

VOLUME II of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

 ORIGINAL

APPEAL FROM SUMTER COUNTY

George C. James, Jr., Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LONDON A. KELLEY,

APPELLANT

APPELLATE CASE NO. 2014-002412

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 32 (PHOTOGRAPH)

Investigator Mays-Direct by Corbett

1 A That's correct.

2 Q Did you go back to American, or did you
3 have someone go to American?

4 A No, I stayed on the scene at Gem Mobile
5 Home Park, and had Lieutenant Misty Lee go to
6 American Mobile Home Park to conduct that search
7 of that vehicle.

8 Q Now at this point was your portion of the
9 investigation continuing on, or what was going on
10 with your part of the investigation?

11 A I remained on the scene after I
12 interviewed and gotten written statements from the
13 three names that I was given. And then I double
14 check and make sure that there was nobody else
15 that needed follow up interviews. And then I
16 went down and checked with Investigator Richardson
17 and the other part -- the other officers on the
18 scene, down where the body was located.

19 Q Now that was that day at Gem?

20 A That's correct.

21 Q Did you have any involvement in the days
22 afterward?

23 A Yes, sir.

24 Q Did that just involve talking to more
25 people?

Investigator Mays-Cross by Johnson

1 A It did.

2 Q Now during the course when you were
3 involved in the investigation, at that point and
4 time, was anyone placed under arrest?

5 A No.

6 Q Now at some point and time, did the file
7 get passed from you to another investigator?

8 A Yes, sir.

9 Q Was there any other steps in there that
10 I'm missing in terms of your involvement with the
11 case?

12 A No, sir.

13 MR. CORBETT: Thank you very much. Please
14 answer any questions Mr. Johnson may have.

15 THE COURT: Mr. Johnson.

16 Cross Examination by Mr. Johnson:

17 Q Good afternoon, Officer Mays.

18 A Good afternoon.

19 Q Let's clarify some things. The three
20 individuals that you talked to was my client,
21 London, correct?

22 A That's correct.

23 Q Her boyfriend Quinton.

24 A That's correct.

25 Q Correct? And Terrel who testified today.

Investigator Mays-Cross by Johnson

1 A That's correct.

2 Q Well why didn't you just mention their
3 names? I mean why do have they have to be three
4 individuals? And they cooperated with you,
5 correct?

6 A They did talk with me individually at the
7 back of my patrol -- or my work car.

8 Q And they gave you statements as to what
9 they saw and how they found the body, correct?

10 A That's correct.

11 Q And it was consistent with the evidence
12 you had there at that time, wasn't it?

13 A Yes, sir.

14 Q They didn't avoid you or duck you or you
15 had to look for them or anything, did you?

16 A No, sir.

17 Q They came to you, correct?

18 A They were on the scene. I don't -- I
19 can't -- I don't remember how they were -- how
20 they got back there.

21 Q Okay.

22 A But I do know that they lived there.

23 Q And they walked up to you, correct?

24 A They were standing outside the crime
25 scene---

Investigator Mays-Cross by Johnson

1 Q Okay.

2 A ---tape.

3 Q Just to keep it short, they cooperated
4 with you.

5 A Yes, sir.

6 Q Now the car that you went to inspect was
7 an Impala owned by her boyfriend Quinton, correct?

8 A Yes, sir.

9 Q Who told where the impala was?

10 A It was another officer. I can't remember
11 exactly which one it was.

12 Q Didn't Quinton tell you the Impala was at
13 American when you questioned him?

14 MR. CORBETT: Objection, Your Honor.

15 Hearsay.

16 THE COURT: Overruled.

17 Q Didn't Quinton tell you that?

18 A I don't recall that, sir.

19 Q Did you ask him where the car was?

20 A I don't recall that, sir. Like I say, I
21 do recall that I was told by another officer that
22 that's where the vehicle was at.

23 Q And you all inspected the vehicle,
24 correct?

25 A That's correct.

Investigator Mays-Cross by Johnson

1 Q And you found nothing, correct?

2 A That is correct, sir.

3 Q Found no blood, correct?

4 A That's correct.

5 Q No gun.

6 A Nothing of evidentiary value was found by
7 Lieutenant Lee.

8 Q And they cooperated with you in that,
9 didn't they?

10 A Yes.

11 Q And you did -- you actually kept this case
12 for almost two years, didn't you?

13 A No, sir.

14 Q How long?

15 A Probably a little over a month.

16 Q Over a month?

17 A Yes, sir.

18 Q And at that time, you had basically
19 questioned all the people you could question,
20 correct?

21 A Yes, sir.

22 Q You have looked at all the evidence you
23 had looked at, correct?

24 A Yes, sir.

25 Q And you found no evidence or not enough

Investigator Mays-Cross by Johnson

1 probable cause to arrest anyone, correct?

2 A That is correct.

3 Q And that was after you had got all the
4 forensic evidence.

5 A No, sir. All that stuff hadn't come back
6 from sled at that time. Or any of the other
7 stuff.

8 Q But you have seen the forensic evidence
9 since then, correct?

10 A Yes, sir.

11 Q Have you seen anything that implicates my
12 client in forensic evidence?

13 A No, sir.

14 Q So they didn't matter then, did it.

15 A I'm not understanding your---

16 Q Well let me put it this way. The forensic
17 evidence that you didn't have at that time is has
18 returned since then, correct?

19 A That's correct.

20 Q And you found nothing in that to implicate
21 my client, correct?

22 A Yes, sir.

23 Q And you had no evidence before when you
24 had the case, to implicate my client, correct?

25 A That's correct.

Investigator Mays-Cross by Johnson

1 Q And as far as your involvement in case,
2 you have no evidence against my client, do you?

3 A No, sir, I don't.

4 MR. JOHNSON: I have no questions.

5 THE COURT: Mr. Corbett, redirect.

6 Redirect Examination by Mr. Corbett:

7 Q Investigator Mays, the individuals you
8 talked to at Gem that day, did you have to call
9 them to come back?

10 A I didn't. I don't remember who it was,
11 but somebody made contact to have them return up
12 there, because we wanted to speak with them.

13 Q Individuals weren't on the scene when the
14 police required.

15 A No, sir.

16 Q Now did you examine the victim's body?

17 MR. JOHNSON: Your Honor, outside the
18 scope of my cross examination.

19 THE COURT: Sustained.

20 MR. CORBETT: No further questions, Your
21 Honor.

22 THE COURT: You can step down. Thank you.
23 Everybody okay. Mr. Corbett.

24 MR. CORBETT: Your Honor, may we approach
25 for a moment?

Edward Brown-Direct by Corbett

1 THE COURT: Yes, sir. Ladies and
2 gentlemen, we are going to take a recess to wait
3 for the next witness to come up to the third
4 floor. So please go to your jury room. Do not
5 discuss the case in any way.

6 (Whereupon, the following takes place
7 outside the presence of the jury.)

8 (Whereupon, court takes a short recess.)

9 THE COURT: Mr. Corbett, are you ready?

10 MR. CORBETT: Yes, the State is ready.

11 THE COURT: Mr. Johnson, are you ready?

12 MR. JOHNSON: Yes I am, Your Honor.

13 THE COURT: You may bring the jury in.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 Edward Brown, being first duly
17 sworn, testified as follows:

18 THE BAILIFF: Please state your full name
19 and spell your last name for the record.

20 A Edward Brown.

21 THE COURT: B-R-O-W-N?

22 A Yes, sir.

23 THE COURT: Mr. Corbett.

24 Direct Examination by Mr. Corbett:

25 Q Mr. Brown, good afternoon. Mr. Brown, if

Edward Brown-Direct by Corbett

1 you would please, I'm going to ask you to kind of
2 look up so I can hear you a little better. I miss
3 a few words every now and then. And try to speak
4 into that microphone for me if you would. You've
5 told us your full name is Edward Brown, correct?

6 A Yes, sir.

7 Q And, Mr. Brown, it's obvious by your
8 clothes that you're currently incarcerated at the
9 South Carolina Department of Corrections, is that
10 right?

11 A Yes, sir.

12 Q What are you currently incarcerated for?

13 A Drug charges and armed robbery.

14 Q So armed robbery and some drug charges, is
15 that correct?

16 A Yes, sir.

17 Q And when did you go to the department of
18 corrections?

19 A 2012.

20 Q 2012. Now are you related to Quinton
21 Brown?

22 A No.

23 Q Do you know Quinton Brown?

24 A Yes, sir.

25 Q But you're not related.

Edward Brown-Direct by Corbett

- 1 A No, sir.
- 2 Q Now do you know London Kelley?
- 3 A Yes, sir.
- 4 Q Do you see here, here?
- 5 A Yes, sir.
- 6 Q Where is she?
- 7 A Over there.
- 8 Q In the pink scarf?
- 9 A Yes, sir.
- 10 Q Now how do you know London Kelley?
- 11 A Well what do you mean, how do I know her?
- 12 Q How did -- when did you meet her?
- 13 A About like 2006.
- 14 Q So you have known her for some time?
- 15 A Yes, sir.
- 16 Q What was the nature of your relationship,
- 17 were you friends? Were you dating? Were you
- 18 seeing each other on the side? Kind of describe
- 19 it for me.
- 20 A Something like that.
- 21 Q Well there was three in there, so tell me,
- 22 if you would please, use your words and describe
- 23 that relationship.
- 24 A The last one. Seeing each other on the
- 25 side. Yes.

Edward Brown-Direct by Corbett

1 Q Now did you have occasion to speak with
2 Investigator Thomas concerning this case?

3 A Yes, sir.

4 Q And what were you able to tell -- well
5 first of all, was that in regard to something
6 London Kelley said to you?

7 A Yes, sir.

8 Q Where were you when that conversation was
9 taking place?

10 A American Inn.

11 Q American Inn?

12 A Yes, sir.

13 Q And where is that located?

14 A In Sumter off 76.

15 Q Off of 76?

16 A Yes, sir.

17 Q Is it out there near Shaw Air Force Base?

18 A Yes, sir.

19 Q And do you remember the room number?

20 A 212.

21 Q Room 212. And tell me, what was the
22 purpose of you meeting her there? Let me ask the
23 question this way, perhaps. Were you meeting
24 there to have sex?

25 MR. JOHNSON: Your Honor, objection. He's

Edward Brown-Direct by Corbett

1 leading the witness.

2 THE COURT: Overruled.

3 A Yes, sir.

4 Q Now when -- do you remember about when
5 this meeting was?

6 A Around the summer of 2011.

7 Q Summer of 2011.

8 A Yes, sir.

9 Q And tell me what was it that she said to
10 you at the America's Inn room 212?

11 A She was mad. She was mad that Quinton,
12 you know, she felt bad for setting Darrell Epps
13 up.

14 Q Well hang on for just one moment. Why was
15 she made at Quinton?

16 A For messing with his ex-girlfriend.

17 Q And what else?

18 A That's about it.

19 Q Now you were about to continue the
20 sentence, and I cut you off there. What else did
21 she say?

22 A Well she was mad at him. He was still
23 having sex with his ex-girlfriend.

24 Q Okay, and what else?

25 A That's it.

Edward Brown-Direct by Corbett

1 Q And that's it?

2 A Yes, sir.

3 Q Was any other part of that conversation?

4 A You have to explain to me.

5 Q When she indicated, your testimony was,
6 she said that was mad at Quinton Green (sic) for
7 continuing a relationship with, I believe, you
8 referred to as an ex-girlfriend. And how did she
9 continue that conversation?

10 A She felt bad for setting Darrell up to get
11 robbed.

12 Q Setting Darrell up to get robbed?

13 A Yes.

14 Q Robbed by whom?

15 A By Quinton and Christopher Lovely.

16 Q What else did she say about how those
17 events transpired?

18 A What do you mean?

19 Q What additional detail did she give you
20 concerning that?

21 A What other detail?

22 Q Let me show this to you, and ask if you
23 can identify that document?

24 A Yes, sir.

25 Q Now does that document reflect your

Edward Brown-Direct by Corbett

1 recollection of the statement where you were
2 talking with investigator Thomas?

3 A Yes, sir.

4 Q Now what else did your statement indicate
5 about those events? Or do you need this?

6 A No. Explain to me, man. I don't
7 understand what you're saying.

8 Q I understand. London indicated she never
9 would put herself---

10 MR. JOHNSON: Your Honor, objection.

11 THE COURT: Sustained. You can ask him
12 if he said those things, you can't just read it.
13 In other words, use Rule 613.

14 MR. CORBETT: Yes, sir..

15 Q Okay. Now let's do if we may. Do you
16 remember giving that statement to Investigator
17 Thomas?

18 A Yes, sir.

19 Q Does that document have the date it was
20 given?

21 A Yes, sir.

22 Q And when was that?

23 A December 31st 2013.

24 Q December 31st of 2013. And what time of
25 day?

Edward Brown-Direct by Corbett

1 A 2:10.

2 Q And do remember where you were when you
3 gave that statement?

4 A Wateree.

5 Q And when you say Wateree, that's Wateree
6 Correctional Facility.

7 A Yes, sir.

8 Q And you signed that document, correct?

9 A Yes, sir.

10 Q So that was in fact your statement.

11 A Yes, sir.

12 Q Now in your statement, did you state to
13 the investigator that London Kelley indicated to
14 you that she was upset with Quinton Brown because
15 he was still messing with Shakea---

16 MR. JOHNSON: Your honor, once again, he's
17 reading off the statement.

18 THE COURT: Come up please, Mr. Johnson.

19 (Whereupon, the attorneys confer with
20 Judge.)

21 THE COURT: The objection is overruled.
22 Mr. Corbett, you can continue.

23 Q Now, Mr. Brown, in the statement that you
24 had previously provided, December 31st 2013, you
25 indicated that you had signed that statement as

Edward Brown-Direct by Corbett

1 well, correct?

2 A Yes, sir.

3 Q Now on that statement, did you indicate
4 that London Kelley told you that she was upset
5 with Quinton Brown because he was still messing
6 with Shakea Green.

7 A Yes, sir.

8 Q And she never would have put herself in
9 the position with setting Darrell Epps to get
10 robbed by Quinton.

11 A Yes, sir.

12 Q Now do you remember any other detail that
13 she shared with you?

14 A No, sir. It's all right there.

15 Q But I'm asking if your recollection you
16 can remember any other detail from that statement.

17 A No, sir.

18 Q Did you tell Investigator Thomas in your
19 statement, London said she left Club Miami with
20 Darrell in his car and went to Harwood.

21 A Yes, sir.

22 Q London said she went inside and the
23 shooting happened.

24 A Yes, sir.

25 Q And that was your statement.

Edward Brown-Direct by Corbett

1 A Yes, sir.

2 Q And where was that said to you by London

3 Kelley?

4 A At the American Inn.

5 MR. CORBETT: Bear with me one moment.

6 Q Now, Mr. Brown, you indicated that you

7 know London Kelley who is sitting in the courtroom

8 today.

9 A Yes, sir.

10 Q You recognize her.

11 A Yes, sir.

12 Q Does she look the same today as she did in

13 11?

14 A So, so.

15 Q So, so.

16 A Yes, sir.

17 Q But enough that you can recognize.

18 A Yes, sir.

19 Q Now you had referenced this meeting in the

20 Summer of 2011. Now had you meet with London

21 Kelley on prior occasions?

22 A What do you mean?

23 Q Had you ever meet her at the hotel before?

24 A Yes, sir.

25 Q Ever met her anywhere else other than the

Edward Brown-Direct by Corbett

1 hotel?

2 A No, sir.

3 Q Always at that hotel?

4 A Yes, sir.

5 Q Now you indicated that you were to meet
6 her at room 212. Did you get the room or did she
7 get the room?

8 A She got the room.

9 Q Now in terms of this information you had
10 concerning these events, did the investigators
11 know that you knew this? How did the
12 investigators become aware that you knew this?

13 A I brought it to their attention.

14 Q I'm sorry. Say it again.

15 A I brought it to their attention.

16 Q You brought it to their attention.

17 A Yes, sir.

18 Q Now was there anything -- well let me ask
19 it this way first. Do you know how many times
20 that you would have met London at the hotel?

21 A No, sir.

22 Q Do you have an estimate? More than 5 or?

23 A No, sir.

24 Q You don't know or...

25 A I don't know.

Edward Brown-Cross by Johnson

1 Q You don't know the number.

2 A No, sir.

3 Q And was there anything about her, her
4 appearance or anything in particular to her, that
5 you noticed or remembered in particular?

6 A No, sir.

7 MR. CORBETT: Mr. Brown, thank you.

8 That's all the questions I have.

9 THE COURT: Mr. Johnson.

10 MR. JOHNSON: Thank you, Your Honor.

11 CROSS Examination by Mr. Johnson:

12 Q Good afternoon, Mr. Brown. You go by the
13 name of Bubba in the street, don't you?

14 A Yes, sir.

15 Q Do you mind if I call you Bubba?

16 A No.

17 Q Bubba, do you remember back on November --
18 well October 2nd, meeting an investigator named
19 John Davis, who came to see you?

20 A Yes, sir.

21 Q Do you remember telling him that
22 Investigator Thomas---

23 MR. CORBETT: Objection, Your Honor.

24 THE COURT: Based on?

25 MR. CORBETT: Judge, may we approach?

Edward Brown-Cross by Johnson

1 THE COURT: Yes, sir.

2 (Whereupon, attorneys confer with judge.)

3 THE COURT: Anything else, Mr. Corbett?

4 MR. CORBETT: Nothing, Your Honor.

5 THE COURT: You can rephrase the question,

6 Mr. Johnson.

7 Q Bubba, let me ask you this. Isn't it so
8 that Investigator Thomas came to see you in the
9 Sumter Detention Center.

10 A Investigator Thomas, you said.

11 Q Investigator Thomas sitting here. Do you
12 remember her?

13 A That was Turbeville.

14 Q When you I think it was at Sumter
15 Detention Center she came to see you, and asked
16 you if you will provide a statement that you would
17 go home sooner?

18 A Oh, yes, sir.

19 Q Was there an investigator there?

20 A Yes, sir.

21 Q She told you that before you gave the
22 statement, didn't she?

23 A Yes, sir.

24 Q You don't know how she found you, correct?

25 A Yes, sir.

Edward Brown-Cross by Johnson

1 Q Because they found you before you called
2 them, correct?

3 A Yes, sir.

4 Q And then you gave the statement saying
5 that you knew London, correct?

6 A Yes, sir.

7 Q And she told you that if you gave a
8 statement, you would go home sooner, correct?

9 A Yes, sir.

10 Q And that's the only reason you are here,
11 right?

12 A Yes, sir.

13 Q Because you expect to get something out of
14 this, correct?

15 A Yes, sir.

16 Q Now this statement that you gave, well let
17 me ask you a question. That statement that they
18 just showed you, that he just, I got a copy of it
19 here. Your Honor, can I approach the witness?

20 THE COURT: Yes, sir.

21 Q Do you recognize that as a statement that
22 he just showed you a minute ago?

23 A Yes, sir.

24 Q That you say was your statement?

25 A Yes, sir.

Edward Brown-Cross by Johnson

1 Q Who wrote it?

2 A Investigator Thomas.

3 Q Investigator Thomas wrote it.

4 A Yes, sir.

5 Q All you did was sign it, right?

6 A Yes, sir.

7 Q And let's be realistic. Did you actually
8 read that statement?

9 A Yes, sir.

10 Q All of it.

11 A Yes, sir.

12 Q Read it. Read it out loud for me now.

13 MR. CORBETT: Ob -- your Honor, may we
14 approach, I have an interjection. An objection
15 to interpose.

16 THE COURT: Okay. He can be reading it to
17 himself while you are coming up.

18 MR. CORBETT: Judge, if I can have just
19 one moment.

20 THE COURT: All right. Has someone got an
21 extra copy, I guess I need to look at.

22 MR. CORBETT: Judge, I withdraw my
23 objection.

24 THE COURT: Do you want him to read it out
25 loud, Mr. Johnson?

Edward Brown-Redirect by Corbett

1 MR. JOHNSON: Well I just want him to read
2 it to himself.

3 THE COURT: Himself.

4 MR. JOHNSON: Yes, sir. I am not going to
5 publish it.

6 THE COURT: Are you finished, sir?

7 A Yes, sir.

8 THE COURT: Go ahead.

9 Q You wrote that. And then you -- she wrote
10 that, and then she asked you to sign it, correct?

11 A Yes, sir.

12 Q And basically you would have done whatever
13 she asked you, because you wanted to get out it
14 correct?

15 A Yes, sir.

16 MR. JOHNSON: I have got no other
17 questions.

18 THE COURT: Mr. Corbett.

19 Redirect Examination by Mr. Corbett:

20 Q Mr. Brown, now when you talked to
21 Investigator Thomas, you indicated it was at
22 Wateree Correctional.

23 A Yes, sir.

24 Q Is that correct?

25 A Yes, sir.

Edward Brown-Redirect by Corbett

1 Q Now she never talked to you at the Sumter
2 Lee Detention Center.

3 THE COURT: Is that a question?

4 MR. CORBETT: Yes, sir.

5 Q Did she ever talk to you at the Sumter Lee
6 Regional Detention Center?

7 A No, sir.

8 Q There seems to be some confusion. I want
9 to make sure we have that right, because
10 Mr. Johnson was just asking you, didn't she come
11 out to the jail, the detention center, and get you
12 to write this.

13 A No. No, sir.

14 Q I want to make sure you're clear on that.
15 So where were you when Investigator Thomas came to
16 see you?

17 A Wateree.

18 Q Wateree Correctional.

19 A Yes, sir.

20 Q Now at that point and time, which I
21 believe you've told me was December 31st of 2013,
22 is that correct?

23 A Yes, sir.

24 Q You were already incarcerated.

25 A Yes, sir.

Edward Brown-Redirect by Corbett

1 Q You were already serving your sentence for
2 armed robbery and drugs.

3 A Yes, sir.

4 Q Is that correct?

5 A Yes, sir.

6 Q Now how is it, if you've already got your
7 sentence, Investigator Thomas really couldn't
8 promise you a way to go home, could she?

9 A I don't know.

10 Q I am sorry?

11 A I don't know.

12 Q But you had already been convicted.

13 A Yes, sir.

14 Q So you weren't threatened. You weren't
15 threatened when you gave a statement.

16 A No, sir.

17 Q You weren't promised anything.

18 A No, sir. Yes, sir.

19 Q Now you are saying you were promised
20 something. Well if you already serving time for
21 armed robbery, what were you promised?

22 A To go home earlier.

23 Q Now how many people are at Wateree
24 Correctional?

25 MR. JOHNSON: Your Honor, objection.

Edward Brown-Redirect by Corbett

1 Relevance.

2 THE COURT: Overruled.

3 Q Guys such as yourselves that are being
4 housed at Wateree, what's a rough guess on how
5 many are there?

6 A Oh, 8 or 900.

7 Q So how did Investigator Thomas know to
8 come see you?

9 A I don't know.

10 Q But didn't you indicate earlier that you
11 had contacted law enforcement?

12 A I told my lawyer. My lawyer contacted
13 them.

14 Q So it was you who sent information to law
15 enforcement that you had information about this
16 case.

17 A Yes, sir.

18 Q Otherwise Investigator Thomas wouldn't
19 have known to come see you.

20 A Yes, sir.

21 Q Is that correct?

22 A Yes, sir.

23 Q Now when you're being asked if
24 Investigator Thomas wrote this, and all you did
25 was sign it. Now it does say here, I requested

Edward Brown-Redirect by Corbett

1 Investigator Thomas write this statement for me,
2 correct?

3 A Yes, sir.

4 Q And you initialed that.

5 A Yes, sir.

6 Q And you initialed the beginning here. And
7 you initialed here, here and here. Is that
8 correct.

9 A Yes, sir.

10 Q And so you got an opportunity to read that
11 statement before signing it.

12 A Yes, sir.

13 Q Okay. And you indicated by signing it,
14 that that was a truthful statement.

15 A Yes, sir.

16 Q Is that statement the truth?

17 A Yes, sir.

18 THE COURT: Has that been marked,
19 Mr. Corbett?

20 MR. CORBETT: I'm sorry, Your Honor. I
21 will have that marked for identification.

22 (Statement marked State's 49 for Id.
23 only.)

24 THE COURT: Just so I can be clear,
25 Mr. Johnson and, Mr. Corbett, this is dealing with

Edward Brown-Redirect by Corbett

1 a written statement that---

2 MR. JOHNSON: At least the one I am aware
3 of, Your Honor.

4 THE COURT: ---from law enforcement.

5 MR. CORBETT: Yes, sir.

6 Q Now when this statement was provided, you
7 indicated that you met London at the America's
8 Inn, correct?

9 A Yes, sir.

10 Q Room 212, correct?

11 A Yes, sir.

12 Q Is there any way Investigator Thomas could
13 have known that unless you told her?

14 A No, sir.

15 Q So that information came from you.

16 A Yes, sir.

17 Q And then she wrote what you told her, is
18 that correct?

19 A Yes, sir.

20 MR. CORBETT: Your Honor, just one moment
21 please.

22 Q Mr. Brown, I want to back up to something
23 you said a little bit earlier. You had indicated
24 the name Quinton Brown and another name, is that
25 correct?

Edward Brown-Redirect by Corbett

1 A Yes, sir.

2 Q What was that other person's name?

3 A Christopher Lovely.

4 Q Now investigator Thomas didn't know that
5 name until you gave it to her, correct?

6 A Yes, sir.

7 Q So in the course of your conversation, you
8 were told that it was Quinton and Christopher that
9 did the shooting.

10 A Yes, sir.

11 Q Quinton Brown and Christopher Lovely.

12 A Yes, sir.

13 Q Is that correct?

14 A Yes, sir.

15 Q Do you remember another individual besides
16 Investigator Thomas being there?

17 A Yes, sir.

18 Q Do you remember who that was?

19 A Investigator Gardner.

20 Q He was also present.

21 A Yes, sir.

22 Q So there were two officers there with you
23 when you gave that statement.

24 A Yes, sir.

25 MR. CORBETT: That's all I have. Thank

Edward Brown-Redirect by Corbett

1 you.

2 THE COURT: Recross.

3 MR. JOHNSON: Yes, Your Honor.

4 Recross Examination by Mr. Johnson:

5 Q Bubba, I am not going to keep you up here
6 very long. Let's just get back to the plain
7 facts. Isn't it true that they came to you and
8 told that you would be released, get off earlier,
9 if you gave that statement, correct?

10 A Yes, sir.

11 Q And isn't it true that you would do
12 whatever you had to do, to get your butt out of
13 jail?

14 A Yes, sir.

15 MR. JOHNSON: That's all I want to know.

16 Thank you.

17 THE COURT: Anything else, Mr. Corbett?

18 MR. CORBETT: Nothing else, Your Honor.

19 THE COURT: Thank you, Mr. Brown. You can
20 step down. Can he be released?

21 MR. CORBETT: Yes, sir.

22 THE COURT: Mr. Johnson? Any problem
23 with that, Mr. Johnson?

24 MR. JOHNSON: I have no problem, Your
25 Honor.

Edward Brown-Redirect by Corbett

1 THE COURT: Ladies and gentlemen, we are
2 going to break early today. We put in a lot of
3 work today. There is a, it's not mine this time,
4 but we have a conflict this afternoon that I have
5 to deal with, and we're going to stop for the day.
6 We are going to start tomorrow morning a little
7 bit early. We are going to start at 9:15. I'd be
8 willing to start at 8:30, but I would get in
9 trouble if I did that. But we'll go at 9:15.
10 We'll start promptly at that time.

11 In the meantime, you may not discuss the
12 case. You can't talk about it amongst yourselves
13 or anyone else in the world. Do not undertake to
14 do any research or watch anything, listen to
15 anything or gather any information about this case
16 at all. And do not blog, tweet, facebook,
17 whatever else there is to communicate, don't do
18 it. And we'll see you tomorrow morning at 9:15.
19 Thank you.

20 THE BAILIFF: Leave your books in the
21 chair, please.

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

24 THE COURT: Do you anybody in here, Mr.
25 Corbett?

1 MR. CORBETT: No, sir. Judge, I don't
2 think that SCDC people need to be present, but
3 they are the ones we will relate to.

4 THE COURT: Which witness is this?

5 MR. CORBETT: Your Honor, the department
6 of corrections has an inmate Susie Loretta Oaks.
7 The court may know her as Suzie Oaks Thomas.
8 She is downstairs in the holding cell with the
9 correctional officer. We were anticipating this
10 could happen. I have an order that she be
11 detained in the Sumter Lee Regional Detention
12 Center for purposes of this trial.

13 THE COURT: Well I know there are internal
14 rules, and I would assume that if that's the case,
15 now I will sign the order. But I can't order the
16 detective branch to do something without their
17 input. Have you all talked to Mr. Major? I
18 assume Captain Teresa Ray Lee? Are they going to
19 have a problem with it that you know of?

20 MR. CORBETT: Judge, not that I know of.
21 It's a procedure we have used in the past.

22 THE COURT: Mr. Johnson, do you object to
23 that?

24 MR. JOHNSON: I have no objection, Your
25 Honor, but I do have a concern. Because well

1 have great to all witnesses in the sequester. I
2 request that she is kept here and she be kept in
3 seclusion.

4 THE COURT: From who?

5 MR. JOHNSON: From any, anyone.

6 THE COURT: Well, I don't know. I am
7 trying to get your perspective on it. Because a
8 witness who is sequestered and is outside here
9 today, is going home with their family and have
10 lunch -- excuse me, supper and all that. They're
11 just sequestered from the each other. Or excuse
12 me, they are forbidden from talking to each other
13 about what's going in the courtroom.

14 MR. JOHNSON: I am just trying to prevent
15 the contact coming back to her preparing her.

16 THE COURT: You and Mr. Corbett can talk
17 to her. Mr. Webb and your other investigator can
18 talk to her. And that's fine. That wouldn't
19 violate my order. Mr. Corbett and investigators
20 from his office can talk to her. It's just that
21 can't have any contact with other witnesses.

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

23 THE COURT: Okay. I'll sign the order. I
24 don't think that putting her in isolation is going
25 to accomplish anything. I will, is her daughter

1 out there too?

2 MR. CORBETT: Judge, as far as I know, she
3 is still there.

4 THE COURT: Well I don't want her and her
5 daughter talking to each other.

6 MR. JOHNSON: That was my concern, Your
7 Honor.

8 THE COURT: Well I will handwrite on the
9 order, she's to -- the inmate is to have no
10 contact with, is it Shaniaqua or Shameka?

11 MR. CORBETT: Shaniaqua.

12 THE COURT: Does anybody know how to spell
13 that? S-H-A-N-E-K-A. Hand me the order, and I
14 will add that to it. Is anybody from the jail
15 here? Who is going to take her to the jail?

16 MR. CORBETT: Judge, we'll have to call
17 the jail. If SCDC is unable to deliver her to the
18 detention center, we will have to have the
19 detention center come here, but we should be able
20 to sort out those details.

21 THE COURT: Well I've seen it happen
22 before where SCDC takes her back to Columbia, and
23 the local people have got to go get her. And
24 that's kind of going around your elbow to get to
25 your thumb. But I can't tell them how to do it

1 mechanically, but I sign your order that she's to
2 be kept here.

3 MR. CORBETT: Mr. Johnson, can we also
4 approach.

5 (Whereupon, attorneys approach and confer
6 with judge.)

7 THE COURT: Mr. Corbett, do you want to
8 put anything on the record about what we just
9 spoke about up here?

10 MR. CORBETT: Judge, and I am going to
11 take a moment to see if it is something that
12 Mr. Johnson can resolve without the necessity of
13 the court involvement. The concern I had I
14 believe that Mr. Johnson and I can address it
15 without the court's participation at this point
16 and time.

17 THE COURT: Well I'll just go ahead and
18 say that I can understand certainly that this is a
19 contentious atmosphere in here and maybe out in
20 the hallway. But I will say this, that if there's
21 to be any untoward activity or conversations or
22 conduct in this building or on this property,
23 whoever is responsible for it, I don't care who it
24 is, is going to go to jail. That should be the
25 most of your worries. The least of your worries

1 you will leave the courtroom. But I certainly
2 understand the undercurrent. I certainly don't
3 fault anybody for having strong feelings about it.
4 But I don't care if it's the defendant or a family
5 member or a friend or prospective witness, if
6 anybody doesn't conduct themselves properly on
7 this property, you are going to be asked to leave
8 this courtroom and you will likely go to jail.

9 I am not accusing any one person of
10 anything directly, but let's make sure that
11 everybody understands that. This is not a sport
12 where everybody can just holler at the other side.
13 It's not going to happen. Nobody can intimidate a
14 possible witness. Nobody can ask somebody else to
15 do it. And nobody can look sideways and make
16 comments or what some witness may have said, or is
17 going to say.

18 Ma'am, you are from SCDC, correct?

19 THE OFFICER: Yes, sir.

20 THE COURT: I just want to make sure we
21 follow your procedures. You have Ms. Thomas here?

22 THE OFFICER: I have Suzie Oaks.

23 THE COURT: Suzie Oaks.

24 THE OFFICER: Uh-huh. (Affirmative.)

25 THE COURT: Also known as Suzie Oaks

1 Thomas. She's not going to testify today.

2 THE OFFICER: Okay.

3 THE COURT: But she's going to testify
4 tomorrow morning. I've signed an order that she
5 be held her locally. Do you think that's
6 appropriate?

7 THE OFFICER: Oh, yes. I have a temporary
8 custody form for the county jail to keep her
9 overnight.

10 THE COURT: But there's nothing else you
11 need me to do or sign.

12 THE OFFICER: Uh-uh. (Negative.)

13 THE COURT: Thank you.

14 MR. CORBETT: I'm sorry, ma'am. Did the
15 judge need to sign that?

16 THE OFFICER: Can you put a signature at
17 the bottom of something just so I can.....

18 THE COURT: Thank you very much. Anything
19 else today, Mr. Corbett.

20 MR. CORBETT: Nothing from the State, your
21 Honor J.

22 THE COURT: Mr. Johnson.

23 MR. JOHNSON: I have nothing, your honor.

24 THE COURT: The jury will be back at
25 9:15 a.m. Let's make sure without fail, that if

1 there is anything we need to cover before we start
2 at 9:15 that you let me know by 9:00 o'clock.
3 I'll get Mr. Bradley to give you my cell phone
4 number if you all need to call me.

5 (Whereupon, trial commences on Thursday
6 October, 30, 2014 at 9:15 a.m.)

7 THE COURT: Mr. Corbett, is the State
8 ready?

9 MR. CORBETT: Your Honor, we are. But I
10 do ask one thing about the courtroom monitor.

11 THE COURT: I have to start it up here.
12 I don't really know. I guess it goes to sleep
13 after lack of use.

14 MR. CORBETT: The State is ready, your
15 Honor.

16 THE COURT: Mr. Johnson.

17 MR. JOHNSON: The defense is ready.

18 THE COURT: 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 ready to continue. Mr. Corbett, you can all the
23 State's next witness.

24 MR. CORBETT: Your Honor, the State would
25 call Shaniqua Oaks.

1 Shaniaqua Oaks, being first duly sworn,
2 testified as follows:

3 THE BAILIFF: Please state your full name
4 and spell your first and last name.

5 A Shaniaqua. S-H-A-N-I-A-Q-U-A. Oaks.

6 THE COURT: Oaks is O-A-K-S?

7 A Yes.

8 Direct Examination by Mr. Corbett

9 Q Ms. Oaks, good morning. Ms. Oaks, I'll
10 stand a little bit back so talk like you are
11 trying to -- for me to be heard okay.

12 A Okay.

13 Q Push that volume up for me just a little
14 bit. Tell us your name.

15 A Shaniaqua Oaks.

16 Q And, Ms. Oaks, are you currently at the
17 Sumter/Lee Regional Detention Center?

18 A Yes, sir.

19 Q And how long have you been out there?

20 A 3 weeks.

21 Q Now prior to that, were you at the
22 Sumter/Lee Regional Detention Center?

23 A Yes, sir.

24 Q Were you at the Sumter/Lee Regional
25 Detention Center around the first of this year?

Shaniaqua Oaks-Direct by Corbett

1 A Yes, sir.

2 Q Now why are you currently at the
3 Sumter/Lee Regional Detention Center?

4 A A General Sessions bench warrant.

5 Q So you're out there on a bench warrant
6 right now.

7 A Yes, sir.

8 Q So you have a charge pending?

9 A Yes, sir.

10 Q And is it fair to say you've had some
11 run-ins with the law in your life?

12 A Yes, sir.

13 Q What type of convictions have you had?

14 A Shoplifting and driving.

15 Q I'm sorry.

16 A Shoplifting and driving.

17 Q Shoplifting offenses, driving offenses.

18 A Uh-huh. (Affirmative.)

19 Q Some forgery offenses?

20 A Uh-huh. (Affirmative.)

21 Q I'll tell you what do this for me if you
22 would, please. In casual conversation, uh-huh and
23 uh-uh, I can understand but we're taking
24 everything down, so use yes and no's for me,
25 please. Okay.

Shaniaqua Oaks-Direct by Corbett

1 A Yes, sir.

2 Q Now did you have occasion at the
3 Sumter/Lee Regional Detention Center to be in a
4 cell with London Kelley or in the same area?

5 A Yes, sir.

6 Q Do you remember when that was?

7 A No, sir.

8 Q Was it earlier this year?

9 A Yes, sir.

10 Q Now do you remember about how long you
11 were in the same area?

12 A A weekend.

13 Q A weekend?

14 A Yes, sir.

15 Q Now during the course of that weekend, did
16 you have occasion to have any conversations with
17 her?

18 A Yes, sir.

19 Q Tell me about those conversations.

20 A It was about my charge and hers.

21 Q Now at that time, what was your charge?

22 A Shoplifting.

23 Q And so you all talked about your charge.

24 A Yes, sir.

25 Q Well else did you talk about?

Shaniaqua Oaks-Direct by Corbett

1 A Her charge, and that was it.

2 Q What did she tell you about hers?

3 A That she was in there on a murder case and
4 that she and her boyfriend and whatever have
5 supposed to robbed some guy, and they went wrong.
6 And they ended up killing him.

7 Q Now who was the individual? Do you know
8 the other parties involved?

9 A No, sir.

10 Q What other details did she share with you
11 about that offense?

12 A That how he looked, and they was planning
13 on robbing him for drugs and money.

14 Q So just kind of walk us through what was
15 said to you about how that happened.

16 A She called him supposedly been talking
17 some, and her boyfriend---

18 Q I am sorry, I don't hear all that well so
19 slow down and speak a little bit louder for me,
20 okay.

21 A She called him and supposedly been talking
22 to him. And her boyfriend supposed to have
23 robbed him. And I guess it went bad. He shot
24 him. She -- they left him there, and the next day
25 they called the cops. Tell the cops that they

Shaniaqua Oaks-Direct by Corbett

1 found somebody in the the back yard dead.

2 Q Now how much longer or were in that same
3 area for any extended period of time?

4 A No, sir.

5 Q How was it that you went separate
6 directions is what I am asking.

7 A I left and went home.

8 Q So you got out.

9 A Uh-huh. (Affirmative.) Yes, sir.

10 Q Do you remember any other names that may
11 have been used?

12 A She called his name but I can't remember.

13 Q Now after you got out, did you have any
14 additional communication with her?

15 A She wrote me on facebook letting me know
16 she was home.

17 Q I am going to show you this document and
18 ask if you can identify that. And, ma'am, I am
19 sorry. Let me do this first, if I may please.
20 Let me assign it an identification number.

21 (Facebook message marked State's Exhibit
22 No. 50 for ID.)

23 Q I am going to hand you State's Exhibit No.
24 50, and ask if you can identify that.

25 A Yeah, that's a conversation.

Shaniaqua Oaks-Direct by Corbett

1 Q I'm sorry, say that again please.

2 A Yeah, that's a conversation.

3 Q Now you have to bear with me, because I am
4 not a facebook person. So how is it that you
5 received that?

6 A She in-boxed me.

7 Q She in-boxed?

8 A Uh-huh. (Affirmative.)

9 Q And like I said, please bear with me,
10 because I don't some of the facebook terms.

11 Q Okay. Now what was said in the in-box if
12 that's the right word I am using?

13 A Everything that is on here.

14 Q Okay, and what's on that document?

15 A Letting me know she was home. And I told
16 her I was glad for her. And she asked me how the
17 kids was doing, and that was it.

18 Q And do you know when that would have been?

19 A April 21st at 5:40.

20 Q Are you referring to the date there on the
21 side?

22 A Uh-huh. (Affirmative.)

23 Q Is that a yes?

24 A Yes, sir.

25 Q Now prior to the two of you being in the

Shaniaqua Oaks-Direct by Corbett

1 same area at the Sumter/Lee Regional Detention
2 Center, did you know her?

3 A No, sir.

4 Q And what name did you know her by at the
5 detention center?

6 A London.

7 Q Did you know her last name?

8 A Kelley.

9 Q Do you see her here today?

10 A Yes, sir.

11 Q Where is she?

12 A Over there.

13 Q In the black outfit sitting at the table?

14 A Uh-huh. (Affirmative.)

15 Q Is that a yes?

16 A Yes.

17 Q Now prior to being and I keep saying the
18 same area. Describe for me what your connection
19 was at the detention center.

20 A We were roommates.

21 Q Roommates. Do you remember what room?

22 A 201.

23 Q 201? Now prior to being roommates at the
24 Sumter/Lee Regional Detention Center, did you
25 know each other?

Shaniaqua Oaks-Direct by Corbett

1 A No, sir.

2 Q You did not?

3 A No, sir.

4 Q Now you're going to help me with this

5 question a little bit. The facebook

6 communication, there's something called facebook

7 friends, is that correct?

8 A Yes, sir.

9 Q Now was she a facebook friend?

10 A No, sir.

11 Q Okay. So is there a way that you can

12 message somebody on facebook without being their

13 facebook friend?

14 A Yes, sir.

15 Q And is that how that was accomplished?

16 A Yes, sir.

17 Q By Mr. Corbett) Your Honor, at this time, we

18 would offer State's Exhibit No. 50.

19 MR. JOHNSON: No objection, Your Honor.

20 THE COURT: 50 is in.

21 (Facebook message marked State's Exhibit

22 No. 50 into evidence.)

23 MR. CORBETT: If we may publish.

24 Q Ms. Oaks, are you able to see that monitor

25 there in front of you?

Shaniaqua Oaks-Direct by Corbett

1 A Yes, sir.

2 Q I want you to look at what's been marked
3 as State's Exhibit No. 50, and tell me if that is
4 the same thing we are seeing on the screen.

5 A Yes, sir.

6 Q Of course the screen is a color version of
7 it, correct?

8 A Yes, sir.

9 Q Now, Ms. Oaks, I have touched on this a
10 little earlier, how long were you two in the same
11 cell?

12 A A weekend.

13 Q A weekend. Any types of problem or issues
14 between you during that time?

15 A No, sir.

16 Q Are you indicated some names were called
17 but you don't remember them.

18 A Yes, sir.

19 MR. CORBETT: Ms. Oaks, thank you very
20 much. Please answer any questions Mrs. Johnson
21 has.

22 Cross Examination by Mr. Johnson:

23 Q Good morning.

24 A Good morning.

25 Q Let me make, Shaniaqua.

Shaniaqua Oaks-Cross by Johnson

1 A Shaniaqua.

2 Q Shaniaqua. Okay. I just need to ask you
3 a couple of questions. First of all, you were
4 only there for the weekend, correct?

5 A Yes, sir.

6 Q And you and London basically were telling
7 each other what you was there for and what you've
8 been charged with, right?

9 A Yes, sir.

10 Q Did you tell you her that you did what you
11 were charged with?

12 A Yes. I shoplifted.

13 Q Yeah, but you told her you were guilty of
14 all the charges while you was there?

15 A Not really.

16 Q You all didn't discuss guilt or innocence,
17 did you?

18 A No, sir.

19 Q So she didn't necessarily say she was
20 guilty of these charges. She told you what she
21 was charged with, right? And what the police had
22 told her, correct?

23 A I ain't too -- well she told me what she
24 was charged with. She said her and her
25 boyfriend---

Shaniaqua Oaks-Cross by Johnson

1 Q Right.

2 A ---was charged with murder.

3 Q Right.

4 A And once she said that, then she started
5 telling me, on a Sunday, she started telling me
6 that they picked her boyfriend up first for
7 murder. Then they came back and pick her up. And
8 she asked me did I know the boy. And I told her,
9 no. So she started describing him to me. And I
10 was no, I still don't know him. She was like,
11 well that's the boy that my boyfriend supposed to
12 rob.

13 Q Supposed to.

14 A Yes, sir.

15 Q And her statement to you was that they
16 said she called him, correct?

17 A Yes, sir.

18 Q And your statement is that, that they
19 called the cops, correct?

20 A Uh-huh. (Affirmative.)

21 Q Didn't say that they went to the cops or
22 they met the cops. They called the cops.

23 A Yes.

24 Q Now who is your mother? What's the name
25 of your mother?

Shaniaqua Oaks-Cross by Johnson

1 A Suzie.

2 Q Suzie Oaks.

3 A Yes, sir. Thomas. Oaks.

4 Q And do you remember having a conversation
5 about your mother with a correctional officer
6 named Crystal Washington recently?

7 A I don't know a Crystal Washington.

8 Q You don't know a Crystal Washington?

9 A No.

10 Q Do you remember having a conversation with
11 a correctional officer about your mother's
12 knowledge of this incident?

13 A No.

14 Q Do you remember having a conversation with
15 correctional officer about your mother's lack of
16 knowledge of this incident and her testifying?

17 A No, not a law officer named Crystal
18 Washington.

19 Q Well do you remember any officer other
20 than Crystal?

21 A No, sir.

22 MR. JOHNSON: I have got no other
23 questions for you.

24 THE COURT: Redirect?

25 Redirect Examination by Mr. Corbett:

Shaniaqua Oaks-Redirect by Corbett

1 Q And, Ms. Oaks, I just want to make sure I
2 understand this correctly. You said you were
3 talking about each other charges, correct?

4 A Yes, sir.

5 Q And what did she say about those events?

6 A About?

7 Q Well let me do this if I may. I am going
8 to show you this document, and ask if you
9 recognize that.

10 A Yes, sir.

11 Q If you would, take a moment to read over
12 that. You've had an opportunity to look over
13 that?

14 A Yes, sir.

15 Q That's your statement?

16 A Yes, sir.

17 Q Now in terms of refreshing recollection,
18 what was said to you about those events that
19 London Kelley was telling you?

20 A That they robbed him in her backyard.
21 They left him there. And called the police the
22 next day and let them know he was there.

23 Q How did she describe the young boy she was
24 talking to you? Referred to him as doing what?

25 A What do you mean how she described him and

Shaniaqua Oaks-Redirect by Corbett

1 how did he look?

2 Q Doesn't it say in your statement that he
3 was selling drugs?

4 A Uh-huh. (Affirmative.)

5 Q And what happened during those events?

6 A That her boyfriend came up and robbed him.

7 Q Okay. And what happened during the course
8 of the robbery?

9 A After they robbed him, they killed him.

10 Q And does it indicate why they killed him?

11 A No, sir.

12 Q Do you see the line here talking, starting
13 with talking?

14 A Uh-huh. (Affirmative.)

15 THE COURT: You need to say yes or no.

16 A Yes, sir.

17 Q With that line, tell us what that says.

18 A Talking to the young boy that sold drugs
19 and her boyfriend.

20 Q I'm sorry, speak up for me a little bit
21 louder, please. Get close to that microphone.

22 A Talking to the young boy that sold drugs,
23 and she was planning on meeting with him so her
24 boyfriend could rob him and it went bad.

25 Q Continue.

Shaniaqua Oaks-Recross by Johnson

1 A Her boyfriend that killed the other guy
2 took what he had, and leave in the path in the
3 back yard. The next morning they called the
4 police.

5 MR. CORBETT: Your Honor, if I may, I am
6 going to mark this for identification as State's
7 No. 51.

8 THE COURT: Is that the statement you all
9 have been talking about?

10 MR. CORBETT: That is correct, Judge. The
11 statement of Shaniaqua Oaks. Your Honor, we
12 would offer State's Exhibit No. 51 into evidence.

13 MR. JOHNSON: No objection, Your Honor.

14 THE COURT: State's No. 51 is in.

15 (Statement of Shaniaqua Oaks marked
16 State's No. 51 into evidence.)

17 MR. CORBETT: That's all the questions I
18 have, Your Honor.

19 THE COURT: Mr. Johnson.

20 Recross Examination by Mr. Johnson:

21 Q Shaniaqua, let me ask you a couple of
22 questions. How did you get the opportunity to go
23 to the police and give a statement?

24 A They came to me.

25 Q They came to you?

Shaniaqua Oaks-Recross by Johnson

- 1 A Yes, sir.
- 2 Q Did you call them?
- 3 A No, sir.
- 4 Q You said anything?
- 5 A No, sir.
- 6 Q They just popped up one day?
- 7 A Yes, sir.
- 8 Q Who came to you? Who was it?
- 9 A I can't remember her name.
- 10 Q Is she here? Is the officer here?
- 11 A Yes, sir.
- 12 Q Ms. Thomas? The Officer Thomas?
- 13 A Yes, sir.
- 14 Q She just showed up one day.
- 15 A Yes, sir.
- 16 Q You didn't call her or anything.
- 17 A No, sir.
- 18 Q And what did she tell you?
- 19 A She didn't tell me anything. She asked me
- 20 what do I know about -- did me and London Kelley
- 21 had ever had talked about her case. She ain't
- 22 told me nothing.
- 23 Q This statement that they just had you read
- 24 over again. Now your first statement -- when you
- 25 first said a few minutes ago, you said it was in a

Shaniaqua Oaks-Recross by Johnson

1 path, correct?

2 A Yes, sir.

3 Q But after you read your statement, then
4 you said backyard.

5 A Path, backyard. It was in her backyard
6 through a path.

7 Q In her backyard through a---

8 A Through a path.

9 Q --path. Who wrote that statement?

10 A I did.

11 Q Is it a complete statement?

12 A Yes, sir.

13 Q The officer didn't write and you sign it?

14 A I mean I write the statement. She ain't
15 wrote the statement, I wrote it.

16 Q You wrote the statement. And then but the
17 officer just showed up out of the blue and
18 questioned you.

19 A Yes, sir. It wasn't a question. She
20 ain't questioned me about nothing. She asked me
21 what did I know about it. Did me and London ever
22 had talked about her case. And that was the only
23 question.

24 Q Were you still in jail at the time?

25 A Yes, sir.

Shaniaqua Oaks-Recross by Johnson

1 Q Did she promise you anything?

2 A No, sir.

3 Q She didn't promise you anything?

4 A No, sir.

5 Q Now well how -- when do your first
6 criminal activities start? The first time you was
7 arrested.

8 A When I was 17.

9 MR. CORBETT: Objection, Your Honor. May
10 we approach.

11 THE COURT: Okay.

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

14 THE COURT: Rephrase it please,
15 Mr. Johnson.

16 MR. JOHNSON: I'll just rephrase it.

17 Q You have been involved in activities,
18 criminal activities, since you were 17 years old?

19 A Yes, sir.

20 MR. CORBETT: Objection, Your Honor.

21 MR. JOHNSON: I have no other questions.

22 THE COURT: Sir.

23 MR. JOHNSON: I'll withdrawn Your Honor.

24 THE COURT: Anything else from this
25 witness? Mr. Corbett, anything else?

Suzie Oaks Thomas-Direct by Corbett

1 MR. CORBETT: Nothing further, Your Honor.

2 THE COURT: Thank you, ma'am. You can
3 step down. Next witness.

4 MR. CORBETT: The State would call Suzie
5 Oaks Thomas.

6 Suzie Oaks Thomas, Being first duly
7 sworn, testified as follows:

8 THE BAILIFF: Please state your full name
9 and spell your last name for the record.

10 A Suzie Oaks Thomas. T-H-O-M-A-S.

11 Direct Examination by Mr. Corbett:

12 Q Mr. Thomas, good morning.

13 A Good morning. How are you doing?

14 Q I am doing fine, thank you, ma'am.

15 Ms. Thomas, just how long, let me ask you, you are
16 currently in the county correctional facility, is
17 that correct?

18 A Yes, sir, I am.

19 Q And what is that for?

20 A I'm in the Department of Corrections for
21 failure to stop for a blue light and forgery.

22 Q Do you have any probation or parole
23 violations?

24 A Parole violation.

25 Q Now you, is it a fair statement you have

Suzie Oaks Thomas-Direct by Corbett

1 been to the court a number of times.

2 A Yes.

3 Q You've been in trouble before.

4 A Yes.

5 Q And back in January of this year.

6 A Yes, sir.

7 Q Do you remember how long you were out
8 there?

9 A Yes, sir.

10 Q How long was that?

11 A I got arrested August 29th 2013. And I
12 stayed I assume at the detention center, until
13 February 26th 2014.

14 Q Now did you have an occasion to know an
15 individual named London Kelley?

16 A I know her by being my roommates in the
17 Sumter/Lee Regional Detention center.

18 Q Do you see her in the courtroom today?

19 A Yes, I do.

20 Q Is she sitting there with the dark blue or
21 black on?

22 A Yes, sir.

23 Q You indicated just now you were roommates.

24 A Yes, sir. We were roommates.

25 Q Do you remember how long you were

Suzie Oaks Thomas-Direct by Corbett

1 roommates?

2 A At least a month. I remember her becoming
3 my roommate January 22nd. Maybe around the time I
4 got sent to SCDC February 26th.

5 Q Okay. Now during the course of time she
6 was your roommate, did you have any conversations?

7 A Yes, we had a lot.

8 Q Kind of walk us through how you came to
9 have these conversations. Sort of what the
10 exchange or communication was. How long did you
11 and London converse with each other?

12 A She pretty much she needed somebody to
13 talk to.

14 Q Let me back up for a moment. Prior to
15 being roommates, you didn't know London?

16 A No, sir.

17 Q Continue please.

18 A I can remember the very first day she came
19 in my room. Actually she was in a room by
20 herself. And she became my roommate, because I
21 was in a room by myself as well. In the room that
22 London was in, the water didn't work. That's how
23 we became roommates, because her water went out in
24 her room. And we became -- we was roommates. So
25 in the room together just me and her, 23 and half

Suzie Oaks Thomas-Direct by Corbett

1 hours a day. We only got out for 30 minutes a
2 day. So we had nothing to do but sleep and talk.
3 So that's pretty much how we started conversations
4 in the room.

5 And she had a visitor one day, and came
6 back upset. Pretty much that's how we started
7 talking. No, the very first day she came in my
8 room, she told me that she was up there by herself
9 and said she never came out. And she really did
10 not talk to nobody up there. But she was in jail
11 for doing something people say she did bad. And I
12 said, we all do bad things. I'm in here too. I
13 mean, I'm locked up too. You know, we all do bad
14 things that's why we're in jail. That's pretty
15 much how we started our conversation.

16 Q Now do you know if she had a roommate
17 prior to being your roommate?

18 A She had roommates. Well I know my
19 daughter was her roommate.

20 Q Okay.

21 A I know my daughter was her roommate for a
22 couple of nights. I don't know whether she had
23 other roommates other than that. And the only
24 reason I know that my daughter was her roommate,
25 how I know she was my daughter's roommate, because

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1 when my daughter came in jail for the couple of
2 nights that she stayed, I asked one of the
3 officers what room my daughter was in up there.
4 And when we got off of our 30 minute breaks, I
5 used to yell upstairs and talk to my child.
6 That's how I know she was in the room with London.

7 Q What did London tell you? And if you
8 would please, kind of tell me, was it a period of
9 a number of conversations, or was it one long
10 conversation broken up over time? What was it she
11 told you about why she was there?

12 A We several conversations. When she told
13 me that she was in jail for murder, she was
14 charged for murder. I told her I wasn't familiar
15 with the from Darrell Epps' murder. Because
16 during that time when that incident happened, I
17 was in trouble with law enforcement myself. So I
18 told her I was not aware of the situation at all.
19 And she told me at first when she came in my room,
20 she said that she didn't do it. She didn't know
21 who he was. And that her and Quinton was falsely
22 accused. And I guess within the time with her
23 being my roommate, and being in the room with me
24 all the time, and coming back from talking to her
25 attorney being upset and coming back from visits

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1 and using the phone, she started talking to me
2 about the situation.

3 But it's been an ongoing, we normally
4 talked about. She talked about it a lot with me
5 throughout the time we shared a room together.

6 Q And tell us about how these conversations
7 continued and what you learned about those events.

8 A Bits and pieces, a little bit at first.
9 She was telling me about, I think the very first
10 time me and her started to talk about it, she was
11 saying about I want to say the very first time she
12 talked to me about it, she told me she said the
13 guy came to her house. No, Quinton found out
14 about her and the guy. And Quinton told her he
15 would let her live if she would do what he tell
16 her to do as far as trying to rob the Epps' guy.
17 She told me he came to her house unexpected. The
18 Epps guy came to her house unexpected one night.
19 And her and Quinton took a ride with him supposed
20 to have been going to store.

21 They ended up somewhere in Wedgefield on a
22 dark road. She told me something concerning a red
23 and white hat that was his. She told me about the
24 body being found -- the body being placed in her
25 backyard in a mobile home park. The pockets

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1 turned inside out.

2 Q Slow down for me just a moment, please,
3 Mr. Bradley, can I get this stapled please.

4 THE COURT: 52?

5 THE REPORTER: 52 for ID.

6 Q Ms. Thomas, I am going to show you what's
7 been marked for identification as State's Exhibit
8 No. 52. And ask you, and I know that's a little
9 bit long ,but take just a moment and review that.
10 I know that was lengthy. State's for
11 identification No. 52, what is that document?

12 A That's a statement that I wrote.

13 Q That you wrote?

14 A Yes, sir.

15 Q And is it in your handwriting?

16 A Yes, it's in my handwriting.

17 Q And when did you write that statement? Is
18 it dated?

19 A I wrote that statement on February 7th
20 2014.

21 Q February 7th 2014?

22 A Yes, sir.

23 Q Now just in terms of sort of walking us
24 through this series of conversations that you were
25 telling us about, kind of just walk through it as

Suzie Oaks Thomas-Direct by Corbett

1 it happened, and what was told to you over that
2 period of time about this incident.

3 A Okay. Well like I said, from the
4 beginning she came in my room, the first thing she
5 told me she was in there for doing something bad.
6 And that's when I made the comment what I said
7 about I was in -- we all did something bad.
8 That's why we was in jail. She constantly said
9 little bits and pieces at first about why she was
10 in there. But she said---

11 MR. JOHNSON: Your Honor, I have an
12 objection. She's reading off her statement.

13 THE COURT: Don't read it. Okay. Do not
14 read the statement. Lower that microphone just a
15 tad, and speak not right into it, but kind of
16 towards it, okay.

17 A Okay.

18 Q Please continue.

19 A Okay. She told me that she was in jail
20 for the doing something bad. And she told me that
21 her and Quinton, that's her child's father, was in
22 jail for murder. She went on to ask me did I
23 know -- did I have knowledge of Darrell Epps. I
24 told her no. I didn't know who that was. She
25 told me that that was guy that killed in 2011. At

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1 that time I told her I wasn't ware of the
2 incident, because I was in trouble with law
3 enforcement at that time as well.

4 Throughout our conversation she went on to
5 tell me that Quinton found out about her and
6 Darrell was supposed to have been having a
7 relationship. And she said one night at home her
8 and Quinton got in -- one day at home, I don't
9 know it was day or night. Her and Quinton got
10 into an argument. And Quinton told her that he
11 would let her live if she said -- if she made it
12 possible for him to rob Darrell. She said she was
13 supposed to meet Darrell at some party or
14 something in Wedgefield. She didn't go to the
15 party. She was supposed to go to Club Miami. She
16 said she got drunk, her and Quinton. They stayed
17 home that night. She said Darrell came -- she
18 said a truck pulled up outside. She peeped out
19 and she saw lights. She went outside, it was
20 Darrell. She said before going out---

21 Q Slow down for me just a little bit, okay.
22 I don't want to stop you, but just slow down just
23 a little bit.

24 A Okay. She said before going outside, she
25 told Quinton that Darrell was outside. She said

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1 Quinton told her, she know what to do. She said
2 she went outside. She went outside, and she
3 talked to Darrell. I want to say she went around
4 the driver's side. I know she said something in
5 the matter of Darrell wanting to smoke a blunt.
6 She said she told Darrell that Quinton was in the
7 house. She said before she could -- they could
8 any further in their conversation, that's when
9 Quinton walked outside, walked around to the
10 driver's side of the door and asked Darrell
11 something about what's up, you're rolling a blunt.
12 Could you take me to the store.

13 And if I am not mistaken, from what she
14 told me, Quinton drove because Darrell was rolling
15 the blunt. They were supposed to have been going
16 to a store right in the Cherryvale area. And when
17 they got to -- when they approached the store and
18 passed whatever store they was going to, Darrell
19 asked Quinton where they were going. And that's
20 when Quinton told Darrell, just ride man or
21 something in that nature. And she said they
22 passed the American grocery area, went further
23 down 378, and turned on Eagle's road. She said
24 Eagle's road and went across the railroad track.
25 I told her I was familiar with that area, because

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1 my son's grandmother live out that way. But they
2 ended up on Cain Savannah somewhere in a wooded
3 area she said.

4 And she said that's when supposed to have
5 been Quinton shot the Epps guy. That's what she
6 told me. And she said they end up coming back to
7 her house. But somewhere along the way, taking
8 the same route back.

9 Q Let me stop there for just one moment.
10 Now do you remember her saying who was in the
11 vehicle when this happened?

12 A She said, Quinton was driving. She was
13 supposed to have been in the back, and the guy --
14 the Epps guy was the passenger in the car.
15 Quinton drove because Darrell was supposed to have
16 been rolling the blunt.

17 Q Please continue.

18 A She said they took pretty much the same
19 route back. But when they got up in the area on
20 378 by American grocery or either American Mobile
21 Home Park home, his hat, a red white baseball cap,
22 she said, flew out the window. She said they went
23 back to mobile home park where she was living.
24 They removed a body out of the truck. She said
25 the guy was heavy, and her clothes were bloody. A

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1 lot of blood was on her clothes. She said they --
2 she stayed at home to take a shower. Quinton left
3 to go get rid of the vehicle. She was scared. It
4 took him like a few hours to get back. She said,
5 sat outside waiting on him. And when he got back,
6 she said he told her he couldn't find nobody to
7 help him get rid of the truck, so he burned it.

8 I don't know whether I asked her where
9 they burned it at, or did she told me. But I know
10 she said something about it was burned in the back
11 area of Cherryvale -- no, America Mobile Home
12 Park. Somewhere back up in the back area by a big
13 house and a big pond or something like that she
14 said. She told me she said that Quinton realized
15 that they left a pocket of the pants hug out or
16 something. And they went that next morning or the
17 next -- sometime that next day to put the guy's
18 pocket back in. And that's when somebody in the
19 mobile home park noticed that they was back there.
20 And the older guy, I want to say. She called the
21 guy's full name, but I don't remember who he was.
22 I don't know the people.

23 And she said man was like, what are you
24 all doing back there.. And she said that's when
25 she started yelling saying, we found a dead body.

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1 And she said they left. They didn't stay out
2 there. They went to American Mobile Home Park.
3 And she said it was a lot of cops out in
4 America -- I don't know if she said a lot of cops.
5 She said it was police officers in American Mobile
6 Home Park. She said Quinton went up to one of the
7 officers and told him said, it's a dead body in
8 Gem's Mobile Home Park. And said that's when the
9 officer that Quinton spoke to along with a dog
10 that he had with him, ran and got in their patrol
11 car and left. She said they were scared. They
12 didn't know what to do.

13 So they left and went to somebody's house
14 in Ideal Mobile Home Park out 441, she said. She
15 said they end up leaving that house, because
16 whoever they were looking for, didn't live there
17 no more. She said his mom stayed out there. And
18 they went to Amer -- no, they out to Windsor City.
19 And I asked her, I said, why did you all go out
20 there. And she said because they knew the guy,
21 and she said that was the guy who they used to buy
22 marijuana from, prior to dealing with the Epps
23 guy. She said but was in the prison, he was home
24 now. And they went out there because they know
25 they would be comfortable.

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1 She said several days, we just keep
2 talking several days about the conversation. And
3 she also told me that Quinton was -- Quinton got
4 money out of the pocket and a large amount of
5 marijuana out of the Epps' guy's pocket. She said
6 that he was shot in the head and said that his
7 brains were hanging out. She told me that.

8 Q Do you need this for the purposes of
9 refreshing your recollection?

10 A I can -- about in the statement when I
11 wrote, she mentioned some guy named Popeye, and
12 she said that they was going to try to put the
13 murder on him, because he had several murders that
14 he was already in jail or prison. I don't know.
15 I can't remember. She said, and they should --
16 that her -- she made the little comment that her
17 and Quinton should blame it on that guy. She
18 was -- then she went on to tell me about Jennifer,
19 about Jennifer Thomas, and that she did want to
20 speak Jennifer at first. And she told me that she
21 did left a message with Ms. Thomas, I guess over
22 the weekend when she first got to the county jail.
23 Or, I don't know when she left the message. But I
24 know she told me that she wanted to speak to her,
25 and she wanted to confide in her to let her know

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1 that she did had involvement in the murder, but
2 she was scared she said. And then Mr. Johnson
3 came and visit her at the jail and told her not to
4 speak to anybody. And she said so when Jennifer
5 did contact her, she didn't talk to her. She
6 changed her mind. She said that she pretty much
7 wasn't satisfied with Mr. Murphy being her
8 attorney. She wanted to hire a new attorney.
9 Mr. Johnson told her no, to keep Mr. Murphy,
10 because Mr. Murphy was allowing him to help him,
11 through investigation with her case.

12 And she told me if anything was to come
13 through law enforcement, that she had no knowledge
14 of, that her daughter's step mom worked at law
15 enforcement, and she would let Mr. and Ms. Johnson
16 know. She told me that she wasn't worried about
17 not getting a bond. No, if she did get a bond,
18 she wasn't worried because Mr. and Ms. Johnson
19 would have bonded her out, if the bond was
20 anywhere in the price range of \$250,000 or less.

21 Q Now in the course of the conversation with
22 London, do you ever recall any time if the name
23 America's Inn would have come up?

24 A Yes. She said that---

25 Q Slow down for me just a little bit, okay.

Suzie Oaks Thomas-Direct by Corbett

1 A Okay. She had -- she said that's where
2 she was supposed to have meet -- she said America
3 Inn was her favorite motel. I said, ill. I said,
4 I don't like America Inn. And she said, she was
5 supposed to have -- that's where her and Darrell
6 have been. I think they have been there or were
7 supposed to meet there at one time. And I told
8 her, I say, you play it close, I said, because you
9 tell me you live in the Cherryvale area. I said
10 America Inn is up that area, in the same area as
11 that. And she said, yeah, she said, but I live
12 in Gem Mobile Home Park. She said that's up the
13 road. Quinton won't come down there or something
14 like that she said.

15 Q Now at any point in that conversation, did
16 she make any reference to the investigation, I am
17 going to refer to the person as Jennifer, was
18 conducting?

19 A About America Inn?

20 Q No, no, no, about what she was working on
21 trying to locate.

22 A Yeah, she told me that Jennifer was --
23 that's how I know. She spoke to me on -- she said
24 she knows Jennifer by going to school with her.
25 So when I say Jennifer, it's not because I know

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1 her personally. It's because that's how me and
2 London always spoke about her. I say Ms. Thomas,
3 but Jennifer, I know by me being introduced to her
4 by Jennifer through London. Because she said they
5 know each other from school. But she told me that
6 Ms. Thomas was trying to find out how she was
7 calling the Epps guy. And she said she couldn't
8 figure out how, what number she was calling the
9 guy off of.

10 She also made a comment one time and said
11 something about -- something about where
12 Ms. Thomas lived at in a gated community area, and
13 she wished that she could have someone burn her
14 house down. But she said, she mentioned something
15 about a baby's father to her, as being crazy,
16 named Rodney Green. And that -- I said, girl, you
17 better not thinking. I said you better do that.
18 I said that's crazy. She said well she lives in a
19 gated area. But my baby's father, Rodney Green,
20 he's crazy, he will do anything.

21 Q Bear with me just a moment, please, ma'am.
22 Now you may have already touched on this, but what
23 did she say her role in this was?

24 A She was supposed to have been made it
25 possible where Rodney -- well, I'm sorry I

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1 apologize. She was supposed to have been made it
2 possible where her baby's father Quinton, where
3 they were able to get close enough to the Darrell
4 Epps guy, to rob him. From my understanding from
5 what she explained to me, her and the Epps guy was
6 in a relationship or had some kind of relations
7 and Quinton found out about it. So in order for
8 Quinton to be able to have, I guess, have contact
9 with the guy close enough to rob him, he needed
10 London to, I guess, make it happen as far as
11 setting it up.

12 Q Now was anything ever said in any of these
13 conversations about any clothing they may have
14 been wearing?

15 A That the guy, the Epps guy was wearing?

16 Q No, no. That she or Quinton was wearing?

17 A No. She did tell me that her clothes was
18 full of blood. She didn't say what they both had
19 on, her or Quinton have on. But she did said that
20 the clothes was -- they put the clothes in a trash
21 bag after they both took a shower. She did told
22 me in one of the conversations that we had, I want
23 to say the clothes was hid in a dryer in a mobile,
24 in Crescent Mobile Home Park. I think she said
25 that's where she had a mobile home at. Something

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1 was hid in the dryer. I don't know, she said. I
2 want to say we was talking one day about the
3 bloody -- no, I apologize. I take that back.
4 She said they buried the clothes. Her and
5 Quinton's clothes were buried. But I think that's
6 where hid the gun at. She said nobody found it,
7 but she said her aunt Cindy was about to move in
8 her mobile home park. Her mobile home out in
9 Crescent Mobile Home Park.

10 Q Well I tell you, hold that thought for me
11 just a moment if you would, please. Now for the
12 purposes of recollection, start down here at this
13 bottom. If you would just review those last 3 or
14 4 lines and the first few on the next page.

15 A Uh-huh. (Affirmative.)

16 Q Now let me ask that about the clothes that
17 they were wearing. What if anything was said to
18 you about that.

19 A That the clothes were bloody, and she took
20 them off and put them in a black trash bag.

21 Q Did she say anything about Quinton's
22 clothes?

23 A She didn't say anything about Quinton's
24 clothes. I don't even think she mentioned to me
25 whether Quinton had showered or not. I know she

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1 said hers was in a black trash bag. And she
2 stayed home to take a shower. Quinton left. She
3 didn't say he stayed home and take the shower.
4 She said she told him she had take the clothes
5 off. She stayed home. She took a shower. She
6 was scared to stay in the house by herself. After
7 the shower, she went outside. She said a few
8 hours later Quinton come back. She never told me
9 whether---

10 Q Well let me stop you there for a moment.
11 I am going to show you, ask if you will pick up
12 right here, if that refreshes your recollection.

13 MR. JOHNSON: Your Honor, I would almost
14 be willing to say just let her read the statement.
15 But my problem is, she's explaining what he asked.
16 And when she doesn't go the way he wants, he stops
17 her. Gives her the statement to refresh it.

18 THE COURT: Let's do this. Let's take
19 about 10 minutes. It will be our morning break.
20 Ladies and gentlemen, you may not discuss the case
21 in any way. Certainly you can leave your note
22 pads in your chair. We will use this opportunity
23 to take a break. It may be a little bit longer
24 depending upon how long you want to take. Okay.

25 (Whereupon, the following takes place

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1 outside the presence of the jury.)

2 THE COURT: Mr. Johnson, your objection is
3 what now?

4 MR. JOHNSON: My objection is, Your Honor,
5 is that the witness has not stated that she needs
6 to refresh her memory. She's making a statement.
7 And when it's not correct what's in the statement,
8 she's stopped by the State and then handed the
9 statement again.

10 THE COURT: Mr. Corbett.

11 MR. CORBETT: Your Honor, the document
12 before the witness, I'm sorry let me refer to the
13 number.

14 THE COURT: 52.

15 MR. CORBETT: State's Exhibit No. 52 for
16 identification, statement of Suzie Oaks. It's an
17 11-page statement provided to the witness for the
18 purposes of writing used to refresh to memory.
19 Under Rule 612.

20 THE COURT: Has she said she needs her
21 recollection refreshed?

22 MR. CORBETT: Judge, I do not believe that
23 specific question was asked of the witness.

24 THE COURT: We'll take a few minutes.
25 Ma'am, you can step down. You can't discuss your

1 testimony with anyone or a deputy can take you
2 wherever you need to be. But otherwise, we'll be
3 in recess for about 10 minutes. Okay. Who will
4 your next witness be, Mr. Corbett?

5 MR. CORBETT: Judge, currently I
6 anticipate Jennifer Thomas being my next witness.

7 (Whereupon, court takes a short break.)

8 THE COURT: Mr. Johnson, your objection
9 was to the manner in which you claim Mr. Corbett
10 was improperly using the statement during the
11 direct examination of the witness?

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

13 THE COURT: And your objection is that
14 what?

15 MR. JOHNSON: That a statement, my
16 understanding of the law is, a statement is used
17 to refresh someone's recollection or memory about
18 a statement that they gave. But the person first
19 has to -- the witness first has to state that they
20 don't remember or say something that's
21 inconsistent. And then it can be used either for
22 rebuttal or for refreshing their memory. At this
23 point the witness has never stated that she can't
24 remember.

25 THE COURT: Mr. Corbett.

1 MR. CORBETT: Judge, I was briefly
2 reviewing Rule 612. And I'm seeing any such
3 requirements in Rule 12.

4 THE COURT: Well 803(5) talks about
5 whether or not it's hearsay. Rule 612 only deals
6 with what happens when the witness uses the
7 writing to refresh her memory while testifying or
8 even before testifying. That rule simply
9 contemplates situations when the writing has to be
10 turned over to the other side. And if it's
11 referred to, certain portions can be as the rule
12 says, excised or taken out. That doesn't talk
13 about when you can actually use the writing to
14 refresh a witness' memory.

15 Mr. Johnson is technically correct that I
16 think it's at least just looking, it's fairly
17 obvious that she when you were asking her
18 questions didn't have the complete details in her
19 mind that she had when she read the statement.
20 When you handed it to her and said, read this.
21 She read the whole thing to herself. So I don't
22 think 612 is even in play. 803(5) says a recorded
23 recollection is not hearsay. And that's a
24 memorandum or record concerning a matter about
25 which Ms. Thomas once had knowledge, but now has

1 insufficient recollection to enable her to testify
2 fully and accurately. Shown to have been made and
3 adopted by her when the matter was fresh in her
4 memory, and to reflect that knowledge correctly.

5 Technically, you have not asked her the
6 pat question, would looking at this help your
7 recollection. You asked her that. She never
8 answered. You just handed it to her.

9 Technically, you have hand to it her first. But
10 it's certainly obvious that she did not have the
11 ability to give more or fuller testimony until she
12 read it over that period of time. Mr. Johnson, I
13 am going to overrule your objection. I certainly
14 think when you can, when you cross examine her,
15 and by the way, Mr. Corbett, if you examine her
16 further on this subject, the events in question,
17 if she's not able to answer your question, you
18 must ask her would looking at your statement
19 refresh your recollection. If she says yes, you
20 can use it. You can hand it to her. Now if she
21 testifies inconsistently we are tossed back into
22 613, which we basically spent yesterday and the
23 day before. So of course you don't know whether
24 at any given minute, you are going to be using
25 613, 612 or 803. So I sympathize with you there,

1 because there's just no way for you to know that.
2 And the other witnesses who have testified have
3 borne that out.

4 But, Mr. Johnson, even though you are
5 technically correct, that she has not said that
6 she needs the statement to refresh her memory, I
7 think that silence of the witness and so forth,
8 has indicated that the statement has been properly
9 used. If I were you, I would certainly say, okay,
10 Ms. Thomas, you didn't really know any of this
11 until you had this statement sitting in front of
12 you, and you had to read it all over again. Or
13 however you choose to question her. But as far as
14 rules are concerned, I am going to respectfully
15 overrule your objection.

16 Now your, after your direct is finished,
17 of course Mr. Johnson will cross, and I'm sure
18 we'll have some back and forth on re, re and re,
19 re, direct and cross. But let's try to keep that
20 to subjects that the other party raised, and not
21 go back and repeat things that have already been
22 said. And I know, Mr. Corbett, you've got a
23 tremendous burden under the law, but that horse
24 can only can be whipped a few times.

25 MR. CORBETT: Yes, sir. And, Your Honor,

1 before the jury comes back in, if I may again, and
2 referring to 803(5).

3 THE COURT: Yes, sir.

4 MR. CORBETT: Recorded recollection refers
5 to a matter that a witness once had knowledge but
6 now has insufficient recollection to enable the
7 witness to testify fully and accurately, shown to
8 have been made or adopted by the witness when the
9 matter was fresh in witness' memory and to reflect
10 that knowledge correctly. If admitted, the
11 memorandum or record may be read into evidence but
12 may not itself be received as an exhibit unless
13 offered by an adverse party. So if the witness
14 indicates that the document would help them
15 refresh their memory, that they wrote it at some
16 time in the past when it more fresh, at that
17 point, I would probably under this rule just have
18 her read that statement.

19 THE COURT: Well I don't know if I --
20 earlier when Mr. Johnson objected to her reading
21 it, the reason I sustained it is because she never
22 said she needed it to refresh her memory. Now
23 pretty much if she were to read it, I've never
24 seen it. I don't what the 11 pages say. If she
25 were to read it, she was be repeating everything

1 she's already said after it was put in front of
2 her, and then you asked her specific questions. I
3 don't think you've necessarily done to it wrong
4 way to get something in front of the jury for
5 purposes of information.

6 The way the rule is used is technically
7 incorrect. So the objection at that stage might
8 be it's asked and answered. So I'm just a
9 spectator as far as credibility is concerned, but
10 the way you've done it to me is probably more
11 effected than having her read it. But it's
12 technically not in accordance with the rule. But
13 I'm not going to rule in advance on whether or not
14 she can read it into evidence if it's something
15 she's already said.

16 MR. CORBETT: Yes, sir.

17 THE COURT: Mr. Johnson, do you have any
18 comments on that?

19 MR. JOHNSON: Not at this time, Your
20 Honor.

21 THE COURT: Not after she's finished with
22 her testimony, you said your next witness might be
23 Investigator Thomas.

24 MR. CORBETT: That is correct, Judge.

25 THE COURT: And after that, will you any

1 additional witnesses?

2 MR. CORBETT: Judge, I may have 2 or 3
3 witnesses beyond that. I am not certain yet.
4 We're trying to make a decision on whether or not
5 it will advance our case---

6 THE COURT: Are they here?

7 MR. CORBETT: ---any further. Sir?

8 THE COURT: Are they here?

9 MR. CORBETT: If not here, within a
10 minute.

11 THE COURT: You better get them here so we
12 can go ahead and finish before lunch. Are you
13 ready for the jury.

14 MR. CORBETT: Ready for the jury, Your
15 Honor?

16 THE COURT: Mr. Johnson.

17 MR. JOHNSON: Yes, I am ready.

18 THE COURT: And I -- there's been a
19 reference to Mr. Johnson coming out to the jail.
20 I assume that's Mr. John Johnson.

21 MR. CORBETT: That is my understanding,
22 Judge.

23 THE COURT: I just wanted to make sure
24 that we weren't getting into any attorney/client
25 stuff about what this Mr. Johnson, the lawyer, may

1 have said to Ms. Thomas. A Different one.

2 MR. CORBETT: Yes, sir.

3 MR. JOHNSON: Yes.

4 THE COURT: Also referred to on your
5 witness list as Mr. Davis.

6 MR. CORBETT: Yes, sir. And, Judge,
7 there was an investigator working the case named
8 John Davis. So they've got it a little jumbled
9 up.

10 THE COURT: You can bring in the witness,
11 and as soon as she is seated, the jury can come
12 in. And let's try not to, to the extent you feel
13 it is incomplete. You can come up back up, Ms.
14 Thomas. Of course, you are still under oath
15 okay.

16 A Okay.

17 (Whereupon, the following takes place
18 within the presence of the jury.)

19 THE COURT: Mr. Corbett.

20 MR. CORBETT: Thank you, Your Honor.

21 Direct Examination by Mr. Corbett
22 continues:

23 Q Now, Ms. Oaks, let me back up just a
24 moment If I may. And before what was State's
25 Exhibit No. 52 for identification. And you

1 indicated that was a statement that you wrote, is
2 that correct?

3 A Yes, sir, it is.

4 Q And when did you write that statement?

5 A I wrote it February 7th 2014.

6 Q And do you recall who that statement was
7 given to?

8 A Yes, Ms. Jennifer Thomas.

9 Q And how do you know her?

10 A I didn't know her. I know of her through
11 London Kelley.

12 Q Now how did you ultimately make contact
13 with Investigator Thomas? How was that contact
14 made?

15 A Because London told me she had wanted to
16 talk to Ms. Kelley (sic) prior, I guess, after she
17 got locked up. And she was confiding in me. So I
18 felt like if she wanted to speak to somebody
19 that's who she should have spoke to. So I
20 contacted Ms. Kelley -- I mean, Ms. Thomas myself.

21 Q So you contacted Investigator Thomas.

22 A Yes.

23 Q Now as a result of that contact with
24 Investigator Thomas, that's when you gave that
25 statement?

Suzie Oaks Thomas-Direct by Corbett

1 A Yes.

2 Q Do you remember where you were when you
3 gave that statement?

4 A At the police department. Sheriff's
5 department.

6 Q Now I was going back through some of the
7 details of the statement. Excuse me, I was going
8 back through some of the details of your
9 testimony. And I was asking you and if I back
10 track, I am sorry. If there's any reference made
11 to clothing. Was there?

12 A Yes. She told me that she---

13 Q Well first of all, let me ask you. Do you
14 remember any references to the clothing?

15 A I do. But like I said, it's been like 8
16 months. And the statement is like 11, 12 pages
17 long. So if I don't remember word for word, I do
18 remember -- I remember as far as her and Quinton.

19 Q Let me ask you then in that regard. Just
20 bear with me one moment please. Now would your
21 statement aid in refreshing your memory as to what
22 written at that point and time?

23 A Yes.

24 Q If you will begin here about the last 5
25 lines of this page.

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1 MR. JOHNSON: Your Honor, once again, just
2 before he handed it to her ,she said she
3 remembered.

4 THE COURT: Well he asked her if reading
5 it would help refresh her memory, and she said
6 yes.

7 MR. JOHNSON: Well once again, she never
8 said she needed refreshment. That's my point.
9 She said that she remembered.

10 THE COURT: Mr. Corbett, did you just ask
11 her if reading it over would help refresh her
12 recollection.

13 MR. CORBETT: I did, Your Honor. The
14 witness' response, I believe was, it was about 8
15 months ago. I may not remember it word for word.

16 THE COURT: Ask her that question if you
17 haven't already.

18 MR. CORBETT: Yes, sir.

19 Q Now with regard to the events in this
20 statement, that is your statement, is that
21 correct?

22 A Yes, sir.

23 Q You signed that statement.

24 A Yes, I did.

25 Q And would reading that statement now

Suzie Oaks Thomas-Direct by Corbett

1 refresh your memory at the time you gave that
2 statement?

3 A Yes.

4 THE COURT: You can ask her, do you still
5 object, Mr. Johnson?

6 MR. JOHNSON: Your Honor, for expedience,
7 no, Your Honor.

8 THE COURT: That falls within the 803(5)
9 I believe. Now just direct her to a specific
10 part.

11 Q I am going to refer to the -- I am going
12 to refer to the last 4 or 5 lines of page 5 down
13 to about where the whole is in the paper on page
14 6.

15 THE COURT: Do you want her to read it out
16 loud?

17 A Do you want me to read it out loud?

18 MR. CORBETT: Yes, please.

19 A Okay. London said she told Quinton, I
20 have to take a shower. I need to get these
21 bloody clothes off. Quinton told London to stay
22 home, and take a shower and he was going to get
23 someone to help him get rid of the truck. Quinton
24 left driving the truck. London went inside. Took
25 a shower. No, took a shower. Took the bloody

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1 clothes off, put them in a big black trash bag.

2 London said she was scared. Do you want me to
3 read all the way to the middle or just to?

4 Q Yes, ma'am.

5 A London said she was scared to stay inside
6 after she showered. She went outside. I told
7 her it's black outside. You said the mobile home
8 park had no street lights. She said, but still I
9 could have seen what come and go. I stayed
10 outside. London said she stayed outside a few
11 hours waiting on that dummy to come back. About 3
12 hours later Quinton came back home walking. She
13 said she met him and asked him what did he do with
14 the truck. She said he couldn't get nobody to
15 help to get rid of the truck for him, so he burned
16 it on the back road of America's Inn.

17 She said it was in the area of a pond and
18 a big nice house. Quinton came inside. Took a
19 shower. She -- Quinton came inside. Took a
20 shower. She put his clothes in the same bag as
21 hers.

22 Q And I am sorry, the next two lines as
23 well.

24 A I asked her what did she did you all do
25 with clothes. She said we burned them.

Suzie Oaks Thomas-Direct by Corbett

1 Q Now at any point in any of these
2 conversations, did she make any reference to an
3 individual known as Edward Brown?

4 A Yes.

5 Q What was that portion of the conversation
6 about?

7 A I can remember her going out one morning;
8 had the knowledge of her going to get a bond. And
9 she came back upset. And I asked her what was the
10 problem, and she said she thought she was going to
11 get a bond. But her attorney told her to wait
12 until the pre -- no, she was going to a
13 preliminary hearing, or the bond. It was either
14 one of the two. And he told her to waive it. And
15 for her to, he could let her read a statement that
16 some guy named Edward had wrote. And she said
17 that she didn't know the guy. And from my
18 knowledge, that he was in prison, I want to say.

19 Q Okay. And was there any additional
20 conversation about Edward Brown?

21 A At first she was saying that she didn't
22 know him. She said that she didn't know who he
23 was, and that she had a visit from a family
24 member's friend. And she said they brought up a
25 picture, something they print out on the computer.

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1 And she saw the guy. And she said that she did
2 know who he was. She said but she can't admit
3 that she knew who he was, because Mr. Johnson told
4 her that if she had any knowledge of who that guy
5 was, that it could hurt her as far as this
6 situation.

7 MR. CORBETT: Your Honor, may Mr. Johnson
8 and I approach for just a moment?

9 (Whereupon, the attorneys approach the
10 bench and confer with judge.)

11 THE COURT: Ladies and gentlemen, I
12 mentioned to you that sometimes evidence comes in
13 by way of stipulation. The parties have
14 stipulated that the Mr. Johnson is in fact that
15 person said what the witness claims, is not this
16 Mr. Johnson, not the lawyer, okay. That is the
17 stipulation. Is that correct, Mr. Johnson, the
18 lawyer?

19 MR. JOHNSON: That is correct. It's not
20 me, Your Honor.

21 THE COURT: I mean, is that a correct
22 statement of the stipulation?

23 MR. JOHNSON: Yes, Your Honor.

24 THE COURT: Mr. Corbett.

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

Suzie Oaks Thomas-Cross by Johnson

1 THE COURT: So that is in evidence.

2 MR. CORBETT: Bear with me one moment,
3 please, Your Honor. Ms. Thomas, thank you please
4 answer any questions Mr. Johnson might have.

5 A Yes.

6 Cross Examination by Mr. Johnson:

7 Q Good morning, Ms. Oaks.

8 A Good morning.

9 Q Let's start with your statement. I want
10 to make sure of some facts in your statements are
11 correct so the jury can understand what you are
12 saying. You're saying, in your statement, you
13 said that my client London basically told you this
14 story. And if I go off in any direction
15 incorrect, please let me know. I just want to
16 make sure.

17 A Yes, sir.

18 Q You're saying that London told you that
19 the victim, Darrell Epps, came to her house.

20 A Yes, sir.

21 Q Not that they rode from Club Miami
22 together, but they came to her house.

23 A Yes.

24 Q Unexpectedly.

25 A Yes, sir.

Suzie Oaks Thomas-Cross by Johnson

1 Q That's in your statement, right. That's
2 what you're saying that she told you, correct?

3 A Yes, sir.

4 Q You're also saying that the boyfriend came
5 out of the house while London was outside talking
6 to her.

7 A Yes, sir.

8 Q And London told you that.

9 A Yes, she did.

10 Q In your statement you also said that the
11 boyfriend then tells Darrell Epps who he vaguely
12 knows, to get out of his seat, and get into the
13 passenger's seat and let him drive his SUV.

14 A While the Epps guy rolled a blunt, yes,
15 sir.

16 Q Rolled a blunt. And that's what in your
17 statement that you said she told you.

18 A Yes, sir.

19 Q You also said, correct.

20 A Yes.

21 Q That's what London tells you.

22 A That's what she said.

23 Q Did she say she had a gun?

24 A No.

25 Q She didn't have a gun.

Suzie Oaks Thomas-Cross by Johnson

1 A She didn't say whether she had one or not.

2 Q Do you hear anything about guns?

3 A Not until she said that Quinton shot.

4 Q Right. But before that, you didn't hear
5 anything about a shotgun, handgun any gun?

6 A No.

7 Q And that's what you're saying her
8 statement was to you.

9 A Yes.

10 Q So then you said that they went riding to
11 the store.

12 A She said that they were supposed to go to
13 the store, but Quinton passed the store. And
14 that's when Darrell asked Quinton where they were
15 going.

16 Q Did they say why they were going to the
17 store?

18 A No, she didn't say. She just said Quinton
19 asked Darrell to let him drive to the store while
20 he rolled the blunt.

21 Q So then they rode, in your statement, you
22 said that my client told you that they rode past
23 the store.

24 A Uh-huh. (Affirmative.)

25 Q And made a turn where?

Suzie Oaks Thomas-Cross by Johnson

1 A They made a left turn. She said they
2 passed the store. And that's when Darrell asked
3 her where they going. And Quinton said, just ride
4 man. And she said they made a left turn on Eagle
5 road.

6 Q They went down Eagle road. And I think
7 you said in your statement, they crossed a
8 railroad tracks or something, right?

9 A Yes, sir.

10 Q And you wrote that in your -- because you
11 wrote a 11 page statement. Did I get this right?
12 11 pages.

13 A I did.

14 Q They go down across the tracks, and they
15 make a right turn. Isn't that in your statement
16 too?

17 A They goes -- they make a left turn on
18 Eagle road, she said. I remember her saying they
19 crossed the railroad tracks. She said they came
20 out at a stop sign and made a right turn.

21 Q Now I don't want to say anything that's
22 not in your statement. That's what you wrote in
23 your statement, right?

24 A To my knowledge.

25 Q Okay.

Suzie Oaks Thomas-Cross by Johnson

1 A If can remember. Like I said, it's been
2 8 months.

3 Q That's fine.

4 A Like you say, 11 pages. So I can't
5 remember everything she told me word for word.

6 Q I am not asking you to. I'm just, as far
7 as you can remember. So they made a right turn.
8 Well anyway they went down the road. And then at
9 some point, her boyfriend Quinton, said something
10 and did something. And what was that?

11 A No, if I'm, she said Quinton pulled
12 over---

13 Q Well listen. I'm sure you, here is your
14 statement. Please read it. And put everything
15 down what you got in your statement.

16 THE COURT: Read the whole thing?

17 MR. JOHNSON: No, I want her just to
18 refresh her memory, Your Honor.

19 THE COURT: The part that your---

20 MR. JOHNSON: That part. The part I am
21 asking about. I'm sorry, Your Honor.

22 A About....

23 Q Just read. Find the part that where we're
24 at now. Do you want me to find it for you?

25 A You can if you want to.

Suzie Oaks Thomas-Cross by Johnson

1 Q I think it's on page 5. I think I've got
2 that memorized. Page 5.

3 A Uh-huh. (Affirmative.) Do you want me
4 to read page 5?

5 Q Just read it to refresh your memory.
6 Well, you know, what to save time, how about just
7 read page 5 to the jury. Is that okay, Your
8 Honor.

9 MR. CORBETT: Judge, we have no objection
10 to the entire document being admitted.

11 THE COURT: Well that's not the question.
12 Do you have objection to her reading page 5?

13 MR. CORBETT: No, objection.

14 THE COURT: Okay, page 5 you can read.

15 MR. JOHNSON: Please read page 5 to the
16 jury.

17 A Even the first word?

18 THE COURT: And slowly. Pick it up at the
19 first complete sentence.

20 A Okay. And Quinton looked at Darrell and
21 said Nigger, I know you are f'ing London. London
22 said before her or Darrell could say anything,
23 Quinton shot Darrell at close range to the head.

24 Q Inside the car?

25 A That's what she just said before they

Suzie Oaks Thomas-Cross by Johnson

1 could say anything. She didn't say whether they
2 were inside the car or not. I'm just, I
3 understand what she told me.

4 Q No. But according to your story at that
5 point, they had driven down the road, right.

6 A She said Quinton looked at the Darrell and
7 said, Nigger I know you are f'ing London.

8 Q Right. But at that point they had driven
9 down the road in the truck.

10 A Right.

11 Q Away from the house.

12 A Right.

13 Q They were nowhere near the trailer,
14 correct?

15 A Right.

16 Q They were across the tracks on, past the
17 pond, at least 2 or 3 miles from the trailer.

18 A Yeah, from my understanding from, she --
19 It didn't happen at her house. She told me they
20 brought the body back to her house.

21 Q True. But he was shot in the head at the
22 car, away from the house.

23 A Wherever they drove to from my
24 understanding.

25 Q Okay.

Suzie Oaks Thomas-Cross by Johnson

1 A Like I wrote it like how she said it.

2 Q Go on.

3 A London said before her or Darrell could
4 say anything, Quinton shot Darrell at close range
5 to the head. She said Ms. Suzie, Darrell's
6 brains were hanging out. I said, oh girl.

7 THE COURT: Slow down, please, ma'am.

8 A I'm sorry. I Apologize. I said, don't
9 tell me that. I have a weak stomach. I asked her
10 I said, what y'all did. So what did you all do.
11 She said went home. She said we took the same
12 route home. She said they smoked the blunt
13 Darrell had rolled.

14 Q Now let me stop you right there. So
15 you're saying that on the way coming back, after
16 they shot someone in the head, and the person is
17 still there with their brains out, they're smoking
18 a joint.

19 A That's what she told me.

20 Q Okay.

21 A She also made further on from reading my
22 statement somewhere else I mentioned---

23 Q Well no, we ain't going to that part.
24 We're going to stay with what I'm asking you.

25 A Okay.

Suzie Oaks Thomas-Cross by Johnson

1 THE COURT: Yes, sir, Mr. Corbett.

2 MR. CORBETT: If he asks the question, the
3 witness is entitled to explain it.

4 THE COURT: Well she can explain it, and
5 then you come back about what other.

6 Q For right now, we'll get all your
7 statement

8 THE COURT: I am going to allow her to
9 explain that.

10 MR. JOHNSON: Yes.

11 A What I want to say is, toward the comment
12 he just made. It's something, another comment in
13 that statement that she said that happened, that I
14 thought wasn't funny, but she took it as a joke.
15 And so I don't see why it would so hard for her to
16 smoke a blunt on her way coming back from what
17 they done.

18 THE COURT: Now that's not part of your
19 statement though, is it, ma'am?

20 A It's in my statement, yes, sir.

21 THE COURT: Okay.

22 A I'm about to get to it now.

23 THE COURT: Go ahead and keep reading.

24 A Okay. It says, I said, uh, don't tell me
25 that. I am going to have a weak stomach. I asked

Suzie Oaks Thomas-Cross by Johnson

1 her what did they do. She said went home. She
2 said we took the same route home. She said they
3 smoked a blunt Darrell rolled on their way home.
4 London said once they got in the area by America's
5 Grocery, Quinton rolled the passenger's front
6 window down, to throw the remaining blunt out the
7 window. She said somehow Darrell's hat flew out
8 the -- Darrell's red and white baseball cap flew
9 out of the window. And London thought it was
10 funny. She laughed. We -- she said when we got
11 home, Quinton asked me---

12 Q Well no, you left a part out.

13 A No, I didn't.

14 Q Yes, you did. About what type of cap it
15 was.

16 A Oh, I did. I said a red and white
17 baseball cap.

18 Q No, keep on.

19 A I said and somehow Darrell's red and white
20 baseball cap flew out the window. And London
21 thought that was funny. I haven't have got---

22 Q And keep going.

23 A London said it was a red and white Nike
24 hat.

25 Q Nike cap.

Suzie Oaks Thomas-Cross by Johnson

1 A Uh-huh. (affirmative.)

2 Q I want you to get everything in now, don't
3 skip that part.

4 A Oh, I didn't mean too. I apologize. I
5 didn't mean to skip that.

6 Q A red and white Nike cap.

7 A Okay, I have no knowledge of what hat he
8 wore, because I don't know him.

9 Q I'm not asking you. I'm just asking you
10 to read what you wrote. I'm not asking you to
11 make up anything.

12 A Okay.

13 Q Just read what you wrote. Read all of it.
14 Don't skip those places. Please.

15 A I didn't mean to skip that. When we got
16 home, Quinton asked me to help him to remove
17 Darrell's body out of the truck. She said then
18 the damn dummy asked me to help him remove the
19 body. She said then damn dummy asked me to help
20 him remove the body. She said, I did. Darrell's
21 body was heavy and bloody. She said, Ms. Suzie, I
22 had to get that blood off of me. She said they
23 thought it would have been safe, because it was
24 dark out. It was dark out there.

25 I said so y'all didn't think it was going

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1 to get daylight. She said I was scared and not
2 thinking. She said Quinton reacted like he
3 didn't -- Quinton reacted like he wasn't scared at
4 all. London said she told Quinton she had to take
5 a shower. I need to get these bloody clothes off.
6 Quinton told London to stay home and take a
7 shower, and he was going to get someone to help
8 him get rid of the truck. Quinton left driving
9 the truck. London went on inside, took a shower,
10 took the bloody clothes and put them in a big
11 black trash bag. That's the last word. London
12 said she was scared too. And then it goes on to
13 the next page.

14 Q Thank you. Now that's your statement. As
15 far as, what she told you happened there at the
16 scene, correct? Now you don't know if that's
17 actually what happened or not, but that's what she
18 told you.

19 A Right.

20 Q Now let's talk about you. You've got a
21 long criminal record, don't you?

22 A I do.

23 Q As a matter of fact, this is a copy of
24 your criminal record that was given to me by the
25 State. This is your criminal record.

Suzie Oaks Thomas-Cross by Johnson

1 A Right.

2 MR. CORBETT: Your Honor.

3 THE COURT: Yes, sir.

4 MR. CORBETT: Objection. These theatrics
5 do not comply with the rule. There is a certain
6 rule about what is admissible and what is
7 impeachable. And it's not dragging a long piece
8 of paper---

9 THE COURT: Overruled.

10 THE COURT: ---in the courtroom.

11 Q This is your criminal record.

12 A Uh-huh. (Affirmative.)

13 Q So you have been in court, and you lied
14 before, haven't you?

15 A I have.

16 Q And thought nothing about it, correct?

17 A No.

18 Q Now, you came to the court today, and you
19 are saying this is the truth, right?

20 A It's the truth of what she told me.

21 Q And the State is saying that this is the
22 truth, because they got facts in there that you
23 would have no knowledge about before, correct?

24 A Right. Because I had no knowledge of none
25 of this.

Suzie Oaks Thomas-Cross by Johnson

1 Q Because you never met Ms. Thomas before,
2 right?

3 A I haven't.

4 Q You gave a statement on, I think it was
5 on, let me make sure. You gave a statement on, I
6 want to make sure get this right. Do you
7 recognize that?

8 A I do.

9 Q What is that?

10 A February 2nd 2014. It was on a Friday.

11 Q That's a miranda form that you signed,
12 right. That's when you gave that statement.

13 A Right.

14 Q And you said that -- and who did you meet
15 with?

16 A Ms. Thomas.

17 Q Ms. Thomas, correct? And you never met
18 her before that time.

19 A No, I said I didn't know of Ms. Thomas or
20 who she was, until after I was talking with
21 London.

22 Q Right. But you had never meet with her
23 before or talked with her before, or anything
24 else, right, before that time?

25 A No, not---

Suzie Oaks Thomas-Cross by Johnson

1 Q Now you know about perjury.

2 A Right.

3 Q Be careful before you answer this.

4 A Uh-huh. (Affirmative.)

5 Q Have you ever met with her in the
6 interview by her before this day, before you was
7 even in the room with London and talked about this
8 case? Be careful before you answer.

9 A No, not that I can remember. Not to my
10 knowledge.

11 Q Look at this. I'm sorry, Your Honor.
12 May I approach the witness?

13 THE COURT: Just mark it for ID. If you
14 don't offer it, that's fine. It just needs to
15 have a sticker on it. Defendant's 2 for Id.

16 (Waiver of Rights marked Defendant's No. 2
17 for Id.)

18 MR. JOHNSON: Can I approach the witness?

19 THE COURT: Yes, sir.

20 Q Look at that. What is that?

21 A On the day before. It was---

22 Q No, look it at. Look at the date.

23 A February 6th.

24 Q Of what year?

25 A 2013.

Suzie Oaks Thomas-Cross by Johnson

1 Q 2013. A year before you were interviewed
2 by Ms. Thomas, and asked about about this murder.
3 And now you're in here telling this jury and
4 telling this court, are you telling the truth
5 today? You're lying.

6 A You're saying I was interviewed by
7 Ms. Thomas.

8 Q What is on there?

9 MR. CORBETT: Objection, Your Honor.

10 THE COURT: Wait just a second. Wait,
11 Ms. Thomas. (sic) Mr. Corbett, first of all, no
12 statements, Mr. Johnson. You may ask questions.
13 And neither side can argue with the witness.
14 That's the rule.

15 MR. JOHNSON: I apologize, Your Honor.

16 THE COURT: Wait just a second.

17 Mr. Corbett, what is your objection?

18 MR. CORBETT: First objection, Your Honor,
19 is argumentative.

20 THE COURT: That's sustained.

21 MR. CORBETT: The second objection is,
22 lack of foundation as to the date of that
23 document.

24 THE COURT: You can -- can I see it,
25 please, ma'am? Thank you. That objection is

Suzie Oaks Thomas-Cross by Johnson

1 overruled. Mr. Johnson, if you would, hand that
2 back to the witness.

3 Q Please look at that again. And tell me
4 what it is.

5 A I see what it is a Waiver of Rights form.

6 Q A Waiver of Rights. Is that not your
7 initials and your signature?

8 A Yes, it is.

9 Q And what is the date on the form?

10 A February 6th 2013.

11 Q And who is the investigator on that form?

12 A Investigator J. Thomas.

13 Q And now you're telling the court that you
14 don't remember?

15 A I don't remember ever having -- being
16 questioned by Ms. Johnson -- I mean by Ms. Thomas
17 about this murder.

18 Q That's fine. But that is not what is on
19 this form, correct?

20 A Yes.

21 Q Okay. What I am telling you is that, you
22 have met her before, and you had knowledge before.
23 That is why you wrote that statement.

24 MR. CORBETT: Your Honor.

25 THE COURT: Sustained. You've got to ask

Suzie Oaks Thomas-Cross by Johnson

1 her a question. You can't tell her anything.

2 Q Isn't it true that you had knowledge of
3 this case before you was in was in that room with
4 London.

5 A No..

6 Q Isn't it true that this is your
7 handwriting. That is your Statement that you met
8 with her, February 6th 2013, at the time 4:13 with
9 your signature and Investigator Thomas on it.
10 And it states murder.

11 A Yes. But I do not remember meeting with
12 Ms. Thomas. I never met Ms. Thomas until I
13 contacted Ms. Thomas myself. I would remember
14 something like that.

15 Q Let's talk about this case farther. First
16 of all, when you first started talking you said
17 that my client told you she didn't do it, and that
18 her and her boyfriend were being set up, correct?

19 A No, I said that your client told me that
20 she didn't do it. And her boyfriend told her to
21 set the Epps guy up.

22 Q When you first came on this stand today,
23 you stated, I can go back if you want me to, but I
24 just make sure that if I need it, I will. You
25 stated that my client first came in the cell and

Suzie Oaks Thomas-Cross by Johnson

1 told you, that she didn't do it. And her and her
2 boyfriend are being set up.

3 A Yes. She said that her -- she didn't do
4 it, and her and her boyfriend Quinton was being
5 set up for murder. That was the very first --
6 that was when she told when she didn't know me.
7 After being in the room with me for awhile, she
8 felt comfortable talking to me, and she started
9 admitting to then what her Quinton did, as far as
10 this murder.

11 Q So when she first came in there, that's
12 what she told you, right?

13 A Yes.

14 Q And over a month of talking to you, you
15 wrote an 11-page statement now saying she
16 confessed, correct?

17 A She did that every day.

18 Q Why didn't you call Investigator Thomas?

19 A Because she confided in me when she said
20 at one point she wanted to talk to Ms. Thomas.
21 And I felt like if she talked to somebody that
22 could help her, I'm not the person that could help
23 her. Ms. Thomas could.

24 Q Why did you call Investigator Thomas and
25 give a statement?

Suzie Oaks Thomas-Cross by Johnson

1 A Because I felt like somebody -- if it was
2 me in a situation that the Epps family is in, I
3 would want somebody to do the same thing for me.

4 Q That's fine.

5 A As as far, if it was my husband or my
6 brother or my family member.

7 Q Do you ever call the police when your
8 daughter did something wrong?

9 A Yes, I have.

10 Q And your turned daughter in?

11 A No, she always got caught.

12 Q No, did you ever turn your daughter in?
13 That's not what I am asking you.

14 A No, she always got caught.

15 Q Do you -- have you ever turned a member of
16 your family in before?

17 A No. But A member of my family never
18 killed nobody either and I had knowledge of it.

19 Q So your thing is now you want to be a
20 concerned citizen?

21 A I am a concerned citizen when it comes to
22 someone killing somebody and bringing me involved
23 in it, by me having knowledge of it.

24 Q Does it bother you to lie?

25 A It does bother me a lie.

Suzie Oaks Thomas-Cross by Johnson

1 Q You have lied under oath in this courtroom
2 before, haven't you?

3 A I have not.

4 Q You have not lied under oath---

5 A Not today.

6 Q ---in a courtroom before?

7 A Oh, I have. I have. But not today. I
8 thought you asked me did I today.

9 Q But not today.

10 A No.

11 Q But you lied before in court.

12 A I have.

13 Q Under oath.

14 A And got caught. And I served my time for
15 it.

16 Q And now you want the jury to believe
17 you're telling the truth today.

18 A Like I started out from saying, I only can
19 tell what London told me. If it's a lie, she told
20 me. She lied.

21 Q Right. And you've got these little facts.
22 Well supposed the facts that you give don't match
23 the facts of the case.

24 A And I told them from the start that too.
25 If it's a lie, it's only what she told me.

Suzie Oaks Thomas-Cross by Johnson

1 Q Isn't it true that you're just trying to
2 get some help to keep you out of jail.

3 A I'm already in jail.

4 Q Right, you're trying to get out of it.

5 A No.

6 Q Nobody promised you anything.

7 A Nobody promised me nothing.

8 Q Right.

9 A And I'm, if that was case, I would have
10 tried to get help before I write the statement.
11 Before I -- I mean, no, I am not trying to get no
12 help. Like I said before, if It had been me in
13 the situation that the Epps family is in, I would
14 want someone to speak up if they had knowledge of
15 what happened as far as my family member.

16 Q You are in here with an 11-page statement.

17 A And I stayed in the room with London for
18 double that amount of time. So we spoke. All we
19 had 23 and a half hours a day in a room together
20 to sleep and talk. And that's what we did.

21 Q And you've given statements after
22 statements after statement. And it's your
23 statement today, that you don't remember meeting
24 Investigator Thomas a year before.

25 A I don't.

Suzie Oaks Thomas-Cross by Johnson

1 Q Although there is paperwork, with your
2 signature on it.

3 A You are right. It is my signature. I
4 admit to it. But I don't remember meeting her as
5 far as this murder.

6 Q Okay. Your other statement is that, is
7 still straight that you lied before in court.

8 A Concerning my own situation, yes.

9 Q And....

10 A And got caught and got in trouble. And
11 served my time for it. And I'm here today is
12 because---

13 Q And the facts on that statement---

14 MR. CORBETT: Objection, Your Honor. If
15 the witness is in mid-sentence, he's got to let
16 her finish.

17 THE COURT: Sustained.

18 Q And the facts on there -- and the facts---

19 THE COURT: Wait just a minute. Let her,
20 to the extent she can go back to that point, she's
21 entitled to finish her answer.

22 Q I'm sorry, please, finish.

23 A Yes, I was saying that I did. I lied in
24 court before. I got caught for lying in court.
25 It was my own situation that I lied about. Not on

Suzie Oaks Thomas-Cross by Johnson

1 nobody else. My own situation. I got caught for
2 lying. I got in trouble for it. I served my time
3 in prison. I had no knowledge of this murder.
4 Whatever was said today or in my statement, is
5 what I was told in my room. I had never knew
6 Ms. Kelley until she moved in the room with me. I
7 did not know to question her to ask her nothing
8 about Darrell Epps, because I don't know him
9 either.

10 The only reason why I asked to speak to
11 Ms. Thomas is because it was heavy on my heart.
12 Because if it had been a family member of mines,
13 and somebody confided in someone else and know
14 knowledge of what they've done, I would want them
15 to speak up and tell the truth. That's why I am
16 here. Nobody promised me anything.

17 Q And it's just a coincidence that the only
18 roommates she ever had while she was in jail was
19 your daughter and you.

20 A Because nobody -- she didn't want to be in
21 the room with nobody. We don't pick and choose
22 who we go to jail and be a roommate with. So we
23 can't ask can we have this person, because she
24 killed somebody or had involved with a murder to
25 my roommate.

Suzie Oaks Thomas-Cross by Johnson

1 Q Well let me ask you a question. In your
2 statement don't you say in your statement, I asked
3 them to put her in my room, because she didn't
4 have any water in her room.

5 A Yes. And at the, yes.

6 Q Just slow down. Didn't you say that in
7 your statement?

8 A Yes.

9 Q Go ahead.

10 A Let me explain that. And when I asked
11 two days before my daughter came in the room,
12 because she had -- the whole time she was in that
13 room, she had no water in her room. And I asked,
14 why do you all have her up there with no water.
15 Still not knowing who she was or what she was in
16 there for. My main concern was is because we
17 couldn't get out of our room but 30 minutes a day.
18 Imagine being in the room with no water for 23 and
19 a half hours. I was in a room by myself. And I
20 asked the officer two days before that, because
21 she come in to be my roommate. I didn't have a
22 roommate, and she didn't have one. It was boring
23 in that room 23 and a half hours a day. So yes, I
24 did ask.

25 Q I thought you said you didn't have no

Suzie Oaks Thomas-Cross by Johnson

1 influence to get anybody in your room.

2 A I didn't. I didn't -- they didn't move
3 her in there when I asked. They didn't. It was a
4 whole new shift came. And they made the issue
5 about why she's in here with no water. She --
6 they had no other room to put her in but mine.

7 Q My point is this. If you didn't any
8 influence over anyone as far as what room they
9 were in, why did you ask?

10 A Being concerned. My child was in that
11 room as well with no water. But she stayed a
12 night and went home. So that's the point I am
13 trying to make. Just being concerned. My room
14 was the only room left that had nobody in it. My
15 child was up there no water in that room. And she
16 yelled down and say, mama, we can't get no water.
17 Mama, we're thirsty. We can't get no water. And
18 the officer wouldn't let us get no water. But my
19 child was fortunate enough to go home the next
20 day. That left London still up there with no
21 bond. So I know she wasn't going nowhere soon.
22 So I asked the officer, could you put her in the
23 room with me. I don't have a roommate. She don't
24 have one. And she don't have no water.

25 Q I thought you didn't know. Well you first

Suzie Oaks Thomas-Cross by Johnson

1 said London was in the room by herself.

2 A She was. And they put my daughter in
3 there. And my daughter stayed overnight. She was
4 in the room by herself the whole time she was
5 there, until my daughter came as far as my
6 knowledge. Or she probably had a roommate every
7 one in and one out, however it may go.

8 Q But you didn't know who it was.

9 A No, she told me that. Several times it
10 was up.

11 Q You didn't know who was in the room.

12 A I knew my daughter was in there, because
13 we talked back and forth. Yell up and down, talk
14 to each other.

15 Q And she never told you who her roommate
16 was.

17 A She told me when she went home who she
18 was, when I talked to her phone; that she was in
19 the room. But London was my roommate already.
20 They moved London the same time my daughter left.
21 When my daughter left out of the room, it left
22 London with no water. And they moved London
23 during the same time my daughter was being
24 released.

25 MR. JOHNSON: I have got no other

Suzie Oaks Thomas-Cross by Johnson

1 questions, Your honor.

2 THE COURT: Redirect?

3 MR. CORBETT: Just, one moment, please,
4 Your Honor..

5 MR. JOHNSON: Your Honor.

6 THE COURT: Yes, sir.

7 MR. JOHNSON: I know I said no other
8 questions. But before they start, can I ask, can
9 I have the right to ask one question I forgot
10 about?

11 THE COURT: Yes, sir.

12 Q How do you know Investigator Thomas ever
13 dealt with her before?

14 A London told me.

15 MR. CORBETT: Your Honor, I'm sorry. I
16 could not hear.

17 THE COURT: He said how do you know
18 Investigator Thomas ever dealt with her before. I
19 assume by her, he means the defendant.

20 Q London.

21 A London told me that Invest -- she wanted
22 to talk to Investigator Thomas. She said she
23 called her, and left her a message to speak to
24 her. She wanted to -- I guess she said that she
25 wanted to talk to her about her situation. But

Suzie Oaks Thomas-Cross by Johnson

1 before Ms. -- she said -- London said before she
2 could talk to Ms. Thomas, Mr. Johnson had visit
3 her. And she changed her mind about talking
4 to Ms. Thomas.

5 Q And can you explain to me, how you have a
6 hard time remembering that you had to have your
7 memory refreshed by the document. But when you
8 talked, you went verbatim what you wrote.

9 A Yes. Like I said, it's been 8 months, and
10 that's an 11-page statement. When I wrote that
11 statement, I wrote that statement with it being
12 fresh on my mind, not 8 months after me and London
13 had talked. So when I wrote that statement,
14 everything she said to me was pretty still on my
15 memory. But 8 months, dealing with my own
16 situation in court and in prison, I don't sit
17 around and rehearse everything that me and London
18 talked about. I went on. But everything -- but
19 that statement is an accurate statement, because
20 it was on my mind during the time I wrote that
21 statement.

22 Q And you're saying that that's an accurate
23 statement of what she told you, because you're not
24 confused. She didn't tell you that the nobody --
25 that the person was killed at the house or nowhere

Suzie Oaks Thomas-Redirect by Corbett

1 else. He was killed away from the house, correct?

2 A She told me exactly what I have got in
3 that statement.

4 MR. JOHNSON: Okay. No other questions,
5 Your Honor.

6 THE COURT: Mr. Corbett.

7 Redirect Examination by Mr. Corbett:

8 Q Now I am going to show you this document
9 that's been made reference to. It's has been
10 marked as State's Exhibit No. 52. And what
11 document is that?

12 A This is a voluntary statement.

13 Q And what is the date of that statement?

14 A February 2nd 2014.

15 Q Did you say 7th?

16 A 7th. Yes, sir.

17 Q I just wanted to make sure I understand
18 you. February 7th. Is that correct?

19 A Yes, sir.

20 Q Now prior to that statement, did you
21 indicate just a few moments ago that you had
22 talked with the investigator the day before?

23 A Yes, I did the day before at the jail.

24 Q So you talked to Investigator Thomas the
25 day before this statement.

Suzie Oaks Thomas-Redirect by Corbett

1 A Yes, sir.

2 Q Which would have been.

3 A The 6th. February 6th.

4 Q February 6th.

5 A 2014.

6 Q February 6th of 2014. Now the day before
7 you gave this 11-page statement, you indicated
8 that you spoke to Investigate Thomas.

9 A Yes, sir.

10 Q Did Investigator Thomas on that day,
11 advise you of your rights?

12 A Yes, sir.

13 Q Did you sign a form acknowledging those
14 rights?

15 A Yes, sir.

16 Q Now does this look like your signature on
17 what's been marked as Defendant's Exhibit No. 2?

18 A Yes, sir, that's my statement.

19 THE COURT: For identification. It's not
20 in.

21 MR. JOHNSON: It's not in.

22 MR. CORBETT: For identification?

23 THE COURT: Yes, just for Id. I am sorry,
24 Mr. Corbett, you can repeat the question. I
25 interrupted you.

Suzie Oaks Thomas-Redirect by Corbett

1 Q What's been marked for Id. as State's
2 No. 2. And I believe you may have already
3 answered. But that's your signature?

4 A Yes, sir. That's my signature.

5 Q And that's a Waiver of Rights form?

6 A Yes, sir.

7 MR. CORBETT: Judge, I believe I may have
8 has just said State's 2 Id. And I should have
9 said Defendant's No. 2.

10 THE COURT: Right.

11 Q And you have already talked at some length
12 about your statement which has been mark as
13 No. 52 for identification. Your Honor, we would
14 offer State's No. 52.

15 THE COURT: Mr. Johnson, he's offered her
16 11-page statement No. 52, in as an exhibit.

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

18 THE COURT: It's in.

19 (Statement marked State's Exhibit No. 52
20 into evidence.)

21 MR. CORBETT: That's all that I have, Your
22 Honor.

23 THE COURT: Recross?

24 MR. JOHNSON: Your Honor, I have no
25 questions.

Suzie Oaks Thomas-Redirect by Corbett

1 THE COURT: Thank you, ma'am. You can
2 step down. Next witness, Mr. Corbett.

3 MR. CORBETT: Would the court allow me
4 about a 5 minute break?

5 THE COURT: Ladies and gentlemen, if you
6 would please, go to your jury room. I'm just
7 going to go ahead and stay in the courtroom so
8 I'll know we'll make it 5 minutes. That way I
9 won't get called on the phone. So 5 minutes, do
10 not discuss the case in any way.

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

13 THE COURT: You are ready to call your
14 next one.

15 MR. CORBETT: Judge, if I could have just
16 one moment.

17 THE COURT: All right.

18 MR. CORBETT: And in answer to the
19 questions, we are ready to call the next witness.
20 But if I could have just a moment.

21 THE COURT: You may bring the jury in.

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

24 THE COURT: Mr. Corbett.

25 MR. CORBETT: Your Honor, the State would

1 call Investigator Jennifer Thomas.

2 Investigator Jennifer Thomas, being
3 first duly sworn, testified as follows:

4 THE BAILIFF: State your full name and
5 spell your last name for the record.

6 A Jennifer Thomas. Last name is,
7 T-H-O-M-A-S.

8 DIRECT EXAMINATION by Mr. Corbett:

9 Q Investigator Thomas, good morning.

10 A Good morning, sir.

11 Q Now by whom are you employed?

12 A The Sumter County Sheriff's office.

13 Q And how long have you been with the Sumter
14 County Sheriff's Office.

15 A Since 2005.

16 Q And are you originally from the Sumter
17 area?

18 A Yes, sir. Born and raised here.

19 Q What part of Sumter?

20 A Over near south side.

21 Q Now when your time with the sheriff's
22 office, have you had different duties along the
23 way.

24 A Yes, sir, I have.

25 Q Tell us about those.

Investigator Thomas-Direct by Corbett

1 A In 2005, I was hired by Sheriff Dennis,
2 his first term at the sheriff's office. I was a
3 Class III deputy at the time, working for code
4 enforcement. A year later, I went into the --
5 back to the academy as a class I officer, where I
6 did patrol and that was in 2006. Around 2007/2008
7 time frame, I was assigned to the Cherryvale area
8 as the cops officer of that area, where I would
9 patrol any assignments. Anything that came up in
10 the Cherryvale area, I was that officer.
11 Community functions, school visits, anything
12 pertaining to Cherryvale community, that was my
13 job to handle. And then in 2012, I moved on. I
14 was promoted to investigator at the Sumter County
15 Sheriff's Office in the criminal investigations
16 division, to where I am currently now.

17 Q Now did you have occasion to be involved
18 in the investigation of the Darrell Epps murder?

19 A Yes, sir, I did.

20 Q I tell you what, I'm going to jump ahead a
21 little bit.

22 A Okay.

23 Q Did you have an occasion to speak with
24 Suzie Oaks Thomas?

25 A Yes, sir, I did.

Investigator Thomas-Direct by Corbett

1 Q Now how did you come into contact with
2 her?

3 A Suzie Oaks called me and said she had
4 information, and that she was at our Sumter County
5 jail. And I went out there. And that was on
6 February 6th 2014.

7 Q Now I am going to show you first of all,
8 what's been or is State's Exhibit No. 52. And can
9 you identify that document?

10 A That's is a Sumter County Sheriff's Office
11 Volunteer Statement form.

12 Q And is that the statement that you took
13 from Suzie Thomas?

14 A Yes, it is, sir.

15 Q And what date was that?

16 A 2/7/2014.

17 Q Now did you have occasion to see Suzie
18 Oaks prior to 2/7? Excuse me, February 7th of
19 2014?

20 A Yes, the day before.

21 Q I am going to show you this exhibit. It's
22 currently marked for identification as Defendant's
23 Exhibit No. 2. And ask if you can identify that.

24 A Yes, sir. This is a Sumter County
25 Sheriff's Office Waiver of Rights form.

Investigator Thomas-Direct by Corbett

1 Q And who completed that form?

2 A Suzie Oaks Thomas.

3 Q Now that particular form, is it dated?

4 A Yes, sir, it is.

5 Q And what is the date written on that form?

6 A February 6th 2013.

7 Q Now is that accurate?

8 A No, it is not.

9 Q Explain that to us.

10 A It is supposed to be 2014, but it was a
11 typo 2013. Not a typo, that's actually Suzie Oaks
12 handwriting on the date. And she put, it was the
13 beginning of the year, so, you know, sometimes you
14 may, you know, the year it is hard to 2013, 2014.

15 MR. JOHNSON: Your Honor, I would object
16 to that. She said that that's Suzie Oaks
17 handwriting. She can't speak for Suzie Oaks.

18 THE COURT: Well she can---

19 A I can testify---

20 THE COURT: No, ma'am. You can't respond
21 while I'm talking. Yes, sir.

22 MR. JOHNSON: My argument is, if she says
23 that that's Suzie Oaks handwriting, she can't
24 speak why Suzie Oaks wrote that.

25 THE COURT: That's sustained. She can say

Investigator Thomas-Direct by Corbett

1 it's her handwriting, but not any mindset or
2 mental framework for Ms. Thomas.

3 Q Ms. Thomas.

4 A Yes, sir.

5 Q Were you present when this document was
6 completed?

7 A Yes, sir, I was.

8 Q Does that document bear any identifying
9 information from you?

10 A Yes, it does.

11 Q Does it have your signature on it?

12 A Yes, it does.

13 Q Were you present when that document was
14 completed?

15 A Yes, sir, I was.

16 Q And did you watch Ms. Oaks sign that
17 document?

18 A Yes, I did.

19 Q And what date was that document signed?

20 A It was signed on February 6th 2014.

21 Q This advisement of rights, did it
22 ultimately lead to that statement, which has been
23 admitted as State's 52?

24 A Yes, sir, It did.

25 Q And what is the date of that document?

Investigator Thomas-Direct by Corbett

1 A February 7th 2014.

2 Q So the next day.

3 A The next day, yes, sir.

4 Q And you were present for that one as well?

5 A Yes, sir.

6 Q Now Investigator Thomas, you were not the
7 first investigator assigned to this case, is that
8 correct?

9 A No, sir, I was not.

10 Q Tell us a little bit about how you became
11 involved in the investigation of the Darrell Epps
12 murder.

13 A Yes, sir. In 2012, when I was promoted to
14 investigations, shortly after that time,
15 Investigator Wayne Dubose was assigned all the
16 unsolved murder cases in Sumter County. That's
17 the beginning of 2013, and I wanted to help out.
18 And I assisted him in the case.

19 Q Now in connection therewith, did you go
20 back and look at the Darrell Epps case?

21 A Absolutely.

22 Q And did you review the documents and
23 exhibits in the file?

24 A Yes, I did. In this particular case, I
25 was, like I had told you, that I was in the

Investigator Thomas-Direct by Corbett

1 Cherryvale area. And I worked that area. So I
2 was there familiar with the peoples and the
3 location. And I felt comfortable to assist him in
4 this case.

5 Q Bear with me just one moment please. Now
6 in connection with your investigation, did you
7 have occasion to interview witnesses?

8 A Yes, sir, I did.

9 Q I am going to show you what has been
10 marked for identification as State's Exhibit
11 No. 11, and ask if you can identify that.

12 A Yes, sir, I can. This is a Volunteer
13 Statement form from the Sumter County Sheriff's
14 Office. And this witness would be Tiffany
15 Witherspoon's statement.

16 Q Now was that statement given to you?

17 A Yes, It was.

18 Q And did you actually write that statement?

19 A Yes, I did.

20 Q Why did you write the statement?

21 A Because she told me I could write it.

22 Q Now where were you when that statement was
23 taken?

24 A We were at sheriff's office.

25 Q And you said it was Tiffany Witherspoon

Investigator Thomas-Direct by Corbett

1 who provided that statement?

2 A Yes, sir.

3 Q Now if you would please, tell us a little
4 bit about when a person gives a statement, do you
5 have them place some identifying marks thereon?

6 A Yes, sir. On the statement, on a
7 voluntary statement, at the beginning and at the
8 end of the statement, we have them put their
9 initials so that way, nobody can add or change any
10 information in the statement. Also if it
11 continues on to a second supplement page, we also
12 have them do the same thing. We have put their
13 initials at the beginning, at the end, of what was
14 written. Whether it was my handwriting or hers.
15 They would initial the information. So it can't
16 be changed or altered. And there's a cross at
17 the bottom, that marks out the other lines just so
18 that nobody could add any information or change or
19 say anything that wouldn't be true.

20 And also, we have them sign the bottom of
21 the statement to show that it's true and accurate
22 to their knowledge.

23 Q Now, Investigator Thomas, look at page 2
24 for me.

25 A Yes, sir.

Investigator Thomas-Direct by Corbett

1 Q I believe it is going to be about 3 or 4
2 lines down on the far right. Do you see the name
3 Ebony written out?

4 A Yes, I do.

5 Q And at that point and time, is that the
6 end of a sentence?

7 A No, It's not.

8 Q Now you have already indicated that you
9 were writing that out. Who was providing the
10 information as you were writing?

11 A Tiffany Witherspoon.

12 Q Did you write anything on that form not
13 provided by Ms. Witherspoon?

14 A No, I did not.

15 Q Now on that document, does it also bear
16 Ms. Witherspoon's initials?

17 A Yes, those are her initials.

18 Q Were you present when she initialed that
19 document?

20 A Yes, I was.

21 MR. CORBETT: Your Honor, at this time,
22 the State would offer into evidence State's
23 Exhibit No. 11.

24 THE COURT: Any objection?

25 MR. JOHNSON: Your Honor, my only

Investigator Thomas-Direct by Corbett

1 objection is that just note it that, that the
2 person who wrote the document actually disagreed
3 with some parts of the document. So I would
4 object as to that part.

5 THE COURT: That's overruled. It's in
6 evidence.

7 MR. JOHNSON: Thank Your Honor.

8 (Statement of Tiffany Witherspoon marked
9 State's Exhibit No. 11 into evidence.)

10 THE COURT: Just to make sure the record
11 is complete, Mr. Johnson, Rule 613 is the primary
12 basis for admission of that document.

13 MR. JOHNSON: I understand, Your Honor.
14 And, Your Honor, just for clarification, I think
15 the witness stated that she disagreed with the --
16 after the first 3 lines I think if I remember
17 right.

18 THE COURT: I believe after this word
19 Ebony.

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

21 Q Now let's start there with the word Ebony.

22 A Yes, sir.

23 Q Now you wrote that out. Correct?

24 A Correct.

25 Q Are there any initials behind the word

Investigator Thomas-Direct by Corbett

1 Ebony?

2 A Not, there are not.

3 Q Now if you would, please, pick up behind
4 the word Ebony and continue with that sentence.

5 A But never said found a body or anything
6 else about the murder. London went to jail
7 recently about March. And when got out, she
8 called and said she did a statement and used my
9 name for an alibi. And I said, why am I just
10 finding out. She said I never thought it would
11 come down to something like this.

12 About a week ago, London came to my house
13 and told me the cops searched her car the day
14 after the murder, but they did not search her
15 house at Gem Mobile Home Park. Tafarus McFadden,
16 Key, came to my party with Peaches and left with
17 her and Linda Anderson.

18 Q Now that portion that you just read, did
19 you wrote that on the form?

20 A Yes, I did wrote that on the form.

21 Q And where did you receive that
22 information?

23 A From Tiffany Witherspoon.

24 Q Would you have known anything about who
25 Tafarus rode with?

Investigator Thomas-Direct by Corbett

1 A No, I would not have known that
2 information.

3 Q Now let me talk to you for just a moment
4 about Edward Brown. Do you know who that is?

5 A Yes, sir.

6 Q Who is Edward Brown?

7 A Edward Brown is the witness, one of the
8 witnesses in this case.

9 Q Now prior to this case, did you know
10 Edward Brown?

11 A No, I did not.

12 Q How did you come into contact with Edward
13 Brown?

14 A Another investigator at the sheriff's
15 office stated that he got information from Edward
16 Brown's attorney that he knew who killed Darrell
17 Epps.

18 THE COURT: Yes, sir.

19 MR. JOHNSON: Your Honor, once again.

20 THE COURT: That's hearsay.

21 MR. JOHNSON: That's hearsay.

22 THE COURT: Sustained. The jury will
23 disregard that statement.

24 Q Let's start with, how did you know, how
25 did you reach, make contact with Edward Brown?

Investigator Thomas-Direct by Corbett

- 1 A Information from another investigator.
- 2 Q Now did you talk to Edward Brown?
- 3 A Yes, I did.
- 4 Q Where did you talk to him?
- 5 A I went to Wateree Corrections.
- 6 Q That's where you spoke with him?
- 7 A Yes, sir.
- 8 Q Now as a result of that visit, did Edward
- 9 Brown gave you a statement?
- 10 A Yes, he did.
- 11 Q Now did he wrote that statement or did you
- 12 write it?
- 13 A I wrote the statement.
- 14 Q Why did you write the statement?
- 15 A He said I could write the statement.
- 16 Q Now in terms of writing that statement,
- 17 what did you write?
- 18 A I wrote down what Edward Brown told me.
- 19 Q Did you write down anything other than
- 20 what Edward Brown told you?
- 21 A No, I did not.
- 22 MR. CORBETT: Judge, my apologies. I need
- 23 just a moment to locate a document. Judge, my
- 24 apologies, I am attempting to locate State's for
- 25 identification No. 49.

Investigator Thomas-Direct by Corbett

1 THE COURT: Okay.

2 MR. CORBETT: Judge, If I may, I will come
3 back to that point.

4 THE COURT: Okay.

5 Q Investigator Thomas, I am going to show
6 you what has been marked as State's No. 49 for
7 identification. And ask if you can identify that.

8 A Yes, sir. This is a statement from
9 Edward Brown.

10 Q And what was the date of that statement?

11 A 12/31/2013.

12 Q Now that's the statement that you
13 indicated was in your handwriting.

14 A Yes, sir, it is.

15 Q Taken at Wateree Correctional.

16 A Yes, sir, It was.

17 Q Prior to meeting or being advised to meet
18 with Mr. Brown, did you know that he had any
19 involvement in this case?

20 A No, I did not.

21 Q Now in connection therewith, did you
22 promise Edward Brown anything?

23 A No, I did not.

24 Q Did you in any way threaten him?

25 A No, I did not.

Investigator Thomas-Direct by Corbett

1 Q If you know, do you know why he was at
2 Wateree at that time?

3 A For an armed robbery charge.

4 Q And he was already over there for that.

5 A Yes, sir.

6 Q So there was no promises made by you about
7 what you could do about that charge.

8 A That is correct.

9 Q Now that statement contains sort of a
10 loose time frame of the summer, is that correct?

11 A Yes, it does.

12 Q Does it also include the name of a motel?

13 A Yes, it does.

14 Q Which one?

15 A America's Inn.

16 Q Does it actually include a room number?

17 A Yes, it does.

18 Q Would you have any way of knowing such a
19 room number?

20 A No, I would not.

21 MR. CORBETT: Your Honor, the State would
22 offer into evidence, State's No. 49, statement of
23 Edward Brown.

24 MR. JOHNSON: No objection, Your Honor.

25 THE COURT: 49 is in.

Investigator Thomas-Direct by Corbett

1 (Statement of Edward Brown marked State's
2 Exhibit No. 49 into evidence.)

3 Q Investigator Thomas, I am going to show
4 you what has been marked as State's Exhibit No. 9
5 for identification. I believe that's been
6 previously referred to here. But can you tell us
7 what that is?

8 A Yes, sir. This is a set of keys that were
9 taken from Darrell Epps' vehicle.

10 Q And did you present those to someone for
11 identification?

12 A Yes, I showed Krystle Skinner.

13 Q And she identified those as Mr. Epps'
14 keys?

15 A Correct. And she signed it and date on
16 the back of it, yes, sir.

17 Q And where were those recovered from?

18 A From Darrell Epps' burnt vehicle.

19 (Photo of keys marked State's Exhibit No.
20 9 into evidence.)

21 Q Investigator Thomas, in the course of your
22 investigation, did you go to the area, and I will
23 apologize, I am not that familiar with the east
24 end of the area Shiloh -- of the county Shiloh or
25 whatever the other term it would be used to in

Investigator Thomas-Direct by Corbett

1 terms of that neighbor?

2 A Yes, sir.

3 Q What location did you go to in the Shiloh
4 area?

5 A At what point are you?

6 Q Well I'm sorry, let me back up and
7 rephrase that. As part of your investigation did
8 you check to see distances and times between some
9 of the points that came up during the course of
10 the investigation?

11 A Yes, I did.

12 Q And as a result of this investigation, did
13 you go to the Shiloh community.

14 A Yes, I did.

15 Q What area?

16 A I went to T. Bubba's lounge. It's located
17 in the Shiloh.

18 Q Do you of your own knowledge know how long
19 it takes to get from T. Bubba's back to the
20 Cherryvale neighborhood?

21 A At the time, I did not. So that's why I
22 went out there to do a road test.

23 Q What did you discover?

24 A I discovered that from the time of me
25 getting to T. Bubba's lounge and road testing

Investigator Thomas-Direct by Corbett

1 going straight down Highway 53 to 378, I headed
2 out west into Sumter going down 378. I came upon
3 a detour by the Lowe's and Wal-Mart. So I went
4 around of 521. Came back out on to Broad Street.
5 And I traveled down to Gem Mobile Home Park. The
6 entrance to Gem Mobile Home Park is
7 It's located across from the veteran memorial and
8 and the skate park. If you're familiar with 378
9 west, it's right across the street from there.
10 And it took approximately 25 minutes. Yeah, 25
11 minutes.

12 Q Now going to the area there at
13 from T. Bubba's you indicated was 25 minutes.

14 A Yes, sir. From T. Bubba's to Gem Mobile
15 Home Park approximately 25 minutes.

16 Q Just for clarification purposes you've
17 referenced highway 378.

18 A Yes, sir.

19 Q And Broad Street.

20 A Yes, sir.

21 Q Are they one in the same?

22 A Yes.

23 Q And occasionally we've heard people use
24 the term 76.

25 A Yes, sir.

Investigator Thomas-Direct by Corbett

1 Q Also the same road.

2 A Yes, sir.

3 Q If you would, please, I'm going to have to
4 come down.

5 (Whereupon, witness steps down from the
6 witness stand.)

7 Q I am going to get you to stand on this
8 side where I am, so the court reporter can hear
9 you clearly. And if you would, please, take a
10 moment and get yourself oriented to that map,
11 because I am going to ask you if you are aware of
12 some locations on that map.

13 Now from looking at this map, are you able
14 to tell, first of all, from this map, can you tell
15 us where the car was located.

16 A Where Darrell Epps' burnt vehicle was
17 located?

18 Q That's correct.

19 A It was located right behind, this is
20 Cokely Drive and then this would be 378. And if
21 you make the right hand turn off of Cokely Drive
22 into this curve, this is actually this curve
23 intersects between south and north lake
24 Cherryvale. And either side of the pond, the
25 vehicle was found in between on the roadway.

Investigator Thomas-Direct by Corbett

1 Q If you would, please, I am going to get
2 you to put an orange sticker where the burned
3 vehicle was located. Also I am going to ask you
4 to take that little notation that says, burned
5 car, and put it where that was located. Now there
6 was -- can you tell us where highway 378 in front
7 of American Mobile Home Park would be?

8 A This is 378. America Mobile Home Park,
9 would be this mobile home park right here. It
10 actually backs up to south and north lake
11 Cherryvale Drive. All these trailers right here.

12 Q So highway 378 in front of American Mobile
13 Home Park, would be.

14 A Right in this area. Right behind, there's
15 a bingo and a gun shop right here and a car lot.
16 It actually sits right behind it right here.

17 Q You said a gun shop?

18 A Tony's Gun shop.

19 Q Now if you would please, show us 378 in
20 front of American Mobile Home Park near Tony's Gun
21 shop, in terms of reference to where the red cap
22 was located.

23 A It would be near the roadway in front of
24 this vacant building. The numerics is 4362 Broad
25 Street.

Investigator Thomas-Direct by Corbett

1 Q Now on this map, can you show us where
2 Gem Mobile Home Park is located?

3 A Yes, sir. It's right here. This is
4 There is one way into Gem Mobile Home Park,
5 and one way out. So this is little lane right
6 here just off of 378, it goes back into these
7 trailers and it dead ends right here.

8 Q Bear with me one moment please. I know
9 the scale is not going to help us out a great
10 deal, but from there photograph, are you able to
11 tell where Mr. Epps' body was recovered?

12 A Yes, sir. This is a new aerial shot.
13 Since then this building right here, this is now
14 an office. Before, that would be a mobile home.
15 When you come in, this right here would be around
16 Lot 7, 9. Like I said, that office wasn't there,
17 but his body would have been found right here in
18 the office area.

19 Q If you would make a mark there for us,
20 please. Now during the course of your
21 investigation, you learned that London Kelley and
22 Quinton Epps were living together?

23 A Quinton Brown and London Kelley---

24 Q I'm sorry.

25 A ---yes, sir. They were living together at

Investigator Thomas-Direct by Corbett

1 Lot No. 9.

2 Q And let me restate that since I said that
3 wrong. Quinton Brown and London Kelley.

4 A Yes, sir.

5 Q Were living together.

6 A Yes, sir.

7 Q And are able to as best you can on that
8 scale map, give us an indication of where they
9 resided. Okay. I'll tell you, let's do this if
10 we may. Let's see that was State's No. 13 that we
11 had previously referred to. I am going to put
12 State's No. 46 up.

13 THE COURT: Just for my purposes, are both
14 of those still for Id., or is one of them already
15 in?

16 MR. CORBETT: Judge, I believe both are
17 in.

18 THE COURT: 13 and 46?

19 MR. CORBETT: That's correct. If you will
20 give me just a moment and let me verify that.

21 THE COURT: They're both in.

22 MR. CORBETT: Yes, sir.

23 Q Now, Investigator Thomas, let me show you
24 what's previously been admitted as State's No. 19.

25 A Yes, sir.

Investigator Thomas-Direct by Corbett

1 Q And ask you to take a look at this for me.

2 A Yes, sir.

3 Q This picture here, does it reflect a
4 layout prior to this aerial picture being taken?

5 A Yes, that one is definitely prior. This
6 would be more recent, like I said, with the office
7 that was built right there where his body was
8 found.

9 Q I'm also going to refer to State's Exhibit
10 No. 21. Let's just put these here for just a
11 moment. Now because this scale is a little bit
12 different, first of all, let's get ourselves
13 oriented. Where is Broad Street extension,
14 highway 378/76, where is that located on this map?

15 A Right here.

16 Q And the name of this road?

17 A This is that goes into Gem
18 Mobile Home Park.

19 Q Now if you would, go ahead and explain to
20 us, what's different about what we seen in these
21 pictures and then on this newer aerial photo.

22 A One of the trailers appears to have been
23 taken out right here, and a new actual like a
24 little mobile unit office trailer type thing, was
25 put in place over that area. And that's new right

Investigator Thomas-Direct by Corbett

1 there. And then they also put a parking lot right
2 here. That was not there.

3 Q Now do these pictures here reflect what it
4 looked like back in April of 2011?

5 A Yes. Yes, sir, it does.

6 Q Now from this photograph, are you able to
7 tell us where the body of Mr. Epps was recovered?

8 A There's Epps right there. That at the
9 time was lot 13 and 15. 13 and 15 would be right
10 here. 13 and 15, and he would have been right
11 here.

12 Q I know by virtue of scale that's it's a
13 little bit difficult, but as you near as you can,
14 give us a mark of where Mr. Epps' body was
15 recovered. Okay. Now from this particular map,
16 as a result of your investigation, were you able
17 to determine where London Kelley and Quinton Brown
18 were living?

19 A Yes. Lot 7 was Terrel Hudson. And then
20 lot 9 would London and Quinton.

21 Q If you would so indicate there, please,
22 ma'am.

23 A Okay.

24 Q Now if you're able to tell us, give us
25 some estimation of the distances between these

Investigator Thomas-Direct by Corbett

1 3 points that we've identified here.

2 A Yes, sir. From to over here
3 where the baseball cap is, American Mobile Home
4 Park, maybe a mile. And like I said, American
5 Mobile Home Park backs up into the pond area. So
6 all within distance within I would say a mile or
7 so.

8 Q Now let's, if you would, please, with
9 regard to the officers coming out into America
10 Mobile Home Park, I think you just touched on the
11 actual part. If I could get you to make an
12 indication of that back portion of American Mobile
13 Home Park.

14 A It'd be probably right around here.
15 There's a path. It all backs up.

16 Q Is this American Mobile Home Park?

17 A Yes, sir, I'm sorry.

18 Q Okay.

19 A That's American Mobile Home Park. And
20 that's the back of American Mobile Home Park.

21 Q Ma'am, I am going to let you return to the
22 witness stand.

23 (Whereupon, the witness resumes the
24 witness stand.)

25 Q Investigator Thomas, if I could go back

Investigator Thomas-Direct by Corbett

1 for just a moment to State's Exhibit No. 49, the
2 statement of Edward Brown. As a result of taking
3 that statement from Edward Brown, what did you do
4 with investigation that point and time?

5 A With this information, this statement, I
6 went back and I met with my supervisors, as well
7 as Sheriff Dennis of Sumter County, with the
8 information I had obtained.

9 Q And as a result of that, did you obtain an
10 arrest warrant for London Kelley?

11 A Yes, I did.

12 Q And by virtue of this document, can you
13 tell us when London Kelley was arrested?

14 A Yes, sir. She was arrested January 2nd
15 2014.

16 THE COURT: I'm, sorry, ma'am, the date
17 again.

18 A January 2nd 2014.

19 Q Now that was January 2nd of 2014?

20 A Yes, sir.

21 Q Tell us -- continue to tell us kind of how
22 your investigation progressed from that point.

23 A After that point from the statement from
24 Edward Brown, which resulted in the arrest warrant
25 for London and co-defendant, Quinton Brown. After

Investigator Thomas-Direct by Corbett

1 that point, I was contacted by Suzie Oaks Thomas
2 to come to the jail that February 6th, with some
3 information, which I did.

4 Suzie Oaks Thomas did the statement with
5 all the -- the detailed statement, the 11-page
6 statement on February 7th. And then after that
7 point, we got information from Shaniqua Oaks, and
8 she also did a statement.

9 Q I am going to show you what has been
10 marked as State's 51. Do you recognize that
11 document?

12 A Yes, I do.

13 Q And what is that document?

14 A It's a statement Shaniaqua Oaks.

15 Q Were you present when Ms. -- first of all,
16 let me ask this you. Whose handwriting is that
17 statement in?

18 A In Shaniaqua Oaks' handwriting.

19 Q Were you present when it was written?

20 A Yes, sir, I was.

21 Q At the time it was written, did you make
22 any promises to Ms. Oaks about what you could do
23 for her?

24 A No, I did not.

25 Q And I'm sorry, when I say Ms. Oaks, let me

Investigator Thomas-Direct by Corbett

1 specify Shaniaqua Oaks so we don't get them
2 confused.

3 A Yes, sir.

4 Q Do you make any representations or
5 promises to her?

6 A No, I did not.

7 Q Do you make any threats to her?

8 A No, I did not.

9 Q Did you tell her what to write in the
10 statement?

11 A No, I did not.

12 Q Now, Investigator Thomas, I've jumped a
13 little bit out of sequence so I apologize for
14 that. The statement with Suzie Oaks.

15 A Yes, sir.

16 Q That was taken where?

17 A That was taken at the sheriff's office.

18 Q Now in connection with that statement, did
19 you make any promises of trying to help her out
20 with her situations?

21 A No, I did not.

22 Q Did you make any threats toward her?

23 A No, I did not.

24 Q At any point and time, did you tell her
25 details about your investigation to put into her

Investigator Thomas-Direct by Corbett

1 statement?

2 A No, I did not.

3 Q And it's no question in your mind that
4 this form was actually dated on February 6th of
5 2014.

6 A That is correct. There's no doubt about
7 that.

8 Q With regard to Suzie Oaks, did you make
9 any promises to alter her concurrent sentence?

10 A No, I did not.

11 Q Is it within your power to do so?

12 A No.

13 Q Investigator Thomas, during the course of
14 the investigation and your review, in terms of and
15 taking into evidence, was there any money taken
16 from the body of Darrell Epps?

17 A No, there was not.

18 Q Was there a cell phone taken from the body
19 of Darrell Epps?

20 A No, there were not.

21 MR. CORBETT: Your Honor, may Mr. Johnson
22 and I approach?

23 THE COURT: Yes, sir.

24 (Whereupon, attorneys approach and confer
25 with judge.)

Investigator Thomas-Cross by Johnson

1 Mr. CORBETT: Investigator Thomas, please
2 answer any questions Mr. Johnson has.

3 A Yes, sir.

4 Cross Examination by Mr. Johnson:

5 Q Good afternoon, Investigator Thomas.

6 A Good afternoon.

7 Q Just a few questions. You actually
8 volunteered to take on this case, correct?

9 A I did.

10 Q Now prior to you taking this case, what
11 year was that you volunteered to get involved?

12 A In 2013.

13 Q So that was approximately two years after
14 this happened?

15 A Yes, sir.

16 Q The case was basically, I guess, it wasn't
17 closed, but I guess it was just no new evidence on
18 the case at the time, is that correct?

19 A No leads.

20 Q No leads.

21 A Right. It had been exhausted.

22 Q But all the forensics were back at that
23 time that you got involved, correct?

24 A No, sir.

25 Q What wasn't back at that time?

Investigator Thomas-Cross by Johnson

1 A The stuff that I submitted.

2 Q Well I mean, at the time you took over, I
3 can't say what you submitted after. I am asking
4 you all the forensics in the case up to that point
5 was back.

6 A No, sir.

7 Q Well what stuff you submitted?

8 A Investigator Dubose had submitted some
9 items and I did too. And they were not back yet.

10 Q I am not talking about what you submitted
11 after you took over the case.

12 A Okay.

13 Q Prior to you, prior evidence, had all the
14 evidence been submitted at that time, prior to
15 you? All the evidence that you was aware of at
16 that time. Because I'm assuming you had other
17 evidence that you submitted later. Are you
18 telling me there evidence from 2011, that was just
19 sitting there that was never submitted?

20 A I am not sure what you're trying to ask
21 with all these questions.

22 Q Let me rephrase this again.

23 A Maybe one at a time.

24 Q I am not talking about any evidence that
25 you submitted.

Investigator Thomas-Cross by Johnson

1 A Okay.

2 Q When you took over the case. Well let me
3 ask you this. What evidence was available to you
4 at the time you took over the case?

5 A What evidence was available?

6 Q Uh-huh. (Affirmative.) What evidence was
7 in the file?

8 A There is a book of evidence. We have --
9 there were several things.

10 Q Okay, I am asking. You have your
11 paperwork, so I am asking you.

12 A There were bullets in evidence from
13 Darrell's body. There were -- there was a hat
14 placed in evidence that was found in the roadway.
15 There were Darrell's clothes were placed into
16 evidence. There was a video placed into evidence.
17 There was a hair brush that was placed into
18 evidence. There was carpet placed into evidence.
19 There was a buccal swab from London placed into
20 evidence. There was, I am trying to think of
21 everything. If I could have a moment to look at?

22 Q Sure.

23 A ---every -- if you want everything, I
24 would feel better about having everything in front
25 of me because it's so much.

Investigator Thomas-Cross by Johnson

1 Q Well let me ask you this. You say you
2 took a buccal swab from London. Could you please
3 explain to the jury what that is?

4 A A buccal swab is a swab that we take to do
5 DNA comparison. It looks just like a little
6 Q-tip, and you brush the inside of someone's mouth
7 with it, to send off to sled if you want to
8 compare it with any other kind of DNA.

9 Q And was that sent off to sled?

10 A Yes, it was.

11 Q And what did it come back?

12 MR. CORBETT: Objection, Your Honor.

13 THE COURT: Yes, sir.

14 MR. CORBETT: Hearsay.

15 THE COURT: Mr. Johnson.

16 MR. JOHNSON: Well, Your Honor, it's in
17 her file, in her notes, and she is aware of it.
18 It was sent off. I don't see how that would be
19 hearsay.

20 THE COURT: Ladies and gentlemen, please
21 go to your jury room. Of course you may not
22 discuss the case.

23 (Whereupon, the following takes place
24 Outside the presence of the jury.)

25 THE COURT: Let me see the lawyers up here

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1 for a minute.

2 (Whereupon, the attorneys approach the
3 bench and confer with judge.)

4 THE COURT: We'll put on -- what I am
5 putting on the record is, you all can correct me
6 if I am wrong is, I thought there had been some
7 agreement that certain things were going to be
8 stipulated to, but maybe this wasn't one of them.
9 So, Mr. Johnson, you can just complete your
10 questions subject to Mr. Corbett's objections at
11 this point.

12 Q By Mr. Johnson) I will rephrase, Your Honor.

13 THE COURT: Yes, sir.

14 Q Did you compare the buccal sample to
15 anything, or was it submitted to sled?

16 A I had it sent to sled to compare with
17 Darrell Epps' DNA.

18 Q And did you receive a result back?

19 A Yes, I did.

20 Q And?

21 A I came back with not enough DNA for
22 comparison. So inconclusive.

23 Q Inconclusive.

24 A But with an explanation.

25 Q Okay.

1 A Of why I did that.

2 THE COURT: Go ahead and explain that.

3 A London Kelley said that there was a rumor
4 that Quinton Brown had came home and caught her
5 and Darrell Epps in the bed together, and that's
6 why he killed her (sic). So that's why I asked
7 for her to consent if that was true, if I could
8 take a buccal swab from her. And she gave
9 consent, and that's why it was sent to sled at
10 that time.

11 Q London Kelley told you that?

12 A London Kelley told me. It's in her
13 statement, sir.

14 Q But she told you that that wasn't so,
15 correct?

16 A Yes.

17 Q And you took that to verify that she was
18 telling the truth or not, correct?

19 A I took that to see, yes. Because she was
20 laughing, yes.

21 Q And as a result of that, you didn't find
22 anything to indicate that she wasn't telling the
23 truth, did you?

24 MR. CORBETT: Objection, Your Honor.

25 THE COURT: Well this is a proffer right

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1 now. So we need to get it all out, and then we
2 can do the objection. I don't understand it,
3 because the witness said that Quinton killed her,
4 because he caught her in bed. But obviously she's
5 alive. But that's what the witness said. The
6 witness said, Quinton killed her because he caught
7 her in bed with Darrell.

8 MR. JOHNSON: Which witness are we talking
9 about, Your Honor?

10 THE COURT: Ms. Thomas just said that.
11 And so I am confused about whose DNA from a buccal
12 swab in Ms. Kelley's mouth. It was compared to
13 what?

14 A Yes, let me clarify that. Darrell's
15 underwear with his DNA.

16 THE COURT: Underwear.

17 A Yes.

18 THE COURT: Okay.

19 A Was sent with London's buccal swab to
20 sled.

21 THE COURT: Was there a comparison done?

22 A A comparison was done at sled, yes, sir.

23 THE COURT: Or a testing. Was there a
24 match or anything consistent with Ms. Kelley's
25 DNA in that underwear?

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1 A No, sir. It came back as there was not
2 enough DNA, and that would inconclusive.

3 MR. JOHNSON: That's all I was asking,
4 Your Honor.

5 THE COURT: Well do you want to get into
6 that? Rumors and all this kind of stuff?

7 MR. JOHNSON: I don't want to get into
8 rumors, but I think I should be allowed to get
9 into the fact that -- well I can rephrase.

10 THE COURT: I am not going to allow the
11 witness to testify that she heard rumors. I would
12 assume that you wouldn't want her to say that.

13 MR. JOHNSON: No, I don't.

14 THE COURT: But If you're wanting, what's
15 good for the goose has got to be good for the
16 gander, something is going to be borderline
17 inadmissible.

18 MR. JOHNSON: I will rephrase in another
19 way.

20 THE COURT: Go ahead and do that.

21 Q Do you have any DNA evidence connecting my
22 client to this crime?

23 A No, sir.

24 THE COURT: Do you object to that?

25 MR. CORBETT: I do object to that, Your

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1 Honor.

2 THE COURT: And the basis for that is?

3 MR. CORBETT: The basis of that is lack
4 of foundation. It requires expert testimony, and
5 it's hearsay.

6 THE COURT: Okay.

7 MR. CORBETT: And, Judge, just so you will
8 understand what I'm getting at. My purpose. When
9 you ask the question that way, and a lay witness
10 says no, that leaves out all of the interpretation
11 that's required for DNA.

12 THE COURT: How about earlier when she
13 asked -- when Mr. Johnson asked Investigator Mays,
14 do you have any evidence linking my client to this
15 crime. And he said, no. He didn't say physical
16 evidence, DNA, fingerprints. He said any
17 evidence. Isn't that the same thing?

18 MR. JOHNSON: I thought it was, Your
19 Honor.

20 THE COURT: I'm asking Mr. Corbett. And
21 again, I know we are talking about a different
22 witness. You may have different trains of thought
23 and different reasons for objecting or not. But I
24 was kind of surprised at that answer, because I
25 was thinking, well if you don't have any evidence

1 why are we here. So perhaps it was the way the
2 questions were received by Investigator Mays.
3 But---

4 MR. CORBETT: Judge,---

5 THE COURT: ---so he's asking her a
6 specific question about, do you have any DNA
7 evidence linking London Kelley to this crime. And
8 your objection is no, because that's hearsay and
9 requires information not within scope of this
10 witness' knowledge or expertise.

11 MR. CORBETT: That is correct.

12 MR. JOHNSON: But, Your Honor, if I could
13 address the court. When we started, he asked me
14 to stipulate to the 5 things that they had before.
15 And some of that stipulation was that certain
16 things that related to the DNA could be brought in
17 through here. And that was my understanding.

18 THE COURT: I don't know, because you all
19 just told me you had agreed on certain things.
20 And Mr. Corbett was very concerned that the
21 agreements he had with Mr. Murphy were not going
22 to extend to you. I don't know what those
23 agreements were, because you all just --
24 Mr. Johnson just said well he doesn't have to
25 worry about that, I'm going to agree to everything

1 Mr. Murphy agreed on, and that was the extent of
2 my involvement in it.

3 MR. CORBETT: Yes, sir.

4 THE COURT: So what did you all agree on?
5 What did you and Mr. Murphy agree on?

6 MR. CORBETT: Well Mr. Murphy agreed on
7 specifically, was that with regard to the hat, the
8 report was inconclusive.

9 THE COURT: DNA.

10 MR. CORBETT: That is correct. With
11 regard to the hat.

12 THE COURT: Is that the only thing you all
13 agreed on?

14 MR. CORBETT: Yes, sir. Well there was
15 two other items.

16 THE COURT: What were the other two?

17 MR. CORBETT: The other two items was the
18 chain of custody as to the phone records. And the
19 third item that we agreed upon was a gasoline
20 sample.

21 THE COURT: Hasn't Mr. Mays already
22 answered your question?

23 MR. JOHNSON: Well, Your Honor, this is
24 the lead investigator and she has her file there.
25 I think it has -- she is sitting here saying that

1 there's evidence.

2 THE COURT: Mr. Corbett, let me ask you
3 this. Is there any ev -- forensic evidence. By
4 forensic, which is probably not an accurate term,
5 but it's one people use to describe things. Is
6 there any physical evidence linking Ms. Kelley to
7 this crime in the form of DNA, fingerprints or
8 otherwise?

9 MR. CORBETT: Your Honor, the short answer
10 is, no. The long answer is, because some of DNA
11 was not subject to interpretation, incomplete. I
12 may not use the correct technical language with
13 regard to the DNA. But because there was some DNA
14 that was incomplete. For example---

15 THE COURT: So there is no evidence. I
16 mean in that sense, you can't say just because
17 it's inconclusive that she's -- that it links her
18 to the crime.

19 MR. CORBETT: No, Judge, what I am trying
20 to say is this. If a sled report comes back and
21 says the DNA recovered from this item is a mixture
22 of two individuals. The primary being such and
23 such. The lesser contributor being this. Data
24 too unreliable for interpretation. In my mind,
25 that is different then saying there is no

1 evidence. The implication is, is that it is ruled
2 out. That's what I would object to.

3 THE COURT: Would you be able, if that
4 were the case, would you be able to get a -- and
5 we're getting a little off track here. But would
6 you be able to get a witness who's qualified, who
7 did the test, who has analyzed it all, to say that
8 it was London Kelley?

9 MR. CORBETT: No, sir.

10 THE COURT: Do you have any evidence in
11 that form linking her to this crime? Linking her
12 to Mr. Epps might be the better thing.

13 MR. CORBETT: No, sir.

14 THE COURT: So you object to the witness
15 saying that because of the in between.

16 MR. CORBETT: That is correct, Judge. And
17 that's the reason the DNA reports can be
18 difficult. You've seen them with all the charts
19 and the numbers. Because sometimes they will say,
20 we can't exclude the person.

21 THE COURT: Which is tough love, right?

22 MR. CORBETT: For example, you could say,
23 well did you get any DNA off of those underwear.
24 Well, yes, we did but the sample wasn't good
25 enough for me to tell whose it was. See that's---

1 THE COURT: I guess but so you want to
2 leave this in effect, hanging in front of the
3 jury. And the jury is not going to know these
4 details. I guess I am wondering as a practical
5 matter, why don't you all agree to this too. You
6 all agreed it was gasoline. Which makes sense,
7 because it's just not going to spontaneously catch
8 fire in the car seats as Mr. Horton said. You've
9 agreed the ball cap was inconclusive.

10 MR. CORBETT: Correct.

11 THE COURT: But why won't you then agree
12 that the underwear was inconclusive?

13 MR. CORBETT: Judge, could I have just a
14 moment?

15 THE COURT: And that's not my role to make
16 that determination. I'm just trying to cut
17 through a little bit quicker. Do you all need a
18 few minutes?

19 MR. CORBETT: Judge, I think we are going
20 to need a few minutes. Judge, what I will try to
21 do is, I will see if perhaps there's maybe a
22 stipulation that we arrive at regarding the
23 terminology that would cover the bases.

24 THE COURT: Keeping in mind that 1 o'clock
25 is not a magic time. We're not going to turn into

1 a pumpkin, but obviously we are getting closer to
2 lunch. Does either side object if Investigator
3 Thomas steps down, that she is permitted to speak
4 to both of you about her knowledge, not about DNA
5 comparison period. I'm just talking about what
6 the results in this case were. I don't have a
7 problem with her talking to both of you about
8 that, but nothing else. Would both of you agree
9 to that?

10 MR. CORBETT: No objection.

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: Do you understand that?

13 INVESTIGATOR THOMAS: Yes, sir.

14 THE COURT: We'll take a few minutes.

15 MR. JOHNSON: Your Honor, before you take
16 a break, I think I need to at least on defense
17 side, state my position on this, while they decide
18 on what they want to do. Because---

19 THE COURT: That's fine.

20 MR. JOHNSON: It's my position, Your
21 Honor, that if they had evidence or DNA evidence,
22 they would be in here yelling from the back of the
23 court to the front of the court, we got DNA.

24 THE COURT: That's what you would be
25 telling the jury in closing, I am sure.

1 MR. JOHNSON: Right. But because they
2 don't, if there is, the evidence that they had is
3 not admissible because they have no evidence to
4 admit concerning my client. It is my position
5 that they should, the only thing that I would
6 agree to, of course, the Judge gets the last
7 decision on this. But the only thing that I would
8 agree to on the record as a stipulation, is that
9 they have no physical or DNA evidence connecting
10 my client to the crime.

11 THE COURT: Well I can't get involved in
12 what you all might stipulate to. But how it would
13 play out with the witness is typically,
14 Mr. or Mrs. DNA expert, you have got his
15 underwear. You've got the buccal swab. You've
16 determined that two sources of DNA inside the
17 underwear. One was Mr. Epps no doubt. Or if
18 that's the case. And the second one was somebody
19 else's, but we can't tell whose it was. That's
20 what the witness typically does. And then that's
21 where it sits. That is what I assume would be a
22 stipulation, but I can't make you all do that.
23 But this witness testifying about the results of
24 the DNA test, is hearsay. But and I don't see as
25 a practical matter why you have any problem with

1 them not stipulating. I'm just trying to, and
2 we've already wasted more time than we would have
3 go through me ruling on it and being done with it.
4 The results are going to be the same for you,
5 Mr. Johnson. There ain't no DNA.

6 MR. JOHNSON: Your Honor, to save time in
7 the stipulation, I will not get into with her any
8 question about DNA.

9 THE COURT: Okay.

10 MR. JOHNSON: And then we can move on.
11 I've asked the other officer. He's already
12 answered.

13 THE COURT: Well you didn't ask him
14 specifically. You asked if he had any evidence
15 and he said no.

16 MR. JOHNSON: Right.

17 THE COURT: Of any kind. And I would have
18 taken that to mean statements too. But they're
19 obviously are statements.

20 MR. JOHNSON: Well the statements came in
21 after he...

22 THE COURT: Well I'm talking about he knew
23 about the statements.

24 MR. JOHNSON: Right.

25 THE COURT: But in Investigator Mays' mind

1 he was probably thinking physical evidence.

2 MR. JOHNSON: Physical evidence.

3 THE COURT: If you said, have you got any
4 evidence and If it had been me, I would have said,
5 yeah, we've got all these people statements saying
6 she confesses. But anyway, we're not there right
7 now.

8 MR. JOHNSON: Your Honor, I'll withdrawn
9 my line of questioning about DNA and then we don't
10 have to---

11 THE COURT: Okay. Does that suit you,
12 Mr. Corbett? Now you can't get back into on
13 redirect, because it's still hearsay unless you
14 all reach a stipulation.

15 MR. CORBETT: Yes, sir, your Honor.

16 THE COURT: So whatever I just told you a
17 few minutes ago, it doesn't matter. Are you ready
18 for the jury, Mr. Corbett? Well it's Mr. Johnson.
19 Do you need to talk to him? He's not going to
20 ask -- you're not going to ask the witness about
21 DNA.

22 MR. JOHNSON: No DNA, Your Honor.

23 A Okay. I just wanted to clarify, because
24 when you said do I have any evidence linking my
25 client.

1 THE COURT: No, he said any DNA.

2 A Okay. The second time DNA.

3 THE COURT: DNA.

4 MR. JOHNSON: That's what I asked.

5 A No, I just wanted to make sure.

6 THE COURT: Are you ready, Mr. Johnson?

7 MR. JOHNSON: Yes, I am ready.

8 THE COURT: Mr. Corbett?

9 MR. CORBETT: Ready, Your Honor.

10 THE COURT: Okay, bring in the jury.

11 (Whereupon, the following takes place

12 within the presence of the jury.)

13 THE COURT: Mr. Johnson, you can continue.

14 MR. JOHNSON: Thank you, Your Honor.

15 Cross Examination continues by Mr. Johnson:

16 Q Officer Thomas, when you've taken
17 statements from people, a number of people during
18 your career as an investigator, is that correct?

19 A Yes, sir, I have.

20 Q How do you make a determination as far as
21 the truthfulness of the statement, once you get it
22 and compare it -- do you compare it to the
23 evidence?

24 MR. CORBETT: Objection, Your Honor.

25 THE COURT: Yes, sir. Basis?

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1 MR. CORBETT: Calls for speculation.

2 THE COURT: Overruled.

3 A It depends. You're going to have to
4 specify which statement you are referring to.
5 Each case is different, and we would have to
6 investigate.

7 Q I'm not asking---

8 A I don't understand what you are asking me.

9 Q I'm just asking you, don't you have
10 certain techniques or certain things you do when
11 you get a statement from individuals? Because I
12 am sure you get a lot of statements of people
13 calling and telling you things. How do you
14 determine, I don't want to say truthfulness,
15 because you know never know completely if they are
16 truthful or not. But my question is, how do you
17 determine the accuracy of the statement that you
18 get?

19 A It just depends on the case that I'm
20 working with. The totality of everything. I
21 can't answer that question for you.

22 Q I mean do you compare the statement to the
23 evidence that you have?

24 A The totality of everything involved.
25 Evidence, statements, other people's statements.

Investigator Thomas-Cross by Johnson

1 Crime scene.

2 Q Everything?

3 A Everything. And every case is different.

4 So there is not one specific answer for that.

5 Q True. But basically you take your
6 statement. You see what it says. And then you
7 take your evidence, the totality of everything,
8 and compare it to it, correct?

9 A That is correct.

10 Q In this case you have three statements
11 that I want to talk to you about.

12 A Yes, sir.

13 Q One is from Edward Brown.

14 A Yes, sir.

15 Q You're familiar with that statement,
16 correct?

17 A Yes, sir.

18 Q Now in that statement Edward Brown says
19 that in London's confession to him, that she left
20 with Darrell Epps from Miami and went home.

21 A Correct. That is in his statement.

22 Q In your investigation of this crime---

23 A Uh-huh. (Affirmative.)

24 Q ---have you found evidence that that
25 happened?

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1 A No, that she did not leave Club Miami with
2 him, I can't prove that.

3 Q Do have evidence that he was at Club
4 Miami?

5 A No, I do not.

6 Q Your next statement you took, let's, I am
7 going to jump over Suzie and let's go to her
8 daughter. What's her daughter's name?

9 A Shaniaqua Oaks.

10 Q Shaniaqua. In Shaniaqua's statement, how
11 does she explain that they got together?

12 A In Shaniaqua Oaks statement, she states
13 that London set them up to be robbed by Quinton.

14 Q But how does she say Quinton -- I mean
15 that Mr. Epps got to her house in her statement,
16 or does she say that?

17 A She doesn't say that.

18 Q But in her statement she says that he is
19 killed in a path, Is that correct?

20 A If I could look at her statement, I can
21 tell you exactly what she wrote.

22 MR. JOHNSON: Your Honor, can I approach?

23 THE COURT: Yes, sir.

24 Q What does she say?

25 A She says, took what he had and leave him

Investigator Thomas-Cross by Johnson

1 in a path in her back yard. Her---

2 Q In her back yard.

3 A ---exact words. Uh-huh. (Affirmative.)

4 Q Now when you showing the diagrams of the
5 locations, the body was does not found in my
6 client's back yard, correct?

7 A It depends on how you look at it. If it
8 is a trailer, a single wide trailer, some people
9 call the front door the back door, and the back
10 door the front door. It depends on who you ask.

11 Q I understand. But at the time of the
12 crime, there were three trailers between where her
13 house was and where the body was found, is that
14 correct?

15 A There was one trailer, yes, sir.

16 Q So it wouldn't be in back yard not unless
17 you can consider somebody had -- not unless you're
18 considering a back yard to be two trailers over.

19 A Well that was what London was telling
20 Shaniaqua. Shaniaqua wasn't there. She didn't
21 kill anybody.

22 Q I am not asking you what -- I'm asking you
23 about the facts. I'm not trying to argue with
24 you. I'm just asking you to talk about the facts.

25 A That's what I am trying to do.

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1 Q Now we're here for the facts.

2 A Yes, sir.

3 Q That's all I am asking you to do. Is it a
4 fact that the body was found 2 to 3 trailers over
5 from where their trailer was, correct?

6 A One trailer over in between Lot 13 and 15.

7 Q But it was not in her back yard, fact?

8 A Not in her curtilage, and above her back
9 or front yard. In her immediate area, no, sir.

10 Q Therefore that statement is not correct.

11 A That statement that you're asking about
12 Shaniaqua that she said that.

13 Q That she says that.

14 A That's what she said.

15 MR. CORBETT: Your Honor, I am going to
16 interpose an objection. Because he's asking---

17 THE COURT: What is your objection?

18 MR. CORBETT: Your Honor, I believe it's
19 going to fall under hearsay.

20 THE COURT: Explain.

21 MR. CORBETT: Yes, sir. And perhaps I
22 misunderstood the question. But it sounded as if
23 he was asking is what London Kelley told Shaniaqua
24 Oaks a fact.

25 THE COURT: Okay.

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1 MR. CORBETT: Now I may have misunderstood
2 that.

3 THE COURT: That objection is overruled.

4 Q What is written on that statement is that
5 the body was found in the back yard, correct?

6 A In the back yard, yes.

7 Q According to the evidence, just the
8 evidence that you have, knowing that there's a,
9 according to you, at least a trailer or so between
10 where she lived. That is not correct, correct?

11 A Yes, sir.

12 Q According to the evidence you have, well
13 how did she say the person was killed? Or does
14 she have that in there?

15 A If I could see the statement, I can tell
16 you exactly what she said.

17 MR. JOHNSON: Well, Your Honor, to save
18 time, could I ask her to publish that statement
19 since it's already part of the evidence?

20 THE COURT: Either you can, or she can.
21 It's already in. You can read it, Investigator
22 Thomas.

23 Q Could you please read the whole statement?

24 THE COURT: Out loud.

25 A Sure. I came to Sumter County jail after

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1 Christmas in January. Was placed in Room 201 with
2 Kelley. We talked that night about my charge,
3 and the next morning we talk about hers. She told
4 me that was talking to a young boy that sold
5 drugs, and she was planning on meeting with him so
6 her boyfriend could have robbed him, and it went
7 bad. Her boyfriend ended up killing the other
8 guy, took what he had and leave him in a path in
9 her back yard.

10 The next morning she called and told the
11 police that she found a body in her back yard.
12 She asked me do I know the boy that her boyfriend
13 killed. I told her, no. So she started calling
14 his name and telling me what he looked like. Then
15 I got out that Monday. And a couple of months
16 later, she gets out and writes me on facebook to
17 let me know she was home..

18 Q We've already discussed the back yard.
19 The other question is, she says she called the
20 police, correct?

21 A Yes, in that statement.

22 Q From your evidence that you have in
23 investigating this case, that is not the case,
24 correct?

25 A That is correct. London never called the

Investigator Thomas-Cross by Johnson

1 police.

2 Q So that is incorrect.

3 A Yes. By that, yes.

4 Q So there is at least two things in that
5 statement that's incorrect, correct?

6 A Yes, sir.

7 Q Now let's go to -- we've already talked
8 about Mr. Brown's statement. Let's go to
9 Ms. Suzie Oaks' statement. Do you need to have
10 that to refresh your memory about?

11 A All 11 pages, please.

12 THE COURT: It's all stapled together.

13 Q I don't want to publish that at all. I
14 just would like for you to refresh your memory if
15 you need it. But you took that statement from
16 her, correct?

17 A Yes, I did.

18 Q Now under Suzie Oaks' statement, she says
19 that London told her first of all, that Darrell
20 Epps came to her house. Is that correct?
21 Unexpectedly.

22 A Yes, she did.

23 Q Then she said that according to Suzie
24 Oaks' statements, that London told her that her
25 boyfriend came outside, correct?

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1 A Yes, she did.

2 Q According to that statement she says that
3 the boyfriend gets into the car. I mean gets into
4 the passenger's seat. Quinton drives, and she
5 gets in the back seat. And they drive going to
6 the store, correct?

7 A Yes, that's correct.

8 Q Then they, I can't remember the road. But
9 they turn down a road, and then go back across
10 some tracks into a wooded area.

11 A Yes. Suzie says they made a left on Eagle
12 Road. And they go down to the stop sign, and they
13 make a right into a dark area.

14 Q In your investigation, do you trace that
15 out?

16 A Yes.

17 Q About how far is it from that area from
18 where the trailer park is?

19 A From I believe it was from Gem Mobile Home
20 Park that I mapped out to Cain Savannah Road,
21 about 7 minutes and 15 seconds, I believe it was.

22 Q Do you get milage? Or your didn't get
23 mileage.

24 A No, sir.

25 Q Is it fair to say at least a mile a

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1 minute, something like that would be 7, 8 miles?

2 A little longer? A little shorter?

3 A Maybe a little, that might be about right.

4 Q Did anybody in the sheriff's department go
5 out and investigate that area to see if there was
6 some evidence of anything happening there?

7 A No. I got the case almost back in 2013.
8 But no, nobody ever to my knowledge, went out into
9 that area. Because we didn't get that information
10 until Suzie Oaks Thomas gave it us this year. So
11 they wouldn't have known.

12 Q But once you got that information, you
13 didn't go out there to verify it or see if there
14 was a wooded area there?

15 A There are several wooded areas on Cain
16 Savannah Road.

17 Q And according to that statement, at that
18 point, Quinton turns and shoots Darrell Epps in
19 the head, correct?

20 A According to that statement, yes.

21 Q Now that statement is not correct compared
22 to the evidence that you have, correct?

23 A Correct.

24 Q Then according to the statement, they
25 drive back with the body in the car, correct?

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1 A Correct.

2 Q Now but let me ask you this. Is this your
3 theory of what happened? Because you put this,
4 you put this statement up and gave it to the jury.
5 Is this your theory of what happened?

6 MR. CORBETT: Objection, Your Honor.

7 THE COURT: Yes, sir.

8 MR. CORBETT: He's questioning the witness
9 about what London told Suzie.

10 THE COURT: Right.

11 MR. CORBETT: And now asking the officer
12 to speculate.

13 THE COURT: Overruled. He's not -- he's
14 asking the officer whether or not it's consistent
15 with the evidence. So I object to that, excuse
16 me, I overrule that objection.

17 A By Suzie Oaks' statement from what the
18 information she got from London, I would say, no,
19 it did not happen that way.

20 Q So it's fair to say that the statement
21 that she says she got from London is -- well give
22 it this give it this way. Assuming that London
23 told Suzie Oaks that, okay.

24 A She did tell her that.

25 MR. JOHNSON: Your Honor.

Investigator Thomas-Cross by Johnson

1 THE COURT: Ma'am, you answer the
2 question. You can't interject your.

3 A I apologize. Go ahead, sir.

4 THE COURT: Ladies and gentlemen,
5 disregard that comment from the witness.

6 Q Assuming that London told Suzie Oaks that
7 statement, that statement is not consistent with
8 the facts of the case, is that correct?

9 A The one portion that you're talking about,
10 sir, is inconsistent, yes. I would say.

11 Q So it would be London confessing to a
12 murder that didn't happen that way, correct?

13 A Correct.

14 Q So now we have London's confession in
15 confidant, Ms. Suzie Oaks, and lying to her.

16 A I think.....

17 Q It's either true or it isn't.

18 MR. CORBETT: Your Honor, I'm sorry. Can
19 he restate that question?

20 THE COURT: No. You can restate it or
21 rephrase it. But I think the question is proper.
22 So under the rules of evidence, you all come up
23 here, please.

24 (Whereupon, attorneys approach bench and
25 confer with judge.)

Investigator Thomas-Cross by Johnson

1 THE COURT: Restate or rephrase the
2 question, Mr. Johnson.

3 Q Is it fair to say that the statement in
4 that statement, is not consistent with the facts
5 of the case?

6 THE COURT: Okay, come back up.

7 (Whereupon, the attorneys approach the
8 bench and confer with judge.)

9 MR. JOHNSON: I will rephrase, Your Honor.

10 Q Is that statement consistent or
11 inconsistent with the physical evidence found at
12 the scene?

13 A I would say inconsistent with a gunshot in
14 the head in the vehicle, because the physical
15 evidence at the scene showed the shotgun blast to
16 the head and brain matter at the scene of Gem
17 Mobile Home Park. So I would say that portion of
18 the statement would be inconsistent.

19 Q Now another part of the statement says
20 that on the way back with the body in the truck,
21 they drove back to Gem Mobile Home Park, correct?

22 A That is correct.

23 Q And on the way back, according to the
24 statement, Quinton rolled down the passenger
25 window to throw the marijuana cigarette out the

Investigator Thomas-Cross by Johnson

1 passenger window.

2 A That is correct.

3 Q So for that statement to be correct, he
4 has a window beside him, correct? In the driver's
5 side, for that statement to be correct, he would
6 have to have reached across a dead body to throw
7 something out. And that's when the hat supposedly
8 flies out, is that correct?

9 A I can't say if he reached across a body or
10 if he just threw it from where he was at. It
11 could be either or.

12 Q But he rolls the window down where's there
13 a body still in the car, correct?

14 A According to Suzie Oaks' statement from
15 London, yes.

16 Q And this is how a hat flies out the
17 window.

18 A Yes.

19 Q After the person had been shot in the
20 head.

21 A Yes.

22 Q So okay. And that's the hat that was
23 found at the scene, correct? Or that's the hat
24 that everyone is alleging is his hat, correct?

25 A That is the hat that was found on the

Investigator Thomas-Cross by Johnson

1 roadway or Broad Street, yes, sir. 4362 Broad
2 Street.

3 Q And that's a hat that has -- no blood was
4 found on it, correct?

5 A Correct.

6 Q No hair follicles found on it to connect
7 them to the individual, correct?

8 A There was DNA sent. The hat was sent to
9 sled and there was DNA on the hat.

10 Q Did the DNA connect to the defendant? I
11 mean, did it connect to the victim?

12 A To the victim?

13 Q Yes.

14 A No, sir.

15 Q There's DNA that connects that hat to the
16 victim?

17 A I said, no, sir.

18 Q No, sir. So you don't have any -- this
19 person had that hat on, and you found no DNA even
20 connecting that hat to them.

21 A That is correct.

22 Q Also in there it says it was a Nike cap,
23 correct?

24 A Yes, it does.

25 Q Is that a Nike cap?

Investigator Thomas-Cross by Johnson

1 A No, sir.

2 Q So that's inaccurate with what evidence
3 that was supposedly collected, correct?

4 A She says red and white. It is a red and
5 white hat.

6 Q And it's fair to say there is other red
7 and white hats made every day, isn't it?

8 A Yes, sir, they are.

9 Q So then according to the statement, they
10 take a dead body back to where they live. Right?

11 A Yes, sir.

12 Q And then according to that statement,
13 they take a dead body out and dump it next to
14 their trailer.

15 A Yes, sir.

16 Q But they left the woods where there was
17 nobody and left -- and for whatever reason, didn't
18 drop the body off according to that statement,
19 correct? They're 7 miles away from a trailer,
20 shoot somebody in the head, bring them home, and
21 dump them next to your trailer.

22 A You're getting away from the statement.

23 Q Where did I get away?

24 THE COURT: You answer the question either
25 yes or not. He's asking you if that's in the

Investigator Thomas-Cross by Johnson

1 statement.

2 A No.

3 THE COURT: Go ahead. Ma'am, you can ask
4 the question.

5 A No, sir.

6 Q What's different?

7 A You said that she said a wooded area.

8 Why -- you said why didn't they take the body to a
9 wooded area.

10 Q No, in the statement, if you look at your
11 statement. Do you have it there before you?

12 A Yes, sir.

13 Q Please take your time to look at it. But
14 I think if you look at page, it says that when
15 they went down into the woods -- I mean they went
16 down into a wooded area and that's where he was e
17 shot at.

18 A Yes. The dark area.

19 Q A dark area.

20 A Uh-huh. (Affirmative.)

21 Q And so according to the theory of that was
22 written then they after they shoot someone in the
23 head, they're going to bring them back to their
24 trailer according to that statement.

25 A Yes, sir.

Investigator Thomas-Cross by Johnson

1 Q Then they're going to take a body out and
2 dump it a trailer and a half away from where they
3 live.

4 A Yes, sir.

5 Q And then the evidence shows according to
6 the evidence, it shows that the person was shot
7 there in the back of the head at that scene,
8 correct.

9 A Yes, sir.

10 Q But it doesn't mention in there. It says
11 was shot inside the car, correct?

12 A Correct.

13 Q And then according to that statement, they
14 just went to sleep. Is that in the statement? I
15 don't want to put anything in there, that's not
16 there. Oh, you know what, I'm sorry forgive me.
17 I can tell you what happened. Supposedly---

18 THE COURT: No, refer to the statement.

19 MR. JOHNSON: I'm sorry.

20 THE COURT: Not what happened.

21 Q Supposedly in the statement doesn't it say
22 then that Quinton then leaves and takes the truck
23 away?

24 A Okay. You said when she got back to the
25 mobile home park.

Investigator Thomas-Cross by Johnson

1 Q Right.

2 A You originally said that you thought that
3 she said they went and laid down and went to
4 sleep.

5 Q She said she had to get the blood off of
6 her according to the statement. Is that in
7 there?

8 A Yes.

9 Q And she went in to wash the blood off and
10 take her clothes off, correct?

11 A That is correct.

12 Q And then Quinton supposedly leaves with
13 the trunk or the SUV. I call it the truck, I'm
14 sorry, but the SUV.

15 A Uh-huh. (Affirmative.)

16 Q And drives it away, back to the pond where
17 you showed earlier to the -- where you and the
18 prosecution stood up. And remember you showed
19 where the truck was burned at?

20 THE COURT: Do you have an objection?

21 MR. CORBETT: Judge, I'm sorry. I just
22 lost track of that question.

23 THE COURT: I can't help you there. You
24 need to get a little closer. He asked her whether
25 or not she showed on the photo that -- she showed

Investigator Thomas-Cross by Johnson

1 you on the photo where he -- the car was found or
2 the vehicle was found.

3 MR. JOHNSON: Your Honor, may I put
4 the diagram back up. Maybe that will help.

5 THE COURT: Yes, ma'am. You can step down
6 if you like. Or do you need her to step down,
7 Mr. Johnson.

8 MR. JOHNSON: Yes.

9 THE COURT: You can step down. Just make
10 sure you stand on that other side.

11 (Whereupon, the witness steps down from
12 the witness stand.)

13 THE COURT: And refer to the number as you
14 put them up there.

15 Q I think this would be State's Exhibit No.
16 13. Could you please show me where Gem Mobile
17 Home Park is?

18 A This is Gem Mobile Home Park,

19 Q Now can you show me on this map, if you
20 can, where when Quinton according to the
21 statement, where Quinton, London and the victim
22 traveled initially when they got into the truck?

23 A By the statement traveled?

24 Q Yes.

25 A By the statement traveled from here, they

Investigator Thomas-Cross by Johnson

1 went out 378. And it would actually be beyond
2 this. Further down.

3 Q So we don't have a picture of that area.

4 A No. To where Eagle Road is and Club
5 Miami.

6 Q And went back into a wooded area or a
7 secluded area. Is the best way to put it?

8 A A dark area.

9 Q A dark area.

10 A A dark area by that statement.

11 Q So then after they shoot, according to the
12 statement, after he is shot in the head, he's
13 brought back to the car.

14 A Right. By the statement.

15 Q Then London according to the statement,
16 says she has blood on her. And go washes herself.
17 And Quinton supposedly takes the truck where from
18 there?

19 A From there by the statement.

20 Q Right.

21 A He says he was going to go get rid of it.

22 Q Right. And where do you find the truck
23 at?

24 A Right here burnt, in between South and
25 North Lake Cherryvale in the curve by the pond.

Investigator Thomas-Cross by Johnson

1 Behind American Mobile Home Park.

2 Q Here. And then according to his statement
3 he walks back, correct?

4 A Uh-huh. (Affirmative.)

5 Q So he walks from here all the way back
6 here. And what was the distance you say that
7 was?

8 A Well Quinton's mama lives in American
9 Mobile Home Park.

10 Q I'm asking you about his statement. I'm
11 not asking you where Quinton's mama is. I'm
12 asking you what's on the statement.

13 A Yeah, according to this statement Quinton
14 walks back home.

15 Q How far is that?

16 A From the vehicle to the mobile home park,
17 I think we said about a mile earlier.

18 Q A mile. Are you sure you said a mile?

19 A Uh-huh. (affirmative.) I said mile or
20 so, yes, sir.

21 Q So from here back to there is a mile.

22 A A mile or so. That's what I said, yes,
23 sir.

24 Q In the rain. Because it was raining that
25 night, correct?

Investigator Thomas-Cross by Johnson

1 A Yes, it was raining.

2 Q Now when the dogs came the next day,
3 you're aware of that part, correct? In your
4 investigation?

5 A Yes, sir.

6 Q The dogs came. And remember the officer,
7 you were sitting there when they officer said that
8 they tracked human smell to where?

9 A To the back of American---

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

11 (Whereupon, the attorneys approach and
12 confer with judge.)

13 THE COURT: Overruled.

14 Q So where did the dog track?

15 A The dog tracked to the back of American
16 Mobile Home Park where London and Quinton and them
17 were to flag to Antwainel Kennedy and Terrel
18 Hudson whenever they flagged the officer down.

19 Q They didn't track to them directly. They
20 tracked to the back of the park, correct?

21 A To where they were.

22 Q No.

23 A He said it lost scent, and that's where
24 them flagged him down.

25 Q Now you read the case.

Investigator Thomas-Cross by Johnson

1 A Uh-huh. (Affirmative.)

2 MR. CORBETT: Your Honor.

3 THE COURT: Sir?

4 MR. CORBETT: He's asking the witness a
5 question and she's answered it, and he's telling
6 her no.

7 THE COURT: That objection is sustained.

8 MR. JOHNSON: I apologize, Your Honor.

9 Q Let me clarify and ask you, you were
10 sitting here. Didn't the officer say that they
11 were already there, and that some individual
12 walked up to them?

13 A I think that's what I just said, sir.

14 Q Now did the dog track going back to Gem
15 Park?

16 A I wasn't there, sir.

17 Q Do you have any knowledge of it?

18 A Of the dog tracking to Gem Mobile Home
19 Park?

20 Q In your record as lead investigator.

21 A No, sir. I don't have a record of the dog
22 tracking to mobile home park.

23 Q So the theory here is, this person was
24 taken here, and the theory of the statement that
25 you took. Your Honor, can the witness return?

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1 THE COURT: Yes.

2 MR. JOHNSON: Then I'll rephrase the
3 question.

4 (Whereupon, the witness resumes the
5 witness stand.)

6 THE COURT: The question would be about---

7 MR. JOHNSON: The facts.

8 THE COURT: No, the statement.

9 MR. JOHNSON: The statement.

10 THE COURT: of Ms. Kelley.

11 MR. JOHNSON: Correct.

12 THE COURT: If that's your continued line
13 of questioning.

14 MR. JOHNSON: It is, Your Honor.

15 THE COURT: And we're going of break for
16 lunch in 5 minutes, and we can pick up the cross
17 afterwards if need be.

18 Q So the facts of the case are not
19 consistent with that statement, is that correct?

20 MR. CORBETT: Your Honor.

21 THE COURT: I sustain the objection to the
22 form of that question. You can rephrase it.

23 Q Is the statement either consistent or
24 inconsistent with the facts of the case?

25 MR. CORBETT: Objection, Your Honor.

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1 Calls for speculation.

2 Q Would the evidence---

3 THE COURT: Sustained.

4 Q Would the evidence in the case that you
5 have, is that statement consistent or inconsistent
6 with that evidence?

7 MR. CORBETT: Objection, Your Honor.

8 That goes to the ultimate issue of fact for the
9 jury.

10 MR. JOHNSON: Your Honor, I will leave it
11 to the jury. I have no other questions.

12 THE COURT: Any redirect?

13 MR. CORBETT: Yes, sir.

14 THE COURT: Are you going to be able to
15 finish in just a few minutes, or we can break for
16 lunch now.

17 MR. CORBETT: It would probably be a good
18 breaking point, Your Honor.

19 THE COURT: Ladies and gentlemen, we will
20 break for lunch. Before I decide on a time, I
21 would like to see the lawyers up here, please.

22 (Whereupon, attorneys confer with judge.)

23 THE COURT: Ladies and gentlemen, we will
24 break until 2:30. You may not discuss the case.
25 That's a little bit short. I know you have got

1 out of the building, eat and get back in. But
2 I'm going to make it 2:30. In the meantime, do
3 not discuss the case. Thank you.

4 (Whereupon, at 1:25 p.m. jury goes to
5 lunch.)

6 (Whereupon, the following takes place
7 outside the presence of the jury.)

8 THE COURT: A couple of things on the
9 record first. Investigator Thomas, I am going to
10 allow you to step down. During the lunch break,
11 you may not discuss this case with anyone in any
12 way at all, because it might include something
13 about your testimony. So during this break, you
14 can't discuss the case with anyone. Is that
15 clear?

16 A Yes, sir.

17 THE COURT: You can step down. To
18 reiterate, Mr. Johnson, and, Mr. Corbett, the
19 bench conference up here. The question that I was
20 going to allow and that I did allow, was whether
21 or not, and I know Mr. Corbett still objects to
22 it; was whether or not the statement given by
23 Ms. Kelley was consistent or inconsistent with the
24 physical evidence of where Mr. Epps was found.
25 That was the question I asked. Mr. Johnson.

1 referred to it as consistent or inconsistent with
2 the facts. That's the objection that I sustain.
3 Because the facts are for the jury.

4 There were witnesses who or at least one,
5 I believe, who is the crime scene investigator?

6 MR. CORBETT: Bobby Richardson.

7 THE COURT: Yes, sir. Mr. Richardson said
8 that it was apparent to him that the shotgun blast
9 was sustained in that back yard or in that area,
10 and not somewhere else. So that's what I was
11 trying to focus the lawyers attention on. So just
12 to make sure that that was put on the record. Did
13 I correctly state my ruling up here outside the
14 presence of the jury, Mr. Corbett?

15 MR. CORBETT: From the State's perspective
16 you did, Your Honor.

17 THE COURT: Mr. Johnson.

18 MR. JOHNSON: Yes, you have, Your Honor.

19 THE COURT: Now I am going to allow the
20 hat into evidence over the defendant's objection.
21 Mr. Johnson earlier argued there was no -- not
22 firm enough evidence linking that to Mr. Epps, but
23 I believe the jury can conclude otherwise. I
24 believe enough has put into evidence to link that
25 to Mr. Epps. If everybody would be back in the

1 courtroom at 2:15 and not after, so that we can
2 get on the record anything else that we have to
3 do. I don't want to find out after 2:15 that we
4 have anything we need to take up.

5 In the meantime, Mr. Johnson, please make
6 sure your client understands in detail, the
7 questions that I am going to be asking her about
8 whether she will or will not testify. If
9 Mr. Corbett rests very shortly after lunch, or
10 after we come back, if you are going to put any
11 any witnesses up, they need to be present and
12 ready to testify this afternoon.

13 MR. JOHNSON: No problem, Your Honor.

14 THE COURT: If Mr. Corbett has a couple
15 more witnesses after Ms. Thomas, we will deal with
16 that. But Mr. Corbett understandably, I
17 understand his situation. He needs to think about
18 what else he may put up. I am not going to fault
19 him for that. But if he does rest, as soon as we
20 walk back in, you need to be ready to put any
21 witnesses of course up after I hear motions. And
22 after I talk to your client about whether or not
23 she is going to testify. Any questions about that
24 from the State?

25 MR. CORBETT: Nothing from the State, Your

1 Honor.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: No questions, Your Honor.

4 THE COURT: If the State rests when the
5 jury comes back in, and you have no witnesses,
6 we're going to go straight into arguments and
7 charge after we review the jury instructions. And
8 in that regard, if anyone has any written jury
9 instructions, I need to have those. Does either
10 side have a written set of instructions?

11 MR. CORBETT: Judge, at this point and
12 time, we do not have.

13 THE COURT: If you have those, I need them
14 by 2:15.

15 MR. CORBETT: Yes, sir.

16 THE COURT: Mr. Johnson, do you have any?

17 MR. JOHNSON: I don't have any, Your
18 Honor.

19 THE COURT: Sorry for the short break, but
20 I want to try to get this traction this afternoon.

21 (Baseball cap marked as State's 10 into
22 evidence.)

23 THE COURT: Anything that we need to put on the
24 record before Investigator Thomas comes back on the
25 stand?

1 MR. CORBETT: Judge, I am not aware of anything.

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

3 THE COURT: Have you made a decision about
4 your witnesses?

5 MR. CORBETT: It's my intention at the
6 moment as to this will be my last witness.

7 THE COURT: Okay. Mr. Johnson, could I
8 have your client come forward please.

9 (Whereupon, the Defendant is sworn.)

10 THE COURT: Ms. Kelley, we're going to
11 reach very shortly the stage of the trial during
12 which you may present your own defense. And that
13 would include testifying yourself if you chose to
14 do that. In that regard, this is a little bit
15 early, but I wanted to make sure you understood in
16 detail the questions I was going to ask and the
17 considerations you have to take into account when
18 you make that decision.

19 Of course, you do have all the time you
20 need within reason, to continue to consult with
21 your lawyers and other people that you want to
22 consult with about whether or not you are going to
23 testify. You have rights under the 5th Amendment
24 to the United States Constitution and that
25 amendment states in pertinent part that no person

1 in any criminal case, can be compelled to be a
2 witness against himself or herself.

3 What that means is, is that no one can
4 force you to testify. You can testify if you want
5 to, and if you don't -- but if don't want to
6 testify, no one can force you to take the witness
7 stand against your will. Your lawyer can't make
8 you. Mr. Corbett could not make you. A law
9 enforcement could not make you. And I couldn't
10 and no one could. The reason that that is the
11 case is because the rights you have under the
12 5th Amendment are personal rights. Since they are
13 personal rights, no one can give up except for
14 you. Do you understand so far?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now if you decide to testify,
17 you will be subject to the same basic rules that
18 govern the direct and cross examination of any
19 other witness who has testified. Now you've sat
20 through that. We've had a little over 20
21 witnesses who have testified. And you've seen
22 basically how the questioning goes, haven't you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You will be subject to the
25 same basic rules. Does she have any convictions

1 that you would seek to introduce, Mr. Corbett?
2 While he's looking that up, if you do have any
3 convictions for crimes that involve dishonesty or
4 false statement, and the conviction or your
5 release from confinement was within the last 10
6 years, that conviction could be introduced solely
7 for the jury to take into consideration in
8 determining whether to believe you or not.

9 Similarly, if you have any convictions for
10 offenses and the potential punishment that
11 offense was -- for that offense was more than one
12 year in prison and if I determine that the
13 probative value of admitting that conviction
14 outweighs any prejudicial effect to you, that
15 could likewise be introduced. Do you understand
16 that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Does she have any,
19 Mr. Corbett?

20 MR. CORBETT: Judge, there is a conviction
21 on Ms. Kelley's record. Bear with me one moment,
22 please. I know the original charge. I was just
23 trying to verify what the conviction charge was.

24 THE COURT: Let me restate it. I have to
25 determine that the probative value of admitting

1 that conviction outweighs any prejudicial effect
2 to you. I don't know if that is relevant yet.
3 But do you understand that, ma'am?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: If you decide not to testify,
6 I will tell the jury. As a matter of fact, I will
7 emphasize to the jury that they cannot take that
8 into consideration in any way whatsoever. They
9 cannot think about it, talk about it. And it
10 cannot enter their deliberations in any way. Do
11 you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Yes, sir.

14 MR. CORBETT: Your Honor, Ms. Kelley's
15 prior conviction is from a violation date of March
16 11, 2013. A disposition date of October 14th
17 2013. That is resisting arrest. Wherein the
18 State alleges that in an effort to arrest Quinton
19 Brown, Ms. Kelley lied to police officers about
20 him being present.

21 THE COURT: So resisting arrest was the
22 offense?

23 MR. CORBETT: That is correct.

24 THE COURT: And she was convicted.

25 MR. CORBETT: That is correct.

1 THE COURT: Under the A part of the
2 statute?

3 MR. CORBETT: Judge, I believe it was
4 under the A portion.

5 THE COURT: So that only carries up to a
6 year not more than a year, is that right?

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

8 THE COURT: I don't -- unless you have a
9 different argument under the rule, I don't think
10 that would get to the more than one year. And
11 it's not a crime of dishonesty.

12 MR. CORBETT: Your Honor, may, if I could
13 have just one moment. Judge, the reason I was
14 hesitating for a moment was under the facts of
15 that particular resisting arrest; that being lying
16 to police officers about Quinton Brown being in
17 the residence. I believe arguably that could be
18 an issue of dishonesty.

19 THE COURT: But the conviction was for
20 resisting arrest.

21 MR. CORBETT: That is correct, Judge.
22 Judge, there was a supreme court case---

23 THE COURT: Do you want the circumstances
24 in, well let's talk about that after I finish
25 talking to her. Ms. Kelley, do you understand

1 everything I've explained to you so far?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you decide to testify that
4 decision on your part has to made by you after
5 consultation with your lawyer and others. And it
6 also it has to made as the product of your free
7 will. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: No one can make you do it.
10 The final decision is yours. Do you understand
11 that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Mr. Johnson, any further
14 questions at this stage you would like me to
15 cover, to cover her 5th Amendment rights?

16 MR. JOHNSON: I have none, Your Honor.

17 THE COURT: Thank you. You can have a
18 seat. If she decides to testify before you cross
19 examine her, Mr. Corbett, we'll cover any issues
20 about that conviction. Anything else before we
21 begin this afternoon?

22 MR. CORBETT: Your Honor, just one moment,
23 please. The State is ready to proceed, Your
24 Honor.

25 THE COURT: Before we go back on the

1 record, I want to apologize to Investigator Mays
2 primarily. I didn't mean to cast his testimony in
3 any bad light. It was just simply in the context
4 of the questions Mr. Johnson was asking, it was
5 hard for a witness to determine what exactly he
6 may have been meaning when he said do you have any
7 witness -- excuse me, evidence linking my client
8 to this scene, then to the case, and so forth.
9 That's why I mentioned what I said, because
10 sitting up here, it's very easy for to be part of
11 the peanut gallery when I'm not down there in the
12 trenches like the witnesses and the lawyers. I
13 didn't mean to cast any aspersions on your talents
14 as an investigator. I think those are well known
15 anyway. But in any event, I just wanted to make
16 sure that no one took that in the wrong way.

17 What I was trying to convey was that
18 certain questions are asked in a certain way. And
19 they're received by a witness in a certain way,
20 and I certainly can't get into their heads on
21 that. Mr. Johnson, do you anticipate anything
22 that you will need to take up before the jury
23 comes back?

24 MR. JOHNSON: I have nothing, your honor.

25 THE COURT: Does either side have any

1 written charges?

2 MR. CORBETT: Judge, the State has no
3 written charges to offer.

4 MR. JOHNSON: I have none, Your Honor.
5 But I would ask you to consider a since there is
6 some question about mere presence in the
7 statement, I ask you to consider a mere presence
8 charge.

9 THE COURT: That would be part -- it would
10 be in two parts. It would part of a hand of one
11 charge. I assume that was -- I assume Mr. Corbett
12 would want a hand of one charge based on the
13 evidence that's been presented. And the mere
14 presence charge is included in that. So that
15 would be pertinent to murder. But accessory, is
16 it -- it's conspiracy.

17 MR. CORBETT: Murder, accessory after the
18 fact.

19 THE COURT: After the fact. Mere presence
20 really would only apply to the murder, I believe.

21 MR. JOHNSON: That is correct, Your Honor.

22 THE COURT: Do you agree with that,
23 Mr. Corbett? That he's entitled to a charge that
24 mere presence at the scene does not prove the hand
25 of one is hand of all?

1 MR. CORBETT: Judge, if that is part of
2 the hand of one hand of all charge, then I would
3 agree, because I believe that's an appropriate
4 charge.

5 THE COURT: Well we hadn't gotten to the
6 directed verdict stage. Now do you, gentlemen,
7 think it's realistic for us to argue and charge
8 this afternoon? We have to do two things
9 procedurally if Investigator Thomas steps down
10 before three. And let's just assume that. And
11 there were -- we would have to go into directed
12 verdict and we'd have to have a conference on the
13 jury charges on the record, and then the jury
14 would come in.

15 If it gets any much after 3:30 I am real
16 uncomfortable with doing that, unless the jury
17 says, we would like to go ahead and do this now.

18 MR. JOHNSON: I'm ready, Your Honor.

19 THE COURT: Mr. Corbett.

20 MR. CORBETT: Judge, I am prepared either
21 way. If there is a way that we could avoid going
22 late into the evening for personal reasons that I
23 have, I would like to. But if end up going that
24 way, so be it.

25 THE COURT: Well you don't need to tell me

1 on the record. I'd like to know what they are,
2 because I certainly am willing to accommodate me
3 once. Because you all have accommodated me once.
4 And we've accommodated Mr. Johnson once.

5 MR. JOHNSON: Yes, you have, Your Honor.

6 MR. CORBETT: Judge, I'm not sure my
7 reason is good enough of a reason to alter. Can
8 we approach?

9 (Whereupon, attorneys and judge confer.)

10 THE COURT: Are you ready, Mr. Corbett?

11 MR. CORBETT: The State is ready.

12 THE COURT: Is the defense ready,
13 Mr. Johnson?

14 MR. JOHNSON: The Defense is ready, Your
15 Honor.

16 THE COURT: You may bring the jury.

17 (Whereupon, the following takes place
18 within the presence of the jury.)

19 THE COURT: Ladies and gentlemen, we are
20 ready to move forward. Of course, Ms. Thomas is
21 still testifying. And, Mr. Johnson, have you
22 concluded your cross?

23 MR. JOHNSON: Is he finished, Your Honor?

24 THE COURT: I'm sorry. Mr. Corbett, had
25 you concluded your examination?

1 MR. CORBETT: Judge, procedurally I had
2 done direct examination. Mr. Johnson had done
3 cross examination.

4 THE COURT: Right.

5 MR. CORBETT: I believe he had concluded,
6 but I wanted to give him that opportunity if he
7 not.

8 THE COURT: Have you concluded your cross?

9 MR. JOHNSON: I think I have, Your Honor.

10 THE COURT: I just want to make sure I
11 didn't miss something. Mr. Corbett.

12 MR. CORBETT: Thank you, Your Honor.

13 Redirect Examination by Mr. Corbett:

14 Q Investigator Thomas, I am going to show
15 you what's been entered as State's No. 52. The
16 statement of Suzie Oaks Thomas. Now you were
17 asked a lot of questions about what London Kelley
18 told Suzie Oaks who then gave that statement to
19 you, is that correct?

20 A Yes, sir.

21 Q Now you were asked a series of questions
22 about truthfulness of statements and how to judge
23 that et cetera, is that correct?

24 A Yes.

25 Q Now based on your experience and our

Investigator Thomas-Redirect by Corbett

1 conversation with Suzie Oaks, did you believe that
2 she was being truthful about---

3 MR. JOHNSON: Your Honor, objection. He
4 cannot say about the truth of Suzie Oaks.

5 THE COURT: Come up please.

6 (Whereupon, the attorneys approach the
7 bench and confer with judge.)

8 THE COURT: Go ahead, Mr. Corbett.

9 Objection is sustained.

10 Q Now, Ms. Thomas, you were asked about the
11 statement that Suzie Oaks gave you, is that
12 correct?

13 A Yes, sir.

14 Q And you were asked about whether or not it
15 was consistent with the evidence, is that correct?

16 A Yes, sir.

17 Q Things of that nature.

18 A Yes, sir.

19 Q How many times was Darrell Epps shot?

20 A He was shot 9 times.

21 Q Based on the statement that you have there
22 before you, is it consistent with the evidence
23 that Darrell Epps could have been shot inside the
24 vehicle?

25 A Yes, sir.

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1 Q Is it consistent with the physical
2 evidence that he could have been put on the ground
3 and then shot with a shotgun?

4 A Yes, sir.

5 Q Now you remember the report on the wounds,
6 is that correct?

7 A Yes, sir.

8 Q Have being shot with a 380.

9 A Yes, sir.

10 Q Which is a handgun.

11 A Yes, sir, it is.

12 Q And a shotgun being a long gun.

13 A Yes, sir.

14 Q Now you were asked, and I believe shown
15 one of these maps about this statement. And about
16 Quinton Brown walking up, is that correct?

17 A Yes, sir.

18 Q Now if would, take a moment and see if can
19 locate that portion. If you would please refer to
20 the top of page 6.

21 Q Now in the statement, what does it
22 indicate about Mr. Brown walking back?

23 A It says I stayed outside a few hours
24 waiting on that dummy to come back. About three
25 hours later, Quinton come back home walking.

Investigator Thomas-Redirect by Corbett

1 Q Now you were asked a series of questions
2 about walking. But that statement does not say,
3 walked back from American Mobile Home Park, does
4 it?

5 A No, it does not.

6 Q So that statement could be completely
7 consistent with someone dropping him off in the
8 area?

9 MR. JOHNSON Your Honor---

10 A Yes, sir.

11 MR. JOHNSON: Objection. It requires an
12 opinion that is speculation.

13 THE COURT: Overruled, but it's leading.
14 That objection is overruled.

15 Q Now you were asked at some length about
16 this statement, as well as other statements,
17 correct?

18 A Yes, sir.

19 Q Now you have been in investigations for
20 some time.

21 A Yes, sir.

22 Q Isn't it true that defendants sometimes
23 tell different versions?

24 A Yes, sir, they do.

25 Q They then may not tell two different

Investigator Thomas-Redirect by Corbett

1 people---

2 MR. JOHNSON: Your Honor, objection.

3 Irrelevance.

4 THE COURT: It's leading. I overrule your
5 relevance objection, but it is leading. Okay.

6 Q Now with regards to the statements, you've
7 taken statements from individuals who have relayed
8 information given to you by others.

9 A Yes, sir, I have.

10 Q I'm sorry. I probably said that wrong.
11 Information given to a witness by somebody else.

12 A Yes, sir.

13 Q Is it uncommon for there to be differences
14 in those stories?

15 A Yes.

16 Q Now is it common for somebody to tell part
17 of a story but not all of it?

18 A Yes, sir.

19 Q Now when you were talking about these
20 statements early on, you talked about looking at
21 all of the statements, all of the facts and
22 circumstances, correct?

23 A Yes, sir.

24 Q Now when Suzie Oaks Thomas referenced
25 America's Inn.

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1 A Yes, sir.

2 Q That was consistent with other evidence
3 you just recovered, correct?

4 A Yes, sir.

5 Q When Suzie Oaks Thomas referenced a red
6 and white hat, that was consistent with other
7 evidence was it not?

8 A Yes, sir.

9 Q When Suzie Oaks Thomas referenced brains
10 being out of his head. That was consistent, was
11 it not?

12 A Yes, sir.

13 Q When Suzie Oaks Thomas came up with the
14 name Quinton Brown, that was consistent with other
15 evidence.

16 A Yes, sir.

17 Q When Suzie Oaks Thomas knew your name,
18 that was consistent with the case, was it not?

19 A Yes, sir.

20 Q When Suzie Oaks Thomas mentioned pocket
21 being turned inside out, that was consistent with
22 other evidence.

23 A Yes, sir, it was.

24 Q When she referred to the truck being
25 burned, that was consistent?

Investigator Thomas-Redirect by Corbett

1 A Yes, sir.

2 Q When Suzie Oaks Thomas knew Edward Brown's
3 name, that was consistent, wasn't it?

4 A Yes, sir.

5 Q Suzie Oaks Thomas knowing that London
6 admitting to knowing to Edward Brown would hurt
7 her case. That was consistent, was it not?

8 A Yes, sir, it was.

9 Q Suzie Oaks Thomas put in her statement
10 that the police used a tracking dog.

11 A Yes, sir, she did.

12 Q Which was consistent.

13 A Yes, sir.

14 Q Suzie Oaks Thomas knew that you got a
15 voice mail.

16 A Yes, sir.

17 Q That was consistent.

18 A Yes, sir, it was.

19 Q Suzie Oaks Thomas knew Christopher Lovely
20 as Popeye, correct?

21 A Yes, sir.

22 Q That was consistent with other information
23 in the case?

24 A Yes, sir.

25 Q When Suzie Oaks Thomas was relaying what

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1 London said to you, she thought, she knew to say
2 that they talked about pinning it on Popeye.

3 A Yes, sir.

4 Q And that was consistent with information
5 in the investigation.

6 A Yes, sir.

7 MR. CORBETT: Thank you. That's all the
8 questions I have.

9 THE COURT: Mr. Johnson.

10 MR. JOHNSON: Just one follow up.

11 Cross Examination By Mr. Johnson:

12 Q Investigator Thomas, the only thing
13 different, the only thing that you have done since
14 you took over this case voluntarily, was get
15 statements in this case, is that correct? That's
16 the only additional evidence in this case,
17 correct?

18 A The only additional evidence?

19 Q Yes.

20 A In the entire case.

21 Q Prior to charging my client with murder,
22 the only additional evidence that caused her to
23 be charged is statements, correct?

24 A To cause her to be charged?

25 Q Yes.

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1 A Yes, sir.

2 Q Because prior to that, with the physical
3 evidence, you did not have probable cause,
4 correct?

5 A That is correct.

6 Q So the whole case is on those three
7 statements.

8 A On three confessions from London to three
9 witnesses, yes, sir.

10 Q And in all of those confessions, the
11 manner of death that was placed in those
12 confessions was not consistent with the evidence
13 in this case.

14 A Well you've going to have to specific
15 which statement and which....

16 Q Mr. Brown we went over before. Mr. Brown,
17 Suzie Oaks, and Suzie Oaks' daughter, where they
18 gave evidence about shooting to the head, about
19 the other. You agreed before that It was not
20 consistent, correct?

21 A In reference to Suzie Oaks' statement in
22 reference to him getting shot in the head in the
23 vehicle, when you asked when you brought it back,
24 was that consistent with what was on the scene,
25 the shotgun to the head.

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1 Q Right. That was inconsistent.

2 A That was inconsistent portion from Suzie
3 Oaks Thomas' statement.

4 Q And Edward Brown's statement about riding
5 back with the victim.

6 A He never said that in his statement.
7 Edward Brown never said that in his statement,
8 sir.

9 Q Bubba didn't say that?

10 A Bubba, Edward Brown, never said that.

11 Q He didn't say that the victim and London
12 rode back from the club together?

13 A He said that Darrell Epps and London, yes.

14 Q That's what I said, the victim.

15 A At Club Miami. That's now how you phrased
16 it, sir.

17 MR. JOHNSON: I'm sorry. I have no other
18 questions for you.

19 THE COURT: Anything else, Mr. Corbett?

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

21 THE COURT: Thank you, ma'am, you can step
22 down. Mr. Corbett?

23 MR. CORBETT: Your Honor, I believe I am
24 nearing the conclusion. Judge, just for purposes
25 of the record, if I can confirm that State's

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1 Exhibit No. 10 is admitted..

2 THE COURT: It is.

3 MR. CORBETT: Thank you, your Honor. Your
4 Honor, the State rests.

5 THE COURT: Ladies and gentlemen, the
6 rules that we have require me to take a recess at
7 this stage. If you would please go to your jury
8 room. You may not discuss the case. Thank you
9 very much. You can leave your pads right there in
10 the chair?

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

13 THE COURT: Mr. Johnson, any motions?

14 MR. JOHNSON: Your Honor, I have a motion
15 for a directed verdict in the case. I guess I
16 should start with each charge separately.

17 THE COURT: Okay, any order that you would
18 like to address them.

19 MR. JOHNSON: On the charge of, on the
20 initial charge of murder, it is our position that
21 we should be granted a motion for a directed
22 verdict based on the fact that the evidence
23 towards murder, as the officer stated, there was
24 no physical evidence connecting my client to the
25 actual murder. There was no DNA. No physical

1 evidence connecting my client to the murder. As
2 the officer stated, the whole case is based on
3 those three statements or supposedly confessions.

4 In one confession where the murder was
5 actually described, the officer stated that that
6 confession was inconsistent with the evidence. As
7 far as how the murder was kept. It is our
8 position, Your Honor, that a person even
9 confessing cannot confess to a murder that could
10 not have been completed as they confessed. If
11 their statement is inconsistent, then a person,
12 and that's why people step off the street every
13 day, Your Honor, and say I killed someone.

14 They cannot be charged with something that
15 as a confession they could not do. In this case,
16 the confession, the alleged confession, states
17 that this person was killed by a shot to the head
18 in the truck. The evidence clearly states, as
19 well as the state's own witness, states that that
20 could not have happened. On that fact alone, is
21 sufficient enough for my client to be found for a
22 directed verdict as it relates to the murder
23 charge.

24 As it relates to the conspiracy charge,
25 Your Honor as a conspiracy charge goes, the State

1 has ot presented sufficient evidence to prove a
2 conspiracy. They have not connected, Your Honor,
3 for a conspiracy to work, they would have to show
4 that my client assisted or conspired to kill the
5 victim in this case. There is no evidence that
6 the State has shown to implicate that there was a
7 victim, except for the statements of somebody
8 saying that somebody was there. There's no direct
9 evidence including the second person. You cannot
10 have a conspiracy without a second person.

11 There was no physical evidence connecting
12 Quinton Brown to this crime. And there was no
13 statements allegedly made by Quinton Brown to
14 anyone to implicate himself in this crime.
15 Everything else is hearsay as it relates to
16 Quinton Brown. That was presented by the State.
17 As a result of that, he should not be found
18 guilty. A motion for a directed verdict should
19 be granted.

20 As it relates to the third charge, which
21 is accessory after the fact, I am not aware of
22 anything that the State has alleged or shown in
23 this case that would support accessory after the
24 fact. The State's own statement is that my client
25 came forward. She cooperated. The officer's own

1 testimony was she came forward. She told him
2 where the body was. She assisted in the body.
3 She answered all their questions. I do not see
4 where they have shown anything where my client
5 would be guilty of accessory after the fact. If
6 she is charged with accessory after the fact then
7 the State is then saying that she didn't commit
8 the murder. If she didn't commit the murder, they
9 have not shown anything where she assisted anyone
10 after the murder.

11 As a result, she should not, a motion for
12 accessory after the fact should be granted.

13 THE COURT: Well one of the questions I am
14 going to ask Mr. Corbett is, can you be guilty of
15 murder and be guilty of accessory after the fact
16 if you are the person who committed the fact.
17 Mr. Corbett, any response to his motions?

18 MR. CORBETT: With regard to the evidence
19 before the court, Judge, I am not going to go
20 through all the evidence, but some particular
21 points which I believe satisfy some threshold by
22 which we need to meet to get to the jury. There
23 is a reference in the statement of Suzie Oaks
24 which purports to be a statement from London
25 Kelley. Set Darrell up to rob. She agreed to do

1 so. Does reference about being scared. There is
2 an indication that when Mr. Epps comes to the
3 house that, Quinton Brown says, you know what to
4 do.

5 She then indicates---

6 THE COURT: Who said that? Who said you
7 know what -- who said that Quinton Brown said
8 that?

9 MR. CORBETT: It's in the statement London
10 Kelley gave to Suzie Oaks.

11 THE COURT: Okay.

12 MR. CORBETT: Indicates that she gets in
13 the vehicle.

14 THE COURT: She was at window.

15 MR. CORBETT: Initially that is correct,
16 Judge. But then indicates that she gets in the
17 vehicle.

18 THE COURT: On the -- at the request of
19 Mr. Brown. I can't remember exactly how it was
20 put.

21 MR. CORBETT: Within the body of the
22 statement, there is an indication -- let me back
23 up a little bit. Ms. Kelley goes to the window of
24 Mr. Epps' vehicle. At that point, Mr. Brown, this
25 is how it's alleged, then comes out. Mr. Epps

1 gets in the passenger seat. Mr. Brown gets in the
2 driver's seat. Ms. Kelley in her statement to
3 Suzie Oaks, says she gets in the back seat. There
4 is another indication in the statement and, Judge,
5 it's scattered out in several places in the
6 statement. But there is a reference in here to,
7 I've been trying to set this up. Here we go, this
8 is Suzie Oaks asking a question to London. I said
9 what took place. And then London Kelley's
10 response is, she said, Girl, I was -- I'm I was on
11 the wrong line. They never left -- they never
12 went to pick Jayla up because Darrell came to
13 their house before they left. London told me she
14 were trying to set this robbery up for at least 2
15 months.

16 Now, Judge, it's going to my contention
17 that that portion of evidence addresses both
18 conspiracy and the murder charge.

19 MR. JOHNSON: Your Honor, can I address
20 that one fact while we're talking about it? Page
21 3 of the statement where he is referring to that.
22 About half way down it says, I asked her, what do
23 you mean setting him up. She said he was supposed
24 to meet her to party in Wedgefield but he never
25 showed up. They were supposed to met at Club

1 Miami but she didn't go to the club that night.

2 She said without her knowledge.

3 THE COURT: I understand that rebuttal,
4 but maybe I can get a copy of the statement.

5 MR. CORBETT: Judge, it is State's 52.

6 THE COURT: You are on page 6,
7 Mr. Corbett?

8 MR. CORBETT: Judge, bear with me one
9 moment. Page 6 is where a substantial portion of
10 that is located.

11 THE COURT: Page 6 of 11.

12 MR. CORBETT: That is correct, Judge.
13 And, Judge, at the appropriate time, I'm also need
14 to refer you to the last line---

15 THE COURT: I'm ready.

16 MR. CORBETT: The very last line on page
17 2.

18 THE COURT: Okay.

19 MR. CORBETT: She said Ms. Suzie, I wish I
20 never agreed to set that boy up.

21 THE COURT: Okay.

22 MR. CORBETT: Judge, and I'm sorry, I
23 don't have citation right in front of me. But my
24 recollection of the testimony is that she
25 indicates that is in the vehicle when Mr. Epps is

1 shot. She also indicates that she assists in the
2 removal of the body. She also indicates that she
3 assists in the removal of the body. She also
4 indicates that she disposes of bloody clothes.

5 THE COURT: Well that's all accessory
6 after the fact. Those parts. Helping move the
7 body, and helping dispose of the clothes, those
8 are accessory. I am going to let that go to the
9 jury. Most definitely.

10 MR. CORBETT: Yes, sir. But, Judge, and
11 if I state the law wrong, I apologize. But in
12 terms of the issue of murder, it's my
13 understanding, and I believe I am correct on this,
14 if you're present at the murder you are not an
15 accessory before. You are a party to it.

16 THE COURT: Right. The charge is not
17 accessory before.

18 MR. CORBETT: That's correct.

19 THE COURT: It's accessory after.

20 MR. CORBETT: But the the law is, that if
21 you are aiding, abetting, assisting, helping that
22 happen that, and again this overlaps somewhat with
23 the conspiracy argument. Admittedly, they run
24 together. But if you're participating in that
25 level, if you are reason the person comes to the

1 house, which is also in this statement. I am the
2 reason the came to the house. So if you're
3 saying that, if you're in the vehicle, if you're
4 present when the person is murdered, and then you
5 are present removing the body from the vehicle
6 under accomplice liability that makes you liable
7 for murder.

8 THE COURT: Helping move the body.

9 MR. CORBETT: Well, Judge, I am talking
10 about the continuing act of it.

11 THE COURT: Okay.

12 MR. JOHNSON: Your Honor.

13 THE COURT: Are you finished, Mr. Corbett?

14 MR. CORBETT: Yes, sir, Judge, I was
15 done.

16 MR. JOHNSON: Once again, Your Honor.
17 There is two parts in here. First he says,
18 without her knowledge, he came to the house, which
19 indicated she had no part in bringing him. That
20 without her knowledge she had -- he came to her
21 house.

22 THE COURT: Well he came unexpectedly that
23 night.

24 MR. JOHNSON: Correct.

25 THE COURT: According to Ms. Kelley.

1 That's what Ms. Kelley allegedly told Ms. Thomas.

2 MR. JOHNSON: Correct. The second part
3 would be when they were in the car right before he
4 was killed. I am trying to find that page. It's
5 on page 5, Your Honor.

6 THE COURT: I've got it.

7 MR. CORBETT: It says and near the door.
8 It says that Quinton looked at Darrell and said N
9 word. I know you are f'ing London. London said
10 before her or Darrell could say Quinton shot
11 Darrell at close range to the head, which would
12 indicate that she didn't know he was going to
13 shoot. She says, Ms. Suzie, Darrell, that part it
14 goes down. Then she said they went home. But
15 they would indicate that she did not know what he
16 was going to do. Therefore, I did not think that
17 the charge of, that we should receive a directed
18 verdict as it relates to the murder?

19 THE COURT: Mr. Corbett.

20 MR. CORBETT: And, Judge, unfortunately
21 because of the way the statement is 11 pages at
22 length, and quite honestly, it's probably---

23 THE COURT: Well what it all boils down to
24 is, the State has to prove, of course, beyond a
25 reasonable doubt. And, I don't think -- Mr.

1 Bradley, could I see the statements of Mr. Brown
2 and Shaniqua Oaks? What you have to prove are the
3 elements of the crime of murder, the fact, if we
4 assume, that some parts of these statements
5 contain evidence of confessions by Ms. Kelley, and
6 in other parts what she said these people
7 distances herself from criminal liability, I'm not
8 worried at this stage about which one is true.
9 I've just got to worry about is there, is there
10 evidence in existence that would let the the jury
11 conclude that the defendant committed murder under
12 the law. And to do that, of course, they'll have
13 to believe that she said that certain things to
14 one more or all of these 3 witnesses. That's what
15 I'm looking for. Not the fact there are
16 contradictions. That's not the law. The question
17 is, where is in these statements since that's what
18 we're all acknowledging we're dealing with.

19 Liability has to be for murder. Has to be
20 found in one of these statements.

21 MR. CORBETT: Yes, Your Honor.

22 THE COURT: And tell me where that is.

23 MR. CORBETT: Judge, quite frankly, it's
24 probably going to require a reading of all 11
25 pages. And here's why I say that.

1 THE COURT: Not by you. I mean, not on
2 the record.

3 MR. CORBETT: Right. But for example on
4 page 3, or it actually begins at the bottom of
5 page 2. Ms. Suzie I wish I had never agreed to
6 set that boy up.

7 THE COURT: To be robbed. With a
8 parenthetical. That what's she agreed to set him
9 up for.

10 MR. CORBETT: I said, who, the Epps guy.
11 She said, yes and busted out crying. I said, why
12 did you do that. She said Darrell and her were
13 having an affair and Quinton found out. Quinton
14 told her one night at home during an argument they
15 were having, that he knew she were f'ing Darrell.
16 She said she denied it at first. But he pulled
17 out a gun and told her he would let her live, if
18 she set Darrell up for him to rob. So she agreed
19 because she were scared.

20 THE COURT: And would that entitle them to
21 a duress charge?

22 MR. CORBETT: Judge, I don't believe so
23 based on the fact that we now have 2 months out
24 and another portion of the statement. That's why
25 I'm saying, it's very hard to try to extract one

1 sentence out of this statement the way it's done.
2 Because in another place, she says we've been
3 setting this up for 2 months.

4 THE COURT: It does on to say, so she
5 agreed because she were scared.

6 MR. CORBETT: Yes, sir.

7 THE COURT: She told me that Jennifer
8 thinks she is so damn smart. Ha, ha. I bet she
9 never figured out what number I was calling
10 Darrell off. Which is irrelevant to murder.
11 Supposed to meet her at a party in Wedgefield. He
12 never showed. They were supposed to meet at Club
13 Miami. But she didn't go to the club that night.
14 She said without her knowledge, he came to her
15 house. She said she saw the truck light outside,
16 so she peeped outside and it was Darrell. She
17 told Quinton, Darrell outside. And Quinton said
18 well you know what to do.

19 They were supposed to leave Club Miami.
20 And I guess this skips to a different context.
21 They were supposed to leave Club Miami, and go to
22 her favorite hotel American's Inn. And they talk
23 about how foolish that was because It was so close
24 to Cherryvale.

25 So the setting him up for robbery is an

1 inference that she's culpable for the murder
2 because she was setting him up for something?

3 MR. CORBETT: That is correct, Judge.
4 Particularly in the fact that she was also
5 present.

6 THE COURT: How about the statements or
7 Shaniqua and or Bubba, or Edward Brown?

8 MR. CORBETT: Judge, I do not have that
9 one right in front of me. Bear with me just a
10 moment.

11 THE COURT: Shaniaqua says she, which
12 means, London was talking to a young boy that sold
13 drugs. And she was planing on meeting with him so
14 her boyfriend could have robbed him. And it went
15 bad. Her boyfriend ended up killing the other
16 guy and leave him a path in her back yard.

17 That's the substance of that. And by the
18 way, we need to redact the Social Security
19 numbers. And phone numbers too. Then Edward's
20 statement says, London told me she was upset with
21 Quinton Brown, because he was still messing with
22 Shankia Green and she never would have put herself
23 in the position with setting up Darrell Epps to
24 get robbed by Quinton. London said she left Club
25 Miami with Darrell in his car and went to Harwood.

1 London said she went inside and the shooting
2 happened.

3 Obviously inconsistent with other
4 accounts, but in evidence nonetheless. Anything
5 else, Mr. Corbett, before I go back to Mr. Johnson
6 on the issue of murder?

7 MR. CORBETT: One moment, please, Your
8 Honor. And, Judge, this probably goes without
9 saying. But I believe it's understood within the
10 law that even if you say you are going in there to
11 rob somebody and you end up murdering them, that's
12 a natural consequence of that criminal act.

13 THE COURT: Well that's a felony murder
14 inference.

15 MR. CORBETT: Again, Your Honor, I don't
16 want to keep beating the same horse, but if are
17 setting it up, if you're participating in it, we
18 believe that is accomplice liability?

19 THE COURT: Mr. Johnson, anything else on
20 the issue of murder?

21 MR. JOHNSON: I have nothing. I can't
22 think of nothing else, Your Honor.

23 THE COURT: Mr. Corbett, how about the law
24 on conspiracy? It says there must an
25 understanding, agreement, or common intention and

1 plan. Mere passive knowledge of or consent to the
2 criminal conduct of another is not enough to make
3 a person a conspirator. You're saying there's
4 evidence of all of that.

5 MR. CORBETT: Yes, sir, Your Honor.

6 THE COURT: Do you any comments at all?
7 Any responses at all about his conspiracy or
8 accessory arguments?

9 MR. CORBETT: Judge, again, as I've said,
10 I think that the notion of accomplice liability
11 and conspiracy, the line there can sometimes get
12 somewhat blurred. But I think by those very
13 statements where she is saying, I wish I had never
14 agreed to set him up. That in and itself is
15 conspiracy. The reference to Quinton saying okay,
16 you know what.

17 THE COURT: Does a conspiracy ever expire?
18 If two months went by? Is it just out the clock
19 and say, well the second co-conspirator finally
20 decided to act on it. And the first one hadn't
21 really done much else, and things just happened.
22 Is that conspiracy still alive?

23 MR. CORBETT: Judge, I believe if the
24 parties to the conspiracy accomplish that act,
25 then no, it has not expired.

1 THE COURT: Mr. Johnson, anything else?

2 MR. JOHNSON: Your Honor, just basically,
3 there is evidence in any of the statements that in
4 both statements as it relates to conspiracy, my
5 client assuming that the statements are -- the
6 statement that was given, in both of them she
7 indicated that -- well in the one from Suzie, she
8 indicated, I did not know or expect him to be
9 there. Which indicated that she did not
10 participate in bringing him there. Even when he
11 was shot, there's indication in the record they
12 she did not know what he was going to do, which
13 would mean that she was not participating in the
14 murder.

15 As it relates to Mr. Brown's statement, in
16 that case, she says she came home from there not
17 saying anything and went into the house, and then
18 there were shots. Which means that she did not
19 participate.

20 THE COURT: Where is it, and I think I'm
21 about finished. But where is it, Mr. Corbett, in
22 the statement that it says Mr. Quinton -- excuse
23 me, Quinton said you know what to do?

24 MR. CORBETT: Judge, you read it a few
25 moments ago.

1 THE COURT: Yeah, I know.

2 MR. CORBETT: Okay. Judge, if you will
3 refer to page 3.

4 THE COURT: Page 3. I've got it. A
5 little more than half way down.

6 MR. CORBETT: Yes, sir.

7 THE COURT: She saw the truck light
8 outside, so she peeped outside and it was Darrell.
9 She said she told Quinton, Darrell, outside. And
10 Quinton said, well know what to do. And then I
11 don't understand that next sentence, the context
12 of it. I am going to respectfully deny your
13 motion, Mr. Johnson. I think you have ample
14 ammunition for a jury argument about the
15 consistencies and inconsistencies, the lack of
16 flow, if you will in these accounts given by
17 especially Suzie Oaks.

18 I think that's going to be a jury
19 question. As you know at this stage my concern is
20 not with the weight of evidence but merely with
21 its existence. I think that I have to let all of
22 these go to the jury. Can this defendant be
23 convicted of murder and accessory after the fact
24 of a crime she commits herself. I guess she can
25 if there is another person who also did it. She

1 can help him allude arrest.

2 MR. CORBETT: Judge, to that point, we
3 did, we were trying to look at some law on that
4 issue. For example, it's not a lesser included
5 offense.

6 THE COURT: Obviously not.

7 MR. CORBETT: With it not being a lesser
8 included offense, it's obviously within the law
9 considered different elements to it.

10 THE COURT: Right.

11 MR. JOHNSON: But, Your Honor, one of the
12 elements of accessory after the fact is that you
13 had nothing to do with the fact prior. So you
14 can't be a participant in something, and then be
15 found guilty of accessory after the fact.

16 THE COURT: It says, here is the jury
17 charge on it. The defendant charged with being an
18 accessory after the fact of murder. In order to
19 prove this crime, the State must prove beyond a
20 reasonable doubt, that the defendant knew that
21 another person, the principal committed a felony.
22 And after the crime intentionally helped the
23 principal to escape from arrest, conviction or
24 punishment. It goes on to say if you find that
25 the defendant was merely present at the scene of

1 the crime and did not participate, but became
2 involved after the commission of the crime, you
3 may find the defendant guilty of being an
4 accessory after the fact.

5 You're alleging also that she was a
6 principal too?

7 MR. CORBETT: That is correct, Judge.
8 Judge, could you give us just a moment to confer?
9 Judge, If I may reference the State vs. Fuller.

10 THE COURT: Do you have a copy?

11 MR. CORBETT: Judge, I have an excerpt
12 with some elements taken out.

13 THE COURT: Citation.

14 MR. CORBETT: 346 S.C. 477.

15 THE COURT: Okay.

16 MR. CORBETT: And, Judge, just so we are
17 clear, I'm sitting here reading some excerpts from
18 some case law. A defendant can be charged, I am
19 sorry, I read that wrong.

20 THE COURT: Well this case talks, the
21 defendant was charged with murder. And he wanted
22 a charge on accessory after the fact, and he
23 wasn't for that. He was just indicted for murder.
24 I guess my question is a little bit different, can
25 he be convicted of both?

1 MR. CORBETT: And, Judge, that's what I am
2 struggling with. I am looking at some case law;
3 for example, State v. Roof, 298 S.C. 351, that
4 says accessory after the fact is not a lesser
5 included offense.

6 THE COURT: That's clear.

7 MR. CORBETT: I was looking to see if
8 there was---

9 THE COURT: Neither is conspiracy.

10 MR. CORBETT: Right. I was trying to see
11 if there was any specific notation of whether or
12 not you could be convicted of both of those.

13 THE COURT: I guess what I'm asking is,
14 would it be appropriate for me to tell the jury
15 that if they find the defendant guilty of murder,
16 they cannot find her guilty of being an accessory
17 after the fact.

18 MR. CORBETT: Judge, I believe that I
19 would agree with that assessment.

20 THE COURT: Mr. Johnson, do you agree with
21 that?

22 MR. JOHNSON: Yes, I would, Your Honor.

23 MR. CORBETT: And, Judge, quite frankly
24 from a practical perspective if the jury reached
25 that verdict.

1 THE COURT: Right.

2 MR. CORBETT: Accessory after would be
3 something of a moot point.

4 THE COURT: I would assume that both of
5 you would logically conclude and maybe even argue
6 to the jury that she can't accessorize something
7 she did herself. Or be an accessory. I think
8 that's -- I think that's pretty clear. And if
9 they found she was merely an accessory, then by
10 the process of elimination they have concluded
11 that she's not a principal. So therefore they
12 couldn't find her guilty of murder. I'm not going
13 to explain it in that fashion, but I think that's
14 what the law would be.

15 And I understand you mentioned on the
16 record when we started, about the reason in
17 indicting the defendant in the way she was
18 indicted.

19 Mr. Johnson, I am going respectfully deny
20 your motions. Do you intend to put up any
21 evidence?

22 MR. CORBETT: No, we do not, Your Honor.

23 THE COURT: Ms. Kelley, if you could
24 stand, please. You are still under oath. You can
25 stay right there. You remember when I earlier

1 asked you the questions about your rights under
2 the 5th amendment, and you told me you understood
3 all that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Have you had a chance to
6 discuss in detail with your lawyer or would you
7 like some more time now to confer with him about
8 it?

9 THE DEFENDANT: I have had a chance.

10 THE COURT: Do you need any more time to
11 talk to him?

12 THE DEFENDANT: And have you made your
13 decision about whether you will or won't testify?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: What is that decision?

16 THE DEFENDANT: I am not going to testify.

17 THE COURT: Has anyone forced you to make
18 that decision?

19 THE DEFENDANT: No, sir.

20 THE COURT: And you've had plenty of time
21 to talk to your lawyer about it.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: The jury is coming in, in just
24 a minute. If you change your mind or if you
25 decide, hey, I need to talk to you a little bit

1 more, tap him on the shoulder and he will let me
2 know, okay.

3 THE DEFENDANT: Okay.

4 THE COURT: Mr. Corbett, is the State
5 ready to go forward with closing arguments? we
6 can take a few minutes. I'm just asking.

7 MR. CORBETT: Yes, sir. Judge, because of
8 the number of exhibits, if I could have just a
9 minutes to kind of gather my thoughts and decide
10 which exhibits that will be helpful.

11 THE COURT The defendant will present the
12 last argument?

13 MR. CORBETT: Correct, Your Honor.

14 THE COURT: And I will go over with you,
15 the charge. And I will happy to give you a copy
16 of it, even though I don't want you put it on the
17 overhead projector. You can refer to it, but I
18 just don't want you to put it on the projector.
19 And I don't give a written copy to the jury.

20 Of course, I'll start off by explaining
21 to them what their role is and what my role; that
22 the charge, arrest, indictment are not evidence.
23 Credible of witnesses. I'll talk to them about
24 the prior criminal record of a witness being
25 evidence to consider only on the issue of

1 believability. Direct or circumstantial evidence.
2 I will give the newer charge from State v. Logan,
3 2013. Presumption of innocence. Reasonable
4 doubt. The defendant not testifying. I'll go
5 back, I will also give an expert witness charge
6 after I talk about credibility. I will charge the
7 elements of murder. And I will include the
8 inference that if the act is done with a deadly
9 weapon, as a permissive inference of malice from
10 that.

11 I don't think the State v. Belcher
12 applied. In other words, the sentence is,
13 inferred malice may also arise when the act is
14 done with a deadly weapon. I will charge the
15 felony murder inference, hand of one. And
16 Mr. Johnson just in case you are concerned about
17 the mere presence, included within that is the
18 sentence or the statement, however mere presence
19 at the scene of a crime is not sufficient to
20 convict one as a principal on the theory of aiding
21 and abetting. There must have been a common
22 design or intent to commit the crime, and the
23 crime must have be committed pursuant thereto with
24 the person aiding and abetting by some overt act.
25 That's the mere presence charge in the context of

1 murder.

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

3 THE COURT: Conspiracy, I will charge.

4 And then lastly I will charge accessory after the
5 fact and then criminal intent. I'll certainly
6 tell the jury that they cannot find the defendant
7 guilty of both murder and accessory. If they find
8 her guilty of murder, they can't find her guilty
9 of accessory, if they think she was merely an
10 accessory, they cannot guilty of murder. The
11 verdict form will be in no particular order, as to
12 charge A, we find the defendant, we unanimously,
13 find the defendant not guilty or guilty. And the
14 same for the other two. okay.

15 Any comments or objections or additions to
16 these charges, Mr. Corbett?

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

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: I have nothing, Your
21 Honor.

22 THE COURT: Now it is 3:30. I am going to
23 give you about 5 minutes to collect your thoughts.
24 The arguments I assume will be concluded within an
25 hour total. I'm not going to call time. And then

1 I'll give the jury charge, and that will take us
2 probably past 5. I am willing to listen to what
3 you all want to do.

4 MR. CORBETT: One moment, please, Your
5 Honor. Judge, my concern is giving the jury the
6 case late in the day when they may have some after
7 hours responsibilities. If possible, what I would
8 ask is that Mr. Johnson and I allow the closing
9 arguments today if time so allows. Well don't
10 know that you would want to break up charge, and
11 the actual period of deliberation.

12 THE COURT: Well I would give the charge.
13 I wouldn't charge them and then send them home
14 immediately. I will either do it all tomorrow, or
15 let you argue today and then charge in the morning
16 and let them deliberate.

17 MR. JOHNSON: Your Honor, I prefer that
18 you ask the jury that.

19 THE COURT: And I don't know that they're
20 going to have the final say. But I'll ask them
21 what they would prefer to do. Are you ready for
22 the jury to come back? First of all, you've
23 rested. I am going to allow you rest in front of
24 the jury. And tell them that what we've been
25 doing out here is reviewing other things that I'm

1 required to review with you under the rules. And
2 then I'll ask them that question, okay.

3 MR. JOHNSON: That will be fine, Your
4 Honor.

5 THE COURT: Bring in the jury.

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: Ladies and gentlemen,
9 Mr. Corbett, the State has rested, correct?

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

11 THE COURT: Mr. Johnson.

12 MR. JOHNSON: Yes, Your Honor, at this
13 time the defense rests.

14 THE COURT: Ladies and gentlemen, just in
15 case you are wondering, Mr. Johnson advised us on
16 the record that that was going to occur. I want
17 to explain a few, a couple of procedural things.
18 The next order of business as far as the rules are
19 concerned, would be for to go over with the
20 lawyers, the jury charge, which I have essentially
21 done. This is the jury charge I am holding in my
22 hand.

23 It is what I am going to tell you about
24 the law. Certainly that takes some time and
25 that's what we were doing while you were out of

1 the courtroom. The next part of the case will be
2 the closing arguments of the attorneys. After
3 that, I will give you the charge on the law.
4 After that, you would be released to deliberate.
5 I can tell, I can almost guarantee you from
6 experience that this will take probably before you
7 even get the case, no earlier than 5:30 this
8 afternoon. What I am asking you to do is to go
9 back in your jury room and tell me this. Would
10 you rather start in the morning at 9 o'clock and
11 do it all then? Once you begin your deliberations
12 at approximately 5:30, you would be here until
13 some reasonable time, we would break for the night
14 and you come back and deliberate in the morning.

15 I want to get you -- get input from you.
16 I'm not going to let you make the final decision.
17 But I do want to get input from you about what
18 want to do. I know that some of you may have
19 child care obligations. You may have other
20 obligations that you had to evening that you want
21 to attend to. But I just want to tell you how
22 things typically play out. The arguments and my
23 charge. And I am going to give the lawyers just
24 a few minutes to gather their thoughts before they
25 make their arguments. And I would pretty much

1 guarantee you that all of the arguments and the
2 charge would not be over with until 5:30.

3 What I don't want to do is to do the
4 arguments and the charge and send you home
5 immediately. I don't want to do that. And I'm
6 not going to do that part. So if you have any
7 input you would like to give me, you all talk
8 about it. And, madam forelady, when you have
9 gotten an ideal of what you all want to do, tap on
10 the door and let a bailiff know. You can discuss
11 that but nothing about any issues in the case.

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

14 THE COURT: Any exemptions to that, Mr.
15 Corbett?

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: I want you, just in case,
21 getting your thoughts, especially you,
22 Mr. Corbett, since you will be first.

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

25 THE COURT: Ladies and gentlemen, Madam

1 Forelady, I understand that you all at least want
2 to start anew in the morning?

3 THE FORELADY: Yes, sir.

4 THE COURT: So with the arguments and the
5 charge in the morning?

6 THE COURT: That's a reasonable request.
7 That's what we will do. So in the meantime, you
8 know what I going to tell you. You can't discuss
9 the case amongst yourselves or with anyone else.
10 That time is coming shortly. We will start back
11 tomorrow morning at 9:15, with the arguments. And
12 that will be promptly at 9:15. We have the
13 arguments and the charge. Not until can you
14 discuss it amongst yourselves or with anyone else
15 the world. No research. No blogging, texting,
16 tweeting, facebooking. You can't do anything.
17 And I will see you back tomorrow morning at 9:15.
18 Did I cover everything? I think that covers
19 everything. Thank you very much for your patience
20 and your attention. You can leave your not pads
21 right there.

22 (Whereupon, the jury is dismissed.)

23 THE COURT: Mr. Corbett, and, Mr. Johnson,
24 I will give you a copy of this charge. Keep in
25 mind that I am not going to give the jury a

1 written copy of it. And I will give both of you a
2 copy of the proposed verdict form, and you will
3 certainly have the right to give me input on. I
4 would appreciate it if you would not leave today
5 until you have confirmed for me whether or not you
6 agree or disagree with the verdict form. Because
7 I don't want to start that at 9:15. The exhibits
8 are up here. We'll tend to those this afternoon
9 if you want. And, again, Ms. Kelley, if you would
10 be back in the courtroom tomorrow morning no later
11 than nine. And the lawyers as well so you can let
12 me know if there is anything we need to do before
13 we start back.

14 MR. JOHNSON: Your Honor, I talked with
15 the State, the sequester of witnesses. We told
16 them that they could come back in for closing
17 tomorrow.

18 THE COURT: That's fine.

19 MR. JOHNSON: I have no objection to this,
20 Your Honor.

21 THE COURT: The form?

22 MR. JOHNSON: The form.

23 MR. CORBETT: Judge, will the court
24 instruct the jury as to the alternative portion
25 concerning the murder and accessory?

1 THE COURT: What we covered earlier?

2 MR. CORBETT: Yes, sir.

3 THE COURT: Yes, sir.

4 THE COURT: What I mean is, it's not
5 necessary that it be in writing on the form. I
6 would entertain that, if you all want me to -- do
7 you all think that would make it clearer, I will
8 do that?

9 MR. CORBETT: No, sir. I'm okay with it.

10 MR. JOHNSON: I am kind of late.

11 THE COURT: I might go ahead and put it on
12 there. I know that you haven't tried a civil
13 case in a long time, but that what's we would
14 typically put a civil verdict form is if you find
15 in such a way on No. 1, you can't find in such a
16 way on No. 3. I think that's reasonable. It
17 will let the jury walk through it.

18 MR. CORBETT: And, Judge, just for the
19 record, I am okay either way.

20 THE COURT: Thank you, Mr. Johnson, for
21 pointing that out.

22 THE COURT: Anything else you all think we
23 need to cover on this case before we start? Of
24 course, Mr. Price is making a copy of the charge
25 for you. It's not going to be in that exact

1 order, but that's going to be it for the most
2 part.

3 MR. CORBETT: Nothing from the State, Your
4 Honor.

5 MR. JOHNSON: I have nothing from the
6 defense, Your Honor.

7 THE COURT: I'll see you tomorrow morning
8 at 9.

9 (Whereupon, the trial commences on Friday,
10 October 31, 2014 at 9 a.m.)

11 THE COURT: Is the State ready?

12 MR. CORBETT: The State is ready.

13 THE COURT: Mr. Johnson.

14 MR. JOHNSON: Yes, Your Honor.

15 THE COURT: I am not going to call time.
16 I just want to kind of an idea of how long your
17 argument will take. That will let me know whether
18 or not I want to take a break after the first one
19 or after the second one. If I don't take a break
20 after the first argument, we will definitely going
21 to take one after the second one. Mr. Johnson, if
22 Mr. Corbett goes 30 minutes or more and you want
23 to take a break, all you got to do is ask me.
24 Otherwise, I'll decide on my own without asking,
25 is that okay.

1 MR. JOHNSON: That's fine with me, Your
2 Honor.

3 THE COURT: But if you do want to take
4 one, you let me know. Mr. Corbett, does that
5 suit you?

6 MR. CORBETT: Yes, sir, Your Honor.

7 THE COURT: You can bring in the jury.

8 (Whereupon, the following takes place
9 within the presence of the jury.)

10 THE COURT: And before we send the
11 statements back to the jury, remember the social
12 security numbers. We've got to get those blacked
13 out somehow, and phone numbers.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 THE COURT: Thank you, Mr. Bradley. Okay,
17 Ladies and Gentlemen, we are now ready to move
18 forward with the closing arguments stage of the
19 trial. As I mentioned to you at the beginning,
20 the case is conducted in stages, and we are at
21 that stage. The closing argument stage is the
22 part where the lawyers are permitted to argue to
23 you the conclusions that they believe you should
24 reach based on the evidence or lack of evidence.
25 What they say in the form of their arguments, is

1 not evidence. The evidence has come to you as you
2 know from the testimony and the exhibits and the
3 one stipulation. The lawyers are permitted to
4 within their arguments, argue to you, or include
5 in their arguments the evidence that has been
6 introduced. Now if what they tell you or argue to
7 you does not correspond to your collective view of
8 what the evidence actually was, of course you go
9 with your memory, your notes or both.

10 The lawyers are also permitted to include
11 within their arguments, the law that I m going
12 charge to you. They have -- they are aware of
13 what I am going to charge to you in the form of
14 the law. They're also permitted to include that
15 in their argument. Likewise if they recite or
16 refer to a point of law that does not match what I
17 tell you the law is, you go with what I tell you
18 it is.

19 One of things that I told you, and I will
20 go ahead and tell you now, you must accept the law
21 exactly, as I give it to you. You cannot base any
22 decisions in this case on what you think the law
23 is or for that matter, what you think it ought to
24 be. So even if even you disagree with the law as
25 I end up charging to you, you've got go with what

1 I give it to you as.

2 Please give the lawyers your undivided
3 attention. I've watched you during the trial,
4 you've paid very close attention. I am glad of
5 that. This is a very important part of the
6 trial, so please give them your undivided
7 attention. Under the rules, Mr. Corbett, for the
8 State will present the first argument. And then
9 Mr. Johnson for the defendant will present the
10 last argument. At some point either after the
11 first one or after the second one, unlikely after
12 both, we'll take a break, and then I will give
13 you the charge. Mr. Corbett.

14 MR. CORBETT: Thank you, Your Honor.
15 Monday afternoon, I began with two words. Two
16 words. Greed and jealousy. And on the late on
17 the night of April 9th, early morning hours of
18 April 10th 2011, that greed and jealousy was
19 displayed in all of its ugliness and all of its
20 evil. Because that is the only word that you can
21 attach to something like this, evil. There are no
22 other words that can describe taking a shotgun and
23 blowing a man's head off.

24 That night Darrell Epps lost his life for
25 no good reason. Because greed and jealousy are no

1 good reasons. They're evil reasons. As we sit
2 here today much as I said to you Monday, you've
3 heard other names mentioned. In particular,
4 Quinton Brown. You've heard his name referred to
5 over and over. Now today is London Kelley's day
6 of accountability. Under the rules of court,
7 Quinton Brown's day is coming. But today is
8 London Kelley's day of accountability. I want to
9 talk to you a few moments about the evidence that
10 you have heard in the case. By the way, I am
11 going to tell you this, I don't mean to be
12 flippant. I was once told that I walk too much
13 and I use my hands too much when I talk. So I've
14 sort of tried to force myself not to stray too
15 far. I hope I don't look too awkward, but this is
16 serious business. And I don't want us to get
17 sidetracked on how far I walk or how much I use my
18 hands.

19 But as I talk to you about the evidence
20 that you've seen this week, that is within your
21 province and your province alone. And I will do
22 my best to summarize it accurately, because I
23 think it's important. But ultimately, it is your
24 collective memory and your recollection of that
25 evidence that is that important. Now I will tell

1 you that sometimes when the defense makes a big
2 production of their being no evidence, it makes me
3 squirm in my chair. Because you can't decide on
4 your own what's evidence and what's not, because
5 you heard it from the witness stand. That is
6 evidence.

7 Sometimes people like to take different
8 forms of evidence and push one aside and say, but
9 you didn't see this. Oh that doesn't exist. No,
10 it is right there for you to hear. let's talk
11 about the evidence. We wanted to give you some
12 sense of the last few hours of Darrell Epps' life
13 that night. And how he was with some friends over
14 at Shiloh. Sometime in the 10 to 10:30 range.
15 How his fiancée talked to him there sometime
16 around I believe a little before 10. And then
17 later that night when his friend Dexter Dickey
18 called him. And I believe that were about 11,
19 11:10 when Mr. Dickey called him. You could hear
20 boys and girls voices. It sounded like commotion
21 in the background.

22 And you know I think I said to you Monday
23 that Mr. Dickey was the last person to talk to
24 Darrell Epps. You know what, I was wrong. He was
25 the last family member to talk to him. He was the

1 last friend to talk to him. It wasn't the last
2 person to talk to him. That was London Kelley and
3 Quinton Brown. Those were the last people to talk
4 to him. So we established that he was over at
5 T. Bubba's and he left. I believe the phrase was,
6 going to Sumter to see a shorty. As we progress
7 along, we have different witnesses that come
8 forward and they tell you about what they knew
9 about that evening.

10 Some of these folks had talked to law
11 enforcement. One of whom was Tiffany Witherspoon
12 talked to law enforcement on April 23rd of 2013.
13 Investigator Thomas. Told you about Quinton and
14 London being at her house. How did she describe
15 from 378 a minute or so away? A couple of minutes
16 away where the party was located.

17 Talked about leaving them there sometime
18 in the 10 o'clock or 10 to 10:30 range. Continued
19 on with that statement. Admitted that she was a
20 friend of London Kelley's. Had known her for many
21 years. So we called Tiffany Witherspoon as a
22 witness. The day after the murder, London called
23 me and started talking to me, and said I think
24 Quinton was cheating on me with Ebony. Pleas make
25 a note of that word Ebony. But never said she

1 found a body or anything else about the murder.
2 London went to jail recently about March. And
3 when she got out she called and said she did a
4 statement and used my name for an alibi, and I
5 said why am I just finding out.

6 She said I never thought it would come
7 down to something like this. About a week ago
8 London came to my house and told me the cops
9 searched her car the day after the murder, but
10 they did not search her house at Gem Mobile Home
11 Park. Tafarus McFadden, Key, came to my party
12 with Peaches and left with her and Linda Anderson.
13 used me for an alibi. You know, we can stand
14 here, whoever can stand here, and repeatedly say
15 well there is no evidence about London' Kelley's
16 own words. Who needs an alibi. Guilty people
17 need an alibi. Why did you do that. I didn't
18 think it was going to come down to it. Guilty
19 people need alibis.

20 Now in a little bit, I want to contrast
21 for you the statement of Tiffany Witherspoon to
22 that of Suzie Oaks. Because in a little, you're
23 going to be asked to weigh credibility and
24 believability. And you're going to be asked to
25 consider whether Investigator Thomas would stop a

1 statement with the word, Ebony. And then complete
2 the rest of it, including some reference to
3 Tafarus McFadden getting a ide home. Somehow
4 magically inserting Tiffany Witherspoon's initials
5 around that, but yet Tiffany Witherspoon claims
6 she never said it. Oh, but now Ebony is my words,
7 but not after that.

8 Do you really believe that Investigator
9 Thomas was trying to frame something up, or make
10 up something up that that's what she would make
11 up. Wouldn't she make up something better than if
12 she was going to make something up. It is
13 absolutely offensive to sit there and tell you
14 that she made that up after the word Ebony. But
15 at that point, she had to. Because she had put in
16 there, she told me used me for an alibi. We Hope
17 and Adrea Brown. Both of whom told you that they
18 were long time friends of London Kelley. They had
19 been by the house that night. And I asked them
20 about a series of phone calls, because remember,
21 we went there in the car and we pulled up in the
22 yard. Their car was there. We blew the horn. We
23 called. Nobody responded.

24 Now I want you to notice something for me
25 here please. The car was in the yard. Why did I

1 want you to notice that. Because the following
2 day that car gets searched at American Mobile Home
3 Park. Not at Gem Mobile Home Park. In a few
4 minutes, I am going to talk about Terrel Hudson's
5 testimony and who they riding with. So I asked a
6 series of questions. All this time I believe I
7 was talking sometime in the 11:30, between 11:30
8 and 12 range. At this time, I don't remember it.
9 Don't remember it. At this time, do you remember
10 this time. Don't remember it. This time.

11 That series of phone calls that nobody
12 remembered. Between 11:30 and 12. What else did
13 that tell us. These folks had cell phones. They
14 had telephones. As we continued on putting
15 witnesses there on the stand, the young man came
16 in and he talked about spotting this vehicle
17 inside Lake Cherryvale Dr. How he rode by it the
18 first time. About a hatch open, doors open. A
19 couple of people around it. It didn't look right.
20 I went on dropped my buddy off. I came back. I
21 believe the words he used were 10 to 15 minutes
22 later. There was a fire. He could feel the heat
23 off. He places that sometime just after midnight
24 April 10th. Police respond to the scene. The
25 officer responded to the scene that night. And

1 also Bryan Horton. You remember Bryan Horton from
2 the fire department. Looked at that and said,
3 when I got there, the seats were on fire and
4 nobody was around. I'm an arson investigator. As
5 a matter of fact, he was recognized as an expert
6 arson investigator. And what his opinion of that
7 vehicle. That it was burned deliberately.
8 Intentionally set.

9 Ladies and gentlemen, I will probably
10 touch on this again in a few moments, but at this
11 point I want to mention this. To stand here and
12 say, they don't have any evidence linking my
13 client to a crime and ignore the fact that they
14 burned it up. That's like me getting served with
15 an arrest warrant and sitting there and eating it
16 and then telling you I am not under arrest because
17 you don't have a warrant. You really expect that
18 you can get away with murder because you try to
19 burn up everything.

20 Officer Hice came in and he told you about
21 getting there and trying to locate some evidence.
22 Putting my dog out on the ground. Over here where
23 the car was burned the Dog tracks something and
24 comes out back here at American Mobile Home Park.
25 Dog brings us out to American Mobile Home Park.

1 The individual comes up to him and says, there's a
2 body in Gem. So they leave and go to Gem Mobile
3 Home Park. I want you to make note of that,
4 because I going to refer to that again. And I
5 should probably stop telling you what I am going
6 to refer to in the future, because I am going to
7 get those mixed up probably. But they used the
8 dog to track there. And where Terrel say we were.

9 When they pulled up Quinton's mother's house, and
10 we saw the police. And so Tank went over and told
11 them about the body. Quinton Brown's mother's
12 house.

13 Investigator Richardson from the sheriff's
14 department came in, but perhaps the most
15 unpleasant portion of the case and that is, put in
16 some of those photographs. It's not an easy
17 thing. It's not an easy thing for him to be
18 there. It's not an easy thing for you to look at
19 his photographs. But it is the reality of the
20 evilness that confronts us today. And they are
21 here. I will not display them out on this rail.
22 We will use them when we have to. Investigators
23 continue to talk and tell you about their efforts
24 in talking to people, and putting together the
25 statements. But at some point and time, they ran

1 out of leads.

2 Now I will tell you in my experience, that
3 defendant's love to criticize police: Love to do
4 it. Love to point out anything they could have
5 done wrong. Could have done different. Would
6 have, should have, could have. Everybody loves
7 the Monday morning quarterback when it comes time
8 to be in court. But let me tell you something,
9 they didn't quit. They did not give up. They may
10 have run out of leads at that point, but they
11 didn't quit. Some times goes by. Investigator
12 Mays, he told you about what they had done and
13 how long far along they were able to get.
14 Investigator Thomas comes in. She says I agree to
15 help out on this file.

16 She begins to work the file. Begins
17 doing some checking. And she finds out she needs
18 to talk to Edward Brown. You saw Edward Brown
19 sitting in here. And and he came in, in his
20 prison jumpsuit. I am sure much will be made of
21 the fact that he's in jail. And do you really
22 think defendants don't also, murders don't also
23 along hang out with other people that have had
24 some run-ins with the law. Does that surprise
25 you. That's the kind of person that would hear

1 this information. And remember Edward Brown told
2 you in the summer of 2011.

3 I was seeing London Kelley and she texted
4 me to meet at America Inn room 212. America Inn.
5 London told me that she was upset with Quinton
6 Brown because he was still messing with Shakea
7 Green. And she would never -- and she never would
8 have put herself in the position with setting up
9 Darrell Epps to get robbed by Quinton. Quinton
10 Brown and Christopher Lovely, Popeye. These
11 aren't Edward Brown's words. These London
12 Kelley's words. And I want you to pay particular
13 note to American's Inn, and Christopher Lovely.

14 As we continued with the case, and I am
15 sorry, I may have jumped ahead a little bit. But
16 you remember some of the witnesses talking about
17 how the information got exchanged by phone. How
18 April McFadden had called her brother who was in
19 law enforcement. Excuse me, her fiancée. And
20 that day of going out and identifying the vehicle
21 Darrell was in. Picking up a red cap out of the
22 highway. How they had been to where the car had
23 burned, after the tow shop. Then went to Gem
24 Mobile Home Park where Willie had that unpleasant
25 task of identifying Darrell. I want to talk to

1 you about those steps that took place.

2 So Edward Brown provides this information.

3 And now London Kelley is at the Sumter/Lee
4 Regional Detention Center. And the first person
5 she is there with is Shaniqua Oaks. She was
6 talking to a young boy that sold drugs and she was
7 planning on meeting with him, so her boyfriend
8 could rob him and it went bad. It went bad, may
9 be the understatement of the day. It went bad to
10 the extent that Darrell Epps was shot and killed.
11 It brings us to the statement of Suzie Oaks.
12 State's No. 52. I want to think about Suzie Oaks
13 for a moment. Because Suzie Oaks was asked quite
14 frankly by me and Mr. Johnson. He had been in
15 trouble with the law. You've had some forgery.
16 Run from the police. Did she try to hide any of
17 that from you. How about that theatrical
18 spectacle of dragging paper across the courtroom.
19 Is this your criminal record. Did she even look
20 at it. Did she even look at it. No. That's my
21 criminal record. She knows she has a criminal
22 record. Didn't ever look at that production.
23 Told you that.

24 When you're getting something for being
25 here. I've already been convicted. I'm in the

1 Department of Corrections. What did I get. No,
2 that's why you are here. No, I've never killed
3 anybody. And If I was the Epps family, I would
4 want somebody to tell what happened to my son. My
5 fiancée, my brother. I would want somebody to
6 come forward. Guys in my line of work, I have
7 heard times -- sometimes heard people referred to
8 like that as snitches. And it is a word that I
9 find terribly offensive; I find terribly
10 offensive. Do you think if my property was broken
11 into, if my property was stolen, if one of my
12 children was harmed and somebody came forward to
13 try to make it right that would call them a
14 snitch. I would call them a neighbor. I would
15 call them a friend. I would call them a good
16 person. I would call them somebody trying to do
17 the right thing. That's what I would call them.
18 That's what would call them.

19 Now in the statement of Suzie Oaks, I want
20 to point out some things in Suzie Oaks' statement.
21 And please understand, Suzie Oaks never claimed to
22 be a witness to these events. She was very strong
23 forward about that. Ms. Suzie, do you remember
24 back in 2011 when that boy was killed. No,
25 because I was running from the law. So what is

1 Suzie Oaks sharing with you. The words of London
2 Kelley. The words of London Kelley.

3 So once again, if somebody were to stand
4 here and say to you there is no evidence, that is
5 wrong. Now state's No. 52 is in evidence. And I
6 deliberating going to read some excerpts from
7 them. You will have the entire document available
8 to you, but let me tell you, I am going to read
9 excerpts. She said I am here, because I have done
10 something bad. I am going to be here for the rest
11 of my life. She said Quinton killed somebody.
12 She was with him when he shot him. She said he
13 was going to be in jail a long time. I am the
14 reason Darrell Epps came to our house. I wish I'd
15 never agreed to set that boy up.

16 Jennifer thinks she is that so damn smart,
17 laugh, I bet she never figured what number I was
18 calling Darrell off. He was supposed to meet me
19 at a party in Wedgefield. Supposed to meet at
20 Club Miami. She saw the truck light. Truck.
21 Said she told Quinton, Darrell outside. Quinton
22 said, you know what to do. They were supposed to
23 Club Miami and go told America's Inn. London told
24 me she were trying to set this robbery up for at
25 least 2 months. Ms. Suzie, you have to understand

1 we're trying to rob him. She got in back behind
2 Darrell.

3 Ladies and gentlemen, I tried to be
4 careful. I am not reading at this moment. I
5 have talked to you about jealousy and greed. And
6 I don't want to stew to shock value, but I want to
7 read it the way it's here. And Quinton looked at
8 Darrell and said, nigger I know you are fucking
9 London. Quinton shot Darrell. Somehow Darrell's
10 red and white baseball cap flew out. Admittedly,
11 it's also called a Nike hat. Is there any way to
12 conclusively tie that. We did not. But isn't it
13 a strange circumstance, an ironic circumstance
14 that red and white hat was found in the roadway.
15 She said Ms. Suzie I had to get that blood off of
16 me. Took the bloody clothes and put them in a big
17 black trash bag. So he burnt it on the back road
18 of Americas Inn. In the area of a pond and a big
19 nice house. She put his clothes in the same bag
20 as hers. She said we burnt them. She said yeah,
21 girl, Quinton, dumb ass, left one of the pockets
22 of Darrell's pant turned inside out and we were
23 try to put the pocket back in.

24 Her and Quinton didn't want to stick
25 around Gem's for law enforcement to come. Went to

1 American Mobile Home Park. When we got out there,
2 officers were everywhere. The officer and his dog
3 took out running. The officer and his dog took
4 out running. I asked London why did y'all go to
5 Red's house. She said girl we had to go somewhere
6 comfortable, because our area was flooded with
7 cops. London told Quinton got \$2100 all 100 bills
8 out Darrell Epps' pocket. Wrote a statement
9 against her and Quinton. Hell, me and Quinton
10 needs to put this murder on Popeye's ass. Suzie,
11 I said, don't do that. God don't like ugly. The
12 truth will come out at your trial. She said you
13 got that trial shit right, because we are not
14 pleading guilty to this shit, because they don't
15 have anything on us but a statement. London said
16 Jennifer is going to have do better than that.
17 Hurt her case if she admitted to knowing Edward
18 Brown. Told me she left Ms. Thomas a voice mail.

19 Ladies and gentlemen, this is what you
20 have to consider. Were those the words of London
21 Kelley? Those were the words of London Kelley.
22 Otherwise, you would have to believe that Jennifer
23 Thomas with details that she did not know, sat
24 down with Suzie Oaks and told her to write them
25 out. Isn't that where logic takes us, that either

1 London Kelley told Suzie Oaks that or Suzie Oaks
2 wrote that of her own accord or was told to.

3 Now consider this for a moment. If
4 Jennifer Thomas was looking for someone to write a
5 statement about a murder, would she have picked
6 Suzie Oaks Thomas? Do you really believe that
7 Jennifer Thomas would pick Suzie Oaks and tell her
8 to write that? That is absurd. Now let's
9 consider what Suzie Oaks put in that statement.
10 Suzie Oaks referenced America's Inn. Where else
11 did here America's Inn. From Edward Brown, who is
12 off at Wateree Correctional. Suzie Oaks
13 references red and white hat. How would she have
14 known that were it not told to her.

15 Suzie Oaks knows the name Quinton Brown.
16 Suzie Oaks knew that Investigator Thomas was
17 investigating the case. How would Suzie Oaks know
18 that the pockets, the pocket was inside out. Suzie
19 Oaks said the truck was burned. Not the car. The
20 truck was burned. By a pond. How would she know
21 that unless it was London Kelley telling her that.
22 You see of course knew the name Edward Brown.
23 Suzie Oaks knew the officer had a dog. Suzie Oaks
24 knew about the voice mail. Suzie Oaks knew the
25 name of Christopher Lovely as Popeye. We also

1 heard that name, Edward Brown, who is over at
2 Wateree Correctional.

3 Suzie Oaks statements -- Suzie Oaks
4 statement, are the words of London Kelly. And in
5 her own words, she confessed, she admitted to
6 being a party to the murder of Darrell Epps.
7 Admitted it. Now I have no idea what Mr. Johnson
8 will say to you, but I do know that he asked the
9 witnesses on the statements and variations in
10 them. I cannot help but London Kelley may have
11 given various statements, slight differences in
12 them to different people. But nonetheless, she
13 admitted to three different people that she was a
14 participant in the murder of Darrell Epps. A
15 participant.

16 So if you are told there is no evidence,
17 that is nonsense. It is her very own words.
18 Remember when Suzie Oaks said they were in that
19 cell for 23 hours a day. And just as if she just,
20 the same way in which she was trying to get that
21 literal blood off of her after this murder, she
22 was trying to get some of that symbolic blood off
23 of her. That guilt off of her. And she told
24 these people about what she had done. Yes, Ladies
25 and gentlemen, Sumter County, was fortunate that

1 somebody came forward and told us what she had
2 done, what she had said. Her very own words.

3 How many times he was shot, we know that
4 number. Well we know at least 9. When you look
5 at No. 22, when you at 22, if there were was more
6 than one shot to the head, the damage there is
7 severe. We know at least 9. Which ones were
8 delivered in that vehicle, which ones were
9 delivered on the ground at Gem, I am not going to
10 stand here and tell you I can lay them out for you
11 in the correct sequence. The officer told you it
12 looked like that shotgun blast was there in the
13 yard, the way brains were laying on the ground.
14 But we know it was a 380 handgun, and it was a
15 shotgun. Two different weapons.

16 When and if it's appropriate and
17 necessary, you will have the photograph Darrell
18 Epps and his body. And in that photograph, you
19 see malice. A legal term. Maybe I could use a
20 different word. You will see jealousy. You will
21 see greed. You will see hate. That's what you
22 will see. Ladies and gentlemen, I want to talk to
23 you about the charges in this case. Conspiracy,
24 the judge will charge you at some length on the
25 law in the case. That is his role, and it is from

1 him that you have to accept that law, not me.

2 But here's what I want you to know. When
3 two or more people combine together, to do
4 something illegal, that is conspiracy. That is
5 conspiracy. The technical definition I believe is
6 a little bit along the lines, if you do something
7 illegal, or to something legal by un -- by illegal
8 means. But for our purposes, when two or more
9 people get together to do something illegal, that
10 is conspiracy. And when you tell somebody, I have
11 been setting this up for two months, that when the
12 person shows up and he says, you know what to do,
13 that is a criminal conspiracy.

14 Ladies and gentlemen, murder, by the way,
15 I will contest with you that this is one of those
16 things that is difficult to describe and discuss,
17 and put a picture around the people, but it's the
18 law. And that is, the hand of one, is the hand of
19 all. Now in the law we sometimes call this
20 accomplice liability. Mr. Griffin and I, we come
21 up with a plan that we're going to go rob a
22 convenience store down the road. No problem, I'm
23 the get-away-driver, I'm a good driver. You can
24 go inside. He goes inside, steals -- kills the
25 store clerk. Kills him. Jumps in the car and we

1 take off from the scene. I'm as much of part of
2 that murder is as he. Even if I did pull the
3 trigger; that if he goes in there to rob that
4 store as a natural consequence of that, he kills
5 the store clerk, two of us, are guilty of murder.

6 You know what to do. I'm the reason he
7 came to the house. We have been trying to set
8 this up for two months. I got in the car. I was
9 in the car when he was shot. I took his body out.
10 I hide not only my clothes, but his, and burned
11 them. I was there for the planning of it. I was
12 there when it happened. And I was there to cover
13 it up. The hand of one is the hand of all. Now
14 the judge will also charge you on the law of
15 accessory after the fact. I will spend a great
16 deal of time on accessory after the fact, because
17 I've spent more time talking to your about murder.
18 Accessory after the fact is someone who covers up
19 the murder after it happens. For example, getting
20 rid of the body and burning the clothes. But the
21 judge will also charge you on that. And that is
22 within your province and that is for you to
23 decide.

24 Ladies and gentlemen, as I stand here
25 before you, my goal is to talk to you about the

1 evidence in the case. About London Kelley's very
2 own words. This evidence is not about me. I
3 think sometimes that we as lawyers get sometimes
4 caught up in that. Am I walking too much in front
5 of the jury. Did I wear the right tie. Is
6 Mr. Johnson going to sound better than me. This
7 case isn't about Jason Corbett. Not even for a
8 moment.

9 This case is about justice. This case is
10 about Darrell Epps. It is about the family that
11 he left behind who now has to grieve. Who now has
12 to grieve because somebody shot him multiple times
13 with a pistol, and threw his body out, and
14 finished him off with a shotgun blast to the head.
15 That's what this case is about. And it's London
16 Kelley's hand being in that murder. Whether or
17 she pulled the trigger does not matter. It is by
18 her own words. It is her hand in this murder. I
19 know that your task is not an easy one. I know
20 you it has been pleasant to listen to some of
21 what has been in here, or to see what is in
22 evidence. But in the beginning, you agreed to
23 well and truly try the facts of this case.

24 The fact of the case is that London Kelley
25 in her own words, whether or not she was

1 consistent with the details between Shaniqua,
2 Edward and Suzie or not, she admitted, she
3 admitted. Do you think she was going to tell
4 Suzie Oaks all those details, and just for fun,
5 drove herself as being responsible for it. She
6 admitted it. For that reason, London Kelley is
7 guilty. Thank you.

8 THE COURT: We will take about 10 minutes,
9 Ladies and gentlemen. You may go to your jury
10 room. You may not discuss the case in any way at
11 all. Thank you. Of course, during the arguments,
12 the bailiffs will lock the door when I start the
13 charge. I just want to make sure that you knew
14 that. And so if you do leave during an argument,
15 that's fine. But if you want to leave before I
16 begin my jury charge, there will be some time to
17 do that. We take about 10 minutes.

18 (Whereupon, the court takes a 10-minute
19 break.)

20 (Whereupon, the following takes place
21 outside the presence of the jury.)

22 THE COURT: What I am going to do with
23 these statements, I think Mr. Johnson advised
24 Mr. Bradley he was not going to use them in front
25 of the jury. I am going to redact by whiting out

1 and putting over the black marker, the Social
2 Security numbers, and the telephone numbers in the
3 heading. Does that suit you, Mr. Corbett?

4 MR. CORBETT: No objection from the State,
5 Your Honor.

6
7 MR. JOHNSON: I have no objection, Your
8 Honor.

9 THE COURT: And I will tell the jury that
10 I have done that.

11 MR. JOHNSON: That's fine.

12 THE COURT: But you're not going to want
13 to use these with the jury?

14 MR. JOHNSON: No.

15 THE COURT: Are you ready?

16 MR. JOHNSON: Yes, I am ready, Your Honor.

17 THE COURT: Bring in the jury.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 THE COURT: Ladies and gentlemen, we are
21 ready to continue. Mr. Johnson.

22 MR. JOHNSON: Thank, Your Honor. Please
23 the court.

24 THE COURT: Yes, sir.

25 MR. JOHNSON: Good morning, Ladies and

1 gentlemen. First of all, I want to thank you for
2 being here this week. I know it took a week of
3 your life, but it's very important. And without
4 you being here, the system can't work. The system
5 of justice that we have in the American, depends
6 on the judge doing his job, the prosecution, the
7 defense attorneys doing their job and the jury,
8 you're the most important part, because you make
9 the final decision. You are the trier of facts.
10 The judge will tell you the law, but you are
11 responsible for determining the truth.
12 Determining the standard is not an easy job, but
13 then if you think about the responsibility that
14 you have, it is not supposed to be easy. But
15 that's why we have people such as you to sit down,
16 take your time, and look at the fact.

17 So let me start by just saying this.
18 Sometimes we get contention between myself and the
19 prosecution, but we are not contentious. We are
20 doing our job. Everybody sitting on the side, the
21 prosecution, the police, they are doing their job.
22 And they do the best that they can. Sometimes
23 they are right. Sometimes they are wrong. That's
24 just the way life is. It's my job to represent my
25 clients. And I would not be doing my job if I did

1 not represent them. So it's not a point about we
2 have some frustration. I'm friends with the
3 solicitor. I have known him for many years. He
4 does what he has to do, and I do what I have to
5 do. So please don't take it as that.

6 But in order for this system to work,
7 everybody has to do their job. And I am about to
8 do my job. My job is to show you that the State
9 has not proven this point. It's not to trick you.
10 It is not to do this stuff like you see the Perry
11 Mason stuff, that's just on TV. This is real
12 time. The things you saw in this courtroom, there
13 is a dead individual. You have family sitting out
14 here that want justice for their son, their
15 brother, their friend. And they should have
16 justice. But it doesn't make it justice for them
17 to wrongly convict the wrong person. And that's
18 what you have to determine. Do they have the
19 right person sitting over here as my client as the
20 person that committed the crime. That's it. It's
21 as simple as that. And if that is not the right
22 person, then the police need to go back and find
23 the right person.

24 So let's start with this case. The first
25 witness that they brought up was Krystal Skinner.

1 The fiancée. And she said that she was looking
2 for him. They went out looking for him that
3 night. And she did everything she could to find
4 him. But Remember there are certain other things
5 she said. She said she been with him about 10
6 years. They had some children together. They
7 spent a lot of time together. She knew his
8 movements. She knew where he would go. He stayed
9 in touch with her. But she also said that she has
10 never seen him with London Kelley; that she had
11 never seen him with London Kelley. Had never seen
12 a phone call. Had never seen a connection in
13 10 years. Now she has no reason to lie. She's
14 trying to find the person that killed her fiancée.
15 That's very important.

16 The next person they had, Cedrick Burgess.
17 Mr. Burgess was a friend, a very good friend. He
18 said he would talk to him that night, and had been
19 with Mr. Epps that night. And remember what he
20 said. I asked him. You be around Darrell Epps a
21 lot. He said yes. I said, you hang together. He
22 said, yes. I said you all go places and play pool
23 together and stuff. He said, yes. I said, have
24 you ever seen London Kelley or heard of London
25 Kelley. And what did he say. No, I've never

1 not represent them. So it's not a point about we
2 have some frustration. I'm friends with the
3 solicitor. I have known him for many years. He
4 does what he has to do, and I do what I have to
5 do. So please don't take it as that.

6 But in order for this system to work,
7 everybody has to do their job. And I am about to
8 do my job. My job is to show you that the State
9 has not proven this point. It's not to trick you.
10 It is not to do this stuff like you see the Perry
11 Mason stuff, that's just on TV. This is real
12 time. The things you saw in this courtroom, there
13 is a dead individual. You have family sitting out
14 here that want justice for their son, their
15 brother, their friend. And they should have
16 justice. But it doesn't make it justice for them
17 to wrongly convict the wrong person. And that's
18 what you have to determine. Do they have the
19 right person sitting over here as my client as the
20 person that committed the crime. That's it. It's
21 as simple as that. And if that is not the right
22 person, then the police need to go back and find
23 the right person.

24 So let's start with this case. The first
25 witness that they brought up was Krystal Skinner.

1 The fiancée. And she said that she was looking
2 for him. They went out looking for him that
3 night. And she did everything she could to find
4 him. But Remember there are certain other things
5 she said. She said she been with him about 10
6 years. They had some children together. They
7 spent a lot of time together. She knew his
8 movements. She knew where he would go. He stayed
9 in touch with her. But she also said that she has
10 never seen him with London Kelley; that she had
11 never seen him with London Kelley. Had never seen
12 a phone call. Had never seen a connection in
13 10 years. Now she has no reason to lie. She's
14 trying to find the person that killed her fiancée.
15 That's very important.

16 The next person they had, Cedrick Burgess.
17 Mr. Burgess was a friend, a very good friend. He
18 said he would talk to him that night, and had been
19 with Mr. Epps that night. And remember what he
20 said. I asked him. You be around Darrell Epps a
21 lot. He said yes. I said, you hang together. He
22 said, yes. I said you all go places and play pool
23 together and stuff. He said, yes. I said, have
24 you ever seen London Kelley or heard of London
25 Kelley. And what did he say. No, I've never

1 heard of her. I wouldn't even know who she is.
2 Now that's his best friend. And the State want
3 you to believe they have stop affair going. But
4 never any contact. The best friend said he had no
5 reason to make up anything. That was his friend.
6 He had no reason to do anything for London.
7 That's what he said.

8 Next witness, Dexter Dickey. Mr. Dickey
9 said that that was his best friend. He had known
10 him from childhood. And he was the last person to
11 talk to him that night. What did he say. I never
12 saw her before. I wouldn't even know who she was.
13 Never heard of her before. These are the State
14 witnesses. That's what they're saying. Let's
15 move on. Tiffany Witherspoon. They made a big
16 pointing out Tiffany Witherspoon, the last pages.
17 And remember what she said, that she met with
18 Ms. Thomas; that she signed it. Ms. Thomas would
19 not give her a copy of the statement. And that
20 when she looked at the statement, the last part of
21 the statement, she admitted that the first page
22 was correct and she signed it. She admitted that
23 the second page was correct and that was her
24 signature. But she said that she never said the
25 third part of that statement on the second page.

1 But Ms. Thomas was the one writing it.

2 I submit to you that Ms. Thomas put that
3 on there. If she didn't write it, she never put
4 it on there. And what most people do, they write
5 a statement. And they say, is this your
6 statement. And they're so in a rush to get out of
7 there, she just signed it and left. And didn't
8 pay attention. And that's what happened when
9 you -- remember what they tell you before you sign
10 something, read it. That's why. Because your
11 name is on it. And some day you could be in
12 court, going through this same thing. And they're
13 asking you why did you sign it without reading it.
14 Because people have a way of putting down things
15 that are not correct. But once she looked at it,
16 she sat her and said I did not say that part.
17 Andrea Brown, she said that she went -- Andrea
18 Brown, was the person that said she went to the
19 house and they blew the horn. But she also said
20 that she was also Linda Anderson. Andrea Brown
21 said they went to the house. It was raining. The
22 car was at the house. They blew their horn a
23 number of times and they called. And nobody
24 answered. But they didn't get out of the car and
25 knock on the door, because it was raining so hard.

1 They just left. They didn't say nobody wasn't
2 there. They said nobody did come to the door.
3 Now that's just the facts.

4 The State wants you to agree to the point
5 by saying nobody was at home. Well you don't know
6 that. That's what reasonable doubt is. You can't
7 make facts. You can't produce facts. You have to
8 take the facts or the evidence that's given to
9 you. The State wants you to leave and say, well
10 nobody answered the door so nobody was at home.
11 No, nobody answered the door, but that doesn't
12 mean nobody was at home. You can't add to what
13 you have. You might have a half cup of water, or
14 some sweet tea that tastes good. And it runs out,
15 you might some more. But guess what, if you
16 don't have no more, you're not going to drink
17 anymore. You only have what you have. You can't
18 do what the State wants you to do. You can't make
19 a leap and say nobody wasn't home. The fact that
20 you have is that nobody come to the door. But
21 there was evidence that somebody was there,
22 because the car was home. That the facts.

23 You have Andrea, Andrea Brown. Now Andrea
24 Brown's nickname is Peaches. Remember what Andrea
25 Brown said, that she didn't leave with Linda

1 Anderson. But that's in one of the statements
2 supposedly, that's supposed to be so true. But
3 when you get to the actual person here and they
4 say it is not true, it's not true. The State
5 didn't show you any evidence that they were lying.
6 That was the State's witnesses. That was not the
7 defense witnesses. The State put these people up
8 there. They want you to believe certain things to
9 be true, and there are other things that don't
10 help their case, the don't believe that. So what,
11 is a person a half liar or a full liar. And they
12 want you to make the decision. How do you do
13 that.

14 The next State witness, Kevin Lindsey. He
15 responded to the car fire. And he just stated
16 where the fire was and what he saw when he got
17 there. But you have no evidence that my client
18 did anything. You got Jeremy Holland. Now he's
19 an interesting individual. He was the one that
20 reported initially that he saw two or three
21 individuals standing at the car, male individual.
22 Black male individual. But when he comes in court
23 and sees a female over there, and he's trying to
24 help the police, remember what he said, well I saw
25 two or three individuals, I couldn't tell what

1 their sex was. Because he assumed, because she's
2 sitting here, he's trying to fashion his statement
3 to help the police. I understand how that works.
4 Because for one, he doesn't want to be part of
5 this. He doesn't want to be here. But at the
6 same time he doesn't want to upset the police.
7 But that's not the facts. The facts are, he
8 reported that he saw at least two, maybe three
9 black male individuals standing up at the truck
10 when he walked by with the doors open. He didn't
11 see a female. And regardless of what the State
12 wants you to believe about Quinton Brown and all
13 the all other names they've given, they're not
14 here. If they wanted you to try them, they should
15 have brought them here. They have kept -- they
16 have London Kelley there. There is no evidence
17 that she did anything.

18 The next person Officer Hice. Remember he
19 came with the dog. Now there's something real
20 significant about his story. He said he pulled
21 the dog out of that car when it was burning. And
22 he takes the dog and he walks and the dog picks up
23 human sense. Remember he says that. The dog
24 picks up human sense and tracks it back to
25 American Mobile Home. Not the mobile home where

1 my client lives. Not the mobile home supposedly
2 Quinton walks back to. The person that burned
3 their car, walked back to American Mobile Home.
4 He was at American Mobile Home, where my client
5 and Quincy (sic) and the other individuals drove
6 up to Quincy's (sic) mother's house. When they
7 saw the police, remember, they walked over to the
8 police and told the police there was a body there.

9 Now there has been a big thing brought up
10 about, did you see a body. Why don't you call the
11 police. And why didn't they call the police and
12 why did they wait. Well I'll give you an example.
13 In a lot of communities, the police are our
14 friends. We grewed up, because of our ages, you
15 had the officer friendly. And all these things.
16 But there's a certain segment of our population
17 that don't view the police like that. They just
18 don't. It doesn't mean the police are bad. But
19 their dealing with the police had never been one
20 of friends. And that's unfortunate, but that's
21 just the way our society is. Because you knew
22 what, because they believe that if they do
23 anything with the police on a day to day basis,
24 like trying to help or do anything, they're going
25 to end up just like my client is, sitting over

1 there. About everybody told you that. All these
2 people that came up here, for some of the
3 witnesses where they told you, I ain't want to get
4 involved. Because once you get involved, you can
5 end up like my client. And then you're sitting
6 here, just as she's sitting here today, fighting
7 for your life.

8 The next witness was Officer Rick Nelson.
9 Sumter County P.D. He looked around and said he
10 didn't find anything. Once again, no evidence
11 that my client did anything. Witness No. 10,
12 Bryan Horton, the fire chief, they investigated a
13 fire. He stated there was no evidence of gunfire
14 in the car. He said the car was burnt, but he
15 didn't find any shell casings in the car. He
16 didn't find any bullet holes in the car. I made a
17 big thing about the headrest. Remember I asked
18 him about the headrest in the pictures, and how
19 the frame was there. And he said everything was
20 burned off but the frame was in tact, there's a
21 reason I asked him that. That was to show that if
22 a person is sitting behind, and you will see the
23 picture, blow your head off with a shotgun, why is
24 the headrest still in tact. Think about that.
25 That person, Darrell Epps was not shot in that

1 car. When I -- before I finish, I am going to
2 tell you what happened, according to the evidence.
3 But the police can't use that, because then that
4 would mean that my client is innocent. But that
5 was very important. That's why I asked him. I
6 asked him another question. And I don't know if
7 you wonder why I asked this. But I asked, does it
8 have power windows in that car. The reason I
9 asked that is this, they made a big thing about
10 the hat flying out the window, and that Quinton
11 allegedly is driving, which is crazy. But driving
12 the car, he's smoking a joint, but he's going to
13 roll down the passenger window where there's a
14 dead body, and reach over the dead body to throw a
15 joint out when you have a window beside you, and
16 reach over to roll the window down when you have
17 power windows. It doesn't make any sense. It
18 doesn't make any sense.

19 I don't know what happened, I wasn't
20 there. But I know that's not probable. But they
21 want to believe this is the truth, because that's
22 the only way they can explain the hat being there.
23 They don't why that hat got there, or how that hat
24 got there. They're just giving you a possible
25 reason. And I'm telling you on a scale of 1 to

1 10, if it's the 10th reason, there might be 9
2 other reasons that hat could be there. But you
3 can't take that as a fact.

4 You have Bobby Richardson, the crime scene
5 investigator. He very good for our case. He
6 stated that he went to the scene. And that the
7 body was found at the scene and that the shot from
8 the evidence that he had, that the last shot or
9 the shot to the head, occurred at the scene. He
10 was not shot in the head, inside the SUV.

11 So if you go back to Suzie's statement,
12 where she said my client confessed, according to
13 her my client told her that Quincy (sic) shot him
14 in the head. She didn't mean a shotgun. And how
15 do you -- let me ask you this or let me say this.
16 How do you get or smuggle a shotgun into a car
17 with someone you are going to kill without them
18 seeing the shotgun and running. And how do you
19 shoot somebody in the back of the head while
20 you're driving and get the shotgun behind their
21 head and don't blow the headrest off. It's
22 impossible. It didn't happen. It's not true.
23 You cannot confess to something that's impossible
24 for you have done about what you're confessing to
25 do.

1 The next witness, Terrel Hudson, Terrel
2 Hudson. He was the individual that with my client
3 and said that he was driving home. He had just
4 got home from being out that night. He lives
5 right behind my client. There was an individual
6 there named Tank. There was Quincy (sic) and
7 there was London. He stated that they wanted to
8 get a cigarette; that they got in the car to go
9 back. Now remember, Tank supposedly had just
10 walked past the body to get to their house. He
11 didn't mention that he seen it. But also remember
12 that Terrel said Tank was the only person who
13 didn't seem surprised.

14 But Terrel said everybody in that car was
15 surprised and scared when they saw that body. He
16 also said that when they got over to American,
17 that they said, there's the police and everybody
18 walked over and they cooperated. You don't
19 cooperate when you kill someone and you're trying
20 to hide something. You let somebody else find
21 them. But then you go back to this other point.
22 Let me clarify this right now. For the police and
23 the State's version of this crime to be correct,
24 you as the jury would have to accept this as being
25 a fact that this happened.

1 Now here's what they're saying. My client
2 gets in the back seat of an SUV. Her boyfriend
3 goes to the car of someone that she's having an
4 affair with and tells them, man, let's smoke a
5 joint together, but you get out of your seat of
6 your rental car, and get in the passenger side and
7 let me drive. Then once we get in the truck, you
8 have to believe that they drive the truck and go
9 into woods, into a dark area, 3 or 4 miles away,
10 and then I'm suppose to take a gun out, stick it
11 behind your head, while I'm sitting in the
12 driver's seat, blow your head off. And instead of
13 leaving your body in the woods, I'm going to take
14 you back to my house and dump you in my yard.
15 That's what they said. That's what's in the
16 statement. Read them.

17 Then after I dump you in my yard, then I'm
18 going to take the truck away, leave your body
19 there, and burn it. And then walk back to my
20 house in the rain. That's their facts. That's
21 what they're telling you as a jury to believe.
22 But then it's just telling. Because now after I
23 have done all of this, I am going to American and
24 talk to the police, and tell the police, there's a
25 body in my yard after I killed someone. And this

1 jealousy and greed, I ain't figured this out yet.
2 What are they jealous of. I haven't heard
3 anything about jealousy. Jealousy of what. And
4 greed.

5 There's a statement made by the fiancée
6 that said the most money he had in his pocket was
7 \$250. It is in the statement. I am not making it
8 up. Read it. Took your time and read these
9 facts. So what are they are jealous and greedy
10 about. And, Ladies and gentlemen, a person who
11 was shot nine times in the foot, in the legs and
12 stuff, was in a fight for his life. And he lost.
13 This person was murdered. True he was murdered.
14 But this was not a related to some robbery. This
15 person was assassinated by somebody that hated
16 him. It was at least 2 to 3 people that did this
17 crime. And they were males. This is not no crime
18 done by no woman. It had nothing to do with
19 this. This was not a robbery. Look at that hat
20 when you see it. Look at the marks on it. This
21 is a crime about something related possibly to
22 some gang or something that nature.

23 MR. CORBETT: Objection, Your Honor.
24 stating facts not in evidence.

25 THE COURT: Sustained.

1 MR. JOHNSON: This is a crime of violence.
2 That body was dumped over there in that area,
3 because that trailer park was dark with no lights.
4 And there wasn't that many people living there.
5 But there is no way that anybody with any sense,
6 would kill someone in the woods, and then bring
7 them back to their house and dump them out near
8 their house. That is stupid.

9 The next witness that I want to talk about
10 was Investigator Mays. Tripp Mays. He was the
11 lead investigator on this case. He looked at the
12 evidence that they had. He questioned the people.
13 Questioned my client who gave a statement. They
14 have her statement in there. Read it.

15 MR. CORBETT: Objection, Your Honor.

16 THE COURT: Yes, sir.

17 MR. CORBETT: Can we approach?

18 THE COURT: Sure yes, sir.

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

21 THE COURT: Ladies and gentlemen, please
22 disregard that last comment. And, Mr. Corbett,
23 the objection is sustained.

24 MR. JOHNSON: The evidence, Trip Mays,
25 Officer Mays, basically was the lead investigator.

1 He questioned everybody. He took statements. He
2 looked at the evidence. And he said according to
3 the evidence that he had, he did not has
4 sufficient evidence to charge anyone of anything,
5 because there was insufficient evidence to find
6 anybody guilty, and there was still an open
7 investigation. It stayed that way for two years.
8 Two years. Now they're asking about some of these
9 facts and how people would know. Well first of
10 all, the street talk; as well as, this information
11 was in the newspaper. It was open to everyone.

12 MR. CORBETT: Objection, Your Honor.

13 THE COURT: Yes, sir, Mr. Corbett.

14 MR. CORBETT: Making an assumption
15 something that is not in evidence.

16 THE COURT: Sustained.

17 MR. JOHNSON: Dr. Jane (sic) Ross, the
18 pathologist, she stated that there was 9 shots.
19 She stated the first shot, that one shot went to
20 the head and it actually took the brain matter
21 out. You have pictures of that. They're
22 gruesome pictures. But they also show that that
23 could not have been the first shot, because once a
24 person---

25 MR. CORBETT: Objection, Your Honor.

1 THE COURT: Overruled.

2 MR. JOHNSON: That could not have been the
3 first shot. That was her statement. That the
4 shot, the person had to, when she looked at the
5 pictures, that the shot to the head was the last
6 shot. And that was her statement. She stated
7 that the person was shot in the foot. He was
8 shot three times, in either the right or left
9 thigh. He was shot in the back. He was shot
10 twice in the chest. And there was another shot to
11 the left thigh. She stated that there was shots
12 by a handgun. And there was different rounds by
13 them. And she also indicated she would not give,
14 when I asked her about whether there was a fight,
15 she would not agree there was fight, but she did
16 give to me that there appears to be movement as
17 she called it.

18 I suggest to you that in the case, he was
19 in a fight, that he was trying to defend himself,
20 to whoever was committing this crime. And that's
21 what the facts show. But at no time was there any
22 evidence indicated that my client had anything to
23 do with it. Witness 16. Well that was Trip Mays.
24 I've already talked about him. Now we get the
25 good witnesses, as I call them. Witness 17,

1 Edward Brown, this is when supposedly all the
2 cases get good. Edward Brown, Bubba. Let's talk
3 about Bubba. Bubba stayed on that stand. He
4 gave a statement. He said two things that were
5 very important. He said he doesn't know how
6 Officer Thomas found him. But she came to cell
7 and told him, that if you give me a statement, I
8 will let you get out soon, or sooner. He said
9 that. But now remember now, this is their
10 witness. He said that.

11 Now they called him a liar for saying
12 that, but then turn around and said the rest of
13 what he said to help their case is the truth. Now
14 how can you have that. Either he's telling the
15 truth or he's a liar. Now if he is telling a half
16 lie, then how do know what to trust. I submit
17 you can't trust anything. But then this even gets
18 better. I said, Bubba, isn't it true that you
19 would say whatever you had to get your butt out of
20 jail. What he did, he laughs. And he kind of
21 looked up at me and said, yeah. I tell you that
22 was the truth. But remember his statement too,
23 read it. Please read it. His statement says that
24 supposedly my client told him that they left the
25 club together and went home. And there's evidence

1 that that didn't happen. Just on the face of it,
2 that statement is not true.

3 They give you another witness, that
4 supposedly has a confession for my client, which
5 is the daughter of Suzie, who just happened to be
6 in jail, the same mama is in jail. That tells you
7 something there. The leave don't fall too far
8 from the tree. She says that while she was in
9 there, and this is confusing me anyway. The two
10 main witnesses just happened to be her roommate
11 just by incident three years later. I don't know.
12 But like a friend of mine said, I could be wrong,
13 but I smell a rat. She's in the cell with my
14 client. And supposedly after a couple of days, my
15 client confessed. But remember she let it slip
16 one time. She said we both were telling each
17 other about our crime. And London was telling me
18 what she supposed to have done. Think about it.
19 That's what she said. So then you take what a
20 person has supposed to have been done. You put
21 into a statement and you get facts from their
22 case. That's why I always tell my clients, when
23 you go to jail, don't talk to nobody about your
24 case because you could be in a courtroom, and that
25 same person could walk in there and act like you

1 confessed to them, and you're getting a example of
2 that. All you need is a few facts to make it seem
3 like you know about the case. That don't have to
4 all match, and they didn't match.

5 Then we have Suzie. There was a reason I
6 spread her things out. It wasn't dramatics. It
7 was just the facts. The State gave me that
8 evidence, because they have to. I can't help that
9 she had 15 pages almost 10 feet long of a criminal
10 record. I wasn't the one out there lying and
11 doing the criminal work. She did. When I was
12 growing up, my mother told me, if you make your
13 bed, you've got to lay in it. That was her bed.
14 But then she want to come up here now and act like
15 she's so pristine. She admitted that she's been
16 in court before and lied under oath. And now
17 because she's under oath, she's telling the truth.
18 I don't know. You don't know. But that's
19 reasonable doubt.

20 When you can't tell the truth from a lie,
21 as a jury, It has to be in favor of my client,
22 because she is presumed innocent. And unless you
23 have something that will raise your level of
24 belief, beyond a reasonable doubt, you can't find
25 her guilty of anything. This case would almost be

1 funny if it wasn't so serious. But because it is
2 serious, it's scary. Because somebody with this
3 little bit of facts, can be sitting over here as
4 London is right now, defending her life because of
5 three people. This is no evidence that they gave
6 you, except three statements written by that
7 officer.

8 MR. CORBETT: Objection, Your Honor.

9 THE COURT: Overruled.

10 MR. JOHNSON: That's all they gave you. I
11 don't know what happened. I don't know why it
12 happened. The statements don't match the
13 evidence. They don't match the case. And,
14 Ladies and gentlemen all I'm asking you to do it
15 take your time, and look at this. If it takes you
16 an hour to come to a decision, that's fine. If it
17 takes you 5 days, take 5 days. It's that
18 important. But don't walk out of this courtroom
19 and don't leave this courtroom without making a
20 decision that you are satisfied with you, that you
21 adjust with. That's all I ask you to do. You owe
22 nothing to the police. You owe nothing to my
23 client, but you do owe one very important thing to
24 the system, that you take the time and think
25 about. It's just that important.

1 And I think if you look at all the facts,
2 you will come to the conclusion that London Kelley
3 is innocent. Thank you.

4 THE COURT: Ladies and gentlemen, this is
5 going to be a very brief recess. I am not even
6 going to leave the courtroom. If you would please
7 go to your jury room. Do not begin discussing the
8 case. That time is going to come pretty soon.
9 Thank you.

10 (Whereupon, the court takes a short
11 recess.)

12 THE COURT: In this case anybody that
13 wasn't here earlier, I want to make sure you
14 realize that as soon as I start the charge in just
15 a few minutes, the doors will be locked. So if
16 you'd like to excuse yourself now, that's fine.
17 Or if you want excuse yourself now and come back
18 in, in a couple of minutes, that's fine too. Is
19 the State ready?

20 MR. CORBETT: The State is ready.

21 THE COURT: Mr. Johnson.

22 MR. JOHNSON: The defense is ready.

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

25 THE COURT: Ladies and gentlemen, you have

1 seen how the trial has progressed, we have now
2 reached the stage where I am going to give you
3 what is called the charge on the law. This is not
4 a time for you sit and try to memorize everything
5 that I tell you. I am required to give you what
6 is called a full and accurate charge on the law.
7 And for that reason it's going to take awhile.
8 This will probably will take between 30 and 45
9 minutes. I will guarantee you one thing, and that
10 is at some point, more than one point, I will
11 repeat myself. That is because I am going be
12 talking to you about legal principles that do
13 intertwine with one another. So when I walk about
14 one, and a later time during the charge I am to
15 have to as a matter of course, refer back to
16 something I have already explained to you.

17 I am talking to you about things, such as
18 witness credibility, direct and circumstantial
19 evidence, the presumption of innocence, reasonable
20 doubt. I'll explain to you what the elements of
21 these various charged crimes are. Conspiracy,
22 murder and accessory after the fact of murder.
23 I'll talk to you about criminal intent. And the
24 fact that may repeat myself, does not mean that
25 I've lost my place or forgotten what I'm supposed

1 to say. It's simply that I have to make sure
2 that I give you a full charge. And to do that,
3 I'll have to explain how these legal principles do
4 involve one another.

5 Now your deliberations will end with your
6 foreperson's completion of this verdict form. And
7 I will tell you up front, as I will tell you at
8 the end, your verdict must be unanimous. That
9 means all of you have to agree on what the verdict
10 will be. This is not going to be a 7 to 5, a 9 to
11 3 or even an 11 to 1 proposition. Your verdicts
12 on these counts must be absolutely unanimous.
13 Again, that means all of you must agree. The
14 reason I tell you that is I was involved in a case
15 as a lawyer once, when the first question that
16 came from the jury was what does the word
17 unanimous mean. Unanimous means has to agree.
18 Again, this not a majority vote.

19 Now during the course of the trial,
20 obviously you and I have had certain duties to
21 perform. As I explained to you at the beginning,
22 you are the sole judges of the facts. It does not
23 matter what I think, for example, about witness
24 believability. I have no hand in that. That's
25 your responsibility and will notice that when the

1 witnesses testified, they were facing me, they
2 were facing you when they were answering
3 questions. That's because you have to judge
4 their credibility.

5 Likewise, the weight and value to be given
6 to evidence is for you to decide. Now some of
7 these exhibits I have seen. I've actually seen
8 them. Because they were either up here or laying
9 up there. Some I've not even looked at. And the
10 reason for that is unless there was an objection
11 to what I have to look at for legal reasons, it
12 doesn't matter what I think about that. It
13 matters what you think. Also do not take from
14 anything that I've said or done during the course
15 of this trial to -- as an indication that I favor
16 one side or one result over another. I don't. I
17 don't keep score on how I've ruled on various
18 objections. My rulings are guided as you know, by
19 the rules of evidence and the rules of procedure.
20 And that total. I don't make my rulings based on
21 which side I think should prevail.

22 I had a juror one time ask me why I was
23 taking notes. Well No. 1, I am supposed to. I
24 don't take notes on anything that I think is
25 crucially important as the case is concerned, I

1 write down times. When an exhibit was offered,
2 when it was admitted. When a witness began
3 direct, began cross, redirect and so forth, I so
4 can have a map so to speak in case you want to
5 hear something played back to you in the form of
6 witness testimony while you're deliberating.
7 That's why I write those things down and then the
8 court reporter and I can find it together. For
9 example, if such and such started cross
10 examination at 11:12, then I'll know where it is
11 in notes and it's easier to find in the record, or
12 in the court reporter's machine. I don't know
13 exactly what you call it. I guess it's a
14 computer.

15 Now again, don't take from anything I've
16 said or done or written down that I think
17 something is important. Because I'm doing those
18 for reasons that have nothing to do with weighing
19 the evidence. Now I've told you what your job.
20 I'm going to talk to you more about that later.
21 My responsibility again is to give you this
22 charge. As I mentioned to you, if I tell you the
23 law or tell you what the law is, and it does not
24 correspond with what you think the law is or for
25 what you think it ought to be, put those

1 considerations aside, because even if you disagree
2 with the law, you have to accept the law exactly
3 as I give it to you.

4 You may -- if I made a mistake in telling
5 you the law, there's a different time, different
6 place for that error to be corrected. So again,
7 for today's purposes, except the law exactly as I
8 give it to you. Now this indictment as I
9 mentioned to you, is a charging document. It sets
10 forth allegations that the State makes against the
11 defendant. And the defendant is charged with the
12 crimes of conspiracy to commit murder, crime of
13 murder, and thirdly, accessory after the fact of
14 murder. As I mentioned to you before jury
15 selection and at the beginning of the trial, the
16 fact that a person has been arrested or charged or
17 indicted for any criminal offense whether from A
18 to Z, is not evidence.

19 The defendant has entered pleas of not
20 guilty to these charges. She does not have to
21 prove anything. She does not have to disprove
22 anything. And the burden at all times remains on
23 the State to establish the elements of the crime
24 charged beyond a reasonable doubt. So again the
25 fact that she has been arrested, charged and

1 indicted is not evidence in and itself of
2 anything.

3 Now, Ladies and gentlemen, as I've told
4 you in some detail when we began the trial, it is
5 up to you to determine the believability or
6 credibility of the witnesses who have testified.
7 You do that using your good common sense. You can
8 believe every word of what a witness says. You
9 can disbelieve every word, or you can believe
10 parts and disbelieve the rest. That is entirely
11 up to you. You can believe the testimony of one
12 witness over many, many over one or some
13 combination. And evidence weighs with you if it
14 convinces you of its truth. And if the truth
15 comes from one witness, you can accept that and
16 perhaps disregard the testimony of other
17 witnesses.

18 Use your common sense. And you take
19 things into account; such as, the witness'
20 demeanor. How did they act or appear on the
21 stand. Were they hesitant or straightforward when
22 they answered questions. You also take into
23 account whether or not the witness who is
24 testifying has a particular reason to give
25 testimony that helps or hurts one side or the

1 other. We call that bias or prejudice. You can
2 also take into contact, whether or not that
3 witness' testimony was strengthened or weakened by
4 other evidence before you. You can also take into
5 account whether or not the witness' testimony is
6 consistent or inconsistent with earlier accounts
7 given by that witness.

8 Now if a witness has made prior
9 statements, or a prior statement which are not
10 consistent with witness's trial testimony, you can
11 use that evidence to decide whether or not you
12 believe that witness. You can also use evidence
13 of an earlier contradictory statement, to
14 determine the truth of those statements. It's up
15 to you to decide whether to believe the earlier
16 statement or the testimony at trial or neither.
17 If a witness does knowingly testify untruthfully
18 concerning any material matter, you can consider
19 that in determining whether or not you trust the
20 witness' credible as to other matters.

21 Now, Ladies and gentlemen, a person who
22 has a criminal record, is competent under the law
23 to be a witness during a trial. A past criminal
24 record does not effect the ability of that
25 witness to testify, and that past criminal record

1 may be only be considered by you, if at all, in
2 determining the witness' believability. Now,
3 Ladies and Gentlemen, as I mentioned to you
4 briefly, the rules of evidence, ordinarily don't
5 permit witnesses to testify to opinions or
6 conclusions. Witnesses we call lay witnesses can
7 typically testify to what they saw or heard or
8 smelled or things of that nature. Those are
9 called lay witnesses.

10 Now there is an exception in the rules for
11 witnesses we call expert witnesses. And those are
12 witnesses who by education, training or experience
13 have become an expert in some particular art,
14 science or profession. They can state opinions on
15 relevant and material matters and they can also
16 give the reasons for those opinions. You are to
17 consider the testimony and the opinions of experts
18 just like you would any other evidence, and you
19 give that testimony the weight that you believe it
20 deserves. If you believe that the expert's
21 opinion is not based on sufficient education or
22 training or experience or if you believe the
23 reasons given in support of the opinion are not
24 sufficient in your judgment, or if you believe the
25 opinion is outweighed by other evidence, you can

1 disregard that expert's opinion entirely. And
2 that opinion is to be given no greater weight than
3 that of other witnesses just because it comes from
4 an expert. And you can disregard the expert's
5 opinion even though it might be uncontradicted.

6 Now, Ladies and gentlemen, I told you that
7 the ways evidence come in during a trial typically
8 are testimony, exhibits and stipulations. I think
9 you've seen examples of all three in this case,
10 witness testimony, physical exhibits, and a
11 stipulation reached by the attorneys. I am going
12 to shift gears for just a little bit and tell you
13 about two different types of evidence that
14 generally come in during a trial. These are
15 called direct evidence and circumstantial
16 evidence. Now direct evidence, Ladies and
17 gentlemen is evidence that directly proves the
18 existence of a fact and doesn't require any
19 deduction.

20 For example, if there was an issue in a
21 case involving whether or not a dog crossed the
22 road, if you had a witness testify, I saw the dog
23 cross the road, if you believe that witness, that
24 is an example of direct evidence. Because it
25 doesn't require any deduction. Well I believe

1 that witness, he said it, so that is direct
2 evidence. Circumstantial evidence on the other
3 hand is proof of a chain of facts and
4 circumstances that indicate the existence of a
5 fact.

6 So circumstantial evidence is not based on
7 direct knowledge or direct observation, it's based
8 on inference. For example, the example about the
9 dog, if you saw a dog on the side of the road and
10 then looked away and 30 seconds later the dog was
11 on the other side of the road, you could
12 circumstantially infer if the witness was
13 believable to you who said that, you could
14 circumstantially infer that the dog in fact
15 crossed the road. That's a very pedestrian
16 example, but I will tell you that the law makes no
17 distinct between the weight or value that you are
18 to give to either direct or circumstantial
19 evidence. Nor is a greater degree certainty
20 required of circumstantial evidence than of direct
21 evidence. But I do charge you, Ladies and
22 gentlemen, that crimes can be proven by direct
23 evidence, circumstantial evidence or by some
24 combination.

25 And, Ladies and gentlemen, I charge you

1 that to the extent the State relies on
2 circumstantial evidence, all of the circumstances
3 must be consistent with each other, and when taken
4 together point conclusively to the guilt of the
5 accused beyond a reasonable doubt. If the
6 circumstances merely portray the defendant's
7 behavior as suspicious, the proof has failed. The
8 State has the proving the defendant guilty beyond
9 a reasonable doubt. And that burden rests with
10 the State regardless of whether the State relies
11 on direct evidence, circumstantial evidence, or
12 some combination of the two.

13 Now as I mentioned to you, Ladies and
14 Gentlemen, the defendant has entered a plea of not
15 guilty to the charges in the indictment, and that
16 plea puts the burden on the State to prove the
17 elements of the crime charged beyond a reasonable
18 doubt. It's a very important rule of law that no
19 matter what the charge in a criminal case, the
20 defendant is always presumed innocent of the crime
21 for which the indictment is issued, unless guilt
22 has been proven by evidence satisfying you of
23 guilt beyond a reasonable doubt. The presumption
24 of innocence does not end when you stand up in a
25 few minutes and return to the jury room to

1 deliberate. The presumption of innocence remains
2 with the defendant unless and until you reach a
3 verdict of guilt based on evidence satisfying you
4 of that guilt beyond a reasonable doubt.

5 Some people have described the presumption
6 of innocence to be like a robe of righteousness
7 that's around the defendant's shoulders. And that
8 robe stays on the defendant's shoulders until it's
9 stripped away by evidence again, satisfying you of
10 guilt beyond a reasonable doubt.

11 So the presumption of innocence is not a
12 mere legal theory. It's not a catch phrase that
13 we casually toss around. The presumption of
14 innocence is a substantial right to which every
15 defendant is entitled again, unless a jury is
16 satisfied from the evidence of guilty beyond a
17 reasonable doubt.

18 I've probably used the words reasonable
19 doubt 15 or 20 times. And I am going to tell you
20 what that is. What is a reasonable doubt in the
21 law. A reasonable doubt is the kind of doubt that
22 would cause an honest, sincere, and conscientious
23 person who is in search of the truth, to hesitate
24 to act. As I mentioned the State has the burden
25 of proving the defendant guilty beyond a

1 reasonable doubt. Some of you may have been on a
2 jury in a civil case and the judge told you at the
3 beginning of the trial and at the end of trial
4 that the scales of justice in any accurate
5 rendering you look at, they're always even.

6 If the party in a civil case has the
7 burden of proving something by the greater weight
8 of the evidence, that party has to tip those
9 scales even so slightly in his or her favor. Now
10 in a criminal case, the State's proof must be more
11 powerful than that. It must be proof beyond a
12 reasonable doubt. Proof beyond a reasonable doubt
13 is prove that leaves you firmly convinced of the
14 defendant's guilt. Now obviously, there are very
15 few things on this earth that we know absolute
16 certainty. In criminal cases the law does not
17 require the State to present proof that overcomes
18 every possible doubt.. If based on your
19 consideration of the evidence if you are firmly
20 convinced that the defendant is guilty of the
21 offense you are considering at that time, you must
22 find her guilty.

23 If on the other hand you think there is a
24 real possibility that the defendant is not guilty,
25 you must give the defendant the benefit of doubt

1 and find her not guilty. Now, Ladies and
2 gentlemen, I instruct you and I emphasize to you
3 that the fact the defendant did not testify is not
4 a factor to be considered by you in any way
5 whatsoever during your deliberations. It is not
6 to be considered by you in your determination of
7 whether or not the defendant is guilty or not
8 guilty. It must be not be talked about by you.
9 You can't think about it, and it cannot enter into
10 your decision making whatsoever. And that is
11 because the defendant has the constitutional right
12 to remain silent. And any assertion of that right
13 cannot be used against the defendant during your
14 deliberations. So I repeat under your oath that
15 you've taken to follow the law, you are not to
16 draw any conclusions whatsoever from the fact the
17 defendant in this case did not testify.

18 Now, Ladies and gentlemen, I am going to
19 talk to you very specifically now what the
20 elements of are of the various crimes in the
21 indictment. If I tell you during the course of
22 this part of the charge or any part, that the
23 State has to prove something, if I don't mention
24 it specifically, if the State has to prove
25 something, they have to prove it beyond a

1 reasonable doubt. Now first of all, on the -- I
2 am going to talk to you about the charge of
3 conspiracy. The defendant is charged with
4 conspiracy to commit murder. The State must proof
5 beyond a reasonable doubt that the defendant
6 combined with one or more people for the purpose
7 of committing the offense of murder there must be
8 to proof of a mutual understanding, agreement or
9 common intention and plan. Mere passive knowledge
10 of or consent to the criminal conduct of another
11 is not enough to a make person a conspirator.
12 There must be guilty knowledge and participation.

13 Also the mere fact that the defendant may
14 have associated with another person or met with
15 another person and discussed common goals and
16 interests, does not necessarily establish proof of
17 existence of a conspiracy or that the defendant
18 was involved in conspiracy. On the other hand, it
19 is not necessary that the agreement between the
20 people be a formal one. It does not have to be in
21 writing and is not necessary for the persons to
22 hold a meeting and expressly state the terms of
23 the commend plan, or that agreement be stated in
24 words between them. The agreement of a criminal
25 conspiracy may come into being through an implied

1 mutual understanding. The willful, intentional
2 and knowing adoption by two or more persons of a
3 common plan is sufficient to establish a
4 conspiracy .

5 I further charge you that no overt act
6 need be shown to establish a conspiracy. A
7 conspiracy may be shown by circumstantial evidence
8 and the conduct of the parties. In order to
9 convict the defendant of a conspiracy, the State
10 must prove beyond a reasonable doubt, not only
11 that the defendant knew of the unlawful conduct,
12 but that the defendant agreed, combined with the
13 person for the purpose of accomplishing the
14 unlawful conduct.

15 I'm further going to talk to you now,
16 Ladies and gentlemen, about the charge of murder.
17 The defendant is charged with murder, and the
18 State must prove beyond a reasonable doubt that
19 the defendant killed another person with malice
20 aforethought. Malice means hatred, ill will or
21 hostility towards another person. It is the
22 intentional doing of a wrongful act without just
23 cause or excuse and with an intent to inflict an
24 injury or under circumstances that the law would
25 infer an evil intent.

1 The words malice aforethought or the
2 element of malice aforethought does not require
3 that malice exist for any particular time before
4 the act is committed. But malice must exist in
5 the mind of the defendant just before and at the
6 time the act is committed. So there has to be a
7 combination of the previous evil intent and the
8 act itself.

9 I further charge you, Ladies and
10 Gentlemen, that malice aforethought may be express
11 or inferred. And those two terms, express and
12 inferred do not mean different kinds of malice,
13 but they're merely different expressions of the
14 manner in which malice may be shown to exist. And
15 that's either by direct evidence or by
16 circumstantial evidence. Express malice may be
17 shown when a person speaks words which express
18 hatred or ill will for another person or when the
19 person prepared beforehand to do the act which was
20 accomplished. Malice may be inferred from conduct
21 showing a total disregard for human life. And
22 malice may be inferred also when the deed is
23 deadly weapon.

24 Now I charge you, Ladies and gentlemen,
25 that a deadly weapon is an article, instrument or

1 substance, which is likely to cause death or great
2 bodily harm. And the following are examples of
3 instruments which may be deadly weapons: A fire
4 bomb, metal brass knuckles, razor, slingshot,
5 shotgun, pistol, rifle, dagger or a knife. And
6 those are examples of deadly weapons.

7 Now further, Ladies and gentlemen, if a
8 crime is committed by two or more people who are
9 acting together in committing the crime, the act
10 of one is the act of all. Or as the law sometimes
11 says, the hand of one is the hand of all. A
12 person who joins with another person to commit an
13 unlawful act is criminally responsible for
14 everything done by the other person which happens
15 as a probable or natural consequence of the acts
16 done in carrying out the common plan or purpose.

17 If two or more people are together, acting
18 together, assisting each other in committing the
19 offense, the act of one is the act of all. And
20 again, the hand of one is the hand of all. I
21 charge you, Ladies and gentlemen, that prior
22 knowledge that a crime is going to be committed
23 without more is not sufficient to make a person
24 guilty of that crime. Mere knowledge that another
25 person is going to commit a crime even if the

1 defendant is present when the crime is committed,
2 is not sufficient to convict the defendant as a
3 principal. Guilt as a principal is shown by
4 actual or constructive presence at the scene, as a
5 result of a prior arrangement. So therefore there
6 must be a finding prior arranged plan or scheme
7 for a finding of guilt as a principal.

8 The State must proof beyond a reasonable
9 doubt by competent evidence the theory of the hand
10 of one is the hand of all. Now in a principal in
11 a crime is the person who actually commits the
12 crime, or who is present aiding, abetting or
13 assisting in committing the crime. And when a
14 person does an act in the presence of and with the
15 assistance of another, the act is done by both.
16 Where two or more people acting with a common plan
17 or intent are present at the commission of a
18 crime, it does not matter who actually commits the
19 crime. All are guilty. The hand of one is the
20 hand of all.

21 Now being present or mere presence at the
22 scene of crime means to be sufficient -- excuse
23 me, being present at the commission of a crime
24 means to sufficiently near to aid and abet and
25 assist in commission of the crime. However mere

1 presence at the scene of a crime is not sufficient
2 to convict a person as a principal on the theory
3 or aiding and abetting. Intent is also a
4 necessary element or there must have been common
5 intent to commit the crime and the crime must have
6 been committed pursuant to the plan with the
7 person aiding and abetting by some overt act. And
8 as I will tell you more closely in just a moment,
9 the word intent means intending the result, which
10 actually occurs, and not accidentally or
11 involuntary.

12 Now, Ladies and gentlemen, the defendant
13 is also charged with the offense of being
14 accessory after the fact of murder. In order to
15 prove that crime, the State must prove beyond a
16 reasonable doubt, that the defendant knew that
17 another person, the principal, committed a felony
18 and after that crime, intentionally helped ell the
19 principal escape arrest, conviction, detection or
20 punishment. The word intentionally again means
21 willfully and intending the result which actually
22 occurs and not accidentally or involuntary.

23 Now, Ladies and gentlemen, if you find
24 that the defendant was merely present at the scene
25 of the crime and did not participate in the crime,

1 but became involved after the commission of the
2 crime, you may find the defendant guilty of being
3 an accessory after the fact. Although the actions
4 of the defendant may have helped the principal
5 escape detection or arrest, that is not enough to
6 be an accessory after the fact. The State must
7 also prove that the defendant acted with the
8 intention or with the purpose of helping the
9 principal escape detection or arrest.

10 So if a person charged with being an
11 accessory after the fact, did not intend that her
12 act should help the principal escape detection or
13 arrest then she is not an accessory after the fact
14 even though her acts may have in fact helped the
15 defendant escape detection or arrest. There must
16 be some affirmative act tending toward concealment
17 of the commission of the crime. Silence alone is
18 not sufficient to make a person an accessory after
19 the fact of a felony.

20 Now with regard to all three of these
21 offenses, I am going to talk to you about an
22 additional element. It's called criminal intent.
23 In order to establish criminal liability, the
24 State must prove the element of criminal intent
25 beyond a reasonable doubt. Criminal intent is

1 always a matter to determined by a jury from
2 either direct evidence, substantial evidence or
3 both. And there's no way yet at least that
4 medical science can dissect a person's brain, look
5 at the brain, and decide from looking at it, what
6 that person intended to do at any given time. So
7 the law does say that criminal intent can be
8 established by the State, by either direct or
9 circumstantial evidence.

10 Now, Ladies and gentlemen, criminal intent
11 is a mental state. It's a conscious wrongdoing.
12 And it's up to you to determine what if anything
13 the defendant intended to do based on the evidence
14 presented to you. Now, Ladies and gentlemen, I
15 further charge you, and I back track in just a
16 moment. On the offense -- on the charge of
17 offense of murder, if a person intentionally kills
18 another person during the commission of a felony,
19 the inference of malice may also arise. If facts
20 are proven beyond a reasonable doubt sufficient to
21 raise an inference of malice to your satisfaction,
22 again that inference is simply an evidentiary fact
23 to be taken into consideration by you, along with
24 all the other evidence in the case, and you give
25 it the weight that you believe it deserves.

1 Now, Ladies and gentlemen, I will talk to
2 you about your verdict form. And it has three
3 inquiries on it. It has the word verdict on it.
4 And the word verdict does come from a Latin word
5 which means speak the truth. That's what your
6 verdict must do. The first inquiry on the verdict
7 form says this: as to the charge of conspiracy to
8 commit murder we the jury unanimously find the
9 defendant, and there are two choices, not guilty
10 and guilty. Your verdict must be unanimous. Once
11 you have reached a verdict on that count, you go
12 to the second one. It says as to the charge of
13 murder, we the jury unanimously find the defendant
14 and two choices again, are not guilty and guilty.

15 And then there is this instruction in bold
16 print it's very clear. It says if you have the
17 found the defendant not guilty of murder, then you
18 go to the third inquiry, which deals was accessory
19 after the fact of murder. And then it says if you
20 have found the defendant guilty of murder, you do
21 not consider Question No. 3.

22 So the point is this, with regard to these
23 three charges, at least, first to all, conspiracy
24 and murder, you can find the defendant guilty of
25 both. Not guilty of both. Or guilty of one and

1 not the other. In other words, as to conspiracy
2 and murder, your verdict on one, does not control
3 your verdict on the other. But if you have found
4 the defendant guilty of murder, you may not find
5 the defendant guilty of being an accessory after
6 the fact of murder. And the instructions are
7 clear on this. And vice versa. If you have found
8 the defendant not guilty of murder, then you have
9 to decide whether or not the State has proven that
10 the defendant is guilty of being an accessory
11 after the fact of murder.

12 So in closing on the verdict form, your
13 potential verdicts could be not guilty on all. It
14 could be guilty on conspiracy, guilty on murder.
15 It could be not guilty on conspiracy. It could be
16 guilty of murder. It could be not be guilty of
17 conspiracy, guilty of murder. So I think that's
18 clear, but if you have any questions about it, you
19 can let me know. And for that matter between
20 conspiracy and accessory, it could be guilty on
21 one, not guilty on the other. Or guilty of both
22 or some combination of that.

23 I know that sounds like a lot, but once
24 you sit down with this verdict form, I think it
25 will be very clear. I am not so much concerned

1 about what your verdicts are going to be, but I
2 want to make sure that your job is really just
3 beginning. The State of South Carolina and the
4 defendant are both entitled to and they certainly
5 expect a fair trial. The only way that you can
6 give them what you have sworn to do, is to make
7 sure that give all the issues in this case the
8 serious consideration that they deserve, and that
9 you make verdicts, whatever they are that they do
10 speaks the truth.

11 Now during the course of your
12 deliberations, lunch will be brought in to you. I
13 think it's already been ordered. If you have any
14 questions during the course of your deliberations,
15 Madame Forelady, there will be a note pad in there
16 for you to write it down. You write the question
17 down. You sign it. You date it, tap on door and
18 the let the bailiff know you have question. I can
19 tell you this, the law dictates if and how I
20 respond to your question. No other evidence is
21 going to be given to you. No other exhibits are
22 going to be sent back there to you other than what
23 you have in that jury room. You can ask any
24 question that you want, but I can tell you that
25 will not give you any new information. And no

1 additional exhibits will be sent back there to you
2 unless of course it was the one that mistakenly
3 not sent back there for you.

4 Once you have reached a verdict, you
5 complete the verdict form in accordance with the
6 instructions on it. You sign it, you date it.
7 Tap on the door, and let the bailiff know that you
8 have reached a verdict. And this is a true story.
9 At one point in a case as a lawyer, the jury was
10 to back there for hours. Like 6 or 7. And we
11 never heard from them. Not a peep. And the
12 bailiff, and the instruction of the judge, tapped
13 on the door and said, do you all need anything.
14 And the foreman said well we've reached a verdict
15 a long time ago, we didn't know what to do. So
16 that's why I tell you the obvious. And that is to
17 knock on the door when you have reached a verdict.
18 You take all the time that you need. If someone
19 has to leave the immediate deliberation area, make
20 sure that you stop until that person comes back.
21 If someone has to leave the jury room to make a
22 phone call, first of all, you have to get
23 permission. Because if someone does leave the
24 jury room, make sure you stop until that person
25 comes back.

1 We will be a here awaiting your verdict.
2 If you have any questions during the interim,
3 those we will be happy to receive those. All of
4 the exhibits will be back there with you. And you
5 will also have your good common sense along with
6 the exhibits and the verdict form. If you need
7 additional instructions on the law, or need to
8 repeat anything that I've given you -- well there
9 won't be any additional instructions. But if you
10 need for me to recharge you anything, I'll be
11 happy to do that.

12 So if you would, please go to your jury
13 room, Ladies and gentlemen. You may not discuss
14 the case yet. That time if coming shortly. I
15 have to ask the lawyers If I said anything
16 incorrectly, or if I left something out. And,
17 Ms. Tyron and Mr. Erb, if you all could remain
18 behind, at least in the hallway. But the other
19 ones, the other 12 of you, ladies and gentlemen,
20 and go on to the jury room. Okay.

21 (Whereupon, the following takes place
22 outside the presence of the jury.)

23 THE COURT: Any exceptions or additions
24 from the State?

25 MR. CORBETT: Nothing from the State, Your

1 Honor.

2 THE COURT: From defendant?

3 MR. JOHNSON: Nothing from the defendant.

4 THE COURT: If you all make sure one last
5 time that all the exhibits are in order. There
6 was reference to statements. There are four
7 statements that are in evidence. Those are
8 Ms. Witherspoon, Mr. Brown, Ms. Oaks and
9 Ms. Thomas. Does either side object to me
10 releasing the alternates?

11 MR. JOHNSON: I don't, Your Honor.

12 MR. CORBETT: No objection from the State.

13 (Whereupon, alternates are excused from
14 jury.)

15 THE COURT: As the lawyers know and the
16 law enforcement folks know, I will receive any
17 questions pretty quickly after the jury and or
18 verdict, pretty quickly after the jury sends them
19 out. We will wait a reasonable time for friends,
20 family and other concerned people to come back.
21 We're not going to wait an inordinate amount of
22 time. Thank you.

23 (Whereupon, at 11:57 a.m. jury commences
24 deliberations.)

25 (Whereupon, at 1:54 p.m. the jury has a

1 note.)

2 THE COURT: I have got a note that says,
3 can we receive clarification regarding the term
4 conspiracy. Signed by the forelady. I would
5 assume there would be an agreement between the two
6 sides that I just simply recharge the law on
7 conspiracy. Mr .Corbett?

8 MR. CORBETT: Suitable to the State, Your
9 Honor.

10 MR. JOHNSON: That's fine with the
11 defendant, Your Honor.

12 THE COURT: This will be Court's Exhibit
13 3. You can bring the jury out.

14 (Whereupon, note from jury marked Court's
15 Exhibit No. 3 for Id.)

16 (Whereupon, the following takes place
17 within the presence of the jury.)

18 THE COURT: Ladies and Gentlemen, I have
19 received your note. And it says, can we receive
20 clarification regarding the term conspiracy. What
21 I going to do is just simply recharge you the law
22 on that particular point. And obviously if that
23 does answer your question fully, you are certainly
24 free when you go back to your jury room to relay
25 any other questions. In basic terms I will

1 restate exactly what I said earlier. First of
2 all, that defendant is charged with conspiracy to
3 commit murder.

4 The State must proof beyond a reasonable
5 doubt that the defendant combined with one or more
6 people for the purpose of committing the offense
7 of murder. There must be mutual understanding,
8 agreement or common intention and plan. Mere
9 passive knowledge of or consent to the criminal
10 conduct of another is not enough to make a person
11 a conspirator. There must be guilty knowledge and
12 participation. Similarly, the mere fact that the
13 defendant may have associated with another person,
14 or met with another person and discussed common
15 aims and interests, does not necessarily establish
16 proof of the existence of a conspiracy, or that
17 the defendant was involved in a conspiracy.

18 On other hand, it is not necessary that
19 the agreement be a formal one; that it be in
20 writing, that the person's hold a meeting, and
21 expressly state the terms of the common plan, or
22 that the agreement be stated in words between
23 them. The agreement of a criminal conspiracy may
24 come into being through implied mutual
25 understanding. The wilful, intentional and

1 knowing adoption by two or more people of a common
2 plan is sufficient.

3 No overt acts need to be shown to
4 establish to conspiracy. A conspiracy may be
5 proven by circumstantial evidence and direct
6 evidence. In order to convict the defendant of
7 conspiracy, State must proof beyond a reasonable
8 doubt not only that the defendant knew of the
9 unlawful conduct, but that the defendant agreed
10 to combine with the other person for the purpose
11 of accomplishing the unlawful conduct. Now as I
12 mentioned to you earlier, anything in that regard
13 that I've stated that the must be proven, of
14 course, that must be proven beyond a reasonable
15 doubt.

16 That does conclude the charge on
17 conspiracy. Again, if you have other questions
18 along that line or any other lines, just follow
19 the same procedure you follow. Thank you. And of
20 course, you can continue your deliberations.

21 (Whereupon, the following takes place
22 outside the presence of the jury.)

23 (Whereupon, jury commences deliberations
24 at 1:58 p.m.)

25 THE COURT: Any exceptions from the State

1 or the defendant?

2 MR. CORBETT: Nothing from the State, Your
3 Honor.

4 MR. JOHNSON: We have nothing from the
5 defense.

6 THE COURT: We will stay in recess until
7 we start with probations or another question or a
8 verdict.

9 (Whereupon, at 3:43 p.m. jury has a note.)

10 (Notes marked Court's Exhibit No. 4 and
11 5.)

12 THE COURT: Can we hear the information
13 regarding the charge regarding murder. I take
14 that to mean they want a charge on murder.
15 Secondly, would we would be able to Curtis Hice's
16 and Rick Nelson's testimonies. Mr. Hice testified
17 on Tuesday beginning at 1:32. Mr. Nelson was
18 immediately after that. Mr. Hice was about 30
19 minutes, and Mr. Nelson about 10. Does either
20 side have any input on those two inquiries? The
21 State?

22 MR. CORBETT: Nothing from the State.

23 THE COURT: Mr. Johnson.

24 MR. JOHNSON: I have nothing from the
25 defense, Your Honor.

1 THE COURT: What I will do is just
2 recharge murder. Well I'll ask them what they
3 want to hear. Do they want to hear the testimony
4 first or hear the charge first. And if they have
5 a, or reach a consensus in the jury box, then I'll
6 do whatever they say. Okay.

7 MR. JOHNSON: If, Your Honor, answers that
8 one question, I guess you could ask if there is
9 any particular part of the testimony in order to
10 might save some time instead of playing the whole
11 testimony.

12 THE COURT: Well what I'll do is, I'll say
13 do you want to hear it all, or just parts. It
14 would be kind of hard to break up these two in
15 parts, because the direct and cross on both is
16 relatively brief, and then see what they have to
17 say. So I'll do it that way, just to see. But I
18 assume I know what their answer is going to be.
19 Anything else?

20 MR. JOHNSON: I have nothing else, Your
21 Honor.

22 THE COURT: You can bring in the jury.

23 MR. CORBETT: Judge, if we get a choice, I
24 think my preference would be that if they want to
25 hear testimony, for them to hear the entirety.

1 THE COURT: I'm going to do what they say.

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

4 THE COURT: Madam Forelady, and Ladies and
5 gentlemen, I have two questions. And they are
6 both marked. You have stickers too, but they
7 don't go back there with you. One is, that you
8 would like to hear the murder charge again. Is
9 that correct?

10 THE FORELADY: Yes.

11 THE COURT: And the other is that you
12 would want to hear Curtis Hice's and Rick Nelson's
13 testimonies again. My first question is, what do
14 you want to hear first? Do you want to hear their
15 testimony or do you want to charge on the murder
16 again?

17 THE FORELADY: Oh, the charge first.

18 THE COURT: The charge first?

19 THE FORELADY: Yes.

20 THE COURT: And then the testimony?

21 THE FORELADY: Yes.

22 THE COURT: And with regard to the
23 testimony, we've already noted, or least I've
24 noted what time those were done and how long they
25 are. Do you want to hear the entire testimony of

1 both witnesses?

2 THE FORELADY: Yes.

3 THE COURT: First, pursuant to your
4 request, I'm going to recharge the law on murder.
5 As you know, the indictment or one of the counts
6 in the indictment is for murder. So the defendant
7 is charged with murder. In that regard, the State
8 must prove beyond a reasonable doubt that the
9 defendant killed another person with malice
10 aforethought. Malice is hatred, ill will, or
11 hostility towards another person. It is the
12 intentional -- malice is the intentional doing of
13 a wrongful act without just cause or excuse. And
14 with an intent to inflict an injury, or under
15 circumstances that the law would infer an evil
16 intent.

17 Malice aforethought does not require that
18 malice exists for any particular time before the
19 act is committed. But malice must exist in the
20 mind of the defendant just before and at the time
21 the act is committed. So there has to be a
22 combination of the previous evil intent and the
23 act itself. Malice aforethought may be express or
24 it may be inferred. Those two terms do not mean
25 different kinds of malice, but merely the manner

1 in which malice may be proven to exist. And as yo
2 know, that is either by direct evidence or by
3 circumstantial evidence.

4 Express malice may be shown when a person
5 speaks words which express hatred or ill will for
6 another person or when a person prepared
7 beforehand to do the act which was later
8 accomplished. Malice may be inferred from conduct
9 showing a total disregard for human life. Malice
10 may also be inferred when the act is done with a
11 deadly weapon. A deadly weapon is any article,
12 instrument or substance which likely to cause
13 death or great bodily harm. Some examples of
14 instruments which may be deadly weapons are a
15 pistol, shotgun, rifle, knife, slingshot, brass
16 knuckles, razor, gasoline or a fire bomb.

17 I further charge you, Ladies and
18 gentlemen, that if one intentionally kills another
19 during the commission of a felony, the inference
20 of malice may arise. If facts are proven beyond a
21 reasonable doubt sufficient to raise an inference
22 of malice to your satisfaction then that inference
23 is simply an evidentiary fact to be taken into
24 consideration by you, along with all the other
25 evidence and you give that evidence the weight you

1 believe it deserves.

2 Further, in accordance with your request,
3 if a crime is committed by two or more people who
4 are acting together in committing a crime, the act
5 of one is the act of all. Or as sometimes said,
6 the hand of one is the hand of all. A person who
7 joins with another person to commit an unlawful
8 act is criminally responsible for everything done
9 by the other person, which happens as a probable
10 or natural consequence of that acts done in
11 carrying out the common plan and purpose. If two
12 or more people are together, acting together,
13 assisting each other in committing the offense,
14 the act of one is the act of all.

15 Prior knowledge that a crime is going to
16 be committed without more is not sufficient to
17 make a person guilty of that crime. Mere
18 knowledge that another person is going to commit a
19 crime even the defendant is present when the crime
20 is committed not sufficient to convict the
21 defendant as a principal. Guilt as a principal is
22 shown by actual or constructive presence at the
23 scene as a result of prior arrangement. So there
24 has to be a finding of a prior arranged plan or
25 common scheme for a finding of guilt as a

1 principal. And the State must proof beyond a
2 reasonable doubt the theory of the hand of one is
3 hand of all.

4 Now a principal in a crime is a person who
5 either actually commits the crime or a person who
6 is present aiding, abetting or assisting in
7 committing the crime. When a person does an act
8 in the presence of and with the assistance of
9 another, the act is done by both. And where two
10 or two or more acting with common intent or plan
11 are present at the commission of a crime, it does
12 not matter who actually commits the crime, all are
13 guilty. Again the hand of one is the hand of all.
14 To be present at the commission of a crime means
15 to be sufficiently near to aid and abet and assist
16 in the commission of the crime. However mere
17 presence at the scene of a crime is not sufficient
18 to convict one as a principal on the theory of
19 aiding and abetting. Aiding and abetting in the
20 hand of one, hand of all, the same thing.

21 Intent is also a necessary element, so
22 there must have been a common design or intent to
23 commit the crime and the crime must have been
24 committed pursuant to that plan with the person
25 aiding and abetting by some overt act. Intent

1 means intending the result which actually occurs
2 and not accidentally or involuntary. That
3 concludes the charge on murder. If we can now
4 forward to the playing of Curtis Hice's testimony.
5 I believe it is about 10 minutes. While she is
6 getting that straight, if the lawyers would just
7 come up here a minute.

8 (Whereupon, playing of Mr. Hice and
9 Officer Nelson's testimony to jury.)

10 THE COURT: Is that the extent of the
11 testimony I believe that you wanted to be -- in
12 order to be able to hear again. Is that the
13 scope of what you were trying to listen to, Madam
14 Forelady?

15 THE FORELADY: Yes.

16 THE COURT: You can return to your jury
17 room and continue your deliberations.

18 (Whereupon, at 4:23 p.m. jury commences
19 deliberates.)

20 THE COURT: We will continue to wait.
21 Thank you.

22 (Whereupon, at 5:01 p.m. jury has a note.)

23 THE COURT: Court's Exhibit No. 7. Two
24 questions, is it possible to see a copy of the
25 charge for murder, in parenthesis, a hard copy.

1 Next question, what happens if we cannot come to a
2 unanimous decision. The law on the first request,
3 is that I cannot send back, I assume they don't
4 want to see the indictment. I assume they want
5 to see the actual jury charge, not the indictment
6 charge. The law is I cannot sent back a part of a
7 charge. That would be quite practical since
8 that's what they asked for, but I can't give it to
9 them. I can't remember what the case says if both
10 sides agree.

11 But in any event does the State have input
12 on that? And I don't give, I think there maybe a
13 handful of a the 50 judges who give a written
14 charge to the jury. I don't, because even though
15 it doesn't look like it, I don't read it word for
16 word. Because I think a lot gets lost in
17 translation.

18 Plus they are some points that I delete
19 from the printed charge that the law says I can't
20 give. So what is the state's position on me
21 giving a copy of the charge on murder to the jury?
22 Which would everything from felony murder
23 inference to the actual elements of murder and the
24 hand of one, hand of all. And for that matter,
25 criminal intent?

1 MR. CORBETT: Judge, the State has no
2 objection to the court providing that to the jury.

3 THE COURT: Mr. Johnson?

4 MR. JOHNSON: I'll leave it up to the
5 court's discretion.

6 THE COURT: Let's go to the second
7 question: What happens if we cannot come to
8 unanimous decision. I know what I can tell them
9 if they say they can't. What do want me to tell
10 them if ask what happens if we cannot?

11 MR. JOHNSON: Your Honor, as to me, I
12 guess you can tell them what you would do, which
13 is, I guess give them the Allen Charge.

14 THE COURT: Mr. Corbett.

15 MR. CORBETT: Judge, I believe the answer
16 the court would have to give is, if you get to
17 that point, then we will address it.

18 THE COURT: Well they may. I think I can
19 tell them if they get to that point, I will
20 address it. And what I will do is encourage you
21 to reach a verdict, and ask you to continue. But I
22 don't want to say, well what I would tell you and
23 gave them a three page review of the Allen Charge
24 or the dynamite charge.

25 So I've had this question before, and I've

1 just said I would encourage you to reach a
2 verdict, and if you can't, I would tell that
3 would be unfortunate and some other jury at
4 another time we would have to consider it, but we
5 haven't gotten to that point yet. That's what I
6 would tell them. And that's the true.

7 MR. CORBETT: No objection from the
8 State.

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

11 THE COURT: I think what -- the case that
12 I am talking about, I'll have to go look it up
13 real quick. I think I know it wasn't terribly
14 long ago. I just want to make sure that if I give
15 them a photocopy of the murder charge, even if
16 both sides consent, which I am taking as a
17 consent, because Mr. Johnson does not object,
18 whether or not that's still error. I certainly
19 don't want to put in place an appellate issue,
20 even though both sides apparently don't have an
21 objection to it. Well you don't consent, you just
22 don't object. I take that as consenting.

23 Let me step out and take care of that just
24 for few minutes. And I apologize I don't have it
25 in front of my brain. Okay, I'll be right back.

1 It's not specifically approved. It's not proper
2 in every case, and that should be cautiously
3 exercised. I'm not going to send back the whole
4 jury charge. And I'm not going to send back
5 the -- I'm certainly not going to send back just a
6 portion. I frankly fail to see that if that's
7 what the jury wants, why I can't do that, but that
8 is the law. So I am certainly going to respect
9 that. Does the State have any additional comment
10 on that point?

11 MR. CORBETT: Nothing, Your Honor.

12 THE COURT: Mr. Johnson.

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

14 THE COURT: And the second question about
15 what happens if we can't come to a unanimous
16 decision. I'm going to tell the jury that if they
17 tell me that they're unable to make or reach a
18 unanimous verdict, then I will give them further
19 instructions on that point. But I'm not going to
20 tell them anything until they tell me they can't
21 reach a unanimous decision. Does that suit you,
22 Mr. Corbett?

23 MR. CORBETT: Suitable to the State, Your
24 Honor.

25 MR. JOHNSON: Fine with the defense, Your

1 Honor..

2 THE COURT: Bring in the jury.

3 MR. CORBETT: Your Honor, could we have
4 just a moment to get the family back?

5 THE COURT: Well they need to be closer at
6 hand.

7 (Whereupon, the following takes place
8 within the presence of the jury.)

9 THE COURT: Ladies and gentlemen, I
10 apologize for the delay. I was trying to look up
11 a legal point on my computer about one of the
12 questions that you asked. The first question on
13 this two -- this piece of paper with two questions
14 on it says: Is it possible to see a copy of the
15 charge for murder. And in parenthesis you put a
16 hard copy. The answer to that question as I
17 mentioned to you starts, the law dictates if and
18 how I can respond. The law is that I cannot send
19 back a part of the charge. That is the law.

20 Also I'm not going to send back the entire
21 charge in its written form. But I will tell you
22 as slowly and as carefully, and I understand this
23 is new and it's difficult in some respects. I can
24 tell you what the -- I can recharge you on the
25 charge of murder again. And that's certainly no

1 problem in doing that. Your second question is,
2 what happens if we cannot come to a unanimous
3 decision. And I am not trying to be facetious or
4 sarcastic. What I can tell you is, is that if you
5 tell me that you are unable to reach a unanimous
6 verdict, I would give you a -- I would give you a
7 charge that would encourage you to reach a
8 verdict. And it would explain to you what your
9 responsibilities are again in genral. And it
10 would also indicate what would happen if you were
11 not able to reach a unanimous verdict.

12 In short, the answer to your question is
13 that if you tell me that you are deadlocked, I
14 will give you some encouragement and ask you to
15 try again. That would be the short answer to that
16 question. So you are not a hostage. You are not
17 prisoner, but that is the short answer to that
18 question. Does that clarify for you, Madam
19 Forelady? Do you want a charge on the law of
20 murder again? Or do y'all want to go back thee
21 and talk about it and then let me know?

22 THE FORELADY: Again.

23 THE COURT: I will do that.

24 (Whereupon, at 5:25 p.m. recharge on
25 murder.)

1 THE COURT: The defendant is charged with
2 murder, and the State must prove beyond a
3 reasonable doubt that the defendant killed another
4 person with malice aforethought. Malice is
5 hatred, ill will, or hostility towards another
6 person. It is the intentional doing of a wrongful
7 act without just cause or excuse and with an
8 intent to inflict an injury or under circumstances
9 that the law will infer an evil intent. Malice
10 aforethought does not require that malice exists
11 for any particular time before the act is
12 committed. But malice must exist in the mind of
13 the defendant just before and at the time the act
14 is committed.

15 So there has to be combination of the
16 previous evil intent and the act itself. Malice
17 aforethought may be express or inferred. These
18 terms express and inferred do not mean different
19 kinds of malice by merely the manner in which
20 malice may be shown to exist.

21 And again, that's either by direct
22 evidence or circumstantial evidence. Express
23 malice may be shown when a person speaks words,
24 which express hatred or ill will for another
25 person or when the person prepared beforehand to

1 do the act which was later committed. Malice may
2 be inferred from conduct showing a total disregard
3 for human life. Inferred malice may also arise if
4 the act is done with a deadly weapon. A deadly
5 weapon is any article, instrument or substance
6 which is likely to cause death or great bodily
7 harm. And the following are examples of
8 instruments, which may be deadly weapons: pistol,
9 shotgun, rifle, knife slingshot, brass knuckles,
10 razor, gasoline or fire bomb.

11 I further charge you that if a person
12 intentionally kills another person during the
13 commission of a felony, the inference of malice
14 may arise. And if facts are proven beyond a
15 reasonable doubt sufficient to raise an inference
16 of malice to your satisfaction, that inference is
17 simply an evidentiary fact to be taken into
18 consideration by you, in addition to all the
19 evidence in the case and you're to give it the
20 weight you feel it deserves.

21 Now I will instruct you on the principal
22 of the hand of one is the hand of all. If a crime
23 is committed by two or more people who are acting
24 together in committing a crime, the act of one is
25 the act of all. Sometimes it is described as the

1 hand of one is the hand of all. A person who
2 joins with another person to commit an unlawful
3 act is criminally responsible for everything done
4 by the other person which happens as a probable or
5 natural consequence of the acts done in carrying
6 out the common plan and purpose.

7 If two or more people are acting together
8 assisting each other in committing the offense,
9 the act of one is the act of all. And again, the
10 hand of one is the hand of all. Prior knowledge
11 that a crime is going to be committed without more
12 is not sufficient to make a person guilty of that
13 crime. Mere knowledge that a person -- another
14 person is going to commit a crime, even if the
15 defendant is present when the crime is committed,
16 is not sufficient to convict the defendant as a
17 principal.

18 Guilt as a principal is established by
19 actual or constructive presence at the scene as a
20 result of a prior arrangement. Therefore a
21 finding of a prior arranged plan or common scheme
22 is necessary for a finding of a guilt as a
23 principal. The State must proof beyond a
24 reasonable doubt the theory of the hand of one is
25 the hand of all. A principal in a crime is one

1 who either actually commits the crime or one who
2 is present aiding, abetting or assisting in
3 committing the crime. When a person does an act
4 in the presence of and with the assistance of
5 another, the act is done by both. Where two or
6 more acting with a common plan or intent are
7 present at the commission of a crime, it does not
8 matter who actually commits the crime. All are
9 guilty.

10 Being present at the commission of a crime
11 means to be sufficiently near to aid and abet and
12 assist in the commission of the crime. However,
13 mere presence at the scene of a crime is not
14 sufficient to convict one as a principal on the
15 theory of aiding and abetting. Intent is also a
16 necessary element, for there must have been a
17 common design or intent to commit the crime, and
18 the crime must have been committed pursuant
19 thereto with a person aiding and abetting by some
20 overt act. And as I mentioned to you, intent
21 means intending the result which actually occurred
22 and not accidentally or involuntarily.

23 Now intent in that regard maybe by shown
24 by direct and circumstantial evidence. And again
25 the State must prove those elements of murder

1 beyond a reasonable doubt. I believe that does
2 conclude the charge on murder. And I believe I
3 have answered your question about what happens if
4 you cannot come to a unanimous decision. And I
5 just ask you to go back into your jury room. And
6 if you have additional questions either along
7 these lines or anything else, you simply pass
8 those out. Okay. Thank you.

9 (Whereupon, at 5:31 p.m. jury commences
10 deliberates.)

11 THE COURT: Any objections or additions
12 from the State?

13 MR. CORBETT: Nothing from the State, Your
14 Honor.

15 THE COURT: From the defense?

16 MR. JOHNSON: Nothing from the defense,
17 Your Honor.

18 (Whereupon, at 6:02 p.m. the jury has a
19 note.

20 THE COURT: The jury's note, We are
21 deadlocked.. Any objection to me giving an Allen
22 Charge from the State.

23 MR. CORBETT: No objection from the
24 State, Your Honor.

25 MR. JOHNSON: No objection, Your Honor.

1 THE COURT: This will be No. 8. There's a
2 case called Buff v. Department of Transportation
3 when they come back twice deadlocked. I've never
4 been unable to understand it. But It said I am to
5 diplomatically discuss with the jury whether or
6 not they think further deliberations would be
7 beneficial. And then I have to basically judge
8 the body language and whether I think it is
9 appropriate. Okay, we've haven't gotten there
10 yet. You can bring in the jury.

11 THE BAILIFF: Judge, they said if you give
12 them about 5 minutes, they would be able to reach
13 a verdict.

14 THE COURT: Mr. Bradley, could you put
15 that on the record?

16 MR. BRADLEY: Yes, sir, Judge. Mr. Jones
17 relayed to me that the foreperson told him that
18 they resolved the issue, and give them about
19 5 minutes and they will have a verdict.

20 THE COURT: Any comment from the State?

21 MR. CORBETT: Nothing from the State, Your
22 Honor.

23 THE COURT: Anything from the defendant?

24 MR. JOHNSON: Nothing from the defense,
25 Your Honor.

1 (Whereupon, at 6:02 jury reaches verdict.)

2 THE COURT: The Bailiff says the jury has
3 reached a verdict. Is the State ready?

4 MR. CORBETT: The State is ready, Your
5 Honor.

6 THE COURT: Is the defendant ready?

7 MR. JOHNSON: The defendant is ready,
8 Your Honor.

9 THE COURT: I will caution those who were
10 here on the other side of the bar, whatever the
11 verdict is, whatever the combination of verdicts
12 of are or is, I don't want there any response that
13 anybody can hear or see. If you feel like you
14 cannot contain yourself in that regard, you can go
15 ahead and leave now. But if there's any audible
16 response, the deputies are going to ask you to
17 leave or escort you out.

18 So if someone can't handle that, you can
19 go ahead and leave. I certainly realize that
20 this is an emotional time and I don't fault you
21 for having a problem, but I want to warn you
22 beforehand that I would like for you not do that
23 in the courtroom. When the verdict is reached,
24 and it's recorded and finalized and the jury will
25 be released and they will go first. No one in the

1 courtroom will go outside before the jury leaves
2 the building. The jury will immediately leave the
3 building and make their way to their cars. No one
4 in this courtroom is to have any contact with the
5 jurors except for the deputies and the bailiffs.

6 The jurors can be walked to their car in
7 groups of 1, 2 or 12. That will be up to them. I
8 assume they're parked in the same general area.
9 So please make sure whether you agree with the
10 verdict, disagree with the verdict or don't care
11 what the verdict is make sure that you don't have
12 any contact with jurors until, at all on the
13 grounds. Of course the lawyers understand that
14 you all have the right to contact them afterwards,
15 but you can't persist if they say they don't want
16 to talk to you.

17 After the jury makes it way out, and this
18 is in no particular order. This is the order I am
19 choosing. The victim's family will leave the
20 courthouse first, and that will take a period of
21 minutes, I'm sure. And then after that, and
22 when I say, the folks who are seated on the
23 victim's side so to speak, will leave after the
24 jury does. And after that, the family of the
25 defendant will leave. If there is a verdict of

1 guilt, we will take up sentencing this morning
2 unless both sides agree that you want to do it on
3 Monday will also be here.

4 Is there anyone who like to leave the
5 courtroom now? The State is ready for the
6 verdict?

7 MR. CORBETT: The State is ready, Your
8 Honor.

9 THE COURT: The defendant ready?

10 MR. JOHNSON: The defendant is ready,
11 Your Honor.

12 THE COURT: You can bring in the jury.

13 (Whereupon, at 6:13 p.m. jury reaches
14 verdict.)

15 (Whereupon, the following takes place
16 within the presence of the jury.)

17 THE COURT: Madam Forelady, I understand
18 the jury has reached verdicts?

19 THE FORELADY: Yes, Your Honor.

20 THE COURT: You can hand that form to
21 Mr. Bradley.

22 THE COURT: Ms. Kelley, please stand and
23 face the jury. Mr. Bradley, you you can publish
24 the verdict.

25 THE BAILIFF: Thank you, Your Honor. For

1 the State of South Carolina, County of Sumter, in
2 the Court of General Sessions, Docket No.
3 2014-GS-43-724. The state of South Carolina
4 versus London Kelley, defendant. Charge No. 1, as
5 to the charge of conspiracy to commit murder, we
6 the jury unanimously find the defendant not
7 guilty. Charge No. 2, as to the charge of murder,
8 we the jury unanimously find the defendant not
9 guilty. As to Charge No. 3, as to the charge of
10 accessory after the fact of murder, we the jury
11 unanimously find the defendant guilty.

12 Signed by Anastasia M. Spann, foreperson.
13 Dated, 10/31/14. Ladies and gentlemen, is this
14 your verdict. So say you all by raising your
15 right hand, please. Thank you.

16 THE COURT: The record will reflect that
17 all jurors did raise their right hands. You can
18 have a seat, thank you. Anything from the State
19 before the jury is released?

20 MR. CORBETT: Nothing from the State, Your
21 Honor.

22 THE COURT: Anything from the defendant
23 Mr. Johnson before the jury is released?

24 MR. JOHNSON: Your Honor, I just ask that
25 you poll the jury.

1 THE COURT: Mr. Bradley.

2 THE BAILIFF: Ladies and gentlemen of the
3 jury, as I call your name, please stand and
4 answer two questions for me. Juror No. 109
5 Elizabeth Rednour, is this your verdict and still
6 your verdict?

7 THE JUROR: Yes, sir.

8 THE COURT: Thank you. You may be seated.
9 Juror No. 131 Anastasia Spann, is this your
10 verdict and still your verdict?

11 THE JUROR: Yes, sir.

12 THE BAILIFF: Thank you. Juror No. 8
13 Sandra Bandstra, is this your verdict and still
14 your verdict?

15 THE JUROR: Yes, sir.

16 THE BAILIFF: Juror No. 7 Victor Baker,
17 Jr., is this your verdict and still your verdict?

18 THE JUROR: Yes, sir.

19 THE BAILIFF: Juror No. 130 Melanie
20 Snowden, is this your verdict and still your
21 verdict?

22 THE JUROR: Yes, sir.

23 THE BAILIFF: Thank you. Juror No. 107
24 Linda Price, is this your verdict and still your
25 verdict?

1 THE JUROR: Yes, it is.

2 THE BAILIFF: Thank you. Juror No. 94
3 Tonya Nelson, is this your verdict and still your
4 verdict?

5 THE JUROR: Yes, sir.

6 THE BAILIFF: Thank you. Juror No. 93
7 Jennifer Nelson, is this your verdict and still
8 your verdict?

9 THE JUROR: Yes, sir.

10 THE BAILIFF: Thank you. Juror No. 67,
11 Teresa Johnson, is this your verdict and still
12 your verdict?

13 THE JUROR: Yes, sir.

14 THE BAILIFF: Thank you. Juror No. 4
15 William Anderson, is this your verdict and still
16 your verdict?

17 THE JUROR: Yes, sir.

18 THE BAILIFF: Juror No. 106 Tiffany
19 Wheeler, is this your verdict and still your
20 verdict?

21 THE JUROR: Yes, sir.

22 THE BAILIFF: Thank you. Juror No. 31
23 Kendra Eddy, is this your verdict and still your
24 verdict?

25 THE JUROR: Yes, sir.

1 THE BAILIFF: Your Honor, the jury has
2 been polled and the verdict stands.

3 THE COURT: Anything else, Mr. Johnson,
4 before the jury is released?

5 MR. JOHNSON: I nothing else before the
6 jury is released.

7 THE COURT: Ladies and gentlemen, that
8 concludes your service in this case. And
9 obviously it includes your service for this week.
10 I want to make sure you do understand very, very
11 much appreciate your service. This is an awesome
12 responsibility that you've undertaken, and it is
13 not one that you have taken lightly. I've watched
14 you during the trial. When I was practicing law,
15 I never looked at the jury because I was afraid I
16 might get a dirty look back. But I was watching
17 you while you were participating in this case and
18 you were paying very close attention. Not one
19 time did anyone appear to be losing attention to
20 what was going on. And that's what the parties.
21 You're several hours of deliberations is certainly
22 evidence of the fact that you discussed the issues
23 in this case with the seriousness that they
24 deserve. You are released. If any of you need a
25 work excuse, Mr. Bradley, you have those in the

1 hall?

2 THE BAILIFF: Yes, sir, in the hall.

3 THE COURT: You will also be getting a
4 check in the mail for your service. It is not
5 nearly what you are entitled to, but it was what
6 the county is allowed by the law to pay. When you
7 get your work excuse you can gather your belonged
8 and there will be law enforcement officers here
9 who will take you to your cars.

10 I would ask you to do this. Please go
11 ahead and go to your cars in groups of how many
12 ever you want, or just one if that's what you want
13 to do. But if you will go ahead and leave the
14 courthouse property that would be fine. The
15 reason for that is I want to make sure that you
16 leave under circumstances where you won't have
17 anyon asking you anything. After you leave, you
18 can talk about this case now all you want. You
19 can stand on the highest mountain top and talk
20 about it if you want to.

21 There may be on occasion there are times
22 when people contact you who are affiliated with
23 either side like a lawyer, and ask you what you
24 thought about the evidence and the presentation of
25 the evidence so forth. You can answer those

1 questions if you want to. If you don't want to,
2 you say I would prefer not to talk about it. If
3 they don't respect that response from you, if they
4 persist, get their name, get in contact with Mr.
5 Campbell's office, Clerk of Court, he will contact
6 me and I will deal with it. We will have a
7 hearing on it, and I'll deal with. No one should
8 quarrel with you about your verdict. You spent a
9 long time. You've heard all the evidence. You've
10 looked at everything, and I appreciate your
11 service. You will be the first people to leave
12 the courthouse. Everyone else is going to stay in
13 this courtroom until you are gone, except for you
14 and the deputies.

15 So when you go ahead and do go, go with my
16 thanks and my appreciation. You're not permitted
17 to serve anymore this year. Obviously that's not
18 going to be probable but we don't have two months
19 left. For 2015/2016, you have an exception from
20 jury service in this court. That does not apply
21 to federal or magistrate court jury duty. It
22 applies to circuit only. If you have any
23 questions, I'll be happy to answer those in the
24 coming days or weeks. My office is right here in
25 the courthouse and I'll be happy to answer any

1 questions or address any concerns you might have.
2 Thank you for your time again, and you are free to
3 go.

4 (Whereupon, jury is dismissed.)

5 THE COURT: Can I see the lawyers up here
6 for just a minute?

7 (Whereupon, the judge and attorneys
8 confer.)

9 THE COURT: Is the State prepared to go
10 forward with sentencing?

11 MR. CORBETT: I printed out the sheets.
12 It saved some information. And the block violent
13 and most serious, were already x-d when I printed
14 as accessory after the fact of murder. So I
15 blocked those out. The court may need to notate.

16 MR. JOHNSON: So this carries 15 years?

17 MR. CORBETT: That's correct.

18 THE COURT: So the consensus is, it is not
19 a violent crime. And it is not a most serious.

20 MR. JOHNSON: That is correct, Your Honor.

21 THE COURT: I will initial those. I guess
22 SCDC might be confused. I'll write on here it's
23 neither violent nor most serious. And,
24 Mr. Johnson, I guess you will sign the sentencing
25 sheet. I guess you will wrote the names in.

1 MR. CORBETT: Judge, normally when it is a
2 jury verdict, I don't believe it is necessary for
3 the sheet to be signed.

4 THE COURT: Suits me.

5 MR. CORBETT: I don't think it's necessary
6 to be signed. That's why I printed the names in.

7 THE COURT: Mr. Corbett, of course, you
8 can speak. Anyone from law enforcement you think
9 is wanting to speak, that's fine. Also one or
10 more members of the victim's family.

11 MR. CORBETT: Your Honor, if I can have
12 just a moment. Judge, as you know, the family has
13 been present all week. They feel like that you
14 have heard the evidence in the case, and don't
15 feel that there is anything else that they need to
16 add. At the appropriate time the State would have
17 some comments regarding sentence.

18 THE COURT: As far as soon as
19 Mr. Johnson's finishes, we will do that. Mr.
20 Corbett.

21 MR. CORBETT: Yes, Your Honor. As the
22 court is aware, the jury has returned a verdict
23 of guilty against the defendant on the charge of
24 accessory after the fact of murder. That being
25 accessory after the most serious charge possible.

1 Your Honor, given the fact that the jury
2 has spoken on this matter, the jury has found
3 beyond a reasonable doubt that this defendant with
4 knowledge that a felony had been committed, took
5 steps to aid in the escape of the individual
6 responsible. Took other steps to cover up the
7 crime. The fact that to this day the defendant
8 has chosen not to provide law enforcement
9 information of who fired that shot that killed
10 Darrell Epps. Judge, based on all that, we would
11 ask the court to sentence the defendant to 15
12 years.

13 THE COURT: Investigator Thomas, anyone
14 else from law enforcement like to speak? You
15 don't have to, I just wanted to extend you that
16 courtesy.

17 OFFICER THOMAS: No, sir, thank you.

18 THE COURT: Anything else, Mr. Corbett?

19 MR. CORBETT: That's all that we have,
20 Your Honor.

21 THE COURT: Mr. Johnson.

22 MR. JOHNSON: Your Honor, this is a little
23 unusual. Well first of all, my client is 30 years
24 old. Her birthday was actually yesterday. She
25 went to school here. She grew up in this area.

1 She's originally from Ohio. Most of her family,
2 her mother, well her family is in Ohio, but she
3 has other family members that live here in town.
4 She has three kids who are 4, 9 and 12. I
5 apologize for not being ready, but as I said, I
6 just became involved last Friday.

7 THE COURT: Yes, sir.

8 MR. JOHNSON: So she has a home here. She
9 has a family here, and she has support here. She
10 has very little if anything, of a criminal record.
11 I think resisting arrest is her old criminal
12 record. She was employed at the time. Your
13 Honor, the jury found her guilty of accessory
14 after the fact. I am aware of that. I'm a little
15 complexed just because they have someone that the
16 State has arrested and charged with the murder,
17 which was the alleged co-defendant. I am not sure
18 exactly how to argue mitigation in what she did,
19 because I am not sure exactly of the accessory or
20 what she did after the fact from the evidence I am
21 aware of. So I am not trying to argue about the
22 verdict. I'm just a little perplexed, because
23 it's stated in the evidence that she in that
24 statement that she went to the police. She told
25 them the story. They disagreed with the the

1 story. I understand that. But I'm not exactly
2 sure what she did to cover up. So....

3 THE COURT: Actually if you base it on the
4 evidence, It would be taking at least his clothes
5 and putting them in a black bag and hiding them.
6 Burning them and hiding a gun.

7 MR. JOHNSON: Okay.

8 THE COURT: So that's, I assume that would
9 be evidence upon which a jury would base that
10 verdict and they just felt like she was not a
11 participant either as a conspirator or as an
12 accomplish.

13 MR. JOHNSON: I understand. Under that
14 scenario, Your Honor, I ask you to consider that,
15 as I stated the State has arrested a co-defendant.
16 Charged him with murder. They have not placed him
17 on trial yet, my client's lack of record, lack of
18 her being in the community, her position as a
19 mother with minor children that with things we
20 have to do too.

21 I understand it's a serious charge. But
22 as far as I know, there's no allegation that she
23 shot anyone or did anything of that nature. We
24 ask you consider some type of reduced sentence.
25 Some type of sentence that would consider some

1 part of probation. Some sentence reduced to a
2 sentence with some form of probation, but
3 definitely not a max sentence. Under the term of
4 a max sentencing in this -- a max sentence related
5 to this charge as far as my client participation,
6 and what she is alleged to have done, I do not
7 think is appropriate.

8 THE COURT: Ms. Kelley, of course, Mr.
9 Johnson, she still has the right to remain silent.
10 I am not going to ask her if she wants to speak.
11 I'll allow you to take that by -- you can make
12 that decision as to whether or not you want to ask
13 her if she wants to say anything.

14 MR. JOHNSON: Your Honor, at this time she
15 indicates she does not. I've talked to her
16 family. They're in full support of her. And
17 just wanted me to let the court know there is a
18 lot of support for her, and they still continue to
19 support her.

20 THE COURT: Anything else, Mr. Corbett? I
21 need her record at some point. Also has she spent
22 anytime in jail on this? I know she was in jail
23 at the time when she perhaps encountered Ms.
24 Thomas.

25 MR. CORBETT: Your Honor, my records

1 indicate that Ms. Kelley was arrested on
2 January 2nd of 2014. Posted bond on about
3 April 8th of 2014.

4 THE COURT: January 2nd to April 8th?

5 MR. CORBETT: That is what my records
6 indicate, Judge.

7 MR. JOHNSON: That's what we indicate as
8 well, Your Honor.

9 THE COURT: Her Record, Mr. Corbett.

10 MR. CORBETT: Your Honor, Ms. Kelley's
11 prior record is resisting arrest. Your Honor,
12 with regard to that resisting arrest, she was
13 originally charged for harboring a fugitive. The
14 alleged co-defendant in this case, was being
15 sought in connection with a completely unrelated
16 matter. Mr. Brown was being sought by police in
17 connection with an assault and kidnapping. And
18 when police went to the location where they
19 believed him to be, this defendant lied about his
20 whereabouts being in the house, in an effort to
21 put the police -- put the police off into a
22 different direction. They ultimately were able
23 to make entry into the residence where she was,
24 and found Mr. Brown there.

25 THE COURT: Different case though.

1 MR. CORBETT: Completely unrelated case
2 though.

3 THE COURT: She pled guilty to that.

4 MR. CORBETT: Resisting arrest, right.

5 THE COURT: Did she serve a sentence or
6 pay a fine or what?

7 MR. JOHNSON: She paid a fine, Your Honor.
8 Through the magistrate level case.

9 THE COURT: Oh, that's right. We already
10 talked about that.

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

12 MR. CORBETT: Judge, I believe it was a
13 combination of time served and a fine.

14 THE COURT: And that's one conviction.

15 MR. CORBETT: That's correct.

16 THE COURT: Anything, Mr. Corbett?

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

18 THE COURT: Anything else, Mr. Johnson?

19 MR. JOHNSON: Nothing else, Your Honor.

20 THE COURT: Of course, I sat here also
21 for 5 days, and jury's verdict, we all have to
22 respect it, because that jury's verdict. Ma'am,
23 being convicted of the crime of accessory after
24 the fact of murder carries from 0 years to 15
25 years. I don't harbor any illusions that I can

1 issue what's called a perfect sentence, but I have
2 to issue the sentence that I think is appropriate
3 under the circumstances. This jury has found you
4 guilty of knowingly concealing this crime or
5 helping someone escape, detection, arrest and
6 punishment.

7 This was, what's the word? Awful, what
8 was done to this man. He was killed violently.
9 And the jury has concluded that you were aware of
10 that, and helped Mr. Brown or others escape
11 responsibility for it. There's got to be some
12 accountability for it. I am not going to put you
13 on probation, but I am not going to give you the
14 maximum. I am going to give you some time in the
15 state prison system that I hope will rehabilitate
16 your way of thinking. And the way you conducted
17 yourself at least with regard to this case.

18 You will get credit for time that you have
19 served, January 2, 2014 through April 8th 2014.
20 Based on everything that I have taken into
21 consideration, you are committed to the State
22 Department of Corrections for period of 12 years.

23 Mr. Johnson, you can, I will give you
24 10 days to file and mail to Mr. Corbett and also
25 to me, any post trial motions. And I do want to

1 say that I do appreciate the way the lawyers
2 handled the case in accordance with the rules of
3 evidence and the rule of procedure. This is not
4 an easy proposition for lawyers to try this type
5 of case. Mr. Johnson, you had the case for a very
6 short time, but I think your performance certainly
7 belied that. I think you did very, very well.
8 Mr. Corbett, you did very, very well.

9 I appreciate the way that you put the
10 issues to the jury and to me, so I can understand
11 them. I think what gets lost in the shuffle
12 sometimes when I come in on morning, I know 0
13 about the case. And I certainly rely on the
14 lawyers to educate me and you all did that. And I
15 appreciate that. Mr. Epps' family, I sympathize
16 with you for your loss. I hope that some justice
17 in any further proceedings whatever that justice
18 might be.

19 Ms. Kelley, I hope you have learned
20 something. I hope that you when you make your way
21 out of prison that you can become productive and a
22 good mother to your children. That will conclude
23 these proceedings and we are adjourned for the
24 week. And let me also state that I appreciate the
25 way law enforcement and the Sumter County

1 Sheriff's Office, conducted their investigation.
2 I certainly commend Investigator Mays,
3 Investigator Thomas, and all the others who
4 participated. I think you did an admirable job.
5 Thank you.

6 MR. JOHNSON: Thank you.

7 ---End of Requested Transcript of Record---
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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	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF SUMTER	)	FOR THE THIRD JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA	)	WARRANT: 2014GS4300724
V.	)	
	)	DEFENDANT'S REQUESTED VOIR DIRE
London A. Kelley,	)	
DEFENDANT	)	

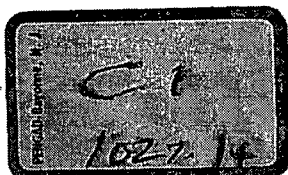
The Defendant respectfully requests that the Jury panel be put on its oath and that the Court propound the following questions, in addition to the statutory questions required by the South Carolina Code §14-7-1020 (1976):

- 1) Is any member of the jury panel related by blood or marriage to, or a friend or acquaintance of, a member of any law enforcement agency?

- 2) Is any member of the jury panel employed by, related by blood or marriage to, or a friend or acquaintance of anyone employed by the Attorney General, the Solicitor, or any prosecuting attorney's office?

- 3) Has any member of the jury panel ever been employed by any civilian or military law enforcement agency?

- 4) Is any member of the panel a member of, or contributor



to, any group, which has as its primary concern the promotion of law enforcement or victim's rights? These groups would include but not be limited to CAVE, CADRE, MADD, or SADD?

5) Is any member of the jury panel employed by, related by blood or marriage to, or a friend or acquaintance of, any of the prospective witnesses in this case, or any of the potential law enforcement officers connected with this case?

6) Has any member of the jury panel ever been a witness in a criminal trial?

7) Has any member of the jury panel read or heard anything about this case either today or before today?

8) Has any member of the jury panel discussed this case or heard anyone else discuss this or a similar case either today or before today? Who did you discuss this case with?

9) Have you formed any opinion about this case?

10) Have you, any member of your family, or any close friend ever been the victim of Murder, Robbery or any similar offenses? If so, how would that experience affect your decision today?

11) Is there anything in the nature of the allegations in this case, which would cause any member of the panel any problem in sitting as an impartial juror?

12) Is there any member of the jury panel that has ever been charged with a crime, but never convicted?

13) Have you ever served on a jury panel before? Was this panel civil or criminal? If criminal, what were the charge and its disposition?

14) Have you ever witnessed a crime? If so, what was the nature of the crime?

15) Do you understand that as a jury you would be the only judge of the facts in this case?

16) Are you inclined to think that a person is guilty of some crime simply because he was arrested?

17) Do you understand that the defendant is presumed innocent and that the burden is upon the State to prove him guilty beyond every reasonable doubt?

18) Do you understand that you must give the defendant the benefit of this presumption of innocence during the trial and in your deliberations?

19) Do you understand that it is not the defendant's duty to prove his innocent, but rather it is the burden of the State to prove him guilty beyond any and all reasonable doubt?

20) Do you understand that the defendant has no obligation to prove or disprove any fact in this matter but may in fact remain silent and compel the State to carry the burden of its proof?

21) Do you understand that the comments of the prosecuting attorney made during the trial and including both his opening and closing statements are not evidence in this case?

22) Do you understand that if there is uncertainty as to whether reasonable doubt exists, that that uncertainty must be given to the defendant and he must be acquitted?

23) Do you understand and agree that every element of a circumstantial evidence case must be totally inconsistent with innocence, consistent only with guilt and that if the evidence does not, to a moral certainty, point only to guilt, you must

render a verdict of not guilty?

24) If the judge instructs you that you cannot convict on circumstantial evidence unless that evidence excludes every other reasonable hypothesis, can you accept and will you follow that instruction?

25) Do you agree and understand that an acquittal serves the interest of justice as well as a conviction?

26) If you come to the conclusion that the prosecution has not proven the guilt of the defendants beyond a reasonable doubt and you find that a majority of the jurors believe that the defendant is guilty, would you change your verdict only because you were in the minority?

27) If you were to bring in a verdict of not guilty on any or all of the charges against the defendant, would you be embarrassed at all with any of your neighbors, family, friends or fellow workers?

Respectfully submitted,

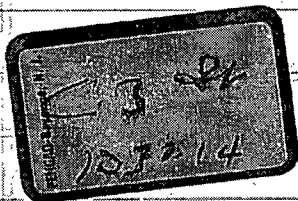

Charlie J. Johnson, Jr.
Attorneys for the Defendant

Columbia, South Carolina
This 27 day of October, 2014.

10/31/14

Can we receive clarification
regarding the term "conspiracy"?

Anastasia Spass

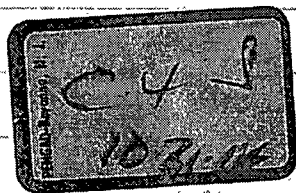


10/31/14

885

Can we hear the information
regarding the charge regarding
murder?

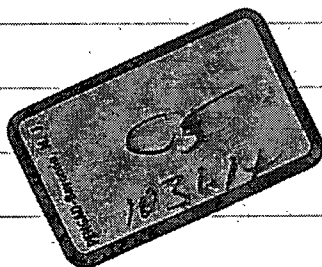
Anastasia Sparr



10/31/14

Would we be able to hear Curtis Hice's
and Rick Nelson's testimonies?

Anastasia Sparr



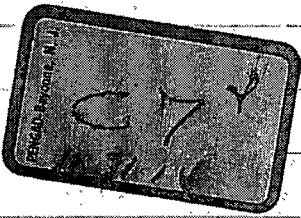
10/31/14

887

Is it possible to see a copy of the
charge for murder? (A Hardcopy)
Anastasia Spann

What happens if we cannot
come ~~to~~ to a unanimous decision?

Anastasia Spann

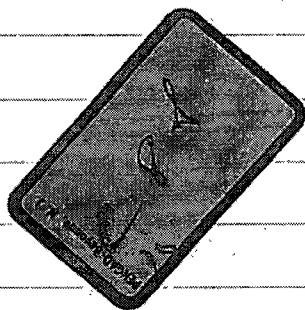


888

10/13/14

We are deadlocked.

Anastacia Spann



CASE # 11043412

VOLUNTARY STATEMENT

LAST NAME <u>Witherspoon</u>	FIRST NAME <u>Tiffany</u>	MIDDLE NAME <u>Shareena</u>	AGE <u>28</u>	D.O.B. <u>-</u>
NICKNAME/AKA <u>Tipp</u>	☐ M ☐ F ☐ Other <u>Other</u>	STREET ADDRESS <u>[REDACTED]</u>		
CITY <u>Sumter</u>	STATE <u>SC</u>	ZIP <u>[REDACTED]</u>	MAILING ADDRESS IF DIFFERENT <u>[REDACTED]</u>	
HOME TELEPHONE <u>[REDACTED]</u>	WORK TELEPHONE <u>[REDACTED]</u>	CELL TELEPHONE <u>[REDACTED]</u>	OCCUPATION <u>SHAW Subway</u>	
EMPLOYER <u>SHAW Subway</u>	EMPLOYER ADDRESS <u>370 Rhodes Ave.</u>			
DRIVER'S LICENSE NUMBER/STATE <u>[REDACTED]</u>		DATE AND TIME OF INTERVIEW <u>4/23/2013 0356 PM</u>		
LOCATION OF INTERVIEW <u>107 E Hampton Ave Sumter SC</u>				
INTERVIEWING AGENT <u>J. Thomas</u>	DEPARTMENT <u>SCSC</u>	INTERVIEWING AGENT <u>[REDACTED]</u>	DEPARTMENT <u>[REDACTED]</u>	

I, Tiffany Witherspoon understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can cannot read and write and completed the 12th grade in school.

12 The night of the murder April 9 2011 a Saturday I had a cook out at my house that started at 3:30 pm. I was living at Wedge field at the time. Some people that were there were my brother's Darion Sweat, Kenneth Witherspoon, my baby daddy Shawn Anderson, his mother Linda Anderson "LYNN", his sister's Shonte + Erica Anderson, London Kelley, Quintin Brown, "Saten" Marguis Branch, Toya McFadden "Key" (London, Quintin, "Saten", "Key") came to the party in Quintin's Impala he was driving, London in front seat, Katrina Burden, Essence don't know her last name but mother is a cop for Sumter City. As soon as London and them got to the party Quintin and Saten left the party to go get a "bop" in Quintin's car they came back about one hour or one hour and a half later. That's when an altercation started between London and Quintin London was mad because she was accusing Quintin to be with his baby-mamma Chaney Montgomery and London started whailing on Quintin punching him in the face. London, Quintin and Saten left before the hail storm around 1030 pm in Quintin's car. London wanted to go to Club Tw

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 4/23/2013 Time: 0356 PM

X Tiffany Witherspoon
Signature of person giving voluntary statement

WITNESS: INV. J Thomas

WITNESS: [REDACTED]

I certify that I have been given a copy of this statement consisting of 2 pages.

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

1w Miami before midnight to get a wrist bands. The day after the murder London called me and started talking to me and said I think Quintin was cheating on me with Ebony but never said she found a body or anything else about the Murder. London went to jail recently about March and when she got out she called and said she did a statement and used my name for an alibi and I said "why am I just finding out?" she said "I never thought it would come down to something like this. About a week ago London came to my house and told me the cops searched her car the day after the murder but they did not search her house at Green Mhp. 1w

1w Tarveres McFadden "key" came to my party with "Peaches" and left with her and Linda Anderson. 1w

Person giving statement to place initials behind last word of statement as appears on last page.

K. J. 3/10/11
Signature of person giving voluntary statement

CASE # 11043412

VOLUNTARY STATEMENT

LAST NAME <u>Brown</u>	FIRST NAME <u>Edward</u>	MIDDLE NAME <u>Francis</u>	AGE <u>24</u>	DOB <u></u>
NICKNAME/AKA <u>"Bubba"</u>	☒ M ☐ F ☐ SSN <u>[REDACTED]</u>	STREET ADDRESS <u></u>		
CITY <u>Hickory Creek</u>	STATE <u>SC</u>	ZIP <u></u>	MAILING ADDRESS IF DIFFERENT <u>(Cousin house)</u>	
HOME PHONE <u>803 [REDACTED]</u>	WORK TELEPHONE <u></u>	CELL TELEPHONE <u></u>	OCCUPATION <u></u>	
EMPLOYER <u></u>		EMPLOYER ADDRESS <u></u>		
DRIVER'S LICENSE NUMBER/STATE <u></u>		DATE AND TIME OF INTERVIEW <u>12/31/2013 01:15 PM (Tuesday)</u>		
LOCATION OF INTERVIEW <u>Waterloo Correctional - State Farm Rd</u>				
INTERVIEWING AGENT <u>J. Thomas</u>	DEPARTMENT <u>SCSO</u>	INTERVIEWING AGENT <u>N. Gardner</u>	DEPARTMENT <u>SCSO</u>	

I, Edward Brown III understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I ☒ cannot read and write and completed the 10th grade in school.

EB A couple days after bike week in the Summer of 2011 I was seeing London Kelley and she text me to meet her at American Inn room #212. London told me that she was upset with Quintin Brown because he was still messing with Shakia Green and she never would have put herself in the position with setting up Daryl Cops to get robbed by Quintin. London said she left Club Miami with Daryl in his car and went to Harwood. London said she went inside and the shooting happened. Between January and March of 2012 I was in lockup with Keenan Beatha "Peg-Leg". Keenan told me that Quintin was messing with his baby-mama and almost got him locked up for it when he said it was Quintin Brown and Christopher Lavelly "Popeye". Keenan said London left the club with Daryl and they went to Harwood and that's when Quintin and Christopher ran up to his car to rob him and shot him up in the car. Keenan said Quintin told him this. EB

EB I requested Investigator Thomas write this statement for me EB

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

12/31/2013 Time: 02:10 PM

Edward Brown

Signature of person giving voluntary statement

WITNESS: [Signature] INV. J. Thomas

WITNESS: Inv. W. J. Gardner

I certify that I have been given a copy of this statement consisting of 1 pages.

COPY



VOLUNTARY STATEMENT

LAST NAME Oahs		FIRST NAME Shoniqua		MIDDLE NAME Lashawn	AGE 23	DOB 000
NICKNAME/AKA Bird		M ☐ F ☒ SS ☒ [REDACTED]		STREET ADDRESS		
CITY Sumter		STATE SC		MAILING ADDRESS IF DIFFERENT		
HOME TELEPHONE [REDACTED]	WORK TELEPHONE		CELL TELEPHONE [REDACTED]		OCCUPATION	
EMPLOYER			EMPLOYER ADDRESS			
DRIVER'S LICENSE NUMBER/STATE			DATE AND TIME OF INTERVIEW 10/21/2014 15:17			
LOCATION OF INTERVIEW 1250 Wilcox Rd (S.C.D.C.)						
INTERVIEWING AGENT J. Thomas		DEPARTMENT S.C.S.O.		INTERVIEWING AGENT		DEPARTMENT

I, Shoniqua Oahs understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can cannot read and write and completed the 10th grade in school.

I came to Sumter County Jail after Christmas in Jan. was placed in Room 201 with Kelly. We talk that night about my charge and the next morning we talk about hers. She told me that she was talking to a young boy that sold drugs and she was planning on meeting with him so her boyfriend could of rubb him and it went bad. Her boyfriend end up killing the other guy took what he had and leave him in a path in her back yard. The next morning she call and told the police that she found a body in her back yard. She ask me do I know the boy that her boyfriend killed I told her no so she start calling his name and telling me what he look like. Then I got out that monday and a couples months later she gets out and writes me on facebook to let me know she was home. S.O.



I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 10/21/2014 Time: 15:17

X Shoniqua L. Oahs
Signature of person giving voluntary statement

WITNESS:

J. Thomas

WITNESS:

I certify that I have been given a copy of this statement consisting of 1 pages.

CASE # 11043412

VOLUNTARY STATEMENT

LAST NAME Darks-Thomas		FIRST NAME Susie		MIDDLE NAME Loretta	AGE 41	D.O.B. 12/11/1972
NICKNAME/AKA		M ☐ F ☒	SSN 2	STREET ADDRESS		
CITY Dallas		STATE TX	ZIP 75201	MAILING ADDRESS IF DIFFERENT		
HOME TELEPHONE	WORK TELEPHONE	CELL PHONE		OCCUPATION NONE		
EMPLOYER N/A		EMPLOYER ADDRESS				
DRIVER'S LICENSE NUMBER/STATE			DATE AND TIME OF INTERVIEW 2/7/2014 0940 AM Beg - Friday			
LOCATION OF INTERVIEW 1281 N Main St (SCSO) Sumter SC 29153						
INTERVIEWING AGENT J. Thomas		DEPARTMENT SCSO		INTERVIEWING AGENT		DEPARTMENT

I, Susie L. Darks Thomas understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I ☒ cannot read and write and completed the 12th grade in school.

501 ON Jan 07 2014 London Kelley came to Charlie Dadd RM 202. ON DR about Jan 22nd 2014 she became my room-mate due to the fact the water stopped working in Rm C-202. I didn't know London prior to her becoming my room-mate. I NEVER had any knowledge about the Daryl Epps murder. When she entered my room she said hi I'm London. I said hi my name is Susie. She said im here because i've done something bad. I said well we all have done something bad to be in jail my daughter Shaniqua Darks was London's room-mate, prior to London becoming mine. Once my daughter were release we spoke on the phone, and she told me (Mamma that girl London in room 202 is crazy). I said why do you call her crazy? She said because all she do is cry cry cry. She said mamma that girl killed somebody. I said that girl didn't kill anyone. She said Mamma she killed — and I said stop I don't want to hear it. I got these phones record S.O.T.

I have read each page of this statement consisting of 11 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 2/7/2014 Time: 12:50 PM

Susie L. Darks Thomas

Signature of person giving voluntary statement

WITNESS: [Signature] INV. J. Thomas OS63 WITNESS: _____

I certify that I have been given a copy of this statement consisting of 11 pages.

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VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

5.07 She had visit the next day after she moved in my room. She came back from visit really upset. I said to her are you DRAG? She said no! I'm going to be here for the rest of my life. I said I don't say that, just continue to pray. She said I'm ^{5.07} tired ^{5.07} of praying. I said to her do you want to talk. She said Quintin killed somebody. I said are you sure you want to talk about this. She got quiet for maybe 3-4 mins. and just scream out crying. I got out my bed and hugged her for comfort. At that time I asked her who were Quintin. She said my boyfriend, he's my daughters daddy. I asked her who did Quintin kill and she said that Epps boy. Do you remember in 2011 the Epps boy got shot to death. I said girl in 2011 I WAS running from the law. She told me she didn't help Quintin kill the Epps Guy, But she WAS with him ^{5.07} when he shot him. She said she WAS going to be in Jail alone time. And never get to see her children again. I said why you keep saying that. She said because I'm the reason Darryl Epps came to our house. The conversation about her charge paused because she cried herself to sleep. She woke up at dinner around 4³⁰pm-5⁰⁰pm. Later on that same night after we took our shower, she started to cry again. I said are you okay she said NO. I said London you have a lot going on with you. You might want to talk with your Inv. She said NO I'm not ever talking to those people again. I told her I'm here if she needed me. She said Ms. Susie I wish I never ^{5.07}

Person giving statement to place initials behind last word of statement as appears on last page.

COPY

J.T

Susie L. Davis Thomas
Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

507. agreed to set that boy up. I said who the Epps Guy. She said yes and ^{busted} out crying. I said why did you do that. She said because Daryl and her were having an affair and Quintin found out. Quintin told her one night at home during an argument they were having that he knew she were fucking Daryl. She said she denied it at 1st but he pulled out a gun and told her he would let her live if she set daryl up for him to rob. So she agreed because she were scared. She told that Jennifer thinks she's so damn smart, ha-ha I bet she NEVER figured out what ^{pho} number I WAS calling Daryl off. I ASKED her what you mean set him up. She said he was suppose to meet her to party in Wedgefield, but he never showed up. They were suppose to meet at Club Miami but she didn't go to the club that night. She said without her knowledge he came to her house. She said she saw the truck light outside so she peeped outside and it WAS Daryl. She said she told Quintin Daryl outside, and Quintin said well you know what to do. They were suppose to leave Club miami and go to her favorite hotel American's Inn. I said I'll American's Inn. And she said Yeah ms. Susie we go there all the time. I said You sure like to play it close. American Inn is in the Cherryvale Area. She said Yeah but we live in Gerns mHP. They didn't go to the club because they both were really drunk ms. Susie. She said we went home and passed out sleeping. She said her aunt Cindy kept calling her or Quintin's cell phone to come get their daughter Jayla. And the phones woke her up. They 507.

Person giving statement to place initials behind last word of statement as appears on last page.

COPY

J.T

Susie J. Laks Thomas

Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

50.T. Never went to pick Jayla up, because Daryl came to their house ^{before s.o.t.} because they left. London told me she were trying to set this robbery up for at least 2 months. I said what took so long. She said Girl I was scared, didn't want to do it. But living in the house with Quintin Brown I had no other choice. She goes outside walks to the driver side. Daryl rolls the window down. She said the 1st thing he asks her is do you want to smoke a blunt. She said she told Daryl, Quintin were at home. Before he ^{s.o.t.} could respond back, Quintin walks outside. Come around to the driver's side as well and say to Daryl 'What's Nigga you're rolling a blunt let me jif it to'. Girl ^{s.o.t.} London said girl before daryl could say anything to Quintin with his alcoholic ASS he asked Daryl to take him to the store. I asked her was Quintin mad. She said no ms. Susie you have to understand we're trying to rob him. Oh so Quintin didn't want to ^{s.o.t.} make Daryl mad. She said yeah. Quintin told Daryl hop in the passenger's seat let me drive to the store while you roll the blunt. She said Daryl walked around the back of the truck in got in the front passenger's side. She got in back behind Daryl. Quintin left driving. They passed America's Grocery. Daryl asked where he was going. Quintin said just rick man. She said she made a left turn on Eagle Rd, cross railroad tracks, came to cane Savannah rd, made right at stop sign drove to a wooded dark area, and pulled over. s.o.t.

Person giving statement to place initials behind last word of statement as appears on last page.

COPY

J.T.

Susie L. Daks Thomas

Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

J.T. And Quintin looked at Daryl and said nigga I know you're fucking London. London said before her or Daryl could say anything Quintin shot Daryl at close range to the head. She said ms. Susie Daryl brains were hanging out. I said ughh dont tell me that I have a weak stomach. I asked her so what did you do. She said we went home. She said we took the same route home. She said they smoked the blunt Daryl had rolled on their way home. London said once they got in the area by Americas Grocery Quintin rolled the passenger's front window down to throw the remaining blunt out the window. And somehow Daryl's red + ~~black~~^{white} white baseball cap flew out the window. And London thought that were funny. London said it was a red + white NIKE hat. When we got home Quintin asked me to help him remove Daryl's body out of the truck. Then the dam dummy asked me to help him remove the body. She said I did, Daryl's body was heavy, and bloody. She said ms. Susie I had to get that blood off of me. She said they thought it would have been safe because it were dark out there. I said so you didnt think it was going get day light. She ~~said~~^{said} I were scared, and not thinking. She said Quintin reacted as if he weren't scared at all. London said she told Quintin I have to take a shower, I need to get these bloody clothes off. Quintin told London to stay home and take a shower and he was going to get someone to help him get rid of the truck. Quintin left driving the truck. London went on inside took a shower, took the bloody clothes + put them in a black trash bag. London said she were scared to s.i.t.

Person giving statement to place initials behind last word of statement as appears on last page.

COPYJ.T. Susie L. Parks Thomas

Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

10.1 Stay on the inside after she showered. So she went outside. I told her its black outside, you said the mthp had no street lights. She said but still I could have seen what come + go. I stayed outside a few hours waiting on that Bummy to come back. About 3 hours later Quintin came back home walking. She said she met him and asked him what he do with the truck. And he said he could get nobody to get rid of the truck for him. So he burnt it on the back road of American's Inn. She said it was in the area of a pond and a big nice house. Quintin came ~~in~~ⁱⁿ inside took a shower, She put his clothes in the same bag as her's. I asked her what did yall do with the clothes. She said we burnt them. Quintin Gave Javontae Brown the gun that he used to kill Daryl Epps to hold from what London to me. Quintin found out that Javontae Brown has sold the gun. Quintin told London when I get home Im going to kill Javontae ass. I asked London did they ever go get their baby. She said Cindy stopped calling so we didnt go. That night I went to sleep. Around lunch time 11³⁰ AM we continued the conversation. I stated that I was tired of apples. London said Quintin love apples. I said London you told me you + Quintin report or found the baby, and she said yeah girl Quintin dumb ass left one of the pockets of Daryl pants turned inside out. And we were gonna try to put the pocket back in. But Mr. — I said who she said Lil Tony dad. were outside or came outside and saw them. She said when she realized someone saw them. She started telling oh my God WE found a dead body call the police. S.O.T

Person giving statement to place initials behind last word of statement as appears on last page.

COPY

J.T

Susie L. Naks Thomas

Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

s.o.T London Said her and Quintin didnt stick around Gems mHP for Law Enforcement come, me and Quintin Jump our black asses in our car and went to American mHP. She said girl when we got out there officers WERE everywhere. She said Quintin walked up to one officer and said IT'S a dead body in Gems mHP. She said the officer and his dog took out running toward a patrol car. She said her and Quintin went to a friend name Dawayne Belyn (Red). He lives in Ideal mHP with his mom. At the time of the murder Dawayne WAS living in ~~the~~^{s.o.T} Windsor City mHP. I asked London why did yall go to Red's house. She said Girl we had to go somewhere comfortable. Because our area was flooded with cops. They both know Red because hes a big time weed seller. And they both has purchased weed from him before from what London told me. London also told me that her and Quintin ~~she~~^{s.o.T} has bought weed from Daryl Epps several times because he always have good weed. Red Severed 18 mths in prrison. Just recently got released. During the time Red were in ~~prison~~^{s.o.T} prison London and Quintin was buying there weed from Daryl Epps. London told me Quintin got \$100 all \$100 dollar bills out Daryl epps pocket. Quintin also got a large amount of weed out of the truck Daryl was driving. Once Quintin ~~relea~~^{s.o.T} realized what he got from Daryl Epps, he began to scream whooo y'm about to be back on my feet now. London told me that Quintin gave her some of the weed he got out Daryl's truck for herself to smoke. Uer a phone call s.o.T.

Person giving statement to place initials behind last word of statement as appears on last page.

COPY

J.T

Susie L. Marks Thomas

Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

J.T. Mrs. Johnson told London that Mr. Johnson were told that Christopher Lovely wrote a statement against her and Quintin. From that point London is upset. She told me I don't know why (Popeye) would write a statement. She hell he's already in trouble with several murders. She laughed and said he's looking at 100 yrs. Hell me and Quintin needs to put this murder on Popeye ass. I said don't do that. God don't like ugly. The truth will come out at your trial. She said you got that trial (shit) right. Because we're not pleading guilty to this shit because they don't have anything on ~~us~~ us but a statement. London said Jennifer is gonna have to do better than that. She came back from the preliminary hearing upset. Stating that Mr. Murphy told her to let her read a statement Edward Brown wrote. And Mr. Murphy told her if she knew who Edward was (she better tell him). So when a family member (Tipp) visited her she brought a print out of Edward & showed it to London. London came back from visit crying again. She said she did know Edward Brown she met him at a car show. They had no sexual contact but use to converse. I said you really needs to talk with your Inv. She said no never. About three days later she spoke with Mr. & Mrs. Johnson over the phone. And Mr. Johnson explain to her how much ~~shit~~ it will hurt her case if she admits to have any knowledge of knowing Edward. Once London finished her phone calls at home. She always discuss them with me. London s.o.t

Person giving statement to place initials behind last word of statement as appears on last page.

COPY

J.T

Susie L. Parks Thomas
Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

... WAS crying she told me she knew Edward but she's not suppose to admit because Mr. Johnson said it will hurt her case. So she didn't admit to Mr. + Mrs Johnson that she knew Edward Brown.

London told me that her daughter's stepmom name Joyce Johnson works at the police dept. And she keeps Mr. + Mrs Johnson informed with any information she hears concerning London and Quintin. Joyce Johnson is the daughter-in-law of Mr. + Mrs. Johnson. Joyce is married to Jason Johnson, which the son of Mr. + Mrs. Johnson and the father of London's oldest child Jordan. London said that Mrs. Johnson never accepted Joyce and Jason's relationship. Mrs. Johnson always + still do want London + Jason to be a couple. Mrs + Mr. Johnson has custody of London's oldest daughter Jordan. London told me that the Johnson family has plenty money. Mr. Johnson is a retired FBI agent from what London says. Mrs. Johnson retired worker from Black River electric corp. Also London told me Mr. Johnson brother died and she said he were lefted a whole lot of money. Mrs. Johnson told London if she gets a bond as high as \$250,000 that they will bond her out. London told me if she do make bond she's going straight to Ohio with her mom for a while, and go to Dallas Texas with her brother for a while. London told me before Mr. Johnson explained to her how much it would hurt to admit she knew Edward Brown that she did know him, and he WAS in love with her, at one time. After London's a-

Person giving statement to place initials behind last word of statement as appears on last page.

COPY

J.T

Susie L. Daks Thomas

Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

Visited with Mr. Johnson She told me she didn't know Edward Brown. But prior to her conversation with Mr. Johnson about Edward Brown she had already told me she had involvement at some point with Edward Brown. I took it as she changed her knowledge of knowing Edward because she forgot she had already talked to me about him.

London & I were having a conversation about me missing my deceased husband. And London comment and said to me I know Ms. Susie I miss Daryl too. London had a visit on a non visit day for the females. When London came back from visit I said Girl who visit you today. And London said "how about Mr. Simon has it set up where Mr. Johnson can visit me when he was to as an retired FBI Agent." Who told that? London said Mr. Johnson, how you think he got to visit me today. I want to fire Mr. Murphy & get me a paid lawyer. But Mr. Johnson told her Mr. Murphy was a good attorney, he know Mr. Murphy, & she needs to keep Mr. Murphy because hes allowing him to work her case too. London told me that when she 1st got locked she wanted to confess what she & Quintin had to Mrs. Thomas her Inv. She told me she left Mrs. Thomas a voicemail message. But it was over the weekend. Mr. Johnson came to visit her bright & early that Monday morning. And advised her not to talk to anyone else besides him & Mr. Murphy. While London was on suicide watch she were allowed s.o.r

Person giving statement to place initials behind last word of statement as appears on last page.

COPY

J.T

Susie L. Dake Thomas

Signature of person giving voluntary statement

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

1.01. by Simon major to have a visit. The officers in Booking question the fact that she were getting a visit. London said she heard them on the phone wanting to verify who gave her permission to have a visit. And the officer hung up the phone and said Simon major Dial.
London & Quinton keeps communication through their visit. Someone will visit London & Quinton on same day & time, carry their cell phones on visit & one will call the other and they will translate conversation from London to Quinton S.O.T.

Person giving statement to place initials behind last word of statement as appears on last page.

COPYJ.T. Susie L. Daks Thomas
Signature of person giving voluntary statement



VOLUNTARY STATEMENT

LAST NAME <u>Oaks Thomas</u>		FIRST NAME <u>Susie</u>		MIDDLE NAME <u>Loretha</u>	AGE <u>41</u>	D.O.B.
NICKNAME/AKA		M ☐ P ☒	SSN	STREET ADDRESS		
CITY <u>Delzell</u>		STATE <u>SC</u>	ZIP	I MAILING ADDRESS IS DIFFERENT ☐		
HOME TELEPHONE	WORK TELEPHONE	CITY TELEPHONE		OCCUPATION		
EMPLOYER		EMPLOYER ADDRESS				
DRIVER'S LICENSE NUMBER/STATE		DATE AND TIME OF INTERVIEW <u>2-11-2014 14:39</u>				
LOCATION OF INTERVIEW <u>1281 N Main St - SCSO</u>						
INTERVIEWING AGENT <u>J. Thomas</u>	DEPARTMENT <u>SCSO</u>	INTERVIEWING AGENT			DEPARTMENT	

I, Susie Oaks Thomas understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I (can) cannot read and write and completed the 12th grade in school.

5.0 On Saturday 02/08/2014 London was on the phone with Cindy Livingston. They were having a conversation about Cindy moving into a (MH) mobile home that belongs to London, that were purchased by mr. + mrs Johnson for London, and her children. The mobile home is in Crescent mhp. London told Cindy when mrs. Johnson took her to look in the mobile home make sure she get ~~his~~^{his} stuff out the dryer. s.o. Quentin

5.0 Also that same day me and London had a conversation about her son going to live with his father Rodney Green. And London told me dam I hate that Bitch Jennifer don't live on Cherryvale no more. I said why she said it would be nothing for my baby daddy to burn her house down. I said shit. She said Bitch my baby daddy fool he will do it. I said so where Jennifer stay now? She said the Bitch stay in a Gated area. I said oh. s.o.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Re: 2-11-2014 Time: 14:39 X Susie Oaks Thomas
Signature of person giving voluntary statement

WITNESS: [Signature] Inv. J Thomas 0563 WITNESS: _____

I certify that I have been given a copy of this statement consisting of 1 pages.

COPY

WITNESSESJ. Thomas
Sheriff

Sumter County

ARREST WARRANT NUMBER

2013A4310101049

ACTION OF GRAND JURY*True Bill**M. T. Anderson*
Foreperson of Grand JuryDate: *8-21-14***VERDICT**Foreperson of Petit Jury
Date:**DOCKET NO. 2014-GS-43-0724****The State of South Carolina****County of SUMTER****COURT OF GENERAL SESSIONS**August

TERM

2014**THE STATE****vs.****LONDON ANTOINETTE KELLEY****Indictment for****Murder****Accessory After the Fact of Murder
Conspiracy***Ernest A. Finney III***ERNEST A. FINNEY, III, SOLICITOR**

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR

Murder
Accessory After the Fact of Murder
Conspiracy

At a Court of General Sessions, convened on August 21, 2014 the Grand Jurors of
SUMTER County present upon their oath:

COUNT ONE
MURDER

That London Antoinette Kelley did in Sumter County, on or about April 9, 2011, willfully, feloniously, and intentionally kill the victim, Darrell Epps, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about April 9, 2011 in Sumter County, in violation of Section 16-3-10, South Carolina Code of Laws, 1976, as amended.

COUNT TWO
ACCESSORY AFTER THE FACT OF MURDER

That London Antoinette Kelley did in Sumter County, on or about April 9, 2011, with knowledge that the felony of murder had been completed, did harbor or assist the principal felon in escaping detection or arrest in violation of Section 16-1-55 South Carolina Code of Laws, 1976, as amended.

COUNT THREE
CONSPIRACY

That London Antoinette Kelley did in Sumter County, on or about April 9, 2011, conspire with one or more other persons to commit an unlawful act, or commit a lawful act by unlawful means: to wit: Murder, in violation of Section 16-17-410, South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

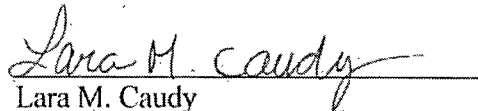
Solicitor

Ernest A. Finney III

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 4th, 2015


Lara M. Caudy
Appellate Defender

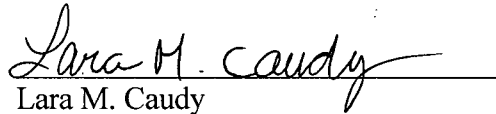
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 4th, 2015


Lara M. Caudy
Appellate Defender

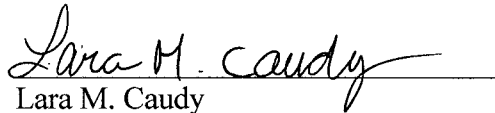
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(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 4th, 2015


Lara M. Caudy
Appellate Defender

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

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SC Court of Appeals

ATTORNEY FOR APPELLANT