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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Colleton County

Honorable Perry M. Buckner, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TAQUAN L. BROWN,

APPELLANT

APPELLATE CASE NO 2015-001447

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

DEFENSE EXHIBIT #2 – AUTOPSY REPORT

DEFENSE EXHIBIT #3 – TOXICOLOGY REPORT

STATE’S EXHIBITS #8, 14, 17, AND 24 – PHOTOS

EXHIBITS ORDERED BUT STILL PENDING AS OF THE FILING OF THIS RECORD:

STATE’S EXHIBITS #5 – PHOTO

STATE’S EXHIBIT #31 – VIDEO OF TAQUAN BROWN

1 one flipped off the handle.

2 Q Thank you. I don't have any further questions.

3 THE COURT: Cross-examination.

4 ASST. SOL. LEGETTE: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY ASST. SOL. LEGETTE:

7 Q Mr. Council, good afternoon, sir. You said that
8 Courtney worked as a prostitute?

9 A Yeah, she was.

10 Q How did you know that? Did you ever see her
11 prostitute?

12 A Beg your pardon?

13 Q Did you ever see her prostitute herself?

14 A Well, I known her through Ron.

15 Q But did you, Mr. Council, ever see her prostitute
16 herself?

17 A Yes, I did.

18 Q You did?

19 A Yes.

20 Q Did she prostitute herself with you?

21 A Beg your pardon?

22 Q Did she prostitute herself with you? Did you pay her
23 to have sex with you?

24 A No, ma'am.

25 Q Okay. Now, Mr. Council, do you recall talking to Mr.

1 Eltzroth?

2 A I recall talking.

3 Q Yes, sir. And do you recall when you talked to him
4 that you said that Big Mo put the gun in his waistband but
5 he didn't point it at anybody?

6 A Well, I didn't see him point it at nobody, but he did
7 have the gun in his hand.

8 Q And do you recall telling Detective Eltzroth that he
9 just had it in his waistband?

10 A That's right.

11 Q Is that what you said?

12 A That's right.

13 Q Now, you didn't have any problems with Big Mo you said?

14 A Who me?

15 Q Yes, sir. You didn't have any problems with him?

16 A No, I didn't have no problems with him.

17 Q Okay. Now, Mr. Council, when you talked to Detective
18 Eltzroth, you never told him anything about Big Mo coming to
19 your apartment and saying anything about dropping y'all in
20 your tracks if they come knocking on the door about
21 Courtney?

22 A Repeat the question.

23 Q When you talked to Detective Eltzroth, did you tell him
24 about the part where Big Mo came over to your apartment and
25 said he would drop anybody who came looking for Coco again?

1 A Well, you talking about at Southern Inn?

2 Q Yes, sir. Did you ever tell Detective Eltzroth that?

3 A (NO RESPONSE.)

4 Q Did you ever tell the detective when you talked to him
5 about Big Mo coming to your hotel room door about what Big
6 Mo said?

7 A Oh, what did he say?

8 Q No, sir. When you talked to the detective, remember?

9 A Uh-huh (affirmative).

10 Q Detective Eltzroth, did you tell him then what you just
11 told the attorney today about Big Mo coming over about
12 dropping anyone who came looking for Courtney?

13 A I'm pretty sure I did.

14 Q Okay. But you never actually saw Courtney? She never
15 prostituted herself with you? You never paid Courtney to
16 have sex with her?

17 A Well, I didn't understand the question.

18 Q Okay. I want to make sure you understand. You never
19 actually paid Courtney to have sex with you?

20 A With me?

21 Q Yes, sir.

22 A No.

23 Q Okay. Thank you, Mr. Council.

24 THE COURT: Redirect?

25 MR. WALKER: None, Your Honor. We ask that this

1 witness be excused.

2 THE COURT: Any objection, Solicitor?

3 ASST. SOL. LEGETTE: None, Your Honor.

4 THE COURT: Mr. Council, you may step down from the
5 witness stand. You're excused from the trial of this case.
6 You may leave the courtroom. Call your next witness.

7 MR. WALKER: Thank you, Your Honor. The defense calls
8 Charles Horton.

9 (Whereupon, the witness, Charles Horton, enters the
10 courtroom and is duly sworn by the Clerk of Court.)

11 THE COURT: Watch your step right there. Pull your
12 chair up.

13 MR. HORTON: Charles Horton, H-O-R-T-O-N.

14 THE COURT: Your witness, counsel. Direct examination.

15 DIRECT EXAMINATION

16 BY MR. WALKER:

17 Q Where do you live, Mr. Horton?

18 A Walterboro, South Carolina.

19 Q Where are you employed?

20 A Colleton County Public Defender's Office. Fourteenth
21 Circuit Public Defender.

22 Q Did you go out to the crime scene in this case?

23 A I did on June the 19th of this year, 2015.

24 Q All right. At whose direction did you do so?

25 A Your direction, sir.

1 Q What did you do while you were there?

2 A Took measurements from a photograph that was provided
3 from the Solicitor's Office to us.

4 Q Did you talk to anyone while you were there?

5 A I talked to a Barbara Mays who lives at Bright's Court.
6 She was in a wheel chair.

7 Q Did she observe the incident in question?

8 A She did.

9 Q Did she indicate to you where she believed both the
10 deceased and Mr. Brown were standing when the shooting
11 occurred?

12 A She did.

13 Q Did you take measurements from that?

14 A I did.

15 Q And what was the measurements you took?

16 A Based upon her observation or mine?

17 Q Based upon both. Tell me how you took that
18 measurement.

19 A I used a paralegal that works at our office, Wanda
20 Caldwell. Normally when I have to go out by myself, I
21 normally take somebody with me for safety reasons. I used
22 her as a point of reference for Ms. Mays. And the
23 measurement she walked off that I measured was 10 feet from
24 Taquan Brown where he should have been standing and the
25 victim, Big Mo, Mourice Kemp.

1 Q Thank you. I don't have any further questions.

2 THE COURT: Cross-examination?

3 CROSS-EXAMINATION

4 BY ASST. SOL. LEGETTE:

5 Q Good afternoon, Mr. Horton.

6 A Hey.

7 Q Mr. Horton, you didn't go to the crime scene the night
8 that this happened on November 20th, 2013?

9 A No, I did not.

10 Q And you didn't take Taquan Brown with you when you went
11 out to do these measurements, did you?

12 A No.

13 Q Thank you. I have no further questions.

14 THE COURT: Redirect?

15 MR. WALKER: Nothing further. We ask that this witness
16 be excused.

17 THE COURT: Any objection, Solicitor?

18 ASST. SOL. LEGETTE: No, Your Honor.

19 THE COURT: Lightning, you may step down and you are
20 excused from the trial of this case. Call your next
21 witness.

22 MR. WALKER: Your Honor, at this time, the defense
23 rests.

24 THE COURT: Counsel approach.

25 (Whereupon, a bench conference is held off the record

1 and out of the hearing of the jury.)

2 THE COURT: Is there any reply testimony from the State
3 of South Carolina?

4 ASST. SOL. LEGETTE: Yes, Your Honor. The State would
5 call Nyle Eltzroth.

6 THE COURT: Mr. Eltzroth, you are still under oath,
7 having previously been sworn as a witness in the trial of
8 this case. Please take the witness stand. I remind you
9 that you're still under oath and I remind you, Solicitor,
10 this has to be in reply to the defense's case.

11 ASST. SOL. LEGETTE: Thank you, Your Honor.

12 REPLY EXAMINATION

13 BY ASST. SOL. LEGETTE:

14 Q Detective Eltzroth, you were present at the reading of
15 Lawrenzer Walker's allocution?

16 A Yes, ma'am.

17 Q Agent Eltzroth, you mentioned earlier that you had
18 talked to and interviewed Lawrenzer Walker?

19 A Yes, ma'am.

20 Q Was his allocution that was read into the record today,
21 was it different than when you had previously talked to him?

22 A In many points of his the new one, a lot of it was
23 different from what he had previously told me.

24 Q And you had previously mirandized him prior to talking
25 to him?

1 A Yes, ma'am, on each occasion.

2 Q Okay. How many occasions did you talk to Lawrenzer
3 Walker?

4 A Not counting the one where I did not Mirandize him at
5 the scene, because at that point, there were witnesses. I
6 did Mirandize him at the Annex when he came from the scene.
7 I also Mirandized him again on the night of his arrest,
8 which if I recall correctly, was November 21st, and then
9 again a third time after allegations were made that he had
10 taken a firearm off of the victim.

11 Q So Mr. Eltzroth, tell us in what way, detail for us the
12 differences between the statements he made originally ---

13 THE COURT: Just a moment. Yes, sir?

14 MR. WALKER: I have an objection, Your Honor.

15 THE COURT: Counsel approach.

16 (Whereupon, a bench conference is held off the record
17 and out of the hearing of the jury.)

18 THE COURT: Objection overruled.

19 Q Mr. Eltzroth, tell us the differences between when you
20 talked to Mr. Walker originally, the second time, the third
21 time, and the allocution.

22 A The second time as in the first Mirandized interview?

23 Q Yes, sir.

24 A On the first Mirandized interview, which was November
25 21st, not too long after the incident, after being

1 Mirandized, Mr. Walker stated that he was awoken by three or
2 four shots. When he looked out the window, he saw tail
3 lights leaving Bright's Court going towards Poor Farm
4 towards making a left towards Cook's Hill. In that
5 interview, I asked him specifically who all was there at the
6 incident location. He stated himself, Mr. Taquan Brown, the
7 defendant, and Mr. Nayronne Holmes and Ms. Barbara Mays next
8 door at their residence at [REDACTED] Bright's Court. I indicated
9 to him throughout the investigation if he would be
10 indicating anything else, and he stated no.

11 As far as the second interview, which he was
12 apprehended for the obstruction of justice charge, which was
13 the night of November 21st. He was again Mirandized at the
14 Colleton County Sheriff's Office. At that time, he stated
15 the leading up that Courtney Boulware came over there and he
16 intended to have sex with her. Her belongings were in
17 Taquan Brown's residence. He stated that eventually she
18 went over to Nayronne Holmes's residence next door and he
19 fell asleep on the couch. He was then awoken by a loud
20 banging on the door, at which time he opened it and saw that
21 it was Mourice Kemp. He stated Mourice Kemp came inside the
22 residence, started asking for Courtney. He never indicated
23 any threats were made. He was just asking where Courtney
24 was.

25 They indicated to him it was next door. He went out

1 the back door at which time he heard him banging on the
2 window next door asking for Coco. Then, he came back to the
3 back door of the residence and asked to come in to go
4 through the front to get Coco and leave. He was told, "No,
5 they closed the door and locked the back door." He then
6 indicated to me that he could see Mourice Kemp walking to
7 his car along with Courtney, or Coco, and going to leave.

8 At that time, he was about to close the front door when
9 Taquan Brown came with the revolver that he threw in his
10 hand and walked outside. He stated he then followed Taquan
11 Brown to see what was going on and at that time is when
12 Mourice Kemp and him had a confrontation and Mourice came
13 towards him and Taquan shot him. He stated at that time
14 because of his past, he panicked, he grabbed the firearm and
15 threw it across the road at Poor Farm into the, I guess you
16 would call it a field type area. He indicated he was
17 willing to ride with me to go point out the area where he
18 threw the firearm.

19 The third time, I can't remember a specific date. I
20 want to say it might have been November 25th. It was after
21 I interviewed Taquan Brown on November 24th. He was again
22 Mirandized and confirmed the fact that allegations were made
23 that he took a firearm off of the victim, Mourice Kemp. He
24 informed me he never touched the victim. I could test the
25 victim for his DNA fingerprints and they would not be on

1 him. He only panicked and threw the firearm.

2 Q Did he ever mention anyone else being present?

3 A No, ma'am. I asked him, of course, on the second
4 interview if anybody else was present, and he stated the
5 only thing he changed of who else was present was Courtney,
6 Coco.

7 Q Did you also actually interview Coco?

8 A Yes, ma'am, I did.

9 Q And what race is Coco?

10 THE COURT: Just a moment. Do you have an objection?

11 MR. WALKER: Well, not at this time, Your Honor.

12 THE COURT: Okay. I thought you were trying to stand
13 up.

14 MR. WALKER: I was. I got confused. And I would
15 object.

16 THE COURT: Counsel approach.

17 (Whereupon, a bench conference is held off the record
18 and out of the hearing of the jury.)

19 Q Tell us again about what Mr. Walker said regarding who
20 was present?

21 A He informed me that, like I said it was initially
22 himself, Lawrenzer Walker, Taquan Brown, and Courtney
23 Boulware, also known as Coco, at Taquan Brown's residence.
24 However, she left when Nayronne Holmes, also known as E. B.
25 or Ron got home and she ended up going over to Nayronne's,

1 or Barbara Mays' residence and stayed there.

2 Q And did he describe for you the demeanor of Big Mo in
3 this interview?

4 A He never indicated any threats or threat to kill him,
5 harm him, or anybody. He just said he was looking for
6 Courtney Boulware or Coco.

7 Q And tell us again about what he said was happening when
8 Courtney Boulware and Big Mo were headed to the car.

9 A He stated he was in the room closest to the front
10 doors. We as law enforcement officers call it the common
11 area. Just the common area of the house where any guest or
12 anybody would be sitting, most people, like a TV room, which
13 is where he fell asleep on the couch at. He stated he was
14 sitting there. He could see through the window and door
15 that Big Mo and Courtney Boulware were going to the vehicle.
16 He said that he was about to get up and close the door and
17 turn the light off. At that time, he said that Taquan Brown
18 passed by him with the revolver that he threw in his hand,
19 and exited the residence to the front porch towards where
20 the car was and that he followed behind him to see what was
21 going on.

22 Q Did he say anything about them going over to the side
23 towards the left, towards Poor Farm Road?

24 A Him and Taquan Brown? No, the only time he went
25 towards Poor Farm Road, whereas he stated that Courtney

1 Boulware ran that way and that when he grabbed the gun, he
2 ran that way and threw it across the fence, across from Poor
3 Farm Road.

4 Q And did he indicate how soon after this shooting
5 happened that he had that gun?

6 A He didn't give an exact estimated time, but he said
7 that it was within a few seconds to minutes, because he
8 panicked because of his past.

9 Q And is Courtney Boulware a white woman?

10 A Yes, ma'am. She's a fair skinned white woman.

11 Q Thank you. I have nothing further.

12 THE COURT: Cross-examination.

13 MR. WALKER: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. WALKER:

16 Q All of these discussions you had with Lawrenzer Walker
17 were in November 2013, correct?

18 A Yes, sir.

19 Q And was he -- the ones you've just been referencing,
20 was he in custody during those?

21 A Not the initial one, the morning of the incident. The
22 one, I believe it was on November 21st, the night of, he was
23 in custody for obstruction of justice.

24 Q Same obstruction of justice charge he pled to in
25 January of this year?

1 A Yes, sir.

2 Q And did you threaten him while you were taking those
3 statements?

4 A No, sir, absolutely not.

5 Q Did you promise him anything while you were taking
6 those statements?

7 A No, sir.

8 Q So you didn't promise to give him a time served prison
9 sentence for truthful testimony?

10 A No, sir, I do not have authority to do that.

11 Q The Solicitor's Office does that?

12 A Yes, sir.

13 Q No further questions.

14 THE COURT: Redirect?

15 ASST. SOL. LEGETTE: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY ASST. SOL. LEGETTE:

18 Q Agent Eltzroth, why isn't Lawrenzer Walker here?

19 A He is currently incarcerated on, I'm not sure of the
20 exact location in Maryland, but in Maryland.

21 Q Okay. Thank you. Nothing further.

22 THE COURT: Recross, limited to redirect.

23 MR. WALKER: None, Your Honor.

24 THE COURT: You may step down, Mr. Eltzroth. Any
25 further reply evidence from the State of South Carolina?

1 ASST. SOL. LEGETTE: May we approach, Your Honor?

2 THE COURT: Counsel approach.

3 (Whereupon, a bench conference is held off the record
4 and out of the hearing of the jury.)

5 THE COURT: Mr. Eltzroth, you're still under oath. I
6 understand the State has an additional matter in reply to
7 you; is that right, Solicitor?

8 ASST. SOL. LEGETTE: That's correct, Your Honor.

9 FURTHER REPLY EXAMINATION

10 BY ASST. SOL. LEGETTE:

11 Q Briefly, Detective, with regards to Jermaine Brown who
12 testified earlier that he was parked on Poor Farm Road, is
13 there anything that would obstruct his view?

14 A Yes, ma'am. When I arrived on scene, there was a white
15 Ford Explorer that was parked on, if you're facing the
16 apartment, the right driveway, which is closest to Poor
17 Farm.

18 Q And would there be any trees in the area?

19 A There is a large tree on the front right portion of the
20 apartments. There is also a smaller wood fence.

21 Q And with regard to Mr. Council, you spoke to him as
22 well, didn't you?

23 A Yes, ma'am.

24 Q And was his testimony different than when you talked to
25 him?

1 A Yes, ma'am, it varied.

2 Q Well, can you tell us how it varied?

3 A He never mentioned anything as to Coco's involvement in
4 prostitution. He also stated that they went over there to
5 pick up Coco and that is when Mourice became irate. He
6 stated that he went back in and simply had a gun in his
7 waistband, never pointed it or had it in his hand at any
8 point in time. He also never informed me of any future
9 conversations with Mourice Kemp about dropping people if
10 they knocked on his door.

11 Q Okay. I have nothing further. Thank you, Mr.
12 Eltzroth.

13 THE COURT: Cross-examination?

14 MR. WALKER: None, Your Honor.

15 THE COURT: You may step down. Any additional reply
16 testimony from the State of South Carolina?

17 ASST. SOL. LEGETTE: None, Your Honor.

18 THE COURT: Very well. Mr. Foreman, ladies and
19 gentlemen of the jury, I'm going to let you go today. We
20 will finish this trial in the morning. I'm going to ask you
21 to be in your jury room prior to 10:00. You have not heard
22 the closing arguments of the attorneys, nor received my
23 charge on the law. I want you to start fresh in the
24 morning.

25 I will try to start as close to 10:00 as possible.

1 Please be in your jury room prior to 10:00. Please do
2 not discuss the case with anyone tonight. Thank you very
3 much. You may leave the courtroom at this time.

4 (4:00 p.m., whereupon, the jury exits the courtroom and
5 the following is held on the record.)

6 THE COURT: All right. First of all, I want to put on
7 the record a matter that occurred in chambers, so it's
8 clear. I've had a number of discussions with the lawyers in
9 chambers in this case, and one came up when Mr. Walker,
10 during the middle of the State's case, wanted to inform me
11 that he wanted to put in what is now in evidence as Defense
12 Exhibit Number One. When he did so, I told him I had
13 concerns because there wasn't an opportunity to judge the
14 credibility of a witness from a transcript and I had
15 concerns because the Solicitor could not cross examine, nor
16 could he examine the witness from a transcript. However,
17 the State said they wouldn't object to it, provided they
18 wanted to call Officer Nyle Eltzroth to contradict what they
19 believe Officer Eltzroth was told by Mr. Lawrenzer Walker
20 that was inconsistent with the transcript testimony. An
21 agreement was reached and the State wouldn't object to the
22 introduction of the transcript with the understanding that
23 Mr. Eltzroth would be called in reply to contradict the
24 statement of the allocution.

25 There was also a stipulation that even though the State

1 has rested in this case, Mr. Walker has never seen a
2 finished video that the State wanted to introduce in their
3 case in chief, and neither has this Court. Mr. Walker has
4 seen one, but he hasn't seen two. I've put on the record
5 earlier when the State rested that we were waiting on the J
6 drive to be fixed, and as far as I know, it still isn't
7 fixed, and it's now 4:00 in the afternoon.

8 I will expect you, Solicitor, if you're going to try to
9 introduce this exhibit, which Mr. Walker agreed to let you
10 rest conditional upon that, but he's absolutely entitled to
11 review that exhibit before you attempt to introduce it
12 tomorrow when we conclude this trial. I will expect you to
13 give him the opportunity to do so, otherwise, Solicitor, I
14 am not going to allow you to introduce the exhibit, because
15 we've had enough time. I don't think it's fair to Mr.
16 Walker who has now rested his case. He saw -- and in
17 fairness I want to say this.

18 Mr. Walker just didn't see your version of what you
19 wanted to put up. He saw the entire video before trial and
20 then when you told him what you wanted to show of it, then
21 he had three pages worth of objections that he brought to me
22 this morning for the first time. And I ruled on them in
23 chambers, not on the record, to try to redact it so that
24 none of the defendant's record would be disclosed from the
25 showing of the video. We just never saw a finished product

1 at this point to confirm that if the jury chooses to view
2 the video that it will not reveal information that protects
3 the defendant's right to remain silent. And I wanted there
4 to be a record of what was going on.

5 I'm going to need to see the lawyers. I've prepared a
6 proposed charge and a verdict form. I want to see the
7 lawyers in chambers briefly. This Court stands in recess
8 until 10:00 a.m. tomorrow morning.

9 (Whereupon, the trial in this case is adjourned for the
10 evening of Wednesday, June 24, 2015.)

11 (10:05 a.m., Thursday, June 25, 2015, whereupon, the
12 following is held on the record.)

13 THE COURT: Becky, let the record reflect that I had a
14 charge conference last night and this morning with the
15 attorneys. I've also conferred with them at the bench this
16 morning, and in my chambers, as well as in my chambers last
17 night. The parties have agreed to a verdict form, which
18 I've prepared in this case.

19 I have been over my entire charge with both sides.
20 They are both completely familiar with every paragraph of my
21 charge. I have considered all of their requests and
22 incorporated those that I thought were raised by the
23 evidence into the charge and they are aware of what the
24 Court intends to charge. Mr. Walker has requested that he
25 be given 45 minutes to argue. The Solicitor has requested

1 that she be given 30 to argue, which would put us at an hour
2 and fifteen minutes if you use all of the time. When you
3 get within five minutes of your request, you will hear the
4 familiar tapping to let you know to wrap it up. I don't sit
5 anybody down, but I will tell you my rule. Mr. Walker,
6 you've heard this. I teach a Sunday School class and I've
7 learned, because they read their lesson, and hopefully this
8 jury has listened, they don't listen after 20 minutes. So I
9 hope you will try to be concise, but I will give you all the
10 time you need. I realize this has been a serious case and I
11 realize that it has taken a while, although I'm not sure
12 that the length of closing arguments is the successful
13 ingredient. I think that covers everything. The issue,
14 Becky, of the video, which has been redacted, re-redacted,
15 and then re-redacted with a J drive being broken which held
16 up this Court yesterday has now become a moot issue because
17 the Solicitor has just decided not to put the video into
18 evidence. Therefore, all of the evidence has now been
19 submitted to the jury and when we bring them back, it will
20 be time for closing arguments and then my charge.

21 Have I accurately stated everything that occurred in
22 chambers and at the bench insofar as the State is concerned?

23 ASST. SOL. LEGETTE: Yes, Your Honor.

24 THE COURT: Insofar as counsel for the defendant is
25 concerned?

1 MR. WALKER: Yes, Your Honor.

2 THE COURT: Very good. All right, bring us the jury,
3 please.

4 MR. WALKER: Before the jury comes in, Your Honor, I
5 would just renew my motion for directed verdict for the
6 record.

7 THE COURT: Very well. Let the record reflect that Mr.
8 Walker, now that the Solicitor does not wish to put the
9 video in into evidence, that Mr. Walker is renewing his
10 motion made at the close of the State's case for directed
11 verdict on the same grounds and for the same reasons that I
12 placed on the record at the close of the State's case. The
13 motion for directed verdict is respectfully denied. Mr.
14 Walker presented evidence. Therefore, Mr. Walker will argue
15 first, followed by the closing argument of the State. Mr.
16 Walker will have up to 45 minutes per his request. The
17 State will have up to 30 minutes per their request. I do
18 not allow anyone to walk in or out of the courtroom during
19 closing argument or charge. If you feel that's a problem
20 for you, stand up and walk out now. Otherwise, nobody in or
21 out of the courtroom during closing argument. Do you
22 understand, Coach?

23 COACH: Yes, sir.

24 THE COURT: Marcus, Paul is not in here. You make sure
25 that other door is handled.

1 Is the state ready to proceed?

2 ASST. SOL. LEGETTE: Yes, Your Honor.

3 THE COURT: Is the defendant ready to proceed?

4 MR. WALKER: Yes, sir.

5 THE COURT: Bring us the jury, Coach.

6 (10:15 a.m., whereupon, the jury enters the courtroom
7 and the following is held on the record.)

8 THE COURT: Good morning, Mr. Foreman, ladies and
9 gentlemen of the jury. I hope everybody had a pleasant
10 evening. Anybody have any problems since you were last with
11 me? Anybody trying to talk to you or contact you?

12 (NO RESPONSE.)

13 THE COURT: Let the record reflect no hands were
14 raised. Ladies and gentlemen of the jury, you've heard the
15 evidence in this case. You will now hear the final
16 arguments of the attorneys, followed by my charge to you on
17 the law. I ask that you give the attorneys your careful
18 consideration. Mr. Walker.

19 MR. WALKER: Thank you, Your Honor. May it please the
20 Court?

21 THE COURT: Proceed.

22 CLOSING ARGUMENT

23 BY MR. WALKER:

24 Taquan Brown is charged with murder, possession of a
25 weapon during the commission of a violent crime, and

1 obstruction of justice. Murder and possession of a weapon
2 during the commission of a violent crime are dependent
3 charges, they go together and you should enter a not guilty
4 verdict because Taquan Brown was acting in self-defense.
5 You should find Taquan Brown guilty of obstruction of
6 justice, because it's clear from the testimony that his
7 statements to the police after the shooting were not true
8 and hindered them as they were conducting their
9 investigation.

10 Ms. Legette said when we began this case that truth
11 crushed to the earth shall rise again, quoting the poet
12 William Cullen Bryant. Famous words that are a basis for a
13 hymn text, quoted by Martin Luther King. If you're a person
14 of faith, and you believe that's true on an eternal time
15 scale. Unfortunately, in the courtroom here today, we will
16 never know in every detail what the truth of the events that
17 happened that night are.

18 I can say that because the only people that know that
19 are the people that were there. And every single one of
20 them told lies about that night. They all came in and told
21 you this happened, this happened, this happened, this
22 happened, and in the back of your mind, you would always
23 know they haven't told the truth about it before, and you
24 would never be a hundred percent certain they were telling
25 the truth.

1 Unfortunately, your job is not to send a report to the
2 judge about the truth of the matter that happened on the
3 20th of November, 2013, and these are the true facts that
4 happened. That's not why you're sitting there. The judge
5 doesn't need to read that report. You're here to see if the
6 State has done their job, of proving their accusations
7 against Taquan Brown beyond a reasonable doubt.

8 A jury is the right of a citizen to have his peers sit
9 between him and the power of the State and put the State to
10 the test when they say somebody did something, to label them
11 in this case a murderer, one of the most heinous crimes that
12 we envision as a society.

13 I talked to you a little bit before about criminal
14 charges have building blocks, or what we call elements, and
15 that the State has to prove every element beyond a
16 reasonable doubt. Murder is the most serious of what we
17 call the assault crimes, starting all the way down to what
18 is called assault and battery, third degree, which is what
19 you would think of as a fist fight.

20 Assault and battery, and battery being the unlawful
21 touching of another person. Then, it goes to second degree,
22 which adds an element. It goes to first degree, it adds an
23 element. It goes to high and aggravated nature, it adds an
24 element. Assault with intent to kill, involuntary
25 manslaughter, voluntary manslaughter, murder. So there's a

1 range, and all of those are sub-crimes that are contained
2 within the larger.

3 The judge will also be charging you in that format of
4 what's called voluntary manslaughter. Murder being the
5 unlawful killing of another person with malice aforethought,
6 or what we think of as premeditation. Then, involuntary
7 manslaughter is still an unlawful killing, but without that
8 malice or premeditation, instead, a sudden heat of passion.
9 So the judge will be asking you to decide between those two
10 charges on your verdict form. Self defense applies to both
11 of those charges and is a defense to both of those charges.

12 Possession of a weapon during the commission of a
13 violent crime, as I said, is a dependent crime. You will
14 hear from the evidence and it's clear that he possessed a
15 weapon, so if you find that he was guilty of murder or
16 voluntary manslaughter, then he would automatically be
17 guilty of that.

18 Likewise, if he's not guilty of murder or manslaughter,
19 then he's automatically not guilty of that. So I'm not
20 going to talk a lot about that, because it kind of depends
21 on your larger decision in which I will be speaking about.

22 And of course, I've talked to you about the evidence.
23 It's pretty clear that he hindered the officers in the
24 investigation, obstructing justice. And he admits that and
25 you will find him guilty on your verdict form when he gives

1 it to you.

2 So in addition to proving every element of the crime
3 that they want you to find him guilty of, and they will go
4 through the elements, and they have to prove every one.
5 They also have to disprove every element of self defense.
6 They have to prove he wasn't acting in self defense at the
7 same high standard. When we talk about they must disprove
8 it, it's beyond a reasonable doubt.
9 You heard it a little bit at the beginning of the trial, and
10 you'll hear it throughout the judge's charge.

11 What is a reasonable doubt? You may have sat on a jury
12 before and served in a case in a civil trial where the
13 standard was the preponderance of the evidence, or one side
14 has a little more evidence than the other. And that's kind
15 of the weight of the evidence standard and the scales of
16 justice are balanced, and whichever side is a little lower,
17 that's the side that wins in civil court.

18 But beyond a reasonable doubt is a much higher
19 standard. It's the standard that says it's the kind of
20 doubt where you wouldn't have a reasonable -- where a
21 reasonable man wouldn't have any hesitation about their
22 decision. They wouldn't hesitate to act in making
23 important-like decision based on the firmness of their
24 belief. That's the standard the State has to convince you
25 of, not only that Taquan Brown committed the acts they

1 accuse him of, but that he wasn't justified in doing so
2 because he was acting in self defense.

3 We started on a trial and you sit through this long
4 process, they ask you all these questions, where you from?
5 Do you know me? Do you know Ms. Legette? Do you know Mr.
6 Brown? We're wanting to get people who are impartial, who
7 don't have a bias. They don't have a dog in the fight.
8 Then we sit you in a jury box and we swear you in under the
9 oath, and the oath immediately puts them on one side. When
10 you start a trial and now under your oath, you're to
11 consider Taquan innocent until proven guilty beyond a
12 reasonable doubt. So if you have a question about any of it
13 or some facts are open to multiple interpretations, your
14 default position is the interpretation that would support
15 Taquan's defense.

16 The State is trying to build a bridge for you. There's
17 a large chasm. You're on one side. You're in the position
18 now that Taquan is innocent. And they have sought through
19 the introduction of evidence and every piece of evidence and
20 every fact that comes out, they have tried to build a bridge
21 for you that he can walk across this chasm and get to the
22 side they want you on, which is guilty, but you have to look
23 and see if they've built a solid bridge and that your
24 footing is firm.

25 As you deliberate, watch out for not guilty words.

1 What do I mean by that? You might hear words from the
2 solicitor when she is speaking to you. You might hear words
3 in your jury room from your other jurors. You might, in
4 your own mind, be thinking to yourself about the facts and
5 you might think of words like maybe this happened, or this
6 probably happened, or this could have happened, or that
7 might have happened. And those are not words that support a
8 guilty verdict. If you cannot determine what did happen,
9 then you can't use that information to base a conviction on,
10 and if you're not sure, then very obviously the definition
11 of reasonable doubt.

12 I spoke to you earlier when I had the chance to speak
13 to you on Tuesday that all one very large series of events.
14 In my opinion, you should focus really on it as two separate
15 time periods. With the testimony you've heard, you can look
16 at and try and deduce and ascertain what happened that led
17 up to the shooting of Mourice Kemp; and that was a tragic
18 event. Nobody went looking for Mourice Kemp that night.
19 It's never a good thing when anyone passes. And when we're
20 arguing to you that in contradiction to what the solicitor
21 argues is an unlawful killing, that this is in fact a lawful
22 killing because of the law of self defense. The fact that
23 it is a lawful killing does not make it any good killing.
24 But you can look up to the facts that led up to that
25 shooting in determining how to enter your verdict on murder

1 or manslaughter.

2 But what happened after that shooting really shouldn't
3 have any bearing on the decision that you make, because it
4 doesn't tell you anything about those events. Of course, a
5 lot of people acted improperly after this shooting happened,
6 and did not handle it well, and did not handle it,
7 certainly, as probably you and I would. But because they
8 made those errors after the shooting does not invalidate the
9 decision process that made that shooting necessary.

10 The State is going to argue to you, or is arguing to
11 you really through this whole trial that they want you to
12 tell yourself this is all Taquan Brown's fault. If he had
13 only stayed inside, locked the door, called the police, all
14 of this could have been avoided; maybe that's true. But the
15 law doesn't say he has to run away and cower behind closed
16 doors. He is at his house in his yard. Failure to do that
17 probably the best thing would have been to try and put as
18 much distance between himself and someone that he knew to be
19 dangerous, but because he didn't do the best thing doesn't
20 mean that what he did is a crime.

21 It's also important to keep in mind that when people
22 say, "Well, if he would have just stayed inside, none of
23 this would have happened." But everybody else was outside.
24 Everybody was out there on that lawn. It's not like
25 everybody else is inside and he said to anyone, "I'm going

1 to go out there and get Mourice Kemp." There were a number
2 of people out there on that lawn with him.

3 We talked about self defense. I'm going to speak about
4 kind of what the elements of that are in more general terms,
5 the judge will give you certainly a very specific charging.
6 Any difference you will notice between what he says and I
7 say, absolutely pay attention and follow what the judge
8 says. I'm going to try to paraphrase some.

9 Of course, the first element the State would have to
10 prove beyond a reasonable doubt, disprove beyond a
11 reasonable doubt is that Taquan Brown was without fault in
12 bringing on the incident. That's the first element of self
13 defense and that's the first thing they would have to
14 disprove. We would maintain that it wasn't Taquan's fault.

15 To summarize that, generally a person can't start a
16 fight, get on the bad end of it, and then all of a sudden go
17 "Oh, I had to defend myself" when they hurt or kill
18 somebody. That wouldn't be right.

19 The next element is the person has to be or believe
20 they are in imminent danger. And in this case, I would
21 submit to you that the evidence shows he was in imminent
22 danger from Mourice Kemp, and certainly was justified in
23 believing so.

24 The next element is that he has to respond as a
25 reasonable person would respond to a threat. And a

1 ridiculous example is we talked about assault and unlawful
2 touching and self defense is a defense at any level of an
3 assault crime. If you start a fist fight with me and I get
4 back in a fist fight with you, I can defend myself if you
5 started it. But if you're someone is chasing you with a
6 feather and you know that is the most horrible thing in the
7 world to you and you shot them, that wouldn't be reasonable.

8 A reasonable person of normal firmness and courage
9 would not react in such a way. So you have to decide
10 whether the force used was reasonable under the
11 circumstances.

12 There's another element of self defense as to the
13 ability of the person claiming it being able to avoid the
14 difficulty, but that doesn't apply if they're at their own
15 home or in their own property, and of course, Taquan was.
16 He had no duty to retreat or go away because that's where he
17 lived. It was his yard, his house. He has every right to
18 be there, anywhere.

19 And the evidence, I believe, shows that Taquan, under
20 the circumstances, meets all of those. And if you have a
21 question about it, I don't believe they will be able to
22 prove beyond a reasonable doubt that he did. There's no
23 evidence to the contrary, so the State has spent a lot of
24 time introducing evidence so it will look like they've
25 proved their case, when in fact, they haven't. They've

1 attempted to make up for lack of quality through volume or
2 quantity. They're going to direct you to items that have
3 been testified to that don't really speak to the issues or
4 the elements that I've just discussed. Ms. Legette, for
5 instance, might talk about Coco being white instead of
6 light-skinned, like Jermaine Brown said. But what does that
7 prove? I guess she would argue that he wasn't there and
8 doesn't know, but of course, we all see that he doesn't see
9 that well. So just a distraction from what Mourice Kemp and
10 Taquan Brown were doing.

11 You heard evidence about a footprint. Went into great
12 detail about that. There's four pictures of a footprint,
13 which they matched to Mourice Kemp. But no one is saying
14 that Mourice Kemp wasn't standing by his car. In fact,
15 everyone said that he was at his car and then ran at Taquan
16 in Taquan's yard. But it's something we can put in and show
17 you we are proving our case. Well, it doesn't prove it.

18 You might say oh, how many shots were fired? He was
19 really trying to show that depraved state of mind, that
20 premeditation, that malice by just unloading the revolver.
21 Well, if we get in a fist fight and I'm defending myself, I
22 don't have to punch you once and stop and see if that's
23 enough and then do another one. You use the force you've
24 got to use until the threat is done. And that's what Taquan
25 did. And it's a good thing he fired as many times as he

1 did, because he only hit him twice.

2 We had to have a whole bunch of testimony that oh,
3 these are the bullets that came from the gun. Of course
4 those are the bullets that came from the gun. Taquan shot
5 him. It's not an argument, but you know, they get to put an
6 expert up and look how good our case is. But it doesn't
7 prove anything about the elements of self defense or the
8 elements of murder.

9 We heard a lot of testimony about gunshot residue and
10 how Taquan had gunshot residue and Lawrenzer Walker had
11 gunshot residue and the victim, Mourice Kemp, had gunshot
12 residue. Okay, Taquan Brown shot him, we'd expect that.
13 Lawrenzer Walker threw the gun away; we'd expect that.
14 Mourice Kemp was around the gun that was discharged, and
15 owned his own gun. So we would probably expect him to have
16 some. No bearing on the issues we're deciding. They might
17 say, oh, he was close together, well, only within two or
18 three feet before he was shot. Well, we're not trying to be
19 callous, but I guess it's fortunate for Taquan that he got
20 that last shot off. If Mr. Kemp was that close and coming
21 at him, Mr. Kemp is 350 pounds, six feet tall, drunk, high
22 on cocaine, and manic. He's just supposed to stand there
23 and don't hurt me?

24 They say, "Oh, he wasn't really raising cane out
25 there." Ms. Mays says that he was nice to her, talking

1 about Mourice Kemp, Big Mo. I mean you could be a not very
2 nice guy, and still not yell at a little old lady in a
3 wheelchair. It doesn't mean you weren't yelling and
4 hollering and threatening and raising a storm next door to
5 guys your age. It doesn't prove anything. It's just a
6 distraction.

7 Like I say, "Oh, the bullet path wasn't straight on.
8 It was slightly right." What does that prove? You know, he
9 shot him. There's no inconsistent testimony that he was
10 charging toward Taquan and Taquan shot him. Try and
11 downplay everything that everyone agrees on. They put Sgt.
12 Edwards up, "Oh, Big Mo, he's big and fat and slow and he's
13 a nice guy. He just kind of waddles around." Sgt. Edwards
14 wasn't there that night; well, he was after the fact, but he
15 didn't see a living, mad, high, drunk, angry Big Mo running
16 towards Taquan Brown.

17 We heard lots and lots of talk from Agent Eltzroth
18 about these conflicting statements. And of course, that
19 proves the case against obstruction of justice; that's part
20 of that. And you know, it's a valid use, but what you need
21 to watch out for is the State discussing the case about
22 referencing things in people's statements and wanting you to
23 use evidence in two different ways. They want to have it
24 out of both sides.

25 For instance, like I said, Jermaine Brown, you know

1 their contention is that he wasn't there or he was too far
2 away to see anything, because he was in his car on Poor
3 Farm, and there was a truck, and he doesn't wear his glasses
4 and he squints, so how could he see anything and how can you
5 believe him when he says he saw the big guy charging toward
6 the people on the lawn.

7 But then they want him to have perfect eyesight and be
8 able to tell you that Coco, who he doesn't know, is white
9 instead of light skinned. They want you, you know, to
10 believe them when it's good for them or not believe them
11 when it's bad or they will say, well, so-and-so said in
12 their statement that this happened, but we all know that
13 everybody is lying in their statements, so why would you
14 necessarily believe anything, which is a good question.

15 So let's talk about a little bit about those
16 statements. One level of this is that Taquan lied about
17 this case and that's a reason that you should find him
18 guilty of murder. Right? But if lying about this case is
19 proof of murder, then everybody that was at Bright's Court
20 that night should be sitting over at the defense table.

21 Lying is absolutely the wrong way to handle this. Ms.
22 Mays said this is Walterboro. Nobody wanted to have
23 involvement with the police. You know, they didn't have a
24 good relationship with the police obviously. Nobody wanted
25 to be involved. And then it was kicking and screaming all

1 the way to get what really happened. And we you're looking
2 at statements, I think when you can look at what everybody
3 said, there's two general rules you can apply to their
4 statement when you're trying to decide what might be true
5 and what might be false. One, the idea that everyone is
6 trying to minimize their involvement. And two, they're
7 trying to place -- well, that's probably the same rule,
8 minimize their involvement and put themselves in the best
9 light. Then, to some extent not get anyone else involved or
10 in trouble that isn't already.

11 But then when confronted with inconsistencies, that's
12 when the pieces come out that needs to come out. So how can
13 you evaluate that when one person's statement differs from
14 this and one person's is -- Nayronne Holmes came in, I
15 believe he said he saw Taquan with the gun when he went
16 over. But then Lawrenzer Walker's testimony that he swore
17 to in a guilty plea said Nayronne brought it over, and then
18 at one point, Taquan said that Lawrenzer had the gun that
19 night. So they're all -- but at the end of the day, who
20 cares? We all know that Taquan Brown had the gun out on the
21 lawn when he was being charged by Mourice Kemp. It doesn't
22 matter who had it to start with. Each person can be giving
23 that statement to say well, I don't want to claim the gun,
24 because they're wanting to make themselves, distance
25 themselves somewhat from it. We don't know who had the gun.

1 So how do you evaluate all of these different statements
2 where there are inconsistencies and what can you glean from
3 that because they're not as valuable as they necessarily
4 could be to you.

5 So you can look at how do you evaluate statements from
6 people who haven't told the truth and how do you give those
7 statements credibility? Well, the first thing you can do is
8 look at all the statements and say, well, what did none of
9 them say? None of them say that Taquan Brown started the
10 argument with Big Mo. None of them say that Taquan Brown
11 threatened Big Mo. None of them say that Taquan Brown ever
12 left his yard. On the flip side of that, you can look at
13 all of those statements and go, well, what do they all say?
14 What is consistent from everybody who is looking out for
15 their own interest and trying to put themselves in the best
16 light and trying to stay as disinvolved as possible?

17 What is consistent in all of those statements? If
18 everybody is saying that, then there's a good chance that
19 that probably happened. They all say that Big Mo showed up
20 at Taquan Brown's unexpectedly and uninvited. After the
21 events at Taquan's house, that he found Coco, or Courtney,
22 got her out to the car, that he would -- everybody says that
23 Big Mo was out at the street or the dirt area by his car.
24 And what does every statement say? That Big Mo left his
25 car, advanced into Taquan Brown's yard, and toward Taquan

1 Brown in a threatening manner. So those are two ways you
2 can look and evaluate some of those statements to see that
3 you have some confidence that certain facts may or may not
4 be true.

5 Then, of course, you can look at individualized
6 statements and what you saw, demeanor, or if you know about
7 the conditions and the circumstances that statement was
8 given and try to evaluate its credibility in that manner to
9 give one person more or less weight than another.

10 I will tell you one person I think you can do that with
11 in gauging credibility and maybe have a little bit of an
12 idea or have a little bit of confidence that it's fairly
13 accurate was the testimony of Lawrenzer Walker before the
14 Court. Well, why is that testimony more credible than some
15 of the others?

16 Well, you heard the other statements that they say
17 disagree with this were given right after the incident to
18 Detective Eltzroth when Lawrenzer was still trying to get
19 out of things and help himself out. But Eltzroth said,
20 well, he really didn't have the power to help him out. But
21 then in January of this year, and like Taquan, Lawrenzer was
22 charged with obstruction of justice for lies and things in
23 this case.

24 The State said, "Lawrenzer, we want you to tell us the
25 truth. We believe what you're saying. We're going to give

1 you a plea deal if you tell us the truth. If you tell the
2 truth, we're going to recommend a time served jail sentence
3 for you and that will be it. If you come to this trial of
4 Taquan Brown and tell the truth." That's the deal he was
5 offered and he took it. He came before the Court and he was
6 sworn in to tell the truth and Ms. Legette asked him what
7 happened. It's unfortunate for the State's position what
8 happens is what they're asserting happened.

9 In the transcript on page 11, Lawrenzer tells the Court
10 and Ms. Legette that Taquan told him, referring to Big Mo,
11 to get off his property and Big Mo said that what he was
12 going to do was kill him and then he just started charging
13 him. "And that's when Taquan, you know, pulled the trigger
14 and shot him until he fell."

15 It's pretty clear. He's got to reason to tell the
16 truth. He's got a liberty interest in telling the truth,
17 staying out of jail. Not only that, January 2015, he's
18 giving this statement, another reason you could speculative
19 make it more credible, in January of 2015, he knows Taquan
20 threw him under the bus back in January of 2015 when Taquan
21 was talking to Mr. Eltzroth. Remember Mr. Eltzroth said
22 Taquan went from denying anything to basically saying what
23 was happening and blaming Lawrenzer Walker. Then, he
24 finally got him to say yeah, it happened, but it was really
25 me. In January, he knew that, but he still came out and

1 said he threatened to kill Taquan, charged him, and that's
2 when he shot him. He didn't have any reason to be doing
3 Taquan any favors after that.

4 There some testimony -- well, you've got direct
5 testimony that Mourice threatened to kill Taquan and charged
6 him. You've got testimony that there was ya-ya or back and
7 forth, and I'm sure that leading up to a shooting, there
8 probably was. But there is no testimony that Taquan Brown
9 started that ya-ya or argument. And from what we know about
10 Mourice Kemp, I submit that it's much more likely that he
11 started the back and forth and ya-ya and it continued to
12 escalate.

13 We might say well, even if Mourice started it, Taquan
14 should have gone out in his yard with a gun. But think
15 about it, it's his yard. He's got a right to be in it. So
16 if it doesn't matter that once he's there that Mourice is
17 the one starting the argument, well then, it must be their
18 theory that standing in your yard where you have a right to
19 be with a gun is in and of itself a provocation. I don't
20 think that's true.

21 He has every right to be outside of his house.
22 Everybody else is outside. Mourice Kemp is out there making
23 a big hullabaloo and everybody is watching. And then
24 Mourice flips out and starts to attacks Taquan.

25 Let's talk about Mourice Kemp for a minute. He is

1 called Big Mo for a reason. He's six feet tall, 350 pounds.
2 See Taquan over there. He's bigger than Taquan. The
3 State's version of events, what they want you to believe is
4 true is they want you believe he wasn't stopped until he was
5 within two to three feet of Taquan. Although, Ms. Barbara
6 said, if you remember her testimony was actually more about
7 ten feet. In talking about those feet, what else did Sgt.
8 Edwards tell you? He trains police officers and if someone
9 is considered a threat don't let them get within 30 feet,
10 because they can cover the distance like that (thumb snap.)
11 If someone is within 30 feet of you, you are justified in
12 drawing your weapon and applying deadly force, because
13 that's how fast it happens.

14 If the 30-foot rule is good for the police, shouldn't
15 it be good for Taquan Brown? Not only is he bigger than
16 Taquan, he's a big guy. He's high on cocaine and he's very
17 drunk, .137 blood alcohol level. A 350 pound guy doesn't
18 get a .137 blood alcohol from drinking a couple beers after
19 dinner. He's been hitting it hard for a while and then he
20 showed up at 5:30 in the morning at Bright's Court. Is it
21 reasonable for Taquan Brown to fear -- well, let me back up
22 there. Was Mourice Kemp a dangerous person? Yes, he was.
23 You heard testimony from Nayronne Holmes, from Larry
24 Council; that a little over a week before he was killed,
25 Mourice Kemp was at the Southern Inn, they went over there,

1 not to start a fight, not to do anything, but he flipped
2 out. Told them to take off, got a gun, brandished it to
3 them. Made sure they saw it and said, "You better get out
4 of here. I will kill you." So they left. He's a dangerous
5 guy. He's so dangerous that the Colleton County Sheriff's
6 Department has a warning for their officers in the computer
7 when you put in his name, "Caution - violent behavior."
8 He's gonna fight anybody he sees, including the cops.

9 Does he have a right to believe he's in danger?
10 Absolutely. He saw Big Mo with that gun at the Southern Inn.
11 He knows how dangerous he is and he knows he's bigger than
12 him, and he's coming like a bull in a china shop.
13 Absolutely reasonable.

14 Of course, when someone threatens to kill you and
15 starts charging, a reasonable response to that is to protect
16 yourself with a weapon. That's why we have the second
17 amendment to defend ourselves and preserve our right to self
18 defense and that's what he did.

19 The State wants you to say, no, Taquan is angry.
20 There's no evidence to that. No one has testified to that.
21 He went out there to get -- he went out of that house with
22 pre-meditation. He was gonna maliciously go and get Mourice
23 Kemp. If you decide to go out in your yard in clear some
24 brush or something and clean up, you might grab a big stick.
25 You might slip a pistol in your pocket, because you might

1 run into a snake out there and snakes are dangerous. The
2 fact that you put a pistol in your pocket doesn't mean you
3 went snake hunting; it just means you're ready in case
4 something bad happens. You're being prudent in preparing
5 for potential, but unsought danger.

6 The State will say this is all Taquan Brown's fault.
7 If he had just stayed in the house. But he doesn't have to
8 stay in the house. It's his house. It's his yard. And
9 that's probably true, but not necessarily true. Taquan knew
10 he had a gun in the past. Forbid he goes out to the car and
11 gets his gun out of the car, comes back and starts busting
12 through Taquan's door again. Maybe he better keep an eye on
13 the situation as it develops. Who knows? But there's no
14 testimony at all to that. No testimony at all other than
15 the aggressor was Mourice Kemp.

16 But probably yes, if he had just stayed inside, Mourice
17 Kemp probably would have gotten in the car at some point and
18 finally gone off with Coco, who confirms for us that he's a
19 dangerous dude by the way. What did Ms. Mays say when he
20 finally left from raising a ruckus over at Taquan's house,
21 he got to Barbara's house, she went in and found Coco curled
22 up, shaking, scared of Mourice Kemp. He got her to go with
23 him and they were gone.

24 I'm sure everyone wishes that's what happened, but that's
25 not what happened.

1 The State wants you to think well, what if Taquan had
2 stayed in the house. That's a valid question, but I don't
3 really think that ultimately it has much impact on the issue
4 of whether he's acting in self defense. There's some other
5 "what-ifs" you can ask. What is Big Mo hadn't been drinking
6 all night? Ms. Fulks says he would come over there drinking
7 and smoking marijuana. Chapman said he had seen a video of
8 him buying alcohol at the gas station earlier that night,
9 where he was gonna go take care of some girl problems or
10 girl -- I don't remember the word. What if Big Mo hadn't
11 been using cocaine and smoking marijuana? What did Dr.
12 Presnell say? Cocaine, he was high on cocaine and it
13 increases risk-taking behavior, leads to aggression.

14 What if Big Mo had come over at a reasonable time of
15 day instead of busting on the door at 4:30 in the morning?
16 What if he said I'm not going to get Coco at 4:30 in the
17 morning? I'm gonna go at 8, 9:00 when people expect people
18 to be knocking on their doors. What if he hadn't barged in
19 like a crazy person making threats, cursing? What if Big Mo
20 hadn't threatened Nayronne Holmes and Larry Council and
21 Taquan Brown at the Southern Inn a week before? Letting
22 them know he had a gun and was willing to use it. Giving
23 them ample reasons to be fearful. What if Big Mo hadn't
24 threatened Taquan Brown that night? What if Big Mo had just
25 stayed in his car? What if they just ya-ya'd some more?

17 Good morning. *Truth crushed to the earth shall rise*
18 *again.* Mr. Walker wanted to take my words, but that's fine,
19 *too. The Road Not Taken.* "Two roads diverged in a yellow
20 wood, and sorry I could not travel both. And be one
21 traveler, long I stood, and looked down one as far as I
22 could, to where it bent in the undergrowth. Then took the
23 other, as just as fair, and having perhaps the better claim,
24 because it was grassy and wanted wear; though as for that
25 the passing there had worn them really about the same, and

1 both that morning equally lay, in leaves no step had trodden
2 black, Oh, I kept the first for another day! Yet knowing
3 how way leads on to way, I doubted if I should ever come
4 back. I shall be telling this with a sigh, somewhere ages
5 and ages hence: two roads diverged in a wood, and I -- I
6 took the one less traveled by, and that has made all the
7 difference."

8 Ladies and gentlemen, the road not taken. The road not
9 taken on November 20th, 2013, is what has led us here when
10 Taquan Brown took the other road, the other road that led to
11 the death of Mourice Kemp. And that's why we're here,
12 because truth has been crushed to earth, the road that was
13 not taken.

14 Now, ladies and gentlemen, let's talk about what Mr.
15 Walker wanted to talk about, self defense. We're gonna deal
16 with the case of the State, because the State has no enemies
17 to punish. We have no friends to reward. The intention of
18 the State of South Carolina is to try those who are guilty
19 and to make certain that the innocent are set free. So we
20 want to try this case. And ladies and gentlemen of the
21 jury, understand this, a reasonable doubt is the kind of
22 doubt that would cause a reasonable person to hesitate to
23 act, and as you try this case, if it does not fit, to quote
24 a great man, then you must acquit, and I'm just going to go
25 ahead and open that door. If it does not fit this morning,

1 ladies and gentlemen, then acquit Taquan Brown, but until
2 that time, let us discuss the matter at hand.

3 Self defense. Let's talk about why Taquan Brown is
4 guilty of murder. This is not self defense. Self defense,
5 it means four elements. Four elements. The State must
6 disprove self defense. Because if self defense is
7 established, then you must acquit Taquan Brown; simple as
8 that. If you decide that he was defending himself, that he
9 had the absolute right to kill Mourice Kemp, then you walk
10 out of here today and so does Taquan Brown. We all go home.

11 But if you decide that one of those elements has been
12 disproved by the State, then Taquan Brown does not get self
13 defense. What is self defense? Being without fault in
14 bringing on the difficulty. The defendant must have been in
15 imminent danger of death or bodily injury or believed he was
16 in such danger. A reasonable person would have entertained
17 the same belief. No other means of avoiding the difficulty.
18 The judge is going to charge you basically that because he
19 was on his own premises, we think, perhaps, that he had no
20 duty to retreat. But let's move past it, what does it mean
21 to be without fault in bringing on the difficulty?

22 Mr. Walker would have you believe that it's alright to
23 walk out of your house with a gun and shoot a man down in a
24 yard just because you feel like it, just because you're
25 going out to shoot some snakes, just because you're going

1 out to take out the trash and you happen to have a gun in
2 your hand. He thinks it's just alright.

3 Ladies and gentlemen of the jury, it's not just alright
4 to walk out of the house with a gun in your hand and gun
5 down an unarmed man who was leaving with a woman. It's not
6 just alright. So who tells us that Taquan Brown had the
7 gun? That he goes out of the house with the gun? Because
8 Mr. Walker said to y'all, now, he wants you to disbelieve my
9 science, but he himself had to admit, "Oh, well, Taquan went
10 out with the gun. Yeah, he went out with the gun, and
11 that's alright." Taquan Brown had the gun, Nayronne Holmes.
12 Taquan Brown had the gun, Barbara Mays. Taquan Brown had
13 the gun while standing in the doorway, and that's Lawrenzer
14 Walker in his first statement.

15 Now, yes, everybody in this whole thing has lied.
16 Everybody. All the lay witnesses. They've all lied. And
17 Mr. Walker, at the beginning of this case, told you there's
18 one thing that Ms. Legette and I agreed on, we agreed on the
19 science, y'all, the physical evidence. But what did he
20 stand here this morning and tell you about this science?
21 Oh, just disregard it. Just disregard it, y'all. Don't
22 believe the witnesses? Then, don't believe science. We're
23 going to get to that.

24 "Now, I was about to close the door," that's what
25 Lawrenzer Walker said in his first -- I'm sorry, second --

1 no, third statement. He was about to close the door. "Then
2 Taquan Brown took the gun from Nayronne Holmes," that's what
3 Lawrenzer Walker said in his plea. Yet, he didn't come to
4 testify to y'all either, by the way.

5 But nonetheless, Taquan Brown had gunshot residue on
6 his hands. He's got gunshot residue on his hands. Who is
7 gonna add it up, y'all? Taquan Brown came out of the house
8 with the gun. He came out of the house with a gun. "Quan
9 was standing in the grass; they all were. Quan had the
10 gun." Think about it. Out of the house with a gun. Who
11 brought on the difficulty? Now, for him to actually get
12 self defense, he had to be without fault in bringing on the
13 difficulty.

14 Now, Mr. Walker wanted to talk all about how it's okay
15 to come out of the house with a gun. It may be okay to come
16 out of the house with a gun for Taquan Brown in Mr. Walker's
17 eyes, but what about Mourice Kemp? They wanted to make a
18 big deal about him being a violent man, y'all. Oh, he's a
19 violent man. He came out of the house with a gun in his
20 waistband because he came looking for Courtney. That made
21 him a violent man. That was the only instance of violence
22 they showed you about Big Mo, Mourice Kemp. So if Big Mo is
23 a violent man for coming out of his house with a gun in his
24 waistband, because he came looking for his girlfriend, his
25 woman, disrespected his house, what's this make Taquan

1 Brown? The one thing about Big Mo that day, he didn't point
2 the gun, he didn't shoot the gun, and he sure enough didn't
3 kill Taquan Brown. Because if Big Mo had killed Taquan
4 Brown that day, y'all would be trying Big Mo for killing
5 Taquan Brown. Oh, yeah, y'all, Taquan Brown brought on the
6 difficulty. They began to have words. Who started it? I
7 don't know, but all the witnesses say that Big Mo was going
8 to the car. Had his back turned. Coco, Courtney, was
9 following behind him. And let's talk about that, y'all.
10 Yeah, I asked Jermaine Brown, or Nyle Eltzroth, was she a
11 white woman? You know why I asked that question? Not to
12 offend anyone, but to show you that Jermaine Brown is a
13 liar, he's a thief, and he was not there. But we're going
14 to get to that, too.

15 They were getting in their car. They started ya-
16 ya'ing. We don't know who started the ya-ya. But what we
17 do know is that Mourice Kemp asked to come back through that
18 door. "Hey man, can I come back through here?" "No, you
19 can't come back through here. Shut my door." Cut off the
20 light. Okay, and rather than Big Mo kicking the door,
21 everybody want to see how big and bad he is, he goes around
22 to Ms. Barbara (knocks on podium four times) "Hey, ma'am,
23 can I come back through here?" She let him walk through her
24 house. Oh, he was nice to me. He run to the car, y'all,
25 and you notice, every time we see Big Mo acting up or acting

1 a little bit manly, he is looking for Courtney. It's about
2 Courtney. These men come to his house about Courtney,
3 "Y'all get out of here. Don't be coming over here looking
4 for Courtney. Don't be coming over here looking for
5 Courtney." Hey, y'all, where's Courtney? Where's
6 Courtney?"

7 Y'all when I closed my door, he was getting in the car.
8 They were all standing out in the yard ya-ya'ing. Big Mo
9 was walking to his car. He was getting in the car. Taquan
10 is not without fault in bringing on the difficulty. He
11 brought it on. If Taquan -- Mr. Walker wanted to say "what
12 if", yeah what if. What if, because you know what, Taquan
13 Brown stays in the house, Big Mo and Courtney get in the car
14 and they drive away, like a Romeo and Juliet tragedy is what
15 this is. You got Big Mo coming and looking for his
16 girlfriend. The same woman he's having trouble with these
17 men about. He's trying to protect her. Girl, where you at?
18 They get in the car and he can't even leave. He is killed.
19 Then, she is killed. Tragedy.

20 If Taquan Brown stayed in the house, there is no
21 murder. Big Mo knocked on the door, they let him in. In
22 one of Taquan Brown's statements he said, "Me and Big Mo, we
23 ain't never had no problems. Man, ask these people. We
24 ain't never had no problems." Let's talk about that. Now,
25 Mr. Walker wants to make a big deal about the pictures. He

1 doesn't want to really acknowledge the science in these
2 pictures. He went and had an investigator go out and his
3 investigator wanted to tell you what he talked to Ms.
4 Barbara about and how much Barbara said approximately here,
5 approximately there. We didn't do any approximates, ladies
6 and gentlemen. We didn't do approximates. We actually
7 pulled from pole to pole. It took painstaking measures to
8 pull and bring you scientific CSI, ladies and gentlemen.
9 That's what we're trying to do here for you, because you
10 know what, we couldn't rely on the eyewitnesses, because
11 everybody lied. "9-1-1, what's your emergency?" "Oh, a man
12 laying outside dead." "You know who did it?" "No, didn't
13 see nothing."

14 Ladies and gentlemen, Taquan Brown was 35 feet from his
15 door. Look at the measurements. They testified to blood
16 spots of Mourice Kemp was 38 feet from the front door, 38
17 feet. If you stand him back up, he's actually six feet
18 tall. You add six to 38, a little adding here. My daddy
19 loves math, and I'm not really a math person, but anyway,
20 you add it all up and 38 plus 6 equals what? That's 44
21 feet. Where is Taquan? Taquan is almost 40 feet from his
22 front door, because you know why he's 40 feet from his front
23 door, because Whitney Berry told you that it takes that
24 muzzle of that gun, a .32-caliber, three feet, the muzzle,
25 three feet from the muzzle of that gun. And where does that

1 put Taquan Brown? Where does that put Taquan Brown? The
2 victim was rolled from here to here? Taquan Brown is
3 standing where this paramedic is. That's how close Taquan
4 Brown is. Taquan Brown not only comes out of his house, he
5 comes down the sidewalk with the gun in hand, pointing it at
6 Big Mo. "If you gonna point it, shoot it." Pointing the
7 gun at Big Mo. What stopped Big Mo? Oh, he was gonna pull
8 a gun. Oh, you gonna pull a gun now. It wasn't even like
9 that. It ain't even that serious. For Taquan Brown it was
10 that serious, ladies and gentlemen. He is not without fault
11 in bringing on the difficulty.

12 He brought on the difficulty. That's what Taquan Brown
13 did. Big Mo had no gun. He had no gun, because if he had a
14 gun, hey, we don't know what would have happened; but he
15 didn't have a gun. Taquan Brown is the one who had the gun.

16 Imminent danger of serious bodily injury. Again, we
17 never get there if Taquan Brown had stayed inside the house.
18 We never get to this point if he stayed inside the house.
19 Because you know what, Big Mo knocked on the door.
20 Remember? No, I'm not letting you come in. Did he kick it
21 in? No, he kept on moving. Taquan Brown stays in the house,
22 he is not in imminent danger. Now, when you step back out
23 of your house with a gun, what are you going out there for?
24 You going for trouble. At 4:30 in the morning, are you
25 going to rake leaves, cut grass? Ms. Barbara said they

1 don't cut the grass out there. It's a big old yard. Mr.
2 Bright owns that place. What's he going out there for? You
3 trying to tell me you ain't had no problems with this man?
4 You shook this man's hand and then you come back and you
5 say, "Oh, well, you know, he had pulled that gun on us and
6 everything." Oh, he pulled a gun on y'all? Oh, you mad.
7 You mad. He done been to your house. He done disrespect
8 you. We all been woken -- I been woken up by a strange
9 telephone call at 4:00 in the morning. I get a little
10 agitated waking me up out of my big sleep. I didn't get my
11 gun and go outside and shoot nobody.

12 Ladies and gentlemen, he didn't pose a threat to them.
13 He was getting in the car. Taquan Brown closes that door,
14 goes back to bed, turns out the light, we are never, ever
15 here. Never here. But he cant' stay in his house. He just
16 won't stay in his house. Forty feet from his front door.
17 How long is 40 feet? You just keep walking, and walking,
18 and walking, and walking, and walking, and walk up on a man.
19 Just walk up on a man. And shoot. Right here. You can't
20 even make that shot. Lucky shot. Raggedy gun. Raggedy,
21 y'all. Just ragged. You heard Sgt. Edwards tell you about
22 this gun. Y'all can see it. It's a Smith and Wesson. It
23 still works, but it's raggedy. It don't even have grips on
24 it. He was not in imminent danger. And a reasonable man
25 would not have believed that. A reasonable person would

1 have called 9-1-1. Oh, yeah, and guess what, y'all? Didn't
2 Taquan call 9-1-1 before? Didn't he call 9-1-1? Don't
3 y'all remember? Remember that day? Larry Council said it
4 right here. Taquan called 9-1-1. Y'all remember that time
5 he told us that. A reasonable person would have called 9-1-
6 1. They wouldn't go outside to a big 357 pound, six-foot
7 man, who "I ain't had no problem with, y'all". Come on,
8 now.

9 What is it about Big Mo? The evidence we have says he
10 was calm. Ms. Fulks, he was depressed, looking for a girl.
11 The store video. Jessica Fulks, he was nice to me. Yeah,
12 they drink and smoke. Yeah, okay, drinking and smoking.
13 Okay, drinking and smoking.

14 MR. WALKER: Your Honor, I have an objection at this
15 point.

16 THE COURT: Counsel approach.

17 (Whereupon, a bench conference is held off the record
18 and out of the hearing of the jury.)

19 THE COURT: Objection overruled. Proceed.

20 CLOSING ARGUMENT CONTINUED

21 BY ASST. SOL. LEGETTE:

22 Where were we? Okay. He was nice as he could be.
23 Barbara Mays, he was knocking on the door. "Ma'am, can I
24 come in?" He asked to come back in, shut the door. He
25 didn't kick it in. He asked to -- here's the thing, y'all.

1 He asked. He asked. He asked. We in the south and a
2 southern man will ask. A southern man will ask. Now,
3 Jermaine Brown -- I don't know about Jermaine Brown.
4 Something about Jermaine Brown yesterday when we talked
5 about Courtney and how all three of them were supposed to go
6 over there to her and something about when I asked him about
7 what they planned to do, it just kind of rubbed me the wrong
8 way.

9 Nevertheless, Big Mo asked to come back in and Taquan
10 Brown said he shook his hand. We ain't never had no
11 problem. That's Mourice Kemp. But the defense wants you to
12 believe he's a violent man. Well, we talked about this.
13 But you know, they haven't shown you anything. They just
14 asked Mr. Eltzroth about something in a report, but he
15 couldn't show you any one thing. And the one thing they
16 tried to bring you is the same thing Taquan did. So if Mo
17 is a violent man by trying to protect the girl he loves and
18 has gone looking for her, and told them don't come over here
19 looking for her no more, what does that make Taquan Brown?
20 If Mo is a violent man because he showed them a gun, Taquan
21 Brown, too, is a violent man. We gonna make that moot.

22 Who is really the evil man here? Taquan Brown. The
23 only thing that seemed to bother Big Mo was Coco. They said
24 he was calm, not depressed. The variable that changed
25 everything was the gun. That one thing. That's what

1 changed everything. A true person has self defense, self
2 defense. "9-1-1 what's your emergency?" "There's a big ole
3 dude over here. I had to shoot him. He was coming at me.
4 Someone was running at me. I had to shoot him. He was in
5 my yard. He was trying to break in. I had to shoot him."
6 That's two separate things. When you're calling 9-1-1, you
7 tell the operator "I had to do this. I had no choice. I was
8 afraid for my life." When the officers arrive, you tell
9 them, you tell it, and you continue to tell it, and you
10 stand by that. You stand on it, because that's your word.
11 Your word is your bond. You stand on that word. Because if
12 Taquan Brown had of stood on that word, we might not even be
13 here. Stand on that word. I did it because I had no
14 choice, but not Taquan Brown. Truth does not hide behind
15 lies. They have crushed the truth under lies. Under lies,
16 people. Under lies. You don't tell 9-1-1, "I don't know
17 what happened." You don't tell 9-1-1, "He's just laying out
18 here." You don't tell 9-1-1, "I don't know who that is." I
19 don't know how he got here. I saw headlights leaving." You
20 don't do that, ladies and gentlemen. That's not true self
21 defense. True self defense says, "Hey, shot from the
22 rooftop. This man tried to kill me." And you stand by
23 that. Not in your first statement you don't say, talking
24 about I don't know. And not in your second statement you
25 don't throw your friend under the bus. Your friend you've

1 known since 1999. You throw him under the bus. "Oh, it's
2 him." And then when the officer gives you a way out. He
3 tells you, "Man, was it self defense?" Two days later you
4 come up with it. Two days later you come up with it. That
5 is not self defense. That is not a man who had a true self
6 defense. That is a man who has lied and lied to get away
7 with what he knows is murder; how to get away with murder of
8 Mourice Kemp. That's what has brought us here today, y'all,
9 because Taquan Brown has tried to get away with murder.
10 It's told every time, it was told the first time, and it's
11 told the last time, that's what true self defense is, ladies
12 and gentlemen. That's what you stand on.

13 Now, self defense in this case is defeated by science.
14 I told you earlier about the 44 feet. Stand that man up, he
15 is 44 feet away. He's a step off the sidewalk. He didn't
16 run toward Taquan Brown. Taquan Brown came toward him. He
17 walked 40 feet out of his front door with the gun in hand.
18 Stopped him. Talking to him. Ya-ya'ing him. I don't know
19 what was said. We don't know what was said. But something
20 was said that stopped him. He had the woman he loved. He
21 was going to the car with her. They were getting in that
22 car. They were getting in that car. Everybody said that.
23 They were getting in that car. The gun changed everything.

24 My daddy loved Math. Woo-hoo! That's why I couldn't be
25 a doctor. Me and math. But anyway, we are going to do a

1 little subtraction. Without fault in bringing on the
2 difficulty, subtract. Being in imminent danger or believing
3 he was, subtract. A reasonable person would have believe
4 the same, subtract. And what does that equal, y'all? What
5 does that equal? I made it real simple, because me and
6 equations don't do very well. It was not self defense.

7 Ladies and gentlemen, let's talk about the actual
8 charges. I know this case was rather long telling you all
9 how it really ain't self defense. Let me know if everybody
10 can see this. Ladies and gentlemen, murder, let's talk
11 about it. Murder. Murder is a willful or unlawful killing
12 of a person with malice aforethought, express or implied.
13 Simple as that. Let's go through it.

14 Willful, meaning intentional. It wasn't an accident.
15 In this case, it was not an accident. How many bullets this
16 little raggedy gun holds? It still shoots. I call it
17 raggedy, but it is still obviously a murder weapon. It
18 carries six bullets, six. Five fired, I believe, perhaps one
19 misfired, but one was in there. Five fired casings. He
20 kept shooting, shooting, shooting, shooting, shooting.
21 Willful.

22 Mourice Kemp, just told you he died from gunshot
23 wounds, cerebral disruption, gunshot wound to the head. In
24 and back of a person, Mourice Kemp.

25 Malice aforethought. What is malice? Malice is

1 wickedness, evil, reckless disregard for a human life.
2 Taquan Brown, let's talk about this Taquan Brown. Was it
3 malicious in what he did? Was it malicious? Was it evil?
4 Was it a reckless disregard? Was it wicked? Well, let's
5 think about it.

6 So Mourice Kemp comes over. You ain't got no problem
7 wtih Mourice Kemp. He comes over, knocks on the door, and
8 you shake his hand in one version. In another version, he
9 is, well, kind of bombastic. But then he goes out, and he
10 wants to come back in. Let's talk about it right here. He
11 wants to come back in, but you won't let him back in. So
12 right now, you kind of angry. You kind of agitated right
13 now, because you won't let him back in. You let him in the
14 first time. And now you kind of aggravated. "No, you
15 can't come back in this way." He goes around. Well, at
16 this point, close the door, turn off the lights, pull down
17 the blinds, and go back to sleep. Nope. Not gonna be able
18 to do it. Get my gun, go outside. Malice. Malice can be
19 either expressed or implied. Express meaning words, "I'm
20 going to kill you. Or implied, meaning use of a deadly
21 weapon. Use of a deadly weapon. Obviously, Mr. Kemp is
22 dead. This gun is that deadly weapon. Implied. So we have
23 malice, implied. And it has to be a forethought. It can't
24 be, well, as I begin to shoot you, then I say, well, I'm
25 just going to finish you off. It has to be before you

1 actually begin to kill him.

2 So basically, Mr. Brown, arming himself with that
3 pistol. There is no threat, ladies and gentlemen.
4 Understand there is no threat. Nayronne Holmes told you
5 that there is no threat. There was never a threat. He said
6 there was no threat. They weren't threatening each other.
7 It was trash talk. But there was my man, Mr. Brown, with
8 the gun. Implied malice. That is murder, ladies and
9 gentlemen.

10 Possession of a weapon during the commission of a
11 violent crime. This one right here basically says that a
12 person is in possession of a weapon, a firearm, while
13 committing a violent crime. Murder is a violent crime.
14 Involuntary manslaughter is a crime.

15 There's a little wrinkle we got to tell you about. The
16 judge in this case is also gonna charge you on the law of
17 involuntary manslaughter. We're gonna get to that. But I'd
18 rather go ahead and put you on notice about it. The judge
19 himself will ultimately tell you what the true law in South
20 Carolina is, but until that time, I'm just trying to give
21 you a roadmap, what to look for. A person, that's Taquan
22 Brown, in possession of -- we got that, in his hand, a
23 firearm, a weapon, while committing a violent crime. A
24 violent crime either being murder or voluntary manslaughter.
25 And they're both defined in the State of South Carolina as

1 violent crimes.

2 So if you find him guilty of murder or voluntary
3 manslaughter, then you can consider this charge. But if you
4 find that he has self defense. If somehow you make that
5 leap in faith, Mr. Walker says I'm trying to build a bridge.
6 I ain't trying to build no bridge. I ain't trying to build
7 no bridge. I'm taking off the layers of lies in helping you
8 find the truth.

9 If you find him guilty of either murder or voluntary
10 manslaughter, then you can consider this charge. Oh, by the
11 way, a checkmark means it's done. We've proved it. But of
12 course, you are the trier of the facts.

13 Obstruction of justice. This one ain't hard, y'all.
14 We ain't even got to go through it. I'll just go ahead and
15 put a checkmark in the bottom, because guess what? Ding,
16 ding, Ding! Mr. Walker has done told y'all that Taquan
17 Brown is guilty of obstruction of justice. He went ahead
18 and just went on and told you.

19 But I'm just going to go ahead and tell you what it
20 says. A person willfully impede, stop, or hinder or prevent
21 the furtherance administration of justice. That's what he
22 did, y'all.

23 And ladies and gentlemen, voluntary manslaughter. The
24 unlawful killing of another without malice in a sudden heat
25 of passion upon sufficient legal provocation. This one, you

1 will have to just decide. Is it this or is it murder? It
2 can't be both. It's either one or the other. Or it's self
3 defense, is it not? But y'all have to do what y'all to do.
4 So ladies and gentlemen, the unlawful killing of another
5 without malice, in a sudden heat of passion, upon sufficient
6 legal provocation.

7 Ladies and gentlemen, a guilty man. A guilty man does
8 some of the things that Taquan Brown did. A guilty man will
9 lie to you. A guilty man will continue with those lies.
10 Taquan Brown is a guilty man. He lies to the police after
11 he commits murder. He is sitting on his bed calm, cool and
12 collected as a cucumber. Is that a man who just killed a
13 man in self defense that he was afraid of? He continues to
14 lie. "I know nothing. I was awakened by Quick." And
15 continues to lie. "I know nothing. I was asleep." A
16 guilty man.

17 Then, he changes his lies whenever he's confronted with
18 the facts. It was Lawrenzer Walker. No, no, I wasn't
19 asleep. It was my boy, Lawrenzer. Hey, bo, it was
20 Lawrenzer. He did it. Throwing a friend under the bus.
21 Accusing an innocent man. A guilty man will accuse an
22 innocent man. Why accuse your friend? It's self defense,
23 bo. If his lie had stuck, y'all, we would be trying
24 Lawrenzer Walker. We'd have been trying Lawrenzer Walker,
25 y'all. He would have been in here sitting at the table

1 wearing a robe of righteousness. That same robe of
2 righteousness that Taquan Brown is now wearing. He sticks
3 with the second lie until he gets the opportunity and hears
4 about a third lie. And who planted the seed? Detective
5 Eltzroth. "Hey, man, oh, you're saying it's Lawrenzer
6 Walker? Man, it could have been self defense." Plants the
7 seed. And guess what is born two days later? Ha ha ha, had
8 time to think about it, send for the detective. Hey, bo,
9 guess what? It's self defense. No, I wasn't asleep. It
10 wasn't Lawrenzer Walker. It was self defense. I thought
11 about what you said. I thought about it overnight, and
12 guess what? It was self defense, just like you said, it was
13 self defense. Try to bury the truth, a guilty man.

14 But truth crushed to earth shall rise again. It shall
15 rise again, ladies and gentlemen. And the truth, the truth
16 is rising. You may have to dig, pull up all those layers,
17 and the truth, the verdict, to speak the truth, and that's
18 what I ask you to do here today, ladies and gentlemen, speak
19 the truth as only you can do it. As only you can do it.

20 I thank you for listening, ladies and gentlemen, and I
21 ask you for a true and a just verdict. Find Taquan Brown
22 guilty of murder of Mourice Kemp. Find Taquan Brown guilty
23 of possession of a weapon during the commission of a violent
24 crime. And find Taquan Brown guilty of obstruction of
25 justice. Thank you.

1 appropriate response to the jury's question, which is now
2 Court's Exhibit Number Two; is that correct, from the State?

3 ASST. SOL. LEGETTE: Yes, Your Honor.

4 THE COURT: From the defendant?

5 MR. WALKER: Yes, Your Honor

6 THE COURT: Major, you know what to tell them.

7 MAJOR HAAS: Yes, sir.

8 (Whereupon, the Court continues with non-jury matters,
9 until the bailiff informs the Court that the jury has
10 reached a verdict. Thereafter, at 3:12 p.m., the following
11 is held on the record.)

12 THE COURT: All right. I've been informed the jury has
13 reached a verdict. Let me say this to those people who want
14 to stay in the courtroom for the publication of the verdict.
15 I do not allow any outbursts, emotional or otherwise, when a
16 verdict is published. The jury is owed the respect of the
17 public for their service. There will be no clapping. There
18 will be no moaning.

19 There will be no outbursts, and I will enforce that
20 with the contempt powers of this Court. If you can't
21 control that, step out of the courtroom now. The jury
22 deserves the respect of their service and I do not allow any
23 emotional outbursts. Now is the time to leave the courtroom
24 if you can't control your emotions. I need the defendant
25 brought up.

1 (3:17 p.m., whereas the defendant, Taquan Brown, enters
2 the courtroom and takes seat at defense table.)

3 THE COURT: Is the State ready to publish the verdict?

4 ASST. SOL. LEGETTE: Yes, Your Honor.

5 THE COURT: Is the defendant ready?

6 MR. WALKER: Yes, Your Honor.

7 THE COURT: Bring us the jury.

8 (3:18 p.m., whereupon the jury enters the courtroom and
9 the following is held on the record.)

10 MADAME CLERK: Mr. Foreman, have you reached a verdict?

11 MR. FOREMAN: Yes, we have.

12 (Clerk retrieves verdict form from the foreman.)

13 THE COURT: Will the defendant and counsel please rise.
14 Madame Clerk, you may publish the verdict in the presence of
15 the juries and the parties.

16 MADAME CLERK: The State of South Carolina v. Taquan
17 Brown. Indictment numbers 2013-GS-15-1040, 2013-GS-15-1041,
18 2013-GS-15-1042, We, the jury, by unanimous consent, find
19 the defendant, Taquan Brown, in Indictment 2013-GS-15-1041,
20 not guilty of murder. We, the jury, by unanimous consent,
21 find the defendant, Taquan Brown, guilty of the lesser
22 included offense of voluntary manslaughter. We, the jury,
23 by unanimous consent find the defendant, Taquan Brown, in
24 Indictment number 2013-GS-15-1042, guilty of possession of a
25 weapon during the commission of a violent crime. We, the

1 jury, by unanimous consent, find the defendant, Taquan
2 Brown, 2013-GS-15-1040, guilty of obstruction of justice,
3 signed by the foreman, Charles R. Pierce, Jr.

4 Ladies and gentlemen of the jury, if this is your
5 verdict, please raise your right hand.

6 (Jury complies.)

7 MADAME CLERK: Thank you.

8 THE COURT: Let the record reflect, twelve hands were
9 raised. Mr. Walker, anything from the defendant for the
10 jury before I excuse the jury

11 MR. WALKER: I would like the jury polled, Your Honor.

12 THE COURT: Madame Clerk, I'm going to ask that you
13 poll the jury. Ladies and gentlemen, let me tell you what's
14 going to happen. The Clerk will call your name. When your
15 name is called, I'm going to ask you to stand. She is going
16 to ask you two questions. The questions will be, "Was that
17 your verdict?" and "Is that still your verdict?" And you
18 will answer yes or no. Please be seated Mr. Walker and your
19 client.

20 Madame Clerk, please poll the jury.

21 MADAME CLERK: Janice Doyle, was this your verdict?

22 JUROR: Yes.

23 MADAME CLERK: Is it still your verdict?

24 JUROR: Yes.

25 MADAME CLERK: Nancy Blocker, was this your verdict?

1 JUROR: Yes.
2 MADAME CLERK: Is it still your verdict?
3 JUROR: Yes.
4 MADAME CLERK: Aaron Lockwood, was this your verdict?
5 JUROR: Yes.
6 MADAME CLERK: Is it still your verdict?
7 JUROR: Yes.
8 MADAME CLERK: LaTarsha Kinsey, was this your verdict?
9 JUROR: Yes.
10 MADAME CLERK: Is it still your verdict?
11 JUROR: Yes.
12 MADAME CLERK: Brenda Byrd, was this your verdict?
13 JUROR: Yes.
14 MADAME CLERK: Is it still your verdict?
15 JUROR: Yes.
16 MADAME CLERK: Sherrill Fralix, was this your verdict?
17 JUROR: Yes.
18 MADAME CLERK: Is it still your verdict?
19 JUROR: Yes.
20 MADAME CLERK: Charles R. Pierce, was this your
21 verdict?
22 JUROR: Yes
23 MADAME CLERK: Is it still your verdict?
24 JUROR: Yes.
25 MADAME CLERK: Sammie Henderson, was this your verdict?

1 JUROR: Yes.

2 MADAME CLERK: Is it still your verdict?

3 JUROR: Yes.

4 Ronald Nettles, was this your verdict?

5 JUROR: Yes.

6 MADAME CLERK: Is it still your verdict?

7 JUROR: Yes.

8 MADAME CLERK: Robert Neal Avant, was this your
9 verdict?

10 JUROR: Yes.

11 MADAME CLERK: Is it still your verdict?

12 JUROR: Yes.

13 MADAME CLERK: Joshua Jones, was this your verdict?

14 JUROR: Yes.

15 MADAME CLERK: Carolyn Cummings, was this your verdict?

16 JUROR: Yes.

17 MADAME CLERK: Is it still your verdict?

18 JUROR: Yes.

19 THE COURT: Counsel, the jury has been polled. The
20 verdict stands. Anything further from the defendant?

21 MR. WALKER: No, Your Honor.

22 THE COURT: Mr. Foreman, and ladies and gentlemen of
23 the jury, on behalf of Colleton County and this Court, I
24 want to thank you for your service in this trial. I realize
25 it took a little while this week and I very much appreciate

1 your time. We're going to be sending you a check for that
2 exorbitant amount of \$20 a day. It will be mailed from the
3 Finance Department of Colleton County. If anyone needs a
4 work excuse, when you go downstairs, you will go in the door
5 marked General Sessions. There will a person in there who
6 will be happy to give you a written excuse to you for your
7 employer to let them know you have been with me all week in
8 jury service.

9 Now, sometimes people want to talk to jurors after a
10 verdict. Sometimes people feel that they can learn how to
11 better handle trying cases from talking to jurors. If you
12 want to talk to anyone, you can, but you certainly do not
13 have to. If someone tries to push you into talking and you
14 don't want to talk about your jury service, you get their
15 name, you give it to me, and I'll handle that problem for
16 you.

17 Now, sentencing in this case is going to take place
18 right now, in just a moment. I'm going to invite you if
19 you'd like to, to stay for sentencing. That's the Court's
20 role, not yours. However, I'm happy for you to stay right
21 at the jury box or you can come down and sit in the back of
22 the courtroom, or you may leave the courtroom. This
23 concludes your jury service for the entire week. And if you
24 will recall, you are now exempt from jury service for three
25 years as a result of your service this week. On behalf of

1 THE COURT: All right. Solicitor, is there anything
2 else you want to tell me?

3 ASST. SOL. LEGETTE: Your Honor, the family does not
4 wish to speak. I've asked all of them and they do not wish
5 to be heard at this time. Your Honor, I think the case
6 itself has spoken for them.

7 THE COURT: All right. Anything else from the State
8 before I hear the defense?

9 ASST. SOL. LEGETTE: Your Honor, we leave this matter
10 in the sound discretion of the Court. We did make a plea
11 offer in this matter for a cap of 20 and that was prior to
12 the trial beginning and Mr. Brown actually declined the
13 offer. So at this point, we leave the matter in the sound
14 discretion of the Court.

15 THE COURT: Very well. Mr. Walker, I'll be happy to
16 hear from you.

17 MR. WALKER: Thank you, Your Honor. Taquan Brown is 27
18 years of age. He has one son who is almost three years old.
19 He was previously employed as a satellite technician
20 installing satellite TV's and that sort of thing. And as
21 you already asked about his criminal history, and of course,
22 nothing of a violent nature, a lot of monetary things, such
23 as check fraud and that sort of thing. This incident was
24 out of character for him.

25 Before I go into that, I will say that his mother was

1 here for the first three days of trial and is here now. She
2 was not able to be here this morning, but has been here
3 since the beginning of the trial.

4 You heard the case, Your Honor. You heard the
5 arguments. I believe I said in the argument the same things
6 I'm saying to you now.

7 THE COURT: You've been a zealous advocate on behalf of
8 your client, Mr. Walker. I'm very aware. The jury is not
9 aware of how many times I've heard the evidence in this
10 case, but you are, as well as the Solicitor, because you
11 made a motion to dismiss this case under the Castle
12 Doctrine. The jury is not familiar with that because they
13 don't hear that testimony. I heard all the witnesses in
14 your motion before we started the trial on Tuesday until
15 approximately 7:30 on Monday night. And then we heard them
16 again in the presence of the jury. So you know I'm very
17 familiar with the facts and you've argued zealously for your
18 client on the issue of self defense.

19 MR. WALKER: Yes, sir. And I would, again, as to
20 sentencing, I would ask the Court's consideration to the
21 fact, again, that this unfortunate incident occurred and he
22 was not looking for any trouble that night. He was at his
23 own home.

24 THE COURT: Well, as I told you, Mr. Walker, of course,
25 that's why they grade my paper, too. But as I told you when

1 I denied your motion under the Castle Doctrine, I believe
2 that you did not convince me by a preponderance of the
3 evidence that I should hold him immune from suit because I
4 believe you could not prove he was without fault from
5 bringing on the difficulty when he emerged from the house
6 with a pistol, regardless of where it came from, whether it
7 was his, who handed it to him, and went out in the yard,
8 which I believe was a necessary element of self defense.
9 But that matter has been ruled on and that's a matter now
10 for the Appellate Court.

11 MR. WALKER: Yes, sir.

12 THE COURT: Anything you want to tell me now for
13 sentencing in mitigation?

14 MR. WALKER: And it wasn't an attempt to arguing, it
15 was an attempt in mitigation.

16 THE COURT: Exactly why I submitted self defense to the
17 jury for them to make a decision. There was clearly
18 evidence for them to find it was not and exactly why I
19 submitted the lesser included offense for you and your
20 client to the jury involuntary manslaughter.

21 MR. WALKER: When this happened, my client made some
22 poor decisions and unfortunately a life was lost, certainly,
23 but for his decision to go outside and into battle. We
24 would ask the Court to take into consideration that other
25 parties were involved that they made poor decisions as well.

1 THE COURT: There is never an easy way when life is
2 lost that we can restore it, but you also have to bear the
3 responsibility for it.

4 MR. WALKER: Yes, sir. And in light of the
5 circumstances that you've heard multiple times, we would ask
6 the Court for a lesser sentence in the range of 10 years.

7 THE COURT: Well, Mr. Brown, is there anything you
8 would like to tell the Court prior to sentencing? The jury
9 has spoken, and I'm not here to discuss guilt or innocence.
10 I'm here to listen to you about sentencing; do you
11 understand?

12 MR. BROWN: Yes, sir.

13 THE COURT: And there was clearly evidence, which I
14 believe the jury could base their verdict on. Yes, sir,
15 happy to hear from you.

16 MR. BROWN: I wish this had never happen. I'm sorry
17 for the family and their loss. Me being sorry can't bring
18 back their loved one. I just wish this incident had never
19 happened at all. I didn't want this incident to happen. It
20 was something that just happened. It was a mistake. If
21 possible, I would ask could you go along with the
22 recommendation of Mr. Walker?

23 THE COURT: Anything further from the defendant, Mr.
24 Walker?

25 MR. WALKER: We would admit that the verdict would

1 constitute a violation of his probation and ask for a
2 concurrent sentence on that, too.

3 THE COURT: First thing I'm doing, Dawn, I'm revoking
4 his South Carolina probation and I'm running the sentences I
5 give him concurrent with what's left on his probation; do
6 you understand?

7 AGENT DAWN FARISH: May we also request a civil
8 judgment on his restitution?

9 THE COURT: Yes, you may. Do you understand, Mr.
10 Walker? I'm giving you what you requested, that it be
11 concurrent.

12 MR. WALKER: Yes, Your Honor.

13 THE COURT: Anything further from the defendant?

14 MR. WALKER: No, sir.

15 THE COURT: Anything further from the State?

16 ASST. SOL. LEGETTE: No, Your Honor.

17 THE COURT: All right. First of all, I want to say a
18 few things before I announce the sentence. I take into
19 consideration a number of things. I take into consideration
20 that the jury chose to convict Mr. Brown of the lesser
21 included offense of voluntary manslaughter. I take into
22 consideration that his lawyer and he vigorously fought this
23 case on the basis of self defense. I completely understand
24 the jury's verdict, because as I believe you have already
25 heard me say, and Mr. Brown knows, but the people on the

1 jury didn't hear any of this. That I ruled as a matter of
2 law that the jury should decide the issue of whether or not
3 self defense was a defense in this case.

4 I also take into consideration the defendant's prior
5 criminal history. He's on probation both by the State and
6 the Federal Government for grand larceny, obtaining goods by
7 false pretenses, breach of trust, two forgeries and check
8 fraud. I agree with you, Mr. Walker, that as far as State
9 probation is concerned, I will run my sentence on these
10 charges concurrent to 2012-GS-10-689 with the Charleston
11 State probation case.

12 Mr. Brown, I realize that I think the jury made the
13 absolute correct decision in this case. I think it would
14 have been -- I think there was sudden heat of passion and I
15 think there was legal provocation.

16 Your lawyer has pointed out in his argument to the jury
17 that this happened quickly, and I believe it did. However,
18 a family has lost a life. And you have to bear the
19 responsibility for it.

20 I've tried to fashion a sentence that I think is fair
21 to the people of the State of South Carolina and to you.
22 The maximum sentence for voluntary manslaughter, ladies and
23 gentlemen of the jury, is 30 years, and it is violent, and
24 you have to serve 85 percent of whatever sentence I give
25 before being eligible for any release.

1 On Indictment Number 2013-GS-15-1041, the State v.
2 Taquan Brown , indictment for murder, the jury found him
3 guilty of the lesser included offense of voluntary
4 manslaughter. The sentence of the Court is the defendant is
5 committed to the State Department of Corrections for a term
6 of 25 years.

7 On Indictment Number 2013-GS-15-1042, indictment for
8 possession of a weapon during the commission of a violent
9 crime. The sentence of the Court is defendant is committed
10 to the State Department of Corrections for a term of five
11 years.

12 Finally, on Indictment Number 2013-GS-15-1040,
13 indictment for obstruction of justice, the sentence of the
14 Court is defendant is committed to the State Department of
15 Corrections for a term of ten years.

16 Now, the sentence for voluntary manslaughter, which is
17 violent, requiring service of 85 percent of the 25 years,
18 the sentence of possession of a weapon during the commission
19 of a violent crime, which is also violent, those sentences
20 will run consecutive to each other for a total of 30 years.
21 The sentence of ten years for obstruction of justice will
22 run concurrent to the other two.

23 As far as his probation in Charleston is concerned, the
24 balance of his time in probation since he's serving 30 years
25 from the offenses in Colleton, all sentences will run

1 concurrent to 2012-GS-10689 in Charleston. The defendant is
2 to be given credit for any time that he has served in jail
3 awaiting trial. This credit is pursuant to S. C. Code
4 Section 24-13-40 and it is to be calculated and applied by
5 the South Carolina Department of Corrections.

6 I think that concludes all matters in connection with
7 this matter. Major, the defendant is now in custody.
8 Please take him with you.

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STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

STATE OF SOUTH CAROLINA)

vs.)

LAWRENZER WALKER)

Defendant)

COURT OF GENERAL SESSIONS

DOCKET NO. 2013-GS-15-1044

TRANSCRIPT OF RECORD

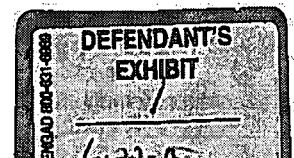
January 20, 2015

Walterboro, S. Carolina

B E F O R E:

THE HONORABLE THOMAS W. COOPER, JR., JUDGE

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

TAMEAKA LEGETTE, ESQ.
Attorney for the StateHARRIS BEACH, ESQ.
Attorney for the DefendantJOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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No exhibits were introduced

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January 20, 2015

PROCEEDINGS

THE COURT: Ms. Legette?

MS. LEGETTE: May it please the court?

THE COURT: Yes, ma'am.

MS. LEGETTE: Your Honor, before the court is Mr. Lawrenzer Walker, L-A-W-R-E-N-Z-E-R Walker. He is before the court on indictment number 2013-GS-15-01044 for the offense of obstruction of justice. He will be entering a plea of guilty to the offense as indicted. And Your Honor, we are actually going to hold his sentencing in abeyance until after the trial of the case of his co-defendant, Mr. Taquan [phonetic] Brown.

And for this plea he is going to -- as part of the plea he is going to testify truthfully and voluntarily in that trial and when he does he will come back before the court and ask that he be sentenced, Your Honor. At that we will be making depending on what his testimony has been making a recommendation of a time served sentence, Your Honor; at that time. If not then we will be making a different recommendation.

THE COURT: Thank you.

[Whereupon, the witness is duly sworn by the Clerk of Court]

THE COURT: Mr. Beach, you have explained to Mr. Walker the nature of the charge, the possible sentence he

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1 can receive, his constitutional rights, which he gives up
2 when he enters this plea and the significance of his
3 plea. Does he seem to understand all those things as far
4 as you know?

5 MR. BEACH: I believe he does, Your Honor.

6 THE COURT: And in the case he wishes to plead
7 guilty to the charge?

8 MR. BEACH: Yes, sir.

9 THE COURT: Thank you. Mr. Walker, when you enter
10 a plea to obstruction of justice you can get up to ten
11 years in jail. Do you understand that?

12 MR. WALKER: Yes, sir.

13 THE COURT: When you enter this plea you have to
14 tell me that you are guilty of the charge. So you give
15 up your right to remain silent, you give up your right to
16 say nothing at all do you understand that?

17 MR. WALKER: Yes, sir.

18 THE COURT: You have a right to a jury trial on
19 these charges to let a jury decide whether you're guilty
20 or not. You don't have to try to convince a jury that
21 you are not guilty. The State has to convince a jury
22 that you are guilty. But if you plead guilty you don't
23 get a trial; you give up that right, do you understand
24 that?

25 MR. WALKER: Yes, sir.

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1 THE COURT: If you had a trial Mr. Beach would have
2 the right to question the State's witnesses who would
3 testify against you. You could call any witnesses of
4 your own to testify for you and tell your side of the
5 story. But if you plead guilty you don't get to question
6 or call witnesses; you give up that right do you
7 understand that?

8 MR. WALKER: Yes, sir.

9 THE COURT: You understand that the procedure today
10 will be that you will enter a guilty plea on these
11 charges if we go through with the plea but you will not
12 be sentenced until after the trial of a co-defendant in
13 this particular case in which you agreed to testify
14 truthfully and voluntarily in that trial do you
15 understand that?

16 MR. WALKER: Yes, sir.

17 THE COURT: You understand that your sentence at
18 the eventual sentencing date will depend on the nature of
19 your truthful and voluntary testimony you understand
20 that?

21 MR. WALKER: Yes, sir.

22 THE COURT: Have you understood your rights in this
23 particular case, Mr. Walker?

24 MR. WALKER: Yes, sir.

25 THE COURT: Do you want me to go over any of them

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1 with you again?

2 MR. WALKER: If you'd like to.

3 THE COURT: The indictment says that you did here
4 in Colleton County on or about November the 20th of 2013
5 intentionally obstruct justice or hinder the
6 administration of justice. Specifically you willfully
7 withheld information in a murder investigation and hid a
8 weapon that was used in a murder in violation of the law.
9 Do you understand that charge?

10 MR. WALKER: Yes, sir.

11 THE COURT: How do you plead to the charge?

12 MR. WALKER: Guilty.

13 THE COURT: Other than the recommendation which Ms.
14 Legette has indicated the State will make dependent upon
15 your truthful testimony in this case has anybody promised
16 you anything or held out any hope of reward to get you to
17 plead guilty to the charge?

18 MR. WALKER: No, sir.

19 THE COURT: Has anybody forced you or threatened
20 you to make you plead guilty to the charge?

21 MR. WALKER: No, sir.

22 THE COURT: Are you pleading freely and
23 voluntarily?

24 MR. WALKER: Yes, sir.

25 THE COURT: You've made up your own mind to plea?

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1 MR. WALKER: Yes, sir.
2 THE COURT: Are you satisfied with what Mr. Beach
3 has done for you as your lawyer?
4 MR. WALKER: Yes, sir.
5 THE COURT: Has he done all you've asked him to do?
6 MR. WALKER: Yes, sir.
7 THE COURT: Have you had enough time to talk with
8 him about these things?
9 MR. WALKER: Yes, sir.
10 THE COURT: Have you understood those talks?
11 MR. WALKER: Yes, sir.
12 THE COURT: You will have ten days from the date of
13 your sentencing, not today but ten days from the date of
14 your sentencing to appeal your guilty plea and your
15 sentence to a higher court but you'll have to file a
16 paper within ten days of that date if you wish to appeal
17 do you understand that?
18 MR. WALKER: Yes, sir.
19 THE COURT: All right. Ms. Legette?
20 MS. LEGETTE: Thank you, Your Honor. Your Honor
21 additionally with regard to the plea itself we're asking
22 that he be released on his own recognizance. And in
23 addition we're asking that he be responsible for
24 contacting his lawyer at every subsequent term of court
25 until the call of the case of State v Taquan [phonetic]

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1 Brown so as to make certain we are able to get him to
2 testify in court at that time.

3 THE COURT: All right. Thank you.

4 MS. LEGETTE: Thank you, Your Honor. As to the
5 facts, at this time Your Honor I would ask that Mr.
6 Walker himself allocute on the record and I will with a
7 short colloquy ask him some questions about what happened
8 on the night of November 20th, 2013.

9 THE COURT: All right. Mr. Walker, let me hear
10 from you. You're under oath of course. Let me hear from
11 you in regards to your involvement in this matter and
12 then Ms. Legette will ask you some additional questions.

13 THE COURT REPORTER: Could I get you to speak up a
14 little bit.

15 MR. WALKER: Can you repeat that one more time?

16 THE COURT: Yes, sir. Ms. Legette wants to hear
17 you -- I think what you're asking for is his involvement
18 in this case is that right?

19 MS. LEGETTE: Yes, Your Honor, and what happened;
20 the facts of the case.

21 THE COURT: Okay. The facts of the case that you
22 are aware of that you observed or you know of in
23 connection with the charge against your co-defendant.

24 MR. WALKER: You want me to tell the whole story?

25 MS. LEGETTE: That's fine, yes.

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1 MR. WALKER: Well about four something in the
2 morning we had got a bang on the door. By that time I
3 just got finished using the phone and asked if I could
4 use the phone. So -- told Taquan I told Taquan somebody
5 is banging on his door ---

6 THE COURT: --- I need you to slow down just a
7 little bit for the court reporter. You said you told
8 Taquan somebody was banging on the door.

9 MR. WALKER: Yes, sir.

10 THE COURT: Pick up at that point and just kind of
11 slow down.

12 MR. WALKER: I go to the door to answer the door.
13 Maurice is just about to walk in so I stopped him and was
14 like what you doing? You can't just be coming in here.

15 THE COURT: Maurice who?

16 MR. WALKER: Kevin [phonetic] -- Big Mo.

17 MS. LEGETTE: The victim.

18 THE COURT: Okay.

19 MR. WALKER: So when he see Taquan he automatically
20 was just getting on him saying oh he is going to do this
21 and do that, well basically saying he is going to kill
22 him if he finds that CoCo, which is Courtney, is in the
23 house. So he's looking at him like what's going on. So
24 he done walked through and he done did his own little
25 look around.

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1 THE COURT: Who did the looking around?

2 MR. WALKER: Mo, Big Mo. Nobody let like allowed
3 him to come in. He just come in the house all he wanted
4 to and then he went toward the back door.

5 MS. LEGETTE: Slow down some. She can't keep up.

6 THE COURT: She has to write down what you're
7 saying so you have to talk a little bit slower.

8 MR. WALKER: So he come in and he goes toward the
9 back door. So we told him that she's not here, she's
10 next door. He leaves and we locked the back door. He go
11 and bang on the back door or the back window then he come
12 back saying asking Taquan can he let him come in so he
13 could go through the front to the car. Taquan told him
14 no. He started threatening him again as he was going
15 around.

16 But by the time we was leaving to go like toward the
17 living room E.B., that's the next door neighbor, he was
18 coming in the house. He had a gun in his hand, the
19 revolver the one I had threw over the field, Taquan took
20 it from him. He asked him no, give it to me; I need it.
21 And Taquan say you don't need the gun; for what. I look
22 out the door I see Courtney walking toward the car and I
23 see Big Mo walking toward the car. And Ms. Barbara was
24 behind them in the walkway. So we all go outside and
25 that's when everything took place from there. Big Mo got

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1 out his car talking stuff to Taquan. Taquan told him to
2 get off his property. Big Mo said that what he was going
3 to do was kill him and then he just started charging him.
4 And that's when Taquan you know pulled the trigger and he
5 shot him until he fell.

6 THE COURT: He shot Big Mo?

7 MR. WALKER: Yes, sir. And then he came in the
8 house and I took the gun from him and I ran across the
9 field and threw it in the field and then I called the
10 police.

11 THE COURT: Okay. You threw it in the fill? What
12 is that?

13 MR. WALKER: Right across the street.

14 THE COURT: The field?

15 MR. WALKER: Yeah.

16 THE COURT: Okay. Ms. Legette?

17 MS. LEGETTE: Thank you, Your Honor.

18 - - - - -

19 LAWRENZER WALKER,

20 Having been previously duly sworn,

21 Was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. LEGETTE:

24 Q. At a point did you ever talk to the police about your
25 involvement in this case?

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1 A. Yes. I had lied to them at first. I told them that
2 I didn't know what happened. I told them I didn't see
3 nothing and I just told them that I seen like headlights
4 leaving, which was a lie. Like I said that was my first
5 statement.

6 Q. And you talked to them again and what did you tell
7 them?

8 A. I told them, I told them partially what happened at
9 the time. I told them that I did get rid of the gun and
10 that; you know what I'm saying that I didn't, you know
11 what I'm saying. I just didn't want no involvement in it
12 period. That's my basically -- my thing. I didn't want
13 to be involved and involve anybody else in it.

14 Q. And at a certain point did you take the police to
15 the location of the gun?

16 A. I sure did. I showed them the night of when they
17 came and got me and arrested me. And you know I thought
18 about my kids so I just told them exactly where I threw
19 the gun at and everything. And I took them out there to
20 the scene.

21 Q. And did you locate the gun?

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

23 MS. LEGETTE: Beg the court's indulgence.

24 [Whereupon, Ms. Legette reviews documents]

25 Q. [Ms. Legette] And was anyone else present when this

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1 happened?

2 A. Yes. It was Ms. Barbara, E.B., Taquan, myself,
3 CoCo, Maurice, Jermaine, Jerome, and Little Wiley.

4 THE COURT REPORTER: What the last name you said?
5 Little who?

6 THE WITNESS: Little Wiley.

7 Q. [Ms. Legette] Could you spell it?

8 A. W-I-L-E-Y probably.

9 Q. Do you know any of their last names?

10 A. Wiley's name is James; Wiley James, Jermaine is
11 Brown, and Jerome is Hall, H-A-L-L.

12 Q. Do you know what E.B.'s real name is?

13 A. Nayrone, N-A-Y-R-O-N-E.

14 Q. Do you know his last name?

15 A. I want to say Holmes but I'm not quite sure.

16 Q. Okay.

17 A. And Ms. Barbara's last name is Mays.

18 Q. To your knowledge did all these people that you just
19 named did they witness what happened?

20 A. To my knowledge -- I mean besides Wiley, Jermaine,
21 and Jerome because they was already in their whip getting
22 ready to leave ---

23 Q. What's a whip?

24 A. Car -- a vehicle.

25 Q. Okay.

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1 A. They was in their vehicle getting ready to leave and
2 so I can't really call it and not if they seen exactly
3 the shooting. But I know that their car was on the
4 scene.

5 Q. You said Ms. Barbara?

6 A. She was right there in the field with us.

7 Q. And what about that person Narone Holmes? Did he...

8 A. He was like close to her. He was out there too.

9 Q. To your recollection did Big Mo have a weapon? Did
10 you see a weapon?

11 A. No, I didn't see nothing, no.

12 Q. Okay. What's Ms. Barbara's last name do you know?

13 A. Mays.

14 Q. Mays? Where does she live?

15 A. On Bright Court [phonetic].

16 Q. Was she a neighbor of Taquan's?

17 A. Yes. She lived on -- if you come in his house she
18 stayed on the left hand side.

19 Q. Before the shooting where did Taquan have the gun?

20 A. Taquan didn't have the gun. Taquan -- before the
21 shooting Narone came in the house with the gun.

22 Q. Okay. And then ---

23 A. --- Taquan took it from him.

24 Q. Okay. And where did he have it before the shooting
25 started?

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1 A. Taquan? He had it in his back pocket I believe.

2 Q. Okay.

3 MS. LEGETTE: I have no further questions, Your
4 Honor.

5 THE COURT: All right. Thank you. I'll accept the
6 plea. It is freely and voluntarily made. There is
7 obviously a substantial basis for it. The plea therefore
8 is qualified and accepted this day. Sentencing will be
9 deferred until the conclusion of the trial of the co-
10 defendant.

11 In the meantime Mr. Walker you will be released on
12 your own recognizance. Somebody can prepare a bond in
13 that regard. You will have no contact with your co-
14 defendant or the victim's family or any other witnesses
15 in this particular case except through the Solicitor's or
16 the Sheriff's office in connection with this
17 investigation.

18 You will contact your attorney at every term of the
19 court, every call of this court just to stay in touch
20 with Mr. Beach. Failing to do that would be a violation
21 of your bond. Sentence will be held in abeyance pending
22 the truthful and voluntary testimony that you will offer
23 at the trial of the co-defendant. Does that cover it all
24 folks?

25 MS. LEGETTE: It does cover it, Your Honor.

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1 MR. BEACH: It does, Your Honor.

2 THE COURT: Okay. Thank you.

3 MS. LEGETTE: Thank you, Your Honor.

4 MR. BEACH: Thank you, Your Honor.

5 THE COURT: All right. Thank you.

6 MS. LEGETTE: I'm going to get a bond over to Your
7 Honor so you can...

8 THE COURT: That will be fine.

9 *****END OF TRANSCRIPT OF RECORD*****
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State v Lawrenzer Walker
(2013-GS-15-1044)
January 20, 2015

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Colleton County, South
Carolina on the 20th day of January, 2015.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

February 21, 2015


Joyce C. Rueger, CVR-M
Court Reporter

2013 DEC 19 PM 12:11

WITNESSES

J. Taylor, CCSO

ARREST WARRANT NUMBER

2013A1510100854

Date of Arrest: November 22, 2013

ACTION OF GRAND JURY

TRUE BILL

Christopher West

Foreperson of Grand Jury
Date: 12-19-13

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2013-GS-15-01040

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

December Term 2013

THE STATE

vs.

Taquan Brown

Indictment for

Obstructing / Obstructing justice

SC Code: 00-00-0000; 17-25-0030
CDR Code: 0118

(STATE OF SOUTH CAROLINA)
COUNTY OF Colleton)

(INDICTMENT
2013-GS-15-01040

At a Court of General Sessions, convened on December 19, 2013, the Grand Jurors of Colleton County present upon their oath:

Obstructing / Obstructing justice

That in Colleton County, South Carolina, on or about November 20, 2013, the Defendant, Taquan Brown, did intentionally prevent, obstruct, impede or hinder the administration of the justice, to wit: the defendant did willfully withhold information in a murder investigation; all in violation of the Common Law of South Carolina.

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


Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

2013-12-19
JURY

WITNESSES

J. Taylor, CCSO

ARREST WARRANT NUMBER

2013A1510100857

Date of Arrest: November 22, 2013

ACTION OF GRAND JURY

TRUE BILL

L. Christopher West

Foreperson of Grand Jury

Date: *12-19-13*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013-GS-15-01041

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

December Term 2013

THE STATE

vs.

Taquan Brown

Indictment for

Murder / Murder

SC Code: 16-03-0010; 16-03-0020

CDR Code:0116

598

2013 DEC 19 PM 12:11

2013 DEC 19

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Colleton)

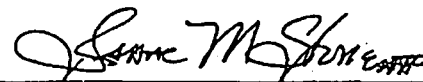
2013-GS-15-01041

At a Court of General Sessions, convened on December 19, 2013, the Grand Jurors of Colleton County present upon their oath:

Murder / Murder

That in Colleton County on or about November 20, 2013, with malice aforethought, Taquan Brown did kill and murder Maurice Kemp by means of shooting him with a gun, and that Maurice Kemp did die in Colleton County as a proximate result thereof on November 20, 2013; 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 case made and provided.



Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

FILED
CLERK OF COURT
COLLETON COUNTY
SOUTH CAROLINA
NOV 20 2013

WITNESSES

J. Taylor, CCSO

ARREST WARRANT NUMBER

2013A1510100858

Date of Arrest: November 22, 2013

ACTION OF GRAND JURY

TRUE BILL

Christopher West

Foreperson of Grand Jury

Date: 12-19-13

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013-GS-15-01042

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

December Term 2013

THE STATE

vs.

Taquan Brown

Indictment for

Weapons / Poss: weapon during violent crime,
if not also sen

SC Code: 16-23-0490

CDR Code:0549

2013 DEC 19 PM 12:11

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Colleton)

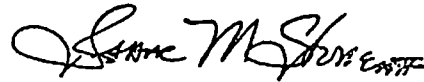
2013-GS-15-01042

At a Court of General Sessions, convened on December 19, 2013, the Grand Jurors of Colleton County present upon their oath:

Weapons / Poss. weapon during violent crime, if not also sen

That in Colleton County, South Carolina, on or about November 20, 2013, the Defendant, Taquan Brown, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Murder, a violent crime for which he is convicted of committing or attempting to commit; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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



Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John H. Strom", written over a horizontal line.

John H. Strom
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of December, 2016.

RECEIVED
DEC 08 2016
SC Court of Appeals