

22586

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
JUL 20 2016
SC Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of General Sessions
Eugene C. Griffith, Circuit Court Judge

Case No. 2014-000161

THE STATE,

RESPONDENT

v.

KATHY LEONARD REVAN,

APPELLANT.

RECORD ON APPEAL

ALAN WILSON
Attorney General

TARA DAWN SHURLING
Attorney and Counselor at Law
S. C. Bar No. 5099

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General

3614 Landmark Drive, Suite A
Columbia, S. C. 29204
(803) 738-8622
(803) 738-1600 (FAX)

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEY FOR APPELLANT

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit
P O Box 516
Greenwood, SC 29649

ATTORNEYS FOR RESPONDENT

INDEX

Index	i
Trial Transcript January 11-17, 2014	1
Castle Doctrine Hearing	7
Keith McIntosh (In Camera)	16
Direct Examination	16
Michael Benjamin Blackmon (In Camera)	38
Direct Examination	38
Tammy Jo Morrigan (In camera)	42
Direct Examination	42
Cross Examination	69
Re-direct Examination	76
Argument on Mr. Straley's deposition being entered	79
Ruling of the Court	84
Kathy Revan (in Camera)	86
Direct Examination	87
Cross Examination	142
Lynn Straley's Deposition (Read by Evan Bramhall in camera)	147
Direct Examination	148
Cross Examination	169
Argument for Immunity pursuant to Castle Doctrine	171
Rebuttal Argument Against Immunity	180

Court's Ruling on Immunity	184
Jury Charge	186
Verdict of the Jury	217
Indictment for Murder 2011-GS-30-01625	219
Indictment for Possession of a Weapon During the Commission of a Violent Crime 2011-GS-30-01626	221
Indictment for Attempted Murder 2011-GS-30-01627	223
Sentencing Sheet 2011-GS-30-001625.....	225
Sentencing Sheet 2011-GS-30-001626.....	226
Sentencing Sheet 2011-GS-30-001627.....	227
Court's Exhibit # 1 Deposition of Lynn Straley	228
State's Exhibit #1 Photo of Room	298
State's Exhibit #2 Mug Shot/Booking Photo.....	299
State's Exhibit #3 Statement of Lynn Straley.....	300
State's Exhibit #9 DVD Recorded Statement of Kathy Revan Part 1	*
State's Exhibit #10 DVD Recorded Statement of Kathy Revan Part 2	*
State's Exhibit #11 911 Audio CD	*
State's Exhibit #33 Diagram.....	302
State's Exhibit #33B Diagram	303
Defendant's Exhibit #1 Photo of Defendant.....	304**
Defendant's' Exhibit #2 Photo of Defendant	305**
Defendant's' Exhibit #3 Photo of Defendant	306**
Defendant's' Exhibit #4 Photo of Defendant	307**
Defendant's' Exhibit #5 Photo of Defendant	308**

Defendant's' Exhibit #6 Photo of Defendant	309**
Defendant's' Exhibit #7 Photo of Defendant	310**
Defendant's' Exhibit #8 Photo of Defendant	311**
Defendant's' Exhibit #9 Photo of Defendant	312**
Certificate of Counsel	313

*State's Exhibit #9 DVD Recorded Statement of Kathy Revan Part 1, State's Exhibit #10 DVD Recorded Statement of Kathy Revan Part 2, and State's Exhibit #11 911 Audio CD are being transferred to the Court of Appeals for viewing.

** The original photograph is being transferred to the Court of Appeals, however a color copy is provided in this ROA.

1 State of South Carolina

Court of General Sessions

2 County of Laurens

3
4
5 State of South Carolina)

Transcript of Record

6 vs.)

2011-GS-30-1625

2011-GS-30-1626

7 Kathy Leonard Revan,)

2011-GS-30-1627

8 Defendant.)

9
10 January 13 - 17, 2014
11 Laurens, South Carolina

12 B E F O R E:

13 The Honorable Eugene C. Griffith, Jr., Judge; and a
14 jury.

15
16 A P P E A R A N C E S:

17 Lance Sheek, Senior Assistant Solicitor
18 Taylor Daniel, Assistant Solicitor
19 Attorneys for the State

20 Kim R. Varner, Esquire
21 Evan Bramhall, Esquire
22 Attorneys for the Defendant

23 Stacy S. Johnson, RPR
24 Circuit Court Reporter
25

I N D E X

	WITNESS	PAGE
1		
2		
3	Keith McIntosh (In Camera)	
	Direct Examination By Mr. Varner	16
4	Michael Benjamin Blackmon (In Camera)	
	Direct Examination By Mr. Varner	38
5	Tammy Jo Morrigan (In Camera)	
	Direct Examination By Mr. Varner	42
6	Cross-Examination by Mr. Sheek	69
	Redirect Examination by Mr. Varner	76
7	Kathy Leonard Revan (In Camera)	
	Direct Examination By Mr. Varner	86
8	Cross-Examination by Mr. Sheek	142
	Lynn Straley (as read In Camera)	
9	Examination by Mr. Varner	147
	Examination by Mr. Sheek	169
10	Opening Statement	
	By Mr. Sheek	256
11	By Mr. Varner	264
	Tammy Jo Morrigan	
12	Direct Examination By Mr. Sheek	292
	In Camera Examination by Mr. Sheek	313
13	Continued Direct by Mr. Sheek	317
	Cross-Examination By Mr. Varner	322
14	Redirect Examination By Mr. Sheek	384
	Recross-Examination By Mr. Varner	385
15	Kim Watkins	
	Direct Examination By Mr. Daniel	387
16	Marty Crain	
	Direct Examination By Mr. Daniel	391
17	Cross-Examination By Mr. Varner	401
	Redirect Examination By Mr. Daniel	405
18	Melissa Skipper Wallace	
	Direct Examination By Mr. Sheek	408
19	Cross-Examination By Mr. Varner	422
	Recross Examination By Mr. Sheek	434
20	Redirect Examination by Mr. Varner	435
	Kenneth Whittler	
21	Direct Examination By Mr. Daniel	436
	Cross-Examination By Mr. Varner	444
22	Redirect Examination By Mr. Daniel	452
	James Fulcher, M.D.	
23	Direct Examination By Mr. Sheek	455
24	Cross-Examination By Mr. Varner	461
25		

I N D E X

1		
2	Michael Benjamin Blackmon	
	Direct Examination By Mr. Sheek	467
3	Cross-Examination By Mr. Varner	487
	Redirect Examination By Mr. Sheek	507
4	Recross-Examination by Mr. Varner	507
	Kathy Leonard Revan (In Camera)	
5	Examination by the Court	518
	Kathy Leonard Revan	
6	Direct Examination by Mr. Varner	520
	Cross-Examination by Mr. Sheek	645
7	Closing Argument	
	By Mr. Varner	727
8	By Mr. Sheek	778
9	Charge of the Court	806
10	Verdict of the Jury	846
11	Sentence of the Court	858
12	Certificate of Reporter	860

13

14

15

16

17

18

19

20

21

22

23

24

25

E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	S-1	Photograph	73	411
4	S-2	Mugshot	145	400
5	S-3	Statement	170	
6	S-4	Handgun	255	304
7	S-5	Magazine/Cartridges	255	414
8	S-6	Cartridge Case	255	413
9	S-7	Cartridge Case	255	413
10	S-8	Fired Bullet	255	418
11	S-9	DVD Statement, Part 1	255	478
12	S-10	DVD Statement, Part 2	255	478
13	S-11	9-1-1 Recording	255	391
14	S-12	Photograph	255	411
15	S-13	Photograph	255	411
16	S-14	Photograph	255	411
17	S-15	Photograph	255	411
18	S-16	Photograph	255	411
19	S-17	Photograph	255	318
20	S-18	Photograph	255	411
21	S-19	Photograph	255	411
22	S-20	Photograph	255	411
23	S-21	Photograph	255	411
24	S-22	Photograph	255	411
25	S-23	Photograph	255	411

1	E X H I B I T S			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
3	S-24	Photograph	255	411
4	S-25	Photograph	255	411
5	S-26	Photograph	255	411
6	S-27	Photograph	255	411
7	S-28	Photograph	255	411
8	S-29	Photograph	255	411
9	S-30	Photograph	255	411
10	S-31	Photograph	255	411
11	S-32	Advisement of Rights	255	471
12	S-33	Diagram	306	306
13	S-33B	Diagram	571	571
14	S-34	Written Statement	380	380
15	S-35	Autopsy Diagram	461	461
16	S-36	Photograph	656	656
17	D-1	Photograph	133	567
18	D-2	Photograph	133	567
19	D-3	Photograph	133	567
20	D-4	Photograph	133	567
21	D-5	Photograph	134	566
22	D-6	Photograph	134	566
23	D-7	Photograph	134	566
24	D-8	Photograph	134	566
25	D-9	Photograph	135	565

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
D-10	Photograph	632	632
C-1	Deposition	170	
C-2	Jury Note	846	

1 (The following proceedings were held on
2 January 13, 2014.)

3 THE COURT: All right, gentlemen are we ready to
4 roll?

5 MR. SHEEK: We are, Your Honor.

6 MR. VARNER: Your Honor, we are.

7 MR. SHEEK: I have the indictments for the Court.
8 Your Honor, we're just -- one thing we're working on
9 right now is setting up the computer hooked to the
10 projector so that Mr. Varner can use that, so...

11 THE COURT: Is that the same one from Newberry or
12 is it a different one?

13 MR. SHEEK: The same one.

14 (Off the record discussion.)

15 THE COURT: All right. This is the State versus
16 Kathy Leonard Revan. Is it Re-van or Rev-an?

17 MR. VARNER: Re-van, Your Honor.

18 THE COURT: Revan. There are several
19 indictments; 1625, 1626, and 1627, theses consisting of
20 murder, possession of a weapon during the commission of
21 a violent crime, and attempted murder, 1627. It's my
22 understanding that the defense has raised an issue under
23 16-11-440 and would like to be heard on that matter; is
24 that correct?

25 MR. SHEEK: That is my understanding, Your Honor.

1 **THE COURT:** All right. That being the case, I
2 believe it's the defense's duty or opportunity to call
3 their witnesses.

4 **MR. VARNER:** Correct, Your Honor.

5 **THE COURT:** All right.

6 **MR. VARNER:** A brief opening statement, Your
7 Honor. My name is Kim Varner for the record. I have
8 the privilege of representing Kathy Revan. This is what
9 is commonly referred to as the Castle Doctrine. Tied in
10 with it, with questions for the Court, is the Stand Your
11 Ground defense and also self-defense. I would point out
12 to the Court before we begin, under 16-11-420 where it
13 is the findings and the intent of the General Assembly,
14 as a general rule, a person's home is their castle, and
15 I don't think there's gonna be any disputed testimony
16 that this incident occurred at Ms. Revan's home and that
17 the General Assembly found also specifically in its
18 intent that it not only protects people and their
19 family, but it protects them from attackers without fear
20 of prosecution or even civil action. The Legislature
21 stated their intent was not to infringe whatsoever on
22 the 2nd Amendment and Section 20, Article 1 of the South
23 Carolina Constitution guaranteeing all people the right
24 to bear arms and that the rights shall not be infringed,
25 and the General Assembly found that people residing in

1 have a right to remain unmolested and safe within their
2 homes, businesses or vehicle. And that no person or
3 victim of a crime should be required to surrender his
4 personal safety to a criminal, nor should a person or
5 victim be required to needlessly retreat in the face of
6 an intrusion or an attack.

7 Your Honor, the Statute goes on with certain
8 presumptions, which there is a presumption of a
9 reasonable fear of imminent peril if a person has
10 entered unlawfully or is attempting to remove another
11 person against their will and a forcible act is
12 occurring or has occurred, and under Section B of that
13 Statute, the presumption does not exist under these
14 circumstances, which mean the act doesn't become void
15 but there are certain provisions to it, and it is -- it
16 does not apply if against -- if the person against to
17 whom the deadly force is used has a right to be in the
18 residence or dwelling, if the person sought to be
19 removed is a child or grandchild or in lawful custody
20 or who uses unlawful force when they're engaged in an
21 unlawful activity. I don't think there's any dispute
22 that she has no duty to retreat and the Court has to
23 find that the use of deadly force was unlawful.

24 Just real quickly the facts, Your Honor.
25 Ms. Revan is the owner of the property here in Laurens

1 County. She was at her residence. I don't think
2 there's any dispute that she was living with a gentleman
3 by the name of Lynn Straley, who is now deceased.
4 During early June of 2011, someone knocked on the door
5 -- whether they called first or knocked on the door, it
6 was Mr. Straley's daughter. She brought with her what
7 is purported to be her wife, significant other, whatever
8 name the Court would like to use, but they came in, and
9 the initial intent was to visit for a while. These two
10 young ladies had been going through the country, staying
11 with various relatives and their stated purpose was to
12 visit with their father, who was living with Ms. Revan
13 because he had terminal cancer and was not expected to
14 live but a very short period of time. The girls at that
15 time stated their intent was to stay a short period of
16 time and ultimately they were going to Costa Rica, I
17 believe, to raise ostriches.

18 Thereafter, the -- the two or three-day visit
19 extended into a six-week stay at Ms. Revan's home and
20 -- I'm not gonna try to make closing argument, but
21 suffice it to say things didn't go all that well. And
22 I guess Benjamin Franklin said it a long time before we
23 were on this earth, after three days fish and guests
24 begin to smell. There were problems, and that's not to
25 cast dispersions on anybody, but we're talking about

1 living in a doublewide trailer for an extended period
2 of time.

3 That takes us basically to August the 11th of
4 2011 at which time the deceased, Shawn, confronted my
5 client about alleged interference in her relationship
6 with Tammy, who is the deceased Mr. Straley's daughter.
7 There was a discussion. I dare say a heated discussion.
8 Shortly thereafter, Mr. Straley got involved in it and
9 so did her partner, Tammy. At that point in time, they
10 were instructed, and I don't think it's disputed,
11 Ms. Revan told them they were to leave, to pack their
12 stuff up and leave the house.

13 There were some discussions as to how they left.
14 We will show that there was aggravation at the very
15 least. My lady has more medical problems than -- than
16 Carter has liver pills, but they were bumping her
17 repeatedly. She got up to assist them by moving some of
18 the stuff. While Tammy was outside, and I don't believe
19 Mr. Straley was in a line of sight, the deceased, Shawn,
20 struck my client. They went to the floor. Thereafter,
21 Tammy came in, and the Court will have an opportunity to
22 observe her physical appearance, but she joined in and
23 these two ladies who are approximately twenty years
24 younger than her and outweighed her, one alone, probably
25 by 100 pounds, and they literally beat her to the point

1 she had black eyes down to the cracks of her mouth, she
2 had a broken nose, she was bleeding.

3 Mr. Straley did get the fight stopped. My client
4 went to the bathroom to rinse her face off because she
5 was bloodied up, her eye was swollen shut, and we will
6 have photographs to introduce, Your Honor. As she was
7 coming out of her bedroom, she did pick up a weapon.
8 She walked to the -- right outside of her bedroom door,
9 I guess that is an office area they used; actually, a
10 small dining area of this doublewide, at which time she
11 did have a weapon to her side. It will be her position
12 that she was then attacked or another beating was going
13 to occur, that -- that Tammy at least was coming at her,
14 she was blind out of her left side. She put the gun
15 across her, fired a shot to the left, possibly as a
16 warning shot, but certainly to stop the situation.
17 Unfortunately, that bullet hit the decedent in the
18 femoral artery in the leg of which she shortly died
19 thereafter, Your Honor.

20 That is the essence and, I guess, the quick
21 factual background. I'm sure the State disagrees with
22 part of it, but that's where we will be begin, Your
23 Honor.

24 MR. SHEEK: There is some factual dispute on what
25 happened once the parties were moving out, how the

1 initial confrontation began between the decedent and the
2 Defendant. Your Honor, the testimony the State's gonna
3 present to you from the only eyewitness that remains
4 living other than the Defendant, will be Tammy Jo
5 Morrigan, who will say that when she came into the room
6 she saw the Defendant laying on the ground with the
7 decedent also pulled on top of her backwards with her
8 back facing the Defendant and the Defendant had two
9 handfuls of the girl's hair pulling it, that she did go
10 in to try to break up that fight, she did strike the
11 Defendant. That once she let go of the decedent and she
12 was able to get the decedent up, that there was no more
13 physical confrontation. In fact, the Defendant, I
14 think, through her own statement at that point left,
15 went to a bathroom, washed herself up, then went to a
16 bedroom, retrieved the weapon, made sure it was loaded
17 and came back to confront them with the weapon and
18 that's when the shooting happened.

19 Our eyewitness will say that she actually pointed
20 the weapon off to the side and then appeared to be
21 moving across as if tracking someone. The Defendant had
22 her back turned to the decedent. When the first shot
23 was fired, she then actually grabbed the gun, the
24 eyewitness, and was able to wrench it away from the
25 Defendant and then gave the gun to her father, who is

1 now deceased. That's when she heard the decedent call
2 out her name and realized she had been shot.

3 I think under the Castle Doctrine Act this is
4 going to be -- under Subsection C will be the only thing
5 that's applicable in this case. I think the Defendant
6 will agree that these parties were residing here, as he
7 just said, in excess of six weeks, and if you look under
8 the definition that makes them a resident of the home,
9 and if they are a resident of the home, then Subsection
10 A and B do not apply, Subsection C would be the only
11 one that would apply. Subsection C being basically a
12 codification of self-defense. A person who's not
13 engaged in an unlawful activity and who is attacked in
14 another place where he has a right to be, including, but
15 not limited to, his place of business, has no duty to
16 retreat and has the right to stand his ground.

17 If you look at State versus Curry, which was a
18 December 4, 2013 case, it discussed that very situation
19 where the act only applied under Subsection C, which
20 then throws it into a self-defense arena. It removes
21 the duty to retreat, the fourth element of self-defense,
22 but it's still self-defense in and of itself. I'm
23 assuming we will probably need to do a Castle -- Castle
24 Doctrine -- a Jackson v. Denno hearing because there
25 was a rather lengthy recorded statement taken from the

1 Defendant and it's my take from watching that that she's
2 claiming an accident as opposed to self-defense, that
3 she accidentally shot the girl, which I think is
4 inconsistent with I have a right to defend myself. I
5 think it's then just a claim of accident, but that's up
6 to the Defendant to decide how or if she wishes to
7 present any defense, Your Honor, but for that purpose we
8 would, I think, seek to play the tape obviously in the
9 Castle Doctrine, so I don't know if the Defendant wants
10 a Jackson v. Denno prior to doing that.

11 MR. VARNER: No, not at this time.

12 MR. SHEEK: Okay. Then we're ready to proceed,
13 Your Honor.

14 THE COURT: Okay. Let's go.

15 MR. VARNER: Your Honor, I'm not sure which
16 person is first, but it's either Blackmon or McIntosh is
17 the officer who did the initial interview of her as
18 opposed to a second interview.

19 MR. SHEEK: They were both there. Which one do
20 you want? Mr. Blackmon?

21 MR. VARNER: Either one.

22 MR. SHEEK: Okay. Your Honor, we will call up
23 Lieutenant Keith McIntosh.

24 KEITH MCINTOSH,
25 having been duly sworn, testified as follows:

1 **THE COURT:** All right, Mr. Varner.

2 DIRECT EXAMINATION

3 BY MR. VARNER:

4 Q. You are Lieutenant Keith McIntosh; is that
5 correct, sir?

6 A. Yes, sir.

7 Q. And how long have you been with Laurens County
8 Sheriff's Department?

9 A. It will be twelve years in May.

10 Q. All right, sir. And what's your education and/or
11 training in law enforcement?

12 A. I have a -- I have a high school diploma.
13 Training is I went to -- started off in the jail, then I
14 went to the road, did road deputy, then I went in
15 investigations. I've been through -- been back to the
16 criminal justice academy to take detective school.

17 Q. All right, sir. And where have you been employed
18 other than Laurens County Sheriff's Department?

19 A. I was employed at the Greenwood Mills twenty
20 something years.

21 Q. Greenville?

22 A. Greenwood Mills.

23 Q. Oh, Greenwood Mills. Okay. All right. So let
24 me take you to August the 11th of 2011. How did you
25 initially get involved in this incident, sir?

1 A. I was the investigator on call. This is my call
2 week. I received a call from dispatch that there had
3 been a shooting at -- on Revan Road in Mountville. I
4 proceeded to that incident location..

5 Q. And do you know roughly how long the shooting had
6 occurred before you actually arrived there?

7 A. I -- probably around thirty-five, forty minutes.

8 Q. Okay, sir. And when you arrived on the scene,
9 who else was there?

10 A. The road deputies were there, the deceased, Tammy
11 Jo Morrigan, Ms. Revan, and Lynn Straley.

12 Q. Okay.

13 A. As well as EMS.

14 Q. EMS. Do you know who with EMS was there?

15 A. No, sir, I don't have those notes right now.

16 Q. All right, sir. And when you came upon the
17 scene, who did you speak with initially?

18 A. Well, I spoke to the investigator. I spoke to
19 the road deputies first, which would have been
20 Lieutenant Marty Crain and Sergeant Will Johnston, so
21 they could fill me in on what they had found when they
22 first arrived on scene.

23 Q. All right, sir. Of the principals involved; be
24 it Lynn Straley, Kathy Revan and the lady, Tammy, who
25 did you speak with first?

1 A. I can't recollect which one I spoke to first
2 after arrival on scene. We -- Ms. Revan was being
3 treated by EMS, Mr. Straley was still there. Different
4 ones. We spoke to different people. I spoke to Mr.
5 Straley I know. I spoke to all three of them at that
6 particular time, which one I spoke to first would
7 probably ---

8 Q. All right, sir. Did you take a statement from
9 Mr. Lynn Straley?

10 A. The sheriff's office did. We did take a
11 statement from Mr. Lynn Straley.

12 Q. Who would have been the person that took that
13 statement?

14 A. I believe it was Lieutenant Shelton. I have the
15 notes here.

16 Q. If you would refer to your notes, sir.

17 A. Yes, sir. Lieutenant J.D. Shelton is the one
18 that took Mr. Lynn Straley's statement from him at that
19 time.

20 Q. And did you take a statement from Tammy Jo
21 Morrigan?

22 A. Yes, sir, we did. I believe Lieutenant Shelton
23 is the same one who took statements from Ms. Morrigan.
24 Yes, sir. Lieutenant Shelton also took the statement
25 from Tammy Jo Morrigan.

1 Q. Okay. And to the best of your recollection, what
2 do you recall that night what Lynn Straley told you,
3 sir?

4 A. He had just -- he had -- he had told us that
5 there was an altercation, he heard what was going on, he
6 came in there, attempted to break them up. That's when
7 -- that's basically what he told us. And then he said
8 that as he left after that, he went back into the other
9 room, he heard a gunshot and came back into the room. I
10 believe that's what his statement was.

11 Q. All right, sir. Did you actually physically go
12 through the dwelling itself? Did you walk through it?

13 A. Yes, sir, I went to the -- of course, the bedroom
14 where the deceased was at, the living area where you
15 come into the room. Pretty much, you know, those --
16 those locations.

17 Q. All right, sir. And do you know who prepared the
18 diagram of the residence?

19 A. No, sir. More than likely it would have been
20 SLED.

21 Q. Okay, sir. And this is, I guess to appropriately
22 describe it, is a doublewide trailer; is that correct?

23 A. Yes, sir.

24 Q. And did you come in through the front door or the
25 back doors?

1 A. No, we come in through the front door.

2 Q. All right, sir. So when you come in the front
3 door, what is your understanding of where the shooting
4 initially took place? As you walked in that door, which
5 way would you have looked?

6 A. Almost identical as you walk into the front door.
7 When you walk right into the front door, that would have
8 been -- from my understanding that's where the incident
9 took place.

10 Q. At the front door?

11 A. No, no, sir. As you go through the front door.

12 Q. Okay.

13 A. It's not divided. The room's there. To my
14 recollection, the room is pretty much -- it's got --
15 this room is open, it's an open floor plan, from my
16 understanding, if I -- my memory serves me correct.

17 Q. Okay. And was it your understanding that
18 Ms. Revan as you come in that bedroom -- or not -- not
19 the bedroom, but as you come in that main door Ms. Revan
20 would have been standing on the right as you came in?

21 A. Somewhat to the right, yes, sir, it would have
22 been.

23 Q. All right, sir. And was it your further
24 understanding that Shawn, the decedent, was to the left,
25 kind of in the corner over there?

1 A. She was -- she was in the bedroom when I arrived.

2 Q. Okay. I'm talking about where ---

3 A. Where there wall is.

4 Q. ---where the initial shot occurred.

5 A. No, sir. The initial shot would have occurred
6 out from the bedroom. From my understanding, she went
7 back to the bedroom.

8 Q. Okay. Well, did you look at and did you examine
9 per your investigation where the actual shooting took
10 place?

11 A. Yes, sir. SLED processed the entire scene from
12 everything that they documented.

13 Q. Okay. Well, I'm asking did you do that also?

14 A. Yes, sir. From what we had learned and what we
15 -- that's where the -- the shooting took place.

16 Q. Okay. Well, I'm talking about to the left-hand
17 corner ---

18 A. No, sir. My understanding, when you go through
19 the front door, the diagram's there, you go through this
20 open floor plan and there's a hall that goes down to the
21 left that leads to the bedroom where the deceased was at
22 and Ms. Revan would come out of this room to your right,
23 which is coming out from this bedroom or whatever, goes
24 back into what looks like maybe the living room or
25 office like and then the kitchen is behind there.

1 Q. Okay. I understand where she was. She was back
2 in a bedroom to the left when you got there.

3 A. Yes, sir.

4 Q. Did you determine where she was when she was
5 actually shot?

6 A. She was there in the front toward the hall.

7 Q. Okay. All right. From where Ms. Revan was
8 standing, would Shawn, the deceased, been to her left?

9 A. Well, she hit -- when the -- the round went, it
10 went through her right leg to her left leg and it's my
11 understanding she was turned around to her left.

12 Q. Okay. And have you seen the SLED diagram?

13 A. I've seen some of the drawings, yes, sir.

14 Q. All right, sir. As you came in, would this be
15 the front door you're coming in?

16 A. I believe it's the opposite from what it is
17 there. Yes, sir.

18 Q. Okay. And where it says master bath/bedroom,
19 would that be Ms. Revan's room?

20 A. That's where I -- I was told that that's where
21 she was at, had come out of.

22 Q. Okay. And was she standing generally in this
23 area here?

24 A. This is the hallway. Here is where -- the
25 general area is from my understanding that Ms. Revan and

1 also Tammy Jo, you know, was standing right in here.

2 Q. All right. So that the record's clear, you're
3 indicating Ms. Revan was standing in the area that's --
4 according to the SLED diagram is labeled office area and
5 Tammy and Shawn, your understanding was, they were
6 initially standing at the end of the living room at what
7 would be referred to as a bathroom door and a back
8 bedroom; is that correct?

9 A. Yes, sir, right along in that area right in
10 there ---

11 Q. Okay, sir.

12 A. ---is that -- what I understand was when I --
13 when I investigated.

14 Q. All right, sir. And could you, as best you can,
15 point to where you believe Shawn was initially shot?

16 A. Yes, sir, I believe that she was shot in this
17 general location right in here.

18 Q. Okay.

19 A. Closer to that location.

20 Q. All right. Did you also talk with Tammy
21 Morrigan?

22 A. Yes, sir, we did.

23 Q. And what did she tell you happened?

24 A. She said that they had been out -- they -- she
25 had been out with her father that day, they had bought a

1 weed eater, she had been outside for some time, come
2 back in, there was an altercation. I stated when she
3 got back into -- into the -- into the residence right
4 there at the door, the gen -- general location, that
5 Ms. Revan and the deceased were on the floor partially
6 one on the other and she had ahold to the deceased's
7 hair and she tried and she would not let her go and
8 that's when after the -- that's during the altercation
9 and she said that she would not let her go, that she had
10 two hands full of hair, whatever, and at that time Tammy
11 Jo tried to get her to turn loose of -- of the deceased,
12 of Shawn Morrigan, and said she was having a hard time
13 getting her loose at that time. She said the alter --
14 the altercation did continue and said she did what she
15 had to do to get Ms. Revan to turn loose. Ms. Revan did
16 get up at that time. That's when she went -- according
17 to her statement, went into her -- her room and washed
18 up, cleaned up, and came back out with the gun.

19 Q. All right. So she indicated when she came back
20 into the trailer that the two women were on the floor,
21 correct?

22 A. Yes, sir.

23 Q. And she further indicated to you that Shawn was
24 on top of Ms. Revan; is that correct?

25 A. Give me a moment, sir. She said that Kathy had

1 Shawn by the hair and pulled her down to the floor.

2 Q. Well, my question was who was on top of whom
3 according to your understanding?

4 A. It would have been -- was Shawn would have been
5 on top because she -- Ms. Revan supposedly pulled her
6 down by her hair and according to the other statements
7 that she was off to the side somewhat.

8 Q. All right. Have you had an opportunity to
9 observe Ms. Revan here today?

10 A. Yes, sir.

11 Q. Size-wise, is she about the same size she was
12 that night?

13 A. Yes, sir, she appears to be.

14 Q. All right. Could you describe Shawn? How ---

15 A. She was ---

16 Q. What did she weigh, what was her size and roughly
17 what was her age?

18 A. Her age, I believe she was thirty something. She
19 was -- I would say she was -- you know, she was a little
20 bit heavier. How much she weighed, I couldn't exactly
21 say what her weight was, but she was somewhat heavier
22 than Ms. Revan.

23 Q. Okay. She was substantially larger than Ms.
24 Revan, wasn't she?

25 A. She was -- she was -- she was bigger.

1 Q. Okay. And approximately twenty something years
2 younger than her?

3 A. Yes, sir.

4 Q. All right, sir. And Tammy indicates that when
5 she came in she admitted she struck Ms. Revan several
6 times with her fist, didn't she?

7 A. Say that again, sir.

8 Q. Tammy admitted to you that she struck Ms. Revan
9 several times with ---

10 A. She did. She said that ---

11 Q. Excuse me. With -- with her fist, is that right?

12 A. Yes, she did. She couldn't get her to turn loose
13 of -- of Shawn and that she did strike her, but that was
14 -- she said it was after the -- during the time that
15 Ms. Revan -- according to her statement, she said
16 Ms. Revan kicked her and then she said that that's when
17 she hit her also.

18 Q. Okay. Describe for me -- based on your memory,
19 describe what Tammy looks like.

20 A. What she looks like?

21 Q. Yes, sir. Size, age.

22 A. She's a female, she's ---

23 Q. Sir?

24 A. She's a female. She's probably in her thirties
25 also. She's probably about the size of Ms. Revan,

1 probably not any bigger. About -- I mean, you know,
2 she's -- she's probably 5'6", 5'7", probably 175,
3 180 pounds at that time.

4 Q. Did she appear to be fat or obese or was she very
5 muscular?

6 A. She's not -- she wasn't fat or obese. She was --
7 she wasn't fat or obese at all.

8 Q. Okay. Was she a muscular person?

9 A. Well, she wasn't skinny, you know. I don't know
10 exactly how you could describe somebody as muscular.

11 Q. Well, did you talk to her about -- about her
12 background? Was she a -- a drill sergeant at one point
13 in time?

14 A. I believe she -- I believe said she had some
15 military experience, yes, sir.

16 Q. Sir, I'm sorry?

17 A. I believe she said she had some military
18 experience.

19 Q. Okay. Do you know whether or not she was a drill
20 sergeant or what training she had?

21 A. I -- I don't recollect -- recollect that she said
22 that or not.

23 Q. Okay. And your understanding was that both of
24 these women had Ms. Revan on the ground and had beat her
25 rather severely, hadn't they?

1 A. I wouldn't say severely, sir. I'd say that they
2 -- there was an altercation and one was on -- she was
3 trying to help her friend get her off.

4 Q. Did you re -- did you observe Ms. Revan that
5 night?

6 A. Yes, sir. I interviewed her for some time and
7 offered her medical attention.

8 Q. And her -- well, you did offer her medical
9 attention several times. Why?

10 A. That's something we would do for anybody that's
11 been -- that we -- because she said she'd had some
12 health problems, so we wanted to -- we were -- that's
13 what we always do.

14 Q. Was she bloody when you were talking to her?

15 A. She did have some blood on her. She -- she had a
16 rag I -- I believe on her eye the whole time that we --
17 that she was on the ---

18 Q. Where was the blood coming from?

19 A. I believe it was from her right side, right face.

20 Q. Okay. Was it coming from her nose and her mouth?

21 A. I can't remember if it was coming from the nose
22 and the mouth. I know it was from the eye area or face
23 area.

24 Q. Okay. Did you notice any cuts above her eye,
25 either eye?

1 A. Just the one that she had had the altercation
2 with. She had -- on this eye here. I don't remember
3 the other eye.

4 Q. Okay. Were either -- that night, were either her
5 -- of her eyes swollen shut? Wasn't her left eye
6 swollen shut when you were talking to her?

7 A. I know one of the eyes was -- she was -- kept the
8 rag over the face also. To my recollection, it was the
9 right. It could have been the left.

10 Q. Okay.

11 A. But she had the rag over it most all the time
12 when she talked with us.

13 Q. Okay. I'll hand you a picture there for a
14 moment, sir. Does that look like Ms. Revan?

15 A. Yes, sir, it does.

16 Q. And did she look the same that night or even
17 worse?

18 A. No, sir, I wouldn't say she looked any worse than
19 that that night.

20 Q. Okay. I'm gonna ask you to look at her left eye
21 and tell me how her left eye appears in that photograph.

22 A. It's -- it's bruised and it's messed up,
23 bloodshot.

24 Q. Is it absolutely blood red up to the -- to the
25 pupil?

1 A. According to the photograph, yes, sir.

2 Q. Okay. As a matter of fact, when she was sitting
3 with you, was she telling you she couldn't even see out
4 of her left eye or her left side?

5 A. I don't remember, sir, if she even said that.

6 Q. Well, do you recall the part about after the
7 episode that Lynn had to get her medicine because she
8 couldn't see?

9 A. No, sir. I don't remember, sir.

10 Q. When was the last time up listened to this tape?

11 A. We listened to it -- it's been a while, but we
12 listened to it.

13 Q. (Handing.) Another picture of Ms. Straley?

14 A. Yes, sir.

15 Q. Excuse me, Ms. Revan. My apologies.

16 A. That's all right.

17 Q. I'll just let you look at all of these real
18 quick. Would you go through them and tell me if that's
19 roughly the way Ms. Revan looked like that night?

20 A. I don't know if both eyes were black at that time
21 because, you know, sometimes bruises take sometime
22 overnight before they do, but I don't -- I don't recall
23 this -- this mark here at all.

24 Q. You're talking about the mark going from the
25 corner of her left nostril down to the corner of her

1 eye. That mark was not present at that time?

2 A. No, sir, I didn't say that. I said I don't
3 recall these.

4 Q. Okay. And did she tell you in the course of your
5 interview with her that her nose was also broken? Did
6 she tell you that?

7 A. I can't recollect that she ever told us that.

8 Q. Okay. And when you first came into the -- to the
9 front door area, was there blood on the floor right as
10 you come in?

11 A. I believe there was. Yes, sir, there was blood.

12 Q. Okay. Was that later identified as Ms. Revan's
13 blood?

14 A. I can't tell you. I don't know if it was ever
15 identified as being her blood.

16 Q. Okay. Did she tell you in her statement that was
17 her blood there?

18 A. She did make mention that that's where the
19 altercation had took place.

20 Q. Okay. And if you walk from that front door area
21 to her bathroom, how long would -- would it take you to
22 do that? How many feet is that?

23 A. I'd -- I'd say it's approximately 15, 20 feet.

24 Q. Okay. Take three to five seconds to walk there?

25 A. Yes, sir. It probably wouldn't take over half a

1 minute to a minute.

2 Q. Okay. As you walk to the bathroom, you walk
3 through the master bedroom; is that correct?

4 A. Yes, sir, I believe it's all there together.

5 Q. All right. And did she show you right as you're
6 walking to the bathroom where her gun would have been?

7 A. She said it was under the mattress.

8 Q. Okay. And do you walk right by the mattress if
9 you're going to and from the bathroom?

10 A. Yes, sir, I believe you do.

11 Q. And when you were talking to Tammy, did she make
12 any allegations about these decorative swords, of her
13 being attacked by a decorative sword or a cut on her arm
14 or anything?

15 A. She did mention something about a decorative
16 sword, yes.

17 Q. Did you find any decorative swords or bring those
18 into evidence or ---

19 A. We didn't bring any into evidence.

20 Q. Did you see them anywhere in the house?

21 A. I can't recollect if we did or not. If they were
22 there, we probably did.

23 Q. Do you -- do you recall taking any pictures of
24 any, quote, unquote, decorative swords or other
25 instruments used in this alleged attack?

1 A. Any -- any pictures that we had, SLED processed
2 the whole scene. They would have had those pictures.

3 Q. All right, sir. And that night did Ms. Revan
4 fully cooperate with you and give you a full statement
5 of everything that happened that night?

6 A. Yes, sir, she did.

7 Q. And do you have that recorded?

8 A. Yes, sir, as well as a written statement also.

9 MR. VARNER: Okay, sir. Your Honor, if we could,
10 at this time if we could play her recorded statement.

11 THE COURT: All right.

12 (Attempting to play the recorded statement.)

13 MR. SHEEK: All right. Judge, apparently this
14 program will play the sound, but not the pictures, so
15 we're gonna have to get something else set up here.

16 THE COURT: I want to see both.

17 MR. SHEEK: Sir?

18 THE COURT: I want to see both.

19 MR. SHEEK: Sure.

20 THE COURT: Do y'all want to take a lunch break?

21 MR. VARNER: That's what I was -- this is over --
22 this is over an hour long.

23 THE COURT: All right. I'm all in favor of
24 taking a lunch break now. Let's start back at -- is
25 1:30 too -- too quick or do y'all want more?

1 MR. VARNER: How about 1:45?

2 THE COURT: 1:45? All right. We'll do -- we'll
3 come back at 1:45. That will give the lawyers enough
4 time to figure out what the heck's going on..

5 (Whereupon, there was a luncheon recess.)

6 THE COURT: All right. Are we ready, Mr. Sheek?

7 MR. SHEEK: The State's ready, Your Honor.

8 THE COURT: All right. We've got it working?

9 MR. VARNER: Ready, Your Honor.

10 DIRECT EXAMINATION (CONTINUED)

11 BY MR. VARNER:

12 Q. And, if you can, for the record, did you
13 videotape her statement and is this a copy of it, sir?

14 A. Yes, sir, this is Part 1 and Part 2.

15 MR. VARNER: All right, sir. If we could start
16 the tape.

17 THE COURT: That's Part 1?

18 MR. SHEEK: Yes, sir.

19 (Whereupon, the Part 1 of the recorded statement
20 of the Defendant was played for the Court.)

21 THE COURT: All right. Let's take a little
22 break.

23 (Recess taken.)

24 BAILIFF: All rise. The court will come back to
25 order.

1 MR. VARNER: Are we back on the record, Your
2 Honor?

3 THE COURT: Yes.

4 DIRECT EXAMINATION (CONTINUED)

5 BY MR. VARNER:

6 Q. All right. Lieutenant McIntosh, did you or do
7 you know of anybody who ever determined where the gun
8 was located prior to the altercation? She said under
9 the mattress. Did anybody check to see which corner or
10 where it was or anything that you're aware of?

11 A. Not that I'm aware. She just said it was in the
12 -- between mattresses.

13 Q. All right. And after Tammy made the allegation
14 about these decorative swords or anything, are you aware
15 of anyone who made a search for these decorative swords
16 and/or knives that were alleged?

17 A. My records don't indicate any swords and there
18 was no swords taken in that I saw.

19 Q. Okay. Do you know of anyone looking for them?
20 Did -- once it was mentioned, did you look around the
21 house for those?

22 A. It was -- it was not mentioned to me because she
23 was giving a statement in another location, we were
24 interviewing Ms. Revan, and it was later on before I was
25 aware.

1 Q. All right, sir. And where was the gun once you
2 arrived there? Do you know where the gun was?

3 A. I believe Lieutenant Marty Crain had already
4 secured it and would have probably have been in their
5 possession in their car.

6 Q. All right. And did you observe any bullet holes
7 anywhere in that house?

8 A. No, there was one bullet hole that we observed
9 that was toward the -- the ceiling.

10 Q. Okay. In that den area or office area ---

11 A. Yes, sir.

12 Q. ---or dining area or whatever y'all want to call
13 it?

14 A. Toward the entry of the hall.

15 Q. All right, sir. And her shirt had spots all over
16 it. Was that blood?

17 A. Yes, sir. That's correct.

18 Q. Okay. And do you have any question whether or
19 not that was the blood from her nose and her mouth?

20 A. The -- there was blood samples taken, but I don't
21 think they were ever analyzed to determine whose blood
22 it was, whether it was one of the others, Ms. Revan's
23 or ---

24 Q. Who would have been responsible for requesting it
25 to be analyzed?

1 A. SLED usually takes care of all that, but they did
2 not -- they didn't require it, didn't ask for it.

3 Q. Do you have a right as the lead investigating
4 officer, could you have requested that of SLED?

5 A. Yes, sir, I could have, but it was probably -- we
6 determined where the blood was at. It was -- the blood
7 was right where the altercation took place.

8 Q. All right. Did you notice any blood anywhere
9 else in the house other than in that back bedroom and
10 then the front door area?

11 A. I believe there was some drops in the hall
12 leading going to the bedroom.

13 Q. Did you see where it originated since it was
14 going to the bedroom, where it had come from?

15 A. Right there at the hall.

16 Q. Okay. And you did determine that Ms. Revan was
17 the owner of the property, correct?

18 A. Yes, sir, she had told us and then she gave a
19 statement that that's where she lived.

20 MR. VARNER: All right, sir. I believe that's
21 all the questions I have of you.

22 MR. SHEEK: No questions, Your Honor.

23 THE COURT: All right. You may step down.

24 (Witness excused.)

25 MR. VARNER: We'd call Officer Blackmon.

1 MICHAEL BENJAMIN BLACKMON,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. VARNER:

5 Q. Would you state your full name and your position
6 with Laurens County Sheriff's Department, sir?

7 A. Michael Benjamin Blackmon, Lieutenant, Criminal
8 Investigations Division.

9 Q. And what is your education and experience in law
10 enforcement?

11 A. I have an associate's degree from Piedmont
12 Technical College in Community Services. I've been
13 employed with the sheriff's office since 1999.

14 Q. Here in Laurens County?

15 A. Yes, sir.

16 Q. All right, sir. Did you, in fact, go out to
17 Revan Drive on the night of this incident?

18 A. Yes, sir, I went to the residence and I stayed
19 outside to maintain crime scene integrity. I did not go
20 inside as Lieutenant McIntosh was the lead investigator
21 on call that evening.

22 Q. And did you get there before or after Lieutenant
23 McIntosh?

24 A. I believe I got there after Lieutenant McIntosh
25 was there.

1 Q. And to the best of your recollection, who all was
2 there when you got there?

3 A. When I got there, there were officers from the
4 uniformed patrol division, myself, Lieutenant Glasgow
5 was also on scene from our unit, Lieutenant McIntosh,
6 and I'm trying to recall if there were any emergency
7 medical personnel still on the scene or not. Like I
8 said, I mostly stayed around the vehicle in case
9 Lieutenant McIntosh needed anything specific.

10 Q. All right. Did you talk to Mr. Lynn Straley that
11 night at all?

12 A. Yes, sir, I briefly spoke with him. If you
13 would -- if I may look at my notes?

14 Q. Sure.

15 A. Yeah, I had just asked Mr. Straley and
16 Ms. Morrigan, Tammy Jo Morrigan, just briefly what had
17 happened to -- to get in my mind what -- what kind of
18 scene I was on.

19 Q. And what were you told?

20 A. That the Defendant in the case had had some sort
21 of altercation with the victim and she had shot her
22 inside the home.

23 Q. Okay. Are those notes you took, they're part of
24 the file?

25 A. This is part of the file. These were composed

1 with Lieutenant McIntosh and myself.

2 Q. Can I take a look at those?

3 A. Yes, sir. Let me make sure they're in order for
4 you.

5 Q. Do you have other things in that file?

6 A. Yes, sir. This is Lieutenant McIntosh's original
7 file.

8 Q. Okay. Did you provide copies of that to the
9 Solicitor's office?

10 A. I didn't provide a copy of anything as it wasn't
11 my case, but I am aware that the Solicitor's office was
12 provided with a copy of the file.

13 Q. All right. Other than stay outside to secure the
14 scene itself, did you perform any other duties on this
15 case?

16 A. Yes, sir. I came back to the Laurens County
17 Sheriff's Office. As you can see, I interviewed
18 Ms. Revan in the -- in the video and wrote the statement
19 with her and after that I believe I obtained copies of
20 the 9-1-1 tapes for Lieutenant McIntosh from the
21 Dispatch Center.

22 Q. Okay, sir. What is that you're looking at now?

23 A. Again, the notes on the investigation.

24 Q. Okay. Is that a separate file from what you were
25 looking at previously or the same thing?

1 A. This is the same thing you just handed me back.

2 Q. Okay. Let me -- can I take a look at that one
3 more time? I'm sorry.

4 A. Yes, sir.

5 Q. Did you ever go inside of the location?

6 A. No, sir, I didn't go inside.

7 Q. Okay. And other than retrieving the 9-1-1 tape
8 and doing the interview, did you perform any other
9 activities?

10 A. I just interviewed the Defendant.

11 Q. Okay. So you didn't do an interview or take a
12 statement from either Tammy or from Lynn Straley; is
13 that correct?

14 A. That would be correct. I believe Ms. --
15 Ms. Morrigan was maybe interviewed with another officer,
16 Lieutenant McIntosh, and I did witness the statement
17 though with Ms. Morrigan, but I believe she wrote it
18 herself or another officer wrote it for her.

19 Mrs. -- Mr. Straley, Lynn Straley, was -- had a
20 statement taken from him by Lieutenant Shelton, another
21 investigator that came to the office that evening.

22 (Telephonic interruption.)

23 THE COURT: Please cut that off.

24 BY MR. VARNER:

25 Q. All right. To your knowledge, what kind of

1 forensic or chemical testing was done? Was there DNA
2 testing done?

3 A. As far as any testing done, I believe -- I think
4 we did take a buccal swab from someone on the scene.
5 Again, if I may refer to my notes I can probably tell
6 you.

7 Q. While you're looking ---

8 A. Yes, I did actually take a -- it looks like a
9 buccal swab for DNA purposes from Ms. Revan and
10 Mr. Straley, and they did sign the consent to do so.
11 I just had to refer back to my notes.

12 Q. All right, sir.

13 MR. VARNER: That's all the questions I have.

14 THE COURT: Mr. Sheek?

15 MR. SHEEK: No questions, Your Honor.

16 MR. VARNER: We would call Tammy Morrigan.

17 THE COURT: All right. You may step down.

18 TAMMY JO MORRIGAN,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. VARNER:

22 Q. Please state your name for the record, please,
23 ma'am.

24 A. Tammy Jo Morrigan.

25 Q. And, Ms. Morrigan, is that your legal name,

1 Morrigan?

2 A. Yes, it is.

3 Q. And is that a married name or...

4 A. Yes, it is.

5 Q. All right. Now who were you formerly married to?

6 Who is the Morrigan person?

7 A. Shawn Faye Morrigan.

8 Q. Okay. So that is your female mate, so to speak?

9 A. Yes.

10 Q. And at what point in time did you assume her last
11 name?

12 A. I did not assume her last name. We selected a
13 last name together and we had them legally changed in
14 Atlanta.

15 Q. Okay. And were you two legally married in any
16 state in which your type of relationship is recognized?

17 A. No, we were not.

18 Q. Okay. And how long have you known Shawn?

19 A. Approximately a year and a half.

20 Q. All right. Then how did you two meet?

21 A. We met actually online and began to chat and
22 found that we lived less than three miles away from each
23 other, we worked less than three miles away from each
24 other.

25 Q. And when did you -- this was in Atlanta, I

1 believe; is that correct?

2 A. That is correct.

3 Q. And what did you do in Atlanta?

4 A. I headed up the technology for several colleges
5 in the Atlanta area.

6 Q. And what is your educational background, ma'am?

7 A. I have a bachelor's in mathematics, a bachelor's
8 in computer science and a master's in finance.

9 Q. All right. And what is your military service?

10 A. I served in the United States Army.

11 Q. And when were you in the United States Army?

12 A. In the early eighties.

13 Q. Do you know from when to when, the date of your
14 entry and the date of your discharge?

15 A. I enlisted in '83 and, I believe, was discharged
16 in '87.

17 Q. Okay. So four years. Did you have an honorable
18 discharge?

19 A. Yes.

20 Q. And what positions did you have in the Army;
21 positions and ranks?

22 A. I was an air traffic controller. I was stationed
23 at the -- I'm sorry, you asked for rank. I was a second
24 lieutenant.

25 Q. Was that your final rank?

1 A. Yes.

2 Q. All right. And you were an air traffic
3 controller. Were you ever a drill instructor or a drill
4 sergeant?

5 A. No.

6 Q. Okay. Have you been trained or were you ever
7 trained in hand-to-hand combat?

8 A. All military personnel are trained in
9 hand-to-hand combat.

10 Q. Okay. And where did you serve your duty in the
11 Army?

12 A. I served at Fort Dix, Fort Rucker and finally I
13 was attached to a local group outside of the -- Lanham,
14 Maryland.

15 Q. Outside of where?

16 A. Lanham, Maryland.

17 Q. Okay. So you didn't do overseas service; is that
18 correct?

19 A. No.

20 Q. All right. And do you do any weightlifting or
21 anything of that nature?

22 A. No. My ankles are fused, they do not move, so it
23 makes it impossible.

24 Q. Okay. And prior to you coming to your father's
25 home in June of 2011, where had you been living?

1 A. Atlanta.

2 Q. All right. And did you come straight from
3 Atlanta to Laurens County?

4 A. No. Shawn and I had been travelling, we wanted
5 to see parts of the U.S. that we hadn't seen before,
6 before we left the country.

7 Q. All right. And how long had you been travelling?

8 A. I -- I believe we left April 1st and we had
9 travelled all the way up to Niagara Falls and -- and had
10 come back down through -- stopping in D.C. and along the
11 Blue Ridge area.

12 Q. Okay. And had you stayed with relatives and/or
13 friends along the way?

14 A. We stopped and stayed with my little sister for a
15 couple of days, but for the most part we were -- we were
16 camping.

17 Q. All right. How was it determined that you would
18 come to Laurens County? What was the purpose of that
19 visit?

20 A. To visit my father and my sister -- my little
21 sister at the same time was gonna be bringing her
22 children down to visit, so we were all gonna meet there
23 where my father was located and spend an extended
24 weekend.

25 Q. All right. So that was the initial intended .

1 purpose, correct?

2 A. Yes.

3 Q. You were aware at the time you came to Laurens
4 County that your father had terminal cancer?

5 A. Yes.

6 Q. And your father was in the middle of, I guess,
7 chemotherapy?

8 A. Yes.

9 Q. So he was a very sick gentleman; is that correct?

10 A. That is correct.

11 Q. And to the best of your knowledge, how old was
12 your father approximately around the time of June of
13 2011? Would he have been about 65, give or take a year
14 or two?

15 A. Yes.

16 Q. All right. And when you arrived, how long would
17 you say it was a good visit, so to speak?

18 A. Like I said, we had intended to only stay a
19 couple of days. We had gotten there probably a day
20 before my little sister had gotten there and we had
21 spent the weekend. When it came time for her and her
22 children to leave, they went ahead and went and we were
23 gonna head out the next day. At that point, my father
24 asked if we would be willing to stay on and help them
25 with the farm, help him around doing some things. We

1 had agreed that we would take a break and do that.

2 Q. Okay. And when you say the farm, what all was on
3 that farm? I mean, were they growing crops, cattle or
4 what?

5 A. No, mostly they just needed to keep it cut down.
6 When we got there, I don't know what you'd call it, it
7 looked like weeds to me, it was about, I don't know, mid
8 torso on me, and they needed it cut down.

9 Q. All right. And how old are you now, ma'am?

10 A. I am 48.

11 Q. Okay. And -- excuse me, my apologies. At the
12 time of her death, how old was Shawn?

13 A. Shawn was 37 years old.

14 Q. Okay. And what was her educational background to
15 your knowledge?

16 A. She was a nurse.

17 Q. And where was she a nurse at?

18 A. I'm not quite sure where she had worked. When we
19 met, she was working for the -- not the Red Cross, but
20 I think it was Blood South, a group that takes blood
21 donations.

22 Q. All right. In this incident that happened, you
23 gave a statement, correct?

24 A. Yes.

25 Q. And it is your belief that Kathy Revan is guilty

1 of murder and the other charges set against her, the
2 attempted murder and the possession of a weapon during
3 a crime; is that correct?

4 A. Yes.

5 MR. VARNER: Your Honor, I would ask that she be
6 declared a hostile witness.

7 THE COURT: Any objection to that?

8 MR. SHEEK: I have no objection, Your Honor.

9 THE COURT: Go ahead. She's -- she's so
10 qualified and you may treat her as such under our rules.
11 BY MR. VARNER:

12 Q. All right, ma'am. On the -- during the stay, was
13 there a -- an altercation or an argument after you and
14 Shawn had gone to, I believe, Louisiana with the car and
15 came back with a rental car?

16 A. Not to my knowledge.

17 Q. Okay. Do you admit or deny that your vehicle in
18 Louisiana, or wherever it was, was burned while it was
19 there?

20 A. Yes, it was.

21 Q. Okay. Could you tell me how that happened?

22 A. We were touring some of the plantations and I had
23 gone over a really kind of high -- I guess it's a levee,
24 and some railroad tracks, and as soon as we hit it, it
25 was kind of one of those big bumps, I could smell gas.

1 We pulled over to stop to see what was -- where it was
2 leaking from, where it was coming from. When we opened
3 the back, it exploded into flames. There was a
4 gentleman in a pick-up truck that was directly behind
5 us. He stopped and called 9-1-1.

6 Q. What kind of vehicle was this?

7 A. A Volvo XC90.

8 Q. A Volvo what?

9 A. XC90.

10 Q. Do you know what year it was?

11 A. I want to say like a 2007.

12 Q. Was it your vehicle?

13 A. I held the loan on it. It was registered to
14 Shawn.

15 Q. And when you came back, you filed an insurance
16 claim on that car; is that correct?

17 A. That is correct.

18 Q. And you deny that you and/or Shawn told Kathy you
19 guys burned that car to get out from under it?

20 A. That is correct.

21 Q. What?

22 A. That is correct. We didn't -- I never said
23 anything remotely close to that.

24 Q. Okay. Weren't there arguments about you and/or
25 Shawn smoking marijuana in that house during the

1 evenings?

2 A. No.

3 Q. Was there any marijuana smoked in that home?

4 A. Certainly. My father had cancer. It was
5 procured for him so -- to help give him an appetite. He
6 was doing feedings through a feeding tube and losing
7 weight at a rapid rate. In fact, the pot was sold by
8 her son to Kathy. Kathy was actually the one that
9 procured it.

10 Q. Okay. Well, do you deny that you and/or Shawn
11 were smoking it also?

12 A. No, I didn't deny that. I said it was procured
13 for my father.

14 Q. Okay. Well, were you and Shawn smoking marijuana
15 at that house?

16 A. Very rarely.

17 Q. Okay. And were there some problems about the
18 fact that you and Shawn were basically up all night
19 long? Not all night, but until the wee hours of the
20 morning, and it was disturbing both Kathy and your
21 father.

22 A. No.

23 Q. All right. From a monetary point of view, what
24 did you and/or Shawn contribute financially to this
25 household?

1 A. We purchased food. I was helping my father build
2 things. I was working around there painting. Like I
3 said, cutting the acreage took several days to cut.

4 Q. And when you talked about purchasing this food,
5 how did you pay for that?

6 A. With my credit card or ATM card.

7 Q. All right. Do you know anything about Shawn
8 taking medical supplies at the doctors' offices?

9 **MR. SHEEK:** Your Honor, at this point I'm gonna
10 object to the relevance of this line of questioning. I
11 know we're outside the presence of the jury, but I don't
12 know what this has to do with the limited scope of this
13 hearing, whether or not the shooting was accidental
14 slash justified under self-defense.

15 **THE COURT:** Okay. What about that? I tend to
16 agree with him.

17 **MR. VARNER:** Your Honor, it seems far-fetched at
18 this point in time, or far afield, but one of the key
19 issues is ultimately going to be what caused this
20 altercation, was there previous aggravation. I don't
21 think there's any dispute that there was an altercation
22 that occurred while she was outside between her and the
23 decedent, but I think laying the background and the
24 Court knowing the background is one of the factors that
25 you would consider in terms of was my client doing

1 anything unlawfully or not, which is part of the
2 statute.

3 MR. SHEEK: I -- I think this being a claim
4 taken, again, out of Subsection A and B, because clearly
5 these were residents as defined by the Castle Doctrine
6 Act. We're left with Subsection C, which is
7 self-defense with the absence of the duty to retreat. I
8 don't see how any of these questions really pertain to
9 that.

10 MR. VARNER: Your Honor, part and parcel to that
11 is the Court has to find that deadly force was unlawful
12 and who started this altercation and how close it's
13 gonna be related is very much an issue for the Court
14 under both Stand Your Ground self-defense and the Castle
15 Doctrine.

16 THE COURT: All right. Well, let's --

17 MR. VARNER: I'll do --

18 THE COURT: I'm just not certain what the
19 relevance of going by a doctor's office, if anything
20 happened there, is to the events that night. I
21 understand everything has some relevance to something
22 else, but that's kind of tangential -- tangentially
23 relevant just to an altercation instigated, in fact.

24 BY MR. VARNER:

25 Q. All right. Had your father talked to you that

1 morning about your relationship with Shawn?

2 A. He had spoken to me the night before. He and
3 Kathy were concerned that Shawn was interested in my
4 money only and I laughed at them because I had given
5 Shawn access to anything she wanted. If Shawn wanted to
6 take my money, she could have done it anytime within
7 that year and a half, and she didn't.

8 Q. Did Kathy speak to you at all about that or was
9 it just your father and you?

10 A. It was both of them.

11 Q. Okay. And you did make Shawn aware of that; is
12 that correct?

13 A. Absolutely.

14 Q. All right. The next day fairly early in the
15 morning, your father and Kathy left to go, I believe, to
16 the Cancer Center, to the doctor's office and things of
17 that nature; is that correct?

18 A. I wouldn't know. We had left early that morning.
19 We had gone to look at several different vehicles that
20 we were considering taking with us to Costa Rica, so we
21 were gone a good portion of the day looking at -- going
22 to different areas and test driving, so I couldn't tell
23 you what time they left or what they did.

24 Q. Okay. Roughly what time did you and Shawn get
25 back?

1 A. We got back -- I don't know. It -- it was
2 probably in the late afternoon.

3 Q. Okay. And at the time you got back, were Kathy
4 and your father already there or did they come later?

5 A. No, they got there kind of right before it got
6 completely dark. It was dusk when they got there.

7 Q. So it was after you and Shawn got there?

8 A. Yep.

9 Q. All right. And I believe your father came in.
10 He had just purchased -- your father and Kathy came in
11 and he just purchased a weed-wacker of sorts?

12 A. Yes.

13 Q. And did you offer to ride to the store with him
14 to get gas, I believe, for a car and for his
15 weed-wacker?

16 A. No, we were outside, we put the weed-wacker
17 together and gassed it up and just got it going and he
18 went back inside and I cut grass -- or cut the weeds, I
19 guess, or grass, whatever you want to call it, around
20 the -- the house probably for about fifteen to
21 twenty minutes and by that point it was getting so dark
22 and the mosquitoes were out, and I just quit and went
23 back inside.

24 Q. All right. So roughly what time was it when you
25 went back inside?

1 A. I don't know. Like I said, it was -- it was
2 pretty dark at that point. It was getting hard to see.
3 It wasn't completely dark, but it was getting hard to
4 see where you were cutting.

5 Q. All right. And when you came in, what was going
6 on at that time?

7 A. Shawn was crying.

8 Q. And where was she?

9 A. She was in the kitchen. She walked towards me.
10 She said she wanted to leave, I asked her what was
11 wrong, she said she couldn't take it anymore with all
12 their negativity and all their stuff, and I said fine,
13 we'll go.

14 Q. Then what happened?

15 A. We went back to our bedroom, started packing up
16 our stuff. My father came back at that point and said,
17 you know, look, things -- things just got out of hand in
18 there and why don't you guys come back, you know, just
19 -- just take the night, we'll sleep on it, and Kathy is
20 screaming that she wants -- she wants us out, tell them
21 to get out, and I said to my father -- I said she wants
22 us out, we're going. We packed up our stuff. We had to
23 take a load out to the car because the room was small,
24 there wasn't a lot of room to pack the stuff up, so we
25 got outside with one load and I was putting it in the

1 trunk of the car and Shawn yelled oh, she's throwing our
2 stuff out the door and took off, and it took me a couple
3 of seconds coming up behind her, I wasn't as fast, but
4 when I got in, Kathy had her on the floor, pinned to the
5 floor, with both hands in her hair. Shawn couldn't
6 move.

7 Q. All right. Well, let's back up just a moment.
8 What all was it you and Shawn were having to take
9 outside? Did you just have clothes or did you have
10 clothes and what else?

11 A. We had clothes, we had an air mattress, there was
12 stuff we had purchased while we were there that we had
13 to pack up, toiletries, all kinds of stuff.

14 Q. And were you parked in the front of the trailer
15 or at the back of the trailer?

16 A. Kind of towards the back. Kind of even with that
17 back porch.

18 Q. All right. And as you were going out, where was
19 your father and where was Kathy?

20 A. They were sitting in the living room.

21 Q. All right. And is the living room the room with
22 the TV at the back of the house?

23 A. Uh-huh. Yes.

24 Q. Okay. All right. So you and Shawn were
25 literally walking kind of in between the two of them in

1 that room?

2 A. Yes.

3 Q. Do you admit that Shawn bumped her chair when she
4 went through?

5 A. I couldn't tell you. That room is tight, it's
6 small. If she did, it wasn't on purpose.

7 Q. Okay. Did you find --

8 A. There was not a lot of room to maneuver in that
9 -- in that area.

10 Q. All right. Did you bump her chair?

11 A. I don't think so.

12 Q. All right. And when you came in, you said Kathy
13 had Shawn pinned?

14 A. Yeah, it looked like -- when I got there, she had
15 Shawn between her legs, her hands in most of her hair,
16 and down.

17 Q. And which way was Shawn facing? Was she facing
18 the floor or facing up?

19 A. She was on her back.

20 Q. Okay. So she was facing upward?

21 A. Yes.

22 Q. All right. And Kathy was on top of her
23 straddling her?

24 A. She was not beneath her, she was behind her. It
25 looked -- and given that I didn't see it, I wouldn't

1 know for sure, but it looked like she had come up behind
2 Shawn and jerked her backwards and they both went down
3 on the floor.

4 Q. Okay. But you were outside. You don't know how
5 they got on the floor, do you?

6 A. That's what I just said.

7 Q. Okay. And what did you do at that point in time?

8 A. Dropped to my knees. I was trying to get Kathy
9 to let go of Shawn's hair.

10 Q. And what else?

11 A. That was it. My father came in and screamed let
12 go of her and I put my hands up in the air hoping that
13 he was gonna make Kathy stop and when I put my hands up
14 in the air, she veered back with her foot and kicked me
15 in the head.

16 Q. Okay. So all you did was get on your knees and
17 you don't know how Kathy got both eyes beaten black, one
18 of them blood-red, and a broken nose, do you?

19 A. Well, if you'd let me finish, I'll be happy to
20 tell you.

21 Q. Well, why don't you finish then.

22 A. When she kicked me in the face, I punched her
23 three times in the eye. She let go of Shawn. When she
24 let go of Shawn, I tried to get Shawn up off the floor.

25 Q. Are you right-handed or left-handed?

1 A. Right-handed.

2 Q. And which side of Kathy were you on? If she was
3 behind Shawn ---

4 A. I would have been on her left side.

5 Q. Okay. So you would have been to her left, so if
6 you're hitting her with your right hand, you would have
7 been hitting the left side of her face, correct?

8 A. That would be correct.

9 Q. Okay. And do you know how she got her right eye
10 blackened or the nose broken?

11 A. I couldn't tell you.

12 Q. How long would you say this altercation lasted?

13 A. A couple of seconds at best. When she let go of
14 Shawn, I spent my time trying to get Shawn up and off
15 the floor and Kathy disappeared into the bedroom.

16 Q. Where was your father, Lynn, during all this?

17 A. At some point, and I'm not quite sure when, his
18 feeding tube had been pulled out and he was standing in
19 the kitchen at the sink trying to, I guess, get the
20 bleeding stopped.

21 Q. So it's your position your father did not break
22 up this altercation?

23 A. No, he did not. My father has been a coward his
24 whole life. He was a coward that night, too. When I
25 took the gun away from Kathy Revan after she had shot

1 Shawn and was trying to shoot me, I had to yell for him
2 to come into the kitchen and take it.

3 Q. Okay. So Kathy disappeared into the bathroom --
4 her bathroom, correct?

5 A. I'm guessing that's where she went.

6 Q. Okay. Well, you lived there for, what, six weeks
7 give or take, eight weeks?

8 A. Uh-huh. Yes.

9 Q. To get from -- and you do agree this altercation
10 happened at the front door?

11 A. Approximately, yes.

12 Q. And if you were parked at the back and you're
13 going through the back porch, why would Shawn have been
14 coming through the front door to confront Kathy?

15 A. She didn't go through the front door. She went
16 through the back door.

17 Q. Okay. And Kathy was at the front door area?

18 A. I don't know where Kathy was.

19 Q. Okay.

20 A. I'm guessing she was going to get another load to
21 throw it outside.

22 Q. Well, did you notice any luggage or bags in the
23 area of this altercation?

24 A. Yes.

25 Q. Okay. How many?

1 A. I noticed my computer sitting there.

2 Q. All right. And do you agree with the officer; to
3 walk from that door area to where Kathy's bathroom is
4 takes three to four seconds; is that correct?

5 A. Maybe a little longer.

6 Q. All right. So once you got Shawn up, where did
7 you guys go?

8 A. I was just getting Shawn to her feet and I was
9 trying to get to the back bedroom to get the keys so
10 that we could leave.

11 Q. All right. And what was the next thing that
12 happened?

13 A. Kathy came out with a gun.

14 Q. So this is in -- within a matter of less than
15 ten seconds?

16 A. No, it took me a while to get Shawn off the
17 floor. She had herniated disks in her neck and when she
18 got jerked to the floor, it hurt her pretty badly.

19 Q. Okay. So how long would you say it took her to
20 stand up from the floor?

21 A. It took me a while to get her up off the floor.
22 She couldn't move.

23 Q. What's a while? Are you talking thirty seconds,
24 forty-five seconds?

25 A. A couple of minutes maybe.

1 Q. Okay. And is that when you first noticed Kathy
2 back in the doorway?

3 A. I didn't notice her back in the doorway.
4 Somebody yelled something, and I don't remember what it
5 was, but I had my back to her and when I turned around
6 she was standing in front of me with a gun.

7 Q. In front of you? How far away from you?

8 A. She had her arm out with the gun and the gun was
9 probably that far away from my face.

10 Q. What happened then?

11 A. She started and she pointed it and then followed
12 to the other side and pulled the trigger.

13 Q. All right. And what were you saying?

14 A. I just froze. I stood stock still. She brought
15 the gun back around to my face and everything went in
16 slow motion. I could see her pulling the trigger, I
17 grabbed at it, pushed her backwards and twisted, and she
18 shot into the ceiling.

19 Q. When were -- when was the first shot fired?

20 A. Like a second or two before that, I guess.

21 Q. Okay. And at that point in time you're only a
22 few feet from her?

23 A. That is correct.

24 Q. You don't dispute that Kathy's left eye was
25 swollen shut at that point in time?

1 A. I don't recall.

2 Q. Okay. And was there blood all over her face?

3 A. No, there was not.

4 Q. Okay. And was there any blood left at the front
5 doorway?

6 A. Yes, I assumed that was from my father's feeding
7 tube that had been pulled out.

8 Q. I thought you said your father at the time this
9 fight broke out was in the kitchen replacing his feeding
10 tube?

11 A. He went back to the kitchen to put it in while
12 this fight was occurring. I can assume only that it got
13 pulled out there at the door. Again, I wasn't there, I
14 don't know, but his feeding tube was missing, he was
15 bleeding.

16 Q. Okay. And you wrestled the gun away from her, it
17 shot again into the ceiling; is that correct?

18 A. Correct.

19 Q. And then what happened?

20 A. I yelled for my father to come take it and while
21 he was coming to get it, she grabbed a fancy, carved --
22 it looked like a walking stick. It wasn't a stick.
23 When you pulled it out, it had a long knife attached to
24 it. There wasn't any decorative sword.

25 Q. All right. So she pulled out a cane sword, so to

1 speak?

2 A. Uh-huh.

3 Q. And what did --

4 A. Yes.

5 Q. What happened with it?

6 A. She was trying to stab me with it. I yelled for
7 my father again after he took the gun and he finally
8 came over and took that away from her. About that time
9 I heard Shawn scream my name and I turned around and saw
10 the blood and realized she had been shot and went back
11 to find her.

12 Q. Where was Shawn at that time?

13 A. She had crawled back to the bedroom.

14 Q. All right. Did you see where she was shot, where
15 the point of impact was?

16 A. I could see her -- inside of her one thigh
17 bleeding and I was trying to put pressure on it to stop
18 the blood, but it was coming very quickly. I couldn't
19 get it stopped.

20 Q. Well, where was Shawn standing when she was shot
21 or sitting or whatever?

22 A. I'm not sure. She was behind me. At one point
23 she was close to the doorway of the -- of the hall and I
24 can only assume she started running, but, again, she was
25 behind me and I couldn't see her.

1 Q. You said she was trying to stab you with this
2 sword; is that correct?

3 A. Yes.

4 Q. And did you incur any injuries?

5 A. A couple of small cuts from it. She didn't quite
6 get it all the way out.

7 Q. All right. Did you tell the police about that?

8 A. I believe so.

9 Q. Well, when the police first came out and they
10 asked you what happened, did you tell them that story
11 about the -- the cane sword or whatever it is?

12 A. No, I believe I told that to them when I was
13 filling out the statement.

14 Q. Okay. And ---

15 A. At the time they first came out, I was in shock.
16 I didn't know...

17 Q. All right. Do you know how long it took for EMS
18 to get there?

19 A. I don't know. It seemed like forever. I know it
20 was a long time before they called 9-1-1. I could hear
21 them sitting there discussing what they were gonna tell
22 the police when they arrived and the whole time I was
23 sitting there begging Shawn to keep breathing and for
24 them to call 9-1-1 and they did absolutely nothing.

25 Q. Well, is it your position your father and Kathy

1 were, I guess, concocting a story?

2 A. They were trying to get their stories straight.

3 Q. Well, what did you hear them say?

4 A. I didn't hear them say much after that.

5 Q. Well, what ---

6 A. I was focussed on Shawn and trying to keep her
7 breathing and getting the bleeding stopped.

8 Q. All right. Well, you told me they were
9 concocting a story. What part did you hear that
10 indicated to you they were concocting a story?

11 A. I heard my father say to her you better get down
12 what we're gonna tell the police.

13 Q. And you do agree your father's story did not jive
14 with the story you're telling here?

15 A. I don't know what my father's story was.

16 Q. Okay. Well, have you been involved in this
17 lawsuit about the money against Kathy?

18 A. No.

19 Q. Okay. You haven't testified or given a
20 deposition or -- or anything like that?

21 A. No.

22 Q. Are you aware of that lawsuit?

23 A. I was aware of it.

24 Q. How did you become aware of it?

25 A. I received a letter.

1 Q. Did the police take any pictures of these
2 purported cuts or stab marks or whatever on you?

3 A. No, but they did call EMS for the concussion that
4 I had when she kicked me in the head. The ambulance
5 came out ---

6 Q. And what ---

7 A. --- and they thought I should go to the hospital,
8 but the detective said that it would probably be best
9 for the case if I could give a statement while it was
10 still fresh in my head and if I could wait to go to the
11 hospital, they would prefer that.

12 Q. What detective told you that?

13 A. I don't remember. There were police all over.

14 Q. Either of these two gentlemen sitting here?

15 A. Again, I don't know. My wife had just died in my
16 arms while those two sat and did nothing.

17 Q. All right. And just so I'm straight on this, you
18 said when she pulled the gun, the gun was approximately
19 six inches from your face and you didn't say anything?

20 A. I just stopped. I didn't know what she was going
21 to do with it. It wasn't until she fired that first
22 shot.

23 MR. VARNER: That's all the questions I have,
24 Your Honor.

25 MR. SHEEK: Do you need a moment, Ms. Morrigan?

1 THE WITNESS: Yes.

2 MR. SHEEK: Judge, can we take just a short -- I
3 know it's late. Do you mind giving her just a few
4 minutes to compose herself?

5 THE COURT: I don't mind a bit.

6 MR. SHEEK: Thank you, Judge.

7 THE COURT: We'll stand at ease about ten
8 minutes.

9 (Recess taken.)

10 MR. SHEEK: May I continue, Your Honor?

11 THE COURT: Uh-huh.

12 CROSS-EXAMINATION

13 BY MR. SHEEK:

14 Q. Ms. Morrigan, I believe today is your birthday,
15 isn't it?

16 A. Yes.

17 Q. Ma'am, on the night of August 11, 2011, when
18 Shawn was shot, I believe you testified to Mr. Varner
19 that you were actually facing Kathy when she had come
20 back in -- not when she came in with the gun, but you
21 had turned around to face her when you heard somebody
22 say something?

23 A. Yes.

24 Q. Okay. At that point, did Kathy appear to have
25 anything inhibiting her view, such as blood in her eyes

1 or anything that you could see?

2 A. No.

3 Q. Was she holding -- how was she holding the gun?

4 Let me ask you that.

5 A. She had it straight out.

6 Q. Okay. Not pointed up or down, to the side?

7 A. No, it was straight at my face.

8 Q. And you said at some point she actually moved the
9 gun?

10 A. Yes. I ---

11 Q. Could you -- I'm sorry, go ahead.

12 A. I wasn't sure what she was doing, but she started
13 moving it across the back and it looked like she fired
14 into the back corner.

15 Q. When she was moving the gun, could you tell if
16 she was looking in the direction she was moving the gun
17 or was she staring at you as she moved it?

18 A. No, she was looking in the direction she was
19 moving.

20 Q. Did you at any point that night -- and now I'm
21 backing up before she came out with the gun. At any
22 point that night, did you ever hear Shawn threaten
23 Ms. Revan?

24 A. No, Shawn didn't believe in violence.

25 Q. When you came in and you saw what was going on,

1 did you ever hear Shawn at that point threatening her,
2 I'll kill you when I get up, or anything of that nature?

3 A. No.

4 Q. Did you witness Shawn striking Ms. Revan?

5 A. No.

6 Q. From the way Ms. Revan was sitting, I think you
7 said she was on the floor behind Shawn?

8 A. Yes.

9 Q. With Shawn's hair in two hands?

10 A. Yes.

11 Q. Was Shawn even at that point able to strike
12 Ms. Revan?

13 A. No.

14 Q. When you began to get Ms. Revan or attempted to
15 get Ms. Revan to let go of Shawn's hair, did you yell
16 out anything to -- to Ms. Revan, let go of her or
17 anything of that nature?

18 A. Yes..

19 Q. And did she let go of her?

20 A. No, she didn't.

21 Q. And I believe you testified that you then struck
22 Ms. Revan?

23 A. After she had kicked me, yes, I did.

24 Q. Okay. Now you said she kicked you as you were
25 backing off. Tell me again how that happened.

1 A. My father yelled let her go and I put both my
2 hands in the air and I was hoping he was actually gonna
3 step in and make her let go of Shawn and when I put my
4 hands up in the air, because she was laying on her back
5 as well, she pulled back with her leg and kicked me in
6 the head.

7 Q. Is that when she struck her?

8 A. After she did that, yes, I struck her three
9 times.

10 Q. When she kicked you in the head, was she still
11 holding onto Shawn's hair?

12 A. Yes.

13 Q. When she finally at some point let go of Shawn's
14 hair, did you strike her any more after that?

15 A. No.

16 Q. Now you said you were working on getting Shawn
17 up, but it took a little while because of her physical
18 condition?

19 A. Yes.

20 Q. Was Mr. Revan able to get up and leave without
21 Shawn getting up first?

22 A. Oh, yes.

23 Q. Okay. And she left, but you don't know exactly
24 where she went or what she went to do?

25 A. No, I did not.

1 Q. From the point she let go of Shawn's hair and
2 Ms. Revan's leaving and you're trying to get Shawn up,
3 did you hear anybody threaten Ms. Revan?

4 A. No.

5 Q. Did you ever threaten her?

6 A. No.

7 Q. When she came back in with the gun -- well, no,
8 let me ask you this. She left the room as you were
9 trying to get Shawn up?

10 A. Yes.

11 Q. Did you or Shawn ever follow her?

12 A. No.

13 Q. Attempt to accost her where she was going or
14 anything of that nature?

15 A. No.

16 Q. Did you hear anybody call her back into the room
17 before she came back in with the gun?

18 A. No.

19 Q. And I believe you -- you may have answered this
20 question, do you know how long it was between the time
21 she got up and left until she came back with the gun?

22 A. I don't know. It -- it was a while. It took me
23 a while to get Shawn off the floor.

24 Q. Mr. Varner asked you about whether or not there
25 were any bags in the living room area where the shooting

1 actually occurred. Do you recall that?

2 A. Yes.

3 Q. I beg the Court's indulgence one second while
4 that comes on. Let me hand you this photograph. Does
5 that look like -- well, you tell me what that's a
6 photograph of.

7 A. That's one of my bags.

8 Q. Okay. And do you know what room of the home
9 that's in?

10 A. That's where -- that's where everything happened.
11 My computer bag is back here.

12 Q. Okay. I believe you...

13 MR. SHEEK: Your Honor, for the purposes of this
14 hearing, we would offer this as State's 1.

15 MR. VARNER: No objection, Your Honor.

16 THE COURT: Let it be marked.

17 (State's Exhibit Number 1, a photograph, was
18 marked for identification.)

19 BY MR. SHEEK:

20 Q. I believe you said that you and Shawn were
21 attempting to get your stuff and leave?

22 A. Yes.

23 Q. And y'all had been living there for a month and a
24 half, two months?

25 A. Yes.

1 Q. From the time you were first told to leave that
2 night, did you ever refuse?

3 A. No, we did not.

4 Q. Were you doing everything you could to get out as
5 quickly as you could?

6 A. Yes, we were.

7 Q. Even after the fight where she had Shawn's hair
8 and you hit her, when you got Shawn up what was your
9 intention at that point?

10 A. To get my keys so we could get out of there.

11 Q. And would that have been exactly what you'd done
12 had Ms. Revan not come back in with the gun?

13 A. Yes.

14 Q. Now let me ask you a second about your physical
15 condition. You said your ankles are fused?

16 A. Yes, sir.

17 Q. How does that affect your mobility?

18 A. I can walk on even surfaces. I can't run.

19 Q. Can't run?

20 A. I can't run. There's no bending, so I can't --
21 where surfaces are uneven, it is very difficult to walk.

22 Q. Could you charge somebody?

23 A. No.

24 Q. If you wanted to run from you to me, how long
25 would it take you to get there?

1 A. I can't physically do it.

2 Q. You just can't run?

3 A. No. If I was crossing the street and a car was
4 gonna run me down, I'd have no way to get out of there.

5 Q. Okay. And was that the condition your ankles
6 were in on August the 11th of 2011?

7 A. Yes.

8 MR. SHEEK: Thank you, Your Honor. I have no
9 further questions.

10 THE COURT: Any redirect?

11 MR. VARNER: Just a few.

12 REDIRECT EXAMINATION

13 BY MR. VARNER:

14 Q. You say you were hit in the head by this kick.
15 Where in the head were you kicked?

16 A. Right in here.

17 Q. Indicating your left side?

18 A. Yes.

19 Q. And do you know which leg Ms. Revan used lying on
20 the ground to kick you in the head with?

21 A. Right.

22 Q. The right leg?

23 A. Yes.

24 Q. So she would -- her leg would have had to come up
25 and go across Shawn's body to hit you here; is that

1 correct?

2 A. No, she was -- had Shawn between her legs. She
3 literally just pulled back and kicked.

4 Q. Okay. Well, which -- aren't you on her left
5 side?

6 A. I was on her right.

7 Q. You were on the right side?

8 A. I'm trying -- she's laying down.

9 Q. And you're right-handed. Then how did her left
10 eye get beat up?

11 A. I hit it.

12 Q. You reached across her face and hit her at that
13 angle?

14 A. Well, it's not really a reach across. It's a
15 straight punch.

16 Q. Well, you would be hitting -- if you're on her
17 right side and you hit her in a straight punch, you'd be
18 hitting her right side of her face, wouldn't you?

19 A. No.

20 Q. Okay.

21 A. She was looking at me.

22 MR. VARNER: No further questions.

23 THE COURT: All right.

24 MR. SHEEK: No further questions, Your Honor.

25 THE COURT: All right. You may step down, ma'am.

1 (Witness excused.)

2 THE COURT: How much you got, Mr. Varner?

3 MR. VARNER: Sir?

4 THE COURT: How many more witnesses do you have?

5 MR. VARNER: My next witness is going to be
6 Ms. Revan, which I don't know if you want to start at
7 five till, but --

8 THE COURT: I want to start back in the morning.

9 MR. VARNER: That's fine, Your Honor.

10 THE COURT: We'll start picking the jury assuming
11 what happens here. What is the plan?

12 MR. SHEEK: The plan is just for this trial, Your
13 Honor, we'll pick -- I guess it will probably be easier
14 -- what time's the jury coming in, at ten?

15 THE CLERK: They're calling tonight to see.

16 THE COURT: Right. They're coming whenever we
17 say.

18 MR. SHEEK: Well, do you want to bring them in
19 then at lunchtime, after lunch? I mean, if we start --
20 what time would you like to start, Judge?

21 THE COURT: I'll start as early as you want.
22 I'll start at nine, nine-thirty.

23 MR. SHEEK: I don't know how many more witnesses
24 Mr. Varner has.

25 MR. VARNER: Well, we might argue a little motion

1 real quick because I was gonna do the deposition and
2 then her. We might as well do that before we leave.

3 MR. SHEEK: Okay.

4 THE COURT: Okay.

5 MR. VARNER: And that will tell us, I mean, if
6 that's the case. I don't know how long you're gonna
7 be.

8 MR. SHEEK: Well, for the purposes of this
9 hearing, I don't think very long. Then I guess, Judge,
10 Mr. Varner's got a motion he wants to bring regarding
11 using a deposition of Mr. Straley, who has since passed
12 away.

13 THE COURT: Okay.

14 MR. VARNER: Your Honor, a deposition was taken
15 of Mr. Straley on July the 11th of 2012. It was in
16 conjunction with a lawsuit brought as a result of this
17 death alleging a wrongful death. It is covered in
18 the deposition that Mr. Straley, and I think it's
19 undisputed, Mr. Straley knew he was passing away, and
20 my position is it was imminent. He knew that he had
21 cancer both of the lungs and behind his chest area and
22 that the statements he were giving -- as a matter of
23 fact, it was discussed in there that there was a strong
24 probability he would never be able to testify at trial,
25 he wouldn't live that long, and as such he is asked

1 specifically by Shawn's attorney, Mr. Covington, and I
2 believe the defense lawyer was also there along with
3 some other people, but he was asked about the events
4 that transpired that night as to who hit whom, what
5 happened and everything, and he gives a recitation of
6 the purported facts of this case.

7 It is my position he is not a party to this. He
8 has no interest in the outcome, so to speak, certainly
9 not a monetary, and he has not been charged with any
10 crime and that it meets the criteria set forth in the
11 Dead Man's Statute under 19-11-20 for his testimony to
12 be read and presented as an eyewitness to this entire
13 episode because he was in the house most of the time,
14 Your Honor.

15 **THE COURT:** What's your position, Mr. Sheek?

16 **MR. SHEEK:** Your Honor, looking at Rule 804,
17 clearly the out of court statement by Mr. Straley is
18 hearsay. I think the question is whether or not it's an
19 exception under 804(b), the hearsay exceptions. I think
20 there's two statements that have been made that might
21 could fall under (1), being former testimony, which is
22 804(b)(1), but for that to comply, Your Honor, then the
23 party against whom it's going to be entered must have
24 had an opportunity in the prior proceeding and similar
25 motive to develop testimony by direct, cross or redirect

1 examination. Obviously the State of South Carolina is
2 not a party to this lawsuit, had no participation in the
3 deposition or even knew it was going on, so I don't
4 think it falls under that exception because we weren't
5 allowed to participate on cross or in any other way
6 develop that testimony.

7 Under 804(b)(2), a statement under belief of
8 impending death, that only applies when the declarant's
9 death is imminent and it's concerning the cause or
10 circumstances of what the declarant believed to be
11 his impending death, so it doesn't fall under that
12 exception.

13 So basically our position is, Your Honor, we
14 weren't allow to participate in that, didn't know it was
15 going on, didn't participate, and, therefore, it is not
16 a hearsay exception.

17 **THE COURT:** And Mr. Varner's argument is it was
18 impending death circumstances when he had his deposition
19 taken.

20 **MR. VARNER:** Certainly. That -- I mean, I don't
21 know whether he sounds like an excited utterance or a
22 dying declaration in terms of Johnny is the one who shot
23 me, it's a simultaneous act, but the way the statute is
24 written it is imminent. There is no real definition of
25 imminent, but if a person knows this is sworn testimony,

1 they know the purpose of that and they know that they
2 won't be there for trial, so to speak, and they're
3 giving it for the purposes of preserving it because they
4 know their death is imminent, and I don't think imminent
5 means in the next couple of hours, but it was certain
6 and within a very short period of time, and I believe he
7 died about six, seven months later, Your Honor.

8 MR. SHEEK: And what I'm referring to, Your
9 Honor, is 804(b)(2), statement under belief of impending
10 death.

11 THE COURT: I'm reading that exact rule.

12 MR. SHEEK: Okay. And I'm wondering is the
13 defense offering it under a different section that I'm
14 not seeing because under that section the statement has
15 to be concerning the cause or circumstances of what the
16 declarant believed to be his impending death and this
17 statement has nothing to do with his circumstance of
18 death. It's a statement about something totally
19 unrelated.

20 THE COURT: So now his deposition was taken by
21 lawyers involved in the civil -- the probate action, so
22 to speak.

23 MR. SHEEK: Wrongful death.

24 MR. VARNER: That was a civil suit brought by
25 Gene Covington. I believe he represents the Estate of

1 Shawn Morrigan. They have sued my client and they took
2 his deposition. Mr. Gene Covington, on behalf of Shawn,
3 took the deposition.

4 THE COURT: And you were present?

5 MR. VARNER: No, I was not. I had no knowledge
6 of it until shortly before this trial was originally
7 scheduled several months ago. I did not know of it.

8 THE COURT: So neither of y'all knew about it?

9 MR. SHEEK: No, sir.

10 MR. VARNER: No, we were not told. I didn't even
11 know about the civil lawsuit until Mr. Mowery made
12 me ---

13 THE COURT: The Estate -- the Estate was
14 represented by somebody. Was there an insurance carrier
15 involved or not?

16 MR. VARNER: They're --

17 MR. SHEEK: I guess they're going after the
18 homeowners insurance.

19 THE COURT: Well, that's what I was guessing.

20 MR. SHEEK: Yeah.

21 THE COURT: Was there a defense lawyer noted on
22 the deposition?

23 MR. SHEEK: There's a civil defense lawyer
24 involved, yes, sir.

25 MR. VARNER: Yes, there's a defense lawyer for

1 the insurance company.

2 THE COURT: Okay.

3 MR. SHEEK: And I'm assuming nobody contacted
4 anybody in the criminal proceeding since it wasn't the
5 Defendant giving the testimony, it was a third party.

6 THE COURT: Huh.

7 MR. VARNER: Yeah, Warren Mowery was the one that
8 made me aware of it.

9 MR. SHEEK: Yeah, I didn't --

10 MR. VARNER: Your Honor, we were discussing -- I
11 didn't know there was a civil lawsuit. Warren Mowery
12 made me aware of it and I asked him about it.

13 THE COURT: That's what surprised me; that
14 neither one of y'all knew about it.

15 MR. SHEEK: No, sir. When -- when it was brought
16 to our attention that possibly there was one, I checked
17 with the Clerk of Court and found out there was, in
18 fact, one.

19 THE COURT: All right. I'm going to walk around.
20 I'm going to step -- step back. I have to find me a
21 Diet Coke. I'll let y'all know in a moment.

22 (Recess taken.)

23 BAILIFF: All rise.

24 THE COURT: Y'all have a seat. All right. This
25 being a Castle Doctrine hearing and whether or not

1 it's immunity or an injunction to proceed with the
2 prosecution, it's still a civil case under that statute
3 and so I think it comes in for the purpose of this
4 hearing. Perhaps not for the criminal trial, but for
5 the purpose of this hearing, I think it can come in.

6 MR. VARNER: Okay.

7 MR. SHEEK: Yes, sir.

8 THE COURT: That's my ruling.

9 MR. SHEEK: Yes, sir.

10 MR. VARNER: What time do you want us here
11 tomorrow, Your Honor?

12 THE COURT: Let's be here at 9:30?

13 THE COURT REPORTER: That's fine.

14 THE COURT: All right. If we come at 9:30, we
15 can deal with the deposition, your client's testimony.
16 Are we getting the jury to come in at one or is that
17 crowding us too much and come in at two?

18 THE CLERK: Two.

19 THE COURT: The clerk says two, so I'm inclined
20 to go with her.

21 MR. VARNER: And, Your Honor, my client does
22 want to apologize. That was a medical device. I
23 thought it was her cell phone calling or something. It
24 was a medical device telling her she needed to do some
25 testing.

1 THE COURT: Okay. All right. That's fine. I --
2 I can allow that. I thought it was cell phone, too, but
3 it sure talked a lot.

4 MR. VARNER: I sure thought it was a cell phone.

5 THE COURT: All right. That's not a problem.
6 All right.

7 MR. SHEEK: 9:30 then?

8 THE COURT: 9:30 in the morning and the jury will
9 be told to report at two.

10 MR. SHEEK: Yes, sir.

11 (The proceedings were concluded for January 13,
12 2014.)

13 (The following proceedings were held on
14 January 14, 2014.)

15 THE COURT: All right. Are we ready to go?

16 MR. VARNER: Ready to go, Your Honor.

17 MR. SHEEK: The State's ready, Your Honor.

18 THE COURT: All right. Let's go.

19 MR. VARNER: Your Honor, we'd call Kathy Revan.

20 THE COURT: All right. Ms. Revan, come around
21 and be sworn.

22 KATHY LEONARD REVAN,
23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. VARNER:

1 Q. Ms. Revan, I know you drink a lot of water. Is
2 there water up there so that you can get a hold of it?
3 Can you reach that and everything?

4 A. Yeah, I'll get some first.

5 Q. State your full name for the record, please,
6 ma'am.

7 A. Kathy Leonard Revan.

8 Q. And, Ms. Revan, how old are you now?

9 A. 58.

10 Q. And where do you reside?

11 A. At 315 Revan Drive, Mountville, South Carolina.

12 Q. And do you own that property?

13 A. Yes.

14 Q. How long have you lived there?

15 A. About forty years.

16 Q. All right. And what is your medical condition?
17 What all do you have physically and/or mentally, and
18 after we finish that, then I'm gonna ask you what
19 medication you take. So let's -- well, start first,
20 what kind of medical problems do you have, ma'am?

21 A. I have COPD.

22 Q. Now what is COPD?

23 A. It's a pulmonary obstructive disease.

24 Q. And how does that affect you?

25 A. I'm short of breath and I get pneumonia

1 frequently and I have to do breathing treatments at home
2 along with several inhalers.

3 Q. All right. And how does that limit you in your
4 daily activities, the shortness of breath?

5 A. I can't be up moving around and I have a very
6 difficult time breathing in -- in the summer when it's
7 hot.

8 Q. All right. Would you be able to go up a flight
9 of stairs?

10 A. Not without stopping and resting.

11 Q. All right. What other maladies or physical
12 problems do you have or medical problems?

13 A. I have ten lesions on my brain.

14 Q. What are lesions?

15 A. They're abnormalities that -- nine of them circle
16 my brain and then there's one on the hypothalamus.

17 Q. All right. When you say a lesion, what is a
18 lesion?

19 A. It's an abnormal spot. It could be a scar or
20 something along that area.

21 Q. Okay. Could it be like a growth also?

22 A. Yes.

23 Q. Okay. And how does that affect you?

24 A. I'm tired, I have word-finding problems and ---

25 Q. What do you mean by word-finding problems?

1 A. Sometimes I know what I want to say. It's just I
2 can't get it to come out.

3 Q. Okay. How else does it affect you?

4 A. I'm unsteady when I walk, so I fall frequently.

5 Q. Okay. What else do you have?

6 A. I have adrenal gland insufficiency.

7 Q. What does that mean?

8 A. The -- my pituitary gland is too small and it
9 doesn't communicate with the adrenal gland on my kidney
10 to tell it to release corticosteroids that your body
11 needs to keep your blood pressure up.

12 Q. So how does that affect you?

13 A. I'm extremely tired, I get dizzy and feel like
14 I'm gonna pass out a lot.

15 Q. And do you -- what medication do you take for
16 that?

17 A. I have steroids on hand that I have to take if I
18 get really ill or I have any kind of trauma to keep my
19 blood pressure up. If I have to have surgery, they have
20 to give me steroids before. If they don't, my blood
21 pressure will bottom out.

22 Q. What happens to you when your blood pressure
23 bottoms out?

24 A. There's a potential for me to die.

25 Q. All right. And how often do you have to take the

1 steroids; once a day, twice a day, once a month, once a
2 year or how often do you take them?

3 A. Usually maybe twice a year.

4 Q. A year. All right, ma'am. What other problems
5 do you have?

6 A. I have degenerative disk disease.

7 Q. And where in your body is that?

8 A. All up and down my spine. I've had low back
9 surgery and then I was in a car wreck and broke my neck
10 and so my left arm has been weaker ever since then, and
11 that happened in 2003.

12 Q. Okay. And what medication do you take for that?

13 A. I have -- I take pain medication every day and I
14 take Valium for spasms because it -- when I ruptured the
15 disk in my low back, it tore up all the muscles and
16 tendons.

17 Q. All right. And how does that actually affect you
18 in your daily activities?

19 A. I can't be up -- or the doctor has recommended no
20 more than an hour without my being able to lie down.

21 Q. Okay. Does it cause you any pain?

22 A. I'm in constant pain.

23 Q. How long has that been going on, ma'am?

24 A. That happened in 1998.

25 Q. All right. And do you do anything else to treat

1 that? Do you wear any special appliances or anything
2 like that?

3 A. I have an orthopedic brace that has been
4 specially designed for me that I wear.

5 Q. And do you wear it all the time?

6 A. Not all the time.

7 Q. How often do you wear it?

8 A. Just if I know that I'm gonna have to be up a lot
9 and/or I may have to be lifting or stooping and bending
10 when I don't normally do that.

11 Q. All right. Do you wear a special corset or
12 anything of that nature?

13 A. That is the -- the corset.

14 Q. Okay. What other medical problems do you have?

15 A. I have -- I'm diabetic.

16 Q. And how do you regulate your diabetes?

17 A. I'm on pills and insulin.

18 Q. How many shots a day do you take and how many
19 units do you shoot?

20 A. My NovoLog insulin is done per sliding scale,
21 which means that depending on what my blood sugar reads
22 it tells me how much that I need to take of that
23 insulin.

24 Q. Is that on an as-need basis?

25 A. That one is, but I take seventeen units of Lantus

1 at night.

2 Q. Okay. And in a typical day, how many shots will
3 you take?

4 A. Usually three.

5 Q. And what other medical problems do you have?

6 A. I have Dupuytren's Contractures Disease.

7 Q. What is that?

8 A. That's a hereditary disease that is passed down
9 from the Vikings and it's where you get a growth on --
10 it can come in any joint, but 98 percent of it is gonna
11 be in your hands or your feet, and both of my parents
12 had it.

13 Q. Okay. And how do you know you have it?

14 A. I've had both my feet operated on for it. My
15 feet will draw down flat on the bed at night.

16 Q. Okay.

17 A. And if you look at this finger, you can see that
18 it's already drawing that finger.

19 Q. Okay. Indicating the ring finger of your left
20 hand?

21 A. Yes.

22 Q. And does that come and go or is that a permanent
23 thing or what?

24 A. That's a permanent thing.

25 Q. All right. And how often do you have a drawing

1 of the fingers?

2 A. It stays like that all the time.

3 Q. And how does that affect your daily life?

4 A. It prevents you from being able to do the things
5 that you want to do and if I don't sometime have this
6 surgically removed, it will keep drawing these fingers
7 until they either have to be amputated or my -- I'll end
8 up with a closed fist all the time.

9 Q. All right. What other medical problems do you
10 have?

11 A. It's hard -- hard for me to think of everything
12 that ---

13 Q. Okay. Do you have any problems with your heart?

14 A. Yes, I have tachycardia and I have PVC and I have
15 a leaking mitral valve.

16 Q. And what is tachycardia?

17 A. Tachycardia is when your heart beats too fast.

18 Q. And what does that do to you?

19 A. It makes you very tired, I'll be sweating. And
20 then the PVC is a premature contracture of the
21 ventricle, which means that my heart is beating an extra
22 time.

23 Q. All right. Have you ever suffered from
24 fibromyalgia?

25 A. Yes, I do have fibromyalgia.

1 Q. What is that?

2 A. That affects the muscles and joints where you
3 feel like you have the flu all the time. You're just
4 kind of sore and achy all over and you're like -- and
5 when the weather changes, you'll immediately feel like
6 -- that you're sick, real sick.

7 Q. All right. In the past, what kind of surgeries,
8 medical procedures or problems have you had in which you
9 had to either go to the doctor or become hospitalized?

10 A. Because of the lesion on my hypothalamus, which
11 is the temperature center that regulates your body
12 temperature, quite frequently if everybody else is cold,
13 I would be sweating. And I don't run temperatures.
14 When I'm sick, they have to do a white count to see if I
15 have an infection.

16 Q. Are you talking about a white blood count?

17 A. Yes.

18 Q. Okay.

19 A. And in 2010, I went into septic shock and I had
20 gotten so bad -- the doctor had treated me for
21 two months for a sinus infection and then all of a
22 sudden I ran a temperature like almost of 104 and the
23 ambulance picked me up, and I don't remember ever
24 arriving at the hospital, and I went into full kidney
25 failure, full liver failure, congestive heart failure,

1 and that's when I developed the COPD.

2 Q. Give me a typical day in your life. What time do
3 you normally get up in the morning?

4 A. I usually wake up around ten and then I go to the
5 bathroom and I come back and take my medication and I
6 can't really get up and -- and do a lot, so I watch TV
7 most of the time and I read and sometimes I crochet a
8 little bit.

9 Q. Okay. Are you able to cook?

10 A. Not a complete meal.

11 Q. Okay. Can you clean your own home?

12 A. Only light stuff. I can't stay up and vacuum or
13 sweep, those sort of things. I can't stand long enough
14 to load the dishwasher at one time and so if we have a
15 meal at my house, it's -- I do the preparation in
16 stages.

17 Q. Okay. You're on crutches here today. Why are
18 you on crutches?

19 A. I broke my little toe on my right foot so that it
20 was pointing out like this (indicating), instead of like
21 this, so it broke it right at the joint.

22 Q. When did that happen?

23 A. On Sunday night.

24 Q. Okay. Do you fall frequently or lose your
25 balance, things of that nature?

1 A. Yes.

2 Q. All right. What is your educational background?
3 What's the last grade you completed in school?

4 A. I have a GED and I have an associate degree in
5 nursing from Greenville Tech.

6 Q. All right. And what was the last grade you
7 actually completed in school?

8 A. Seventh.

9 Q. Okay. And what kind of job history have you had?

10 A. I worked in the cotton mill and they were gonna
11 medically remove me from the plant.

12 Q. How long were you at the cotton mill?

13 A. Six years.

14 Q. Okay.

15 A. And that is when I went and started studying for
16 the GED and then when I completed that, then I took the
17 entrance exam at Greenville Tech to get into the nursing
18 program.

19 Q. Okay. Did you finish that program?

20 A. Yes.

21 Q. And what did you do to make a living thereafter?

22 A. I worked at Greenville Memorial Hospital on the
23 neuro floor.

24 Q. And what was your position at the hospital?

25 A. I was an RN and frequently I would be the charge

1 nurse and I did patient care.

2 Q. And how many years did you do that?

3 A. For over fifteen years.

4 Q. All right. And when did you leave that job and
5 why?

6 A. I had ruptured the disk in my low back trying to
7 prevent a patient from falling when I was assisting her
8 out of bed.

9 Q. Okay. And as a result of that, what happened?

10 A. That's when I ruptured L4 -- L5-S1 central disk
11 and had surgery for it and my back didn't seem to be
12 getting any better and so after numerous tests they
13 discovered that I had torn up all the muscles and
14 tendons and there was no way that it could be surgically
15 repaired.

16 Q. Okay. So what happened to your job?

17 A. After they saw that I wasn't gonna be able to --
18 to return, that position was terminated.

19 Q. Okay. So what have you done to support yourself
20 since then?

21 A. It took me three years to get my disability
22 started, but I've been on disability since then.

23 Q. Social Security disability?

24 A. Yes.

25 Q. When did that start?

1 A. It didn't actually start until 2001, but they
2 backdated and said that I was disabled from 1998.

3 Q. Okay. All right. How did you get to know a
4 gentleman by the name of Mr. Lynn Straley?

5 A. Lynn was the step-grandfather of my
6 granddaughter.

7 Q. Okay. And this is all by marriage, not by blood?

8 A. His -- he was not blood-related to my
9 granddaughter.

10 Q. Okay. So he was the step-grandfather?

11 A. Yes.

12 Q. So approximately how many years did you know him
13 at least casually or know of him?

14 A. Ten years.

15 Q. All right. And how did it come about that you
16 and he developed a relationship?

17 A. He and his wife, who he had found out was not
18 legally his wife 'cause she was married to two other
19 men when she married him, they were having a lot of
20 problems, and Lynn had started to work for me. I had
21 purchased a used doublewide to go on the property that
22 I owned in Laurens County and I wanted some remodeling
23 done to it, so Lynn was doing that work.

24 Q. Okay. Was he separated from, I guess, what he
25 thought to be his wife at that time?

1 A. They separated in January and February and March
2 and then he finally left her in --in April and refused
3 to return.

4 Q. All right. And when was it that you began a
5 relationship with him?

6 A. We went out to eat a few times.

7 Q. I didn't ask you how. I said when.

8 A. In May.

9 Q. Okay. How much older than you was Lynn?

10 A. Ten years.

11 Q. All right. And at the time you began a
12 relationship with Lynn, were you aware of any medical
13 problems that he had?

14 A. No.

15 Q. All right. And after you began a relationship
16 with him, did he discover he had medical issues?

17 A. Yes.

18 Q. Approximately how long after you two began your
19 relationship was that?

20 A. He found out that he had cancer, Stage IV cancer,
21 in January of 2010.

22 Q. Okay. So six or seven months after you two began
23 seeing one another?

24 A. Yes.

25 Q. All right. Did you go with him on his doctor

1 visits?

2 A. Yes.

3 Q. What was the purpose of you going to those
4 visits?

5 A. So that I could hear what the doctor told him and
6 explain it to him more in a layman's term so that he
7 understood it better.

8 Q. Okay. And in this relationship, physically what
9 function -- or mentally what function did you perform
10 and what function did he perform? How did you two take
11 care of each other in other words?

12 A. Lynn did almost all of the cooking and the
13 cleaning. He helped me get dressed because my knees are
14 gone. I've had one total knee replacement. And if he
15 was too sick to do his feedings, he had a feeding tube,
16 then I would do his feedings for him and towards the
17 last part of his life, I would start his IV's when he
18 was dehydrated and when he wet himself, I would change
19 his diapers and things like that.

20 Q. All right. You said he had Stage IV cancer.
21 What kind of cancer did he have?

22 A. It started on the back of his tongue and then
23 after he did thirty-seven radiation treatments and a
24 round of chemo, it did not show up in his throat anymore
25 or on his tongue, but within like two months he was

1 having extreme pain in his left hip and I went to the
2 Cancer Center and asked them to move up his PET scan and
3 they did and found out it had metastasized to the bone
4 in his hip and it had eaten away most of the hip and it
5 was in his spine at that time.

6 Q. Okay. In August of 2011, were you aware Lynn was
7 going to die?

8 A. Yes, we had been told maybe a month and a half
9 before that.

10 Q. All right. And did Lynn know that also?

11 A. Yes.

12 Q. And prior to that time, what kind of relationship
13 did he have with his family, being Tammy and her
14 sisters?

15 A. When we first started seeing each other, he
16 didn't have a lot of contact with them and I encouraged
17 him to contact his daughters and tell them the condition
18 that he was in so that they could repair whatever had
19 happened in their relationship to make them distant from
20 each other.

21 Q. Okay. And where was Lynn originally from? Was
22 he from the Pennsylvania area?

23 A. Yes.

24 Q. And did you and he go up to the Pennsylvania area
25 to see the family?

1 A. Yes.

2 Q. I believe he also had a living brother; is that
3 correct?

4 A. He had a brother that passed away in October and
5 he has two --

6 Q. October of when?

7 A. October of 2010, I think. I'm not absolutely
8 sure.

9 Q. All right. And when you went up to Pennsylvania,
10 what relatives did you see?

11 A. We saw Tammy and the woman that she was married
12 to at that time.

13 Q. Who was that?

14 A. I think her name was Janet Bond.

15 Q. Okay. Who else did you -- did you go see?

16 A. He saw his youngest daughter, Kelly, and he saw
17 his middle daughter, Amy.

18 Q. All right. And how long did you two stay up in
19 Pennsylvania, just briefly? Three or four days or a
20 week or how long?

21 A. We stayed a week.

22 Q. Okay. And thereafter did any of the children
23 come to see him?

24 A. Not until 2011.

25 Q. Okay. Well, let's take you to June of 2011. Who

1 came to see their father?

2 A. Tammy came.

3 Q. Okay. Did -- did another sister also come at the
4 same time or thereabouts?

5 A. Tammy and Shawn had been there for several weeks
6 and then Amy came down and spent a week there and Kelly
7 came down at a different time and spent a weekend.

8 Q. What was the relationship between Tammy and each
9 of those sisters?

10 A. It's my understanding that she was very close to
11 the youngest sister, but Kelly and Tammy both did not
12 have a relationship with their sister, Amy.

13 Q. How long did they stay down there and did they
14 communicate and/or talk during that time?

15 A. I don't know that. Like I said, Amy stayed a
16 week, Shawn and Tammy stayed about six weeks, and Kelly
17 only spent a weekend.

18 Q. Okay. All right. How did it come about that
19 Tammy and Shawn showed up at your house? How -- how did
20 that happen?

21 A. They called one night and said they were -- they
22 needed directions onto where the farm was and so ---

23 Q. Did you have any advance notice they were coming?

24 A. No.

25 Q. Okay. Roughly what time day or night was this?

1 A. They probably got there about 10:30 at night..

2 Q. Okay. And who gave them directions to the farm?

3 A. Since I didn't know the roads that they were
4 coming up, I gave the phone to Lynn and he directed them
5 the rest of the way.

6 Q. Okay. And when Tammy showed up, is that your
7 first introduction to Shawn or did you know Shawn
8 previously?

9 A. I had met Shawn one other time.

10 Q. And when was that and where was that?

11 A. That was at my house in Greer and that was
12 probably in -- maybe early in spring of 2010 they came
13 there.

14 Q. How long did they stay there at that time?

15 A. Oh, they didn't stay.

16 Q. Okay..

17 A. They just came to visit for a couple of hours.

18 Q. All right. When they came in June of 2011, Shawn
19 and Tammy, what did they tell you was going on? Why
20 were they there, how long were they gonna stay, what was
21 the plan so to speak?

22 A. They were gonna stay a few days and they had been
23 travelling around to different places and camping 'cause
24 their plan was they were gonna move to Costa Rica and
25 raise ostriches.

1 Q. And did you give permission for them to stay at
2 your house?

3 A. Yes, it was fine with me that they wanted to
4 visit Lynn and I wanted him to have as much time with
5 his children as he could before he died. They
6 accompanied us to a doctor's visit when the doctor
7 informed Lynn that he had maybe two to six months to
8 live if he did not go back on chemo and if he did and
9 they could find a chemo that kept it from growing, that
10 she, the doctor, was gonna try to buy him a year.

11 Q. Okay. How many rounds of chemo did Lynn do?

12 A. They switched it so many times. He did probably
13 at least four.

14 Q. Four rounds of chemo?

15 A. Yes. They would send him for a CAT scan and if
16 it was still growing, then they would switch the chemo
17 medicine to something different.

18 Q. Okay. When you call it a round of chemo, how
19 much -- how many treatments do you get in a round of
20 chemo?

21 A. It varies on the drug.

22 Q. Well, give me an example?

23 A. Some of them he would have to take every week and
24 that would be like maybe sixteen or eighteen doses of
25 this. Some of it he did every two weeks, some of it he

1 did even every three weeks.

2 Q. All right. And did he also do radiation?

3 A. Yes.

4 Q. How many rounds of radiation did he do?

5 A. The first time he did thirty-seven on his neck
6 and the second time they radiated the hip just so that
7 it would re-grow and help ease the pain, and I think he
8 only had it to do like ten treatments on his hip.

9 Q. All right. At the time they came in June of
10 2011, was Lynn sick at that time?

11 A. Yes, very sick.

12 Q. And physically what was he able to do at that
13 time?

14 A. Lynn was the type of man that pushed his self to
15 do anything. Really he should have been just sitting
16 down and not doing anything, but he was not that type of
17 man.

18 Q. Okay. Well, how long could he do physical
19 activities before he was whipped, worn out, exhausted or
20 had to quit, whatever term you want?

21 A. Well, he would come in and he would rest for
22 maybe an hour and then he would go back outside and --
23 and he would do things out there. Some days he would be
24 so violently ill that he did not get out of bed even.

25 Q. All right. And how long had he been on a feeding

1 tube prior to the August the 11th episode?

2 A. They had put in his feeding tube in 2010, I
3 think.

4 Q. Okay. So was he able to eat at all or was
5 everything through the feeding tube?

6 A. He would eat very small bites, like a spoonful
7 of whatever was cooked, but most of his feeding came
8 through a special nutrition that they designed for him
9 according to what his lab work showed that he needed.

10 Q. All right. And during that stay from June till
11 August, did Tammy and Shawn leave during any of that
12 time?

13 A. They would go to -- back to Atlanta for a couple
14 of days about twice a month and then they left and went
15 to Louisiana where Shawn was from and stayed about
16 ten days.

17 Q. All right. And what kind of vehicles did they
18 have?

19 A. Shawn had a vehicle that was like an SUV. It was
20 an expensive model car, but I don't remember what the
21 name of it was.

22 Q. Okay. And what did Tammy have?

23 A. She had a new Honda, I think.

24 Q. Okay. And when they left to go to Louisiana,
25 which vehicle were they in?

1 A. They took Shawn's vehicle.

2 Q. All right. And when they came back, did they
3 come back in Shawn's vehicle?

4 A. No.

5 Q. What did they tell you happened to that vehicle?

6 A. They said that they got out and rode around and
7 hunted a place that there was very little traffic and
8 where they could go over a railroad track and the hole
9 that it fell in then ruptured the gas tank and they
10 smelled gas and they got out of the vehicle and Shawn
11 told me that she flipped a lit cigarette up under the
12 vehicle so the car burnt completely up and it was like
13 thirty to forty-five minutes before somebody came along
14 that road to call 9-1-1.

15 Q. Did they tell you why they did that?

16 A. There was a \$600 car payment on that car and they
17 wanted to get rid of it.

18 Q. All right. Did that cause problems in the
19 household, so to speak?

20 A. Yes.

21 Q. Why?

22 A. Lynn and I didn't approve of the way that they
23 had gotten rid of the vehicle.

24 Q. All right. And were there problems -- and this
25 is a doublewide trailer; is that correct?

1 A. Yes.

2 Q. Were there problems with the four of you living
3 there for such a long period of time and, if so, what
4 were they?

5 A. Shawn had a very dominating personality and she
6 and Lynn had words several times and the room that they
7 slept in was on one end of the house and our bedroom was
8 on the other end of the house.

9 Q. All right. Hold on. You say they and our. Who
10 is "they"?

11 A. Shawn and Tammy.

12 Q. Okay. And "our" would be you and Lynn; is that
13 correct?

14 A. Yes.

15 Q. Okay. Go ahead with your story, ma'am.

16 A. They would be making love and Shawn would be
17 screaming out, and we couldn't sleep. And they smoked a
18 lot of pot and Shawn especially would be up eating all
19 night long, slamming cabinet doors and turning on the
20 microwave and things like that, and it disturbed us
21 because you can almost like step out of my bedroom and
22 be in the kitchen area.

23 Q. All right. There was previous testimony about
24 marijuana in the house. Where did the marijuana come
25 from?

1 A. They had the marijuana.

2 Q. Okay. Did Lynn try any of the marijuana as a
3 chemo patient?

4 A. His ex-wife, I guess you would say, the woman who
5 he thought he was married to, provided him with a small
6 joint that we kept there and at one time Lynn was so
7 violently ill I had given him all the medications that I
8 could give him and I encouraged him to try to smoke that
9 joint to settle down his nausea and ended up we had to
10 take him to the hospital that night.

11 Q. Okay. Well, did he ever smoke it again or try it
12 again?

13 A. No. When they left to go to Louisiana, Shawn
14 brought, I guess, a piece about that big (indicating)
15 and ---

16 Q. Indicating about a half inch of your thumb?

17 A. ---yes, and a pipe, and she showed me how I was
18 supposed to pack it down in there and there's a little
19 hole on the bottom of that pipe and when you smoke it
20 you're supposed to cover up that little hole for some
21 reason.

22 Q. Okay. Did Lynn ever try that?

23 A. No.

24 Q. Okay. Did you or Lynn approve of the, I guess,
25 recreational marijuana smoking in your house?

1 A. No. Lynn was especially against it.

2 Q. Okay. Have you ever smoked marijuana?

3 A. I tried it one time when I was like 24 years old.

4 Q. Okay. Ever since then?

5 A. I got violently ill the first time, so I -- no, I
6 didn't smoke it after that.

7 Q. Okay. And did any problems arise when either
8 Shawn or Tammy would go to the doctors' offices or the
9 Cancer Center?

10 A. She accompanied me ---

11 Q. Who is "she"?

12 A. Shawn accompanied me to two different doctors
13 appointments and she went in the back with me just like
14 Lynn would always do when I went and she got bandages
15 and tape and alcohol preps, Betadine, and stuffed her
16 purse full, and I asked her to stop doing that, that the
17 doctor was gonna walk in, and I did not want to lose
18 this doctor because he was a very good doctor.

19 Q. What was the response to you?

20 A. They'll never miss it.

21 Q. All right. Any other episode, ma'am?

22 A. We went to the Cancer Society and picked up
23 Lynn's monthly things that they give. There's stores
24 and people who donate things and you'd be able -- they'd
25 have a more expensive item on the bottom, on the floor,

1 and there was seven other items you could pick out, plus
2 they would give you some toilet tissue and Kleenexes, if
3 they had them, and they gave Lynn a case of Ensure every
4 month.

5 Q. Okay. And what happened when you were there?

6 A. There was a book on the floor that was considered
7 the one item you could get off the floor and Shawn
8 wanted that book and I refused to get it and then she
9 reached and got a sunscreen that was SPF 100, and I
10 refused to get that, and I told her Lynn did not need
11 that. And I always picked things in anticipation of
12 what kind of condition that Lynn would maybe wind up in
13 and a lot of times that would be things for me to bathe
14 him in the bed or wipes to use if he became totally
15 incontinent.

16 Q. Okay. So what happened with the sunscreen?

17 A. She carried the sunscreen out in under her phone
18 and then made a big deal of standing there asking the
19 lady at the Cancer Society if she could make donations
20 and how it needed to be made out and that sort of thing,
21 and when we got back home I told Lynn that she could not
22 go to the doctor with me anymore.

23 Q. Okay. And approximately when was that, that that
24 occurred?

25 A. That would have probably been -- we were probably

1 picking up the supplies for the -- the month of July.

2 Q. Okay. So when in July would that have been?

3 A. I don't know. It would have been when I had a
4 doctor's appointment there.

5 Q. Well, do you recall whether it was the first,
6 middle or the last part of July?

7 A. No, I don't recall.

8 Q. All right. On August the 10th, the day before
9 this episode arose, was there any kind of discussions or
10 problems or did Lynn talk or you and Lynn talk to Tammy
11 or Shawn or anything?

12 A. Lynn asked Tammy to come into our bedroom and he
13 voiced his concerns that he felt like that Shawn was
14 just using Tammy because any time that Shawn said that
15 she liked something real well, Tammy would go out and
16 buy it for her and he felt like that once the money was
17 gone that Shawn would just leave and he asked Tammy what
18 had happened with the relationship with her and the Bond
19 lady and he said, you know, the last time I talked to --
20 to you prior to y'all splitting up you were in the
21 process of buying a second house and then Tammy said
22 well, Janet only used her because she wanted to have a
23 son, and the only thing I said was I hope you understand
24 that your daddy just doesn't want you to get hurt again.

25 Q. All right. The next morning was there a

1 different attitude or air in the house, so to speak?

2 A. Yes.

3 Q. What happened?

4 A. Lynn had to be at Greer, which is 65 miles away,
5 and have his blood tested to see if he was gonna be able
6 to get his chemo treatment the next day, and Shawn and
7 Tammy were going to look at several trucks because they
8 planned to get rid of Tammy's new car also because
9 somebody had advised them that they didn't want to go
10 into Costa Rica with a new vehicle, that they would have
11 to pay taxes on it when they crossed over the border.

12 Q. Okay. So who left first that morning; Shawn and
13 Tammy or you and Lynn?

14 A. I think we basically all left about the same
15 time.

16 Q. And approximately what time of day was this?

17 A. This was like 8:30 in the morning.

18 Q. All right. And where did you and Lynn go?

19 A. We went to Greer.

20 Q. Okay. And how long were you at the doctor's
21 office in Greer?

22 A. We were there probably thirty minutes or so
23 because he just had to have lab work that day.

24 Q. Okay. And then after you left the doctor's
25 office, where did you go?

1 A. We went to the drug store to pick up
2 prescriptions that they were supposed to have ready that
3 he had dropped off like a week before and they had lost
4 the prescription. So we had to notify the doctor's
5 office and I requested that the drug store notify the
6 doctor's office, too, that Lynn had dropped those
7 prescriptions off with them a week earlier and that they
8 were, in fact, the ones that had lost the prescription.

9 Q. Okay. So where did you and Lynn go after you
10 left the pharmacy or the drug store?

11 A. We went to Lowe's and Lynn bought a new
12 weed-eater and since we were having to wait to get the
13 new prescription, and it wasn't one that could be faxed,
14 because the doctor was seeing other patients it was
15 gonna be like at lunch break, 12:00, before he could
16 actually pick up the prescription and so -- and I had
17 called a guy that was -- I saw on Craig's List that had
18 three little chickens that he was gonna give away and he
19 lived in Cowpens and so we went to Cowpens and picked up
20 those three chickens.

21 Q. Okay. And after that, did you go back by the
22 doctor's office to pick up the prescription?

23 A. Yes.

24 Q. All right. And what time ---

25 A. We ---

1 Q. Excuse me. What time was that when you went back
2 -- after you went to Cowpens and everything, roughly
3 what time was it when you left the doctor's office the
4 second time?

5 A. We had probably left the doctor's office about
6 one or so and we dropped off the prescriptions for them
7 to be filled, so it was -- and then we came back to the
8 drug store and it was probably about 3:00 when we left
9 Greer.

10 Q. Okay. And so you were leaving Greer at about
11 3:00?

12 A. Yes.

13 Q. Did you go straight from Greer to your home over
14 here in the Cross Hill area?

15 A. No, we stopped at Coleman's Feed and Seed that's
16 between Greer and Woodruff and we talked to the man in
17 there about what these baby chickens needed to eat and
18 we picked up a feeder and a thing to water them and he
19 said they needed to be in a heated place until they got
20 a little larger. So then we started on to Cross Hill,
21 which is -- I live actually closer to Cross Hill than I
22 do to Mountville.

23 Q. All right. Did you two eat anywhere along the
24 way?

25 A. We stopped at the Depot Diner in Cross Hill and

1 we knew those folks in there and we sat and talked to
2 them and ate.

3 Q. Okay. And what time was it when you got back to
4 your home?

5 A. It was beginning to get dark, 7:30. I mean, it
6 was dusk dark, but it was probably around 7:30.

7 Q. All right. And did you and Lynn go into your
8 mobile home?

9 A. I went in and Tammy was sitting on the couch and
10 I showed her the little chickens and Lynn had went and
11 found me a bigger box to put them in and a light to
12 hang over in that box and I -- I took the box into our
13 bedroom and put it in the bathtub and fixed something
14 over the top of it so that the cat and the dogs -- or
15 the dog could not get in there to the little chickens.

16 Q. Okay. And you say Tammy was sitting in the den?

17 A. Yes..

18 Q. Now are you talking about the den on the back of
19 the house?

20 A. Yes.

21 Q. Okay. All right. What happened after that?

22 A. She went outside with her dad.

23 Q. Who is she?

24 A. Tammy.

25 Q. Okay.

1 A. And Shawn had been in the bedroom that they were
2 sleeping in and she came out and sat on the couch and I
3 was sitting in the recliner because my left -- my right
4 knee was swollen and I was just pouring sweat.

5 Q. And why was -- why was your right knee swollen?

6 A. I'd had a total knee replacement about six months
7 prior to that.

8 Q. All right. So you and Tammy {sic} are sitting in
9 the den at the back of the trailer, Lynn and Tammy are
10 outside; is that correct?

11 A. Shawn and I were sitting, yes.

12 Q. Excuse me. I'm sorry?

13 A. Tammy had gone outside with her daddy.

14 Q. Do you know whether they went to get gas or what
15 they were doing outside? Do you know for a fact?

16 A. Yes, they went to get gas. Lynn came in and told
17 me that he and Tammy were gonna ride to the store and
18 get gas and to get whatever kind of oil you have to mix
19 with the gas to put in a weed-eater.

20 Q. Roughly how long were they gone?

21 A. Maybe fifteen minutes.

22 Q. Okay. And were you and Shawn sitting in the same
23 room during this period of time?

24 A. Yes.

25 Q. What was going on?

1 A. Shawn started arguing with me and saying that we
2 should have came to her if we had any questions about
3 her and I told her I was not gonna discuss the matter
4 with her, that I had not said anything other than I hope
5 that -- that Tammy understood that her dad just did not
6 want her to get hurt, and I said so you are gonna have
7 to wait until Tammy and Lynn are back and discuss it
8 with them.

9 Q. Okay. What happened after that?

10 A. She continued to berate and belittle me and I
11 told her that she was being childish and I was not gonna
12 discuss it with her.

13 Q. Okay. When you say berate and belittle you, what
14 was she saying to you?

15 A. Do you want me to tell you verbatim?

16 Q. Please.

17 A. There are a lot of very vulgar words.

18 Q. I understand. We're all adults here. I want to
19 hear what she had said to you verbatim?

20 A. She told me I was a black-hearted, evil bitch,
21 that I didn't fucking deserve a man like Lynn, that he
22 was too good for me and all I did was lay on my fucking
23 lazy, fat ass and not do anything.

24 Q. How did you respond to that?

25 A. I told her that I had papers that had been

1 written in 1998 that -- from two different doctors that
2 said I was to be able to lie down after an hour and that
3 I was not to stand on my feet over an hour.

4 Q. Then what happened?

5 A. She continued to -- to curse me and I just kept
6 telling her that I wasn't gonna discuss it with her.

7 Q. All right. Thereafter, had Tammy and Lynn come
8 back while this was going on?

9 A. Any time they would walk up on the porch and
10 start in, she would stop saying anything.

11 Q. Okay. And was Lynn coming in and out of the
12 house?

13 A. Yes.

14 Q. What for?

15 A. Lynn drank coffee all day long and he would come
16 in and get him some coffee or he might come in to get a
17 tool and he would go back out and then I told him he
18 needed to stay in the house.

19 Q. Did you tell him why?

20 A. Yes.

21 Q. What did you tell him?

22 A. That Shawn was trying to start an argument with
23 me saying that I had said things about her the night
24 before and that he knew I had not and he needed to
25 address that with Shawn and Tammy.

1 Q. And as a result of your request, did Lynn stay in
2 the house thereafter?

3 A. Yes.

4 Q. And did he talk to you and Shawn or not?

5 A. Shawn, again, told Lynn that I was evil and that
6 I laid on my dead ass all day and Lynn said I knew the
7 medical problems that she had when I got involved with
8 her and he said I go to all her doctors' appointments
9 with her and the -- my GYN doctor had shown him exactly
10 where I had cancerous lesions removed from my vaginal
11 area and he said she is doing what she is supposed to do
12 and is able to do and then he told her at one point that
13 that was the kettle calling the pot black or however he
14 worded it.

15 Q. Okay. Then what happened?

16 A. When Tammy came in, Shawn --

17 Q. All right. Let's stop there for a second. How
18 long was it Tammy remained outside while Lynn was
19 inside?

20 A. Maybe ten minutes. Five to ten minutes.

21 Q. And when Tammy came in, what happened?

22 A. Shawn told Tammy that I was accusing her of
23 stealing things from the Cancer Society and the doctor's
24 office.

25 Q. Had that been part of the discussion?

1 A. Yes.

2 Q. Okay. And what else was said?

3 A. She was crying and they went back to the bedroom
4 that they had been using and were talking or whatever
5 they were doing, I don't know, and then Tammy came out
6 and started cursing her father and saying that she dared
7 any -- either one of us to interfere in her relationship
8 and I told her we had not interfered in her relationship
9 and she said she had gone through things that her father
10 did not even know about, that she had had someone hold
11 a gun to her head and say they were gonna pull the
12 trigger, but when she started cursing her daddy after
13 hearing the doctor say that he had two to six months
14 maybe to live, I told her that was -- it was time for
15 them to get their things and get out of my house.

16 Q. What words did you use?

17 A. I said it's time for you to get your shit and get
18 out of my damn house.

19 Q. What happened then?

20 A. They went back to the bedroom and we could hear
21 them laughing and -- and some of the words they were
22 saying. Every once in a while you would catch a word,
23 but then supposedly they were packing.

24 Q. How long were they in that bedroom?

25 A. Probably thirty minutes.

1 Q. Did Lynn walk back and talk to them at any point
2 in time?

3 A. He did.

4 Q. And were you able to hear what Lynn said to them?

5 A. Lynn asked them for -- he said a lot of things
6 have been said and he said I do wish that you would just
7 -- would just think it over and see how things are in
8 the morning.

9 Q. And what was the response to that?

10 A. No, they were gonna leave.

11 Q. All right. Now where were you when all this was
12 happening?

13 A. I was in the den.

14 Q. Okay. Were you still in your recliner?

15 A. Yes.

16 Q. In that back den, back porch door area?

17 A. Yes. We never used the front porch.

18 Q. Okay. And what happened after that?

19 A. They would come out with a bag and hit the
20 bottom of the leg rest part on -- on my recliner and
21 knowing that I would have to bend that knee again that
22 was already throbbing from us having to do the running
23 around that we had done earlier that day.

24 Q. How many times was your chair bumped?

25 A. At least four.

1 Q. All right. And this has been described as a
2 tight area. Is there any reason your chair would be
3 bumped when someone was walking by?

4 A. Only if they did it intentionally. There was
5 enough room for them to have gotten through to the door
6 without ever touching my chair.

7 Q. All right. After the fourth bump, what did you
8 do?

9 A. I told Lynn -- I said the hell with this, I'm
10 gonna help them carry it out, so I went back to the
11 bedroom and they had one small -- like a piece of
12 luggage that would be like a carry-on to an airplane
13 that you could store over the top, and it was full, but
14 it was not zipped up, and I could see what was in it. I
15 zipped it up and I carried it out to -- it had a long
16 strap on it and had wheels on it, and I carried it out
17 and set in on the back porch.

18 Q. Did you throw it, drop it or damage anything?

19 A. No. No, the items that were in there were like
20 shampoo and lotion, the sex toys, I guess you would say,
21 and a hairdryer.

22 Q. Okay. Was Lynn sitting in the den the whole time
23 this was happening?

24 A. Yes.

25 Q. All right. Then what happened?

1 A. They would take like thirty minutes each time
2 they would take one little bag out and I went back and
3 got two other bags that -- they were not real large, but
4 larger than the first one, it also had wheels on it and
5 straps, and I was pulling -- it had clothes in it, both
6 of them did, and I was pulling them or carrying them,
7 but down at my side, they didn't weigh about what a
8 basket full of clothes would be. And Shawn came through
9 and I had gotten to the living room part on the front of
10 the house and she said don't be touching our fucking
11 stuff, that you're gonna break something that we have in
12 there, and I set the bags on the floor and then she took
13 her body and knocked into me and when she did, I lost my
14 balance and I reached out to grab anything, and as it
15 happened, I grabbed her by the hair of the head and...

16 Q. All right. At the time this happened, how much
17 did you weigh roughly?

18 A. I had just gone to the doctor the day before and
19 I weighed 188 pounds on his scales.

20 Q. How tall are you?

21 A. 5'5" to 5'6".

22 Q. And how tall is Shawn or was Shawn?

23 A. I would say Shawn was probably 5'10".

24 Q. And roughly, your guess, how much do you think
25 she weighed?

1 A. I think she would probably weigh probably 280.

2 Q. And how long was her hair?

3 A. It was about shoulder length.

4 Q. Okay. Was it touching her shoulders or right at
5 the shoulders or above the shoulders?

6 A. I really don't know how to --

7 Q. Okay. All right. When she bumped you and you
8 grabbed her hair, what happened then?

9 A. I fell onto the floor and she was on top of me.

10 Q. Where were your hands?

11 A. My right hand was stretched out and her arm was
12 over the top of it and my left hand was still holding
13 her hair.

14 Q. Okay. Did you fall to your right or to your left
15 or straight back or straight forward? How did you fall?

16 A. I fell straight on my back. I was bruised from
17 my waistline all the way down to my buttocks.

18 Q. Okay. And as Shawn was laying on top of you, was
19 her head to your left or to your right?

20 A. Her head was to my left and her body was
21 completely covering mine from the knees up to about
22 right here, just below my breast.

23 Q. What happened after that?

24 A. Tammy came in.

25 Q. How long was it after the two of you hit the

1 floor was it before Tammy came in?

2 A. Maybe a minute, if it was that long. I mean,
3 everything was going so -- it was going so fast, but yet
4 it felt like it was in slow motion.

5 Q. Okay. So do you know how long it was?

6 A. I don't really know.

7 Q. All right. And what happened when Tammy came in?

8 A. She started screaming for me to turn her loose
9 and then she put her right knee in my left breast and
10 she stepped over my chest and -- and stepped on this
11 hand so that there would be no way I would be able to
12 pull it out from under Shawn.

13 Q. Your right hand or right arm?

14 A. My right hand, yes.

15 Q. So was she straddling you?

16 A. Yes.

17 Q. What happened then?

18 A. She started beating me in the face.

19 Q. Do you know how many times she hit you in the
20 face?

21 A. Probably twenty times. I had a gash over the
22 left eye. My eye was beaten, it was completely shut
23 immediately, my nose was broken, my mouth was bleeding,
24 and there was a puddle at the door about this big
25 around.

1 Q. Indicating a little bigger than a softball?

2 A. I would say probably a seven, eight -- seven-inch
3 small dinner plate.

4 Q. Okay. Was there blood splattered in that area,
5 too?

6 A. Not that I know of. I just know that there was
7 that blood there.

8 Q. All right. What happened then after Tammy was on
9 you hitting you?

10 A. I was screaming for Lynn and he came into the
11 room and told Tammy to get off of me and told Shawn to
12 get up and he told me to go -- he helped me up off the
13 floor and he told me to go and -- and clean up my face.

14 Q. All right. Was there a struggle or was anybody
15 grabbing anybody, anything like that?

16 A. Not right at that point.

17 Q. Okay. When did Lynn lose his feeding tube? When
18 was it pulled out?

19 A. He told me he thought that Shawn had pulled it
20 out and I'm not sure that he even really knew.

21 Q. Well, my question -- hold on a moment. My
22 question was when was it pulled out? Was it in that
23 initial scuffle?

24 A. I don't know.

25 Q. Okay. When did you first notice his feeding tube

1 was out?

2 A. I didn't notice it. He told me that.

3 Q. Okay. All right. So Lynn gets it broken up,
4 tells Tammy to get off you, Shawn to get off of you and
5 you to go to the bathroom?

6 A. Yes.

7 Q. How long does it take you to get to the bathroom?

8 A. Maybe thirty seconds, if that long.

9 Q. Well, how many feet is it?

10 A. About twenty feet.

11 Q. Okay. All right. And I assume you -- did you
12 walk very slowly or briskly or what to get to the
13 bathroom?

14 A. I walked fairly briskly, so...

15 Q. Okay. And what happened when you got to the
16 bathroom?

17 A. I splashed water on my face.

18 Q. Why?

19 A. Because I had blood streaming down everywhere
20 and it was in my right eye also. And I had thought
21 initially that I had picked up a washcloth, but I
22 remembered later that I just dried my hand on my pants.

23 Q. All right. So did this take -- I mean, did you
24 just splash it lightly and head back out?

25 A. Yes.

1 Q. What was going on while you were in there washing
2 your face off or splashing water on your face?

3 A. Tammy was still cursing her daddy and that she
4 couldn't believe that he was taking up for me and that
5 -- she was just -- she was just cursing him.

6 Q. What was going through your mind at that time?
7 What were your thoughts, your fears, whatever emotions
8 you had?

9 A. That they were gonna either come in the bathroom
10 -- come into my room and jump on me again or that they
11 were gonna jump on Lynn.

12 Q. All right. So what did you do as you're walking
13 out of the bathroom?

14 A. I reached and got my pistol out from under the
15 bed -- under the mattress.

16 Q. All right. As you're facing the foot of the bed,
17 where would the gun be? Would it be on the far
18 left-hand corner, the immediate left-hand corner, the
19 far right-hand corner or the far -- or the close
20 right-hand corner? Where was the gun as you're facing
21 the foot of the bed?

22 A. It would have been on the right-hand corner at
23 the bottom of the bed.

24 Q. Okay. And is that right there in the walkway?

25 A. Yes.

1 Q. And did you grab that gun?

2 A. Yes.

3 Q. And where did you go after you grabbed that gun?

4 A. I went to the dining room area.

5 Q. Is that right outside of the bedroom door?

6 A. Right outside of my bedroom.

7 Q. And what did you do when you got there?

8 A. I just stood there and had the gun at my side.

9 Q. And what did you say?

10 A. I didn't say anything. I was just -- they were
11 on -- Shawn and Tammy were on the other side of the
12 living room and they were pointing at me and laughing
13 and I assumed they were making fun of the beating that
14 they had given me.

15 Q. Well, were you angry?

16 A. Yes, I was angry.

17 Q. Were you hurt?

18 A. I was hurt.

19 Q. Were you scared?

20 A. Yes, definitely.

21 Q. What were you scared of?

22 A. I had just been released from my nephrologist in
23 early 2011 and he had told me to avoid all stress as
24 much as I could because anything could throw me back
25 into kidney failure. So I didn't know if I was gonna

1 end up dying from this beating and if they were gonna
2 come and jump on me and finish me off. I knew that I
3 could not take another beating like that.

4 Q. So you're standing there in the -- I don't know,
5 the den, dining area or right outside the bedroom door
6 with your gun at your side. What happens then?

7 A. I'm just standing there and I'm not saying
8 anything. I'm just -- I had my head turned slightly to
9 the left because I only had peripheral vision in the
10 right eye.

11 Q. What kind of vision did you have in your left
12 eye?

13 A. None.

14 Q. Why?

15 A. Because it was swelled completely shut.

16 Q. I'll show you five pictures. Were these pictures
17 taken about a week after this episode?

18 A. Yes.

19 Q. And does this accurately reflect the condition of
20 your face even one week after this beating?

21 A. Yes. I had black eyes for five weeks.

22 Q. And was your left eye literally pure blood up to
23 the pupil?

24 A. Yes. As soon as I had gotten out of jail, Lynn
25 took me to the eye doctor.

1 **MR. SHEEK:** No objection for the purposes of this
2 hearing.

3 **MR. VARNER:** That's for the purpose of this
4 hearing.

5 **THE COURT:** Let's get them marked or are they
6 already marked?

7 (Defendant's Exhibit Numbers 1 through 4,
8 photographs were marked for identification and
9 received into evidence for hearing purposes.)

10 **THE COURT:** While she's doing that, let's go
11 ahead and take a break. We've been going about an hour
12 and thirty minutes.

13 (Recess taken.)

14 **THE COURT:** All right, Mr. Varner.

15 DIRECT EXAMINATION (CONTINUED)

16 BY MR. VARNER:

17 Q. Ms. Revan, I'm going to hand you four more
18 photographs, and tell me if you can identify these four
19 photographs, please, ma'am?

20 A. That is a picture of my left breast and the
21 second one is a -- another picture of me, and the -- the
22 third photograph is another one with me looking off
23 towards the right so that you can see the damage to the
24 left eye, and this is what I would say is kind of a
25 profile that shows more of the left side of my face.

1 Q. Okay. And these pictures are dated August
2 the 19th of 2011; is that correct?

3 A. Yes.

4 Q. And were these taken -- this orange suit, were
5 these taken while you were in the jail?

6 A. Yes.

7 Q. And does that accurately reflect the condition of
8 your face and the bruising in your breast area as a
9 result of this altercation with Shawn and Tammy on
10 August the 11th, one week prior?

11 A. Yes.

12 Q. Or one week and a day.

13 MR. VARNER: Your Honor, we'd like to have these
14 four photos marked and introduced into evidence for
15 purposes of this hearing.

16 MR. SHEEK: No objection.

17 THE COURT: They'll be so marked.

18 (Defendant's Exhibit Numbers 5 through 8,
19 photographs were marked for identification and
20 received into evidence for hearing purposes.)

21 BY MR. VARNER:

22 Q. Ma'am, I handed you one other photograph. Tell
23 me what that is a picture of.

24 A. That is a picture of my nose that shows the
25 bruising on it and the bruising and the bloodshot-ness

1 {sic} of the left eye and the bruising under the right
2 eye.

3 Q. And who took that photograph?

4 A. Lynn did.

5 Q. Okay. And when was that photograph taken?

6 A. That was probably the first day that I came home
7 from jail.

8 Q. And how long were you in jail?

9 A. Twelve days.

10 Q. All right. So this is thirteen days later?

11 A. Yes.

12 Q. And the background, is that the trailer you live
13 in?

14 A. Yes.

15 MR. VARNER: Your Honor, we'd like to have this
16 marked and introduced.

17 MR. SHEEK: No objection, Your Honor.

18 (Defendant's Exhibit Number 9, a photograph, was
19 marked for identification and received into evidence
20 for hearing purposes.)

21 BY MR. VARNER:

22 Q. All right. Let me take you back to you standing
23 in the den, dining area or whatever, and you have the
24 gun to the side. Where was Lynn at that point in time?

25 A. He was in the den.

1 Q. Okay. Could you see him?

2 A. No, excuse me. This was after the fight. Lynn
3 was in the kitchen fixing an ice pack for me.

4 Q. Okay. And is the kitchen -- is there an opening
5 there in that dining area and the kitchen would be
6 immediately there?

7 A. Yes.

8 Q. So could you see him?

9 A. Yes.

10 Q. All right. And where was Tammy and where was
11 Shawn?

12 A. Shawn and Tammy were at the other end of the
13 living room, which is on the front side of the house,
14 and there's a small hall there that leads to the three
15 bedrooms and the bath -- the main -- the main bathroom
16 that everyone would use.

17 Q. And how many feet away from you are they roughly?

18 A. I would say 24, 25 feet.

19 Q. Okay. And then what happened?

20 A. Tammy looked up and saw -- well, they -- they
21 were talking and Shawn was kind of pacing in that little
22 hallway and I would see her shake her head.

23 Q. Indicating a "no" shake?

24 A. Yes, and she would pace back and forth a little
25 bit and they would talk again and laugh and I saw her

1 several times shake her head in a "no" manner and
2 then --

3 Q. What was Tammy doing?

4 A. Tammy was still pointing and laughing and I
5 couldn't hear what they were saying because my ear was
6 ringing so from the beating and then Tammy noticed that
7 I had the gun and she screamed at me and she said are
8 you fucking crazy, you stupid bitch, and I said no, I'm
9 not crazy, but I don't intend on y'all jumping on me
10 again in my own house and I mean for you to get your
11 things and get out.

12 Q. Then what happened?

13 A. Tammy had only -- at that time had one of her
14 ankles fused and she started off at a run towards me and
15 I lifted the gun and pointed over towards the left, down
16 towards the floor, and I fired the gun.

17 Q. When you thought Tammy was coming at you, what
18 did you think Tammy was going to do?

19 A. I thought she was gonna jump on me and finish me
20 off.

21 Q. And what was the -- the purpose of that shot?

22 A. It was a warning shot.

23 Q. Was it intended to stop this beating or
24 altercation?

25 A. Since she had complained or verbalized earlier

1 that she had had a gun put to her head, then I thought
2 she would stop if she knew that I would fire that gun,
3 so I intended on it to be a warning shot and a warning
4 shot only.

5 Q. Okay. And was it your belief that that would
6 stop the altercation at that point in time?

7 A. Yes.

8 Q. Or stop the beating?

9 A. Yes.

10 Q. And from where you were standing and where Tammy
11 was, did you even fire in Tammy's direction?

12 A. No.

13 Q. Did you fire to your left across your body?

14 A. Yes.

15 Q. And what happened then?

16 A. Lynn ran in from the kitchen and had his arms
17 around me. He was standing at my back and he was trying
18 to take the gun out of my hand and then Tammy came up
19 and was beating me around Lynn and she was trying to get
20 the gun at one point also and the gun went off a second
21 time and I thought it went into the dining room floor,
22 but it actually went into the ceiling.

23 Q. Okay. And this struggle for the gun, who wound
24 up with the gun?

25 A. Lynn did.

1 Q. All right. And what did he do once he obtained
2 the gun?

3 A. He took it to the car and locked it in the car.

4 Q. Okay. And what did Tammy do once Lynn got the
5 gun?

6 A. He told her to leave me alone and that she needed
7 to go check on Shawn because Shawn was in the bedroom
8 screaming.

9 Q. When did you become aware that Shawn had been
10 hit?

11 A. Lynn came into the bedroom and told me.

12 Q. Prior to that time, did you even know Shawn had
13 been hit?

14 A. No.

15 Q. All right... And could you even see where Tammy --
16 excuse me, where Shawn was?

17 A. No.

18 Q. All right. And subsequent to that, did Lynn call
19 9-1-1?

20 A. Yes.

21 Q. And when the police came out, did you give them a
22 statement about what happened?

23 A. Not there at the house.

24 Q. Okay. Well, when you went down to the police
25 department?

1 A. Yes, I did.

2 Q. And was that you in the hour and a half or so
3 interview telling them what happened?

4 A. Yes.

5 Q. Were you truthful and correct?

6 A. Yes.

7 Q. Had you talked to a lawyer at the time you gave
8 that statement?

9 A. No.

10 Q. Were you at fault in any way, shape or form in
11 bringing about this situation?

12 A. No.

13 Q. Did you believe at the time that gun was fired
14 that you were in imminent danger of either losing your
15 life or being seriously beaten again?

16 A. I was.

17 Q. And do you know how anyone would have thought
18 otherwise, so to speak, after what had already
19 transpired?

20 A. No, I wouldn't if they had the same kind of
21 medical problems that I have and I would feel like
22 anybody would have -- have done the same thing to
23 protect their selves.

24 Q. Okay. Well, let me ask just the common sense
25 question. You're standing in your dining area. Where

1 is the front door in relation to where you are?

2 A. It was probably ten foot to the left.

3 Q. Okay. And where were the other two doors exiting
4 that mobile home?

5 A. There's one in the laundry room, which you would
6 -- you'd have to go through the kitchen and then go into
7 the laundry room, so it would have been on the right and
8 then back a little bit, and then the other door is in
9 the den.

10 Q. Okay. So they were on the other side of the
11 trailer, so to speak?

12 A. Yes.

13 Q. Would there have been any logical reason for
14 Shawn to be over in that left-hand corner?

15 A. No.

16 Q. Was that heading toward a door or heading toward
17 an exit or even going back into the bedroom?

18 A. No.

19 Q. Why do you think is the reason they separated and
20 one was to the left and one was to the right?

21 A. I think Tammy convinced Shawn that the two of
22 them could jump on me and finish me off.

23 Q. Did you ever point the gun at Tammy's face?

24 A. No.

25 Q. To your knowledge, is she trained in hand-to-hand

1 combat?

2 A. Yes, she is.

3 Q. Is it a smart thing to put a gun six inches from
4 someone's face who's experienced in things like that?

5 A. No.

6 Q. Did you know that when you had that gun, all
7 those situations about Tammy? In other words, did you
8 know that she had ---

9 A. I -- I knew she ---

10 Q. Excuse me. Did you know she had been in the
11 military, she had received hand-to-hand combat training
12 and things of that nature?

13 A. Yes, I knew that.

14 MR. VARNER: Answer any questions the prosecutor
15 may have of you. Excuse me, just -- hold just one
16 moment.

17 That's all the questions I have. Answer any
18 questions the prosecutor may have of you, ma'am.

19 CROSS-EXAMINATION

20 BY MR. SHEEK:

21 Q. Ma'am, your attorney just asked you if you gave a
22 recorded statement at the police department. That was
23 the statement we watched yesterday, correct?

24 A. Yes.

25 Q. And he asked you if you were honest and correct

1 in that statement and you said you were; is that
2 correct?

3 A. Yes.

4 Q. Did you tell the police everything that you could
5 remember?

6 A. At that time, I did.

7 Q. You told them everything you thought was
8 important for them to know concerning the circumstances
9 of your killing this woman in your house?

10 A. I don't feel like I killed her.

11 Q. You don't?

12 A. I know that the gun was in my hand.

13 Q. Did you shoot it?

14 A. I did fire it.

15 Q. Do you think she was shot?

16 A. I think she was -- I thought she was in another
17 room.

18 Q. Do you think someone else shot her?

19 A. If I had of been dishonest to the police, I would
20 have said the gun went off during the struggle of trying
21 to take it out of my hand.

22 Q. My question to you, ma'am, is do you think
23 someone else shot Shawn Morrigan in your house on August
24 the 11th of 2011?

25 A. No, I do not.

1 Q. Okay. Did you hear any other gunshots other than
2 the gun you were holding?

3 A. No.

4 Q. And is it your contention here today that that
5 shooting was accidental?

6 A. I can't really say that it was an acci --
7 accidental because I fired the shot intending on it to
8 be a warning shot.

9 Q. Did you intend to shoot Shawn Morrigan?

10 A. I did not intend to shoot anybody.

11 Q. Okay. So your contention is that Shawn Morrigan
12 getting shot was an accident?

13 A. (No response.)

14 Q. You did not intend to hit her with a bullet?

15 A. I did not intend to hit her, but she was in the
16 process of a violent crime against someone who was
17 disabled and a lot older than she was.

18 Q. Ma'am, my question to you was is it your
19 contention that it was an accident that you shot Shawn
20 Morrigan? You were not intending when you pulled the
21 trigger on that gun to shoot Shawn Morrigan; is that
22 correct?

23 A. I purely intended on it to be a warning shot.

24 Q. Okay. So you are not contending that you shot
25 Shawn Morrigan in self-defense, you're contending you

1 didn't mean to shoot her?

2 A. I don't really understand how you're phrasing
3 that to me.

4 Q. Okay. Are you telling this Judge right now that
5 you shot Shawn Morrigan intentionally to defend yourself
6 from harm?

7 A. No, I did not shoot her intentionally.

8 Q. Okay. In fact, what you're telling him is you
9 did not mean to shoot her.

10 A. I did not mean to shoot anybody.

11 Q. Okay. Now I'm going to hand you a photograph and
12 ask you can you identify what room that is?

13 A. That is leading into the bathroom and my room.

14 Q. Okay. And can you see through that open doorway
15 your bed?

16 A. Yes.

17 Q. And can you tell us what that is laying on your
18 bed?

19 A. No.

20 Q. Well, I'll hand you another photograph. Can
21 you see the handle of it laying on the bed in that
22 photograph?

23 MR. VARNER: Can I see the photograph?

24 THE WITNESS: (Handing.)

25 A. I don't have any idea what that is.

1 Q. You've never seen that walking stick before?

2 A. Not that walking stick if that is what, indeed,
3 that it is.

4 Q. Ma'am, when you were booked into the jail, did
5 they photograph you as part of the booking process?

6 A. Yes.

7 Q. I have a copy of the photograph. Is that how you
8 looked the night you were booked in?

9 A. Yes.

10 MR. SHEEK: Your Honor, we'd move to have this
11 marked as State's 1.

12 MR. VARNER: No objection for purposes of this
13 hearing.

14 MR. SHEEK: I'm sorry, State's 2. I apologize.
15 (State's Exhibit Number 2, a mugshot, was marked
16 for identification.)

17 MR. VARNER: No objection as to that. Is that
18 the bedroom picture you asked her about?

19 MR. SHEEK: Yes.

20 MR. VARNER: No objection.

21 MR. SHEEK: No further questions, Your Honor.

22 THE COURT: Any redirect?

23 MR. VARNER: Nothing further.

24 THE COURT: All right. Ma'am, you may step down.

25 (Witness excused.)

1 MR. VARNER: Your Honor, at this time we're going
2 to read the statements taken from the deposition of Lynn
3 Straley. The prosecutor has a copy also, Your Honor.
4 Did you bring a copy of the deposition with you?

5 MR. BRAMHALL: Yes.

6 THE COURT REPORTER: Could you hold on?

7 (Whereupon, a brief conversation was held off
8 the record.)

9 MR. VARNER: Is she going to swear him or --

10 THE COURT: Swear him in to read it accurately.

11 THE CLERK: Okay.

12 THE COURT: Sworn to accurately and verbatim.

13 EVAN BRAMHALL,
14 having been duly sworn to read the deposition testimony
15 of LYNN STRALEY accurately and verbatim, testified as
16 follows:

17 EXAMINATION

18 BY MR. VARNER: (AS READ)

19 Q. What's your name, sir?

20 A. Evan Bramhall.

21 Q. And you're an attorney in my office; is that
22 correct?

23 A. Yes, sir.

24 Q. All right. I'll ask you to turn to Page 21 of
25 the deposition, sir.

1 A. All right.

2 Q. And wherever it's got an "A", which means answer,
3 that's what you're to read. Begin with the first line
4 there.

5 A. I knew what the argument was about.

6 Q. Well, at that point where -- where is Tammy?

7 A. Tammy is outside. She's weed-eating.

8 Q. Okay. All right. So tell me what happened when
9 you walked in?

10 A. Well, the argument continued and ---

11 Q. What was the argument -- what were they saying to
12 each other?

13 A. Well, it was mostly Shawn accusing Kathy of
14 different things; shaying -- saying Shawn was lazy and
15 she's telling Kathy you don't -- you don't do anything
16 but lay in bed, and Kathy was telling her I have my
17 reasons for laying in bed, I'm under doctor's orders to
18 be in bed, and we were telling her you're sick all the
19 time, you don't do anything to help, you're just on the
20 computer, but you say about -- but you say about going
21 out to dinner or going up to that mine to dig rocks and
22 you're healthy and ready to go out the door.

23 Q. So now you're talking to Shawn?

24 A. Yeah.

25 Q. Okay.

1 A. And this continued a few minutes like that and
2 then Tammy came in -- Tammy come in and it really
3 escalated into an argument and Kathy told them ---

4 Q. At this point was it all verbal?

5 A. Yes.

6 Q. So then Tammy come ---

7 A. Could I have a glass of water.

8 Q. Sure. Okay. You were talk -- you were talking
9 -- we're at the point where I think Tammy came in there
10 and now all four of you were inside?

11 A. Right.

12 Q. What part of the -- is this the doublewide?

13 A. Yeah, like in the den.

14 Q. Okay.

15 A. And I just didn't want to be involved in any
16 arguments. I don't like confrontation and I don't like
17 anything not going smoothly around me, but at this point
18 Kathy told them she thinks it's time they get their
19 stuff and leave.

20 Q. So she told both Tammy and Shawn that they were
21 to leave?

22 A. Right, they needed to leave. So they got up and
23 started packing their stuff and going out the door.
24 Well, Kathy is sitting in the recliner and every time
25 they go past her, they're knocking her.

1 Q. They?

2 A. Knocking her feet.

3 Q. They who?

4 A. Shawn and Tammy.

5 Q. Both of them?

6 A. Yes.

7 Q. And what do you mean they were knocking her feet?

8 A. Well, they were carrying the bags and stuff
9 trying to get around her, you know, and I was there. It
10 was like on purpose. You're -- you know how when you
11 bump somebody and it's an accident and when you bump
12 somebody and it's on purpose. I mean, you can tell the
13 difference. You can tell it wasn't ending, especially
14 after it happens two or three times.

15 Q. So they never said anything when they made these
16 bumps?

17 A. No, no.

18 Q. And was it -- was it Kathy's feet hanging off the
19 recliner or were they ---

20 A. Yeah, it was just her feet hanging off of the end
21 of it.

22 Q. And so the recliner had the footrest up?

23 A. Right.

24 Q. And her feet were hanging off and then whatever
25 they were carrying would bump her feet?

1 A. Yeah.

2 Q. Okay.

3 A. And I admit it was a tight space, but, you know,
4 it had a space there 30 inches wide that you could get
5 through.

6 Q. Was the recliner near the door?

7 A. By the door sitting in the corner. Okay. The
8 door is like four feet from the corner and the
9 recliner's there and the couch over there and a coffee
10 table, but there was, like I say, 30 inches, three feet,
11 from the coffee table to the recliner.

12 Q. Okay?

13 A. So Kathy said I can't take any more of this. She
14 says I'm going to help them.

15 Q. Okay. Now where were they at this point?
16 They're inside?

17 A. They were moving in and out and carrying stuff.

18 Q. Okay.

19 A. And she went back to carry bags.

20 Q. Kathy went to help them carry their bags out?

21 A. Yeah, to get them -- them out of there faster.

22 Q. Okay.

23 A. Get them out of there faster because she had all
24 she could take, I had about all I could take of it, and
25 on the way back, Shawn was carrying a bag and, again,

1 bumped her, hit her with her hip.

2 Q. All right. This was on the -- Shawn was on the
3 way out with the bag?

4 A. Yeah, she was on the way out of the bedroom with
5 the bag.

6 Q. Oh, so ---

7 A. Okay. The end other end of the trailer.

8 Q. Right.

9 A. And then the living -- coming into the living
10 room.

11 Q. And she bumped Kathy?

12 A. She purposely bumped Kathy. She purposely bumped
13 her with her hip and threw Kathy -- Kathy off balance.

14 Q. Okay. And why do you say she purposely bumped
15 her again?

16 A. Well, like I said, you could see when something
17 like this that is an accident and when somebody does it
18 on purpose. I mean, it's not hard to see when somebody
19 really goes like that as opposed to normal walking and
20 bumped into you.

21 Q. Did she stop and bump her or did she bump her as
22 she was ---

23 A. She was walking while she bumped her.

24 Q. All right. And you said it knocked -- it got her
25 unbalanced. Did she fall or something?

1 A. Yes. And in order to gain her balance, she
2 grabbed Shawn's hair and they both fell down, Shawn on
3 top of her.

4 Q. All right. Did Shawn have long hair or ---

5 A. Yeah, fairly long hair.

6 Q. And did she wear it completely loose or in a
7 ponytail or ---

8 A. You know, I don't know how she had it that day.
9 I honestly don't. There was so much. Kathy and I had
10 such a good day out, which we don't have -- which we
11 don't have many of because of her health and it was a
12 particularly good day and I certainly didn't want to end
13 it like that, but...

14 Q. So Kathy grabbed her hair on the way down or ---

15 A. On the -- yes, to help gather her balance of some
16 -- to help gather up her balance somewhat because she
17 had nothing there to lean against or she was going to
18 fall flat on the floor.

19 Q. All right. So did Kathy continue to fall down?

20 A. She continued to fall and then in the meantime it
21 pulled Shawn right down on top of her.

22 Q. So at this point when they're on the floor, is
23 Kathy on her back and Shawn is ---

24 A. Shawn -- or Kathy is pretty much on her back,
25 maybe leaning to one side a little bit.

1 Q. All right.

2 A. But Shawn ---

3 Q. And where is Shawn?

4 A. Shawn is at this point on top of her.

5 Q. Face on top of her, her front on top of her or
6 lying with her back on top of her or do you remember?

7 A. Kind of -- not face on her, but flat on her back
8 on her -- kind of on her side.

9 Q. On her ---

10 A. Kind of on her, right. Kind of on her side on
11 her.

12 Q. Okay.

13 A. And she is -- Shawn is scratching at Kathy on her
14 legs and her thigh and her stomach to get her to let go
15 of her hair. In the meantime, Tammy jumps in on her.
16 Tammy -- in the meantime Tammy jumps in on her, puts
17 her ---

18 Q. Well, when did Tammy come in all of this? Excuse
19 me. Well, when did Tammy come in in all of this, as
20 they were going down or ---

21 A. Well ---

22 Q. ---after they were on the floor or was she there
23 when she actually is ---

24 A. She was actually in the bedroom getting a bag
25 together to go out, but while they were on -- Kathy and

1 Shawn are on the floor, Tammy comes out, presses or puts
2 her left foot on Kathy's right hand, pulls it down on
3 the floor and puts her left foot on her right hand, puts
4 her right knee on her chest right there, right here, and
5 commenced to beating her with her fist in her upper
6 head.

7 Q. All right. Now at this point, was Kathy holding
8 Shawn's hair with her right hand or her left hand or
9 both or ---

10 A. She was holding her with her left hand.

11 Q. Okay. So at this -- when Tammy pulled Kathy's
12 right hand and put her ---

13 A. Her left foot.

14 Q. ---foot on it, was Kathy still holding onto
15 Shawn's hair with her ---

16 A. Yes.

17 Q. ---left hand?

18 A. Yes.

19 Q. Now during this period of time, was Kathy or
20 Shawn saying anything to each other? Was there any ---

21 A. Screaming let go of me. Shawn was screaming let
22 go of me, let go of me.

23 Q. Right.

24 A. Kathy wasn't saying anything because she was
25 getting the hell beat out of her.

1 Q. Now I'm talking about before Kathy came out and
2 said anything. Was there any conversation at all?

3 A. After Shawn went to the bathroom -- the bedroom.

4 Q. Uh-huh.

5 A. I don't remember any of -- I don't remember of
6 any conversation; no civil conversation anyhow.

7 Q. Right. So is it fair to say that from the time
8 that Kathy grabbed Tammy's ---

9 A. Shawn.

10 Q. ---Shawn's hair and pulled her to the floor, the
11 first thing you remember anybody saying was Shawn saying
12 let my hair go, let my hair go?

13 A. Yeah.

14 Q. But Kathy wasn't saying anything?

15 A. No, she was, like I say, getting the crap beat
16 out of her.

17 Q. Well, when Tammy came out of the bedroom ---

18 A. Uh-huh.

19 Q. ---did she say anything?

20 A. No, at this point she seen what was them on the
21 floor and she come over and that's when she put her hand
22 or her foot on her hand and chest -- leg on her chest.
23 Now you've got to remember Tammy spent two years in the
24 Army and was trained in hand-to-hand combat.

25 Q. But she wasn't saying anything?

1 A. No.

2 Q. And Kathy still wasn't saying anything back to
3 her ---

4 A. No.

5 Q. ---at this point?

6 A. I mean, Tammy's busy beating her up. Tammy's
7 getting beat up.

8 Q. And what about Shawn at this point when she's
9 getting beat?

10 A. Just let go of my hair. Let go of my hair.

11 Q. Okay. Now -- thank you. Now tell me what else
12 happened after that?

13 A. Well, I got Tammy off of Kathy because I -- I
14 seen what was going on ---

15 Q. Uh-huh.

16 A. ---and got Tam -- and got Tammy off of Kathy
17 and...

18 Q. How did you do that?

19 A. Just by reaching in there and keeping her from
20 hitting her with her right hand and at that time I had
21 a feeding tube in, too, and during that my tube got
22 pulled out, and I don't even know when that happened.
23 I think Shawn pulled it out, but I got Tammy to keep
24 from hitting her. When she quit hitting her, she let
25 her up.

1 Q. Okay.

2 A. And Kathy is bleeding out of her nose; out her
3 nose, out her mouth, her eye is swelled up.

4 Q. Her right eye?

5 A. Her right eye is swelled up. Her left eye, no.
6 Her left eye swelled up. I'm sorry.

7 Q. Okay.

8 A. Her right eye is not in too good a shape, and I
9 get her up and get her to the bathroom, hand her a
10 washcloth. I don't know if I handed a washcloth off of
11 the towel rack or whether there was one in the sink, but
12 at that point I turned around, walked out of the bedroom
13 into the kitchen, and now they're not but three feet
14 apart.

15 Q. Who's not but three feet -- three feet apart?

16 A. The bedroom and the kitchen.

17 Q. Oh, okay.

18 A. And I'm getting ice in a Ziploc bag.

19 Q. To put on Kathy's ---

20 A. To put on Kathy.

21 Q. Right.

22 A. Well, I didn't know it, but Kathy must have been
23 directly behind me coming out.

24 Q. All right. Where was Tammy and Shawn at this
25 point?

1 A. Well, at this point Tammy and Shawn went back
2 into the bedroom.

3 Q. Okay.

4 A. And, like I say, I put ice in that Ziploc bag and
5 Kathy must have been right behind me because as I shut
6 the freezer, I heard Tammy say are you crazy?

7 Q. Talking to Kathy?

8 A. Kathy. And I looked up and like it's -- Kathy's
9 not three, four feet away from me because here's the
10 fridge -- here's our bedroom, here's the kitchen.
11 There's the refrigerator right in the corner, here's the
12 dining room and here's the living room. Well, Kathy's
13 standing in the doorway, which is nine-foot door.

14 Q. The doorway to the bedroom?

15 A. The doorway from the bedroom -- from the dine --
16 the doorway from the dining room to the living room.

17 Q. Oh, okay.

18 A. Kathy is standing in that doorway and like I'm
19 foot -- three feet -- I'm three foot away, maybe four
20 foot. Tammy is yelling at Kathy are you crazy, and I
21 look up and Kathy has a gun in her hand -- in her right
22 hand.

23 Q. What kind of gun, a handgun?

24 A. A little handgun. Well, not a little handgun. I
25 can't tell you what kind it is -- it was. I don't like

1 guns, but I seen she had this gun. Well, I made a dive
2 for her to grab that gun.

3 Q. So you made a dive for Kathy?

4 A. For Kathy. And at the same time Tammy made a
5 dive for Kathy.

6 Q. All right. And where was she pointing the gun?

7 A. Well, it's kind of -- Kathy is standing up like
8 this 'cause she can't see out of this eye and she's got
9 her head turned like this (indicating).

10 Q. So she basically has it in her right hand and
11 she's got it ---

12 A. Across her body.

13 Q. ---across her body? Well, could you tell where
14 the gun was aiming, where was ---

15 A. It was pointed towards the floor. At that point,
16 it was pointed towards the floor.

17 Q. The floor? What floor?

18 A. Of ---

19 Q. In front of ---

20 A. Say where the bedroom comes out into the living
21 room.

22 Q. The bedroom?

23 A. Where their bedroom come out into the living
24 room.

25 Q. Tammy and Shawn's bedroom ---

1 A. Yeah.

2 Q. ---doorway?

3 A. Right.

4 Q. Okay. Did you see -- did you see Shawn at this
5 point?

6 A. Shawn at that point was coming out of the bedroom
7 into the living room. There's a short hallway there
8 four feet from their bedroom into the living room, but I
9 could just see her coming out of the bedroom into that
10 hall and Tammy had been in front of Shawn a few feet
11 and, like I say, Kathy had that gun. I didn't know she
12 had it. I didn't know she was that close behind me
13 'cause I went to get her ice and she must have followed
14 me out.

15 Q. How close were you to Kathy when she tried to get
16 her -- excuse me. How close were you to Kathy when you
17 tried to get to her with the gun?

18 A. Four feet.

19 Q. How close was Tammy to her when she tried to get
20 to her with the gun?

21 A. About the same distance; four, four, maybe
22 another foot, maybe five feet.

23 Q. And did both of you try to go at her at the same
24 time?

25 A. Yeah.

1 Q. All right. And then what happened?

2 A. Well, the gun went off.

3 Q. Did the gun go off before y'all got to her or as
4 you got to her or ---

5 A. It's -- my recollecting is it didn't go off until
6 after we got to her ---

7 Q. Okay. So she ---

8 A. ---while it was pointed down to the floor.

9 Q. So when -- do you know what part of Kathy's body
10 -- were you going with your hands trying to grab
11 something?

12 A. Yeah, uh-huh.

13 Q. All right. What were you trying to grab?

14 A. I was trying to get her arm so I could get the
15 gun out of her hand.

16 Q. And that would be her right arm?

17 A. Right.

18 Q. And were you able to get -- to grab her arm
19 before the gun went off or ---

20 A. Not the first shot. After the first shot, I went
21 to get ahold of her and get her arm up in the air and
22 Tammy was on it, too. I mean, we were both trying to
23 get it from her and it went off and went in the dining
24 room ceiling. At that point, I got the gun from her.

25 Q. All right. Did Kathy say anything at all before

1 she shot ---

2 A. No.

3 Q. ---the gun?

4 A. No.

5 Q. Never said a word?

6 A. No.

7 Q. But the gun was pointed down at the floor ---

8 A. Yes.

9 Q. ---when it went off?

10 A. Yeah, when -- when I first seen it, she had it
11 down, pointed down toward the floor.

12 Q. Okay. So do you know if Shawn got -- actually
13 touched Kathy before the first gunshot went off?

14 A. No, they were too far apart.

15 Q. So as far as you know, the first gunshot went off
16 before either one of you touched her?

17 A. Well -- well, I was trying to get a hold of her.
18 Whether I had had a hold of her or not, I don't know.

19 Q. So you may have?

20 A. I thought it was at the time down. I damn near
21 got shot. It's a wonder, you know. I was saying it's a
22 wonder it didn't hit me. At that point, I didn't know
23 it hit Shawn.

24 Q. All right. Well, what's the next thing that
25 happened after y'all got her up on the floor and you're

1 holding her arm up and the gun goes off and it shoots
2 into -- the second shot goes into the ceiling, what
3 happened then?

4 A. I got the gun and I thought what the hell am I
5 gonna do with this because I don't want either one of
6 them getting ahold of it, so I took it to the den and
7 hid it under a cushion on the chair.

8 Q. All right. How did you get the gun? Did she
9 give it to you or did you have to wrestle it?

10 A. No, I just really wrenched it out of her hand.

11 Q. So she wasn't trying to let go of it?

12 A. No, she was -- she wasn't trying to let go at the
13 time of the first shot. After the shot went into the
14 ceiling, she must have let go of it ---

15 Q. Oh, okay.

16 A. ---or whatever. I'm five inches taller than her,
17 so I could reach a little higher. So, you know, I don't
18 know if she let go of it or whether I just actually
19 twisted it out of her hand.

20 Q. Did she say anything at that point, Kathy?

21 A. No.

22 Q. No conversation at all?

23 A. No, and at that point I didn't know Shawn had
24 been hit.

25 Q. Well, did anybody say anything at that point?

1 A. Well, I no sooner -- sooner got the gun and was
2 walking to hide the thing and Shawn says she shot me.

3 Q. So Shawn was the first one that said it?

4 A. Shawn was the first one to say anything, she shot
5 me, and Tammy was hollering call 9-1-1. Well, I'm --
6 well -- well, I'm in the den right by the phone. I
7 grabbed the phone and started calling 9-1-1 and I come
8 back into the room. Kathy had gone back into the
9 bedroom to lay down on the bed. I'm calling 9-1-1 and
10 Tammy is helping Shawn into the bedroom.

11 Q. Okay. At this point, did you know where Shawn
12 had been hit ---

13 A. No.

14 Q. ---by the gunshot?

15 A. I do not.

16 Q. You couldn't tell by how she was moving or ---

17 A. No.

18 Q. ---whether she was holding anything?

19 A. No, not at the time -- not -- not at that minute.
20 I couldn't tell while I was on the phone with 9-1-1
21 because she said about your -- she said about your GPS,
22 or you did, one of the two, they couldn't find us and
23 Tammy had grabbed some towels and had her -- and had her
24 in the bedroom there and was putting a press on her leg,
25 on her thigh.

1 Q. Which leg, do you remember?

2 A. I think it was her left leg.

3 Q. Did you see blood at that point?

4 A. No, not really. I seen no blood on the living
5 room floor or a very little bit. Let's put it like
6 that, you know. Over where Kathy was at where they had
7 beat her there was a lot of blood and then when EMS took
8 her out, well, the next day I seen a lot of blood on the
9 floor where Shawn was, but ---

10 Q. In the living room or the bedroom?

11 A. In the bedroom.

12 Q. Okay. And what about the blood that you said
13 where there was a physical altercation between Shawn and
14 Kathy? How far was that from where Shawn was actually
15 shot?

16 A. Well, Kathy from where she ended up on the floor
17 where they beat her was probably four feet away from
18 where Kathy was standing when she shot her. Shawn was
19 probably 15 feet away from Kathy and Tammy was in
20 between Shawn and Kathy when Kathy shot her and I was
21 three, four feet away from Kathy when she shot her when
22 we were wrestling for this gun.

23 Q. All right. So you called 9-1-1 and Tammy is
24 putting a towel press on?

25 A. Keep hollering.

1 Q. Shawn ---

2 A. Call 9-1-1, what's talk -- what's taking so long,
3 and stuff like this. Kathy is in the bed.

4 Q. Now is Kathy saying anything at this point?

5 A. At this point, she has some pills that she has to
6 carry with her that any trauma, physical or mental
7 trauma, or I don't know, that she's supposed to take one
8 of these pills. One ---

9 Q. For her heart?

10 A. I don't know what it's for.

11 Q. Okay. That's fine.

12 A. Her endocrinologist -- endocrinologist, if that's
13 how you say it, had her on one of these things and she's
14 only supposed to take it in a real emergency.

15 Q. Right.

16 A. Like this past weekend she had an -- an episode
17 with -- well, she thought maybe she was going into
18 congestive heart failure.

19 Q. Excuse me, read that again. Start with going
20 into?

21 A. Going into degen -- congenitive {sic} heart
22 failure. I don't know if you could -- if you know what
23 that is, but the fluid builds up around your heart and
24 stuff.

25 Q. Right.

1 A. That's an incident where she's supposed to take a
2 pill.

3 Q. Right.

4 A. And I think it was this past weekend -- I know
5 she took a pill this past weekend for that and that's
6 the first pill she's taken since this thing happened
7 here, so that's why they're for -- that's what they're
8 for.

9 Q. Okay. I think my question was, was Kathy saying
10 anything at this point? Was there any conver ---

11 A. You know, give me a pill, give me one of my,
12 whatever they are, you know.

13 Q. All right.

14 A. And other than that, no.

15 Q. So what happened next?

16 A. Well, the cop finally came out and I said you've
17 got to get an ambulance up here now.

18 MR. VARNER: Okay. That's all the questions I
19 have, sir.

20 Your Honor, we'd like to have the deposition
21 marked and introduced into evidence.

22 THE COURT: All right. The whole thing will be
23 marked for the benefit of Ms. Johnson so she can have
24 the whole thing to verify for her needs as a court
25 reporter.

1 record. Ms. Johnson, will you mark the whole thing as a
2 Court's exhibit?

3 THE COURT REPORTER: Yes, sir.

4 (Court's Exhibit Number 1, a deposition, was
5 marked for identification.)

6 MR. VARNER: Your Honor, that is our case.

7 THE COURT: All right. Y'all want to summarize
8 what y'all presented or -- is the State gonna put up
9 anything?

10 MR. SHEEK: Your Honor, the only thing we have,
11 and I don't know if the defense is gonna stipulate to
12 it, if I can get Lieutenant Jawarski Shelton over here
13 we have a written statement of Mr. Straley that he gave
14 to the police that I would submit. It's the statement
15 he gave to the police of what he saw happen that night..

16 MR. VARNER: Your Honor, I'll object for purposes
17 of this hearing. Just publish it and introduce it. If
18 you want to read it, I'll read it.

19 MR. SHEEK: That's fine. I was gonna get the
20 officer to authenticate it, but if we could
21 stipulate ---

22 MR. VARNER: I'll -- I'll so stipulate to its
23 authentication for purposes of this hearing.

24 THE COURT: How long is it?

25 MR. SHEEK: It's a page and a half.

1 **THE COURT:** Why can't you just read it? If y'all
2 stipulate it's coming in.

3 **MR. SHEEK:** That's fine with me, Judge, instead
4 of having somebody read it.

5 **MR. VARNER:** That's fine, Your Honor.

6 **THE COURT:** We'll mark it as State's Exhibit
7 Number 3? We'll mark it State's -- we'll mark it
8 State's Exhibit Number 3?

9 **MR. SHEEK:** State's Exhibit Number 3, Your Honor.

10 **THE COURT:** For purposes of this hearing.

11 (State's Exhibit Number 3, a statement, was
12 marked for identification.)

13 **MR. SHEEK:** The State has no witnesses in
14 addition, Your Honor.

15 **MR. VARNER:** Your Honor, if I may briefly, in
16 regard to the Castle Doctrine, I think the courts and
17 the Legislature has intended it encompasses both the
18 Stand Your Ground defense and the self-defense criteria.
19 If the Court looks at the entire situation, first,
20 it's undisputed this is Kathy Revan's home without any
21 dispute, so the duty to retreat doesn't apply. And it
22 fulfills the legislative intent that I stated in the
23 beginning so that people would feel safe and secure in
24 their own homes. During this period of time two young
25 ladies show up. They are almost twenty years younger

1 than her, outweigh her by -- one possibly a hundred
2 pounds by herself. They stay there. Initially the
3 intent was to stay a couple of days and the Court has
4 to look at the lifestyle they were living. It is not in
5 accordance with the norms of society. They are living
6 an alternative lifestyle. They have taken this married
7 name. They are going across the country with no visible
8 means of support and the -- the grand scheme is to go to
9 Costa Rica and raise ostriches. What's shown in that is
10 a disregard for the rules of civilized conduct and how
11 society functions.

12 And as I stated at the beginning of this,
13 Benjamin Franklin said several hundred years ago after
14 three days, fish and guests begin to stink. There is
15 no question -- and partly this bears against my lady,
16 but there's no question a doublewide trailer four
17 individuals of completely different age brackets and
18 completely different health statuses, that's an
19 inconvenience to say that the least.

20 These girls are staying up at night, they are not
21 contributing financially. They are doing some things
22 to help. They do go to the doctor visits, but while
23 they're there, they're pilfering stuff. We can go
24 through this thing of what she did or did not approve
25 of, but there's marijuana being smoked, food getting

1 eaten, and both of these people are living on a limited
2 income.

3 I want to try to go through the laundry list of
4 my client's physical disabilities, but she literally
5 basically stays in bed and watches TV or reads a book.
6 She can't really walk up steps. She has COPD, she has
7 heart problems, she has high -- has low blood pressure
8 problems. She just had surgery on her knee. Her knee
9 is swollen up and hurting. She has fibromyalgia. She
10 has had kidney failure, she has had liver failure. She
11 has degenerative disk disease, she had back problems.
12 This is the kind of person who has been on disability
13 for -- at this point in time almost ten -- ten or
14 eleven years and actually has been disabled since '98.

15 She had a relationship with Mr. Straley, and it
16 was beneficial in this respect. Mr. Straley, even
17 though he was very sick, but he could take care of the
18 physical part, she took care of the medical part and I
19 guess the medical understanding to help him with his
20 needs. And I don't think there's any question a father
21 who knows he's dying wanted to mend fences, he wanted
22 the girls to stay there, and whether he agreed or
23 disagreed with them, he wanted things to be right before
24 he passed away with his daughter.

25 Unfortunately, as time elapsed it was apparent

1 that wasn't going to happen. We come back with this
2 scenario of the Volvo burning. First off, this is not
3 1972, this is not a Pinto and we now have Ralph Nader,
4 but this is a Volvo, I think, XCD90 {sic}, a 2007 model
5 car. That's basically an SUV. And the story that Tammy
6 purported to this Court when she testified is that they
7 went over some kind of bump and the gas tank ruptured
8 and the car miraculously burst into flames and burned.
9 My client's position is no, they came back and said they
10 found an isolated road and somehow or another they got
11 the gas tank puncture or gas on the car and threw a
12 cigarette on it and watched it burn to get out of their
13 obligations.

14 Your Honor, I don't know how many cars were
15 manufactured that year, probably forty or fifty
16 thousand, but SUV's, that would have to be a three-foot
17 tall stump to get to the gas tank on one of these cars,
18 and Volvo tracks and trades in the safest car in the
19 world and all of these cars have skid plates, they have
20 all these safety devices on them, but that's as truthful
21 as everything else that she purported to you. This car
22 mysteriously -- we've got everything here. We've got
23 exploding cars, we've got people who are, you know,
24 unprovoked and for no reason shooting guns, we've got
25 this woman-on-woman relationship, this name change, the

1 ostrich raising, but the father did approach his
2 daughter the night before, it did without any question
3 cause hard feelings because she shared that with her --
4 her lover, and that's just common sense.

5 At that time, the deceased, she was upset the
6 next day. It showed. When she found the opportunity to
7 be alone with my client, she confronted her. And I'm
8 not gonna sit here and try to say my lady was cool, calm
9 and collected the whole time. These were hot moments.
10 She was calling her black-hearted. She responded with
11 I'm not even gonna call you folks when your father dies.
12 This is what you've got. But she tried to back away.
13 Even though she had no duty and, again, this is not a
14 physical altercation, but she says let's get everybody
15 together when you say this. Well, when Lynn, the
16 father, or Tammy, the daughter, came in there was a
17 discussion. It got heated, it got nasty and she'd had
18 enough. Partly because this is her home, but partly
19 because this is her mate who is dying. She does not
20 want him subjected to this either and she tells them to
21 get out, to leave your stuff, and the Court can review
22 them at that point in time as being ejected.

23 There is a possibility for a hostile view that
24 this was reasonable under the circumstances to eject
25 them whether they are trespassers or still remain as

1 invitees, but as they are leaving, they're aggravating
2 the situation, they're hitting her leg, which is up
3 and is swollen and hurting, four times, and that's
4 consistent with what Mr. Straley says, is they'd already
5 made two trips. Two trips with two of them, that would
6 be four trips. She got up at that point in time,
7 whether wisely or not, and said I'm gonna make this move
8 faster, carries a bag out and when carries -- gets ready
9 to carry the second bag out, she is confronted by Shawn.

10 Now to hear Tammy tell it -- and the bottom line
11 is Tammy wasn't in there when this happened. Tammy
12 doesn't know what happened. Tammy was outside, so Tammy
13 got up there and purported to say that she pulled by the
14 hair and jerked her down. Tammy was outside. She
15 admitted that when she was talking. There's only two
16 people who actually saw what happened and if you take it
17 in favor of the State because part of this -- apparently
18 Lynn Straley in his deposition didn't exactly see how it
19 got started, but there's one person. She said she was
20 nudged, bumped, hit. She lost her balance and grabbed
21 whatever she could to go down. That's only logical and
22 it's consistent with all the facts because this lady
23 being at 180 something pounds to believe that she would
24 start a confrontation with two women there and the
25 Court's had the opportunity to observe both the age and

1 the size of Tammy as opposed to her age and her physical
2 condition, but they went down.

3 Now it's un -- undisputed at least as to Lynn and
4 as to my client when Tammy did come in, my lady was on
5 the floor. Shawn was on top her of. At this point in
6 time, Tammy, you've seen the pictures, beat the holy
7 heck out of her. Beat her so severely in her left eye
8 that it was closed and one week later, even several
9 weeks later, there's blood not just going to the pupil,
10 but on the other side of the pupil. Her eye was swollen
11 shut. We've even got the State's mugshot. She took a
12 severe beating. The father broke this fight up. At
13 that point in time, she's told to go into the bathroom.
14 She complies. She doesn't stay there antagonizing or
15 provoking this -- this altercation. Everybody's
16 testified it's basically fifteen feet. It takes about
17 three to five seconds at a brisk pace to get to. She
18 splashes water on her face. As she's coming out -- and
19 they made it sound as if she went and got her gun. The
20 gun is right there. She picks it up, and she said for
21 the purpose of I can't take another beating, they will
22 kill me, there's two of them.

23 I would submit if you look at it in another way,
24 this is really a case of lynching, not a case of murder.
25 It's certainly a case of self-defense at the very least

1 and certainly Stand Your Ground, but at that time she
2 comes out, she holds a gun. I admit it is disputed as
3 -- between Tammy and my client as to where the gun was
4 pointed, but that's not, I submit to you, the issue.
5 Tammy asserts she said nothing. Both my client and the
6 depositions, which are consistent, says she's yelling
7 are you crazy, she's coming at her and, you know,
8 there's some argument of self-defense doesn't apply
9 because there was an accident. Nobody has said this was
10 an accidental discharge of a gun. She could have taken
11 that position, especially with Mr. Straley's deposition,
12 the gun went off when everybody was grabbing for it, but
13 she said I intentionally fired that gun and no, there's
14 no malice aforethought, there was not an intent to kill
15 this person, but there was certainly an intent to stop
16 the attack. That fits the criteria of self-defense and
17 we can get into the legal mumbo-jumbo of intentional or
18 whatever, but from a layman's point of view the gun
19 firing had a purpose. It was to stop the attack. To
20 make sure it didn't happen again because she's got a
21 girl coming at her; substantially younger, substantially
22 stronger and substantially bigger than her, and another
23 woman who is almost hundred pounds and twenty years
24 younger than her. She fires that gun. Unfortunately,
25 it did hit the girl in the lower leg. That is straight

1 up and consistent with exactly what my client was
2 saying. We didn't have the SLED people, the forensic
3 people, here, but there's no dispute the leg is low.
4 The gun would have had to have been pointed in a
5 downward angle, which is consistent with what my client
6 said, and absolutely consistent with the physical
7 evidence.

8 And compare that to what Tammy tells you. Tammy
9 tells you the gun is six inches from her face. Now this
10 is a person who is a lieutenant in the military, and
11 this is common sense, but only an idiot is gonna put a
12 gun six inches from someone's face. I hate to use him
13 as an example, but if I put a gun in his face, he knows
14 what to do real quickly. If he's right-handed he's
15 gonna take that right hand and slap that gun away from
16 his body and he's gonna take it away from me. That's
17 what she was trained to do in hand-to-hand combat, but
18 even if you do believe that my client was foolish enough
19 to do this, she said she was tracking her. If she was
20 tracking her, how did she get shot in the leg, the lower
21 leg? It's not possible if what she says is correct.

22 I would submit to the Court further that if the
23 Court does a little bit of analysis if there is any --
24 anything other than another attack coming, why would
25 Tammy have been coming at a woman with a gun who she

1 thought might kill her. And where was Shawn going?
2 Because their bedroom's back there, there's a bathroom,
3 there's places they could have gone to retreat or to
4 stop the altercation, but instead of stopping the
5 altercation, they're coming toward her and they've
6 separated, which is a common -- it's a military tactic.
7 You don't both come together. You split and you come at
8 different angles. That's what the discussion is in the
9 hallway. How are we gonna do this, how are we gonna
10 whip her again and again? We're gonna leave her, but
11 we're gonna leave her with something to remember us by.

12 What my client did was justified. It was
13 certainly a mitigated situation. What my client did
14 was not a crime. She was in her own home. She is
15 much older, she is in poor health, she's already been
16 attacked and savagely beaten. She got a gun, She
17 defended herself, Your Honor, and as such it meets the
18 criteria of the Castle Doctrine, it further meets
19 self-defense, and I asked specifically the elements,
20 and it certainly meets the characteristics and intent
21 of the Legislature in Stand Your Ground; therefore, I
22 would request that she have immunity from prosecution
23 and this case be dismissed at this stage.

24 MR. SHEEK: Thank you, Your Honor. I think it's
25 clear from the testimony and evidence presented that

1 the defense presented both a recorded statement that
2 we watched yesterday and the Defendant's own testimony
3 today was I did not intend to shoot Shawn Morrigan.
4 Whether she intended to pull the trigger or not,
5 she says the shooting of Ms. Morrigan was accidental
6 and never contended that she was being attacked by
7 Ms. Morrigan. As far as where Ms. Morrigan was going,
8 as far as advancing on her in a military-type movement,
9 I think it's interesting to note that the autopsy report
10 says she was shot back to front. She was shot going
11 away. Where was she going? Why was she going to the
12 porch? She was running from a woman with a gun.

13 That being said, her defense presented has been
14 one of accident. That is outside the realm of the
15 Protection of Persons and Property Act. In fact, since
16 they -- I've also admitted in her testimony that these
17 parties were residing there. That removes it under the
18 act for the purposes of Subsection A and B because she
19 would meet the definition of a resident as defined by
20 the act; someone who either permanently or temporarily
21 resides at the location. So being a resident, we'd go
22 straight to Subsection C, which is a self-defense
23 argument. Assuming she had presented a self-defense
24 defense, Your Honor, then I think the case of State
25 versus James Curry, which, again, is Opinion Number

1 27335, filed December 4th of 2013, certainly goes to the
2 question that's presented here that says as the General
3 Assembly stated its intent to codify the common law
4 Castle Doctrine, I believe it's appropriate to consider
5 case law in the area. It goes on to discuss State
6 versus Grantham. It says that the Castle Doctrine was
7 predicated on the absence of aggression or fault of the
8 defendant in bringing on the difficulty, the Doctrine is
9 for defensive and not offensive purposes.

10 In this case, Your Honor, they -- because of the
11 nature of the self-defense claim, the court says that
12 is quintessentially a jury question regarding the first
13 three elements, the duty to retreat having been removed,
14 and, therefore, it was properly submitted to the jury.

15 So what we have in this case is one of accidental
16 shooting, which is outside self-defense, outside of the
17 Protection of Persons and Property Act, and then if she
18 wants to somehow bootstrap this onto even though I
19 didn't mean to shoot anybody, if I did shoot and kill
20 somebody, it was in self-defense, she's prevented any
21 questions to go before a jury because really who was the
22 aggressor, who pulled her down first? The fight was
23 over according to her own testimony. She goes to her
24 room, washes up her face, comes back with a gun and then
25 reenters the fray at her own volition with a gun at this

1 point. She's the one that's introduced a deadly weapon
2 into this altercation.

3 It's interesting also to note that the story that
4 she gave in her recorded statement differs dramatically
5 from the testimony of -- of Lynn Straley that was read
6 in his deposition because he was asked, you know, did
7 she say anything when she came back with the gun? No.
8 Anything at all? No. She testified today that when
9 she came back in with the gun they said what have you
10 got a gun for and she said I'm not gonna stand here in
11 my home and let y'all beat me up like this and so she's
12 testified about this conversation she had with them of
13 why she brought the gun back when he says clearly there
14 was no such conversation.

15 So obviously there's a lot of contradictory
16 testimony even from the witnesses they presented on how
17 this went down. But bottom line, Your Honor -- yeah,
18 she also testified -- thank you. She also testified
19 in her statement that when she went the gun -- went and
20 got the gun, this is what she told the police in the
21 recorded statement, that she came back. She went and
22 got the gun she says to show them she meant business.
23 She didn't come back in is the statement she gave to
24 protect herself, she didn't come back in because she
25 was afraid of being attacked, she never said she heard

1 anybody discussing coming back after her. She brought
2 the gun back in to show them she meant business and as a
3 result of what she did bringing that gun into that room,
4 Shawn Morrigan is now dead.

5 And they can ask why would Tammy approach her?
6 The same reason Lynn Straley says he dove for it. She
7 comes back in with a gun, everybody's trying to get the
8 gun away from the woman because it simply was escalating
9 beyond control. I think in that circumstance, Your
10 Honor, it's a question for the jury.

11 **THE COURT:** I've read the statute very, very
12 carefully this morning three times and I've read several
13 cases that we've been referencing also this morning. I
14 mean, where I have a problem with the testimony as far
15 as what started what is once the fight breaks up,
16 everybody goes back to each end of the house and then
17 they come back, depending on who you hear, they come
18 back in different orders, but understanding how the
19 statute's written, I'm -- I'm gonna respectfully deny
20 your motion for immunity. I -- I just don't believe
21 that there was an imminent danger when they departed.
22 Once they departed, they departed, and had it been an
23 on-going thing, but I -- but there is conflicting
24 testimony both ways as to what happened next, who came
25 back in the room first. No question where the gun came

1 from, but I do not believe that it's met the parameters
2 outlined in the statute of, what, 16-11-440 and 430,
3 420. So, respectfully, your motion is denied on the
4 immunity request. Certainly it's gonna be a difficult
5 thing for a jury to try to sort out, but anyway that's
6 my ruling.

7 MR. VARNER: Thank you much, Your Honor.

8 MR. SHEEK: Your Honor, if it please the Court,
9 I'm gonna hand up a revised potential State's witness
10 list.

11 THE COURT: All right. The jury's coming in at
12 two?

13 MR. SHEEK: Yes, sir.

14 THE COURT: Y'all are more than welcome to be
15 here for roll call. I have a wrongful death settlement
16 coming from Greenwood at 1:30. Mr. Hite's coming over.
17 Judge Addy's court reporter is ill, so we'll take a
18 lunch break until 1:30 and then we've got to do the
19 wrongful death settlement, so they'll be some lawyers
20 coming here. That just got done about an hour ago, so,
21 but once they're done the jury will be coming in and
22 we'll get that done.

23 MR. VARNER: What time do you want us back here,
24 two?

25 THE COURT: I'll say two for us.

1 that had all sort of comments, and so that's why I
2 called him out very early. I said what does that mean?
3 It didn't mean anything. Well, why did you write it?
4 Well -- all right, we're gonna move on without you.
5 That's why he got set aside. It's -- it was an -- the
6 oddest letter I'd ever seen, but -- so for that reason,
7 currently, Ms. Thompson was the first alternate. I
8 like everybody to listen so I don't -- I wasn't going
9 to discuss it until the end, but Ms. Thompson's now a
10 member of the twelve. Mr. Hill and Ms. Ross are numbers
11 -- alternates one and two now. So as soon as we begin
12 deliberations, I'll pull the alternates out. Not until
13 then because you just never know, so that's your
14 explanation on that.

15 CHARGE OF THE COURT

16 All right. Ms. Butler, and ladies and gentlemen
17 of the jury, y'all hear me well? You do? All right.
18 And I'm gonna tell you some things and I'm gonna read
19 some things. The things I need to read are more
20 specific in detail and so I apologize for not being able
21 to look at you while I'm reading some of these things.

22 Anyway, the State of South Carolina charges the
23 Defendant, Ms. Kathy Revan, with three offenses. Those
24 are murder, attempted murder, possession of a weapon
25 during the commission of a violent crime. You'll have

1 a verdict form, which is this, in the jury room during
2 your deliberations, which you will utilize to write
3 your verdict on.

4 Now you'll bear in mind that Ms. Revan's pled
5 not guilty and by that plea she has denied all the
6 allegations of all three indictments. And in the --
7 and as I explained to you early -- earlier, that
8 the indictments contained in this case are merely
9 accusations against her and to tell her by notes of
10 what to be prepared to come into court to defend
11 herself against.

12 Now what you're to consider in this case is the
13 evidence through the testimony and the exhibits which
14 have been introduced in the record of this case during
15 this trial in your deliberations. Those are the things
16 we're going to consider.

17 Ms. Revan comes into court clothed with a
18 presumption of innocence and this presumption of
19 innocence continues throughout the case and entitles
20 her to a verdict of not guilty unless and until it is
21 dispelled by all the evidence satisfying you, the jury
22 of twelve, beyond a reasonable doubt of her guilt of
23 the offenses charge, and remind you that the State must
24 prove each and every element of the alleged charges
25 beyond a reasonable doubt.

1 Now during this trial you and I have certain
2 duties to perform. As the trial judge, it has been my
3 responsibility to preside over the trial of the case
4 and I've had the duty to rule on the admissibility of
5 certain pieces of evidence offered during the trial.
6 You are to only consider the evidence which has been
7 offered before the Court. If there was any testimony
8 stricken from the record, you are to disregard that
9 testimony. You're only to consider the testimony which
10 has been presented from the witness stand and exhibits
11 which have been made part of the record in this case
12 and any stipulations or agreements of the lawyers,
13 which we've had several. Generally all the exhibits
14 have come in by agreement.

15 Now I have an additional duty to charge you the
16 law applicable to this case and as the presiding judge
17 I'm the sole judge and instructor of the law of this
18 case and it is your duty as jurors to accept and apply
19 the law as I am now stating it to you. If you have an
20 idea as to what the law is, what the law ought to be
21 and it does not agree with what I'm now instructing you
22 as the law in South Carolina is, you must abandon any
23 idea you have because you've sworn to accept the law
24 and apply the law as I am stating it to you.

25 In every case tried in this court before a jury,

1 the jury becomes the sole and exclusive judges of the
2 facts in the case. As a trial judge, I am not allowed
3 to intimate, state, comment or make any statement during
4 a jury trial about the facts. You, the jury, are the
5 sole judges of the facts and you're not to infer from
6 what I've said during the progress of this trial in
7 ruling upon the admissibility of any evidence or
8 anything that I now say during the course of this
9 instruction that I have an opinion about the facts as
10 the law does not allow me to have an opinion about the
11 facts in this case. This is a matter solely for you,
12 the jury, to determine and it is your duty as jurors to
13 determine the effect, value, weight, and truth of the
14 evidence presented to you during this trial.

15 Now as the sole factfinders, you should have
16 listened closely to the evidence presented and you must
17 weigh this evidence using your good judgment and common
18 sense. Weighing evidence is merely -- I'm sorry -- is
19 entirely a mental process. Evidence weighs with you
20 that which convinces you of its truth. Your objective
21 here today is to find the true facts.

22 Now you are the sole judges of the credibility
23 and the believability of the witnesses who have
24 testified in this case. In testifying upon the
25 credibility of a witness, you may take into

1 consideration many things, such as, what was the manner
2 and the appearance of any witnesses who testified, was
3 the witness straightforward or was the witness hesitant
4 in answering? How did the witness come to know the
5 facts that he or she testified to, what was her or his
6 ability to know these facts? Is there some reason a
7 witness would want to give testimony which would help or
8 hurt one side or the other? In other words, would the
9 witness have a bias or a prejudice in their testimony?
10 Was the testimony of one witness strengthened or
11 weakened by other testimony or other evidence?

12 You, the jury, may believe as much or as little
13 of each witness's testimony as you deem appropriate and
14 proper. You can believe the testimony of a single
15 witness against that of many or just the opposite, you
16 can believe part of a witness's testimony and disbelieve
17 the rest. The fact that testimony is not disputed does
18 not mean that you must accept it as true and undisputed.
19 You must still gauge the credibility of the witnesses
20 to determine their believability of the truth of the
21 facts offered through their testimony. And keep in
22 mind, throughout this process you have but one
23 objective, and that is to seek and determine the truth.

24 Now there are two types of evidence generally
25 presented during a trial. There's direct and

1 circumstantial evidence. Direct evidence is testimony
2 of a person who asserts or claims to have actual
3 knowledge of a fact, such as an eyewitness.
4 Circumstantial evidence is proof of a chain of facts
5 and circumstances indicating the existence of another
6 fact. Our law makes no distinction between the weight
7 or value to be given to either direct or circumstantial
8 evidence, nor is a greater degree of certainty required
9 of circumstantial evidence or that of direct evidence.
10 You should just weigh all the evidence in this case,
11 and after weighing all the evidence, if you are not
12 convinced of the guilt of the Defendant beyond a
13 reasonable doubt, you must find her not guilty.

14 Now as I told you during the trial, the rules of
15 evidence ordinarily do not permit witnesses to testify
16 as to opinions or conclusions. There is an exception
17 to this rule for witnesses we call expert witnesses.
18 An expert witness, who by education, experience has
19 become an expert in some art, science or profession,
20 may state an opinion as to the relevant material matter
21 in which the witness claims to be an expert in and
22 they may also state the reasons for this opinion.

23 Two witnesses were called in this trial and
24 qualified as experts. Mr. Ken Whittler was a firearms
25 expert who testified and Dr. James Fulcher was a

1 pathologist/medical examiner who testified in this
2 trial. You should consider the expert opinion received
3 in evidence and like any other evidence give it the
4 weight you think it deserves and if you decide that
5 the opinion of an expert witness is not based upon
6 sufficient education and experience or if you conclude
7 that the reasons given in support of the opinion are
8 not sound or that the opinion is outweighed by other
9 evidence, you may disregard their opinion entirely.

10 / An expert witness's testimony is to be given no
11 greater weight than that of any other witnesses simply
12 because they are an expert and you are not required
13 to accept an expert's opinion even though it's not
14 contradicted.

15 Now in a criminal prosecution, and in this
16 case the State of South Carolina is the prosecution,
17 they have the burden of proof. A defendant and the
18 defense has no burden whatsoever as the defendant is
19 presumed innocent. In our state and according to our
20 constitution in South Carolina, the prosecution must
21 prove their case to the standard of proof called beyond
22 a reasonable doubt before a finding of guilt may occur.
23 If the State fails to meet this high burden, then the
24 defendant is entitled to a verdict of acquittal or not
25 guilty.

1 What is reasonable doubt in our law? I define
2 reasonable doubt for you as this. A reasonable doubt
3 is the kind of doubt which would cause a reasonable
4 person to hesitate to act. A reasonable doubt is a
5 doubt which makes an honest, sincere, conscientious
6 juror in the search of truth hesitate to act. Proof
7 beyond a reasonable doubt is proof that leaves you
8 firmly convinced of the defendant's guilt. Reasonable
9 doubt may rise from evidence which is in this case or
10 from the lack or absence of evidence in this case. You,
11 the jury, must make the determination of whether or not
12 a reasonable doubt exists as to the guilt or innocence
13 of the Defendant.

14 And I remind you, the State has to prove the
15 guilt of the Defendant beyond a reasonable doubt and
16 the very fact that the jury engages in a full and free
17 discussion of the guilt or non-guilt of a person does
18 not automatically mean that a reasonable doubt exists
19 in a case.

20 Now I've allowed note-taking during this trial.
21 Please remember some people are better note-takers than
22 others and juror notes should not be given any greater
23 weight than the recollection of other jurors who did not
24 take notes. Recollections of individual jurors should
25 be considered just as reliable as notes taken by other

1 jurors.

2 Now as I've already instructed you, the Defendant
3 in this case, Ms. Kathy Revan, is charged with the
4 following crimes: Murder, attempted murder, possession
5 of a weapon during the commission of a violent crime.
6 I now will instruct you on the particulars of those
7 particular crimes, including any lesser included
8 offenses of those crimes.

9 Now Ms. Revan is charged with the murder of Shawn
10 Morrigan. The State must prove beyond a reasonable
11 doubt that Ms. Revan killed another person with malice
12 aforethought. Malice is hatred, ill-will or hostility
13 towards another person. It is the intentional doing of
14 a wrongful act without just cause or excuse and with an
15 intent to inflict an injury or under circumstances that
16 the law will infer an evil intent.

17 Malice aforethought does not require that malice
18 exists for any particular time before the act is
19 committed, but malice must exist in the mind of the
20 Defendant just before and at the time the act is
21 committed; therefore, there must be a combination of
22 the previous evil intent and the act.

23 Malice aforethought may be either express or it
24 may be inferred. The terms express and inferred do not
25 mean different kinds of malice, but merely the manner

1 in which malice may shown to have existed; that is, is
2 either by direct evidence or by an inference from the
3 facts and the circumstances which are proven.

4 Express malice is shown when a person speaks
5 words which express hatred or ill-will for another or
6 when a person prepares beforehand to do an act which was
7 later accomplished; for example, lying in wait for a
8 person or any other acts of preparation going to show
9 that the deed was within the Defendant's mind would be
10 express malice. I tell you that malice may be inferred
11 from conduct showing a total disregard for human life.

12 Now if the Defendant, with malice aforethought,
13 attempts to commit a crime such as murder or attempted
14 murder against one person, but by mistake injures or
15 kills another person, the Defendant still has the intent
16 to commit that crime. The intent to commit the crime
17 is merely transferred from the original person to the --
18 that the Defendant attempted to commit the crime against
19 to the person actually harmed.

20 Now as I told you, I will instruct you on the
21 lesser included offenses, and what that means is there
22 are most severe offenses and then there are offenses
23 included within those offenses. So within -- if you
24 find that the State has failed to prove beyond a
25 reasonable doubt that Ms. Revan committed the offense

1 of murder, you must then consider whether the State
2 has proven beyond a reasonable doubt that Ms. Revan
3 committed voluntary manslaughter of Shawn Morrigan.

4 To prove voluntary manslaughter, the State must
5 prove beyond a reasonable doubt that the Defendant
6 took the life of another in the sudden heat of passion
7 based upon sufficient legal provocation. Both heat of
8 passion and sufficient legal provocation must be present
9 at the time of the killing to constitute voluntary
10 manslaughter. Sudden heat of passion may for a time
11 affect a person's self-control and temporarily disturb
12 a person's reason. The sudden heat of passion must be
13 the type that would make an ordinary person unable to
14 coolly reflect upon his actions and would produce an
15 uncontrollable impulse to do violence.

16 Sufficient legal provocation must be the type
17 that would make a person of ordinary reason and caution
18 to become enraged and to lose control temporarily. The
19 provocation needed for voluntary manslaughter must come
20 from some act or related to the victim. Words alone,
21 however vulgar or insulting, are not enough to be legal
22 provocation. Where death is caused by the use of a
23 deadly weapon, the words must become -- must be
24 accompanied by some overt threatening act which could
25 have produced the heat of passion. The exercise of a

1 legal right, no matter how offensive it is to another,
2 is never sufficient legal provocation for voluntary
3 manslaughter.

4 If the heat of passion had cooled or if there was
5 enough time between the provocation, if any, and the
6 killing for the passion of a reasonable person to cool,
7 the killing would not be voluntary manslaughter. In
8 deciding whether a reasonable person would have had
9 enough time to cool off, you should consider all of the
10 circumstances surrounding the killing. You may consider
11 the nature of the provocation, if any, the Defendant's
12 mental and physical state and the circumstances and
13 relationships between the parties.

14 Now also included within this offense, if you
15 find the State has failed to prove beyond a reasonable
16 doubt that Ms. Revan committed the voluntary
17 manslaughter act, you must then consider whether the
18 State has proved beyond a reasonable doubt that she
19 submitted involuntary manslaughter of Shawn Morrigan.
20 Included within the offense of voluntary manslaughter
21 is this lesser included offense of involuntary
22 manslaughter.

23 To prove involuntary manslaughter, the State
24 must prove beyond a reasonable doubt that the Defendant
25 unintentionally killed the victim without malice, but

1 while engaged in an unlawful activity not naturally
2 tending to cause death or great bodily harm or that the
3 Defendant unintentionally killed the victim without
4 malice while engaged in a lawful activity with reckless
5 disregard for the safety of others.

6 Unintentional means that the Defendant did not
7 intend for anyone to be killed or seriously injured.
8 Reckless disregard for the safety of others is more
9 than a mere negligence or carelessness. Mere negligence
10 and -- or carelessness is the failure to use the care
11 that a person of ordinary reason would use under the
12 same circumstances. Recklessness is a conscience
13 failure to use ordinary care. Reckless disregard for
14 the safety of others means that you are not interested
15 in the consequences of your acts or the rights and
16 safety of others.

17 If a person who knows or should know that
18 ordinary care requires certain precautions be taken
19 for the safety of others when using a dangerous
20 instrumentality, such as a gun or a car, but that person
21 fails to use those precautions without concern, the
22 person's actions are considered reckless.

23 The State must also prove beyond a reasonable
24 doubt that the Defendant's act was the proximate cause
25 of the death. Proximate cause is the direct cause.

1 It is the immediate cause. It is the efficient cause.
2 It is the cause without which the death of the victim
3 would not have resulted. There must be a chain of
4 causation from the time of the injury inflicted by
5 the Defendant until the time of the victim's death.
6 Proximate cause does not necessarily mean that it could
7 occur immediately prior -- I'm sorry. Proximate cause
8 does not necessarily mean that it could occur
9 immediately prior to death.

10 There may be more than one proximate cause. The
11 acts of two or more persons may combine together to
12 be a proximate cause of the death of another. The
13 Defendant's act may be regarded as the proximate cause
14 if it is a contributing cause of the death of the
15 victim. The fact that there are other causes also
16 contribute does not relieve the Defendant from the
17 responsibility.

18 It is not a defense to show the victim might
19 have recovered had she been treated according to the
20 most approved surgical or medical standards or as a
21 reasonably prudent doctor would have treated in the
22 case even by showing that the treatment was negligent.
23 If, however, the death was not caused by the wound or
24 injury that the victim had, but was caused by the gross
25 or deliberate treatment, the Defendant would have not

1 been liable in that circumstance. In other words,
2 negligence on the part of someone else would not relieve
3 the Defendant from liability if the injury was the
4 proximate cause of the victim's death.

5 Now as to the attempted murder charge, this is
6 in regard to Tammy Morrigan. Ms. Revan is charged
7 with attempted murder of Tammy Morrigan. In order
8 to prove this crime, the State must prove that
9 Ms. Revan attempted to kill another person with
10 malice aforethought, either express or implied. As I
11 instructed you before, malice has the same definition
12 here. It is the hatred, ill-will or hostility towards
13 another person. It is the intentional doing of a
14 wrongful act without just cause or excuse and with an
15 intent to inflict an injury or under circumstances that
16 the law will infer an evil intent.

17 Malice aforethought does not require that malice
18 exists for any particular time before the act is
19 committed, but malice must exist in the mind of the
20 Defendant just before and at the time the act is
21 committed; therefore, there must be a combination of
22 the previous evil intent and the act itself.

23 Malice aforethought may be express or inferred.
24 The terms express and inferred do not mean different
25 kinds, but merely the manner in which malice may shown

1 to have existed. This is either by the direct evidence
2 or by an inference from the facts and circumstances
3 which are proven.

4 Express malice is shown when a person speaks
5 words or expresses hatred or ill-will for another or
6 when the person prepared beforehand to do an act which
7 was later accomplished.

8 Now I also instruct you again that malice may be
9 inferred from the conduct showing a total disregard for
10 human life. I instruct you the State must prove these
11 elements beyond a reasonable doubt and if the facts
12 are proven beyond a reasonable doubt sufficient to
13 raise an inference of malice to your satisfaction, this
14 inference will be an evidentiary fact to be considered
15 by you, the jury, along with the other evidence in this
16 case and you may give it the weight you decide it should
17 receive.

18 Now I instruct you that a specific intent to
19 kill is not an element of an attempted murder, but
20 there must be a genuine intent to commit serious bodily
21 injury. Intent means intending the result which
22 actually occurs, not accidentally nor involuntarily.
23 Intent may be shown by the acts and conduct of the
24 Defendant and the other circumstances upon which you
25 may naturally and reasonably infer intent. Evidence

1 of the character of the act, the character of the
2 instrument used, the manner in which it was used, the
3 purpose to be accomplished and the resulting wounds or
4 injuries may be considered in determining the intent
5 with which the act was committed. Intent may also be
6 inferred when it is demonstrated that the Defendant
7 voluntarily and willfully commits the act, the natural
8 tendency of which is to destroy another one's life.

9 Now also included in attempted murder are some
10 lesser included offenses, and the first is assault and
11 battery of a high and aggravated nature. So if you find
12 that the State has failed to prove all the elements
13 beyond a reasonable doubt of the offense of attempted
14 murder, you may then consider whether the State has
15 proven beyond a reasonable doubt that the Defendant has
16 committed the offense of assault and battery of a high
17 and aggravated nature. A person commits this offense
18 of assault and battery of a high and aggravated nature
19 if the person unlawfully injures another and great
20 bodily injury results to the other person or the act is
21 accomplished by the means likely to produce death or
22 great bodily injury.

23 Great bodily injury means bodily injury which
24 causes a substantial risk of death or which causes a
25 serious, permanent disfigurement or protracted loss or

1 impairment of the function of a bodily member or organ.

2 A lesser included offense of this offense is
3 assault and battery first degree. So I instruct you
4 that if you find the State has failed to prove that the
5 Defendant committed the offense of assault and battery
6 of a high and aggravated nature, you may then consider
7 whether the State has proven beyond a reasonable doubt
8 that the Defendant committed the offense of assault and
9 battery in the first degree.

10 A person commits the offense of assault and
11 battery in the first degree if the person unlawfully
12 offers to injure or attempts to injure another with
13 the present ability to do so and the act either is
14 accomplished by means likely to produce death or great
15 bodily injury or it occurred during the commission of
16 a robbery, burglary, kidnapping or theft.

17 Again, great bodily injury means bodily injury
18 which causes a substantial risk of death or which
19 causes serious, permanent disfigurement or protracted
20 loss or impairment of the function of a bodily member
21 or organ. Again, for each of these elements
22 of these crimes separately the State must prove beyond
23 a reasonable doubt.

24 Also a lesser included offense of assault and
25 battery first is the offense of assault and battery

1 second. So if you find the State has failed to prove
2 that the Defendant committed the offense of assault
3 and battery in the first degree, you then consider
4 whether they have proven beyond a reasonable doubt
5 that Ms. Revan committed the offense of assault and
6 battery in the second degree.

7 A person commits the offense of assault and
8 battery in the second degree if the person unlawfully
9 injures another or offers or attempts to injure another
10 person with the present ability to do so and moderate
11 bodily injury to another person results or moderate
12 bodily injury to another person could have resulted.

13 Moderate bodily injury means physical injury
14 requiring treatment to an organ system of the body
15 other than the skin, muscles and connective tissues of
16 the body, except when there's a penetration of skin,
17 muscles and connective tissues that require surgical
18 repair of a complex nature or when the treatment of
19 the injuries require the use of regional or general
20 anesthesia.

21 Now if you find the State has failed to prove the
22 offense of assault and battery second degree, lastly,
23 you may consider whether the State has proven beyond
24 a reasonable doubt that the Defendant, Ms. Revan,
25 committed the offense of assault and battery in the

1 third degree. A person commits the offense of assault
2 and battery in the third degree if the person unlawfully
3 injures another or attempts to injure another person
4 with the present ability to do so. Again, for each of
5 those crimes separately the State must prove each and
6 every element of the crime beyond a reasonable doubt.

7 Now the attempted murder, assault and battery of
8 a high and aggravated nature, assault and battery first,
9 assault and battery second, assault and battery third,
10 were with regard to the victim of Ms. Tammy Morrigan.
11 The murder, voluntary manslaughter, involuntary
12 manslaughter, with the victim, Shawn Morrigan.

13 Now Ms. Revan is also charged, lastly, with the
14 crime of possession of a weapon during the commission
15 of or an attempt to commit a violent crime. The State
16 must prove beyond a reasonable doubt that Ms. Revan
17 was in the possession of a firearm or visibly displayed
18 what appeared to be a firearm during the commission of
19 a violent offense. A firearm means a machine gun,
20 automatic rifle, revolver or pistol or a weapon which
21 is designed to expel a projectile.

22 In order to find the Defendant guilty of the
23 possession of a weapon during the commission of a
24 violent crime, you must first find the Defendant guilty
25 of either committing a violent crime or attempting to

1 commit a violent crime. I instruct you that Code
2 Section 16-1-60 defines violent crimes in a list.
3 Included within violent crimes are the offenses of
4 murder, attempted murder, assault and battery of a high
5 and aggravated nature, and voluntary manslaughter.
6 Those four crimes involve crimes. All the others herein
7 are not. Now the State must prove beyond a reasonable
8 doubt that the weapon further advanced or helped the
9 commission of the crime.

10 Now I instruct you also that criminal intent is
11 a necessary element of each of the crimes that must be
12 proven by the State beyond a reasonable doubt. Criminal
13 intent is a matter that must be determined by the jury
14 from the circumstances surrounding the entire situation.
15 There's no way to determine intent to a mathematical
16 certainty. There's no way medical science can dissect a
17 person's brain or determine what he or she had in mind,
18 so our law states that criminal intent may be inferred
19 from the circumstances shown to have existed both before
20 and after the fact. This is how you, the jury, make the
21 determination of whether or not the element requiring
22 intent was present.

23 Criminal intent is a state of mind that operates
24 jointly with an act or an omission in the commission
25 of a crime. Criminal intent is a mental state of

1 conscience wrongdoing, so it's up to you, the jury, to
2 determine what the Defendant intended to do based upon
3 the circumstances shown to have existed. And I instruct
4 you also the State must prove criminal intent beyond a
5 reasonable doubt, just as they must prove all the
6 elements beyond a reasonable doubt as I've previously
7 explained them to you.

8 Now in this trial, Ms. Revan has raised the
9 defense of self-defense. Self-defense is a complete
10 defense and if it is established, you must find
11 Ms. Revan not guilty. The State has the burden of
12 proving or disproving -- I'm sorry, the burden of
13 disproving self-defense by -- beyond a reasonable
14 doubt and this burden may be carried by the State by
15 disproving any one of the elements by proof beyond a
16 reasonable doubt.

17 So if you have a reasonable doubt of the
18 Defendant's guilt after considering all of the evidence,
19 including the evidence of self-defense, then you must
20 find the Defendant not guilty.

21 On the other hand, if you have no reasonable
22 doubt of the Defendant's guilt after considering all the
23 evidence, including the evidence of self-defence, then
24 you must find the Defendant guilty.

25 Then the following elements are required to

1 establish self-defense. First, the defense -- the
2 Defendant must be without fault in bringing on the
3 difficulty. If the Defendant's conduct was the type
4 which was reasonably calculated to and did provoke a
5 deadly assault, the Defendant would be at fault in
6 bringing on the difficulty and would not be entitled
7 to an acquittal based upon self-defense.

8 Self-defense is not available to a person who
9 uses language which is so contemptuous that reasonable
10 person would expect it to bring on a physical encounter
11 and which did actually contribute to the physical
12 encounter.

13 If the Defendant voluntarily participated in
14 mutual combat for purposes other than -- that's not
15 appropriate here.

16 MR. VARNER: No.

17 THE COURT: All right. The second element of
18 self-defense is that the Defendant was actually in
19 imminent danger of death or that -- serious bodily
20 injury or that the Defendant actually believed he or
21 she was in imminent danger of death or serious bodily
22 injury.

23 If the Defendant was actually in imminent danger,
24 it must be shown that the circumstances would have
25 warranted a person of ordinary firmness and courage to

1 strike a fatal blow to prevent death or serious bodily
2 injury. If the Defendant believed she was in imminent
3 danger of death or serious bodily injury, it must be
4 shown that a reasonably person -- reasonably prudent
5 person of ordinary firmness and courage would have
6 entertained the same belief.

7 In deciding whether the Defendant actually was
8 or believed that she was in imminent danger of death of
9 serious bodily injury, you should consider all of the
10 facts and circumstances surrounding the crime, including
11 the physical condition, any characteristics of the
12 Defendant and the victim. The Defendant does not have
13 to show that he or she was actually in danger. It is
14 enough that the Defendant believed she was in imminent
15 danger and a reasonably prudent person of ordinary
16 firmness and courage would have entertained the same
17 belief. The Defendant has a right to act on appearances
18 even though the Defendant's beliefs may have been
19 mistaken.

20 It is for you, the jury, to decide whether the
21 Defendant's fear of immediate danger of death or
22 serious bodily injury was reasonable and would have
23 been felt by a person ordinary -- an ordinary person
24 in the same situation. I instruct you further that
25 words accompanied by hostile acts may, depending on

1 the circumstances, establish self-defense. I instruct
2 you also the evidence of prior difficulties between the
3 Defendant and the victim may be considered in deciding
4 whether a threat existed, whether the Defendant had a
5 reason to believe a threat existed, how serious that
6 threat was. I also instruct you that the relative size,
7 ages and weights of the Defendant and the victim may be
8 considered by you in deciding the apparent or actual
9 need for force in self-defense and the amount of force
10 needed.

11 The final element of self-defense is the
12 Defendant had no other probable way to avoid the danger
13 of death or serious bodily injury than to act as the
14 Defendant did in this instance. I instruct you that
15 since the Defendant was on her own premises she had no
16 duty to retreat before acting in self-defense. I
17 instruct you also that a lawful guest in another's
18 home has no duty to retreat in self-defense against an
19 intruder; however, a lawful guest is a person who enters
20 the home by express or implied invitation; however, a
21 guest has a duty to retreat, where possible, if the
22 attacker is the owner or occupier of the property.

23 A person cannot be required to make an exact
24 calculation as to the degree or amount of force which
25 may be needed to avoid death or serious bodily injury;

1 therefore, in self-defense the Defendant has the right
2 to use the force needed to avoid death or serious bodily
3 harm. The force needed in self-defense does not have
4 to be limited to that degree or amount of force used by
5 the victim. The Defendant has the right to use so much
6 force as appeared to be necessary for complete
7 self-protection and which a person of ordinary reason
8 of firmness and courage would have believed to be needed
9 to prevent death or serious bodily harm.

10 If the Defendant is justified in defending
11 himself or herself and in firing the first shot, then
12 the Defendant is also justified in continuing to shoot
13 until it is apparent that the danger or the threat of
14 death or serious bodily injury has completely ended.

15 Now under the laws of self-defense, the Defendant
16 may take another's life in the defense of others. The
17 right to intervene and protect another person is subject
18 to the same rights and limitations as the right of
19 self-defense. The defendant may take the life of a
20 person who assaults a friend, relative or bystander if
21 that friend, relative or bystander would have had the
22 right of self-defense.

23 To show that a person being defended had the
24 right of self-defense, it must first be shown that the
25 person being defended and the defendant were both

1 without fault in bringing on the difficulty. If the
2 conduct of the person defended or the defendant was the
3 type which was reasonably calculated to and did provoke
4 a deadly assault, the person would be at fault in
5 bringing on the difficulty and would not have the right
6 of self-defense; therefore, the Defendant would not have
7 the right to use deadly force in defending that person.

8 The defense of another person is excusable if the
9 Defendant had reasonable grounds to believe, and in
10 good faith did believe, that the person being defended
11 was in imminent danger of death or serious bodily harm
12 from the victim. In deciding whether the person
13 defended actually was or the Defendant actually believed
14 that person was in imminent danger of death or serious
15 bodily injury, you should consider all the facts
16 surrounding the crime including the physical condition
17 and characteristics of the parties.

18 Now I instruct you that the State has the burden
19 of proving the guilt of the Defendant beyond a
20 reasonable doubt and the State also has the burden of
21 disproving the elements of self-defense, at least one
22 of the elements, beyond a reasonable doubt.

23 Now my last comments to you are this. Is that
24 as you retire and begin your deliberations, I hope
25 y'all -- each of you will be mindful of the importance

1 of your responsibility. You're not called very often to
2 serve as jurors.

3 You've observed as the presiding officer, I've
4 been addressed as Your Honor by the parties who have
5 participated, and the reason for this is that I have
6 been entrusted as the judge to honor this court and
7 make certain that the trials are conducted fairly and
8 impartially.

9 Now it is my job to see that every person tried
10 here receives fair and impartial justice and so I also
11 must take and instruct you that the verdict you reach
12 will be fair and just. And I'm not trying to tell
13 y'all how to decide the case, I'm not allowed to do
14 that or have any opinion as to the facts you decide.
15 You, the jury, are the sole judges of all the questions
16 of fact and it would be highly improper for me to try
17 to influence you. Now I am convinced that whatever
18 verdict you find will be the result of going to the
19 jury room and confining your decision to the evidence
20 you've received, weighing it fairly and impartially
21 and reaching a unanimous verdict and applying the
22 instructions that I have just given you. I have every
23 confidence y'all will do just that.

24 Everyone is entitled to justice in this case,
25 both the State and the Defendant. Everyone is entitled

1 to justice, nothing more, nothing less. You owe no
2 support to anyone or any sympathy to anyone and I am of
3 the confirmed opinion that whatever verdict you reach
4 will represent truth and justice for all the parties
5 involved. Remember, your verdict must be unanimous.

6 Now I told you earlier -- I'll show you the
7 verdict form, Ms. Butler. This is Count I indictment,
8 Count II is another indictment, and you will only select
9 one, and then Count III is the last indictment, so we're
10 only choosing only one, which the instructions show.

11 Now what I've got to do now is I've got to
12 discuss with the attorneys my instructions I've just
13 given you. They have the opportunity to say judge, you
14 indicated to us in the pretrial discussions you were
15 going to instruct on this or that and these are your
16 words. That's a lengthy instruction that I've just
17 given, so I allow them that opportunity and they do
18 that on the record, but I need not for y'all to hear
19 the discussion of that. So what I'll do is put you
20 back in the jury room and tell you that I've got to
21 talk to the lawyers. If they believe my instructions
22 are sufficient, then I'm gonna send the evidence back
23 to you, and when you get this, you can begin your
24 deliberations.

25 Now I tell you this also. I told you earlier.

1 Y'all will have all the evidence with you. You will
2 have -- you'll have the pistol back there, but no
3 magazine and no cartridges, so it's absolutely incapable
4 of being fired. That will remain here. If you'd like
5 to see the magazine, we'll trade, okay? They've got
6 some protocols on how to handle that. You're allowed
7 to see everything, but maybe not all at the same time,
8 this piece and that piece, and we'll trade out.

9 Now if you have questions about anything, you
10 can write it down, give it to Mr. Hair or whichever
11 bailiff's back there, and they'll bring it to me and I
12 can discuss it with the lawyers. If you need additional
13 instructions, I gave y'all a lot, I'll be happy to
14 instruct you on any area, including the elements of any
15 of the offenses, any of the lesser included offenses,
16 any elements of self-defense, I'll be more than happy
17 to, and so I'll do that upon your request. If you'd
18 like to hear testimony of a witness, write that down
19 and then Ms. Johnson can then try to retrieve it like
20 she did earlier. She has it all on computer, but it's
21 in certain little cubbie holes in the computer, so she
22 can retrieve it, but you say the witness and describe
23 it, and she will retrieve that. So if you need
24 testimony, you can; instructions, I'll give them to
25 you again; other questions, write them down also.

1 Now once you begin your deliberations, I'm gonna
2 pull the alternates out, and they will not participate.
3 They can stay and listen, stay and wait, but they can go
4 on home, too. They're not required to stay once the
5 deliberations begin, but once the deliberations begin
6 and supper comes, it may be walking in -- it may be here
7 now, I don't know. If the bailiffs open the door, y'all
8 stop, don't deliberate with people walking in and out.
9 Y'all can deliberate while you're eating, y'all can eat
10 and then begin deliberations. Y'all can hold it for a
11 while and say look, I need to step outside and take a
12 break. If anybody needs a break, stop. All twelve in
13 all the discussions. One wants a break, all are gonna
14 get a break. So you're on your time, but as a group
15 y'all operate together when you deliberate and when
16 you're not, okay?

17 Now with those instructions, I'll send y'all back
18 to the jury room, including the alternates, and once
19 I get the okay from the lawyers and the evidence is
20 compiled, then I'll send it back there and I'll pull
21 the alternates out.

22 (The jury retires to the jury room.)

23 **THE COURT:** All right. Any suggestions on the --
24 or comments on the instructions given from the State?

25 **MR. SHEEK:** Judge, you might want to just let

1 their deliberations.)

2 (Court's Exhibit Number 2, a jury note, was
3 marked for identification.)

4 (The jury returns to open court to report its
5 verdict at 8:10 p.m.)

6 **THE COURT:** Ms. Butler, has the jury reached a
7 verdict?

8 **THE FOREPERSON:** Yes, sir.

9 **THE COURT:** Is your verdict unanimous?

10 **THE FOREPERSON:** Yes, sir.

11 **THE COURT:** All right. Hand it to Mr. Hair,
12 please.

13 **THE FOREPERSON:** (Handing.)

14 **THE COURT:** Madam clerk, publish the verdict.

15 VERDICT OF THE JURY

16 **THE CLERK:** Your Honor, in the case of the
17 State of South Carolina versus Kathy Leonard Revan,
18 Case Number 2011-GS-30-1625, 1626 and 1627, we, the
19 jury, find as follows: Count I, murder. We find
20 the Defendant, Kathy Revan, guilty of voluntary
21 manslaughter. Count II, attempted murder. We find the
22 Defendant, Kathy Revan, guilty of attempted murder.
23 Count III, possession of a weapon during the commission
24 of a violent crime, we find the Defendant, Kathy Revan,
25 guilty. Signed by the foreperson, Christie S. Butler,

1 dated January 17, 2014.

2 Ladies and gentlemen, if that be your verdict,
3 please indicate by raising your right hands.

4 (All twelve hands raised.)

5 **THE CLERK:** Thank you.

6 **THE COURT:** All right. Any further issues for
7 the jury, Mr. Varner?

8 **MR. VARNER:** None for the jury, Your Honor.

9 **THE COURT:** Okay. All right. Ms. Butler, thank
10 y'all much. I'd like for y'all to come back in the
11 jury room. I want to speak to you informally. I like
12 to come back and do this after a jury trial.

13 (Brief recess.)

14 **THE COURT:** All right. Back on the record,
15 Ms. Johnson.

16 **MR. SHEEK:** Are you ready, Judge?

17 **THE COURT:** Yes, sir, we're ready. All right.
18 Mr. Varner, are we ready to go forward with sentencing?

19 **MR. VARNER:** Your Honor, I have motions to make
20 before the Court.

21 **THE COURT:** You do. Let's hear those. I
22 apologize.

23 **MR. VARNER:** Your Honor, I would renew at this
24 point in time my motion made at the close of the
25 prosecution's case for a directed verdict; also, that

WITNESSES

Keith McIntosh
Laurens County Sheriff

WARRANT NUMBER

M915114

*Issue Bill**Keith McIntosh*

Foreman of the Grand Jury

Date: *10/7/2011***VERDICT***Guilty of Voluntary**Manslaughter*

Foreman

*Christopher S. Butler***THE STATE OF SOUTH CAROLINA**

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2011

Indictment # 11CS30- *1625***THE STATE**

vs.

Kathy Leonard Revan

INDICTMENT FOR

MURDER
16-03-0010

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

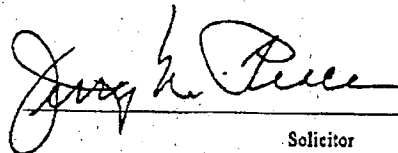
COUNTY OF LAURENS

MURDER
16-03-0010

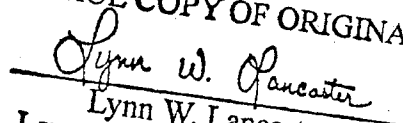
At a Court of General Sessions, convened on the 7th day of October, 2011 the Grand Jurors of Laurens County present upon their oath:

That Kathy Leonard Revan, did in Laurens County, state aforesaid, on or about the 11th day of August, 2011 willfully, feloniously, and with malice aforethought kill one Shawn Morrigan by means of shooting and that the said Shawn Morrigan did die in Laurens County as a proximate result thereof on or about the 11th day of August, 2011, in violation of Section 16-3-10 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 cases made and provided.


Solicitor

A TRUE COPY OF ORIGINAL


Lynn W. Lancaster
Laurens County CCCP & GS

WITNESSES

Keith McIntosh
Laurens County Sheriff

WARRANT NUMBER

M915115

James Zill
James Zill
Foreman of the Grand Jury
Date: *10/7/2011*

VERDICT

Guilty
Foreman *Christie S. Butler*

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2011
Indictment # 11GS30- *1026*

THE STATE

vs.
Kathy Leonard Revan

INDICTMENT FOR

**POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME**
16-23-0490

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

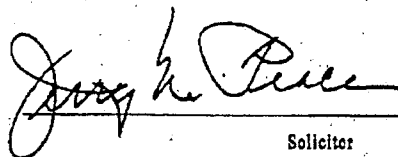
INDICTMENT FOR

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME
16-23-0490

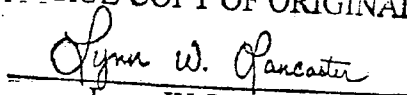
At a Court of General Sessions, convened on the 7th day of October, 2011 the Grand Jurors of Laurens County present upon their oath:

That Kathy Leonard Revan, did in Laurens County, state aforesaid, on or about the 11th day of August, 2011 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: murder, or any lesser included violent offense, in violation of Section 16-23-490 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 cases made and provided.


Solicitor

A TRUE COPY OF ORIGINAL


Lynn W. Lancaster
Laurens County CCCP & GS

WITNESSES

Keith McIntosh
Laurens County Sheriff

WARRANT NUMBER

M915116

Full Bill
Just Drake
Foreman of the Grand Jury
Date: 10/7/2011

VERDICT

Guilty
Foreman Christie S. Butler

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2011
Indictment # 11GS30-1627

THE STATE

vs.
Kathy Leonard Revan

**INDICTMENT FOR
ATTEMPTED MURDER
16-03-0029**

4/22/14
Go

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

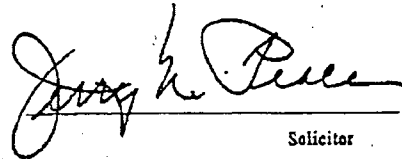
INDICTMENT FOR

ATTEMPTED MURDER
16-03-0029

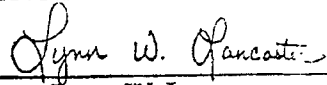
At a Court of General Sessions, convened on the 7th day of October, 2011 the Grand Jurors of Laurens County present upon their oath:

That Kathy Leonard Revan, did in Laurens County, state aforesaid, on or about the 11th day of August, 2011 willfully and unlawfully, with the intent to kill and with malice aforethought, attempted to kill Tammy Morrigan, in violation of Section 16-3-29 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 cases made and provided.


Solicitor

A TRUE COPY OF ORIC


Lynn W. Lancaster
Laurens County CCCP & GS

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Laurens)
STATE VS.)

Kathy Leonard Revan)

AKA:)

Race: CAU Sex: F Age: 58)

DOB: 1955 SS#:)

Address:)

City, State, Zip: Mountville, SC 29370)

DL#: SID#:)

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Manslaughter / Voluntary manslaughter

INDICTMENT/CASE#: 11GS30-1625

A/W#: M915114

Date of Offense: 8/11/2011

S.C. Code § 16-03-0010.

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sheek, C. Lance

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: UGS 30-1627
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

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

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

A TRUE COPY OF ORIGINAL

☐ Appointed PD of _____

47.12 requires _____ County CCCP & GS during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

COUNTY OF Laurens
 STATE VS.
Kathy Leonard Revan

AKA:

Race: CAU Sex: F Age: 58DOB: 1955 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Mountville, SC 29370DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life witho

in violation of § 16-23-0490of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

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

AFFEST:

Sheek, C. Lance65396
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (Q3/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 11GS30-1626A/W#: M915115Date of Offense: 8/11/2011S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☒ PLEADS

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (Q3/2011)

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: A TRUE COPY OF ORIGINAL

Lynn W. Lancaster
 Lynn W. Lancaster
 Laurens County CCCP & GS

☐ Appointed PD or appointed Clerk
 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code: Sentence Date: 1-17-14

STATE OF SOUTH CAROLINA

COUNTY OF Laurens
STATE VS.

Kathy Leonard Revan

AKA:

Race: CAU Sex: F Age: 58DOB: 1955 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Mountville, SC 29370DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 11GS30-1627A/W#: M915116Date of Offense: 8/11/2011S.C. Code §: 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sheek, C. Lance

SC Bar# 65376

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 11GS 30-1625☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

A TRUE COPY OF ORIGINAL

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5%)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

§ 56-5-2995 (DUI Assessment)

\$12

§ 56-1-286 (DUI Breath Test)

\$25

Proviso 47.9 (Public Def/Prob)

\$500

§ 14-1-212 (Law Enforce. Funding)

\$25

§ 14-1-213 (Drug Court Surcharge)

\$150

§ 50-21-114 (BUI Breath Test Fee)

\$50

§ 56-5-2942(I) (Vehicle Assessment)

\$40/ea

Proviso 90.5 (SCCA Surcharge)

\$5

3% to County (if paid in installments)

\$

TOTAL

\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. Lynn W. LancasterMay serve W/E beginning Laurens County CCCP & GSSubstance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF LAURENS

Ariel Lynne Robinson, as Personal
Representative of the Estate of
Shawn Fay Morrigan,

Plaintiff,

vs.

CIVIL ACTION NO. 2011-CP-30-1036

Kathy Revan,

Defendants.

Pursuant to Notice of Deposition and/or
agreement in the above-entitled case, the deposition of
Lynn Straley was taken on the 11th day of July, 2012,
commencing at the hour of 10:00 a.m., at the law offices
of Albert D. McAllister, 330 Church Street, Laurens,
South Carolina.

2
L. STRALEY

APPEARANCES:

Gene C. Covington, Jr., Esquire
Covington, Patrick, Hagins,
Stern and Lewis, PA
Post Office Box 2343
Greenville, South Carolina 29602
Attorney for Plaintiff

Kyle A. Hougham, Esquire
Gallivan, White and Boyd, PA
Post Office Box 10589
Greenville, South Carolina 29603
Attorney for Defendant.

L. STRALEY

STIPULATIONS

It is agreed by and between the
counsel for the parties as follows:

That this deposition is being taken
pursuant to Rule 30 of the South Carolina
Rules of Civil Procedure;

That the deponent waives the right
to read and sign the deposition transcript.

4

L. STRALEY

DEPOSITION OF LYNN STRALEY

JULY 11, 2012

Thereupon,

LYNN STRALEY,

being duly sworn to tell the truth, the whole truth, and nothing but the truth of his own knowledge concerning the matter herein, testified as follows:

EXAMINATION

BY-MR. COVINGTON:

Q. Mr. Straley, would you give us your full name, please, sir?

A. Lynn Sidney Straley.

Q. Mr. Straley, my name is Gene Covington and we met a few minutes ago outside this office here in Laurens. I am the attorney who represents Ariel Lynne Robinson who is the Personal Representative of her mother's estate, Shawn Fay Morrigan. We're here in regard to a civil action that's been filed in the county of Laurens against Ms. Kathy Revan.

A. Uh-huh.

Q. And we're here to take your

5

L. STRALEY

1 deposition, so the rules of our state require
2 me to give you a little bit of information
3 about a deposition. Have you ever had your
4 deposition taken before?
5

6 A. Yeah, one time.

7 Q. With a Court Reporter and all that?

8 A. Yes.

9 Q. Well if it's been a long time ago,
10 the rules have changed a little bit, but
11 it's still the same process.

12 A. About a year.

13 Q. Well then it should be about the
14 same. I'm still required to give you some
15 of these --

16 A. Okay, go ahead.

17 Q. -- this information just so you
18 understand it. We're not here to interrogate
19 you. You're not being charged with anything.
20 You're not anything but a witness in this
21 particular case. We're here to ask you
22 questions. Of course, you're under oath.
23 You're testifying the same as if you were
24 testifying before a court and jury. If you
25 have questions about anything that I'm asking

6

L. STRALEY

1 you, you should ask me about the question.
2 If you don't understand it, you want me to
3 rephrase it, I'll be happy to do that. We
4 don't want you to answer anything that you
5 don't understand.
6

7 A. Okay.

8 Q. We will ask you to answer verbally
9 if you can. That's for the benefit of the
10 Court Reporter. She's required to take down
11 every word anybody says --

12 A. Uh-huh.

13 Q. -- and if you answer with a yes,
14 no, or I don't know, or whatever, audible
15 answer there is, it's easier for her to make
16 sure she hasn't misinterpreted some gesture,
17 or some grunt, or something like that.

18 A. Yeah.

19 Q. If I remind you during the
20 deposition, I'm not being impolite, it's
21 really for your own benefit, too, to make
22 sure that we get the correct response to
23 whatever that question is. If you want to
24 take a break at any time, we certainly can
25 take a break. Hopefully this isn't going to

L. STRALEY

1 take very long, but this is not designed to
2 be something that's totally inconvenient.
3 It's to make it as convenient as possible.
4 Once I -- we start this deposition, whichever
5 lawyer, whether it's me or defense counsel,
6 is asking you questions, if you have
7 questions, you're supposed to direct them to
8 the lawyer who's asking the questions. And
9 we don't have a Judge here, so there's
10 nobody to rule on objections. Sometimes
11 lawyers will make an objection to protect the
12 record, but unless someone instructs you not
13 to answer, you still have a requirement to
14 answer any questions.
15

16 A. Okay.

17 Q. A lot of the questions that may be
18 asked may not be asked at trial and maybe
19 cannot be asked at trial; whether they're
20 irrelevant or whatever, but we do ask a lot
21 of different questions here today that are
22 allowed under the rules. The deposition is
23 not a public record, it's not filed anywhere.
24 Only the lawyers have copies of it and
25 they're protected by attorney/client privileges

8

L. STRALEY

1
2 in most instances. So the law does say that
3 we have the right to answer -- ask
4 questions, even if they're not relevant to
5 the lawsuit. I can assure you most of them
6 have reasons that we ask them. Some of them
7 are sometimes personal and I'll be happy to
8 ask -- reply to you if you have a question
9 about a question I'm asking about that too.
10 Do you have any questions about this
11 procedure?

12 A. Not at this time.

13 Q. Is there any reason why you can't
14 testify today under oath truthfully and
15 honestly?

16 A. No.

17 Q. You're not on any type of medication
18 that would affect your ability to understand
19 questions or respond?

20 A. No. I'm on medication, but it don't
21 affect any of that -- my thinking.
22 Sometimes it's a little slow, but other than
23 that, why, no.

24 Q. All right, well I appreciate you
25 coming, and let me go ahead and get started.

9

L. STRALEY

1 First of all, you've given me your name;
2 would you mind giving me your age, please,
3 sir?

4 A. Sixty-seven.

5 Q. And where do you live?

6 A. 315 Revan Drive, Mountville, South
7 Carolina.

8 Q. And about how long have you lived
9 there?

10 A. Approximately -- let's see, this is
11 July; 14 -- about 14 months.

12 Q. Okay, where did you live before
13 that?

14 A. 204 East Arlington Avenue.

15 Q. And where is that?

16 A. Greer.

17 Q. In Greer?

18 A. Yeah. Now let me back up on that
19 Revan Drive.

20 Q. Okay.

21 A. For -- we've been there constantly
22 for the last 7, 8 months. Before that it
23 was on and off; we'd be in Greer or Revan
24 Drive. We still go to Greer on occasion and
25

10

L. STRALEY

1 spend the night, but not too often anymore.

2 All of my medical equipment is down here.

3 Q. When you say "We," you're talking
4 about you and who?

5 A. Kathy; Kathy Revan.

6 Q. Kathy Revan. Are you and Ms. Revan
7 married?

8 A. No.

9 Q. So you don't consider yourself
10 married?

11 A. Well, we live together as husband
12 and wife, but we're not legally married.

13 Q. Okay, do you file taxes jointly as
14 --

15 A. No.

16 Q. -- husband and wife?

17 A. No.

18 Q. So you don't hold yourself out as
19 husband and wife?

20 A. No. I guess the answer to that is
21 no. I don't know what you mean hold myself
22 out.

23 Q. Well, with no state agencies or
24 governmental entities do you represent
25

11

L. STRALEY

1
2 yourself as being --

3 A. No.

4 Q. -- married?

5 A. No.

6 Q. Okay. How long have you and Ms.
7 Revan been together?

8 A. Three years; three years. Yeah,
9 three years.

10 Q. And just, generally, how did y'all
11 meet?

12 A. Well, we've known each other for 13
13 years, and 3 years ago we just got together
14 in this relationship.

15 Q. And the two residences, the one in
16 Mountville and the other one in Greer, who
17 are they owned by?

18 A. Kathy.

19 Q. So she owns both places?

20 A. Yes.

21 Q. Okay. And is there any reason that
22 there are two residences like that? A place
23 in Greer and a place in Mountville?

24 A. No -- well she lived in Greer for
25 quite some time and she'd bought this land,

12

L. STRALEY

1 oh, 15, 20 years ago, and moved a
2 double-wide on to it about 2 years ago; a
3 little over -- well, 3 years ago; 2 and 1/2,
4 3 years. And I'd been working on fixing it
5 up and when they found out I had terminal
6 cancer, I said "This is where I want to be
7 to die."

8
9 Q. In Mountville?

10 A. Yeah. So we've -- like I say, we
11 spend pretty much of our time down there.

12 Q. When were you diagnosed?

13 A. Well first, December of -- well I
14 had just turned 65, okay. And I had cancer
15 on my tongue. They radiated that and
16 chemotherapy, got rid of it, and then 5
17 years later, it come back -- or 5 years --
18 5 months later it was back in my bones as
19 terminal and it's in my back, my legs, my
20 liver. So, you know -- and I said "This is
21 where I want to" -- I don't want to be in
22 town.

23 Q. Right. Well I'm very sorry about
24 that.

25 A. No problem. I'm right with it.

13

L. STRALEY

1
2 Q. Well let's get on to why we're here
3 and not spend any more of your precious time
4 on this matter. We're here about the
5 incident that happened on August 11th of
6 2011.

7 A. Uh-huh.

8 Q. I'm sure that you understand that?

9 A. Uh-huh.

10 Q. That's a yes?

11 A. Yes.

12 Q. Okay. And according to the reports
13 that we've obtained, it happened some --
14 well, what time did it happen, the actual
15 shooting?

16 A. It was before dark, but getting
17 close to dark, so it had to be 8, 8:30.
18 Maybe as early as 7:30, but I think probably
19 closer to 8:00, 8:30.

20 Q. Well, can you sort of start at the
21 beginning of that day and just tell me,
22 generally, what happened during the day that
23 lead up to this happening that evening?

24 A. One of us had had a doctor's
25 appointment. I don't know if it was her or

14

L. STRALEY

me, in Greer or Spartanburg. I don't -- I don't know which. And we had conducted some other business while we were up there.

Q. "We" being you and Kathy Revan?

A. Yeah, yes.

Q. Okay.

A. And we come home, I'd say 6:30, 7 o'clock.

Q. So had y'all been gone basically all day?

A. Yes. And we had come in the house and Shawn had been sitting on the couch messing with the compu -- messing with her computer.

Q. That's Shawn Morrigan?

A. Yeah, yes.

Q. And how -- why was she there?

A. Her and Tammy, at that time, were living there.

Q. And that's Tammy Morrigan?

A. Yes.

Q. And that's your natural daughter?

A. Yes.

Q. How long had they been staying there

15

L. STRALEY

with you and Ms. Revan?

A. They came some time in May. I don't know when exactly in May. Probably closer to the end of May, because I know I needed a -- I wanted a wall mount for the flat screen and it was Father's Day coming up and Tammy had bought that for me for Father's Day, so I know it was before Father's Day, which is --

Q. June.

A. -- first or second week of June, I don't know which. But --

Q. And so they were just visiting since that time?

A. Well, I had thought they were going to be visiting and my two other daughters had come down at different intervals while they were there and after my youngest daughter had left, she said "Well now maybe that we're going, they'll go," because she knew that we weren't particularly happy that they were there so long.

Q. Who is "She?"

A. Kelly. Tammy's younger sister, my

16

L. STRALEY

1 youngest daughter.

2 Q. Oh, okay.

3 A. But they never left. It was right
4 after they left, that they informed us that
5 they would stay on and help take care of me
6 and help take care of Kathy because Kathy's
7 not in good health either.

8 Q. What's her health situation?

9 A. She's got several problems: COPD,
10 heart problems, kidney problems. Did I
11 mention heart problems?

12 Q. Right, yes.

13 A. I mean she's got several things
14 wrong with her; several things.

15 Q. So Shawn and Tammy, basically, told
16 y'all, you and Kathy, that they were going
17 to try to stay and help you?

18 A. Help me and help around there; take
19 care of things.

20 Q. Okay, and that was after your
21 youngest daughter left?

22 A. After she had left.

23 Q. And what approximate time frame was
24 that?
25

17

L. STRALEY

1 A. Well Kelly wasn't there but a couple
2 of days. This was still in June.

3 Q. Okay, several months before this
4 incident --

5 A. Yeah.

6 Q. -- that happened in August?

7 A. Right.

8 Q. Okay. So did anything happen
9 between the time that Kelly left and the day
10 of this incident?

11 A. Nothing physical. Kathy and I both
12 felt that Shawn was using Tammy and we had
13 expressed our concerns to Tammy about that.

14 Q. What do you mean "Using Tammy?"

15 A. Financially.

16 Q. She was using Tammy's money?

17 A. Yeah.

18 Q. And what lead you to believe that?

19 A. Well, they had bought Shawn's
20 daughter a car that wasn't good enough for
21 Shawn's daughter, and I quote that, so she
22 traded it on something else. She was going
23 to college and waited 'til the last minute
24 to file papers for a scholarship and it was
25

18

L. STRALEY

1
2 going to cost extra money and Tammy paid for
3 that.

4 Q. And you're talking about Ariel
5 Robinson?

6 A. Yes.

7 Q. That's the daughter you're talking
8 about?

9 A. Yes.

10 Q. Okay.

11 A. They went to some mine up in North
12 Carolina, someplace; some gem mine, which was
13 several hundred dollars and I know that Tammy
14 wasn't particularly interested in that kind
15 of stuff, but they went. And I know --
16 well they told us that the scoop of rocks
17 that they bought to go through was like
18 \$450. And things that Shawn had wanted --
19 money was coming out. She had a ring on
20 her finger that she had bragged was \$5,000
21 that Tammy had bought for her. And at this
22 time Tammy wasn't working; she didn't have a
23 job. And we just -- and before that, the
24 first time I met Shawn, when they had left,
25 I had called Tammy on her cell phone and

L. STRALEY

1
2 said -- expressed my concerns that I felt
3 that Shawn was using her because Tammy had
4 had an operation on her feet and Shawn had
5 quit her job and was going to take care of
6 Tammy. Well Tammy said she encouraged her
7 to quit her job to take care of her. And
8 Shawn, at that time, was a LPN, and she just
9 quit a job, and it ain't easy for an LPN to
10 get a job.

11 Q. Uh-huh.

12 A. Not like if you're an RN.

13 Q. Right.

14 A. So, you know, back then, a year
15 before this, I expressed my concern that "Are
16 you sure she's not using you?"

17 Q. What did Tammy say?

18 A. She says "No, she's not using me."
19 She said "I encouraged her to quit her job
20 and take care of me and stuff like that."
21 So, okay. So when they moved in, I, you
22 know, saw, what I thought was little signs
23 of it. And Kathy and I talked about it and
24 I talked to Tammy about it there and she
25 says "No, she's not using me. She's not

20

L. STRALEY

1 using me." The whole time, "She's not using
2 me." And I didn't know that Tammy was going
3 to Shawn and telling her things that I was
4 telling her in confidence. But getting back
5 to what happened that day, we come in, like
6 I say, 7 o'clock or something like that.
7 Shawn is on the couch. Kathy sits down in
8 the recliner and Shawn starts an argument
9 with Kathy about this Shawn using Tammy.
10

11 Q. Okay, now who was there at that
12 point? Who was there in the room?

13 A. Well, neither of us were in the room
14 at that time -- or -- neither of us; I mean
15 Tammy or I were not in the room at that
16 time.

17 Q. So it was just Shawn and Kathy?

18 A. Shawn and Kathy.

19 Q. Well how do you know they were
20 having this --

21 A. Well this is what Kathy told me, but
22 I'd come in, in a few minutes and this
23 argument is going on; this same argument is
24 going on between the two of 'em. And --

25 Q. So at that point, where --

21

L. STRALEY

1 A. I knew what the argument was about.

2 Q. Well at that point, where -- where
3 is Tammy?

4 A. Tammy is outside. She's weed
5 eating.

6 Q. Okay. All right, so tell me what
7 happened when you walked in?

8 A. Well the argument continued and --

9 Q. What was the argument -- what were
10 they saying to each other?

11 A. Well it was mostly Shawn accusing
12 Kathy of different things, saying "Shawn was
13 lazy," and she's telling Kathy "You don't do
14 anything but lay in bed." And Kathy was
15 telling her, "I have my reasons for laying
16 in bed. I'm under doctor's orders to be in
17 bed." And we were telling her, "You're sick
18 all the time. You don't do anything to
19 help. You're just on the computer, but you
20 say about going out to dinner or going up to
21 that mine to dig rocks, and you're healthy
22 and ready to go out the door."

23 Q. So now you're talking to Shawn?

24 A. Yeah.

22

L. STRALEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. Okay.

A. And this continued for a few minutes like that and then Tammy come in and it really escalated into an argument and Kathy told them --

Q. At this point it was all verbal?

A. Yes.

Q. So then Tammy come --

A. Could I have a glass of water?

Q. Sure.

(Whereupon, deposition went off the record at 10:37 a.m.)

BY-MR. COVINGTON:

Q. Okay, you were talking ---we were at the point where, I think, Tammy came in there, and now all four of you are inside?

A. Right.

Q. What part of the -- is this the double-wide?

A. Yeah. Like in the den.

Q. Okay.

A. And I just didn't want to be involved in any arguments. I don't like confrontation and I don't like anything not

1 going smoothly around me. But at this
2 point, Kathy told them she thinks it's time
3 they get their stuff and leave.
4

5 Q. So she told both Tammy and Shawn
6 that they were to leave?

7 A. Right, they needed to leave. So
8 they got up and started packing their stuff
9 and going out the door. Well, Kathy is
10 sitting in the recliner and every time they
11 go past her, they're knocking her --

12 Q. They --

13 A. -- knocking her feet.

14 Q. "They," who?

15 A. Shawn and Tammy.

16 Q. Both of them?

17 A. Yes.

18 Q. And what do you mean they were
19 "Knocking her feet?"

20 A. Well, they're carrying their bags and
21 instead of trying to get around her, you
22 know -- and I was there. It was like on
23 purpose, you're -- you know how when you
24 bump somebody and it's an accident and when
25 you bump somebody and it's on purpose. I

24

L. STRALEY

1
2 mean you can tell the difference. You can
3 tell it looking at 'em, especially after it
4 happens two or three times.

5 Q. So they never said anything when
6 they made these bumps?

7 A. No, no.

8 Q. And was it -- was Kathy's feet
9 hanging off of the recliner or were they --

10 A. Yeah, it was just her feet hanging
11 off of the end of it.

12 Q. And so the recliner had the footrest
13 up --

14 A. Right.

15 Q. -- and her feet were hanging off and
16 then whatever they were carrying would bump
17 her feet?

18 A. Yeah.

19 Q. Okay.

20 A. And I admit it was a tight space,
21 but you know, it had a space there 30 inches
22 wide that you could get through.

23 Q. Was the recliner near the door?

24 A. By the door, sitting in a corner.
25 Okay, the door is like 4 feet from the

25

L. STRALEY

1
2 corner and the recliner is there and couch
3 over there and coffee table, but there was,
4 like I say, 30 inches, 3 feet from the
5 coffee table to the recliner.

6 Q. Okay.

7 A. So Kathy said "I can't take anymore
8 of this. She says "I'm going to help 'em."

9 Q. All right, now where were they at
10 this point? They're inside?

11 A. They were moving in and out carrying
12 stuff.

13 Q. Okay.

14 A. And she went back to carry bags.

15 Q. Kathy went to help them carry their
16 bags out?

17 A. Yeah, to get them out of there
18 faster.

19 Q. Okay.

20 A. Get them out of there faster, 'cause
21 she had all she could take. I had about
22 all I could take of it. And on the way
23 back, Shawn was carrying a bag and again
24 bumped her; hit her with her hip.

25 Q. All right, this was on the -- Shawn

26

L. STRALEY

1 was on the way out with the bag?

2 A. She was on the way out of the
3 bedroom with a bag.

4 Q. Oh, so --

5 A. Okay, the other end of the trailer.

6 Q. Right.

7 A. And in the living -- coming in to
8 the living room.

9 Q. And she bumped Kathy?

10 A. She purposely bumped her with her
11 hip and threw Kathy off balance.

12 Q. Okay, and why do you say she
13 purposely bumped her again?

14 A. Well, like I said, you could see
15 when something like that is an accident and
16 when somebody does it on purpose. I mean,
17 it's not hard to see when somebody really
18 goes like that as opposed to normal walking
19 and bump into you.

20 Q. Did she stop and bump her or did
21 she bump her as she was --

22 A. She was walking while she bumped
23 her.

24 Q. All right, and you said it knocked
25

27

L. STRALEY

1
2 -- it got her unbalanced. Did she fall or
3 something?

4 A. Yes, and in order to gain her
5 balance, she had grabbed Shawn's hair and
6 they both fell down, Shawn on top of her.

7 Q. All right, did Shawn have long hair
8 or --

9 A. Yeah, fairly long hair.

10 Q. And did she wear it just completely
11 loose or in a ponytail or --

12 A. You know, I don't know how she had
13 it that day, I honestly don't. There was so
14 much -- Kathy and I had such a good day
15 out, which we don't have many of because of
16 her health, and it was a particularly good
17 day and I certainly didn't want to end it
18 like that. But --

19 Q. So Kathy grabbed her hair on the way
20 down or --

21 A. On the -- yes. To help gather her
22 balance somewhat, 'cause she had nothing
23 there to lean against or she was going to
24 fall flat on the floor.

25 Q. All right, so did Kathy continue to

28

L. STRALEY

1
2 fall down?

3 A. She continued to fall and in the
4 meantime, it pulled Shawn right down on top
5 of her.

6 Q. So at that point, when they're on
7 the floor, is Kathy on her back and Shawn is
8 --

9 A. Shawn -- or Kathy is pretty much on
10 her back, maybe leaning to one side a little
11 bit.

12 Q. Right.

13 A. But Shawn --

14 Q. And where is Shawn?

15 A. Shawn is, at this point, on top of
16 her.

17 Q. Face on top of her, her front on
18 top of her, or lying with her back on top
19 of her or do you remember?

20 A. Kind of -- not face on her, but not
21 flat on her back on her. Kind of on her
22 side on her.

23 Q. Okay.

24 A. And she is -- Shawn is scratching at
25 Kathy, on her legs and her thigh and her

29

L. STRALEY

1 stomach to get her to let go of her hair.

2 In the meantime, Tammy jumps in on her, puts
3 her --

4 Q. Well when did Tammy come in in all
5 of this? As they were going down or --

6 A. Well --

7 Q. -- after they were on the floor or
8 was she there when she actually is --

9 A. She was actually in the bedroom
10 getting a bag together to go out. But while
11 they're on -- Kathy and Shawn are on the
12 floor, Tammy comes out, presses -- or puts
13 her left foot on Kathy's right hand; pulls
14 it down on the floor and puts her left foot
15 on her right hand. Puts her right knee on
16 her chest right here, and commenced to
17 beating her with her fist in her upper head.

18 Q. All right, now at this point, was
19 Kathy holding Shawn's hair with her right
20 hand or her left hand or both or --

21 A. She was holding her with her left
22 hand.

23 Q. Okay, so at -- when Tammy pulled
24 Kathy's right hand and put her --
25

30

L. STRALEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. Her left foot.

Q. -- foot on it, was Kathy still holding on to Shawn's hair with her --

A. Yes.

Q. -- left hand?

A. Yes.

Q. Now during this period of time, was Kathy or Shawn saying anything to each other. Was there any --

A. Screaming "Let go of me." Shawn was screaming "Let go of me, let go of me."

Q. Right.

A. Kathy wasn't saying anything because she was getting the hell beat out of her.

Q. Now, I'm talking about before Tammy came out and said anything, was there any conversations at all?

A. After Shawn went to the bedroom?

Q. Uh-huh.

A. I don't remember of any conversation. No civil conversation any how.

Q. Right. So is it fair to say that from the time that Kathy grabbed Tammy's --

A. Shawn.

L. STRALEY

1
2 Q. -- Shawn's hair and pulled her to
3 the floor, the first thing you remember
4 anybody saying was Shawn saying "Let my hair
5 go, let my hair go?"

6 A. Yeah.

7 Q. But Kathy wasn't saying anything?

8 A. No, she was, like I say, getting the
9 crap beat out of her..

10 Q. Well when Tammy came out of the
11 bedroom --

12 A. Uh-huh.

13 Q. -- did she say anything?

14 A. No. At this point, she seen what
15 was -- them on the floor and she come over
16 and that's when she put her hand -- or her
17 foot on her hand and chest -- leg on her
18 chest. Now you've got to remember, Tammy
19 spent two years in the Army and was trained
20 hand-to-hand combat.

21 Q. But she wasn't saying anything?

22 A. No.

23 Q. And Kathy still wasn't saying
24 anything back to her --

25 A. No.

32

L. STRALEY

1
2 Q. -- at this point?

3 A. I mean Tammy's busy beating her up,
4 Kathy's getting beat up.

5 Q. And what about Shawn at that point,
6 when she's getting beat --

7 A. Just "Let go of my hair, let go of
8 my hair."

9 Q. Okay, now -- thank you. Now tell
10 me what else happened after that?

11 A. Well I got Tammy off of Kathy
12 because I seen what was going on.

13 Q. Uh-huh.

14 A. And got Tammy off of Kathy and --

15 Q. How did you do that?

16 A. Just by reaching in there and
17 keeping her from hitting her with her right
18 hand. And at that time -- I had a feeding
19 tube in then, too, and during that my tube
20 got pulled out and I don't even know when
21 that happened. I think Shawn pulled it out.
22 But I got Tammy to keep from hitting her.
23 When she quit hitting her, she let her up --

24 Q. Okay.

25 A. And Kathy is bleeding out her nose,

1
2 out her mouth, her eye is swelled up.

3 Q. Her right eye?

4 A. Her right eye is swelled up, her
5 left eye -- no, her left eye is swelled up,
6 I'm sorry.

7 Q. Okay.

8 A. Her right eye is not in too good a
9 shape. And I get her up and get her to
10 the bathroom, hand her a washcloth. I don't
11 know if I handed a washcloth off of the
12 towel rack or whether there was one in the
13 sink. But at that point, I turned around,
14 walked out of the bedroom into the kitchen.
15 Now they're not but 3 feet apart.

16 Q. Who's not but 3 feet apart?

17 A. The bedroom and the kitchen.

18 Q. Oh, okay.

19 A. And I'm getting ice in a zip lock
20 bag.

21 Q. To put on Kathy's --

22 A. To put on Kathy.

23 Q. Right.

24 A. Well, I didn't know it, but Kathy
25 must have been directly behind me coming out.

34

L. STRALEY

1
2 Q. All right, where was Tammy and Shawn
3 at this point?

4 A. Well at this point, Tammy and Shawn
5 went back into the bedroom.

6 Q. Okay.

7 A. And like I say, I put ice in that
8 zip lock bag and Kathy must have been right
9 behind me because as I shut the freezer, I
10 heard Tammy say "Are you crazy?"

11 Q. Talking to Kathy?

12 A. Kathy. And I looked up and like
13 it's -- Kathy's not 3, 4 feet away from me
14 because here's the refrige -- here's our
15 bedroom, here's the kitchen, there's the
16 refrigerator right in the corner, here's a
17 dining room, and here's the living room.
18 Well Kathy's standing in the doorway which is
19 a 9-foot doorway.

20 Q. The doorway to the bedroom?

21 A. The doorway from the dining room to
22 the living room.

23 Q. Oh, okay.

24 A. Kathy is standing in that doorway
25 and like I'm 3 foot away, maybe 4 at most.

35

L. STRALEY

1
2 Tammy is yelling at Kathy "Are you crazy?"
3 And I look up and Kathy has a gun in her
4 right hand.

5 Q. What kind of gun? A handgun?

6 A. A little handgun. Well, not a
7 little handgun. I can't tell you what kind
8 it was. I don't like guns. But I seen
9 she had this gun. Well I made a dive for
10 her to grab that gun.

11 Q. So you made a dive for Kathy?

12 A. For Kathy. And at the same time,
13 Tammy made a dive for Kathy.

14 Q. All right, and where was she
15 pointing the gun?

16 A. Well, it's like kind of --

17 (Gesturing.) Kathy is standing up like this,
18 'cause she can't see out of this eye and
19 she's got her head turned like this.

20 Q. So she basically has it in her right
21 hand and she's got it --

22 A. Across her body.

23 Q. -- across her body? Well, could you
24 tell where the gun was aiming? Where was --

25 A. It was pointed toward the floor; at

36

L. STRALEY

that point, it was pointed toward the floor.

Q. The floor -- what floor?

A. Of --

Q. In front of --

A. Say where the bedroom comes out into the living room.

Q. The bedroom --

A. Where their bedroom come out into the living room.

Q. Tammy's and Shawn's bedroom --

A. Yeah.

Q. -- doorway?

A. Right.

Q. Okay... Did you see -- did you see Shawn at that point?

A. Shawn, at that point, was coming out of the bedroom into the living room.

There's a short hallway there, 4 feet from

their bedroom into the living room. But I

could just see her coming out of the bedroom

into that hall. And Tammy had been in front

of Shawn a few feet. And like I say, Kathy

had that gun. I didn't know she had it.

I didn't know she was that close behind me

37

L. STRALEY

1
2 because I went to get her ice and she must
3 have followed me out.

4 Q. How close were you to Kathy when you
5 tried to get to her with the gun?

6 A. Four feet.

7 Q. How close was Tammy to her when she
8 tried to get to her with the gun?

9 A. About the same distance, or 4 --
10 maybe another foot, maybe 5 feet.

11 Q. And did both of you try to go at
12 her at the same time?

13 A. Yeah.

14 Q. All right, then what happened?

15 A. Well, the gun went off.

16 Q. Did the gun go off before y'all got
17 to her or as you got to her or --

18 A. It's my recollecting is, it didn't
19 go off 'til after we got to her.

20 Q. Okay, so she --

21 A. While it was pointing down at the
22 floor.

23 Q. So when -- do you know what part of
24 Kathy's body -- were you going with your
25 hands trying to grab something?

38

L. STRALEY

1

2

A. Yeah, uh-huh.

3

4

Q. All right, what were you trying to grab?

5

6

A. I was trying to get her arm so I could get the gun out of her hand.

7

Q. And that would be her right arm?

8

A. Right, yeah.

9

10

Q. And were you able to get -- to grab her arm before the gun went off or --

11

12

13

14

15

16

17

A. Not the first shot. After the first shot, I was able to get a hold of her and get her arm up in the air. And Tammy was on it too. I mean we were both trying to get it from her and it went off and went in the dining room ceiling. At that point, I got the gun from her.

18

19

Q. All right. Did Kathy say anything at all before she shot --

20

21

22

23

24

25

A. No.

Q. -- the gun?

A. No.

Q. Never said a word?

A. No.

Q. But the gun was pointed down at the

1
2 floor?

3 A. Yeah.

4 Q. When it went off?

5 A. Yeah, when I first seen it, she had
6 it -- that -- pointed down toward the floor.

7 Q. Okay, so do you know if Shawn got
8 -- actually touched Kathy before the first
9 gunshot went off?

10 A. No, they were too far apart.

11 Q. So as far as you know, the first
12 gunshot went off before either one of you
13 touched her?

14 A. Well -- well, I was trying to get a
15 hold of her. Whether I had -- had a hold
16 of her or not, I don't know.

17 Q. So you may have?

18 A. I thought at the time, "Damn, I damn
19 near got shot." It's a wonder, you know --
20 I was saying "It's a wonder it didn't hit
21 me." At that point, I didn't know it hit
22 Shawn.

23 Q. All right, well what's the next
24 thing that happened after y'all get her on
25 the floor and you're holding her arm up and

40

L. STRALEY

1 the gun goes off and it shoots into -- the
2 second shot goes into the ceiling, what
3 happened then?
4

5 A. I got the gun and I thought "What
6 the hell am I going to do with this?"
7 'Cause I don't want either one of them
8 getting a hold of it. So I took it into
9 the den and hid it under a cushion on a
10 chair.

11 Q. All right. How did you get the
12 gun? Did she give it to you or did you
13 have to wrestle it --

14 A. No, I just really wrenched it out of
15 her hand.

16 Q. So she wasn't trying to let go of
17 it?

18 A. No, she wasn't trying to let go of
19 it, not after the first shot. After the
20 shot went into the ceiling, she must have
21 let go of it.

22 Q. Oh, okay.

23 A. Or whatever. I am 5 inches taller
24 than her so I could reach a little higher.
25 So you know, I don't know if she let go of

L. STRALEY

1
2 it or whether I just actually twisted it out
3 of her hand.

4 Q. Did she say anything at that point?
5 Kathy?

6 A. No.

7 Q. No conversation at all?

8 A. No. And at that point I didn't
9 know Shawn had been hit.

10 Q. Well did anybody say anything at
11 that point?

12 A. Well I no sooner got the gun, was
13 walking to hide the thing and Shawn says
14 "She shot me."

15 Q. So Shawn was the first one that said
16 it?

17 A. Shawn was the first one to say
18 anything. "She shot me." And Tammy is
19 hollering, "Call 911." Well I'm in the den
20 right by the phone. I grab the phone and
21 start calling 911 and I come back into the
22 room. Kathy had gone back into the bedroom
23 to lay down on the bed. I'm calling 911
24 and Tammy is helping Shawn into the bedroom.

25 Q. Okay, at that point did you know

42

L. STRALEY

1 where Shawn had been hit --

3 A. No.

4 Q. -- by the gunshot?

5 A. I did not.

6 Q. You couldn't tell by how she was
7 moving or --

8 A. Not --

9 Q. -- whether she was holding anything?

10 A. No, not at that minute, I couldn't
11 tell while I was on the phone with 911
12 'cause -- you said about your GPS, or you
13 did, one of the two, they couldn't find us
14 and Tammy had grabbed some towels and had
15 her in the bedroom there and was putting
16 press on her leg, on her thighs.

17 Q. Which leg? Do you remember?

18 A. I think it was her left leg.

19 Q. Did you see blood at that point?

20 A. No, not really. I seen no blood on
21 the living room floor -- or a very little
22 bit; let's put it like that, you know. Over
23 where Kathy was at, where they had beat her,
24 there was a lot of blood and then when EMS
25 took her out -- well, the next day, I seen

L. STRALEY

1
2 a lot of blood in the floor where Shawn was,
3 but --

4 Q. In the living room or the bedroom?

5 A. In the bedroom.

6 Q. Okay, and what about the blood that
7 you said where there was the physical
8 altercation between Shawn and Kathy, how far
9 was that from where Shawn was actually shot?

10 A. Well Kathy, from where she ended up
11 in the floor where they beat her, was
12 probably 4 feet away from where Kathy was
13 standing when they shot her. Shawn was
14 probably 15 feet away from Kathy and Tammy
15 was in between Shawn and Kathy when Kathy
16 shot her, and I was 3, 4 feet away from
17 Kathy when she shot her; when we're wrestling
18 for this gun.

19 Q. All right, so you called 911 and
20 Tammy is putting a towel press on --

21 A. Keep hollering --

22 Q. -- Shawn.

23 A. -- "Call 911. What's taking so
24 long," and stuff like this. Kathy is in the
25 bed.

44

L. STRALEY

1
2 Q. Now is Kathy saying anything at this
3 point?

4 A. At this point, she has some pills
5 that she has to carry with her that any
6 trauma, physical or mental trauma or -- I
7 don't know, that she's supposed to take one
8 of these pills. One.

9 Q. For her heart?

10 A. I don't know what it's for.

11 Q. Okay, that's fine.

12 A. Her endocrinologist --
13 endocrinologist, if that's how you say it,
14 had her on these things and she's only
15 supposed to take it in a real emergency.

16 Q. Right.

17 A. Like this past weekend, she had an
18 episode with -- well she thought, and maybe
19 she was, going into congenitive heart
20 failure. I don't know if you know what that
21 is, but the fluid builds up around your
22 heart and stuff.

23 Q. Right.

24 A. That's an incident where she's
25 supposed to take a pill.

L. STRALEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. Right.

A. And I think it was this past weekend. I know she took a pill this past weekend for that. And that's the first pill she's taken since this thing happened here. So that's what they're for.

Q. Okay, I think my question was, was Kathy saying anything at this point? Was there any conver --

A. You know "Give me a pill. Give me one of my --" whatever they are, you know.

Q. All right.

A. And other than that, no.

Q. So what happened next?

A. Well, the cop finally came out and I said "You've got to get an ambulance out here now."

Q. So they got there -- the police got there before the EMS?

A. Oh, yeah.

Q. So how much time elapsed from the time of the shooting until the police arrived, approximately?

A. Ten minutes.

46

L. STRALEY

1 Q. So what happened when the -- well,
2 before the police officer got there, was
3 there anymore conversation?
4

5 A. No, no. And I just kept walking
6 back and forth to see how Shawn was doing
7 and back to see how Kathy is doing?

8 Q. They're at either ends, so you know
9 -- and you know, I can't do a damn thing.

10 A. Right.

11 Q. So tell me what happened after the
12 police arrived? And what -- was this the --
13 what police agency was it?

14 A. County; Laurens County. Well, about
15 another five or ten minutes the ambulance got
16 there.

17 Q. What happened after the deputy
18 sheriff got there?

19 A. They took me outside and put me in
20 a car because they didn't want me being
21 there, I guess, while EMS was there or
22 whatever. You know, I don't know why, but
23 they put me in a car out there, left the
24 air conditioner on and the windows down for
25 me and, you know, whatever I wanted; tried

1
2 to make me comfortable.

3 Q. Right.

4 A. But what went on in there, I have
5 no idea.

6 Q. Okay, so everybody else was still
7 inside and you were put in a police car
8 outside?

9 A. Yeah.

10 Q. For about how long?

11 A. Oh, God, I was probably in that car
12 for an hour.

13 Q. Okay, at that point did you know
14 Shawn's condition or --

15 A. Before I went there, yes, I did know
16 Shawn's condition 'cause EMS come in and went
17 to see her first and then they come in to
18 see Kathy and the one guy said "Shawn didn't
19 make it."

20 Q. So that's the first time that you
21 knew?

22 A. That's the first I knew about it,
23 yeah.

24 Q. And it was one of the EMS
25 technicians that said that?

48

L. STRALEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. Yeah.

Q. And who did he tell that to?

A. I don't know if he was talking to me or Kathy. I think he was talking to me because I asked "How's she doing?"

Q. So you were in the bedroom with Kathy?

A. Yeah.

Q. She's still in the bed?

A. Yeah.

Q. Okay, and then what happened?

A. Well like I say, they took me outside.

Q. That's when they took you out?

A. Yeah.

Q. And then he started taking care of

--

A. What -- yeah.

Q. So then an hour or so goes by while you're in the car out there?

A. Uh-huh.

Q. And then what happened, as far as you know?

A. Well, they brought Shawn out and

L. STRALEY

took her away. And --

Q. On a gurney, obviously?

A. Yeah. I didn't see 'em bring Kathy out, so they must have drove off with me and brought her out and we come in here to the office, to the Sheriff's Office, or whatever.

Q. In separate vehicles?

A. Yeah.

Q. What about Tammy? Do you know what happened to her?

A. I don't know what they did. Well, they brought Tammy in, too, but in a separate vehicle.

Q. She wasn't with you?

A. No.

Q. Okay. Tell me what happened after you got to the Law Enforcement Center?

A. Well, they took a statement from me and --

Q. By yourself, I assume?

A. Yeah.

Q. Do you remember what you told them?

A. Same thing I just told you, as far as I can recollect.

50

L. STRALEY

1 Q. Let me go over -- this is an
2 incident report and all I want to do is I
3 want to go through -- it's not very long.
4 I just want to go through it just to make
5 sure that there's no errors in it from what
6 you remember telling them or if it maybe
7 refreshes something that you --

8 A. Yeah, you forget a lot.

9 Q. Sure.

10 A. And then half the time you remember
11 a lot.

12 Q. Right. It says "On the above listed
13 date and time, Lieutenant Crane was
14 dispatched to a call at 315 Revan Road in
15 Mountville for a shooting. Dispatch stated
16 that the caller said that a female had been
17 shot in the leg but was still breathing."

18 A. Uh-huh.

19 Q. Is that something you think you
20 might have told somebody or do you remember

21 --

22 A. Well at that point, I figured she --
23 I knew she was still alive.

24 Q. I mean do you remember telling
25

51

L. STRALEY

2 somebody that on the phone?

3 A. I don't actually --

4 Q. Okay.

5 A. -- remember saying it, but --

6 Q. Okay. I'm not saying you did or
7 not, I don't know. That's why I was asking.
8 And if you do fine, if you don't fine. "Once
9 I, Lieutenant Crane, arrived at the scene, I
10 was met at the front door by the
11 Complainant, a Lynn Straley, who stated that
12 the victim was located in the back bedroom."

13 A. Uh-huh.

14 Q. Do you remember that?

15 A. Probably so. I know I met him at
16 the door.

17 Q. "I, Lieutenant Crane, could see spots
18 of blood all over the floor leading to the
19 rear bedroom." Do you -- does that sound
20 accurate or is that something that's -- you
21 don't think --

22 A. No, that don't sound real accurate.
23 Of course, the living room is not all that
24 big. It's not near the size of this room.
25 I mean at the front door there's Kathy's

52

L. STRALEY

1
2 blood and then the door into the bedroom,
3 like I say, there was a little blood there
4 --

5 Q. Okay.

6 A. -- but I don't remember, you know,
7 anything like was by the front door.

8 Q. Okay, that's fine. Once I came to
9 a closed door, I could hear someone crying
10 saying, "Breathe, Shawn, breathe," so as I
11 opened the door, I saw the victim, Shawn
12 Morrigan, sitting in the floor against the
13 wall and a large amount of blood, and a
14 second white female, a Tammy Morrigan,
15 talking to the victim.

16 A. Okay.

17 Q. Is that consistent with the way you
18 saw --

19 A. Yeah.

20 Q. -- them in the bedroom and all that?

21 A. Uh-huh, yeah. When I first went in,
22 I didn't see the blood, but after -- you
23 know, after she's sitting there a while,
24 yeah, about the time he got there, 15 -- 10
25 or 15 minutes, yeah, there was some blood.

53

L. STRALEY

1
2 Q. "I, Lieutenant Crane, checked the
3 victim for a pulse and was not able to
4 locate one. I asked Tammy Morrigan to go
5 wait in the other room so EMS could work on
6 the victim." Do you remember that or is
7 that something that you don't know if it
8 happened or not?

9 A. I don't know that.

10 Q. Okay. "Deputy Johnston came in and
11 went and talked to the subject, a Kathy
12 Revan, and was also given the gun by the
13 Complainant."

14 A. I do remember that.

15 Q. And the Complainant is you; you're
16 the one that gave him the gun?

17 A. Yeah.

18 Q. And were you there when the officer
19 talked to Kathy?

20 A. I probably was. I don't remember
21 it.

22 Q. That's what I was going to ask you.
23 Do you remember anything that was said while
24 you were --

25 A. No, I don't remember anything that

54

L. STRALEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

was said.

Q. Okay. "Deputy Johnston stated to me that it was a Smith and Wesson 9 millimeter handgun."

A. Couldn't tell you.

Q. "When I spoke with the subject, she stated that she shot the victim because they had been fighting all day." Now do you remember Kathy Revan saying that in your presence?

A. No, I don't remember her saying that.

Q. Do you remember her telling the officer anything?

A. No, I don't. I don't even know that, at that point, while he was in there, that I was in the room.

Q. All right, so you gave your statement --

A. Uh-huh.

Q. -- at LEC?

A. Uh-huh.

Q. Did they require you to do a written statement? To sign something?

55

L. STRALEY

1
2 A. Yeah, I signed something, but I said
3 "You write it out and read it back to me.
4 I'll sign it, but you know, I'm not going to
5 write it 'cause my handwriting is terrible
6 and my spelling is even worse."

7 Q. So you told them what to write down
8 and they wrote it for you?

9 A. Yeah.

10 Q. And then they gave it to you, and
11 did you read it before you signed it?

12 A. I had him read it back to me.

13 Q. Okay. And then you signed -- was
14 it accurate, whatever you signed, that would
15 have been written --

16 A. As far as I recollect at that time,
17 it was accurate. Like I say, you remember
18 things afterwards you might wanted have added
19 to it, but I would -- without seeing it
20 right here in front of me now, I would say
21 it was probably accurate.

22 Q. Yeah, and I don't --

23 A. 'Cause I --

24 Q. And I'll represent to you, I don't
25 have a copy of that, so I don't know what

56

L. STRALEY

1 it said. I'd be happy to show it to you.
2 I wish I did, but they haven't released
3 everything so I don't have access to that.
4

5 A. They apparently haven't released much
6 of anything 'cause our lawyer don't -- her
7 lawyer don't even have a copy.

8 Q. Well -- and that was going to be my
9 next question; did they give you a copy of
10 the statement that you signed, your
11 statement?

12 A. If they did, I don't know what --
13 where it's at.

14 Q. Okay. And then after you did your
15 statement, as far as you were concerned, what
16 happened?

17 A. Man, this is probably 2 o'clock in
18 the morning. They brought me -- they asked
19 me if I had any place I could go for the
20 night and I said, "Yeah, I can go back to
21 Arlington Avenue."

22 Q. In Greer?

23 A. In Greer. And they brought me back
24 to the house. I got -- I didn't need to
25 gather any clothes 'cause I've got clothes up

57

L. STRALEY

there. I gathered the dog up, and be sure I had food for the dog, and her and I got in the car and we went to Greer.

Q. So they took you back to Revan --

A. Revan Drive.

Q. Right. Then you went on to Greer with the dog?

A. Yeah.

Q. And they kept Kathy?

A. They kept Kathy.

Q. This is a picture of the Laurens Advertiser. I've only got one copy. Did you ever see this --

A. No.

Q. -- article?

A. No.

Q. It has a picture in there and under it it's got Kathy Gail Revan. Is that Kathy?

A. Yeah.

Q. I notice her right eye is, obviously, blackened in this picture.

A. Well, two days later it was a whole lot worse. The lawyer has got pictures of

58

L. STRALEY

1 her when he come down -- which his son come
2 down first 'cause Kim was away, and then Kim
3 came down -- what day of the week was this?
4 Thursday, Tuesday, Thursday? I don't
5 remember.
6

7 Q. Right.

8 A. But Kim come down a few days later
9 and took some more pictures of her and by
10 that time the right eye had blackened up and
11 the jaw and the cheek on the left side had
12 blackened up a lot and we took pictures
13 every week thereafter for six weeks.

14 Q. Okay. And I understand that. I
15 haven't seen those pictures, but obviously --
16 what I'd like to ask you, is this picture
17 that appeared August 17th, 2011 in the
18 Laurens Advertiser, does that appear to be
19 what her face looked like on the evening
20 when this happened?

21 A. Well, of course, it's been cleaned
22 up; you know, the blood and everything has
23 been cleaned off of her face at that point.

24 Q. Right.

25 A. But right after the incident, no,

59

L. STRALEY

1
2 that don't give a true picture of what she
3 looked like at all.

4 Q. And that's what I want you to tell
5 me, looking at this picture, which looks like
6 a mug shot.

7 A. Yeah.

8 Q. Although, it is in color. What's
9 the difference that you remember?

10 A. Oh, well she had blood coming out
11 her nose and out her mouth and her whole
12 face was covered with blood. And like I
13 say, her right eye looks in real good shape
14 on that picture compared to what she looked
15 like that night.

16 Q. And how would you describe that
17 difference to her right eye?

18 A. Well like I say, there was blood all
19 over her face. As far as the black and
20 blueness goes, you know, I really couldn't
21 tell at that point because of the blood.

22 Q. And this blackened left eye was done
23 by Tammy?

24 A. Tammy, yes.

25 Q. All right, I don't want you to tell

60

L. STRALEY

1 me anything that any lawyer has told you,
2 particularly -- well, any lawyer; that's
3 attorney/client privilege; but since you
4 brought it up, who is the lawyer that came
5 and took pictures?
6

7 A. Kim Varner.

8 Q. From Greenville?

9 A. Uh-huh.

10 Q. And you said that somebody else came
11 before that?

12 A. Kim was out of town when this
13 happened.

14 Q. Right.

15 A. So his son -- I want to say Gerald,
16 but I don't know if that's right or not.

17 But his son practices with him, but he's the
18 one that came to the jail that next day.

19 Q. So August the 12th is when Kim
20 Varner's son came.

21 A. Yeah.

22 Q. Did he take pictures, too?

23 A. I don't know.

24 Q. Okay. But you think that Kim took
25 some sometime after that?

61

L. STRALEY

1 A. Yes. And like I say, I don't know
2 what day because I don't even remember what
3 day this happened.
4

5 Q. When did you next see or talk to
6 Kathy after this incident on the 11th?

7 A. I talked to her on the phone. I
8 think it was the next day. And I wasn't
9 able to see her 'til on a Friday.

10 Q. How long did she stay in jail?

11 A. I think she was in there like 10
12 days.

13 Q. Has she ever told you why the gun
14 went off?

15 A. She said she was trying to fire a
16 warning shot and that's why the gun was
17 pointed toward the floor. That in order for
18 Shawn to get hit, she had to walk into the
19 bullet.

20 Q. That's what Kathy told you?

21 A. That's what she told me.

22 Q. Has she said anything else about --

23 A. Now I seen the gun pointed toward
24 the floor; I've seen that.

25 Q. Right.

62

L. STRALEY

1
2 A. And I seen the gun go off while it
3 was pointing toward the floor.

4 Q. Has she ever indicated whether or
5 not she intended to actually shoot --

6 A. No, she said --

7 Q. -- Shawn?

8 A. -- she didn't mean to shoot anybody.
9 She just wanted to quit getting beat up and
10 them to get the hell out of the house.

11 Q. Is there any other explanation she's
12 ever given you for why that gun went off
13 when it did?

14 A. No.

15 Q. And what about the second shot, the
16 one that went into the ceiling, has she ever
17 said how that happened?

18 A. No, that was the one when Tammy and
19 I were actually fighting with her up over
20 her head and, you know, whether or not we
21 squeezed her hand and it went off or whether
22 one of us actually pulled the trigger on
23 that one, I don't know. I would say that
24 her finger was the one that done it, but we
25 might have squeezed her hand. You know,

63

L. STRALEY

1 when you're trying to get something like that
2 from somebody, I mean you're just grasping at
3 straws.
4

5 Q. Yeah, well my question was has Kathy
6 Revan ever said anything to you about why
7 that second shot went off?

8 A. No.

9 Q. There have been no discussions about
10 that?

11 A. No.

12 Q. Do you know where your daughter
13 Tammy is now?

14 A. No. I hear she's in Atlanta, but I
15 don't know that. I heard a lot of things,
16 but I don't know any of them true.

17 Q. When is the last time you've seen or
18 heard from Tammy?

19 A. That night.

20 Q. You haven't seen or talked to her
21 since then?

22 A. No.

23 Q. And what about your -- are your
24 other two children both daughters?

25 A. Yes..

64

L. STRALEY

1 Q. And there's just three of them?

2 A. Yeah.

3 Q. Have your other two daughters, to
4 your knowledge, talked with Tammy since this
5 incident?

6 A. Well my youngest daughter, Tammy's
7 youngest sister, has.

8 Q. Kelly?

9 A. Kelly. The middle daughter don't
10 get along with those two and she's the only
11 one I have any contact with now 'cause Kelly
12 don't talk to me either since Tammy has been
13 there. Kelly talked to me once from the
14 time of the acci -- or the incident, until
15 Tammy got up there and once Tammy got up
16 there and talked to Kelly, that's been it
17 with that.

18 Q. Where is Kelly living?

19 A. Pennsylvania.

20 Q. So the only daughter you really have
21 any contact with now is your middle daughter?

22 A. Right.

23 Q. And what's her name?

24 A. Amy.
25

65

L. STRALEY

1
2 Q. Where does she live?

3 A. Pennsylvania.

4 Q. They're both in Pennsylvania?

5 A. Yeah.

6 Q. What are their last names? Amy and
7 Kelly.

8 A. Amy is Storm; Amy Storm.

9 Q. All right.

10 A. And Kelly is Kelly Young.

11 Q. And what part of Pennsylvania are
12 they in?

13 A. Around the York Harrisburg area.

14 Q. And is that, as far as you know,
15 all of the material facts you know about
16 this incident that happened on August 11,
17 2011?

18 A. That's all I remember, or all that I
19 know -- or remember, I guess, would be the
20 word I want to use.

21 MR. COVINGTON: Well thank you very
22 much. I appreciate you going through this.
23 I apologize it wasn't something that you
24 enjoyed.

25 DEPONENT: It wasn't something I

66
L. STRALEY

looked forward to, no.

MR. COVINGTON: Well, I appreciate
you testifying today. That's all the
questions I have.

MR. HOUGHMAN: I don't have any at
this time.

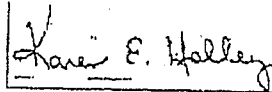
(Whereupon, there being no further
questions, this deposition concluded at 11:21
a.m.)

67

L. STRALEY

CERTIFICATE

I, Karen E. Holley, a Notary Public
in and for the state of South Carolina, do
hereby certify that the foregoing pages
represents a true and accurate transcript of
the deposition of Lynn Straley, which was
taken by me on the 11th day of July, 2012.
That the witness was first duly sworn to
tell the truth, the whole truth and nothing
but the truth of his own knowledge concerning
this matter. That I am not related to nor
the employee of any of the parties hereto,
nor related to or employed by any attorney
or counsel employed by the parties hereto,
nor interested in the outcome of this action.



Karen E. Holley

68

L. STRALEY

CAPTION

The Deposition of LYNN STRALEY, taken in the matter, on the date, and at the time and place set out on the title page hereof.

It was requested that the Deposition be taken by the reporter and that same be reduced to typewritten form.

It was agreed by and between counsel and the parties that the Deponent will read and sign the transcript of said Deposition.

69

L. STRALEY

CERTIFICATE

STATE OF _____:

COUNTY/CITY OF _____:

Before me, this day, personally
appeared, LYNN STRALEY, who, being duly sworn,
states that the foregoing transcript of
his/her Deposition, taken in the matter, on
the date, and at the time and place set out
on the title page hereof, constitutes a true
and accurate transcript of said Deposition.

LYNN STRALEY

SUBSCRIBED and SWORN to before me this
_____ day of _____, 2012 in the
jurisdiction aforesaid.

My Commission Expires: Notary Public

70

L. STRALEY

ERRATA SHEET

RE: Accurate Court Reporting, Inc.
Case Caption: ARIEL LYNNE ROBINSON, ET AL.
VS. KATHY REVAN

DEPONENT: LYNN STRALEY
DATE: July 11, 2012

To the Reporter:
I have read the entire transcript of my
Deposition taken in the captioned matter or the
same has been read to me. I request that the
following changes be entered upon the record for
the reasons indicated. I have signed my name
to the Errata Sheet and the appropriate
Certificate and authorize you to attach both to
the original transcript.

SIGNATURE: _____ DATE: _____
LYNN STRALEY

#1



MASTER ID INFORMATION

Printed 01/13/2014

ID #: 0000086895

Name: KATHY LEONARD REVAN

Address: [REDACTED] ROAD

City: MOUNTVILLE SC 29370

Race: W

Sex: F

Weight: 180

Hair: BRO

Eyes: BRO

Height: 5 ft. 7 in.

Date of Birth: [REDACTED] 1955

Phone: (864) [REDACTED]

SSN: [REDACTED]

License #: SC [REDACTED]

Ethnicity: N

Residential Status: J

Scars:

Alias:

FBI ID #:

State ID #:

Birth Place:



Laurens County Sheriff's Office
VOLUNTARY STATEMENT
(NOT UNDER ARREST)

PAGE NO. 1 OF 2 PAGES

I, Lynn Sidney Straley, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to LT. J.D. Shelton. I understand I am free to walk away without saying anything, and I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 66 years of age, and I live at [REDACTED] Mountville, SC.

I can cannot read and write and completed the 12th grade in school. DOB: 1-14-1945.

YES LT. Shelton is writing this statement at the request of Lynn Sidney Straley. YES

YES On August 11, 2011 me and Kathy got home from Grier between 6:30 and 7:00 p.m. Then me and Tammy went to Buc's to get gas for the car and the weed eater. While on the way there we talked about Shawn. Then on the way back we talked about Shawn some more, but me and Tammy were okay when we got back home. TAMMY AND I were outside for about five more minutes and then I went in the house and found out that Kathy and Shawn had been in an argument ^{JDS} while we were gone. After Tammy finished weedeating and came into the house she joined the argument with Shawn and Kathy. Shawn and Kathy then went into their room and started packing their stuff to leave. I didn't see them for ten to fifteen minutes; and then they ^{JDS} came out with bags and took them to the car. They made two trips to the car. Kathy then said she would help them move their stuff to the car and get it done faster. I told her not to. She went back there anyway. What I saw next was Kathy laying on the floor next to the front door with Shawn on partially on top of her, and TAMMY was punching over top of her. Kathy was screaming "GET HER OFF OF ME! GET HER OFF OF ME!" Tammy and Shawn finally got off of her and then Kathy got off the floor. Kathy went to the bathroom. I went to the kitchen. I don't know where YES

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

This statement was completed at 1:54 A.M. on the 12 day of August, 20 11.

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 12 DAY OF August, 20 11

[Signature]
Signature of person giving voluntary statement

WITNESS: _____

WITNESS: _____

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/21/2015

I certify that I have been given a copy of this statement consisting of 2 pages. Lynn Straley

VOLUNTARY STATEMENT
SUPPLEMENTALLynn Sidney Straley.

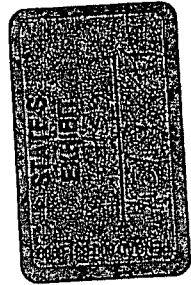
Statement of, Continued.

Yes Shawn and Tammy went. Then I heard a gunshot. I ran back into the living room, and Kathy has the gun in her hand. Shawn is saying that "She has shot ME." Tammy was trying to take the gun from Kathy. In there struggle, I think the gun went off again toward the ceiling. Somehow I ended up with the gun. I call 9-1-1. I then gave Kathy her emergency medicines.
END of Statement. Yes

Person giving statement to place initials behind
last word of statement as appears on last page.

X Lynn Straley
Signature of person giving voluntary statement

#33

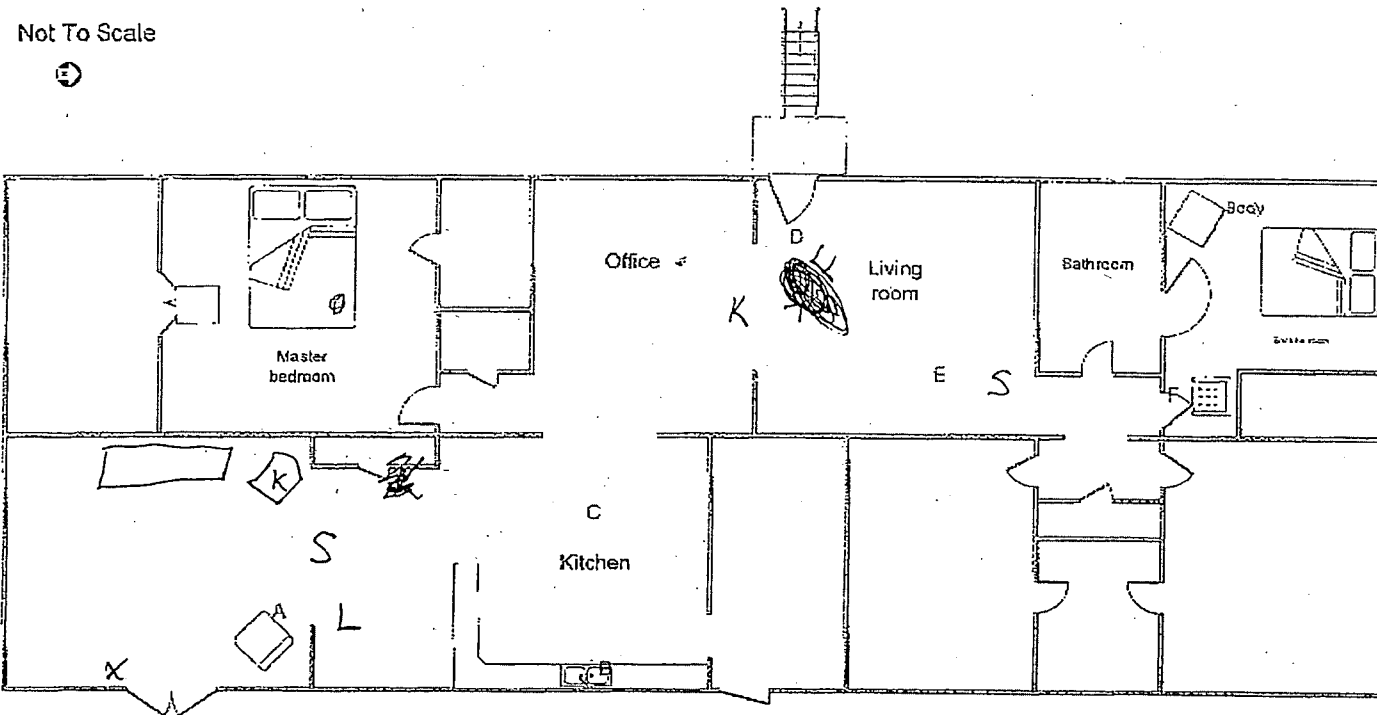


Kol
L11-9304
Laurens CSO
[REDACTED] Rd.
Mountville, SC
Laurens County

Evidence:
A-F: Blood
G: CC R-P 9MM

Death Investigation
V) Morrigan, Shawn

Not To Scale

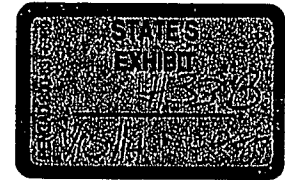
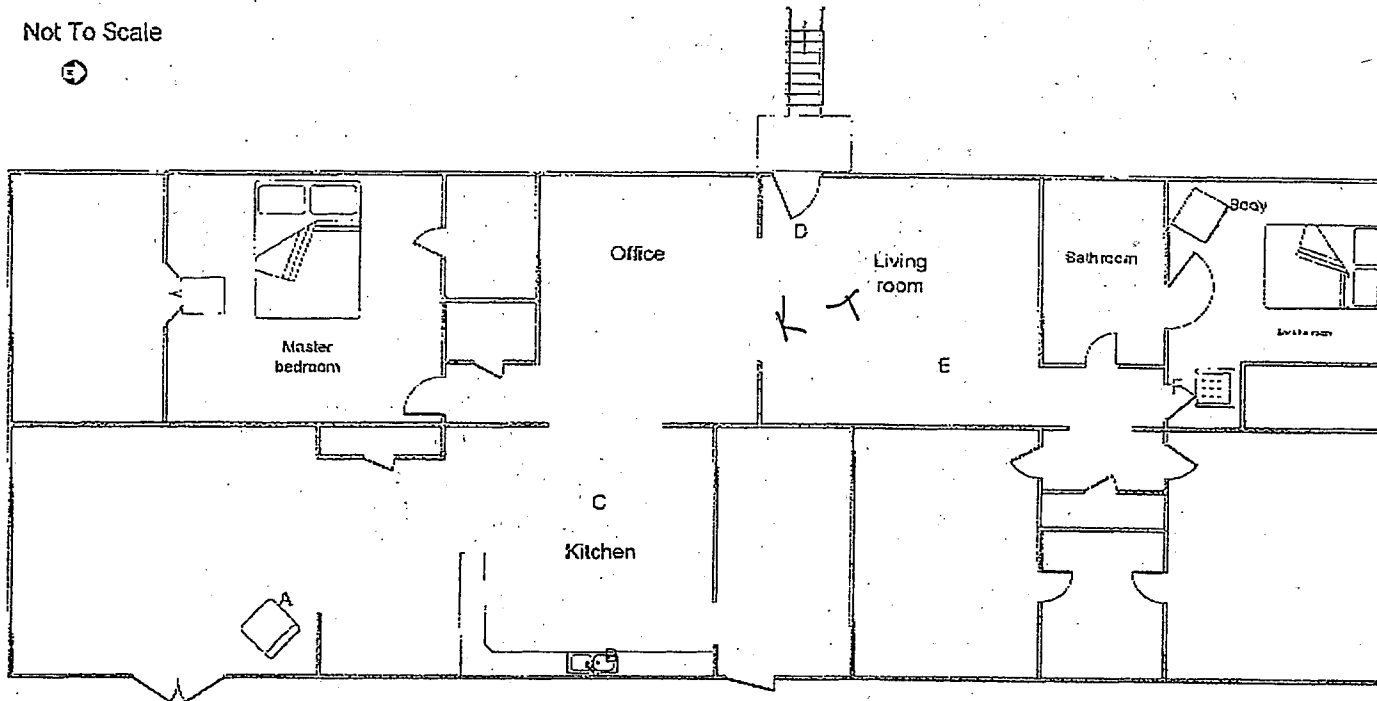


Kau
 L11-9304
 Laurens CSO
 [REDACTED] Rd.
 Mountville, SC
 Laurens County

Evidence:
 A-F: Blood
 G: CC R-P 9MM

Death Investigation
 V) Morrigan, Shawn.

Not To Scale



33B

12/09/2013 16:41

8038967525

SLED FORENSIC LAB

PAGE 04/04



08.19.2011

#1

#2



08.19.2011

#3





#4

08.19.2011

#5



#6



08.19.2011



08.19.2011

#7

#8



08.19.2011



STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY

Court of General Sessions
Eugene C. Griffith, Circuit Court Judge

RECEIVED

JUL 20 2016

SC Court of Appeals

Case No. 2014-000161

THE STATE,

RESPONDENT

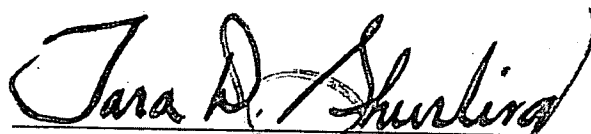
v.

KATHY LEONARD REVAN,

APPELLANT.

CERTIFICATE OF COUNSEL

The undersigned hereby 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 is in compliance with the August 13, 2007 Order of the Supreme Court of South Carolina relating to the inclusion of personal data identifiers and other sensitive information in documents.



TARA DAWN SHURLING
ATTORNEY AND COUNSELOR AT LAW
S. C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, SC 29204
(803) 738-8622
(803) 738-1600 FAX

ATTORNEY FOR APPELLANT.

This 28 day of July, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of General Sessions

The Honorable Eugene C. Griffith, Circuit Court Judge

RECEIVED

DEC 29 2015

Appellate Case No. 2014-000161

SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

KATHY LEONARD REVAN,

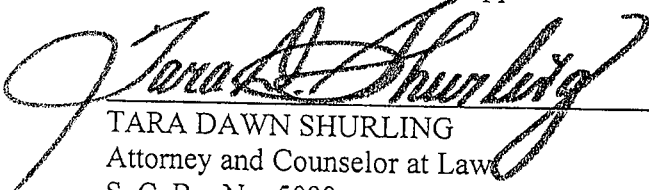
APPELLANT.

DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL

The Appellant proposes the following be included in the Record on Appeal:

1. Trial Transcript pages 1 - 185
2. Indictments 2011-GS-30-1625, 2011-GS-30-1626, 2011-GS-30-1627.
3. Sentencing sheets on each judgment.
4. Court's Exhibit No. 1
5. State's Exhibits 1, 2, 3 for ID, 9, 10 and 11.
6. Defendant's Ex. Nos. 1 - 9.

I certify that this designation contains no matter which is irrelevant to this appeal.


TARA DAWN SHURLING
Attorney and Counselor at Law

S. C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, South Carolina 29204
(803) 738-8622

December 22nd, 2015

ATTORNEY FOR APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of General Sessions

The Honorable Eugene C. Griffith, Circuit Court Judge

Appellate Case No. 2014-000161

RECEIVED

JUN 02 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

KATHY LEONARD REVAN,

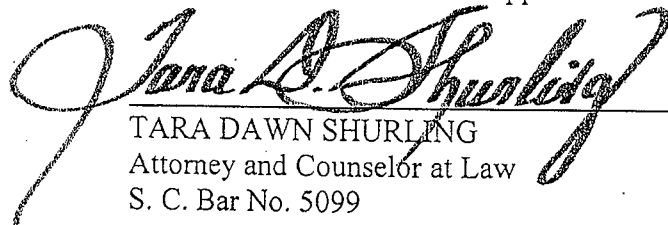
APPELLANT.

DESIGNATION OF ADDITIONAL MATTER
TO BE INCLUDED IN RECORD ON APPEAL

The Appellant proposes the following be included in the Record on Appeal:

1. State's Exhibits No. 33 and 33B.

I certify that this designation contains no matter which is irrelevant to this appeal.


TARA DAWN SHURLING
Attorney and Counselor at Law
S. C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, South Carolina 29204
(803) 738-8622

ATTORNEY FOR APPELLANT

May 31st, 2016

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUL 20 2016

APPEAL FROM LAURENS COUNTY
Eugene C. Griffith, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2014-000161

THE STATE, ...RESPONDENT

v.

KATHY LEONARD REVAN, ...APPELLANT.

DESIGNATION OF MATTER

In addition to the matter designated by Appellant, Respondent proposes the following matter to be included in the Record on Appeal:

- (1) Trial Transcript Pages 806-836 (Jury Charge); 846-847
- (2) State's Exhibit Nos. 33 & 33B.

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers. The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit

BY: 
J. Benjamin Aplin
S.C. Bar No. 8729

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

ATTORNEYS FOR RESPONDENT

Columbia, South Carolina
April 22, 2016

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

3614 Landmark Drive

Suite D

Columbia, South Carolina 29204

E-Mail: tdslaw@shurlinglaw.com

RECEIVED

JUL 20 2016

SC Court of Appeals

(803) 738-8622

(Fax) (803) 738-1600

July 20, 2016

VIA HAND DELIVERY

1220 Senate Street, Columbia, SC

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

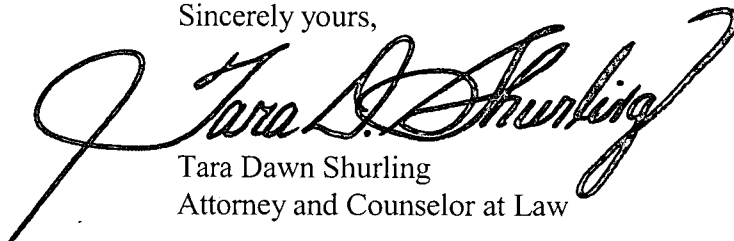
Re: State of South Carolina v. Kathy Leonard Revan; 2014-000161.
Appellate Case No.: 2014-000161

Dear Ms. Kitchings:

Enclosed please find for filing the original and 14 copies of the Final Brief of Appellant, the original and 14 copies of the Record on Appeal, and the Certificate of Service serving the Final Brief and Final Reply Brief on opposing counsel, J. Benjamin Aplin, Senior Assistant Deputy Attorney General. The Record on Appeal was served on opposing counsel on June 30, 2016 and a Certificate of Service was mailed to the Court on that date. Mr. Aplin has advised me that he has no objections to the Record on Appeal as provided to him. I am providing the Court extra copies of the Final Brief of Appellant and Final Reply Brief of Appellant which we would appreciate your clocking and returning to our courier.

I have also enclosed copies of the Designation of the Matter filed by Appellant and Respondent. At this time I am requesting an Order from the Court directing that State's Exhibit #9 (DVD), State's Exhibit #10 (DVD), State's Exhibit #11 (911 Audio CD), and Defendant's Exhibits #1-9 (Photographs) be transported to the Court. I have included color copies of Defendant's Exhibits #1-9 in the Record on Appeal; however, I would still ask that the actual exhibits be transported in case the Court wishes to view these photographs. With my best regards, I remain,

Sincerely yours,



Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm
Enclosures

cc: J. Benjamin Aplin, Senior Assistant Deputy Attorney General (w/enclosures) via U.S. Mail
Kathy Leonard Revan, 358569 (w/enclosures) via U.S. Mail
Brandon Revan (w/enclosures) via U.S. Mail

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of General Sessions

The Honorable Eugene C. Griffith, Circuit Court Judge

Appellate Case No. 2014-000161

RECEIVED

JUL 01 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

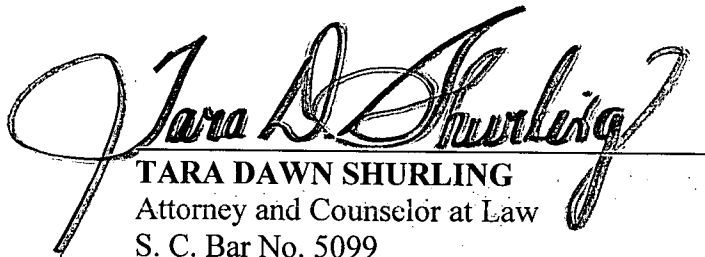
KATHY LEONARD REVAN,

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Record on Appeal in the above-entitled case has been served upon opposing counsel by depositing in the U.S. Mail, postage prepaid, this 30th day of June, 2016 addressed as follows:

J. Benjamin Aplin
Interim Senior Assistant Deputy Attorney General
Office of the Attorney General
P. O. Box 11549
Columbia, SC 29211



TARA DAWN SHURLING
Attorney and Counselor at Law
S. C. Bar No. 5099
3614 Landmark Drive, Suite A
Columbia, S.C. 29204
(803) 738-8622
(803) 738-1600 Fax

ATTORNEY FOR THE APPELLANT.

SWORN TO BEFORE me this 30th day
of June, 2016.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: Jan. 16, 2017

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

3614 Landmark Drive

Suite A

Columbia, South Carolina 29204

(803) 738-8622

(Fax) (803) 738-1600

E-Mail: tdslaw@shurlinglaw.com

June 30, 2016

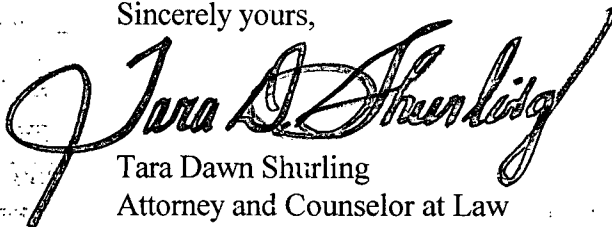
The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: State of South Carolina v. Kathy Leonard Revan
Appellate Case No. 2014-000161

Dear Ms. Kitchings:

Enclosed please find for filing the original Certificate of Service in the above captioned case. I would appreciate your staff clocking and returning the extra copy in the enclosed self-addressed, stamped envelope. I served opposing counsel with the Record on Appeal for his review. He will review the Record on Appeal to determine if it meets with his approval. I have asked that he notify me in writing if the Record on Appeal as served is ready for filing or if he feels corrections need to be made. I will then have the rest of the copies made and filed with the Court. I have calendared the due date for the Final Brief, Final Reply Brief, and Record on Appeal to be filed with the Court on July 20, 2016. I will have those documents hand delivered for filing to the Court. I will also serve opposing counsel the Final Brief of Appellant and Final Reply Brief on that date. Thank you for your assistance in this matter. I remain,

Sincerely yours,



Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm

Enclosures

cc: J. Benjamin Aplin, Senior Assistant Deputy Attorney General (w/enclosure)

Kathy Revan, 358569 (w/enclosure)

Brandon Revan (w/enclosure)