

VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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SEP 28 2016

Appeal from Kershaw County

Honorable Diane Schafer Goodstein, Circuit Court Judge

S.C. SUPREME COURT

TOMMY MCKNIGHT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000821

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF KERSHAW) COURT OF GENERAL SESSIONS
08-GS-28-2183

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13 B E F O R E:

14 THE HONORABLE J. ERNEST KINARD, JR., JUDGE; and a
15 jury.

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

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State of South Carolina,)
Plaintiff,)
vs.)
Tommy McKnight,)
Defendant.)

TRANSCRIPT OF RECORD

March 16-19, 2009
Camden, South Carolina

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RONALD W. MOAK, ASSISTANT SOLICITOR

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MARCH 16, 2009

THE COURT: Mr. Meadors, Mr. Moak, I need for y'all to step up. And Mr. Riley or Mr. Kirincich, one or the other.

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE COURT: All right, jurors, I know y'all watch TV, like it takes two weeks and three weeks to seat a jury. It is not going to take that long. It will take just a little while. But we are moving a lot quicker than you see on TV.

Now, I don't know anything about the case, as I explained to you. The Solicitor calls the case. They hand me the indictment. I hold it in my hand. I just looked at it a second ago.

The indictment is not evidence. It just contains allegations and it alleges that an individual has committed a crime.

Everybody accused of a crime, of course, is presumed innocent. They have no burden to prove they are not guilty. The State has the burden of proof beyond a reasonable doubt on every element that constitutes a crime that a person is charged with.

1 Now, this particular indictment alleges that
2 Tommy McKnight, in Kershaw County, on a certain
3 date, committed the crime of murder by stabbing one
4 Isaac Williams, who died as a result of that.

5 Mr. McKnight is presumed innocent of these
6 charges. The fact that an indictment is issued
7 creates no inference of guilt against him.

8 I take it Mr. McKnight is present?

9 MR. KIRINCICH: Yes, Your Honor.

10 THE COURT: If you would just stand and face
11 the panel.

12 (The Defendant complies.)

13 THE COURT: All right, jurors, does he look
14 familiar? Does anybody know him at all? Kin to
15 him? Work with him? Live in the neighborhood with
16 him? I need for you to stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: All right, Mr. McKnight, you can
19 have a seat.

20 (The Defendant is seated.)

21 THE COURT: But while y'all are standing, he
22 has two attorneys who will tell us who they are.

23 (Mr. Riley and Mr. Kirincich stand.)

24 MR. RILEY: Neil Riley.

25 MR. KIRINCICH: And Jason Kirincich.

1 THE COURT: Have either of these attorneys
2 ever represented you or do you have any connection
3 with them, like one of them is married to your
4 first cousin twice removed, or whatever?

5 (WHEREUPON, there was no response.)

6 THE COURT: Okay, y'all can have a seat.

7 (Mr. Riley and Mr. Kirincich are seated.)

8 THE COURT: Okay, the case for the State is
9 going to be handled by a Deputy Solicitor or
10 Solicitor, who will tell us who they are.

11 (Mr. Meadors and Mr. Moak stand.)

12 MR. MEADORS: If it pleases, Your Honor?
13 Ladies and gentlemen, my name is John Meadors,
14 Deputy Solicitor for the Fifth Judicial Circuit. I
15 work for Barney Giese.

16 MR. MOAK: I'm Ron Moak, Assistant Solicitor
17 for the Fifth Circuit.

18 THE COURT: Same thing, jurors, if you have
19 any connection with either of these attorneys,
20 direct or indirect, belong to a service club with
21 one of them, go to church with them, if you know
22 them at all.

23 (Juror Smith stands.)

24 JUROR SMITH: Yes, sir, I'm a member of First
25 Baptist Church with Mr. Moak.

1 THE COURT: Your name is?

2 JUROR SMITH: Tim Smith.

3 THE COURT: Can you be fair and impartial, is
4 the bottom line?

5 JUROR SMITH: Yes, sir.

6 THE COURT: Just have a seat.

7 (Juror Smith is seated.)

8 (Mr. Meadors and Mr. Moak are seated.)

9 THE COURT: I'm not going to ask that every
10 time, jurors, that is just understood. You might
11 give me information as I run through all of this,
12 but if you can be fair and impartial, after you
13 have given me the information you can just have a
14 seat. Okay.

15 Now, jurors, if you are going to reply in the
16 affirmative to any questions I'm going to run over,
17 you can just stand and give -- and when you stand
18 you need to tell me your name and how the question
19 applies to you. If you would prefer not to answer
20 out there, you can come up to the side bar, like
21 you saw when we were qualifying, and there will be
22 some questions I will just say don't tell me out
23 there, just stand up, because the attorneys asked
24 me to ask a few things that you might not want to
25 tell everybody. All right.

1 Okay, jurors, do any of y'all know the late
2 Isaac Williams? Is anybody kin to him? Have any
3 of y'all heard anything about this case?

4 (WHEREUPON, there was no response.)

5 THE COURT: It allegedly happened back in
6 September of '05. It didn't just happen. It
7 happened a while ago.

8 Jurors, if you or a family member -- and by
9 family member I'm talking about just up and down
10 and across, I'm talking about parent, grandparent,
11 children, grandchildren, brother, sister, okay --
12 if you or a family member currently or in the past
13 have been employed by law enforcement at any level,
14 that would be anything from FBI to SLED to the Town
15 of Bethune Police Department to a wildlife agent,
16 to a Highway Patrolman, anybody personally or have
17 a family member that is employed by law enforcement
18 now or in the past, I need for you to stand.

19 (Jurors stand.)

20 THE COURT: Okay, now all I can do is point,
21 and you need to tell us your name and how that
22 question applies to you.

23 JUROR FINCH: My name is Cathy Finch. And I
24 worked for SLED back in the '80's. I was a
25 fingerprint technician.

1 THE COURT: Okay.

2 JUROR RUSH: Lynelle Rush. My brother is a
3 retired law enforcement.

4 THE COURT: Okay.

5 JUROR STOKES: My boyfriend of six years is an
6 officer.

7 THE COURT: All right.

8 JUROR CATOE: My name is Pamela Catoe. And my
9 uncle I guess is retired law enforcement.

10 THE COURT: Okay.

11 MR. MEADORS: The last two, I'm sorry, Judge?

12 THE COURT: Tell us who you are again, the
13 last two.

14 JUROR STOKES: Jennifer Stokes.

15 JUROR CATOE: And Pamela Catoe.

16 THE COURT: Okay, thanks. Jurors, if you or
17 an immediate family member currently or in the past
18 have been employed by any individual or agency that
19 prosecutes people accused of a crime, that would
20 include a Solicitor's Office, including the Fifth
21 Circuit Solicitor's Office, District Attorney, some
22 County Attorneys, Jag Corps in service, I need for
23 you to stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: Okay, jurors, if you or an

1 immediate family member now or in the past are
2 employed or have been employed by any Public
3 Defender Corporation, that is an organization that
4 represents individuals accused of the commission of
5 a crime, or a private attorney who represents
6 people in Criminal Court, I need for you to stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Jurors, if you or an immediate
9 family member, while not directly employed by law
10 enforcement, currently or in the past have been
11 employed in a quasi-law enforcement position, that
12 would be something like nightwatchman or somebody
13 that walks through Kmart and Wal-Mart looking for
14 shoplifters, anything like that, security guard --

15 JUROR BRAZELL: My name is Loretta Brazell.
16 Security officer.

17 THE COURT: Okay, thanks. Now, jurors,
18 included within my law enforcement term would be,
19 has anybody ever been employed by the Department of
20 Corrections or jail or any place that houses
21 prisoners, the attorneys would like to know.

22 JUROR WALKER: I'm Barbara Walker. And my
23 uncle was warden of a prison in Georgia for many
24 years, retired.

25 JUROR FINCH: Cathy Finch. I worked for the

1 Department of Corrections in the '90's in the
2 Offenders' Records Department.

3 JUROR STRANGE: Richard Strange. I used to be
4 a security correctional officer for Lee County
5 Corrections.

6 THE COURT: Okay.

7 JUROR STRANGE: In late '90.

8 THE COURT: All right.

9 JUROR MOODY: Oliver Moody. I have had a
10 prison ministry at Lee Correctional in Bishopville,
11 and also with the Youthful Offender Program at
12 Rembert, Wateree.

13 THE COURT: Okay, thanks. Jurors, if you or
14 to your knowledge a family member, because you
15 might not know, take any position on the commission
16 of crimes in society by belonging to an
17 organization that takes such a position, such as --
18 they all go by initials -- MADD, Mothers Against
19 Drunk Driving; SADD, Students Against Drunk
20 Driving; CAVE, Citizens Against Violence in the
21 home; and so forth -- if anybody belongs to any
22 organization that takes a position on crime in
23 society? And if you'd rather not stand up, you can
24 just raise your hand, and I'll call you up later if
25 you do.

1 All right. Jurors, I have a long and lengthy
2 potential witness list. They are not all going to
3 testify. It is just we have to inquire because
4 sometimes, believe it or not, since this happened a
5 while ago, everybody doesn't remember what they
6 said they remembered. You have to go further, and
7 so forth.

8 But, anyway, I'm just going to read out the
9 names of the individuals. If I have a job
10 description after them I will read that out. If I
11 don't, all I have is a bare name.

12 So if you know someone or are related to
13 someone whose name I read out or a similar name, if
14 you would stand, the attorneys can tell us whether
15 the person you know is the person on the list.

16 Detective Lee Boan, of the Camden Police
17 Department, right there.

18 Sergeant Ed Corey, Camden Police Department.

19 Lieutenant Herbie Frazier, Camden Police
20 Department.

21 Officer David Hagan, Camden Police Department.

22 Sergeant Kevin Lynch, Camden Police
23 Department.

24 Lieutenant Eric Tisdale, Kershaw County
25 Sheriff's Department.

1 (Juror stands.)

2 JUROR CARVALHO: Kevin Lynch. He's just a boy
3 that went to school with one of my boys.

4 THE COURT: Tell us your name.

5 JUROR CARVALHO: Pamela Carvalho.

6 THE COURT: Okay, thanks. Investigator Justin
7 Dill, Kershaw County Sheriff's Department.

8 JUROR WILKES: That's my nephew.

9 THE COURT: Your name?

10 JUROR WILSON: Sarah Wilkes. Sorry.

11 THE COURT: Okay. I have about the next nine
12 until I stop are all currently or in the past
13 employed by SLED. They may not any of them
14 testify, but they just analyze stuff and it is a
15 chain that you go through getting stuff here to
16 there and people touching it, handing it from one
17 to another. But, anyway, if you are related to any
18 of these individuals or know them at all, I need
19 for you to stand. They are all employed by SLED.

20 Betty Butler.

21 Selina Kinard.

22 Nikki Perry.

23 Doris Yarborough.

24 Sheree Brown.

25 Amy Stevens.

1 Laura Mills.

2 Marvin Brown.

3 Marilyn Fitzpatrick.

4 Tim Grambrow.

5 Emily Reinhart.

6 That's the SLED agents, jurors.

7 Dr. Joel Sexton might testify. Does anybody
8 have any connection with him?

9 Stephanie Cornish.

10 Debra Joyner.

11 Shelton Glover.

12 Travis Johnson.

13 Jasmin Floyd, also perhaps known as Jasmin
14 Harrell, spelled H-A-R-R-E-L-L.

15 Tina Pringle.

16 Stella Washington.

17 Dr. Narendra Patel.

18 Barbara Harris.

19 And Johnny Fellers, who is the Kershaw County
20 Coroner.

21 JUROR SWEETENBURG: Was that Marvin Lee Brown
22 of Bethune? Marvin Brown?

23 THE COURT: That's who it is.

24 JUROR SWEETENBURG: Yes, sir. Patricia
25 Sweetenburg. I went to school with him.

1 THE COURT: Okay, thanks.

2 JUROR WATKINS: Glenn Watkins. Johnny Fellers
3 is my brother-in-law.

4 THE COURT: Okay.

5 JUROR RIGGAN: Walter Riggan. I dated John
6 Fellers' daughter for a number of years.

7 JUROR BRACEY: Sheila Bracey. Mr. Boan's son
8 is one of my students.

9 THE COURT: Okay. All right, jurors, is there
10 anything in the nature of the charge that would
11 prevent anybody from being a fair and impartial
12 juror, the charge being murder, which is the
13 unlawful killing of one human being by another with
14 malice aforethought, either express or inferred?

15 (WHEREUPON, there was no response.)

16 THE COURT: Jurors, if you or an immediate
17 family member to your knowledge has ever committed
18 or been the victim of a crime of violence as you
19 understand the term, that would include of course
20 kidnapping, murder, manslaughter, armed robbery,
21 sometimes burglary, but, anyway, as you understand
22 the term violent crime, it could be assault and
23 battery with intent to kill, you know, just on and
24 on, but if you think the crime that you or a family
25 member have been involved with either as a victim

1 or as a witness to a crime during a jury trial, or
2 you or a family member have been accused of being a
3 perpetrator of a crime of violence, the attorneys
4 would like to know. And for that y'all can just
5 all step up here and we will discuss it.

6 (WHEREUPON, there was no response.)

7 THE COURT: All right. Jurors, have any of
8 y'all formed or expressed an opinion as to how this
9 case should be resolved?

10 (WHEREUPON, there was no response.)

11 THE COURT: Is any juror aware of any reason
12 why you couldn't be fair and impartial if you were
13 selected?

14 (WHEREUPON, there was no response.)

15 THE COURT: All right. Now, jurors, this is
16 what is going to happen. Ms. McDonald is going to
17 call your names out one at a time. When your name
18 is called, just stand. And there are a couple of
19 other questions I'm going to ask, and rather than
20 ask the whole panel out there, there are two
21 questions you need to answer -- I'm not going to
22 ask them, y'all can remember -- they have
23 information as to whether you are married, and so
24 forth, and so forth. They would like to know if
25 you have children under 18 and how many. So when

1 you stand, just say, I'm John Smith and I've got
2 two children under 18. They apparently don't care
3 if you have 17 children and 16 of them are over 18,
4 but just any under 18 just tell us how many.

5 And this is your call. If you don't mind
6 telling us what your religious affiliation, if any,
7 is, if you would tell us that. If you would prefer
8 not to, you don't have to.

9 All right. So when they call your name, if
10 you would just stand, and those two things.

11 THE CLERK: We're calling them straight down?

12 THE COURT: Yes, sir.

13 MR. MEADORS: Judge, can we approach?

14 (WHEREUPON, a bench conference was held
15 in the presence of the jury but out of
16 the hearing of the jury.)

17 THE COURT: All right, jurors, each side can
18 excuse jurors for cause or no cause, more or less.
19 You don't have to worry about that because we're
20 just going to ask you to stand as Ms. McDonald
21 calls your name. And then the State either accepts
22 you or rejects you. I hate to put it that bluntly,
23 but that is what happens. Either way, just sit
24 down. And when we get 12 plus two alternates,
25 we'll call everybody up.

1 Now, all you have to do if you stand, if you
2 have children under 18, you don't have to say
3 anything, she would have called your name, just say
4 two, three, whatever. And if you don't mind
5 telling what your religious affiliation is, you can
6 say that. If you don't want to tell them, you
7 don't have to.

8 Okay.

9 THE CLERK: Number 19, Sheila W. Bracey.

10 JUROR BRACEY: I have no children under 18,
11 and I'm Baptist.

12 THE COURT: Just remain standing.

13 THE CLERK: What sayeth the State?

14 MR. MEADORS: Please present Ms. Bracey.

15 THE CLERK: What sayeth Defense?

16 MR. RILEY: Please swear the juror.

17 THE CLERK: Thank you.

18 (WHEREUPON, Juror 19, Sheila W. Bracey,
19 a black female, was seated as a juror.)

20 THE CLERK: Number 31, Pamela S. Catoe.

21 JUROR CATOE: I don't have any children, and I
22 currently don't go to church.

23 THE CLERK: What sayeth the State?

24 MR. MEADORS: Please present Ms. Catoe.

25 THE CLERK: What sayeth Defense?

1 MR. RILEY: Please swear the juror.

2 THE CLERK: Thank you.

3 (WHEREUPON, Juror 31, Pamela S. Catoe, a
4 white female, was seated as a juror.)

5 THE CLERK: Number 28, Pamela A. Carvalho.

6 JUROR CARVALHO: I'm Italian.

7 THE CLERK: What sayeth the State?

8 MR. MEADORS: Please present the juror.

9 THE CLERK: What sayeth the Defense?

10 MR. RILEY: Please excuse the juror.

11 (WHEREUPON, Juror 28, Pamela A.

12 Carvalho, a white female, was excused by
13 the Defense.)

14 THE CLERK: Number 53, Ronald Fleming. Do you
15 have any children, sir?

16 JUROR FLEMING: Not under 18, no.

17 THE CLERK: And do you have a church
18 affiliation?

19 THE COURT: He doesn't have to tell us that
20 unless he wants to. Don't ask them.

21 THE CLERK: All right. What sayeth the State?

22 MR. MEADORS: Please excuse Mr. Fleming.

23 THE CLERK: Thank you.

24 (WHEREUPON, Juror 53, Ronald Fleming, a
25 black male, was excused by the State.)

1 THE CLERK: Number 147, Roger M. Waller.
2 JUROR WALLER: I have one, and I'm Baptist.
3 THE CLERK: What sayeth the State?
4 MR. MEADORS: Please present Mr. Waller.
5 THE CLERK: What sayeth the Defense?
6 MR. RILEY: Please swear the juror.
7 THE CLERK: Thank you.
8 (WHEREUPON, Juror 147, Roger M. Waller,
9 a white male, was seated as a juror.)
10 THE CLERK: Number 42, Bryan R. Dorman.
11 JUROR DORMAN: None, and I'm Baptist.
12 MR. MEADORS: Please present Mr. Dorman.
13 THE CLERK: What sayeth the Defense?
14 MR. RILEY: Please swear the juror.
15 (WHEREUPON, Juror 42, Bryan R. Dorman, a
16 white male, was seated as a juror.)
17 THE CLERK: Number 80, Tami Jones.
18 JUROR JONES: One child, and Baptist.
19 THE CLERK: What sayeth the State?
20 MR. MEADORS: Please present Ms. Jones.
21 THE CLERK: What sayeth the Defense?
22 MR. RILEY: Please excuse this juror.
23 (WHEREUPON, Juror 80, Tami Jones, a
24 white female, was excused by the
25 Defense.)

1 THE CLERK: Number 154, Sarah F. Wilkes.

2 JUROR WILKES: I'm sorry --

3 THE CLERK: What sayeth the State?

4 MR. MEADORS: Please present the juror.

5 THE CLERK: What sayeth the Defense?

6 MR. RILEY: Please swear the juror.

7 (WHEREUPON, Juror 154, Sarah F. Wilkes,
8 a white female, was seated as a juror.)

9 THE CLERK: Number 90, Leroy Lee.

10 JUROR LEE: No kids, no denomination.

11 MR. MEADORS: Please excuse Mr. Lee.

12 (WHEREUPON, Juror 90, Leroy Lee, a black
13 male, was excused by the State.)

14 THE CLERK: Number 101, Jennifer L. Robosson.

15 JUROR ROBOSSON: Two, Baptist.

16 THE CLERK: What sayeth the State?

17 MR. MEADORS: Please present Ms. Robosson.

18 THE CLERK: What sayeth the Defense?

19 MR. RILEY: Please swear the juror.

20 THE CLERK: Thank you.

21 (WHEREUPON, Juror 101, Jennifer L.
22 Robosson, a white female, was seated as
23 a juror.)

24 THE CLERK: Number 9, Heather Basham.

25 JUROR BASHAM: I have two, and I'm Baptist.

1 THE CLERK: What sayeth the State?

2 MR. MEADORS: Please present Ms. Basham.

3 THE CLERK: What sayeth the Defense?

4 MR. RILEY: Please swear the juror.

5 (WHEREUPON, Juror 9, Heather Basham, a

6 white female, was seated as a juror.)

7 THE CLERK: Number 136, Timothy D. Smith.

8 JUROR SMITH: One, Baptist.

9 THE CLERK: What sayeth the State?

10 MR. MEADORS: Please present Mr. Smith.

11 THE CLERK: What sayeth the Defense?

12 MR. RILEY: Please excuse this juror.

13 (WHEREUPON, Juror 136, Timothy D. Smith,

14 a white male, was excused by the

15 Defense.)

16 THE CLERK: Number 20, Lois E. Branham.

17 JUROR BRANHAM: No children under 18, and

18 Baptist.

19 THE CLERK: What sayeth the State?

20 MR. MEADORS: Please present Ms. Branham.

21 THE CLERK: What sayeth the Defense?

22 MR. RILEY: Please excuse the juror.

23 THE CLERK: Thank you.

24 (WHEREUPON, Juror 20, Lois E. Branham, a

25 white female, was excused by the

1 Defense.)

2 THE CLERK: Number 122, Walter E. Riggan, III.

3 MR. RIGGAN: None, Baptist.

4 THE CLERK: What sayeth the State?

5 MR. MEADORS: Please present Mr. Riggan.

6 THE CLERK: What sayeth the Defense?

7 MR. RILEY: Please excuse the juror.

8 (WHEREUPON, Juror 122, Walter E. Riggan,
9 III, a white male, was excused by the
10 Defense.)

11 THE CLERK: Number 33, Yvonne H. Caulley.

12 JUROR CAULLEY: Not any, and I'm Methodist.

13 THE CLERK: What sayeth the State?

14 MR. MEADORS: Please present Ms. Caulley.

15 THE CLERK: What sayeth the Defense?

16 MR. RILEY: Please swear the juror.

17 THE CLERK: Thank you.

18 (WHEREUPON, Juror 33, Yvonne H. Caulley,
19 a black female, was seated as a juror.)

20 THE CLERK: Number 84, Travis D. Kelly.

21 JUROR KELLY: No children, and I'm Baptist.

22 THE CLERK: What sayeth the State?

23 MR. MEADORS: Please present Mr. Kelly.

24 THE DEFENDANT: I object, Your Honor.

25 THE COURT: Talk to him.

1 MR. MEADORS: Your Honor, may we all approach?

2 (WHEREUPON, a bench conference was held
3 in the presence of the jury but out of
4 the hearing of the jury.)

5 MR. RILEY: Please excuse this juror.

6 THE CLERK: Thank you.

7 (WHEREUPON, Juror 84, Travis Kelly, a
8 white male, was excused by the Defense.)

9 THE CLERK: Number 149, Linwood E. Watkins,
10 Jr.

11 JUROR WATKINS: None, Catholic.

12 THE CLERK: What sayeth the State?

13 MR. MEADORS: Please present Mr. Watkins.

14 THE DEFENDANT: Excuse me.

15 THE COURT: Hold it, now. Listen --

16 THE DEFENDANT: As a matter of --

17 THE COURT: You are represented by attorneys.
18 You don't talk to me. You talk to them. You know,
19 you can represent yourself, but that doesn't work.

20 THE DEFENDANT: Your Honor, for the record --

21 THE COURT: Talk to your attorneys.

22 THE DEFENDANT: Before the jury is sworn,
23 there is a matter of law.

24 THE COURT: The jury is not sworn yet.

25 THE DEFENDANT: Right. Will I have an

1 opportunity then?

2 THE COURT: After the jury is sent out, if you
3 want to say something.

4 MR. RILEY: Madam Clerk?

5 THE CLERK: Juror Linwood Watkins. Number
6 149, sir.

7 MR. RILEY: Please swear the juror.

8 THE CLERK: Thank you.

9 (WHEREUPON, Juror 149, Linwood E.
10 Watkins, Jr., a white male, was seated
11 as a juror.)

12 THE CLERK: Number 146, Barbara S. Walker.

13 JUROR WALKER: Presbyterian.

14 THE CLERK: What sayeth the State?

15 MR. MEADORS: Please present the juror.

16 THE CLERK: What sayeth the Defense?

17 MR. RILEY: Please excuse the juror.

18 (WHEREUPON, Juror 146, Barbara S.
19 Walker, a white female, was excused by
20 the Defense.)

21 THE CLERK: Number 16, Victoria V. Blye.

22 JUROR BLYE: Zero, Baptist.

23 THE CLERK: What sayeth the State?

24 MR. MEADORS: Please present Ms. Blye.

25 THE CLERK: What sayeth the Defense?

1 MR. RILEY: Please swear the juror.

2 (WHEREUPON, Juror 16, Victoria V. Blye,
3 a white female, was seated as a juror.)

4 THE CLERK: Number 138, Jennifer B. Stokes.

5 JUROR STOKES: No children, and Baptist.

6 THE CLERK: What sayeth the State?

7 MR. MEADORS: Please present Ms. Stokes.

8 THE CLERK: What sayeth the Defense?

9 MR. RILEY: Please swear the juror.

10 THE CLERK: Thank you.

11 (WHEREUPON, Juror 138, Jennifer B.
12 Stokes, a white female, was seated as a
13 juror.)

14 THE CLERK: Number 27, Amy A. Buring.

15 JUROR BURING: Two, and Methodist.

16 THE CLERK: What sayeth the State?

17 MR. MEADORS: Please present Ms. Buring.

18 THE CLERK: What sayeth the Defense?

19 MR. RILEY: Please excuse the juror.

20 (WHEREUPON, Juror 27, Amy A. Buring, a
21 white female, was excused by the
22 Defense.)

23 THE CLERK: Number 60, Phyllis A.

24 Hair-Malkoff.

25 JUROR HAIR-MALKOFF: One, Baptist.

1 THE CLERK: What sayeth the State?

2 MR. MEADORS: Please present Ms. Hair-Malkoff.

3 THE CLERK: What sayeth the Defense?

4 MR. RILEY: Please swear the juror.

5 (WHEREUPON, Juror 60, Phyllis A.

6 Hair-Malkoff, a white female, was seated
7 as a juror.)

8 THE CLERK: And for our alternates. Number
9 65, Charles A. Hartis.

10 JUROR HARTIS: None, and Baptist.

11 THE CLERK: What sayeth the State?

12 MR. MEADORS: Please present Mr. Hartis.

13 THE CLERK: What sayeth the Defense?

14 MR. RILEY: Please swear Mr. Hartis.

15 (WHEREUPON, Juror 65, Charles A. Hartis,
16 a white male, was seated as the first
17 alternate.)

18 THE CLERK: Number 12, Mozelle H. Bennett.

19 JUROR BENNETT: I have no children under 18,
20 I'm Baptist.

21 THE CLERK: What sayeth the State?

22 MR. MEADORS: Please present the juror.

23 THE CLERK: What sayeth the Defense?

24 MR. RILEY: Please swear the juror.

25 THE CLERK: Thank you.

1 (WHEREUPON, Juror 12, Mozelle H.
2 Bennett, a black female, was seated as
3 the second alternate.)

4 THE COURT: All right, does anybody want to
5 discuss the strikes before we call them up?

6 MR. MEADORS: Nothing from the State.

7 MR. RILEY: Nothing from us, Judge.

8 THE COURT: Let's call them up.

9 THE CLERK: As I call your name, come up to
10 the jury box to my right, and please bring your
11 belongings with you.

12 Number 19, Sheila W. Bracey.

13 Number 31, Pamela A. Catoe.

14 Number 147, Roger M. Waller.

15 Number 42, Bryan R. Dorman.

16 Number 154, Sarah F. Wilkes.

17 Number 101, Jennifer L. Robosson.

18 Number 9, Heather Basham.

19 Number 33, Yvonne H. Caulley.

20 Number 149, Linwood E. Watkins, Jr.

21 Number 16, Victoria V. Blye.

22 Number 138, Jennifer B. Stokes.

23 Number 60, Phyllis Hair-Malkoff.

24 And for our alternates, Number 65, Charles R.
25 Hartis; and Number 12, Mozelle H. Bennett.

1 THE COURT: Okay, jurors, don't talk about the
2 case. You'll be able to go home in just a few
3 minutes, but just step to the jury room. We'll
4 bring you back as soon as we tell them what is
5 happening.

6 THE BAILIFF: Y'all come this way, please.
7 (WHEREUPON, the jury retires to the jury
8 room at 1:14 p.m.)

9 THE COURT: Okay, is the door shut?

10 DEPUTY: It is shut.

11 THE COURT: All right, now, nobody objected.
12 Linwood Watkins is on the jury. He is the
13 brother-in-law of the coroner, who may or may not
14 testify. But I just want y'all to make sure you
15 are okay with that. Because the coroner is not a
16 fact witness other than to say, I arrived at the
17 scene. You were aware of that when you said --

18 MR. MEADORS: Your Honor, he is just a chain
19 witness if anything in this. He was overseeing,
20 that's all.

21 THE COURT: He's harmless. Anything else we
22 need to know about the jury? Anything y'all want
23 me to ask them that I didn't ask before we --
24 because we still have jurors out there. I think we
25 covered it.

1 MR. MEADORS: No, sir. We'll be ready to go
2 in the morning.

3 MR. RILEY: No, sir.

4 THE COURT: All right. So jurors not involved
5 in the trial of this case, I don't want y'all
6 clapping or shouting, but y'all are through for the
7 day. You have a number, I take it. If you would
8 call that number after 6:00. Is that our deal,
9 Ms. McDonald?

10 THE CLERK: Yes, sir, please.

11 THE COURT: The message will probably say call
12 back tomorrow or something, but, anyway, you may
13 well be through for the week, we don't know yet.
14 But you are clearly through for the day.

15 So if y'all would like to leave, you can do
16 that in an orderly fashion, now would be the time.

17 (WHEREUPON, the remaining jury panel was
18 excused.)

19 THE COURT: Okay, Mr. Riley, your client was
20 wanting to address the Court about something. Have
21 you conferred with him?

22 MR. RILEY: I have to the extent that I was
23 able to, Judge. He hasn't been completely
24 forthcoming. Would the Court allow him to state
25 whatever question it is?

1 THE COURT: Whatever it is, while the jury
2 isn't in here, sure.

3 Mr. McKnight, how can I help you?

4 THE DEFENDANT: Yes, Your Honor, with all
5 respect to the Court, I talked to Mr. -- the
6 attorney here for the first time Friday the 13th of
7 this month, and that was the first time me talking
8 to him.

9 And upon talking to him, we didn't have
10 adequate time to actually talk about all the
11 details that I need to talk to him about, as well
12 as a character witness or anything to that effect.

13 And to proceed now would be a gross injustice,
14 simply because not being fully informed as to the
15 extent and the nature of the charges against me, as
16 well as here it is just to stand on the clearly
17 established law that has already been established
18 and not having him fill me in as to any witnesses,
19 potential witnesses, that he said that we would
20 talk about, that I haven't had an opportunity to
21 either find out good or bad, yay or nay about the
22 witness, as well as not fully agreeing with -- here
23 it is, the arrest warrant has a statute on it in
24 reference to involuntary manslaughter, and to
25 proceed on an indictment of murder is an exception.

1 And as a matter of law, Your Honor, I wanted
2 to make sure that I have an opportunity to at least
3 state for the record that --

4 Court's indulgence, Your Honor?

5 (Pause.)

6 THE DEFENDANT: To state for the record to
7 have some type of higher court review as a matter
8 of law. The language that I understand is that you
9 must state before the jury is sworn to have a
10 higher court's review of the records.

11 THE COURT: That is not my understanding. I'm
12 the senior judge. You go here and then you can
13 appeal if you don't like anything.

14 THE DEFENDANT: Okay. The other --

15 THE COURT: One. Two, you have been in jail a
16 while, haven't you?

17 THE DEFENDANT: September will be four years
18 consistently in the custody and control.

19 THE COURT: Let me ask Mr. Riley. Are you
20 prepared to go forward with the trial?

21 MR. RILEY: Judge, yes, sir. Judge, just for
22 the record, Mr. Kirincich and I, our meeting with
23 him on Friday was the fifth meeting between him and
24 the attorneys from my office.

25 THE COURT: Okay. Well, he has been around,

1 you know. Now they have called the case for trial.
2 You have got all afternoon. We are going to send
3 the jury home. If you have other witnesses, if
4 they come up, you can still subpoena them yet. The
5 State goes first. You don't go first. So you have
6 really got -- I mean, they are willing to be
7 available to you all afternoon. How else can I
8 help you?

9 THE DEFENDANT: Your Honor, as a
10 constitutional standard for simple court records,
11 the discovery I haven't gotten. I have some, as he
12 said, the fifth meeting, but with a different
13 attorney. And of course what that attorney was
14 talking about was other issues.

15 The issues now that we are talking about is
16 moving forward with a trial even before there is
17 clarification on the indictment on 2005. And --

18 THE COURT: Well, the indictment charging you
19 with murder, and it was issued in '04, looks
20 like -- no, '08, June of '08.

21 THE DEFENDANT: The indictment I'm speaking of
22 '05 is erroneous, Your Honor. And as a matter of
23 law, that particular indictment being erroneous --
24 and I have submitted, and the Clerk's Office have
25 records of my request for a preliminary hearing.

1 And that is a procedural violation that I'm being
2 denied fundamental due process. And to continue
3 would be further denial of fundamental due process.

4 THE COURT: You've got your grounds for that.
5 Let's bring the jury in and send them home.

6 What time do y'all want to start in the
7 morning?

8 MR. MEADORS: 9:30. Whatever time Your Honor
9 says.

10 THE COURT: Well, I'm not cutting you off, I
11 just -- it is almost 1:30. I will listen to
12 whatever you say, but I have to send the jury home
13 or they will be throwing things at us. Okay?

14 MR. MEADORS: If Your Honor would rather say
15 10:00, that is fine too.

16 THE COURT: 9:30 is fine. Bring the jury back
17 in.

18 DEFENDANT McKNIGHT: So you won't be
19 continuing --

20 THE COURT: Just wait till we get this jury on
21 their way, then you can state anything you like.

22 (WHEREUPON, the jury came into open
23 court at approximately 1:23 p.m.)

24 THE COURT: Okay, jurors, I know we ran into
25 your lunch hour a little bit, but it was either

1 send you out to lunch and bring you back at 2:00
2 and pick a jury and kill everybody's weekend out
3 there, but they have all gone. We are going to
4 start this trial in the morning at 9:30.

5 Now, I need you in the jury room a little
6 before 9:30. When you get there, elect somebody a
7 foreperson. Don't get your hopes up. You don't
8 get -- the foreperson doesn't get paid any more
9 than anybody else, somebody just has to sign the
10 verdict form and preside over deliberations. It
11 can be anybody except the two alternates.

12 All right. Now, don't talk about the case to
13 anybody, you know. Don't tell everybody, yes, I'm
14 on a murder trial, when you get home. I doubt
15 there will be anything in the paper about it, but
16 it might be. Just don't read anything if it is in
17 there.

18 See y'all in the morning at 9:30. Be here a
19 little before 9:30. Be ready to go at 9:30. And
20 elect somebody a foreperson.

21 But right now you are free to go for the day.
22 Report to the jury room, not to the courtroom a
23 little before 9:30.

24 (WHEREUPON, the jury retires for the day
25 at 1:25 p.m.)

1 THE COURT: Okay. Now, Mr. McKnight, as you
2 understand, I don't know anything about your case.
3 I don't even know what case they are calling until
4 I walk in here and they hand me the indictment.
5 You understand that.

6 Here is the situation. You've got Mr. Riley
7 and Mr. Kirincich over there. They have been
8 around. You've got all afternoon to talk it over.
9 If you have a defense that you need witnesses for
10 that can't get here, then the jury is not sworn, we
11 can continue the trial in the morning. But all
12 that is premature now.

13 Mr. Riley represents he is ready to go
14 forward. If you come up with something -- you had
15 four years to think about it -- that might
16 constitute a defense, you can confer with him.
17 He's an officer of the court. He has to relay to
18 me anything you tell him that is a defense. If
19 there is something he needs more time for, we can
20 discuss that in the morning, there is no need to
21 discuss it now.

22 How else can I help you?

23 THE DEFENDANT: With all respect to the Court,
24 Your Honor, I fully understand that -- I'm not
25 doubting Mr. Riley's sincerity or integrity, it is

1 just a matter of having some of the same
2 information that they were exposed to to be able to
3 properly prepare some type of defense.

4 Not having that information or anything to
5 look at, there is no way that I can proceed with
6 any type of defense being denied fundamental due
7 process.

8 As well as all this time that I was detained,
9 as you were saying, I had time, but it would be
10 ludicrous for me to continue to meditate on events
11 that took place, although it is a tragedy any time
12 someone's life is lost, it is just a matter of what
13 I have been subjected to as a person to be
14 subjected to four and a half months of deadlock, or
15 ever how you want to phrase it. And not seeing any
16 form of life, a stray dog, or looking out the
17 window to see the sunrise, those types of things,
18 for that period of time, as well as not
19 corresponding with my attorney, left me in the
20 dark.

21 And being in the dark I knew nothing, still
22 don't know anything, as well as the Opinion Number
23 26403 that I have been subjected to, which would
24 shed some light on what I have been subjected to.

25 But not only that, I have also mentioned

1 earlier about my request for a preliminary hearing
2 and probable cause test of moments of arrest. And
3 there was an individual that came up and asked who
4 done this in the records, from my understanding.

5 And the response wasn't to the officer that
6 asked who reciprocated -- did this, the response
7 was to a walk-up person, and that walk-up person
8 got the response. So my question of identity and
9 of --

10 THE COURT: All that comes up during trial. I
11 don't know anything about it. I don't even know
12 what happened, where it happened, how. All it says
13 is that somebody got stabbed with a knife and you
14 were the stabber and he died. So if it was a
15 confrontational thing, you would have self-defense
16 as a defense. And the State would have to prove
17 beyond a reasonable doubt you didn't act in
18 self-defense. You don't have to prove that you
19 did.

20 I guess these people are witnesses that are
21 going to testify before or after the fact.

22 Where did it allegedly happen, Mr. Meadors?

23 MR. MEADORS: Just not a mile, Campbell
24 Street, 1537 Campbell Street.

25 THE COURT: So as far as whether evidence can

1 be presented and whether it is excluded or not, I
2 don't have a clue until it is called during the
3 trial.

4 MR. MEADORS: There were roughly five
5 individuals that were there and who will all
6 testify.

7 THE COURT: People who were there are going to
8 testify. You need to go over with your attorney
9 what questions to ask them.

10 THE DEFENDANT: Your Honor --

11 THE COURT: The other witnesses don't have
12 anything to do with it, SLED, chain of custody.

13 THE DEFENDANT: I was not the aggressor in
14 this situation. I did not say or do anything that
15 would merit or require an individual to get upset
16 enough to take actions against me. And upon that,
17 I reacted.

18 But this particular warrant that was issued
19 has a statute of 16-3-40 in reference to the
20 exception that I spoke of earlier, and that
21 exception led me to think that there was some
22 leniency consideration of the fact that being that
23 I never initiated any kind of aggression towards
24 anyone -- as a matter of fact, this is what I was
25 talking to Mr. Jason Kirincich about having, and at

1 least a person to come in and share with the jury
2 as well as the Court something about me. Just
3 looking and judging from an external point of view,
4 it leaves me with unfairness. And to not have any
5 kind of response from the attorneys all the time
6 while I was being subjected to deadlock or
7 administrative certification, as well as
8 incarcerated, detained among strangers, who I have
9 no idea who some of these individuals is or what
10 they was thinking or what they would do to or
11 against me. And all that time I never had a
12 response.

13 But to go back to the initial arrest warrant,
14 here it is --

15 THE COURT: Well, that does --

16 THE DEFENDANT: Particular stat --

17 THE COURT: That doesn't really matter. Go
18 ahead.

19 MR. MEADORS: If it pleases Your Honor?
20 Judge, I think what he is referring to, the initial
21 arrest warrant may have the incorrect statute, or
22 it is a statute within the homicide section, but
23 what it does have in the caption is murder, killing
24 by stabbing, and it includes the words malice
25 aforethought. It said he was stabbed and gives the

1 █████ Campbell Street. Once he was indicted, of
2 course, it does include the malice and murder
3 language with the correct statute in it. So I
4 think if there is any minor technical difficulty
5 with the statutes, it was cured with the Grand Jury
6 indictment.

7 In addition, Your Honor, I think what he is
8 saying is that, he is trying to argue, and I think
9 he wants a involuntary, it was unintentional, is
10 basically what he just said. I'm not going to try
11 and use that against him, but clearly he said, you
12 know, it was provoked. Clearly it is a murder,
13 manslaughter, or a potential involuntary case.
14 That is what it is.

15 THE COURT: After the evidence is in, it may
16 be, Mr. McKnight, I will throw it out before it
17 even gets to the jury. I'm not saying that that
18 happens, but that is, first, if it goes to the
19 jury, not knowing anything about it, but in a
20 confrontational situation usually the charge is
21 murder, voluntary manslaughter, involuntary
22 manslaughter, not guilty. But I don't know
23 anything about your case. That is going to be
24 presented during the trial. But if the indictment,
25 original indictment, said murder or killing and

1 stabbing, and so forth, you have preserved what
2 record you have on that.

3 You need to get to work with the attorneys
4 because we are going to get rolling in the morning
5 at 9:30. See y'all then.

6 MR. MEADORS: Judge, one final thing just for
7 the record, the religious question was at the
8 request of the Defense. I just wanted the record
9 to reflect that.

10 THE COURT: All right. And nobody was
11 compelled to reply.

12 MR. MEADORS: That's correct.

13 THE COURT: They voluntarily could or they
14 couldn't.

15 THE DEFENDANT: Judge, one thing that I need
16 to state for the record, Your Honor, with all
17 respect to the Court.

18 THE COURT: Sure.

19 THE DEFENDANT: There is case law that
20 actually -- State versus Allen, 244 S.E.2d 881,
21 (1976), as well as State versus Smith, 48 S.E.2d
22 595, (1948), and the statute of South Carolina,
23 Statute Section 22-5-320, (1989), State versus
24 P-O-R-C-H-E-R, 257 S.E.2d 505, (1979), as well as
25 State versus F-O-R-T-N-E-R, 222 S.E.2d 508, (1976),

1 along with that previously mentioned statute
2 Section 22-5-320, (1984).

3 Your Honor, although malice is the necessary
4 element of murder, here it is a killing in sudden
5 heat of passion.

6 THE COURT: All that is legal stuff that I am
7 well aware with that -- but I can't rule on that
8 before the trial starts. I don't know what
9 happened down there, Mr. McKnight.

10 THE DEFENDANT: With all respect to the Court,
11 Your Honor --

12 THE COURT: If you kill somebody in sudden
13 heat and passion, that is manslaughter under the
14 definition. They could find you not guilty. No
15 need to argue to me at this point about any of
16 that.

17 MR. RILEY: Judge, two pretrial matters. I
18 think Mr. Meadors knows what they are. I don't
19 know if you want to get into that now or in the
20 morning.

21 THE COURT: Whatever. The jury comes in at
22 9:30. I know y'all need to eat. I don't eat, so
23 no problem.

24 MR. MEADORS: I think I have handled my matter
25 in Columbia if Your Honor wants to break and come

1 back after lunch, I am now free, I think. I think.

2 THE COURT: It doesn't matter.

3 MR. MEADORS: Whatever.

4 THE COURT: What else do you have?

5 MR. RILEY: Well, I haven't talked with
6 Mr. Meadors. I don't think he will object based on
7 my past experience with him. Sequestration of
8 witnesses.

9 MR. MEADORS: No.

10 THE COURT: We'll sequester all fact witnesses
11 for sure.

12 MR. RILEY: The other thing --

13 THE COURT: The State is entitled to have a
14 primary witness here, which I guess will be law
15 enforcement, chief investigating officer. And of
16 course the Defendant is entitled to be present all
17 the time in the courtroom.

18 MR. RILEY: Yes, sir. The other thing -- and,
19 well, if you would bear with me for a minute,
20 Judge.

21 THE COURT: Sure.

22 MR. MEADORS: Judge, while he's doing that,
23 just before I forget, 16-3-40 actually deals with
24 an instruction on killing by stabbing or thrusting.
25 So I think that is why that was in there. Mr. Moak

1 just handed me that.

2 (Pause.)

3 MR. RILEY: That's all for right now, Judge.

4 THE COURT: Well, I mean, I'll be in this
5 afternoon if y'all need something.

6 MR. MEADORS: Yes, sir.

7 (WHEREUPON, the trial adjourned for the
8 day.)

9 MARCH 17, 2009

10 (WHEREUPON, the trial resumed as
11 follows.)

12 THE COURT: Is the State ready to roll?

13 MR. MEADORS: Not quite. I'm just waiting on
14 a piece of evidence to arrive based on what Your
15 Honor just said. It should be walking in.
16 Whenever Your Honor is ready.

17 THE COURT: All right. Is the Defense ready?

18 MR. RILEY: Yes, sir.

19 THE COURT: All right, now one Sarah Wilkes
20 was elected foreman.

21 Ms. McDonald, do you have the indictment?

22 What is your understanding of the law of
23 murder these days?

24 MR. MEADORS: I'm sorry, the law of murder?
25 Like it has always been, I guess. Potential

1 killing with malice aforethought, expressed or
2 inferred. In this case we have a very large knife.

3 THE COURT: The statute of course says express
4 or implied, which we use inferred now.

5 MR. MEADORS: Well, I think the case law says
6 use inferred.

7 THE COURT: I'm just being straight.

8 MR. RILEY: Yes, sir.

9 MR. MEADORS: Judge, if they are claiming
10 self-defense, I don't know if they are --

11 THE COURT: You have to prove he didn't act in
12 it, that's all.

13 MR. MEADORS: Yes, sir. And I may say he
14 doesn't have to prove anything, he may claim
15 self-defense, but it is still the State's burden
16 beyond a reasonable doubt. No objection to that.

17 THE COURT: But I don't get into all that, you
18 know. What I tell them is I don't even know what
19 happened.

20 Bring them in.

21 (WHEREUPON, the jury came into open
22 court at approximately 9:48 a.m.)

23 THE COURT: Okay, Ms. McDonald, the jury is
24 present. If you would swear them in.

25 THE CLERK: Thank you, Your Honor. Madam

1 Forelady, and ladies and gentlemen of the jury, if
2 you would please stand and raise your right hand to
3 be sworn.

4 (WHEREUPON, the jury complies.)

5 THE CLERK: You shall well and truly try and
6 true deliverance make between the State of South
7 Carolina and the prisoner at bar, whom you shall
8 have in charge, and a true verdict give according
9 to the evidence and the law, so help you God?

10 Please signify by saying: I do.

11 (WHEREUPON, all jurors answer: I do.)

12 THE CLERK: Thank you. Please be seated.

13 (WHEREUPON, the jury complies.)

14 THE COURT: Okay, jurors, we're going to get
15 right into the trial. I'm just going to make some
16 brief opening remarks to you, and then the
17 attorneys are going to make opening statements.

18 Their opening statements, of course, will not
19 be evidence, but you need to pay close attention
20 because they are going to outline what the issues
21 are.

22 Even now I don't know anything about the case
23 other than allegations here. So don't look to me
24 for guidance about what happened. I don't even
25 know where it happened, if it happened, okay?

1 It is not like a civil case where in civil
2 cases I bring all the lawyers in sometimes weeks in
3 advance and have status conferences, and so forth,
4 but in criminal cases you just hit the bench and
5 they call the next case.

6 This document that I showed you yesterday is
7 called an indictment. It is not evidence. It
8 creates no inference of guilt against Tommy
9 McKnight, but it does allege that Mr. McKnight
10 committed a crime in Kershaw County on
11 September 23rd, 2005.

12 It alleges that he committed the crime of
13 murder in that he stabbed Isaac Williams and that
14 Mr. Williams died as a result of having been
15 stabbed.

16 That is all I know about the allegations.

17 Mr. McKnight is presumed innocent. There is
18 absolutely no burden on his part to prove that he
19 is not guilty.

20 In order to obtain a conviction, the State has
21 to convince you 12 jurors beyond a reasonable doubt
22 that he committed a crime embraced within the
23 indictment.

24 I say embraced within the indictment because I
25 don't know what the evidence will present. But

1 murder is the highest criminal charge that we have.
2 It embraces all lesser included charges, which like
3 manslaughter, and so forth, and so forth, but I'm
4 not talking about that yet, it may not be
5 applicable.

6 But at the end of the trial, after all the
7 facts are in, I will instruct you on the law in
8 some detail.

9 Right now I can just tell you that you are
10 going to pass, jurors, on the believability of all
11 the evidence that is admitted. That would include
12 testimonial evidence and hard evidence. I think
13 there might be some that is presented.

14 The State presents its case. The Defense has
15 a right to put up a defense, but it does not have
16 to at all since they have no burden of proof. The
17 witnesses are called. You decide which portions of
18 testimony are believable. And after you have done
19 that, the relative weight that you attribute to
20 believable testimony is entirely up to you.

21 It may be that the evidence as presented
22 indicates that the Defendant acted in self-defense.
23 I do not know. I can't tell you about that at this
24 point. But if there is evidence out there, you
25 will be instructed as to what the defense of

1 self-defense entails, and if there is evidence of
2 that, the State has to prove he didn't act in
3 self-defense beyond a reasonable doubt. He doesn't
4 have to prove that he did. I don't know. Just
5 listening to the lawyers, I hate to say this, but
6 mumbling back and forth between each other, but so
7 at the end of the trial I will instruct you on the
8 law in detail.

9 If I instructed you after the attorneys made
10 their opening statements I would have some better
11 idea of what the issues were and I could maybe
12 instruct you a little more, but that is not the way
13 it operates.

14 Now, alternate jurors, you need to pay
15 attention. Having done this longer than any other
16 active judges, you think you have got a jury in
17 place and some child gets sick at school, somebody
18 has to go pick them up, and so forth, or whatever,
19 and you would be elevated to the status of a
20 regular juror.

21 Madam Forelady, your vote counts no more than
22 any other jurors. You understand that. But
23 somebody has to preside once deliberations commence
24 and act as the spokesperson for the jury.

25 Now, as the trial operates, we will take a

1 break about every hour and 15 minutes to an hour
2 and 45. I'll keep my eye on you. But you just
3 can't stop a witness in mid-sentence unless it is
4 absolutely necessary. And we don't have a
5 timeline. I don't say the first witness has got 20
6 minutes, the second witness 30, because oftentimes
7 you interview witnesses and they don't relate
8 exactly on the stand what they told you back in the
9 office, and you have to ask a few more questions to
10 get to what they are saying to make sure what they
11 are saying today is what they believe happened if
12 they were eyewitnesses.

13 Now, we went over lots of witnesses. I don't
14 think they are all going to testify, so don't worry
15 about being here Saturday, we are going to finish
16 before Saturday. But, understand that murder is a
17 serious charge, serious consequences, the most
18 serious situation a person can be in if they are
19 accused of committing a crime.

20 So you need to pay close attention throughout.
21 Don't talk about the case during any breaks or
22 anything because you have only heard a portion of
23 the testimony when we take a break. Wait until all
24 the testimony is in, closing statements have been
25 made, and you have been instructed on the law.

1 Now, at this point I will simply tell you that
2 murder is the unlawful killing of one human being
3 by another human being with malice aforethought,
4 express or inferred.

5 And I will tell you about that in some detail,
6 but the attorneys are going to discuss that with
7 you. At the end of the trial I'll instruct you in
8 depth, but not right now.

9 Okay, Mr. Meadors, you are going to make the
10 opening statement?

11 MR. MEADORS: Yes, sir. If it pleases, Your
12 Honor?

13 THE COURT: Sure.

14 OPENING STATEMENT

15 MR. MEADORS: Isaac Williams, also known as
16 Ike, is dead. He is no longer here. That is what
17 this case is about. Isaac Williams is dead.

18 On September 23rd, 2005, the Defendant, Tommy
19 McKnight, took this knife and put it in the gut of
20 Isaac Williams, and Isaac Williams is dead. He
21 murdered him. That is what this case is about.

22 Madam Forelady, ladies and gentlemen of the
23 jury, good morning. My name is John Meadors. I'm
24 the Deputy Solicitor for the Fifth Judicial
25 Circuit. Seated with me at counsel table is

1 Mr. Ron Moak, Assistant Solicitor for the Fifth
2 Judicial Circuit assigned full-time here in the
3 Kershaw Solicitor's Office. I was here eight years
4 full-time in the Solicitor's Office in Kershaw.
5 I'm now in Richland and Kershaw. And the gentleman
6 that was sitting back in the back and will be here
7 later on today is our boss, Solicitor Barney Giese,
8 the elected Solicitor, and we work for him.

9 We are here today representing the people of
10 South Carolina, the people of Kershaw County,
11 against the Defendant, Tommy McKnight, represented
12 by Mr. Kirincich and the Chief Public Defender in
13 Kershaw County, Mr. Neil Riley.

14 Thank y'all for being here. And I'm not just
15 saying that, but I thank you for being here. Thank
16 you for responding to your jury questionnaire.
17 Some folks don't. Thanks for showing up and
18 answering the roll. Thanks for being willing to
19 serve.

20 Ms. McDonald doesn't have a class on how to be
21 a juror. When y'all got here yesterday at 11:00
22 you didn't go to a class at 10:00 o'clock, how to
23 be a juror, but you've been in a class your whole
24 life. It is the class of common sense. Every case
25 requires y'all to just bring in your everyday

1 experiences, what you know about life, and use that
2 as you are deciding what the truth is. It is true
3 in every case. Because what you are going to do is
4 sit here and listen to the evidence.

5 The only thing that you can consider is what
6 comes from this witness stand right here. That is
7 the evidence. What these folks say, what you hear.
8 Y'all decide what is believable, what is credible.
9 And you do that basing it on just using your common
10 sense and evaluating the witnesses that you hear
11 from the stand, who is telling the truth, who is
12 not. That is what every case is about. I know
13 you'll do that in this case, and we thank you.

14 The judge had mentioned our burden of proof,
15 the State's burden of proof. It is the same in
16 this case as in every other case that the
17 Solicitor's Office or Prosecutor's Office tries
18 around this country. Y'all know what it is. You
19 can tell me as much as I can tell y'all. It is
20 beyond a reasonable doubt. It is not beyond all
21 doubt. If that was the case, you might as well
22 close the courthouse down. You could never prove
23 anything beyond all doubt. Even if you have stuff
24 on videos, I think there are cases where people
25 question the videos. You can never prove anything

1 beyond all doubt. And the law doesn't require it.
2 It requires proof beyond a reasonable doubt, beyond
3 a doubt that causes reasonable folks to hesitate to
4 act.

5 I have to go through these things. I hope you
6 understand.

7 The Defendant in this case, Tommy McKnight,
8 has been charged, as Your Honor told you, in
9 Kershaw County by the Kershaw County Grand Jury
10 with murder.

11 And all of you know what murder is. Murder is
12 the unlawful, intentional killing of another
13 living, breathing individual with malice
14 aforethought.

15 Now, what is malice? The law says -- and
16 we're all governed by the law here -- the law says
17 malice can be shown to you and the jury in a couple
18 of ways. Pretty much common sense.

19 Malice can be expressed. If you had an
20 altercation with somebody and you said, I'm going
21 to kill you, that is an expressed way to show
22 malice.

23 Now, the law also says, and doesn't it make
24 sense, that malice can be inferred -- inferred by
25 the use of a deadly weapon; a gun, a knife.

1 Malice aforethought. Now, aforethought is a
2 term of art. I don't know if I 100 percent
3 understand it, but I think I know how to explain
4 it, maybe not as well as some others, but in this
5 state we don't have to prove premeditation. We
6 don't have to prove that somebody planned and
7 calculated and went out to kill somebody. That is
8 not what aforethought means.

9 Malice aforethought means that malice must
10 exist -- and of course I forgot to define malice
11 because I guess I figure y'all know what it is.
12 Malice is a meanness, an evilness, a wickedness, a
13 spitefulness one person shows to another. It can
14 be expressed or implied. That is what malice is.
15 It is just 'ole meanness.

16 Malice aforethought, the aforethought just has
17 to exist in the instant a shot is fired. Well, you
18 know the natural consequences of a trigger being
19 pulled, the bullet, it could kill somebody. The
20 instant a knife was plunged four inches into
21 somebody's gut, that is an inference of malice that
22 we'll ask y'all to consider at the end of the case.

23 And also the State must prove unlawful killing
24 of another with malice aforethought, express or
25 inferred, and that the victim in this case, Isaac

1 Williams, died as the proximate result of injuries
2 inflicted by Tommy McKnight.

3 I'm going to start with the body of Isaac
4 Williams and I'll end with that in my closing.
5 I'll tell you that.

6 The first witness you are going to hear from
7 is Dr. Joel Sexton, renowned forensic pathologist,
8 who is going to -- renowned forensic pathologist --
9 who is going to tell y'all what the cause of death
10 of Isaac Williams is, the corpus delicti. We're
11 going to start with that in this trial right off
12 the bat. And he is going to explain the injuries.

13 And we have to show you that in the
14 indictment, what the cause of death was. That is
15 one of the elements that we must prove beyond a
16 reasonable doubt.

17 Very briefly, some other types of evidence
18 that you might hear, or you will hear, are direct
19 evidence. Direct evidence is evidence that a
20 witness who takes the stand has gathered with one
21 of their senses. They either heard it, they have
22 seen it, they have smelled it, they have touched
23 it, and they come in here and take the witness
24 stand and tell you jurors, this is what I have
25 heard, this is what I have felt, smelled, touched.

1 And then y'all decide if that is -- if they did
2 hear or see or touch all of that. That is
3 credibility. That is just what it is. But that is
4 direct evidence.

5 Circumstantial evidence is proof of a fact
6 which, taken with another fact, establishes a fact
7 in question. It was not that cold last night, but
8 if you went to bed last night and there wasn't snow
9 on the ground and you got up this morning and there
10 was snow on the ground, you didn't see it snow, but
11 you know it is snow. That is just an old example
12 of circumstantial evidence.

13 This knife was found under the dresser in the
14 house at [REDACTED] Chestnut Street of the Defendant,
15 Tommy McKnight. And it has got the blood of the
16 Defendant(sic), Isaac Williams on it. You didn't
17 see the stab, but you know that that blood and that
18 knife were in the body of Isaac Williams.

19 Circumstantial evidence. And it was on that knife
20 that was found underneath the dresser. That is an
21 example of circumstantial evidence.

22 You'll see pictures, documents perhaps,
23 different types of evidence that will be presented
24 for your consideration.

25 What happened? My job is really easy. This

1 is all I have ever done. I love this job. And I
2 say that because we prepare a case, we get our
3 witnesses ready, just if they have given a
4 statement, go over the statement.

5 You come in and you take the stand and you
6 say, well, what happened? What is your background?
7 You let the jury know who you are, where you are
8 from, how far did you go in school, what did you do
9 after that, so you can evaluate them. I don't do
10 it -- just so y'all can look at them and evaluate
11 the witness. Now, tell me what happened this
12 night.

13 Well, folks, let's go back in our minds to
14 less than seven-tenths of a mile from where we are
15 right now at [REDACTED] Campbell Street. Y'all know
16 where Campbell Street is. It is right over here.
17 I'm terrible with directions. But it is
18 seven-tenths of a mile from this courtroom.

19 It is Friday, September 23rd of 2005. Travis
20 Johnson, one of the witnesses you are going to
21 hear, had gotten off work earlier that day. He
22 went and helped his mama run some errands, went to
23 play some ball, and then he heads down to [REDACTED]
24 Campbell Street.

25 His friend, Ms. Debra Joyner, is already

1 there -- excuse me, his friend, Jasmin Harrell, is
2 already there. A fellow named Shelton Glover is
3 there. Shelton's friend, Ms. Debra Joyner, is
4 there. And a young lady named Stephanie Cornish is
5 there. These are all the folks that y'all are
6 going to hear what they saw that night, what they
7 heard, except the residence of some Richardsons who
8 lived there, they don't live there any more, some
9 new folks are living there and they are unrelated
10 to this. But this was a gathering place, if you
11 will, on Friday evening of September 23rd, 2005,
12 where people gathered around to drink, socialize,
13 to have a good time at the end of the week.

14 At some point later on that evening Tommy
15 McKnight comes up on his bicycle. Comes up -- and
16 we'll show you pictures of the sidewalk. And you
17 are going to hear these five people, what they saw,
18 and that is what you'll decide this case on. Not
19 me, but what they said.

20 And they are going to tell you that Tommy
21 McKnight comes up, and he asks the victim about a
22 dog. About a dog. If the victim had a pit bull.

23 Is it a pit bull?

24 Yes, it is a pit bull.

25 How is it, is it a pit bred with a pit?

1 It was, some witnesses will describe, an
2 aggravating kind of obnoxious -- what they'll
3 say -- maybe looking for trouble, is what they'll
4 say.

5 And the Defendant said -- excuse me, the
6 victim, Isaac Williams, said, leave.

7 And you will hear different versions here, and
8 you will have to decide. One witness says the
9 Defendant swung at the victim. One witness said
10 after he was talking to him about his dog, a dog,
11 that the victim hit the Defendant with a bottle,
12 told him to leave. Just leave. Just leave.

13 And the Defendant says, I'm not leaving, I'm
14 going to drink my beer.

15 Another witness, Shelton Glover, had gone to
16 get some food. He says he hears a beer bottle
17 break, and that is when he comes back. And he
18 tries to push back Travis Johnson and tries to push
19 back the victim just so nothing will happen, but he
20 can't.

21 And after the victim hits the Defendant, one
22 witness says the Defendant then tries to sucker
23 punch or tries to hit the victim. Y'all will hear
24 all this. He is told to leave. He doesn't leave.

25 And then somehow it goes to the roadway, and

1 what should have been just a fight or maybe a nick
2 and a bruise -- and the evidence will be the victim
3 has no gun. No knife. Not even a beer bottle
4 anymore. And from out of nowhere, not a
5 pocketknife, but the Defendant pulls this out.
6 Pulls this out. Over a dog.

7 And one witness will say, well, they say a
8 swiping motion.

9 Did you see any knife? No. But then saw
10 another swiping motion.

11 Listen as Dr. Sexton describes the injuries.
12 Again, swiping.

13 And one witness will say, I saw a little hint
14 of silver.

15 And after that, every witness says Isaac
16 Williams said, he got me.

17 What?

18 He got me.

19 And that is real. And he got him.

20 Listen to Dr. Sexton. He got him.

21 Isaac Williams would still be here today.
22 Bruised egos maybe. Maybe a bruised head or two.
23 But he shouldn't be dead.

24 That is what this case is about and that is
25 what y'all will have to decide.

1 As Judge Kinard says, the burden of proof is
2 on the State, as it should be. I don't know what
3 they are going to present. They may present
4 self-defense. They may say it is the worst case of
5 suicide they have ever seen. They don't have to
6 present anything. The burden of proof is on the
7 State.

8 But we submit to you as we get to our closing
9 arguments, Isaac Williams shouldn't be dead now.
10 And the Defendant needs to be held accountable.

11 Folks, we all have our roles in this case. I
12 have my role. Mr. Moak, Mr. Kirincich, Mr. Riley
13 have our roles. His Honor is the judge of the law.
14 Longest serving judge in this state by five years,
15 and it has been an honor to work with him for over
16 20 years. He is as good as it gets. He has got
17 his role. He is the judge of the law, Judge
18 Kinard. Lives less than a mile from this
19 courthouse. He's got his role. But you 14, with
20 all due respect to the longest serving judge and
21 everybody else in here, you 14 have the most
22 important role of anybody in this courtroom,
23 because you are the judge of the facts.

24 That is why our country, despite what we are
25 going through right now, is the best -- this is the

1 best in the world because of y'all. Y'all. This
2 really is. This system is based on y'all. You
3 come in here week in and week out. This is our
4 job. This is our job.

5 Somebody -- I heard a judge say a long time
6 ago, it is like a basketball team. We play every
7 week. I have got a position. But the star player,
8 the MVP comes in every week and decides the game.
9 Isn't that beautiful? Y'all are MVP's because you
10 are the judge of the facts. And that is the way it
11 should be.

12 And all we can all ask you is to listen and
13 use your common sense -- and I hope none of you are
14 getting tired listening to me -- you use your
15 common sense. And when you have heard all the
16 evidence, come back with a verdict that speaks the
17 truth. That is all we can ask you. That speaks
18 the truth.

19 This is what happens based on His Honor's law
20 and what I believe the facts are. And we submit
21 that the truth will be on September 23rd, 2005,
22 Tommy McKnight didn't need to kill Isaac Williams.
23 Isaac Williams should still be here. And he is
24 going to be held accountable.

25 Thank you.

1 THE COURT: Okay.

2 MR. RILEY: May it please the Court?

3 THE COURT: Sure.

4 MR. RILEY: Mr. Meadors?

5 OPENING STATEMENT

6 MR. RILEY: Ladies and gentlemen, and Madam
7 Forelady? We're here today, as I think it is clear
8 to all of you by now, because of a tragedy. The
9 death of Isaac Williams clearly can't be called
10 anything else.

11 If in the course of this trial or in my
12 opening statement, if I say anything that leads any
13 of you to believe that I am minimizing or slighting
14 the fact that a death resulted in this incident,
15 then you would be wrong in interpreting anything I
16 say or do as meaning that.

17 We all regret the fact that a life was lost
18 because of this incident. And no one in this
19 courtroom regrets it more than Mr. Tommy McKnight.

20 Now, on the night of September 23rd, 2005, you
21 will hear a number of witnesses relating the
22 incidents of that night leading up to the death of
23 Mr. Williams.

24 Some of what the witnesses say will be
25 conflicting. It will be your job to sort out the

1 truth from what might be faulty recollection or
2 other errors in human memory. Human memory can
3 sometimes be a very fallible instrument.

4 Let me tell you what I think happened that
5 night and what I think you will be able to draw and
6 form as you -- as this trial progresses, and
7 especially when you retire to your jury room to
8 begin deliberations, a picture of what it was that
9 took place that night.

10 Mr. McKnight lives in -- on a street, Chestnut
11 Street, not very far from where this incident took
12 place.

13 On the night of September 23rd he was on his
14 bicycle. He does not own an automobile. And on
15 his bicycle he was visiting various friends in the
16 course of that evening, riding from one friend's
17 house to another, spending a few hours, watching
18 sports on television, making small talk, things of
19 that nature.

20 Now, in the course of the evening he rode his
21 bicycle up to Campbell Street, the location of the
22 incident. That was not the -- [REDACTED] Campbell, that
23 was not the house that Mr. McKnight lives at, that
24 was not the house that Mr. Williams lived at, but
25 there were a group of people gathered out in the

1 front yard. And Mr. McKnight stopped on his
2 bicycle to talk to them.

3 He was straddling his bicycle, leaning on the
4 handle bars as he was talking with these folks that
5 were at [REDACTED] Campbell. Among them, of course, was
6 Isaac Williams.

7 Now, Mr. McKnight asked Mr. Williams about a
8 dog that Mr. McKnight had seen the victim walking
9 earlier that day.

10 For some reason Mr. Williams took deep offense
11 at these questions. I don't know why. Maybe there
12 will be some information that will enable you to
13 draw your own conclusions.

14 But at any rate, that made -- that mere
15 question about the dog that Mr. Williams had been
16 walking earlier provoked him.

17 Now, you will hear testimony that what
18 happened is that Mr. Williams approached
19 Mr. McKnight as he was on his bicycle straddling
20 it. He approached him with one hand behind his
21 back like this, spewing profanity at him as he was
22 approaching. Mr. McKnight didn't know what was in
23 his right arm or his right hand. He walked up to
24 Mr. McKnight and whacked him over the forehead with
25 a beer bottle, leaving a deep cut on his forehead.

1 You will hear about that and learn the details of
2 that cut.

3 Mr. McKnight fell over. Tangled up in the
4 bicycle, he fell over on the ground. Mr. Williams
5 was still coming after him. As he struggled to get
6 up -- here again, there will be conflicting
7 testimony -- Mr. Williams basically was still
8 coming after Mr. McKnight. Mr. McKnight tried with
9 his left arm to punch Mr. Williams, which missed,
10 and he then in a swinging motion swung the knife
11 that Mr. Meadors has previously exhibited to you.
12 And that will be an exhibit in this case.

13 Now, Mr. Meadors mentioned that malice
14 aforethought can be expressed or inferred. And he
15 used the knife as an example of what can be
16 inferred malice, the fact that Mr. McKnight had
17 that knife with him that night.

18 That is simply not the case. The reason that
19 he had that knife with him is that approximately
20 two years before this incident, he had been the
21 victim of a beating with a baseball bat, he was
22 carrying it for protection, had been for the better
23 part of two years. He didn't go there with malice
24 aforethought.

25 In order to find the Defendant guilty of the

1 crime the State has charged him with, you have to
2 find malice aforethought. You have heard the judge
3 mention that phrase, you heard Mr. Meadors mention
4 it. The State has to meet its burden of proving
5 malice aforethought, either express or inferred. I
6 submit to you that they simply cannot meet that
7 burden.

8 Now, another phrase that the judge has used
9 and that you'll be hearing probably over and over
10 again in the course of this trial, certainly from
11 the defense attorneys, the presumption of
12 innocence. Our entire judicial system is based on
13 the principle of law known as presumption of
14 innocence.

15 Mr. McKnight is as innocent as anyone else in
16 this courtroom of the crime that he is charged
17 with, and he remains innocent until such time as
18 you, in your concerted collective wisdom, decide
19 otherwise, should you decide.

20 Throughout this trial, as a matter of law you
21 have to remember that Mr. McKnight is cloaked in a
22 presumption of innocence. He is innocent of this
23 crime. He is merely charged with this crime. He
24 isn't guilty of it until you decide otherwise.

25 Now, there is going to be an awful lot of

1 information presented. A lot of it may be a little
2 bit -- I shouldn't say a little bit, a lot of it
3 will be downright unpleasant. This was a horrible
4 injury that occurred with the victim resulting in
5 his death. If Mr. McKnight could do it over again,
6 it wouldn't have happened. However, he was being
7 threatened that night. He had been hit on the
8 head, knocked off his bicycle, was being approached
9 further by the victim, the ultimate victim in the
10 case, and he defended himself.

11 There isn't going to be one single bit of
12 evidence, in my opinion, that you will hear or will
13 be presented to you that will be able to convince
14 you that Mr. McKnight acted with malice
15 aforethought. And you cannot convict him of the
16 crime the State has charged him with unless you
17 find malice aforethought.

18 I thank you for listening to my opening
19 remarks. Please pay close attention during the
20 course of this trial. I know that you will. I
21 know that each and every one of you would rather be
22 in a hundred different places rather than here, but
23 do listen carefully, weigh everything that you hear
24 from the witness stand with great deliberation and
25 concentration.

1 And when this case is over, when all the
2 evidence is in and you retire to your jury room,
3 I'm convinced and confident that you will reach a
4 verdict of not guilty.

5 Thank you very much.

6 THE COURT: Mr. Riley, Mr. Meadors, y'all step
7 up one second.

8 (WHEREUPON, a bench conference was held
9 in the presence of the jury but out of
10 the hearing of the jury.)

11 THE COURT: All right, jurors, as I explained
12 to you, the judge didn't know anything about what
13 allegedly happened. After listening to opening
14 statements, I'm going to give you some further
15 instructions. I intend no emphasis by it, it is
16 just issues that are going to be presented,
17 assuming the attorneys' opening statements are not
18 evidence, y'all understand that, but they do state
19 what they think the evidence will be presented. It
20 might not, but that is it.

21 So, as I mentioned, the State has the burden
22 of proof beyond a reasonable doubt on each element
23 that constitutes a crime. And, of course, murder
24 is the unlawful killing of one human being by
25 another with malice aforethought, express or

1 inferred.

2 Jurors, apparently there will be evidence
3 presented during the trial of self-defense. The
4 law recognizes the right of every person to defend
5 himself from death or serious bodily injury. And
6 to do this, a person may use such force as is
7 necessary, even to the point of taking a human
8 life.

9 If evidence of self-defense is present during
10 the trial, the State must prove beyond a reasonable
11 doubt that the Defendant did not act in
12 self-defense. The Defendant does not have to prove
13 that he did. Self-defense, if established to the
14 satisfaction of 12 jurors, is an absolute defense.

15 Any time somebody is killed, we are talking
16 about the area of homicide. Another way of saying
17 this would be justified homicide. However, before
18 self-defense can be established as a complete
19 defense, four things must be shown to the
20 satisfaction of you jurors.

21 First, that the Defendant was not at fault in
22 bringing about the immediate difficulty, or the
23 necessity of taking a human life. Obviously, one
24 individual cannot, through his or her own fault,
25 bring on a difficulty and then claim they acted in

1 self-defense. That is the first element, must be
2 without fault.

3 Second, that at the time that the action was
4 taken that resulted in the death of the victim, the
5 Defendant believed -- I'll just say he, because
6 that is what we are dealing with, you know. In
7 this gender-biased world you are supposed to say he
8 or she, but we're talking about this particular
9 individual in this case. It is the same law in
10 every case, but it is he or she, depending on who
11 is charged. Second, that at the time the action
12 was taken that resulted in the death of the victim,
13 the Defendant believed that he was in imminent
14 danger of losing his life or of sustaining serious
15 bodily harm. Imminent means immediate, not past or
16 future, but present.

17 Third, that such belief -- in other words, the
18 belief that he was, himself, in danger of
19 sustaining serious bodily injury or of losing his
20 life -- that a reasonable, careful and prudent
21 person, a man, for instance, of ordinary firmness
22 and courage in like circumstances would have
23 reached a similar conclusion. That just says that
24 if anybody was placed there they would have felt
25 like the Defendant did, if you find that he did.

1 Fourth, where the deceased and the Defendant
2 are on common ground, that is, where both are where
3 they have a right to be, then the Defendant must
4 show that he had no other reasonable, safe and
5 adequate means of escape or avoiding the danger
6 other than to take the action that he took.

7 Those are the four elements in a nutshell.

8 All right. Now, listening to the opening
9 statements, at the conclusion of the trial there
10 may be several forms of verdict that will be
11 submitted to you. One will certainly be not
12 guilty, and one will be guilty. But at this point,
13 as I mentioned to you, the greater charge of murder
14 includes all lesser included offenses, murder being
15 the unlawful killing of one human being with malice
16 aforethought, express or implied. A lesser
17 included form of that verdict will be voluntary
18 manslaughter, which you can consider.

19 But first I'm going to explain to you in a
20 little more detail that malice is hatred, ill-will
21 or hostility towards another person. It is the
22 intentional doing of a wrongful act without just
23 cause or excuse and with an intent to inflict
24 injury or under circumstances from which an evil
25 intent can be inferred.

1 As the attorneys have mentioned to you, malice
2 does not have to exist for any specified period of
3 time, malice must exist in the mind of the
4 Defendant just before and at the time of the action
5 taken that resulted in the death of another human
6 being. In other words, there must be a combination
7 of the previous evil intent and occurrence of the
8 action taken.

9 Now, malice aforethought may be express or
10 inferred. The words express or inferred do not
11 talk about different kinds of malice, but it goes
12 to the manner in which malice is proved.

13 Express malice is where, for instance, someone
14 calls somebody and says, are you going to be home
15 at 5:00 o'clock? Good, I'm coming over there with
16 my shotgun and blow you away. Well, you know, then
17 they go over there and blow them away with a
18 shotgun. That is express malice.

19 An inference of malice can arise where a
20 deadly weapon is used. And a deadly weapon, you
21 know, is anything that can cause serious bodily
22 harm. It does not necessarily have to be a gun or
23 a knife. You know, it could be a hammer. It could
24 just be a crowbar. Anything that would cause death
25 to another person would certainly be classified as

1 a deadly weapon.

2 And if evidence is presented that a deadly
3 weapon was used, that is just evidence in the case.
4 That does not necessarily mean that you must infer
5 from the use of a deadly weapon malice, but you
6 can. That is just what you jurors do.

7 Now, if you find that the State proved to you
8 that the Defendant unlawfully killed the victim,
9 but if you don't find malice, you know, you
10 couldn't find him guilty of murder. I'm not
11 suggesting that you don't find him guilty of
12 murder; certainly I'm not suggesting that you do;
13 and I'm not suggesting you don't even find him not
14 guilty. I'm just telling you what the law is and
15 so you will have an idea as witnesses start being
16 called and you will know kind of what to follow.

17 As I mentioned, the greater charge of murder
18 includes all the lesser charges. I am going to
19 express to you a little bit about voluntary
20 manslaughter.

21 Voluntary manslaughter, being a lesser
22 included form of murder, can be considered by you,
23 assuming facts are presented, while the Defendant
24 did not act with malice, he killed someone
25 unlawfully, was not justified in killing him.

1 To prove voluntary manslaughter, the State
2 must prove beyond a reasonable doubt that the
3 Defendant took the life of another in a sudden heat
4 of passion based upon sufficient legal provocation.

5 Both heat of passion and sufficient legal
6 provocation must be present at the time of the
7 killing to constitute voluntary manslaughter.

8 Sudden heat of passion may for a time affect a
9 person's self-control and temporarily disturb a
10 person's reasoning. Sudden heat of passion must be
11 the type that would make an ordinary person, unable
12 to coolly reflect on his actions, would produce an
13 uncontrollable impulse to do violence.

14 Sufficient legal provocation must be the type
15 that would make a person of ordinary reason and
16 caution become enraged and lose control
17 temporarily.

18 The provocation needed for voluntary
19 manslaughter must come from acts of or be related
20 to the victim, not from someone else.

21 At the conclusion of the trial I will instruct
22 you in more detail on those issues, but that is
23 just the basic outline.

24 The State, to obtain a conviction for
25 voluntary manslaughter, does not have to in the

1 indictment say he killed Isaac Williams by
2 voluntary manslaughter. Murder includes that
3 charge.

4 So at this point, the verdict form will be not
5 guilty, guilty of murder, guilty of voluntary
6 manslaughter. There may be others. I don't know
7 from listening to opening statements. But at least
8 you will have that in front of you.

9 And by charging you on that, again, I'm not
10 suggesting what you would find. You are the fact
11 finders and you give such weight to the admissible
12 evidence as you would find it.

13 Okay. Now, we are going to call our first
14 witness and then we'll take a break. The first
15 witness will not be long.

16 MR. MEADORS: May it please the Court? We
17 call Dr. Joel Sexton.

18 THE CLERK: Place your left hand on the Bible
19 and raise your right hand.

20 (Witness complies.)

21 THE CLERK: Do you swear or affirm the
22 evidence you will give in this case will be the
23 truth, the whole truth, and nothing but the truth,
24 so help you God?

25 THE WITNESS: I do.

1 THE CLERK: Thank you. Please be seated in
2 the witness chair, and please state your full name
3 for the record.

4 THE WITNESS: Dr. Joel Steven Sexton.

5 JOEL STEVEN SEXTON, M.D.,
6 after being duly sworn, testified as follows:

DIRECT EXAMINATION

7 BY MR. MEADORS:

8 Q Good morning, Dr. Sexton.

9 A Good morning.

10 Q Doctor, please tell these ladies and gentlemen of
11 this jury a little bit about Dr. Joel Sexton, where
12 you are from, your background, your education, your
13 training, and in particular your training in the
14 field of expertise that I have asked you to testify
15 to today.

16 A My name is Joel Sexton. I am a physician, an M.D.
17 I graduated from the Medical University of South
18 Carolina in Charleston. I am currently in
19 Newberry, South Carolina.

20 I just recently retired from the medical
21 practice that I started in 25 years ago. Prior to
22 that I taught at the Medical University for 17
23 years. And the practice that I had there in
24 Newberry was Newberry Pathology Associates that did
25 hospital pathology where we examined tissue removed

1 at surgery to determine if that patient has cancer
2 or some other condition, as well as supervise in
3 the laboratory where various body fluids are
4 examined to determine if you have a particular
5 illness or disease and whether you are getting
6 better or worse. And our responsibility there was
7 to make sure that that was done correctly by the
8 technicians that did that job and to interpret
9 results for your condition.

10 I trained first at the University of Virginia
11 where I went to undergraduate school and received a
12 chemistry degree.

13 I was in the Navy for three years because I
14 was a Navy scholarship student.

15 I then entered the Medical College of South
16 Carolina where I took a training in chemistry in
17 the special chemistry department, which was also
18 the toxicology department.

19 Receiving a master's in that, I then went on
20 to med school because at that time there were only
21 three professors, one retired -- or one became the
22 president of the school and the other had no time
23 for me to finish my Ph.D., so I went ahead and went
24 into medicine and graduated in 1968, and then
25 trained in the area of pathology, including

1 forensic pathology.

2 When I finished my training in '72, I stayed
3 on as a professor there at the medical university
4 and taught in the areas of pathology and was in
5 charge of the area of forensic pathology, that
6 section of the department of pathology.

7 At that time we received cases from all over
8 the state doing about 650 a year for the school.

9 Then in 1983 I chose to move into private
10 practice there in Newberry where we do usually
11 currently for cases of that, easily in the 700
12 range.

13 And over the course of the last 40 years, I
14 have done over 7,000 autopsies and testified over
15 7,000 -- 700 times in court in this state.

16 Q Very briefly, what is the difference between
17 pathology and forensic pathology?

18 A Well, as I mentioned, pathologists examine tissue
19 that is done at surgery to determine the condition
20 of that particular individual. I supervise the
21 lab.

22 Pathologists do hospital cases of autopsies to
23 determine more about their disease or illness to
24 help that physician better treat that condition in
25 the future where the person dies in a hospital

1 setting.

2 In the forensic cases, they are done at the
3 request of the Coroner's Office to determine
4 whether that person died as some sort of violence
5 or whether it was a natural death to make sure
6 there is not an epidemic occurring.

7 There are a fair number of cases that appear
8 to be natural that are autopsied at the request and
9 authorization of the coroner.

10 But the forensic cases we will definitely look
11 to see if there is any violence in the form of any
12 trauma or poisoning, and to recognize that and to
13 find not only the cause of death, but as much as we
14 can about the circumstances surrounding that death.

15 MR. MEADORS: Your Honor, at this time we
16 would offer Dr. Joel Sexton as an expert in the
17 field of forensic pathology.

18 MR. RILEY: Without objection.

19 THE COURT: All right. Well, I have held
20 court in 46 counties. He has probably testified in
21 half the counties I have been in while I was
22 holding court, so I will qualify him.

23 Doctor, sorry you have got to go back to work
24 now that the stock market is going down.

25 All right.

1 THE WITNESS: True.

2 Q And, Doctor, you have been around, as the judge
3 said, and I mean that in the nicest way. Have you
4 -- or has your office in Newberry been the primary
5 -- primary pathologist to handle Kershaw County
6 cases in the last several years?

7 A That's correct, for the last 25 years. When I was
8 in Charleston we handled cases for the whole state,
9 but now we do about half of the state. About half
10 of the state.

11 Q And did Coroner Johnny Fellers in this case request
12 that you conduct an autopsy on the body of Isaac
13 Williams?

14 A He did.

15 Q And, Doctor, tell these folks, if you will, not in
16 this world that we all live in, but in an ideal
17 world, how would you like to see the body before
18 you conduct your autopsy?

19 A We ask that once death has been pronounced, that
20 nothing else be done to the body, that it be sent
21 to us in that state so we can look for the evidence
22 that might still be there on the surface of the
23 body, as well as give an understanding of what has
24 been done to try to save the individual. And so
25 that is how he was sent to us, in that state.

1 Q Where is your office?

2 A In Newberry, South Carolina.

3 Q And specifically when you are looking at somebody's
4 body, where are you doing that?

5 A We have an autopsy room there in the hospital.

6 Q And take us -- the date of this autopsy, Doctor,
7 was 9/24/05?

8 A That's correct. Right.

9 Q Please tell the ladies and gentlemen of the jury
10 how you conduct autopsies, and specifically how you
11 did the autopsy on Isaac Williams, starting with
12 his body size, measurement, and then external
13 examination, please, sir.

14 A We handled this case as we do all cases. We do
15 them all the same. We start out examining the body
16 externally, photographing the external surface of
17 the body just as it is when it arrives in our
18 facility.

19 We then carefully remove anything that is
20 external on the surface of the body. In this case,
21 he still had part of his clothing either on him or
22 had been cut off and was under him: A pair of
23 black shorts, underwear, a white T-shirt, some
24 socks. And those were carefully examined to see if
25 there was anything in the way of injuries on them.

1 There was a cut in the left side of the front
2 of the T-shirt with a lot of blood around it, and a
3 lot of blood on the back of the clothing.

4 We examined the person himself to see if we
5 found any injuries. There was evidence that he had
6 been treated. There was a large pressure bandage
7 on the abdomen where his primary injury was
8 located. There was evidence that they had
9 intubated him and tried efforts to resuscitate him
10 through the intravenous lines.

11 The injury that he had, the primary injury,
12 was on his left abdomen. There was a long stab
13 wound.

14 I should define a stab wound as compared to an
15 incised wound. We have all been cut with paper.
16 Of course, it hurts like the dickens. But an
17 incised wound is one that is shallow but long. And
18 so when you cut yourself with paper, it doesn't go
19 in very deeply, but it is a long cut.

20 This was a long cut externally, but it was a
21 stab wound crossover because it went in four
22 inches. And so a wound that goes in to a greater
23 depth than others is a stab wound.

24 This was a stab wound that entered the left
25 abdomen, went in and then came out towards the

1 midline, or went in from the abdomen on the left,
2 came towards the middle of the abdomen. It did so
3 by -- and in doing so, it cut a vessel called the
4 iliac vessel. The artery coming out of the heart
5 is down the spine, and it separates into two
6 arteries and goes into each leg, one artery to each
7 leg. And that is called the iliac artery. And
8 this cut went through that major artery going into
9 the left leg and resulted in almost five pints of
10 blood being in the abdomen. There was four and a
11 half pints of blood that had leaked out of that
12 artery from that cut injury.

13 So we examined the body externally,
14 photographed. We removed the clothing looking for
15 any evidence that might be there, taking things out
16 of the clothing, listing it and transferring it to
17 the officer that might be present. In this case,
18 Johnny Fellers was present at the scene, so we
19 found on the body, we collected various samples,
20 including blood, urine, vitreous. All of this was
21 transferred to Mr. Fellers as well to be analyzed
22 by the toxicology department at SLED.

23 We examined each of the internal organs and
24 found that this was a healthy person. There was no
25 disease or illness in his organs, with the

1 exception of his heart being larger than usual,
2 perhaps due to exercise, but more likely due to
3 high blood pressure.

4 A person's heart normally beats every second,
5 continues to beat unless they are agitated or
6 nervous or something and it would beat faster, and
7 it is pushing blood throughout the whole body
8 through millions of little tiny vessels and larger
9 vessels.

10 If those vessels are tense or constricted,
11 then it is greater pressure that the heart has to
12 do to pump that blood throughout the body, and that
13 causes the body -- I'm sorry, the heart -- just
14 like a weight lifter, the muscle -- it is a muscle
15 -- it gets bigger and bigger. His heart was larger
16 than usual probably due to that greater pressure
17 having pumped the blood throughout the body.

18 And, of course, our life is full of stress. I
19 can see on your faces you are all stressed right
20 now because this is a stressful condition. Perhaps
21 your tongue is in the roof of your mouth, which it
22 shouldn't be, it should be on the floor of your
23 mouth if you are relaxed. You can do relaxing
24 exhales, or what we call belly breathing, is to
25 help you relax. But we all tend to be tense in our

1 society, and so we have more high blood pressure
2 than we should. And more people's hearts in the
3 autopsies are larger when we do them.

4 Sometimes that is all we find when a person
5 dies, they have had no symptoms, but their heart
6 just gives out because -- I think of it as an
7 80-year-old heart in a 40-year-old person because
8 it has just done that much more work forcing that
9 blood throughout those constricted vessels.

10 But we examined all of this, collected
11 evidence, examined the wound to see that it went in
12 the left abdomen, and we felt that because as the
13 knife goes into the body, imagine taking a knife
14 blade and breaking it and looking at the broken
15 end. That is what we see on the skin surface. You
16 see a long thin triangle.

17 The blunt edge, which in this case was
18 approximately a tenth of an inch in thickness or a
19 little more, that blunt edge was on the left side
20 of the body, and then it went to a fine tip or a
21 fine edge of the other side. It was a long thin
22 triangle that was 1.6 inches in length.

23 And then, as the knife came out, it came out
24 in a different direction and formed a 2-inch long
25 incised type wound because as it came out and then

1 the tip of the knife continued on and made a thin
2 cut on the skin surface beyond that.

3 So we could tell that the knife came in with
4 the flat edge towards the left, the part that if
5 you touch it it doesn't cut you, and the sharp edge
6 towards the midline, or the right lung end, cutting
7 that vessel and coming out to the middle of the
8 body.

9 I cannot say that it did that because of the
10 movement of the person being stabbed. If the
11 person moves just before they are stabbed, they
12 might move right from the knife or they may move
13 away from the knife. Or it could be that the
14 person doing the stabbing deliberately forced it in
15 and pulled it out at an angle to make a larger cut.
16 All I can say is that is the path that it took in
17 the body and caused the bleeding internally and the
18 abdomen sufficient to cause death.

19 MR. MEADORS: Beg the Court's indulgence.

20 THE COURT: Sure.

21 MR. MEADORS: Your Honor, may we approach?

22 THE COURT: All right.

23 (WHEREUPON, a bench conference was held
24 in the presence of the jury but out of
25 the hearing of the jury.)

1 (WHEREUPON, Court's Exhibit No. 1 was
2 marked for identification only.)

3 Q Doctor, for the record, Court's 1, was this the
4 body of Isaac Williams that you performed the
5 autopsy on?

6 A Yes. This is a duplicate or an enlargement of a
7 photograph that I took at the time of autopsy of
8 Mr. Williams.

9 Q Thank you very much.

10 MR. MEADORS: Beg the Court's indulgence.

11 (Pause.)

12 (WHEREUPON, State's Exhibit No. 1 was
13 marked for identification only.)

14 (WHEREUPON, State's Exhibit No. 2 was
15 marked for identification only.)

16 (WHEREUPON, State's Exhibit No. 3 was
17 marked for identification only.)

18 (WHEREUPON, State's Exhibit No. 4 was
19 marked for identification only.)

20 (WHEREUPON, State's Exhibit No. 5 was
21 marked for identification only.)

22 (WHEREUPON, State's Exhibit No. 6 was
23 marked for identification only.)

24 (WHEREUPON, State's Exhibit No. 7 was
25 marked for identification only.)

1 THE COURT: Court's Exhibits are not going to
2 come back, jurors. Anything that is marked as a
3 regular exhibit comes back. They ask me to pass on
4 them. They are pretty simple if I look at
5 pictures. If I get chill bumps, y'all don't see
6 them. If I don't get chill bumps, it comes in.
7 All right? But you can describe it without them
8 seeing how the body actually was.

9 Q Doctor, very briefly, on your external examination
10 too, did you find any abrasions on the victim's
11 forehead?

12 A There were -- I failed to mention, there were two
13 other areas of minor injury.

14 On the right forehead was a heavy round
15 abrasion. Abrasion, if you fell as you were
16 running and struck your head on this rug, you might
17 get a similar abrasion, although this looked a
18 little deeper as though it hit a rougher surface,
19 like maybe concrete or a hard sandy surface or just
20 a scrape on the surface of the skin hitting a flat
21 surface therefore causing a round abrasion on the
22 forehead. Abrasion is just a thin scraping of the
23 top layer of the skin.

24 And, in addition, on his hand -- let me make
25 sure I'm giving you the right hand -- he had two

1 incised wounds -- yes, it was his right hand -- on
2 the -- this aspect of the thumb side of his right
3 index finger were two little shallow incised
4 wounds.

5 In other words, there was a little flap of
6 skin where the sharp edge came across that and just
7 pulled the little flap back, and another one right
8 above it, and then a little puncture wound on the
9 middle finger of the right hand, consistent with
10 something like this knife or another sharp edge
11 coming across that and then coming back.

12 In other words, there is a cut going in one
13 direction and a cut coming in the other direction
14 and a little stab puncture on the middle finger.

15 So those were the other two minor injuries
16 that were present in addition to the fatal injury.

17 MR. MEADORS: And if I could approach, Your
18 Honor?

19 THE COURT: Okay.

20 Q I'm showing you what has been marked as State's 5
21 and 6. Does this depict what you just talked
22 about, Doctor?

23 A Yes. This shows the incised wounds on his right
24 index finger and his right middle finger.

25 Q Are you familiar with the term defensive wound?

1 A I am.

2 Q Explain that to the jury.

3 A When we find wounds on the hands, or in some cases
4 the legs, depending on the position of the two
5 individuals at the time an injury occurs, where
6 somebody is trying to fend another person off by
7 use of their legs, kicking them, or their hands
8 trying to catch something or ward it off, wounds in
9 those locations are typically characterized as
10 defense wounds.

11 Now, I can't say that these were defense
12 wounds, but they are consistent with having been
13 caused by that method. But, realize, anything
14 sharp that came across that area could have caused
15 that as well.

16 MR. MEADORS: And, Your Honor, State's 5 and 6
17 we would offer.

18 THE COURT: All right.

19 (WHEREUPON, State's Exhibit No. 5 was
20 admitted into evidence.)

21 (WHEREUPON, State's Exhibit No. 6 was
22 admitted into evidence.)

23 Q Dr. Sexton, a few more questions. Doctor, you have
24 described the injury to the victim, Isaac Williams.

25 MR. MEADORS: If I could approach again, Your

1 Honor?

2 Q Would you just look at State's 1, State's 2 and
3 State's 3. And do they depict the injuries of your
4 testimony previously? Take one out, whichever one
5 you want.

6 MR. MEADORS: Your Honor, we would -- State's
7 2 we're not going to present.

8 Q State's 1?

9 A State's 1 does characterize after we removed all
10 the bandages, cleaned up the wound, it shows the
11 wound itself.

12 Q And is that another picture of the same?

13 A It is.

14 Q Okay. Would you -- are they pretty much the same?
15 That is State's 3?

16 A State's 3 is just a closer view of that same wound
17 to be able to see it more clearly.

18 MR. MEADORS: Your Honor, we would offer
19 State's 1 and 3. We will not offer State's 2.

20 THE COURT: All right.

21 (WHEREUPON, State's Exhibit No. 1 was
22 admitted into evidence.)

23 (WHEREUPON, State's Exhibit No. 3 was
24 admitted into evidence.)

25 MR. MEADORS: With the Court's permission, can

1 the doctor come down very briefly?

2 THE COURT: Sure.

3 (Witness steps down.)

4 Q Doctor, if you wouldn't mind, I know we have done
5 this many times before, just initially if you
6 would -- of course I know it is so the court
7 reporter can hear you, if you would stand over
8 there.

9 Doctor, before we get to those, can you show
10 on me where the wound -- and when you get ready for
11 cases, do you like to look at pictures and look at
12 potential evidence that is involved in the case?

13 A Yes, I do.

14 Q And did you have occasion -- we talked on the phone
15 prior to today, correct?

16 A Correct.

17 Q And early this morning did you have an occasion to
18 look at this instrument, which is marked as State's
19 7?

20 A I did.

21 MR. MEADORS: Your Honor --

22 Q And is it consistent with an instrument that could
23 have inflicted the injuries that you saw on Isaac
24 Williams' bowel?

25 A It is. I took measurements of it and examined it

1 for sharpness today when I examined it prior to the
2 trial, and it has the proper width from the blunt
3 edge to the sharp edge, and it has a very sharp
4 point, and it is certainly long enough to have gone
5 in the four inches that I measured from the surface
6 of the skin down to where the artery is severed.

7 MR. MEADORS: Your Honor, we would offer
8 State's 7.

9 THE COURT: All right..

10 MR. MEADORS: Without objection.

11 (WHEREUPON, State's Exhibit No. 7 was
12 admitted into evidence.)

13 Q Doctor, show on me just where this injury was, as
14 best you can.

15 A Here right about the belt line it comes in at this
16 point -- rotate -- at about this point it goes in
17 and goes towards the midline and downwards a little
18 bit. So it is going from here to about there. It
19 is about almost four inches long, and it is
20 3.6 inches in length going in, deep, about four
21 inches, and then coming to the right towards the
22 midline and slightly downward.

23 Q Well, which way -- and if I could -- which way was
24 this knife held when it was done?

25 A It would be such that this blunt edge -- and when I

1 say a blunt edge, the edge that has -- is not going
2 to cut you is the blunt edge. That is the back of
3 the knife. The sharp edge is the front of the
4 knife. So the blunt edge was here on the right
5 side, so the knife would be in this position so
6 that the blunt edge would be here, the sharp edge
7 would be there, it goes in, comes out, and
8 continues to go on across the abdomen for
9 approximately another two inches, so just barely
10 cutting through the edge of the surface of the
11 skin, a very shallow incised wound.

12 Q Now, looking at State's 1, which has been admitted,
13 I think your testimony was after that across there
14 was another mark, correct?

15 A Continuing. It actually came out of the depth of
16 the tissue. The tip of the blade went across the
17 skin surface just for about two inches, a real
18 shallow incised wound.

19 Q And I'll get out of your way. Is that depicted on
20 State's 1? And if so, can you tell us on State's
21 Number 1?

22 A This is State's Exhibit Number 1. Notice I've got
23 a large ruler here at the bottom with the case
24 number and the inches, six inches there. You can
25 see the wound comes in here up on the left side of

1 the abdomen, fairly low, right about the belt or a
2 little below. It comes down and across. And then
3 there is a trailing cut here where the tip of the
4 blade just trails across.

5 So it starts here on the left. I think you
6 can see how it is blunt at that end. It is sort of
7 a right angle up there consistent with a blunt
8 edge. It goes in. And this area right here is the
9 part where it goes in. That is the 1.6 inches,
10 starting 1.5 on the knife. And then it trails off
11 in this area. And then there is a very thin
12 shallow cut where the tip of the blade just
13 continues to cross the abdomen at that point. And
14 that was the Exhibit Number 1.

15 This Exhibit Number 2(sic) gives you a closer
16 view of that same injury. And you can see the
17 blunt edge here on the upper left and everything
18 going down and across. And you can see where this
19 trailing edge is continuing. And this goes deep
20 into the abdomen injuring the -- one of the loops
21 of the small bowel, as well as severing an artery,
22 the iliac artery.

23 The blunt edge here on the upper left and the
24 stab wound coming in right about here at
25 1.6 inches, and then as it came out it causes an

1 additional cut. See the sharp edge down here. And
2 you can see the shallow cut across the body where
3 the tip of the blade continues touching the skin
4 after it comes out, the depth.

5 Q Thank you, Doctor.

6 MR. MEADORS: That is State's 1 and 2 for the
7 record, Your Honor. Excuse me, 1 and 3. I
8 apologize. We took out Number 2.

9 Q Doctor, if you will have a seat back. Thank you so
10 much, sir.

11 (Witness returns to witness stand.)

12 Q Doctor, as part of your -- do y'all also draw -- I
13 say y'all, you or one of your folks takes blood
14 from the victim, correct?

15 A Yes, that's correct.

16 Q And I don't think I even talked to you about this
17 before, but is that sent to SLED for analysis?

18 A It is turned over to whoever comes with the body --
19 in this case it was Coroner Fellers -- and was then
20 submitted to SLED because we received a toxicology
21 report.

22 Q Doctor, I'm just going to show you what is marked
23 for identification purposes only --

24 (WHEREUPON, State's Exhibit No. 8 was
25 marked for identification only.)

1 Q -- 8 for ID. And would you dispute me this is a
2 toxicological report of --

3 A That's correct.

4 Q -- tests run on Isaac Williams?

5 A And that is -- which I have a copy of it.

6 Q And I knew you would. And based on that, and
7 without objection from Defense counsel, can you
8 tell the ladies and gentlemen of the jury whether
9 or not based on the blood that went to the
10 toxicology department at SLED what the ethanol
11 level of the victim would have been?

12 A In this case it was .15 -- I'm sorry, .145 grams.
13 And we refer to that generally as 145 milligrams
14 percent with 80 milligrams percent being legal
15 intoxication. So he was legally intoxicated based
16 on the blood alcohol level.

17 Q Now, Doctor, for the record, do you have an opinion
18 to a reasonable degree of medical certainty of the
19 proximate cause of the death of one Isaac Williams?
20 If so, would you state it to the jury?

21 A Yes, I do. And it is the loss of blood, which we
22 use a big word, exsanguination, meaning that a lot
23 of blood loss. In this case it was four and a half
24 pints of blood that came out into the abdomen from
25 the lacerated iliac artery due to the stab wound of

1 the abdomen.

2 Q And I neglected to -- I think this is already
3 State's 4, just a picture of the victim's shirt, I
4 don't think there is objection. Was this gathered
5 by you also?

6 A Right. Number 4, Exhibit Number 4, is another
7 photograph that I took, and it shows the same hole
8 in the shirt consistent with what we saw in the
9 body where the stab wound went in and then came
10 out.

11 MR. MEADORS: Your Honor, that is State's 4, I
12 believe without objection.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit No. 4 was
15 admitted into evidence.)

16 Q This would have been over the body of the victim?

17 A That's correct.

18 Q One final question, Doctor. Based on the injuries
19 you saw -- and I ask you this all the time, I don't
20 know if you like it or not, but how long could he
21 have lived with these type of injuries?

22 A It is quite variable. Usually when you get a
23 transection of an artery you would expect the
24 person to bleed out very quickly. There is a case
25 on record where a person jumped in front of a

1 subway in New York City. It transected his body.
2 His legs and the lower pelvis were separate from
3 the rest of his body. He lived for six hours
4 because of the effects of the fact that it
5 traumatized the arteries to the point where they
6 went into spasm. So it is very difficult to know
7 even when you are completely transected or cut in
8 half, you expect a person to bleed out in just a
9 minute or two.

10 In this case, according to the records, he
11 lived a little over an hour in the emergency room,
12 so presumably his artery went into spasm after it
13 was cut, and they were treating him, putting
14 pressure on that area and giving him fluids. But
15 I'm sort of surprised it took that long because it
16 did go through a major vessel and completely
17 separated. There were two ends present separate
18 from each other.

19 So in this case, I would expect it to have
20 been a few minutes, but in fact he was pronounced
21 dead a little over an hour later.

22 Q And you are actually putting minutes in your
23 report, correct?

24 A That's correct.

25 Q And you don't know exactly when he died?

1 A Correct. And oftentimes when a person gets to the
2 hospital, I don't have those records, even if they
3 have no sign of life, since they don't know when
4 their heart really stopped, they continue to treat
5 them in hopes that they can revive them. He may
6 have been essentially dead when he got to the
7 hospital and they treated him for that long trying
8 to save him.

9 Q Dr. Sexton, thank you.

10 A You're welcome.

11 CROSS-EXAMINATION

12 BY MR. RILEY:

13 Q Doctor, good morning.

14 A Good morning.

15 Q I'm Neil Riley. I represent the Defendant in this
16 case.

17 Doctor, showing you what has been marked as
18 State's 5 and 6, I believe you testified that those
19 small cuts on the fingers could have been caused by
20 this State's Exhibit Number 7, correct?

21 A Yes, that is correct.

22 Q But you can't say for certain that they were, is
23 that correct?

24 A That's correct. Because there are other possible
25 ways that this could be cut, but something sharp

1 like the knife that was used in this case is the
2 type instrument you would expect to cause this type
3 of wound.

4 Q Could those cuts have been caused by the edge of a
5 broken bottle?

6 A I'd have to say yes, because it depends on how the
7 edge is. If the edge breaks square so that the
8 edge would be like that blunt edge on the knife,
9 you wouldn't expect it to cause this. But
10 sometimes glass will break so it is a tapered edge.
11 So if it was a tapered edge, yes, it could cause
12 this.

13 Q Thank you. Thank you, Doctor. I'll put this back.
14 As I read your autopsy report, the total -- and I
15 might be using some layman's words in the course of
16 asking these questions, but the total length of the
17 wound, meaning -- to me that means where the skin
18 was actually cut, looks to be 3.6 inches, is that
19 correct?

20 A Yes, that's correct.

21 Q Okay. From end to end, right?

22 A Correct.

23 Q And beyond that final two inches, it was just a
24 trailing superficial incised wound, right, which
25 didn't break the skin?

1 A It broke the skin, the superficial layer of the
2 skin.

3 Q Okay.

4 A I mentioned incised wounds are very long and very
5 shallow.

6 Q Huh.

7 A Where stab wounds are deep.

8 Q On State's Exhibit Number 1, this would be what you
9 would call a trailing superficial incised wound, is
10 that correct?

11 A That is correct.

12 Q Okay. I notice that in your autopsy report, unless
13 I missed it, there is not a mention of those
14 wounds, those superficial wounds or cuts to the
15 hand. Is there any mention in the autopsy report?

16 A No, that was an oversight. They were not included
17 in the written portion of it as in the photographs
18 that we have that documented, and -- but we don't
19 have it in the written report.

20 Q All right. Now, about how many times have you
21 testified in your capacity as a pathologist in
22 court?

23 A Over 700 times.

24 Q 700?

25 A Correct.

1 Q How many of those have you testified for the
2 Defense?

3 A Generally we're called as a quote "friend of the
4 court." We're called by the Solicitor because they
5 present their case first. We try to be an unbiased
6 person to answer the questions as accurate as we
7 can, but in criminal trials we're always called by
8 the Prosecution unless there is no evidence that we
9 have to support the cause of death.

10 In civil cases, my number of times I have
11 testified for the Defense is about the same as I
12 have for the the Plaintiff, but in criminal cases
13 we are always called by the Prosecution.

14 Q Thank you, Doctor.

15 A You're welcome.

16 MR. MEADORS: Nothing further. Thank you,
17 Your Honor.

18 THE COURT: You can step down.

19 THE WITNESS: Thank you, Your Honor. May I be
20 excused?

21 MR. MEADORS: May the Doctor be excused,
22 please?

23 THE COURT: Sure.

24 MR. MEADORS: Thank you.

25 THE COURT: You are free to go.

1 (Witness steps down and is excused.)

2 THE COURT: All right, jurors, we are going to
3 take a break. Before we go, I qualified Dr. Sexton
4 as an expert. I didn't explain what that was at
5 the time, and now I will tell you why. He's been
6 around. A lay person -- that is somebody that is
7 not an expert -- generally can't give opinions in
8 legal proceedings. You could testify that car was
9 going too fast, you know, that person looks
10 intoxicated, just from your knowledge of things as
11 good as anybody else. But when you get into a
12 specialty, a person has to be qualified as an
13 expert.

14 I don't vouch for them, but they just have to
15 demonstrate that through education, training, work
16 experience, or a combination of those factors an
17 individual has acquired more knowledge in a
18 particular field than you or I have. There may be
19 other experts that testify during the trial.

20 Once a person is qualified as an expert, they
21 are entitled to give opinions within their field of
22 expertise. You are not bound to accept their
23 opinions. You know, the value of any opinion
24 depends upon the underlying facts on which it is
25 based, of course.

1 I'm not suggesting you reject any opinions
2 given by an expert, but before you can accept an
3 opinion, it must be given to a reasonable degree of
4 certainty within the specialty in which the
5 individual is qualified.

6 If they don't give it to reasonable degree of
7 certainty, it is no better than just a lay person.
8 If they say, I think, or perhaps, or could have
9 been, that is not to a reasonable degree of
10 certainty.

11 The reason I wait until after they testify,
12 having done it a long time, is then the witness
13 every time they say something, they say, to a
14 reasonable degree of certainty. They don't have to
15 say that. But it has to be the sense of what they
16 say.

17 In a case involving electricity, for instance,
18 I might be able to qualify an electrician. If we
19 got into the theory of electricity, it might take
20 an electrical engineer. An electrician might be
21 able to testify if they -- he or she had taken
22 advance courses. Generally the theory of
23 electricity would require a step up on that.

24 So you are not bound to accept opinions given
25 by experts, but they are permitted to give them.

1 I'm not suggesting you reject any from this expert
2 or anybody that is qualified. That is up to you..

3 But now, don't talk about the case. We will
4 take a break. Fourteen minutes. One minute each.
5 All right.

6 (WHEREUPON, the jury retires to the jury
7 room at 11:10 a.m.)

8 THE COURT: All right, Mr. Meadors, what is
9 next?

10 MR. MEADORS: Judge, we are either going to do
11 the first officer, or we've got these other
12 witnesses ready to roll.

13 THE COURT: When we break, we'll break for
14 lunch. It will be about an hour and a half.

15 MR. MEADORS: Okay, thank you, sir.

16 THE COURT: It does not have to be a fixed
17 time, just an hour and a half from the time we
18 start.

19 (WHEREUPON, a break was taken.)

20 THE DEFENDANT: Excuse me, Your Honor, at some
21 point, Your Honor, I would like to state for the
22 record of my request for a preliminary hearing.

23 THE COURT: You have done that, but we're in
24 the trial now, so --

25 THE DEFENDANT: This was before the

1 indictment, Your Honor, with all respect to the
2 Court.

3 THE COURT: I understand, but there will be no
4 preliminary hearing granted now. You are
5 protected.

6 THE DEFENDANT: I just want to state it for
7 the record.

8 THE COURT: You have done that. She took it
9 down. I'm not being short with you. You did that
10 yesterday and she took it down. You have preserved
11 all rights concerning that issue. You don't have
12 to worry about it anymore.

13 THE DEFENDANT: But is it considered a
14 legitimate request for a preliminary hearing that
15 is timely? In other words, before the indictment?

16 THE COURT: You have stated your grounds. She
17 has it. I'm not directing your preliminary hearing
18 at this point. You are protected on that.

19 THE DEFENDANT: Thank you.

20 THE COURT: All right. Is the State ready?

21 MR. MEADORS: Yes, sir.

22 THE COURT: Bring them in.

23 (WHEREUPON, State's Exhibit Nos. 9
24 THROUGH 21 were marked for
25 identification only.)

1 (WHEREUPON, the jury came into open
2 court at approximately 11:33 a.m.)

3 THE COURT: Okay, Mr. Meadors, the jury is
4 seated. Mr. Moak?

5 MR. MOAK: At this time the State calls
6 Officer Hagan, with the City of Camden Police
7 Department.

8 THE COURT: Okay.

9 THE CLERK: Place your left hand on the Bible
10 and raise your right hand, please.

11 (Witness complies.)

12 THE CLERK: Do you swear or affirm the
13 evidence you will give in this case will be the
14 truth, the whole truth, and nothing but the truth,
15 so help you God?

16 THE WITNESS: Yes, I do.

17 THE CLERK: Thank you. Please be seated in
18 the witness chair, and state your full name for the
19 record.

20 (Witness seated.)

21 THE WITNESS: David Hagan.

22 THE COURT: Jurors, we have done what is
23 called sequestering most of the witnesses. In
24 other words, that just means they are not in the
25 courtroom while somebody -- another fact witness

1 testifies. That's all.

2 Okay.

3 DAVID HAGAN, after being
4 duly sworn, testified as follows:

DIRECT EXAMINATION

5 BY MR. MOAK:

6 Q Officer Hagan, you work for the Camden City Police
7 Department?

8 A Yes, sir, I do.

9 Q How long have you been an officer there?

10 A I have worked there two different times. This last
11 time I have been there about four and a half years.

12 Q So this time you have been there for four and a
13 half years?

14 A Yes, sir.

15 Q In September of 2005, were you an officer with the
16 City of Camden?

17 A Yes, sir.

18 Q Do you remember ever having an occasion to go to
19 [REDACTED] Campbell Street on September 23rd?

20 A Yes, sir.

21 Q Is that location in the City of Camden?

22 A Yes, sir, it is.

23 Q That is in Kershaw County?

24 A Yes, it is.

25 Q Okay. Can you tell us what you were dispatched out

1 in reference to?

2 A We were dispatched out to someone being stabbed at
3 that address.

4 Q Okay. I'm going to show you a couple of pictures.
5 Are these two pictures marked State's 17 and 11,
6 are they fair and accurate depictions of the front
7 of the residence of [REDACTED]

8 A Yes, sir, they are.

9 Q So this is the front. This is before the crime
10 scene tape went up and that is after?

11 A Yes, sir, it is.

12 Q Okay. Did you get there before EMS got there?

13 A Yes, I did.

14 Q Did you hear EMS coming?

15 A Yes. They were staged up the road. You could
16 clearly hear them come in.

17 Q Is one of your duties as a City of Camden officer
18 to document the scene?

19 A Yes, sir.

20 Q Did you -- what caused you to start documenting the
21 scene?

22 A Whenever we responded, I seen the victim laying
23 there. I seen several subjects around him I
24 clearly knew.

25 Q Uh-huh.

1 A I approached to make sure there was no weapon
2 there. I cleared EMS to come in. I immediately
3 went back to my patrol car and grabbed a camera
4 because when EMS comes on the scene they are not so
5 much concerned with the crime scene, they are there
6 to save somebody.

7 Q Okay.

8 A So I immediately start shooting pictures of the
9 area. That is where the pictures come without the
10 crime scene tape. Other officers were getting that
11 out as I was doing that.

12 Q So you wanted to take pictures of it before the
13 ambulance pulled up?

14 A Yes.

15 Q And they disturb the scene?

16 A Yes.

17 Q I want you to look at the rest of these pictures
18 marked State's 10, 9, 12, 15, 13, 14, 18, 20, 19,
19 21, and this looks like 16. Are all those
20 photographs fair and accurate depictions of the
21 scene as you saw it that night?

22 A Yes, sir.

23 Q And you took some of these pictures?

24 A Yes, I did.

25 Q Okay.

1 MR. MOAK: Your Honor, if I could ask the
2 witness to step down.

3 THE COURT: All right.

4 (Witness steps down.)

5 Q Officer Hagan --

6 A I'm sorry.

7 Q You are not done yet. Kind of face this way so the
8 -- and stand back here so the court reporter can
9 hear you. That is the front of the house, right?

10 A Yes, sir.

11 Q And you have the bicycle right there, and you have
12 got the hat, and you have got the storm drain?

13 A That's correct.

14 Q Okay. Is this an angle heading that way of the
15 bicycle?

16 A This is heading from Highway 1 towards Chestnut
17 Street.

18 Q Okay.

19 A Chestnut Street would be here.

20 Q And that one is Number 16. Number 21, is this an
21 angle kind of from the street in, that same area?

22 A Yes.

23 Q And Number 19, is that another angle taken where
24 the storm drain is?

25 A Yes, it is.

- 1 Q Number 20 is also another angle there?
- 2 A Yes, sir.
- 3 Q Number 13, is that a close-up of the bicycle with
- 4 the hat?
- 5 A Yes, it is.
- 6 Q Did you -- did anybody give any information about
- 7 whose hat it was?
- 8 A We were told at the time that it was the
- 9 Defendant's hat.
- 10 Q Okay. Number 19, what is that right there?
- 11 A This is a crushed beer bottle.
- 12 Q Okay. This State's 14, is that a close-up of the
- 13 crushed beer bottle?
- 14 A Yes, it is.
- 15 Q Okay. And, more importantly, Number 15, is that an
- 16 angle of the same or similar to State's 19?
- 17 A Yes, sir.
- 18 Q Okay. And State's 12 and 9 are other angles of
- 19 that bicycle and the storm drain?
- 20 A Yes, sir. This is facing back towards Highway 1,
- 21 and this was facing towards Chestnut Street.
- 22 Q Okay. Now, these two pictures right here, Number
- 23 18 and 10, can you tell the jury what the
- 24 significance of these two pictures are?
- 25 A This area here right in front of the blue vehicle,

1 this is where the victim was laying when we
2 responded to the scene.

3 Q But he was on the ground right there?

4 A Yes, he was.

5 Q Number 18, is that another angle of it?

6 A Yes. That is the same distance as some of the
7 stuff that had his blood on it that they were
8 trying to stop the bleeding with.

9 Q So you pull up and the victim is laid out right
10 there?

11 A Yes, sir.

12 Q And he is bleeding?

13 A He is.

14 Q Who did you see when you got there?

15 A I seen two females and a male. They were all
16 crowded around him. The male was knelt down beside
17 him and he continued to yell at him to keep
18 breathing.

19 Q So the male was down here. Is he kneeling?

20 A Yes. He is knelt down over him.

21 Q Yelling at the victim to keep breathing?

22 A Keep breathing.

23 Q Okay. And the two females -- you can sit down if
24 you want to -- the two females you talked to --

25 (Witness returns to the witness stand.)

1 MR. MOAK: Your Honor, at this time I want to
2 offer every one of these pictures into evidence. I
3 think he has testified they are fair and accurate
4 depictions of what he saw.

5 THE COURT: All right.

6 (WHEREUPON, State's Exhibit Nos. 9
7 through 21 were admitted into evidence.)

8 THE COURT: Jurors, you will notice that
9 everything is not sequential. They numbered all
10 the photographs and things earlier, but they aren't
11 putting them all in. Like Mr. Meadors put it in
12 like 1 and 3. They didn't know which ones, some of
13 them are duplicates, and what have you. But once
14 they are officially introduced into evidence they
15 will come to you when you deliberate.

16 But, Madam Forelady, a question I don't know
17 need is, what about Exhibit or Photograph Number 5,
18 if it was not introduced. You'll have with you
19 when you deliberate everything that was introduced.
20 A lot of photographs were marked but they are not
21 introduced.

22 Okay. All right.

23 Q Officer Hagan, you said there were two females
24 there. Do you know who they are?

25 A Yes, sir, one of them's name was Stephanie Cornish,

1 the other one was a Debra Joyner.

2 Q Okay. Did you talk to them?

3 A I did.

4 Q Did they give you written statements?

5 A They did.

6 Q So there was a City of Camden statement form that
7 they filled out that you asked them to?

8 A Yes.

9 Q Okay. What was your role there at the scene?

10 A Whenever I responded -- whenever we originally
11 respond, we respond to contain the crime scene,
12 document the witnesses, try to identify a suspect.

13 Q Okay. Did you at some point after that have an
14 occasion to go to [REDACTED] Chestnut Street?

15 A Yes, sir.

16 Q And what was the purpose of that visit?

17 A Originally we had received a 9-1-1 hang up call
18 from that residence.

19 The two females that we were talking to, the
20 Debra Cornish -- I mean, the Stephanie Cornish and
21 the Debra Joyner, originally they said that they
22 did not know who the suspect was, and they merely
23 pointed in a direction of Boykin Park, he went
24 running that way, he's got a knife in his hand.
25 But they didn't know who he was.

1 While we was there at the scene, crowds were
2 starting to form around.

3 Q Okay.

4 A A young lady walked up and she stated to, I believe
5 it was Debra, she said, who done this, who done
6 this?

7 And she turned around and said, McKnight.

8 Q Uh-huh.

9 A Then we further questioned and eventually they come
10 up and they told us who the guy was. They did in
11 fact know him.

12 I went to my patrol car. We have our in-car
13 computer system that contains a database of all
14 offenders, anyone who ever gets a speeding ticket
15 or anything it is put in the database. Pulled up
16 the name. Detective Boan walked them over to the
17 car. We got statements from them. And they
18 identified the subject's picture on my laptop as
19 being the Defendant.

20 Q Okay. So based upon that and the 9-1-1 hang-up,
21 you got an address?

22 A Yes, sir.

23 Q And that was [REDACTED] Chestnut Street?

24 A It is.

25 Q So you went there. Was Detective Corey there as

1 well?

2 A He was.

3 Q Did Detective Corey actually place the subject
4 under arrest?

5 A Yes. He went up and talked to him and he did place
6 him under arrest. There was a struggle between him
7 and Detective Corey.

8 Q But he was placed under arrest?

9 A Yes. He resisted. They fought for a little bit
10 around the front porch area. Officers went to him.

11 Q Did you have to jump in too to help put him under
12 control?

13 A No, sir, they had him under control whenever I got
14 there.

15 Q Okay. But he was placed under arrest there?

16 A Yes, sir.

17 MR. MOAK: Beg the Court's indulgence.

18 (Pause.)

19 THE DEFENDANT: Your Honor, I object to the
20 statement.

21 THE COURT: You've got attorneys. You can't
22 do it.

23 THE DEFENDANT: I have? That is hearsay.

24 Q Officer Hagan, after Mr. McKnight was placed in
25 custody, was he placed in your patrol car?

1 A Yes, he was.

2 Q And did you take him to the Kershaw County
3 Emergency Room?

4 A I did.

5 Q And why was he taken there?

6 A He displayed what appeared to be a laceration on
7 his forehead.

8 Q Okay. I'm going to show you three photographs.
9 You still had the camera with you at the hospital,
10 right?

11 A I did.

12 Q Did you take some pictures of the Defendant at the
13 hospital?

14 A Yes, sir.

15 Q Are those three pictures that you took?

16 A These are.

17 MR. MOAK: Your Honor, at this time I would
18 offer State's 22, 23 and 24 into evidence.

19 MR. KIRINCICH: No objection.

20 (WHEREUPON, State's Exhibit Nos. 22
21 THROUGH 24 were marked for
22 identification and received into
23 evidence.)

24 Q State's 22, is that a picture of the Defendant's
25 head?

1 A It is.

2 Q Is that -- what does that appear to you to be?

3 A A little small laceration or some sort of scrape on
4 his forehead.

5 Q Okay. State's 23, what is that?

6 A This is a picture -- a photograph of the upper
7 chest area where there was a hole actually in the
8 shirt.

9 Q Is there a stain around it?

10 A Yes, sir, that is blood.

11 Q Okay. That is the Defendant's shirt?

12 A Yes, it is, he's wearing --

13 Q And this will be his left chest area?

14 A Yes.

15 Q And State's 24, what is that?

16 A This is a laceration of his upper chest area. This
17 was actually under the hole in the shirt.

18 Q Okay. Now, while you were at the emergency room,
19 did you hear the Defendant make any statements to
20 anyone about these wounds?

21 A Yes, I did.

22 Q What did you hear?

23 A One of the attending nurses was speaking with the
24 the Defendant inquiring about the wound, and he
25 stated to her that -- he inquired as to whether or

1 not she was going to put in her report that that
2 wound was caused by a sharp object.

3 Q So at that time, when he is at the ER that night,
4 he is wanting to make sure that the nurse recorded
5 it as a sharp object wound?

6 A Yes. He wanted to make sure that she put in her
7 written report that it was caused by a sharp
8 object.

9 Q You said Mr. McKnight -- there was a struggle at
10 [REDACTED] Chestnut Street?

11 A Uh-huh, there was.

12 Q What was his demeanor?

13 A Very aggressive, very angry, very agitated.

14 Q When you were at the hospital, did you have any
15 trouble understanding what he was saying?

16 A None.

17 Q It was clear?

18 A Clear.

19 Q The individual that you transported to the hospital
20 that night, is he in the courtroom?

21 A Yes, he is.

22 Q Can you point him out?

23 A He is right there(indicating).

24 Q The individual on the end?

25 A No, right in between the two there.

1 MR. MOAK: Your Honor, may the record reflect
2 he has identified the Defendant?

3 THE COURT: All right.

4 MR. MOAK: No further questions.

5 THE COURT: Mr. Moak, you know, we try cases
6 all the time. The jury does not know they can
7 circulate those pictures that you set there. If
8 you want them to circulate them, you need to tell
9 them they can do that. They don't have to.
10 Otherwise, hand them back to the court reporter.

11 Okay, Mr. Kirincich?

12 MR. KIRINCICH: Your Honor, may it please the
13 Court?

14 CROSS-EXAMINATION

15 BY MR. KIRINCICH:

16 Q Officer Hagan, you say you were the first one on
17 the scene?

18 A Yes, sir, I was the first one actually to approach
19 the victim. There were -- several cars got there
20 about the same time.

21 Q But you are not the one who secured the scene,
22 right?

23 A No, sir.

24 Q Was there somebody else keeping a record of who was
25 there?

- 1 A I don't know. Not to my knowledge.
- 2 Q Did you take any notes at the scene?
- 3 A Just enough to do the incident report.
- 4 Q Did you make notes of who the witnesses were?
- 5 A Yes, I made -- took statements from the two
- 6 witnesses that were willing to give statements.
- 7 Q Do you have your notes still?
- 8 A I just have a copy of the incident report.
- 9 Q Did you provide your notes to the investigator in
- 10 charge of this?
- 11 A You just talking about my scribbling?
- 12 Q Right?
- 13 A No.
- 14 Q Did he ask for them?
- 15 A No.
- 16 Q How did you relay to him who the witnesses were?
- 17 A He was -- actually responded to the scene. He
- 18 talked to them with me.
- 19 Q You said there was three people around the victim
- 20 on the ground when you arrived?
- 21 A There was.
- 22 Q Who were those three people?
- 23 A A guy by the name of Glover, I believe is his last
- 24 name, and Stephanie Cornish and Debra Joyner.
- 25 Q Did you speak with them directly?

1 A I did.

2 Q Did they tell you they observed what happened?

3 A Yes, they told me they observed what happened, but
4 they did not know the suspect. They merely stated
5 he was a drunk that hung around the area.

6 Q Did they tell you where they were when they
7 observed the incident?

8 A Yes.

9 Q And where did they say?

10 A They stated they were in the yard, the front yard
11 there on Campbell Street.

12 Q They said they were in the yard at [REDACTED] Campbell
13 Street?

14 A Yes.

15 Q Did you talk with any other witnesses there that
16 night?

17 A No, sir. We attempted to speak with some people
18 that had walked up, but no one wanted to cooperate.

19 Q Do you have a list of who else walked up?

20 A No, sir. Most of them wouldn't give their names.

21 Q Did you ever determine that there was anybody else
22 present at the scene?

23 A No, sir.

24 Q Did you ever talk to Travis Johnson?

25 A No, sir.

1 Q The picture that the Solicitor showed you of the
2 beer bottle, where was that located?

3 A On the road right in front of that residence.

4 Q Did you see any other beer bottles at the
5 residence?

6 A None that were busted in the roadway or anything.
7 There were some beer cans laying around in the
8 bushes and such.

9 Q Did Ms. Cornish, Ms. Joyner or Mr. Glover tell you
10 what they were doing there that evening?

11 A No, they did not.

12 Q You said one of the photos -- there is a photo of a
13 bicycle?

14 A Yes.

15 Q Whose bicycle is that?

16 A We were told it was the Defendant's bicycle.

17 Q So he didn't take it with him?

18 A No, sir.

19 Q Which other officers were there at the same time
20 you were there?

21 A Kevin Lynch, myself, Detective Lee Boan, and
22 Detective Corey responded, he came out there.
23 Everybody got there relatively fast. Detective
24 Boan was on the scene not even probably a minute
25 after I got there. We was all there pretty quick.

1 But from what I can remember, Lieutenant Frasier,
2 Detective Boan, Detective Corey, myself and
3 Sergeant Lynch.

4 Q The only thing you would have filled out before
5 this was the initial incident report?

6 A That's correct.

7 Q Did Ms. Cornish and Ms. Joyner state that they saw
8 the whole incident?

9 A They stated they seen it. I don't know what
10 segments. Everybody was upset. Some were crying,
11 some were mad. It was just a real agitated scene.

12 Q Did you ever ask Ms. Joyner why she didn't tell you
13 the person's name?

14 A Yes.

15 Q Did she have a response?

16 A No.

17 Q She clearly knew the name?

18 A Yes.

19 Q But she didn't tell you at the time?

20 A Not at first, no, sir.

21 Q Did you ever ascertain who called from [REDACTED] Chestnut
22 Street?

23 A No, sir.

24 Q Do you have a copy of the CAD report for that?

25 A No, sir.

1 Q Do you know what time the call came in?

2 A I do not.

3 Q Was it around the time of the incident?

4 A Yes, it was shortly thereafter.

5 MR. KIRINCICH: Your Honor, if I can collect
6 these pictures.

7 Q Regarding State's 22, did you take that picture?

8 A I did.

9 Q And where did you take that picture?

10 A Kershaw County Emergency Room.

11 Q And that is a picture of Mr. McKnight?

12 A It is.

13 Q Did he ask you to take that picture?

14 A He did not.

15 Q And you described it earlier as a small cut to his
16 head?

17 A Yes, sir.

18 Q Do you remember anything about the wound that
19 night? Was it protruding, bleeding when you saw
20 him?

21 A It was bleeding, yes. I don't -- I can't recall if
22 it was protruding or not.

23 Q You took a picture. Does it appear to you that it
24 is bruised like it is swelling in that picture?

25 A It could be, yes, sir.

1 Q Did you ask Mr. McKnight if he wanted to talk that
2 night?

3 A I did.

4 Q Did he say anything?

5 A Nothing.

6 Q You overheard what he said to the ER doctor,
7 though, right?

8 A I did.

9 Q Did you hear anything else he said to the doctor?

10 A No, sir.

11 MR. KIRINCICH: Your Honor, if I can have just
12 one moment.

13 THE COURT: Okay.

14 (Pause.)

15 Q Officer Hagan, did you transport Mr. McKnight to
16 the jail afterwards?

17 A I did.

18 Q Were you there whenever he was booked into the
19 jail?

20 A I can't recall if I -- I believe I'm the one that
21 transported him. I can't recall for sure.

22 Q Did you collect his clothes into evidence?

23 A I think the investigators did that.

24 Q You didn't have anything to do with the clothes?

25 A I think they might have come in there while I was

1 there. I can't recall. This has been some time
2 ago.

3 Q Who is *they*, I'm sorry?

4 A The investigators.

5 Q The investigators came into where -- while you were
6 there?

7 A I believe they came to the ER. I can't -- I can't
8 really recall.

9 Q Do you know if they collected his clothes there?

10 A I don't know if they collected it there or the
11 jail. I know they were collected.

12 Q Did Mr. McKnight say anything to you about his
13 clothes?

14 A He wouldn't say anything.

15 Q Do you know if the clothes were soiled?

16 A I can't recall, other than the spot where the wound
17 was. I can't recall the condition of the rest of
18 it.

19 Q I guess I'll specifically ask, do you know anything
20 about Mr. McKnight's underwear that he was wearing
21 at the time?

22 A No, sir.

23 Q Thank you.

24 MR. KIRINCICH: No further questions, Your
25 Honor.

REDIRECT EXAMINATION

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BY MR. MOAK:

Q The deceased is Isaac Williams, right?

A Isaac Williams, yes, sir.

Q You saw him laying there on the ground bleeding,
right?

A I did.

Q So you were there when EMS came, correct?

A I was, yes.

Q Do you have any knowledge if any weapons or harmful
objects were found on Mr. Williams?

A None.

Q Back in 2005, on September 26th, I believe, did you
enter in the computer system what you had heard
from -- heard Mr. McKnight ask the nurse?

A I did.

Q And you told investigators about that?

A I did.

Q No further questions.

MR. KIRINCICH: Just a brief follow-up on the
questions, Your Honor.

RECROSS-EXAMINATION

BY MR. KIRINCICH:

Q You didn't find any weapons on Mr. Williams?

A No, sir, I did not.

1 Q Did you search him?

2 A No, I did not.

3 Q But you took a picture of that beer bottle, didn't
4 you?

5 A I did.

6 Q Why did you take a picture of that beer bottle?

7 A Some of the witnesses said that the beer bottle was
8 involved, either it was thrown at the Defendant or
9 either -- some statements said the Defendant had
10 it. I just knew it was involved, somebody had it,
11 so I snapped pictures of it.

12 Q Did anybody tell you that the Defendant was hit in
13 the head with the beer bottle that night?

14 A No. The statements that we were given that night
15 was the Defendant hit the deceased with the beer
16 bottle.

17 Q Do you know if the deceased was checked for
18 anything else, if there was anything else he had in
19 his pockets that evening?

20 A No, sir, I did not. He was transported by EMS.

21 Q Thank you.

22 THE COURT: All right, you can step down,
23 Officer.

24 (Witness steps down.)

25 MR. MOAK: Can the witness be excused?

1 MR. RILEY: (Nods affirmatively.)

2 THE COURT: Okay, you can be excused.

3 THE WITNESS: Thank you.

4 (Witness is excused.)

5 MR. MEADORS: Travis Johnson.

6 (Witness enters courtroom.)

7 THE CLERK: Place your left hand on the Bible
8 and raise your right hand, please.

9 (Witness complies.)

10 THE CLERK: Do you swear or affirm the
11 evidence you will give in this case will be the
12 truth, the whole truth, and nothing but the truth,
13 so help you God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Please be seated in the witness
16 chair, and state your full name for the record.

17 THE WITNESS: Hello. My name is Travis
18 Johnson.

19 TRAVIS JOHNSON, after
20 being duly sworn, testified as follows:

DIRECT EXAMINATION

21 BY MR. MEADORS:

22 Q Just one second. Are you a little nervous?

23 A No, no, not really, sir.

24 Q All right. Well, the ladies and gentlemen and this
25 lady have got to take everything down, so just

1 start -- just be sure to talk in there and look at
2 them.

3 Mr. Johnson, first of all, tell the ladies and
4 gentlemen of this jury about you. And just speak
5 up so everybody can hear you. Where are you from?

6 A I'm from Camden, South Carolina.

7 Q Were you born here?

8 A Yes, sir.

9 Q Were you raised here?

10 A Yes, sir.

11 Q And where did you go to elementary school?

12 A Elementary school, Jackson School, Jackson
13 Elementary.

14 Q All right. And middle school?

15 A Camden Middle School.

16 Q All right. And then where did you go to high
17 school, Mr. Johnson?

18 A Camden High School.

19 Q And how far did you go in Camden High?

20 A Well, I made it into the 11th.

21 Q And what year was that, Mr. Johnson?

22 A 2003.

23 Q After that, what did Travis Johnson do? What did
24 you start doing?

25 A I started working with the horses.

1 Q And are you doing that now?

2 A Yes, on and off, sir, yes, sir.

3 Q Is there a particular person you are working with?

4 A Jonathan Sheppard.

5 Q And you work on and off with Mr. Sheppard in the
6 horse business?

7 A Yes, sir.

8 Q Now, if you would go back in your mind to
9 September 23rd of 2005, what we're all about here
10 Travis, okay?

11 A (Nods affirmatively.)

12 Q Do you remember that Friday?

13 A Yes, sir.

14 Q Do you remember what you were doing?

15 A Yes, sir.

16 Q What had you been doing like earlier in that day?

17 A Well, basically doing what I do every day, just
18 going to the park, or whatever, hanging out,
19 whatever.

20 Q Going to the park? And what park would that be?

21 A Boykin Park.

22 Q I'm going to move this.

23 MR. MEADORS: Judge, do you mind if I approach
24 and move this over this way a little bit?

25 THE COURT: Sure.

1 Q Did you know some folks' name -- or do you know Dan
2 and Stella Richards?

3 A Yes, sir.

4 Q And where do they live?

5 A They -- I don't know where they live now, but they
6 was living on Campbell Street.

7 Q Would you dispute that it is [REDACTED] Campbell Street?

8 A Yes, sir.

9 Q Okay. And had you prior to September 23rd of 2005,
10 Travis, had you been there before?

11 A Yes, sir.

12 Q Is it fair to say you would hang out there some?

13 A Well, you could say it like that, yes.

14 Q Well, I want you to say it like you want to say it,
15 but is that --

16 A Yes, sir, I hang out there, yes, sir.

17 Q All right. And I don't mean anything bad by that,
18 but go there to socialize?

19 A Yes, sir.

20 Q Would different friends gather there?

21 A Yes, sir.

22 Q And on September 23rd of 2005, you made a decision
23 to go to [REDACTED] Campbell Street to just hang out and
24 be with friends?

25 A Yes, sir.

1 Q Okay. And did you know the deceased in this case,
2 Isaac Williams?

3 A Yes, sir.

4 Q And did you know, or do you know the Defendant,
5 Tommy McKnight?

6 A Yes, sir.

7 Q Not prying, Travis, but who were you -- did you
8 have a friend then, girlfriend?

9 A My girlfriend was with me.

10 Q Okay. What is her name?

11 A Jasmin Floyd.

12 Q And had y'all been dating awhile in 2005?

13 A Yes, sir.

14 Q Are y'all still together now?

15 A Yes, sir.

16 Q You got children, or a child?

17 A Yes, sir, three.

18 Q And did y'all go together to Campbell Street?

19 A Yes, sir.

20 Q Tell these folks, when you got there, Mr. Johnson,
21 Travis, who all was there?

22 A When I got there, it was Shelton, Debra --

23 Q You say Shelton. Do you know Shelton's last name?

24 A Glover.

25 Q Okay.

1 A Debra Joyner, Stephanie Cornish, Jasmin Floyd, me,
2 Travis Johnson, and Dan and Stella, but Dan was in
3 the house and Stella was out there too.

4 Q Okay. Stella and who?

5 A Stella and Dan, who live there.

6 Q Dan? Okay. All right. And is it fair to say
7 y'all were just talking and -- was there drinking
8 going on?

9 A It was drinking, but not drinking like high, you
10 know what I mean, but it was drinking going on.

11 Q Beer?

12 A Yes, beer.

13 Q Okay. And did Isaac Williams come there at some
14 point that afternoon or evening?

15 A He came like it was getting close to the evening
16 time. It was in the evening, yes, about to get
17 dark.

18 Q All right. And did you have an occasion to see
19 Tommy McKnight that day or that night also?

20 A Yes, sir.

21 Q Can you take your time and just tell the folks what
22 you remember?

23 A Well, what I remember is this. Well, when Ike came
24 out there, he was coming from up the street, he had
25 just had got dropped off, so he came out there. He

1 came over there by the porch to sit down.

2 Q And that is Isaac Williams?

3 A Yes, sir.

4 Q Okay.

5 A He opened his beer. He was drinking his beer
6 minding his business, but he was turning towards
7 the house like he had his back towards, you know
8 what I'm saying, to the street and he was facing
9 the house. He was drinking his beer.

10 And when McKnight had came out there, when
11 McKnight came, he was like, what kind of dog you
12 got? Is that a pit bull mixed with a pit bull?

13 So Ike is like, if you know what kind of dog
14 it is, why the "F" are you asking me that question?

15 Q Okay, so the victim is facing [REDACTED]

16 A (Nods affirmatively.)

17 Q You say McKnight. You are referring to Tommy
18 McKnight comes by?

19 A Yes, sir.

20 Q And is asking about his dog?

21 A Yes, sir.

22 Q All right. And you said that the victim says, if
23 you know so much about it, why are you asking me
24 about it, right?

25 A Yes.

1 Q All right. What happens after that?

2 A I guess -- I guess Ike got mad, so he had -- Ike
3 had hit him with the bottle.

4 Q Okay.

5 A So McKnight had fell down. And Ike was like --
6 after a while, I guess he was in a daze, or
7 whatever. He got back up and he was like -- Ike
8 was like, go ahead. Didn't I tell you to go ahead.

9 McKnight said, I ain't going nowhere. I'm
10 going to sit right here and I'm going to drink my
11 beer.

12 Q Ike said, you go ahead and what?

13 A Go ahead and leave.

14 Q Go ahead and leave?

15 A Yes.

16 Q Ike said that to who?

17 A McKnight.

18 Q Did you hear the words, go ahead and leave? You
19 heard him say that?

20 A Yes, sir.

21 Q All right. What happened after that?

22 A McKnight hadn't wanted to leave, so Ike threw a
23 bottle, but the bottle didn't hit him then, the
24 bottle landed in the street.

25 So McKnight went to pick his cane up, and he

1 was like, I'm telling you I'm going to drink my
2 beer. And when he was lifting his beer up he tried
3 to sneak a punch in, like tried to get a sneak
4 punch in on Ike.

5 So when they start back at it they end up like
6 going towards the road then, you know what I'm
7 saying. That's when Ike turned around and he was
8 like, he got me, he got me.

9 Q And where were you, Travis, when this happened?

10 A First I was, you know, like I told you, Ike was
11 standing in front of the house facing towards the
12 house.

13 Q Yes, sir.

14 A There is a bush right here. I was like on, you
15 know what I'm saying, still sitting in a chair on
16 the other side of the bush right there.

17 Q Can you describe basically what time you were --
18 how long have you known McKnight -- you call him
19 McKnight -- the Defendant, Tommy McKnight?

20 A See, I didn't know him like that, but I had seen
21 him around.

22 Q Okay.

23 A I had seen him around.

24 Q You know him by face and name?

25 A Yes, by face.

1 Q Can you describe his demeanor to these ladies and
2 gentlemen, how he was acting that night?

3 A Well, really, when I seen him, he really acted --
4 he was acting like a little strange, you know what
5 I mean, because he ain't usually act like that when
6 I see him. When he came out there he was like he
7 was coming to start up something, like he was
8 coming to start -- like he was coming to start
9 trouble.

10 Q And that's what led to -- who said something to who
11 to start with? Did McKnight ask about the dog?

12 A McKnight started asking him when he first got
13 there.

14 Q And how long have you known Ike, Isaac?

15 A I've known Ike for a good little -- a good while, a
16 couple of years.

17 Q Now, did you see Isaac Williams with any type of --
18 anything besides a beer bottle?

19 A No, sir.

20 Q Did you see him with a gun?

21 A No, sir.

22 Q Did you see him with a knife?

23 A No, sir.

24 Q Brass knuckles?

25 A No, sir.

1 Q And let me ask you this question. Did you see the
2 Defendant, Tommy McKnight, swing at him?

3 A Yes, sir.

4 Q Could you see a weapon on Tommy McKnight as he was
5 swinging at him?

6 A No, sir.

7 Q Do you know where Tommy McKnight had that knife on
8 him?

9 A To tell you the truth, no, sir.

10 Q But after Tommy McKnight swung at the victim, Isaac
11 Williams, out in the road, what did the victim say?

12 A You talking about Ike?

13 Q Yes, sir.

14 A He said, he got me.

15 Q He got me?

16 A Yes.

17 Q What happened after that?

18 A He walked to the car and he started -- started
19 shaking, and he had fell down.

20 Q What did you do, Travis?

21 A The police cars started -- cars started coming by,
22 like there was a black police car, you know what
23 I'm saying. It was like it happened so fast, like
24 I can't really remember what I was doing like soon
25 as it happened, but I know I was trying to get some

1 help. And everybody was trying to get help, you
2 know what I'm saying, to stop the police car.

3 Q Did you ever go and touch Ike or put anything on
4 his body?

5 A No, sir. The only thing they did was like check
6 him, you know what I'm saying, to make sure that --
7 and I checked his pockets, and he had some keys and
8 some change, so that was all.

9 Q Did Tommy McKnight hang around?

10 A No, Tommy McKnight, after he did what he did, he
11 just turned around and started running.

12 Q And he started running?

13 A (Nods affirmatively.)

14 Q I just want you to look at this. On September 23rd
15 of 2005 -- Strike that. On September 26th of 2005,
16 did you have an occasion to give a statement to
17 some of these folks at the Camden Police
18 Department?

19 A Yes, sir.

20 Q And is that your signature down there, Travis
21 Johnson?

22 A Yes, sir.

23 Q So a few days after this you tell them what you
24 saw?

25 A Yes, sir.

1 Q After the initial bottle and all of that, did they
2 square up the bases and kind of fight in the
3 roadway?

4 A It was like this. This is Ike right here. This is
5 McKnight. It was -- they was going just like this.
6 By the time we got there, it was about like that,
7 then Ike was turning and saying, he got me.

8 Q And that is where something cut into Ike, isn't it?

9 A Yes. Yes.

10 Q Is the fellow you referred to as McKnight who came
11 up on the bike and was talking about the dog and
12 was out with Ike in the middle of the road and was
13 square up with Ike right before Ike said, he got
14 me, is that person in the courtroom?

15 A Yes, sir.

16 Q Would you point him out or just describe him?

17 A Sitting right there beside him.

18 Q In the white shirt and no tie?

19 A Yes. Yes, sir.

20 Q Okay.

21 MR. MEADORS: We would like the record to
22 reflect that.

23 THE COURT: All right.

24 Q Travis, under our rules, when you take the stand
25 certain things in your past can be brought up.

1 A Yes, sir.

2 Q I don't even know if I have gone over everything
3 with you, but in 2003, did you plead guilty of
4 strong armed robbery and get a Youthful Offender
5 sentence?

6 A Yes, sir.

7 Q And you've got a shoplifting conviction in November
8 of '05?

9 A Yes, sir.

10 MR. MEADORS: Beg the Court's indulgence.

11 (Pause.)

12 Q One final question. When Ike Williams and Tommy
13 McKnight were out in the roadway, what did Isaac
14 Williams have in his hand?

15 A In his hands in the road, he ain't had nothing in
16 his hand when they was by the road.

17 Q Nothing?

18 A (Nods negatively.)

19 Q Thank you.

20 MR. MEADORS: That's all.

21 THE COURT: Jurors, any time anybody takes the
22 stand, if they have got a criminal record, chances
23 are it is brought out. Not everything, but about
24 everything. You know, it is like if you have got a
25 parking ticket they might not do it. But if you

1 have got a criminal record, they can bring it out.
 2 That is just another factor for you to take into
 3 account when you are evaluating somebody's
 4 testimony. You don't disregard the testimony
 5 because they have a prior record, you just consider
 6 they have a prior record, and so forth.

7 MR. RILEY: Thank you, Judge.

8 CROSS-EXAMINATION

9 BY MR. RILEY:

10 Q Mr. Johnson, I'm Neil Riley. I represent Mr.
 11 McKnight. And in addition to what Mr. Meadors has
 12 asked you about, you know, the trouble you've had
 13 with the law, you also had a conviction for
 14 criminal domestic violence, is that not true?

15 A Yes, sir.

16 Q And for possession of marijuana?

17 A Yes.

18 MR. MEADORS: Your Honor, I don't mind, but
 19 technically that is not admissible.

20 THE COURT: Go ahead.

21 Q Mr. Johnson, were you pretty good friends with the
 22 folks that lived at [REDACTED] Campbell Street?

23 A Yes, sir.

24 Q And their names were Stella and Dan, is that
 25 correct?

- 1 A Yes, sir.
- 2 Q What was their last name?
- 3 A See, I'm going to explain it to you. I don't know
4 their last name. They are my friends through my
5 family.
- 6 Q Okay.
- 7 A So that's how I knew them.
- 8 Q Okay. All right. But you visited their home
9 frequently?
- 10 A Yes, sir.
- 11 Q Okay. And that is not the home or the residence
12 where the victim, Isaac Williams, lived, was it?
- 13 A No, sir.
- 14 Q Okay. Now, that night of September 23rd, 2005,
15 where were you when the Defendant, Tommy McKnight,
16 rode up on his bicycle? Where were you in the
17 yard?
- 18 A Where Ike was standing at but on the other side of
19 the porch and sitting in my chair.
- 20 Q Okay. All right. You weren't up on the porch of
21 the house, correct?
- 22 A No, sir.
- 23 Q No? And what time of day was this?
- 24 A It was like it just had got nighttime.
- 25 Q Okay. So it was dark, right?

- 1 A (Nods affirmatively.)
- 2 Q Were there -- that part of Campbell Street, are
- 3 there any street lights?
- 4 A There is a street light right in front of the
- 5 house.
- 6 Q In front of that [REDACTED] residence?
- 7 A (Nods affirmatively.)
- 8 Q Okay. And was that -- do you remember if that was
- 9 on that night?
- 10 A It was on.
- 11 Q Okay. Alrighty. Now, when Mr. McKnight rode up on
- 12 his bicycle and stopped, I mean, at the point where
- 13 he stopped on his bicycle, about how far away were
- 14 you from him? Can you remember?
- 15 A Probably like -- I would say where that end of that
- 16 piece right there come out at.
- 17 Q Right at the end of this --
- 18 A Yeah, right up at the end -- right there.
- 19 Q Okay. About that far away from him? So you have a
- 20 pretty good clear view of him, correct?
- 21 A But the only difference is the bush, like that is
- 22 where I was sitting at. That is where my chair is
- 23 at. It is a bush right in front of that.
- 24 Q Uh-huh.
- 25 A You know what I'm saying.

- 1 Q Did that bush obstruct your view somewhat?
- 2 A Yeah, like you still can see what is going on
- 3 regardless, but that can, you know what I'm saying,
- 4 that can have something to do with it like why I
- 5 couldn't see everything. That is probably why.
- 6 Q Okay. All right. Now, from start to finish of
- 7 this whole -- and by that I mean from the point
- 8 where Mr. McKnight arrived at [REDACTED] Campbell Street
- 9 until the point where he ran away from [REDACTED]
- 10 Campbell, that's what I mean by from start to
- 11 finish?
- 12 A Oh, yeah, I -- yeah, yeah, I seen --
- 13 Q Did you get up out of your chair at all and
- 14 approach anybody?
- 15 A I ain't -- no, no, sir. I got up when I was seeing
- 16 what was going on.
- 17 Q Uh-huh.
- 18 A That's all I was doing.
- 19 Q So you did stand up?
- 20 A Yeah, I stand up, yes, sir.
- 21 Q Okay. But you didn't move towards Mr. Williams or
- 22 Mr. McKnight?
- 23 A No, sir.
- 24 Q You just stayed where you were, but you stood up?
- 25 A Like the crowd -- like when it happened, everybody

1 was moving.

2 Q Okay.

3 A Like I didn't just stand up and stood still, like I
4 was following behind how the fight was going. Like
5 they was fighting, I'm just like, you want to see
6 what is going on, that is how it was, like that.

7 Q Okay. Alrighty. Now, do you remember who other --
8 what other folks were there that night? Do you
9 remember the names of the other folks that were
10 there?

11 A Shelton, Shelton Glover, Debra Joyner, Jasmin Floyd
12 and Stephanie Cornish and Dan and Stella.

13 Q Okay. Alrighty. Any others you can remember?

14 A No, sir.

15 Q No. Were the homeowners, Dan and Stella, were they
16 there that night?

17 A Yes. See, it been like, time had done went past,
18 so I can't remember as far as exactly were they
19 outside or not, but they was home that night.

20 Q Okay. Alrighty. And do you remember about what
21 time of night it was that Mr. McKnight rode up on
22 his bike?

23 A The only thing I can tell you is it just had got
24 dark. Like, you know when it is just starting to
25 get dark, it was like that time.

1 Q Okay. Alrighty. Now, did Mr. McKnight after
2 stopping, did he stay on his bicycle?

3 A Yes, he stay on the bicycle the whole time, yes,
4 sir.

5 Q And did he lean on the handle bars?

6 A Yeah. He was sitting there -- when he first pulled
7 up he came and he opened his beer, he was drinking
8 a beer, standing there drinking a beer on the bike.

9 Q Okay. So he had -- when he rode up he had that
10 beer with him, correct?

11 A (Nods affirmatively.)

12 Q Okay. And how far was he -- when he first stopped
13 his bicycle, how far was he from Isaac Williams?

14 A Probably like the difference between -- the same
15 probably -- you and her probably the same length,
16 like you McKnight and that is Ike. That is how far
17 they was apart.

18 Q From me to you, in other words?

19 A Yes. But Ike got his -- Ike got his back turned
20 towards you -- to you, and he is looking towards
21 the house, but he is looking at the house drinking
22 his beer.

23 Q Tommy was or Ike?

24 A Ike.

25 Q Ike was?

1 A (Nods affirmatively.)

2 Q Okay. All right. So you are saying that, if I
3 understand you correctly, you are saying that Ike
4 had his back to Tommy, is that correct?

5 A Yes.

6 Q Initially.

7 A He was just standing there drinking his beer.

8 Q Okay. And what is the -- to the best of your
9 recollection, what do you recall Mr. McKnight
10 asking?

11 A To me it was like he came down there because -- it
12 was like he was trying to make -- start up
13 something, because he was like, what kind of dog is
14 that, is that a pit mixed with a pit, a pit or --

15 Q Could you tell if he was addressing that question
16 to any particular person? Was he addressing it
17 to --

18 A He was addressing it to Ike.

19 Q Okay. But Ike had his back towards him, right?

20 A Yes.

21 Q Okay. Alrighty. And Ike was drinking his beer?

22 A He was drinking his beer and he had the chain in
23 his hand holding his dog on the chain.

24 Q Okay. Oh, the dog was there?

25 A Yes.

1 Q Okay. Alrighty. And in response to that question,
2 did Mr. Williams turn around and face Mr. McKnight
3 or what?

4 A Turn around and face him.

5 Q Okay. And what was his response to Mr. McKnight?

6 A If you know what kind of dog this is, why the ____
7 you asking me that question.

8 Q Okay. Why the "F" are you asking, is that what you
9 are saying?

10 A Yes.

11 Q Okay. And what happened next? Now, did Mr.
12 Williams start approaching Mr. McKnight?

13 A I guess Ike got mad. He had hit him with the
14 bottle.

15 Q He hit Mr. McKnight with a bottle?

16 A Yes, sir.

17 Q Okay. And did you have a clear view of that?

18 A Yes, sir.

19 Q Whereabouts did he strike him with that bottle on
20 his bike?

21 A I guess way up on this -- I guess right up in this
22 section.

23 Q Okay.

24 A Like on this section somewhere.

25 Q Alrighty. And Mr. McKnight was still straddling

- 1 his bike, right?
- 2 A He didn't - he had done fall down then.
- 3 Q He fell down then?
- 4 A When he got hit with the bottle he fell down.
- 5 Q But before -- just at the instant he got hit, he
- 6 was still on his bicycle straddling his bike?
- 7 A Yeah, he was still on the -- he was still on the
- 8 bike. Yes, he was still on the bike.
- 9 Q So he fell down towards the roadway on Campbell
- 10 Street?
- 11 A No, he ain't fell down towards the roadway. He
- 12 fell like in front of the bushes on the sidewalk.
- 13 Q Okay. Alrighty. And then did he -- what did Mr.
- 14 Williams do while Mr. McKnight was getting up off
- 15 the ground?
- 16 A He told him -- he just pointed at the road. He
- 17 said, now go ahead. I told you to go ahead. Now
- 18 go on ahead. Go ahead.
- 19 Q Okay.
- 20 A When McKnight came up, he said, I'm not going
- 21 nowhere, I'm going to drink my beer.
- 22 Q But Mr. Williams didn't live there, did he?
- 23 A No, sir.
- 24 Q He was just there as a guest, wasn't he?
- 25 A Yes, sir.

1 Q And I believe you testified Mr. McKnight said, I'm
2 not going anywhere, I'm going to drink my beer, is
3 that right?

4 A Yes.

5 Q Okay. Alrighty. Now, did -- after McKnight said
6 that, did Williams approach him closer?

7 A No, he threw the beer, but it missed and then
8 bust in the street.

9 Q I couldn't hear you, sir, I'm sorry.

10 A He throwed the bottle, but it missed McKnight and
11 it bust in the street.

12 Q Okay. Ike threw the bottle?

13 A Yes.

14 Q At McKnight?

15 A Yes. And McKnight was like he was turning up the
16 beer again. And then that is like when he was
17 trying to sneak a punch in. That is when they had
18 got back in it again, they was going towards the
19 road.

20 Q Okay. All right. So did you see anything that you
21 could at that point in time, that night, identify
22 as a weapon being used?

23 A I didn't -- I ain't never seen no weapon. The only
24 thing I seen is Ike turn around, he was like, he
25 got me.

1 Q Okay. All right. So you didn't see what actually
2 happened that caused that injury to Ike, right?

3 A No.

4 Q Okay. Now, about -- again, from, you know, from
5 start to finish, start being when Mr. McKnight
6 pulled up on his bike, finish being when
7 Mr. McKnight ran away, how many minutes went by?
8 Can you remember?

9 A Probably like -- probably like a good four minutes.

10 Q Four?

11 A Yeah, like four minutes.

12 Q Okay. So was --

13 A It was happening fast.

14 Q Okay. Just, you know, you are pretty sure it was
15 no more than four minutes, right?

16 A Yes, it was about four minutes in time.

17 Q Okay. All right. What did you do next? Did you
18 try to -- I mean, you were not there when the
19 police arrived, is that correct?

20 A Yes, I was.

21 Q You were there when the police arrived?

22 A I was out there because after that went on the
23 police was coming by.

24 Q Uh-huh.

25 A A black Impala. So everybody tried to run to the

1 road to stop the police. So that is how I was
2 still there when the police got there.

3 Q Okay. Well, according to the -- let me just say
4 that the initial officer on the scene did not
5 report you as being there.

6 A Well --

7 MR. MEADORS: That's not correct, Judge.

8 THE COURT: All right. He doesn't know who
9 reported what.

10 MR. RILEY: The record will say what it says,
11 Judge.

12 THE COURT: I know. All I'm saying, he
13 doesn't know what -- who reported what. That is,
14 you know, if that is what the officers say, then
15 that is a jury thing.

16 MR. RILEY: Yes, sir.

17 A But they didn't get no statement from me that
18 night. They wait until about two days after that.
19 Then they came to pick me back up. That's when
20 they got my statement.

21 Q Okay. Alrighty. Did you approach Ike and try to
22 render assistance to him?

23 A Yes. Yes. All this -- everybody who was out
24 there, they tried to help him.

25 Q Okay. All right. Do you remember what you did in

1 particular?

2 A The only thing I did was, they say, make sure he
3 don't have nothing in his pocket, and I checked his
4 pockets and he had keys and some change.

5 Q Okay. Did you take anything from his pockets?

6 A The keys and the change.

7 Q Is that all?

8 A Yes, sir.

9 Q Okay. You did not find anything else in his
10 pockets?

11 A No, sir.

12 Q Okay. Do you know whether back in September of
13 '05, was [REDACTED] Campbell Street, was that within the
14 city limits of Camden?

15 A It had to be city limits, yes.

16 Q Okay. Alrighty. How about Chestnut Street, do you
17 know --

18 A Chestnut Street, that got to be in the city limits
19 too.

20 Q Okay. Alrighty.

21 MR. RILEY: Begging your indulgence, Judge.

22 (Pause.)

23 Q Was one of the people there -- I'm kind of asking
24 you a question you have answered already, and I
25 apologize -- but Shelton Glover was there, wasn't

1 he?

2 A Yes, sir.

3 Q Do you remember seeing him attempt to break up the
4 fight between Ike and Tommy?

5 A He came behind -- came behind and he tried to break
6 it up, yeah.

7 Q Uh-huh. Okay.

8 A That is all that right there, yes.

9 Q Okay. Now, of that four minutes that you testified
10 that Mr. McKnight was there start to finish --

11 A (Nods affirmatively.)

12 Q -- how long had gone by before the fight started?

13 A Like before the fight first started?

14 Q Yes, sir?

15 A When the bottle first got swing?

16 Q Yes, sir?

17 A Like two minutes -- like two minutes.

18 Q Okay. Like about half that time?

19 A Yes. Like soon as he got there, what kind of dog
20 that is. If you know what kind of dog that is,
21 then that is when the fight broke out.

22 Q And how long would you estimate the fight lasted?

23 A Four minutes.

24 Q No, no, I mean -- you said it didn't start for two
25 minutes.

1 A Like -- see, you, you, you trying to -- you trying
2 to get in my head.

3 MR. MEADORS: I would object. I think at one
4 time he said start to finish was four minutes. Now
5 he is going back and trying to --

6 THE COURT: Well, he --

7 A Four minutes.

8 THE COURT: He didn't have a stop watch. He
9 is telling it like he thinks it is, I guess. Go
10 ahead.

11 A The whole thing started from the beginning to the
12 end in four minutes, from that first piece when the
13 bottle got swing, from what he said about the dog
14 till the bottle got swing, that is probably like
15 two minutes, the other part like two minutes, so
16 four minutes in time all together.

17 Q Okay. That is great. That is what I was driving
18 at.

19 THE COURT: Jurors, I'm not vouching for the
20 witness at all, y'all understand that. But you
21 know, three minutes, four minutes, five minutes.
22 It is five years ago.

23 Q Thank you, Mr. Johnson. I appreciate it.

24 A Yes, sir.

25 MR. MEADORS: Very, very briefly.

REDIRECT EXAMINATION

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BY MR. MEADORS:

Q When McKnight -- he was asking you about on the street and where you were. When McKnight and Williams were out on the street, it was just the two of them, right?

A Yes, sir.

Q You didn't try to get involved in this fight, did you?

A No, sir.

Q Did you see anybody else try to get involved in the fight?

A No, sir.

Q It was just the two of them?

A Yes, sir.

Q Thank you. No further questions.

THE COURT: You can step down.

MR. RILEY: Your Honor --

MR. MEADORS: Your Honor said you could step down.

MR. RILEY: May we approach?

THE COURT: We're going to break for lunch.

MR. RILEY: Okay.

THE COURT: We can talk about whatever you want. You can step down. And you can be excused

1 unless you just want to hang around.

2 THE WITNESS: Oh, all right. Thank you.

3 (Witness steps down.)

4 MR. RILEY: Judge, that is what I wanted to
5 approach about is Mr. Johnson.

6 THE COURT: All right, do you want him to hang
7 around? We can make him hang around.

8 MR. RILEY: Yes, sir. I have served --

9 THE COURT: You just have to stay. They may
10 recall you, Mr. Johnson.

11 MR. MEADORS: Your Honor, we have him on
12 standby. Can he stay on telephone standby for
13 work?

14 MR. RILEY: Okay, that's fine.

15 THE COURT: As long as he is available if we
16 need him.

17 THE WITNESS: All right.

18 MR. MEADORS: Thank you.

19 MR. RILEY: Thank you, Judge.

20 (Witness exits courtroom.)

21 MR. MEADORS: Can we approach about the length
22 of the --

23 (WHEREUPON, a bench conference was held
24 in the presence of the jury but out of
25 the hearing of the jury.)

1 THE COURT: All right, jurors, all of that was
2 about how long we are going to break for lunch.
3 We'll start back at 2:00 o'clock, okay? Don't talk
4 about the case. Go get a ham sandwich, or
5 whatever. See y'all at 2:00 o'clock.

6 (WHEREUPON, the jury is excused for
7 lunch at 12:37 p.m.)

8 MR. MEADORS: Thank you, Your Honor.

9 THE COURT: All right.

10 MR. RILEY: Thank you, Judge.

11 (Lunch recess.)

12 THE COURT: Are y'all ready?

13 MR. MEADORS: The State is ready, yes, sir.

14 MR. RILEY: Yes, sir.

15 THE COURT: Bring them in.

16 (WHEREUPON, the jury came into open
17 court at approximately at 2:09 p.m.)

18 THE COURT: Okay, you may proceed.

19 MR. MEADORS: May it please the Court? The
20 State would now call Jasmin Floyd.

21 THE COURT: All right.

22 (Witness enters courtroom.)

23 THE CLERK: Place your left hand on the Bible
24 and raise your right hand, please.

25 (Witness complies.)

1 THE CLERK: Do you swear or affirm the
2 evidence you will give in this case will be the
3 truth, the whole truth, and nothing but the truth,
4 so help you God?

5 THE WITNESS: Yes, ma'am.

6 THE CLERK: Please be seated in the witness
7 chair, and state your full name for the record.
8 Right this way, please, ma'am.

9 THE WITNESS: Jasmin Floyd. Jasmin Floyd.

10 JASMIN FLOYD, after being
11 duly sworn, testified as follows:

DIRECT EXAMINATION

12 BY MR. MEADORS:

13 Q Good afternoon, Ms. Floyd.

14 A Good afternoon.

15 Q Would you just tell these folks about you. Where
16 are you from, Jasmin?

17 A I'm originally from Mount Vernon, New York, but
18 I've been here for about most of my life.

19 Q And did you go to school, all the schools here in
20 Camden?

21 A Yes.

22 Q Elementary school?

23 A Yes.

24 Q Middle school?

25 A Yes.

- 1 Q And did you go to Camden High School?
- 2 A Yes.
- 3 Q And what year did you graduate?
- 4 A '04.
- 5 Q What did you do after '04?
- 6 A Went to hair school.
- 7 Q Hair school?
- 8 A Yes.
- 9 Q Okay. How long did you work in that field?
- 10 A Not too long because I was pregnant. After I got
- 11 pregnant I had to stop it.
- 12 Q Okay. Did you ever work at some of the fast food
- 13 places like McDonald's?
- 14 A Yes.
- 15 Q Wendy's?
- 16 A Uh-huh.
- 17 Q Okay. Did you ever work at the Piggly Wiggly?
- 18 A Yes.
- 19 Q I have in my notes down here something about the
- 20 Air Force.
- 21 A I wanted to go to the Air Force, but I didn't get
- 22 to.
- 23 Q Why didn't you get to?
- 24 A That is when -- after I had my baby, I didn't want
- 25 to go.

1 Q And what are you doing right now, Jasmin?

2 A Actually looking for another job.

3 Q And you have children?

4 A Yes.

5 Q And Travis Johnson is your friend?

6 A Uh-huh.

7 Q Partner? Y'all are --

8 A Relations, yes.

9 Q Relationship, okay. And let me go back to
10 September of 2005, please, ma'am. Where were you
11 in your life then? What were you doing work-wise?

12 A In 2005?

13 Q Back when this happened?

14 A I think I was working at Wendy's.

15 Q What Wendy's was that?

16 A In Camden.

17 Q And were you at that time dating or with Travis
18 Johnson?

19 A Yes.

20 Q And had you ever been prior to -- well, let's go
21 right to December 23rd of 2005. Did you have an
22 occasion that evening or that night, sometime that
23 day to go to [REDACTED] Campbell Street?

24 A Yes.

25 Q And whose residence was that?

- 1 A Dan and Stella.
- 2 Q Dan and Stella Richardson?
- 3 A Yes.
- 4 Q And had you been there -- excuse me, Washington. I
- 5 don't know why I said Richardson. Dan and Stella
- 6 Washington. I'm sorry. Had you been to that
- 7 residence prior to September 23rd, 2005?
- 8 A Yes.
- 9 Q On this day why did you go over there, on September
- 10 23rd.
- 11 A I mean, people like to go over there and sit over
- 12 there. I mean, they are long-time family,
- 13 actually.
- 14 Q Okay. And you are prepared to say just hang out
- 15 and socialize?
- 16 A Uh-huh.
- 17 Q Do you remember what time you got there at [REDACTED]
- 18 Campbell Street?
- 19 A I know it was nighttime, but I don't know exactly
- 20 what time it was.
- 21 Q Okay. And who did you go there with?
- 22 A Me, Travis and my little girl.
- 23 Q And how old was your little girl then?
- 24 A She was like about a month old -- she was a year
- 25 old.

1 Q Who else was there?

2 A It was me, myself, Travis, Debra, Shelton, and
3 Stephanie.

4 Q That would be Debra Joyner?

5 A Yes.

6 Q Shelton Glover?

7 A Yes.

8 Q And Stephanie Cornish?

9 A Uh-huh.

10 Q And at some point that evening did you see Isaac
11 Williams?

12 A Yes.

13 Q And how did you know -- how long had you known
14 Isaac Williams?

15 A Since I was living in the neighborhood.

16 Q And at some point did the Defendant, Tommy
17 McKnight, come by?

18 A He came by, yes, that night.

19 Q When the folks you were naming were just there, you
20 said Mr. Isaac Williams was there, the victim,
21 right?

22 A Yes.

23 Q Tell these folks what you remember about that
24 night. Just tell them what you remember happening.
25 And take your time and just tell them.

- 1 A I was sitting on a car and they was fussing like,
2 and words with each other. And all of a sudden I
3 heard a bottle make like a loud noise. So I got up
4 off the car to see what was going on.
- 5 Q And before -- and I won't interrupt you, I'll try
6 not to, but they were fussing. For the record do
7 you mean --
- 8 A Like with each other.
- 9 Q -- Williams and McKnight?
- 10 A Yes.
- 11 Q Okay. Go ahead.
- 12 A So after I got up, I was over there, and they
13 were -- he said something about the dog. And he
14 was like, if you know what kind of dog this is why
15 would you ask. That's when he throwed the bottle.
16 So he turned his back, and that is when the other
17 guy, McKnight, was like trying to sneak him from
18 behind, but he missed.
- 19 Q So -- all right, let me -- you said when he turned
20 his back. Are you referring to Isaac Williams?
- 21 A Uh-huh.
- 22 Q And you said that is when the other guy named
23 McKnight --
- 24 A Yes.
- 25 Q -- tried to what?

1 A Sneak him from behind, but he missed. And they
2 start tasseling(sic) to the street.

3 Q And when you say sneak him, what do you mean sneak
4 him?

5 A He tried to swing and hit him, but he missed.

6 Q Okay.

7 A Then they got into the street. It was both of them
8 tousling around with each other. Then all of a
9 sudden, like he must have had to cut him because
10 when he turned around towards the street, coming
11 back towards the yard, he was holding onto his
12 stomach. And he was like, he got me, he got me.

13 And I said, what you mean? When he lift his
14 arm up, I seen blood come out his shirt. And he
15 made it towards the car. And he started shaking.
16 And he hit the ground.

17 And after that, that's when they was over him,
18 like Shelton and Debra and them were over him
19 trying to stop it from going. And that is when I
20 seen a black Impala pass by. They tried to stop --
21 flag them down to get them over there. And then
22 they told us to back away. We backed up.

23 Q When you said he said, he got me, he got me, who
24 was saying that?

25 A Isaac.

1 Q And by the time they were -- before he said, he got
2 me, he got me, was it just the two of them out in
3 the street?

4 A Yes.

5 Q And did you see Isaac Williams with any kind of
6 weapon when they were out in the street?

7 A No, sir.

8 Q Did you see anything at all in his hands?

9 A No, sir.

10 Q And did you actually see Isaac Williams get cut?

11 A No.

12 Q But did you see the blood later?

13 A Yes.

14 Q What happened after that, after you said he got
15 cut, then you said something about the black
16 Impala. What happened next? What did you do next?
17 What did you observe next, if anything?

18 A I left, because I had my little girl with me, and I
19 was already shocked from what I seen, so I just
20 left.

21 Q And did you see what the Defendant, Tommy McKnight,
22 did, if anything? What did he do?

23 A He just jumped, like he jumped up some kind of way,
24 he jumped back, and then he took off running up the
25 street after it happened.

1 Q He left?

2 A Uh-huh.

3 Q Prior to that, based on the time you were there,
4 and you said you heard what you heard earlier, was
5 the Defendant asked to leave at some point?

6 A Yes.

7 Q Who asked him to leave?

8 A Isaac asked him to leave.

9 Q Did you hear --

10 A He wouldn't leave..

11 Q Ma'am?

12 A He asked him to leave, but he said he wasn't going
13 anywhere.

14 Q And was it after that there was a sucker punch, or
15 sucker, whatever you called it, sneak punch?

16 A Uh-huh.

17 Q Sneak? You said, maybe I said it, I can't
18 remember, that this was kind of a hangout. Tommy
19 McKnight, was this his usual hangout?

20 A No. I never seen him around there.

21 Q And this was a place that y'all hung out on a
22 regular basis?

23 A Uh-huh. Not regular basis, but like just go
24 socialize.

25 Q And when they were on the street, they being Isaac

1 Williams and Tommy McKnight, it was just the two of
2 them?

3 A Yes.

4 Q How long had you known Tommy McKnight?

5 A I don't know him.

6 Q Is it fair to say you knew him by face?

7 A I mean, I had seen him before, but I don't know
8 him. I don't know of him.

9 Q Maybe that is a bad question. Is that him? Is
10 that the person you saw there in the roadway with
11 Ike when they got in an altercation?

12 A Yes.

13 Q Is there any question about it?

14 A No.

15 Q With the white shirt with no tie on?

16 A Yes.

17 MR. MEADORS: Beg the Court's indulgence.

18 THE COURT: Okay.

19 MR. MEADORS: Judge, I'm not quite done. I'm
20 sorry.

21 Q Are you Jasmin Floyd?

22 A Yes.

23 Q I don't know if I had this before, but is that you
24 right there?

25 A Yes.

1 Q And at the same time period that one?

2 A Uh-huh.

3 Q And so in November of '05 and December of '05, you
4 have two shoplifting convictions, correct?

5 A Yes.

6 Q And that is the extent of your record?

7 A Uh-huh.

8 Q Thank you for being here today.

9 A Yes.

10 MR. MEADORS: That's all we have.

11 CROSS-EXAMINATION

12 BY MR. RILEY:

13 Q Ms. Floyd, I'm Neil Riley. I represent
14 Mr. McKnight.

15 A Uh-huh.

16 Q In September 2005 when this incident occurred, how
17 old were you?

18 A I had to be like 19, 20.

19 Q Okay. All right. And when Mr. McKnight arrived at
20 the Campbell Street address that night --

21 A Uh-huh.

22 Q -- where were you on the property? Were you
23 standing, sitting? And if so, where?

24 A I was in the yard sitting on the car.

25 Q Sitting on the car?

- 1 A Uh-huh.
- 2 Q Okay. Alrighty. Was it a blue car?
- 3 A Yes.
- 4 Q Okay. Were you on the hood of the car?
- 5 A On the hood of the car.
- 6 Q Okay. And how did Mr. McKnight arrive at that
7 residence or at that address?
- 8 A He rode up on the bike.
- 9 Q Okay. Alrighty. Now, at the point where he
10 stopped after riding up on his bike --
- 11 A Uh-huh.
- 12 Q -- about how many feet away from him were you?
- 13 A I was still sitting on the car then. I was in the
14 yard. He was on the sidewalk.
- 15 Q Okay. But can you estimate how many feet or not?
- 16 A About eight feet away.
- 17 Q I'm sorry?
- 18 A About eight feet away.
- 19 Q Eight feet away? Okay. Now, do you recall if
20 there are any street lights near or on that part of
21 Campbell Street?
- 22 A Uh-huh.
- 23 Q Where?
- 24 A Right in, like in the yard by the driveway there is
25 a street light, street pole.

1 Q Okay. And was it on that night?

2 A Yes.

3 Q Okay. Now, I believe you testified that you heard
4 raised voices or a loud noise or something?

5 A Uh-huh.

6 Q What was that loud noise that you heard?

7 A Arguing about a dog.

8 Q Okay. Alrighty. Up until you heard that loud
9 noise, had you been -- was your attention focused
10 on Mr. McKnight?

11 A No. I was eating pizza.

12 Q Okay. All right. And once you heard that loud
13 noise, did you look up and start observing?

14 A Yes.

15 Q Okay. Did you hear what Mr. McKnight may have said
16 or what Mr. Williams may have said? Did you hear
17 any conversation?

18 A What I heard was he asked what kind of dog it was.
19 And he was like, a pit.

20 And Isaac was like, if you know what kind of
21 dog it was, why would you ask.

22 Q And who said that last thing?

23 A Isaac.

24 Q Okay. All right. Did you hear Isaac use the "F"
25 word?

1 A Uh-huh.

2 Q Okay. And what did Isaac do after he said that to
3 Mr. McKnight?

4 A He threw the bottle.

5 Q Threw the bottle?

6 A Hit him, like the bottle hit him side the head, and
7 it went in the street and broke.

8 Q All right, ma'am. Let me take you one step at a
9 time here now.

10 A Okay.

11 Q He approached Mr. McKnight, is that correct?

12 A Yes.

13 Q He went towards Mr. McKnight?

14 A Not actually went towards him because he was still
15 in the yard and McKnight was still on the sidewalk.

16 Q Okay. And were they right close by each other?

17 A Yes.

18 Q When Mr. McKnight -- excuse me, when Mr. Williams
19 made that comment or gave that answer that
20 contained the "F" word, were they right close to
21 each other?

22 A No, he was still in the yard.

23 Q Okay. How far apart were Williams and McKnight?

24 A I'd say they was like from where I am to where she
25 is.

1 Q Okay. Alrighty. Now, the next thing that
2 happened, you said, I believe, I don't mean to put
3 words in your mouth, and don't let me do that,
4 okay?

5 A Okay.

6 Q The next thing that happened, Mr. Williams swung a
7 beer bottle at Mr. McKnight?

8 A Yes.

9 Q And did he hit Mr. McKnight?

10 A Yes.

11 Q Where?

12 A Across the head, I believe.

13 Q Okay.

14 A Across the head.

15 Q Now, was Mr. McKnight still standing there with his
16 bicycle straddled between his legs?

17 A No. He fell down and got back up.

18 Q Okay. But when he fell down, was he still on his
19 bike when he fell down?

20 A Yes, he was on the bike.

21 Q Okay. And what is the next thing that happened --
22 or let me ask it this way. What did you next
23 observe Isaac Williams do?

24 A They were going to the street ready to fight.

25 Q Okay. You had mentioned a minute ago something

- 1 about Mr. Williams throwing a bottle?
- 2 A Uh-huh.
- 3 Q When did he do that?
- 4 A At the time, after he said about the dog, and he
- 5 slung the bottle.
- 6 Q Okay. Did he throw the bottle before he hit
- 7 Mr. McKnight in the head or after?
- 8 A It was before he -- at the same time when he threw
- 9 the bottle and hit him in the head.
- 10 Q Okay. Alrighty. So you are saying that he didn't
- 11 have the bottle in his hand when he hit him in the
- 12 head, you are saying that he threw the bottle at
- 13 his head, is that what you are saying?
- 14 A He had the bottle in his hand and he went up like
- 15 that and went up, and all I heard was a loud noise.
- 16 Q Okay. All right. Can you -- do you remember what
- 17 that loud noise was? Was it voices? Was it
- 18 something else?
- 19 A It was the bottle.
- 20 Q Okay. And you think it sounded like what, a bottle
- 21 shattering?
- 22 A Like you could hear a thump noise and it hit the
- 23 ground.
- 24 Q Okay.
- 25 A And that's when I got up off the car, like what was

- 1 going on.
- 2 Q Okay. And when Mr. McKnight fell, how close to him
- 3 was Mr. Williams?
- 4 A They wasn't -- he still wasn't close to him. He
- 5 was still in the yard and McKnight was on the
- 6 sidewalk.
- 7 Q Okay. And what happened next?
- 8 A They went into the street about to start fighting.
- 9 Q I'm sorry, ma'am?
- 10 A They went into the street about to start fighting.
- 11 Q Okay. Who went into the street, both of them?
- 12 A Yes.
- 13 Q Okay. Now, Mr. McKnight would have had to travel
- 14 fewer feet to get into the street than
- 15 Mr. Williams, correct?
- 16 A Yes.
- 17 Q So that means Mr. Williams traveled further to get
- 18 into the street, correct?
- 19 A Yes.
- 20 Q Did he appear to you to be going after
- 21 Mr. McKnight?
- 22 A Yes.
- 23 Q He did?
- 24 A They were with each other. I mean, basically both
- 25 of them.

1 Q Okay. Alrighty. And all of this time were they
2 clearly in your line of vision?

3 A Uh-huh.

4 Q Were they well illuminated?

5 A Excuse me?

6 Q Was there sufficient light from the street light
7 for you to see what was happening?

8 A From what I seen, yes, what I seen.

9 Q Okay. I believe you testified you didn't see any
10 weapons or knife or anything, correct?

11 A No, I didn't see that part because it happened so
12 fast.

13 Q But, now, Mr. Williams at some point said that, he
14 got me, he got me, is that correct?

15 A Yes.

16 Q And he then was moving towards the car you were
17 sitting on, correct?

18 A Yes.

19 Q Okay. Alrighty. And you could see that he was
20 wounded, correct?

21 A His hand was over it, he still had his shirt down,
22 his hand was over it. When he said, he got me, he
23 got me, he lift his hand up a little bit, and that
24 is when I started seeing blood.

25 Q Okay. Now, how long can you, if you can

1 estimate --

2 A Uh-huh.

3 Q -- how long from the point where you heard the
4 question about what kind of dog it was --

5 A Uh-huh.

6 Q -- to the point where Mr. Williams said, he got me,
7 he got me, how long of a span of time was that?

8 A It was about like five or six minutes tops from the
9 whole time.

10 Q Did you say tops, is that what you --

11 A Yes.

12 Q Okay. Alrighty. I know it is hard to remember
13 because it was so long ago.

14 A Uh-huh.

15 Q When they both ended up out in the street, how long
16 did that --

17 A About three minutes. About three minutes.

18 Q They were in the --

19 A They was in the street.

20 Q What I'm asking is how long were they in the street
21 scuffling or whatever they were doing?

22 A About three minutes. It wasn't even long. It
23 wasn't a long fight, like they were going towards
24 each other fighting, then all of a sudden he jumped
25 up, jumped back, and took off running. That is

1 when Ike came back towards the yard holding onto
2 his stomach.

3 Q Okay. Alrighty. But, now, you are certain that
4 Mr. Williams basically went after Mr. McKnight out
5 into the street, is that correct?

6 A Yes.

7 Q All right, ma'am.

8 MR. RILEY: Begging your indulgence for a
9 minute.

10 (Pause.)

11 Q Ms. Floyd -- excuse me -- I believe you said that
12 after this happened --

13 A Uh-huh.

14 Q -- that you left, right?

15 A Yes.

16 Q With your baby?

17 A Uh-huh.

18 Q Did Travis leave with you?

19 A Yes.

20 Q Okay. And did you all leave on foot or in an
21 automobile?

22 A Foot.

23 Q Okay. You live nearby?

24 A Yes.

25 Q Okay. Or did at that time?

1 A Yes.

2 Q Right? How -- you had been there for awhile, you
3 had been at that house awhile before this happened,
4 correct?

5 A Yes.

6 Q Of the folks that were there, did you observe any
7 drinking going on?

8 A Yes, beer.

9 Q Who all -- I'm sorry?

10 A Beer.

11 Q Okay.

12 A Drinking beer.

13 Q Who all was drinking beer?

14 A Everyone.

15 Q Everyone?

16 A In the yard.

17 Q Okay. Alrighty. Did you happen to take note of
18 how much Isaac Williams drank that night while you
19 were there?

20 A No.

21 Q Okay. You don't remember whether it was one or two
22 or three or more?

23 A No.

24 Q But he was drinking beer?

25 A Yes.

1 Q Okay. Did you notice any bottles lying on the
2 ground in that yard?

3 A No.

4 Q Now, from the time that Isaac hit Mr. McKnight with
5 the bottle until Mr. McKnight left on foot, I want
6 you to think about how long that was. Can you
7 remember? This is sort of a variation on a
8 question I asked you.

9 A Like I said, about five to six minutes.

10 Q Okay. You don't think it was any less than that?
11 Or could it have been less than that?

12 A It happened quick. It wasn't no long altercation
13 that was going on. It was quick.

14 Q Could it have been less than you now recollect?

15 A It could have been, but it was about that time
16 frame I think about like between five or six
17 minutes. It wasn't no long time.

18 Q Okay. All right. Did you notice after
19 Mr. McKnight was bopped on the head with the
20 bottle --

21 A Uh-huh.

22 Q -- did you notice whether he was unsteady on his
23 feet?

24 A When he fell down and then he got back up.

25 Q And when he got back up, was he unsteady?

1 A No, he was --

2 Q Nothing you noticed?

3 A No.

4 Q Okay. All right. Now, of the folks that were
5 there that night --

6 A Uh-huh.

7 Q -- that you remember being there --

8 A Uh-huh.

9 Q -- who were the closest to Isaac and Tommy? Who
10 was the closest?

11 A No one was the closest. They were just them two.

12 Q I'm sorry?

13 A It was just them two. No one was the closest.

14 Nobody --

15 Q Everybody was about equal distance?

16 A Yes. Away.

17 Q Okay. Same distance away?

18 A Uh-huh.

19 Q Approximately?

20 A Uh-huh.

21 Q Okay. Alrighty. Thank you, ma'am. Appreciate it.

22 MR. MEADORS: Very briefly.

23 REDIRECT EXAMINATION

24 BY MR. MEADORS:

25 Q Where is your stop watch? Do you have a stop

1 watch?

2 A No, ma'am. I mean, no, sir.

3 Q You don't carry a stop watch with you, do you?

4 A No, sir.

5 Q Did you have a stop watch with you that night?

6 A No, sir.

7 Q Did you have a tape measurer?

8 A No, sir.

9 Q When they are out in the street, he'd asked you
10 about that, was it just the two of them?

11 A Yes.

12 Q He asked you about the bottle. It is at night,
13 right?

14 A Uh-huh.

15 Q And he asked you about the bottle that the victim
16 threw or hit the Defendant with. It is your
17 testimony that he threw that bottle and it hit him
18 and then went on the ground?

19 A Uh-huh.

20 Q Is that what you remembered you saw?

21 A Uh-huh.

22 Q And he asked you -- I think you testified at first,
23 and then he asked you at the end about whether
24 Williams was going towards the Defendant, and you
25 said they were going towards each other. And then

1 he asked you again was Williams going after -- were
2 they going towards each other?

3 A It was both of them leading out into the street.
4 He was backing up and he was going towards him,
5 then they ended up into the street.

6 Q Did Isaac Williams have anything in his hands when
7 they were in the street?

8 A No, sir.

9 Q And where was it where the Defendant had sneaked --
10 where was the Defendant when he snuck a punch or
11 did whatever he was at the victim?

12 A On the sidewalk.

13 Q Thank you.

14 THE COURT: You can step down.

15 (Witness steps down.)

16 MR. MEADORS: We would ask that she be
17 excused.

18 THE COURT: Does anybody object to her
19 leaving?

20 MR. RILEY: Could you, as you did earlier,
21 keep her on call?

22 MR. MEADORS: Stay on telephone standby and
23 you can go back to work.

24 MR. RILEY: Thank you. Thank you, Judge.

25 THE COURT: Okay.

1 (Witness exits courtroom.)

2 MR. MEADORS: Shelton Glover.

3 (Witness enters courtroom.)

4 MR. MEADORS: Can we approach?

5 THE COURT: Okay.

6 (WHEREUPON, a bench conference was held
7 in the presence of the jury but out of
8 the hearing of the jury.)

9 THE CLERK: Place your left hand on the Bible
10 and raise your right hand, please.

11 (Witness complies.)

12 THE CLERK: Do you swear or affirm the
13 evidence you will give in this case will be the
14 truth, the whole truth, and nothing but the truth,
15 so help you God?

16 THE WITNESS: Yes, ma'am.

17 THE CLERK: Thank you. Please be seated in
18 the witness chair, and state your full name for the
19 record.

20 THE WITNESS: Shelton Glover.

21 SHELTON GLOVER, after
22 being duly sworn, testified as follows:

DIRECT EXAMINATION

23 BY MR. MEADORS:

24 Q Mr. Glover, good afternoon. Good afternoon.

25 A Good afternoon. How you doing?

1 Q Mr. Glover, as I do with every witness, would you
2 please just familiarize yourself with this jury.

3 Just where were you born?

4 A Columbia, South Carolina.

5 Q At some point you came to Kershaw County?

6 A Yes, sir.

7 Q What -- how old were you then?

8 A I'd say about roughly eight.

9 Q Okay. Tell these folks where you went to school.

10 A Camden Primary, Camden Elementary, Camden Middle
11 and Camden High School.

12 Q And when did you get out of high school?

13 A 1996.

14 Q And graduated there?

15 A Yes, sir.

16 Q And what did you do after that, Mr. Glover?

17 A I started working.

18 Q Do you mind telling these folks where you work?

19 A I been around to Standard, Kimbrell's, Haier, EMT.

20 I went through a little Roper's like service to get
21 a job. And I been to EMT twice and Kimbrell's
22 twice.

23 Q EMT?

24 A Yes, sir.

25 Q Specifically where did you work when you were

1 there?

2 A I was on --

3 Q Is one of them near Baron DeKalb?

4 A That's the one, Baron DeKalb High School.

5 Q Okay. And you have worked at Haier?

6 A Yes, sir.

7 Q All right. What did you do there?

8 A I was a forklift operator there, shipping and
9 receiving.

10 Q Was that in 2005 and 2006?

11 A Yes, sir.

12 Q And after that was it that you worked at Baron
13 DeKalb?

14 A Right after that, yes, sir.

15 Q Okay. And Ms. Debra Joyner, who is that?

16 A That is a friend of mine.

17 Q Okay. And just friends, correct?

18 A Yes, sir.

19 Q And you have a child, right?

20 A Yes, sir.

21 Q Do you know why we are here today?

22 A Yes, sir.

23 Q Could we go back to September of 2005, please, sir,
24 and tell these ladies and gentlemen of the jury
25 where were you in your life, what were you doing

1 then?

2 A I was at Haier at the time.

3 Q Okay. And specifically September 23rd, 2005, would
4 you dispute that that was a Friday?

5 A No, sir, that was exactly Friday.

6 Q And on that Friday, did you work that day?

7 A Yes, sir.

8 Q And do you remember what time you got off at Haier?

9 A We got off at 3:00.

10 Q Tell these folks, what did you do after you got
11 off?

12 A I went home. Went to cash my check, I went home,
13 run a few errands for my mom, took me a little
14 shower, came out. After that I went to the park
15 and played a little basketball.

16 Q What park was that?

17 A That would be Boykin.

18 Q Okay. And after you played ball at the park, what
19 did you do?

20 A Went down to my cousin's house right around the
21 corner, Dan and Stella, and took a little shower
22 there and changed my clothes again and came back
23 out.

24 Q Okay. And your cousins --

25 A Dan.

- 1 Q Dan and Stella Washington?
- 2 A Yes, sir.
- 3 Q And did they reside at [REDACTED] Campbell Street?
- 4 A Yes, sir.
- 5 Q You showered --
- 6 A Uh-huh.
- 7 Q -- and came out. Were you at that time friends or
- 8 dating Debra?
- 9 A Yes, sir.
- 10 Q Debra Joyner?
- 11 A Yes, sir.
- 12 Q All right. Was she there?
- 13 A Yes, sir.
- 14 Q Who else was there?
- 15 A At that time it was me, her, Ike --
- 16 Q Isaac Williams?
- 17 A Isaac. And I believe just Dan and Stella at that
- 18 time.
- 19 Q Okay. And how long did you stay there that night?
- 20 A I stayed there -- they didn't -- well, after
- 21 everything happened, they didn't let me leave until
- 22 probably about 3:00 that morning.
- 23 Q Okay. And that was a terrible question, but
- 24 backing back up earlier in the evening, did Travis
- 25 Johnson and/or Jasmin Floyd come there some time

1 that night?

2 A Yes, sir.

3 Q Prior to McKnight coming in the picture, okay?

4 A Uh-huh.

5 Q Isaac Williams was there?

6 A Yes, sir.

7 Q How long was he there after you first got there?

8 A I'd say about -- when I arrived, I think, I'd say
9 approximately about five to ten minutes, because he
10 was going -- said he was going to Columbia with one
11 of his cousins.

12 Q Okay. So he left?

13 A Yes, sir.

14 Q All right. And you stayed there?

15 A Yes, sir.

16 Q And did Jasmin have her baby there?

17 A Yes, sir.

18 Q What were y'all doing?

19 A Well, we were just sitting out -- we went to the
20 store, bought a couple of drinks -- we were just
21 sitting out on the porch and we were just drinking
22 our beer.

23 Q Socializing?

24 A Yes, sir.

25 Q And at some point did Ike Williams come back?

- 1 A Yes, sir.
- 2 Q Do you remember about what time that was?
- 3 A I'd say roughly about -- about 10:00, 10:30.
- 4 Q Was he dropped off or --
- 5 A Yes, sir.
- 6 Q So now it is 10:30ish. Who is there at [REDACTED]
- 7 Campbell Street?
- 8 A Yes, sir.
- 9 Q Who is there?
- 10 A Oh, at that time it was myself, Isaac, Jasmin,
- 11 Travis, their little baby, Debra, and I believe
- 12 Stephanie, Stephanie Cornish, and Dan and Stella.
- 13 Q And at some point after that did you have an
- 14 occasion to see Tommy McKnight?
- 15 A Yes, he came up on the bike.
- 16 Q All right. Did there come a time when you left?
- 17 A Yes, sir.
- 18 Q All right. Tell the jury about that.
- 19 A Well, I was -- I had got a phone call to come get
- 20 me a little plate around the corner.
- 21 Q I'm sorry, get what?
- 22 A Get me a plate. They called me and said the food
- 23 was ready, so I was going to get a plate.
- 24 Q All right.
- 25 A And as I was going up to Douglas -- well, around

1 Douglas way, I heard a bottle bust in the road. I
2 didn't make it all the way up there, but I heard a
3 bottle bust in the road. And I heard a young lady
4 scream. And I just turned around on the bike.

5 Q Had you already bought some pizza there earlier?

6 A Yes, sir. Yes, sir.

7 Q Was that earlier in the --

8 A Yes, that was like around when I got there. After
9 I finished playing ball and took my shower, I
10 ordered a pizza.

11 Q So you leave later on in the evening and go to get
12 some other food for you?

13 A Yes, sir.

14 Q All right. At that point you hear something break?

15 A Yes, sir.

16 Q Had you already seen Tommy McKnight at this point?

17 A Yes, he was there when -- before I left.

18 Q Okay. Tell me about that. When you first --
19 before you left, what, if anything, did you observe
20 of the Defendant, Tommy McKnight?

21 A Nothing at all, to tell you the truth. I didn't
22 hear anything, any commotion, anything like that
23 going on.

24 Q You drive off going somewhere to get some food?

25 A No, I was on a bike.

- 1 Q I meant ride. My bad. I'm sorry. I apologize.
2 You ride off on the bike?
- 3 A Yes.
- 4 Q You hear something?
- 5 A Yes, sir.
- 6 Q What does it sound like?
- 7 A I hear a bottle bust in the road.
- 8 Q What do you do after that?
- 9 A And I heard a young lady scream. I just turned
10 around on the bike. I came back in the yard. I
11 asked what was going on. And at that time I
12 observed them fighting.
- 13 Q And when you say *they*, who are you talking about,
14 Mr. Glover?
- 15 A Isaac and Mr. McKnight.
- 16 Q Where were they?
- 17 A They started -- well, when I came back it was on
18 the sidewalk. Then as I came up, I tried to break
19 them up, like push them apart, or whatever. And
20 that led to the street. So after that, I just
21 tried to back out the way.
- 22 Q So at this point it is two of them in the street?
- 23 A Yes, sir.
- 24 Q All right. Williams versus McKnight?
- 25 A Yes, sir.

1 Q Tell the ladies and gentlemen of the jury what, if
2 anything, on the street there did you see in Isaac
3 Williams' hands?

4 A I didn't see anything in his hand.

5 Q Nothing?

6 A No.

7 Q And at this point you didn't see any blood on
8 either one of them, did you?

9 A No, sir.

10 Q I mean, none?

11 A None.

12 Q Isaac Williams sitting there with nothing in his
13 hand on the street?

14 A None.

15 Q And at that point, what happened after that, if
16 anything?

17 A I seen they were swinging again. And I seen
18 McKnight trying to -- well, he was reaching in his
19 back. I didn't know if he was trying to grab
20 anything. So I just tried to push Ike one more
21 time, and I didn't push him that second time, I
22 just pushed Ike and pushed Travis like, just chill
23 out, just chill out. And then I seen Ike swing
24 over the top. McKnight come under the bottom. And
25 that is when he just grabbed himself. He turned

1 around and said, he got me.

2 I looked at him and I said, he got you?

3 He said, he got me. He opened his hand up
4 and, you know --

5 Q Describe what you saw.

6 A I seen his intestines. And it was like I tried to
7 get him to the car. We got to the car. Soon as he
8 got in my car, he just -- he passed out, he just
9 fell out.

10 Q Did you actually see the intestines come out?

11 A Yes, sir, I seen them right there. I mean, because
12 it is like one side of his stomach was bigger than
13 the other one, like one side was flat and one side
14 was just extra big.

15 Q So a swing and then you saw a cut?

16 A Yes, sir.

17 Q What did you do after that?

18 A After he dropped, I just -- I went over there, and
19 he had his hand up. I tried to pick him up, but
20 Ike is a big man. I couldn't -- I couldn't lift
21 him up by myself. I asked people to help me get
22 him in the car. I couldn't get any help. So I
23 just laid him back down and went and got a towel
24 and I wrapped it around to try to, you know what
25 I'm saying, keep the pressure on him. And I had to

1 go dial 9-1-1.

2 Q So you called 9-1-1?

3 A Yes, sir.

4 Q And you were holding a towel on Ike?

5 A I had to get off and call, go call 9-1-1. And I
6 came right back. And I just kept the pressure on.
7 That is all I know, just keep the pressure on the
8 wounds.

9 Q Was he able to say anything to you?

10 A No.

11 Q How long did you keep the pressure applied to Ike's
12 body before somebody else came, Shelton?

13 A I can't even give you a time. I can't give you a
14 time. It wasn't fast, though, I know that.

15 Q Was McKnight still around then?

16 A No, he -- when -- as a matter of fact, when Ike was
17 walking off, me and him was walking off to the car,
18 when I looked at McKnight, he looked at me, and he
19 just shot off. Ike -- me and Ike was walking to
20 the car after that.

21 Q He just shot off?

22 A He just -- he just ran off.

23 Q What happened? Did the police or EMS, did they get
24 there?

25 A Yes, they came. And, I mean, but when they got

1 there, they didn't -- I was still on him. By the
2 time EMS got there, they told me I had to move off
3 of him. I tried to stay there and talk to him
4 because as I was, you know, keeping the pressure on
5 him, whatever, had the towel wrapped around, I was
6 talking to him, but he wasn't responding. I just
7 asked him to breathe. And every time I would say
8 something to him, he will breathe. Every time I
9 say breathe, he will breathe.

10 So when they got there, they told me I had to
11 get off him and get from around him, because I want
12 to at least stay there and talk to him and keep him
13 into it.

14 Q But at some point you got off and turned him over
15 to them?

16 A (Nods affirmatively.)

17 Q When they were out on the street I think you
18 testified Isaac Williams -- you didn't see anything
19 in his hand?

20 A No, sir.

21 Q And you were never able -- or were you ever able to
22 see that knife that the Defendant had?

23 A The only time I seen it was when I looked at him,
24 he looked at me, and I seen it in his hand then.
25 And that is when, like I said, he just ran off.

1 Q And that was after Ike had been stabbed?

2 A Yes, sir.

3 Q And the last words you heard Isaac Williams say
4 were what?

5 A He got me.

6 Q He got me?

7 A That was the last words.

8 MR. MEADORS: Beg the Court's indulgence.

9 (Pause.)

10 Q Did you get a good look at the knife?

11 A No, sir, I just seen just the blade part.

12 Q Is McKnight in the courtroom?

13 A Yes, sir.

14 Q And when they're out on the street, was it just the
15 two of them?

16 A Yes, sir.

17 Q And would you point out McKnight for the ladies and
18 gentlemen of the jury?

19 A Right over here(indicating).

20 MR. MEADORS: Your Honor, I would like the
21 record to reflect he has picked out the Defendant,
22 Tommy McKnight, with the white shirt and no tie.

23 THE COURT: All right.

24 MR. MEADORS: That's all we have. Thank you.

25 CROSS-EXAMINATION

1 BY MR. RILEY:

2 Q Mr. Glover, I'm Neil Riley. I represent
3 Mr. McKnight. Just a few questions for you.

4 When you turned around and came back on your
5 bicycle, it was because you had heard some raised
6 voices or noise or what?

7 A I heard a bottle bust and I heard the young lady
8 scream.

9 Q The bottle break?

10 A Yes, sir. That's the first thing I heard.

11 Q Okay. And you saw Mr. Williams swing at
12 Mr. McKnight, right?

13 A I seen -- when I came back in the yard, they both
14 were swinging at each other.

15 Q Okay. And then did you ever see Mr. McKnight bring
16 out a knife?

17 A I never seen it when he brought it out.

18 Q Okay.

19 A I never seen it when he brought it out.

20 Q All right. But you were -- by the time you turned
21 around and came back, you were pretty close to the
22 two of them, weren't you?

23 A Yes, sir. When I came back on the bike I tried to
24 step in between them.

25 Q Okay. So you were right on top of them, right?

1 A On top of them? I was in between them.

2 Q All right, sir. Okay. And when you left on your
3 bike to go get some food, you said Mr. McKnight was
4 already there?

5 A Yes, sir.

6 Q And where was he when you left, on the sidewalk?

7 A He was on the sidewalk.

8 Q And where was Mr. Williams?

9 A He was like on the sidewalk and on the grass. One
10 foot on the sidewalk, one foot on the grass.

11 Q Okay. And so the closer of the two of them to the
12 street was Mr. McKnight, is that correct?

13 A Yes, sir.

14 Q Okay. Alrighty. You had been there -- up until
15 Mr. McKnight came, you had been there about how
16 long that night?

17 A Let's see, since about -- since about 7:00, 6:30,
18 7:00.

19 Q Okay. All right. Is it fair to say everyone there
20 was drinking that night?

21 A Yes, sir.

22 Q Drinking beer?

23 A Yes, sir.

24 Q Okay. Were there a lot of bottles on the ground
25 or --

1 A We had went to the store like twice and everybody
2 got single beers. It wasn't like any cases or
3 anything.

4 Q Okay. Okay. Were you observing or could you
5 estimate how much Isaac Williams had to drink while
6 you were there?

7 A He only had a beer once he came back. With me he
8 only had a beer.

9 Q Okay. All right. And you didn't see -- at least,
10 you know, again, I don't want to put words in your
11 mouth, but you didn't see Mr. McKnight get knocked
12 off of his bicycle, did you?

13 A No, sir.

14 Q You were riding away at that point, right?

15 A Yes, sir. As to how it got started, I don't know.

16 Q Okay. All right. Thank you, sir. I appreciate
17 it.

18 REDIRECT EXAMINATION

19 BY MR. MEADORS:

20 Q Everybody was drinking?

21 A Yes, everybody that was out there.

22 Q Did Tommy McKnight have a beer?

23 A He pulled up -- when he came on the bike he had a
24 beer.

25 Q Thank you.

1 THE COURT: You can step down.

2 (Witness steps down.)

3 MR. MEADORS: Can we approach briefly?

4 THE COURT: All right.

5 (WHEREUPON, a bench conference was held

6 in the presence of the jury but out of

7 the hearing of the jury.)

8 THE COURT: We are waiting on a witness. It

9 will be a few minutes. So don't talk about it.

10 Step out.

11 (WHEREUPON, the jury retires to the jury

12 room at 2:56 p.m.)

13 (WHEREUPON, a short break was taken.)

14 THE COURT: All right. Do you need Mr. Moak

15 in here, or are you ready to go?

16 MR. MEADORS: The State is ready.

17 THE COURT: Bring them in. The Defense looks

18 like they are ready.

19 MR. MEADORS: I'm not trying to imply for the

20 record I don't want Mr. Moak in here, but we can

21 proceed without him.

22 (WHEREUPON, the jury came into open

23 court at approximately 3:23 p.m.)

24 THE COURT: Okay, the State is ready to

25 proceed?

1 MR. MEADORS: Yes, sir. If it pleases the
2 Court, the State would now call Debra Joyner.
3 Ms. Tolke has gone to get her.

4 THE COURT: Jurors, it has not been an issue,
5 but we don't have any cooling system in the
6 courthouse and we don't have any heating system for
7 two months. I think the weather is going to be
8 warmer tomorrow. Ms. McDonald has scrounged around
9 and got some fans, but I would not wear a heavy
10 coat, if you watch the news, because we can't help
11 you if you get hot. Here I am entrapped in this
12 robe burning up, and it is not even hot.

13 THE CLERK: I do have a few church fans.

14 THE COURT: Whatever.

15 (Witness enters courtroom.)

16 MR. MEADORS: Debra Joyner.

17 THE CLERK: Place your left hand on the Bible
18 and raise your right hand.

19 (Witness complies.)

20 THE CLERK: Do you swear or affirm the
21 evidence you will give in this case will be the
22 truth, the whole truth, and nothing but the truth,
23 so help you God?

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Thank you. Please be seated on

1 the witness stand, and state your full name for the
2 record. Right this way, please, ma'am.

3 DEBRA JOYNER, after being
4 duly sworn, testified as follows:

DIRECT EXAMINATION

5 BY MR. MEADORS:

6 Q Are you a little nervous?

7 A I am.

8 Q State your name, please, for the record.

9 A (No response.)

10 Q That's all right. Debra, I'm going to ask you some
11 softball questions right now, okay, just to relax
12 you?

13 A Okay.

14 Q Are you all right? Take a deep breath. Where are
15 you from?

16 A Chicago, Illinois.

17 Q How long were you in Chicago before you moved down
18 here?

19 A I was a baby.

20 Q And did you go to school here in Camden?

21 A Yes, sir.

22 Q Tell them where you went to school.

23 A I went to Jackson School, Camden Primary and Camden
24 High. I dropped out. I dropped out because I got
25 pregnant.

1 Q What year was that?

2 A Ninth grade.

3 Q All right.

4 A And I got into trouble and I went to prison. And I
5 got my GED while I was in prison and --

6 Q You got your GED while you were in prison?

7 A Yes, sir.

8 Q And I was going to say this, but maybe this will
9 relax you, let me go over this while you are here.
10 You said you got into some trouble and went to
11 jail. I don't need --

12 A Sir?

13 Q This is outside the time limit. I don't even have
14 to ask you this, but I'm going to. You had a grand
15 larceny that you got three years probation, and
16 that was revoked, and that is what you went to jail
17 on, right?

18 A Yes, sir.

19 Q Back in 2007 or 2008, over 11 years ago, right?

20 A Yes, sir.

21 Q And after that or --

22 THE COURT: 2007 is two years ago. It must be
23 1997.

24 MR. MEADORS: 1997, Judge. Did I say 2007?

25 THE COURT: You did. I know, the pressure

1 gets to you trying this case.

2 MR. MEADORS: Well, actually, no, I'm trying
3 to help her, but I guess --

4 Q April 14th, 1997, right?

5 A Yes, sir.

6 Q You went to court in 1998 --

7 A Yes, sir.

8 Q -- on that? And then did you have some shoplifting
9 convictions too after that?

10 A Yes, sir.

11 Q In 2004, 2000 and -- April 2004, October 2004,
12 April 2005, and July 2005?

13 A Yes, sir.

14 Q Right? You got all that behind you?

15 A Yes, sir.

16 Q And it was during the time you were in jail that
17 you got your GED?

18 A Yes, sir.

19 Q Okay. In prison?

20 A Yes, sir.

21 MR. MEADORS: And, Judge, thank you for
22 correcting me on that.

23 Q How many children do you have?

24 A I have four kids. Their ages are 14, 15, 16 and
25 18.

1 Q And, Debra, if I can take you back to September of
2 2005. What were you doing then? And that would
3 have been after all of your shopliftings and you
4 had pled guilty or got time served, all that was
5 behind you?

6 A Yes, sir.

7 Q So what were you doing in September of 2005?

8 A I was babysitting, babysitting and just hanging
9 around, you know, shooting the breeze and stuff.

10 Q And I am going to get right to it, if I can, on
11 September 23rd of 2005. And back then, were you --
12 did you have a boyfriend?

13 A Yes, sir.

14 Q Who was that?

15 A Shelton Glover.

16 Q And you are basically taking care of the kids then,
17 correct?

18 A Yes, sir.

19 Q And he was working at Hair, I think?

20 A Haier.

21 Q Haier. I meant Haier. And did you know the folks
22 at [REDACTED] Campbell Street?

23 A Yes, sir.

24 Q And had you been to that residence before just to,
25 relax or socialize, party?

1 A Yes, sir.

2 Q And on this night on February -- excuse me,
3 September 23rd of 2005, did do go there that night
4 to socialize and party?

5 A Yes, sir.

6 Q All right. Who did you go there with?

7 A Shelton.

8 Q Tell these folks, now, who else was there, Debra?

9 Well, let me start first, where were you and
10 Shelton living in September of 2005?

11 A We were staying in the Plantation Motel.

12 Q And you were just basically staying there week to
13 week?

14 A Yes, sir.

15 Q Month to month or whatever?

16 A Week to week.

17 Q Okay. And do you remember when you were at [REDACTED]
18 Campbell Street who was there that night? Who all
19 was there? Did you remember what time you got
20 there?

21 A I got there around about -- really all evening from
22 about 3:00 something until whatever happened, you
23 know, the incident happened.

24 Q And when you got there, do you remember what you
25 did, Debra?

1 A Went in the house and was watching BET on TV and
2 stuff.

3 Q Okay.

4 A Until everybody start crowding around, and I went
5 outside, had a couple of drinks.

6 Q Okay. And when you say everybody, was there a
7 usual crowd that would hang out there?

8 A The usual crowd. Nobody different.

9 Q Okay. Who was that?

10 A It was Shelton, Travis, Jaz.

11 Q And is Jaz Jasmin?

12 A Yes, sir. And Stephanie and Ike, their daughter,
13 and the two people who stay there at the house,
14 which is Stella and Dan Washington.

15 Q And they don't live there anymore, do they?

16 A No, the don't stay there no more.

17 Q And did this socializing go on from the afternoon
18 into the evening?

19 A Yes, sir.

20 Q And did there come a time when the Defendant, Tommy
21 McKnight, appeared?

22 A He appeared like later on that night. Well, I
23 remember he kept coming back and forth. I think
24 about like three times he was just like coming back
25 and forth. And he would leave. He went up the

1 road to a friend's house, to I guess one of his
2 friend's houses, and he was starting up there. And
3 his friend came down there and told us that he had
4 to run him from his house because he was starting.
5 So he came down there and it was like he was
6 looking for something that night. I never seen him
7 like that before.

8 Q So you had seen him prior to the incident we are
9 talking about that day?

10 A Yes, sir.

11 Q And he had come and left?

12 A Yes.

13 Q Gone to some friend's house and been told to leave?

14 A Yeah.

15 Q And then he comes back down here later on?

16 A Yes, sir.

17 Q Back down to [REDACTED] Campbell Street?

18 A Yes, sir.

19 Q And you had been there since about 3:00 o'clock?

20 A Yes, sir.

21 Q Well, this last incident when Ike was still alive
22 down towards later on in the evening?

23 A Yes, sir.

24 Q Do you remember when I'm talking about?

25 A Yes, sir.

1 Q Do you remember when Tommy McKnight came up that
2 time?

3 A Yes. I remember all the times he came. I was down
4 there.

5 Q And had he been told to leave earlier by the
6 homeowners or somebody?

7 A Yeah, Dan told him to go ahead and leave.

8 Q Without saying what he said, was he told to leave?

9 A Yes, sir.

10 Q All right. This last time he came down there, tell
11 the jury what, if anything, you remember in the
12 later hours of September 23rd, 2005.

13 A I remember we were all down there.

14 Q All right. Start off with this, who was down
15 there?

16 A Oh. Me, Shelton, Travis, Jaz, her baby, Stephanie
17 and Ike and the owners of the house. We were all
18 down there. And --

19 Q Were y'all inside or outside?

20 A Outside. Everybody was outside. And the owner was
21 sitting on the porch. Isaac was standing up by the
22 porch. We were in the yard. Mr. McKnight came on
23 a bike, came up on a bike. And he said a couple of
24 words. I can't remember what he said. But, you
25 know, he left and came back again. And it was just

1 like he kept, you know, like he was looking for
2 something. And so he kept on coming back. So the
3 owner of the house told him to leave.

4 So he said, I'm not in your yard, I'm on the
5 sidewalk, which he was. He was on the sidewalk.

6 And so I remember him and Ike said words. I
7 don't -- can't remember what they said, but they
8 said words. And somehow McKnight went to swing at
9 Ike, Ike threw a bottle, but he missed
10 Mr. McKnight. You know, he ducked and it bust --
11 the bottle bust in the street.

12 And the next thing I know, Mr. McKnight swung
13 at him like lower right up here, and next thing I
14 know Isaac grabbed his stomach. And Mr. McKnight
15 seen where he was bleeding, or whatever, and backed
16 up and took off running up the road, left his hat
17 and left his bike. And Isaac was walking out the
18 yard saying, he got me.

19 And when he said that, my boyfriend told him
20 to get in the car so he can go to the emergency
21 room. And then once he tried to open up the door,
22 he fell, and everything just came out of his
23 stomach. Everything came out his stomach. So my
24 boyfriend tried to put everything back in his
25 stomach and place a rag across him. And he was

1 still breathing, you know, and doing what he told
2 him to do. And then the EMS came. And that is
3 when he died.

4 Q So did you see McKnight swing at Isaac?

5 A Yes, sir, with something silver and long. It
6 looked like a sword.

7 MR. MEADORS: Judge, can we approach?

8 THE COURT: Okay.

9 (WHEREUPON, a bench conference was held
10 in the presence of the jury but out of
11 the hearing of the jury.)

12 Q You described -- did you actually see his guts
13 hanging out?

14 A Yes, sir, I seen it.

15 Q Was Shelton down there with him until he got --
16 with Ike until the police came?

17 A Yes.

18 Q Or EMS?

19 A Yes, sir. He was talking to him. He was, you
20 know, he wasn't talking back, but he was --
21 everything Shelton told him to do, he did. Like
22 Shelton told him to breathe, he breathed. Shelton
23 told him to nod his head, he nod his head. He was
24 doing everything until -- well, the police came
25 before EMS did. And he was like, let me see what

1 is going on. So Shelton was on top of him with the
2 rag holding it down, and he shined a light in his
3 face. And when he -- when the police shined a
4 light in Isaac's face, he jumped. He jumped to the
5 light.

6 And then the EMS told him to move so, you
7 know, to see if they can help him out, but they
8 couldn't. They couldn't do nothing with him.

9 Q Did you ever see Ike with any kind of -- when they
10 are out -- when they are together, Ike and
11 McKnight, did Ike ever have any weapon?

12 A No, sir, he didn't have no weapon. The only thing
13 he had was a beer bottle. He threw that, and he
14 missed.

15 Q And did that break?

16 A That broke in the middle of the street.

17 Q And the weapon, could you just sit and look at
18 McKnight and see him with the weapon?

19 A I couldn't see him. I didn't -- I don't know where
20 he got the weapon from, but I didn't see it. I
21 mean, I didn't see it on him. I don't know whether
22 he had it in his pants or not, but I didn't -- I
23 didn't see it on him. But I seen when he swung --
24 I just seen when he swung and brought it back, and
25 it was silver and shiny.

1 MR. MEADORS: Beg the Court's indulgence.

2 THE COURT: Okay.

3 (Pause.)

4 Q The fellow you see swinging and with the shiny
5 object and right after that Ike said, he got me,
6 and you said is McKnight, is that person in the
7 courtroom?

8 A Yes, sir.

9 Q Would you -- is that him with the white shirt and
10 no tie?

11 A Yes, sir.

12 MR. MEADORS: We would ask the record to
13 reflect.

14 THE COURT: Okay.

15 Q Debra, thank you.

16 A You're welcome.

17 Q Would you answer any questions Mr. Riley may have?

18 A Okay.

19 CROSS-EXAMINATION

20 BY MR. RILEY:

21 Q Ms. Joyner, I'm Neil Riley. I represent
22 Mr. McKnight. How are you doing this afternoon?

23 A Fine.

24 Q Good. That night, September 23rd, 2005, when
25 Mr. McKnight arrived that evening, where were you

1 on the property? Where were you seated or
2 standing?

3 A I was standing by the car eating pizza when he
4 arrived.

5 Q By the car?

6 A Yes, sir.

7 Q And did Mr. McKnight arrive on his bicycle?

8 A Yes, sir.

9 Q Okay. And from where -- the point where he
10 stopped, how far from you was he?

11 A About from -- about from me to you.

12 Q Okay. Alrighty. Now, I understand that there was
13 a street light in front of that residence, is that
14 correct?

15 A Yes, sir.

16 Q And was that illuminated that night? Was it on?

17 A Yes, it was on.

18 Q So you could -- was anything obstructing your
19 vision, or could you see clearly?

20 A I could see clearly.

21 Q Okay. Alrighty. Now, you testified when
22 Mr. Meadors was asking you some questions that you
23 saw McKnight swing at Ike, is that correct?

24 A Uh-huh, yes, sir.

25 Q And you saw Ike throw a bottle at Mr. McKnight?

1 A Yes, sir.

2 Q Okay. Now, did you see Mr. McKnight get hit in the
3 head with a bottle?

4 A No, sir.

5 Q Did you see him fall off his bicycle?

6 A No, sir. The only thing I know, he ran. After he
7 did what he did, he ran, and the bike fell.

8 Q Okay. Were you -- were you talking with someone at
9 the time that Ike and Tommy were talking to each
10 other?

11 A I had the baby in my arms and I wasn't paying him
12 no attention like that, because I thought they were
13 just talking to be talking. I didn't know --

14 Q Okay. So did I understand you to say you weren't
15 paying attention to them?

16 A To them talking, yes.

17 Q Okay. You were paying attention to the baby?

18 A Yes, sir.

19 Q Okay. All right. So is it conceivable that there
20 were things said and actions performed that you
21 didn't see?

22 A It was just things that were said. I seen
23 everything.

24 Q Okay. Well, at some point, according to other
25 witnesses, Mr. McKnight got hit in the head and

- 1 fell off his bicycle. You didn't see that?
- 2 A No, sir.
- 3 Q Okay. Now, at what point did -- or let me back up.
- 4 Did Mr. -- did Ike and Tommy end up in the roadway
- 5 in Campbell Street?
- 6 A No, sir, I didn't see that neither.
- 7 Q You didn't see them in the street?
- 8 A No, I seen them when the bottle bust in the street,
- 9 that was it.
- 10 Q Okay. But according to you they never left the
- 11 sidewalk?
- 12 A No, they never left the sidewalk.
- 13 Q Okay. How long did the confrontation between the
- 14 two of them last? Do you remember?
- 15 A I can't remember, sir.
- 16 Q Okay. Do you remember giving a statement to the
- 17 police back on the date of the incident?
- 18 A Yes, sir.
- 19 Q In that statement you said you saw the McKnight man
- 20 try to hit Ike with a King Cobra bottle, is that
- 21 correct?
- 22 A I had it mixed up.
- 23 Q Because today you are saying that it was just the
- 24 reverse, right?
- 25 A I had it mixed up. I was telling Mr. Meadors I had

1 that mixed up in my thing because I was so nervous
2 and scared and didn't know what was going on.

3 Q Uh-huh.

4 A I told him I had it mixed up, because we went over
5 that.

6 Q Okay. And in that statement you said Ike went to
7 hit him, meaning Mr. McKnight?

8 A Uh-huh.

9 Q Today you are saying just the reverse, is that not
10 correct?

11 A What I had on that paper is what I see -- I mean,
12 what I seen, but I had it mixed up, you know, I had
13 the writing -- the names on it mixed up.

14 Q Uh-huh. Okay. Alrighty. But you remember now
15 more clearly than --

16 A Yes, sir.

17 Q -- than the statement you gave on the date of the
18 incident, is that correct?

19 A Yes, sir.

20 MR. RILEY: Begging your indulgence?

21 THE COURT: Okay.

22 (Pause.)

23 Q Do you remember that night an officer, speaking
24 with Officer Hagan? He would have been the first
25 officer on the scene.

1 A Yes, sir.

2 Q Do you remember him asking you who did this?

3 A Yes, sir. He asked me who did it. And he said, if
4 I pull this picture up on the screen, could you
5 tell me?

6 Q Well, before that didn't he ask you if you knew who
7 did this?

8 A Yes, sir.

9 Q And you didn't give him a name, did you?

10 A I said -- what did I say when he said, do you know
11 this man, and I said, they call him McKnight.

12 Q No, ma'am, you -- when you say, do you know this
13 man, he obviously had already called the picture up
14 on his laptop?

15 A On the screen. Yeah, on the screen.

16 Q I'm talking about before that, okay? Before that.
17 He asked you for a name and you couldn't give him a
18 name, is that not correct?

19 A No, because I didn't know his name till he pulled
20 it up on the, you know, on the screen.

21 Q Only then could you give him a name, correct?

22 A Yes. Yes, sir.

23 Q Okay. All right. Thank you, ma'am.

24 MR. MEADORS: Very briefly.

25 REDIRECT EXAMINATION

1 BY MR. MEADORS:

2 Q He asked you about who threw the bottle. I believe
3 on direct you said it was Ike --

4 A Uh-huh.

5 Q -- threw the bottle at McKnight, right?

6 A Yes, sir.

7 Q There is no question you said the victim. And in
8 your statement you had actually said McKnight was
9 the man who hit him, right?

10 A Yes, sir.

11 Q But you had just reversed that. At what time did
12 you give this statement? Was that 12:01 in the
13 morning?

14 A Yes, sir.

15 Q Okay. On September 23rd? So you brought it out on
16 direct it was actually the victim that threw the
17 bottle first, right?

18 A Yes, sir.

19 Q And you are just saying here in this statement you
20 just had it mixed up, right?

21 A Yes, sir.

22 Q Going back to your statement -- and this was the
23 one on September 23rd, right? Is that your
24 signature?

25 A Yes, sir.

1 Q Did you say that you knew the McKnight man swung
2 and Ike said, damn, he got me?

3 A Yes, sir.

4 Q You put that in here, right?

5 A Yes, sir.

6 Q Like his stomach got real big?

7 A Yeah.

8 Q There ain't no question that was Ike who got
9 stabbed, was it?

10 A Yes, that was him.

11 Q I mean, Ike is dead, isn't he?

12 A Yes.

13 Q And did you put in here that he -- about EMS coming
14 and him falling by the car, and all of that?

15 A Yes, sir.

16 Q All right. And Mr. Reuwer asked you about talking
17 and whether you could hear anything. Could you
18 hear anything that was being said between Mr. Isaac
19 Williams and the Defendant, Tommy McKnight, what
20 they were talking about?

21 A No, sir, I really couldn't hear what they were
22 saying. Like I said, I had the baby in my arms,
23 you know. And I was eating a pizza at the time.
24 But I was seeing everything that was going on
25 because it was like -- because like I said, he kept

1 coming back and forth. And then everybody was
2 like, that is not him doing it. I know that is not
3 him.

4 Q Thank you.

5 A You're welcome.

6 THE COURT: You can --

7 MR. MEADORS: Same as the other witnesses, I
8 presume?

9 THE COURT: You can step down.

10 MR. RILEY: Yes, sir.

11 (Witness steps down.)

12 (Witness exits courtroom.)

13 MR. MEADORS: Stephanie Cornish.

14 (Witness enters courtroom.)

15 THE CLERK: Place your left hand on the Bible
16 and raise your right hand, please.

17 (Witness complies.)

18 THE CLERK: Do you swear or affirm the
19 evidence you give in this case will be the truth,
20 the whole truth, and nothing but the truth, so help
21 you God?

22 THE WITNESS: I do.

23 THE CLERK: Please have a seat and be seated
24 on the witness stand, and please state your full
25 name for the record. Right this way, please,

1 ma'am.

2 THE WITNESS: Stephanie Cornish.

3 MR. MEADORS: May it please the Court?

4 THE COURT: Okay.

5 STEPHANIE CORNISH, after
6 being duly sworn, testified as follows:

DIRECT EXAMINATION

7 BY MR. MEADORS:

8 Q Good afternoon, Ms. Cornish. Where were you born?

9 A 1984.

10 Q Where?

11 A Kershaw County.

12 Q All right. And went to Camden Elementary and
13 Camden Middle?

14 A Yes.

15 Q Camden High School?

16 A Yes.

17 Q And when did you get out of Camden High School?
18 2000?

19 A Yes.

20 Q After that, what did you do?

21 A I was employed at several different restaurants.

22 Q Do you mind telling them where?

23 A Burger King, KFC, Camden and Lugoff, Wendy's. I'm
24 a former employee of Wal-Mart.

25 Q You worked at Travel Inn?

- 1 A Yes, sir.
- 2 Q And you went to Atlanta in 2005?
- 3 A Yes, sir.
- 4 Q To work there?
- 5 A Sir?
- 6 Q You worked there?
- 7 A Atlanta?
- 8 Q What were you doing in Atlanta? I've got Atlanta.
- 9 A I went to Job Corps.
- 10 Q I couldn't remember. Okay. All right. And you
- 11 currently work at Wal-Mart?
- 12 A Yes, sir.
- 13 Q For two and a half years?
- 14 A Yes, sir.
- 15 Q Right here in Camden?
- 16 A Yes, sir.
- 17 Q Back in September of 2005, specifically
- 18 September 23rd of 2005, something in your life was
- 19 going to happen after that, or you hoped it would?
- 20 A I was going to Job Corps that Tuesday.
- 21 Q The Tuesday after all this?
- 22 A Yes, sir.
- 23 Q And so that weekend, were you celebrating or just
- 24 kind of having a party before you left, or was
- 25 going to leave?

- 1 A Yes, sir.
- 2 Q And where were you going to go just to relax? [REDACTED]
- 3 Campbell Street?
- 4 A Yes, sir.
- 5 Q Did you have an occasion to go there?
- 6 A Yes, just to celebrate going to Job Corps that
- 7 following Tuesday.
- 8 Q And when you got there -- do you remember what time
- 9 you got there, Ms. Cornish?
- 10 A Right about 6:00, 7:00.
- 11 Q Who were you there with, if anybody?
- 12 A I was there with a friend and Isaac.
- 13 Q Isaac Williams?
- 14 A Yes, sir.
- 15 Q And you knew Isaac through Isaac's brother?
- 16 A Yes, sir.
- 17 Q Some time that evening did you have an occasion to
- 18 see the Defendant, Tommy McKnight?
- 19 A Yes, sir.
- 20 Q Tell these folks how that came about. When is the
- 21 first time you remember seeing him that night?
- 22 A That is the first time I seen him. He rode up on
- 23 the bike and he started problems, really.
- 24 Q What?
- 25 A Problems. And he asked me who were I. He asked

1 one of the guys out there was I their girlfriend.
2 They said no, I was one of their home girls.

3 So he went to Mr. Isaac. He asked him
4 something, and I think it might be over the dog,
5 I'm not really sure, but he asked him something.

6 Q Slow down a little bit. I'm sorry. You said it
7 might be over a dog, but you're not sure?

8 A Yes, sir.

9 Q Go ahead. I'm sorry.

10 A Okay. So somehow he was nitpicking with him. They
11 got in an altercation. I seem him pick up a
12 bottle. He hit Isaac in the head with it. So
13 Isaac was defending himself. He hit him back. So
14 it was a lot of people out there, they tried to
15 break up the fight in the street.

16 After they was trying to break up the fight in
17 the street, all I heard Isaac said when he turned
18 around was like, he got me. And that was -- that
19 was that.

20 Q Had you ever seen McKnight before, Tommy McKnight?

21 A No, sir.

22 Q And you said he came up and wanted to know whose
23 girlfriend you were?

24 A Yes, sir.

25 Q And you said you saw McKnight hit Williams with a

1 bottle?

2 A Yes, sir.

3 Q And did you see Williams hit --

4 A Yes, sir.

5 Q -- McKnight with a bottle?

6 A Defending hisself, yes, sir.

7 Q And when they were -- was it just the two of them

8 fighting?

9 A Yes, sir.

10 Q Was it anybody else ganging up on either one of

11 them?

12 A No, sir. No, sir. One on one.

13 Q Did you see Isaac Williams with -- any time that

14 night when you saw -- and take your time -- when

15 you saw Isaac Williams that day or that night, did

16 he have a weapon on him?

17 A No, sir.

18 Q A gun?

19 A No, sir.

20 Q A knife?

21 A No weapon.

22 Q Brass knuckles?

23 A No, sir.

24 Q Did -- when you saw Tommy McKnight ride up, were

25 you able to see him with a knife?

- 1 A No, sir, I didn't see him.
- 2 Q Who did you see hit first?
- 3 A I see McKnight hit first.
- 4 Q And you saw Ike hit back?
- 5 A Yes, sir.
- 6 Q And were they in the road when you heard him say,
- 7 you got me?
- 8 A Yes, sir. He turned around holding his stomach.
- 9 Q He being Isaac Williams?
- 10 A Yes, sir.
- 11 Q What did you do after you heard him, Isaac Williams
- 12 say, he got me?
- 13 A I panicked. And tried to call for help.
- 14 Q How many -- had you been to this house at [REDACTED]
- 15 Campbell Street prior to this?
- 16 A Before, yes, I had.
- 17 Q Several times, fair to say?
- 18 A About -- yes, you can say several times.
- 19 Q Had Isaac been there several times?
- 20 A Yes, sir. It was a little hangout spot. It was
- 21 nothing to gather there and discuss whatever.
- 22 Q At any of those times had McKnight ever been there
- 23 or hung out there?
- 24 A First time I seen him that night.
- 25 Q Did the Defendant hit Ike in the head with a

1 bottle?

2 A I think so.

3 Q What time of night was this?

4 A It was about 6:00 or 7:00. Oh, the incident
5 happened?

6 Q Yes, ma'am?

7 A It was like around about 9:00 or 10:00, if I'm not
8 mistaken.

9 Q Did you have a watch with you on?

10 A No, sir.

11 Q Are you a little nervous here today?

12 A Yes, I am.

13 MR. MEADORS: Beg the Court's indulgence.

14 (Pause.)

15 Q After the person you said -- the Defendant
16 McKnight, did he hang around or did he leave?
17 After the incident?

18 A After the incident he left immediately.

19 Q And is he in the courtroom?

20 A Yes, he is.

21 Q The person you saw get in an altercation with --

22 A That's him.

23 Q Point him out, please.

24 A Right over there(indicating).

25 MR. MEADORS: We'd like the record to reflect

1 she has picked out Tommy McKnight.

2 THE COURT: Okay.

3 MR. MEADORS: Thank you.

4 Q Ms. Cornish, thank you.

5 A You're welcome.

6 Q If you would answer any questions Mr. Riley or
7 Kirincich may have, please.

8 CROSS-EXAMINATION

9 BY MR. RILEY:

10 Q Ms. Cornish, I'm Neil Riley. I represent Mr.
11 McKnight. How are you?

12 A All right. And you?

13 Q Good. In September of 2005, how old were you?

14 A I think I was 20.

15 Q Twenty did you say?

16 A (Nods affirmatively.)

17 Q Okay. All right. And you had been at this
18 residence on Campbell Street for awhile that
19 evening, correct?

20 A Uh-huh.

21 Q Before Mr. McKnight arrived?

22 A Yes, sir.

23 Q Okay. Was there drinking going on?

24 A No, sir.

25 Q Were you having anything to drink?

- 1 A No, sir.
- 2 Q Was Mr. Williams having anything to drink?
- 3 A Not to my knowledge.
- 4 Q Not that you noticed?
- 5 A No, sir.
- 6 Q Okay. When Mr. McKnight arrived, how did he
- 7 arrive?
- 8 A He arrived in --
- 9 Q I mean, walking, in a car?
- 10 A He was on a bicycle.
- 11 Q Okay. Alrighty. And where were you on the
- 12 property?
- 13 A I was on the steps.
- 14 Q I'm sorry?
- 15 A I was on the steps. I was inside on the yard.
- 16 Q Okay. And how far from where Mr. McKnight stopped
- 17 was that? Where you were to him, how far?
- 18 A Probably about the same distance me and you are.
- 19 Q Okay. And you were on the front steps, is that
- 20 right?
- 21 A Yes.
- 22 Q Now, I understand there is a street light right in
- 23 front of that residence, is that correct?
- 24 A Yes, sir.
- 25 Q Okay. Was it on that night?

- 1 A Probably was not. I don't know.
- 2 Q Okay. Do you recall whether the yard was well lit
- 3 that night by light?
- 4 A No, not really. It was in the street. Not really.
- 5 Q You don't remember, is that right?
- 6 A No, I don't remember.
- 7 Q Okay. Alrighty. Well, what I'm -- the reason for
- 8 asking is I wanted to see how well you could see
- 9 Mr. Williams and Mr. McKnight. How well could you
- 10 see them?
- 11 A I seen -- I seen them as far as me and you to
- 12 distance.
- 13 Q Ma'am, I'm sorry, can you speak up a little?
- 14 A As far as distance, as I can see you I seen them.
- 15 Q You could see them clearly?
- 16 A Yes, sir.
- 17 Q As clearly as you see me?
- 18 A Not as clearly, but I seen them.
- 19 Q Okay. Alrighty. Now, was your attention -- I'm
- 20 focusing on the time after Mr. McKnight arrived.
- 21 Was your attention diverted by anybody or anything
- 22 from Williams and McKnight?
- 23 A No, sir.
- 24 Q Or were they -- what I'm asking is this. Was all
- 25 your attention focused on them from the time

1 Mr. McKnight arrived?

2 A I seen what I seen. I wasn't really focused on
3 them, but I seen what I seen.

4 Q All right, ma'am. You didn't have a little child
5 with you or anything?

6 A Oh, no, sir.

7 Q Okay. All right. Now, you said you saw
8 Mr. McKnight pick up a bottle and hit Isaac with
9 it, is that correct?

10 A Yes, sir.

11 Q Did you see Ike hit Mr. McKnight with a bottle?

12 A No, sir.

13 Q Quite a few other witnesses said they did. You
14 didn't?

15 MR. MEADORS: Objection. Pitting.

16 THE COURT: Yes, you can't do that.

17 Q You didn't?

18 A Didn't?

19 Q Didn't see the reverse? You didn't see
20 Mr. Williams hit Mr. McKnight?

21 A No, Mr. Williams had no sharp object, no weapons,
22 no nothing, just hisself.

23 Q Okay. Did you see Mr. McKnight get knocked off of
24 his bicycle?

25 A No, sir.

1 Q Okay. Now, do you recall giving a statement to the
2 police on the night of the incident?

3 A Yes, sir.

4 Q Okay. And Ms. Joyner gave a statement to the
5 police that night too. Or do you know whether she
6 did or not?

7 A Yes, sir, she did.

8 Q Okay. Did you and she discuss the contents of your
9 statement before you wrote them?

10 A No.

11 Q Were you alone in a room when you wrote your
12 statement?

13 A No, sir. We was together, but not as far as I
14 could see what she wrote on the piece of paper.

15 Q Okay. While you wrote your statement, was anyone
16 else in the room with you?

17 A No, sir.

18 Q No police officer?

19 A Well, yes, police officer, but we was outside, we
20 was never inside the house.

21 Q Okay. All right. So you wrote the statement at
22 the residence, is that correct?

23 A Correct.

24 Q Okay. Now, do you remember the first officer on
25 the scene --

- 1 A No, sir.
- 2 Q -- that night?
- 3 A No, sir.
- 4 Q You don't. You don't remember Officer David Hagan?
- 5 A I mean, it was an officer, but not by name.
- 6 Q Okay. Do you remember him asking you if you knew
- 7 who did this?
- 8 A Yes, sir.
- 9 Q And what did you tell him when he first asked you
- 10 that?
- 11 A I told him McKnight. He asked me have we ever seen
- 12 him before. He asked me how did he look. He
- 13 showed it on the screen, is this the guy. I said,
- 14 yes, sir.
- 15 Q Uh-huh. But your testimony is you gave him a name
- 16 right away?
- 17 A No, I didn't give him a name right away. Don't
- 18 know -- don't know him.
- 19 Q You didn't give him a name right away because you
- 20 didn't know the name? Is that what you are saying?
- 21 A No.
- 22 Q When Officer Hagan approached you and Ms. Joyner --
- 23 A Uh-huh.
- 24 Q -- and asked you who did this --
- 25 A Yes.

1 Q -- were you able to give Officer Hagan the name of
2 who did this before he went and looked on his
3 laptop?

4 A All I can remember is once he had pulled up his
5 picture and said, is this the guy, we said yes.
6 And as his picture pop up, his name pop up,
7 McKnight.

8 Q Okay. Now, at some point not long after that, a
9 relative of Isaac Williams approached, a female
10 relative approached you, correct?

11 MR. MEADORS: Your Honor, object to any
12 hearsay.

13 THE COURT: Well, not yet, until she says
14 yay/nay.

15 MR. RILEY: Judge, I'm sorry?

16 THE COURT: Go ahead. So far you are just
17 asking if somebody approached. If they said
18 something, that is hearsay. But his objection is
19 premature. He is just putting you on notice he's
20 going to object.

21 MR. RILEY: Right.

22 THE COURT: If she says yes, you then say,
23 what did they say. That's all.

24 Q Ma'am, did a relative of Mr. Isaac Williams
25 approach you some time after Officer Hagan had

1 approached you that night?

2 A Don't recall. I don't recall.

3 Q You don't recall?

4 A No, sir.

5 Q Okay. All right.

6 MR. RILEY: Just a minute, Judge.

7 THE COURT: Sure.

8 (Pause.)

9 Q In response to one of Mr. Meadors' questions, I
10 thought I heard you say that you were there that
11 night with Isaac and another friend. Is that what
12 you had said?

13 A Yes, sir, I said, but it wasn't a female.

14 Q It wasn't what?

15 A It wasn't a female.

16 Q Would you remember the name of that other friend?

17 A I don't. That was four years ago. I can only
18 remember what I can remember, sir.

19 Q Okay. You don't remember who that was?

20 A No, sir.

21 Q Okay. All right. Thank you, ma'am.

22 MR. MEADORS: That's all. Thank you. We'll
23 put her on standby?

24 MR. RILEY: (Nods affirmatively.)

25 (Witness steps down.)

1 (Witness exits courtroom.)

2 MR. MEADORS: Can we approach?

3 THE COURT: You can approach.

4 (WHEREUPON, a bench conference was held
5 in the presence of the jury but out of
6 the hearing of the jury.)

7 THE COURT: Jurors, this is how it is in the
8 real world. You know, you watch CSI and they go to
9 a crime scene and they run every possible test in
10 the world and all the way through a jury trial and
11 interviewing 10,000 people, and all that takes an
12 hour, right?

13 Well, in real life you don't know how long it
14 is going to take because some witnesses take a long
15 time to say the same thing and others do it real
16 quick.

17 We are through with the witnesses that are
18 available for today. We will probably finish the
19 case tomorrow. Is that --

20 MR. MEADORS: Thursday morning at the latest.

21 THE COURT: Thursday morning at the latest.
22 But we're going to stop for today. So there you
23 go. Since we are stopping early, what time do
24 y'all want to start, 7:00, 7:15? No, let's say
25 9:30. Y'all be here 9:30 and we'll roll. Don't

1 talk about the case. See y'all in the morning at
2 9:30.

3 (WHEREUPON, the jury is excused for the
4 evening at 4:07 p.m.)

5 THE COURT: Anything I can help anybody with?

6 MR. MEADORS: No, sir. We will be ready to
7 roll, Judge.

8 THE COURT: Just for the record, Mr. Meadors,
9 you are doing a great job; Mr. Riley, you are doing
10 a great job.

11 MR. MEADORS: We will -- we are going to rest
12 tomorrow, just so he will know. I know he is going
13 to have a defense, so to give him plenty of notice,
14 we will definitely be resting tomorrow. I don't
15 see any way we won't be.

16 THE COURT: I would think you would be through
17 by lunchtime. I don't know.

18 MR. MEADORS: If not, shortly thereafter. I
19 just said Thursday just in abundance of caution.

20 THE COURT: I understand. There you go. All
21 right.

22 (WHEREUPON, court adjourned for the evening.)

23 MARCH 18, 2009

24 THE COURT: Ready to roll?

25 MR. MOAK: Yes, Your Honor.

1 MR. RILEY: Yes, sir.

2 (WHEREUPON, the jury came into open
3 court at approximately 9:46 a.m.)

4 THE COURT: Okay, the jurors are present and
5 seated.

6 MR. MOAK: Your Honor, at this time the State
7 calls Dr. Laura Mills from SLED.

8 THE COURT: Okay.

9 THE CLERK: If you would place your left hand
10 on the Bible and raise your right hand, please.

11 (Witness complies.)

12 THE CLERK: Do you swear or affirm the
13 evidence you give in this case will be the truth,
14 the whole truth, and nothing but the truth, so help
15 you God?

16 THE WITNESS: I do.

17 THE CLERK: Thank you. Please be seated in
18 the witness chair, and state your full name for the
19 record. Right this way, please, ma'am.

20 THE WITNESS: My name is Laura Mills.

21 LAURA MILLS, after being
22 duly sworn, testified as follows:

DIRECT EXAMINATION

23 BY MR. MOAK:

24 Q Dr. Mills, are you employed at the State Law
25 Enforcement Division?

1 A Yes. I have been employed at the South Carolina
2 Law Enforcement Division, more commonly known as
3 SLED, since 2004.

4 Q Where did you go to college at?

5 A I received a bachelor's degree in chemistry, which
6 I received from Clemson University. I also have a
7 Ph.D. degree from the University of South Carolina
8 in the field of basic pharmaceutical sciences.

9 Q What specific training and experience do you have
10 in the field of DNA examination or -- the DNA
11 examination?

12 A After receiving my Ph.D. degree from USC, I was
13 hired on at SLED where I trained under the direct
14 guidance and supervision of a court-qualified DNA
15 analyst.

16 During my approximately one year in training,
17 I was taught how to handle evidence, how to process
18 evidence, how to extract DNA from a variety of
19 items, how to draw the DNA profile, and how to
20 testify in court to the results of these analyses.

21 Q And have you testified in court previously?

22 A Yes, I have. I have testified approximately 15
23 times.

24 Q And you have been offered and accepted as an expert
25 in DNA analysis?

1 A Yes, I have. In each one of these testimonies I
2 was offered as an expert witness.

3 MR. MOAK: Your Honor, at this time I would
4 offer her as an expert witness in the field of DNA
5 analysis.

6 MR. KIRINCICH: No objection, Your Honor.

7 THE COURT: Okay. She can testify as an
8 expert.

9 Q Now, what is your actual job at SLED?

10 A I perform serology and DNA testing on evidence
11 items that are submitted to SLED in a criminal
12 investigation.

13 When evidence is submitted to us, we are
14 looking for what body fluid is present and who that
15 body fluid belonged to.

16 We test for such things as saliva, for semen,
17 for blood, for skin cells, and we test a variety of
18 items: Swabs, clothing, hair, sexual assault kits,
19 just any one of those items that we can potentially
20 get DNA evidence from.

21 Q Okay. And what actually is DNA evidence?

22 A Well, DNA stands for deoxyribonucleic acid. It is
23 a chemical found in virtually every cell of the
24 human body.

25 And when somebody touches a particular object

1 or when they bleed on a particular object, what
2 they are leaving behind is DNA. And that DNA is
3 unique to every single individual except for
4 identical twins.

5 So as forensic scientists, we're able to use
6 the discrepancy between everybody's DNA, we're able
7 to use that to tell whose body fluid that belongs
8 to.

9 Q And do people have unique combinations of DNA?

10 A Yes. As I said, no two people except for identical
11 twins are going to have the exact same DNA profile.
12 They may be similar, but no two people except for
13 the twins will have the same profile.

14 Q Okay. Now, specifically in this case, were there
15 any items that you analyzed?

16 A Yes, there were. I analyzed a blood standard from
17 the victim. And a blood standard is just a tube of
18 blood that is collected from an individual. And we
19 do the exact same thing with it as we do with
20 evidence. We develop a DNA profile, except we know
21 that that tube of blood came from that particular
22 individual.

23 So when we develop a DNA profile from the
24 blood, we're able to say, this profile is the
25 profile of this particular individual.

1 So I tested a blood standard, some fingernail
2 scrapings from the victim, swabs from a knife and
3 swabs from a box cutter.

4 Q Now, did you find anything from these items?

5 A Yes, I did. On the swab from the knife, which
6 would be our Item 5.1, there was an indication of
7 blood on that knife. And when I developed the DNA
8 profile, I found that the DNA profile from the
9 blood on this knife was a mixture of at least two
10 individuals, but that the major contributor, the
11 person who left the most DNA on this knife, it
12 matched the DNA profile of Isaac Williams.

13 And then there wasn't enough of a second
14 profile for me to tell anything from, so we say
15 that this partial profile is insufficient for
16 reliable interpretation, and that the DNA profile
17 that was developed from the major contributor
18 matched the DNA profile of Isaac Williams, and the
19 probability of randomly selecting an unrelated
20 individual having a DNA profile matching the major
21 contributor to this item is approximately one in
22 71 trillion.

23 Q Okay. And that -- what item number was that the
24 swab came from?

25 A That was Item 5.1, which was a swab from the knife.

1 Q A knife?

2 A I never actually saw the knife.

3 Q Okay.

4 A But if that is Item 5, then that would be what the
5 swab came from.

6 Q Okay. And you say it is one in 71 trillion?

7 A Yes.

8 Q How many people are on the planet?

9 A Approximately 7 billion. So I would not expect to
10 see that profile in anybody else on the earth.

11 Q Okay. And did you find anything on the other items
12 you --

13 A There was no human DNA detected on Item 6.1 and
14 6.2, which were the swabs from the box cutter. And
15 there was no DNA suitable for our analysis on the
16 fingernail scrapings, which were Items 14 and 15.

17 Q Okay. And when you talk about the minor
18 contributor, basically there wasn't enough to
19 figure out who that person would be?

20 A That is exactly right. It could have been somebody
21 that had handled the knife. It is just somebody
22 else's DNA was on the knife. It just was such a
23 small quantity that we can't tell who it even
24 belonged to.

25 Q The only other thing that I would ask is, when you

1 do DNA, you get a profile?

2 A That's correct. Now, DNA profile, if you look at
3 just the profile, it looks like a series of
4 numbers. And those numbers are unique to one and
5 only one individual.

6 Q And the numbers came from different parts on the
7 strand?

8 A Right. In DNA analysis, what we use is the small
9 portion of everybody's DNA that differs from
10 individuals. And currently we are testing 16 spots
11 along the DNA that differ. And at each one of
12 those 16 spots you'll get two numbers, because you
13 get half your DNA from your mom and half your DNA
14 from your dad, or you could get one number if you
15 inherited the both -- the same number from your
16 parents. And a DNA profile looks just like a
17 string of numbers, a 16-sequence strand of numbers.
18 And we're able to look at the profile from the
19 standard, which we know came from the victim, and
20 match the numbers from the evidence and say that
21 that is his profile on that knife.

22 Q So when you did the standard from the victim and
23 the standard from the knife, there were matches on
24 enough of the 16 spots to show that it is the
25 victim's blood?

1 A Yes. And it was a full -- it was a match at 15 of
2 the 16. So the only one that it didn't match was
3 one particular spot along the DNA, which we
4 couldn't interpret because he had what we term as
5 an off ladder. It didn't type with our software,
6 which is not uncommon for individuals to have this.
7 And so I was able to develop an identical profile
8 match at 15 of the spots and do a statistic from
9 that, which was one in, I believe my stat was 71
10 trillion.

11 Q So it is your opinion to a reasonable degree of
12 certainty in the field of DNA analysis that the
13 blood on that knife is the victim's?

14 A Yes, it is.

15 THE COURT: Any cross-examination?

16 MR. KIRINCICH: No, Your Honor, we don't have
17 any cross-examination.

18 THE COURT: Okay, Dr. Mills, you are off the
19 stand, and I guess can go on your way, if you'd
20 like.

21 MR. MEADORS: Thank you for coming. And that
22 is all we have.

23 THE WITNESS: Thank you.

24 (Witness steps down and is excused.)

25 MR. MOAK: The State calls Ed Corey.

1 (Witness enters courtroom.)

2 THE CLERK: Place your left hand on the Bible
3 and raise your right hand, please.

4 (Witness complies.)

5 THE CLERK: Do you swear or affirm the
6 evidence you will give in this case will be the
7 truth, the whole truth, and nothing but the truth,
8 so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Thank you. Please be seated in
11 the witness chair, and state your full name for the
12 record.

13 THE WITNESS: Edward Raymond Corey.

14 EDWARD RAYMOND COREY,
after being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MOAK:

17 Q Detective Corey, you are with the City of Camden
18 Police Department?

19 A Yes, sir, I am.

20 Q How long have you been there?

21 A Since July of 2001.

22 Q How long have you been in law enforcement?

23 A Twenty-three years.

24 Q And what agencies have you been associated with?

25 A I originally started out at the Beaufort County

1 Sheriff's Office. I did some time at the Lee
2 County Sheriff's Office, Kershaw County Sheriff's
3 Office, and Camden City.

4 Q And you are one of the investigators or detectives
5 at the City of Camden Police Department?

6 A Yes, sir.

7 Q On September 23rd, 2005, were you with the City of
8 Camden?

9 A Yes, sir, I was.

10 Q Do you remember being -- or receiving a call in
11 reference to [REDACTED] Campbell Street that night?

12 A Yes, sir. There was a call coming across the radio
13 of a stabbing just occurred at that location.

14 Q And what vehicle were you driving?

15 A At that time I had a 2005 black Chevy Impala.

16 Q So you were driving a black police car?

17 A Yes, sir.

18 Q Unmarked?

19 A Yes, sir.

20 Q Okay. Were you in the area when you received the
21 call?

22 A Yes, sir, I believe I was right by the -- near the
23 Police Department when the call went out.

24 Q Did people try to flag you down?

25 A Yes, sir, as I was getting close to the location,

1 that address, there were people standing on the
2 sidewalk pointing saying, he ran that way.

3 Q Did you try to locate who he was?

4 A Yes, sir, I -- what I did, I continued on. I
5 didn't stop at that address, I continued on and
6 rode the Boykin Park area until we got more
7 information across the radio who exactly we were
8 looking for.

9 Q Did you see him?

10 A No, sir, I did not, no.

11 Q Did you do anything at the scene at [REDACTED] Campbell
12 Street?

13 A No, sir.

14 Q Was there a call later on on Chestnut Street?

15 A Yes, sir, there was a call over in Chestnut Street
16 and B Street area.

17 Q And what happened there?

18 A There was a disturbance over there that somebody
19 was chasing Tommy McKnight on the B Street area.

20 Q Okay. And he lives at [REDACTED] Chestnut Street?

21 A Yes, sir.

22 Q Did you have a warrant at that time?

23 A Yes, sir, I did.

24 Q For who?

25 A For Tommy McKnight.

1 Q For the incident that happened at [REDACTED] Campbell
2 Street?

3 A Yes, sir.

4 Q When you got to [REDACTED] Chestnut Street, what happened?

5 A When we first got over there, we looked up in the
6 area of B Street, because the person told us they
7 were running towards the woods. We looked in that
8 area. We could hear someone running through the
9 woods. We kept calling Tommy McKnight's name, but
10 nobody came out of the woods.

11 As we were coming back out, I actually pulled
12 up in front of [REDACTED] Chestnut Street and Mr. McKnight
13 was standing on the front porch.

14 Q Just -- I will show you something and see if you
15 can tell me what this is. What is this?

16 A That is a map of the area location where we are
17 talking about.

18 Q This is the same area that we are talking about?

19 A Yes, sir.

20 Q Can you see [REDACTED] Campbell Street on it?

21 A Yes, sir, that is [REDACTED] Campbell Street.

22 Q Can you see [REDACTED] Chestnut Street?

23 A Yes, sir.

24 Q Can you see B Street?

25 A Yes, sir.

1 Q Okay.

2 MR. MOAK: Your Honor, for --

3 MR. RILEY: No objection.

4 Q Is this a fair and accurate depiction of that area?

5 A Yes, sir, it is.

6 MR. MOAK: Your Honor, I would like to offer
7 this into evidence as State's 26.

8 (WHEREUPON, State's Exhibit No. 26 was
9 marked for identification and received
10 into evidence.)

11 MR. MOAK: And if the witness could step down,
12 Your Honor?

13 THE COURT: The witness can step down.

14 (Witness steps down.)

15 Q Now, if you can kind of face that way so the court
16 reporter can hear you.

17 (Witness complies.)

18 Q The call was to where?

19 A The call was to [REDACTED] Campbell Street.

20 Q And you drove up there?

21 A Yes, sir. I was coming down Campbell Street, and
22 as I was approaching that address, the people on
23 the sidewalk pointed towards the Boykin Park area
24 saying that is the direction the person ran.

25 Q So you rode around that direction?

- 1 A Yes, sir.
- 2 Q And is that the park right there?
- 3 A Yes, sir, this is the actual park area.
- 4 Q And then later on you got a call on [REDACTED] Chestnut
- 5 Street?
- 6 A Yes, sir.
- 7 Q Where is that?
- 8 A Located right here(indicating).
- 9 Q And is that B Street right there?
- 10 A Yes, sir, B Street runs right beside [REDACTED] Chestnut.
- 11 Q And [REDACTED] Chestnut Street is the corner of B Street
- 12 and Chestnut Street?
- 13 A Yes, sir.
- 14 Q And when you got there, what did you see?
- 15 A When we got there, like I say, there was people
- 16 pointing up in the woods. I actually drove up B
- 17 Street and was yelling Tommy McKnight, yelling his
- 18 name for him to come out of the woods. You could
- 19 hear someone going into the woods, but nobody was
- 20 coming out.
- 21 After that, I actually drove back down B
- 22 Street, made a left turn back onto Chestnut Street,
- 23 and Mr. McKnight was standing on his front porch.
- 24 Q Did you know what he looked like?
- 25 A Yes, sir.

1 Q So when you came up there to begin with, he was on
2 the porch?

3 A No, sir, he was not there when I first --

4 Q And when you came back out he was on the porch?

5 A Yes, sir.

6 Q And that point did you stop the car?

7 A Yes, sir, stopped the car.

8 Q What did you do?

9 A I actually went up and approached Mr. McKnight and
10 told him I had a warrant for his arrest.

11 Q And what was his reaction?

12 A He asked to see the warrant.

13 Q And you showed it to him?

14 A Yes, sir, produced the warrant.

15 Q And what happened at that point?

16 A At that point I actually went up on the porch and
17 handcuffed him. He allowed me to handcuff him.

18 Q Okay. And what happened?

19 A And then when we went to leave the porch, he
20 started resisting, to the point where we actually
21 got in a touse, and he fell through a chair back
22 in the front door of the house.

23 Q Did you have to go back to the hospital for that?

24 A Yes, sir, I had an injury to my hand where he
25 landed on my hand.

1 Q Did he say anything?

2 A No, sir.

3 Q So now he's under arrest?

4 A Yes, sir.

5 Q Did you go back to [REDACTED] Chestnut Street later that
6 night?

7 A Yes, sir, I went back over there and met Detective
8 Boan.

9 Q And when you went back, what was that for?

10 A Doing a search warrant as to that statement.

11 Q He was part of the group doing the search warrant?

12 A Yes, sir, he was in the house when we did the
13 search warrant.

14 Q What was found in the house?

15 A Up under the night stand in the bedroom was a large
16 knife found, actually tucked up under the night
17 stand on the right side of the bed.

18 Q Is this it?

19 A Yes, sir.

20 Q What was found? When you approached him when he
21 was arrested the first time at [REDACTED] Chestnut, did he
22 have anything?

23 A I didn't check. At that point I was trying to get
24 him handcuffed, and then after the tousele they
25 checked him at the car.

1 Q So you didn't check him?

2 A No, sir, I did not check him. I wanted to get the
3 handcuffs on him.

4 Q Okay. Do you know if anything was found on him?

5 A They found some kind of box cutter and something
6 else on him at the car when they looked at the car.

7 Q Have you seen this before?

8 A Yes, sir, it is a gray-colored box cutter.

9 MR. MOAK: I would move to put this in
10 evidence.

11 MR. KIRINCICH: No objection, Your Honor.

12 THE COURT: All right.

13 Q So this is what was found on him?

14 A That is what was found on him at the car after the
15 touse was over.

16 THE COURT REPORTER: I'm sorry, is that 25?
17 Is that Exhibit 25?

18 MR. MOAK: Yes.

19 (WHEREUPON, State's Exhibit No. 25 was
20 marked for identification and received
21 into evidence.)

22 THE DEFENDANT: Your Honor, with all respect
23 to the Court, Your Honor --

24 THE COURT: You have got attorneys.

25 THE DEFENDANT: My first amendment rights of

1 due process --

2 THE COURT: You cannot -- you have to talk to
3 them. Have a seat.

4 THE DEFENDANT: -- as well as Article I,
5 Section 3 of the South Carolina Constitution --

6 THE COURT: You have got attorneys. They have
7 to make a motion.

8 THE DEFENDANT: They are refusing to do what I
9 ask them. It is not a box cutter. That is a
10 utility knife.

11 A Yes, sir, that is it.

12 Q This is a box cutter?

13 A Yes, sir.

14 Q From the search warrant this was found?

15 A Yes, sir.

16 Q Okay. Is there anything else you did in this case?

17 A No, sir, that is all I did.

18 MR. MOAK: No further questions.

19 MR. KIRINCICH: Your Honor, I'd like to
20 cross-examine the witness.

21 THE COURT: Sure.

22 CROSS-EXAMINATION

23 BY MR. KIRINCICH:

24 Q Detective Corey, you were the first one on the
25 scene?

1 A No, sir, I went past the scene. I never stopped at
2 the house, I went past.

3 Q Who did you talk with at the scene?

4 A I don't remember talking to anybody at the scene.
5 I seen people waving and pointing to the area of
6 the park saying, he went that way.

7 Q They didn't give you a name?

8 A No, sir. There was other units right behind me,
9 that's why I continued going on.

10 Q When did you get the call that you were looking for
11 Mr. McKnight?

12 A The call come from Detective Boan that Mr. McKnight
13 was the person that did the incident at Campbell
14 Street.

15 Q And how long after you drove past the scene did you
16 get that call?

17 A I don't remember exactly. It was probably 15, 20
18 minutes, if that long.

19 Q Were you familiar with Mr. McKnight?

20 A Yes, sir.

21 Q Had you dealt with Mr. McKnight as a victim before?

22 A No, sir.

23 Q In the city?

24 A No, sir.

25 Q Did you know where he lived?

1 A I knew they gave the address [REDACTED] Chestnut Street.

2 Q And did you go to his house?

3 A Yes, sir.

4 Q By yourself?

5 A No, sir, there was other units there.

6 Q Do you know if anybody went to his house, to the
7 door?

8 A I don't know. When I approached Mr. McKnight, I
9 was by myself. There was other units standing at
10 the road, but I don't know if anybody went to the
11 house.

12 Q Before you went there, Detective Corey, did anybody
13 knock on his door?

14 A Not to my knowledge, no, sir.

15 Q Do you have any proof that Mr. McKnight wasn't at
16 home when you drove by his house?

17 A No, sir, I don't know if he was or not. I didn't
18 go to the door.

19 Q Okay. But you decided to search the woods?

20 A That was the call that came in, that there was a
21 disturbance and that Tommy McKnight ran in the
22 woods. We went up to B Street and I was calling
23 for Mr. McKnight to come out of the woods. Nobody
24 came out. We heard somebody going the other way.

25 Q Where did that call come from?

1 A It was given across the radio. I don't know
2 exactly who called it in.

3 Q Were you aware that there was a 9-1-1 call from [REDACTED]
4 Chestnut Street?

5 A Not to my knowledge, no, sir.

6 Q When you went to Mr. McKnight's house, you didn't
7 Terry frisk him before you cuffed him?

8 A No, sir, my concern at that point was to put the
9 handcuffs on him, because I had an arrest warrant
10 for him.

11 Q And where was the utility knife recovered?

12 A They got it when they were putting -- before they
13 put him in the car. They patted him down and found
14 it in his pocket.

15 Q Was there any blood on it?

16 A I don't know, sir; I didn't take it out his pocket.

17 Q Did you ever see it again later?

18 A No, sir, not until the evidence.

19 Q Do you know if it was submitted to SLED?

20 A No, sir, I don't know if it was or not.

21 Q You never saw a report?

22 A Which report?

23 Q From SLED?

24 A No, sir.

25 Q Was this your case to handle?

- 1 A No, sir, it was Detective Boan's case.
- 2 Q So you didn't have any involvement after this
- 3 night?
- 4 A No, sir. The only thing I did was the arrest
- 5 warrant. Then I helped with the search.
- 6 Q You looked at this map, right?
- 7 A Yes, sir, I did.
- 8 Q Is it a correct map?
- 9 A Yes, sir, fairly correct.
- 10 Q Of Camden as far as you know?
- 11 A Yes, sir.
- 12 Q Where is Chestnut Street in relation to where the
- 13 incident occurred?
- 14 A Several blocks away from Chestnut from where --
- 15 Chestnut Street, if you run down Campbell Street
- 16 and go basically two blocks or a block and a half,
- 17 you'll run dead into Chestnut Street where the
- 18 incident occurred.
- 19 Q Is that towards Boykin Park?
- 20 A Yes, sir, Boykin Park is actually about -- less
- 21 than a half a block away. There is a wooded area
- 22 right there at Chestnut Street -- I'm sorry,
- 23 Campbell Street and Hampton Street is going to be
- 24 Boykin Park.
- 25 Q Okay. And how long did it take you to get to Mr.

1 McKnight's house?

2 A When I went over there?

3 Q Yes. You said it took 15 minutes to get the call.
4 How long did it take you to get to Mr. McKnight's
5 house?

6 A I rode the area around the park waiting on a
7 description of who ran.

8 Q Which other officer --

9 A You could actually drive from Campbell Street to
10 Mr. McKnight's house in probably a minute or less.

11 Q Okay. Which other officers went to his house?

12 A When we went there as far as the arrest warrant, I
13 know David Hagan was standing out in the street,
14 and when we come off the porch I know that
15 Lieutenant Stone was there. I can't tell you any
16 other officers that were there.

17 Q So you don't know if he went straight home or what
18 he did?

19 A No, sir, I have no idea.

20 Q Okay, thanks.

21 MR. KIRINCICH: Court's indulgence, Your
22 Honor.

23 (Pause.)

24 Q Is there any light in front of Mr. McKnight's
25 house?

- 1 A I don't remember at this point whether there was or
2 not.
- 3 Q Do you remember what time of night it was?
- 4 A It was late at night.
- 5 Q Late at night?
- 6 A Yes, sir.
- 7 Q You could see him from the street?
- 8 A Yes, sir, standing on the front porch.
- 9 Q Was there a light on the front porch?
- 10 A I can't remember or not if there was, but I know it
11 was Mr. McKnight on the front porch.
- 12 Q What else was on the porch?
- 13 A I know there was a chair. We fell through the
14 chair during the tousele.
- 15 Q What kind of chair?
- 16 A A wooden chair, like a wooden chair.
- 17 Q You don't know what else was on the porch?
- 18 A No, sir. My concern was for my safety and
19 Mr. McKnight's safety at that point.
- 20 Q I'm sorry. Excuse me. How far from the street is
21 Mr. McKnight's house?
- 22 A Twenty-five, 30 feet, if that far.
- 23 Q You can see?
- 24 A You could pull right up in front of the front door
25 where his house is.

1 Q And, again, I have already asked you, you don't
2 remember if there is a light on the porch or a
3 street light?

4 A No, sir, I don't remember.

5 Q Thank you, Detective Corey.

6 THE COURT: Redirect examination?

7 MR. MOAK: Beg the Court's indulgence.

8 (Pause.)

9 MR. MOAK: Just one question.

10 REDIRECT EXAMINATION

11 BY MR. MOAK:

12 Q The guy that you arrested on that front porch and
13 you fell in the door with the chair, is that him?

14 A Yes, sir, that is Mr. McKnight.

15 Q Can you point to him?

16 A Sitting over there with the two defense attorneys.

17 MR. MOAK: Thank you. No further questions.

18 THE COURT: Okay, you can step down.

19 (Witness steps down.)

20 MR. MOAK: May we approach, Your Honor?

21 MR. RILEY: Judge, I have a matter of law that
22 I need to --

23 THE COURT: We'll cover it.

24 (WHEREUPON, a bench conference was held
25 in the presence of the jury but out of

1 the hearing of the jury.)

2 THE COURT: All right, jurors, they want to
3 take a 20 minute break. The State only has I think
4 one more witness, but they want to go over
5 everything and make sure they got the right
6 pictures in that they wanted in, and all that kind
7 of stuff. That is why it is going to take a little
8 longer. But don't talk about the case. Just step
9 out.

10 (WHEREUPON, the jury retires to the jury
11 room at 10:13 a.m.)

12 MR. MEADORS: Thank you, Your Honor.

13 THE COURT: Wait just one minute.

14 MR. MEADORS: Okay.

15 THE COURT: Mr. McKnight, the State has not
16 rested yet. Do you understand when they say rest,
17 that doesn't mean they are going to go to bed, it
18 means they are not going to put any more evidence
19 in.

20 After the State rests, you have the option of
21 putting up a defense or not. There are good
22 reasons for doing that and good reasons not. And
23 if you put up a defense, that is, you call
24 witnesses and you personally can testify, that is
25 your choice. Nobody can keep you from testifying,

1 but nobody can make you testify.

2 And if you don't testify, they can't even
3 comment on your failure to take the stand. And I
4 would be happy to tell this jury they couldn't even
5 consider your failure to testify on whether you
6 were guilty or not.

7 The bottom line is, it is an important
8 decision as to whether you testify or not. If you
9 testify, if you have a prior record, they can
10 probably bring that out. We would go over that
11 before that transpired.

12 And then they can try to confuse you on the
13 stand. You know, you have been in here. They try
14 to ask tricky questions, and what have you. Some
15 people respond good, some don't.

16 So I'm not suggesting you testify or not. It
17 is just after the State rests, you would have to
18 make that decision. So just be thinking about it
19 during the break.

20 That's all.

21 THE DEFENDANT: There is one thing, Your
22 Honor. Tommy McKnight has the First Amendment
23 right to due process, as well as Article I,
24 Section 3 and 14 of the South Carolina Constitution
25 and the 14th Amendment of the United States

1 constitution for due process and equal protection
2 under the law.

3 And all that being through and by -- as you
4 know, I don't have to tell you -- through the 14th
5 Amendment of the United States Constitution where
6 no state shall make or enforce any law which shall
7 abridge the privileges and immunities of citizens
8 of the United States, nor shall any state deprive
9 any person of life, liberty or property without due
10 process of law, nor deny any person within its
11 jurisdiction the equal protection of the law,
12 protection of the law guaranteed.

13 And here it is, the evidence that hasn't been
14 presented that I'm fully aware of, as well as what
15 I have asked them is relevant and the questions are
16 not being asked.

17 You, as the referee of these proceedings, can
18 allow me to ask questions pursuant to those state
19 articles and sections --

20 THE COURT: Here is the deal, Mr. McKnight.
21 You've got attorneys. You have to go through your
22 attorneys. If they improperly do something, there
23 is a relief of that in support of you. We can't
24 have mixed representation.

25 THE DEFENDANT: I'm just asking for --

1 THE COURT: Otherwise, every trial it would be
2 a battle between the attorneys and the clients, you
3 know. That is not it. You've got lawyers. If
4 they make a mistake and you end up getting
5 convicted, you can get that corrected. But you
6 can't ask questions. You can ask them to ask
7 questions. They know more about trying cases than
8 you, believe it or not.

9 And as far as your constitutional rights, here
10 we are. Due process, you're not being deprived.
11 You have the right to a trial. We're having it.

12 THE DEFENDANT: The questions that I want to
13 ask is not being asked, Your Honor. As well as
14 there have been other confrontations between me and
15 other individuals. Not that these confrontations
16 are derogatory or anything to that level, it is
17 just a matter of whenever the statement is being
18 made, is that the first time that you had a
19 confrontation with Tommy McKnight, that is not true
20 what is being said.

21 And I want my attorney to ask certain
22 questions that would bring out more relevant
23 information. As well as Article I, Section 3 of
24 the South Carolina Constitution and 14, not
25 doubting my attorney's sincerity or integrity, it

1 is just a matter of I do have that right to ask
2 questions.

3 THE COURT: You have the right to ask your
4 attorneys to ask the question. If they don't ask
5 the pertinent questions you ask, then they're not
6 doing what they should do. But I don't know
7 anything about your case, and I'm not the trial
8 lawyer, I'm the judge.

9 THE DEFENDANT: I want to have court
10 indulgence with these attorneys for a minute, Your
11 Honor, because if they do not ask these questions,
12 then I want to be able to state for the record that
13 that would be ineffective assistance of counsel.

14 THE COURT: You can do all that, but we're at
15 ease right now because they have got to prepare
16 their case.

17 MR. MEADORS: Thank you, Your Honor.

18 THE DEFENDANT: Will I have an opportunity to
19 speak?

20 THE COURT: I told the jury 20 minutes. I
21 don't want to keep them back there an hour.

22 THE DEFENDANT: I didn't get that, Your Honor.

23 THE COURT: Before the jury comes back in you
24 will be able to state whatever you want to state.
25 Not right now, because you said you wanted time to

1 confer with them. I'm giving you time.

2 THE DEFENDANT: Thank you.

3 THE COURT: All right.

4 (WHEREUPON, a short break was taken.)

5 MR. MEADORS: Judge, the State is ready.

6 Thank you.

7 THE COURT: Before we -- Mr. McKnight, you
8 wanted to state something?

9 THE DEFENDANT: Yes, Your Honor. On Monday,
10 the 16th of 2009, I said at that time that we
11 didn't have enough time to do a proper presentation
12 of a defense, as well as to fully give me a chance
13 to represent a defense. With all fairness, that's
14 what I was asking for, enough time to gather the
15 truth. And at this time I would like to reiterate
16 when earlier I said that it would be ineffective
17 assistance of counsel, and at this time I wanted to
18 claim ineffective assistance of counsel, as well as
19 Court indulgence, Your Honor.

20 THE COURT: I'm listening to you,
21 Mr. McKnight. What else can I do? I mean, you
22 know, I haven't said -- huh?

23 THE DEFENDANT: I just want to ask the
24 attorneys something.

25 THE COURT: Okay.

1 (Pause.)

2 THE COURT: Yes, sir.

3 THE DEFENDANT: That is all that I have to say
4 at this time, Your Honor.

5 THE COURT: All right.

6 THE DEFENDANT: But, Your Honor, I'm asking
7 you to take judicial notice to the fact that on the
8 16th that I did state for the record to ask for
9 more time to clarify and be fair and the defects in
10 the indictment that I mentioned on the 16th, which
11 was Monday, I want to reiterate that, as well as
12 the denial of due process through the 14th
13 Amendment of the United States Constitution.

14 THE COURT: All right. Here is the thing
15 about indictments. The Solicitor has great power.
16 They can nol pros this as we speak and reindict the
17 next term. I mean, you are charged with murder
18 and -- you know, you are charged with murder. It
19 includes voluntary manslaughter and maybe
20 involuntary manslaughter. And you know what they
21 are saying you did, you stabbed somebody and the
22 person died. That is all they really have to tell
23 you, on a certain date, in Kershaw County. All
24 right.

25 THE DEFENDANT: But, Your Honor, that

1 indictment is from Richland County and there is not
2 a problem with that. The only problem I have is
3 that the indictment of October 2005 gave the beyond
4 a reasonable doubt to present a bench warrant and a
5 bench warrant was outstanding against me when I
6 never left the custody and control of the State of
7 South Carolina. Those type things that were done
8 that there is record of. But the Court don't know
9 about it.

10 THE COURT: No, I don't. But as far as the
11 indictment goes, on the back it says Kershaw
12 County, and the body says Kershaw County, and the
13 secretary made a mistake and put Richland at the
14 top. That is not invalid. They're amending that.

15 THE DEFENDANT: Article I, Section 11 of the
16 South Carolina --

17 THE COURT: It says you killed somebody in
18 Kershaw County. That is all they have to really
19 tell you. You are on notice of that. That is what
20 you're being tried for. You might be found not
21 guilty, I don't know. I'm not the fact decider.

22 THE DEFENDANT: I'm not debating the validity
23 of the indictment, Your Honor.

24 THE COURT: All right.

25 THE DEFENDANT: Thank you.

1 MR. MEADORS: Very briefly. Just for the
2 record, for the State, Your Honor, the body does
3 include Kershaw County, the front does. It was
4 just a scrivener's error, if you will, on the date.
5 Clearly the body includes it.

6 Just a couple of brief things. The original
7 warrant just had the wrong statute in there. Once
8 it is indicted, obviously it has the right statute
9 that controls, which would have controlled, we
10 think, respectfully, the prelim issue also, once it
11 is indicted. We want to put that on the record.

12 In addition, Your Honor, the case is several
13 years old. The Defense has had notice. They are
14 prepared. Since Monday they found another
15 potential witness they were looking for. So, I
16 mean, I think everything -- if they want the rest
17 of the day or whatever Your Honor says the time, I
18 mean, they found that witness I was told just a
19 little while ago. So beg the Court's indulgence.

20 (Pause.)

21 MR. MEADORS: And I think respectfully he's
22 trying to get a hybrid representation, which is
23 just not allowed under the rules.

24 THE COURT: It is not allowed under the rules,
25 understand. Ready? You've got one witness?

1 MR. MEADORS: Yes, sir. State's ready.

2 THE COURT: How long is that witness going to
3 take?

4 MR. MEADORS: Judge, Investigator Boan is the
5 chief investigative officer. Twenty, you know.

6 THE COURT: Fifteen minutes max?

7 MR. MEADORS: Twenty at the outset.

8 THE COURT: And I have to send the jury right
9 back out again. What do y'all want to do? You
10 don't have to make the decision until then, but I
11 have to send the jury back out, and I need to know.
12 Do you want to send them to lunch and give them a
13 long lunch?

14 MR. RILEY: I think that might be the best
15 idea, Judge, because he really hasn't made a firm
16 decision yet.

17 THE COURT: All right, we'll do that. Just
18 bring them in.

19 MR. RILEY: Judge, I want to correct something
20 I brought up.

21 THE COURT: Be careful now. He has already --

22 MR. MEADORS: Stop.

23 THE COURT: -- gone. Go ahead.

24 MR. RILEY: Is the door closed?

25 THE COURT: Yes, sir.

1 MR. RILEY: I would request, based on --
2 including the jury selection process, Mr. McKnight
3 has, against our express advice, stood up three
4 times in front of this jury.

5 THE COURT: He has.

6 MR. RILEY: I would request a curative
7 instruction perhaps.

8 THE COURT: I'm going to do that when I send
9 them out.

10 MR. RILEY: All right.

11 THE COURT: After they have rested.

12 MR. MEADORS: One other thing, and it just
13 popped in my mind, included in Investigator Boan's
14 notes is a reference to someone who called in and
15 said they heard something. Obviously rank hearsay,
16 and we would even object to the question coming in
17 in advance. I know they would not do that, knowing
18 it is hearsay. They may have found a witness.
19 They can call them. In the notes it is hearsay.
20 And we just -- we're not planning on asking him and
21 just would ask them not to. That's all.

22 THE COURT: Bring the jury in.

23 (WHEREUPON, the jury came into open
24 court at approximately 10:51 a.m.)

25 THE COURT: Okay.

1 MR. MEADORS: If it pleases, Your Honor?

2 THE COURT: Sure.

3 MR. MEADORS: The State would call
4 Investigator Lee Boan.

5 THE CLERK: Place your left hand on the Bible
6 and raise your right hand, please.

7 (Witness complies.)

8 THE CLERK: Do you swear or affirm the
9 evidence you give in this case will be the truth,
10 the whole truth, and nothing but the truth, so help
11 you God?

12 THE WITNESS: I do.

13 THE CLERK: Thank you. Have a seat on the
14 witness stand, and state your full name for the
15 record.

16 THE WITNESS: Lee Boan.

17 LEE BOAN, after being duly
18 sworn, testified as follows:

DIRECT EXAMINATION

19 BY MR. MEADORS:

20 Q Good morning, Investigator.

21 A Good morning.

22 Q Please tell these folks a little bit about Lee
23 Boan. Where were you born, where are you from,
24 please, your background, your education and your
25 training, specifically in the field of law

1 enforcement.

2 A I have lived in Kershaw County my whole life, born
3 in Bethune, and pretty much raised in Lugoff. I
4 started criminal justice in '94 at the Richland
5 County Sheriff's Office. The following year of '95
6 I moved to Kershaw County Sheriff's Office. And in
7 2000 I went to the Camden Police Department. I
8 have been with them since 2000. I have a
9 bachelor's degree in criminal justice and a
10 master's in public administration, administrative
11 justice concentration. I've been through several
12 classes at the criminal justice academy here in
13 South Carolina on investigations.

14 Q Where did you get your bachelor's degree?

15 A Saint Louis University.

16 Q Have you also been in the military?

17 A Yes, sir, I have been in the military in the
18 National Guard since '93. I started out as
19 military police, currently an engineer.

20 Q Did you go overseas?

21 A Yes, sir, I have been overseas twice.

22 Q Where?

23 A Kurdistan the first time and Afghanistan most
24 recently.

25 Q When did you get back?

1 A I got back May of last year from Afghanistan.

2 Q If you said, I apologize. Other than training in
3 law enforcement and criminal justice academy, do
4 you have periodic training like updates?

5 A Yes, sir, we do legal updates pretty frequently.
6 That is required of all law enforcement in South
7 Carolina.

8 Q And your role at the Camden Police Department is
9 what?

10 A I'm a detective, have been a detective since I
11 started there eight years ago.

12 Q And going back if we can to September 23rd of 2005,
13 Investigator, were you working that day?

14 A Yes, sir.

15 Q And did you have an occasion to respond to [REDACTED]
16 Campbell Street in Camden?

17 A Yes, sir, I did.

18 Q And how did that come about?

19 A I heard a call that was put over the radio at
20 11:12 p.m. that night that there was some type of
21 fight, somebody had been stabbed at [REDACTED] Campbell
22 Street.

23 Q Now, just for the record right now, [REDACTED] Campbell
24 Street, is that in the city limits of Camden?

25 A Yes, sir.

1 Q Is it in Kershaw County?

2 A It is in Kershaw County.

3 Q What did you do after you received the call?

4 A I responded to the scene, as well as pretty much
5 every other officer that hears a call like this. I
6 arrived probably -- I mean, I was at -- I don't
7 know if you are familiar with the area, if you have
8 seen the map, this area is measured probably just
9 over I think maybe seven-tenths of a mile from the
10 courthouse.

11 I was near Wal-Mart, Springdale Road near West
12 DeKalb going towards Lugoff before you get to the
13 bridge. I was somewhere in that area when the call
14 came in. I turned around and came back. So
15 probably within a couple of minutes I was here.

16 Q When you got to the scene, tell these folks what
17 Lee Boan observed, what you saw.

18 A I observed a victim. He was laying on the ground
19 near a vehicle. It was in the yard of this [REDACTED]
20 I could tell he was cut in the stomach, and it was
21 a real serious cut. I mean, his intestines were
22 hanging out of the cut.

23 Q His intestines were actually out?

24 A Yes, they were out. He was bleeding pretty bad.
25 He was still conscious at the time. I remember one

1 of his arms was still moving. He was pretty much
2 standing there waiting for EMS to arrive for him,
3 so of course I started asking the witnesses around,
4 you know, what they seen and who did it pretty
5 much.

6 Q So just get in -- it is the last time I will talk
7 about this, but looking at State's 1, when
8 Dr. Sexton looks at the body, the intestines were
9 put back inside of him for these pictures, is that
10 correct?

11 A That's correct. That is not the way he looked at
12 the scene.

13 Q Is it fair to say it is somewhat chaotic there when
14 you got there?

15 A Yes, sir. There was people all around and were
16 real upset because he had a major, major injury
17 there, and everybody wanted to help him out, and
18 everybody was close to him, friends, family and
19 all. And it was pretty emotional.

20 Q You saw Isaac's body?

21 A Yes, sir, I did.

22 Q In your opinion, based on the training and everyday
23 life and -- did -- and your looking at him and
24 being there, did you think he was alive when he
25 left?

- 1 A No. The ambulance, when they got there, they
2 worked on him. He was still alive when I was
3 there. You know, I felt he passed before he was
4 even loaded on the ambulance.
- 5 Q Was that conveyed to the group? Did you say, hey,
6 he's dead?
- 7 A No, because of the family and all. A lot of times
8 when emotions are real high, you know, you will go
9 ahead and load them up on the ambulance and let
10 them leave the scene and will be pronounced dead
11 later on. But that is not what the family and
12 friends want to hear at the scene is that, you
13 know, there is no hope.
- 14 Q But EMS did continue to work on him, but in your
15 opinion he was already passed by the time he left?
- 16 A Yes, sir.
- 17 Q Did you have an occasion -- you can't say what they
18 said, but did you have occasion to talk with
19 Shelton Glover?
- 20 A Yes, sir.
- 21 Q Debra Joyner?
- 22 A Yes, sir.
- 23 Q Stephanie Cornish?
- 24 A Yes, sir.
- 25 Q And did you also talk to Travis Johnson? If not

1 that night, later?

2 A Yes, later on I did talk with him.

3 Q And Jasmin Floyd or Harrell? If not that night,
4 later on?

5 A Okay, let me make sure I got my names straight
6 here. I think, yes, yes.

7 Q Now, when you arrived there -- and you said you
8 arrived there after 11:00 o'clock?

9 A Yes, sir. We got the call at 11:20, so 11:12.

10 Q I'm sorry, was Tommy McKnight there when you got
11 there?

12 A No, sir, he was not.

13 Q You are at the scene, you have got a body that is
14 dead. You start trying to find out who did it?

15 A Yes, sir.

16 Q That's what you do, right?

17 A (Nods affirmatively.)

18 Q And were you able to develop a suspect there at
19 █████ Campbell Street?

20 A Yes, sir, we did.

21 Q And how did that come about?

22 A From talking to witnesses that were there. They
23 give us a name. We had a car on the scene in the
24 yard. David Hagan, his car was on the scene. He's
25 got a computer in his car. And it has got pictures

1 of everyone we have in our law track system. Once
2 we had a name, he was able to pull the picture up
3 just to make sure we were positively able to
4 identify the person that did it. And we brought it
5 over to witnesses who did identify him as being the
6 one who stabbed our victim.

7 Q And was that Ms. Joyner and Ms. Cornish?

8 A Yes, sir, it was.

9 Q I think that has been testified to. Initially did
10 they give you a description and not the name
11 initially of Tommy McKnight?

12 A Yes, sir. They gave a description. They got in
13 here black male in his 40's, approximately 6-foot
14 tall, 250 pounds, black hair with a beard.

15 Q And then later on did somebody -- did they or
16 somebody else say, it is the name McKnight?

17 A Yes, sir.

18 Q And as a result of that you pulled it up on Hagan's
19 car?

20 A Yes, sir, the name McKnight. You know, we ran it
21 in our system just that name, and it turned out to
22 be a last name, and we checked the ones closest to
23 the area that matched that physical description,
24 and once we had a good picture there, we brought
25 our witnesses over to take a look at it, and they

1 were able to identify it positively as being him.

2 Q Were you able to determine what direction, if any,
3 that the suspect had gone?

4 A From the witnesses they said he headed towards
5 Boykin Park. That was put out on the radio before
6 I even arrived.

7 MR. MEADORS: Can I approach very briefly?

8 THE COURT: Okay, you can do it.

9 Q This is State's 26, Investigator. If you will just
10 stand up briefly, I don't think we need to --

11 A (Witness stands.)

12 Q Where is Campbell?

13 A Campbell Street, this is where the incident took
14 place at, the victim was at. This is the Boykin
15 Park area. The call come out he was running this
16 way with a knife. They said he was going towards
17 the park here.

18 Q Now, you and I went out there the other day, and I
19 don't know if you want everybody to do this, but is
20 there a way that someone can cut through the park
21 instead of going around it?

22 A Yes.

23 Q Obviously there is, but is there a path?

24 A Although we don't recommend it, we did drive
25 through the park back through here. There is a way

1 you can drive through here.

2 Q Would that be the closest way to get from here to
3 here through the park?

4 A Yes.

5 Q Is there kind of a beaten path where people walked
6 it?

7 A Yes, sir.

8 Q And where is the Defendant's house in relationship
9 to the [REDACTED] Campbell Street?

10 A Up here. Chestnut Street, [REDACTED] Chestnut Street.

11 Q Thank you. You can have a seat.

12 A (Witness returns to witness stand.)

13 Q You are a trained investigator. Did you think
14 about calling any dogs or anything?

15 A Yes, sir. At that time we called the Sheriff's
16 Office here. The Kershaw County Sheriff's Office
17 has a bloodhound team that is normally the one we
18 use. This night they were out on another call so
19 we couldn't use them immediately, so we called SLED
20 for their bloodhounds.

21 Q Did they end up coming?

22 A No, we ended up canceling SLED's bloodhounds once
23 we did -- the arrest was made before SLED
24 bloodhounds got there, so we canceled them coming
25 out, but we did keep Kershaw County, their

1 bloodhounds, we did request them to come to the
2 scene so they can, you know, follow the trail and
3 see if anything was maybe dropped where we could
4 recover any other possible evidence from where the
5 suspect went.

6 Q And at this point from you being there, did you
7 know what type of instrument might have been used?
8 What type of injuries did the victim have?

9 A It was a knife.

10 Q So is that what you would have been looking for?

11 A Yes, that is exactly what I was looking for.

12 Q So you got the Defendant, Tommy McKnight,
13 identified? I guess you know a residence at this
14 point?

15 A Yes, sir.

16 Q At least a listed residence, correct?

17 A Yes, sir.

18 Q What if anything happened after that? What did you
19 do or any of the other investigators after that?

20 A Okay, pretty much at that point I started
21 photographing the scene. We didn't want to just
22 run straight up to the house. I called Ed Corey,
23 the one who testified just before me. I called him
24 to go ahead and secure a warrant, arrest warrants.
25 I'm photographing the scene and --

1 Q In the pictures that I think Mr. Moak -- Number
2 10 -- you took all these?

3 A Yes, sir.

4 Q And State's 11, is that [REDACTED] with the bicycle out
5 front?

6 A Yes, sir.

7 Q So you basically -- there is tape up there right at
8 the scene?

9 A Yes, sir.

10 Q Did you take pictures of it to come in later to
11 show these people?

12 A Yes, sir.

13 Q At this point you have a suspect at [REDACTED]

14 A Yes, sir.

15 Q You said you asked Investigator Corey to get a
16 warrant?

17 A Yes, sir.

18 Q What if anything -- and is all this taking time?

19 A It is taking time. Everything is kind of running
20 together. It is not as organized as it may look on
21 TV. I mean, just a lot of moving parts going on at
22 the same time.

23 Q You took a statement from several of the folks that
24 night, or somebody did, correct?

25 A Yes, sir.

1 Q All right. From a Ms. Joyner, correct?

2 A Yes, sir.

3 Q From a Ms. Cornish?

4 A Yes, sir.

5 Q Mr. Glover, I believe? I don't know if you took a
6 statement from him or not. At least a couple of
7 statements, correct?

8 A Yes, we talked with him. I don't have a written
9 statement from that night in front of me.

10 Q The other folks, I don't mean to guess, did you
11 take a statement from them September 26th, Travis
12 Johnson, Jasmin Harrell and/or Jasmin Floyd?

13 A Yes, sir.

14 Q How do we get to [REDACTED] and do the search warrant, is
15 what I would like for you to convey to the jury.

16 A Okay. While I was processing the scene waiting on
17 dogs to arrive, we got a suspect, got the warrant.
18 We receive a call, 9-1-1 call. Dispatch puts out
19 that there is some type of disturbance at that
20 address. We hear that address. We know that this
21 is where our guy we are looking for lives at, you
22 know. We got it on our warrant everything in front
23 of us. So --

24 Q What time was that call?

25 A It is not on the 9-1-1 log that I could read, but I

1 do know I was the first one that arrived on the
2 scene.

3 Q If you could look at the -- you ended up finding
4 out the number of the Defendant, Tommy McKnight,
5 correct?

6 A Yes, sir.

7 Q And on that is there a number depicted, 425-7671 at
8 12:06:51?

9 A Yes, sir, there is.

10 Q 425-7671?

11 A Yes, sir.

12 Q Would that be a call to the 9-1-1 operator?

13 A Yes, sir.

14 Q 12:06. 12:06. What time did you respond to the
15 scene?

16 A I arrived at the scene at -- according to the
17 dispatch log, I arrived there at 12:15, which is
18 nine minutes after the call was made.

19 Q Eleven? What time did you arrive at the scene,
20 [REDACTED] Campbell Street, not [REDACTED] Chestnut?

21 A Yes, sir. I arrived at the scene at [REDACTED] at -- it
22 is not on here. It is not on here. My time of
23 arrival, it is -- it is on here. I arrived there
24 at 23:15.

25 Q That is 11:15, right?

1 A Yes, that is 11:15 p.m.

2 Q So the call to 9-1-1 came in not -- a little less
3 than an hour later of [REDACTED] correct?

4 A Yes, sir.

5 Q 12:06:51?

6 A Yes, sir.

7 Q From [REDACTED]

8 A (Nods affirmatively.)

9 Q You go to [REDACTED] Investigator. What do you do after
10 that? What time did you arrive at [REDACTED] Chestnut?

11 A [REDACTED] Chestnut, arrived, according to the dispatch
12 log, arrived 12:15. I was the first officer there.

13 When I arrived, there was kind of a small
14 crowd at the corner. When I pulled up, one person
15 from the crowd took off running, so I went after
16 him, assuming this was, you know, our guy we're
17 looking for. He runs into the woods.

18 As I'm entering the woods looking for him, I
19 can still hear him moving around when we get a call
20 that someone has just arrested our guy at the
21 house, which, you know, it is two different people.
22 I don't know why this guy was running. I guess,
23 you know, people are running from us all the time,
24 and I guess --

25 Q Tommy A. McKnight was arrested by Sergeant Corey?

1 A Arrested by Sergeant Corey.

2 Q Did you have to do a search warrant at [REDACTED]

3 A Yes, sir. When we went back to the house, once I
4 determined Mr. McKnight didn't have the knife on
5 him and our bloodhounds couldn't find a knife on
6 the trail they took from incident scene to his
7 house, the knife had to be somewhere. It wasn't at
8 the incident location, so they done a search
9 warrant at the house looking for the knife.

10 Q Did you get Judge Rick Todd --

11 A We did.

12 Q -- to issue a search warrant?

13 A We did. Judge Rick Todd, he is our -- he is a city
14 judge, he is also a magistrate. He kind of wears
15 two hats.

16 On this night, you know, we asked him to wear
17 the county magistrate hat to sign a warrant because
18 the residence at [REDACTED] Chestnut Street actually is in
19 the county just past the city limits, just inside
20 the county, so we needed a magistrate to sign that
21 search warrant.

22 We did that, and we did contact the Sheriff's
23 Office, who was already out there. We contacted
24 them to assist us in doing the search warrant in
25 the county.

1 Q Is that the way y'all do it if it is in the county?
2 You get the county to come?

3 A Yes, sir, that is common..

4 Q A search warrant was executed at [REDACTED] Chestnut, the
5 residence of Tommy McKnight?

6 A Yes, sir, it was.

7 Q And you went in? You went in the house?

8 A Yes, sir, I did.

9 Q Did you take pictures?

10 A Yes, sir, I did.

11 Q Looking at State's 27, State's 28, State's 29,
12 State's 30, 31, 32, 33, and 34, do they accurately
13 reflect what you saw that night and do they relate
14 to your testimony that you are talking about right
15 now, just yes or no?

16 A Yes, sir, they do.

17 MR. MEADORS: Beg the Court's indulgence.

18 (Pause.)

19 MR. RILEY: Without objection, Judge.

20 MR. MEADORS: State's 27 through 34 without
21 objection.

22 (WHEREUPON, State's Exhibit Nos. 27
23 THROUGH 34 were marked for
24 identification and received into
25 evidence.)

1 MR. MEADORS: Can I have him to step down very
2 briefly?

3 THE COURT: You can.

4 (Witness steps down.)

5 Q Face Madam Court Reporter so she can hear you,
6 please. Included in the search warrant was what?
7 What were you looking for?

8 A We were looking for a knife.

9 Q Now, when you go in -- let's start with State's 31.
10 What is that?

11 A Okay. If you'll look to the left of the picture,
12 this white door here -- can everyone see the white
13 door? This is going to be the front door of the
14 house as you come in.

15 Where this was at was -- this is the bedroom.
16 As you are coming in the door here and to your
17 immediate left where the bedroom comes to, this is
18 the bedroom door looking in. So as soon as you
19 walk in, going to the left, inside the bedroom.

20 Q [REDACTED] Chestnut?

21 A [REDACTED] Chestnut Street.

22 MR. MEADORS: And that was -- I know I said
23 it, but again for the record, 31.

24 Q Now, looking at State's 34, what is that, please?

25 A Okay. This was just a bag laying in the bedroom

1 against the wall, a black duffel bag with some
2 clothes, paperwork and all in it.

3 Q State's 33.

4 A This is the same bedroom. Same bedroom. Same
5 bedroom.

6 Q You are just trying to caption the bedroom so you
7 can show --

8 A Yes, sir. Getting ready for today. This is on the
9 bed. This is something we found inside the duffel
10 bag, just a yellow box cutter, like a little pry
11 bar.

12 Q Now, looking at State's 27, first of all, is that
13 in the same bedroom? And, if so, why did you take
14 that picture?

15 A This here, you walk in the bedroom. To your right
16 it is like a night stand. You see here -- I don't
17 know how well you can see it from here, but if you
18 look at the very bottom you can see the back side,
19 the handle part.

20 Q Show them.

21 A The back side right here appears to be a knife
22 underneath the dresser.

23 Q Okay. And as a trained investigator you take
24 pictures of it. Do you try to a get closer
25 picture?

- 1 A Yes, sir.
- 2 Q Did you do that?
- 3 A Yes, sir.
- 4 Q Would State's 28 be that?
- 5 A Yes, sir. This is it. Here you can see where we
- 6 had a flashlight, kind of dim light inside and
- 7 flashlight on what we were focusing on.
- 8 Q And 29?
- 9 A Same thing. You can just see the door frame and
- 10 kind of get a little feel of where the dresser is
- 11 inside the room. This is the same dresser here,
- 12 which is looking through the door.
- 13 Q To get to whatever is underneath there, do you just
- 14 go grab it?
- 15 A No, sir.
- 16 Q All right. And so what in fact did you do? In
- 17 looking at State's 30, would that aid you in
- 18 telling the jury what you did?
- 19 A We just removed the night stand, picked the night
- 20 stand up, moved it out of the way to see what was
- 21 underneath that.
- 22 Q That knife was underneath the night stand?
- 23 A Yes, sir.
- 24 Q Did you collect that knife?
- 25 A Yes, sir.

- 1 Q Of course, State's 32 is another picture of the
2 room?
- 3 A Yes, sir.
- 4 Q And getting back to -- excuse me, going back to
5 that picture, showing you what is State's 7, is
6 State's 7 what you found underneath that night
7 stand in the bedroom of Tommy McKnight's house at
8 [REDACTED] Chestnut?
- 9 A Yes, sir. Yes, sir, it is.
- 10 Q You checked it?
- 11 A Yes, sir.
- 12 Q And did you send it on for testing later as well?
- 13 A Yes, sir, I took it to SLED myself.
- 14 Q Did you take it yourself?
- 15 A Yes, sir.
- 16 Q Thank you.
- 17 A (Witness returns to witness stand.)
- 18 Q Now, you testified before about the 9-1-1 phone
19 call, I think. And that came from Tommy McKnight's
20 residence at [REDACTED] --
- 21 A Yes, sir.
- 22 Q -- Chestnut?
- 23 A Yes, sir.
- 24 Q Again, for the record, that number was what?
- 25 A Telephone number or address? Telephone number is

1 (803)424-0613.

2 Q And that is the same number that the 9-1-1 -- was
3 it a hang-up call or a call from 9-1-1?

4 A I'm assuming it was a hang-up.

5 Q What do you list it as in your report, on Page 3 of
6 your report? I think it has been asked previously.
7 Investigator, Page Number 3 -- it may be the first
8 of what you had, a total of three of the whole
9 officer's report, third paragraph?

10 A Okay, it was a 9-1-1 hang-up call come in later on.

11 Q You have the 9-1-1 tape and nothing from Tommy
12 McKnight's residence?

13 A Yes. When you call 9-1-1 it automatically pops up
14 an address and dispatch knows who called.
15 Sometimes you do get hang-ups if somebody can't
16 talk.

17 Q And you had Tommy McKnight's. Did you have his
18 home phone number, [REDACTED]?

19 A Yes, sir.

20 Q And that call to 9-1-1 was reflected on there,
21 correct?

22 A Yes, sir.

23 Q And you subpoenaed the phone calls for that
24 morning, didn't you?

25 A Yes, sir.

1 Q And, Officer, will you tell the jury between
2 11:21 p.m. of September 23rd, 2005, until that
3 9-1-1 hang-up call on [REDACTED] at 12:06:51, how many
4 phone calls came or went into [REDACTED] Chestnut Street?

5 A Fourteen total calls.

6 Q Before the 9-1-1 hang-up?

7 A Yes, sir. After the incident and before the 9-1-1
8 hang-up there was a total of 14 calls made from
9 that, or nine outgoing and five incoming from that
10 residence.

11 MR. MEADORS: Beg the Court's indulgence.

12 THE COURT: Okay.

13 (Pause.)

14 Q Is Tommy McKnight in the courtroom?

15 A Yes, sir.

16 Q Would you point him out?

17 A Sitting right over here(indicating).

18 Q Is that whose residence you searched at [REDACTED]

19 A Yes, sir.

20 Q Is that whose residence you found the knife?

21 A Yes, sir.

22 Q State's 7, I believe?

23 A Yes, sir.

24 MR. MEADORS: Judge, thank you. That's all.

25 MR. KIRINCICH: Your Honor, if it please?

1 THE COURT: Okay, Mr. Kirincich.

2 CROSS-EXAMINATION

3 BY MR. KIRINCICH:

4 Q Detective Boan, how are you assigned in this case
5 as lead investigator?

6 A How was I assigned it?

7 Q Were you the highest ranking officer on the scene?

8 A No, sir.

9 Q How did it come up?

10 A Well, I usually -- what happened, the way we do it
11 at the Police Department is pretty much whoever
12 gets the most involved with the case just pretty
13 much takes it from there. It really wasn't
14 assigned at the scene.

15 Q You took photos while you were there?

16 A Yes, sir.

17 Q Do you know the difference between the photos you
18 took and Officer Hagan took?

19 A At the scene?

20 Q At the scene.

21 A I couldn't tell. I was the only one there with a
22 35-millimeter. The ones in your hand -- the other
23 ones are digital. Some of the pictures could have
24 been taken by David Hagan, some could have been
25 taken by me.

1 Q How long were you on the scene?

2 A Let's see, according to the dispatch log, I arrived
3 at 11:15, and at 12:15 I was arriving at [REDACTED] so it
4 is like an hour from the time I arrived at the
5 incident location to the time I arrived at our
6 suspect's residence.

7 Q Is that the only time you were at the scene? Did
8 you ever go back as part of an investigation?

9 A I think I did go back after we cleared everything
10 up at the house.

11 Q Did you walk the scene while you were there?

12 A Yes, sir..

13 Q Looked all around?

14 A Yes, sir.

15 Q So State's Exhibit 18 --

16 MR. KIRINCICH: If I can approach the witness,
17 Your Honor?

18 THE COURT: Okay.

19 Q Do you think you or Officer Hagan took that photo?

20 A This is like one with a 35-millimeter. I would say
21 this is mine here.

22 Q Okay. And what is over here to the side?

23 A Just some bushes there in the front yard.

24 Q Do you notice anything about those bushes by
25 looking at that photo?

- 1 A I mean, there is -- looks like beer cans inside the
2 bushes.
- 3 Q Do you see any beer bottles in there?
- 4 A I do not.
- 5 Q State's 21, is this in front of the house?
- 6 A Yes, sir.
- 7 Q Is there trash in front of the house, bottles
8 and --
- 9 A Yes, sir.
- 10 Q -- a pizza box and other stuff?
- 11 A Yes, sir, there is a pizza box, trash.
- 12 Q Did you take the photo with the broken bottle in
13 the street?
- 14 A Yes, sir, if it was one of those there -- all the
15 35-millimeter, I think I'm the only one who took
16 those.
- 17 Q State's 19 is kind of a far away picture. You can
18 see the bottle in the street?
- 19 A Yes, sir, right there(indicating).
- 20 Q Okay. And State's 15 is kind of the same shot, but
21 you can see more trash in the yard, is that right?
- 22 A Yes, sir.
- 23 Q And State's -- I think that is 14, that is a
24 close-up of the bottle, is that correct?
- 25 A Yes, sir.

1 Q Did anybody at the scene tell you about the fight
2 that occurred?

3 A I imagine there was a lot of people in different
4 directions. Like I say, a lot of moving parts
5 going on while we're there at the scene. I mean,
6 yes, people did tell me their version of what took
7 place.

8 Q Did they tell you that Mr. McKnight was hit with a
9 bottle?

10 A I don't have anything wrote in my notes that anyone
11 told me that he was hit.

12 Q Why did you take a picture of the bottle?

13 A When we go to a crime scene, you pretty much take a
14 picture of anything that you don't feel like
15 belongs there. You know, a broken bottle in the
16 middle of the road there just didn't really fit. I
17 mean, it just -- it was still kind of wet in the
18 area where it was just recently there, so that was
19 probably why I took it.

20 MR. KIRINCICH: May I approach again, Your
21 Honor?

22 THE COURT: Sure.

23 Q Do you recognize these photos?

24 A The same as the earlier pictures.

25 Q Does that refresh your memory as to what was in the

1 bushes?

2 A Yes. I mean, there are beer bottles you can see
3 from this picture here.

4 Q A number of beer bottles?

5 A Yes, sir, a number of them are bushes close to the
6 porch. It is not a real big front yard, so pretty
7 much everything there is going to be close to the
8 porch.

9 Q So close enough people standing around would be
10 close to those bottles?

11 A Yes. I mean, anyone standing in the front yard,
12 yes, sir, would have access to them.

13 Q You said it was chaotic at the scene when you
14 arrived. You weren't the first officer who was in
15 charge of the scene when you arrived?

16 A Kevin Lynch was there when I arrived.

17 Q You said you went to the academy. You got your
18 bachelor's degree, master's degree, been through
19 several classes since then. What kind of things do
20 they teach you about controlling the scene once you
21 get there?

22 A Just get everybody off the scene, start roping it
23 off, keep anybody from contaminating what you have
24 there.

25 Q Do you make a list of witnesses at that time?

1 A Make a list of witnesses? Yes, you definitely try
2 to find out who all was there.

3 Q Is that pretty standard?

4 A You try to talk -- yes, sir.

5 Q And standard to write down who comes into the scene
6 once it is secured and who goes out, such as
7 officers and EMT personnel?

8 A Yes, sir. We normally have a log just -- it is a
9 form that they give all our patrol guys where they
10 arrive on the scene, they are in charge of it, then
11 they log in whoever comes and goes off of that
12 scene.

13 Q Did you have one in this case?

14 A I don't recall seeing one. I don't know if we had
15 one or not.

16 Q Sergeant Lynch -- is that his rank?

17 A Yes, sir, he is a sergeant. I'm not sure if he was
18 a sergeant -- I think he was a sergeant then also.

19 Q Did you ever ask Sergeant Lynch for his notes from
20 that evening?

21 A No, sir, I didn't.

22 Q Did you ever have occasion to review his notes from
23 that evening?

24 A No, sir.

25 Q Who exactly was the first one on the scene, do you

1 know, from law enforcement?

2 A Well, let me look at the dispatch log. It may tell
3 me. 1:10. That would have been Kevin Lynch at
4 that time, so he was the first one there. And this
5 was at -- he arrived like one minute before I got
6 there. Or two minutes before I got there.

7 Q Did he have a note on whether Travis Johnson and
8 Jasmin Floyd were there at the time?

9 A If he has, I haven't seen it.

10 Q Who do you have in your notes as being there at the
11 time?

12 A Okay, my notes, when I arrived on the scene, Kevin
13 Lynch was there and there were people standing
14 around our victim laying on the ground, I mean,
15 trying to help him.

16 Q Did anybody at that time tell you that Travis was
17 there?

18 A No, sir, I don't have it wrote down.

19 Q Did anybody tell you about Travis removing anything
20 from Mr. Williams?

21 A No, sir.

22 Q Did they tell you about Travis taking anything out
23 of his pockets?

24 A No, sir.

25 Q As the lead investigator on this case, was it your

1 duty to submit everything to SLED?

2 A We don't -- we don't submit everything. Anything
3 that we want tested for certain reasons we'll send
4 to SLED, but we don't normally send everything.

5 Q Did you coordinate having Mr. Williams' body
6 transported to Dr. Sexton for the autopsy?

7 A No, I didn't.

8 Q Did you get reports back from Dr. Sexton about what
9 Mr. Williams had in his pockets at the time you
10 received it?

11 A We would get it at the Police Department, yes, sir.

12 Q Do you know what Mr. Williams had in his pocket at
13 the time?

14 A I wasn't at the autopsy. Are you asking from what
15 I received back?

16 Q The inventory from the autopsy?

17 A Let's see if I got that. I don't have a copy of
18 that with me.

19 Q Do you remember ever reading that report?

20 A I can't remember reading it.

21 Q Do you remember the report stating that Mr.
22 Williams had a tube in his pocket?

23 A I saw -- I saw a photograph. Yes, I seen a
24 photograph of this tube you are talking about.

25 Q What was in that tube?

1 A It appeared to me to be a piece of crack cocaine.

2 Q And did you get that analyzed by SLED?

3 A No, sir. If it was analyzed, I know I didn't do
4 it.

5 MR. KIRINCICH: Your Honor, may I approach?

6 THE COURT: All right.

7 Q Do you recognize that as a SLED report from
8 Mr. Williams?

9 MR. MEADORS: If he is offering that, we have
10 no objection.

11 A Yes, sir.

12 Q And --

13 MR. MEADORS: We would like him to offer it
14 before he testifies.

15 THE COURT: You can't control how he tries his
16 case. Go ahead.

17 Q What does the report say?

18 A Found: Orange container within bag labeled Isaac
19 Williams. I guess this was Item 13 that was being
20 tested. Shows cocaine. It has got notes. Levels
21 one to 20 milligrams. Sudden death due to
22 ingestion of cocaine has been documented.

23 Q That is probably far enough.

24 MR. MEADORS: You offered that?

25 Q Just identify --

1 MR. MEADORS: No objection if he identifies
2 it.

3 MR. KIRINCICH: We have offered it. I don't
4 think there is any objection.

5 (WHEREUPON, Defendant's Exhibit No. 1
6 was marked for identification and
7 received into evidence.)

8 Q You have been here in the trial, been in the
9 courtroom?

10 A Yes, sir.

11 Q You heard Mr. Johnson testify that they removed
12 stuff from his pockets to make sure he didn't have
13 anything in his pockets?

14 A Yes, sir.

15 Q They never told you what they removed from his
16 pockets, did they?

17 A No, sir. That is the first I heard anything was
18 taken out of his pocket.

19 Q Were you the one that talked with Ms. Joyner and
20 Ms. Cornish that evening to get the description
21 from Mr. McKnight?

22 A Yes, sir, I was.

23 Q Did you ask if they knew the name?

24 A I did.

25 Q What did they say?

1 A They said they didn't at first.

2 Q When Ms. Missouri came up, she did know the name --

3 MR. MEADORS: Objection to hearsay, Judge.

4 THE COURT: He investigated these people. He
5 has already testified. He can ask him about it.

6 MR. MEADORS: No, sir, he is asking what
7 another lady said when she came up who has not
8 testified.

9 MR. KIRINCICH: I asked if Ms. Missouri knew
10 his name when she walked up.

11 THE COURT: Ask if he talked to her. He can't
12 say what she said if she has not been called.

13 MR. KIRINCICH: Your Honor, may we approach
14 on -- I think it is already in the record.

15 THE COURT: All right.

16 (WHEREUPON, a bench conference was held
17 in the presence of the jury but out of
18 the hearing of the jury.)

19 Q Did anyone ever tell you Mr. McKnight's name?

20 A That's correct. They didn't immediately tell me
21 his name.

22 Q And you were present for the search warrant?

23 A Yes, sir.

24 Q Were you also present at the hospital later?

25 A No, sir.

1 Q What about the Detention Center when Mr. McKnight
2 was brought to the Detention Center?

3 A No, sir.

4 Q Did you take all these photos that Solicitor
5 Meadors showed you earlier?

6 A Yes, sir. Those are pictures of the house again.
7 Somebody else could have taken some of the pictures
8 that was there. Those are pictures of what I seen
9 when inside the house, either I took them or
10 somebody with me took them. Pictures were taken by
11 the Camden Police Department.

12 Q Certain items that you photographed on the bed were
13 actually removed from Mr. McKnight's bag?

14 A Yes, sir.

15 Q Is that correct? Do you know what kind of bag that
16 was?

17 A What I can remember, it was a black bag that I
18 showed you in one of the pictures laying beside the
19 wall, come out of that bag.

20 Q It looks like a bag he used for work?

21 A I can't remember.

22 Q Did you know Mr. McKnight's occupation?

23 A I didn't, no, sir.

24 Q Never heard anything about him working in
25 construction?

1 A I can't remember hearing anything.

2 Q The box cutter that Detective Corey testified
3 about, the utility knife, did you have that sent to
4 SLED?

5 A Yes, sir, I think I took that with the knife.

6 Q Did anything show up on that, any blood?

7 A None that I know of, no, sir.

8 Q It wasn't used that night, as far as you know?

9 A I have no reason -- I have nothing to prove that it
10 was used that night on anything.

11 Q Who collected Mr. McKnight's clothing from that
12 evening?

13 A I'm not sure.

14 Q Do you know what was ever done with that clothing?

15 A I'm not sure of that either.

16 Q Did you ever have possession of that clothing?

17 A Not that I can remember. Once he was arrested, he
18 was taken away from the scene. I stayed there to
19 finish, you know, doing the search warrant at the
20 house, and then, the best I can remember, I did
21 return to the incident location also that night to
22 follow up on a few other things and maybe take some
23 more pictures. I never saw him again after he was
24 arrested.

25 Q How far did you say it was from Mr. McKnight's

1 house to Campbell Street, the most direct way of
2 cutting through the park? You measured the
3 distance there?

4 A Yes, we measured it about four-tenths of a mile
5 from the incident location to Mr. McKnight's house.

6 Q You said at some point -- what time was the call to
7 9-1-1?

8 A According to the phone records, the times are going
9 to be off a little bit between what the dispatch
10 log says and what the phone company's log says, but
11 according to the phone records, it has got it at
12 six minutes after midnight is when the 9-1-1 call
13 came from Mr. McKnight's residence.

14 Q Do you know if Mr. McKnight lived alone?

15 A There was a girlfriend he had at the time.

16 Q Was she at the house that evening?

17 A No, sir, she wasn't.

18 Q Isn't one of the calls that you mentioned to that
19 girlfriend?

20 A Yes, sir.

21 Q So she wasn't there?

22 A No, sir, she was not.

23 Q As far as you know, Mr. McKnight was there alone?

24 A Yes, sir.

25 Q It was most likely him that called 9-1-1?

1 A Yes, sir.

2 Q Four-tenths of a mile from the scene at [REDACTED]
3 Campbell to [REDACTED] Chestnut?

4 A Yes, sir.

5 Q Through the park?

6 A Yes, sir.

7 Q Did Mr. McKnight have the opportunity to dispose of
8 the knife before he got to his home?

9 A Yes, sir. I mean, there was -- from where he left
10 the residence, the incident location, and it is
11 four-tenths of a mile, until he got to his
12 residence and hid it underneath the dresser, I
13 mean, he had plenty of time.

14 Q He didn't dispose of it, did he?

15 A No, sir, he didn't.

16 Q He called 9-1-1, didn't he?

17 A Yes, sir, he did.

18 Q He was at his house when officers came there?

19 A Yes, sir.

20 MR. KIRINCICH: Your Honor if I can have just
21 a moment?

22 THE COURT: All right.

23 (Pause.)

24 Q Detective, I know you answered, but I have another
25 question about the clothing. Do you remember

1 delivering any clothing to SLED?

2 A I have it written down somewhere. Yes, sir, on the
3 29th of September I did, I delivered Tommy
4 McKnight's clothes, along with the box cutter, a
5 green hat and knife to SLED for DNA.

6 Q So you actually had the clothes, you just didn't
7 remember?

8 A Yes. Exactly. I didn't actually -- I didn't
9 actually take the clothes from him, but, you know,
10 we took his stuff to SLED. I took it all together.
11 I do have a note here that I did take his clothes.

12 Q Did you notice anything about the clothes, any
13 smell to the clothes?

14 A No, sir.

15 Q Do you know why no underclothes were listed in the
16 inventory sheet?

17 A You have the inventory sheet there.

18 MR. KIRINCICH: Your Honor, may I a show it to
19 him?

20 THE COURT: Yep.

21 A No, sir, I don't know.

22 Q When did you say you started with the Camden Police
23 Department?

24 A September of 2000.

25 Q And you were a detective at that time?

- 1 A Yes, sir.
- 2 Q And you investigate cases, Detective, is that
3 correct?
- 4 A Yes, sir.
- 5 Q You make your own cases, but you also have cases
6 that people bring to you and go to further
7 investigation?
- 8 A Yes, sir.
- 9 Q You remember speaking with Mr. McKnight in 2000
10 regarding a case?
- 11 A I can't remember.
- 12 Q Have you ever dealt with Mr. McKnight as a victim?
- 13 A I can't remember.
- 14 Q Do you know if anybody in the Camden Police
15 Department has dealt with Mr. McKnight as a victim?
- 16 A I can't remember. I mean, if I was on a computer I
17 could pull it up, because I can't remember. This
18 is the first night I can ever remember meeting him.
- 19 Q The Camden Police Department keeps a victim name
20 log. Is that something you can look up by a
21 victim's name?
- 22 A Yes, sir, I can look that up on our computers.
- 23 Q How long has that been computerized?
- 24 A I'll say -- we went maybe 2002, I think we started
25 our current computer system.

1 Q Would a 2000 incident be in the computer?

2 A Some of the major incidents maybe were entered in
3 after we started the system, but prior to that it
4 would probably just be on paper. We should have a
5 record somewhere of it.

6 Q If there was an incident from 2000 that was never
7 solved, would that still be an open case file in
8 the Camden Police Department?

9 MR. MEADORS: Objection to relevance.

10 THE COURT: We don't know.

11 A I don't see why it wouldn't be. Even closed case
12 files we still have the case file.

13 MR. KIRINCICH: Your Honor, just one moment.

14 (Pause.)

15 Q Did you talk to anybody else about this incident
16 that was not on the scene at the time you arrived?
17 Did you talk with Travis Johnson at the Police
18 Station?

19 A Yes, sir.

20 Q Did you talk with Jasmin Floyd or Jasmin Harrell at
21 the Police Station?

22 A Yes, sir.

23 Q Did you talk to Tina Pringle by phone?

24 A Yes, sir.

25 Q Did you talk to someone only identified as Dee Dee

1 by phone?

2 A Did I? Yes, sir.

3 Q Did you ever attempt to follow up with Dee Dee?

4 A No, sir. The Dee Dee, it was a phone call that
5 come into the Police Department. She didn't want
6 to give her name. We get a lot of calls where
7 people want to be anonymous. She wouldn't give her
8 name. She told me that she heard --

9 THE COURT: You can't say that. He is going
10 to object.

11 MR. MEADORS: I thought we covered that
12 before, Counsel.

13 THE COURT: He was volunteering. That is why
14 you are ready to object. I just sustain it.

15 A I mean, if I can finish answering the question?

16 THE COURT: No, you can't. Life is hard. The
17 bottom line, he can ask if somebody named Dee Dee
18 called. He can't ask what Dee Dee said. He
19 already objected to that a couple of times.

20 MR. MEADORS: He may have been going to say
21 something he heard. I see where we are going now.

22 THE COURT: If you want him to go ahead and
23 say it, he can go ahead.

24 MR. MEADORS: It is hearsay, rank. He didn't
25 say what I thought he was going to say. But,

1 objection.

2 THE COURT: It doesn't matter.

3 MR. KIRINCICH: May I approach, Your Honor,
4 the witness?

5 THE COURT: Okay.

6 Q From State's 20, is that Mr. McKnight's bike
7 directly in front of the house?

8 A Yes, sir.

9 Q You were on the scene. How far is that bike from
10 the front porch?

11 A I don't know, maybe about six to eight feet.

12 Q And in this photo, State's 20, you can see the car
13 on the side of the house, is that right?

14 A Yes, sir.

15 Q Is that a better shot of where the car was?

16 A Yes, sir.

17 Q And those bushes next to the car would therefore be
18 next to the porch, is that correct?

19 A These bushes would have been -- there is a tree
20 right here.

21 Q There is another car behind that tree?

22 A You see this car right here.

23 Q What you are looking at here beside the house is
24 going to be this car, and this car is behind this
25 tree over here?

1 A Yes, that is the front of this car, so the bushes
2 would have been right here(indicating).

3 Q Did Ms. Joyner and Cornish tell you they were
4 standing by the car?

5 A Yes, sir.

6 Q And those bushes that had the bottles were close to
7 the car?

8 A Yes, sir.

9 Q Was anybody else -- did they tell you anybody else
10 was standing there?

11 A Was anybody else standing there by them? Not that
12 I can remember, when I arrived.

13 Q Thank you, Detective.

14 MR. MEADORS: Just in direct response, Your
15 Honor. Very briefly.

16 REDIRECT EXAMINATION

17 BY MR. MEADORS:

18 Q He asked you about in the Defendant's 1, which has
19 been admitted into evidence, Item 13, positive
20 results for cocaine, I believe he asked you about
21 what was found on or with the body of the victim,
22 correct?

23 A Yes, sir.

24 Q Looking at State's 8 -- were you present when
25 Dr. Sexton testified about the ethanol level?

1 A Yes, sir.

2 Q On the back of State's 8, is that the same page
3 there?

4 A Yes, sir.

5 Q As Defendant's 1?

6 A Yes, sir.

7 Q And on Page 2 of State's 8 where it has got
8 examination of what is in the body, it is negative
9 that he had any cocaine in him, correct?

10 A Yes, sir.

11 Q No cocaine in the body.

12 A According to the report, no cocaine in his body.

13 MR. MEADORS: State's 8, if not offered
14 before, offer State's 8.

15 THE COURT: All right.

16 (WHEREUPON, State's Exhibit No. 8 was
17 admitted into evidence.)

18 Q He asked you about a call to his girlfriend, I
19 think, about [REDACTED], and mentioned her name as
20 Pringle and said was there a phone call to her,
21 correct?

22 A Yes, sir, there was.

23 Q And on the record you have gathered as Page 4 of
24 your BellSouth records, are there or are there not
25 actually three outgoing phone calls to her and two

1 incoming from her for a total of five before the
2 9-1-1 hang-up?

3 A That's correct. There is three. He made calls to
4 that number three times, and that number called him
5 twice during that period of time.

6 Q Who he said was his girlfriend at the time,
7 correct?

8 A Yes, sir.

9 Q He also asked you specifically, he asked you about
10 blood on a box cutter that has been admitted. You
11 said, I don't think there was any blood. From the
12 6.1 swab from the box cutter, no human DNA was
13 obtained from 6.1?

14 A Yes, sir.

15 Q You said, I don't think there was any blood on the
16 box cutter?

17 A According to the report.

18 Q He asked you about the pictures in the house and
19 occupation. And we hadn't admitted this earlier,
20 was this found on the bed?

21 A I think found inside the bed.

22 Q He asked you about that?

23 A It was found in the room.

24 MR. MEADORS: Offer State's 35.

25 MR. KIRINCICH: No objection.

1 (WHEREUPON, State's Exhibit No. 35 was
2 marked for identification and received
3 into evidence.)

4 MR. MEADORS: There are clothes, we can mark
5 them afterwards, and offer the victim's clothes, I
6 believe without objection.

7 MR. KIRINCICH: (Nods affirmatively.)

8 MR. MEADORS: All right. If you want them,
9 then I can hold them up and you can see them. I
10 can't imagine them needing them, the jury. Do it
11 for ID 36.

12 (WHEREUPON, State's Exhibit No. 36 was
13 marked for identification only.)

14 MR. MEADORS: Thank you. That's all.

15 MR. KIRINCICH: I have a brief recross.

16 RE CROSS-EXAMINATION

17 BY MR. KIRINCICH:

18 Q The toxicology report Mr. Meadors got you to look
19 at, Mr. Williams didn't have any cocaine in his
20 system, did he?

21 A The report I just seen, he did not.

22 Q Did you ever work the road as part of your duties
23 as an officer?

24 A I did. I worked three years with the Sheriff's
25 Office.

1 Q Did you ever do any DUI stops?

2 A Yes, sir.

3 Q Are you aware what the limit is for blood alcohol
4 level for legal intoxication?

5 A At the time, .10.

6 Q Do you know what it is now?

7 A I think it is down to .08.

8 Q Do you know Mr. Williams' level of intoxication at
9 the time that he was tested?

10 A The best I can remember, just what y'all also
11 heard, the doctor, Dr. Sexton, was .15, is that
12 correct?

13 THE COURT: That has already been testified
14 to. He did not go into that on redirect. And it
15 is in the record. And I am going to tell them what
16 the legal thing is anyway.

17 MR. KIRINCICH: Thank you.

18 Q Did anybody at the house say anything about the
19 drinking that was occurring that night?

20 A Pretty much everyone admitted they were all
21 drinking.

22 Q They never told you how much?

23 A No, sir. Never got an exact count.

24 Q You didn't.

25 MR. KIRINCICH: No further questions, Your

1 Honor.

2 THE COURT: Right. You can step down.

3 (Witness steps down.)

4 MR. MEADORS: Beg the Court's indulgence.

5 (Pause.)

6 MR. MEADORS: Your Honor, the State of South
7 Carolina rests.

8 THE COURT: All right. I had previously
9 talked to the attorneys. When the State rests,
10 that just means they don't intend to put any more
11 evidence in at this point. It is going to take a
12 while to get everything sorted out. Is two hours
13 enough time? It doesn't matter. Jurors would
14 rather wander around than be back in that jury
15 room.

16 MR. RILEY: I think that is plenty of time.

17 THE COURT: Just be back at 2:00 o'clock,
18 jurors.

19 Now, during a trial, Mr. McKnight, who is
20 charged with murder, has wanted to object or ask
21 questions, you know. We just don't allow hybrid
22 representation. Sometimes we get jurors over there
23 who want to try to try the case, and every juror
24 wants to ask a question. Well, lawyers ask the
25 questions, okay? They may not ask all the right

1 questions, but that is why you have attorneys. You
2 know, you confer. But if you are charged with
3 murder, you want the question asked and the lawyer
4 says, that is not relevant. You know, you still
5 want him to ask the question. But that is not the
6 rules, okay? So don't -- he is not a professional
7 attorney or anything. Don't hold it against him
8 for wanting to ask a question that his attorneys
9 have said no, for whatever reason.

10 All right. So don't talk about the case. Be
11 back at 2:00.

12 (WHEREUPON, the jury is excused for
13 lunch at 11:59 a.m.)

14 THE COURT: Okay, the State rested.

15 MR. RILEY: We have a motion, Judge.

16 THE COURT: What kind of motion do you have,
17 Mr. Riley?

18 MR. RILEY: Judge, I have a motion for a
19 directed verdict. Taking the evidence in its
20 totality -- of course, I understand the Court has
21 to look at the existence or non-existence of the
22 evidence, not its weight. The State in my opinion
23 has failed to prove the necessary elements of the
24 crime charged.

25 Mr. McKnight is charged with murder, which is

1 the unlawful killing of another with malice
2 aforethought. There has been no evidence
3 introduced by the State that meets the requirement,
4 the necessary element of malice aforethought.

5 Secondly, the second ground for moving for a
6 directed verdict is that under Section 17-19-40,
7 the State, in order to make an argument, which
8 clearly they have been attempting to do, that the
9 knife in State's Exhibit Number 7 was a deadly
10 weapon used in the commission of murder, it is
11 required that the indictment contain a special
12 count for carrying concealed weapons and the jury
13 shall be required to find a verdict on such special
14 count.

15 Their entire case is really based on that
16 knife being a deadly weapon. There is nothing in
17 the indictment that sets out as a special count
18 that that weapon is a deadly weapon.

19 This code section makes it -- it is not
20 ambiguous, it makes it absolutely crystal clear
21 that there needs to be a special count in the
22 indictment when the State is alleging that a crime
23 of violence was committed by a deadly weapon.

24 Thirdly, Judge, it is up to the State to
25 negate or disprove the four elements set out in

1 State v. Hendrix in order to meet or in order to
2 raise the defense of self-defense. And I would
3 submit to the Court that the State has not
4 presented any evidence that would tend to negate
5 all four of those factors:

6 He was without fault in bringing on the
7 difficulty; he believed he was in imminent danger;
8 he acted as a reasonably prudent man would have
9 acted; and had no other probable means of avoiding
10 the confrontation.

11 It is up -- as Your Honor knows very well, it
12 is not up to us to prove anything, it is up to the
13 State to negate the self-defense defense in this
14 case. And they have not done so.

15 Thank you, Judge.

16 THE COURT: You agree with all that, Mr.
17 Meadors -- Mr. Moak?

18 MR. MOAK: Your Honor, I believe the motion
19 for directed verdict as ruled in the light most
20 favorable to the State as to the issue of
21 self-defense, the first element of self-defense is
22 the Defendant must be without fault in bringing on
23 the difficulty. I believe there is abundant
24 evidence that the Defendant came to the victim.
25 There is at least two witnesses that are to the

1 effect the Defendant was ridiculing the victim's
2 dog that actually started the confrontation. And
3 two of the witnesses, one I think he actually
4 testified the Defendant appeared to be looking for
5 trouble, and another one seen him before and he
6 wasn't acting like -- he wasn't acting normal,
7 wasn't acting right. So I think we have got
8 evidence to disprove Element One of self-defense.

9 As to the second element, he must have
10 actually believed he was in danger of losing his
11 life or sustaining serious bodily injury. With all
12 the witnesses that have testified, I'm not arguing
13 there was no beer bottle used, Your Honor, but I
14 believe consistent with every one of these
15 witnesses that the beer bottle was not in the
16 victim's hand when the knife came out.

17 So I don't -- at that point you have an
18 unarmed man when the Defendant pulls out the knife
19 and uses it on the victim. So I don't believe that
20 the second element is also there.

21 Also, some of the witnesses are also saying
22 that the Defendant actually -- I mean, the victim
23 actually told the Defendant to leave after the
24 bottle was thrown, and then the Defendant actually
25 swung at that point.

1 So, you have to like assess the situation of
2 the hostilities, he asked him to leave, and then
3 the Defendant actually re-initiates the
4 confrontation. Again, that goes also to Element
5 One and Two.

6 The third element, I believe, it has to be
7 reasonable. Again, that goes to the Defendant, the
8 guy with a knife came out, the guy was only with
9 his hands. He also has to have no other probable
10 means of avoiding danger.

11 Again, there is witnesses testifying that the
12 victim told the Defendant to leave. The Defendant
13 refused to leave saying he is going to sit there
14 and drink his beer, and then swung at the victim.
15 I mean, he could have simply left and we wouldn't
16 have been here if that had happened.

17 As to the malice element, Your Honor, the
18 murder is the unlawful killing of another with
19 malice aforethought. Malice can be inferred with
20 use of a deadly weapon. That knife -- I believe
21 Dr. Sexton testified the cut of the iliac artery is
22 what was the cut that was the fatal blow. The
23 witnesses were the Defendant cut the victim. The
24 DNA shows that that knife is the one used to cut
25 the victim. And the deputy officers testified the

1 knife was taken out from under the Defendant's
2 dresser. So I believe we've got the use of deadly
3 weapon for that inference.

4 As to that code section citing, I never read
5 that, so I really don't know what to say about that
6 other than that is what the indictment is. The
7 indictment charges him with killing the victim in
8 Kershaw County with a knife with malice
9 aforethought. So I would submit -- I mean, he
10 knows he is here for murder. That is what we have
11 been trying. We have got enough to go to the jury
12 on that issue.

13 And I believe that covers all the Defense's
14 arguments.

15 MR. MEADORS: I do think it puts him on notice
16 of the charge, he is noticed of his charge.
17 Obviously we move to amend -- we moved for putting
18 Kershaw just in the caption. And if that was the
19 requirement then every murder case we tried in last
20 the year is erroneous, so we respectfully --

21 THE COURT: Yes, one year I did 92 homicides.
22 They were not all murder. Eighty-two, I'm sorry.
23 I don't want to overspeak. You get older and
24 exaggerate. I did count them, 82 when I was chief
25 judge over there. I have never seen an indictment

1 with that clause in there. And I have charged
2 juries on that. Was that a new statute or
3 something?

4 MR. RILEY: No, sir, I don't -- I don't know
5 when that was enacted, but, you know, it is again
6 Code Section 17-19-40. In every case when the
7 crime is charged to have been committed with a
8 deadly weapon, there should be a special count in
9 the indictment for carrying concealed weapons.

10 MR. MEADORS: Your Honor, I just saw that. I
11 don't know how many of my cases, plus murder cases
12 that have been on appeal, that don't have that in
13 there that have been upheld.

14 THE COURT: I have never seen that in there.
15 That doesn't make sense. I will read it, though,
16 before I rule on that.

17 But the other thing, a jury can easily find
18 that he acted in self-defense, they can find that
19 he did based on the evidence here. I mean, the
20 victim was intoxicated, you know, in the light most
21 favorable to him, which is not what I rule on at
22 this point. The guy hits him in the head with a
23 beer bottle, not the other way around. Although
24 somebody testified that way, but that is just a
25 factual thing as to whether you should take a big

1 knife to a fist fight. That is another thing that
2 is your argument on that.

3 All right. Section 17-19-40 does not apply.

4 MR. RILEY: You are saying does not apply?

5 THE COURT: I'm just reading it. Section
6 17-19-40 says, allegation sufficient for indictment
7 for murder. And it just says they have got to
8 allege the person was killed with malice
9 aforethought. That is a special section. Or where
10 someone is killed while carrying a concealed
11 weapon, and so forth, that is what that applies to.
12 Not just for every case, having read it.

13 All right. Mr. McKnight, you still have that
14 serious decision to make. I'm not trying to
15 pressure you into testifying or suggesting that you
16 don't. Come 2:00 o'clock you'll have to make that
17 decision. So you need to talk it over with your
18 family members and your lawyers and decide.

19 And I assume you have a witness or two, or
20 not, if he doesn't testify?

21 MR. RILEY: I believe we do, sir, yes, sir.

22 THE COURT: Okay. So at this point it looks
23 like murder, voluntary manslaughter and involuntary
24 manslaughter will be the options. That's all.

25 MR. MEADORS: Involuntary?

1 THE COURT: I think so.

2 MR. MEADORS: Judge, just for my -- if we --
3 they have represented at least somebody is going to
4 testify even if the Defendant doesn't. Obviously
5 I'd like to have an in camera hearing if it is the
6 witness that I just was -- briefly Mr. Kirincich
7 told me they found that witness. So if I hadn't
8 interrupted what Investigator Boan would say was
9 hearsay and thought wasn't there, but I would like
10 her testimony in camera first, if we could, before
11 the jury came out, at least a proffer of it. If
12 not, I object and ask they go out because based on
13 what I say it is hearsay. They can tell me. I
14 mean, I have no idea.

15 THE COURT: I don't know what she is going to
16 testify to, but they don't have to tell you who
17 their witnesses are normally, so they can just put
18 her up.

19 As far as testifying to hearsay, you object,
20 it doesn't come --

21 MR. MEADORS: They are supposed give a witness
22 list.

23 THE COURT: They couldn't because they didn't
24 have her until you gave it to them yesterday.

25 MR. MEADORS: No, sir, I didn't have it,

1 Judge. I never had --

2 THE COURT: He can't give you what he doesn't
3 have.

4 MR. MEADORS: If it wasn't for me they
5 wouldn't have it. I went and tried --

6 THE COURT: I know.

7 MR. MEADORS: I would like to ask if anybody
8 knows or is related to this witness. And if they
9 do, we would get an alternate.

10 THE COURT: We will ask them that when they
11 come in.

12 MR. MEADORS: But other than that, I have no
13 idea what this person is going to say. I may
14 object if it is hearsay. What I'm asking is if it
15 is hearsay.

16 THE COURT: If it is hearsay you have the
17 right to object.

18 MR. RILEY: I can assure Mr. Meadors and the
19 Court that it is not hearsay. Okay.

20 THE COURT: Okay.

21 MR. MEADORS: That's all I need from him.

22 THE COURT: They can testify whatever they
23 want.

24 MR. MEADORS: Judge, other than that, if there
25 is one or two witnesses, do you want to argue this

1 afternoon or just do that in the morning, is what I
2 guess-I'm asking?

3 THE COURT: I don't know how much time he is
4 going to talk. When the jury comes back at 2:00,
5 if he is through before 3:00, we should argue
6 today, seems to me.

7 MR. MEADORS: That's fine.

8 THE COURT: If it is 4:00 before they are
9 through with their case, we'll argue in the
10 morning.

11 MR. MEADORS: All right. That's all I need.

12 THE COURT: Fair enough for everybody?

13 MR. RILEY: Yes, sir.

14 MR. MEADORS: Perfect.

15 THE COURT: And if anybody has any specific
16 requests to charge right now, I think it is just
17 general other than those three things, and I will
18 have to tell them a person is intoxicated more or
19 less if they are over 1, without elaborating on it.
20 At the time I think it was over 1.0.

21 MR. MEADORS: That's correct.

22 MR. RILEY: And a charge on self-defense,
23 Judge.

24 THE COURT: Oh, yes, you get that.

25 (Lunch recess.)

1 THE COURT: Mr. Meadors, is the State ready to
2 roll?

3 MR. MEADORS: The State is ready.

4 THE COURT: Let's bring them in.
5 (WHEREUPON, the jury came into open
6 court at approximately 2:05 p.m.)

7 THE COURT: You may proceed.

8 MR. RILEY: Your Honor, I'd call Dee Dee
9 Drakeford.

10 THE COURT: All right.

11 THE CLERK: Place your left hand on the Bible,
12 and raise your right hand, please.

13 (Witness complies.)

14 THE CLERK: Do you swear or affirm the
15 evidence you give in this case will be the truth,
16 the whole truth, and nothing but the truth, so help
17 you God?

18 THE WITNESS: Yes.

19 THE CLERK: Please be seated in the witness
20 chair, and state your name for the record.

21 THE WITNESS: Dee Dee Drakeford.

22 THE COURT: Jurors, I went over the potential
23 witness list. They only found out that Dee Dee,
24 who they mentioned a couple of times, was Dee Dee
25 Drakeford, so we didn't give you that name. There

1 she is. I don't know what she is going to testify.
2 Is she kin to any of y'all? Do you know her at
3 all? Work with her? Go to school with her? Live
4 next to her? Have any connection with her, direct
5 or indirect?

6 (WHEREUPON, there was no response.)

7 THE COURT: Apparently not. Go ahead.

8 DEE DEE DRAKEFORD, after
9 being duly sworn, testified as follows:

DIRECT EXAMINATION

10 BY MR. RILEY:

11 Q Ms. Drakeford, where do you live now?

12 A [REDACTED] Williams Street in Camden, South Carolina.

13 Q How long have you lived in Camden?

14 A All my life.

15 Q Okay. Alrighty. Are you or were you acquainted
16 with Dan and Stella Washington?

17 A Yes, I did know Dan and Stella. They're good
18 friends of the family.

19 Q Okay. Alrighty. And were you acquainted with them
20 back in September 2005?

21 A Yes, sir.

22 Q Okay. All right, now, drawing your attention to
23 the night of September 23rd, 2005, did you have
24 occasion to be at their house that night?

25 A Yes, sir, I was.

1 Q About what time do you remember being -- arriving
2 there?

3 A I -- I can't remember what time --

4 Q Okay.

5 A -- I got there. I just know that I was there when
6 this incident happened.

7 Q All right, ma'am. Was there sort of a party going
8 on at that time?

9 A I mean, it was where every -- where people just go
10 out and sit up under the tree and drink and talk
11 and have fun, you know, like a normal day.

12 Q All right, ma'am. Was there a point that evening
13 when a Mr. Tommy McKnight arrived at that
14 residence?

15 A Yes, sir.

16 Q And are you or were you at that time acquainted
17 with Tommy McKnight?

18 A Yes, sir, I also knew him. He was dating a cousin
19 of mine.

20 Q Okay. I couldn't hear that last part?

21 A I said he was dating a cousin of mine, so I did
22 know him.

23 Q Okay. Alrighty. Do you see him in the courtroom
24 today?

25 A Yes, sir.

- 1 Q Is that Mr. McKnight over there?
- 2 A Yes, sir.
- 3 Q All right, sir -- all right, ma'am. Thank you.
- 4 Now, Mr. McKnight arrived at that property how, on
- 5 foot or by automobile or how?
- 6 A He was on a bike.
- 7 Q Okay. And that was not his residence, was it?
- 8 A No, sir.
- 9 Q Okay. Was one of the other people there Isaac
- 10 Williams?
- 11 A Yes, sir, he was there.
- 12 Q Was that property his residence?
- 13 A No, sir.
- 14 Q Okay. He was a guest at the party also, correct?
- 15 A Yes, sir.
- 16 Q All right, now, tell the jury what happened from
- 17 the point where Mr. McKnight arrived.
- 18 A I can remember him arriving on a bike.
- 19 Q Uh-huh.
- 20 A And him and Isaac got into it about a dog.
- 21 Q Okay.
- 22 A And I remember them getting into it about a dog. I
- 23 remember that they started fighting. It was -- it
- 24 was a couple of more people out there, but I can't
- 25 put together who was all out there.

1 Q Okay.

2 A Okay, when they -- they started the altercation,
3 they ended up in the road, and that is when he cut
4 Isaac.

5 Q Uh-huh.

6 A That is all that I can remember. I can't remember
7 who was all out there and who all hit him or -- I
8 just remember him and Ike getting into it about the
9 dog.

10 Q Okay. Now, when you say -- when you testify that
11 you remember them getting into it about the dog,
12 could you hear what was being said?

13 A Actually, I couldn't.

14 Q I'm sorry?

15 A I couldn't, actually. I just know that it was a
16 question asked about the dog.

17 Q Uh-huh.

18 A And I didn't -- I couldn't get a response. I
19 didn't hear a conversation going on. That is just
20 when they started fighting and stuff.

21 Q Was Mr. McKnight straddling his bicycle or had he
22 gotten off of his bicycle when this argument
23 started?

24 A What I'm thinking is he -- I can't remember if he
25 fell off the bike or he got off the bike, to be

1 honest with you.

2 Q Okay. Now, I believe a second ago you said that --
3 I don't mean to put words in your mouth, but I
4 think you said, I don't know who hit him, or words
5 to that effect.

6 When you say *him*, who do you mean by *him*?

7 A Thomas McKnight.

8 Q He was -- at some point he was hit, is that
9 correct?

10 A Yes, sir.

11 Q With what?

12 A He got hit with a bottle.

13 Q Okay.

14 A And I don't remember who hit him.

15 Q Okay.

16 A I really can't put it together about who hit him
17 with the bottle and who all was fighting him.

18 Q When he got hit -- first of all, you -- wherever
19 you were in that yard -- and you had a clear view
20 of him, is that correct?

21 A Yes, sir.

22 Q Okay. When you say he was hit with a bottle, was
23 it someone swinging a bottle at him?

24 A The bottle was thrown.

25 Q Okay.

1 A And it hit him. And I'm not sure whether he fell
2 off the bike then or he got off the bike. That is
3 where I'm kind of confused at. I can't remember
4 it.

5 Q Now, when the altercation started, Mr. McKnight was
6 where?

7 A He was on the sidewalk on his bike.

8 Q And you said they all ended up out in the street,
9 correct?

10 A Yes, sir.

11 Q That would indicate that Mr. McKnight moved
12 backwards, correct?

13 A Moved?

14 Q Away from the house, is that correct?

15 A Yeah. Like the house is here(indicating).

16 Q Uh-huh.

17 A And the street is here(indicating). The sidewalk
18 is here in front of the house(indicating).

19 Q Uh-huh.

20 A They were on the sidewalk first.

21 Q Uh-huh.

22 A And whenever it happened, they ended up in the
23 road.

24 Q So that would have been movement away from the
25 house, correct?

- 1 A Yes, sir.
- 2 Q So the people that were in the yard would have been
3 moving towards Mr. McKnight, correct?
- 4 A Yes, sir.
- 5 Q And you think that -- do you think one of those
6 people was Ike Williams?
- 7 A Yes, sir.
- 8 Q And there were others involved?
- 9 A Yes, sir. I can't remember who. Because it was
10 like, like a place where everybody hung out at.
11 And I can't remember who all was there.
- 12 Q Okay.
- 13 A But I can remember Ike and Thomas because of --
- 14 Q Okay.
- 15 A -- the fact that that happened. But I cannot put
16 the place where -- who was everybody else that was
17 there.
- 18 Q Okay. Did you hear Tommy or -- excuse me, did you
19 hear Mr. Williams -- I think you testified you
20 couldn't hear what was being said, right?
- 21 A No, actually I couldn't. I couldn't really hear
22 what was said, but I know that it started about a
23 dog.
- 24 Q Okay. Alrighty. What happened after Mr. Williams
25 got injured? I mean, what did you do after

1 Mr. Williams got injured?

2 A I mean, I stood there. He -- once he got cut, he
3 turned around to go back to the yard.

4 Q Okay.

5 A And was saying that he got cut, he got him. And I
6 thought maybe he was holding a rag over his
7 stomach, but it was the inside of his stomach
8 already out.

9 Q Okay.

10 A By the time he made it to the yard, he fell down.

11 Q Okay.

12 A And that is when somebody called the cops and the
13 ambulance, and they came.

14 Q All right, ma'am. And at some point you left?

15 A Yes, I left. I was all nervous and scared. I
16 left.

17 Q Okay. Did you leave before any police officers
18 arrived?

19 A Yes, I left before the cops came.

20 Q Did you see when they were fighting in the road?
21 Did you see anybody with a weapon?

22 A No, the only weapon that was in the fight was a
23 bottle. But I can't -- I can't remember who hit
24 him with the bottle.

25 Q Okay. By *him* you are referring to is Tommy

1 McKnight?

2 A Yeah, Thomas McKnight.

3 Q All right, ma'am.

4 MR. RILEY: Begging your indulgence, Judge.

5 THE COURT: All right.

6 (Pause.)

7 Q Ms. Drakeford, the other individuals that you said
8 were out in the roadway also, if you remember, how
9 close were they to Thomas McKnight?

10 A They were -- they were not that close. They wasn't
11 close as Mr. Williams.

12 Q Did it appear to you that those other
13 individuals -- and there were two others, right?

14 A I think it was two other people. I'm not sure. I
15 really can't remember --

16 Q Did it --

17 A -- if it was two people or three people, because I
18 can't remember that. I can't put that to place.

19 Q Okay. Let me ask you this. In addition to Mr.
20 Williams, the others that were out in the street
21 with Tommy McKnight, did it appear to you they were
22 taking part in the scuffle or altercation, whatever
23 you want to call it?

24 A No, not really. It was like they were all just in
25 the street. And I'm not -- I'm not sure if --

1 well, maybe they could have because somebody hit
2 him with a bottle. I can't remember who hit him
3 with that bottle.

4 Q *Him* being Tommy McKnight?

5 A Thomas McKnight, yeah. I can't remember if they
6 were -- they were all fighting him or whatever
7 happened.

8 Q All right, ma'am. Do you remember if there was a
9 street light in front of that house?

10 A Yes, it was.

11 Q And was it on that night?

12 A Yes, it was.

13 Q So you could see pretty clearly?

14 A Yes, I could see. Well, I mean, yes just
15 remembering. It has been so long.

16 Q I understand.

17 A Long time ago.

18 Q Thank you, ma'am.

19 MR. MEADORS: Very briefly.

20 THE COURT: Sure.

21 CROSS-EXAMINATION

22 BY MR. MEADORS:

23 Q Good afternoon, Ms. Drakeford.

24 A Yes, I'm done.

25 Q I said good afternoon.

1 A Thank you. How are you?

2 Q Is it fair to say everybody was -- I'm not implying
3 whether you were or not, if you were, I'm not
4 asking, but is it fair to say everybody was
5 drinking a little bit?

6 A Yes, sir.

7 Q Socializing?

8 A Yes, sir.

9 Q And you said you remember there was some talk about
10 a dog?

11 A Yes, sir.

12 Q I think -- I have written down here, fight started
13 about a dog maybe?

14 A Yes, sir.

15 Q Some talk about a dog?

16 A That is what it was about, about a dog.

17 Q Two of them fighting about the dog, right?

18 A Yes, sir.

19 Q And Mr. Riley asked you a couple of questions --
20 you didn't see the bottle get thrown, fair to say,
21 right?

22 A Yes. I can't remember.

23 Q And he asked you about whether other people were
24 that close. I have written down he said, well,
25 other individuals, they weren't that close?

1 A No, sir.

2 Q So when the fight happened, it was just the two of
3 them out there in the street, right? Just two of
4 them?

5 A Just two of them.

6 Q Like they are going to fight?

7 A Yes, sir.

8 Q Okay. Thank you.

9 MR. RILEY: Nothing further.

10 THE COURT: You can step down.

11 THE WITNESS: Thank you.

12 (Witness steps down.)

13 THE COURT: I guess she can be excused. Does
14 anybody need anything? You are free to go.

15 THE WITNESS: Thank you.

16 (Witness is excused.)

17 MR. KIRINCICH: We call Investigator Eric
18 Tisdale.

19 (WHEREUPON, a bench conference was held
20 in the presence of the jury but out of
21 the hearing of the jury.)

22 THE CLERK: Place your left hand on the Bible
23 and raise your right hand, please.

24 (Witness complies.)

25 THE CLERK: Do you swear or affirm the

1 evidence you give in this case will be the truth,
2 the whole truth, and nothing but the truth, so help
3 you God?

4 THE WITNESS: I do.

5 THE CLERK: Please be seated, and state your
6 name for the record.

7 THE WITNESS: Eric Tisdale, Kershaw County
8 Sheriff's Office.

9 ERIC TISDALE, after being
10 duly sworn, testified as follows:
DIRECT EXAMINATION

11 BY MR. KIRINCICH:

12 Q Lieutenant Tisdale?

13 A I am.

14 Q Lieutenant Tisdale, as you are well aware, we're
15 here for the Tommy McKnight case. And can you tell
16 the jurors, can you remember what your brief
17 involvement in this case was?

18 A In this case?

19 Q Yes, sir.

20 A I was on call. I'm not sure what the year or what
21 the date is when this took place, this particular
22 case. And I was called -- I can't remember the
23 name of the street, unless you show me a search
24 warrant, to assist on a search warrant.

25 The house that they was wanting to do -- the

1 city was wanting to do a search warrant on was in
2 the county. And I was the on-call investigator,
3 and I responded to execute the search warrant.

4 Q And that is all your involvement was in this case?

5 A Yes, sir.

6 Q Will you tell the jury what your role is as an
7 investigator for the Kershaw County Sheriff's
8 Department?

9 A Yes, sir. Of course, I work for the Kershaw County
10 Sheriff's Office as a lieutenant in investigations.
11 Our job is to -- when reports are filed in the
12 Sheriff's Office through our road deputies, once
13 they are assigned to us, we pick up the case and
14 actually start working the case and try to make
15 leads to solve a crime that has occurred.

16 Of course, we collect -- if we're called to a
17 scene, we collect evidence on the scene, submit it
18 to SLED to be processed, and make that case ready
19 for court.

20 Q And I may have missed it, but sometimes cases are
21 given to you to investigate by other deputies who
22 aren't as trained as you to investigate cases, is
23 that correct?

24 A That's right.

25 Q And roughly how many cases would you say came

1 across your desk each year?

2 A I was assigned to the Elgin area of Kershaw County.
3 I averaged anywhere from 50 to 60 cases a month,
4 whatever the math ends up being a year.

5 Q So a case from 2003, you are not likely to remember
6 the details of that case off the top of your head?

7 A No, sir.

8 MR. KIRINCICH: Your Honor, may I approach the
9 witness?

10 THE COURT: Sure.

11 (WHEREUPON, Defendant's Exhibit No. 2
12 was marked for identification only.)

13 Q If you can look these over and identify the
14 documents.

15 (Pause.)

16 THE COURT: All right, he's looked them over
17 and ready to identify them.

18 Q Investigator Tisdale, what are the first two pages
19 that I handed you?

20 A The first two pages are the indictment that was
21 provided by the Solicitor's Office on the charge of
22 assault and battery of a high and aggravated
23 nature.

24 Q And the third page?

25 A Is the warrant, arrest warrant that I signed on

1 September 15th, 2003. Melvin Drakeford, assault
2 and battery of a high and aggravated nature.

3 MR. MEADORS: Respectfully, for the record we
4 object, specifically as to relevance. It does not
5 have anything to do with this case or this victim.

6 THE COURT: I understand. It is a position.
7 It is up to the jury.

8 MR. KIRINCICH: Thank you.

9 Q And the fourth page?

10 THE COURT: Jurors, all this is just going
11 around and around. All right, here is the deal.
12 Apparently, without looking at it, he, being
13 Mr. McKnight, was the victim of some crime that
14 predated that. And they represent that he carried
15 a knife for that, that is why he had a knife. They
16 are going to argue that as against the inference of
17 malice arises out of use of a knife. But the fact
18 you are entitled to carry one does not authorize
19 you to unlawfully use it. You can be authorized to
20 carry a pistol. One of these officers sitting here
21 authorized to carry a pistol can stand up and say,
22 I don't like you, Judge, bang, you know. He is
23 authorized to carry it, but would have no business
24 shooting me. That is all. But it comes in for
25 y'all to consider. They are just fussing about it.

1 The fact that it is in, it is another thing y'all
2 can consider on inference of malice. But you are
3 not bound by it one way or another. That is for
4 y'all to weigh.

5 MR. KIRINCICH: Thank you, Your Honor.

6 Q And the fourth page, I'm not sure if you identified
7 that?

8 A I'm not familiar with it. It appears to be a
9 police sheet or some type of sentencing sheet.

10 Q Getting down to the meat and potatoes, then. You
11 were the affiant on this warrant, is that correct?

12 A That's correct.

13 Q Can you go ahead and read what your statement is on
14 the warrant that you swore to?

15 A Yes, sir. This is what I typed into my warrant for
16 probable cause.

17 On September 14th, 2003, around 1:12 a.m., the
18 Defendant, Melvin Drakeford, along with a
19 Co-Defendant, did intentionally commit a battery
20 upon Tommy McKnight by striking him in the head
21 with a baseball bat causing the victim to seek
22 medical attention at Kershaw County Medical Center.
23 It took place at [REDACTED] Chestnut Street, Camden, in
24 Kershaw County, South Carolina.

25 Q And was that [REDACTED] Chestnut Street? Is that the same

1 house you served the warrant on?

2 A I'm not sure, don't remember.

3 Q Is that the same incident Mr. Drakeford is indicted
4 for in the indictment sheet that you have?

5 A It doesn't say.

6 Q Can you read the indictment, the second page of the
7 indictment? You testified in front of the Grand
8 Jury?

9 A Yes, sir.

10 Q Is that correct?

11 A You want me to read it?

12 Q Yes, sir. Yes, sir.

13 A Assault and battery of a high and aggravated
14 nature. That Melvin Drakeford did, in Kershaw
15 County, on or about September 14, 2003, commit
16 assault and battery upon the victim, Tommy
17 McKnight, constituting an unlawful act of violent
18 injury to the person of the said victim,
19 accompanied by circumstances of aggravation, in
20 violation of the common law of South Carolina.

21 Q And on the fourth page for what you call the plea
22 sheet, sentencing sheet, is that the same
23 indictment number for what Mr. Drakeford was
24 indicted as?

25 A It is, 440.

1 MR. KIRINCICH: Your Honor, we just move to
2 introduce those. They are certified copies from
3 the Clerk of Court's Office.

4 THE COURT: They can come in.

5 (WHEREUPON, Defendant's Exhibit No. 2
6 was admitted into evidence.)

7 Q Thank you, Investigator Tisdale.

8 CROSS-EXAMINATION

9 BY MR. MEADORS:

10 Q You were an investigator?

11 A Yes, sir.

12 Q The date on the warrant -- you still got it?

13 A The date of the warrant, is that what you asked?

14 Q Date of the incident on that warrant, please?

15 A Date of the incident placed on the warrant was
16 September 14th, 2003.

17 THE COURT: This indictment?

18 Q And Mr. Kirincich asked you your role in this case.
19 It is just a very important role, don't get me
20 wrong, but the Defendant's house was in the county,
21 somebody from the Sheriff's Department has to come
22 and help execute the search warrant with the city
23 if it is a city case?

24 A That's right.

25 Q And you, on behalf of Sheriff McCaskill, were doing

1 that?

2 A Yes, sir, I was.

3 Q And looking on -- and other than that, this is a
4 city case, isn't it?

5 A That's correct.

6 Q And the date on this indictment in this case is
7 what?

8 A When it is alleged it happened? September 23rd of
9 2005.

10 Q Two years after this?

11 A Yes, sir.

12 Q And you are the chief investigating officer, the
13 best you can remember. Isaac Williams, the dead
14 person in this case, the victim, he wasn't even
15 involved in this case at all, was he?

16 A In which case are you talking about?

17 Q In the case he asked you about in 2003. This is
18 Melvin Drakeford.

19 A It does not specifically -- it says with
20 Co-Defendant. I'm not sure.

21 Q Well, I'll show you the Co-Defendant's name right
22 over here.

23 THE COURT: Just tell him it is not him. I
24 mean, we don't -- it was not him.

25 MR. MEADORS: I'm just trying to --

1 THE COURT: I know.

2 MR. MEADORS: That is not the --

3 Q Joseph Alexander?

4 A Yes, sir.

5 Q So Isaac Williams wasn't even involved in this
6 case?

7 A That's correct.

8 Q And as a matter of fact, our office represents
9 McKnight as a victim and got him some money on
10 restitution, didn't we?

11 A Yes, sir.

12 Q Zack Atkinson over there was Prosecutor at the
13 time?

14 A Yes, sir.

15 Q That's all. Thank you.

16 MR. KIRINCICH: Nothing further.

17 THE COURT: You can step down. You are
18 excused.

19 (Witness steps down and is excused.)

20 MR. KIRINCICH: Your Honor, may we approach?

21 THE COURT: You can approach.

22 (WHEREUPON, a bench conference was held
23 in the presence of the jury but out of
24 the hearing of the jury.)

25 THE COURT: All right, jurors, we are actually

1 waiting on one witness, who is a very short
2 witness, but she is what, a state employee or
3 county employee, city employee, who is on the way.
4 She is not here, so just take a little break. On
5 TV they can put it all in in an hour, but we can't
6 do that in real life.

7 (WHEREUPON, the jury retires to the jury
8 room at 2:34 P.M.)

9 THE COURT: What is next?

10 MR. KIRINCICH: We have Dena Horton.

11 MR. MEADORS: What is she going to testify to?

12 MR. KIRINCICH: Two prior incidents where
13 Mr. McKnight was a victim within City of Camden
14 limits, similar to Investigator Tisdale's
15 testimony.

16 THE COURT: Has anybody been convicted of
17 those, or just allegations?

18 MR. KIRINCICH: Your Honor, I don't think the
19 assailant was able to be identified in the first
20 encounter in 2000. The 2005 case was July 2005.
21 Ms. Horton told me it is still a pending case.
22 They never called it because Mr. McKnight was
23 unavailable to come to court.

24 THE COURT: What about it?

25 MR. MEADORS: A 2000 incident.

1 THE COURT: 2000, can't testify to that.
2 2005, she can talk one sentence about it, and
3 that's all. She does not know anything about it
4 other than she says he was an assailant.

5 MR. KIRINCICH: That's fine, Your Honor. Just
6 as long as we can have her say that they have a
7 file he was a victim in 2005 of assault and battery
8 from two individuals, Your Honor.

9 THE COURT: I mean, you know, listening to it,
10 nobody ought to live on Campbell or lower Chestnut
11 Street, it is just trouble down there. People sit
12 around drinking all day, pot in their pockets.

13 All right, bring the jury in.

14 (WHEREUPON, the jury came into open
15 court at approximately 3:04 p.m.)

16 THE COURT: Okay, if you are ready.

17 MR. KIRINCICH: Your Honor, the Defense calls
18 Ms. Dena Horton.

19 THE COURT: All right.

20 THE CLERK: Place your left hand on the Bible,
21 and raise your right hand, please.

22 (Witness complies.)

23 THE CLERK: Do you swear or affirm the
24 evidence you give in this case will be the truth,
25 the whole truth, and nothing but the truth, so help

1 you God?

2 THE WITNESS: I do.

3 THE CLERK: Please be seated in the witness
4 chair, and please state your full name for the
5 record.

6 THE WITNESS: My name is Dena Lynn Horton.

7 DENA LYNN HORTON, after
8 being duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. KIRINCICH:

10 Q Ms. Horton, will you tell the jury what your job is
11 and how long you've been doing it?

12 A I was Victim Advocate for the Camden Police
13 Department, and I have been there since November of
14 1999.

15 Q And, Ms. Horton, in 2005 did you have the
16 opportunity to deal with Mr. McKnight as a victim?

17 A I have had an opportunity to -- not really, no.

18 Q Was he a victim in 2005?

19 A Yes.

20 Q In the city?

21 A Yes.

22 Q And what month was that?

23 A That was July.

24 Q And, just briefly, what was the allegation
25 Mr. McKnight made?

1 A He stated that he was assaulted.

2 MR. MEADORS: Let the record reflect we
3 object.

4 THE COURT: Yes, sir. She can just state
5 that. That is all she can say.

6 Q He was assaulted?

7 A Yes, sir.

8 Q By how many individuals?

9 A Two.

10 Q They were -- both happened in July 2005?

11 A Yes, sir.

12 Q And do you know where within the city it happened?

13 A Boykin Park.

14 Q Are you familiar with the city?

15 A Yes, sir.

16 THE COURT: All right, that is all I'm going
17 to let her say, Boykin Park. Everybody knows where
18 that is by now. We can throw a rock almost.

19 Q Thank you, Ms. Horton.

20 A Thank you..

21 MR. MEADORS: Very briefly.

22 CROSS-EXAMINATION

23 BY MR. MEADORS:

24 Q That was a simple assault and battery, correct?

25 A Yes, sir.

1 Q And the case is still pending, correct?

2 A Yes, sir.

3 Q The two alleged suspects were a fellow named Favor
4 and a fellow's named Thompson, correct?

5 A Correct.

6 Q No indication Isaac Williams had anything to do
7 with this at all, correct?

8 A Correct.

9 Q And this was something about them trying to get him
10 to buy crack cocaine or something?

11 A Yes, sir.

12 Q That's all.

13 THE COURT: All right, you can step down. You
14 are free to go back to work.

15 THE WITNESS: Oh, thank you.

16 (Witness steps down and is excused.)

17 MR. RILEY: Your Honor, but for the Court's
18 inquiry of the Defendant, the Defense rests.

19 THE COURT: All right. Defense rests.

20 MR. MEADORS: Can we approach?

21 (WHEREUPON, a bench conference was held
22 in the presence of the jury but out of
23 the hearing of the jury.)

24 THE COURT: Jurors, I try to be fair, all
25 right. I told the lawyers if they finished the

1 case before 3:00 we would argue and charge today.

2 Well, they didn't get a witness here on time,
3 so it is 3:05. I have to take a 15 minute break or
4 so and run over stuff with the attorneys. The
5 attorneys really don't care, they can argue today
6 and I can instruct you on the law and it would be
7 to you by ten minutes to 5:00 probably. That is
8 fair, isn't it, give or take?

9 MR. MEADORS: 5:00 probably.

10 THE COURT: Or we can wait and come in the
11 morning at 9:30 and take the same amount of time.
12 If you start deliberating, though, you will be here
13 a while.

14 So y'all just go back and talk it over and see
15 what you want to do. It doesn't have to be a
16 unanimous verdict. If you'd rather come back in
17 the morning, we can come back in the morning. We
18 have other things we can do. If you'd rather them
19 argue and charge and start deliberating tonight, we
20 can do that.

21 So just go, and let us know what you want to
22 do.

23 (WHEREUPON, the jury retires to the jury
24 room at 3:11 p.m.)

25 THE COURT: Mr. McKnight, you discussed it

1 with your attorneys and I went over with you your
2 right to testify. You can still testify if you
3 want to, you understand?

4 THE DEFENDANT: Yes, sir, I do.

5 THE COURT: You elected not to testify? Or
6 not? I don't know.

7 THE DEFENDANT: Your Honor, it is clear that I
8 don't want to testify.

9 THE COURT: All right, that's fine. So I have
10 the verdict form typed out: Not guilty, guilty of
11 murder, guilty of voluntary manslaughter, and
12 guilty of involuntary manslaughter. Not guilty is
13 first of course. That's the verdict form.

14 MR. MEADORS: I usually like it the other way.

15 THE COURT: I know you'd rather have it murder
16 and not guilty last, but there you go.

17 So anything y'all want me to charge, whatever
18 the jury does, that we haven't charged, if you have
19 some I'll look at them.

20 MR. MEADORS: I trust Your Honor's judgment.
21 I know we just did that one a few months ago.
22 Obviously experts, and then your reasonable doubt
23 charge. I guess you will do like you did last time
24 kind of.

25 MR. RILEY: I have no doubt these are all part

1 of your standard charges.

2 THE COURT: Well, I mean, I don't read things,
3 so I don't know.

4 MR. MEADORS: Very sad -- it is right out of
5 Judge Anderson's charge book as far as self-defense
6 since this happened in 2005. I think we already
7 talked about it would be the same self-defense law
8 codified in 2006. But I tried State v. Dickey,
9 which would have happened a couple of months before
10 the codification. Judge Johnson, God rest his
11 soul, applied the self-defense law as it was at the
12 time. The law said it was not -- it would not be
13 applied retroactively. That was upheld in Dickey.
14 I do think it be the law at the time, which Your
15 Honor has already said.

16 THE COURT: Well, the self-defense charge
17 y'all handed up --

18 MR. MEADORS: I have not looked at their
19 self-defense charge.

20 THE COURT: The jury said they prefer to get
21 the full load today. Do y'all need a break?

22 MR. MEADORS: Yes, sir.

23 THE COURT: Tell them if they want it today
24 the attorneys have to go comb their hair, it will
25 be about ten minutes. All right.

1 (WHEREUPON, a short break was taken.)

2 (WHEREUPON, the jury came into open
3 court at approximately 3:17 p.m.)

4 THE COURT: All right, Mr. Walters said the
5 jury is ready. I said, well, bring them in. The
6 attorneys get ready to go. Then he said no, they
7 are ready to go home.

8 So, all right, y'all can go home. Don't talk
9 about the case. Be back in the morning at 9:30 and
10 we'll be ready to roll. We are ready to roll now,
11 but, like I say, it will be after 5:00 now before
12 you got it.

13 See you in the morning at 9:30. And don't go
14 down to Boykin Park and be taking measurements or
15 anything.

16 (WHEREUPON, the jury is excused at 3:18
17 p.m.)

18 THE COURT: All right, Ms. McDonald, I don't
19 need the jury to come in, or do we?

20 MR. MEADORS: Mr. Moak will be opening on the
21 law, just for the Court's -- if that is all right.

22 THE COURT: Okay.

23 MR. RILEY: Since we are all here and the door
24 is closed, the jury is gone, right? I just want
25 you to clarify something for me. It is on capital

1 cases that I get -- regardless of whether I
2 introduced any evidence or not, it is on capital
3 cases I get the last argument, right?

4 THE COURT: Yes, that's right.

5 MR. MEADORS: Thank you, Your Honor.

6 THE COURT: Okay, we'll see y'all in the
7 morning at 9:30.

8 (WHEREUPON, the trial adjourned for the
9 day at 3:20 p.m.)

10 MARCH 19, 2009

11 MR. RILEY: Judge, there are a couple of
12 matters.

13 THE COURT: Here I am.

14 MR. RILEY: First of all, Judge, it is my
15 understanding that Mr. Moak will be opening on the
16 law. I wanted some clarification from the Court to
17 make sure that he does exactly that and doesn't
18 discuss the facts of this case.

19 MR. MEADORS: He will be able to give a few
20 brief facts to explain the law, which we have
21 always done. Obviously, he has got to explain, we
22 believe, respectfully, that this is why this is
23 written briefly. I don't know how else we can do
24 it without explaining it. I doubt he will steal
25 much from me.

1 THE COURT: He is not going to talk much about
2 it.

3 MR. RILEY: Thank you. And I believe
4 Mr. Kirincich has a matter.

5 MR. KIRINCICH: Your Honor --

6 THE COURT: All right, Mr. Kirincich.

7 MR. KIRINCICH: We discussed this yesterday up
8 there with you, and it wasn't put on the record,
9 just about the Fuller charge. I asked for
10 clarification on the State v. Fuller charge for
11 self-defense, about charging the jury with the
12 facts of the case for self-defense.

13 At that time you said that that was not
14 permissible, and I just wanted to get clarification
15 and get that on the record.

16 THE COURT: I'm not going to charge them on
17 the specific facts of this case. It is up to the
18 jury to take all the facts in consideration.

19 MR. KIRINCICH: Thank you, Your Honor.

20 THE COURT: Now, generally when they come in,
21 I go ahead and tell them he didn't testify and he
22 didn't have to, rather than waiting until I do the
23 charge.

24 MR. KIRINCICH: That's fine.

25 THE COURT: That's what I'm going to do. I'm

1 just telling y'all. I don't want anybody objecting
2 when I do it, because that is what I always do.
3 All right. Everybody ready? Huh-oh.

4 THE DEFENDANT: Your Honor, with all respect,
5 I have a couple of claims I want to state for the
6 record.

7 THE COURT: What?

8 THE DEFENDANT: Pursuant to Article I, Section
9 11 of the South Carolina Constitution, the only
10 time Grand Jury indict irrespective of a county and
11 other authorities, including procedure, is when the
12 General Assembly provide.

13 The other one is about on a petition to motion
14 this Honorable Court for the Grand Jury minutes of
15 the indictment, June 11th, 2008, General Sessions,
16 28-2183.

17 Unobjected to statements by Solicitors while
18 jury is in that Tommy McKnight was paid through
19 restitution. It is not complete.

20 No objection to question as knowingly
21 confrontation Tommy McKnight with no deviance as to
22 know of in violation of South Carolina Rules of
23 Evidence.

24 Denied prescribed Sixth Amendment right to
25 assist counsel during presenting to Court of defect

1 of indictment preserving the record for review.

2 Denied prescribed United States Constitutional
3 Amendment 10.

4 The first officer that was on the witness
5 stand was D. A. Hagan.

6 THE COURT: Okay, I don't know what you are
7 doing, but you aren't going to be able to go over
8 what everybody said. The attorneys have objected
9 when they should have. You might have disagreed
10 with everything anybody said, but that is jury
11 argument, it is not something you can do. If they
12 haven't done something properly, there is a
13 procedure for that later.

14 I mean, the jury is back there. They wonder
15 why we aren't going with it. We are going to go
16 ahead.

17 As far as the Grand Jury meeting, all that has
18 changed. Now every six months the Chief Judge sets
19 the terms and it is authorized. The Chief Judge
20 sets the terms and the Grand Jury will meet for the
21 next six months. That is how it is done. All
22 right? That has been done that way at least for 20
23 years, so -- as long as I have been a judge, so
24 probably before that.

25 THE DEFENDANT: If it's not a legitimate

1 claim, then disregard it. I'm just stating it for
2 the record.

3 THE COURT: All right.

4 THE DEFENDANT: The hearsay statement about
5 fight or resisting when the officer didn't arrive
6 yet.

7 THE COURT: The officer was not there. I
8 mean, you can't try your case. Your attorney is
9 going to argue all that to the jury.

10 THE DEFENDANT: Thank you.

11 THE COURT: Right. All right.

12 THE BAILIFF: Are you ready?

13 THE COURT: All right, bring the jury in. I
14 need the indictment and sentence sheet -- verdict
15 sheet.

16 (WHEREUPON, the jury came into open
17 court at approximately 9:44 a.m.)

18 THE COURT: Okay, it looks like the jury is
19 present.

20 Jurors, all the evidence is in. The next
21 stage is the attorneys are going to sum up. Now,
22 some call it closing argument; however, you don't
23 get to talk back, so it really is not argument.
24 You have to listen to what they say.

25 This is how it operates. The State opens and

1 closes. The first statement, I think Mr. Moak is
2 going to do that. He just opens on the law.

3 Now, if he says some law -- and I don't know
4 what he is going to say -- and it differs from what
5 I tell you, you go with what I say, not from what
6 he says, all right? I'm not even vaguely
7 suggesting he is going to misquote anything, it is
8 just that you take what I say on that. He just
9 opens on the law.

10 And then the Defense will argue, make their
11 summation. I don't know whether one or both are
12 going to do it, but, anyway, they will do that.

13 And then I understand Mr. Meadors is going to
14 close. He can close in full or he replies to what
15 the Defense said, and so forth.

16 Now, y'all understand their summations are not
17 evidence. They will, chances are, accentuate the
18 facts in the light most favorable to their
19 position. Y'all are the ultimate fact finders in
20 this particular case.

21 Now, the Defendant obviously did not testify.
22 Remember, I told you at the start he has no burden
23 to prove he is not guilty. He has a constitutional
24 right not to testify. The fact that he didn't
25 testify can't even be considered by y'all on the

1 issue of whether he is guilty of anything embraced
2 within this indictment. You are not even to
3 discuss that. All right? He didn't even have to
4 call any witnesses.

5 But here we go. Mr. Moak, are you ready?

6 CLOSING STATEMENT

7 MR. MOAK: My name is Ron Moak. I haven't
8 done a whole lot before you in the past three or
9 four days. But I have been here, listening and
10 watching, participating in this trial, as y'all
11 have.

12 First off, I want to let you know that I'm
13 coming off a bad ear infection. I haven't really
14 been hearing too good. So when I was up here doing
15 things, that has been a problem I've had, so just
16 to explain that.

17 But, anyway, I'm an Assistant Solicitor. I
18 work for Solicitor Giese. My job, as well as
19 Mr. Meadors' job, is to present criminal cases in
20 court. We present our side. The Defense presents
21 their side.

22 You, the jury, it is y'all's decision -- we
23 couldn't do this without you. If we didn't have
24 you, we would have nobody to decide who was right.
25 Okay?

1 Now, the burden that we have to prove this by
2 is beyond a reasonable doubt. Okay? In every
3 criminal case in the United States -- just like to
4 be convicted of a crime you have to have a jury
5 trial to do that -- the State has to prove beyond a
6 reasonable doubt.

7 Proof beyond a reasonable doubt is proof that
8 leaves you firmly convinced of the Defendant's
9 guilt.

10 There are very few things in this world that
11 we know with absolute certainty. And in criminal
12 cases, the law does not require proof that
13 overcomes every possible doubt. The law does not
14 require that if based on your consideration of the
15 evidence you are firmly convinced that the
16 Defendant is guilty of the crime charged you must
17 find guilty.

18 If, on the other hand, you think there is a
19 real possibility that he is not guilty, you must
20 give him the benefit of the doubt and find him not
21 guilty.

22 Now, a lot of times -- and we have done a lot
23 of trials -- jurors sometimes come back wanting to
24 ask a question like, what does that mean. Okay?

25 What it means is you are being asked to render

1 a verdict. Verdict comes from the Latin word
2 veredicto, which means true saying. So basically
3 we're wanting y'all to basically say what you think
4 truly happened.

5 All of that, what a reasonable doubt is, the
6 way the system is set up, is what you think is
7 reasonable doubt.

8 An example of an unreasonable doubt -- I can
9 tell you what is unreasonable. Earlier this week
10 it was raining. It was real cloudy. And at noon
11 it was cloudy and raining. You might have looked
12 up and like, oh, it is all cloudy. I doubt the sun
13 is up there. That would be an unreasonable doubt
14 because everybody knows even though the clouds and
15 stuff is in the way you know the sun is there.
16 That is unreasonable doubt.

17 Other examples I've heard have been like, you
18 know, whether or not the sun is going to come up
19 the next day, but you know that it is unreasonable
20 to doubt that.

21 And the reason we're asking you for a verdict
22 is, because that is what, a true saying, that is
23 what this is for, this is a search for truth. You
24 try and figure out what truly happened. And that
25 is what the beyond a reasonable doubt means. Okay?

1 Now, how do you do this? Okay? How do we
2 present our case? We call witnesses. You have
3 heard Dr. Sexton. You have heard Officer Hagan.
4 You heard Travis Johnson and Jasmin Floyd, Shelton
5 Glover, Debra Joyner, Stephanie Cornish, Dr. Laura
6 Mills from SLED, Lee Boan and Ed Corey. I think
7 that is all the witnesses we have called. We
8 called them to the stand. They swear on the Bible
9 to tell the truth, nothing but the truth, so help
10 me God. And they take the stand and they tell you
11 what they saw happen, what they heard happen, what
12 they did.

13 In the case of Laura Mills, she did her tests
14 and came up with what matches the blood. That is
15 how we present our case with the witnesses and the
16 evidence.

17 Some of the witnesses said, hey, I took these
18 pictures, and we showed you the pictures. That is
19 how we present this.

20 Now, that is where you get all your pieces to
21 the puzzle, kind of like when you try to figure out
22 what truly happened, like if you try to make a
23 picture of what truly happened, you have got a lot
24 of pieces to put in there. Okay?

25 And one of the things that you are asked to do

1 is to judge credibility. And, you know, these are
2 some things that normally cases are said -- these
3 are things you can kind of take into account:

4 The demeanor of the witness on the stand.
5 Were they forthright? Did they immediately answer
6 the question? Were they hesitant? Did they try to
7 dodge the question?

8 Again, was the witness forthright or hesitant?
9 Was it consistent? Was the testimony consistent?
10 Did they keep saying the same thing? Did they
11 change the facts, or that kind of thing?

12 Was the testimony of the witness corroborated.
13 Okay? You have got one witness saying one thing,
14 everybody else says the same thing, that is
15 corroboration. Or you have got pictures to show
16 that, that is corroboration. But if you have got
17 one witness saying one thing and everybody is
18 saying something completely different and the
19 pictures are different, then, you know, that is
20 something you have got to take into account.

21 And then Number Five, did the witness have a
22 reason to be bias or prejudiced? The way I have
23 heard that explained is do you have a dog in the
24 fight? Do you have something to gain or lose?
25 Okay?

1 Sometimes when we have got a case where we
2 have got two guys charged with the same thing, one
3 of them is testifying, one of them is at trial.
4 Then, you know, he's got a -- he may have an
5 interest to testify one way hoping he is going to
6 get a lighter sentence. I mean, that is an example
7 of that.

8 But all of that, we know that is kind of
9 guidelines. It is not set in stone. You have to
10 look at those areas. But that is the guidelines
11 for credibility.

12 And the best way to put all that in common
13 sense terms, those of y'all that have children,
14 let's say you are in the other room, your kids are
15 in the kitchen. The cookie jar -- you hear
16 something break. You come in. The cookie jar
17 broke. They are both pointing the finger at each
18 other.

19 You know, you have got to figure out which one
20 is telling the truth, if one of them did it, both
21 of them did it, or what happened. That is
22 something you do in everyday life where you judge
23 credibility.

24 Also, you go buy a used car, the used car
25 salesman has a dog in the fight, you know. Those

1 are things that everybody in their regular life has
2 to -- you learn through life how to judge
3 credibility.

4 That is why we use jurors. That is why -- you
5 know, one way I have heard it said is your life up
6 to this point has been your school to be a juror.
7 Okay? Every experience you've had in your life
8 kind of has taught you what you need to know to
9 judge credibility.

10 So when you're judging credibility, you get
11 all the pieces of the puzzle, the ones you think
12 really happened and the ones you think are true,
13 you pull those pieces out, those are the ones you
14 are going to use to make your puzzle. Okay? There
15 might be some you leave out because you didn't
16 believe them. Okay.

17 Now, there is two types of evidence. There is
18 direct evidence and circumstantial evidence. Okay?

19 Direct evidence is stuff like, you know, I saw
20 him stab him. You know, that is direct evidence of
21 that. Okay?

22 Circumstantial evidence is -- and I'm going to
23 read it -- kind of like you have -- you are trying
24 to prove that this happened, like it was a house
25 where somebody got shot. Well, you prove he was

1 murdered. You've got a neighbor heard a gunshot.
2 Another neighbor has seen somebody run out. You've
3 got the gun in the guy's house. All of that tends
4 to point at whether or not the -- his guilt.

5 One way to draw this up is you take what
6 you're trying to prove and then you've got the
7 facts out here. There is circumstantial evidence.
8 And if it all points that way -- and there might be
9 some things pointing the other way, but
10 circumstantial evidence is evidence that is not
11 direct evidence that points towards the existence
12 of the guilt. Okay? That is the way you draw it
13 up.

14 Now, what you are probably going to hear the
15 judge tell you -- and, by the way, the judge is
16 right, if I tell you something and the judge tells
17 you something else and I didn't say it quite right,
18 he is the judge of the law, that is his job, go
19 with him. Okay? There are two types of evidence
20 which are generally presented during a trial,
21 direct evidence and circumstantial evidence.

22 Direct evidence is the testimony of a person
23 who asserts or claims to have actual knowledge of a
24 fact, such as an eyewitness. I saw it, I heard it.

25 Circumstantial evidence is proof of a chain of

1 facts and circumstances indicating the existence of
2 a fact.

3 The law makes absolutely no distinction
4 between the weight or value to be given to either
5 direct or circumstantial evidence, nor is a greater
6 degree of certainty required of circumstantial
7 evidence than of direct evidence. You should weigh
8 all the evidence in the case.

9 After weighing all the evidence, if you are
10 not convinced of the guilt of the Defendant beyond
11 a reasonable doubt, you must find the Defendant not
12 guilty.

13 If, on the other hand, you are convinced of
14 the Defendant's guilt beyond a reasonable doubt,
15 then you must find him guilty.

16 That is what I believe the judge is going to
17 tell you when he charges you. That also says the
18 same thing.

19 There is another issue of circumstantial
20 evidence which is similar to this. Sometimes,
21 let's say we have a fact here that points that way,
22 we've got another fact here that adds to that to
23 get to that point.

24 And the way I kind of like to look -- that is
25 the chain of what -- the logical chain of

1 reasoning. Kind of like if you look at this,
2 you've got this right here, plus that right there,
3 equals the middle. Or like math, two plus two
4 equals four. Okay?

5 And I'll come back to this, because right now
6 you are probably wondering why I even told you
7 that, but I'll come back to that in a few minutes.

8 So, anyway, that is how we have to prove
9 everything beyond a reasonable doubt. We prove it
10 from the witness stand. Y'all judge the
11 credibility and decide which piece of the puzzle
12 you are putting in. The puzzle can be put together
13 with circumstantial evidence and direct evidence.

14 Now, what do we have to prove? The judge I
15 believe is going to give you four options on the
16 verdict form. One is going to be murder, one is
17 going to be voluntary manslaughter, one is going to
18 be involuntary manslaughter, and the other one is
19 going to be not guilty. Okay?

20 The first one is murder. Murder is the
21 killing of any person with malice aforethought,
22 either expressed or inferred. Okay?

23 Killing of any person. We know Ike Williams
24 was killed. I don't think that is even in dispute.
25 I mean, he was killed. Okay?

1 With malice aforethought. Start with
2 aforethought. Okay? Basically, the intent to
3 commit murder has to happen before you kill the
4 man. You can't just kill them and then realize
5 that you should have killed them afterwards and
6 then afterwards -- you have to have the malice
7 before you do it.

8 And it doesn't have to be like -- the whole
9 planning stage could be like -- the moment you pull
10 the trigger and the moment you swing the knife,
11 that is when it has to come in. Okay? It could be
12 a split second. Just happens before the fatal
13 blow. Okay? That is what aforethought means.

14 And that is common sense because you can't do
15 something and then it be worse because of your
16 actions after you do it. That's kind of the idea.

17 But malice, malice is a very important
18 element. Okay? The malice can be expressed or
19 inferred. Expressed means, I say I'm going to kill
20 you, you know. That is expressed. A lot of times
21 we don't have that. Sometimes we do, sometimes we
22 don't. We don't have that here. What we're
23 dealing with here I believe is inferred malice.
24 Okay?

25 Malice does not necessarily require ill-will

1 towards the person injured but signifies rather a
2 general malignant recklessness of the lives and
3 safety of others or condition of the mind that
4 shows a heart devoid of social duty and fatally
5 bent on mischief. Okay? That is what malice is.

6 It doesn't mean the guys happened to know each
7 other. It doesn't mean that they know each other
8 and they hate each other. It doesn't mean that.
9 It just means that you do something that shows that
10 you intentionally -- or doing something that
11 endangers the lives or the safety of others. Okay?

12 Inferred, that word inferred kind of puts in
13 the circumstantial picture where you got all the
14 facts surrounding. You are going to take all the
15 circumstances into account that point towards
16 malice.

17 One of the inferences for malice is if the
18 Defendant used a deadly weapon, like that knife,
19 you can infer malice. Okay? Just the use of that
20 weapon alone can be malice. Okay? And that will
21 be like the biggie. That would actually be the
22 middle, like the direct evidence use of the knife
23 is malice. Okay?

24 Now, other things that can show that,
25 basically the fact that I believe the witnesses all

1 testified -- and I'm not saying there was no beer
2 bottle. I think the witness said there was a beer
3 bottle hit to the head or beer -- one of them -- a
4 beer bottle was thrown. But I think they were
5 pretty much consistent Ike Williams didn't have a
6 beer bottle when he got cut. I believe they also
7 testified that after it was thrown, he was like,
8 leave. And the Defendant is, I'm not going to
9 leave, I want to drink my beer. Okay?

10 Well, at that point, you know, bringing the
11 knife out and cutting him, you know, that -- those
12 would all be things, facts to go around the circle
13 that point towards malice. Okay?

14 Again, Ike Williams is dead. He was killed.
15 He is a person. He was killed with that knife.
16 But all the facts and circumstances that point
17 towards malice, a big one is that knife itself.
18 Another is when the knife came out.

19 Notice you didn't hear anybody say, oh, he had
20 the knife before that. Some of the witnesses
21 didn't even know there was a knife until after he
22 was cut. So, you know, you could also infer that
23 he had it concealed.

24 Another thing that was not found was a sheath
25 for that knife. That knife is not a switch blade

1 or a fold blade. That is not something you can put
2 in your pocket. So I don't know where he was
3 carrying that, but, you know, nobody saw that
4 knife.

5 All of that you can take into account for
6 malice. Okay? And that is what murder is, the
7 killing of another person with malice aforethought.
8 Okay?

9 Now, murder has several things that are called
10 lesser included offenses. You start with unlawful
11 killing of another with malice aforethought. And
12 then the next step down is unlawful killing of
13 another without malice aforethought. Okay? That
14 would be voluntary manslaughter.

15 What the idea of lesser included, you have got
16 the big crime includes everything, and then the
17 next step down is like missing something, and then
18 the next step down is missing something else until
19 you get to the bottom. Okay?

20 Voluntary manslaughter is the unlawful killing
21 of another without malice in a sudden heat of
22 passion upon sufficient legal provocation.

23 The big difference between voluntary
24 manslaughter and murder is absence of malice.
25 Okay? There is case law in South Carolina that the

1 sudden heat of passion with sufficient legal
2 provocation can be two people fighting. Okay?
3 That right there can be the sudden heat of passion
4 and sufficient legal provocation.

5 So if you find that they were just like a
6 mutual fight, they were fighting each other, that
7 can be the heat of passion, legal provocation to
8 get to manslaughter. This is voluntary
9 manslaughter. Okay? But the big difference is no
10 malice. Okay? That is what voluntary is.

11 I believe there is enough witnesses -- all the
12 witnesses -- and, again, I didn't really hear Dee
13 Dee too good, I knew what all our people were going
14 to say, so I kind of could follow them better, I
15 didn't really know Dee Dee, the one they called, so
16 I didn't really hear what she said, so if she said
17 something different, I couldn't follow it. But our
18 witnesses, Travis Johnson, Debra Joyner, Jasmin
19 Floyd, Shelton Glover and Stephanie Cornish, I
20 think all of them argued -- and I think even Travis
21 said they squared up, the fight goes in the street.
22 That right there, they are fighting. So it could
23 be voluntary manslaughter.

24 I submit that -- I think -- I submit that the
25 evidence shows that it is murder, but there is case

1 law that fighting can be voluntary manslaughter.

2 Now, the last lesser included offense is
3 involuntary manslaughter. Okay? A lot of times
4 involuntary manslaughter comes in in the context of
5 cause. Like you have reckless homicide or
6 involuntary manslaughter where somebody is driving
7 crazy and just speeding and runs a stop sign and
8 kills someone, that is an example of when this a
9 lot of times pops up.

10 Involuntary manslaughter, the killing of
11 another without malice -- the killing of another
12 without malice and unintentionally. You don't have
13 to mean to kill a person. Okay? That is why in
14 car cases, somebody speeding, they are intending to
15 speed, not intending to get in a wreck and kill
16 someone, but that is how we get here. Okay? While
17 engaged either in an unlawful act not amounting to
18 a felony -- like in a car case, speeding -- and not
19 intending to cause death or great bodily harm.
20 Okay?

21 That is not here because this guy is swinging
22 that knife. Okay? And there is just no way you
23 can find that he was swinging that knife at Ike
24 Williams, it is not an act that -- it is an act
25 that does not tend to cause death or great bodily

1 harm. The only reason for him to have swung that
2 knife at him is to cause great bodily harm or
3 death. So I submit that, one, it is not here..
4 Okay?

5 Or a lawful act with reckless disregard of the
6 safety of others. Okay? Again, it has got to be
7 unintentional. He meant to swing that knife.
8 Okay?

9 Is it lawful for him to swing a knife? I
10 submit that it is not. Is it reckless disregard?
11 Well, I mean, it is not really reckless disregard
12 because he meant to do it. He meant to have the
13 result that he got. Okay? So I submit to you that
14 Number Two is not there.

15 And, again, it is unintentional. Okay?
16 Intent is a big thing. Between murder and
17 voluntary manslaughter you have to intend to do
18 what you are doing. He is carrying that knife. I
19 don't know where he is carrying it, I just don't
20 know how he is carrying it with no sheath. He is
21 carrying the knife. Nobody sees it. He is
22 fighting. He waits for the victim to get rid of
23 all his beer bottles and then he cuts him. I
24 submit that he intentionally caused the harm that
25 Ike Williams died from.

1 Now, the other issue is self-defense. Okay?
2 Self-defense, we have to prove that it is not
3 self-defense. Okay? And notice -- well, it is not
4 on here, but all four elements, all four have to be
5 here. Okay? If one and two and three are there
6 but four is not, it is not self-defense. If two,
7 three and four are there and one is not, it is not
8 self-defense. All you have to find, you have to
9 find that these four -- you have to decide that we
10 did not disprove these four elements in order for
11 you to come back with self-defense.

12 Now, look at this. The first one. The
13 Defendant was without fault in bringing on the
14 difficulty. Okay?

15 Mr. McKnight comes up to [REDACTED] Campbell Street.
16 Witnesses didn't know him. They were the ones
17 there. They were the ones who are drinking. The
18 guy comes up. They don't know him. He is not in
19 their group. I believe Debra Joyner even testified
20 that the homeowner actually told him to leave at
21 one point, and then he came back. And then she
22 testified he told him to leave again and he said,
23 I'm on the sidewalk, you can't make me leave.
24 Okay?

25 So is that without fault? I submit that he is

1 with fault there.

2 The other witnesses that heard what was said
3 between him and Ike, or Isaac Missouri(sic), I
4 believe the words were, what kind of dog is that?
5 Is that a pit mixed with a pit?

6 Well, think about that. A pit mixed with a
7 pit is a pit. So I'll submit what he is doing is
8 that he -- it is just like what kind of rag doll --

9 THE COURT: Mr. Moak, he objected beforehand
10 to you getting into the facts any more than
11 necessary. Just run over the four elements.
12 Mr. Meadors will cover all that.

13 MR. MOAK: Okay. Thank you, Your Honor.

14 THE COURT: They don't get two arguments on
15 the facts, that's all.

16 MR. MOAK: So I would submit he was with
17 fault, so that element is not there. Okay?

18 Number Two, he believes he's in imminent
19 danger of losing his life or sustaining serious
20 bodily injury. Okay? Kind of with two and three
21 is like a proportion. Okay? If all you are going
22 to do is get a bruise, you don't really get to
23 shoot him or kill him. Okay? I think he was hit
24 in the head with that beer bottle. I mean, he's
25 got the knot on his head. But, you know, the

1 witnesses say the beer bottle was thrown and
2 smashed on the road. We actually have got a
3 picture of that beer bottle. It is smashed. It is
4 not even in the victim's hand. Knife comes out and
5 he does that.

6 So when he actually committed the stabbing, I
7 submit that he was not in imminent danger of losing
8 his life or sustaining serious bodily injury
9 because he is armed, the victim is not.

10 Then, a reasonably prudent person of ordinary
11 firmness and courage would have entertained the
12 same belief. Again, that is kind of similar.
13 Would a regular person have thought that he was in
14 danger too. Okay?

15 Again, you know, he waits until after Ike
16 Williams has got rid of the beer bottle to pull the
17 knife out. Okay? You know, I mean, it doesn't
18 really make sense for him to do that if it was in
19 self-defense. I submit two and three are not
20 there.

21 And Number Four is the biggie. He had no
22 other probable means of avoiding the danger. I
23 believe at least -- I think at least two, possibly
24 three witnesses have all said Ike told him to
25 leave. Yes, Ike hit him in the head with a bottle

1 at that point. Ike may have thrown the bottle at
2 him after -- before that too. But Ike told him to
3 leave, and his response was, I ain't going nowhere,
4 I'm going to finish drinking my beer.

5 Remember, he had already been asked to leave
6 by Dan Washington, according to Debra Joyner. So
7 when you look at no probable means to avoid the
8 danger, you have to look at where could this have
9 been prevented.

10 Like, one, you know, maybe he should not have
11 went up to that group of people.

12 Two, when he was told to leave the first time,
13 maybe he shouldn't have came back.

14 Three, maybe he shouldn't have made the
15 comment about the dog.

16 And, four, you know, when he was told to leave
17 after he was hit with the beer bottle, he could
18 have left.

19 All of those spots he could have done an
20 action other than bringing that knife out, using
21 the knife and killing Ike Williams, and we would
22 not have been here. That element is definitely not
23 there.

24 So this is not a self-defense case.

25 Now, going back to the circumstantial evidence

1 chain up here, sometimes when you've got this piece
2 of evidence here but not that, okay, it is normally
3 not admissible because you have to have that to get
4 to the middle. Okay? Because you are not supposed
5 to ask the jury -- you are not supposed to
6 basically say, okay, I've got two and I want the
7 answer to be four. I want the jury to guess what
8 two is. Okay?

9 The evidence -- the testimony about the
10 previous assaults committed on Tommy McKnight I
11 would submit are this piece right here, that is the
12 two. They are trying to get you to think that he
13 is carrying a knife and cutting -- he was
14 assaulted, but the rest of it is missing. They
15 want you to guess, they want you to speculate as to
16 that: I don't know if that is what he did, I don't
17 know if he did it.

18 But that piece is missing. That is not there.
19 And, quite frankly, I don't have any -- but that is
20 why that conclusion is not warranted by those
21 facts. But I believe they wanted to do that to try
22 to disprove malice, but, again, he is carrying a
23 knife without a sheath and, you know, all that
24 stuff.

25 And in summary, when you look at it, it is not

1 involuntary manslaughter, it is not self-defense.
2 So the question that I would ask you is to decide
3 whether or not it is voluntary or murder.

4 I would submit that that knife carried in the
5 fashion he was carrying it, the way he used it,
6 waiting until the victim was, you know, up on him
7 without an -- unarmed and ready to be assaulted
8 with a knife, I would submit that that is malice.
9 He is guilty of murder. Those are the pieces of
10 the puzzle. That is what it looks like when they
11 come together. And I would ask that you return a
12 verdict of guilty to murder in the murder of Isaac
13 Williams by the Defendant Tommy McKnight.

14 Thank you.

15 MR. RILEY: May it please the Court?

16 THE COURT: Sure.

17 CLOSING STATEMENT

18 MR. RILEY: Madam Forelady, ladies and
19 gentlemen, this will be my last opportunity to
20 speak to you.

21 Mr. Moak has just gotten through addressing
22 you on the law applicable to this case. Following
23 me will be Mr. Meadors, who will be addressing you
24 in much more detail about not only the law, but
25 also the facts in this case.

1 As you've done throughout this trial, I would
2 ask that you give me your careful attention, since
3 this is my last opportunity on behalf of my client,
4 Mr. McKnight, to go over this case and address and
5 stress certain things that I feel are very
6 important.

7 If at any time in the course of my comments,
8 if I say something that your memories tell you is
9 in conflict of your recollection of the testimony
10 or the evidence, then please forgive me. I don't
11 do that intentionally. You need to rely upon what
12 you have heard, what was delivered to you from that
13 witness chair in the course of this trial.

14 And I might misstate some of the testimony.
15 That is -- if I should do that, that is completely
16 unintentional. I'm just trying to address key
17 elements in each of the witness's testimony.

18 Now, the witnesses in this case fall logically
19 into what I think are three different categories.

20 The first category are the folks that I, for
21 lack of a better term, would call the scientific
22 witnesses. And those two of course were
23 Dr. Sexton, the pathologist, and Dr. Mills, who was
24 the DNA analyst.

25 Now, you heard Dr. Sexton testify about the

1 autopsy being performed. He testified that the
2 total length of the wound in the victim was
3 3.6 inches. I'm using my little ruler. That line
4 right there is 3.6 inches. I use this to draw
5 that.

6 You'll also recall that he testified that the
7 toxicology report of the victim's blood alcohol
8 level indicated that he had a blood alcohol level
9 of .145. That was Isaac Williams' blood alcohol
10 level, almost twice the legal limit.

11 Dr. Mills, the DNA expert, testified that the
12 blood on State's Exhibit 7, which is the knife, was
13 Mr. Williams' to a certainty of one in 71 trillion.

14 She also testified that -- I apologize for
15 these delays while I look for exhibits -- that she
16 examined State's Exhibit 33. She examined the
17 utility knife. There was no blood on that. That
18 was in Mr. McKnight's pocket when he was arrested.
19 That is really the only involvement of that utility
20 knife in this case. No blood from the victim.
21 That was uninvolved.

22 Now, the next logical category of witnesses
23 were the police witnesses. Officer Hagan was the
24 first police witness who testified. And he was the
25 first on the scene. There isn't a whole lot that I

1 can summarize. You heard his testimony as well as
2 I did. He interviewed witnesses, spoke to, I
3 believe it was Ms. Joyner and Ms. Cornish who were
4 on the scene. They couldn't give him the name of
5 who did this initially.

6 Officer Corey also appeared before you, and
7 Officer Boan, really the chief investigator in this
8 case. The key thing in Officer Boan's testimony
9 that I wanted to emphasize to you, you'll recall
10 Mr. Kirincich cross-examined him, and he testified
11 as to the -- seeing a tube, yellow or orange tube,
12 that had been analyzed during the toxicology study
13 and did contain the residue of cocaine and was
14 located on the person of Isaac Williams at the time
15 of his demise.

16 Now, the next most important category of the
17 witnesses are the, what are called the fact
18 witnesses.

19 The first witness that the State presented was
20 Travis Johnson, Mr. Johnson. You will recall that
21 he testified that Mr. McKnight asked Isaac
22 Williams, what kind of dog is that?

23 Then Isaac cursed Mr. McKnight, hit him in the
24 head above the temple with a beer bottle.

25 Showing you State's Exhibit 22, that is the

1 forehead of Mr. McKnight.

2 He also testified that after being hit in the
3 head with a beer bottle, that Mr. McKnight fell off
4 of his bicycle and then Isaac threw a bottle at
5 Tommy McKnight, yelled at him to leave, and
6 continued to approach Mr. McKnight.

7 Now, here Mr. Johnson talked about another
8 witness, Mr. Glover, who I'll discuss in more
9 detail in a minute. But Mr. Johnson testified that
10 Shelton Glover came up from behind Mr. McKnight to
11 try to break up the fight, which by that time had
12 moved out into the street.

13 He also testified that after Mr. Williams was
14 injured, that the people, including himself, who
15 were trying to help Mr. Williams, removed things
16 from his pockets before the police arrived. You
17 remember him saying that? And he also was one of
18 the witnesses who says that he was there at the
19 time that the police arrived.

20 Now, Ms. Floyd, she was -- you will recall
21 some of the State's witnesses -- excuse me, some of
22 the State's Exhibits -- show a blue automobile.
23 She testified that she was sitting on the hood of
24 the car probably furthest removed from what
25 occurred, and she was eating pizza. She did see

1 Mr. Williams hit Tommy in the head with a bottle
2 and throw a bottle at Tommy. And she testified
3 that Mr. McKnight used a fist to try to fight
4 Mr. Williams. She left the scene with Mr. Johnson
5 and their baby before the police arrived.

6 Mr. Glover, he is the witness who testified
7 that he had left on his bicycle to buy some more
8 food for the folks that were at the residence at
9 that party before the altercation started. He left
10 in the direction between Mr. McKnight and his house
11 on Chestnut Street. Heard a bottle break. Heard
12 somebody scream. And he turned around and went
13 back to try to stop the fight.

14 When he got back there, Mr. Williams and
15 Mr. McKnight were in the roadway already. He was
16 unsuccessful at intervening trying to break up the
17 fight.

18 And remember Travis Johnson had earlier
19 testified that Shelton Glover came up behind
20 Mr. McKnight. He couldn't stop the fight. Isaac
21 Williams swung at Mr. McKnight high, and Mr.
22 McKnight with the knife stabbed low, one stab, and
23 then Mr. McKnight ran away.

24 Now, the next witness, Ms. Joyner, she was one
25 of the witnesses who was there at the time the

1 police first arrived, Officer Hagan. She was the
2 one that told the police she didn't know who had
3 done this. But as soon as the family member of
4 Mr. Williams approached her, she gave up -- gave a
5 name to that family member immediately. She gave a
6 written statement the night of the incident that
7 completely minimized Isaac Williams' involvement.
8 And then you will recall on the witness stand she
9 corrected herself. She said, no, she had gotten
10 the names confused. She essentially completely
11 recanted that written statement that she had given
12 the night of the incident.

13 She was also, during the altercation, standing
14 near the automobile holding Jasmin's baby. And she
15 didn't witness the beginning of the altercation.

16 Ms. Cornish, she gave a statement, which again
17 like Debra Joyner's, completely minimized Isaac
18 Williams' involvement. She was standing further
19 away, also near the car, didn't see the beginning
20 of the altercation, and said that it was Tommy
21 McKnight that hit Isaac Williams with the bottle.
22 That contradicts entirely what all the other
23 witnesses say.

24 One thing I wanted to point out to you, and I
25 drew a line here, I'll talk about Dee Dee Drakeford

1 in a minute, but that is just to indicate that
2 these were State's witnesses, and we called
3 Ms. Drakeford. A lot of witnesses, especially
4 Ms. Drakeford, said they had -- their memory of the
5 events of that night were fuzzy. They had trouble
6 remembering. Quite a few of the witnesses made
7 reference to that.

8 Well, that isn't surprising. It was three
9 years, five months, 23 days ago from today that
10 this incident occurred. That is not Mr. McKnight's
11 fault. The State calls these cases. They
12 determine when they come to trial. That isn't
13 Mr. McKnight's doing that the witnesses have fuzzy
14 recollections.

15 Ms. Drakeford, as I just referenced, she
16 doesn't remember every detail of that evening. She
17 knows that several people, including Isaac
18 Williams, went out into the street towards Tommy
19 McKnight, but she doesn't remember everything. She
20 saw a bottle thrown at Tommy. Doesn't know who
21 else may have hit Tommy. It was also fast and in
22 her words, chaotic.

23 Showing you State's Exhibit 24, that is
24 Mr. McKnight's chest. There is an obvious gash on
25 his chest. How did that get there?

1 The photographs that Dr. Sexton viewed while
2 he was on the witness stand, State's Exhibit 6 is
3 one of them, this is of the hand of Mr. Williams
4 showing some small cuts. You'll recall he said it
5 could have been caused by a knife, it could have
6 been caused by a broken bottle. He couldn't say
7 definitively one way or the other.

8 Now, we also called Officer Eric Tisdale. He
9 testified that in 2003 he had been the
10 investigating officer on an assault and battery in
11 which two individuals attacked Tommy McKnight.

12 You'll recall that he testified that those two
13 individuals beat Mr. McKnight with a baseball
14 bat -- a baseball bat -- causing severe injuries.
15 Those individuals were convicted for what they did.
16 It was two years before this incident.

17 Ms. Horton testified that two months before
18 this incident Mr. Williams was again the victim of
19 an assault and battery by two individuals. In this
20 case -- in that case they were just charged with
21 simple assault and battery.

22 Mr. McKnight had had two attacks upon his
23 person within a couple of years before this
24 incident that we're here today concerning. He
25 wanted to protect himself. He didn't want that to

1 happen again. He wanted to protect himself from
2 bad people who do bad things.

3 In a few minutes, after Mr. Meadors has
4 finished addressing you all, the judge will charge
5 you on the jury -- on the law applicable to this
6 case. And nothing I say -- if it conflicts with
7 what the judge instructs you on, then you should
8 pay attention to him and not to me. But one of the
9 things he is going to be charging you on is the law
10 of self-defense.

11 And the key to a self-defense charge is that
12 the law says that self-defense is a complete
13 defense. You cannot find Mr. McKnight guilty of
14 any of the charges, murder or lesser included, if
15 you find that he acted in self-defense. And the
16 judge will be giving you a lot more detail about
17 that.

18 I'd like to leave you with just a couple of
19 final thoughts. That night Mr. McKnight rode up on
20 his bike to that residence on Campbell Street and
21 he was on the sidewalk. The sidewalk is for the
22 public to go back and forth.

23 Mr. Williams, who was not the homeowner,
24 contrary to what Mr. Moak said a few minutes ago,
25 he didn't own that home, he was there as a guest.

1 He asked Mr. McKnight to leave at some point,
2 after, apparently, maybe, I'm not clear on this,
3 but after hurling profanity at Mr. McKnight. He
4 hit Mr. McKnight with a beer bottle. He threw a
5 beer bottle at Mr. McKnight. Mr. McKnight fell off
6 his bicycle. The altercation ended up out in the
7 street away from the house. No witness at any
8 point said that Mr. McKnight so much as put one
9 foot on the front yard of that residence. Nobody
10 said that he ever -- the property -- and even so
11 much as trespassed.

12 If Mr. Williams felt that Tommy was -- Tommy
13 McKnight was causing a disturbance or being an
14 annoyance or engaging in disorderly conduct, why
15 didn't he or the homeowner call the police? Why
16 did he hurl profanity at Mr. McKnight, hit him with
17 a beer bottle, throw a beer bottle at him, and
18 basically chase him out into the street where the
19 altercation continued?

20 This case involves a person's right, a
21 citizen's right to stop, to safely and without fear
22 for their life, use the public sidewalk of the City
23 of Camden, or in any city in Kershaw County, or in
24 the State of South Carolina. Tommy was on the
25 sidewalk, a public right-of-way. He did not hurl

1 profanity at Isaac Williams. He did not hit Isaac
2 Williams on the head with a beer bottle. He did
3 not throw a beer bottle at Isaac Williams. He
4 didn't knock Isaac Williams off of his bicycle.

5 Who started this, ladies and gentlemen? Who
6 started this?

7 This case is an opportunity for you in your
8 collective wisdom and judgment to return to the
9 days when a neighbor could visit another
10 neighbor -- remember, these folks live within
11 four-tenths of a mile of each other, and it isn't
12 true that they were totally unfamiliar with each
13 other -- when a neighbor could visit a neighbor,
14 stop in, chat, ask an innocent question about a dog
15 without being attacked.

16 I urge you when you retire to the jury room to
17 remember these points that I have highlighted for
18 you. I appreciate your attention. I'm getting a
19 little emotional. It has been an emotional trial.
20 Mr. Williams -- excuse me, Mr. McKnight -- has been
21 on trial for murder. I have never been on trial
22 for murder. I can only imagine the stress that
23 he's been experiencing. I urge you to forgive him
24 for any interruptions in the proceedings that have
25 occurred. And if anyone is to blame for it, it is

1 me, and not Mr. McKnight. Blame me. If I have
2 done anything, said anything that has in any way
3 offended any of you, don't blame my client, just
4 blame me.

5 Thank you for your attention.

6 MR. MEADORS: May we approach?

7 THE COURT: Okay, Mr. Meadors.

8 (WHEREUPON, a bench conference was held
9 in the presence of the jury but out of
10 the hearing of the jury.)

11 THE COURT: All right, jurors, we are just
12 going to take a break while Mr. Meadors assembles
13 his stuff. So don't talk about the case quite yet.
14 Just ease out. It won't be the whole 14 minutes,
15 12 and a half.

16 (WHEREUPON, the jury retires to the jury
17 room at 10:41 a.m.)

18 (WHEREUPON, a short break was taken.)

19 (WHEREUPON, the jury came into open
20 court at approximately 10:55 a.m.)

21 MR. MEADORS: May it please the Court?

22 CLOSING STATEMENT

23 MR. MEADORS: This is not about walking the
24 sidewalks freely in the City of Camden, in Kershaw
25 County. It is about a man bringing a knife, a

1 weapon, looking for trouble and using it in a fist
2 fight, and about Isaac Williams' death. That is
3 what this case is about.

4 Madam Forelady, ladies and gentlemen, good
5 afternoon. First of all, I want to thank y'all for
6 being here. Thank you for your attention. Thanks
7 for listening. I'm not a jury watcher. Some
8 people look at you. I haven't been looking at you.
9 I don't stare at people. But the few times I
10 looked over I could tell y'all have been listening.
11 Thank you for listening.

12 I ask you to listen to me. When I'm through,
13 when I'm finished, I'm not going to be that long,
14 and then listen to His Honor's charge -- as you
15 know, Judge Kinard is the law -- and apply the
16 facts in this case to the law and come up with a
17 verdict.

18 Closing arguments have always -- it is not a
19 good name for it. It gives us a chance to tell you
20 what we think the reasonable inferences are in this
21 case and ask you to consider them, but you can't
22 sit there and say, John, what about this? I can't
23 sit there and talk to you. That is really what an
24 argument is, back and forth. But let us tell you
25 what we think the facts are. That is what I'm

1 going to do briefly. Then I am going to ask you to
2 use your common sense. Use your common sense.

3 I've been doing this for years. A lot of what
4 he has thrown up through his closing and through
5 cross are what I used to call smoke screens. I
6 used to go right in my opening and say, here is an
7 example of what they want you to focus here and
8 what you want to focus here and focus here, and
9 they try to say these are reasonable doubts. But
10 what you really need to do is keep your eye on the
11 ball and focus on the facts that came from that
12 stand.

13 I'm going to kind of go over them as I go
14 through them one at a time and tell you what I
15 think are smoke screens and what aren't.

16 Two of the biggest smoke screens are those
17 prior assaults, which I am going to talk to you
18 about a little bit. And that cut, I'll talk about
19 that a little bit, which there is no evidence that
20 the Defendant was bleeding at the scene. I am
21 going to tell you where I think that reasonable
22 inference came from, when he told the officer and
23 the nurse at the hospital, be sure to mark that
24 down, that is a sharp object.

25 Yeah, I think the reasonable inference is it

1 is self-inflicted. He is already trying to prepare
2 his defense. That is the reasonable inference.
3 Nobody saw blood before that.

4 The officer at the hospital -- or at the door,
5 they asked him, did he say anything? They asked
6 the officer, did the Defendant say anything? He
7 said, nothing. That was what -- after their
8 question, said that. That is a smoke screen.

9 Those prior assaults have nothing to do with
10 Isaac Williams. Nothing to do with Isaac Williams.
11 No history whatsoever between Isaac Williams and
12 this man until that night. None. None. 2003.
13 2005. That is a smoke screen, trying to get y'all
14 away. Well, that is a reasonable doubt. No, it is
15 not. It has got nothing to do with this case. It
16 wasn't anything to do with Isaac Williams.

17 If you bottled up and packaged up and put a
18 little backpack of everything that happened to you
19 in your life and went out, because of this I am
20 justified in doing anything I do, that is what they
21 are trying to say, that is not common sense and not
22 right.

23 And that second one in 2005, that is still
24 pending. That is a simple assault. I don't even
25 know what the outcome of that is going to be. All

1 I know it was about drugs in Boykin Park. That is
2 all we know about that. But they are using that
3 trying to get y'all to focus on that and say,
4 well -- I guess they are trying to say that is why
5 he felt like he could carry this -- this ain't no
6 pocketknife like he had here, y'all have seen it --
7 why would he have to carry this weapon to justify
8 whatever he does. No, sir. No, ma'am. That is
9 not the way the law works. You look at the
10 incident itself.

11 I tell you what it does provide, after I came
12 in and started thinking about it. He is out
13 looking for trouble. It seems like trouble follows
14 him wherever he goes. He is involved in trouble.

15 You heard Debra, and I am going to talk about
16 it in a minute, say he had already been told three
17 times by the homeowner that day to leave. No
18 question on that. They didn't cross him one time
19 on that and say, really?

20 He had already been told by somebody up the
21 street to leave. He is looking for trouble. And
22 trying to justify it for something that happened to
23 him in the past in 2005, but we still don't know
24 who was at fault on that simple assault, if
25 anybody. That is a smoke screen example of why

1 they are trying to get you away from what happened
2 on September 23rd.

3 The drinking. Of course they were drinking.
4 Did anybody ever try to hide that? Everybody was
5 drinking and socializing. I'm not saying that is
6 right or wrong, whether you drink, that is a
7 decision people make for themselves, I'm not going
8 to comment on that. But of course they were
9 drinking. Everybody was drinking. Victim,
10 Defendant, he had a beer can with him too.

11 What are some other smoke screens he brought
12 up, before I get to the facts? I guess also the
13 cocaine, which was in State's 8. There was a
14 little bit of crack cocaine. Look in State's 8.
15 It wasn't in the victim's system, not in his body.
16 And they try to say when Travis was up there and
17 went to search, maybe he was looking for that
18 cocaine or some other cocaine. I don't know. This
19 isn't a drug case. That is thrown out there to try
20 to say, well, he must have been a bad person, he
21 deserved killing. No, sir. No, ma'am. Isaac
22 Williams should still be here.

23 He should still be here alive and breathing,
24 not judging him on whether he had some cocaine in
25 his pocket. Clearly that is not right. That is

1 not what happened on this case. It wasn't about
2 drugs. It wasn't about drugs. But they are trying
3 to throw that in there.

4 No evidence of a weapon. No evidence of a
5 weapon on the victim at all. Everybody said
6 that -- everybody -- when they are out there on the
7 streets.

8 Well, let's get right to it, ladies and
9 gentlemen. Officer Hagan was the first witness,
10 but I am going to come back to him. I am going to
11 come back to him. I am going to start with Travis.

12 Y'all saw Travis. When I started, y'all
13 use -- we said it, it is the last time I'll say it,
14 but y'all decide who is credible. I submit to you
15 these were incredible witnesses -- credible
16 witnesses. They took the stand and they told you
17 the good and the bad of what happened. You saw
18 them. You evaluate them. And I think they pretty
19 much set the scene that night.

20 Is everything going to be exact and perfect
21 and the same? No, ma'am. No, sir. If it was,
22 that is when you would say, wait a minute, now,
23 that is not right. But you have got somebody here
24 saying, well, I saw the Defendant hit.

25 Well, when Stephanie said that was a sucker

1 punch she saw, she didn't see the first -- sort of
2 like sometimes when an official throws a flag and
3 didn't see the first punch. I don't know. I did
4 know he did have a little abrasion on his forehead
5 too. Did you hear the doctor testify about that?
6 I don't know. But that -- she could have seen the
7 second sneak punch that 'ole Travis talked about,
8 and Jasmin. Not everybody sees exactly the same.
9 That is what makes it credible.

10 What does Travis say? We hung out here, [REDACTED]
11 We hung out at this place. We gathered. We are
12 talking.

13 Either Travis or Shelton says that the victim
14 had left and came back about 10:30. And it is
15 during that day period when Debra -- and I'll get
16 to her in a moment -- said that the Defendant was
17 told to leave. But Travis sets the scene. They
18 are drinking that night. They are talking. And up
19 comes, probably for the third time, if you believe
20 the evidence, maybe more than that, here comes the
21 Defendant riding down on his bike.

22 And I think it is Jasmin that said, 'ole Ike
23 is looking at the house, got his back to Campbell
24 Street.

25 Everybody has got their own world. We are all

1 the same. That is what my mama taught me. I was
2 raised that way. They gather on Friday night
3 there. Other folks may gather at a club. Other
4 folks may gather at a restaurant. This is where
5 these folks gather. They had a right to gather
6 there and socialize. They are sitting there having
7 a good time.

8 Well, the Defendant rides up and starts
9 talking about his pit bull. That is no reason for
10 somebody to die. But he starts talking.

11 One of the witnesses said, it looks like he is
12 looking for trouble. Is that a pit? Asked if it
13 was a pit breed with a pit. It may not make me
14 that mad about a dog, but apparently it made him a
15 little upset.

16 What is a pit? If it was a pit. Why are you
17 making fun?

18 And Ms. Debra says, you know, like he was
19 picking.

20 Well, according to Travis, look what happened.
21 The Defendant -- excuse me, the victim, Isaac
22 Williams, hit him with a beer bottle. We never
23 tried to hide that. We are not coming in here and
24 not showing y'all everything. Hit him with the
25 beer bottle. Threw a beer bottle and it broke,

1 according to Travis. Told him to leave. Told him
2 to leave. And he should have left and Ike would
3 still be here. Told him to leave. Did he leave?
4 No, sir. No, ma'am.

5 And here, what I am going to get to is this
6 voluntary manslaughter, because all it comes down
7 to is murder and voluntary manslaughter. Y'all
8 know that. That is what the evidence is. When it
9 comes down to involuntary manslaughter, one thing
10 Mr. Moak left out unintentionally, the unlawful
11 killing of another without malice in the sudden
12 heat of passion upon sufficient legal provocation.
13 And that passion must be sufficient legal
14 provocation. And before the passion has cooled or
15 has had time to cool.

16 That is like if you go home and find your wife
17 or your husband in bed with somebody else, if you
18 strike them down right there, the law says, well,
19 you are not getting off, but we'll excuse it to a
20 voluntary manslaughter. The passions are so
21 inflamed that, well, you can't kill somebody, but
22 in that situation we could see how you are so upset
23 that we will take it from a murder to manslaughter.

24 And it has got a subjective and an objective
25 element. Subjective: Well, the person himself

1 really was inflamed. And the objective element is
2 that: A reasonable person in that position would
3 have been inflamed.

4 That is why he was asking all these questions
5 about the five minutes, three minutes; how long was
6 it before the first one and second. It goes right
7 through this element right here between murder and
8 manslaughter. Before the passion had cooled or had
9 time to cool.

10 Well, is somebody going to get upset if
11 somebody throws a beer bottle at them? Sure. I am
12 not going to say that. But what happened after
13 that? He stayed there. He is still drinking his
14 beer. Has his time cooled? Has that passion
15 cooled to where we are now back into murder? I
16 think there is a reasonable argument that we are.
17 And I'll get to that, because of that weapon, I
18 really think we are.

19 But he says, no I am going to stay here and
20 drink my beer.

21 And what does Travis say happened after that?
22 Well, he was acting like he was drinking his beer,
23 and then he tried to sucker punch him. It sounds
24 like that playing field is even now, to me. He
25 tried to sucker punch him.

1 And then what happened? They are out on the
2 street. Mano-a-mano. Man on man. No weapon. No
3 beer bottle. Sitting there fighting, right? Ready
4 to go. I'm not approving of it. I'm not saying it
5 is right. You want to go back to the old days he
6 talks about. Yes, go back and if you settle
7 something, settle it with your fists, not with guns
8 or knives we've got in society now. I'm not saying
9 you should do it, hoping you can be rational and
10 talk it out. But if can't do it with your fist --
11 well, they are out there, I guess that is what they
12 are going to do.

13 I made this board myself. Every witness.
14 Even Dee Dee, their witness, they tried to get them
15 to say more people were fussing. No, just the two
16 of them. Just the two of them. Just the two of
17 them out there on the street. Nobody saw any
18 weapons on Ike. Nobody saw any weapons with the
19 Defendant. So it is just the two of them, right?
20 And everybody knew there weren't any weapons,
21 right?

22 No, ma'am. He knew he had a weapon. That is
23 why he didn't leave. He knew he had a weapon, a
24 secret weapon that nobody could see. It is not
25 that pocketknife that was in his pants either.

1 That is a weapon. I don't know where he had it,
2 but he had it hid. He had it down his pants, he
3 had it somewhere, he had it hid.

4 And as they are out there ready to fight, that
5 is when it comes. That is when it comes.

6 Travis, did you see it?

7 I don't see it. I didn't see nothing in Ike's
8 hand. I didn't see any weapon. I didn't see
9 nothing.

10 And what is the next words that ring true that
11 everybody said? He got me. He got me. He sure
12 did. Not on the face, not in the stomach with a
13 gut punch, he got me with that knife, six-and-a-
14 half-inch blade. He got me. He got me four inches
15 deep. He got me 3.6 inches across. Cut the iliac
16 artery. He got me. And didn't scream. Oh, I'm
17 not going to show it to you, but look at that
18 picture. Then it went on. He got me.

19 We weren't allowed, and rightfully so, the
20 picture that showed -- and you have heard witness's
21 testimony that when he cut him his guts came out.
22 He cut him. His intestines were actually out of
23 his body. You heard them describe that.

24 Unintentional killing? Involuntary? No,
25 ma'am. No, sir. Voluntary? I don't think so with

1 that. That is up to y'all. They were put back in
2 by Dr. Sexton so he could show y'all that it
3 wouldn't inflame the passion too much, that cut how
4 it was, but the guts were actually out.

5 Passions had cooled. He said, I'm going to
6 stay -- his own words showed that his passion had
7 cooled. He takes it back to involuntary -- to
8 murder with his own words. No, I am going to stay
9 here and drink my beer. That's all. Then he tried
10 to sucker punch him. Now we're back on even
11 ground, we think the evidence shows.

12 Debra is next. And Debra sets the scene also.
13 Excuse me, Jasmin. I apologize. Just the two of
14 them. Ike had nothing in his hand. She's the one
15 who said Ike had his back -- he was actually
16 looking at [REDACTED] Campbell Street.

17 The first element, without fault in bringing
18 on the difficulty. He brought on difficulty. I
19 don't care where they are, he brought it on. He
20 started it.

21 Debra said, he had been there a couple of
22 times before, told to leave by the homeowner.
23 Leave. The homeowner tells him, okay, he is on the
24 sidewalk, just leave. He still brings on the
25 difficulty. He still brings on the difficulty.

1 Then we go to Element Two, actual danger of
2 dying. Well, that is not true. No evidence of
3 that. He got hit with a beer bottle and then he
4 said, I'm going to stay here and drink. No
5 evidence of any actual -- that he -- actual danger
6 of losing his life. None. Ego bruised? Yes.
7 Embarrassed in front of them? Maybe. But he was
8 standing.

9 Then the second element of self-defense is if
10 he wasn't actually in danger of suffering serious
11 bodily injury or death, did he believe he was in
12 danger of suffering serious bodily injury or death.
13 And if he did, would a reasonable person believe
14 that. Well, no, sir. No, ma'am. A reasonable
15 person would have just gone on down the road. Got
16 hit with a beer bottle. A regular person wouldn't
17 have gone back with a sucker punch.

18 And then the fourth element is, he had no
19 other means except to strike the fatal blow. And
20 he could have left. He could have just left.

21 And as Mr. Moak said, it is like a chair. If
22 any one of these elements aren't met, the chair is
23 gone. It is our burden in proving guilt beyond a
24 reasonable doubt and not proving there is no
25 self-defense. We know there is no self-defense.

1 He brought on the difficulty. He wasn't in danger
2 of suffering serious bodily injury or death. There
3 wasn't reason to believe that. And he could have
4 left. This is not a self-defense case, ladies and
5 gentlemen.

6 And what -- I've got -- when people do
7 something wrong, we see it in children a lot, but
8 if you do something wrong and you know it is wrong,
9 what do you do? You leave. You run.

10 What did Travis and Debra say happened right
11 after he said, he got me, Ike said, he got me?
12 Tommy McKnight left. You know, he stayed because
13 he didn't have -- this gave him courage. That is
14 all it gave Tommy McKnight, courage. That is what
15 made him feel like a man that day. He took an
16 11-and-a-half-inch knife to an unarmed man. He
17 took a knife to a fist fight. That isn't the good
18 'ole days. That is what gave him courage. That is
19 the only reason he stayed. But then he ran. He
20 ran after. He didn't stay.

21 You can consider evidence of flight as guilt.
22 I can argue that. That is what the law says. And
23 doesn't it make sense? If you did something wrong
24 you leave.

25 And he didn't even argue -- I covered all

1 these things I thought he might argue as smoke
2 screens. He tried to imply through the witnesses
3 that these folks might have been after him. He
4 didn't even argue.

5 Well, think about this. This hit me last
6 night. When Ike Williams is cut and gutted, does a
7 mob follow him? Is there a militia following him?
8 No, they are staying there tending to Ike. They
9 are tending to Ike, trying to make sure he can stay
10 alive if they can. Nobody is following him.
11 Nobody was after him. If they were, he wouldn't
12 have made it to the park. That is a smoke screen.
13 They stayed there to tend to Ike.

14 They thought it was a one-on-one fight. The
15 people naturally come by and maybe look to see if
16 it is a fight, and maybe that is what they were
17 gathering and looking at. It was one-on-one.

18 What is the next witness after Jasmin, after
19 Debra? Nothing in his hand. He just ran.

20 Stephanie comes up. Well, I left Shelton out,
21 I'm sorry. Shelton says it is just the two of
22 them. He says McKnight gets there before he
23 leaves. Shelton actually does get -- that is when
24 he hears the beers break. I think it was Debra who
25 said she just remembers one time the bottle

1 throwing, but it did hit the Defendant. She didn't
2 know if it was swung at him or thrown. It is not
3 exactly the same. That is what makes it credible.

4 And she said on direct, yes, it was the victim
5 who was hit with the bottle first. They didn't
6 catch her in that statement. We brought that out
7 on direct and then came back and showed it. She
8 said yes. Nobody is trying to mislead the jury.
9 She said, I thought it was thrown and then broke.
10 But, yes, he did it. But after that they went out
11 in the street. He was told to leave. Asked to
12 leave. And then it was just the two of them. Just
13 the two of them.

14 Ike didn't have anything in his hand. Did you
15 see it? I couldn't see it. Nothing was in his
16 hand.

17 And I think Debra is the one that said that
18 she sees that silver, not at first, but she sees
19 the silver, and she can see something silver.

20 I think it was Travis -- let me check my
21 notes -- Travis or Shelton that when they look at
22 each other -- it is Shelton -- he looks at -- when
23 Shelton testified, he came back and heard the
24 breaking bottle. And, yes, he does try to stop it
25 at first, but they are just there fighting.

1 He said after the swing he didn't see the
2 knife the Defendant had, but he looks at the
3 Defendant and the Defendant looks at him and then
4 he sees something he thinks is a weapon. And then
5 he sees the Defendant leave.

6 Y'all remember watching Shelton and Debra, the
7 emotion? I mean, you can't -- that is real.
8 Shelton went down and tended to his friend to put
9 his guts back in and hold it. Didn't want to turn
10 him over to the EMS or the police, did he? Because
11 he said, well, he has responded to me when I say
12 breathe, when I say breathe, and then once I didn't
13 he was dying, he was dead at that point. But they
14 were trying to tend to him.

15 Stephanie, I have covered her. Stephanie
16 might have been trying to put a little better light
17 on it, I'm not going to lie, but apparently she may
18 have done better, but she still -- and she said she
19 did see the Defendant hit first. That could have
20 been that sucker punch, I don't know. But she's
21 got them, just the two of them out on that street,
22 just the two of them. No weapon on Ike's part.
23 Nobody can see the concealed weapon that Defendant
24 McKnight has. Nobody.

25 So what happens after that, ladies and

1 gentlemen? Y'all know the scene. Y'all are smart
2 and got common sense. You know what the factual
3 scenario is out there. He started the fight
4 looking for trouble. The victim throws a bottle
5 back. At that point it should have ended. He
6 stays. Passions cooled, we submit. He tries to
7 sucker punch. Then he gets Ike -- and that's when
8 the knife comes in, the weapon.

9 You think Ike would have sat there if he knew
10 that knife was there? He would have probably tried
11 to get a weapon himself if he knew the knife was
12 there. That is why it is concealed. It just came
13 out. He runs to his house. The Defendant runs to
14 his house.

15 Now, what happens there? They didn't even
16 touch this, but I think this is significant, the
17 evidence will show. Does he wait on the police?
18 No. Does he wait on the ambulance? No. When he
19 gets to his house does he call 9-1-1? The phone
20 records indicate there is a 9-1-1 hang-up about an
21 hour after.

22 Well, what happened between that time Tommy
23 McKnight got back to his house and that 9-1-1
24 hang-up? Fourteen calls to a girl. Not to the
25 police. Not to 9-1-1. Five or six of them to a

1 girlfriend. He didn't call the police right away
2 till he knew the police were there. Did he want to
3 throw that in maybe for y'all, say, oh, let me call
4 the police. An hour later. Maybe to show y'all.
5 That is for show. Didn't go right back, hey, this
6 is what happened. An hour later. And it is
7 hang-up call.

8 And then 'ole Ed Corey -- I don't know if Ed
9 is still here. Where's Ed? I don't know if Ed is
10 still here or not, but Ed goes up to arrest him,
11 puts him in handcuffs, and he is fighting with Ed.

12 2005, 2007, fights galore. We go into -- and
13 we can't open up somebody's brain, y'all, an
14 intentional killing, that is impossible. But you
15 can look at their actions before and after to show
16 their intent. You really can as far as what they
17 did.

18 So what does he do? He goes home. And after
19 a search warrant is executed with Eric Tisdale with
20 the county and they get together, they go look in
21 his house. Probable cause.

22 One other smoke screen I forgot. At the
23 scene, Debra, I think, and Stephanie give a
24 description of the Defendant, how tall he is, don't
25 know his name at first. At some point they give

1 his name. They say some family member comes up. I
2 don't know. I don't know if they didn't want to
3 tell the name of the person or not or they didn't
4 remember. But McKnight comes out. Brought out in
5 a patrol car by Hagan. That is the guy. Yes, I
6 know him. I don't know him by name, but that is
7 him. This is where he lives. They get an arrest
8 warrant. Then go over there.

9 Is there any dispute it was him? That is just
10 a smoke screen out there. They go do the search
11 warrant at [REDACTED] Chestnut Street, as they are allowed
12 to do after getting with the City Judge, Rick Todd.
13 They go in and check and they look around. He
14 didn't do a great job of hiding it, but he hid it.
15 It is underneath there.

16 What does that tell you? Well, I know I have
17 done something wrong, I will hide my knife, I don't
18 want them to find it. They find it. They move it.
19 Here is the knife. Is there any dispute it was
20 him? They gathered the knife.

21 And one thing I like about Kershaw County, I
22 was over here eight years, I love coming over here,
23 in Kershaw County -- over in Richland they have got
24 so many people it just drives you crazy. You get a
25 piece of evidence it goes through 24 people. You

1 know what I love about Kershaw? This man right
2 here gets his knife, this weapon, gathers it. He
3 takes it to SLED. I mean, I love that. You don't
4 know how easy that makes it. He takes it. I got
5 this, I found it, I'll take it to SLED for
6 analysis. Thank you. That sure does make it
7 easier when one person did it all. That is why you
8 don't have these chain witnesses.

9 Then it goes out to SLED and Agent Laura Mills
10 or Miles comes up here that swabbed the blood that
11 was on here. Well, it is Ike's blood that he tried
12 to hide under his dresser. Intentional killing?

13 You heard from Lee Boan, the chief
14 investigating officer, testify how statements were
15 gathered that night from several witnesses.
16 Several of the witnesses. Travis and Jasmin a few
17 days later. They get all the statements. They
18 have got somebody that tells you kind of the
19 procedure the night this happened.

20 They call their witnesses about the prior
21 instances. I think I have said enough about that.
22 And then they call Dee Dee Drakeford. Nobody knew
23 she was there. Didn't know her name. Comes up
24 here and takes the stand. Says pretty much the
25 same thing.

1 They tried to get the parties closer to her,
2 and she said, well, no, it is about -- nobody else
3 except them, about from me to you. It was just the
4 two of them. It was just the two of them.

5 Then Defendant flees the scene, hid the knife,
6 9-1-1 phone call after 14 others.

7 And so now, ladies and gentlemen, with all due
8 respect, we get down to really what the case is all
9 about, respectfully, we submit, with the evidence.
10 Is it a murder or a manslaughter? That is really
11 what the reasonable inference is from the State,
12 from the evidence. Is it a -- if you think it is
13 an involuntary, that is like a traffic accident,
14 just let him go before you find involuntary. I
15 would say find him not guilty if you are going to
16 find involuntary. Unintentional with that knife
17 out there? That is up to y'all. Y'all have the
18 right to.

19 Self-defense. If you believe he was out --
20 without fault, if you believe he really thought he
21 was in danger of dying or a reasonable person
22 would, if you believe he just couldn't have just
23 left, as he finally did, let him go.

24 But what the evidence shows, we respectfully
25 submit, it is murder or manslaughter. And the

1 reason they want those prior incidents to come in,
2 we submit, they are trying to explain why somebody
3 would carry this, hidden. And I submit to you he
4 is out looking for trouble. I don't think that is
5 a stretch. I really don't. He had been told to
6 leave two or three times, been told to leave up the
7 street. He is looking for trouble.

8 I didn't realize this the other night, not
9 just about the dog, but he comes up. That is
10 Stephanie Cornish. That is a good looking woman.
11 My wife is not here, but she is a pretty woman. He
12 comes up. Whose girlfriend is she? I mean, he is
13 looking for trouble. He wants to find out whose
14 woman that is. A place he doesn't usually hang
15 out. He is looking to start trouble because he
16 knows he has got this when he needs it. And nobody
17 else needs it. That is what keeps it murder.

18 After he gets hit, leave. No, I'm going to
19 hang around. He has cooled. That is about five or
20 six minutes. His passions had cooled. I'm going
21 to -- then he tries to sucker punch. It is even
22 now. It is even. Let's go back. Okay, it is
23 even. Fight. No, sir, I'm going to gut you with
24 this.

25 You want to infer malice? That is malice.

1 That is malice. You can write it on here. And
2 come in and cut. There is nothing more malicious.

3 We respectfully submit it is murder or
4 manslaughter, voluntary manslaughter, and nothing
5 else. That is why I love this system because it is
6 up to y'all. Isn't that beautiful? It is up to
7 y'all.

8 On September 23rd he exercised his greatest
9 choice, because my dad taught me a long time ago,
10 our greatest power is our power to choose. He
11 chose to go there. He chose to pick and pick.
12 Leave, come back. Leave, come back. Leave a
13 neighbor, come back. Not leaving when he was asked
14 to. No, I'll hang around. Sucker punch. Chose to
15 pull that out and gut him. Chose to leave. Chose
16 to hide it. Chose to make sure that nurse down
17 there said, you put down that is a sharp thing. No
18 evidence of any cut being down there on him till he
19 got to the hospital. Self-inflicted. That is not
20 a reasonable doubt. There is no way you can
21 disprove -- that is one of those things, if that is
22 it you could never prove everything. There is no
23 witness down there that said they saw him cut at
24 all. There had to have been a reasonable inference
25 afterward. He is setting up for his defense. He

1 chose. It is going to be time for you to choose
2 and exercise your greatest power.

3 And as I started off at the first I'll start
4 off at the end, Isaac Williams is dead. He will no
5 longer be here. He shouldn't be dead.

6 And they talked about these prior incidents
7 that he was the victim, he was the victim. This is
8 Isaac Williams' family. He is the victim. That is
9 his family. He is the victim in this case. He is
10 entitled to the same victim status if it happened
11 on Lyttleton Street, happened into the -- if it had
12 been a bed and breakfast, this is his day in court,
13 he is entitled to the same victim status in life.
14 And we know you will give it to him.

15 Ladies and gentlemen, I want to again thank
16 you for being here. Thank you for your attention.
17 Thank you for listening to the evidence and
18 deciding what is believable and what is credible,
19 and coming back with a verdict that says on
20 December -- on September 23rd, 2005, I wish there
21 hadn't been a fight at all, I wish there hadn't
22 been words, but a life doesn't need to be taken.
23 He shouldn't be dead. And we are going to hold
24 Tommy McKnight accountable by finding him guilty.
25 Thank you.

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JURY CHARGE

THE COURT: Okay, jurors, final phase of the trial. I'm going to instruct you on the law and then you will go back and have a discussion, find the facts, and render a verdict.

You'll have the verdict form with you. It will either be: Not guilty, guilty of murder, guilty of voluntary manslaughter, or guilty of involuntary manslaughter.

The order in which it is typed on here has no bearing. It could easily have started with murder and gone the other way down to not guilty. You just have to type them in some way.

All right, when we started the trial I held this document up. I explained to you that it was an indictment. It is not evidence. It alleges the commission of a specific crime. And you know what it is by now. It alleges the crime of murder.

The indictment word for word says that Tommy McKnight did, in Kershaw County, on or about September 23rd of 2005, willfully and with malice aforethought kill one Isaac Williams by means of stabbing him with a knife and the victim died as a proximate result thereof in violation of South Carolina Code of Law 16-310.

1 Now, I'm not going to send the indictment
2 back. Y'all understand we are talking about Tommy
3 McKnight and Isaac Williams. And Isaac Williams
4 died and he was cut or stabbed with a knife on the
5 date in question. You don't need to read that.

6 But he is charged in this indictment with
7 murder. Under our law, the greater charged crime
8 includes all lesser included crimes which a jury
9 could from the evidence find a person guilty.

10 Murder would include: Voluntary manslaughter
11 and involuntary manslaughter, although it is not
12 spelled out here, which is why I'm not sending it
13 back, you'll say, where does it say voluntary
14 manslaughter or involuntary manslaughter.

15 However, Mr. McKnight is presumed innocent.
16 He was presumed innocent when the trial started.
17 He has absolutely no burden to prove that he is not
18 guilty. The fact that an indictment has been
19 issued creates no inference of guilt against him.

20 In addition, during the trial Mr. McKnight did
21 not testify. I explained to you before closing
22 remarks were made to you by the attorneys that he
23 has a constitutional right not to testify because
24 he doesn't have to prove he is not guilty.

25 The fact that he did not testify should not be

1 discussed by you at all on the issue of whether or
2 not he is guilty of any charge.

3 Now, it will take, of course, a unanimous
4 verdict of you 12 jurors to decide whether
5 Mr. McKnight is guilty of anything. Remember, you
6 have a form of verdict of not guilty that you can
7 reach based upon your view of the evidence in the
8 case.

9 Alternate jurors, you have to keep paying
10 attention. But when I conclude these instructions
11 I'm going to ask that the jury step out. When they
12 step out, if you would stay in here. Don't worry,
13 you still get your steak and lobster, or whatever
14 Ms. McDonald ordered for you, but you can't
15 participate in the deliberations, but even as I
16 speak somebody could come running in and say a
17 child fell off the bicycle or something and you
18 have to apparently go.

19 So, Madam Forelady, it takes a unanimous
20 verdict of all 12 jurors to reach a verdict. You
21 have four forms of verdict. Twelve jurors have to
22 agree on the form of verdict that will be rendered,
23 but only the foreperson signs.

24 Now, your vote, Madam Forelady, counts no more
25 than any other juror, but somebody has to preside

1 over deliberations, and of course somebody has to
2 sign the verdict form.

3 If you find Mr. McKnight guilty of one of the
4 three charges, you would circle or check that so we
5 would know what it is. If you find him not guilty,
6 you would circle or check that. Twelve jurors have
7 to agree, though. But only the foreperson signs.

8 In addition, during deliberations if questions
9 occur, I can't have any running dialogue with you,
10 but if you would write down what the jury needs, I
11 will see if I can supply the information.

12 Here is what I can't do. I'm not the fact
13 finder. I'm giving you the law in the abstract. I
14 have to of course mention who is charged with the
15 crime and who the victim is, you know. But as far
16 as the crime of murder, the law I'm going to give
17 you on murder, voluntary manslaughter, and
18 involuntary manslaughter, I'm not going to discuss
19 facts at all. This is just the law in the
20 abstract. You will take the proven facts, proven
21 to your satisfaction, and apply them to the law as
22 I'm instructing you to reach a verdict.

23 So what I can't do is supply any additional
24 information. In other words, you jurors have to
25 decide the case based upon the admitted testimony.

1 If, for instance, you would have liked to have
2 asked a witness who testified another question, I'm
3 sorry. We can't recall the witness and ask them a
4 question.

5 Just from having done this so long, during the
6 course of the trial there was reference made to
7 various statements that were made or given to law
8 enforcement by witnesses who testified. No, you
9 cannot have the statements. They were not
10 introduced into evidence.

11 If you heard a question concerning the
12 statement that was answered without an objection,
13 you can consider that, but the statements will not
14 come in.

15 When you go over the exhibits, and that
16 includes photographs, and so forth, if you find a
17 missing photograph or one that you saw during the
18 trial that was not introduced, you can consider it
19 if you saw it, but I can't send it back.

20 During closing remarks the attorneys used
21 charts. No, you can't have the charts back there.
22 They were not introduced into evidence. They were
23 used for purposes of illustration.

24 So bottom line, any document that has been
25 formally introduced into evidence, except about two

1 that were marked as a Court Exhibit, will come
2 back. And I am just wondering about whether to
3 send that knife back or not. It looks like y'all
4 like each other, I guess. I tell you, we'll just
5 keep the knife out here. If you want it, just send
6 out a note and we can send it back, all right? Not
7 that I distrust y'all at all, it is just why send
8 it back, y'all have seen the size of the knife, and
9 so forth.

10 Now, I have explained to you that the
11 Defendant is presumed innocent and there is no
12 burden on his part to prove that he is not guilty.
13 The State has the burden of proof.

14 The burden of proof varies depending upon the
15 type of legal proceeding that is going on. In most
16 civil cases, the burden of proof is by the greater
17 weight of evidence, preponderance of the evidence,
18 or sometimes it is a little higher standard that
19 involves clear and convincing evidence, but in any
20 criminal proceeding the State has the highest
21 burden of proof, and that is beyond a reasonable
22 doubt.

23 I can't tell you whether facts presented
24 during this trial would cause you to have a
25 reasonable doubt. Again, don't send back a

1 question like that. I'm just telling you what
2 reasonable doubt is in the abstract, and that is
3 what it is in the abstract.

4 A reasonable doubt, jurors, is the type of
5 doubt that would cause an ordinary person to
6 hesitate to act.

7 The State has the burden of proving a
8 Defendant guilty, as I have mentioned, beyond a
9 reasonable doubt. And a reasonable doubt is the
10 type of proof that would leave you firmly convinced
11 of a Defendant's guilt as to a charge embraced
12 within the indictment. It applies the same to
13 murder, voluntary manslaughter, or involuntary
14 manslaughter. So that is why I'm saying embraced
15 within the indictment rather than saying beyond a
16 reasonable doubt to all the charges. The State has
17 that burden of proof.

18 If, after you have examined all of the
19 evidence, you are firmly convinced that the
20 Defendant is guilty of a charge embraced within the
21 indictment, you would find him guilty of that. If
22 you are not, then you would find him not guilty.

23 Now, don't send back a question wanting
24 further instructions on reasonable doubt. That is
25 it, the kind of doubt that would cause a reasonable

1 person, an ordinary person to hesitate to act.
2 That is just what the courts say we can tell you.
3 And it went a little further and said that it has
4 to be evidence that would leave you firmly
5 convinced of the Defendant's guilt before you could
6 find him guilty.

7 That is all I can really tell you. I can't
8 comment on the facts in the case.

9 Jurors, you pass upon the believability of all
10 the evidence in the case. I'm not running through
11 the witnesses that testified. The attorneys have
12 done that. This is what trial judges tell jurors
13 when we're instructing them on credibility of
14 witnesses.

15 As you understand, it is not like TV, you
16 know. Whether it is a criminal trial or a civil
17 trial where you have people that are observing an
18 occurrence, you don't pick and choose the witnesses
19 that you call. Everybody that was there can be
20 called. And then it is up to you jurors to decide
21 which testimony is believable.

22 It is like -- and they are not here -- if you
23 had -- if it was just a question of who had the
24 traffic control green light. And you had Mother
25 Teresa on one side and Al Capone on the other. One

1 said green, one said red when a car went through.
2 It would be up to you to decide which person to
3 believe, okay? You have to resolve conflicts in
4 testimony.

5 Here is the test that you use. You consider
6 whether a witness's testimony is consistent or
7 inconsistent.

8 Certainly you would consider the opportunity
9 that a witness had to hear, see or observe what the
10 witness testified to. If a witness did not observe
11 something and testifies to it, you can just
12 discount that testimony.

13 You would consider any interest or bias that a
14 witness has in the outcome of the proceedings.
15 Whether a witness is hesitant or forthright in
16 answering questions can be considered by you.

17 Certainly you could consider whether testimony
18 from a particular witness becomes stronger in your
19 mind or is made weaker by other testimony or other
20 evidences in the case.

21 In litigation, jurors, we don't count
22 witnesses. In other words, a party or the side
23 that puts up the most witnesses does not
24 necessarily win because you jurors have the
25 absolute right to pick and choose portions of

1 testimony that you feel are believable. And after
2 you have decided which testimony is believable, the
3 relative weight that you attribute to believable
4 testimony is entirely up to you jurors.

5 Certainly, as I mentioned, you can consider
6 any interest or bias that a witness has in the
7 outcome.

8 Now, during the trial, jurors, a couple of
9 individuals were qualified as an expert. When they
10 are qualified as an expert, they have simply
11 demonstrated to the court, which it is me in this
12 case, the only judge here, that through education
13 and training or a combination of those factors an
14 individual has acquired more knowledge in a
15 particular field than you or I have.

16 And once they are qualified as an expert, they
17 are entitled to give opinions within their field of
18 expertise. You use your general qualification
19 criteria in deciding whether you believe an expert.
20 In addition, you can consider the underlying facts
21 on which an expert bases his or her opinion.

22 Before you can accept an opinion given by an
23 expert, though, they must be given to a reasonable
24 degree of certainty within the field that the
25 expert was qualified in.

1 A person can become an expert through
2 education, training, work experience, or a
3 combination of those factors. I think I covered
4 that enough so that you know. I mean, we only had
5 two experts to testify.

6 Now, jurors, in addition to testimony, you can
7 consider anything that has been formally introduced
8 into evidence. That would include photographs, and
9 so forth.

10 Evidence consists of two types: Direct
11 evidence and circumstantial evidence.

12 Direct evidence is where an individual
13 testifies to something that he or she has
14 testified -- that he or she has observed through
15 the senses.

16 Where evidence is presented that proves the
17 existence of a fact and from that fact you can
18 infer the existence of another fact, we are in the
19 area of circumstantial evidence.

20 The law makes no differentiation between the
21 weight that is given to direct evidence or
22 circumstantial evidence. Sometimes circumstantial
23 evidence is better than direct evidence. Sometimes
24 the other way.

25 For instance, if it were snowing, which it

1 rarely does here, but if you were sitting on your
2 porch talking to a spouse and said the animal
3 running across the driveway there, that it was a
4 cat, and the other spouse said it was a dog, you go
5 out and look at the tracks, the tracks tell you
6 what it is, if you can decipher what type tracks
7 they were. But, I mean, so the tracks would be
8 circumstantial evidence. An eyewitness would be, I
9 saw whatever. So the law makes no difference on
10 that.

11 Now, Mr. McKnight is charged in the indictment
12 with murder. Murder is the most serious crime that
13 our law allows.

14 And, again, on not being able to add things
15 and just having presided a long time, I'm going to
16 instruct you on murder, voluntary manslaughter, and
17 involuntary manslaughter. And I explain to you
18 that they were lesser included offenses.

19 Lesser included offenses simply means that the
20 penalty is less if you find a person guilty of
21 that. Don't send back saying, what is the penalty.
22 That has no bearing on whether a person committed a
23 crime or not.

24 And just from prior experience, this is a
25 murder case, allegedly, by the State, but it is not

1 a capital case, so don't think that that is -- you
2 are going to have to worry about that, because I
3 get those questions back.

4 So murder is the highest crime that a person
5 can do. Mr. McKnight is charged with murder by
6 stabbing Mr. Williams resulting in his death.

7 The State must prove beyond a reasonable doubt
8 that the Defendant killed another person with
9 malice aforethought, express or inferred. Of
10 course, the killing must be unlawful.

11 And malice, jurors, is ill-will or hostility
12 towards another person. It is the intentional
13 doing of a wrongful act by just cause or excuse and
14 with an intent to inflict an injury or under the
15 circumstances from which the law would infer evil
16 intent.

17 Malice aforethought does not require that
18 malice exist for any particular time before the act
19 is committed. In other words, you have heard on TV
20 many times premeditated murder. Premeditation is
21 useful when you are proving murder if you can
22 establish it, but it is not a requirement for a
23 person to be convicted of murder. All the State
24 must convince a juror of beyond a reasonable doubt
25 is that malice existed in the mind of the Defendant

1 just before and at the time the act is committed.
2 And you understand, I'm not suggesting that it did.
3 That is a factual issue in this particular case.

4 So there must be a combination of a previous
5 evil intent and the commission of an act that
6 results in death.

7 Now, malice aforethought, as I explained to
8 you when we started the trial, may be express or
9 inferred. And the terms express or inferred do not
10 indicate different types of malice, it is just a
11 manner in which malice may be proved.

12 Express malice is where a person, for
13 instance, indicates verbally or in writing that
14 they are going to do somebody in and then they go
15 and do them in. That is express malice.

16 So malice can be proved either by direct
17 evidence or by inference from all existing facts
18 and circumstances presented during a particular
19 trial.

20 Malice may also be inferred from the use of a
21 deadly weapon. That is not to say that because a
22 deadly weapon was involved you jurors are
23 necessarily required to infer that malice existed.
24 It is just an evidentiary fact in the case.

25 Malice may be inferred from conduct indicating

1 a total disregard for human life.

2 As I mentioned, it is possible for a jury to
3 infer malice where a person is killed as a result
4 of the use of a deadly weapon.

5 Now, jurors, as I have briefly explained to
6 you, or as the attorneys have kind of explained to
7 you, the greater charge of murder includes all
8 lesser included charges that are applicable under
9 the possible facts or, in other words, charges that
10 the jury could find based upon the facts presented.

11 If you find, after viewing all the facts and
12 discussing it in detail, that the State has failed
13 to prove beyond a reasonable doubt that the
14 Defendant committed murder, you may then consider
15 whether the State has proved beyond a reasonable
16 doubt that the Defendant has committed voluntary
17 manslaughter.

18 To prove voluntary manslaughter, the State
19 must prove beyond a reasonable doubt that the
20 Defendant unlawfully killed another without malice
21 in sudden heat of passion based on sufficient legal
22 provocation.

23 Heat of passion alone will not suffice. Both
24 heat of passion and sufficient legal provocation
25 must be present at the time of the killing to

1 constitute voluntary manslaughter.

2 The sudden heat of passion upon sufficient
3 legal provocation, while it need not totally
4 dethrone reason or shut out volition, must be such
5 as would naturally disturb the sway of reason and
6 render the mind of an ordinary person incapable of
7 cool reflection and produce what, according to
8 human experience, may be called an uncontrollable
9 impulse to do violence.

10 To constitute sufficient legal provocation,
11 the provocation must come from some act of or
12 related to the victim.

13 Provocation of the deceased must be such as
14 naturally and instantly produces in the mind of the
15 person ordinarily constituted the highest degree of
16 exasperation, rage, anger or sudden resentment.

17 If sufficient legal provocation does not
18 exist, the killing, even if committed during the
19 heat of passion, is not voluntary manslaughter.

20 All right, jurors, as I have explained, in
21 addition to voluntary manslaughter you can consider
22 where the State has convinced you beyond a
23 reasonable doubt that the Defendant is guilty of
24 involuntary manslaughter.

25 All right, murder is the killing of one human

1 being by another, unlawful killing of one human
2 being by another with malice aforethought, express
3 or inferred.

4 Voluntary manslaughter, just to sum it up, is
5 the killing of one human being by another without
6 malice, upon sudden heat and passion, upon a
7 sufficient provocation there. And the heat and
8 passion must be such that you have not time upon
9 cool reflection to calm down. It has to be kind of
10 instantaneous.

11 Now, involuntary manslaughter is the
12 unintentional killing of another without malice
13 while engaged in an unlawful activity that is not a
14 felony and does not naturally tend to cause death
15 or great bodily harm, or unintentional killing of
16 another without malice while engaged in a lawful
17 activity with reckless disregard for the safety of
18 others.

19 Unintentional means that a Defendant did not
20 intend to kill the victim.

21 The law defines involuntary manslaughter as an
22 unintentional killing of another without malice,
23 express or inferred, by some act or omission
24 constituting criminal negligence.

25 Negligence in its simplest form, jurors, is a

1 failure to exercise due care under the
2 circumstances.

3 Simple negligence would not -- we would not be
4 there, it has to be criminal negligence. In
5 Section 16-3-60 of the Code of Laws, it provides:

6 With regard to the crime of involuntary
7 manslaughter, criminal negligence is defined as
8 reckless disregard of the safety others. A person
9 charged with the crime of involuntary manslaughter
10 may be convicted only upon a showing of criminal
11 negligence as aforesaid defined.

12 A reckless disregard for the safety of others
13 signifies an indifference to the consequences of
14 one's act. It means something more than mere
15 negligence or carelessness.

16 Recklessness means a conscious failure to
17 exercise due care under -- or ordinary care.

18 Criminal negligence is defined within the law
19 as a reckless disregard of the safety of others.

20 In the instructions that they hand up, it
21 keeps saying the same thing over and over. I don't
22 intend any emphasis on that, jurors.

23 Now, as I explained to you right before we
24 called the first witness, there is evidence of
25 self-defense in the case.

1 If there is evidence of self-defense in the
2 case, the State has to prove beyond a reasonable
3 doubt that the Defendant did not act in
4 self-defense because everybody is authorized to
5 defend himself or herself from death or serious
6 bodily harm.

7 And to do that, any person may take such steps
8 as necessary, even to the point of killing someone
9 to protect yourself.

10 However, the evidence must convince jurors of
11 four things before self-defense is applicable as a
12 defense. And self-defense, if established, is a
13 complete defense to the crime. And not just to the
14 crime of murder, it is also to all charges embraced
15 within the indictment. So self-defense is
16 applicable to murder, voluntary manslaughter, and
17 involuntary manslaughter. If you find the
18 Defendant acted in self-defense, you find him
19 guilty of nothing.

20 So the first thing that must be established by
21 the evidence is that the Defendant was not at fault
22 in bringing about the immediate difficulty.
23 Obviously one cannot, through his or her fault,
24 bring on the difficulty and then claim that they
25 acted in self-defense.

1 Second, at the time that the action was taken
2 that resulted in the death of the victim, the
3 Defendant believed in good faith that he was in
4 imminent danger of losing his life or sustaining
5 serious bodily harm.

6 Imminent means immediate, not past or future,
7 but present.

8 Third, that such belief was reasonable and
9 that a reasonable, careful and prudent person, a
10 man of ordinary firmness and courage situated in
11 like circumstances would have reached a similar
12 conclusion.

13 And, four, where both the deceased and the
14 Defendant are on common ground, that is, where both
15 are where they have a right to be, then the
16 evidence must convince you that the Defendant had
17 no other reasonable, safe, adequate or obvious
18 means of escape of avoiding the danger of
19 sustaining bodily injury himself or losing his life
20 except to act as he did.

21 Jurors, you take all the facts presented
22 during the case and decide whether the evidence
23 convinces you that he acted in self-defense or not.

24 When you are considering self-defense, the
25 Defendant would have the right to be judged on

1 appearances as existed at the time.

2 I can't really give you examples, jurors. In
3 other words, you can be mistaken if an ordinary
4 person would have reacted the same way based upon
5 the situation presented.

6 If, for instance, you were asleep at night and
7 something awakened you and you saw somebody in your
8 bedroom and the person pointed what looked like to
9 you a .45 and says, I'm going to shoot you, and by
10 chance, not that any of you have, you had a gun in
11 your desk drawer bedside, you pull it out and shot
12 him, you turn on the lights and it turns out it was
13 a BB gun, well, you know, on that scenario you
14 would have acted in self-defense, even though a BB
15 gun was not a life threatening situation.

16 So you take all the admitted facts. And the
17 Defendant of course is judged by the action that an
18 ordinary reasonable person would have taken. We
19 are talking about a person of ordinary firmness and
20 courage, we are not talking about a professional
21 boxer or a professional wrestler or somebody, just
22 what an ordinary person would have done under the
23 facts as they were presented.

24 Jurors, the attorneys handed up various things
25 for me to read, which I was looking at. I haven't

1 covered two or three things with you.

2 When I was talking about witnesses, I
3 explained during the trial, when you pass on the
4 credibility of witnesses, when a person testifies,
5 if they have a prior criminal record it can
6 generally be brought out, not always, but generally
7 it can be brought out. That does not suggest you
8 should automatically disregard the testimony given
9 by a person with a prior record. That is just
10 another factor you would consider when you are
11 evaluating which testimony you feel is believable
12 and how much credibility you should put on the
13 testimony from a person with a prior record.

14 In addition, there was evidence in the case
15 that the victim's blood alcohol level was at a
16 certain level. It is lower now, but they measure
17 blood alcohol content based in one-hundredths of
18 one percent. And what the law says, it does not
19 say you are intoxicated, such and such. What the
20 law says is that at this time if your blood alcohol
21 content was 0.1 of one percent, one-hundredths of
22 one percent, which we generally just call 1, his
23 was about 1.5, a little less, I think, 1.45, it
24 would be permissible if a person was charged with
25 being intoxicated for a jury to infer that they

1 were. Okay. And even now it doesn't say if you
2 are .08 you are intoxicated, but it is permissible
3 for a jury to infer that you were in fact
4 intoxicated. There are other factors, depending
5 upon how much one drinks over the years, weight,
6 and stuff like that. But if the victim's blood
7 alcohol by weight was more than 0.1, one-hundredths
8 of one percent, it would be permissible for you to
9 infer that he was intoxicated at the time.

10 While you deliberate you'll have with you
11 everything that has been introduced. You'll have a
12 verdict form. And, jurors, I can amplify the
13 instructions on murder, voluntary -- that means
14 lengthen -- manslaughter, and involuntary
15 manslaughter, if you need it, but I can't tell you
16 about how the abstract definitions of those crimes
17 fit the facts of this case. That is why y'all are
18 there. You are the fact finders. You take all the
19 admitted evidence, draw such inferences, which have
20 to be reasonable from the totality of the evidence,
21 discuss it, it takes a unanimous decision of you 12
22 jurors to decide.

23 I think that is all I'm going to instruct you
24 at this point. If the attorneys want me to go
25 further -- because I didn't read all this on

1 involuntary and voluntary and murder. There are a
2 couple of pages on each one. But I think you
3 understand the difference between them. If the
4 attorneys want me to elucidate, I'll bring you back
5 out. I will intend no emphasis on it. And I need
6 the alternate jurors to stay in here. I need
7 everybody else to move out.

8 (WHEREUPON, the jury retires to the jury
9 room at 11:58 a.m.)

10 THE COURT: State, do you need anything else?
11 State, do you need anything else?

12 MR. MEADORS: No, sir.

13 THE COURT: Defense?

14 MR. KIRINCICH: Your Honor, if we could just
15 have 30 seconds.

16 THE COURT: I'm sorry?

17 MR. KIRINCICH: Thirty seconds?

18 THE COURT: Thirty seconds? Sure. We will
19 have the lunch here at 12.

20 (Pause.)

21 MR. MEADORS: Do you want to approach?

22 MR. KIRINCICH: Yes, sir.

23 (WHEREUPON, a bench conference was
24 held.)

25 MR. KIRINCICH: Your Honor, there were two

1 additional charges that the Defense asked the Court
2 to charge the jury. One is a general instruction
3 that the Defendant is entitled to every inference
4 in his favor which could reasonably be drawn from
5 the evidence. When two inferences may be drawn
6 from the same set of facts, one consistent with a
7 verdict of guilty and one inference consistent with
8 a verdict of not guilty, the Defendant is entitled
9 to the inference which is consistent with a verdict
10 of not guilty. I believe we had some discussion on
11 that charge.

12 THE COURT: We just discussed it. I think
13 that just basically says the State has got to prove
14 them guilty beyond a reasonable doubt. If they
15 haven't, they don't win.

16 MR. MEADORS: The State's position was in Your
17 Honor's overall charge you covered that.

18 THE COURT: I think I covered it.

19 MR. MEADORS: If you don't find a reasonable
20 doubt, then you find him not guilty.

21 THE COURT: I believe it is covered in the
22 King case, which has been overruled, as I
23 understand it.

24 MR. KIRINCICH: Your Honor, the second charge
25 would be part of the self-defense charge that words

1 accompanied by hostile acts may, depending on the
2 circumstances, establish a plea of self-defense.

3 THE COURT: I understand. Here is why I did
4 not do that. I'll give it to you in great detail.
5 It is because I have to say mere words alone do not
6 do it, you know, and then that is against his best
7 interest in the facts of this case for me to charge
8 that. I have to charge the whole thing. And what
9 we have here is that he reacted to getting hit on
10 the head with the bottle. Words didn't do it.

11 MR. KIRINCICH: Okay. Thank you, Your Honor.

12 MR. MEADORS: Your Honor, again, for the
13 record, I think you covered self-defense in detail.

14 THE COURT: I think I covered it enough. The
15 jury questions whether words alone can do it. I
16 recognize that is in the charge, words alone will
17 not do it. It looks like it is in your client's
18 best interest for me not to have said that.

19 MR. KIRINCICH: Thank you.

20 THE COURT: All right. Where are we going to
21 feed our alternates? The food should be here in a
22 minute. Y'all gather up the evidence and tell them
23 to start deliberating.

24 THE BAILIFF: All right. Okay.

25 (Alternate jurors were released.)

1 (WHEREUPON, the exhibits were sent back
2 to the jury at 12:06 p.m., and the jury
3 was instructed to begin deliberations.)

4 (WHEREUPON, a break was taken.)

5 (WHEREUPON, the jury had a question at
6 approximately 1:40 p.m.)

7 (WHEREUPON, Court's Exhibit No. 2 was
8 marked for identification only.)

9 (WHEREUPON, a bench conference was
10 held.)

11 THE COURT: I offered to charge what he wanted
12 charged after considering the charges. He thinks
13 it is good after reflection, he being Mr.
14 Kirincich. We don't mind bringing them back.

15 MR. MEADORS: Thank you.

16 THE COURT: All right.

17 (Pause.)

18 THE COURT: Okay, Mr. Kirincich, what is you
19 wanted me to charge while they are in here? You
20 might as well charge it because then we don't have
21 to fool with it later.

22 MR. KIRINCICH: If I can have just a second.

23 THE COURT: I've got what you are talking
24 about.

25 MR. KIRINCICH: From the charges I handed up

1 to the Court yesterday, Page Three of the
2 Instruction Number One.

3 THE COURT: All right.

4 MR. MEADORS: Is that on voluntary?

5 THE COURT: It is just on -- like I have to
6 tell them about inferences.

7 MR. KIRINCICH: It is part of the self-defense
8 charge, words accompanied by hostile acts may,
9 depending on circumstances, establish a plea of
10 self-defense.

11 THE COURT: It is about the same thing, but
12 since I didn't read any of these charges I'm just
13 going to read what they asked me to charge on
14 murder and voluntary manslaughter from King
15 verbatim.

16 MR. MEADORS: From who verbatim, I'm sorry?

17 THE COURT: From Ralph King's.

18 MR. MEADORS: I'm sorry, I couldn't hear.

19 THE COURT: Ralph King's thing verbatim.

20 MR. MEADORS: Whatever you say, Your Honor.

21 THE COURT: They don't ask for it, but I have
22 to I think charge them on involuntary manslaughter
23 too.

24 MR. MEADORS: I respectfully except to that
25 because they just asked for the two.

1 THE COURT: I know, but they don't know what
2 they are doing.

3 MR. MEADORS: I think they do.

4 MR. KIRINCICH: I think the note asked for all
5 three, is that correct?

6 MR. MEADORS: No, sir, they didn't. Judge,
7 whatever you decide.

8 THE COURT: All right bring them in.

9 MR. RILEY: Judge, could I see the note?

10 THE COURT: It is right there. You can look
11 at it.

12 (WHEREUPON, the jury came into open
13 court at 1:43 p.m.)

14 THE COURT: Okay, jurors, I never said sitting
15 on a jury was easy. I mean, that is not something
16 I told y'all. All right, I have your question.

17 I have earlier explained to you, I cannot tell
18 you what verdict you should reach in this case. I
19 can only instruct you on the law in the abstract.
20 There are various ways of writing it down. I have
21 three or four books up here with different
22 variations on the same thing.

23 I really don't like to read to juries, as
24 such, because I lose eye contact, and if somebody
25 dozes off, I can't point to the bailiff and say, go

1 hit he or she on the head, okay?

2 But I can't tell you what malice is, other
3 than the abstract definition. For instance, I
4 can't tell you what murder is other than the
5 abstract definition, or manslaughter, or
6 involuntary manslaughter. But from one of the
7 books I'm just going to read to you murder, okay?
8 It is not going to help you, I don't think. You
9 already know what you have to decide. It is just
10 your view of the facts. But here you go.

11 The Defendant in this case is charged with
12 murder. What is murder? Murder is defined as the
13 willful, unlawful, felonious killing of a human
14 being by a human being with malice aforethought,
15 that malice being either express malice or inferred
16 malice.

17 Section 16-310 of the Code of Laws of South
18 Carolina provides: Murder is the killing of any
19 person with malice aforethought, either express or
20 inferred.

21 The State must prove beyond a reasonable doubt
22 that the Defendant killed another person with
23 malice aforethought.

24 The presence of malice -- I said I would read,
25 but, jurors, you know, I am reading it, believe it

1 or not, I can just look down and read it -- the
2 presence of malice is a required element of murder.
3 Malice is defined as hatred or ill-will. Malice in
4 its legal sense does not necessarily import
5 ill-will towards the individual injured, but
6 signifies rather a general malignant recklessness
7 of the lives and safety of others or a condition of
8 the mind which shows a heart regardless of social
9 duty and fatally bent on mischief.

10 Malice is the wrongful intent to injury
11 another person. It indicates a wicked or depraved
12 spirit intent on doing wrong.

13 Malice is a legal term implying wickedness,
14 and excluding a just cause or excuse. It is the
15 doing of a wrongful act intentionally without just
16 cause or excuse.

17 The term malice indicates a formed purpose and
18 design to do a wrongful act under the circumstances
19 that exclude any legal right to perform that act.

20 Malice may be express or inferred. The words
21 express or inferred add nothing to the meaning of
22 the word malice. They do not imply different kinds
23 of malice, but rather the manner in which malice
24 may be proved or shown to exist, that is, either by
25 positive evidence or by inference. Inference, of

1 course, is in the area of circumstantial evidence.

2 Express malice is where there is a deliberate
3 intention to unlawfully take the life of another.

4 Inferred malice exists where circumstances
5 demonstrate a wanton or reckless disregard for
6 human life or where a reasonable prudent man would
7 have known, according to common experience, there
8 was a plain and strong likelihood that death would
9 follow the contemplated act.

10 The law says if one person intentionally kills
11 another person with a deadly weapon, implication of
12 malice may arise.

13 If facts are proved beyond a reasonable doubt
14 sufficient to raise an inference of malice to your
15 satisfaction, this inference would be simply an
16 evidentiary fact to be taken into consideration by
17 you, the jury, along with other evidence in the
18 case and you may give it such weight as you
19 determine it should receive.

20 A deadly weapon is an article, instrument or
21 substance which is likely to cause death or great
22 bodily harm.

23 Although malice must be aforethought, there is
24 no requirement that it must exist for any
25 appreciable length of time before the commission of

1 the act. There must be a combination of evil
2 intent and of the act producing the result.

3 Now, that is murder and that is malice. And
4 the rest of it that is attached to this are just
5 cases saying that a jury could have found malice to
6 have existed under the circumstances, cases on that
7 point.

8 I explain to you that before you can convict
9 the Defendant of anything, the State must prove
10 each element that constitutes the crime beyond a
11 reasonable doubt that murder is the most serious of
12 crimes and that it includes all lesser included
13 offenses.

14 A lesser included offense of murder is
15 voluntary manslaughter. So if you find that the
16 State has not convinced you beyond a reasonable
17 doubt that the Defendant is guilty of murder, you
18 can then consider whether the State has convinced
19 you that the Defendant is guilty of voluntary
20 manslaughter.

21 Section 16-3-50 of the South Carolina Code of
22 Laws defines manslaughter as the unlawful killing
23 of another without malice, express or inferred.

24 Voluntary manslaughter is the unlawful killing
25 of a human being without malice in sudden heat of

1 passion upon sufficient legal provocation.

2 To prove voluntary manslaughter, the State
3 must convince 12 jurors beyond a reasonable doubt
4 that the Defendant unlawfully killed another
5 without malice in sudden heat of passion based on
6 sufficient legal provocation.

7 Heat of passion alone will not suffice. Both
8 heat of passion and sufficient legal provocation
9 must be present at the time of the killing to
10 constitute voluntary manslaughter.

11 The sudden heat of passion upon sufficient
12 legal provocation, while it need not dethrone
13 reason entirely, or shut out knowledge and
14 volition, must be something as would naturally
15 disturb the sway of reason and render the mind of
16 an ordinary person incapable of cool reflection and
17 produce what, according to human experience, may be
18 called an uncontrollable impulse to do violence.

19 The passion need not be so overpowering as of
20 the time to shut out knowledge and destroy
21 volition.

22 To constitute sufficient legal provocation,
23 the provocation must come from some act of or
24 related to the victim. The provocation of the
25 deceased must be such as naturally and instantly

1 produces in the mind of the person ordinarily
2 constituted the highest degree of exasperation,
3 rage, anger, sudden resentment or terror rendering
4 the mind incapable of cool reflection.

5 If sufficient legal provocation does not
6 exist, the killing, even if committed during the
7 heat of passion, is not voluntary manslaughter.
8 The provocation must deprive one of the power of
9 self-control, but it need not entirely dethrone
10 reason.

11 Where death is caused by the use of a deadly
12 weapon, words alone, however obnoxious, are not
13 sufficient to constitute a legal provocation.
14 Rather, when death is caused by the use of a deadly
15 weapon, opprobrious words must be accompanied by
16 the appearance of an assault by some overt
17 threatening act which would have produced the heat
18 of passion. Thus, although words alone may not
19 constitute sufficient legal provocation, words
20 accompanied by some overt threatening act may be
21 sufficient.

22 The exercise of a legal right, no matter how
23 offensive to another, is never sufficient legal
24 provocation for voluntary manslaughter.

25 In determining whether the act which caused

1 death was impelled by heat of passion, all the
2 surrounding circumstances and conditions are to be
3 taken into consideration, including previous
4 relations and conditions connected with the tragedy
5 as well as those existing as of the time of the
6 killing.

7 In order for an intentional, unlawful killing
8 to constitute voluntary manslaughter, the killing
9 must occur during the heat of passion aroused by
10 adequate provocation and before the passion has
11 cooled or has had time to cool.

12 Even if sufficient legal provocation has
13 aroused a Defendant's passion, if at the time of
14 the killing those passions had cooled or a
15 sufficient reasonable time had elapsed so that the
16 passions of an ordinary reasonable person would
17 have cooled, the killing is not voluntary
18 manslaughter.

19 If sufficient time has elapsed under all the
20 circumstances of the case for the Defendant to
21 cool, that is to say, the time within which an
22 ordinary man in like circumstances would have
23 cooled before the fatal blow is struck, then the
24 killing is not voluntary manslaughter.

25 In determining whether a reasonable time for

1 cooling off has elapsed, you should consider all
2 the circumstances surrounding the event, the nature
3 of the provocation, and the Defendant's physical
4 and mental constitution, the Defendant's condition
5 in life, the Defendant's education, habits,
6 conduct, conversation throughout the entire
7 incident and the circumstances and relationships
8 between the parties.

9 Jurors, while you didn't ask for it, I'm going
10 to instruct you on involuntary manslaughter, but
11 I'm not going to read the whole thing.

12 Here is the bottom line difference.
13 Manslaughter and murder both carry an intent to
14 kill on the part of the Defendant. Where a person
15 is killed and the Defendant has no intent to kill
16 the person, then they can't be guilty of murder or
17 of involuntary manslaughter -- I mean, on voluntary
18 manslaughter, generally speaking. So involuntary
19 manslaughter is basically the unintentional killing
20 of another without malice.

21 We could go on and on, but we are talking
22 about violating the statute that says you must be
23 criminally negligent, which means as follows:

24 Criminal negligence is defined as reckless
25 disregard of the safety of others. A person

1 charged with the crime of involuntary manslaughter
2 may be convicted only upon a showing of criminal
3 negligence as defined in this section.

4 Now, jurors, we are talking about implication
5 of malice that can arise from the use of a deadly
6 weapon. Remember, implications are not something
7 you are required to do, it is just something you
8 can consider, but it is in the area of
9 circumstantial evidence.

10 You cannot find the Defendant guilty based
11 upon suspicion, conjecture or speculation, no
12 matter how strong. A conviction can only be based
13 upon proof of guilt of some charge embraced within
14 this indictment beyond a reasonable doubt. If
15 proof does not meet that standard, you must find
16 the Defendant not guilty.

17 This Defendant and every Defendant is entitled
18 to every inference in his favor which can
19 reasonably be drawn from the evidence.

20 Where two inferences may be drawn from the
21 same set of facts, one consistent with a verdict of
22 guilty and one inference consistent with a verdict
23 of not guilty, the Defendant is entitled to the
24 inference which is consistent with a verdict of not
25 guilty, which is just another way of saying the

1 State has the burden of proof beyond a reasonable
2 doubt. If everything is equal, it could have been
3 A, it could have been B, the State hasn't convinced
4 you beyond a reasonable doubt. And I'm not
5 suggesting they haven't on anything.

6 If I could give you examples from the many
7 cases we have heard, it would be helpful, but I'm
8 not allowed to do that. Y'all heard the facts. I
9 can't add anything to it and I can't tell you what
10 you should do in this case. That is the law.

11 If you go back and you want further
12 instructions on what murder is and what voluntary
13 manslaughter is or what malice is, I can read from
14 a different book. It is going to be the same
15 thing. But you saw all of those complicated words
16 that scholars put in there that don't have anything
17 to do with it, it will just be more of those.

18 The bottom line, murder is the killing of one
19 human being unlawfully by another with malice
20 aforethought, express or inferred.

21 Involuntary manslaughter is the unintentional
22 killing without malice.

23 And voluntary manslaughter is killing somebody
24 without malice upon sufficient legal provocation,
25 et cetera, et cetera.

1 Have back at it.

2 (WHEREUPON, the jury retires to the jury
3 room at 1:59 p.m. to continue
4 deliberations.)

5 THE COURT: All right, what?

6 MR. MEADORS: Respectfully, Judge, you read
7 the murder and voluntary manslaughter exactly,
8 which we have no exception with, and even though
9 they didn't request involuntary, you read it, but
10 then didn't read involuntary like you did the other
11 two.

12 THE COURT: I didn't read it entirely because
13 that is just telling them the big differences.

14 MR. MEADORS: The definition actually -- thank
15 you.

16 THE COURT: They are either going to find him
17 not guilty or guilty of voluntary, chances are, or
18 murder or involuntary.

19 And I didn't read it in the entirety because
20 they didn't -- they obviously already understood
21 that.

22 MR. MEADORS: Yes, sir. If you read the other
23 two, I just wanted you to read all of that one.

24 THE COURT: Yep.

25 MR. MEADORS: It won't be an issue unless they

1 come back with it, I guess.

2 THE COURT: Nope.

3 (WHEREUPON, a break was taken.)

4 (WHEREUPON, the jury reached a verdict.)

5 THE COURT: All right, is the State ready to
6 receive the verdict?

7 MR. MEADORS: Yes, sir, Your Honor.

8 THE COURT: What about the Defense?

9 MR. RILEY: Yes, sir.

10 THE COURT: Hold it. All right, we've got
11 family members here both ways. We don't know what
12 the verdict is. Everybody try to stay under
13 control. Somebody is going to be disappointed one
14 way or the other.

15 All right.

16 (WHEREUPON, the jury came into open
17 court at approximately 2:37 p.m.)

18 VERDICT

19 THE COURT: Okay, Madam Forelady, has the jury
20 reached a verdict?

21 THE FORELADY: Yes, sir, we have.

22 THE COURT: I know you have watched a lot of
23 TV, but that is not how we do it. If you would
24 just hand it to Mr. Dowey. You have been back
25 there practicing reading it, but you don't get to

1 read it.

2 (The Court views the verdict form.)

3 THE CLERK: Thank you, Your Honor. State of
4 South Carolina, County of Kershaw. The State of
5 South Carolina versus Tommy McKnight, Defendant.
6 Indictment 2008-GS-28-2183.

7 We, the jury, by unanimous consent, on the
8 charge of murder find the Defendant: Guilty of
9 murder. Signed by: Sarah Wilkes, Forelady.

10 Madam Forelady, and ladies and gentlemen of
11 the jury, if this is your verdict, please signify
12 by raising your right hand.

13 (All jurors comply.)

14 THE COURT: Anything else required of the jury
15 by the State?

16 MR. MEADORS: No, sir, nothing from the State.

17 THE COURT: From the Defense?

18 MR. RILEY: No, Your Honor.

19 THE COURT: Okay, jurors, the next phase is I
20 sentence. You can hang around if you like. I used
21 to just go ahead and sentence, but then
22 occasionally people pass out when you sentence. So
23 once I started giving jurors the option, they
24 usually start leaving.

25 It is like what, Mr. Meadors, 30 to life,

1 something like that?

2 MR. MEADORS: That's correct.

3 THE COURT: Have to serve 85 percent of
4 anything. So y'all can hang around or you can go.
5 If you are going to go, though, now would be the
6 time.

7 (WHEREUPON, the jury was excused.)

8 MR. MEADORS: Is Your Honor ready?

9 THE COURT: Yes.

10 MR. MEADORS: I don't know where Mr. Moak is
11 going. I think he is coming back.

12 Your Honor, as far as the prior record, back
13 in '75, destruction of private property; simple
14 assault and battery in '79; criminal domestic
15 violence conviction in '92.

16 Mr. Moak has gone -- he informs me there was a
17 North Carolina conviction for some sort of larceny
18 or something, I'm not sure, he's gone to get that.
19 And when he gets back we'll clarify that, whether
20 that is him or not, but that is what he just told
21 me.

22 Judge, there are several family members here
23 that have been here throughout the process. I want
24 to acknowledge them. They may want to address the
25 Court briefly. Ms. Teresa Mitchell, mama. She's

1 right here. And it is fair to say over these past
2 two or three years we have been through the highs
3 and lows together, let me just say that. I think
4 right now we're on common ground. Johnny Mitchell,
5 the stepfather, had to leave. He's been here most
6 of the trial. Ms. Julia Mitchell, his grandmama,
7 has been here the whole time. I want to thank her
8 for her patience. Ms. Brenda Harris, the aunt, is
9 here. And highs and lows again, but I think it
10 would show -- and I have also spoken to Williams'
11 father in person this week several times. He's
12 been here in and out, but I know he is here in
13 spirit right now, Your Honor. The grandfather was
14 here yesterday, Mr. Mitchell, Your Honor.

15 Judge, I don't know if any of them want to say
16 anything. They are here. Obviously they loved
17 Ike. And they think that he should still be here.
18 And we want to thank the jury for their verdict.

19 Your Honor, I apologize. Your Honor, Ms.
20 Julia Mitchell, the grandmother of Isaac, Ike
21 Williams, would like to address Your Honor.

22 THE COURT: All right.

23 MS. MITCHELL: Your Honor, I would just like
24 to say that I hope and pray that no one else will
25 have to go through what we have been through since

1 I lost my grandson. We miss him so much. I just
2 hope no one else will ever have to go through this.
3 That's all I wanted to say.

4 MR. MEADORS: Judge, thank you. And in
5 conclusion, I want to thank Investigator Lee Boan,
6 of the Camden Police Department, for outstanding
7 work on this; our victim advocate, Ms. Tolke; of
8 course, Mr. Moak and the rest of the staff here,
9 and Leslie and Karen and everybody for helping out.
10 That's all we would have. Thank you.

11 THE COURT: Okay. Mr. Riley, y'all just came
12 up. If you have motions I'll be interested in
13 listening to them, or you can think about it and
14 wait ten days if you'd like.

15 MR. RILEY: If the Court would permit that, I
16 think I would prefer to do that. I'll submit
17 anything within ten days.

18 THE COURT: All right. Well, he is not -- I
19 have to listen to his motions, so I can't really do
20 that. I would say that if I'm sentencing him,
21 since he has some age on him and he has to serve
22 85 percent, I'm not going to give him life under
23 the circumstances. I think it is a closer call
24 between voluntary and life, you know, murder. And
25 murder is 30 to life and voluntary is 30, so I

1 would sentence him a maximum of voluntary rather
2 than on up. But he has to serve 85 percent, which
3 is pretty severe, but I'm not doing that today.
4 I'm just saying that. And I guess we can't
5 sentence him until the next time I'm here, which is
6 the last week in April.

7 MR. MEADORS: I think so. Judge, the 30 on
8 the murder would be day for day, just for the
9 record.

10 THE COURT: I understand.

11 MR. MEADORS: But our next term of court --

12 THE CLERK: April 27th.

13 MR. MEADORS: April 27th.

14 THE COURT: Which is roughly a month from
15 today, but he'll have to be housed here until then.
16 And you can file your motions. And we'll argue
17 them that day.

18 MR. RILEY: Yes, sir.

19 THE COURT: I mean, it is hard for him. He
20 needs to fully protect his record, so -- and you
21 might need to confer with your attorneys and
22 anything you want them to raise I'll be happy to
23 listen to it, but you have a right to appeal after
24 you are sentenced, you see, and you need to put
25 anything in there the Appellate Court might look at

1 to give you a new trial, some mistake I made or
2 something, anything. But it is not fair to just do
3 that today, you know, because you have got ten days
4 to do that and they will be in touch with you. I
5 won't hear it in ten days, but I'm not making them
6 state everything today and giving y'all ten days to
7 do that, and then I will rule on it.

8 MR. MEADORS: So you are deferring sentence
9 today?

10 THE COURT: I am just telling him what I would
11 have sentenced him to so nobody will wonder. I'm
12 not in the business of hiding things, that's all,
13 but I'm not sentencing him today. And it is
14 possible I might set it aside if they come up with
15 some really great argument, you know, which I don't
16 know about at this point, but I'm giving them a
17 chance to do that.

18 MR. RILEY: Yes, sir. Thanks, Judge.

19 THE COURT: Were I to sentence him today it
20 would be 30 years. Okay.

21 MR. RILEY: Thank you, sir.

22 THE COURT: Which is day for day on murder,
23 unfortunately for him.

24 All right.

25 MR. KIRINCICH: Thank you, Your Honor.

1 MR. MEADORS: Thank you, Your Honor.

2 THE COURT: And that week of the 26th, let's
3 just set it for like that Tuesday because Monday we
4 get wound up in everything. Just say 9:30 on that
5 Tuesday, which would be the 27th, I guess?

6 MR. MEADORS: Thank you, Judge.

7 MR. MOAK: Thank you, Your Honor.

8 MR. RILEY: Thank you.

9 THE COURT: And you know to copy them with
10 your motion to me so they can research it, they
11 being research scholars?

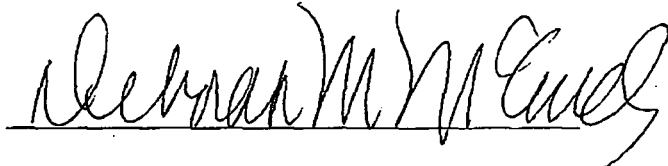
12 MR. RILEY: Yes, Your Honor. Thanks.

13 (WHEREUPON, the proceedings were concluded.)
14
15
16
17
18
19

20 (END OF TRANSCRIPT)
21
22
23
24
25

1 CERTIFICATE OF REPORTER
2
34 STATE OF SOUTH CAROLINA)
5 COUNTY OF KERSHAW)
6
78 I, Deborah M. McCurdy, Official Court Reporter for
9 the Fifth Judicial Circuit of the State of South
10 Carolina, do hereby certify that the foregoing is a
11 true, accurate and complete Transcript of Record of the
12 proceedings had and evidence introduced in the trial of
13 the captioned case, relative to appeal, in the Court of
14 General Sessions for Kershaw County, South Carolina, on
15 the 16th, 17th, 18th and 19th days of March, 2009.16 I do further certify that I am neither of kin,
17 counsel nor interest to any party hereto.
18
19

20 September 21, 2009

21 
2223 Deborah M. McCurdy, RPR
24 Fifth Circuit Court Reporter
25

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Kershaw County

J. Ernest Kinard, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TOMMY MCKNIGHT,

APPELLANT

FINAL ANDERS BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

The court abused its discretion by refusing to direct a verdict on the charge of murder where it was undisputed appellant shot the decedent after the decedent attacked and hit him with a beer bottle since appellant was either guilty of voluntary manslaughter or not guilty by reason of self-defense under the circumstances.

STATEMENT OF THE CASE

Appellant was indicted by the Kershaw County grand jury for the offense of murder. His case was called to trial on March 16, 2009 before the Honorable J. Ernest Kinard Jr., and a jury. Cornelius Riley and Jason Kirincich represented appellant. John Meadors and Ronald Moak were the solicitors. R. 1.

On March 19, 2009 the jury found appellant guilty. R. 485, ll. 7-9. On April 28, 2009 Judge Kinard sentenced appellant to thirty years imprisonment. R. 8, l. 23-9, l. 1.

This appeal follows.

ARGUMENT

The court abused its discretion by refusing to direct a verdict on the charge of murder where it was undisputed appellant shot the decedent after the decedent attacked and hit him with a beer bottle since appellant was either guilty of voluntary manslaughter or not guilty by reason of self-defense under the circumstances.

Relevant Facts

Travis Johnson testified that on Friday, September 23, 2005 he was “hanging out” with his friends and drinking beer. R. 139, l. 8-143, l. 9. Johnson remembered that his friend Isaac Williams was drinking his beer when appellant approached on his bicycle and asked Williams if his dog was “a pit bull mixed with a pit bull?” Johnson remembered that Williams angrily responded: “If you know what kind of dog it is why the F are you asking me that question?” R. 143, l. 13-144, l. 3. Johnson recalled Williams “hit him [appellant]” with the [beer] bottle.”

Johnson remembered appellant fell down was struck by the beer bottle, and Williams told appellant to leave. Johnson recalled that appellant said to Williams: “I ain’t going nowhere. I’m going to sit right here and I’m going to drink my beer.” R. 144, ll. 1-14.

Jasmin Floyd also testified that Williams hit appellant with a beer bottle. Floyd said the decedent attacked appellant, and it was undisputed that appellant stabbed the victim. R. 221, l. 4-18.

Dr. Joel Sexton said the decedent was stabbed in his left abdomen: “There was a long stab wound” that killed the decedent. Dr. Sexton stated the decedent had a blood-alcohol level of .15 at the time he was stabbed. Dr. Sexton opined the decedent was “legally intoxicated.” R. 87, ll. 11-13; 102, ll. 12-16.

Directed verdict

Defense counsel moved for a directed verdict. He argued self-defense was obviously an issue in this case and the state had not offered evidence disproving self-defense beyond a reasonable doubt. Defense counsel argued appellant was without fault in bringing on the difficulty, he believed he was in imminent danger, and he had not other probable means of avoiding the confrontation. R. 336, l. 24-337, l. 14.

The solicitor claimed appellant started the difficulty by commenting about the decedent's dog. R. 337, l. 18-341, l. 13. The judge responded that the jury "can easily find that he acted in self-defense." However, the judge also said the jury could find appellant took a "knife to a fist fight" and he denied the directed verdict motion. The judge said he would charge -- and he did -- the jury on murder, voluntary manslaughter, involuntary manslaughter, and self-defense. R. 340, l. 21-343, l. 1.

Discussion

The trial court only has a duty to submit a case to the jury where there is direct evidence or substantial circumstantial evidence from which the defendant's guilt may be fairly and logically be deduced See, State v. Williams, 321 S.C. 327, 468 S.E.2d 626 (1996); State v. Irvin, 270 S.C. 539, 243 S.E.2d 195 (1978). In State v. Martin, 340 S.C. 597, 533 S.E.2d 572 (2000), the Court found the defendant was entitled to a directed verdict on the charge of murder even though the defendant and co-defendant both made inculpatory statements stating that someone may have died that evening, or "some shit happened" on the night the decedent was killed. The defendant's girlfriend also noted they were late picking her up from her job at the bar, and evidence from the crime scene was found in a trash can near the bar. See, also, State v. Schrock, 283 S.C. 129, 322 S.E.2d 450 (1994).