

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

R. Keith Kelly, Circuit Court Judge

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OCT 11 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER ERIC MEJEAN,

APPELLANT

APPELLATE CASE NO. 2015-001282

RECORD ON APPEAL

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INDEX

INDEX.....	i
TRIAL TRANSCRIPT.....	1
OPENING STATEMENT BY MS. HODGE	47
OPENING STATEMENT BY MR. SULLIVAN	51
TESTIMONY	
TEE SMITH	
Direct Examination by Ms. Hodge	53
Cross Examination by Mr. Sullivan.....	65
REGINA SMITH	
Direct Examination by Ms. Hodge	67
Cross Examination by Mr. Sullivan.....	80
MELISSA MEJEAN	
Direct Examination by Ms. Hodge	82
Cross Examination by Mr. Sullivan.....	93
ADAM DAVIS	
Direct Examination by Ms. Hodge	99
Cross Examination by Mr. Sullivan.....	137
CHRISTOPHER E. MEJEAN	
Direct Examination by Mr. Sullivan.....	156
Cross Examination by Ms. Hodge	167
Redirect Examination by Mr. Sullivan	178
CLOSING ARGUMENT BY MR. SULLIVAN	183
CLOSING ARGUMENT BY MS. HODGE.....	190
CHARGE OF THE COURT.....	199
VERDICT.....	226
SENTENCING.....	236

INDICTMENTS 238

CERTIFICATE OF COUNSEL.....244

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBITS #1-53 – PHOTOS

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
 -VS-)
)
 CHRISTOPHER E. MEJEAN,)
)
 DEFENDANT.)
 _____)

2013-GS-23-05236 - 05238

TRANSCRIPT OF RECORD

JUNE 2 - 4, 2015
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE R. KEITH KELLY

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

KRIS HODGE, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

TIMOTHY SULLIVAN, ESQUIRE

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

INDEX

<u>WITNESS</u>	<u>PAGE NO.</u>
OPENING STATEMENTS	
MS. HODGE -----	47
MR. SULLIVAN -----	51
TEE SMITH	
DIRECT BY MS. HODGE -----	53
CROSS BY MR. SULLIVAN -----	65
REGINA SMITH	
DIRECT BY MS. HODGE -----	67
CROSS BY MR. SULLIVAN -----	80
MELISSA MEJEAN	
DIRECT BY MS. HODGE -----	82
CROSS BY MR. SULLIVAN -----	93
ADAM DAVIS	
DIRECT BY MS. HODGE -----	99
CROSS BY MR. SULLIVAN -----	137
CHRISTOPHER E. MEJEAN	
DIRECT BY MR. SULLIVAN -----	156
CROSS BY MS. HODGE -----	167
REDIRECT BY MR. SULLIVAN -----	178
CLOSING ARGUMENTS	
MR. SULLIVAN -----	183
MS. HODGE -----	190

INDEXWITNESSPAGE NO.

CHARGE OF THE COURT	-----	199
VERDICT OF THE JURY	-----	226
SENTENCE OF THE COURT	-----	236
CERTIFICATE OF REPORTER	-----	239

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-1	PHOTO -----	9	74
S-2	PHOTO -----	9	74
S-3	PHOTO -----	9	74
S-4	PHOTO -----	9	74
S-5	PHOTO -----	9	74
S-6	PHOTO -----	9	74
S-7	PHOTO -----	9	74
S-8	PHOTO -----	9	104
S-9	PHOTO -----	9	104
S-10	PHOTO -----	9	104
S-11	PHOTO -----	9	104
S-12	PHOTO -----	9	104
S-13	PHOTO -----	9	104
S-14	PHOTO -----	9	104
S-15	PHOTO -----	9	104
S-16	PHOTO -----	9	104
S-17	PHOTO -----	9	108
S-18	PHOTO -----	9	108
S-19	PHOTO -----	9	108
S-20	PHOTO -----	9	108
S-21	PHOTO -----	9	108
S-22	PHOTO -----	9	108
S-23	PHOTO -----	9	108

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-24	PHOTO -----	9	108
S-25	PHOTO -----	9	108
S-26	PHOTO -----	9	108
S-27	PHOTO -----	9	108
S-28	PHOTO -----	9	108
S-29	PHOTO -----	9	108
S-30	PHOTO -----	9	108
S-31	PHOTO -----	9	108
S-32	PHOTO -----	9	108
S-33	PHOTO -----	9	120
S-34	PHOTO -----	9	120
S-35	PHOTO -----	9	120
S-36	PHOTO -----	9	121
S-37	PHOTO -----	9	121
S-38	PHOTO -----	9	121
S-39	PHOTO -----	9	121
S-40	PHOTO -----	9	121
S-41	PHOTO -----	9	121
S-42	PHOTO -----	9	121
S-43	PHOTO -----	9	129
S-44	PHOTO -----	9	129
S-45	PHOTO -----	9	129
S-46	PHOTO -----	9	129

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-47	PHOTO -----	9	129
S-48	PHOTO -----	9	129
S-49	PHOTO -----	9	129
S-50	PHOTO -----	9	129
S-51	PHOTO -----	9	129
S-52	PHOTO -----	9	129
S-53	PHOTO -----	9	129
S-54	SHELL CASING -----	115	116
S-55	SHELL CASING -----	115	116
S-56	SHELL CASING -----	115	116
S-57	METAL FRAGMENT -----	115	117
S-58	METAL SLUG -----	115	117
S-59	METAL FRAGMENT -----	115	117
S-60	SHELL CASING -----	115	118
S-61	SHELL CASING -----	124	124
S-62	SHELL CASING -----	124	125
S-63	SHELL CASING -----	124	126
S-64	SHELL CASING -----	126	126
S-65	SHELL CASING -----	126	127
S-66	SHELL CASING -----	127	127
S-67	EMPTY BOX FOR AMMUNITION -----	133	134
S-68	8 CARTRIDGES IN BOX -----	133	135
S-69	EMPTY BOX FOR AMMUNITION -----	133	136

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-70	BOX OF CARTRIDGES -----	133	136

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
C-1	JURY QUESTION -----	216	
C-2	JURY CHARGE -----	216	
C-3	JURY QUESTION -----	221	
C-4	COURT'S ANSWER -----	221	

1

2 jury list

1 jury list

1 (Whereupon State's exhibits 1 - 53 were marked for
2 identification)

3 (Whereupon court convened at 10:05 am)

4 **THE COURT:** Mr. Sullivan.

5 **MR. SULLIVAN:** Judge, the case we're about to try with
6 Christopher Eric Mejean, pre-negotiated with the solicitor,
7 and she's been -- we've had cordial agreements. And she's
8 furnished discovery.

9 And he's charged with three counts of attempted murder.
10 They offered assault and battery, high and aggravated. He
11 has that offer in writing. He has a copy of the discovery.
12 We've met a couple of times and gone over it. There's not
13 much difference on the facts of who did what. But he has
14 rejected that offer and has chosen to stand trial for
15 attempted murder times three.

16 **THE COURT:** Okay.

17 **MR. SULLIVAN:** Which I have explained to him, that is a
18 zero to thirty, no suspension. So whereas the assault and
19 battery, high and aggravated, is suspendable with probation.
20 So he knows the risk he's taking. Is this a correct
21 statement, Eric?

22 **MR. MEJEAN:** Yes, sir.

23 **THE COURT:** You want me to swear him and talk to him,
24 Mr. Sullivan?

25 **MR. SULLIVAN:** Yes, sir, if you would.

1 **THE COURT:** I will. Sir, you are Christopher Eric --
2 is it Mejean?

3 **MR. MEJEAN:** Mejean, yes, sir.

4 **THE COURT:** Mejean.

5 **MR. MEJEAN:** I go by Eric, yes, sir.

6 **THE COURT:** Eric. Mr. Mejean, I'm going to ask you to
7 be sworn here, please.

8 **MADAME CLERK:** Would you raise your right hand. Do you
9 swear or affirm that the testimony you're about to give is
10 the truth, the whole truth and nothing but the truth so help
11 you God?

12 **MR. MEJEAN:** Yes, ma'am.

13 **MADAME CLERK:** Thank you.

14 **THE COURT:** Now, Mr. Mejean, you've been in the
15 courtroom during these few minutes that your lawyer -- well,
16 you've actually been here for some time. You were here with
17 the previous plea.

18 **MR. MEJEAN:** Yes, sir.

19 **THE COURT:** It's now eight minutes after ten by the
20 clock in the courtroom. We're on the record here. And this
21 lady's my court reporter seated to my left and your right.
22 She's recording everything we say here.

23 Your lawyer has advised the Court that you desire to go
24 forward with the attempted murder charge times three, and
25 you have rejected the State's offer. I don't know what that

1 offer would have been, but it would be something besides
2 what you're charged with. Do you understand that?

3 MR. MEJEAN: Yes, sir.

4 THE COURT: And is that what you want to do?

5 MR. MEJEAN: Yes, sir.

6 THE COURT: Are you under the influence of any drug or
7 alcohol or anything that affects your reasoning ability?

8 MR. MEJEAN: No, sir.

9 THE COURT: You are of clear mind and know what you're
10 doing?

11 MR. MEJEAN: Yes, sir.

12 THE COURT: Mr. Sullivan has shared discovery with you?

13 MR. MEJEAN: Yes, sir.

14 THE COURT: He's answered all of your questions?

15 MR. MEJEAN: Yes, sir.

16 THE COURT: Okay. Do you need to talk to him any
17 further about this case?

18 MR. MEJEAN: No, sir.

19 THE COURT: All right. And is that what you want to
20 do? You still want to -- and I'll put it this way.
21 Sometimes the State, once the case is at this point, they
22 rescind the offer. And I don't know what that offer would
23 be, but if you wanted it, even at this late hour, I would
24 follow that if there is a recommendation. I want you to
25 know that. Do you understand that?

1 I don't know what the recommendation is. I don't know
2 what the offer was. Don't want to know unless you want
3 that. But I'm telling you at this late hour, whatever it
4 is, I would follow that if you wanted to take that. Do you
5 want to take it or do you still want to reject it?

6 **MR. MEJEAN:** I still want to reject it.

7 **THE COURT:** Okay. Very good. Thank you. All right.

8 **MR. SULLIVAN:** Thank you, Your Honor.

9 **THE COURT:** Anything -- any matters from Defense? Any
10 motion whatsoever before we bring the jury?

11 **MR. SULLIVAN:** No, Your Honor. The only thing we
12 discussed in chambers is on the attempted murder would be
13 the specific intent. If you would charge that, that may
14 affect how I argue to them. I think we agree on pretty much
15 what happened, just who did it.

16 **THE COURT:** Okay. Anything from the State?

17 **MS. HODGE:** No, Your Honor, just to clarify as far as
18 what the plea offer was. Mr. Sullivan stated it was ABHAN.
19 It's -- it was assault and battery, first degree, with a cap
20 of five years.

21 **THE COURT:** Okay. I knew there was some offer of
22 something less. I wasn't specific about what it was, and I
23 certainly didn't know about the cap, but he has rejected
24 that.

25 **MS. HODGE:** Okay. Thanks.

1 **THE COURT:** Okay. All right. We're ready for the
2 jury. Thank you. You may be seated.

3 **MR. SULLIVAN:** Judge, I've never tried one with you.
4 Do you bring them up one at a time?

5 **THE COURT:** Yes, sir.

6 **MR. SULLIVAN:** Okay.

7 **THE COURT:** Yes, sir. You want me to do it some other
8 way?

9 **MR. SULLIVAN:** No, that's fine. I just like to be
10 ready -- you ask them about victims of crime and stuff like
11 that and law enforcement, relatives? Do you do that?

12 **THE COURT:** I'll -- you got any list you want me to --
13 I'll -- law enforcement.

14 **MR. SULLIVAN:** Related to solicitor or law enforcement,
15 victim of violent crimes, strong anti-gun feelings, I guess.
16 That would be it.

17 **THE COURT:** I'm sorry, Mr. Sullivan, I didn't catch the
18 last ...

19 **MR. SULLIVAN:** Victim of violent crimes and strong
20 anti-gun feelings.

21 **THE COURT:** Anything from the State?

22 **MS. HODGE:** No, sir.

23 **THE COURT:** Okay.

24 **MR. SULLIVAN:** Excuse me, Judge. Do you pick an
25 alternate?

1 **THE COURT:** Yes, sir.

2 **MR. SULLIVAN:** Okay, good. Judge, one more thing and
3 I'll hush. Five and ten on attempted murder in the strikes?

4 **MS. HODGE:** I believe it's five and ten.

5 **THE COURT:** You know, that's -- let's just make sure
6 we've got that right. I've got murder five and ten. I
7 don't know about attempted murder. Does the State agree
8 it's ten?

9 **MS. HODGE:** Your Honor, I believe that ABWIK was ten.
10 And we don't have ABWIK anymore, but we have attempted
11 murder almost in its place. Was that right or wrong?

12 **THE COURT:** If the State doesn't disagree, then we will
13 do that and we'll save -- it won't be an issue then.

14 **MS. HODGE:** Oh, no, I'm wrong. So it'll be five and
15 five. It was murder, manslaughter and they skipped ABWIK.
16 Okay. So it is five and five.

17 **THE COURT:** I've got it five and five.

18 **MR. SULLIVAN:** That's fine, Your Honor. I just didn't
19 want to keep striking away.

20 **MS. HODGE:** I misspoke.

21 **THE COURT:** Well, manslaughter is five and ten. Murder
22 is five and ten.

23 **MS. HODGE:** Right. It's been a while since I've done
24 one of these. I'm usually on CSC's, and they're always ten.

25 **THE COURT:** CSC is ten, five and ten.

1 **MS. HODGE:** Okay.

2 (Pause)

3 (Whereupon the jury panel entered the courtroom at
4 10:19 am)

5 **THE COURT:** Ladies and gentlemen of the jury, good
6 morning. We have been working in your absence. We've been
7 here all morning and moving some other matters off of the
8 docket that did not require your attention, but we find
9 ourselves in need of your assistance at this time.

10 Some of you may have been in the courtroom yesterday
11 when I introduced myself, but for the others, I'm Keith
12 Kelly. I'm one of your resident -- well, I'm one of your
13 circuit court judges, not one of your resident judges, but
14 one of your circuit court judges in this State.

15 There are forty-nine of us throughout the State. And
16 we rotate around in a circuit as, hence, the name circuit
17 court. I'm usually stationed over in the Spartanburg area.
18 That's home to me, the Spartanburg Seventh Circuit,
19 Spartanburg and Cherokee County. And my chambers or office,
20 if you will, actually is in Gaffney, the Cherokee County
21 Courthouse. But it's good to be with you.

22 I'm assigned over here this week. And we also, if I
23 didn't -- if you don't know that, we also change hats from
24 week to week. I'm here in General Sessions, which is a term
25 of criminal court. And last week and then next week I will

1 be wearing the Common Pleas hat or the civil court. So I'll
2 take up civil matters next week. I'm taking up criminal
3 matters this week.

4 And you also have some of your own judges here. I know
5 Judge Hill is here. Judge Stilwell, Judge Miller are here.
6 And Judge Miller and Judge Hill are also doing criminal
7 matters, General Sessions. And Judge Stilwell was doing
8 some civil court. So you have some of your own judges here
9 as well.

10 Ladies and gentlemen, one thing I want to tell you
11 about myself is that I stand a lot. And I want you to place
12 no significance whatsoever on the fact that I might be
13 sitting or standing if a witness is testifying or not -- or
14 if I'm sitting or standing, it means nothing, okay? So I
15 want you to place no significance on the fact that I might
16 be standing while one witness is testifying and sit with
17 another one. It simply means I don't -- I don't like to sit
18 in a chair all day.

19 And so I stand a fair amount. But I do not want you to
20 draw the wrong conclusion that the Judge believes or
21 disbelieves what the witness is saying merely because he is
22 sitting or standing. Trust me, it means nothing other than
23 I just don't want to sit in the chair.

24 We are here in the matter of the State of South
25 Carolina versus Christopher Eric Mejean. Mr. Mejean is

1 charged in three indictments with the offense of attempted
2 murder. Now, I tell you that the indictment is merely a
3 piece of paper. I hold it here in my hand. These three
4 pieces of paper, they are merely a piece of paper. They are
5 merely the charging instrument, if you will, that brings Mr.
6 Mejean before this Court. It is no evidence of his guilt
7 whatsoever.

8 In fact, he has entered a plea of not guilty to each
9 and every indictment. And he is presumed by our law not to
10 be guilty of each and every indictment. And so, again,
11 these are nothing more than the charging instrument pieces
12 of paper which bring him before the Court. The burden is on
13 the State of South Carolina seated at this table, to my
14 left, your right, but the burden is on the State of South
15 Carolina to prove him guilty beyond a reasonable doubt on
16 each and every element of each and every indictment.

17 Now, ladies and gentlemen, you were previously sworn by
18 another judge, that would have been yesterday morning at
19 jury qualification, and you were asked a series of
20 questions. And, likewise, I'm required at this time to ask
21 a few more questions with regards to this particular case.
22 But I remind you that you remain under oath.

23 Ladies and gentlemen, has any member of the jury panel
24 ever been related by blood or marriage to Christopher Eric
25 Mejean? If so, please stand.

1 (No response)

2 **THE COURT:** Any member of the jury panel ever been
3 related by blood or marriage to Mr. Mejean? If so, please
4 stand.

5 (No response)

6 **THE COURT:** Any member of the jury panel have a close,
7 personal or social relationship with Mr. Mejean? If so,
8 please stand.

9 (No response)

10 **THE COURT:** Has any member of the jury panel ever been
11 related by blood or marriage to Tee Smith, as in T-e -- two
12 e's, T-e-e Smith, Regina Smith, or A.S., is that a minor?

13 **MS. HODGE:** Their minor child.

14 **THE COURT:** A minor -- or their minor child, identified
15 by initials. Anybody related by blood or marriage to the
16 Tee and Regina Smith or their family, ever been related by
17 blood or marriage to those individuals, please stand.

18 (No response)

19 **THE COURT:** Any member of the jury panel have a close,
20 personal or social relationship with any of those
21 individuals, the Smith family? If so, please stand.

22 (No response)

23 **THE COURT:** A list of possible witnesses in this case,
24 potential witnesses are Regina Smith, Tee Smith, Melissa
25 Mejean, Officer Adam Davis and Officer David Bryan. Any

1 member of the jury panel ever been related by blood or
2 marriage to any of those potential witnesses? If so, please
3 stand.

4 (No response)

5 **THE COURT:** Any member of the jury panel ever had a --
6 or have had or do have a social or personal relationship
7 with any of those potential witnesses? If so, please stand.
8 Such as you know them from the neighborhood, church, work,
9 something of that nature, Facebook.

10 (No response)

11 **THE COURT:** I'm going to ask the lawyers to now
12 introduce themselves. Yes, ma'am.

13 **MS. HODGE:** Thank you, Your Honor. My name is Kris
14 Hodge. And I'm an assistant solicitor here in Greenville
15 County. And at the table with me is Melissa Bishop. She's
16 my investigator with the Solicitor's Office.

17 **THE COURT:** All right. Mr. Sullivan.

18 **MR. SULLIVAN:** I'm Tim Sullivan. I'm a defense
19 attorney here. And I represent Eric Mejean in this case.

20 **THE COURT:** Has any member of the jury panel ever been
21 related by blood or marriage to either of the lawyers in
22 this case? If so, please stand.

23 (No response)

24 **THE COURT:** Any member of the jury panel have a close,
25 personal or social relationship with either of the lawyers

1 in this matter? If so, please stand.

2 (No response)

3 **THE COURT:** Any member of the jury panel ever been
4 represented by Mr. Tim Sullivan in any manner whatsoever?
5 If so, please stand.

6 (No response)

7 **THE COURT:** Any member of the jury panel ever been a
8 witness for the Thirteenth Circuit Solicitor's Office in any
9 case whatsoever? If so, please stand.

10 (No response)

11 **THE COURT:** Any member of the jury panel have a close,
12 personal or a family member -- friend or family member who
13 is employed by the Thirteenth Circuit Solicitor's Office?
14 If so, please stand.

15 (No response)

16 **THE COURT:** Any member of the jury panel have a close,
17 personal or family relationship that's been employed in Mr.
18 Sullivan's firm, please stand.

19 (No response)

20 **THE COURT:** Any member of the jury panel related to a
21 member of law enforcement? You have a law enforcement
22 member in your family. If so, please stand. Okay. We're
23 going to do this -- we always do this by number. So
24 starting -- yes, ma'am, your number, please?

25 **MS. BROWN:** 24.

1 **THE COURT:** That person is your?

2 **MS. BROWN:** Nephew.

3 **THE COURT:** Would that fact interfere with your ability
4 to be fair and impartial to both the State and Defense?

5 **MS. BROWN:** No.

6 **THE COURT:** Thank you, ma'am. You may stay. Yes,
7 ma'am, your number?

8 **MS. VAUGHN-SCHAEFER:** 219.

9 **THE COURT:** Relationship?

10 **MS. VAUGHN-SCHAEFER:** My dad was highway patrol, my
11 father-in-law is an FBI agent and my cousin is a current
12 sheriff's deputy.

13 **THE COURT:** Okay. Would that interfere with your
14 ability to be fair and impartial to both the State and the
15 Defense?

16 **MS. VAUGHN-SCHAEFER:** No.

17 **THE COURT:** Ma'am, you may stay with us. Yes, ma'am.

18 **MS. SROMEK:** 206. Ex-husband.

19 **THE COURT:** Would that interfere with your ability to
20 be fair and impartial to both the State and the Defense?

21 **MS. SROMEK:** No.

22 **THE COURT:** Thank you, ma'am. You may stay. Yes, sir,
23 in the black.

24 **MR. HAYDEN:** 100. I have several cousins in federal
25 law enforcement and a cousin that's a deputy in Greenville

1 County.

2 **THE COURT:** Would that interfere with your ability to
3 be fair and impartial to both the State and Defense?

4 **MR. HAYDEN:** No, sir.

5 **THE COURT:** Thank you, sir. You may stay. Yes, sir.

6 **MR. JONES:** Number 116. I have a brother-in-law that
7 was a highway patrolman, and he's retired now.

8 **THE COURT:** Would that interfere with your ability to
9 be fair to both the State and Defense?

10 **MR. JONES:** No, sir.

11 **THE COURT:** Sir, you may stay. Thank you. Yes, ma'am,
12 your number?

13 **MS. MACK:** I have a cousin that's married to a police
14 officer in Spartanburg County.

15 **THE COURT:** Would that interfere with your ability to
16 be fair and impartial in this trial?

17 **MS. MACK:** No, sir.

18 **THE COURT:** Your number, please?

19 **MS. MACK:** 137.

20 **THE COURT:** 137. Ma'am, you may stay with us. Thank
21 you.

22 **MS. MACK:** Thank you.

23 **THE COURT:** Is there any member of the jury panel who
24 has been a victim of a violent crime, victim of a violent
25 crime? If so, please stand.

1 (No response)

2 **THE COURT:** Any member of the jury panel have a close,
3 personal friend or family member that has been a victim of a
4 violent crime? If so, please stand.

5 (No response)

6 **THE COURT:** Any member of the jury panel that does not
7 allow firearms in your home? If so, please stand. Do not
8 allow firearms in your home. Okay. Yes, sir, your number?

9 **MR. HARVEY:** 98.

10 **THE COURT:** Would that interfere with your ability to
11 be fair and impartial to either -- both sides of this case?

12 **MR. HARVEY:** No.

13 **THE COURT:** Thank you, sir. You may stay. Yes, ma'am.

14 **MS. DELAHUNTY:** 52.

15 **THE COURT:** Would that -- the fact you do not allow
16 firearms in your home, if a firearm were talked about in
17 this case, would that interfere with your ability to be fair
18 and impartial to both sides?

19 **MS. DELAHUNTY:** No.

20 **THE COURT:** Thank you. You may stay. Is there any
21 member of the jury panel who is a member of or contributor
22 to any group which has as its primary concern the promotion
23 of law enforcement or victim's rights such as MADD, Mothers
24 Against Drunk Driving, Students Against Drunk Driving, or
25 Citizens Against Violent Crime? Any member of the jury

1 panel a member of any such organization or contribute to any
2 such organization, please stand.

3 (No response)

4 **THE COURT:** Any member of the jury panel know of any
5 reason why he or she should not serve as a juror in this
6 case? If so, please stand.

7 (No response)

8 **THE COURT:** Anything from the State?

9 **MS. HODGE:** Nothing from the State, Your Honor.

10 **THE COURT:** From the Defense?

11 **MR. SULLIVAN:** Nothing from the Defense, Your Honor.

12 **THE COURT:** Okay. All right. Yes, ma'am.

13 **MADAME CLERK:** When I call your name, if you'd come
14 forward and stand in between the two tables and face the
15 attorneys. Also, bring your personal belongings should you
16 be selected for the jury.

17 Juror number 192, Barbara Shaw-Twining.

18 (Whereupon juror number 192, Barbara Shaw-Twining, a
19 white female, came forward)

20 **MADAME CLERK:** What says the State?

21 **MS. HODGE:** Please present the juror.

22 **MADAME CLERK:** Thank you. What says the Defendant?

23 **MR. SULLIVAN:** Swear the juror, please.

24 **MADAME CLERK:** Thank you. You may be seated in the
25 jury box. Juror number 4, Taylor Ammons.

1 (Whereupon juror number 4, Taylor Ammons, a white male,
2 came forward)

3 **MADAME CLERK:** What says the State?

4 **MS. HODGE:** Please present the juror.

5 **MADAME CLERK:** Thank you. What says the Defendant?

6 **MR. SULLIVAN:** Excuse this juror in this case, please.

7 **MADAME CLERK:** Thank you. You may be seated. You're
8 excused from the trial of this case. Juror number 141,
9 Sawyer Mayfield.

10 (Whereupon juror number 141, Sawyer Mayfield, a white
11 male, came forward)

12 **MADAME CLERK:** What says the State?

13 **MS. HODGE:** Please present the juror.

14 **MR. SULLIVAN:** Swear the juror, please.

15 **MADAME CLERK:** Thank you. You may be seated in the
16 jury box. Juror number 126, Denise Lambert.

17 (Whereupon juror number 126, Denise Lambert, a white
18 female, came forward)

19 **MR. SULLIVAN:** 121?

20 **MADAME CLERK:** 126. What says the State?

21 **MS. HODGE:** Please present the juror.

22 **MADAME CLERK:** Thank you.

23 **MR. SULLIVAN:** Swear the juror, please.

24 **MADAME CLERK:** Thank you. You may be seated in the
25 jury box. Juror number 189, Steven Schwark.

1 (Whereupon juror 189, Steven Schwark, a white male,
2 came forward)

3 **MADAME CLERK:** What says the State?

4 **MS. HODGE:** Please present the juror.

5 **MADAME CLERK:** Thank you. What says ---

6 **MR. SULLIVAN:** Swear the juror, please, ma'am.

7 **MADAME CLERK:** Thank you. You may be seated in the
8 jury box. Juror number 205, Kendra Sprogis.

9 (Whereupon juror number 205, Kendra Sprogis, a white
10 female, came forward)

11 **MADAME CLERK:** What says the State?

12 **MS. HODGE:** Please present the juror.

13 **MADAME CLERK:** Thank you.

14 **MR. SULLIVAN:** Swear the juror, please, ma'am.

15 **MADAME CLERK:** Thank you. You may be seated in the
16 jury box. Juror number 16, Amy Bird.

17 (Whereupon juror number 16, Amy Bird, a white female,
18 came forward)

19 **MADAME CLERK:** What says the State?

20 **MS. HODGE:** Please present the juror.

21 **MADAME CLERK:** Thank you.

22 **MR. SULLIVAN:** Excuse the juror in this matter, please.

23 **MADAME CLERK:** Thank you. You may be seated. You're
24 excused from the trial of this case. Juror number 21, John
25 Brackett.

1 (Whereupon juror number 21, John Brackett, a white
2 male, came forward)

3 **MADAME CLERK:** What says the State?

4 **MS. HODGE:** Please present the juror.

5 **MADAME CLERK:** Thank you.

6 **MR. SULLIVAN:** Swear the juror, please.

7 **MADAME CLERK:** Thank you. You may be seated in the
8 jury box. Juror number 150, Robin Michaels.

9 (Whereupon juror number 150, Robin Michaels, a white
10 female, came forward)

11 **MADAME CLERK:** What says the State?

12 **MS. HODGE:** Please present the juror.

13 **MR. SULLIVAN:** Swear the juror, please.

14 **MADAME CLERK:** Thank you. You may be seated in the
15 jury box. Juror number 208, David Storay.

16 (Whereupon juror number 208, David Storay, a white
17 male, came forward)

18 **MADAME CLERK:** What says the State?

19 **MS. HODGE:** Please present the juror.

20 **MADAME CLERK:** Thank you.

21 **MR. SULLIVAN:** Excuse the juror in this matter.

22 **MADAME CLERK:** Thank you. You may be seated. You're
23 excused from the trial of this case. Juror number 195,
24 Joshua Shockley.

25 (Whereupon juror number 195, Joshua Shockley, a white

1 male, came forward)

2 **MADAME CLERK:** What says the State?

3 **MS. HODGE:** Please excuse this juror.

4 **MADAME CLERK:** Thank you. You may be seated. You're
5 excused from the trial of this case. Juror number 168,
6 Raymond Parnell.

7 (Whereupon juror number 168, Raymond Parnell, a white
8 male, came forward)

9 **MADAME CLERK:** What says the State?

10 **MS. HODGE:** Please excuse this juror.

11 **MADAME CLERK:** Thank you. You may be seated. You're
12 excused from the trial of this case. Juror number 51,
13 Robert Dean.

14 (Whereupon juror number 51, Robert Dean, a white male,
15 came forward)

16 **MADAME CLERK:** What says the State?

17 **MS. HODGE:** Please present the juror.

18 **MADAME CLERK:** Thank you.

19 **MR. SULLIVAN:** Swear the juror in this matter.

20 **MADAME CLERK:** Thank you. You may be seated in the
21 jury box. Juror number 98, Lloyd Harvey.

22 (Whereupon juror number 98, Lloyd Harvey, a white male,
23 came forward)

24 **MADAME CLERK:** What says the State?

25 **MS. HODGE:** Please present the juror.

1 **MADAME CLERK:** Thank you.

2 **MR. SULLIVAN:** Swear the juror, please.

3 **MADAME CLERK:** Thank you. You may be seated in the
4 jury box. Juror number 211, Stephanye Sullivan.

5 (Whereupon juror number 211, Stephanye Sullivan, a
6 black female, came forward)

7 **MADAME CLERK:** What says the State?

8 **MS. HODGE:** Please present the juror.

9 **MADAME CLERK:** Thank you.

10 **MR. SULLIVAN:** Swear the juror, please.

11 **MADAME CLERK:** Thank you. You may be seated in the
12 jury box. Juror number 169, Caitlin Paterson.

13 (Whereupon juror number 169, Caitlin Paterson, a white
14 female, came forward)

15 **MADAME CLERK:** What says the State?

16 **MS. HODGE:** Please excuse this juror.

17 **MADAME CLERK:** Thank you. You may be seated. You're
18 excused from the trial of this case. Juror number 24, Rita
19 Brown.

20 (Whereupon juror number 24, Rita Brown, a white female,
21 came forward)

22 **MADAME CLERK:** What says the State?

23 **MS. HODGE:** Please present the juror.

24 **MADAME CLERK:** Thank you.

25 **MR. SULLIVAN:** Swear the juror, please.

1 **MADAME CLERK:** Thank you. You may be seated in the
2 jury box. Juror number 94, William Harkness.

3 (Whereupon juror number 94, William Harkness, a white
4 male, came forward)

5 **MADAME CLERK:** What says the State?

6 **MS. HODGE:** Please excuse this juror.

7 **MADAME CLERK:** Thank you. You may be seated. You're
8 excused from the trial of this case. Juror number 90,
9 Christopher Greathouse.

10 (Whereupon juror number 90, Christopher Greathouse, a
11 white male, came forward)

12 **MADAME CLERK:** What says the State?

13 **MS. HODGE:** Please present the juror.

14 **MADAME CLERK:** Thank you.

15 **MR. SULLIVAN:** Swear the juror, please.

16 **MADAME CLERK:** Thank you. You may be seated in the
17 jury box. Juror number 116, Jeffrey Jones.

18 (Whereupon juror number 116, Jeffrey Jones, a white
19 male, came forward)

20 **MADAME CLERK:** What says the State?

21 **MS. HODGE:** Please present the juror.

22 **MADAME CLERK:** Thank you.

23 **MR. SULLIVAN:** Swear the juror, please.

24 **MADAME CLERK:** Thank you. You may be seated in the
25 jury box.

1 **THE COURT:** We have any matters concerning jury
2 selection?

3 **MS. HODGE:** None from the State, Your Honor.

4 **MR. SULLIVAN:** None from the Defense, Your Honor.

5 **THE COURT:** Okay. Madame Clerk, will you swear the
6 jury to try this case.

7 **MADAME CLERK:** Yes, sir, Your Honor. Would you please
8 stand and raise your right hand. The response to the oath
9 is I will.

10 You shall well and truly try cases 2013-GS-23-5236,
11 5237, 5238, State versus Christopher Eric Mejean, indicted
12 for attempted murder and a true verdict rendered according
13 to the law and the evidence so help you God?

14 **THE JURY:** I will.

15 **MADAME CLERK:** Thank you. You may be seated.

16 **THE COURT:** Thank you. Ladies and gentlemen who were
17 not selected, we have now chosen the jury. And as you can
18 see, they have been sworn. So at this point, this case is
19 going forward. We will not need your attention further
20 today.

21 You're going -- the bailiff is going to take you back
22 to the jury assembly room. And the personnel down there
23 will tell you when to report back or what's needed. I don't
24 know what's going on in the other courtrooms. And I don't
25 know how far along those trials are, but we're starting this

1 one. And it will go through today, maybe even tomorrow. I
2 don't know.

3 I don't know how many witnesses there are potentially.
4 We have called out five, but I don't know how long that
5 would take. So I don't know if another judge might need
6 your services, but, if you would, if you would go back down
7 with the bailiff, they'll have further instructions. Thank
8 you.

9 (Whereupon the remaining jurors exited the courtroom)

10 **THE COURT:** All right. Juror number 192, Ms. Barbara
11 Shaw, is it Twining, Twining?

12 **MS. SHAW-TWINING:** Twining.

13 **THE COURT:** Twining? Ma'am, you are hereby appointed
14 the forelady of this jury. As is my custom, I alternate
15 between a foreman and a forelady. And this time is time for
16 a forelady. So I have selected you to be the -- you won the
17 lottery twice today.

18 (Laughter)

19 **THE COURT:** So you are now selected as the foreperson
20 or lady of this jury, to be politically correct, foreperson
21 of the jury. Ma'am, I'm going to ask that you sit in an
22 assigned seat. You don't have to move right this second,
23 but when we -- we're going to get ready to take a quick
24 break, and I'll explain that in just one second. But you
25 will always be in an assigned seat. And that seat is the

1 seat that this gentleman in the green shirt is sitting in.

2 And, sir, you are my alternate juror. You will always
3 be in that seat. That way when I look up to the jury, I
4 always know where my alternate is and my forelady.

5 Everyone else here is hereby made an honorary rotarian,
6 okay? I've been a rotarian for almost thirty years. And
7 you're now honorary rotarians, which means that you can
8 rotate seats. You can sit on the front. You can sit on the
9 back. You can sit to the left or the right. You can change
10 seats every time you come in the courtroom. I don't care.
11 So, Madame Forelady and Mr. Foreman [sic], if you two would
12 always be in the assigned seats.

13 Ma'am, the reason for that is is that you are the
14 forelady, the spokesperson for the jury. And if the jury
15 were to have an issue, somebody's car doesn't start, they
16 get an emergency phone call, it would be your duty to relay
17 that to me. And I would always want you sitting right
18 there.

19 Likewise, you will hear me, and I will explain later
20 that sometimes I have to have a conference with the lawyers
21 outside of your presence. And I would always look to that
22 first seat right there in giving you instructions to be
23 removing the jury from the courtroom.

24 Now, having said that, as I've told you, we have been
25 here working since 9:00 this morning. I got here at 8:06

1 this morning. The lawyers got here not long after that.
2 And I've actually been in the courtroom handling other
3 matters since 9:00 this morning.

4 So we are going to take, and my staff here, we're going
5 to take about a fifteen minute break, allow us to refresh
6 ourselves. I'm going to get some more ice for my water and
7 pour my coffee out. It's gotten cold sitting up here. But
8 we're going to take fifteen minutes and do that and then
9 we're going to start this trial of this case.

10 Now, Madame Forelady, the bailiff is going to take you
11 to a new room. This will be your jury assembly room. And
12 this is where when we break for lunch here in a little while
13 that you will leave from that room and you will return to
14 that room. You will not go back downstairs to the jury
15 assembly room. You're now going to be segregated and in the
16 jury room itself, okay? So, Madame Forelady, your first
17 official act, if you will take your jury out with this fine
18 bailiff right here.

19 (Whereupon the jury exited the courtroom at 10:48 am)

20 **THE COURT:** Mr. Mejean, before we take a break I want
21 to tell you that at the call of this case now your bond is
22 revoked and you will technically be in custody. Mr.
23 Sullivan and I have known each other for almost thirty
24 years, believe it or not. He has had no problem getting in
25 touch with you. You've always been where you're supposed to

1 be. So I'm going to extend the courtesy to you because of
2 your lawyer that you will not be in custody, okay?

3 **MR. MEJEAN:** Thank you.

4 **THE COURT:** So you're free to go to the restroom, get a
5 drink of water, whatever you do. But I'm telling you, we're
6 on the record here, I'm telling you whether you're in that
7 chair or not in that chair, in about five minutes after the
8 hour of eleven we are going to trial in this case, you
9 understand?

10 **MR. MEJEAN:** Yes, sir.

11 **THE COURT:** And if you're not there I'll issue a bench
12 warrant for you to be picked up.

13 **MR. MEJEAN:** Yes, sir.

14 **THE COURT:** Now, if you're where you're supposed to be
15 and we have to go overnight, I will extend that same
16 courtesy and allow you to go home ---

17 **MR. MEJEAN:** Thank you, sir.

18 **THE COURT:** --- with the instructions and understanding
19 that in the event you're not there in the morning, Mr.
20 Sullivan will be proceeding with an empty chair.

21 **MR. MEJEAN:** Yes, sir.

22 **THE COURT:** Okay. You're free to go to the restroom,
23 whatever. Fifteen minutes.

24 **MR. SULLIVAN:** Thank you, Your Honor, because I
25 explained to him he may be having lunch back here or

1 spending the night with us. I appreciate that.

2 **THE COURT:** Yes, sir, Mr. Sullivan. You are so
3 welcome.

4 (Whereupon court was in recess at 10:50 am)

5 (Whereupon court reconvened at 11:09 am)

6 **THE COURT:** Thank you. Please be seated. Let me see
7 the lawyers, please.

8 (Whereupon a bench conference was held off the record)

9 **THE COURT:** Anybody need anything before we bring the
10 jury?

11 **MS. HODGE:** No, sir.

12 **THE COURT:** Okay. We'll have our jury.

13 (Whereupon the jury entered the courtroom at 11:14 am)

14 **THE COURT:** Madame Forelady, any matters for the jury?
15 Any matters for the jury?

16 **MADAME FORELADY:** No, sir.

17 **THE COURT:** Okay. Ladies and gentlemen of the jury,
18 the case we're about to try is the matter of the State of
19 South Carolina versus Christopher Eric Mejean. As I told
20 you earlier, Mr. Mejean is charged by three indictments with
21 the offenses of attempted murder.

22 It is alleged in the indictments that he did in
23 Greenville County, South Carolina on July 12, I'm sorry,
24 July 2 of 2012 unlawfully with malice aforethought and with
25 the intent to kill attempted to kill Regina Smith, Tee Smith

1 and a child, a minor known as A.S. [REDACTED] being the child of
2 Tee and Regina Smith. I also have told you and I tell you
3 now that the charging -- the indictments are nothing more
4 than charging instruments. They are the method by which we
5 come before this court today.

6 Mr. Mejean has entered a plea of not guilty to those
7 indictments. And he is presumed under our law to be not
8 guilty. The State, therefore, has the burden of proving him
9 guilty beyond a reasonable doubt. They must prove each and
10 every element of each and every indictment beyond a
11 reasonable doubt.

12 Now, before we begin this trial I want to tell you that
13 this trial will probably be different from what you might
14 have come to expect. People do not have the chance often to
15 attend actual court sessions as you are doing now. And many
16 people believe from watching television, watching movies or
17 reading books that trials are always full of high drama,
18 intense action and riveting circumstances.

19 And while all of these things may be true at times,
20 this trial is not for entertainment purposes. This trial is
21 a fundamental part of our democracy. It is a search for the
22 truth in an effort to make sure that justice is done between
23 the parties before the court. I tell you that searching for
24 the truth and making sure that justice is done is often
25 slow, deliberate, and repetitive, just the opposite of what

1 we have seen on television, or in movies or read in books.

2 This courtroom is a place of honor dedicated to the
3 protection and preservation of citizen's rights through what
4 many have called the greatest justice system ever created.

5 I tell you that the lawyers appearing before you are
6 advocates for the parties they represent, but first and
7 foremost they are officers of this court sworn to uphold the
8 integrity and the fairness in our judicial system. Again,
9 we thank you for being here and playing an important role by
10 your jury service in this trial today.

11 Now, what I say to you is intended to serve as an
12 introduction to the trial of this case. My remarks are not
13 a charge of the law. I'll instruct you on the law at the
14 end of the trial before you retire to consider your verdict.
15 My remarks are merely an explanation of the procedure that
16 we will follow so that you may be better -- so that you may
17 better understand what is happening.

18 I tell you that you are not to take notes of any kind
19 during the trial of this case. As I previously told you,
20 the Defendant is charged by indictment filed with this court
21 with the criminal offense of attempted murder as I
22 previously explained. And I've also explained to you that
23 he has pled not guilty and he remains not guilty at this
24 time.

25 The State, therefore, has the burden of proving each of

1 the elements of the indictment -- of each indictment beyond
2 a reasonable doubt. And, ladies and gentlemen, it will be
3 your duty to decide whether the State has met that burden of
4 proof.

5 Your purpose as jurors is to find and determine facts.
6 You are the sole judge of the facts in this case. If at any
7 time I make a comment regarding a fact, you must disregard
8 it. You are to determine the facts from the testimony you
9 hear and the other evidence introduced in court.

10 It is up to you twelve jurors to determine the
11 inferences which you think may be properly drawn from the
12 evidence presented in this case. It is especially important
13 that you perform your duty of determining the facts
14 diligently and conscientiously because ordinarily there is
15 no way to correct an erroneous determination of facts by a
16 jury.

17 On the other hand and with equal emphasis, the same law
18 that makes you the judge of the facts in this case makes me
19 the judge of the law. The law as given by the court is the
20 only law that you may consider. You must accept it and
21 follow it even if you disagree with it. I cannot tell you
22 what the facts are and you cannot disagree with me about
23 what the law is, or what the law should be or what the law
24 ought to be.

25 Your job is to take the law as I give it to you at the

1 end of the case and apply it to the facts as you find them
2 to be from the testimony of the witnesses and any other
3 evidence that is properly introduced during the trial. And
4 after doing so you will render a verdict, a verdict under
5 your solemn oath that you took as jurors.

6 But until I tell you that you may begin to deliberate,
7 you must not discuss this case with anyone including your
8 fellow jurors. You must not discuss it with friends or
9 family members or anyone involved in the case.

10 The lawyers and the parties in this case and the
11 witnesses have been advised by me that they are not to speak
12 to you. So if anyone in this case -- if you see anyone in
13 this case in the hallway and they do not speak, they are not
14 being rude, they are simply following my instructions.

15 You must decide this case based solely on the evidence
16 presented in this courtroom. During the trial you must not
17 conduct any independent research about this case or any fact
18 in this case, the evidence presented or the people or
19 organizations involved in this case. Please do not try to
20 learn information from any source outside of this courtroom.

21 In other words, you must not look at dictionaries or
22 other reference materials, search the internet, websites, or
23 blogs or use other electronic tools to discover or receive
24 information about the case or to help you decide it. You
25 may not use computers, telephones, cell phones, smart

1 phones, tablets, the internet or any other tool of
2 technology with communication capability at any time while
3 you are in the courtroom or during deliberations.

4 During breaks for lunch or overnight, if necessary, you
5 may use those devices, but you must not use them to
6 communicate with anyone about the case until it has ended.
7 This means you must not use phone calls, emails, text
8 messages, instant messages, Twitter or any blog, chat room
9 or website including Facebook, Google Plus, Myspace,
10 LinkedIn, YouTube or any social media website to receive or
11 send information about this case. This information includes
12 information about a party, a witness, a lawyer, court
13 officer, news accounts about the case, research on any topic
14 raised or any topic that you think might be helpful in
15 deciding the case or testimony presented by any witness.

16 During the trial do not read, listen to or watch any
17 news reports about this case. This includes anything that
18 may be in a newspaper or on the internet, radio or
19 television. You must not consider anything you have read or
20 heard about this case outside of this courtroom whether
21 before or during the trial.

22 Information on television, radio and the internet or
23 from other sources might be wrong or certainly might be
24 incomplete. In our judicial system it is important that you
25 are not influenced by anything or anyone outside of this

1 courtroom.

2 If you become aware of a fellow juror's violation of my
3 instructions, please inform me immediately. It is important
4 that you keep an open mind and not decide any issue in this
5 case until all of the evidence has been presented, the
6 parties have made closing arguments and I have instructed
7 you on the law.

8 Ladies and gentlemen, it is your solemn responsibility
9 to determine the guilt or innocence of the Defendant. And
10 your verdict must be based solely on the evidence as it is
11 presented to you in this trial and on the law as I instruct
12 during and at the end of the trial.

13 Now, in just a few moments the solicitor will make what
14 we call an opening statement in what the solicitor will
15 explain to you the issues in this case or at least what she
16 thinks the issues are. The attorney for the Defendant may
17 also make an opening statement, although, he is not required
18 to do so.

19 I tell you that what the lawyers say in their opening
20 statements is not evidence. It is only their contention as
21 to what the issues are. The evidence in this case will be
22 presented to you by the testimony of sworn witnesses from
23 the witness stand and/or by exhibits that may be introduced
24 into evidence.

25 Now, from time to time during the trial you may hear

1 one of the lawyers say something like, Your Honor, I believe
2 we have a question or a matter of law to discuss with you or
3 may we approach the bench for what we call a sidebar
4 discussion. Sometimes I, myself, find it necessary to
5 exclude you from the courtroom for a short while so the
6 lawyers and I can discuss a matter.

7 And the reason for doing so is because the judges --
8 because judges are the -- because you are the judges of the
9 facts in the case and sometimes when I'm discussing a matter
10 of law with the lawyers it may be necessary for me to make a
11 comment as to the facts in connection with ruling on whether
12 or not a particular law applies. I am not supposed to tell
13 you what the facts are. So I will excuse you from the
14 courtroom during my discussions so that you will in no way
15 be influenced by anything that I might say or do.

16 Now, in determining what the true facts are in the case
17 you must decide whether or not the testimony of a witness is
18 believable. It is my responsibility to rule as a matter of
19 law as to whether certain testimony is admissible, but once
20 testimony is admitted, whether or not you believe it is
21 solely for your determination.

22 In deciding whether to believe a witness you have the
23 right to consider the interest of the witness, or any bias
24 of that witness, or any prejudice of that witness, the
25 opportunity of him or her to have seen the matters and

1 things about which the witness may testify and the way the
2 witness acts on the witness stand. Ladies and gentlemen,
3 you have a right to consider anything that is in the record
4 that will help you evaluate the testimony of the witness.

5 And that means it is your duty to pay close attention
6 to the witness, to observe them and listen to them and pay
7 close attention to the lawyers. Please do not let your
8 thoughts wander, but give strict attention to the testimony
9 so that at the end of all the testimony, and after the
10 arguments and the charge on the law you will be in a
11 position to determine what the true facts are and to apply
12 the law to those facts.

13 Now, ladies and gentlemen, I ask that you be prompt in
14 your jury service. In a little while here we will stop for
15 lunch. And I will give you a time to be back. And I would
16 ask that you please, please be prompt in returning. The
17 reason for that is we cannot proceed without all thirteen of
18 you. So if there is one who is tardy that requires us to
19 wait, all the other twelve have to wait on that particular
20 juror.

21 We understand that things happen from time to time, but
22 we cannot proceed without all thirteen of you. So in
23 fairness to your brothers and sisters who are sitting there
24 with you, please be prompt in your jury service.

25 Madame Forelady, as I've told you before, you are the

OPENING STATEMENTS - MS. HODGE

47

1 spokesperson for the jury. It will also be your duty at the
2 end of this trial to write the verdict that the jury
3 reaches. That will be a unanimous verdict. It would be
4 your duty to write that verdict. And I will explain more
5 about that at the close of the case.

6 Anything from the State?

7 **MS. HODGE:** Nothing from the ---

8 **THE COURT:** From ---

9 **MS. HODGE:** --- State, Your Honor.

10 **THE COURT:** --- the Defense?

11 **MR. SULLIVAN:** Nothing from the Defense, Your Honor.

12 **THE COURT:** Madame Forelady, ladies and gentlemen,
13 please give your attention to the lawyers. Solicitor.

14 **MS. HODGE:** Thank you, Your Honor. May it please the
15 Court.

16 **THE COURT:** Yes, ma'am.

17 **MS. HODGE:** Mr. Sullivan. Ladies and gentlemen of the
18 jury, if this case had a title it would be there by the
19 grace of God. There by the grace of God, or you could say
20 good fortune, or good luck this is not a murder case, this
21 is not a single, double or triple homicide that you're
22 sitting on. There by the grace of God you are on an
23 attempted murder case because Tee Smith, his wife, Regina
24 Smith, and his daughter, Arianna Smith, did not get shot on
25 this night when three separate shotgun fires came through

OPENING STATEMENTS - MS. HODGE

48

1 their home while they were sleeping.

2 There by the grace of God the one entered their
3 bedroom, slightly higher than where Mr. and Mrs. Smith were
4 sleeping. By the grace of God a shot came through the top
5 of their living room, slightly higher than where their
6 daughter was sleeping on the couch. And there by the grace
7 of God the final shot or could be the first shot went
8 through their kitchen, completely through their drawers,
9 through their table, through another chair, just so happened
10 no one was getting a glass of water or walking through the
11 kitchen. There by the grace of God these people are alive,
12 physically fine, though traumatized, obviously, but we're
13 here on attempted murder, not actual murder.

14 The evidence is going to show that the Defendant is
15 guilty of these attempted murder charges. It's going to
16 come in the form of testimony from the witness stand and
17 also physical evidence collected by law enforcement.

18 The testimony is going to show that on July the 1st,
19 2012 the victims were asleep in their home, it was around
20 11:00 at night, that they were woken up by a loud noise,
21 which turned out to be gunfire, that the wife woke her
22 husband up, nervous, didn't know what was going on, that he
23 went and looked through the house and saw fragments of their
24 kitchen table had been blown through, that he armed himself
25 with his personal weapon and went to go see what's going on.

OPENING STATEMENTS - MS. HODGE

49

1 Went outside of their home, observed birdshot outside their
2 bedroom window and two slug rounds in the outside of their
3 living room and kitchen area. They called law enforcement.

4 The evidence will show shortly after that Mr. Smith
5 goes back outside to see what, if anything, that he could
6 see and he sees the Defendant, his next door neighbor, and
7 at that time, friend. And he asks him, do you know what's
8 going on? Did you shoot my house? Do you know anything?
9 And the Defendant's answer was, no, and that he came
10 aggressively at Mr. Smith with something that looked like a
11 long gun saying where's my mother fucking bitch at?

12 See, the evidence will show that during the day prior
13 to this the Defendant and his wife had been at a party and
14 that the wife had decided to leave and take their children.
15 The Defendant had been drinking. The wife decided not to
16 stay at the home, to go ahead and leave since he had been
17 drinking, and that he had now shown up and she wasn't there.

18 The evidence will show that law enforcement collected
19 shotgun shells, spent shells outside the victim's home, that
20 same type of shotgun shells were found around the
21 Defendant's residence and his storage shed and that
22 ammunition of this same kind was found inside his storage
23 shed and outside, or excuse me, and inside his home.

24 Again, there by the grace of God none of these actually
25 hit this family. There was no disagreements. There was no

OPENING STATEMENTS - MS. HODGE

50

1 hard feelings. These people were just innocently sleeping
2 in their home. Again, they happened to be friends with the
3 Defendant and his wife. And especially the wives had been
4 good friends.

5 So why did this happen? The State can't answer why the
6 Defendant may have done that. You can look to circumstances
7 for that, but the State has to prove that the Defendant
8 committed an attempted murder, which was attempting to kill
9 someone with malice aforethought, express or implied. And
10 the Judge is going to tell you more about that.

11 But what that means is if someone loads up a shotgun
12 and starts firing it in the direction of where people are
13 sleeping, you may imply from those facts that they intended
14 to kill that person. And it might not be those specific
15 people, but it may be someone else they believed might be in
16 there. Maybe his wife. Don't know. We can't prove that.
17 We don't know what's going on in a person's mind, but you
18 can look at the evidence and try and determine and infer
19 what the intentions were on this night.

20 And I submit if you use your common sense, you listen
21 to the evidence, you examine all the evidence that at the
22 conclusion of the State's case you will determine that the
23 Defendant is, in fact, the person who did this and is guilty
24 of the charges. Thank you.

25 **MR. SULLIVAN:** May it please the Court.

OPENING STATEMENTS - MR. SULLIVAN

51

1 **THE COURT:** Yes, sir.

2 **MR. SULLIVAN:** Ms. Hodge, Ms. Bishop.

3 **MS. HODGE:** Yes, sir.

4 **MR. SULLIVAN:** I'm Tim Sullivan. And this case is not
5 going to take very long because I agree with everything Ms.
6 Hodge said. There's no question somebody shot three shotgun
7 shells through these people's home. And as she said, they
8 were all friends. Mr. Mejean, his wife, and the Smiths,
9 they were all good friends. Now somebody that night shot
10 three shots through their house.

11 So in this case you really have three decisions to
12 make. Mr. Mejean said he didn't do the shooting. There's
13 no reason for him -- they're friends.

14 So first of all you've got to decide, after you hear
15 the evidence, he's got his story, is did he fire the gun
16 through the house? Then you have to decide was he
17 attempting -- did he have a specific intent to kill
18 somebody? Or was this just a reckless, crazy act?

19 There's a difference, the Judge will tell you, in what
20 he could be guilty of. He could be guilty of attempted
21 murder or he can be guilty of assault and battery high and
22 aggravated. Nobody was hurt. To have a murder charge you
23 have to have specific intent to kill somebody or you go to
24 manslaughter. The same thing with attempted, you have to
25 have that intent to kill a person.

OPENING STATEMENTS - MR. SULLIVAN

52

1 So if you find that he fired the shots, the question is
2 was he just being reckless, crazy, drinking or something, or
3 did he intend to kill somebody? Or it could be somebody
4 else fired the shots that was breaking into his house and
5 they had the gun. So that's the questions you're going to
6 have to listen to.

7 I'll agree with most of the witnesses that the State
8 puts up. If I don't ask somebody a lot of questions like
9 the TV and hammering them and jump in their face, I don't do
10 that. If they can't show light on what he's already said,
11 I'm not going to ask him are you sure you saw that? No, I'm
12 just going to say I have no questions.

13 So because I have no questions of somebody doesn't mean
14 that I'm ignoring them, it's just, okay, we'll take what he
15 says as true. But what does that prove this was -- Mr.
16 Mejean -- I may call him Eric because I'm more familiar with
17 that. If I say Eric, that would be the Defendant. But if
18 you listen to everything, then you have those three choices,
19 not guilty, guilty of assault and battery, high and
20 aggravated, or guilty of attempted murder. So it's going to
21 be up to y'all. This case won't take long. You're not
22 going to be here but two or three days, okay? Thank you.

23 **THE COURT:** Thank you, Mr. Sullivan. Solicitor.

24 **MS. HODGE:** Thank you, Your Honor. The State calls Tee
25 Smith.

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

53

1 **MADAME CLERK:** Sir, would you come forward to be sworn
2 in. Place your left hand on the Bible and raise your right.

3 **Tee Smith,** being duly
4 sworn testified as follows;

5 **MADAME CLERK:** Thank you. You may be seated.

6 **THE COURT:** Sir, tell us your full name and spell your
7 last name, please.

8 **MR. SMITH:** My name is Tee Graham Smith, S-m-i-t-h.

9 **THE COURT:** Solicitor.

10 **MS. HODGE:** Thank you, Your Honor.

11 **Direct Examination by Ms. Hodge:**

12 Q. Mr. Smith, can you tell us a little bit about yourself.
13 How old are you?

14 A. Right now I'm twenty-seven.

15 Q. Do you have a birthday coming up?

16 A. Uh-uh (negative).

17 Q. Oh, okay. You just said right now. I thought that
18 might mean tomorrow you'd be twenty-eight. Are you married?

19 A. Yes, ma'am.

20 Q. All right. Who are you married to?

21 A. Regina Smith.

22 Q. Do you guys have any children?

23 A. We have two.

24 Q. All right. And how old are your children?

25 A. My daughter's eight. And I got one's a month old.

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

54

- 1 Q. Okay. So a brand new baby?
- 2 A. (Affirmative nod).
- 3 Q. What's that baby's name?
- 4 A. Jeremiah.
- 5 Q. So a little boy?
- 6 A. Yes, ma'am.
- 7 Q. All right. Do you work?
- 8 A. Yes, ma'am.
- 9 Q. And where do you work?
- 10 A. Ingles.
- 11 Q. How long have you been with Ingles?
- 12 A. Since 2006.
- 13 Q. You live in Greenville County currently?
- 14 A. Yes, ma'am.
- 15 Q. Do you know the Defendant, Mr. Mejean?
- 16 A. Yes, ma'am.
- 17 Q. All right. Tell us how -- how did you meet him or when
- 18 did you first meet him?
- 19 A. The residence I lived at, I've been living there for a
- 20 couple years. And they had moved in. And they was in the
- 21 yard one day, and I went and introduced myself to him.
- 22 Q. Okay. So you were living -- where were you living at
- 23 the time?
- 24 A. [REDACTED] Davis Road.
- 25 Q. And that's in Greenville County?

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

55

1 A. Pelzer.

2 Q. Pelzer, okay.

3 A. Yes, ma'am.

4 Q. All right. And so you guys had been living there first
5 and the Defendant and his family moved in?

6 A. Yes, ma'am.

7 Q. Where did they move? Right next door or ...

8 A. Yeah, right next door. I don't know the address.

9 Q. And is this a subdivision or a trailer park or ...

10 A. A woman owns the property. And she owns several
11 trailers on that property. And she rents them out.

12 Q. Okay. And who all moved in with him at that time?
13 What was his family situation?

14 A. It was his wife, her daughter, her son. And she was
15 pregnant at the time.

16 Q. Okay.

17 A. And they had another little girl.

18 Q. Okay. How old was that little girl? Do you know? Or
19 about -- round about?

20 A. Probably two.

21 Q. And were you -- did y'all become friends or friendly?

22 A. Yes, ma'am. We -- well, I hung out with him probably
23 almost every day just because there wasn't nothing to do
24 where we was at. You know, something to do.

25 Q. Right. And did your wife get along with the Defendant

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

56

1 and his wife?

2 A. Yes, ma'am. They would -- they would talk when me and
3 Eric wouldn't be around and stuff like that.

4 Q. Okay. And how about kids? Did y'all's kids ---

5 A. My daughter played with her -- his son. They played
6 almost every day, too.

7 Q. Okay. And when you say they were right next door, next
8 door neighbors, ---

9 A. Um-hum (affirmative).

10 Q. --- which side would that be on?

11 A. It'd be on the left side of my house.

12 Q. If we were facing your house and looking at your house,
13 left ---

14 A. If I was standing in my front yard, ---

15 Q. Um-hum (affirmative).

16 A. --- their house would be on the left of my driveway,
17 the exit would be on the right.

18 Q. Okay. At that time did you guys have an automobile?

19 A. We had two.

20 Q. Would you park in the front or back?

21 A. Backyard.

22 Q. Okay. Do you recall July 1st, 2012?

23 A. Yes, ma'am.

24 Q. All right. Tell us what you were doing that day.

25 Let's start with the day and we'll go to the night.

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

57

1 A. Well, that day I had -- I got called into work early.
2 And I had asked Melissa and Eric would they watch my
3 daughter til my wife got off work. And they told me that
4 was fine. Eric was asleep. Melissa said it was fine, she'd
5 take care of her.

6 So I left and went to work and worked my eight hour
7 shift at work. When I got off Regina said that they was
8 hanging out that day, swimming. And I was just exhausted.
9 So I watched TV for a little bit and made sandwiches for us.
10 And I laid down and went to sleep.

11 Q. Okay. Let me just stop you there. When you said you
12 had to work, do you remember what time you worked?

13 A. I worked at 11:00 in the afternoon til eight at night.

14 Q. Okay. And Regina had been working that night?

15 A. She had worked that morning. She had to work like a
16 third shift almost.

17 Q. Okay. What time was she supposed to get home?

18 A. She was supposed to got off at 8:00 that morning. They
19 held her there til 12:30, one, somewhere around in there.

20 Q. All right. So that short time while you were gone your
21 daughter ended up going over to ---

22 A. Yes, ma'am.

23 Q. --- the Defendant's? Okay. And then when you come
24 home from work is your wife home and your daughter? Were
25 they home or ---

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

58

1 A. Yes, ma'am, they was home.

2 Q. Okay. All right. And so y'all made some sandwiches
3 and ...

4 A. Went on to bed.

5 Q. Relaxed?

6 A. Um-hum (affirmative).

7 Q. Okay. And you didn't have the baby, obviously, at that
8 time, it ---

9 A. Uh-huh (affirmative).

10 Q. --- was just your daughter? Okay. You said you went
11 to sleep, is that right?

12 A. Yes, ma'am.

13 Q. Okay.

14 A. When I had went to sleep, I was dreaming pretty good
15 because that night, it was storming. When I had got woke up
16 my wife was nudging me, telling me to get up, just like a
17 nervous habit. I told her to turn on the bedroom light.

18 Then what happens, I heard a bang. I looked over and I
19 seen bullet marks all on my wall. My picture had fell off
20 the wall where it was hanging. I had wood all over my bed,
21 all on the floor.

22 So I got up. When I went to examine what went on, I
23 thought it was just a lightening bolt or something had hit
24 the house -- it was a trailer. I went into my kitchen and I
25 seen red wood all on my floor. I didn't realize what it

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

59

1 was, but I had told my wife, I said, something had happened,
2 it's in here, it's all over the floor.

3 Well, she came in there and looked and she seen a
4 bullet hole that had went through the table. Well, from
5 there we had walked into the living room where my daughter
6 was sleeping. Maybe four foot above her head was another
7 shot, and it had went out through the roof.

8 So I went in there in my room and I had got my pistol
9 out of the closet. I loaded it up, went out the house, as
10 soon as I went out of the house I fired two shots in the
11 air. It was like warning shots.

12 Well, I ran around the house and tried to see if I
13 could see anybody. There wasn't nobody out there. It was
14 pouring down rain. And I came back in and I told my wife, I
15 said that the outside is blown up, too. So somebody had to
16 shoot our house.

17 Well, I brought them into the back bedroom. And they
18 went in the bathroom. My wife and my daughter sat on the
19 floor. And I asked her did she know how to use a gun. And
20 I was going to get one just in case somebody came in. She
21 said she didn't know how to use it.

22 So she started calling 911. And at that time I was
23 still pacing back and forth wondering what was going on, who
24 was outside and if they were still outside. And I guess she
25 got in touch with Greenville County. Greenville County said

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

60

1 that there was somebody on the way.

2 While she was doing that, I was still calling 911
3 trying to figure out if they was coming. Somebody was still
4 out there. I didn't want to go out there and somebody be
5 right there at the door.

6 Well, she finally got a little bit calm and got my
7 daughter calm. And she was on the phone calling Melissa.
8 And I didn't understand why she was doing that, but she said
9 she was worried about them. So she was still on the phone.
10 I said I was going to be right back, just stay in the back
11 bedroom.

12 When I went out the door, Eric was coming out of his
13 house going towards his shed. And when he went towards his
14 shed he came back out and started approaching me. And I
15 said, Eric, my house just got shot. Did you shoot my house?
16 His response was, where's my mother fucking bitch?

17 At that time my wife heard me talking to somebody. She
18 told me to come back in, that something was going to happen
19 to me and that he would shoot me or something would happen.
20 So before he got the chance to keep coming towards me a
21 little bit more, I closed the door.

22 And when I closed the door, we sat down til Greenville
23 County got there. And she was on the phone with Greenville
24 County and Melissa at the same time, like keep calling
25 people because she's panicking, don't know what to do.

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

61

1 Q. Okay. Let's go back just a little bit. Melissa is ---

2 A. Eric's wife.

3 Q. --- Defendant's wife? Okay. And you said you saw the
4 Defendant when you went back out the ---

5 A. The second time.

6 Q. --- second time, you saw him coming from his house ---

7 A. His house.

8 Q. --- to the shed?

9 A. Yes, ma'am.

10 Q. Is that shed close to his house or ...

11 A. It's maybe six foot away from his house.

12 Q. Okay.

13 A. He'd walk off his back porch five or six steps and then
14 there's a storage building.

15 Q. Okay. And did it -- were there any lights on or
16 anything at this point?

17 A. He had a light on on the storage building. With the
18 door wide open, you could see the ground and his back -- the
19 door. But him walking towards me, you could just see a
20 figure, not what -- what was -- he had in his hand at that
21 time.

22 Q. Okay. What did it look like to you in his hand?

23 A. Looked like something long, like he was holding it down
24 to his side. It reminded me of a shotgun as long as it was.
25 And I knew he had one, but I didn't know if he had it on

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

62

1 him.

2 Q. Okay. All right. And kind of describe the property.

3 Is it -- is it a busy street, the property ---

4 A. No, ma'am.

5 Q. --- where these trailers are?

6 A. It's -- there's a trailer at the very top of the road.

7 And it's facing the road. And then there's a driveway

8 beside that road. And that driveway leads to the second

9 trailer. And the next trailer is our trailer.

10 And then theirs was the very last trailer on this -- if

11 you would have kept going down our road, between mine and

12 his trailer was the only driveway. Like he would take a

13 right to pull in his driveway, and we'd take a left and be

14 in our driveway. We'd be like side by side.

15 Q. Okay. All right. So do you have a lot or did you have

16 a lot of people just randomly coming down your road that ---

17 A. No, ma'am.

18 Q. --- didn't live on that road? All right. And when you

19 were woken up by the loud noise and you went to investigate

20 did you hear any cars leaving ---

21 A. It was ---

22 Q. --- or driving off?

23 A. There was no cars. The Defendant's cars -- their truck

24 was not there.

25 Q. Okay.

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

63

1 A. So I didn't know if they were there or not. So that's
2 why she was trying to call somebody, I guess. But I didn't
3 see no cars out there.

4 Q. All right. Is it a gravel or paved road?

5 A. Gravel road. You could hear cars coming down the road.

6 Q. Okay. But you did not hear anything that you woke up
7 and started looking around?

8 A. No, ma'am.

9 Q. And is there some woods kind of back behind ---

10 A. Yes, ma'am. The property has woods behind it. And in
11 front of my yard is a cow pasture, a horse pasture or
12 something. It's a big field.

13 Q. All right. Did you see anybody in the field or ---

14 A. No, ma'am.

15 Q. --- towards the woods? Okay. And earlier this day you
16 and Eric, y'all are cool, right?

17 A. Yes, ma'am.

18 Q. Okay. Didn't have any problems or anything like that?

19 A. Uh-uh (negative).

20 Q. Okay. Did you have any personal knowledge, you don't
21 have to talk about details, do you have any personal
22 knowledge of he and his wife having any problems, marital
23 problems?

24 A. Yes, ma'am, they had problems.

25 Q. Okay. And one of the first things your wife wanted to

TEE SMITH - DIRECT EXAMINATION BY MS. HODGE

64

1 do was call his wife?

2 A. Um-hum (affirmative).

3 Q. When you went outside and spoke to or saw the Defendant

4 -- and you're sure it was the Defendant?

5 A. Yes, ma'am.

6 Q. Okay. Come and spoke to him, did he ask you anything

7 about how are you, or what happened or anything like that?

8 A. I guess when he heard my voice he got enraged and got

9 angry. And then his tone, when he was asking me where was

10 his bitch at, ---

11 Q. Um-hum (affirmative).

12 A. --- it was yelling. So he knew I was right there and

13 who he was talking to, but he didn't -- he didn't ask me

14 anything about what was going on, what had happened to you.

15 Because I had told him what happened, he didn't really care

16 at that time.

17 Q. All right. Didn't show any concern ---

18 A. No, ma'am.

19 Q. --- for your house just being shot up or anything?

20 Okay. And did -- let's see. Did it take a little while for

21 the police to get there?

22 A. It felt like forever, but it took maybe forty-five to

23 an hour tops for the police to get down there because they

24 had calls before us.

25 Q. Okay. When the police got there did you talk to them

TEE SMITH - CROSS EXAMINATION BY MR. SULLIVAN

65

1 and basically tell them what you've told us?

2 A. Yes, ma'am. Everything I've told y'all, I told the
3 officers. And they just told us to stay in the house until
4 they figured out what was going on.

5 Q. Okay. Was the Defendant there? Did he -- was he
6 present at all when the police were there?

7 A. No, ma'am. He was nowhere to be found.

8 Q. Okay. All right. The Defendant ever been inside your
9 trailer?

10 A. Yes, ma'am.

11 Q. All right. So did he know the layout of where the
12 living room, kitchen, bedrooms were?

13 A. Yes, ma'am.

14 Q. And is the person that you are referring to as Eric,
15 the Defendant, is he present in court today?

16 A. Yes, ma'am.

17 Q. Okay. And where is he?

18 A. To the right of me in the green shirt.

19 Q. Okay. All right. Thank you. Please answer any of Mr.
20 Sullivan's questions.

21 A. Okay.

22 **MR. SULLIVAN:** Just a couple.

23 **Cross Examination by Mr. Sullivan:**

24 Q. So y'all had a friendly relationship?

25 A. Yes, sir.

TEE SMITH - CROSS EXAMINATION BY MR. SULLIVAN

66

1 Q. So there was no reason for him to try and kill you and
2 your family as far as you know?

3 A. Not that I -- not that I know of.

4 Q. When he approached you and you asked him did he shoot
5 the trailer, did he say -- what?

6 A. He yelled at me and asked me where was his mother
7 fucking bitch at.

8 Q. Did he tell you that he did not shoot the trailer?

9 A. Nothing else came out of his mouth.

10 Q. Did you see him shoot the gun?

11 A. No, sir.

12 Q. And could you today beyond a reasonable doubt say he
13 had a gun in his hand when you saw him or just something
14 long?

15 A. I honestly think it was a gun. I know what a gun looks
16 like.

17 Q. What kind of gun was it?

18 A. It looked like -- I had a Mossberg. And it was what it
19 looked like, was a Mossberg, how long it was, a long barrel
20 shotgun is what it looked like.

21 Q. Did you know he had one? Did y'all ever ---

22 A. Yes, ma'am. Yes, ---

23 Q. --- hunt together?

24 A. --- sir, I did.

25 Q. Did you know where he kept his guns? You been in his

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

67

1 house?

2 A. No. I wouldn't -- I wouldn't tell nobody where my guns
3 was. So, no.

4 Q. So you did not see whoever shot the shot?

5 A. No, sir.

6 Q. You assumed what happened afterwards?

7 A. Yes, sir.

8 Q. And he was worried about his wife in some fashion?

9 Where is she, right?

10 A. Yes, sir.

11 Q. Okay.

12 **MR. SULLIVAN:** I have nothing further, Your Honor.

13 **THE COURT:** Thank you. Anything?

14 **MS. HODGE:** No, sir.

15 **THE COURT:** All right. Sir, you may step down. Please
16 be careful.

17 **MS. HODGE:** Your Honor, the State would call Regina
18 Smith.

19 **THE COURT:** Mrs. Smith, come up, please.

20 **MADAME CLERK:** Ma'am, if you'd place your left hand on
21 the Bible and raise your right.

22 **Regina Smith,** being duly
23 sworn testified as follows;

24 **MADAME CLERK:** Thank you. You may be seated.

25 **THE COURT:** Ma'am, tell us your name, your full name

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

68

1 and spell your last name, please.

2 **MRS. SMITH:** Regina Jeanette Smith, S-m-i-t-h.

3 **THE COURT:** Thank you. Solicitor.

4 **MS. HODGE:** Thank you, Your Honor.

5 **Direct Examination by Ms. Hodge:**

6 Q. Mrs. Smith, let's find out a little about you as well.

7 How old are you?

8 A. I'm twenty-eight.

9 Q. And you're married to Tee?

10 A. Yes, ma'am.

11 Q. And how long have y'all been married?

12 A. We have been married for four years.

13 Q. Any children?

14 A. Yes, ma'am. We've got two.

15 Q. Is it ---

16 A. Arianna. And she's eight. And at the time she was

17 five. And then I now have Jeremiah, who is one.

18 Q. Okay. And you are also familiar with the Defendant?

19 A. Yes, ma'am.

20 Q. All right. You guys were married and living in that

21 trailer when he moved in, is that correct?

22 A. Yes, ma'am.

23 Q. Okay. And did you make friends with his wife also once

24 he moved -- they moved in?

25 A. Yes, ma'am.

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

69

1 Q. So in your opinion or tell us a little bit, were y'all
2 social? Did y'all hang out a lot? What was the
3 relationship like?

4 A. We were together every day. There really wasn't hardly
5 even a day that went by that we weren't together. The only
6 time we were not together was when they had had an argument
7 and she had went and stayed with her mother and father
8 across the street. She stayed there for approximately about
9 two weeks. And I went up there a couple of times during
10 that time and visited her. But other than that, we were
11 together pretty much every day.

12 Q. Okay. And you work?

13 A. Yes, ma'am.

14 Q. Do you work now currently?

15 A. Yes, ma'am.

16 Q. Okay. Did you work back then?

17 A. Yes, ma'am.

18 Q. All right. Where ---

19 A. I work at Ingles. And I was working at Ingles at the
20 time. I've also been there since 2006.

21 Q. Okay. And did Mrs. Mejean work?

22 A. At the time that this happened she had recently quit
23 her job.

24 Q. But so what I'm getting at, sometimes y'all were at
25 work or ---

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

70

1 A. Yes.

2 Q. --- other places?

3 A. Yes.

4 Q. When you were having your social time away from work,
5 y'all were hanging out?

6 A. We were together, yes, ma'am.

7 Q. Okay. And everybody seemed to get along fine?

8 A. Yes, ma'am.

9 Q. Okay. So tell me about what you were doing on July
10 1st, 2012. Start with the day and then into the night.

11 A. Okay. I had worked third shift the night before. I

12 knew they -- my husband had asked them to watch Arianna.

13 Well, they decided that they were going to go swimming. And

14 I had not been swimming all Summer. So I wanted to go

15 swimming, too. So instead of going home, getting Arianna

16 and going to bed, I went -- I asked them could I go swimming
17 with them.

18 So on the day that this happened, as soon as I got home

19 we all got ready. We went to Eric's mother's house. And we

20 were over there approximately maybe an hour before Eric

21 decided he wanted to leave. After he left, we had been

22 there for probably going on about three hours. And when it

23 started -- it was about to come up a storm.

24 And Melissa had already called Eric and asked him to

25 come pick them up. Eric would not come get them. So I told

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

71

1 Melissa, I said, well, you know, I'll be glad to take you
2 where he's at so you can get your vehicle. So we loaded up
3 in my car, we went and I dropped them off, dropped the kids
4 off at the place where he was hanging out.

5 Eric come to the car, greeted me, told me thank you for
6 dropping the kids off, and they all got out and left. When
7 I went home, it was approximately 7:30-ish, 8:00. When I
8 got home, I realized that Melissa had left her cigarettes in
9 my car. So I texted her and I told her, I said, you're
10 going to be mad, you left your cigarettes in my car, but
11 I'll leave the door unlocked. You're welcome to get them
12 out when you come home.

13 So Tee made me a sub, and I fell asleep in the living
14 room recliner because I had been up for approximately about
15 thirty hours at this point. So I remember Tee waking me up
16 about 10:30, 10:40-ish asking me to come to bed.

17 Once I got in there I remember it had started storming
18 pretty good. I heard a loud noise, wasn't really sure what
19 it was. And I nudged Tee and asked him to please wake up.
20 Well, when he woke up he says turn the light on. I reached
21 over to my right and turned the light on and all I could see
22 was my wall was plastered. There was pellets and pieces of
23 wood all over my bed.

24 Tee jumps over me, starts walking through the house.
25 I'm following behind him. And we see all this debris on our

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

72

1 kitchen and living room floor, but we're not really sure at
2 this point where it come from. Tee goes and gets his gun,
3 he goes outside and walks the perimeter of our trailer. And
4 he comes back in at this point. You know, we both
5 determined that our house has gotten shot.

6 The first thing I do is pick up my phone and call
7 Melissa because I'm more concerned about her. That's my
8 best friend, her and her children. And I was, you know, I
9 wanted -- I was worried that if something had happened to
10 me, that it could have possibly happened to them and I had
11 just lost my best friend.

12 So I called her and I asked her, you know, I said,
13 Melissa, my house just got shot. Are y'all okay? Her
14 statement was that they were not at home. She says, but
15 Eric is at home because he just called me from the house and
16 he sounded like he was yelling and screaming. And I said,
17 oh, my God, well, something could have happened to him. Let
18 me get off the phone with you, let me call the police.

19 So I hung up with her and I called the police and, you
20 know, told 911 that my house had been shot. And after I'd
21 gotten off the phone with the police, it was probably about
22 twenty, thirty minutes later I hear several more shots go
23 off over to the direction where they lived.

24 And so at this point I'm nervous because I'm thinking
25 whoever shot my house is still outside. I hear those shots

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

73

1 go off and I call 911 again, you know, whoever has done this
2 is still outside, you know, you need to get somebody out
3 here, you need to get them out here now because I'm scared
4 that they could hurt us, you know.

5 So about that time that I'm still on the phone with 911
6 I hear Eric and Tee talking like -- but Eric sounds angry
7 and I couldn't make out anything that he was saying because
8 he was -- he just sounded angry. And so I told Tee to come
9 inside and shut the door. And as he come in and shut the
10 door, it was approximately ten to fifteen minutes later that
11 the police arrived.

12 Q. Let me stop you right there. I'm going to show you a
13 couple of pictures, okay? I'm going to show you what's been
14 marked State's number 1. They have little stickers on top.

15 A. Okay.

16 Q. Through State's number 7. If you will look at those.
17 Just look at them individually, as a group.

18 (Pause)

19 Q. What are these pictures of? Just in general, what is
20 this of?

21 A. The shots that were through my trailer and the debris
22 inside of my trailer.

23 Q. Okay. And I'm going to put them up here individually
24 and let you tell the jury what we're looking at, okay?

25 A. Yes, ma'am.

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

74

1 Q. Well, first of all, are these true and accurate
2 representations of how your house looked this night?

3 A. Yes, ma'am.

4 Q. All right.

5 MS. HODGE: At this point we would move to admit 1
6 through 7.

7 MR. SULLIVAN: 1 through 7.

8 THE COURT: Any objection?

9 MR. SULLIVAN: No objections, Your Honor.

10 THE COURT: They're admitted without objection.

11 (Whereupon State's exhibits 1 - 7 were admitted into
12 evidence)

13 MS. HODGE: Thank you, Your Honor.

14 MR. SULLIVAN: We've had those in discovery. So I've
15 been over them.

16 THE COURT: Yes, sir.

17 MR. SULLIVAN: And my client has seen them.

18 Q. I'll show you State's number 1 here. What is it we're
19 looking at in this picture?

20 A. In this picture, that is my bedroom ---

21 Q. Can you see?

22 A. --- window.

23 Q. It's really a bad set-up. I'm not sure where to stand
24 so that everybody can see.

25 A. In this picture, that is my bedroom window. To the

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

75

1 right of that window, which you can't really see it very
2 well in that picture, but that was where the birdshot went
3 through my bedroom approximately a foot above my bed. And
4 there were several, I mean, like probably at least a hundred
5 pellet holes in that -- in that side of the trailer.

6 Q. I'll put up State's number 2. What is this?

7 A. This right here is between my living room and kitchen
8 area. That first small window, if you look to the right of
9 it down towards the bottom of the trailer you can see a
10 bullet hole through -- that went through my kitchen.

11 Q. All right. And how long is your trailer?

12 A. Approximately -- I think it's seventy foot.

13 Q. Okay. And your bedroom window would have been farther
14 to the left?

15 A. Yes.

16 Q. If we're going from left to right?

17 A. Yes, ma'am.

18 Q. Okay. Show you State's number 3.

19 A. This right here is my front -- my front porch. If you
20 look to the left is the living room window. Right inside of
21 that is the loveseat that my daughter was sleeping on. Up
22 to the top in the dark brown there to the right of that
23 window, in between the window and the front door, you can
24 see there is a bullet hole there.

25 Q. All right. I'm going to show you -- and these bullet

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

76

1 holes were not there before you ---

2 A. No, ma'am.

3 Q. --- went to bed this night?

4 A. No, ma'am.

5 Q. All right. I'll show you State's number 4. What are

6 we ---

7 A. This right here is a view from my living room into my
8 kitchen area. Right there on the right side you can see the
9 wood on the floor from where it went through my kitchen
10 table and chair.

11 Q. Okay. And to the left is the front of the trailer?

12 A. Trailer, yes, ma'am.

13 Q. The right side is the back ---

14 A. Is the back side, yes, ma'am.

15 Q. Okay. And State's number 5 is?

16 A. Now this right here is just a view from my kitchen into
17 my bedroom.

18 Q. Okay. So, again, we're coming down the trailer?

19 A. Yes, ma'am.

20 Q. And then let me show you State's number 6.

21 A. This is inside of my bedroom. Our bed was to the left.
22 And there to the right right there behind that fan there is
23 a mirror, a full body mirror. And the pellets that were
24 shot through on the left side actually hit that mirror and
25 damaged that mirror.

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

77

1 Q. Okay. And finally State's number 7.

2 A. That is the birdshot that was through my bedroom. And
3 that's -- right there to the left of the black curtain you
4 can see where my wall was plastered.

5 Q. Okay. And there was a picture hanging there?

6 A. There was a picture hanging there that fell off the
7 wall.

8 Q. Okay. And that's the bed you and your husband were
9 sleeping in?

10 A. Yes, ma'am.

11 Q. All right. Let's see. So that night after you called
12 the police when you heard this, something between your
13 husband and the Defendant, the police arrived, you said,
14 shortly thereafter, ---

15 A. Yes, ma'am.

16 Q. --- fifteen minutes?

17 A. Approximately ten or fifteen minutes after.

18 Q. Okay. Did Melissa ever come home during this time?

19 A. After all was pretty much said and done, after the
20 police had gotten there and everything, Melissa -- the
21 police did ask Melissa to come home. And so at that time
22 she did.

23 Q. Okay. Did you see her or talk to her or anything that
24 -- don't tell me what y'all said, but just did you see her
25 or was she just talking to the police that night?

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

78

1 A. No. She -- we had actually talked. Now, she didn't
2 talk to me very much, but, yeah, we had -- we had had, you
3 know, conversation.

4 Q. Okay. But she was okay that night?

5 A. Yes, ma'am.

6 Q. She had not been at the house that night?

7 A. No, ma'am.

8 Q. Okay. And you had a car and your husband had a car, is
9 that correct?

10 A. Yes, ma'am.

11 Q. Were your cars at home and in your driveway this night?

12 A. Yes, ma'am.

13 Q. And when she got there did she drive her car back or
14 their car back to the house?

15 A. I really can't say because I was asleep.

16 Q. Okay. At that point. All right. Now I think you had
17 mentioned maybe that she had stayed at her mom's at some
18 point, they had some marital issues?

19 A. Yes, ma'am.

20 Q. Were you -- you don't have to tell me -- don't tell me
21 any details, but were you aware that they had problems?

22 A. Yes, ma'am.

23 Q. Okay. And had you ever observed any problems between
24 them? Any ---

25 A. I had never actually been present at the time that they

REGINA SMITH - DIRECT EXAMINATION BY MS. HODGE

79

1 had had any, you know, marital problems or anything, but I
2 had knowledge of it.

3 Q. Through her?

4 A. Through her.

5 Q. Tell you those things?

6 A. Yes, ma'am.

7 Q. Okay. And, again, the Defendant, himself, and his wife
8 and family had been inside your house?

9 A. Yes, ma'am. We had actually had Easter together, you
10 know. I mean, they had come over and had dinner. There was
11 times, you know, that they just come over, you know, to hang
12 out or whatever, not very often. Most the time we went to
13 their house.

14 And, you know, there was times that I've had to let
15 Melissa use my washer and dryer because something may have
16 happened at their house, you know. So they were well aware
17 of where everything was in my house.

18 Q. In your house?

19 A. Yes, ma'am.

20 Q. Where your bedroom was, where your ---

21 A. Yes, ma'am.

22 Q. What about -- your daughter was sleeping in the living
23 room at this point?

24 A. Yes, ma'am, on the loveseat.

25 Q. Was that a normal thing or ...

REGINA SMITH - CROSS EXAMINATION BY MR. SULLIVAN

80

1 A. Not always. But she did like to sleep in there. She
2 didn't like sleeping in her bedroom. And she still does to
3 this day.

4 Q. Is it to watch TV or is it just ...

5 A. I really don't know because she's always had a TV in
6 her room. I don't know. But she still to this day sleeps
7 in the living room.

8 Q. Okay. All right. And the person that you're referring
9 to is Eric, the Defendant in this case. Is he present in
10 the courtroom?

11 A. Yes, ma'am, to my right in the green shirt.

12 Q. Okay. Please answer any of Mr. Sullivan's questions.

13 A. Thank you.

14 **Cross Examination by Mr. Sullivan:**

15 Q. Just a couple, Mrs. Smith. Now in this -- as best you
16 can remember the sequences. Somebody shot three shots into
17 your house?

18 A. Yes, sir.

19 Q. And then your husband saw Eric?

20 A. Yes, sir.

21 Q. And then there were more shots fired?

22 A. No, sir. There were more shots fired prior to him
23 seeing Eric.

24 Q. So you heard three that penetrated your house?

25 A. Yes, sir.

REGINA SMITH - CROSS EXAMINATION BY MR. SULLIVAN

81

1 Q. And then three where?

2 A. There were -- I don't know exactly how many shots were
3 fired. So I can't answer on that as far as to what I heard.
4 But the ones that I heard were towards his residence.

5 Q. So they were away from yours?

6 A. Yes, sir.

7 Q. These are not -- not the shots that Tee fired when he
8 went out with his pistol?

9 A. No, sir. These were different because Tee was standing
10 inside with me when those shots went off.

11 Q. The three that or some that you don't know who shot?

12 A. Exactly, yes, sir.

13 Q. You don't know who shot -- except for Tee shooting his
14 pistol, you don't know who shot any of these rounds, do you?

15 A. No, sir, I can't honestly say.

16 Q. You were in your house, you don't know who shot the
17 three and you don't know who was shooting the others?

18 A. No, sir.

19 Q. And y'all were all friends?

20 A. We were.

21 Q. Nothing further.

22 **THE COURT:** Thank you. Anything, solicitor?

23 **MS. HODGE:** No, sir.

24 **THE COURT:** Thank you. Ma'am, you may step down.

25 Please be careful. How long will the next witness take?

2 **THE COURT:** Okay. Let's call one more before we break
3 for lunch.

5 **MADAME CLERK:** Ma'am, would you please come forward,
6 please, ma'am. Place your left hand on the Bible and raise
7 your right.

10 **MADAME CLERK:** Thank you. You may be seated.

13 **MRS. MEJEAN:** Melissa Mejean, M-e-j-e-a-n.

15 Direct Examination by Ms. Hodge:

17 A. Yes.

19 A. We've been married since 2012.

21 A. Yes. We have three together.

24 A. I do.

25 Q. How many children do you have total?

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

83

- 1 A. Four.
- 2 Q. Are you still married to the Defendant?
- 3 A. Yes.
- 4 Q. Are you guys still living together?
- 5 A. Yes.
- 6 Q. Where were you living on July 1st, 2012?
- 7 A. At [REDACTED] Davis Road in Pelzer. It's Greenville County.
- 8 Q. Greenville County. All right. How long did you guys
- 9 live there?
- 10 A. We moved in in May of 2011. So we had been there a
- 11 little over a year.
- 12 Q. All right. And, obviously, you know the Smiths?
- 13 A. Right.
- 14 Q. Did you meet them when you moved in or did you know
- 15 them before?
- 16 A. No, I did not know them beforehand. We had lived there
- 17 -- I was pregnant with our last son when we moved in. And,
- 18 you know, pregnant, you don't really feel comfortable
- 19 walking up and saying hi. So it was probably a week or two
- 20 before he was born. Tee had actually came over and
- 21 introduced himself and then Regina later that afternoon.
- 22 Q. And would you say that -- characterize yourselves as
- 23 friends then?
- 24 A. Yes, we were very good friends.
- 25 Q. Let's see. Talking about the incident we're here

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

84

1 about, ---

2 A. Um-hum (affirmative).

3 Q. --- July 1st, 2012, do you remember what you were doing
4 that day?

5 A. Um-hum (affirmative). That morning my husband had
6 gotten off work. He worked third shift. Tee had come over,
7 walked over and asked me to keep an eye on Arianna for about
8 an hour, hour and a half. They were making Regina stay over
9 and asked if it would be okay if I watched -- kept an eye on
10 her. And I said that was fine, that I was going to go up to
11 my mother-in-law's to go swimming that day. And he said,
12 well, just let Regina know what y'all are going to do.

13 So when Regina got home we talked about it. And she
14 said, well, I want to go. And so we all got ready. I
15 called my mother-in-law to make sure it was okay, and we
16 went up there. We were swimming for a while.

17 Eric decided that he didn't want to be there. He
18 didn't really want to go to begin with. And he was going to
19 leave. He was going to one of his buddy's house. And he
20 left me there and said he'd be back later. A couple of
21 hours later he still wasn't back. I tried calling him a
22 couple of times. It took me a couple of times to get him on
23 the phone. And then he said he wasn't coming back to pick
24 me up.

25 So when I got off the phone with him, his buddy's

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

85

1 sister had called and asked if we were still getting
2 together to go see the fireworks at the church right above
3 where his buddy's house was. And I told her that I didn't
4 know. And she said, well, come on over and we'll go up and
5 we'll take the kids.

6 So Regina said that she would take me over there and
7 drop me off, which she did. And from there I kind of, you
8 know, talked to his buddy's sister for a while and then we
9 were going to take the kids up to see the fireworks at the
10 church.

11 And we went that direction. Regina left. Of course,
12 she dropped me off and she left and went back home. We went
13 up to the church. And as we were approaching the highway
14 all of the cars were leaving the church parking lot. And I
15 guess we had the time wrong or something, but we had missed
16 it.

17 So Eric started telling -- I was driving. And Eric
18 started telling me to go back -- take him back to Marcus'.
19 And then he said, you know, that he didn't have no more
20 cigarettes. And I said, well, I left mine in Regina's car
21 'cause she had texted me and said that I had left mine in
22 the car.

23 And I said, you know, there's a gas station like right
24 there. I said, do you want me to stop in there and get you
25 some? Do you want me to take you to the house? You know, I

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

86

1 can go get mine from Regina's car. He's like, no, just take
2 me back to Marcus'.

3 So then we went back to his buddy's house. We were
4 there for maybe, I don't know, a couple more hours. And I
5 could see he wasn't ready to leave, and me and the kids
6 were. We were tired.

7 So I told him that we were going to leave. And he said
8 that he didn't want to leave. And I said, well, then, I'm
9 just -- I'm leaving because I'm ready to go. So I left him
10 there. I left him at his friend's house.

11 And I went back to our house. And my little ones were,
12 of course, asleep in the backseat because it's getting late.
13 And my cousin had called me and asked me what we were doing,
14 if they were -- if we were still out. And I told her that I
15 had left Eric at his buddy's house, that I had just pulled
16 into our yard. And she said, well, we still have fireworks.
17 Why don't you come over and we'll shoot fireworks together.

18 My oldest one, Christopher, well, our oldest together,
19 he's more of a night owl. He was still awake. And when he
20 heard that, of course, he wanted to go. So I told her that,
21 you know, we would be over there in a little bit. I walked
22 over to Regina's yard and I opened her car door and got my
23 cigarettes that she had left in the front seat, decided to
24 go in the house. And I was in the house.

25 Eric and I had been arguing off and on at his buddy's

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

87

1 house. I decided that it was probably best for me just to
2 let him cool off. So I grabbed some clothes for me and some
3 for the kids and called my cousin back and asked her if we
4 could just stay the night. And she said that was fine. So
5 we then left and went to her house.

6 Q. And while you -- what time do you think you're talking
7 about?

8 A. It was probably 10:30-ish, maybe a little later. It
9 was late. It was dark.

10 Q. Okay. And had the Defendant been drinking or your
11 husband been drinking ---

12 A. Yes.

13 Q. --- during the day? Okay.

14 A. Yes.

15 Q. And this Marcus is the friend, is that ---

16 A. Yes.

17 Q. --- right? The friend whose house is near the church?

18 A. Um-hum (affirmative).

19 Q. Okay.

20 A. Yes.

21 Q. And how far is that from your house?

22 A. It's probably about two and a half, three miles. It's
23 not very far.

24 Q. And did you guys only have one car at this time?

25 A. Yes.

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

88

1 Q. All right. So he was without a vehicle and you had the
2 car?

3 A. Yes.

4 Q. Then you went to your cousin's house?

5 A. Yes.

6 Q. Okay. Did you call him and tell him you were going to
7 your ---

8 A. No.

9 Q. --- cousins? When you get to your cousin's do you get
10 a phone call?

11 A. Yes. I got to my cousin's house and her husband came
12 outside and helped me unload the kids who were sleeping. We
13 started talking. And, of course, she could see that, you
14 know, there was something wrong. And I told her that we
15 were arguing. And so we were talking for a few minutes.

16 And then the house phone at the house called. And I
17 couldn't really make out who it was or what it was. It just
18 sounded like a bunch of muffled yelling and then it just
19 went dead. And then I tried to call the house phone back,
20 but like the house phone had been turned off. So I was
21 surprised to see the number show up on my caller ID that it
22 actually even worked, period.

23 So when I tried to call it back, for some reason it
24 wouldn't go through. And then I'm like, well, you know, I
25 figured, well, somebody took him home. And I don't know how

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

89

1 long it was, probably ten, fifteen, maybe twenty minutes,
2 I'm not sure exactly how long it was, Regina called me. And
3 she was upset and crying and asking me if I was okay. And I
4 told her, yeah, why wouldn't I be okay? And she said
5 somebody had shot at her house.

6 And I asked if she was okay. And she said, yes. And I
7 said, have you called the police yet? And she said, I was
8 calling to check to make sure you were okay because I don't
9 know where they are. And I said, well, Regina, call the
10 police. So she said, okay, I'll call you back in a minute.

11 So probably a couple of minutes later then I get
12 another phone call from the house. And that time it was
13 really loud, just yelling. Not even words or made any
14 sense, just yelling. And then it went dead again.

15 Then she called me again. We were back and forth. She
16 was calling me telling me, you know, the police were on
17 their way. And then it was probably thirty minutes after
18 all that, maybe, maybe a little longer, the police officer
19 who was at the house called me and asked me if I could come
20 back to the house and if I knew where my husband was.

21 And I told him, no, I did not know where he was, that I
22 had left him at his friend's house and that I was at my
23 cousin's house, but that I could come back to the house.
24 And he said that he needed me to come back to the house. So
25 my cousin told me that she would look after my little ones.

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

90

1 And her husband said that he would drive me over. And he
2 drove me back to the house that night.

3 Q. Okay. And when you get to the house what do you find?
4 What's there?

5 A. A lot of police. They -- there was chaos. A couple of
6 police officers walked up to the car and asked who I was.
7 And whenever I told them who I was, then one of them came up
8 to me and started telling me, you know, we need your
9 permission to go into your house, you know, do you know
10 where your husband is, have you seen him, you know, just
11 random, you know, questions. And then they went into the
12 house.

13 And then they came back -- they asked, you know, Regina
14 and Tee if I could go into their house and sit for a while
15 while they were in my house. And then they started looking
16 for Eric. And so I went into Tee and Regina's house with
17 them for a little bit.

18 Then they came back and got me. And then they took me
19 back through my house just, you know, making sure -- the
20 house was trashed. It was just demolished. They were
21 asking me, you know, if that's the way it looked when I
22 left. And it had not.

23 You know, I had spent that morning cleaning, getting
24 everything straightened up. And then Arianna had came over.
25 And when we left everything was neat. It wasn't, I mean, it

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

91

1 was trashed. And ---

2 Q. Did they ---

3 A. --- we went through all of that.

4 Q. Did they ask you anything about any guns or anything
5 that they ---

6 A. They asked me if my husband had guns.

7 Q. Okay.

8 A. And I told them that he did have guns. And they asked
9 where they would be kept. And I told him that if he had any
10 that they would be in the back of the closet, that he had
11 been leaving them -- they had been kept at his friend
12 Marcus' house. His gun cabinet was at Marcus' house. And
13 he had kept them there. I don't remember exactly how long
14 it had been since he had decided to bring them back to the
15 house, but I told them and showed them where they would be
16 if he had any in the house.

17 Q. Okay. And there was one missing?

18 A. Correct.

19 Q. One was found and one was not?

20 A. Correct.

21 Q. Okay. And did they find ammunition ---

22 A. They did.

23 Q. --- for the guns ---

24 A. They did.

25 Q. --- inside your house? And did you try or attempt to

MELISSA MEJEAN - DIRECT EXAMINATION BY MS. HODGE

92

1 contact your husband on this night to say come home?

2 A. I did. I tried several times. The police even said,
3 you know, at first one officer was telling me, try calling
4 his cell phone. I did. It just kept going straight to
5 voicemail.

6 And then one officer actually said that he didn't want
7 me outside talking. And that's who asked me if I'd stay at
8 Tee and Regina's house. They said that if Eric were in the
9 area, my voice would make him upset 'cause I assume that
10 they thought he was upset with me, and that's what -- so
11 they made -- no, they were the ones who asked if I could go
12 stay in Tee and Regina's house while we talked 'cause they
13 didn't want my voice traveling.

14 Q. Okay. All right. And did you spend the night -- once
15 this all kind of got ---

16 A. I did not stay ---

17 Q. --- the investigation -- you did not stay there?

18 A. No.

19 Q. Okay.

20 A. The police told me not to. I did not.

21 Q. All right. Okay. Did you go back to your cousin's ---

22 A. I did.

23 Q. --- where your children were ---

24 A. I did.

25 Q. All right. And then did you come back to your house

MELISSA MEJEAN - CROSS EXAMINATION BY MR. SULLIVAN

93

1 the next day?

2 A. I did. After the police came to -- my grandparents
3 live right beside where my cousin's house is. We were all
4 outside at my grandparents' house the next afternoon. And
5 the police officer pulled in. I had told him the address
6 where I was going to be staying at that night. And he
7 pulled into the yard there and told me that they had just
8 picked him up. And after that I then went home to get me
9 and the kids some more things that we needed.

10 Q. Okay. So that -- they had arrested him ---

11 A. Right.

12 Q. --- from the night before's incident?

13 A. Right.

14 Q. Okay. I think that's all the questions I have. Thank
15 you.

16 Cross Examination by Mr. Sullllivan:

17 Q. Just a few, Melissa. I'm not trying to trick you or
18 anything. I'm just trying to get stuff -- so the jury --
19 you've told this story to me before, haven't you?

20 A. Yes.

21 Q. And you've told it to Ms. Hodge?

22 A. Yes.

23 Q. It's normal for people to go over testimony beforehand?

24 A. Right.

25 Q. Okay. This happened in 2012. So you kind of refreshed

MELISSA MEJEAN - CROSS EXAMINATION BY MR. SULLIVAN

94

1 your memory?

2 A. Right.

3 Q. Okay. Now was Eric a hunter?

4 A. Yes.

5 Q. Did he have three guns?

6 A. Yes.

7 Q. He had what's called a black powder gun?

8 A. Um-hum (affirmative).

9 Q. And a shotgun?

10 A. Um-hum (affirmative).

11 Q. And then a rifle?

12 A. I'm assuming that's what they are. I'm not very

13 familiar with what is what. I just know that's what they
14 are.

15 Q. And the police left. One gun was missing?

16 A. Right.

17 Q. The black powder gun was there?

18 A. Right.

19 Q. And they took a rifle or took a gun?

20 A. They took a gun. I don't know what gun they took, but
21 they took a gun. And I do know that the guns that were at
22 the house, there was one missing.

23 Q. Now, whose car were you in? Did you have y'all's car?

24 A. Um-hum (affirmative).

25 Q. Eric did not have -- you don't know how he got back to

MELISSA MEJEAN - CROSS EXAMINATION BY MR. SULLIVAN

95

1 your house?

2 A. I do not know how he got back.

3 Q. And you don't know how he got -- when he left -- he
4 wasn't there when you got there?

5 A. No. I left him at his friend's house.

6 Q. Okay. Now when you went to your house with the police,
7 ---

8 A. Um-hum (affirmative).

9 Q. --- and they ask you to go in, was there a gunshot to
10 the back door?

11 A. Yes, there was gunshots to the back door or a gunshot
12 to the back door.

13 Q. So your neighbors' house had been shot?

14 A. Yes.

15 Q. And your house had been shot?

16 A. Yes.

17 Q. And nobody was in your house ---

18 A. No.

19 Q. --- when there was a shot unless it'd been Eric?

20 A. Yes.

21 Q. Now you said you received another call -- Eric had
22 called you or ---

23 A. Somebody from the house ---

24 Q. --- somebody from the house?

25 A. --- called me.

MELISSA MEJEAN - CROSS EXAMINATION BY MR. SULLIVAN

96

1 Q. Then you said there was another call -- who was that
2 from, you think? You mentioned there was another call, but
3 you couldn't understand it. It was ---

4 A. They were both from the house. I had two calls, ---

5 Q. Okay.

6 A. --- one before Regina and one right after Regina
7 called. They were both from our house number. I did not
8 know -- I could not recognize who it was calling me, it just
9 sounded the same, like loud, muffled yelling.

10 Q. But you couldn't call back in to see ---

11 A. No.

12 Q. And then the last question, you was not there when any
13 of this happened?

14 A. No, I was not.

15 Q. So you don't know who did any shooting, where?

16 A. No.

17 **MR. SULLIVAN:** I have nothing further, Your Honor.

18 **THE COURT:** Thank you. Anything, solicitor?

19 **MS. HODGE:** No, sir.

20 **THE COURT:** Thank you. Ma'am, you may step down.

21 Please be careful. I think now is a good time to take a
22 break. Madame Forelady, ladies and gentlemen of the jury,
23 it's about twenty-five after twelve. We're going to stop
24 now for lunch, take a break here, eat some lunch. I'm going
25 to ask you to be back in your jury area, wherever they want

MELISSA MEJEAN - CROSS EXAMINATION BY MR. SULLIVAN

97

1 you to assemble, but I'm going to ask you to be back and
2 ready to go at about 1:45, okay, 1:45. And we'll resume
3 this trial at that point in time.

4 So once again, I'll tell you two things, number one,
5 you are not free to discuss this case with anyone, not even
6 with each other and certainly no one else. And I tell
7 people often, do not even think about or discuss this case
8 even in your own mind because this is work and you're going
9 to lunch. So you're going to leave work behind, go enjoy
10 your lunch and don't be thinking about work.

11 But if you will reassemble, that's the second thing is,
12 I'll remind you, please, it takes all thirteen of you to be
13 here. So if one person is tardy, we must wait on that one
14 person. So please, please, in all fairness to your fellow
15 brothers and sisters on the jury, please be timely. So with
16 that, Madame Forelady, if you'll take your jury out and be
17 reassembled and ready to go at 1:45.

18 (Whereupon the jury exited the courtroom at 12:25 pm)

19 **THE COURT:** Sir, I remind you that I'm going to allow
20 you as a courtesy, especially to your lawyer, for you to
21 remain on -- remain at large, okay? But at 1:45 we will
22 resume whether that chair's empty or not, okay?

23 **MR. MEJEAN:** Yes, sir.

24 **THE COURT:** Please be back at 1:45 or whatever time Mr.
25 Sullivan wants you to be back, you be back. So he may want

1 to meet with you before then. All right. Anything before
2 we break?

3 **MR. SULLIVAN:** Judge, I told Eric if he and Melissa --
4 let the Smiths clear out.

5 **THE COURT:** I'm sorry?

6 **MR. SULLIVAN:** Let the Smiths clear out.

7 **THE COURT:** Yes.

8 **MR. SULLIVAN:** Let them leave first.

9 **THE COURT:** Yes.

10 **MR. SULLIVAN:** Just so any contact, I mean, I don't
11 think ---

12 **THE COURT:** Absolutely.

13 **MR. SULLIVAN:** --- anything would happen, but there's
14 no use throwing fire ---

15 **THE COURT:** We'll allow Mr. and Mrs. Smith to leave at
16 this time. And we'll wait about two minutes. And wherever
17 Mr. Sullivan wants you to meet him, sir, you meet Mr.
18 Sullivan wherever he asks you to meet him, okay?

19 **MR. MEJEAN:** Yes, sir.

20 (Pause)

21 **THE COURT:** Okay. We'll be in recess. And, Mr.
22 Sullivan, if you'll just keep him there for about two
23 minutes or so.

24 **MR. SULLIVAN:** I will, Your Honor.

25 **THE COURT:** Okay. All right. We'll see everybody back

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

99

1 at 1:45 promptly. And I'll be back before then if anybody
2 needs me.

3 (Whereupon court was in recess at 12:27 pm)

4 (Whereupon court reconvened at 1:56 pm)

5 **THE COURT:** Thank you. Please be seated. Anything
6 from the State?

7 **MS. HODGE:** No, sir.

8 **THE COURT:** Anything from Defense?

9 **MR. SULLIVAN:** Nothing, Your Honor.

10 **THE COURT:** Okay. Ready for our jury then? We'll have
11 our jury.

12 (Whereupon the jury entered the courtroom at 1:58 pm)

13 **THE COURT:** Madame Forelady, any matters for the jury?

14 **MADAME FORELADY:** No matters ---

15 **THE COURT:** Ready to go?

16 **MADAME FORELADY:** We're ready.

17 **THE COURT:** All right. Very good. Solicitor.

18 **MS. HODGE:** Thank you, Your Honor. The State calls
19 Officer Adam Davis.

20 **THE COURT:** Officer Davis, come up, please.

21 **MADAME CLERK:** Sir, will you please come forward and
22 place your left hand on the Bible and raise your right.

23 **Adam Davis,** being duly

24 sworn testified as follows;

25 **MADAME CLERK:** Thank you. You may be seated.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

100

1 **THE COURT:** Thank you. Officer, if you will, tell us
2 your full name and spell your last name for my court
3 reporter, please.

4 **OFFICER DAVIS:** Yes, sir. It's Adam Patrick Davis.
5 That's D-a-v-i-s.

6 **THE COURT:** Thank you. Solicitor.

7 **MS. HODGE:** Thank you, Your Honor.

8 **Direct Examination by Ms. Hodge:**

9 Q. Officer Davis, where do you work?

10 A. I work for the Greenville County Forensics Division as
11 a forensic investigator.

12 Q. And do you work with the Greenville Sheriff's Office
13 and Greenville City Police?

14 A. We're -- I work for the Department of Public Safety.
15 We run the forensics for the Sheriff's Department,
16 Greenville Police Department and any other municipalities
17 within Greenville County.

18 Q. And what do forensic officers do?

19 A. We respond to crime scenes and process those crime
20 scenes for evidence, latent prints, digital photography.

21 Q. And is every crime scene a little different?

22 A. Yes, ma'am.

23 Q. All right. So you're not going to do that same thing
24 on every scene, possibly?

25 A. Right. Yes, ma'am.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

101

1 Q. You come to a scene and evaluate what you need to do?

2 A. Correct.

3 Q. Okay. And what type of training or education do you
4 have for your job?

5 A. I have a Bachelor of Arts from Furman University in
6 Political Science. And then I've completed the forensic on-
7 the-job training. And I've taken classes in forensic death
8 investigation, forensic entomology, shooting reconstruction
9 and bloodstain pattern analysis.

10 Q. All right. And were you working as a forensic officer
11 July 1st, July 2nd, early morning hours, 2012?

12 A. Yes, ma'am, I was.

13 Q. Were you called to process a scene at [REDACTED] Davis Road in
14 Greenville?

15 A. Yes, ma'am.

16 Q. Okay. And is that address in Greenville County?

17 A. It is. It's in Pelzer, but it's in Greenville County.

18 Q. All right. What type of call were you responding to?

19 A. I was given that as a weapons discharge or shooting
20 into a dwelling is what I responded for.

21 Q. Okay. Approximately what time did you get on scene?

22 A. Around 2:09, 2:10.

23 Q. In the morning?

24 A. Yes, ma'am.

25 Q. Okay. And what's the first thing that you did on

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

102

1 scene?

2 A. When I arrived I made contact with Deputy Wheatley. He
3 gave me some basic background information. And from there I
4 did a walk-through of the crime scene. I noticed that there
5 were three shell casings in the front yard and that there
6 were three corresponding projectile impact points on the
7 front wall of the victims' residence, with the third shot
8 being visible to the left with a round circular hole in the
9 middle and a round circular hole towards the roof by the
10 victims' front door.

11 Q. Okay. Is part of your processing observing first and
12 then ---

13 A. Yeah, I observe -- once I get background information I
14 do a walk-through and I observe, I see what I'm, you know,
15 what I'm looking at. And once I did that, then I went
16 inside the victims' residence and noted that the birdshot
17 penetrated the front wall and into the victims' bedroom
18 above their bed. The middle shot, as far as geographic
19 location on her trailer, was passed through a kitchen
20 cabinet, through a kitchen table and impacted a chair where
21 part of a fragment was located on a kitchen chair.

22 Q. And when you say fragment, part of the fragment ---

23 A. Slug. Part of a slug fragment.

24 Q. Okay.

25 A. And then part of a slug was located in the living room

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

103

1 floor. And then the third shot, the one that went through
2 the living room wall by the front door, appeared to have
3 exited through the roof. But another small metallic
4 fragment was located behind the television stand in the
5 living room.

6 Q. All right. Did you then document this with
7 photographs?

8 A. Yes, ma'am. The next step is I go through and I take
9 digital photography of all of this.

10 Q. I noticed you said that part of your job as an officer
11 would be maybe processing things for fingerprints. Is this
12 the type of scene or type of crime you would have done any
13 fingerprint processing?

14 A. No, ma'am. There wouldn't be anything due to the
15 weather. And the heat, when a round is discharged it kind
16 of erodes away any fingerprints that would have been present
17 on those shell casings.

18 Q. Okay. Let me show you some photos. We'll kind of walk
19 through this.

20 A. Yes, ma'am.

21 Q. As a group let's start with 8, 9, 10, 11, 12, 13, 14,
22 15 and 16. If you'll just take a look at those.

23 (Pause)

24 A. Yes, ma'am.

25 Q. And as a group, what are those photographs of?

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

104

1 A. These are photographs of the exterior of the front wall
2 of the victims' residence and the impact points as well as
3 the shell casings in the front yard.

4 Q. All right. Did you take those photographs?

5 A. Yes, ma'am, I did.

6 Q. All right. And are they true and accurate depictions
7 of how the house and the area looked that night?

8 A. Yes, ma'am.

9 Q. All right.

10 **MS. HODGE:** At this time we'd move to admit number 8
11 through 16.

12 **THE COURT:** Number 8 through 16 is being offered. Any
13 objections, Mr. Sullivan?

14 **MR. SULLIVAN:** No objections, Your Honor.

15 **THE COURT:** They're admitted without objection.

16 **MS. HODGE:** Thank you.

17 (Whereupon State's exhibits 8 through 16 were admitted
18 into evidence)

19 Q. Okay. If you don't mind, if you can see them from
20 where you're sitting, if you'll use that laser pointer and
21 I'll just back up after I put each photograph down. I'm
22 putting up number 8, State's 8. So if you'll just kind of
23 tell us the significance of each photo as we put them up.

24 A. Yes, ma'am. This is -- what we're looking at here is
25 this pattern right here. That's a birdshot pattern. It's a

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

105

1 high shot shotgun pattern. This is the victims' bedroom
2 window. And this is relatively high, if you can see on the
3 -- next to the window going on the exterior wall.

4 Q. Okay. And I'm just putting up number 9. What is that?

5 A. Yes, ma'am. That's a close-up of the same shot we were
6 just looking at.

7 Q. Okay. Moving on to State's number 10. What is this?

8 A. What we're looking at here is the shot that would be
9 going through the kitchen. It's a circular hole. And this
10 is -- as you can see, it's a very distinct -- we know it's a
11 shotgun slug because it's not multiple shots. Even if it
12 was a buckshot, you would have four pellets where that is
13 just one shot.

14 Q. Okay. Number -- State's number 11.

15 A. Yes, ma'am. That is a close-up of that.

16 Q. Is that -- do you normally put measurements up beside
17 things?

18 A. Yeah, just as a general scale. The shotgun pattern,
19 the birdshot was so wide that a scale wasn't practical, but
20 a single shot is usually scaled if you can scale it.

21 Q. All right. State's number 12.

22 A. And this is the shot -- to the right right here would
23 be the front door. You'll see the front porch light. And
24 this is the shot in the living room that is that same
25 circular pattern.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

106

1 Q. Could you reach up there and put the scale on it?

2 A. No, ma'am, I could not.

3 Q. A little high?

4 A. Yes, ma'am.

5 Q. State's number 13.

6 A. You'll see this is 1, 2 and 3. One's a shotgun shell
7 casing here, one here and one here. And you can't quite see
8 it in the picture, but the victims' front door would be
9 about right here.

10 Q. All right. So describe -- are these going as you're --
11 if the trailer would be the length of the back of the
12 courtroom, are they going linear?

13 A. This is a line coming pretty much off of the residence.
14 It looks like he's moving forward towards or backwards, ---

15 Q. Okay.

16 A. --- whoever it may be. There's no right/left
17 distinction that I could make from that.

18 Q. Okay. So it's either going forward in basically the
19 same spot ---

20 A. Yes, ma'am.

21 Q. --- making the three different -- okay. State's 14?

22 A. That's a close-up of item APD1, which is a spent
23 Winchester Xpert steel shot 12 gauge shell.

24 Q. All right. And is that written somewhere on the shell
25 so that you know?

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

107

1 A. Yes, ma'am. It's either on the side in the red or it
2 will be on the shell casing, this silver part right here.

3 Q. Okay. And number 15, State's 15.

4 A. Yes, ma'am. That's a close-up of item APD2, which is a
5 screen shotgun shell right here. And that is a spent
6 Remington Managed-Recoil 12 gauge shell.

7 Q. So different ammunition?

8 A. Yes, ma'am.

9 Q. Okay. And State's number 16.

10 A. This is item APD3. It's also red in color shotgun
11 shell. It's a spent Winchester Super-X 12 gauge.

12 Q. Just so that -- are there three separate types?

13 A. There are three -- they're from -- two of them are from
14 the same manufacturer, but they're different loads. And the
15 middle one is from a different manufacturer. But they all
16 fit a 12 gauge shotgun.

17 Q. All right. I'm not familiar with shotguns. Do you put
18 one shell at a time and shoot or how does that work?

19 A. It all depends on the weapon used. You could have a
20 break-up and single shot or you could have a pump action
21 shotgun. And it could have five or six in the tube and then
22 one in the chamber or it could be a bird gun where you have
23 two side by side or one above the other, over and under. So
24 it all depends on the weapon.

25 Q. All right. Do we have a weapon that corresponds with

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

108

1 these shotgun shells collected that night that -- did you
2 collect or find ---

3 A. No, ma'am, I ---

4 Q. --- one on-scene?

5 A. --- did not.

6 Q. All right. Let's move to the second grouping here,
7 State's number 17 through 32. If you would look at those,
8 please.

9 A. Yes, ma'am.

10 Q. Are you familiar with these photos?

11 A. Yes, ma'am, I am.

12 Q. All right. And what are these just as a whole, number
13 17 through 32?

14 A. They're interior photos and photos of the damage that
15 each projectile made in the victims' residence.

16 Q. All right. And are these true and accurate depictions
17 of the way the inside of the residence looked on this night?

18 A. Yes, ma'am, they are.

19 Q. All right.

20 **MS. HODGE:** We would move to admit State's 17 through
21 32.

22 **MR. SULLIVAN:** No objection to them.

23 **THE COURT:** They're admitted without objection.

24 **MS. HODGE:** Thank you, Your Honor.

25 (Whereupon State's exhibit 17 - 32 were admitted into

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

109

1 evidence)

2 Q. So let's just walk through these ---

3 A. Yes, ma'am.

4 Q. --- in similar fashion. State's 17.

5 A. This is looking across the living room is what we're
6 looking at here. It's the -- this damage right here on the
7 living room wall. As you can see that when it came through
8 the wall, you'll see the circular hole, but you'll also see
9 this splintering where the wood kind of was pushed out.

10 Q. All right. And State's 18.

11 A. Just a close-up of the same thing.

12 Q. Okay. State's 19, what is this?

13 A. That shot was high on the living room wall and it
14 continued into the ceiling. And you can see as it leads in,
15 it's got this impact point. And then it most likely exited
16 out the ceiling, but there was no way to get on top of the
17 roof to make sure. So that's an impact point on the
18 ceiling.

19 Q. All right. State's number 20.

20 A. This was the living room entertainment center. And
21 behind this we located a projectile fragment.

22 Q. All right. State's 21.

23 A. Yes, ma'am. And this is -- this is what we're talking
24 about right here. It's a piece of a metal slug or a piece
25 of a metal fragment.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

110

1 Q. All right. Do slugs -- do they stay intact or ...

2 A. They can, but most of the time if they hit something
3 hard like a reinforced wall or metal or anything, they can
4 fragment. They can shave off like this did.

5 Q. And let's go to State's number 22.

6 A. Right here is what we're looking at. This is a part of
7 a shotgun slug that's in the living room floor.

8 Q. State's number 23.

9 A. This is the -- what I would refer to as the
10 kitchen/dining room floor. You can see all this damage to
11 the table, the shavings of these woods that would have came
12 from the frame underneath the table.

13 Q. 24.

14 A. This is the kitchen cabinets. And this is where the --
15 this would be the front wall of the residence. And this is
16 when it's coming through the kitchen cabinets right here is
17 what we're looking at.

18 Q. And 25.

19 A. Yes, ma'am. And that's just a close-up of that on the
20 cabinet.

21 Q. Okay. 26.

22 A. That projectile continues to go. And as it goes
23 through it bores a hole in this table frame.

24 Q. Are you just taking detailed photographs ---

25 A. Yeah, I'm ---

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

111

1 Q. --- of the scene ---

2 A. I'm just walking that shot across trying to track where
3 it went.

4 Q. Okay. State's 27.

5 A. This is me backing out just to get more photos of the
6 damage that it caused from the table.

7 Q. Okay. Then down at the doorway, is that the tennis
8 shoe where the ---

9 A. Yes, ma'am. Right here's where that ---

10 Q. --- fragment was found?

11 A. --- projectile -- yes, ma'am.

12 Q. Okay. Before going towards that doorway, that's the
13 living room?

14 A. Yes, ma'am, it is.

15 Q. If we turn around and come back towards us is that
16 going to be a bedroom or what would be ---

17 A. That would probably be a hallway leading to a bedroom.

18 Q. Okay. I think we're still following this one bullet,
19 State's 28.

20 A. Yeah. And this is more of it -- looks like to be a
21 chair, can't quite tell. But you can tell that it's
22 impacted this wood and that it's fragmented.

23 Q. And then finally State's 29 in regard to that.

24 A. What we're looking at here is this little fragment
25 that's actually in the back of this chair rung.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

112

1 Q. But was there an actual metal fragment in the back of
2 the chair or ...

3 A. Yes, ma'am. It's, I think, -- yes, ma'am. That's item
4 APD6 we're going to end up collecting from the back of a
5 chair.

6 Q. All right. Okay. And then let's move to State's 31.

7 A. This is in the victims' bedroom. And what we're
8 looking at here is this impact on the bedroom wall where you
9 can see that a shotgun -- birdshots coming through the wall.

10 Q. All right. After you documented with photographs did
11 you start to collect items at that residence first or did
12 you move to ---

13 A. No, ---

14 Q. --- a second location?

15 A. --- I collected everything before I moved to that
16 location, ma'am.

17 Q. Okay. So tell us what you collected.

18 A. Okay.

19 Q. Let me -- I'm sorry, I didn't mean to interrupt you.
20 Let me do it like this.

21 A. Do it like this?

22 Q. Let's do it like this, a little box of stuff for you.

23 A. Okay.

24 Q. First of all, tell us what -- what is this box and
25 what's on this box?

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

113

1 A. This box -- when I put my evidence in property and
2 evidence it comes in single individualized items. And what
3 property and evidence does is to tie it to each case number
4 they give you a nice little box to make it all handy. So
5 what's inside is a culmination of all my evidence.

6 Q. Let's see. You want to pull those out and then just
7 walk us through what you've collected?, Are those items that
8 you take to property and evidence straight from the crime
9 scene?

10 A. It could be, but most often they go back to my evidence
11 locker at the Crime Scene Unit Office. And they're secured
12 in my possession until they're sealed and taken to property
13 and evidence.

14 Q. What is property and evidence for people that may not
15 watch CSI or anything like that?

16 A. Yes, ma'am. Property and evidence is ran by the
17 forensics division. It monitors the evidence from both the
18 Greenville County Sheriff's Department and the Greenville
19 Police Department. It warehouses all evidence.

20 Q. And there are people that take the evidence in, log it
21 in, ---

22 A. Yes, ma'am. It's ---

23 Q. --- secure environment?

24 A. --- secure. I use bar codes, but most officers use the
25 actual handwritten sheet. And they have to be scanned when

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

114

1 I turn them in, and they have to be signed for when an
2 officer puts them there.

3 Q. Okay. And they're sealed?

4 A. Yes, ma'am, they surely are.

5 Q. Okay.

6 A. The first residence I collected six key items, the
7 three shell casings from the front yard. Do you want these
8 open, ma'am?

9 Q. Yes, please.

10 A. So this is item APD1. It's labeled a spent Winchester
11 Xpert steel shot 12 gauge shell. And now you can see that
12 it has writing on it.

13 Q. All right. I'll let you keep going. Move the box a
14 little bit, though. Do you have the ones that you need
15 right now?

16 A. Yes, ma'am, I do.

17 Q. Okay.

18 A. This is item APD2. It's a spent Remington Managed-
19 Recoil 12 gauge shell. Item APD3, it's a spent Winchester
20 Super-X 12 gauge shell. This is item APD4. And it's a
21 piece of a metal fragment that was collected from behind the
22 television stand in the living room.

23 Q. If you had found a shotgun on-scene would you have
24 attempted to do some analysis between these items or request
25 some analysis?

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

115

1 A. I wouldn't have. The deputy or investigative officer
2 with the Sheriff's Department puts in a request for a
3 firearms examiner to do the comparison. I put it in
4 property and evidence, and it's up to the case agent because
5 I don't know his whole facts, what he needs for him to put
6 that request in.

7 Q. But it would require having some type of firearm to
8 attempt to match up?

9 A. Correct.

10 Q. Okay.

11 A. This is APD5. This is a metal slug.

12 Q. And where was that one?

13 A. This was collected from the living room floor. And
14 this is APD6. It's a piece of a metal fragment that was
15 collected from a kitchen chair that we saw in the photos.

16 Q. And are items -- well, let's see.

17 A. Do you want to do this one?

18 Q. We'll get to that one in one second.

19 A. Yes, ma'am.

20 Q. All right. Probably need to get numbers on these as
21 well. So if you'll hang on with me one second ---

22 A. Yes, ma'am.

23 Q. --- and let the court reporter get some numbers.

24 (Whereupon State's exhibits 54 - 60 were marked for
25 identification)

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

116

1 Q. What you have in front of you, officer, is State's
2 number 54, 55, 56, the three shell casings collected from
3 the front yard, is that correct?

4 A. Yes, ma'am.

5 Q. Are these in substantially the same condition as when
6 you collected them?

7 A. Yes, ma'am, they are.

8 Q. All right.

9 MS. HODGE: At this time we would move to admit State's
10 54, 55 and 56.

11 THE COURT: Any objection?

12 MR. SULLIVAN: Without objection, Your Honor.

13 THE COURT: They're admitted without objection.

14 MS. HODGE: Thank you, Your Honor.

15 (Whereupon State's exhibits 54, 55 and 56 were admitted
16 into evidence)

17 Q. I'm then moving to State's 57, 58, 59, the three metal
18 fragments that you located in the residence. Are they in
19 substantially the same condition as when you collected them?

20 A. Yes, ma'am, they are.

21 Q. All right.

22 MS. HODGE: We'd move to admit 57, 58 and 59.

23 THE COURT: Any objection?

24 MR. SULLIVAN: Without objection, Your Honor.

25 THE COURT: Without objection they are admitted.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

117

1 **MS. HODGE:** Thank you, Your Honor.

2 (Whereupon State's exhibits 57, 58 and 59 were admitted
3 into evidence)

4 Q. And, officer, I believe you have one other item up
5 there that did not come from inside the residence. Can you
6 tell us what you've got with you up there as your number 7?

7 A. Yes, ma'am. As I was processing the scene, Deputy
8 Hager approached me and said that he had found a shotgun
9 shell when he stepped out of his car. And due to the rain
10 and so many people being there, he picked it up and put it
11 on the trunk of his vehicle. So I took photos of that and
12 collected it as well.

13 Q. Now, how many police officers were out there,
14 approximately?

15 A. I know at least -- Ross Wheatley and Deputy Hager were
16 there and that members of the SWAT Team had been called,
17 too. So ---

18 Q. Okay.

19 A. --- five or six at least.

20 Q. All right. And why were members of the SWAT Team
21 called?

22 A. As a safety issue as it was unknown who the shooter was
23 or where he was at this point. So as a safety for the
24 officers there with the wood lines behind, they decided to
25 call the SWAT Team and make sure that the area was safe.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

118

1 Q. And Deputy Hager was one of the deputies out there that
2 night?

3 A. Yes, ma'am.

4 Q. Okay. And he located this other shotgun shell that you
5 collected?

6 A. Correct.

7 Q. All right. Which is this bag?

8 A. Yes, ma'am.

9 Q. Okay. If you don't mind opening that up and take a
10 look at it and tell me if it's in substantially the same
11 condition as when you collected it.

12 A. Yes, ma'am. It's APD7, spent Federal Sabot 12 gauge
13 slug. And it appears to be in the same condition.

14 Q. Okay.

15 **MS. HODGE:** At this time we'd move to admit number 60.

16 **THE COURT:** Any objection?

17 **MR. SULLIVAN:** No objection, Your Honor.

18 **THE COURT:** Without objection, it's admitted.

19 **MS. HODGE:** Thank you.

20 (Whereupon State's exhibit 60 was admitted into
21 evidence)

22 Q. Can you tell how long a shell casing's been out or
23 spent or in the yard or ...

24 A. No, ma'am. I mean, obviously, if it's just been done
25 you can smell a little bit of powder still on it. But with

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

119

1 the rain and all that, there's no way to say with these
2 shell casings.

3 Q. Okay. So could you tell if some had been there a day
4 or two or a month or two versus some that were fresh that
5 night from ---

6 A. Possibly if they had started to get like dirt around
7 them, they're not on top of the grass, they've started to
8 actually sink into the ground with the rain, but these were
9 fresh on top.

10 Q. Okay. All right. So what was the next step for you?

11 A. After this I made contact with Ross Wheatley again who
12 stated that the SWAT Team had finished clearing the area and
13 that he'd made contact with the victim's [sic] wife and that
14 she'd signed a consent to search form for the residence.

15 Q. Okay. And then did you go in and process the
16 Defendant's residence?

17 A. Well, I started by walking the yard and found several
18 spent shell casings in the driveway going to the rear yard
19 towards the storage shed.

20 Q. Okay. And you photographed that area as well?

21 A. Yes, ma'am, I did.

22 Q. All right. Let me show you State's 33, 34 and 35.
23 Look and those and let me know what those are.

24 A. This is looking at the ---

25 Q. Just kind of a general ---

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

120

1 A. Okay. This is the corner of the residence in the rear
2 yard of the residence at [REDACTED] Davis Road.

3 Q. All right. And are those pictures true and accurate
4 depictions of how this Defendant's residence and yard or
5 yard of his residence looked?

6 A. Yes, ma'am.

7 Q. All right. And then I'm going to show you State's 50
8 and 51. What are those?

9 A. These are in the rear yard. It's a storage shed. And
10 it's the contents, the interior of that storage shed.

11 Q. Okay. And are those true and accurate depictions of
12 how the storage shed looked that night?

13 A. Yes, ma'am.

14 MS. HODGE: We'd move to admit State's number 33, 34,
15 35 and then we jump to numbers 50 and 51.

16 THE COURT: Any objection?

17 MR. SULLIVAN: No objections.

18 THE COURT: Without objection, they're admitted.

19 MS. HODGE: Thank you.

20 (Whereupon State's exhibits 33 - 35 and 50 and 51 were
21 admitted into evidence)

22 Q. Let's go ahead and just walk through these and I'll put
23 them all up one at a time.

24 A. Okay.

25 Q. State's 36, 37, 38, 39, 40, 41, 42, if you'll tell me

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

121

1 what in general those are.

2 A. These are photos of shotgun shells in the rear yard.

3 Q. Okay.

4 A. And then close-ups of those shotgun shells. And then a
5 lodged shotgun round in a storage shed door.

6 Q. Okay. Are those true and accurate depictions of the
7 outside of the residence of the Defendant and then the shed?

8 A. Yes, ma'am, they are.

9 Q. All right.

10 **MS. HODGE:** We'd like to move to admit 36 through 42.

11 **THE COURT:** Any objection?

12 **MR. SULLIVAN:** No objections, Your Honor.

13 **THE COURT:** They're admitted without objection.

14 **MS. HODGE:** Thank you, Your Honor.

15 (Whereupon State's exhibits 36 - 42 were admitted into
16 evidence)

17 Q. All right. Officer Adams, if you'll be so kind to just
18 walk us through these as you have the others. State's
19 number 33, what are we looking at here?

20 A. This is the driveway between the two residents. This
21 is the corner of the residence at [REDACTED]

22 Q. Which would be the Mejean residence, ---

23 A. Yes, ma'am.

24 Q. --- not the victims' residence, actually? And then
25 State's number 34.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

122

1 A. We can see several shell casings on the driveway
2 leading into the backyard.

3 Q. And what's in the backyard?

4 A. There's shell casings and the storage shed.

5 Q. All right. State's number 35.

6 A. There's two more shell casings right here in front of
7 the storage shed right here.

8 Q. Was it still raining while you were processing the
9 scene?

10 A. Yes, ma'am. It was thundering, lightning and pouring
11 rain the whole time.

12 Q. Okay. But in State's number 36, is that rain we're
13 seeing there, too?

14 A. Yes, ma'am. The quality's not great, ---

15 Q. Okay.

16 A. --- but we can -- you can see the evidence placards
17 giving a general idea of where the shell casings are.

18 Q. Okay. And that's the shed kind of back in the middle?

19 A. Yes, ma'am, right here.

20 Q. All right. And then State's 37.

21 A. You can see three additional shell casings in front of
22 the storage shed.

23 Q. All right. Let's get to State's number 50.

24 A. This is just a better picture of the storage shed.

25 Q. State's number 51.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

123

- 1 A. This is just the interior of the storage shed looking
2 from the door.
- 3 Q. Okay. And do you go through the entire thing and look
4 for any essential evidence?
- 5 A. I did, yes, ma'am.
- 6 Q. And I'm going to show you State's number 42.
- 7 A. One unspent shotgun shell is located right here.
- 8 Q. Okay. And what brand is this? Am I saying it
9 correctly?
- 10 A. That is a Winchester Xpert steel shot 12 gauge shell.
- 11 Q. All right. And were any of those same types of
12 ammunition or shells found at the victims' residence and the
13 victims' yard?
- 14 A. Yes, ma'am. That's the same shell casing as item APD1.
- 15 Q. Okay. Which was the first shell casing in the victims'
16 yard you collected?
- 17 A. Yes, ma'am.
- 18 Q. Was there anything else in the storage shed that you
19 collected?
- 20 A. No, ma'am.
- 21 Q. All right. Is it number 8, is that what you stated,
22 AP8?
- 23 A. That's starting the shell casings in the yard.
- 24 Q. In the yard? Okay. It must be up there.
- 25 A. Yes, ma'am.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

124

1 (Whereupon State's exhibits 61 - 63 were marked for
2 identification)

3 Q. I'll have you open State's number 61.

4 A. This is item APD8. It's a spent Winchester Super-X 12
5 gauge shell.

6 Q. And were any of those types of shell casings found in
7 the victims' yard?

8 A. Yes, ma'am. That's the same as APD3.

9 Q. All right. Is it in substantially the same condition
10 as when you collected it?

11 A. Yes, ma'am.

12 **MS. HODGE:** We'd move to admit State's 61.

13 **MR. SULLIVAN:** No objections.

14 **THE COURT:** Without objection, it's admitted.

15 (Whereupon State's exhibit 61 was admitted into
16 evidence)

17 A. This is APD9. It's a spent Winchester Xpert steel shot
18 12 gauge shell.

19 Q. All right. It's your APD9, but State's exhibit number
20 62?

21 A. Yes, ma'am.

22 Q. All right. And was this type of shell casing found at
23 the victims' residence or is this a different ...

24 A. Yes, ma'am. That's the same as item APD1.

25 Q. And is it in substantially the same condition as when

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

125

1 you collected it?

2 A. Yes, ma'am.

3 **MS. HODGE:** Move to admit State's number 62. You want
4 to see it?

5 **MR. SULLIVAN:** It's not been shot?

6 **MS. HODGE:** They have ---

7 **MR. SULLIVAN:** Oh, this one has.

8 **MS. HODGE:** --- been. Yes. Do you have any objection?

9 **MR. SULLIVAN:** No.

10 **MS. HODGE:** Then we would move to admit.

11 **THE COURT:** Without objection.

12 **MS. HODGE:** Thank you.

13 (Whereupon State's exhibit 62 was admitted into
14 evidence)

15 Q. All right. And State's number 63, what is that?

16 A. That is a spent Winchester Xpert steel shot 12 gauge
17 shell.

18 Q. And, again, is this similar to the one you found in the
19 victims' yard?

20 A. Yes, ma'am. It's the same as item APD1.

21 Q. Okay. Substantially the same condition as when you
22 collected it?

23 A. Yes, ma'am.

24 **MS. HODGE:** We'd move to admit State's 63.

25 **MR. SULLIVAN:** No objection, Your Honor.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

126

1 **THE COURT:** Without objection, it's admitted.

2 (Whereupon State's exhibit 63 was admitted into
3 evidence)

4 (Whereupon State's exhibit 64 was marked for
5 identification)

6 Q. All right. State's number 64, what is this?

7 A. That's a spent Winchester Super-X 12 gauge shell. And
8 that is the same as item APD3.

9 Q. You anticipated my question, ---

10 A. Yes, ma'am.

11 Q. --- didn't you?

12 **MS. HODGE:** Can y'all hear him? I know I'm up close
13 and we're ...

14 **THE JURY:** (Affirmative nods)

15 **MS. HODGE:** Okay. We would move to admit State's
16 number 64 into evidence.

17 **MR. SULLIVAN:** No objection.

18 **THE COURT:** Without objection, it's admitted.

19 (Whereupon State's exhibit 64 was admitted into
20 evidence)

21 (Whereupon State's exhibit 65 was marked for
22 identification)

23 Q. And State's number 65, what is that?

24 A. That is a spent Winchester Super-X 12 gauge shell. And
25 that is the same as item APD3.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

127

1 Q. Thank you. Is it in the same condition as when you
2 collected it?

3 A. Yes, ma'am, it is.

4 Q. I feel like a robot.

5 MS. HODGE: Mr. Sullivan, ---

6 MR. SULLIVAN: No objection.

7 MS. HODGE: --- we move to admit.

8 MR. SULLIVAN: No objection.

9 THE COURT: No objection. It's admitted without
10 objection.

11 MS. HODGE: Thank you, Your Honor.

12 (Whereupon State's exhibit 65 was admitted into
13 evidence without objection)

14 (Whereupon State's exhibit 66 was marked for
15 identification)

16 Q. Go ahead and look at State's number 66.

17 A. This is the unspent Winchester Xpert steel shot 12
18 gauge shell. And that's the same as item APD4.

19 Q. And this is in the same condition as when you collected
20 it?

21 A. Yes, ma'am.

22 MS. HODGE: We'd move to admit State's number 66.

23 MR. SULLIVAN: No objection, Judge.

24 THE COURT: It's admitted without objection.

25 (Whereupon State's exhibit 66 was admitted into

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

128

1 evidence)

2 MS. HODGE: It's not spent.

3 MR. SULLIVAN: Right.

4 MS. HODGE: Okay.

5 MR. SULLIVAN: That's not spent.

6 MS. HODGE: Correct.

7 MR. SULLIVAN: Okay.

8 Q. All right. Let's move on to the next area that you
9 observed and processed. What are we looking at now?

10 A. Next we went inside the residence at [REDACTED] and focused on
11 the bedroom. Inside the bedroom two empty Winchester 12
12 gauge boxes, several rifle cartridges were located in the
13 bedroom.

14 Q. Okay. I'm going to show you photographs, which are
15 State's 52, 53, 43, 44, 45, 46, 47, 48 and 49.

16 A. Okay.

17 Q. State's number 52 and 53, what are those pictures of?

18 A. Appears to be the rear door of the residence at [REDACTED]

19 Q. Okay. Did you take these pictures?

20 A. I did.

21 Q. Are they true and accurate depictions of the residence
22 at [REDACTED] Davis Street?

23 A. Yes, ma'am.

24 MS. HODGE: I'd move to admit State's 52 and 53.

25 MR. SULLIVAN: No objections.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

129

1 **MS. HODGE:** Okay.

2 **THE COURT:** Without objection, they're admitted.

3 (Whereupon State's exhibits 52 and 53 were admitted
4 into evidence)

5 Q. All right. And then let's go to 43 through 49 as a
6 group. What are those?

7 A. These are interior photos of the same residence at [REDACTED]
8 And they're focusing predominantly on the bedroom where some
9 shell casing or some cartridges and boxes of shell casings
10 or empty boxes of shell casings were located.

11 Q. All right. And you come in and photograph it. You
12 don't do any of the searching, is that correct?

13 A. Sometimes I do. Most of the time -- I was still
14 working on the other where the other deputies were looking
15 at the shed. So they had already located most of these
16 items before I came.

17 Q. Okay. And are numbers 43 through 49 true and accurate
18 depictions of the Defendant's residence on this night?

19 A. Yes, ma'am, they are.

20 Q. All right.

21 **MS. HODGE:** We'd move to admit 43 through 49.

22 **MR. SULLIVAN:** No objection, Your Honor.

23 **THE COURT:** They're admitted without objection.

24 **MS. HODGE:** Thank you, Your Honor.

25 (Whereupon State's exhibits 43 - 49 were admitted into

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

130

1 evidence)

2 Q. Okay. If you'll walk us through this, State's number
3 52.

4 A. What we're looking at here is the rear door of the
5 residence.

6 Q. All right. And approximately how far away is the shed
7 if you're looking at this?

8 A. Including the porch distance, ten, twelve feet,
9 something like that. It's not far.

10 Q. Okay. Is that door a glass door, or is it open, or a
11 storm door, or do you know?

12 A. It's tough for me to tell. I know it looked black, but
13 I don't know if it's a garbage bag or what is it that's over
14 the actual door.

15 Q. All right. And then State's number 53, is that just
16 the house number there or ...

17 A. An uncertain item. I don't know if that's a -- where
18 do you see a house number?

19 Q. Okay. The little shiny spot here.

20 A. That might be a light. That might be -- that could be
21 the house number. I don't -- I'm uncertain.

22 Q. Is this still this Defendant's residence, though?

23 A. Yes, ma'am.

24 Q. Okay. Do you just go around the outside ---

25 A. I do.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

131

1 Q. --- sometimes and just orient ---

2 A. Yes, ma'am.

3 Q. Okay. State's 43.

4 A. This is entering the residence. You can see -- this

5 was just to show that there wasn't any damage I could see to

6 this door and that the residence was in disarray, like even

7 the bedrooms.

8 Q. And you are looking for damage to the door for any

9 particular reason?

10 A. Just protocol.

11 Q. And you did not notice anything?

12 A. I did not find anything, no, ma'am.

13 Q. All right. State's number 44.

14 A. This is going into the bedroom. And this is just more

15 trying to let you see that there's a lot going on here. As

16 we go through the photos, you'll see some of the items

17 replaced on the bed just so you could actually pick them up

18 with a camera. It doesn't bleed into the rest of the room.

19 Q. Okay. State's number 45.

20 A. When I came in, as you can tell that this has already

21 been pulled out and that there's an empty shotgun bag on the

22 bed.

23 Q. So there's nothing ---

24 A. Or not a shotgun bag, but a gun bag.

25 Q. A gun bag. You're not sure which?

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

132

1 A. Yes, ma'am.

2 Q. A shotgun could fit in that bag?

3 A. Yes, ma'am, it could.

4 Q. Okay. All right. State's number -- okay. And what is
5 -- is there any significance of the pink bag on there? Does
6 that have any significance?

7 A. Not that I'm aware of. No, ma'am.

8 Q. All right. And the drawer, is that something that was
9 -- do you know if law enforcement did that?

10 A. I have no idea. They had already done their search at
11 this point.

12 Q. Okay. All right. State's number 46.

13 A. This is just focusing more on the damage -- the damage
14 right here and that there is more stuff in disarray in the
15 room.

16 Q. Okay. And we're getting to 47.

17 A. It's hard to see, but this is -- you can see one of the
18 shotgun boxes right here that would have had shotgun shells.
19 And they're placed on the bed here before too long to -- so
20 you can get a better look at it.

21 Q. All right. And I think number 48 might be a close-up?

22 A. Yes, ma'am.

23 Q. Okay.

24 A. That's the rifle slugs box.

25 Q. The rifle slugs. All right. And then we have 49.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

133

1 A. Yeah. All of these were found in the same bedroom, but
2 due to the tight constraints and so much stuff being -- they
3 were placed on the bed for photography purposes.

4 Q. Any of those boxes of ammunition match the same type of
5 ammunition or shell casings found in the victims' yard?

6 A. These two boxes would be shotgun shells. Without
7 looking at the side of the box I would be uncertain to say
8 that they're the exact ones used. But these three right
9 here would be rifle cartridges.

10 Q. All right. And did you end up collecting those items?

11 A. Yes, ma'am, I did.

12 Q. All right.

13 (Whereupon State's exhibits 67 - 70 were marked for
14 identification)

15 Q. It's going to be State's number 67. What is that?

16 A. This is an empty box of Winchester Magnum buckshot 12
17 gauge three inch.

18 Q. And do those match the type of any of the spent casings
19 in the victims' yard?

20 A. They're Super-X, which are the same as several of the
21 spent shell casings, but without -- these say three inch
22 Magnums. And I'm not sure without measuring those if those
23 are two and three quarters or three inch.

24 Q. Okay. Are they -- is that in substantially the same
25 condition as when you collected it?

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

134

1 A. Yes, ma'am.

2 Q. All right.

3 MS. HODGE: We'd move to admit State's 67.

4 MR. SULLIVAN: No objection, Judge.

5 THE COURT: Without objection, they're admitted.

6 MS. HODGE: Thank you.

7 (Whereupon State's exhibit 67 was admitted into
8 evidence)

9 Q. State's number 68.

10 A. This is a Winchester Super-X 270 box containing eight
11 Winchester 270 cartridges, one R-P 270 cartridge and one
12 Winchester shell casing.

13 Q. Okay. And what do these go into?

14 A. These are 270 rounds. These are rifle rounds.

15 Q. All right. Was there a rifle located at the residence?

16 A. No, ma'am. We didn't find a rifle. We found a
17 muzzleloader. I think Ross Wheatley did, but we didn't find
18 a rifle.

19 Q. Okay. Ammunition for the rifle, but no rifle?

20 A. Yes, ma'am.

21 Q. All right. And is that substantially in the same
22 condition as when you collected it?

23 A. Yes, ma'am.

24 Q. All right.

25 MS. HODGE: We'd move to admit 68.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

135

1 **THE COURT:** Any objection?

2 **MR. SULLIVAN:** No objection, Your Honor.

3 **THE COURT:** Without objection, it's admitted.

4 (Whereupon State's exhibit 68 was admitted into
5 evidence)

6 Q. And then 69 here.

7 A. This is an empty box of Winchester rifle slugs, hollow
8 point 12 gauge, two and three quarter loads.

9 Q. So you were saying, I think, earlier that some of those
10 could -- you did not measure those shell casings, but they
11 could be ---

12 A. Two and three quarter ---

13 Q. Two and three quarter, which corresponds with this box?

14 A. Yes, ma'am.

15 Q. Or they could be three, which corresponds with the
16 other box?

17 A. Yes, ma'am.

18 Q. Okay. All right. Empty?

19 A. Yes, ma'am.

20 Q. Is this in substantially the same condition as when you
21 collected it?

22 A. Yes, ma'am, it is.

23 Q. All right.

24 **MS. HODGE:** We'd move to admit State's number 69.

25 **MR. SULLIVAN:** No objection.

ADAM DAVIS - DIRECT EXAMINATION BY MS. HODGE

136

1 (Whereupon State's exhibit 69 was admitted into
2 evidence)

3 Q. And last, but not least, let's see if I can do it
4 without asking any questions.

5 **THE COURT:** That's admitted without objection, if I
6 didn't say so.

7 A. This is a box of twenty Remington rifle cartridges.
8 And they are in the same condition.

9 Q. Thank you.

10 **MS. HODGE:** We'd move to admit State's number 70.

11 **THE COURT:** Any objection to number 70?

12 **MR. SULLIVAN:** No objection, Judge.

13 **THE COURT:** Without objection, it's admitted.

14 **MS. HODGE:** Thank you, Your Honor.

15 (Whereupon State's exhibit 70 was admitted into
16 evidence)

17 Q. Okay. What, if anything, did you do after collecting
18 those items?

19 A. That's the last thing I did on the scene. I went back
20 to the Crime Scene Unit Office and I imported the photos
21 into our photo digital database. And the evidence was
22 secured in my evidence locker. On July 6th of 2012 all the
23 evidence items were placed into the property and evidence.
24 We have a secure locker, number 21.

25 Q. Okay. And I think I may have asked you this before,

ADAM DAVIS - CROSS EXAMINATION BY MR. SULLIVAN

137

1 but just to be clear, you did not attempt to process any of
2 those shell casings for fingerprints, is that correct?

3 A. That's correct.

4 Q. All right. And why would you not have done that?

5 A. Due to the weather and the heat from the gun, the
6 latent prints -- latent prints are the oil in your skin.

7 And when it's fired it bakes the oil off on the weapon or on
8 the shell casing.

9 Q. All right. So once it's fired, whatever print might
10 have been on there, more likely than not it's going to be
11 gone?

12 A. Yes, ma'am.

13 Q. Okay. Prints are pretty delicate?

14 A. Yes, ma'am, they are extremely delicate.

15 Q. All right. Okay. Did you have any other involvement
16 in this case after you did those things?

17 A. No, ma'am, I did not.

18 Q. Thank you. Answer any of Defense questions, please.

19 A. Yes, ma'am.

20 **MS. HODGE:** Tim, do you want to use this at all for
21 anything?

22 **MR. SULLIVAN:** No.

23 **MS. HODGE:** Okay.

24 **Cross Examination by Mr. Sullivan:**

25 Q. Officer Davis, you collected -- I have a copy of the

ADAM DAVIS - CROSS EXAMINATION BY MR. SULLIVAN

138

1 report if you'd like to see -- this is a true copy of ---

2 A. No, I believe you.

3 Q. So I can refer to it?

4 A. Yes, sir.

5 Q. Okay. This was furnished to me by Ms. Hodge.

6 A. Okay.

7 Q. So you found a total in the yard area of ten spent
8 shells. I believe there were three in the yard, one on the
9 trunk and six around the back by the shed. You can check
10 ---

11 A. I think there's five in the backyard. I think it's --
12 I wrote six, but it's actually five that was collected.

13 Q. So you did write six here?

14 A. Yes, sir.

15 Q. I've got six, but that's fine. You found a lot of
16 shotgun shells?

17 A. Yes, sir.

18 Q. And then you kind of document the ones by the house.
19 The others were kind of just scattered out?

20 A. Yes, sir.

21 Q. And from the weather you couldn't tell -- all of them
22 could have been fired the same evening, some before, but not
23 long before, correct?

24 A. Correct, I couldn't tell when.

25 Q. Now you took some pictures of the shed.

ADAM DAVIS - CROSS EXAMINATION BY MR. SULLIVAN

139

1 A. Yes, sir.

2 Q. Did you notice that on the door of the shed there was
3 shotgun damage?

4 A. I did not see that. I'd heard you refer to it earlier.
5 I saw the paint on it, but I didn't see the actual damage to
6 the door.

7 Q. Could that be because it was dark and all or did you
8 look at it real close?

9 A. I looked at it, but it could be because of the paint,
10 the dark, the rain. It could be a factor or ---

11 Q. So you said it could or couldn't have injury to it?

12 A. Yes, sir.

13 Q. How about the back door of the actual house, did you
14 notice any damage to it?

15 A. Which residence, sir?

16 Q. The one that Mr. Mejean lives in, Eric lives in.

17 A. No, sir, I did not.

18 Q. This is the one -- the back door that looked like it
19 had a screen on it and everything, the back door? You
20 noticed some damage on it? You went in that door ---

21 A. I remember the screen door not being in the best of
22 condition, but I don't remember any particular damage.

23 Q. Now on the shell in the Smiths' residence, both of them
24 are high up?

25 A. Yes, sir.

ADAM DAVIS - CROSS EXAMINATION BY MR. SULLIVAN

140

1 Q. And then the fragments -- how fast would those
2 fragments fall?

3 A. I have no way -- no way to know that, sir.

4 Q. Now the bag on the -- the bag on the bed, was that an
5 empty -- was it empty? The bag for the ---

6 A. The red -- the pink bag? Oh, no, the gun bag? It was
7 open, it was unzipped. So it was open or empty, sir.

8 Q. Do you know how many other guns were found in the
9 residence? You collected a powder gun, correct?

10 A. Correct. I didn't collect that, Ross Wheatley did.
11 It's my understanding that was the only weapon located.

12 Q. It wasn't -- it wasn't the type weapon that would cause
13 this problem, it was a hunting weapon mainly?

14 A. Yes, sir.

15 Q. Now you said that on the shells themselves you could
16 not do fingerprints because of the heat and the weather?

17 A. Yes, sir.

18 Q. But a good fingerprint would try to either tie somebody
19 to something or eliminate them, correct?

20 A. Yes, sir.

21 Q. Okay. Now, is there any reason -- nothing was tested
22 for fingerprints, correct?

23 A. Correct.

24 Q. Is there any reason that a fingerprint could not be
25 found off of these pristine boxes, we have several boxes,

ADAM DAVIS - CROSS EXAMINATION BY MR. SULLIVAN

141

- 1 who handled these boxes?
- 2 A. I did and possibly one of the officers inside.
- 3 Q. Who else?
- 4 A. Well, you have now and I don't know who ---
- 5 Q. Well, Mr. Mejean probably. It was ---
- 6 A. Right.
- 7 Q. --- in his house.
- 8 A. Yes, sir.
- 9 Q. Anybody else -- you can't eliminate another person?
- 10 A. Correct.
- 11 Q. There's no reason those couldn't have been tested?
- 12 A. Correct.
- 13 Q. Now in the utility shed you found just one shell, but
- 14 no boxes, just in a drawer in the shed, correct?
- 15 A. Correct.
- 16 Q. So the rest of the cartridges were found in the bedroom
- 17 or in the closet?
- 18 A. Correct, sir.
- 19 Q. And some of those were hunting rifles that would not
- 20 make this kind of pattern, correct?
- 21 A. That is correct, sir.
- 22 Q. These were long rifle shells like deer hunting?
- 23 A. Yes, sir.
- 24 Q. Okay. Now, Mr. Mejean was captured early the next
- 25 morning after this happened, correct, or do you know?

ADAM DAVIS - CROSS EXAMINATION BY MR. SULLIVAN

142

1 A. I have no idea, sir.

2 Q. Did you know if any GSR or gunshot residue tests were
3 run on Mr. Mejean or any of his clothing?

4 A. It's not -- it's my understanding it wasn't. Gunshot
5 residue lasts six hours. So I'm unsure of what time he was
6 ascertained and how long that was after the shooting.

7 Q. Let me get something out. You say that if you don't
8 wash or do anything the gunshot residue is gone in six
9 hours?

10 A. Yes, sir.

11 Q. So if I just walk around my house?

12 A. Yeah. As your skin sweats and naturally touching
13 stuff, it erodes away.

14 Q. How about on my sleeves?

15 A. Uncertain of how long it would stay on the clothes,
16 sir.

17 Q. It could have been there if it had been tested?

18 A. Yes, sir.

19 **MR. SULLIVAN:** Nothing further, Your Honor.

20 **THE COURT:** Anything further?

21 **MS. HODGE:** Nothing from us.

22 **THE COURT:** Sir, you may step down. Please be careful.

23 A. Thank you.

24 **MS. HODGE:** Your Honor, the State would rest.

25 **THE COURT:** State rests. Madame Forelady and members

1 of the jury, the State has now rested its case, which means
2 that it does not intend to call anymore witnesses in what's
3 called its case in chief at this point. That necessarily
4 brings us to a point where I have to take up some matters
5 outside of your presence called matters of law at this point
6 in time.

7 So, Madame Forelady and ladies and gentlemen, please do
8 not begin deliberating, not even within your own mind. This
9 case may or may not be over. We don't know what's going to
10 happen next. And we'll find out in just a few minutes, but
11 it's certainly not proper for you to begin deliberating or
12 discussing with each other or even thinking about it to that
13 end.

14 So with that, anticipate about -- we're just going to
15 do it right now. We're going -- we usually take a fifteen
16 minute break in the afternoon. We're going to do it right
17 now. So you'll have at least a good fifteen minute break to
18 use facilities, get a drink of water, whatever you might
19 need to do. And we'll expect to have you back in shortly,
20 okay? Madame Forelady, if you'd take the jury.

21 (Whereupon the jury exited the courtroom at 2:57 pm)

22 **THE COURT:** All right. The State has now rested.
23 Anything from the Defense?

24 **MR. SULLIVAN:** Yes, sir. On the attempted murder
25 charges, I move for a directed verdict because it requires a

1 specific intent to kill somebody. And the expert testified
2 and these pictures showed that the gunshots were high into
3 the trailer. If somebody were trying to intend to kill
4 somebody it would have been more along the line of where
5 people would be. I think the evidence shows that there was
6 no intent -- disregard of life, no intent by that evidence
7 to submit to a jury.

8 **THE COURT:** Solicitor.

9 **MS. HODGE:** Your Honor, I believe the State's
10 introduced evidence of specific intent to kill by the very
11 use of a deadly weapon implying that there was intent to
12 kill. Why would someone fire shotgun slugs into the home of
13 another person if they didn't intend to kill that person?

14 Just because they might be a bad shot and not get it in
15 a straight line doesn't mean that their intention is any
16 different, it's just their execution was poor. And we
17 believe that the circumstantial evidence points to specific
18 intent to kill.

19 **THE COURT:** All right. Well, the Defense motion is
20 denied at this point, Mr. Sullivan, in that the Court is not
21 weighing the evidence, it's merely concerned with what's
22 called a scintilla of the evidence. And looking at that in
23 the light most favorable to the non-moving party, which is
24 the State, that motion is denied. Any other matters?

25 **MR. SULLIVAN:** Yes, sir. Judge, I guess if that one is

1 denied, then I'll make the one for the assault and battery
2 with intent to kill, but I think you've pretty much answered
3 that. But I would make that motion that nobody's put him at
4 the scene shooting the gun. It's speculation as to who
5 fired these shots. So I guess that incorporated both of
6 them, but specifically as to the assault and battery with
7 intent to kill, the lesser included. So I would make that
8 motion, and then I'll wait til you rule and then note the
9 objection.

10 **THE COURT:** Okay. To the extent that that is a motion
11 on assault and battery with intent to kill, that's not
12 before the Court at this point. But assuming that it is,
13 because we haven't had a charge conference yet at this
14 point, that is also denied for the same reason.

15 **MR. SULLIVAN:** Just note my objection to the denial of
16 those two motions, Your Honor.

17 **THE COURT:** Yes, sir.

18 **MR. SULLIVAN:** That's all I have at this time.

19 **THE COURT:** Okay. Now, Mr. Sullivan, does your client
20 intend to testify?

21 **MR. SULLIVAN:** Yes, sir. I've talked to him at length
22 in our pretrial conference, I've talked to him today, and he
23 indicates to me he wishes to take the stand. Eric, would
24 you stand up.

25 **THE COURT:** Yes, sir, please stand.

1 **MR. SULLIVAN:** I think he's still sworn from the
2 earlier ---

3 **THE COURT:** Sir, you are -- yes, sir, you were
4 previously sworn.

5 **MR. MEJEAN:** Yes, sir.

6 **THE COURT:** Now, you -- I know your lawyer has gone
7 over this with you. I'm going to ask you a couple of
8 questions. It's my understanding you desire to testify.

9 **MR. MEJEAN:** Yes, sir.

10 **THE COURT:** Okay. And so I'm not going to read the
11 colloquy that I usually read and go over about your rights
12 under the Constitution. You understand that you have a
13 right to testify, but I do want to make sure that that's a
14 decision that's knowingly and freely, intelligently made by
15 you. So once again, this decision that you're making to
16 testify, and you certainly have a right to do so, do you --
17 are you under the influence of any alcohol, drugs or any
18 substance that affects your reasoning and thinking ability?

19 **MR. MEJEAN:** No, sir.

20 **THE COURT:** And did anyone talk you into or make you
21 come here this afternoon to testify?

22 **MR. MEJEAN:** No, sir.

23 **THE COURT:** And, sir, do you understand that if you do
24 testify, as you've indicated to your lawyer that you want to
25 do, and you certainly have that right, do you understand

1 that you are subject to cross examination by the State under
2 the same rules that apply to every other witness? Do you
3 understand that?

4 **MR. MEJEAN:** Yes, sir.

5 **THE COURT:** You understand you cannot plead the 5th
6 Amendment and hide behind that, or not hide behind it, but
7 invoke it as a shield, which you're entitled to do? You
8 understand that?

9 **MR. MEJEAN:** Yes, sir. I have nothing to hide.

10 **THE COURT:** Sir?

11 **MR. MEJEAN:** I have nothing to hide.

12 **THE COURT:** Yes, sir. That's fine. I just wanted to
13 make sure that you understand fully. And, Mr. Sullivan, I'm
14 sure, has gone over this with you, but I just want to make
15 sure ---

16 **MR. MEJEAN:** Yes, sir.

17 **THE COURT:** --- that this is your decision and not
18 someone else's decision.

19 **MR. MEJEAN:** Right. Yes, sir.

20 **THE COURT:** All right. He intends to testify. Any
21 other witnesses besides Mr. Mejean?

22 **MR. SULLIVAN:** That would be our only witness, Your
23 Honor.

24 **THE COURT:** Okay. All right. Well, let's do this.
25 Let's, in fact, take until about fifteen after, which is

1 another ten minutes or so to refresh ourselves and then
2 we'll proceed immediately with his testimony. Then I
3 anticipate the Defense will rest.

4 My law clerk has put together our -- ninety-five
5 percent of our charge at this point. So I definitely want
6 to go over that with the lawyers. And I've got some 403
7 people in the back. You are certainly welcome to join us in
8 that charge conference before we charge the jury. We intend
9 to finish this today. All right. Anybody got any request
10 to charge specifically?

11 **MR. SULLIVAN:** Judge, I have ...

12 **MS. HODGE:** I don't have any.

13 **MR. SULLIVAN:** Judge, I would -- specific intent on the
14 attempted murder and the lesser included if the evidence
15 shows that. The assault and battery high and aggravated is
16 a lesser included. If they decide there's no intent, then
17 they still could find him -- I think it is lesser included.

18 **THE COURT:** It is a lesser included. It could be --
19 assault and battery, high and aggravated, is a lesser
20 included as well as A&B, first, is a lesser included as
21 well.

22 I don't mind telling you, we're reading case law right
23 now as to whether or not we get that charge, but what's the
24 State's position? Maybe I'm doing research I don't need to
25 do.

1 **MS. HODGE:** Well, Your Honor, no, Mr. Sullivan and I
2 actually had that conversation that if they don't find
3 specific intent to kill, then I think they can have the
4 option of the assault and battery, high and aggravated, or
5 they could go down to A&B, first. I mean, I do think it
6 fits, but I would love to know if you find cases otherwise.
7 It's just I haven't actually had a case where we've gotten
8 to this point before. So a little new for me, too.

9 **MR. SULLIVAN:** Your Honor, I think their position is,
10 without arguing both ways, but if you don't have a lesser
11 included and they have no specific intent, Mr. Mejean walks.

12 **THE COURT:** Sure. I understand that.

13 **MR. SULLIVAN:** It's a catch-22 for me. They may think
14 somebody needs to do something here. But I think it is a
15 lesser included to be honest. Kris and I talked about it.

16 **THE COURT:** There's no question to me it's lesser
17 included because it's in the statute. It says in the
18 statute that ---

19 **MS. HODGE:** Yes, sir.

20 **THE COURT:** --- the Legislature ---

21 **MR. SULLIVAN:** Right.

22 **THE COURT:** And I was there when we wrote this. So --
23 but ---

24 **MS. HODGE:** You could tell us what the legislative ---

25 **THE COURT:** I'll submit it ---

1 **MS. HODGE:** --- was.

2 **THE COURT:** --- was sent at 11:54, trust me. But, I
3 mean, I know it is -- it says in the statute. The
4 Legislature says -- expresses that it is a lesser included
5 offense. That's not the issue. The issue is even though it
6 is a lesser included offense, there has to be some showing
7 ---

8 **MS. HODGE:** Right.

9 **THE COURT:** --- that he could be guilty of the lesser,
10 as I understand it. Am I missing something? Am I right?
11 She's reading a case right now from 2014. Yeah, okay.

12 **MS. HODGE:** The language is so similar between the
13 ABHAN and the A&B, first, with this, you know, offer or
14 attempt to injure accomplished by means likely to produce
15 death and great bodily injury.

16 **THE COURT:** And I don't mind telling you because I
17 know, you can thank former Representative Chris Crawford,
18 Dr. Chris Crawford for that language because we asked him to
19 craft that language, him being a medical doctor. That's
20 where that came from.

21 **MR. SULLIVAN:** Judge, the only other thing, then we'll
22 take a break. Mr. Mejean had a prior assault and battery
23 that they plan to use. He received five years suspended to
24 three years probation, which he finished. I think that's
25 the only thing they have, I think, they intend to use.

1 **MS. HODGE:** That's correct. We would intend to impeach
2 him with his prior assault and battery, high and aggravated,
3 conviction from 2009.

4 **MR. SULLIVAN:** My position on that, Your Honor, it's
5 prejudicial, it doesn't really go to the veracity. It goes
6 into prior kind of -- it's not related. So I don't think it
7 would be under the prior bad acts, but I don't think it's a
8 moral type thing where it impeaches his credibility. I
9 think it's charged, I mean, if you let it in, then it goes
10 to propensities to violence.

11 **THE COURT:** Okay. He's convicted of assault ...

12 **MS. HODGE:** And battery of a high and aggravated
13 nature, 2009. It's before the law changed.

14 **MR. SULLIVAN:** Five years suspended to thirty months
15 probation, which he has completed.

16 **THE COURT:** Okay. I'm going to look at that. I'll
17 take these with me at the break here. I'll look at that.

18 **MR. SULLIVAN:** Judge, if you allow it, I'm going to
19 bring it out first thing on direct. I'm not ---

20 **THE COURT:** Sure.

21 **MR. SULLIVAN:** --- going to hide it.

22 **THE COURT:** I understand. If it's allowed, but the
23 State -- and I know, Ms. Hodge, you know, but no facts about
24 that. If he admits it, that's the end of it.

25 **MS. HODGE:** That's correct. Yes, sir.

1 **THE COURT:** Okay. All right.

2 **MR. SULLIVAN:** Thank you, Your Honor.

3 **THE COURT:** Let's take a little few minutes break. Let
4 me read this case.

5 (Whereupon court was in recess at 3:07 pm)

6 (Whereupon court reconvened at 3:37 pm)

7 **THE COURT:** I'm going to address that issue that I took
8 under advisement first. We've done some quick research on
9 here. And I will credit this right off the bat for having
10 gone to the National Judicial College last Fall, which is
11 where I got this neat little handbook I've got in my hand
12 here. But I'm going -- I'm going to give you some cites
13 here and some case law.

14 First of all, let me tell you what -- I'm not going to
15 allow the State to introduce that for impeachment purposes
16 under the 403 and 609 and the following cases. And that
17 will be Gordon versus United States, it is 383 F.2d 936.
18 That's a 1967 case. Also State v. Howard. There are two
19 cases, but I'm going to cite this one from the first case.
20 384 SC 212. That's a 2009. It was remanded back and came
21 back with some more discussion in a 2011 case.

22 In the Gordon case the District Court allowed a prior
23 conviction that was timely and it was also a similar crime,
24 and allowed more than one, I believe, but the court said
25 that admitting same -- admitting evidence of the same crime

1 should be done sparingly and only goes to credibility and
2 circumstances relating strongly to disclosure and prior
3 conviction -- the prior conviction is directly related to
4 veracity.

5 Our court then under Howard analyzed or used the Colf,
6 C-o-l-f, factors. That's at 337 SC 622. That's a 1999
7 case. Those factors include and it's not an extensive or
8 exhaustive list, but it cited five, the impeachment value of
9 the prior crime, the point in time and the crime charged,
10 being the previous charge related to this one, similarity of
11 the two charges, the importance of the defendant testifying
12 and the centrality of the issue.

13 And this Court has considered those factors. And this
14 Court finds that they -- that we've agreed, I mean, it's
15 stipulated by the Defense and the State that the ABHAN is
16 going to be on that verdict form. So there is -- that
17 crime, nobody has to speculate that they're on that jury, if
18 they're told that he has a prior conviction, it is flat out
19 on the form, and that is overly prejudicial to the
20 Defendant.

21 In this case he has indicated he wants to testify,
22 needs to testify, and that's his decision. And I think also
23 that the importance of him testifying outweighs him being
24 impeached with that. So for that reason, Madame Solicitor,
25 I'm not going to allow you to impeach him with his prior

1 crime.

2 **MS. HODGE:** I respectfully understand your ruling. And
3 may I just say one thing ---

4 **THE COURT:** Yes, ma'am.

5 **MS. HODGE:** In the past I've obviously had that issue.
6 I thought that might come up because it was the same crime
7 charged as prior. And other judges have allowed us to say
8 he's got a prior criminal conviction so that we can impeach
9 his credibility for truthfulness that, well, he might lie to
10 you because he also has committed a crime before, he's not
11 above lying kind of theory. But I understand what your
12 ruling is. I didn't know if that was something you could
13 consider or said no to already.

14 **THE COURT:** Mr. Sullivan.

15 **MR. SULLIVAN:** If it were allowed I would ask him up-
16 front do you have a prior conviction? Did you plead guilty
17 to it? Then to speculate, wonder what it was. If I say
18 assault and battery, high and aggravated, what are they
19 going to say? Oh, this guy, here he is again. He didn't
20 learn his lesson from the first time. And to be honest with
21 you, Judge, it was a domestic argument with Mrs. Mejean.

22 **THE COURT:** I understand. And I -- and, Ms. Hodge, you
23 can put anything on the record you want, any of you can.
24 This is the great thing about working with great lawyers
25 that you both are. You know the law so well. But I'm not

1 going to let you go into it.

2 MS. HODGE: Okay.

3 THE COURT: And I'm going to hush and let you put on
4 the record anything you want to if you want to preserve
5 that, that's ...

6 MS. HODGE: No, sir. I'm fine with that. I just
7 wanted to throw that -- I didn't know if that had already
8 come into your consideration and you said even if you change
9 the name, I still would not allow it.

10 THE COURT: I think that what that does is -- I agree
11 with Mr. Sullivan on that. I think that that invites
12 speculation at that point. It would almost be better if you
13 just told them outright what it was because you invite
14 speculation.

15 So I'm going -- it's overly prejudicial to him. It's
16 absolutely his right to testify. He's elected to testify.
17 I don't want that right chilled in any way. So I'm not
18 going to allow the State to do that.

19 MS. HODGE: Yes, sir.

20 MR. SULLIVAN: And I'd better be careful not to open
21 some doors.

22 THE COURT: Now if the doors get opened, Ms. Hodge is
23 going to kick it real hard. Okay. We ready for the jury?

24 MR. SULLIVAN: You ready, Eric?

25 MR. MEJEAN: Yes, sir.

24 Christopher Eric Mejean,
25 being duly sworn testified as follows;

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

157

1 **MADAME CLERK:** Thank you. You may be seated.

2 **THE COURT:** Sir, I'm going to ask you to tell us your

3 full name and spell your last name for my court reporter.

4 **MR. MEJEAN:** My name is Christopher Eric Mejean, M-e-j-
5 e-a-n.

6 **THE COURT:** Thank you. Mr. Sullivan.

7 **Direct Examination by Mr. Sullivan:**

8 Q. You have been sworn already in this case, haven't you,
9 Eric?

10 A. Yes, sir.

11 Q. So you're under oath in this testimony, you understand
12 that?

13 A. Twice now, yes, sir.

14 Q. Give us a little bit about who you are, age, married,
15 children, stuff like that.

16 A. I'm thirty years old. I have three beautiful kids, two
17 boys and a girl. I have a loving wife. I'm an outdoorsman.
18 I will always be an outdoorsman. It's something that I will
19 always raise my kids up to be. Nothing will ever change
20 that.

21 Q. Okay. So you're a hunter?

22 A. Yes, sir.

23 Q. How many guns did you have -- let me put it this way.

24 How many guns did you own at the time this happened?

25 A. I had three.

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

158

1 Q. What kind of guns were they?

2 A. I had a Mossberg 12 gauge. I had a Mossberg ATR-100
3 270. And I had a CVA 50 caliber muzzleloader.

4 Q. The muzzleloader doesn't have any kind of shells, does
5 it?

6 A. No, sir.

7 Q. It's a black powder gun?

8 A. Black powder.

9 Q. The 270, that would be the one that fires the long
10 bullets, correct? The ones that are in the long shells?

11 A. The 270? Yes.

12 Q. And you still have that gun?

13 A. Yes, sir.

14 Q. It wasn't taken that night?

15 A. It was not taken.

16 Q. Okay. And then the shotgun you had that fires this
17 type shell, you don't know what happened to it?

18 A. I don't know where it's at. No, sir.

19 Q. Now, let's go back to this day. Speak to me so if I
20 hear you, they can hear you, okay?

21 A. Yes, sir.

22 Q. You've been in the courtroom the whole trial, correct?

23 A. Correct.

24 Q. You've heard Mrs. Smith and then you heard Melissa talk
25 about going swimming, arguing, stuff like that. So no

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

159

1 question you'd been drinking and you and your wife had an
2 argument and she was going to spend the night with her
3 cousin, is that correct?

4 A. Correct.

5 Q. Okay. After y'all separated, ---

6 A. Um-hum (affirmative).

7 Q. --- you were at your friends drinking, correct?

8 A. Correct.

9 Q. And you went home. From there tell us what happened,
10 how you got home and this type of thing. Just tell it as it
11 happened.

12 A. After my wife left I hung out at my buddy, Marcus'
13 house, hanging out, getting a jump-start on the 4th of July.
14 I had one of my friends, his name was Chad. Everybody
15 called him big Chad. I got him to bring me home.

16 When I got dropped off, like you heard before, our
17 driveway is long. It's a gravel driveway. The guy dropped
18 me off right at the turn. And then if you kept going up you
19 would have went to my house and then you went to Mr. and
20 Mrs. Tee's house. He dropped me off at that turn. I walked
21 -- I was working my way up to the house. I noticed my front
22 door was open.

23 Q. Now explain the significance of that to the jury.

24 A. Excuse me?

25 Q. Explain the significance of that door being open.

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

160

1 A. At the time that front door was already broke from a
2 prior incident with me and my wife. I locked her out, she
3 kicked it in. We didn't -- we never fixed the door. The
4 couches in our living room was a sectional couch. And we
5 put the couches in front of that door to keep it closed.
6 When I approached the house, it was open.

7 Q. All right. Prior to that when y'all went in and out of
8 the house, how did you enter the house?

9 A. When I entered the house?

10 Q. No. Just when the door was broken ---

11 A. The front door was open.

12 Q. The front door was broken, you had the sofa pushed
13 against it, how did you and Melissa go into the house when
14 you'd come home?

15 A. We had to use the back door.

16 Q. All right. Go ahead. You saw the door cracked.

17 A. I approached the front door. It was -- it wasn't
18 completely open. I mean, it was open enough that -- there
19 was a pipe underneath the front steps. I grabbed that pipe.
20 I walked in the house.

21 Q. How did you go into the house?

22 A. How?

23 Q. Front or back?

24 A. How did I go in the house?

25 Q. Did you go in the front door or the back door?

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

161

1 A. I went through the front door of the house.

2 Q. Okay.

3 A. There was a gentleman in there. He was a man that I
4 knew of by the name of Frog. I knew him because of prior
5 times I bought marijuana from him. He started messing with
6 other drugs I didn't want to have anything to do with. I
7 quit messing with him.

8 This gentleman that I knew -- his first name, I
9 believe, was Seth, but I always knew him as Frog. Called
10 him up, hey, Frog, hook me up. He had my shotgun. I didn't
11 know if it was loaded. I didn't care. All I cared about
12 was he was in my house and he had my firearm.

13 I went after him. I chased him out the back door, down
14 the back hallway to our back door. He went out. I met him
15 at the door, he turned the gun on me. I slammed the back
16 door to dodge him shooting me. Two shots went into that
17 back door.

18 A third one, a third shot went off, but it didn't
19 penetrate the door. I don't know where it went. I don't
20 know where he was aiming. After that third shot I cracked
21 the door open, the back door. He was on his way up the
22 driveway going in between my house and Mr. and Mrs. Smith's.
23 I ran out the house and I began to continue chasing him.

24 My 12 gauge shotgun has a scope on it. I already knew
25 it was off-sight. I barely used it. And I knew that if I

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

162

1 stayed to his right, my shotgun shot to the right. I wasn't
2 thinking about Mr. and Mrs. Smith's house behind me. I was
3 dodging him trying to not get shot myself.

4 I chased him through the front yard. In front of all
5 of our homes where the trailers were there was a pretty
6 grown up pasture. I jumped the fence, kept going after him.
7 That's when I -- that's where I remember Tee calling me.

8 Q. Tee being Mr. Smith?

9 A. Mr. Smith. I heard him call me, I stopped. I
10 shouldn't have. Probably would have had Frog. I stopped.
11 He asked me did I shoot -- did you shoot my house? I
12 responded to him, no, I did not shoot his house.

13 He asked me what's going on? At the time my mind is
14 where Frog was at. I didn't -- I didn't have time to
15 explain to him. I was on the path trying to recover my
16 firearm and catch this man in my house.

17 Where's my so and so that I yelled, it wasn't about my
18 wife. It was about yelling at the man in my house that I
19 was chasing.

20 Q. This is where you say where is my f-ing bitch?

21 A. Yes, sir.

22 Q. You were talking about the shotgun as opposed to
23 Melissa?

24 A. Right.

25 Q. At this point you said that to Tee and then what

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

163

1 happened?

2 A. That's all he asked me. I didn't wait around for
3 anymore questions from him. I was through that pasture on
4 the path that this gentleman -- I was trailing him. It was
5 dark. It was raining. I didn't have a whole lot of time to
6 sit around and wait for him to disappear. I was on his
7 path. I searched for him for hours. I never should have
8 stopped. I would have had him.

9 Q. Let me ask you this, Eric. At some point did you call
10 Melissa from your house?

11 A. I don't recall. I don't remember calling her. If I
12 did, I don't know what for. I mean, our car was gone, I
13 knew she wasn't there, but I don't remember calling her.

14 Q. Was the house in the same condition when you got home
15 as when you left? The condition of the home -- you saw the
16 pictures of the mess. '

17 A. When I left before I went to my buddy's house?

18 Q. Um-hum (affirmative).

19 A. It was not in the condition. The house was clean.

20 Q. Did you cause the mess?

21 A. Excuse me?

22 Q. Did you cause the mess?

23 A. I probably caused some of it chasing the fellow out the
24 door. The dining room table or the chairs, yeah, that was
25 probably my fault.

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

164

1 Q. Okay. So you, at this point, in the rain, you don't
2 find him?

3 A. No, sir.

4 Q. Continue from there. What happened after that?

5 A. Like I said, I searched for him for hours. I had no
6 idea that police had been at my house. I had no
7 recollection of my wife showing back up. I showed back up
8 early the next morning. I walked in my house, there wasn't
9 nobody there. Walked in. I had to lay down for a little
10 bit, I was tired.

11 When I woke up I still remember my shotgun was missing.
12 I came and tried to search again in the daylight, still no
13 recollection that police were looking for me, warrants were
14 already issued. I still couldn't find it. I came back.

15 I called my wife again that day to find out where she
16 was at, what was going on. She told me that they were
17 looking for me. I had no ride. I wasn't going anywhere. I
18 was like, this is bull. You know, why are they pointing the
19 finger at me?

20 I waited for an officer -- I don't know what -- he was
21 just coming to check up on the place, I don't know. He
22 showed up. I came out of the back, seen him pulling up. I
23 walked up to him and said, I heard you're looking for me.

24 The officer put me in cuffs, put me in his car, read me
25 my rights, asked me if there was anything that I needed to

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

165

1 state. And I told him, yes, I needed to report someone was
2 in my house. I needed to report I had a firearm now
3 missing, but no report was made. He put me in the car, took
4 me downtown.

5 Q. Now during this period of time the police got there
6 that evening while you were gone there were ten spent shells
7 found between their yard and the back of your area.

8 A. Yes.

9 Q. Do you recall ten shots?

10 A. Do I recall the number of shots?

11 Q. Yeah.

12 A. Only five or six.

13 Q. Do you recall Tee shooting his pistol in the air?

14 A. I don't recall Tee shooting his pistol.

15 Q. You didn't see him with a pistol?

16 A. I didn't see him with a pistol.

17 Q. When you saw Tee he was not armed?

18 A. Excuse me?

19 Q. Was he armed?

20 A. He was too far away to tell if he was even armed.

21 Q. And to this day you still have the rifle? The rifle
22 that shoots the long ---

23 A. I still have -- yes, to this day I still have my 270.

24 Q. And the shotgun is still missing at ---

25 A. It is still missing, yes, sir.

CHRISTOPHER E. MEJEAN - DIRECT EXAMINATION BY MR. SULLIVAN

166

1 Q. Were you tested for any gunshot residue, you or your
2 clothes?

3 A. No, sir.

4 Q. Did you not think -- what was in your mind when you
5 were chasing a man with a shotgun and you have no weapon?
6 Isn't that rather rash?

7 A. I thought he only had so many shots til I got to him.

8 Q. Did you consider, while you saw him in your house, he
9 takes off with your gun, calling 911?

10 A. No, sir, I don't. I didn't believe them to be any
11 help.

12 Q. Were you in the courtroom when Mrs. Smith testified it
13 was about forty-five minutes from when she called until they
14 got there?

15 A. I was in the courtroom, yes, sir.

16 Q. So you thought he would get away or you were going to
17 chase him?

18 A. Yes.

19 Q. With no weapon of your own?

20 A. No. No weapon, no firearm, no, sir.

21 Q. And he's fired a shotgun at you?

22 A. Yes, sir.

23 Q. So on this evening you did not fire a weapon at all?

24 A. No, sir.

25 Q. Answer anything Ms. Hodge might have.

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

167

1 **THE COURT:** Solicitor.

2 **MS. HODGE:** Thank you, Your Honor.

3 **Cross Examination by Ms. Hodge:**

4 Q. All right. Mr. Mejean, you and your wife had been
5 arguing on this day, correct?

6 A. Correct.

7 Q. Okay. And y'all had argued in the recent past and even
8 probably in the distant past, is that correct?

9 A. Correct.

10 Q. All right. And around June she had moved out for maybe
11 a couple of weeks, but ended up coming back, is that right?

12 A. Correct.

13 Q. Okay. So just about a month prior to this?

14 A. Yes.

15 Q. Okay. And then on this day you were hanging out with
16 your friends. I think you said something about getting your
17 4th of July going early ---

18 A. Yes.

19 Q. --- or something?

20 A. Yes, ma'am.

21 Q. All right. What were y'all drinking?

22 A. Beer, Red Stag liquor 'cause that's what my buddy's
23 oldest sister, that's what she likes drinking.

24 Q. She likes that?

25 A. Yes.

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

168

1 Q. And you did not want to leave the party when your wife
2 was ready to go, is ---

3 A. Correct.

4 Q. --- that correct? All right. And she had y'all's kids
5 with her?

6 A. Correct.

7 Q. Okay. And she went on home, you assumed, I guessing?

8 A. Yes.

9 Q. Okay.

10 A. That's where I told her to go.

11 Q. All right.

12 A. I told her to go home.

13 Q. To go home?

14 A. Um-hum (affirmative).

15 Q. All right. Was she happy about leaving you there or
16 ...

17 A. No.

18 Q. Did you think, well, my wife's not really happy about
19 this, I should go with her?

20 A. I didn't -- I wanted to stay where the party was at.

21 Q. Okay. You just wanted to keep partying?

22 A. Yes, ma'am.

23 Q. Whether she liked it or not?

24 A. Yes, ma'am.

25 Q. Okay. And so you come home some point later, you said

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

169

- 1 big Chad drops you off?
- 2 A. Yes.
- 3 Q. Is that correct? Okay.
- 4 A. His name was Chad Martin, but we always called him big
- 5 Chad because he has a son named Chad as well. So we had big
- 6 Chad and little Chad.
- 7 Q. Okay. So he's the one that ends up bringing you back
- 8 home. Do you know what time it was when you got back home?
- 9 A. I don't -- I don't remember what time it was exactly.
- 10 Q. Okay. Would eleven-ish be fair?
- 11 A. It would be fair.
- 12 Q. Okay. All right. And your testimony is that you get
- 13 home and notice that your front door is now cracked, which
- 14 should not be?
- 15 A. Correct.
- 16 Q. Okay. And then you shimmy through the door and get in?
- 17 A. The door -- once I came in the front door -- I didn't
- 18 have to shimmy. It wasn't full shut, but I just walked in.
- 19 There wasn't nothing hindering me from getting in the front
- 20 door.
- 21 Q. So the sofa was not there anymore ---
- 22 A. It was not there, ---
- 23 Q. --- is your testimony?
- 24 A. --- no.
- 25 Q. Okay. And this Frog person that's in there?

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

170

- 1 A. Yes, ma'am.
- 2 Q. Frog is who you purchased marijuana from?
- 3 A. Yes, ma'am.
- 4 Q. Okay. And he's just at your house for no reason?
- 5 A. For no reason. About two weeks prior to the incident I
- 6 had a party at my house. And I don't even know who all was
- 7 there, but I know he was there.
- 8 Q. Okay. So he's at a party and apparently y'all are cool
- 9 and ---
- 10 A. No, we weren't cool. He just showed up.
- 11 Q. Okay. Did you tell him to leave or something?
- 12 A. No.
- 13 Q. Okay. So he just shows up at your house, but nothing
- 14 happens?
- 15 A. About ninety percent of the people that were there I
- 16 didn't even know.
- 17 Q. Were y'all smoking pot then?
- 18 A. Yes.
- 19 Q. Okay. And he's doing some other drugs. What other
- 20 drugs is he trying to bring around?
- 21 A. I knew he was dealing with meth. That's one of the
- 22 reasons why I quit messing with him.
- 23 Q. Okay. But you'd paid up your tab? I mean, you didn't
- 24 owe him money, right, for drugs?
- 25 A. No, I didn't owe him anything.

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

171

1 Q. Okay. So you're saying this Frog just decided to come
2 to your house, you don't owe him anything, nobody's there,
3 and there's no party going on, no reason for him to be
4 there, he just shows up and steals your shotgun?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. Ransacked my house.

8 Q. Just for this shotgun, is that ---

9 A. For anything he can find to sell, my guess.

10 Q. Okay. Well, your muzzleloader gun was still there,
11 correct?

12 A. Um-hum (affirmative). Correct.

13 Q. Your rifle was actually not there, is that correct?

14 A. No. My rifle was there.

15 Q. Your rifle was there as well?

16 A. Yes, ma'am.

17 Q. So there were two guns ---

18 A. There was three guns.

19 Q. Three guns in the house ---

20 A. Three guns.

21 Q. --- that you're saying the police just totally missed
22 finding one of your guns?

23 A. Correct.

24 Q. Okay. They found one and they found an empty case.

25 And then they just were totally off the mark and ---

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

172

- 1 A. I had ---
- 2 Q. --- missed the rifle?
- 3 A. Excuse me. I had all three of them in the closet right
- 4 next to each other, all in bags.
- 5 Q. Okay. You didn't have them over at your friend Marcus'
- 6 house ---
- 7 A. No, ma'am.
- 8 Q. --- in his gun case?
- 9 A. No, ma'am.. It was my gun case that I took over there.
- 10 He was ---
- 11 Q. At his house?
- 12 A. Yeah.
- 13 Q. Because you had to keep your guns out of your house for
- 14 a while, right?
- 15 A. Right.
- 16 Q. Okay. All right. And so now your story is that Frog
- 17 just comes in, steals a shotgun and runs out?
- 18 A. Correct.
- 19 Q. And as he's running out he's shooting at you?
- 20 A. Correct.
- 21 Q. And you don't get hit?
- 22 A. No.
- 23 Q. All right. And you chase the man who's shooting at
- 24 you?
- 25 A. Correct.

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

173

- 1 Q. All right. And you go and stand in front of the
2 Smith's home?
- 3 A. I wasn't standing.
- 4 Q. You weren't standing, you were running ---
- 5 A. Running.
- 6 Q. And he's turning and shooting or ---
- 7 A. Yes.
- 8 Q. Okay. A shotgun?
- 9 A. A shotgun.
- 10 Q. All right. How many rounds can your shotgun hold?
- 11 A. Five in the magazine and one in the chamber.
- 12 Q. All right. Six ---
- 13 A. Six total.
- 14 Q. All right. So if there were more than six, someone
15 would have to reload?
- 16 A. Yes.
- 17 Q. All right. Okay. And all you're thinking of is you're
18 just going to chase him?
- 19 A. Correct.
- 20 Q. Just to get this shotgun back?
- 21 A. Correct.
- 22 Q. It's very valuable, you want it.
- 23 A. Yes, ma'am.
- 24 Q. You want to chase this man.
- 25 A. (Affirmative nod).

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

174

1 Q. All right. And you are stopped momentarily by Mr.
2 Smith?

3 A. Correct.

4 Q. And you're saying that when he asks you what's going
5 on, your response is where's my mother fucking bitch at is
6 about your shotgun?

7 A. Correct.

8 Q. Okay. Is that normally what you call your shotgun?

9 A. No.

10 Q. Okay. Have you probably called your wife that at some
11 point?

12 A. I've called her every name in the book probably.

13 Q. Okay. All right. And so you don't stop to tell him,
14 dude, there's this guy, or I'm sorry I was standing in front
15 of your house when he was shooting at me, or are y'all okay,
16 nothing?

17 A. Nothing.

18 Q. Could care less about them, in fact?

19 A. It wasn't that I didn't care about them because I did
20 care about them. I still do care about them. It was time
21 of the essence.

22 Q. You know how to get in touch with Frog, right? I mean,
23 you did. When you want your drugs, you'd call Frog, right?

24 A. After I quit messing with him, I lost his number.

25 Q. You probably could have found some people that run in

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

175

1 that crowd though that probably could have got you in touch
2 with Frog?

3 A. Probably.

4 Q. Okay. But you -- your story is that you felt it was
5 imperative for you to just chase him down that night because
6 you thought you'd never find him again?

7 A. Correct.

8 Q. Okay. All right. And you are saying or telling this
9 jury you don't recall calling your wife's cell phone two
10 times that night?

11 A. No, ma'am.

12 Q. Okay. You recall all this other stuff, correct?

13 A. Yes.

14 Q. But you don't recall that?

15 A. Right.

16 Q. Okay. And let's see here. You just keep running all
17 night looking for Frog?

18 A. Yes.

19 Q. You're not worried about your wife and your kids at
20 this point?

21 A. Not at that time, no.

22 Q. Okay. You didn't even know where they were, true?

23 A. I didn't know -- I didn't know where they were.

24 Q. Didn't know and didn't care?

25 A. I cared, but trying to hunt that gentleman down seemed

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

176

1 like more important.

2 Q. That was more important than wondering where your wife
3 and children might be?

4 A. Um-hum (affirmative).

5 Q. All right. And you did not get arrested until -- would
6 noon the next day be about right?

7 A. Correct.

8 Q. Okay. So all of this incident happening with Frog and
9 the shooting, it's eleven, 11:30, twelve, would that be a
10 fair assessment, the night before?

11 A. That's fair.

12 Q. Okay. So about twelve hours before the police finally
13 arrest you?

14 A. Correct.

15 Q. Okay. And in those twelve hours you don't think you
16 needed to call them to talk about this attempted murder on
17 your life and the stealing of your gun? You don't think
18 that?

19 A. I called my wife the next day.

20 Q. Okay. Did you think that you needed to call the
21 police, that you were almost murdered by Frog?

22 A. I didn't think -- (negative nod).

23 Q. Didn't think ---

24 A. I didn't think ---

25 Q. --- that needed to happen?

CHRISTOPHER E. MEJEAN - CROSS EXAMINATION BY MS. HODGE

177

1 A. No.

2 Q. Okay. Sounds like a fairly dangerous person if they're
3 willing to shoot at you with a shotgun, right?

4 A. Correct.

5 Q. Because pointing a shotgun at someone and shooting at
6 them, that could kill them, right?

7 A. Right.

8 Q. Very dangerous.

9 A. Very dangerous.

10 Q. All right. And so you would not ever point your
11 shotgun at a person and fire it, would you?

12 A. No.

13 Q. Okay. You wouldn't fire it into someone's home, would
14 you?

15 A. No.

16 Q. Because that's very dangerous, isn't it?

17 A. Correct.

18 Q. And if you -- I'm not a big hunter or marksman or a gun
19 person, but what I've always understood, and you tell me if
20 this is your understanding, if you're going to shoot, you
21 might need to aim to kill because you don't know what's
22 coming back on you, right?

23 A. I only kill what I intend to eat.

24 Q. Okay. And to kill something, you just shoot at it,
25 correct?

CHRISTOPHER E. MEJEAN - REDIRECT EXAMINATION BY MS. SULLIVAN

178

1 A. You ...

2 Q. You hope to hit it?

3 A. No. You don't hope. You practice your marksmanship,
4 you take care of your firearms so they operate ---

5 Q. Work properly.

6 A. --- safely and properly.

7 Q. All right.

8 A. And you aim for where if you do hit them, you hit a
9 major artery or -- where they don't suffer.

10 Q. All right. To kill them?

11 A. Correct.

12 Q. So when you're shooting your shotgun at something you
13 are intending to kill it, correct?

14 A. Correct.

15 Q. All right. That's all the questions I have.

16 **MR. SULLIVAN:** Just have one, Your Honor.

17 **Redirect Examination by Mr. Sullivan:**

18 Q. Did you know when you talked to Tee that their house
19 had been hit by gunfire?

20 A. When I talked to him I didn't know that his house had
21 been shot.

22 Q. Did he seem fine to you except being upset?

23 A. He seemed fine.

24 Q. Okay.

25 **MR. SULLIVAN:** No further questions, Your Honor.

1 **THE COURT:** Thank you. Anything?

2 **MS. HODGE:** No, Your Honor.

3 **THE COURT:** Thank you. Sir, you may step down. Please
4 be careful.

5 A. Thank you.

6 **MR. SULLIVAN:** The Defense rests, Your Honor.

7 **THE COURT:** Okay. The Defense has now rested. Let me
8 see the lawyers at sidebar on this side, please, before we
9 do this.

10 (Whereupon a bench conference was held off the record
11 in the presence of the jury, but out of their hearing)

12 **THE COURT:** Madame Forelady and ladies and gentlemen,
13 I've conferred with the lawyers. The State, I'm sorry, the
14 Defense has now rested its case, which means it does not
15 intend to put up any other evidence, any other testimony,
16 any exhibits whatsoever. They have now rested. I
17 understand the State is not calling a rebuttal.

18 **MS. HODGE:** That's correct, Your Honor.

19 **THE COURT:** Okay. And the State will not be -- have a
20 rebuttal witness, which means that all of the testimony and
21 the evidence that is coming in before you is now in
22 evidence.

23 Now, there's a couple of matters that I need to take up
24 outside of your presence. And I've conferred with the
25 lawyers here. That probably would only take about fifteen

1 or -- no more than twenty minutes, but that's going to put
2 us very close to five pm. And I don't mind going to about
3 5:45, but I just hate to give the jury, you, the jury, this
4 case that late in the afternoon.

5 So I think, and after conferring with them, what we're
6 going to do is release you now to go home and be back in the
7 morning at nine am wherever they have you, no later than
8 nine am. Once again, I will be here just a couple of
9 minutes after 8:00 like I always am. The lawyers are going
10 to stay with me this afternoon and we're going to confer on
11 a couple of matters here but be ready to go at nine so that,
12 Madame Forelady and ladies and gentlemen, we anticipate that
13 I will take the bench promptly at nine.

14 We will have all of our little nuts and bolts, I call
15 that stuff, done and you will then hear closing arguments
16 from the lawyers and the charge on the law in this case and
17 then move straight into deliberations. I think that's
18 probably a much better -- I see some head nodding. So
19 everybody's agreeing with me. Okay. That's what we're
20 going to do.

21 Now, having said that, please -- the case is at an end,
22 you are not free to deliberate, you're not free to discuss
23 it with a family member, or friend or anyone else. Please
24 do not try to learn anything, as I told you before, about
25 this case. I don't know that there would be anything in the

1 newspaper, or radio or television. I've not seen any media
2 here.

3 But nonetheless, if there is, please ask someone to
4 hold that for you for another day or so and you can read it
5 at that point in time. But please do not try to deliberate
6 this or resolve it in your own mind. It is a collective
7 decision that must be made by all twelve of you together
8 while you are together and it must be unanimous, as you
9 know.

10 And with that, Madame Forelady, we'll let you take your
11 jury to be released for the evening. Hope you all have a
12 good evening.

13 (Whereupon the jury exited the courtroom at 4:19 pm)

14 **THE COURT:** Matters from the Defense?

15 **MR. SULLIVAN:** Nothing from the Defense, Your Honor.

16 **THE COURT:** Okay. Matters from the State?

17 **MS. HODGE:** No, Your Honor.

18 **THE COURT:** Okay. Lady and gentleman, I will release
19 your -- well, I'm going to tell him to follow your
20 instructions. But if you would join me in chambers, and
21 also I've got some 403 people, I have extended that courtesy
22 to you. You're welcome to join us if you'd like to see what
23 happens in a charge conference. We are going to have a
24 small charge conference and make sure we have our charge
25 ready for tomorrow morning.

1 Sir, I'm going to let you stay out and not be
2 incarcerated, as I told you earlier today, as a courtesy to
3 your lawyer. He has assured me that you've always been
4 timely. I'm telling you once again, and I don't mean to be
5 repetitive, but I am telling you once again that at 9:00
6 tomorrow morning if that chair is empty, it's empty, but we
7 will proceed with this trial, and I'll issue a bench
8 warrant. You understand?

9 **MR. MEJEAN:** Yes, sir.

10 **THE COURT:** Okay. So with that I'm extending that
11 courtesy to you through your lawyer. And you just -- you be
12 wherever Mr. Sullivan tells you to be in the morning and
13 whatever time he tells you to be there, okay?

14 **MR. MEJEAN:** Yes, sir. Thank you.

15 **THE COURT:** Okay. All right.

16 **MR. SULLIVAN:** Thank you, Your Honor.

17 **THE COURT:** You need to talk to him for a minute before
18 we go back?

19 **MR. SULLIVAN:** Just to tell him what time to be here.

20 **THE COURT:** Okay.

21 (Whereupon court was in recess at 4:21 pm)

CLOSING ARGUMENTS - MR. SULLIVAN

183

1 Wednesday, June 3, 2015:

2 (Whereupon court reconvened at 9:21 am)

3 **THE COURT:** Thank you. Please be seated. Good morning
4 again everyone. We ready for our jury?

5 **MS. HODGE:** Yes, sir.

6 **MR. SULLIVAN:** Defense is ready, Your Honor.

7 **THE COURT:** Okay. All right. Yes, ma'am.

8 (Whereupon the jury entered the courtroom at 9:22 am)

9 **THE COURT:** Good morning, ladies and gentlemen. Madame
10 Forelady, any matters for the jury?

11 **MADAME FORELADY:** No, Your Honor.

12 **THE COURT:** No matters whatsoever. Okay. Give your
13 attention to the lawyers.

14 **MR. SULLIVAN:** May it please the Court.

15 **THE COURT:** Yes, sir.

16 **MR. SULLIVAN:** Ms. Hodge, Ms. Bishop. Ladies and
17 gentlemen, I'm Tim Sullivan. I am defending Eric Mejean in
18 this case. What I like to do -- I'm not going to talk long
19 because after a while you're not going to listen to me
20 anyway. But the biggest thing is I'd like to get out of the
21 way what we agree on, no use arguing about that.

22 First of all, I'll go back to the first, these people
23 were neighbors. They were friends. They socialized
24 together. They ate meals together. In this case they went
25 swimming together. But these people were friends. There

CLOSING ARGUMENTS - MR. SULLIVAN

184

1 was nothing in the testimony that I recall -- now if I say
2 something and you recall it different, just say the old man
3 doesn't remember right.

4 So -- but I don't recall anything that would cause any
5 animosity up to the point this happened. There was no
6 arguments between Eric, his wife or the Smiths. Everything
7 was fine. Eric was at a party. Regina and Melissa had been
8 swimming with the kids. Everything was fine.

9 We can all pretty much agree that that day was people
10 partying. Eric was at Marcus' house with a bunch of
11 friends. They were drinking, like he said, kicking off the
12 4th of July early. Melissa had the kids. They were tired.
13 She was ready to get on home. He said, I'm not ready to go
14 home, you go ahead.

15 Now you heard they've had some problems. She knew that
16 when he drank he became a little belligerent. So she said
17 I'm not going home to put up with him. He can go home or he
18 can stay at Marcus'. I'm going to my cousin's or my
19 mother's and I'll see him in the morning and everything will
20 be cool.

21 So at that point she is gone, Eric's at the party.
22 He's ready to go or they tell him he's ready to go or
23 whatever. And he told you they were drinking different
24 things. Then Chad -- now on this night it is raining and
25 lightning, bad weather. Chad takes him home and drops him

CLOSING ARGUMENTS - MR. SULLIVAN

185

1 off at the end of the roadway.

2 At this point the Smiths and their daughter are asleep.
3 She was out all day with the kids swimming, you get tired in
4 the sun, he'd worked all day, came in had a sandwich and
5 they went to bed. They were fast asleep.

6 They talked about the gravel road traffic out there.
7 They couldn't -- they didn't hear any traffic because they
8 were sound asleep and a storm's going on. If there's no
9 traffic, then obviously he didn't hear Chad drop off Eric.

10 So now we get to the point Eric's home and he goes to
11 the door, he thinks somebody's in. And at this point --
12 prior to that, somebody, if this Frog fellow was there, had
13 to get him there. They had to drop him off just the way
14 that Eric was dropped off. They didn't hear that because
15 they didn't hear the car with big Chad.

16 And so we could assume that if Frog was in there,
17 somebody was waiting somewhere in a car, and the gunshots
18 starts, he leaves. And the Smiths don't see anything or
19 hear anything until this gunshot goes through the top of the
20 trailer and then all hell breaks loose.

21 Now Eric says he got in there and Frog that he knew
22 from buying marijuana, but he cut him off because Eric got,
23 I mean, Frog got into the meth stuff. He did not want to
24 fool with that. That's hard drugs. He worked. He had
25 children. Didn't want the pot. It's a crime, but that's

CLOSING ARGUMENTS - MR. SULLIVAN

186

1 not what he's charged with. He was being honest.

2 So if you believe that Frog was there and ran out, he's
3 got a fight, chasing a guy with a shotgun. Why would
4 somebody -- that is stupid unless you're drunk and you're
5 not thinking clearly. He's got my shotgun, damn it, I'm
6 going to get him. I don't think he could shoot me.

7 And he hears the shots start at the back and come
8 forward. Adam testified, Officer Adam that the shells were
9 going in different places. So somebody's running and
10 shooting. If it's Frog, then he's running. He starts
11 shooting back here. There is some damage to the back door.
12 When he said he shot at him, he ducked into the shed. He's
13 running around trying to shoot him. He's running after him.

14 Tee then hears this stuff, comes out with his gun and
15 says, Eric, what the heck's going on? Did you shoot my
16 trailer? He says, no. Now if Tee had felt threatened, he
17 had a gun. And if Eric had approached him in some dangerous
18 situation, Lord forbid, he could have shot him and been
19 justified. But that didn't happen. I don't think Tee felt
20 threatened by him.

21 He said, what the hell are you doing? And he makes the
22 comment about where is the fucking bitch? Well, everybody
23 assumes he's talking about his wife. He says he's talking
24 about his shotgun. You know, that's for y'all to decide.

25 And then he continues chasing this guy. And he's gone

CLOSING ARGUMENTS - MR. SULLIVAN

187

1 the rest of the night. Now somebody along the way -- he
2 doesn't remember. He's not denying it. Somebody called
3 from the house and called his wife. But I don't know how
4 that affects this case. He left and then came back the next
5 day, found Melissa and knew the police were looking for him.

6 Now did he run? No. Stayed at the house. Policeman
7 drove up. He walked out, I understand you're looking for
8 me, here I am. He's arrested. There was no flight there,
9 trying to get away. So I think we can pretty much agree on
10 there's no animosity here. He's not egregious here to these
11 people.

12 Now if you believe -- you're going to have a lot of
13 verdict forms here. You're going to have attempted murder.
14 And on that, you're going to have it on all three people.
15 But I think if you decide it was it's going to affect all of
16 them.

17 On that you can find -- if you believe that Frog did
18 this, then you find him not guilty. That's the end of the
19 case. If you think Eric did it, then you've got to go to
20 the next step. Did he have the specific intent to kill
21 somebody? This is very important.

22 If this were a murder case and somebody had been
23 killed, you'd go to the fact was it a plan, was it a
24 specific intent to kill somebody? If it's not, you go to
25 manslaughter. That's why we have a manslaughter charge.

CLOSING ARGUMENTS - MR. SULLIVAN

188

1 In this case the lawyers -- if somebody shoots through
2 a house like this and the jury doesn't think he intended to
3 kill somebody, that is still reckless and stupid, but we
4 can't just let him walk because he didn't intend to kill
5 somebody, then he's not guilty of the attempted murder, but
6 we can't let him go. Let's drop it down and get him for
7 something. So you drop down to reckless endangerment,
8 disregard for life. You can't do that either. So if you
9 think he is out there just looking for his wife and his
10 hat's off and just shooting, here's how you consider this.

11 Now I think it's important to this case as far as
12 specific intent. And Ms. Hodge brought it out very well.
13 Eric is a hunter. Has been all his life. Has different
14 weapons for different animals, turkey, deer. Whether you
15 agree with hunting or not, a lot of people do it. If you
16 shoot you make sure you try and hit them where they won't
17 suffer. So he was an experienced hunter. He knew how to
18 shoot.

19 If he was going to try and shoot them, there wouldn't
20 have been nothing to talk -- he'd been along the level of
21 where he thinks they were. Now if you think he's drunk and
22 just being reckless, then that's not attempted murder. But
23 here is an experienced hunter. If he'd intended to kill
24 somebody, he's aiming somewhere.

25 But here are shots starting in the backyard. Officer

CLOSING ARGUMENTS - MR. SULLIVAN

189

1 Adam says they could all been fired at the same time. We
2 have a disagreement on who heard how many shots. Eric has
3 some. Tee heard some. There were some pistol fire from
4 Tee. And all these shots were found laying around the yard
5 starting in the back and coming out this way.

6 So if you find that Frog didn't do it and actually it
7 was Eric, I think you'd find he was drunk and reckless.
8 Like I say, an experienced hunter. If he intended to kill
9 -- why? They were friends. They'd been together that day.
10 Why would he come home all of a sudden and want to kill this
11 man, his wife and his kid? That does not make sense.

12 And what he did, if he did it, was totally stupid and
13 totally disregard. And he -- you can punish him for that by
14 finding him guilty of the lesser offense of assault and
15 battery, high and aggravated. Then there's another charge
16 below that, which I don't think you'll get to, but you'll
17 have three different and then variations on each one of
18 those.

19 But go back and think, they're friends, he's an
20 experienced hunter. Did he try and shoot somebody or is he
21 just drunk and reckless? That's going to be the question
22 you have to answer.

23 I'm sure Ms. Hodge will -- she's a very good lawyer.
24 She's going to bring out some points that are going to try
25 and point you to the murder case. I can't stop her. You've

CLOSING ARGUMENTS - MS. HODGE

190

1 heard what I said. You can consider that or you can --

2 please listen to Ms. Hodge. Think about everything.

3 Who could get there in a car? Who could leave? Frog
4 could have gotten there. They couldn't hear it. They
5 didn't hear Chad come up. We don't know. And really I'm
6 not sure anybody really knows what happened because if Eric
7 was that drunk I'm not sure he knows what -- he may have
8 really thought this. He may have had a black out thing and
9 he left and stayed out all night. That doesn't make sense.

10 But if you try to kill somebody you don't go back to
11 your house and wait on the police. So you don't really know
12 what happened. You come up, we think he shot the trailer.
13 I couldn't have done that. So friendship, no reason to kill
14 them, stupid. Unfortunately stupid can get you put in jail.
15 It can cause a conviction.

16 So if you look at it like that -- I'm not going to talk
17 to you anymore. You know the case. You've heard it. It's
18 just a matter of what was in his mind. Did he intend to
19 kill his friends? It's up to you. Thank you.

20 **THE COURT:** Solicitor.

21 **MS. HODGE:** Thank you, Your Honor. May it please the
22 Court.

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

24 **MS. HODGE:** Mr. Sullivan. Well, you are about to do
25 the job that you were selected to do in this case, which is

CLOSING ARGUMENTS - MS. HODGE

191

1 reach a verdict. And to do that you're going to need some
2 tools just like to do any job. Your main tool is going to
3 be like Mr. Sullivan just stated, for you to figure out what
4 happened here you're going to need the facts. That's your
5 first tool. What happened?

6 Then you're going to need to have the law. Did what
7 happen break the law? And the Judge is going to give you
8 the law.

9 So your third most important tool, the way you're going
10 to figure out what happened and was the law broken is with
11 your common sense. That's why we have juries comprised of
12 all kinds of people from our community that make big
13 decisions every day that discern truth from false, that
14 figure out best choices, worst choices, just use your common
15 sense. And this case is exactly the type of case that needs
16 good old fashion common sense.

17 Common sense tells you who's telling the truth and
18 who's lying. And you do that all day long in your regular
19 life. Now there are people that you love and trust and
20 you're probably not mentally checking off if they're telling
21 you the truth or not because you've already got a trust
22 relationship with them.

23 But here in this courtroom, you've never seen these
24 people. You've never heard from these people. So you're
25 doing this internally thinking to yourself do I believe what

CLOSING ARGUMENTS - MS. HODGE

192

1 they're saying because we have two totally different
2 stories?

3 There's some coming together on what they can't change,
4 which is physical evidence and the testimony from the people
5 that have no ax to grind. So they're going to have to, the
6 Defense is going to have to manipulate a story that can
7 incorporate all of that but be totally separate from what
8 the State presents is the truth.

9 So you've got to figure out which one of these am I
10 believing? Because if you believe the Defendant's story,
11 then you just have to stop right there, he's not guilty.
12 Frog did this. But if you've got some questions about that,
13 you're going through your mental checklist.

14 Well, number one, you're listening to the testimony and
15 saying is what this person's telling me making sense? Is it
16 logical? Is it reasonable? Is it plausible, possible? All
17 of those things you're listening to the story on, I don't
18 think that makes any sense, right? That's what you do in
19 day-to-day life, normal life. So you're checking the
20 content of what's being told to you.

21 You're also looking at the consistency of what's being
22 told to you. Is that story consistent throughout? Did the
23 Smiths tell you a consistent story? Did they tell the
24 police that same consistent story? And is what they said
25 consistent with what the physical evidence shows?

CLOSING ARGUMENTS - MS. HODGE

193

1 Absolutely.

2 The Defendant's version, is it reasonable, practical,
3 plausible? Is it consistent with what the police have said?
4 There's been no claim of some Frog breaking in and
5 attempting to murder Mr. Mejean. It's not consistent. Is
6 it somewhat consistent with the evidence that the State
7 presents? Yes, because they had to fabricate a story to
8 match things that can't be changed.

9 The third thing you do when you're trying to see if
10 somebody's telling you the truth is you look or you think
11 about the motivation behind the person telling you what
12 they're telling you. Why are they saying this? Who's got
13 something to gain? Who's got something to lose? Whose
14 life's going to be different tomorrow?

15 I submit to you the only person in this entire case
16 whose life's going to change tomorrow is the Defendant's.
17 Mr. and Mrs. Smith, Officer Davis, the State, the Judge, Mr.
18 Sullivan, you guys, your lives are all basically going to be
19 the same tomorrow. You'll have this experience under your
20 belt, but nothing's really going to change. But Mr. Mejean
21 has a lot on the line.

22 So he has a lot of motivation to tell you a bunch of
23 bunk, to get himself out of trouble, to escape
24 responsibility. So it wouldn't be past him or beyond him to
25 want to make up this story, to absolve himself of that. So

CLOSING ARGUMENTS - MS. HODGE

194

1 as you're listening to the testimony or you were listening
2 and you go back in the room and you start discussing
3 people's testimony, I'm sure those will be things that
4 you'll be thinking through and determining what's truth and
5 what's not here.

6 Verdict means -- well, in Latin verdict comes from the
7 Latin word veredicto. And it means to speak the truth. So
8 your verdict needs to speak the truth about what happened in
9 this case.

10 How do we know what happened in this case? Well, we
11 look at the State's evidence. The Smiths do not have any ax
12 to grind against Mr. Mejean prior to this. They are
13 sleeping in their home with their child. They are awoken by
14 gunshots. And as I said in my opening, there by the grace
15 of God were they not hurt or killed.

16 I want you to -- and, again, as I've said numerous
17 times in this case, I'm not a big hunter or firearms person,
18 but State's number 58, which was the main slug that came off
19 of the kitchen floor, if you've never seen this or held one
20 of these before, this could do some serious damage to a
21 human being. This came through their kitchen drawer.

22 What if one of them was standing there getting a drink
23 of water? What if their little girl had walked through
24 there? They'd be dead. That would be a murder case. Why
25 would it be a murder case? Because the Defendant acted with

CLOSING ARGUMENTS - MS. HODGE

195

1 reckless disregard for the life of another human being
2 purposely, wilfully, intentionally. That's why it would be
3 a murder case.

4 And the fact that it didn't happen doesn't take that
5 away. The fact that it didn't happen is, again, by the
6 grace of God nobody died from these shots. But the
7 intention was there to shoot into a home where you knew
8 people lived and were probably sleeping, but could have been
9 awake.

10 Why else would you take your shotgun and fire it three
11 times into a person's home if you did not intend them harm?
12 If you were not totally disregarding their lives and safety?
13 You wouldn't. Especially if you were a gun person and you
14 know and you are very well versed in what guns can do and
15 how to properly use them and not use them. You would not
16 point them at someone's home and shoot into the home. Even
17 the Defendant admitted that. That would be dangerous. That
18 could kill somebody.

19 So now we go back to how do we know the Defendant did
20 this? Well, this is where your common sense comes in. This
21 is a piece of property that about five people live on,
22 various trailers. Defendant and his wife had -- was at this
23 party, they've had a history of arguing and you even heard
24 him say the front door was broken because they got into a
25 fight. So they probably had a volatile relationship.

CLOSING ARGUMENTS - MS. HODGE

196

1 She had left him about two weeks prior to this. She'd
2 come back. Now he's getting his 4th of July weekend started
3 early, drinking beer, drinking liquor, just doing his own
4 thing. And you heard him say he didn't care that his wife
5 didn't want to stay. He didn't care. He wanted to get his
6 party on. So that shows you a little bit into the mind-set
7 of the Defendant.

8 And he goes home to find no wife. She says, I never
9 called him to tell him. I was out of there because I don't
10 like the way he is when he's drinking. I wonder why. These
11 are things for you to consider. You think he got home and
12 he got mad, where's my wife, for the nice word, as he's
13 looking through his house, he's tearing stuff up.

14 I submit to you he's probably looking for things like
15 this, State's number 67, the Winchester buckshot. Let's
16 see, probably not the buckshot, but the rifle slug, which
17 are empty because we've got, let's see, about eight over
18 here, nine if you consider State's number 60, which was the
19 one the officer actually picked up and put on the back of
20 his trunk.

21 So you guys are going to have these back in the jury
22 room with you to look at. I submit that this one that the
23 officer found in the driveway and put on the back of his
24 vehicle looks a lot different than the others. Its color
25 has changed some. It looks maybe a little bit older or

CLOSING ARGUMENTS - MS. HODGE

197

1 dirtier, but nonetheless it was still on top of the ground
2 and not down into the debris like the officer said.

3 These three came from the front yard of the victims'
4 house. And they just so happen to match these over at the
5 Defendant's area by his storage shed, all of these, and then
6 just so happened to match the ammunition still in the
7 storage shed, and just so happened to match the ammunition
8 inside of his house. These are all very coincidental
9 things, if you will. Or common sense tells you the
10 Defendant loaded his gun, grabbed his left over ammo, stuck
11 it in his pocket and started going off looking for his
12 mother fucking bitch, not his shotgun, his wife, which he
13 admitted he's called her that and numerous other things in
14 the past.

15 I think that you can put this together with the fact
16 that the victim's wife and the Defendant's wife were really
17 good friends. Maybe she was a sympathizer when they got
18 into arguments. Maybe she'd go to that house. We don't
19 know. That part we don't know because we don't know what's
20 going on in the Defendant's mind, but we know that he has
21 been drinking, that he's been fighting with his wife and he
22 shows up, that he's got a shotgun -- plenty of shotgun
23 shells and that he's the only person seen at this residence
24 on this night and that he is in a foul mood.

25 He doesn't stick around to say anything about some guy

CLOSING ARGUMENTS - MS. HODGE

198

1 breaking in and shooting at him. In fact, he wants to tell
2 you that he was shot at through the door by this person. 52
3 and 53, the front door and the back door of the Defendant's
4 residence. Take a look at these. See if you see any things
5 that resemble what happened over at the victims' house. Is
6 there anything in there because you would see a hole that
7 looked very similar to -- well, if there was birdshot it
8 would look like this. It's not in these pictures.

9 Or if he was shot with slugs, it would look like this.
10 Pretty big holes. Nothing small. It's not a pistol shot.
11 You're not going to see that at his home. Why? Because it
12 didn't happen. It's not the truth.

13 I submit to you once you review the State's evidence,
14 the Defendant's testimony, you go through your mental
15 checklist of what's true, what's believable, what's
16 rational, what is consistent, what the motivation behind
17 each witness' testimony is you will be able to reach a
18 verdict that speaks the truth. And I believe that verdict
19 will be guilty of attempted murder.

20 Mr. Sullivan has harked on to you the fact that he
21 didn't have the specific intent to kill these people. Well,
22 if he didn't, then why would he take his shotgun and point
23 it straight in their homes and fire? Why? Just because
24 he's being stupid? Maybe.

25 Maybe he was being stupid, stupid and didn't care if he

CHARGE OF THE COURT

199

1 killed somebody. That still shows malice, and recklessness
2 and intent to harm. And he might be a good shot, but maybe
3 not after how many odd beers and some Red Stag liquor and
4 something else.

5 So just because nothing bad happened, there by the
6 grace of God does not mean he did not intend for it to
7 happen. And, again, I submit that the Defendant should be
8 found guilty of attempted murder on all three counts. Thank
9 you.

10 **THE COURT:** Thank you. Madame Forelady and ladies and
11 gentlemen of the jury, you have seen and heard the evidence
12 presented as well as the arguments of counsel. And it is
13 now my duty and obligation to instruct you on the law that
14 is applicable to this case. It will then be your solemn
15 duty and obligation to begin your deliberations through
16 which process you will decide the facts, apply the law as I
17 instruct it and render a fair and impartial decision.

18 It is your exclusive duty to determine what the facts
19 are in this case. You do that based on your own common
20 sense, examination and evaluation of the testimony and other
21 evidence received during the trial. You twelve jurors alone
22 will decide what effect, value and weight is to be given to
23 any particular testimony or other evidence received.

24 Quite simply, ladies and gentlemen, your ultimate goal
25 is to find the truth in this case. And by doing so you will

CHARGE OF THE COURT

200

1 fulfill your obligations as jurors in giving both the State
2 and the Defendant a fair and impartial trial based on the
3 evidence presented and the law as I charge you.

4 The indictments in this case charge the Defendant with
5 three counts of attempted murder. I'll remind you that the
6 fact he was arrested, charged and indicted is not evidence
7 in the case and cannot be considered by you as evidence of
8 his guilt, nor does it create any presumption or inference
9 of guilt. The documents themselves are simply the formal
10 written instruments which contain the charges made against
11 him and bring the case before the Court.

12 The Defendant has pled not guilty to the three
13 indictments. And that plea puts the burden on the State of
14 South Carolina to prove him guilty beyond a reasonable
15 doubt. A person charged with committing an offense, a
16 criminal offense in South Carolina is never required to
17 prove himself innocent, rather, the burden remains at all
18 times on the State of South Carolina to prove him guilty
19 beyond a reasonable doubt.

20 I charge you that it is a cardinal, important and vital
21 rule of law that in a criminal trial, no matter what the
22 seriousness of the charge may be for which he stands
23 charged, the Defendant will always be presumed to be
24 innocent of the crime for which the indictment was issued
25 unless guilt has been proven by the State satisfying you of

CHARGE OF THE COURT

201

1 that guilt beyond a reasonable doubt. The presumption of
2 innocence does not end when you begin your deliberations,
3 but it accompanies him throughout the trial until you reach
4 a verdict of guilt based on evidence satisfying you of that
5 guilt beyond a reasonable doubt.

6 The presumption of innocence is like a robe of
7 innocence placed about the shoulders of the Defendant, which
8 remains with him from the moment of his arrest and continues
9 until it has been stripped from his shoulders by evidence
10 satisfying you of his guilt beyond a reasonable doubt. The
11 presumption of innocence is not a mere legal theory, nor is
12 it a legal phrase, but it is a substantial right to which
13 every defendant is entitled unless you twelve jurors are
14 satisfied from the evidence of his guilt beyond a reasonable
15 doubt.

16 I remind you that during the trial you and I have
17 certain duties to perform. As the trial judge it is my
18 responsibility to preside over the trial, and I also have
19 the duty to rule on admissibility of evidence offered during
20 the trial. You are to consider only the competent evidence
21 before you. You are to consider only the testimony which
22 has been presented from the witness stand and any exhibits
23 which have been made a part of the record and any
24 stipulations of counsel.

25 I have the additional duty to charge you the law in

CHARGE OF THE COURT

202

1 this case. And as the Judge, I am the sole judge of the law
2 in this case and it is your duty as jurors to accept it and
3 apply it as I now state it to you. If you have any
4 preconceived idea as to what the law is, or what the law
5 ought to be, or what the law should be, you must set it
6 aside at this time and follow the law as I instruct it.

7 In every case tried in this court before a jury, you
8 twelve jurors alone become the sole judge of the facts in a
9 case. A trial judge cannot state, comment on or make any
10 statement to a trial jury about a fact in this case. You,
11 the jury, are the sole judge of the facts and you are not to
12 infer from anything that I have said during the progress of
13 this trial in ruling on the admissibility of evidence or
14 otherwise or anything that I say now during my instructions
15 that I have an opinion about the facts in this case.

16 The law of the State of South Carolina does not allow
17 me to have an opinion about the facts in this case. You
18 twelve jurors alone are the judge of the facts in this case.
19 And it is your duty to determine what effect, value, weight
20 and truth of the evidence presented to you during this
21 trial.

22 The State has the burden of proving the Defendant
23 guilty beyond a reasonable doubt. Ladies and gentlemen,
24 proof beyond a reasonable doubt is proof that leaves you
25 firmly convinced of the Defendant's guilt. There are very

CHARGE OF THE COURT

203

1 few things in this world that we know with absolute
2 certainty. And in criminal cases the law does not require
3 proof that overcomes every possible doubt.

4 A reasonable doubt may also be described as the kind of
5 doubt that would cause a reasonable person to hesitate to
6 act. If you have such a doubt as to the guilt of the
7 Defendant, then he is entitled to a verdict of not guilty.
8 Reasonable doubt may arise from evidence which is in the
9 case or from the absence or lack of evidence in a case.

10 Based on your consideration of the evidence if you are
11 firmly convinced that he is guilty of the crime charged, you
12 must find him guilty. On the other hand, if you think
13 there's a real possibility that he is not guilty, you must
14 give him the benefit of that doubt and find him not guilty.
15 You twelve jurors alone must make the determination of
16 whether or not reasonable doubt exists as to the guilt of
17 the Defendant.

18 There are two types of evidence which are generally
19 presented during a trial, that's direct evidence and
20 circumstantial evidence. Direct evidence is testimony of a
21 person who claims to have actual knowledge of a fact such as
22 an eyewitness. It is evidence which immediately establishes
23 the main fact to be proved.

24 Circumstantial evidence is proof of a chain of facts
25 and circumstances indicating the existence of a fact. It is

CHARGE OF THE COURT

204

1 evidence which immediately establishes collateral facts from
2 which the main fact may be inferred. Circumstantial
3 evidence is based on inference and not on personal knowledge
4 or observation.

5 I tell you that the law makes absolutely no distinction
6 between the weight or value to be given to either direct or
7 circumstantial evidence, nor is a greater degree of
8 certainty required of circumstantial evidence than of direct
9 evidence. You twelve jurors should weigh all of the
10 evidence in the case, and after doing so if you are not
11 convinced of his guilt beyond a reasonable doubt, you must
12 find him not guilty.

13 Under the Constitution of South Carolina you are the
14 finders of the facts in this case, and necessarily you must
15 determine the credibility of the witnesses who have
16 testified. Credibility simply means believability. It
17 becomes your duty as jurors to analyze and to evaluate the
18 evidence and determine which evidence convinces you of its
19 truth.

20 In determining believability of a witness who may have
21 testified you may believe one witness over several or
22 several over one. You may believe a part of a witness'
23 testimony and reject the remaining testimony of that very
24 same witness. You may believe the testimony of a witness in
25 its entirety or you may reject the testimony of a witness in

CHARGE OF THE COURT

205

1 its entirety.

2 You may consider whether any witness has exhibited to
3 you any interest, bias, prejudice or other motive in this
4 case. And you also may consider the appearance and manner
5 of a witness while on the witness stand.

6 You may consider how the witness came to know the facts
7 to which he or she testified and whether or not the witness
8 had an opportunity to hear, observe or perceive a fact by
9 means of their senses. I tell you, ladies and gentlemen,
10 that whatever your good judgment and common sense tells you
11 is the most believable testimony is the testimony that you
12 should accept and reject the testimony that you find not to
13 be credible or believable.

14 Criminal intent is a necessary element of each crime
15 that must be proved by the State beyond a reasonable doubt.
16 Criminal intent is always a matter that must be determined
17 by you, the jury, from the circumstances surrounding the
18 situation.

19 There is no way to prove intent within a -- to a
20 mathematical certainty. There's no way medical science can
21 dissect a person's brain and determine what he had in mind.
22 So the law says that criminal intent may be inferred from
23 the circumstances shown to have existed. And this is how a
24 jury makes a determination of whether or not the element
25 requiring intent was present.

CHARGE OF THE COURT

206

1 Criminal intent is a state of mind which operated
2 jointly with an act is the commission of a crime. Criminal
3 intent is a state of mind, a conscious wrong-doing.

4 So it is up to you, the jury, to determine what the
5 Defendant intended to do based on the circumstances shown to
6 have existed. I tell you that the State must prove criminal
7 intent beyond a reasonable doubt just as the State must
8 prove every element beyond a reasonable doubt as I've
9 previously explained.

10 It is not necessary to establish intent by direct and
11 positive evidence, but intent may be established by
12 inference in the same way as any other fact by taking into
13 consideration the acts of the parties and all the facts and
14 the circumstances in this case. While the State may prove
15 motive, it is unnecessary to do so, but the State must prove
16 intent.

17 I have instructed you and told you earlier that the
18 Defendant is charged with three counts of attempted murder,
19 specifically that Christopher Eric Mejean did in Greenville
20 County, South Carolina on or about July 2, 2012 unlawfully
21 with malice aforethought and with the intent to kill,
22 attempt to kill Tee Smith, Regina Smith and A.S., a minor
23 child belonging to Mr. and Mrs. Smith all in violation of
24 South Carolina law. Particularly section 16-3-29 states a
25 person who with intent to kill attempts to kill another

CHARGE OF THE COURT

207

1 person with malice aforethought, either express or implied,
2 commits the offense of attempted murder.

3 Malice is hatred, ill will or hostility towards another
4 person. It is the intentional doing of a wrongful act
5 without just cause or excuse and with the intent to inflict
6 an injury or under circumstances that the law will infer an
7 evil intent.

8 Malice aforethought does not require that malice exist
9 for any particular time before the act is committed, but
10 malice must exist in the mind of the Defendant just before
11 and at the time of the act committed. Therefore, there must
12 be a combination of the previous evil intent and the act.

13 Malice aforethought may be express or inferred. These
14 terms, express and inferred, do not mean different kinds of
15 malice, but merely the manner in which malice may be shown
16 to exist. That is either by direct evidence or by inference
17 from the facts and circumstances which are proved.

18 Express malice is shown when a person speaks words
19 which express hatred or ill will for another or when the
20 person prepared beforehand to do the act which was later
21 accomplished. For example, lying in wait for a person or
22 any other act of preparation going to show that the deed was
23 within the Defendant's mind would be express malice.

24 Malice may be inferred from conduct showing a total
25 disregard for human life. An attempt is an effort to

CHARGE OF THE COURT

208

1 accomplish a crime which does not succeed. An attempt
2 includes a specific intent to do a particular criminal act
3 along with an act falling short of the act intended. The
4 State must show more than mere preparation and intent.
5 There must be some overt act committed in the effort to
6 commit the crime.

7 Intent means intending the result which actually
8 occurs, not accidentally or involuntarily. Intent may be
9 shown by acts and conduct of the Defendant and other
10 circumstances from which you may naturally and reasonably
11 infer intent.

12 To prove attempted murder the State must prove beyond a
13 reasonable doubt that the Defendant attempted to kill
14 another person with malice aforethought. Should you find
15 that the State has not proved all elements of attempted
16 murder beyond a reasonable doubt, you may consider the
17 lesser included offense of assault and battery of a high and
18 aggravated nature.

19 Assault and battery of a high and aggravated nature is
20 defined as the lesser -- it is defined as a lesser included
21 offense of attempted murder by State law. To prove assault
22 and battery of a high and aggravated nature the State must
23 first prove beyond a reasonable doubt that the Defendant
24 unlawfully injured another person.

25 Next, the State must prove beyond a reasonable doubt

CHARGE OF THE COURT

209

1 that either great bodily injury resulted or that the act was
2 accomplished by means likely to produce death or great
3 bodily injury. Great bodily injury is defined as bodily
4 injury which causes a substantial risk of death or which
5 causes serious permanent disfigurement or protracted loss or
6 impairment of the function of a bodily member or organ.

7 Should you find that the State has not proven all
8 elements of assault and battery of a high and aggravated
9 nature beyond a reasonable doubt, you may consider the
10 lesser included offense of assault and battery in the first
11 degree. A person commits assault and battery in the first
12 degree if the person unlawfully offers or attempts to injure
13 another person with the present ability to do so and the act
14 is accomplished by means likely to produce death or great
15 bodily injury.

16 Assault and battery in the first degree is a lesser
17 included offense of assault and battery of a high and
18 aggravated nature as defined by State law. To prove assault
19 and battery in the first degree the State must prove beyond
20 a reasonable doubt that the Defendant offered or attempted
21 to injure another with the present ability to do so and the
22 act was accomplished by means likely to produce death or
23 great bodily injury. Great bodily injury is defined as
24 bodily injury which causes a substantial risk of death or
25 which causes serious permanent disfigurement or protracted

CHARGE OF THE COURT

210

1 loss or impairment of the function of a bodily member or
2 organ.

3 Now, ladies and gentlemen, you have been selected as
4 fair and impartial jurors sworn to impartially try and
5 determine the facts of this case. You are to decide this
6 case according to the testimony that you have heard from the
7 sworn witnesses along with all of the evidence introduced in
8 the case.

9 Now, Madame Forelady, ladies and gentlemen, your
10 verdict must be a unanimous verdict. Madame Forelady, when
11 the jury agrees on the verdict, you will indicate your
12 verdict in a space provided on a verdict form, which I'm
13 going to explain next, sign your name as the Forelady of the
14 jury, then knock on the jury room door and inform a bailiff
15 that you have reached a verdict. At that time we will
16 return you to the courtroom and receive your verdict.

17 I tell you that you all must be -- I tell you that
18 during your deliberations you may only discuss the case in
19 the jury room with your fellow jurors present because they
20 have seen and heard the same evidence that you have seen and
21 heard. However, you must not discuss the case with anyone
22 else until you have returned a verdict.

23 Now, Madame Forelady, ladies and gentlemen, if someone
24 needs to use the facilities, if someone gets up and leaves
25 the room for whatever reason, whatever reason that might be,

CHARGE OF THE COURT

211

1 at that point you must suspend your deliberations until that
2 person rejoins the group. There again, all twelve must be
3 present and participating, even if they're listening, but
4 all twelve must be together during your deliberations. And
5 at any time if anyone leaves the room to use the facility to
6 refresh themselves, please suspend your deliberations until
7 that person returns.

8 Now, Madame Forelady, these three forms are what's
9 referred to as the jury verdict form. This is a form that I
10 create and I use it in every case. It has the caption of
11 the case, the State of South Carolina, the County of
12 Greenville and the case number and the case. It's just to
13 tie this form to this particular case.

14 There are three of them because there are three
15 separate and distinct offenses charged. There's attempted
16 murder charged on three different people. So we had one
17 trial, but there are three people involved, three counts,
18 okay? All right. Three different indictments. And you
19 will see that listed up here because it has three different
20 numbers.

21 Now, question number one, we, the jury, unanimously
22 find the Defendant, Christopher Eric Mejean, on the charge
23 of attempted murder as to, and I'm not going to read all
24 three of them, but this one just happens to have the minor
25 child on it, but there's one for the minor child, there's

CHARGE OF THE COURT

212

1 one for Mr. Smith, there's one for Mrs. Smith. They're
2 exactly alike.

3 We, the jury, unanimously find the Defendant on the
4 charge of attempted murder as to the Defendant not guilty or
5 guilty. There is absolutely no significance to the fact
6 that not guilty is first and guilty is second. It merely
7 means that one necessarily has to be put before the other.
8 This form I use in every trial that I do, every criminal
9 trial I do.

10 If you answer guilty to the question number one, you
11 stop here. And it says to do that right here. It says if
12 you answered not guilty, then please answer the following
13 questions. So if you answer guilty to question number one,
14 you then proceed to question number two.

15 Question number two says we, the jury, unanimously find
16 the Defendant, Christopher Eric Mejean, on the charge of
17 assault and battery of a high and aggravated nature as to
18 the minor child, A.S., either not guilty or guilty. The
19 instructions say that if you answer guilty to question
20 number two, you stop here. Do not proceed to question
21 three.

22 If, however, you answer not guilty, and it says that,
23 to question number two, please answer the following
24 question. And the following question is we, the jury,
25 unanimously find the Defendant on the charge of assault and

CHARGE OF THE COURT

213

1 battery in the first degree as to the minor child either not
2 guilty or guilty. And then, Madame Forelady, it says I
3 certify this decision was a unanimous decision of the jury,
4 a place for the Forelady to sign, and it has today's date
5 and Greenville, South Carolina on it.

6 Now, I want to be clear, Madame Forelady, that you can
7 find guilty or not guilty on separate and distinct charges,
8 okay? You can find guilty on one, not guilty on two. You
9 can find not guilty on all three. You can find guilty on
10 all three. It is entirely within the province of the jury's
11 discretion. But there is a separate and distinct jury form
12 for each person, okay? All right.

13 Madame Forelady, I'm going to ask you here in just
14 about twenty seconds to take your jury back to the jury
15 room. Do not begin your deliberations when you get there.
16 I'm sending all thirteen jurors there.

17 It's going to take about five or six minutes, all of
18 these pieces of evidence belong to you, the jury. They've
19 been introduced. They are yours to look at. And they will
20 be in your jury room with you.

21 I'm going to ask the lawyers to come forward as soon as
22 you leave the room. My court reporter has a list up here of
23 every one of those; and they're going to verify that
24 everything is here.

25 And the reason for that, quite honestly, is, and I

CHARGE OF THE COURT

214

1 practiced law for twenty-five years before taking this job,
2 is lawyers are notorious for picking up an exhibit. We do
3 it accidentally. And then we talk to a witness about it,
4 and then we walk over and put it back on our table, and it
5 gets closed up at the end of the day. Nobody means to do
6 it, it's just accidents happen, okay? I want to make sure
7 that all of the exhibits are here.

8 So I'm going to ask the lawyers to come forward and
9 they are going to make sure that all of the exhibits are
10 here. And once they are satisfied that they are there, the
11 bailiff is going to bring you or bailiffs are going to bring
12 you all of the exhibits with these three forms.

13 When you receive these three forms, Mr. Alternate, you
14 will leave with that bailiff. When the bailiff brings the
15 evidence and these three forms, that is the signal to Madame
16 Forelady and the jury to begin their deliberations. Mr.
17 Alternate, you will then leave the room. It's not proper
18 for you to be there.

19 So you would leave at that point. And they will have a
20 separate and distinct place segregating you from anyone
21 else. In the event we were to have some emergency, then you
22 would replace that juror and join the panel, okay? All
23 right. Madame Forelady, at this time will you take the jury
24 out, but do not begin deliberations.

25 (Whereupon the jury exited the courtroom at 10:07 am)

CHARGE OF THE COURT

215

1 **THE COURT:** Exceptions from the State?

2 **MS. HODGE:** None from the State, Your Honor.

3 **THE COURT:** From the Defense?

4 **MR. SULLIVAN:** I may have not caught it, but I don't
5 recall you telling them if they have a question as to the
6 bigger offense or the lesser, you have to resolve that in
7 his favor and go to the lesser.

8 **THE COURT:** I don't think I said that. All right.

9 Tell the bailiff to bring ---

10 **MR. SULLIVAN:** And I didn't have a copy. I should
11 have. I would have caught that before we started. I hate
12 to create a problem, but I think that's important in this
13 case.

14 (Whereupon the jury entered the courtroom at 10:10 am)

15 **THE COURT:** Madame Forelady, ladies and gentlemen, this
16 is my bad, I neglected to make one comment. In the event
17 that you have a doubt as to whether or not the Defendant
18 created -- committed the greater offense versus a lesser
19 offense, you must resolve that in his favor. All right.
20 Thank you. Take the jury out, please.

21 (Whereupon the jury exited the courtroom at 10:11 am)

22 **THE COURT:** Exceptions from the State?

23 **MS. HODGE:** No, sir.

24 **THE COURT:** From the Defense?

25 **MR. SULLIVAN:** Nothing, Your Honor.

1 **THE COURT:** All right.

2 (Pause)

3 **THE COURT:** Everything there?

4 **MS. HODGE:** Yes, sir.

5 **THE COURT:** Okay.

6 (Whereupon the jury began deliberating at 10:19 am)

7 (Whereupon court was in recess at 10:19 am)

8 (Whereupon court reconvened at 11:09 am)

9 **THE COURT:** We've got a question or request from the
10 jury. Will the lawyers come up? They want the definition
11 given to them in writing. Let me hand these up to both of
12 you and see if that's -- I had her cut and paste.

13 **MS. HODGE:** Okay. On what you charged?

14 **THE COURT:** Yeah.

15 (Pause)

16 **MR. SULLIVAN:** I have no objection to it, Your Honor.
17 You going to make a copy for the Court's exhibit?

18 **THE COURT:** Yeah. We'll make them a Court's exhibit,
19 and we'll send them back. I'm not going to bring the jury
20 back in here.

21 **MS. HODGE:** Okay.

22 **THE COURT:** I'll just make these Court's exhibits.

23 **MS. HODGE:** Sounds good.

24 (Whereupon Court's exhibits 1 and 2 were marked)

25 **MS. HODGE:** Okay. Thank you.

1 **THE COURT:** Thank you both.

2 (Whereupon court was in recess at 11:12 am)

3 (Whereupon court reconvened at 11:30 am)

4 **THE COURT:** Okay. We have another -- we have a
5 question this time regarding State's exhibit 45, which is a
6 picture of some sort.

7 **MS. HODGE:** Um-hum (affirmative).

8 **THE COURT:** I don't know what it is. Is this picture
9 staged by someone for photographs or is this the scenario
10 that was found when officers arrived?

11 **MR. SULLIVAN:** I think everything was when everybody
12 arrived, wasn't it? Except the only thing I remember staged
13 was when he put the cartridge on the trunk of the car.

14 **MS. HODGE:** And -- well, I mean, I think there's
15 testimony, if they want to hear what testimony the forensic
16 officer said, some of the officers put on the bed, had
17 located items and placed them on the bed for him to
18 photograph some of the ...

19 **THE COURT:** I don't think I can answer the question
20 because -- comment on a fact.

21 **MS. HODGE:** Right.

22 **THE COURT:** But I can tell them that I can't -- what do
23 you want me to tell them? I can tell them that or I can
24 tell them if they want to hear the testimony regarding
25 introduction ---

1 **MR. SULLIVAN:** I think if we knew what 45 was we might
2 be -- give them a more definitive answer if we could agree
3 on it.

4 **MS. HODGE:** Well, I don't know that we can make any ---

5 **MR. SULLIVAN:** Comment.

6 **MS. HODGE:** --- comment on that because that would be
7 -- yeah, I mean, remember what -- recall from the testimony
8 what they can and/or that you will have the court reporter
9 find -- locate that portion where it was admitted because we
10 did talk about each photograph and could probably find that
11 in the ...

12 **THE COURT:** Let's ask Susan. Is that hard to do?

13 **MADAME COURT REPORTER:** I'd have to try to find it. 45
14 is a photo.

15 **MS. HODGE:** It's a photo. It's probably from inside
16 the Defendant's residence. It's one of the ones either with
17 the gun on the bed or the shells.

18 **THE COURT:** We can get -- you want me to get -- I'm
19 guessing the 45 probably would have been put into evidence
20 through the police officer.

21 **MS. HODGE:** Right. Through ---

22 **MR. SULLIVAN:** All of the photographs came in ---

23 **THE COURT:** Yeah. Do we have -- let us get item 45,
24 exhibit 45.

25 (Whereupon the attorneys were conferring off the

1 record)

2 **THE COURT:** All right. Number 45 is the one with the
3 gun case laying on the bed.

4 **MS. HODGE:** Yeah, I think it was a drawer on the bed.

5 **MR. SULLIVAN:** Yeah, that's it.

6 **MS. HODGE:** And I did specifically ask him about that.
7 He said, I don't know if the officers did that or that's how
8 it was. So it's in the -- it'll be in the testimony.

9 **MR. SULLIVAN:** I think she asked him was that drawer
10 out. He said, I don't know if the officer done it or it
11 could have been there when I got -- when they got here. He
12 never answered.

13 **THE COURT:** Yeah.

14 **MR. SULLIVAN:** We don't know who put the gun casing or
15 the drawer or when.

16 **THE COURT:** All right. So what do you want me to tell
17 ...

18 **MR. SULLIVAN:** Let's see, Kris. Could we agree that
19 the testimony was that it was not known who placed those
20 items on the bed. It could have been done -- the officer
21 didn't know.

22 **THE COURT:** I don't think I can say that.

23 **MS. HODGE:** Yeah, I think that's just too ---

24 **MR. SULLIVAN:** It could have been done by the officers
25 or by somebody in the house before the officers -- that's

1 what he said.

2 **THE COURT:** I understand. But I don't think I can say
3 that.

4 **MS. HODGE:** Right.

5 **MR. SULLIVAN:** See if Susan can find it.

6 **MS. HODGE:** Sometimes I've found when you just say or
7 if you tell them, you know, you'll have to go from your best
8 recollection, but, you know, if you need to hear something
9 we can try to -- we can try to find it for you in the
10 record. And then sometimes they don't even want to come
11 back and listen. It might be a small point that they just
12 thought you could answer, and ...

13 **THE COURT:** Right.

14 **MR. SULLIVAN:** You could just say you must hear the
15 record and ---

16 **THE COURT:** Yeah. I'm going to say ---

17 **MR. SULLIVAN:** --- best memory.

18 **THE COURT:** What if -- let's see if we can agree on the
19 language. It's -- you must go on your own recollection ---

20 **MS. HODGE:** Of the testimony.

21 **THE COURT:** --- of the testimony regarding exhibit 45.
22 If you need to rehear that testimony, we can try to find it
23 in the record and replay it -- and return you to the
24 courtroom and replay that testimony.

25 **MS. HODGE:** Okay.

1 **THE COURT:** Mr. Sullivan, that sound okay?

2 **MR. SULLIVAN:** That sounds fine to the Defense, Your
3 Honor.

4 (Whereupon Court's exhibits 3 and 4 were marked)

5 **THE COURT:** Okay. This is what it's going to say. And
6 I've marked it as Court's number 4. You must go on your own
7 recollection of that testimony regarding exhibit 45. If you
8 need to rehear that testimony, we can try to find it, return
9 you to the courtroom and play that testimony. Any
10 objection?

11 **MS. HODGE:** Not from the State.

12 **MR. SULLIVAN:** Not from the Defense, Your Honor.

13 **THE COURT:** Okay.

14 (Whereupon court was in recess at 11:39 am)

15 (Whereupon court reconvened at 4:57 pm)

16 **THE COURT:** Thank you. Please be seated. It's almost
17 5:00, right at 5:00. And I'm not going to keep them -- we
18 don't have a verdict.

19 **MS. HODGE:** Oh, we don't?

20 **THE COURT:** We do not.

21 **MS. HODGE:** Is that not the light?

22 **THE COURT:** They sent a light -- they needed
23 refreshments and some other things.

24 **MS. HODGE:** Oh.

25 **THE COURT:** So we're going to stop for the day and

1 bring them back in the morning.

2 **MS. HODGE:** May I just ask if you would ask them if
3 they want to stop for the day because maybe they're close?
4 I mean, is this -- that's just a suggestion.

5 **MR. SULLIVAN:** I don't want to pressure them, Judge.
6 It's better ---

7 **THE COURT:** Yeah. Well, let me tell you before they
8 get in here. They've asked for coffee, the air to be turned
9 down, water. Sounds like they're in for a little while. So
10 I just said I'm -- we're not staying on a Wednesday night
11 til later. ..

12 **MS. HODGE:** All right.

13 **THE COURT:** So we'll just send them home, bring them
14 back in the morning, and they can resume at nine in the
15 morning.

16 **MS. HODGE:** Okay.

17 (Whereupon the jury entered the courtroom at 4:58 pm)

18 **THE COURT:** Okay. Madame Forelady and ladies and
19 gentlemen of the jury, you're hard at work and you have
20 been. And I'm in receipt of your request. But I was
21 prepared to stop at 5:00. You've been working quite a long
22 time today. You are at work. This is work.

23 This is a Wednesday, not a Thursday or even a Friday
24 afternoon, and certainly not a Saturday. So we're going to
25 ask you to discontinue your deliberations at this point for

1 the evening, allow you to go home, be with your families,
2 eat dinner, enjoy yourselves and be back here in the morning
3 at 9:00 sharp. Be assembled by 9:00. So be here shortly
4 before then because remember you cannot resume your
5 negotiations, I'm sorry, your deliberations, I said that
6 wrong, deliberations without all twelve of you being in the
7 room, okay?

8 So we would ask you to not discuss this case with
9 anyone overnight. Don't think about it overnight. This is
10 work. You're going home, enjoy your families and watch a
11 ball game or do whatever it is you want to do. Okay. All
12 right. With that, Madame Forelady, if you would -- you want
13 them to go down to be released from here or there? What you
14 need them to do?

15 **THE BAILIFF:** Just go back to the jury room ---

16 **THE COURT:** Be released from the jury room. Okay. Be
17 released from the jury room. All right. Thank you, Madame
18 Forelady. Did you need to talk to me?

19 **THE ALTERNATE:** Yes, sir.

20 **THE COURT:** Hang on one second.

21 (Whereupon the jury exited the courtroom at 5:00 pm)

22 **THE COURT:** Solicitor, counsel, we had a juror that --
23 who is a lawyer who wanted to talk to me earlier, and I
24 would not speak to him outside the presence of the lawyers.
25 So I don't know if he has a question or what. But, yes,

1 sir.

2 **THE ALTERNATE:** Well, I don't want to be a problem. I
3 just did not know given, that I have not been part of the
4 deliberations so far whether it was necessary for me to
5 continue to -- and if it is, I'll be happy to do it.

6 **THE COURT:** Yes, sir.

7 **THE ALTERNATE:** You know, that's certainly your
8 prerogative.

9 **THE COURT:** Yes, sir, it is. It is my custom not to
10 release my juror because none of us know if we have a sick
11 child to attend to. In my case I have some elderly parents.
12 And if I were on the jury and I had to quickly leave or
13 something like that, it would cause a problem in the case.

14 **THE ALTERNATE:** Right.

15 **THE COURT:** So we would ask you to be back tomorrow.

16 **THE ALTERNATE:** Well, I thank you very much for ---

17 **THE COURT:** Yes, sir.

18 **THE ALTERNATE:** --- thinking of that.

19 (Whereupon the alternate exited the courtroom)

20 **THE COURT:** All right. Sir, you are in custody at this
21 time. And I cannot extend any further courtesies to you at
22 this time. So we'll have to ask you to be with us tonight,
23 okay?

24 **MR. MEJEAN:** Yes, sir.

25 **THE COURT:** All right. Anything from the Defense?

1 **MR. SULLIVAN:** Nothing, Your Honor. I have -- we've
2 checked with Randy and Melissa. She's going to bring in
3 some fresh clothes in the morning. So he'll be dressed --
4 he'll get here eight or 8:30, and we'll have the clothes
5 here, and he'll be dressed before nine.

6 **THE COURT:** Very good. Anything from the State?

7 **MS. HODGE:** No, sir.

8 **THE COURT:** Okay. All right. We'll reconvene in the
9 morning at nine am. Thank you.

10 **MR. SULLIVAN:** Thank you, Judge.

11 (Whereupon court was in recess at 5:02 pm)

VERDICT OF THE JURY

226

1 **Thursday, June 4, 2015:**

2 (Whereupon the jury began deliberating at 9:00 am)

3 (Whereupon court reconvened at 10:57 am)

4 **THE COURT:** Okay. We're ready for our jury.

5 (Whereupon the jury entered the courtroom at 10:59 am)

6 **THE COURT:** Madame Forelady, has the jury reached a
7 verdict?

8 **MADAME FORELADY:** Yes, Your Honor.

9 **THE COURT:** All right. If you would hand that to the
10 bailiff.

11 **MADAME CLERK:** Your Honor, this is case number 2013-GS-
12 23-5236, 5237, 5238, the State versus Christopher Eric
13 Mejean. We, the jury, unanimously find the Defendant,
14 Christopher Eric Mejean, on the charge of attempted murder
15 as to Tee Smith, not guilty.

16 We, the jury, unanimously find the Defendant,
17 Christopher Eric Mejean, on the charge of assault and
18 battery of a high and aggravated nature as to Tee Smith, not
19 guilty.

20 We, the jury, unanimously find the Defendant,
21 Christopher Eric Mejean, on the charge of assault and
22 battery in the first degree as to Tee Smith, guilty. Signed
23 Foreperson Barbara Shaw-Twining.

24 As to -- we, the jury, unanimously find the Defendant,
25 Christopher Eric Mejean, on the charge of attempted murder

VERDICT OF THE JURY

227

1 as to the minor child, A.S., not guilty.

2 We, the jury, unanimously find the Defendant,
3 Christopher Eric Mejean, on the charge of assault and
4 battery of a high and aggravated nature as to the minor
5 child, A.S., not guilty.

6 We, the jury, unanimously find the Defendant,
7 Christopher Eric Mejean, on the charge of assault and
8 battery in the first degree as to the minor child, A.S.,
9 guilty. Signed Foreperson Barbara Shaw-Twining.

10 We, the jury, unanimously find the Defendant,
11 Christopher Eric Mejean, on the charge of attempted murder
12 as to Regina Smith, guilty. If this is your verdict, please
13 raise your right hand.

14 (Whereupon all jurors raised their right hand)

15 **MADAME CLERK:** Thank you.

16 **THE COURT:** Polling of the jury by the State?

17 **MS. HODGE:** No, sir.

18 **THE COURT:** By the Defense?

19 **MR. SULLIVAN:** Yes, sir. They took so long, I'd like
20 to make sure.

21 **THE COURT:** All right.

22 **MADAME CLERK:** Ladies and gentlemen, the verdict that
23 has -- that I have just published was a verdict you reached
24 in the jury room. I ask you, was it your verdict then and
25 is it your verdict now? As I call your name, please answer

VERDICT OF THE JURY

1 yes or no. Barbara Shaw-Twining.

2 **MS. SHAW-TWINING:** Yes.

3 **MADAME CLERK:** Thank you. Sawyer Mayfield.

4 **MR. MAYFIELD:** Yes.

5 **MADAME CLERK:** Thank you. Denise Lambert.

6 **MS. LAMBERT:** Yes.

7 **MADAME CLERK:** Thank you. Steven Schwark.

8 **MR. SCHWARK:** Yes.

9 **MADAME CLERK:** Thank you. Kendra Sprogis.

10 **MS. SPROGIS:** Yes.

11 **MADAME CLERK:** Thank you. John Brackett.

12 **MR. BRACKETT:** Yes.

13 **MADAME CLERK:** Thank you. Robin Michaels.

14 **MS. MICHAELS:** Yes.

15 **MADAME CLERK:** Thank you. Robert Dean.

16 **MR. DEAN:** Yes.

17 **MADAME CLERK:** Thank you. Lloyd Harvey.

18 **MR. HARVEY:** Yes.

19 **MADAME CLERK:** Stephanye Sullivan.

20 **MS. SULLIVAN:** Yes.

21 **MADAME CLERK:** Rita Brown.

22 **MS. BROWN:** Yes.

23 **MADAME CLERK:** And Christopher Greathouse.

24 **MR. GREATHOUSE:** Yes.

25 **MADAME CLERK:** Thank you.

1 **THE COURT:** Anything from the State?

2 **MS. HODGE:** Nothing from the State, Your Honor.

3 **THE COURT:** From the Defense?

4 **MR. SULLIVAN:** Not for the jury, Your Honor.

5 **THE COURT:** Not from the jury. Madame Forelady, and
6 ladies and gentlemen of the jury, thank you so very much for
7 your jury service this week. This concludes jury service
8 this week, Madame Clerk?

9 **MADAME CLERK:** Yes, sir.

10 **THE COURT:** Yes. Thank you so very much for your jury
11 service this week and in this case. We simply cannot do
12 what we do without your assistance. It is both a duty, and
13 an obligation, and also a right, and also a privilege to
14 serve on jury duty. But we do thank you for your service.
15 We know it interrupts your personal lives, but, again, we
16 couldn't do it without you.

17 At this time that concludes your jury service. And I'm
18 going to allow you to leave the jury box. You can either
19 remain in the courtroom, if you'd like. I've had jurors ask
20 me to do that. You're certainly welcome to do that. Or you
21 may leave, whichever you choose to do.

22 If you'd like to stay, please be seated in the galley
23 area out here. And if you leave -- you need to take them
24 this way or how do you want them to leave? Go back that
25 way. Okay. I think they're going to collect those badges

1 from you anyway.

2 So at this time, Madame Forelady, before you -- your
3 last official act is to come up and sign these indictments
4 for me before I release everybody.

5 (Pause)

6 **THE COURT:** If anybody wants -- I'm going to release
7 everybody right now, Madame Forelady. Anybody who wants to
8 sit in the galley is welcome to go right through here and
9 sit down, if you'd like. And anyone who wants to leave, if
10 you'll -- well, Madame Bailiff tells you which door to go
11 out. All right.

12 (Whereupon the jury exited the courtroom at 11:08 am,
13 and a few stayed for sentencing)

14 **THE COURT:** You can have a seat out here and then you
15 can go -- I'll let you come back and collect your sheets,
16 how about that? Matters from the State?

17 **MS. HODGE:** Nothing.

18 **THE COURT:** Matters from the Defense?

19 **MR. SULLIVAN:** Yes, sir, Your Honor. I'll never guess
20 what juries do. This jury worked real hard. I think I have
21 -- my opinion on the facts and the verdict, an inconsistent
22 verdict. You have three potential victims in the trailer,
23 nobody knows where they are, there's no movement. And on
24 two -- there's three shots fired. On two they find assault
25 and battery, first degree, and then have an intent to kill.

1 That's inconsistent on how you pick out one to kill and the
2 other two you're just scaring. It's just not consistent
3 with the facts and the charge, I don't think. I'd like to
4 move to set it aside.

5 **THE COURT:** Okay. And from the State? Any response?

6 **MS. HODGE:** Your Honor, we don't know what juries
7 decide back there. And I believe that the evidence in the
8 case supported a verdict on any of these charges. And I
9 can't comment on why they came back one attempted and two
10 assault and battery, first, but I do believe that the
11 evidence supports the verdicts.

12 **THE COURT:** Mr. Sullivan, I'm going to have to deny
13 your motion in that. I believe there is evidence that will
14 support that. It's not an inconsistent verdict. I think
15 the testimony was such that it may have been that the jury
16 could conceivably think that he was actually shooting at the
17 wife of the -- the wife victim in the other home in that the
18 -- his wife and that lady were friends.

19 And who knows what the jury was thinking. It may be
20 that he was aiming for her and, therefore, not at the child,
21 particularly, or the husband, but I don't know that, but I
22 think there is evidence there the jury could have concluded
23 that.

24 **MR. SULLIVAN:** Thank you, Your Honor. If you'll just
25 note my objection, and we'll ---

1 **THE COURT:** Yes, sir.

2 **MR. SULLIVAN:** --- proceed whenever you're ready.

3 **THE COURT:** Your objection is noted.

4 **MR. SULLIVAN:** Come on up here. This jury worked real
5 hard on this case.

6 **THE COURT:** They did work very hard on this case.

7 **MR. SULLIVAN:** I have explained to Mr. Mejean that we
8 would proceed to sentencing unlike federal court where you
9 wait. So he's ready.

10 **THE COURT:** All right. Solicitor.

11 **MS. HODGE:** Thank you, Your Honor. May it please the
12 Court.

13 **THE COURT:** Yes, ma'am.

14 **MS. HODGE:** As far as the Defendant's criminal history,
15 in 2006, simple assault and battery, 2008, breach of peace,
16 2009, criminal domestic violence, first offense, and assault
17 and battery of a high and aggravated nature.

18 Your Honor, Mr. and Mrs. Smith could not be present
19 today. They had child care issues. But they have,
20 obviously, been invested in this case. They were truly
21 upset and traumatized about this and confused as to why this
22 would have happened. And I know that their daughter has had
23 some continuing issues and some anxiety related to this
24 incident, which as anyone can imagine, if your home is shot
25 into, that's going to cause some stress and anxiety for your

1 child.

2 They've never said to me any type of sentence they
3 think that the Defendant should receive. They thought that
4 he might need help, maybe alcohol or drug help, but they did
5 think that he needed to be punished for his actions and the
6 consequences of his actions.

7 The State had offered him assault and battery, first
8 degree, five year sentence, and he declined that. We would
9 just ask that the Court could consider or not consider,
10 certainly not asking punishment for going to trial. That's
11 not what I'm saying. But when someone pleads guilty, I
12 think they receive a benefit from early acceptance. And in
13 this case clearly the Defendant did not wish to do that. So
14 we would just ask that the Court impose what you think is
15 proper in this case.

16 **THE COURT:** Thank you. Mr. Sullivan.

17 **MR. SULLIVAN:** Judge, you've got a lot of range here.
18 You've heard and seen the witnesses and heard his record.
19 He and his wife did have a long relationship. She's been
20 here the whole time. She's present in the courtroom today
21 and has been here beside him. They have children.

22 And he expects and she expects he will get jail time.
23 I think you have a range -- high and aggravated, I think the
24 assault, first, ten, ten and you have thirty. Fifty years,
25 I think, you can play with.

1 I don't know what happened that night. There were
2 shots fired into it. I personally don't think he was really
3 trying to kill anybody. It was stupid. They think he did.
4 I'm not going to try to argue it. They think he shot into
5 it.

6 Whether it was intentional, I have no idea. I don't
7 think he's somebody that was arguing with somebody, they ran
8 in and he shot to try and hit them. We've had those cases
9 before. Get in arguments in the street, some guy runs in
10 and tries to shoot through the door. That's obviously got
11 an intent to hurt. He didn't -- I don't know -- but they
12 found that way.

13 I'll leave the sentence in your hands, Judge. I'm
14 hoping you'll -- there's one charge that's going to affect
15 the way he's housed, credits he gets. I don't -- I didn't
16 tell him how much time, how to calculate. I don't do that.

17 But I would like for you to consider something in the
18 range of -- I'm thinking ten years. He'll have a lot of
19 time to think about it. I don't think ATU is going to help
20 the situation. I think a straight ten. I'm not going to
21 ask you to go back to what we left on the table. I know
22 he's not being punished for going to trial.

23 **THE COURT:** Right.

24 **MR. SULLIVAN:** But I would ask for something in that
25 range and wish him the best of luck.

1 **THE COURT:** Yes, sir.

2 **MR. SULLIVAN:** He's been a nice client and shown up
3 every time.

4 **THE COURT:** Yes, sir. Sir, I'd be happy to hear
5 anything you'd like to say.

6 **MR. MEJEAN:** Your Honor, I'd just like to say that I
7 don't agree with any of the verdicts, especially the last
8 one. I swear under oath twice and my statement still stays
9 the same, I did not shoot that house. I did not cause
10 bodily harm, physical harm, mental harm towards the Smith
11 family.

12 I loved them like a family. I was neighborly to them,
13 helped them out, whatever I could. I just don't agree with
14 any of it. I ask don't take me away from my family. I beg
15 you. I need my kids. I need my wife.

16 **THE COURT:** Anything else, sir?

17 **MR. MEJEAN:** My statement still remains not guilty.
18 Thank you, sir.

19 **THE COURT:** Thank you.

20 **MR. SULLIVAN:** Judge, the only thing I would add is I
21 wish you would consider, I hope you would, concurrent. I
22 know he's going to be sentenced on everything. You have to
23 do that. But I'd ask that the main sentence be on the
24 attempt to kill, which is at your discretion, even the big
25 one, that they run together.

SENTENCE OF THE COURT

236

1 **THE COURT:** Yes, sir. Sir, I don't have an opinion
2 about what happened out there. The law of this State does
3 not allow me to have an opinion. I preside over the trials.
4 We have a jury system that's been in existence since
5 the founding of this nation. And your jurors, twelve jurors
6 selected from the population by your lawyer and the State's
7 lawyer have convicted you. And I understand you disagree
8 with that, and you can continue to disagree with that. But
9 I don't have an opinion about what happened. You
10 understand?

11 **MR. MEJEAN:** Yes, sir.

12 **THE COURT:** It's my job to preside over the trial and
13 then to hand out sentencing at the end of the trial. But
14 what I'm looking at is a jury that's convicted you of
15 attempted murder.

16 **MR. MEJEAN:** Yes, sir.

17 **THE COURT:** And the jury has convicted you of assault
18 and battery, first degree. You understand that?

19 **MR. MEJEAN:** Yes, sir.

20 **THE COURT:** Okay. On 2013-5237, that's one of the
21 assault and batteries, first degree, you're confined to the
22 South Carolina Department of Corrections for the maximum ten
23 years. I will run it concurrent with the other indictment,
24 credit for any time you have served.

25 2013-5236, that's another assault and battery, first

SENTENCE OF THE COURT

237

1 degree. Confined to the State Department of Corrections for
2 the maximum ten years. It's concurrent with the other
3 indictments. Credit for time that you have served, if any.

4 And finally, 2013-5238, that's the attempted murder,
5 you're confined to the State Department of Corrections for a
6 period of fifteen years. That's concurrent with the other
7 indictments. Credit for any time that you did serve. Best
8 of luck to you, sir.

9 **MS. HODGE:** Thank you, Your Honor.

10 (Whereupon court was in recess at 11:18 am)

11 (Whereupon court reconvened at 11:47 am with Leigh
12 Paoletti, Assistant Solicitor, standing in for the State)

13 **THE COURT:** All right. Go ahead, Mr. Sullivan.

14 **MR. SULLIVAN:** Judge, in the matter of the State versus
15 Christopher Eric Mejean, as you know the jury has found him
16 guilty and he has been sentenced. I've conferred with him
17 in the holding cell, and he instructed me he wants to appeal
18 the verdict. So I told him I would file the appeal and it
19 would be handled by the Office of Indigent Defense.

20 **THE COURT:** Certainly.

21 **MR. SULLIVAN:** That's all I wanted.

22 **THE COURT:** Thank you, Mr. Sullivan.

23 **MR. SULLIVAN:** Thank you, Judge.

24 **MS. PAOLETTI:** Thank you, Judge.

WITNESSES

R M Wheatley *977

Greenville County Sheriffs Office

7/2/2012

See

DOCKET NO. 2013-GS-23-
KBH

005238

238

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2013

THE STATE

vs.

ARREST WARRANT NUMBER
2012A2330200046

CHRISTOPHER ERIC MEJEAN

ACTION OF GRAND JURY
TRUE BILL

[Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on **JUN 18 2013** the Grand Jurors of Greenville
County present upon their oath:

That CHRISTOPHER ERIC MEJEAN did in Greenville County, on or about the 2nd day of July 2012,
unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Tee Smith. This is in
violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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

W. Hodge
SOLICITOR

WITNESSES

R M Wheatley *977

Greenville County Sheriffs Office

7/2/2012

DOCKET NO. 2013-GS-23-
KBH

005237

240

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2013

THE STATE

vs.

CHRISTOPHER ERIC MEJEAN

ARREST WARRANT NUMBER
2012A2330200047

ACTION OF GRAND JURY
TRUE BILL

[Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

Foreperson of Petit Jury
Date:

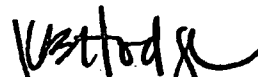
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER.

At a Court of General Sessions, convened on **JUN 18 2013** the Grand Jurors of Greenville
County present upon their oath:

That CHRISTOPHER ERIC MEJEAN did in Greenville County, on or about the 2nd day of July 2012,
unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Regina Smith. This is in
violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

WITNESSES

R M Wheatley *977

Greenville County Sheriffs Office

7/2/2012

True

ARREST WARRANT NUMBER
2012A2330200048

ACTION OF GRAND JURY

TRUE BILL

[Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013-GS-23-

KBH

005236

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2013

THE STATE

vs.

CHRISTOPHER ERIC MEJEAN

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on

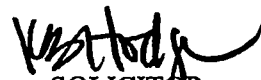
JUN 18 2013

the Grand Jurors of Greenville

County present upon their oath:

That CHRISTOPHER ERIC MEJEAN did in Greenville County, on or about the 2nd day of July 2012, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill A. S. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

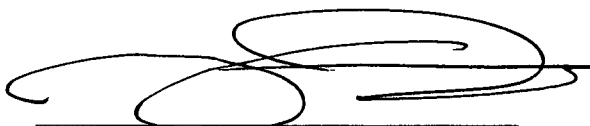
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

October 11th, 2016



John H. Strom
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT

RECEIVED
OCT 11 2016
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenville County
R. Keith Kelly, Circuit Court Judge

RECEIVED

OCT 11 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER ERIC MEJEAN,

APPELLANT

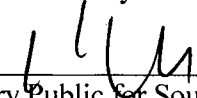
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Deborah R.J. Shupe, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 11th day of October, 2016.



George Vlasis
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this this 11th day of October, 2016.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: May 12, 2025.