22312

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of General Sessions
Donald B. Hocker, Circuit Judge
Appellate Case No. 2014-002322

The State, Respondent,

v.

Curtis Brent Gorny, Appellant.

RECORD ON APPEAL

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Sarah C. Campbell
Andrew M. Privette
Barrister Building
Old Towne Centre
159 Main Street
Chesterfield, SC 29709
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Bennettsville, SC 29512
Phone:(843) 479-6516
ATTORNEYS FOR RESPONDENT

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Certificate of Counsel.....465

STATE OF SOUTH CAROLINA)
COUNTY OF Chesterfield)
STATE VS.)
Curtis Garny)
AKA:)
Race: W Sex: M Age: 58)
DOB: SS#:)
Address:)
City,State,Zip:)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS1300760
A/W#: 2013A1310400058
Date of Offense: 2/13/13
S.C. Code § : 56-5-750(B)(1)
CDR Code #: 0065

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Failure to stop for blue light
in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065
☐ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☐Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 76590 _____ _____ _____
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 3 ~~days/months/years~~ or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2014-GS-13-602|603|007
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit 616 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
_____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

CHESTERFIELD CLERK OF COURT FILED 2014 OCT 22 PM 4

Clerk of Court/ Deputy Clerk Tonya L Sellers
Court Reporter: Kathie Cooke

Presiding Judge _____
Judge Code: 2765
Sentence Date: 10/22/14

RECORD ON APPEAL 5

SCCA/217 (03/2011)

TATE OF SOUTH CAROLINA)
OUNTY OF Chesterfield)
TATE VS.)
Curtis Gorny)
KA:)
ace: W Sex: M Age: 58)
OB: SS#:)
ddress:)
ity,State,Zip:)
L#: SID#:)
CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014-GS-13-0077
A/W#: 2013A1304000582
Date of Offense: 2/15/13
S.C. Code § : 16-03-0029
CDR Code #: 341

SENTENCE SHEET

n disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
O: Attempted Murder
n violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 341
☐ NON-VIOLENT ☒ VIOLENT ☐SERIOUS ☒MOST SERIOUS ☐Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45
he charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
he plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
TTEST:

Solicitor	SC Bar#	Defendant	Attorney for Defendant	SC Bar#
	16790			

/HEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
or a determinate term of 25 ~~days/months/years~~ or ☐ under the **Youthful Offender Act** not to exceed _____ years
nd/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
f $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
onths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
obation, which are incorporated by reference.
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: 14-GS-13-602 & 603
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
y the State Department of Corrections. Credit 6/16 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

ursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal omestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

]**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
otal: $ _____ plus 20% fee: _____ $ _____
ayment Terms: _____
] Set by SCDPPPS _____
_____
ecipient: _____

ine:		$
14-1-206 (Assessments 107.5 %)		$
14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
14-1-211(A)(2) (DUI Surcharge)	$100	$
56-5-2995 (DUI Assessment)	$12	$
56-1-286 (DUI Breath Test)	$25	$
oviso 47.9 (Public Def/Prob)	$500	$
14-1-212 (Law Enforce. Funding)	$25	$ 25.00
14-1-213 (Drug Court Surcharge)	$150	$
50-21-114(BUI Breath Test Fee)	$50	$
56-5-2942(J) (Vehicle Assessment)	$40/ea	$
oviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
% to County (if paid in installments)		$ 3.90
OTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

FILED
2014 OCT 22 PM
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, SC

erk of Court/ Deputy Clerk Faye L. Sellers d/Lottie Cade
urt Reporter: _____
Presiding Judge RECORD ON APPEAL 6
Judge Code: 2107
Sentence Date: 10/22/14

CA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Chesterfield)
STATE VS.)
Curtis Brent Gorny)
AKA:)
Race: W Sex: M Age: 58)
DOB: SS#:)
Address:)
City,State,Zip:)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014-GS-13-602
A/W#: 2013A1310400088
Date of Offense: 2-13-13 KR
S.C. Code § : 16-3-29
CDR Code #: 3410

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS
TO: Attempted Murder
in violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Solicitor	SC Bar#	Defendant	Attorney for Defendant	SC Bar#
	066583			

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 25 ~~days/months/years~~ or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 14-GS-13-603 / 0077
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit 614 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

2014 OCT 22 PM 4:17
FAYE L. SELLERS CLERK OF COURT CHESTERFIELD S.C. DEPUTY

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Faye L. Sellers
Court Reporter: Hattie Gordon
Presiding Judge: _____
Judge Code: RECORD ON APPEAL 7
Sentence Date: 10/22/14

SCCA/217 (03/2011)

TATE OF SOUTH CAROLINA)
'OUNTY OF Chesterfield)
TATE) VS.)
Cwt. S Gorny)
.KA:)
.ace: W Sex: M Age: 38)
)OB: SS#:)
.ddress:)
:ity,State,Zip:)
)L#: SID#:)
CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014-GS-13-0603
A/W#: 2013A1310400084
Date of Offense: 2/13/13
S.C. Code § : 16-03-0025
CDR Code #: 3410

SENTENCE SHEET

1 disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
'O: Attempted Murder
n violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐SERIOUS ☒MOST SERIOUS ☐Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45
'he charge is: ☐ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
'he plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Solicitor	SC Bar#	Defendant	Attorney for Defendant	SC Bar#
	16340			

VHEREFORE, the Defendant is commited to the ☐ **State Department of Corrections,** ☐ **County Detention Center,**
or a determinate term of 25 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
nd/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
f $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
nonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
robation, which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014GS-13-602/0077
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
y the State Department of Corrections. Credit 606 Days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

'ursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal)omestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
'otal: $ _____ plus 20% fee: _____ $ _____
'ayment Terms: _____
☐ Set by SCDPPPS _____
_____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E begining
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

FILED
2014 OCT 22
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD CO., S.C.

'Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
'roviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
'roviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Faye L. Sellers
Court Reporter: Hattie Gordon
Presiding Judge
Judge Code:
Sentence Date: 10/22/14

RECORD ON APPEAL 8

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Chesterfield)
STATE VS.)
Curtis Brent Corny)
AKA:)
Race: W Sex: M Age: 58)
DOB: SS#:)
Address:)
City,State,Zip:)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014-GS-13-604
A/W#: ~~2013A13~~ 2013A1310400090
Date of Offense: 2-13-13
S.C. Code § : 16-23-490
CDR Code #: 0549

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS
TO: Poss Weapon during violent crime
in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Solicitor	SC Bar#	Defendant	Attorney for Defendant	SC Bar#
	066583			

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 5 ~~days/months~~/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2014-GS-13-602/603/0077
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit 616 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Faye T. Sellers
Court Reporter: Hattie Gordon
Presiding Judge
Judge Code: RECORD ON APPEAL 9
Sentence Date: 10/22/14

FAYE L. SELLERS CLERK OF COURT CHESTERFIELD COUNTY SC 2014 OCT 22 PM 5

SCCA/217 (03/2011)

WITNESSES

ayne Jordan

ıesterfield County Sheriff

w Enforcement Case #

583

WAIVER OF PRESENTMENT

ter being fully advised as to my legal rights, I 'eby waive presentment to the Grand Jury.

fendant

ereby appear in my own proper person and ad guilty to the within indictment or to:

endant

ARREST WARRANT NUMBER
2013A1310400081

ARRESTED ON: 2013-02-14

ACTION OF GRAND JURY

1 Jury Foreperson

1-28-14

VERDICT

Jury Foreperson

10/22/14

DOCKET NUMBER:
2014-GS-13-0076

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
January 2014

THE STATE

vs.

Curtis Brent Gorny

INDICTMENT FOR

Traffic / Failure to stop for a blue light, no injury or death- 1st Offense

§56-05-0750(B)(1)

CDR Code: 0065

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	
COUNTY OF CHESTERFIELD	)	Traffic / Failure to stop for a blue light, no injury or death- 1st Offense

§56-05-0750(B)(1)

At a Court of General Sessions, convened on January 28, 2014, the Grand Jurors of Chesterfield County present upon their oath:

FAILURE TO STOP FOR BLUE LIGHT/SIREN

CDR: 0065 56-05-0750(B)(1)

That Curtis Brent Gorny did in Chesterfield County on or about February 13, 2013, while operating a motor vehicle on a road, street, or highway of the State of South Carolina, fail to stop his/her motor vehicle when signaled to do so by a law enforcement vehicle, by means of a siren and/or flashing light, in violation of Section 56-05-0750(B)(1), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

WILLIAM B. ROGERS, JR.
SOLICITOR

2013A1310400081

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE

against

Curtis Brent Gorny

Address: 131 Hamilton Ln

Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: W Height: 5 8 Weight: 150

DL State: SC DL #: 0102439064

DOB: 11/11/1958 Agency ORI #: SC0130000

Prosecuting Agency: Chesterfield County Sheriff

Prosecuting Officer: Wayne Jordan - 4054

Offense: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

Offense Code: 0065

Code/Ordinance Sec: 56-05-0750(B)(1)

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

FILED FEB 26 2013 CLERK OF COURT (L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Curtis B Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

[X] County/ [ ] Municipality of)
Chesterfield)

AFFIDAVIT

April 21, 2003
SCCA 518

Personally appeared before me the affiant Wayne Jordan being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield in the following particulars:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT THE DEFENDANT DID ON 02-13-2013 DID FAIL TO STOP FOR THE BLUE LIGHTS AND SIRN OF DEPUTY DAVID RAINWATER AND SSGT TIMMY KNIGHT AFTER THE DEPUTIES ACTIVATED SAID BLUE LIGHTS AND SIRN OF THEIR CHESTERFIELD COUNTY SHERIFF'S OFFICE UNIFORM PATROL VEHICLE . THIS INCIDENT OCCURRED IN THE CHESTERFIELD AREA OF CHESTERFIELD COUNTY.

RECORD ON APPEAL 12

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Chesterfield)

Affiant's Address 109 Scotch Road
Chesterfield, SC 29709-
Affiant's Telephone (843)623-2101

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on 2/14/2013)
Diane W Dyches (L.S.))
Signature of Issuing Judge)
Diane W. Dyches)
Judge Code: 7267)

Judge's Address 115 Green Street
Chesterfield, SC 29709-1202
Judge's Telephone (843)498-6926

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

RECORD ON APPEAL 13

WITNESSES

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
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Telephone: _____

Name: _____
Address: _____
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Telephone: _____

CODEFENDANTS

_____

_____

2013 FEB 15 PM 12 44
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2013A1310400081

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE

against

Curtis Brent Gorny

Address: 131 Hamilton Ln

Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: W Height: 5 8 Weight: 150

State: SC DL #: 0102439064

DOB: 11/11/1958 Agency ORI #: SC0130000

Prosecuting Agency: Chesterfield County Sheriff

Prosecuting Officer: Wayne Jordan - 4054

Offense: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

Offense Code: 0065

Code/Ordinance Sec: 56-05-0750(B)(1)

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Curtis B Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

RECORD ON APPEAL 14

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Chesterfield)

Personally appeared before me the affiant Wayne Jordan who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) in the following particulars:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT THE DEFENDANT DID ON 02-13-2013 DID FAIL TO STOP FOR THE BLUE LIGHTS AND SIRN OF DEPTUY DAVID RAINWATER AND SSGT TIMMY KNIGHT AFTER THE DEPUTIES ACTIVATED SAID BLUE LIGHTS AND SIRN OF THEIR CHESTERFIELD COUNTY SHERIFF'S OFFICE UNIFORM PATROL VEHICLE . THIS INCIDENT OCCURRED IN THE CHESTERFIELD AREA OF CHESTERFIELD COUNTY.

Signature of Affiant

STATE OF SOUTH CAROLINA)

[X] County/ [ ] Municipality of)

Chesterfield)

Affiant's Address 109 Scotch Road
Chesterfield, SC 29709-

Affiant's Telephone (843)623-2101

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)

on 2/14/2013)

Signature of Issuing Judge (L.S.))

Diane W. Dyches)

Judge Code: 7267)

Judge's Address 115 Green Street
Chesterfield, SC 29709-1202

Judge's Telephone (843)498-6926

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Wayne Jordan

Chesterfield County Sheriff's Office

Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

_____

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

_____

_____

Defendant

ARREST WARRANT NUMBER
2013A1310400082

ARRESTED ON: 2013-02-14

ACTION OF GRAND JURY

True Bill

_____

Grand Jury Foreperson

1-28-14

Date

VERDICT

_____

_____

_____

Petit Jury Foreperson

10/22/14

Date

DOCKET NUMBER:
2014-GS-13-0077

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
January 2014

THE STATE

vs.

Curtis Brent Gorny

INDICTMENT FOR

Murder/Attempted murder

§16-03-0029

CDR Code: 3410

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTERFIELD)

INDICTMENT FOR

Murder/Attempted murder

§16-03-0029

At a Court of General Sessions, convened on January 28, 2014, the Grand Jurors of Chesterfield County present upon their oath:

ATTEMPTED MURDER

CDR: 3410, 16-03-0029

That Curtis Brent Gorny did in Chesterfield, on or about February 13, 2013, with specific intent to kill, attempt to kill with malice aforethought, either expressed or implied, to wit; the defendant did shoot a handgun at Chesterfield County Sheriff's Office Deputies while they were attempting to stop him after coming a crime, in violation of Section 16-3-29 of S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers

WILLIAM B. ROGERS, JR.
SOLICITOR

ARREST WARRANT

2013A1310400082

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE
against

Curtis Brent Gorny

Address: 131 Hamilton Ln
Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: W Height: 5 8 Weight: 150

DL State: SC DL #: 0102439064

DOB: 11/11/1958 Agency ORI #: SC0130000

Prosecuting Agency: Chesterfield County Sheriff

Prosecuting Officer: Wayne Jordan - 4054

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

FEB 26 2013 (L.S.)

Signature of Judge

Date:

RECORD ON APPEAL

RETURN

A copy of this arrest warrant was delivered to defendant Curtis B Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
General Sessions
200 West Main
PO Box 529
Chesterfield, SC 29709

ORIGINAL S.C. Attorney General April 21, 2003 SCCA 518

[X] County/ [ ] Municipality of

Chesterfield

AFFIDAVIT

Personally appeared before me the affiant Wayne Jordan who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID ON 02-13-2013 DID SHOT A HANDGUN AT DEPUTIES OF THE CHESTERFIELD COUNTY SHERIFF'S OFFICE WHILE DRIVING HIS 2007 CHEV PICK-UP TRUCK WHILE DEPUTIES WERE ATTEMPTING TO STOP THE DEFENTDANT AFTER THE DEFENDANT COMMITTED A CRIME. THIS INCDIENT OCCURRED IN THE MOUNT CROGAN AREA OF CHESTERFIELD COUNTY.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

Affiant's Address 109 Scotch Road
Chesterfield, SC 29709-

Affiant's Telephone (843)623-2101

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 2/14/2013

(L.S.)

Signature of Issuing Judge

Diane W. Dyches

Judge Code: 7267

Judge's Address 115 Green Street
Chesterfield, SC 29709-1202

Judge's Telephone (843)498-6926

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

on _____

Type and Amount: _____

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

RECORD ON APPEAL 18

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

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Telephone: _____

Name: _____

Address: _____

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Name: _____

Address: _____

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Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

CODEFENDANTS

_____

_____

2013 FEB 15 PM 12 44

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

ARREST WARRANT

2013A1310400082

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE

against

Curtis Brent Gorny

Address: 131 Hamilton Ln

Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: W Height: 5 8 Weight: 150

State: SC DL #: 0102439064

DOB: 11/11/1958 Agency ORI #: SC0130000

Prosecuting Agency: Chesterfield County Sheriff

Prosecuting Officer: Wayne Jordan - 4054

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Curtis B Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

RECORD ON APPEAL

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Chesterfield)

ORIGINAL

S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

Personally appeared before me the affiant Wayne Jordan who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID ON 02-13-2013 DID SHOT A HANDGUN AT DEPUTIES OF THE CHESTERFIELD COUNTY SHERIFF'S OFFICE WHILE DRIVING HIS 2007 CHEV PICK-UP TRUCK WHILE DEPUTIES WERE ATTEMPTING TO STOP THE DEFENTDANT AFTER THE DEFENDANT COMMITTED A CRIME. THIS INCDIENT OCCURRED IN THE MOUNT CROGAN AREA OF CHESTERFIELD COUNTY.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Chesterfield)

Affiant's Address 109 Scotch Road
Chesterfield, SC 29709-

Affiant's Telephone (843)623-2101

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on 2/14/2013)
Signature of Issuing Judge (L.S.))
Diane W. Dyches)
Judge Code: 7267)

Judge's Address 115 Green Street
Chesterfield, SC 29709-1202

Judge's Telephone (843)498-6926

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Mark Creech

SLED

Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2013A1310400088

ARRESTED ON: 2013-02-14

ACTION OF GRAND JURY

True Bill

Grand Jury Foreperson

9-2-14

Date

VERDICT

Petit Jury Foreperson

10/22/14

Date

DOCKET NUMBER:
2014-GS-13-0602

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
September 2014

THE STATE

vs.

Curtis Brent Gorny

INDICTMENT FOR

Murder/Attempted murder

§16-03-0029

CDR Code: 3410

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTERFIELD)

INDICTMENT FOR

Murder/Attempted murder

§16-03-0029

At a Court of General Sessions, convened on September 2, 2014, the Grand Jurors of Chesterfield County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-3-29

That Curtis Brent Gorny did in Chesterfield County, on or about February 13, 2013,with specific intent to kill, attempt to kill Olivia Weaver with malice aforethought, either expressed or implied, to wit: shooting Olivia Weaver, striking her about the face and body, in violation of Section 16-3-29 of S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

2013A1310400088

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE
against

Curtis Brent Gorny

Address: 131 Hamilton Ln
Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: Height: 5' 8 Weight: 150

State: SC DL #: 102439064

DOB: 11/11/1958 Agency ORI #:

Prosecuting Agency:

Prosecuting Officer:

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

ORIGINAL ORIGINAL

RECORD ON APPEAL

AFFIDAVIT

April 21, 2003
SCCA 518

[X] County/ [ ] Municipality of)
Chesterfield)

Personally appeared before me the affiant J Mark Creech -- Sled who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On or about Feb. 13, 2013, one Curtis Brent Gorney did shoot a handgun at one Olivia Weaver striking her in the face and body in the front of Chesterfield County Courthouse located at 200 W Main St. in the town of Chesterfield, in Chesterfield County.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Chesterfield)

Affiant's Address State Law Enforcement Division
PO Box 56 Effingham, SC 29541-
Affiant's Telephone 843-662-6245

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on 2/14/2013)

(L.S.))

Signature of Issuing Judge

John A Davis)

Judge Code: 7227)

Judge's Address 115 Green Street
Chesterfield, SC 29709-

Judge's Telephone (843)623-9009

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

RECORD ON APPEAL 23

WITNESSES

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

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Telephone: _____

Name: _____
Address: _____
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Telephone: _____

CODEFENDANTS

_____

_____

2003 MAY 10 PM 3:59

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2013A1310400088

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE
against

Curtis Brent Gorny

Address: 131 Hamilton Ln
Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: Height: 5 8 Weight: 150

State: SC DL #: 102439064

DOB: 11/11/1958 Agency ORI #:

Prosecuting Agency:

Prosecuting Officer:

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Curtis Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

RECORD ON APPEAL 24

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Chesterfield)

Personally appeared before me the affiant J Mark Creech -- Sled who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On or about Feb. 13, 2013, one Curtis Brent Gorney did shoot a handgun at one Olivia Weaver striking her in the face and body in the front of Chesterfield County Courthouse located at 200 W Main St. in the town of Chesterfield, in Chesterfield County.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Chesterfield)

Affiant's Address State Law Enforcement Division
P.O. Box 56 Effingham, SC 29541-

Affiant's Telephone 843-662-6245

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on 2/14/2013)
(L.S.))
Signature of Issuing Judge)
John A Davis)
Judge Code: 7227)

Judge's Address 115 Green Street
Chesterfield, SC 29709-

Judge's Telephone (843)623-9009

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

WITNESSES

J Mark Creech

SLED

Law Enforcement Case #: J Mark Creech 583

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

_____
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

_____

_____
Defendant

ARREST WARRANT NUMBER
2013A1310400089

ARRESTED ON: 2013-02-14

ACTION OF GRAND JURY

True Bill

W. M. Mark

Grand Jury Foreperson

9-2-14

Date

VERDICT

Pamela Brown

Petit Jury Foreperson

10/22/14

Date

DOCKET NUMBER:
2014-GS-13-0603

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
September 2014

THE STATE

vs.

Curtis Brent Gorny

INDICTMENT FOR

Murder/Attempted murder

§16-03-0029

CDR Code: 3410

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	
COUNTY OF CHESTERFIELD	)	Murder/Attempted murder
		§16-03-0029

At a Court of General Sessions, convened on September 2, 2014, the Grand Jurors of Chesterfield County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-3-29

That Curtis Brent Gorny did in Chesterfield County on or about February 13, 2013, with specific intent to kill, attempt to kill Johnny Nolan with malice aforethought, either expressed or implied, to wit: shooting Johnny Nolan, striking him in the left arm, in violation of Section 16-3-29 of S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers

WILLIAM B. ROGERS, JR.
SOLICITOR

ARREST WARRANT

2013A1310400089

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE

against

Curtis Brent Gorny

Address: 131 Hamilton Ln

Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: Height: 5 8 Weight: 150

)te: SC DL #: 102439064

DOB: 11/11/1958 Agency ORI #:

Prosecuting Agency:

Prosecuting Officer:

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

D

RETURN

A copy of this arrest warrant was delivered to defendant Curtis Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

RECORD ON APPEAL TO

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant J Mark Creech -- Sled who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) In the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On or about Feb. 13, 2013, one Curtis Brent Gorney did shoot a handgun at one Johnny Nolan striking him in the left arm while in the front of Chesterfield County Courthouse located at 200 W Main St. in the town of Chesterfield, in Chesterfield County.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

Affiant's Address: State Law Enforcement Division
Polaris Blvd Effingham, SC 29541-

Affiant's Telephone: 843-662-6245

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 2/14/2013

(L.S.)

Signature of Issuing Judge

John A Davis

Judge Code: 7227

Judge's Address: 115 Green Street
Chesterfield, SC 29709-

Judge's Telephone: (843)623-9009

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

on _____

Type and Amount: _____

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

RECORD ON APPEAL 28

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

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Telephone: _____

Name: _____

Address: _____

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Telephone: _____

Name: _____

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Name: _____

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Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

CODEFENDANTS

_____

_____

2013 MAY 30 PM 3 59

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

ARREST WARRANT

2013A1310400089

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE

against

Curtis Brent Gorny

Address: 131 Hamilton Ln

Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: Height: 5 8 Weight: 150

State: SC DL #: 102439064

DOB: 11/11/1958 Agency ORI #:

Prosecuting Agency:

Prosecuting Officer:

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Curtis Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

ORIGINAL ORIGINAL

RECORD ON APPEAL 28

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Chesterfield)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant J Mark Creech -- Sled who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On or about Feb. 13, 2013, one Curtis Brent Gorney did shoot a handgun at one Johnny Nolan striking him in the left arm while in the front of Chesterfield County Courthouse located at 200 W Main St. in the town of Chesterfield, in Chesterfield County.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Chesterfield)

Affiant's Address: State Law Enforcement Division
P.O. Box 316 Effingham, SC 29541-

Affiant's Telephone: 843-662-6245

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 2/14/2013 (L.S.)

Signature of Issuing Judge

John A Davis

Judge Code: 7227

Judge's Address: 115 Green Street
Chesterfield, SC 29709-

Judge's Telephone: (843)623-9009

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

WITNESSES

J Mark Creech

SLED

Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and lead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2013A1310400090

ARRESTED ON: 2013-02-14

ACTION OF GRAND JURY

True Bill

and Jury Foreperson

9-2-14

te

VERDICT

it Jury Foreperson

10/22/14

te

DOCKET NUMBER:
2014-GS-13-0604

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
September 2014

THE STATE

vs.

Curtis Brent Gorny

INDICTMENT FOR

Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	
COUNTY OF CHESTERFIELD	)	Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

§16-23-0490

At a Court of General Sessions, convened on September 2, 2014, the Grand Jurors of Chesterfield County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Curtis Brent Gorny did in Chesterfield County, on or about February 13, 2013, possess a firearm, or visibly display what appeared to be a firearm, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers

WILLIAM B. ROGERS, JR.
SOLICITOR

2013A1310400090

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE

against

Curtis Brent Gorny

Address: 131 Hamilton Ln

Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: Height: 5 8 Weight: 150

State: SC DL #: 102439064

DOB: 11/11/1958 Agency ORI #:

Prosecuting Agency:

Prosecuting Officer:

Offense: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

Chesterfield

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Curtis Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

RECORD ON APPEAL

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

SCCA 518

STATE OF SOUTH CAROLINA)
Chesterfield)

Personally appeared before me the affiant J Mark Creech -- Sled who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On or about Feb. 13, 2013, one Curtis Brent Gorney did use a handgun in while committing a violent crime of shooting at one Olivia Weaver while in front of Chesterfield County Courthouse located at 200 West Main Street in the Chesterfield area of Chesterfield County.

Signature of Affiant J Mark Creech

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Chesterfield)

Affiant's Address State Law Enforcement Division
P O Box 156 Effingham, SC 29541-
Affiant's Telephone 843-662-6345

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 2/14/2013

(L.S.)

Signature of Issuing Judge

John A Davis

Judge Code: 7227

Judge's Address 115 Green Street
Chesterfield, SC 29709-

Judge's Telephone (843)623-9009

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

RECORD ON APPEAL 33

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

2013 MAY 10 PM 3 59

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2013A1510400090

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Chesterfield

THE STATE

against

Curtis Brent Gorny

Address: 131 Hamilton Ln

Cheraw, SC 29520-5816

Phone: SSN: 370-66-5280

Sex: M Race: Height: 5 8 Weight: 150

State: SC DL #: 102439064

DOB: 11/11/1958 Agency ORI #:

Prosecuting Agency:

Prosecuting Officer:

Offense: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Bond:

RETURN

A copy of this arrest warrant was delivered to defendant Curtis Gorny on 2-14-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

ORIGINAL ORIGINAL

RECORD ON APPEAL

Chesterfield)

AFFIDAVIT

April 21, 2003
SCCA 518

Personally appeared before me the affiant J Mark Creech -- Sled who being duly sworn deposes and says that defendant Curtis Brent Gorny did within this county and state on or about 2/13/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On or about Feb. 13, 2013, one Curtis Brent Gorney did use a handgun in while committing a violent crime of shooting at one Olivia Weaver while in front of Chesterfield County Courthouse located at 200 West Main Street in the Chesterfield area of Chesterfield County.

Signature of Affiant J Mark Creech

STATE OF SOUTH CAROLINA)

[X] County/ [ ] Municipality of)

Chesterfield)

Affiant's Address State Law Enforcement Division

PO Box 50 Effingham, SC 29541-

Affiant's Telephone 843-662-6245

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/13/2013 defendant Curtis Brent Gorny did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Chesterfield) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)

on 2/14/2013)

(L.S.))

Signature of Issuing Judge

John A Davis)

Judge Code: 7227)

Judge's Address 115 Green Street

Chesterfield, SC 29709-

Judge's Telephone (843)623-9009

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG)

STATE OF SOUTH CAROLINA,)
PLAINTIFF,) TRANSCRIPT
) OF
VS.) RECORD
)
CURTIS BRENT GORNY,) 2014-GS-13-602 - 604
) 2014-GS-13-76, 77
DEFENDANT.)

October 20th - 22nd, 2014
Cheraw, South Carolina

B E F O R E:

THE HONORABLE DONALD B. HOCKER, Judge; and a jury.

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

KERNARD E. REDMOND and ADAM M. FOARD
ASSISTANT SOLICITORS
Attorneys for the State

MELVIN W. COCKRELL, JR. and SARAH C. CAMPBELL
ESQUIRE
Attorneys for the Defendant

HATTIE O. GORDON
Circuit Court Reporter

Transcribed by Pamela E. Green, Circuit Court Reporter

RECORD ON APPEAL 35

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S-31	Photograph	47	76
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S-33	Photograph	47	76
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NO.	DESCRIPTION	ID	EV
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PROCEEDINGS

(WHEREUPON, the following takes place within the presence of the entire jury panel.)

THE COURT: Okay. Ladies and gentlemen of the jury panel, we're in the process of beginning the trial of the case of the State of South Carolina versus Curtis Brent Gorny.

Mr. Gorny, would you stand and face the jury panel for just a second so they can see you?

(Defendant complies.)

THE COURT: Thank you very much.

You can have a seat.

Can I see the lawyers for just a second please?

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

(Defendant complies.)

THE COURT: Members of the jury panel, I'm gonna ask several questions.

Has anyone ever been related by blood or marriage to either Curtis Brent Gorny, or Timmy Knight, Olivia Weaver, and Johnny Nolan, if so, please stand.

(No response.)

THE COURT: Has anyone ever had a close personal or social relationship with either Curtis Brent Gorny, Timmy

Knight, Johnny Nolan, and Olivia Weaver, if so, please stand.

(No response.)

THE COURT: I'm going to publish a list of potential witnesses that may testify in this case.

Johnny Nolan.

Olivia Weaver.

Jamie Gibson.

Kenny Ammons.

David Rainwater.

Timmy Knight.

Lieutenant Spence Vaughn.

Tim Hutchinson.

Joey Carnes.

Captain Daniel Scott.

Mark Funderburk.

Lieutenant Roxanne Bethea.

Vicki Hallman.

Hue, that's H-U-E, that may not be the correct pronunciation of the first name, Tang, T-A-N-G.

Jamie Green.

Kendra Watson.

Mavis Turner.

If anyone has been related by blood or marriage to any of those people I've just listed or does anyone have a close

personal or social relationship with any of those individuals, if so, please stand.

(Jurors respond.)

THE JUROR: Joey Carnes is my brother-in-law.

THE COURT: Okay. And your name and number, ma'am?

THE JUROR: (Inaudible.)

THE COURT: Okay. And your brother-in-law is who?

THE JUROR: Michael Carnes. Joey Carnes.

THE COURT: Okay. All right. The fact that a potential witness, Joey Carnes, is your brother-in-law, would that prevent you from being fair and impartial to both the State and the defense in this case?

THE JUROR: I don't know.

THE COURT: Ma'am?

THE JUROR: I don't know.

THE COURT: Are you saying it's possible?

THE JUROR: I know what kind of work he does. I don't think so.

THE COURT: You don't think so?

THE JUROR: No.

THE COURT: I can't, I can't answer for you, ma'am.

THE JUROR: I'd rather not be here.

THE COURT: Well, it's got to be -- again, would that prevent you, the fact that a possible witness in this case is your brother-in-law, would that prevent you from being

fair and impartial to both the State and the defense in this case?

THE JUROR: No, sir.

THE COURT: Okay. Thank you very much, ma'am. You may sit down.

Yes, ma'am, your name and number?

THE JUROR: 2, Karen Aldridge.

THE COURT: Yes, ma'am.

THE JUROR: Joey Carnes is a cousin.

THE COURT: Okay. The fact that a potential witness in the case, Joey Carnes, is a cousin of yours, would that prevent you from being fair and impartial to both the State and the defense in this case?

THE JUROR: I would have no problem with that.

THE COURT: Okay. Thank you, ma'am.

Okay. I'm gonna allow, at this time, the, the attorneys in this case to introduce themselves. We have excellent lawyers, four excellent lawyers in this case and I'll give them the opportunity now, counsel, to introduce yourself.

SOLICITOR REDMOND: Thank you, Your Honor.

May it please the Court.

Ladies and gentlemen of the jury, my name is Kernard Redmond. I presently live in Pageland. I'm deputy solicitor working at (inaudible). We cover Chesterfield,

Marlboro, Dillon, and Darlington County. I am head (inaudible) for Chesterfield County.

SOLICITOR FOARD: My name is Adam Foard. I am part-time assistant solicitor for Chesterfield County, and I also engage in private practice of law and my office is located in Pageland.

THE COURT: Defense.

MR. COCKRELL: Melvin Cockrell, defense counsel. My office is located here in Chesterfield County as well.

MS. CAMPBELL: Sarah Campbell. (Inaudible). I also reside in Chesterfield County.

THE COURT: Thank you very much.

Any members of the jury panel ever been represented by any of the attorneys involved in this case or any of the attorneys in their respective law firms, if so, please stand.

(Juror responds.)

THE COURT: Yes, sir.

THE JUROR: (Inaudible.)

THE COURT: All right. Your name and number.

THE JUROR: Steven Parker, Juror 100.

THE COURT: Okay.

THE JUROR: When I closed on my house the lawyer for the defendant's firm did the paperwork.

THE COURT: Okay. The fact that the attorney who

assisted you with the closing of your house is in this same law firm as defense counsel, would that prevent you from being fair and impartial to both the State and the defense in this case?

THE JUROR: No, sir.

THE COURT: Thank you, sir.

Is anyone related by blood or marriage to or have currently or had in the past a close personal or social relationship with any of the attorneys involved in this case or anyone in their respective law firms, if so, please stand.

(No response.)

THE COURT: Now, at, at this time, before I ask any further questions, I'm going to publish to you some documents. These documents are called indictments.

Indictments are not evidence of any guilt on the part of the defendant nor do they constitute any evidence against the defendant in this case. Indictments serve solely as the charging documents to get the case to the stage where we're at, which is the trial of the case, and you'll hear that from me once we, we start the trial, again, that indictments are not evidence, but I want to publish to you the contents or the allegations that the indictments contain so you might have a little bit better idea what this case is about before I, I ask any further questions.

I have a total of five indictments. Three of which contain the offense of attempted murder.

Indictment 2014-GS-13-603 reads as follows:

That Curtis Brent Gorny did, in Chesterfield County, on or about February 13th, 2013, with specific intent to kill, attempt to kill Johnny Nolan with malice aforethought either expressed or implied. To wit, by shooting Johnny Nolan striking him in the left arm in violation of Section 16-3-29 of the Code of Laws of South Carolina.

The second is Indictment Number 2014-GS-13-602. It states as follows:

That Curtis Brent Gorny did, in Chesterfield County, on or about February 13th, 2013, with specific intent to kill, attempt to kill Olivia Weaver with malice aforethought, either express or implied. To wit, by shooting Olivia Weaver, Weaver and striking her about the face and body in violation of Section, Section 16-3-29 of the Code of Laws of South Carolina.

Indictment 2014-GS-13-77 alleges as follows:

That Curtis Brent Gorny did, in Chesterfield, on or about February 13th, 2013, with specific intent to kill, attempt to kill, with malice aforethought, either expressed or implied, an individual by the name of Timmy Knight. To wit, the defendant did shoot a handgun at Timmy Knight, a Chesterfield County Sheriff's Department deputy, while

attempting to stop Mr. Gorny after committing the crime of -- violation of Section 16-3-29 of the Code of Laws of South Carolina.

The fourth indictment I have before me is failure to stop for a blue light. It's alleges as follows:

That, that is Indictment 2014-GS-13-76.

That Curtis Brent Gorny did, in Chesterfield County, on or about February 13th, 2013, while operating a motor vehicle on a road, street, or highway of the State of South Carolina failed to stop his motor vehicle when signaled to do so by a law enforcement vehicle by means of a siren and/or flashing light in violation of Section 56-5-750 Subsections B-1 of the Code of Laws of South Carolina.

The fifth indictment that I have before me alleges as follows:

That Curtis Brent Gorny did, in Chesterfield County, on or about February 13th, 2013, possess a firearm or visibly display what appeared to be a firearm during the commission or attempted commission of violent crime in violation of Section 16-23-490 of the Code of Laws of the State of South Carolina.

I'll ask if any members of the jury panel have been exposed to any pretrial publicity in this case, if so, please stand.

(Juror responds.)

THE COURT: Does any member of the jury -- oh, I'm sorry.

Yes, sir, your number and your name.

THE JUROR: 144, Charles Williams.

THE COURT: Yes, sir.

THE JUROR: I was in Pageland at the station and a guy eating breakfast was there. I don't know if this was the right case. I'm not real sure.

THE COURT: All right. The information that you have potentially would be about this case, was it a result of you being exposed to any pretrial publicity in this case or was it a result of you having a conversation with an individual?

THE JUROR: It was a conversation.

THE COURT: Okay. All right. The fact that you had a conversation with an individual that may have had some, some knowledge about this case, would that prevent you from being fair and impartial to both the State and the defense in this case unaffected by any information that you may have received about this case?

THE JUROR: No, sir.

THE COURT: Okay. Do you, do you have the ability to set aside any opinions or impressions that you may have and render a verdict based upon the evidence that is admitted in this case at trial?

THE JUROR: I do not have any reservation about that.

THE COURT: Okay. All right. And do you believe you could be fair and impartial to both the State and the defense in this case?

THE JUROR: I do.

THE COURT: Do you have any prejudice against the State or the defendant as a result of any information that you may have received outside of this courtroom prior to the trial?

THE JUROR: I do not.

THE COURT: Thank you sir. Be seated.

Any other member of the jury panel who has expressed or formed an opinion about any issue or matter involved in this case, if so, please stand.

(No response.)

THE COURT: Is any member of the jury panel aware of any bias or prejudice for either the State or the defendant in this case, if so, please stand.

(No response.)

THE COURT: The next question, and I don't, I don't believe this would apply to anyone, but I have to ask it anyway.

Is there any member of the jury panel that was a member of the Grand Jury which issued the five indictments in this case, if so, please stand.

(No response.)

THE COURT: Is there any member of the jury panel who

is a member of, contributor to any group which has as its primary concern the promotion of law enforcement or victim's rights?

These groups would include but certainly not be limited to MADD, SADD, or CAVE.

If that applies to you, please stand.

(No response.)

THE COURT: Now, I failed to mention at the beginning of this particular set of questions that are related directly to this case that if anyone on the panel wants to speak with me privately, like what was done previously during the qualification process, I'll give you an opportunity to do so in just a moment.

Does any member of the jury panel know of any reason whatsoever why he or she should not serve as a juror in this case with particular emphasis being placed on your ability to be fair and impartial to both the State and the defense, if so, please stand.

(No response.)

THE COURT: Is there anyone who would like to speak with me privately concerning your service on this trial jury this week, if so, please stand and we'll form a line like we did before.

(Juror responds.)

THE COURT: I just have one. Well, we've got several.

Okay. Whoever wants to speak to me privately, form a line.

(WHEREUPON, a discussion was held with some potential jurors out of the hearing of the entire jury panel.)

THE COURT: Is that it?

(No response.)

THE COURT: Let me see the lawyers up here.

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

THE COURT: Members of the jury panel, we still have some, some more to do in this process before we actually select a jury. We've been at this -- it's now twelve o'clock. We've been at it a good while.

So, I'm gonna -- we're gonna take about a 15 minute break. I will need for every member of the jury panel to, to leave the courtroom, not the courthouse, the courtroom, but take a break. If you want -- those who smoke, you need to go outside and smoke that's fine, bathroom break, whatever, and you can not come back into the courtroom until the bailiffs escort you in.

So, every member of the jury panel, if you would leave the courtroom at this time.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: We're back on the record.

We took a recess and excused temporarily the jury panel so we could discuss a little further some additional voir dire in light of the fact that only one member of the jury panel, after being asked concerning pretrial publicity, we only had one jury -- member of the jury panel stand, and, in fact, it was not pretrial publicity, but this was information that he received from some friend in Pageland.

In light of that, I guess to everyone's maybe surprise that we didn't have more respond, we decided that we would engage in this discussion on the record to hopefully come up with some additional voir dire that maybe -- that might elicit some additional response.

So, solicitor, you and defense counsel have had a chance to maybe try to come up with something that, that everyone could live with.

SOLICITOR REDMOND: Yes, sir, Your Honor.

If it please the Court.

Around here it's commonly referred to as the "Courthouse Shooting." I don't know if they know Mr. Gorny's name by name, by Curtis Gorny, but around here, if we hear -- if we talk about it, it's kind of what we refer to as the "Courthouse Shooting."

I know there was an article that ran in The Link cause we did the bond hearing the day after, and there was a, there was an article that ran in The Link that had Mr.

Gorny's picture -- his standing at the rail while the rest of us standing up there.

THE COURT: Is that a local paper, solicitor?

SOLICITOR REDMOND: It is a local paper here in Chesterfield County, Your Honor.

THE COURT: All right.

SOLICITOR REDMOND: I don't remember about the Pageland or the Chesterfield paper, but I do know that there was an article that ran in the front page of the, of The Link.

MR. COCKRELL: Yes, sir, and, Your Honor, then I would think that maybe a, an inquiry about have there been any -- potential jurors have any knowledge of an incident that is locally referred to as the, as the "Courthouse Shooting" or it was relayed on the -- during the television broadcast, I believe Channel 9 out of Charlotte, and out of Florence and probably all the other substations ran a lot of shots from downtown Chesterfield and The Link paper ran an article on February 19th bearing the headline two shot outside the courthouse.

THE COURT: Okay.

MR. COCKRELL: So something like that I think would trigger it --

THE COURT: Okay.

MR. COCKRELL: -- their memory.

THE COURT: And that's what I needed.

So, I think, I think the first thing, I will explain to them what pretrial publicity is, is that information that is disclosed by TV, radio, newspaper, magazine, Internet, and then, secondly, this case has been locally known as and has been reported in various media outlets as the "Courthouse Shooting" and then we'll see what sort of responses we get and then I'll go through the questions with each one depending upon if we do get some responses.

Is that, is that satisfactory with everybody?

SOLICITOR REDMOND: Yes, sir, Your Honor.

MR. COCKRELL: Yes, sir.

THE COURT: Okay. Thank you.

MR. COCKRELL: Thank you.

THE COURT: All right. Thank you very much.

Y'all ready?

SOLICITOR REDMOND: We're ready.

MR. COCKRELL: We're ready, Your Honor.

THE COURT: All right. Let's bring the panel back out please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Okay. Ladies and gentlemen of the jury panel, before the break if you will recall that I asked if any of you had been exposed to any pretrial -- oh, we still have one more. I'm sorry.

All right. Be at ease for just a moment.

(Pause.)

THE COURT: All right. I'll start back over.

Ladies and gentlemen of the jury panel, if you will recall to your break, I asked a question if, if any of you had been exposed to any pretrial publicity about this case. We had one member of the panel respond in the affirmative.

Let me first explain to you, when I, when I say pretrial publicity, that would mean any accounts of this case, any information disclosed by way of television, radio, newspapers, magazines, or the Internet, and, secondly, and just by way of some additional information, in talking with the lawyers in this case, this, this case has been locally referred to as the "Courthouse Shooting."

Okay. Now, with that explained to you, I'm gonna go back to some of the questions that I asked you previously.

Has any member of the jury panel been exposed to or acquired any knowledge or information by way of pretrial publicity in this case, if so, please stand.

(Jurors respond.)

THE COURT: Okay. We have, we have two -- well -- all right. I will start with my left and work my way over.

Ma'am, your name and number?

THE JUROR: Faith Sellers, 111 I believe.

THE COURT: Okay.

THE JUROR: My mother works for the Treasurer's Office and I know this other lady --

THE COURT: Okay.

THE JUROR: -- and I know what happened --

THE COURT: All right.

THE JUROR: -- and we talked about it.

THE COURT: Okay. All right. So, you acquired some information from other individuals as opposed to actual media, television, radio, that sort of thing.

Is that correct?

THE JUROR: Right.

THE COURT: The fact that you have received some information previously about this case, do you still have the ability to set aside any opinions or impressions about this case and render a verdict based totally on the evidence admitted at trial?

THE JUROR: Yes.

THE COURT: Ma'am?

THE JUROR: Yes.

THE COURT: Okay. Can you be fair and impartial in this case to both the State and the defendant unaffected by any information that you may have received previously from other individuals about this case prior to today?

THE JUROR: Yes.

THE COURT: Ma'am?

THE JUROR: Yes.

THE COURT: Okay. As a result of -- I'm not finished yet.

As a result of you receiving this information outside of this courtroom prior to today, would that cause you to have any prejudice against the State or the defendant as a result of receiving that information?

THE JUROR: No, sir.

THE COURT: Okay. Thank you very much, ma'am.

Okay. Ma'am, your name and number.

THE JUROR: Linda Smith, Number 120.

THE COURT: Yes, ma'am.

THE JUROR: I just heard about it on the news---

THE COURT: Okay.

THE JUROR: ---when this happened that day, and a friend was very very close to here and she came over and was very very---

THE COURT: Okay.

THE JUROR: ---concerned, but that was it.

THE COURT: Okay. All right. And when you say the news, was that TV?

THE JUROR: TV.

THE COURT: Okay. All right. The fact that you received some information or knowledge via the TV and also from an individual about this case prior to today, do you

still have the ability to set aside any opinions or impressions about this case and render a verdict based totally on the evidence presented at trial?

THE JUROR: Yes, sir.

THE COURT: Can you still be fair and impartial in this case to both the State and the defendant unaffected by the news account that you came upon and the information that you received from an individual or individuals prior to today?

THE JUROR: Yes, sir.

THE COURT: As a result of that information that you acquired via of the television news and the individual, does that cause you to have any prejudice against the State or the defense as a result of that information you received?

THE JUROR: No, sir.

THE COURT: Okay. Thank you very much, ma'am. You can sit down.

All right. Let's not come back again, but we have some people -- late standers.

Yes, ma'am, your name and number.

THE JUROR: Betty Watson, 140. My coworker's daughter worked here at the courthouse and was in the parking lot during the shooting (inaudible).

THE COURT: Okay. All right. That person was who now?

THE JUROR: My coworker, it was her daughter.

THE COURT: Okay. Her daughter works here?

THE JUROR: Yes, sir.

THE COURT: Okay. All right. The fact that you received some information about this case prior to today by way of a co-worker's daughter, do you still have the ability to set aside any opinions or impressions about this case and render a verdict based totally on the evidence presented at trial in this courtroom?

THE JUROR: Yes, sir.

THE COURT: Okay. Can you be fair and impartial to -- in this case to both the State and the defendant unaffected by any information that you received prior to today outside of this courtroom?

THE JUROR: Yes, sir.

THE COURT: Do you have any prejudice against the State or the defendant as a result of that information you received through a co-worker or her daughter working here in the courthouse?

THE JUROR: No, sir.

THE COURT: Thank you, ma'am.

Ma'am, your name and number.

THE JUROR: (Inaudible.)

THE COURT: Okay. Yes, ma'am.

THE JUROR: I saw briefly on the news about it.

THE COURT: Okay. All right. The fact that you saw a news account of this case, do you still have the ability to

set aside any opinions or impressions about this case and render a verdict based solely on the evidence at trial?

THE JUROR: Yes, sir.

THE COURT: Can you be fair and impartial in this case to -- both to the State and to the defendant unaffected by the pretrial publicity that you received via a news account on the television?

THE JUROR: Yes, sir.

THE COURT: Okay. Do you have any prejudice against the State or the defendant as a result of that news account that you saw on the television about this case prior to today?

THE JUROR: No, sir.

THE COURT: Okay. Thank you, ma'am.

All right. Sir.

THE JUROR: Astrid Watts. I don't know what my jury number is, but I saw this case on the news.

THE COURT: Okay. All right. You still have the ability to set aside any opinions and impressions about this case and render a verdict based upon the evidence totally up -- the total evidence at this trial and nothing else?

THE JUROR: Yes, sir.

THE COURT: Okay. Would you be fair and impartial to both the State and the defendant unaffected by the news accounts about this case that you saw on the television and

read in the newspapers?

THE JUROR: Yes, sir.

THE COURT: Do you have any prejudice against the State or the defendant as a result of this pretrial publicity that you saw via television, news account, and news account in the newspapers?

THE JUROR: No, sir.

THE COURT: Thank you very much, sir.

Yes, ma'am.

THE JUROR: Number 128, Gail Stoudemire and I read about it in the newspaper.

THE COURT: Okay. All right. Do you still have the ability to set aside the opinions or impressions about this case and render a verdict based on the evidence presented at trial?

THE JUROR: Yes.

THE COURT: Can you be fair and impartial in this case to both the State and the defendant unaffected by the pretrial publicity that you saw -- was it television or newspapers?

THE JUROR: Newspapers.

THE COURT: Okay. But you saw in the newspaper prior to today?

THE JUROR: Yes, sir.

THE COURT: Do you have any prejudice against the State

or the defendant as a result of the pretrial publicity?

THE JUROR: No.

THE COURT: Thank you, ma'am.

Yes, ma'am.

THE COURT: Number 95. I saw it about 15 minutes ago while I was on a break. I read it -- about this case on the front page of the newspaper that I have in my car.

THE COURT: Okay. All right.

THE JUROR: That's why I stood up late.

THE COURT: Okay. That's okay. You keep standing.

Okay. All right. Do you have the ability to set aside any opinions or impressions about this case and render a verdict based totally on the evidence at trial even though you say you, 15 minutes ago during the break, you read about this case in a newspaper?

THE JUROR: Yes.

THE COURT: You still have the ability --

THE JUROR: Yes, sir.

THE COURT: -- to set aside any -- set aside any opinions or impressions about this case?

THE JUROR: Yes, sir.

THE COURT: Ma'am?

THE JUROR: Yes, sir.

THE COURT: Can you be fair and impartial in this case to, to the State and the defendant unaffected by the

pretrial publicity being the news -- todays newspaper about this case?

THE JUROR: Yes, sir.

THE COURT: Okay. Do you have any prejudice against the State or the defendant as a result of this pretrial publicity?

THE JUROR: No, sir.

THE COURT: Okay. Thank you, ma'am.

I'm gonna ask again, and I asked this prior to the break, is there any member of the jury panel that knows of any reason whatsoever why he or she should not serve as a juror in this case with particular emphasis being placed on your ability to be fair and impartial to both the State and the defendant in this case?

(No response.)

THE COURT: Does the State have any additional voir dire questions?

SOLICITOR REDMOND: Nothing from the State, Your Honor.

THE COURT: Any objection by the State as to the voir dire conducted by the Court?

SOLICITOR REDMOND: None from the State, Your Honor.

THE COURT: Does the defense have any additional voir dire you want the Court to ask?

MR. COCKRELL: None, Your Honor.

THE COURT: Okay. Does the defense have any objection

or exceptions to the voir dire conducted by the Court?

MR. COCKRELL: No, sir.

THE COURT: Okay.. Thank you very much.

All right. Madam Clerk, if you will proceed.

Let me explain, ladies and gentlemen of the jury panel, when your name is called out, you'll be escorted by the bailiffs and you'll come and you'll stand and face both counsel tables, and they will decide whether or not they want to accept you as a juror in the case or not. If you are not selected, if you come down and one side or the other does not select you, they may use the words please excuse this juror or not select this jury, please don't take it personally.

Okay. Each side, each side has certain reasons for wanting certain particular people on, on the jury. There's nothing personal whatsoever, and so please don't take it that way.

Okay. All right. Both sides aware of the number of strikes?

SOLICITOR REDMOND: Yes, sir, Your Honor.

THE COURT: Okay. Defense?

MR. COCKRELL: Yes, Your Honor.

THE COURT: All right. Madam Clerk, if you will proceed please.

THE CLERK: Yes, sir.

THE COURT: Do we agree on one alternate or do we want to go with two?

MR. COCKRELL: Your Honor, I believe that two might be more appropriate if you don't mind.

THE COURT: Okay.

SOLICITOR REDMOND: Yes, sir.

THE COURT: Okay. So, two alternates, Madam Clerk.

(WHEREUPON, the jury panel and two alternate jurors were selected at this time.)

THE COURT: Ladies and gentlemen of the trial jury, congratulations.

What I want to ask you to do is go to your jury, jury room for just a few moments. That will give you an opportunity to kind of see where you will be spending sometime this week, and also give you a chance to introduce yourselves to each other even though you probably have, to some extent, already because you've been with us for about three hours this morning. I just need to talk with the lawyers for just a few moments, and you'll hear me say this repeatedly throughout the entire proceeding.

Do you not start discussing this case among yourselves. Don't discuss anything about it, anything that you've seen, you've thought about, anything whatsoever, and that will also apply when I excuse you for the day and every day or for break or whatever. Don't start talking about this case

among yourselves or anybody that you come into the contact with, family, friends, co-workers, whatever, and you can't discuss it until I tell you to, and that will be at the end of the case.

So, if you'll go back to your jury room for just a few moments, and we'll bring you back out with further, further instructions.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: From the State, any objections or exception to jury selection?

SOLICITOR FOARD: No, Your Honor.

THE COURT: Okay. From the defense, any objections or exceptions to jury selection?

MR. COCKRELL: None, Your Honor.

THE COURT: Thank you very much.

(Pause.)

THE COURT: Okay. So, the plan is, is to start this in the morning, correct?

SOLICITOR REDMOND: That is correct, Your Honor, and now, now I do, if the, if the Court will allow, either now or before or after lunch, just briefly I wanted to go ahead, since he was evaluated with the Department of Mental Health, I would---

THE COURT: Let's -- solicitor, let's go ahead and let

me excuse the trial jury for in the morning.

SOLICITOR REDMOND: Oh, yes, sir, Your Honor.

THE COURT: Then we can deal with, you know, whatever.

SOLICITOR REDMOND: Yes, sir.

THE COURT: All right. Okay. Bring the jury out please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Ladies and gentlemen, we're not going to start this trial until in the morning. We will start back at 9:30 and let me just explain a couple things to you before I excuse you for the day.

Cell phones, the better practice concerning cell phones is leave them in your car. You know you, you think you may have shut it off and it's in your pocket or in your pocketbook and it goes off, it's very disrupting. Some judges even take possession of the cell phone if it goes off. So you don't, you don't want to lose that cell phone. So, just the better practice to leave it in the car.

Secondly, be prompt. Allow yourself enough time. Things unexpected happen and so you need to allow yourself enough time so you can be hear on time because if, if we're ready to go, then it's 9:30 and we're missing a juror, we can't do anything. So just allow yourself enough time so you can be, be prompt.

Something that I will tell you in the morning, but I'm gonna go ahead and tell you now, don't get on that Internet and start trying to look up, you know, news accounts about this case or research into the particular criminal charges involved or anything like that. You can not do that because what I will explain to you in the morning and explain to you at the conclusion of the case is that your decision has to be based totally 100 percent on what is admitted into evidence, whether it's witness testimony, or whether there's some, some physical evidence, some exhibits, like pictures or documents or whatever that may be, and that's what you base it on. So, don't, don't tonight, or anytime, go on the Internet and trying to figure out more about this case cause that's not permitted.

Lastly, and I don't know if you have been provided a number for the Clerk's Office, I'm sure you have, if there's an emergency at home, you're here at the courtroom, you got an emergency at home and a family member needs to reach you, have them call the Clerk's Office and we'll certainly get that information to you and deal with that appropriately. Hopefully you don't have any emergencies, but just make sure that your family members know how you can be contacted here if, if something does, does arise.

Okay. So, with that said, I'm gonna go ahead and excuse you for the day. It's about lunchtime. So I know

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all of us are getting hungry and be promptly back here at 9:30 in the morning at which time we can get started with, with this case.

Now, I think the solicitor is gonna have to tell me something before you leave. I understand that this case may very well take the majority of the week. Maybe not the entire week, but maybe the majority of the week. At least that's what's kind of anticipated right now.

Solicitor.

SOLICITOR REDMOND: Can we approach briefly, judge?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

THE COURT: All right. Ladies and gentlemen, do not read any newspapers.

Now, I understand that there may be a local paper, one of the papers, papers in circulation in this area that may have some accounts about this case. Don't consider that. Don't read it. Stay away from it. Likewise any other media outlets that, that may be newspaper articles about this case.

So, don't, don't look at that, okay, and I trust you.

Okay. All right. See you in the morning at 9:30.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Okay. Solicitor, you, you wanted to mention something about an evaluation having previously been conducted.

SOLICITOR REDMOND: Yes, sir, Your Honor, and I'm sure we've gotten the Court a copy of this previously, but I -- if I may present what's been marked as the Court's Exhibit No. 1. That's the, the---

MR. COCKRELL: No, no objection.

(WHEREUPON, the competency evaluation was marked as Court's Exhibit No. 1 for identification purposes only at this time.)

SOLICITOR REDMOND: Just to -- and briefly, Your Honor, he was evaluated and was found to be competent. The defendant has indicated that they are not contesting those findings, but we just wanted to go ahead and put that in the record since he had been evaluated.

THE COURT: All right. Is that correct?

MR. COCKRELL: Your Honor, that is correct. We had a hearing before I believe Judge Baxley for the, the evaluation under Blair, and he's been evaluated and comes back clear. I've spoken with my client as well as other attorneys in my office and how we feel about this matter. He recognizes what's going on, and he understands all of it.

THE COURT: Okay. All right. Very good.

I will accept that. I will, over lunch break, read it

and if I've got any questions then we can deal with that later.

SOLICITOR REDMOND: Thank you.

THE COURT: All right. Anything else pretrial we need to take up before we go ahead and recess for -- recess this case until in the morning from the State?

SOLICITOR REDMOND: Nothing, nothing for the record, Your Honor.

If we could reconvene -- I had actually told some people two o'clock. But while Mr. Cockrell is here, we've got items of evidence already here, and if we could take a few minutes to pre-mark some exhibits. I mean I know -- and we can do it as soon as possible. If the court reporter can do lunch, and that way we can go ahead and get started straight into the trial.

THE COURT: Certainly the, the Court is certainly good with that. If the court reporter is good with that, then y'all can, can take that up with her.

SOLICITOR REDMOND: Yes, sir, but it would not take more than five or ten minutes cause I know the court reporter gets ornery. So --.

THE COURT: And that's going on the record that the court reporter gets ornery?

SOLICITOR REDMOND: Your Honor, I've put so much stuff about this court reporter on the record over the years.

That's, that's one of nicer things probably.

THE COURT: Solicitor, I think you might just need to sit down.

Okay?

SOLICITOR REDMOND: Thank you, judge.

MR. COCKRELL: Your Honor, if I may just briefly. I filed a motion for change of venue on June the 5th and I think we can go ahead and be heard on that.

THE COURT: Okay. I'll be glad to hear from you.

MR. COCKRELL: Thank you, Your Honor.

Your Honor, on, on June the 5th of, of this year I filed a motion to change venue based on the, the publicity that's been, been received by these charges in an affidavit that I prepared and submitted along with that, that motion.

There's been extensive coverage in regards to this matter. Otherwise, in the, in The Link Paper, which was published throughout the county, Cheraw Chronical, which is the -- primarily the Cheraw, Chesterfield area, as well as Pageland and the rest of the west side of the county relaying all the matters and going into detail about the, the "Courthouse Shooting" and, additionally, and I think more, more specifically, the events that the solicitor is going to relay primarily occurred right outside the courthouse door right outside where the jurors are going to be walking, taking smoke breaks, taking lunch breaks, and

coming into the courthouse, leaving the courthouse, and routinely the events are going to be remind and remind, and I think that could have a severe and substantial impact on their ability to be fair and impartial to the matters that surround this case.

If, if, if Your Honor is not compelled to, to change venue countywide, I would, I would respectfully request that you allow this trial to occur in the Town Chesterfield Courthouse in the Municipal Court or in -- which is 110 Main Street and right down -- you know, less than a quarter of a mile from here right on Main or at 115 Main Street, which will be the Magistrate's Court, and John Davis, Judge John Davis presides over.

So, I think that would be a lot more proper, more fair to, to all sides if -- so that the events can be something that you can relay to the Court and submit to the Court rather than the jurors continuing going outside and examining the evidence, the evidence themselves.

That's -- I, I respectfully make that request.

THE COURT: Okay. I have not, even though I knew that you had filed this motion to change venue, I've not actually seen the motion or the affidavits. So, if you have a, a spare copy of that you can hand up. If that's not a spare copy, we'll get one made so you---

MR. COCKRELL: That's, that's a spare copy, Your Honor.

THE COURT: Thank you.

Solicitor, I'll be glad to hear from you.

SOLICITOR REDMOND: Thank you, Your Honor.

First, State would cite State v. Manning, 495 S.E.2d 191. That's a 1997 case arising out of Dillon County where the Court indicated that, in order to grant a change of venue, first they have to -- actually needs to be an attempt to impanel a jury, to impanel a jury from the county with jurisdiction, which, of course, like we have done today. Based on the voir dire of the jury, Your Honor, it was clear that the few that did stand up and, and did attest to pretrial publicity would indicate that they could still render a verdict based on the evidence in the Court. In other words, it did not substantially impair their opinion about the case to where they could not be fair and impartial to both sides.

So, I think that given the Manning standard on the change of venue motion, I think it's obvious just the fact that we were able to handle the jury based on the Court's voir dire that we would respectfully request that that motion be denied.

As to the second part of Mr. Cockrell's motion regarding changing the location, Your Honor, again, I don't think there's any precedence for doing such a thing. The fact that it happened at the courthouse is quite frankly not

the main crux of this. He's not specifically charged because it happened at the courthouse. He's charged because two people got shot and one was shot at and, of course, failure to stop for a blue light and having the weapon.

So, the charges themselves do not arise out of the fact that it happened at the courthouse. I think that's important as it relates to the Court's consideration of whether or not the location should be changed.

THE COURT: Okay. Thank you very much, solicitor.

Anything in reply to the solicitor's statement?

MR. COCKRELL: Your Honor, and I understand what he's saying about the courthouse, but the events -- we've got concerns about the jury taking it upon themselves to go examine the scene. It would be one thing if this was, this was the sandhills or somewhere where they would have to specifically go off and go see the, the scene of, of -- the primary scene of the event.

However, they're gonna be walking backwards and forwards every day. Every break we take, they're going to be right in the middle of the evidence of, of -- number of evidentiary issues that, that go on are specifically gonna be thrown right in their face, and it's just -- it's, unfortunately, a realistic aspect of, of the human nature to be inquisitive of hey, let's see if we can go find out -- this is right where those cars were parked. This is right

where the shots were fired.

Those are the kind of things I think are prejudicial to this specific case. If you're not going to allow a venue to be changed now, I think I -- well, I'm absolutely confident you have the power and the ability to order us to appear in another venue within this county, and I would suggest the Main Street, the Town Municipal Court is, is very capable and able to do this.

THE COURT: All right. Solicitor.

SOLICITOR REDMOND: Briefly, Your Honor, the only thing -- I would say the Court here -- that area, when the jury is released, so that there be any concerns, if there are any, would be allayed after the jurors, in essence, escorted by the appropriate court personnel, and they can further be instructed, and I think the Court normally instructs anyway, that they are not to engage in their own investigation regarding this.

So, between the instructions that the Court would ordinarily give and adding any safeguards that the Court might deem appropriate, I think we can resolve that issue without the burden having to physically locate -- relocate to another venue.

Plus, it's actually got use of your, of, of a TV that we're gonna need if, if I guess the TV in there based on evidence that's gonna be presented in what we call -- and I

think those concerns can be easily resolved.

THE COURT: All right. Well, concerning the first part of the motion, I'm going to deny that. I think -- I, I counted approximately about eight members of the jury panel who did respond to either having been exposed to some pretrial publicity or -- in the form of the media accounts or just information gathered by individuals that they came into contact with, but all those individuals stated that they could still be fair and impartial and would not allow any prior opinions or impressions about this case have any affect on their ability to render a verdict.

So, I think, I think we've got a very unbiased trial jury. So, on that first part I would deny.

The second part, I'm going to deny it unless you can come -- this is kind of a novel type issue. I don't know if I've ever been presented with the same type of argument that you're making, Mr. Cockrell, concerning the location of the or one of the locations of the alleged crime being in close proximity to the courthouse.

However, you know, if I were to move it down the street to another courthouse, if there is a juror or more than one juror inquisitive and wants to conduct their, contrary to the Court's instructions, you know, what's gonna prevent them from, you know, just walking a little bit further and then looking at the scene of the alleged crime?

So, you know, I don't, I don't see where the changing the courthouses would, would really be or create any better situation for the defense, but with that said, you know, if you come across a case this afternoon or this evening and we can certainly revisit this issue in the morning, but -- before we start.

So, I'll give you that opportunity, but, at this point, it's denied on both of those grounds.

Okay. Anything else we need to take up pretrial?

SOLICITOR REDMOND: Nothing further, Your Honor.

MR. COCKRELL: Nothing from the defense.

THE COURT: Thank you very much.

We'll be adjourned until -- well, let's say if there's anything we need to discuss before trial, let's plan to get together about 9:15. We'll get, get going with that.

Okay?

SOLICITOR REDMOND: Yes, sir.

THE COURT: All right. Everybody have a good afternoon.

SOLICITOR REDMOND: Thank you, Judge Hocker.

(WHEREUPON, State's Exhibit Nos. 1 through 60 were marked for identification purposes only at this time.)

(WHEREUPON, Court was in recess for the evening.)

Tuesday, October 21st, 2014

THE COURT: All right. We're on the record this morning in the State versus Curtis Gorny.

Let me mention one little housekeeping matter, and as the attorneys are aware of, we had an alternate, Ms. Laney, who received word yesterday that her son had been diagnosed with a, a very serious physical ailment and, consequently, I excused her this morning. Both the lawyers were informed of that.

Okay. Do you want to renew the defense motion and then you say you have a case and then---

MR. COCKRELL: Yes, Your Honor.

THE COURT: ---let's deal with that.

MR. COCKRELL: Okay. Thank you, Your Honor.

Your Honor, I'd like to hand up a memorandum as well as cases that are relevant to Mr. Gorny's motion for a change of venue.

Specifically, by, by way of background, and if I may briefly, the allegations in this particular matter involve Mr. Gorny as well as the mother of a child that he has with, with one of the alleged victims.

There was a Family Court hearing pending the morning of the event that Mr. Gorny apparently was confused about the times. As, as he's coming into the courthouse, into the

courtroom, the, the baby's mother is coming out of the courtroom and makes some comments about how he has -- she has been awarded a, a big award, for lack of a better, better terms, and immediately thereafter the victim allegedly is shot on the grounds of the courthouse.

This is identical to a case out of the State of Missouri where a Family Court hearing was---

(Pause.)

THE COURT: Okay. All right. Mr. Cockrell, I believe that there may be some chance that the jury can, can hear you. So, you may -- might want to spoke a little, a little softer.

MR. COCKRELL: Thank you, Your Honor. I'm sorry.

THE COURT: That's okay. Don't, don't apologize. I like, I like lawyers who speak loud.

MR. COCKRELL: Thank you, Your Honor.

In the, in the matter in the State of Missouri, a husband and wife were going through a divorce. The husband was shot and killed, the opposing counsel as well as his wife. The only difference in that case and this case is there was no killing.

However, they denied the motion and change of venue and it was reversed by the Supreme Court of Missouri on the basis of the proximity of the events, and I, I've attached that case. That -- the case that I'm specifically speaking

of is the State of Missouri versus Baumruk, B-A-U-M-R-U-K, and it, it, it references and goes into the United States Constitutional protections that are favorable through the Sixth and the Fourteenth Amendments in it, and I would like to just publish some events or some, some comments that the justices of the Supreme Court direct in those aspects.

I'm reading from Page 649. It says "the circumstances of this trial, speaking of the trial in Missouri, in St. Louis, the circumstances of this trial held where the shootings occurred are inherently prejudicial and denied the defendant his right to a fair trial under their Sixth and the Fourteenth Amendments. The environment of a trial must give jurors, who may otherwise have been carefully selected, a sense or appearance of neutrality. What happened in this subverted these basic guarantees of trial by jury."

The Trial Court went through the proper forms or procedures for selecting a fair jury, but as the United States Supreme Court said in Gropy, quoting Justice Holmes, "any judge who has sat with jurors, juries knows that, despite of the norms, they are likely to be impregnated by the environment atmosphere."

This is -- as in this case, this is not just a pretrial publicity issue. At its core, the case raises a serious question of -- as to the impartiality of the adjudicator because of the environment in which the trial was held.

That's what's going on here. This environment that this trial is occurring, the location of the events of this particular case occurred right where we're trying this case. It's all put into the -- in, in the juror's face.

We can't have this trial because of the location of the events. They're all surrounding right here. It's thrown in these, the juror's face. It puts the jurors in the shoes of the victims, alleged victims, and that can't -- he can't have a fair trial with that being -- with that and that's why we ask that venue be changed.

THE COURT: Okay. All right. For clarification, the, the alleged shooting that was mentioned in, in a -- is -- was not in the parking lot where I actually parked yesterday.

I think, solicitor, you may of been in that same parking lot.

SOLICITOR REDMOND: That's correct.

THE COURT: It was in a different parking lot.

Help me understand the---

SOLICITOR REDMOND: Yes, sir.

THE COURT: ---configuration of this.

SOLICITOR REDMOND: The shooting itself, in all candor, the shooting itself happened out on the street, the parking, the parking spaces adjacent to the street --

THE COURT: Okay.

SOLICITOR REDMOND: -- on Main Street.

However, and the testimony would bear this out, he actually, he being the defendant, was parked in the courthouse parking lot.

THE COURT: Okay.

SOLICITOR REDMOND: He pulled out of there, drives around, and that's where he goes to where the victims were, gets out, and then shoots them out there on the street.

THE COURT: Okay. Cause I, I notice that there were parking spaces on the street so you could park there and not necessarily have courthouse business.

Correct?

SOLICITOR REDMOND: That's correct.

THE COURT: Okay. All right. Okay. All right.

Solicitor, you want to -- what, what I want to do, I want to take all the argument. I want to bring the jury out and just explain to them that we are dealing with some legal issues, be patient with us, send us back in, and then I'm gonna go back in chambers and read what you have presented to me, Mr. Cockrell, but I want to go ahead and take argument now.

SOLICITOR REDMOND: Yes, sir.

THE COURT: So, solicitor, I'll be glad to hear from you and then you can follow back up with anything.

MR. COCKRELL: Thank you.

SOLICITOR REDMOND: May it please the Court.

I had a chance to, to briefly scan over the pertinent parts of the case from Missouri, and I understand it's been proffered as persuasive authority, and, quite frankly, I have learned, from having used persuasive authority from other jurisdictions in cases in the past, I don't take it lightly. So, I'm not discounting the fact that it's from the State of Missouri because you want to -- the bigger cases I've ever dealt with, we got a conviction based on persuasive authorities from Virginia. So, I don't take that lightly.

Now, I will add that, from the persuasive standpoint, I would just like the record to note that this is not a case from this southeast region that's pursuant to the Southeast Digest, but that being said, it is authority from another state and we would, you know, obviously review it and give it its due respect in that review.

With that said, Your Honor, there's a novel issue for, for me, at least, and I, and I hadn't seen anything in the State of South Carolina. I don't know whether, in Missouri, there were measures put in place to ensure that the, the courthouse itself was not central in what resulted in the conviction, whether that's a consideration.

Now, I can tell the Court that, and I don't mind saying it, from my standpoint, the issue isn't where it happened,

it's that it happened, and, and I think that's an important distinction because, as I scanned over the Missouri case, the prosecutor made a part of the argument the fact that it happened here at the courthouse, at the People's Courthouses or something along the lines that he says in that case, and, and I think that's an important consideration, and it's distinguishable because, in that situation, the prosecutor then makes this building or makes the courthouse building central to their case.

From our standpoint, Your Honor, quite frankly, it happened to happen at the courthouse, but that is not the central aspect of what took place. You know, the shooting itself took place -- takes place on the street. Then there's a shooting that takes place 17 miles from here. So, it's a change in scene unlike the situation in Missouri.

So, with that, I would say that the case is distinguishable. The cases in Missouri versus here are distinguishable in that regard.

With that said, Your Honor, I, I have not had a chance to fully read the Missouri case---

THE COURT: Sure.

SOLICITOR REDMOND: ---there than those pertinent excerpts---

THE COURT: Right.

SOLICITOR REDMOND: ---that I kind of scanned over

briefly. But the thing I would say is that it does appear that, that -- appear that there are distinguishable characteristics between the two cases, and I think there are safeguards through Court instruction, quite frankly through the way we present our case, that would make this a distinguishable situation because the Court goes out of its way to note the fact that the prosecutor made a comment about it occurring at our courthouse or the Peoples or something along those lines I think the prosecutor said.

THE COURT: Right.

SOLICITOR REDMOND: So, I would say that, at this point, it is the -- distinguishable in that we be allowed to go forward.

THE COURT: Okay. Well -- and, and what I'll do is, is certainly give both sides the opportunity to give further argument after you've had a, especially for the State, after they've had a chance to review your materials. So, even after I've reviewed everything in chambers, I will come back and, and put whatever else on the record before I issue a, a decision.

Let me just ask this, I'm just kind of thinking out loud, and, and I realize we have three indictments for alleged murder. One is where the, the alleged attempted murder takes place on the road to Pageland, and, again, I'm thinking out loud.

All right. Let's assume I was inclined to grant your motion concerning the change of venue as it relates to the two alleged shootings here in -- on the street out in front of the courthouse.

What would prevent the State from deciding just to go forward on the one indictment related to the alleged shooting on the road to Pageland?

MR. COCKRELL: Your Honor, I'd, I'd ask the Court for at least a recess in time for me to at least research and either have a motion or -- in limine in regards to any of the events leading up to that, and, and may just renew altogether my, my chain of venue motion because it's too, too close in time.

THE COURT: Right, and, and, again, I -- you know, I don't know if that would even be a consideration the State would be interested in.

Okay. Let's do this. Let me, let me get the jury out and just explain to them that we are working on some legal issues, and send them back in, and, just, just for my information, is it ever a problem with the jury being -- cause I speak loud too.

Is it ever a problem with this jury room where they can hear what goes on in, in, in this courtroom?

SOLICITOR FOARD: Your Honor, we have no may of knowing what they can hear, but I can tell you, at various times

when the courtroom is quiet during deliberations, there are times when we can hear sounds coming out of the jury room.

THE COURT: Okay.

SOLICITOR FOARD: Not specific conversations, but we can hear laughter or we can hear expressions, expressions of emotion or---

THE COURT: All right. Let me ask this.

Would either side have any objection to my asking the jury if at anytime they're in the jury room and we're out here dealing with whatever we're dealing with, and if they can hear what we are saying, for them to let us know?

Would anybody have any objection to that?

MR. COCKRELL: No objection, Your Honor.

SOLICITOR FOARD: No objection, Your Honor, and I will add that, that our, our local, our local judge, Judge Burch, runs -- what he typically does is if the multipurpose room where the jury assembled yesterday is available, he will typically move deliberations there --

THE COURT: Okay.

SOLICITOR FOARD: -- or even not just deliberations. If it's available, he'll actually house them back there. But my understanding is today---

THE COURT: Okay.

SOLICITOR FOARD: ---that's not going to be available.

THE COURT: Okay.

SOLICITOR FOARD: There's something scheduled back there.

THE COURT: Okay. All right.

THE CLERK: And I can add, standing right here, and I'm always the one here, I can't ever understand what they're saying.

THE COURT: Okay.

THE CLERK: I can hear words and I can hear laughter.

THE COURT: Okay. If they can hear conversation out here, but can not determine what it is, I really don't have a problem with that. But I just don't want them naturally hearing whatever, you know, we're saying.

All right. Let's bring the jury out and explain to them what we're doing.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: The jury is back in.

Good morning.

Hope everyone is doing well.

Let me mention just a couple things to you.

One, Ms. Laney, who was one of the alternates, and some of you may be aware of this, I mean I don't know, but she had a, I'm just gonna describe it as a family crisis that came up actually yesterday, and so she came here this morning, and because of that, I excused her.

So, if you're looking around for Ms. Laney, who is one of the alternates, that's why she's not, she's not with you.

Secondly, the lawyers have presented to me some legal issues that I'm gonna have to deal with, and I didn't want you sitting back there thinking that we were not doing anything. So, we -- I need to deal with those legal issues before we can even move forward. So, I just ask for you to be patient with us, and we'll, we'll do the very best we can to get you back out here.

It was also mentioned, because of the close proximity -- and I'm not familiar with this, with this courtroom, but the close proximity of the jury room with the courtroom. While you're back there, if at anytime that you can hear what we are saying out here, you may hear that there is conversation going on, and, and I don't know if it's unfortunately or fortunately, I speak loud, and -- but if you can actually hear what we are saying we need to know that because we don't want you to hear what we're saying out here.

We're not trying to hide anything from you, but you are, and I'll explain this later, you're the trier of the facts. You make the determination of the facts, and if we're discussing facts out here, that's not fair to you.

So, if you can actually hear what we're saying, you need to notify, need to notify the bailiffs so we may need

to put you maybe elsewhere or at least, if nothing else, we need to soften our, our voices some. So, just let us know of that.

I think there's been some question whether or not you can throw in a cough drop or a mint or whatever. That's fine. Don't chew gum. But mints and cough drops, that's perfectly fine.

I think, ma'am, you have a back issue and you might need to stand up at times. That's, that's fine too.

We want to make y'all as comfortable as we possibly can within certain guidelines and parameters. So -- but in any event, please be patient with us, and we'll get you back out just as soon as we possibly can.

So, if you'll go back to your jury room. Again, don't start talking about this case or anything related to this case.

Okay. Thank you.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Okay. We're gonna be in recess.

You got something before me before I go back in chambers?

SOLICITOR REDMOND: Yes, sir, Your Honor. We can discuss it back in chambers, but we were just looking at some news worthy incidents involving courthouses and

shootings.

THE COURT: Okay.

SOLICITOR REDMOND: And that's something I think we want to discuss with you.

THE COURT: Okay. Well, let's, let's do this.

Let me, let me go back in chambers and at least digest what, Mr. Cockrell, you have provided to me, and then we'll get you back, and if you've got any other information or anything else, we can talk about it in chambers and then go back on the record with it.

Okay?

SOLICITOR REDMOND: Yes, sir.

THE COURT: Everybody be at ease.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: All right. We're back on the record, and I've had some fairly extensive conversation with the attorneys, doing some research on this issue of change of venue. We still need to work it some more. I'm gonna go ahead and cut the jury loose for an early lunch and have them brought back at 1:00.

So, a couple hours hopefully will give us enough time to further flesh this out and make it -- a determination of what we're going to do as far as going forward with the trial here or granting the motion to change venue.

So, if you will bring the jury out please.

THE CLERK: And go ahead and have them to bring their keys and anything they have back there?

THE COURT: Yes, please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Okay. Let the record reflect the jury is back in.

Ladies and gentlemen, we are still working on those legal issues I mentioned to you, and I think you would probably much rather be elsewhere while we're working on those issues as opposed to being in the, in the jury room.

So, I'm gonna go ahead and let you break for an early lunch and ask you -- it's 11:00, a few minutes before 11:00, and ask that you be back at one o'clock.

So, do what you need to do these next two hours, and be back promptly at 1:00, and remind you again, anybody that you come into contact with, don't discuss anything related to this case and we'll see you back in a couple hours.

Thank you for your patience.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Okay. We'll be at recess until, until one o'clock. Let's try to maybe get back together a little bit before 1:00, and if you come up with anything, need to get with me, we'll be right back here.

Okay?

SOLICITOR REDMOND: And, and, Your Honor, we're probably, at least Adam and myself, we'll probably be back around here for a little while --

THE COURT: Okay. That's fine with me.

SOLICITOR REDMOND: -- if you need to speak with us. So --.

MR. COCKRELL: And we're right across the street, judge, if I'm not here.

THE COURT: Okay. All right. Very good.

Thank you.

(WHEREUPON, Court was in recess for the lunch hour.)

THE COURT: Okay. We're back on the record in -- related to the defense motion to change venue that was renewed. That motion having been originally made yesterday and renewed today.

Is there anything further on the record from the defense and/or the State concerning that?

MR. COCKRELL: Your Honor, I would just like to hand up, if I may, these are actual just news articles --

THE COURT: Okay.

MR. COCKRELL: -- for Your Honor's consideration if I may, and they relate to -- one is a, is -- I don't have the actual transcripts from -- obviously from the courtroom, but they relate to a matter that was in Jefferson County, Texas

where the, the shooting actually occurred outside the courthouse similar to this, this particular matter as well as another matter in, in, I believe, Illinois, and where the, the Court transferred venue on the basis of, of those aspects.

In this particular situation, I would like to reiterate to the Court that, that the actual shooting was less than a hundred yards from where we are standing here and now, and a -- the lion's share of the events occurred either in this courthouse building and/or within immediate proximity of the entry doors and whatnot, and I also point out to the, to the Court, election signs, this is a voting precinct as well, but election signs can not even be put up where the shooting occurred and definitely not in the instances where the parking was of my particular client or the alleged victim and that law is there so that there's no influence of the voter in an election.

Now here we're talking about somebody's life, somebody's liberty. So, it's, in my opinion, even more so important than the swaying of one single vote, and I would urge the Court to take that into consideration in this based on this aspect of when we're talking about the actual proximities of all the events. Some of them occurring actually in this courthouse building, but the, the remainder of them in such a close proximity that somebody wouldn't

even be able to hold a Vote for Cockrell sign or whomever is there.

This is a novel issue in South Carolina. We have -- Courts haven't addressed how they would rule. We can't specifically say. We can only look at guidance.

One specific case is the case from Missouri where I did hand up to Your Honor. I would also want to point out that the events here, the same parking lot, the same entrance, it's the same halls, it's the same environment that we're gonna be walking to and fro -- the jurors are gonna be walking to and from are here.

They can't help, but through the testimony leading up to the shooting, be inherently prejudiced by the environment that we're in today, and I also relay to the, to the Court that the Missouri opinion from the Supreme Court of Missouri specifically makes reference that the trial was not -- did not occur in the actual courtroom where the events occurred. It was in a separate courtroom. It was in a separate environment.

You're also dealing with, with a, a, an, an enormous courthouse where here we have one courtroom, two, two with Family Court upstairs. But there are 35 separate judges, based on my review of St. Louis County. That's a huge courtroom, a huge enormous facility that the Supreme Court of Missouri felt it was so inherently prejudicial that they

recognized that the accused did not stand a fair trial, and I would urge the Court also to take into consideration the, the overwhelming -- whether the Court considers some of the evidence to be overwhelming or not overwhelming, the guilt or innocence of the client does not and should not have an impact on whether venue is proper here or somewhere else.

THE COURT: And most definitely you are correct, and my view of the little bit of evidence that I am aware of, just based upon conversations with counsel in chambers, just a little bit I know about the case has no effect whatsoever. My feelings of guilt or innocence are completely irrelevant and immaterial to this whole process along with my decision on whether or not to grant your motion.

So, please, please understand that.

MR. COCKRELL: Yes, sir. Thank you. Thank you, Your Honor. That sums my---

THE COURT: Okay. Thank you.

MR. COCKRELL: ---my position.

THE COURT: Solicitor, you want to respond?

SOLICITOR REDMOND: Yes, sir, briefly, Your Honor, and let me just start by saying this is a, an afront to no one, but a lot of times, and this is just, just my personal feeling as it relates to us not giving jurors enough credit, and the reason I say that is because we go through, you know, trying cases. We, we -- the Courts instruct the

jurors and there are safeguards in place to make sure that their findings are based on the evidence presented.

This happened out on the street here in Chesterfield. Jurors are gonna have to drive past it. That's, that's -- we understand that.

But is this any different than say if this had happened at a convenience store in Pageland two blocks from where I lived, if I'm impaneled on a jury?

Just because I pass by that location, does that automatically disqualify me?

I think if -- and, and I would note that most of the situations that we have discussed, both in chambers and out here on the record with the exception of the Missouri situation, I think these were actually -- there aren't -- there is not any case law regarding what the ultimate outcome would have been had some of those cases actually been tried in the courthouse because, for whatever reason, either agreements or whatnot, those cases were moved before it got to the point of being an issue for appeal.

So, we don't know what the outcome of those cases were. We know that there were some agreements between the State and the defense to have it tried somewhere else, but that doesn't mean that, as a matter of law, it had to be tried somewhere else.

So, I'm not conceding that just because it may have

been tried some -- that was through a, an agreement, but, as a matter of law, I'm not accepting that as the law in, in that particular issue.

With that said, Your Honor, I would just say that, again, with the safeguards in place -- and then we have to ask ourselves what is the case really about. It is not about -- it just so happens that it happened on property adjacent to the courthouse. I'll put it that way.

But the issue here is whether or not the defendant intended to kill Johnny, Johnny Nolan, Olivia Weaver, and then keeping in mind that there's another scene 16, 17 miles from here that had nothing to do with the courthouse outside of the Town of Pageland. So, when you take the totality of the circumstances as they stand, in essence, we would be saying that because it happened here at the courthouse, a jury is too stupid to put that aside and look at the facts of the case.

Let me use another example briefly, and I don't know what the defense is arguing, but let us say that there was a self-defense issue. Let's say that somebody just so happens at the courthouse, but if there's evidence of self-defense proffered showing that somebody acts in self-defense, just because it happens at the courthouse, does that mean that the fact that it happened at the courthouse the primary issue or what actually happened is the primary issue?

The, the, the location adjacent to the courthouse just happens to be where it happened, but what happened, and that's what I mentioned earlier this morning, the issue is what happened, not where it happened, and when we look at the circumstances surrounding that, I think this jury, as I would think most juries, would be able to look at the facts of the case outside of where it happened and look at what happened.

I think that can be taken care of through instruction by the Court, and I'm sure the Court will have instructions along those lines that would again maintain the integrity of this case to ensure that the defendant gets a fair trial.

So, I think that, that, again, we -- I don't want us to put too much emphasis and give too much credence to where it happened because, again, this case, and I think the record will bear out, is ultimately about what happened. That's the issue in this case, and I don't think the location should actually -- and I'm gonna continue on.

I don't think that, under the facts of this case, the defendant, in essence, should benefit from the fact that he tried to kill somebody in a particular place, and that would be sort of what we would -- that would be where we would be going. We would basically be sending a message that if you try to kill somebody in a particular place, through your own actions, that then you can use the law to shield you from

prosecution in the county where these victims are entitled to have venue heard, and so I think it's a slippery slope if we do not have this case tried in Chesterfield, and for that reason I would submit that the State now strongly believes this case should be tried here today.

THE COURT: Okay. Thank you very much, and I -- the Court certainly appreciates the, the excellent work, hard work from both sides on this particular issue.

I have carefully considered everything that's been presented on both sides. We -- I've actually done some more research on my own in some other jurisdictions, and taking everything into consideration, the Court does not believe that one, the defendant would be prejudiced by having this case tried in the Chesterfield County Courthouse, and, secondly, the Court believes that the defendant's due process rights would not be violated by having this case tried here.

So, taking everything into consideration, the defense's motion to change venue is respectfully denied, and concerning the, the first ground of your motion concerning pretrial publicity, I think I covered that yesterday, but I would just renew the fact, that based upon State versus Manning and the voir dire, the additional voir dire that was conducted, those seven jury panel members who stood who had had some exposure, however limited to pretrial publicity or

pretrial information, the Court believes that the voir dire certainly took care of any, any issues there, and it turns out that the only person who did respond in the jury panel is, in fact, our alternate.

So, your motion is denied.

Secondly, the, the Court will emphasize the standard instruction of the -- that the jury is only to consider what is ever brought out in this courtroom insofar as the evidence from the witness stand and any exhibits.

The Court, thirdly, did discuss with the lawyers in chambers that the Court did not want any State's witnesses to have any involvement with any contact, direct or indirect, with the, with the jury insofar as bailiffs, law enforcement personnel that may work the courthouse, and the solicitor had, had anticipated that, and had already taken care of any, any State's witnesses who may otherwise would of had some contact, direct or indirect, with the jury and that was already anticipated and taken care of.

Is that correct, solicitor?

SOLICITOR REDMOND: That is correct, Your Honor.

THE COURT: All right.

SOLICITOR REDMOND: Kenny Ammons I think is our witness, and is actually -- he's actually in uniform as opposed to the other Court security personnel who are in plain clothes, and so he is not having any contact with the

jurors.

THE COURT: All right. Okay.

All right. Anything further from the State?

SOLICITOR REDMOND: Yes, sir, briefly, Your Honor.

At it relates to stipulations by counsel, I kept forgetting to mention this earlier with everything else going on, and Mr. Cockrell could disagree if, if I misstated something, but briefly, first as it relates to the chain of custody, they're several items, the two guns, there was -- there was ammunition collected. There were fragments collected.

Those have already been marked as exhibits. He's agreed to the -- stipulate to the chain. However, those items are not in evidence until they're properly---

THE COURT: Sure.

SOLICITOR REDMOND: ---we've laid the proper foundation, but we don't have to call chain of custody witnesses on those. We have, for the record, provided the verified chain and all the chain of custody issues therewith. So, I'm sure he's able to gleam what the chain of custody is on each item, and so that's the first thing.

The second thing is, as it relates to the medical reports, specifically State's 18 and 19, we have agreed to certain redactions.

On State's Exhibit 19, which is the medical record from

Ms. Olivia Weaver, and 18 is the medical record from Mr. Nolan, we have agreed and they have stipulated to allow that -- those exhibits into evidence with the redactions, which we've already done, and Mr. Cockrell is reviewing those, and, and if he does not have any objection to our redaction, we'd move those items into evidence.

MR. COCKRELL: That's correct, Your Honor.

THE COURT: Okay. Thank you very much.

SOLICITOR REDMOND: And, finally, Your Honor -- well, two things real quick.

Pictures, Exhibits 21 through 60, I think I'm saying right, are all -- they're photographic evidence, we have given Mr. Cockrell a chance to look over those items. It's my understanding he does not object to those items coming in evidence at this time.

THE COURT: Okay.

MR. COCKRELL: That's correct, Your Honor.

THE COURT: Okay.

SOLICITOR REDMOND: And, and we do, for the record, have -- we also have those items on disks too, I guess, to play. We actually got the hard copy, but then, for the sake of time and for, for convenience, we've got a disk where we'll put those same exhibits up at certain times during the trial for certain witnesses.

THE COURT: Okay.

SOLICITOR REDMOND: And---

THE COURT: All right. So, are we going, going ahead now and granting that 18, 19, and 21 through 60 is in -- admitted into evidence?

SOLICITOR REDMOND: That's correct, Your Honor.

THE COURT: Okay. All right. And I did not get, as far as the weapons and ammo, I did not get exhibit numbers for those.

SOLICITOR REDMOND: Oh, I'm sorry and I'll go ahead and list---

THE COURT: Sorry.

SOLICITOR REDMOND: ---those exhibit numbers.

THE COURT: That's all right.

SOLICITOR REDMOND: We've got State's Exhibit 4 is the .357 Magnum handgun.

THE COURT: Did you say four?

SOLICITOR REDMOND: State's 4.

THE COURT: Okay.

SOLICITOR REDMOND: State's 5 is a 9-millimeter handgun.

State's 6 is a -- fired bullets at Marker 1, fired bullet jacket fragment.

State's 8 is a plain lead fragment that was found on the passenger side.

Oh, and I skipped State's 7.

State's 7 is a fired bullet core fragment at Marker 2.

State's 9 is a fired .357 cartridge, cartridge case.

State's 10 is actually two .357 cartridge cases.

State's 11 is a fired bullet fragment that was found under the hood of the Chevy Lumina.

State's 12 is a fired lead fragment from, from -- that was actually taken from the arm of Mr. Nolan.

State's 13 is a GSR kit from Nolan.

State's 14 is a GSR kit from Weaver.

State's 15 is a GSR kit from Mr. Gorny.

THE COURT: All right. So, as I understand it then, agreed that -- into evidence now is 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18 and 19, and 21 through and inclusive of 60?

SOLICITOR REDMOND: And, and now -- and correct me if I'm wrong, I think Mr. Cockrell's stipulation was that I didn't have to get into the chain, but before he would agree to them being admitted, he obviously wanted the witnesses to, I guess, lay the foundation for these things.

THE COURT: Got you.

Okay. Agreeing to the chain, but as far as 18, 19, and 21 through 60, those are into evidence?

SOLICITOR REDMOND: Yes, sir, and I did fail---

THE COURT: Okay.

SOLICITOR REDMOND: ---to mention Exhibit -- Item --

Exhibit 20, which is actually a report. It's actually the default judgment from that day in Court where he does indicate -- it does indicate that the defendant, Mr. Gorny, was suppose to be present in Court for the D.S.S. conference that day and that he failed to appear, and so that's State's 20, and I have shown it to Mr. Cockrell, and he's indicated he has no objection.

THE COURT: Okay.

MR. COCKRELL: Correct.

THE COURT: That's into evidence as well?

MR. COCKRELL: Correct.

THE COURT: Okay. All right. Very good.

(WHEREUPON, State's Exhibit Nos. 18 through 60 were received into evidence at this time.)

THE COURT: Lastly, I understand that if we have to, the assembly room, I believe it's correct, I state that correctly, is available if we, if we need to and, again, I'll, I'll reiterate with the jury that if at anytime they can actually hear what's being said, then we would, you know, certainly deal with that.

SOLICITOR REDMOND: Yes, sir.

THE COURT: Okay. All right. Let's bring the -- let's bring the jury out.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Good afternoon, ladies and gentlemen.

All right. Madam Clerk, would you swear the jury in please, ma'am?

THE CLERK: Okay.

(WHEREUPON, the jury panel was placed under oath at this time.)

THE CLERK: Thank you. You may be seated.

THE COURT: Ladies and gentlemen of the jury, we have a couple of housekeeping matters that we need to tend to.

The first one is that a foreperson of the jury needs to be selected.

Now, let me emphasize a couple things about a foreperson, whether it's a foreman, male, forelady, female. First of all, their vote carries no more weight than the other votes of the jury. The Court has to have a person who can be the go between, the spokesperson between the jury and the Court. So, I have to have someone to wear that hat.

Secondly, I have to have someone to wear the hat to make sure that the jury is following all of the instructions that the Court has given and will give you in just a few moments.

Thirdly, I need someone to wear the hat to actually conduct the deliberations once you start deliberating this case and making a decision as to a verdict in this case. I need someone to oversee that, to kind of conduct that.

Now, I am confident that all of you would make excellent forepersons of this jury, but I can't have 12 or 13 quarterbacks. I can only have one.

So, Pamela Amerson?

(WHEREUPON, a juror raises their hand.)

THE COURT: Ms. Amerson, I am appointing you as the forelady of this jury.

Okay?

THE FORELADY: (Juror nods affirmatively.)

THE COURT: You will may -- and you don't have to move yet, but the next time you come in from a break, this seat right here will be your seat throughout the whole proceeding.

Ms. Moore, who is the alternate, you have maintained that correct seat and that will always be your seat.

Now, let me explain to you the alternate is -- plays a very important role in the jury process. You, of course, will be here with us throughout the whole proceeding. It's, it's not unusual for members of a jury, emergencies illness, those sorts of things that have to be excused half-way through a trial, and we need someone to fill their shoes. So, your role is just as important as everybody else's role.

As far as the rest of you on the jury, you can sit wherever you like, just not this seat, and not that seat.

Now, it's been my experience since I've been on the

bench that, more times than not, members of the jury like to sit in the same seat. It's kind of like going to church. You always sit in the same pew, and so that's entirely left up to you whether or not you want to kind of stay in the same seat or whether or not you want to kind of move around the times when you come to the, to the jury box. Completely left up to you.

Okay. Now, I have some preliminary instructions that I would like to give you at this time. We are starting eventually. We have had a lot of legal issues that I've had to deal with with the lawyers in this case, but now we're starting the case of the State, the State of South Carolina versus Curtis Brent Gorny.

Now, before we actually begin the trial, I want to tell you that this trial probably will be different from what you might expect. Many people do not have the chance to attend actual Court sessions as you're doing right now, and may think, from watching television or movies or reading books, that trials are always full of high drama, intense action, and rivetting circumstances. While all of these things may be true at times, this trial is not for entertainment.

It s a fundamental part of our democracy, a search for the truth, and an effort to make sure that justice is done between the parties before the Court.

Searching for the truth and making sure that justice is

done is often slow, deliberate, repetitive, the opposite of what you may of seen on television or movies or read in books.

This courtroom is a place of honor dedicated to the protection and preservation of citizen's rights through what many have called, and I stated this I believe yesterday while you were still in the jury panel, our system of justice has been called the greatest justice system ever created.

The attorneys appearing before you are advocates for the parties they represent, but first and foremost, they are officers of the Court sworn to uphold the integrity and fairness of our judicial system, and to help you in the search for the truth. You should expect them to be professional, competent, and ethical in the representation of their client's interest, and I'm confident that they will be, and you're also expected, as jurors, to be professional, reasonable, and ethical as well.

Once again, I thank you for accepting this very very important responsibility of jury service and for your contribution today to our justice system.

What I will now say is intended to serve as an introduction to the trial of this case. These remarks are not a charge on the law in this case. I will do that at the close of this trial before you retire to deliberate and

consider your verdict. This is merely an explanation of the procedure that we will follow in the trial of this case so that you may be better -- in a better position to understand what will be happening.

First, I tell you that you are not permitted to take any notes during this trial. Therefore, what that requires you to do is to be very attentive throughout this entire process. Make sure that you get plenty of rest prior to coming in each day.

Now, the defendant is charged by five indictments, and I covered those while you were in the jury panel and been charged with three separate offenses. Three indictments for attempted murder, one for failure to stop for a blue light, and one possession of weapon during commission of a violent crime.

Now, the elements of those charges will be explained to you later on in this process. As I told you yesterday, and I will tell you and emphasize with you today, that these indictments are not, in any sense, evidence of the allegations they contain. The defendant has elected to plead not guilty to these five charges. Therefore, the State has been put on having the burden of proof to prove each of the elements of each of the charges and these five indictments beyond a reasonable doubt, and it will be your duty, Madam Forelady, ladies and gentlemen of the jury, to

decide whether or not the State has met that burden of proof.

Your purpose, as jurors, is to find and determine the facts. You are the sole judge of the facts. If, at anytime during this process, I make any comment regarding the facts you must disregard it. You are to determine the facts from the testimony you hear from this witness stand and other evidence introduced in this courtroom. It is up to you to determine the inferences which you feel may be properly drawn from the evidence presented.

It's especially important that you perform your duty of determining the facts diligently and conscientiously because, ordinarily, there is no way to correct an erroneous determination of the facts by a jury.

Now, on the other hand, and with equal emphasis, the same law that makes you the judges of the facts makes me the judge of the law. The law, as given by the Court, is the only law you may consider, and I will give you that law at the conclusion of the case. You must accept it and follow it even though you may disagree with it. I can not and will not tell you what the facts are, and you can not disagree with me about what the law is or should be.

Your job is to take the law as I give it to you and apply that law to the facts as you find them from the testimony of the witnesses and any other evidence introduced

in this courtroom. After doing that you will render your verdict, a verdict under the solemn oath that you just took a moment ago as jurors.

And I told you this and I'll tell you this again, until I tell you that you may begin to deliberate, you must not discuss this case with anyone including your fellow jurors, friends, family members, anyone involved in this case, anyone that you may come into contact with.

During your deliberations, at the conclusion of this case, you may only discuss this case in the jury room with your fellow jurors because they have seen and heard the same evidence you have. However, you must not discuss this case with anyone else until you have returned a verdict and the case is ended. Then, at that time, and I'll give you more instructions on this later, then, at that time, you will have the right to discuss this case with anyone if you so choose.

You must decide this case based solely, 100 percent on the evidence presented here in this courtroom. This means that you can not consider anything whatsoever outside the four walls of this courtroom in reaching a decision in this case. That includes, certainly not limited to, includes your not being allowed to conduct any independent research about this case on your own, the facts in this case, the evidence presented in this case, any of the individuals

involved in this case. Please do not try to find out information from any source outside the four walls of this courtroom.

During this trial, and this was discussed yesterday, during this trial, do not read, listen to, or watch any news reports about this case. This includes anything that may be in newspapers, on the Internet, magazines, radio, or television. You must not consider anything that you may have read or heard about this case outside this courtroom.

It is important to keep an open mind and not decide any issue until all of the evidence has been presented to you from the witness stand, any exhibits that may be offered into evidence, the parties have made their closing arguments to you, and I have instructed you on the law in this case.

It is your solemn responsibility, Madam Forelady and ladies and gentlemen of the jury, to determine the guilt or innocence of the defendant, and your verdict must be based solely on the evidence as it is presented to you in this trial and the four walls of this courtroom, and on the law as I instruct you at the close of this trial.

Now, you've already had to experience sitting in the jury room for periods of time. This may very well continue. You may hear one of the lawyers during the course of this trial say judge, I have an objection or, judge, I have a matter of law that I need to discuss with the Court outside

the presence of the jury. Sometimes we'll try to do it in your presence if we can or sometimes the lawyers will come up and we'll have what we call a side bar conference, but sometimes that may require us to have it on the record outside of your presence, and one of the reasons for having to send you out is that, in dealing with the legal issue that is being presented by one of the lawyers, I may need to discuss the facts, and I do not want to discuss the facts in your presence because, again, you are the sole and absolute judge of the facts in the case.

So, if we have to send you out and keep you back in your jury room for periods of time, we're doing it because it's only -- it's absolutely necessary that we do it and we try to be as prompt, however thorough as we need to be, in dealing with that so we get you back out and continue with the trial, and, again, it is so very very important that you give your very strict and undivided attention to everything that goes on in this courtroom during this trial.

At this time I'm going to ask the State is there any objections or exceptions to the Court's preliminary charge to the jury?

SOLICITOR FOARD: None from the State, Your Honor.

THE COURT: Okay. And from the defense?

MR. COCKRELL: None, Your Honor.

THE COURT: Okay. Thank you very much.

Now what the lawyers will do will give you their opening arguments and these arguments are not evidence in the case, but it -- what they will do is try to outline to you what they believe the issues are, what they believe the evidence will show, and what their respective positions are in this case.

From the State, you may proceed.

SOLICITOR FOARD: Thank you, Your Honor.

May it please the Court.

Mr. Cockrell.

Ladies and gentlemen of the jury, Olivia Weaver did not know how much her life would change on February the 13th of 2013. She knew that day would be an important day. It was a day that she was scheduled to have a D.S.S. conference regarding child support with the father of her young child, the defendant, Curtis Gorny.

She got up that morning. She prepared to come to the courthouse for her appointment, and when she got here, Mr. Gorny wasn't here. So the hearing went on without him.

What she didn't know was, that when she exited the courthouse and started going towards her car, she would see Mr. Gorny, and after they exchanged a few words, and she continued to her car, she did not know that Mr. Gorny would approach her vehicle, the vehicle that she had traveled here with a relative, Mr. Johnny Nolan.

Olivia had no way of knowing that Mr. Gorny would pull out a handgun and begin firing upon her multiple times, firing upon Johnny Nolan as well, shooting both of them causing physical harm to both of them.

She didn't know any of this was going to happen, ladies and gentlemen. She didn't want it to happen. She didn't plan for it to happen. She didn't instigate it. She just didn't know what that day would do for her life.

She had no way of knowing that Curtis Gorny would jump into his Chevrolet truck with a camper unit on the back of it over the bed of the truck, that he would jump in that truck and begin driving towards Pageland. She didn't know it. Nobody else did either.

Law enforcement, when they got the call that there had been a shooting on the courthouse grounds, didn't know that they would travel some approximately 17 miles following Mr. Gorny with sirens and blue lights flashing. Not one officer, not two officers, not three officers. More than three officers, lights and sirens for 17 miles to Pageland.

Timmy Knight, a sheriff's deputy with the Chesterfield County Sheriff's Office, didn't know that, as one of the lead pursuers of Mr. Gorny, that, at one point during the chase, Mr. Gorny, Mr. Gorny would fire upon him. Thank goodness, unlike Johnny Nolan and Olivia Weaver, Timmy Knight was not hit.

Nobody knew that he -- that Mr. Gorny would get almost all the way into Pageland, South Carolina at approximately the intersection of Honeysuckle Lane and Highway 9 before he was able to be overtaken by law enforcement and forced from the road.

You will see that chase, ladies and gentlemen. You will see parts of it from certain dash cam videos of certain officer's cars, but there's one dash cam video that actually caught the entire chase, and you'll see the conditions of the road that day, and you'll see how dangerous it was for him to flee from those pursuing officers in the manner that he was doing so.

Ladies and gentlemen, I'm not gonna belabor the point. This case is quite simple. Curtis Gorny shot Olivia Weaver and Johnny Nolan without any provocation, without justification. He attempted to murder them. He fled from law enforcement, which you will clearly see, and then, during that fleeing, he attempted to murder a law enforcement officer, and obviously, because he was shooting at them, he was in possession of a weapon during the commission of a violent crime.

That's it, ladies and gentlemen. That's all we're asking. It's straightforward.

Now, as you sit here today, we're asking you to do a very large thing. We're asking you to look at the facts in

front of you and make a determination as to guilt or innocence of the defendant, Curtis Gorny. But in mine and Solicitor Redmond's role as prosecutors, we are firmly convinced that we will present you with the evidence that will leave you firmly convinced of Curtis Gorny's guilt.

Olivia Weaver did not have the benefit of knowing what would happen to her that day, but, ladies and gentlemen, you do have the benefit of knowing what happened that day, and, in this courtroom, you are able to make it right for Olivia Weaver.

Thank you very much.

THE COURT: Thank you, solicitor.

Mr. Cockrell.

MR. COCKRELL: Thank you, Your Honor.

Good afternoon, ladies and gentlemen.

I'm not gonna belabor the point. I'm gonna be as short and sweet so we can get on with this trial.

This is a trial of utmost importance to my client, Mr. Curtis Gorny. I, I realize that, that there are some aspects that have been made, at first blush, to be disturbing of y'all of what you may or may not have heard. I ask that you do and I trust that you will do what the law requires you to do and asks you to do and that is be open minded. Don't be ready to rush to judgment until you have heard all the evidence, every witness, reviewed all the

evidence that is going to be presented to you to consider before you deliberate, which will be at a time when the Court will direct you to, and then you can start reviewing everything, going back over the testimony that y'all heard, the evidence that was presented, and then, that will be the proper time for y'all to return a verdict.

I believe that when you do what the law requests and asks you to do that you will return the appropriate verdict and I submit to you that that will be not guilty.

Thank you.

THE COURT: Thank you, Mr. Cockrell.

Is the State ready to call its first witness?

SOLICITOR REDMOND: State's ready, Your Honor.

THE COURT: Okay.

SOLICITOR REDMOND: State would first call Ms. Olivia Weaver.

OLIVIA WEAVER, being first duly sworn, testified as follows:

THE CLERK: Please come around and be seated.

(Witness complies.)

DIRECT EXAMINATION

BY SOLICITOR REDMOND:

Q Ms. Weaver, I'm gonna ask if you can speak as loud as you can into the microphone so that I can hear you, which means that all of the jurors will be able to hear you.

Okay?
A Yes, sir.
Q All right. Don't think that's gonna be a problem.
A Okay.
Q Now, state your name again for the record.
A Olivia Grace Weaver.
Q Okay. Now, Ms. Weaver, at, at this time, in what town do you reside?
A I reside in Cheraw, South Carolina.
Q Okay. And back in February of 2013 where were you residing at that time?
A I was residing at 199 Forest Hills Lane in Cheraw.
Q Okay. Now, do you know the defendant?
A Yes, sir, I do.
Q Now, were you ever involved in a relationship with the defendant?
A Yes, sir, I was involved in a relationship with the defendant.
Q Okay. And how long -- do you recall about when that relationship started?
A It started about I would say October of 2011.
Q Okay. And how long did it last?
A It lasted about nine months.
Q Now, as a result of this relationship, did you, did you become pregnant?

A Yes, sir, I did.
Q And were you pregnant with the defendant's child?
A Yes, sir, I was.
Q And, and, and when was your baby born?
A She was born August the 7th, 2012.
Q Okay. And what's her name?
A Savannah Grace Weaver.
Q Okay. And now -- excuse me.
Johnny Nolan, do you know Mr. Nolan?
A Yes, sir, I do know Mr. Nolan.
Q And how are y'all related or tied together?
A He---
Q Well, let me ask you this.
Do you refer to him as your stepfather?
A Yes, I do.
Q And can you explain---
A Yes, I do.
Q ---why you refer to him as your stepfather?
A He was, he was dating my mother and he had a part in raising me.
Q Okay. And, of course, your mother is not here today?
A She's deceased.
Q Okay. And did she pass away after you had been shot?
A Shot, yes, sir.
Q Now, let's move forward a little bit to, I guess,

Family Court.

Did you, at some point, bring, I guess, child support proceedings against the defendant?

A Yes, sir, but it was a last, you know, it was a last thing. I had no other choice. I felt I had no other choice.

Q All right. You felt like you had no, no other choice as it relates to getting child support?

A Right. Right. He wasn't -- actually, he, he agreed to help, but that didn't last long.

Q Okay. And so you bring a child support action?

A Right.

Q Now, were you scheduled to be in Court, in Family Court, here on the 13th of, of February 2013?

A I was.

Q And did you show up that day?

A Yes, sir, I did. I actually showed up early that day.

Q Okay. Now, did you, did you have anybody with you?

Did anybody arrive here with you?

A Yes, sir, Nikita Lockleer and Johnny Nolan rode with me.

Q Okay. And I believe Mr. Lockleer is now residing in Pennsylvania?

A Pennsylvania, yes, sir.

Q Now -- and were y'all in Mr. Lockleer's car?

A Yes, sir, we were in Mr. Lockleer's car. I think it was a, a white something.
Q All right. And we'll get into that---
A Right.
Q ---in a moment.
Now, when you -- I guess when you showed up for Court that day, was the defendant present at the hearing?
I guess when y'all went to the hearing or the meeting, was the defendant present at that time?
A No, sir, the defendant was not present at the time.
Q Okay. So, did you go forward and, I guess, give information and get information regarding the child support?
A Yes, sir, proceedings did go forward as --.
Q And, and as a matter of fact, had child support -- had an amount of child support been set at that time when you were at that meeting?
A Yes, sir, it had.
Q Okay.
A It was.
Q And I hadn't actually shown you this previously, but I show you what's been marked -- it's already in evidence as State's 20.
Was -- and if you could look at State's 20?
A Uh-huh. (Affirmative).
Q Is that one of the papers that was in, I guess, a

little folder of papers that you had that day?
A Yes, sir, it was.
Q Okay. And we'll talk about that briefly in relation to some photographs that I'll show you in a little while.
Now, we're at the point where you're at the hearing and the defendant is not there. Then you leave.
I assume you left the hearing?
A Yeah. Yes, sir, I was heading out the door.
Q Okay. You were heading out the door, and then as you were leaving, was there any point that you saw and encountered the defendant?
A When I was walking out he was coming in and I looked at him and I clearly stated you're late.
Q Okay. And do you recall if he said anything?
A He did not say anything.
Q Okay. And so after you said you're late, what did you then do?
A I proceeded to my vehicle. Between my vehicle and actually getting in it I encountered an individual, asked for a cigarette, and Mr. Nolan was like okay, you can tell me once you get in the car. It's time to go. You know, he's, you know, trying to head me in the right direction, but, you know --.
Q And I forgot to ask you this, and, and -- but how old are you at this point?

A I'm, I'm -- I was 22, 22 at the time.
Q Okay. And---
A Twenty-one, 22.
Q Now, getting back -- moving back to where, where we left off. So, you go to the car.

Now, were Mr. Lockleer and Mr. Nolan still in the vehicle?

A Yes, sir, they, they stayed in the vehicle. They didn't get out.
Q All right. So now once you got to the vehicle, just tell me what transpired once you got back to the vehicle.
A I got to the vehicle, and, all of a sudden I hear something, and Mr. Gorny is -- he comes out of the -- I guess the north entrance.

Is that north?

Q Yeah, I don't know. Just the best of your---
A Okay. Well, it's a parking spot. We were on the road on Main Street, and he comes out of nowhere, whips in about three spaces to get close to us, and begins firing.
Q Okay. Now, let me -- and when you say he begins firing, did he get out of -- do you recall what kind of vehicle he was driving?
A He was driving a Chevrolet. It looked like a silver grayish Chevrolet with a camper on it.
Q Okay. And did he get out of the vehicle?

A He did get out of the vehicle.
Q And when he got out of the vehicle, did he start shooting?
A He did start, start shooting.
Q Okay. Now, do you recall or did you see who got shot first?
A I did not see who got shot first.
Q Okay. But as the shooting started, what did you do?
A I, I hid the best way I could. It, it wasn't easy cause you can see I'm a big girl, but I tried to crouch down in the, in the back seat where I thought he couldn't get me.
Q Okay. But---
A He---
Q I was gonna ask you.
But what happened?
A He, he shot me point range in the back and he tried to -- he shot me in the shoulder and it hit my bone, and as far as I know, it got my chin. I've got multiple scars over where I was hit.
Q Okay. And was that the only place you were shot?
A The -- yes. Well, through the scar -- I mean it hit me in the back, through the stomach and -- yes, sir.
Q Okay. So---
A In two places.
Q So, in, in essence, based on what you went through as

far as medical procedures, were you shot twice?
A Yes, sir, I was shot twice altogether.
Q Okay. And were both shots actually to your -- the back, in essence, to the---
A Yes, sir, they were. I remember -- the last thing I seen was his boots.
Q Okay. And were you shot as you were trying to seek cover in the car?
A Yes, sir, he was, he was shooting and I was trying to hide and he -- but yes, sir, that's totally accurate.
Q Now, did anybody ever -- did you ever, I guess, at anytime when y'all had that initial encounter, did you threaten him in any way, shape, or form?
A No, sir, there was no -- no, sir, I -- I'm peaceful -- I'm a very peaceful person.
Q Okay. Did anybody in that vehicle ever threaten him at that or -- at that time or---
A No, sir, not to -- you know, death threats or anything.
Q Okay. Did anybody have a gun in that vehicle?
A No, sir, nobody carried a gun.
Q Okay. And so despite all of that, as you've testified to, he pulls around, gets out, starts shooting, and you end up getting shot twice in the back?
A Right.
Q Okay. Now, after you get shot and, and, I guess, if

you can take us through after you were shot, what do you remember taking place, the best that you can remember?

A I remember getting shot and I look up and it's drizzling, and there actually was a gentleman here that kept me calm through the whole thing. But, you know, I remember -- I don't remember getting on the cement. I don't remember getting in the ambulance. I, I barely remember my trip to Florence, but, you know, it's -- it is hazy. It's in and out.

Q Okay. And I think the gentleman that you said was kind of talking you through that, would that have been a gentleman that you now know as Jamie Gibson?

A Oh, yes, sir.

Q Now, how -- do you recall, if you do recall, about how long you were in the hospital?

A Eight days.

Q And now, in looking at your medical records, which are already in evidence as Exhibit, I think it's Exhibit 19 -- 18, is it not?

I think it's 18.

But in, in looking over your medical records, I noticed that, at some points, it talks about Olivia Jones.

Could you explain that?

A Yes, sir. Well, when I got shot -- after I got shot, the severity of it, the -- see Florence doesn't -- they

really didn't know what was going on. They just know I had gotten shot, and they wanted to make sure it wasn't gonna happen again and the same person was gonna come back and finish it off as you say and some say.

Q So, so at that particular time Jones -- was Jones used as a---

A It was, it was an alias, yeah, so I didn't -- yeah, it was for protecting from the -- yes, sir.

Q Now, how old was Savannah Grace at the time?

A Oh, Savannah, she was -- she couldn't be no more than five months.

Q Okay. Was Savannah Grace with you that day?

A By the Grace of God, no, she was not.

Q Okay. Where was she at that day?

A She was at my mother's house.

SOLICITOR REDMOND: And if, if I could ask for the Court's permission, if I could ask the witness, Ms. Olivia, to step down. I want to show her some pictures on the screen, but I also want to, if she alluded to the chin, her chin, I'd like for her to stand in front of the jury so that they can see.

THE COURT: That would be fine. She just needs to know that, since she does not have the benefit of the microphone, she'll need to make a special effort to speak up loud so everyone can hear her in the courtroom.

SOLICITOR REDMOND: Yes, sir.

(Witness comes down from the stand.)

Q And while you're standing there, we'll just walk down there and, and I'm actually gonna let you be closer to the court reporter so that she can pick up anything that you say.

A Okay.

Q But could you point again to where -- and we'll just walk down as we're talking.

A Right here.

Q Could you point again to where your, your chin, where you had the---

A Right here. They did a little -- they tried to do a little reconstruction, and I got a scar here and then up and down my stomach.

Q Now -- and I'm gonna ask you to -- this is as far---

A Do I need to move one way?

Q No, ma'am, you're fine. You're fine. This is as far as it will go.

Okay. All right. If I may ask if everybody can see?

(Jurors nod affirmatively.)

Q Now, Ms. Weaver, if you'll just stand right here for me and I'm gonna show you I think three or four pictures and if we can pull up the first one.

Okay. Now, could you tell the ladies and gentlemen of

the jury what that scene represents?
A What it represents?
Q Yes.
What it is?
Yes.
Well, not what it represents.
What is it showing?
What is it?
A It's -- that's -- right here is -- around there is where I got shot at. I'm not sure if that -- is that Mr. Nikita's car?
Q We'll -- well, we'll show you some other pictures of this.
A Yeah, cause I can't really see from here. I think it's that one right there on the other side.
Q The left?
On the left side?
A Right.
Q Okay.
A Right. That one right there.
Q Okay. All right. Now, what was this -- what was this photograph?
A Yes, that's Mr. Lockleer's car. Those are my shoes and that's the paperwork I had with me that day.
Q Okay. And so when you were shot -- and I don't know if

I made it clear and asked this.

What side of the car were you on at the time?

A I was on the passenger side.

Q Okay. And were you trying to get into the front or back passenger seat?

A I was just trying to cover.

Q Okay.

A I was duck and cover.

Q All right. Now, next exhibit please.

Okay. Now, is this a front view of the car?

A Yes, it is.

Q Okay. And, and I did not ask you this, but is the door opened -- to the best of your recollection, is that pretty much the way it was the last time you remembered being at that vehicle?

A Yes, sir, the, the back-door was also opened, but, yes, sir.

Q All right. And, and, again, this is the back view, but does that -- and the reason I got this up, can you point on this -- and we can switch sides---

A Right.

Q ---if you need to.

A Yes, sir.

Q But about where was it when you had your initial conversation, I say conversation?

A It was, it was over here by the door.
Q Okay.
A It was actually in the doorway.
Q Okay.
A So --.
Q And after that, did you see where the defendant went?
A I didn't see where he went.
Q Okay.
A But he, he left fast.
Q And where did you go after---
A I, I went, I went toward the vehicle.
Q Okay. And were you ever able to get inside the vehicle?
A Almost.
Q And is that when you were shot?
A Yes, sir.
Q All right. You can have a seat.
A All right. Thank you.
(Witness returns to the stand.)
SOLICITOR REDMOND: Beg the Court's indulgence.
THE COURT: Certainly. Take your time.
(Pause.)
Q Ms., Ms. Weaver, Olivia, if you would, please answer any questions that -- oh, I did not ask you this. Just for jurisdictional purposes.

Did this occur within Chesterfield County and within the town, town limits of Chesterfield?

A Yes, sir, it did.

Q That'd be all the questions I have. Please answer any questions that Mr. Cockrell may have.

THE COURT: Mr. Cockrell, any cross-examination?

MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Ms. Weaver, have you ever had any arguments with Mr. Gorny?

A Yes, sir, there was quite a few arguments.

Q And what were those arguments about?

A Sometimes it was money. Sometimes it was about cheating. Sometimes just---

Q Cheating?

Cheating?

A Cheating.

Q Did Mr. Gorny consider you his wife?

A He said he did, but he didn't act like it.

Q Is that a yes or a no?

A You want my opinion or what he said?

Q I, I just asked if he, if he considered you his wife.

A And he said---

THE COURT: You -- answer, answer -- Madam Witness,

answer yes or no and then you can explain your answer---

THE WITNESS: Okay.

THE COURT: ---however you want to explain it.

A Yes.

Q Okay.

A If you call abuse a wife, then yes.

Q Okay. Are you in a relationship with Mr. Lockleer?

A No, sir.

Q What about Mr. Nolan?

A No, sir.

Q Have you ever been in a relationship with Mr. Nolan?

A No, sir.

Q Okay. Did Mr. Gorny ever take issue with you smoking marijuana?

A No, sir, he actually bought it for me.

Q He bought it for you?

A Yes, sir.

Q Okay. When's the last time he bought it for you?

A About two months before we broke up.

Q Was that this year.

A No, it was last year.

Q When did y'all breakup?

A Huh?

Q When did y'all breakup?

A We broke up in May of 2012. So about two years ago.

Q When was your child born?
A My child was born August the 7th of 2012.
Q Okay. And did Mr. Gorny ever have any issues with the way that you -- the environment that you had this child in?
A No, sir, Mr. Gorny was actually helping me with the environment.
Q How was he helping you with the environment?
A He was providing the drugs and the alcohol.
Q Okay. So, Mr. Gorny is a, is a drug pusher?
A Yeah, when I was with him he was.
Q Did you ever call the police on him?
A Numerous times.
Q Well, which police officers did you talk with?
A I, I believe I talked to a warrant officer.
Q Do you have any names, specific names of the people you talked with?
A Oh, no, sir, I do not.
Q Okay. Okay. Now, tell me about this day and the day in question where you had a, a D.S.S. hearing for child support hearing.
A Yes, sir.
Q Did, did you indicate to Mr. Gorny what time the hearing was?
A No, sir, he, as well as I, got something in the mail.
Q And what time was the hearing?

A Eleven o'clock.
Q And what time did you get here?
A I got here a little bit before. About 11:30, 11:45 -- 10:30, 10:45.
Q Okay. What time did the hearing occur?
A The hearing occurred at 11:00.
Q Okay. And was, was the hearing -- where was the hearing?
A The hearing was actually upstairs in Family Court.
Q Okay. And, after the hearing, where did you go?
A I was heading for my vehicle.
Q Okay. And where did you run into Mr. Gorny?
A At the beginning of -- at the front of the Court, he was coming in as I was coming out.
Q Were you in those -- in the doorway?
A Yes, sir.
Q And who else was there?
A That's it. Just me and Mr. Gorny.
Q There was no courtroom security?
A Yes, sir, it was courtroom security, but I mean that --.
Q Do you recall who that was?
A No, sir, I do not.
Q Okay. And about what time was that that you ran into Mr. Gorny?

A I -- it couldn't of been no more than 20, 30 minutes after eleven o'clock.
Q Okay. Did you relay to him that we could go back upstairs and, and resolve the matter because you're late?
A No, sir.
Q Why did you not offer that opportunity?
A He had his opportunity.
Q Okay. Has Mr. Gorny ever called D.S.S. on you?
A Yes.
Q Why is that?
A I don't know. I honestly don't know.
Q Did D.S.S. take your child away from you?
A Yes, but I have her back.
Q Okay. What -- why did D.S.S., and we're talking about the Department of Social Services, take your child away from you?
A Because I had marijuana in my system and my behavior was erratical.
Q Erratical.
What does that mean?
A However -- being shot is a lot to handle frankly. I didn't know how to cope with it, and because of that they decided I wasn't in my right mind to take care of my child.
Q Is that why you had marijuana in your system?
A No, that's not why I had marijuana in my system.

Q So, did D.S.S. take away your child because you had marijuana in your system or because of the, the---
A Both.
Q Okay.
A The erratical behavior and the marijuana in my system made them temporarily take my child.
Q Do you have a prescription that allows you to smoke marijuana?
A No, sir, I do not.
Q Does marijuana cause erratic behavior?
A No, sir, it does not.
Q Do you use any other drug besides marijuana?
A No, sir, I do not.
Q Do you have any prescriptions for any medications?
A Not anymore.
Q What did you have before?
A After I got shot I had to go to Tri-County and they put me on two different things. One was for my nerves and one to help me sleep because I had night terrors.
Q Do you still smoke marijuana?
A Occasionally.
Q Have you recently smoked marijuana?
A Not recent. Not in the last three days.
Q Okay. Do you think being under the influence of marijuana is a good environment for your child?

A I don't, I don't smoke around my child.
Q Are you ever under the influence around your child?
A No, sir, I am not. I find a baby-sitter.
Q Did you have a baby-sitter three days ago?
A Yes, sir, I had a baby-sitter five weeks ago.
Q Who was the baby-sitter three days ago?
A Do I really have to answer that?

SOLICITOR REDMOND: Your Honor, I'm gonna actually object. I've let it go on, but as it, as it relates to a relevance issue, that's my concern---

THE WITNESS: Yeah.

SOLICITOR REDMOND: ---just as to relevance as it relates to this incident.

THE COURT: Let me see the lawyers for just a minute please.

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

THE COURT: I'll overrule the objection at this time.

You may want to repeat the question, Mr. Cockrell, so the witness knows what we ended on.

Q The name of your baby-sitter.
A Velvet Williams?

THE COURT REPORTER: Who?

THE WITNESS: Velvet Williams.

Q All right.

A She is a guardian ad litem in Marlboro County.
Q Is she the one that contacted D.S.S. about your erratic behavior or---
A No, sir, that was somebody in my neighborhood at the time.
Q Did, did the -- and, judge, I may of asked this already.
Just, just, finally, did Mr. Gorny ever relay to you any concerns about using drugs around this child?
A No, sir, as I stated before, Mr. Gorny actually gave me drugs during the pregnancy.
Q Did you test positive during your pregnancy?
A Yes.
Q Why didn't D.S.S. not get involved then?
A Well, see, it wasn't -- I didn't test positive for anything, but marijuana. So they didn't see that as a major thing. They were doing this home thing, but that come into the home and teach you how to -- you know, it's kind of parenting classes, but at home, you know, and I have one more class to do and I'll be done and all this wouldn't of happened.
MR. COCKRELL: No further questions. Thank you.
THE COURT: Thank you.
Redirect?
SOLICITOR REDMOND: Yes, sir, Your Honor.

May it please the Court.

REDIRECT EXAMINATION

BY SOLICITOR REDMOND:

Q Based on questions that you were asked, and I apologize for having to get into some of this, but you talked about it, it being erratical, that your behavior was erratic and let me be clear.

Was all of this after you were shot?

A Yes, sir, all of it was after I was shot. I was in perfect -- I was mentally, spiritually, emotionally in perfect health before I got shot.

Q Now, do you remember -- well, let me ask you this.

When did you lose your mama?

A I lost my mama in May of 2012.

Q At---

A '13, '13, yeah.

Q So, three months after you were shot did your mom die suddenly?

A Very suddenly.

Q I believe in her sleep if I remember correctly?

A Yes, sir.

Q So, three months after you've been shot you lose your mom.

Now, before that, did you, I guess, when talking about your erratic behavior after you were shot, after you were

released, did you have emotional issues that I guess resulted in you having to go and be sent for help somewhere I think maybe down in the -- on the coast?

A Yes, sir, I did have to spend an amount of time at Conway Lighthouse. It's -- that's a facility there.

Q And do you remember having some severe, I guess -- I guess -- let me just call it what it is.

Do you recall having a breakdown that resulted in you being put in jail and, in fact, do you remember meeting me in jail?

A I, I, I remember your voice.

Q Right.

A I remember, I remember bits and pieces in jail. In, in the Lighthouse at the Conway facility, it's, it's -- it's like I got shot and everything was a blur. You know, everything became a big blur.

Q And then after you got released from Lighthouse, do you remember -- I mean is that when you lost your mom?

A No, not, not -- in a week after I got out of the Lighthouse I lost my mom.

Q So, just to be clear, based on some questions the defense was asking you --

A Uh-huh. (Affirmative).

Q -- February 13th you get shot in the back twice. Then you get released eight days later, and then a few weeks

after that you suffer a nervous breakdown.
A Yes, sir.
Q After you had been shot twice in the back?
A (Witness nods affirmatively.)
Q And then after having been -- being sent down to Conway to try to get yourself back together, by May, you lose your mother suddenly, and in all -- and for all intense and purposes, other than Mr. Nolan, were you pretty much alone?
A I was utterly alone. I was, I was kind of thankful that I didn't have Savannah at that time because I was homeless. I didn't have a place to stay in that timeframe as well. So --.
Q Okay. Now, he asked you questions about doing marijuana and things like that.
Do you understand that's wrong?
A Yes, sir, I do understand it's wrong.
Q And we -- have we talked about that?
A Yes, sir, we've talked about it.
Q But at the same time, in your mind, did that, in anyway, whatever you did related to drugs or whatever did that, in your mind, justify you being shot twice in the back?
A No, sir, not at all.
Q Okay. Did it justify Mr. Nolan being shot?
A No, sir, it did not justify.

Q And did you subsequently and, in fact, do you have custody of Savannah Grace now?
A I do have custody of Savannah Grace now.
Q And do you understand, that to keep Savannah Grace -- of course, she's a lovely, lovely child.
A Right.
Q But do you understand that you've got to continue to keep growing and doing things and making better decisions?
A Yes, sir, I realize that.
Q And let me just ask you this.

Despite everything that you were asked on cross-examination, again, in your mind, since you've done all these thing that he talked about, does that justify him shooting you in the back twice?
A No, it doesn't justify him doing anything.

SOLICITOR REDMOND: Okay. That'd be all the questions I have, Your Honor.

THE COURT: Any recross?

MR. COCKRELL: Just briefly, Your Honor.

RECROSS EXAMINATION

BY MR. COCKRELL:

Q So, you smoking marijuana doesn't -- is not wrong or is it wrong?
A It's -- it is, it is wrong. It is illegal. I will admit to it.

Q Does it have any affect on, on an unborn, born child if you were to smoke marijuana while the, while the child's inside of you?
A I don't know about the test results or anything. I haven't looked into it.
Q Did you smoke marijuana while you were pregnant?
A With Savannah?
Q Yes.
A Yes, but he---
MR. COCKRELL: Nothing further, Your Honor.
THE COURT: Okay. Thank you, ma'am, for your testimony. You can step down.
Let's take about a ten minute break.
Ladies and gentlemen of the jury, if you'll go back to your jury room for a short break this afternoon. Again, I remind you not to begin discussing anything about this case. We'll get you back out shortly.
Madam Forelady, I remind you to take that seat there.
(WHEREUPON, the following takes place outside the presence of the jury.)
THE COURT: All right. We'll be in recess for about ten minutes.
SOLICITOR REDMOND: Thank you, Your Honor.
(WHEREUPON, a short recess was taken at this time.)
THE COURT: All right. Bring the jury out please,

ma'am.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Let the record reflect the jury is back in. Solicitor, you ready to call your next witness?

SOLICITOR FOARD: Yes, Your Honor. I am.

The State calls Johnny Nolan.

THE COURT: Come around please, sir.

JOHNNY NOLAN, being first duly sworn, testified as follows:

THE CLERK: Thank you. Please have a seat.

(Witness complies.)

SOLICITOR FOARD: May it please the Court?

THE COURT: Certainly.

DIRECT EXAMINATION

BY SOLICITOR FOARD:

Q Good afternoon, sir.

A Good afternoon.

Q Okay. That's perfect volume. If you would just speak just like you are right there.

Okay. Can you please, for the record, give us your name?

A Johnny Nolan.

Q Johnny Nolan.

And I know you've been in the courtroom when Olivia

Weaver spoke, but, if you could, explain the nature of your relationship with Ms. Weaver.

A I was with her mother for 14 years.

Q For 14 years, and, and that was a romantic relationship with her mother?

A Right.

Q Okay. And so you -- given the fact that she's only, only 23 years old, you've been with her for a good majority of her life?

A She was ten when her mother and I first met.

Q Okay then. And so have you basically taken the role of being father to her?

A Yes, sir.

Q Okay. All right. And were you with her on February 13th of 2013?

A I was.

Q And you accompanied her to the, to the D.S.S. meeting that she was attending that day?

A I did, but I stayed in the car.

Q All right. So you never came inside the courthouse?

A No, I did not.

Q All right. You, you stayed in the car throughout the entire situation?

A Right.

Q Okay. So you really have no direct knowledge as to

what happened in the exchange that Ms. Weaver recounted with Mr. Gorny at the front door?

A No, I don't.

Q All right then. Can you please tell us at what point you did become involved in the situation?

A She had walked back to the car and begin telling me what was going on. I told her to get in the car so she could get on our way home. She was going to buy a car that day.

All of a sudden she said there he is, Johnny. I stepped out between her and him, Mr. Gorny, and he was wearing Cowboy boots, blue jeans, and a shirt. He had a gun in his right-hand and I told her, I said run, he's got a gun. He began to fire. The first shot hit the hood of the car. The second shot hit me.

Q Okay. So let me stop you right there.

So you actually had no direct contact with Mr. Gorny at all prior to him opening fire on the two of you?

A No. No, not that day.

Q Okay. So you spoke no words to him?

A No.

Q He spoke no words to you?

A No.

Q Okay. Were you armed with a firearm or, or a weapon at anytime?

A Not so much as a toothpick.
Q Okay. So you made no threatening actions or remarks towards Mr. Gorny?
A No, my only concern was getting in-between him and her to keep him from putting his hands on her.
Q Okay. But he did shoot you?
A Yes, he did.
Q Let's talk about the nature of those injuries.
Where were you shot?
A In the arm.
Q In the arm.
Okay. And that's your left arm?
A Yes, sir.
Q Okay. And did you have to receive medical treatment for that gunshot?
A I did.
Q Okay. Where did you do that at?
A Cheraw -- Chesterfield General.
Q In Cheraw?
A Yeah.
Q Okay. And it appears that you've made a complete and full recovery?
A Yes, sir, I have.
Q Okay. So, so, your injuries were not as severe as---
A No.

Q ---Ms. Weaver's?
A No.
Q Okay. Let's, let's get into a little bit more detail. I might get you to start back now when you saw Mr. Gorny pull up.
Where was the vehicle that you were traveling in parked at?
A Right outside the courthouse in a, in a parking spot.
Q Okay. When you say outside the courthouse, do you mean on the street side or---
A On the street side, yes.
Q All right then. And how is it that he pulled up?
A He pulled crossways in the parking lot spaces --
Q Okay.
A -- in -- kind of in towards the driver's door --
Q Uh-huh. (Affirmative).
A -- and got out of the vehicle.
Q Okay. If I could get -- if I could ask the Court to allow me to have Mr. Nolan step down for just a moment.
THE COURT: Certainly.
SOLICITOR REDMOND: You can step down, sir.
THE COURT: Mr. Nolan, when you speak, since you don't have the microphone, be sure to speak up loud.
Okay?
A (Witness nods affirmatively.)

(Witness comes down from the stand.)
Q Sir, if you'll just stand right on there on the left side for me and face the jury when you speak.
Can you identify the vehicle you were traveling in?
A That's the Lumina that we was traveling in.
Q And if you would point that out for us?
A Here.
Q All right. And where was your position have been when Mr. Gorny approached the vehicle?
A I was coming around this door stepping in front of him and her. She was behind me right, right here. I come around this door and he was coming down this sidewalk.
Q Okay. And where was his truck located at?
A Parked right here. Parked across these three spots right in here.
Q Okay. And just a moment ago you described it as he pulled in facing the driver's door?
A The driver's door, that's correct.
Q And you said he, he parked across three parking spaces?
A Right. He didn't park normally. He pulled across the parking spot.
Q So, so, he -- his vehicle would of been approximately in the location where I'm putting my pen in now?
A Coming in that direction, yes, sir.
Q All right then. And when he got there, where did he

point the gun first?
A Actually at me.
Q At you?
A Yes.
Q And did he fire on Ms. Weaver or you first?
A He fired on me first.
Q Okay. And he strikes you with that shot?
A No, he did not.
Q Where did that shot go to the best of your knowledge?
A That shot hit the hood of the car and stuck in the hood of the car.
Q All right then. Let's change this photograph if we can.
Exit out.
Let's go to -- beg the Court's indulgence.
(Pause.)
Q Is this the hood of the same automobile?
A Yes, it is.
Q Okay. And can you identify where you believed that bullet hit at?
A The bullet hit here.
Q Okay. So, the dark spot towards the---
A That's right.
Q ---middle of the hood of the car?
So, the first shot struck there.

What happened after he fired the first shot?
A He continued to fire.
Q Okay. Did he strike you with the next shot?
A Yes, he did.
Q Okay. And where were you standing in relation to this photograph?
A Between this door jam and this windshield of the car.
Q So he's actually firing across the car at you?
A As he's coming toward me.
Q So he's -- so he's advancing towards you?
A Right.
Q Okay. So -- and at this time, again, there was nothing that you were doing that could have been triggering any defensive actions by Mr. Gorny?
A No, I was, I was stepping out to get in-between him and her.
Q Okay. All right now. If you would, take the stand back a minute. I'd appreciate it.
A (Witness returns to the stand.)
Q Mr. Nolan, after you were shot across the car, what, what happened next?
A I turned, I pushed Ms. Weaver, and told her he had a gun, to run. She did not run and, and the process of it all I hit my head. I jumped over into the car to shield myself because I was thinking he was gonna keep shooting me, but he

did not. He fired two shots into Ms. Weaver and one shot into the ground.

Q Okay. So, so at this point, you're, you're shot in the arm and you stated that you bumped your head?

A Yeah, I still have a scar up there.

Q Okay. Did the bump on your head in anyway impair your ability to see what was going on?

A No.

Q So, so you believed that what you've testified to is a, is a completely accurate statement of the events?

A It is an accurate statement.

Q Okay. All right. And he fired at Ms. Weaver twice?

A Three times. One of them hit the pavement.

Q Once in the pavement, two into her?

A Right.

Q Okay. And, at that point, what were Mr. Gorny's actions?

A He turned around and left the scene of the incident.

Q All right. Did -- at anytime during this exchange or, excuse me, not exchange, at anytime during the gunfire did Mr. Gorny ever say anything?

A I don't recall him saying anything.

Q Okay. So there were no words going back and forth?

A No, sir.

Q And you -- if your -- were you transported by ambulance

or did you transport yourself?
A You know, I really don't remember. I, I do believe it was an ambulance, but I really don't remember.
Q And that was in Chesterfield General Hospital?
A Yes.
SOLICITOR FOARD: Beg the Court's indulgence.
THE COURT: Sure.
(Pause.)
Q Mr. Nolan, I'm handing you what's previously been entered as State's Exhibit 18. These are some medical records, and if you would look up at the top for me please and identify who the patient is that these medical records pertain to.
A Johnny Nolan.
Q Johnny Nolan.
And do you believe that this would be the medical records from the incident in question?
A Yes, I do.
Q Okay. And, and, again, just to cover the basics of it, you, you were shot in the arm?
A Right.
Q But you did not spend an extended period of time---
A No.
Q ---in the hospital?
A No.

SOLICITOR FOARD: All right. Your Honor, at this time the State would move to publish State's Exhibit Nos. 18 and 19 that have previously been entered into evidence.

THE COURT: Certainly. You may proceed.

SOLICITOR FOARD: Thank you, Your Honor.

Y'all can just pass those around.

Your Honor, that's all I have at this time.

THE COURT: Okay. Cross-examination.

MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Now, Mr. Nolan, who, who do you live with?

A Now I'm living by myself.

Q Okay. And what about Ms. Weaver, where does she live?

A 245 Land Road.

Q Okay. Is that near, is that near your residence?

A That's about six miles, seven miles.

Q Okay. Has Social Services ever come to your house?

A No, not my house.

Q Okay. What about when Ms. Weaver was living with you?

A Not while she was with me, no, sir. Not while I was there, no. That was her mom's house.

Q Uh-huh. (Affirmative).

And so, so Social Services never came to the residence while you were actually in the residence or they never came

there at all?
A They never come to my house.
Q Okay.
A They come to her mother's house.
Q Your mother's house?
A Her mama's house.
Q I thought you had a relationship with her mother.
A I did. We dated each other for 14 years. We lived together off and on.
Q Okay. So you weren't living with her at the time when Social Services got involved?
A No.
Q Okay. And why is that?
A Because she was staying with her mom.
Q Okay. Have you had occasion to smoke marijuana?
A Excuse me?
Q Have you had occasion to smoke marijuana?
A I can't understand you.
Q Marijuana -- have you ever smoked marijuana?
A Yeah. Yeah.
Q You ever smoke it with Ms. Weaver?
A Yeah.
Q Okay. How often?
A Once, twice a week.
Q Okay. Have you smoked it this week?

A No.
Q Okay. Were you smoking marijuana on the date of this incident?
A Oh, no.
Q You were not?
A No.
Q Are you sure?
A Quite sure.
Q Why are you so quite sure?
A Because I know what I did. I remember everything that happened that day.
Q Well, you just said earlier you don't remember if an ambulance took you---
A I would know if I smoked it.
Q Excuse me?
A I would know if I smoked it.
Q But you don't know if an ambulance took you to the hospital?
A I just got shot. No, I didn't know.
Q Okay. Are you sure it's cause you weren't under the influence of marijuana?
A No, no. I was under the influence of a gunshot.
Q Okay. What other drugs, besides marijuana, do you use? What other drugs do you use?
A None, other than doctor prescribed.

Q Okay. What prescriptions are you on?
A I have heart medication. I have Lasix tablets for fluid. I take Spratinol for fluid in the lungs, and sclerosis of the liver.

MR. COCKRELL: Okay. No further questions, Your Honor. Thank you.

THE COURT: Any redirect, solicitor?

SOLICITOR FOARD: No redirect, Your Honor.

THE COURT: Thank you for your testimony. You can step down.

SOLICITOR REDMOND: State would next call Mr. Jamie Gibson.

THE COURT: Okay.

JAMIE GIBSON, being first duly sworn, testified as follows:

THE CLERK: Thank you. Please be seated.

(Witness complies.)

DIRECT EXAMINATION

BY SOLICITOR REDMOND:

Q Mr. Gibson, again, state your full name for the record please.
A James Dale Gibson.
Q And, and by whom are you employed at this time?
A Darlington Detention Center.
Q Okay. Now previously had you worked for the

Chesterfield Detention Center?
A Yes, sir, I did.
Q And, in fact, do you live in Chesterfield County?
A Yes, sir, I do.
Q And, and where and what town in Chesterfield or what township in Chesterfield?
A I live in Cheraw, yeah.
Q And were you at the courthouse on the 13th of February, 2013?
A Yes, sir, I was.
Q And do you remember an incident occurring that obviously would be very traumatic?
A Yes, sir, I do.
Q And could you -- well, let me ask you this.
Why were you at the courthouse that day?
A Well, I had some inmates. We had, had to come to the courthouse and move some furniture around here at the courthouse.
Q Now, did you, at some point, recall hearing a gunshot?
A Yes, sir, I did.
Q Could you tell us what you were doing leading up to hearing that gunshot?
A As we was coming around from the, the side entrance where the other parking lot on the right-hand side, as we was coming into the front and actually I didn't know that it

was a lot of court going on that day, but what happened was, as we, as the inmate was going in, as we got ready to enter the door, a lady was coming. So, I asked them to stop and let her go in first, and so when she went in, and then when the inmates start to go in, I heard a gunshot. Well actually I thought it was firecrackers at first. I said I'm wondering who's shooting firecrackers at this courthouse.

Well, when I turned to look, I saw, you know, I saw a man, a gentleman, and he was -- had the gun and he pointed the gun. He had pointed it, and then -- so that's when I started hollering to the inside there's a man out here with a gun shooting, and then -- and, and then, all of a sudden, I turned and he was -- he had come around to the side of the car where the young lady that's sitting right there behind you, she was there, and, and whenever he did, he pointed the gun, and when he fired, she fell, but then he pointed down two more times.

Well, when he pointed, and then I heard -- I thought I heard two more shots, and then so when I started running towards them I hollered and then he started to run back to his vehicle, and about then I heard some more officers behind me. So when I got to the vehicle, I saw -- first thing I saw was a gentleman laying astride-ways of the front seat and his arm was down. So I thought maybe -- I thought he was dead.

So, when I looked down there the young lady that's behind me, she was laying on the ground, and so I leaned down, and when I, when I picked -- rolled her over, I mean she was laying on her back -- on her side, I noticed all of her chin area was gone, and she had like, you know, the meat hanging down like that, and then I noticed there was a shot there.

And so she started to shake. I said then start a drizzle, and, and so she asked me was she gonna die, and then I said no. I said -- and she say am I hurt bad, and I said -- you know, she was, but I didn't want to let her know, and, and so she began to talk. She started to cry. So I told her, I said, you know, I said, you gonna be okay. I said everything will be all right. She said that -- and she said that I don't want to die cause I have a daughter, and so the gentleman right behind her, I heard him kind of mumble, and so I just, you know, kind of stopped and asked him was he all right.

Then another officer had come behind me then, you know, and behind me and the one come out with the gun. But, but that's basically --.

Q And, and, and if -- and I think -- it's actually Reverend Gibson?

A Yes, sir.

Q Okay. And I did not mention that. Let me back up a

little bit.

Do you have any other, I guess, professions other than working at the jail?

A Yes, sir, I, I preach and, and I work at the Board of Disability with Chesterfield with, with patients with a criminal background.

Q And let me ask you this.

Do you see -- do you recognize the person that you saw shooting?

A Yes, sir, I do.

Q And could you point him out for me?

A Yes, sir, the gentleman in the white shirt.

Q Now, if I could have you step down please?

A (Witness comes down from the stand.)

THE COURT: Solicitor, you may want to have the record clear on who he identified.

SOLICITOR REDMOND: Oh, I'm sorry.

THE COURT: All he said was a man in the white shirt.

SOLICITOR REDMOND: Yes, sir.

THE COURT: That could be---

SOLICITOR REDMOND: For the record -- oh, I'm sorry.

THE WITNESS: The man over there.

Q Oh, I'm sorry. And if, if you could have a seat real quick and I'll just ask you this.

A (Witness returns to the stand.)

Q Just make sure the record is clear.

Could you repeat who it is that you recognize as having fired the shots you described?

A The gentleman beside -- this gentleman right here in the white to the red shirt. I don't know his name.

Q Yes, sir.

And if the record will reflect that he has properly identified Mr. Gorny.

THE COURT: Okay. So noted.

SOLICITOR REDMOND: Thank you.

Q And now if I could have you step down.

A (Witness comes down from the stand.)

Q So that you'll be facing the court reporter, I'm gonna swap places, and if you'll stand over here in this corner and speak as loud as you can since we don't have a microphone.

Now, could you tell us about where you were when you first heard the shot, and through the different parts where you've testified, about where you were in relationship to this picture, which, for the record, this picture would actually be State's Exhibit 60 I believe it is?

I failed to mention that.

A Sir, I was right here. We had come around and the inmate was standing right here and the lady come here. I let her in and then by -- about the third inmate entered and

that's when I heard the gunshot and I looked and the gentleman was over in this area behind this white area, and I saw the gun and stayed with him because it was a big column like and---

Q Right.

A ---and, and so as I pulled -- you know, the shot, I hollered again, said there's a man shooting. So, when I turned, he had got to this side, and then so I say he just shot a lady, and then that's my words, and then -- so, as I started running down here, and he had turned and went back to his vehicle. He was going back to his vehicle and I think, once I got here, here, when I looked up again and the gentleman, he was laying in the seat and she was on the ground.

And, and then, as I was on the ground, another officer had come up and then the one come with the gun. He was fixing to shoot, but I told him don't shoot because there was a lady was standing there cause she had stepped out and looked, and so he didn't fire and as I begin to talk she was laying here on this pavement by the door.

SOLICITOR REDMOND: Can everybody see?

(WHEREUPON, the jurors nod affirmatively.)

Q Thank you. You can have a seat. Thank you, Reverend Gibson.

A (Witness returns to the stand.)

Q And I did forget to ask you this. You were right there at the scene and you saw what happened.

At anytime did you see either the, either Mr. Nolan or Ms. Weaver with a gun of any type of a weapon of any type?

A No, sir.

Q And since you were right there immediately after it happened, did you observe any weapon or, you know, of any type that were in the vicinity of those two victims?

A No, sir.

Q Please answer any questions that Mr. Cockrell may have for you.

THE COURT: Cross-examination.

MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Now, Officer Gibson, you came from the west side of the courthouse?

A Yes, sir.

Q And how many inmates were with you?

A I had I think six at that time.

Q Okay. And y'all were, y'all were coming in, inside the courthouse?

A Uh-huh. (Affirmative).

Q Is that yes?

A Yes.

Q Okay. What was the purpose of coming inside?
A We, we use to come in -- we would come in and clean up bathrooms or move furniture. I think it was furniture that day.
Q Okay. Had the inmates already come inside?
A No, I had -- like two had stepped in. All of them wasn't in at that time.
Q Okay. Did you happen to, to see any confrontation between Ms. Weaver or Mr. Gorny?
A Oh, no, sir.
Q Okay. So you didn't happen to see other, other instances of what went on that day -- that morning?
A No, sir, we had just, you know, just entered. You know, we had just entered. They was into the parking lot because---
Q Okay.
A ---I know I wasn't there earlier.
Q Do you remember who was the security guard at the front door that day?
A Yes, sir, I don't know the names. I recognize and say one of them gentleman is at the back back there behind the probation because probation came, you know, came too to the scene and I saw one gentleman earlier, but I don't know where he is, but he came around.
Q Okay. And you said, as you were coming in, there was

a, a lady coming out of the courthouse?

A No, sir, I said it was one coming in and I stopped my inmates to let her go in ahead of them.

Q Do you, do you happen to know who that was?

A No, sir.

Q No.

Okay. Did you go to the, the vehicle and, and look for any contraband or any -- of any---

A Oh, no, sir.

Q So you didn't see anything one way or the other?

A No, sir, I didn't go look for any contraband or anything.

Q Thank you, officer.

THE COURT: Any redirect?

SOLICITOR REDMOND: No redirect, Your Honor.

THE COURT: Thank you for your testimony, sir. You can step down.

THE WITNESS: Yes, sir.

THE COURT: You may call your next witness.

SOLICITOR FOARD: Thank you, Your Honor.

The State calls Agent Mark Funderburk.

MARK FUNDERBURK, being first duly sworn, testified as follows:

THE CLERK: Please have a seat.

(Witness complies.)

THE COURT: You may proceed.

SOLICITOR FOARD: Thank you, Your Honor.

DIRECT EXAMINATION

BY SOLICITOR FOARD:

Q If you could give us your name please.

A My full name is John Mark Funderburk, Junior.

Q All right. And, Agent Funderburk, by whom are you employed?

A South Carolina Department of Probation, Parole & Pardon Services.

Q Okay. And, and agent is your proper title, is that correct?

A Yes.

Q All right. Where is it that you work?

A Here at the courthouse.

Q All right. And the probation office is here inside the courthouse?

A It's the first office. As you enter the main entrance of the courthouse, our office is the first one on the left.

Q Okay. And, and it's located on an exterior wall of the building close to the glass doorway where, where the public enters?

A Yes, sir, my actual office has windows that can view the outside area.

Q Okay. And you remember the events of February the

13th of 2013?
A I do.
Q All right. Can you tell us what was going on that day?
A General Sessions Criminal Court. They were taking -- we were taking guilty pleas that particular day where someone had pled guilty, received probation. That actual time that, that was the last case before we broke for Court -- I mean broke for lunch. I had a new probation case in my office, which we -- well, we -- it requires what we call an intake where it requires the paperwork.
Q Basically an interview?
A Yes, and that particular person had to serve a jail sentence in addition to the probation sentence. So, he was actually still in custody. After I got through my paperwork I walked him from my office outside through the hallway back to the two jailors that was sitting at the door.
Q Okay. And when you say sitting at the door, you mean that glass main door?
A Yes, sir.
Q Okay. And is that where you were when you became aware of the events that were going on outside?
A I actually just left from that area and I was actually walking right back into my doorway.
Q Okay. And what is it that you heard that caused you to realize something was happening?

A It was like two or three bangs and I stepped back out into the hallway area and asked the guys sitting there, I said what was that, and we looked out through the glass and we seen people running, and I exited the courthouse towards that area.

Q All right. And so obviously those bangs you assume -- you now know were gunshots?

A Yes, sir.

Q Okay. And when you say you exited, what was your actions at that time?

A My first impulse was -- we saw people running. I heard someone say or, or scream he's gonna kill her. At that point I started running towards the, the area where the, the suspect was shooting. That is the parking lot area at the road. I ran parallel down beside the courthouse where the new addition was built.

As I was running I pulled out my duty weapon. I noticed the defendant, he had a gun pointed like this over the hood of a car. Couldn't tell who he was shooting at. All I know was there was people screaming, running around.

When I say people, I don't -- you know, I can't put a number on it at this point, but I was running -- I made -- I noticed the defendant here in the white shirt, he had a gun and when -- by the time I got to the doorway of the new edition of the courthouse, the multipurpose room, you know

it was to a point where, with my duty weapon drawn, I didn't know if he was gonna start shooting towards me or shooting towards the public that was trying to run or he was gonna try to move, and, at that point, instead of turning towards me he, we -- I would say we made eye contact. He turned the opposite direction, walked back into his vehicle, and sped off.

Q All right. So I'm gonna stop you right there.

So, at this point in time the only person that you can see is the shooter?

A Well, I could see other people running, but I didn't make -- they weren't my -- I mean I wasn't paying attention. I was -- my eyes were on him.

Q But among the shooter and the victims, the only person you could see was the shooter?

A Yes.

Q Okay. All right. And, and I believe you've identified the -- I believe that you've indicated that the defendant who you now know as Curtis Gorny was the person who had the firearm in his hand---

A Yes, sir, that was---

Q ---and shooting across the hood of a car?

A Yes, sir.

Q Okay. But at that point you couldn't see what he was shooting at?

A I had no idea what he was shooting at.
Q Okay. And at that point when you, when you made eye contact with Mr. Gorny, it, just after that, is that when he turned and fled?
A Yes, sir.
Q Okay. And where did he go when he fled?
A When he fled -- well, he turned, he walked back towards the vehicle, got in his vehicle, sped off, and, you know, he -- when I sped off, he was going a high rate of speed, lost traction, took off down Highway 9 towards Pageland.
Q Okay.
A Business of Highway 9.
Q Okay. And so that would be the street---
A In front of the courthouse.
Q And that would be West Main Street?
A Yes, towards Pageland.
Q And ultimately that runs into Highway 9?
A Yes, sir.
Q Okay. If you could step down for me for just a minute please?
A (Witness comes down from the stand.)
Q If you'll stand over here and face the court reporter. If you could put this in.
All right. If you could identify where your office is in this photograph?

A The windows, the four windows right here, that's where my office is located.
Q Speak just a little louder.
A These four windows here at the front of the courthouse at the -- on the lower section, that's our windows for the probation office. This is the entrance to the courthouse.
Q All right. And so when you exited the courthouse and you say you ran down by the, the new edition to the courthouse, I think it probably goes outside the photograph, but if you can just show the general area?
A Yes, this is the entrance, the brick wall, it, it should be running this way. I ran down this, this sidewalk beside the courthouse about right through here.
Q Okay. And I'm, and I'm noticing a small tree here in front of the, the white car on the right.
Did -- would that tree have obstructed your view in anyway of Curtis Gorny?
A No.
Q Would the larger tree in front of the Chevy Lumina have obstructed your view in anyway?
A I mean he was standing approximately right here.
Q But you could see him?
A Yes, sir.
Q Okay. So, you -- so it -- the, the tree was to one side?

A Yes, sir, the tree is several feet in front of the vehicle. He was standing right there. Yes, it did not obstruct at all.
Q Okay. All right. That's all. Thank you very much. If you'll take your seat again.
A (Witness returns to the stand.)
Q After Mr. Gorny took off down West Main Street towards Highway 9, ultimately Pageland, what were your actions at that point?
A I ran down towards the victim's car, the white Lumina. Had no idea who was there, who had, who had been shot, if anybody had been shot.
I noticed Mr. Gibson. He was already there. He beat me to the car. Mr. Gibson was trying to speak to Mr. Nolan and the female victim.
At that time one of the, the deputies that were working the door, I realized he was standing to my right. That was Mr. -- that'd be Deputy Ammons sitting back in the courtroom. I just, I just assisted him at that point.
Q Okay. And, and do you have knowledge of whether or not this was called in and reported over the radio or the 9-1-1?
A Absolutely. Deputy Ammons, who was standing to my right at that time, he had his county radio with him and he started getting on the radio to let 2400 dispatch know, number one, that they were a shooting at the courthouse,

and, number two, he asked I believe it was Johnny Nolan that who shot him and he said it was Mr. Gorny. So, that's when he went over the radio who the suspect was.

SOLICITOR FOARD: All right. Beg the Court's indulgence.

(Pause.)

SOLICITOR FOARD: Your Honor, that's all I have of this witness at this time.

THE COURT: Cross-examination.

MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Now, Agent Funderburk, when you went to the vehicle, you said who, who all was there?

A When I got to---

Q To the Lumina, the white Lumina.

A It would of been Mr. Nolan in the blue shirt, the female that was standing directly behind, sitting behind you, and, by that time, Mr. Gibson, who had testified before me, he was there.

Q Okay. Okay. Did you survey the area for any contraband?

A No, sir.

Q. Okay. Was there any other civilians around?

A I wouldn't say right at the car. There were several

civilians standing around, yes.
Q Was, was anybody in the, the vehicle who was parked next to the white Lumina?
Was that owner of that vehicle there?
A If I'm not mistaken the, the, the only car that was parked beside the Lumina was a car -- I believe that, that car belonged to the bailiff that was here.
Q Who was that?
A Ms., Ms., Ms. Leer.
Q Was she there?
A No.
Q Okay. Okay. And you indicated that the, the -- I guess the passenger door on the Lumina, did that prevent you from seeing anything?
A Seeing the --?
Q Seeing Ms., Ms. Olivia Weaver.
A I couldn't hardly see her at all. Well, when you're saying as I -- by the time I got down to the car or on my way running towards the car?
Q I'm sorry, yes. When you were at the glass doors of the courthouse.
A I didn't see any---
Q At the---
A I didn't see anybody at that time -- when I went running, I ran out of the courthouse, the only person I saw

as far as right there at that car was the defendant with a -- pointing a gun, but I could not tell who he was pointing the gun at. I never did see the victims until I ran down to the car and he had already left.

Q Thank you.

Nothing further, Your Honor.

THE COURT: Redirect?

SOLICITOR FOARD: No redirect, Your Honor.

THE COURT: Okay. Thank you for your testimony. You can step down.

SOLICITOR FOARD: Your Honor?

Your Honor, could we have a brief recess to deal with some technology issues?

THE COURT: Sure. Sure.

All right. Take about a ten minute break, ladies and gentlemen. If you'll go to your jury room and, again, I'll remind you don't begin discussing the case. We'll get you back out shortly.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Okay. We'll be in recess about ten minutes.

SOLICITOR FOARD: Thank you, Your Honor.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: Okay. Are we ready to bring our jury out?

SOLICITOR REDMOND: Ready, Your Honor.

MR. COCKRELL: Ready, Your Honor.

THE COURT: All right. Bring the jury out please, ma'am.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Let the record reflect the jury is back in.

Solicitor, you may proceed.

SOLICITOR FOARD: Thank you, Your Honor.

The State calls Sergeant David Rainwater.

DAVID RAINWATER, being first duly sworn, testified as follows:

THE CLERK: Please be seated.

(Witness complies.)

THE COURT: You may proceed.

SOLICITOR FOARD: Thank you, Your Honor.

DIRECT EXAMINATION

BY SOLICITOR FOARD:

Q Sergeant, if you can give us your full name?

A David G. Rainwater, sir.

Q All right. And by whom are you currently employed?

A Chesterfield County Sheriff's Office.

Q And what is your rank?

A First sergeant.

Q And what are your duties?

A Right now I'm a patrol deputy and supervise over a shift.

Q Okay. And were you doing approximately the same thing on February the 13th of 2013?

A I was a patrol deputy. My rank at the time was deputy first class. All I did was patrol.

Q Okay. And were you on patrol on February the 13th of 2013?

A Yes, sir.

Q Okay. And how did you come to be involved in the incident regarding Curtis Gorny?

A We -- myself and my first sergeant at the time, Sergeant Knight, were pulling into the Sheriff's Office because they were cooking for the department that day. So, we were turning in which is actually two streets over from where we are. So, I wouldn't even say it's a half a mile from here. We were turning into the Sheriff's Office. So, I heard Deputy Ammons on the radio saying shots fired at the courthouse.

Q Okay. And did you proceed to this area?

A Yes, sir, I turned -- I had made my blue lights in my car, which automatically turned on my in-car video camera and came straight on down. I guess this is Main Street here in front of the courthouse.

Q Okay. And we're going to go through your in-car video

in just a few minutes, but I want to touch on a few things about it before we get into it.

When you first left the area adjacent to the courthouse, and you were going down West Main Street, what will we see on that video?

A When I first came in front of the courthouse you can see -- I'm sure it was very brief when we went by at a pretty high -- well, not a very high rate of speed. Anyway, a lot of people standing around and they were pointing, you know, trying to give us a description of the vehicle that -- of the person that had, had fired the shots out in front of the courthouse, and then they were saying something about an SUV or a truck with a camper. It's kind of -- we were getting both at the same time.

So, my sergeant at the time, Sergeant Knight, pulled over an SUV pretty much right here just past the courthouse, and I rolled up behind him and was gonna assist him, and I noticed that it was a black guy driving it, and he was, he was -- the look on his face like he didn't know what was going on when Sergeant Knight was walking up to him. So, I went ahead down the street.

Q So, you quickly realized that that wasn't the subject that you were looking for?

A Yes, sir, I, I could tell very fast it wasn't him.

Q Okay. And where did you proceed from there?

A I went on down to the stop sign, got on Number 9, still had my lights on, had my siren going. Went down Number 9 heading in the direction of, of Pageland. Got down towards about the middle school, Chesterfield Middle School, and by then they had gave a, a more accurate description on the radio for what we were looking for.

Said it was a, a tan or a goldish looking Chevy truck with a camper shelf, and I noticed, as I started coming up behind the vehicle that I thought it was, I could tell the way he started driving like he was speeding up trying to get away from me.

Q So, you were pass Chesterfield Middle School when you caught up with Mr. Gorny?

A It was right along in there, yeah.

Q All right. And, and so from that point to the end of the chase, were you within sight distance of him --

A Yes, sir.

Q -- for the whole time?

A The whole time.

Q And ultimately that would of -- now, correct me if I'm wrong.

We're talking about the area that's approximately where Highway 265 and Highway 9 meet just outside of Chesterfield?

A Yes, sir, there's a fork in the road. You can go left to 265 if you're going to Jackson. You go right on Number 9

if you're going to Pageland.
Q Okay. And you went right following Mr. Gorny?
A Yes, sir, I, I chased Mr. Gorny. At that time I was very close to him and I stayed in behind him, in and out of traffic. You'll see, once I'm on video, we -- it was, it was, it was pretty, a pretty tight spot. We went through Area 4. It was raining and, and he was going in-between vehicles trying to get away from me.
Q Okay. So, so he was -- so he was breaking traffic laws in order to attempt to, attempt to evade you?
A Yes, sir.
Q Okay. At a high rate of speed?
A Yes, sir, in the rain.
Q In the rain.
Okay. And tell me this, what areas of Chesterfield County or what municipalities did you travel through between the intersection of Highway 265 and 9 and the ultimate ending of the chase?
A We went, from, from a start, within Chesterfield, we went through Ruby, through parts of Mount Croghan, all the way over into Pageland.
Q Okay. And can -- obviously these are small rural communities and, and speed limit does change along these roads.
Is that right?

A Yes, sir.
Q Okay. And he was exceeding that speed limit at any given time?
A Yes, sir.
Q All right. Weaving along the road?
A Yes, sir.
Q All right. From the Chesterfield Courthouse to the final location where the chase ended, can you tell us, to your knowledge, what is the approximate distance?
A I, I would say 17, 18 miles.
Q Okay. All right. And throughout that 17, 18 mile trip, when you were within sight distance of Mr. Gorny, did you have your lights on?
A Yes, sir, the whole time.
Q Did you have your sirens on?
A Yes, sir.
Q Okay. And so you were able to see him?
A Yes, sir.
Q And, and so it's your belief, as a trained law enforcement officer, that he should have been able to recognize that he was being pursued in a manner that someone was attempting to stop him?
A Yes, sir.
Q All right then.
A Also early morning chase, Sergeant Knight left his

initial traffic stop here and got back involved with us after he went through the fork heading towards Pageland on Number 9.

Q Uh-huh. (Affirmative).

A Sergeant Knight got back involved and he actually got in front of me. We were gonna try to pin him in to see if we could get him to stop because we've done that before---

Q Uh-huh. (Affirmative).

A ---on another gentleman. We got him -- just pretty much pinned him in until he stopped in the middle of the road. We were gonna try it again.

As you can see, he's driving -- he was getting on the other side of the road trying to stop us from getting, getting around him, trying to stop Sergeant Knight from getting around him.

Q So you -- so you and other officers tried to box Mr. Gorny in---

A Yes, sir.

Q ---at this time?

A Yes, sir.

Q Unsuccessfully?

A Yes, sir.

Q Let's talk about the other procedures that you or people with your department employed to try to get Mr. Gorny to stop.

Was, was there any attempt to disable Mr. Gorny's vehicle?

A Yes, sir, we had other deputies that came from the direction of Pageland and told us on the radio that they had -- they were setting up spike strips at -- it was a business on Number 9 called Douglas Machine Shop.

Q Okay.

A They told us that they would be setting up there, if we make it that far, just to be prepared cause, you know, they tell us to be prepared. They don't want to get us. They want to get the vehicle we're chasing. So --.

Q And did you make it that far?

A Yes, sir.

Q And what happened when he drove over the spike sticks?

A It disabled -- it looked like the passenger front tire of his truck.

Q Okay. But it continued on?

A Yes, sir, he continued on with the tire coming apart, you can see it on the video, tire coming apart.

Q So the tire's shredding and he's still driving on the rim?

A Yes, sir.

Q All right. All while he's been aggressively pursued?

A Yes, sir.

Q Okay. Failure to stop for a blue light, what kind of

danger does that present?
A Well, it's, it's a lot of danger. I mean, for us, for a one time thing, but it puts a lot of public at risk then too cause you got -- you still got oncoming traffic. I mean you might have children playing in the yard. You'll see, at one time on the video, there's a school bus we passed, I mean at a very high rate of speeds, school bus.

I don't know if it was -- I don't know if it was kindergarten or what, but, you know, it's the middle of the day, but they was a school bus with kids on it coming by.
Q And were there other either vehicles traveling in the direction of Pageland or oncoming traffic that had to take evasive maneuvers in order to avoid Mr. Gorny?
A Yes, sir.
Q All right. Can you tell us the, the location where this chase ended?
A The chase ended at the -- I guess it would be the intersection of where Honeysuckle Lane comes into Number 9.
Q Okay. And is that outside of the Town of Pageland?
A Yes, sir, it's right before you get to the Town of Pageland.
Q All right.
A We were coming up on the Town of Pageland. That's one reason I was glad it stopped there.
Q Okay. And, and this entire chase obviously occurred

within Chesterfield County?
A Yes, sir, the entire chase lasted.
Q All right. Had, had that chase continued beyond Honeysuckle Lane and Number 9, what, what area would he have been going into?
A Well, he would of -- he was very close to coming into the Town of Pageland, but when it looked like the chase was gonna end where it did, where Lieutenant Vaughn wound up bumping his car and we got him stopped on the side of the road, there was a South Point Christian School that was right there on the left. So, that's, that's one thing that started coming into my mind. We're very close to that school.
Q Okay. And during the chase, were you in radio contact with any of your fellow deputies that were involved?
A Yes, sir.
Q All right. And did, at anytime during that chase, did any of your fellow deputies make any excited utterance that would lead you to believe that they were, that they were in danger?
A Yes, sir, I heard -- like I said, Sergeant Knight had got in front of me. He---
MR. COCKRELL: Your Honor, I'm gonna object to this line of questioning. They can call those officers to testify as to what they -- the feelings were uttered if I

may.

THE COURT: All right. Solicitor, are you trying to elicit from this witness what Officer Knight may have said to him?

Is that---

SOLICITOR FOARD: I am, Your Honor.

THE COURT: Okay. Is, is Officer Knight a potential witness?

SOLICITOR FOARD: He is, Your Honor.

THE COURT: Okay. I think that's just a little -- so we don't get into an area that may create some issues, let's just wait for Officer Knight to testify.

SOLICITOR FOARD: Yes, Your Honor.

THE COURT: With that, the objection is sustained.

SOLICITOR FOARD: All right. At this time, Your Honor, I would -- well, sorry. Let me ask some other questions.

Have you had the opportunity to view the in-car camera video from your patrol car?

A Yes, sir.

Q All right. And that's been furnished to the Solicitor's Office as part of this case?

A Yes, sir.

Q All right. And do you believe that the videotape that, that we're about to show accurately and truthfully depicts the search as it -- the, the chase as it occurred that day?

A Yes, sir.

SOLICITOR FOARD: All right. Your Honor, we would, at this time, move to have State's Exhibit 1 entered into evidence and publish that to the jury.

THE COURT: Okay. And what says the defense as to No. 1?

MR. COCKRELL: No objection to No. 1.

THE COURT: All right. Without objection, No. 1, which is a video, will be admitted into evidence on the State, on behalf of the State.

(WHEREUPON, State's Exhibit No. 1 was received into evidence at this time.)

THE COURT: Are you wanting to publish the video at this time, solicitor?

SOLICITOR FOARD: I am, Your Honor.

THE COURT: Okay. Are you going to want this deputy to testify during the course of playing the video?

SOLICITOR FOARD: There is one portion where I intend to pause the video and have him refer to something on it.

THE COURT: Okay.

SOLICITOR FOARD: But that's only gonna be one stop, Your Honor.

THE COURT: Okay. All right. Very well.

You want, you want the deputy to be down with you at the point?

SOLICITOR FOARD: Right now I believe he can stay where he is.

THE COURT: Okay. Very good.

SOLICITOR FOARD: Thank you.

Q Now, Deputy Rainwater, there's no sound in this video?

A No, sir, the camera I had at the time, the sound had broke on it.

Q All right.

THE COURT: Do we need to dim the lights or how do y'all normally do it?

SOLICITOR FOARD: We normally don't.

Can everyone see?

(WHEREUPON, the jurors nod affirmatively.)

SOLICITOR FOARD: I think we'll be okay.

THE COURT: Okay.

(WHEREUPON, a portion of State's Exhibit No. 1 was published to the jury at this time.)

Q Let me ask some questions if I may.

So, can you see, Deputy Rainwater?

A Yes, sir, I can see.

Q Is that the vehicle in question to the best of your knowledge?

A Yes, sir, from the description I had got from the witnesses---

Q Okay.

A ---on scene, that's what we're looking for.
Q Being driven by Mr. Gorny?
A Later identified Mr. Gorny, yes, sir.
Q All right. And, and are we approaching that intersection of Highway 265 and Highway 9?
A Yes, sir, we're pulling up on it. I think you can actually see it there in front of us.
Q Okay. And, and you mentioned a few minutes ago about an incident where he, where he made a very precarious move between two vehicles?
A This is it right here.
Q This will be coming up.
All right.
(WHEREUPON, another portion of State's Exhibit No. 1 was played for jury at this time.)
Q We're now headed towards---
A Yes, sir, we're now on Number 9 headed towards Pageland.
Q First we'll go through Ruby, correct?
A Yes, sir, we're going through Ruby.
Q All right.
A That's Sergeant Knight passing me. You can see the driver of the truck getting on the other side of the road where he didn't want me to get in front of him.
(WHEREUPON, another portion of State's Exhibit No. 1

was played for the jury at this time.)
A Right now we're on the wrong side of the road.
Q And I believe that's the Welcome to Ruby sign that you just went past?
A Yes, sir.
Q Okay. Do you have any idea what the speed limit is through this area?
A I think, if I'm not mistaken, it's 35.
Q Okay. And you're exceeding 35?
A Yes, sir.
Q You're leaving the Town of Ruby?
A Yes, sir.
Q Did it rain like we're seeing here constantly throughout this?
A Yes, sir.
Q And the roads appear to be very wet?
A Yes, sir.
Q Certainly too fast for conditions?
A Yes, sir.
Q Now you're entering Mount Croghan?
A Yes, sir, the speed limit changes again in Mount Croghan.
Q Going down?
A Yes, sir.
Q And what, what's the main intersection of Mount

Croghan?
A 19.
Q Okay. And that's the caution light that---
A Correct.
Q ---he's going through in just a moment?
A Yes.
Q Just on---
A Correct. Right there.
Q Now, where is Douglas Machine Shop that you mentioned?
A It should be coming up here shortly.
Q All right.
A We had been -- well, I think around this time we had been advised that other deputies were setting up spike strips in the road. They told us to be prepared for them.
Q This question may seem obvious, but, but at any point in what we have seen or what we will seen or what we will see, is there---
A I think that's it right there.
Q ---is there any indication that Mr. Gorny is attempting to stop for---
A No.
Q ---for the blue lights or sirens?
A No, sir, he never made any attempt to stop or pull over.
Q Now I believe you're approaching Douglas Machine Shop?

A Yes.
Q Okay. And those spike strips are laid out in the road to drive over?
A Yes, sir.
(Whereupon, another portion of State's Exhibit No. 1 was played for the jury at this time.)
A You can see it right there.
Q So those are the strips that were just---
A Yes, sir.
Q ---on the side of the road?
A They're two other deputies on the side of the road.
Q All right.
A So now his tire starts going down. His front tire, yes, sir.
Q Okay. Describe the general area where we are at this point.
A We are coming up on -- we're coming towards the Town of Pageland coming up on Airport Lane be up on your left getting, getting fairly close to town.
Q Okay.
A It's still a lot of traffic both ways.
Q So I believe this would be Airport Road?
A Yes, sir, that's Airport Road right there.
Q And this is the last major road before Honeysuckle Lane?

A Yes, sir.
Q All right. So, Honeysuckle will go to the right?
A Yes, sir.
Q All right. And I believe you testified that Spence Vaughn is who ultimately forced him from the road?
A Yes, sir.
Q Okay.
A And this is Honeysuckle Lane up right here.
Q So this is the truck that we've been following the whole time?
A Yes, sir.
Q But it's -- even after it stops it's still moving?
A Yes, sir, it's still left, I don't know, left in gear or what.
Q All right.
A It's still rolling.
Q And at this point y'all've taken him to the ground out of the vehicle?
A Yes, sir.
Q All right. Is Mr. Gorny, at this point in time, struggling against you?
A Yes, sir, we tried to get him to put his hands behind his back. Once he got on the ground, he, he just---
Q I believe we can see feet at one point here --
A Yes, sir.

Q -- flailing?
A Like he was trying to turn over, maybe get on his back. I don't know what he was trying to do.
Q Do you or any of the other officers who were, at this point, trying to secure him, did you have any knowledge of whether or not he had a firearm on his person at this point?
A No, sir, I did not. I didn't know what he had.
Q So this was really a very unknown situation?
A Yes, sir.
Q I'm gonna let the video keep running, but I want to ask you, so, so once he's secure, which I believe is gonna be in the next 30 to 40 seconds or so, what was done with Mr. Gorny?
A Stood Mr. Gorny up himself and several other people standing around, and I went ahead and Mirandized Mr. Gorny in case he said anything, you know, we, we would need to mention later.
Q But he ultimately didn't make a statement?
A He never said a word. So, I walked him back to my car, put him in my car, transported him to the detention center.
Q Okay. And I'm gonna let this run for about a minute more, but I believe at 11:12 we're gonna see Mr. Gorny being escorted on the left side of the video in order to be placed in your car.
Would that be correct?

A Yes, sir.
Q So, at this point he's secure?
A Yes, sir.
Q And, and I believe he's up off the ground at this point?
A Yes, sir.
Q All right. Thank you.
And that's him being transported there?
A Yes, sir.
Q All right. All right. That's it for this video.
Your Honor, that's all I have for this witness.
THE COURT: Okay. Cross-examination.
MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Officer Rainwater, when did you first hear about an incident happening at the courthouse?
A You mean in reference to time or, or --?
Q Yeah or -- yeah.
Where you were in regards to the courthouse?
A Like I said earlier, I was two streets over turning into the Sheriff's Office and we were going there to eat cause they cooked for the deputies that day. I was turning, myself and Sergeant Knight, were turning into the Sheriff's Office when I heard Deputy Ammons say on the radio shots

fired at the courthouse.
Q And, and Deputy Ammons, is that, is that the officer that's usually here at the, at the front door?
A He was, yes, sir.
Q Okay. What else did Officer Ammons relay to you?
A That's all we heard at first, and then we came up here, and as we, we came by and slowed down, all the commotion going on outside. Several people pointing that direction of an SUV or a truck or several things being said at the time.
Q When you say -- said -- who did you hear this information from?
Was it over the radio or was it, was it---
A No, sir, it was, it was people standing outside at first.
Q Okay. These were, were---
A Where the -- looks like maybe the incident happened at on the edge of the road in the parking spaces.
Q Okay. And so then you -- were you behind -- in front of or behind?
A I was behind Sergeant Knight at first, but he stopped the vehicle right there on Main Street.
Q Okay. Who were the other officers that the video shows pulling in front of you?
A One was Lieutenant Spence Vaughn, Deputy Tim Huchinson, and I think Joey Carnes.

Q Okay.
A All three of them.
Q Okay. Did, did you, after, after you detained Mr. Gorny, did you have an opportunity to go back to, to the actual scene where the -- apparently the, the shots were fired?
A No, sir.
Q Do you know who all was able to go back there?
A No, sir.
Q Okay. Were -- was any contraband ever found at the, at the scene?
A I can't answer that. I don't know.
Q That you're aware of?
A I don't know.
Q So, is that a no?
A I don't know.
Q So that would be a no.
I mean I'm not trying to put words in your mouth.
I'm asking you are you aware of any contraband?
A I'm not aware of it, no, sir.
Q Thank you.
Did you have an opportunity to, to strike Mr. Gorny?
A Did I have an opportunity to strike him?
Q Yeah, when you---
A Yes, sir.

Q How many times did you hit him?
A I didn't hit him.
Q Okay. But you had an opportunity to?
A Yes, sir, I had the opportunity to hit him.
Q Okay. Who are the officers that we see in, in the video striking Mr. Gorny?
A I'm not sure. I know myself, Lieutenant Vaughn, and Tim Huchinson took him to the ground.
Q Okay. But you're not sure who, who punched him or drop kicked him?
A No, sir.

MR. COCKRELL: Okay. No further questions, Your Honor.

THE COURT: Redirect?

SOLICITOR FOARD: No redirect, Your Honor.

THE COURT: Thank you for your testimony, officer. You can step down.

SOLICITOR REDMOND: State would next call Sergeant Timmy Knight.

THE COURT: Okay.

TIMMY KNIGHT, being first duly sworn, testified as follows:

THE CLERK: Please be seated.

(Witness complies.)

DIRECT EXAMINATION

BY SOLICITOR REDMOND:

Q And could you state your full -- oh, may it please the Court, Your Honor?

THE COURT: Sure.

Q Could you state your full name for the record?

A Timothy Ray Knight.

Q Excuse me.

And what is your rank with the Sheriff's Department?

A First sergeant with the Sheriff's Office over patrol. I'm over a shift.

Q Okay. And were you in that capacity on the 13th of February of 2013?

A Yes, sir.

Q And, at that time -- about how long you been with the Sheriff's Department?

A Just over 14 years.

Q Okay. And on the 13th of February, 2013, were you on routine patrol at that time?

A Yes, sir.

Q And could you tell us what were you doing prior to getting a call regarding a shooting right here on Main Street?

A I was coming up to the Sheriff's Office to eat.

Q Okay. And at the time -- okay. At the time that you got that dispatch, could you tell us what was the dispatch that I guess caused you not to be able to, to attend that

lunch?
A I heard Deputy Ammons come across the radio saying that there was shots fired at the courthouse and that's just a block down. So, I headed up this way.
Q Okay. And could you tell us -- well, let me ask you first.
Was the video from your camera working the -- on the entire time that we are talking about?
A No, sir, like Sergeant Rainwater said, when you cut your blue lights on your camera comes on. So, my camera -- my video should show us coming up here, and then, when I stopped the wrong guy, I'm like well, my camera's on. So, I cut it off, and once I get in the car chase a little bit it hits me that I had cut it off. So, I had to cut it back on. So my video's bits and pieces.
Q Okay. But now you've seen the tape.
Did -- do we see you on the tape actually once you pass Sergeant Rainwater and I guess get immediately behind the defendant?
A Yes, sir.
Q So now getting back to what you were doing and you've already talked about what you've done initially.
Did you get back involved in the case after you had stopped the wrong individual?
A Yes, sir, once Rainwater went off and I realized I had

the wrong subject, I started heading out West Main Street and Deputy Tim Hunt was -- he did something with us. I can't really think right now. He worked over at the Armory, but he was on his way home. He lives out by Odella Oil and he said the guy just passed him.

Q Okay. And so, at that point, what did you do?

A That's when I proceeded on and then Mr. Rainwater had spotted him driving in and out of traffic.

Q Okay. And then, at some point, do you pass Sergeant Rainwater?

A Yes, sir, I passed Rainwater hoping to get in the front of Mr. Gorny so we could box him in. I could slow him down.

Q And do you recall about how fast this, this chase and the speeds that the chase got into?

A We were over a hundred.

Q Now -- and during the course of that chase, did you go through the, I guess for lack of a better word, the townships of Ruby and Mount Croghan --

A Yes, sir.

Q -- on Highway 9?

A Yes, sir.

Q And does the speed limit drop to 35 in Ruby and 30 miles per hour in Mount Croghan?

A Yes, sir.

Q Okay. But was the defendant still exceeding the speed

limits in there?
A Yes, sir.
Q And are those areas, I said townships, but are those areas populated?
A Yes, sir, and actually, in Ruby, we went in on Number 9, but two blocks over you got a middle school.
Q So, you were involved in the chase, and could you tell us what took place during the course of the chase of significance other than obviously the speeding?
A Yes, sir, as we were coming in to Mount Croghan, Chief Eric Huitt with the Chesterfield Police Department tried to block the road, but Mr. Gorny was able to go around him. I went around also the chief.

We chased a little bit. On one point on my video you'll see where I was about up beside him to get around him and he sticks his gun out the window and fires the shot at me. You'll see me snatch back in and it takes me a little bit of time to get my nerve back up, you know, to start trying to chase him again.

Q And then let me stop you there.

When you say it took you a little while to get your nerve back up, at that -- in addition to the speeds you were going, were you concerned for your own safety?
A Oh, yes, sir, tractor trailers coming head on. I was -- all kind of cars.

Q Okay. And when he pulled you -- when you saw the gun and him take a shot at you, at that particular time did you perceive that as being directed at you?
A Yes, sir.
Q Okay. And so -- and then, again, what action did you take at the time the shots were fired in your direction?
A Yes, sir.
Q What actions did you take -- evasive actions?
A Yes, evasive action. I swerved back in to the right in my lane because I was in the passing lane.
Q Okay. Now, unless -- we move forward on into the chase.

So, at that point, after you fired the shots at you, during the course of chasing you---
A Yes, sir.
Q ---and I had asked you this, did you have your blue lights and siren on?
A Yes, sir, blue lights and siren.
Q And did he stop at that point?
A No, he didn't stop. I continued chase and then there's another part where you'll see him put the gun out the window, and I'm guessing he dropped it because you should see it coming over my car.
Q Okay. And, and so, after he throws the gun out of the window, was it -- was this right outside of the Town of

Pageland?
A Yes, sir.
Q And all -- still on Highway 9?
A Yes, sir.
Q And did he -- was he -- did he stop voluntarily or was he forced to stop?
A No, he was forced off the road by Lieutenant Vaughn.
Q Okay. And at the time he was forced off -- well now -- and if I skipped this I apologize.

Stop sticks -- were the stop sticks there?
A (Witness nods affirmatively.)
Q And about where was that again?
A They were about Douglas Machine Shop.
Q Okay. And did that stop him?
A No, sir, he kept going. His tire come all to pieces.
Q Okay. And did he take a shot at you before or after the stop sticks?
A I believe after.
Q So, after the stop sticks, he takes the shot at you, he's still going, Lieutenant Vaughn forces him off the side of the road.

At that point did he get out and, and voluntarily surrender or was he -- did y'all have to actually get him out of the truck?
A Yes, sir, we had to get him out because you'll see on

the video I run over to the driver's side and the car -- his truck was still rolling, and there was some kind of plexiglass where I couldn't see in the window. It was covered up and I had to bust that out and then he's not in there. So, I go -- that's when the scuffle's taking place.

Q And, and after the scuffle, was he actually -- was he taken into custody?

Were y'all able to restrain him?

A Yes, sir.

Q And was he taken into custody?

A Yes, sir.

Q And during the, I guess, at the scene, did you, of your own observation, observe another gun in the truck from your own observations?

A Not, not in mine.

Q Okay. Are you aware that the vehicle was -- I guess that there were people that did actually process the vehicle?

A Yes, sir.

Q Was the vehicle photographed?

A Yes, sir.

Q And as far as you know, once the chase ended with the truck, did the truck remain there and was subsequently taken to the Armory with the Sheriff's Office for processing?

A Yes, sir.

Q Now -- excuse me.

When -- and, and, again, about where did this chase end?

A Around Honeysuckle Lane just outside of the Town of Pageland.

Q Now, what -- about a half a mile ahead on the left, going into Pageland, is there a school or a day care?

A Yes, sir, it's South Point Christian School.

Q Okay. And based on your experience in law enforcement, at the speeds he was going, based on your experience, did that pose a danger, in addition to everything else we've talked about and seen, but did that also pose a danger to the public going into the Town of Pageland?

A Yes, sir, and once he would of passed the christian school he would of come up on the intersection of 151 and Highway 9.

Q And I was about to ask you that.

A Major hazard.

Q And is that a major intersection?

A Yes, sir, it is.

Q And so, so, in essence, what I'm asking, if he'd gone another mile, you're looking at the intersection of Highway 9 and 151?

A Yes, sir.

SOLICITOR REDMOND: Beg the Court's indulgence.

(Pause.)

(Pause.)

Q Oh, again, is there any doubt in your mind, just to be clear, any doubt in your mind that this defendant actually took the -- took shots at you?

A No, sir, there's no doubt.

SOLICITOR REDMOND: Beg the Court's indulgence.

(Pause.)

Q What we're doing -- and, Sergeant Knight, if you could see it from right there, certain parts of the tape that, that we may ask to stop and have you look at it, but we are about to, with the Court's permission, play the tape, but let me do this.

Have you had the opportunity to see State's Exhibit No. 2, which is actually not on the machine, but have you had a chance to review State's Exhibit No. 2?

A Yes, sir.

Q Okay. And does that accurately reflect what you've testified to?

A Yes, sir.

SOLICITOR REDMOND: And with that, Your Honor, we would move to introduce State Exhibit No. 2 into evidence, and then subsequently publish for the jury.

THE COURT: Okay. And what says the defense concerning Exhibit No. 2?

MR. COCKRELL: No objection, Your Honor.

THE COURT: Without objection, then into evidence on behalf of the State.

(WHEREUPON, State's Exhibit No. 2 was received into evidence at this time.)

SOLICITOR REDMOND: And while we're getting it set up, I've got it --.

THE COURT: Yeah.

SOLICITOR REDMOND: And I apologize. I'm technologically challenged. Mr. Foard is handling the technology duties.

But if I could, Sergeant Knight, when we get to the point where you're aware that shots were taken, could you let us know so we can actually pause it and make sure that the jury at least sees that part that you're referring to?

A Yes, sir.

(WHEREUPON, a portion of State's Exhibit No. 2 was played for the jury at this time.)

Q Are you standing at the vehicle the defendant was in?

A Yes, sir, and this is where I remember that I didn't have my camera on.

(WHEREUPON, another portion of State's Exhibit No. 2 was played for the jury at this time.)

Q And are you coming near Douglas Machine Shop anytime soon?

A We are about to come into -- yes, sir.
Q Is that it right there?
A Yes, sir, there's the spike sticks.
(WHEREUPON, another portion of State's Exhibit No. 2 was played for the jury at this time.)
A You can see the truck leaning to the right. That's where that front tire is starting to go down. So it's actually slowing him down a little bit where I'm trying to get around him now.
Q And while the tape's still going, I think it's obvious to just ask, is this a very hilly and curvy---
A Yes, sir.
Q ---route between Chesterfield and Pageland?
A Yes, sir, it is. I thought he was gonna lose control there. He went off the road, but he was able to save hisself.
Okay. Right here is where I'm trying to get around him, and you'll see him run off -- fire at me shortly. There's the school bus that we passed that had to get off the road for us.
All right. Here we're meeting Lieutenant Vaughn head on. We were trying to get him to slow down.
Q Okay. Are we coming up to the point where---
A Yes, sir.
Q ---where he takes the shot at you?

A Yes, sir.
Q Okay. And, and is that also the, the evasive maneuver that you---
A Yes, sir, you'll see my car snatch back to the right.
Q Okay. And while this is still going, I notice, at that point, you start going more to the right.
A Yes, sir, my nerves were tore up.
Q And I'm just noticing you were more on the right side now?
A Yes, sir.
Q Now, is this Airport Road --
A Yes, sir, that is.
Q -- and the---
A -- Airport Road at the caution light.
We should be coming up on when he's gonna drop the gun.
Q And that's what I was gonna ask you.
A Yes, sir.
Q Is there any point where he drops the gun?
A You'll see it bounce. Yeah, I thought he was gonna shoot again. So that's where I snatched back.
Q And is that Lieutenant Vaughn?
A Yes, sir, that's Lieutenant Vaughn. That was me running in front of the camera. I'm going to the other side, the passenger side. You'll see I'm still trying to get in the car. I don't know that he's out the truck

already.
Q And, and is that pretty much the conclusion of the, of the chase and we see when he was---
A Yes, sir.
Q Okay. And was he actually taken into custody shortly thereafter?
A Yes, sir, he was placed in a -- Sergeant Rainwater's car.

SOLICITOR REDMOND: Beg the Court's indulgence.

THE COURT: Certainly.

(Pause.)

SOLICITOR REDMOND: That'd be all the questions that I have. Please answer any questions that Mr. Cockrell may have.

A Yes, sir.

THE COURT: Cross-examination.

MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Now, Officer Knight, you were headed, I guess, to your, your main office for lunch --
A Yes, sir.
Q -- on this date?
A Yes, sir.
Q And when did you first -- where were you when you first

were alerted that something was going on at the courthouse?
A I was turning onto Scotch Road off Number 9 right in front of the new Sheriff's Office.
Q Okay. So, approximately a half a mile away?
A Yes, sir.
Q Okay. And, and who, who alerted you?
A Kenny Ammons come across the radio, and then, as I pulled up here at the courthouse, Sergeant Winbert came and stuck his head in my car door and said he went that way in an SUV. That's why I stopped that SUV right down the road.
Q Okay. And this would be Officer Kenny Ammons and Officer Vern Winbert who are typically---
A Yes, sir.
Q ---working the front door?
A Yes, sir.
Q Okay. Did they relay to you any other description of, of events or, or of the, of the, the people that were involved?
A Later on in the chase it come across the radio. Kenny Ammons said that it was a Mr. Gorny that did the shooting.
Q Okay. Did he, did he relay to you how he was aware of that?
A He said that John Nolan told him. He asked Johnny Nolan do you know who shot you and he said it was Curtis Gorny.

Q Okay. Okay. And did you have any other discussions with Officer Winbert?
A No, sir.
Q On this particular day?
A Oh, no, he just stuck his head in my window and said he went that way driving a SUV.
Q Okay. Okay. Did you have any evidence -- any follow-up investigation at the actual scene where shots were fired?
A No, sir.
Q Okay. Are you aware of any other contraband of anything that was found at the scene?
A No, sir.
Q Would it be unfair to say that -- strike that.
Did you have an opportunity to strike Mr. Gorny?
A No, sir, because I ran to the passenger side and he was already pretty much in custody by the time, by the time I realized what was -- that he was out the vehicle.
Q Was his arm broken?
A Afterwards it was.
Q Okay. Do you know who else -- who, who are the officers that did -- were able to strike him and drop kick him?
A I don't know. I was on the other side of the truck.
Q Understand. Understand.

Okay. No further questions.

THE COURT: Redirect?

SOLICITOR REDMOND: No redirect, Your Honor.

THE COURT: Thank you for your testimony, officer. You can step down.

SOLICITOR FOARD: Your Honor, the State would call Lieutenant Spence Vaughn.

THE COURT: Okay.

SPENCE VAUGHN, being first duly sworn, testified as follows:

THE CLERK: Please be seated.

(Witness complies.)

DIRECT EXAMINATION

BY SOLICITOR FOARD:

Q Lieutenant Vaughn, can you tell us your full name?

A John Spencer Vaughn, Junior.

Q And by whom are you employed?

A Chesterfield County Sheriff's Office.

Q And I am -- am I correct that your current rank is lieutenant?

A Yes, sir.

Q All right. And how long have you been with the Chesterfield County Sheriff's Office?

A Since October 7th, 1996.

Q All right. And what are your duties?

A Currently I'm a lieutenant over the patrol division, which helps, you know, helps the shifts to answer calls and call 9-1-1 and that type thing. Typical calls for service and that's over four shifts and we have some 12 hour shifts.
Q All right. And were you on duty on February the 13th of 2013?
A Yes, sir.
Q All right. Tell us where you were when you, when you were notified of a situation involving Mr. Gorny.
A I was in the Town of Jefferson. We have a contract with the Town of Jefferson to provide police security and the officer that worked that area was out. So, I was up there covering the Town of Jefferson that day on -- patrolling the town when this call would of came out.
Q Okay. And did you respond to the area where this was happening?
A I did. After I monitored some radio traffic for a minute or two I heard that they was active in a car pursuit, which, you know, which was ten zero as far as ten goes. I heard be on the look out. I was monitoring it and thinking it might come all the way to Pageland.

So, as, as I was listening for a few minutes, I got in my patrol car and left town hall and cut through the country of Pageland to get on Number 9 there by the old James Edward Grocery on Number 9 where Little Creek Road comes out.

That's where I got onto Number 9 and actually went eastbound towards them as they were coming towards me on Number 9.

Q So you actually, you actually met the chase heading the opposite direction?

A Yes, sir, there about Thompson Creek Road where it comes off of Number 9.

Q All right. And what action did you take when you met the chase?

A Well, initially I, for lack of a better word, try to do a little bit of a -- of chicken. You know, everybody's heard of playing chicken with another car. I tore and went over in his lane real quick just to maybe try to get him to go in the ditch due, due to the fact of where they were headed, and obviously that didn't work.

So, I turned around and came back and then I, as the pursuit was going, I went and tried to get to the -- you may of noticed some other patrol cars passing other patrol cars, and I was trying to coordinate getting our K-9 up closer to the patrol -- to the truck they were chasing in case he was able to pull and bush bog, which means they jump out and run, you know, the field or whatever and had the dogs there to apprehend him.

And then, you know, that was what I was doing, and I heard, you know, he shot. I heard him, you know, over the radio traffic he just shot at an officer, Sergeant Timmy

Knight, and as I got turned around, I knew -- you know, I knew, you know, where we were going and the traffic and the schools, and I just -- I been in many many car chases, and I just made a determination that they ain't gonna get to Pageland. So, I, I passed everybody and just went up down beside him and sort of hit him with my car and run into the side of him and just knocked him off the road and get him stopped.

Q All right. So, what I'm hearing here is that this was a, this was a coordinated response by the Sheriff's Department?

A Yes, sir.

Q This, this wasn't just a free for all chase?

Y'all, y'all were orchestrating a, a peaceful and nonviolent end to this?

A Try our best. I mean it's -- you know, it seems chaotic, but you got to have, you know, you got to have some kind of way to get him to stop cause we're responsible, as an entity, if somebody gets hurt, you know, from running the red lights and we lose them. You know, you just see it on the movies, and, you know, this -- we had to get him -- a strategic plan together to try to get this thing orchestrated to get it resolved somehow.

Q So, a decision had to be made to end this chase before he could enter the Town of Pageland?

A Yes, sir, it's a major intersection. We've had people killed in car wrecks and, you know, and him just shot out of a, of a car, and, you know, you don't necessarily want, going into downtown Pageland, somebody driving recklessly and shooting out of the window. You got so many dentists and schools and just, you know, wouldn't probably have a good ending.

Q All right. I want to speak directly to your video for a minute.

Based on the description that you've given, you stated you got onto, you got onto Highway 9 in the area of, of J&J Grocery.

I think, I think---

A I believe it's---

Q ---you had to---

A I believe it's right at Cooley Creek Road and Orwell Church and J&J Grocery. It all comes in there right together.

Q That's also known as the area around Providence Church?

A Yes, sir.

Q Correct?

A Yes, sir.

Q All right. And, and, and, at that point, is that where you pick up your video?

A Yes, sir.

Q All right. So, we take your video from that point until the ultimate end of the chase?
A That's right.
Q Okay. And I know we've watched two different viewpoints now of, of this chase.
Is, is there anything in particular that's, that's extremely viewable in yours that perhaps we don't have as good of a viewpoint from the other videos?
A Like I get up, up on him on the side of him, and the gun, the gun -- you can see the gun come out and just, you know, flying through the air and my camera of my car when I'm getting up beside him. You can see it coming out flying through the air.
Q Okay. And when you say flying through the air, you mean like in an arching motion through the air?
A Yes, sir, I mean it just, it just comes out and just kept going.
Q All right. And obviously that must happen pretty fast?
A Yes, sir.
Q Okay. All right.
All right. At this time, Your Honor, we would, we would -- beg the Court's indulgence for just one second.
(Pause.)
Q You've had a chance to review what's been marked as State's Exhibit 3?

A Yes, sir.
Q All right. And you believe that it accurately depicts the events that you've been describing to us?
A Yes, sir.
SOLICITOR FOARD: Your Honor, at this point in time we'd move to admit State's Exhibit 3 into evidence and publish to the jury.
THE COURT: Okay. What says the defense?
MR. COCKRELL: No objection, Your Honor.
THE COURT: All right. So admitted.
(WHEREUPON, State's Exhibit No. 3 was received into evidence at this time.)
A That's the actual Bull River Road. Coon Creek is just a little bit further down.
Q All right. So, we're on 9 eastbound towards Chesterfield?
A Yes, sir, that's Providence Church Road we just passed.
(WHEREUPON, State's Exhibit No. 3 was played for the jury at this time.)
Q As you approached the vehicle, I think it's shortly here, can, can you tell that, that he's proceeding at a high rate of speed?
A Yes, sir.
Q Would that be the defendant?
A Yes, sir, that's it right there.

Q That's Providence Church Road again going westbound?
A Yes, sir.
Q Is that Airport Road?
A Yes, sir.
Q Now I'm gonna pause at this point.
Is, is Honeysuckle Lane in the distance?
A Yes, sir, there's a mobile home coming up and it's just beyond the mobile home.
Q All right. And, and, and in a moment I believe you testified we're gonna be able to see the gun fly out of the vehicle?
A Yes, sir.
Q Okay. And, again, you say if, if -- it sort of goes up in the air in an arching motion?
A Yes, sir.
Q And that was the gun flying towards your vehicle?
A Yes, sir.
Q And you forced him off the point -- road at this point?
A Yes, sir.
Q And at this point all of the action is going on outside of your screen?
A Yes, sir, I got out, went around my car. He was still in the truck. I got the door opened and the truck was still moving. I saw him hopping alongside. I grabbed him and snatched him out the track and went down to the ground with

him.
Q All right.
SOLICITOR FOARD: That will be it, Your Honor, for this video.
Your Honor, that's all I have for this witness at this time.
THE COURT: Okay. Cross-examination.
MR. COCKRELL: Thank you, Your Honor.
CROSS-EXAMINATION
BY MR. COCKRELL:
Q Now, Lieutenant Vaughn, when did you first -- when were you first alerted about the events at the courthouse?
A I overheard it on the radio when I was at the Town of Jefferson's Town Hall. You know, I heard the initial call and everything going out.
Q And who did you hear the initial call from?
A I came -- Deputy Ammons give out shots fired at the courthouse, and, at first, you know, I didn't comprehend because I was talking to Tammy Winter. I went through town hall and then I, you know, they kept talking and then I, you know, obviously something was going on on radio traffic.
Q Okay. And so when you say Officer Winbert, you're talking about officer---
A I meant Ammons. I didn't mean to say Mr. Winbert. Ammons is the one that said it over the radio. I might of

said Winbert.
Q Okay. I'm sorry.
So, that would be -- and that's, that's Officer Kenny Ammons who's typically at the front door?
A Yes, sir.
Q Okay. And when did you first feel like it was necessary for you to get involved from Jefferson in this matter?
A About the time I got around and started coming on through Ruby, getting close to Ruby, you know, and I felt like, you know, you know, there's nothing -- there's nobody really ahead of it. So, that's when I left the Town of -- Jefferson Town Hall and cut through the country and get -- went around from there.
Q Yes, sir. Yes, sir.
Okay. And did, did you, in, in the video, you, you referenced that, you know, spotting the pistol or a gun coming out of, of the vehicle that was apparently driven by Mr. Curtis Gorny?
A Yes, sir.
Q Did you retrieve that gun?
A No, sir, I didn't.
Q Who retrieved that gun?
A I want to say it was Deputy Joey Carnes.
Q Okay.

A I think -- I believe he recovered it and I believe Deputy Troy Timmy asked us to stay on Number 9 wherever the gun came to a resting place. I think he stayed there with it till somebody got to come and got it and secured it.

Q Okay. But based on what you understand, that, that, that object was retrieved?

A Yes, sir.

Q Okay. Now, based on the events that actually occurred at the courthouse, do you -- are you aware of any contraband was, was retrieved?

A Not that I know of, sir. I don't know of anything. I never been told of anything.

Q Thank you.

Nothing further.

THE COURT: Redirect.

SOLICITOR FOARD: No redirect, Your Honor.

THE COURT: Thank you for your testimony, officer. You can step down.

SOLICITOR FOARD: Your Honor, that's all the witnesses we planned for today.

THE COURT: Okay. All right.

Madam Forelady, and ladies and gentlemen of the jury, it's pretty close to five o'clock. So, I think this will be a good stopping point for, for today. We will start back at 9:30 in the morning. So, be prompt in getting back here.

Again, I -- as I've told you before, not to talk about this case with anyone, among yourselves, or anybody you come into contact with. So, you may have some family members or friends that may want to quiz you pretty good about what, what's going on today, and you just tell them that the judge is told me that I can not say anything and leave it at that.

Okay. We'll see you in the morning at 9:30 and hope you have a good evening.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: We'll be in recess until 9:30.

We have something for the record?

MR. COCKRELL: Your Honor, if I, if I just may briefly, in the event that my client, in the event that my client, Mr. Gorny, elects to take the stand, and I'm not sure whether he will or not, I anticipate wanting to call Mr. Kenny Ammons that was on the solicitor's list. I just---

THE COURT: Okay.

MR. COCKRELL: I know it's their, their subpoena, but I would just ask that he be made available tomorrow afternoon in the event -- in the event I call my client I'm also gonna call Mr. Ammons.

THE COURT: Okay. All right. Any problems with that?

I'm sure---

SOLICITOR REDMOND: We've already anticipated that, Your Honor, and---

THE COURT: Okay.

SOLICITOR REDMOND: ---so Mr. Ammons---

THE COURT: He'll be around.

SOLICITOR REDMOND: He will be around.

THE COURT: Okay. Very good.

SOLICITOR REDMOND: Thank you.

THE COURT: Thank you.

Y'all have a good evening and we'll see y'all at 9:30 in the morning.

SOLICITOR REDMOND: Thank you.

SOLICITOR FOARD: Thank you, Your Honor.

(WHEREUPON, Court was in recess for the evening.)

Wednesday, October 22nd, 2014

THE COURT: All right. Are we ready for the jury?

SOLICITOR REDMOND: State's ready, Your Honor.

MR. COCKRELL: Ready, Your Honor.

THE COURT: Okay. All right. Bring the jury out please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: All right. Good morning.

Everyone had a restful evening, ready to get back to work today?

(WHEREUPON, the jurors nod affirmatively.)

THE COURT: Okay. All right. Solicitor.

SOLICITOR REDMOND: Thank you, Your Honor.

THE COURT: You may proceed.

SOLICITOR REDMOND: Thank you, Your Honor.

May it please the Court.

State would first call Joey Carnes.

JOEY CARNES, being first duly sworn, testified as follows:

THE CLERK: Please be seated.

(Witness complies.)

DIRECT EXAMINATION

BY SOLICITOR REDMOND:

Q And could you state your name, full name for the record please?
A Joseph Wayne Carnes.
Q And by whom are you employed?
A Chesterfield County Sheriff's Office.
Q And in what capacity?
What's your rank?
A Corporal.
Q And how long have you worked for the Sheriff's Office?
A Approximately six years.
Q Okay. And were you employed with the Sheriff's Office on the 13th of February of 2013?
A Yes, sir.
Q And, at that particular time, were you involved in a situation involving the defendant, Curtis Gorny?
A Yes, sir.
Q And could you tell the ladies and gentlemen of the jury what your role was in this particular case?
A Myself and another deputy were at the residence of the lady, Lee Youngblood, to secure his property during the funeral, and while we were there the call went out about the shooting incident at the courthouse, and that the suspect was traveling westbound towards Pageland.
So, myself and Deputy Huchinson traveled down -- left, left the house and traveled down Number 9 towards -- to try

to intercept.
Q Okay. And just to be clear, were you already in the Pageland area?
A That is correct.
Q Okay. So, were you coming east towards Chesterfield as the chase was heading west towards you?
A That is correct.
Q Okay. So, tell us what you did from there.
A As we was monitoring the traffic, as far as the location of where we were, where myself and Deputy Huchinson set up a -- about Douglas Machine Shop with some spike strips, and as the suspect arrived, he did drive over both Deputy Huchinson's and my spike strips at which time we both got back in our vehicles and continued on, fell in behind with the chase.
Q Now -- and, and were you present at the time that the chase concluded?
A That is correct.
Q All right. And could you tell us about that?
A As we were coming into Pageland, Lieutenant Vaughn appeared to strike the vehicle and the vehicle pulled into I believe Honeysuckle Lane. At that time I, I pulled my vehicle around and the vehicle was still moving and initially I didn't know if the suspect was still inside or if, you know, he was out. But after I cleared the vehicle,

it -- I seen it -- they had the suspect on the ground and I assisted in the arrest of him.

Q All right. Now, after you assisted in apprehending the defendant -- and just to be clear for the record, is that the defendant that you, you helped, I guess, arrest---

A That---

Q ---at that time?

A That is correct.

Q Now, when you, when you finished -- when you got him into custody, did you survey any parts of the scene?

Say the defendant's vehicle.

A I did.

Q Okay. And tell us what you observed -- what your observations were regarding your, I guess, view of that particular scene.

A I observed a firearm and some ammunition still inside the vehicle.

Q Okay. And would this be the defendant's truck that we've seen on video?

A That is correct.

Q Okay. And what kind of gun was that that you saw?

A The one inside the vehicle was a semiautomatic.

Q And I didn't ask you this, but did you, and we'll see in a little while, but did you take pictures of, of the area around the, the Honeysuckle Road and coming down on Number

9?

A That is correct. Prior to the suspect being forced off the road I noticed, I noticed -- I was approximately fifth in line behind the suspect, and one of the deputies up closer called out that he had threw it out, and I, I could see an object bouncing on the highway, and I slowed my vehicle down enough to notice it was a firearm, and I radioed for somebody, the deputy that was coming up behind me, to stay there with the weapon until I was able to return, and after I got done taking the pictures of the truck I went back and took pictures of the firearm that was on the road as well.

Q Okay. And did you -- and let's go back to the 9-millimeter to the, to the truck.

Did you take pictures of the 9-millimeter?

A That is correct.

Q And was there what appeared to be spent cartridge casings that you also photographed?

A That is correct.

Q Okay. And were they inside the defendant's truck?

A That is correct.

Q And, and so, when you left there, went to where the -- what, what kind of gun was it that you collected on the side of the road?

A I believe it was a .357. It was a chrome revolver.

Q And did you photograph it?
A I did.
Q And did you actually collect that piece of evidence?
A I did.
Q And who did you turn that evidence over to?
A To Ms. Vicki with SLED.
Q Okay. Now, the shell casings and the 9-millimeter that were in the vehicle, did you, did you collect those at the time or did you just photograph them?
A I just photographed them and I was advised to leave everything inside the vehicle, inside the vehicle, that the vehicle would be transported back to Chesterfield for processing.
Q Okay. Now, when, when you, I guess, once you finished photographing, collecting it, I think I've already asked you, but to be clear, who did you turn the 9-millimeter over to?
A Ms. Vicki with -- not the 9-millimeter. I had the---
Q I mean -- not the 9-millimeter. The .357. I'm sorry.
A To Ms. Vicki with SLED.
SOLICITOR REDMOND: Okay. And, Your Honor, permission to approach the witness?
THE COURT: (Nods affirmatively.)
Q I'm gonna show you what's been marked as State's Exhibits 9 and 10, and then State's Exhibits 1 and 2, which

are opened. So, first let me show you what's been marked as State's Exhibit No. 1.

Do you recognize that exhibit?

A I do.

Q And could you tell the ladies and gentlemen of the jury what that is exhibit, what is that exhibit?

A It's a chrome revolver that I recovered from the side of the road that the suspect threw from his vehicle.

SOLICITOR REDMOND: Okay. Your Honor, at this time the State would move to introduce State's Exhibit No. 1 into evidence.

THE COURT: And what says the defense?

MR. COCKRELL: No objection, Your Honor.

THE COURT: Okay. Without objection, No. 1 for the State.

SOLICITOR REDMOND: And, Your Honor, with permission to briefly, rather than pass this to the jury, I'd like to publish just by walking down the row.

THE COURT: Sure.

SOLICITOR REDMOND: I said No. 1. I'm sorry. State's No. 4. I, I looked at it wrong. That's State's No. 4, the gun.

THE COURT: All right. Be No. 4 into evidence.

SOLICITOR REDMOND: Thank you.

MR. COCKRELL: No objection.

SOLICITOR REDMOND: Thank you, Madam Court Reporter.

(WHEREUPON, State's Exhibit No. 4 was received into evidence at this time.)

Q Now, State's Exhibit No. 2, the, the big box -- I mean not No. 2. That should be No. 5 I believe. Yes, State's Exhibit No. 5.

Could you tell us what that exhibit is?

A That is the firearm that was still inside of the vehicle when I photographed it.

Q Okay. And is that -- did you collect that one at that, at that time?

A No, sir, I did not collect that one.

SOLICITOR REDMOND: Okay. Your Honor, State would move State's 5 into evidence at this time.

THE COURT: And what says the defense?

MR. COCKRELL: No objection.

THE COURT: All right. Without objection---

SOLICITOR REDMOND: And permission---

THE COURT: ---No. 5 into evidence.

(WHEREUPON, State's Exhibit No. 5 was received into evidence at this time.)

SOLICITOR REDMOND: And permission to publish also?

THE COURT: Certainly.

SOLICITOR REDMOND: And, for the record, Your Honor, the court reporter has kindly provided locks for these

particular weapons and they have been checked. So --.

THE COURT: I've seen that. Thank you.

SOLICITOR REDMOND: Thank you.

Now, I'm going to show you, even though they're in boxes, but State's Exhibits No. 9 and 10, those boxes, did you photograph -- did you, again, photograph, I guess, two shell casings in the driver's seat?

A That is correct.

Q And is that reflected on, I think that's State's Exhibit No. -- beg the Court's indulgence.

State's Exhibit No. 10 reflects two cartridge cases from the driver side seat.

Are those items that you, that you photographed?

A That is correct.

Q And State's Exhibit No. 9, I think that's one casing that I think was on top of some type of bag near the console.

Did you photograph that one as well?

A That is correct.

SOLICITOR REDMOND: Your Honor, these are just for ID purpose at this time only. I'll move these into evidence through other witnesses.

THE COURT: Okay. All right. Nine and 10 are for identification purposes only at this time.

Q And, again, you took photographs, is that correct?

A That is correct.

SOLICITOR REDMOND: And if we would cue up -- if I could have, with the Court's permission, Corporal Carnes step down. I want to show a few photographs that we have already previously admitted into evidence.

THE COURT: Okay. And I just would remind the witness, if you do testify while you're off the stand, be sure that you speak loud and, and situated to where the court reporter can still pick up everything you say, sir.

(Witness comes down from the stand.)

Q Okay. What's on the screen now is State's Exhibit 21.

Could you tell the Court what that picture represents?

A This a picture of Deputy Rainwater, the suspect, Mr. Gorny, at the time with the sheriff, Sam Crawford, and this is the suspect's vehicle where it came to rest. It was lodged, I believe, on the rock is why it was still in gear when the suspect comes out of the vehicle.

Q Okay. And next is State's 22.

Could you tell us what that represents?

A This is the driver's door of the vehicle. There again, this is the rock that it comes to rest on, and this is just before I go into the vehicle. I took a picture leading into it.

Q Now, on the, the car seat, I notice, and, and I think you take closer shots, but what is that, to the best of your

recollection, right there in the middle, looks like in the middle left portion of the driver's seat?

A That is the bullets that you showed me up on the --

Q Okay.

A -- while I was on the stand.

Q And the next exhibit I think will bear that out even further.

State's 23, is, is that a closer picture of what you just testified to?

A Yes, sir, that is a closer picture.

Q And does that indicate the two cartridges -- I guess the two shell casings that were, that were seen in the driver's seat?

A That is correct.

Q State's 24.

A This is the other firearm that was left inside the vehicle. I believe it's a 9-millimeter and it was in the driver's floorboard area.

Q And next is State's 25.

A This is the ammunition that was found inside the vehicle. The arm rest was lowered on top of it. I'd have to raise -- did have to raise the center console armrest to get the picture.

Q Next is State's 26.

A This is the passenger side of the vehicle, and this is

the tire that runs across the spike strips that myself and Deputy Hutchinson set out at -- on Douglas Machine Shop.

Q And State's -- the next exhibit is State's 27.

A This is the firearm, the angle. This is heading back towards Chesterfield. So this is the angle that we were driving and this is where the firearm comes to rest and where I collected it from.

Q Okay. And State's 28.

A The same thing like just the opposite direction. This is heading into Pageland. I believe this is a little fruit stand by the name of Bonnie's Produce, and that's where the, again, where the firearm come to rest after being tossed.

Q And State's 29.

A This is just a close-up of the firearm that I collected prior to collecting it.

Q And is that the same firearm that is reflected as State's Exhibit 4?

A That is correct.

Q State's 30.

A After I collected the firearm from the road I went back to make sure I had enough pictures from inside the vehicle. This is just additional pictures of the ammunition and spent cartridges from inside the suspect's vehicle.

Q And next is State's 31.

A This is inside of the center console. There's another

box of ammunition. This is for the 9-millimeter. The firearm that was still inside the vehicle.

Q And last is State's 32.

A This is just a relative shot so to give an idea of where we actually come to stop at on Honeysuckle Lane right there.

Q Thank you. That'd be all. You can take your seat.

A (Witness returns to the stand.)

SOLICITOR REDMOND: Beg the Court's indulgence, Your Honor.

THE COURT: Certainly.

(Pause.)

SOLICITOR REDMOND: That'd be, that'd be all the questions I have.

Beg the Court's indulgence.

(Pause.)

SOLICITOR REDMOND: That'd be all the questions I have.

Please answer any questions that Mr. Cockrell may have.

A Yes, sir.

THE COURT: Cross-examination.

MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Officer Carnes, were -- did you run the registration on the, the pistol that you found?

A I don't believe I did, no, sir.
Q Okay. Did you dust the, the firearm for fingerprints?
A No, sir.
Q Did you have an opportunity to come to the courthouse and examine the scene at the courthouse on this day?
A I came to the courthouse, but only to turn over the firearm that I collected to Ms. Beach.
Q Are you aware of any other contraband that was found at the scene at the courthouse?
The courthouse scene. Not in Pageland.
A No, sir.
MR. COCKRELL: Nothing further.
SOLICITOR REDMOND: No redirect, Your Honor.
THE COURT: All right. Thank you for your testimony, officer. You can step down.
SOLICITOR REDMOND: State would next call Vicki Hallman.
THE COURT: Okay.

VICKI HALLMAN, being first duly sworn, testified as follows:

THE CLERK: Please have a seat.
(Witness complies.)

DIRECT EXAMINATION

BY SOLICITOR REDMOND:

Q Okay. Could you state your name for the record please?

A Vicki Hallman.
Q And by whom are you employed, employed?
A I am employed with the South Carolina Law Enforcement Division which is also known as SLED.
Q And how long have you worked with SLED?
A I've been at SLED for approximately ten and a half years.
Q Okay. And what is, what is your current position at SLED?
A I am currently assigned to the regulatory division of SLED in monitoring enforcement.
Q Now, previously had you spent time in crime scene?
A Yes, sir.
Q And how long did you work in crime scene?
A I worked in crime scene for approximately ten and a half years.
Q And prior to that had you worked with any other law enforcement agencies in crime scene?
A Yes, sir, I originally started my career in 1991 at the Lexington County Sheriff's Office. I spent nine years there on the road working patrol. My last four years there I spent in the Lexington County crime scene unit. I was then hired at SLED to work in the crime scene unit where I've spent ten and a half years.
Q Thank you, agent.

Now, let's move to the first of February of 2013.

Were you dispatched to Chesterfield County?

A Yes, sir, my Lieutenant, Jeff Crooks, advised that we were being requested to assist to process the crime scene at the Chesterfield County Courthouse.

Q And did you respond to Chesterfield?

A Yes, myself, along with Special Agent Ricardo Prince.

Q Okay. And when you arrive in Chesterfield, could you tell us what your observations were upon arriving at the scene?

A When I arrived on the scene, the, the sidestreet had been marked off. There were officers at both ends in, in marked patrol cars, and there was also crime scene tape present.

Q And, and so, at the time you arrived, did it appear, based on your vast experience with crime scene, did it appear that the scene had been properly secured?

A Yes, sir, it did.

Q All right. Now, take us through what you did.

Once you observed the scene in general, tell us what the, what steps you took from that point.

A Initially, when we arrived on the scene, we try to catch up with somebody and in this case I talked to the Chief of Police here, Eric Huitt, who gave me a little bit of background information about what had occurred. I

usually do a walk through of the actual scene itself. I carry a notepad with me. I take written notes. I go back and I photograph the scene as I find it before any -- I move or mark anything.

Once I've determined what appears to be evidence, I'll go back and usually place evidence markers down, and I will go back and actually rephotograph the scene. I will take more written notes, if needed. That's actually something that I do throughout the processing of the scene. I'll photograph that evidence and then I'll actually collect it for further processing.

Q Okay. And did you do all those things in this case?

A Yes, sir.

Q And let's talk about what -- well, let me start off based on some questions that, that have been asked.

Did you have a chance to, to examine the, the, the, the Chevrolet Lumina I believe?

A Yes, sir, I did.

Q And in -- and did you document it by -- with photographs?

A Yes, sir.

Q And, and have you had a chance to review the photographs that we have actually placed in evidence?

A Yes, sir.

Q Okay. Are those all of the photographs that you took?

A No, sir.
Q And the, the -- so, in other words, did you take several photographs of this particular vehicle?
A Yes, sir, we take numerous photographs. Usually, with some crime scenes, we take anywhere from a hundred up to a thousand or more photographs. It depends on what the scene is as to how many photographs we feel we need.
Q And I'll just ask you directly.
In your work around and in that car, did you find anything -- and the term has been used contraband.
I'm just asking you did you find any contraband, specifically any weapons, at that scene in that car?
A No, sir, not in the vehicle.
Q Did you find any weapons around that vehicle?
A No, sir.
Q Now, going back to, to the work that you did, did you recover any items that were subsequently placed in evidence?
A Yes, sir.
Q Okay. And what did you collect at that time?
A If I may?
Q Oh, absolutely.
A I ended up collecting -- I actually put down some marker in this case so that the photographs, you actually have a little bit of a better understanding as to where things were located.

On the passenger side of the Lumina, close to the front door or the, the front passenger door, I put down Marker 1 and I collected what's basically a copper jacket from that location.

At Marker 2, which is kind of slightly behind where Marker 1 is, I collected what appeared to be a lead core from a bullet, and I also had another possible piece of core that was also collected from that same general area.

I collected, let's see, a partial -- what appeared to be a partial jacket. One of the rounds apparently struck the hood of the vehicle. I lifted the hood of the vehicle. We searched inside the liner, the, the kind of cloth or material liner inside the top of the hood. During the course of that search I found another piece of what appeared to be a partial jacket from underneath that area.

I collected two swabs which appeared to be blood from the passenger side of the Lumina. There was also what appeared to be blood on the passenger side front seat. I collected swabs from that also, and then there was also what appeared -- well, what was a gray thermal shirt that was laying on the front passenger seat. It appeared to have blood on it. So, I collected that also and was later informed that that actually belonged to Johnny Nolan and I believe that is all I actually collected from the scene at the courthouse.

Q Okay. Now, once you finished your work at the courthouse photographing, collecting evidence -- and let me ask you.

Did you receive a -- the two handguns and any cartridge casings -- well, let me back up.

Did you receive a handgun?

Let me just first ask about the .357 I believe that's State's Exhibit No. 4.

Did you receive that handgun from Joey Carnes?

A Yes, I did.

Q And was that placed in evidence pursuant to your standard operating procedures?

A Yes, sir.

Q Now, when you finished at the courthouse, did you then -- did your work take you somewhere else here in Chesterfield?

A Yes, sir, it did.

Q Okay. And where did you go from that scene?

A We actually then responded to 207 Watson Street, which I believe is like a holding area for Chesterfield County. The vehicle in question, the pickup truck that was driven by the suspect, had actually been taken to that location. Chesterfield County Sheriff's Office had secured a search warrant for us to process that vehicle and myself and Agent Prince actually processed that vehicle at that location.

Q Okay. Now, let me back up just a minute to the .357 because you actually collected it.

When did -- did you have a chance to, to, I guess, see and also take into evidence any items, i.e. bullets or cases from that particular gun---

A Yes, sir.

Q ---the .357?

A Yes, sir.

Q And could you tell us what it is that you actually did see and observe of that gun?

A I took, and I'll just give you the item description, it's one Ruger model SP101 .357 revolver serial number 57334076 with two cartridges which are basically unfired rounds. They were head stamped and labeled .357 Magnum and three cartridge cases, which are basically fired, that were also head stamped .357 Magnum.

Q So, just to be clear, out of the chamber of the .357, were there three fired, in essence, empty -- just the cartridge cases indicating that the weapon had been fired?

A Three fired. Two unfired.

Q Thank you so much.

Now, I interrupted you.

Let's go back to your work at the Armory.

Could you tell us about that?

A Basically, once again, that's also considered a scene.

So, we would of documented the vehicle as we saw it. We would of taken just -- we would of walked around the vehicle, taken photographs. We would of opened doors and, and, in this case, the, the vehicle had a camper shell on the back. So, we would of opened the camper shell, taken a photograph of the vehicle as we found it, and, from there, we would of opened the doors and then conducted a search and found, as we located items that were what we considered evidence, they could be documented and also collected just like the actual scene itself.

Q Now -- and tell us what -- did you collect any items of evidence from that particular truck?

A Yes, sir.

Q And could you tell us about that please?

A On -- we collected a Llama 9-millimeter Parabellum handgun from the driver's side floorboard.

Let's see. There was a cartridge case from under the armrest that also had a box of ammunition from the Silverado pickup truck. It also was head stamped with Federal .357 Magnum and a cartridge case is one that has been fired.

Two cartridge cases from the driver's seat that were head stamped Federal .357 Magnum. One box of American Eagle .357 Magnum cartridges that actually had 42 cartridges in a box. It's a box of 50. So, eight were missing. One box of Winchester 9-millimeter Luger cartridges that were in the

center console of the vehicle.
Q Okay. And were these items collected by you?
A Yes, sir.
Q Now -- and, of course, were they photographed as well?
A Yes, sir.
Q And -- now, were there -- in your photographs, do your photographs also interestingly have three, I think, at some point, three cell phones that are inside the, the Silverado?
A Yes, sir.
Q And all those are reflected in the photographs?
A Yes, sir.
Q Now, once these items were collected, and did you, at some point, leave the Armory and go to the Sheriff's Office here in the Town of Chesterfield?
A Yes, sir.
Q And, at that time, did you receive any GSR kits and any other bullet, I guess, evidence?
A Yes, sir.
Q And could you tell us about that?
A From -- and let me pull out my chain of custody so I can tell you specifically who.

The actual gunshot residue kit for Olivia Weaver I actually collected from Lieutenant Roxanne Bethea from SLED and that was actually done at the initial crime scene. She had responded to Florence where Ms. Weaver had been taken

for her injuries. She -- Lieutenant Bethea responded back to the location here and we transferred those items along with the paper bags that were placed on Ms. Weaver's hands and a, a bra that she had been wearing.

From Daniel Scott, who's an investigator at Chesterfield, from Mr. Gorny I received gray underwear, a pier of blue jeans, black belt, black socks, brown leather jacket, blue button down shirt, one white shirt, one pair of brown leather boots, a gunshot residue kit from Mr. Gorny.

I also received, from Lieutenant or Investigator Scott, a gunshot residue kit from Johnny Nolan and a bullet or bullet fragment that had been recovered from Johnny Nolan.

Q Now, once you collect all of this evidence and -- well, let me ask you this.

Once you collected everything, at some point did you then finish here in Chesterfield and go back to Columbia?

A Yes, sir.

Q And did you take the evidence with you?

A Yes, sir.

Q And was the evidence packaged according to standard operating procedures for handling evidence?

A Yes, sir.

Q And was it deposited, once you got to SLED, at the lab with the appropriate personnel pursuant to your operating procedures?

A Yes, sir.
Q And is that done so that it can then go to analyst for further testing?
A Yes, sir.
SOLICITOR REDMOND: Now, with the Court's permission, if I can approach the witness?
THE COURT: Certainly.
Q First I'm going to -- I'm gonna try to do this in the best order as I can. I've got Exhibits 6, 7, 8, 9, 10, and 11 that are in for ID only at this point.
But do you recognize the, based on the labeling and the packaging, do you recognize, recognize what those items represent?
A Yes, sir.
Q And could you tell us what each item is starting with item -- Exhibit 6?
A Exhibit 6 is the copper jacket that was collected from the passenger side of the Lumina on the -- in the parking lot.
Q Okay.
A State's Exhibit No. 7 is -- was collected from Marker 2. It is the core that was also beside the Lumina on -- or actually on the passenger side of the Lumina in the parking lot.
State's Exhibit No. 8 is the possible core that was

collected from the pavement passenger side of the Lumina.

State's Exhibit No. 9 is one cartridge case from under the armrest with a box of ammunition and I've notated that it is head stamped Federal .357 Magnum.

State's Exhibit 10 is two cartridge cases from driver seat of suspect vehicle also head stamped Federal .357 Magnum.

State's 11 is a partial jacket from under hood of Lumina.

Q Okay. And, again, are those the items that you have testified were collected by you?

A Yes, sir.

SOLICITOR REDMOND: And, Your Honor, I would move, at this time, to introduce State's 6 through 11 I believe that is into evidence.

THE COURT: And what says the defense?

MR. COCKRELL: If, if there -- I mean are we gonna open them?

SOLICITOR REDMOND: I mean I don't mind opening them. I, I -- if you want me to open -- I got no problem with opening them.

MR. COCKRELL: With -- I mean -- Your Honor, my only objection is that the box is what it labels it to be, but---

SOLICITOR REDMOND: I have no problem opening them up.

MR. COCKRELL: To get my eyeballs on it.

THE COURT: Okay.

SOLICITOR REDMOND: And the only reason I hadn't because they're so small and with so many, but we'll make arrangements to safeguard to make sure everything is properly secured.

So if I can get a pair of---

A I have them.

Q Oh, yes. Okay. Thank you.

If you can open up each exhibit please.

THE COURT: After you open them up, then you want to take a look?

MR. COCKRELL: Thank you -- yes, sir, Your Honor. Thank you.

(WHEREUPON, the witness opened up State's Exhibit No. 9.)

MR. COCKRELL: No objection to nine.

(WHEREUPON, the witness opened up State's Exhibit No. 10.)

MR. COCKRELL: No objections to ten.

(WHEREUPON, the witness opened up State's Exhibit No. 6.)

MR. COCKRELL: No objection to six.

(WHEREUPON, the witness opened up State's Exhibit No. 7.)

MR. COCKRELL: No objection to seven.

(WHEREUPON, the witness opened up State's Exhibit No. 11.)

MR. COCKRELL: No objection to 11 and these are State's Exhibits.

THE COURT: Okay. Six through 11 into evidence for the State.

SOLICITOR REDMOND: Thank you, Your Honor.

(WHEREUPON, State's Exhibit No. 6 through 11 were received into evidence at this time.)

Q And since you've got your handy knife there, they're a few more exhibits I have that I'd like for you to open.

For the record, that's State's Exhibits No. 12, 13, 14, and 15, and, if you, before opening them, could you tell us what each exhibit represents?

A State's Item 12 is a heat sealed pouch that contains the possible bullet fragment that was collected from Johnny Nolan.

State's Exhibit 13 is a GSR or gunshot residue kit that was also collected from Johnny Nolan.

State's Exhibit 14 is a gunshot residue kit collected from Olivia Weaver.

State's Exhibit No. 15 is a gunshot residue kit collected from Curtis Gorny.

Q Okay. And, and with the exception of State's 12, because, unless there's an objection, you can actually see

what State's 12 is through the packaging.

MR. COCKRELL: No objection. I don't need to open the GSR kit.

SOLICITOR REDMOND: Oh, okay. Okay.

MR. COCKRELL: No objection.

SOLICITOR REDMOND: So we don't have to open those.

THE COURT: Okay. Twelve through 15 into evidence on behalf of the State.

SOLICITOR REDMOND: Thank you.

(WHEREUPON, State's Exhibit Nos. 12 through 15 were received into evidence at this time.)

Q And, finally, before we have you step down and look at some pictures, I'm gonna show you what's already in evidence as State's 4 and 5.

Could you tell the ladies and gentlemen of the jury if these exhibits are the guns that you either collected or had given to you and took them for further analysis at SLED?

A Yes, sir, they are.

Q Okay. Thank you.

Now, with the Court's permission, Your Honor, if I could have Agent Hallman step down. There are some photographs, some photographs that are already in evidence that we'd like to publish for the jury.

THE COURT: I would remind the witness, if you testify while you're off the stand, make sure you speak up loud

enough and in a direction where the court reporter can still pick up everything you say.

THE WITNESS: Yes, sir.

THE COURT: Okay.

(Witness comes down from the stand.)

Q And, for the record, we are now looking at State's Exhibit 33.

Could you tell us what State's 33 represents?

A This would be one of the photographs that I took when I first arrived on the scene. It basically just shows you the side street. It shows you -- you can see the Lumina on the other side of this vehicle sitting here, and it shows you that there's actually crime scene tape in place and there's actually a patrol vehicle.

Q Okay. And next please.

That is State's Exhibit 34.

A This basically just shows you -- it's a, an overall photograph. It shows you the, the Lumina that we're -- we've been discussing. You see the front passenger door's opened and there's actually some items under the pavement in-between that vehicle and the GT that's parked beside it.

Q Okay. Next please.

This is State's 60.

A Basically, same photograph, just a little bit farther around the vehicle as I'm walking around basically towards

the driver's side.
Q And State's -- Defendant's -- State's 35.
A Vehicle or, excuse me, photograph of the vehicle from the front side basically just showing the general area also.
Q And next please.
A This is a close-up photograph of the hood where you can actually see where the bullet actually struck the top of the hood.
Q And for the record, that was State's 36.
State's 37 is next.
A This is just a photograph of that same vehicle taken basically from the front driver's side so you can actually see what the passenger side or, excuse me, it's taken from the front passenger side and it shows you what the passenger side of the vehicle looks like.
Q And State's 38.
A Photograph of the interior of the vehicle taken from the front driver's door. You can see that there's actually blood on the seat. This is the gray sweatshirt that I collected. You can see what appears to be blood on it, and there also appears to be some possible blood in the floorboard of the vehicle.
Q State's 39.
A This photograph is taken after I've done all of my initial stuff. I've gone in and I've put in Marker 1 and 2

to show where some of the smaller evidence is located, and I'm basically just rephotographing the scene with the markers in place.

Q State's 40.

A Close-up photograph, Marker 1. This is what appears to be a copper jacket. It was photographed and collected.

Q State's 41.

A Same thing here. This is Marker 2, and this appears to be the core out of the bullet. So that's marked with Marker 2 and collected.

Q And State's 42.

A The vehicle parked beside it, the GT, when I was doing my examination of the scene I actually noticed that there was a pool of blood close to the front driver's side tire, and there's also what appeared to be blood on that tire well. So we documented that with photographs.

Q State's 43.

A Once we lifted the hood, started checking for the -- any type of firearms evidence that we could find, in the course of that, this is like the lip area that's underneath the hood cause you have your windshield wiper here. This is the core that I actually located underneath the hood of the vehicle.

Q State's 44.

A This would be the Chevy Silverado that belonged to Mr.

Gorny that we processed, and that's the location that we processed it at.

Q And State's 45.

A Just a view of the passenger side of the vehicle.

Q State's 46.

A Photograph of the rear of the vehicle and one of the things that we always try to do with our vehicles, if, if it's available, is to get a photograph of the, the South Carolina tag, North Carolina tag, whatever tags so that we can identify the vehicle.

Q Okay. State's 47.

A That--

Q Oh, I'm sorry. Let me see. It's not pulling up.

Well, I've gotten it.

Well, let's get to State's 40 -- that'd be State's 49 actually. So let's just get to State's 49.

A If you rotate this, it's a photograph of the front -- the front driver seat. You can see the steering wheel here, and these are actually the two cartridge cases that were located on the front driver's seat in the Silverado.

Q Okay. State's 50.

A That would be a close-up of those two cartridge cases that we just saw in State's Exhibit 49.

Q And if I could, I'm gonna go back cause I do have the actual print copies.

Let me show you State's 47, and if you could just -- I'll hold it up and if you could just explain to the jury what it is.

A You might want to turn it that way.

Q Okay. I'm sorry.

A Basically what we do is we, when we photograph a vehicle, we want to show any damage that has been sustained to the vehicle while we're processing it, and, in this case, there was some -- something going on with the front passenger window. So, you can see that there's a lot of duct tape and then you have the tire that's actually been shredded on the front passenger side.

Q Okay. And then State's 48.

A Forty-eight is actually---

Q Hold that.

A Yeah.

Q There it is. Okay.

A That would be right here.

Q And next is -- excuse me.

And next is -- should be State's -- we can do the -- your next exhibit.

That's it. State's 50.

A This is just one of the cell phones that we found in the vehicle. So we photographed it as we found it.

Q State's 51.

A This is, once you open the center console or it's in the center console area, it's a box of Winchester 9-millimeter cartridge cases.
Q And 52.
A Or, excuse me, cartridges.
Basically usually we open the box up, and this is what was inside the box once we opened it up.
Q Fifty-three.
A Photograph, we're showing three separate cell phones. This is the one that was shown in one of the previous exhibits. There were two more in the vehicles. So we laid them together and actually took photographs of all of them.
Q So, to be clear, there were three cell phones in this vehicle?
A Yes, sir, there were.
Q Fifty-four.
A If you turn this one sideways, again, we're in the front passenger floorboard. This is that hump that's in the center. I think they call it a transmission hump. This is the Llama 9-millimeter that was actually in the front driver's floorboard.
Q Okay. Fifty-five.
A We basically pulled the gun out. We render it safe. In this case we just ejected the magazine out and here the photograph out of it so you could actually see what the gun

looked like.
Q And 56?
A The center console has been raised up at this point, and you can see that there's actually a box of American Eagle .357 Magnum that's under -- that was underneath the actual center console.
Q And 57.
A Same photograph. Same thing we did with the other box of ammunition. We just slide the tray out in this case and we take the photograph so you can see what the ammunition -- and you can actually count and see how many rounds is actually in the, the box itself.
Q State's 59.
A In this photograph---
Q Excuse me. That's State's 58 actually.
Yeah, State's 58.
A The plastic bag that's here you can actually see that that's either a cartridge or a cartridge case that's right here at the bag itself.
Q And lastly, State's 59.
A And that's just a more close-up photograph, and then that photograph I can actually tell that it is a cartridge case. So it's one that has been fired.
Q And that would conclude the pictures.
A Okay.

Q If you could please take a seat, a seat back up on the stand.

Beg the Court's indulgence.

THE COURT: Sure.

(Pause.)

SOLICITOR REDMOND: That'd be all the questions that I have at this time. Please answer any questions that Mr. Cockrell may have.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Just a few questions, officer.

The shelf, excuse me, the -- what I would call the slug that the, that the, the metal jacket that was recovered or the metal jackets that were recovered, did you, did you try to trace those to either of the, the weapons that you recovered?

A They -- those items were collected along with the firearms and they were submitted to our firearms department at SLED and that is their function is to do the comparisons with the firearms.

Q Okay. And has that been done?

A Yes, sir.

Q Okay. And did they come back to one of or both of the firearms?

A I can't answer that question. There's a firearm

examiner here to testify as to that.
Q Right. I'm just going based on -- but what your understanding of the investigation is.
Did they come back one way or the other?
A I don't know. I just worked the initial scene and turning the evidence -- I don't always go back and try to figure out what the conclusion was.
Q Sure. Sure. Thank you.
Nothing further, Your Honor.
SOLICITOR REDMOND: No redirect, Your Honor.
THE COURT: Okay. Thank you for your testimony.
THE WITNESS: Thank you, sir.
THE COURT: You may step down.
SOLICITOR FOARD: Your Honor?
THE COURT: Next witness.
SOLICITOR FOARD: Yes, Your Honor.
We would next call Hue Tang.
HUE TANG, being first duly sworn, testified as follows:
THE COURT: You may proceed.
SOLICITOR FOARD: Thank you, Your Honor.
DIRECT EXAMINATION
BY SOLICITOR FOARD:
Q Good morning, sir.
A Good morning, sir.

Q Can you give us your full name?
A Hue Tang.
Q All right. And can you spell that for the court reporter?
A The first name is spelled H-U-E. Last name, T-A-N-G.
Q Mr. Tang, by whom are you employed?
A I'm employed by the South Carolina Law Enforcement Division.
Q And what is it that you do at SLED?
A Forensic scientist assigned to trace evidence section.
Q All right. And when you say trace evidence section, what is it that that does?
A We examine evidence submitted by local and -- state and federal agencies to examine evidence occurred from gunshot residue, fire debris, glass, paint, explosive, and under the evidence that's classified as trace evidence.
Q Okay. And how long have you been in trace evidence?
A I went with trace evidence in 2003.
Q And prior to that were you with SLED previously?
A Yes, sir, I've been at SLED 24 years.
Q Twenty-four years?
A Yes, sir.
Q And, and did you have any employment in the field prior to SLED?
A No, I was graduate from school.

Q All right. And where did you go to school?
A University of South Carolina.
Q And what was your degree?
A Major in bachelor -- science majoring in chemistry.
Q Majoring in chemistry?
A Yes, sir.
Q All right. And I imagine, over the course of your career, at various times, you've had continuing education or certifications that you have gone through, correct?
A Yes, sir, I have.
Q Can you just briefly, you don't have to give us an exhaustive list, but please briefly describe some of those to the jury?
A I attend all the SCM courses offered by Oxford in California. I attend continuing education through University of South Carolina. I attend all the professional meetings by the American Academy of Forensic Science.
Q Okay. And do you routinely or have you, throughout your career at times, testified in criminal trials related to your work at SLED?
A Yes, sir, I have.
Q Okay. And are -- have you been certified as an expert or have you been qualified as an expert witness in Court when testifying previously?
A Yes, sir, I have.

SOLICITOR FOARD: All right. Your Honor, at this time we would move to have Mr. Tang admitted as an expert witness in the field of trace evidence.

THE COURT: Okay.

MR. COCKRELL: No objection, Your Honor.

THE COURT: Okay. I do find this witness to be an expert in the area of trace evidence.

Let me explain to the, to the jury that normally a, a person can not give opinion testimony. Normally, when a person testifies, they must testify as to what they either saw, heard, or sensed, or smelled, or something of that nature. However, there is an exception when someone is qualified because of education or experience, they're permitted to give their opinion in certain areas if the Court qualifies them that way, which I've already done with this witness, and this witness is -- has been qualified in the area of trace evidence in the field of forensics to give testimony in that area.

But that does not mean that you must accept his opinion. But it is evidence for you to use in anyway you see fit and give it the weight and credibility that you believe is appropriate.

You may proceed, solicitor.

SOLICITOR FOARD: Thank you, Your Honor.

CONTINUED DIRECT EXAMINATION

BY SOLICITOR FOARD:

Q Mr. Tang, if you could -- you've had the occasion to review some of the work and reports related to the case of Curtis Gorny that we're here about today, correct?

A Yes, sir.

Q All right. Now, my understanding is you actually did not yourself perform the tests on any evidence and create a report.

Is that correct?

A That's correct.

Q All right. So, in this instance -- if I can approach the witness, Your Honor?

THE COURT: Sure.

Q I'm handing you what's previously been marked and entered as State's Exhibit 16.

If you would identify that for us please?

A This is a report issued by SLED Agent Ila.

Q Okay. And what kind of report is that?

What does it pertain to?

A Gunshot residue.

Q Gunshot residue.

All right. And I believe I misstated, Your Honor, I, I believe that is 16 marked for identification purposes, but it has not been admitted into evidence. So at this time we would move to have it admitted.

THE COURT: Okay. And what says the defense?
MR. COCKRELL: No objection, Your Honor.
THE COURT: All right. Without objection, be No. 16 for the State.
SOLICITOR FOARD: Thank you.
(WHEREUPON, State's Exhibit No. 16 was received into evidence at this time.)
THE COURT: You may proceed.
SOLICITOR FOARD: Thank you, Your Honor.
Q If I can retrieve that.
Do you have a copy of this?
A Yes, I do.
Q All right. Thank you.
Can you please tell us the items that were analyzed by the trace evidence department in this case?
A Item Number 9, one gunshot residue kit from Olivia Weaver. One gunshot residue kit from Johnny Nolan.
Q Is that Item Number 10?
A Yes, sir, I'm sorry.
Q Okay.
A And Item Number 11 is one gunshot residue kit from Curtis Brent, Brent Gorny.
Q All right. And you stated that Ila Simmons actually generated this report?
A That's correct.

Q All right. What role did you play in, in the processing of this evidence?
A I technical review it, admin review of the data that's generated from this case.
Q Okay. And when you say you, you review it, that means you go over it after the primary analyst does their work?
A That's correct.
SOLICITOR FOARD: All right. Beg the Court's indulgence.
(Pause.)
Q With regards to the GSR kit from Olivia, from Olivia Weaver that you've identified as Item Number 9, can you please tell us was any gunshot residue found on that sample?
A Gunshot residue was found on her right back.
Q Okay. On her right back.
And is that -- when it says back, does that mean the back of her hand?
A That's right.
Q Okay. All right then. Now, give the jury an idea, how is a gunshot residue test performed?
A Gunshot was collect from the -- either victim and suspect hand with particle lift. It's particle lift is silver stuff with adhesive on it and you can dab on either the palm of the hand or the back of the hand or both hand, and the officer has to fill out all the information at the

time it's -- the collect and the time of the shooting and submit it to us and we analyze it through the instrument -- scanned electron microscope with x-ray detector, energy disbursement detector.

Q So basically, if I can summarize that and boil it down, you're, you're using microscopes and other electronic equipment to look for minute particles of residue that would come from the firing of a weapon?

A That's correct.

Q All right. And so you stated that, on Ms. Olivia Weaver, you did, in fact, find gunshot residue on the back of her right-hand?

A That's correct.

Q All right. Was, was gunshot residue found from any of the other locations tested by Ms. Weaver -- tested from Ms. Weaver?

A The left back was inconclusive.

Q All right. And, and what would render a result inconclusive?

A Cause we don't have enough support particle from that region of the hand to draw conclusion.

Q Okay. So basically does that mean that a -- enough of a sample could not be gained in order to analyze?

A That's correct.

Q All right. And so let's move on to Item Number 10, the

GSR kit from Johnny Nolan.

Can you, can you summarize the findings there?

A From Item Number 10 from Johnny Nolan, the back right -- right hands, round lead was found. Round lead particle, round lead particle are one of the component of gunshot residues.

Q All right. So, round lead particles were found and those are one of the common components of gunshot residue?

A That's correct.

Q All right. And with regard to Item Number 11 related to Curtis Gorny, can you give us those results?

A Item 11, the right palm of Mr. Gorny, the results, round lead particle were found. Round lead particle are one of component of gun, gunshot residue, and right back of his hand, one round lead particle and one round particle containing lead, barium, and antimony were found. Round lead particle of one of the component of gunshot residue. No round particle contained lead, barium, antimony may be associated with gunshot residues.

Q So, on Mr. Gorny, items consistent with gunshot residue were found both on his right palm as well as on the back of that same right-hand?

A That's correct.

Q All right. Mr. Tang, when it comes to gunshot residue, is it possible for both the shooter of a firearm as well as

the person being shot at to end up with gunshot residue on them?

A For person to get gunshot residue, he need to either discharge the weapon or in -- come in contact with the weapon that discharge gunshot residue or being in an environment that would render gunshot with a discharge.

Q So, if someone was in close proximity at the time a gun was discharged, it is possible for them to get gunshot residue on them without having actually fired the weapon themselves?

A That's correct.

SOLICITOR FOARD: Your Honor, I have no further questions at this time.

THE COURT: Cross-examination.

MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Now, Agent Tang, how many crime scenes or gunshot or scenes involving gunshots have you had occasion to investigate?

A Gunshot residue?

Q Yes, sir.

A I'd dare to say in the hundred cases.

Q Over a hundred?

A Yes, sir.

Q Okay. And typically do you find both the person charged with a crime as well as the, the person who's the alleged victim to come into occasion -- come in contact with or have gunshot residue on their person?
A Yes, sir.
Q Every time?
A Not every time. On occasion there is victim and the shooter do have gunshot residue on their hand.
Q On occasion?
A Yes, sir.
Q Okay. Half the time, 20 percent of the time.
On occasion would be rare to me.
A I don't have an exact number. I didn't keep track of that, but -- so I can't give you a number exactly.
Q Ball park?
Ten percent?
A I dare say about 50, 60 percent.
Q Okay. So, 60 percent.
Now, of those 60 percent of the cases that you have an, an occasion where both parties have gunshot residue on them, where is the gunshot residue found on the people that are not the ones charged with the crime?
A Can you repeat the question?
Q Gunshot residue, in the, in your experience --
A Yes, sir.

Q -- on the cases you have worked and examined, of the 60 percent of those cases, so out of a hundred we're dealing with 60 cases, where was the gunshot residue found on the person that wasn't charged with the crime, the other party?
A The victim?
Q The alleged victim, yes, sir.
A Where?
Q Yes, sir.
Where, where -- on their clothes or on their hands or on the face.
A Oh, we---
Q Just -- I'm just asking for generality here.
A Gunshot where we're saying from collect from the hand, it vary. It's from the palm, back. So it doesn't have to -- not specifically to one side of the hand.
Q Okay. Now, on this particular situation, the, the gunshot residue was on the back of the hand of, of Mr. Nolan and Ms. Weaver.
Is that correct?
A That's right.
Q Okay. And so would it not -- would it be consistent for somebody to have gunshot residue on the back of their hand if they were firing a gun?
A It's possible with the -- in the firing.
Q But my question is would it be consistent, in your

experience, that gunshot residue would, would be on the outside of the hand of somebody who was firing a weapon?
A Just I present three scenario. That's how to get gunshot residue. You be in the environment, environment when the weapon were discharged, you discharge the weapon, or you come into contact with it -- the weapon.
Q My, my question is would it be consistent to find gunshot residue on the outside of the hand if somebody were to fire a pistol?
A It's possible when it's discharge weapon, yes, sir.
Q So most -- so, in other words, you're -- I'm taking your testimony to mean it's very rare?
I mean you're saying it's possible.
A Yeah, I say in the environment when you discharge the weapon, you can get weapon -- gunshot residue on your hand.
Q So, it would be, it would be consistent for somebody to fire a pistol to have gunshot residue on the outside of their hand?
A Yes, sir.
Q Okay.
A Possible.
Q All right. And now would it also be consistent for somebody who's being attacked by a person with a weapon whose been fired upon to have gunshot residue on the inside of their palms meaning is that not the consistent reaction

if somebody's coming at you with a pistol --
A Yes, sir.
Q -- to hold your hand up and you've got gunshot residue on the inside of your palms?
A If you in defensive mode, yes, sir.
Q In defense mode.
So, defense mode, inside palms?
Attack mode, outside palms, correct?
A That's---
Q Yes, sir.
A Yes, sir.
Q Thank you. Nothing further.
SOLICITOR FOARD: Objection. He, he didn't finish answering the question.
MR. COCKRELL: Withdrawn.
SOLICITOR FOARD: He didn't finish answering the questions.
MR. COCKRELL: Withdraw.
THE COURT: Redirect.

REDIRECT EXAMINATION

BY SOLICITOR FOARD:

Q Mr. Tang, can you, within a reasonable degree of scientific certainty, cause you are a scientist?
A Yes, sir.
Q Can you conclude that the presence of gunshot residue

on someone's palm means that they were being defensive as Mr. Cockrell has stated?

Can you make that conclusion with a degree of scientific certainty?

A No, sir.

Q Okay. Can you make, within a degree of scientific certainty, a conclusion that the presence of gunshot residue on the back of the hand means that that person had to be firing a gun?

A No, sir.

SOLICITOR FOARD: No further questions, Your Honor.

THE COURT: Anything in recross?

MR. COCKRELL: No, Your Honor. Thank you.

THE COURT: Okay. Thank you for your testimony, sir. You can step down.

THE WITNESS: Thank you.

SOLICITOR REDMOND: The State would call Jamie Green.

JAMIE GREEN, being first duly sworn, testified as follows:

THE CLERK: Please be seated.

(Witness complies.)

DIRECT EXAMINATION

BY SOLICITOR REDMOND:

Q Mr. Green, can you state your name for the record please?

A Oh, James William Green.
Q And by whom are you employed?
A I'm employed by the South Carolina Law Enforcement Division commonly referred to as SLED.
Q And in what capacity are you employed with SLED?
A I'm a firearms examiner in the forensic services laboratory firearms department.
Q And how long have you worked at SLED?
A Since June of 2005.
Q Okay. And, in that time, have you had the occasion to testify in Court as an expert witness?
A Yes, sir.
Q And let me ask you some background information real quick.

From an educational standpoint, could you tell us about your education?
A I have a Bachelor's and a Master's Degree from Charleston Southern University. When I was hired at SLED I began SLED firearm and tool mark course instruction, which is approximately a three to three and a half year court instruction study under court qualified examiners to do what I do now.
Q Okay. And do you have to maintain any training or certifications to keep doing what you're doing in firearms?
A Yes, sir, we go to continuing training like the

Association of Firearm and Tool Mark Examiners. It's a worldwide organization of firearms examiners. We do that as -- on a rotating basis throughout the department, and we undergo a nearly proficiency test in all areas of, of work that we do.

SOLICITOR REDMOND: And, at this time, I would move to have Mr. Green qualified as an expert witness in the field of firearms analysis.

THE COURT: Okay. Any objection?

MR. COCKRELL: No objection, objection, Your Honor.

THE COURT: All right. Without objection, Mr. Green is deemed to be qualified as an expert in the area of firearms analysis.

SOLICITOR REDMOND: Thank you, Your Honor.

May it please the Court.

Now, could you tell us, just in a general sense, how -- what is it that you do and how do you go about doing it?

What equipment, what procedures do you use?

A Firearms identification is a discipline of forensic science where we attempt to determine if a fired ammunition components, fired bullet or a fired cartridge case, were fired by a particular gun, if a firearm is submitted, or, if no firearms are submitted, we attempt to determine -- say we have 20 cartridge cases, how many guns are represented in those fired cartridge cases.

We do have, by looking at each individual item in their comparison microscope, and that is two microscopes connected by an optical bridge. It's a single bridge that let's us look at both objects simultaneously under different angles with different lighting.

Q Now, in this particular case, did you actually conduct the testing or were you involved in the peer review process?

A In the firearms department we have a micro-verification process. Everything that -- anytime a case is submitted to SLED and results are issued, whenever the primary examiner gets the evidence and works the case, they write their answer down on their or their conclusions down on the worksheets, and then they come in and get a second qualified examiner to sit down, and without taking custody of the evidence, electronically hold the evidence in our hands. We look at the bullets and the cartridge cases under the microscope. We formulate our own conclusions and that's what I did in this case.

Q Okay. And let me show you what's been marked as State's Exhibit 17 for identification at this point.

Did you have a chance to review the report that was done by Dan DeFreese?

A Yes, sir, I did.

Q And I believe Mr. DeFreese couldn't be here because he's in South Dakota or something like that?

A Out in Wyoming, yes, sir.
Q Wyoming, that's it, yes.
And is that an accurate true copy of the report that you had a chance to review regarding the case that you were actually involved in?
A Yes, sir, whenever we do the micro-verification, we initial the page that we agree with the other examiner. The case file is then compiled, a report is written, and it's given to the examiner who did the micro-verification for a technical administrative review.
SOLICITOR REDMOND: And, at this time, we would move to I think -- to enter the report. I believe that's State's Exhibit No. --?
A Seventeen.
SOLICITOR REDMOND: -- 17 into evidence at this time.
THE COURT: Okay. And what says the defense?
MR. COCKRELL: No objection, Your Honor.
THE COURT: Without objection, No. 17 for the State into evidence.
SOLICITOR REDMOND: Thank you, Your Honor.
(WHEREUPON, State's Exhibit No. 17 was received into evidence at this time.)
Q Now, in this particular case, was there evidence that was received, and through your system and processes at SLED, received from Agent Hallman and ended up being examined in

the firearms department?
A Yes, sir.
Q And I believe those items were a, were a, a copper jacket, a core fragment, lead fragment, one fired casing, and a box with two fired cases, and a fragment that was located under the hood?
A Yes, sir.
Q Okay. Now, I'm gonna go through each one individually.
Let me ask you this.
Were you able to get identifications or be able to identify all of the exhibits to being fired by a particular weapon submitted in this case?
A Some of them were. Some of them were not.
Q Okay. And I did not ask you, were the two weapons, that being a, a -- I believe it's a Ruger 9-millimeter and a Ruger .357, were they submitted for analysis?
A Yes, sir.
Q Okay. And let's talk about the ones first that you weren't able to get any positive identification on.
The core fragment, which is actually listed as Item 2 in your report, I'm sorry, Item 4 in your report, but is item -- Exhibit 7 that's already been introduced into evidence, could you tell us what the findings indicated as it relates to State's Exhibit No. 7?
A Yes, sir, I'll just read straight from Agent Defreese's

report.

The results are Item 4 was examined and found to be most consistent with plain lead bullet cores used in some .38 Special, .357 Magnum, and larger caliber jacketed soft point or jacketed hollow point bullets. Item 4 was unsuitable for identification with a specific firearm. Item 4 could of been fired by the item, the revolver, or by another firearm.

Q And could you explain, I guess in layman's terms, what that particular finding means?

A SLED Item 4, State's Exhibit Item 7, which is lead fragment that was part of a bullet core at a prior time, whenever bullets are made, the vast majority of bullets are what we call drawn jacketed bullets. This is like most are copper jacketed bullets. It's like a cup and then the core is seated inside there and the jacket is formed around it.

When bullets strike something hard, a brick wall, concrete, a car, they usually tend to come apart, and lead being rather soft malleable, break off even further. So, there was enough there for us to say that it was consistent with a lead bullet core consistent with having been a .38 Special, .357, or larger, but since it was broken, we couldn't tell if it was a specific caliber, and being that it is the core, and it's surrounded by the jacketed material, it never comes in contact with the rifling of the

barrel. So it doesn't leave any markings suitable for identification.

Q Okay. And just out of an abundance of caution, I know we were talking about Exhibit 7 that's already in evidence, but I'm gonna go ahead and lay out these other exhibits so that, as we talk to, it might be a little bit easier for you -- for the jury if you actually have them there and can refer to them since they are already in evidence.

A Here's State's Exhibit 7. It's a -- also SLED Item 4.

You can see a little kind of oval shape here on the base. That let's us know it's a core, and there's also a candela, which was how they cram the cartridge case and the bullet together and make it stay together in one piece until it's fired. But there's markings on this for identification.

Q Now let's move onto State's Exhibit No. 50, which, on the report, I think is listed as Item 5.

Could you explain the results that you were able to get on that?

A State's Exhibit 8, which was SLED Item 5, is this lead fragment right here. As I showed you on State's Exhibit 7, this doesn't have anything to do with markings. So you can't say that it was a core or not. There's just a lead fragment and the results read Item 5 was a plain lead fragment that bore no marks of value for identification.

Item 5 could of been part of a plain lead bullet or bullet core. If it were, meaning a bullet or a bullet core, Item 5 was unsuitable for identification with a firearm or gun barrel in which it was fired or with another fired bullet.

Q Okay. And so, so, again, we don't have any conclusive findings on Exhibit 8. So I'm going to now skip to Exhibit 11, that being the fragment that was found under the hood.

A That's State's Exhibit 11?

Q And I think on here it is Item 8.

A Yes, sir.

You can see it's just a little tiny jacket fragment. I was talking about the jacket over the core. This is just a jacket fragment and I'll read you the end results.

Item 8 was so badly damaged that its caliber could not be determined with confidence. Item 8 was compared with test bullets fired by the Item 1 and 2 handguns. While the same rifling impression widths and limited similarities were -- and individual striking marks were found on Item 8 and on test bullets fired by the Item 1 revolver, results of comparisons were inconclusive. The Item 8 bullet jacket fragment could of been fired by the Item 1 revolver or by another firearm with the same rifling specifications. Differences in rifling impression bullets would sufficiently conclude Item 8 was not fired by the Item 2 pistol.

Q Thank you.

And so now we're going to move to Exhibit 12, which is actually -- which actually conformed with the item number. It's Item 12 and Exhibit 12.

So, could you please explain the findings on Exhibit and Item 12?

A I believe that one is right there.

Q Oh, yes, I'm sorry. Let me hand you that one, and this one has not been torn open because it is -- you can see through.

A State's Exhibit 12, the description in the report is one fired plain bullet lead fragment recovered from John Nolan. The results are Item 12 was a plain lead fragment that bore no marks of value for identification. Item 12 could of been fired from a common lead bullet or bullet core. If it were, Item 12 is unsuitable for identification with the firearm, for instance, gun barrel, in which it was fired or with another fired bullet. Basically this is just another piece of a fired or a piece of lead that we can't rely or tell you what it was at one time.

Q Okay. Thank you.

Now, those are the ones that we didn't get any findings on. That goes to the ones we did.

I'm going to go in reverse order here and start with Exhibit 10, which is actually Item 7. That being, I think, two fired cartridge cases.

A Whenever a firearm is submitted to the, the laboratory, if it's safe to do so, the examiner assigned the case fires a bullet that we know that those came from that gun cause they fired it. In this case, the two firearms were submitted to Dan Defreese. He marks on the cartridge case and bullets before he fires them so we know which gun they came from.

What he did was he compared them microscopically to the evidence, submitted them in the case, and when I did my light verification, I came through and looked at his test specimens from that gun versus the other specimens.

So, State's Exhibit 10, which are two fired .357 Magnum caliber cartridge cases, the first thing I did is I looked at the two of them together to see if they were fired by the same gun, and then I looked at them versus test specimens from the two firearms submitted in this case.

The conclusion, as the report were, the two fired cartridge cases in Item 7 were examined and compared with test cartridge cases fired by the Item Number 1. Matching brief face impressions were found, and it was concluded that both of the items and the cartridge cases were fired by the Item 1 revolver.

Q Okay. And just for the record, based on the markings, I'm gonna show you what has been marked as State's Exhibit No. 4. It's already in evidence, and what -- we're talking

about the .357 Magnum, based upon the identifying characteristics that you see before you, is that the .357 Magnum to which Exhibit No. 10 matches?

A Yes, sir, and it has the same make, model, caliber, serial number, and it also bears Dan DeFreese's markings under, under the top strap.

Q And just to be clear, indicated in your report, which is in evidence, where does it indicate that State's Exhibit No. 10 was actually found and collected from?

A It says recovered from driver's seat of Chevrolet Silverado.

Q Okay. Thank you.

And that was a match to the, to the .357 Magnum?

A Yes. Yes, sir, State's Exhibit 10 were fired by State's Exhibit 4.

Q Thank you.

Now, let's move onto Exhibit 9. That's the one fired case.

First, where does it indicate that particular item of evidence was collected?

A Let me see. State's Exhibit 9, it says are under armrest with a box of ammunition.

Q And, and this is Item 6 in the report.

Could you please give us the findings as indicated in Dan's report?

A It says Item 6 was examined and compared to test cartridge cases fired by the Item 1 revolver. Matching breach face impressions were found and it was concluded that the Item 6 cartridge case was fired by the item number revolver. So, six and nine was also fired by State's Exhibit 4.

Q Thank you.

Now, lastly, let's move onto what has been -- what is State's Exhibit No. 6 and is Item 3 in your -- in, in Dan's report.

Does that indicate that that particular item was collected at Marker 1?

A Yes, sir, all packaging, it says Marker 1 jacket from the side of Lumina.

Q Okay. From the side of the Lumina?

A Yes, sir.

Q And could you tell us what Dan's report indicates about State's Exhibit No. 6?

A State's Exhibit 6, which is SLED Item 3, it says Item 3 was examined and found to be most consistent with drawn copper alloy bullet jackets used on jacketed soft point or projected hollow point bullets loaded into some .38 Special and .357 Magnum caliber cartridges. Item 3 was compared with test bullets fired by Item 1 and, excuse me, by the Item 1 and Item 2, handguns. Matching individual striking

marks were found on Item 3, and -- while test bullets fired by the item numbered revolver. It was concluded that the Item 3 bullet jacket fragment was fired by the item in the revolver.

So, the State's Exhibit 6 was fired by State's Exhibit 4.

Q And, and, again, it -- does it indicate that that exhibit was found next to, and I guess, on the passenger side next to the Chevy Lumina?

A The report says recovered at Marker 1, and the packaging says Marker 1, jacket from beside Lumina.

SOLICITOR REDMOND: Beg the Court's indulgence.

THE COURT: Sure.

(Pause.)

SOLICITOR REDMOND: That'd be all the questions I have. Please answer any questions that Mr. Cockrell may have.

MR. COCKRELL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. COCKRELL:

Q Now, agent, as I understand it, the only evidence that specifically or, or the gun evidence, the bullet evidence, the casings or slugs that were found, you found three spent casings that, in your opinion, were shot out of the revolver.

Is that correct?

A Let me see. The, the -- well, there were three that we hadn't spoken about yet, but State's Exhibits 9 and 10 were three fired cartridge cases, yes, sir.
Q That you were able to, to---
A Identify, yes, sir.
Q ---identify specifically, in your opinion, shot out of the, the revolver?
A Yes, sir.
Q And in this particular revolver, how many, how many cartridges can you put into the revolver?
Is it a five or a six?
A It's a five shot.
Q Okay. And then one actual spent cartridge or, excuse me, spent slug, you were able to, based on the, on the grooves and whatnot traced to the, the revolver?
A Yes, sir, based on, on matching striation marks found in land impressions, yes, sir.
Q And, and, in your opinion, it was shot out of either a .38 Special or a .357?
A No, sir. It was -- let me get it straight.
You are talking about State's Exhibit 6, correct, Item 3, the bullet jacket to be matched back to this gun?
Q The one that was found, found---
A Okay.
Q ---by the -- yes, sir.

A Okay. Yes, sir.

The first part of that result is just we tell the submitting agency what it is. You know, if it's examined and found to be most consistent with this, and then we compare it with this. So, .38 cartridges can be fired in a .357 Magnum caliber guns. So, it could of been .38 caliber or .357 caliber, but, regardless, it was fired through this barrel of this firearm.

Q Right. Right. No, absolutely. I, I didn't mean to misspeak for you.

What I got from your testimony is a .38 Special and .357, that finding was consistent with, with that slug?

A Oh, yes, sir, I'm sorry. I just misunderstood the question.

Q No -- and absolutely.

Would it be fair to say that a 9-millimeter is, is, is similar in diameter as a .38 Special?

A They're close to it, yes, sir.

Q When is -- close, how close?

A Oh, well 9-millimeter diameter is roughly 350 or .355 inches and a .38 or a .357 is .357.

Q So, we're talking hundreds of an inch?

A Yes, sir.

Q What about a .380?

A .380 is gonna be .355 as well.

Q So, it's possible that there are other calibers that could of been or other firearms that could of been fired and then expended this, this ammo or this, this cartridge, excuse me, this -- what y'all are calling -- I call it a slug. Y'all call it---

A That would be correct. The, the same size ammunition, yes. They're, they're roughly the same size, hundredths of an inch, and the markings placed on that fired bullet jacket in State's Exhibit 6 were the sufficient quantity and quality to let us know that it was fired by this gun.

MR. COCKRELL: Nothing further, Your Honor.

THE COURT: Anything on redirect?

SOLICITOR REDMOND: No, no redirect, Your Honor.

THE COURT: Okay. Thank you for your testimony, sir. You can step down.

SOLICITOR REDMOND: And, Your Honor, at this time I think it might be good, for, for administrative reasons, to have a morning break. I just need to confirm some things and then the State should be ready to go forward pretty quick.

THE COURT: Okay. All right.

Okay. Madam Forelady, and ladies and gentlemen of the jury, we'll take a, a morning break and, again, I caution you not to start discussing this case or any aspect about this case among yourselves and we'll get you back out

shortly.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Okay. We'll be in recess for about ten minutes.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: Okay. We're back on the record and the solicitor are -- had indicated, stuck your head in chambers that the State's resting.

Is that correct?

SOLICITOR REDMOND: That is correct, Your Honor.

THE COURT: Okay.

All right. Mr. Cockrell, any motions you'd like to put---

MR. COCKRELL: Your Honor, at this time---

THE COURT: ---on the record?

MR. COCKRELL: ---I'm moving for a directed verdict on all charges. I believe the State has not carried their burden to prove, beyond a reasonable doubt, the charges that they have then complaining of on my client --

THE COURT: Okay.

MR. COCKRELL: -- Mr. Curtis Gorny.

THE COURT: Okay.

MR. COCKRELL: Thank you.

THE COURT: Thank you.

In viewing the evidence in the light most favorable to the State, I feel like there is sufficient evidence for this case to go to the jury.

Let me, let me, at this time, instruct the defendant concerning the right to testify or not testify. You may want to explain to him, while I pull the script up, what I'm gonna be doing here in just a second.

(Pause.)

THE COURT: Okay. Madam Clerk, would you swear Mr. Gorny in please?

(WHEREUPON, the defendant was placed under oath at this time.)

THE COURT: Okay. All right. Mr. Gorny, at this time I'm going to explain to you certain of your rights. If you do not understand anything that I say, please let me know. If you want me to explain anything in more detail, please let me know that as well.

Do you understand, sir?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. We've now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States.

This amendment states, in part, no person shall be compelled in any criminal case to be a witness against

himself. This means that you can not be required to testify in this case. You have the right to testify on your own behalf. However, no one, including myself, can make you testify. This is a personal right and no one can waive this right accept you, sir.

If you decide to testify you will be subject to the same rules that govern other witnesses, and you may be examined and cross-examined on any relevant issue in this case. In addition, if you have any convictions involving dishonesty or false statement or for crimes punishable by imprisonment for more, more than one year, and this Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to you, the solicitor would be able to introduce your record to attack your credibility.

If you decide to testify, this decision on your part must be freely, voluntarily, and intelligently made with knowledge of the protections given to you by the Fifth Amendment, and the consequences of your decision to testify. However, if you decide not to testify, I will instruct the jurors that they can not give the fact that you did not testify any consideration whatsoever, and that there is to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you testify.

You certainly have the right to talk with your attorneys as I'm sure you have, any family or friends, or anyone else, but the final decision will be left entirely up to you, sir.

Do you understand everything I have explained to you, sir?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Do you have any questions whatsoever about what I have explained to you?

THE DEFENDANT: No.

THE COURT: Okay. Have you had ample time to discuss with your attorneys whether or not you should or should not testify?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Do you need any more time to talk with your attorneys about whether or not you should testify or not testify?

THE DEFENDANT: No.

THE COURT: Okay. Are you in a position, at this time, to inform the Court whether or not you plan to testify?

THE DEFENDANT: Not at this time.

THE COURT: Not at this time.

Okay. All right. Then what we will do, this will be a good time to, to break for lunch, and then, when we adjourn after lunch, then you can inform the Court whether or not

you decide to testify.

Okay?

THE DEFENDANT: Uh-huh. (Affirmative).

THE COURT: You understand, sir?

THE DEFENDANT: Yes.

THE COURT: Okay. You can sit down.

All right. Let me see the lawyers up here a minute.

(WHEREUPON, a bench conference was held at this time.)

THE COURT: Recess until 1:30.

Everybody have a good lunch.

SOLICITOR REDMOND: Thank you, Your Honor.

THE CLERK: What about the jury?

THE COURT: Oh, yeah, we need---

THE CLERK: They might get mad at us.

THE COURT: Yeah, I don't think they'd be too appreciative if I left them back there until 1:30.

Thank you so much.

You can bring out the jury.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Okay. Let the record reflect the jury's back in.

Ladies and gentlemen of the jury, the State has rested their case. So, this is a good time to take a lunch break.

So, we're gonna be in recess for lunch until 1:30.

It's twelve o'clock now. So that will give you an hour and a half, and this will be promptly back here no later than 1:30.

Again, I caution you not to discuss this case among yourselves or anybody that you come into contact with over your lunch break.

Have a good lunch. We'll see you at 1:30.

(WHEREUPON, Court was in recess for the lunch hour.)

THE COURT: Okay. We're back on the record and the State has rested and, Mr. Gorny, have you made a decision whether or not you're going to testify, sir?

THE DEFENDANT: Yes, sir.

THE COURT: All right. You're gonna testify?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. All right. Very good.

Anything we need to put on the record before we bring the jury back?

MR. COCKRELL: Your Honor, I don't know if you want to go over your jury instructions.

THE COURT: No, let's, let's wait until after we, we finish---

MR. COCKRELL: Okay.

THE COURT: ---the evidentiary record in this case.

MR. COCKRELL: As I understand it, the State intends to bring up -- are we on the record?

THE COURT REPORTER: Yeah.

MR. COCKRELL: One of his charges, a battery conviction.

THE COURT: Put on the record, solicitor, the, the specifics of this one charge that, that you have and that you intend to use that for impeachment purposes.

SOLICITOR REDMOND: Thank you, Your Honor.

May it please the Court.

This is a conviction from June 21st, 2006, in Volusia County, Florida, and he was convicted of felony battery and he received a sentence of two years in the State of Florida in the Department of Corrections in the State of Florida.

THE COURT: Okay. All right.

MR. COCKRELL: And, Your Honor, just based on one, you know, the, you know, the, the crime that has been convicted of, but also the, the time, that's some eight years since the events of that conviction. I think the probative value of, of impeaching Mr. Gorny's credibility far, farly is, is, you know, you know, outweighed by the prejudicial effect that's going to have on this jury. It's a battery charge and we've got, obviously, crimes that -- in which an assault occurred or attempted murder charges.

It's -- we just think it's unfairly prejudicial in this particular matter, and I just don't know that, that it's outweighed by the prejudicial effect that that -- bringing

that charge up will, will entail as an issue and I will cite to Federal Rule, excuse me, the South Carolina Rules of Evidence, 404(b), is not applied to the specifically, specific situation.

THE COURT: Okay. Of course, the probative value/prejudicial effect analysis is under 403.

Let me take a look at 404(b) to see exactly and then, then I'll, I'll hear from the State.

SOLICITOR REDMOND: Yes, sir.

(Pause.)

THE COURT: B is your prior bad acts rule, and we'll -- you're, you're correct, that would not, that would not be applicable to this case.

I think it's my understanding that the State intends to use this is for impeachment purposes only --

SOLICITOR REDMOND: Yes, sir.

THE COURT: -- because, in fact, Mr. Gorny has indicated a desire to, to testify, which, by the way, I would make a finding on the record that his decision to testify has been freely, voluntarily, and intelligently made, and I'm confident, with able assistance of counsel.

Solicitor, you want to address Mr. Cockrell's position insofar as use of this prior conviction.

SOLICITOR REDMOND: Yes, sir, first to address the 404(b) argument. We would not be introducing it to show

character evidence, Your Honor.

THE COURT: Okay.

SOLICITOR REDMOND: We've already rested. If it was my intent, I would of---

THE COURT: Right.

SOLICITOR REDMOND: ---attempted to do it in the case in chief in regard to Lyle evidence. Obviously we did not do that, had no intention of doing that.

For the purposes of impeachment, the State would contend that, since it does meet the standards of -- under, excuse me, under Rule 403 as it relates to the fact that it does go -- and I think 404 and actually 609 I think, I hope I'm citing that correctly, Rule 609, as it relates to the fact that it is more than a year, it is within the last ten years, and we think that that is fair game for impeachment should he continue with his decision to testify.

It would only be used for impeachment purposes, and, and it would not be any exhaustive questioning regarding that. It would be strictly put in the context of his truthfulness in the record, his voracity.

So, with that, Your Honor, we don't think that there is enough that has been shown where the probative value is, is outweighed by any prejudice.

So, we think that we should be allowed to inquire on the defendant and, quite frankly, judge, if he decides to

bring that out himself, I'm not giving him strategy information, but if they decide to do it, because it's strictly on the issue of voracity, as long as it's couched in that context, I won't go any further with it.

THE COURT: Right. Right.

Mr. Cockrell, anything in response?

MR. COCKRELL: Your Honor, I just -- I think that this particular instance, it creates more that's just a slight tipping of, of the evidence in this particular matter. We're talking about the battery. We're not talking about the perjury charge or a fraud or, or something that goes straight to the credibility of, of a witness, and, as such, I respectfully request that you not allow them to impeach Mr. Gorny on this.

THE COURT: Okay. All right. Well, the Court is required to do a, a balancing test between the probative value and the prejudicial effect, and I think the impeachment value of this prior crime and similarity between the conviction and the current charges that he is on trial or has been in trial on, I think those would cause the Court to determine that the probative value would exceed the prejudicial effect, and, of course, as, as counsel is fully aware of, I will give a specific instruction to the jury concerning their use of this prior offense limited strictly to the, the, the issue of, of credibility and truthfulness

on the part of the defendant.

So, your -- certainly your objection, Mr. Cockrell, is, is well noted on the record, but I will allow the State to use that, and, and I have seen many times the defense go ahead and bring it out to try to steal a little bit of thunder away from the State. That would be certainly your, your call that you would make on that.

All right. Anything else before we bring --

SOLICITOR REDMOND: Nothing from the State.

THE COURT: -- the jury out?

From the defense?

MR. COCKRELL: Nothing from the defense, Your Honor.

THE COURT: All right. Madam Bailiff, if you'll bring the jury out please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Okay. Let the record reflect that the jury is back in.

Mr. Cockrell, I'll turn the record over to you, sir.

MR. COCKRELL: Thank you, Your Honor.

I believe Ms. Campbell is gonna take it from here.

THE COURT: Okay.

MS. CAMPBELL: Thank you, judge.

The defense would call Curtis Gorny to the stand please.

THE COURT: Come around please, sir.

CURTIS GORNY, being first duly sworn, testified as follows:

THE CLERK: Please come around and be seated. Watch your step.

(Witness complies.)

THE WITNESS: Okay.

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Mr. Gorny, will you please state your name for the record?

A Curtis Brent Gorny.

Q Okay. And are you the defense -- the defendant in this case before the Court today?

A Yes.

Q Okay. And I believe that everybody understands why you're here today, but I want to talk about and where I want to start is why you were here on February the 13th of 2013.

Okay?

A Yes.

Q Okay. And I realize that you might be nervous and, and that's understandable, but I need you to speak loudly and clearly so that everybody in the jury and everybody in the Court can understand you.

Okay?

A Okay.
Q Okay. So, go ahead and start by telling the jury why -- what brought you here to the courthouse on February the 13th of last year.
A Okay. I received a notice, a notice in the mail about being here for a child support hearing.
Q Okay. And where was that hearing to take place?
A Here.
Q Here in the courthouse?
A Yes.
Q Okay. Do you recall what time that hearing was set for?
A No, I don't.
Q Okay.
A Around 11:00 --
Q Okay.
A -- is all I remember.
Q And that -- you said that that was in reference to a child support hearing.
What child would that be in reference to?
A Savannah Grace Weaver.
Q Okay. Is that your---
A Yeah.
Q Okay.
A Savannah.

Q Is that your daughter?
A Yes.
Q Okay. And who, who's the mother of that child?
A Olivia Grace Weaver.
Q Okay. Is that the same Olivia Weaver that testified here yesterday?
A Yes.
Q Okay. So, February the 13th you arrive at the courthouse?
A Yes.
Q Okay. When you got here, where did you park your vehicle?
A In the courthouse parking lot.
Q Okay. Where exactly would that -- would that have been in front of the courthouse out on the street or in the parking lot beside the courthouse?
A The parking lot beside the courthouse.
Q Okay. So, after you park your car, what do you do?
A I come in, I come in the courtroom door.
Q Okay. And that's, that's the front door to the courthouse?
A Yes.
Q Okay. And you said that you don't exactly remember what time you got here.
Can you give me a reference to your, to your hearing on

what time you arrived?
A Well, I know it was approximately one hour before I was suppose to be here for the hearing.
Q Okay. And so you get to the courthouse door?
A Yes.
Q Okay. Do you enter the courthouse at that time?
A Yes.
Q Okay. And tell -- explain to the jury at that point -- did you come through security at that point?
A No, I was standing between the security and the entrance door.
Q Okay. And what happens while you're there waiting?
A The -- there was an officer of court working the, the metal detector, and then there was a guy in front of me that had a couple pocketknives, and he -- and the, the guy was trying to get in with the pocketknives and the guy that was working security was over having a discussion about the knives.
Q Okay. So -- and that's why you were waiting to get in the door?
A Correct.
Q Okay. So what happens at that point?
Did you ever actually enter the courthouse?
A No, I never made it through the metal detectors.
Q Okay. So what happened to keep you from actually

entering the courthouse?
A Because my way was blocked between -- cause that guy was standing with -- trying to get through security with the pocketknives.
Q And I understand and maybe I'm not -- I'm -- I apologize. Maybe my questions is not clear.
Can you explain to the jury why you never did make it in the courthouse?
What happened while -- between -- while you were waiting and while -- and the reason why you never actually came into the building?
A Because, as I was waiting, I seen Olivia coming towards the exit.
Q Okay. That's Olivia Weaver?
A Yes.
Q Okay. And did she engage you in any sort of a conversation at that point?
A Yes.
Q Okay. Tell me about that conversation.
A She was claiming that I was late for Court and that she had been awarded a big lump sum of money or whatever for child support.
Q Okay. Now, at that point, what was going through your mind?
A I was, I was flabbergasted because I was -- I thought I

would be early for Court and I ended up being late and I didn't know what to think.

Q Okay. Were you upset at that point?

A Not -- I was, I was shocked. I didn't know what to think about it at all.

Q Okay. So tell me then, after she makes that statement to you, do you respond in anyway to her?

A No.

Q Okay. Where did she go -- after, after y'all had that, that little exchange at the door, where did she move to next?

A I don't know.

Q Okay. Where did you go?

A I went -- I left and went back to my truck.

Q Okay. So -- and that, that's over the side parking lot over here?

A Yes.

Q Okay. Now, whenever you got back to your vehicle, what's going through your mind at that time?

A That -- concern about not getting this thing settled.

Q Okay.

A Wondering what would happen at Court.

Q Okay.

A Trying to get some paperwork to get, to get the issue resolved.

Q Okay. So you were confused?
Is that fair to say?
A Yes.
Q Okay. So you, you get back into your vehicle, the parking lot at that point?
A Yes.
Q Okay. And then where did you go from there?
A I -- out of the parking lot and turned left and I come around that corner right there almost like a half circle.
Q Okay. Is that, is that back to Main Street here --
A Yes.
Q -- in front of the courthouse?
A Yes.
Q Okay. Which way do you turn whenever you come there to that intersection of Main Street?
A I'm turning left.
Q Okay. So, you turned left and then explain the, the sequence of events after that?
A I see Johnny Nolan and Olivia Grace Weaver in a lot, a lot there --
Q Okay.
A -- by the car, by the car.
Q Okay. So, so where, where exactly are they standing at the time that you saw them?
A Say again.

Q Explain to me where exactly they were standing at the time that you saw them?
A Okay. Johnny Nolan was on the, on the driver's side near, near the front, like the -- halfway -- about -- by the---
Q Okay. Let me ask you this.
There -- is the vehicle parked right out here on the street in front of the courthouse?
A Yes.
Q Okay. So -- and, and you said Johnny Nolan?
A Yes.
Q And that's the same Mr. Nolan who testified yesterday.
Is that correct?
A Yes.
Q And you said he's standing by the driver door?
A Yes.
Q Okay. And where were the other two individuals?
A Olivia was -- Olivia and Lock -- Olivia was on the other side, passenger's side --
Q Okay.
A -- and Lockleer was standing behind.
Q Was standing behind --?
A Olivia.
Q -- Olivia Weaver?
A Yes.

Q Okay. So once you spot them, what do you do?
A I, I get out of my truck.
Q Okay. So you -- so, so you parked here in front of the courthouse in proximity to where they were standing?
A Yes.
Q Okay. Which side of that vehicle did you park on?
A The driver's side of it.
Q Okay.
A Their, their driver's side.
Q And that's the driver's side of the Lumina?
A Yes.
Q Okay. So their vehicle is here and you park then to the left of that vehicle?
A Yes.
Q Okay. Did you then exit your vehicle?
A Yes.
Q Okay. And what was your intent and why did you, at that time, exit your vehicle?
A I wanted to talk further with, with Grace about---
Q I'm sorry.
Who is Grace?
A Olivia Grace Weaver.
Q Okay.
A I refer to her---
Q What does she actually go by?

A Her -- I refer to her as Grace.
Q Okay.
A I didn't go, I didn't go---
Q Okay. And I, I just wanted to clear that up for the jury that that's who we're talking about.
Okay?
A Yes.
Q And so you wanted to talk to her.
What did you want to talk with her about?
A About what was -- what happened in Court. I was, I was concerned about it and I was trying to see if she had any paperwork or what happened in there cause, cause I was concerned about what went on and what my financial responsibilities were and stuff like that.
Q Okay. So, the purpose then of that conversation was to clarify some things for you?
A Yes.
Q Okay.
A And I was trying to get her to, to come back in the courtroom and, since, since I was late, and try to work, work this out.
Q Okay. The, the child support thing out?
A Yes.
Q Is that -- okay. So, you exit your vehicle with that intent to speak with her.

Tell me what happens -- then you get out of the door of your car.

Which way did you approach the three of them?

A I came around the front of my vehicle.

Q Okay. So, so, they're standing to your right then and you're---

A Yes.

Q ---walking around the front of your vehicle?

A Correct.

Q Okay. What happened at that time?

A Um.

Q Did you ever have an opportunity to speak with Ms. Weaver?

A No.

Q Okay. Why not?

A When I got out of the vehicle, Lockleer, Lockleer raised -- Olivia said there he is, shoot him ---

Q Okay.

A -- to Lockleer.

Q Okay. So Ms. Weaver says to Mr. Lockleer shoot him?

A Yes.

Q And who was she referring to?

A Me.

Q Okay. To your knowledge, did Mr. Lockleer have a firearm?

A Yeah, I see he had a small gun.
Q Okay. Do you have any idea what kind of gun it was?
A It was a revolver.
Q Okay. And did he point that gun in your direction?
A Yes.
Q Okay. Did he fire that gun in your direction?
A Yes.
Q Okay. At that point, what was your reaction?
Did -- I'm sorry.
Did he strike you with the shot?
Were you shot?
A No.
Q Okay. At the point that, then that Mr. Lockleer fired on you, tell, tell the jury what happened next.
What was your reaction?
A I'm like woa, woa, woa, put my hands up and I'm backing up.
Q Okay. Backing up where?
A Towards my truck.
Q Okay. Now, did you, did you have a firearm?
A Yes.
Q Okay. Why did you have a firearm?
A Because Lockleer's known as a, as a known danger to other people.
SOLICITOR REDMOND: Your Honor, I'd object to that.

There's no basis for what -- I mean he's saying (inaudible). That infers to himself---

THE COURT: Okay. You want to respond?

MS. CAMPBELL: I'll, I'll move on.

THE COURT: Okay.

MS. CAMPBELL: I'll go on.

THE COURT: All right. I will sustain the objection and would instruct the jury to, to disregard that last testimony by the defendant concerning Mr. Lockleer and would also order that that testimony be stricken from the record.

You may proceed.

MS. CAMPBELL: Thank you, Your Honor.

Q Okay. Mr. Gorny, you have -- when you arrived at the courthouse, did you have a firearm in your vehicle?

A Yes.

Q Why?

A For my own protection.

Q Okay. Do you normally travel with firearms in your vehicle?

A I, I've been known to carry large amounts of money.

Q I'm sorry?

A I've been known to carry large amounts of money. So I had -- I, I do carry.

Q Okay. So you -- would it be fair to say that -- okay. So -- well, let me back up.

Your testimony is that you carry firearms for your protection?
A Yes.
Q Okay. And were -- did you feel, at anytime during, on, on February the 13th, that you, yourself, would need to be able to protect yourself?
A Yes.
Q Okay. Now, after the shot was fired by Mr. Lockleer, who would of been standing here, in your direction, and you put you -- you put your hand -- and I don't want to put words in your mouth, you attempted to retreat at that point?
A Yes.
Q Okay. Did you---
A I---
Q ---at anytime fire a weapon?
A Yes.
Q Okay. Why did you fire a weapon?
A Cause I was in fear for my life. I was trying to fight.
Q Okay. So you were returning fire once the shooting -- and the shot was fired you returned fire?
A Yes.
Q Okay. Do you have any idea where -- how, how many times did you shoot?
A Two or three.

Q Okay. And this is very important. So I need you to, to think.

Can you remember exactly how many times you shot your weapon?

A Twice.

Q Okay. You said two or three?

A Yeah, twice.

Q Are you sure?

A Yes, I'm sure.

Q Okay. What kind of weapon did you shoot?

A It was a -- the, the silver one. The silver gun.

Q Okay.

A The 9-millimeter.

Q Okay. Let's, let's back up for just a minute.

Okay?

A Okay.

Q Okay. Cause I want to make sure that, that we're not confusing one another here.

Okay?

A Yes.

Q You, you had two -- how many -- you had two weapons in your, in your vehicle?

A Yes.

Q Okay. How many of those two weapons did you actually fire?

A One.
Q Okay.
A One was inoperable.
Q Okay. And so -- and so -- now this is a 9-millimeter, correct?
A Yes, sir.
Q Did you fire this weapon?
A No, I did not.
Q Okay. You fired this weapon?
A Yes.
Q Okay. And that's the revolver?
A Yes.
Q Okay. Where in your vehicle was the 9-millimeter located?
A I believe it was under the passenger seat of my, my truck.
Q Okay. And you said that this, this was inoperable?
A Yes.
Q What do you mean by that?
A It was jammed.
Q Okay. This gun was jammed?
A Yes.
Q Okay. And you knew that while it was in your vehicle?
A Yes.
Q Okay. So then you had this is -- this would of been

the weapon that you've fired in defense of the shot fired on you?

A Correct.

Q Okay. And I'm just gonna -- let's just sit this right here.

Beg the Court's indulgence for just a second.

THE COURT: Sure.

MS. CAMPBELL: Let me find what I'm looking for here.

(Pause.)

Q Now, when you fired this weapon, your testimony is that you fired it twice, correct?

A Yes.

Q And so that would account for these two cartridges here, is that correct, that have already been testified as to?

A Yes.

Q Okay.

THE COURT: Can you refer to the exhibit number please?

MS. CAMPBELL: I apologize, Your Honor.

THE COURT: It's okay.

MS. CAMPBELL: That would be -- it's what's marked as State's Exhibit 10, which is two casings, and those -- and so those would be the two shots that you fired on the street out front.

Is that correct?

A Yes.
Q Okay. Now, after -- put this back over here.
Now, after those shots were fired, were you able to reenter your vehicle?
A Yes.
Q Okay. And that would of been still parked in the same place, right?
A Yes.
Q Okay. Now, whenever you reentered your vehicle, what happened at that point?
A As I'm driving -- as I'm, I'm going -- driving off, I hear two more shots.
Q Okay. Who fired -- do you have -- do you know who would of fired those two shots?
A I don't know.
Q Okay. So you, you don't know for sure where those shots came from?
A No, I do not.
Q Okay. Which direction did you head as you left the, the scene there on the street?
A I came up on Main Street and hung a right and kept right on going.
Q Okay. So would that have been west?
A Yes.
Q Okay. Now -- and are you from Chesterfield --

A No.
Q -- from Chesterfield County?
A I, I, I don't -- I don't live here.
Q Okay. So it would be fair to say that you won't -- weren't exactly sure which direction you were heading?
A Yeah, I'm, I'm not, I'm not familiar with, with this area.
Q Okay. So, now, at that point, tell the jury, at that point now after this altercation here, what's going through your mind.
A My mind is racing. I'm, I'm in a panic.
Q Okay. And at any point did it come to your attention that you were being pursued by law enforcement?
A Yes.
Q Okay. Do you have any idea how many law enforcement officers would of been in pursuit of you?
A No, I don't.
Q Okay. Were there blue lights behind you?
A Yes.
Q Were there sirens on?
A Yes.
Q Okay. And did you, at that time that, that they engaged behind you, did you stop your vehicle?
At that time when you realized they were behind you.
A No, I did not.

Q Okay. Why did you not stop your vehicle at that point?
A Because I've had bad experiences with police officers, and I was panicking, and I didn't -- my mind was racing and I, I was trying to figure out what to do, what I, what I should do.
Q Okay. Now you said you had a bad experience with law enforcement before.
What do you mean by that?
A When I was in Alabama about 27 years ago I was assaulted by a police officer in, in Mobile, Alabama. They split my head open with a riot stick and it took 27 stitches to close it.
Q Okay. So you had, you had an -- a, a bad experience with law enforcement before?
A Yes.
Q Okay. Now, during this, this pursuit, and I'll say pursuit for lack of a better word, down the road, did, did it ever occur to you that you needed to stop?
A Yes, I knew -- yes, I knew eventually I would.
Q Okay. So---
A I would.
Q So, did, at any point, did you decide that it, that it would be best for you to, to pull your vehicle over?
A Yes.
Q Okay. What did you do at that point that you decided

that you were gonna pull over?
A I -- oh, I knew I had to get rid of the gun.
Q Okay. And what do you -- what do you mean by that?
A I wanted to show that -- I didn't want them to -- I wanted to show them that I was disarmed. I was surrounded and I figured---
Q Okay.
A ---that the first thing I could do was to show that I'm -- that I was giving up the weapon.
Q Okay. So you didn't want them to think, when you stopped, that you were still armed?
A Correct.
Q Okay. So, you disarmed yourself by doing what? How?
A I'm pulling it out the window --
Q Okay.
A -- and the gun goes off.
Q Okay. How did the gun go off?
A I, I don't, I don't know. It just --.
Q Okay. You don't know because you don't remember exactly what -- how it went off or you don't know because you just don't know what happened?
A I'm not, I'm not sure what happened. You know, maybe the wind caught it or something and jerked my hand after---
Q Okay.

A ---and it went off.
Q Let me ask you this.
Was it ever your intention to fire your weapon at a law enforcement officer?
A No, it was not.
Q Okay. Did you ever intentionally point that gun at law enforcement behind you?
A No, I did not.
Q Okay. So after the gun goes off, and you're still riding down the road, what happens next?
A I, I knew -- I had to, I had to make sure the gun was safe.
Q Okay. Because, at this point, now it's gone off?
A Yeah. Now it's gone off and I'm scared.
Q Okay.
A So I just unloaded the gun and drive.
Q Okay. And, and at some point then did you disarm yourself completely?
A Yes, I dropped it out the window.
Q Okay. Did you -- at any point did you think that the law enforcement officers behind you would think that you were firing on them?
Did that ever enter your mind?
A No.
Q Okay. So, that, that was -- that wasn't your intent?

A Say it again.
Q It wasn't your intent?
A No, it was not.
Q Okay. Now, the vehicle actually came to a stop after you -- how did the vehicle actually come to a stop?
A I was the -- I was, I was stopping it --
Q Okay.
A -- and, and somebody hit me in the driver's side door at the same time.
Q Okay.
A I was coming to a stop, and before I got to a complete stop someone hit me from the side of the truck.
Q Okay. Did you know that law enforcement had thrown strips out across the road to stop you?
A Yes.
Q So you knew that you ran over those?
A Yes.
Q Okay. At the time that you ran those over, did you already have it in your mind that you were going to stop?
A Yes.
Q Okay. Because you decided that when you were getting rid of the gun, right?
A Yeah, I knew, I knew my truck wouldn't hold up. I knew -- eventually I knew I had to stop.
Q Okay. And that's the point at which you disarmed

yourself?
A Yes.
Q Okay. Was it -- after your -- now during the exchange at the, at the courthouse and we know that there were, from testimony, there were five shots fired?
A Yes.
Q And how many of those were yours?
A Two.
Q Okay. And we've got the two casings from that, right?
A Yes.
Q Now we have a third casing that was recovered from your truck as well.
Do you know what that is from?
A I -- it probably is the one that went off when I was attempting to drop the gun out the window the first time.
Q Okay. So, we can account for all three of the casings that were fired from your weapon, correct?
A Yes.
Q Okay. Was it ever your intent, Mr. Gorny, to shoot Olivia Weaver --
A No.
Q -- Grace Weaver --
A No.
Q -- whatever we want to -- that was not your intent?
A No.

Q Was it ever your intent to shoot Johnny Nolan?
A No.
Q Okay. Was it your intent to kill Olivia Weaver?
A No.
Q Was it your intent to kill Johnny Nolan?
A No.
Q Did you fire your weapon intending on hurting either one of those people?
A No.
Q Okay. Do you know where this Mr. Lockleer is today?
A No, I do not.
Q Okay. Do you have any idea whether or not he was arrested by law enforcement?
A No, I, I have -- I don't, I don't think he was ever arrested.
Q Okay. Do you know why?
A No, I do not.
Q Okay. Do you know if his hands were ever tested for gunshot residue?
A I do not.
Q Do you know why?
A I do -- I don't know.
Q Okay. Do you have any idea where he's at today?
A No, I do not.
Q Okay. Tell me, Mr. Gorny, after all of this and after

you get out of your vehicle, you were then apprehended by law enforcement, correct?

A Yes.

Q What did you think about all this at that time?

A I don't know.

Q Okay. Can you wrap your head around, today, what happened on February 13th of last year?

A It's hard to.

Q Okay. Did you ever think, when you went to the courthouse on that day, that you would end up sitting where you are today?

A No.

Q Okay. Was it your intention to ever hurt anybody that day?

A No.

MS. CAMPBELL: Okay. Beg the Court's indulgence for just a moment.

THE COURT: Sure.

(Pause.)

Q Mr. Gorny, thank you for your testimony, and if you would, answer any questions that the solicitor might have for you.

Okay?

A Okay.

SOLICITOR REDMOND: May it please the Court.

CROSS-EXAMINATION

BY SOLICITOR REDMOND:

Q You hadn't talked about the three cell phones that you had in your car, have you?

Let's talk about that first.

Okay. Do you need a minute?

I don't want to interrupt you --

A No, I'm fine.

Q -- if you need to compose yourself?

A I'm fine.

Q Okay. You didn't mention anything, but let's talk about those three cell phones.

Now, you claimed you were shot at by Mr. Lockleer. Three cell phones in your car, but at no point did you ever intend to call anybody in the 17 miles you were running from the police to tell them that you had been shot at out there on Main Street, now did you?

It's a yes or no question, sir. I'm not trying to trick you.

A No.

Q You didn't.

You didn't.

A It, it -- it's -- they were -- I don't think they were -- any of them were working.

Q Well, you don't think or were they?

A I know for a fact that two of them were not working.
Q So you had one that was working.
Bottom line is, regardless, you didn't try to contact law enforcement at any point, did you?
No, you didn't.
A I don't have a phone.
Q And, in fact, isn't it also true that it was -- you were almost to 265, you know, where the fork in the road is where you see -- you run between those -- I think it was some cars and 18 wheelers and you decide to go in-between them.
Isn't it true that you had all that time before you encountered the first officer -- I think Deputy Rainwater got behind you around that point.
Now, isn't that true?
A I'm not sure where I was at.
Q But you had gone a pretty good distance before you get -- any officers got behind you, now didn't you?
A Yes.
Q Now, at no point did you ever go -- and let's talk about this.
There's several convenience stores. I think we've got -- if you're familiar with Chesterfield. There's Fred's. There's IGA. You've got the, the Marathon Station. You got Bojangles'. You got Alcoa.

Several places that you would have passed where you could have sought help because somebody was shooting at you right here on Main Street, but you didn't do that, now did you?

A I was panicked. I didn't know what to do.

Q You did not do that, did you?

A No, I did not.

Q Okay. Now, let's also talk about the fact that you, you talk about -- and I'm, I'm curious about how you, you talked -- you were mentioning backing up to your vehicle, but I don't know if you ever definitively said where your gun was.

Now, you picked up the .357, right?

That's the one you shot twice I think you said right here on Main Street?

A Yes.

Q Okay. Now, based on your testimony, you were telling us that you actually backed up to your -- where was the gun at in your car?

You said you had your hands up and you were backing up toward your car. Mr. Lockleer's fired a shot at you supposedly.

Where did you get the gun from?

A I had it when I got out of the vehicle.

Q Okay now. Exactly. You had the gun when you got out

of the vehicle, and let me just make myself real clear so you'll understand.

Isn't it also true, based on your testimony, not a soul asked you to stop there, did they, and, in fact, you didn't pull into a parking space nice and neatly to have a decent conversation. You went hauling boggie into those lanes, parked, I guess, in essence, at an angle and got out the car with a .357 Magnum.

Isn't that what happened?

A No, I pulled into the parking.

Q You pulled, you pulled into the side. You weren't pulled into a parking space.

A I pulled, I pulled in to it.

Q So you just calmly and neatly pulled into a parking space even though you've been in here and we know that that's not true.

You were parked at an angle at the driver's side of that car now, weren't you?

A No, I wasn't.

Q It's a simple question.

MR. COCKRELL: Your Honor, he's harassing the witness. That's been asked and answered. I don't know how many times he needs to ask the same question.

SOLICITOR REDMOND: And I'm done asking that question. I don't have any---

THE COURT: Okay.

SOLICITOR REDMOND: I'm moving on, Your Honor.

THE COURT: All right.

SOLICITOR REDMOND: All right.

THE COURT: Okay.

Q The bottom line is you parked, whatever version the jury can determine was correct, but you parked. You get out of the car with the .357 Magnum, but nobody ever asked you to stop there, now did they?

Nobody asked you to stop there. You did that on your own, now didn't you?

So, you -- isn't it true that you voluntarily pulled into what -- into the space, by the space, whatever, but you pulled into that vicinity voluntarily, you voluntarily get out of the car with a .357 Magnum, yet you expect us to believe that you just wanted to have a calm conversation about coming back into the courtroom?

Is that what you're expecting us to believe?

Is that what you're hoping for us to believe?

A (No response.)

Q You don't have to answer that. I know it's a hard question, but let's move on further.

So, you have the gun. You're backing up.

Is it true, based on your testimony, that, when you fired the shots, where at -- were you on the driver's side

of your truck when you fired the shots, the two shots you talk about?

A No.

Q Where, where were you at?

A I came around -- come around the front of my truck.

Q But you had testified that after Nikita Lockleer supposedly fired a shot at you that you backed back toward your truck, and that's when you fired the shot.

So which one is it, sir?

A I was coming back around the truck.

Q Okay. You were coming back around your truck?

A When the, when the shot was fired I came back out.

Q Okay. You began backing---

A And---

Q And where did you end up?

So we can be clear on what your story is, where were you at when you fired the shot?

The two shots that you claim you fired, where were you at?

A Near the front of my truck.

Q Near the front of your truck.

And so Johnny Lockleer is shot in the arm, Olivia Weaver is shot twice, and it's your testimony that you only fired twice?

A Yes, sir.

Q But we've got three bullet wounds.

Okay. I'm just trying to -- and I'm not good in math. I'm just -- you say two. We got at least three wounds, but that's fine.

Now, isn't it also true that you -- oh, and you talked about being late or whatnot.

Beg the Court's indulgence.

(Pause.)

Q It's already in evidence, but it appears that you had gotten the notice of this hearing on the 5th -- around the 5th of November of 2012.

So you had the notice of this hearing for several months, didn't you?

A I, I received it -- I received the notice when they---

Q Okay. But you received the notice---

A So that---

Q ---several months before, didn't you?

A I---

Q Well---

A Well---

THE COURT: Wait a minute.

What we need to do is make sure that the question is answered and then, solicitor---

SOLICITOR REDMOND: Yes, sir.

THE COURT: ---stop and then you answer it. Make sure

you're getting your answer before he asked another question. Talking over each other a little bit. Very difficult for our very capable court reporter.

Q So, let me ask you this again.

Wasn't it several months earlier that you received the notice for this hearing?

A I received a notice earlier. I am not sure of the date --

Q Okay.

A -- or how early that -- when I received it.

Q And, in fact, the order that was done that's in evidence indicates that you failed to appear at that particular conference?

A If you -- a few days prior to the Court date that I'm suppose to come here I received a card in the mail --

Q Uh-huh. (Affirmative).

A -- to have a registered letter or whatever down there at the post office.

Q Okay.

A And I went to the post office. They had nothing for me.

Q Oh, okay. You know, forget all of that. Okay. Fine. We got this in the record. I just thought of a better question.

Were you trying to enter the courthouse, based on your

testimony, were you trying to enter the courthouse while you had that gun on your person?

A No, I was not.

Q So, guess what that means?

Isn't it then true that you armed yourself while you left the parking lot going around to the, to Main Street, and when you got out of the car, you actually got out of the car after having armed yourself after you saw Olivia Weaver? Isn't that what happened?

A It was in my truck.

Q No, no, no, no. No, no, no. Answer my question.

Isn't it true -- you just testified -- and I actually believe that. You testified that you did not try to enter this courthouse while you were armed. You talked about going to -- you didn't try -- isn't it then true that you armed yourself after you left the courthouse and, remember, you've testified, both of you have, that you talked with Olivia Weaver about being late for your, for your, your negotiation conference.

So, after that, isn't it then true you go to your vehicle, you pull out of the parking lot, you pull around and you speak -- and I guess you park as you say. At some point during that time after you entered your truck you armed yourself, parked, and then got out of the car -- of your truck, excuse me, while you were armed.

A After I seen Lockleer there.
Q No, no, no, no, no, no.
Again, didn't you get out of the car while you were armed?
You armed yourself after you left the courthouse building, didn't you?
A Yes, I got out of the truck armed.
Q But nobody asked you to stop there. You stopped on your own, sir.
Isn't that true?
A No one asked me to stop.
Q You stopped on your own and you got out armed. Nobody asked you to stop. You got out armed.
Isn't it true that you were, you were upset because you were gonna have to pay child support?
You said you were upset. You were confused as I think you said.
A I'm not upset about paying alimony.
Q Well, you're upset about---
A I mean child support.
Q You were upset about something.
You were, you were upset enough that you felt that you---
A I was upset about I had no visitation with my child --
Q Okay.

A -- and whether or not -- I didn't have a chance to address the Court about visitation with the child.

Q So you were mad?

A No, I was not.

Q You got out of your car armed. You pull into the spot. Had not been asked to. You voluntarily pull in there. You're armed and you're trying to convince us that you were just fine, oh, I just get out armed all the time without, you know, in a great mood.

MR. COCKRELL: Your Honor, if I may.

Can, can we move along cause this is, the solicitor---

THE COURT: It's been asked and answered.

SOLICITOR REDMOND: Yes, sir.

THE COURT: Move on, solicitor.

Q Isn't it also true that after the shooting there were -- well, actually even during the time of the shooting, there were several people outside. There were people outside or were you too mad to notice?

A Yes, I seen some -- I seen a few people on the sidewalks.

Q And so wouldn't it make sense -- and you've -- we've heard some testimony.

So wouldn't it make sense that there were some people that saw what was transpiring with you?

A I didn't know. I didn't know who -- I don't know who

seen what.

Q Well -- and then isn't it also true that -- again, isn't it true that you actually did not leave or attempt to leave until after you were, I guess, spotted after something was said?

I don't know.

Then you get in your truck and you leave, and you talk about hearing two shots afterwards.

Is that what you're testifying to, that two shots came from, I guess, the direction of Main Street after you had pulled off?

A I don't understand your statement.

Q Okay.

A Can you---

Q In other words---

A ---reask your question?

Q Yes.

In other words, you testified that people out there -- you've heard some of them testify.

But it's your testimony right now that, as you pulled off, there were a couple more shots that you heard after you had pulled off?

A After I left I did hear two more shots.

Q Okay. And I'm not trying to trick you. Just trying to make sure we understand.

So then getting back to the chase briefly, at no time did you attempt to stop to seek help.

Is that not true?

Isn't it true, at no time did you stop to seek help for somebody having shot at you?

It's a yes or no. I'm not trying to trick you, sir.

A Yes, I -- eventually I had to stop.

Q Now, that isn't what I asked you.

Let me do it slow.

A You mean did I stop right away?

No, I did not.

Q And at no point in the 17 miles did you stop to seek help from anybody that you had been shot at, did you?

A I was looking for a place where I could pull over where I had---

Q So, in 17 miles between Chesterfield and Pageland there's nobody -- no where you could pull over?

A I didn't know where I was at. When I, when I come to that skid in the road and saw the store up there, I figured that would be a good place to stop cause there was a, there was a school right behind it I could see.

Q Kind of hard to stop doing a hundred miles an hour, isn't it?

A You don't come to the stop just like that.

Q Well---

A It takes a little distance to stop.
Q But if you had seen it ahead of time, you just testified you, you saw it and it looked like a nice little place to, to stop, but yet, on the video, I think that's about where you're doing in excess of a hundred miles an hour splitting through traffic.
Doesn't make sense, now does it?
So let's get back to my original question.
At no point did you attempt to seek help because you had been shot at?
You didn't attempt to seek any help, did you?
A I didn't seek any help for years.
Q Okay. You had a cell phone in your car.
You didn't call anybody asking for help, did you?
No?
A No, I did not use my cell phone.
Q Okay. That's fine.
Law enforcement officers don't---
A I called 9-1-1 and the officer never got no help.
Q Okay. But you called---
A And asked from, from this police department.
Q I'm sorry. I interrupted you.
Say that one more time. Didn't mean to interrupt.
A I said I called asking for help from this police department at previous other times and never got no help

from them.
Q So since you never got any help from them, is that why you decided to take a shot at Timmy Knight?
A I never took a shot at Timmy Knight.
Q Well, your gun went off -- oh, that's right. The wind, your hair trigger, the wind made it fire off. I forgot. I'm sorry.
A There's a lot of wind when you're going a hundred miles.
Q Yeah, it is. You know what?
Yes, it probably is.
Now, when you are in trouble, and you just answered my question, in essence, you called 9-1-1.
You know, if you need help, somebody shoots at you or whatnot, most of us, most reasonable people would call the police, right?
A I did not think about dialing on my phone.
Q Okay. But you had several officers behind you.
A I didn't know how many were behind you.
Q But there were several.
A Yes.
Q All right. But at no point did you have -- with -- having the people that would -- you would call if you had been shot at like you said you would, they're following you, at no point did you ever stop or attempt to, even once you

were stopped, did you ever attempt to tell them that you had been shot at?

No, you didn't?

A What am I suppose to do, scream it out the window?

Q Well, once you had stopped and gotten pulled over, you didn't hop out with your hands up saying look, somebody shot at me down at Chesterfield?

You didn't do any of that, did you?

A When, when I pulled over I raised my hands. I, I disarmed myself and, when I pulled over, I raised my hands out the window, and I was pulled out through the window and placed on the ground.

Q Okay. And, again, at no time did you ever tell anyone, before today, that you had been shot at or at least anybody in law enforcement that you'd been shot at?

A Not on the advice of my lawyer.

Q Okay. Well -- and I'm not getting into whatever you and your lawyer talked about. That's between y'all.

But I'm just saying, at the time of the stop and anytime before that, after you had been shot at, you never told anybody in authority that, did you?

A I didn't make any statement---

Q Okay.

A ---when I was stopped.

Q And, and that's not what I'm asking you.

I'm saying that when you had the opportunity before you actually were arrested, while you were running, or at no time did you ever try to tell anybody you'd been shot at.

This is the first time any of us are hearing it, isn't it?

A I was exercising my right to remain silent.

Q And that's not what I'm asking you.

A Okay.

Q I understand that. Listen to me.

A Okay.

Q I'm saying before that point and up to that point of you being arrested, at no time did you ever tell anybody you'd been shot at. This is the first time that any of us have heard what you're telling us.

A I'm not, I'm not following your question.

Q Never mind. I think we get the point.

Last thing I want to get into just to be clear.

You said that this gun was not operational?

The 9-millimeter was not operational?

A Correct.

Q Okay. How long had it not been operational?

A Since -- ever since I had it.

Q Okay. But yet, it's not operational, but it had clips and it had ammunition in it and it was chambered, but it wasn't operational?

A The, the -- it was not.
Q Okay. That's fine. That's all you, that's all you can say. It was chambered, clip loaded, it's chambered and whatnot, but it's not operational?
That's what you're expecting us to believe?
A The, the, the clip was jammed and I never fired, I never fired it.
Q And so you keep a gun loaded where there's a clip chambered -- when the clip is jammed.
You think that's safe.
You, you keep a loaded jammed gun right there in your car --
A I---
Q -- and you expect us to believe that just like you expect us to believe -- isn't it true that you're expecting us to believe that three bullet wounds were charged -- were caused by three -- I mean two shots?
You claim you only shot from a distance. You were not standing right over Ms. Weaver shooting at her in the back.
You're saying that didn't happen, aren't you?
A I fired twice.
Q Okay. But you fired from a distance.
You weren't right there shooting at her right there in her back, were you?
That's what you're testifying to.

Which one is it or were you closer than that?
A (No response.)
Q Shouldn't have to think about it if it was the truth.
I got no further questions.
THE COURT: Anything in redirect?
MS. CAMPBELL: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. CAMPBELL:

Q Mr. Gorny, you -- Mr. Redmond asked you, I think a whole bunch of times, at what point you armed yourself.
Now, was that before you got out of the vehicle?
A Yes.
Q Okay. And was that because you felt like you may need to protect yourself?
A Yes.
Q But did you feel like you still needed to have that conversation with Ms. Weaver?
A Yes.
Q Okay. Did you know, when you got out your vehicle, that you were gonna get shot at?
A No.
Q Okay. Was it a, a step-by-step slow motion process between when you got shot at and when you left the courthouse or did it all happen at once?
A It seemed like it all happened at once.

Q So, do you or do you not remember exactly how close or how far you were from Mr. Nolan, Ms. Weaver, and Mr. Lockleer?

Do you know?

A I was in fear for my life, and how far out, I'm not sure what was -- where I was heading -- exactly where I was at the time.

Q Okay. Did you know any of the people that were standing outside of the courthouse that day?

A You mean---

Q Besides those three individuals, did you know anybody else?

A No.

Q Know any of their phone numbers?

A No.

Q Do you have any way to contact them so that we could get their eye witness statements?

A No.

Q Do you wish that we could?

A Yes.

Q When you stop and law enforcement apprehended you, what happened to you when you got out of the car?

A I was beat up.

Q Did they give you an opportunity to explain yourself?

A No, they did not.

Q Okay. I know that Mr. Redmond implied that you should of, at that point, explained yourself.

Did you have a chance?

A No, I ended up with two broken cheek bones, a broken noses, and a dislocated elbow.

Q So, before they beat you up they didn't give you a chance to explain yourself?

A Pretty hard to explain yourself when you're being beat up.

Q Okay. Now, you -- there was, there was testimony on cross-examination that you were going a hundred miles an hour down the street, and that you never thought to stop and pick up your phone and call law enforcement.

As you just -- this -- you were leaving the scene where you shot a gun twice?

Is that right?

You shot the gun out there twice, right?

A Say again please.

SOLICITOR REDMOND: Your Honor, I want to ask that -- I mean it's leading and I've let it go, but if she could rephrase it.

MS. CAMPBELL: I'll, I'll---

THE COURT: Restate please.

Q Mr. Gorny, when you left the courthouse, what was your state of mind?

A I was confused, scared --
Q Okay.
A -- afraid for my life. I was --.
Q If you called law enforcement or stopped for law enforcement, what did you think would happen to you?
A I -- they probably would of killed me.
Q Okay. Are you glad that didn't happen?
A Yes.
Q Okay. I have nothing else.
Thank you, Mr. Gorny.
THE COURT: Any recross?
SOLICITOR REDMOND: Yes, sir, briefly.

RECROSS EXAMINATION

BY SOLICITOR REDMOND:

Q So, you run 17 miles from, from law enforcement because you were afraid of getting killed, but let me be clear on something, and we see it on the tape.
You were apprehended, right?
A Yes.
Q But yet you're still here to testify. So obviously they didn't kill you.
I mean based on what you just said, your whole rationale for not stopping, once you were stopped, forced to stop, didn't happen. You didn't get killed.
A I was severely beaten.

Q Well, Ms. Weaver was severely shot, Mr. Nolan was severely shot, but yet you're telling us, if I'm understanding what you were asked on recross -- on direct you testified where you were, and even on cross, where you were, in front of the truck, when you fired the shot. You were some distance away when you fired the shot.

But if I'm understanding you right, now you're not sure where you was -- were at the time you were shooting.

Again, which one is it?

A I was between the two vehicles. I know that much.

Q You were between what two vehicles cause see there were three vehicles there counting yours.

So, which two were you?

Isn't it true you were between the two white vehicles that we saw on the, on the pictures.

A No, I was not.

Q So you were nowhere near there?

A No, I was not between the two vehicles.

Q Okay. Well you just said -- what two vehicles you were between?

A I had a picture in my mind of what two vehicles we were referring to.

Q Okay. Well let me see.

A The two white ones or my truck had white on the hood.

Q You tell me, sir. You're the one testifying. You

tell---
A I didn't---
Q Where were you?
I'm asking you.
Where were you?
A Yeah, I was between my truck and the white vehicle --
Q Okay.
A -- with another white vehicle behind me on the other side. It's two white vehicles --
Q Okay.
A -- and my truck.
Q In other words, the Lumina was in the middle. I got it.
So, where were you in relation to your truck?
Now that you remember again, where were you in relation to your truck when you fired these two shots?
A Coming around the front of my truck.
Q Uh-huh. (Affirmative).
A I came around the front of my truck. I was near -- I was near my passenger door of my truck between them. My, my truck and the, and the white car.
Q Okay. And you had your gun too, right?
Well, we forgot about the gun. You had your .357 when you got out of the truck.
So, but where were you at?

Where did you end up at the time that he shot at you?
A You want to know where I had gone or what---
Q No.
Where did you---
A You keep asking me two question at the same time.
Q Where were you---
A I can't tell.
Q Where were you, Mr. Gorny, where were you when you fired the shot?
I've asked you a hundred times.
A Where was I when I fired the shot?
Q Yes.
A Between my truck and the white car.
Q So -- and you only fired two shots?
A Two shots.
Q That's all?
A Yes, I fired twice.
Q And in what direction did you fire?
Who were you firing at?
A I was shooting at random. I didn't -- I was -- I didn't shoot to return fire. I was trying to get away.
Q Well you said you were just shooting at random.
Okay. So basically you don't know who you were shooting at?
You don't know -- honestly, you're still confused,

aren't you?
A Yes, I am.
Q I thought so. Thank you.
No further questions.
THE COURT: Anything further?
MS. CAMPBELL: No, Your Honor.
THE COURT: Okay. Thank you for your testimony, sir. You can step down.
Any other witnesses for the defense?
MR. COCKRELL: No, Your Honor.
THE COURT: Okay. Do we have any rebuttable case on, on behalf of the State?
SOLICITOR REDMOND: Oh, I'm sorry, judge. No rebuttable.
THE COURT: Okay. All right. Therefore the evidentiary record in this case is now closed.
Madam Forelady, and ladies and gentlemen of the jury, I'm gonna ask that you retire to your jury room for just a moment, and we'll bring you out shortly.
Again, don't start your deliberations yet. Don't start any discussions of anything related to this case and we'll get you back out shortly.
Okay.
(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Any motions from the defense?

MR. COCKRELL: Your Honor, renew my motion for directed verdict.

THE COURT: Okay. And that renewal of that motion is denied.

Let's, let's take a short break and let me get the lawyers back and we can informally---

SOLICITOR REDMOND: Yes.

THE COURT: ---discuss charges, and then whatever we need to put on the record, then we can do that.

Okay.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: Okay. We're, we're back on the record and, first of all, concerning the verdict form and the one little change was made, everybody's good with the verdict form?

State?

SOLICITOR FOARD: Yes, Your Honor.

THE COURT: Defense?

MR. COCKRELL: Yes, Your Honor.

THE COURT: Okay. And then, on the charge, I did decide to charge self-defense, and that will be charged at the, at the very end of the charge before I tell them about reaching the unanimous verdict. There's a self-defense charge from the defense.

Is that -- you satisfied with that?

MR. COCKRELL: I'm satisfied, Your Honor.

THE COURT: Okay. And I know the State was opposing the Court charging the self-defense, but in light of the fact I have decided to charge it, is the State okay, subject to your objection, is okay with the charge?

SOLICITOR FOARD: We're okay with the language, Your Honor.

THE COURT: Okay. All right. And then, by virtue of the fact that I have elected to charge self-defense, then the language that is found on Page 17 concerning inferring malice with the use of a deadly weapon, it will be taken out and I've already shown that to you. So, on Page 17, starting the second line with inferred, all the way down to the second paragraph ending operating, all that will be taken out.

We good with that from the State?

SOLICITOR REDMOND: That's fine.

THE COURT: The defense?

MR. COCKRELL: Yes, Your Honor.

THE COURT: Okay. All right. And finally, it's my understanding that the State would close in full after the defense and not open the law.

Correct?

SOLICITOR REDMOND: That's correct, Your Honor.

THE COURT: Okay. Very good.

Anything else we need to put on the record before we bring the jury out?

SOLICITOR REDMOND: Nothing from the State, Your Honor.

THE COURT: Okay.

MR. COCKRELL: Nothing from, nothing from the defense.

THE COURT: And, and, and I, I don't limit the length of the closing arguments. Y'all, y'all do what you feel like you need to do.

Okay. All right. Let's, let's bring the, bring the jury out please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Again, ladies and gentlemen of the jury, we're now at the stage of this trial where the lawyers will make their closing arguments to you. The, the defense will start first and then the State will make their closing argument at which time, after that, that is done, then the Court will charge you on the law of the case. So, if you'll give these good attorneys your undivided very close attention.

Thank you very much.

From the defense.

MR. COCKRELL: Thank you, Your Honor.

May it please the Court.

Ladies and gentlemen, over the last few days you've

heard testimony and seen evidence by the State and from the defense in regards to this particular case, and one thing that keeps coming back and forth and back and back in front of you is the shots that were heard right outside at the -- on Main Street in downtown Chesterfield.

Now, you've heard from Mr. Gorny. You've heard from Ms. Olivia Weaver. You're heard from Mr. Johnny Nolan and one thing that they specifically brought to your attention that they all three testified consistently throughout their testimony was five shots rang out. Five shots rang out at the scene -- at the courthouse scene.

There's two specific instances that we're gonna talk about a little bit and then I'm gonna try to sum up. One is the courthouse scene. The other will be at the, at the final stop or, or Highway 9 scene.

But one thing is absolutely sure. Testimony from Ms. Olivia Weaver, testimony Mr. Johnny Nolan, and testimony from Mr. Gorny spoke of five shots, five shots ringing out, five discharges of a weapon.

Another issue or another specific aspect of their testimony that they spoke of consistently was the presence of a, of a gentleman by the name of Mr. Lockleer. They testified to that. Mr. Gorny testified about that. Mr. Olivia -- Ms. Olivia weaver did testify about that and Mr. Johnny Nolan testified about Mr. Lockleer. We haven't

heard from Mr. Lockleer.

Additionally, we've heard from Officer Jamie Gibson, Officer Mark Funderburk, Officer David Rainwater, Officer Timmy Knight, and Officer Spence Vaughn. They all relayed that there were either four or five shots at the courthouse scene, but one thing that they were consistent about was they never saw nor spoke of Mr. Lockleer.

Why is that?

I can't, I can't -- I can only guess, but I know one thing. He was there.

We've got three spent casings that were recovered. We've got a situation -- now I'm, I'm specifically speaking about the courthouse scene. Lockleer shoots. The testimony that you heard was Mr. Lockleer shoots at Mr. Gorny standing behind Ms. Lockleer, excuse me, Ms. Olivia Weaver. I submit to you that's exactly how gunshot residue was found on, on the backside of her hand. The discharge of the weapon by Mr. Lockleer at Mr. Gorny created the gunshot residue on the back of her hand.

Gorny returns fire two times. He discharges his gun probably stressed out. I can, I can only imagine what, what I would feel like if I were shot at. But discharges his gun, is unsure what, what the result of that discharge, what, what was result of -- the end result of that discharge of his weapon. But he admits to, to you, to you. He admits

to the jury that that's what happened. He discharged that weapon in fear for his life, jumps in his car, high strung about the events that had just occurred and takes off.

Here's two additional shots. I submit to you, up until right now, up until -- we're just talking about this courthouse here, but I submit to you the only chain of events or the only aspects, the only relation of all the evidence and all the testimony is that Mr. Gorny's testimony is the only one that's consistent with the evidence and the witness testimony of all the witnesses, and that is that he was fired upon, he discharged his weapon on two, two occasions, and two additional shots were fired when he jumps in and flees. Not sure if Mr. Lockleer's gonna shoot him or what's going on there.

He heads on down the road heading down Highway 9. Adrenaline is rushing I'm, I'm sure. He's high, high strung, excited. You can only imagine. Like I said, I can't -- I have no idea what it's like to be shot at, but I know one thing, Mr. Gorny knows. He lived it.

Heads on down there. Keeps heading down Highway 9. Numerous officers are behind him. He recognizes that. He understands he needs to pull over. He doesn't want to pull over on a rural road. He wants to pull over in a more highly public area to where he won't get his head bashed in like he did a long long time ago, but it still obviously has

an impact on his life. He wants to make a point to the officers that he is not a danger to them. Tries to get rid of his pistol and it goes off.

Now, Officer, Officer Knight, you know, interprets that as, as he shooting at him. That, that -- I don't -- and I would ask you to review the, the evidence among yourselves. I would submit to you that that is not what happened. I would submit to you that he was trying to get rid of his gun to show that he wasn't armed so they would not be fearful of being hurt.

The gun discharged. He obviously, in his, in his state of mind, is, is excited as y'all can understand, and he attempts to unload the, the gun and that's where the three shell casings were found in his car. He eventually is able to roll the window down and tosses the weapon as y'all have seen in the video.

He's pulled over and what happens?

Well, he's, he's pulled out of the car and beat pretty good. You -- y'all've seen the video. Y'all can tell.

Mr. Redmond, and the Solicitor's Office, wants to make a big deal to y'all that this is the first time they're hearing this story from him, from Mr. Curtis Gorny.

Well, I don't think he was probably in a very talkative mode when he got pulled out of the window of his vehicle and beaten down. We're not talking about slapped down and

thrown on the ground. We're talking about broken bones. We're talking about big old haymaker punches like I use to throw when I was in high school and thought I was tough. We're talking about real swings here. We're talking about real damage to this man.

I submit to you that what would, what would law enforcement expect?

Him to say hey, let me tell you real quick. He can't talk. He just got the fire beat out of him.

The testimony from SLED, the testimony from Mr. Gorny, the testimony from Ms. Weaver, the testimony from Mr. Nolan talked about multiple gunshots at the courthouse scene.

One thing is absolutely sure. Mr. Gorny absolutely only discharged that gun three times. You see one of them in the video. Two more of them occurred apparently at the courthouse according to everybody's testimony. We, at a bare minimum, we're missing two shots.

I submit to you we're missing three shots, but let -- but if you'll follow me, there's two shots that Ms. Weaver sustained. There's a shot that Mr. Nolan sustained. There's also a shot into the hood of the car. Even if Mr. Gorny shot all three of those shots, at the courthouse scene we're missing one shot.

Where did it come from?

I submit to you it came from Mr. Lockleer. I submit to

you three shots came from Mr. Lockleer, and I submit to you that the shots from Mr. Lockleer are the ones that SLED could not confirm what they came -- where they came from.

Where's Mr. Lockleer?

Where's his gun?

Why is he not here?

Why was he not arrested?

Why was he not questioned?

Why was he not brought up?

Why does law enforcement not know about him?

Why did they not tell us about him?

They don't want us to know about him.

They have no idea, they got no explanation, they got no evidence that Mr. Gorny had any aspect to do with those additional three shots. Everything points to Lockleer, but nobody wants to talk about Lockleer.

I want to talk to you a little bit about reasonable doubt. The judge is gonna charge you on what reasonable doubt is, but reasonable doubt and the burden is on the State to prove to you every element of every aspect of this case beyond a reasonable doubt. The burden is on the State completely, from the beginning to the end of this case, to prove to you, beyond a reasonable doubt, that every element of the crimes that have been charged to Mr. Gorny have been proven to you beyond a reasonable doubt. The burden is on

the State. The burden is not on us to prove anything, and I would submit to you the scene at the courthouse completely and totally does not meet that burden.

Does it -- the scene on Highway 9, Mr. Gorny is trying to -- in attempting to get rid of his gun to let the officers know that he is not, in any way, attempting or wanting to harm the police officers, and I submit to you that the proper verdict today is not guilty.

Thank you.

THE COURT: Thank you, Mr. Cockrell.

State's ready?

SOLICITOR REDMOND: May it please the Court.

Mr. Cockrell. Mr. Cockrell.

Ladies and gentlemen, before I begin, I just want to address briefly a couple things Mr. Cockrell just mentioned, and, interestingly, he spends a lot of time talking about Nikita Lockleer and we've already heard testimony that Mr. Lockleer has moved out of the State. He's in Pennsylvania now.

But did you notice he completely ignored Jamie Gibson's testimony?

He -- because he had to. He couldn't get into that with y'all because Jamie Gibson, when you talk about those initial shots, Jamie Gibson gave you everything you needed to know that this defendant is, in fact, guilty of

maliciously and heinously and intentionally putting two bullets into Olivia Weaver and having shot Johnny Nolan. I'll get into that in a little while.

Let me just start by thanking you for your attention in this particular case. It's a short case relatively speaking. We started testimony yesterday afternoon and here we are about to conclude, but I always tell juries the length of a trial is not, in anyway, indicative of the importance of the trial.

Obviously we've got two people here who were, who were shot. One very critically injured. Just because it's a short trial does not mean that it's unimportant. So, I want to get that out of the way.

I also wanted to thank you for the attention that you've paid in this case. We've obviously observed you and notice that you have been, you have all been very attentive during this case and we thank you for that.

Given the lateness of the hour I am not going to be too exhaustive in my closing argument to you, but I do want to point out a couple things.

One of those things is you'll be instructed that you can take what a witness says, and if you determine they're lying about something, you can basically do away with their whole, with their whole testimony, testimony and conclude that they are, in fact, lying.

Well, one of the lies I wanted to point out, when you talk about the being not firing -- the defendant indicated that the second gun, the 9-millimeter, wouldn't fire. Of course, I asked him well, if it's not firing, if it's not working, why would you keep it, why would you keep it loaded with the magazine in chamber.

In fact, State's Exhibit No. 17, which you will have back in chambers with you, the very last paragraph, a test cartridge was fired by Items 2, pistol. Item 2 pistol is the 9-millimeter Luger. It was test fired and was entered into the I.B.S. system, Ballistics Information System. If there were any hits they would of been shown up on the computer.

But the whole point to that is, when the gun got to SLED, it was test fired. No indication that it was damaged or, or that they couldn't fire it. So, that's one thing indicative of the defendant lying to you.

Let's talk about some other lies that the defendant has given you and then I'll get into the State's testimony. The defendant, if I recall his testimony correctly, at one point he claims, when Mr. Lockleer supposedly was shooting at him, he was backing up with his hands up. But then when I asked him if he's backing up with his hands up towards his truck and then he gets the gun.

Well, then, later on on cross, this was on direct where

he claims this, but then he indicates that he actually came out of the truck with the gun, which in and of itself, raises certain inferences in and of itself.

And, then at the end -- and I, I apologize. Cause I'll be honest with you, they're certain aspects I was confused about and I guess that's the point. You know, we say the truth will set you free. When you're telling the truth, it's easy because it's the truth.

When do you get confused?

When you try to cast a web of lies and then you get caught up into it.

What does that leave you?

Confusion.

The very last thing the defendant says, he was confused ultimately because he went so many different places to where he was, how he was positioned, whether or not he had the gun in -- cause, remember, like I said, he can't say -- he was backing up. When he was on direct examination, then they turned into that he came out with the gun. It was all convoluted and it's self-serving because he's hoping that you buy his story.

I think the evidence that the State has presented would conclude that that story is just that, a story. It is no where near based in fact.

But he's doing that to try to get you to say oh, well,

I was acting in self-defense. I was acting in self-defense.

Now I am gonna go to what Jamie Gibson said, and I'm gonna talk about what he said because Jamie doesn't work in Chesterfield County. He normally works in Darlington County, and he told you he's a pastor. And one of the things that struck me about Mr. Gibson's testimony was the compassionate nature especially after Ms. Weaver was shot. The fact that he went over there and comforted her.

But here's the key part of what he said. After the first shot, he never indicated that he saw Mr. Nolan get shot. Well, we know Mr. Nolan was shot first. So the first shot he heard was the shot that hit Mr. Nolan. He didn't see that shot.

But what did he see after that?

And he told you, in, in no uncertain terms -- he didn't get confused. He was pretty clear what he saw cause the truth will do that for you.

So, the defendant's standing over her shooting her twice, twice, and then he fired another shot, at least another shot. But he -- the first shot Mr. Cockrell was saying -- and, you know, I understand the defense. He's got to defend his client. I understand that completely.

But I'm here to point out those things to you that are, I hate, for lack of a better -- well, I'll just say not true to be nice. Point out those things that are not true.

Again, the first shot that was heard and not seen was the shot that went into Mr. Nolan's arm, but the other two shots, as he so vividly recounted, and keep in mind, lies really -- I mean lies are, are, are very confusing and unclear. The truth, you are very clear and vivid because it is the truth, and he told you, in no uncertain terms, as clearly as anybody can tell you what he saw the defendant do to Olivia Weaver. We don't have to speculate what the defendant did. He stood here and told you exactly what took place and what he saw and how he was running in that direction.

So, here's the other thing about this, and we ask was there anybody else with the weapon out there any.

No.

If the story that this defendant is trying to get you to believe is true, Mr. Gibson would of seen it.

Then they talk about the mystery shots after he pulls off, and, keep in mind, Jamie Gibson testified. You heard from Mark Funderburk. No other shots were fired.

As a matter of fact, what did Jamie Gibson tell you?

He told you that he told the officers -- one of the officers not to fire because of people around him in the area. There were no other shots. Again, it's self-serving.

The defendant is looking at you and talking to you trying to sell you a batch of damaged goods because that's

what lies are, and I'm confident, ladies and gentlemen, that you are too smart to fall for whatever snake oil he's trying to sell to you.

We heard from -- I'll talk about Mr. Nolan first. We heard from him what took place, and, again, wasn't much confusion there. He wasn't confused. He got shot. Matter of fact, there was one exchange where he was asked about what he was under the influence of.

Yeah, he was under the influence after getting shot. But, at the same time, he was able to recount for you very clearly what took place leading to him getting shot.

You know what?

That makes sense.

Because if something traumatic had happened to me, it would be hard to forget the events leading up to that particular traumatic event, and I submit to you getting shot is a traumatic event. Wouldn't be any confusion about that. Wasn't any confusion from Mr. Nolan.

Then you heard from Olivia. Well, first you heard from Olivia and she told you what happened that day. She told you about the exchange they had, and I'll submit to you this is what happened, and, and there's not any disagreement on this.

There was an exchange as she was leaving, he was coming in. He was mad. He was mad. And another thing, he tried

to claim that he parked in normally or whatnot.

As you heard from the witnesses that testified, he is actually at an angle that we described where he had pulled in basically perpendicular to the driver's side door, got out. Our witnesses testified to that. Our law enforcement witnesses testified to that.

But he gets out armed with this .357 Magnum and takes out his frustration on Mr. Nolan, and especially on the object of his real -- the object of his rage and that being Olivia Weaver.

He went about, on this day, February 13th, 2013, his intent, his goal at that time was to, to -- was to really take Savannah Grace's mother off the face of this earth. She was five months old at the time. He had no regard for that.

And let's talk about what he had no regard for, and this further is indicative of his state of mind and what he was really thinking. Look at the video of the chase.

You want to talk about disregard?

We've seen school buses. We've saw him go between the -- I think two or three 18 wheelers and other company -- you saw him split them to try to evade law enforcement, and I asked her -- and let's be clear on something. If his fear was the fact that oh, the police might bash my head like they did the 500 miles away in Mobile, Alabama. That --

that's justifying why I'm acting like this.

Well, let me just be clear on something. When you leave the courthouse in Chesterfield, and I'm sure I'm gonna miss a place, but I'm counting as many as I can public places that could of pulled into in his only fear was being bashed by the police because he had not done anything wrong.

When you leave here, go down to the west on Main Street, you end up passing I think Bojangles', Bojangles' on the left. You pass, you pass the Marathon Station on your left as you come to the stop sign if you make that turn. And I said IGA earlier, but I was thinking about -- I think it's a pawn shop or something and it use to be IGA or, or has that sign up there. You got the big Piggly Wiggly parking lot right there, very public place. You go a little bit further. You got Funderburk's, the, the, the tire repair shop. You go down a little further and you got Fred's. That's another grocery store for those of you here in Chesterfield familiar with it, and then you go on and on and on.

In 17 miles -- and that's just here within a mile of the courthouse. The numbers of places that he had, if he had been shot at to the point where he had to take action to defend himself, where he could of gone that would have been safe based on what he's claiming he was worried about where he could have reported this. Not to mention the fact he had

a cell phone in his car. At least three actually, but one, he at least admits, worked. Didn't attempt to do anything.

But if you believe what he said, if he, if he -- I would that you don't believe what he said. You can't believe what he says because it makes no sense at all because it's strictly self-serving to try to get himself out of trouble.

Those tears that he was crying weren't for anybody but one person. Himself. He had no regard for Olivia. No regard for Johnny. No regard for the citizens of Chesterfield County on Highway 9, a two lane highway, as he was doing in excess of a hundred miles an hour.

The only person that he could shed tears for were his -- is himself. That's obvious because that's the only person that he was concerned with then and is concerned with now.

So, I'd submit to you, ladies and gentlemen, that when you look at everything -- and I'm not gonna cover every specific thing. You'll have the evidence back here with you.

Oh, and speaking of which, Marker 1, I did forget this and I do need to address this. This is the bullet that was found on the passenger side.

Now, he's trying to get you to believe that he had never even approached that side, that he had shot basically

from his truck and she was on the passenger side. Keep in mind.

So then managed -- he managed to hit her in the lower back and in the shoulder while standing on the other side. Those were the only two shots. Mind you, no explanation for how Johnny gets shot.

But if that were true, ladies and gentlemen, based on where they were located, and you saw the pictures of the cars, the only bullet hole was the one, as Johnny testified to, that the defendant actually fired while he was there that went into the hood of the car.

If what he's saying is true, and you've seen how tall Olivia is, if what he's saying is true, and where she was located, and he was really fired from where he claims he was firing from, where's, where's the bashed windshield?

It was February. Windows were up.

Why didn't the bullet go through the windshield?

Basically, what I'm telling you is, just from the laws of physics, even -- what he is telling you makes no sense. There is no way that he would have shot the way he had if it had happened any way other than what Jamie Gibson's described to you, which is the way it actually happened.

Now, let me take just a minute, before I wrap up, to talk about law enforcement here because I'd be remiss if I didn't talk about what happened in the chase with Timmy

Knight.

Timmy, and you see on the video when he had to swerve over because the defendant was shooting at him. He claims it was an accident. But, again, common sense and I had mentioned this.

You don't leave your common sense sitting in the seat with you when you go -- be sitting in the seat while you go and deliberate. It goes with you.

From a common sense standpoint, he's going out of his way to evade law enforcement, running off the road in the process, are we to believe oh, I was just, you know, calmly trying to do this, that, and the other thing and the gun accidentally went off?

That's convenient, it's self-serving, and it's a ball faced lie.

He was shooting at the officers to try to get them away from him so he could continue to try to get away especially after the, the spikes had, had lowered his tire. So they were gaining on him anyway. That was his way of trying to, to get them away from him and he had no regard for human life, which is exactly the part of the definition of the attempted murder that he's charged with.

But when he's finally apprehended, the reason -- you know a lot has been made about the fact that he was beat up and whatnot. I'm just gonna be honest with you.

I've seen a lot of so called beat downs in my day, and if you time out how long this particular restraining took place, it was not long at all. Just a few seconds. Just enough to get him restrained. And you actually see him on one or two of the tapes maybe I think you can see him kicking, trying to kick during the time this is all taking place.

But to sit here and try to turn that into some -- you know, I mean he breaks down crying at that part. But to sit here and try to turn that into more than it is is disrespectful for law enforcement for this reason, from a common sense standpoint. If they were out to hurt him, with the numbers of officers that were there, if they were out to really, especially considering that he had shot at one of them, I think he would of been hurt a little bit more than he was.

He even made a comment about worrying about getting killed or whatnot. Well, he's still here today to tell his lies to you today. They didn't kill him. They did what they had to do to restrain him keeping in mind he had just shot two people and he was shooting at officers and putting citizens in 17 miles of Chesterfield County in harms way. So, it's fortunate that it only took a few seconds for them to restrain him, and then they got him up and put him in custody.

But here's the thing I really think they deserve credit for. In that 17 miles, the fact that nobody else, nobody was hurt as a result of his driving, the defendant's driving, is amazing to me. If you see how he was driving, but, but for the Grace of God, nobody else was hurt, and I think that's an important consideration based on the law bashing of law enforcement that they're trying to engage in, the fact that if you look at how they executed that chase, and you look at the actions of all the deputies involved that have testified, and the ones that even hadn't testified, you look at Lieutenant Vaughn taking action to get him off the road before he got to heavily populated area within a half of a mile of South Point Christian School, a day care center. My daughter goes there. I live in Pageland.

So, when you think about what actions they took that day, and you put it against what they're trying to do, bash law enforcement, I ask that you take that into consideration when you talk -- when you're thinking about the actions and the reasonableness of the actions that law enforcement took.

They knew when to back off so as not to put him in a position to hurt anybody. When they got to a straightaway, they tried to get around to be able to take him. He wouldn't allow. He was all over the road. But they -- their actions that day, I'm absolutely convinced, saved

lives and I think they're to be commended for that.

We spent time listening to them being bashed. Let's talk about that aspect of it. Let's talk about the fact that he could have, and I'm just gonna be honest with you, you know he's talking about, Mr. Cockrell, let him have taken a shot at me. I mean it wouldn't have been ten to twenty seconds of what you saw on that video.

I'm just gonna be honest with you, and these guys are not small guys as you've seen them, no offense to them, but Spence, David, and Timmy, they all bigger than me and they all are pretty big guys, and from the looks of things, it came out all right under the circumstances. So I just want to put that in its proper context.

As you go back and deliberate, ladies and gentlemen, and I'm coming to the conclusion here, reasonable doubt is that doubt which causes a reasonable person to hesitate to act. In other words, and the judge will instruct you on this, are you firmly convinced of the defendant's guilt, and I'm just gonna be -- just put it in its -- just be direct with it.

The defendant, you heard the confusing mess of a story that he told. You heard it and I'm gonna specifically talk about Olivia Weaver, Johnny Nolan, and Jamie Gibson, and Mark Funderburk and what he saw at the conclusion of this.

When you look at what they've testified to, the

defendant is asking -- is, in essence, saying oh, all these folks are lying. I'm telling the truth. But yet he can't even give you a clear version of the truth.

Did you have that problem with the State's witnesses? Were they pretty clear in what they saw?

So, I ask you to take all of that into consideration, ladies and gentlemen, cause I submit that we were very clear in the case that we presented. It was not a convoluted mess and there was no confusion because the truth is not confusing. Lies are.

Thank you for your attention, ladies and gentlemen, and, again, we will submit that the State has proven, beyond a reasonable doubt, that this defendant is guilty of three counts of attempted murder, failure to stop for the blue light or sirens, and possession of a weapon during the commission of a violent crime.

Again I thank you and wish you well in your deliberations.

THE COURT: Thank you, solicitor.

Madam Forelady, and ladies and gentlemen of the jury, I now will charge you on the law applicable to this case. You must consider the charge as a whole and not focus on some portions of the charge to the exclusion of other portions of the charge.

The indictments charge the defendant with three counts

of attempted murder, one count of failure to stop for a blue light, being a first offense, with no bodily injury resulting therefrom, and one count of possession of a weapon during the commission of a violent crime.

I remind you the fact that the defendant was arrested, charged, and indicted in this case is not evidence in this case, and can not be considered by you as evidence of guilt in this case nor does it create any presumption or inference of guilt. These documents are simply the formal written instruments which contain the charges made against this defendant. It is the formal documents by which this case is brought into this Court.

The indictments in case allege several different offenses against the defendant. The charges are, and I'll refer to the indictment numbers, 2014-GS-13-603, 602, and 77, those being the three indictments for the attempted murder charges. Indictment 2014-GS-13-76 being the failure to stop for a blue light, and 2014-GS-13-6054 being possession of a weapon during the commission of violent offense.

Each indictment charges a separate and distinct offense. You must decide each indictment separately on the evidence and the law applicable to it uninfluenced by your decision as to any other indictments. The defendant may be convicted or acquitted on any or all of the offenses

charged, and you'll be asked to write a separate verdict of guilty or not guilty for each indictment, and I will show you that at the conclusion of my charge.

The defendant has pled not guilty to these five indictments, and that plea puts the burden on the State to prove the defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent. I charge you that it is an important rule of the law that the defendant, in a criminal trial, no matter what the seriousness of the charge may be, he will always be presumed to be innocent of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt.

Now, Madam Forelady, ladies and gentlemen of the jury,

this presumption of innocence is not a mere legal theory. It's not just a legal phrase that we use. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt as to each indictment beyond a reasonable doubt. The State has the burden of proving the defendant guilty beyond a reasonable doubt.

Now, some of you may have served as jurors in civil cases where you were instructed that it is only necessary to prove that a fact is more likely true than not true such as by the greater weight or the preponderance of the evidence. In criminal cases, however, the State's burden -- the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and, in criminal cases, the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crimes charged, you must find the defendant guilty. If, on the other hand, you think there's a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find him not guilty.

Now, I remind you, once again, Madam Forelady, and ladies and gentlemen of the jury, that, during this trial, you and I have had certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case, and I also have had the duty to rule on the admissibility of evidence offered during this trial. You are to consider only the competent evidence before you. If there was any testimony ordered stricken from the record in this case during this trial, you must disregard that testimony. You are to consider only the testimony which has been presented from this witness stand and any exhibits which have been made a part of the record in this case and any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. As the presiding judge, I am the sole judge of the law of this case, and, as I told you at the outside, outset, you -- it is your duty, as jurors, to accept and apply the law as I now state it to you. If you already had any idea as to what the law is or what the law ought to be, and it does not agree with what I now tell you the law is, you must abandon this idea because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this Court before a jury, the jury becomes and is the sole and exclusive judge of the

facts in a case. A trial judge can not intimate, state, comment on, or make any statement to a trial jury about the facts in a case.

Since you, the jury, are the sole judge of the facts in this case, you are not to infer from what I have said during the progress of this trial in ruling upon the admissibility of evidence or otherwise or anything that I say now during the course of this instruction to you that I have any opinion about the facts in this case. I do not have an opinion about the facts in this case, and the law does not allow me to have an opinion about the facts in this case.

This is a matter solely for you, the jury, to determine as jurors cause it's your duty to determine the effect, the value, weight, and the truth of the evidence presented during this trial.

Madam Forelady, and ladies and gentlemen of this jury, there are two types of evidence which are generally presented during a trial, direct evidence and circumstantial evidence.

Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence, however, is proof of a chain of facts and circumstances indicating the existence of a fact.

Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be

given to either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

Necessarily, Madam Forelady and ladies and gentlemen of the jury, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty, as jurors, to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its

entirety. You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other motive in this case. You may also consider the appearance and manner of a witness while on the witness stand.

Now, as I previously told you, the rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions. An exception to this rule exists for witnesses we call expert witnesses.

A witness, who by education and, and experience, has become an expert in some art, science, profession, or calling, may state an opinion as to relevant and material matter in which the witness claims to be an expert, and may also state the reasons for the opinion. You should consider any expert opinion received in evidence in this case, and like any other evidence, give it the weight you think it deserves. If you decide that the opinion of an expert witness is not based on sufficient education and experience or if you conclude that the reasons given in support of the opinion are not sound or that the opinion is outweighed by other evidence, you may disregard the, the opinion entirely. Expert witness' testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further, you're not required to accept an expert's opinion even though it is not contradicted.

Before I continue with my charge, I need for the

lawyers to come up here for just one moment please.

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

THE COURT: Madam Forelady, and ladies and gentlemen of the jury, an issue in this case is the identification of the defendant as the person who committed the crimes charged. The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied, beyond a reasonable doubt, of the accuracy of the identification of the defendant before you may convict the defendant.

Identification testimony is an expression or belief or impression by a witness. You must determine the accuracy of the identification of the defendant. You must consider the believability of each identification, identification witness in the same way as any other witness.

You may consider whether the witness had an adequate opportunity to observe the offender at the time of the offense. This will be affected by things like how long or short a time was available, how far or close the witness was, the lighting conditions and whether the witness had the change to see or to know the person in the past.

Once again, I instruct you the burden of proof on the State extends to every element of the crimes charged and this specifically includes the burden of proving, beyond a reasonable doubt, the identity of the defendant as the

person who committed the crimes. If, after examining the testimony, you have a reasonable doubt as to the accuracy of the identification, you must find the defendant not guilty.

In order to establish criminal liability criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness, or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation.

There's no way to prove intent to a mathematical certainty. There's no way medical science can dissect a person's brain and determine what the person had in mind. So the law says that criminal intent may be inferred from the circumstances shown to have existed.

This is how you make a determination of whether or not the element requiring intent was present. It's not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact, by taking into consideration the acts of the parties and all the facts and circumstances of the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the defendant

intended to do based on the circumstances shown to have existed.

Criminal intent can arise from action or failure to act. It may arise from negligence, recklessness, or an indifference to duty or to consequences that is considered by the law to be the equivalent of criminal intent.

The defendant is charged with attempted murder, three counts. In order to prove the crime, the State, the State must prove the defendant attempted to kill another person with malice aforethought, either expressed or implied.

Malice is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will infer an evil intent.

Malice aforethought does not require that malice exists for any particular time before the act is committed. But malice must exist in the mind of the defendant just before and at the time the act was committed. Therefore, there must be a combination of the previous evil intent and the act.

Malice aforethought may be expressed or inferred. These terms, express and inferred, do not mean different kinds of malice, but merely the manner in which malice may be shown to exist. That is either by direct evidence or by

inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred or ill will for another or when the person prepared beforehand to do the act which was later accomplished. For example, and example only, lying in wait for a person or any other acts of preparation going to show that the deed was within the defendant's mind would be express malice.

Malice may be inferred from conduct showing a total disregard for human life. If facts are proved beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would be simply an evidentiary fact to be considered by you, the jury, along with the other evidence in the case and you may give it the weight you decide it should receive.

A specific intent to kill is not an element of attempted murder, but there must be a general intent to commit serious bodily injury. Intent means intending the result which actually occurs, not accidentally or involuntarily. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent.

Evidence of the character of the act, the character of the instrument used, the manner in which it was used, the purpose to be accomplished, and the resulting wounds or

injuries may be considered in determining the intent which the act was committed. Intent may also be inferred when it was demonstrated that the defendant voluntarily and willfully commits an act the natural tendency of which is to destroy another's life.

The defendant is also charged with failure to or failing to stop for a blue light. In order to prove this crime, the State must prove, beyond a reasonable doubt, that the defendant was driving a motor vehicle, that the defendant was driving the motor vehicle on a road, street, or highway of this state, that the defendant was signaled to stop by a law enforcement vehicle by means of a siren or flashing light, and that the defendant did not stop.

In determining whether or not there are mitigating circumstances which would justify the defendant's failure to stop for the blue light, you may consider actual road conditions, actual roadside conditions, other conditions such as lighting and weather, officer, driver, and/or passenger safety, and any other circumstances you believe to reasonably mitigate the alleged violation.

An official signal requiring a motorist to stop may be a siren or flashing lights, but both are not required. An attempt to increase the speed of a vehicle or, in some other manner, avoid the pursuing law enforcement vehicle when signaled by a siren or flashing light may be considered as

evidence of failure to stop for blue light. However, it is merely an evidentiary fact to be taken into consideration by you along with all other evidence in this case, and to be given the weight that you decide it should receive.

The defendant is charged with possession of a weapon during the commission of or attempt to commit a violent crime. The State must prove, beyond a reasonable doubt, that the defendant was in possession of a firearm or visibly displayed what appeared to be a firearm during the commission of a violent crime. A firearm means any machinegun, automatic rifle, revolver, pistol, or any weapon which will, is designed to, or may be readily converted to expel a projectile.

In order to find the defendant guilty of possession of a weapon during the commission of violent crime, you must first find a defendant guilty of either committing a violent crime or attempting to commit a violent crime. Attempted murder is a violent crime. The State must prove, beyond a reasonable doubt, that the weapon further advanced or helped in the commission of the crime.

Madam Forelady, ladies and gentlemen of the jury, the defendant has raised the defense of self-defense. Self-defense is a complete defense, and, if it is established, you must find the defendant not guilty. The State has the burden of disproving self-defense by proof

beyond a reasonable doubt. If you have a reasonable doubt of the defendant's guilt, after considering all the evidence, including the evidence of self-defense, then you must find the defendant not guilty. On the other hand, if you have no reasonable doubt of the defendant's guilt after considering all the evidence, including the evidence of self-defense, then you must find the defendant guilty.

The following elements are required to establish self-defense:

Number one, the defendant was without fault in bringing on the difficulty.

Number two, the defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury or he actually was in such imminent danger.

Number three, if the defense is based upon the defendant's actual belief of imminent danger, a reasonable prudent man of ordinary firmness and courage would have entertained the same belief. If the defendant was actually in imminent danger, the circumstances which -- the circumstances were such as would warrant a man of ordinary prudence, firmness, and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life.

Number four, the defendant had no other probable means

of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance.

Now, Madam Forelady, and ladies and gentlemen of the jury, I'm gonna step down in front of you so I can explain to you this verdict form.

This is what we call a verdict form, and it has the caption of the case, and it has the five indictment numbers, and it goes through each indictment. This is the first indictment that involves Olivia Weaver, and you will mark either guilty or not guilty as to that indictment.

The order of guilt and not guilty is of no significance.

Okay?

You got to put one over the other.

All right. And then you go down to the second attempted murder indictment involving Johnny Nolan and you will decide guilty or not guilty. The third is the attempted murder indictment as concerns the deputy sheriff, Timothy Knight. The fourth relates to the failure to stop for a blue light, and then the fifth one is the, the offense of possession of a weapon during the commission of a violent crime.

Your verdict as to each indictment must be unanimous among the 12 of you as to each indictment.

What I'm going to do is I'm going to excuse you to your jury room. Don't start your deliberations. The alternate will join, will join you, and I'll need to discuss with the attorneys concerning my final charge.

Once the bailiff brings to you the exhibits, the verdict form, and the five indictments, that will be your indication for two things to happen.

One, you can start your deliberations only after the second thing, for the alternate to come back into the courtroom for further instructions.

Okay. So, I'm gonna ask that you go to your jury room. Don't start your discussions.

Madam Alternate, you will join them, and once the bailiff -- and then if I have to bring you back out for additional instructions, I'll do that too. I first need to talk with the lawyers first.

So, if you'll retire to the jury room.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Any objections or exceptions from the State as to the Court's final charge?

SOLICITOR FOARD: None from the State, Your Honor.

THE COURT: And any objections or exceptions to the Court's final charge from the defense?

MR. COCKRELL: None, Your Honor.

THE COURT: Okay. Thank you very much.

All right. Off the record, if the lawyers will meet up with the court reporter. Make sure we got all the exhibits.

(WHEREUPON, the jury began deliberations at 5:00PM and returned with a verdict at 5:12PM.)

THE COURT: Okay. I understand the jury has reached a verdict.

Anything we need to put on the record before I bring the jury out?

SOLICITOR REDMOND: Nothing from the State, Your Honor.

THE COURT: From the defense?

MR. COCKRELL: Nothing from the defense, Your Honor.

THE COURT: Okay. All right. Madam Bailiff, if you will bring the jury out please.

THE BAILIFF: Yes, sir.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: All right. Let the record reflect the jury is back in.

Madam Forelady, I understand that you have reached a verdict as to each of the five indictments.

Is that correct?

THE FORELADY: Yes, sir.

THE COURT: And what -- is your verdict on each of the five indictments, was it or is it unanimous?

THE FORELADY: It's unanimous.

THE COURT: Okay. And would you hand the verdict form to the bailiff please?

(WHEREUPON, the forelady complies.)

THE COURT: I'm gonna ask the clerk to, to publish the verdict form in its entirety.

Mr. Gorny, would you please stand?

(Defendant complies.)

THE CLERK: State of South Carolina, County of Chesterfield, versus Curtis Brent Gorny, as to the Indictment Number 2014-GS-13-602 which charges the defendant with attempted murder of Olivia Weaver, we, the jury, find the defendant guilty.

As to Indictment Number 2014-GS-13-603 which charges the defendant with attempted murder of Johnny Nolan, we, the jury, find the defendant guilty.

As to the Indictment Number 2014-GS-13-77 which charges the defendant with attempted murder of Timothy Knight, Chesterfield County Sheriff's Office, we, the jury, find the defendant guilty.

As to Indictment Number 2014-GS-13-76 which charges the defendant with failure to stop his motor vehicle when signaled to do so by a law enforcement vehicle by means of a siren or flashing light first offense with no result in bodily injury, we, the jury, find the defendant guilty.

As to the Indictment Number 2014-GS-13-604, which charges the defendant with possession of a weapon during the commission of a violent crime, we, the jury, find the defendant guilty.

Foreperson is Pamela Amerson. Today is October the 22nd, 2014.

Madam Forelady, was this your verdict and is it still your verdict?

THE FORELADY: Yes.

THE CLERK: Please raise your right-hand if this is the verdict of all 12.

(WHEREUPON, all jurors raise their right-hand at this time.)

THE CLERK: Thank you.

THE COURT: Okay. Thank you, Madam Clerk.

Okay. Madam Forelady, ladies and gentlemen of the jury, let me give you my sincere appreciation for your jury service. As I told you I think on Monday serving on a jury is, is a very high civil responsibility that we all have, and I know that you took your service on this jury very seriously.

You were -- paid very close attention throughout the entire proceeding, which was necessary, and you did that. So we appreciate your service.

Now we do have your, your pay for serving on this jury.

Unfortunately the check is not gonna be that very large. But -- so you'll need to be able to get that.

Madam Forelady, you'll need to sign the back of each of the indictments as well. So if you'll hang around.

At this time I'm gonna ask Mr. Gorny be escorted to a holding area and then be brought back out after the, the jury leaves.

(Pause.)

THE COURT: We'll, we'll get him out for any post trial.

(Pause.)

THE COURT: Okay. You're, you're good for the rest of the week. We have no further business that we need your, your services for, and, again, I appreciate your service this, this week. You're now free to leave if your---

MR. COCKRELL: Your Honor, if I may, could we -- could I request a poll of the jury?

THE COURT: Oh, sure, certainly, certainly, by all means.

Madam Clerk, if you would conduct an individual polling.

MR. COCKRELL: Thank you, Your Honor.

THE COURT: Certainly.

(WHEREUPON, the jury was polled and all jurors answered in the affirmative that this was and is still their

verdict.)

THE COURT: Okay. All right. Anything further from the defense?

MR. COCKRELL: Nothing further. Thank you.

THE COURT: All right. You're now free to leave if you want to come by---

(Pause.)

THE COURT: If you'll just come around, and, Madam Forelady, if you'll just kind of hang around at the end cause we need to get you to sign those indictments.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Okay. Here's the verdict form.

(Pause.)

THE COURT: All right. We're back on the record.

We're now in the sentencing phase of this proceeding. I will hear from the, the State first and then I'll hear from the defense as it relates to sentencing.

Solicitor.

SOLICITOR REDMOND: Thank you, Your Honor.

May it please the Court.

First let me just give the Court, if I may, the prior history of the defendant. We only discussed one, but that was within the last ten years. His criminal history goes back to 1978 --

THE COURT: Okay.

SOLICITOR REDMOND: -- in Michigan and, for the Court, I'll just start there.

It appears that the defendant does have, starting in 1978, it was an unlawful driving away of a, of a motor vehicle. He got two years of probation and that was in 1978.

In 1982 he got a disorderly conduct there in Michigan as well, and he got -- and it was damage to property in 1982 in Michigan.

Then we go to Florida and let's see.

In -- I'm sorry. This is from Virginia. He was convicted on possession of drug charge in Virginia in 1981. Looks like he received a -- it looks like 12 months confinement is what it indicates here in the Virginia charge.

Then we move to Daytona or Volusia County, Florida, in Daytona.

In 2000 he was convicted for trespassing and also for battery.

Then we move to 2002. He was convicted of domestic battery. This is all in Volusia County, Florida.

In 2005 he got another domestic battery conviction, and these were, look like misdemeanor convictions on domestic battery, battery. He also had a criminal mischief, damage

to property conviction at the same time in 2005.

In 2000 and -- he violated his probation later on in 2005 on the domestic battery charges. Doesn't indicate what the sentence was, but it does indicate that he did violate that.

Then, in 2006, he got the felony battery charge, which we had actually discussed previously, and that's where he received the two year sentence. However, then in, in -- yes, in 2006, that's when he got that conviction and seems like -- that's it. And that's the extent of his criminal record.

THE COURT: Okay. All right. Thank you very much.

SOLICITOR REDMOND: And within -- with that, Your Honor, in our view, Mr. Foard in just a moment, but I don't know if my victims want to say anything. If they---

THE COURT: Be glad to hear from them if they wish to speak.

SOLICITOR REDMOND: And they do wish to speak. I'll, I'll give them that opportunity in just a minute, but the only thing I would say, Your Honor, is that given the nature of this particular charge, I view it literally almost in the sense of a murder case because the only reason that we're not here in a murder case is because, fortunately, through medical help of the victim, especially Ms. Weaver, was able to survive. The medical reports that were into evidence

indicate that the bullet, the second bullet in her lower back actually damaged her kidney and damaged her colon, large intestine. So, she was seriously injured in this, in this particular situation.

But for the Grace of God we wouldn't be here on a murder case, and I think the key part of that is it's not a murder case not because of anything the defendant did. It's not a murder case in spite of his intention and, in essence, it was his intent to kill her. He almost succeeded and so really the State contends he should not benefit from the fact that he failed in what ultimately was his goal.

With that said, that is why we're asking for a maximum penalty -- sentence or as close to the maximum sentence that the Court can impose because, for him to engage in such an abrasive attack against this victim, these victims, in broad daylight, on the public street here in the middle of Chesterfield I think shows disregard and that's not even addressing what took place afterwards as he tried to evade law enforcement.

You saw school buses. You saw several cars, several citizens of this county that were put at risk. He had absolutely no regard for any of them. The only concern he had was to evade capture based on his action, and, of course, then firing upon law enforcement as they are in, in there obviously trying to -- as they are trying to protect

the public and bring this chase to an end, he's actually firing on them to try to, again, further evade capture.

Even as he testified today, Your Honor, the only concern he had was for himself, and I think that's important. I don't think we're dealing with a defendant that's capable of remorse. I think he is the quintessential narcists and, as a result, I think that is what got him into this situation, and I think that is what ultimately should protect -- cause us to be protected from this defendant and we would ask, again, for a maximum penalty and, with that, I would yield to Mr. Foard.

THE COURT: Okay.

SOLICITOR FOARD: Your Honor?

THE COURT: Yes, sir.

SOLICITOR FOARD: I'll be brief.

I'm gonna confine my statements to the second part of this incident, which is really the chase itself, the incident involving Timmy Knight where he attempted to murder Timmy Knight, as well as the, excuse me, really just the failure to stop for a blue light and the incident with Timmy Knight.

Your Honor, Mr. Redmond has succinctly stated the wishes of the State as far as looking for something on the upper end, something closer to a maximum penalty.

Your Honor, I think, in this case, I think this is the

type of case that consecutive sentences were designed for, judge, and, therefore, I would respectfully ask, given the broad nature of the offenses, given the number of people that he put in harms way, that the Court strongly consider placing a consecutive sentence on Mr. Gorny for either the attempted murder of Timothy Knight, the failure to stop for a blue light, or the possession of weapon during commission of a violent crime.

THE COURT: All right. Thank you very much.

You want to check to see if those folks want to --.

SOLICITOR REDMOND: I think they -- y'all can come forward.

And I would just ask them to address their comments to the Court and not directly to the defendant.

THE COURT: That's right.

Madam Clerk, would you swear -- both of them want to speak?

SOLICITOR REDMOND: I think so, yes, sir.

THE COURT: Okay. Would you swear both them in please, ma'am?

(WHEREUPON, Ms. Olivia Weaver and Mr. Johnny Nolan were placed under oath at this time.)

THE COURT: Okay. Yes, ma'am, Ms. Weaver.

MS. WEAVER: I just want to thank the Court for their time and their efforts in all of this and, you know, some

people may put you down in life, but you can always get back up and, and start over again and I'm living proof of that, and I'm, I'm blessed to be here right now, and I'm blessed to have my daughter, and I just really want to thank the Court.

THE COURT: Okay. Yes, ma'am, thank you.

Yes, sir, Mr. Nolan.

MR. NOLAN: Your Honor, I just -- I don't feel, if he's out on the street to be safe. Our safety will be in danger. I think he holds a grudge.

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

Anything further from the State?

SOLICITOR REDMOND: Nothing further from the State, Your Honor.

THE COURT: Okay. All right. Thank you.

All right. Mr. Cockrell, I'll be glad to hear from you.

MR. COCKRELL: Thank you, Your Honor.

Your Honor, this has been a difficult situation involving Mr. Gorny, and I'd like the Court to take into consideration some of the events that led up to this situation that occurred on, on February the 13th.

Mr. Gorny is -- has -- obviously has a child with Ms. Olivia Weaver. He has had concerns about her, her drug abuse while she was pregnant with her child as well as while

the child was being reared and whatnot, and he had, he had reached out to Social Services and other public assistance to try to corral the, the behavior of, of Ms. Weaver around, around the, the child and whatnot, and, and could get no, could get no, no relief, and that's what ultimately culminated into -- to the situation that occurred on, on, on February the 13th.

Now, we're in no way trying to excuse the situation, but I would like the Court to understand that he had reached out to, to, to the government for, for assistance, and he's a, he's a post Vietnam veteran, has, has served in the Navy. He has, at times, gone through treatments for, for posttraumatic stress disorder and whatnot.

And, again, the, the environment, the exposure that he has had throughout his life has created situations where, at certain times, he, he maybe reacts a little bit different than, than what, what we would on that aspect.

I'd also ask the Court to take into consideration his age. Whether you stack these sentences and run them consecutive, they might as well be consecutive. He's 58, going on 59 years old. He's not in the best of health.

I, I submit to you that any sentence is gonna be a life sentence for Mr. Gorny, and, as such, I take -- I ask that you take that into consideration with whatever sentence you do impose.

THE COURT: Okay. Thank you very much.

Does either your, your client or anyone else on his behalf wish to address the Court?

MR. COCKRELL: Mr. Gorny would like to speak, Your Honor.

THE COURT: Yes, sir, Mr. Gorny, be glad to hear from you, sir.

THE DEFENDANT: Thank you.

I reached out to local D.S.S. I went to the State D.S.S. I went to the Surgeon General's Office about her doctor cause she faked her piss test. She was a danger to my child's life. I reached out to the police department.

She was having a lesbian love affair with a registered child molester sleeping in the same bed and I called the police department and they went over to the house and they said nothing's wrong. My, my answer was well, I'm gonna have a child molester come over to your house and raise your children.

I did everything in my power -- I lost, I lost my house and my property. Took a hundred thousand dollars loss in hopes of hiring a lawyer to take the case to protect my child and no one would touch the case. I did everything I could to save that child, and she still unable -- you, you heard her get up on that stand and admit in open court, under oath, that she's still smoking marijuana. Yet she

still has custody. She's still endangering the life of that child.

Who's, who's gonna, who's gonna, who's gonna stand up for that child?

Who's gonna stand up for an unborn child except her daddy, an ordained minister, a hundred percent disabled veteran?

What am I suppose to do, turn my back on my child?

I couldn't do it. I, I tried every legal means.

Thank you, Your Honor.

THE COURT: Thank you.

Just have a seat. It's gonna take a few minutes for me to fill out the sentencing sheets.

(Pause.)

THE COURT: Mr. Cockrell, how, how many days has he been -- has he been in, in jail not able to make bond or maybe bond was not set since this?

MR. COCKRELL: There's been no bond set.

THE COURT: Okay. So, can you give me---

MR. COCKRELL: Since, since February the 13th --

THE COURT: All right.

MR. COCKRELL: -- 2013 and I don't have the exact number.

THE COURT: Okay. We can, we can figure it.

(Pause.)

THE COURT: Let me put a couple things on the record.

First of all, I would commend the four attorneys for an excellent job in, in the -- their respective representation of their clients.

Secondly, I need to note for the record that the three attempted murder charges and the possession of a weapon during the commission of a violent offense are violent felonies and subject to or in, in connection with 16-23-500 as that relates to the future possession and ownership of firearms.

Mr. Gorny, certainly I can understand whatever difficulties or problems that you are going through at the time with respect to Ms. Weaver and your child, but committing the offenses that you did certainly was not the way to, to go about them. And, and I would even consider, to some extent, the failure to stop for a blue light, what I saw in those 17 minutes of the video, being closely akin to the actual attempted murder charges.

I mean that was so reckless, so, such a willful disregard for the safety of, of those people out on that road. You know, it, it really borders on an attempted murder situation in and of itself, and it greatly, greatly troubles me of, of seeing that, and seeing what you did to the two, to the two individuals who were shot and, of course, the attempt on the officer's life.

Taking everything, everything into consideration, on the three attempted murder charges, Sentence of the Court is you be committed to the State Department of Corrections for a period of 25 years. Those will run current with each other.

Now, in connection with the possession of a weapon during the commission of a violent crime, that will be confinement to the State Department of Corrections for five years. That will be consecutive to the three attempted murder indictments.

In connection with the failure to stop for a blue light, that will be a three year confinement with the State Department of Corrections, and that's also to run consecutive to the three attempted murder indictments.

I did give you credit on each indictment as to the 616 days that you have been incarcerated.

Good luck to you, sir.

This hearing's adjourned.

SOLICITOR REDMOND: Thank you, Your Honor.

MR. COCKRELL: Thank you, Your Honor.

SOLICITOR FOARD: Thank you, Your Honor.

* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Chesterfield County, South Carolina, on the 20th, 21st, and 22nd day of October, 2014, as reported by Hattie Gordon and transcribed by myself.

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

February 13th, 2015

Pamela E Green

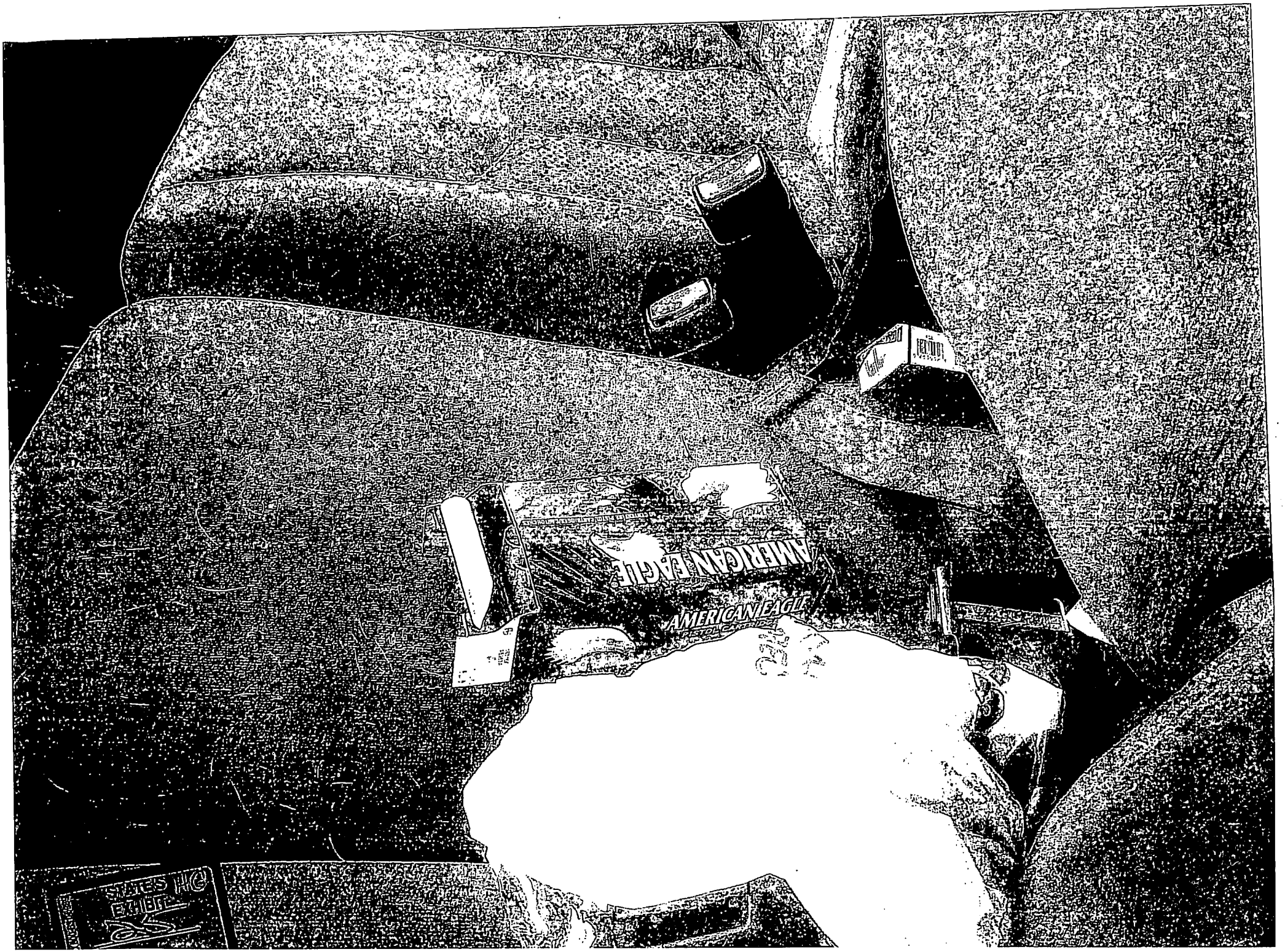
PAMELA E. GREEN, Court Reporter

CHEVROLET

STATE'S
EXHIBIT

RECORD ON APPEAL

EXHIBIT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AMERICAN EAGLE
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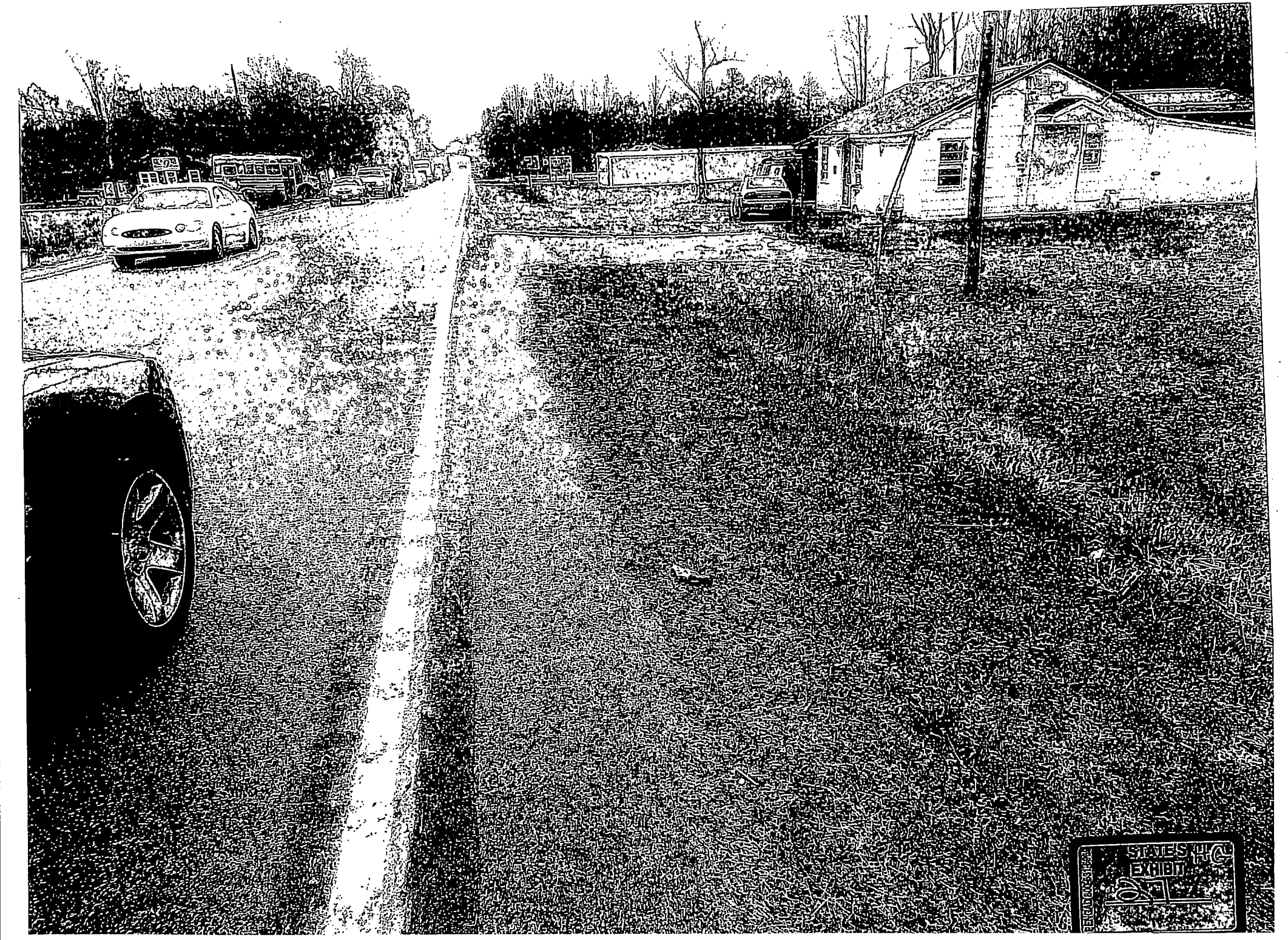
FOR APPEAL 430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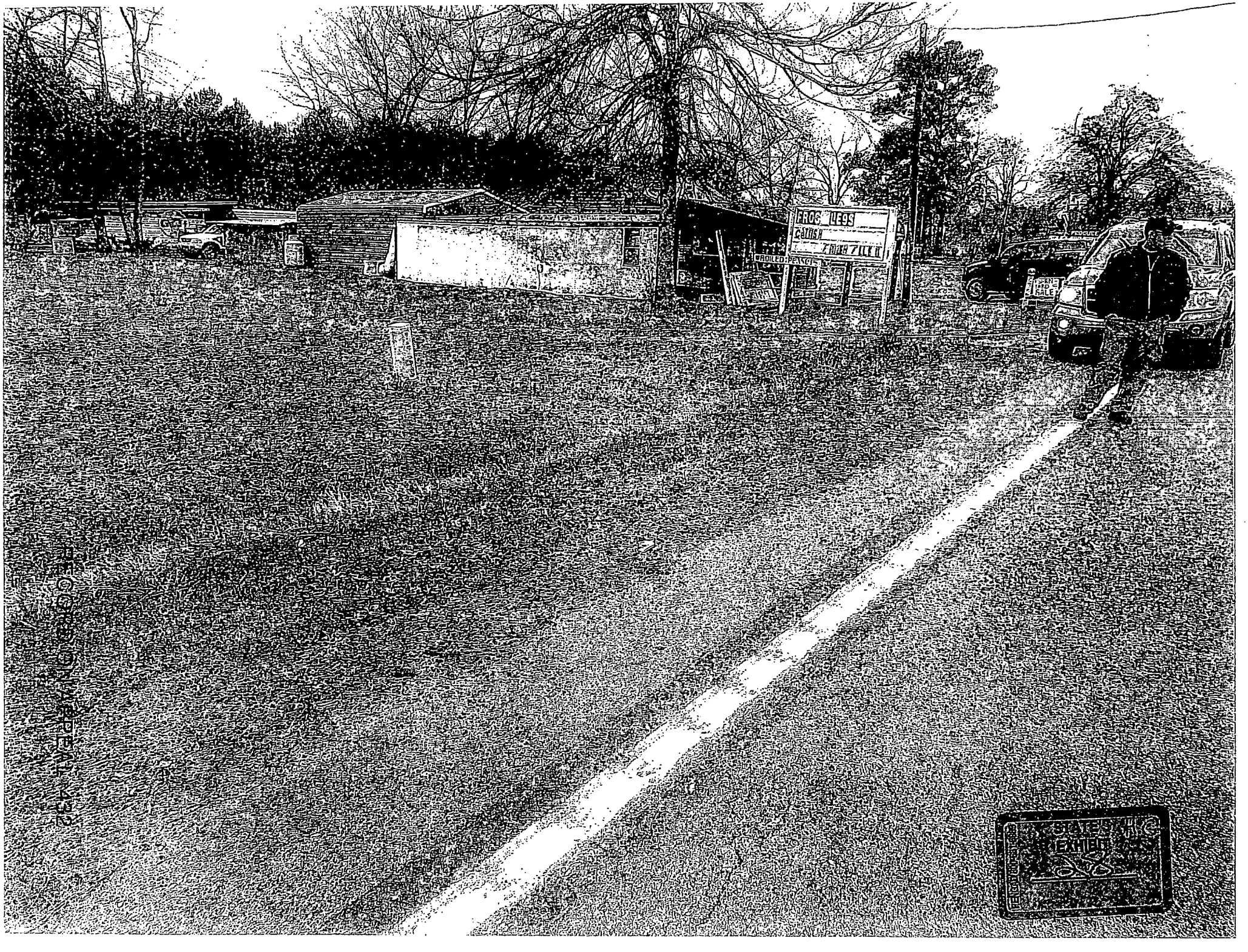
FROG LEGS
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FRIED FISH
BOILED PEANUTS
STATE EXHIBIT

AMERICAN EAGLE
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AMMUNITION
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WINCHESTER
WINCHESTER
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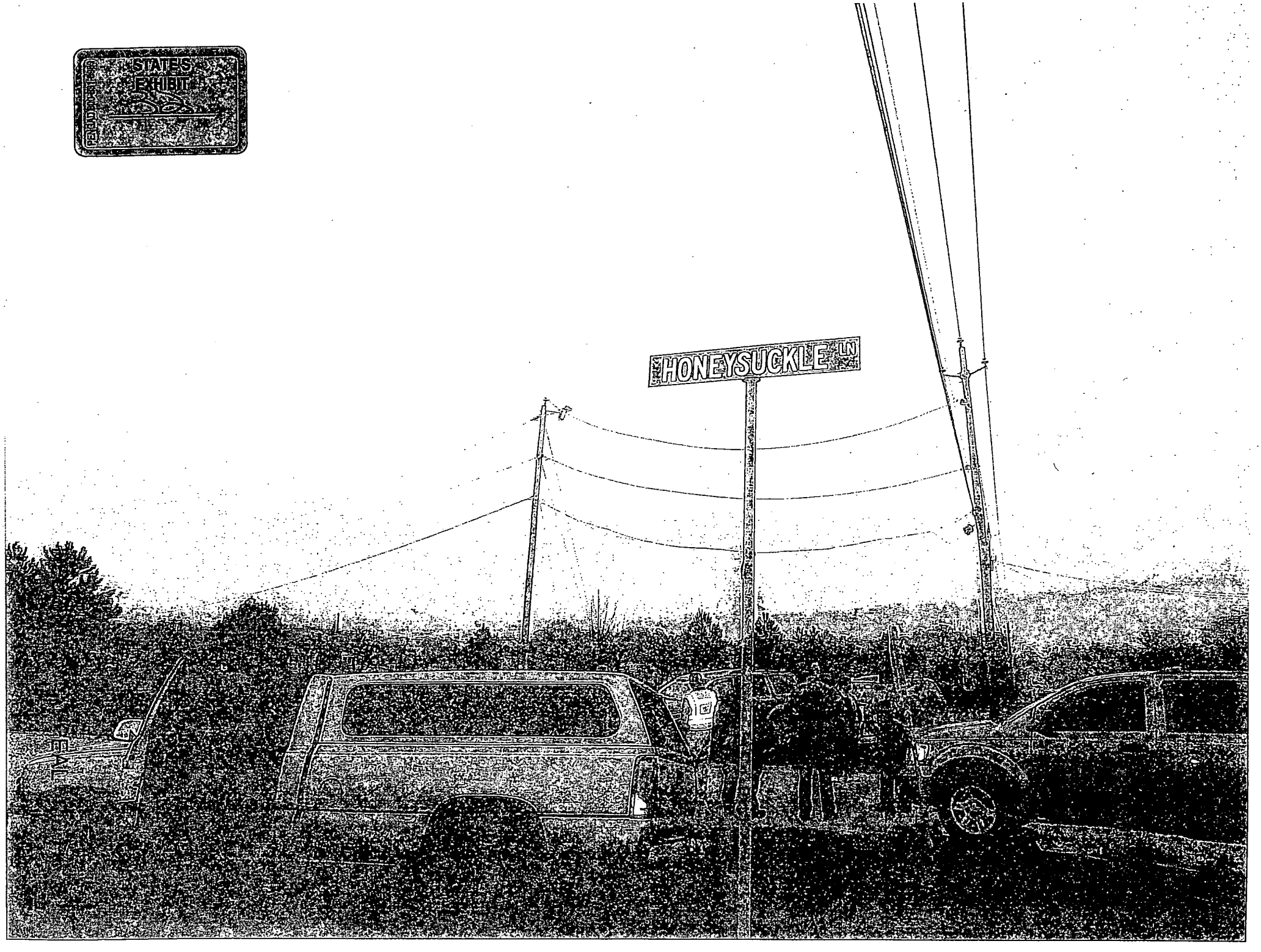
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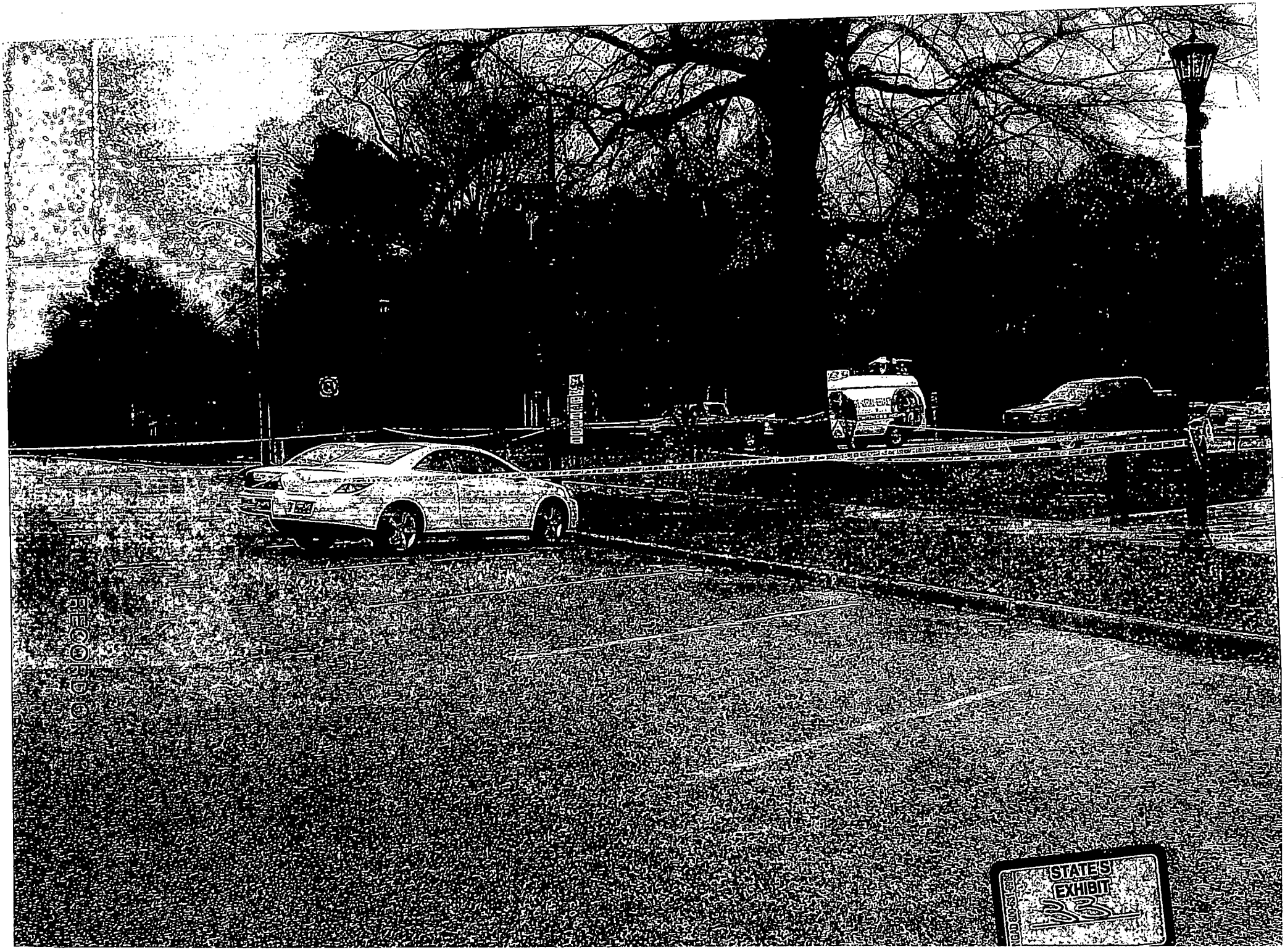
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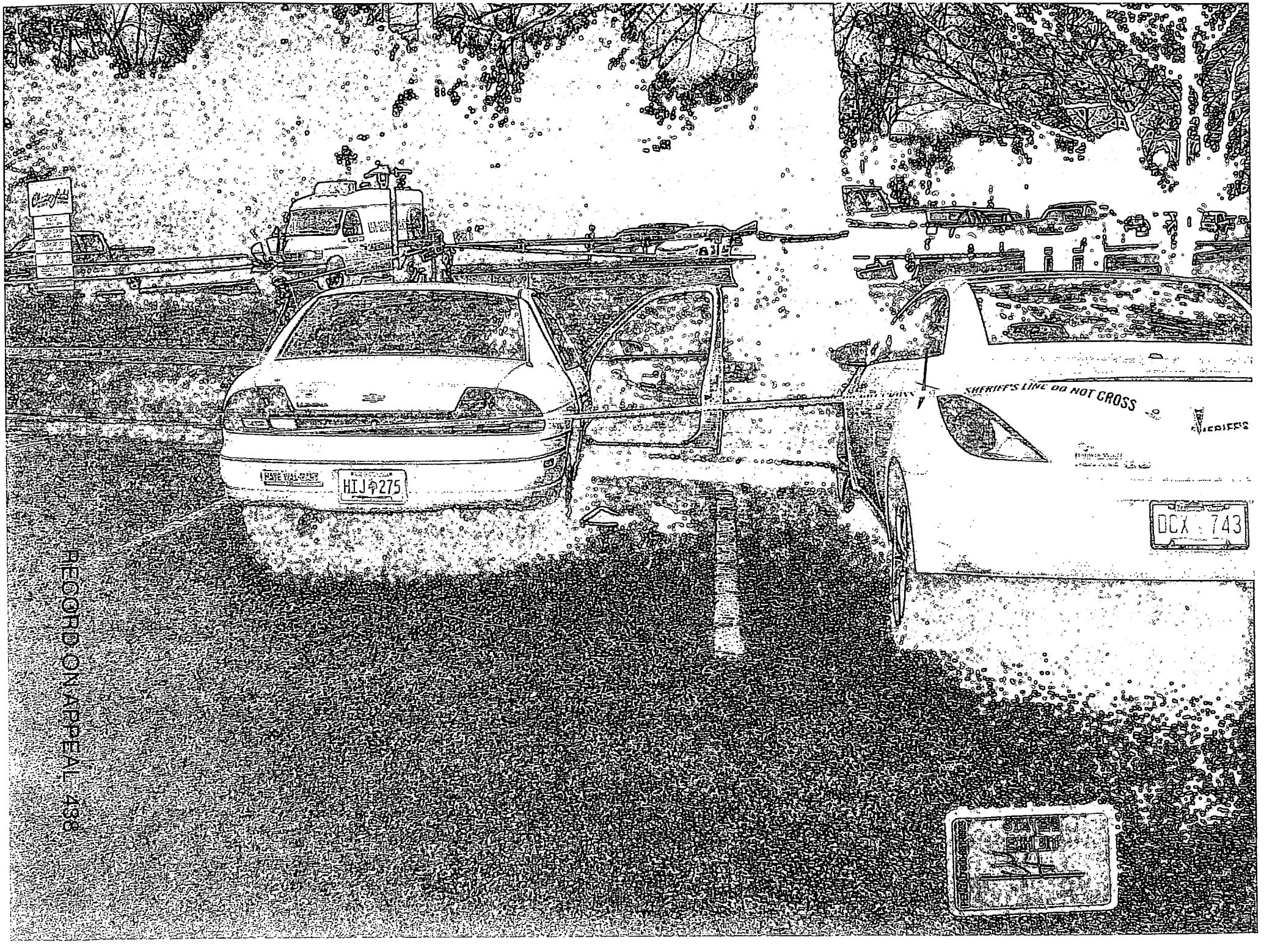

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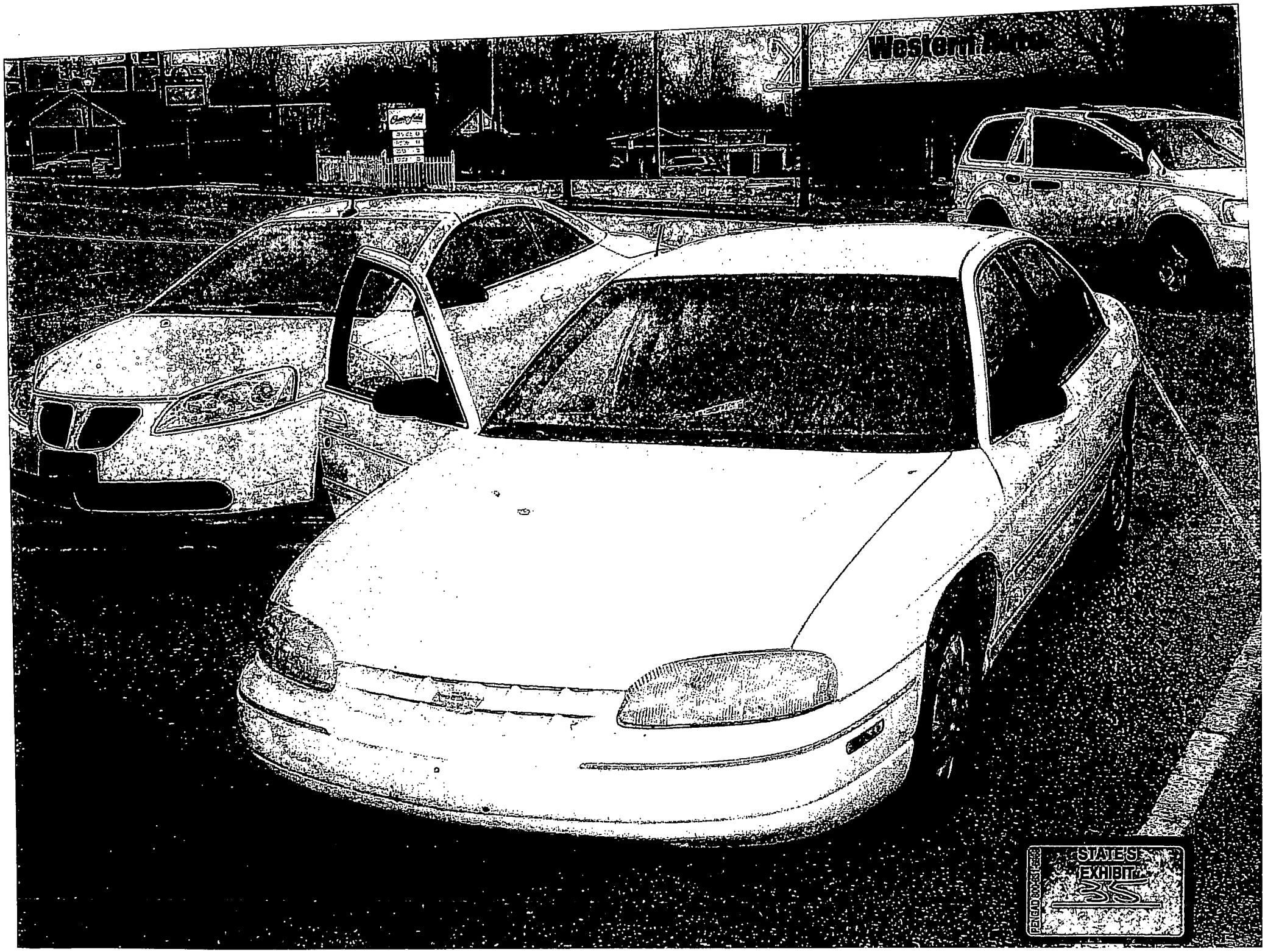
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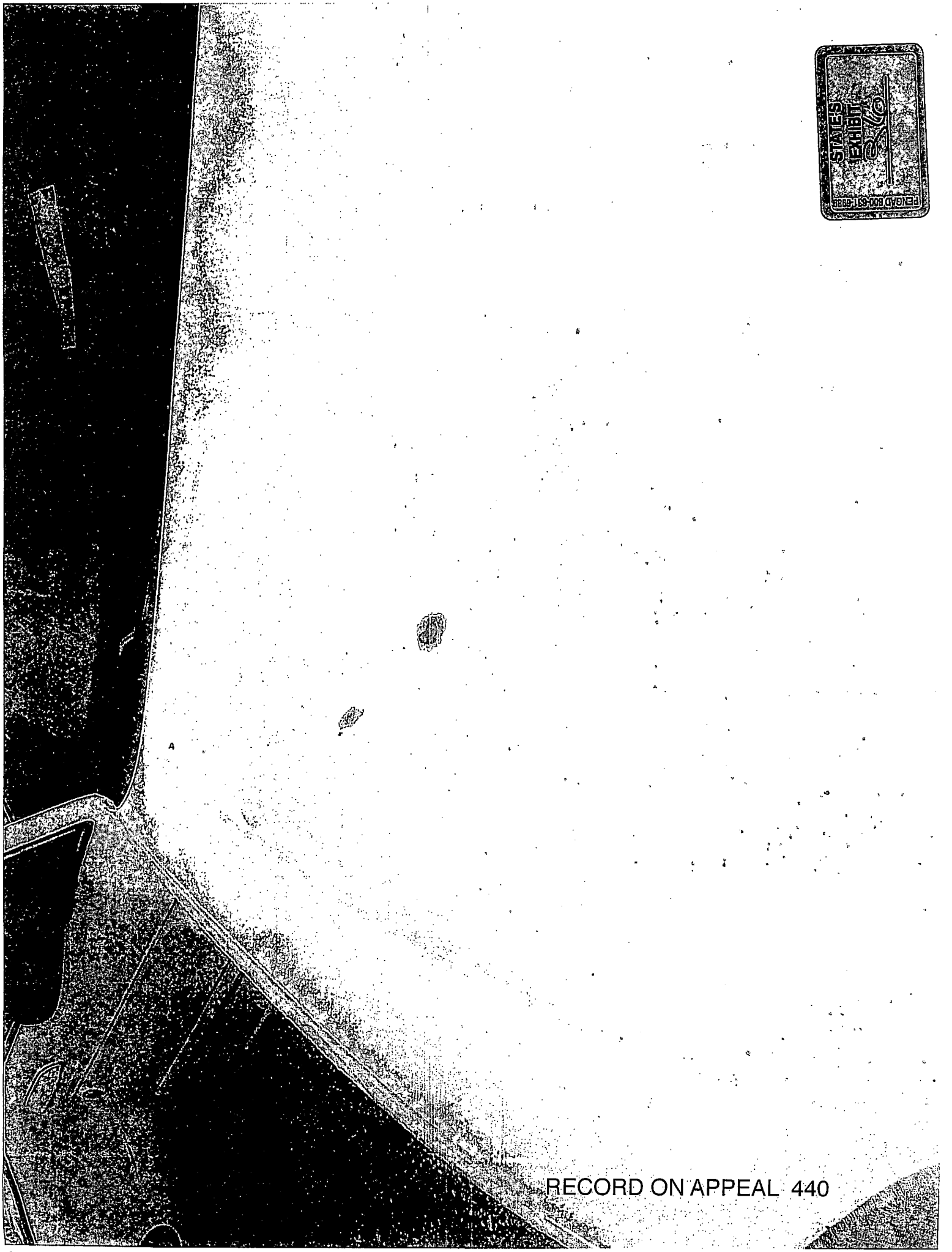
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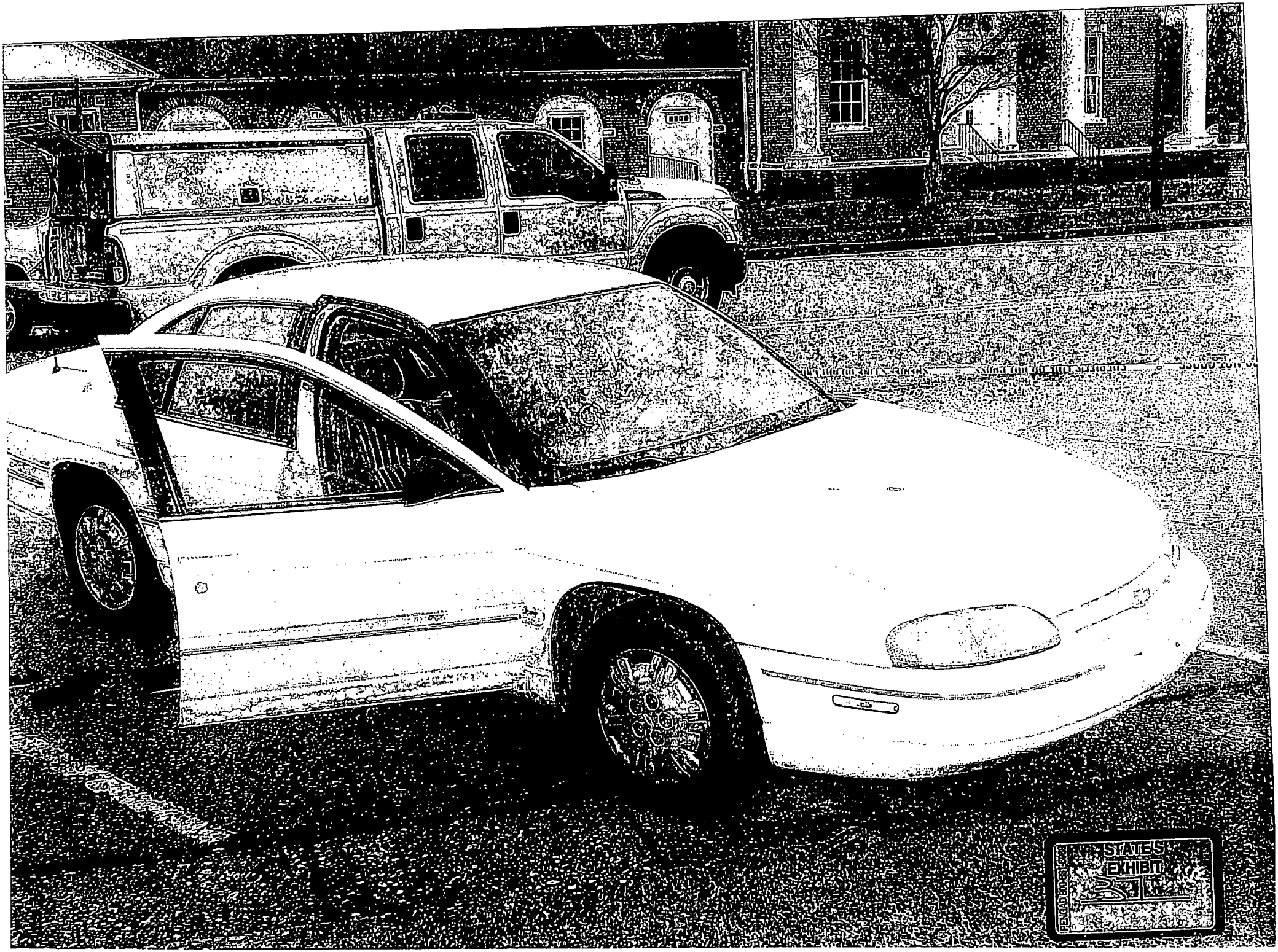
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STATE'S
EXHIBIT
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STATE'S
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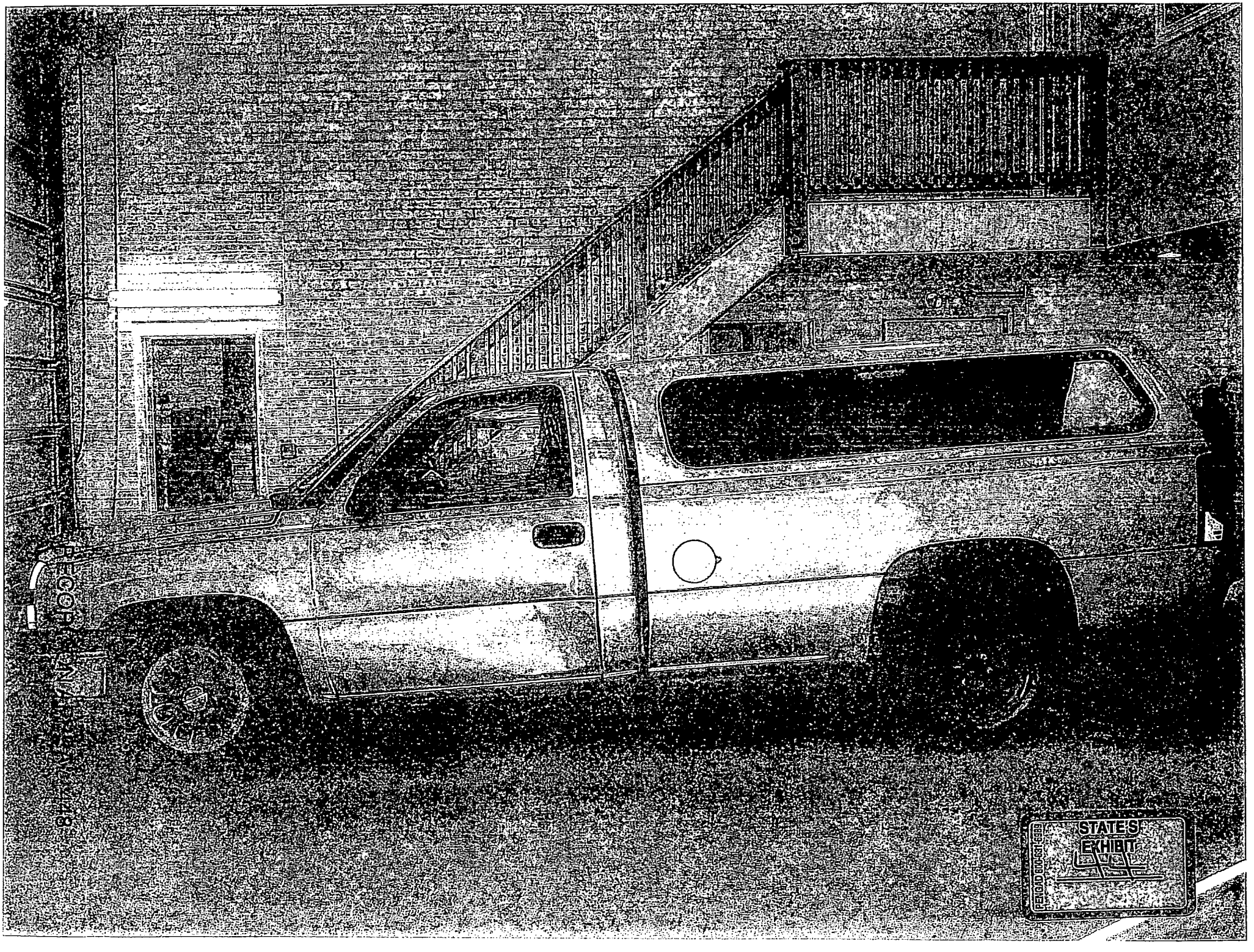
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CHEVROLET
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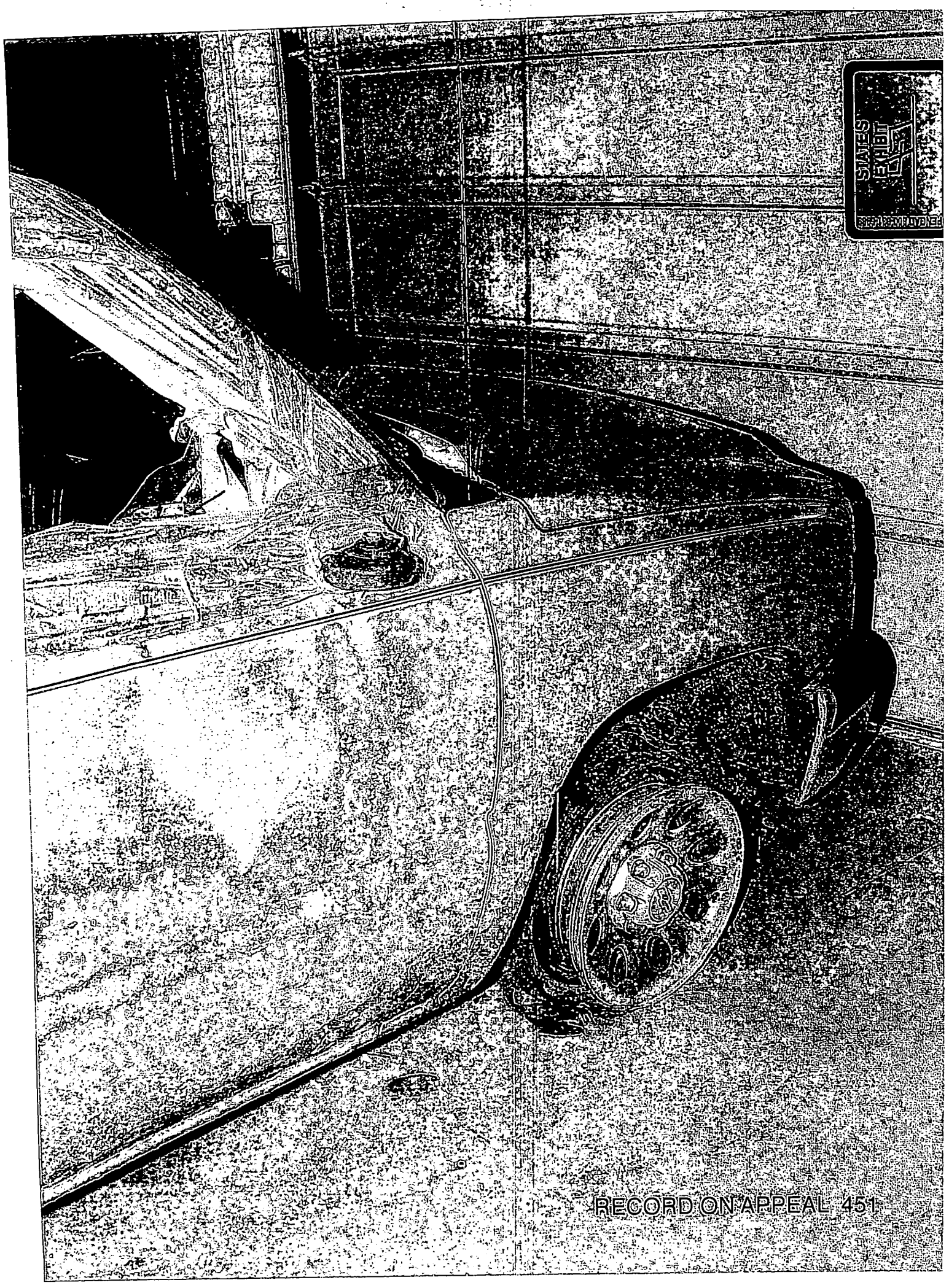
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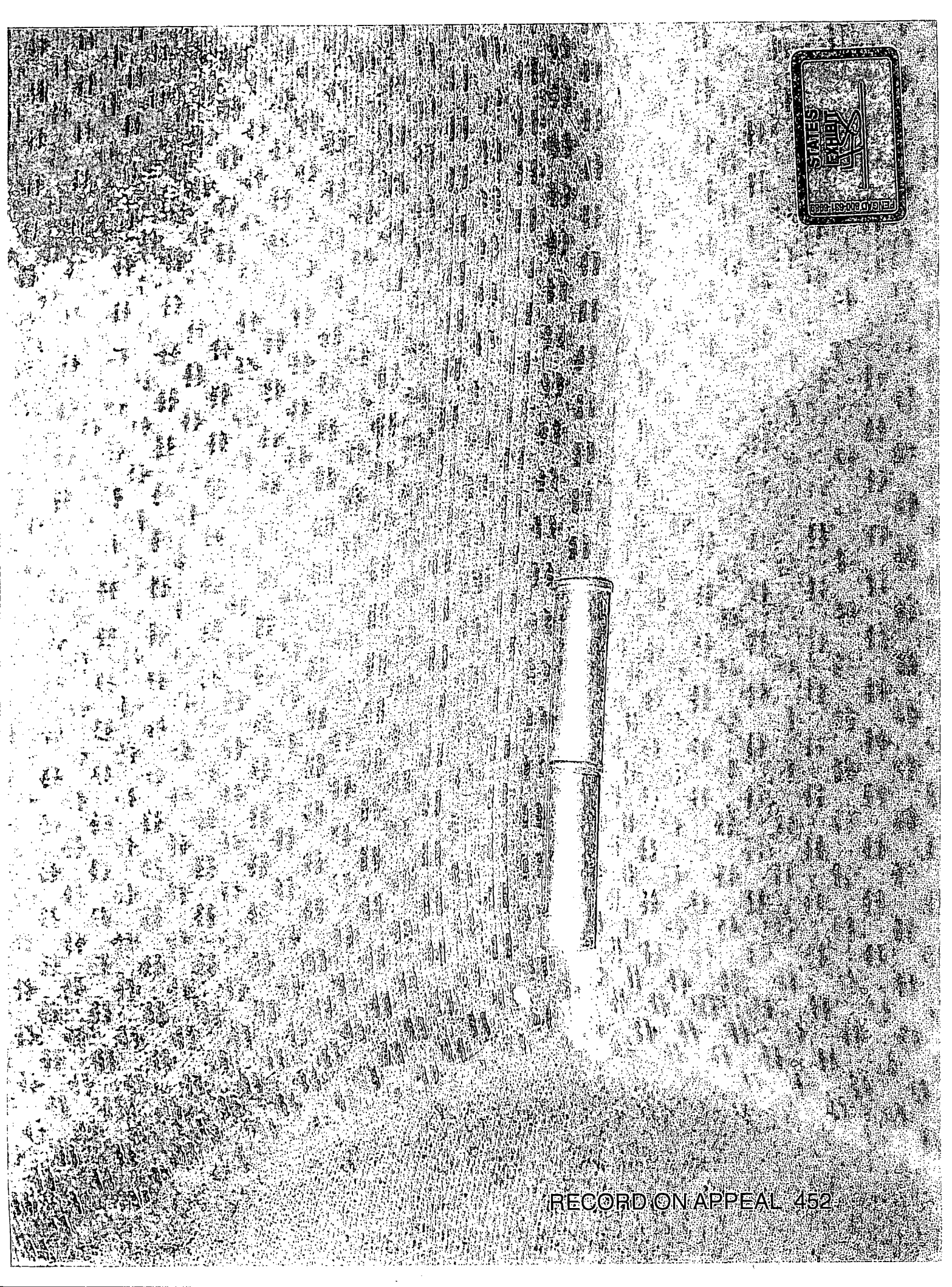

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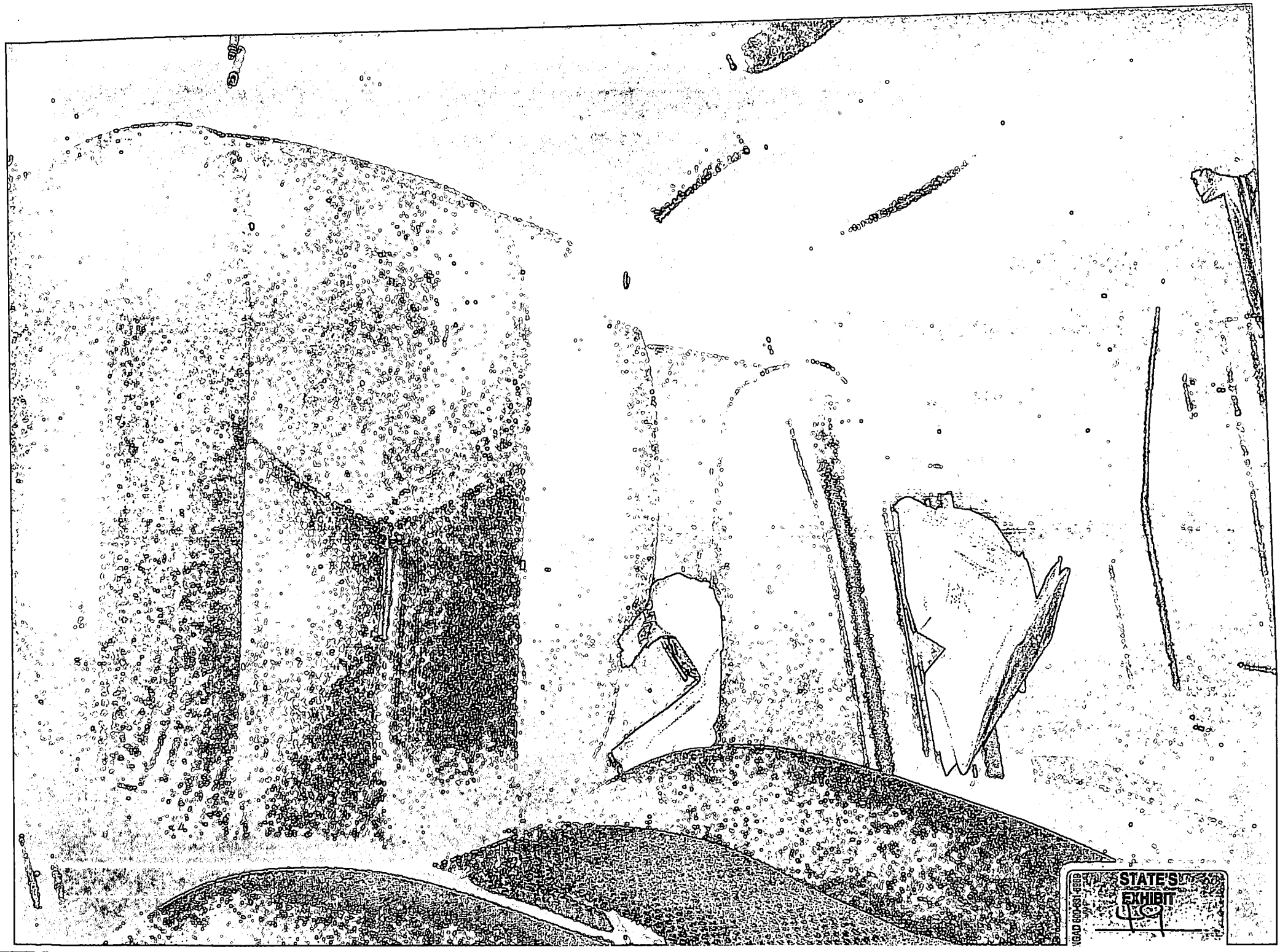
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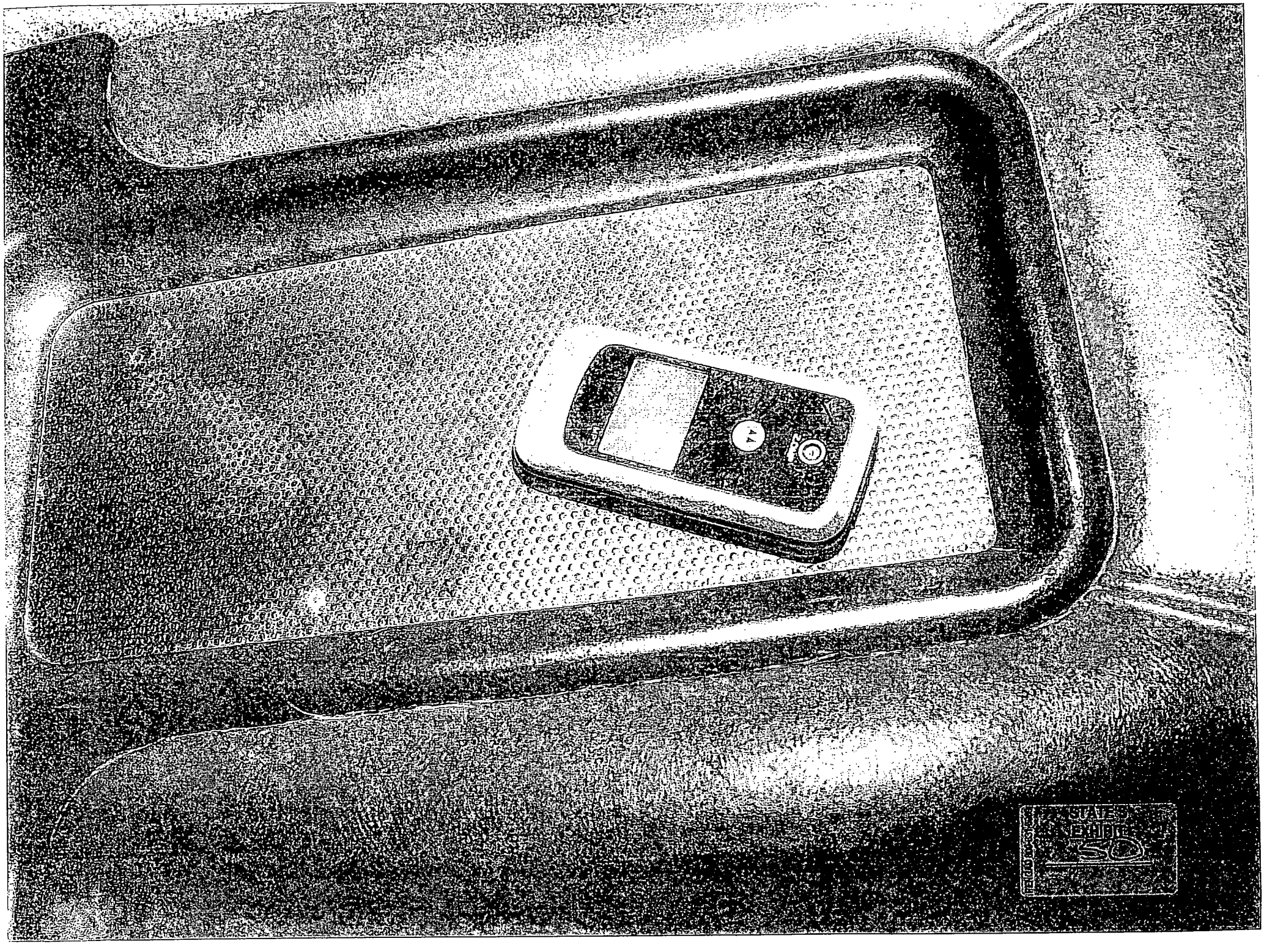
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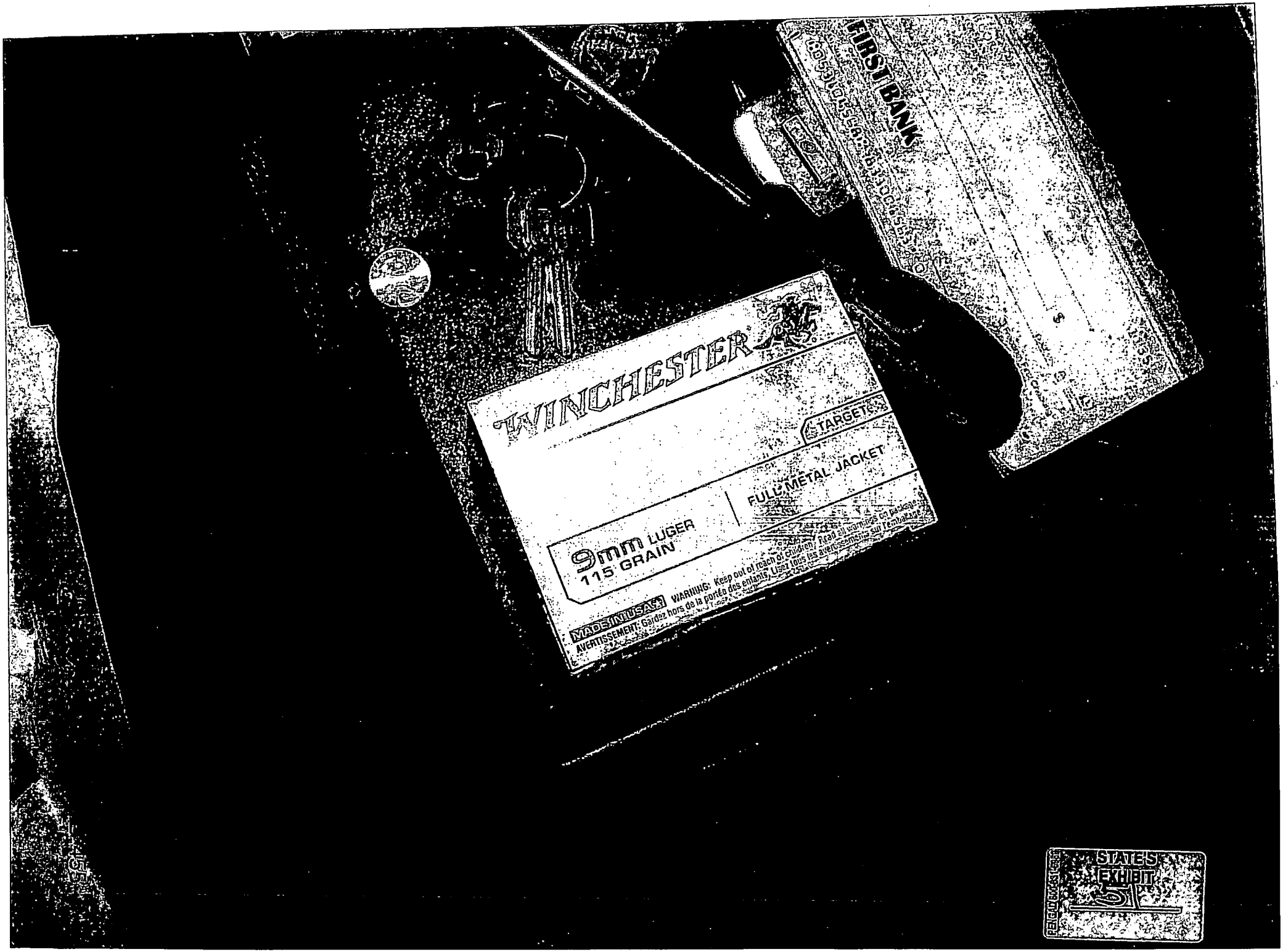
FIRST BANK
WINCHESTER
TARGET
FULL METAL JACKET
9mm LUGER
115 GRAIN
MADE IN U.S.A.
WARNING: Keep out of reach of children. Read all warnings on package.
AVERTISSEMENT: Gardez hors de la portée des enfants. Lisez tous les avertissements sur l'emballage.
STATE'S EXHIBIT
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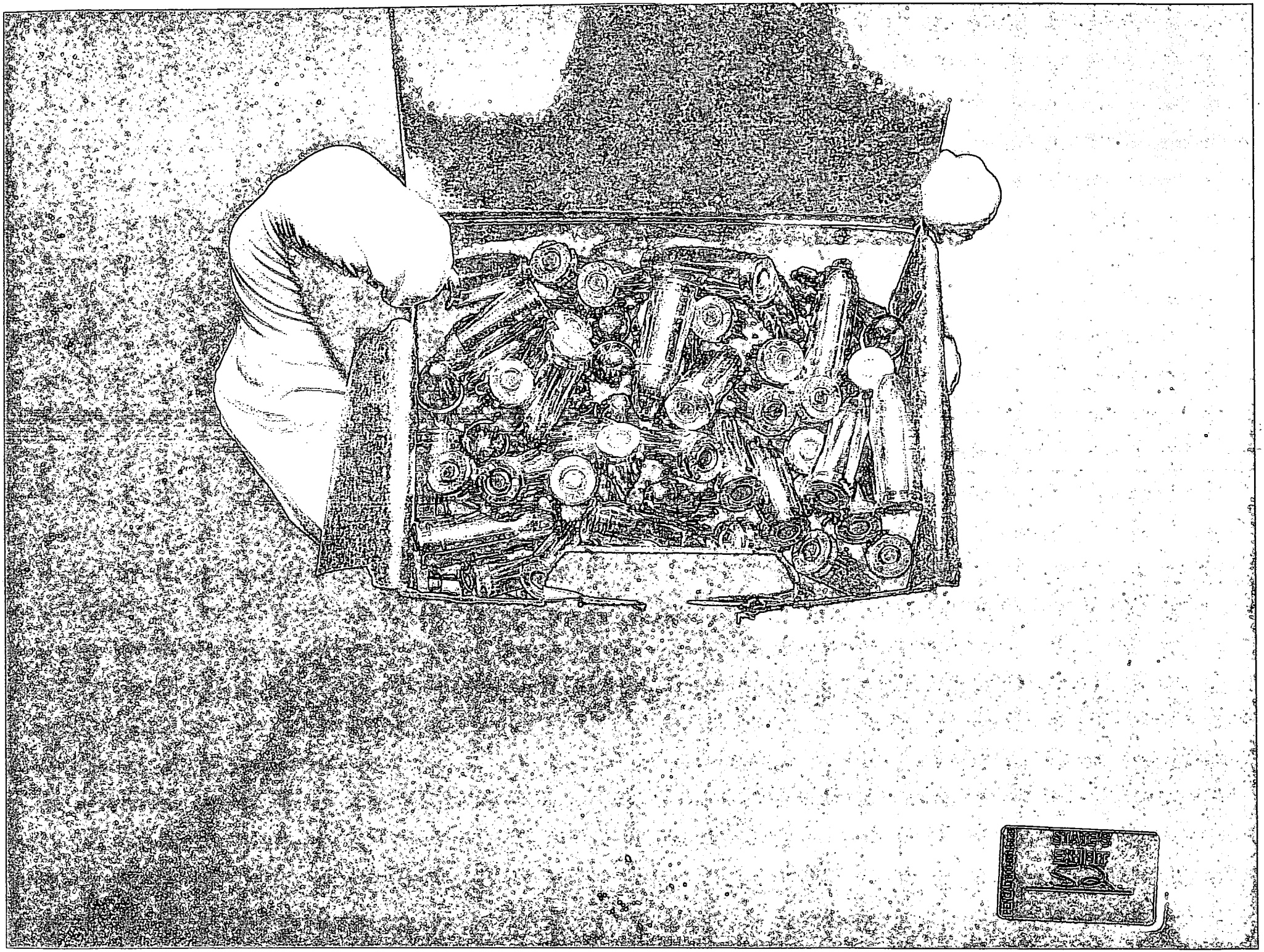

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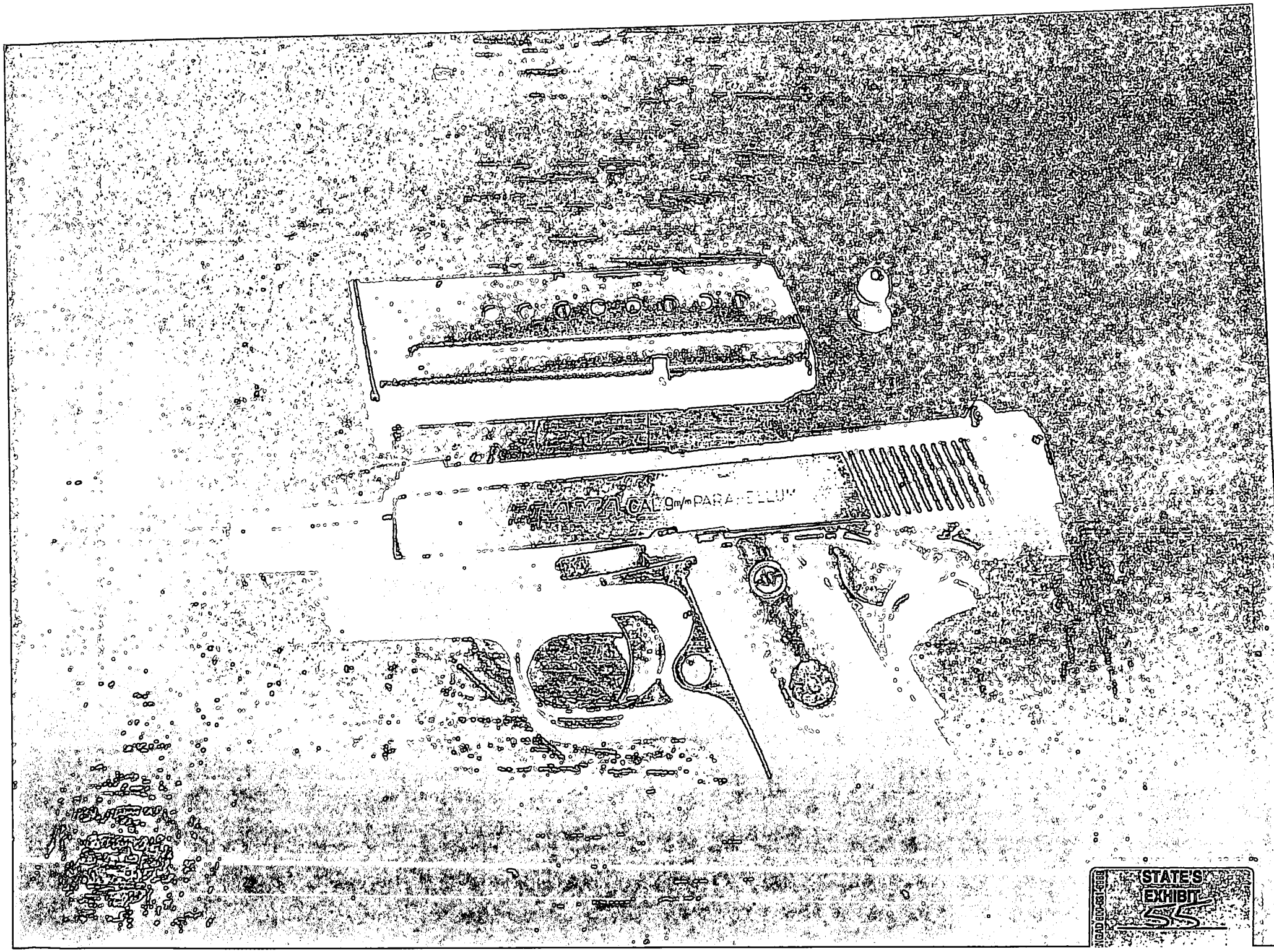

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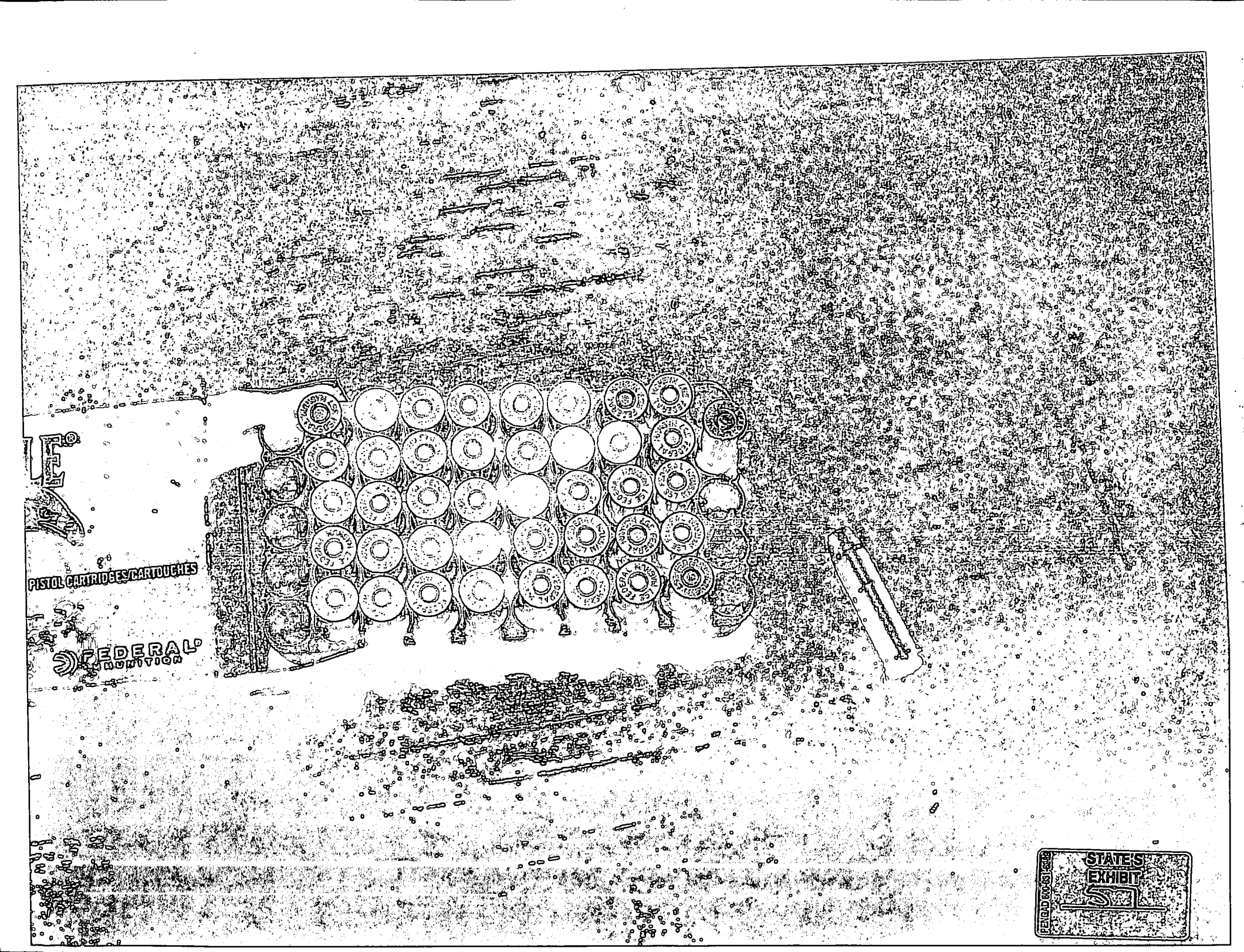
PISTOL CARTRIDGES/CARTOUCHES
FEDERAL
AMMUNITION
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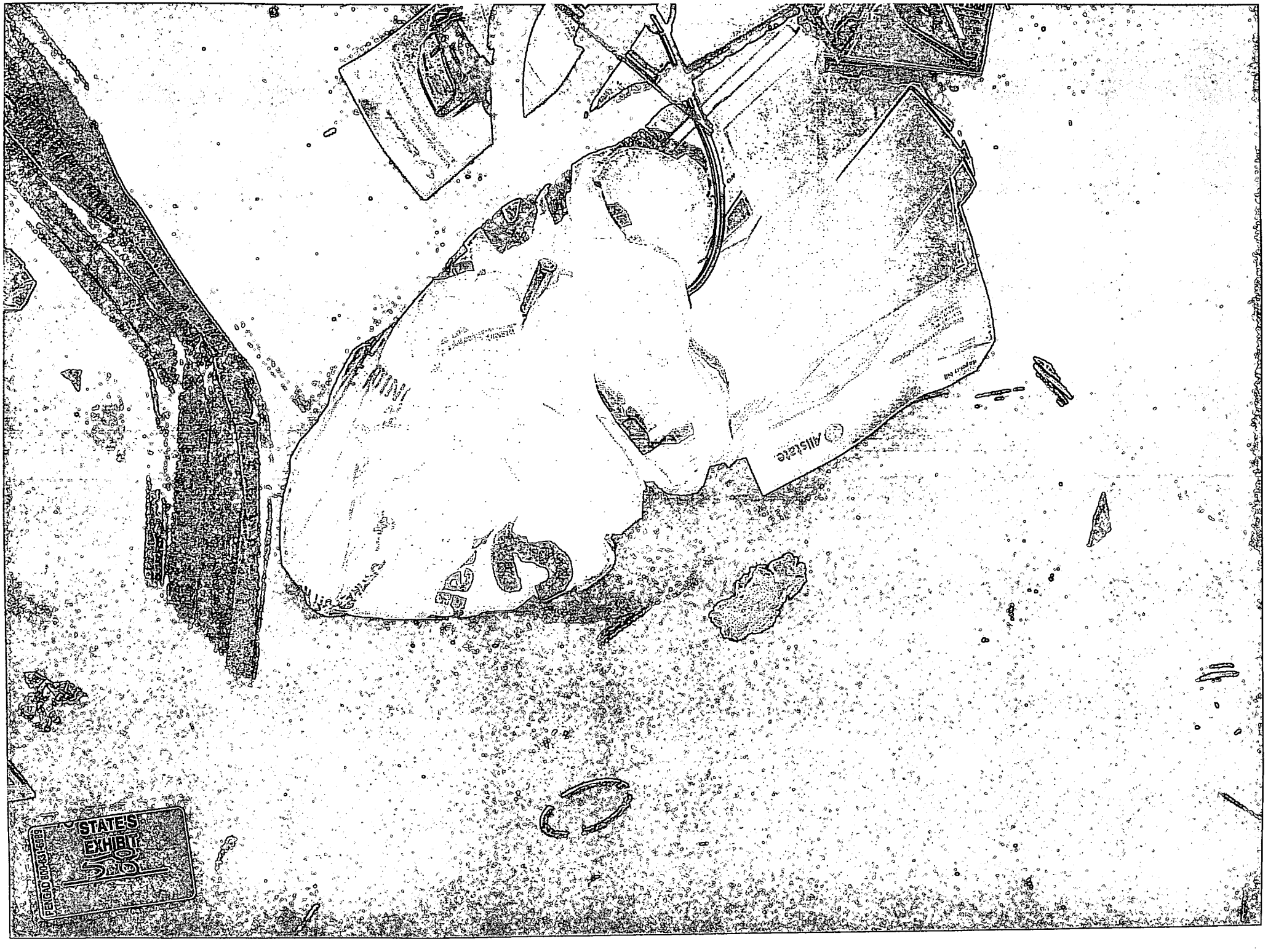
Allstate
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EXHIBIT
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RECORD ON APPEAL 463

STATE'S EXHIBIT SQ

HIJ 275
STATE'S
EXHIBIT
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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHESTERFIELD COUNTY
Court of General Sessions
Donald B. Hocker, Circuit Judge
Appellate Case No. 2014-002322

Curti Brent Gorney.....Appellant,

v.

State of South Carolina.....Respondent.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Record on Appeal contains all material proposed to be included by any of the parties, not any other material, and otherwise complies with Rule 210, SCACR.

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December 28, 2015
Chesterfield, SC