

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Greenville County
Edward W. Miller, Circuit Court Judge

S.C. Supreme Court

Opinion No. 2012-UP-440 (S.C. Ct. App. filed 7/18/2012)

07-GS-23-9564.

THE STATE,

RESPONDENT,

V.

CAMERON HAMMONDS,

PETITIONER

APPELLATE CASE NO. 2009-147486

APPENDIX

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Cameron Hammonds, Appellant.

Appellate Case No. 2009-147486

Appeal From Greenville County
Edward W. Miller, Circuit Court Judge

Unpublished Opinion No. 2012-UP-440
Heard March 14, 2012 – Filed July 18, 2012

AFFIRMED

Appellate Defender LaNelle Cantey DuRant, of
Columbia, for Appellant.

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General John W. McIntosh, Assistant Deputy Attorney
General Salley W. Elliott, Assistant Attorney General
Donald J. Zelenka, and Assistant Attorney General
Alphonso Simon, Jr., all of Columbia; and Solicitor W.
Walter Wilkins, of Greenville, for Respondent.

PER CURIAM: Cameron Hammonds appeals his convictions for murder and possession of a weapon during the commission of a violent crime. He argues the trial court committed reversible error in declining to give an additional, requested jury charge that the unlawful possession of a weapon does not by itself preclude the use of self-defense. We affirm pursuant to Rule 220(b), SCACR, and the following authority: *State v. Burkhardt*, 350 S.C. 252, 261, 565 S.E.2d 298, 303 (2002) (stating a conviction will not be reversed due to the erroneous refusal to give a requested charge if the error is not prejudicial).

AFFIRMED.

WILLIAMS, THOMAS, and LOCKEMY, JJ., concur.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

CAMERON HAMMONDS,

APPELLANT

Appellate Case No. 2009-147486

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

Opinion No. 2012-UP-440

PETITION FOR REHEARING

The Court of Appeals affirmed the above named appellant's conviction and sentence on July 18, 2012. In support of this petition for rehearing, which is being submitted on today's date pursuant to Rules 221 and 224 of the South Carolina Appellate Court Rules, appellant submits the following:

Hammonds argued on appeal that the trial court committed reversible error in refusing to give an additional requested jury charge that the unlawful possession of a weapon does not by itself preclude the use of self-defense.

State v. Burkhart, 350 S.C. 252, 261, 565 S.E.2d 298, 303 (2002). The Court of Appeals misapprehended the issue.

ISSUE : Cameron Hammonds was awakened around two o'clock in the early morning of June 21, 2007, by his stepbrother, Tyrone, banging on the front door. Tyrone had been beaten in the face with a shotgun and was bleeding. Hammonds called the police, and his brother was taken by ambulance to the hospital. R.58, ll. 7 – 25; R.59, ll. 1 – 25; R.60, ll. 1 – 25; R.61, ll. 1 – 25; R.62, ll. 1 – 25; R.63, ll. 11 – 13.

Hammonds then went to Stephon Brewster's house where his brother, Tyrone, had been, to see if they knew what happened. Brewster was one of his brother's best friends. Hammonds and Brewster went to the hospital. R.62, ll. 15 – 25; R.63, ll. 1 – 25. On the way, he saw Tyrone's car so Hammonds stopped and checked the car to see if anything was missing. He saw that the car had been ransacked but nothing was missing. He called the police again. While he was looking at the car, he saw a beige car with a red "drive-out tag" (a tag in place of the license plate), circle the block two times. After leaving the hospital, the police told him he could take his brother's car home. As he was driving into the driveway, he saw the same beige car drive by slowly. He saw the car in a house on a street he took on his way home. R.64, ll. 1 – 25; R.65, ll. 1 – 25; R.66, ll. 1 – 25; R.67, ll. 25.

The following day, he started walking to Stephon Brewster's grandmother's house because the group usually gathered there. On the way, he saw the same beige car parked in front of the same house. Two men were there; one was on the porch and one was in the yard. The man in the yard he knew only as Killer Cam. R.69, ll. 1 – 25; R.70, ll. 1 – 16.; State's Exhibit 2- Hammonds' Statement.

Hammonds went to ask them questions about his brother. He asked the man in the yard why they robbed his little brother. The man uttered profanity to him and said that his brother knew how this man "gets down." Hammonds said that his kids could have been in that car. Then the man on the porch pulled a gun. When he did, Hammonds and the man in the yard jumped. Hammonds started taking his own gun from his waistband as the man in the yard, who was standing very close to Hammonds, tried to pull his gun. R.71, ll. 1 – 25; R.84, ll. 1 – 23.

As the man was pulling his gun, he fumbled it, and Hammonds caught it with his left hand. Hammonds then turned, started running, and started shooting with his own gun and the other man's gun. He was not shooting at anybody. He was scared as he was afraid he was going to be killed, and he just wanted to get away. He dropped the guns in the yard. R.72, ll. 1 – 25; R.73, ll. 1 – 25; R.74, ll. 1 – 25; R.76, ll. 22 – 25; R.77, ll. 1 – 12; State's Exhibit 2- Hammonds' Statement.

Hammonds' gun was a 308 semi-automatic. He routinely carried a gun because of the dangerous community where he lived. The gun was registered to him, but he did not have a license to carry a concealed weapon. R.76, ll. 13 – 25; R.77, ll. 1 – 2. Hammonds admitted on cross-examination that he did not have a concealed weapons permit to carry the gun. He carried it for protection. R.79, ll. 1 – 16.

The man in the yard was shot nine times, and died as a result of multiple gunshot wounds. R.51, ll. 1 – 5; R.56, ll. 15 – 21. Hammonds was arrested in Knoxville and returned to South Carolina. He cooperated with the police and gave a statement which they wrote, and he signed. In this statement, he admitted to shooting his gun that day. R.75, ll. 19 – 25; R.76, ll. 1 – 21.

Detective Tim Conroy of the Greenville Police Department was assigned to investigate this case. His first lead in the case came when Stephon Brewster came to the police department on the day of the incident to provide information about the murder. Brewster identified Cameron

Hammonds as the shooter. Brewster told the detective that he was friends with Hammonds and his step brother. Detective Conroy then developed a photo line-up and showed to Brewster who selected Hammonds from the line-up. R.2, ll. 1 – 25; R.3, ll. 1 – 25; R.4, ll.1 – 25; R.5, ll. 1 – 25; R.6, ll. 1 – 25; R.7, ll. 1 – 24; R.15, ll. 7 – 12.

Brewster testified at the trial that while he had told the police he saw the murder, he really did not see it as he was not there. He was in the area, and drove by the scene when he heard the shots, but he did not see the shooting. He told the police he was there just to take the heat off of him because his car was on the news, and he was afraid the police would come after him. He selected Hammonds from the photo line-up because everybody was saying that Hammonds did it, but Brewster did not really know. R.26, ll. 7 – 25; R.27, ll. 1 – 25; R.28, ll. 1 – 24; R.30, ll. 1 – 23.

Detective Conroy stated that Kelvin Harris also called the police to provide information about the shooting. Harris identified Hammonds as the shooter. R.13, ll. 15 – 25; R.14, ll. 1 – 20.

Harris testified that he lived on the same street where the incident occurred, across the street but two houses up. R.41, ll. 24 – 25; R.42, ll. 1 – 16. He was sitting on his front porch on the day of the incident. R.33, ll. 17 – 25; R.37, ll. 1 – 25. He saw Brewster and Hammonds drive up and stop in front of the house where the shooting occurred. He knew them because Brewster was his cousin, and he had seen Hammonds with Brewster. R.37, ll. 9 – 25; R.38, ll. 1 – 25; R.39, ll. 1 – 5.

Harris allegedly saw Hammonds get out of the car shooting. He said Hammonds used a second gun when the first one ran out. The victim was allegedly trying to get into the house. Harris did not see the victim with a gun. Harris could not “exactly see on the porch.” R.37, ll. 6 – 25; R.40, ll. 1 – 25; R.41, ll. 1 – 22.

Harris admitted that people from the news came and talked to him the day of the incident, and he told them he did not see anything. Harris denied calling the police, but said that he told his

boss at the sanitation department, and that his boss called the police. R.46, ll. 1 – 25; R.47, ll. 1 – 14. Harris admitted that he was a recovering drug addict, and had served time in prison. R.36, ll. 1 – 25; R.37, ll. 1 – 8.

Defense counsel asked the judge to give the jury instruction on self-defense and an instruction on the “fact that someone has a gun illegally does not mean that they cannot use the gun in self-defense.” Counsel cited the case of State v. Wigington, 375 S.C. 25, 649 S.E.2d 185 (Ct. App. 2007)., R.91, ll. 20 – 25. Counsel argued that Hammonds was pleading self-defense. Counsel argued that the standard was if there were any evidence before the jury, then the court was supposed to give the charge. , R.92, ll. 2 – 23.

The judge denied counsel’s request to give the jury instruction on the illegal possession of a gun. The judge ruled:

I’ve reviewed the Wigington case and I presume the language that you’re referring to reads: ‘further a person can be acting lawfully if he was entitled to arm himself in self-defense at the time of the shooting.’ Well, that just does not fit these facts so I’m not going to charge that.

R. 93, ll. 9 – 12.

The judge said that credibility was a huge issue in this case. Brewster admitted that he lied to the police, and that his story did not match Hammonds even after Brewster said he lied. The judge agreed to give the self-defense charge. R. 98, ll. 17 – 25; R. 99, ll. 1 – 21.

After the judge instructed the jury on the charges, defense counsel objected that the judge did not give the requested jury charge, and argued that the charge should have been given that a person that is in unlawful possession of a weapon was entitled to arm himself in self –defense at the time of the shooting. R.121, ll. 23 – 25; R.122, ll. 1 – 8.

Defense counsel argued to the jury that this was a case of self defense. Cameron Hammonds believed he was going to be killed that day. R.110, ll. 1 – 9. Hammonds had never been convicted of a crime, and had strong family support. Counsel said there was a man on the porch because he had been charged with misprision of a felony. R.107, ll. 1 – 25; R.59 – 69.

During jury deliberations, the jury sent a note to the judge asking for the definition again of what constitutes self-defense, the three conditions. The judge said he would charge that again but felt he had to charge murder again also to make it complete. The attorneys agreed. The judge brought the jury back and gave them the two charges again. R.123, ll. 17 – 25; R.124, ll. 1 – 25; R.125, ll. 1 – 25; R.126, ll. 1 – 25; R.127, ll. 1 – 12.

The law to be charged must be determined from the evidence presented at trial. State v. Knoten, 347 S.C. 296, 302, 555 S.E.2d 391, 394 (2001). A trial court commits reversible error if it fails to give a requested charge on an issue raised by the evidence. State v. Brayboy, 387 S.C. 174, 691 S.E.2d 482 (Ct. App. 2010). A request to charge a correct statement of the law on an issue raised by the indictment and the evidence presented at trial should not be refused. State v. Austin, 299 S.C. 456, 458, 385 S.E.2d 830, 831 (1989). To warrant reversal, a trial court's refusal to give a requested jury charge must be both erroneous and prejudicial to the defendant. State v. Gaines, 380 S.C. 23, 31, 667 S.E.2d 728, 732 (2008). A jury charge is sufficient if, when considered as a whole, it covers the law applicable to the case. State v. Curry, 370 S.C. 674, 636 S.E.2d 649 (Ct. App. 2006). Jury instructions should be considered as a whole, and if as a whole they are free from error, any isolated portions which may be misleading do not constitute reversible error. State v. Smith, 315 S.C. 547, 446 S.E.2d 411 (1994).

A person can be acting lawfully, even if he is in unlawful possession of a weapon, if he was entitled to arm himself in self-defense at the time of the shooting. State v. Crosby, 355 S.C. 47, 584

S.E.2d 110 (2003); State v. Burriss, 334 S.C. 256, 513 S.E.2d 104 (1999); citing State v. McCaskill, 300 S.C. 256, 387 S.E.2d 268 (1990) and State v. Goodson, 312 S.C. 278, 440 S.E.2d 370 (1994).

There was sufficient evidence for the judge to give the charge that a person could be acting lawfully in self-defense even if he was in unlawful possession of the gun. The judge acknowledged that the credibility of the witnesses was an issue. Hammonds voluntarily gave a statement to the police admitting that he shot the gun because he was in fear for his life. His belief that these were the men who beat his brother with a shotgun was reasonable in light of the fact that the same beige car kept appearing, even at 5:00 a.m., and in light of the comment made by one of the men regarding he knew how he "got down." Hammonds already knew these men had a shotgun since that was the weapon used to beat his brother in the face. Hammonds' belief that he was in danger was only reasonable as well as his belief he needed to protect his little brother.

The judge believed there was sufficient evidence to give the charge on self-defense. It was only reasonable for him to then give the charge on the gun since the gun charge required that the person had armed himself in self-defense. It was prejudicial to Hammonds not to give the charge as he admitted he did not have a license to carry the gun.

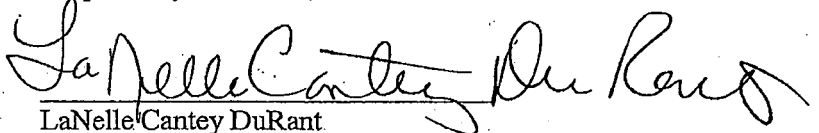
In State v. Burkhart, 350 S.C. 252, 565 S.E.2d 298 (2002), the Supreme Court wrote that because the sole issue in that case was self-defense versus murder, it was prejudicial for the trial judge not to properly instruct the jury on the burden of proof which warranted reversal. As in Hammonds' case, Burkhart admitted to killing the three victims and relied entirely on self-defense at trial. The Supreme Court reversed Burkhart's case for a new trial. Hammonds' admission that he was carrying the gun illegally because he did not have a permit to carry it made his possession of his gun unlawful. There was a reasonable probability that the jury held that against him especially in

at trial. The Supreme Court reversed Burkhardt's case for a new trial. Hammonds' admission that he was carrying the gun illegally because he did not have a permit to carry it made his possession of his gun unlawful. There was a reasonable probability that the jury held that against him especially in light of the fact that the jury asked the second time for the definition of self-defense. The judge should have clarified that Hammonds' gun was lawful to use in self-defense.

The Court of Appeals misapprehended the issue as Hammonds was prejudiced by the judge not giving the charge on the gun. The fact that during jury deliberations, the jury asked for the definition a second time of self-defense indicates some confusion of the jury. If the judge had given the charge on the gun, this would have helped clarify self-defense even though Hammonds had armed himself. The trial judge admitted that credibility was a problem in this case. With any doubt as to the facts, the judge should have given the charge as requested.

THEREFORE, we respectfully ask the Court of Appeals to reconsider its rulings.

Respectfully submitted,


LaNelle Cantey DuRant
Appellate Defender

This 1st day of August, 2012.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

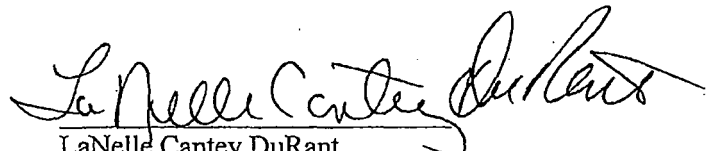
CAMERON HAMMONDS,

APPELLANT

Appellate Case No. 2009-147486

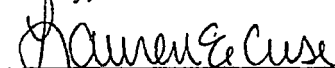
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon Donald J. Zelenka, Esquire, this 1st day of August, 2012.


LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 1st day
of July, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: August 23, 2014.

The South Carolina Court of Appeals

The State, Respondent,

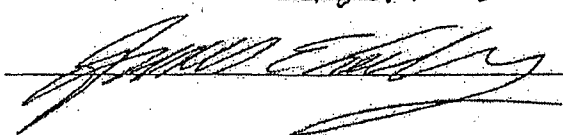
v.

Cameron Hammonds, Appellant.

Appellate Case No. 2009-147486

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 J.
 J.
 J.

Columbia, South Carolina

cc:

Alphonso Simon, Jr.
Donald J. Zelenka
Alan McCrory Wilson
LaNelle Cantey DuRant
John W. McIntosh

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APPELLATE JUSTICE

FILED

August 20, 2012

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CAMERON HAMMONDS,

APPELLANT

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT NOVEMBER 30, 2009	1
TESTIMONY	
TIM CONROY	
Direct Examination by Mr. Campbell	2
Cross Examination by Mr. Godfrey	14
C. FLAVELL	
Direct Examination by Mr. Campbell	18
Recross Examination by Mr. Godfrey	26
STEPHON BREWSTER	
Direct Examination by Mr. Campbell	26
Cross Examination by Mr. Godfrey	32
KELVIN HARRIS	
Direct Examination by Mr. Campbell	33
Cross Examination by Mr. Godfrey	41
MICHAEL WARD	
Direct Examination by Mr. Campbell	48
Cross Examination by Mr. Godfrey	32
TRIAL TRANSCRIPT DECEMBER 1, 2009	57
TESTIMONY	
CAMERON HAMMONDS	
Direct Examination by Mr. Godfrey	58
Cross Examination by Mr. Campbell	78
Redirect Examination by Mr. Godfrey	88
DEFENSE MOTION FOR DIRECTED VERDICT	91
COLLOQUY ON SELF-DEFENSE	92
CLOSING ARGUMENT BY MR. GODFREY	100
CLOSING ARGUMENT BY MR. CAMPBELL	110

JURY CHARGE.....114

VERDICT 127

DEFENSE MOTION THAT VERDICT IS NOT SUPPORTED BY EVIDENCE 128

SENTENCING 128

STATE’S EXHIBIT 2 (STATEMENT OF CAMERON MAHONE HAMMONDS JR.).....133

COURT’S EXHIBIT 5 (NOTE FROM JURY REGARDING SELF-DEFENSE).....134

INDICTMENT 135

CERTIFICATE OF COUNSEL.....137

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS
2007-GS-23-9564

ORIGINAL

STATE OF SOUTH CAROLINA)
PLAINTIFF)
vs.)
CAMERON HAMMONDS)
DEFENDANT)

TRANSCRIPT OF RECORD

November 30, 2009
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, Judge; and a jury.

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SYLVIA HARRISON, ESQ.
Attorneys for the State

BILL GODFREY, ESQ.
Attorney for the DEFENDANT

APRIL HERRON
Official Court Reporter

1 THE CLERK: Please raise your right hand, place your
2 left hand on the Bible.

3 TIM CONROY, after being duly sworn, testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. CAMPBELL:

7 Q Detective Conroy, would you, please, state your place
8 of employment and your position?

9 A I'm a detective at the Greenville Police Department.

10 Q And were you employed in that capacity in June of
11 2007?

12 A Yes, I was.

13 Q As a detective at that time did you handle murder
14 cases?

15 A I did.

16 Q Were you assigned to a reported murder that happened
17 on or about June 21st, 2007 at Street in Greenville
18 County?

19 A Yes, sir.

20 Q Can you tell us how you got involved with that
21 investigation and what your first actions were responding
22 to the scene?

23 A I got a call that said there was a gunshot victim at
24 Street. I was in my vehicle, I drove over
25 there. Upon arrival I witnessed EMS working on an

1 individual and it appeared to me that he was -- he had
2 been shot numerous times. In the front yard there were
3 several shell casings.

4 Q Okay. So when you got there did you see the victim?

5 A Yes, sir.

6 Q Where was the victim when you arrived?

7 A He was actually being loaded on to a stretcher by EMS
8 in the front yard.

9 Q When you say EMS, that ambulance, ambulance drivers?

10 A Yes, sir, that is correct.

11 Q And could you see the gunshot wounds?

12 A I could see numerous marks on his body that appeared
13 to be gunshot wounds.

14 Q Was that based on your training and experience as a
15 police officer?

16 A Yes, sir.

17 Q Did you see one, multiple, were you able to count, do
18 you know?

19 A I saw several wounds on his body.

20 Q Was he laying on his back or was he on his stomach?

21 A He was on his back on a stretcher.

22 Q Okay. What did you do next at that point?

23 A There was an individual standing on the front porch,
24 I approached him and began speaking with him about what he
25 observed that day.

1 Q Okay. Did you talk with everyone that was present at
2 the scene?

3 A Yes, sir.

4 Q And then during the course of your investigation, did
5 you file any reports? What was your next step as a
6 detective?

7 A After we cleared the scene we went back to the law
8 enforcement center to discuss what we learned and what our
9 next step would be.

10 Q Okay. And did you get any leads once you were back
11 at the law enforcement center?

12 A Yes, sir.

13 Q What -- tell us, what was your first lead, what
14 happened?

15 A There was several of us sitting in the office and I
16 received a phone call that someone was at front desk that
17 wanted to talk to us about the murder.

18 Q Who was that person?

19 A Stephon Brewster.

20 Q Did you interview this person?

21 A I did.

22 Q And did he give you a statement or anything? Did he
23 write anything down?

24 A He did give a statement, yes, sir.

25 Q What's contained in that statement when you do

1 something like that?

2 A Um.

3 Q I mean, does he have to go through and tell you what
4 happened, does he have to sign anything?

5 A Yes. We brought him up to the office and I asked him
6 exactly what happened. Took his notes, I typed them and
7 he gave the facts about that day.

8 Q Okay. And was anyone else in the room at that time?

9 A Detective Flavell was.

10 Q Okay. And did Detective Flavell witness everything
11 that happened?

12 A Yes, sir.

13 Q And did you have any procedure for witnessing that
14 this same statement or this same document that you created
15 was that person present?

16 A There's a case number and the form is also signing by
17 two detectives that were present in the room.

18 Q Okay. And after you got done with his interview --
19 was that the only time you interviewed him, one time?

20 A No, sir. A couple days after that we spoke to him
21 again.

22 Q Okay. And during the course of your investigation
23 with Mr. Brewster, did he substantiate or further indicate
24 any leads as to who the possible shooter was?

25 A Yes, sir, he did.

1 Q Okay. Did he give you a name?

2 A Yes, he did.

3 Q Did he identify the shooter any other way beside a
4 statement?

5 A I put Mr. Hammonds in a photo line-up and Stephon
6 picked him out of a photo line-up.

7 Q Okay. I'm going to show you what's been marked as
8 State's Exhibit No. 3, can you identify that document?

9 A Yes, sir. This is the photo line-up that I showed
10 Stephon Brewster.

11 Q How can you tell what it is?

12 A Mr. Brewster signed this and also made a note of
13 which he saw this person did.

14 Q Okay. When you presented that document to him, how
15 did you create the photo line-up?

16 A I got five people with similar characteristics to
17 Mr. Hammonds, placed him in this photo line-up. When I
18 showed it to Mr. Brewster I asked him -- I stated that the
19 person who we were speaking of may or may not be in this
20 photo line-up. And not to feel obligated to pick someone
21 out.

22 Q Okay. How many photographs were displayed in that
23 line-up?

24 A There were six total.

25 Q Okay. And was the Defendant, Cameron Hammonds, in

1 the line-up?

2 A Yes, sir.

3 Q Are the other five people as you stated, were they
4 all similar, physical description?

5 A They are.

6 Q And what day was this that you showed Mr. Brewster
7 the photo line-up?

8 A This was on the 21st of June 2007.

9 Q Okay. Was anyone else present when you showed him
10 this line-up?

11 A Detective Flavell was.

12 Q What did you tell him when you showed him the
13 line-up?

14 A I stated that he may or may not be in this line-up.

15 Q Okay. And when you presented him the line-up did you
16 just hand him the piece of paper, did you indicate or
17 suggest anything to him?

18 A No, sir I just I handed him the piece of paper and he
19 picked out Mr. Hammonds out without hesitation.

20 Q Okay. Was anyone else -- Detective Flavell was in
21 the room, did he suggest anything to Mr. Brewster?

22 A No, sir.

23 Q And was Stephon Brewster confident in his selection?

24 A Yes, sir.

25 Q And is that photographic line-up in substantially the

1 same condition as it was when you created it on June 21st
2 of 2007?

3 A Yes, it is.

4 Q Has there been any changes or alterations whatsoever?

5 A No, sir.

6 MR. CAMPBELL: Judge, at this time without objection
7 we'd like to move State's Exhibit No. 3 into evidence.

8 THE COURT: Without objection?

9 MR. GODFREY: Without objection.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit No. 3 was entered in
12 a previous hearing outside of the presence of
13 the jury.)

14 BY MR. CAMPBELL:

15 Q Now Detective Conroy, during the course of your
16 investigation, did you ever encounter the Defendant,
17 Cameron Hammonds?

18 A I did.

19 Q Okay. And had he already been charged with the crime
20 at that point?

21 A Yes, he had been.

22 Q Did he give you a statement?

23 A Yes, sir, he did.

24 Q Now, when did you encounter him?

25 A July 2nd, 2007.

1 Q Okay. So this was a couple days, maybe 10 days
2 after, 10, 11 days after?

3 A Yes, sir.

4 Q Did you identify yourself to Mr. Hammonds?

5 A I did.

6 Q Prior to speaking with him, what rights did you tell
7 him about?

8 A I advised him his rights and read him his Waiver of
9 Rights as well.

10 Q Okay. And did you go over -- you said Waiver of
11 Rights, is that a form?

12 A It is. It is. I asked Mr. Hammonds his full name
13 which is documented on the top of the form. Asked him his
14 educational level, if he could read and write, his social
15 security. Which he answered and I documents all those on
16 the form.

17 Q Did you determine if he could read and write?

18 A I did. I asked him to read the first line out loud
19 to me.

20 Q Did he appear under the influence of any alcohol or
21 drugs or anything that might impair his ability to
22 understand what was going on?

23 A No, sir, he was fine.

24 Q And did he appear alert?

25 A Yes, sir.

1 Q Understand what you were saying to him?

2 A Yes, sir.

3 Q So he knew where he was?

4 A That's correct.

5 Q He knew what he was doing?

6 A That is correct.

7 Q How did you present these forms to him?

8 A I laid them on the table after he read the first line
9 out loud. I continued to read the rest of the form to
10 him. I asked him if he understood it to initial beside
11 each line which he did.

12 Q Okay. Did he indicate that he understood everything?

13 A Yes, he did.

14 Q And at any time during the explanation of these
15 rights did you force, threaten or coerce him in any way?

16 A No, sir.

17 Q And did he make a request for food or bath room break
18 that were denied to him?

19 A No, sir.

20 Q And did he stop and ask for a lawyer at any time?

21 A Not during the statement, no, sir.

22 Q Were there any promises of leniency or hope of reward
23 made to him?

24 A No, sir.

25 Q Now in your opinion, did he freely, knowingly and

1 voluntarily waive his rights and agree to talk to you?

2 A Yes, he did.

3 Q Okay. I'm going to show you another document that
4 has been marked as State's Exhibit No. 1. Can you tell me
5 what that is?

6 A That is his Rights Form.

7 Q Okay. And did he indicate -- how can you tell what
8 it is?

9 A His name is at the top, his initials beside each
10 line. And he also signed the form as well as myself and
11 Detective Flavell.

12 MR. CAMPBELL: Okay. Your Honor, at this time I'd
13 like to move State's Exhibit No. 1 into evidence.

14 MR. GODFREY: Without objection.

15 THE COURT: No objection.

16 (WHEREUPON, State's Exhibit No. 1 was
17 entered in a previous hearing outside of the
18 presence of the jury.)

19 BY MR. CAMPBELL:

20 Q And now I'm going to show you State's Exhibit No. 2.
21 What's that?

22 A This is a statement taken from Cameron Hammonds.

23 Q And how did you create that statement?

24 A Well I was talking to Cameron Hammonds I was taking
25 notes regarding what he was telling me. After our

1 conversation was done I went to my office, typed them up
2 and put them this statement form.

3 Q Okay. Did Mr. Hammonds indicate to you that what you
4 had typed was correct?

5 A He did.

6 Q Did he read it?

7 A He did. He also initialed at the beginning and end
8 of a paragraph and also signed it.

9 Q Did you force, threaten or coerce him at any time
10 during this whole process?

11 A No, sir.

12 Q Did you offer him any reward or promises of leniency
13 just to make a statement?

14 A No.

15 Q Did you deny any of his request such a break, stop to
16 get something to eat or go to the bath room?

17 A No.

18 Q Did he ask for a lawyer at any time during all this?

19 A Not during the statement.

20 Q Okay. And did he appear fully to understand what --
21 where he was and what he was doing?

22 A Yes, he did.

23 Q In your opinion, did he freely, knowingly and
24 voluntarily waive his rights, give you that statement and
25 indicate that it was all true and correct?

- 1 A Yes.
- 2 Q Did you give Mr. Hammonds a copy of the statement?
- 3 A Yes, sir.
- 4 Q And is your signature there on the statement as well?
- 5 A It is.
- 6 Q Was anyone else present in the room when the
- 7 statement was given?
- 8 A Detective Flavell was.
- 9 Q And did Detective Flavell witness that that statement
- 10 was true and correct?
- 11 A Yes, sir.
- 12 Q Okay. And did Mr. Hammonds get a copy of the
- 13 statement?
- 14 A Yes, sir.
- 15 Q Okay. At this point did you talk with anyone else in
- 16 this investigation?
- 17 A No, sir.
- 18 Q Okay. Did you interview anyone who was at the scene
- 19 or did anyone call you to tell you they had anything more
- 20 to add to the statement?
- 21 A Yes, sir.
- 22 Q To the investigation?
- 23 A Yes, sir.
- 24 Q Who called you?
- 25 A Kelvin Harris.

1 Q Kelvin Harris. And did you interview him?

2 A Yes, sir, I did.

3 Q Did you take a statement from him?

4 A I did.

5 Q Did he indicate that he had knowledge as to the crime
6 and what happened?

7 A Yes, sir.

8 Q Did he give you information or based on your
9 investigation with Kelvin Harris, did you get suspect or
10 did it confirm a suspect for you?

11 A Confirmed a suspect, yes, sir.

12 Q Who did your investigation confirm as a suspect?

13 A Cameron Hammonds.

14 Q Okay.

15 MR. CAMPBELL: That's all the questions I have for
16 you right now.

17 MS. HARRISON: Just one moment.

18 MR. CAMPBELL: That's it. Please answer any
19 questions Mr. Godfrey may have for you.

20 THE COURT: Cross-examination.

21 MR. GODFREY: May it please the Court.

22 CROSS-EXAMINATION

23 BY MR. GODFREY:

24 Q Good afternoon, Detective Conroy?

25 A Hello.

- 1 A I did.
- 2 Q Did you ask him what C's real name is?
- 3 A I did.
- 4 Q He told you he thinks it's Cameron or something like
- 5 that?
- 6 A That's correct.
- 7 Q Did you go into Stephon's relationship with Cameron,
- 8 how he knew him?
- 9 A A little, yes, sir.
- 10 Q What did he tell you?
- 11 A He said that they were friends. He had a friend that
- 12 was Stephon's half brother or step brother.
- 13 Q Now, there was an occasion -- that was on June 21st
- 14 and Stephon Brewster was back at your office on June 22?
- 15 A Yes, sir.
- 16 Q And that was at your request?
- 17 A Yes, sir.
- 18 Q You wanted to have him back because why? Something
- 19 in the investigation didn't add up?
- 20 A That's correct.
- 21 Q And so you wanted to have him back to re-question
- 22 him?
- 23 A Yes, sir.
- 24 Q And at the time of re-questioning, he said that
- 25 everything was correct except that Cameron Hammonds didn't

1 hold a gun on him and make him drive him away.

2 A Yes, sir.

3 Q Now, you know that he did not apparently tell you the
4 truth on June 21st about what actually happened or how it
5 happened. And then on June 22, because of your
6 investigation, and the good work that you do, you thought,
7 just not right, we need to talk to him again. How do you
8 know what happened on the 22nd is the truth?

9 A It was still an on-going investigation.

10 Q So he doesn't tell you everything on the 21st and on
11 the 22nd you're satisfied and that's the end of this
12 statement with Stephon Brewster, right?

13 A I was satisfied at that point, yes, sir.

14 Q You were satisfied at that point, are you satisfied
15 now?

16 A Yes, sir.

17 Q Now, you did not talk to Kelvin Harris on the scene?

18 A That is correct.

19 Q And did you review your officers notes that were out
20 there helping with the investigation? Did any one of them
21 talk to Kelvin Harris on the scene?

22 A I do not recall.

23 Q Didn't you ask Kelvin Harris why he didn't tell
24 anything to the news cameras that day?

25 A Yes, sir, I did.

1 Q And Kelvin Harris said I'm not stupid, I have to live
2 over here, I didn't want everybody to know what happened?

3 A Yes, sir.

4 Q So you knew, and I'm going from a supplemental report
5 that was prepared by you on June 27th, are you familiar
6 with the report if I hand it to you?

7 A I believe I am.

8 Q Just so we'll be clear.

9 A Okay.

10 Q Now, you knew at the time that somebody had talked to
11 Kelvin Harris on the scene. Whether it was you or
12 somebody, one of other officers or perhaps a news --
13 something -- you knew somehow that he didn't know anything
14 the day of the incident. That's what I get from that
15 question, is that correct?

16 A From the news, yes, sir.

17 Q Okay.

18 A Yes, sir, the news spoke with him.

19 Q Okay. Now, how did you know that he didn't tell
20 anything to the news people?

21 A When he was on the news he did not give any
22 information to the news. He stated he didn't see
23 anything.

24 Q Okay. So he was actually on the evening news?

25 A That's correct.

1 some information that you had from Brewster's?

2 A Yes, sir.

3 Q Is that right? And at that point in time was the
4 investigation pretty much closed?

5 A No, sir, I still wanted to talk to Mr. Hammonds.

6 Q Okay. Then after that was the investigation closed?

7 A For the most part, yes, sir.

8 MR. GODFREY: Okay, thank you, nothing further.

9 THE COURT: Any redirect?

10 MR. CAMPBELL: Not at this time, Judge.

11 THE COURT: All right, thank you, sir, you can step
12 down.

13 Call your next witness.

14 MR. CAMPBELL: State now calls Detective Flavell to
15 the stand.

16 THE CLERK: Raise your right hand, place your left
17 hand on the Bible.

18 C. FLAVELL, after being duly sworn, testified as
19 follows:

20 DIRECT EXAMINATION

21 BY MR. CAMPBELL:

22 Q Detective Flavell, please state your place of
23 employment and your position.

24 A Greenville City Police department in the detective
25 division.

1 Q Were you employed in that capacity in 2007 in the
2 summertime?

3 A Yes, I was.

4 Q Were you assigned to work on a murder that occurred
5 about June 21st, 2007?

6 A Yes.

7 Q Was that the one over on Street in Greenville
8 County?

9 A Street, yes, sir.

10 Q Okay. During the course of your investigation, did
11 you encounter the Defendant, Cameron Hammonds?

12 A I did.

13 Q And where was your first encounter with him?

14 A At the LEC in the detective division in a interview
15 room.

16 Q Interview room. And what was the purpose of y'all
17 meeting in a interview room?

18 A To interview him about the murder.

19 Q And did you identify yourself?

20 A I did.

21 Q Did you tell Mr. Hammonds who you were?

22 A I did.

23 Q Were you present -- was this the same one that
24 Detective Conroy just testified to a few minutes earlier?

25 A Yes, it was.

1 Q So were you present when Detective Conroy advised him
2 of his rights?

3 A Yes.

4 Q Did Cameron Hammonds indicate that he understood all
5 those rights?

6 A He did.

7 Q Did he look incoherent or under the influence of any
8 drugs?

9 A No, he did not.

10 Q Did he understand where he was, what he was doing?

11 A Yes.

12 Q Did he read and understand everything in the Waiver
13 of Rights form?

14 A He read the first line out loud. We do that to make
15 sure the person can read and write. Once he initialed
16 that Detectives Conroy read the rights to him, asked him
17 if he understood it, if he understood to initial each line
18 as he read it. He did so without question.

19 Q Okay. Let me hand you State's Exhibit No. 1, what is
20 that?

21 A This is the Greenville Police Department Rights Form.

22 Q Okay. And is that any particular Rights Form?

23 A Cameron Hammonds.

24 Q How do you know that's what it is?

25 A Has Cameron's name written at the top with his

1 education level. Has the date, time, my signature
2 Detective Conroy's signature along with Mr. Hammonds
3 signature.

4 Q In your opinion, as detectives, decide that
5 Mr. Hammonds freely and voluntarily waived his rights and
6 agreed to talk with you, Detective Conroy?

7 A Yes, he did.

8 MR. CAMPBELL: At this time the State moves Exhibit
9 No. 1 into evidence.

10 MR. GODFREY: Without objection.

11 THE COURT: All right. State's Exhibit 1.

12 (WHEREUPON, State's Exhibit No. 1 was previously
13 entered.

14
15 BY MR. CAMPBELL:

16 Q After Mr. Hammonds waived his rights, did you
17 actually get a statement from him?

18 A Yes, we did.

19 Q Okay. After he got through talking to you, how --
20 did you write the statement down?

21 A We take notes when we're talking talk to him, take
22 handwritten notes. Once the interview's over we go out to
23 our computers, type it up, take it back in, have him read
24 it. If he agrees to it he initials at the beginning and
25 at the end to indicate that he agrees to the statement

1 that's contained within his initials and then he signing
2 the statement form as being true and correct.

3 Q Did Mr. Hammonds do all that?

4 A He did.

5 Q Did he ask to stop or anything else?

6 A No, he did not.

7 Q Can you identify State's Exhibit No. 2?

8 A This is Cameron Hammonds statement that we took.

9 Q Okay. Did he -- did Cameron Hammonds make any
10 request whatsoever during the course of your taking that
11 statement?

12 A No.

13 Q Did -- he didn't ask to stop, to go to the bath room
14 or get some food?

15 A No.

16 Q He didn't ask to see a lawyer while you were taking
17 the statement?

18 A No.

19 Q Did he ask to see a lawyer at some point?

20 A He did. After we signed the statement we went back
21 in for a follow-up interview and he indicate at that point
22 that he wanted to talk to his attorney before he answered
23 anymore questions.

24 Q But he gave you that whole statement without once
25 ever saying the word lawyer or the word attorney?

1 A Yes.

2 Q Did you coerce or threaten him in any way?

3 A No.

4 Q Did you hold out any promise or reward for him if he
5 would give you a statement?

6 A No.

7 Q Did he appear to fully understand everything you were
8 saying, where he was and what he was doing?

9 A Yes, he did.

10 Q And in your opinion, did he freely knowingly and
11 voluntarily waive his rights to give you that statement
12 and indicate that everything in there was true and
13 correct?

14 A Yes, he did.

15 MR. CAMPBELL: Your Honor, at this time State moves
16 Exhibit No. 2 into evidence.

17 MR. GODFREY: Without objection.

18 THE COURT: All right.

19 (WHEREUPON, State's Exhibit No. 1 was
20 entered in a previous hearing outside of the
21 presence of the jury.)

22 BY MR. CAMPBELL:

23 Q Did you talk to anyone else during the course of this
24 murder investigation?

25 A Yes.

1 Q Did you talk to a man named Stephon Brewster?

2 A Yes, we did.

3 Q How did you come into contact with Stephon Brewster?

4 A After we had cleared the scene the day of murder, we
5 were back at the office, everybody kind of convened to
6 compare notes to see where we were going. We got a
7 message that Stephon Brewster was at the front desk of the
8 law enforcement center wishing to speak to the
9 investigators.

10 Q Okay. And did you get the opportunity to talk to
11 him?

12 A We did. We went down and got him and brought him up
13 and interviewed him.

14 Q Did he give a statement?

15 A He did.

16 Q Did he sign a Waiver a Rights form?

17 A Yes, he did.

18 Q Was it freely, knowingly and voluntarily and
19 intelligently made?

20 A Yes.

21 Q So he appeared coherent and he knew what he was
22 doing?

23 A Yes.

24 Q And you didn't -- he didn't make any request or ask
25 you to stop, you didn't coerce or threaten him in any way

1 to make that statement?

2 A No, he came to us.

3 Q Okay. And after you took Mr. Brewster's statement,
4 did you get any other leads on -- well let me back up.
5 Did he see a photo line-up?

6 A Yes, he did.

7 Q Was that photo line-up of people of similar physical
8 description?

9 A Yes.

10 Q Was there anything that seemed suggestive about it?

11 A No.

12 Q Did he indicate who the shooter was in this murder?

13 A He did.

14 Q He hesitate at all?

15 A I'm sorry?

16 Q Did he hesitate at all?

17 A No, he immediately picked him out.

18 Q Did he know the shooter by name?

19 A He knew him by C.

20 Q Okay. Based on that evidence, did you talk to
21 anybody else?

22 A I did.

23 Q Okay. Did you talk to a man name Kelvin Harris?

24 A Detective Conroy spoke with Harris.

25 Q Okay. Did you have any other further involvement in

RECROSS-EXAMINATION

BY MR. GODFREY:

Q Did you ever find either one of the guns?

A No.

MR. GODFREY: Thank you.

THE COURT: Thank you, you can step down.

MR. CAMPBELL: State now calls Stephon Brewster to the stand.

THE CLERK: Please raise your right hand, place your left hand on the Bible.

STEPHON BREWSTER, after being duly sworn, testified as follows:

THE CLERK: Please have a seat.

DIRECT EXAMINATION

BY MR. CAMPBELL:

Q Mr. Brewster, please state your name and age for the record?

A Stephon Demarcus Brewster, 24 years old.

Q Mr. Brewster, where do you work?

A I'm unemployed.

Q Okay. Were you in Greenville County around the day of June 21st, 2007?

A Yes, sir.

Q Did you see the Defendant, Cameron Hammonds, on that day?

1 A No, sir.

2 Q You did not?

3 A No, sir.

4 Q Okay. Did you talk to the police regarding a murder
5 at Street on June 21st, 2007?

6 A Yes, sir.

7 Q You did. Okay. Did you give a statement to the
8 police?

9 A Yes, sir.

10 Q What did you tell them?

11 A I told them I had saw the murder happen on
12 Street.

13 Q But you don't see the Defendant, Cameron Hammonds?

14 A No, sir.

15 Q Were you at Street?

16 A I was around the area but I never--

17 Q Did you actually see a murder?

18 A No, sir.

19 Q You didn't?

20 A No, sir.

21 Q So what you're telling me is that you went to the
22 police and told them you saw something that you really
23 didn't see?

24 A Yes, sir. Because I seen my car on the news. That's
25 why I went to detectives. I went and told them that I

1 witnessed this murder in order the get them off my back.
2 Because I know they was going to be coming at me because
3 the description gave of the car on the news was mine.

4 Q Okay. Let me show you State's Exhibit No. 3. Do you
5 recognize that?

6 A Yes, sir.

7 Q What is it?

8 A It's a photo line-up.

9 Q You signed that photo line-up?

10 A Yes, sir.

11 Q Did you pick anybody out of it?

12 A Yes, sir.

13 Q Who did you pick out?

14 A C.

15 Q C. Who's C?

16 A Right there.

17 Q Can you state his name, please?

18 A Cameron Hammonds.

19 Q Cameron Hammonds. So you picked C out of a photo
20 line-up, why did you pick C?

21 A I mean, that's what everybody was saying, that's what
22 I was hearing happened. That why I picked C.

23 Q So you're saying you didn't really know?

24 A No.

25 Q You wanted to send an innocent man -- excuse me, let

1 me back up. You didn't know, just to clarify your answer,
2 you didn't know who had done the murder?

3 A No, sir.

4 Q You didn't see anybody?

5 A No, sir. All I knew is what I had heard afterwards.

6 Q Did you intend to falsely accuse someone?

7 A No, sir.

8 MR. CAMPBELL: Your Honor, the State intends to treat
9 this witness as a hostile if there's no objection.

10 THE COURT: Well, go ahead.

11 BY MR. CAMPBELL:

12 Q Mr. Brewster, you didn't go down and give a statement
13 to police?

14 A Yes, sir, I went and gave a statement to the police.

15 Q And you didn't tell them that you were with Cameron
16 that day?

17 A I did tell them that.

18 Q Okay. And you didn't -- okay well, you told them you
19 were with Cameron that day?

20 A Yeah, I told the police that.

21 Q And where were you with Cameron?

22 A I told them, if I recall, I told them that we was at
23 Tyron's apartment. Which was a lie.

24 Q Okay. What did you tell them after that?

25 A That -- that I seen -- I guess that I seen him murder

1 the victim.

2 Q Okay. And you didn't drive over by Street and
3 see Cameron Hammonds?

4 A No.

5 Q Okay.

6 A I told them I was around that area. After I heard
7 the shots -- I was at Tyron's apartment.

8 Q So you were at Tyron's apartment?

9 A I was at Tyron's apartment but not at the scene.

10 Q Well was it Cameron and Tyron's apartment?

11 A No.

12 Q He wasn't there?

13 A No.

14 Q Oh, okay. So then you -- you were around the scene
15 and you heard shots go off?

16 A I heard shots.

17 Q What did you do next?

18 A I say about three minutes later I drove around there.
19 When I seen like -- I seen a light-skin dude sitting on
20 porch. And I seen a dude like laying in the bushes. And
21 I drove on off and went to my grandma house.

22 Q But you didn't see any of the shooting occur?

23 A No, sir.

24 Q You were at Tyron's house before?

25 A Yes, sir.

1 A I was driving my car.

2 Q How did your car get on the news?

3 A They said -- people had said they seen my car around
4 in the area.

5 Q How did you know it was your car?

6 A Because the description they gave. My car was about
7 the only car in Greenville at that time that had no paint
8 on it, it was primed down.

9 Q So you're telling us that your car is the only one in
10 Greenville that has a shock coat of primer.

11 A That would be around that area.

12 Q Oh, that would be around that area. And you knew for
13 certain that you had to get to the LEC no matter what?

14 A Exactly. To get the heat off of my back. So they
15 wouldn't come after me.

16 Q Well then if -- why did everybody get a description
17 of your car?

18 A Because I told you, I was at Tyron's apartment. And
19 after the shooting happened I drove my car around there.
20 And everybody know in the neighborhood, if there some
21 witnesses saying that they seen Mr. C shoot this dude,
22 everybody know me and Mr. C probably -- we'd be together
23 most of the time. That's exactly the reason I went up to
24 the police department.

25 Q You and Mr. C weren't there?

1 A No. Me and him was not together that day at all.

2 MR. CAMPBELL: Okay, please answer any questions

3 Mr. Godfrey may have for you.

4 THE WITNESS: Yes, sir.

5 THE COURT: Cross.

6 MR. GODFREY: Just a couple of questions.

7 CROSS-EXAMINATION

8 BY MR. GODFREY:

9 Q Mr. Brewster, as I understand it, you had -- you have
10 a Chevorlet, right?

11 A I had a Chevorlet, yes, sir.

12 Q You had a Chevorlet. Did you get rid of it because
13 all the heat that came out of this?

14 A Yes, sir.

15 Q So you had a Chevorlet at the time?

16 A Yes, sir.

17 Q And it was primed up?

18 A Yes, sir.

19 Q And your Chevorlet was the only one in that area that
20 was primed up, is what you're saying?

21 A Yes, sir. Really the only one I've ever seen primed
22 down. I've never seen another one like mine.

23 Q So when you heard about the news reports and the
24 description of the car, you just automatically assumed it
25 was yours?

1 MR. CAMPBELL: Your Honor, may it please the Court,
2 the State would like to proceed with testimony from
3 additional witnesses and possibly call Mr. Brewster after
4 the conclusion of those witnesses.

5 THE COURT: All right. And I may -- I'm considering
6 calling him as a Court's witness pursuant to Rule 614.
7 But we'll just see how it develops. One other thing I
8 want to caution everybody, that more outbursts in the
9 courtroom, okay.

10 All right, let's bring the jury.

11 (WHEREUPON, the jury came into open court at
12 approximately 3:33 p.m.)

13 THE COURT: All right, call your next witness.

14 MR. CAMPBELL: The state calls Kelvin Harris.

15 THE CLERK: Raise your right hand, place your left
16 hand on the Bible.

17 KELVIN HARRIS, after being duly sworn, testified
18 as follows:

19 THE CLERK: Please have a seat.

20 DIRECT EXAMINATION

21 BY MR. CAMPBELL:

22 Q Good afternoon, Mr. Harris?

23 A How you doing?

24 Q Need you to speak up clear into the microphone,
25 please, so everyone can hear you. Where do you work?

1 A Greenville Sanitation Commission.
2 Q I'm sorry?
3 A Greater Greenville Sanitation.
4 Q Okay. And what do you do at Greater Greenville
5 Sanitation?
6 A I'm a helper.
7 Q I'm sorry?
8 A I'm a helper.
9 Q Helper?
10 A Yes, sir.
11 Q Okay. What does that normally entail, what are your
12 duties?
13 A Pick up the garbage.
14 Q Okay. So you riding on a garbage truck?
15 A Yes, sir.
16 Q Okay. How long have you worked for Greater
17 Greenville Sanitation?
18 A This year will be 10 years.
19 Q Ten years?
20 A Yeah.
21 Q Okay. What time do you normally go to work in the
22 morning?
23 A About 6:00 o'clock.
24 Q 6:00 o'clock. And what time do you return home?
25 A Anywhere from 12:00 to 2:00.

1 Q Twelve to two?

2 A (The witness nods.)

3 Q And where do you live?

4 A Street.

5 Q Do you have a porch or patio at your house?

6 A Porch.

7 Q Do you ever go outside?

8 A Yes, sir, be out there a lot.

9 Q What can you see from the porch?

10 A Everything.

11 Q Can you see Street?

12 A Yes, sir.

13 Q Is that -- who lives there?

14 A That's where Regina and what they Cam was staying at.

15 Q Who's the one they call Cam?

16 A That's the one that got killed.

17 Q He got killed?

18 A Yes, sir.

19 Q Okay. Now, before -- were you -- well, before we get

20 into the whole reason why we're here, let's go ahead and

21 get something out. This is not your first time being in a

22 courtroom, is it?

23 A No, sir.

24 Q Did you get any trouble when you were younger?

25 A I been in plenty of trouble.

- 1 Q Okay. Did you ever go to prison?
- 2 A Yes, sir.
- 3 Q Did you have any problems?
- 4 A I have plenty problems, still got them.
- 5 Q Did you ever run into drugs?
- 6 A Yes, sir, I'm a recovering addict right now today.
- 7 Q Did you go through a program to help you with drugs?
- 8 A Yes, sir.
- 9 Q What was that program called?
- 10 A Drug court.
- 11 Q Drug court?
- 12 A Yes, sir.
- 13 Q Can you tell us how drug court works?
- 14 A It's a extensive program. You go to classes three,
- 15 four times a week. And you go in front of the Judge on
- 16 Thursday and see how you doing. You mess up you go back
- 17 to the penitentiary.
- 18 Q How long did it take you to complete drug court?
- 19 A One year.
- 20 Q One year?
- 21 A Yes, sir.
- 22 Q And you had to do those things -- did you have to do
- 23 those things every week that year?
- 24 A Three time a week whole year.
- 25 Q Have you been in trouble since then?

- 1 A No, sir.
- 2 Q How long ago was that?
- 3 A Going on 10 years.
- 4 Q Ten years ago?
- 5 A Yes, sir.
- 6 Q Ever since you been working from Greenville
- 7 Sanitation?
- 8 A Yes, sir.
- 9 Q Now, back to why we're here, were you outside on
- 10 June 21st, 2007 at your house?
- 11 A Yes, sir.
- 12 Q What were you doing outside?
- 13 A Just sitting on the porch.
- 14 Q Do you remember the weather?
- 15 A It was hot.
- 16 Q Hot. Were you out there that afternoon?
- 17 A Yes, sir.
- 18 Q Did you see the defendant Cameron Hammonds that
- 19 afternoon?
- 20 A Yes, sir.
- 21 Q Did you recognize him?
- 22 A Yes, sir.
- 23 Q Did you know who he was?
- 24 A I just know him from being with my cousin.
- 25 Q Who is your cousin?

1 A Stephon.

2 Q Who is Stephon?

3 A Stephon Brewster.

4 Q Stephon in the courtroom today?

5 A Yes, sir.

6 Q Did you see Stephon that day?

7 A Yes, sir.

8 Q Where was Stephon?

9 A He was in the car.

10 Q He was in the car. Was it Stephon's car?

11 A Yes, sir.

12 Q Tell me what happened when you saw Stephon in his

13 car?

14 A I seen a man get killed.

15 Q Saw him get killed?

16 A Yeah.

17 Q Did -- so you say you saw Stephon drive up, was

18 anyone with Stephon in Stephon's car?

19 A C.

20 Q C was with Stephon?

21 A Yes, sir.

22 Q How do you know it was Stephon in the car?

23 A Because the windows were cracked I saw him.

24 Q So you saw him through the cracked window?

25 A Stephon.

1 Q When they pulled up to Street -- did they
2 pull up to Street?

3 A Yes, sir. There was another car behind them.

4 Q There was another car behind him?

5 A Two cars.

6 Q Okay. What happened when they pulled up?

7 A I scene Cameron, one they call Cam, he was in the
8 front yard. I think he went to the car. Was walking to
9 the car. And they had a few words. I don't know what it
10 was about because I couldn't hear that. But by that time
11 Cam was trying to get back to the house. And C got out
12 the car shooting.

13 Q Got out of the car shooting?

14 A Yes, sir.

15 Q Do you know how many times he shot?

16 A No, I don't.

17 Q What was the victim doing when he got shot?

18 A He was trying to get back to the house.

19 Q Did the victim have a gun?

20 A I didn't see one.

21 Q Did anyone else in the yard have a gun?

22 A I didn't see nobody with a gun.

23 Q Was anyone on the porch?

24 A I couldn't exactly see on the porch. But after he
25 had shot him, I seen a -- I don't know who the dude was,

1 he run out the house across -- I can't really recall their
2 names right. Cam was over in the hedges.

3 Q The victim?

4 A Yes, sir. I don't know where the dude come -- was he
5 on the porch or not. But I know when he was laying over
6 in the bushes the boy run out there. You know, where he
7 was laying at and then run back in the house -- run back
8 on the porch. I can't say if he went in the house or
9 stayed on the porch. Because from my house to where he
10 was you can't see on the porch.

11 Q Did -- how many times did the defendant shoot?

12 A I don't know. I was -- I was in a daze, I don't
13 know. I don't know how many times he shot.

14 Q You said the victim was trying to get back to house?

15 A Yes, sir.

16 Q Did he make it?

17 A No.

18 Q Did he fall down?

19 A He got shot down.

20 Q What happened after he fell down?

21 A He fell over in the hedges and pistol stop shooting
22 and he start shooting at one.

23 Q Another gun?

24 A Yes, sir.

25 Q How many times did he shoot the second gun?

1 A I don't know. I never did count. Can't count that.

2 Q How would you describe what you saw?

3 A How would I describe it? Really, might sound hard,
4 you know, real harsh but a dog don't deserve to be shot
5 down like that.

6 Q I'm sorry, I couldn't hear you.

7 A I said a dog don't deserve to be shot down like that.
8 Because it's messing with me. Mentally. I can't --
9 that's the first time I ever saw something like that and
10 it bothers me.

11 Q Do you have any doubt in your mind that that's what
12 happened?

13 A I know that's what happened. I sat there and saw it.
14 I know that's what happened.

15 Q And the victim didn't have a gun?

16 A I didn't see one.

17 Q He didn't shoot back?

18 A No, sir.

19 Q At Cameron Hammonds?

20 A No, sir.

21 MR. CAMPBELL: Please answer any questions
22 Mr. Godfrey may have.

23 CROSS-EXAMINATION

24 BY MR. GODFREY:

25 Q Mr. Harris, where is your house in relation to 502

1 where this incident occurred? It is directly across
2 the street like I'm in line with you?

3 A Off to the side.

4 Q Off to the side?

5 A Right across the street, two houses up.

6 Q Two houses up?

7 A Yes, sir.

8 Q So about how far -- what would the distance be, do
9 you think?

10 A Should be about from here to the end of the hall --
11 not all the way to the end but when you go back to the
12 left.

13 Q Okay. So you're talking about out this door?

14 A Yes, sir.

15 Q And then -- did you say and to the left?

16 A Go back to the left. It's not even 100 yards.

17 Q Now, you'd come home from work, right? On June the
18 21st?

19 A I got off from work.

20 Q You were off from work?

21 A Yes, sir, I had been home.

22 Q So you didn't go to work at all that day, you were
23 off.

24 A No, I went to work.

25 Q Okay. You had come home from work, right?

1 A It was a gray Impala.

2 Q I'm sorry, you have to...

3 A Gray Impala.

4 Q Gray Impala. And the gray is because of the primer?

5 A Primer. Had black, black and gray or whatever, black
6 spots on it.

7 Q Okay. How well did you know the fella you call Cam?

8 A I don't. Only thing--

9 Q Don't know him at all?

10 A No, sir. The only thing I know him from walking up
11 and down the street.

12 Q Did you know Cameron Hammonds before this date?

13 A Did I know him before this date?

14 Q Before June the 21st of 2007, did you know Cameron
15 Hammonds?

16 A I just know him from being around my cousin.

17 Q Being around your cousin?

18 A I don't really know him. I just know him when I see
19 him, I don't know him.

20 Q Well, he's -- Cameron Hammonds never worked where
21 your work to your knowledge?

22 A Who him?

23 Q Yeah?

24 A Not that I know of. I don't know. I've been there
25 10 years.

1 A He come to the car but he never did come all the way
2 out of his yard.

3 Q Okay. He left his porch and walked down into his
4 yard, is that correct?

5 A He was standing down there at the end of the step,
6 then he went down to the car.

7 Q Then he went down to the car?

8 A Uh-huh.

9 Q Okay.

10 A That's where I saw him coming from.

11 Q Okay, was the talking pretty loud?

12 A I just hear them say something, I couldn't understand
13 what they were saying.

14 Q Well, could you tell from the sound or from the
15 action, was it an argument?

16 A I can't say it was argument or not. Because I don't
17 know what they was saying.

18 Q Okay. Now, at this time when you say it's Cameron
19 Hammonds, when he was talking to the fella you call Cam,
20 was he outside of his car? Outside of Stephon Brewster's
21 car?

22 A He had got out.

23 Q He had gotten out?

24 A He was getting out then.

25 Q Now, the passenger side door, did it open to 502

1 or was it on the other side of the road? In other
2 words, did the car--

3 A The passenger side was on the other side of the road.
4 The driver's side was up to the house.

5 Q Okay. The driver's side was on your side?

6 A No. The driver's side was up by the house, the
7 passenger side was on the road.

8 Q Okay. So--

9 A Really the car was on the wrong side of the road.

10 Q Okay. So it had parked wrong way on the wrong side
11 of the road?

12 A Yes, sir.

13 Q Okay. So for Cameron Hammonds to talk to the fella
14 you call Cam, he had to walk around the car?

15 A Yes, sir. He had to come around the car.

16 Q All right. Now, you testified that you don't know or
17 did not see if Cam had any type of weapon, is that
18 correct?

19 A I said he didn't have -- I didn't see nothing, that's
20 what I said, I didn't see nothing.

21 Q You didn't see anything?

22 A No, sir.

23 Q Now, while this was happening did some other car pull
24 up?

25 A Yes, sir.

1 Q You didn't call the police?

2 A No, sir.

3 Q Did any of the officers talk to you the day of this
4 incident?

5 A No, sir.

6 Q Did you try to talk any of the officers the day of
7 this incident?

8 A No, I did not. No, I did not.

9 Q Did you talk to any news coverage people the day of
10 the incident?

11 A They come down there, I told them I didn't see what
12 happened.

13 Q You told them you didn't see what happened.

14 A I did not see nothing, that's what I told them.

15 Q Now, why was that?

16 A Beg your pardon?

17 Q Why did you tell them that, you're sitting here today
18 saying you saw something.

19 A I'm not stupid man, I wasn't to get on no national TV
20 and say this and say that.

21 Q So you think it's save to -- you called the police
22 the next day?

23 A I didn't call the police. I told you that. I did
24 not call the police.

25 Q How did you get in contact with the officers?

1 A I went to work the next day and I had -- it was
2 bothering me so bad I had to talk to somebody and I talked
3 to my supervisor. And he took me off my route and brought
4 me -- he the one that contacted them.

5 Q And he brought you what?

6 A Brought me back to the yard.

7 Q And what happened when you got back to the yard?

8 A The detective was there.

9 Q I'm sorry, sir.

10 A The detectives was there.

11 Q Okay. So you're saying your boss called the
12 detectives --

13 A Yes, sir. Because I had told him about. Because I
14 wanted somebody to talk to so I talked to him about it.

15 Q Do you hang around much with your cousin Stephon
16 Brewster?

17 A No, sir.

18 Q How often do you see Stephon Brewster.

19 A I can't say.

20 Q Well do you see him once a week?

21 A No, not all the time.

22 Q At this, back in 2007, he was living with his
23 Grandma, right?

24 A I don't know where he live at. We don't -- I don't
25 know where he live. When I see him he be down at his

1 THE CLERK: Please place your left hand on the Bible,
2 raise your right hand.

3 MICHAEL WARD, after being duly sworn, testified
4 as follows:

5 THE CLERK: Please have a seat.

6 DIRECT EXAMINATION

7 BY MR. CAMPBELL:

8 Q Good afternoon, Dr. Ward. Please state your name for
9 the record?

10 A Michael Eugene Ward.

11 Q Where do you work?

12 A I'm employed by Pathology Associates of Greenville
13 here in Greenville County and also by the County of
14 Greenville as the chief medical examiner.

15 Q How many medical examiners do we have here in
16 Greenville?

17 A There are two.

18 Q How long have you held your position?

19 A I've been chief medical examiner for 14 years.

20 Q What is your profession?

21 A I'm a licensed physician in the State of South
22 Carolina and a forensic pathologist. --

23 Q Can you tell the jury about your educational
24 background, please?

25 A Certainly. I received my Bachelor's Degree in

1 biology from the University of Alabama. My Master Degree
2 in forensic science from the University of Alabama in
3 Birmingham. My medical degree is from the University of
4 South Alabama in mobile. I did a four anatomic pathology
5 residency at the Medical University of South Carolina, in
6 Charleston. And a one year fellowship in forensic
7 pathology at the University of New Mexico in Albuquerque.

8 Q Are you board certified?

9 A I am. I'm board certified by the American Board of
10 Pathology in both anatomic and forensic pathology.

11 Q In addition to your educational background, do you
12 have any other prior work experience and training in
13 forensic pathology?

14 A I was the assistant medical examiner for the State of
15 New Mexico from 1993 to 1995 prior to coming to
16 Greenville.

17 Q Tell please tell the jury what is forensic pathology,
18 what do you do?

19 A Pathology is the study of disease and disease
20 processes and how they effect man. Forensic pathology
21 takes that one step further including disease, disease
22 processes as well as trauma. How they effect man,
23 specifically how and why people die. And the presentation
24 of that information in the judicial process.

25 Q Have you -- how many forensic autopsies have you ever

1 done before?

2 A I've performed over 2000 medical legal autopsies.

3 Q Have you ever testified in court?

4 A Yes, I have.

5 Q Have you been qualified as an expert in forensic
6 pathology?

7 A Yes, I have.

8 Q Do you have any idea how many times?

9 A At least 100 times.

10 MR. CAMPBELL: At this point the State would offer
11 Dr. Ward as an expert in forensic pathology.

12 MR. GODFREY: Without objection.

13 THE COURT: All right, so qualified.

14 BY MR. CAMPBELL:

15 Q Did you perform an autopsy on Lee Kinard?

16 A I did not.

17 Q Who did?

18 A Eric Christiansen. Dr. Christiansen was the
19 associate medical examiner for five years here in
20 Greenville. He left in July of 2008 to become the
21 associate medical examiner for the State of Utah.

22 Q How long did you work with Dr. Christiansen?

23 A Five years.

24 Q Did Dr. Christiansen make any records of the autopsy,
25 his finding and conclusions?

1 A There were multiple gunshot wounds of entry and exit.

2 Q How many?

3 A There were nine gunshot wounds.

4 Q Are the wounds numbered in those records?

5 A Yes, they are.

6 Q Is there any significance to the sequence of the
7 numbering?

8 A There is not. The numbers do not indicate order of
9 occurrence.

10 Q Did you prepare that diagram for use in court today?

11 A Yes, I did.

12 Q Would it help you explain your testimony to the jury?

13 A Yes, it would.

14 Q I'm going to put this on the overhead projector. If
15 you need to move to see it better, please let us know.

16 THE COURT: You can step down, sir.

17 BY MR. CAMPBELL:

18 Q Is that sufficient, doctor?

19 A Yes, it is.

20 Q I have a laser pointer here if it will assist you.
21 Please start with gunshot wound number one and explain
22 these wounds to the jury.

23 THE COURT: Hold on one second.

24 (WHEREUPON, a cell phone rang.)

25 THE COURT: All right, thank you, Dr. Ward.

1 BY MR. CAMPBELL:

2 Q Thank you, please go ahead.

3 A Gunshot wound number one is located here in the right
4 chest. It enters through the skin and musculature of the
5 right chest entering into the right chest cavity passing
6 through the lower left right lung and impacting the bone
7 of the fifth thoracic vertebrae. So it goes from
8 Mr. Kinard's right to his left and ending up basically
9 within the midline of the body. Entering approximately
10 here and ended up within the midline, impacting the bone
11 of the fifth thoracic vertebrae.

12 From there Dr. Christiansen recovered a medium
13 caliber jacketed bullet. Within the right chest cavity,
14 where there is supposed to be only lung, there was 400
15 mills of blood which had hemorrhaged from the lung into
16 the right chest cavity. So it goes from Mr. Kinard's
17 right to his left and is recovered deep within the body,
18 roughly this position.

19 Gunshot wound number two enters on the left side, is
20 positioned here, passes through the skin and musculature
21 of the left side of the chest, passes through the
22 diaphragm. Which is muscle that we use to breathe on the
23 left side. Then it passes through organs of the abdomen,
24 the spleen, to stomach, the liver then back through the
25 diaphragm in this position here. Pass through the heart,

1 roughly here and existed the anterior chest here. So the
2 entrance is here, direction this way. So from left to
3 right, back to front and upward. Within the -- excuse me
4 within the right chest -- I'm sorry, within the left chest
5 there was 200 milliliters of blood. Within the sack
6 surrounding the heart there was 250 milliliters of blood.
7 Again, where there should be no blood. At approximately
8 500 milliliters of blood present within the abdominal
9 cavity. So from this gunshot wound we have blood within
10 the left chest, the sack surrounding the heart and the
11 abdominal cavity.

12 Gunshot wound number three is located on the left
13 forearm, on the front part of the left forearm just below
14 the bend intend in your arm. So this is the entrance
15 wound here, it passes through the muscle of the left
16 forearm and exits the back of the left forearm just above
17 the wrist. So it goes from Mr. Kinard's front to his back
18 and downward. Entrance and exit. Gunshot wound number
19 four is present on the right forearm, again, just below
20 the bend in the right arm. Entrance here, passes through
21 skin and musculature. A relatively superficial course as
22 it did not extend down to underlining bone. Through the
23 skin and muscle beneath the skin and exits the right upper
24 arm just above the elbow on the front. So it goes from
25 Mr. Kinard's below upward in a very superficial course.

1 Gunshot wound number five is on the back of the right
2 forearm, in this region here, this is the entrance.
3 Again, here's the elbow so it's just below the elbow on
4 the right, nearest the body. It passes through skin and
5 muscle of the right posterior arm or the back of the right
6 arm, to exit the back of the right arm just beneath the
7 elbow. So entrance, exit. So this wound goes from
8 Mr. Kinard's left to his right and then upward. Gunshot
9 wound number six is on the left hip. This is drawn in two
10 dimensions. It's actually more on the left side of the
11 him then what appears to be the front of the hip. It's on
12 the left side of the hip entering here, passing through
13 skin and muscle of the left hip to exit the front of the
14 left hip, more in the groin region. So this wound goes
15 from Mr. Kinard's from his left to his right, from back to
16 front and upward.

17 Gunshot wound number seven is listed in the left
18 upper buttock or left lower back within this region here.
19 This is entrance to gunshot wound number seven which goes
20 through the skin and musculature of the midback through
21 the bones of the vertebral column called the sacrum.
22 Which is the lowest part of the vertebral column. It
23 passes deep into the body, into the region of the pelvis,
24 passing very close but not impacting the rectum. And it's
25 recovered -- a bullet is recovered from the soft tissue

1 adjacent to the rectum within the pelvis. And from this
2 region here, deep within the body is recovered a medium
3 caliber, jacketed missile. So the direction of this wound
4 is from Mr. Kinard's back to front, very slightly from
5 right to left. So it's going in this direction and
6 downward. Back to front, right to left and downward.

7 Gunshot wound number eight has an entrance in the
8 left buttock here, passing through skin and muscle of the
9 left buttock to exit here. It goes essentially from
10 Mr. Kinard's right to his left. Again a superficial
11 gunshot wound. Gunshot wound number nine is present on
12 the outside of Mr. Kinard's left knee here. Passing
13 through skin and musculature here, to exit the lower part
14 of the left upper leg. This is the upper leg, this is the
15 lower leg. So here's the knee. Entrance, exit. This
16 wound goes from Mr. Kinard's back to his front, from his
17 left to his right. And those are the wounds on
18 Mr. Kinard.

19 Q Could you tell the Court, based on those records
20 Dr. Ward, could you tell the range of the shots?

21 A Based on the autopsy report there is no description
22 of gunshot residue present on the body of Mr. Kinard.
23 This being said, when no gunshot residue is identified,
24 these are described as distant range gunshot wounds of
25 entry which are greater than two to three feet.

1 Q Whether there any other signs of trauma or injury to
2 the victim?

3 A There was no acute trauma. There was radiographic
4 and subsequently dissection evidence of a remote or old
5 shotgun wound with old shotgun pellets being seen on x-ray
6 and then subsequently discovered within the scalp and skin
7 of the chest.

8 Q Where there any other substances in the diseased
9 body, anything else that could have caused death?

10 A There was nothing that could cause death, no. A
11 toxicological analysis of the decedent's blood was
12 performed which demonstrated a very low level of ethanol,
13 essentially a negative level and a small acetaminophen or
14 Tylenol.

15 Q Were you able to form an opinion, based on these
16 records, to a reasonable degree of medical certainty as to
17 the cause of Lee Kinard's death?

18 A Yes, I was.

19 Q Please tell us what your opinion is?

20 A Mr. Kinard died as a result of multiple gunshot
21 wounds.

22 MR. CAMPBELL: Your Honor, at this time the State
23 would like to move Dr. Ward's diagram into evidence.

24 MR. GODFREY: Without objection.

25 THE COURT: Without objection.

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF GREENVILLE) COURT OF GENERAL SESSIONS
3) 2007-GS-23-9564
4)

5 State of South Carolina) TRANSCRIPT OF RECORD
6)

7 -vs-)

8 Cameron Hammonds)
9 -----)

10 December 1, 2009
11 Greenville, South Carolina

12 B E F O R E:

13 THE HONORABLE EDWARD MILLER, Judge.

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

15 George Campbell, Esquire
16 Sylvia Harrison, Esquire
17 Assistant Solicitor,
18 Attorney for the State

19 Bill Godfrey, Esquire
20 Attorney for Defendant

21 CAROLINE HISKELL
22 Circuit Court Reporter
23
24
25

ORIGINAL

CAMERON HAMMONDS - DIRECT EXAMINATION

1 THE COURT: All right. Mr. Godfrey.

2 MR. GODFREY: The defense calls Cameron
3 Hammonds to the stand.

4 THE COURT: Come on around and be sworn.

5 THE CLERK: Please raise your right hand and
6 place your left hand on the Bible.

7 CAMERON RASHAWN HAMMONDS, JR., having been
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. GODFREY:

11 Q. What is your name?

12 A. Cameron Rashawn Hammonds, Jr.

13 Q. And how old are you?

14 A. Twenty-nine.

15 Q. Where do you live?

16 A. Street, Apartment 167, Greenville,
17 South Carolina 29601.

18 Q. Who do you live with?

19 A. My wife, my stepson and my mother.

20 Q. How long have you been married?

21 A. I got married October 4, 2009.

22 Q. Is your wife here?

23 A. Yes, sir.

24 Q. Are members of your family and friends here?

25 A. Yes, sir.

CAMERON HAMMONDS - DIRECT EXAMINATION

1 Q. How far did you go in school?

2 A. I graduated high school and have a year-
3 and-a-half at Greenville Technical College.

4 Q. And how is your health.

5 A. Not good.

6 Q. Tell us about your health?

7 A. I became a diabetic at the age of 15. I take six
8 shots a day, two different kinds of insulin, hypertension,
9 diabetic neuropathy, diabetic seizures from low and high
10 blood sugars.

11 Q. Back in 2007, were you employed?

12 A. Yes, sir.

13 Q. Where were you employed?

14 A. City of Greenville, Beautification.

15 Q. What did you do for the City of Greenville?

16 A. Make Greenville look good; cut the grass, plant
17 the flowers, trim the trees.

18 Q. How long had you held that job?

19 A. For six months.

20 Q. When you were arrested on this charge, what
21 happened to your job?

22 A. I lost my job.

23 Q. Since that time, have you been employed?

24 A. No, sir.

25 Q. Have you looked for employment?

CAMERON HAMMONDS - DIRECT EXAMINATION

1 A. Yes, sir.

2 Q. Can't find anything?

3 A. No, sir.

4 Q. Is your wife employed?

5 A. Yes, sir.

6 Q. Now, the incident that you're here for occurred
7 on the 21st.

8 A. Yes, sir?

9 Q. Let's go back to the 20th. Did you work on June
10 the 20th, the day before this incident?

11 A. Yes, sir.

12 Q. Do you remember about what time you got off from
13 work?

14 A. 2:00, 2:30.

15 Q. What did you do when you got off from work?

16 A. I drove my mother's green van home and I walked
17 up Ms. Anders how, which is Stefan Brewster's grandmother.

18 Q. Do you know about time you got to Stefan
19 Brewster's house?

20 A. No, sir.

21 Q. Was it around -- were you there at supper time?

22 A. No, sir. I was back home before supper time.

23 Q. When you were at Stefan Brewster's grandma's
24 house, who was there?

25 A. His grandmother, his uncle, his brother, my

CAMERON HAMMONDS - DIRECT EXAMINATION

1 stepbrother -- really a little bit of everybody goes by
2 there and usually she would cook us something.

3 Q. When did you leave there?

4 A. It was right before supper because I had to get
5 back to take my insulin.

6 Q. What time do you consider supper?

7 A. Between 6:00 and 8:00.

8 Q. What did you do when you got home?

9 A. Check my blood sugar, take my insulin and eat
10 dinner.

11 Q. Then what did you do?

12 A. Then I came back out.

13 Q. What did you do then?

14 A. Went back to Stefan Brewster's house..

15 Q. How long were you there that time?

16 A. Around about maybe 10:00, maybe 9:30.

17 Q. And who was there then?

18 A. Same crowd.

19 Q. When did you leave?

20 A. Probably about 10:00 or 9:30.

21 Q. What did you do then?

22 A. I went home because I had to go to bed and get
23 ready for work in the morning.

24 Q. What time did you have to report to work?

25 A. 5:30, 6:00.

CAMERON HAMMONDS - DIRECT EXAMINATION

1 Q. So did you go to bed?

2 A. Yes, sir.

3 Q. What happened after you went to bed?

4 A. I was woke by a banging at the door around 2:00
5 in the morning so I got up and go check the front door.

6 Q. Who was at the front door?

7 A. My stepbrother.

8 Q. And why was he there?

9 A. When I opened the door, he was bleeding from the
10 face?

11 Q. Why was he bleeding?

12 A. I found out from the police that he was beaten in
13 the face with a shotgun.

14 Q. What did you do then?

15 A. Called the police and I went back to Stefan
16 Brewster's house to see if they knew anything about it, if
17 anybody had followed him home or whatever.

18 Q. How did you get to Stefan Brewster's place?

19 A. I drove the green van.

20 Q. And when you got to Stefan Brewster's house what
21 happened?

22 A. They said they didn't see nobody. They said that
23 he had left and they didn't see nobody follow him or
24 nothing like that.

25 Q. What did you do after you left Stefan Brewster's

CAMERON HAMMONDS - DIRECT EXAMINATION

1 house?

2 A. I got in the car with Stefan Brewster because he
3 wanted to check on Tyrone, too, and I was coming back to
4 my house.

5 Q. Who is Tyrone?

6 A. That's my stepbrother.

7 Q. And when you say you were going to check on him,
8 what were you going to do?

9 A. He was coming to see how he was feeling, what he
10 was looking like.

11 Q. Where was Tyrone?

12 A. The ambulance had already taken him to Greenville
13 Memorial Hospital.

14 Q. So you got into the Stefan Brewster's car to go
15 to the hospital with him?

16 A. Yes, sir.

17 Q. What kind of a car does Stefan Brewster have?

18 A. It's like the color of this thing right where
19 you're standing at.

20 Q. It's grey?

21 A. Like a primer -- like it's been sanded down or
22 primed or something.

23 Q. Did anything happen on the way to the hospital?

24 A. Yes, sir.

25 Q. What happened?

CAMERON HAMMONDS - DIRECT EXAMINATION

1 A. I went to the hospital, I don't know if it was
2 coincidence or whatever, but the way Stefan road, we road
3 right to my brother's car -- right past his car.

4 Q. And who spotted your stepbrother's car?

5 A. I did.

6 Q. What did you do then?

7 A. My instinct, I went straight to the car and
8 opened it up to see if anything was missing. The car was
9 just ransacked. It wasn't nothing missing.

10 Q. Then what did you do?

11 A. I called the police.

12 Q. Did the police come?

13 A. Yes, sir, about an hour later but they came.

14 Q. Where were you when the police got there?

15 A. I was standing right there by the car. They told
16 me not to touch the car, but I touched the car as soon as
17 I went to it.

18 Q. And how long were you there?

19 A. About like another hour.

20 Q. Then what did you do?

21 A. We went over to the -- the police said they was
22 going to fingerprint the car and then went over the
23 Greenville Memorial Hospital.

24 Q. When you say "we", you mean you and Stefan
25 Brewster?

CAMERON HAMMONDS - DIRECT EXAMINATION

1 A. Yes, sir, and his brother.

2 Q. And his brother?

3 A. Yes, sir.

4 Q. When you got to the hospital, when did you find?

5 A. Tyrone was already coming out of the hospital.

6 He had the patch on his eye, but by the time we got there,
7 the police was calling me back.

8 Q. And what did you learn?

9 A. They said they was through fingerprinting the car
10 and they would release the car to me.

11 Q. Did you have a key for the car?

12 A. No, sir.

13 Q. Did Tyrone have a key for the car?

14 A. No, sir. His keys were taken.

15 Q. So did you get the car?

16 A. Yes, sir.

17 Q. How were you able to do that?

18 A. His older brother had a spare key and he gave me
19 his key.

20 Q. Now, when you first saw the car when you were on
21 you way to the hospital, did you notice anything unusual
22 while you were waiting for the police?

23 A. Yes, sir.

24 Q. And what did you see?

25 A. There was a beige car with a red drive-out tag

CAMERON HAMMONDS - DIRECT EXAMINATION

1 and a black strip missing on the right passenger front
2 door and it circled around the block two times.

3 Q. Now, did you tell the police about that?

4 A. No, sir.

5 Q. Who took you back to the car?

6 A. Stefan Brewster.

7 Q. When you got back to the car, what did you do?

8 A. I went to the police and they told me I was free
9 to take it home.

10 Q. So did you drive it home?

11 A. Yes, sir.

12 Q. Did you drive it back to your house?

13 A. Yes, sir.

14 Q. What did Stefan Brewster do?

15 A. They went home.

16 Q. Did you see them again that evening?

17 A. No, sir.

18 Q. Do you recall about what time it was when you got
19 home with your brother's car?

20 A. Probably about 5:00 in the morning, 4:45, 5:00 in
21 the morning.

22 Q. When you got home, did you see anything unusual?

23 A. Yes, sir.

24 Q. What did you see?

25 A. As I was backing the car into the driveway, that

CAMERON HAMMONDS - DIRECT EXAMINATION

1 same car rode past my house -- slowly pass my house.

2 Q. Had you ever seen that car in the neighborhood
3 before?

4 A. No, sir.

5 Q. Had you ever seen that car parked anywhere in
6 your neighborhood before?

7 A. Yes, sir.

8 Q. And where was that?

9 A. At Street when I was on my way home.

10 Q. So you pass by -- on your way home, you went by
11 Street?

12 A. Yes, sir. That's the way I travel. I got up
13 Pendleton Street and a right on Street, across
14 Prairie Avenue straight down Street, across the
15 bridge to my house on Street.

16 Q. Now, how did you know it was the same car?

17 A. Because of the red drive-out tag.

18 Q. Tell us what a red drive-out tag is?

19 A. It's when you don't have a license plate. It was
20 red with white trimming with writing on it.

21 Q. So when you got home it was about 5:00?

22 A. Yes, sir.

23 Q. What did you do then?

24 A. I went in the house and called me job and told
25 them what happened. I told them I probably wouldn't make

CAMERON HAMMONDS - DIRECT EXAMINATION

1 it in.

2 Q. Then what did you do?

3 A. Went to sleep.

4 Q. When did you wake up on the 21st?

5 A. Woke up about 9:00 that morning, maybe 10:00.

6 Q. What did you do when you got up?

7 A. Checked on Tyrone but he was still sleeping I
8 guess because of the medication he was on, so I went to
9 his house where his dad had changed the locks on his doors
10 and stuff.

11 Q. When you went to Tyrone's house, who was with
12 you?

13 A. Nobody.

14 Q. Did you go into Tyrone's house?

15 A. No, sir.

16 Q. You just wanted to see that the locks were there?

17 A. Yes, sir.

18 Q. After you left Tyrone's house, what did you do?

19 A. Walked back home.

20 Q. When you got home, who was there?

21 A. My mother, Tyrone. My stepfather wasn't there
22 yet.

23 Q. About what time was it when you got back home?

24 A. 10:45, something like that.

25 Q. When you got home, what did you do?

CAMERON HAMMONDS - DIRECT EXAMINATION

1 A. Laid back down.

2 Q. Did you go back to sleep?

3 A. Yes, sir.

4 Q. When did you get up again?

5 A. About 1:00.

6 Q. What did you do when you got up?

7 A. I took my insulin for my lunch.

8 Q. Then what?

9 A. I ate and then I put in my shoes, my pants. It
10 was hot that day so I just wore a tank top.

11 Q. When you say you put on your shoes, what kind of
12 shoes did you put on?

13 A. Black house shoes.

14 Q. And after you took your insulin and got dressed,
15 what did you do?

16 A. I took off walking.

17 Q. Where were you walking to?

18 A. Stefan's grandmother's house.

19 Q. Why were you going to go over there?

20 A. Because that's what we usually do, that's where
21 we hang out.

22 Q. You say you took out walking?

23 A. Yes, sir.

24 Q. So what direction were you walking?

25 A. Street, across the Wayne Street

CAMERON HAMMONDS - DIRECT EXAMINATION

1 Bridge towards Barnerd(ph), made a left on Barnerd and
2 then a right on Street.

3 Q. And you were in house shoes?

4 A. Yes, sir.

5 Q. Did you notice anything while you were walking
6 along?

7 A. Yes, sir.

8 Q. What did you see?

9 A. It was two guys at Street.

10 Q. And where were the two guys at Street?

11 A. One was on the porch and one was standing in the
12 yard.

13 Q. Was the car that you saw the night before there?

14 A. Yes, sir.

15 Q. Did you know the people at Street?

16 A. No, sir.

17 Q. Well, what did you do when you saw them?

18 A. When I seen the guy in the yard, I went and asked
19 questions.

20 Q. You asked what now?

21 A. I went to ask questions.

22 Q. And what question did you ask him?

23 A. I asked the guy in the yard: Why y'all rob my
24 little brother?

25 Q. And what did he say?

CAMERON HAMMONDS - DIRECT EXAMINATION

1 A. He said: Fuck your little brother, he know how I
2 get down.

3 Q. Then what happened?

4 A. I said: We don't do nothing to nobody, my
5 brother don't bother nobody, we don't do nothing to
6 nobody.

7 Q. What happened next?

8 A. He said: Fuck your little brother.

9 Q. Then what happened?

10 A. I said: My kids could have been in that car.

11 Q. What happened next?

12 A. The guy on the porch pulled a gun.

13 Q. Did you know the guy's name on the porch?

14 A. No, sir.

15 Q. What happened when he pulled the gun?

16 A. My in the guy in the yard sort of jumped to my
17 right which would be his left.

18 Q. How did you feel at that point in time?

19 A. Scarred.

20 Q. After you all jumped or while you all were
21 jumping, did anything else happen?

22 A. Yes, sir.

23 Q. What else happened?

24 A. The guy that was in the yard with me he tried to
25 pull his gun.

CAMERON HAMMONDS - DIRECT EXAMINATION

1 Q. When he tried to pull his gun, what happened?

2 A. He fumbled the gun and I caught it.

3 Q. When you say he "fumbled" it, what are you
4 talking about?

5 A. I guess where ever he was pulling it from, he
6 like pulled it and it like fumbled.

7 Q. And you caught it with what hand?

8 A. My left hand.

9 Q. What happened next?

10 A. As I caught it with my left hand, I turned and I
11 pulled my gun too. I turned and I started running and
12 shooting.

13 Q. Now, you had a gun?

14 A. Yes, sir.

15 Q. What type of gun was it?

16 A. 308 semi-automatic.

17 Q. Was the gun registered to you?

18 A. Yes, sir.

19 Q. You didn't have a license to carry a concealed
20 weapon, did you?

21 A. No, sir.

22 Q. Why did you have a gun with you?

23 A. Because of the community we was in.

24 Q. A lot of things happen there?

25 A. Yes, sir.

CAMERON HAMMONDS - DIRECT EXAMINATION

1 Q. You routinely carried a gun?

2 A. Yes, sir.

3 Q. So you saw the fella on the porch pull a gun?

4 A. Yes, sir.

5 Q. Go ahead and state again what happened?

6 A. As the person on the porch pulled the gun, me and
7 the guy in the yard jumped towards the right, my right and
8 his left. As we jumped, he tried to pull his gun and he
9 fumbled it and I caught the gun. And as I caught the gun,
10 I turned and I pulled mine at the same time. I started
11 shooting back as I was running out the yard.

12 Q. How did you feel at that particular time?

13 A. Scarred. I wanted to get home to my three
14 babies.

15 Q. Did you think you were in danger?

16 A. Yes, sir.

17 Q. What did you think could happen to you?

18 A. Thought I'd be killed.

19 Q. Is that why you shot?

20 A. Yes, sir.

21 Q. When you were running, what happened to your
22 shoes?

23 A. I ran out of my house shoes.

24 Q. What did you do with the gun?

25 A. I dropped the guns in the yard.

CAMERON HAMMONDS - DIRECT EXAMINATION

1 Q. At Street?

2 A. Yes, sir.

3 Q. Did you have any injury?

4 A. I broke my left big toe running.

5 Q. Where did you go when you left Street?

6 A. I ran home.

7 Q. When you got home, who was there?

8 A. Nobody.

9 Q. What did you do?

10 A. I put on some shoes and I kept running.

11 Q. Where did you run to?

12 A. I ran all the way home to Knoxville, Tennessee.

13 Q. You say home is Knoxville, Tennessee?

14 A. Yes, sir.

15 Q. Is that where you were born?

16 A. Yes, sir.

17 Q. You still have family there?

18 A. All of my family except for my mother.

19 Q. How long had you been living in Greenville?

20 A. Since 1998.

21 Q. Had you always lived at the same place in
22 Greenville?

23 A. No, sir.

24 Q. At the house you were living in on June 21, 2007,
25 how long had you been there?

CAMERON HAMMONDS - DIRECT EXAMINATION

1 A. I don't go in the area. I don't go in the
2 community no more.

3 Q. Has it been months since you seen him?

4 A. Probably.

5 Q. When you were given the written discovery in this
6 case, did you see that he was one of the witnesses against
7 you?

8 A. Yes, sir.

9 Q. Was that one of the reasons you didn't want to be
10 around him?

11 A. Yes, sir.

12 Q. What about Kelvin Harris, do you know him?

13 A. No, sir. I ain't never seen him a day in my
14 life.

15 Q. You seen him in court yesterday, right?

16 A. Yes, sir.

17 Q. Had you met him anywhere before?

18 A. No, sir.

19 Q. When you went to Knoxville, Tennessee, did you
20 end up getting arrested there?

21 A. Yes, sir.

22 Q. Did you waive extradition to come back to South
23 Carolina?

24 A. Yes, sir.

25 Q. When you got back to South Carolina, did you meet

CAMERON HAMMONDS - DIRECT EXAMINATION

1 with Detective Flavil and Detective Conway?

2 A. Yes, sir.

3 Q. Did they ask you to provide a written statement?

4 A. Yes, sir -- well, not written. They just asked
5 me some questions. I ain't write nothing down.

6 Q. Well, in the end, did you sign a written
7 statement after the interview?

8 A. Yes, sir.

9 Q. Did you understand what you were doing when you
10 gave that statement?

11 A. Yes, sir.

12 Q. You gave the statement freely and voluntarily?

13 A. Yes, sir.

14 Q. You cooperated with the officers?

15 A. Yes, sir.

16 Q. How long are you?

17 A. Twenty-nine.

18 Q. Have you ever been convicted of a crime?

19 A. No, sir.

20 Q. Twenty-nine and no record.

21 A. Yes, sir.

22 Q. On the day of the incident, why did you shoot the
23 gun?

24 A. Because I was scarred.

25 Q. What did you think was going to happen to you?

CAMERON HAMMONDS - DIRECT EXAMINATION

1 A. Thought I was going to be killed. I wanted to
2 get home to my children. I thought about my life and my
3 children.

4 Q. So how would you describe what you did?

5 A. Say it again?

6 Q. How would you describe what you did.

7 A. I can't describe it. I was just turning and
8 shooting, running and shooting.

9 Q. Were you just trying to get away?

10 A. Yes, sir.

11 Q. Please answer any questions the solicitor may
12 have.

13 A. Yes, sir.

14 THE COURT: We're going to take a short
15 recess at this time.

16 Don't discuss the case, ladies and gentleman.
17 We'll get back to you in about 10 or 15 minutes.

18 (Whereupon, the jury exits the courtroom.)

19 The reason we broke, I apologize, one of the
20 jurors needed to take a break. I'll be happy to make this
21 note part of the record if anybody thinks it's necessary.
22 They both indicate, no.

23 We'll take about 10 minutes.

24 Mr. Hammonds, please do not discuss your
25 testimony.

CAMERON HAMMONDS - CROSS-EXAMINATION

1 (Whereupon, there was a brief recess.)

2 THE BAILIFF: Please remain seated. The
3 court will come to order.

4 THE COURT: Mr. Godfrey, do you have other
5 evidence or witnesses to put up? I have to tell the other
6 jury something.

7 MR. GODFREY: No, sir.

8 THE COURT: Okay. Bring the jury in.

9 (Whereupon, the jury re-enters the
10 courtroom.)

11 MR. CAMPBELL: Your Honor, do we have the
12 exhibits?

13 THE COURT: I don't have them.

14 THE CLERK: They're here.

15 THE COURT: Just put them back on the table.

16 MR. CAMPBELL: Thank you.

17 THE COURT: Cross-examination.

18 CROSS-EXAMINATION

19 BY MR. CAMPBELL:

20 Q. Good morning, Mr. Hammonds. What make was your
21 380?

22 A. What do you mean what make?

23 Q. Who manufactured the gun.

24 A. High Point. That's the only thing I can tell
25 you.

CAMERON HAMMONDS - CROSS-EXAMINATION

1 Q. What kind of magazine did it have?

2 A. 380 rounds.

3 Q. Was it an extended magazine?

4 A. Oh, the clip?

5 Q. Yes, the clip.

6 A. Regular.

7 Q. So how many rounds does that give you? Five.

8 A. No, sir. I think seven to eight.

9 Q. Seven with one in the chamber, eight?

10 A. I think so.

11 Q. You didn't have a concealed weapons permit?

12 A. No, sir.

13 Q. You just carried it for protection, right?

14 A. Yes, sir.

15 Q. Did you always carry it in the neighborhood?

16 A. Yes, sir.

17 Q. Tell us again, where were you when you were
18 arrested?

19 A. Knoxville, Tennessee.

20 Q. And you said you were worried about your wife and
21 kids?

22 A. Kids.

23 Q. Were you worried about leaving them to go to
24 Tennessee?

25 A. Yes, sir.

CAMERON HAMMONDS - CROSS-EXAMINATION

1 Q. Why did you go to Tennessee?

2 A. I ran there out of fear.

3 Q. I'm sorry?

4 A. I ran out of fear.

5 Q. You ran out of fear?

6 A. Yes, sir. I was still scarred for my life.

7 Q. From who?

8 A. From the whole community. I don't know nobody
9 really in Greenville.

10 Q. How long did you say you'd lived here?

11 A. Since '98.

12 Q. So in 2007, you'd been here nine years?

13 A. Yes, sir.

14 Q. But you didn't know anybody in Greenville?

15 A. Not that many people. I stick to myself really.

16 Q. What did you do with the guns?

17 A. I dropped them in the yard.

18 Q. And you know -- is it correct that the police
19 never found the guns?

20 A. I don't know.

21 Q. Did you receive discovery on this case?

22 A. I don't think it was in the files.

23 Q. But as far as you know, no one ever found them?

24 A. Yes, sir.

25 Q. Let's back up a minute to Tyrone's car when you

CAMERON HAMMONDS - CROSS-EXAMINATION

1 found it.

2 A. Yes, sir?

3 Q. What condition was it in?

4 A. The inside of the car -- it was messed up..

5 Q. Did it have a stereo?

6 A. Yes, sir.

7 Q. The stereo was still in it, wasn't it?

8 A. Yes, sir.

9 Q. It had an amp and subwoofers, didn't it?

10 A. Yes, sir.

11 Q. They was still in the car, weren't they?

12 A. Yes, sir, but the people who broke in the car,
13 they broke the key off in the trunk. I guess they didn't
14 know it was a button up under the dashboard you could pop
15 the trunk.

16 Q. And the car had rims, didn't it?

17 A. Yes, sir.

18 Q. How big were the rims?

19 A. Twenty-two inch rims.

20 Q. Are twenty-two inch rims expensive?

21 A. Yes, sir.

22 Q. Were the rims still on the car?

23 A. Yes, sir.

24 Q. But the door panels had all been ripped off,
25 though?

CAMERON HAMMONDS - CROSS-EXAMINATION

1 A. The door panels hadn't been ripped off..

2 Q. They weren't?

3 A. No, sir.

4 Q. You said the car had been messed up inside?

5 A. Yes, sir.

6 Q. What did they mess up?

7 A. They had like CDs had been broken up all in the
8 car like they had been searching through the car. There
9 was an empty bag where he had just came from Seattle,
10 Washington and they was in the back like they had went
11 through the bag.

12 Q. Who was in Washington?

13 A. Tyrone.

14 Q. Do you know what he was doing in Washington?

15 A. His brother had graduated from college in
16 Portland.

17 Q. Do you know what Tyrone brought back with him
18 from Washington?

19 A. No, sir.

20 Q. And it's your testimony today that the door
21 panels were not ripped off from the car?

22 A. No, sir.

23 Q. Why didn't you tell the police about that beige
24 car with the strip missing on the passenger door?

25 A. Because when it happened, I wasn't really

CAMERON HAMMONDS - CROSS-EXAMINATION

1 thinking nothing about it.

2 Q. You didn't think it was important?

3 A. Not at the time.

4 Q. And then the next morning, you got up at 9:00,
5 you said?

6 A. Yes, sir.

7 Q. And you did go to Tyrone's house that day?

8 A. Yes, sir.

9 Q. Nobody else was over there?

10 A. The stepfather was doing locks.

11 Q. The stepfather was over there doing the locks?

12 A. He had done the locks.

13 Q. I thought you said no one -- excuse me. So the
14 stepfather was there doing the locks, but you didn't see
15 Stefan?

16 A. No, sir.

17 Q. And you didn't see Tyrone?

18 A. I left Tyrone home sleep.

19 Q. So Tyrone was staying with you?

20 A. He stayed at my mother house. He had two twin
21 beds in my mother house that I stayed in. He was in the
22 other bed.

23 Q. So you didn't see Stefan that day and Tyrone was
24 still back at your mother's house, correct?

25 A. Yes, sir.

CAMERON HAMMONDS - CROSS-EXAMINATION

1 Q. And then you went back home and went to sleep,
2 correct?

3 A. Yes, sir.

4 Q. And then you got up at 1:00 or 2:00 in the
5 afternoon?

6 A. Yes, sir.

7 Q. So when you went over -- started walking to
8 Stefan's grandmother's house, you saw these guys sitting
9 on the porch, correct?

10 A. One was sitting on the porch and one was standing
11 in the yard.

12 Q. Did you recognize the guy standing in the yard?

13 A. No, sir.

14 Q. The only way you knew you should say something is
15 because you recognized the car, correct?

16 A. I had recognized the car being at the house the
17 night before.

18 Q. How far were you from Lee Konard?

19 A. Can I stand up and show you?

20 Q. Let me walk up to you and you can tell me.

21 A. About this close (demonstrating).

22 Q. So you were real close to him.

23 A. Yes, sir.

24 Q. And how far was it from you and Lee to the porch
25 where the other guy was standing?

CAMERON HAMMONDS - CROSS-EXAMINATION

1 A. From me and him, the porch is like right here,
2 like two feet behind.

3 Q. And y'all two were here and I was the other guy
4 on the porch, I would be about this far from you?

5 A. I think about one or two steps -- right about
6 there.

7 Q. Right here.

8 A. Yes, sir.

9 Q. Lee Konard was right on you.

10 A. He was right here.

11 Q. Because y'all were talking about your little
12 brother?

13 A. Yes, sir.

14 Q. And the other guy on the porch was about this far
15 away?

16 A. Yes, sir.

17 Q. How high is the porch, like knee high or this
18 high? How many steps, do you know?

19 A. I don't know.

20 Q. Can you give me a guess about how high?

21 A. Probably about three or four steps.

22 Q. So if I put three or four steps, that would put
23 me up about this high, wouldn't it?

24 A. I guess so.

25 Q. About like if I was standing on this table?

CAMERON HAMMONDS - CROSS-EXAMINATION

1 A. Probably.

2 Q. If I was standing on this table, that would mean
3 my chest would be up to here, wouldn't it?

4 A. I guess so. If you say so.

5 Q. But then when the guy who was standing up on the
6 table, he pulled a gun first, right?

7 A. Yes, sir.

8 Q. And then that shocked y'all, right?

9 A. Yes, sir.

10 Q. So y'all jumped back?

11 A. Jumped to the right.

12 Q. If he's up there on the porch, y'all jumped this
13 way?

14 A. Yes, sir.

15 Q. And then who pulled out a gun next?

16 A. Mr. Konard tried to pull his.

17 Q. He tried to pull his but he fumbled it, right?

18 A. Yes, sir.

19 Q. Did you pull your gun first or did you grab his
20 gun first?

21 A. Grabbed his.

22 Q. So you grabbed his gun first?

23 A. Yes, sir.

24 Q. Did you start shooting with his gun first or did
25 you pull yours?

CAMERON HAMMONDS - CROSS-EXAMINATION

1 A. I pulled it like the same. Once I got his, I
2 pulled mine and started shooting at the same time.

3 Q. Which way did you turn?

4 A. To my right.

5 Q. So you started running this way?

6 A. No, to my right. That's my left.

7 Q. So you started running this way?

8 A. Yes, sir.

9 Q. Who were you shooting at?

10 A. I just started shooting behind me.

11 Q. So you started running this way?

12 A. Yes, sir.

13 Q. And you started shooting behind you?

14 A. Yes, sir.

15 Q. What about the guy on the porch with the gun?

16 A. I didn't look at him.

17 Q. You didn't look at him.

18 A. No, sir.

19 Q. You were just shooting the guy you just took the
20 gun away from, right?

21 A. I was just shooting.

22 Q. Okay. Now, you said that that 380 has got eight
23 rounds. Did you carry it cocked and locked or you just
24 carry one in the chamber?

25 A. Just one on the chamber.

CAMERON HAMMONDS - CROSS-EXAMINATION

1 Q. Did it have a safety?

2 A. Yes, sir.

3 Q. So you had one in the chamber and did it have a
4 double action or was it purely single action?

5 A. What's a double action?

6 Q. You know, where you have to pull it harder on the
7 first shot and the next ones are really easy.

8 A. I don't know.

9 Q. You don't know. So, anyway, you had one in the
10 chamber, right?

11 A. Yes, sir.

12 Q. So you had one in the chamber and that's eight
13 rounds. And you said he had a revolver, right?

14 A. Yes, sir.

15 Q. You ever seen a revolver before?

16 A. Yes, sir.

17 Q. Do you know how many bullets they carry?

18 A. Some carry six and I think some carry eight.

19 Q. How many did this one carry, do you know?

20 A. I don't know.

21 Q. Do you want to say conservatively it had six?

22 A. I don't know.

23 Q. Okay. So if you had say six rounds in the
24 revolver and eight rounds in the 380 -- are you right-
25 handed or left-handed?

CAMERON HAMMONDS - CROSS-EXAMINATION

1 A. Right-handed.

2 Q. So you probably had your gun in your right hand?

3 A. Yes, sir.

4 Q. Okay. So you were running this way and you
5 managed to shoot behind you and hit Lee Konard nine times;
6 is that right?

7 A. Yes, sir.

8 Q. As you were running away with two pistols?

9 A. Yes, sir.

10 Q. But you didn't even look at the man on the porch?

11 A. I was running out of the yard. I didn't look
12 behind me either.

13 Q. You said you broke your big toe, right?

14 A. Yes, sir.

15 Q. Is that because you were running without any
16 shoes?

17 A. I'm assuming.

18 Q. How long did it take to heal?

19 A. It haven't.

20 Q. It hasn't healed?

21 A. No, sir.

22 Q. Because you're diabetic, right?

23 A. Yes, sir.

24 Q. You have a tattoo, don't you?

25 A. Yes, sir.

CAMERON HAMMONDS - REDIRECT EXAMINATION

1 Q. The tattoo says "Mister C"?

2 A. Yes, sir?

3 Q. "187", right?

4 A. Yes, sir.

5 Q. What does that mean?

6 A. It was when I was 15, I wanted to join a gang in
7 Knoxville, Tennessee, but once I got in it, I lost one of
8 my best friends and I didn't want to be in it no more.

9 Q. So you got the tattoo when you were 15?

10 A. Yes, sir.

11 Q. That's all the questions I have for you.

12 A. Yes, sir.

13 THE COURT: Anything else?

14 MR. GODFREY: Just one question, Judge.

15 REDIRECT EXAMINATION

16 BY MR. GODFREY:

17 Q. When you were running away shooting, were you
18 just shooting or were you shooting at someone?

19 A. I was just shooting.

20 Q. You were just trying to get away?

21 A. Yes, sir.

22 MR. GODFREY: Nothing further.

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

24 (Witness leaves the witness stand.)

25 MR. GODFREY: Your Honor, the defense rests.

STATE VERSUS CAMERON HAMMONDS

1 THE COURT: Can I see the lawyers up here a
2 second.

3 (Whereupon, there was a bench conference.)

4 Ladies and gentleman of the jury, if you
5 remember yesterday there were five parts to a trial. We
6 have just completed the second part so all of the
7 testimony and all of the evidence has now been presented
8 to you. I am going to excuse you to your jury room for a
9 few minutes. The lawyers and I need to discuss some legal
10 matters and we'll get back to you as quickly as we can.
11 Don't start talking about the case yet. Okay.

12 (Whereupon, the jury exits the courtroom.)

13 All right, any motions or anything?

14 MR. CAMPBELL: None from the State, Your
15 Honor.

16 MR. GODFREY: We would renew the Directed
17 Verdict, Your Honor.

18 THE COURT: Same ruling. Any request for the
19 charge?

20 MR. GODFREY: Judge, I would request the
21 Court charge self-defense in this case. I would ask that
22 you also charge the fact that someone has a gun illegally
23 doesn't not mean that they cannot use the gun in self-
24 defense. That would be State versus Wigginton and several
25 others.

STATE VERSUS CAMERON HAMMONDS

1 about your arguments?

2 MR. GODFREY: The only thing that would
3 prevent me from arguing immediately would be knowing what
4 exactly you're going to charge.

5 THE COURT: I was seeing if y'all need a
6 little bit of time so I can think about it.

7 MR. GODFREY: In that case, Judge, I'll take
8 a little time. I would point out that in the self-defense
9 case I gave you about the unlawful weapon, the standard is
10 if there is any evidence before the jury, then the Court
11 is supposed to make the charge. The jury is the
12 factfinder in this case and while the Court may have some
13 difficulty with the self-defense charge, my client is
14 pleading self-defense. He testified to that. The
15 factfinder in my view should be given the law and they
16 should be able to make the decision.

17 THE COURT: I'm looking at your State v.
18 Wigginton and it says when "evokes or initiates an assault
19 cannot escape criminal liability by evoking self-defense.
20 Any act of the accused in violation of law and reasonably
21 calculated to produce the occasion amounts to bringing on
22 the difficulty and bars his right to assert self-
23 defense."

24 Now, this case is about some guy who armed
25 himself in his own home; is that right? Wigginton I'm

STATE VERSUS CAMERON HAMMONDS

1 talking about.

2 MR. GODFREY: The first case I gave you is
3 about the charge on ---

4 THE COURT: Belcher, I understand that. I'm
5 talking about Wigginton. Do you know where exactly the
6 language was that you were referring to?

7 MR. GODFREY: No, sir, I don't and I did not
8 highlight because ---

9 THE COURT: Well, give me a couple of
10 minutes. We'll just stand down about 10 minutes or 15
11 minutes and let me find this.

12 3.75 S.C. 25, 649.185 Court of Appeals.

13 (Whereupon, there was a brief recess.)

14 I've reviewed the Wigginton case and I
15 presume the language that you're referring to reads,
16 "further a person can be acting lawfully even if he is in
17 unlawful possession of a weapon if he was entitled to arm
18 himself in self-defense at the time of the shooting."
19 Well, that just does not fit these facts so I'm not going
20 to charge that.

21 Anything else y'all want to tell me about
22 self-defense?

23 MR. GODFREY: Just for clarification
24 purposes, what are you charging?

25 THE COURT: Well, I'll tell you -- I'm up in

STATE VERSUS CAMERON HAMMONDS

1 the air about self-defense. I'm doing the standard duties
2 of the judge and jury, charge, arrest, indictment as not
3 evidence, multiple charges and everything's got to decided
4 on its own. Do you want anything about the statement of
5 the defendant? He never questioned if it was voluntary.
6 I'm going to go charge that. Credibility of the
7 witnesses; do you want anything on expert witnesses?
8 Okay. Presumption of innocence, reasonable doubt, murder
9 and I'm very conflicted about this. It is so think. He's
10 not there lawfully in possession of a weapon.

11 Mr. Campbell, do you want to help me out?

12 MR. CAMPBELL: Yes, sir. To further your
13 statement about his possession of a weapon, the Statute
14 for possession of a handgun specifically states that
15 someone must have the landowners permission to carry the
16 gun on that property, otherwise it's prohibited to carry a
17 handgun about the person.

18 THE COURT: What Statute is that?

19 MR. CAMPBELL: That is the Statute for
20 carrying a handgun ---

21 THE COURT: Unlawfully carrying of a pistol?

22 MR. CAMPBELL: No, sir, I believe it is
23 Subsection 230. It states that anyone who carries a
24 pistol about the person and then it lists exceptions for
25 landowners on their property, hunting and sporting goods

STATE VERSUS CAMERON HAMMONDS

1 enthusiasts going to their respective activities, licensed
2 people by SLED, et cetera. Further, under the Wigginton
3 case which you cited and which Mr. Godfrey presented to
4 the Court, I can quote directly from the language of that
5 case describing its facts to this case, which is the
6 defendant does not meet the requirement that he be without
7 fault in bringing on the difficulty. "One who provokes or
8 initiates an assault cannot escape criminal liability.
9 Any act to be used in violation of the law such as
10 trespassing on another's property while armed to engage in
11 confrontation, which would be reasonable calculated to
12 produce the occasion, amounts to bringing on the
13 difficulty and bars the right to assert self-defense."

14 THE COURT: Where is that in the Wigginton
15 case?

16 MR. CAMPBELL: That is ---

17 THE COURT: What page?

18 MR. CAMPBELL: It appears to be Page 32, the
19 end of Page 31, beginning of Page 32, the second paragraph
20 of self-defense.

21 THE COURT: Where are you talking about?

22 MR. CAMPBELL: The major heading is Law and
23 Analysis.

24 THE COURT: Right.

25 MR. CAMPBELL: No. 1, Self-Defense.

STATE VERSUS CAMERON HAMMONDS

1 THE COURT: Okay.

2 MR. CAMPBELL: Then we proceed to the full
3 paragraph there, "If there is any evidence -- "

4 THE COURT: Right.

5 MR. CAMPBELL: The next paragraph is "In the
6 instance case failed to meet the two necessary elements of
7 self-defense. First, he does not meet the requirement
8 that he be without fault to bring on the difficulty, one
9 who evokes or initiates assault and not escape criminal
10 liability." And then further, the next quotation is, "Any
11 act of the accused in the violation of the law and
12 reasonably calculated to produce the occasion amounts to
13 bringing on the difficulty and bars his right to assert
14 self-defense as a justification or an excuse for
15 homicide."

16 THE COURT: That stuff about trespassing was
17 just your ---

18 MR. CAMPBELL: That was my interjection, Your
19 Honor.

20 THE COURT: You had me confused,
21 Mr. Campbell. Mr. Godfrey.

22 MR. CAMPBELL: Judge, when he was walking up
23 the street and he saw the person standing in the yard, he
24 didn't go over to try to start anything. He went over and
25 asked why did you do that to my brother -- to my

STATE VERSUS CAMERON HAMMONDS

1 stepbrother, for which he got a response of I don't care
2 about your stepbrother. And the guy on the porch,
3 according to my client, pulls a gun, and almost
4 simultaneously as they're jumping to the right, then
5 Konard tries to pull a gun. My client went there to ask a
6 question, which is why did you do that to my brother.
7 That's not bringing on a difficulty.

8 THE COURT: This was after he talked about
9 finding his brother's car vandalized, after having called
10 the police, knowing that they were involved. All he had
11 to do was call the police again. He went and initiated
12 the confrontation.

13 MR. GODFREY: He just asked them why. He
14 didn't ask them to be in a fight. He said why did you do
15 that to my brother.

16 THE COURT: This is the same man who
17 testified that he carries a gun all the time in the
18 neighborhood because of the type of neighborhood it is,
19 and knowing that he's approaching, he alleges, a man who
20 vandalized his brother's car. A reasonable inference from
21 that would be that he knew there was going to be a
22 confrontation. There's no question he went to confront
23 him about it. If you want to use the term "ask a
24 question," that's fine, but he knew when he confronted
25 this man about a criminal act that he was already called

STATE VERSUS CAMERON HAMMONDS

1 the police about, he was taking matters into his own
2 hands. How is he without fault in bringing on the
3 difficulty just because he didn't draw his gun first?

4 MR. CAMPBELL: Judge, the case that sets as
5 an example, the recent case of State v Slater from 2007,
6 illustrates the definition of reasonably calculation and
7 the standard for determining reasonable calculation.
8 Therein the court noted that Slater approached an
9 altercation that was already underway with a loaded weapon
10 by his side and that such activity could be reasonable
11 calculated to bring on the difficulty that arose.

12 We have a difference here in that the
13 altercation had not yet begun, but assuming that the
14 defendant was correct in recognizing these people as the
15 perpetrators of the robbery, approaching them with a
16 loaded weapon is very similar to the case of Slater.

17 MR. GODFREY: Bottom line, I think, is that
18 we're all discussing what amounts to be facts of the case.
19 We have the factfinder in the jury room in the back.

20 THE COURT: I know. I understand all that.

21 MR. GODFREY: They can determine all the
22 facts.

23 THE COURT: I'll tell you, "credibility is a
24 huge issue in this matter. It has been from the -- I
25 don't know which number he was -- but from when

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 Mr. Brewster got up here and testified, admitted he lied
2 to the police and then his story doesn't match what
3 Mr. Hammonds says even now.

4 MR. GODFREY: Well, Judge, my client's
5 statement has been consistent from the time he talked to
6 the officer to his testimony today and through his
7 testimony today. His statement has always been
8 consistent. He hasn't changed it.

9 THE COURT: He's telling me he threw the guns
10 down in the yard?

11 MR. CAMPBELL: That was the testimony, Your
12 Honor.

13 THE COURT: That was his testimony, but was
14 that in his statement?

15 MR. CAMPBELL: That was in his statement as
16 well, Your Honor.

17 MR. GODFREY: "After I was done shooting, I
18 dropped" ---

19 THE COURT: I'm going to charge self-defense
20 and I won't charge that malice can be inferred from the
21 use of a deadly weapon.

22 Anything else?

23 MR. CAMPBELL: I would also ask that since
24 there are two varying factual scenarios that could have
25 happened, one being that Mr. Hammonds' and the other being

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 MR. GODFREY: May it please the Court.
2 Solicitor.

3 You know, the more I hear about this case,
4 the less I understand about it. Let's review about what
5 happened.

6 The solicitor started off by saying this is
7 not a CSI case, the real world is not like television,
8 which is true.

9 We have four items placed into evidence.
10 What don't you have in evidence. You don't have a picture
11 of the crime scene. There were not ballistic reports.
12 They recovered some bullets, but there were not ballistic
13 reports. The guns were never recovered. There were house
14 shoes found out in the yard. They weren't brought in to
15 show you. There's just some absence of any physical
16 evidence whatsoever. And that's a little bit strange.
17 And in another sense, it's not strange.

18 My client when he was contacted by the police
19 sat down and gave them a statement about what happened. I
20 asked Cameron. I said: Did you give that statement
21 freely and voluntarily? He told y'all this morning that
22 he did. He gave a statement, but we've had description
23 about how high the porch was. If the porch could be seen
24 from Kelvin Harris' house where he was sitting on his
25 porch, but there were no pictures to be seen. Everything

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 you're doing is almost from words.

2 Then you have some very strange testimony.

3 You have testimony from Mr. Brewster. Mr. Brewster says
4 that he didn't tell the police the truth when he made his
5 statement. He said he was trying to get the heat off
6 himself. He says, I have this car, I think it was a
7 Chevy, and it had primer on it and it was grey. It was
8 the only car in the neighborhood like that. He said he
9 heard the police was interested in it. What I remember
10 him saying is I'm going to go down to the police
11 department and I'm going to talk to them and give them
12 what they want to hear so I can take the heat off myself.
13 Apparently it worked, he wasn't charged with anything.

14 And then you have Kelvin Harris which was
15 sitting on his porch. It was a warm day. He got home and
16 he was sitting on his porch as he usually does, and he
17 says that his house -- the house where the shooting
18 occurred was not directly across from him. It was at an
19 angle down the street. And he says he was sitting there
20 and he sees cars come up. He says he sees what appears to
21 be an argument. He sees a shooting and he just sits there
22 on his porch. He doesn't go in; doesn't call the police.
23 He just sits there.

24 I asked the officers if they sent other
25 officers out to canvas the neighborhood to see if anybody

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 saw him and they did, but apparently they didn't talk to
2 Mr. Harris. And then based on what the detective says, he
3 saw Mr. Harris on the local evening news talking to the
4 reporter saying he didn't see anything.

5 And then the next day you have somebody from
6 the sanitation department call in the detectives and then
7 here is Mr. Harris making a statement.

8 If you think about to what Mr. Harris said.
9 He said that he saw a car that he recognized as his
10 cousin's car, Mr. Brewster, drive down the road and he
11 said he was sure Mr. Brewster was the driver. Then I
12 asked him how, and he said well the windows were cracked.
13 They were tinted but they were cracked. He could see
14 Mr. Brewster. If you remember his testimony, he said the
15 car was parked the wrong way on the street. And he said
16 my client gets out of the passenger side and has to go
17 around the car to get into the yard. Well, if that's true
18 and if Mr. Harris is sitting on his porch and the car
19 drove by and the window was cracked, how did he see
20 Mr. Brewster who was driving, and then he wants to say
21 some other car comes up and a guy gets out of it with a
22 shotgun.

23 Now, my client gave a statement. My client
24 told the officers what happened. My client admitted that
25 he was there. My client admitted that he had the gun. My

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 client admitted he shot the gun. I don't know and I will
2 never understand where all this other stuff is coming
3 from. What part did Mr. Brewster have in any of this?
4 And Mr. Harris, he testified -- he seemed some times to be
5 a little bit confused. He went through drug court in '99,
6 been clean for 10 years. At one point he said he was one
7 drugs in 2007. I asked him about it again and he said
8 well he wasn't on drugs in 2007.

9 I said why didn't you tell the police what
10 you saw, and he said well, I didn't want everybody to know
11 that because of the neighborhood I live in. And then a day
12 later, he's up giving a statement.

13 The testimony that you heard quite frankly
14 doesn't make any sense. What makes sense is and what I
15 understood is from Cameron's statement. He said that the
16 night before this stuff occurred, that he had been up at
17 Brewster's house. He had gone home to go to bed. There's
18 a knock on the door. His stepbrother is at the door and
19 he has a bloody face, and he tells Cameron that he's been
20 robbed and somebody stole his car and they hit him in the
21 face with the gun.

22 Cameron calls the police, and then he goes
23 back up to Brewster's house where is the last place he saw
24 his brother to see if they knew anything. They said they
25 didn't. Then from there, my client called the police, the

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 ambulance came, picked up the brother and he goes up to
2 Brewster's house. And then they want to go to the
3 hospital. On the way to the hospital, they see his
4 brother's car. They call the police.

5 Eventually, that evening as you know, his
6 brother went home from the hospital back to where Cameron
7 stays and Cameron drove the car. While the car was out
8 there on the scene, he sees this car act suspicious, drive
9 by twice. And then when he's taking his stepbrother's car
10 back to Cameron's house, going down Street, he sees
11 this car parked in front of his house.

12 And then before he gets into the house, goes
13 to bed, he sees that car slowly driving by his house. The
14 next morning, you know what happened, he didn't go to
15 work. He called in because he had got in too late. He
16 went over to Tyrone's apartment where his father was
17 changing locks on the apartment. He goes back home, goes
18 back to bed, and gets up about 2:00. How is he dressed?
19 He told you he got dressed and he's wearing his house
20 shoes and he was going to walk back to Stefan Brewster's
21 grandma's house. On the way, he had to walk by
22 I asked him this morning, was that car still there and he
23 said, no.

24 There was a guy on the porch and there was a
25 guy in the yard. And he decided that he would go up and

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 say, why did you take my brother's car, why did you do
2 that to my brother. Then you heard what said as the
3 response of the fella that was in the yard. I can't quote
4 it exactly, but I know y'all remember. It was not a nice
5 thing to say.

6 Cameron said there was a fella on the porch.
7 Unfortunately, I tried to get this out as much as I could
8 yesterday. Mr. Kelvin Harris could not see the porch
9 because he was sitting back from an angle. He didn't know
10 who or what was on the porch. So Cameron says there's
11 this guy on the porch and he pulls a gun. Cameron is
12 shocked, the guy in the yard is shocked, and then they
13 both sort of jump in the same direction.

14 The guy in the yard tries to pull a gun. He
15 tries to pull it out so fast, as Cameron says, he fumbles
16 it. Cameron is right-handed. He caught the gun from the
17 other fella with his left hand. Cameron thinks he's about
18 to get hurt, thinks he's about to get injured, thinks he's
19 about to get killed. Cameron knows it's a bad
20 neighborhood. He lives there. Cameron told you he takes
21 his gun with him everywhere he goes. The gun was
22 registered to him but he doesn't have a licenses to carry
23 it, but it's sort of a tough neighborhood.

24 So what happens? He goes up and says why did
25 you do that to my stepbrother? Why did you take his car

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 and hit him in the face with the gun? And then you have
2 that comment Cameron told you about the guy says. "You
3 know how I get down." The guy on the porch pulls a gun.
4 Cameron was afraid. He told you he was afraid. He wanted
5 to get out of there.

6 The guy close to him tries to pull his gun
7 and when he does, he tries to pull it out too fast, he
8 fumbles it and Cameron catches it. Cameron tells you that
9 he's running and shooting. He's trying to get out of
10 there. You know why that's a try statement? Dr. Ward
11 testified yesterday, we have State's Exhibit No. 4, if you
12 will look at where those bullets hit, obviously the person
13 firing the weapon was not aiming. A lot of people can't
14 use a pistol very well. Some people can't use a revolver
15 very well, but when you have gun shots from the knees to
16 the chest and arms and all over the place, obviously the
17 person is not aiming. If he was aiming the gun, there
18 would be a closer pattern.

19 Did he have another gun? Yeah, but did he
20 have an arsenal? Now, realistically, folks, if somebody's
21 going to carry a gun, do they carry one or do they carry
22 two? He had his gun in his waistband. He didn't have the
23 other gun. It had to come from somewhere. Where do you
24 think it came from? People don't carry two guns.

25 This is a horrible situation. Cameron is 29

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 years old and he has no convictions for any criminal acts,
2 never been convicted. He lives in a tough neighborhood.
3 He's got good strong family support. His wife is here,
4 his family is here, and if he can take all this back, he
5 certainly would. He wasn't trying or intending to hurt
6 anybody. The biggest mistake of his life is apparent to
7 all of us. He should have called the police again, but he
8 didn't.

9 He was walking over to Brewster's grandma's
10 house and he sees the people in the yard. He goes up to
11 ask the question, and then everything else happened almost
12 in a blur. He ran so fast his house shoes were in the
13 yard.

14 Somebody intending to go hurt someone else,
15 are they going to wear their house shoes or are they going
16 to wear some shoes that will do something for them? He
17 was scarred. He knew his stepbrother got slapped in the
18 face and put in the hospital for awhile for the stolen
19 car. He sees a guy on the porch and pull a gun. We know
20 the guy existed because they charged him with Misprision
21 of a Felon.

22 You know, this case is a difficult case
23 because almost everything that you heard from the stand
24 makes no sense. Brewster's testimony was incredible. His
25 cousin's testimony, Kelvin Harris' testimony was

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 interesting in itself. He didn't do anything the day of
2 the incident and just basically sat on the porch and
3 almost like watching a show. And then he is related to
4 Mr. Brewster.

5 Here's my client sitting over here charged
6 with it and when the police talked to my client, he gives
7 them the statement. He didn't come up here and sit up on
8 the stand and say, look, they forced me into doing this,
9 they told me what to say, I really wasn't there, I don't
10 know anything about this, they didn't put down what they
11 told them to put down. He said, yeah, that's my
12 statement. He testified to it today and he told you he
13 gave it freely and voluntarily and he's 29 years old and
14 doesn't have a previous record.

15 Now, did he do things which were wrong? Yes,
16 he did. We all know you shouldn't carry a weapon, but as
17 a practical matter, there are communities in this State
18 where people do carry weapons most of the time. He should
19 have called the police again when he saw the car outside
20 of but he didn't. He should have kept walking
21 on up the street going to Brewster's grandma's house
22 rather than stopping and asking the question why did you
23 do that to my stepbrother, this wouldn't have happened.
24 But he asked the question and it did happen and he got
25 scarred. He saw a gun, he sees another gun, things are

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 happening lighting speed. He wants to shoot and get away,
2 and he does shoot.

3 Was he intending on hurting anybody? The
4 answer is, no. He wanted to get away. He was just
5 shooting. There's the diagram of Mr. Konard. There were
6 nine bullet wound entries. They're not even close
7 together. That directly corresponds with Cameron's
8 testimony that he was shooting and running away. He just
9 wanted to get away.

10 Cameron is before you pleading self-defense.
11 He didn't want any of this to happen, but it did happen.
12 He was scarred. He thought he was going to be injured or
13 killed. He gave a statement to the police in the
14 beginning telling them what happened and he gave he same
15 statement today.

16 As for Mr. Harris who at times seemed
17 confused and as to Mr. Brewster who was -- I don't know
18 how to describe him. Y'all seen him.

19 The longer I'm in this case, the less sense
20 that it makes. The only thing that I know for sure is
21 that Cameron Hammonds gave a statement about what happened
22 and gave the same statement today.

23 I would ask you to consider everything that
24 you have heard and consider the things that you didn't
25 hear or didn't see that should have been placed into

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 evidence, and consider the fact that Cameron Hammonds was
2 scarred. He knew what had happened to his stepbrother.
3 He had made the mistake of asking the question of people
4 at All of a sudden he found himself in it and
5 he was afraid that he was going to get badly injured or
6 killed.

7 This is a case of self-defense. I'm going to
8 ask you to please consider that when you go to deliberate.

9 Thank you.

10 THE COURT: Mr. Campbell.

11 MR. CAMPBELL: Okay. Let's start at the
12 beginning first with Detective Conway had to say. He told
13 you there was a gunshot victim in Greenville County at
14 Street in the middle of the afternoon on June 21,
15 2007.

16 He testified that Stefan Brewster voluntarily
17 drove down to the police station and picked the
18 defendant's picture out of the photo lineup and said I
19 know who the shooter was. Then Kelvin Harris came forward
20 and said I saw the whole thing and I'm scarred to death.
21 Then finally Cameron Hammonds was brought back from
22 Tennessee and he gave a statement in which he admitted to
23 shooting a man he had just disarmed.

24 You heard Detective Flavil get on the stand
25 and you learned about that whole sequence of events and

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 how the police investigation went and the suspects and
2 what they learned. And as for Mr. Brewster, we know his
3 side of the story. We know why he went running down to
4 the police department. It's just common sense. Kelvin
5 Harris testified he saw Stefan driving over there. He was
6 the get-away driver for a murder. Everyone saw his car in
7 the neighborhood. Everyone saw him drive up to the house.
8 Of course he didn't want anybody to think he was the
9 shooter. He wanted the police to know who the shooter
10 was, Mr. Hammonds. So we know what Mr. Brewster's motive
11 is.

12 There are a lot of other things he could have
13 said. He could have said I just drove by; I was in the
14 neighborhood. He could have just -- there are five other
15 people here. He may not know these other people, but
16 rather than picking the other five, he picked out his best
17 friend, the one he's with every day except that day; the
18 one whose house he was at the night before; the one whose
19 house he was on his way to allegedly when Mr. Hammonds
20 committed this murder.

21 And then Mr. Harris got up there and this is
22 where everything makes sense. This is what ties
23 everything together because it explains why Stefan ran
24 down to the police station as fast as he could get there,
25 and it explains this (indicating).

STATE VERSUS CAMERON HAMMONDS - CLOSING ARGUMENTS

1 As Mr. Godfrey says most people can't shoot a
2 pistol very well, so if he was able to shoot a pistol as
3 you are running away -- you've got an eight-round 380 and
4 a six-round revolver and that gives you sixteen rounds and
5 to hit 9 out of 16 shoots as you are running away at a 145
6 pounds male. That's a small target and a lot of movement
7 in the opposite direction.

8 What this diagram really shows us is that Lee
9 Konard was running for his life. He was dancing, jolting
10 and jiving, doing anything he could to get away from
11 Cameron Hammonds.

12 And we know why Kelvin Harris didn't want to
13 say anything on the news and Kelvin testified I'm not
14 stupid; I just saw a man shot nine times, got shot down
15 like a dog. I'm not going to go on the national news and
16 say I saw it, I'm a witness, I can identify the shooting
17 and I know everybody involved. He was scarred. He was
18 afraid. He was in shock.

19 And, then, lastly, you heard Dr. Ward get up
20 here and explain how these nine bullets took the life of a
21 27-year old boy. Some went in the front; some went in the
22 back; some went in the side. He wasn't standing and
23 shooting. He wasn't attacking Mr. Hammonds. He was doing
24 everything he could to get away from Cameron Hammonds' two
25 guns.

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 Another thing, even if you believe ...
2 Mr. Hammonds' story -- we were pretty close up here
3 together and so this altercation took place with them very
4 close together. Even if you believe Mr. Hammonds' story,
5 he's going to take both guns, shoot at the unarmed man
6 when there's a guy on the porch with a gun and he's going
7 to run right in front of the guy on the porch with a gun,
8 if you believe Mr. Hammonds' story. But he's not shooting
9 at the porch, he's not shooting with the man with the gun,
10 the guy Mr. Hammonds claims first pulled a gun. He's
11 shooting at the guy with no gun, no hope, nothing. That
12 cause Lee Konard to lose his life that day.

13 And like I told you at the beginning CSI
14 won't help us here. We know who the shooter was, he came
15 to the police and admitted it. His best friend picked him
16 out of a photo lineup. Kelvin Harris recognized him and
17 saw him at the scene, there's no question. Physical
18 evidence, forensics and all that stuff is neat, but it
19 doesn't help up. All we need to know is what happened,
20 whether Lee Konard was a (inaudible) or whether or not Lee
21 Konard was the victim of a violent crime.

22 Mr. Godfrey is right a lot of people don't
23 carry two guns, but that depends on your mission. If you
24 going out to kill somebody, you might need to pack more
25 than one gun. He should have called the police. He could

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 have called the police. And even if you believed
2 Mr. Hammonds's story, he could have kept walking pass that
3 house and not said one word. But instead, he trespassed
4 onto that man's property without permission carrying a
5 loaded weapon with a round in the chamber ready to fire.
6 He started a fight and Mr. Hammonds ended that fight by
7 killing Lee Konard.

8 And, lastly, did Lee Konard rob Tyrone Woods?
9 Maybe. But unlike Cameron Hammonds, Lee Konard will never
10 have a fair trial because in the words of Kelvin Harris,
11 Cameron Hammonds "shot that boy down like a dog."

JURY CHARGE

12
13 THE COURT: All right, madam forelady, ladies
14 and gentleman of the jury, during this trial you and I
15 have certain duties to perform, and as the trial judge, it
16 is my responsibility to preside over the trial of the case
17 and to rule on the admissibility of the evidence that is
18 offered during the trial.

19 It is also my duty to charge you the law
20 applicable to the case, and it is your duty as jurors to
21 accept and apply the law as I now stated to you. As I
22 said in my opening comments, if you think you have any
23 idea as to what the law is or what the law ought to be and
24 it does not agree with what I tell you the law is now, you
25 must set aside our own idea because you have sworn an oath

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 to except the law and apply the law precisely as I state
2 it to you.

3 I would also remind you that in every case
4 tried in this court before a jury, the jury is the sole
5 and exclusive judge of the facts, and a trial judge cannot
6 comment on or make any statement about the facts in the
7 case. So please do not think anything I may have said or
8 done throughout the course of the trial that I have an
9 opinion about the facts. I do not.

10 I also instruct you that the fact that the
11 defendant was arrested, charged and indicted in this case
12 is not evidence of guilt nor does it create any
13 presumption or inference of guilt. These documents are
14 simply the formal written instruments which contain the
15 charge made against a defendant. And they serve as the
16 formal documents by which the case is processed and
17 brought into court.

18 Now, the indictment in this case alleges two
19 separate offenses against the defendant, and the charges
20 are murder and possession of a weapon during the
21 commission of a violent offense.

22 Each count of the indictment charges a
23 separate and distinct offense and you must decide each
24 count separately on the evidence and the law applicable to
25 it uninfluenced by your decision as to any other count.

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 The defendant may be convicted or acquitted
2 on any or all of the offenses charged and you will be
3 asked to write a separate verdict of guilty or not guilty
4 for each count.

5 Now, necessarily, you must determine the
6 credibility or believability of the witnesses who have
7 testified in this case. It becomes your duty as jurors to
8 evaluate the evidence and determine which evidence
9 convinces you that it is true and in determining the
10 believability of the witnesses, you may believe one
11 witness over several or several over one. And you may
12 believe part of the testimony of a witness and reject the
13 remaining part.

14 You may believe the testimony of a witness in
15 its entirety or reject that say testimony in its entirety,
16 and you may consider whether the witness has an interest
17 in the result of the trial, whether the witness is
18 prejudiced towards either the State or the defendant, the
19 opportunity for the witness to have seen the matters and
20 things about which the witness has testified and the way
21 the witness acts on the witness stand or what we call a
22 witness's demeanor.

23 Now, the defendant has pled not guilty to the
24 indictment and that plea puts the burden on the State to
25 prove the defendant guilty. A person charged with

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 committing a criminal offense in South Carolina is never
2 required to prove themselves innocence. And I charge you
3 that it is a cardinal and important rule of the law that
4 the defendant in a criminal trial will always be presumed
5 innocent of the crime for which an indictment has issued
6 unless guilt has been proven by evidence satisfying you,
7 the jury, of guilt beyond a reasonable doubt.

8 Now, a reasonable doubt is the kind of doubt
9 which would cause a reasonable person to hesitate to act
10 and the State has the burden of proving each and every
11 element of a crime beyond a reasonable doubt, and any
12 reasonable doubt that you may have in your deliberations
13 should be resolved in favor of the defendant.

14 The defendant is charged with murder and the
15 State must prove beyond a reasonable doubt that the
16 defendant killed another person with malice aforethought.
17 Malice is hatred, ill will or hostility towards another
18 person. It is the intentional doing of a wrongful act
19 without just cause or excuse and with an intent to inflict
20 an injury or under circumstances that the law will infer
21 an evil intent. Malice aforethought does not require that
22 malice exists for any particular time before the act is
23 committed, but malice must exist in the mind of the
24 defendant just before and at the time the act is
25 committed. Therefore, there must be a combination of the

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 previous evil intent and the act.

2 Malice aforethought may be expressed or
3 inferred and these terms express and inferred do not mean
4 different kinds of malice, but merely the manner in which
5 malice may be shown to exist that is either by direct
6 evidence or by inference from the facts and circumstances
7 which are proved. Express malice is shown when a person
8 speaks words which express hatred or ill will for another
9 or when a person prepared beforehand to do the act which
10 was later accomplished.

11 Malice may be inferred from conduct showing a
12 total disregard for human life.

13 Now, the defendant has raised the defense of
14 self-defense. Self-defense is a complete defense and if
15 it is established you must find the defendant not guilty.
16 The State has the burden of disproving self-defense by
17 proof beyond a reasonable doubt. And if you have a
18 reasonable doubt of the defendant's guilt after
19 considering all of the evidence including the evidence of
20 self-defense, then you must find the defendant not guilty.

21 On the other hand, if you have no reasonable
22 doubt of the defendant's guilt after considering all the
23 evidence including the evidence of self-defense, then you
24 must find the defendant guilty. The following elements
25 are required to establish self-defense.

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 First, the defendant must be without fault in
2 bringing on the difficulty. If the defendant's conduct
3 was the type which was reasonably calculated to and did
4 provoke a deadly assault, the defendant would be at fault
5 in bringing on the difficulty and would not be entitled to
6 an acquittal based on self-defense. The second element of
7 self-defense is that the defendant was actually in
8 imminent danger of death or serious bodily injury or that
9 the defendant actually believed he was imminent danger of
10 death or bodily injury. If the defendant was actually in
11 imminent danger, it must be shown that the circumstances
12 would have warranted a person of ordinary firmness and
13 courage to strike the fatal blow to prevent death or
14 serious injury.

15 If the defendant believed he was imminent
16 danger or death or serious bodily injury, it must be shown
17 that a reasonably prudent person of ordinary firmness and
18 courage would have had the same belief. In deciding
19 whether the defendant actually was or believed in imminent
20 danger of death or injury, you should consider all of the
21 facts and circumstances surrounding the crime including
22 the physical condition and characteristics of the
23 defendant and the victim.

24 The final element of self-defense is that the
25 defendant had no other probable way to avoid the danger or

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 death or seriously body injury than to act as the
2 defendant did in this particular instance.

3 In order to be entitled to claim self-
4 defense, the defendant must have had no other probable way
5 to void the danger or death or serious injury including
6 the duty to retreat from the harm if that opportunity
7 exists prior to employing the use of deadly harm to
8 protect oneself.

9 Now, the defendant is also charged with
10 possession of a weapon during the commission of or attempt
11 to commit a violent crime. The State must prove beyond a
12 reasonable doubt that the defendant was in possession of a
13 firearm during the commission of a violent crime. And a
14 firearm means any machine gun, automatic riffle, revolver,
15 pistol or any weapon which will is designed to or may be
16 readily converted to expel a projectile.

17 In order to find the defendant guilty of
18 possession of a weapon during the commission of a violent
19 crime, you must first find the defendant guilty of either
20 committing a violent crime or attempting to commit a
21 violent crime. Murder is a violent crime.

22 Now, madam forelady and ladies and gentlemen
23 of the jury, there are two possible verdicts for each
24 count of the indictment. There is no importance in the
25 order in which I state them, one has got to go first.

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 Those are guilty and not guilty. We have prepared a
2 verdict form which we will send back into the jury room
3 with you, and I think it's self-explanatory.

4 I want to tell you that all -- let me explain
5 this, though. In order to find the defendant guilty of
6 the second count, which is possession of a weapon during a
7 violent crime, you must find him guilty of murder.

8 Now, all 12 of you must agree on the verdict.
9 Your verdict must be unanimous. It cannot be based on
10 sympathy, passion, prejudice, emotion or any other
11 consideration which is not in evidence in the case.
12 Remember you have no friends to reward, you have no
13 enemies to punish.

14 Madam forelady, I'm going to excuse you to
15 your jury room in just a second. Please don't start your
16 deliberations just yet. When you get the verdict form and
17 the evidence in this case, then you can start. I need to
18 go over my charge on the law to make sure I did not
19 mistake or omit anything during my charge.

20 So at this time, please retire to your jury
21 room.

22 (Whereupon, the jury exited the courtroom.)

23 Any exceptions or objections to the charge?

24 MR. CAMPBELL: None from the State, Your
25 Honor.

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 MR. GODFREY: Just one, Your Honor. You
2 ruled that you would not give the charge as I requested.
3 I take exception, but I do believe a charge should have
4 been given that a person should have been acting lawfully
5 even if he is in unlawful possession of a weapon, that he
6 was entitled to arm himself at the time of the shooting.

7 THE COURT: I think I've discussed that and
8 your exception is noted for the record.

9 Y'all want to take a look at the verdict form
10 to make sure it's acceptable, go through the evidence,
11 send it back and let them get started.

12 (Whereupon, the jury began deliberations at
13 12:25 p.m.)

14 (Whereupon, there was a note from the jury.)

15 THE COURT: The jury has a note here
16 requesting lunch. We'll make that a Court's Exhibit.
17 Get them the lunch menus.

18 (Jury note marked as Court's Exhibit No. 2
19 for identification and admitted into evidence.)

20 (Whereupon, Mr. Brewster returns to the
21 courtroom.)

22 Anything you want to say?

23 MR. BREWSTER: I told the truth.
24 Mr. Hammond's statement (inaudible), but I told the truth.
25 I was being investigated but I told the truth. I was no

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 where around when it happened. I rolled through there
2 afterwards. I'm telling you the truth.

3 THE COURT: I understand you're on an ankle
4 monitor?

5 MR. BREWSTER: Yes, sir.

6 THE COURT: Apparently I'm the one who put
7 you on it.

8 MR. BREWSTER: Yes, sir.

9 THE COURT: So you'd better tow the line with
10 that, do you understand me.

11 MR. BREWSTER: Yes, sir.

12 THE COURT: All right, you're released from
13 subpoena.

14 MR. BREWSTER: Thank you, sir.

15 (Whereupon, trial stood at ease awaiting jury
16 verdict.)

17 THE COURT: I have a question and it is, "Can
18 we get the definition again of what constitutes self-
19 defense i.e. the three conditions." It might not be
20 complete if I didn't charge murder as well. I'll be happy
21 to hear anybody on that. It is part and parcel of the
22 murder charge.

23 MR. GODFREY: I don't have any problem of you
24 recharging self-defense and murder. I agree with that.

25 THE COURT: All right, let's bring them back

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 in.

2 (Question from Jury marked as Court's Exhibit
3 No. 3 for identification and admitted into evidence.)

4 (Whereupon, the jury re-enters the
5 courtroom.)

6 All right, ladies and gentleman, I have your
7 note where it says you would like to get the definition
8 again of what constitutes self-defense, the three
9 conditions, so I'm going to charge you -- it is part and
10 parcel of the charge on murder so I recharge you on murder
11 and self-defense.

12 The defendant is charged with murder. The
13 State must prove beyond a reasonable doubt that the
14 defendant killed another person with malice aforethought.
15 Malice is hatred, ill will or hostility towards another
16 person. It is the intentional doing of wrongful act
17 without just cause or excuse and with an intent to inflict
18 and injury or under circumstances that the law will infer
19 an evil intent.

20 Malice aforethought does not require that
21 malice exists for any particular time before the act is
22 committed, but malice must exist in the mind of the
23 defendant just before and at the time the act is
24 committed. Therefore, there must be a combination of the
25 previous evil intent in the act.

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 Malice, aforethought may be either expressed
2 or inferred. These terms express and inferred do not mean
3 different kinds of malice, but merely the manner in which
4 malice may be shown to exist, that is either by direct
5 evidence or by inference from the facts and circumstances
6 which are proved.

7 Express malice is shown when a person speaks
8 words which express hatred or ill will for another or when
9 the person prepared beforehand to do the act which was
10 later accomplished. Malice may be inferred from conduct
11 showing a total disregard for human life.

12 The defendant has raised the defense of self-
13 defense and self-defense is a complete defense, and if it
14 is established, you must find the defendant not guilty.

15 The State has the burden of disproving self-
16 defense by proof beyond a reasonable doubt. If you have a
17 reasonable doubt of the defendant's guilt after hearing
18 all the evidence including the evidence of self-defense,
19 then you must find the defendant not guilty.

20 On other hand, if you have no reasonable
21 doubt of the defendant's guilt after considering all the
22 evidence including the evidence of self-defense, then you
23 must find the defendant guilty.

24 The following elements are required to
25 establish self-defense.. First, the defendant must be

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 without fault in bringing on the difficulty. If the
2 defendant's conduct was the type which was reasonably
3 calculated to and then provoke a deadly result, the
4 defendant would be at fault in bringing on the difficulty
5 and would not be entitled to an acquittal based on self-
6 defense.

7 The second element of self-defense is that
8 the defendant was actually in eminent danger of death or
9 serious bodily injury or that the defendant actually
10 believed he was in eminent danger of death or serious
11 injury. If the defendant was actually in eminent danger,
12 it must be shown that the circumstances would have
13 warranted a person of ordinary courage to strike the fatal
14 blow to prevent death or serious injury.

15 If the defendant believed he was in eminent
16 danger of death or serious injury, it must be shown that a
17 reasonable prudent person of ordinary firmness and courage
18 would have had the same belief. And in deciding whether
19 the defendant actually was or believed he was in eminent
20 danger of death or serious injury, you should consider all
21 the facts and circumstances surrounding the crime
22 including the physical condition and characteristics of
23 the defendant and the victim.

24 The final element of self-defense is that the
25 defendant had not other probable way to avoid the danger

STATE VERSUS CAMERON HAMMONDS - JURY CHARGE

1 of death or serious injury than to act as the defendant
2 did in these particular circumstances.

3 In order to be entitled to claim self-
4 defense, the defendant must have had no other probable way
5 to avoid the danger of death o serious injury including
6 the duty to retreat from the harm if that opportunity
7 exists prior to employing the use of the deadly harm to
8 protect ones self.

9 Okay. Anything else y'all need, you just let
10 me know.

11 (Whereupon, the jury exited the courtroom to
12 continue deliberations.)

13 THE COURT: I have been informed that we have
14 a verdict. Bring the jury in.

15 (Whereupon, the jury re-enters the courtroom
16 at 2:55 p.m.)

17 Madam forelady, I understand you've reached a
18 verdict.

19 MADAM FORELADY: Yes, sir.

20 THE COURT: Please hand it to the bailiff.

21 THE CLERK: In the Court of General Sessions,
22 Case No. 2007-GS-23-9564, as to the charge of murder, we
23 the jury find the defendant guilty. As to the charge of
24 possession of a weapon during the commission of a violent
25 crime, we the jury find the defendant guilty.

STATE VERSUS CAMERON HAMMONDS - SENTENCING

1 Anything else for the jury?

2 MR. GODFREY: Nothing, Your Honor.

3 MR. CAMPBELL: Nothing from the State.

4 THE COURT: Okay. Ladies and gentleman of
5 the jury, thank you very much for your service. Y'all
6 have been a great jury and worked very hard. I wish I
7 could give you the rest of the week off but can't do it.
8 I'll have to ask you to call back after 6:00 tonight and
9 find out when you need to report. We have another jury
10 out and have started on another trial, so I'm going to ask
11 you to call back and hope we get to see you later in the
12 week.

13 Thank you very much.

14 (Whereupon, the jury was dismissed at
15 3:00 p.m.)

16 Anybody got any motions?

17 MR. GODFREY: Judge, at this time we would
18 move to set the verdict aside and make a motion for a new
19 trial based on the fact that verdict is not supported by
20 the evidence.

21 THE COURT: Okay. Denied.

22 Y'all ready.

23 SENTENCING

24 MS. HARRISON: Your Honor, with your
25 permission, the victims would like to speak.

STATE VERSUS CAMERON HAMMONDS - SENTENCING

1 THE COURT: That's fine. We need to get the
2 sentencing sheet.

3 I'll be happy to hear from the victims.

4 MS. BROWN: Your Honor, my name is Jereeka
5 Brown and I would like to speak on behalf of my brother,
6 Lee Travis Konard. Why my brother, Lee Travis Konard.
7 Must I say the peace, happiness, joy of my loved one's is
8 gone. What is there for my family to do. I hope that
9 justice is served so that my family can try to pick up the
10 pieces. I can't say go on with life knowing my brother's
11 life was taken for no reason. And what must we say to his
12 kids Shamerica and Shanya Konard that would be raised with
13 no dad and a mom and nieces and nephews that are left with
14 only memories and hoping one day to see, hear their loved
15 one again. But until then, may God keep my family, my mom
16 and dad at peace in knowing that justice will be served;
17 that this man that killed my brother, Lee Travis Konard be
18 punished for this crime he has committed. Although it
19 will not bring back my brother, but it may bring closure
20 and his family and loved ones.

21 THE COURT: Anything else from the victims?

22 MS. HARRISON: No, Your Honor.

23 THE COURT: Mr. Godfrey.

24 MR. GODFREY: Your Honor, if it please the
25 court, Judge, my client is 29 years old and until today

STATE VERSUS CAMERON HAMMONDS - SENTENCING

1 had no conviction record at all. He is supported by his
2 wife and his family. He understands the verdict.
3 Obviously, he is very upset about the verdict. Your
4 Honor, it's one of those situations where my client was
5 truly in the wrong place at the wrong time and did the
6 wrong thing. There is no way that we can make things
7 right. He can say and has said many times that he is
8 sorry about what happened because of how it has affected
9 everyone, not just his family, but everyone else's. We
10 would respectfully request that the Court be merciful in
11 the sentence.

12 THE COURT: All right.

13 Anything you want to say? Anybody.

14 State your name.

15 MS. WOODS: Willie Mae Woods, the defendant's
16 mother, and I would like to say that I'm sorry that this
17 happened to his family because I'm also a single mother
18 with only just the one child, and I would like to say to
19 this family I'm really very sorry and have mercy on my
20 child.

21 THE COURT: Thank you, ma'am.

22 Anything else?

23 MR. GODFREY: That's all, Judge.

24 THE COURT: Anything you want to say,
25 Mr. Hammonds?

STATE VERSUS CAMERON HAMMONDS - SENTENCING

1 Wait, we've got somebody else. State your
2 name.

3 MR. NELSON: James Nelson, the defendant's
4 cousin. I'd like to say that since he was little, he's
5 always been a good kid and try to do the right thing. He
6 didn't have a big brother like I did, so some cousins had
7 to try to come around as much as we could to try to guide
8 him. His father was gone and he didn't have any manhood
9 around him like he needed, so we tried to be there as much
10 as we could as we lived our lives. He was a little
11 younger than us and we took as much time as we could, but
12 when we got older and took on our own lives -- like he
13 said when he was 15 he ran across some wrong things and
14 some times he ran with the wrong people but he's not a bad
15 kid. I'm just begging for the Court's mercy.

16 THE COURT: Thank you very much.

17 How about you, Mr. Hammonds, is there
18 anything you want to tell me?

19 MR. HAMMONDS: To the Konard Family ---

20 THE COURT: No, sir, you have to address me.

21 MR. HAMMONDS: I'm sorry.

22 THE COURT: It's all right.

23 MR. HAMMONDS: I just want to say if I could
24 have did it another way, I would have. If I could have
25 walked away, I would have. I'm sorry for destroying both

STATE VERSUS CAMERON HAMMONDS - SENTENCING

1 families, mine and theirs.

2 THE COURT: All right. Well, two families
3 are just torn apart, but this was a brutal murder, and on
4 murder, I'm going to give him life, on the other one, five
5 years.

6 ---END OF TRANSCRIPT RECORD---

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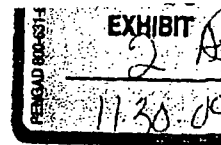
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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

07-48756 7/2/07 16:30

I, Cameron Mahone Hammonds Jr. do hereby give freely and voluntarily this statement to
Detective T. M. Conroy and Detective C.H. Flavell

who have identified themselves to me to be Officers of the Greenville City Police Department, Greenville, South Carolina. I have been advised that I do not have to make this or any other statement, and that what I say can be used against me in a Court of Law. I have been advised that I have the right to Counsel with an Attorney of my choice, that if I am financially unable to obtain an Attorney the Court will appoint an Attorney to represent me. I have not been threatened or promised any reward to make this statement.

I am, _____ years old and I reside at _____
I have a _____ grade education, and I can read and write.

The night before the incident occurred, Tyrone who is my stepbrother got his car stolen and beat up. Stephon and I were going to see Tyrone at the hospital and we saw his car. While I was at Tyrone's car there was beige Grand Marquise with a red drive out tag (dealers tag) that was missing a black strip on the front passenger front door that circled twice. I could see two people in the car but I did not recognize them. After Tyrone got out of the hospital I was driving his car back to my house at _____ St., I drove down _____ St. and saw the two guys and the car that drove by Tyrone's car while we were talking to the detective and forensics. I went home and notice that the same guys and the car drove by my house.

The next day I got up at about 1 or 2 PM in the afternoon and Tyrone's dad said that he had the locks changed at Tyrone's apartment because his keys were stolen. We didn't talk about what happened because we wanted Tyrone to rest. After a while I left my house by myself and was walking to Stephon's grandmother's house, I walked down _____ St. When I got to the house that the two guys were at the night before, I saw them again on the front porch. The tall dark skinned guy who I know as Killer Cam came off the front porch and we talked a little while. He met me in the front yard; I said why did ya'll do my little brother like that. He said Fuck your little brother, your little brother knows how I get down. I said my little brother doesn't bother anybody we don't do nothing to anybody, my kids could have been in that car. He said fuck your brother. I then said why ya'll do my brother like that. The light skinned tall guy on the front porch then pulled a gun out and pointed it at me. When he did that me and the guy I was arguing with moved to the right, we were both shocked. When we moved to the right we were close together and he pulled a gun out and was fumbling it, he didn't drop it. I grabbed his gun from him, he had a revolver. I had my .380 semi automatic in my waist band, it is registered to me. I just remember shooting I shot with both guns just shooting. I dropped the guns and ran I ran out of my black house shoes, I left them in the front yard. After I was done shooting I dropped both guns in the front yard and ran back to my house at _____ St.

I have read the above statement of 1/1 pages and it is true and correct as best I recall.

WITNESS:

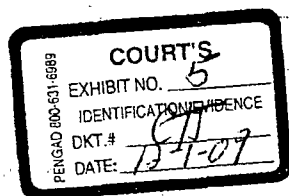
T. M. Conroy
[Signature]

[Signature]
I HAVE RECEIVED A COPY OF THIS STATEMENT

ORIGINAL

can we get the
definition again of
what constitutes
self defense
i.e. the 3
conditions

[Handwritten signature]



WITNESSES

Conroy

/Albert / S

Greenville Police Department

12/2007

ARREST WARRANT NUMBER

J482678 and J482679

ACTION OF GRAND JURY

TRUE BILL



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

nh/og
Date:

DOCKET NO. 2007-GS-23-
SPH

007564

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2007

THE STATE

vs.

GUILTY

CAMERON HAMMONDS

Indictment for

0116/0549

MURDER

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-03-0010 and § 16-23-0490

228

COUNT I - MURDER

COUNT II—POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

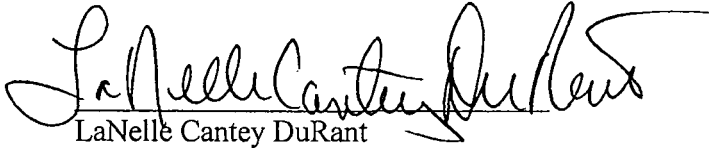
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Sylvia Harrison
SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

January 18th, 2011



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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CAMERON HAMMONDS,

APPELLANT

FINAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

TABLE OF CONTENTS	1
TABLE OF AUTHORITIES.....	2
STATEMENT OF ISSUES ON APPEAL.....	3
STATEMENT OF THE CASE.....	4
ARGUMENT.....	5
CONCLUSION.....	12
CERTIFICATE OF COUNSEL	13

TABLE OF AUTHORITIES

Cases

<u>State v. Austin</u> , 299 S.C. 456, 385 S.E.2d 830 (1989).....	10
<u>State v. Brayboy</u> , 387 S.C. 174, 691 S.E.2d 482 (Ct. App. 2010).....	10
<u>State v. Burkhardt</u> , 350 S.C. 252, 565 S.E.2d 298 (2002)	11
<u>State v. Burriss</u> , 334 S.C. 256, 513 S.E.2d 104 (1999).....	10
<u>State v. Crosby</u> , 355 S.C. 47, 584 S.E.2d 110 (2003).....	10
<u>State v. Curry</u> , 370 S.C. 674, 636 S.E.2d 649 (Ct. App. 2006).....	10
<u>State v. Gaines</u> , 380 S.C. 23, 667 S.E.2d 728 (2008)	10
<u>State v. Goodson</u> , 312 S.C. 278, 440 S.E.2d 370 (1994)	10
<u>State v. Knoten</u> , 347 S.C. 296, 555 S.E.2d 391 (2001).....	10
<u>State v. McCaskill</u> , 300 S.C. 256, 387 S.E.2d 268 (1990).....	10
<u>State v. Smith</u> , 315 S.C. 547, 446 S.E.2d 411 (1994).....	10
<u>State v. Wigington</u> , 375 S.C. 25, 649 S.E.2d 185 (Ct. App. 2007)	8, 9

STATEMENT OF ISSUES ON APPEAL

Whether the trial court erred in refusing to charge the jury that even if a person was in unlawful possession of a gun, he could still use the gun lawfully in self-defense?

STATEMENT OF THE CASE

On November 21, 2007, the Greenville County Grand Jury indicted Cameron Hammonds on the charges of murder and possession of a weapon during the commission of a violent crime. On November 30 – December 1, 2009, Hammonds proceeded to trial before the Honorable Edward Miller and a jury. The jury returned a verdict of guilty on both charges as indicted. Judge Miller sentenced Hammonds to life imprisonment on the murder and five years on the possession of a weapon charge. Hammonds' attorney filed a notice of appeal. This appeal follows.

ARGUMENT

The trial court erred in refusing to charge the jury that even if a person was in unlawful possession of a gun, he could still use the gun lawfully in self-defense.

Cameron Hammonds was awakened around two o'clock in the early morning of June 21, 2007, by his stepbrother banging on the front door. He had been beaten in the face with a shotgun and was bleeding. Hammonds called the police, and his brother was taken by ambulance to the hospital. R.58, ll. 7 – 25; R.59, ll. 1 – 25; R.60, ll. 1 – 25; R.61, ll. 1 – 25; R.62, ll. 1 – 25; R.63, ll. 11 – 13.

Hammonds then went to Stephon Brewster's house where his brother, Tyrone, had been, to see if they knew what happened. Brewster was one of his brother's best friends. Hammonds and Brewster went to the hospital. R.62, ll. 15 – 25; R.63, ll. 1 – 25. On the way, he saw Tyrone's car so Hammonds stopped and checked the car to see if anything was missing. He saw that the car had been ransacked but nothing was missing. He called the police again. While he was looking at the car, he saw a beige car with a red "drive-out tag", which was a tag in place of the license plate, circle the block two times. After leaving the hospital, the police told him he could take his brother's car home. As he was driving into the driveway, he saw the same beige car drive by slowly. He saw the car in a house on a street he took on his way home. R.64, ll. 1 – 25; R.65, ll. 1 – 25; R.66, ll. 1 – 25; R.67, ll. 25.

The following day, he started walking to Stephon Brewster's grandmother's house because the group usually gathered there. On the way, he saw the same beige car parked in front of the same house. Two men were there; one was on the porch and one was in the yard. The man in the yard he knew only as Killer Cam. R.69, ll. 1 – 25; R.70, ll. 1 – 16.; State's Exhibit 2- Hammonds' Statement.

Hammonds went to ask them questions about his brother. He asked the man in the yard why they robbed his little brother. The man uttered profanity to him and said that his brother knew how this man "gets down." Hammonds said that his kids could have been in that car. Then the man on the porch pulled a gun. When he did, Hammonds and the man in the yard jumped. Hammonds started taking his own gun from his waistband as the man in the yard, who was standing very close to Hammonds, tried to pull his gun. R.71, ll. 1 – 25; R.84, ll. 1 – 23.

As the man was pulling his gun, he fumbled it, and Hammonds caught it with his left hand. Hammonds then turned, started running, and started shooting with his own gun and the other man's gun. He was not shooting at anybody. He was scared as he was afraid he was going to be killed, and he just wanted to get away. He dropped the guns in the yard. R.72, ll. 1 – 25; R.73, ll. 1 – 25; R.74, ll. 1 – 25; R.76, ll. 22 – 25; R.77, ll. 1 – 12; State's Exhibit 2- Hammonds' Statement.

Hammonds' gun was a 308 semi-automatic. He routinely carried a gun because of the dangerous community where he lived. The gun was registered to him, but he did not have a license to carry a concealed weapon. R.76, ll. 13 – 25; R.77, ll. 1 – 2. Hammonds admitted on cross-examination that he did not have a concealed weapons permit to carry the gun. He carried it for protection. R.79, ll. 1 – 16.

The man in the yard was shot nine times, and died as a result of multiple gunshot wounds. R.51, ll. 1 – 5; R.56, ll. 15 – 21. Hammonds was arrested in Knoxville and returned to South Carolina. He cooperated with the police and gave a statement which they wrote, and he signed. In this statement, he admitted to shooting his gun that day. R.75, ll. 19 – 25; R.76, ll. 1 – 21.

Detective Tim Conroy of the Greenville Police Department was assigned to investigate this case. His first lead in the case came when Stephon Brewster came to the police department on the day of the incident to provide information about the murder. Brewster identified Cameron Hammonds as the shooter. Brewster told the detective that he was friends with Hammonds and his step brother. Detective Conroy then developed a photo line-up and showed to Brewster who selected Hammonds from the line-up. R.2, ll. 1 – 25; R.3, ll. 1 – 25; R.4, ll. 1 – 25; R.5, ll. 1 – 25; R.6, ll. 1 – 25; R.7, ll. 1 – 24; R.15, ll. 7 – 12.

Brewster testified at the trial that while he had told the police he saw the murder, he really did not see it as he was not there. He was in the area, and drove by the scene when he heard the shots, but he did not see the shooting. He told the police he was there just to take the heat off of him because his car was on the news, and he was afraid the police would come after him. He selected Hammonds from the photo line-up because everybody was saying that Hammonds did it, but Brewster did not really know. R.26, ll. 7 – 25; R.27, ll. 1 – 25; R.28, ll. 1 – 24; R.30, ll. 1 – 23.

Detective Conroy stated that Kelvin Harris also called the police to provide information about the shooting. Harris identified Hammonds as the shooter. R.13, ll. 15 – 25; R.14, ll. 1 – 20.

Harris testified that he lived on the same street where the incident occurred, across the street but two houses up. R.41, ll. 24 – 25; R.42, ll. 1 – 16. He was sitting on his front porch on the day of the incident. R.33, ll. 17 – 25; R.37, ll. 1 – 25. He saw Brewster and Hammonds drive up and stop in front of the house where the shooting occurred. He knew them because Brewster was his cousin, and he had seen Hammonds with Brewster. R.37, ll. 9 – 25; R.38, ll. 1 – 25; R.39, ll. 1 – 5.

Harris allegedly saw Hammonds get out of the car shooting. He said Hammonds used a second gun when the first one ran out. The victim was allegedly trying to get into the house. Harris did not see the victim with a gun. Harris could not "exactly see on the porch." R.37, ll. 6 – 25; R.40, ll. 1 – 25; R.41, ll. 1 – 22.

Harris admitted that people from the news came and talked to him the day of the incident, and he told them he did not see anything. Harris denied calling the police, but said that he told his boss at the sanitation department, and that his boss called the police. R.46, ll. 1 – 25; R.47, ll. 1 – 14. Harris admitted that he was a recovering drug addict, and had served time in prison. However, he had been clean ten years. R.36, ll. 1 – 25; R.37, ll. 1 – 8.

Defense counsel asked the judge to give the jury instruction on self-defense and an instruction on the "fact that someone has a gun illegally does not mean that they cannot use the gun in self-defense." Counsel cited the case of State v. Wigington, 375 S.C. 25, 649 S.E.2d 185 (Ct. App. 2007). , R.91, ll. 20 – 25. Counsel argued that Hammonds was pleading self-defense. Counsel argued that the standard was if there were any evidence before the jury, then the court was supposed to give the charge. , R.92, ll. 2 – 23.

The judge denied counsel's request to give the jury instruction on the illegal possession of a gun. The judge ruled:

I've reviewed the Wigington case and I presume the language that you're referring to reads: 'further a person can be acting lawfully if he was entitled to arm himself in self-defense at the time of the shooting.' Well, that just does not fit these facts so I'm not going to charge that.

R. 93, ll. 9 – 12.

The judge said that credibility was a huge issue in this case. Brewster admitted that he lied to the police, and that his story did not match Hammonds even after Brewster said he lied. The judge agreed to give the self-defense charge. R. 98, ll. 17 – 25; R. 99, ll. 1 – 21.

After the judge instructed the jury on the charges, defense counsel objected that the judge did not give the requested jury charge, and argued that the charge should have been given that a person that is in unlawful possession of a weapon was entitled to arm himself in self-defense at the time of the shooting. R.121, ll. 23 – 25; R.122, ll. 1 – 8.

Defense counsel argued to the jury that this was a case of self defense. Cameron Hammonds believed he was going to be killed that day. R.110, ll. 1 – 9. Hammonds had never been convicted of a crime, and had strong family support. Counsel said there was a man on the porch because he had been charged with misprision of a felony. R.107, ll. 1 – 25; R.59 – 69.

During jury deliberations, the jury sent a note to the judge asking for the definition again of what constitutes self-defense, the three conditions. The judge said he would charge that again but felt he had to charge murder again also to make it complete. The attorneys agreed. The judge brought the jury back and gave them the two charges again. R.123, ll. 17 – 25; R.124, ll. 1 – 25; R.125, ll. 1 – 25; R.126, ll. 1 – 25; R.127, ll. 1 – 12.

The law to be charged must be determined from the evidence presented at trial. State v. Knoten, 347 S.C. 296, 302, 555 S.E.2d 391, 394 (2001). A trial court commits reversible error if it fails to give a requested charge on an issue raised by the evidence. State v. Brayboy, 387 S.C. 174, 691 S.E.2d 482 (Ct. App. 2010). A request to charge a correct statement of the law on an issue raised by the indictment and the evidence presented at trial should not be refused. State v. Austin, 299 S.C. 456, 458, 385 S.E.2d 830, 831 (1989). To

warrant reversal, a trial court's refusal to give a requested jury charge must be both erroneous and prejudicial to the defendant. State v. Gaines, 380 S.C. 23, 31, 667 S.E.2d 728, 732 (2008). A jury charge is sufficient if, when considered as a whole, it covers the law applicable to the case. State v. Curry, 370 S.C. 674, 636 S.E.2d 649 (Ct. App. 2006). Jury instructions should be considered as a whole, and if as a whole they are free from error, any isolated portions which may be misleading do not constitute reversible error. State v. Smith, 315 S.C. 547, 446 S.E.2d 411 (1994).

A person can be acting lawfully, even if he is in unlawful possession of a weapon, if he was entitled to arm himself in self-defense at the time of the shooting. State v. Crosby, 355 S.C. 47, 584 S.E.2d 110 (2003); State v. Burriss, 334 S.C. 256, 513 S.E.2d 104 (1999); citing State v. McCaskill, 300 S.C. 256, 387 S.E.2d 268 (1990) and State v. Goodson, 312 S.C. 278, 440 S.E.2d 370 (1994).

There was sufficient evidence for the judge to give the charge that a person could be acting lawfully in self-defense even if he was in unlawful possession of the gun. The judge acknowledged that the credibility of the witnesses was an issue. Hammonds voluntarily gave a statement to the police admitting that he shot the gun because he was in fear for his life. His belief that these were the men who beat his brother with a shotgun was reasonable in light of the fact that the same beige car kept appearing, even at 5:00 a.m., and in light of the comment made by one of the men regarding he knew how he "got down." Hammonds already knew these men had a shotgun since that was the weapon used to beat his brother in the face. Hammonds' belief that he was in danger was only reasonable as well as his belief he needed to protect his little brother.

The judge believed there was sufficient evidence to give the charge on self-defense. It was only reasonable for him to then give the charge on the gun since the gun charge required that the person had armed himself in self-defense. It was prejudicial to Hammonds not to give the charge as he admitted he did not have a license to carry the gun.

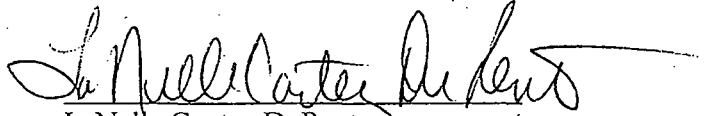
In State v. Burkhart, 350 S.C. 252, 565 S.E.2d 298 (2002), the Supreme Court wrote that because the sole issue in that case was self-defense versus murder, it was prejudicial for the trial judge not to properly instruct the jury on the burden of proof which warranted reversal. As in Hammonds' case, Burkhart admitted to killing the three victims and relied entirely on self-defense at trial. The Supreme Court reversed Burkhart's case for a new trial.

Hammonds' admission that he was carrying the gun illegally because he did not have a permit to carry it made his possession of his gun unlawful. There was a reasonable probability that the jury held that against him especially in light of the fact that the jury asked the second time for the definition of self-defense. The judge should have clarified that Hammonds' gun was lawful to use in self-defense.

CONCLUSION

Based on the foregoing reasons, the convictions and sentences should be reversed,
and the case remanded for a new trial.

Respectfully submitted,

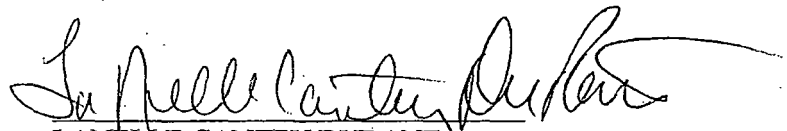

LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR APPELLANT

This 8th day of February, 2011.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."


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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

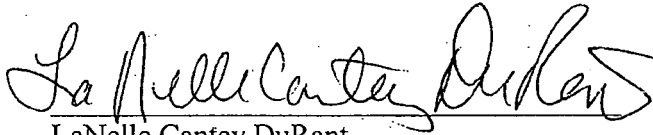
V.

CAMERON HAMMONDS,

APPELLANT

CERTIFICATE OF SERVICE

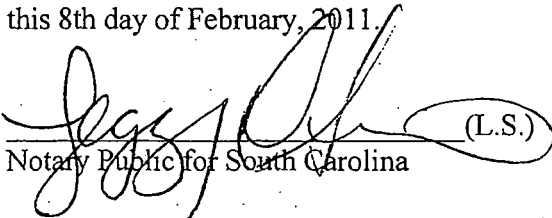
The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, SC 29201, this 8th day of February, 2011.



LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 8th day of February, 2011.



(L.S.)
Notary Public for South Carolina

My Commission Expires: December 4, 2017.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

The Honorable Edward Miller, Circuit Court Judge

THE STATE

RESPONDENT

V

CAMERON HAMMONDS

APPELLANT

FINAL BRIEF OF RESPONDENT

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TABLE OF CONTENTS

TABLE OF CONTENTS	i
TABLE OF AUTHORITIES.....	ii
APPELLANT'S STATEMENT OF ISSUE ON APPEAL.....	1
RESPONDENT'S STATEMENT OF ISSUE ON APPEAL	2
STATEMENT OF THE CASE.....	3
STATEMENT OF FACTS.....	4
ARGUMENT.....	8
I. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN DENYING HAMMOND'S REQUEST FOR A JURY INSTRUCTION THAT "THE FACT THAT SOMEONE HAS A GUN ILLEGALLY DOESN'T NOT MEAN THAT THEY CANNOT USE THE GUN IN SELF-DEFENSE."	8
CONCLUSION	20

TABLE OF AUTHORITIES

Cases

<u>Clark v. Cantrell</u> , 339 S.C. 369, 529 S.E.2d 528 (2000).....	9
<u>State v. Bryant</u> , 336 S.C. 340, 520 S.E.2d 319 (1999).....	15
<u>State v. Burkhart</u> , 350 S.C. 252, 565 S.E.2d 298 (2002).....	14, 19
<u>State v. Burriss</u> , 334 S.C. 256, 513 S.E.2d 104 (1999).....	12
<u>State v. Cottrell</u> , 376 S.C. 260, 657 S.E.2d 451 (2008).....	9
<u>State v. Davis</u> , 282 S.C. 45, 317 S.E.2d 452 (1984).....	14, 15
<u>State v. Harris</u> , 382 S.C. 107, 674 S.E.2d 532 (Ct.App.2009).....	10
<u>State v. Jackson</u> , 384 S.C. 29, 681 S.E.2d 17 (Ct.App.2009).....	14
<u>State v. Kelsey</u> , 331 S.C. 50, 502 S.E.2d 63 (1998)	15
<u>State v. Light</u> , 378 S.C. 641, 664 S.E.2d 465 (2008)	12
<u>State v. Patterson</u> , 367 S.C. 219, 625 S.E.2d 239 (Ct.App.2006).....	9, 10
<u>State v. Slater</u> , 373 S.C. 66, 644 S.E.2d 50 (2007).....	12, 13
<u>State v. Starnes</u> , 340 S.C. 312, 531 S.E.2d 907 (2000).....	10
<u>State v. Wigington</u> , 375 S.C. 25, 649 S.E.2d 185 (Ct.App.2007)	11, 16
<u>State v. Williams</u> , 367 S.C. 192, 624 S.E.2d 443 (Ct.App.2005).....	9
<u>State v. Zeigler</u> , 364 S.C. 94, 610 S.E.2d 859 (Ct.App.2005)	19

Statutes

S.C. Code Ann. §16-23-20.....	16
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APPELLANT'S STATEMENT OF ISSUE ON APPEAL

Whether the court erred in refusing to charge the jury that even if a person was in unlawful possession of a gun, he could still use the gun lawfully in self-defense?

RESPONDENT'S STATEMENT OF ISSUE ON APPEAL

Whether the trial court abused its discretion in denying Hammonds' request for a jury instruction that "the fact that someone has a gun illegally doesn't not mean that they cannot use the gun in self-defense?"

STATEMENT OF THE CASE

On November 30-December 1, 2009, Appellant Cameron Hammonds ("Hammonds") was tried by a jury for the murder of Lee Kanard and possession of a weapon during the commission of a violent crime. Appellant was tried in the Greenville County Court of General Sessions before the Honorable Edward M. Miller, Circuit Court Judge. Bill Godfrey, Esquire represented Appellant. The State was represented by George Campbell, Esquire, and Sylvia Harrison, Esquire, Assistant Solicitors for the Thirteenth Judicial Circuit. On December 1, 2009, Appellant was convicted of murder and possession of a weapon during the commission of a violent crime. (R. p. 127). He received a life sentence for the murder conviction and five years confinement for the possession of a weapon during the commission of a violent crime conviction. (R. p. 132). Before this Court is Hammonds' direct appeal. He requests this Court reverse his convictions and order a new trial. The State respectfully requests this Court deny Hammonds' appeal and affirm his convictions.

STATEMENT OF FACTS

On June 21, 2007, Appellant Cameron Hammonds ("Hammonds") shot and killed the victim, Lee Kanard, in Kanard's front yard. The victim was shot nine times, and he died as a result of multiple gunshot wounds. (R. pp. 51-56).

The Shooting

Kelvin Harris, a neighbor¹ of the victim who saw the shooting, testified that he saw Hammonds and Stephon Brewster² on June 21, 2007. (R. p. 38). Hammonds and Brewster drove up to Kanard's home in a gray Impala.³ (R. p. 43). Harris testified that Kanard was standing in Kanard's front yard when Brewster and Hammond pulled up. (R. p. 39). Kanard initially walked towards the car when it pulled up. (R. pp. 39, 44). However, he never walked all the way to the car. (R. p. 44). Hammonds and Kanard "had a few words" with one another while Hammonds was in the car. (R. pp. 39, 44). Harris could not hear what the two said to one another, and he could neither confirm nor deny they were arguing. (R. pp. 39, 44).

Shortly thereafter, Hammonds got out of the car. (R. pp. 39, 44-45). Harris testified that Hammonds started shooting when he exited the car. (R. p. 39). Kanard was trying to get back to his house. (R. pp. 39, 40). Hammonds fired several shots. Kanard fell over into the hedges off of his front porch. (R. p. 40). Harris testified that after Kanard fell over, Hammonds stopped shooting with one gun. (R. p. 40). However, Hammonds then pulled out another gun and fired

¹ Kanard lived across the street and two houses down from Harris. (R. p. 42).

² Stephon is Harris' cousin. (R. p. 38).

³ Several witnesses, including Brewster, indicated that Brewster's car was gray because it had been primed for painting. (R. pp. 31, 32, 43, 63).

it at Kanard multiple times. (R. pp. 40-41). Harris did not know the total number of shots fired. (R. pp. 39, 41).

Harris did not see Kanard with a gun that afternoon. (R. pp. 39, 41, 45). He also did not see anyone else with a gun at the scene before Hammonds started shooting. (R. p. 39). Harris indicated there was a third person in the vicinity of the victim's house that afternoon. (R. pp. 39-40). He did not know who the person was, but he watched the man ran to where Kanard was laying in the bushes, and then ran back either onto Kanard's porch or inside Kanard's house. (R. p. 40).

Detectives Conroy and Flavell of the Greenville Police Department testified that Brewster stopped by the police department and talked with law enforcement about the shooting. (R. pp. 4, 15, 24). A couple days later, Brewster told law enforcement that Hammonds was the shooter.⁴ (R. pp. 6-7, 25). Brewster later identified Hammonds in a photo lineup. (R. pp. 6-7, 25). At trial, Brewster admitted that he talked with the detectives, gave them a statement, and identified Hammonds as the shooter. (R. pp. 27, 28). However, he testified that he did not really see the murder, and he initiated contact with the police because he did not want them to think he was involved. (R. pp. 27-28). Brewster was concerned because his car was associated with the shooting on the news. (R. pp. 27, 31).

⁴ Detective Conroy testified that Brewster admitted in his second visit with police that some of the facts in his first statement were incorrect. Brewster told Conroy that everything in his first statement was correct except that Hammonds did not hold a gun on him and make him drive away. (R. p. 16).

On July 2, 2007, Detectives Conroy and Flavell took Hammonds' statement. (R. pp. 8-14, 20-23, 133).

Hammonds' Testimony and Statement Regarding the Shooting

Hammonds testified that his stepbrother, Tyrone, was attacked on the early morning of June 21, 2007, and his car was stolen. (R. p. 62). After Tyrone was taken to the hospital by ambulance, Brewster drove Hammonds to the hospital. (R. p. 63). On the way to the hospital, the two passed Tyrone's car. (R. p. 64). The car was ransacked, but nothing appeared to be missing. (R. p. 64). Hammonds testified that he called police. (R. p. 64). While he waited for police to arrive to process his stepbrother's car, he saw a beige car with a temporary license tag circle the block twice around the block where the car was located. (R. pp. 65-66). Hammonds saw the same beige car later that morning, when he was parking his stepbrother's car at Hammonds' house. (R. p. 66-67). Hammonds recognized the car, and he remembered seeing it parked at the victim's address. (R. p. 67).

At approximately 1 p.m. on June 21, Hammonds started walking towards Brewster's grandmother's house. (R. p. 69). Hammonds indicated that when he left his house, he was wearing a tank top, a pair of pants, and black house shoes. (R. p. 69). He also carried a High Point .380 semiautomatic pistol in his waistband. (R. pp. 72, 78-79, 133). During the walk, he passed by the victim's house. (R. p. 70). He noticed two guys were home: one was on the porch and the other was standing in the yard. (R. p. 70). Hammonds stated that he did not know either of them. When Hammonds saw the guy in the yard, he started

asking them, "Why y'all rob my little brother?" (R. p. 70; see R. p. 133). Hammonds indicated the victim responded by saying, "Fuck your little brother, he know how I get down." (R. p. 71). Hammond and the victim then engaged in a verbal exchange. The guy who was standing on the porch pulled a gun. Hammonds and the victim moved to the side. Then, according to Hammonds, the victim tried to pull his gun. (R. p. 71). "He fumbled it, and I caught it . . . As I caught it with my left hand, I turned and I pulled my gun too. I turned and I started running and shooting." (R. pp. 72, 86-87). Hammonds gave law enforcement a similar recount of the events in his statement to police. (R. p. 133).

Hammonds testified that he was scared, and he just wanted to get home to his children. (R. p. 73). He indicated that he dropped the guns in the yard. (R. p. 73). He ran home. Eventually, he left Greenville and drove to Knoxville, Tennessee. (R. p. 74). Hammonds noted that he did not have a concealed weapons permit for his pistol, but he carried the gun because of the dangerousness of the community. (R. pp. 72-73, 79).

ARGUMENT

I. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN DENYING HAMMOND'S REQUEST FOR A JURY INSTRUCTION THAT "THE FACT THAT SOMEONE HAS A GUN ILLEGALLY DOESN'T NOT MEAN THAT THEY CANNOT USE THE GUN IN SELF-DEFENSE."

The trial court did not abuse its discretion in denying Appellant's request for a specific jury instruction on being lawfully armed in self-defense when in unlawful possession of a firearm. The trial court did not err in denying the request; the request was not an accurate statement of South Carolina law, and the facts presented at trial did not support the charge. Furthermore, Hammonds cannot show that he was prejudiced by the denial of the request. The trial court's jury instructions on self-defense adequately and accurately reflected South Carolina law on self-defense. Since the trial court did not err in denying the request, and Hammonds was not prejudiced by the requested charge not being given, the trial court did not abuse its discretion in denying the request.

Argument at Trial

After the defense rested and the motion for a directed verdict was denied, Hammonds requested a self-defense charge and a charge "the fact that someone has a gun illegally doesn't not mean that they cannot use the gun in self-defense. That would be State versus Wigginton[sic] and several others." (R. p. 91). Hammonds later argued that the standard in Wigington is that if there was any evidence before the jury to support the charge, the court was required to

make it. After brief questioning about the facts and a review of the opinion in Wigington, the trial court reviewed the opinion.

I've reviewed the Wigginton[sic] case and I presume the language that you're referring to reads, "further a person can be acting lawfully even if he is in unlawful possession of a weapon if he was entitled to arm himself in self-defense at the time of the shooting." Well, that just does not fit these facts so I'm not going to charge that.

(R. p. 93, ll 14-20).

Standard of Review

"An appellate court will not reverse the trial court's decision regarding jury instructions unless the trial court abused its discretion." State v. Williams, 367 S.C. 192, 195, 624 S.E.2d 443, 445 (Ct.App.2005) (quoting Clark v. Cantrell, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000)). Furthermore, "[t]o warrant reversal, a trial court's refusal to give a requested jury charge must be both erroneous and prejudicial to the defendant." State v. Patterson, 367 S.C. 219, 232, 625 S.E.2d 239, 245 (Ct.App.2006). "The law to be charged must be determined from the evidence presented at trial." Id. If there is any evidence to support the requested charge, the trial court should grant the request. Williams, at 195, 624 S.E.2d at 445. The evidence must be reviewed in the light most favorable to appellant. State v. Cottrell, 376 S.C. 260, 262, 657 S.E.2d 451, 452 (2008). "It is error for the trial court to refuse to give a requested instruction which states a sound principle of law when that principle applies to the case at hand, and the principle is not otherwise included in the charge." Williams, 367 S.C. at 195, 624 S.E.2d at 445 (quoting Cantrell, supra).

"In charging self-defense, the trial court must consider the facts and circumstances of the case at bar in order to fashion an appropriate charge." State v. Harris, 382 S.C. 107, 114, 674 S.E.2d 532, 536 (Ct.App.2009) (citing State v. Starnes, 340 S.C. 312, 322, 531 S.E.2d 907, 913 (2000)). Failure to give a requested jury instruction is not prejudicial error where the instructions given afford the proper test for determining issues. Harris, 382 S.C. at 114, 674 S.E.2d at 536 (citing Patterson, supra). If the charge as a whole is reasonably free from error, isolated portions that might be misleading do not constitute reversible error. Id. A trial court's jury charge that is substantially correct and covers the law does not require reversal. Id.

Discussion

A. The trial court did not err in not giving the requested charge: there was no legal authority to support giving the requested instruction to the jury; the requested instruction was not a proper statement of the law, and it was not appropriate based on the facts of the case.

The trial court did not err in not instructing the jury that a person can be lawfully armed in self-defense, even when in unlawful possession of a weapon.

1. There is no legal authority to support instructing the jury as requested.

Hammonds has not presented any legal authority to support a trial court giving the requested instruction, "the fact that someone has a gun illegally doesn't not mean that they cannot use the gun in self-defense." At trial, defense counsel argued Wigington supported the requested charge. In Wigington, this Court noted in its analysis of the appellant's request for an involuntary manslaughter charge that "a person can be acting lawfully, even if he is in

unlawful possession of a weapon, if he was entitled to arm himself in self-defense at the time of the shooting.” State v. Wigington, 375 S.C. 25, 35, 649 S.E.2d 185, 190 (Ct.App.2007). Wigington requested that involuntary manslaughter only be charged if the trial court also charged self-defense. Since the trial court properly declined to charge self-defense, and the appellant had failed to present any argument supporting a charge for involuntary manslaughter, this Court affirmed the denial of the request. Id. at 35-6, 649 S.E.2d at 190.

Wigington does not support a finding that the requested instruction should have been given to the jury at Hammonds’ trial. First, the issue before this Court in Wigington was whether the defendant was entitled to a self-defense jury instruction and/or an involuntary manslaughter jury instruction. This Court determined the trial court correctly denied the requests for both charges. Second, this statement of law in Wigington was included in this Court’s statement of the legal standard for involuntary manslaughter issue, not self-defense. At best, Wigington notes that for the purposes of determining whether a person is engaged in a lawful activity under the second prong for involuntary manslaughter, unlawful possession of a weapon is not an automatic disqualifier. Since Wigington neither addresses the application of the principle in the context of self-defense or address whether it constitutes a proper instruction to be given with a self-defense charge, it did not support Hammonds’ request for the charge at trial.

In State v. Slater, the South Carolina Supreme Court noted while it agreed “that ‘the mere unlawful possession of a firearm, with nothing more, does not automatically bar a self-defense charge,’” the Court rejected the position “that the

unlawful possession of a weapon could never constitute an unlawful activity which would preclude the assertion of self-defense.” State v. Slater, 373 S.C. 66, 70, 644 S.E.2d 50, 52-3 (2007). The Supreme Court also noted the analysis applied in State v. Burriss, 334 S.C. 256, 513 S.E.2d 104 (1999), in deciding whether the fact a defendant was in unlawful possession of a weapon prevented an instruction on the defense of accident also applied to a trial court’s decision on whether a self-defense charge should be given. Slater, 373 S.C. at 71, 644 S.E.2d at 53. Thus, “where the defendant’s unlawful possession of a weapon is merely incidental to the defendant’s lawful act of arming himself in self-defense, the unlawful possession of the weapon will not prevent” the use of self-defense. Id. However, “the unlawful possession of a firearm can, under some circumstances, constitute an unlawful activity so as to preclude [self-defense] if the weapon is the proximate cause of the killing.” Id.

While this principle (i.e. one can be acting lawfully even if in unlawful possession of a weapon if he is lawfully armed in self-defense) has been discussed as a matter to be considered by the trial court when deciding if a defendant is entitled to a self-defense jury instruction, it has not been held to be an element of self-defense. To the contrary, the Supreme Court has noted “[t]here is a difference between being lawfully armed in self-defense and acting in self-defense.” Burriss, 334 S.C. at 265 n. 10, 513 S.E.2d at 109 n. 10; see State v. Light, 378 S.C. 641, 648 n. 6, 664 S.E.2d 465, 468, n. 6 (2008). Once the trial court has decided that a defendant is entitled to a self-defense jury instruction, the lawfulness of the defendant’s possession of a weapon at the time of the

killing is collateral to whether the defendant was acting in self-defense. The trial court would have necessarily decided the unlawful possession of the firearm did not constitute an unlawful activity that would have precluded the jury from finding the defendant acted in self-defense. Thus, since the requested charge is not an element to self-defense, and there is no authority recognizing it is an applicable jury instruction for self-defense, the trial court did not err in declining Hammonds' request for the instruction.

2. The requested instruction was not an accurate statement of South Carolina law.

The trial court did not err in giving the requested instruction, "the fact that someone has a gun illegally doesn't not mean that they cannot use the gun in self-defense," because it was not an accurate statement of law. As already noted, "where the defendant's unlawful possession of a weapon is merely incidental to the defendant's lawful act of arming himself in self-defense, the unlawful possession of the weapon will not prevent" the use of self-defense. Slater, supra. "[H]owever, that the unlawful possession of a firearm can, under some circumstances, constitute an unlawful activity so as to preclude [self-defense] if the weapon is the proximate cause of the killing." Id.

Hammonds' requested jury instruction was not a correct statement of the law in determining whether a defendant is entitled to an instruction on self-defense. The requested instruction ignores the qualification that the unlawful possession of the weapon must be merely incidental to the defendant's act of arming himself in self-defense for the defendant to be entitled to a self-defense charge. It also ignores the law that a person in unlawful possession of a firearm

would not be entitled to a self-defense instruction when possession of the weapon was the proximate cause of the killing.

Hammonds' reliance upon State v. Burkhart, 350 S.C. 252, 565 S.E.2d 298 (2002), is misplaced. In Burkhart, the trial judge instructed the jury on self-defense, but failed to instruct the jury that the State had the burden to disprove all of the elements of self-defense. Id. at 262, 565 S.E.2d at 303. Instead, the trial court instructed the jury that the defense did not have the burden of proving self-defense, and the burden of proof remained with the State at all times. Id. The Supreme Court reversed, finding that the self-defense charge given did not adequately convey the State's burden of proof in disproving all of the elements of self-defense. Id. Thus, the instructions on self-defense did not afford the jury the proper test for what the Court determined was the most significant issue in the case. Id. at 263-64, 565 S.E.2d at 304.

Hammonds' case is dissimilar in two ways. First, unlike Burkhart, the trial court did give a proper instruction on self-defense. (R. pp. 119-20); see State v. Davis, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984)(outlining elements of self-defense);⁵ State v. Jackson 384 S.C. 29, 36, 681 S.E.2d 17, 20 (Ct.App.2009)

⁵ First, the defendant must be without fault in bringing on the difficulty. Second, the defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger. Third, if his defense is based upon his belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. If the defendant actually was in imminent danger, the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life. Fourth, the defendant had no other probable means of

("Any act of the accused in violation of law and reasonably calculated to produce the occasion amounts to bringing on the difficulty and bars his right to assert self-defense as a justification or excuse for a homicide.") (quoting State v. Bryant, 336 S.C. 340, 345, 520 S.E.2d 319, 322 (1999). The only challenge to the instruction on self-defense made by Hammonds was that it should have included the requested instruction on unlawful possession of a weapon not precluding self-defense. (R. p. 122). Second, as noted in Section B, infra, Hammonds cannot show that he was prejudiced by the charge that was given.

Since the requested instruction was not a correct statement of the law, and the trial court gave a proper instruction on the law of self-defense, the trial court did not err in declining to give the requested charge. Davis, 282 S.C. at 45, 317 S.E.2d at 453; see State v. Kelsey, 331 S.C. 50, 79, 502 S.E.2d 63, 77 (1998)(noting that it was not error for trial court to not give a requested charge when the requested charge did not accurately state the law).

3. The facts did not support the requested charge.

The trial court did not err when it declined to give the jury instruction requested by Hammonds because the instruction was not warranted based upon the facts presented at trial. Hammonds contends that he was entitled to the charge because Hammonds admitted he did not have a permit to carry his pistol.

avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance. If, however, the defendant was on his own premises he had no duty to retreat before acting in self-defense.

He further asserts his testimony informed the jury he was in unlawful possession of a firearm, and thus he was entitled to the requested charge.

This argument is without merit. First, Hammonds' claim that the jury was aware he was in unlawful possession of a firearm is not supported by the record. The jury was instructed that it was the judge's duty to charge them "the law applicable to the case, and it is your duty as jurors to accept and apply the law as I now stated to you." (R. p. 114). The jury never received an instruction defining what constitutes either lawful or unlawful possession of a firearm. Thus, while the jury was aware Hammonds did not have a concealed weapons permit, it was not aware if Hammonds was lawfully carrying his pistol under one of the other exceptions listed in S.C. Code Ann. §16-23-20. Since the jury would not have a basis for finding Hammonds was in unlawful possession of the firearm, the requested charge was not supported by the record.

Furthermore, the trial court correctly determined that the statement in Wigington, 375 S.C. 25, 649 S.E.2d 185 (Ct.App.2007), did not apply to the facts of Hammonds' case. At trial, defense counsel argued Wigington supported the requested charge. In Wigington, this Court noted in its analysis of the appellant's request for an involuntary manslaughter charge that "a person can be acting lawfully, even if he is in unlawful possession of a weapon, if he was entitled to arm himself in self-defense at the time of the shooting." Id. at 35, 649 S.E.2d at 190. Since the statement in Wigington was addressing the statement in the context involuntary manslaughter, and the issue before the trial court was whether the statement of law should be given in addition to a self-defense

charge, Respondent submits the trial court reasonably found the statement was not applicable to the facts of Hammonds' case. Hammonds never requested an instruction on involuntary manslaughter. Since there was no discussion regarding an involuntary manslaughter instruction, the trial court did not err in finding the statement in Wigington did not fit the facts of Hammonds' case.

B. The trial court did not abuse its discretion because not giving the charge was not prejudicial

The trial court did not abuse its discretion in not instructing the jury that a person can be lawfully armed in self-defense, even when in unlawful possession of a weapon because Hammonds was not prejudiced. Neither the State nor the defense presented any testimony or argument that Hammonds could not have acted in self-defense because he was in unlawful possession of a firearm when he shot and killed the victim. Nothing in the jury instructions precluded the jury from finding Hammonds acted in self-defense even though he was in unlawful possession of a firearm. In fact, the jury was not even instructed that carrying a firearm without a concealed weapons permit was unlawful.

Hammonds admitted during direct examination that he did not have a concealed weapons permit for the pistol he was carrying on the afternoon of the shooting. (R. p. 72). He also testified that he carried a gun because his neighborhood was not a good one. (R. pp. 72-73). He confirmed those two facts during cross-examination. (R. p. 79). At no other point during Hammonds' trial was the lawfulness of his possession of the pistol discussed.

In closing argument, the assistant solicitor did not contend the jury should reject self-defense for Hammonds because he was in unlawful possession of his

pistol. In fact, the solicitor never argued Hammonds was in unlawful possession of his pistol. Instead, the solicitor argued that Mr. Harris identified the shooter, and Harris's testimony was credible. (R. pp. 110-12). Further, the solicitor noted that Brewster's identification of Hammonds as the shooter at the police station was also credible. (R. p. 111). The solicitor asserted that Hammonds' account of what happened, including his claim that he was shooting the victim as he ran away from the scene, was implausible because Hammonds shot the victim nine times with sixteen[sic] potential shots. (R. p. 112). Further, Hammonds' story was not believable because by Hammonds' own account, he did not shoot at the man with a gun who is standing on the victim's front porch. Instead, he was shooting at the disarmed victim. (R. p. 113).

The defense's closing argument similarly did not indicate Hammonds was not entitled to a finding of self-defense as a result of the fact he may have unlawfully possessed his pistol at the time of the shooting. The defense focused on addressing the lack of physical evidence in the case and attacking the credibility of Harris' testimony. (R. pp. 100-02). Further, defense counsel argued that Hammonds' testimony was consistent with his statement to police, and Hammonds' testimony was not consistent with the State's theory of the case. (R. pp. 102-06). Defense counsel did note that Hammonds was wrong in carrying a weapon. (R. p. 108). In doing so, counsel argued there were several actions that Hammonds could have prevented the situation from developing. (R. p. 108). In the end, the defense asserted that Hammonds' actions were in self-defense. (R. pp. 109-10).

As already noted, the trial court did provide the jury with a proper instruction on self-defense. See Section A (2), supra. "Failure to give requested jury instructions is not prejudicial error where the instructions given afford the proper test for determining the issues." Burkhart, 350 S.C. at 263, 565 S.E.2d at 304; State v. Zeigler, 364 S.C. 94, 106, 610 S.E.2d 859, 865 (Ct.App.2005)("A jury charge which is substantially correct and covers the law does not require reversal."). Here, the jury instructions provided the jury with the proper test for deciding whether Hammonds acted in self-defense. Since the jury was provided with proper test, and nothing that occurred during Hammonds' trial precluded the jury from finding Hammonds was acting in self-defense even though he was in unlawful possession of his pistol, Hammonds was not prejudiced by the trial court's denial of his requested jury instruction. As a result, Hammonds appeal should be denied, and his convictions should be affirmed.

CONCLUSION

For the foregoing reasons, the Respondent respectfully requests this Court to deny Hammonds' appeal and affirm his convictions for the murder of Lee Kanard and possession of a firearm during the commission of a violent crime.

Respectfully submitted,

ALAN WILSON
Attorney General

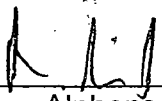
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February 7, 2011.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

The Honorable Edward Miller, Circuit Court Judge

THE STATE

RESPONDENT,

V.

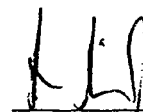
CAMERON HAMMONDS,

APPELLANT.

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and does not include, or partially redacts, personal data identifiers, Re Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings, 375 S.C. 56, 650 S.E.2d 462 (2007)(requiring redaction of social security numbers, names of minor children, financial account numbers, and home addresses).

This 7th day of February, 2011.



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APPEAL FROM GREENVILLE COUNTY

The Honorable Edward Miller, Circuit Court Judge

THE STATE

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CAMERON HAMMONDS,

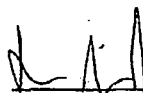
APPELLANT.

CERTIFICATE OF SERVICE

I, Alphonso Simon, Jr., counsel for the Respondent, certify that I have served the within Final Brief of Respondent and Certificate of Compliance on Appellant by depositing three (3) copies of the same via US mail, first class, postage prepaid to his attorney of record, LaNeil Cantey Durant, Esq., South Carolina Commission on Indigent Defense, Division of Appellate Defense, 1330 Lady Street, Ste. 401, Columbia, SC 29201.

I further certify that all parties required by Rule to be served have been served.

This 7th day of February, 2011.



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