If at any time you
13 don't understand a question of mine, just tell me, and I'll
14 try to rephrase it for you. Okay?

15 A Right.

16 Q Now, this incident occurred at 109 Conner Drive,
17 correct?

18 A I don't know what you call it.

19 Q Okay.

20 A All I know is they call it the trailer park.

21 Q Okay. Do you remember giving a statement to the
22 police in this case, a written statement?

23 A Later on. Just a small, because they come in Tasha's
24 house.

25 Q Okay. And you remember essentially writing down what

Dorothy Boyd
Cross-examination by Mr. Campbell

- 1 all happened that day.
- 2 A Yeah.
- 3 Q Okay. And do you remember -- do you know whether or
4 not when you gave that statement you identified the address
5 as 109 Conner Drive?
- 6 A I don't know the address.
- 7 Q Okay. Now, have you been back to the residence since
8 that occurred that day, the incident occurred?
- 9 A I went back there one time to help her move out from
10 down in there.
- 11 Q Okay. Now, I believe you stated it was foggy and
12 rainy that day, correct?
- 13 A It was foggy and rainy.
- 14 Q Okay. Was it -- was it raining at the time?
- 15 A It wasn't really raining. It was foggy and rain.
- 16 Q Foggy and rain.
- 17 A Yeah.
- 18 Q Can you describe that to me? I'm from Kentucky, and
19 I'm not familiar with that term. Do you mind describing
20 that for me, please?
- 21 A You know, it's like little -- little foggy and rainy
22 like dew.
- 23 Q Like mist?
- 24 A It wasn't really misting rain. It was fogging rain.
- 25 Q Okay. And did you drive your vehicle to the

Dorothy Boyd
Cross-examination by Mr. Campbell

- 1 residence?
- 2 A Uh-huh.
- 3 Q Okay. And what type of vehicle was that?
- 4 A It was S-10 pickup truck.
- 5 Q S-10 pickup truck. And this was -- what time of day
- 6 was this?
- 7 A It was kinda in the morning time.
- 8 Q In the morning time.
- 9 A Uh-huh.
- 10 Q And this was in December, wasn't it?
- 11 A Yeah.
- 12 Q Okay. Do you know -- did you have your windows up or
- 13 down in the truck?
- 14 A I had my windows up.
- 15 Q You had your windows up.
- 16 A Uh-huh.
- 17 Q Okay. And I believe you stated that Breezy -- I think
- 18 his name is Debris, correct?
- 19 A Yeah.
- 20 Q Okay. He was already outside on the porch at
- 21 Natasha's house, right?
- 22 A No. He wasn't on the porch. He was standing on the
- 23 ground on the -- on the passenger side where Martha Jean
- 24 was sitting with his arm leaning up against the truck like
- 25 this smoking a cigarette.

Dorothy Boyd
Cross-examination by Mr. Campbell

1 Q Okay, okay.

2 A And this tall, slim guy come outta the front of that
3 trailer, because I was sitting catty-corner and looking up
4 that way. And I could hear him just as good. He said,
5 "Hey, Breezy, come here."

6 Q Okay.

7 A And he just walked on up there and went about middle
8 ways of the trailer. And I guess he hear'ed that guy come
9 outta the back. So he jumped and looked around, and he saw
10 him with the gun.

11 Q Okay. Do you know -- how long was the conversation
12 between the -- this tall guy and Debris?

13 A Just a few minutes, no longer than he see'd Prince.

14 Q Okay. Just a -- just a few minutes, correct?

15 A Yeah.

16 Q Was Debris still talking to this guy when the alleged
17 shooter came out of the apartment or came out of the
18 trailer?

19 A We couldn't hear what he was saying to him, but I did
20 hear him call him. And after he saw Prince with that gun,
21 he turned around and took off a-running.

22 Q Okay. All right. Before the shooter came out of the
23 trailer, okay, did the conversation between Debris and this
24 gentleman end?

25 A I guess it did.

Dorothy Boyd
Cross-examination by Mr. Campbell

1 Q Okay. Now, like I said, I believe -- I asked you a
2 few minutes ago if you gave a statement to the police,
3 correct?

4 A Uh-huh.

5 Q Do you remember telling the police that the gentleman
6 who Debris was having a conversation with had walked off?

7 A I don't remember saying that.

8 Q Okay.

9 A Because he was still standing at the trailer.

10 Q Give me just one moment, please.

11 (Voluntary statement marked Defendant's Exhibit No.
12 1.)

13 Q Ms. Boyd, I am going to show you what's previously
14 marked as Defense Exhibit 1. Okay?

15 A Uh-huh.

16 Q Can you identify this for me, please? Take your time
17 and read it. I just want to know if you can identify that
18 for me.

19 A Come here and read the rest of this.

20 Q Yes, ma'am.

21 A It's real small. Read that.

22 Q At what point? I'm sorry.

23 A About there.

24 Q Okay. Would you like for me to read the entire
25 statement to you?

Dorothy Boyd
Cross-examination by Mr. Campbell

- 1 A Yeah.
- 2 Q Would you agree that that's your name at the top?
- 3 A Yes, sir.
- 4 MR. BARNETTE: Your Honor, if he would like to
5 introduce it, I have no objection to that.
- 6 MR. CAMPBELL: I will introduce the statement, Your
7 Honor.
- 8 THE COURT: Okay.
- 9 Q Ms. Boyd, and that's your signature at the bottom?
- 10 A Yeah, it is.
- 11 Q Okay. Now, the specific point I want to get to, Your
12 Honor, or, Ms. Boyd, is you stated that Breezy started
13 walking up the hill. I believe that's where you stated he
14 went and talked to the guy, correct?
- 15 A Uh-huh.
- 16 Q And then you saw Breezy talking to the black guy.
17 That's the tall individual, correct?
- 18 A Uh-huh.
- 19 Q And then you say the black guy walked off and Breezy
20 was just standing there.
- 21 A I don't remember saying that.
- 22 Q Okay. What I want to show you is midway through this
23 statement right here. Would you agree with me that that
24 says the black guy walked off and Breezy was just standing
25 there smoking a cigarette?

Dorothy Boyd
Cross-examination by Mr. Campbell

1 A No. That didn't happen.

2 Q Okay. So you're saying this statement that you gave
3 to the police on December the 16th of 2010 is wrong?

4 A He might have got that mixed up, because I don't
5 remember saying that.

6 Q Okay. But you do --

7 A Because I know what I saw.

8 Q Okay. But you do admit that that's your signature at
9 the bottom.

10 A Yeah, that's my signature.

11 Q Okay.

12 A And let me see. What is this girl's name comes down
13 there with that? And her name is Ann Houey. Ain't that
14 Ann Houey's daughter with that man?

15 Q And I just want to reiterate today that the man that
16 that you saw shoot Debris Houey is not in the courtroom
17 today.

18 A I don't know. I don't know whether that's him or not.
19 He looked like he was bigger than that.

20 MR. CAMPBELL: No further questions, Your Honor.

21 A And that was my first time really being up close to
22 him and seeing him all over.

23 I had been seeing that orange looking car going through
24 town sometimes like when I be going through town, like I be
25 going one way and he be going another way. And I would see

Dorothy Boyd
Cross-examination by Mr. Campbell

1 that orange looking car. And the most part I see'd was
2 faded, but that day that was my first time seeing his whole
3 body.

4 Q Is that after the incident you would see that orange
5 looking car?

6 A Say that again.

7 Q Okay. You stated -- you just stated that you would
8 see that orange looking car and you could see half his
9 face, correct?

10 A I say I could see his face from -- from here back up.

11 Q Yes, ma'am.

12 A When he be's in his car.

13 Q What I'm asking is when you would see him was that
14 after December the 16th of 2010.

15 A That was before he -- Breezy got shot.

16 Q That was before Breezy got shot.

17 A That's right.

18 Q Okay.

19 A But I never had -- never said anything to him or been
20 close to him. Like -- like he be going that way and I be
21 coming this way. And he be going that way. I be going
22 another way.

23 Q Did you pull a silver handgun off Debris that day?

24 A No, sir. Breezy didn't have anything on him. The
25 only thing he had was a cigarette in his hand.

Martha Houey
Direct examination by Mr. Barnette

1 Q Do you know a Janet Lindsay?

2 A Janet Lindsay?

3 Q Yes, ma'am.

4 A Yeah, I know Janet Lindsay.

5 Q Did you ever tell Janet Lindsay you pulled a silver
6 handgun off Debris?

7 A No, sir, uh-uh. I ain't talked to her about this.

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

9 MR. BARNETTE: No further questions of the witness,
10 Your Honor.

11 THE COURT: Thank you, Ms. Boyd. You may step down.

12 THE WITNESS: I don't know where he got that from.

13 MR. BARNETTE: Your Honor, the state would like to
14 call Ms. Martha Houey, please.

15 MARTHA HOUHEY, having been
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. BARNETTE

18 Q Ma'am, if you would, give your full name for the
19 record, please.

20 A Martha Jean Houey.

21 Q And where do you live at, ma'am?

22 A 349 Estelle Road in Gaffney.

23 Q And can you tell me --

24 THE COURT: You might need to -- excuse me just a
25 minute. You might need to pull that microphone a little

Martha Houey
Direct examination by Mr. Barnette

1 bit closer to your mouth so we can all hear you. You can
2 move the microphone. Just move it so that it's closer to
3 your mouth. Thank you.

4 Q Ma'am, if you would, tell us who your children were,
5 ma'am.

6 A Huh?

7 Q Could you tell us about your family, your children and
8 so forth?

9 A Oh, I have four daughters. My baby girl named Rose,
10 and that's Breezy's mama.

11 Q Let me stop you for one second. Let me move the mic a
12 little bit closer. You need to talk into the mic so that
13 they can hear you. Okay?

14 A I have four daughters, and my baby's name is Rose.
15 And that's Debris' mama -- Breezy.

16 Q And Breezy, what's Breezy's real name?

17 A Debris -- Debris -- I don't know his name. All I know
18 we called him -- I know his name Breezy, and Debris, and
19 then they would call him Breezy.

20 Q So it's Debris Houey, but y'all knowed him as Breezy.

21 A Knowed him as Breezy.

22 Q And that's your grandson?

23 A My grandson.

24 Q And back on December 16th of 2010 was he helping y'all
25 move furniture?

Martha Houey
Direct examination by Mr. Barnette

- 1 A Yes. He did.
- 2 Q And who were y'all trying to help move furniture for
3 that day, ma'am?
- 4 A I called my friend and told her to come and get me.
5 And I called Rose and asked Rose was Breezy at home, and
6 she told me yeah. So I told her to tell him to come and
7 help me move a stove from my mama's house. And we carried
8 it to my house and went to my sister's house. After we
9 carried the stove, we went to my sister's house and got a
10 table and carried that over to Tasha. She lived in a
11 trailer park.
- 12 Q Okay. And Tasha. Who is Tasha, ma'am?
- 13 A That's my granddaughter.
- 14 Q So y'all was carrying furniture to Tasha's mobile
15 home?
- 16 A A table and some chairs, yes, sir.
- 17 Q And where is the mobile home park located at you was
18 taking the furniture to?
- 19 A Up 150.
- 20 Q Where was that again, ma'am?
- 21 A Up 150.
- 22 Q Up 150. Was that in Cherokee County, ma'am?
- 23 A Yes, it is.
- 24 Q Do you know the name of the mobile home park there,
25 what it was called?

Martha Houey
Direct examination by Mr. Barnette

1 A I don't know the name of it. I know Tasha lived on
2 Conner Drive.

3 Q And so was it on Conner Drive there in Cherokee
4 County?

5 A Uh-huh.

6 Q In Gaffney. When y'all got there, about what time was
7 it or what time of day?

8 A If I'm not mistaken, it was about 12:00, something to
9 11:00. It was 12:00 something.

10 Q When y'all got there, what happened?

11 A When we got to Tasha's house? I mean, yeah, Tash's
12 house?

13 Q Yes, ma'am.

14 A Well, Tasha had left her key -- her boyfriend. She
15 had to go get her key. And Nicky's -- Breezy was standing
16 on the side of the truck. Somebody called Breezy. Nicky's
17 son, that tall -- her tall son. And Breezy, they said a
18 few words. And he went back to his house. And maybe about
19 five or ten minutes after that Dot was sitting up there in
20 the -- both of us sitting in the truck.

21 Q Okay. Who was sitting in the truck with you at the
22 time?

23 A Dorothy Boyd.

24 Q Okay. So y'all were sitting in the truck together?

25 A Yes. And she was looking up -- up the road and I was

Martha Houey
Direct examination by Mr. Barnette

1 Looking straight out.

2 Breezy was in the middle of the road. He had a
3 cigarette in his hand, and he was smoking. He had his hand
4 off down in his pants and his cigarette like that. And Dot
5 say, "Martha Jean, looky there." And I turned around I
6 hear-ed the pop, pop, pop. I thought it was a BB gun. And
7 Dot got outta the truck, and she asked Breezy -- she told --
8 she say -- not Breezy.

9 She asked him why did you shoot him like that. He
10 turned around and shoot him again, and that's when his
11 eyeball popped out.

12 And then I asked him, I said, "why you shoot Breezy
13 like that," and then he told me, say, "Breezy come to me. I
14 didn't come to him, go to him."

15 And that's him sitting right there.

16 Q Okay. Do you see the man that shot?

17 A I see. That's him sitting there.

18 Q Okay.

19 A He shot that boy down in cold blood like it was
20 nothing.

21 Q If you would, point at where he's at, ma'am.

22 A Huh?

23 Q Can you point out the person that shot?

24 A Sitting right there. He just done got slim. He was
25 bigger than that.

Martha Houey
Direct examination by Mr. Barnette

1 Q And is he sitting there at the table beside his
2 attorney?

3 A Yes, he is.

4 MR. BARNETTE: Your Honor, I'd ask for the record to
5 reflect that she's identified the defendant.

6 THE COURT: It shall.

7 Q Did you know what his name was at that time, ma'am?

8 A All I know they called him Prince. I used to see him
9 come in church with Nicky.

10 Q And how many -- do you know how many times he did
11 shoot Breezy?

12 A Huh?

13 Q Do you know how many times?

14 A I don't know. All I hear was pop, pop, pop.

15 Q And you said he went back and shot him again.

16 A He went back and shot that boy again. When Dot asked
17 him, said, "why did you shoot him like that," he went back
18 and shot him again. I was standing at the door of the
19 truck. I had done opened the door. And I asked him why he
20 did that. And he told me, "Breezy come to me. I didn't go
21 to him." That's exactly what he said.

22 Q what did the fellow that shoot Breezy -- Prince --
23 what did he do afterwards?

24 A He turned around and went back up that road and got in
25 that gold car -- orange or gold or whatever color it was --

Martha Houey
Direct examination by Mr. Barnette

1 and left. And then couldn't nobody find him.

2 Q And how big was the gun that he used to shoot?

3 A I don't know how big that gun was. All I know, I
4 thought it was a BB gun.

5 Q But it was a --

6 A It was about like that, something like that. He had
7 it down like that -- he just.

8 Q Did Breezy ever have a gun on him or anything?

9 A No. Breezy did not have no gun.

10 Q Did he threaten Prince in any way?

11 A Not that I knowed of. He didn't say nothing to
12 Breezy.

13 MR. CAMPBELL: Objection, Your Honor. Speculation.

14 THE COURT: Overruled.

15 Q What did Breezy have in his hand?

16 A Huh?

17 Q What did Breezy have in his hand?

18 A A cigarette.

19 Q And he was just smoking?

20 A He was smoking.

21 Q Was -- so he was there just to help take furniture out
22 that day. And that's what y'all --

23 A And that tall boy, Nicky's son, called him. And I
24 don't know what they said because I couldn't hear what they
25 was saying. And the boy went back up to the house. And

Martha Houey
Cross-examination by Mr. Campbell

1 next thing I know he was coming outta the house. He was
2 shooting Breezy.

3 Q If you would, ma'am, please answer any questions
4 Mr. Campbell may have for you.

5 CROSS-EXAMINATION

6 BY MR. CAMPBELL

7 Q Is the correct pronunciation Ms. Houey? Is that
8 right?

9 A Houey.

10 Q Houey. Okay. Any time you don't have -- don't
11 understand anything I ask or you want me to clarify
12 something, just feel free to ask. If at any point you need
13 to take a break, you just let me know, because I understand
14 this is trying testimony for you.

15 Okay. I want to make sure I get the sequence of
16 events right. You said you were in the truck, correct?

17 A When he was shooting Breezy, yeah.

18 Q No, no. Let's -- when -- in the very beginning you
19 were sitting in the truck.

20 A Me and her both was sitting in the truck.

21 Q With Ms. Boyd, correct?

22 A Uh-huh.

23 Q And that was Ms. Boyd's truck?

24 A Yes, it was.

25 Q And the windows were up, correct?

Martha Houey
Cross-examination by Mr. Campbell

- 1 A Yes.
- 2 Q Okay. And about how far was the conversation between
3 Debris and Nicky Hardy's son?
- 4 A About -- about five. Might not have been quite five
5 minutes, because they didn't talk too much.
- 6 Q Okay.
- 7 A And the boy went back up to his house.
- 8 Q Now, I want to clarify a few things. You're Debris'
9 grandmother, correct?
- 10 A Yes, I am.
- 11 Q Okay. Now, Debris had a child with Nicky Hardy,
12 correct?
- 13 A Yeah.
- 14 Q You're that child's great-grandmother.
- 15 A Yes.
- 16 Q Okay. So Debris knew Nicky Hardy's son intimately,
17 correct?
- 18 A Yes.
- 19 Q Okay. And the trailer, say, where Natasha Houey --
20 that's the trailer that y'all were moving into, correct?
- 21 A Yes.
- 22 Q The address was 109 Conner Drive, correct?
- 23 A Yes.
- 24 Q And I believe the trailer where the conversation
25 between Debris and Nicky Hardy's son took place was at her

Martha Houey
Cross-examination by Mr. Campbell

- 1 trailer, correct?
- 2 A It was in between. There's a trailer right there, and
3 then Tasha's trailer. They was in between.
- 4 Q About how far was the distance between Natasha's
5 trailer and Nicky Hardy's trailer -- 50 yards?
- 6 A I don't know what the distance is. All I know there's
7 a trailer in between them.
- 8 Q Okay. But you had the windows up on the truck,
9 correct?
- 10 A Yes.
- 11 Q And you couldn't tell what was being talked about in
12 that conversation between Debris and Ms. Hardy's son, could
13 you?
- 14 A No.
- 15 Q Okay. Now, that conversation ended, and her son
16 walked away, correct?
- 17 A Yes.
- 18 Q And he went back up in the trailer.
- 19 A Yes, he did.
- 20 Q And at that point Debris stayed there and smoked a
21 cigarette, correct?
- 22 A Yes.
- 23 Q He didn't come back up to your trailer, did he?
- 24 A He was in the road.
- 25 Q Okay. But what I'm asking you is after that

Martha Houey
Cross-examination by Mr. Campbell

1 conversation ended did he stay where he was or did he walk
2 back up to your trailer.

3 A No. He come back to the -- to the -- to the truck.

4 Q Okay. You say he walked back up to your truck.

5 A He come back to the truck, and then he walked up the
6 road a little piece. And he was in the middle of the road,
7 and he took out a cigarette and went to smoking.

8 Q Okay. And I believe you said he had his hand on his
9 waist, correct?

10 A He had his hand off down in his pants, and he was
11 smoking a cigarette.

12 Q So he had his hands down in his waistband, correct?

13 A Yeah.

14 Q About like this?

15 A Yes.

16 Q Okay. And do you know, was it his left hand or his
17 right hand in his waistband?

18 A I don't know. All I know he had his cigarette and his
19 hand off like this.

20 Q So was he holding the cigarette in the left hand?

21 A Like I said, I don't know. I don't know which hand it
22 was in. But all I know, he was smoking a cigarette.

23 Q Okay. So and I apologize. I'm just trying to get the
24 scene correct. But you can't tell me whether the left hand
25 was in the waistband or whether the right hand was in the

Martha Houey
Cross-examination by Mr. Campbell

1 waistband.

2 A Well, if you've got the picture you can see. I'm not
3 trying to be funny. But you can see where he was holding
4 the cigarette. I don't know. I was too upset.

5 Q And you couldn't hear any of the conversation that
6 occurred between Debris and Sonny [sic].

7 A No. But I heard that boy call Breezy, because the
8 truck got a little opening in the back, a little window
9 like.

10 Q Okay.

11 MR. CAMPBELL: Nothing further for this witness, Your
12 Honor.

13 MR. BARNETTE: No further questions of this witness,
14 Your Honor.

15 THE COURT: Thank you, Ms. Houey. You can step down.

16 MR. BARNETTE: Thank you, Your Honor.

17 That's all the matter from the state at this time.

18 THE COURT: All right. This matter is in recess.

19 END OF REQUESTED TRANSCRIPT OF RECORD
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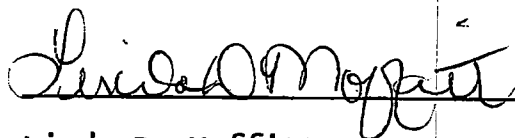
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 21st day of August 2012.

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

July 21, 2015

A handwritten signature in cursive script, appearing to read "Linda D. Moffitt", written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County

J. Derham Cole, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

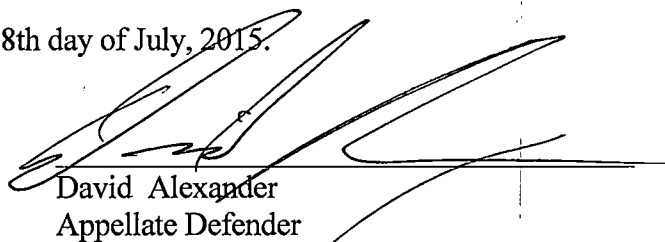
PRINCE SNIPES,

APPELLANT

APPELLATE CASE NO. 2013-001651

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the August 21, 2012 transcript of record in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and on Prince Snipes, #356225 at the Broad River Correctional Institution, this 28th day of July, 2015.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 28th day of July, 2015.


(L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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July 28, 2015

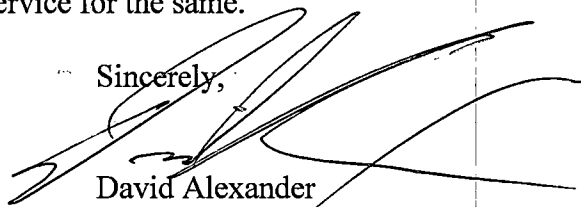
The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: The State v. Prince Deven Snipes

Dear Ms. Kitchings:

Enclosed for filing is a copy of the transcript from August 21, 2012, per the order on June 25, 2015 together with a certificate of service for the same.

Sincerely,



David Alexander
Appellate Defender

cc: Donald J. Zelenka, Esquire
Prince Snipes, #356225

DAA/blw

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