

VOLUME I of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

George C. James, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LONDON A. KELLEY,

APPELLANT

APPELLATE CASE NO. 2014-002412

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT (dated October 27 th -October 31 st , 2014).....	1
JURY QUALIFICATION	5
JURY IMPANELED	54
TESTIMONY	
LOHAM C. MAYS, III	67
JENNIFER THOMAS.....	76
MOTIONS	95
JURY SWORN.....	106
OPENING STATEMENT BY MR. CORBETT.....	117
OPENING STATEMENT BY MR. JOHNSON.....	121
TESTIMONY	
KRYSTLE SKINNER	126
CEDRIC BURGESS	154
DEXTER DICKEY	165
TIFFANY WITHERSPOON	178
HOPE BROWN.....	221
ANDREA BROWN	233
JUROR QUESTIONING	253
TESTIMONY	
KEVIN LINDSEY.....	256
JEREMY HOLLAND	262

DEPUTY CHRIS HICE	275
RICK H. NELSON, JR.....	290
BRIAN JAMES HORTON	299
OFFICER WILLIE MCFADDEN	317
ROBERT W. RICHARDSON	347
TERREL HUDSON	381
APRIL MCFADDEN	417
DIONNE MOORE	441
TRIAL TRANSCRIPT VOLUME II (dated October 27 th –October 31 st , 2014).....	457
TESTIMONY	
THOMAS A. MILLER (IN-CAMERA).....	460
TINA M. EPPS (IN-CAMERA)	466
ROBIN STEADMAN (IN-CAMERA)	470
VICTOR BAKER (IN-CAMERA).....	474
DR. JANICE E. ROSS	480
LOHAM C. MAYS	497
EDWARD BROWN	508
SHANIAQUA OAKS	539
SUZIE OAKS THOMAS.....	557
INVESTIGATOR JENNIFER THOMAS.....	626
RIGHTS OF THE DEFENDANT	704
MOTIONS BY MR. JOHNSON	724
CLOSING ARGUMENT BY MR. CORBETT	760
CLOSING ARGUMENT BY MR. JOHNSON	783
JURY CHARGE.....	806

NOTE FROM THE JURY-RECHARGE	835
NOTE FROM THE JURY-RECHARGE	838
NOTE FROM THE JURY-RECHARGE	845
NOTE FROM THE JURY-RECHARGE	856
VERDICT OF THE JURY.....	860
POLLING OF THE JURY	862
SENTENCING	875
COURT'S EXHIBIT NO. 1 (DEFENDANT'S REQUESTED VOIR DIRE).....	879
COURT'S EXHIBIT NO. 3 (JURY NOTE)	884
COURT'S EXHIBIT NO. 4 (JURY NOTE)	885
COURT'S EXHIBIT NO. 5 (JURY NOTE)	886
COURT'S EXHIBIT NO. 7 (JURY NOTE)	887
COURT'S EXHIBIT NO. 8 (JURY NOTE)	888
STATE'S EXHIBIT NO. 11 (STATEMENT OF TIFFANY WITHERSPOON)	889
STATE'S EXHIBIT NO. 49 (STATEMENT OF EDWARD BROWN).....	891
STATE'S EXHIBIT NO. 51 (STATEMENT OF SHANIAQUA OAKS).....	892
STATE'S EXHIBIT NO. 52 (STATEMENT OF SUZIE OAKS THOMAS).....	893
INDICTMENT	905
CERTIFICATE OF COUNSEL.....	907

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 32 (PHOTOGRAPH)

State of South Carolina)
)
 County of Sumter)
)

State of South Carolina,
 Plaintiffs

Transcript of Record
 2014-GS-43-00724

vs.

London A. Kelley,
 Defendant

October 27th-31st 2014
 Sumter, S.C.

BEFORE THE HONORABLE George C. James, Jr., Judge.

Volume I

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

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 Assistant Solicitor for the State

Mr. Charlie J. Johnson, Jr.
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Margaret T. Sullivan,
 Court Reporter

	Witnesses	Direct	Cross	Redirect	Recross
1	Jury qualifications	3			
2	Jury impaneled	52			
	Jackson Denno				
3	Lohman T. Mays, III				
	by Mr. Corbett	65			
4	by Mr. Johnson		74		
	Jennifer Thomas				
5	by Mr. Corbett	74			
	by Mr. Johnson		85		
6	by the Court	92			
	Motions				
7	by Mr. Johnson	93			
	Jury Sworn	104			
8	Preliminary Remarks	105			
	Opening Statements				
9	by Mr. Corbett	115			
	by Mr. Johnson	119			
10	Krystal Skinner				
	by Mr. Corbett	123		150	
11	by Mr. Johnson		138		152
	Cedric Burgess				
12	by Mr. Corbett	151			
	by Mr. Johnson		154		
13	Dexter Dickey				
	by Mr. Corbett	164		174	
14	by Mr. Johnson		175		
	Tiffany Witherspoon				
15	by Mr. Corbett	176,	194	214	
	by MR. JOHNSON		208		218
16	Hope Brown				
	by Mr. Brown	217			
17	by Mr. Johnson		228		
	Andrea Brown				
18	by Mr. Corbett	231		245	
	by Mr. Johnson		242		247
19	Juror questioning:	251			
	Kevin Lindsey				
20	by Mr. Corbett	254			
	Jeremy Holland				
21	by Mr. Corbett	261			
	by Mr. Johnson		268		
22	Deputy Curtis Hice				
	by Mr. Corbett	274			
23	by Mr. Johnson		284		
	Rick Nelson				
24	by Corbett	288		296	
	by Mr. Johnson		294		
25					

	<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
1					
2	Brian Horton				
	by Mr. Corbett	297			
3	by Mr. Johnson		310		
4	Officer Willie McFadden				
	by Mr. Corbett	315		330	
5	by Mr. Johnson		328		330
	Bobby Richardson				
6	by Mr. Corbett	345, 354, 363		373	
	by Mr. Johnson		366		374
7	Terrel Hudson				
	by Mr. Corbett	380		413	
8	by Mr. Johnson		406		415
	Dionne Moore				
9	by Mr. Corbett	439		449	
	by Mr. Johnson		445		451
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					

1		E-X-H-I-B-I-T-S		
2	No.	Description	Id.	Ev.
3	S-1	Voluntary Statement	68	
4	S-2	Miranda Warning	70	
5	S-3	Voluntary Statement	70	
6	S-4	Miranda Warning	75	
7	S-5	Voluntary Statement	79	
8	S-6	Waiver of Rights	81	
9	S-7	Waiver of Rights	83	
10	S-8	Photos (4)	133	
11	S-9	Photo of keys	134	634
12	S-10	Baseball hat	135, 325	696
13	S-11	Voluntary Statement	178	628
14	S-12	Miranda	177	
15	S-13	Aerial photo	258	279
16	S-14-17	photos of burned vehicle	258	259
17	S-18	Aerial photo	275	279
18	S-19-23	Photos victim	281	283
19	S-24-26	Photos vehicle	304	304
20	S-27	Chain of Custody Form		328
21	S-28-38	Photos	343	
22	S-28-30	Photos		348
23	S-31, 37, 38	Photos		349
24	S-36	Photo		350
25	S-33-35	Photos		364
26	S-32	Photo		373
27	S-39-45	Photos	378	
28	S-46	Aerial Photo	385	387
29	S-47	Statement April McFadden	423	
30	S-48	Autopsy Report		483
31	S-49	Statement of Edward Brown	500	634
32	S-50	Facebook Message S.O.	536	539
33	S-51	Statement of SO	546	546
34	S-52	Statement of SOT	556	617
35	D-1	Statement of K.S.	144	
36	D-2	Waiver of Rights	600	
37	C-1-2	Voir Dire	64	
38	C3-C8	Notes from Jury	829-851	

21

22

23

24

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1 MR. CORBETT: This is the case of London
2 Antoinett Kelley. Ms. Kelley is before the court
3 on a true billed indictment alleging murder,
4 accessory after the fact of murder, and
5 conspiracy. She is represented by attorney
6 Charlie Johnson present in the courtroom. Your
7 Honor, if I may, I will hand up the original
8 indictment. And I believe the court has the
9 State's list of potential witnesses.

10 THE COURT: Ladies and gentlemen of the
11 jury, we are now going to select a jury for the
12 trial of the case of the State of South Carolina
13 versus London Antoinette Kelley. When the State
14 called the case through Mr. Corbett, he will be
15 representing the State in this case. He announced
16 that the charges against Ms. Kelley are, murder,
17 accessory after the fact of murder, and
18 conspiracy.

19 The questions that I am going to ask you
20 are designed to make sure that we impanel a jury
21 that will be fair and impartial and one which will
22 base a verdict in this case solely on the evidence
23 and the law free from any outside influences or
24 concerns. In other words, your verdict will be
25 based on the evidence and the law. The questions

1 that I am going to ask you again are designed to
2 make sure that we impanel a jury of that kind.
3 You are under oath. I will be asking you some
4 very speak questions.

5 If I ask a question that applies to you,
6 the first thing I want you to do is stand up.
7 After that, we will get your name and we will get
8 your jury number. What I don't want you to stand
9 up and say your name and just start talking.
10 Some of you may be inclined to do that. I Don't
11 want you to do that. It may well be that I have
12 you come up one at a time and give me information.
13 The reason for that for that quite frankly is, I
14 do not have -- I am probably not going to know
15 want to know what you tell me. It may not have
16 any relevance or any it may not be a true response
17 to the question. And so if I do ask you to come
18 up here, one thing on that, do not go back to any
19 fellow jurors and tell them what we talked about.
20 And anyone that didn't come up here, don't ask a
21 jury what did you all talk about up there.

22 There is a reasoning behind the approach
23 that we take, so please follow those instructions
24 first tell you, Ladies and gentlemen, that the
25 fact that person is arrested or charged or

1 indicted for criminal offense is not evidence of
2 anything. In South Carolina, we use the
3 indictment process. If a person has been
4 arrested, charged, indicted, that is not evidence
5 that the person is guilty or not guilty. The
6 defendant is presumed innocent of these charges,
7 she has entered pleas of not guilty. She does not
8 have prove to anything. She does not have to
9 disprove anything. The State has the burden of
10 proving the elements of the crime charged beyond a
11 reasonable doubt. And again, the burden remains
12 with the State at all times.

13 The fact that I now refer to these charges
14 is not intended to be a comment by me on the
15 facts, because the jury is the sole judge of the
16 facts. In other words, you will reach the verdict
17 in this case. And I don't have anything to do
18 with what your verdict is going to be. The
19 allegation in the indictment is that on or about
20 April 9th 2011, the defendant Lyndon Antoinette
21 Kelley, did willfully, feloniously and
22 intentionally kill the victim one Darrell Epps
23 with the malice aforethought, either express or
24 implied, by shooting him and that he did die as a
25 approximate result of that shooting on or about

1 April 9th 2011.

2 The second count alleges that on or about
3 the same date the defendant with knowledge that
4 the felony of murder had been completed and did
5 harbor or assist the principal felon in escaping
6 detection or arrest in violation of the law. The
7 third count is that the defendant on or about the
8 same date did conspire with one or more other
9 people to commit the crime of murder. Those are
10 charges. Mr. Corbett, was any -- what particular
11 part of the community or did the events occur?

12 MR. CORBETT: Your Honor, the State
13 alleges the incident took place in the Cherryvale
14 neighborhood of Sumter County, across from Shaw
15 Air Force Base.

16 THE COURT: Ladies and gentlemen, again,
17 as I mentioned, those are the allegations that the
18 State has to proof what I have just reviewed for
19 you. But I need to give you that information so I
20 can ask you this question. Is there anything on
21 this jury panel who knows anything about this case
22 at all? And that might be from knowing a lot
23 about it or hearing a lot about it or Very, very,
24 little. So if there is anyone who has heard
25 anything about it, read anything about it,

1 listened to anything about it, or have any
2 information whatsoever however small or however
3 big. I want you to stand.

4 (Whereupon, no response.)

5 THE COURT: Ms. Kelley, if you could
6 please stand and face, oh, I am sorry, we have one
7 juror standing. Come forward please ma'am. And
8 your name please.

9 THE JUROR: Ms. Wilson. 146.

10 THE COURT: 146 Ms. Wilson.

11 (Whereupon, the following takes place
12 outside the hearing of the jury panel.)

13 THE COURT: See the lady right here, she
14 is going to be taking down everything you say. So
15 she and I need to hear you. Have you heard about
16 this?

17 THE JUROR: I know her.

18 THE COURT: That is going to be my next
19 question. How long have you known her?

20 THE JUROR: I know of her and we travel in
21 the same circles.

22 THE COURT: And you heard that she had
23 been charged with this offense?

24 THE JUROR: It was on the news.

25 THE COURT: Ma'am?

1 THE JUROR: It was on the news.

2 THE COURT: what did you hear or see on
3 the news?

4 THE JUROR: Just that they were arrested
5 for it.

6 THE COURT: Do you have any preconceived
7 notion of whether or not she is guilty or not
8 guilty?

9 THE JUROR: I have no.

10 THE COURT: Have often do you see her when
11 when you travel in those circles.

12 THE JUROR: Well this is the first time I
13 have seen here in years.

14 THE COURT: If you were on this jury,
15 could you be completely fair and impartial to the
16 State and to M. Kelley?

17 THE JUROR: Yes.

18 THE COURT: Could you set aside
19 completely, the fact that you travel and are so
20 associated in the same circles with her---

21 THE JUROR: Uh-huh. (Affirmative.)

22 THE COURT: ---and put aside completely
23 what you heard on the television or the the radio.

24 THE JUROR: Yes, sir.

25 THE COURT: And can be completely fair and

1 impartial?

2 THE JUROR: Yes, sir.

3 THE COURT: Any additional questions,
4 Mr. Corbett and Mr. Johnson?

5 MR. CORBETT: No, sir.

6 MR. JOHNSON: I have nothing, Judge.

7 THE COURT: Thank you. Don't talk to any
8 of the other jurors about anything that you seen
9 or heard. Thank you.

10 THE BAILIFF: Three more standing, Judge.

11 THE COURT: Come up, please. Your name,
12 please.

13 THE JUROR: Ms. Days.

14 THE COURT: Ms. Days. Okay.

15 THE JUROR: I am a relative of his
16 girlfriend.

17 THE COURT: To whose girlfriend?

18 THE JUROR: Daryl's girlfriend.

19 THE COURT: And you are related to his
20 girlfriend?

21 THE JUROR: Uh-huh. (Affirmative.)

22 THE COURT: And that's going to be one of
23 the questions I ask of you. How are you related
24 to her?

25 THE JUROR: By her daddy.

1 THE COURT: And do you see her?

2 THE JUROR: All the time.

3 THE COURT: Do you know anything about
4 this case?

5 THE JUROR: No.

6 THE COURT: Do you have preconceived idea
7 about whether this defendant is guilty or not
8 guilty?

9 THE JUROR: No.

10 THE COURT: If you were on this jury,
11 would you feel uncomfortable?

12 THE JUROR: Yes.

13 THE COURT: Here's what I am going to ask
14 you do. Do not tell anybody on this jury anything
15 that you know. You will not have to stand or
16 answer any more questions on this case. Even if
17 anything ask, applies to you, you don't have to
18 stand.

19 THE JUROR: All right.

20 THE BAILIFF: Juror No. 105, Judge.

21 THE COURT: Your last name.

22 THE BAILIFF: Pleasant.

23 THE COURT: Pleasant. And what is your
24 answer to that question.

25 THE JUROR: I went to high school with

1 her. And I personally know her daughter.

2 THE COURT: How long have you known her
3 daughter?

4 THE JUROR: She goes to my church.

5 THE COURT: Do you know anything about
6 this case?

7 THE JUROR: I read up on it.

8 THE COURT: Do you think you would have a
9 preconceived idea about whether she is guilty or
10 not guilty?

11 THE JUROR: I don't know.

12 THE COURT: And would that put you in a
13 bad situation to be on this juror?

14 THE JUROR: Yes, sir.

15 THE COURT: And your last name again was?

16 THE JUROR: Pleasant.

17 THE COURT: Pleasant. And you don't have
18 to stand up and answer any more questions in this
19 case. Don't talk to anyone on the jury what about
20 what you know.

21 THE BAILIFF: Juror No. 20.

22 THE COURT: This case is likely to go into
23 Thursday. What about your doctor's appointment?

24 MR. CORBETT: That's correct judge.

25 THE COURT: What is your answer to my

1 question.

2 THE JUROR: Well I went to school with one
3 of them.

4 THE COURT: Which one?

5 THE JUROR: I went to school.

6 THE COURT: With who?

7 THE JUROR: The defendant that was
8 murdered.

9 THE COURT: Ms. Kelley?

10 THE JUROR: No, the victim.

11 THE COURT: The victim.

12 THE JUROR: Uh-huh. (Affirmative.)

13 THE COURT: And do you know anything about
14 the case at all?

15 THE JUROR: No, just what was in the
16 newspaper.

17 THE COURT: In this particular case you
18 don't have to stand up anymore. Since you are not
19 going to be on this case anyway. Don't talk to
20 anybody on the jury about anything you've seen or
21 heard. Thank you. You can have a seat.

22 Ms. Kelley, now you can stand, please and
23 face the jury panel. As I go through these
24 questions, if I use the term tend to or being an
25 immediate family member that means related by

1 blood or marriage. Also I use the term close
2 relative that typically would mean a, your father,
3 your father and mother, brother, sister or child.

4 Here is the question. Is there anyone on
5 this panel or to your knowledge is there anyone in
6 your immediate family who is first of all, related
7 by blood or marriage or kin to London Antoinette
8 Kelley.

9 (Whereupon, no response.)

10 THE COURT: Is there anyone on the panel
11 or anyone your immediate family who has any type,
12 and that would be now or in the past, any type or
13 connection or acquaintance or association with Ms.
14 Kelley. It may have been having gone to school
15 with her, church with her, work with her, see her
16 periodically, see her often. Had any type of
17 connection now or in the past with Ms. Kelley? If
18 so please stand.

19 (Whereupon, no response.)

20 THE COURT: Thank you, Ms. Kelley. Now
21 what I going to do now, Ladies and gentlemen, is
22 read a list of potential witnesses. And the
23 question is going to be the same. And it may well
24 be that you would respond to more than of these
25 witnesses, so listen carefully to all of these so

1 that we can get a complete picture of any
2 associations or kinships you might have with any
3 of these witnesses. If any of the witnesses are
4 here, when your name is called, stand briefly.
5 Turn around so the jury can see you, and then you
6 can have a seat right after you stand up.

7 Again, these potential witnesses. They
8 may all be called, they may not all be called,
9 but they're possible witnesses. Crystal Skinner,
10 turn around and face the back please. Cedric
11 Burgess, Erin Goodman, Dexter Dickey, Lee Ernest
12 Dickey, Tiffany Witherspoon, Hope Brown, Andrea
13 Brown, Sheila Michael, Jeremy Holland,
14 Christopher Dingle, John Kennedy, Terrell Hudson,
15 Altonio Kennedy, April Sinner McFadden, Dion
16 Moore, Jessica Bradford, Chris Miller, Edward
17 Brown, Susie Oaks Thomas, Shaniqua Oaks, Ricky
18 Epps Trevor Davis, Carolyn Davis, John Davis,
19 Calvin Singletary. Also Bryan Horton, is he with
20 the fire department and the sheriff's office?

21 MR. CORBETT: Formerly with the fire
22 department now with a different agency.

23 THE COURT: Bryan Horton, Willie McFadden,
24 Heath Gardner, Jacob Mitchell, Janice Ross, sled.

25 MR. CORBETT: Newberry Pathology.

1 THE COURT: Okay, that's right. Illa
2 Simmons of sled, Tony Broom. She's with sled.
3 Teresa Ray Lee, at the Sumter Lee regional
4 detention center. Paul Meeh, M-E-E-H, and with
5 who?

6 MR. CORBETT: Sled.

7 THE COURT: And Verona Gibson.

8 MR. CORBETT: With sled.

9 THE COURT: And the following witnesses
10 from the Sumter County Sheriff's Office, Kevin
11 Lindsey, Curtis Hice, Rick Nelson, Mike Bean,
12 Bobby Richardson, Misty Lee, Julia Blare, Wesley
13 Gardner, Jamie Williams, Trip Mays, Jennifer
14 Thomas, Robert Burnish, Jim Atkinson, Derron
15 Soloman, Wayne Dubose, Joe Lane.

16 Again, anyone on the panel or any member
17 of your immediate family related by blood or
18 marriage, obviously that means kin to or have any
19 other connection, acquaintance or association
20 however strong or slight with these witnesses. Ms
21 Ficklin, do you know your juror number?

22 THE JUROR: 37.

23 THE COURT: First of all, the names, what
24 witness or witnesses?

25 THE JUROR: Misty Lee and the detective.

1 I can't remember any name.

2 THE COURT: Ms. Thomas?

3 THE JUROR: Yes.

4 THE COURT: And are these relationships
5 social or business?

6 THE JUROR: One is social. Misty is my
7 grandchildren's aunt and Detective Thomas helped
8 us when we had a break in.

9 THE COURT: Now how long have known Misty
10 Lee?

11 THE JUROR: Probably 15 years.

12 THE COURT: And she is the aunt to your
13 grandchildren?

14 THE JUROR: The aunt to my grandchildren.

15 THE COURT: She is their blood relative or
16 not their blood relative.

17 THE JUROR: Their blood relative but not
18 mine. On the other side.

19 THE COURT: And the question is this.
20 Would you be able to set aside both of the
21 circumstances that you mentioned to me, and be
22 completely fair and impartial to both sides?

23 THE JUROR: Yes, sir.

24 THE COURT: And would you be able to base
25 your verdict on the evidence and the law as a

1 whole and not particularly on what one of these
2 potential witnesses would say?

3 THE JUROR: Yes, sir.

4 THE COURT: Thank you, ma'am. You can
5 have a seat for the time being. Your name,
6 please, ma'am.

7 THE JUROR: Ms. Fry.

8 THE COURT: Ms. Fry. Do you know your
9 juror number?

10 THE JUROR: 38.

11 THE COURT: Yes, ma'am. First of all,
12 which witness or witnesses?

13 THE JUROR: Jennifer Thomas.

14 THE COURT: Do you know her socially?

15 THE JUROR: Socially.

16 THE COURT: How long have you known her?

17 THE JUROR: She and my oldest daughter
18 went to school together and played softball
19 together. And we have a mutual friend at this
20 and time.

21 THE COURT: So you have known her for some
22 years.

23 THE JUROR: Yes.

24 THE COURT: How often do you see her now?

25 THE JUROR: Not often.

1 THE COURT: And in the past how often did
2 you see her?

3 THE JUROR: I would say maybe once every 6
4 months or so.

5 THE COURT: Would you be able to set aside
6 that acquaintance completely and base your verdict
7 solely on the evidence and law in this case?

8 THE JUROR: Yes, sir.

9 THE COURT: And would you be able to be
10 completely fair and impartial to the State and to
11 the defendant?

12 THE JUROR: Yes, sir.

13 THE COURT: Thank you, ma'am. Mr. Seth,
14 do you know your number?

15 THE JUROR: No, sir.

16 THE COURT: 122. Which witness or
17 witnesses?

18 THE JUROR: Deputy Richardson. He is a
19 client of mine. I assisted in his mother's
20 estate.

21 THE COURT: Is that completed?

22 THE JUROR: Yes, sir.

23 THE COURT: How long ago was that?

24 THE JUROR: Within the year.

25 THE COURT: If that is the case, would you

1 be able to set aside that relationship and be
2 completely fair and impartial to both sides in
3 this case?

4 THE JUROR: I will.

5 THE COURT: And would you be able to base
6 your verdict on the evidence and the law and not
7 on the fact that he may be a witness or because
8 he's employed by the sheriff's office?

9 THE JUROR: I can.

10 THE COURT: Thank you, Mr. Seth. Your
11 name, sir.

12 THE JUROR: Stephen Scurry.

13 THE CLERK: 121.

14 THE COURT: Mr. Scurry is No. 121. Which
15 witness or witnesses?

16 THE JUROR: Mr. Mays.

17 THE COURT: Is that a social acquaintance?

18 THE JUROR: I went to school with him.

19 THE COURT: How long ago was that?

20 THE JUROR: It's been many years now.

21 THE COURT: Is that high school?

22 THE JUROR: Yes, sir.

23 THE COURT: It looks like that would have
24 been back in the late 80's?

25 THE JUROR: Yes.

1 THE COURT: Well you all are younger than
2 me. Did you see him frequently then socially or
3 was it just a school made connection?

4 THE JUROR: School friends.

5 THE COURT: Do you see him often or any at
6 all now?

7 THE JUROR: Every now and again. In
8 passing mostly.

9 THE COURT: Would you be able to set aside
10 those circumstances and base your verdict on the
11 evidence and the law?

12 THE JUROR: Yes, sir.

13 THE COURT: Could you be completely fair
14 and impartial to both sides?

15 THE JUROR: Yes, sir..

16 THE COURT: Thank you, sir. Mr. Corbett,
17 you can stand and introduce yourself and anyone
18 else who might be assisting you from the
19 solicitor's office.

20 MR. CORBETT: Good morning. My name is
21 Jason Corbett and I am one of the assistant
22 solicitor's here in Sumter County. Assisting in
23 the trial of this case will be assistant solicitor
24 Kirk Griffin. And also you will see in the
25 courtroom from time to time Investigator Miller

1 with our office.

2 THE COURT: Thank you. Mr. Johnson.

3 MR. JOHNSON: Thank Your Honor. My name
4 is Charlie Johnson. Assisting me will be my
5 investigator Ms. Amy Jones and my other
6 investigator Mr. Danny Webb.

7 THE COURT: Thank you, Mr. Johnson. Is
8 there anyone on this jury panel or anyone in your
9 immediate family to your knowledge, first of all,
10 related by blood or marriage to either Mr. Corbett
11 or Mr. Johnson or the folks that were introduced
12 to you by them? Anyone on the panel or anyone in
13 your immediate family have any type or connection
14 or acquaintance or association at all with any of
15 these individuals? Mr. Seth.

16 THE JUROR: Yes, Your Honor. 122, is it
17 not?

18 THE COURT: Yes, sir.

19 THE JUROR: I obviously most of the
20 lawyers on the other side of the bar, and I know
21 Mr. Webb from way back.

22 THE COURT: When you say back is that?

23 THE JUROR: When I was City Judge, I think
24 he was an officer with the city police then.

25 THE COURT: Could you set aside all of

1 those circumstances and be completely fair and
2 impartial?

3 THE JUROR: I can.

4 THE COURT: And base your verdict on the
5 evidence and the law.

6 THE JUROR: I will.

7 THE COURT: And you were a city judge back
8 in the 80's?

9 THE JUROR: I am under oath. Yes, sir.

10 THE COURT: Would you be able to set aside
11 any preconceived notions of the law and follow the
12 instructions that I give you?

13 THE JUROR: I will.

14 THE COURT: Thank you, Mr. Seth. Your
15 Name, sir.

16 THE JUROR: Mike Murley. NO. 90.

17 THE COURT: Murley.

18 THE JUROR: Yes, sir.

19 THE COURT: Mr. Murley is No. 90. Yes,
20 sir, your answer.

21 THE JUROR: About 15 years ago Tom Miller
22 and myself were co-workers as paramedics.

23 THE COURT: Could you set that aside and
24 be completely fair and impartial?

25 THE JUROR: Yes, sir.

1 THE COURT: And base your verdict on the
2 evidence and the law?

3 THE JUROR: Yes, sir.

4 THE COURT: Mr. Miller is not listed as a
5 witness, is he, Mr. Corbett?

6 MR. CORBETT: No, sir, Your Honor.

7 THE COURT: Thank you, Mr. Murley. Is
8 there anyone on the panel who is a member of or a
9 contributor to any organization that has as its
10 primary focus the promotion of law enforcement or
11 the enforcement of victim's rights? And these
12 organizations include but they are not limited to
13 things such as Students Against Drunk Driving,
14 Mother's Against Drunk Driving, Citizens Against
15 Violent Crime, the State Trooper's Association,
16 South Carolina Law Enforcement Association,
17 organizations of that kind? Now would be a member
18 of or a contributor to.

19 And by the way, is anyone on the panel
20 ever been represented by any of these attorneys?

21 (Whereupon, no response.)

22 THE COURT: Is there anyone on the jury
23 panel related by blood or marriage or a close
24 personal friend of someone who is employed a law
25 enforcement agency as a law enforcement officer.

1 And that would be again, anyone on this panel who
2 is related by blood or marriage or a close friend
3 of anyone employed as a law enforcement officer.

4 And there are different kinds of agencies,
5 obviously. And those are sheriff's office, city
6 police, FBI, sled, military police, things of that
7 nature. Mr. Murley.

8 THE JUROR: Yes, sir. No. 90.

9 THE COURT: Yes, sir.

10 THE JUROR: I am not sure of the
11 definition of close, I've got several law
12 enforcement friends, but we don't like hang out or
13 drink together or anything like that.

14 THE COURT: And what agencies are those?

15 THE JUROR: Clarendon Police Department.

16 THE COURT: You can sit down just for the
17 time being. I'll have you stand up in just a
18 minute. Your name, sir.

19 THE JUROR: Gregory McGuire.

20 THE COURT: McGuire. Yes, sir, do you
21 know your number?

22 THE JUROR: No, I do not.

23 THE COURT: It is 84. Yes, sir,
24 Mr. McGuire.

25 THE JUROR: My uncle is Detective Rick

1 Morris with Sumter City.

2 THE COURT: City police?

3 THE JUROR: Yes, sir.

4 THE COURT: Anyone else? Thank you,
5 Mr. McGuire, you can have a seat for the time
6 being. Your name, please, ma'am.

7 THE JUROR: Deborah Williams. My
8 son-in-law works Wateree Detention.

9 THE COURT: As a correctional officer?

10 THE JUROR: Yes.

11 THE COURT: How long has he been there?

12 THE JUROR: About 2 years.

13 THE COURT: Mr. McGuire, how long has your
14 uncle been a police officer?

15 THE JUROR: It's been around 5 or 6
16 years. I am not completely sure.

17 THE COURT: Thank you. You can have a seat
18 too, please, ma'am. Your name.

19 THE JUROR: Talma Johnson, 65.

20 THE COURT: Yes, ma'am.

21 THE COURT: My husband actually is
22 retired. And he is also the security officer for
23 on suit command on Shaw Air Force Base.

24 THE COURT: How long was he a military
25 policemen?

1 THE JUROR: He actually served honorably,
2 20 years.

3 THE COURT: How long has he been a
4 security officer?

5 THE JUROR: 14 years.

6 THE COURT: 14. Has that all been at Shaw
7 or well obviously the 20 years was not.

8 THE JUROR: No, BRAC law bought us here.
9 So we've been here for 4 years.

10 THE COURT: Your name, please, ma'am.

11 THE JUROR: Katherine Tyrone. 139.

12 THE COURT: Number what?

13 THE JUROR: 139.

14 THE COURT: Ms. Tyrone.

15 THE JUROR: My nephew by marriage is in
16 law enforcement Washington, North Carolina.

17 THE COURT: How long have he been in that
18 job?

19 THE JUROR: Probably, 15, 20 years.

20 THE COURT: Thank you, ma'am. Your name,
21 please, ma'am.

22 THE JUROR: Sharp.

23 THE COURT: 123. Yes, ma'am.

24 THE JUROR: My brother-in-law is a
25 correctional officer in Missouri.

1 THE COURT: Missouri. And how long has he
2 has that job?

3 THE JUROR: About 15 years.

4 THE COURT: Okay. If you folks who
5 answered that question, can stand back up. You
6 can probably gather what the follow up questions
7 are going to be. The question is whether you can
8 be completely fair and impartial to the State and
9 to the defendant. And set aside those
10 relationships or those folks that you've described
11 who have the employment as law enforcement
12 officers. If you can set all of that aside and be
13 completely fair and impartial and base your
14 verdict solely on the evidence and the law in this
15 case, just raise your hand. You ladies can have a
16 seat. Mr. Murley, you and, Mr. McGuire, if you
17 could come up, please.

18 (Whereupon, jurors confer with judge at
19 the bench.)

20 THE COURT: No. 90.

21 MR. MURLEY: Yes, sir.

22 THE COURT: What would be your situation.

23 THE JUROR: Well, you know, I worked as a
24 paramedic and I've had dealings with law
25 enforcement protection. And I worked with the

1 sheriff's department as an undercover narcotics.

2 THE COURT: What I am going to do is stand
3 you aside in this case. You don't have to answer
4 any more questions in this case. And do not talk
5 to any of your fellow jurors about anything that
6 you have described. Thank you.

7 Yes, sir, Mr. McGuire.

8 THE JUROR: My uncle is a city police
9 officer.

10 THE COURT: Do you think you could be a
11 fair and impartial juror.

12 THE JUROR: No, sir.

13 THE COURT: Is that correct?

14 THE JUROR: Yes, sir.

15 THE COURT: What I am going is to stand
16 you aside in this case. Do not tell any of your
17 fellow jurors anything about your particulars,
18 okay. You don't have to stand up and any answer
19 any more questions in this case. Thank you. As
20 the background of this question, Ladies and
21 gentlemen, in the counties in this state, crimes
22 are typically prosecuted by solicitor's offices.
23 In South prosecuted by solicitor's offices.

24 In South Carolina we have 16 judicial
25 circuits. And there are 16 elected solicitors.

1 One of whom certainly is Mr. Finny who I have
2 previously introduced. The chief law enforcement
3 officer for the State of South Carolina is the
4 State Attorney General. And in the attorney
5 general's office, there are a good many lawyers on
6 his staff. The same goes for the solicitor's
7 throughout the state.

8 The question is this. Is there anyone on
9 this panel or anyone in your immediate family, or
10 do you have a very close personal friend who is
11 employed by the South Carolina Attorney General or
12 a solicitor's office or perhaps in another state,
13 another prosecuting attorney. In some states they
14 are called district attorneys or state's
15 attorneys. Again, anyone on the panel or anyone
16 in your immediate family or a very close friend
17 who is employed by the attorney general, a
18 solicitor or any other prosecuting attorneys
19 office?

20 Ms. Fry.

21 THE JUROR: Yes. I am related to Christy
22 Newman. She works for the attorney general in
23 Columbia.

24 THE COURT: What does she do?

25 THE JUROR: She is lawyer over the

1 attorney generals.

2 THE COURT: Do you know how long she has
3 been in that job?

4 THE JUROR: A long time. I don't know
5 exactly.

6 THE COURT: And if you are on this jury,
7 could you set aside that circumstance and be
8 completely fair and impartial to both sides?

9 THE JUROR: Yes, sir.

10 THE COURT: And could you base your
11 verdict on the law and completely discount her
12 employment?

13 THE JUROR: Yes, sir.

14 THE COURT: Thank you. Anyone else? Your
15 name?

16 THE JUROR: Melba Johnson No. 65. My aunt
17 is the lead public defender for the State of
18 Indiana, Hope Five.

19 THE COURT: And would you be able to set
20 that aside? That's not a prosecuting job, but I
21 appreciate you standing. Is there any reason that
22 would make you not be able to be fair and
23 impartial.

24 THE JUROR: No, sir.

25 THE COURT: Thank you. Is there anyone

1 on the panel who has ever been a testifying
2 witness in a criminal trial. Ms. Johnson, is that
3 your employment?

4 THE JUROR: Actually not. My ex-husband
5 was shot during the sniper attack at Fort Bragg.

6 THE COURT: Okay.

7 THE JUROR: The general court marshal. I
8 actually gave testimony for the prosecution.

9 THE COURT: And would you be able to set
10 all of those circumstances aside completely?

11 THE JUROR: I am uncertain.

12 THE COURT: I'll have you -- I'll talk to
13 you in a just a minute. And Ms. Sharp No. 123 is
14 that correct?

15 THE JUROR: Yes.

16 THE COURT: First of all, you were a --
17 where were you witness?

18 THE JUROR: In the State of Virginia.

19 THE COURT: How long ago?

20 THE JUROR: About 45 years.

21 THE COURT: 45 years. Okay. And what
22 kind of case was it?

23 THE JUROR: A rape case.

24 THE COURT: I'll talk to you about that in
25 just a few minutes too, okay. Now in the law,

1 Ladies and gentlemen, there are, there is to me at
2 least it's a little confusing. We have things
3 called violent crimes and crime of violence. But
4 the question I am going to ask you is restricted
5 to this.

6 And the violent crimes that I am talking
7 about, would be things such as, murder, robbery,
8 that is when someone actually robs someone else
9 face to face either with a gun or by threat.
10 Burglary, that's entering a dwelling or a building
11 without consent to commit a crime, sexual assault
12 and things of that nature. I am not talking about
13 breaking into your car or stealing something from
14 the store where you work. I am not talking about
15 those kinds of things.

16 The question is this, is there anyone on
17 this jury panel or anyone in your immediate family
18 who has been the victim or ever been accused of,
19 committing a violent crime. Is there anyone on
20 this panel or anyone in your immediate family who
21 has ever been the victim of or ever been accused
22 of a violent crime? Beginning with Ms. Sharp, and
23 also Ms. Johnson if you can go ahead and get in
24 line, you all can come up. And the folks who did
25 stand, if you could just simply stand in line,

1 okay. Ms. Johnson, you can come on up.

2 (Whereupon, jurors approach and confer
3 with judge.)

4 THE COURT: No. 65.

5 THE JUROR: Yes, sir.

6 THE COURT: What is your answer to the
7 other question and this one?

8 THE JUROR: Actually I will tell you that
9 I have a nephew who actually is in jail for
10 statutory rape of a minor. And also I have
11 another nephew who will be released from a violent
12 crime of using a weapon against my brother. But
13 most of all, it would be what I would have issues
14 is, murder. I actually gave testimony of a
15 gentleman who was put on death row. His sentence
16 has been commuted. Every year I do receive
17 information from the parole board.

18 THE COURT: You were the victim.

19 THE JUROR: Actually my ex-husband was
20 shot at point blank range. And he did survive.
21 Just let you know. He did ten rounds or surgery.
22 He died three times on the table. And it was a
23 bullet.

24 THE COURT: And that would make it
25 difficult to be fair in this case?

1 THE JUROR: It may, yes, sir.

2 THE COURT: What I am going to do is stand
3 you aside in this case. You don't have to answer
4 any more questions on this case. But you can't
5 leave yet. Don't discuss the circumstances of
6 this with the other jurors.

7 THE JUROR: I understand.

8 THE COURT: Thank you.

9 THE BAILIFF: Juror No. 64, Mr. Jenkins.

10 THE COURT: Mr. Jenkins. Yes, sir. What
11 is your answer to that question.

12 THE JUROR: I am a victim of a home
13 break-in.

14 THE COURT: When was that?

15 THE JUROR: About two years ago.

16 THE COURT: Here in Sumter?

17 THE JUROR: Yes, sir.

18 THE COURT: Was anybody arrested?

19 THE JUROR: No one was ever found.

20 THE COURT: Nothing was ever filed.

21 THE JUROR: The person was never caught.

22 THE COURT: Oh, never caught. Could you
23 set all that aside and be fair and impartial in
24 this case?

25 THE JUROR: And base your verdict on the

1 verdict on the evidence and law in this case?

2 THE JUROR: Yes, sir.

3 THE COURT: Thank you, sir.

4 THE CLERK: 142, Ms. Williams.

5 THE COURT: You live close to me. Do you

6 live on ?

7 THE JUROR: Yes, sir.

8 THE COURT: Since you are up here and the
9 fact that I am the judge in this case has nothing
10 to do with you. Do feel okay with that?

11 THE JUROR: Yes, sir.

12 THE COURT: What is your answer to that
13 question?

14 THE JUROR: When I was younger there was a
15 child molestation.

16 THE COURT: How long ago was that?

17 THE JUROR: When I was 17.

18 THE COURT: Was anyone ever prosecuted?

19 THE JUROR: Yes.

20 THE COURT: Where was that?

21 THE JUROR: Alabama.

22 THE COURT: And if you are, you have
23 obviously you have heard the allegations in this
24 case, would you be able to set all of that aside
25 and be able to be fair to the state and to the

1 defendant?

2 THE JUROR: Uh-huh. (Affirmative.)

3 THE COURT: Can you base your verdict on
4 the evidence and the law in this case?

5 THE JUROR: Yes, sir.

6 THE BAILIFF: Ms. Sharp.

7 THE COURT: Ms. Sharp.

8 THE BAILIFF: 123, Judge.

9 THE COURT: Yes, ma'am. What is your
10 answer to the question.

11 THE JUROR: A family member, a niece, who
12 was raped.

13 THE COURT: And you were a witness?

14 THE JUROR: No. She did not go to trial.
15 Her case didn't go to trial. I was a witness
16 No. 72 for a friend who knows the defendant.

17 THE COURT: The defendant in a rape case?

18 THE JUROR: Yes.

19 THE COURT: Was he convicted?

20 THE JUROR: Yes.

21 THE COURT: So no one was prosecuted in
22 the case involving your niece?

23 THE JUROR: I am sorry?

24 THE COURT: No one was prosecuted.

25 THE JUROR: No.

1 THE COURT: Was either one of those in
2 Sumter County?

3 THE JUROR: No.

4 THE COURT: These are both in Virginia.

5 THE JUROR: Uh-huh. (Affirmative.)

6 THE COURT: Could you set all that aside
7 and base your verdict in this case solely on the
8 evidence and the law in this case?

9 THE JUROR: Yes, sir.

10 THE COURT: Could you be completely fair
11 to both sides?

12 THE JUROR: Yes, sir.

13 THE COURT: And you would be an impartial
14 juror?

15 THE JUROR: Yes, sir.

16 THE COURT: Thank you.

17 THE BAILIFF: 87, Mr. Moore.

18 THE COURT: Yes, sir. Mr. Moore.

19 THE JUROR: My brother's house has been
20 burglarized twice in the last several years.

21 THE COURT: In the county?

22 THE JUROR: Yes.

23 THE COURT: What's his name?

24 THE JUROR: Chris Moore.

25 THE COURT: What does he do?

1 THE JUROR: He's a farmer.

2 THE COURT: Anybody caught?

3 THE JUROR: I think somebody was caught.

4 I don't remember.

5 THE COURT: There are certainly no
6 allegations of burglary in this case. And
7 burglary is a violent crime in some situations.
8 Could you set all of that aside and be fair to
9 both sides?

10 THE JUROR: Yes.

11 THE COURT: And base your verdict on the
12 evidence in this case?

13 THE JUROR: Yes.

14 THE COURT: Thank you.

15 THE BAILIFF: Juror No. 1 Ms. Adams.

16 THE COURT: Your last name.

17 THE JUROR: Adams.

18 THE COURT: Yes, ma'am.

19 THE JUROR: Two or 3 years ago my house
20 was broken into. And then my younger son was also
21 serving time for burglary.

22 THE COURT: Was anybody ever caught in
23 your burglary?

24 THE JUROR: No, it just fell through the
25 cracks. No one ever did fingerprints.

1 THE COURT: Was that here in Sumter?
2 THE JUROR: Yes.
3 THE COURT: Was that city or county?
4 THE JUROR: City.
5 THE COURT: Where do you live?
6 THE JUROR: , off of
7
8 THE COURT: If you know, what time of year
9 was that?
10 THE JUROR: That was back in the summer.
11 THE COURT: And your son is in jail now.
12 THE JUROR: He's in Turbeville.
13 THE COURT: Was he prosecuted here?
14 THE JUROR: He was.
15 THE COURT: Do you remember who the lawyer
16 was?
17 THE JUROR: That was a young lawyer.
18 THE COURT: Who was the prosecutor, do you
19 know? Male or female?
20 THE JUROR: Male.
21 THE COURT: Do you remember the last name?
22 THE JUROR: No, sir.
23 THE COURT: Could you set all of that
24 aside and be fair in this case? There are no
25 allegations of burglary obviously. But you did

1 respond appropriately to the question itself?

2 Could you be fair to both sides?

3 THE JUROR: Yes, sir.

4 THE COURT: And could you base your
5 verdict on the evidence and the law in this case?

6 THE JUROR: Yes, sir.

7 THE COURT: Would you have any
8 reservations at all about serving as a juror in
9 this case?

10 THE JUROR: No, sir.

11 THE COURT: Thank you.

12 THE BAILIFF: 109, Ms. Rednour, Judge.

13 THE COURT: Ms. Rednour.

14 THE JUROR: Yes, sir.

15 THE COURT: Yes, ma'am.

16 THE JUROR: In 1982 I was charged with
17 domestic violence. Those charges against me were
18 dismissed.

19 THE COURT: And was that or?

20 THE JUROR: That was in Horry County.

21 THE COURT: Were the charges against the
22 the other person carried through?

23 THE JUROR: Yes, sir. He was convicted.

24 THE COURT: He was convicted?

25 THE JUROR: Yes, sir.

1 THE COURT: Was it a violent altercation
2 of just?

3 THE JUROR: It was. It was my first
4 husband. He was regularly abusive.

5 THE COURT: There are no specific
6 allegations of criminal domestic violence in this
7 case. But could you set aside what happened to
8 you and be fair and impartial to both sides?

9 THE JUROR: Absolutely.

10 THE COURT: And base your verdict on the
11 evidence and the law in this case.

12 THE JUROR: Yes, sir.

13 THE BAILIFF: 93, Ms. Nelson.

14 THE COURT: Yes, ma'am, Ms. Nelson.

15 THE JUROR: Yes, my son was convicted of a
16 violent crime.

17 THE COURT: What was that crime?

18 THE JUROR: Robbery.

19 THE COURT: Here in Sumter?

20 THE JUROR: Yes.

21 THE COURT: His name.

22 THE JUROR: Marcus Frierson.

23 THE COURT: How long ago was that?

24 THE JUROR: In 96. 97.

25 THE COURT: Did he have a lawyer?

1 THE JUROR: A public defender.

2 THE COURT: Did he go for a jury trial or
3 plead guilty?

4 THE DEFENDANT: Plead guilty.

5 THE COURT: Is he still in prison?

6 THE JUROR: Yes, sir.

7 THE COURT: How long will he be in there?

8 THE JUROR: Two more years.

9 THE COURT: And did any of that -- does
10 any of that give you any reason that you could not
11 be fair and impartial?

12 THE JUROR: No, sir.

13 THE COURT: Could you be fair?

14 THE JUROR: Yes, sir.

15 THE COURT: And can base your verdict on
16 what the evidence is in this case?

17 THE JUROR: Yes.

18 THE COURT: Thank you.

19 THE BAILIFF: Juror No. 2, Mr. Amore.

20 THE COURT: And your answer to that.

21 THE JUROR: I've been -- I was accused of
22 a violent crime.

23 THE COURT: What crime?

24 THE JUROR: Assault and battery high of a
25 high and aggravated nature.

1 THE COURT: Were you prosecuted?

2 THE JUROR: No, sir. It was dropped.

3 THE COURT: How long ago was that?

4 THE JUROR: That was about 5 years ago, 6
5 years ago.

6 THE COURT: Here in Sumter?

7 THE JUROR: Yes, sir.

8 THE COURT: Did it ever get to the point
9 where there was a prosecutor?

10 THE JUROR: No, sir. Joe Davis was the
11 magistrate. He had been in front of him when it
12 came up for the term of court, but the other guy
13 dropped it. I had 13 witnesses.

14 THE COURT: Taking all that into account
15 could you be completely fair and impartial to both
16 sides?

17 THE JUROR: Yes, sir.

18 THE COURT: And base your verdict on the
19 evidence and the law in this case?

20 THE JUROR: Yes, sir.

21 THE COURT: Is there anything that would
22 give you pause and could you be fair?

23 THE JUROR: I can be fair. If they would
24 take the evidence and the 13 witnesses and can be
25 solved. The other guy dropped it.

1 THE COURT: So you don't have any
2 animosity against the police or.

3 THE JUROR: No, sir, not at all.

4 THE COURT: Thank you.

5 THE BAILIFF: 132, Mr. Styles.

6 THE COURT: Good morning, Mr. Styles.

7 THE JUROR: Good morning. Your Honor, and
8 I don't know the difference but I had testimony
9 regardless, a spouse.

10 THE COURT: Where does she work? What
11 does she do?

12 THE JUROR: She's an officer. That's all
13 I know.

14 THE COURT: Would that have any impact on
15 your ability to be fair and impartial?

16 THE JUROR: No, sir. But to be honest, I
17 don't think I have the right to have judge
18 somebody else's life. Not taking your place but I
19 mean, just standing here.

20 THE COURT: Well on a jury, the trial
21 consists of witnesses being called to testify and
22 you can see perhaps documents, pictures and that
23 kind of thing. And the case there would be 12
24 people on the jury would to have collectively
25 reach a unanimous verdict. Could you do that?

1 THE JUROR: I reckon so, sir.

2 THE COURT: And you wouldn't be the only
3 one, but you would be one of them. Could you be
4 fair and impartial to both sides?

5 THE JUROR: I reckon so, sir.

6 THE COURT: When you say reckon.

7 THE JUROR: Yes, sir.

8 THE COURT: Could you base your verdict on
9 the evidence and the law in this case?

10 THE JUROR: Yes, sir.

11 THE COURT: Thank you. Is there anyone on
12 the panel who has ever served on a jury in a trial
13 before? Actually been picked and sat in a box and
14 been a juror in a trial? And I am going to get
15 this information. If you would please stand.
16 I'll get this -- my last couple of follow up
17 questions. And Ms. Rednour, do you remember your
18 number?

19 THE JUROR: Yes, sir. 109.

20 THE COURT: Yes, ma'am.

21 THE JUROR: I served on a civil jury a few
22 years ago here in Sumter County.

23 THE COURT: You can have a seat for the
24 time being. Your last name again, sir.

25 THE JUROR: Jenkins.

1 THE COURT: Yes, sir.

2 THE JUROR: 64.

3 THE COURT: And your answer.

4 THE JUROR: Just traffic court.

5 THE COURT: Thank you. Your name please.

6 THE JUROR: Angela Williams.

7 THE COURT: Do you know your juror number?

8 THE JUROR: 144.

9 THE COURT: 144. Yes, ma'am.

10 THE JUROR: And I served in 2012 right

11 across the street to the old courthouse.

12 THE COURT: And what kind of case was it.

13 Were just about criminal court you remember what

14 charge was?

15 THE JUROR: It was just a criminal court.

16 THE COURT: Do you remember what the

17 charge was or just served as a juror?

18 THE JUROR: I was on the jury. I can't

19 remember what it was.

20 THE COURT: Thank you. Your name please.

21 THE JUROR: Sandra Branstra. No. 8.

22 THE JUROR: Yes, ma'am.

23 THE COURT: It was in Sumter County at the

24 Magistrate Court.

25 THE COURT: Do you remember what kind of

1 case?

2 THE JUROR: Yes, sir. It involved a
3 traffic accident. Someone suing someone.

4 THE COURT: Thank you. Your name, please,
5 ma'am, right behind her.

6 THE JUROR: Lee No. 72. It was in the old
7 courthouse. It was the same kind of situation. I
8 am not sure what the case was. It was a juror
9 though.

10 THE COURT: Thank you. Ms. Ficklin.

11 THE JUROR: 37. It was the last court in
12 that building. And I on a criminal court murder
13 charge.

14 THE COURT: Thank you, ma'am. Your name,
15 sir.

16 THE JUROR: Kendrick Eaddy.

17 THE COURT: Kendrick Eaddy. Yes, sir.

18 THE COURT: I was just remember that the
19 courthouse across the street a few years ago.

20 THE COURT: What kind of case?

21 THE JUROR: A rape case.

22 THE COURT: Your name, please, ma'am.

23 THE JUROR: Catherine Premann.

24 THE COURT: Yes, ma'am.

25 THE COURT: I was on a court marshal

1 panel at the Oson, Korea in 2000, an assault case.

2 THE COURT: An assault case? Thank you.

3 And right behind her. Yes, ma'am.

4 THE JUROR: Jennifer Nelson, 93. I can't
5 remember. It was like 80, 90. It was so long
6 ago, I served as a juror.

7 THE COURT: Was is criminal or civil?

8 THE JUROR: I think it was criminal.

9 THE COURT: Thank you. Your name, please,
10 ma'am.

11 THE JUROR: Lisa Adams, No. 1. And
12 Magistrate's Court. And it was back 2011.

13 THE COURT: What kind of case?

14 THE JUROR: Traffic accident.

15 THE COURT: Thank you. And your name,
16 please.

17 THE JUROR: Teresa Johnson. No. 67. I
18 don't know what it was. But it was a doctor's
19 case against a doctor's office.

20 THE COURT: Here---

21 THE JUROR: It was in the old.

22 THE COURT: In the old courthouse?

23 THE JUROR: Yes.

24 THE COURT: Thank you. The folks who did
25 stand, I'll just let you stay seated for the time

1 being. The follow up question as you can probably
2 anticipate. Did your service on jury in another
3 case in the manner that you've described, would
4 that have any impact on your ability to be
5 completely fair and impartial. And would that
6 have any impact on your ability to decide this
7 case on the evidence and the law in this case.

8 If you feel like you could not be fair or
9 it would have any impact on your ability to decide
10 this case on the evidence and the law, simply
11 stand. If you don't think you could be fair.

12 (Whereupon, no response.)

13 THE COURT: No one stood. Now one of the
14 things that I will tell you during this case, I'll
15 tell you probably at the beginning, at the end,
16 and I'll tell you now. You'll get be required to
17 sit as a juror in this case. The jury is the sole
18 and the body and the finder of facts. In other
19 words, you all reach the verdict. In doing that,
20 you use your good common sense. You look at the
21 evidence. And you also rely on the law as I give
22 it to you. One of the things that I will tell you
23 is that you have to base your verdict on the law
24 as I give it to you, and not based on what you
25 think the law is and what you think it ought to

1 be.

2 If there's anyone who would not be able to
3 follow that basic instruction, please stand.

4 (Whereupon, no response.)

5 THE COURT: Likewise, as I have already
6 told you, a defendant who is accused of a crime,
7 is presumed innocent. Does not have to prove
8 anything. Does not have to disprove anything.
9 It's a very fundamental principal that the State
10 has the burden of establishing or proving the
11 elements of a crime charged beyond a reasonable
12 doubt. Is there anyone on the jury panel who
13 feels they could not abide by that fundamental
14 legal principal?

15 (Whereupon, no response.)

16 THE COURT: No one stood. Is there anyone
17 on the jury panel who knows of any bias or
18 prejudice that you might have for or against the
19 State, the defendant, either of the attorneys or
20 any of the possible witnesses in this case?
21 Again, that's a bias or a prejudice for or against
22 one side or the other. Or any of the witnesses?

23 (Whereupon, no response.)

24 THE COURT: No one stood. Is there
25 anyone on the panel, this is somewhat of a follow

1 up. Is there anyone on the panel who would be
2 more inclined to believe or not believe the
3 testimony of that any witness whose name I have
4 read out? Anyone on the jury would be more
5 inclined to believe or not believe to the
6 testimony of a witness whose name I have called
7 out?

8 (Whereupon, no response.)

9 THE COURT: No one stood. Is there anyone
10 on the panel who knows of any reason why you
11 should not serve as a juror in the trial of this
12 case?

13 (Whereupon, no response.)

14 THE COURT: Any additional questions from
15 the State.

16 MR. CORBETT: Nothing from the State, Your
17 Honor.

18 THE COURT: Mr. Johnson.

19 MR. JOHNSON: I have nothing, Your Honor.

20 THE COURT: Ladies and gentlemen, what we
21 are going to do is this. The -- let me see the
22 lawyers up here one more time before we start this
23 next one.

24 (Whereupon, judge and attorneys confer.)

25 THE COURT: We will select a jury of 12,

1 with two alternates. And both sides agree 5 and
2 10. And one and two on the alternates.

3 THE BAILIFF: Juror 109 Elizabeth Rednour
4 (f-w) accepted. Juror No. 143 Eric White (m-b)
5 state struck. Juror No. 131 Anastasia Spann (f-b)
6 accepted. Juror No. 37 Victoria Fickling (f-w)
7 defense struck. Juror No. 38 Leisa Frye (f-w)
8 defense struck. Juror No. 8 Sandra Bandstra (f-w)
9 accepted. Juror No. 87 Shawn Moore (m-w) defense
10 struck. Juror No. 59 James Houck (m-b) state
11 struck. Juror No. 7 Victor Baker, Jr. (m-b)
12 accepted. Juror No. 102 Harry Peterson (m-b).

13 MR. CORBETT: Your Honor, may we approach?

14 THE COURT: Yes, sir.

15 (Attorneys approach and confer with
16 judge.)

17 THE BAILIFF: State struck. Juror No. 132
18 Marcus Stiles (m-w) state struck. Juror No. 71
19 McSwain Laws (m-b) defense struck. Juror No. 130
20 Melonese Snowden (f-b) accepted. Juror No. 107
21 Linda Price (f-b) accepted. Juror No. 94 Tonya
22 Nelson (f-b) accepted. Juror No. 93 Jennifer
23 Nelson (f-b) accepted. Juror No. 67 Teresa
24 Johnson (f-b) accepted. Juror No. 4 William
25 Anderson (m-w) accepted. Juror No. 145 Debra

1 Williams (f-w) defense struck. Juror No. 121

2 Steven Scurry. Defense struck. Juror No. 106

3 Tiffany Wheeler (f-b) accepted. Juror No. 31

4 Kendrick Eady (m-b) accepted.

5 THE COURT: All right one and two.

6 THE BAILIFF: Alternate Juror No. 34 Bruce

7 Erb (m-w) accepted. Second Alternate Juror No. 23

8 Michael Cook (m-b) state struck. Juror No. 139

9 Katherine Tyron (f-w).

10 THE COURT: Any objections or any other
11 matters, motions, issues pertaining to jury
12 selection from the State?

13 MR. CORBETT: Nothing from the state.

14 THE COURT: From the defense?

15 MR. JOHNSON: Nothing from the defense.

16 THE COURT: Can I see the lawyers up here
17 just a minute?

18 (Whereupon, the attorneys approach the
19 bench and confer with judge.)

20 THE COURT: Ladies and gentlemen, you all
21 have been selected as jurors in the trial of this
22 case, we're actually going to begin the trial at
23 3:15. I've got to take care of a couple of
24 things in a couple other cases. That's going to
25 impact our time. But if you right now the

1 bailiffs are going to show you to where your jury
2 room is. You report back there properly at
3 3:15 p.m. and we will be ready to go.

4 As I will tell you repeatedly throughout
5 this case. You cannot talk about this case with
6 anyone in the world. That includes among
7 yourselves. This may be the only thing that the
8 14 of you have in common, but it's the only thing
9 you can't talk about it all. You may hear
10 testimony this afternoon or in the morning. You
11 can't go to your jury room or on the way to the
12 car and talk about what you've just seen or heard.
13 Likewise by order of the chief justice, I am
14 required to tell you that you cannot read anything
15 about this case. You cannot watch anything about
16 this case or listen to anything about at all.

17 If you find that that happens, you can
18 just -- you can let a bailiff know, and the
19 bailiff will report it to me. The reason for all
20 that is that you are going to be taking an oath
21 to try this case and render a verdict according to
22 the evidence and the law. You will get all of
23 that in this courtroom. It would totally improper
24 for you to gather any other information from any
25 other source.

1 I'm also required to tell you that you
2 cannot get on a blog, however you might do. I
3 don't even know how you do it. And type or write
4 or speak anything about this case. You can't get
5 on facebook or tweeter or any other social media
6 and communicate with others and put on there for
7 example that about anything about your jury
8 service or anything about this case. You can't do
9 it. So, no communications with anyone else
10 including amongst yourselves about this case.
11 Don't go home or go back to work or wherever you
12 might over lunch or tonight when we break and
13 talk to friends, co-workers, family or anybody.
14 You can't talk about it all.

15 If someone by chance says something about
16 the case in front of you, they may have done it
17 unintentionally or intentionally, you're required
18 to report that. For example, you get on the
19 elevator to leave or go down the steps if you hear
20 somebody talking about it, well let them know you
21 are on the jury. And they'll stop or they should
22 stop. But do report those things to a bailiff and
23 they will rely that to me. 3:15 we will see you
24 back, and we will be prepared to forward at that
25 time.

1 (Jury is dismissed at 12:47 p.m.)

2 (Whereupon, the following takes place
3 outside the presence of the jury.)

4 THE COURT: The motion that both sides
5 made in my office that the witnesses be
6 sequestered. Mr. Corbett, who are the two lead
7 investigators?

8 MR. CORBETT: Investigator Mays, and
9 Investigator Thomas.

10 THE COURT: They can stay in the courtroom
11 at all times. Mr. Johnson, your client here too,
12 you said her parents?

13 MR. JOHNSON: They're not here, Your
14 Honor.

15 THE COURT: But they're not witnesses.

16 MR. JOHNSON: They're not. Your Honor,
17 they're not her parents. They're---

18 THE COURT: Grandparents.

19 MR. JOHNSON: They're her daughter's
20 grandparents. She has no family here.

21 THE COURT: But they're not witnesses.

22 MR. JOHNSON: No.

23 THE COURT: And the victim's family, Mr.
24 Corbett.

25 THE COURT: That's correct, Judge. The

1 victim's fiancée and parents are both in the room.

2 The fiancée is a witness. The parents are not.

3 THE COURT: Mr. Johnson, any position on
4 the fiancée remaining in the courtroom?

5 MR. JOHNSON: Your Honor, until she
6 testifies, I would object to her being in the
7 courtroom.

8 THE COURT: We'll talk about that further
9 in just a minute. And you had a motion that your
10 client remain out on bond?

11 MR. JOHNSON: That's correct, Your Honor.
12 I know I've only been involved briefly, but she's
13 always been present. She's always been here.
14 While she was out on probation I mean, out on bond
15 before, she never violated. She's also appeared.

16 THE COURT: Mr. Corbett.

17 MR. CORBETT: Judge, given the
18 seriousness of these charges and the fact that the
19 case has been called for trial, the State would
20 request the the defendant be remanded to custody.

21 THE COURT: Do you want to anything motion
22 wise before we stop for lunch or would you all
23 like to come back at 2:15?

24 MR. CORBETT: Judge, my preference would
25 be to come back at 2:15.

1 THE COURT: Mr. Johnson.

2 MR. JOHNSON: I have no preference, Your
3 Honor.

4 THE COURT: We will start back with this
5 case at 2:15. The fiancée is a witness, but she
6 is not a family member, is that correct.

7 MR. CORBETT: Correct.

8 THE COURT: And what' her name?

9 MR. CORBETT: Crystal Skinner.

10 THE COURT: And what order will she be in?

11 MR. CORBETT: And, Judge, I was about to
12 say, this maybe a moot issue. I anticipate her
13 being the first witness.

14 THE COURT: That will took care of itself.
15 Mr. Johnson, I am going to inclined to remand your
16 client, but I will make that decision after lunch.

17 Now, Ms. Kelley, if you would stand
18 please. I want to make sure you understand this.
19 I have not made a decision yet as to whether or
20 not you'll be house in the detention center
21 throughout the trial. I'll make that decision
22 after lunch. But we're going to start back in
23 this courtroom in this case at 2:15. I want you
24 to be in seat at 2:15. If you are not here, we'll
25 start without you, No. 1. And second of all, I'll

1 definitely have someone go out and find you and
2 bring you back to the courtroom. You understand
3 that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Is she a resident of Sumter.

6 MR. JOHNSON: Yes, she is, Your Honor.

7 THE COURT: And has she been employed?

8 MR. JOHNSON: Yes, she has.

9 THE COURT: Where?

10 MR. JOHNSON: She was arrested at Papa
11 John's, but when she was arrested, Your Honor,
12 she lost her job.

13 THE COURT: But just be back here, please,
14 ma'am, at 2:15. I would you be back earlier,
15 because they're always parking issues and always
16 elevator issues. But let's not be late okay. The
17 witnesses are sequestered. Ms. Skinner, since
18 she is the first witness, I think that's fine.
19 During the opening statement, I'll just ask that
20 she be seated in the anteroom, okay. Anything
21 else before we break?

22 MR. CORBETT: Judge, yes, sir, briefly. At
23 the time that we had come to the bench with the
24 witness listen, Mr. Johnson indicated that he felt
25 like any witnesses he may potentially call were

1 also on my list. I am not certain that I will
2 call everyone on my list. And for sequestration
3 purposes, I was wanting to know if he would tell
4 us who his potential witnesses were so that we
5 could keep that in mind for the sequestration
6 purposes.

7 THE COURT: Well anybody's name was
8 called is going to be sequestered, period.
9 Because you may change your mind. So that ought
10 to cure that. You think that answered it?

11 MR. CORBETT: Judge, I just, If I was in a
12 situation where I knew I wasn't going to call
13 someone, then I could tell them they weren't a
14 witness and could be in the courtroom.

15 THE COURT: If that happens by chance,
16 make sure that Mr. Johnson. Because I can tell
17 you that if a witness comes in here in violation
18 of the order that witness is not going to testify.
19 Or it's going to be a really, really close call.

20 MR. JOHNSON: Your Honor, I can clarify
21 this. Everybody on that list is a possible
22 witness of mine, I want them sequestered.

23 THE COURT: So, Mr. Corbett, just don't
24 tell anybody it's okay for them to come in if
25 you're not going to call them.

1 MR. CORBETT: Well, Judge, a moment ago he
2 made reference to his client's child's
3 grandparents who I believe are on that witness
4 list.

5 THE COURT: What are their names?

6 MR. JOHNSON: They're not on that list.
7 They're names are John Johnson and Carolyn
8 Johnson.

9 MR. CORBETT: Judge, they should have been
10 on that witness list.

11 THE COURT: I don't remember calling their
12 names out.

13 MR. JOHNSON: They're not on the list and
14 they haven't been subpoenaed, Your Honor.

15 THE COURT: No Johnson's. There's a
16 Hudson.

17 MR. CORBETT: Judge, I think I may have
18 put Carolyn Davis and John Davis.

19 THE COURT: Who are they?

20 MR. CORBETT: I think that was a mistake
21 on my part and I think I intended that to be
22 Johnson.

23 THE COURT: What are they witnesses about?
24 What's the nature of their involvement?

25 MR. JOHNSON: I have no idea, Your Honor.

1 THE COURT: Timeline.

2 MR. CORBETT: No, sir, Judge. There's a
3 reference to a witness' statement to the
4 Johnson's, and their communication with the
5 defendant.

6 THE COURT: If they're on the witness list
7 they're going to be sequestered. So that last
8 name, the incorrect last name aside, they're not
9 going to be able to be in the courtroom.

10 MR. JOHNSON: That's fine, Your Honor.

11 THE COURT: Unless you all both agree that
12 Mr. Corbett is not going to call them and you're
13 going to call them, then that will take care of
14 it. But right now they're sequestered.

15 MR. JOHNSON: That's fine, Your Honor. I
16 may need them. I just wasn't aware of it.

17 THE COURT: Okay. We'll start back with
18 the motion at 2:15 and you will have all your
19 witnesses here?

20 MR. CORBETT: Yes, sir, Judge.

21 THE COURT: Any other pretrial matters
22 that you all anticipate?

23 MR. JOHNSON: The only other issue, if the
24 State could just tell me the sequence of the
25 witnesses.

1 MR. CORBETT: For the Jackson vs. Denno
2 or?

3 THE COURT: I don't know. I thought that
4 was the only one we had.

5 MR. CORBETT: Investigator Mays.
6 Investigator Mays, Investigator Tripp Mays and
7 Investigator Jim Thomas will be testifying at the
8 Jackson v. Denno.

9 THE COURT: About all three statements?

10 MR. CORBETT: That's correct, Judge.

11 THE COURT: We're adjourned in this case.

12 (Whereupon, court breaks for lunch.)

13 (Whereupon, the following takes place
14 outside the presence of the jury.)

15 THE COURT: Do you have your first
16 witness, Mr. Corbett?

17 MR. CORBETT: Judge, we do. For purposes
18 just for the court's sequestration, I believe
19 there are individuals in the courtroom at this
20 time, that aren't on the witness list. I
21 understand this is a Jackson vs. Denno hearing,
22 but I did want to bring that to the court's
23 attention.

24 THE COURT: They are sequestered. They
25 have to get out.

1 MR. CORBETT: And, Judge, if you give me
2 just a moment to make sure. And, Judge, the
3 reason I say that is, occasionally I will put
4 potentially witnesses down that my folks may not
5 have located yet.

6 THE COURT: Right.

7 MR. CORBETT: And sometimes, they manage
8 to find their way up here without having received
9 a subpoena or talked with us, and I just want to
10 make sure we don't run afoul with that.

11 THE COURT: Mr. Johnson, would you like to
12 make a Court's exhibit your voir dire so the
13 record will include the ones I did not ask?

14 MR. JOHNSON: Yes, Your Honor.

15 THE COURT: I will hand it to the bailiff
16 and it will be made a court's exhibit.

17 MR. JOHNSON: Thank you, Your Honor.

18 MR. CORBETT: Before the Court, the State
19 of South Carolina versus London Kelley, Indictment
20 2014-GS-43-724. Judge, the jury having been
21 selected, and we are now dealing with some
22 pretrial matters. The State alleges that the Ms.
23 London gave several statements from law
24 enforcement.

25 The first of which was a voluntary

Investigator Mays-Direct by Corbett

1 statement before she was considered a suspect.
2 Then additional statements that she provided, were
3 provided pursuant to a miranda warning and waiver
4 of rights form. At this time, the State would
5 like to call the investigators responsible for
6 taking those statements. Your Honor, the first
7 witness would be Investigator Tripp Mays.

8 Lohman C. Mays, III being first duly
9 sworn, testified as follows:

10 THE BAILIFF: Please state your full
11 name and spell your last name for the record.

12 A Lohman C. Mays, III. M-A-Y-S.

13 Direct Examination by Mr. Corbett:

14 Q Investigator Mays, good afternoon.

15 A Good afternoon, sir.

16 Q I am going to ask just a couple of basic
17 questions that we probably all know the answer to,
18 but we'll get them on the record. By whom are you
19 employed?

20 A I'm employed with the Sumter County
21 Sheriff's office.

22 Q And were you employed with the sheriff's
23 office back in April of 2011?

24 A I was.

25 Q Now I know several investigators worked on

Investigator Mays-Direct by Corbett

1 the case wherein Darrell Epps was killed.

2 A Yes.

3 Q Were you one of those?

4 A I was.

5 Q Now in connection therewith, I am going
6 show you this document and ask if you can identify
7 that.

8 A Yes, sir.

9 Q What is that document there?

10 A It's a Sumter County Sheriff's Office
11 voluntary statement form.

12 Q And who filled out that statement?

13 A Ms. London Kelley.

14 Q Do you recall where that statement was
15 taken?

16 A Yes, sir. It was on where the
17 incident occurred at, accept for this up from
18 where Mr. Epps was found at.

19 Q So it was taken in the same -- in the same
20 neighborhood.

21 A Yes, sir.

22 THE COURT: What date was that again?

23 A It was taken April 10th 2011.

24 Q Is that same day Mr. Epps' body was
25 discovered?

Investigator Mays-Direct by Corbett

1 A Yes, it is.

2 Q And then Ms. Kelley, gave you that
3 statement there at that neighborhood.

4 A Yes, sir.

5 Q Is that what I may refer to as Gem Mobile
6 Home Park, and some folks refer to by the name of
7 Harwood?

8 A That is correct.

9 Q Now at this point and time when you took
10 this statement, was Ms. Kelly in custody?

11 A No, sir.

12 Q And did she voluntarily provide that
13 statement to you?

14 A Yes, sir.

15 Q At this point and time did you have an
16 arrest warrant for her, or some indication that
17 you were going to arrest her?

18 A No, sir.

19 Q As a matter of fact, she ultimately would
20 not be arrested for a couple more years, correct?

21 A That is correct.

22 Q Now if you would, just read that statement
23 for us so we'll know something of the substance of
24 that statement.

25 A The statement says: This afternoon about

Investigator Mays-Direct by Corbett

1 1:00 p.m. to 2 p.m. Tank came to my house to see
2 what we was doing. We asked him for a cigarette.
3 He said his mama had one. We jumped into the car
4 and drove to his mama's house. On the way down
5 there, we noticed a red shirt. Then we noticed an
6 elbow. Thought come to mind, was a dead body. We
7 froze up went to American, told the officer, and
8 come check.

9 MR. CORBETT: Your Honor, at this time, if
10 we could have this marked State's No. 1 for
11 identification.

12 THE COURT: Any objection to this being
13 marked, Mr. Johnson?

14 MR. JOHNSON: No objection, Your Honor.

15 THE COURT: That's No. 1 for Id.

16 (Voluntary Statement marked State's
17 Exhibit No. 1 for ID only.)

18 Q Investigator Mays, I am now going to show
19 you this document and ask if you can identify
20 that.

21 A Yes, sir. This form that I have in my
22 hand is a Sumter County Sheriff's Office Miranda
23 Warning and Waiver of Rights form.

24 Q Now who signed that form? Who was being
25 questioned?

Investigator Mays-Direct by Corbett

1 A London Kelley.

2 Q Now if you would please, just walk us
3 through the blocks there at the top, and what
4 information that provides to Ms. Kelley.

5 A The top of this form is the miranda
6 warning. Of course, it's numbered 1 through 5.
7 And No. 1, states that you have the right to
8 remain silent. And course at the end of each
9 line, which is numbered, has a line underneath,
10 drawing a blank for the person to put their
11 initials if they understand it. And of course
12 No. 1 states, you have the right to remain silent.
13 No. 2, anything you say can and will be used
14 against you in a court of law. No. 3, you have
15 right to talk to an attorney and have him or her
16 present with you while you're being questioned.

17 No. 4, if you cannot afford to hire an
18 attorney, one will be appointed to represent you
19 before any questioning if you wish. No. 5, you
20 can decide at any time to exercise these rights
21 and not answer any questions or make any
22 statements. The sentence down below those states,
23 I understand these above rights which I have read
24 and explained by, and of course, that was
25 Investigator Williams, put his name there, of the

Investigator Mays-Direct by Corbett

1 Sumter County Sheriff's Office, at of course that
2 was at the sheriff's office at 107 East Hampton
3 Avenue, Sumter. And the time was 3:45 p.m. Of
4 course Ms. Kelley signed the top line and
5 Investigator Williams signed the line below as a
6 witness.

7 Q Were you present for that?

8 A Yes, sir.

9 Q So you were present when she was advised
10 of her rights.

11 A That is correct.

12 Q Now you may have said it, and I may have
13 missed it, what was the date of that?

14 A It was April 11th 2011. That's also when
15 she signed the waiver at the bottom.

16 MR. CORBETT: Now, judge, if we may, I am
17 going to go ahead and mark this for identification
18 as State's Exhibit No. 2.

19 THE COURT: Go ahead and mark the next
20 statement as 3 for ID.

21 (Miranda Warning marked State's Exhibit
22 No. 2 for id. Voluntary Statement marked State's
23 Exhibit 3 for id.)

24 Q Now I am going to show you what we have
25 marked as State's 3 for identification, and ask if

Investigator Mays-Direct by Corbett

1 you can identify that document.

2 A Yes, sir. This is another Voluntary
3 Statement form from the Sumter County Sheriff's
4 Office.

5 Q And who is the individual that filled out
6 that statement?

7 A London Kelley again.

8 Q And does that statement reflect the advise
9 of rights provided under State's No. 2?

10 A Yes, sir.

11 MR. CORBETT: Judge, if I can confer with
12 counsel for just a moment.

13 Q Now, Investigator Mays, in connection with
14 that statement, miranda was provided, correct?

15 A That is correct.

16 Q Was Ms. Kelley, under arrest at this
17 point and time?

18 A No, sir.

19 Q So out of an abundance of caution you
20 provided miranda rights?

21 A That's correct.

22 Q But at that point, not in custody, but it
23 was at the sheriff's department.

24 A Yes, sir.

25 Q In connection with her statement, did you

Investigator Mays-Direct by Corbett

1 or Investigator Williams make any representations,
2 promises, threats, anything of that nature to
3 induce Ms. Kelley to give you a statement?

4 A No, sir.

5 Q Do you know about how long that interview
6 lasted?

7 A The advisement of rights was given at 3:45
8 p.m. And of course she signed the statement at
9 5:20 p.m. So a little over an hour and a half.

10 Q During the course of this time, was
11 Ms. Kelley deprived of food, water, heat, cool,
12 anything that nature?

13 A No.

14 Q No kind of funny business with regard to
15 trying to get any promises made to her about the
16 bond.

17 A No, sir.

18 MR. CORBETT: Judge, in that, Mr. Johnson
19 has a copy of the statement, I was not going to
20 have the witness read it in word for word. In
21 that my assumption is that we're primarily
22 concerned about voluntariness.

23 THE COURT: Hand it to me, please. I'll
24 keep it up here. Unless you've got an extra copy
25 for me, I'll take a look at it. So if he raises

Investigator Mays-Cross by Johnson

1 any questions on cross, I'll hand it back to the
2 witness.

3 Q Now, Investigator Mays, with regard to
4 both statements, the first voluntary statement and
5 the second one, at the sheriff's office after
6 miranda, at any point and time, did Ms. Kelley
7 seem under the influence of drugs or alcohol?

8 A No, sir.

9 Q Was there anything about her condition
10 that lead you to believe that she was not
11 competent to talk to you or to give you a
12 statement?

13 A No, sir.

14 MR. CORBETT: Please answer any questions
15 Mr. Johnson might have.

16 THE COURT: So there are two written
17 statements that we're talking about, right?

18 MR. CORBETT: That is correct, Judge. One
19 April 10th, and one on April 11th.

20 THE COURT: Mr. Johnson.

21 MR. JOHNSON: Your Honor, just briefly.

22 CROSS EXAMINATION BY MR. JOHNSON:

23 Q Good afternoon, Investigator Mays.

24 A Good afternoon, sir.

25 Q Just briefly, the statements that as they

Investigator Thomas-Direct by Corbett

1 are written, those were your full conversations
2 with her, correct?

3 A Yes, sir.

4 Q And there was no addition, nothing left
5 out. Those statements basically states your
6 conversation with her, and what she told you,
7 correct?

8 A Yes, sir.

9 MR. JOHNSON: No other questions.

10 THE COURT: Redirect?

11 MR. CORBETT: Nothing on redirect, Your
12 Honor.

13 THE COURT: You can step down. Thank you,
14 sir. Next witness.

15 MR. CORBETT: Investigator Jennifer
16 Thomas.

17 Jennifer Thomas being first duly sworn,
18 testified as follows:

19 THE BAILIFF: State your full name and
20 spell your last name for the record.

21 A Jennifer Thomas. T-H-O-M-A-S.

22 Direct Examination by Mr. Corbett:

23 Q Tell us, by whom are you employed?

24 A The Sumter County Sheriff's Office.

25 Q And how long have you been with the Sumter

Investigator Thomas-Direct by Corbett

1 County Sheriff's Office?

2 A Almost 10 years.

3 Q Now did you have occasion to become
4 involved in the investigation where Darrell Epps
5 was killed?

6 A Yes, sir, I did.

7 Q And as a part of that investigation, did
8 you speak with London Kelley?

9 A Yes, sir, I did.

10 (Miranda Warning marked State's Exhibit
11 No. 4 for Id.)

12 Q I am going to hand you this document and
13 ask you if you can identify that.

14 A Yes, sir, I can.

15 Q What is that?

16 A This is a Sumter County Sheriff's Office
17 Miranda Warning and Waiver of Rights form.

18 Q Okay. And I apologize. I think I failed
19 to say it has been marked for identification as
20 State's Exhibit No. 4.

21 A Yes, sir, it is.

22 Q And who signed that Waiver of Rights form?

23 A London Kelley.

24 Q And was the date of that Advisement of
25 Rights?

Investigator Thomas-Direct by Corbett

1 A March 12th 2013.

2 Q And do you recall where that interview was
3 done?

4 A Yes, at the Sumter County Sheriff's Office
5 our old building 107 East Hampton Avenue. For
6 half of the interview. The other half was at a
7 different location, at Gem Mobile Home Park.

8 THE COURT: Say it again now.

9 A The first part of the interview was at our
10 sheriff's office at 107 East Hampton. The second
11 half was done at Gem Mobile Home Park.

12 THE COURT: Okay. But the form was signed
13 at the sheriff's office.

14 A At the sheriff's office, yes, sir.

15 Q Now again, I know this may sound a little
16 repetitive. But tell us what rights Ms. Kelley is
17 being advised of pursuant to that form.

18 A She is being advised of her rights. And
19 it's numbered 1 through 5. The first one, you
20 have the right to remain silent. The second one,
21 anything you say can and will be used against you
22 in the court of law. The third one, you have the
23 right to talk to an attorney and have him with you
24 while you are being questioned. The fourth one,
25 if you cannot afford to hire an attorney, one will

Investigator Thomas-Direct by Corbett

1 be appointed to represent you before any
2 questioning if you wish. And the 5th line, you
3 can decide at any time to exercise these rights
4 and not answer any questions or make any
5 statements. Up under that it states, I understand
6 each of my rights, which have been read and
7 explained by, and there's a blank where my name
8 is, Investigator J. Thomas of the Sumter County
9 Sheriff's Office at 107 East Hampton Avenue and
10 the date and time. Under that it has London
11 Kelley's signature. And under that it's witnessed
12 by me.

13 Q And you advised Ms. Kelley of these
14 rights?

15 A Yes, sir, I did.

16 Q And she initially and signed that form?

17 A Yes, sir.

18 Q At any point during that interview, did
19 you make any promises or representations to
20 Ms. Kelley concerning any potential charges?

21 A No, I did not.

22 Q And let me ask you, at this point and
23 time, was she under arrest for anything involving
24 the death of Darrell Epps?

25 A No, she was not.

Investigator Thomas-Direct by Corbett

1 Q But she was in custody at this time?

2 A She was not in custody at that time. Not
3 yet. She did have a warrant.

4 THE COURT: She had what?

5 A She had a warrant for arrest from another
6 investigator from a different, separate incident.

7 Q Was she free to go?

8 A No, not after the interview.

9 THE COURT: Not after the interview.

10 A Or during the interview.

11 Q So it was an unrelated matter that she had
12 a warrant outstanding for, but you also were
13 asking some questions about this older
14 investigation that you had picked up.

15 A That is correct.

16 Q And you advised her of her miranda rights.

17 A Yes, I did.

18 Q Now in connection therewith, did you make
19 any promises about the other case or this case?

20 A No, I did not.

21 Q Any promises about bond, getting to go
22 home, putting in a word, anything of that nature?

23 A No, I did not.

24 Q Was -- let me ask you. You said the
25 interview take place both at the sheriff's

Investigator Thomas-Direct by Corbett

1 department and at

2 A Yes, sir.

3 Q So the interview would have lasted quite
4 some time?

5 A Yes, sir.

6 Q Do you know about how long it lasted?

7 A Probably around 4 hours.

8 (Voluntary Statement marked State's 5 for
9 Id.)

10 Q Now when you were interviewing Ms. Kelley
11 after the advisement of rights, was there anything
12 about her demeanor or appearance that suggested to
13 you that she was under the influence?

14 A No, sir.

15 Q Was there anything about her behavior that
16 lead you to believe she was not competent or in
17 her right mind?

18 A No, sir.

19 Q Now I am going to ask you to take a look
20 at what's been marked for identification as
21 State's No. 5. First of all, how many pages is
22 that?

23 A It's 5 pages total.

24 Q Is that a statement?

25 A Yes, sir.

Investigator Thomas-Direct by Corbett

1 Q Is that a statement given by London
2 Kelley?

3 A Yes, it is, sir.

4 Q Is it typed or handwritten?

5 A It's handwritten.

6 Q Whose handwriting?

7 A London Kelley's handwriting.

8 Q So not your handwriting?

9 A No, sir.

10 Q So Ms. Kelley at some point during the
11 course of this interview process sat down and
12 wrote that statement for you?

13 A Yes, she did.

14 Q Was at the police department, at Gem, or
15 back at the police department?

16 A Back at the sheriff's office.

17 Q I want to make sure I understand the
18 sequence. You all talked at the sheriff's
19 department.

20 A Yes, sir.

21 Q Went out to what I am referring to as Gem
22 Mobile Home Park,

23 A Yes, sir.

24 Q And then went back to the sheriff's
25 office.

Investigator Thomas-Direct by Corbett

1 A Yes, sir.

2 Q Where she gave that statement. Or where
3 she wrote that statement.

4 A Yes, sir, that's correct.

5 Q But you had been talking with her and
6 questioning her along the way.

7 A Yes, sir.

8 (Waiver of Rights marked State's Exhibit
9 No. 6 for Id.)

10 Q Judge, if I may ask the witness. I think
11 I forgot to ask a question concerning that. Now,
12 Investigator Thomas, that statement is how many
13 pages?

14 A It's 5 pages total.

15 Q And is that the statement that was given
16 back to the advisement of right represented by
17 State's No. 4 for Id.?

18 A Yes, sir, it is.

19 Q And that 5-page statement did it deal with
20 events surrounding the death of Darrell Epps?

21 A Yes, it did.

22 Q And now I am going to show you this next
23 document, which has been marked as a State's
24 Exhibit No. 6. Judge, if I may, I will hand up
25 the statement.

Investigator Thomas-Direct by Corbett

1 THE COURT: No. 5?

2 MR. CORBETT: Yes, sir.

3 Q And ask if you can identify this document.

4 A Yes, sir, I can.

5 Q And tell us what that document is.

6 A It's the Sumter County Sheriff's Office,
7 Waiver of Rights form.

8 Q And what is date of that form?

9 A January 2nd, 2014.

10 Q Now January 2nd, 2014, was that the date
11 that Ms. Kelley was arrested on this charge?

12 A Yes, sir, it was.

13 Q Now is that an Advisement of Rights form,
14 waiver form?

15 A Yes, it is.

16 Q Did Ms. Kelley sign that?

17 A Yes, she did.

18 Q Did she make any statements pursuant to
19 that advisement of rights?

20 A After I read her her rights and gave --
21 read her her warrant, right after that point, she
22 asked for an attorney, and I took her to the jail
23 at that point. Sumter Lee Regional.

24 Q So there were no statements made by
25 Ms. Kelley at that time.

Investigator Thomas-Direct by Corbett

1 A No. No, sir.

2 (Waiver of rights marked State's Exhibit
3 no. 7 for Id.)

4 Q And I am going to show you what has been
5 marked for identification State's Exhibit No. 7,
6 and ask if you identify that.

7 A Yes, sir, I can.

8 Q What is that?

9 A It's the Sumter County Sheriff's Office,
10 Waiver of Rights form.

11 Q And was that signed by Ms. Kelley?

12 A Yes, it was.

13 Q What was the date on that form?

14 A This is January 6th 2014.

15 Q Now if you had already read her an
16 Advisement of Rights form dated January 2nd of
17 2014, how is it there came to be another one dated
18 January 6th?

19 A January 6th, I went to the Sumter Lee
20 Regional Detention Center after I received a phone
21 message from Mrs. Kelley from the jail stating she
22 wanted to talk to me at that time about what had
23 happened. And that was over the weekend. And
24 that Monday morning when I got the message, I went
25 straight to the jail, I read her, her rights and

Investigator Thomas-Direct by Corbett

1 that's when she said she had a visitor, and she
2 wanted an attorney, and the interview ended.

3 Q If I can see that form for just a moment
4 please. And there is some handwriting at the
5 bottom of the form. Is that your handwriting?

6 A Yes, it is.

7 Q And those are some notations concerning
8 the events, and her deciding not to give a
9 statement after that form?

10 A Yes, sir.

11 Q Now at any point in any of miranda forms
12 that you provided Ms. Kelley, did you in any way,
13 shape or form, make any promises or
14 representations about what you could do for her if
15 she gave you a statement?

16 A No, I did not.

17 Q During the course -- I am sorry, let me
18 back up. At any point during any of those miranda
19 statements, did she appear to be under the
20 influence of anything?

21 A No, she did not.

22 Q Did she appear to understand the
23 circumstances, surroundings, and be in her right
24 frame of mind?

25 A Yes, she did.

Investigator Thomas-Cross by Johnson

1 Q Now based on all of the circumstances, did
2 it seem anything other than voluntary, the
3 circumstances under which she gave you those
4 statements?

5 A Yes, sir.

6 Q It was voluntary?

7 A Yes, sir.

8 MR. CORBETT: Please answer any questions
9 Mr. Johnson may have.

10 A Yes, sir.

11 Cross Examination by Mr. Johnson:

12 Q Good afternoon, Investigator Thomas.

13 A Good afternoon, sir.

14 Q Concerning the March 12th 2013, the 5-page
15 statement.

16 A Yes, sir.

17 Q She was actually turning herself in for
18 another warrant, that's correct.

19 A Yes, sir, to another investigator.

20 Q And she was voluntarily turning herself
21 in.

22 A Yes, sir.

23 Q And prior to that, you had no conversation
24 with her at all, have you? I mean you did not
25 call to tell her to come in or nothing like that.

Investigator Thomas-Cross by Johnson

1 She was coming in from notice for someone else,
2 correct?

3 A Yes, sir.

4 Q So why were you there to question her at
5 that time?

6 A I was actually one of the ones that told
7 her to be up at the sheriff's office the next day.
8 I was out at her house whenever she was advised.

9 Q Okay. But you didn't tell her at that
10 time that you wanted to question her about the
11 murder.

12 A Not at that time when she got there to the
13 office.

14 Q So she had no prior knowledge to come in
15 and turn herself in, that you wanted to question
16 her?

17 A No, she did not.

18 Q So when came to turn herself in, why did
19 you decide to be the only person she saw to
20 question her about a murder that wasn't related to
21 why she would turn herself in?

22 A Because I was working the case, and she
23 was coming up to the office.

24 Q So you wanted to catch her by surprise.

25 A No, I told her before she -- whenever I

Investigator Thomas-Cross by Johnson

1 gave her her miranda that if she didn't want to
2 talk, then she could have declined.

3 Q But prior to that, you knew the day before
4 that you were going to question her when she
5 comes, right?

6 A Yes, sir.

7 Q Your mind was already made up the day
8 before when you saw, correct?

9 A No, sir.

10 Q And you didn't tell her because you wanted
11 to surprise her.

12 A I don't know about surprising her. But
13 yes, I wanted to speak with her.

14 Q Why didn't you tell her the day before?

15 A Because there was another issue going on
16 with her co-defendant at the time.

17 Q And then when you met her, you actually
18 had plans of taking her out after she had been
19 arrested, to take her out to the scene because
20 this interview went on for 4 hours, didn't it.

21 A Yes, sir, it did.

22 Q So all of this was planned before you got
23 there, correct?

24 A No, it wasn't.

25 Q You wasn't planning on taking her out to

Investigator Thomas-Cross by Johnson

1 the scene?

2 A No, not the day before. No, I wasn't
3 thinking like that. After I started talking with
4 her at the office, I felt comfortable enough to
5 take her out to the scene.

6 Q Even though she was actually not under
7 arrest. Did you tell her that, that she was not
8 under arrest for that charge?

9 A I didn't -- I didn't tell her about
10 that -- the other charge. That was another
11 investigator that spoke with her about that.

12 Q Not the other charge.

13 A Uh-huh. (Affirmative.)

14 Q At the time you took her out to
15 investigate the murder,---

16 A Uh-huh. (Affirmative.)

17 Q ---she was not under arrest for that
18 charge, correct?

19 A Correct.

20 Q But she was still under custody by you,
21 correct?

22 A Technically, yes.

23 Q She couldn't leave you.

24 A Yes.

25 Q She was under your control.

Investigator Thomas-Cross by Johnson

1 A Yes.

2 Q You had surprised her because you didn't
3 tell her the day before that you was going to
4 investigate her, did you?

5 A I don't know about surprising. You keep
6 saying surprising. I don't understand.

7 Q You didn't tell her the day before that
8 you were going to investigate -- that you were
9 going to interview her when she came that next
10 day.

11 A Right.

12 Q And nobody else was waiting for her when
13 she turned herself in but you, correct?

14 A Yes, and another investigator.

15 Q But your intent, you and that other
16 investigator's intent, were to question her about
17 this murder and not for the reason she would turn
18 herself in, correct?

19 A That was my intent, yes.

20 Q Now on January the 2nd, when she was
21 arrested, she told you that she wanted an
22 attorney, correct?

23 A Yes, sir. After we read her, her warrant,
24 yes, sir, she did.

25 Q And you stopped at that time, correct?

Investigator Thomas-Cross by Johnson

1 A Yes, sir.

2 Q Then on January 6th, apparently she got
3 word to you she want to talk to you, correct?

4 A She called herself, yes.

5 Q But she didn't, on your voice message, she
6 didn't say I want to talk to you about the
7 incident, she just said I want to talk to you,
8 correct?

9 A She said I am ready to talk now.

10 Q Right.

11 A Yes, sir.

12 Q But she didn't say about what.

13 A Right.

14 Q She signed this statement. I mean she
15 signed this when she came and said she didn't want
16 to talk to you, correct?

17 A Right.

18 Q You wrote the information on the bottom of
19 this after, not in her presence, correct? You
20 wrote that later.

21 THE COURT: Wrote what?

22 MR. JOHNSON: On the bottom of the....

23 THE COURT: Which exhibit number is that?

24 A This is Exhibit 7, sir.

25 Q Exhibit 7, Your Honor. Down on the

Investigator Thomas-Cross by Johnson

1 bottom.

2 A Yes, sir. That was a note to myself, yes,
3 sir.

4 Q That was in your handwriting.

5 A I was writing it in her presence, yes,
6 sir, at the jail.

7 Q But she didn't read it.

8 A I am not sure if she read it or not while
9 I was sitting there.

10 Q I mean if she didn't read it,---

11 A Okay.

12 Q ---then she wouldn't know what you wrote,
13 correct?

14 A Correct, she wouldn't know.

15 Q So that's just a note that you put on
16 there?

17 A Yes, sir.

18 Q She didn't initial it or anything, did
19 she?

20 A No, she did not initial it.

21 Q And that's your notes.

22 A That's my notes, yes, sir.

23 MR. JOHNSON: I have no questions related
24 to this, Your Honor. I would have a motion later.

25 THE COURT: Mr. Corbett, redirect?

Investigator Thomas-direct by Court

1 MR. CORBETT: Judge, nothing on redirect.

2 THE COURT: Thank you, ma'am, you can
3 step -- well let me. May I ask the question. I
4 want to make sure, Ms. Thomas, you interviewed her
5 and got a substantive statement one time, is that
6 correct?

7 A Yes, sir.

8 THE COURT: Two additional waivers with no
9 resulting statements, is that correct?

10 A Yes, sir. That's correct.

11 THE COURT: You mentioned another
12 investigator was with you on January 6th. Well
13 actually---

14 A Yes, sir.

15 THE COURT: Who was that other
16 investigator?

17 A On January 6th it was Investigator
18 Gardner, Wesley Gardner.

19 THE COURT: And on January 2nd were there
20 any other investigators?

21 A Yes, sir. Investigator Dubose, Wayne
22 Dubose.

23 THE COURT: And on March 12th 2013, was
24 there another investigator?

25 A No, it was just myself and Ms. Kelley.

Investigator Thomas-direct by Court

1 THE COURT: Any follow up, Mr. Corbett?

2 MR. CORBETT: Nothing, Your Honor.

3 THE COURT: Mr. Johnson?

4 MR. JOHNSON: No follow up.

5 THE COURT: Thank you, ma'am. You can
6 leave those exhibits right there on the rail. Any
7 other witnesses, Mr. Corbett?

8 MR. JOHNSON: No, sir, Judge.

9 THE COURT: Mr. Johnson, do you have any
10 witnesses?

11 MR. JOHNSON: No, I do not, Your Honor.

12 THE COURT: You do have a motion, is that
13 correct?

14 MR. JOHNSON: That's correct.

15 THE COURT: First of all, you're seeking
16 to get in the two handwritten statements on
17 January 2nd and January 6th miranda forms.

18 MR. CORBETT: Judge, quite honestly, I
19 don't think that I would have a relevant grounds
20 for putting those in.

21 THE COURT: Well they probably wouldn't
22 come in, because she invoked her right to remain
23 silent. That's too close for comfort there,
24 unless Mr. Johnson wants to put them in.

25 MR. JOHNSON: Not from me, Your Honor.

1 THE COURT: Your motion, Mr. Johnson.

2 MR. JOHNSON: Well my motion was on the
3 January, well I guess kind of moot on one of them.
4 The January 6th one, my motion was not to allow
5 that in, because of the handwritten notes and
6 basically what you already said, so.

7 THE COURT: I think if she invoked her
8 right to remain silent, I think at least the
9 immediate circumstances behind her at first asking
10 to speak with Investigator Thomas, and then
11 changing her mind, I wouldn't allow that in,
12 because that is an exercise of her constitutional
13 right. So no. 7 for Id. can remain for Id., but
14 it's not going to come in unless at some other
15 point somebody on either side, seeks introduction
16 for a valid reason. Any other motions?

17 MR. JOHNSON: So that would be No. 7 and
18 No. 6?

19 THE COURT: No. 7 and No. 6, yes, sir. I
20 think Mr. Corbett agreed on both of those.

21 MR. JOHNSON: As it relates to No. 5, Your
22 Honor.

23 THE COURT: Exhibit No. 5?

24 MR. JOHNSON: That's correct, Your Honor.
25 Well I guess would 5 be considered the miranda and

1 the statement or is it 7?

2 THE COURT: Four is the form. Five is the
3 statement.

4 MR. JOHNSON: It is our position that as
5 stated by the officer, she saw my client the day
6 before. Informed her that she needed to come in
7 and turn herself in for an unrelated charge, and
8 told her she could voluntarily turn herself in.
9 She then on the next day, came and voluntarily
10 turned herself in. And the officer stated that it
11 was her intent to interrogate her on the murder
12 charge. And she knew the day before that that was
13 her intent.

14 Therefore, surprising my client and
15 catching her in a vulnerable state, because she
16 was under arrest. She couldn't leave.

17 THE COURT: For another offense.

18 MR. JOHNSON: For another offense. She
19 couldn't -- she was then taken in the car and
20 interrogated for 4 hours to get this statement.

21 THE COURT: Not all in car. Part.

22 MR. JOHNSON: Well in the car. At all
23 times, she was detained. Under normal
24 circumstances the way this would work is, that she
25 was read her miranda, and she would be told that

1 you have the right to leave or do whatever. But
2 at this point she is under arrest for something
3 else unrelated.

4 And as a result of that, Your Honor, I
5 make a motion that this statement was done under
6 duress with the intent of the officer to put her
7 under duress, by the officer's own statement.

8 THE COURT: And arrest is not the key.
9 The key is whether or not she was in custody.

10 MR. JOHNSON: Correct.

11 THE COURT: Whether or not she was free to
12 go whether it was for this or something else. But
13 just to make sure the record is clear, she wasn't
14 arrested for 10 more months.

15 MR. JOHNSON: Excuse me, on this
16 particular charge. But she was arrested that day
17 and put in jail, and was actually released on bond
18 later.

19 THE COURT: Right. And to the extent it
20 makes any difference so at least I'll know what
21 was the other warrant for, Mr. Corbett?

22 MR. JOHNSON: I think it was harboring a
23 fugitive?

24 MR. CORBETT: That is correct, Judge.

25 THE COURT: Unrelated to this case?

1 MR. CORBETT: Unrelated to this case, but
2 similar parties involved.

3 THE COURT: What is the defendant's
4 position on the circumstances, the specific
5 reference, if this statement comes in. The
6 specific reference as to why she was at the
7 sheriff's office, and or, Gem Mobile Home Park?
8 Do you object to reference to another charge that
9 she was arrested on, or do you consider that to be
10 too prejudicial?

11 MR. JOHNSON: I consider that to be too
12 prejudicial, Your Honor.

13 THE COURT: And what I am doing is just
14 thinking out loud about the fact that even the
15 jury is going to have to decide the question about
16 the duress. If you want that part to go to the
17 jury if I let the statement in preliminarily. If
18 you want the jury to hear the circumstances behind
19 what you contend is duress, that may have to come
20 in. But I am not going to make that decision at
21 this stage on the admissibility part. So that's
22 your argument on the second written statement.

23 MR. JOHNSON: That's correct, Your Honor.

24 THE COURT: Any additional arguments on
25 that written statement?

1 MR. JOHNSON: No additional arguments.
2 The statement itself, Your Honor, my client wrote
3 it. There would no disagreement with it. It is
4 our position about how the statement was actually
5 coerced by my client to give.

6 THE COURT: And I haven't read it yet.
7 It is 5 pages. Does she incriminate herself?

8 MR. JOHNSON: I believe not, Your Honor.
9 However, it all depends on what evidence the State
10 puts up or kind of evidence. But as it is
11 written there, there is nothing incriminating on
12 there. That's not no admittance of anything on
13 there.

14 THE COURT: How about the first written
15 statement, do you object to that as well?

16 MR. JOHNSON: No, I do not, Your Honor.

17 THE COURT: Mr. Corbett, what is your
18 argument in response to Mr. Johnson's motion on
19 Exhibit No. 5, which is the second written
20 statement?

21 MR. CORBETT: Judge, we believe the
22 appropriate test for a witness being interviewed
23 is, were they advised of their rights. Now in
24 particular instance, we admit that she was in
25 custody. So we're not arguing about a statement,

1 a voluntary statement, rights not provided.

2 THE COURT: Well they can be read their
3 rights and then be threatened. In other words,
4 it's voluntary.

5 MR. CORBETT: That's correct, Judge. But
6 throughout the course of the testimony by
7 presented the State, there was no indication that
8 there's any type of representations, promises,
9 threats. There was no indication that the
10 defendant was under the influence or anything of
11 that nature. The officer did exactly what she was
12 supposed to do. Advise the person of their
13 rights, and ask them questions about an ongoing
14 investigation in a manner that was not coercive.
15 We believe that it was appropriate.

16 THE COURT: Anything else, Mr. Johnson?

17 MR. JOHNSON: I have nothing else, Your
18 Honor.

19 THE COURT: Okay. Of course, My findings
20 at this stage have to be, if I allow the statement
21 in, it is by the greater weight of the evidence.
22 Of Course, Mr. Corbett, you will have to basically
23 re-present all of this evidence again.
24 Mr. Johnson has raised an objection to the second
25 statement, which is Exhibit No. 5, claiming that

1 that was coerced in the sense that the defense was
2 surprised, and on under the guise of being brought
3 up there on another warrant, she was surprised by
4 a questioning about a murder. Have you got
5 something else?

6 MR. CORBETT: If I may interrupt you,
7 Judge, just for purposes of clarity, you referred
8 to it as a second statement. Technically it is
9 the third. There is a voluntary statement without
10 miranda. Then there was a statement under
11 miranda.

12 THE COURT: I think I said the second
13 written statement.

14 MR. CORBETT: Well they were all written,
15 but I just wanted to make sure.

16 THE COURT: Well the second written
17 statement I have got. I'll refer to it by date,
18 which is March 12th 2013. Obviously, when there
19 has really been no contention otherwise, she was
20 advised of her right to remain silent. Anything
21 she said could be used against her in court. She
22 was advised that she had a right to talk to an
23 attorney, and have the attorney present with her
24 while being questioned. She was told that she --
25 if she could not afford to hire an attorney, one

1 would be appointed to represent her before
2 questioning if that's what she wanted.

3 And she was also advised that she could
4 decide at any time to exercise those rights, and
5 not answer questions or make statements. That is
6 abundantly clear. Mr. Johnson's argument, I must
7 respectfully reject it. Just because she was
8 there at the sheriff's office and or at Gem Mobile
9 Home Park on in the car on the way, there is no
10 evidence to me other than that statement was given
11 freely and voluntarily. There was no threat,
12 promise or hope of reward. And it was entirely
13 given without duress. Even though she was not
14 free to go, there's no evidence of duress. No
15 coercion. No undue influence. No promise of
16 reward or and there was actually no compulsion or
17 inducement of any kind.

18 All in all, I conclude that the statement
19 she gave was the product of her free and
20 unconstrained will. For that reason, I am going
21 to allow that statement in. I think the tricky
22 part is going to be, Mr. Corbett, the witness,
23 Investigator Thomas is going to have to explain to
24 the jury simply that she was -- and I am not sure
25 of the circumstances. Was she already in jail on

1 the unrelated warrant when she went out there?

2 MR. CORBETT: No, sir, Judge.

3 THE COURT: Was she already under arrest
4 on the unrelated warrant?

5 MR. CORBETT: Judge, it had not been
6 served on her yet. But it is my understanding
7 that they were not going to let her leave the
8 sheriff's department until they could serve the
9 warrant on the unrelated matter.

10 THE COURT: Please make sure when you
11 consult with her before she testifies that unless
12 you and Mr. Johnson talked beforehand and reach a
13 speculation otherwise, that she is not to mention
14 to the jury that she -- that the defendant was
15 actually at the law enforcement center, or the
16 sheriff's office to be served with another
17 warrant. Mr. Johnson is correct, I think that
18 would at least at this time, be prejudicial.
19 Mr. Johnson can introduce it if he wants to try to
20 convince the jury that the statement was given
21 under circumstances that would not make voluntary.

22 Of course I make all the or reach all the
23 conclusions that I just recited by the greater
24 weight of the evidence. Anything else on this
25 subject? Anything else from the State as far as

1 pretrial matters?

2 MR. CORBETT: Judge, nothing further from
3 the State.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: I have nothing, Your Honor.

6 THE COURT: I know if some folks have been
7 coming in and out and that is certainly perfectly
8 fine. But I am going to read these names out, and
9 then we will take a break and see if the jury is
10 here. I want to make sure that other Krystal
11 Skinner that the following people aren't in the
12 courtroom.

13 (Witness list called out.)

14 THE COURT: Any of those folks here?

15 (Whereupon, no response.)

16 THE COURT: I will leave it up to you and
17 Mr. Johnson, if you all want to give a copy of
18 this to Mr. Brown and a copy in the back of the
19 courtroom, he can ask folks when they come in and
20 check. Because I sure don't want anything to go
21 sideways because somebody comes in here because
22 they don't know they are not supposed to be here.
23 I'll leave that up to you all.

24 MR. CORBETT: May Mr. Johnson and I
25 approach just briefly?

1 THE COURT: Yes, sir. And while you are
2 all are coming up here, and I understand Mr.
3 Johnson's argument. I just to put one more thing
4 on the record. I don't think there's any -- well
5 I am positive there is nothing illegal about the
6 the way Investigator Thomas brought about the
7 questioning on March 12th 2013. It certainly was
8 within the line of proper questioning. And I
9 don't think there is any rule that she can't just
10 question her, because she's -- there's no rule
11 that says she can't question her because she at
12 the law enforcement center for a different reason.

13 (Whereupon, attorneys approach and confer
14 with judge.)

15 THE COURT: Mr. Corbett, are you ready to
16 go?

17 MR. CORBETT: We are ready to go.

18 THE COURT: Mr. Johnson.

19 MR. JOHNSON: The defense is ready, Your
20 Honor.

21 THE COURT: You can bring the jury.

22 (Whereupon, the following takes place
23 within the presence of the jury.)

24 THE COURT: Ladies and gentlemen, we are
25 ready to begin. The first order of business will

1 be for Mr. Bradley will administer an oath to you.
2 Mr. Bradley.

3 (Whereupon, the jury is sworn.)

4 THE COURT: Ms. Spann, I have appointed
5 you as foreperson of this jury. That doesn't give
6 you any greater authority, but you are the
7 spokesperson for the jury. If there are any
8 issues of any kind that arise during the trial
9 inside or outside the courthouse, the jurors are
10 to relay those concerns or issues to you, and in
11 turn you will let one of the bailiffs know that
12 there is an issue, and you have to tell me about
13 it. Before we do get started with the trial, I am
14 going to talk to you, Ladies and gentlemen, for
15 just a few minutes about how the case will
16 proceed, and what your responsibilities are and
17 things of that nature. How many of you have
18 actually sat on a jury before? So about half. A
19 little over half.

20 Well I can tell you folks who have been on
21 a jury before probably know, that when you are on
22 a jury, and watch a trial it is not like anything
23 that you see on television. That primarily is
24 because if they do have rules in the trials they
25 have on television, they certainly don't follow

1 those rules.

2 This case and all cases are tried in this
3 state according to the South Carolina Rules of
4 Procedure, and the South Carolina Rules of
5 Evidence. These lawyers know those rules, and
6 they will follow those. Now sometimes as I will
7 talk to you about in just a minute, there will be
8 some differences of opinion as to whether or not a
9 rule is applicable on how something should be
10 handled. I'll talk about that in just a minute.

11 But the lawyers are here, they're capable,
12 they're effective advocates and they certainly
13 will know the rules and they'll follow the rules.
14 If they don't, certainly that's one of the areas
15 where I come in. Now, under our system of laws,
16 you Ladies and gentlemen as the jury is the sole,
17 the judge of the facts.

18 You will see from your participation in
19 this case is, it matters what you think about the
20 evidence, it will not matter what I think about
21 it. Because under our system of laws, you are
22 judges of the facts, I am the judge of the law.
23 Now how that is going to enter into this case is
24 as follows: evidence is going to come before you
25 just like it comes before any jury. It will come

1 to you by way of witness testimony. That is when
2 a witness comes forward, is sworn. Sits in this
3 chair and testifies. The witness will be
4 testifying to you. So it matters what you think
5 about the witness' testimony. So testimony is one
6 way that evidence comes in. Another way is by way
7 of exhibits. Those are things that you can
8 typically see or touch. It might be a photograph.
9 It might be a piece of paper. It might be a
10 medical report. In any given case it might even
11 be an automobile tire or hammer or gun or shoe.

12 Again, things that you can typically see
13 or touch. If something -- if an exhibit is put
14 into evidence, it will typically have a sticker or
15 a tag on it that tells you what number it is You
16 will hear the lawyers at any given time refer to
17 an exhibit as No. 15 for identification. That's
18 just to let the world know had it's been
19 identified. If it comes into evidence it's not
20 for identification, that's marked out. It's just
21 in evidence. That's why y'all probably hear me
22 ask repeatedly is that for Id. is that an agreed
23 exhibit. But going back, that's another way
24 evidence comes in by way of exhibit.

25 Another way evidence can come by is by way

1 of a stipulation. That is when the two sides
2 agree that a certain fact or set of facts is true.
3 I don't have any idea what any stipulations might
4 be in this case, but if there is a stipulation,
5 either one of the lawyers will read it or publish
6 it to you, or they'll ask me to do it. And I'll
7 certainly let you know when that is done. So,
8 again, testimony, exhibits and stipulations are
9 the ways that evidence comes in. When a witness
10 testifies, you can imagine that you're going to
11 have to determine whether or not you believe the
12 witness who testified. Under the law, you use
13 your common sense. There's no cookbook formula no
14 magic formula in determining how you believe --
15 whether or not you believe somebody.

16 When you watch someone talk every day
17 whether it's at work, watching somebody on
18 television, you're at least subconsciously
19 deciding whether or not you believe that person.
20 Use your common sense. Some things that you can
21 take into account if you want, are how the witness
22 acts on the witness stand, hesitant,
23 straightforward, consistent when answering
24 questions. We call that demeanor. And again,
25 that's how did they or appear on the witness

1 stand.

2 You can also take into account, if a
3 witness testifies, does that witness have a reason
4 to give testimony that helps or hurts one side
5 over the other. We call that bias or prejudice.
6 You can take that into account. You can also
7 take into account, whether or not you think that
8 witness' testimony has been strengthened or
9 weakened by other evidence that is in the record.
10 You can believed one witness over many, many
11 witnesses over one. It doesn't matter. You
12 don't count up the number of witnesses for a
13 particular point and say well 12 said this.
14 Eleven said otherwise. I've got to believe the
15 12. That's not how you do it. Again, you use
16 your good common sense.

17 Other ways you can or other things you can
18 take into account on the issue of believability
19 is, what was the witness' ability to know what he
20 or she claims to know. In other words, does it
21 make sense to you that they know what they say
22 they know. Again, other things that you can take
23 into account that fall within your common sense,
24 you can use those too. You can believe every word
25 of what a witness says. You can disbelieve every

1 word, or you can believe parts and disbelieve the
2 rest. That's entirely up to you. Now what you
3 can't do is during the course of the trial if we
4 take a break, you can't go back into your jury
5 room. Of if we break at the end of the day and
6 come back the next morning, you cannot compare
7 your mental notes on what a certain said. You
8 can't do that. Because you're not permitted to
9 discuss this case at all with anybody, including
10 amongst yourselves until I tell you that you can.

11 So don't go back there and start talking
12 about a witness says and try to decide who to
13 believe and what to believe and what to believe in
14 that fashion. The testimony of the first witness,
15 or the 10th or the 20th or the 50, those are all
16 important. No one witness' testimony is more
17 important than the other. So it would be
18 completely inappropriate and against legal
19 principals for you to begin making up your mind
20 about your verdict is going to be until you have
21 seen and heard everything.

22 And as I will mention to you at the end of
23 the case, the State of South Carolina expects and
24 is entitled to a fair trial at your hands. The
25 defendant expects and is entitled to a fair trial

1 at your hand. The only way that you can do what
2 you've sworn to do, is to make sure that you weigh
3 all the evidence and follow all the rules that I
4 give you. And I will tell you this, as you know,
5 the defendant is charged with murder, accessory
6 after the fact of murder, and a charge of
7 conspiracy to commit murder. She has entered a
8 plea of not guilty. She does have to prove
9 anything. She does not have to disprove anything.
10 The State has the sole burden of establishing the
11 elements of the crime charged beyond a reasonable
12 doubt. And proof beyond a reasonable doubt is
13 proof that leaves you firmly convinced of a
14 defendant's guilt. I will give you a very
15 detailed instruction on that at the end of the
16 case.

17 So how will the case go. It's going to go
18 something like this. In a minute, the lawyers are
19 going to stand up and give you what is called an
20 opening statement. Mr. Corbett will do that for
21 the State. Now that is his opportunity to tell
22 you what he believes the evidence will or will not
23 establish. He's not a witness. He's not going to
24 testify. He's going to tell you what he believes
25 the evidence is going to be. Give him your

1 undivided attention because that is a very
2 important part of the trial. Mr. Johnson then for
3 the defendant can if they choose, give an opening
4 statement. He does not have to. He can not give
5 one at all, or he can wait until the State rests
6 and give an opening statement. That will be his
7 choice.

8 Obviously the reason that he does not have
9 to give an opening statement is because they don't
10 have to prove anything to you. But he can if he
11 wants to do that. It is customary to do it either
12 way. After the opening statements, Mr. Corbett
13 will begin calling witnesses, and presenting other
14 evidence in the State's case in chief. That's
15 just a term to describe what the State's first
16 round of witnesses and other evidence is going to
17 be. After that the State rests at some point this
18 week, the defendant if she chooses can present
19 evidence but she does not have to. And you know
20 the reason for that, because she doesn't have to
21 prove anything.

22 After the defendant presents any evidence
23 if that's done, the State can present reply
24 evidence if it falls within reply evidence rules.
25 After all the evidence is in, the lawyers will

1 give a closing argument and then I will give you a
2 charge on the law, and then you will be free to
3 deliberate. Not until then can you talk about
4 this case at call.

5 Now during the course of the trial when a
6 witness is testifying or some other exercise is
7 taking place in front of you, at one time or
8 another, you may hear one or both of the lawyers
9 stand up and make an objection. That's one of the
10 areas where I come in. An objection is made when
11 a lawyer wants to bring a legal point to my
12 attention. We have the Rules of Procedure. Mine
13 is in this -- my copy is in this purple book. We
14 have the Rules of Evidence and my copy is in this
15 copy is in this brown book. The rules themselves
16 are pretty short, but the interpretation is not.
17 So sometimes there's a good faith difference of
18 opinion between the lawyers as to whether or not a
19 question is proper, an answer is proper, an
20 exhibit. Any one of a number of things.

21 Somebody may claim the other side is doing
22 something against the procedural rules. These
23 lawyers don't have any points to score with me,
24 and they certainly are not making objections to
25 make you think that they know more the other side

1 about the rules. These are legal points.
2 Sometimes I'll send you out of the courtroom,
3 because I may not know what they want to tell me,
4 and they do have the right under those rules to
5 air their arguments fully. I may send you out,
6 and make a ruling. And you come back in and
7 something else immediately comes up. If you blame
8 someone blame me.

9 A lawyer is not going to make an
10 objection, or a lawyer who makes an objection if
11 that happens, that doesn't mean the other lawyer
12 has tried to do something that he shouldn't have
13 done. And by the same token, if a lawyer does
14 make an objection, the lawyer is not trying to
15 slip something in that ought not really come in.
16 We have rules. We're going to follow those rules
17 and these lawyers will certainly -- they're well
18 versed in the rules, I can tell you that. Primary
19 you just pay very close attention to everything
20 that is done so that you can make or reach a
21 verdict that speaks the truth. That's what the
22 word verdict means. It means to speak the truth.
23 That's a Latin word. Especially in the afternoon,
24 this afternoon. We're not going to have that much
25 of a problem because we're going to be here that

1 long. When you have lunch, your body clock is
2 starting to wind down, and you might -- your lids
3 might get heavy. This case is way too important,
4 any case is way too important for you not to be
5 paying very close attention.

6 So give all of the lawyers and all of the
7 witnesses your undivided attention. Any objection
8 to those remarks, Mr. Corbett?

9 MR. CORBETT: Nothing from the State, Your
10 Honor.

11 THE COURT: Mr. Johnson.

12 MR. JOHNSON: I don't have nothing for the
13 defense, Your Honor.

14 Mr. Corbett: Greed and jealousy. Motives
15 that are as old as Cain and Able lead to the death
16 of Darrell Epps. During the course of this trial
17 what you will hear is that London Kelley seated at
18 that table, had a hand in the death of Darrell
19 Epps; that she was a party to his murder. April
20 9th, late on the evening into the early morning
21 hours of April 10th 2011. At least three lived
22 intertwined on that night. Daryl Epps, London
23 Kelley, and an individual she identifies as
24 Quinton Brown. And ~~the~~ their lives intertwined on
25 that night.

1 During the course of this trial, what we
2 want to do is paint for you a picture of the
3 events of that day and into the following day, of
4 how these events transpired that lead up to the
5 murder of Daryl Epps, and then what the police did
6 to pursue those responsible. April 9th, Daryl
7 Epps was with family and friends over on the
8 eastern end of the county. He's over at T-bones.
9 He's there for awhile. He tells his friends he is
10 leaving and heading out. Sometime in the
11 10:00 p.m. On a parallel track is London Kelley
12 and Quinton Brown. They begin part of evening at
13 a party over in the Wedgefield area.

14
15 And they leave there. At some point and
16 time, these three lives intersect on
17 which is known as Gem Mobile Home Park. I think
18 the old name for it is Harwood. It's just off of
19 Broad Street across from Air Force Base. And
20 there along the way, these two individuals planned
21 for the murder of Darrell Epps. They knew each
22 other. They knew each other. And as a result of
23 greed and jealousy it lead to them taking Darrell
24 Epps life for no good reason.

25 During the course of this trial, what will

1 you hear? You will hear that Darrell Epps was
2 shot with a handgun multiple times. You will hear
3 that a shotgun was put the back of his head and it
4 blew his head off with a shotgun. For no good
5 reason. The back of his head. He was killed.
6 Took his vehicle and drove it several miles down
7 the road and burned it. burned it with gasoline
8 poured in it to cover up this dastardly deed. To
9 hide what they had done. Law enforcement becomes
10 involved in the case, because just after midnight
11 they get a call that a car is on fire. They
12 respond to that scene. Notice that that's
13 suspicious that a vehicle would burn under those
14 circumstances with the reports that they have.

15 So they've now working a burned vehicle
16 case. They continue working that case until the
17 next day. While doing so they discovered that the
18 vehicle was being driven by Darrell Epps. Because
19 now enough hours have gone by that his family and
20 his fiancée they are worried about where Darrell
21 is. They had been looking for him that night, and
22 can't find him. Y'all hear that Krystal talked to
23 him that night. Last time she ever talked to him.
24 The next time she saw him, it was from a distance
25 because there was police tape up, she couldn't get

1 to his body.

2 The police, discovered Darrell Epps' body.
3 They began to question individuals. They're
4 putting this together as best they can. But
5 unfortunately they can't get all the pieces
6 together initially. Some time goes by. Different
7 individuals take a look at it; talk to different
8 witness. And then they are ultimately able to
9 bring this case to you. So what we want to do is,
10 we want paint this picture of really the last day
11 that Darrell Epps was alive on this earth. And in
12 so doing, you're going to hear from a lot of
13 witnesses in this case. A lot of different
14 individuals. And I would ask that you pay
15 attention to each one of them as we continue to
16 add those brush strokes to that picture for you.

17 And ultimately what that picture will
18 conclude is London Kelley's own words, where when
19 she felt compelled to tell another individual what
20 she had done, when she told Suzie what she had
21 done, she told it in detail that nobody else would
22 know. Not Suzie saying London told me she did it.
23 Details that nobody else would know. I will tell
24 you, this is a difficult. A man's life has been
25 taken for no good reason. That is why I will

1 repeatedly use the word murder. It was not an
2 incident. It was not an accident. It was not
3 some circumstances. It was cold blooded murder
4 that London Kelley set up; that she participated
5 in, and that she covered up. And it doesn't
6 matter if you are person that pulled the trigger
7 or not. If you plan it, if you participate in it,
8 if you cover it up, your hand is in just like the
9 hand that pulled the trigger. Because in South
10 Carolina the hand of one is the hand of all.

11 Ladies and gentlemen, what will I ask to
12 do during this trial, to look right here at this
13 witness stand, to listen to these individuals
14 testify, to hear their words. I know that your
15 task is not particularly pleasant, but justice
16 demands it. Justice demands that the individuals
17 who will go out there with nothing but
18 callousness, with no regard for another person's
19 life and kill that person, murder them, for no
20 good reason, they deserve they day on
21 accountability. So as we go, I will as you to
22 listen to the evidence. The evidence. Thank you.

23 THE COURT: Mr. Johnson, any opening
24 statement?

25 MR. JOHNSON: Yes, sir, Your Honor.

1 Please the court. Good afternoon, Ladies and
2 gentlemen. As I stated before my name is Charlie
3 Johnson. I'm a defense attorney from the -- my
4 office is Columbia, South Carolina. Sitting at
5 next to me is London Kelly. She is charged with
6 murder. She is charged with conspiracy. She is
7 charged with accessory after the fact.

8 Now the charges she has against her should
9 tell you something about the State and its
10 evidence. Because she is charged with killing a
11 person. But then if they can't prove that then
12 they say well she conspired with somebody else to
13 kill him. But just to make sure they can't prove
14 that then they charge her with accessory after the
15 fact, meaning that she's charged with killing --
16 not killing a person, but having something to do
17 after the fact. By these three charges, they try
18 to cover all the evidence, because when you ask
19 the question, what evidence do you have that
20 London Kelley killed someone, I want you to
21 listen. You don't hear nothing, do you. Because
22 you're not going to hear nothing in this case.

23 There is no evidence that State will
24 present to you to show. They don't have a gun.
25 There is no DNA. There's no fingerprints. There

1 is no blood evidence. They have phone records
2 that they will produce of the victim the night he
3 was killed going all the way back years. They
4 haven't produced one phone call between my client
5 the victim. They will not produce one witness
6 that ever saw them together, ever say they even
7 knew each other. You won't see that in this case.
8 Took your time and look at the evidence. It is
9 too important for you not to look at the evidence.

10 They have to prove this. They can't just
11 stand here and say something. They are going to
12 put up, as they say witnesses. That's why he
13 keeps talking about witness. You ever notice he
14 didn't say anything about evidence, not physical
15 evidence. He is going to put up witnesses. These
16 witnesses he is going to put up, they are in jail.
17 The main witness they have will walk in here with
18 shackles on her legs. And she's going to tell you
19 believe here. Look at the story. They're not
20 going to give you -- they might give you three
21 stories where supposedly my client confessed. And
22 none of the stories even match. A confession has
23 to be consistent. You are the judges of truth.
24 The judge will make the judgment about the law.
25 You make the judgment about truth.

1 Ladies and gentlemen, you're going to have
2 the opportunity that we very seldom have the
3 opportunity to do anymore. You're going to have
4 the opportunity to think and use your brain. You
5 are not going to look at TV. They are not going
6 to tell you that. You have to use your own brain
7 and look at this case. And if you do that, just
8 take your time, look at the evidence, judge these
9 witnesses. Please judge these witnesses.

10 My client is presumed innocent until
11 proven guilty. So it's correct, she doesn't have
12 to prove anything. But I tell you what we would
13 not sit here quietly and let the State say
14 anything. We would make them prove their case.
15 And it's my belief that if you look at this
16 evidence, take your time and give it a serious
17 question, you will come to the conclusion that
18 London Kelley is innocent. And I suggest that you
19 find her innocent, and release her. And then ask
20 your question as citizens of this community, what
21 did the police do. Nothing.

22 THE COURT: Thank you, Mr. Johnson. The
23 first witness, Mr. Corbett.

24 MR. CORBETT: Thank you, Your Honor.

25 THE COURT: And by way is there anybody on

1 the jury who would like to take notes? We need to
2 know now, and I'll talk to you about it, if there
3 is anybody who wants to take notes. Four people.
4 Can you get your four notepads, Mr. Bradley.
5 Seven. And while he is getting those notepads for
6 you, I will tell you that some people are better
7 note takers than others. While you are writing
8 something down, don't concentrate so much on what
9 you are writing down that you miss the other
10 things that the witnesses say. And also as I will
11 tell you at the end of the case, if you write
12 something down in your notes and somebody who
13 didn't take notes remembers it a different way,
14 the fact that you wrote something down does not
15 carry any greater weight in that jury room. Okay.

16 So again, you can take notes. They will
17 be locked up at night. Nobody is going to read
18 them. As a matter of fact they will be shredded
19 at the end of the day your notepad will stay here
20 and Mr. Bradley will lock it up. Okay, they're
21 getting that.

22 MR. BRADLEY: Yes, sir.

23 THE COURT: You can swear in her in.

24 Krystle Skinner, being first
25 duly sworn, testified as follows:

1 THE BAILIFF: State your full name and
2 spell your last name for the record.

3 A Krystle Felecia Skinner. S-K-I-N-N-E-R.

4 THE COURT: Crystal with a C?

5 A Krystle with a K.

6 THE COURT: K-R-Y-S-T-A-L?

7 A K-R-Y-S-T-L-E.

8 THE COURT: Okay. The witness has been
9 sworn, you can begin your questioning, Mr.
10 Corbett.

11 MR. CORBETT: Thank you, Your Honor.

12 Direct Examination by Mr. Corbett:

13 Q I am going to stand back here. It's going
14 to kind of force you to talk a little bit louder,
15 okay.

16 A Okay.

17 Q Tell us your name please.

18 A Krystle Skinner.

19 Q And do you live in the Sumter area?

20 A Dalzell.

21 Q Dalzell? And how long have you lived
22 there?

23 A A little over 3 years.

24 Q And how did you know Darrell Epps?

25 A He was my fiancée, and the father of my

Krystle Skinner-Direct by Corbett

1 two kids.

2 Q And how long had you all known each other?

3 A 10 years.

4 Q And do you remember the events of April
5 9th 2011?

6 A Yes, I do.

7 Q When did you actually last see Darrell?

8 A Could you repeat it?

9 Q When did you last see Darrell?

10 A On April the 9th.

11 Q About what time?

12 A Maybe around 5, 6.

13 Q Tell me a little bit about that day, what
14 you all were doing and what was going on.

15 A I stopped by his aunt's house to see him.
16 I was on my way from Florence, and I just stopped
17 by to see him.

18 Q And what part of the county does his aunt
19 live in?

20 A In Sumter. The Shiloh area.

21 Q Shiloh area?

22 A Uh-huh. (Affirmative.)

23 Q So you saw him there some time in the
24 afternoon, is that correct?

25 A Yes.

Krystle Skinner-Direct by Corbett

1 Q And where did you go?

2 A I went -- I came from Florence, and I
3 stopped by there, and then I went back home.

4 Q Now were the two of you living in that
5 location together?

6 A Yes.

7 Q In the Dalzell area?

8 A Yes.

9 Q Now how about Darrell? At that point and
10 time, where was he?

11 A In Shiloh.

12 Q Did he go home with you?

13 A No.

14 Q So the last time you actually laid eyes on
15 him was over in the Shiloh area sometime around 5?

16 A Yes.

17 Q Now when did you talk to him again?

18 A Around about 10.

19 Q Tell me about that.

20 A I talked to him around 10, and he told me
21 was shooting pool. And after he finished, he was
22 going to be on his way home.

23 Q And that was about 10:00 o'clock?

24 A Yes.

25 Q Now did you talk to him again that

Krystle Skinner-Direct by Corbett

1 evening?

2 A Maybe I talked -- I talked to him probably
3 in between before 10. In between after I left and
4 until about 10. Over and on calling and off and
5 on talking to him.

6 Q Did you speak to him after approximately
7 10 p.m?

8 A No.

9 Q Did you continue to try to reach him?

10 A Yes.

11 Q Tell me about that.

12 A I called him when I was on my way from my
13 aunt's house. And my phone was going dead, and I
14 called around about 11. And my phone went dead in
15 the process of me calling his phone.

16 Q Now at this point and time, where were
17 you? What was your location?

18 A On my way home from Rembert.

19 Q And did you go to your house?

20 A Yes. After I left Rembert, I went home.

21 Q And who was at your house?

22 A No one.

23 Q Just you?

24 A Uh-huh. (Affirmative.)

25 Q Now at some point and time, did you try to

Krystle Skinner-Direct by Corbett

1 reach him again?

2 A Yes.

3 Q Tell me about that, please.

4 A I tried to reach him when I got home, and
5 was able to plug my phone on the charger. It took
6 a little while for it to charge up. And I keep
7 trying to reach him, but it kept going to voice
8 mail.

9 Q Now what do you mean by it kept going to
10 voice mail?

11 A When I called, it would go straight to
12 voice mail. It was a little after one 11. And I
13 kept calling. I kept calling back. Usually he
14 don't let his phone go dead, so I kept calling.

15 Q Now at some point and time, did you begin
16 to get concerned about his whereabouts?

17 A Yeah, after like calling so many times and
18 this is maybe 4 or 5:00 o'clock, and he is still
19 not home and still not answering the phone, that
20 wasn't normal for him.

21 Q What did you?

22 A After calling and attempting to call so
23 many times that morning and he still wasn't home,
24 I got up and started looking for him. And while I
25 looking for him, I was still calling his phone,

Krystle Skinner-Direct by Corbett

1 but it kept still going to voice mail. I went
2 around looking for him, calling hospitals and the
3 jail house, to see whether he was at the jail
4 house or anything, to see whether I could locate
5 him.

6 Q Now at some point, at this point, you have
7 been trying to call his number. You say you've
8 called the jail, the hospital. Are you calling
9 anybody else?

10 A I called my sister. I called his cousin.
11 I stopped by his cousin's house. And I went by
12 his grandmother's house. I even went by the place
13 that he was -- that I last talked to him from. I
14 went by there. It was closed. So I was trying to
15 just locate him, and try to find out who know
16 where he was.

17 Q What was the next piece of news or that
18 you got concerning Darrell?

19 A I -- my sister's husband, Willie McFadden,
20 called and said that---

21 Q Well hold on for me just a second. Now
22 who is Willie McFadden?

23 A My sister's husband.

24 Q What does he do for a living?

25 A He's a police officer. At the time was

Krystle Skinner-Direct by Corbett

1 with the county.

2 Q When you say he was with the county, what
3 do you mean?

4 A He was an officer with the county.

5 Q Sheriff's department?

6 A Sheriff's department.

7 Q Now I want to be careful about what other
8 people said, but tell me how you became aware of
9 what was going on.

10 A After looking for him and couldn't find
11 him, my sister and my mother like kind of helped
12 me look for him. But it was unusual for him to
13 not show up at home, or not answer the phone or
14 anything. So after Willie called in -- called it
15 in, and said that they found a burnt car matching
16 his description. And I went and identified it,
17 and it was his car.

18 Q Let's hold up there for just a moment if
19 we could. Let's talk about the car for just a
20 moment if we could. By virtue of receiving a
21 phone call, you went to look at the vehicle?

22 A Yes.

23 Q Where was the vehicle located?

24 A It was at a tow yard.

25 Q A tow yard?

Krystle Skinner-Direct by Corbett

1 A Yes.

2 Q Was that here in Sumter?

3 A Yes.

4 Q And I am going to show you what has been
5 marked as Exhibit No. 8, can you identify that?

6 A Yes. That's his vehicle.

7 Q And I am sorry, whose vehicle is that?

8 A This was the vehicle Darrell was driving.

9 Q The vehicle he was driving?

10 A Uh-huh. (Affirmative.)

11 Q Now where did he get that vehicle?

12 A A place -- I took him to a place in
13 Manning where he rented from.

14 Q How long had he been driving that vehicle?

15 A Maybe a day or two.

16 Q And you were able to recognize that as the
17 one he had been driving?

18 A Yes.

19 Q Now did you go to that location with
20 anyone else?

21 A My mother, my father, and my sister.

22 Q Now at this point, what are you thinking?

23 A Something is wrong.

24 Q What did you do next?

25 A We got a call that -- we went to the

Krystle Skinner-Direct by Corbett

1 location where the car was actually burned.

2 Q And do you recall where that was?

3 A On lake Cherryvale Drive.

4 Q Now at this point, the vehicle was no
5 longer at Lake Cherryvale Drive, is that correct?

6 A Correct.

7 Q But you went to that location in any
8 event.

9 A Yes.

10 Q Where did you go from the Lake Cherryvale
11 location where the car had been burned?

12 A After I left the tow yard?

13 Q After you left the tow yard, you went to
14 Lake Cherryvale Drive?

15 A Yes.

16 Q After that, where did you go?

17 A While we was there, we got a call that
18 they found a body, a male, in the mobile home
19 park.

20 Q And what did you do after that call?

21 A We left there and went to the mobile home
22 park.

23 Q Now describe for me the scene when you got
24 to mobile home park, please.

25 A When we arrived, it was an officer there.

Krystle Skinner-Direct by Corbett

1 And they had it already roped off, so they
2 wouldn't let us go any further. So we just had to
3 stop, right.

4 Q And do you recall if there was a lot of
5 people there at that point?

6 A It was a lot of people at the -- on Lake
7 Cherryvale Drive. The same people that was there,
8 all of us went over to the mobile home park. So
9 it was about the same amount of people. It was a
10 lot of us.

11 Q That was some family of yours with you?

12 A Yes, my family and his family.

13 Q Krystle, do you remember what Darrell was
14 wearing that evening?

15 A Yes.

16 Q What was he wearing?

17 A A red, black and white Paris shirt with
18 some blue, dark blue jeans, Levy's. Some red and
19 white Nike's and a red baseball cap.

20 Q Now the person found at Gem Mobile Home
21 Park, did you ever get close enough to see that?

22 A No..

23 Q The police officers kept you back from
24 that?

25 A Yes.

Krystle Skinner-Direct by Corbett

1 (Photo of keys marked State's Exhibit No.
2 9 for Id.)

3 Q Look at that and tell me if you can
4 identify that.

5 A These are Darrell's keys.

6 THE COURT: What number is that, please,
7 ma'am?

8 A Nine.

9 THE COURT: Nine, Id.?

10 A Uh-huh. (Affirmative.)

11 MR. CORBETT: Judge, I'm sorry. I
12 neglected to say what's been marked for
13 identification as State's No. 9. Who showed you
14 those?

15 A Jennifer.

16 Q When you say, Jennifer, do you mean
17 Investigator Thomas?

18 A Investigator Thomas.

19 Q And were those consistent with the keys
20 that Darrell carried?

21 A Yes.

22 MR. CORBETT: Bear with me just one
23 moment, please, Your Honor. Your Honor, may
24 counsel and I approach for just one moment?

25 THE COURT: Yes, sir.

Krystle Skinner-Direct by Corbett

1 (Whereupon, attorneys approach and confer
2 with Judge.)

3 (Baseball cap marked State's Exhibit No.
4 10 state for Id.)

5 Q Ms. Skinner, if you would please, take a
6 moment to look at this item.

7 THE COURT: And for Id.?

8 MR. CORBETT: Yes, sir. State's No. 10
9 for identification.

10 Q Can you identify that?

11 A It looks like the hat that Darrell wore.

12 Q Did you find that item?

13 A I didn't find it, but I saw it in the road
14 as I passed by when I was on my way looking for
15 him. I passed by it in the road.

16 Q You passed by it in the roadway?

17 A Uh-huh. (Affirmative.)

18 Q Say yes or no for me, please.

19 A Yes.

20 Q And what does that look to be?

21 A It appears to be the hat that he wore.

22 Q And where did you pass it in the roadway?

23 A It was in between like American and the
24 gun shop. Tony's Gun Shop.

25 Q Now keep in mind that a lot of these folks

Krystle Skinner-Direct by Corbett

1 might not know what you mean when you say

2 American. What do you mean by American?

3 A American Mobile Home Park.

4 Q American Mobile Home Park somewhere in
5 that vicinity and Tony's Gun Shop?

6 A Yes.

7 Q And that appears to be the hat that
8 Darrell was wearing?

9 A Yes.

10 Q And you say it looks like the that Darrell
11 had on that night?

12 A Yes.

13 Q And was that when you saw him---

14 A Earlier.

15 Q ---the night before?

16 A Yes.

17 Q And it looked just like that one?

18 A Yes.

19 Q And you said you passed it in the roadway.
20 When would that have been?

21 A On the morning April 10th or the 9th. In
22 between the 9th and the 10th.

23 Q Okay. So----

24 A That morning.

25 Q ---was it dark?

Krystle Skinner-Direct by Corbett

1 A The day he was found.

2 Q Dark or daylight when you saw it?

3 A It was daylight.

4 Q Now you indicated that you and Darrell had
5 children together?

6 A Yes.

7 Q How many?

8 A Two.

9 Q And what are their ages?

10 A Four and 11.

11 Q Four and 11. And how long had the two of
12 you lived together?

13 A Three years. Well before that, we lived
14 4 years before that. We lived -- the house we had
15 just moved in there almost a year.

16 Q So 5 or more years?

17 A Yes.

18 Q Somewhere in that neighborhood. And you
19 said it was ordinary (sic) for him to be gone this
20 long without notifying you or being home?

21 A Yes.

22 MR. CORBETT: Ms. Skinner, please answer
23 any questions Mr. Johnson has for you, okay.

24 MR. JOHNSON: May it please the court,
25 Your Honor.

Krystle Skinner-Cross by Johnson

1 Cross Examination by Mr. Johnson:

2 Q Ms. Skinner, good afternoon.

3 A Good afternoon.

4 Q I want to give you my condolences about
5 your loss.

6 A Thank you.

7 Q As you know, it's very important that I
8 ask you some questions. And all I ask is that you
9 just, if you don't understand, just ask me, okay.

10 A Okay.

11 Q If you need some time, just ask me. Just
12 a couple of questions. The car that he was
13 renting that was burnt, or the truck, the SUV, did
14 it have power windows?

15 A I am almost uncertain. I didn't ride in
16 the car, I had my own car.

17 Q Okay. And so you don't remember if it did
18 or not?

19 A No, I don't.

20 Q Now when you look at the burnt vehicle, it
21 was already taken from the scene?

22 A Yes.

23 Q About what time was that?

24 A I have no idea what time it was.

25 Q It was sometime in the afternoon or so?

Krystle Skinner-Cross by Johnson

1 A In between morning and after -- well it.
2 was probably after 12.

3 Q Now you had been looking for him all
4 night, basically, right?

5 A Yes.

6 Q Because it was unusual for him to be gone
7 that long.

8 A Yes.

9 Q Correct? Now you had been with him you
10 say, I guess 10 years or so?

11 A Yes.

12 Q And you spent a lot of time. Well you had
13 kids together. So you knew him pretty well,
14 correct?

15 A Yes.

16 Q Did you ever once see him with London
17 Kelley?

18 A No.

19 Q Did he ever mention that he knew London
20 Kelley?

21 A No.

22 Q I am sure you looked at his phone before,
23 because you described his phone. Did you ever see
24 London Kelley's number in his phone?

25 A I looked at his phone from laying beside

Krystle Skinner-Cross by Johnson

1 me, but I never looked through his phone.

2 Q But you never saw anything saying London
3 Kelley?

4 A No.

5 Q You never knew who London Kelley was until
6 this thing happened. Or you heard of her?

7 A I knew of her.

8 Q Right. But you had anything suspected
9 between her and him, correct?

10 A No.

11 Q Now isn't it true that this happened back
12 in 2011. April 9th, correct?

13 A Yes.

14 Q You went out there that day, you saw what
15 happened. Did the police ever question you until
16 2013? After that day?

17 A Yes, I spoke with this Investigator Thomas
18 over the year, yes.

19 Q Over the years.

20 A Yes.

21 Q Right. Because didn't they close this
22 case, and say they didn't have enough evidence to
23 charge anybody?

24 A Not that I knew of, they didn't close it.
25 They were still working on it.

Krystle Skinner-Cross by Johnson

1 Q Right. But two years and they said, and
2 had questioned everybody, including London Kelley
3 and everyone.

4 MR. CORBETT: Objection, Your Honor.
5 He's asking this witness what law enforcement did.

6 THE COURT: Well what law enforcement may
7 have told her---

8 MR. JOHNSON: I'm asking her what she
9 knew, Your Honor.

10 THE COURT: Well it's likely hearsay if
11 she got that information from law enforcement.
12 What's the relevance of it, Mr. Johnson?

13 MR. JOHNSON: Well, Your Honor, I'm just
14 trying to establish a time line as to when---

15 THE COURT: I think you can establish the
16 time line without getting into what something
17 about the evidence someone from law enforcement
18 may have told her.

19 MR. JOHNSON: I understand. I can do
20 it---

21 THE COURT: The objection is sustained.

22 Q I can do it this way. When you first met
23 law enforcement, you gave a statement back on
24 April the 10th 2011, right?

25 A Yes.

Krystle Skinner-Cross by Johnson

1 Q And in that statement you stated just what
2 you just said. But I think the last thing was
3 that they told you that they found a body at the
4 trailer park.

5 A Yes.

6 Q By Mr. Johnson) Your Honor, can I approach?

7 THE COURT: Yes.

8 Q Do you recognize that?

9 A Yes.

10 Q Is that the statement that you wrote?

11 A Yes.

12 Q Will you please read the last line of that
13 statement or the last sentence?

14 THE COURT: How many pages is it?

15 MR. JOHNSON: It's just one page.

16 A One.

17 Q Well I mean you can start -- you can start
18 up higher.

19 A Do you want the last sentence?

20 THE COURT: Have you shown it to
21 Mr. Corbett?

22 MR. JOHNSON: I got it from Mr. Corbett,
23 but I will show it to him again.

24 Q Will you just read from here where you
25 said, I called?

Krystle Skinner-Cross by Johnson

1 MR. CORBETT: Your Honor, I interpose an
2 objection.

3 THE COURT: Let me see that, please,
4 ma'am. Your objection? I am a little confused.
5 You said it's the last sentence, but it's the last
6 sentence on this page.

7 MR. JOHNSON: No. The second page there
8 is a second statement, Your Honor.

9 THE COURT: Mr. Corbett, your objection.

10 MR. CORBETT: Your Honor, my objection is
11 both hearsay grounds and also that we're going to
12 attempt to extract portions of the statement. Now
13 if we wish to put all of the statements in, I
14 have no objection. But I do object to carving the
15 statement up.

16 THE COURT: Let's do this. Ladies and
17 gentlemen, if you would please step to your jury
18 room. Of course, you may not discuss the case.
19 You can take your note pads. Don't make any notes
20 while you are in the jury room, okay.

21 MR. JOHNSON: Your Honor, I was going to
22 withdraw that. I can go about it another way.

23 (Whereupon, the following takes place
24 outside the presence of the jury.)

25 THE COURT: Mr. Johnson.

Krystle Skinner-Cross by Johnson

1 MR. JOHNSON: Your Honor, I would withdraw
2 my question.

3 THE COURT: Are you going to try to elicit
4 it by other means?

5 MR. JOHNSON: I'll try to elicit it by
6 other means.

7 THE COURT: Why don't we walk through that
8 just in case. It's probably not hearsay at least
9 on the avenue he was going. But it might
10 otherwise be objectionable, I don't know. Go
11 ahead and ask the question.

12 Q Krystle, you gave this statement, and in
13 your statement the last thing you say in your
14 statement is that you went to the trailer park
15 where the body was found, is that correct?

16 A Yes.

17 Q Now no one ever questioned you or asked
18 you anything else about this case or asked you to
19 give a statement even about what he had on, the
20 red hat or any of that stuff, until January the
21 3rd of 2013.

22 A I had told him at the scene. My aunt
23 brought it up. But I told them at the scene that
24 I saw a red hat in the road. And they went back
25 to get it.

Krystle Skinner-Cross by Johnson

1 Q Right. But as far as the statement that
2 you wrote, the second statement, this was not even
3 elicited from you until two years later, correct?

4 A I am not sure.

5 THE COURT: Just show it to her.

6 Q I can show it to you.

7 A I wrote the statement two years ago.

8 Q Right, that's what I am saying.

9 A I wrote the statement, yes.

10 THE COURT: Can we do this. Mark it
11 Defendant's No. 1. If there is ever an issue
12 about what it is we are talking about.

13 (Statement of Krystle Skinner marked
14 Defendant's Exhibit No. 1 for Id.)

15 MR. JOHNSON: The defendant 1 for Id.,
16 Your Honor, is two statements. One dated April
17 10th 2011, and the second one dated January 3rd
18 2013.

19 THE COURT: Put a sticker on it. So the
20 record is clear, the statement you have been
21 discussing with this witness is that statement.
22 Right, Mr. Johnson?

23 MR. JOHNSON: That's correct, Your Honor.

24 THE COURT: Any additional questions while
25 the jury is out, Mr. Johnson?

Krystle Skinner-Cross by Johnson

1 MR. JOHNSON: Not related to this
2 statement.

3 THE COURT: Any objection to this line of
4 questioning, Mr. Corbett? He withdrew her reading
5 the last sentence of the statement. He just
6 asked her if the last thing she said in the
7 statement was the police telling her that they
8 found a body and she went to the scene. I think
9 that's already come out. But any objection to
10 that?

11 MR. CORBETT: Judge, the only issue I had,
12 and maybe I misunderstood the line of questioning.
13 But the reference to the hat in the second
14 statement from 2013, that hat was actually
15 recovered back at the time it was spotted back in
16 2011.

17 THE COURT: She explained that.

18 MR. CORBETT: Oh, okay.

19 THE COURT: She explained that. But that
20 will up to you all to bring out to the extent that
21 it is important, or extent you think it is
22 important. So what I'm asking since the jury is
23 out, Mr. Johnson has gone away from her reading
24 the last sentence of the first statement, to just
25 asking her if the last thing she told the police

Krystle Skinner-Cross by Johnson

1 in that statement was that they found the body at
2 the mobile home park and that she went there. Any
3 objection to that?

4 MR. CORBETT: No, Judge.

5 THE COURT: And I think---

6 MR. CORBETT: And I have no objections to
7 the second statement.

8 THE COURT: Mr. Johnson, are you ready for
9 the jury?

10 MR. JOHNSON: I'm ready, Your Honor.

11 THE COURT: Mr. Corbett?

12 MR. CORBETT: I'm ready, Your Honor.

13 THE COURT: You can bring them in if they
14 are ready. And while he's bringing them in, who
15 will be your next witness today?

16 MR. CORBETT: Judge, we intend to call
17 Cedric Burgess.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 THE COURT: You can continue.

21 MR. JOHNSON: Yes, Your Honor. May it
22 please the court.

23 THE COURT: Yes, sir.

24 Cross Examination continues by Mr.
25 Johnson:

Krystle Skinner-Cross by Johnson

1 Q Ms. Skinner, once again, the first
2 statement dated April 20th of 2011, it ended in
3 you saying basically that you went back to the
4 trailer park where there was a body found,
5 correct?

6 A Yes.

7 Q And that was the end of your statement
8 before April 10th 2011.

9 A Yes.

10 Q Now you have a second statement that you
11 gave on January 3rd 2013, is that correct?

12 A Yes.

13 Q And in that statement then which is
14 roughly a year and a half, almost two years later,
15 in that statement, that's when you mentioned, in
16 the written statement that it was red and black --
17 red, black and white, make sure I get this right.
18 That he was wearing a red, black and white shirt
19 and a red baseball cap, correct?

20 A Yes.

21 Q So that cap looked similar, but you can't
22 be sure if that's the cap, correct?

23 A It looks similar to the one he was
24 wearing.

25 Q Okay.

Krystle Skinner-Cross by Johnson

1 A It looks like that.

2 Q It looks like that.

3 A Yes.

4 Q And then you don't know what he was
5 wearing actually that night, did he have a cap on
6 or whatever, because you wasn't with him, correct?

7 A Correct. But usually he wears a hat.
8 He's always with a hat usually.

9 Q Normally he would have a hat on.

10 A Normally he has a hat on.

11 Q Oh, and just one point. Since you have
12 that cap, do you see any blood on that cap? Or
13 anything that looks like blood?

14 A That hat is also red, so.

15 Q I know. I'm just asking. If you don't
16 see, you can say I don't see.

17 A I don't see anything.

18 Q You don't see anything.

19 A It is dirty.

20 Q That's about it.

21 A It was raining that night. So It would
22 have been wet.

23 Q I understand. But you don't see anything
24 that looks like it has blood on it, do you?

25 A No.

Krystle Skinner-Redirect by Corbett

1 MR. JOHNSON: I have no other questions.

2 THE COURT: Redirect?

3 Redirect Examination by Mr. Corbett:

4 MR. CORBETT: Your Honor, were the
5 statements marked for the identification?

6 THE COURT: Mr. Johnson has got
7 Defendant's No. 1 for Identification.

8 Q Now Mr. Johnson was referencing the
9 statement that you gave, is that correct?

10 A Yes.

11 MR. CORBETT: Your Honor, we would move
12 Defendant's No. 1 into evidence.

13 THE COURT: Any objection?

14 MR. JOHNSON: Yes, Your Honor. I would
15 object to it.

16 THE COURT: Hand it to me, please, ma'am.
17 Come up, please.

18 (Whereupon, attorneys confer with the
19 judge at bench.)

20 THE COURT: Go ahead, Mr. Corbett. And we
21 are still talking about Defendant's 1 for Id.

22 Q Now the statement that Mr. Johnson had you
23 refer to, and in that statement you referred to
24 the type of cell phone he had, correct?

25 A Yes.

Krystle Skinner-Redirect by Corbett

1 Q And the clothing?

2 A Yes.

3 Q You talk about last talking to him
4 sometime around 10:30.

5 A Between 10 and 10:30, yes.

6 Q And you reference, I'm sorry, 10 o'clock.
7 He was shooting pool at T. Bubba's.

8 A Yes.

9 Q And it says the shop beside it?

10 A Yes.

11 Q What is T. Bubba's?

12 A It's a little, like a little hang out spot
13 that they hang out in on Highway 53.

14 Q And some people call it T. Bubba's. And
15 some people call it the shop.

16 A Yes.

17 MR. CORBETT: Your Honor, that's all the
18 questions I have on redirect. We would offer
19 Defendant's No. 1 into evidence.

20 THE COURT: Well if it's in, it's going to
21 be State's No. 11 probably. But any recross,
22 Mr. Johnson?

23 MR. JOHNSON: Just one other.

24 Recross Examination by Mr. Johnson:

25 Q Ms. Skinner, also on that second statement

Cedric Burgess-Direct by Corbett

1 you also said that the most he had in his pocket
2 was about 200 to \$250?

3 A Yes.

4 MR. JOHNSON: I have no other questions.

5 THE COURT: Anything else, Mr. Corbett?

6 MR. CORBETT: No, sir, Your Honor.

7 THE COURT: Thank you, ma'am. You can
8 step down. Next witness.

9 MR. CORBETT: Yes, Your Honor. The State
10 would call Cedric Burgess.

11 Cedric Burgess, being first duly sworn,
12 testified as follows:

13 THE BAILIFF: State your name and spell
14 your last for the record.

15 A Cedric Burgess. Last name is spelled
16 B-U-R-G-E-S-S.

17 Direct Examination by Mr. Corbett:

18 Q Mr. Burgess, good afternoon.

19 A Good afternoon.

20 Q Mr. Burgess, I am going to stand down
21 here. And it will kind of force you to talk to me
22 so everybody can hear you okay.

23 A Okay.

24 Q Now, mr. Burgess, you told us your full
25 name.

Cedric Burgess-Direct by Corbett

1 A Yes, sir.

2 Q What part of, do you live in Sumter

3 County?

4 A Yes, sir.

5 Q I am not looking for your exact address,

6 but what part?

7 A In the Shiloh community.

8 Q In the Shiloh area?

9 A Yes, sir.

10 Q Now do you -- did you know Darrell Epps?

11 A Yes, sir.

12 Q How did you know Darrell Epps?

13 A Well I know him all my life. Friend of
14 the family.

15 Q So you all have been friends since you
16 were young.

17 A Yes, sir.

18 Q Now do you recollection of the time
19 leading up to his death?

20 A The only thing I know, the last time I
21 seen him, when I talked to him. And that may have
22 been about 10:00 o'clock or so at the T. Bubba's.

23 Q Stop right there for me for just a moment.
24 And I want you to kind of back up for me just a
25 little bit.

Cedric Burgess-Direct by Corbett

1 A Uh-huh. (Affirmative.)

2 Q You told me the last time you saw him at
3 T. Bubba's but back up just a little bit, and how
4 you all got there and where is T. Bubba's and that
5 sort of information.

6 A Okay. Well T. Bubba is right there on
7 Highway 53. And how I got there, I been driving
8 my car, and he came up there in his car.

9 Q And do you know about what time you all
10 got there?

11 A Well I know I been there, I think I have
12 been there before he was. And he probably got
13 around there maybe about, well at the time I say
14 probably about 10 or so. We didn't say long, and
15 he say he was about to go.

16 Q So you saw Darrell Epps at T. Bubba's at
17 10 p.m.

18 A 10.

19 Q Or excuse me, about 10.

20 A About 10.

21 Q Does T. Bubba's go by any other name that
22 you know of?

23 A That's it. Tailor shop or whatever.

24 Q Now when you left T. Bubba's where were
25 you heading?

Cedric Burgess-Direct by Corbett

1 A I think I was headed back home. I am not
2 sure.

3 Q Any chance that you were going to
4 someplace called Mack's?

5 A Yes.

6 Q What is that?

7 A That's in Lynchburg.

8 Q But what is it?

9 A Mack's Social Club. It's a club also.

10 Q Darrell did not go to Mack's?

11 A No, sir.

12 Q Of your knowledge, do you know where he
13 was for going?

14 A No, sir.

15 Q And again, so the last time you saw
16 Darrell alive was sometime around 10 p.m. at
17 T. Bubba's.

18 A Yes, sir.

19 MR. CORBETT: Please answer any questions
20 that Mr. Johnson may have.

21 A Yes, sir.

22 Cross Examination by Mr. Johnson:

23 Q I just have got one question. Well
24 actually it is going to be two or three. Mr. --
25 you have known Mr. Epps for a long time, correct?

Cedric Burgess-Cross by Johnson

1 A Yes, sir.

2 Q You have been around for a long time,---

3 A Yes.

4 Q ---correct? Have you ever seen him with
5 Ms. London over there?

6 A Never.

7 Q Never. And you've spent a lot of time
8 with him, correct?

9 A Yes, sir.

10 Q And she wasn't with him that night that
11 you saw him, did you?

12 A No. I don't even know her.

13 Q And how long have you been -- and how long
14 have you known Mr. Epps?

15 A All my life.

16 Q And you have never seen him with her have
17 you?

18 A No.

19 THE COURT: Redirect?

20 MR. CORBETT: Nothing on redirect, Your
21 Honor.

22 THE COURT: Thank you, Mr. Burgess. You
23 can step down. Okay.

24 MR. CORBETT: Judge, may we step forward
25 to talk scheduling?

Cedric Burgess-Cross by Johnson

1 THE COURT: Yes, sir.

2 (Whereupon, attorneys approach and confer
3 with judge.)

4 THE COURT: The next witness may take us
5 somewhat past 5, and I don't want to inconvenience
6 you any longer than we have to in this case this
7 afternoon. We are going to stop. I will remind
8 you that you will leave your notepads behind in
9 the jury room. I'll tell you what, when you get
10 up a in a few minutes, just leave them in your
11 chair. Mr. Bradley will get those and he will
12 lock those up in a locker. Over the night as you
13 go to your cars today, we don't have this issue
14 much, because it is still daylight outside. If
15 anybody wants somebody to take you to your car,
16 that's fine. That happens from time to time. I
17 don't think we're expecting rain until the end of
18 the week if at all.

19 But in any event, during the course of the
20 evening and tomorrow until you come back here, you
21 may not discuss this case with anyone in the
22 universe. No one at all. That includes friends,
23 family co-workers, anyone else you can imagine.
24 You cannot talk about this case. You might see
25 somebody tonight that knows you are on jury duty.

1 They may ask you about the case. The only thing
2 you can tell them is you can't talk about it.
3 Don't even tell them what the charge is.

4 You are not permitted to read anything
5 about it, listen to anything about it. If you
6 hear any words, you can't even look in a
7 dictionary to see what a word means. You can't
8 get on the internet or a website and look up
9 anything about the issues, the parties, the
10 lawyers or anything remotely involving this case.
11 Again, as I mentioned don't read anything about
12 it, listen to anything about it or watch anything
13 about it. You're not permitted to blog about it,
14 get on facebook, tweeter, anything else. You
15 can't text people about it. So just put this
16 case, as far as communication is concerned, out of
17 your mind.

18 Now if anything happens that brings
19 anything about this case to your attention
20 intentionally or inadvertently, please let your
21 foreperson know in the morning, and she will let a
22 bailiff know. We will be back together tomorrow
23 morning at 9:30 in your jury room, and we will
24 start at that time. Of course the lawyers, the
25 parties and forth will be hear earlier, and we

1 will begin the day promptly at 9:30. Thank you
2 very much for your time and patience today.

3 (Whereupon jury dismissed at 4:38 p.m.)

4 THE COURT: Just I know the bailiffs are
5 being watchful on it, I just want of make sure
6 that no red or white or royal blue tee shirts.
7 The last witness had a red shirt on which is fine,
8 it had a collar. But I want to make sure that you
9 tell your witnesses, Mr. Corbett, that's my rule
10 in the courtroom. Anything before we break from
11 the State other than the custody status of
12 Ms. Kelley?

13 MR. CORBETT: No, sir, Your Honor.

14 THE COURT: Mr. Johnson.

15 MR. JOHNSON: I have nothing.

16 THE COURT: I am going to allow her to
17 stay out. I will tell you this, Ms. Kelley, if
18 you can stand again.

19 (Whereupon, the defendant is sworn.)

20 THE COURT: I am going to let you stay out
21 of jail. A couple of things. Number one, you are
22 to have no contact with any of the witnesses. Do
23 You understand that?

24 THE DEFENDANT: Okay.

25 THE COURT: Your lawyer can do that. He

1 knows how to do it. But you're not under any
2 circumstances permitted to have any contact unless
3 you are with him. Is that suitable, Mr. Johnson?

4 MR. JOHNSON: That's fine, Your Honor.

5 THE COURT: Also you can put your hand
6 down. Also I want you to make sure you are here
7 in this courtroom by 9:10. No later than that.
8 We'll be back on the record at 9:15. I will come
9 out here to make sure that's nothing to take care
10 of before we start back at 9:30. So if you,
11 gentlemen have any issues that we have to resolve,
12 make sure you be prepared to let me know at 9:15
13 what they might be. But, Ms. Kelley, if you don't
14 come back on time, I'll reserve the right to put
15 you in jail until the trial over. Also, we'll go
16 forward without you. You have the right to be
17 present, but if you choose not to be present, we
18 will go on in your absence. Do you understand
19 that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Is that agreeable,
22 Mr. Johnson?

23 MR. JOHNSON: That's fine, Your Honor.

24 THE COURT: Anything else, Mr. Corbett,
25 along these lines?

1 MR. CORBETT: No, sir, Your Honor.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: I nothing, Your Honor.

4 THE COURT: See you tomorrow morning at
5 about 9:15.

6 MR. CORBETT: Judge, if I may, I would
7 like the record to reflect one issue. I have
8 been trying to accommodate Mr. Johnson in any way
9 I could, with any type of documentation in the
10 file. And I had advised Mr. Johnson that
11 duplicates of what I have provided to Mr. Murphy.
12 And I will assist if needed, but I think some
13 things were transmitted electronically. But I had
14 mentioned to Mr. Johnson. I just wanted the
15 record to reflect that I had advised him that
16 Mr. Murphy was in possessions of these books.

17 THE COURT: Okay.

18 MR. CORBETT: And that if he could get
19 them from Mr. Murphy, we would both have the same
20 thing in front of us.

21 MR. JOHNSON: Your Honor, at the same time
22 if I find out I don't have something, I should be
23 able to go to the State, and ask them to show me a
24 copy of it.

25 THE COURT: Sure. But it's not going to

1 be a discovery violation unless it's something
2 Mr. Murphy didn't have.

3 MR. JOHNSON: I haven't brought that up at
4 all, Your Honor. I understand. I'm just asking
5 the State to accommodate me if for some reason I
6 don't have that.

7 THE COURT: And that's fine. I mean I
8 think you all can work that out.

9 MR. CORBETT: Absolutely.

10 THE COURT: I think Mr. Webb has got a
11 pretty thick file he walked in here. I assume
12 that's got Mr. Murphy's stuff in it. I don't see
13 any notebooks, but I think you all are on the same
14 page.

15 MR. JOHNSON: Yeah, we went back and got
16 everything, Your Honor. But it's just certain
17 little pieces that for whatever reason they didn't
18 record.

19 THE COURT: See you tomorrow at 9:15.

20 (Whereupon, the trial commences at 9:15 on
21 Tuesday, October 28, 2014.)

22 THE COURT: Mr. Johnson, is the defendant
23 ready.

24 MR. JOHNSON: Yes, Your Honor., I am.

25 MR. CORBETT: And, Judge, we're going to

1 have the none witnesses family members come in as
2 well.

3 THE COURT: Mr. Bradley, you can bring the
4 jury.

5 (Whereupon, the following takes place
6 within the presence of the jury.)

7 THE COURT: Ladies and gentlemen, we are
8 ready to move forward. Mr. Corbett, you can call
9 your next witness.

10 MR. CORBETT: Judge, our next witness is
11 on the way in. Your Honor, the State would call
12 Dexter Dickey.

13 Dexter Dickey, being first duly
14 sworn, testified as follows:

15 A Yes, sir.

16 THE BAILIFF: Please state your full name
17 and spell your last name for the record.

18 A Dexter Dickey.

19 THE BAILIFF: Spell your last name,
20 please.

21 A Spell it?

22 THE BAILIFF: Yes, sir.

23 A D-I-C-K-E-Y.

24 THE BAILIFF: Thank you.

25 Direct Examination by Mr. Corbett:

1 Q Mr. Dickey, good morning.

2 A Good morning.

3 Q Mr. Dickey, you live here in Sumter
4 County?

5 A Yes, sir.

6 Q Talk a bit louder for me, or either get a
7 little closer to that microphone, okay.

8 A All right.

9 Q What part of Sumter County do you live in?

10 A Right over there in Windsor City, 521.

11 Q I'm sorry, say that again.

12 A Windsor City, 521.

13 Q Windsor City?

14 A Yes, sir.

15 Q Mr. Dickey, did you know Darrell Epps?

16 A Yes, sir.

17 Q How did you know Darrell Epps?

18 A I know him as a good loving person. You
19 know, my cousin. First cousin.

20 Q First cousin.

21 A Yes, sir.

22 Q How long did you know Darrell Epps?

23 A I have known Darrell ever since born, and
24 we were raised up.

25 Q You all were raised together.

Dexter Dickey-Direct by Corbett

- 1 A Yeah.
- 2 Q Now were you in regular contact Darrell?
- 3 A Yes.
- 4 Q Did you see him often?
- 5 A Yes.
- 6 Q What kind of work did he do?
- 7 A Paint with his father.
- 8 Q So he did painting work?
- 9 A Yes, sir.
- 10 Q Now did Darrell have kids?
- 11 A Yeah.
- 12 Q Do you know how many kids he has got?
- 13 A Two.
- 14 Q Now you said you've known Darrell a long
- 15 time.
- 16 A Yes, sir.
- 17 Q Do you remember when he got killed?
- 18 A Do I remember when he got killed?
- 19 Q Yes, sir.
- 20 A Well I don't remember when he got killed,
- 21 but, you know, I been the last person to talk to
- 22 him.
- 23 Q I'm sorry, say that again.
- 24 A I been the last person to talk to him.
- 25 Q You were the last person to talk to him?

Dexter Dickey-Direct by Corbett

1 A Yes, sir.

2 Q Well let's back up a little bit and talk
3 about that evening.

4 A Yes, sir.

5 Q Do you remember what date or night that
6 was?

7 A Saturday.

8 Q And tell me a little bit about how you
9 came in contact with Darrell that day. What you
10 all were doing.

11 A I woke up. When I'm staying in Sumter, I
12 woke up with my girlfriend. I called Darrell
13 about 10 o'clock. Darrell said he been at his
14 little boy's baseball practice. So I asked him
15 was he going to the country. That's what we call
16 Shiloh, the country. And he said, yeah. So I
17 asked him what time he's going. He said around
18 about 2 o'clock. So I tell him I want to catch
19 him to the country. He said all right.

20 SO around 2:30 he been at my house. Like
21 when I do go with him sometime, he don't come on
22 the right exact time, but that day, you know, he
23 came. I just felt like something suspicious
24 already, because he at my house at 2:30. So we
25 left and went to the country, you know. Well I

Dexter Dickey-Direct by Corbett

1 went to grandma's house, and I dropped some stuff
2 off.

3 Q Let me stop you right there, because you
4 talk about going to the country.

5 A Yes.

6 Q Do you all have family in that area?

7 A Yes, sir.

8 Q So that's why you would be going to what
9 you call the country?

10 A Yes, ma'am.

11 Q And when you say the country, I think
12 you've already said it. But what part of Sumter
13 County are we talking about?

14 A What kind of Sumter County---

15 Q What part of Sumter County?

16 A What do you mean like?

17 Q What community? What area?

18 A Lynchburg.

19 Q Lynchburg.

20 A Yes, sir.

21 Q Please continue.

22 A So we're going to my aunt's house. We
23 went to grandmama's house, and I dropped some
24 stuff off. So we left and went to my aunt's
25 house; went and I dropped his little boy off at

Dexter Dickey-Direct by Corbett

1 the school. We sit there and chill and stuff and
2 laugh and talk. But Darrell just like wasn't his
3 self, but I never thought nothing of it. So, you
4 know, we laughed and talked and stuff. And his
5 old lady came by and see him and stuff. She left,
6 and then everybody left. And so we left, went to
7 a cook out, me and Darrell and my cousin.

8 So after we put my cousin out, we went on
9 the back road, ride around. Went back to the cook
10 out. So we shared, drink a couple of beers and
11 stuff. And later on that evening, a thunder
12 storm was coming up, and it was around about
13 eight, 08. So we say -- well Darrell said, let's
14 go to the shop. So we say we load up and went to
15 the shop.

16 Q Now I've got to ask this question about
17 what you're calling the shop.

18 A T. Bubba's Lounge where we shoot pool at.

19 Q T. Bubba's lounge.

20 A Yes, sir.

21 Q I think you just answered my question but
22 what were you all doing at T. Bubba's lounge.

23 A Yes, sir.

24 Q Go ahead.

25 A So we went to T. Bubba's lounge. Darrell

Dexter Dickey-Direct by Corbett

1 was like let's drink a gin. So I said all right.
2 So everybody been shifting a little bit, drink
3 some beer and liquor. Me and Darrell went in
4 there. And nothing but me and Darrell shooting
5 pool head up. So we started to shoot three games.
6 But in between those three games, he been on the
7 phone texting and playing and stuff. So I don't
8 know what he been doing. So I shoot pool and
9 stuff. So we left out around about 10 o'clock.

10 So I tried to get Darrell to go out that
11 night, but Darrell said he ain't f'ing around,
12 because he had a little mission to go on. So I
13 begged him to go with me. I begged him to go with
14 me. But he tell me, nah, he's good because he's
15 got a little shorty to go to see. I been like all
16 right.

17 Q You got stop there for me one moment.
18 Because when the two of are talking, you may know
19 what you're talking about, the rest of us may not.

20 A Yes, sir.

21 Q So you had a little mission, and something
22 about a shorty.

23 A Yes, sir.

24 Q Slow down and explain to us what you're
25 talking about.

Dexter Dickey-Direct by Corbett

1 A Well what I mean by shorty, he said he's
2 been going to see a girl. In that statement he's
3 going to see a girl, but that's why he ain't had
4 want me must be go with him and know. Too many
5 people there been know his business. But I try my
6 best to go that night and get him to go out, but
7 he ain't had want to go out.

8 Q Now when you -- I know this is an awkward
9 way to ask it, but when you say going to see a
10 girl somebody other than his fiancée.

11 A Yes, sir.

12 Q So you were going out and going somewhere
13 else that night.

14 A Yes, sir.

15 Q And you wanted him to go with you, but he
16 didn't?

17 A No, I had want to go with him.

18 THE COURT: Wait just a second.

19 MR. JOHNSON: Objection. He just keeps
20 repeating what they's saying. He's testifying.

21 THE COURT: Objection is sustained. If
22 you need clarification, just ask him to repeat it
23 please. Thank you. Sustained.

24 Q When you were leaving T. Bubba's, where
25 were you going?

Dexter Dickey-Direct by Corbett

- 1 A I'm going to the Max.
- 2 Q You said the Max?
- 3 A Yeah.
- 4 Q What is that?
- 5 A That's like a social club in the Lynchburg
- 6 area.
- 7 Q Now did see Darrell leave?
- 8 A No, sir.
- 9 Q Do you know if anybody left with Darrell?
- 10 A No, sir.
- 11 Q Now did you talk to Darrell on the phone
- 12 that evening?
- 13 A That evening after we left the shop?
- 14 Q Yes.
- 15 A No.
- 16 Q Now earlier you had told me that you were
- 17 the last person that talked with him.
- 18 A Yes, I was.
- 19 Q And tell me about that.
- 20 A When I been leave the shop, I went to the
- 21 Max, and chill at the Max a little while. So
- 22 everybody decided to leave the Max, because it
- 23 wasn't going on. So as my way on to the house, my
- 24 mind said, call Darrell. So as I was getting out
- 25 of the car, I called him. He answered the phone.

Dexter Dickey-Direct by Corbett

1 I been like, what's up. He was like nothing,
2 chilling. I been like there ain't nothing going
3 on the Max. The HD boy dropped me off at the
4 house. But what was that last part?

5 A That been a cuss word. I don't want to
6 use bad language.

7 Q What time did you talk to Darrell?

8 A Right around 11, 10.

9 Q So you were at the Max, and you called
10 Darrell.

11 A No, I been getting dropped off at the
12 house. I done been left the Max. And as I'm
13 getting dropped off at the house, my mind said,
14 call Darrell. So I called him. He answered the
15 phone. So I been like, what up. He been like,
16 nothing, chilling. So I been like, ain't nothing
17 going on at the Max, because he's supposed to come
18 back down here. But I been like ain't nothing
19 going on at the Max. These boys dropped me off at
20 the house.

21 So during that time, I heard a bunch of
22 commotion in the background where like his voice
23 been going in the house. And I hear some boys and
24 girls and they are arguing in the background. But
25 I ain't never asked him where he been at. And he

Dexter Dickey-Direct by Corbett

1 never tell me where he been at. But he been like,
2 let me hit you back. So I ain't never thought
3 nothing of it. I got in my bed and stripped.
4 It's the next day, I know he been missing.

5 Q You indicated a moment ago that you called
6 him and he said, what was the phrase he used? Let
7 me hit you back?

8 A He said let me hit you back.

9 Q What did you understand that to mean?

10 A He was going to call me back. But that's
11 the language he always used when I talked to him.

12 Q What if anything can you tell us about how
13 he sounded or anything else that was going on in
14 that phone call?

15 A He sounded just like his self. He ain't
16 been sound too like he been upset, or like he been
17 mad or angry or at a harm. But, you know, he
18 sound like himself. But I heard a bunch of
19 commotion in the background. But I don't where
20 that lead to he's getting off the phone, but I
21 heard a bunch of commotion in the background.

22 Q Did he ever call you back?

23 A No, sir.

24 Q When did you become aware that he shot and
25 killed?

Dexter Dickey-Direct by Corbett

1 A Later on up in that day. He been missing,
2 but we been looking for him. But we heard from a
3 phone call later on that day. Sunday afternoon.

4 Q During the course of the time that you all
5 were at T. Bubba's, do you by any chance know if
6 he had any money on him?

7 A Yes, sir.

8 Q How would you know that?

9 A Because I seen him with it.

10 Q Tell us what you saw show.

11 A I saw he had about \$800 at the bar. And
12 then he has a few other dollars in his other
13 pocket where he been paying me out to shoot pool.

14 Q Now I may have already asked this. I
15 apologize if I'm going back over it. I was asking
16 you about, did you see Darrell with money. Did
17 you know if Darrell was working at this time?

18 A Yes, sir.

19 Q And what kind of work was he doing?

20 A Painting.

21 MR. CORBETT: Mr. Dickey, thank you.

22 Please answer any questions Mr. Johnson has.

23 MR. JOHNSON: Please the court, Your
24 Honor.

25 THE COURT: Yes, sir.

Dexter Dickey-Cross by Johnson

1 Cross Examination by Mr. Johnson

2 Q Good morning, Mr. Dickey. I've just got a
3 simple question for you. You spent a lot of time
4 with Mr. Epps?

5 A Yes, sir.

6 Q He was a good friend.

7 A Well, yes, sir.

8 Q So you all shared information and talked
9 girls, everything, right?

10 A Yes, sir.

11 Q Have you ever seen Darrell Epps with that
12 lady over there?

13 A No, sir.

14 Q Have you ever seen her before? Did he
15 ever say anything about her?

16 A No, sir.

17 Q And he didn't say anything that night, did
18 he?

19 A No, sir.

20 THE COURT: Redirect?

21 MR. CORBETT: Briefly, Your Honor.

22 Redirect Examination by Mr. Corbett:

23 Q Earlier you had used the phrase I wasn't
24 familiar with about going to see a shorty.

25 A Uh-huh. (affirmative.)

Tiffany Witherspoon-Direct by Corbett

1 Q What does that mean?

2 A Shorty means like -- well I refer to
3 shorty as a women, a girl.

4 Q Did you ever tell you this individual's
5 name?

6 A No, he never called no name.

7 MR. CORBETT: Thank you. That's all I
8 have.

9 THE COURT: Mr. Johnson.

10 MR. JOHNSON: I have no other questions,
11 Your Honor.

12 THE COURT: Thank you, sir. You can step
13 down. Mr. Corbett.

14 MR. CORBETT: The State would call Tiffany
15 Witherspoon.

16 Tiffany Witherspoon, being first duly
17 sworn, testified as follows:

18 THE BAILIFF: State your full name and
19 spell your last name for the record.

20 A Tiffany Sarina Witherspoon.

21 W-I-T-H-E-R-S-P-O-O-N.

22 DIRECT EXAMINATION by Mr. Corbett:

23 Q Ms. Witherspoon, good morning.

24 A Good morning.

25 Q Ms. Witherspoon, what part of -- well

Tiffany Witherspoon-Direct by Corbett

1 first of all, let me ask you, do you live in
2 Sumter County?

3 A Yes, sir.

4 Q What part of Sumter County do you live in?

5 A I stay in Granada Park. Sumter, Sumter
6 County.

7 Q Is that out going in the direction of
8 Columbia, or just generally what area?

9 A It's down .

10 Q . Now do you know
11 London Kelley?

12 A Yes, sir.

13 Q How do you know London Kelley?

14 A I've known London for like 10, 10 to 12
15 years. I've known her since 2002, 2003.

16 Q How do you know her?

17 A She's my friend.

18 Q Are you related? Cousins---

19 A No.

20 Q ---anything of that nature?

21 A No, sir.

22 Q How would you characterize your
23 relationship with London Kelley?

24 A She's a people's person.

25 Q No, your relationship with her.

Tiffany Witherspoon-Direct by Corbett

1 A My relationship with her. We're close
2 friends.

3 Q Real close friends. Now are you aware of
4 the case in which Darrell Epps was killed?

5 A Yes. Yes, sir.

6 Q So you had occasion to speak to law
7 enforcement about that.

8 A Yes, sir.

9 Q Do you remember that time frame?

10 A I remember when Jennifer called me, but I
11 don't remember the exact date she called me.

12 Q Would she have called you -- would you
13 have talked with her on or about April 23rd of
14 2013?

15 A Like I say, I talked to her, but I don't
16 remember the date.

17 (Voluntary Statement marked State's
18 Exhibit No. 11 for Id.)

19 Q I am going to show you what's been marked
20 for identification as State's Exhibit No. 11, and
21 ask you if you can identify that.

22 A The first page?

23 Q All of it.

24 A No, not all of it.

25 Q Does the first page bear your signature?

Tiffany Witherspoon-Direct by Corbett

1 A Yes, sir.

2 Q And what's the date on that?

3 A The 23rd.

4 Q So would that be the right date?

5 A Yes, it does.

6 Q I'm sorry, you said the 23rd. Tell me the
7 full date.

8 A April 23rd 2013.

9 Q If I can hold that back for just a moment
10 please. And does the second page bear your
11 signature?

12 A Yes, sir.

13 Q Now do you recall the weekend that Darrell
14 Epps was murdered?

15 A Yes, sir.

16 Q Tell us where you were that evening.

17 A I was home. We had a cook out.

18 Q When you say home, where is that?

19 A , , South
20 Carolina.

21 Q And tell me where is if you
22 would. Describe how you would get to it.

23 A You -- well if you're coming down 76. And
24 you want to make a left by Club Miami, you can go
25 that road straight on out until you get to Delaine

Tiffany Witherspoon-Direct by Corbett

1 School. When you get to Delaine School at that
2 stop sign, you make a left. As soon as you get
3 around the curve , goes right
4 there. The white house on the left hand. It's
5 Down a dirt road.

6 Q How long would it take you to drive from
7 there to Club Miami.

8 A Not that long. Probably three minutes.

9 Q So not far his Highway 76.

10 A Yes.

11 Q Or what I may called 378.

12 A Yes, sir.

13 Q Now what time did your cook out start?

14 A It started about 3:30, four.

15 Q And do you recall who all was there?

16 A Yes, sir.

17 Q Who was there that day?

18 A It was my two brothers, Darrian Sweat,
19 Kenneth Witherspoon, London Kelley, Quinton,
20 Marcus Branch, Towards McFadden, Andrea Brown,
21 Essence Moore, Katrina Burton, Kenzie, I don't his
22 last name. John Anderson, Linda Anderson, Shontay
23 Anderson, Erica Anderson. Missy McGee, Antoine
24 Sweat, that's my other brother. Tony Anderson,
25 Derron Anderson.

Tiffany Witherspoon-Direct by Corbett

1 Q A big crowd of people.

2 A Yeah, it was a whole bunch of people.

3 Q So you had a cook out starting about 3:30.

4 A Uh-huh. (Affirmative.)

5 Q Now you had already indicated London

6 Kelley was there.

7 A Uh-huh. (affirmative.)

8 Q If you would say yes or no---

9 A Yes, sir.

10 Q ---for me so they can take that down.

11 A Yes, sir.

12 Q What -- do you about what time she
13 arrived?

14 A About 6:30, 7.

15 Q And who did she arrive with?

16 A Quinton. It was her and Quinton and
17 Peaches. It was her, Quinton and Peaches. Well
18 Andrea, I'm sorry.

19 Q Andrea Brown?

20 A Yes, sir.

21 Q And do you know in what kind of vehicle
22 they came?

23 A They had a gray Impala.

24 Q And when you said Quinton, who are we
25 talking about?

Tiffany Witherspoon-Direct by Corbett

1 A Quinton Brown.

2 Q Now how do you know Quinton Brown?

3 A Quinton Brown and my baby's father, are
4 cousins.

5 Q Tell me if you would a little bit about
6 the party that night. In particular, what were
7 London and Quinton doing?

8 A What you do at a cook out, having a good
9 time, drinking and eating. Socializing with
10 everybody.

11 Q Did either of them leave the party?

12 A Yes.

13 Q Who left?

14 A Quinton and Satan left.

15 Q I'm sorry.

16 A Well Marcus Branch.

17 Q I'm sorry, what did you refer to him as?

18 A Satan.

19 Q Satan? That's a nickname?

20 A Yeah, it's in the statement right there.

21 Q So they left and then came back.

22 A Uh-huh. (Affirmative.)

23 Q To the party.

24 A Uh-huh. (Affirmative.)

25 Q Now at any point and time was there some

Tiffany Witherspoon-Direct by Corbett

1 type of argument or disturbance between London and
2 Quinton?

3 A Yes, when he came back.

4 Q Tell me about that.

5 A She had accused him of being with his
6 other baby's mama.

7 Q And what did -- was that argument, a
8 fight? What was that?

9 A It was an argument. She did hit him a
10 couple of times.

11 Q Now what time did they leave the cook out
12 at your house?

13 A Approximately about 1030, 10:45. I can't
14 remember.

15 Q Now they left your house. You're
16 estimating 10:30, is that fair?

17 A Like I say, I can't remember. 10:30,
18 10:45. Around that time frame.

19 Q Well I am going to show you that bottom
20 line there, and ask if that refreshes your
21 recollection.

22 THE COURT: Are you talking about 11 for
23 Id.?

24 MR. CORBETT: That's correct, Judge.

25 A Yes, sir.

Tiffany Witherspoon-Direct by Corbett

1 Q Now did London and Quinton leave together?

2 A Well I believe they did. I think it was
3 her and Peaches -- no, not Peaches. It was her
4 and Satan and Quinton that left together.

5 Q So London, Quinton and Satan left before
6 the hail storm around 10:30.

7 A Yes.

8 Q Now when is next time that you talked to
9 London?

10 A The next day. I talked to her the next
11 day.

12 Q What was the purpose? What was the gist
13 of that conversation with London? What did you
14 all talk about?

15 A She was talking that she thought -- she
16 felt like he was with his other baby's mama the
17 night before.

18 Q Now do you remember about what time of day
19 that was?

20 A No, sir.

21 Q Morning or afternoon?

22 A Probably the afternoon.

23 Q Did you all talk any about the Darrell
24 Epps murder?

25 A No, sir.

Tiffany Witherspoon-Direct by Corbett

1 Q So that didn't come up at all during the
2 conversation.

3 A No, sir.

4 Q Now prior to this statement,---

5 A Uh-huh.

6 Q ---recent probably closer in time to this
7 statement.

8 A Uh-huh. (Affirmative.)

9 Q Did you have a conversation with London---

10 A Uh-huh. (Affirmative.) About?

11 Q Did you have a conversation with London
12 about her using your name?

13 A In the alibi?

14 Q Yes.

15 A Yes, sir. But that wasn't until Jennifer
16 called me and told me that my name was used in the
17 alibi. That's how I found out my name was used in
18 the alibi.

19 Q Did you tell the investigator that London
20 called you and said she used your name in an
21 alibi?

22 A No. That was the whole reason why---

23 Q Well let me show you what's been marked
24 for identification as State's Exhibit 11. I am
25 going to ask you to review page 2.

Tiffany Witherspoon-Direct by Corbett

1 A It's saying that London went to jail
2 recently about March. But London got locked up in
3 January. See what I'm saying? I never said
4 anything about March. Jennifer called me and said
5 your name was used in the alibi. I need you to
6 come to the Sumter County Sheriff's Department
7 when you get off at 8:30 sharp the next morning.
8 I don't want to talk about it anymore. That was
9 it, click. And that was it.

10 Q Did you give that statement to
11 Investigator Thomas?

12 A No. She put in what she want to put in.
13 When I did my statement, it was to the third line
14 with my initial, and then it was crossed out.
15 This is my TW. This is my TW. This is my TW. I
16 never even said that Towards McFadden and Peaches
17 left with Linda Anderson. Why would she take
18 them, and not take her two daughters. I never
19 said that neither.

20 Q Let me stop you there for just a moment,
21 and let me ask it this way. You've gone through
22 page 1 of that statement.

23 A Yes, sir.

24 Q That's accurate?

25 A Uh-huh. (Affirmative.)

Tiffany Witherspoon-Direct by Corbett

1 Q But you deny page 2 of that statement.

2 A I told you it was to the third line.

3 Q Below the third line---

4 A Uh-huh. (Affirmative.)

5 Q ---you're saying that not's your
6 statement.

7 A That's not my statement. This is not even
8 my handwriting.

9 MR. CORBETT: Can I hold it at the moment?

10 A Yes, sir.

11 MR. CORBETT: Your Honor, we would offer
12 into evidence State's Exhibit No. 11.

13 THE COURT: Mr. Johnson.

14 MR. JOHNSON: I would object, Your Honor,
15 at this time, until I have some time to cross
16 examine her.

17 THE COURT: Say again.

18 MR. JOHNSON: I would object to it, until
19 I've had the opportunity to cross examine the
20 witness on that statement, before I'd allow it
21 into evidence.

22 THE COURT: Ladies and gentlemen, if you
23 would go to your jury room. Of course, you may
24 not discuss the case at all. Hand me that
25 statement, Mr. Bradley.

Tiffany Witherspoon-Direct by Corbett

1 (Whereupon, the following takes place
2 outside the presence of the jury.)

3 THE COURT: Mr. Corbett, what rule would
4 allow this statement to come in?

5 MR. CORBETT: Your Honor, that would be
6 Rule 613. Prior statement of witnesses.
7 Specifically, Judge, Subsection B, extrinsic
8 evidence of prior inconsistent statement.

9 THE COURT: Well I think what the rule
10 contemplates would be recalling Investigator
11 Thomas to get this in, not extrinsic evidence in
12 the form of this four corners, because she's
13 denied making the statement. Rule 16(13)(b) says
14 of course extrinsic evidence of a prior
15 inconsistent statement is not admissible unless
16 the witnesses advised of the substance of the
17 statement, the time and place it was allegedly
18 made, and the person to whom it made, and is
19 given the opportunity to explain or deny it.

20 So far, certainly you've got the time and
21 place. Well the time anyway. Not where it was
22 done. You've gotten at least by inference that it
23 was given to Ms. Thomas. The substance of the
24 statement not yet, because you're just offering
25 this last page or at least the statement or

1 without ever questioning the witness specifically.

2 Did you tell Investigator Thomas this. No, I

3 didn't. Did you tell Investigator Thomas this.

4 No, I didn't. So forth and so on.

5 Then if she denies it or even equivocates

6 under the case law, the substance of the statement

7 would come in. Because it says after you have

8 advised her of the substance of the statement, the

9 time and place it was made, the person to whom it

10 was made, and she is given the opportunity to

11 explain or deny it, if she doesn't admit that she

12 made it, extrinsic evidence is admissible.

13 The question would then be, does that

14 extrinsic evidence come from Ms. Thomas on recall,

15 or does it come from this document coming in.

16 Mr. Johnson, what is your objection at this point?

17 MR. JOHNSON: Well at this point, Your

18 Honor, my client is -- I mean, the the witness is

19 basically stating that that's not her statement;

20 that she didn't write that. And bringing it in as

21 evidence and give to the jury without me at least

22 being cross examine it and clarify it for the

23 jury, the court needs to know, to have the

24 opportunity to hear all issues before you can

25 make a decision about whether to even let that

1 document in.

2 THE COURT: What I think the appropriate
3 thing to do, Mr. Corbett, would be to, line by
4 line or sentence by sentence, did you say this to
5 Ms. Thomas. Or did you say this in your statement
6 on such and such a date. And of course, you've
7 heard her say that the first page is true. The
8 first 3 lines of the second page are true. Of
9 course, the jury has not heard all of that. I
10 think that's the exercise you're going to have to
11 go through.

12 If she continues to deny or equivocate on
13 any of it, then I think you can easily recall or I
14 would allow you to recall Ms. Thomas. But
15 Mr. Johnson is probably right at this point, that
16 this statement is not going to come in yet.

17 MR. CORBETT: Very Well, Your Honor.

18 THE COURT: But again, I think that the
19 rule would require you to lay the foundation of
20 what she admits. What she denies. And I really
21 didn't understand her testimony about TW. I know
22 those are her initials, but I don't really
23 understand what she said about, are all of these
24 her TW's. Okay.

25 MR. CORBETT: Very well, Judge.

1 THE COURT: Does anybody -- is everybody
2 okay? Does anybody need to take a break?

3 MR. CORBETT: Judge, I need two minutes,
4 please. And here's why, I just broke my reading
5 glasses. And I have a spare downstairs and I need
6 just a moment to get those.

7 THE COURT: Let me instruct the witness
8 please. Ma'am, you are not -- I am going to allow
9 you to step down. Do you need to go to the
10 restroom or anything?

11 A I'm okay.

12 THE COURT: You can just sit there or in
13 that jury box. We are going to take a recess. Of
14 course, Mr. Corbett knows this rule. He can't
15 talk to you during this very brief break. And you
16 can't talk to anybody else. We'll take about
17 5 minutes, Mr. Corbett.

18 MR. CORBETT: Yes, sir.

19 (Whereupon, the Court Breaks.)

20 THE COURT: Do you understand my ruling?

21 MR. CORBETT: Yes, sir, Your Honor.

22 THE COURT: I think if you go through the
23 right process. Of course to the extent that any
24 other objections have no merit, I think that would
25 be the best way to have at least the substance of

1 the statement in. I will go on to state that if
2 there is some reason, I would be less inclined to
3 let the actual pieces of paper in, unless there is
4 some contention that she didn't make these
5 initials, so the jury can see the actual physical
6 initials on the page.

7 I'm not quite sure what the witness said,
8 because I did not understand her when she was
9 talking about that part, okay.

10 MR. CORBETT: Judge, for the court's
11 information, prior to Ms. Witherspoon giving the
12 statement, she was provided miranda warnings. So
13 I'm going to sort of back up, go back to that
14 point, establish that and then move forward into
15 the statement.

16 Your Honor, I am going to argue that under
17 the rule, that that is extrinsic evidence and it
18 is admissible if she equivocates or denies it.

19 THE COURT: You've got to prove -- if she
20 says she -- extrinsic evidence, threshold
21 extrinsic evidence would be the person to whom the
22 statement was given, saying this is what she told
23 me. And I guess the icing on the cake would be,
24 here's the piece of paper that shows it. But
25 you've got to have the cake first. You've got

1 Investigator Thomas to say she did tell me this.

2 MR. CORBETT: Very well.

3 THE COURT: Because you've heard her --
4 the witness explain that I didn't say this below
5 the third line. I don't really understand that,
6 because the third line ends in, 'the sentence isn't
7 over yet. So I don't understand all that. So I
8 guess it's up to you to lay all that groundwork.
9 And then if this comes in, in it's physical form,
10 I will consider it then.

11 MR. CORBETT: Very well.

12 THE COURT: I know it's more cumbersome to
13 go almost line by line or sentence by sentence.
14 But to lay the foundation, I think you've got to
15 do that. And then we can get to the point of 613.

16 MR. CORBETT: Very well.

17 THE COURT: Mr. Johnson, would you like to
18 be heard on anything else before we go forward?

19 MR. JOHNSON: Not at the present time,
20 Your Honor.

21 THE COURT: I'm going to hand -- should I
22 hand this to you or the witness?

23 MR. CORBETT: The witness, Your Honor.

24 THE COURT: Are you ready for the jury?

25 MR. CORBETT: The State is ready.

1 THE COURT: You can bring them in if they
2 are ready.

3 (Whereupon, the following takes place
4 within the presence of the jury.)

5 THE COURT: Mr. Corbett, you can continue.

6 MR. CORBETT: Thank you, Your Honor.

7 Direct Examination by Mr. Corbett:

8 Q Ms. Witherspoon, we were talking about an
9 occasion where you spoke to Investigator Thomas,
10 correct?

11 A Yes, sir.

12 Q And do you remember the date that you gave
13 those officers this statement?

14 A April 23rd 2013.

15 Q I am going to show you what's been marked
16 as State's Exhibit No. 12 for identification.

17 A Uh-huh. (Affirmative.)

18 Q And ask if you can identify that document.

19 A Yes, sir.

20 Q Tell us what that document is.

21 A It's the miranda warnings and waiver of
22 rights.

23 Q And did you complete that form before
24 giving a statement to Investigator Thomas?

25 A Well I can't remember.

Tiffany Witherspoon-Direct by Corbett

1 THE COURT: What number please?

2 MR. CORBETT: That's State Exhibit No. 12
3 for Id.

4 A Well I can't remember signing it. I can't
5 remember.

6 THE COURT: Keep your voice up please
7 ma'am.

8 A Okay.

9 Q Now let me ask you what is the date and
10 time on that miranda statement?

11 A It has April 29th of 2013 at 2:19 p.m.

12 Q So in the afternoon. Where were you when
13 you spoke with Investigator Thomas?

14 A In the interrogation room.

15 Q At?

16 A Sumter County Sheriff's Department.

17 Q At the sheriff's department.

18 A Yes, sir.

19 Q So you were the sheriff's department.

20 A Uh-huh. (Affirmative.)

21 Q And that statement was given to whom?

22 A To Mrs. Thomas.

23 Q Anyone else?

24 A It was her and Officer Dubose in there.

25 Q Officer Dubose was present also.

Tiffany Witherspoon-Direct by Corbett

1 A Uh-huh. (Affirmative.)

2 Q Now on the miranda form that's marked as
3 State's Exhibit No. 12, what information is
4 contained in that?

5 A You have the right to remain silent. Are
6 you talking about that right here?

7 Q Yes, please continue.

8 A Anything you say can and will be used
9 against you in a court of law. You have the right
10 to talk to an attorney and him/her present with
11 you while you are being questioned. If you cannot
12 afford to hire an attorney one will be appointed
13 to represent you before any questioning if you
14 wish. You can decide at any time to exercise
15 these rights and not answer any questions or make
16 any statements.

17 Q Now on that form, if I could hold it for
18 just a moment.

19 A Uh-huh. (Affirmative.)

20 Q Each one of those lines that you just read
21 to me, at the end of it, it's your initials, is it
22 not?

23 A Yes, sir.

24 Q So you acknowledge each one of those
25 rights.

Tiffany Witherspoon-Direct by Corbett

1 A Yes, sir.

2 Q So you were fully advised of any rights
3 that you had.

4 A Yes, sir.

5 Q Is that correct?

6 A Yes, sir.

7 Q And---

8 A Can I say something?

9 Q Bear with me just one moment. Then you
10 signed here.

11 A Uh-huh. (Affirmative.)

12 THE COURT: You need to say yes or no.

13 A Yes, sir.

14 Q And you signed here.

15 A Yes.

16 Q Now if you would, take what's been marked
17 as State's No. 11.

18 A Uh-huh. (affirmative.).

19 Q Does it bear a date and time?

20 A It has April 23rd 2013 at 3:56.

21 Q So based on the times written on the
22 documents, that Waiver of Rights form was prior to
23 your statement.

24 A That's what it has. But that's
25 impossible, because I didn't get off until to

Tiffany Witherspoon-Direct by Corbett

1 2:30 that day. And I came when I got off from
2 work. At that time, that time she wrote the time
3 after I signed my name and stuff. She didn't sign
4 anything until after I signed everything. But I
5 went up there at two -- when I got off at 2:30. I
6 even got there late. I work on base. It took me
7 about 15, 20 minutes to get there. I didn't leave
8 there until like 4:30 that afternoon or 5 o'clock.

9 Q Let's leave the times alone for just a
10 moment and let me ask the question this way if I
11 might. Did you complete this form before signing
12 the statement form?

13 A I told you, I can't remember.

14 Q You don't remember?

15 A I told I can't remember signing this
16 before I signed this. I knew I signed -- I knew,
17 this is my signature, because I signed all this.

18 Q Okay.

19 A But I don't know the exact time, because I
20 didn't get off until the 23rd.

21 Q Well I am not asking the exact time. I'm
22 asking---

23 A I said 2:30.

24 Q I'm asking, did you sign that first?

25 A I can't remember.

Tiffany Witherspoon-Direct by Corbett

1 Q And I'm sorry, and when I say that, I'm
2 sorry for purposes of the record, I'm referring to
3 State's No. 12 the Waiver of Rights form. And
4 your answer to that is?

5 A I don't remember signing that.

6 Q Now if you would, I believe you've got
7 State's Exhibit No. 11 there in front of you.

8 A Yes, sir.

9 Q Now if you would, please, tell us what's
10 at the top of that statement there in that box?

11 A My name, my nickname, my Social Security
12 number, my address, the city, state, zip code,
13 telephone numbers, my job, the date and time of
14 interview and my driver's license number and the
15 location of the interview and the interviewing
16 agent.

17 Q Now and then there at the top it says that
18 you understand that you do not have to say
19 anything, and that you volunteer the following
20 information.

21 A Yes, sir.

22 Q Of your own free will.

23 A Uh-huh. (Affirmative.)

24 Q For whatever purpose---

25 THE COURT: You need to say yes or no.

Tiffany Witherspoon-Direct by Corbett

1 A Yes, sir.

2 Q For whatever purposes it may serve.

3 A Yes, sir.

4 Q You did indicate that you could read and
5 completed the 12th grade.

6 A Yes, sir.

7 Q Now if you would please, let's go through
8 your statement.

9 A Uh-huh. (Affirmative.)

10 Q First of all there at the beginning line,
11 just to the left of the word V, what is that?

12 A My initials.

13 Q Your initials are there at the beginning,
14 is that correct?

15 A Yes.

16 Q And if you would, please, read that line
17 for us.

18 A The night of the murder, April 9th 2011, a
19 Saturday, I had a cook out at my house that
20 started at 3:30 p.m.

21 Q Continue.

22 A I was living at
23 Wedgefield at the time.

24 Q Please continue.

25 A Some people that were there were my

Tiffany Witherspoon-Direct by Corbett

1 brothers, Darian Sweat, Kenneth Witherspoon, my
2 baby's daddy Shawn Anderson, his mother Linda
3 Anderson, Gwen, his sisters, Shante and Erica
4 Anderson, London Kelley, Quinton Brown, Satan
5 Marcus Branch, Towards McFadden Key. London,
6 Quinton, Satan and Key came to party in Quinton's
7 Impala he was driving.

8 THE COURT: Slow down just a little bit.

9 A Finish?

10 Q Uh-huh. (Affirmative.)

11 A He was driving and London was in the front
12 seat. Katrina Burton, Essence, I don't her last
13 name. I also knew Essence 's last name. I didn't
14 know her mother's last name when they asked me.

15 Q Well I tell you what, for right now read
16 it as it's written, and then if there's something
17 you need to explain, we will come back to it.

18 A Katrina Burton, Essence, I don't know her
19 last name, but mother is a cop for Sumter City.
20 As soon as London and them got to the party,
21 Quinton and Satan, left the party to get bop in
22 Quinton's car. They come back about an hour or
23 one hour and a half later. That's when the
24 altercation started between London and Quinton.
25 London was mad because she was accusing Quinton to

Tiffany Witherspoon-Direct by Corbett

1 be with his baby's mama, Ebony Montgomery, and
2 London started wailing on Quinton, punching him in
3 the face.

4 Q Slow down for me just a little bit.
5 London started.

6 A Wailing.

7 Q Wailing. Please continue.

8 A London slapped Quinton. And Satan left
9 before the hail storm around 10:30 p.m. in
10 Quinton's car. London wanted to the Club Miami
11 before midnight to get a wrist band. The day
12 after the murder, London called me and started
13 talking and said, I think Quinton was cheating on
14 me with Ebony, but never said she found a body or
15 anything else about the murder.

16 London went to jail recently about March.
17 And when she got out, and she called out and she
18 said she gave a statement and used my name for an
19 alibi. And I said why am I just finding out. She
20 said I never thought it would come down to
21 something like this. About a week ago, London
22 came to my house and told me the cops searched her
23 car the day after the murder, but they did not
24 search her house at Gem Mobile Home Park. Towards
25 McFadden, Key, came to my party with Peaches and

Tiffany Witherspoon-Direct by Corbett

1 left with her and Linda Anderson.

2 Q Now at the of page 1 after the word club.

3 A Uh-huh. (Affirmative.)

4 Q What is located there?

5 A My initial.

6 Q At the beginning of page 2, just before
7 the word Miami, what is located there?

8 A My initial.

9 Q At the end of that paragraph ending in
10 Gem Mobile Home Park, what is located there?

11 A My initials.

12 Q The next paragraph beginning with Tafarus,
13 what's located just before Tafarus?

14 A My initials.

15 Q And at the end of that paragraph just
16 after Anderson, what is located there?

17 A My initials.

18 Q Now this is the statement that you gave
19 Investigator Thomas?

20 A Not all of this.

21 Q Not all of this.

22 A No.

23 Q What part of this did you not give
24 Investigator Thomas?

25 A I did say he went to jail recently about

Tiffany Witherspoon-Direct by Corbett

1 March and from that point on down. Because London
2 went to jail in January.

3 Q So the sentence before that ending in, let
4 me see, let me find the sentence before that. The
5 day after the murder London called me and started
6 talking to me and said, I think Quinton was
7 cheating on with Ebony, but never said she found a
8 body or anything else about the murder. And there
9 is a period there.

10 A She told -- when she called me that day,
11 she did call and told me she thought Quinton was
12 cheating on her, because Jennifer asked me. But
13 Jennifer also asked me, did she mention anything
14 about a Darrell Epps. And I told her no. I did
15 not write this statement. Jennifer wrote
16 everything. I just signed it.

17 Q Okay. Now if it's your contention that
18 the last thing you said was the sentence ending in
19 murder, but your initials are not there, are they?

20 A No.

21 Q As a matter of fact, your initials appear
22 two more times after that. Excuse Me, three more
23 times after that, correct?

24 A Yes.

25 Q Go back to page 1 for me if you would

Tiffany Witherspoon-Direct by Corbett

1 please.

2 A Uh-huh. (Affirmative.)

3 Q The typed portion there at the very bottom
4 of the statement.

5 A Uh-huh. (Affirmative.)

6 Q And what did that say?

7 A I have read each page of the statement
8 consisting of 2 pages. Each page of which bears
9 my signature and corrections if any, bears my
10 initials. And I certified that the facts
11 contained herein are true and correct.

12 Q Is that your signature below it?

13 A Yes, sir.

14 Q Now did you tell the officer that London
15 said she used your name in an alibi?

16 A No, sir.

17 Q You deny saying that.

18 A No, sir. Yes, sir, I did not tell her
19 that.

20 Q Do you deny saying that London said to
21 you, I never thought it would come down to
22 something like this.

23 A I never said that to Jennifer.

24 Q May I hold 11, please, ma'am.

25 THE COURT: Is that stapled?

Tiffany Witherspoon-Direct by Corbett

1 MR. CORBETT: It is not, Judge.

2 THE COURT: Go ahead and staple those

3 2 pages.

4 MR. CORBETT: Your Honor, if you will bear
5 with me for just one moment.

6 THE COURT: Yes, sir.

7 Q Now you received a copy of this statement,
8 did you not?

9 A I did not.

10 Q You've never received a copy of this
11 statement.

12 A I never received a copy of the statement.
13 The day when I was leaving, I asked, as God is my
14 witness, can I get a copy. And she said, no.
15 And Dubose was in there too when she said it.

16 Q Prior to today, have you reviewed this
17 statement?

18 A No, I reviewed it with you.

19 Q Here in the courtroom.

20 A And when I came to the solicitor's office
21 last Wednesday.

22 Q So you have reviewed this statement prior
23 to today?

24 MR. JOHNSON: Your Honor.

25 THE COURT: She can finish. Let her

Tiffany Witherspoon-Direct by Corbett

1 finish.

2 A I've reviewed this page right there.
3 Because that's how he had it on the desk like
4 this. It was stapled when I came to your office.
5 And you said it was a whole bunch of statements.
6 But do you recall this statement right here. I
7 said yes. I never went to a second page or none
8 of that. I did not. You were there.

9 Q Now back to State's No. 11.

10 A Uh-huh. (Affirmative.)

11 Q Your testimony is that you had occasion to
12 review that document.

13 A Uh-huh. (Affirmative.) Yes.

14 Q But you did not look at the second page.

15 A Not with you.

16 Q And you've never looked at the second page
17 prior to today.

18 A Right.

19 Q That's your testimony. Even though it
20 bears your initials.

21 A Yes, sir.

22 Q So you initialed something on at least 4
23 occasions on that page 2, but you're saying you
24 didn't read it or look at it.

25 A No, sir.

Tiffany Witherspoon-Cross by Johnson

1 Q So it's your contention that Investigator
2 Thomas added that.

3 A Yes, sir.

4 Q That she made that up.

5 A Yes, sir. Because I never knew anything
6 about an alibi. She called me and said my name
7 was used as an alibi. Ms. Thomas.

8 Q And how long have you known London Kelley?

9 A I've known London since 2002, 2003.

10 MR. CORBETT: That's all the questions I
11 have, Your Honor.

12 THE COURT: Mr. Johnson.

13 Cross Examination by Mr. Johnson:

14 Q Good morning, Ms. Witherspoon.

15 A Good morning.

16 MR. JOHNSON: Your Honor, may I approach
17 the witness?

18 THE COURT: Yes, sir.

19 Q This is State's Exhibit 11.

20 THE COURT: For ID right now.

21 Q Let's make this real clear. You're saying
22 that the officer wrote the statement, is that
23 correct?

24 A Yes, sir.

25 Q You told the officer and you had the

Tiffany Witherspoon-Cross by Johnson

1 discussion with the officer, Ms. Thomas.

2 A Ms. Thomas.

3 Q About -- she asked you questions about
4 that evening at the party, correct?

5 A Yes, sir.

6 Q And you told her the truth about things
7 that was there, correct?

8 A Yes, sir.

9 Q And she wrote a statement. She wrote
10 down on that -- she wrote paper herself.

11 A Yes, sir.

12 Q And asked you to sign it.

13 A Yes, sir.

14 Q Did you go over it completely, or did you
15 miss that part?

16 A I went over the first page.

17 Q Okay.

18 A On the second page it only had that London
19 called me, and started talking to me. And I said
20 that Quinton was cheating on me with Ebony
21 Montgomery. That's all I have -- that's all she
22 had on the second page before I left there.

23 Q How can you explain your initials and
24 stuff on the bottom part of the rest of that stuff
25 down there?

Tiffany Witherspoon-Cross by Johnson

1 A The TW by the Toward sentence, close. But
2 my other ones are, you know.

3 Q So they look like, are you saying that's
4 not your initials at the bottom?

5 A That's what I'm saying.

6 Q But just to make it clear, you're saying
7 that what -- I want to make it clear for the jury.

8 A Yes, sir.

9 Q You're saying that the first page is
10 correct.

11 A Yes, sir.

12 Q That those things did happen.

13 A Yes, sir.

14 Q But the part about my client calling you
15 and telling you that she used you as an alibi, is
16 not true.

17 A No, sir. Jennifer called me and told me
18 that my name was used in an alibi; that I had to
19 come to Sumter Sheriff's Office Department either
20 come when I got off, or be there at 8:30 sharp the
21 next morning and hung up. She said she wasn't
22 talking about it or nothing else over the phone,
23 and hung up.

24 Q And you went down there, correct?

25 A I didn't go down there that day.

Tiffany Witherspoon-Cross by Johnson

1 Q Uh-huh. (Affirmative.)

2 A I went down there the next day.

3 Q And you've always went down when they
4 asked you or you always cooperated.

5 A No, when I went down the next day, she
6 said -- the lady called her from in the office
7 when you go into Sumter County and then the City.

8 Q Right.

9 A She called and told her I was down there.
10 The lady told her -- she told the lady that I was
11 supposed to be there ever since yesterday, to
12 come back the next morning. And I told the lady
13 in there, I cannot come back at the next morning.
14 I have a job. I have to go to work. So I have
15 went back that that afternoon when I got off the
16 next day, and I talked to her. I talked to her
17 and Mr. Dubose.

18 Q So basically you're saying those
19 statements that they're now saying that you made,
20 you did you not make.

21 A Yes, sir.

22 Q And you told the State about it before
23 today, didn't you?

24 A Yes, sir.

25 Q And they knew about it, didn't they?

Tiffany Witherspoon-Cross by Johnson

1 A Last Wednesday---

2 MR. CORBETT: Objection, Your Honor.

3 THE COURT: Yes, sir.

4 MR. CORBETT: May we approach?

5 THE COURT: Yes, sir.

6 (Whereupon, the attorneys approach the
7 bench and confer with judge.)

8 THE COURT: Go ahead, Mr. Johnson. You
9 can restate the question.

10 MR. JOHNSON: Okay, I'll just restate it.

11 Q As it relates to the statement itself, the
12 second page, on the second page, I am going to
13 read this to you. And tell me where it stops
14 being the truth, something that you said.

15 A Okay.

16 Q It says Miami before midnight to get a
17 wrist band. That's true.

18 A Yes.

19 Q The day after the murder London called me
20 and started talking to me and said, I think
21 Quinton was cheating on me with Ebony.

22 A That's it.

23 Q That's it. So everything after that, it's
24 your statement that you did not say.

25 A Yes, sir.

Tiffany Witherspoon-Cross by Johnson

1 Q And just for clarification, you didn't
2 write this yourself.

3 A I did not write that statement. None of
4 it. Jennifer Thomas wrote it.

5 Q And when you asked for a copy of
6 statement.

7 A She did not give me a copy.

8 Q You asked her for it.

9 A I asked for a copy before I left. It was
10 her and Mr. Dubose in there. And they said they
11 couldn't.

12 Q They could not give you a copy.

13 A They could not.

14 Q So you didn't see this statement until
15 when?

16 A When I came here last week.

17 Q But then---

18 A The solicitor's office.

19 Q But then you only looked at the first
20 page.

21 A Yes.

22 Q You didn't see the second page.

23 A They had the statement. I didn't even...

24 THE COURT: Well the question is, did you
25 see the statement.

Tiffany Witherspoon-Redirect by Corbett

1 A No, sir.

2 Q By Mr. Johnson) No other questions, Your
3 Honor.

4 THE COURT: Redirect?

5 Redirect Examination by Mr. Corbett:

6 Q So you say it should stop with the word
7 Ebony.

8 A Yes.

9 Q Is that correct? I am going to show you
10 what's been marked as State's Exhibit No. 11.

11 A Yes, sir.

12 Q Now you admit that that is your initial at
13 the top left.

14 A That is my initial.

15 Q And you admit that that is your signature
16 at the bottom.

17 A Yes, sir.

18 Q Is that correct?

19 A Yes, sir.

20 Q But your contention is that the officer
21 left that Ebony word there hanging there empty, no
22 punctuation. Had you sign. Then went back and
23 added portions and your initials magically
24 appeared on the added portion?

25 A No, I am not saying that. I am just

Tiffany Witherspoon-Redirect by Corbett

1 saying it stopped at Ebony, because I never said
2 anything about finding a body or anything else
3 about the murder. Jennifer asked me about a
4 murder, which was Darrell Epps. And I told her I
5 didn't know.

6 Q But you admit that those are your
7 initials.

8 A Yes.

9 Q In the top left corner and three
10 additional places.

11 A Yes.

12 Q So how did the statement end with the word
13 Ebony? The remainder of that sentence gets added.

14 A It says but never said she found a body or
15 anybody else about the murder, because I never
16 said it.

17 Q Then we complete another paragraph.

18 A That said London went to jail recently
19 about March. And London didn't go to jail in
20 March. Come on that's my friend for 10 or 12
21 years. She went to jail in January. She didn't
22 go in March. So I wouldn't even have said March.
23 I didn't even say anything like that. Jennifer,
24 like I said, Jennifer called me and said your name
25 was used as an alibi. I need you here this

Tiffany Witherspoon-Redirect by Corbett

1 afternoon or 8:30 sharp. I don't want to talk
2 about it over the phone, click.

3 Q When did she go to jail?

4 A In January.

5 Q Of when?

6 A January of what, this year? She got out
7 in January of this year.

8 Q But the statement was given prior to that.

9 A My point exactly. That's what I am
10 saying. She never been to jail before. Not that
11 I know about. Not to this.

12 Q Your contention is that she has never been
13 to jail before?

14 A Only when she got locked up in January.
15 That's all I know.

16 Q But she has been to jail before.

17 MR. JOHNSON: Your Honor, objection.

18 He's testifying.

19 THE COURT: Overruled.

20 A I've never known her to go to jail before
21 about anything else. As God is my witness, I only
22 know when she went in January.

23 Q So let's look at that very last paragraph.

24 A Yes, sir.

25 Q As Tafarus McFadden, Key, came to my party

Tiffany Witherspoon-Redirect by Corbett

1 with Peaches. And left with her and Linda
2 Anderson.

3 A And Shante Anderson and Erica Anderson
4 left with Linda Anderson.

5 Q So Investigator Thomas takes a statement
6 from you. We're now, you're now alleging as in
7 this information about London Kelley, correct?

8 A Yes.

9 Q And then throws in a paragraph about who
10 Tafarus McFadden left with.

11 A Yes, because I never said Tafarus McFadden
12 left with Linda Anderson or Peaches left with
13 Linda Anderson.

14 Q So and your contention is that
15 Investigator Thomas' most important job in this
16 forging of this statement is to put in who Tafarus
17 McFadden left with?

18 A Well I didn't put it in there. I didn't
19 even write the statement.

20 Q Now the truth of the matter is, you do
21 know that London Kelley went to jail on a
22 different occasion.

23 A I know she went in January.

24 Q But you don't know about the time before
25 that.

Tiffany Witherspoon-Recross by Johnson

1 A All I know is January.

2 Q By Mr. Corbett) That's all I have, Your
3 Honor.

4 THE COURT: Recross?

5 Recross Examination by Mr. Johnson:

6 Q Let's just try to clarify this as best we
7 can. All you're saying is that that part that's
8 written on that statement, you did not say,
9 correct?

10 A I did not say it, yes.

11 Q You're not saying how it got there or why
12 it's there.

13 A Correct.

14 Q All you're saying is that you didn't say
15 it.

16 A I didn't say it, and I didn't write it.

17 MR. JOHNSON: I have no other questions.

18 THE COURT: You can step down. Thank
19 you.

20 MR. CORBETT: Your Honor, may Mr. Johnson
21 and approach for a moment? May we keep to witness
22 here for just to moment.

23 THE COURT: Yes.

24 MR. CORBETT: May we keep the witness here
25 for just a minute?

Hope Brown-Direct by Corbett

1 THE COURT: Sure.

2 (Whereupon, the attorneys approach the
3 bench and confer with judge.)

4 THE COURT: Go ahead, Mr. Corbett, you can
5 call your next witness.

6 MR. CORBETT: The State calls Hope Brown.

7 THE COURT: Everybody on the jury okay.

8 THE JURY: Yes.

9 Hope Brown, being first duly sworn,
10 testified as follows:

11 THE BAILIFF: State to full name and spell
12 your last name for the record.

13 A My name is Hope Brown. B-R-O-W-N.

14 Direct Examination by Mr. Corbett:

15 Q Ms. Brown, good morning.

16 A Good morning.

17 Q Do you know London Kelley?

18 A I do.

19 Q How long have you known London Kelley?

20 A A good many years.

21 Q What is your best estimate on how long?

22 A Maybe like 11 years, 10 years.

23 Q How would you characterize your
24 relationship with London Kelley?

25 A You know, we hang out and go out together.

Hope Brown-Direct by Corbett

1 She's cool.

2 Q Would you consider yourself good friends?

3 A I would.

4 Q Close friends.

5 A Yeah, she's a good friend.

6 Q Do you recall back in 2011, when Darrell
7 Epps was murdered?

8 A I remember the next day.

9 Q The next day?

10 A Yes, sir.

11 Q Do you remember the proceeding at night?

12 A Yeah, when I -- I remember that night.

13 Q Now tell me about that night. Where were
14 you?

15 A I was at home. I was at work and then I
16 went home. And we went out to the club that
17 night.

18 Q Went out to the club?

19 A Uh-huh. (Affirmative.)

20 Q First of all, where were you working?

21 A Taco Bell.

22 Q Broad Street or Lafayette?

23 A Lafayette.

24 Q So you were working at Taco Bell.

25 A Uh-huh. (Affirmative.)

Hope Brown-Direct by Corbett

1 Q Got off work and went home.

2 A Uh-huh. (Affirmative.)

3 THE COURT: Ma'am, you need to say yes or
4 no, not uh-huh or uh-uh.

5 A I was living in Old Line Mobile Home Park.

6 Q Now you indicated you went home.

7 A Uh-huh. (Affirmative.)

8 Q And then you went out.

9 A Yes, sir.

10 Q Did you talk to London Kelley that
11 evening?

12 A No, I didn't.

13 Q When's the next time you talked to London
14 Kelley?

15 A Maybe like -- I mean we always talk. But
16 I know that night we were -- we was going to the
17 club. And then we call her cell phone to see if
18 she was going out, and we didn't get no answer.
19 So we went to the club.

20 Q Who is we?

21 A Me, Andrea Brown and Sheneka Brown.

22 Q And now, and I apologize if I've asked
23 this already. Did you see London Kelley that
24 night?

25 A No, sir, I didn't.

Hope Brown-Direct by Corbett

1 Q Did you go to her house?

2 A Yes, sir, I did.

3 Q You went to her house.

4 A We went. We pulled up in the back yard.

5 Blow the horn because it was photograph raining
6 that night. And I don't know if she if could hear
7 the horn, because it hard down raining. So we
8 was like calling her phone to see, you know, if
9 she was going out with us. And we didn't get no
10 answer, so we left and went to the club.

11 Q So you said that you went to her house and
12 called her phone, is that correct?

13 A Yes, sir.

14 Q And would that have been at 11:34 p.m.?

15 A Not I probably 11:30, I'm probably just
16 calling and see like, you know, what's up. Are
17 you going out tonight. It should have been like a
18 later call than that. I probably just called
19 around that time to see if she was going out.

20 Q So if your phone record indicates that you
21 placed a call, now the call -- when you tried to
22 call her, did she answer?

23 A No, sir. I never did talk to her.

24 Q So at 11:34, is it possible that your
25 phone log shows a call from you to London Kelley

Hope Brown-Direct by Corbett

1 that was not answered?

2 A It is possible, because I never did talk
3 to her.

4 Q And are you sure you called again.

5 A Yeah, I am pretty sure, because we called
6 when we was in the yard blowing the horn.
7 Because it was raining and I don't know, because
8 she didn't hear the horn. We was calling and
9 nobody didn't answer the phone or nothing, so we
10 left and went out.

11 Q It was raining?

12 A It was raining. Nobody didn't get out
13 there now. So we just blow the horn and called.
14 And nobody didn't answer, so we just left.

15 Q And you're saying that was not 11:34.

16 A No. I never went to Miami at 11:34.

17 Q Now did you talk to anyone else about your
18 testimony this morning?

19 A No, sir.

20 Q Did you talk to Andrea Brown about it?

21 A No, sir.

22 Q So if your phone record showed no other
23 calls to London Kelley's phone, then is something
24 wrong with the phone?

25 A No, it shouldn't been no 11 something

Hope Brown-Direct by Corbett

1 going out.

2 Q Weren't you trying to get to Club Miami
3 before midnight because you get a wrist band?

4 A No, I know the guy who did the wrist band.
5 I don't even have to pay to get in Club Miami when
6 it was there. So the wrist band, yeah, you can
7 get a free wrist band before 12, but I wasn't
8 worried about getting no free wrist band.
9 Because I don't even have to pay when I go there,
10 because I know the guy who be at the door. He
11 always lets me in.

12 Q Did you call London the next day?

13 A I'm not sure. It's probably possible.
14 Probably just to see why you didn't go up. I'm
15 not sure. I don't recall calling her.

16 Q Well I'm trying to understand that if
17 there's a call from your phone to London's at
18 11:39, and the next one is at 3:53, the following
19 afternoon, I am sorry yes, 3:53 the following
20 afternoon, there were no calls between that time?

21 A No, because I probably just feel like why
22 you didn't go out or nothing like that.

23 Q Let's go back to when you went to London's
24 house.

25 A Yes, sir.

Hope Brown-Direct by Corbett

1 Q Where was that located?

2 A In Gem's Mobile Home Park.

3 Q Gem Mobile Home Park?

4 A Uh-huh. (Affirmative.)

5 Q That's just off of Broad Street?

6 A Yes, sir.

7 Q Now where did London live in Gem Mobile
8 Home Park.

9 A On the left hand side like, I don't
10 remember her lot number, but it was like maybe the
11 like the 4th or 5th trailer. I am not sure of the
12 lot number.

13 Q The 4th or 5th?

14 A Like when you first turn in, you know, you
15 have two sides, and she stayed on this side.

16 Q What time did you go there?

17 A I am not sure like. Like I said, we go to
18 club different times. I don't drive at all, so it
19 all depends on who is driver, and, you know, what
20 club we are going to. But I know that night, I
21 remember we went out there. We blow the horn, and
22 we was calling. No call, no answer, so we just
23 left. Pulled back out of the back yard, left out,
24 and went to the club.

25 Q So there was no lights on?

Hope Brown-Direct by Corbett

1 A I didn't see no lights, because it was
2 dark and it was raining. And we saw her car. So
3 that's why we was like, okay, what is London
4 doing. You know her car is in the back yard.

5 Q Did you call Quinton's phone?

6 A No, I don't even know if he had a phone,
7 no.

8 Q Did anybody else call London from the car?

9 A Yeah, because I know we was thinking about
10 going out from earlier. And I know like maybe
11 Shenaka called. Andrea probably called, just to
12 see like her car is here, like, you know, is she
13 going. Is she ain't. Because we are going to go.

14 Q Did anybody call Quinton's phone?

15 A Not as I recall. I know I didn't.

16 Q But you don't know what time this was.

17 A If I had to remember, I would have said, I
18 don't remember.

19 Q Blew the horn, no response.

20 A Called.

21 Q Called no response. No lights on.

22 A Well the car was back there. So we was
23 like, okay. What's going on. Is she going is she
24 not, because her car is home.

25 Q So the car is there, but nobody is there?

Hope Brown-Direct by Corbett

1 A The car, I am saying, we was calling and
2 blowing the horn so much, because her car was in
3 the back yard. And maybe we thought like I said,
4 she couldn't hear over the rain. That's why we
5 kept calling.

6 Q And never got a response.

7 A Never.

8 Q Now you said it was still raining when you
9 got there?

10 A Uh-huh. (Affirmative.) Because that's
11 why nobody didn't want to get out and knock on the
12 door.

13 Q Do you know what time the rain stopped
14 that night?

15 A I didn't. Because I like I say, I went to
16 the club. I was wanting to have a good time.

17 Q Your cell phone number is---

18 A Uh-huh. (Affirmative.)

19 Q ---

20 A Yes, sir.

21 Q That is correct. Right?

22 A Yes, sir.

23 Q And at that time you would have been
24 calling London's cell phone of , correct?

25 A I guess that was the number.

Hope Brown-Cross by Johnson

1 Q That was the number at the time.

2 A Yes, sir.

3 MR. CORBETT: That's all the questions I
4 have, Your Honor.

5 THE COURT: Mr. Johnson.

6 Cross Examination by Mr. Johnson:

7 Q Good morning, Ms. Brown.

8 A Good morning.

9 Q Just a couple of questions.

10 A Yes, sir.

11 Q You met with the police before today,
12 correct?

13 A Yes, sir.

14 Q And you give a statement, correct?

15 A I did.

16 Q Did you say anything today that you didn't
17 tell them before?

18 A That's the same thing I said, like I said,
19 that's exactly what he did. We went out that
20 night. We was calling on the phone to see if she
21 was going out, and no response. And we left and
22 went to the club.

23 Q So the things you're saying today, is not
24 the first time they heard that, have they?

25 A No, sir.

Hope Brown-Cross by Johnson

1 Q And you've been consistent in everything
2 you've said the whole time.

3 A I am.

4 Q You are sure that her car was there,
5 correct?

6 A I am positive. That's why was calling so
7 much and blowing the horn. Because the car was
8 there, we was okay maybe because it's raining.
9 You know, what is she doing. I am sure, I
10 remember.

11 Q But you didn't get out of the car because
12 of what?

13 A The rain, and nobody didn't want to get
14 wet, because we was going out.

15 Q It was heavy rain that night.

16 A It was heavy rain.

17 Q Was it sleeting that night?

18 A I don't know. I know it was raining real
19 hard, that's why we was blowing the horn and
20 calling.

21 Q So you don't that know that nobody wasn't
22 in the house, but nobody came out of the house.

23 A Yes, sir.

24 Q And nobody went to the door and knocked.

25 A Nobody. Me, Andrea Brown and Shenaka

Hope Brown-Cross by Johnson

1 Brown, none of us got out of the car and knock on
2 the door.

3 Q And let's be clear about something else.
4 When you got to the club.

5 A Uh-huh. (Affirmative.)

6 Q London wasn't at the club.

7 A No, sir. I didn't see her in the club all
8 night, no.

9 Q And you didn't see her at the club. And
10 you never see anymore that night. And you went
11 to the club that night, didn't you?

12 A Yeah, we continued to went on. Me -- we
13 took a picture that night at the club. Me,
14 Shenaka Brown, Andrea Brown. We just went on in
15 to the club.

16 Q By Mr. Johnson) I have no other questions?

17 THE COURT: Redirect?

18 MR. CORBETT: Nothing on redirect, Your
19 Honor.

20 THE COURT: Thank you, ma'am, you can step
21 down. Mr. Corbett. While the next witness is
22 coming in, can I see you all up here for just a
23 minute?

24 (Whereupon, attorneys approach and confer
25 with judge.)

Andrea Brown-Direct by Corbett

1 MR. CORBETT: The State would call Andrea
2 Brown.

3 Andrea Brown, being first duly
4 sworn, testified as follows:

5 THE BAILIFF: State your full name and
6 spell your last name for the record.

7 A Andrea Brown.

8 Direct Examination by Mr. Corbett:

9 THE BAILIFF: Spell your last name,
10 please.

11 A Brown.

12 THE COURT: B-R-O-W-N.

13 THE BAILIFF: B-R-O-W-N.

14 Direct Examination by Mr. Corbett:

15 Q Ms. Brown, good morning.

16 A Good morning.

17 Q Ms. Brown, do you know London Kelley?

18 A Yes, I do.

19 Q How long have you known her?

20 A I've known her for awhile, but we got real
21 close friends like maybe like 2003.

22 Q So you all are close friends.

23 A Yes, sir.

24 Q Is that correct?

25 A Yes, sir.

Andrea Brown-Direct by Corbett

1 Q Do you know Quinton Brown?

2 A Yes, sir.

3 Q How do you know Quinton Brown?

4 A That's my nephew.

5 Q That's your nephew?

6 A Yes, sir.

7 Q Now do you remember the weekend when

8 Darrell Epps was killed?

9 A Yes, sir.

10 Q When did you find out that Darrell Epps

11 had been murdered?

12 A I think it was that Sunday.

13 Q Okay. Do you remember about what time?

14 A Maybe it was around like 3 or 4 that

15 afternoon, Sunday afternoon.

16 Q Do you remember where you were when you

17 found out?

18 A I was in Wal-Mart.

19 Q In Wal-Mart?

20 A Uh-huh. (Affirmative.)

21 Q So you received a phone call, is that

22 correct?

23 A Yes, sir.

24 Q Now so you found out that Sunday. Do you

25 remember where you were that Saturday night/Sunday

Andrea Brown-Direct by Corbett

1 morning?

2 A That Saturday night maybe around, I would
3 say anytime like after two, me and my sister and
4 my niece went to the club, and then went we went
5 back home. And then the next morning I went to
6 work.

7 Q So about two?

8 A Uh-huh. (Affirmative.)

9 THE COURT: Say either yes or no, not
10 uh-uh.

11 A Yes, sir.

12 Q Now did you go to London Kelley's house
13 that night?

14 A Yes, sir.

15 Q Was it raining when you got there?

16 A Yes, sir.

17 Q It was raining.

18 A Yes, sir.

19 Q And about what time was this?

20 A I don't really know the exact time. I
21 would say it's probably anytime after two, because
22 that's the time we always go to the club.

23 Q Anytime after two.

24 A Uh-huh. (Affirmative.) Yes, sir.

25 Q Now when you got to London Kelley's house,

Andrea Brown-Direct by Corbett

1 what did you?

2 A We pulled in the back yard, and blow the
3 horn maybe 3 or 4 times. Nobody came to the door,
4 so we pulled off.

5 Q And when you say we, who are you talking
6 about?

7 A Me, Hope and my niece.

8 Q Hope Brown?

9 A Yes.

10 Q And what is your niece's name?

11 A Sheneka Brown.

12 Q Now were there vehicles in the yard?

13 A Yes, sir.

14 Q What vehicle was in the yard?

15 A Quinton and London's car. It was a
16 Impala. A gray impala.

17 Q So the gray Impala was in the yard.

18 A Yes, sir.

19 Q It was raining.

20 A Yes, sir.

21 Q You blew the horn.

22 A Yes, sir.

23 Q No response.

24 A No, sir.

25 Q Did you call?

Andrea Brown-Direct by Corbett

1 A Yes, sir.

2 Q Did you talk to anybody?

3 A No, sir.

4 Q Did you talk to London any at all that, I
5 keep saying night, but I guess technically at this
6 point it's early morning. That Saturday night
7 before daylight Sunday, did you talk to him?

8 A No, sir.

9 Q You did not.

10 A No, sir.

11 Q Now at that time your cell phone number
12 was . Correct?

13 A Yes, sir.

14 Q And that is the phone that you would have
15 had with you.

16 A Yes, sir.

17 Q And London's cell phone number was

18 .

19 A I don't really remember, but probably so.

20 Q Do you remember calling her phone at
21 11:34?

22 A I don't really remember, but I probably
23 did. I talked to her on a daily basis every day.

24 Q Do you remember calling her phone at 11:34
25 and not getting an answer?

Andrea Brown-Direct by Corbett

1 A No, sir, I don't really remember.

2 Q Do you remember calling her phone at 11:44
3 and not getting and answer?

4 A Maybe I did, I don't really remember.
5 Like I say, I call her everyday on the daily
6 basis.

7 Q Do you remember calling her phone at 11:45
8 and not getting an answer?

9 A No, sir.

10 Q Do you remember calling her phone at 11:47
11 and not getting an answer?

12 A No, sir.

13 Q Do you remember calling her phone at 2:05?

14 A Yeah, I know I called after two, because
15 we was about to go to the club.

16 Q Do you remember London calling you back at
17 2:07?

18 A No, sir.

19 Q And being on phone for 134 seconds?

20 A No, sir.

21 Q Two minutes and 14 seconds, do you recall
22 that?

23 A No, sir.

24 Q But you can tell us that it was raining
25 when you got to London's house.

Andrea Brown-Direct by Corbett

1 A Yes, sir.

2 Q And you're now saying it was after two.

3 A Yeah, I am pretty sure it was after two.

4 That's what time we always go to the club.

5 Anytime after two.

6 Q And their car was home, but they were not.

7 A I don't know if they were there. Nobody
8 just came to the door.

9 Q Nobody came to the door. Nobody answered
10 the phone.

11 A No, sir.

12 Q Where did you go prior to going to London
13 and Quinton's house that evening?

14 A Before I went to their house?

15 Q Uh-huh. (Affirmative.) Did you make any
16 other stops?

17 A I took my kids to my sister's house.

18 Q Where would that be located?

19 A In American trailer park.

20 Q American Mobile Home Park?

21 A Yes, sir.

22 Q Now does London live American Mobile Home
23 Park?

24 A No, sir.

25 Q Does she have any family that lives there?

Andrea Brown-Direct by Corbett

- 1 A No, sir.
- 2 Q Does Quinton live in American Mobile Home
- 3 Park?
- 4 A No, sir.
- 5 Q Does he have any family that lives there?
- 6 A Yes, sir.
- 7 Q Who in his family lives there?
- 8 A His mom was staying there at the time.
- 9 Q How long did you stay at the club?
- 10 A Until the club was over. Maybe about
- 11 4:30.
- 12 Q And where did you go after that?
- 13 A Home. Well I picked my kids up, and then
- 14 I went home.
- 15 Q Did you go by the Sonic?
- 16 A Yes, sir.
- 17 Q So you did go to the Sonic.
- 18 A We left from the club. We went to get
- 19 something to eat from the Sonic. Went by American
- 20 and picked my kids up.
- 21 Q And about what time would that have been?
- 22 A When I went to Sonic.
- 23 Q No, when you went ot pick the kids up.
- 24 A I would say maybe about 5:00 o'clock.
- 25 Q Where were you working at the time?

Andrea Brown-Direct by Corbett

1 A At Taco Bell.

2 Q Did you go to work that Sunday?

3 A Yes, I did.

4 Q Okay, what time would you have gone to
5 work?

6 A Maybe 10 or 11.

7 Q Do you remember what time you got off
8 work?

9 A I usually work until five. But I remember
10 that day I got off early. Maybe about 2 or 3.

11 Q Where did you go after that?

12 A I went to Wal-Mart.

13 Q And when did you talk to London again on
14 the phone?

15 A It was while I was in Wal-Mart. I was
16 doing some grocery shopping, and that's when she
17 called me.

18 Q So is it possible that she would have
19 called you sometime around shortly after
20 2:00 o'clock?

21 A It's a possibility. I don't really
22 remember what time I got off work that day, but I
23 know it before five my usual time.

24 Q And you were at

25 A Yes, sir.

Andrea Brown-Direct by Corbett

1 Q Tell me about that telephone call.

2 A She called me. She said where are you at.
3 And I was like Wal-Mart. She was like, we found a
4 dead body. And I was like really. She said -- I
5 asked her did they know who it was. And she was
6 like, no. I can't remember the rest of the
7 conversation. But I know that was something that
8 we talked about.

9 Q Now did you talk to her again about it?

10 A I think I did talk to her later on that
11 day, I can't really remember.

12 Q Now while at the Wal-Mart and talking to
13 her, do you have occasion to use slang when you
14 talk to each other?

15 A When I was talking to London?

16 Q Yeah, for example, would London have said,
17 Bitch we found a dead body in Gems.

18 A Yes, sir.

19 Q And you possibly could have said, I said,
20 Bitch stop lying.

21 A Yes, sir.

22 Q And then at some point you told her you
23 needed to call her back?

24 A Because I was in Wal-Mart grocery
25 shopping, and I didn't want to talk about that in

Andrea Brown-Direct by Corbett

1 Wal-Mart.

2 Q You tried to call her back and she didn't
3 answer.

4 A Yes, sir.

5 Q And then you went to your sister's house
6 to get your kids.

7 A Yes, sir.

8 Q Was London there?

9 A I think so.

10 Q I don't know, who is your sister? Where
11 would this have been?

12 A When I picked the kids up?

13 Q Yes, ma'am.

14 A From American trailer park.

15 Q American Mobile Home Park?

16 A Uh-huh. (Affirmative.) Yes, sir.

17 Q What's your sister's name?

18 A Brenda Brown.

19 Q So when you got there, did London start
20 telling you the story of how they found the body?

21 A Yes, sir.

22 MR. CORBETT: One moment please, Your
23 Honor. Your Honor, that's all the questions I
24 have.

25 THE COURT: Mr. Johnson.

Andrea Brown-Cross by Johnson

1 MR. JOHNSON: Thank you, Your Honor.

2 Cross Examination by Mr. Johnson:

3 Q Good afternoon, Ms. Brown.

4 A How are you doing.

5 Q Just a couple of questions. You are
6 working at Taco Bell?

7 A Yes, sir.

8 Q Did London also work at Taco Bell during
9 that time?

10 A Yes, sir. But we was at two different
11 Taco Bells.

12 Q You went there that night and you said
13 that it was around two.

14 A Yeah, it had to have been after two.

15 Q After two?

16 A Uh-huh. (Affirmative.)

17 Q Why after two? Why would you say after
18 two?

19 A Because that's what time we always go to
20 club. I know we don't never go to the club before
21 2 o'clock.

22 Q Before two?

23 A Uh-huh. (affirmative.) Yes, sir.

24 Q Was it raining pretty hard?

25 A Yes, sir. It was raining very hard.

Andrea Brown-Cross by Johnson

1 Q Was her car there?

2 A Yes, sir.

3 Q You said you blew your horn about 3 or 4
4 times?

5 A Yes, sir.

6 Q So you don't know that nobody wasn't
7 there, but nobody didn't come out.

8 A Nobody didn't come out.

9 Q You made some attempts to contact her by
10 phone or something?

11 A Yes, sir.

12 Q But you didn't get an answer.

13 A Didn't get an answer.

14 Q Now the next day you heard from her when
15 she told you about a body, is that correct?

16 A Yes, sir.

17 Q Now did she sound surprised?

18 A Yes, sir.

19 Q Did she sound -- well you tell me. What
20 kind of expression did you get from her voice on
21 the phone if you can tell me.

22 A I got they were -- she was kind of scared.

23 Q Yes.

24 A Yes, sir.

25 Q Did she call the person by name?

Andrea Brown-Cross by Johnson

1 A No, sir.

2 Q Did she act like she knew the person?

3 A No, sir.

4 Q She never mentioned his name as being
5 Darrell Epps or anything like that?

6 A No, sir.

7 Q So from your conversation with her, as it
8 was as if she had just walked up upon a dead body.

9 A Yes, sir.

10 Q Now you also was at picnic or the party
11 earlier---

12 A Yes, sir.

13 Q ---the day before, correct?

14 A Yes, sir.

15 Q There have been some earlier questions,
16 but let me ask you this one. Did you leave the
17 party with Linda Anderson?

18 A No, sir.

19 Q Did you leave the party with Tafarus
20 McFadden?

21 A No, sir.

22 Q So if that's in a statement where somebody
23 said you left the party with Anderson---

24 MR. CORBETT: Objection, Your Honor.

25 THE COURT: Wait just a second.

Andrea Brown-Redirect by Corbett

1 MR. CORBETT: Hearsay.

2 THE COURT: Overruled.

3 Q If that's -- if there was a statement that
4 said that you left---

5 MR. CORBETT: Objection, Your Honor.

6 Pitting witnesses.

7 THE COURT: You can just ask her.

8 MR. JOHNSON: I'll rephrase, Your Honor.

9 THE COURT: I'll sustain that objection.

10 MR. JOHNSON: I'll rephrase, Your Honor.

11 Q Is it your statement that you did not
12 leave the party with Linda Anderson or Tafarus
13 McFadden?

14 A I did not leave the party with Linda
15 Anderson.

16 Q Who did you leave with?

17 A I left with my niece, Sheneka Brown.

18 Q And what is your nickname?

19 A Peaches.

20 MR. JOHNSON: No other questions.

21 THE COURT: Redirect?

22 Redirect Examination by Mr. Corbett:

23 Q A moment ago you were asked about trying
24 to make contact with her when you went to the
25 house, is that correct?

Andrea Brown-Redirect by Corbett

1 A Yes, sir.

2 Q And you indicated it was raining.

3 A Yes, sir.

4 Q Your phone number, tell me that number
5 again.

6 A .

7 Q Do you remember calling Quinton at 11:27?

8 MR. JOHNSON: Your Honor, this is outside
9 the scope of my----

10 THE COURT: Almost, but I will overrule
11 that. You asked her about pulling up in his
12 driveway. If you want to explore it too, I'll let
13 you, but I overrule your objection.

14 Q Do you remember calling Quinton's number
15 at 11:27?

16 A I am not sure. I probably did.

17 Q And Quinton's number was .

18 A I don't really remember. It probably was.
19 I don't remember what his number was.

20 Q Do you remember calling at 11:43?

21 A I probably did.

22 Q Do you know the next time you would have
23 called him?

24 A Maybe after 2 whenever I was calling
25 London's phone, when I pulled in their back yard.

Andrea Brown-Recross by Johnson

1 Q Would you have talked to him at 1:37 the
2 next day?

3 A I don't really remember.

4 MR. CORBETT: Thank you. That's all at
5 that I have.

6 THE COURT: Mr. Johnson.

7 Recross Examination by Mr. Johnson:

8 Q Well would you called at 11 o'clock? The
9 two times you called around 11 or so or called
10 Quinton's number, you wasn't at the house, were
11 you?

12 A No, sir.

13 MR. JOHNSON: No other questions.

14 THE COURT: You can step down. Thank you.
15 Mr. Corbett.

16 MR. CORBETT: Can we have the witness
17 remain here just a moment if Mr. Johnson and I can
18 approach for just a second.

19 THE COURT: Okay. Ma'am, you can just
20 have a seat right on that first row, okay.

21 (Whereupon, attorneys approach and confer
22 with judge.)

23 THE COURT: Ladies and gentlemen, the next
24 witness for the State is in class and getting out
25 noon. We are going to stop for lunch. We will

Andrea Brown-Recross by Johnson

1 get back together at one o'clock. So you have
2 about an hour and 35 minutes. In the meantime,
3 as you know, you may not discuss the case amongst
4 yourselves or with anyone else. Don't read
5 anything about it, watch anything about it.
6 Conduct any research on your own. If you find
7 yourself in the position where someone mentions
8 it, anything about this case in your presence, let
9 them know that you're on the jury and then let
10 your foreperson know. See you back at 1 o'clock.
11 Thank you very much. You can leave your notepads
12 in your chair.

13 (Whereupon at 11:21 a.m. jury goes to
14 lunch.)

15 THE COURT: The other witness you wanted
16 sequestered Hope Brown.

17 MR. CORBETT: Andrea Brown.

18 THE COURT: Ms. Brown, Andrea Brown, you
19 are still subject to being recalled. So I want --
20 you are still what is called sequestered, which
21 means you can't come in the courtroom while other
22 people are testifying, and you can't talk to
23 anyone else outside this courtroom about what
24 you've said or what anyone else has said. Okay.

25 MS. ANDREA BROWN: Yes, sir.

Andrea Brown-Recross by Johnson

1 THE COURT: Now, Mr. Corbett, what's your
2 position as to whether or not you and Mr. Johnson
3 can talk to this witness? She's been on the
4 stand. Do you want leave to also speak to her?
5 If you do, Mr. Johnson, can be heard on that. And
6 if both of you all agree, both of you can talk to
7 her.

8 MR. CORBETT: Judge, I honestly have no
9 opinion. Whatever Mr. Johnson's pleasure.

10 MR. JOHNSON: I was going to ask for the
11 opportunity to talk to her, Your Honor.

12 THE COURT: I'll let both of you talk to
13 her.

14 MR. CORBETT: Thank you, Judge.

15 THE COURT: We'll get back together at
16 10 minutes until one, but you said earlier in my
17 office that -- or Mr. Johnson said he had
18 something he wanted to discuss. Is that something
19 you want do now?

20 MR. JOHNSON: It can wait, Your Honor.

21 THE COURT: Okay. Wait till when? We
22 can come back at quarter till one if that's what
23 you want to or we can do it at some other time you
24 think is appropriate.

25 MR. JOHNSON: Well, Your Honor, if I can

1 approach, I think I could just---

2 THE COURT: All right.

3 MR. JOHNSON: ---tell you real quick.

4 (Whereupon, attorneys and Judge confer at
5 bench.)

6 THE COURT: Please be back in this
7 courtroom no later than a quarter till one, and
8 we'll get started back. If either side has
9 anything they need to cover before the jury comes
10 back in the courtroom, we'll do that at 10 minutes
11 until one. Okay. Thank you.

12 (Whereupon, court breaks for lunch.)

13 THE COURT: Mr. Corbett, are you ready?

14 MR. CORBETT: Judge, I believe so.

15 THE COURT: Mr. Bradley, if you would put
16 on the record what Juror Wheeler said to you
17 please.

18 THE BAILIFF: Your Honor, Ms. Wheeler,
19 said she taught at Delaine School, and she is
20 familiar with some of the names that have been
21 called. She don't have any direct connection with
22 this case or anything. But she just wanted you
23 know to she had members of some names that were
24 called.

25 THE COURT: Mr. Corbett, any comments? Do

1 you have any comments about what Mr. Bradley said?

2 MR. CORBETT: Judge, why didn't this come
3 up in voir dire?

4 THE COURT: I don't know. I'm just asking
5 Mr. Bradley to repeat. She said she's familiar
6 with some names that she has heard in here. Like
7 all of these names like, Tafarus, some of these
8 people. I don't know who she was talking about.
9 But she said some names that she is familiar with.
10 Not that she knows the people, but she is familiar
11 with names. I'm going to question her on it, but
12 I just wanted to know if you had any input on the
13 front end.

14 MR. CORBETT: I do not, Judge.

15 THE COURT: Mr. Johnson.

16 MR. JOHNSON: No, Your Honor. Just do
17 whatever questioning you would like to do.

18 THE COURT: Mr. Bradley, you can bring
19 Ms. Wheeler in.

20 MR. BRADLEY: Your Honor, this is
21 Ms. Johnson, I apologize.

22 THE COURT: Ms. Johnson, I'm sorry to
23 bring you in here. You haven't done anything
24 wrong.

25 THE JUROR: Okay.

1 THE COURT: You and Mr. Bradley indicated
2 that you had told him when you returned from lunch
3 that you recognized some of the names.

4 THE JUROR: I knew some of them, just from
5 name, because I used to work over there in that
6 area. I worked at Delaine for like 16 years.

7 THE COURT: What did you do there?

8 THE JUROR: I was a teacher's assistant and
9 bus driver.

10 THE COURT: And what names have you
11 recognized since you have been in the courtroom?

12 THE JUROR: Quincy Brown.

13 THE COURT: Ma'am?

14 THE JUROR: Quincy Brown.

15 THE COURT: Quincy Brown.

16 THE JUROR: Quinton Brown.

17 THE COURT: Quinton Brown. You've heard
18 that name?

19 THE JUROR: Yes.

20 THE COURT: Any other names?

21 THE JUROR: None of the others.

22 THE COURT: Anything in particular that
23 you've heard?

24 THE JUROR: No, I just know from the area
25 that, you know, there was Browns in that area.

1 But not knowing of him like that.

2 THE COURT: Does that spurred or juggled
3 your brain as to any memories about this case?

4 THE JUROR: No.

5 THE COURT: Would that have any impact on
6 your ability to be fair and impartial?

7 THE JUROR: No, it wouldn't.

8 THE COURT: Could you set all of that
9 aside and base---

10 THE JUROR: Yes, sir.

11 THE COURT: ---your verdict on what you
12 hear and see in this courtroom.

13 THE JUROR: Yes, sir.

14 THE COURT: If you just stand out in the
15 hall just a second. I am going to see if the
16 lawyers want me to follow up with anything okay.

17 THE JUROR: Okay.

18 THE COURT: By the way, if you don't come
19 back in, don't mention this to any of your fellow
20 jurors.

21 THE JUROR: Okay, I won't.

22 THE COURT: Mr. Corbett, any additional
23 questions?

24 MR. CORBETT: Nothing from the State, Your
25 Honor.

1 THE COURT: Anything, Mr. Johnson?

2 MR. JOHNSON: I have nothing, Your Honor.

3 THE COURT: Does either side have any
4 motions concerning this juror?

5 MR. CORBETT: Nothing from the State.

6 MR. JOHNSON: I have nothing, Your Honor.

7 THE COURT: You can tell her to go back in
8 the jury room. I assume the State is ready.

9 MR. CORBETT: The State is ready, Your
10 Honor.

11 THE COURT: The defendant ready?

12 MR. JOHNSON: The defendant is ready,
13 Judge.

14 THE COURT: You can bring in the jury.

15 (Whereupon, the following takes place
16 within the presence of the jury.)

17 THE COURT: Ladies and gentlemen, we are
18 ready to continue. Mr. Corbett, you can call the
19 State's next witness.

20 MR. CORBETT: Your Honor, the State would
21 call Kevin Lindsey.

22 Kevin Lindsey, being first duly
23 sworn, testified as follows:

24 THE BAILIFF: State your full name and
25 spell your last name for the record.

1 A Kevin Lindsey. L-I-N-D-S-E-Y.

2 DIRECT EXAMINATION by Mr. Corbett:

3 Q Deputy Lindsey, good afternoon.

4 A Good afternoon.

5 Q Now, Deputy Lindsey, I know this is a
6 going to be a silly question, but by whom are you
7 employed?

8 A Sumter County Sheriff's office.

9 Q And how long have you been employed with
10 the Sumter County Sheriff's Office?

11 A 16 and a half years.

12 Q So you with the sheriff's office back in
13 April of 2011.

14 A Yes, sir.

15 Q And we've had occasion to talk about the
16 case where you responded to a car fire that
17 evening of April, excuse me, early morning of
18 April 10th?

19 A Yes.

20 Q And now I am going to show you this
21 document, and ask if you can identify that.

22 A Yes, sir, I can. This is an incident
23 report that I wrote that morning.

24 Q Now just in terms of refreshing
25 recollection, does it indicate what time you

1 responded?

2 A Yes, I received the call from dispatch at
3 one, I'm sorry, at 12:24 a.m. I arrived on the
4 scene at 12:43 a.m.

5 Q If I can hold that back a moment, please.
6 Thank you. Now, I'm sorry I jumped ahead a little
7 bit. You said responded to the scene. Tell us
8 what we're talking -- what you are talking about
9 there.

10 A It is a neighborhood in the Cherryvale
11 area. North Lake Cherryvale. It turns in to
12 South Lake Cherryvale. There is a pond on each
13 side of the road. And that's where the car fire
14 was at.

15 Q Now so on the early morning hours of April
16 10th 2011, you responded to a car fire.

17 A Yes.

18 MR. CORBETT: Judge, may I have the
19 witness step down?

20 THE COURT: Yes. Keep your voice up. And
21 why don't you stand on the side where Mr. Corbett
22 is. And stand on the side close to me so the
23 Court Reporter can hear your voice, okay.

24 A Yes, sir.

25 THE COURT: Can everybody on the jury see

1 what's on that easel?

2 THE JURY: Yes.

3 THE COURT: Have you got a pointer?

4 Q Now, Deputy Lindsey, I am going to ask you
5 to take a moment and sort of familiarize yourself,
6 because sometimes when you look at ab overhead
7 map, it's different than being on the street.

8 THE COURT: Is this marked?

9 MR. CORBETT: Judge, this has not been
10 marked as of yet.

11 THE COURT: Okay.

12 Q Are you able to locate Cherryvale Drive on
13 this overhead photo?

14 A Cherryvale Drive doesn't show up on this
15 photo. It would be more over in this area that is
16 off---

17 Q Okay, I'm sorry.

18 A ---North Lake. Where the actual arson
19 was, was North Lake Cherryvale Drive, which is
20 this road here.

21 Q And do you recall about where the car was?

22 A Yes, sir. It was exactly right here. You
23 had a pond on this side of the road, and a small
24 pond on this side of the road. The car was right
25 here.

1 MR. CORBETT: Your Honor, if we may mark
2 this photograph for identification as State's, I
3 believe we are at 13.

4 THE COURT: Is there going to be any
5 objection to this one, Mr. Johnson?

6 MR. JOHNSON: No objection, Your Honor.

7 THE COURT: Are you going to offer that
8 too?

9 MR. CORBETT: Your Honor, in that event,
10 we'll go ahead and move this into evidence.

11 THE COURT: 13 will be in. And that's an
12 aerial photo.

13 MR. CORBETT: That is correct, Judge.

14 (Aerial photo marked State's Exhibit No.
15 13 into evidence.)

16 Q Are you able to tell me where this is?

17 A This four lane highway is Broad Street.
18 This softball field is around Shaw Air Force base.

19 Q Thank you very much. You can go back to
20 the witness stand.

21 (Whereupon, witness resumes the witness
22 stand.)

23 (Photos marked State's Exhibit Nos. 14
24 through 17 for ID.)

25 Q Officer Lindsey, I am going to show you

1 what's been marked for identification as State's
2 14, 15, 16 and 17, and ask you to take just a
3 moment and look at those. Can you identify those?

4 A Yes, that is the vehicle that had been
5 burned at the scene that I responded to.

6 MR. JOHNSON: No objection.

7 THE COURT: They're in. 14 through 17.

8 (Photos marked State's Exhibit Nos. 14
9 through 18 into evidence.)

10 Q Now when you responded to the North Lake
11 Cherryvale, was the fire department also on the
12 scene?

13 A Yes, sir.

14 Q And at that point, did you know anything
15 about the vehicle or who owned it, or who was
16 driving it?

17 A No, I did not.

18 Q Now I may have kind of put the cart before
19 the horse here a little bit. But at that
20 particular time at the sheriff's department, what
21 division were you assigned to?

22 A Patrol division.

23 Q So were you on your normal patrol that
24 night?

25 A Yes.

1 Q And it would be normal duties on patrol to
2 respond to a calls such as this?

3 A Yes, It would.

4 Q Now if you know, was the vehicle towed
5 from the location that evening?

6 A Yes, sir, it was towed that evening.

7 Q And you received a call again what time?

8 A I received a call from my dispatcher at
9 12:24 a.m.

10 MR. CORBETT: Thank you very much. Please
11 answer any questions that Mr. Johnson might have.

12 MR. JOHNSON: I have no questions, Your
13 Honor.

14 THE COURT: Thank you Deputy Lindsey.

15 A Thank you, Your Honor.

16 THE COURT: The next witness.

17 MR. CORBETT: The next witness is Jeremy
18 Holland or Mr. Hice. Your Honor, the State would
19 call Jeremy Holland.

20 Jeremy Holland, Being first duly
21 sworn, testified as follows:

22 THE BAILIFF: Please state your full name
23 and spell your last name for the record.

24 A Jeremy Robert Holland. H-O-L-L-A-N-D.

25 Direct Examination by Mr. Corbett:

1 Q Mr. Holland, good afternoon. Now are you
2 from Sumter?

3 A Yes, sir.

4 Q Are you currently a student?

5 A Yes, sir.

6 Q Okay. Got you out of class today?

7 A Yes, sir.

8 Q Tell us a little bit about your
9 background. Former military?

10 A Yes, sir. I spent 13 years in the guard.
11 Spent 14 months in Iraq. I was wounded October
12 22, 2003. I just recently got out, and I started
13 working towards my mechatronics degree.

14 Q So you spent some time in Iraq?

15 A Yes, sir.

16 Q You said injured over there?

17 A Yes, sir.

18 Q Purple heart?

19 A Yes, sir.

20 Q Let's talk about the early morning hours
21 of April 10, 2011, if we could. Do you recall an
22 occasion to call 911 that night?

23 A Yes, sir.

24 Q Just kind of walk us through what you did
25 that evening. What you saw. What you observed.

1 A We were coming back from my cousin's
2 house.

3 Q Slide a little closer to that microphone
4 for me. Like you are talking to me down here.

5 A I was leaving my cousin's house. We came
6 to drop a friend off and we road through Swan --
7 whatever the lake road drive is. And we come
8 around the curve, and I seen the truck with all
9 the doors and the back open and the lights on.
10 And I seen a person towards the back of it. I
11 couldn't see a face. I knew was a bigger male.
12 And there was a figure out in the back. I
13 couldn't really see what. I couldn't make out the
14 sex of the person or anything like that.

15 And I rode on through. And I dropped a
16 friend off. And on the way back through, it
17 couldn't have been no more than about 10, 15
18 minutes. On the way back through, the truck was
19 on fire. We had our windows down. I could feel
20 the heat on it. I got back to the house, which
21 was no more than maybe 6 minutes down the road and
22 called the police. Called 911. And the first
23 time I called them, I was a little on edge. The
24 second time when I called, I was a little bit more
25 clear. And I started to go over what I had seen;

1 that it was kind of suspicious when we ride by one
2 time. And we come back through, and it is on
3 fire. So, that's about all the evidence.

4 Q I am going to ask you to do this for me.
5 But I don't want to put you in a bad spot. I am
6 going to ask you to come over here and take a look
7 at this if you can locate the area. If you
8 can't, that's all right. But I want you to come
9 take a look at this. Overheads can be a little
10 tricky.

11 (Whereupon, witness steps down from the
12 witness.)

13 THE COURT: You all switch places.

14 MR. CORBETT: Yes, sir.

15 THE COURT: Mr. Holland, keep your voice
16 up, because this lady is the listening to
17 everything you have got to say. She has got to
18 take it down, okay.

19 Q So that is you.

20 A Right there.

21 Q So right in this area.

22 A Yes, sir. Back up this area right here.
23 I believe if I am looking at it right, right in
24 the curve.

25 Q Now you indicated that you saw the vehicle

1 when you first went past it.

2 A Yes, sir.

3 Q Is that correct? Now were you heading
4 towards Broad Street or which direction?

5 A I was coming from this direction. And I
6 cut down this road right here, and went back over
7 here this way.

8 Q That was, I believe you said to drop a
9 friend off?

10 A To drop a friend off. Yes, sir.

11 Q And then did you go back the same way.

12 A Yes, sir. The same road here. Right back
13 through there.

14 Q I think I got it, but I want to ask you,
15 when you came through the first time, what did you
16 observe? And stand a little to the side for me
17 while you, and I am going to step out of the way,
18 so she can hear you.

19 A I observed the vehicle was facing in this
20 direction with all the doors and the rear hatch
21 open. And towards the back, there were two
22 individuals that I had seen. And all the lights
23 were on and the doors were open. We rode on
24 through.

25 Q Back down this way.

1 A Back down to this road right here.

2 Q Now how long was it before you went back
3 by?

4 A It could have been no more than 10 to 15
5 minutes, because we went right down the road to
6 the trailer park to drop someone off.

7 Q Now when you went by the first time, was
8 the vehicle on fire?

9 A No, sir. The vehicle was all the doors
10 were open. The lights were on inside. There was
11 nothing wrong with the vehicle. It just, all the
12 way the first, I didn't give it no second thought
13 to other than it's kind of weird for them to be
14 back in the dark back there. I mean I really
15 hadn't had had no all out suspicions until I come
16 back and there was a fire so.

17 Q So then you came back through going this
18 direction?

19 A Yes, sir.

20 Q And is that when you called 911?

21 A I called 911 when I got to the house,
22 which is . Right here is a
23 little dirt road. That house right there.

24 MR. CORBETT: Now I am going to let you
25 get back to the witness stand.

1 A Yes, sir.

2 (Whereupon, the witness resumes the
3 witness stand.)

4 Q Now your testimony was that when you rode
5 by the first time, it was just odd that it was
6 there in the dark.

7 A Yes, sir.

8 Q But you couldn't tell who the individuals
9 were?

10 A No, sir.

11 Q And you indicated you called 911 a second
12 time?

13 A I called 911 a second time.

14 Q What was the purpose of calling the second
15 time?

16 A I wanted to make sure that they knew that
17 people that I had seen, looked like they were
18 coming from the pond area, from behind the
19 vehicle.

20 Q So you gave some additional detail on the
21 second call?

22 A Yes, sir.

23 Q And do you recall about what time this
24 was?

25 A I believe it was the first time I went

1 through, close to 12. I am not sure too much.

2 Q Sometime close to 12?

3 A Yes, sir.

4 Q And then I don't want to put words in your
5 mouth, you came back by?

6 A I came back by, yes, sir.

7 Q And that was 10, 15 minutes later.

8 MR. JOHNSON: Your Honor, objection. He's
9 leading the witness.

10 THE COURT: Overruled. You can close it
11 out. Don't necessarily summarize it for him--

12 MR. CORBETT: Very well.

13 THE COURT: --- but you can very well
14 elicit the proper testimony.

15 MR. CORBETT: Yes, sir.

16 Q And how long was it before you came back
17 by?

18 A It couldn't have been no more than 10 or
19 15 minutes, because all we did was drop a guy off,
20 and walk back to the car and leave.

21 Q Okay.

22 A It's not very far.

23 Q By Mr. Corbett)Mr. Holland, thank you very
24 much. Please answer any questions Mr. Johnson has.

25 Cross Examination by Mr. Johnson:

1 Q Mr. Holland.

2 A Yes, sir.

3 Q How are you doing today?

4 A I'm fine.

5 Q Just a couple of questions. I know it's
6 been a while since this happened, so I can
7 understand how your memory could be confused a
8 little bit. So think about it your answers before
9 I ask you, okay.

10 A Yes, sir.

11 Q It's very important. A minute ago, you
12 say you saw two individuals and you couldn't make
13 out of the sex of the other individual?

14 A Yes, sir.

15 Q You actually made two calls or one call?

16 A Two calls.

17 Q On your first call, didn't you say
18 something that the doors are open and the light
19 was still on? Or what did you say on your first
20 call?

21 A I don't remember exactly what I said on
22 the first call.

23 Q On the second call, didn't you actually
24 say you saw two males?

25 A I said I saw two males. I don't remember

1 exactly.

2 Q But you -- I mean as they said before, I
3 am not trying to put words in your mouth. But do
4 you remember saying that it was two males?

5 A I remember saying two individuals.
6 Whether I said males or not, I can't remember.

7 Q But you didn't say you couldn't tell which
8 one it was. You said you saw two whatever you
9 said.

10 A I said well whatever I seen, I couldn't
11 identify them.

12 Q Then you wrote a report.

13 A Yes, sir.

14 Q Where you put down what you saw.

15 A Yes, sir.

16 Q Because I think this report was down, if I
17 say, April 11th 2011, about 3:30 that afternoon.
18 Refresh your memory?

19 MR. JOHNSON: Your Honor, can I approach?

20 THE COURT: Yes, sir.

21 Q Do you recognize that?

22 A Yes, sir.

23 Q What is that?

24 A It's a statement I made.

25 Q That's a statement you made.

1 A Yes, sir.

2 Q And you made that statement about being
3 clear about what saw, correct?

4 A Yes, sir.

5 Q Would you please read that statement to
6 the jury?

7 A On Saturday night while riding along the
8 road in the Cherryvale area, when I seen a white
9 SUV with all the doors open, parked along the
10 road, in a wooded area. I seen a black male in
11 the wooded area with a possible white tee shirt.

12 We drove on through thinking that
13 something wasn't right. Ten or 15 minutes later,
14 I rode back through, and the truck was blazing
15 with fire. My cousin, Chris Devine, and my
16 friend, Kevin, was with me.

17 Q You wrote that the next day after you made
18 the two phone calls earlier, right?

19 A Yes, sir.

20 Q In that statement you don't mention two
21 individuals, and not knowing what sex it was or
22 anything.

23 A Yes, sir.

24 Q So will you say that is the correct
25 statement of what you saw?

1 A I would say that's a statement I was
2 trying to rush through.

3 Q And that's exactly what you saw.

4 A Huh? Well actually what I saw is what I
5 said on the 911 call. This is actually a
6 statement I was trying to rush through. I was not
7 happy about having to keep coming up here and
8 telling this to the police.

9 Q So this wasn't your first time?

10 A I had to -- this might have been the first
11 time I talked to them. But I mean, I wasn't happy
12 in just going up there. I didn't really want to
13 make a statement.

14 Q So if the 911 call said that you say you
15 saw two males, that would be correct?

16 A I saw two individuals. I was -- the
17 night this happened, I was, when I made the calls
18 the first time and the second time, I was full of
19 adrenaline. So I was just calling out what I felt
20 like I seen.

21 Q Was your number at that time ?

22 A Yes, sir.

23 Q And you approximately called, it looks
24 like about 12:28. That would be your second call.

25 A I think the first one was close to 12:23.

1 Q And then your second one?

2 A A couple of minutes later.

3 Q But if the report said that you said two
4 black males, you wouldn't have an argument with
5 that?

6 A I couldn't -- I couldn't identify who it
7 was, honestly.

8 Q Okay.

9 A I can't tell you who it was. I can tell
10 you I rode through, I seen two individuals. I
11 knew one of them was a male. But other than that,
12 I couldn't tell you anything.

13 Q Well answer my question. Why is it so
14 different now that you couldn't point out you
15 couldn't tell whether the other individual was a
16 female or not? Why is that important?

17 A I never could tell who it was. I just
18 knew personally what it was. The second
19 individual, I couldn't identify either one of
20 them.

21 Q The question, the reason I am asking you
22 this, have you discussed your testimony before you
23 walked in today?

24 A No, sir.

25 Q I'm just wondering why now it's so

1 important to make it, distinguish that.

2 A It's not important, sir.

3 Q But on that statement you said you saw
4 one---

5 A On this statement, I said I seen one
6 person, yes, sir.

7 MR. JOHNSON: I've got no other questions.

8 THE COURT: Redirect?

9 MR. CORBETT: One moment please, Your
10 Honor. Nothing further, your honor.

11 THE COURT: Thank you, Mr. Holland. You
12 can step down.

13 THE COURT: Can the witness be excused?

14 MR. CORBETT: The witness may be excused.

15 THE COURT: Mr. Johnson.

16 MR. JOHNSON: That's fine with me, Your
17 Honor.

18 THE COURT: Thank you, Mr. Holland. You
19 can stay if you want, or you can leave. Next
20 witness.

21 Curtis Hice, Being first duly sworn,
22 testified as follows:

23 THE BAILIFF: Please state your full name
24 and spell your last name for the record.

25 A It's Curtis Hice. H-I-C-E.

1 DIRECT EXAMINATION by Mr. Corbett:

2 Q Deputy Hice, good afternoon. Now, Deputy
3 Hice, I know this is going to be a silly question,
4 but by whom are you employed?

5 A With the Sumter County Sheriff's Office.

6 Q And how long have you been with the Sumter
7 County Sheriff's Office?

8 A Just over 11 years.

9 Q And what are your duties with the Sumter
10 County Sheriff's Office?

11 A I am a sergeant on patrol.

12 Q So you're in the patrol division?

13 A Yes, sir.

14 Q Now do you recall an incident where you
15 became involved in a case that started with a
16 burned SUV?

17 A Yes, sir.

18 Q Tell us how did you come to involved in
19 that?

20 A I was actually contacted by Lieutenant
21 Rick Nelson, who was my shift supervisor at that
22 time. At the time I was working as K-9 officer
23 on patrol. So they had found -- evidently they
24 had burnt car the night before, and they wanted me
25 to come out there with the K-9 to see if we could

1 track any human scent from the vehicle.

2 Q I am going to have you step down for a
3 moment and look at two separate photographs. And
4 ariels can be a little tricky. So I want you take
5 a moment and see if you can orient the area where
6 you responded to.

7 (Whereupon, the witness steps down from
8 the witness stand.)

9 THE COURT: Is that numbered yet?

10 MR. CORBETT: Yes, sir, Judge. This is
11 still State's 13.

12 THE COURT: Stand off to the side, after
13 you have looked at it so the jury can see where
14 you pointing to.

15 A This would have been North Lake Cherryvale
16 right here. The vehicle would have been right up
17 in here. If I'm looking right, there is a pond
18 right here. The vehicle would have been right up
19 here in the curve between North Lake and South
20 Lake Cherryvale.

21 Q And let me do a different. Can I mark
22 that one. Your Honor, for identification, State's
23 No. 18.

24 (Aerial photo marked State's Exhibit No.
25 18 for Id.)

1 Q This is also an aerial photograph. Take a
2 moment and see if you can orient with that one.

3 A This would have been the pond right here.
4 And this would have been where the vehicle is, I
5 believe.

6 Q Now you were contacted you said by shift
7 lieutenant.

8 A Yes, sir.

9 Q And told to go to that scene. Do you
10 remember what day that was?

11 A Not off the top of my head.

12 Q Was it the day, the next daylight after
13 the car burned?

14 A Yes, sir.

15 Q What did you all -- what do you do when
16 you arrived on the scene?

17 A When I got there, the car had already been
18 moved. It was obvious where it had been burned
19 at, because you could see all the soot and
20 everything from the car. Then I got my canine out
21 of the vehicle, and actually deployed him right
22 here where the car was.

23 Q Now when you talk about your K-9.

24 A Yes, sir.

25 Q I know this is going to sound really

1 obvious, but we're talking about a dog.

2 A Yes, sir.

3 Q And what was it that you were trying to
4 accomplish with that dog?

5 A Trying to see if there was human scent in
6 the area that we could track off of.

7 Q Now this particular dog was trained for
8 that purpose?

9 A Yes, sir.

10 Q And tell us what happened next.

11 A I actually put the dog out here. The dog
12 actually did pick up human scent, and track down
13 the side of the pond here. Then when we got to up
14 in this area here, he actually cut into the woods,
15 and into the back side of American Mobile Home
16 Park.

17 Q Now upon arriving at American Mobile Home
18 Park, what happened at that point and time?

19 A When we came out, like I say, it was me
20 and Lieutenant Rick Nelson, he was running the
21 track with me. We were actually approached by an
22 individual. He came up to us and told us that
23 there was somebody laying he said, in Gem's Mobile
24 Home Park, I believe. And he told us that the guy
25 didn't look like he had a breath of air in him.

1 Q Now upon receiving that report, what did
2 you all do?

3 A At that time, me and Lieutenant Rick
4 Nelson, we went back to our vehicles.

5 Q Tell and where were your vehicles?

6 A Our vehicles would have been down here.

7 Q Okay.

8 A And we drove over to Gem's Mobile Home
9 Park.

10 Q And you actually went to Gem Mobile Home
11 Park.

12 A Yes, sir.

13 MR. CORBETT: I am going to go ahead and
14 let you get back on the witness stand.

15 (Whereupon, the witness resumes the
16 witness stand.)

17 Q Well first of all let me ask you, these
18 two pictures I showed you, do they accurately
19 reflect North Lake Cherryvale and the area in
20 which you tracked that evening?

21 A Yes, sir.

22 MR. CORBETT: Your Honor, we are going to
23 offer State's No. 18 and State's No. 13.

24 THE COURT: 13 is in. Any objection to
25 18?

1 MR. JOHNSON: No objection, Your Honor.

2 THE COURT: 18 is in. Well they are both
3 in now.

4 (Aerial maps marked State's Exhibit Nos.
5 13 and 18.)

6 Q Now you indicated that you went to Gem
7 Mobile Home Park.

8 A Yes, sir.

9 Q Is that also known as

10 A It's -- yes, sir, it's on

11 Q And did you and Lieutenant Nelson go in
12 the same vehicle or different vehicles?

13 A We went in two different vehicles.

14 Q When you got to Gem Mobile Home Park, what
15 did you discover?

16 A We saw a black male laying on the ground
17 between two of the mobile homes.

18 Q At that point, were you able to ascertain
19 whether or not he was alive or dead?

20 A He was dead.

21 MR. CORBETT: Judge, may Mr. Johnson and I
22 approach for a moment?

23 THE COURT: Yes, sir.

24 (Whereupon, the attorneys approach and
25 confer with judge.)

1 THE COURT: I don't know how you're going
2 to go about it, but the buttons that I push on
3 this screen, depends on how you want to do with
4 the witness, Mr. Corbett.

5 MR. CORBETT: Yes, Judge.

6 THE COURT: I'll leave it up to you. If
7 you can just announce the numbers as you go
8 through them.

9 MR. CORBETT: Yes, sir, Judge.

10 Q Deputy Hice, I am going to ask you to look
11 at what's been marked for identification as
12 State's Exhibit No. 19, 20, 21, 22, and 23. And
13 if you would please, take a moment just to look at
14 those for me. Have you had a chance to look at
15 those?

16 A Yes, sir.

17 Q Now in those pictures, do they accurately
18 reflect the way the body was lying when you found
19 it?

20 A Yes, sir.

21 Q At this point and time, had you or
22 Lieutenant Nelson or anyone, moved the body or
23 done anything of that nature?

24 A No, sir.

25 Q Now I do notice in those pictures, I

1 believe we see some police crime scene tape.

2 A Yes, sir.

3 Q And we also see some markers, is that
4 correct?

5 A Yes, sir.

6 Q Now those were not there when you first
7 arrived.

8 A No, sir.

9 Q Some of your other officers put that
10 there.

11 A Yes, sir.

12 Q By The Court)Any objection to those,
13 Mr. Johnson?

14 MR. JOHNSON: I have no objection, Your
15 Honor.

16 THE COURT: The number please.

17 MR. CORBETT: This is State's No. 19 for
18 identification.

19 (State's Exhibit No. 19 marked into
20 identification.)

21 Q Deputy Hice, it's a little bit hard to see
22 in the monitor, but there in between the two
23 mobile homes, it appears to be dark pants and a
24 red shirt, is that correct?

25 A Yes, sir.

1 Q Is that the body that you discovered?

2 A Yes, sir.

3 Q Now you approached the body, is that
4 correct?

5 A Yes, sir.

6 Q But you did not alter in it in any way.

7 A No, sir.

8 Q Was it obvious that the individual was
9 deceased?

10 A Yes, sir.

11 Q What made that obvious? As delicately as
12 you can.

13 A He obviously had a pretty major gunshot to
14 his head. What appeared to be a gunshot I would
15 think.

16 Q We are going to take a look at State's
17 Exhibit No. 20. Again the body from the different
18 angle.

19 A Yes, sir.

20 Q We are going to take a look at 21. Again
21 just from a slightly different angle, is that
22 correct?

23 A Yes, sir.

24 Q That was No. 22. Again the same picture,
25 different angle?

1 A Yes, sir.

2 Q And finally State's No. 23. Is that the
3 condition of the body when it was found?

4 A Yes, sir.

5 Q By Mr. Corbett) Your Honor at this time, the
6 State would move into evidence.

7 THE COURT: Mr. Johnson, you didn't any
8 objection, correct?

9 MR. JOHNSON: No, Your Honor.

10 THE COURT: Well they're already in,
11 because---

12 MR. CORBETT: Very well.

13 THE COURT: ---they have been looked at
14 anyway.

15 MR. CORBETT: 19 through 23.

16 (Photographs marked State's Exhibit Nos.
17 19 through 23.)

18 Q Deputy Hice, if you recall, do you know
19 about what time you got to Gem Mobile Home Park?

20 A I can't recall off the top of my head.

21 Q I am going to show you this document, and
22 ask if that can help refresh your recollection.

23 A Yes, sir. This is a copy of the crime
24 scene log here. It's stating that I responded at
25 2:23 in the afternoon.

1 Q And you would have entered in what time
2 you arrived on the scene?

3 A Yes, sir.

4 Q So there approximately 2:23.

5 A Yes, sir.

6 Q Now at this point and time, who was at Gem
7 Mobile Home Park from law enforcement?

8 A I would say myself and Lieutenant Rick
9 Nelson. We were, I believe, the first two that
10 actually pulled up at Gem Mobile Home Park. And
11 then we notified the investigator.

12 Q Is that what I would call standard
13 operating procedure for the patrol division?

14 A Yes, sir.

15 Q So you discovered the body.

16 A Yes, sir.

17 Q Secured the scene, and notified
18 investigations.

19 A Yes, sir.

20 Q Deputy Hice, that's all the questions I
21 have. Thank you.

22 THE COURT: Mr. Johnson.

23 MR. JOHNSON: Thank you, Your Honor.

24 Cross Examination by Mr. Johnson:

25 Q Deputy Hice, how are you doing. Just a

1 couple of questions. When you first got to the
2 scene, you went to where the car was burned,
3 correct?

4 A When I first responded with the K-9? Yes,
5 sir.

6 Q I said car, but I meant the SUV.

7 A Yes, sir.

8 Q And that was by the lake.

9 A Yes, sir. Right there at---

10 MR. JOHNSON: Your Honor, could the
11 officer come down, please?

12 THE COURT: Sure.

13 (Whereupon, the witness steps down from
14 the witness stand.)

15 Q Can you please point out again where the
16 car would have been located?

17 A It would have been right here.

18 Q And at that time you weren't aware there
19 was a body, correct?

20 A No, sir.

21 Q But you took your dog to see if it was
22 alert on---

23 A Yes, sir.

24 Q ---some type of scent.

25 A Yes, sir.

1 Q And it did, correct?

2 A Yes, sir.

3 Q Now that scent would be like a human scent
4 leading from---

5 A Yes, sir. It would human scent.

6 Q And it did alert on a human scent.

7 A Yes, sir.

8 Q And where did that human scent take you?

9 A We actually tracked down the side of the
10 pond. I mean it was actually kind of, you know,
11 how most ponds kind of have the side right there.
12 We actually tracked down that. And we ended up
13 cutting up into the woods up in here, and we came
14 out into the back of American Mobile Home Park.

15 Q American Mobile Home.

16 A Yes, sir.

17 Q Now my client lives at Gem Mobile Home
18 Park.

19 A I believe so.

20 Q Do you know where it was in relationship
21 to this?

22 A In relationship to this, this would be
23 Highway 378, and it actually back here closer to
24 Sumter.

25 Q So it did not alert back towards them,

1 that the human scent that you alerted came back to
2 there, correct?

3 A Yes, sir.

4 Q And at that point, that lead you to
5 believe that whoever was at that car or the scent
6 that you alerted to at the car, went back into
7 American Mobile Home Park.

8 A Yeah, all I can say is there was human
9 scent from here to here. I can't say whether it
10 actually came from that car or not.

11 Q In a normal investigation, if your normal
12 investigation if it lead you there, then normally
13 you would have searched that area to see if there
14 were any individuals or anything related to that.

15 A Yes, sir.

16 Q Correct? But you stopped.

17 A Yes, sir.

18 Q And nobody ever went back there and
19 checked, did they?

20 A Like I say, I don't know.

21 Q Let me ask you this, did you go back and
22 check?

23 A No, sir, I did not go back.

24 Q And once you found the other body, did you
25 try to get a scent from the body in any way?

1 A No, sir.

2 Q You didn't do anything else, did you?

3 A No, sir. We secured the crime scene.

4 Q And you have had nothing else to do with
5 this case since then.

6 A No, since I secured the crime scene.

7 Q And you can not look at my client and say
8 she had anything to do with this, can you?

9 A No, sir.

10 MR. JOHNSON: I have no other questions
11 for you.

12 THE COURT: Redirect?

13 MR. CORBETT: No redirect, Your Honor.

14 THE COURT: Thank you, deputy. Next
15 witness.

16 MR. CORBETT: Rick Nelson, is making his
17 way in the courtroom.

18 Rick Nelson, being first duly sworn,
19 testified as follows:

20 THE BAILIFF: Please state your full name
21 and spell your last name for the record.

22 A Richard H. Nelson, Jr. N-E-L-S-O-N.

23 Direct Examination by Mr. Corbett:

24 Q Mr. Nelson, good afternoon.

25 A Good afternoon.

1 Q Now for a long time I called you Deputy
2 Nelson, but I guess it's Mr. Nelson now.

3 A Yes, sir.

4 Q Who did you used to be employed by?

5 A The Sumter County Sheriff's Office.

6 Q How long were you with the Sumter County
7 Sheriff's Office?

8 A Approximately 25 years.

9 Q And you have moved on from policing?

10 A Yes, sir.

11 Q Are you moving toward retirement or doing
12 some building work?

13 A Doing some building work.

14 Q Mr. Nelson, were you with the sheriff's
15 department back in 2011?

16 A Yes, I was.

17 Q Do you have occasion to remember when you
18 Deputy Hice were asked to respond to the location
19 of a car fire, and look for any potential
20 evidence?

21 A Yes, sir, I do.

22 Q Do you recall what you all did when you
23 arrived on the scene?

24 A Yes, sir.

25 Q If you would please, tell us a little bit

1 about that.

2 A We were basically given information about
3 a missing person and a car fire that might have
4 been that subject's car. We put Deputy Hice' K-9
5 on the ground, and had the K-9 search around the
6 pond area, trying to find any sign or any scent
7 of anything. Did not come up with anything. We
8 were about to give up. Walked out of the woods at
9 the very back to American Mobile Home Park. I
10 walked around the corner of the very back corner
11 trailer. And there were, I want to say, 2 or 3
12 black males, and a black female standing at the
13 door of a trailer. They were talking to whoever
14 was inside. They seemed very excited. I couldn't
15 hear what they were saying. But the one gentleman
16 turned, saw me in uniform, and came straight
17 toward myself and Mr. Hice.

18 At that point, he made a comment and said,
19 It was -- I don't remember the exact words, but it
20 was something like, there was a guy over there,
21 and it looked like he is taking his last breath,
22 was the comment he made to me. The subject then
23 told me where this person was. And we immediately
24 went to that location.

25 Q Now when you went to that location, how

1 did you get from where you were to that location?

2 A Walked back to my patrol car, and Mr.
3 Hice's car, and drove over to the location. Maybe
4 a mile and a half -- maybe a mile and a half away.

5 Q And do you remember what that location
6 was?

7 A I want to say they called it the Harwood
8 Mobile Home Park. It's had several names over the
9 years. But it's on 378 right cross from the
10 Veteran's Memorial.

11 Q There about well, I'll leave it at that.
12 Now you went to that location. What did you find
13 upon arriving at that location?

14 A We found a body laying between some mobile
15 homes, between two mobile homes.

16 Q Now to you, could you tell if the
17 individual was alive or dead?

18 A No, sir. When I approached, I could tell
19 he was dead from the injuries that I saw; backed
20 off, and secured the area and called for
21 investigators.

22 Q How would -- what was it about the injury
23 that told you that he was deceased?

24 A There was a rather serious injury to the
25 back of the head, where I believe I could see what

1 looked like brain matter.

2 Q I am going to show you some photographs
3 which have already been admitted, State's 19
4 through 23, and ask if you will take a look at
5 those please.

6 A Yes, sir.

7 Q Now other than the crime scene tape or any
8 sheriff's department markers, do those pictures
9 accurately reflect the condition of the body when
10 you discovered it?

11 A Yes, sir.

12 Q And who were you with you?

13 A I was with Sumter Sheriff's Office and
14 Mr. Hice.

15 Q Deputy Hice was with you.

16 A Yes.

17 Q Now the individuals that you saw at
18 American Mobile Home park.

19 A Yes, sir.

20 Q You said one of them a male came over to
21 you.

22 A Yes, sir.

23 Q If you know, do you know what vehicle they
24 were traveling in?

25 A It seems like I remember it to be a small,

1 it looked like a light brown colored vehicle, but
2 I really don't remember for sure. I do know that
3 when I secured -- when we secured the scene down
4 there, that vehicle came back with two people in
5 it in to the trailer that was, I believe two
6 trailers, 2 or 3 trailers from where the body was.

7 Q So the vehicle that you saw at American
8 Mobile Home Park, later arrived at what you call
9 Harwood?

10 A Yes, sir.

11 Q Was it at least some of the same
12 individuals that you had seen earlier at American
13 Mobile Home Park.

14 A Yes, it was.

15 Q Now, Mr. Nelson, the individuals that you
16 spoke to initially at America Mobile Home Park,
17 for example, would you be able to recognize them
18 now?

19 A I really don't know if I would or not,
20 sir, it's been so long ago. Like I said, once I
21 got here and we located a body, my primary was to
22 secure the scene and wait on the investigators. I
23 didn't question anybody after that.

24 MR. CORBETT: Thank you very much. That's
25 all the questions I have.

1 THE COURT: Mr. Johnson.

2 MR. JOHNSON: Thank you, Your Honor.

3 Cross Examination by Mr. Johnson:

4 Q Mr. Nelson, how are you doing?

5 A Pretty good, sir.

6 Q After you got to the scene where the body
7 was---

8 A Yes, sir.

9 Q ---the people that came back over, those
10 were some of same people that was in that group,
11 where the individuals told you there was a body
12 down there.

13 A Yes, sir. There was two of them. A male
14 and a female.

15 Q And they wasn't trying to avoid you or
16 anything. They actually came out.

17 A They came back to their residence that was
18 there.

19 Q Because that's how they knew a body was
20 there. They came and told you.

21 A Well they didn't come and tell me. Like I
22 said, I walked around the corner. They were at
23 another location a mile or a mile and a half away.

24 Q They were talking to somebody.

25 A Yes, sir. They were talking to somebody.

1 And when he saw me in uniform, the gentleman came
2 over to me and told me.

3 Q Right. He didn't run from you. He came
4 to you.

5 A No, sir. He did not run from me.

6 Q He cooperated and told you what he.

7 A Yes, sir.

8 Q Then when you got to actual location where
9 the body was, you secured the area.

10 A Yes, sir.

11 Q The dog was still there, right?

12 A The dog was in the car.

13 Q But nobody ever asked you to try to track
14 anything from where the body was, did they?

15 A No, sir.

16 Q And you had nothing else to do with it
17 from there on, did you?

18 A I just secured the scene and stayed on the
19 scene the whole time until the investigators left.

20 Q And as far as any information you have as
21 related to who killed the individual, you don't
22 know nothing, do you?

23 A No, sir.

24 MR. JOHNSON: I have no other questions
25 for you.

1 THE COURT: Redirect.

2 Redirect Examination by Mr. Corbett:

3 Q Mr. Nelson, just let me briefly follow up
4 there. The reason that you went from American
5 Mobile Home Park to what you refer to as Harwood.

6 A Yes, sir.

7 Q I think I may have referred to as Gem; was
8 an individual came up to you and told you about
9 it?

10 A Yes.

11 Q It wasn't a call dispatched to you or
12 anything of that nature.

13 A No, sir. One of the gentleman that we
14 walked out on, actually came from the front door
15 and told me this gentleman was over there.

16 MR. CORBETT: Thank you. That's all I
17 have.

18 MR. JOHNSON: I have nothing else, Your
19 Honor.

20 THE COURT: Thank you, Mr. Nelson. Step
21 down. Ladies and gentlemen of the jury, we will
22 take a recess after this next witness, unless
23 somebody needs to know. Anybody need to take a
24 break now?

25 (Whereupon, no response.)

1 THE COURT: Mr. Corbett.

2 MR. CORBETT: Your Honor, I believe our
3 next witness is going to be Brian Horton.

4 Brian James Horton, being first duly
5 sworn, testified as follows.

6 THE BAILIFF: Please state your full name
7 and spell your last name for the record.

8 A I'm Brian James Horton, H-O-R-T-O-N.

9 THE COURT: Brian with an I?

10 A With an I, yes, sir.

11 Direct Examination by Mr. Corbett:

12 MR. CORBETT: Your Honor, bear with me
13 just one moment, please.

14 Q Mr. Horton, how are you this afternoon?

15 A I'm good, sir, how are you.

16 Q Good. I know I'll have to back track a
17 little bit. By whom are you currently employed?

18 A I am employed by the City of Greenville
19 Fire Department in Greenville, South Carolina.

20 Q How long have you been with the City of
21 Greenville?

22 A For a year and a half.

23 Q Prior to being with the City of
24 Greenville, where were you employed?

25 A I was employed with the City of Sumter

1 Fire Department.

2 Q And how long were you with the City of
3 Sumter Fire Department?

4 A I believe it was 17 and a half years. And
5 I was also with Sumter County as a volunteer for
6 20 years.

7 Q Very well. And in connection with your
8 fire fighting, have you been to various training
9 classes?

10 A Yes, sir. I have attended probably I
11 think it's on my Curriculum Vitae, probably 1700
12 hours in fire cause and origin. I've testified as
13 an expert, been qualified as an expert. I have
14 helped write the arson program at the fire academy
15 and helped teach that program currently.

16 MR. CORBETT: Your Honor, with regard to
17 that, I was going to ask the witness some
18 additional questions. My intention and purpose is
19 to qualify him as an expert. Is your field known
20 as arson investigation or cause and origin?

21 A I've been qualified in this judicial
22 system as both, cause and origin, and expert in
23 arson.

24 MR. JOHNSON: Your Honor, there is no
25 additional questions. I will accept him as an

1 expert in that area.

2 THE COURT: Very well. Mr. Corbett, do
3 you want to ask him anymore questions about his
4 qualifications?

5 MR. CORBETT: If Mr. Johnson will
6 stipulate to him being an expert in those two
7 fields, we would just ask the court to advise the
8 jury of that.

9 THE COURT: He's qualified as an expert in
10 the field of origin and cause and also arson
11 investigation. Ladies and gentlemen, I spoke to
12 you briefly yesterday about the rules of evidence
13 that we have. Typically those rules do not allow
14 those witnesses to testify and give opinions. We
15 call those witnesses lay witnesses. They can
16 testify to what they saw or heard, smelled or
17 touched. There is an exception in the rules for
18 There is an exception in the rules for witnesses
19 who are expert witnesses. And those are witnesses
20 who are qualified by education, training or
21 experience in a particular field or fields. Those
22 witnesses can give opinions and they can give the
23 reasons for those opinions. I will instruct you
24 more closely at the end of the case, but you are
25 to weigh the testimony of an expert just as you

1 would any other witness. And you are to give the
2 testimony the weight that you believe it deserves.
3 But the witness is qualified as an expert in
4 origin and cause, or cause and origin, whichever
5 the correct order would be, and also arson
6 investigation.

7 Q Mr. Horton, were you with the Sumter
8 Department back in 2011?

9 A Yes, sir, I was.

10 Q Specifically the early morning hours of
11 April 10th. Do you have some recollection of
12 responding to a vehicle fire?

13 A Yes, sir.

14 Q Do you remember the location of that
15 vehicle fire?

16 A Yes, sir. It was between North Lake and
17 South Lake Cherryvale. There's a -- it's where
18 the two roads come together in kind of a swampy
19 area, where it crosses over and under an underpass
20 or canal, whatever you want to say, it goes right
21 there, but yes, sir.

22 Q There along with the lake on either side?

23 A There's a lake on both sides. There's a
24 piping under the road where the water hits from
25 one side to the other.

1 Q And I'm going to start with these
2 pictures. And we're going to add a few to it.
3 But if you would -- well let me do these by number
4 please. State's No. 14, 15, 16 and 17. If you
5 would please take a moment to look at those.

6 A Yes, sir.

7 Q Okay. What are those pictures of?

8 A It's of a burnt vehicle. That was -- I
9 believe I took these pictures there on the scene
10 between North Lake and South Lake Cherryvale on
11 the night of that fire.

12 Q Now if you would please -- well you
13 responded there with the fire department?

14 A Yes, sir.

15 Q And based on your initial arrival at the
16 scene and what you observed, what did these
17 circumstances and events lead you to?

18 A When I arrived on the scene, I heard the
19 call come out initially. I was volunteering with
20 Cherryvale, who was the first responding fire
21 department in that area. I didn't live too far
22 from this location, so I responded -- I went
23 straight to the scene.

24 When I arrived on the scene, I seen the
25 vehicle in the middle of the roadway, with the

1 doors open on the driver's side. And the fire was
2 burning inside the passenger compartment where
3 people sit at. I remember walking around the
4 vehicle, didn't see anyone around the vehicle.
5 The engine compartment was not burnt. The hood
6 area was not burnt. The trunk area was not burnt.
7 But the fire was burning inside the vehicle on the
8 seat cushions. The seat areas were actually
9 burning. They were pretty well involved. And the
10 fire was starting to come out of the doors. So
11 the fire was burning a pretty good amount at that
12 point when I got there. And then we were waiting
13 on the trucks to get there to extinguish the fire.

14 Q Now again, I am not an expert in fire, but
15 just looking in that photograph, it appears that
16 the interior of that vehicle was pretty well
17 consumed, does it not?

18 A That's correct. That's where the most --
19 that's where the heaviest the fire load was when
20 we got there. The interior was burning the
21 vehicle. If the engine department was burning the
22 vehicle, you could see the fire coming from
23 underneath the hood, the tires burning. The tires
24 were in tack in the vehicle. I mean, I walked
25 around the vehicle, the fire was coming out of the

1 passenger compartment. Make sure no one is around
2 the vehicle, nobody in the vehicle. And like I
3 said, the doors were open on the driver's side.

4 Q Now based on your training and experience,
5 did you have an opinion as to what caused this?

6 A In looking at it, because there was no one
7 around the vehicle, and it's in the middle of the
8 roadway, we called the sheriff's office to begin
9 with to come out with us. In looking at the fire,
10 the engine compartment was isolated. There was no
11 damage to the engine compartment to the battery
12 areas. The electrical system under hood appeared
13 to be in good condition. It wasn't damaged at
14 that point. And due to the fact that the rear of
15 the vehicle was in tact, the tires were in tact,
16 and the fire appeared to be on the cushions and
17 the chairs of the vehicle, and the fact that no
18 one was around it and on the roadway, we felt like
19 it was probably an incendiary fire and that's
20 we -- or potentially set fire. And that's why we
21 called, I called the sheriff's office to come out
22 as well.

23 Q So is it your professional opinion that
24 this vehicle was deliberately burned?

25 A Yes, it does appear to be an accidental.

1 We thought it was intentionally set fire. And
2 based on what we seen at the scene, that's why we
3 called the sheriff's office to further investigate
4 it.

5 (Photographs marked State's Exhibit Nos.
6 24, 25, 26 for id. only.)

7 Q Now if you would look at what's been
8 marked as State's Exhibits 24, 25 and 26.

9 A Okay.

10 Q Now are those some additional pictures
11 that you took of the same vehicle that we
12 previously looked at?

13 A They are. They are more of an interior
14 shot of the vehicle where the seats were. And the
15 condition of the interior of the vehicle after the
16 fire.

17 MR. CORBETT: If we could, I'm going to,
18 well first of all, let me check with Mr. Johnson.

19 THE COURT: Any objection?

20 MR. JOHNSON: I have none, Your Honor.

21 THE COURT: 24, 25 and 26 are in.

22 (Photographs marked State's Exhibit Nos.
23 24, 25, and 26 into evidence.)

24 Q Mr. Horton, if you would, I am going to
25 put these on the monitor. And some of the

1 information you were just sharing with us about
2 what you're looking for in determining cause and
3 origin, if you can kind of sort of walk the jury
4 through that.

5 A When you look inside that vehicle, that's
6 actually the back seat of the vehicle.

7 Q Hold up just a moment.

8 THE COURT: The witness can go over there
9 and position the document on that screen and talk
10 about it. I think there's a little way you can do
11 your fingernail on it too.

12 A The -- now that's the rear of vehicle. If
13 you notice the driver -- that's the rear passenger
14 door was open. And what you see there---

15 MR. CORBETT: If it's all right, I am
16 going to have you come down here. And that way
17 you can point out anything on that that particular
18 picture.

19 (Whereupon, the witness steps down from
20 the witness stand.)

21 A If you look that is what is left of the
22 seats. That's the spring materials you will see.
23 Typically it's covered with a cushion and a
24 polyurethane type material. None of that was
25 present. Typically when you see a fire you will

1 see remnants of material still left in a vehicle.
2 You could be depending on extent, normally get
3 those types of things. When I arrived on the
4 scene, the whole rear of that back area was
5 completely involved. There was mats. There was
6 no cushions up. There was no material left. And
7 it was ascending into the front of the
8 compartments or the front part or the driver's
9 seat was the passenger seat, which was actually
10 burn on the front seats as well. But that's the
11 back of -- it's the rear seat. And then what
12 you're looking at here, is the back of the
13 driver's seat, and the back of the passenger seat.
14 It just doesn't have cushion on it. It's what is
15 the left after the fire. It's the steel and
16 metal.

17 Q That's No. 24. Now if you will take 25
18 and tell us a little bit about that.

19 A If you're looking at it here, what you see
20 right here is what's left of the center console
21 area. The emergency brake is there. As you look
22 forward and go up to where the front of the dash
23 is on the vehicle, it's usually covered some type
24 of a leather or cloth or whatever of type of
25 vehicle it is you see. And then you see some of

1 wiring from the main wiring in the vehicle.

2 Again, when we first got there, the fire
3 was burning, the interior was kind of going
4 towards from the back seat towards the front seat.
5 And as I looked in the vehicle and looked at a
6 distance, you can still see, most of that material
7 is still there. The fire was more in the back
8 than it was in the front of the vehicle. You can
9 also -- if you look there on the floor, is what is
10 left of the steering wheel as well.

11 Q I think this is a little bit wider view,
12 if you will show us that as well.

13 THE COURT: What number is that?

14 MR. CORBETT: I'm sorry, Judge. State's
15 26.

16 Q Again, this is a wider shot. It's showing
17 more of, you see the passenger seat and the
18 driver's seat. You can see where the dash area
19 is, and what was left. And where the dash is
20 after the fire. That's where we determined the
21 fire was inside that compartment. You can see
22 when I first got there and observed myself, and
23 where we mostly put the fire out.

24 MR. CORBETT: I am going to let you go
25 back to the witness stand.

1 (Whereupon, the witness resumes the
2 witness stand.)

3 Q Let me ask it this way first. Do you
4 recall approximately what time you responded to
5 this call?

6 A I don't. Cherryvale got toned out by our
7 dispatch center. And I left my residence and I
8 arrived on the scene. I was the first one on the
9 scene. I know that much. The time I don't know.

10 Q I am going to show you this document and
11 ask if you can to identify that.

12 A It appears be to CAD, which will come from
13 law enforcement off of our computer dispatch,
14 which is a CAD. So when you call 911, the call
15 comes in, it time stamps it and will dispatch it
16 to us. And it should time stamp each time when a
17 person leaves or arrives on the scene as well.

18 Q From that document, are you able to
19 determine approximately what time the fire
20 department would have been dispatched out?

21 A I believe this is at 19:52, but it's hard
22 to read this copy. I can't. Or excuse me, yes,
23 down here at the bottom call received. It says
24 call received 19:52.

25 Q Now 00:19:52 what is that?

1 A 00:19:52, should be military time for
2 11:52. I think, no, excuse me. 24 hours, I am
3 sorry. Military time 19:00.

4 Q I had somebody in the military get this
5 mixed up one time.

6 A Yeah, so it's---

7 Q 00 is just after midnight, that's correct?

8 MR. JOHNSON: Your Honor, he's testifying
9 for the witness.

10 Q I'm sorry. If you know.

11 THE COURT: Sustained. He can tell from
12 the document.

13 A If it's using 24-hour military time, again
14 we have a fire report that I would have filled out
15 that would have had this as differently than what
16 I normally look at. But it's 00:19:48 is
17 24 hours minutes and seconds on this CAD report,
18 then it would 19, 19 minutes after midnight. So
19 it's 19 after midnight.

20 Q Now maybe we have -- I believe we may have
21 already addressed this. But based on your
22 training and your experience and your opinion
23 regarding the cause and origin of this vehicle
24 fire, is what?

25 A It was an intentionally set fire.

1 MR. CORBETT: Thank you. That's all the
2 questions I have.

3 THE COURT: Mr. Johnson.

4 MR. JOHNSON: Thank you, Your Honor.

5 Cross Examination by Mr. Johnson

6 Q Good afternoon.

7 A Good afternoon, sir.

8 Q Just a couple of questions for you. I
9 have a copy of a county incident report. Will you
10 please take a look at that. Your Honor, if I
11 could approach.

12 THE COURT: Yes, sir.

13 Q Just to try to refresh your memory.

14 A Okay.

15 Q I want to ask you some questions about
16 that. When you initially receive your report, do
17 you get some of that basic information that was on
18 that report; such as, who reported, and what you
19 was going to?

20 A When we get the information from dispatch,
21 it's typically sent to us that where we're going,
22 and what type of fire it is.

23 Q But as far as who was reporting it, you
24 didn't get that information.

25 A No, sir. We wouldn't told by dispatch.

1 Our priority is where the call is, and what type
2 of call is it.

3 Q So you actually was one of the first at
4 the scene, correct?

5 A I was first from the department, yes, sir,
6 on the scene.

7 THE COURT: There is some behind you.

8 Q This has been marked, I guess, Defendant's
9 Exhibit No. 24.

10 THE COURT: State's 24.

11 Q I'm sorry. State's 24.

12 A Yes, sir.

13 Q Would you take a look at that?

14 A Yes, sir.

15 Q Do you recognize that?

16 A Yes, sir.

17 Q What is that?

18 A It's a picture of the back seat area of
19 vehicle.

20 MR. JOHNSON: Your Honor, if he could step
21 down and put it on the screen.

22 (Whereupon, the witness steps down from
23 the witness stand.)

24 Q Now is that a picture of the back of the
25 car? I mean, that's the, could you point out what

1 that picture is?

2 A Is it the passenger compartment where
3 people sit at. And this is the, what's left of
4 the back seat of the back of that vehicle. And
5 this is the driver's seat. And the passenger
6 front seat of the vehicle.

7 Q Now did you examine this area after the
8 fire was put out?

9 A I looked at the fire. I looked in the
10 area for anything that would be electrical in
11 there, anything that would possibly cause the fire
12 to be there. I didn't see anything in that seat
13 area whatsoever. I did not have an occupant on
14 the scene to talk to about the fire. And what I
15 observed when I got there, is where the fire was
16 burning heaviest at, was the most consumptions
17 from the fire was in that back seat area.

18 Q Did you find any bullet holes?

19 A No, sir. I wasn't looking for bullet
20 holes.

21 Q Did you see any?

22 A No, sir.

23 Q On the head rest area if you could point
24 at that here?

25 A Yes, sir.

1 Q Now that's where the head rest was, right?

2 A Yes, sir.

3 Q Now on the head rest, that's where the
4 cover is holding?

5 A There's usually some type of polyurethane
6 material and then a leather or cloth something in
7 the area.

8 Q And the head rest material looks like it
9 was just -- where the head rest is at, it looks
10 like it was just burnt. It was not damaged at
11 all, was it?

12 A There is no metals. There is no material
13 left at all. Just metal.

14 Q Right. But there's no damage to the
15 metal.

16 A No, sir, where there is metal I can see.

17 Q So in your opinion when you look at that
18 metal, and if you look at damage such as a
19 gunshot damage like from a shotgun, shooting
20 somebody in the back of the head, does that appear
21 to be damaged?

22 A I wasn't looking for that. I mean I---

23 Q I'm asking, do you see if now.

24 A Without having any other type of material
25 there, cloth or anything else, I couldn't tell

1 you, sir.

2 Q As far as looking at the metal, does it
3 appear to be damaged?

4 A The metal does not appear to be damaged,
5 no, sir.

6 MR. JOHNSON: I have no questions.

7 THE COURT: Redirect?

8 MR. CORBETT: Nothing on redirect, Your
9 Honor.

10 THE COURT: Thank you, Mr. Horton.
11 Travel safely. Can the witness be excused?

12 MR. CORBETT: From the State's
13 perspective, yes, Your Honor.

14 MR. JOHNSON: I have no need of him, Your
15 Honor.

16 THE COURT: Thank You. Ladies and
17 gentlemen, we are going to take an afternoon break
18 at this time. It will be about 10 minutes. When
19 we're ready to resume, if you're not quite ready
20 to come back out, just let the bailiff know.
21 There are certainly I guess, soft drinks in there,
22 Mr. Bradley.

23 MR. BRADLEY: Yes, sir, Judge.

24 THE COURT: Water and whatever else there
25 might be. Just help yourself. And we'll take a

1 10 minute break. Of course you may not discuss
2 the to case in any way at all. Thank you.

3 (Whereupon, the Court Breaks.)

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 THE COURT: Mr. Corbett, is the State
7 ready.

8 MR. CORBETT: The State is ready.

9 THE COURT: Mr. Johnson is the defense
10 ready.

11 MR. JOHNSON: Defense is ready.

12 THE COURT: You can bring in the jury.

13 (Whereupon, the following takes place
14 within the presence of the jury.)

15 THE COURT: Mr. Corbett.

16 MR. CORBETT: The State calls offer
17 Officer Willie McFadden.

18 Officer Willie McFadden, being
19 first duly sworn, testified as follows.

20 THE BAILIFF: Please state your full name
21 and spell your last name for the record.

22 A Willie McFadden. M-C-F-A-D-D-E-N.

23 Direct Examination by Mr. Corbett:

24 Q Officer McFadden, good afternoon.

25 A Good afternoon, sir.

Officer McFadden-Direct by Corbett

1 Q Now I know this is going to be an obvious
2 question, by whom are you employed?

3 A At this time of the incident or?

4 Q Right now.

5 A Right now with Sumter Police Department.

6 Q And how long have you been with the Sumter
7 Police Department?

8 A Since April of this year.

9 Q Now did you at one time work for the
10 Sumter County Sheriff's Department?

11 A Yes, that's correct.

12 Q And when did you work for Sumter County
13 Sheriff's Department?

14 A I started in May 2005.

15 Q And how long were with them?

16 A Until July of 2012.

17 Q So you were working with the sheriff's
18 department in April of 2011.

19 A That is correct.

20 Q Now did you become involved in the case
21 wherein Darrell Epps was murdered?

22 A Yes, I was.

23 Q First of all, tell us because you knew
24 Darrell Epps?

25 A Yes, sir, I did.

Officer McFadden-Direct by Corbett

1 Q How did you know Darrell Epps?

2 A At that time with my fiancée, her sister
3 was basically dating him.

4 Q What is, you said at that time my fiancée.

5 A Yeah, April McFadden.

6 Q What is your current status?

7 A We are married.

8 Q So you're married to April McFadden.

9 A That's correct.

10 Q And April's sister is Krystal Skinner?

11 A Skinner, yes, sir.

12 Q And I don't want to put words in your
13 mouth, but Krystal at that time was dating or the
14 fiancée of Darrell.

15 A That is correct.

16 Q Now back in April of 2011, what were your
17 duties with the sheriff's department?

18 A My main assignment, I was assigned to the
19 CAD team. I was working the Cherryvale area.

20 Q So you're familiar with that area.

21 A Yes, sir.

22 Q Tell me how did you first become involved
23 in this case whether officially or through family
24 connections, how did you become aware of the
25 circumstances?

Officer McFadden-Direct by Corbett

1 A What I first remember is Krystal calling
2 my wife April early that morning. And my wife
3 actually left and went to help her look for
4 Darrell early that morning. I thought this was
5 just maybe he might have spend the night
6 somewhere, or out, or whatever the situation might
7 have been. But and then as they further couldn't
8 get in contact with him, you know, she called me
9 and I was coming to work that day. When I came
10 out to work that morning, that's when I initially
11 tried to help them locate Darrell as well, just to
12 make sure everything was all right.

13 Q Now at this point and time, it was not a
14 police investigation.

15 A No, sir. It was pretty much a missing
16 person investigation.

17 Q Now if you would, sort of tell us how it
18 proceeded, and what the steps accelerated to.

19 A I met them. I first, when I came out, I
20 met them in Lynchburg at a, I think the name of
21 the place was T-Bubba's lounge off of the Lynch's
22 River Road. Highway 53, if I am mistaken. I went
23 out there and talked to his cousin. And then
24 initially stated that, I guess, he's was supposed
25 to be going to a club.

Officer McFadden-Direct by Corbett

1 MR. JOHNSON: Your Honor.

2 THE COURT: Wait just a second.

3 MR. JOHNSON: Objection, that's hearsay.

4 THE COURT: Well I guess it all depends on
5 what the answer is. Of course, We don't know
6 that. Mr. Corbett, if you could streamline it.
7 If it's something you feel necessary to get in
8 that you feel isn't hearsay or there is an
9 exception, you can -- we can take it up
10 separately.

11 Q Very well. Let's do it this way. Let me
12 stop you there and ask another question. So you
13 and some family members were going out in the
14 Sumter area looking for him.

15 A That's correct.

16 Q Now at some point you went to, do I call
17 it Lynchburg or Shiloh area?

18 A It's known as both, Lynchburg/Shiloh.

19 Q Now you talked with some individuals
20 there.

21 A Yes, sir.

22 Q What did you do next?

23 A I got the description of the vehicle that
24 he was driving. And that's when I called dispatch
25 to see if that if that was as vehicle that maybe

Officer McFadden-Direct by Corbett

1 towed or something like that. And they did
2 confirm that a vehicle was towed that was burnt
3 last night matching that description.

4 Q So at this point, you have called in to
5 dispatch.

6 A Yes, sir.

7 Q And---

8 A They give me the location.

9 Q I just want to make -- at this point, you
10 did not know the vehicle was burned.

11 A No, sir.

12 Q So you called dispatch. And you were
13 asking them if they had any tow reports or other
14 information about this particular white SUV.

15 A Yes, sir.

16 Q And then what information did you receive?

17 A I received information from my dispatch
18 that a vehicle fitting that description was burnt
19 on South Lake Cherryvale Drive. South Lake or
20 North Lake. I couldn't remember exactly which
21 one. But it's right there in the middle of the
22 curve.

23 Q Now after receiving that information, what
24 did you do?

25 A I went to that burnt sight. The burn

Officer McFadden-Direct by Corbett

1 scene where the vehicle was at on the North Lake
2 Cherryvale Drive. And tried to see if there was
3 anything out. Any evidence that we can see that
4 or maybe other than him being missing.

5 Q Now you went to that location. Did you
6 find anything relevant at that location?

7 A There was a black tee shirt there.
8 Whether it was his or somebody else's, I don't
9 know.

10 Q And what did you do from that location --
11 where did you go from there?

12 A I actually stayed there and looking, the
13 shift, some of the people from shift came out and
14 helped us look through the area. And make sure
15 there wasn't nobody in the area. Then we had a
16 K-9 officer out there. And Lieutenant Rick Nelson
17 was also on the scene.

18 Q Now at some point and time, did you see
19 the vehicle?

20 A I -- yes, sir. I went to Kenny's towing.

21 Q So the vehicle was not at the location on
22 Cherryvale at that point and time.

23 A Oh, no, sir. No, sir. It's already been
24 towed. And we did go out there, Krystal and April
25 and other family members was out there, and they

Officer McFadden-Direct by Corbett

1 were able to verify that that was the truck that
2 he was in, to Ken & Sons Towing.

3 Q Ken & Son's Towing is where the vehicle
4 was.

5 A Yes, sir.

6 Q I just want sure I am tracking correct.
7 Sometime that morning or midday, I'm sorry,
8 sometime -- about what time did you become aware
9 of this?

10 A I have to be honest with you, I don't
11 recall exactly what time it was.

12 Q But your initial steps were, you were
13 looking for Darrell.

14 A Uh-huh. (Affirmative.)

15 Q Called dispatch. Discovered a vehicle
16 matching the description had been burned.

17 A Yes, sir.

18 Q Now did you -- I'm sorry, did you go to
19 Ken & Son's first?

20 A I went there first. Ken & Son's Towing
21 first, and then to the burn site. I just wanted
22 to make sure that was the vehicle that he was in
23 before I went out there.

24 Q Okay. So we've gone to Ken & Son's to see
25 the vehicle. Now we're at North Lake Cherryvale.

Officer McFadden-Direct by Corbett

1 A Yes, sir.

2 Q What do you do next?

3 A I stayed at the burn site while they
4 looked for a possible, you know, body.

5 Q Ultimately where did you go from that
6 location?

7 A I then go to Gem Mobile Home Park after
8 everything was taken care of there. I went there
9 to assist with the scene, and also verify Darrell
10 Epps.

11 Q Now I am going to show you what already
12 has been admitted as State's Exhibits No. 19
13 through, I believe 24. Excuse me, 19 through 23.

14 A Yes, sir.

15 Q And ask if you can identify those.

16 A This is the scene from the Gem Mobile Home
17 Park.

18 Q Now in those pictures are you able to see
19 where the body of Mr. Epps was found?

20 A Yes, sir.

21 Q Was that the position of the body when you
22 arrived?

23 A Yes, sir.

24 Q Did it fall to you to identify Mr. Epps?

25 A Yes, sir.

Officer McFadden-Direct by Corbett

1 Q So you were the one that identified the
2 body?

3 A Yes, sir. I told them who it was.

4 Q Now I am going to show you this document,
5 and ask if that looks familiar.

6 A Yes, sir. This is a Crime Scene form with
7 Sumter County Sheriff's Office.

8 Q Does your name appear on that document?

9 A Yes, it is.

10 Q In terms of that document, does that give
11 you some indication of about what time you arrived
12 at Gem?

13 A Yes, sir.

14 Q When was that?

15 A It says 15:30. That is 3:30 p.m. in the
16 afternoon.

17 Q Now this is going to sound like a
18 technical question but I have to ask you this.

19 A Yes, sir.

20 Q In terms of where Mr. Epps' body was
21 found, you've referred to as Gem Mobile Home Park.

22 A Yes, sir.

23 Q Is that located in Sumter County?

24 A Yes, it is.

25 Q Can you give us kind of a brief

Officer McFadden-Direct by Corbett

1 description of where Gem is located?

2 A As you, just before

3 on , , on the left hand

4 side.

5 Q Now let me show you this. This has been

6 marked for identification as State's Exhibit

7 No. 10, and ask if you can identify that.

8 A Yes, sir.

9 Q What is that item?

10 A This is the hat that I collected in front

11 of a vacant business in the roadway. In the front

12 of American Mobile Home Park on Broad Street.

13 MR. CORBETT: Your Honor, at this time, we

14 would move State's No. 10 into evidence.

15 MR. JOHNSON: Your Honor, I object.

16 THE COURT: Basis?

17 MR. JOHNSON: It has not been identified

18 as having any relationship in this case.

19 THE COURT: We will talk about that later.

20 But it's been offered, so I will consider that at

21 next break, Mr. Corbett.

22 MR. CORBETT: Yes, sir.

23 (Baseball hat marked State's Exhibit No.

24 10 for Id. only.)

25 THE COURT: The witness testified that he

Officer McFadden-Direct by Corbett

1 retrieved from the street in front of American
2 Mobile Home Park.

3 MR. CORBETT: That is correct, Judge.
4 Highway 378.

5 Q In terms of recovering the hat, were you
6 directed to that location?

7 A Yes, sir. I don't recall who directed me
8 that way at all.

9 Q But you were advised that the hat was in
10 that area?

11 A Yes, sir. It was a hat over there. Yes,
12 sir.

13 Q Let me show you this document, and ask if
14 you identify that.

15 A This is the Sumter County Sheriff's Office
16 evidence, Chain of Custody.

17 Q And which piece of evidence is referred to
18 on that form?

19 A It's a red baseball hat with the white
20 letter with a C on the front.

21 Q Does that form, is it in reference to this
22 item?

23 A Yes, it is.

24 Q And what other information is contained on
25 that form?

Officer McFadden-Direct by Corbett

1 A It has the name, Darrell Epps. Received
2 from in the roadway in front of a vacant building,
3 4362 Broad Street in Sumter, South Carolina. It
4 has the address information of Darrell Epps.
5 Offense. Case number. Date and time received,
6 and the officer's name and computer number.

7 Q Okay.

8 A And also who took it. Who took this Chain
9 of Custody. The other officer had took it into
10 custody and put into evidence.

11 Q Is it your name that's on the form?

12 A Yes, it is.

13 Q And does it indicate what date you
14 recovered it?

15 A Yes, it does.

16 Q And what is that?

17 A It says April 10th 2011 at 16:15.

18 MR. CORBETT: Your Honor, we would offer
19 this as State's Exhibit, I believe we're up to 27,
20 Judge.

21 THE COURT: So what he has identified as
22 the chain of custody form?

23 MR. CORBETT: That's correct.

24 THE COURT: Any objection, Mr. Johnson?

25 MR. JOHNSON: I have no objection.

Officer McFadden-Direct by Corbett

1 THE COURT: That's in.

2 (Chain of Custody marked State's Exhibit
3 No. 27 into evidence.)

4 THE COURT: The only item is the hat on
5 that form. Is that what the witness said?

6 MR. CORBETT: That is correct, Judge.

7 MR. JOHNSON: Your Honor, just for
8 clarification, I have no objection to the Chain of
9 Custody coming in, if that exists. But I still
10 hold my objection to the hat. I would like to
11 address the court about that.

12 THE COURT: We will do that in just a
13 minute.

14 MR. JOHNSON: Thank you.

15 MR. CORBETT: Mr. McFadden, thank you very
16 much. please answer any questions Mr. Johnson
17 has.

18 THE COURT: Mr. Johnson.

19 Cross Examination by Mr. Johnson:

20 Q Just a couple of quick questions. The
21 Chain of Custody form, that's just a standard form
22 you fill out when you collect any type of
23 material, correct?

24 A In fact evidence, yes, sir.

25 Q And the evidence and the information that

Officer McFadden-Direct by Corbett

1 you put on top of the form, you collected evidence
2 in relationship to that case, but that doesn't
3 mean that that evidence is connected to that case,
4 is that correct?

5 A What do you mean? Say that one more time.

6 Q You collected this evidence as you was
7 working on this particular case.

8 A Correct.

9 Q But you have no evidence that that
10 evidence is actually connected to the case, do
11 you?

12 A That's where I collected it for, the
13 evidence for this case.

14 Q Right. But you have no evidence that --
15 you just picked this up while you was
16 investigating this case.

17 A Yes, sir.

18 Q And you have and so what I am saying is
19 that, you have no have Other knowledge about this
20 hat except that you collected this hat in
21 relationship to this case.

22 A Yes, sir. That is correct.

23 MR. JOHNSON: I no other questions.

24 THE COURT: Redirect?

25 Redirect Examination by Mr. Corbett:

Officer McFadden-Redirect by Corbett

1 Q But your collection of that piece of
2 evidence was information provided by someone else.

3 A Yes, sir.

4 THE COURT: Anything else, Mr. Johnson?

5 Recross Examination by Mr. Johnson:

6 Q But you don't know who gave you that
7 information for picking up the hat.

8 A No, sir. I don't recall.

9 THE COURT: Anything else?

10 MR. CORBETT: No, sir, Your Honor.

11 THE COURT: Thank you, sir. You can step
12 down. Can I see the lawyers for just a minute?

13 (Whereupon, the attorneys approach and
14 confer with judge.)

15 THE COURT: Ladies and gentlemen, for
16 reasons that are my fault, we are going to stop
17 early today. And I apologize for that. So
18 we're going to break now for the day. We'll get
19 back tomorrow at 9:30. So you know what I am
20 going to tell you next between now and then.
21 Don't read anything about this case. Don't watch
22 anything about it, listen to anything about it.
23 Don't gather any information about it at all.
24 Don't blog, tweet, facebook, whatever else you
25 might do or whatever else can be done. You can't

1 communicate or receive communications about this
2 case with anyone in the world.

3 In addition to that, if someone does
4 discuss this case in your presence, even very
5 casually, please remove yourself from that
6 situation. And please report that to your
7 foreperson so she can let a bailiff know. We'll
8 begin tomorrow morning at 9:30. Thank you for you
9 patience today. You can leave your notepads in
10 your chairs.

11 (Whereupon at 3:13 p.m. jury is
12 dismissed.)

13 THE COURT: Mr. Johnson, your objection to
14 the hat is what?

15 MR. JOHNSON: The State has any given any
16 evidence that that hat is connected to this case.
17 When they first presented this hat to the fiancée,
18 she stated that it appears to be the cap.

19 THE COURT: What is this. It was in the
20 hat.

21 MR. JOHNSON: It looks like something that
22 was found in the bushes, Your Honor, that was
23 connected with the cap.

24 THE COURT: And, you know, obviously if
25 there is, let's say it was a bloody shirt or a tee

1 shirt, you have objections, periodically to the
2 the chain of custody not being completed with the
3 person to whom Mr. McFadden gave it. It's put in
4 the evidence locker. Mr. Bean or Mr. Atkinson,
5 not Mr. Bean but Mr. Atkinson gets it out and
6 brings it to court. That's not the objection you
7 have. You Just an objection saying this isn't
8 connected to the case.

9 MR. JOHNSON: Correct. The State has not
10 presented any evidence connecting that hat. They
11 cannot have somebody says that seems similar to
12 the cap. They have to be positively identified.

13 THE COURT: Well Ms. Skinner said---

14 MR. JOHNSON: It appears to be.

15 THE COURT: Well I wrote down what she
16 said. Let me see. 4:11 yesterday afternoon,
17 No. 10 for Id. is a Cincinnati Red's hat she said
18 Darrell was wearing. It looked like it.

19 MR. JOHNSON: Looked like it. There is
20 other evidence in this case, Your Honor, related
21 to this, that the State has not presented yet.

22 THE COURT: Say again.

23 MR. JOHNSON: There is other evidence that
24 the State has given me in this case that describes
25 the hat.

1 THE COURT: They haven't given it to you?

2 MR. JOHNSON: No, they have given it.

3 THE COURT: What is that evidence?

4 MR. JOHNSON: That's the evidence from
5 Suzie Oaks, but they haven't put her up yet.

6 THE COURT: Was she there when he had the
7 hat on?

8 MR. JOHNSON: No, that's part of her
9 confession.

10 THE COURT: Given by your client, as to
11 what Ms. Oaks says.

12 MR. JOHNSON: That's a part of a
13 confession given by my client. That they stated
14 my client gave. And in that confession, Suzie
15 Oaks said my client said it was a Nike cap.

16 THE COURT: But what we have now is, we
17 have Ms. Skinner saying that it was -- it looks
18 like the hat he had on.

19 MR. JOHNSON: That is correct, Your Honor.
20 And that's my point. She could not possibly have
21 identified that cap.

22 THE COURT: She doesn't have to positively
23 identify it. She said it looked like the hat he
24 had on. It was found on the road between American
25 Mobile Home Park and Tony's Guns. How far is that

1 from where the body was found?

2 MR. JOHNSON: It's approximately maybe a
3 half a mile, Your Honor.

4 THE COURT: So the mobile home parks are
5 close together. Gem and American, are they close
6 together?

7 MR. JOHNSON: Yes.

8 THE COURT: So you don't dispute, do you
9 dispute that he had a hat on at all? If it was
10 found right next to his body, would you have a
11 problem?

12 MR. JOHNSON: I would not. But it was not
13 found next to his body. There is no evidence
14 that he had a cap on. That cap, there is no DNA
15 on that cap. There is no hair found on that cap.
16 There is no blood on that cap. And the victim in
17 this case had, he was shot in the head with a
18 shotgun.

19 THE COURT: But that doesn't mean he had
20 the hat on. You know, I frankly don't see what
21 the big deal is about the hat. Because what we
22 know is a few things. We know that Mr. Epps was
23 in that area. We know he was, because he was
24 found dead there.

25 MR. JOHNSON: I have no disagreement with

1 that. But one of the issues in this whole case,
2 Your Honor, but the State is alleging that my
3 client's alleged confession, there is certain
4 evidence, there is certain things said in the
5 confession that is so unique to this case. A red
6 hat that the confession had to be given by my
7 client, because only somebody that was there
8 would have known about it. And by the State is
9 attempting to get that in, and show a red cap,
10 showing this supposedly confession that Ms. Suzie
11 Oaks has given is true.

12 THE COURT: Well and of course I am not
13 going to -- I mean this is not my business really,
14 but it seems like to me you would want this hat
15 in, if this supposed confession talks about a
16 different kind of hat.

17 MR. JOHNSON: I understand that, Your
18 Honor. But at some point, I don't know if the
19 State is going to put Ms. Oaks up. I have to deal
20 with me at the present time. And what is before
21 me at the present time is that hat, the State has
22 not presented evidence as far as far saying that
23 hat actually belonged to Mr. Epps. If the State
24 would come in here, they could another red cap in
25 to say that this appears to be that. And then you

1 put it in.

2 THE COURT: A better question might be
3 this. Mr. Corbett, what is this relevant to?
4 What does it -- what fact in issue does it tend
5 to prove or disprove, This hat?

6 MR. CORBETT: Yes, sir. The State will
7 allege through the witness, Suzie Oaks Thomas,
8 that London Kelley said to her, that after killing
9 the victim, or I'm sorry, let me rephrase that.
10 After shooting the victim, that they were driving
11 back down the road.

12 THE COURT: With him in the car?

13 MR. CORBETT: That part -- that portion of
14 it, I can't say with certainty. But it does say
15 that the hat, a red and I believe it is referred
16 to as a red Nike hat, blew out the window.

17 THE COURT: Where?

18 MR. CORBETT: Judge, I'm sorry, I Don't
19 know. I don't think she specified an exact
20 location. I think it was more said something
21 along the lines, on the way back or something of
22 that.

23 THE COURT: Well maybe I'll wait until
24 then to decide. If she says Nike, or whatever
25 she -- I assume she gave a written statement.

1 MR. CORBETT: That is correct.

2 THE COURT: I will make my decision then.
3 Now while we're on the subject of Ms. Thomas, she
4 will be here tomorrow?

5 INVESTIGATOR THOMAS: Yes, Your Honor.

6 THE COURT: I'm the one, she is in prison
7 because I sent her there. I think everybody
8 understands that.

9 MR. CORBETT: It was either Your Honor or
10 Judge Cothran. It may have been both.

11 THE COURT: I think I gave her two
12 consecutive 5-year terms. But in any event, do
13 both sides agree that the fact that I sentenced
14 her is not to be discussed in front of the jury.
15 Everybody agree with that?

16 MR. JOHNSON: Your Honor, I would have no
17 problem in agreeing to mention your name.

18 THE COURT: No, if she's impeached, she
19 will impeached with her criminal record. It's
20 irrelevant for impeachment purposes who sentenced
21 her.

22 MR. JOHNSON: But then that is correct,
23 Your Honor. I don't have a problem with that. My
24 question is, if she comes in here and I ask her,
25 have you lied in court before, and she says no, I

1 can point out issues where she did.

2 THE COURT: To me?

3 MR. JOHNSON: Well I wouldn't mention your
4 name, but yes, to you.

5 THE COURT: And that was after I sentenced
6 her? Or I guess I -- did I reserve -- I may have
7 reserved sentencing, and she didn't show back up.

8 MR. JOHNSON: Correct, and she said she
9 would be back. So I can ask her about that
10 incident. If she comes, I can ask her if she is
11 lying.

12 THE COURT: Well I can't remember the
13 order. So if the fact that she lied in court
14 becomes an issue, it doesn't necessarily have to
15 be that she lied to me.

16 MR. JOHNSON: On, but no, Your Honor. I
17 would not mention your name.

18 THE COURT: I am trying to remove myself
19 from the jury thinking I feel one way about
20 testimony, because I was involved in her illegal
21 activities on the judicial side.

22 MR. JOHNSON: I will not be the one to
23 mention your name, Your Honor.

24 THE COURT: So if somebody feels like that
25 is necessary, I just don't think that any

1 involvement that I may have had in her criminal
2 convictions, is necessarily relevant. If you all
3 want to tell me otherwise, that's fine. But I
4 don't want the jury to be thinking that I'm also
5 questioning her credibility.

6 MR. JOHNSON: Your Honor, to me the only
7 way that your name would ever come in this case,
8 if she's not honest.

9 THE COURT: Well I don't know whether I
10 would---

11 MR. JOHNSON: That's up to her, Your
12 Honor.

13 THE COURT: I don't whether I would put it
14 that way. But perhaps you all can give me, I
15 remember it very well. I remember her numerous
16 charges. I remember her daughter. I remember her
17 telling me she was going to come back to court on
18 the day after Labor Day of 2012 maybe, and she
19 didn't come. And I remember that she was located.
20 And I thought, I can't remember the order of when
21 I sentenced her. I do remember I wasn't very
22 happy about it. I don't know whether I held her
23 in contempt or not. But if my involvement in it
24 is going to become an issue, I would like for you
25 all to alert me to that beforehand, so that I can

1 deal with it first outside the presence of the
2 jury.

3 MR. JOHNSON: I don't believe that if your
4 name will come up, Your Honor. But If I see that
5 it would, I would definitely say something to the
6 court before.

7 THE COURT: Now, Mr. Corbett, was there
8 another exhibit that I have not yet ruled on? The
9 photo, I just want to make sure that as you go
10 through this, that you don't have a mistaken
11 notion that something is in, and it's not. I
12 guess you all can with Melissa and see. The hat
13 is still for identification.

14 MR. CORBETT: Right. And there's still a
15 number of photos that are for identification.

16 THE COURT: As long as you have got a good
17 handle on that, we can cross those bridges as you
18 need to.

19 Mr. CORBETT: And, Your Honor, was
20 reserving ruling on one of the statements.

21 THE COURT: And I have got my notes on
22 that. And because of the way Ms. Witherspoon put
23 it to the jury about what she thinks was done with
24 her written statement the -- Ms. Thomas can be
25 recalled as a 16(13)(b) witness. And if those

1 blocks are laid properly, I would be inclined to
2 let in the actual 2 pages of the statement.
3 Because it's not only the fact of whether or not
4 she said it, but it what it actually physically
5 looked like on the paper. And there was another
6 statement too.

7 MR. CORBETT: That's correct, Judge. That
8 would be statement of Krystal Skinner.

9 THE COURT: And I will deal with that in
10 the morning too. Anything else? Shemaka and
11 Ms. Thomas may testify tomorrow?

12 MR. CORBETT: That's correct, Judge.
13 We're still working on spacing everyone. We also
14 have Dr. Ross scheduled tomorrow as well.

15 THE COURT: At 2 o'clock.

16 MR. CORBETT: That's correct. One of our
17 crime scene guys whose no longer with Sumter
18 County, we've got him scheduled in the morning.

19 THE COURT: Mr. Bean?

20 MR. CORBETT: No, sir, that would be
21 Mr. Richardson.

22 THE COURT: That's right, he's in
23 Lexington. So we'll be prepared to go promptly at
24 9:30.

25 MR. CORBETT: Yes, sir, Your Honor.

1 THE COURT: Mr. Johnson, anything before
2 we stop?

3 MR. JOHNSON: I can't think of anything,
4 Your Honor.

5 THE COURT: Ms. Kelley, will you stand
6 again, please. You've already told me yesterday
7 you were going to tell me the truth. You are
8 still under oath. You understand that if you're
9 not back here tomorrow by 9:15, somebody will come
10 after you with a warrant. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And also if you're not here
13 while they're out looking for you, we're going to
14 go on in their absence. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions
17 about that?

18 THE DEFENDANT: No, sir.

19 THE COURT: Okay. And in addition to
20 that, you're still forbidden from having any
21 contact with any past or future prospective
22 witnesses, do you that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And do not ask anyone to talk
25 to any of these witnesses for you. That would be

1 case whether you were in jail or out of jail. Do
2 you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Johnson knows how to do it
5 in accordance with the rules that we have, but
6 you're not permitted to do it on your own. Do you
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And if there is any question
10 about that, y'all be examined accordingly. Of
11 course taking into conjunction all of your
12 5th Amendment Rights. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Anything else, Mr. Johnson?

15 MR. JOHNSON: Nothing else Your Honor.

16 THE COURT: I'll see you all at 9:15.

17 Thank you.

18 (Whereupon, the trial commences on
19 Wednesday, October 29, 2014, at 9:15 a.m.)

20 (Whereupon, the following takes place outside
21 the presence of the jury.)

22 (Photographs marked 28 through 38 for Id.
23 only.)

24 THE COURT: Mr. Corbett, have you shown
25 Mr. Johnson the ones you had marked.

1 MR. CORBETT: I did remove several from
2 the stack.

3 THE COURT: Show them the ones or you seek
4 to introduce.

5 MR. JOHNSON: Your Honor, in looking at
6 these, I have no objection to them.

7 THE COURT: To any of them? Now there is
8 one fairly graphic one. You saw it.

9 MR. JOHNSON: Yes, sir.

10 THE COURT: That will resolve that issue.
11 Is the State ready to go?

12 MR. CORBETT: The State is ready to go,
13 Your Honor.

14 THE COURT: Is the defendant ready?

15 MR. JOHNSON: The defendant is ready, Your
16 Honor.

17 (Whereupon, the following takes place
18 within the presence of the jury.)

19 THE COURT: Good morning, Ladies and
20 gentlemen we're ready to continue. The State can
21 call its next witness.

22 MR. CORBETT: Thank you, Your Honor. The
23 State would call Bobby Richardson.

24 Robert W. Richardson, Being first
25 duly sworn, testified as follows:

1 THE BAILIFF: Please state your full name
2 and spell your last name for the record.

3 A Robert W. Richardson.
4 R-I-C-H-A-R-D-S-O-N.

5 Direct Examination by Mr. Corbett:

6 Q Mr. Richardson, good morning.

7 A Good morning.

8 Q You traveled down from Lexington County
9 for us this morning?

10 A Yes, sir.

11 Q Now I am going to ask you back in 2011, by
12 whom were you employed?

13 A By the Sumter County Sheriff's Office.

14 Q How long were with the Sumter County
15 Sheriff's office?

16 A Off and on about 27 years.

17 Q Back in 2011, specifically April of 2011,
18 what were your duties with the Sumter County
19 Sheriff's Office?

20 A I was a crime scene investigator.

21 Q Now I am going to show you what's
22 previously marked for identification as State's 28
23 through 38. Now back at that time period, April
24 10th of 2011, were you called to the scene where a
25 body was found?

Bobby Richardson-Direct by Corbett

1 A Yes, sir, I was.

2 Q Do you remember the location?

3 A Yes, sir, it was also known as
4 Gem's Mobile Home Park.

5 Q If you would please, take a moment to
6 look through those pictures and let me ask if you
7 identify those.

8 A Yes, sir. These are photographs that I
9 took that day.

10 Q I am sorry, I got a little bit ahead of
11 us. I am going to show you some photographs that
12 have already been marked. This is Sate's No. 21.
13 Excuse me. 20 and 21. That's 19. Also 22 and
14 23. Would you take a look at those for me as
15 well?

16 MR. JOHNSON: Your Honor, excuse me.

17 THE COURT: Sir?

18 MR. JOHNSON: I'm sorry. They've got to
19 use that one.

20 THE COURT: They've got to use that and
21 they're not -- those are already in. You can come
22 up here and watch what he is looking at.

23 MR. JOHNSON: That's fine.

24 A Yes, sir. These also photographs that I
25 take that day.

Bobby Richardson-Direct by Corbett

1 Q Now when you, back when you responded,
2 what were you duties with the sheriff's
3 department?

4 A I was a crime scene investigator.

5 Q And would you have been the person that
6 placed the yellow markers?

7 A Yes, sir, I would have.

8 Q Now I'm going -- the pictures that have
9 already been entered, from those pictures, does
10 that reflect the position of the body when you
11 arrived?

12 A Yes, sir, it does.

13 Q So at this point, you had not moved the
14 body or anything.

15 A No, sir.

16 Q Now I am going to show you what's been
17 marked, or is in evidence State's Exhibit No. 21.
18 And that appears to show two mobile homes and the
19 body between them?

20 A Yes, sir, that's correct.

21 Q Now I'm going to show you what's been
22 marked as State's Exhibit No. 28. Well let me do
23 this. State's 28 is that a close up of what we
24 also see in State's Exhibit No. 21?

25 A Yes, sir, it is.

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1 MR. CORBETT: Your Honor, we would offer
2 State's 28 into evidence.

3 MR. JOHNSON: No Objection, Your Honor.

4 THE COURT: 28 is in.

5 (Photograph marked State's Exhibit No. 28
6 into evidence.)

7 Q And I am going to show what's previously
8 been marked for identification as State's 29 and
9 State's 30. And does that show the position of
10 the body when you first found it?

11 A Yes, sir, it does.

12 Q By Mr. Corbett) Your Honor, we would offer
13 into evidence State's Exhibit 29 and State's No. 30?

14 MR. JOHNSON: No objection, Your Honor.

15 (Photographs marked State's Exhibit Nos.
16 29 and 30.)

17 Q Now, Mr. Richardson, when you arrived on
18 the scene, it appears in this picture that you
19 have already placed a couple of identifier
20 markers, is that correct?

21 A That is correct.

22 Q And that's the condition of the body when
23 you found it?

24 A Yes, sir, it is.

25 Q And is that a similar view?

Bobby Richardson-Direct by Corbett

1 A Yes, sir, it is just from the different
2 angle.

3 Q I am going to show you what's been marked
4 for identification as State's Exhibit No. 31,
5 State's 37 and State's 38. If you can tell us
6 what we're looking at there in those pictures.

7 A Yes, sir. These are photographs that I
8 took of a body, parts of the body.

9 Q And what does it appear to be in those
10 photographs?

11 A It's actually parts of the skull.

12 Q By Mr. Corbett) Your Honor, at this time we
13 would offer State's 31, State's 37, State's 38 into
14 evidence.

15 MR. JOHNSON: No, objection, Your Honor.

16 BY THE COURT: Those are in.

17 (Photographs marked State's Exhibit Nos.
18 31, 37 and 38 into evidence.)

19 Q Investigator Richardson, what are we
20 looking at here in this picture?

21 A That is a part of the skull along with my
22 marker No. 4, which is part of my process in
23 marking evidence.

24 Q And what are we looking at here?

25 A That is another piece of the skull with

Bobby Richardson-Direct by Corbett

1 another evidence marker, indicating Marker No. 3.

2 Q And is this one of same pictures prior to
3 placing the marker?

4 A Yes, sir, it is.

5 Q And for just a moment, and I'm sorry I
6 neglected to include No. 36, which I believe
7 falls into that same series.

8 A Yes, sir. It's also part of the skull
9 with Marker No. 2.

10 THE COURT: Has that been offered?

11 MR. CORBETT: We would offer 36 into
12 evidence.

13 MR. JOHNSON: No objection, Your Honor.

14 THE COURT: Okay.

15 (Photograph marked State's Exhibit No. 36
16 into evidence.)

17 Q And you've indicated that was another
18 piece of what appeared to be skull bone?

19 A Yes, sir, it is.

20 Q Now, Investigator Richardson, just for
21 context, I am going to put up what has already
22 been admitted State's Exhibit No. 23. Now is this
23 a wider shot referencing the markers you were just
24 referring to?

25 A Yes, sir, it is. It's the body with the

Bobby Richardson-Direct by Corbett

1 different markers indicating where the parts of
2 the skull were located.

3 Q Now I am going to show what's been marked
4 as State's Exhibit No. 32, and ask if you can
5 identify that.

6 A Yes, sir. This is a photograph of the
7 body after we turned him over.

8 Q Now at this point, you have actually
9 physically altered the stance of the body.

10 A That is correct. We physically turned the
11 body over.

12 MR. JOHNSON: Your Honor, I would like to
13 object to this picture.

14 THE COURT: Okay. If you would please,
15 Ladies and gentlemen, step out of the courtroom.
16 Go to your jury room. You may not discuss the
17 case.

18 (Whereupon, the following takes place
19 outside the presence of the jury.)

20 THE COURT: You can continue with your
21 questions. Well let me, I thought that I
22 understood that you didn't have 403 objections to
23 28 through 38. Maybe that was the one that you
24 didn't catch. That was in those ones that before
25 the jury came in, you said you didn't have any

Bobby Richardson-Direct by Corbett

1 prejudice objections to.

2 MR. JOHNSON: Well, Your Honor, that was
3 before, I wasn't aware that he had turned the body
4 over.

5 THE COURT: What is your objection to it?

6 MR. JOHNSON: My objection is, that's the
7 body altered from the original scene. And what is
8 the purpose of showing it then.

9 THE COURT: Go ahead and ask him those
10 questions, Mr. Corbett, and we will see where we
11 are on that point. And we're talking about 32, is
12 that right?

13 MR. CORBETT: That is correct, Your Honor.

14 MR. JOHNSON: That's correct, Your Honor.

15 Q I'm referring to State's No 32. And,
16 Judge, for comparison purposes I am going to place
17 State's No. 30 in front of the witness. No. 30
18 reflects how the body was found, is that correct?

19 A That is correct.

20 Q And that's more or less in a face down
21 position?

22 A That's correct, face down.

23 Q Now in State's for identification No. 32,
24 at that point, the body was turned over, is that
25 correct?

Bobby Richardson-Cross by Johnson

1 A That is correct.

2 Q And what is the purpose of turning the
3 body over to show that picture?

4 A To show the extent of the injuries to the
5 body. And explain where these other parts
6 actually came from that we found.

7 THE COURT: Anything else at this stage?

8 MR. CORBETT: Not at this stage, Your
9 Honor.

10 THE COURT: Mr. Johnson, do you have any
11 questions of the witness that you would like to
12 ask him that would help us out on your objection?

13 Cross examination by Mr. Johnson:

14 Q Were you directed to turn the body over,
15 or you just turned it over.

16 A As a standard practice, we investigate the
17 crime scene.

18 Q But so it served no particular purpose,
19 just standard what you do everytime.

20 A No, sir. We were trying to determine
21 where these extra body parts that we were finding,
22 the parts of the skull actually came from.

23 MR. JOHNSON: I have no other questions,
24 Your Honor.

25 THE COURT: Any follow up, Mr. Corbett?

Bobby Richardson-Direct by Corbett

1 MR. CORBETT: Judge, also with regard to
2 that, Investigator Richardson, in looking at
3 what's been marked for identification as State's
4 33, 34 and 35. If you'll take a look at those for
5 a moment. Now do those photographs reflect what
6 appear to gunshot wounds to the torso of the
7 victim?

8 A Yes, sir, they do.

9 Q So as part of your normal practice, you
10 would turn the body over and photograph any
11 visible injuries.

12 A That's correct.

13 MR. CORBETT: I believe, that's all that I
14 have, Your Honor.

15 THE COURT: Mr. Johnson, any questions?

16 MR. JOHNSON: I have no questions. I have
17 no objections to those three.

18 THE COURT: But how about, you still have
19 an objection to 32?

20 MR. JOHNSON: I still have an objection to
21 32.

22 THE COURT: And that is based on the fact
23 that the body was moved or turned over?

24 MR. JOHNSON: That is correct, Your Honor.
25 And it serves no purpose other than I guess to

Bobby Richardson-Direct by Corbett

1 inflame the jury is my.

2 THE COURT: Well if you've got a 403
3 objection, which is probative values being
4 substantially outweighed by the danger of unfair
5 prejudice, I thought that's what you said you
6 didn't have.

7 MR. JOHNSON: As I say, Your Honor, I have
8 no objection to the body being in -- I have no
9 problem to the pictures of the body being in the
10 normal state how it was found.

11 THE COURT: Let me ask you, I guess a
12 better way to ask it might be this. If the
13 gentleman had been found face up and a photograph
14 taken, No. 32 had been taken as, and he been found
15 exactly in that way, would you have an objection?

16 MR. JOHNSON: No, I wouldn't. My
17 objection is that the body was moved. It was not
18 in the actual spot. And that's the only reason
19 they are taking it face up. I guess it would be a
20 403 objection, Your Honor. I just wasn't aware
21 that it was moved at that time.

22 THE COURT: Mr. Corbett, to the extent
23 he's raised a 403 objection, what does that show?
24 What fact will it prove?

25 MR. CORBETT: Judge, it shows the extent

1 of the injury. It also tends to support the fact
2 that it was an intentional act. And it was an
3 intentional act with malice.

4 THE COURT: Is the pathologist going to
5 testify about the direction from which the shotgun
6 blast was fired?

7 MR. CORBETT: It's my understanding that
8 she will.

9 THE COURT: And what's her testimony going
10 to be? That it was from behind, the side, the
11 front, or what?

12 MR. CORBETT: Judge, my understanding is
13 that she will testify that the shotgun blast was
14 from the back of the head forward.

15 THE COURT: And I guess I'll need a little
16 help on that. How does that fit in a particular
17 theory that you have, and what you're trying to
18 establish? Obviously we know if he didn't die
19 from one of the other, I think somebody said,
20 6 or 7 gunshots, he likely would have died
21 obviously from that picture, from the shotgun.
22 But does she have an opinion as to which wound
23 caused his death?

24 MR. CORBETT: Judge, it is my
25 understanding of the autopsy report, that there

1 were three fatal wounds. That any of one of the
2 three would have been fatal.

3 THE COURT: And how many guns are you all,
4 do you think were used? In other words, what's
5 the evidence going to establish on that?

6 MR. CORBETT: Judge, I believe there were
7 two.

8 MR. JOHNSON: At least 2, possible 3.

9 THE COURT: What were the calibers of the
10 other two?

11 MR. CORBETT: Judge, what I am aware of
12 is, that the rounds to the body were most
13 consistent with a 380 auto.

14 MR. JOHNSON: And there is also some
15 indication of a 3 -- there were indications of
16 other rounds, Your Honor, found that could have
17 came from a 9 millimeter, but they wasn't
18 conclusive. They could have been shot out of the
19 380.

20 THE COURT: Okay.

21 MR. JOHNSON: But it was stated that it
22 was at least two guns.

23 THE COURT: Of course, the Supreme Court
24 as kind of a warning to the bench and to
25 prosecutors about photographs. It says

1 photographs calculated to arouse the sympathy or
2 prejudice of the jury, should be excluded if they
3 are irrelevant or not necessary to substantiate
4 material facts or conditions. Of course,
5 everybody knows what 403 says. Relevant evidence
6 may be excluded if it's probative value is
7 substantially outweighed by the danger of unfair
8 prejudice.

9 Of course, there are other factors. But
10 in this case, it be unfair prejudice. And to be
11 classified as unfairly prejudicial, photographs
12 must have a tendency to suggest a decision on an
13 improper basis which is commonly though not
14 necessarily, an emotional one. I am little bit
15 confused right now about what Mr. Johnson's
16 objection is. You do have a 403 objection.

17 MR. JOHNSON: Yes, I do, Your Honor.

18 THE COURT: Of course, Torres dealt with
19 autopsy photographs. The Supreme Court said and
20 affirmed the admission of the autopsy photographs
21 in that case. And it said we take this
22 opportunity to address in an area of growing
23 concern. The photographs while admissible, are at
24 the outer limits of what our law permits a jury to
25 consider. We strongly encourage all solicitors to

1 refrain from pushing the envelope on admissibility
2 in order to gain a victory, which is in all
3 likelihood was already assured because of other
4 substantial evidence. Of course at least at this
5 stage we certainly don't have that. Does this
6 tend to support anything that any other witness is
7 going to say about this defendant's involvement?

8 I think you're entitled to get in a photo
9 showing a shotgun wound. What I'm struggling with
10 is whether this is the one. Because it is
11 extremely graphic.

12 MR. CORBETT: Judge, a couple of points.
13 Obviously, it's not an autopsy. It is a photo
14 from the scene where the body was recovered.

15 THE COURT: I understand that.

16 MR. CORBETT: Second of all, of the other
17 pictures, we voluntarily removed pictures that we
18 thought were more graphic than that.

19 THE COURT: Can I see those?

20 MR. CORBETT: Yes, sir.

21 THE COURT: I guess what the Supreme Court
22 is saying, well I don't guess, I know what the
23 Supreme Court is saying; is that, there's really
24 no reason to come back. If she's convicted, there
25 is no reason to come back a second time and try

1 this case, because this photograph really didn't
2 matter in the scheme of things. I agree with you
3 the ones that you have handed me, except for that.

4 MR. CORBETT: I believe that was a
5 duplicative.

6 THE COURT: I agree with you, the ones
7 you've handed me are doubly worse. If worse is
8 the right term or doubly graphic, let's put it
9 that way. And there are no other photographs
10 perhaps from a greater distance or more of a few
11 feet way showing the wound?

12 MR. CORBETT: Judge, unfortunately,
13 they're either a considerable distance, or
14 they're, that is the nearest to, I think we would
15 say, in between that I am aware.

16 THE COURT: And you want to put these in
17 to prove what again?

18 MR. CORBETT: Judge, I think it shows
19 intentionality and it shows malice. It also
20 provides some context for the witness' testimony
21 about the bones around the body.

22 THE COURT: Now you're offered it. Are
23 other witnesses going to testify about it? About
24 that picture?

25 MR. CORBETT: Judge, I had not

1 specifically gone to this point yet. But
2 Investigator Mays was also present on the crime
3 scene that day. And his testimony may touch on
4 the photographs as well.

5 THE COURT: Anything else, Mr. Johnson?

6 MR. JOHNSON: I have nothing else, Your
7 Honor.

8 MR. CORBETT: And, Judge, and I'm sorry.
9 And I should have said obviously, if I ask the
10 pathologist if the photograph was consistent with
11 the wounds that she observed.

12 THE COURT: That's the kind of thing I'm
13 looking for. If the pathologist is going to give
14 testimony and look at that photograph and say this
15 is consistent with my opinion, that he would have
16 died from the shotgun blast, and that came from
17 behind him, that's more along the lines of what it
18 would be permitted to prove. So I'm going to hold
19 my ruling in abeyance on that. And if you can
20 link that up, I will likely let the photo in. But
21 and again, we know what the warning is.

22 There's a recent case out of an upstate
23 county, where the defendant was accused of letting
24 his pit bulls run amuck, and the child was mauled
25 beyond recognition. Those photos were allowed in,

1 in spite of that excerpt I read from State vs.
2 Torres. It's lent itself to little bit of
3 confusion about what we're supposed to do. So
4 Mr. Johnson your objection has been stated. I am
5 not going to allow it in for the jury at this
6 stage. But at the appropriate time that the
7 pathologist, I think It would be perhaps wise to
8 review these points again.

9 MR. CORBETT: Very well. And, Judge, to
10 that note so Mr. Johnson won't be surprised,
11 again, this is a very graphic, but there was a
12 substantial amount of brain matter. You saw it in
13 one of the other photographs we did not offer.

14 THE COURT: Right.

15 MR. CORBETT: That was also delivered to
16 the pathologist. As of right now, that's not an
17 issue. But that could be referenced in the
18 pathologist testimony.

19 THE COURT: So the record will be
20 preserved, the next break, would you please mark
21 the ones you did seek to introduce, which are
22 closer up and are doubly graphic in my view.

23 MR. CORBETT: Yes, sir.

24 THE COURT: So at least some other court
25 at some other time will see what you had choose

1 from.

2 THE COURT: Okay. I note, anybody need to
3 take a break.

4 THE COURT: So right at least 32 is for ID
5 only. And you can continue with your examination
6 once the jury comes in. I think you can bring
7 them in. And the dog case was State vs. Collins
8 just so the record will be clear.

9 (Whereupon, the following takes place
10 within the presence of the jury.)

11 THE COURT: Mr. Corbett, you can continue.
12 I think the witness has the photographs that you
13 are dealing with right now.

14 MR. CORBETT: Yes, sir, Your Honor.
15 Direct Examination continues by Mr. Corbett.

16 Q Mr. Richardson, I am going to show you
17 what's been marked or identification as State's
18 No. 32, just for identification at the moment.
19 Now that picture was taken after you turned the
20 body over?

21 A That is correct.

22 Q And the injuries observed, were consistent
23 with the other evidence you found around the
24 body?

25 A That is correct, yes.

Bobby Richardson-Direct by Corbett

1 Q The bone fragments.

2 A The bone fragments.

3 Q Now I am going to ask you to look at
4 State's 33, 34 and 35.

5 A Yes, sir. These are photographs that I
6 took of the injuries to the lower chest area of
7 the body after it was turned over.

8 Q And what do those appear to be?

9 A They appear to be gunshot wounds.

10 THE COURT: What number are those?

11 MR. CORBETT: Yes, sir, Judge. These are
12 34. Excuse me, 33, 34 and 35. We would offer
13 these into evidence.

14 THE COURT: Mr. Johnson.

15 MR. JOHNSON: I have no objection, Your
16 Honor.

17 THE COURT: Those are in.

18 (Photographs marked State's Exhibit Nos.
19 33, 34, and 35 into evidence.)

20 Q Investigator Richardson, we are looking at
21 State's Exhibit No. 33. And does that appear to
22 show a gunshot wound to the decedent's---

23 A Yes, sir.

24 Q ---torso?

25 A Yes, sir, It does.

Bobby Richardson-Direct by Corbett

1 Q And what are we looking at here? And this
2 is State's No. 34.

3 A That's also a gunshot wound.

4 Q And 35?

5 A Another gunshot wound to the body.

6 Q Now, Investigator Richardson, through your
7 photographs, we have observed some of your
8 evidence markers and the photographs that you took
9 at the scene. At that point and time, you as a
10 crime scene investigator, did that conclude your
11 work on the case?

12 A No, sir. Once we leave the scene,
13 additional work goes into it.

14 Q But at that point in terms of being out
15 there that day, was that your primary
16 responsibility?

17 A Yes, sir, it was.

18 Q Were you present when the body was removed
19 from the scene?

20 A Yes, sir.

21 Q By Mr. Corbett) Your Honor, just one moment
22 please. Thank you, Mr. Richardson. Please answer
23 any questions Mr. Johnson has.

24 CROSS EXAMINATION by Mr. Johnson:

25

Bobby Richardson-Direct by Corbett

1 Q Good morning.

2 A Good morning.

3 Q I just have a few questions for you. You
4 took, you're a crime scene investigator, is that
5 correct?

6 A That's correct.

7 Q So you're able to take pictures, but
8 you're also able to make determinations about
9 certain things, or make certain assessments after
10 looking at certain facts at the scene, is that
11 correct?

12 A We go by what the evidence shows.

13 Q Right. From the evidence that this
14 shows, as far as the gunshot to the head, does it
15 indicate that a person was shot there?

16 MR. CORBETT: Your Honor, can we approach?

17 THE COURT: Yes, sir.

18 MR. CORBETT: I am going to interpose an
19 objection.

20 THE COURT: Okay.

21 (Whereupon, attorneys approach and confer
22 with judge.)

23 THE COURT: Mr. Corbett, your objection as
24 to the lack of foundation.

25 MR. CORBETT: That is correct, Your Honor.

Bobby Richardson-Cross by Johnson

1 THE COURT: Overruled.

2 Q Based on your experience and what you
3 personally saw at the scene, and as well as, you
4 took pictures of brain matter, I guess, in
5 different locations around the body, correct?

6 A That's correct.

7 Q And that's why you took the pictures and
8 stuff, correct?

9 A Yes, sir.

10 Q Now that would indicate -- well what would
11 that indicate to you, as far as, that particular
12 gunshot to the head?

13 A The shotgun blast occurred at that
14 location.

15 Q At that location.

16 A Yes, sir.

17 Q Not in a car, but at that location,
18 correct?

19 A That would be my assessment, yes, sir.

20 Q Now you didn't find any other -- did you
21 find any other -- I heard you say they had gunshot
22 wounds, right?

23 A Yes, sir.

24 Q They were not shotgun wounds, correct?

25 A No, sir.

Bobby Richardson-Cross by Johnson

1 Q They were bullet holes.

2 A That's correct.

3 Q For lack of a better word. Now I'm
4 assuming you didn't know what type of guns were
5 used, because you couldn't make that assessment
6 from what you saw, correct?

7 A That is correct.

8 Q But did you find any spent rounds there?

9 A I do not remember finding any.

10 Q And you didn't take any pictures of any,
11 correct?

12 A No, sir.

13 Q And you examined the whole scene, correct?

14 A That's correct.

15 Q So from your -- and nobody else did any
16 examination with you at that scene, correct?

17 A No, there were other officers there.

18 Q Okay. But you didn't find, there were no
19 markers there of any, you would have took pictures
20 of it if they were around.

21 A If it was there, I would have took
22 pictures, yes, sir.

23 Q And because you didn't take any pictures,
24 is it safe to assume they wasn't there.

25 A That's correct.

Bobby Richardson-Cross by Johnson

1 Q Were there a lot of, besides the brain
2 matter and from the shotgun that occurred there,
3 were there any indication of an extensive amount
4 of blood at the scene?

5 A No, sir. It had been raining that
6 particular, during that time.

7 Q So there wasn't an extensive amount of
8 blood.

9 A No, sir.

10 Q Did you find anything to indicate that the
11 person was actually shot there?

12 MR. CORBETT: Objection, Your Honor. Lack
13 of foundation.

14 THE COURT: Overruled, except he was shot
15 with.

16 MR. JOHNSON: Okay.

17 THE COURT: But your objection is
18 overruled, Mr. Corbett.

19 Q From what you found at the scene, and what
20 you personally observed, did you find any
21 evidence that the person was actually not the
22 gunshot wound, but just the handguns I'm assuming.
23 I am saying handguns, but the shots. Did you find
24 any evidence that that person was shot at that
25 scene? Do you have any evidence of that?

Bobby Richardson-Cross by Johnson

1 A No, sir.

2 Q But you do have evidence that the person
3 was shot with a shotgun at that scene.

4 A Yes, sir.

5 Q And that would be your assessment as a
6 crime scene investigator, correct?

7 A That's correct.

8 Q Now if this person was shot in the foot,
9 why didn't you take a picture of that?

10 A He had on shoes at the particular time.

11 Q But do you see a bullet hole through the
12 shoe?

13 A I don't remember seeing one, no, sir.

14 Q But you probably didn't check. Or nobody
15 didn't tell you look at that.

16 A No, sir. A lot of things are discovered
17 at autopsy that we don't see additional wounds.

18 Q You didn't see the gunshot wound to the
19 back either, did you? Or do you take the picture
20 or there ain't no pictures or the picture to the
21 back?

22 A I believe these are all in the front area.

23 Q In the front area. The person was also
24 shot in the leg a number of times. Do you take
25 any pictures of that?

Bobby Richardson-Cross by Johnson

- 1 A No, sir.
- 2 Q Why?
- 3 A We did not strip the victim in public like
- 4 that.
- 5 Q Well I mean not strip. But I mean do you
- 6 take any picture of the leg area, except for that
- 7 long picture?
- 8 A Just the general body with the clothes on.
- 9 Q Did you find a gun at the scene?
- 10 A No, sir.
- 11 Q Other than the pictures of the body, did
- 12 you find footprints?
- 13 A No, sir.
- 14 Q What evidence other than the body being
- 15 there, did you find?
- 16 A At that particular scene?
- 17 Q Yes.
- 18 A It was just the body and the body parts.
- 19 Q And that was it.
- 20 A Yes, sir.
- 21 Q So no car tracks.
- 22 A Well there was a car track, but it was
- 23 outside of....
- 24 Q So no pictures of that were taken.
- 25 A Yes, sir, I believe there was a picture of

Bobby Richardson-Cross by Johnson

1 the car track.

2 Q Okay. But it was outside the, I guess,
3 the crime scene area, or what you call.

4 A Well it wasn't right at the body. It was
5 a little ways out.

6 Q And I'm just asking you this question,
7 because I just want to make sure I'm not missing
8 anything. Is there any other evidence found other
9 than the body at the scene? And maybe I've asked
10 it already, but I just want make sure. Other
11 than the pictures of the body and the body parts,
12 did you discover any other evidence there?

13 A No, sir.

14 Q Did you find any evidence that there was a
15 woman at that scene?

16 A No, sir.

17 Q Do you find any evidence that my client
18 was at that scene?

19 A No, sir.

20 Q Do you have any evidence that my client
21 committed this murder?

22 A Me personally, no, sir.

23 MR. JOHNSON: I have no other questions.

24 THE COURT: Lawyers come up, please.

25 (Whereupon, the judge and attorneys confer

Bobby Richardson-Redirect by Corbett

1 at the bench.)

2 Redirect Examination by Mr. Corbett:

3 Q Now, Investigator Richardson, there was
4 some discussion about the shotgun wound and where
5 it may have taken place. I am going to show you
6 what's previously been marked as State's Exhibit
7 32. You've already identified that as what I
8 would refer to as Darrell Epps' body, after he had
9 been turned over, is that correct?

10 A That is correct.

11 Q And that what you observed there was
12 consistent with the evidence found around the
13 body?

14 A Yes, sir, it is.

15 THE COURT: You are offering that?

16 MR. CORBETT: Yes, sir. We would offer
17 this into evidence.

18 THE COURT: 32.

19 MR. JOHNSON: Yes, Your Honor. I just
20 renew my objection.

21 THE COURT: The objection is now
22 overruled.

23 (Photograph marked State's Exhibit No. 32
24 into evidence.)

25 Q Now are you able to some extent describe

Bobby Richardson-Redirect by Corbett

1 the injury from where you're seated, or do you
2 come look at picture here on my viewer?

3 A I can describe it from here. It's
4 excessive trauma to the head area as result of
5 shotgun blast. The skull is pretty much gone in
6 the top region. And the actual brain is missing
7 from the cavity.

8 Q But was that also found on the scene?

9 A Yes, sir, I was.

10 Q Just so I understand it, you had indicated
11 that a large portion of the brain was outside of
12 the body cavity?

13 A Yes, sir.

14 Q Near the body?

15 A Yes, sir, it was.

16 Q And the crime scene individuals recovered
17 that as well?

18 A Yes, sir, we did.

19 MR. CORBETT: That's all we have, Your
20 Honor.

21 THE COURT: Recross.

22 Recross-Examination by Mr. Johnson:

23 Q And just for clarification. And that
24 picture was taken after you rolled the body over,
25 correct?

Bobby Richardson-Recross by Johnson

1 A Correct.

2 Q And I guess you can see in that picture,
3 the gunshot wound to the leg, or it appears to be
4 something at the pants. I don't know if you have
5 a picture before you.

6 MR. JOHNSON: Your Honor, may I approach?

7 THE COURT: Yes, sir.

8 A Yes, sir. I see what appears to be maybe
9 a rip in the jeans.

10 Q In the jeans, correct. But there was no
11 close up of that taken.

12 A No, sir.

13 Q And even by that picture, that would
14 indicate that the person was basically, from the
15 location of the body where you found it, would
16 indicate that person was shot in the back of the
17 head, correct? Or somewhere in the back area of
18 the head. The shot came from the back.

19 A You are referring to the shotgun blast?

20 Q Yes, sir.

21 A Yes, sir.

22 Q And just for clarification again, and it
23 was and it is your opinion that that shot happened
24 there at that scene.

25 A Yes, sir.

Bobby Richardson-Recross by Johnson

1 MR. JOHNSON: No other questions.

2 THE COURT: Anything else from this
3 witness?

4 MR. CORBETT: Nothing for this witness,
5 Your Honor.

6 THE COURT: Thank you, Mr. Richardson.
7 You may step down. Everybody on the jury okay?

8 MR. CORBETT: Judge, may I have about 5
9 minutes?

10 THE COURT: Sure. We will take a 5-minute
11 break, Ladies and gentlemen. Of course you may
12 not discuss the case. If you need anything in the
13 jury room that you don't have within reason, we'll
14 get it for you. Thank you.

15 (Whereupon, the following takes place
16 outside the presence of the jury.)

17 THE COURT: Before we do break, I want to
18 put on the record what we talked briefly about
19 after cross. Of course Mr. Johnson was in the
20 position as most lawyers get in, that he has got
21 to take the undesirable with the desirable. In
22 establishing a point about where the witness
23 thought the shotgun blast was delivered, that
24 brings into play again No. 32. The key part of
25 the rule, in order for me to exclude that photo,

1 the probative value has to be substantially
2 outweighed by the danger of unfair prejudice. The
3 photo obviously has some probative value now added
4 to, that the blast was delivered at that
5 particular location. And ironically that came in
6 over Mr. Corbett's objection. So I think that the
7 probative value is enhanced by the round of cross
8 examination even though the photos are, or that
9 photo is extremely graphic.

10 In State vs. Collins, the Supreme Court,
11 that was the dog mauling case. The Supreme Court
12 discussed the issue again in detail, and quoted
13 with approval a case from Alabama that says that
14 courts and jury's can not be too squeamish about
15 looking at unpleasant things or objects or
16 circumstances in proceedings to enforce the law,
17 and especially if truth is on trial. The mere
18 fact that an item of evidence is gruesome or
19 revolting, it sheds light on or strengthens or
20 gives character to other evidence, sustained the
21 issues in the case, that should not exclude it. I
22 think that, or court should not exclude it.

23 I think that all and all, the probative
24 value is not substantially outweighed by the
25 danger of unfair prejudice. I just wanted to make

1 that clear. We will take 5 minutes

2 MR. CORBETT: And, Your Honor, whatever
3 the time the court deems appropriate the pictures
4 that we did not submit, we will proffer.

5 THE COURT: You can just mark them for Id.
6 And right when we come back in, we'll just note
7 for the record those are marked for Id. Once the
8 numbers are on there.

9 MR. CORBETT: Yes, sir.

10 (Whereupon, the Court breaks.)

11 THE COURT: Which photographs are marked
12 for Id.?

13 THE REPORTER: 39 through 45.

14 THE COURT: 39 through 45?

15 MR. CORBETT: That's correct, Your Honor.
16 State's for identification numbers 39 through 45.
17 These were also photos of Darrell Epps after being
18 shot for comparison purposes to the one that was
19 admitted, we would make those part of the record.

20 THE COURT: Mr. Johnson, do you agree
21 those are simply closer up photographs?

22 MR. JOHNSON: Yes, Your Honor.

23 THE COURT: Just for record purposes those
24 are marked for Id.

25 (Photographs marked State's Exhibit Nos.

1 39 through 45 for ID only.)

2 THE COURT: Mr. Corbett, who is your next
3 witness going to be?

4 MR. CORBETT: The next witness will be
5 Terrel Hudson.

6 THE COURT: And how many do you think you
7 can get in before lunch if we were to stop around
8 12:30?

9 MR. CORBETT: Judge, I would anticipate
10 three additional witnesses.

11 THE COURT: Are you ready for the jury,
12 Mr. Johnson?

13 MR. JOHNSON: Excuse me, Your Honor?

14 THE COURT: Are you ready for the jury?

15 MR. JOHNSON: Yes, I'm ready.

16 THE COURT: Okay, bring them in.

17 MR. CORBETT: The State would call Terrel
18 Hudson.

19 Terrel Hudson, being first duly sworn,
20 testified as follows.

21 THE BAILIFF: Please state your full name
22 and spell your last name for the record.

23 A Terrel Hudson. H-U-D-S-O-N.

24 THE COURT: And does Terrel have one L or
25 two?

1 A One.

2 Direct Examination by Mr. Corbett:

3 Q Mr. Hudson, good morning.

4 A Good morning.

5 Q If you would get a little bit closer to
6 that microphone so can hear you, okay.

7 A Good morning.

8 Q And if you would please, I'm going to ask
9 you when you answer, to try say yes or no.

10 Everything is being recorded. And the uh-huhs and
11 the uh-uhs are hard to understand, okay.

12 A Yeah.

13 Q Mr. Hudson, you've told us your name. Are
14 you from Sumter County?

15 A No.

16 Q Are you living in Sumter County?

17 A Yes, sir.

18 Q How long have you lived in Sumter County?

19 A 14 years.

20 Q 14 years? Do you recall where you living
21 back in April of 2011?

22 A Gem's.

23 Q When you say Gem's what are we talking
24 about?

25 A On 76.

Terrel-Hudson-Direct by Corbett

1 Q Would that be Gem Mobile Home Park?

2 A Yeah.

3 Q Do you know the name of the road going
4 into Gem Mobile Home Park?

5 A No.

6 Q Does sound right?

7 A Yeah, that's right.

8 Q So you were living at Gem Mobile Home
9 Park?

10 A Yeah.

11 Q Do you remember which number lot?

12 A Seven.

13 Q No. 7. Were you living at that address
14 with anybody in particular?

15 A No.

16 Q You lived there by yourself?

17 A Yes.

18 Q Now back in April of 2011, do you recall
19 when a dead body was found there in Gem?

20 A Yeah.

21 Q Now as a starting point there, do you
22 remember what day of the week it was?

23 A Sunday.

24 Q Now the day before, the Saturday, had you
25 been home that day?

Terrel-Hudson-Direct by Corbett

- 1 A No, sir.
- 2 Q Where had you been?
- 3 A In Manning.
- 4 Q In Manning. What I'm trying to find out
- 5 is, how long had you been in Manning?
- 6 A Since five that evening, Saturday evening.
- 7 Q Since?
- 8 A Five Saturday evening.
- 9 Q About five. Were you at your house before
- 10 5?
- 11 A Yeah.
- 12 Q I am sorry?
- 13 A Yes, sir.
- 14 Q Before leaving your residence on Saturday
- 15 was anything out of the ordinary?
- 16 A No.
- 17 Q Now you left and you indicated you went to
- 18 Manning?
- 19 A Yeah.
- 20 Q What time did you return home?
- 21 A Between 10 and 11 Sunday morning.
- 22 Q Sunday morning. So you did not spend the
- 23 night at your house Saturday night.
- 24 A No, sir.
- 25 Q Tell me what happened when you returned to

Terrel-Hudson-Direct by Corbett

1 Gem Mobile Home Park that Sunday.

2 A As soon as I pulled up, I seen the guy
3 named Tank was over there. And I asked for a
4 cigarette. He said his mother had one. So we
5 went down there and got a cigarette. That's when
6 we saw it.

7 Q Let me back up for just a moment. You
8 said you saw who?

9 A Tank.

10 Q Tank.

11 A Yeah.

12 Q Now where did you see Tank?

13 A At London's house.

14 Q At London's house?

15 A Yeah.

16 Q Where did London live in reference to you?

17 A In front of me.

18 Q On the same side of the road?

19 A Yeah.

20 Q So you returned from Manning Sunday
21 morning, did you go to your house first?

22 A No.

23 Q You went straight to where?

24 A London's house.

25 Q Now London was living there?

Terrel-Hudson-Direct by Corbett

- 1 A Yes, sir.
- 2 Q And when we say London, are we talking
- 3 about the young lady sitting here at the table
- 4 with the pink scarf?
- 5 A Yes, sir.
- 6 Q And did she live at location with anyone?
- 7 A Yeah.
- 8 Q And who was that?
- 9 A Quinton.
- 10 Q Quinton who?
- 11 A Brown.
- 12 Q Quinton Brown?
- 13 A Yeah.
- 14 Q So you went to London and Quinton's house
- 15 Sunday morning. Was anyone else there?
- 16 A Yeah, Tank was over there.
- 17 Q How do you know Tank?
- 18 A He lived down the street.
- 19 Q Lived on the street. And what happened
- 20 when you got there and Tank was there?
- 21 A I pulled up, and I asked him for a
- 22 cigarette. And he said his mom had one.
- 23 Q You asked Tank for a cigarette?
- 24 A Yeah.
- 25 Q What did you -- what did you all do after

Terrel-Hudson-Direct by Corbett

1 you asked him for a cigarette?

2 A Got in the car and went to his mom's
3 house.

4 Q I'm going to ask you for a few details.

5 Whose car?

6 A My girlfriend's car.

7 Q Your girlfriend's car?

8 A Yes.

9 Q Who got in the car?

10 A All of us.

11 Q When you say all of us, who are we talking
12 about?

13 A London, Quinton, Tank and me.

14 Q So four people were in the car?

15 A Yeah.

16 Q Now to get to Tank's house, did you go
17 back the way you came in, or the other direction?

18 A The opposite.

19 Q Mr. Hudson, I am going to show you, I'm
20 sorry, let me go ahead and get this marked.

21 (Aerial photo marked State's Exhibit No.
22 46 for Id. only.)

23 Q What's been marked for identification as
24 State's Exhibit No. 46. And aerial photographs
25 are a little tricky, but I am going to ask you if

Terrel-Hudson-Direct by Corbett

1 you can recognize any of this.

2 A Yeah.

3 THE COURT: You said yes?

4 A Yes, sir.

5 Q Tell me what we are looking at here.

6 A Gem Mobile Home Park.

7 Q That's Gem Mobile Home Park.

8 A Yes, sir.

9 Q Are you able to tell from this picture
10 where your residence was located?

11 A Right here.

12 Q I am going to get a little closer. Well
13 I'll tell you what, let's do this. I'm going to
14 set it up here.

15 THE COURT: You can step down, sir. Get
16 on the other side of it, so you are talking back
17 this way so the jury and the court reporter can
18 hear you, okay. He's going to give you the
19 pointer. Use that pointer please, Mr. Corbett.

20 Q I am going to let you hold that one. Is
21 this Highway 76?

22 A Yes, sir.

23 Q And do you know from this picture where
24 your residence would be located?

25 A Right here.

Terrel-Hudson-Direct by Corbett

1 Q Right here?

2 A Yeah.

3 Q And where would London and Quinton's
4 residence be?

5 A Right here.

6 MR. CORBETT: Your Honor, we would offer
7 this as State's 46.

8 MR. JOHNSON: No objection, Your Honor.

9 THE COURT: 46 is in. And just, I haven't
10 seen it. And I don't need to see it. But is this
11 the same aerial photo that other witnesses have
12 spoken of?

13 MR. CORBETT: No, sir, Your Honor. This
14 one is specific to Gem Mobile Home Park.

15 THE COURT: Okay.

16 (Aerial Photo marked State's No. 46 into
17 evidence.)

18 Q So up in this area?

19 A Yeah.

20 Q Now if you would, keep your voice up for
21 me since you are not in front of the microphone
22 anymore, okay. Do you know where Tank lived?

23 A Right here.

24 Q So he lived down in this corner?

25 A Yeah.

Terrel-Hudson-Direct by Corbett

1 Q Now I am going to back up for just a
2 moment with you. You said that all of you got in
3 the car.

4 A Yeah.

5 Q And that was your girlfriend's car?

6 A Yeah.

7 Q Where did you go?

8 A Down here.

9 Q Down this way?

10 A Yeah.

11 Q Okay. And everybody was in the car.

12 A Yeah.

13 Q And what did you observe on the way there?

14 A I mean he saw it, not me.

15 Q Who is we?

16 A Tank saw it.

17 Q Tank saw what?

18 A A dead body.

19 Q He saw the body?

20 A Yeah.

21 Q I am going to let you step back to the
22 witness stand for just a moment. Now you
23 indicated Tank was the person who initially
24 pointed out the body?

25 A Yeah.

Terrel-Hudson-Direct by Corbett

1 Q From where you were seated, could you see
2 it as well?

3 A A little bit.

4 Q What did -- did you stop?

5 A No.

6 Q Well first of all, let me ask you, who
7 was driving?

8 A Me.

9 Q You were driving. Did not stop. I am
10 sorry, did you stop?

11 A No.

12 Q Did anybody get out of the car?

13 A No.

14 Q Did you go on to Tank's house?

15 A Yeah.

16 Q What happened what you got to Tank's
17 house?

18 A We got the cigarette and we left?

19 Q You got the cigarette and left.

20 A Yeah.

21 Q Which vehicle did you leave in?

22 A What kind of car?

23 Q Well let me ask it this way. Did you
24 leave in the same vehicle you drove down there?

25 A Yes, sir.

Terrel-Hudson-Direct by Corbett

1 Q And that's your girlfriend's car.

2 A Yes.

3 Q Where did you go from there?

4 A American Mobile Home Park.

5 Q Now when you were here, and I am going to,
6 if you would step down for so I make sure I point
7 to the right portion.

8 (Whereupon, the witness steps down from
9 the witness stand.)

10 Q So I am going let you stand on this side.
11 So the four of you got in car in this area here.

12 A Yeah.

13 Q And drove to this residence.

14 A Yeah.

15 Q And that was to get a cigarette?

16 A Yeah.

17 THE COURT: Stand off a little bit more to
18 the side.

19 Q Then the four of you got back in your
20 girlfriend's car and left the mobile home park?

21 A Yeah.

22 Q On the way out, did you stop where the
23 body was?

24 A No.

25 Q Did go anywhere else in Gem?

Terrel-Hudson-Direct by Corbett

1 A No.

2 Q I am going to let you get back the witness
3 stand. Thank you.

4 (Whereupon, th witness resumes the witness
5 stand.)

6 Q Now either in the car or on the way to
7 Tank's house or in the car on the way out, did
8 anybody call the police?

9 A No.

10 Q Was there any discussion about calling the
11 police?

12 A No.

13 Q From Gem's, you indicated you went to
14 American Mobile Home Park, is that correct?

15 A Yeah.

16 Q Do you know how far that is from Gem?

17 A About a minute.

18 Q Down 378?

19 A Yeah.

20 Q What happened when you got to American
21 Mobile Home Park?

22 A As soon as we got there, we saw the cops.
23 And Tank told them. We all told them we saw a
24 dead body.

25 Q So Tank went up to the officer and told

Terrel-Hudson-Direct by Corbett

1 him about the body at Gem?

2 A Yeah.

3 Q How long were in American Mobile Home
4 Park?

5 A You mean lived there?

6 Q No, sir. When you all left Gem, and
7 drove over to American Mobile Home Park, well I'm
8 sorry, let me ask it this way first. Where did
9 you go in American Mobile Home Park?

10 A To London's house.

11 Q To whose house?

12 A London's house.

13 Q Now I thought you had told me London lived
14 here.

15 A Yeah.

16 Q When you went American Mobile Home Park.

17 A You said American.

18 Q Yes, sir.

19 A I went to Breeze's mama's house.

20 Q Breeze's mama's house?

21 A Yeah.

22 Q Who is Breeze?

23 A Quinton.

24 Q Quinton Brown. And his mother lives at
25 American Mobile Home Park?

Terrel-Hudson-Direct by Corbett

1 A Yeah.

2 Q Now you've already told me that Tank went
3 up to the officer and told him about the body.

4 A Yeah.

5 Q How long were you at American Mobile Home
6 Park?

7 A Probably 10 minutes.

8 Q Where did you go from American Mobile Home
9 Park?

10 A Windsor City.

11 Q Windsor City?

12 A Yeah.

13 Q Is that another mobile home park?

14 A Yeah.

15 Q So you were at American Mobile Home Park
16 about 10 minutes, and then went to Windsor City.

17 A Yeah.

18 Q Who went to Windsor City?

19 A All of us.

20 Q I know it's---

21 A Breeze, Me, Tank and London.

22 Q You said Breeze, who we've established is
23 Quinton Brown. You, London and Tank.

24 A Yeah.

25 Q Which car did go in?

Terrel-Hudson-Direct by Corbett

- 1 A The same car.
- 2 Q Now where did you go at Windsor City?
- 3 A To one of their friend's house.
- 4 Q Say that for me one more time.
- 5 A One of their friend's house.
- 6 Q When we say one of their friend's, who are
- 7 we talking about?
- 8 A One of London's friends.
- 9 Q And how long were you there?
- 10 A About 15 minutes.
- 11 Q What were you doing over at Windsor City?
- 12 A I guess we just went over, I don't know.
- 13 Q Whose idea was it to go to Windsor City?
- 14 A London.
- 15 Q And it was a friend's house there?
- 16 A Yeah.
- 17 Q Did you go inside?
- 18 A No.
- 19 Q Where were you?
- 20 A Outside.
- 21 Q Did anyone go inside?
- 22 A No.
- 23 Q So everyone was in the yard.
- 24 A Yeah.
- 25 Q Were there any people in the yard besides

Terrel-Hudson-Direct by Corbett

- 1 the four of you?
- 2 A No.
- 3 Q And you say you were there for about 15
- 4 minutes?
- 5 A Yeah.
- 6 Q Now were you driving?
- 7 A Yeah.
- 8 Q At some point and time did all of you
- 9 leave Windsor City?
- 10 A Yeah.
- 11 Q Where did you go?
- 12 A Back to Gems.
- 13 Q And why did you go back to Gem?
- 14 A Talk to an investigator.
- 15 Q So the police had asked you to go to Gem?
- 16 A Yeah.
- 17 Q Do you know how that message got to you to
- 18 go back to Gem?
- 19 A Quinton's mom.
- 20 Q Quinton's mother? Now I am going to show
- 21 you this and ask if you can identify that for me.
- 22 A Yes.
- 23 Q And what is that document?
- 24 A A statement.
- 25 Q Statement. Whose statement?

Terrel-Hudson-Direct by Corbett

- 1 A Mine.
- 2 Q And what is the date of this statement?
- 3 A It's 2014.
- 4 Q Can you tell me the full date on that?
- 5 A 2/3/2014.
- 6 Q So February 3rd 2014?
- 7 A Yeah.
- 8 Q And who did you give that statement to?
- 9 A Who did I give it?
- 10 Q Yes, sir.
- 11 A I don't remember exactly.
- 12 Q Was there a police officer that you gave
- 13 that statement to?
- 14 A Jennifer.
- 15 Q I'm sorry, say it again?
- 16 A Jennifer.
- 17 Q When you say Jennifer, who do you mean?
- 18 A Officer Jennifer.
- 19 Q Officer Jennifer. Is that her sitting
- 20 here at the table?
- 21 A Yeah.
- 22 Q So who I have been calling Investigator
- 23 Thomas.
- 24 A Yes.
- 25 Q And that was given to Investigator Thomas

Terrel-Hudson-Direct by Corbett

1 in the afternoon?

2 A Yeah.

3 Q Where were you when you did that
4 statement?

5 A I been incarcerated.

6 Q Now in that statement you had referenced
7 that when you first spotted the body, that you
8 told them to call the police.

9 A Yes, sir.

10 Q Is that correct?

11 A Yeah.

12 Q I mean, is that what you said?

13 A Yeah.

14 Q I told them to call the police.

15 A Yeah.

16 Q Did anybody call the police?

17 A No.

18 Q Now you knew London had a cell phone.

19 A No.

20 Q You didn't know she had a cell phone. She
21 didn't call your cell phone the next day.

22 A No.

23 Q Quinton had a cell phone.

24 A Nobody called me.

25 Q Did Quinton have a cell phone?

Terrel-Hudson-Direct by Corbett

1 A I think he had one, but I don't know if he
2 had that one.

3 Q London had a cell phone.

4 A I don't know.

5 Q Now at that time, did you have a phone
6 number ?

7 A Yeah.

8 Q And is it possible that London would have
9 called you at 10:00 o'clock Sunday morning?

10 A 10:00 o'clock Sunday?

11 Q Yes, sir.

12 A I am not sure.

13 Q How about 11:38, would she have called
14 you?

15 A I am not sure.

16 Q Well why didn't you call the police?

17 A I don't know.

18 Q Well put me in that car for a moment if
19 you would. There's four of you in the car.

20 A Right.

21 Q You're riding from your residence down to
22 Tank's, and you see a body on the side of the
23 road. Correct?

24 A Right.

25 Q Does anybody say, let's check on that

Terrel-Hudson-Direct by Corbett

1 person?

2 A No.

3 Q Did you know the person was dead?

4 A No.

5 Q So at that point you didn't know they were
6 dead.

7 A No, I didn't know.

8 Q Did anybody say, we should go check on
9 that body?

10 A No.

11 Q Did anybody other than you say, let's call
12 the police?

13 A No.

14 Q Why didn't you call the police?

15 A I don't know. Scared I guess.

16 Q I'm sorry, say that again.

17 A I guess I was scared.

18 Q Why scared?

19 A Because I didn't know what was going on.

20 Q But it's your testimony that you did say
21 to the individuals, I told them to call the
22 police.

23 MR. JOHNSON: Your Honor, it's been asked
24 and answered three times.

25 THE COURT: Overruled.

Terrel-Hudson-Direct by Corbett

1 Q Correct?

2 A Yeah.

3 Q And nobody -- did anybody in the car call
4 the police?

5 MR. JOHNSON: Your Honor, that's been
6 asked and answered three times.

7 THE COURT: It's established at least from
8 this witness that nobody called the police. If
9 the jury -- the jury has heard that.

10 Q Did Quinton call you Saturday night?

11 A I am not sure.

12 Q Did he call you Sunday morning?

13 A I am not sure.

14 Q Did he call you Sunday afternoon, 2:44?

15 A Are you asking me or telling me?

16 Q No, I am asking, did he?

17 A I am not sure.

18 Q Did you call Quinton late Saturday night
19 or earlier Sunday morning?

20 A I am not sure.

21 Q Now you had indicated, I am going to jump
22 back to American Mobile Home Park for a moment.
23 You all left American Mobile Home Park going to
24 Windsor City.

25 A You said American, yeah.

Terrel-Hudson-Direct by Corbett

- 1 Q In your car.
- 2 A Yes.
- 3 Q Was Quinton and London riding with you?
- 4 A Yeah.
- 5 Q Did they -- did you continue to give them
- 6 rides for a few days?
- 7 A Yeah.
- 8 Q Why is that?
- 9 A Because they didn't have a car.
- 10 Q Didn't have a car?
- 11 A Yes.
- 12 Q What kind of car did Quinton drive?
- 13 A What kind he had?
- 14 Q Yes.
- 15 A An Impala.
- 16 Q What kind of -- what did his Impala look
- 17 like?
- 18 A Gray.
- 19 Q Gray Impala?
- 20 A Yeah.
- 21 Q But you all didn't take the gray Impala
- 22 that morning. That Sunday morning.
- 23 A No.
- 24 Q Took your girlfriend's car.
- 25 A Yeah.

Terrel-Hudson-Direct by Corbett

- 1 Q Do you remember what kind of car it was?
- 2 A Chrysler Sebring.
- 3 Q Do you remember the color?
- 4 A Gray.
- 5 Q Did you see the Impala that morning?
- 6 A No, the car been at London's house.
- 7 Q The impala was over at America Mobile Home
- 8 Park?
- 9 A Yeah.
- 10 Q When you all got there?
- 11 A Yeah.
- 12 Q Now how do you know London and Quinton?
- 13 A I've know them a long time.
- 14 Q How long?
- 15 A About two years, four.
- 16 Q I'm sorry?
- 17 A About 4, 5 years.
- 18 Q Four or 5 years. I mean, what was your
- 19 connection to them? Good friends? Related?
- 20 A Friends.
- 21 Q Now if I've already asked you this, I
- 22 apologize in advance. Why did you go to Windsor
- 23 City?
- 24 A Because that's where they asked me to take
- 25 them.

Terrel-Hudson-Direct by Corbett

1 Q Did you know a reason why you went?

2 A No.

3 Q Now the individual that we referred to as

4 Tank, do you know that person's name?

5 A No.

6 Q You don't know his real name?

7 A (Whereupon, no response.)

8 Q Now, Mr. Hudson, let me back up a little

9 bit to coming home from Manning. You came home

10 from Manning Sunday morning?

11 A Yeah.

12 Q And you indicated you did not go to your

13 house.

14 A No.

15 Q Did London or Quinton call you, and ask

16 you to come to their house?

17 A No.

18 Q So you didn't go home first.

19 A No.

20 Q So you came home, went to your residence,

21 and without going in, went to London and

22 Quinton's.

23 A Yeah.

24 Q Did you go inside?

25 A No.

Terrel-Hudson-Direct by Corbett

- 1 Q You did not go inside.
- 2 A No.
- 3 Q Where were you?
- 4 A On the back porch.
- 5 Q On the back porch?
- 6 A Yes.
- 7 Q Were London and Quinton already up?
- 8 A No.
- 9 Q They were not?
- 10 A No.
- 11 Q What were they doing?
- 12 A They had their night clothes on.
- 13 Q I am going to show you what has been
- 14 previously identified by you as a statement given
- 15 to Investigator Thomas. If you would, start with
- 16 this sentence right here starting with I.
- 17 A I pulled up and between the house, and I
- 18 went inside. They were already up.
- 19 Q So they were up?
- 20 A They were up like, well with the night
- 21 clothes. I told you that.
- 22 Q Now was it out of the ordinary for those
- 23 folks to be up at that time?
- 24 A No.
- 25 Q You never indicated that that struck you

Terrel-Hudson-Direct by Corbett

1 as odd?

2 A No.

3 Q Mr. Hudson, please bear with me, we are
4 about done. You had asked Tank for the cigarette?

5 A Yes.

6 Q And you went to get the cigarette?

7 A Yes.

8 Q Why did all of you go?

9 A I don't know. I guess they want to get
10 one too, I guess. I don't know, I mean, I asked
11 for one.

12 Q I am sorry?

13 A I know I asked for one.

14 Q You asked for a cigarette.

15 A Yeah.

16 Q And then all four of you went down the
17 street to get a cigarette.

18 A Yeah.

19 Q Was that common?

20 A I don't know.

21 Q Now you said -- did you get there first or
22 did Tank get there?

23 A Tank was already there.

24 Q Tank was already there?

25 A Yeah.

Terrel-Hudson-Direct by Corbett

1 Q Did he have night clothes on?

2 A No.

3 Q He was dressed?

4 A Yeah.

5 MR. CORBETT: Thank you. That's all the
6 questions I have.

7 THE COURT: Mr. Johnson.

8 MR. JOHNSON: Thank you.

9 Cross Examination by Mr. Johnson:

10 Q Good morning, Terrel.

11 A Good morning.

12 Q I know you don't want to be here, so I'm
13 not going to keep you long. Let's clarify some
14 things. The reason you didn't call the police is
15 because you don't like messing with the police, is
16 that correct?

17 A Yes, sir.

18 Q And the reason you didn't call the police
19 is because you didn't want to get involved.

20 A Yes, sir.

21 Q Now when you got to the house that
22 morning, your back door and your front door -- I
23 mean your back door, I mean, your front door is
24 almost on the same side as their back door, that's
25 correct?

Terrel Hudson-Cross by Johnson

1 A Yes, sir.

2 Q You all -- you and London and Quinton, you
3 all always hang out together, didn't you?

4 A Yeah.

5 Q So it wasn't unusual for you all to get
6 together and talk in the morning, right?

7 A No.

8 Q When you got there, you said Tank was
9 already there, correct?

10 A Yeah.

11 Q Now in order for Tank to have gotten to
12 the house where you and Quinton and London lived,
13 he had to walk by the body to get there, correct?

14 A Yes, sir.

15 Q And he didn't say anything about seeing
16 the body, did he?

17 A No.

18 Q When you got back in the car to go get a
19 cigarettes, that's what you all were going to get,
20 right? You were going back to Tank's house?

21 A Yeah.

22 Q Because Tank's mother and father lived
23 there, right?

24 A Yeah.

25 Q On the way going back, isn't it true that

Terrel Hudson-Cross by Johnson

- 1 everybody saw something over there, correct?
- 2 A Yeah.
- 3 Q Somebody said they thought it was clothes.
- 4 Somebody said it was a body, correct?
- 5 A Yeah.
- 6 Q Now who said that?
- 7 A That was London said about the clothes.
- 8 Q About the clothes?
- 9 A Yeah, Tank said a body.
- 10 Q A body. But everybody in there was
- 11 surprised, right?
- 12 A Yeah.
- 13 Q Now it's very important. Did anybody that
- 14 act like they knew that that body was already
- 15 there?
- 16 A Well Tank did.
- 17 Q He acted like he knew it was there.
- 18 A Yeah.
- 19 Q But everybody else, London, you and
- 20 Quinton were surprised, correct?
- 21 A Yeah.
- 22 Q Remember we talked before you came in?
- 23 A Yes, sir.
- 24 Q And what did you tell me about how
- 25 surprised everybody was?

Terrel Hudson-Cross by Johnson

1 A They were shocked.

2 Q When you went to the house and when they
3 made a big thing about you saying that you told
4 them to call, to call the police, right?

5 A Yes.

6 Q You were referring to Tank's mother and
7 father, isn't that correct?

8 A Tank's mother and father?

9 Q You told them to call the police, correct?

10 MR. CORBETT: Objection, Your Honor.

11 THE COURT: Sir?

12 MR. CORBETT: That wasn't his testimony.

13 THE COURT: Well, overruled. He can
14 question him on what.

15 Q Is that who you meant when you said you
16 told them to call the police?

17 A No.

18 Q Who you told? You just told everybody in
19 the car---

20 A Yes.

21 Q ---to call the police.

22 A Yeah.

23 Q But you could have called the police
24 yourself, correct?

25 A No.

Terrel Hudson-Cross by Johnson

1 Q You didn't have a phone?

2 A My phone was gone.

3 Q Your phone was gone. But nobody called
4 the police?

5 A No.

6 Q When you left the house -- I mean when you
7 left there and went to American Trailer Park, you
8 were going to Quinton's mother house?

9 A Yeah.

10 Q Why were going over there?

11 A So we can call the police, but they was
12 already over there.

13 Q The police was already there?

14 A Yeah.

15 Q And the minute you got there, I don't want
16 to put words in your mouth. When you got there to
17 the house and saw the police, what happened?

18 A Tank got out of the car, and told them.
19 And then we all tell them the same thing.

20 Q So after Tank got there, everybody else
21 walked over there and told them, correct?

22 A Yeah.

23 Q So everybody, yourself, London and Quinton
24 talked to the police, right?

25 A Yeah.

Terrel Hudson-Cross by Johnson

1 Q And you all told them the truth about what
2 you saw?

3 A Yes, sir.

4 Q Did anybody lie or did you hear anybody
5 lie?

6 MR. CORBETT: Objection, Your Honor.

7 THE COURT: Sir?

8 MR. CORBETT: He's asking this witness did
9 anybody lie.

10 THE COURT: Rephrase the question.

11 Q Did you hear anybody say anything that you
12 knew to be untrue?

13 A No.

14 Q When you left American Trailer Park, you
15 went somewhere else, correct?

16 A Yeah.

17 Q You all went to somebody's house else,
18 correct?

19 A Yeah.

20 Q I know you don't want to admit it, but you
21 went there to smoke a joint, right?

22 A Not me.

23 Q But they did.

24 A I don't know.

25 Q You don't know. Okay. But after that,

Terrel Hudson-Cross by Johnson

1 the police called and told you all to come back to
2 the trailer park, correct?

3 A Yeah.

4 Q Did you all not go or did you go?

5 A We went.

6 Q They asked you questions, correct?

7 A Yeah.

8 Q And you answered questions, correct?

9 A Yeah.

10 Q Now they gave you a statement you gave in
11 2014 to investigator -- to the investigator,
12 right?

13 A Yeah.

14 Q But didn't you give a statement back on
15 April 19th of 2011, to them as well?

16 A Yeah.

17 Q Can I approach? Is that a copy of the
18 statement?

19 A Yeah.

20 Q Now in that statement, the statement they
21 showed you in 2014 when you meet Investigator
22 Thomas, it was 2 pages, right? The one that they
23 showed you earlier.

24 A Yeah.

25 Q Now this is just---

Terrel Hudson-Cross by Johnson

1 A Brief.

2 Q Brief.

3 A Yeah.

4 Q But this is the truth.

5 A Yeah.

6 Q Now why was the other statement so long?

7 The second statement?

8 A Different questions.

9 Q She asked you different questions?

10 A Yeah.

11 Q But at that time in 2011, when it was
12 fresh in your memory, this is all they asked you,
13 correct?

14 A Yes, sir.

15 Q And they told you this fine.

16 A Yeah.

17 Q But now they got a problem with your
18 second statement, correct?

19 A Yes.

20 MR. JOHNSON: No other questions.

21 THE COURT: Redirect?

22 Redirect Examination by Mr. Corbett:

23 Q You actually talked with the police on

24 April 10th first, right?

25 A April 10th of what?

Terrel Hudson-Redirect by Corbett

1 Q April 10th of 2011.

2 A Yeah.

3 Q Do you remember where you were located
4 when you talked with them the first time?

5 A Gem's.

6 Q And you gave them a brief statement on
7 that occasion, right?

8 A Yeah.

9 Q And did you tell them at that time, I was
10 at my neighbor Mr. Brown's house when Tank came
11 up?

12 A Yeah.

13 Q So did you get there before Tank?

14 A Something like that, I don't know.

15 Q Now you gave another brief statement on
16 April 19th, is that correct? The one Mr. Johnson
17 was just referring to?

18 A The 19th?

19 Q Yes, sir.

20 A Yeah.

21 Q And that statement also indicates that you
22 were at their house, that you were London and
23 Quinton's house when Tank walked up.

24 A Yeah.

25 Q And then on the way to Tank's house, Tank

Terrel Hudson-Recross by Johnson

1 said, that looks like a dead body over there.

2 A Yeah.

3 Q But there was no reference in any
4 statements to who seemed surprised, was there?

5 A No.

6 MR. CORBETT: That's all I have. Thank
7 you.

8 THE COURT: Recross.

9 Recross Examination by Mr. Johnson:

10 Q But there was no reference as who acted
11 surprised because nobody didn't ask you that
12 question, is that correct?

13 A No one asked me.

14 MR. JOHNSON: No other questions.

15 THE COURT: You can step down. Next
16 witness. Can the witness be excused?

17 MR. CORBETT: From the State's perspective
18 yes, Your Honor.

19 MR. JOHNSON: From defense as well, Your
20 Honor.

21 THE COURT: Thank you, Mr. Hudson.
22 Mr. Corbett.

23 MR. CORBETT: Your Honor, the State would
24 call April McFadden to the stand.

25 April McFadden, Being first duly

April McFadden-Direct by Corbett

1 sworn, testified as follows:

2 THE BAILIFF: Please state your full name
3 and spell your last name for the record.

4 A April Skinner McFadden. M-C-F-A-D-D-E-N.

5 Direct Examination by Mr. Corbett:

6 Q Ms. McFadden, good morning.

7 A Good morning.

8 Q First of all, let's talk about April of
9 2011 for a moment. Were you April McFadden at
10 that time?

11 A No, sir, I was April Skinner.

12 Q April Skinner. If you would please tell
13 us, how did you know Darrell Epps, Krystle
14 Skinner?

15 A Krystle Skinner is my sister, and she's
16 been dating Darrell Epps at that time. Probably
17 almost 10 years.

18 Q And they had some kids together?

19 A Yes, they have two boys.

20 Q So had you known Darrell for a long time?

21 A Yes, sir.

22 Q Now when did you first become aware that
23 something was out of sorts with Darrell?

24 A Krystle first called it was sometime in
25 the middle of the night late morning, that Sunday

April McFadden-Direct by Corbett

1 morning, maybe about 4-ish. Around that time,
2 she called said he hadn't came home.

3 Q He had not come home.

4 A Yes, sir.

5 Q What did you do? Or if anything, what did
6 you do?

7 A I told her at that time to call, call the
8 hospitals, call the jail, call the law enforcement
9 to see if there may have been an accident. And if
10 they didn't have the identity of the person, maybe
11 they have an ID. And to drive by at the clubs and
12 see if maybe he had gone out.

13 Q So basically looking at the places he may
14 have been.

15 A Yes, sir.

16 Q And then what did -- kind of tell me how
17 that morning progressed in terms of your
18 involvement.

19 A And then Krystle she called me back after
20 she did all that, and said that she didn't find
21 anything. And so then finally I got up and went
22 to Krystal's house and picked her up. And we went
23 and like drove the trails that he might have taken
24 to come some, to see if maybe he ~~w~~recked and the
25 car was somewhere off the road where nobody had

April McFadden-Direct by Corbett

1 seen it. And then we ended up at the shop down in
2 the Saint John, Shiloh area, where he had been the
3 night before.

4 Q Did any indication locate anything at that
5 point?

6 A No, sir.

7 Q So you actually drove over to the Shiloh
8 area.

9 A Yes, sir.

10 Q What did you do upon leaving the Shiloh
11 area?

12 A We were standing there talking with some
13 of his family and friends just trying to figure
14 out what happened. And I contacted my husband
15 Willie McFadden, and he came out and assisted us.

16 Q Now that's Officer McFadden with the
17 Sumter Police Department?

18 A Yes, sir.

19 Q Now who was he working for back in 2011?

20 A He was working for the county, the
21 sheriff's department then.

22 Q So you've now called him to tell him
23 Darrell is missing.

24 A Yes, sir.

25 Q And you say everybody at this point is in

April McFadden-Direct by Corbett

1 Shiloh?

2 A Yes, sir.

3 Q Okay. What do you all do after that?

4 A Then as my husband is there, Mr. McFadden,
5 he gets the call from I think dispatch told him
6 about burning car, the truck.

7 MR. JOHNSON: Your Honor, just for safety
8 reasons, please inform the witness that she can't
9 say what somebody else said.

10 THE COURT: Well that's not exactly the
11 rule, but Mr. Corbett, if you could frame your
12 questions to where they won't elicit any
13 inadmissible hearsay or hearsay.

14 MR. CORBETT: Sure.

15 Q Now of your own knowledge, do you know if,
16 I believe it was your fiancée at the time, your
17 husband now.

18 A Yes, sir.

19 Q Do you know if your husband contacted the
20 law enforcement agency?

21 A Yes, he told us that he called. He---

22 Q Not what he told you. Do you know if he
23 called law enforcement?

24 A Yes, sir. He reported him missing. And
25 then he asked us -- well he told us that they had

April McFadden-Direct by Corbett

1 found a truck that was burning, and for us to go
2 identify the truck.

3 MR. JOHNSON: Your Honor, objection again.

4 THE COURT: Okay. That's -- it's not
5 offered to prove that they found the truck. It's
6 just offered to lay same background. But, you
7 know, you don't know until to what the answer is
8 whether or not it's hearsay. And then you have
9 got figure out whether it falls within exception.
10 I'll overrule your objection at this stage,
11 Mr. Johnson.

12 MR. CORBETT: And, Judge, I will try to
13 shorten the questions, to make that a little more
14 manageable.

15 Q So you are in the Shiloh area, is that
16 correct?

17 A Yes, sir.

18 Q And we're going to back up here just a
19 little bit. Does your husband of your knowledge,
20 call anyone?

21 A Yes, sir.

22 Q And who is that?

23 A He's calling dispatch.

24 Q Now after his conversation with dispatch,
25 do you all go to another location?

April McFadden-Direct by Corbett

1 A Yes, sir.

2 Q What location do you go to?

3 A We went to, kind of like a junk yard where
4 they store cars, to identify the truck.

5 Q Now who with you at that time?

6 A Me, my sister, Krystle Skinner, my mom,
7 Gloria Skinner. I think my dad was with us also.

8 Q Now when you got to the junk yard, what if
9 anything were you all able to determine?

10 A That it was the truck that he was driving.
11 That it was the truck that Darrell was driving.

12 Q Now do you have any idea at this point
13 about what time this is?

14 A It's mid-afternoon maybe, around noon,
15 one.

16 Q Now do remain that location, or do you go
17 to a different spot?

18 A I think we went to the spot where they
19 found the truck the night before.

20 Q So we're now at the spot where the vehicle
21 was found, correct?

22 A Yes, sir.

23 Q What happens while you were there?

24 A We were standing around searching for
25 Darrell. We thought maybe he had been in the

April McFadden-Direct by Corbett

1 water, but they didn't find him. And then I got a
2 telephone call from Dionne Moore. He told me
3 that---

4 MR. JOHNSON: Your Honor, objection.

5 THE COURT: I don't know. Mr. Corbett,
6 you may know the answer, but if it's going to lead
7 to hearsay, let's restructure the question.

8 MR. CORBETT: Yes, sir.

9 Q Now you received---

10 THE COURT: Dionne Moore?

11 Q You received a phone call from whom?

12 A Dionne Moore.

13 Q Do you know Dionne Moore?

14 A Yes, sir.

15 Q Now do you know Dionne Moore?

16 A Me and Dionne are friends.

17 Q Now you received a phone call from Dionne
18 Moore.

19 A Yes, sir.

20 Q And what did Dionne tell you in that first
21 phone call?

22 MR. JOHNSON: Objection, Your Honor.

23 THE COURT: Come on up please.

24 (Whereupon, attorneys approach and confer
25 with judge.)

April McFadden-Direct by Corbett

1 THE COURT: Ladies and gentlemen, if you
2 would, please step to your jury room for just a
3 minute. Of course you can't discuss the case.

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 THE COURT: It might be helpful if we
7 could if you are going to question her about the
8 statement that you mark for identification,
9 please.

10 THE COURT: That would be No. 40 what?

11 THE REPORTER: 47.

12 MR. CORBETT: Your Honor, this is a
13 statement of April McFadden. Dated January 13,
14 2013.

15 THE COURT: I guess first of all, question
16 the witness like you would, absent the statement.
17 And then if there is any reason to use the
18 statement, you can get into it during this
19 proffer.

20 MR. JOHNSON: That's just my copy and I
21 will get your copy.

22 THE COURT: That's your, Mr. Johnson.

23 MR. JOHNSON: Yes.

24 THE COURT: The sticker can probably just
25 come off.

April McFadden-Direct by Corbett

1 (Statement of April Skinner marked State's
2 Exhibit No. 47 for id.)

3 THE COURT: This is Ms. McFadden's
4 statement dated what again?

5 MR. CORBETT: And, judge, we're going to
6 have to be a little careful. The one that is
7 dated January 3 of 2013.

8 THE COURT: Is there another one that
9 you're going to perhaps reference?

10 MR. CORBETT: Judge, there's another
11 statement dated April 10th of 2011.

12 THE COURT: You can question her.

13 Q Now, Ms. McFadden, when we had left off,
14 you all were at the side of the road there in
15 Cherryvale Lake area?

16 A Yes, sir.

17 Q And what happened while you were there?

18 A Dionne Moore called me and told me that a
19 body had been found in Gem Mobile Home Park.

20 Q Now as result of getting that information,
21 what did you do?

22 A We left and went to Gem Mobile Home Park.

23 THE COURT: Speak up, please, ma'am.

24 A We left and went to Gem Mobile Home Park.

25 Q Now to your knowledge, do you know how

April McFadden-Direct by Corbett

1 Dionne Moore received that information that she
2 gave to you?

3 A Yes, from London Kelley.

4 THE COURT: And how do you know that?

5 A When she called me, she told me that
6 London had just called her. Because I had called
7 her earlier asking her to call London to see if
8 Darrell had been to the club; did they see him in
9 the club.

10 Q I'm sorry, back that up for a little bit
11 and say that for us again.

12 A Earlier we were at the Shiloh area, I had
13 called Dionne and asked to call London. Because I
14 know London go out every weekend just about. And
15 so to ask her had they seen Darrell at the club.

16 Q And so now it's moving back forward to
17 where the vehicle was found, you received a call
18 from Dionne advising you that a body was in Gem
19 Mobile Home Park.

20 A Yes.

21 Q And then you left that location and went
22 where?

23 A To Gem Mobile Home Park.

24 Q Now when you got there, who was with you?

25 A There was a lot of people there.

April McFadden-Direct by Corbett

1 Q I mean who went from the location to Gem
2 with you?

3 A Me and Krystle, my sister.

4 Q Was your mother or father or anybody else
5 with you at that point?

6 A We all went. I don't think they were in
7 the car with me.

8 Q It may have been separate vehicles.

9 A Yes, sir. But we all left that location
10 and went Gem's.

11 Q What happened when you arrived at Gem?

12 A They had it taped off. And then I started
13 talking with Dionne again. She was there also.
14 And she was telling me that -- she gave me the
15 description of the person that was found. He was
16 wearing a red shirt. And she asked did he have on
17 Levy jeans. And I didn't know at that time,
18 because my sister was over talking to somebody
19 else. And so she said that she was told that he
20 had on Levy jeans, a red shirt, and red sneakers
21 and dreads.

22 Q Let's go ahead and address this now. Do
23 you know how she knew that information?

24 A London told her when she called her.

25 Q Now you said you spoke to Dionne there at

April McFadden-Direct by Corbett

1 scene.

2 A Yes, sir.

3 Q And you said there was a number of other
4 friends and family members present?

5 A Yes, sir.

6 Q Now at any point and time, did you speak
7 to London while at Gem?

8 A Yes, sir.

9 Q What was substance of that conversation?

10 A When London got there, she came over where
11 me and Dionne was at.

12 THE COURT: Speak up, please, ma'am.

13 A London, when she got there, she came over
14 where we were at. And she was telling us the
15 description of the body. Basically she said that
16 when they first drove by, that they thought it was
17 a child because his body was so small. And then
18 he had dreads. And she said the red shirt and red
19 sneakers and the Levy jeans. And then we were
20 saying who Darrell was. And we were saying that
21 it was Tina Mays son. And she was like seemed
22 shocked that it was Tina's son. And then pointed
23 to Darrell's brother, and then she said he look
24 just like William.

25 Q Now did William and Darrell favor one

April McFadden-Direct by Corbett

1 another?

2 A They had dreads. They both had dreads.

3 Q Now I just want to make sure I understand
4 it correctly. You indicated that the police
5 already had it taped off at that point?

6 A Yes, when we got there they had a -- well
7 we couldn't get past. They just had a caution
8 right there where no cars could come past.

9 Q How long did you remain there at Gem?

10 A For a long time we stayed there.

11 Q Now do you know of your knowledge, if you
12 know, if anybody there at that time identified
13 Darrell's body?

14 A Yes, my husband did.

15 Q Now how do you know that?

16 A Because he came back and told us he did.
17 He came because my dad was kind of upset that they
18 wouldn't let any of the family like identify to
19 make sure it was him. And so that's when my
20 husband, you know, said that he had identified the
21 body. And he said that the family, he didn't
22 think it was a good idea for family to see the
23 body.

24 Q Was anything said by London to you about
25 his pockets?

April McFadden-Direct by Corbett

1 A She did tell me. She said that he was
2 laying on his side, and his pockets were turned
3 inside out.

4 Q Now at some point you left Gem with your
5 family?

6 A I left me and my sister Krystle, because
7 we had go directly to the police station to do our
8 statements.

9 Q And then does 7 p.m. sound about the time
10 you would have given your statement?

11 A Yes, sir.

12 Q And when would you have given a follow up
13 statement in January of 2013?

14 A Yes, sir.

15 MR. CORBETT: Judge, I believe that's all
16 I have by way of proffer.

17 THE COURT: Questions, Mr. Johnson, first
18 of all?

19 MR. JOHNSON: Your Honor, I have no
20 questions.

21 THE COURT: Your objections.

22 MR. JOHNSON: My objection is of course
23 anything that my client said is not part of my
24 objections. But everything else is hearsay. It
25 has no -- all these people are available.

April McFadden-Direct by Corbett

1 They're on their witness list. Everything else
2 would just be hearsay and serve no purpose, except
3 to get in and elicit hearsay.

4 THE COURT: Mr. Corbett. Mr. Johnson is
5 not objecting to any -- he's not objecting to
6 anything that the defendant said, or that this
7 witness said the defendant told her. How about
8 the testimony that Dionne called her and told her
9 a body was found at Gem. I frankly don't think
10 that's hearsay.

11 MR. JOHNSON: I don't have any objection
12 to that.

13 THE COURT: But that London told her that,
14 that's hearsay.

15 MR. CORBETT: Yes, sir.

16 THE COURT: Is it not? You agree with
17 that, inadmissible hearsay.

18 MR. CORBETT: I believe that I can ask the
19 question in such a manner that will get us to Gem
20 without having to go through the hearsay.

21 THE COURT: And I think pretty much for
22 the most part, what Dionne may have told
23 Ms. McFadden over the phone, is not particularly
24 objectionable to the defendant, except where
25 Dionne is saying London told her. Is that right,

1 Mr. Johnson?

2 MR. JOHNSON: That's correct, Your Honor.

3 THE COURT: Dionne -- I believe the
4 witness can say, I was standing at the side of the
5 road where they found the car. Dionne called me
6 and told me a body was found at Gem. Period. We
7 then went to Gem.

8 MR. CORBETT: Yes, sir.

9 THE COURT: Dionne came up, and I think
10 probably what Dionne told her at the scene is
11 inadmissible hearsay. The scene where the body
12 was found. The witness is not going to be able to
13 testify to, and I'm trying to help the witness out
14 here too. The witness is not going to be able to
15 testify anything that London, excuse me, that
16 Dionne said London told her. But the witness can
17 testify to things London told her specifically.

18 MR. CORBETT: Yes, sir.

19 THE COURT: Because it's not even hearsay
20 under 801. If it is, it's probably a present
21 sense impression exception. So are clear on that?

22 MR. CORBETT: Yes, sir.

23 THE COURT: Of course this is advanced
24 evidence for the witness, and she may not
25 understand a word of what we're talking about.

1 So, Ms. McFadden, what y'all be able to answer
2 when you answer questions, please listen for the
3 specific question and answer that only. You will
4 be able to testify that Dionne called you while
5 you were at the side of the road where the car was
6 found, and told you that body was found at Gem.
7 And in turn you all went to Gem. You're not
8 permitted to say that Dionne told you London told
9 her that. Okay. And when you get to the
10 questions about at that scene where Mr. Epps was
11 found, you can testify to what London told you
12 there, but not what Dionne said to you there. Is
13 that clear?

14 MR. CORBETT: Yes, sir, Judge..

15 THE COURT: Also the -- I don't assume
16 Mr. Johnson you don't object to Willie McFadden or
17 this witness saying what her husband said, it's
18 Darrell.

19 MR. JOHNSON: The only problem I would,
20 Your Honor, is that her husband has already
21 testified.

22 THE COURT: Right.

23 MR. JOHNSON: If she says something that
24 he didn't testify to when he testified, I'm
25 concerned about that.

1 THE COURT: Well I think what she can
2 testify to is that Mr. McFadden came and told them
3 that he had identified the person as being
4 Darrell.

5 MR. JOHNSON: I have no objection to that.

6 THE COURT: Is that clear, ma'am?

7 A Yes, sir.

8 THE COURT: Any questions, Mr. Corbett.

9 MR. CORBETT: No, sir, I believe we're
10 clear.

11 THE COURT: Are you all ready for the
12 jury?

13 MR. CORBETT: The State is ready, Your
14 Honor.

15 MR. JOHNSON: I'm ready, Your Honor. The
16 defense is ready.

17 THE COURT: You can bring in the jury.

18 (Whereupon, the following takes place
19 outside the presence of the jury.)

20 Examination continues by Mr. Corbett:

21 Q Ms. McFadden, you had taken us up to the
22 point where you there where the vehicle had been
23 found the night before, is that correct?

24 A Yes, sir.

25 Q And while you were there, you got a phone

1 call?

2 A Yes, sir.

3 Q What did you learn as a result of that
4 phone call?

5 A That a body was found at Gem Mobile Home
6 Park.

7 Q Gem Mobile Home Park. Did you know where
8 that was?

9 A No, sir.

10 Q But at some point---

11 A I knew where it was at, but I didn't know
12 it under that name. It was called Harwood once
13 before.

14 Q So it's been known as Harwood and now
15 known as Gem.

16 A Yes, sir.

17 Q So at that point, you're there where the
18 car was found, what did you do?

19 A We leave and go to Gem Mobile Home Park.

20 Q So it was you and some of your family
21 members?

22 A Yes, sir.

23 Q Including your sister?

24 A Yes, sir.

25 Q Now when got to Gem, what did you observe?

April McFadden-Direct by Corbett

1 What did you see there?

2 A The police had it taped off, but we
3 couldn't go past. So just like a bunch of family
4 friends. Everyone is standing out there.

5 Q Now during the course of standing out
6 there, you indicated it was a number of family and
7 friends?

8 A Yes, sir.

9 Q Now you indicated that Dionne had called
10 you?

11 A Yes, sir.

12 Q Had you had any previous phone contact
13 with her that day?

14 A Yes, sir.

15 Q And that was in regard to what?

16 A When we were at the Shiloh location, I
17 called her and asked her---

18 Q Well hold. Well I'm sorry, let me ask you
19 this way. Did you call her and ask her to put the
20 word out that you were looking for Darrell?

21 A Yes, sir.

22 Q So then she called you while you were
23 there where the car was found.

24 A Yes, sir.

25 Q So you get to Gem. Is Dionne there?

April McFadden-Direct by Corbett

1 A Yes, sir.

2 Q Do you remember if she got there before or
3 after you?

4 A I don't.

5 Q Now do know London Kelley?

6 A Yes, sir.

7 Q Was she there?

8 A Yes, sir.

9 Q Now I believe at the time your fiancée,
10 now your husband, was he there?

11 A Yes, sir.

12 Q Now did you have occasion to talk to
13 London Kelley while you were there?

14 A Yes, sir.

15 Q Now what was that about?

16 A She basically gave me a description of the
17 body. She said they were driving by and they
18 thought it was a small child at first, because his
19 body, he was so small. And she told me what he
20 had on. She said he had on a red shirt, some Levi
21 pants, some red shoes. And he had dreads. Then
22 we told her whose son it was. And then that's
23 when she pointed to Darrell's brother and said, oh
24 yeah, he did look like him. We were saying
25 William. She called him William.

April McFadden-Direct by Corbett

1 Q Who is William?

2 A William is Darrell's brother.

3 Q What is William's last name?

4 A Fullwood.

5 Q William Fullwood.

6 A Yes, sir.

7 Q And they had a what similar hairstyle or?

8 A The hair. They both had dreads.

9 Q But said he looked like William?

10 A Yes, sir.

11 Q Now the description that was given to you
12 all about the color shirt, shoes, etc., was that
13 consistent with what you all knew at that point?

14 A Yes, sir.

15 Q Now while you were there on the scene at
16 Gem, did you all ultimately discover that that was
17 in fact Darrell?

18 A Yes, sir.

19 Q And how did you all learn that?

20 A My husband Willie McFadden identified the
21 body.

22 Q Now do you know Quinton Brown?

23 A No, sir.

24 Q So you wouldn't know if he was out there
25 or not?

April McFadden-Direct by Corbett

1 A I know he was there, but I didn't know him
2 until that incident.

3 MR. CORBETT: Bear with me one moment
4 please.

5 THE COURT: Okay.

6 Q Now in terms of the conversation there at
7 that scene between you and London, how did she
8 describe the body?

9 A She said he was laying on his side, and
10 his pockets were flipped inside it.

11 Q And how were the pants described?

12 A As Levy jeans.

13 Q Levy's.

14 A He had on Levy's.

15 Q And pockets turned inside out?

16 A Yes, sir.

17 MR. CORBETT: Please answer any questions
18 Mr. Johnson may have.

19 MR. JOHNSON: Your Honor, I have no
20 questions.

21 THE COURT: And, mr. Corbett, and,
22 Mr. Johnson, the time I mentioned earlier about a
23 possible lunch break, it's not set in stone, I was
24 trying to get an idea.

25 MR. CORBETT: Yes, sir, Judge. We were

April McFadden-Direct by Corbett

1 just taking a moment to consider the order of
2 witnesses and the time of day that we had.

3 THE COURT: Take your time. Mr. Corbett.

4 MR. CORBETT: The State would call Dionne
5 Moore.

6 Dionne Moore, being first
7 duly sworn, testified as follows:

8 THE BAILIFF: State your full name and
9 spell your first and last name for the record.

10 A Dionne Moore. D-I-O-N-N-E. Moore,
11 M-O-O-R-E.

12 Direct Examination by Mr. Corbett:

13 Q Ms. Moore, good morning. Or I'm sorry,
14 good morning. Dionne Moore, correct?

15 A That's correct.

16 Q Ms. Moore, do you know London Kelley?

17 A I do.

18 Q How do you know London Kelley?

19 A I've known her her whole life.

20 Q Are you related?

21 A No, we're not.

22 Q Would you consider yourself close friends?

23 A Yes, I consider her as a cousin.

24 Q I'm sorry, say that.

25 A I consider her as a cousin.

Dionne Moore-Direct by Corbett

1 Q Consider her as a cousin.

2 A Yes.

3 Q Although, you're -- I just want to make
4 sure I understand it correctly, because I have
5 some neighbors that call people uncles that aren't
6 their uncles.

7 A Uh-huh. (Affirmative.)

8 Q So are you related?

9 A No, we are not related.

10 Q But do you refer to yourselves as cousins.

11 A Yes.

12 Q Okay, I am with you now. Now do you
13 remember the time frame back in 2011, where
14 Darrell Epps was murdered?

15 A Do I remember the time, no.

16 Q The time frame. Do you remember those
17 events?

18 A Yes.

19 Q If you would please, tell us how did you
20 become aware of this.

21 A That particular morning I got a phone call
22 from Ms. Skinner, April Skinner. And we were
23 talking on the phone and she was saying that
24 Krystle couldn't find Darrell. And so we was
25 just, you know, just having a casual conversation,

Dionne Moore-Direct by Corbett

1 nothing -- thinking nothing serious. And it just
2 continued on. We hung up the phone, and she
3 called me back. April called me back and she told
4 me, call London, and see if London may have went
5 to the club that night. And my response to her
6 was, you know, how would London know who Darrell
7 is. You know, because they didn't know each
8 other. And tell me how would she know who Darrell
9 is. So she pretty much, you know, described what
10 he had on.

11 And I called my aunt to see whether or
12 not, you know, she can get in contact with London.
13 I didn't call London's phone, because sometimes
14 she don't answer her phone. So I called my aunt,
15 because my aunt always have her children. And I
16 told her, I said, well see if you can get in
17 contact with London, have London to call me so I
18 can see whether or not she went to the club that
19 night. And maybe a couple, I am not quite for
20 sure of the time frame, I got a phone call back
21 from London. And as soon as we got on the phone,
22 I asked her, I said, London did you go to the club
23 and she said, no.

24 Q Hold on for me there just---

25 A Okay.

Dionne Moore-Direct by Corbett

1 Q ---one moment. Let me ask the question
2 this way.

3 A Uh-huh. (Affirmative.)

4 Q At some point and time on that Sunday, did
5 London Kelly let you know that a body had been
6 discovered?

7 A Yes.

8 Q Tell me about that part.

9 A That goes back to the phone call. She
10 gave me a phone call, and I asked her whether or
11 not she went to the club. She told me no. And I
12 said, oh, because we were looking for Krystle's
13 boyfriend, Darrell. And she said who is Darrell.
14 I said that's Krystle's fiancée. And she said, oh
15 my God, guess what, you know, we found a body out
16 in Gem's. And my response was, oh my God, you
17 know, I hope that's not Darrell. And once again
18 she was like, who is Darrell. And I explained
19 that it was Krystle's fiancée.

20 Q So she called you and said there was a
21 body in Gem Mobile Home Park?

22 A Yes.

23 Q What did you do after receiving that
24 information?

25 A Once she told me that there was body out

Dionne Moore-Direct by Corbett

1 there, like I said, I was in shock. Oh, my God, I
2 hope it is not Darrell. So I hung up the phone
3 right immediately, just hung up the phone. And I
4 called April. And I said, you all need to go out
5 there to Gem's, because I just talked to London,
6 and she said it was a body out there in Gems; to
7 go out there, because I know they were looking,
8 not to far away from, you know, where the car was
9 at. And so they got in the vehicle and they went
10 over there.

11 Q What did you do?

12 A I hung up on the phone. I got dressed,
13 and I went to Gem's.

14 Q So you went over there as well.

15 A I did.

16 Q Now you knew April Skinner?

17 A Yes.

18 Q You spoke with her there at Gem?

19 A Yes.

20 Q Did you speak with Krystle?

21 A We were all standing around. I may have,
22 I am not quite sure.

23 Q So there's a group of people standing
24 around.

25 A Yes, a group of people.

Dionne Moore-Direct by Corbett

1 Q Now when you were speaking with London----

2 A Uh-huh. (Affirmative.)

3 Q ---was she able to describe the body?

4 A She couldn't describe his body. I had --

5 well, not really, no, she couldn't describe his

6 body. Basically almost like what he may have had

7 on, the red, the red shirt with the jeans, and

8 some sneakers. And then he had real long dreads.

9 Q Real long dreads?

10 A Uh-huh. (Affirmative.)

11 Q I am going to show you this right here.

12 Do you do you recognize that?

13 A I do.

14 Q And that's a statement you gave to the

15 investigator?

16 A Yes.

17 Q So in that phone call, you had indicated

18 to the investigators that London was able to tell

19 you, that he had on a red and white shirt, jeans

20 and red and white shoes?

21 A Yeah.

22 Q And the long dreads?

23 A Yeah. But that was my way of explaining

24 to her who he was, because she had saw him at the

25 club. But she explained to me that she didn't go

Dionne Moore-Direct by Corbett

1 to the club.

2 Q Then you went to Gem.

3 A I did.

4 Q What was your purpose in going to Gem?

5 A For support.

6 Q So you knew April and Krystle?

7 A Yes.

8 Q You knew Darrell?

9 A Yes.

10 MR. CORBETT: Your Honor, that's all the
11 questions I have of this witness.

12 THE COURT: Mr. Johnson.

13 MR. JOHNSON: Thank, Your Honor. If it
14 please the court.

15 Cross Examination by Mr. Johnson:

16 Q Good morning.

17 A Good morning.

18 Q Just a few questions to clarify stuff.

19 You said that you and London are so close friends,
20 that you consider yourself cousins?

21 A Yes.

22 Q So you spent a lot of time together.

23 A Yes.

24 Q ~~You've~~ You've known her her whole life basically,
25 correct?

Dionne Moore-Cross by Johnson

1 A Yes.

2 Q You know Darrell, the victim in this case,
3 right?

4 A Yes.

5 Q And you know that family, correct?

6 A Yes.

7 Q Would you lie for London?

8 MR. CORBETT: Objection, Your Honor.

9 THE COURT: Sir?

10 MR. CORBETT: That question about would
11 she lie for someone, I believe that's improper.

12 THE COURT: Overruled.

13 Q Would you lie for London?

14 A No.

15 Q Would you lie for Darrell's family?

16 A No.

17 Q Do you have any knowledge that Darrell or
18 London knew each other?

19 A No.

20 Q Did you ever see them together?

21 A No.

22 Q You made a statement that I think you said
23 something that London sometimes doesn't return her
24 calls?

25 A Yeah.

Dionne Moore-Cross by Johnson

1 Q Could you reference that? What do you say
2 that?

3 A Because if you call her phone, she may not
4 answer. And you have to maybe keep calling and
5 calling her, or have somebody else call that have
6 her children, she may not answer her phone
7 sometimes. A lot of times she don't answer her
8 phone.

9 Q So this is not unusual if somebody calls
10 her phone and she doesn't answer.

11 A Oh, no.

12 Q Now you actually called London first,
13 right?

14 A I think I tried to call London first.

15 Q I mean once April came to you, you tried
16 to get in touch with London? Or well explain to
17 me how do you try to get in touch with London?

18 A Through my aunt.

19 Q Through your aunt?

20 A Yeah. Because I figured she would answer
21 the phone for her, because she had her children.

22 Q What is your aunt's name?

23 A Sandy Livingston.

24 Q You contacted Sandy Livingston and asked
25 her to try to contact London.

Dionne Moore-Cross by Johnson

1 A Yes.

2 Q Then you received a call from London
3 later.

4 A Yes.

5 Q But that was after you had contacted Sandy
6 Livingston, is that correct?

7 A Yes.

8 Q And what did London tell you again?

9 MR. CORBETT: Objection, Your Honor.

10 THE COURT: Sir, basis?

11 MR. CORBETT: Bear with me one moment,
12 Judge, I may -- withdrawn, Your Honor.

13 Q What did you say London said to you?

14 A When she got on the phone my first, I
15 didn't let her get anything out.. I asked her, I
16 said, did you go to the club. She said, no. And
17 I said, oh, because we were looking for Krystle's
18 boyfriend. And was like, oh, my God, it's a dead
19 body out here in Gem's. And that's when it went
20 on from there. And I was like, oh my God, I hope
21 it's not Darrell. And she said, who is Darrell.
22 I said, that's Krystle's boyfriend. And she was
23 like, oh, and I was just in shock. And I just,
24 you know, I hung up the phone with her to call
25 April and then to let them to know that, you know,

Dionne Moore-Cross by Johnson

1 London said that it was a body in Gem's, and for
2 them to go over there.

3 Q When you was talking to London could you
4 hear the expression of her voice in the phone?

5 A Yeah, I mean.

6 Q What kind of expression did she have?

7 A Kind of like shocked. You know, like I
8 never seen a dead body before.

9 Q And she gave you the impression that she
10 shocked?

11 A Yeah. And that she was scared, yes.

12 MR. JOHNSON: I have no other questions.

13 THE COURT: Redirect?

14 Redirect Examination by Mr. Corbett:

15 Q And we have referenced the statement you
16 had given law enforcement, correct?

17 A Yes.

18 Q And there was no reference in this
19 statement about who knew people and who didn't
20 know people, was there?

21 A I don't understand what you're saying.

22 Q That's your statement, correct?

23 A No, that is not my statement.

24 Q That's not your statement with your
25 signature on it?

Dionne Moore-Redirect by Corbett

1 A No, the name is at the top. That's
2 April's statement.

3 Q I am very sorry. Now that's the statement
4 that you gave, correct?

5 A Correct.

6 Q And when was statement given?

7 A 4th month 11, of 11.

8 Q So April 11th of 2011?

9 A Yes.

10 Q And do you remember which investigator you
11 were talking with?

12 A I don't recall.

13 Q Now if I indicated that it looked like
14 Investigator Tripp Mays, would that sound correct?

15 A Who is Tripp Mays?

16 Q Well if you know. I don't want to put
17 words in your mouth.

18 A Oh, no.

19 Q And Do you remember where you were when
20 you gave that statement?

21 A Yeah, I was at the sheriff's department.

22 Q Sheriff's department?

23 A Yes.

24 Q Now in this statement, there is nothing in
25 there about the prior phone calls describing who

Dionne Moore-Recross by Johnson

1 Darrell is, is that correct?

2 A It's not.

3 Q There's nothing in there about anybody's
4 tone of voice or how they appeared, is there?

5 A No.

6 Q Now, Ms. Moore, when you got that phone
7 call about the body, did you call the police?

8 A No.

9 MR. CORBETT: That's all I have.

10 THE COURT: Recross.

11 MR. JOHNSON: Just a couple of questions.

12 Recross-Examination by Mr. Johnson:

13 Q He asked you about your statement about
14 you didn't have anything in there about the
15 expression or the phone call? Did anybody ever
16 ask you that question?

17 A No, sir.

18 Q If they had, would you given the same
19 answer?

20 A Yes, sir.

21 MR. JOHNSON: No other questions.

22 THE COURT: Anything else, Mr. Corbett?

23 THE COURT: Thank you, ma'am. You can
24 step down. Mr. Corbett next witness.

25 MR. CORBETT: Judge, may we approach?

Dionne Moore-Recross by Johnson

1 THE COURT: Yes, sir.

2 (Whereupon, the attorneys approach the
3 bench and confer with judge.)

4 THE COURT: Ladies and gentlemen, we are
5 going to stop for lunch right now. Obviously you
6 can see the clock. It's shortly after 12. We
7 will get back together at 1:15. So please be
8 back in your jury room at 1:15. You may not in
9 the meantime discuss the case at all. Follow my
10 earlier instructions about communications,
11 reading, watching, listening, things of that
12 nature, and we'll see you back at 1:15.

13 (Whereupon, jury is dismissed for lunch.)

14 THE COURT: We note please to be back in
15 the courtroom at 1:00. One o'clock, so we can
16 cover anything that we might to take up before the
17 jury comes back in.

18 MR. CORBETT: Judge, if I may, I am not
19 sure if the witness Dionne Moore is still in the
20 courtroom. Judge, I would ask there is a
21 potential issue coming up with a second statement
22 given at a later date, and ask that she continue
23 to be sequestered.

24 THE COURT: Well I guess you all, that's
25 fine with me. You will just have to find her and

Dionne Moore-Recross by Johnson

1 let her know that.

2 MR. CORBETT: Very well. Thank you,
3 Judge.

4 THE COURT: Okay. One o'clock. Thank
5 you.

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced on October 27th-31st 2014, in the General Sessions Court, Sumter County, Sumter, South Carolina.

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

5/2/15
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/2021

State of South Carolina)
)
County of Sumter)
)

State of South Carolina,
Plaintiffs

Transcript of Record
2014-GS-43-00724

vs.

London A. Kelley,
Defendant

October 27th-31st 2014
Sumter, S.C.

BEFORE THE HONORABLE George C. James, Jr., Judge.

Volume II

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

Mr. William Jason Corbett,
Assistant Solicitor for the State

Mr. Charlie J. Johnson, Jr.
Attorney for Defendant

Margaret T. Sullivan,
Court Reporter

	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2	Thomas A. Miller				
3	by the Court	453			
	by Mr. Johnson		456		
4	Tina M. Epps				
	by the Court	459			
5	Robin Steadman				
	by the Court	463			
6	by Mr. Corbett		466		
	by Mr. Johnson		467		
7	Victor Baker				
	by the Court	467			
8	Dr. Janice E. Ross				
	by Mr. Corbett	473		489	
9	by Mr. Johnson		484		
	Lohman T. Mays				
10	by Mr. Corbett	490		500	
	by Mr. Johnson		495		
11	Edward Brown				
	by Mr. Corbett	502		516	
12	by Mr. Johnson		512		523
	Shaniaqua Oaks				
13	by Mr. Corbett	532		544	
14	by Mr. Johnson		541		546
15	Suzie Oaks Thomas				
	by Mr. Corbett	550, 559		615	
16	by Mr. Johnson	586			
	Investigator Jennifer Thomas				
17	by Mr. Corbett	619		707	
18	by Mr. Johnson		648, 666		714
19	Rights of the Defendant	697			
	Motions by Mr. Johnson	717			
20	Closing Arguments				
	by Mr. Corbett	752			
21	by Mr. Johnson	776			
22	Charge to the Jury	799			
	Note from Jury-Recharge	828			
23	Note from Jury-Recharge	831			
	Note from Jury	838			
24	Note from Jury-Recharge	849			
	Verdict of the Jury	851			
25	Polling of the Jury	855			
	Sentence of the Court	868			

1		E-X-H-I-B-I-T-S		
2	No.	Description	Id.	Ev.
3	S-1	Voluntary Statement	68	
4	S-2	Miranda Warning	70	
5	S-3	Voluntary Statement	70	
6	S-4	Miranda Warning	75	
7	S-5	Voluntary Statement	79	
8	S-6	Waiver of Rights	81	
9	S-7	Waiver of Rights	83	
10	S-8	Photos (4)	133	
11	S-9	Photo of keys	134	634
12	S-10	Baseball hat	135, 325	696
13	S-11	Voluntary Statement	178	628
14	S-12	Miranda	177	
15	S-13	Aerial photo	258	279
16	S-14-17	photos of burned vehicle	258	259
17	S-18	Aerial photo	275	279
18	S-19-23	Photos victim	281	283
19	S-24-26	Photos vehicle	304	304
20	S-27	Chain of Custody Form		328
21	S-28-38	Photos	343	
22	S-28-30	Photos		348
23	S-31, 37, 38	Photos		349
24	S-36	Photo		350
25	S-33-35	Photos		364
26	S-32	Photo		373
27	S-39-45	Photos	378	
28	S-46	Aerial Photo	385	387
29	S-47	Statement April McFadden	423	
30	S-48	Autopsy Report		483
31	S-49	Statement of Edward Brown	500	634
32	S-50	Facebook Message S.O.	536	539
33	S-51	Statement of SO	546	546
34	S-52	Statement of SOT	556	617
35	D-1	Statement of K.S.	144	
36	D-2	Waiver of Rights	600	
37	C-1-2	Voir Dire	64	
38	C3-C8	Notes from Jury	829-851	
39				
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Thomas Miller-by the Court

1 (Whereupon, trial commences at one o'clock
2 October 29th 2014.)

3 (Whereupon, the following takes place outside
4 the presence of the jury.)

5 THE COURT: Let's go on the record about
6 what we spoke about a few minutes ago in my
7 office. And, Mr. Johnson, and, Mr. Corbett,
8 correct me if I'm wrong. There has been some
9 indication expressed to Mr. Miller of some
10 potential communication of some sort between a
11 family member of the defendant and a juror.
12 Mr. Miller, if you could come up, please and be
13 sworn.

14 Thomas Miller, being first duly sworn,
15 testified as follows:

16 THE BAILIFF: Please state your full name
17 and spell your last name for the record.

18 A Thomas A. Miller. M-I-L-L-E-R.

19 THE COURT: Mr. Miller, back in my office
20 a moment ago at the request of Mr. Corbett and
21 certainly with your knowledge and participation of
22 Mr. Johnson, you indicated to perhaps Mr. Corbett
23 or someone in the solicitor's office about someone
24 telling you what they had seen in the hallway.
25 Could you just recount what you were told, and we

Thomas Miller-by the Court

1 will go from there.

2 A Yes, sir. I was told initially this
3 morning by another person in our office that
4 assisting, that one of victim's family had
5 indicated they had saw a juror talking with the
6 defendant's family after court in the afternoon.
7 I relayed that message to Mr. Finney, my boss.
8 And there was some discussion. And we found out
9 that it was at that time a third party that had
10 seen it, so we went to investigate further. After
11 further investigating that, we found out it was
12 Mr. Lee Dickey who had seen that, and I reported
13 that at time to Mr. Corbett, and we verified the
14 court.

15 THE COURT: And was there anyone else who
16 reported it you who also saw this? Another
17 person.

18 A Yes, sir. Ms. Tiny Epps also.

19 THE COURT: And this was yesterday that
20 this was made known to you?

21 A No, sir, this morning. This morning. It
22 was during, one of witnesses was testifying. And
23 it was whispered in my ear. And at that time, I
24 passed the message on.

25 THE COURT: Anything specific that was

Thomas Miller-by the Court

1 related to you that either Ms. Epps or Mr. Dickey
2 or both saw?

3 A Yes, sir. I was told that some of the
4 defendant's family was seen with this juror. They
5 were taking.

6 THE COURT: Where? Where was this?

7 A In the hallway is my understanding, after
8 court. That it seemed very cordial. There was
9 some -- my understanding is that the juror
10 actually padded or slapped one of family members
11 on the back after court.

12 THE COURT: Did the person who related
13 this to you, indicate that they were able to
14 identify by name either the juror, or the family
15 member of the defendant?

16 A No, sir. I was told which juror it was
17 today, they didn't know the juror's name. I think
18 it was more than one family member, is the way I
19 understood it. It was the juror that was sitting
20 in the back row with the blue shirt. A black
21 gentleman with a bald head.

22 THE COURT: Was he here with a blue shirt
23 today?

24 A Yes, sir.

25 THE COURT: A black gentleman with either

Thomas Miller-Cross by Johnson

1 a shaved or a bald head?

2 A Yes, sir.

3 THE COURT: Any indication of age?

4 A No, sir.

5 THE COURT: Mr. Corbett, any questions?

6 MR. CORBETT: No, sir, judge.

7 THE COURT: Mr. Johnson.

8 Cross Examination by Mr. Johnson:

9 Q I just have one for clarification. Tiny
10 Epps was not told to you yesterday. She was, her
11 name came up today, is that correct?

12 A That is correct. Both names came up
13 today. But you are correct. Initially her name
14 wasn't involved. And when I went back out to find
15 the whereabouts of Mr. Dickey today.

16 Q Right.

17 A That's when she said I saw two of the
18 families. I guess she saw it as well.

19 Q So you were not told both names at the
20 same time.

21 A No, sir. That's correct.

22 THE COURT: And, Mr. Miller, is
23 Mr. Dickey, here today?

24 A I was told he's working somewhere in
25 Columbia building a bridge, or in kind of bridge

April McFadden-by the Court

1 building type thing.

2 THE COURT: Anything else, gentleman?

3 MR. JOHNSON: I have nothing, Your Honor.

4 THE COURT: Thank you, Mr. Miller. You
5 can step down. Can someone bring Ms. McFadden in?
6 April McFadden. Ms. McFadden, you can come up and
7 have a seat in the chair. You're still under oath
8 from earlier today, okay.

9 A Yes, sir.

10 THE COURT: Ms. McFadden, earlier today,
11 and I just want to make sure you understand that I
12 am trying to learn things. I don't know exactly
13 what I'm going to ask you in advance. But it's
14 been reported that perhaps someone either told
15 you, or you may have witnessed some potential
16 contact between a juror and some family member
17 involved in this case. Do you know anything about
18 that?

19 A Yes, sir, I was told that.

20 THE COURT: By whom?

21 A By Lee Dickey.

22 THE COURT: And what did Mr. Dickey tell
23 you?

24 A He said that it was sometime after lunch,
25 that one of the jurors were coming in---

April McFadden-by the Court

1 THE COURT: Today?

2 A Yesterday.

3 THE COURT: Okay.

4 A That one of the jurors were coming in and
5 tapped someone in London's family on the -- like
6 tapped them on the back.

7 THE COURT: Did he tell you if he saw any
8 words exchanged or any communication other than a
9 tap on the back?

10 A No, he said the bailiff kind of got him.

11 THE COURT: The bailiff got him?

12 A Yeah, the bailiff made him move on.

13 THE COURT: Do you know what floor this
14 may have happened on?

15 A This floor.

16 THE COURT: Third floor?

17 A Yes, sir.

18 THE COURT: Do you know anything else
19 about it other than what you related to me?

20 A No, sir.

21 THE COURT: Have you heard anybody else
22 talk about it, other than Mr. Dickey?

23 A No, sir. Well Tiny just said that she saw
24 it also.

25 THE COURT: Questions, Mr. Corbett?

Tina Epps-by the Court

1 MR. CORBETT: Nothing from the State, Your
2 Honor.

3 THE COURT: Mr. Johnson?

4 MR. JOHNSON: I have nothing.

5 THE COURT: Thank you, ma'am. You can
6 step down. Ms. Epps.

7 Tina M. Epps, Being first duly
8 sworn, testified as follows:

9 THE COURT: And your name is Tina Epps.
10 E-P-P-S.

11 A Yes.

12 THE COURT: Ms. Epps, I would like for you
13 to describe if you have any description, anything
14 that you may have seen as far as any possible
15 interaction between a juror and someone who is
16 involved in this case as a family member. And
17 speak up for me if you could.

18 A It was yesterday during recess, a juror
19 was coming in from this way.

20 THE COURT: From the elevator?

21 A Uh-huh. (Affirmative.) And he stopped
22 and made contact with one of the family members.

23 THE COURT: And do you know the name of
24 the family member?

25 A Uh-uh. (Negative.)

Tina Epps-by the Court

1 THE COURT: Do you know if it was a man or
2 a woman.

3 A Woman.

4 THE COURT: Do you know the approximate
5 age, older than you or younger than you?

6 A Probably younger.

7 THE COURT: How old are you?

8 A 47.

9 THE COURT: 47. What did you see, and
10 hear if anything?

11 A I didn't hear nothing. When I actually
12 see him, he stopped and pat her on the back and
13 say a word. I couldn't hear what he had say.

14 THE COURT: And this was a juror?

15 A Uh-huh. (Affirmative.)

16 THE COURT: That's a yes?

17 A Yes, sir.

18 THE COURT: Any doubt in your mind about
19 that?

20 A No, sir.

21 THE COURT: Did this -- was this -- were
22 words exchanged that you couldn't hear or was
23 nothing said at all?

24 A Words were exchanged, but I couldn't hear
25 what it was.

Tina Epps-by the Court

1 THE COURT: How long did that last, a
2 sentence or two, or longer than that?

3 A Maybe a sentence or two.

4 THE COURT: And did it appear to you to
5 the extent that you can even say that, did it
6 appear to you that they already knew each other?

7 A Yes, sir.

8 THE COURT: And who patted who on the
9 back?

10 A I think she patted him on the back.

11 THE COURT: The lady patted the juror on
12 the back?

13 A Uh-huh. (Affirmative.)

14 THE COURT: Ma'am?

15 A Yes, sir.

16 THE COURT: And then what did the juror
17 do?

18 A He walked like he was going back to the
19 room.

20 THE COURT: Do you what he has on today?
21 Have you been in the courtroom?

22 A Yeah. I can't remember he has on.

23 THE COURT: And you're related to
24 Mr. Epps.

25 A That's my son.

Tina Epps-by the Court

1 THE COURT: The victim is your son.

2 A Uh-huh. (Affirmative.)

3 THE COURT: Do you know anybody in the
4 defendant's family?

5 A Yes.

6 THE COURT: Do you see the person in the
7 courtroom who is engaged in this activity with the
8 juror?

9 A Yes.

10 THE COURT: Who is it?

11 A That lady with the blue sweater on.

12 THE COURT: The blue sweater on next to
13 the wall?

14 A Uh-huh. (Affirmative.)

15 THE COURT: With her arms folded?

16 A Uh-huh. (Affirmative.)

17 THE COURT: That's a yes?

18 A Yes, sir.

19 THE COURT: And do you know who that is?

20 A No, sir.

21 THE COURT: Mr. Corbett, any questions?

22 MR. CORBETT: Nothing from the State, Your
23 Honor.

24 THE COURT: Mr. Johnson.

25 MR. JOHNSON: I have nothing.

Robin Steadman-by the Court

1 THE COURT: Thank you, ma'am. You can
2 step down. Ma'am, if you could come forward
3 please.

4 Robin Steadman, Being first duly
5 sworn, testified as follows:

6 THE BAILIFF: Please state your full name
7 and spell your last name for the record.

8 A Robin Steadman. S-T-E-A-D-M-A-N.

9 THE COURT: Ms. Steadman, how are you
10 today?

11 A All right. How about you.

12 THE COURT: I'm doing fine. You heard the
13 folks who came up here and describe what they say
14 they saw occur, especially Ms. Epps. You heard
15 her say that?

16 A Yes.

17 THE COURT: Do you remember having any
18 encounter at all with someone yesterday in the
19 fashion that she described?

20 A No.

21 THE COURT: Did you have any contact with
22 any juror in this case?

23 A I said, hi.

24 THE COURT: And what did the juror say
25 back?

Robin Steadman-by the Court

1 A Nothing.

2 THE COURT: Did you pat him on the back?

3 A No, we kind of bumped into each other.

4 THE COURT: Did you know the juror?

5 A Yes.

6 THE COURT: What's his name?

7 A Victor.

8 THE COURT: Victor is the name of the

9 juror?

10 A Yes.

11 THE COURT: Was his last name Baker?

12 A I'm not sure. I worked with him at Bendix
13 years ago.

14 THE COURT: Have you seen him since then
15 until this case this week?

16 A No.

17 THE COURT: Have you had any
18 communications with him all other than that what
19 you just described in the hallway?

20 A No.

21 THE COURT: Did he call you by name?

22 A No.

23 THE COURT: And what is your relationship
24 to the defendant's family, if any? Are you
25 friends or related by blood or marriage?

Robin Steadman-by the Court

1 A Well we're not blood, but we're real,
2 close.

3 THE COURT: Just good friends.

4 A Yeah. Just like a niece.

5 THE COURT: Was anyone else with you when
6 this bumping occurred.

7 A It was a crowd. Everybody was leaving.

8 THE COURT: And was it down towards the
9 elevators or in the hallway?

10 A In the narrow part, you know, going down.
11 We was going out.

12 THE COURT: Towards the elevator.

13 A Yeah. But we wasn't nowhere near the
14 elevator.

15 THE COURT: Okay. But so you were still
16 in what would be the hallway right outside the
17 courtroom.

18 A Yes, sir.

19 THE COURT: And describe it for me again
20 if you would, please.

21 A We were just going -- we were just going
22 out. We was coming out of here, and he was coming
23 back in.

24 THE COURT: Okay.

25 A And I said hi, and we kind of bumped.

Robin Steadman-Direct by Corbett

1 THE COURT: Okay.

2 A And that's it.

3 THE COURT: Any questions, Mr. Corbett?

4 Direct Examination by Mr. Corbett:

5 Q I am sorry, ma'am. You name, again.

6 A Robin Steadman.

7 Q Ms. Steadman, you knew the individual as
8 Victor?

9 A Yes, sir.

10 Q And how long have you known him?

11 A We worked together in 86.

12 Q Do you all live in close proximity to one
13 another?

14 A No, I don't know where he lives.

15 Q Does he know anybody else that with you in
16 the hall?

17 A No.

18 Q To your knowledge, does he know London
19 Kelley?

20 A No.

21 Q He doesn't, or you don't know?

22 A I don't know who he knows, but I don't
23 think so.

24 MR. CORBETT: That's all I have, Your
25 Honor.

Victor Baker-by the Court

1 THE COURT: Mr. Johnson.

2 CROSS EXAMINATION by Mr. Johnson:

3 Q Do you try to influence him in any way as
4 it relates to this trial?

5 A I said hi, and that's all.

6 MR. JOHNSON: I have no other questions,
7 Your Honor.

8 THE COURT: Thank you, ma'am. You can
9 step down. According to the list, there is a
10 juror named Victor. His name is Victor Baker, Jr.
11 Juror No. 7. He is a black male. Is the State
12 requesting any further action?

13 MR. CORBETT: Judge, the State would
14 request that the court ask Mr. Baker concerning
15 the contact.

16 THE COURT: Mr. Johnson.

17 MR. JOHNSON: I agree, Your Honor.

18 THE COURT: Okay.

19 MR. JOHNSON: I have no objection to that.

20 THE COURT: Ask for Mr. Victor Baker to
21 come out.

22 Mr. Baker, you can have a seat right
23 there.

24 (Whereupon Mr. Baker is seated in
25 courtroom.)

Victor Baker-by the Court

1 THE COURT: I just want to ask you a few
2 questions. As you know, I've given instructions.
3 There are to be no contact and no discussions or
4 anything involving this case. Did you have
5 perhaps any type of encounter in the hallway
6 yesterday with someone who may have been exiting,
7 or been in close proximity to this courtroom?

8 A Yes.

9 THE COURT: Could you describe that for
10 me?

11 A It was a girl that worked with me at
12 Bosch. And all she did was just spoke and shook
13 my hand.

14 THE COURT: And that was it?

15 A That was it.

16 THE COURT: Did you take that to mean as
17 any type of influence that person was trying to
18 exert on you?

19 A No, sir.

20 THE COURT: It was just a chance encounter
21 in the hallway?

22 A Yes, sir.

23 THE COURT: Did it have any impact on you
24 and your thinking in this case?

25 A No, sir.

Victor Baker-by the Court

1 THE COURT: As you have been sitting here,
2 did you have any idea whether she might have been
3 here as a supporter or a member of either family
4 of the victim or the defendant?

5 A No, sir.

6 Q You don't know which side she may---

7 A No, sir.

8 Q ---have been supporting?

9 A No, sir.

10 THE COURT: If you would please, just
11 stand right out in the hall. I'm going to ask
12 these lawyers if there is anything else they want
13 me to ask you, okay.

14 A Okay.

15 THE COURT: Mr. Corbett.

16 MR. CORBETT: Nothing further, Your Honor.

17 THE COURT: Mr. Johnson.

18 MR. JOHNSON: I have nothing further, Your
19 Honor.

20 THE COURT: I'll have unless there is
21 someone who convinces me otherwise, I am going to
22 ask him certainly not to mention anything about
23 all of this to his fellow jurors. Does that suit
24 you, Mr. Corbett?

25 MR. CORBETT: Suitable to the State, Your

Victor Baker-by the Court

1 Honor.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Fine with me, Your Honor.

4 THE COURT: Ask him to step back in.

5 Mr. Baker, you can stand right there. Just don't
6 mention any of our communication over the last
7 couple of minutes to any of your fellow jurors,
8 okay.

9 MR. BAKER: Okay.

10 THE COURT: Thank you, sir. I appreciate
11 your help. Mr. Corbett anything from the State?

12 MR. CORBETT: Nothing from the State, Your
13 Honor.

14 THE COURT: Anything from the defendant?

15 MR. JOHNSON: Nothing from the defendant,
16 Your Honor.

17 THE COURT: I'm satisfied from listening
18 to Ms. Epps and Ms. Steadman, Mr. Miller and the
19 juror that there was no untoward contact or
20 conduct. I believe that obviously in the quarters
21 that we have on this courthouse, some type of
22 harmless encounter is going to happen. I've
23 always kind of wondered how people got from -- the
24 jurors got from the elevator back to where they
25 report. And that's just one of the things that

1 we're going to have to look at. In the near
2 future we may have to just have the jurors go up
3 to the second floor where a bailiff is, and have
4 them come up another way. Especially when there
5 is a crowd in the courtroom.

6 Mr. Tomlin, and, Mr. Brown, you all have
7 heard what's been referenced here in the
8 courtroom?

9 MR. TOMLIN: Yes, Your Honor.

10 MR. BROWN: Yes, sir.

11 THE COURT: Mr. Tomlin, did you see any of
12 this by chance?

13 MR. TOMLIN: Your Honor, I didn't see any.
14 The only thing I saw was a group people down
15 there, and normally, we always try to remember the
16 juror's faces off their numbers and stuff.

17 THE COURT: Yes, sir.

18 MR. TOMLIN: But if we see them
19 congregating down there, we always say, hey, come
20 on back down here.

21 THE COURT: Okay.

22 MR. TOMLIN: That's it. As to whether
23 they bump into one another or whatever.

24 THE COURT: Mr. Brown.

25 MR. BROWN: I didn't see anything, Your

1 Honor.

2 THE COURT: Thank you, sir. We'll go
3 forward now. Mr. Corbett, are you ready?

4 MR. CORBETT: Judge, we are ready. We're
5 just trying to think scheduling wise who to use
6 next. But I think we're ready to roll.

7 THE COURT: It looks like before
8 Mr. Johnson has to get out and make his
9 appointment that I'd previously authorized, we've
10 we got about 2 hours. Maybe 2 hours and 10
11 minutes. Okay. Mr. Johnson, are you ready?

12 MR. JOHNSON: Yes, Your Honor. I'm ready.

13 THE COURT: Do you need a minute to make a
14 decision Mr. Corbett?

15 MR. CORBETT: Dr. Ross, she's actually
16 here. So we're going to change the order a
17 little bit since she's present.

18 THE COURT: You can bring in the jury.

19 (Whereupon, the following takes place
20 within the presence of the jury.)

21 THE COURT: Ladies and gentlemen, we are
22 now ready to continue. I apologize for the delay,
23 but we are ready to go forward now. Mr. Corbett,
24 you can call your next witness.

25 MR. CORBETT: Yes, sir, Your Honor. The

1 State would call Dr. Janice Ross.

2 THE BAILIFF: Please state your full name
3 and spell your last name for the record.

4 A Janice Edwards Ross. R-O-S-S.

5 Direct Examination by Mr. Corbett:

6 Q Dr. Ross, good afternoon.

7 A Good afternoon.

8 Q Tell us, by whom are you employed?

9 A Newberry Pathology Associates.

10 Q In what capacity?

11 A As a forensic pathologist.

12 Q Now when you say forensic pathologist,
13 you're also an MD.

14 A Correct.

15 Q Medical doctor.

16 A That's correct.

17 Q If you would please, tell us a little bit
18 about your education and your training and your
19 experience in the field of forensic pathology.

20 MR. JOHNSON: Your Honor, I would
21 stipulate to her qualifications.

22 THE COURT: You can continue to put those
23 in, but when you want to offer her, I'll designate
24 her as an expert. But you can continue if you
25 want.

Dr. Ross-Direct by Corbett

1 Q Yes, sir. I'll ask a few background
2 questions.

3 THE COURT: Okay.

4 Q Tell us a little bit about your education
5 and training, please.

6 A Yes. I went to the University of South
7 Carolina, and got a Bachelor of Science degree.
8 Then I received my MD, my Doctor of Medicine, from
9 upstate medical center in Syracuse, New York.
10 That's where I did further training in pathology.
11 Pathology is the study of diseases. And as a
12 pathologist, I diagnose diseases; such as, cancers
13 and leukemias by using a tissue under the
14 microscope and blood work from a laboratory. We
15 learn how to do autopsies also to find out a cause
16 of death.

17 I further trained in forensic pathology
18 which means, forensic means legal. It's using our
19 pathology knowledge on legal matters; such as,
20 rapes and suicides, homicides and accidents. So
21 we trained to do a specific type of autopsy, a
22 more detailed autopsy, to identify paths of injury
23 and document materials for the court of law.
24 Obtain specimens for toxicology purposes. I am
25 board certified in hospital and forensic

Dr. Ross-Direct by Corbett

1 pathology.

2 Q Now, Dr. Ross, have you been qualified as
3 an expert witness in the courts of South Carolina
4 before?

5 A Yes.

6 Q In the field of forensic pathology?

7 A Yes.

8 MR. CORBETT: Your Honor, at this time, we
9 would offer Dr. Ross as an expert in the field of
10 forensic pathology.

11 THE COURT: And you had no objection,
12 correct?

13 MR. JOHNSON: No objection, Your Honor.

14 THE COURT: Ladies and gentlemen, the
15 witness is qualified as an expert in the field of
16 forensic pathology. As I mentioned to you
17 yesterday, an expert witness can give opinions
18 during testimony, and also can give the reasons
19 for those opinions. You give her testimony the
20 weight you believe it deserves, and I will
21 instruct you more closely on that at the end of
22 the case. Mr. Corbett.

23 Q Dr. Ross, do have available to you an
24 autopsy report numbered FA11-243.

25 A Yes, sir.

Dr. Ross-Direct by Corbett

1 Q And who is the decedent in that report?

2 A Darrell Epps.

3 Q And when I say decedent, I'm referring to
4 the individual who is dead, correct?

5 A Correct.

6 Q If go would, please, take us through the
7 process what you do in an autopsy, and then we'll
8 talk about what your findings were.

9 A Yes. The body is brought to us by the
10 transport at the coroner's request and
11 authorization. The coroner of the county
12 involved. The body comes in a body bag, which we
13 open. And we document what kind of clothing they
14 have, or any kind of rings or other materials. We
15 take photographs of the body clothed, and then we
16 take the clothing off. And take photographs of
17 the body unclothed. Then in the case like this,
18 where there is obvious gunshot wounds and shotgun
19 wound, we do x-rays to identify any residual
20 bullets inside the body. So that was done. And
21 then we do a specific type of autopsy to look at
22 each organ and identify what organs are injured.

23 Q Now in the course of that process and in,
24 particular with this autopsy, tell us what you
25 were able to find.

Dr. Ross-Direct by Corbett

1 A We found evidence of a shotgun wound in
2 the head, which the head was fairly distorted, so
3 but it was consistent with the bullet, with
4 shotgun pellets. It's bird shot; going from sort
5 of the top middle of the head and somewhat
6 downward into the front. We found a gunshot wound
7 of the right chest. A gunshot wound in the left
8 abdomen. A gunshot wound of the back. And I'd
9 say about a total of 4 gunshot wounds to the right
10 and left thighs, and a gunshot wound of the left
11 foot.

12 Q Now, Dr. Ross, I am going to show you
13 what's been entered into evidence as State's
14 Exhibit No. 32, which is it's been testified to,
15 was a picture of the body before it was removed
16 from the scene. And is that picture consistent
17 with your findings?

18 A Yes.

19 Q Now I want to go back and talk about the
20 wounds for just a moment, if I may. You had
21 indicated the shotgun wound to the head. We
22 referred to that wound first. And just now in
23 your testimony, you were talking about bird shot.

24 A Yes.

25 Q Now for the folks who may not familiar

Dr. Ross-Direct by Corbett

1 with shotguns and shot, would you tell us a little
2 bit about that, and how may you made that
3 determination.

4 A Well by x-ray and by visualizing them.
5 Bird shot is kind of like little BB's, as opposed
6 to pellets, which are larger. And sometimes
7 shotguns are -- have slugs. But it's a single
8 piece of metal. This bird shot could be
9 visualized on the x-ray.

10 Q And based on your examination, it was the
11 shotgun that made the large wound to the head.

12 A Correct.

13 Q Now as we move down, what's the wound that
14 you examine or encounter?

15 A That would be the wound to the right
16 chest. That went in the front of the chest. It
17 went downward, backward. Front to back, and
18 slightly to the right. And that bullet was found
19 underneath the skin of the right lower back.

20 Q And is that referred to as gunshot wound
21 No. 2 in your report?

22 A Correct.

23 Q Tell us about gunshot wound No. 3, please.

24 A We number these wounds according from top
25 to bottom. It does not mean the order that they

Dr. Ross-Direct by Corbett

1 were inflicted. The third shot went into the
2 abdomen. Just to the left of the middle. And
3 that one went downward also and to the right. And
4 that bullet was found underneath the skin to the
5 right lower back also.

6 Q And gunshot wound No. 4.

7 A Gunshot wound No. 4 went in the right
8 back. It went downward and stayed pretty much
9 underneath the skin. And that was found in the
10 lower right back.

11 Q And gunshot wound No. 5.

12 A No. 5 was in the left thigh. It went
13 front to back, slightly upward. And that was
14 found in the -- I'm sorry it went in the, more
15 towards the back of the thigh. And it was found
16 near the ileac bone, which is the pelvic bone.

17 Q The ileac bone is the pelvic bone?

18 A Correct. On the left.

19 Q Gunshot wound No. 6 please.

20 A No. 6 went into the right thigh, front of
21 the right thigh. It went slightly downward. It
22 just went underneath the skin, and then it exited
23 towards the outside of the thigh. It just went a
24 short distance.

25 Q Gunshot No. 7?

Dr. Ross-Direct by Corbett

1 A No. 7 went also into the left thigh. In
2 front of the left thigh. And it went slightly
3 upward into the right and then exited the right
4 thigh. Lateral thigh. The side of the thigh.

5 Q Okay. Gunshot wound No. 8.

6 A That was into the posterior left thigh.
7 It went upward and to the right and exited that
8 thigh.

9 Q And gunshot wound No. 9.

10 A Gunshot wound No. 9, it went into the heel
11 of the left foot, and it came out the outside --
12 the outside of the ankle of that foot. It went
13 into the left heel and came out of the outer
14 ankle.

15 Q Now there's a note in your report there,
16 addressing gunshot wounds 2 through 9 and
17 providing some additional information about those.
18 What does that note there refer to?

19 A We just note that there -- whether there
20 was evidence of soot or stippling, which is an
21 indicator of the range of the wound. How close
22 the gun was the skin. When a bullet comes out of
23 a gun so does soot and powder. And if the soot or
24 powder hits the skin, it will leave a mark. Or
25 leave soot. But those the powder and the soot

Dr. Ross-Direct by Corbett

1 only go a certain distance. So if you don't see
2 any evidence of powder or soot, you can say that
3 the wound is a distant shot. And that will depend
4 on how far it is. But that means depends on the
5 type of gun, the caliber et cetera. But it's
6 generally it's two feet or more.

7 Q Now the report there about no soot or
8 tattooing on wounds 2 through 9. Let's back up to
9 No. 1 for just a moment, if we could. Your report
10 makes reference to wound No. 1, the gunshot wound
11 to the head. Splitting the scalp open. And
12 please correct me if I my pronunciation is wrong,
13 avulses the---

14 A Yes.

15 Q ---brain.

16 A Yes, it just---

17 Q Okay.

18 A ---spreads it open. And the brain, it
19 takes the brain away from the skull.

20 Q Now with regard to that wound, was there
21 any indication of distance for that wound?

22 A That appeared to be a contact wound.
23 Indicating, meaning that there was evidence of the
24 muzzle being against the skin.

25 Q Dr. Ross, based on your training and

Dr. Ross-Direct by Corbett

1 experience, do you have an opinion to a reasonable
2 degree of medical certainty as to what caused the
3 death of Darrell Epps?

4 A Yes.

5 Q And what is that conclusion, please,
6 ma'am?

7 A It means avulsion of the brain. Which
8 means the brain evacuated from the skull, due to
9 the shotgun wound to the head.

10 Q The other wounds that you describe, 2
11 through 9, any of those wounds potentially fatal?

12 A The No. 2 which went through the -- from
13 the right chest. It went through the lung. That
14 could have been fatal. That could have killed
15 him. And the one in the abdomen is potentially
16 fatal.

17 Q And is that based upon the damage that it
18 did to internal structure?

19 A Correct.

20 Q Now, Dr. Ross, the other bullet wounds
21 that you describe, if you are able, can you tell
22 anything about the victim's location or placement
23 at the time that those -- he is shot?

24 A Well all I can say is, bullets go
25 straight. So for instance, the one that went into

Dr. Ross-Direct by Corbett

1 the right chest, because it went downward and to
2 the right, the gun was either above him or he was
3 bent forward.

4 Q Okay.

5 A For instance. But so some of the wounds
6 went front to back. Some went back to front.

7 Q Based on the wound tracks, are you able to
8 tell if the person was seated or standing? Is
9 there any way to tell?

10 A No.

11 Q And if you would, please, is that your
12 original report you have with you?

13 A Well it's a copy of the original.

14 Q If you would, take just a moment to make
15 sure that what I place there is a copy, an exact
16 copy of what you have.

17 A Yes, it is.

18 MR. CORBETT: Your Honor, at this time, we
19 would offer as State's Exhibit No. 48, Dr. Ross'
20 pathology report?

21 THE COURT: Any objection?

22 MR. JOHNSON: No objection, Your Honor.

23 THE COURT: That's No. 48. It's stapled.

24 It will be in.

25 (Autopsy report marked State's Exhibit No.

Dr. Ross-Cross by Johnson

1 what 48 into evidence.)

2 MR. CORBETT: Your Honor, that's all the
3 questions I have. Thank you.

4 THE COURT: Mr. Johnson.

5 MR. JOHNSON: Thank you. Please the
6 Court.

7 Cross Examination by Mr. Johnson:

8 Q Good afternoon, Dr. Ross.

9 A Good afternoon.

10 Q Just a few questions concerning your
11 examination. One second. Ms. Ross, this is
12 State's Exhibit No. 23. That's a picture that was
13 previously marked of the position of the body when
14 it was found.

15 A Yes.

16 Q In looking at that picture and looking at
17 your examination, as far as the shotgun shot, if
18 the body was found in that position, is it safe to
19 assume that the shotgun shot was the last shot?

20 A It could be.

21 Q Because if a person is laying in that
22 position, it's safe to say that they could not
23 have been shot in the chest, correct?

24 A Correct.

25 Q So therefore it's safe to say that the

Dr. Ross-Cross by Johnson

1 shots to the chest came before the shotgun shot.

2 A Yes.

3 Q Now depending on if that's the position he
4 was dead, from your examination of the ankle shot,
5 it's safe to say that the ankle shot came before
6 the shotgun shot, correct?

7 A Well the ankle shot could have been from
8 while he was lying down, as well as the shot in
9 the left upper thigh.

10 Q Okay. Maybe I was looking at it.

11 A It says left foot to the left heel, which
12 looks down. It is difficult to say.

13 Q But it is probably well let put it in
14 this. Is it possible then to say that the victim
15 probably was in a fight by the number of shots say
16 to his foot, leg, considering that the last shot
17 was to be the shotgun shot or---

18 MR. CORBETT: Objection, Your Honor.

19 Q ---or he was tussling?

20 THE COURT: Yes, sir.

21 MR. CORBETT: Lack of foundation as to
22 that particular question.

23 THE COURT: Lack of foundation lack. Lack
24 of expertise or what?

25 MR. CORBETT: Both, Judge. The question

Dr. Ross-Cross by Johnson

1 was phrased in such that, was he in a fight. And
2 I don't know that's there's been substantial
3 foundation laid to whether or not that answer can
4 be given.

5 THE COURT: Overruled. To the extent the
6 witness knows, I think the question is proper.

7 A The different directions of the wounds,
8 some going up, some going down, some front and
9 back, some back to front, indicates to me that
10 there a lot of motion. Movement. This person was
11 turning around, and somehow maybe stuck his left
12 foot up to get it shot from the almost the bottom
13 of the foot. So there was movement. Whether
14 there was a fight or not, I didn't see any wounds
15 on his hands indicating a fist fight.

16 Q And just for clarification, there was no
17 gunshot residue test done, correct?

18 A I took one. We sent it to sled.

19 Q Do you know what the results of that was?

20 A I never get those results. Either we took
21 one or let's see. I guess we did not take one at
22 the morgue, but they may have done one at the
23 scene.

24 Q But you didn't take one at the morgue.

25 A Correct.

Dr. Ross-Cross by Johnson

1 Q And do you find any type of -- did you
2 take anything from underneath the victim's
3 fingernails?

4 A We took, see what we did. No, we did not.

5 Q Okay. When you exam the victim, he's
6 normally brought to you basically in tact, as much
7 as possible, from where they was able to move him
8 and brought to you, right?

9 A Correct.

10 Q So they don't remove clothes or things of
11 that. You do that yourself, correct?

12 A Correct.

13 Q Even watches, rings, all of those other
14 things.

15 A Correct.

16 Q Did you find a wristband on his arm?
17 Similar to the type of wristband people put on
18 their arm when they go to a nightclub?

19 A I don't have that listed, but there was a
20 watch.

21 Q There was a watch, correct?

22 A Yes.

23 Q But no wristband. And if there was
24 something that you took off a wrist, you would
25 have listed it, correct?

Dr. Ross-Cross by Johnson

1 A It would be listed on the evidence form,
2 yes, sir.

3 Q And since it's not on there, it's fair to
4 say it wasn't on his arm, correct?

5 A Correct.

6 Q Were you able to determine what caliber of
7 shells or gun was used?

8 A No, sir. We send those to sled for that.

9 Q How many rounds did you recover?

10 A Five.

11 Q Five.

12 A Plus the -- well 4 plus the shotgun.

13 Q Plus the shotgun pellets. Are any of the
14 wounds that you have, are they described as
15 reentry wounds?

16 A No.

17 Q A bullet leaves and reenter?

18 A No. No, they were not.

19 Q So each wound was unique to itself.

20 A Correct.

21 Q Meaning that he was shot, counting the
22 shotgun, nine times.

23 A Correct.

24 MR. JOHNSON: One second, Your Honor.

25 THE COURT: All right.

Dr. Ross-Redirect by Corbett

1 MR. JOHNSON: I have no other questions,
2 Your Honor.

3 THE COURT: Redirect.

4 Redirect Examination by Mr. Corbett:

5 Q Dr. Ross, I am going to show you this
6 document, and ask if you're familiar with a
7 document such as that.

8 A This is from trace evidence of sled. It
9 looks like a GSR kit.

10 Q And based on that report, was there any
11 gunshot residue recovered from the victim?

12 MR. JOHNSON: Your Honor, I would kind of
13 object on how he's trying to get the report in.

14 THE COURT: Did she offer it?

15 MR. CORBETT: No, sir.

16 THE COURT: The basis for her testifying
17 about it?

18 MR. CORBETT: Judge, it was brought up on
19 cross examination, and I was addressing.

20 THE COURT: And he asked her whether she
21 took a GSR kit.

22 MR. CORBETT: Yes, sir.

23 THE COURT: Objection is sustained.

24 MR. CORBETT: No further questions, your
25 Honor.

Investigator Mays-Direct by Corbett

1 THE COURT: Anything else Mr. Johnson?

2 MR. JOHNSON: No more questions, Your

3 Honor.

4 THE COURT: Can the witness be excused.

5 MR. CORBETT: From the State's

6 perspective. .

7 MR. JOHNSON: As well as me.

8 THE COURT: Next witness.

9 MR. CORBETT: The State would call
10 Investigator Tripp Mays.

11 Lohman C. Mays, being first duly
12 sworn, testified as follows:

13 THE BAILIFF: Please state your full name
14 and spell your last name for the record.

15 A Lohman C. Mays. M-A-Y-S.

16 DIRECT EXAMINATION by Mr. Corbett:

17 Q Investigator Mays, good afternoon.

18 A Good afternoon.

19 Q Tell us, by whom are you employed.

20 A I'm employed with the Sumter County
21 Sheriff's Office.

22 Q And long have you been with the Sumter
23 County Sheriff's Office?

24 A I've been with the Sumter County Sheriff's
25 Office since April of 2002.

Investigator Mays-Direct by Corbett

1 Q And what do your duties with the sheriff's
2 office include?

3 A I'm the sergeant in criminal
4 investigations. We, you know, investigate crimes
5 that occur within Sumter County.

6 Q Now with regard to the Darrell Epps
7 murder, did you get involved in that case?

8 A Yes, sir.

9 Q If you would, tell us a little bit about
10 your involvement in that case.

11 A Originally, how I become involved, I was
12 on call as an on-call investigator. And whenever
13 our on-call, we have a secondary and a primary.
14 The secondary in general, and, you know, covers
15 everything from daytime. Primary covers
16 everything after 4:00 p.m. right on up. And I was
17 notified by Investigator Williams earlier in the
18 day of a possible missing person. And later on,
19 he called me and told me that they were en route
20 to Gem Mobile Home Park in reference to a body
21 being discovered out there.

22 Q And did you respond to that scene?

23 A I did.

24 Q Now when you arrived on the scene, was the
25 body still there?

Investigator Mays-Direct by Corbett

1 A It was.

2 Q I'm going to show you a group of
3 photographs, including State's 22, 21, 20, 19.
4 Also 32, 23, 33, 30, 36, 38, 37, and 31, 29. And
5 just ask if you will review those in just a
6 moment, please. Are you able to identify those
7 photographs?

8 A Yes, sir.

9 Q And is that what you observed when you
10 arrived on the scene that day?

11 A Yes, I did.

12 Q I am going to show you this document and
13 ask if you can tell us what that is.

14 A This is the Sumter County Sheriff's Office
15 crime scene log.

16 Q And does your name appear on that
17 document?

18 A It does.

19 Q Does it also give some indication of when
20 you arrived on the scene?

21 A Yes, sir. It's showing that I arrived on
22 the scene at 14:47, which would be 2:47 p.m.

23 Q Now you had indicated to us that you were
24 the on-call investigator that day.

25 A Yes, sir.

Investigator Mays-Direct by Corbett

1 Q This being a weekend.

2 A That's correct.

3 Q If you would, tell us a little bit about
4 what part your investigation covered.

5 A At that point what we did, whenever we
6 respond to a major crime scene like that, we try
7 and get information from the responding officers
8 to see if there any witnesses, or any type of
9 information that we need to follow up on. In this
10 case, there was three names given. And I can't
11 remember if they were on the scene at that time or
12 not. But I did speak with them individually on
13 the scene.

14 Q Okay. Now at some point and time, did you
15 have a car searched?

16 A Yes, sir.

17 Q Whose car was that?

18 A It was Quinton Brown.

19 Q Now was that car at Gem Mobile Home Park?

20 A No, sir. It was located at American
21 Mobile Home Park.

22 Q Do you remember what type of car it was?

23 A It was a Chevrolet Impala.

24 Q Now you were at Gem Mobile Home Park, is
25 that correct?